

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

KELLY LYNN DONOVAN

Plaintiff
(Responding Party)

and

REGIONAL MUNICIPALITY OF WATERLOO POLICE SERVICES BOARD, and
BRYAN LARKIN

Defendants
(Moving Party)

MOTION RECORD OF THE PLAINTIFF
VOLUME I
(Returning on February 22, 2021)

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Tab 1

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SUPERIOR COURT OF JUSTICE

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**AFFIDAVIT OF KELLY DONOVAN
(Sworn February 10, 2021)**

I, Kelly Donovan, of the City of Brantford, in the Province of Ontario, MAKE OATH AND SAY:

1. I am the Plaintiff in this matter and have represented myself at all times. As such, I have personal knowledge of all matters to which I hereinafter depose. Where I rely on external information, I am confident that the information is accurate and have provided as much evidence as possible through the use of Exhibits.

Employment with the Organizational Defendant – Relevant Facts

2. I was employed as a Constable by the Organizational Defendant from December, 2010, to June, 2017. I was promoted to Use of Force Training Officer in May, 2015.
3. In February, 2011, I was in the immediate vicinity of an accidental discharge by a fellow recruit while studying to become a police constable at the Ontario Police College. The

recruit suffered 4 significant bullet wounds in his right leg and only survived the incident because a former paramedic was a student in our class and performed advanced trauma first-aid. This was a traumatic incident I experienced before ever stepping foot on patrol for the Organizational Defendant. I do not know if the Organizational Defendant notified the Workplace Safety and Insurance Board (“WSIB”) of my exposure to this traumatic incident when it occurred.

4. In May, 2016, I attended a public meeting of the Organizational Defendant and made a disclosure, in good faith, of internal misfeasance by the Personal Defendant, Bryan Larkin, Chief of Police. At that time, the [*Police Services Act, R.S.O. 1990, c. P.15, section 58\(2\)*](#), did not permit a police officer to make a complaint about their own police service, and the internal police service procedure only permitted members of the public to make complaints.
5. My May, 2016, board delegation was covered in local media. Attached hereto and marked as **Exhibit “A”** is a copy of the May 11, 2016, Cambridge Times article.
6. Following the May, 2016, disclosure I faced retaliatory action by the Personal Defendant, in the form of a misconduct investigation, a change in my employment and an order to cease communication with members of the Board (the Organizational Defendant).
7. As a result of the retaliatory action by the Personal Defendant, I filed several complaints against the Defendants, including a complaint to the Human Rights Tribunal of Ontario (“HRTO”).
8. I began to suffer from symptoms of post-traumatic stress disorder (“PTSD”), relating to the training accident at paragraph 3, around December, 2016. I had to take a medical leave of absence from my employment in February, 2017.

9. I applied to the WSIB, for benefits in April, 2017, and my claim was approved on July 12, 2017; claim number 30505408. The approval letter from WSIB states that I was entitled to benefits as of February 27, 2017, and that a “written appeal notice” must be submitted no later than January 12, 2018, if I wanted to “object” to the decision. Attached hereto and marked as **Exhibit “B”** is a copy of this decision letter from WSIB.
10. I began intensive therapy with a qualified psychologist, Dr. Kathy Lawrence, for post-traumatic stress disorder (“PTSD”), and I was prescribed medication for anxiety and depression.

Resignation from WRPSB

11. Starting in May, 2017, I decided to resign from my employment and entered into negotiations with the Organizational Defendant.
12. Also in May, 2017, a \$167,000,000 class action lawsuit, (CV-17-2346-00), was filed against the Organizational Defendant for systemic gender discrimination, sexual harassment and sexual assault. I was eligible to join the suit as a plaintiff.
13. On June 8, 2017, I agreed to the terms set out in a Resignation Agreement, drafted by Donald Jarvis, counsel for the Organizational Defendant, which included mutual releases, (meaning I was giving up my right to sue for anything that happened to me prior to the date of my resignation, including joining the class action lawsuit). This agreement terminated several ongoing processes, including the misconduct investigation and multiple complaints I had filed against the Defendants. The Agreement was signed by the Personal Defendant, on behalf of the Organizational Defendant.
14. My reasons for requiring that the Defendants sign a release was because I had learned that the Director of Legal Services for the Organizational Defendant had filed a personal lawsuit

against a member of the service for statements made at an association meeting. Attached hereto and marked as **Exhibit “C”** is a copy of the amended Statement of Claim filed by Gary Melanson against David Flynn. I did not want to live in fear of litigation after resigning from my employment.

15. Following my resignation, I started my own business, Fit4Duty – The Ethical Standard™, providing consulting and safe workplace reporting programs to employers. I continued to receive therapy for PTSD funded by WSIB.
16. In July, 2017, I published a report about the retaliation police whistleblowers face within Ontario police services, based on my experience working for the Organizational Defendant and also my research of past police “whistle-blowers” in Canada. I distributed the report to every police services board in Ontario, including the Organizational Defendant. I was very transparent about my desire to improve protections for police officers who make disclosures of internal abuses of power. Attached hereto and marked as **Exhibit “D”** is a copy of the email sent to every police services board member in Ontario on July 16, 2017.
17. The report sent to members of the Organizational Defendant board contained several mentions of how misfeasance within Ontario police services is contributing to the deterioration of police officers’ mental health. An excerpt of the report, from page 3 stated; “Even when the Workplace Safety and Insurance Board (WSIB) approves a claim for PTSD, the police service will pay lawyers to appeal that decision. What appears to be a supportive and healthy environment on the surface is in some cases highly toxic and contributing to the deterioration of some police officer’s mental health.” Attached hereto and marked as **Exhibit “E”** is a copy of the first 3 pages of my report.

18. Around September, 2017, I viewed BlueLine, Canada's Law Enforcement Magazine online, and noticed an announcement on Page 6 relating to the swearing in of the Personal Defendant as the President of the Ontario Association Chiefs of Police. The article stated; "He said he hopes to focus more on occupational stress within policing..." A copy of page 6 of the magazine is attached hereto and marked as **Exhibit "F."**
19. Also in September, 2017, I reattended a public meeting of the Organizational Defendant and presented a delegation about the need for board member training. I still had an interest in helping the Organizational Defendant provide effective oversight and governance of the police service. I was not engaged by any member of the Organizational Defendant board.
20. Since resigning from the Organizational Defendant, I have been featured in news media and I made two separate presentations to the standing committee on justice policy at the Ontario Legislature about the risks a police officer takes when they report internal abuses of power. I had been the only delegate to address these issues to the standing committee. My advocacy resulted in changes to Ontario's policing laws, police officers are now permitted to report internal misconduct and the new statute provides protection from reprisal. Ironically, the Defendants mention the new statute at paragraph 21 d) of their Notice of Motion.
21. It is my belief that the issues I exposed in my July, 2017, report and continue to expose, are matters of public interest and my belief has been further solidified by the fact that government changed the laws in favour of protecting police whistleblowers.

Class Action Lawsuit

22. In December, 2017, the Personal Defendant swore an Affidavit to defend the Organizational Defendant in the ongoing class action lawsuit, which included an additional

chart showing details of Human Rights Tribunal complaints filed against the Organizational Defendant by female members. It was not necessary for the Personal Defendant to include the information contained in the additional chart, and it was my opinion that the information was sufficient to identify me and that confidential details of the Resignation Agreement were disclosed. The chart read; “SETTLED: - monetary settlement, - withdrawal of OHRT application, - voluntary resignation.” The Organizational Defendant permitted this Affidavit to be published, knowing it disclosed details of my Resignation Agreement.

23. Since I had already faced retaliation at the hands of the Personal Defendant, I viewed this action, the disregard for our signed legal agreement, as another form of retaliation. The Personal Defendant knew the terms of the Resignation Agreement, as he had signed it on behalf of the Organizational Defendant, and he knew I had signed a release and could not participate in the class action lawsuit. The Personal Defendant showed disregard for his contractual obligations in keeping the terms of the Resignation Agreement confidential.
24. The Personal Defendant’s Affidavit was filed by the Organizational Defendant to support their motion to have the class action dismissed on the ground that courts lacked jurisdiction. One of their main arguments advanced in their motion was that jurisdiction of the claim belonged to the HRTO. By including the additional information in his Affidavit, the Personal Defendant was telling the Court that these cases were evidence that the HRTO should be the preferred venue for female officers to voice concerns about systemic gender discrimination, sexual harassment and sexual assault. Essentially, my case was held out as a success story to the Court so that my former female colleagues’ fight for justice would be dismissed.

25. Another thing that upset me about the Personal Defendant's disclosure was that, I did not want anyone to believe I had accepted "hush money." I knew, when I resigned, that the problem of police whistleblower retaliation was important. I did not want anyone to believe that I had accepted "hush money" and agreed to keep silent. It was my opinion that the Personal Defendant's disclosure implied that I had signed a non-disclosure clause, and had been intentionally breaching that clause since resigning. This was not the case at all.
26. The Defendants were successful in having the class action dismissed for lack of jurisdiction. On July 13, 2018, Justice Baltman clearly stated, at paras. 5, and 22 – 24, of her Reasons for Judgment, that she determined the women's claims were best adjudicated by the HRTO. I believe that the Personal Defendant's Affidavit carried significant weight in Justice Baltman's Judgment since he is the chief of police, and I was barred from participating in the class action lawsuit to rebut what had been written in his Affidavit.
27. Since July, 2018, the decision of Justice Baltman has been cited in 6 civil cases to support the dismissal of claims, including the decision of Justice Doi in this matter.

Legal Actions

28. On May 9, 2018, I filed the original statement of claim in this case.
29. On June 7, 2018, the Defendants filed a Notice of Motion.
30. On June 28, 2018, the Organizational Defendant filed an Application for Contravention of Settlement against the Plaintiff at the Human Rights Tribunal of Ontario ("HRTO"), initiating a parallel proceeding at the tribunal level. Including exhibits, the Organizational Defendant's submission to the HRTO was a total of 485 pages.
31. In the Organizational Defendant's Application at the HRTO, it alleged that every incident of public speaking, news media, website blog or social media post wherein I discuss my

experience as a “police whistle-blower” has been a violation of my Resignation Agreement.

The Organizational Defendant has asked the HRTO for the following remedy:

- a. direct me to cease engaging “in an ongoing series of contraventions of the Resignation Agreement;”
 - b. direct me to redact allegations against the WRPSB from my book;
 - c. order me to pay the WRPSB significant damages to remedy the ongoing damage to the Waterloo Regional Police Service’s “reputation in the context of intentional and repeated violations of the most fundamental nature.”
32. It is my belief that the Organizational Defendant’s case against me at the HRTO was a further attempt to discredit and silence me, as explained at paragraph 24. They wanted people to believe that I had accepted “hush money” and that I had in fact been blatantly violating the agreement frequently by speaking out; none of which was true.
33. On July 10, 2018, I provided a Reply to the HRTO informing of the ongoing matter in this Honourable Court, and asking that the Organizational Defendant’s Application be dismissed without a hearing because it was retaliatory, vexatious and commenced in bad faith, or at least stayed until my matter brought in Court had concluded. This request was not addressed by the HRTO Registrar, the Organizational Defendant’s Application proceeded.
34. On July 27, 2018, I filed an Application for Contravention of Settlement against the Defendants so as to not be prejudiced at the February 22, 2019, hearing of the Defendant’s Application set by the HRTO. This was essentially a modified version of my original statement of claim. I knew this was duplicating my claim, but I did not know what else to

do given the fact that the HRTTO was proceeding with the Organizational Defendant's claim against me before my claim was able to proceed in civil court.

35. The HRTTO scheduled a hearing of the Organizational Defendant's Application for February 22, 2019, without addressing the objections I had raised in my July 10th submission.

WSIB Appeal

36. In August, 2018, I received a large package from the WSIB stating that the Organizational Defendant was appealing my claim number 30505408. I perceived this action as another blatant breach of the Resignation Agreement by the Defendants. A copy of the cover letter to this package is attached hereto and marked as **Exhibit "G."** It is clear from the opening line of this letter that the Organizational Defendant had in fact filed an appeal; "This letter is to let you know the employer has informed us in writing of their intention to appeal a decision(s) in this claim." The Organizational Defendant's submission was in accordance with the WSIB decision letter I had received, cited at para. 9.
37. The lawyer for the Organizational Defendant had submitted the appeal document to the WSIB on January 11, 2018. The general reason the Organizational Defendant objected to my approved WSIB claim was that they believed "the worker's alleged injury did not arise out of or in the course of the worker's employment."
38. The package also contained a submission made to the WSIB by Heather Henning, the Return to Work Coordinator for the Organizational Defendant. Ms. Henning had written on page 1 of this submission; "Employee states she is experiencing psychological trauma (PTSD) – Panic attacks, nightmares, flashbacks, depression, anxiety – relating back to traumatic incident at OPC on 24 Feb 2011 when fellow recruit standing directly beside

K.Donovan shot himself in the leg.” A copy of this 3-page Employer’s Report is attached hereto and marked as **Exhibit “H.”** The date of this Report is May 23, 2017, so it is clear that the Organizational Defendant knew about the exposure to the traumatic incident at the police college prior to the date of my resignation, and definitely prior to them filing the appeal on January 11, 2018.

