

January 25, 2002

Sadrudin Chatur
586 Chamberlain Road
Burlington Ontario
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Via fax 416 979 8562

Legal Aid Ontario
375 University Avenue
Suite 404
Toronto Ontario M5G 2G1

Attn: Sidney Linden, Director

Dear Ms. Linden

Request to stop the further flagrant abuse of Ontario's Legal Aid Plan and abuse of the Ontario taxpayers

I am writing to request that, in the best interests of my children and my family that the request by my former wife, Ewa Chatur or her lawyer, Mr. Lonn, to obtain legal Aid funds to appeal the recent trial decision by Justice Belleghem in the matter of Chatur v. Chatur in the Milton court be declined by your office. It is my belief that the Legal Aid Fund has been knowingly and deliberately abused, possibly fraudulently, by the mother and her lawyer and that my children have suffered greatly as a result. I believe that any further funding of this case by the taxpayers through the Legal Aid Plan will only cause further harm to my children and my family and further abuse the taxpayers of the Province of Ontario.

The parties just came out of a lengthy custody and access trial which as well was funded by legal Aid in the Superior Court of Justice in Milton, Ontario. Both of us were given legal Aid certificates for approximately \$30,000 each for just the trial. When this amount is added to the previous Legal Aid certificates granted to this mother for previous court appearances and then added to the other costs of such publicly funded services as police and Children's Aid that were involved in just this case, I have estimated that it has cost the taxpayers over a quarter million dollars to date. **All of this as a result of the mother's actions and all of this totally unnecessary!**

Why does this vindictive woman keep demanding more and more? It is because she has learned since coming to this country that all you have to do as a woman is complain and you will get free welfare and free legal Aid. She has nothing to lose by appealing the judge's decision as she is on welfare and gets free Legal Aid.

In support of my request that no further Legal Aid funds be wasted in this case and that further abuse of my children will result if Legal Aid is to continue in this matter, I submit the following items for your review and consideration:

Item #1 - The recent court decision of Justice Belleghem

It must be noted at the trial that Justice Belleghem ordered joint custody to both parents. This decision by Justice Belleghem is fair to both parties and in accordance to the Canadian Charter of Rights and Freedoms and Charter Values.

Despite the mother's use of false allegations which were exposed in court and a number of other unethical tactics used by the mother's lawyer, Justice Belleghem came to a reasonable judgement at the conclusion of the trial. Justice Belleghem awarded joint custody to both parents with the mother still permitted to get more time with the children than the father. It may not have been equal but still acceptable considering that mothers usually get sole custody in most cases.

The decision to award joint custody by Justice Belleghem is fair to both parties and in accordance to the Canadian Charter of Rights and Freedoms and Charter Values. In the **Supreme Court of Canada T. V.-F. and D. F. v.G. C. File No.: 20257. 1987: June 11; 1987: September 17. Present: Dickson C.J. and Beetz, Wilson, Le Dain and La Forest JJ. It was stated:**

“Deprivation of parental authority amounts to a value judgment in respect of its holder's conduct. A person cannot be even partially deprived unless it be concluded that he or she has been guilty, by action or inaction, of a serious and unjustified failure to perform the parental duty.”

Evidence in the trial clearly shows that I am a capable and loving parent fully capable of performing my parental duties.

Why should Legal Aid be abused to challenge the decision of Justice Belleghem that is obviously fair and in accordance to Canadian Laws! Why should Legal Aid fund a challenge to a decision that is already slightly in the mother's favour! Why should Legal Aid fund a challenge to a decision by Justice Belleghem which Supreme Court of Canada case law supports!

Item #2 - Situation Prior to trial

- Prior to the trial, the children were being denied access to their father by the mother contrary to the wishes of the children. This was verified by a trained third party and recorded in an assessment report submitted to the court. This problem has been alleviated as a result of Justice Belleghem's trial court Order.
- Prior to the trial, the children expressed their desire to spend more time with their father. This was verified by a trained third party who spoke to the children and provided testimony to the court. This problem has been alleviated as a result of Justice Belleghem's trial court Order.
- Evidence at trial showed that the children had admitted to being coached by the mother prior to the trial. The police also reported that the children appeared to have been coached and that the mother tried to get the children to lie to the police in regards to false sexual abuse allegations. This problem has been alleviated as a result of Justice Belleghem's trial court Order.
- Prior to the trial the police wrote in a report that they considered the mother's testimony during their investigation into the mother's false allegations to them to be not credible. This problem has been alleviated as a result of Justice Belleghem's trial court Order.

