

Ombudsman Ontario,
 Bell Trinity Square,
 483 Bay Street, 10th Floor,
 South Tower,
 Toronto, ON M5G 2C9
FAX 416-586-3485

Mr. Robert T. Chisholm,
 251 Ridgepark Private,
 Ottawa,
 ON K2G 1H1
Tel. 613-723-2070
FAX 1-208-246-8017
e-mail: chisholm@storm.ca

October 2nd, 2009

For the attention of: Ms. Jenny Ryu, Early Resolution Officer

Dear Ms. Ryu,

Your file no. 189373 / Social Benefits Tribunal / your letter to me dated September 24, 2009

My response to specific points in your letter commences on the next page. Frankly, the whole thing smacks of an attempt at a “whitewash job” by the Members of the Tribunal who were and are involved. As a general comment, they have failed to consider the relevance of the laws that they are seeking to invoke, in order to defeat my case. Quite apart from what I have said before, I say that certain sections of the law are irrelevant and inapplicable in my case on the grounds that they ignore key facts and the cause-and-effect relationships that governed my actions.

They complain about my attacks on Members of the Tribunal but they were and are fully justified and I make no apologies whatsoever for them. The act of ignoring key facts and the cause-and-effect relationships that governed my actions is definitely inappropriate and un-professional conduct - irrespective of whether or not the law appears to allow such acts of ignorance on the part of those acting in any type of judicial capacity.

You are asked to bring the 11 specific points identified below, and my comments on them, to the attention of the Tribunal Members involved and report their response back to me.

If they will admit that certain sections of the law are irrelevant and inapplicable in my case - on the grounds that they ignore key facts that governed my actions – and withdraw the “overpayment” assessment against me - then I will issue appropriate apologies to the people named, in public. That would be done directly, would also be posted on my web site, and would be circulated to all 108 Ontario M.P.P.’s including Premier Dalton McGuinty.

My response to the 11 specific points in your letter, referred to above, is followed by some **general comments about the way you are doing things in Canada**; the issues dealt with have also impacted me personally. As far as I’m concerned, and I have more-than-ample documentation to prove it, the whole approach is totally inept and based on “convenient” but popular disinformation and a host of other factors which have no business being present in Canada. **You’d better bring THAT to the Tribunal’s attention as well; if they don’t like it, too bad, they will have to smarten up and stop playing stupid games and wasting time at taxpayers’ expense.**

Sincerely,

(SIGNED)

Robert T. Chisholm

Copy for Information

Ms. Carole Sherman – Overpayment Recovery Unit, City of Ottawa

RESPONSE TO SPECIFIC POINTS IN YOUR LETTER

In this section, the actual quotes from your letter are in black font. The comments which follow each quote are in blue font

Point 1

In your submissions to our Office, you stated that you felt that the Tribunal decision is irregular, unfair and vexatious for a number of reasons. You stated that one of the members of the Federal Board of Referees that had denied an earlier claim for federal Unemployment Insurance benefits had subsequently become a member of the same Tribunal that later heard and denied your social assistance appeal. You complained that you did not receive any notice from the City of Ottawa regarding collection of the overpayment amount until October 2008, months after the date of the Tribunal decision, and years after you initially began receiving benefits. You made allegations of unprofessional conduct on the part of certain Tribunal members. Finally, you complained that government "rules" for income determination for the purposes of social assistance benefits are unfair, because you feel that they are rigid and yielded an unfair result in your case.

All the complaints that I made were and are fully justified. The said "rules" are unfair, and in addition:-

1.1. As explained and documented from the beginning, the rules ignored and continue to ignore key facts - based on the notion that because the law does not recognize the said "key facts", then the said "key facts" are irrelevant or do not even exist.

1.2. Laws that do not recognize key facts and cause-and-effect relationships, or which are incompatible with them - as is the case here - are themselves irrelevant and inapplicable.

Point 2

In reviewing decisions of administrative tribunals, such as the Social Benefits Tribunal, we consider such factors as whether the Tribunal complied with existing legislation, whether the decision is based upon the available evidence, whether the Tribunal followed its administrative procedures, and whether adequate reasons were provided for its decision.

The Tribunal exploited the "letter of the law" in order to ignore key facts and the associated cause-and-effect relationships involved. As indicated just now, under these conditions the law itself must be dismissed as irrelevant and inapplicable. The Tribunal itself might consider its position to be justified based on the "letter of the law" - but if the law itself has been shown to be irrelevant and inapplicable, then the justification for the Tribunal's position ceases to apply.