39. As mentioned above at paragraphs 9, and 38, the Organizational Defendant had acknowledged that my injury resulted from a traumatic incident while employed as a police officer, and that my claim had already been approved by the WSIB dating back to before the date of my resignation.

40. I knew that the Defendants were very aware of the new presumptive legislation passed, [*Supporting Ontario’s First Responders Act \(Posttraumatic Stress Disorder\), 2016, S.O. 2016, c. 4 – Bill 163*](#), which meant that a diagnosis of PTSD would be presumed to be a work-related injury for first responders (police included). Their appeal submission on January 11, 2018, felt like a very personal attack on me, to have my medical care revoked, taking into account their knowledge of my traumatic incident and the presumptive legislation.

41. I had kept a copy of a January 6, 2016, CBC News article featuring Larkin who spoke about the new WSIB law and he held himself out as someone who cares about the wellbeing of police officers who suffer from PTSD. Larkin was quoted in the article as saying; “I think we’re humanizing the profession. I think we’re showing that we’re normal people... We have normal people doing an abnormal job.” A copy of this article is attached hereto and marked as **Exhibit “I.”**

42. I had known that the Organizational Defendant had been required by the provincial government to implement a PTSD Prevention Plan, which had been presented at the July 5, 2017, board meeting as a Chief's Report. The second slide stated; "Plan outlines our commitment to Employees by documenting what we are currently doing and committed to doing for the Prevention, Intervention and recovery from PTSD." A copy of the board agenda and slide presentation is attached hereto and marked as **Exhibit "J."**
43. Board member Karl Kiefer was quoted in an article in the Waterloo Chronicle stating; "I really like (this PTSD Prevention Plan) because it comes from a proactive rather than reactive position; highlighting education is key." Mr. Kiefer is now vice-chair of the Organizational Defendant board. Attached hereto and marked as **Exhibit "K"** is a copy of this article.
44. Ironically, I had written about the oppression and abuse suffered by police officers diagnosed with PTSD in my July, 2017, report, and the actions of the Defendants were now justifying the comments I had written about misfeasance within Ontario police services, see paragraph 17 above.
45. I felt like the police service was dehumanizing me, like my life did not matter. They knew that they had signed a contract to not file any appeals against me, (this document was in fact signed by the Personal Defendant), and they knew that the law presumes that a PTSD diagnosis for a police officer is work-related. They had every reason not to file this appeal, yet they still did. I viewed the actions of the Defendants as lawless and deliberate.
46. I suffered a moral injury witnessing these public officers behave so deliberately and with total disregard for my wellbeing. An article explaining moral injury is attached hereto and marked as **Exhibit "L."**

47. Another fact about the police service's submission to WSIB that concerned me was that, the package was signed and submitted by the same lawyer who had prepared my Resignation Agreement, Donald Jarvis. He knew, or ought to have known, that the release in the agreement he drafted would prohibit the Organizational Defendant from filing the appeal. My lawyer had emailed me during our negotiations of my Resignation Agreement and had stated that once I confirm that I agree with their proposal, "he [police service lawyer] will ask Don Jarvis to do up the usual paper work." I waive solicitor client privilege with my former lawyer Pamela Machado in order to admit this evidence. A copy of my email correspondence with Pamela Machado is attached hereto and marked as **Exhibit "M."**

48. PTSD already makes a person feel like a burden on their family, friends and society. A feeling of worthlessness is common in those suffering from PTSD which results in suicidal ideations. These actions by the Defendants caused my PTSD symptoms to drastically worsen, which also affected my ability to parent my three children when in my care and establish my business. Since I was unable to focus my energy on my business, I was unable to earn income which caused additional stress and mental anguish.

Litigation as a Weapon

49. Throughout the fall of 2018, I made several attempts to have the Organizational Defendant's HRTO proceeding dismissed as a retaliatory action and an abuse of process. I also applied to the Superior Court of Justice to have the tribunal proceeding dismissed for limiting freedom of expression on matters of public interest, (CV-18-00605386-0000). Justice Favreau ruled that tribunal proceedings are not considered "proceedings" for the purposes of Courts of Justice Act, section 137.1.

50. Since June, 2018, I have had to manage, at times, weekly document submissions and requests as a result of the collateral and retaliatory attack launched against me by the Organizational Defendant. To stay organized, I have had to prepare a list of correspondence between the Organizational Defendant, the HRTO Registrar, and I. A copy of this list is attached hereto and marked as **Exhibit “N.”** It is evident from this list of documents that the Organizational Defendant has had ample opportunity to prepare a Statement of Defence in this case as they have submitted over 755 pages to the HRTO to further their retaliatory case against me.
51. On January 16, 2019, I amended my statement of claim on consent to include a second allegation of breach of contract, (the WSIB appeal).
52. On February 13, 2019, Justice Doi heard the motion in its entirety and agreed with the arguments advanced by the Defendants. Justice Doi’s Reasons for Judgement were released on February 21, 2019.
53. I understood Justice Doi’s decision to mean that he had sided with every argument advanced by the Defendants. In paragraph 25 of his reasons, he found that the “privative clause” contained in the Workplace Safety and Insurance Act meant that Court did not have jurisdiction over a civil claim relating to a WSIB claim. Although I disagreed with Justice Doi, I took this to be a ruling on the Defendants’ jurisdictional issue, and I relied on that fact at the Court of Appeal.
54. On March 8, 2019, the Defendants filed their cost submission to Justice Doi and did not make any mention of an allegedly unanswered issue of jurisdiction.

55. On March 22, 2019, I filed a Notice of Appeal to appeal Justice Doi's order. A copy of the Notice of Appeal is attached hereto and marked as **Exhibit "O."** I perfected the appeal on April 23, 2019.
56. I prepared the initial draft of Justice Doi's Order and sent it to the Defendants on April 15, 2019, at 10:27 a.m. The Defendants made some revisions, yet did not raise any outstanding issues, and sent it back to me at 3:43 p.m. that same date. I relied on the expertise of experienced counsel to include the substantive parts of the Order. Attached hereto and marked as **Exhibit "P"** is Justice Doi's Order.
57. In responding to my appeal, neither Defendant raised an outstanding issue of jurisdiction regarding the order made by Justice Doi. The Defendants did not file a cross-appeal.
58. On October 11, 2019, my appeal was heard and the Honourable panel granted my appeal and leave to amend my claim further against the Personal Defendant. There were no oral arguments advanced by the Defendants regarding an unresolved issue from the motion.
59. The Reasons for Decision released by the Court of Appeal also addressed jurisdiction at paragraph 15 when the Honourable Panel disagreed with Justice Doi and believed that the "privative clause" in the WSIA does not prevent me from bringing my action in Court.
60. On December 17, 2019, the Court of Appeal awarded me costs for both the appeal and the motion.
61. On January 29, 2020, I received the final Order of the Court of Appeal for Ontario delivered by email. Attached hereto and marked as **Exhibit "Q"** is the final Order of the Court of Appeal.
62. On January 29, 2020, I amended my Statement of Claim pursuant to the Order of the Court of Appeal.

63. February 18, 2020, was the date on which the Defendants were to file their Statement of Defence or Notice of Intent to Defend, and did not.
64. On February 19, 2020, at 9:40 a.m., I sent an email to counsel for the Defendants, as a professional courtesy, advising that his clients were now considered to be in default and I asked when I could expect to receive their Statement of Defence. Attached hereto and marked as **Exhibit “R”** is a copy of this email.
65. Approximately two hours later, at 11:28 a.m., Defendants’ counsel sent a letter to Justice Doi stating they believed their February, 2019, motion remained undecided. A copy of this email and letter (without the case law attached) is attached hereto and marked as **Exhibit “S.”** I was given an opportunity to prepare written submissions on the matter.
66. On April 20, 2020, Justice Doi provided an endorsement instructing the Defendants to file a Rule 59.06(1) motion, and reserved the issue of costs to the judge hearing the return of the motion.
67. On April, 27, 2020, I wrote to the Defendants to advise them of a recent decision from the Manitoba Court of Appeal. I attempted to save us from “unnecessary expense and delay.” In the highlighted case ([*Lantin et al v. Seven Oaks General Hospital, 2019 MBCA 115*](#)), a party to civil case had made a Rule 59.06(1) motion, (which is identical to the Ontario Rule 59.06(1)), and that Honourable Court had determined that a Justice of a lower court amending a decision dated before the order of the Court of Appeal was an error in law. In this letter, I also agreed to consent to changes to the Order of the Court of Appeal to reflect a finding on jurisdiction, provided it did not change the outcome achieved. A copy of this letter (without the case law) is attached hereto and marked as **Exhibit “T.”**

68. On May 6, 2020, the Defendants responded to my April 27th letter stating they believed *Lantin* was “factually distinguishable” from the case at bar, and that they intended to proceed with a Rule 59.06(1) motion. A copy of this letter (without the case law) is attached hereto and marked as **Exhibit “U.”**
69. Despite what they wrote in their April 27, 2020, letter, they did not proceed with a Rule 59.06(1) motion, as recommended by Justice Doi, they have filed a new (duplicate) Rule 21.01(3)(a) motion, and have asked for more time to file their Statement of Defence.
70. The Defendants’ Factum for this motion is almost identical to the Factum filed for their February 13, 2019, motion before Justice Doi. Their arguments are the same, and they do not allege that new material evidence has become available, or that any fraud was committed which would justify reopening the matter. Attached hereto and marked as **Exhibit “V”** is a scan of the Table of Contents from the Defendant’s February 13, 2019, Factum.
71. It is clear from the evidence supplied at paragraph 50 above, that the Defendants have had ample opportunity to prepare a Statement of Defence, yet they chose instead to focus their resources on their retaliatory proceeding filed at the HRTO against me.
72. From March, 2020, until October, 2020, I had to seek legal advice to deal with this issue that I believed was nonsensical and contrary to jurisprudence. I could not understand how the Defendants could legally proceed to revisit the motion judge’s decision on issues they only raised after I was successful in having my claim re-opened at the Ontario Court of Appeal. I could not have prepared my responding motion material had it not been for the legal advice I obtained. This was a legal expense I incurred only due to the unnecessary step taken by the Defendants in this matter.

73. On December 18, 2020, I received copies of invoices that were obtained as a result of requests made pursuant to the [Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56](#), (“*MFIPPA*”), from Bruce Ricketts. Mr. Ricketts is the former President of Canadians for Accountability and he frequently makes requests for information he deems to be in the public interest. The invoices show all amounts paid by the Organizational Defendant for legal services provided by Donald Jarvis for matters involving me. Attached hereto and marked as **Exhibit “W”** are copies of the approval letters for the requests made by Mr. Ricketts, dating back to 2019, and a chart showing the totals of invoiced paid by the Organizational Defendant from July, 2017, (after I resigned), to September, 2020.
74. The fact that the Organizational Defendant has spent \$378,510.41 on legal fees, since I resigned from employment, causes me to believe that they will stop at nothing to achieve my silence and prevent my efforts to enforce the terms of my Resignation Agreement.
75. I believe the Defendants have been using litigation to silence, intimidate and punish me for having spoken out about the perceived abuses of power I witnessed while employed by them. The financial and personal costs associated with this litigation have been devastating for me, but not for the Defendants who have access to unlimited financial resources to fund their legal fees.
76. On December 9, 2020, I amended my Statement of Claim on consent by filing a fresh amended Statement of Claim.

Health and Professional Effects

77. Between the date of my resignation and January, 2018, I was invited to speak at conferences and I began to cultivate professional relationships; one which led to my first consulting client.
78. My mental health had been improving in the fall of 2017 to the point where I stopped taking medication for my PTSD and my therapy sessions were less frequent.
79. There is no mistaking that after I resigned from employment with the Organizational Defendant my health significantly improved.
80. Once the Defendants began to take action that completely disregarded the terms set out in my Resignation Agreement, and once they filed their retaliatory application against me at the HRTO, I began to suffer further injury. I became unable to maintain the pace of building my business and continuing to cultivate new professional relationships. I resumed my medication and increased the frequency of my psychology appointments. I suffered a moral injury and lost further confidence in the institution of policing and public officers.
81. The lawless, oppressive and harassing conduct of the Defendants has caused me to suffer harm, and I continue to suffer harm as a result of their conduct to this date. The harm I have suffered has affected my relationship with my children.
82. Once the Organizational Defendant filed their retaliatory proceeding against me at the HRTO, it became a full-time job for me to defend against their allegations, as is evident in the material I supplied at paragraph 50. The result of my rapidly deteriorating health and increasing demands from the HRTO was that I was unable to conduct any business at all, and therefore did not have a source of income for a lengthy period of time.

