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1 Court File No. 12-0545-SR

2 ONTARIO SUPERIOR COURT OF JUSTICE

3 BETWEEN:

4 SVETLANA DANILOVA AND PAVEL DANILOV

5 Plaintiffs

6 - and -

7 ALLA NIKITYUK, VALENTIN NIKITYUK, YANA SKYBIN,

8 YOUNG MENS CHRISTIAN ASSOCIATION

9 operating as YMCA SIMCOE/MUSKOKA AND YMCJ\

10 SIMCOE/MUSKOKA NEWCOMER SERVICES

11 Defendants

12 Court File No. 13-1101

13 BETWEEN:

14 SVETLANA DANILOVA AND PAVEL DANILOV

15 Plaintiffs

16 - and -

17 ALLA NIKITYUK, VALENTIN NIKITYUK, YANA SKYBIN,

18 YOUNG MENS CHRISTIAN ASSOCIATION

19 operating as YMCA SIMCOE/MUSKOKA AND YMCA

20 SIMCOE/MUSKOKA NEWCOMER SERVICES

21 Defendants

22 =====

23 Transcript of the examination for discovery of ALLA
24 NIKITYUK, one of the Defendants herein, taken on the 8th
25 day of April, 2014, at the offices of Simcoe Court
26 Reporting (Barrie) Inc., 134 Collier Street, Barrie,
27 Ontario, commencing at 10:30 a.m.

28

29 APPEARANCES:

30 MR. S. TIMOKHOV for the Plaintiffs

31 MR. E. BORNMAN for the Defendants, Nikityuk

32 MR. P. KRYSIAK for the Defendants, Yana Skybin

33 and YMCA

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	information that she did not remember at the time	
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7

	of the examination and to advise immediately as	
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	to what that recollection is .	
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2.	To write to relevant government authority in Russia	
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	to request documents regarding unregistration of	
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	Svetlana Danilova and Anastassia Danilova from	
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	property and to advise of response .	
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3.	To advise within 60 days of position whether	
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1.	Whether to produce copy of document of unregistration	
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19

	of Svetlana Danilova and her daughter, Anastassia	
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20

	Danilova, from the title of the property before	
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21

	2004 .	
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23 **PLEASE NOTE:** The list of undertakings and refusals is
 24 provided as a service to counsel and does not purport to be
 25 complete or binding upon the parties herein.

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1 LARISSA (Interpreter): DULY AFFIRMED

2 ALLA NIKITYUK: DULY

3 EXAMINATION BY MR.

4 1. Q. So I understand that before you moved to
5 Canada you lived in Russian Federation in St. Petersburg?

6 A. Yes.

7 2. Q. And your daughter, Svetlana, she moved to
8 Canada with her husband and your granddaughter before?

9 A. Yes.

10 3. Q. Did you guys -- did you communicate before --
11 when she moved to Canada?

12 A. Yes.

13 4. Q. What matter relations did you have?

14 INTERPRETER: Excuse me?

15 5. Q. What kind of relationship did you have?

16 A. Good.

17 6. Q. Can you describe good?

18 A. We had good relationships because she's the
19 only -- she's my only daughter and I loved her and I love
20 her and I will love her.

21 7. Q. How often did you communicate and why?

22 A. Very often on different issues.

23 8. Q. And you had certain health problems for a
24 while you were in St. Petersburg?

25 A. Yes.

=====

=====

1 9. Q. Can you describe it?
2 A. I had cancer.
3 10. Q. What kind of cancer was this?
4 A. The light degree of cancer.
5 11. Q. Cancer of what?
6 A. Hynocology -- hynocology (phonetic).
7 12. Q. And when did you discover that you had
8 cancer?
9 A. At least the treatment was started in 1995.
10 13. Q. And what kind of treatment was that?
11 A. It was chemotherapy.
12 14. Q. And that's it?
13 A. Oh, sorry, radiotherapy not chemotherapy --
14 radiotherapy, sorry.
15 15. Q. And did it help?
16 A. It helped for 10 years. After 10 years it
17 was repeated.
18 16. Q. What do you mean by repeated, how did you
19 feel at the time?
20 A. I started -- I started feeling bad and I went
21 to the doctor.
22 17. Q. And what the doctor said?
23 A. In 2005 I was operated.
24 18. Q. What -- how doctor described your condition
25 in 2005?

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1 A. They said that we will do operation and
2 everything will be good.

3 19. Q. What would happen if you didn't have an
4 operation, did the doctor tell you, alternatives?

5 A. I don't know. No just he said we'll do the
6 operation everything cons it will be concentrated and
7 everything will be good.

8 20. Q. How bad was your condition in 2005, did you
9 have pain, what did you suffer?

10 A. Yeah, I had pain, yeah.

11 21. Q. And you said in 1995 the condition was easy,
12 just what what about 2005?

13 A. This is how the doctors considered. This is
14 what happened.

15 22. Q. And how did you feel after operation in 2005?

16 A. At least I -- at least I was with my husband
17 and he helped me and it was okay.

18 23. Q. Did the condition improve?

19 A. Yes.

20 24. Q. And did you discuss your condition with your
21 daughter, Svetlana?

22 A. Yes.

23 25. Q. And what did she say?

24 A. She helped me as she could, she supported me.

25 26. Q. Did she arrange treatment for you?

=====

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1 A. Yes.

2 27. Q. Can you please elaborate on it, how Svetlana
3 was helping you with your treatment?

4 A. She had her friends that could help me
5 through her.

6 28. Q. And who were the friends?

7 A. Her friends.

8 29. Q. Can you name the friends?

9 A. I didn't -- I didn't was in close
10 relationships with them.

11 30. Q. So you don't remember the names of people who
12 were helping you when you had serious health problem?

13 A. I know her friend and her name was Nadia.

14 31. Q. Who else?

15 A. Nothing nobody.

16 32. Q. Did she arrange medical treatment for you
17 just directly -- Svetlana I mean?

18 A. Yes.

19 33. Q. Can you please elaborate on this?

20 A. She made agreement with the (inaudible) she
21 referred me to a doctor.

22 34. Q. What was the name of the doctor?

23 A. This I won't say because I do not remember.
24 It was long time ago.

25 35. Q. You don't remember the name of the doctor who

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1 helped you with your cancer?

2 A. I forgot and -- I forgot it already.

3 36. Q. And what do you -- what's your financial
4 situation in 2005?

5 A. The operation was made for free.

6 37. Q. But what was your financial situation -- what
7 was your income at that time?

8 A. We were -- we were pensioners and we got
9 pension -- two pensions.

10 38. Q. And how much was the pension?

11 A. The pension was around \$200.

12 39. Q. For each person?

13 A. Yes, for each.

14 40. Q. Did you have any savings?

15 A. No. We had some savings when my husband was
16 retired he was given the -- sorry, the payment when he was
17 retired he was given a certain amount of money -- lump sum.

18 41. Q. And how much was it, if you remember?

19 A. It was 100,000 by that time.

20 42. Q. 100,000 what?

21 A. 100,000 rubles.

22 43. Q. And what was conversion rate from rubles to
23 dollars at that time?

24 MR. BORNMAN: I don't think she can be expected
25 to know what the conversation rate of dollars to

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1 rubles at that time was exactly.

2 MR. TIMOKHOV: At the time she remembers it she
3 was getting \$200 in pension so I expect her to
4 know the amount in dollars.

5 BY MR. TIMOKHOV:

6 44. Q. So how much...

7 MR. BORNMAN: Can you make it -- why don't you
8 rephrase...

9 MR. TIMOKHOV: ...it was approximately in
10 dollars?

11 MR. BORNMAN: ...the approximate amount.

12 BY MR. TIMOKHOV:

13 45. Q. How much it was approximately in dollars?

14 A. Oh, I do not remember. I couldn't say right
15 now. We didn't calculate it at that time.

16 MR. BORNMAN: I'm certain we can figure it out by
17 looking at....

18 BY MR. TIMOKHOV:

19 46. Q. And did the treatment involve any medication?

20 A. Yes.

21 47. Q. What medication was that?

22 A. Oh, I do not remember it. I can't say.

23 48. Q. And how expensive was the medications?

24 A. We were able to cover it.

25 49. Q. So you paid for medication yourself?

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=====

1 A. Yes. And some of the medications were for
2 free.

3 50. Q. And did you pay anything for the operation or
4 for the treatment just got to be dealt about it?

5 A. The doctor received the envelope, but it was
6 on behalf of us.

7 51. Q. And what was in the envelope?

8 A. The money.

9 52. Q. And how much was it?

10 A. Five thousand.

11 MS. DANILOVA: Object -- not exact translation.

12 MR. BORNMAN: Sergiy -- Mr. Timokhov.

13 MS. DANILOVA: She said money.

14 MR. BORNMAN: Mr. Timokhov.

15 MR. TIMOKHOV: No, no, you can't interfere, okay.
16 Yeah.

17 MS. DANILOVA: But the translation was not exact.

18 MR. BORNMAN: Mr. Timokhov, if they're going to
19 interfere, I'm going to object to them staying.

20 MR. TIMOKHOV: We can do it.

21 BY MR. TIMOKHOV:

22 53. Q. Five thousand american dollars?

23 A. No, it was in rubles. We lived in Russia and
24 everything was in rubles.

25 54. Q. And why did you give the doctor the money?

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1 A. As a thankful.

2 55. Q. So you think it's normal to give money to --
3 to people as a gratitude for something?

4 MR. BORNMAN: What's the relevance?

5 MR. TIMOKHOV: It's relevance is pretty much that
6 is my examination.

7 BY MR.

8 56. Q. Can you answer the question, do you think --
9 do you think it's normal to give -- to compensate people as
10 a gratitude for free services?

11 A. I think it's abnormal, but in Russia by that
12 time it was the position situation like this.

13 57. Q. And what -- how much else did you pay -- what
14 -- what other money did you give to the doctors at that
15 time?

16 A. Nothing.

17 58. Q. And did Svetlana and her husband help you at
18 that time financially?

19 A. They send us \$100 and, but because they were
20 registered on our property and we had to pay some services
21 and the remaining money we could use for whatever we need.

22 59. Q. You said for common all services, right?

23 A. Yeah.

24 60. Q. And you said that she was registered at your
25 apartment?

=====

1 A. Yes, she **was** registered, yes.

2 61. Q. But she didn't live there at that time?

3 A. No, she didn't.

4 62. Q. Why you expect her to pay common (inaudible)?

5 A. Because this is the law. Whoever is
6 registered should pay whether they live or not.

7 63. Q. And you said it was \$100 per month?

8 A. Yes.

9 64. Q. Did she -- did on any occasion she pay more
10 than \$100 a month?

11 A. Mainly \$100 I do not remember exactly.

12 65. Q. Do you remember occasions when she paid more
13 than \$100?

14 A. Maybe on -- maybe on those days she send more
15 than \$100, but it was so long time ago I do not remember
16 all the occasions.

17 66. Q. And how did you use this savings 100,000
18 rubles that you had?

19 A. So we lived on this money because we had car
20 we had car, we had summer house and we had some expenses
21 so we spend those money on our living.

22 67. Q. And when did your husband retire?

23 A. I think 2006. Maybe -- maybe -- I think of
24 approximately 2006, I do not remember exactly.

25 68. Q. And that is when he had -- when he got

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1 retirement pay?

2 A. Yes.

3 69. Q. And you just said in 2005 you used your
4 savings to pay for medication?

5 A. Well, maybe we had something a little bit and
6 -- but we had enough money to cover our expenses.

7 70. Q. And you said you felt better after 2005
8 operation?

9 A. Not immediately, but gradually during after
10 few months.

11 71. Q. And what did the doctor tell you about your
12 condition in 2005 and 2006?

13 A. That they did everything they could. I was
14 operated and -- and they thought that it was treated.

15 72. Q. So they said that you recovered completely
16 from cancer in 2006?

17 A. At least, yes, I am still alive up until now.

18 73. Q. And I understand that your husband had cancer
19 as well at that time, right?

20 A. No, he didn't have cancer. So at that -- at
21 the time when I was operated, my husband was operated too.
22 They considered it to be oncology, but then later they said
23 it was not oncology.

24 74. Q. And then she mentioned some...

25 A. And he even didn't...

=====

===== == =====

1 75. Q. ...something about cells?

2 A. ...and he didn't even know that it was
3 oncology.

4 76. Q. No, she said that he had some cells. Can you
5 -- can you please repeat something there was the record on
6 the cells like some....

7 A. It was mentioned in such -- such a conditions
8 that it was not written -- the doctor didn't want to tell
9 him that it was oncology it was just -- I thought that it
10 is related to oncology.

11 77. Q. How did you know that it was related to
12 oncology?

13 MS. DANILOVA: It's absolutely...

14 MR. BORNMAN: I...

15 MS. DANILOVA: ...the translation.

16 WITNESS: There were flat cells, it was written
17 there, flat cells.

18 BY MR. TIMOKHOV:

19 78. Q. What flat cells mean?

20 A. It is as if cancer.

21 79. Q. As if cancer or it was cancer?

22 A. Okay. Let it be cancer. I knew that it was
23 cancer.

24 80. Q. And how was -- what kind of cancer it was?

25 A. At the -- the initial stage.

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1 81. Q. And when did they discover it?

2 A. As soon as they discovered, they operated.

3 82. Q. And when waE> it?

4 A. 2005.

5 83. Q. And what kind of operation did he have?

6 A. Oh, no, I gave the wrong information. When I
7 had radiotherapy so he -- the operation -- oh, in '99,
8 (inaudible) my day -- radiotherapy, he was operated for his
9 lung.

10 84. Q. So he had cancer in 1995?

11 A. Yeah.

12 85. Q. And was the operation successful?

13 A. Yes.

14 86. Q. What kind of operation it was?

15 A. Lung, what do you mean. One third of his
16 lung was cut off.

17 87. Q. So he had lung cancer?

18 A. Well, but there were no chemotherapy,
19 nothing, just have -- sorry, but part of lung was cut off.

20 88. Q. Is your husband a smoker?

21 A. No.

22 89. Q. Did his cancer repeat in 2000 -- later, just
23 after 1995?

24 A. Do you mean the lung after that operation or
25 everything was done, completely, no treatment he received,

=====

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1 nothing.

2 90. Q. So he didn't have recurring cancer?

3 A. No. And he's still alive and in good health.

4 91. Q. And you said that he had some other medical
5 condition?

6 A. Related to urology and he was treated and
7 everything is good now.

8 92. Q. Can you please describe that illness?

9 A. How to describe, it was related to urology,
10 to bladder.

11 (Off Record)

12 BY MR.

13 93. Q. So I understand that in the end of just after
14 1995 your husband went through some kind of immunotherapy
15 treatment?

16 A. Immunotherapy? You have to make it clear,
17 what is -- what is...

18 94. Q. He was treated -- he was treated by Dr.
19 Bykova and what kind of treatment it was?

20 A. ...there were injections that recommended by
21 some people for health.

22 MS. DANILOVA: Children.

23 MR. BORNMAN: Mr. Timokhov.

24 MR. TIMOKHOV: Yeah. Yeah.

25 BY MR.

=====:=====

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1 95. Q. Who -- what kind of people, who recommended
2 it?

3 A. My daughter and son-in-law.

4 96. Q. And he had to come to Riga for that medical
5 treatment?

6 A. Yes.

7 97. Q. And after 2005, after you said you recovered
8 from cancer, you had to go through chemotherapy?

9 A. No, I refused to go through this.

10 98. Q. Did you try it at least -- at least once?

11 A. Yeah, I tried once, I felt bad and I refused.

12 99. Q. And what do you mean you felt bad?

13 A. So I had some problems with my liver and when
14 I finished everything was normalise.

15 100. Q. What kind of problem was your liver?

16 A. I was vomiting, I was feeling bad.

17 101. Q. And you said that Svetlana didn't come to
18 help you at that time?

19 A. Did or did not?

20 102. Q. You said that Svetlana didn't help -- didn't
21 come to help you at that time?

22 A. She came at the moment when I was operated.

23 103. Q. But before you said Svetlana arranged it
24 through a person called Nadia?

25 A. Yeah, but the operation was arranged.

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1 104. Q. So, Svetlana did come in 2005 or 2006 to help
2 you?