Point 3

The Tribunal does not have the legislative authority to amend legislation pursuant to which appeals of social benefits decisions can be heard.

This consideration does not apply – because, in this case the law itself is invalid and inapplicable. Thus it cannot be argued that the Tribunal is being asked by me to amend the legislation. Instead, it is being "asked" to dismiss certain laws and regulations due to irrelevance and inapplicability.

Point 4

With regard to your complaint about a Tribunal Member having previously served on the Federal Board of Referees that denied your application for federal benefits, you had the opportunity to raise this issue before the Tribunal. The Tribunal considered your complaint but concluded that as the Member in question was not the person to hear the appeal, there was no issue with regard to the fairness of the hearing. As you have not provided any specific information to support your claim of unfairness, our Office will not be further reviewing this aspect of your complaint.

The said Tribunal member – Roger R. Presseault – and his colleagues at the federal Board of Referees made a decision to deny me Unemployment Insurance benefits. That decision was also based on exploiting the “letter of the law” in order to ignore key facts and the associated cause-and-effect relationships involved. Thus the laws and rules that they were applying to me were, in fact, also irrelevant and inapplicable. A key factor in my case, which they ignored, was my being forced to leave an employer who was not paying my wages and was heading for bankruptcy.

Point 5

You next complained that the City of Ottawa did not pursue the overpayment of benefits, upheld by the Tribunal, until years after the benefits in question were initially received. As the Tribunal has previously advised you, including in a letter dated November 10, 2008, your file with the Tribunal was closed following its denial of your first request for reconsideration, and is not involved in the overpayment collections process. You may want to raise your concerns about delay to the City of Ottawa's Overpayment Recovery Unit, which is responsible for collection of the overpayment.

None of that is my affair, when this whole stupid process should never have been allowed to start in the first place. The Government of Ontario is attempting to use the City of Ottawa, and for that matter other municipalities, in order to enforce laws that are irrelevant, inapplicable and do not work – and in my case in particular.

Point 6

You next made allegations of unprofessional conduct on the part of certain Tribunal members, including Roslynne Mains. The Tribunal confirmed that it has received and reviewed your complaints against certain members, including your request for a response to an "ultimatum" that you issued to Ms Mains. You will need to provide specific information to support a claim of bias or unfairness on the part of a Tribunal member.

I do not need to supply any additional “specific information”. Ms. Mains, like everybody else involved, has been exploiting the “letter of the law” in order to ignore key facts and the associated cause-and-effect relationships involved. Like everybody else involved, she has clearly not considered whether the various laws and rules invoked are actually relevant and applicable based on the facts and cause-and effect relationships involved, and still shows no sign of doing so.

Point 7

Finally, you reiterated your complaints that certain social benefits "rules" are rigid and unfair, in that their application by the administrator led to the assessment of an overpayment

as a result of undeclared income and an asset in excess of the allowable level. This was also the substantive basis of your appeal of the administrator's decision to the Tribunal. As the Tribunal noted in its February 2007 decision, you agreed that when you applied for social assistance benefits, you failed to report a rental property you owned because you were not making any profit from that property, and because you knew that declaring the asset would have made you ineligible for assistance. You complained that social assistance regulations pertaining to the calculation of income are unfair, because in your case, they did not allow you to claim mortgage payments as expenses against any rental property income.

The social assistance regulations and other rules that the Tribunal seeks to invoke in my case have been proven to be irrelevant and inapplicable because they ignore key facts and the associated cause-and-effect relationships involved. In terms of the allegation that I "...failed to report a rental property because (I was) not making any profit from that property....", the social assistance law involved FORCED me into that position. This was because of the wrong refusal to me of federal Unemployment Insurance benefits, referred to earlier. You and Roger R Presseault know perfectly well that entitlement to Unemployment Insurance benefits did not and does not depend on whether you own a rental property or not, even when it happens not to be your principal residence. Worse, the property was actually running at a loss. You were and are putting me in an impossible position and you refuse to acknowledge it, never mind do anything to correct it. **If you exploit the "letter of the law" to force people into this sort of position, then you are just asking for very serious trouble. DON'T DO IT.** If the federal Board of Referees under Roger R. Presseault had not screwed up, the situation would never have occurred in the first place. This has all been explained and documented previously.