83. In June, 2019, twelve months after the Organizational Defendant filed their retaliatory proceeding against me at the HRTO, I had to sell my home located at 11 Daniel Place in Brantford, Ontario, because I could no longer afford the bills associated with the home.
84. From June, 2019, until July, 2020, I resided in my parents' home located in Paris, Ontario. It was humiliating for me to have to reside with my parents at the age of 40 and with my 3 children. Not having a residence of my own caused my children to choose to reside with their father more which further weakened my relationship with my children. Throughout this period, I continued treatment with my psychologist and our appointments were lengthened to 1.5 hours every other week.
85. In 2019, there were 9 police officer suicides in Ontario which resulted in Ontario's chief coroner launching an expert panel to review the suicides. The Personal Respondent was quoted in news articles acknowledging the problem of mental health and suicides in the police community. One article quoted the Personal Defendant stating; "We fully support and welcome a review that will help determine how mental health support can be better provided to first responders." Attached hereto and marked as **Exhibit "X"** is a copy of this January 3, 2019, Waterloo Record article.
86. As noted above at paragraphs 18, 39, 41, 42, and 85 the Defendants have publicly declared their understanding of PTSD and how it affects first responders. I believe the actions of the Defendants are intentional and meant to stop me from speaking publicly about my experience working for the Organization Defendant and to stop my enforcement efforts of the Resignation Agreement; whether as a result of my declining mental health or if I were to succumb to suicide.

87. As recently as January 29, 2021, the Defendants have been publicly criticized for the way they treat injured workers. A current police officer working for the Organizational Defendant, but off on stress leave, Angelina Rivers, was quoted in a Toronto Star article saying “the internal culture where I come from looks down very heavily on people with mental health issues.” Attached hereto and marked as **Exhibit “Y”** is a copy of this article.
88. In the news article cited above, spokesperson for the Organizational Defendant is quoted as saying; “Waterloo police ‘has progressive and comprehensive programs, initiatives, training and supports in place... to ensure our members feel supported and are able to receive help when they need it.’”
89. Also in the news article cited above, the spokesperson reported that 71% of police officers working for the Organizational Defendant agreed that the service provides sufficient support for mental wellbeing, yet the internal member survey cited in the article was not completed by police officers currently off work due to mental health injuries. The claims made by the Organizational Defendant in the article are misleading and not representative of the views of their members who experience mental health injuries in the workplace.
90. I believe that the totality of evidence I have presented proves that the image the Defendants have tried to uphold in the public eye is incongruent with how they actually behave, and how they treat injured employees and former employees.
91. In addition to moral injury, I have also suffered from institutional betrayal and sanctuary trauma, in that the very people who are in positions of authority to provide help are the ones causing me pain, see paragraph 46 for details on moral injury. Despite the actions taken by the Defendants, the Personal Defendant continues to be praised and rewarded by his peers. Following the filing of the \$167M class action lawsuit, the Personal Defendant

was elected President of the Ontario Association Chiefs of Police. In 2020, despite this ongoing lawsuit for misfeasance in public office, the Personal Defendant was elected President of the Canadian Association Chiefs of Police. Neither Defendant has shown any remorse for the pain they have caused me, or any of the plaintiffs who participated in the class action lawsuit.

92. Following my victory at the Ontario Court of Appeal in October, 2019, I experienced a small improvement in my health. I believed that since my civil case was going to continue against the Defendants in the Honourable Court, that the HRTO would back off and not allow the Organizational Defendant's case to proceed against me. It is evident from the material I provided at paragraph 50 that this has not occurred, the HRTO case has continued to progress, and I have not been able to return to good health.
93. I had hope, following my victory at the Ontario Court of Appeal, that this case at bar would advance towards a resolution. This hope was lost when the Defendants did not submit their Statement of Defence within the prescribed timeframe, and instead attempted to revisit the original motion. I believe they are operating as if the laws and the rules do not apply to them, with disregard for my health and wellbeing.
94. My PTSD has been triggered by the conduct of the Defendants since May, 2016, when they took retaliatory action against me for speaking publicly about perceived abuses of power within the police service. Despite my attempts to recover from my PTSD since resigning from my employment, the Defendants continue to trigger my PTSD symptoms with their ongoing misfeasance.
95. I make this Affidavit in defence of the Defendants' motion to have my Claim dismissed and to support my request for Orders cited in my Factum.

SWORN BEFORE ME at the City of Brantford,
In the Province of Ontario, this 10th day of
February, 2021.

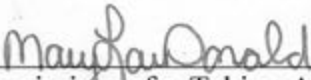
Mary Louise Donald

Commissioner for Taking Affidavits

Kelly Lynn Donovan

*Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*

This is **Exhibit "A"** referred to in the affidavit of Kelly Lynn Donovan
sworn on February 10, 2021.



Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*

Local police officer accuses department of unfair discipline

Lisa Rutledge

Cambridge Times | May 11, 2016

WATERLOO REGION – In a move that blindsided Waterloo Regional Police's top brass, police board directors – and even her own union – a local police officer publicly lambasted the force, saying it doesn't discipline members equitably.

Const. Kelly Donovan's police rank wasn't disclosed on the list of delegates to speak at the Waterloo Regional Police Services board on May 6, nor were police officials prepared for the allegations she soon laid at their feet.

It quickly became evident, however, the officer wanted policing leaders to hear first-hand about her disappointment and disillusionment in the force.

During her delegation, which she did not finish due to running over her 10-minute time allotment, Donovan brazenly criticized the force, saying it uses discretionary discipline when investigating its own members.

"I feel compelled to address the board of these issues as the board is ultimately responsible for the delivery of service of this department and to provide civilian oversight," Donovan said.

"I cannot stand by and watch while members of this service succumb to its discretionary law enforcement."

Members of the board listened to the constable's delegation, but did not offer any follow-up questions.

Chief Bryan Larkin, whose seat was next to Donovan's as she read her statement, assured the media following the meeting that the officer has a democratic right to vocalize her disapproval during the public session of the police board meeting. However, he was also quick to challenge her claims of unfair treatment.

"I refute the fact there is discretionary law enforcement because we have a very clear and consistent message that we hold all of our officers and our members accountable," he insisted.

"They're some strong allegations that we'll review, but I stand by our organization in the sense that we have a strong history and a strong ability in this organization to police ourselves."

He added that investigations are done by "exemplary" and high-calibre members with input from the Crown attorney's office.

The constable, who currently works in the force's training branch, pointed to several high-profile cases she alleged excluded evidence that could have exonerated members.

One of the cases she cited involved Sgt. Brad Finucan, who recently plead guilty in court to harassment and unlawful possession of a .357 Magnum revolver. He did not receive a criminal conviction.

Although facts presented in court were agreed upon by both Finucan's lawyer and the Crown attorney, Donovan argued statements were based on mistruths because evidence was withheld by police investigators.

"To say the investigation was questionable is an understatement," she said.

Although Finucan was handed an absolute discharge on the charges of possessing a firearm without a required licence, he was placed on probation for harassment, which ultimately led to being suspended with pay.

Donovan, who referred to herself as a friend of Finucan, said she wanted to address the board on his behalf.

Larkin said while he respects Donovan for coming forward with her opinions about the force's handling of internal investigations, he also questioned her decision to address the civilian board.

There are many mechanisms within the force and the union to call for change, he said.

"I'm not sure what is garnered other than media attention by becoming public with certain pieces," he said.

"Sometimes, when we're close to an issue we see it very differently than when we're not close to an issue."

The chief emphasized to the media that Finucan didn't dispute the charges against him.

"We have to remember we had an officer who plead guilty in the democratic system. The officer wasn't found guilty, he pleaded guilty."

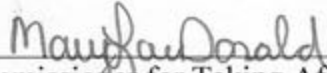
When approached by the media for comment following the police board meeting, Waterloo Regional Police Association president Paul Perchaluk said he wasn't aware Donovan planned to criticize the force at the board meeting.

He didn't want to comment on her accusations.

"I'd like to speak to her first. I'd like to review it."

Lisa Rutledge is a Reporter/Photographer for the Cambridge Times. She can be reached at lrutledge@cambridgetimes.ca . Follow her on Twitter [@LisaReporting](https://twitter.com/LisaReporting) , and the Cambridge Times on [Facebook](#) .

This is **Exhibit "B"** referred to in the affidavit of Kelly Lynn Donovan
sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner; etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*

July 12, 2017

KELLY DONOVAN
11 DANIEL PL
BRANTFORD ON N3R 1K6
CANADA

Claim No.: 30505408
Worker Name: KELLY DONOVAN
Date of Injury/Illness: 01/Feb/2017
Injury/Illness: Psychological Trauma

Dear Ms. Donovan,

Subject: Initial Entitlement (Eligibility to Benefits)

I am writing to confirm the allowance of your claim for Posttraumatic Stress Disorder (PTSD) as verbally communicated to you on July 12, 2017.

Details of the Case:

Your claim was established in April 2017 when we received your Worker's Report of Injury/Disease, as well as an Employer's Report of Injury/Disease. You were employed as a police officer with Waterloo Regional Police Service from December 19, 2010 until you resigned effective June 25, 2017. You are claiming you developed posttraumatic stress disorder as a result of your workplace duties, and you have been off work since February 27, 2017 due to your PTSD symptoms. A June 22, 2017 assessment report from your psychologist confirmed a diagnosis of PTSD.

Criteria:

The Workplace Safety and Insurance Act (WSIA) was amended as of April 6, 2016 and new provisions were introduced which establish presumptive entitlement to benefits for first responders and other designated workers diagnosed with PTSD. Operational Policy Manual (OPM) document 15-03-13 titled, Posttraumatic Stress Disorder in First Responders and Other Designated Workers, guides decision makers in the implementation of these legislative changes.

The policy provides that if a first responder or other designated worker is diagnosed with PTSD by a psychiatrist or psychologist, and if certain criteria have been met, the PTSD is presumed to have arisen out of and in the course of the first responder's or other designated worker's employment, unless the contrary is shown.

Decision:

The information in your claim has been carefully considered. It is confirmed you are a first responder as defined in OPM 15-03-13 and you were diagnosed with PTSD by a psychologist on June 22, 2017. Therefore, your claim for PTSD is allowed by presumption and considered to have arisen out of and in

the course of your employment noting the criteria under the policy have been satisfied. Your claim is allowed for healthcare benefits. This would include 12 initial counselling sessions.

The medical information on file supports that you were unable to work in any capacity; and were clinically authorized off work. As a result, you are entitled to full loss of earnings (LOE) benefits from February 27, 2017 up to June 24, 2017. I understand you received advances from your employer, which will be reimbursed to the employer by the WSIB.

Also, your WSIB Nurse Consultant, Missa Canave, may contact you in the future, to facilitate the recommended treatment with your psychologist.

I have made this decision based on the information available to me. If you do not understand the decision, or if you do not agree with the conclusions reached, please call me. I would be pleased to discuss your concerns.

It is important to know that the Workplace Safety and Insurance Act (the Act) imposes time limits on objections. If you want to object to my decision, the Act requires that you notify me in writing no later than January 12, 2018.

To submit this written appeal notice, please go to our website at www.wsib.on.ca and complete the Intent to Object Form. There is an instruction sheet included on the site which also lists organizations that can provide free representation. You can access the form and instruction sheet by typing "appeal" into the search box on the website and accessing the Worker Appeals or Employer Appeals page. They are also available in the "Forms" section of the website. If you do not have access to our website, you may call our toll free number at 1-800-387-0750 and request the form be mailed to you.

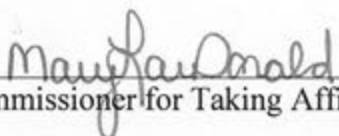
Yours sincerely,

Jane Drake, TMS EA / STCM
Case Manager
Traumatic Mental Stress Program

Tel: 416-344-5205 or 1-800-387-0750

Copy To: Waterloo Regional Police

This is **Exhibit "C"** referred to in the affidavit of Kelly Lynn Donovan
sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*

SCHEDULE "A"

1. The Plaintiff Claims:
 - a. Damages in the amount of \$100,000.00;
 - b. Interest pursuant to the Court of Justice Act;
 - c. His costs of these proceedings;
 - d. Such further and other relief as this Court deems appropriate.
2. The Plaintiff is a lawyer employed by the Waterloo Regional Police Service and holds the position of Director of Legal Services and Risk Management.
3. The Defendant at all material times was a police officer employed by the Waterloo Regional Police Service.
4. Given his various duties as a lawyer acting for the Waterloo Regional Police Service it is critically important that the Plaintiff enjoy the ongoing respect and co-operation of other members of the Service including police officers.
5. In or about April of 2014, the Office of the Independent Police Review Director ("OIPRD") ordered a hearing be conducted under the *Police Services Act* in connection with misconduct by the defendant and another officer in October of 2013.
6. The Plaintiff was appointed to act as Prosecutor for the hearing.
7. The Defendant was represented by legal counsel while responding to the charges.
8. From the outset of the prosecution the Plaintiff actively pursued an informal resolution of the complaint against the Defendant believing that to be the most appropriate outcome. The Defendant initially rejected all proposals for an informal resolution.
9. Throughout the matter the Plaintiff was co-operative with Defence counsel and acted in a professional and ethical manner.