3 A. She came for one month before operation --
4 when I was operated.

5 105. Q. And you went through immunotherapy with Dr.
6 Bykova after your operation, didn't you?

7 A. Yes.

8 106. Q. And it was because you didn't tolerate
9 chemotherapy?

10 A. Yeah, it was recommended that it would be
11 better for me and is -- and then -- that's why I was
12 agreeable.

13 107. Q. And who arranged the treatment with Dr.
14 Bykova?

15 A. My daughter, Svetlana.

16 108. Q. When she was there? No, when she came,
17 right?

18 A. No, she didn't come, she send the injections.

19 109. Q. So Svetlana sent you medications?

20 A. Yes.

21 110. Q. And who paid for it?

22 A. She paid.

23 111. Q. And who paid Dr. Bykova?

24 A. She paid.

25 112. Q. So Svetlana paid for your treatment and your

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1 medication, right?

2 A. Yes.

3 113. Q. And I understand that around 2005 and 2006
4 your husband, Valentin, had some complication with his
5 health?

6 A. Yeah, it was related to urology.

7 114. Q. And can you describe his illness?

8 A. You know, I do not remember so I do not want
9 to do this.

10 115. Q. Did Valentin try to get treatment for this
11 illness in Russian Federation?

12 A. Yes.

13 116. Q. Was it successful?

14 A. Temporary, yes, it was successful.

15 117. Q. What do you mean temporary it was successful,
16 did he feel better?

17 A. Periodically he has to keep treating.

18 118. Q. What do you mean by keep treating?

19 A. Attend the doctor's office some kind of
20 procedures -- treatment.

21 119. Q. But after temporarily just -- it started
22 getting worse?

23 A. But he was not treated completely.

24 120. Q. So was it getting better or was it getting
25 worse?

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1 A. Well, he lived with his -- those unpleasant
2 things.

3 121. Q. And how dangerous were unpleasant things to
4 his health and his life?

5 A. Well he could live with this, but he would
6 have some difficulties.

7 122. Q. What kind of difficulties?

8 A. Urology.

9 123. Q. Did he feel pain?

10 A. No, he didn't feel pain.

11 124. Q. So how it was difficult for him?

12 A. How to say...

13 125. Q. What did he tell you about his feelings at
14 that time?

15 A. At least we were trying to find something
16 back in Russia to find the ways how to deal with this.

17 126. Q. And what did you try to find?

18 A. The new methods so we were interested in
19 this.

20 127. Q. And what method did you try?

21 A. We just learned, but we didn't try.

22 128. Q. And what method did you learn?

23 A. What we learn -- we just lived with this,
24 what can I say.

25 129. Q. You remember what methods did you try, or no?

=====

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1 A. What I remember, we attended our doctor
2 regular and received some treatment.

3 130. Q. So you attended with him?

4 A. Yes.

5 131. Q. And do you remember what procedures those
6 were?

7 A. Well after his -- this procedures he felt
8 better and we lived from procedure to procedure.

9 132. Q. So you don't remember the procedures?

10 A. No.

11 133. Q. Is it right that at some point doctor said
12 that there is no treatment available for -- for Valentin in
13 Russian Federation?

14 A. Yeah, it was something like this so many
15 things are not treatable back in Russia.

16 134. Q. And the doctor said that if it is not treated
17 it will be getting worse?

18 A. Yeah, the doctor didn't say this, but he said
19 that we can keep coming to see him and to get this
20 procedures.

21 135. Q. But he said that there is no treatment
22 available in Russian Federation?

23 A. In principle, yes.

24 136. Q. What did he suggest where could Valentin get
25 treatment?

=====

1 A. He didn't suggest anything, but he said that
2 it could be treated in other countries, but how can -- can
3 suggest something.

4 MR. BORNMAN: Just to be clear, this information
5 about Valentin's treatment is this coming from
6 Alla's first-hand experience, or has she heard
7 this information from Valentin?

8 MR. TIMOKHOV: Alla -- Alla said that she
9 accompanied Valentin to his treatments before,
10 she said we.

11 MR. BORNMAN: I don't...

12 MR. TIMOKHOV: I asked, 'Did you go to the
13 treatments with your husband?' She said, 'Yes'

14 MR. BORNMAN: ...sorry, translate. So you heard
15 this information personally, or did you hear this
16 from Valentin?

17 WITNESS: What information you mean?

18 MR. BORNMAN: The information about Valentin's
19 treatment.

20 WITNESS: You mean further treatment or current
21 treatment?

22 MR. BORNMAN: The -- the information you've just
23 provided, did you hear this personally or did
24 Valentin tell you?

25 WITNESS: I was just interested and I ask him

=====

1 about it and he said it to me.

2 BY MR.

3 137. Q. Who he -- who said -- who told you this?

4 A. The doctor.

5 MR. TIMOKHOV: Yeah. And further, I will be
6 examining myself. I would appreciate if you
7 don't interfere.

8 BY MR.

9 138. Q. Did you discuss it with Svetlana?

10 A. Yes.

11 139. Q. And what did you ask Svetlana?

12 INTERPRETER: What did you ask?

13 BY MR.

14 140. Q. What did you ask Svetlana?

15 A. I didn't ask her about anything, but we had a
16 conversation that she mentioned, 'Why you should stay there
17 all alone. Come here and we can live together'.

18 141. Q. Did you describe Valentin's -- Valentin's
19 problems to Svetlan -- to Svetlana?

20 A. She knew it.

21 142. Q. Where did she know them?

22 A. Through our communication because we
23 communicated to each other. We are relatives.

24 143. Q. And how did you describe Valentin's problems
25 to Svetlana?

=====

1 A. I didn't describe, she just knew everything.

2 144. Q. Where did she learn about it from?

3 A. I don't understand the question, but when you
4 are in good relationships somehow you talk to each other
5 and so they said, 'Why should you stay all alone, come here
6 we -- we'll be together'.

7 145. Q. The question is, in the best of her
8 knowledge, who did tell Svetlana about Valentin's problem
9 with urology?

10 A. Nobody informed, she knew it from the very
11 beginning. There is -- there was no need to inform her
12 about this.

13 146. Q. So where did she find out?

14 INTERPRETER: Why?

15 BY MR. TIMOKHOV:

16 147. Q. Where did she find out?

17 A. How -- we were a family and how -- within the
18 family everybody knew about the problems of each other.

19 148. Q. So in other words, you or your husband,
20 Valentin, told her about Valentin's problems with urology?

21 A. So it -- it likes -- we didn't inform anybody
22 about anything. It was obvious. So we were a family and
23 everybody knew about the situation in each other's family.

24 149. Q. Do you love your husband?

25 INTERPRETER: Sorry?

=====

1 BY MR. TIMOKHOV:

2 150. Q. Do you love your husband?

3 A. Possibly, yes, what a question.

4 151. Q. Do you care about his health?

5 A. Sure.

6 152. Q. So how did you feel when the doctor told you
7 that your husband has a critical illness that is not
8 treatable in Russian Federation?

9 MR. BORNMAN: Do we have that it's a critical
10 illness here or are we -- have we established it
11 was a critical illness. This question is, I
12 don't have....

13 BY MR.

14 153. Q. So how -- how -- how dangerous was that
15 illness to his health or his life?

16 A. It was not dangerous for his life. Simply he
17 could have some complications in his life, but it is not
18 dangerous for his life.

19 154. Q. But you don't remember what illness it was
20 even?

21 A. It's -- we can say it's something with his
22 urinating process like maybe he couldn't control it or it
23 could pass off without controlling or he could even have
24 difficulties to pass.

25 155. Q. So there was a possibility he would not be

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1 able to urinate?

2 A. Yes. Yeah, otherwise he would have the
3 catheter and lived his life with catheter.

4 156. Q. That is what your doctor told you, that
5 catheter was an option?

6 A. Yes.

7 157. Q. Why didn't he use catheter?

8 A. Because we went to some procedures that
9 helped him to abstain from catheter.

10 158. Q. And when Valentin came to Canada, he had some
11 treatment of his medical problem; didn't he?

12 A. Yeah, it was related to urology -- urology
13 and legs.

14 159. Q. What was the relationship between Svetlana
15 and Valentin?

16 A. What relationships -- cautious.

17 160. Q. What do you mean by cautious?

18 A. Non-interference either he in her life and
19 she in his life.

20 161. Q. And Valentin, you and Svetlana lived in the
21 same apartment when you -- in Riga?

22 A. No, he went on -- by himself to Riga.

23 162. Q. What do you mean by cautious relationship?

24 A. Because he is a stepfather and he never
25 interfered in some complicated issues?

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1 163. Q. What do you mean by complicated issues?

2 A. So myself made my own decisions relating to
3 Svetlana.

4 164. Q. So in other words, Svetlana and Valentin
5 didn't have a close relationship?

6 A. No close relationships, but good
7 relationships, normal relationships.

8 165. Q. Did they have -- do you remember any
9 occasions when they had an argument?

10 A. No, I do not remember arguments.

11 166. Q. What was the relationship between Valentin
12 and Svetlana's husband?

13 A. Yeah, it was complicated.

14 167. Q. What do you mean by complicated?

15 A. There are people easy going, but here there
16 were people not easy going.

17 168. Q. Do you consider Valentin to be an easy going
18 person?

19 A. Everybody on itself is easy going.

20 169. Q. What do you mean by easy going?

21 A. He's so he's military -- former military
22 man and he's quite a straight person.

23 170. Q. What do you mean by straight person?

24 A. What I would like to say, complicated
25 relationships were because he tried to avoid frequent

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1 contacts with him so they were not arguing, but they were
2 not friendly.

3 171. Q. So, in other words, Valentin didn't have a
4 close relationship neither with Svetlana nor with Pavel?

5 A. Maybe not close relationship, but normal
6 relationships, but no close relations.

7 172. Q. What was the relationship between you and
8 Svetlana at the time in 2005, 2006?

9 A. Very good.

10 173. Q. What about the relationship between you and
11 Pavel, Svetlana's husband?

12 A. Also very cautious. I didn't have close
13 relationships with him because you never know what to
14 expect from him, what he might say, how he might behave.

15 174. Q. So what I understand that Svetlana came to
16 help you with your treatment in 2005 or 2006; is that
17 right?

18 A. Yeah, it was -- yeah, she helped me.

19 175. Q. And it was first time you discussed
20 immigration to Canada at that time?

21 A. Yeah, there was a conversation between us.

22 176. Q. Did you discuss with Svetlana medical
23 treatment of Valentin in Canada?

24 A. Yeah, at least there was a conversation that
25 something could help him here in Canada.

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1 177. Q. And what was financial situation, to the best
2 of your knowledge, of Svetlana and Pavel in Canada at that
3 time?

4 A. So they didn't complain, but they said that
5 everything is going by its turn and it is getting better.

6 178. Q. Getting better from what?

7 A. I mean their life.

8 179. Q. So the life was first difficult for them, but
9 it was getting better?

10 A. Yes.

11 180. Q. And you knew that they have difficult life
12 and despite it you accepted Svetlana coming to -- to
13 Russia and paying for the treatments?

14 A. So she didn't -- she didn't ask me about
15 this, but she knew that I plan to have an operation and she
16 came just to help me because it was her wish and she was
17 kind at that time. She has nice warm heart and she came to
18 help me.

19 181. Q. Have you allowed her to pay for medication
20 and for treatment?

21 A. She didn't pay the treatment.

22 182. Q. But she paid for medication?

23 A. As I told before, she send \$100 a month
24 oh, the medication you mean the immune -- for immune
25 treatment, yeah, this is what she paid.

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1 183. Q. Did Svetlana give you any plastic cards --
2 banking cards?

3 A. When? When?

4 184. Q. If they did, tell me when -- if they did give
5 you any cards, tell me when did they give you?

6 A. We withdraw \$100 in Russia.

7 185. Q. So you use the plastic cards to withdraw
8 money?

9 A. Yes.

10 186. Q. Did Svetlana or Pavel give you any cash?

11 A. No.

12 187. Q. Did you use the cards to pay for anything
13 else?

14 A. Which -- you mean -- you mean the one that
15 withdraw \$100, no, we didn't use it for anything else.

16 188. Q. And how much did you have left from 100,000
17 rubles of retirement payment -- Valentin's retirements
18 payment before you immigrated to Canada? 100,000 rubles.

19 A. Nothing was left.

20 189. Q. So in other words, before you immigrated to
21 Canada, you didn't have any savings left?

22 A. No, because we discussed the process of
23 moving and the money were spent on different things.

24 190. Q. It was untranslated, but you said that you
25 discussed some of their demands and conditions, what kind

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1 of demands and conditions were this?

2 INTERPRETER: I do not remember.

3 MR. BORNMAN: This is your question? Sorry could
4 you say the question.

5 MR. TIMOKHOV: Yeah.

6 MR. BORNMAN: ...one more time, please?

7 MR. TIMOKHOV: In -- in your Russian.

8 MR. BORNMAN: Maybe just ask the question instead
9 of translate?

10 BY MR.

11 191. Q. There were some conditions and demands from
12 Pavel or Alla before you immigrated?

13 A. We -- we have received an email from them
14 where they described their conditions on which we can move
15 to Canada.

16 192. Q. Did you discuss these conditions before you
17 received that email?

18 A. No. It was for the first time we received
19 their email.

20 193. Q. So you didn't discuss any conditions before
21 you received an email?

22 A. No, we didn't discuss any condition before.

23 194. Q. So how was the immigration discussed before?

24 A. We just discuss it that 'It would be better
25 for you to come here because you were alone there, nobody

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1 there, so it would be better for you to come here'.

2 195. Q. But you knew that they have difficult life
3 there, as you described it?

4 A. Yeah, but we didn't relate it on their hard
5 life. We were thinking if we come here we will somehow be
6 able to support ourselves.

7 196. Q. How did you expect to support yourself?

8 A. When they send the offers we started
9 discussing this.

10 197. Q. You didn't discuss it before you received an
11 email from, what you call, offer?

12 A. No.

13 198. Q. And what you discussed after just you
14 received that email?

15 A. So what we discussed before -- what we
16 discussed after that they send us an email that if we bring
17 money and deposit it to a certain organization under 10
18 percent, without any risk so it will be enough for us to
19 cover some expenses including separate apartment, food, car
20 and this is what we started discussing.

21 199. Q. And where did you expect to get money?

22 A. Because we had garage, we had car, we had
23 summer house and we had our apartment.

24 200. Q. And you mentioned before that Svetlana was
25 registered in the apartment?

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1 A. Yes.

2 201. Q. And you -- the apartment was originally
3 government property?

4 A. No, the moment when we started discussing the
5 moving to Canada, the property was on the name of me and my
6 husband.

7 202. Q. But Svetlana was registered on this property
8 before?

9 A. Yeah, the matter is that she was registered
10 there but with the -- without right on ownership.

11 203. Q. So, when the apartment was originally
12 governly owned, how do you transfer it into your ownership?

13 A. It was privatized, and it was privatized on
14 the name of me and my husband.

15 204. Q. But when the property was owned by
16 government, Svetlana was registered there, right?

17 A. But she...

18 205. Q. No, before -- was she...

19 A. ...but she left -- but she left -- she was
20 unregistered prior. On the moment of privatization, she
21 was not registered on this property.

22 206. Q. And who -- when did she unregister herself?

23 A. I do not remember the date.

24 207. Q. Can you get this information or documents?

25 A. Do we have one?

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1 MR. BORNMAN: If you can tell us exactly what
2 documents you're looking for?
3 MR. TIMOKHOV: I'm looking for documents relevant
4 to to transfer of ownership from government to
5 to private ownership. We need a copy of
6 agency agreement for purchase and sale of the
7 apartment and other property. And we need a copy
8 of documents proving when Svetlana was
9 unregistered and unregistered on the property.
10 And I said, it's an undertaking, right?
11 MR. BORNMAN: So, I have documents relevant to
12 the transfer of ownership from the government to
13 Alla Nikityuk and Valentin Nikityuk with respect
14 to the apartment.
15 MR. TIMOKHOV: And Svetlana if she was registered
16 as well.
17 MR. BORNMAN: And Svetlana Danilova if
18 registered, as one. Two, the agency agreement
19 for sale of the apartment.
20 MR. TIMOKHOV: Yeah.
21 MR. BORNMAN: And three, copies of documents
22 proving when Svetlana's was unregistered from the
23 property.
24 MR. TIMOKHOV: Registered and unregistered.
25 MR. BORNMAN: Registered and unregistered. What

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1 I will do is I will find out how we can obtain
2 that information and whether or not the
3 information exists and if we can obtain that
4 information and it does exist I will advise you
5 with respect to our position on those documents.