So the lessons for you and the Tribunal are:-

- 7.1. DO NOT enact poorly designed laws in the first place.**
- 7.2. If someone reports a problem, DON'T ATTEMPT TO OBFUSCATE, SWEEP IT UNDER THE CARPET AND TRY TO COVER IT UP. IF YOU DO, YOU WILL GET INTO TROUBLE.**
- 7.3. Laws that are dysfunctional / commit an omission by appearing to "justify" ignoring facts and cause-and-effect relationships, or are incompatible with them - as has been happening here - are irrelevant and inapplicable, on the grounds that the said omission renders the law irrelevant and inapplicable.**
- 7.4. Hence the only correct approach is to make an exception based on the omission referred to, and then amend the law later to correct the omission.**

Point 8

As the Tribunal stated in its decision, the legislation in effect at the time did not allow the administrator to consider mortgage payments as expenses for the purposes of calculating income. Furthermore, since the property was not your principal residence at the time, the rental property was not exempt in calculating your level of assets. As the Tribunal noted, neither the then-*General Welfare Assistance Act* nor the *Ontario Works Act* provides for the deduction of mortgage payments as expenses, or for the exemption of a non-principal residence as an asset. Given this, the Tribunal found that the administrator properly found an enforceable overpayment, and upheld the administrator's decision.

The relevant sections of the *General Welfare Assistance Act* and the *Ontario Works Act*, by their omissions from consideration of the types of circumstances and cause-and-effect relationships involved in my case, must be dismissed as irrelevant and inapplicable based on those omissions.

Point 9

As noted above, the Tribunal does not have legislative authority to amend social benefits legislation. If you have done so already, you may want to raise your concerns about social benefits regulations, as they pertain to the calculation of income and determination of assets, to your Member of Provincial Parliament, who is your representative at the Ontario Legislative Assembly.

The Tribunal has been attempting to apply the law in a certain manner - but in circumstances where certain sections of the law, which have been invoked in attempts to defeat my case, must themselves be dismissed as irrelevant and inapplicable. The Tribunal is not being asked to amend social benefits legislation - but, instead, is being asked to dismiss certain parts of it as irrelevant and inapplicable, on the grounds that they ignore key facts and the associated cause-and-effect relationships involved. This, in fact, has been clear from the beginning but the Tribunal has chosen to ignore this.

Point 10

You may also want to discuss with your lawyer any legal avenues of bringing constitutional challenges against certain provisions of social benefits legislation.

I don't have money to pay lawyers, and won't make it available either just to fight a situation that is a product of blatant Canadian political and legalistic stupidity, obfuscation and lying at all levels. Another reason is that I don't have a job, and neither you nor the Social Benefits Tribunal are addressing the consequences of this. The Social Benefits Tribunal has been told at least once that I still don't have a job, partly because of the machinations of Member Roger R. Presseault. I don't qualify for Legal Aid because of my spouse's income from her full-time job. Pre-Paid Legal Care of Canada, to whom my wife pays a monthly subscription in return for certain legal services when we need them, have already more than fulfilled their contractual obligations to me in connection with this matter, in the form of legal advice and a letter issued by their lawyer on my behalf. If I ask them to write more letters, provide me with further advice or represent me in court, I would have to pay them for it just like any other law firm, even though their hourly rate might be less than what other law firms charge. Everybody involved is just trying to enforce a stupid circumstantial regime in which they hope I won't be able to pay for legal advice, with the obvious intention of defeating my case for an entirely wrong set of reasons. Meanwhile the Government of Ontario has essentially unlimited funds to pay its senior bureaucrats, lawyers, judges and so on to screw around at my expense. The Members of the Social Benefits Tribunal know that perfectly well. This is just another case of people with vested interests trying to enforce a corrupt regime where "money talks" – in other words, snobbery based on money, for the purpose of protecting the positions of the people involved. This, in a country where - under the Charter of Rights and Freedoms - everyone is supposed to be "equal before the law". That might be what you say, but it's not what you do. In other words, at this level Canada is a nation of doublethink, double-talk, social disingenuousness, money snobs, business and legal filth which it tries to cover up, and liars. And from my demonstrably well-informed and analytical standpoint, the whole mess has its origin in massive but un-admitted unemployment and under-employment, and mis-informed workplace attitudes towards people out of work Clumsy, pompous, ignorant, arrogant, supercilious oafs.

Point 11

As noted above, the Tribunal does not have legislative authority to amend social benefits legislation. If you have done so already, you may want to raise your concerns about social benefits regulations, as they pertain to the calculation of income and determination of assets, to your Member of Provincial Parliament, who is your representative at the Ontario Legislative Assembly.