10. Adjournments were granted at various times during the proceedings by the Hearing Officer with the consent of all parties.
11. During the proceedings a legally based dispute arose concerning productions. The Defendant brought a motion for productions and served voluminous materials. That motion was ultimately withdrawn by the Defendant before being heard.
12. The Plaintiff persisted in his efforts to informally resolve the matter and was ultimately successful in obtaining the consent of the complainant and of the OIPRD to an informal resolution. The Defendant finally agreed to an informal resolution prior to the scheduled hearing.
13. As part of the informal resolution the Defendant admitted to misconduct.
14. The informal resolution represented a good outcome for the Defendant. The Defendant's counsel, in fact, thanked the Plaintiff following the completion of the matter for his continuing efforts to obtain a resolution.
15. On or about January 12, 2016, the Defendant attended a meeting of the Waterloo Regional Police Association ("WRPA") at its headquarters in Cambridge Ontario. During that meeting the Defendant made a presentation to the executive of the WRPA and the members in attendance wherein he sought reimbursement for legal expenses incurred in defending the misconduct charges.
16. During the presentation the Defendant falsely and maliciously published by way of oral statements the defamatory words set out in the transcript of the Defendants speech reproduced as Schedule "B" to the Plaintiff's Claim. Those defamatory words included the following statements:

"The OIPRD deemed this to be of a serious nature, and this is important, a hearing was ordered. Now this should have been the end of OIPRD involvement. Now the hearing was turned over to the hands of WRPS Gary Melanson and Virginia Torrence. They were charged with the task of prosecuting us. Once served with the notice of hearing, I was advised to contact Gary Melanson on how to proceed. During this phone call Gary Melanson advised me that he really shouldn't be talking to me since he has not heard from my lawyer yet, but, it was ok to talk. He then attempted to convince me to take a plea to save myself a bunch of money and he

had no interest whatsoever in hearing the truth. Gary Melanson implied that financially he would bury us into a guilty submission. That's a fact.."

"Our preliminary hearing commenced on May 16th, 2014, to which we attended with expectations of receiving disclosure and setting a trial date. Gary Melanson, Virginia Torrence, Ian Sweet, Paul Perchaluk and the complainant were not in attendance. We did not receive full disclosure for our matter. In 2014, we fought to receive full disclosure WRPS policies and procedures section 5.1 of PSA hearings stated the following: "All parties shall, within 14 days of a hearing receive disclosure". While we were motioning for disclosure our Policies and Procedures changed in December 2014 so that full disclosure does not have to be provided. To this day we were never provided full disclosure. The complainant in the matter did not attend this hearing and it was put forward to our next date a conference call which to complainant must be present. Keep in mind at this point, Gary Melanson has carriage of our hearing and no costs have been occurred or accumulated 'til right now."

"Harry Black requested transcripts of all interviews conducted by OIPRD. Melanson refused to provide, advising it is not required. He was then ordered by Ken Bond who told Melanson he was to provide such transcripts to Harry Black and the officers of all interviews conducted by OIPRD."

"October 2nd, 2014. Matter adjourned to November 3rd, 2014. No transcripts provided. Issue of full disclosure not provided was discussed. Melanson's response is that it is not a criminal matter and that full disclosure does not have to be provided in PSA hearings. November 3rd, 2014. Matter adjourned to December 1st, 2014, regarding disclosure issue. December 1st, 2014. Matter adjourned to March 6th, 2015. Motion put forth by Black to receive full disclosure and case law was discussed."

"So on March 5th received notice that our hearing scheduled for March 6th was cancelled. Early April 2015, subpoenas issued to OIPRD investigators and Complainant for their attendance at our hearing. On May 21st, 2015, Melanson called Black regarding proposed informal resolution where all six PSA charges were dropped, the matter was no longer deemed of a serious nature and no hearing would be required. With an additional fifteen to twenty thousand dollars for a potential bill for a 5-day hearing, we followed the advice of our lawyer and agreed to the informal resolution. On

June 23rd, 2015, we had a conference call where all charges were withdrawn.”

“Okay so in regards to off-duty conduct issues. If you guys were listening to what I just said okay, this matter clearly had no merit, and our off duty conduct was not discreditable. There’s no weight and there’s no evidence to support the allegations. We did nothing wrong. We stood up and said “no, this is not right”. We took on the burden, unsupported, mind you, and when the bully was forced into a corner to have the hearing and expose the evidence, the matter was no longer deemed serious, the hearing was not required, and all PSA charges were dropped. Keep in mind, for this to happen, the OIPRD who started this had to sign off on that. Which they did. You can draw your own conclusions from there. That’s all I have to say. I don’t think this needs to get emotional and everybody get all fired up. It is what it is. You either have your mind made up or you don’t.”

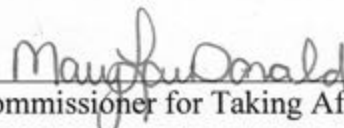
“Listen, at the end of the day, Scott just said it himself, you guys all ... everybody know, PAO knows, what Gary Melanson’s up to. We did not incur a nickel until he got involved. I’ve read out the timeline as to how he proceeded. The cost was incurred because of him. At the end of the day, the off-duty question, there was no misconduct, I don’t know why we’re still here talking about it.”

17. The Plaintiff states that the defamatory words, in their natural and ordinary meaning, and by innuendo, meant and were understood to mean, inter alia, that:
- a) the Plaintiff acted contrary to his legal and ethical obligations as a lawyer and prosecutor;
 - b) the Plaintiff failed to act honourably and with integrity;
 - c) the Plaintiff was indifferent to the public administration of justice;
 - d) the Plaintiff placed securing a conviction above his obligation to ensure a fair trial on the merits;
 - e) the Plaintiff was indifferent to the facts of the case;
 - f) the Plaintiff failed in his obligation to act fairly and dispassionately;

- g) the Plaintiff acted in an abusive and unethical manner by threatening to financially “ bury” the defendant into a guilty submission;
 - h) the Plaintiff failed to meet his legal and ethical obligations to provide disclosure;
 - i) the Plaintiff acted like a “bully” and not as an impartial and fair minded prosecutor;
 - j) the Plaintiff abused the process of the tribunal by continuing the prosecution of a non-meritorious proceeding;
 - k) the Plaintiff was personally responsible for the Defendant incurring legal fees;
 - l) the Plaintiff was responsible for the length of the proceedings;
 - m) the Plaintiff had a reputation for acting unfairly and unethically contrary to his duties as a lawyer and prosecutor;
 - n) the Plaintiff was guilty of professional malpractice.
18. The Plaintiff states at all times he acted competently, honestly, fairly, professionally and ethically in accordance with his professional obligations as a lawyer and in his role as prosecutor.
19. The Plaintiff states that the defamatory words, and the innuendo arising from them, are false and were maliciously published by the Defendant knowing that they were false or with careless disregard as to whether they were true or not.
20. The Plaintiff pleads and relies on section 16 of the *Libel and Slander Act*, RSO 1990 c. L 12.
21. The Plaintiff further states that the defamatory words were published by the Defendant to foment hatred, ridicule, and contempt of the Plaintiff. As a result, the Plaintiff has been embarrassed and has suffered a corresponding loss of reputation and esteem among members of the Waterloo Regional Police Service.
22. By letter dated January 19, 2016 the Plaintiff, through his counsel, provided a detailed written complaint to the Defendant with respect to the defamatory words complained of, and requested a retraction and apology. The Defendant took no steps to contact the Plaintiff or his counsel to investigate the matter further.

23. To date the defendant has not published any retraction or apology.
24. The Plaintiff waives that part of his claim above \$25,000.00 so as to remain within the monetary jurisdiction of the Small Claims Court.
25. The Plaintiff requests this matter to be heard in Kitchener.

This is **Exhibit "D"** referred to in the affidavit of Kelly Lynn Donovan
sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*

From: Kelly Donovan donovandih@gmail.com
Subject: Systemic Misfeasance in Canadian Policing
Date: July 16, 2017 at 10:30 PM
To: Fit4Duty Kelly@fit4duty.ca



Good evening police services board members and overseers,

Attached you will find a report I prepared based on my experiences in the policing profession. The report was prepared using public sources, not police resources. The report can be distributed to all members of your police services board, but I do not give permission to distribute this report to any other person than a member of the Board. The report is designed to make you aware of systemic issues; some of which can be prevented with better oversight at the municipal level. You represent the taxpayers in your municipality and have a responsibility to them to monitor the performance of the chief.

Justice Tulloch recently made very specific recommendations to police services boards, and some of those same recommendations have been made as far back as 1989 and not implemented. What I find interesting is that the recent OAPSB survey results show that many of you feel the government needs to clarify your role as police service board members. Justice Tulloch pointed out that police service boards need to start taking a more active role as the civilian oversight body for municipal police services. There is obviously a breakdown of communication and I hope to help bridge that gap. I have prepared training on several topics, many of which were recommended by Justice Tulloch and I can provide you with survey and whistleblower programs. It is my goal to improve the quality of oversight of Ontario's police service boards.

Please take the time to read the executive summary of my report and the entire report if it interests you.

I have chosen to leave the policing profession to provide my services directly to police services boards. Police services boards need to become what they were intended to be; independent and impartial civilian oversight bodies. Trust me to provide expert training and employee engagement so that you can truly be aware of internal dealings at your police service, before you are next to make headlines.

There is a reason that I will not be very popular among senior police leaders in the next little while, but don't let their smear campaign steer you wrong. I have proven that at all cost I will stay true to the same morals and integrity I brought to the career in the first place. Can you say that about all of your members? Only those who have experienced the police culture can truly understand why it is what it is and why it has been so difficult to change.

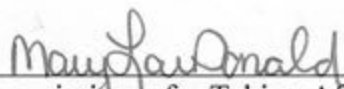
Let me help you gauge and improve the level of ethics, accountability and transparency at your service. This is your opportunity to take initiative and show your constituents that you will not wait until you are forced to implement the recent recommendations.

I look forward to meeting each and every one of you,
Kelly Donovan - www.fit4duty.ca



Report_v13.pdf

This is **Exhibit "E"** referred to in the affidavit of Kelly Lynn Donovan sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*

**REPORT OF SYSTEMIC MISFEASANCE IN ONTARIO POLICING
AND THE COORDINATED SUPPRESSION OF WHISTLEBLOWERS**

BY

KELLY DONOVAN

© 2017

EXECUTIVE SUMMARY

This report of systemic misfeasance in Ontario policing and coordinated suppression of whistleblowers was prepared to give a voice to the thousands of police officers across the country who have fallen victim to legislation that disproportionately empowers those who have risen through the ranks and allows transparency to be subjective and perfunctory promises of accountability.

This report will provide insight into current legislation governing municipal police officers in Ontario and point out deficiencies. As government officials prepare revisions to legislation it is imperative that all stakeholders are heard.

The Royal Canadian Mounted Police (RCMP) have received plenty of media attention recently with reports released by the Civilian Review and Complaints Commission for the RCMP¹. What has been pointed out by people like Lesley Bikos, ex-police officer and current PhD student, is that the culture is no different at other Canadian and Ontario municipal police services.² As the RCMP Workplace Harassment report points out, over the past decades there has been no shortage of reports, internal and external reviews, studies and surveys examining the RCMP and making recommendations for organizational reform.³ Despite the time, energy, and expertise that has been dedicated to resolving these problem, the RCMP and its senior leaders are resistant to meaningful change.⁴ Even more recently, a class action lawsuit was filed against the Waterloo Regional Police Service for gender discrimination, sexual harassment and sexual assault. As much as the police chief denies the allegations and the legitimacy of the suit itself, one of the plaintiffs was a Superintendent up until April, 2017, and has publicly stated that while he was in charge of the human resources department he raised many of those same issues and was ignored.⁵ According to the Waterloo Regional Police Service, they take these allegations seriously. The service claims to have progressive policies, procedures and training to ensure that any such allegations are dealt with in accordance with the law.⁶ Who is the public supposed to trust?

There have also been media campaigns by police services promoting their progressive mental health policies, which they say are in the interests of their members and promoting healthy workplaces. The Waterloo Regional Police Service recently promoted their Post-Traumatic Stress Disorder (PTSD) Prevention Plan, (something all police services in Ontario were required to submit), in the Waterloo Record⁷. Part of this plan is to provide outreach to its members who are away from work "due to positive or challenging

¹ <https://www.cccc-csetp.gc.ca/en/newsroom/ccc-releases-report-workplace-harassment-rcmp>

² "It's not just the RCMP: Police culture is toxic," Lesley Bikos, Contributed to the Globe and Mail, May 17, 2017.

³ Ibid. note 1.

⁴ Ibid. note 1.

⁵ <http://kitchener.ctvnews.ca/lawsuit-launched-against-wrps-over-sexual-assault-harassment-discrimination-1.3439341>

⁶ <http://www.wrps.on.ca/news/wrps-police-services-board-and-wrpa-respond-class-action-suit>

⁷ "Waterloo police's PTSD prevention plan focuses on education and early intervention," by Samantha Beattie, Waterloo Chronicle, July 6, 2017.

circumstances.”⁸ Services, such as the Waterloo Regional Police, never disclose how often officers who are off work on the advice of their doctors are often forced back to work, or that in some cases of PTSD the symptoms are brought on by operational stress caused by management. Even when the Workplace Safety and Insurance Board (WSIB) approves a claim for PTSD, the police service will pay lawyers to appeal that decision. What appears to be a supportive and healthy environment on the surface is in some cases highly toxic and in contributing to the deterioration of some police officer's mental health.