6 MR. TIMOKHOV: But I have undertaking to produce
7 the documents, right, in your control and
8 possession.

9 MR. BORNMAN: Sorry?

10 MR. TIMOKHOV: That is an undertaking, right?

11 MR. BORNMAN: I'm not certain how we're going to
12 actually get a hold of these documents...

13 MR. TIMOKHOV: Well that can be undertaking.

14 MR. BORNMAN: ...so if they're in our control and
15 possession...

16 MR. TIMOKHOV: Yeah.

17 MR. BORNMAN: ...we will, but if someone has to
18 get on a plane and fly to Russia to get them,
19 then I will have a proportionality issue with
20 that request.

21 BY MR.

22 208. Q. And we -- we keep going, right. And you said
23 you gave these documents to your lawyer, right?

24 A. Yes.

25 209. Q. So gave all this three documents to your

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1 lawyer, right?

2 A. We provided with the documents of
3 privatization, ownership, sale and purchase agreement, who
4 has the right to own, and those who registered and without
5 ownership property rights.

6 MR. BORNMAN: So if we have those documents,
7 let's take a look because we have all the
8 documents here. Obviously we don't need an
9 undertaking for documents you already have.

10 So...

11 MR. TIMOKHOV: We can be off the record now.

12 MR. BORNMAN: ...yeah.

13 (Off Record)

14 BY MR.

15 210. Q. I have document brief of the defendants, Alla
16 Nikityuk and Valentin Nikityuk, Volume 4 that is Tab 52,
17 page 695, that is attachment to purchase and sale agreement
18 and that is agreement of purchase and sale of -- of the
19 apartment in St. Petersburg.

20 MR. BORNMAN: Sorry, and that's page 695?

21 MR. TIMOKHOV: That is correct.

22 BY MR. TIMOKHOV:

23 211. Q. And article 2.41, in Russian, it provides
24 that 40 percent of the amount will be paid after all...

25 MR. BORNMAN: Sorry, the interpreter who's been

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1 sworn in to translate Russian to English should
2 translate the article for the...

3 MR. TIMOKHOV: Yeah, please...

4 MR. BORNMAN: ...record.

5 MR. TIMOKHOV: ...translate article 2.41 starting
6 from 40 percent of amount.

7 INTERPRETER: ***"Forty percent of amount
8 mentioned in article 2.1 after all -- after
9 unregister all people that were registered on the
10 address of the subject."

11 MR. TIMOKHOV: That's it.

12 MR. BORNMAN: Can we -- can we perhaps read all
13 of article 2.4.1 onto the record so we know the
14 context of the question.

15 INTERPRETER: **A-"In get of the vendor getting
16 money, 50 percent of the named amount mentioned
17 in article 2.1 after state registration and of
18 the ownership of the purchaser of the subject
19 property 40 percent of the amount mentioned in
20 article 2.1 after unregister all the people
21 registered on the address of the subject, 10
22 percent of the amount mentioned in article 2.1
23 after releasing and transferring object according
24 to the Purchase .i\ct." That's it. That's it.

25 BY MR. TIMOKHOV:

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1 212. Q. Yes. So, in accordance with this article you
2 would get 40 percent of the amount after removal of all
3 registered individuals from registration; is it correct?

4 A. This is what was mentioned in this -- on this
5 page in the agreement, but at the same time on the first
6 page of this agreement ...

7 MR. BORNMAN: For the record, that first page
8 would be 693.

9 WITNESS: ...article 1.10 ***"The subject" I
10 mean looking I can say the property, ***"The
11 property belonging to the vendor as the owner and
12 registered on the people registered on this
13 address and the not considered to be the owners,
14 Danilova, Svetlana, (inaudible)."

15 BY MR.

16 213. Q. Who -- who wrote this -- whose handwriting is
17 this?

18 A. Whose handwriting, whoever filled in the
19 form, this is their handwriting.

20 214. Q. Who filled in the form?

21 A. So is the name of this agreement as it is.
22 The agency agreement with the vendor.

23 215. Q. So who's who had -- who's handwriting is
24 this, do you know?

25 A. Who signed this.

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1 MR. BORNMAN: Do you know who wrote this, Alla?

2 MR. TIMOKHOV: Who -- who was -- who was writing
3 this?

4 MR. BORNMAN: What was her answer to the first...

5 WITNESS: When we filled -- when we -- when --
6 when we made the sale of the properties so the
7 whoever made the documents for us so representing
8 the agency, this is the name of the person who
9 represented the agency and filled in the
10 documents.

11 BY MR.

12 216. Q. So it was the real estate agent?

13 A. Yeah.

14 217. Q. And who told him that Svetlana is not
15 registered on the property?

16 A. Yeah, we had -- we had the documents for this
17 property where everything was mentioned, who was the owner
18 and who was registered there.

19 MR. BORNMAN: And that document's also in the
20 productions.

21 BY MR. TIMOKHOV:

22 218. Q. Can you please show the documents, the
23 registration of the property, that you just mentioned?

24 A. You mean the -- we have the ownership....

25 MR. TIMOKHOV: We off record.

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1 (Off Record)

2 BY MR.

3 219. Q. I would like to refer to document brief of
4 the defendants, Alla Nikityuk and Valentin Nikityuk, Volume
5 1 at Tab 3, that is page three. I have a document in
6 Russian, it is my understanding that it's a certificate of
7 registration -- of transfer of registration from the
8 government on -- on property to privately owned property.

9 A. Yes.

10 220. Q. And row seven it says that ***"The apartment
11 was transferred from government without compensation"
12 (inaudible). Is it correct, you didn't pay government
13 anything for the transfer?

14 A. No.

15 MR. TIMOKHOV: That's my examination.

16 BY MR.

17 221. Q. And at the time of the transfer, who -- at
18 the time of this certificate, who was registered on the
19 property (inaudible)?

20 A. Myself and my husband.

21 222. Q. Was Svetlana registered at the time of the
22 transfer (inaudible)?

23 A. No, she was not registered there at this
24 moment.

25 223. Q. Was Svetlana daughter, Asya, registered on

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1 the property at that time?

2 A. No.

3 224. Q. When was Svetlana registered on the property?

4 A. They registered at that time when they wanted
5 to be in the line for the husband's property. She re-
6 registered from that property and registered on this
7 property.

8 225. Q. What year was it approximately?

9 A. I do not remember -- I do not remember.

10 226. Q. But it was before 2004, right?

11 A. No, it was after when we privatized this
12 property.

13 227. Q. Was Svetlana registered on the property
14 before you privatized the apartment?

15 A. When registered it she -- when we registered
16 this property in our names, she was unregistered from this
17 property.

18 228. Q. And when did she unregister?

19 A. I do not remember the time. When they wanted
20 to be in the line for another property.

21 229. Q. When was it approximately?

22 A. I -- I cannot provide the exact date, I would
23 better not to say.

24 230. Q. How many years before this privatization?

25 A. So this year -- the same question like you

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1 asked before.

2 MR. BORNMAN: I think you've got your answer to
3 this question.

4 MR. TIMOKHOV: You can provide an answer, but it
5 will be binding, right?

6 MR. BORNMAN: No, I think Alla Nikityuks provided
7 an answer to your question.

8 MR. TIMOKHOV: What was the answer.

9 MR. BORNMAN: She said she can't recall the exact
10 date.

11 WITNESS: Yeah, this is what I said.

12 BY MR. TIMOKHOV:

13 231. Q. Was she unregistered when she was in Canada
14 or when she was in Russia?

15 A. When she was in Canada.

16 232. Q. What about her daughter, Asya, was she
17 unregistered when Asya was in Canada or she was in Russia?

18 A. When she was in Canada she unregistered
19 earlier.

20 233. Q. How could she unregister -- how could
21 Svetlana and Asya daughter Asya, Svetlana's daughter,
22 unregister when they were in Canada?

23 A. Asya was a -- Asya's a sportsman and she --
24 somehow people helped her to unregister and it was a little
25 bit problematic with Svetlana.

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1 234. Q. What it has to do with being a sportswoman
2 from being a register -- unregistered from property in
3 Russia?

4 A. So this I don't know. She needed some how
5 for Visa, this I don't know. I would rather not to say
6 anything.

7 235. Q. So who unregistered Asya?

8 A. I don't know. I can't say. Just was
9 unregistered.

10 236. Q. Who unregistered Svetlana?

11 A. She was doing something here and she did
12 something to unregister.

13 237. Q. You don't know about it, right?

14 A. Through the Embassy, I think so.

15 238. Q. Through the Embassy before 2004?

16 A. Why 2004?

17 239. Q. Because it -- you said that she unregistered
18 before privatization, before the certificate, before -- and
19 this certificate is dated 2004?

20 A. Yeah, she was unregistered way before we got
21 this certificate and she wasn't registered on this property
22 for quite a some time. Then later on she requested to
23 register her on this property. Because she is my daughter
24 I didn't really ask the reasons why she wanted this and I
25 registered her on my property.

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1 240. Q. So you said that before 2004 Svetlana and
2 Asya they unregistered through consulate, is it what you
3 said?

4 A. No, it's wrong. No, something -- something
5 is mixed up here.

6 241. Q. Just clar -- clarify who unregistered
7 Svetlana and your granddaughter, Asya, from this property?

8 INTERPRETER: Just a second, could you please
9 repeat.

10 BY MR.

11 242. Q. Who -- who was the person who -- who filed
12 applications to unregister Svetlana and Svetlana's
13 daughter, Anastassia, from the property before 2004?

14 A. Okay, you said before 2004 so the
15 privatization was what year so everything is mixed up now.
16 Okay. This is the date. So before we get this certificate
17 of ownership, they unregistered from the property. They
18 did it on their behalf. They did it themselves. Nobody
19 unregistered them.

20 243. Q. Where did they do it?

21 A. In St. Petersburg.

22 244. Q. But at the time...

23 A. But they lived there.

24 245. Q. ...when did they leave St. Petersburg for
25 Canada?

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1 A. So when they left 11 years ago.

2 246. Q. So they unregistered through consulate in
3 Canada before 2004?

4 A. So we didn't control these things. They did
5 everything they wanted as they wanted so you shouldn't ask
6 me about this.

7 247. Q. Husband? (Inaudible)

8 MR. BORNMAN: Okay.

9 MR. TIMOKHOV: No, that's what she said, it
10 should be explained.

11 MR. BORNMAN: Ask the question in English that
12 you're asking her to confirm.

13 INTERPRETER: No, she didn't say this. I just --
14 I..

15 MR. TIMOKHOV: You just said that my husband --
16 my husband...

17 INTERPRETER: ...I translated what she said.

18 MR. TIMOKHOV: ...my husband doesn't ask me about
19 it.

20 WITNESS: They wanted to unregister and they did
21 this.

22 BY MR.

23 248. Q. Okay. The question is, and I want you to
24 answer it. Where did they unregister, in Canada or in St.
25 Petersburg?

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1 MR. BORNMAN: Which time are you talking about?

2 MR. TIMOKHOV: Before 2004 -- before...

3 MR. BORNMAN: Because I think we need to be clear
4 because I...

5 MR. TIMOKHOV: ...okay.

6 MR. BORNMAN: ...been bouncing back and forth
7 between...

8 WITNESS: They went to Riga.

9 BY MR. TIMOKHOV:

10 249. Q. Okay. The question is, who filed an
11 application to unregister Svetlana and Svetlana's daughter,
12 Anastassia, from the -- from the title of their apartment
13 before 2004?

14 MR. BORNMAN: Before 2004.

15 MR. TIMOKHOV: Please answer it.

16 WITNESS: I do not remember how it happened, but
17 they came -- they came and they filed an
18 application that they want to unregister. It was
19 -- we didn't initiate this. It is them who did
20 this.

21 MR. BORNMAN: And who's them?

22 WITNESS: My daughter and her husband and
23 granddaughter.

24 MR. BORNMAN: Have your answer.

25 BY MR. TIMOKHOV:

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1 250. Q. But who -- so they did it in St. Petersburg,
2 in the best of your knowledge?

3 A. Oh, I didn't even remember when they went to
4 Riga all those travels like deemed my mind. The only thing
5 I know that they were unregistered from this property when
6 we registered the certificate for ownership of this
7 property. This I know for sure.

8 251. Q. Where did you get this document certificate?

9 A. We got it in St. Petersburg.

10 252. Q. What office?

11 A. So everything is written here. The basics
12 so, everything is mentioned in the document. Everybody
13 receives this type of document in St. Petersburg.

14 253. Q. Can you get a copy of document as to ah,
15 unregistration of Svetlana Danilova and her daughter,
16 Anastassia Danilova, from the title of the property before
17 2004?

18 MR. BORNMAN: Okay. So here is what we are
19 prepared to do. We are prepared to write the
20 authority in Russia where we could obtain this
21 information and we will advise you with respect
22 to the response that we receive.

23 MR. TIMOKHOV: No. What you have to do you need
24 to produce an agent in Russian Federation to
25 attend registry office and to produce this

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1 document. Because this documents is directly
2 relevant to the issue of who had -- who had --
3 who was owner -- registered as a owner of the
4 property at the time of privatization. Do I have
5 undertaking?

6 MR. BORNMAN: Let me get down exactly what you're
7 looking for. We need to -- your position is is
8 that we need to retain an agent in the Russian
9 Federation and instruct the agent...

10 MR. TIMOKHOV: It is not my position. My
11 position is that you have to produce these
12 these document as soon as possible because as the
13 document is in your control and we don't have
14 power to produce it. That should be an
15 undertaking.

16 MR. BORNMAN: ...I'm going to take that under
17 advisement. I have some concerns, one,
18 proportionality, two, relevance and it is unclear
19 to me whether or not this document is in fact in
20 the power and control of my clients given that
21 it's the unregistration of your clients that the
22 transaction is with respect to.

23 MR. TIMOKHOV: This document is relevant because
24 as a part of Russian law, the people who are
25 registered on the property automatically becomes

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1 the owners of the property. And it is our
 2 position that -- that Alla and Valentin Nikityuk
 3 they unlawfully and without authorization
 4 unregistered my clients, Pavel -- of my client,
 5 Svetlana Danilova, and her daughter, Anastassia
 6 Danilova, who was a minor at that time, and
 7 unlawfully transferred the title of the property
 8 in their own name.

9 MS. DANILOVA: It's criminal in Russia.

10 MR. TIMOKHOV: Therefore I require undertaking
 11 just to produce these documents.

12 MR. BORNMAN: I'll take that under advisement.

13 MR. TIMOKHOV: Hmm?

14 MR. BORNMAN: We'll take that under advisement.

15 MR. TIMOKHOV: No. That can be undertaking just
 16 or it can be refusal.

17 MR. BORNMAN: I'm taking it under advisement.

18 MR. TIMOKHOV: Okay.

19 UNDER ADVISEMENT NO. 1: Whether to produce copy
 20 of document of unregistration of Svetlana
 21 Danilova and her daughter, Anastassia Danilova,
 22 from the title of the property before 2004.

23 BY MR.

24 254. Q. And before -- when -- when Svetlana, Pavel
 25 and Anastassia left to Riga or to Canada they provided you

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1 with power of attorney to handle their affairs, didn't
2 they?

3 A. Yeah, there was a power of attorney.

4 255. Q. And did you use this power of attorney to
5 unregister Svetlana and Anastassia from your apartment?

6 A. I do not remember right now, but I had a
7 feeling that everything was done by themselves. Frankly
8 speaking, I do not remember this moment.

9 256. Q. Did you use this power of attorney for
10 anything else?

11 A. What we did by using this power of attorney,
12 we filled in the documents required for to move into Canada
13 for immigration purpose.

14 257. Q. So did you use this power of Attorney to
15 unregister Svetlana and Anastassia from the property -- do
16 they can?

17 A. I do not remember right now whether we use it
18 for this purpose, no.

19 258. Q. Do you undertake to provide the answer to
20 this information?

21 INTERPRETER: Sorry?

22 BY MR. TIMOKHOV:

23 259. Q. Do you undertake to provide an answer to this
24 information. The question is, did you use power of
25 attorney given to you by Svetlana and Anastassia Danilova

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1 to unregister them from your apartment , one, before 2004,
2 (b) after 2004?