- Prior to the trial Order of Justice Belleghem, the children were very unhappy being denied reasonable time with their father and their friends who live in their father's neighbourhood. The children often cried and became angry with their mother as a result of her access denials and coaching of the children. This problem has been alleviated as a result of Justice Belleghem's trial court Order.

Why should more money be given by Legal Aid to fund a mother who clearly was not acting in the best interest of the children and abusing children Aid and police services prior to the trial? Why would Legal Aid fund a person who even the police feel has coached the children and not considered to be credible?

Item #3 - Current situation with the children

- The children are currently thriving and very happy now that more consistent access has been restored with their father. They are happy to be seeing more of their father yet still being able to see both of their parents. They are happy not be caught in the middle now.
- That I am a loving, capable father. This is verified by direct observation by third parties and submitted to the court in a report.

Why should Legal Aid fund further litigation when the current situation clearly shows that the children are much happier and are thriving? To make more litigation through Legal Aid would be tantamount to abusing the children and forcing family members through more hell.

Item #4 - The mother's reasons for requesting further Legal Aid funds

- As reasons for the appeal, the mother is suggesting that Justice Belleghem, at trial, did not place enough weight on the report of the Office of the Children's Lawyer. Yet the following must be noted:
 - a) The Office of the Children's Lawyer is on the official record that they do not represent the child's best interest. Wilson McTavish testified to this at the Joint Senate/House of Commons Committee on Custody and Access hearings in June of 1998.
 - b) The author of the report from the Office of the Children's Lawyer did not even testify at the trial nor did the mother call this witness. It was clear that the mother was more fearful of the social worker's flawed and biased report damaging their case in cross examination. The social worker's report was bad and the mother and her lawyer knew it. Now the other side wants to rely on this report.
 - c) The social worker with the Office of the Children's Lawyer in this case was exposed by the use of concealed videotape of fabricating evidence and using this in her report in an attempt to mislead the court.
 - d) To date both the Office of the Children's Lawyer and the social worker, Susan Peacey have refused to provide the curriculum vitae of their social worker. For some reason the Office of the Children's Lawyer prefers to keep this a secret. Could it be because she works in a sexual assault treatment center at the same time as the Office of the Children's Lawyer?

- e) A second assessment report provided the court concluded that the mother was not acting in the best interest of the children and that the father should have primary care of the children.
- The mother wants to appeal the case in order to get sole custody of the children. Yet, she has admitted under Oath in trial court that she did not ask for sole custody. *Why should legal Aid fund an appeal for something that the parent who is making the appeal claims they didn't want in the first place?*
 - That I am a loving, capable father. This is verified by direct observation by third parties and submitted to the court in a report. *Why should legal Aid fund an appeal when it is obvious that the children's needs are being well taken care of by the father just as well as when the children are with the mother?*

Item #5 - Possible fraud, abuse of process, tampering with court documents and harassment

On December 10, 2001, the Family Responsibility Office told the court that they would not provide disclosures to the court and they appeared without any of their paperwork. The FRO knew at that time it had no case and that its actions to take seizure of my income was done without any authority. They knew they had nothing to prove their case. The judge became angry with the FRO and gave them until January 24, 2002 to provide the court with material to support their unlawful actions.

It must also be noted that the court endorsement of December 1995 in the court records had been ripped off from the documents and unlawfully removed from the court file by someone who it appears was trying to subvert justice by hiding this important piece of information. The only party who would have a vested interest in removing this from the court file was the FRO themselves as they had claimed to have a court Order and I had been requesting this from them for many months and the court endorsement was the supporting document. Luckily a copy of the endorsement was found by accident through another court. This court endorsement was found without any signatures and put in the file without proper authority of the court. It appears that someone closely associated with the court tried to dispose of the judges' endorsement from the file so that no evidence would exist to prove that the FRO was acting without lawful authority.

On January 24, the FRO did not bother to show up for court because staff knew they had no Order and no paperwork to support their claims. The FRO knew that the evidence clearly showed that the FRO had seized monies without lawful authority to do so. Yet, Mr. Lonn, the mother's lawyer showed up on this day and asked the court to delay matter to apply for further Legal Aid Funding so that he could cross examine myself. Yet, we just came out of trial where he was given the opportunity to cross examine me. This is such a blatant abuse of the court process and the Legal Aid plan that this is sickening. *Why would Legal Aid be funding this lawyer to cross examine me again just after we just finished our trial last month on Dec 11, 2001? In addition to this the mother has signed her interest in this matter to welfare who also did not bother to show up in court on January 24 as they knew too, that the FRO had acted without lawful authority up till then. The mother has welfare lawyers and FRO lawyers who are already tending to her interest*

in the court system so why is Mr. Lonn coming to court on his own, without the mother to pursue this matter and asking for more money from Legal Aid to pay for his time!.