With regard to bringing this to the attention to my Member of Provincial Parliament, I did in fact do this in late 2005. He responded that he could not do anything at the time because this would have “interfered with the judicial process”. This was over a year before my Social Benefits Tribunal hearing in January 2007. In addition, also in late 2005, I approached my federal Member of Parliament at the time – Marlene Catterall – with a view to having the “overpayment” settled by H.R.D.C. (now H.R.S.D.C.) but she did nothing. Then, on account of the then up-coming federal elections and Marlene Catterall’s decision to retire from politics, she “conveniently” excused herself from taking any action on the “grounds” that due to “privacy” issues she had to shred all her constituents’ personal files at her office by Election Day on January 23rd, 2006 – including mine. This, when - as explained and documented previously - the whole mess was caused in the first place by federal government / H.R.D.C. mis-information followed by their legalistic and bureaucratic screw-ups previously described and documented, which I had kept Marlene Catterall informed about in detail ever since the whole mess started back in 1995. Apart from one instance of relatively minor overall significance, she did absolutely nothing – claiming all the time that she “could not do anything because of the legislation” (at federal government level).

Again, typical Canadian lies, cover-ups, obfuscation, foot-dragging, fob-off tactics and business filth based on exploiting “the law”, “legal procedures”, what is or is not “proper”, “political correctness” and snobbery based on money. You aren’t being clever by doing this sort of thing in Canada, you are just being stupid and working to bring the law and government into disrepute.

With regard to bringing this to the attention to my Member of Provincial Parliament now – in late 2009 as opposed to late 2006 – the situation has changed, in that the legal procedures are now effectively exhausted. Thus, this time, he may be in a position to stop this nonsense. I’ll approach him.

Meanwhile, any further attempts by anybody whatsoever to create further trouble for me, will result in further public and personal attacks on the reputations of those involved, with no further prior notice or warning. Such activities serve to exacerbate the corruption and incompetence that has been going on; therefore, any persons who may become involved will be treated by me as a party to the corruption and incompetence referred to, and will be dealt with accordingly. Past attacks of this kind, conducted by me, were and are fully justified and I make no apology whatsoever for them - to anybody whatsoever, for any reason whatsoever.

END OF COMMENTS ON SPECIFIC POINTS IN YOUR LETTER

GENERAL COMMENTS.

My position is perfectly clear.

Based on the above, your decision to close my file is incorrect. You will kindly bring the above points to the Tribunal’s attention and report their response back to me.

For the same reason the Tribunal’s decision to close my file is also incorrect.

GENERAL COMMENTS ABOUT AN INEPT AND DYSFUNCTIONAL CANADA.

In Canada you have a dysfunctional, mis-informed, emotional, politically immature, politically motivated and bigoted approach to this issue of people out of work and related matters, based on exploiting poorly-designed laws in order to make excuses for yourselves to say what “can’t be done”. The guilty parties in this are lawyers, senior bureaucrats, private corporations, politicians and others. And who is paying all these people? Taxpayers.

In Canada, you have an inept “silo mentality” approach where you deliberately or by default create situations where the “left hand doesn’t know what the right hand is doing” – and you don’t care, either. You assume that people out of work are in that position because it their “own fault” – without proper enquiry into the facts behind the situation.

Provincial governments and the federal government, between them, use and / or exploit incomplete and wrongly-analyzed information coming from Statistics Canada to falsely categorize most people out of work as “Not in the Labour Force”, “given up looking for work”, “dropped out of the labour force”, having “weak labour force attachment”, etc., and then not count them amongst the people considered to be unemployed. So you deliberately under-state the numbers of unemployed by a factor of about 3. See the “Ottawa’s Hidden Workforce” report of Fall 1998, published by the then-Ottawa Economic Development Corporation which has since been absorbed into O.C.R.I. You also don’t even have a proper basic system for measuring the size of the “under-employment” problem in Canada, when – based on the Statistics Canada “Work Hours Instability in Canada” report of March 2006 – only ONE THIRD of employed Canadians has “standard full-time work” of between 34 and 46 hours per week. So then you don’t pay proper attention to getting the economy to work properly such that it actually creates enough satisfactory jobs for everybody who wants to work.

Employers surreptitiously use ageism (i.e. discrimination based on age) to avoid hiring so –called “older workers”. How stupid can you get, considering the impact of demographics and the impact on government’s own tax base? There have been repeated warnings about this, since at least as far back as 2000 when the Association of Canadian Pension Management issued a report warning about possible 30% hikes in real after-inflation Canadian tax rates, to make up for the effects of anticipated shortfalls in pension plan contributions from workers - along with other factors.