3 MR. BORNMAN: Are you asking a question or you're
4 asking for...

5 MR. TIMOKHOV: I'm asking for an undertaking.

6 MR. BORNMAN: Well she's provided you the answer
7 to the question, she says she doesn't remember.

8 MR. TIMOKHOV: So, maybe she needs time to revise
9 her memory.

10 MR. BORNMAN: We -- if she remembers, we
11 undertake to advise you of her recollection.

12 MR. TIMOKHOV: So that is a refusal to provide an
13 answer because she doesn't remember on the
14 grounds she doesn't remember.

15 MR. BORNMAN: Well you can't provide an answer to
16 a question you don't -- you don't know what the
17 answer is.

18 MR. TIMOKHOV: She can revise her memory -- she
19 can take time. She can call to St. Petersburg, I
20 don't know.

21 MR. BORNMAN: Okay.

22 MR. TIMOKHOV: We need an answer.

23 MR. BORNMAN: Well what -- what are you asking
24 for, because the...

25 MR. TIMOKHOV: I'm -- answer for question, she

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1 was given a power of attorney to handle my
2 client's affair. Did she use this power of
3 attorney to unregister Svetlana Danilova and
4 Anastassia Danilova, Svetlana Danilova daughter,
5 from registration on their apartment in St -- in
6 St. Petersburg.

7 MR. BORNMAN: ...and...

8 MR. TIMOKHOV: Before 2004 and after 2004.

9 MR. BORNMAN: ...her answer is she doesn't
10 remember. And we undertake to advise you of any
11 memory or recollection that she has later.

12 MR. TIMOKHOV: It is our position that as a
13 holder of power of attorney she is has certain
14 fiduciary duties including keeping an accounting
15 for her actions and if she cannot recollect her
16 acts, that will be a breach of her fiduciary
17 duty.

18 MR. BORNMAN: Well that's an interesting argument
19 we can make in front of a judge at some point,
20 but I don't understand how that would be -- what
21 we could undertake to do other than advise you to
22 whether or not she has a subsequent recollection.

23 MR. TIMOKHOV: Look we have -- we have an
24 undertaking to produce an answer in the best of
25 her memory, if she doesn't produce it, she

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1 doesn't produce it we can have it before the
2 judge. So that's it, let's go on
3 COURT REPORT: I'm sorry, is that an undertaking,
4 or it isn't an are you giving the undertaking?

5 MR. BORNMAN: The the undertaking that we're
6 providing is that if she subsequent to this
7 examination remembers information that she does
8 not remember at this time, we will, of course,
9 advise immediately as to what that recollection
10 is.

11 MR. TIMOKHOV: And my understanding that if she
12 doesn't, that will be refusal based on the lack
13 of memory.

14 MR. BORNMAN: It's not a refusal, it's she does
15 not remember. It's in the absence of a memory.
16 A refusal is a conscious decision not to provide
17 you with information on the basis of a ground
18 like relevance or...

19 MR. TIMOKHOV: Okay.

20 MR. BORNMAN: ...proportionality. If she doesn't
21 remember, she doesn't remember.

22 UNDERTAKING NO. If subsequent to the
23 examination, Alla remembers information that she
24 did not remember at the time of the examination
25 and to advise immediately as to what that

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1 recollection is.

2 BY MR. TIMOKHOV:

3 260. Q. Do you understand that just as a holder of
4 power of attorney you have certain duties just which is to
5 account for your acts?

6 A. Yeah, this -- this I understand very well,
7 but a long time -- it was long time ago and I do not
8 remember what role of the power of attorney played in this
9 particular instance.

10 261. Q. Do you understand that you might have to keep
11 written record of the transactions on behalf of my client?

12 MR. BORNMAN: This is -- that's -- I have a
13 concern. The question you're asking requires
14 acceptance of a conclusion of law with respect to
15 the duties of a holder of a power of attorney in
16 Russia. Perhaps if you asked whether she did
17 keep any records as a power of attorney, that
18 might be..

19 BY MR. TIMOKHOV:

20 262. Q. Did you keep any records as a power -- as a
21 holder of power of attorney on behalf of my clients?

22 A. No.

23 263. Q. But you know that Svetlana Danilova and her
24 daughter, Anastassia Danilova were register under your --
25 under the title of your apartment, before 2004?

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1 INTERPRETER: I'm sorry, unregistered or
2 registered?

3 MR. TIMOKHOV: Registered.

4 WITNESS: Before privatization?

5 BY MR. TIMOKHOV:

6 264. Q. Yes.

7 A. Yeah, she was registered.

8 265. Q. Why didn't you include Svetlana Danilova and
9 her daughter Anastassia as owners of this apartment when
10 you knew they were registered?

11 MR. BORNMAN: What what time frame are we
12 talking about?

13 MR. TIMOKHOV: We're talking about year of 2004
14 when privatization took place.

15 MR. BORNMAN: Okay. Thank you.

16 WITNESS: Because they had a purpose, the have an
17 aim to get the other property and they
18 unregistered from this property and they
19 registered on her husband's property on -- on the
20 title -- on -- on her husband's property in order
21 to get the other property on their names.

22 BY MR. TIMOKHOV:

23 266. Q. And who registered Svetlana and Anastassia on
24 the property after privatization?

25 A. Because she requested -- because she

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1 requested to be registered on this property and I
2 registered her.

3 267. Q. So, in other words, you unregistered her --
4 Svetlana and her daughter, before privatization then you
5 privatized?

6 A. It's not me. We are talking about different
7 things. It's not me who unregistered them. It's them who
8 unregistered themselves from this property.

9 268. Q. And then after privatization you -- actually
10 you registered them again?

11 A. Because some time passed and because of their
12 own plannings they asked to register on this property for
13 their own -- own profit. My daughter was selling the
14 property of her husband and she was not registered on any
15 property by that time and she requested me to register her
16 on my property.

17 269. Q. Did Svetlana, Pavel or Anastassia pay you any
18 money for unregistering them as -- from the property?

19 A. I didn't unregister them. They did it
20 themselves and they didn't pay me anything.

21 270. Q. And where is this apartment came from -- or
22 how did you -- how did you get registration on this
23 apartment?

24 A. When I got married to Valentin, at that
25 moment we had one room in a different apartment with my

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1 daughter and my husband he has a one room apartment, but
2 those two properties belonged to the government by that
3 time.

4 271. Q. Was Svetlana registered on that -- on the
5 title of that room?

6 A. Yes, we were together registered there.

7 272. Q. And then after you united the room and
8 Valentin's apartment, you registered Svetlana on the
9 apartment, didn't you?

10 A. Yes.

11 273. Q. And how Anastassia was registered on -- on
12 the apartment?

13 A. Anastassia was born in this apartment and she
14 was registered there.

15 274. Q. But it -- but at that time, as you said, the
16 apartment was owned by the government?

17 A. Yes.

18 275. Q. And you just had a licence to live there?

19 MR. BORNMAN: I'm going to -- just stop right
20 there. The term -- the term licence could have
21 legal meaning. Is there....

22 MR. TIMOKHOV: I will rephrase the question.

23 BY MR. TIMOKHOV:

24 276. Q. And at that time you just had government
25 permission to live at the government -- in the government

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1 apartment?

2 A. Yeah, we all lived in that apartment, but it
3 belonged to the government.

4 277. Q. And then 2004 you privatized it?

5 A. No, before privatization they unregistered
6 from this property.

7 278. Q. Can you explain what privatization means?

8 A. So there was a short period of time when the
9 government allowed people to transfer ownership on their
10 name. And we used this opportunity and we privatize --
11 privatized our...

12 279. Q. So privatization means that the government
13 just correct me if I'm wrong, that the government gave
14 ownership of of the apartment to people who were
15 registered there?

16 MR. BORNMAN: I just want to be clear that what
17 we're describing is Alla Nikityuk's understanding
18 of what happened and that this is not an
19 admission with respect to what the practice of
20 the law in fact was at the relevant time.

21 MR. TIMOKHOV: No, that is what she was doing,
22 she was -- exactly. You have it translated. She
23 said, 'It's a law'. You are translator.

24 MR. BORNMAN: Okay. Maybe just -- maybe ask the
25 -- why don't we ask the question one more time

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1 and then...

2 MR. TIMOKHOV: Look, I asked it before you
3 interpreted her and now everything is confusing.
4 So maybe we just stop this interactions --
5 interruptions.

6 BY MR.

7 280. Q. So, just the question was in the best of your
8 knowledge privatization means that at the time in 2004 the
9 government gave you an opportunity to transfer governmently
10 owned property to the people registered on this apartment
11 for no compensation is it correct?

12 A. It was the -- it was the it was the choice
13 whether to do it or not. Some people who were afraid to do
14 so they didn't so -- they didn't do so, but some people who
15 wanted to register on their name they did so. We were
16 among those who wanted to privatize this property and
17 register ownership in our name.

18 281. Q. And you registered the property only under
19 your name and your husband's name?

20 A. So we have another document that is called
21 the privatization document that was of -- at the beginning
22 issued to us and then based on that document we got the
23 legal other document, the certificate.

24 282. Q. And you didn't put Svetlana and Anastassia
25 because they were not registered at that time on the

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1 apartment, you didn't put them as owners?

2 A. They even didn't live on this property. They
3 didn't live there.

4 283. Q. They were not registered, right?

5 A. No. At that -- at that moment they were not
6 registered on this apartment.

7 284. Q. And you don't remember when they unregistered
8 from this apartment?

9 A. No, I don't remember.

10 285. Q. And you don't remember if you used the power
11 of attorney to unregister them from the apartment?

12 A. Frankly, I answered this question already, I
13 don't know. I do not remember.

14 286. Q. But you counsel took whatever it was
15 undertaking or just or anything else that you'll use your
16 best efforts to get the documents as to when and in
17 accordance with whose request Svetlana and Anastassia were
18 unregistered, right?

19 MR. BORNMAN: I think -- I don't -- that isn't
20 quite accurate. I undertook to write the
21 relevant government authority in Russia and
22 advise you as to what response, if any, we
23 receive to the request for the documents you
24 sought. You indicated that we should retain an
25 agent in the Russian Federation and instruct that

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1 agent to attend at the appropriate government
2 authority in order to obtain those documents, I
3 indicated that I would take that under
4 advisement. I will provide you with an answer.
5 I will advise you with respect to my position
6 whether we undertake to instruct such an agent,
7 or whether we will refuse to within 60 days.
8 UNDERTAKING NO. 2: To write to relevant
9 government authority in Russia to request
10 documents regarding unregistration of Svetlana
11 Danilova and Anastassia Danilova from property
12 and to advise of response.
13 UNDERTAKING NO. 3: To advise within 60 days of
14 position whether undertake or refuse to instruct
15 an agent.
16 MR. TIMOKHOV: It is our position that this
17 document must be produced as soon as possible
18 because of the pretrial in this matter to be
19 scheduled in July, I believe. And that is a
20 crucial document that has to be before the judge
21 at this pretrial.

22 BY MR. TIMOKHOV:

23 287. Q. And how did you -- how did you transfer the
24 money just from the sale -- no, from the sale of the
25 property to Canada?

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1 A. So in four steps gradually. When we received
2 the agreement we started selling our property. So we sell
3 it ln four steps. First we sell garage, summer house
4 summer house, the garage car and then apartment.

5 288. Q. And how did you transfer money to Canada?

6 A. From bank to bank.

7 289. Q. Did Russian authorities requested you for the
8 reason why you are transferring money?

9 A. Nobody asked us. We just fill in the papers,
10 that's it.

11 290. Q. What papers did you fill?

12 A. For money transfer. I do not remember now.
13 I don't have this eyes -- this papers in front of my eyes.

14 291. Q. Do you have a copy of this document?

15 A. I think I do.

16 MR. BORNMAN: I think we that document somewhere
17 in here. Do you want to go off record while we
18 look for that?

19 (Off Record)

20 MR. TIMOKHOV: So we have an undertaking from
21 counsel to produce four documents as to the
22 transfer of funds from Russia to Canada.

23 MR. BORNMAN: These -- these documents are set
24 out in the affidavit of documents for court file
25 13-1101, document 57, records of bank wire

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1 transfers from Alla Nikityuk to Svetlana Danilov
 2 dated April 1, 2008, May 15, 2008, May 27, 2008
 3 and June 9, 2008. And document Tab 58, deposit
 4 account history financial enquiry account 7145478
 5 USDC March 3, 2008 to February 28, 2014 and
 6 that's dated March 18th, 2014, produce those.

7 BY MR. TIMOKHOV:

8 292. Q. And is it true that you had difficulties
 9 transferring money from Russian Federation to Canada and
 10 you had to tell banking clerks that you provide -- you
 11 transfer money to your children for life long support?

12 INTERPRETER: Sorry.

13 BY MR. TIMOKHOV:

14 293. Q. For your life support?

15 INTERPRETER: Oh, sorry.

16 WITNESS: Nobody ask us about anything.

17 BY MR. TIMOKHOV:

18 294. Q. But you did indeed transfer this money for
 19 expecting that Danilovs would provide you life long
 20 support?

21 A. We transferred this money according to the
 22 agreement that was orally made between us.

23 295. Q. And what was the agreement, that they would
 24 provide you with life -- life long support?

25 A. There was an agreement that this money will

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1 be deposited into some company for 10 percent and this 10
2 percent, without risk, will be enough for us to live on
3 those money here.

4 296. Q. And was it an understanding that part of this
5 money was Svetlana's and Anastassia's share in your
6 apartment?

7 A. No, we never talk about this on this
8 document.

9 297. Q. And how much did you sell the apartment for
10 in American dollars -- in Canadian dollars, sorry -- in
11 dollars?

12 A. Today we transferred here 200 -- 260
13 American.

14 MR. BORNMAN: What is 260 American -- sorry?

15 WITNESS: 260,000 American U.S.

16 MR. BORNMAN: What is 260,000 American?

17 WITNESS: Dollars.

18 MR. TIMOKHOV: The transfer from Russia to
19 Canada.

20 MR. BORNMAN: He's asking how much the apartment
21 was?

22 MR. TIMOKHOV: No, no, I'm asking what was the
23 amount of transfer from...

24 MR. BORNMAN: Oh, what was the amount of
25 transfer, sorry.

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■ BY MR. TIMOKHOV:

2 298. Q. And what was the part -- approximately how
3 much was the apartment out of these 260,000?

4 A. Which apartment, you mean the one that we
5 sold?

6 299. Q. Yes.

7 A. Which we sold. Somewhere it is written,
8 but...

9 300. Q. Approximately?

10 A. My husband will tell. He knows this for
11 sure. He knows all the details.

12 301. Q. And also you sold a cottage and garage?

13 A. Yes.

14 302. Q. And your cottage was in Araskin, that was
15 approx Apraksin that was approximately 200 kilometres
16 from St. Petersburg, right?

17 A. No, less than 100 something - 190
18 kilometres...

19 303. Q. And how much approximately...

20 A. ...oh, between 90 and 100.

21 304. Q. ...you sold the cottage for?

22 A. Where is my (inaudible).

23 305. Q. It's all right. We'll ask it from Valentin.

24 A. Yeah you have to - you have who to ask.

25 306. Q. Is it true that Pavel and Pavel's relatives

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1 helped you with building the cottage?

2 A. When I got married there was a piece of land
3 already and the house on it. When Pavel came just to help
4 a little bit to add to this -- to this building.

5 307. Q. And was it a part of the agreement that Pavel
6 and Svetlana would help Valentin with -- with his medical
7 problems in Canada?

8 A. There was no -- there were no agreement.

9 308. Q. But it was an understanding?

10 A. What we understood, we have normal family
11 relationships and there were no talks on that moment about
12 this. Pavel also lived with us and registered and we never
13 raise any issue on this.

14 309. Q. But you knew that health care in Canada was
15 free?

16 A. Yeah, we -- we knew that there is an
17 insurance here, we knew this.

18 310. Q. Was it important, that knowledge that --
19 about a free health care in your decision to move to
20 Canada?

21 A. It was never discussed between us, but when
22 we talk it was said, 'It will be easier for you to live
23 here, let's move to Canada'.