It has long been understood that the culture in policing needs to evolve to accommodate expectations of not only the public but also the changing demographic enlisting in policing. Improving diversity in policing is not only about recruiting talent it is also about retaining it. Police services have a responsibility to be representative of their communities and yet consistently struggle with meeting this objective; specifically, with retaining female police officers.

Case studies presented herein are derived from public documents and represent the mere tip of the iceberg of the collateral damage that has occurred in policing across Ontario and even Canada.


This report would not have had to be prepared if legislation allowed for true transparency and accountability. When legislation undergoes changes, it is necessary in the interest of the public that the issues identified in this report be addressed to improve fiscal and ethical responsibilities of police services.

While we wait for legislative changes, there is Fit4Duty™. To show your shareholders, the public, and your employees that integrity, accountability and transparency are important to you and your organization, you can contact Fit4Duty™ to start building your anti-corruption programme. Fit4Duty™ will heighten your Ethical Standard™.

Copyright © 2017 by Kelly Donovan. Kelly Donovan is available for speaking engagements, training, policy development, and whistleblower programs for both government and corporations. For more information visit www.fit4duty.ca.

⁸ *Supra* note 7.

This is **Exhibit "F"** referred to in the affidavit of Kelly Lynn Donovan sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*

NEWS

CANADA

First responders ride for PTSD in inaugural Rolling Barrage

Law enforcement officers, firefighters, paramedics and military vets as well as serving CAF members were all encouraged to sign up for the inaugural Rolling Barrage 2017, a cross-country motorcycle ride that kicked off August 5.

Presented by Military Minds Inc., a fundraising organization that connects veterans for PTSD help, the Rolling Barrage "started with one man's vision of a mass of steel horses traveling across Canada from one coast to the other, akin to the way the country was settled 150 years ago, albeit on wagons and real livestock."

Scott Casey, president of Military Minds, wanted a positive way to celebrate Canada's 150th anniversary while also drawing more awareness to PTSD.

"There are small things to bring awareness to PTSD, but nothing big and nothing centred on a positive event," said Stew



Jackson, Rolling Barrage director. "One thing PTSD does is isolate people — this is to get them out."

The 3,000-km ride from Newfoundland to B.C. was open to all types of riders, including civilians. They could join anywhere along the route, which included stops in Truro, Ottawa, Winnipeg, Regina and Jasper, just to name a few.

"It is with this rolling community that we shall endeavour to conquer the stigma that surrounds

PTSD and to provide care to those who need it through the service to our nation," Jackson said.

WATERLOO

Larkin now leading OACP

Waterloo Regional Police Chief Bryan Larkin has been officially sworn in as the new president of the Ontario Association of Chiefs of Police, taking over from Charles Bourdeleau, Ottawa Police Service chief.

"It's exciting as we have lots of things

happening in public safety, not just policing," Larkin said, pointing to the next generation of 911 as one example. "It's an interesting year to be president as the province heads into an election. We're obviously trying to put public safety on the government's map."

He said he hopes to focus more on occupational stress within policing, the Strategy for a Safer Ontario and supporting Justice Michael H. Tulloch on his work, including street check reviews and files.

"It's humbling to be supported by your peers but this role also brings with it a tremendous opportunity for growth and reflection," he said. "I love change and being a part of change and I think we're at a pinnacle tipping point in policing provincially, where we're going to set the course for the next generation."

The OACP will be launching a new strategic plan, according to Larkin, who served as vice-president for three years and also sat on the board.

Larkin's presidency will run for one year, wrapping up in June 2018. ■



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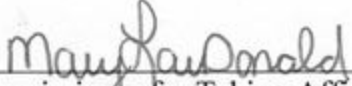
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Inspector Cathy Bell,
Ontario Provincial Police



This is **Exhibit "G"** referred to in the affidavit of Kelly Lynn Donovan
sworn on February 10, 2021.



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County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*



Workplace Safety
& Insurance Board
Commission de la sécurité
professionnelle et de l'assurance
contre les accidents du travail

Head Office:
200 Front Street West
Toronto, Ontario
Canada M5V 3J1

Siège social :
200, rue Front Ouest
Toronto, Ontario
Canada M5V 3J1

Telephone / Téléphone :
416-344-1000
1-800-387-0750
TTY / ATS : 1-800-387-0050

Fax / Télécopieur :
416-344-4684
1-888-313-7373

August 14, 2018

KELLY DONOVAN
11 DANIEL PL
BRANTFORD ON N3R 1K6
CANADA

Claim No.: 30505408
Worker Name: KELLY DONOVAN
Date of
Injury/Illness: 16/Dec/2016
Injury/Illness: Psychological Trauma

Dear KELLY DONOVAN

This letter is to let you know the employer has informed us in writing of their intention to appeal a decision(s) in this claim. The next step in the objection process includes a review of the decision(s) by the decision-maker who will reconsider the decision and review any new information. If you choose to be involved at this level, contact the decision-maker directly. If the issue is not resolved, it may move on to the Appeals Services Division. You may participate in both these processes.

The enclosed Worker Participant Form notifies the WSIB if you intend to participate in the appeal process or not. **If you choose to participate, complete and return it to the WSIB within 30 days.**

As well as the participant form, I have enclosed a copy of your claim file and an Objection to Release of Health Care Information form. I have not sent your employer a copy of these documents. At this time please review the health care information. You can object to the release of specific health care information to the employer if you believe it is not relevant to the adjudication of your claim.

If you object to the release of any of the health care information, complete and return the enclosed Objection to Release of Health Care Information form by 04/Sep/2018.

If I do not receive your reply by this date, I will send the entire file to the employer. **I will inform them that all of the health care information is confidential and may only be used in an objection to a Workplace Safety and Insurance Board decision.**

The employer or their representative may raise issues other than the one(s) listed below.

Issue(s) In Dispute	Date of Decision(s)
Initial Entitlement	12-Jul-2017

Protecting confidentiality is important to us. If you find any documents that do not belong to this claim, please contact us immediately by calling the telephone number above. If you have any questions, please call the telephone number provided above.

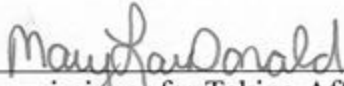
Yours sincerely,

Jane Raczywolski
Access Review Clerk

Central Registration & Document Management
Tel: 416-344-1000 or 1-800-387-0750

For information on benefits, services and working safely, visit our website, www.wsib.on.ca
Pour des renseignements sur les prestations, les services et la sécurité au travail, visitez notre site Web, www.wsib.on.ca

This is **Exhibit "H"** referred to in the affidavit of Kelly Lynn Donovan sworn on February 10, 2021.


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County of Brant, for the Government of Ontario,
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Mail To: 200 Front Street West Toronto ON M5V 3J1
 OR Fax To: 416-344-4684 OR 1-888-313-7373

Please PRINT in black ink

7 Employer's Report of Injury/Disease (Form 7)

Claim Number
30505408

A. Worker Information

Job Title/Occupation (at the time of accident/illness - do not use abbreviations)
CONSTABLE (TRAINING BRANCH)

Length of time in this position while working for you
 7 Yrs

Social Insurance Number
 509 | 516 | 027

Please check if this worker is a: executive elected official owner spouse or relative of the employer

Last Name: **DONOVAN** First Name: **KELLY**

Address (number, street, apt., suite, unit)
11 DANIEL PL.

City/Town: **BRANTFORD, ON** Province: **ON** Postal Code: **N3R 1K6**

Is the worker covered by a Union/Collective Agreement?
 yes no

Worker Reference Number
201029052

Worker's preferred language
 English French Other

Date of Birth: dd mm yy
16 | 01 | 79

Telephone
 (519) 209 | 5721

Sex: M F

Date of Hire: dd mm yy
19 | 12 | 10

B. Employer Information

Trade and Legal Name (if different provide both)
WATERLOO REGIONAL POLICE SERVICE

Check one: Firm Number OR Account Number Provide Number
855826

Mailing Address
200 MAPLE GROVE ROAD

Rate Group Number: **999** Classification Unit Code: **9 9 9 0 0 0**

City/Town: **CAMBRIDGE** Province: **ON** Postal Code: **N3H 5M1** Telephone: (519) 570 | 3000

Description of Business Activity: **POLICE SERVICE** Does your firm have 20 or more workers? yes no FAX Number: (519) 650 | 8551

Branch Address where worker is based (if different from mailing address - no abbreviations)
WATERLOO REGIONAL POLICE SERVICE

City/Town: _____ Province: _____ Postal Code: _____ Alternate Telephone: _____

C. Accident/Illness Dates and Details

1. Date and hour of accident/Awareness of illness: dd mm yy AM PM
27 | 02 | 17

2. Who was the accident/illness reported to? (Name & Position)
REPORTED INITIALLY TO WSIB DIRECTLY BY EMPLOYEE

Date and hour reported to employer: dd mm yy AM PM
10 | 05 | 17

3. Was the accident/illness:
 Sudden Specific Event/Occurrence
 Gradually Occurring Over Time
 Occupational Disease
 Fatality

4. Type of accident/illness: (Please check all that apply)
 Struck/Caught Overexertion Fall Slip/Trip
 Repetition Harmful Substances/Environmental Assault Motor Vehicle Incident
 Fire/Explosion Other

5. Area of Injury (Body Part) - (Please check all that apply)
 Head Teeth Upper back Left Right Wrist Hip Ankle
 Face Neck Lower back Shoulder Arm Thigh Foot
 Eye(s) Chest Abdomen Elbow Hand Knee Toe(s)
 Ear(s) Pelvis Forearm Finger(s) Lower Leg

Other **PSYCHOLOGICAL**

6. Describe what happened to cause the accident/illness and what the worker was doing at the time (lifting a 50 lb. box, slipped on wet floor, repetition movements, etc...). Include what the injury is and any details of equipment, materials, environmental conditions (work area, temperature, noise, chemical, gas, fumes, other persons) that may have contributed. For a condition that occurred gradually over time, please attach a description of the physical activity required to do the work.

Non-Physical Response
EMPLOYEE STATES SHE IS EXPERIENCING PSYCHOLOGICAL TRAUMA (PTSD) - PANIC ATTACKS, NIGHTMARES, FLASHBACKS, DEPRESSION, ANXIETY - RELATING BACK TO TRAUMATIC INCIDENT AT OPC ON 24 FEB 2011 WHEN FELLOW RECRUIT STANDING DIRECTLY BESIDE K. DONOVAN SHOT HIMSELF IN THE LEG



7 Employer's Report of Injury/Disease (Form 7)

Please PRINT in black ink

Claim Number	30505408
Social Insurance Number	509 516 027

Worker Name DONOVAN, KELLY

C. Accident/Illness Dates and Details (Continued)

7. Did the accident/illness happen on the employer's premises (owned, leased or maintained)? yes no Specify where (shop floor, warehouse, client/customer site, parking lot, etc.)

8. Did the accident/illness happen outside the Province of Ontario? yes no If yes, where (city, province/state, country)

9. Are you aware of any witnesses or other employees involved in this accident/illness? yes no If yes, provide name(s), position(s), and work phone number(s).
1. OTHER MEMBERS OF RECRUIT CLASS
2.

10. Was any individual, who does not work for your firm, partially or totally responsible for this accident/illness? yes no If yes, please provide name and work phone number

11. Are you aware of any prior similar or related problem, injury or condition? yes no If yes, please explain

12. If you have concerns about this claim, attach a written submission to this form. submission attached

D. Health Care

1. Did the worker receive health care for this injury? yes no If yes, when: dd mm yy

2. When did the employer learn that the worker received health care? dd mm yy 11 05 17

3. Where was the worker treated for this injury? (Please check all that apply)
 On-site health care Ambulance Emergency department Admitted to hospital Health professional office Clinic
 Other:

Name, address and phone number of health professional or facility who treated this worker (if known) PER FORM 6: U/K FAMILY PHYSICIAN;
BRANTFORD GENERAL HOSPITAL; DR. BOOK (PSYCHIATRIST)

E. Lost Time - No Lost Time

1. Please choose one of the following indications. After the day of accident/awareness of illness, this worker:
 Returned to his/her regular job and has not lost any time and/or earnings. (Complete sections G and J).
 Returned to modified work and has not lost any time and/or earnings. (Complete sections F, G, and J).
 Has lost time and/or earnings. (Complete ALL remaining sections).

Provide date worker first lost time dd mm yy 27 02 17 Date worker returned to work (if known) dd mm yy regular work modified work

2. This Lost Time - No Lost Time - Modified Work information was confirmed by:
 Myself Other Name HEATHER HENNING Telephone (519) 650 8500 Ext. 8706

F. Return To Work

1. Have you been provided with work limitations for this worker's injury? yes no

2. Has modified work been discussed with this worker? yes no

3. Has modified work been offered to this worker? yes no If yes, was it Accepted Declined
 If Declined please attach a copy of the written offer given to the worker.