I just saw another such warning in today’s “Ottawa Citizen” – page E4, the “Financial Post” section, an analysis by Paul Vieira headed “Western governments in untenable fiscal bind: World Faces Crisis Over Taxation”. In the U.S., according to Andrew Busch – senior foreign exchange strategist at BMO Capital Markets – quote:-

“The tax base will need to be increased or the tax level will go up. I expect both to happen globally. Can...1970’s stagflation be far behind?”

And how will feeding taxpayers’ money to lawyers, senior bureaucrats and politicians - so that they can “explain” to people like myself what “can’t be done”, or pursue ill-founded “legal” cases – increase the tax base? IT WON’T – PERIOD! All it is doing, and will continue to do, is make a bad situation worse by (a) wasting my time and everybody else’s time – and time is money, and (b) deflect attention away from making the economy perform properly in order that the tax base really WILL be increased.

Media reports constantly expose the problems of child poverty, lack of funds for health care, etc., and meanwhile nobody goes to the root of the problem – inadequate tax revenues for government, caused by the true size and character of the unemployment and under-employment problem - or takes serious

action to deal with it properly. Your whole system is behaving like the proverbial dog chasing its own tail – constantly running after solutions, failing to attain them and then failing or refusing to understand why.

In Canada you constantly make stupid bureaucratic and legalistic messes, refuse to acknowledge what has happened, refuse to apologise for it and refuse to do anything to correct an immediate problem, never mind make corrections to the law to prevent future occurrences. Then you create more employment for lawyers and senior bureaucrats to prosecute legal cases against people like myself in order to cover it all up. You are obsessed with making the law, lawyers, courts, judges and senior bureaucrats look “important” at the expense of everybody else.

So, of course, the people involved are all concerned to protect their secure jobs and salaries. So then what? They form workplace-based social and professional cliques to keep out “inconvenient” analyses and “inconvenient” facts, and prevent rational discussion about the cause-and-effect relationships that govern people’s actions. And all such cliques are controlled by bosses who dictate to the members of the cliques what will or will not be discussed – or be fired or demoted. The other name for this type of clique, more particularly when it tries to operate in secret and avoid any accountability to anybody, is a “power cabal”. Don’t tell me you haven’t heard of the term “power cabal”. As you know perfectly well, this type of dysfunctional and corrupt political and legalistic regime and the power cabals that operate within it, is enforced by politicians, “party discipline” within political parties, senior bureaucrats, lawyers, the courts – and, lastly, media under the control of dictatorial oligarchs such as Leonard Asper who control most of the Canadian mass media and are liable to fire journalists who report on things that the said dictatorial oligarchs find “awkward”. So then, these kinds of stupid messes get covered up again - because journalists are frightened of saying anything that their rotten bosses, backed by rotten lawyers and backed indirectly by rotten government lawyers and rotten lawyers employed by corrupt private sector business, to cover things up. That, as you know perfectly well, is where Canada’s now-infamous obsession with “political correctness” comes from.

DON’T try arguing with me on this one. I’ve done my research and know everything.

I have some news for you. What’s going on is **NOT ACCEPTABLE** and you know it. It’s time to smarten up and start doing things properly. More particularly, it’s time for everybody involved to start doing things properly with respect to the Social Benefits Tribunal and my own case.

If people reading this don’t like it – for instance, Members of the Social Benefits Tribunal and other people in any way connected with it – well, that’s just too bad. If they don’t like it because they have just had a severe public “dressing-down” – too bad. If they continue with the line they have been pursuing with me up to now, they will get another public “dressing down” from me – and the next time, it will be far worse.

They can try taking me to court, if they want. If the judge pursues the same line that this lot have been pursuing at my expense, he / she will get the same treatment and will also be dealt with as a party to the incompetence and corruption referred to before. In other words, he / she will get the same treatment from me as everybody else.

Senior bureaucrats, lawyers, courts, politicians and judges are not the only ones who matter in this country. They might think they are, but they aren’t – **PERIOD**. If any of them who happen to read this want to insist that they are the only ones who matter, who the Hell do they think pays for their fat salaries and employee benefit packages? Where do they think the revenues for that come from? Don’t know, don’t want to know, or don’t want to admit? See above.

If they disagree with this analysis, the onus is on them to prove that it is not correct, to MY satisfaction.

And I'm being polite about Canada, compared to what some people posting to notcanada.com are saying. See for yourselves. Reference: www.notcanada.com

And I happen to be a foreign-trained professional engineer (from the U.K.).

NOW DO YOU "GET IT"?

END OF DOCUMENT