24 311. Q. And by easy you mean that it will be easier
25 for you take a use of Canadian free health care system?

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1 A. Easier because -- easier because it is safer
2 here and easier to get to the doctor so this type of
3 conversations were between us.

4 312. Q. But did you consider what doctor told you
5 that Valentin's condition can be treated in other
6 countries, was it important for you, did you think that it
7 can be treated in Canada?

8 A. Like the hope is last and yeah we wanted him
9 to -- to help him and that's why we came here.

10 313. Q. And before you actually immigrated to Canada,
11 you visited Canada on two occasions to take a look at the
12 country, didn't you?

13 A. Yes.

14 314. Q. Did your children take good care of you?

15 A. Yes.

16 315. Q. What did you do when you came to Canada?

17 INTERPRETER: What did she do?

18 MR. TIMOKHOV: Yeah.

19 WITNESS: I just came to visit them because they
20 wanted me to come. They paid everything. It's
21 not that I insisted to come here, but we had
22 relation a good relationships at that time.
23 They wanted me to see.

24 BY MR.

25 316. Q. Did your husband come to Canada as well?

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1 A. Yes together with me under the same
2 conditions.

3 317. Q. And when did you come did you know that --
4 that your children are buying a house as an investment
5 property?

6 A. No.

7 318. Q. Did they show you the land where they wanted
8 to build the house?

9 A. Yeah, they just showed how it looks here, but
10 they didn't tell that this is exactly the piece of land
11 they want to build something.

12 319. Q. Did they tell you they want to sell the piece
13 of land to make profit?

14 A. No. All those things were behind our back.
15 They didn't tell us anything about this and I cannot tell
16 you -- provide you with any information.

17 320. Q. What did they tell you when they showed you
18 that piece of land?

19 A. They showed that we can buy this house, but
20 we can we should think about it.

21 321. Q. But you said that as a part of understanding
22 was that you and your husband would be living separately in
23 an apartment when you come to Canada?

24 A. Yeah. Only under this conditions we came
25 here.

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1 322. Q. And did you see Danilov's apartment?

2 A. When we came to visit them they rented an
3 apartment so this apartment we saw.

4 323. Q. And at the time your granddaughter,
5 Anastassia, lived there as well?

6 MR. BORNMAN: Sorry, what was the question?

7 MR. TIMOKHOV: Anastassia was living there as
8 well?

9 WITNESS: Yes.

10 BY MR.

11 324. Q. Do you think they lived comfortably at that
12 time?

13 A. Well at that time when we came I thought,
14 yes, that they had a good -- normal life.

15 325. Q. And when you actually came, you asked
16 Danilovs to rent an apartment -- before you came you asked
17 them to rent an apartment for you, didn't you?

18 A. You know, there was no conversation like
19 this. It was told, 'When you come then we will see how it
20 would be better then we will decide' .

21 326. Q. But you had an expectation that they would
22 rent an apartment for you?

23 A. Yeah, we want to live separate.

24 327. Q. And when you actually came, did they offer
25 you to live in a separate apartment?

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■ A. No, we live all together.

2 328. Q. Did they show you another apartment?

3 A. Yes, close to this house they showed us
4 another apartment and they said that we could buy this
5 apartment.

6 329. Q. They showed you the apartment when you --
7 when you came immediately?

8 A. Yes.

9 330. Q. And what did you say?

10 A. So we saw this and it was unusual for us.
11 There was glass there and we didn't want to accept this.

12 331. Q. So where did you -- where did you decided to
13 live?

14 A. So all this time we live together in their
15 apartment and then they said they said that they purchased
16 the house in the name of -- as if Valentin(inaudible) and -
17 - but it will be finished by August so we came and they
18 came in June, but in August it will be finished.

19 332. Q. So it was first time when they told you that
20 they purchased it in the name of your husband?

21 A. Yeah, it was like this. A surprise for us --
22 they said, 'We have a surprise. Your husband purchased the
23 house'

24 333. Q. So the original understanding was that you
25 would be renting an apartment and then they prepared a

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■ surprise for you?

2 A. We even didn't think that they are going to
3 rent an apartment for us. We thought that we come and
4 together we'll decide what to do further. When we came
5 there was no another apartment rented.

6 334. Q. And then you decided to move into the house?

7 A. Yeah, we moved in into this house and we
8 lived there for one year.

9 335. Q. Why would they show you apartments to buy if
10 they already had prepared your surprise by buying you a
11 house?

12 A. Oh, you better ask them about this.

13 336. Q. So there is no -- you have no explanations
14 about it?

15 A. No.

16 337. Q. Did they tell you that they -- they were
17 thinking about selling this house and you convinced them
18 not to because you wanted to live there?

19 A. Yeah, we lived there and we thought that we
20 will continue living there and they visited us on weekends.

21 338. Q. But they didn't tell you that they want to
22 sell it, right?

23 A. No.

24 339. Q. And who paid the mortgage in the house?

25 A. Ah, our son-in-law.

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1 340. Q. And at that time they lived in rented
2 apartment?

3 A. Yes.

4 341. Q. Did they tell you that they live in rented
5 apartment because they don't want to move to the house
6 because of Anastassia who was a student at the time -- did
7 they tell you that they can't move into apartment because
8 their daughter was a student at the time and they didn't
9 want to move out of the city?

10 A. Yeah, of course they lived together -- all of
11 them lived together including our granddaughter,
12 Anastassia, but it was not the question until Anastassia
13 wanted to move out and live separate and they said that it
14 was a world crisis everywhere so it would be better for us
15 if we move in into the same house and live all together.

16 342. Q. Didn't they tell you immediately that they
17 going to move there in another year or so?

18 A. It was just before they moved in. They just
19 put us before fact.

20 343. Q. So originally there was an understanding just
21 in that agreement, email, offer email, what you call an
22 agreement that you would be living in an apartment you -
23 - you had the understanding that you would live in an
24 apartment?

25 A. Yes. Separate.

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■ 344. Q. Did this email say that you wouldn't -- won't
2 be able to live in the house because it will be too
3 expensive option?

4 MR. BORNMAN: Why don't we turn to the email?

5 MR. TIMOKHOV: No, no it's all right just we
6 will...

7 MR. DANILOV: Let's do it.

8 MR. TIMOKHOV: ...no we'll go we'll (inaudible).

9 WITNESS: No, it was not mention.

10 BY MR.

11 345. Q. So that email didn't say that...

12 A. So that...

13 346. Q. ...did the email say that...

14 A. So what was said in this email that we will
15 live separate and there will be a certain amount to cover
16 our living expenses .

17 347. Q. ...so this email didn't mention that you can
18 not live in the house because it will be too expensive?

19 MR. BORNMAN: I -- I question the value of asking
20 her about her recollection of an email that's in
21 the documents here.

22 MR. TIMOKHOV: Well I'm interested in her
23 recollection and not into the actual email.

24 BY MR.

25 348. Q. So it didn't say that you -- the house option

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1 would be too expensive -- no, this email didn't say so --
2 this email didn't state that it will be too expensive to
3 live in a house?

4 A. Later on it was -- it was said there that
5 later on when we will get richer we will buy a house with
6 the two entrances where we could maybe live together.

7 349. Q. And by we 'We'll become richer', you mean
8 who will become richer?

9 A. The family.

10 350. Q. So you are thinking about your family as one
11 -- as together?

12 MR. BORNMAN: Well this email is from your
13 client.

14 MR. TIMOKHOV: Yes.

15 MR. BORNMAN: And we're getting pretty far afield
16 here. We're talking about a recollection of an
17 email sent in 2008...

18 MR. TIMOKHOV: No.

19 MR. BORNMAN: ...that she would have relied on in
20 2008 that you now want her to recall in 2014 and
21 then you're asking her whether or not the email
22 that she's remembering from 2008 and 2014
23 reflects her understanding.

24 MR. TIMOKHOV: No, I just...

25 MR. BORNMAN: I --- I have...

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1 MR. TIMOKHOV: ...I'm looking for her
2 understanding of the email.
3 MR. BORNMAN: ...could we look at the email,
4 please?
5 MR. TIMOKHOV: No, we can't. Because -- because
6 I just want to know how she...
7 MR. BORNMAN: Can you translate.
8 MR. TIMOKHOV: ...the question is pretty much
9 what she just said that they had understanding
10 that they would become richer as a single family
11 all together, do you understand, right -- no, I
12 just -- I will repeat it.
13 INTERPRETER: I'm just -- because I mixed up a
14 little bit.
15 MR. TIMOKHOV: Please don't...
16 INTERPRETER: Should I translate what you...
17 MR. TIMOKHOV: ...don't interrupt my examination
18 I don't appreciate it.
19 INTERPRETER: ...said, but...
20 MR. BORNMAN: Ye3 -- no, well I have some
21 concerns about this line of questioning. With
22 the interpreter present we are now pretty far
23 afield and this question is quite speculative.
24 We're asking for -- first of all we need to know,
25 does she remember the exact terms of the email.

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1 Then if she does remember the terms of the email,
2 we need to understand what the content of her
3 recollection is and then based on the content of
4 that recollection whether or not she has a
5 recollection as to what her understanding was
6 based on that, but unfortunately we've covered a
7 lot of ground and I'm not even clear what the
8 line of questioning is. So I don't -- I don't
9 debate that this topic...

10 MR. TIMOKHOV: No, this...

11 MR. BORNMAN: ...is relevant...

12 MR. TIMOKHOV: ...this examination...

13 MR. BORNMAN: ...but the way I'm understanding
14 the question it's quite speculative at this
15 point.

16 MR. TIMOKHOV: ...this examination is not about
17 we, that is my examination and I can chose the
18 line of questioning.

19 MR. BORNMAN: Yes.

20 MR. TIMOKHOV: And I would appreciate if you
21 don't interrupt the examination.

22 MR. BORNMAN: What's your question?

23 BY MR. TIMOKHOV:

24 351. Q. My question is, you just said that when
25 your understanding was when we be -- when would become

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1 richer we -- maybe we would get a house, that is what you
2 just said, didn't you?

3 A. It was written as something like this in the
4 email that with the time when our financial situation is
5 change then probably.

6 352. Q. And by we you mean that you expected that you
7 would like like a big family, you, your husband, your
8 granddaughter Anastassia, and two Danilovs?

9 MR. TIMOKHOV: Not (inaudible) become richer.

10 WITNESS: My understanding of the family we can
11 live in different places, but still be one
12 family.

13 BY MR. TIMOKHOV:

14 353. Q. And become richer -- richer as one family?

15 A. As from my point of view as I understand,
16 like we came here without knowing any -- without having any
17 English. We have been told that we will live here all
18 together so we are like blind kittens, we didn't know
19 anything here.

20 354. Q. And how -- how did you expect to become
21 richer as one family by what -- by what way?

22 A. These are the words of my son-in-law in this
23 agreement. They are not my words.

24 355. Q. But -- but you wanted to become richer as one
25 family, that was your understanding, wasn't it?

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1 A. I wanted to have normal life and to live
2 separately like our family and their family because they
3 have their own family, we have our family, but it didn't
4 happen from the very beginning. We live together and then
5 we moved to a house.

6 356. Q. Maybe it was because the family was not rich
7 enough at that moment?

8 A. No, it doesn't relate to us. We are not --
9 we not get used to any richness.

10 357. Q. But despite the family didn't become richer,
11 you ended up living in a house?

12 A. We were placed in these conditions and we
13 were not allowed to do any changes or anything and if we
14 wanted to do something the reaction was negative and it
15 caused my tears.

16 358. Q. But directions to live in that house didn't
17 cause your tears and it was a positive experience?

18 A. When we -- when we started living separately
19 for one year, yeah, we lived separately.

20 359. Q. And you liked the house, didn't you?

21 A. Yeah.

22 360. Q. Why did you like it?

23 A. House is horn3e and why I liked it.

24 361. Q. And would it be fair to say that Danilovs,
25 especially Svetlana Danilov, took good care of you. They

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1 were coming often, taking you to doctor's appointments?

2 A. Actually I can take care of myself , but
3 without knowledge of English of course she helped me where
4 I need the knowledge of English, but she helped me a lot,
5 yes, I'm thankful to her.

6 362. Q. And what -- what exactly did she do?

7 A. She did me -- she didn't allow me to do
8 anything about the house, but I am capable to do many
9 things.

10 363. Q. What exactly did she do in the house?

11 INTERPRETER: Excuse me?

12 BY MR.

13 364. Q. What exactly did she do in the house?

14 A. She said don't touch she limited me in the
15 house, she said, 'Don't touch anything. Just clean your
16 room'

17 365. Q. So that is how -- that's how she limited you,
18 right, that what you mention?

19 A. Yeah.

20 366. Q. That's what you just said in Russian, didn't
21 you?

22 A. If I tried some -- do to something, she said,
23 'Don't touch. I will do it myself' .

24 367. Q. So maybe she was taking care of her house?

25 A. Well, it would be -- it would be better to

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1 ask her about this. This is the manners she has. It --
2 it's not because I did -- I didn't want to -- I couldn't
3 do, it's just because she wants, she limited it -- she
4 wanted it so.

5 368. Q. So what you just said is she -- she asked me
6 not to touch the house other than to clean your own rooms?

7 A. Yeah.

8 369. Q. And who was buying food at that time?

9 A. Mostly she did this, but we asked -- we told
10 her that we -- let us buy something for us.

11 370. Q. And they got a car for you as well -- they
12 got car for you as well?

13 A. Yeah.

14 371. Q. So pretty much it was sounded -- it sounds
15 like something you'd run for?

16 A. Yes.

17 372. Q. And then in a year they said that they have
18 financial difficulties and they have to move to your
19 apartment, that's what you said?

20 A. Yes.

21 373. Q. You're house, sorry?

22 A. Yes.

23 374. Q. And what was happening next, how did you get
24 along together, just when you just moved?

25 A. There was a tension.

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1 375. Q. What do you mean by tension?

2 A. We -- we had a feeling that we do not belong
3 here. What I always say, everything was wrong.

4 376. Q. But you still had two -- your rooms to live
5 in?

6 A. Yeah, so stay in your rooms.

7 377. Q. And this rooms were separate from the house,
8 they were upstairs, I believe?

9 A. Yeah, on the second floor they were adjacent
10 rooms.

11 378. Q. So pretty much you are confined to the second
12 floor of the house?

13 A. No, there was master bedroom there, there was
14 big balcony.

15 379. Q. And who was cooking for you, who was cleaning
16 the house at the time?

17 A. Svet Sveta did everything around the
18 house. She didn't she didn't allow me to do anything.
19 She said, 'I will do it faster. I will be faster, I know
20 what to do'.

21 380. Q. So what -- what did you and your husband do
22 at the time?

23 A. We attended -- we attended ESL classes, we
24 tried to learn English language and at our age.

25 381. Q. Did you travel a lot?

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1 A. Yeah, we did.

2 382. Q. So it sounds like you -- you did something
3 you had no opportunity to do back home when you were
4 (inaudible)?

5 A. You mean in Russia. Yeah, we had the car
6 back in our country, but Canada is a good country, I would
7 admit it and I will say I like Canada, I like -- people are
8 good here and it's a nice country.

9 383. Q. And your health improved, right?

10 A. Yeah. Yeah, we have -- yeah, we have
11 friends. We met some people while attending the school.
12 We made friends and we have good people around us.

13 384. Q. Sounds like a dream.

14 A. You also came from Russia, I think, so -- and
15 you also have the same thoughts.

16 385. Q. And Valentin had his operation here just with
17 his bladder -- bladder?

18 A. Yeah, the moment when we sep -- yeah, when we
19 started living separate and apart and we moved to a
20 different city we started living on our own at that moment
21 we managed to make an operation in the city 200 kilometres
22 away from the place in Hamilton.

23 386. Q. Was Svetlana helping you with doctors as
24 well, she was taking you to doctor's appointments or was it
25 Pavel?

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1 A. No, Pavel never accompanied us to the
2 doctors, but Svetlana helped us when on that moment when we
3 lived together.

4 387. Q. And I understand that at some point it was
5 well, the house was far from Barrie and it was difficult
6 for you to get to the doctor's?

7 A. In Innisfil there is no even buses, no
8 transportation.

9 388. Q. But you had a car so just ...

10 A. Yeah.

11 389. Q. ...but Svetlana was accompanying you in
12 any...