4. Who is responsible for arranging worker's return to work?
 Myself Other Name HEATHER HENNING Telephone (519) 650 8500 Ext. 8706



7 Employer's Report of Injury/Disease (Form 7)

Please PRINT in black ink

Claim Number 30505408
Social Insurance Number 509 516 027

Worker Name DONOVAN, KELLY

G. Base Wage/Employment Information - (Do not include overtime here)

1. Is this worker (Please check all that apply)

<input checked="" type="checkbox"/> Permanent Full Time	<input type="checkbox"/> Casual/Irregular	<input type="checkbox"/> Student	<input type="checkbox"/> Registered Apprentice	<input type="checkbox"/> Owner/Operator or (Sub) Contractor
<input type="checkbox"/> Permanent Part Time	<input type="checkbox"/> Seasonal	<input type="checkbox"/> Unpaid/Trainee	<input type="checkbox"/> Optional Insurance	
<input type="checkbox"/> Temporary Full Time	<input type="checkbox"/> Contract	<input type="checkbox"/> Other		
<input type="checkbox"/> Temporary Part Time				

2. Regular rate of pay \$ 46.48 per hour day week other PAID 40 HOURS PER WEEK

H. Additional Wage Information

1. Net Claim Code or Amount Federal 11635 Provincial 10171

2. Vacation pay on each cheque? yes no Provide percentage %

3. Date and hour last worked dd mm yy 23 02 17 05:00 AM PM

4. Normal working hours on last day worked From 07:00 AM PM To 05:00 AM PM

5. Actual earnings for last day worked \$ 464.80

6. Normal earnings for last day worked \$ 464.80

7. Advances on wages: Is the worker being paid while he/she recovers? yes no If yes, indicate: Full/Regular Other

8. Other Earnings (Not Regular Wages): Provide the total of additional earnings for each week for the 4 weeks before the accident/illness.

* For Rotational Shift workers - If the shift cycle exceeds 4 weeks, please attach the earnings information for the last complete shift cycle prior to the date of accident/illness.

Use these spaces for any other earnings (indicate Commission, Differentials, Premiums, Bonus, Tips, In Lieu %, etc.)

Period	From Date (dd/mm/yy)	To Date (dd/mm/yy)	Mandatory Overtime Pay	Voluntary Overtime Pay				
Week 1			\$	\$	\$	\$	\$	\$
Week 2			\$	\$	\$	\$	\$	\$
Week 3			\$	\$	\$	\$	\$	\$
Week 4			\$	\$	\$	\$	\$	\$

I. Work Schedule (Complete either A, B or C. Do not include overtime shifts)

(A) Regular Schedule - Indicate normal work days and hours. **Example:** Monday to Friday, 40 hours

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	10.00	10.00	10.00	10.00		

or,

(B) Repeating Rotational Shift Worker - Provide

NUMBER OF DAYS ON	NUMBER OF DAYS OFF	HOURS PER SHIFT(s)	NUMBER OF WEEKS IN CYCLE
-------------------	--------------------	--------------------	--------------------------

or,

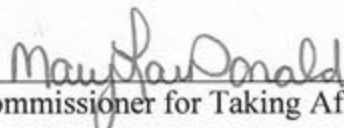
(C) Varied or Irregular Work Schedule - Provide the total number of regular hours and shifts for each week for the 4 weeks prior to the accident/illness. (Do not include overtime hours or shifts here).

	Week 1	Week 2	Week 3	Week 4
From/To Dates (dd/mm/yy)				
Total Hours Worked				
Total Shifts Worked				

J. It is an offence to deliberately make false statements to the Workplace Safety and Insurance Board. I declare that all of the information provided on pages 1, 2, and 3 is true.

Name of person completing this report (Please print) HEATHER HENNING	Official title RTW COORDINATOR
Signature <i>H. Henning</i>	Telephone Ext. Date (519) 650 8500 8706 23 05 17

This is **Exhibit "I"** referred to in the affidavit of Kelly Lynn Donovan
sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*



Kitchener-Waterloo

Support to prevent PTSD in police needed, says Chief Larkin



It is key police address mental health before there are problems, Waterloo Region police chief says

CBC News · Posted: Jan 06, 2016 12:08 PM ET | Last Updated: January 6, 2016



(Colin Butler/CBC)

[comments](#)

More can be done to prevent first responders from getting post-traumatic stress disorder, rather than waiting until treatment is necessary, Waterloo Regional Police Chief Bryan Larkin says.

"I think the tragedy in much of this for me is that when somebody is in some form of crisis within our organization or finds themselves mentally ill or something terrible happens, the water cooler talk or the talk in the boardroom is, 'Well, we could see this coming,'" Larkin said in an interview Wednesday morning with *The Morning Edition* host Craig Norris.

"I think when we hear those comments, we have failed," he said. "If the behaviour is predictable, it's preventable."

- [Ontario could recognize PTSD as workplace-related illness for first responders](#)
- [PTSD taking its toll on Canada's prison guards](#)

Proposed legislation from Toronto NDP MPP Cheri DiNovo would see Ontario recognize post-traumatic stress disorder (PTSD) as a workplace-related illness. The private member's bill, which has been introduced five times, will come up for debate in the legislature in February. If passed, Bill 2 would assume a first responder developed PTSD through their work and allow them to take medical leave, instead of requiring the employee to prove how they got it.

“If behaviour is predictable, it's preventable.”

- Waterloo Region Police Chief Bryan Larkin

"I think it's both insulting and inaccurate to think that people will fake this any more than they would any physical illness," DiNovo told CBC News recently. "You can do everything you can to prevent it but it will still happen to a few — and we have to protect those few."

Local police get training

Alberta has had similar legislation since 2012 and a new law surrounding mental health and first-responders came into effect in Manitoba on Jan. 1.

Larkin said the introduction of the legislation has sparked some great discussion about what is needed, but the focus needs to be more on what can be done to mentally support police officers and other first responders in their jobs every day.

"The larger discussion for me is around prevention awareness and resiliency and how do we prevent individuals and first responders from getting to the point where legislation has to be enacted," Larkin said.

He said legislation could lay the groundwork for mandatory resiliency training, wellness plans and peer support, although police in Ontario are already working to train all officers with the Road to Mental Readiness, a program developed by the Canadian Armed Forces.

"A lot of (the training program) is around peer recognition and supervisor recognition ... in the sense that, there's signs of distress, there's signs of challenges in people, that can go unnoticed but generally in the past have gone unchecked or we didn't provide our workplace members or supervisors the tools to notice or recognize them," Larkin said.

Mid-to-senior level managers within the Waterloo Region Police force have already received the training, he said, while the remaining members will start the program next week.

Much of the training will be erasing the stigma that police officers have to don a superhero costume, Larkin said.

"I think we're humanizing the profession. I think we're showing that we're normal people," Larkin said of recent efforts to deal with mental health in the force. "We have normal people doing an abnormal job."

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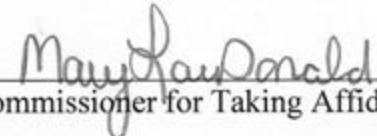
St. John's stores opening but premier says it could be 'weeks' before city back to normal

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This is **Exhibit "J"** referred to in the affidavit of Kelly Lynn Donovan sworn on February 10, 2021.


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REGIONAL MUNICIPALITY OF WATERLOO POLICE SERVICES BOARD MEETING

Wednesday, July 5, 2017
Board Room – Police Headquarters
Closed Session: 8:30 a.m.
Open Meeting: 10:30 a.m.

OPEN MEETING AGENDA

- | | |
|--|----|
| 1.0 Meeting Called to Order | |
| 2.0 Motion to Go Into Closed Session | |
| 3.0 Motion to Reconvene in Open Session | |
| 4.0 Declarations of Pecuniary Interest under the Municipal Conflict of Interest Act | |
| 5.0 <u>Closed Session Recommendations</u> (if any) | |
| 6.0 <u>Confirmation of Minutes: June 7, 2017</u> | 1 |
| 7.0 <u>Business Arising from the Minutes</u> | |
| 8.0 <u>Correspondence</u> | |
| 8.1 Association of Black Law Enforcers – Request for Sponsorship (attached) | 7 |
| 8.2 Region of Waterloo, 2018 Budget Process and Timeline (attached) | 16 |
| 8.3 Ombudsman 2016-2017 Annual Report – the 80-page report can be accessed at the following link:
https://www.ombudsman.on.ca/Files/sitemedia/Documents/Resources/Reports/Annual/AR2017-EN-Final.pdf | 39 |
| 8.4 Special Investigations Unit 2016-2017 Annual Report – the 43-page report can be accessed at the following link: https://www.siu.on.ca/pdfs/siu_ar_2016-17_eng_online_f.pdf | 40 |
| 9.0 <u>Police Services Board Reports</u> | |
| 10.0 <u>Chief of Police Reports</u> | |
| 10.1 Chief's Award for Exemplary Service: Superintendent Robert Gould (verbal) | |
| 10.2 2017-100, Auxiliary Promotion: Hetherington (attached) | 41 |
| 10.3 2017-111, Organizational Restructuring Review Project (attached) | 43 |

10.4	PTSD Prevention Plan (presentation attached)	68
10.5	2017-106, Approval of Auxiliary Constable: Praught (attached)	71
10.6	2017-105, Sergeant Promotion and Transfer: Matthews (attached)	73
10.7	2017-107, Purchasing Awards – 2017 Q2 (attached)	74
10.8	2017-098, Police Reported Hate Crime in 2015 (attached)	78
10.9	2017-099, Letters of Appreciation – Mid-Year (attached)	82
10.10	2017-110, Ministry of Labour Orders Regarding Voice Radio System (attached)	108
10.11	2017-112, Ever After Music Festival (attached)	115
10.12	University of Waterloo 2016 Annual Report – Special Constables (attached)	118
11.0	<u>New Business</u>	
12.0	<u>Future Agenda Items</u>	
13.0	<u>Information Items</u>	
13.1	New Recruit Badge Ceremony, Wednesday, August 16, 2017, 1:00 p.m., Breslau Community Centre	
13.2	WRPA Annual Retirement Dinner, Thursday, September 14, 2017, 6:00 p.m., Association Hall	
14.0	Adjournment	

PTSD PREVENTION PLAN

April 23 2017

Wellness Unit: SSgt. Dean Smith
Shelley Howes



PTSD Prevention Plan

- Ministry of Labour Requirement
- All PTSD diagnoses in Police Officers and communicators are presumptive
- Plan outlines our commitment to Employees by documenting what we are currently doing and committed to doing for the Prevention, Intervention and recovery from PTSD



PTSD Prevention Plan

• Wellness Unit

- Staff Sergeant and a Wellness Coordinator
- Coordinated effort
 - RTW coordinator
 - Occupational Health and Safety Advisor
 - Occupational Health Nurse



PTSD Prevention Plan

Wellness Unit:

- Current Steps
 - Education – training days
 - Safeguarding interviews
 - Peer Support
 - Outreach
 - Early Intervention
 - Critical Incident Protocol
 - Wellness Page- Resources



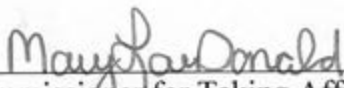
PTSD Prevention Plan

Future Steps

- Continue Education working towards eliminating Stigma
- Safeguarding interviews with professionals
- Annual Wellness Checks
- Critical Incident Protocol
- Develop process and working relationships with RTW, OHSA, OH nurse
- Board Policy



This is **Exhibit "K"** referred to in the affidavit of Kelly Lynn Donovan
sworn on February 10, 2021.


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NEWS

Waterloo police's PTSD prevention plan focuses on education and early intervention

By **Samantha Beattie** Waterloo Chronicle

Thursday, July 6, 2017

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SIGN IN

Asking for help is OK.

That's the message Waterloo Region Police Service is trying to ingrain in its members as the province pushes to prevent post-traumatic stress disorder.

"We still have a culture bravado in the sense that we want to be heroes, strong and vibrant," said Chief Bryan Larkin. "But we are seeing more people feeling comfortable coming forward."

In April, all Ontario police services were required to submit a PTSD prevention plan to the provincial government. WRPS's plan was presented to the Police Service Board at its July 5 meeting. Many of the steps have already been implemented, said Shelley Howes of the Wellness Unit.

"We have been doing a significant amount of (mental health) training in the last two-plus years," Howes said. "Clearly, creating awareness around mental health is a fundamental step."

Of all the Workplace Safety and Insurance Board claims filed by WRPS, 11 per cent are related to occupational stress, a number that will likely increase, said Larkin.

Along with training its members in the areas of PTSD and mental health awareness, WRPS has introduced "safeguarding interviews" where officers entering and exiting specialized branches — such as major crime, homicide, sexual assault, and others — talk one-on-one with a psychologist to ensure they're in a good place and have strong coping skills and support networks.

Peer support is another component that's been "rejuvenated" and is when civilian and sworn members provide support to colleagues in difficult situations, Howes said. WRPS also provides outreach to its members who are away from work "due to positive or

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SIGN IN

Early intervention is key. That's why Wellness Unit Staff Sgt. Dean Smith reviews the calls for service every day and focuses on the ones that may be particularly challenging for officers — like suicide calls. He contacts supervisors and requests they check in with those officers to provide supports and resources in a timely fashion and open the door for future conversations.

"These are the things that can change the culture in policing, when these kinds of conversations become normal and expected," Howes said.

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If there's a critical incident, like an officer on duty suffering a serious injury or dying, or having to use lethal force, WRPS has a protocol to automatically provide group and/or one-on-one counselling sessions.