A civil action lawsuit has been launched against Mr. Lonn, the Legal Aid lawyer, who is now in the process of defending it. I am attaching a copy of the lawsuit for your review. I urge you to review his entire billing file because of billing irregularities in this whole matter. Since I do have all the materials in my possessions I will leave the investigation to your office but will assist you any way possible to stop this abuse of the Legal Aid Plan.

Item #6 - Other information of interest

- The mother has been funded by Legal Aid for over 10 years. To date, she has cost the taxpayers huge amounts of money in welfare and legal aid. This money would be better spent on schools and hospitals.
- This woman is healthy, strong and capable. She is educated, presents well in public, and is highly trained. She is fully capable of working yet chooses not to and is smart enough to know how to ensure that she does not. One of the reasons why she does not work and wants to have custody of the children is because it will affect her ability to collect free legal aid and welfare. She has figured out how to abuse the taxpayers of Ontario and to abuse the system to her sole benefit, even at the expense of the children!

This flagrant abuse of the Ontario Legal Aid Plan and the court system must be stopped. It's no wonder the Province of Ontario is running out of money and the Canadian dollar is plummeting. Huge amounts of money are being squandered in the family court system with nothing of substance being contributed to the economy. People are being spoon fed with government money while the lawyers get rich off the handouts from Legal Aid after families go broke.

Some guidelines and checks and balances must be put in place to stop people like my ex-wife and her lawyer from continuously abusing the system. People like her just want and want free services from the government and don't give a damn about the many other families who could benefit from this money. This is money that could be benefiting our schools and hospitals rather than going to push paperwork around in lawyers' offices.

My children and my family have had enough. What is responsible for promoting the endless litigation in our case is the availability of free money from the taxpayers. When is this government going to wake up to this abuse! Who in the Legal Aid Office is looking at the best interest of children? I thought that the best interest of children is supposed to be what court system was all about. What does Legal Aid do before it funds further court action to see if further court action is in the best interest of children or not? From what I see so far, it seems that they do nothing!

Item #7 - My proposal to stop the abuse of Ontario Legal Aid

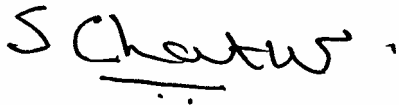
Before giving this mother any more of the taxpayer's money and before throwing good money after bad just come to my home and see my children. Just one visit by one representative could save the taxpayers thousands of dollars. To grant this mother more money for an appeal without speaking to the children in this case first and seeing first hand the circumstances surrounding this case would amount to malicious prosecution and child abuse. My children and my family have been abused enough by the family court system. Where we once had assets, including rental properties, the court system has now made both of us parents totally broke and made the mother well versed in welfare

abuse. We have nothing now and it is the free money from the Legal Aid Plan that is allowing all this abuse of our family to continue and to keep the mother on her vindictive campaign of family destruction.

I would propose that in order to prevent Legal Aid from being fraudulently abused to fund a fraudulent appeal, I would propose that representatives from Legal Aid come to my home to check out my claims and meet with my children and to see for themselves the true situation and the real outcome of Justice Belleghem's court Order. I would ask that before taxpayers are ripped off any more that someone from the Legal Aid should come to see my home and to ask the children if they are happier with the way things are now or if they are happier with the way things were before Justice Belleghem's decision. Although the mother was still favoured in Justice Belleghem's Order, the Order is fair enough that most reasonable parents would consider the Order a just one.

I urge your agency to put an end to this madness and to stop throwing more of the Ontario taxpayer's money at our case. Take away the free government money, keep the fair court order that currently is in place and the mother will soon come to her senses. Just let our family's members get on with our lives in peace and get the Ontario government to stop funding the utter destruction of our family!

Yours truly

A handwritten signature in black ink that reads "S Chatur". The letter "S" is large and stylized, followed by "Chatur" in a cursive script. There are two small dots under the "r".

Sam Chatur

cc: MPP's for the Province of Ontario
Members of the Canadian House of Commons