13 A. Yeah, she accompanied, yes. Yeah, that was.

14 390. Q. And at some points Svetlana just offered you
15 to buy a condominium near to the hospital just to make it
16 more convenient for you to get to the hospitals because it
17 was close?

18 A. No, it was a little bit different. This
19 this condo she wanted to buy for her daughter, but her
20 daughter refused to have this condo and then I myself from
21 that aside myself I begged her with tears in my eyes to
22 leave this condo for us.

23 391. Q. For us you mean for -- for you?

24 A. For me and Valentin.

25 392. Q. Because it will be more convenient to get to

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1 hospital instead of to YMCA, right?

2 A. Yeah. It would be convenient for everybody
3 and up until now we could remain good family.

4 393. Q. So you wanted to move from the house to the
5 condo?

6 A. Yes. Yeah. But we were refused.

7 394. Q. And how much was the apartment?

8 A. I don't know.

9 395. Q. Did you see the apartment?

10 A. Yes, I saw. It was a very good -- it would
11 be a very good condo for us.

12 396. Q. Not too much glass?

13 A. Good and very convenient apartment in Barrie.
14 It was their greediness -- greediness -- greediness.

15 397. Q. And to -- you have many friends just in YMCA,
16 you said?

17 A. Yeah, now we have a lot of friends.

18 398. Q. Do they have a large Russian community in
19 that YMCA?

20 A. And Russians and Canadians.

21 399. Q. And your English improved, you were able to?

22 A. Yeah, we think that it was good for us to
23 attend this school.

24 400. Q. Because you learned English and you were
25 meeting many people?

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1 A. We -- we didn't learn English, but we
2 understand how to orient in the vicinity how to -- not to
3 lose our way, to understand a little bit better. We know
4 now how to use the transportation system.

5 401. Q. And you are able to communicate as Canadians
6 in English probably now -- you are able to speak to
7 Canadians with your friends?

8 A. With our -- with our friends, Canadian
9 friends.

10 MR. BORNMAN: Sorry, what was the answer, yes you
11 can speak English or what was it?

12 WITNESS: No, we cannot speak English, but when
13 you speak with Canadians who you know they try to
14 help you to understand them. They know that your
15 vocabulary is limited and they use other words.

16 BY MR. TIMOKHOV:

17 402. Q. And how many Canadian friends do you have?

18 A. Let me count. First of all we live in the
19 house where only Canadians live. And we have to
20 communicate somehow with them.

21 403. Q. But you like Canadians, you just -- you
22 travel a lot, right, you go out together?

23 A. Yeah.

24 404. Q. And you know many friends from YMCA to
25 just..

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1 A. Unfortunately we don't go to YMCA right now
 2 and for quite a time we do not attend YMCA because we have
 3 some health issues and we have to go to doctors often. And
 4 the other problem , we don't have a car. The winter was
 5 nasty and the buses goes very seldom. Some -- sometimes
 6 when we caught cold while waiting for the bus.

7 405. Q. What hospitals do you have?

8 A. So my husband had an operation on his leg and
 9 now I have examination of my heart. Valentin will have an
 10 operation on his eyes so we are mostly involved in our
 11 health.

12 406. Q. Who helps you with hospitals, who translates
 13 for you?

14 A. So you know sometimes we can deal ourselves
 15 with the language, but sometimes when we need an
 16 interpreter we ask for the help of interpreter and they
 17 provide us. There were no problem in Hamilton. When we
 18 were there they provided us with interpreter.

19 407. Q. And who was translating for you, who was
 20 interpreter?

21 A. Where in Hamilton?

22 408. Q. Everywhere?

23 A. In Hamilton like myself they called for an
 24 interpreter.

25 409. Q. So YMCA helped you with translators, right?

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1 A. No, it's not YMCA. No relation to YMCA.

2 410. Q. Can you talk more about YMCA just ...

3 MR. BORNMAN: Are we going to be at a good point
4 to break sometime soon?

5 MR. TIMOKHOV: Are you hungry? Okay. Go for it.

6 (Off Record)

7 BY MR.

8 411. Q. So we are coming back to the time you
9 (inaudible) started attending YMCA. Why did you join YMCA,
10 what was the purpose?

11 A. To learn -- to learn the language.

12 412. Q. And who introduced you to YMCA?

13 A. Svetlana, my daughter, was also interested in
14 this question and she found a person. She introduced us
15 who can give us some information regarding this.

16 413. Q. And who was the person?

17 A. Yana Skybin.

18 414. Q. And when did you meet Yana first time?

19 A. We met with Yana in Innisfil in -- in the
20 library.

21 415. Q. And what did you discuss with her?

22 A. She told us about the school so this is when
23 we get the information and we started attending the school.

24 416. Q. And can describe the first meeting with Yana?

25 A. So she told us that she works in this

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1 organization and she helps people on different issues who
2 came to Canada recently.

3 417. Q. And how often did you start going to YMCA?

4 A. So we started going there on regular basis if
5 we had not health issues so we tried to go there quite
6 often.

7 418. Q. And in addition to English program, you
8 started taking some other programs, right?

9 A. In this school, apart from the English
10 lessons, there were different people telling us about
11 different things here in Canada, about different
12 professions, about what's life about here in Canada and if
13 we have any questions where I could go and ask.

14 419. Q. And these people were just coming to English
15 classes, right, or just Yana recommended you some courses?

16 A. No, we went only -- we attended only English
17 classes.

18 420. Q. And who mostly communicated with Yana first,
19 Svetlana or just Pavel or yourself?

20 A. Sveta found her through internet and she
21 talked to her and she arranged our first meeting and she
22 advised us to go to this school.

23 421. Q. But did Sveta and Yana communicate directly,
24 discuss your progress, just did they communicate over
25 foreign email?

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1 A. I don't know how -- I don't know how they
2 communicated, but I know that they communicated through
3 email through internet.

4 422. Q. And what Yana was telling you about Sveta
5 just if -- if she was telling anybody at that time in 2000
6 -- when you just joined YMCA?

7 A. Nothing. Nothing, she told.

8 423. Q. Ah, and then just my understanding is that
9 you and Yana became more close, not just as counsel and
10 client, but you developed some sort of relationship?

11 A. Simply there was a -- so simply a person
12 appeared that helped us to answer a lot different questions
13 and she helped us with different topics and we -- the
14 relationships became friendly between us.

15 424. Q. What kind of questions, if you don't mind?

16 A. Well we came here, we didn't know anything.
17 Even we couldn't even we could ask -- could ask her
18 where to go here in Canada, how to attend concerts and she
19 helps us to get tickets for the concerts and she gave us
20 valuable help.

21 425. Q. Who paid for the tickets, YMCA or just
22 yourself?

23 A. Yeah, she gave us tickets from YMCA, but not
24 only for us but for other people who attended this school
25 and she also gave us information about where to -- we could

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1 go. By that time we had a car and we could go into
2 different places. She gave us very valuable information.

3 426. Q. So when -- when you started developing a
4 friendship more than just a relationship of friendship,
5 which I understand you have now?

6 A. Yeah, we have friendly relations like we had
7 -- well, like we developed before so we have the same
8 relations.

9 427. Q. So when did you develop this relationship --
10 when did you started just thinking that she is a friend,
11 not just your teacher?

12 A. Yeah, from the very first meeting in the
13 library I realized that she's a person who could give a
14 good advice, who can explain everything to us and who could
15 help to answer our questions.

16 428. Q. By good advice you mean mostly entertainment,
17 just where to go, what to see around Innisfil or just she
18 was telling you about other things as well?

19 A. Even where to buy a beautiful dress. So we
20 learned -- all those things we learned in the YMCA school,
21 not only from Yana, but from other people in the YMCA.

22 429. Q. Did Svetlana take you out for entertainment?

23 A. Yeah. When Svetlana had an opportunity, she
24 gave us this attention.

25 430. Q. And what about the relationship with your

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1 granddaughter -- with Anastassia, just what kind of
2 relationship was it?

3 A. Good.

4 431. Q. What was relationship between Anastassia and
5 your husband?

6 A. Good. Good.

7 432. Q. And I understand that at some point Yana
8 suggested that you can get an apartment, just to live away
9 from your family?

10 A. It was not Yana who advised us about this
11 opportunity because we realized that people got used to
12 live here separately when you don't have good relationships
13 and even if you have good relationships. So people used to
14 live separately.

15 433. Q. So you wanted to live separately, that was
16 pretty much?

17 A. Yeah, when we learned that there is an
18 opportunity to live separate, I asks -- I told about this
19 opportunity to Svetlana and I said, let's apply for
20 separate living.

21 434. Q. What kind of apartment was that just one
22 bedroom, two bedroom?

23 A. Where?

24 435. Q. Your current home. No, no, not the hospital.

25 A. Yeah, the hospital.

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1 436. Q. The place where you live now at that social
2 house, I don't know that -- no just is it one bedroom, two
3 bedroom?

4 A. One bedroom.

5 437. Q. Oh, it's one bedroom. And was it difficult
6 to get it, just how -- how do you apply for it?

7 A. It happens so that we have to make our
8 decision in order not to get the worst situation, so.

9 438. Q. And when you spoke with Sveta you already
10 knew that it is possible to get a house from the --- from
11 the government -- not a house, apartment?

12 A. No, Sveta refused. She was unhappy to hear
13 about separate living and she said, 'You're not going to
14 live separate, never' .

15 439. Q. Maybe it was because she thought you cannot
16 get this apartment from government?

17 A. She always -- she always stated that you have
18 no language -- you don't know language. You are nothing
19 here. You cannot live all alone just without support.

20 440. Q. And what Yana thought about it -- about you
21 getting apartment from the government?

22 A. What -- what do you mean, what she thought?

23 441. Q. Well, it is my understanding that Sveta was
24 not happy about you living separately, but what Yana
25 thought about your living independently?

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1 A. I don't...

2 442. Q. Did you discuss it with...

3 A. ...I don't know their relationships, I don't
4 know what they were thinking about that.

5 443. Q. ...did you discuss getting apartment from
6 government with Yana?

7 A. We ask Yana where we could go to apply for
8 the housing and she provide us with the contact and this is
9 what she did for us.

10 444. Q. And who told you about that social housing,
11 when did you learn it first?

12 INTERPRETER: Sorry, I ask you to short sentences
13 because I couldn't memorize all this...

14 WITNESS: I'm sorry.

15 INTERPRETER: ...20 sentences for short period.

16 WITNESS: Um, so what she told that they were at
17 the party with huge number of people and there
18 was a couple from Toronto who lived in subsidized
19 housing and they are quite a noble people, he is
20 a doctor, and they told about this opportunity
21 that exist here for people to apply for
22 subsidized housing.

23 BY MR. TIMOKHOV:

24 445. Q. Where -- where was the party, was it YMCA
25 party?

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1 A. No, it was not related to YMCA at home. They
2 were our friends and we attended the a birthday party.

3 446. Q. Whose birthday was it?

4 A. So we have a good friend of ours and it was
5 her birthday.

6 447. Q. What is name of your friend?

7 A. Emma.

8 448. Q. You know her from YMCA too?

9 A. We met her through YMCA because there was a
10 vice-principal she knew him before because she attended
11 this school early on. And this vice-principal she
12 suggested that she could introduce us to a good couple.

13 449. Q. Did you have many people from YMCA there --
14 did you have many people from YMCA attending the party?

15 A. There was Emma's relatives and friends from
16 Toronto and us.

17 450. Q. Yana was there as well?

18 A. No. Yana -- Yana has no relations to them.

19 451. Q. And when was the birthday party, what month?

20 A. Well it was -- this conversation happened
21 long time ago and we know them since so long time and they
22 explained us about this subsidized housing.

23 452. Q. What month was it?

24 A. It was -- it was so many years ago this
25 conversation happened four years ago because we live

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1 separate and apart for two and a half years already.

2 453. Q. And then you discussed that social housing
3 with Yana at some point, right?

4 A. We didn't discuss it with her, we just asked
5 her to help us with the letter as a translator. The school
6 provide this kind of services if we ask to write a letter
7 they help they helped us with this.

8 454. Q. And you said before Yana gave you address of
9 social housing office?

10 A. She didn't provide us with the address, but
11 she said that there is an option to apply for a social
12 housing.

13 455. Q. And what year did you speak with Yana about
14 it -- about that letter?

15 A. When the tension was high in our house and we
16 realize that we have to decide something and at that point
17 we ask her.

18 456. Q. And what year was it?

19 A. Before we left the house. We left the house
20 in 2011. Maybe at the beginning of 2011.

21 457. Q. By beginning, you mean January, February?

22 A. I couldn't tell you right now. I couldn't
23 tell you what months it was like regularly we were moving
24 to this point. We had to do something and so we did.

25 458. Q. And did you go to the office yourself?

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1 A. Yana had such a position that everybody ask
2 her questions and before you ask her anything you need to
3 schedule an appointment with her so, like anybody else, we
4 scheduled an appointment, came to see her and ask her our
5 questions.

6 459. Q. Why would you schedule an appointment if you
7 spent time socially together?

8 A. But we were meeting with her on different
9 topics we never discussed the working moments with her.

10 460. Q. So you discussed social housing just in the
11 office with her?

12 A. Yes.

13 461. Q. And you scheduled an appointment with her
14 before discussing it?

15 A. Like everybody else we did the same exact.

16 462. Q. Did Yana know that you are getting
17 approximately \$30,000 a year in income each you and your
18 husband?

19 MR. BORNMAN: Do -- do -- can we perhaps ask that
20 question in two parts because we haven't ...

21 MR. TIMOKHOV: Substantially.

22 MR. BORNMAN: ...we haven't asked -- we haven't
23 had any line of questioning with respect to the
24 income.

25 BY MR.

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1 463. Q. All right. So, how much income did you
2 receive every year, you and Valentin, declared?

3 A. When?

4 464. Q. In the year of 2010 and 2011?

5 A. Our two pensions.

6 465. Q. Did you declare any other income?

7 A. Russian pension. No.

8 466. Q. Did Yana -- did you ever tell Yana about what
9 income you declare?

10 A. No. Absolutely. We have a different person
11 who are working with and Yana even doesn't know her.

12 467. Q. Did you tell Yana in 2010 what income you
13 declare?

14 A. But we didn't do any taxes. My daughter and
15 her husband they did taxes for us. So now when we live
16 separate we declare our income right now.

17 468. Q. And you never asked Yana to check what your
18 income is with Revenue Canada?

19 A. When all this things started maybe we -- we
20 need to live somehow and maybe we ask her questions
21 regarding sponsorship, maybe.

22 469. Q. What kind of questions regarding sponsorship?

23 A. Yeah, financial only.

24 470. Q. Can you just tell exactly what you were
25 asking Yana?

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1 A. We wanted her to -- we wanted to ask
2 questions and to get consultation from her about how we can
3 live if we live separate and apart on what means we have
4 for leaving.

5 471. Q. And what did she tell you -- what kind of
6 income could you rely on?

7 A. She didn't tell us anything about the income.
8 She said if you were sponsored here you have to discuss
9 these issues with your sponsor.

10 472. Q. And did you discuss issues -- what kind of
11 issues would you have to discuss with your sponsor?

12 A. Unfortunately -- unfortunately no questions
13 could be discussed with the sponsor and -- but we have to
14 live somehow and then we applied for social assistance.

15 473. Q. So you didn't discuss financial support with
16 Svetlana or Pavel?

17 A. No, they didn't discuss it with us. They
18 were not interested in this

19 474. Q. Did you try to approach them to discuss
20 financial support?

21 A. So when they wanted they provided us with
22 money. When they didn't want, they didn't provide us with
23 the money, but we -- we're not happy with this position and
24 we applied for social assistance.

25 475. Q. But you said you -- you spoke with Svetlana -

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1 - you spoke with Svetlana about getting a social housing?

2 A. Yeah, I told her, but she said, 'That you are
3 never ever you will live separate and apart'.

4 476. Q. Maybe it was because you had bad health
5 condition and she wanted to take care of you?

6 A. But if they thought that we had bad health,
7 they shouldn't treat us like they treated us.

8 477. Q. Did Svetlana or Pavel tell you that you have
9 too much income to qualify for social housing?

10 A. They told us, but we didn't know about this.
11 They never discuss it with us.

12 478. Q. Did you give Yana any authorization to check
13 your income?