"I really like (this PTSD prevention plan) because it comes from a proactive rather than reactive position; highlighting education is key," said police board member Coun. Karl Kiefer.

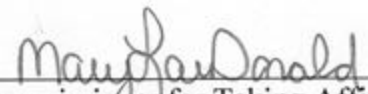
Coun. Tom Galloway, police board chair, asked if WRPS would be assisting officers looking for spiritual guidance as part of their overall wellness.

Larkin said it is working with Interfaith Counselling Centre to improve inclusion and spiritual care. Ten faith leaders in the region are currently familiarizing themselves with the WRPS organization and will be available to members who need their support.

"Some good work has been happening around spiritual care," said Larkin.

Samantha Beattie is a reporter with the Toronto Star.

This is **Exhibit "L"** referred to in the affidavit of Kelly Lynn Donovan sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner, etc.,
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Moral Injury

14.Sep.2017

By Dr. Katy Kamkar, Clinical Psychologist at CAMH

When moral injury hits, it hits hard and can have a long lasting emotional and psychological impact.

In my work with Police/first responders and veterans, I felt that more awareness and attention should be brought to the concept of moral injury and the devastating pain and suffering it brings to a human being.

Although it is a concept that originated among military veterans, it is also very much present among Police and First Responders. It was first defined by Psychiatrist Jonathan Shay as the psychological, social and physiological results of a [betrayal of "what's right"](#) .

Moral injury is a loss injury; a disruption in our trust that occurs within our moral values and beliefs. Any events, action or inaction transgressing our moral/ethical beliefs, expectations and standards can set the stage for moral injury.

Some examples leading to moral injury include:

- Unintentional errors leading to injury or death
- Witnessing and/or failing to prevent harm or death
- Transgression of peers, leaders or organizations that betrayed our moral/ethical beliefs or expectations

A large number of military personnel continue to experience deployment-related mental health problems, with moral injury playing a large proportion. Its repercussions can be very serious, and studies have shown that combat-related guilt is a contributing factor to suicides in the military. I also see moral injury playing a significant role within my work with police and first responders.

For many of them, the moral injury was never identified and only the diagnosis of Posttraumatic Stress Disorder (PTSD) was treated. Sometimes moral injury contributes more to the pain, suffering and disability than the trauma exposure itself. Thus, recognizing signs of moral injury and opening up the dialogue and receiving treatment can further help prognosis and treatment outcome, level of functioning and quality of life and well-being.

Examples of emotional, cognitive and behavioural symptoms of moral injury include:







- Feeling anxious and afraid
- Feeling demoralized
- Feeling guilty
- Feeling ashamed

- Feeling “haunted” by decisions, actions or inactions that have been made
- Anger in particular following betrayal
- Feelings of worthlessness, helplessness and powerlessness
- Sense of loss of identity and role
- Questioning our sense of self and a loss of trust in oneself and in others
- Persistent self-blame or blaming others
- Negative beliefs about self such as “I am weak”, “I am evil”; self-deprecation; self-condemnation
- Increased posttraumatic stress symptoms including distressing intrusive memories, nightmares and avoidance
- Self-isolation, avoidance and withdrawal from others
- Relationship problems
- Reduced empathy or wanting to interact with others
- Impairment in social, personal and occupational functioning
- Increase in substance use
- Suicidal ideation

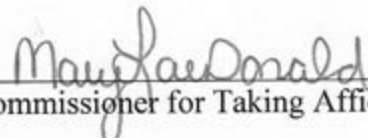
If you feel you are suffering from moral injury and from some of the symptoms above, please seek social support and professional help. You are far from being alone. Seeking quality social support is very important, and peer support is also helpful. Having a peer to talk to helps to alleviate feelings of loneliness or isolation, helps us regain connection and feel we are understood, can help us better cope with the suffering and make it easier to reach for further help.

We need to provide further attention and focus to moral injury by opening the dialogue and communication, furthering our research and education and treatment on moral injury, and in turn helping resiliency and recovery.

Resources

- Your organization's Employee Assistance Program (EAP)
- [Badge of Life Canada \(BOLC\)](#) 
- [Walk the Talk: First Responder Peer Support](#) 
- [Canadian Institute for Public Safety Research and Treatment](#) 
- [Report of the Standing Committee on Public Safety and National Security](#) 
- [Wounded Warriors Canada](#) 
- [Connex Ontario](#)  (Information about mental health, problem gambling, drug and alcohol): 1-866-531-2600 24 hours a day, seven days a week.
- Telehealth Ontario at 1-866-797-0000

This is **Exhibit "M"** referred to in the affidavit of Kelly Lynn Donovan sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Jane Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*

From: donovandih@gmail.com
Subject: Re: Reply from WRPS
Date: May 8, 2017 at 7:29 PM
To: Machado Law pamela@pmachadolaw.com



Hi Pamela,

What exactly does that mean about the confidentiality clause? Does that mean I'm not able to discuss what happened to my career in policing? Are you able to spell it out to me in laymen's terms? As I said, I won't agree to never discuss details of my delegation etc.

I appreciate your help.

As for the FOI request, I do not have an outstanding FOI request and I have not been asked to give any kind of third party consent. My FOI request was fulfilled. As for the class action, I have not had any contact with anyone regarding that suit and as I said in my 'counter-offer' I would not participate if my terms were accepted by the wrps.

On a side note, for reasons related to my OMERS, it is beneficial to me if the date of my resignation could fall near the end of June. Perhaps I have holiday time and stat time that would carry me over to then?

Thanks,
Kelly

Sent from my iPhone

On May 8, 2017, at 7:17 PM, Machado Law <pamela@pmachadolaw.com> wrote:

Their counsel has advised that he has instructions to accept our counterproposal as set out below. It will obviously have to be put into writing into a settlement agreement that has a release and confirms the withdrawal of the Ontario Human Rights Tribunal matter, etc.

The only clarifications that we discussed were: (1) that the confidentiality clause should have the usual exception so that you can consult legal counsel and/or financial advisors regarding the settlement terms; and (2) that it contains the standard term that should either party be asked about the terms of the settlement, it is agreed that both parties will respond with words to the effect of "all matters between the parties were settled to their mutual satisfaction – the terms of which are confidential". Can you confirm that the above is acceptable?

Once we have that information, he will ask Don Jarvis to do up the usual paper work required to paper the agreed upon settlement and the withdrawal of the Human Rights complaint.

Please let me know what you think.

On a side note; FOI REQUEST

He advised me that WRPS has received an FOI request that includes references to you. They are generally not permitted to reveal the maker of the request or that a request has been made unless it is required to assist them in responding and/or relates to an on-going matter (e.g., our settlement) – he believed both are the case here, and so does not intend to release absent your consent.

An individual, purporting to act for a public accountability organization regarding whistleblowers, has made a request for amounts paid to York Regional Police (there is none), Don Jarvis's firm and to Bernardi all relating to the on-going matters specifically involving you. I thought this may be the law firm dealing with the class action, however, when one of their lawyers called me this evening out of the blue to ask me whether your matter had settled as they have "heard rumblings" it had, and I asked about this FOI, she had no clue. Seemed odd to me that she wouldn't and that she would call out of the blue like that.

They have asked the requester whether they have the consent of the third parties involved (notwithstanding that the requestor identified you and the accounts by name) and without such they will likely not be confirming or denying the existence of the records to protect the identity of their employees. If the requestor provides them with the consent or indicates they want them to seek the third party consent then they would do so and deal with the request in the normal course.

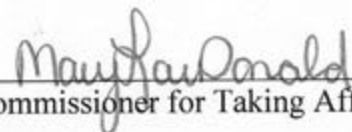
Please let me know your thoughts.

Thanks

Pamela Machado,
Barrister & Solicitor

Machado Law Professional Corporation
420 Main Street East, Suite 624
Milton, Ontario
1 416 883 3333

This is **Exhibit "N"** referred to in the affidavit of Kelly Lynn Donovan
sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*

HRTO Submissions 2018-33237-S/2018-33503-S

DATE:	By:	Submission:	# Pgs	Details:	HRTO Response:
June 28, 2018	WRPSB	Form 18	485	<ol style="list-style-type: none"> 1. Series of allegations of contravention of settlement 2. Seeking that I stop speaking publicly about WRPSB, stop selling my book 3. Retract allegations in public domain 4. Pay significant damages 	Sent Jul 19/18 email
July 10, 2018	KD	Form 19	3	<ol style="list-style-type: none"> 1. Procedural fairness (ongoing court matter) 2. Filed out of retaliation/vexatious/bad faith 3. Improper to respond to Form 18, due to ongoing court proceeding 	Acknowledged but not addressed
July 19, 2018	HRTO	Letter by email	2	Hearing to be scheduled to provide oral submissions	
July 23, 2018	KD	Email to Registrar		Asked for clarification, if hearing was for my objections, or merits of their case	Did not address, said to take it up at hearing
July 27, 2018	KD	Form 18	9	<ol style="list-style-type: none"> 1. Application filed under duress, since HRTO proceeding despite ongoing court matter 2. Timeliness issue explained in submission 	Registrar filed Form 10 to dismiss my application, untimeliness
July 30, 2018	WRPSB	Form 10	58	Request to dismiss all of my objections raised in July 10, 2018, submission	Hearing of preliminary matter scheduled
August 3, 2018	HRTO	Notice of Hearing	5	Hearing of WRPSB's application scheduled for Feb. 22, 2019	
August 10, 2018, 10:13am	HRTO	Form 10	3	Registrar issues "Notice of Intent to Dismiss" my application for timeliness. Says I do not appear to have cited facts that constitute "good faith"	HRTO tries to have my Application Dismissed

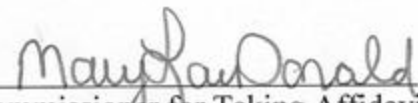
August 10, 2018, 11:35am	WRPSB	Email to Registrar	1	Their Form 11 was due today, but in light of the HRTO's Form 10, they stated they would "hold off filing any response."	
August 22, 2018	WRPSB	Email to Registrar	1	<ol style="list-style-type: none"> 1. Objecting to allowing me extensions to file my Form 11 in response to the HRTO's request to dismiss my application. 2. Since I am "well" enough to be conducting work for my business, I must be well enough to complete my paperwork. 	
January 25, 2019	WRPSB	Email to Registrar	4	<ol style="list-style-type: none"> 1. WRPSB asking for my application to be dismissed and their allegations deemed accepted, move to determine issue of remedy. 2. Brought to HRTO's attention, Civil Court application to dismiss WRPSB's application 	
February 4, 2019	KD	Email to Registrar	1	<ol style="list-style-type: none"> 1. Sent court decision: Ontario Superior Court of Justice Decision: Donovan v. (Waterloo) Police Services Board, 2019 ONSC 818 2. Attempt to have HRTO application dismissed for infringing on constitutional rights. 3. WRPSB gave undertaking to Justice to allow me time to properly respond to document requests at HRTO. 	No response
February 6, 2019	HRTO	Case Assessment Direction (CAD)	5	<ol style="list-style-type: none"> 1. Directed to decide by February 8, 2019, if I intend to pursue my HRTO application. 2. File response to Registrar's Notice of 	

				Intent to Dismiss by February 15, 2019.	
February 6, 2019	KD	Email to Registrar		<ol style="list-style-type: none"> 1. Pointed out Code of Conduct violations by Ms. Letheren in not respecting natural justice and procedural fairness 2. Conflict of Interest by Mr. Fthenos as having been previously employed as Chief Instructor of the Ontario Police College 	No response
February 8, 2019	WRPSB	Email	1	Stating they are available for Feb 19, 2019, Case Management Call	
February 11, 2019	KD	Email		Stated I did not receive a response to my previous email raising issues with WRPSB case.	No response
February 11, 2019	HRTO	Email		Email stated that HRTO did not receive Feb. 6, 2019, email I sent to Registrar – sent again.	No response
February 11, 2019	KD	Email		I sent the email confirmation I received after my February 6, 2019, email to HRTO Registrar	No response
February 12, 2019	HRTO	Email		Request of complete copy of resignation agreement.	
February 12, 2019	HRTO	Email	4	Notice of Case Management Teleconference Call. Call scheduled for February 19, 2019	
February 15, 2019	WRPSB	Email to Registrar		Requesting my application be dismissed again, for delay, breach of absolute privilege.	
February 19, 2019	HRTO			Case Management Teleconference	
February 20, 2019	KD	Form 10 – To amend my application		Added second breach of WSIB appeal to original Application	No response
February 20, 2019	HRTO	Interim Decision	5	<ol style="list-style-type: none"> 1. Both applications be heard together 2. Feb. 22nd hearing adjourned 	