14 A. You mean to Revenue?

15 479. Q. Yes, in Revenue Canada?

16 A. Yeah yes, I think we gave her
17 authorization to learn about us.

18 480. Q. Did you ever give her authorization to -- to
19 act as your representative before Revenue Canada?

20 A. Yes.

21 481. Q. And when was it?

22 A. It was at the moment that when we left
23 already so everything was connected to the money.

24 482. Q. Did you give this authorization in the
25 beginning of 2011 as well?

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1 A. Yes.

2 483. Q. And did you tell your sponsor about such
3 authorization?

4 A. We didn't have communication.

5 484. Q. And you lived at the same place?

6 A. Once I tried to contact and to her a
7 conversation, but the answer was 'You don't talk to you
8 didn't talk to us, now we don't want to talk to you'.

9 485. Q. But I understand that in the beginning of
10 2011 you still had some communication?

11 A. When we left we had no communication.

12 486. Q. No, in -- in the beginning of the year before
13 you left because you left in the end of the year?

14 A. Yeah, we left in October.

15 487. Q. Did you discuss did you tell your sponsors
16 that you're putting Yana just as your representative with
17 taxes (inaudible) in the beginning of 2011?

18 A. Sponsors were not interested in anything
19 that's why we didn't inform them.

20 488. Q. But you know that sponsors pretty much filled
21 in the applications with Revenue Canada they were your
22 representatives before Revenue Canada for previous years?

23 A. So we know that sponsors have some
24 obligations including the financial one, but they didn't
25 provide us and that's why we had to apply for Ontario

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1 Works, this I know for sure, but about our income and any
2 other issues we don't know -- we didn't know.

3 489. Q. But Yana told you in the beginning of 2011
4 what your actual income is?

5 A. She mentioned that to us, but -- but we
6 didn't realize the source of this income because they never
7 discuss it with us, they never told us about the business
8 income or anything else.

9 490. Q. But you understood that Pavel and Alla(sic)
10 pretty much was supposed to take care of your financial
11 affairs when you come to Canada -- Svetlana, sorry?

12 A. Yeah, but they should fulfill their
13 obligations.

14 491. Q. And that Pavel was -- you understood that
15 Pavel was and Svetlana, they were just doing some
16 financial planning and tax planning just for the whole
17 family?

18 A. We knew, but that they didn't divulge us to
19 all this things. We were far from what they were doing.

20 492. Q. Did you ever try...

21 MR. BORNMAN: What was the answer, could you
22 repeat that answer please?

23 WITNESS: We knew, but we were far away from what
24 they were doing.

25 MR. BORNMAN: Okay.

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1 BY MR. TIMOKHOV:

2 493. Q. ...did you ever try to discuss Canadian tax
3 system with them or just the way how investment industry
4 works in the country?

5 A. We didn't try, but it was -- they were not
6 interested for us to know all this.

7 494. Q. Did you ever try to discuss with them how tax
8 system works or how like investments work?

9 A. So the answers always were, Pasha(phonetic)
10 is busy, don't touch Pasha.

11 495. Q. So you were asking them about how tax system
12 works, how much money they pay in taxes?

13 A. Maybe we ask them questions, but the answers
14 were -- the answers were in such a way given that it would
15 be better not to ask those questions at all.

16 496. Q. Did you ask Yana those questions?

17 A. No, we didn't ask Yana. We have to live to
18 survive.

19 497. Q. So in other words, you are not interested how
20 investments and taxes work in this country?

21 A. Right now we know how because we live
22 separate and apart we do our tax ourselves and we know how
23 it works.

24 498. Q. So will it be fair to say that you trusted
25 all your financial affairs to Pavel and Svetlana?

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1 A. Yes.

2 499. Q. And then because you were unhappy about
3 living just together with them, you -- you had to behind
4 their back and just switched all your financial affairs to
5 Yana?

6 A. How?

7 500. Q. You appointed Yana as your tax
8 representative?

9 A. No, that's not true. It's it's not. We
10 ask her -- we ask her advice and use her as a counsellor,
11 but we didn't authorize her to do anything on our behalf.

12 501. Q. So you didn't authorize Yana to become your
13 representative before Revenue Canada in the beginning of
14 2011?

15 A. No, I don't think so.

16 502. Q. So you didn't, just for clarity purpose, did
17 you -- you didn't give Yana Skybin authorization to act as
18 your representative in the beginning of 2011 before Revenue
19 Canada?

20 A. So we use her as an interpreter only because
21 we didn't know English and if we had to send some documents
22 maybe we send some documents.

23 503. Q. So, the question is, did you authorize Yana
24 Skybin to become your representative before Revenue Canada,
25 that is yes or no question -- in the beginning of 2011?

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1 A. Right now I think that Yana represented us
2 only as an interpreter, or translator. If there was a
3 documents from our side so she was an interpreter.

4 504. Q. So, the -- that is yes or no question. Did
5 you give her authority to represent you before Revenue
6 Canada.

7 A. Authorities, what do you mean authorities?

8 MR. BORNMAN: Is there a document maybe that
9 could help?

10 BY MR. TIMOKHOV:

11 505. Q. Did you authorize her to act as your
12 representative before Revenue Canada?

13 A. Yeah, she talk on our behalf, not on her
14 behalf.

15 506. Q. So you gave her authority?

16 A. Yeah, to talk on our -- to talk on our
17 behalf, not on her behalf.

18 507. Q. And you didn't tell it to your children?

19 A. No, we had no contact at that time.

20 508. Q. Did you have family dinners together -- just
21 at the time who was cooking?

22 MR. BORNMAN: What time are we talking a:::i out?

23 MR. TIMOKHOV: Beginning of 2011.

24 MR. BORNMAN: 2011.

25 WITNESS: You mean at home on the family?

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1 BY MR. TIMOKHOV:

2 509. Q. Yes.

3 A. Sveta cooked for everybody and we had our
4 dinners together.

5 510. Q. So there was no family occasion when you
6 said, 'Pavel, Svetlana, by the way we appointed Yana Skybin
7 as our representative'?

8 A. So there was a dinner together when Yana's
9 mama came and we invited Yana and her mom to our house and
10 we had a get together.

11 511. Q. But you didn't tell Pavel and Svetlana that,
12 'We have appointed Yana as our tax representative'?

13 A. Yeah, but this dinner together was way before
14 the all those things happen.

15 512. Q. Okay. The question is did you -- when you
16 appointed Yana as your representative, did or did not you
17 tell your children about this action?

18 A. I don't understand the question a little bit.
19 Do you mean -- you mean to the taxes and Revenue Canada,
20 what?

21 513. Q. Yes.

22 A. So when we started -- when we started living
23 separate and apart we started doing our taxes ourselves, we
24 have an accountant who does it for us and there is no Yana
25 involvement.

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1 514. Q. And who is your representative before Revenue
2 Canada now?

3 A. You want to know the accountant?

4 515. Q. Who is getting the records from Revenue
5 Canada? Who is getting the records from letters from
6 Revenue Canada -- correspondence

7 A. We -- I receive.

8 516. Q. And it is my understanding that just in 2011
9 before you moved out you closed some bank accountE:?

10 A. Yes.

11 517. Q. How did you close them?

12 A. We went to bank and learned that we have
13 certain accounts on our names and we said that we have no
14 relations to these accounts and we wanted to close them.

15 518. Q. Did you have a translator with you?

16 A. Yes.

17 519. Q. Who was the translator?

18 A. Yana was.

19 520. Q. Did you give Yana power of attorney?

20 A. Yes.

21 521. Q. So who told you to close the accounts?

22 A. You know I am far from this financial system.
23 What I thought when I come to Canada I will have my own
24 bank account.

25 522. Q. So you don't have an understanding on

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1 financial systems?

2 A. Probably we didn't need to know all the
3 information we transferred money and we thought that we
4 need a separate account of our own, but the direction -- we
5 didn't have it and direction was terrible. I am not a
6 financial person. I don't need lots of different cards. I
7 don't want to live this way.

8 523. Q. So did you tell Pavel -- Pavel and Svetlana
9 just to put money into separate bank account or you -- you
10 told that's what you told them?

11 A. Yeah, I requested this. I could -- I could
12 only request, nothing -- nothing else I could do, but I was
13 refused.

14 524. Q. And you understood that if they put money
15 separately there would be no interest from regular bank
16 account?

17 A. Yeah, but...

18 MR. BORNMAN: What was the answer to the
19 question?

20 WITNESS: ...but one story that they would
21 deposit money and the 10 percent like it was
22 described before it could be a different
23 totally different story.

24 BY MR. TIMOKHOV:

25 525. Q. So you asked them to invest money to get 10

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1 percent interest?

2 INTERPRETER: Sorry?

3 BY MR.

4 526. Q. You asked Pavel and Svetlana, that was in
5 agreement, you asked them to invest the money to get 10
6 percent interest?

7 A. Let it be at least this 10 percent to be on a
8 separate account and we don't need anything else.

9 527. Q. And in 2009 you told before that Pavel and
10 Svetlana was telling you about some fin -- financial crisis
11 -- and they had finan -- yeah?

12 A. Yeah. This is what they told and they
13 started doing whatever they need. That was the problem.

14 528. Q. And did they tell you that they had financial
15 difficulties?

16 A. Yes.

17 529. Q. And that was around 2008, 2009, right?

18 A. Yeah, I will tell you when we came in 2008
19 and then in 2009 we live separate and when they moved in,
20 we started live together, this is when they told us.

21 530. Q. And you said before that you are not the
22 person who goes after the wealth, you are more -- you go
23 after big family and happiness -- when you came to Canada
24 to live together as a big family?

25 INTERPRETER: You are not the person to go after?

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1 BY MR. TIMOKHOV:

2 531. Q. You said before that you are not the kind of
3 person who goes after wealth and being rich, that it was
4 important for you to live with your family together?

5 MR. BORNMAN: What was that -- what was that
6 answer?

7 MR. TIMOKHOV: In the beginning of examination.

8 WITNESS: For me it's -- for me it's the family
9 also if we live separate, but we can keep the
10 family.

11 BY MR.

12 532. Q. But before just when you said that we --
13 'Just we would get a house if we would become richer' when
14 we discuss it. You said, 'I grew -- it was not about
15 wealth for me, I just wanted us to live together as a big
16 family that's why I came to Canada'. Did you say it?

17 MR. BORNMAN: Sorry. The question is, was that
18 her answer?

19 MR. TIMOKHOV: Yeah.

20 MR. BORNMAN: And you lost me, sorry. So there's
21 -- what are we the answer is?

22 MR. TIMOKHOV: Before in -- in examination...

23 MR. BORNMAN: Sorry.

24 MR. TIMOKHOV: ...Mrs. Nikityuk she said that Mr.
25 Danilov when they had discussion she said he said

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1 that Nikityuks would get a house when the family
2 together become richer.

3 BY MR. TIMOKHOV:

4 533. Q. Did you say this?

5 A. This is what they wrote in the agreement.

6 534. Q. And you said that having growing up in
7 Russia, you are not the kind of person who goes af'ter
8 wealth; did you say it -- did you say this?

9 A. I'm such a person I am happy at what -- with
10 what I have.

11 535. Q. And you said that the main purpose of coming
12 to Canada was to join your family, to live together as a
13 big family?

14 A. Yeah, to have good relationships with
15 relatives like a good family.

16 536. Q. And then you said that in 2009 Pavel and
17 Svetlana they told you that they have financial problems
18 because of financial crisis; did you say this?

19 A. So what then?

20 537. Q. And they told you that they have no means to
21 support two apartments at the same time, that's what you
22 told?

23 A. This -- this is what they told us, but it
24 doesn't mean that it was like this.

25 538. Q. So, it was not about big family, it was about

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1 money for you then?

2 A. I don't understand the essence -- the sense
3 of your question.

4 539. Q. You said that you came -- that coming to
5 Canada was not about money, it was about joining the
6 family?

7 A. I didn't tell this that not because of money.
8 I didn't have the -- the certain purpose why I go to
9 Canada.

10 540. Q. You said that you -- you a kind of person who
11 is satisfied with whatever life brings her, but when --
12 when the family had financial difficulties you -- you were
13 not satisfied about this?

14 A. I want to say one thing. They just put us --
15 put us before fact, they came in -- they moved in and they
16 said, 'We will live here' and we had no options.

17 541. Q. And when the children said that they cannot
18 afford to live -- for you to live separately because of
19 financial difficulties, you still wanted to live
20 separately, didn't you?

21 A. Yeah, I wanted to live separate. We could
22 sell the house and to rent two apartments. You could do
23 anything .

24 542. Q. Did you discuss selling the house with them?

25 A. No. This is what I'm saying you right now,

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1 but it was useless to discuss it with them then.

2 543. Q. So you didn't discuss it with them then?

3 A. Yeah, but nobody was going to discuss it with
4 me either.

5 544. Q. And you testified before that you thought
6 that it's this house was owned by -- by your husband?

7 A. This is what they told us, that the house was
8 purchased on the name of Anatolio(phonetic).

9 INTERPRETER: Oh, sorry, Valentin.

10 MS. DANILOVA: Valentin.

11 BY MR. TIMOKHOV:

12 545. Q. And you didn't ask them to sell the house and
13 just to buy two apartments?

14 A. I was surprised by the fact when they were
15 why they were selling the condo of the granddaughter and we
16 we begged them to leave it for us and we were refused.
17 It was at that particular time.

18 546. Q. So at this time you wanted to live separately
19 and you found about your social -- about that social
20 housing option?

21 A. No, it was a little bit later not at that
22 very moment. It was later.

23 547. Q. And then, as I understand, Svetlana or Pavel
24 told you that you don't financially qualify for this
25 because you have certain income?

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1 A. Yeah, there were phrases like this.

2 548. Q. And then you discussed possibility of getting
3 social housing with Yana, didn't you?

4 A. Not with Yana, we learned from her about
5 opportunity -- a possibility to get this housing and we
6 discussed with the people -- with other people.

7 549. Q. And then you asked Yana to write a letter to
8 social housing, right?

9 A. Yeah.

10 MR. BORNMAN: Sorry. What was that question you
11 just asked that they said yes to?

12 MR. TIMOKHOV: They asked...

13 MR. BORNMAN: You asked.

14 MR. TIMOKHOV: ...Yana to -- they ask Ya.na to
15 write a letter to social housing.

16 MR. BORNMAN: Thank you.

17 MR. TIMOKHOV: And they said your client said,
18 yes she did in the beginning of 2011.

19 MR. BORNMAN: Thanks.

20 BY MR.

21 550. Q. And at that time you appointed Yana as your
22 tax representative so she could acquire records from tax
23 authorities, in the beginning of 2011?

24 A. We authorize her to ask on our behalf what
25 kind of reports they had there.

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1 551. Q. And did she tell you that you had certain
2 income?

3 A. Yeah, she mentioned something about high
4 income, but we didn't go into details, but we understand
5 that we have to leave the situation. We have to go away.

6 552. Q. And did Yana tell you that you don't qualify
7 financially for social housing?

8 A. When we left and we ended up on the street,
9 we said that we are not going to go back.

10 553. Q. You said that you decided to go -- to move
11 out in the beginning of 2011 before the situation would get
12 worse?

13 A. We left in October, but these things
14 accumulated gradually.

15 554. Q. So when did you ask Yana first to write a
16 letter to social housing -- when -- when?

17 A. When we left.

18 555. Q. When was it?

19 A. It's hard to say. There was -- we left in
20 October and we applied to the services. We were en
21 difficult position and it was difficult because we were two
22 of us and usually single people apply there.

23 556. Q. Why did you ask Yana to get financial
24 information about -- from Revenue Canada?

25 INTERPRETER: Didn't or did?

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1 MR. TIMOKHOV: Why.

2 INTERPRETER: Why didn't?

3 BY MR. TIMOKHOV:

4 557. Q. Why did you ask Yana to get financial
5 information from Revenue Canada in the beginning of 2011?

6 A. Because -- because we were unaware of what
7 was going on. Just to have information -- just for
8 information purpose.

9 558. Q. And you discussed social housing option with
10 her at the time?

11 A. We didn't discuss anything with her. We just
12 ask her questions.

13 559. Q. In the beginning of 2011?

14 A. Because -- because we needed a place to live.

15 560. Q. And when Yana found out that you have high
16 income and she told you that you don't qualify?