				3. I was ordered to submit all outstanding documents	
March 1, 2019	WRPSB	Email to Registrar	1	Regarding scheduling of mediation date.	
March 1, 2019	HRT0	Notice of Mediation	7	Mediation was scheduled for May 1, 2019	
March 5, 2019	WRPSB	Form 11	60		
May 1, 2019	KD	Form 11	868	Hand delivered at HRT0 mediation	
May 3, 2019	KD	Email to Registrar requesting hearing			Automatic response from HRT0 Registrar (MAG)
May 6, 2019	WRPSB	Email to Registrar	2	Advising registrar not to proceed to a hearing until preliminary matters are decided.	No response
May 6, 2019	KD	Email to Registrar	1	Requested public hearing	No response
May 7, 2019	KD	Notice of Constitutional Challenge Filed	17	WRPSB's Application is attempt to limit public debate on matters of public interest and contrary to s. 2 & s.15 of Charter	No response
May 16, 2019	WRPSB	Response to KD's Form 11	8	Objecting to everything	
May 27, 2019	KD	Email to Registrar	1	I did not receive a response to my May 6 th request for a public hearing	No response
July 4, 2019	KD	Email to Registrar	50	Sent evidence of Retaliation	No response
September 30, 2019	HRT0	Interim Decision	9	<ul style="list-style-type: none"> - Dismissing Constitutional Challenge - If I continue to make allegations of Code of Conduct breaches by the Adjudicator and Registrar, it will be determined an abuse of process - Threats to bar me from participating for recording phone call without permission 	Denied a public hearing once again

				- Says another teleconference call would be scheduled	
November 7, 2019	WRPSB	Reply to Form 11	5	"Presence or absence of a general non-disclosure clause is not determinative of whether Ms. Donovan breached the resignation agreement."	
April 15, 2020	KD	Form 10	104	Order to dismiss WRPSB application, for bad faith, abuse of process (retaliation)	No response
April 21, 2020	WRPSB	Email to Registrar		Re: extending deadlines due to COVID	
May 22, 2020	WRPSB	Email to Registrar		Re: extending deadlines due to COVID	
June 16, 2020	WRPSB	Form 11	22	Submitted at 7:35pm, WRPA not copied, LATE.	
June 22, 2020	KD	Form 10 & Email to Registrar	1	WRPSB's response untimely (late, did not include WRPA), new Form 10 requesting two witness testimonies, or email from Cormier	No response
June 23, 2020	WRPSB	Email to Registrar	66	Addressed untimeliness, but not substance of Form 11	
July 26, 2020	KD	Email to HRT0	1	1. Informed of address change 2. Requested to be informed of next steps	No response
July 28, 2020	WRPSB	Email to Registrar	1	Re: extending deadlines due to COVID	
August 31, 2020, at 10:49am	WRPSB	Form 11	41	Object to everything	
August 31, 2020, at 11:28am	WRPSB	Form 11 – Sent twice	41	Object to everything	

This is **Exhibit "O"** referred to in the affidavit of Kelly Lynn Donovan
sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*

COURT OF APPEAL FOR ONTARIO
FILED / DÉPOSÉ

MAR 22 2019

REGISTRAR / GREFFIER
COUR D'APPEL DE L'ONTARIO

C.A. No. Cle6 718

FORM 61A

Courts of Justice Act

NOTICE OF APPEAL TO THE COURT OF APPEAL

BETWEEN:

KELLY LYNN DONOVAN

Plaintiff
(Appellant)

and

REGIONAL MUNICIPALITY OF WATERLOO POLICE SERVICES BOARD and
BRYAN LARKIN

Defendants
(Respondents)

NOTICE OF APPEAL

THE PLAINTIFF APPEALS to the Court of Appeal from the judgment of the Honourable Mr. Justice Doi dated February 21, 2019, made at Brampton.

THE APPELLANT ASKS that the judgment be set aside and a judgment be granted to the Plaintiff for the relief sought in the statement of claim against the Organizational Defendant and for amounts to be determined by this court, with costs both in this court and in the court below.

THE GROUNDS OF APPEAL are as follows:

- a) The trial judge erred in failing to find bad faith in the actions of the Defendants by entering into an agreement without the intention to fulfil it;
- b) The trial judge erred in finding that the reference to the Plaintiff's resignation agreement in the Individual Defendant's Affidavit was an occasion of absolute privilege;
- c) The trial judge erred in finding that the Organizational Defendant's 'review' of the Plaintiff's Workplace Safety and Insurance Board ("WSIB") claim was not an 'appeal';

- d) The trial judge erred in finding that the statutory scheme in the *Workplace Safety and Insurance Act, 1997, S.O. 1997, c. 16, Sched. A* (“WSIA”), specifically section 16, protects the employer;
- e) The trial judge erred in finding that the Resignation Agreement did not preclude the Organizational Defendant from participating in a WSIB appeal;
- f) The trial judge erred in finding that the Organizational Defendant (the “employer”) is a ‘workplace party’ for the purposes of WSIA section 16;
- g) The trial judge erred in finding that the amended statement of claim was a claim for compensation or benefits resulting from the Plaintiff’s workplace injury;
- h) The trial judge ignored post-resignation evidence that demonstrated malice and bad faith by the Defendants;
- i) The trial judge misdirected himself on the law of absolute privilege and malice;
- j) The trial judge erred in finding that the Plaintiff’s pleading was insufficient to establish an independent cause of action against the Individual Defendant since the amended claim is against both Defendants jointly and should remain against the Organizational Defendant who is vicariously liable for the actions of the Individual Defendant;
- k) The trial judge erred in believing the motion was for leave to amend a pleading, as the amendment to the claim was done on consent;
- l) Such further or other grounds as the self-represented Plaintiff may advise.

THE BASIS OF THE APPELLATE COURT’S JURISDICTION IS:

- a) Section 6(1)(b) of the *Courts of Justice Act, R.S.O. 1990, c. C.43*.
- b) The order appealed from is a final order.
- c) Leave to appeal is not required for this appeal.

Date: March 13, 2019

Kelly Donovan, self-represented
11 Daniel Place

Brantford, Ontario N3R 1K6

Tel: 519-209-5721

Email: kelly@fit4duty.ca

TO Donald Jarvis, counsel for Defendant
Filion Wakely Thorup Angeletti LLP
Bay Adelaide Centre
333 Bay Street, Suite 2500, Box 44
Toronto, Ontario
M5H 2R2
Email: DJarvis@filiation.on.ca

RCP-E 61A (September 1, 2018)

NOTICE OF APPEAL

FORM 4C

Courts of Justice Act

BACKSHEET

Kelly Lynn Donovan vs. Waterloo Regional Police Services Board et al.

Court file no. CA

COURT OF APPEAL FOR ONTARIO

PROCEEDING COMMENCED AT Toronto

NOTICE OF APPEAL

Kelly Donovan

11 Daniel Place

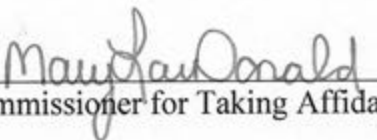
Brantford, Ontario

N3R1K6

Phone: 519-209-5721

Email: kelly@fit4duty.ca

This is **Exhibit "P"** referred to in the affidavit of Kelly Lynn Donovan sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*



Court File No. CV-18-00001938-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

JUSTICE MICHAEL T. DOI

) Wednesday, THE 20th
)
) DAY OF March, 2019

BETWEEN:

KELLY LYNN DONOVAN

Plaintiff
(Responding Party)

- and -

WATERLOO REGIONAL POLICE SERVICES BOARD
and BRYAN LARKIN

Defendants
(Moving Party)

ORDER

THIS MOTION made by the Defendants for an Order dismissing the within action and/or staying the within action and/or striking the Amended Statement of Claim without leave to amend and/or dismissing the within action as against Bryan Larkin with costs was heard on February 13, 2019 at 7755 Hurontario Street in Brampton, Ontario.

ON READING the Motion Records and Factums of the Moving Party and the Responding Party, and on hearing the submissions of the Responding Party and counsel for the Moving Party:

1. **THIS COURT ORDERS** that the Amended Statement of Claim is hereby struck in its entirety without leave to amend pursuant to Rule 21.01(1)(b).

2. **THIS COURT ORDERS** that the Plaintiff shall pay the Defendants' costs for this Motion fixed in the amount of \$5,500.00, inclusive of taxes and disbursements, by July 18, 2019.

ENTERED
AT BRAMPTON
APR 18 2019
BOOK No. 73-63
INITIALS

Justice Doi
The Honorable Justice Doi

KELLY LYNN DONOVAN
Plaintiff (Responding Party)

WATERLOO REGIONAL POLICE
SERVICES BOARD and BRYAN LARKIN
Defendants (Moving Party)

Court File No: CV-18-00001938-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at BRAMPTON

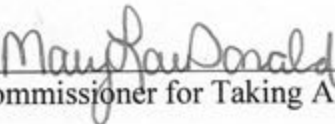
ORDER

Filion Wakely Thorup Angeletti LLP
333 Bay Street, Suite 2500
Toronto, Ontario M5H 2R2

Donald B. Jarvis LSO#: 28483C
Cassandra Ma LSO#: 71985R
Tel: 416-408-3221
Fax: 416-408-4814

Lawyers for the Defendants (Moving Party)

This is **Exhibit "Q"** referred to in the affidavit of Kelly Lynn Donovan
sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*

COURT OF APPEAL FOR ONTARIO

THE HONOURABLE ASSOCIATE)	
CHIEF JUSTICE OF ONTARIO)	FRIDAY, THE 25TH
)	
THE HONOURABLE JUSTICE)	
ROBERTS)	DAY OF OCTOBER, 2019
)	
THE HONOURABLE JUSTICE VAN)	
RENSBURG)	

BETWEEN :

KELLY LYNN DONOVAN

Plaintiff
(Appellant)

- and -

WATERLOO REGIONAL POLICE SERVICES BOARD
and BRYAN LARKIN

Defendants
(Respondents)

ORDER

THIS APPEAL by the Plaintiff/Appellant, Kelly Lynn Donovan, for an Order setting aside the Order of the Superior Court of Justice dated March 20, 2019, striking the Amended Statement of Claim without leave to amend was heard on October 11, 2019 at Osgoode Hall, 130 Queen Street West in Toronto, Ontario. M5H 2N5.

ON READING the Appeal Book and Compendium, Factum, Book of Authorities and Cost Submissions of the Appellant and the Compendium, Factum, Book of Authorities and Cost Submissions of the Respondents, and on hearing the oral submissions of the




Appellant and counsel for the Respondents, and judgment having been reserved until this day with the cost decision made on December 17, 2019:

1. **THIS COURT ORDERS** that the Order of the Superior Court of Justice dated March 20, 2019 is hereby set aside.

2. **THIS COURT ORDERS** that the Plaintiff is granted leave to amend the Amended Statement of Claim as against the Respondent, Bryan Larkin, to plead how his actions were allegedly tortious.

3. **THIS COURT ORDERS** that the Respondents shall pay the Plaintiff's costs of this Appeal fixed in the amount of \$4,000.00, inclusive of taxes and disbursements, as well as costs of the Motion in the Court below fixed in the amount of \$3,500.00, inclusive of taxes and disbursements. This order bears interest at the rate of 3% per year commencing on the 25th day of October, 2019.



SVELANA MACBAIN

Registrar
Court of Appeal of Ontario

ENTERED AT / INSCRIPT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

JAN 28 2020

PER / PAR:



KELLY LYNN DONOVAN
Plaintiff (Appellant)

and

WATERLOO REGIONAL POLICE
SERVICES BOARD and BRYAN LARKIN
Defendants (Respondents)

Court of Appeal File No. C66718

COURT OF APPEAL FOR ONTARIO

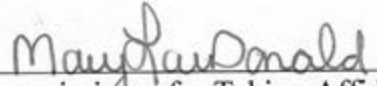
Proceeding commenced at BRAMPTON

ORDER

Kelly Lynn Donovan
Plaintiff, Self-Represented

14 Laurie Ann Lane
Paris, Ontario
N3L 4H4
Tel: 519-209-5721
Email: kelly@fit4duty.ca

This is **Exhibit "R"** referred to in the affidavit of Kelly Lynn Donovan
sworn on February 10, 2021.


Commissioner for Taking Affidavits

*Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.*

From: Fit4Duty kelly@fit4duty.ca
Subject: CV18-00001938-0000
Date: February 19, 2020 at 9:40 AM
To: Donald B. Jarvis djarvis@filiation.on.ca, Cassandra Ma cma@filiation.on.ca



Good morning,

The WRPSB and Bryan Larkin are now in default, as I have not been served their statement of defence. Can you please advise when I can expect to receive this document?

Thank you,

Kelly Donovan
Fit4Duty - The Ethical Standard
kelly@fit4duty.ca
+1.519.209.5721
www.fit4duty.ca

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by contract law. If you are not the intended recipient or the person responsible for delivery of the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify Fit4Duty - The Ethical Standard(TM) by telephone at 519-209-5721.

Court file no. CV-18-00001938-0000

KELLY LYNN DONOVAN

Plaintiff

**v. WATERLOO REGIONAL POLICE SERVICES
BOARD, and BRYAN LARKIN**

Defendants

**Ontario
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT BRAMPTON

**MOTION RECORD OF THE RESPONDING PARTY
VOLUME I**

(Returnable February 22, 2021)

KELLY DONOVAN

#148 – 36 Hayhurst Road

Brantford, Ontario

N3R 6Y9

Phone: 519-209-5721

Email: donovandih@gmail.com

Served upon: djarvis@filion.on.ca, cma@filion.on.ca