17 A. But we found this information about high
18 income from the bank accounts that were closed.

19 561. Q. And when did you close the accounts?

20 A. Immediately we closed them. So all them
21 all the...

22 MR. BORNMAN: This is after you left.

23 WITNESS: ...all the monies were withdrawn from
24 those accounts, by our (inaudible) we found that
25 the bank accounts were empty and we closed them.

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1 BY MR. TIMOKHOV:

2 562. Q. So, when was it?

3 A. I don't remember.

4 563. Q. But it was months before you left?

5 A. It was in '11 -- 2011.

6 564. Q. About August or September, right?

7 A. So we left in October and so everything went
8 to this and it happened.

9 565. Q. No, we -- just that is my examination.

10 MR. BORNMAN: No, but I don't understand I
11 don't understand what happened here.

12 MR. TIMOKHOV: We have record.

13 MR. BORNMAN: Right, but I don't understand
14 because there's like three questions here. What
15 -- when were the accounts closed, you're asking
16 when was the information obtained from Revenue
17 Canada by Yana Skybin and you're also asking when
18 the -- when did you have a conversation about
19 social housing and I have some concerns that in
20 the course of the translation, that these three
21 questions have become conflated...

22 MR. TIMOKHOV: Your client...

23 MR. BORNMAN: ...and that the record that we have
24 in front of you, that we've just recorded, does
25 not give us an accurate answer to those three

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1 questions.

2 MR. TIMOKHOV: Okay.

3 BY MR.

4 566. Q. The -- the record is clear, I guess, because
5 it is my understanding that you closed the accounts with
6 Yana Skybin in the bank around before you left?

7 A. Yes.

8 567. Q. And you testified that was first time you
9 found out about your income?

10 A. Yeah. This is what showed up.

11 568. Q. Before this you said that you authorized Yana
12 to be your represent -- representative with tax -- tax
13 authorities, it was beginning of 2011 -- is it yes or no?

14 A. Because we needed to make -- to produce some
15 documents and we needed somebody's help and we ask Yana to
16 do it for us.

17 569. Q. So it -- my understanding is that, 'Yes, we
18 authorized Yana to act our -- as our tax representative',
19 right -- that is yes or no question?

20 A. Again -- again let us return back to this.

21 MR. TIMOKHOV: Can it just get off the record.

22 (Off Record)

23 MR. TIMOKHOV: I just had explained to the
24 counsel for Nikityuks that it's his duty as a
25 counsel to (inaudible) his clients to provide

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1 clear answers to the questions and I repeat the
2 questions one more time.

3 MR. BORNMAN: And I had indicated that Ms.
4 Nikityuk has answered my friend's questions. If
5 he wishes to answer -- or ask the questions
6 again, he is welcome to do so.

7 BY MR.

8 570. Q. For the clarity purposes, just I ask to
9 respond to my questions yes or no, unless certain
10 explanation is required. Is it true that around January
11 2011 you or your husband have appointed Yana Skybin as
12 representative before Revenue Canada?

13 A. Yes.

14 571. Q. Is it true that around that time Yana Skybin
15 told you and your husband about your income as reported
16 with Revenue Canada?

17 A. Yes.

18 572. Q. Is it true that around this time you
19 discussed you asked certain questions about social
20 housing from Yana Skybin?

21 A. No.

22 573. Q. When was first time you ask questions about
23 social housing from Yana Skybin?

24 A. Actually this question arise when we left.

25 574. Q. So is it true that first time you asked Yana

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1 Skybin about social housing around October 2011?

2 A. But of we'd already had a meeting with the
3 social services and we talk about this issue with social
4 service, not with Yana.

5 575. Q. And when was it?

6 A. So the place of living issue arose when we
7 left the house because we had to do something about our
8 place of living.

9 MR. BORNMAN: When -- when did you first talk to
10 social housing?

11 WITNESS: Oh, frankly speaking, I do not
12 remember.

13 MR. TIMOKHOV: No, his answer was when she left,
14 so it was October, 2011, how I understand it.

15 WITNESS: Yeah.

16 MR. BORNMAN: No, she said that she met -- they
17 first discussed with Yana Skybin around 2011, but
18 they'd already met with social services and my
19 understanding is that she doesn't remember when
20 she actually met with social services for a first
21 time.

22 MR. TIMOKHOV: Let me do my examination. I'll
23 try to make it simple, just that is my
24 examination.

25 BY MR. TIMOKHOV:

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1 576. Q. And who referred you to social services?

2 A. We talked to inspector -- there is a special
3 inspector to social service.

4 577. Q. And who told you that there is an inspector
5 on social services?

6 A. At school.

7 578. Q. Who?

8 A. Yana.

9 579. Q. And who accompanied you to the appoi.ntment
10 with inspector -- who is she?

11 A. She came and talked to us to the school -- to
12 Yana inspector.

13 580. Q. Because Yana invited her?

14 A. She invited her for us and she talked to us,
15 but Yana was not involved in this.

16 581. Q. And Yana was a translator during the
17 conversation?

18 A. Yes, but at this point she was as a
19 representative of the school and she was as interpreter
20 she was used as an interpreter because she helps us -- she
21 helped us as other people from the school.

22 582. Q. And did you discuss with Yana possibility of
23 getting social housing between January when she said that
24 you don't qualify for finan for social housing and
25 October 2011 when you left?

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1 A. We didn't discuss it with her because it was
2 our decision somehow to obtain this kind of housing.

3 583. Q. What do you mean -- can you translate
4 probivat properly?

5 INTERPRETER: Probivat?

6 MR. DANILOV: She said probivat.

7 INTERPRETER: Obtain.

8 MS. DANILOVA: No, no.

9 MR. TIMOKHOV: To push through.

10 MS. DANILOVA: Three Russian speaking -- it's
11 wrong translation.

12 MR. TIMOKHOV: Push through, probivat.

13 INTERPRETER: To push through.

14 MR. TIMOKHOV: To hammer -- hammer through.

15 MS. DANILOVA: Mm-hmm.

16 MR. DANILOV: To hammer through.

17 MS. DANILOVA: Hammer. No.

18 INTERPRETER: No, we -- I mean...

19 MR. BORNMAN: Could we go off record here for a
20 second.

21 (Off Record)

22 MR. TIMOKHOV: So you just said that in January -
23 - in January when you -- that was an issue of
24 translation what probivat and it came in context
25 that...

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1 MR. BORNMAN: Let's just ask the question again
2 and get the answer.
3 MR. TIMOKHOV: ...that the defendant said that
4 just in January when they found out that they
5 they do not qualify for social housing they
6 decided to push through to get this social
7 housing and that is in agreement with translator
8 that that is how word probivat is translated...
9 MR. BORNMAN: Okay. There's...
10 MR. TIMOKHOV: ...correct?
11 MR. BORNMAN: ...let's -- rather than making an
12 agreement as to what was said...
13 MR. TIMOKHOV: That is what translator E::aid.
14 MS. DANILOVA: You're right on point
15 MR. BORNMAN: ...ask the question...
16 MS. DANILOVA: You're right on point...
17 MR. TIMOKHOV: No, that is what...
18 MR. BORNMAN: ...and get the answer.
19 MS. DANILOVA: ...no, it's (inaudible) point.
20 MR. TIMOKHOV: ...that was the answer. So,
21 probivat means push through, right.
22 MR. BORNMAN: I have no way of adjudicating
23 whether or not that -- or making a judgement call
24 as the decision...
25 MR. TIMOKHOV: Your translator said that that is

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1 how it's translated just now, yes or no. That's
2 what you said.

3 MR. BORNMAN: We we do not know...

4 MR. TIMOKHOV: Push through.

5 MR. BORNMAN: ...we do not know, to be clear, we
6 have no record as to when that word was spoken in
7 Russian or what the context was in which that
8 word is used. I have your understanding of what
9 was said in Russian, but that is not sufficient
10 for the record nor for myself. And so we have
11 have one of two options, you can ask the question
12 again and we can provide the answer now that
13 you've come to -- there's a shared understanding
14 as to what that particular word means.

15 MR. TIMOKHOV: Just there is an agreement that
16 word probivat was used. I asked the translator
17 to translate the word, probivat.

18 MR. BORNMAN: Yes, but we don't have a record..

19 MR. TIMOKHOV: No, that is just the question.

20 MR. BORNMAN: ...we don't have a record of when
21 that word was uttered in the conversation.

22 MR. TIMOKHOV: No, just literal meaning. How
23 word probivat is translated.

24 INTERPRETER: Well, it depends upon the
25 situation.

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1 MR. TIMOKHOV: Just give us several situations
2 how word probivat is used.

3 INTERPRETER: Is there the matter of linguistic?

4 MR. TIMOKHOV: So, pretty much...

5 MR. BORNMAN: I -- I -- this is -- this is not
6 within the scope of this enquiry. Ask the
7 question again and we will answer -- my client
8 will answer the question.

9 MR. TIMOKHOV: It is our position that the
10 translator may be not impartial just in this
11 situation, but the issue about what probivat, um,
12 that is for the record.

13 BY MR.

14 584. Q. You said that when in January 2011 you -- you
15 -- when you learned that you don't qualify financially for
16 social housing you -- you are ready to -- you are looking
17 for ways to get social housing to separate from your
18 family, is it correct?

19 A. So as we made up our mind to leave and we
20 left, and we had to live somewhere, right. And we -- and
21 we realized that we are not get whatever we entitled to
22 from our sponsors and we applied to Ontario Works. And
23 Ontario Works and subsidized housing are related to each
24 other. So the life made us apply to Ontario Works.

25 585. Q. So mostly you went for Ontario Works because

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1 you had problems with financial support?

2 A. Yes. Sure.

3 586. Q. And in October just you -- you -- you
4 unexpectedly moved out of the house?

5 A. Yeah, but it was some -- some things precede
6 this mo -- moment.

7 MR. TIMOKHOV: I just need a two minute break.

8 (Off Record)

9 BY MR.

10 587. Q. And around October 2011 did you tell -- or
11 before, did you tell any of your friends that Svetlana and
12 -- or Pavel, they abused you?

13 A. There was an abnormal situation at home.

14 588. Q. What do you mean by abnormal situation at
15 home?

16 A. First of all there was tension in the
17 relationships. If we expressed our discontent, or
18 something, our mouths were shut and son-in-law even use
19 obscenities. My daughter didn't allow me to do anything
20 about the house. And when there was one of the
21 conversation that Svetlana mentioned that the house is not
22 yours and there is nothing in this house belong to you.

23 589. Q. And you told your friends that Svetlana
24 caused you a physical injury?

25 A. Yes. She attacked me unexpectedly. I didn't

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1 expect this. It was happened, yes.

2 590. Q. When was it?

3 A. Several times I advised her that she has to
4 go to the doctor because it's not normal and she fainted
5 several times. She has to go to -- sorry, just she advised
6 her to go to the doctor.

7 591. Q. Did you tell her that she has psych --
8 psychiatric problem?

9 A. Yeah, I told her that 'Your nerves are not in
10 good order' and I even mentioned it to my son-in-law that
11 her -- he injured her nerves.

12 592. Q. And you -- did they cause any physical
13 injury?

14 A. Yeah, she grabbed me and I have ...

15 MR. BORNMAN: Bruising?

16 WITNESS: ...bruises, yeah, I had bruises on my
17 body. So aggression appeared in the house. So
18 the -- the action that was from the son-in-law he
19 dropped the glass in front of my husband and he
20 said that next time it will be in your head. ■

21 think that this was enough to leave the house.

22 BY MR. TIMOKHOV:

23 593. Q. And before in some documents, in one of
24 affidavits, I think you just draw road that he threw it
25 into the wall and there was some damage from the plate?

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1 A. Yeah, it was -- yeah, he threw the plate.

2 Yeah, it happen.

3 594. Q. And where was -- where was that damage, in
4 which room?

5 A. Yeah, there was a trace from the plate.

6 595. Q. In which room it was?

7 A. It was in the it was in the living -- no,
8 it was in the kitchen at the place where we have our meal.

9 596. Q. On what wall?

10 A. There is entrance to the garden and to the
11 left.

12 597. Q. And you said there was some bruises on your
13 neck?

14 A. Yeah, from her fingers, yes.

15 598. Q. Did you make a picture of the bruises?

16 A. No, we didn't do anything like this.

17 599. Q. Did you have camera?

18 A. Yeah, we did have, but we decide just to
19 leave the house.

20 600. Q. And when you spoke with Yana Skybin about the
21 bruises, did she see the bruises?

22 A. I do not remember who saw them, but I myself
23 saw it and it was enough.

24 601. Q. Did you show bruises to Yana?

25 A. I do not remember.

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1 602. Q. But you went to Yana just after that
2 happened?

3 A. But it happens not at once. It was
4 everything happened regularly increasing and it was our
5 grief it was our grief.

6 603. Q. And when did accident with bruises took
7 place?

8 A. It was very close to the departure.

9 604. Q. And the bruises were on your neck or your
10 arm, where was the bruises?

11 A. She just grabbed me like this and I thought
12 that she -- she was going to strangle me.

13 605. Q. Did you have bruises on your hands?

14 A. I do not remember. She just grabbed me with
15 all her angriness and the traces of her fingers remain
16 somewhere.

17 606. Q. Somewhere on your neck?

18 A. Not on the neck but in this area.

19 MR. BORNMAN: Sorry, what area are you..

20 WITNESS: On the neck -- maybe on the neck.

21 MR. BORNMAN: ...can you explain the record can't
22 show hand gestures.

23 WITNESS: So she grabbed me in this place
24 probably something was here.

25 MR. BORNMAN: Can you describe, this place,

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1 please. The record can't show.

2 WITNESS: On the shoulders close to the neck.

3 BY MR.

4 607. Q. Did you have any bruises on your arms?

5 A. I don't know. I didn't resist, but she at
6 the time fainted.

7 608. Q. And can you describe pretty much how that
8 violence accident happened, what -- what caused it -- what
9 did you discuss?

10 A. We were standing close to the bookshelves and
11 it happened there. I even do not remember, something she
12 didn't like and this was the reactions from her.

13 609. Q. So she didn't like something and she
14 unexpectedly attacked you?

15 A. It was she felt so bad even she lie down on
16 the floor. We were three of us, myself -- myself, Valentin
17 and herself. Our son-in-law was at work.

18 610. Q. And what did you discuss with Svetlana?

19 A. Some minor things, frankly speaking, I do not
20 remember, but something she didn't like and it was so
21 unexpectedly.

22 611. Q. And when you spoke with -- you went to Yana,
23 you showed the bruises -- when you went to see regarding
24 this violence, you just -- you showed her where your
25 bruises, didn't you?

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■ A. No, I didn't -- no, I didn't go to Yana. ■
2 didn't show her anything.

3 612. Q. So you didn't show Yana bruises?

4 A. Yeah, I didn't go to Yana and show it, but
5 somehow in the conversation I mentioned it because when I
6 talk to anyone about this everybody was shocked.

7 613. Q. And who is anyone -- whom did you talk about
8 it?

9 A. Our friends, I talked to them.

10 614. Q. So you told all your friends about it?

11 A. Not all the friend, but the people we made
12 friends with, I told them.

13 615. Q. Can you name the people whom you told it?

14 A. Who I mention about this I can tell you.
15 Irina, Ulla (phonetic)...

16 616. Q. By Irina you mean Irina Fleming?

17 A. Yeah.

18 617. Q. And by -- what is last name of Julia?

19 A. I do not -- Julia Savchuk, yes.

20 618. Q. Did you tell her husband, Alex Savchuk, as
21 well?

22 A. No, I didn't tell Alex, I just talk Julia.

23 619. Q. And did you discuss it with Lika Severin --
24 Lika Lika Severin?

25 A. Probably -- probably she knew about it, but I

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1 do not remember. I think that this is pre-date.

2 620. Q. How did she know about it?

3 A. Who?

4 621. Q. Lika Severin?

5 A. Probably I told her if she knows. When we
6 left the house they all knew.

7 622. Q. So it was after you left the house?

8 A. No, this happened after we -- this happen
9 before we left the house, when we lived there.

10 623. Q. And did you tell it to Marina Antonoff?

11 A. No, I didn't tell Marina.

12 624. Q. What about Emma and Stal Totrov -- Totrovs?

13 A. Emma knows about this.

14 625. Q. Because you told her about this?

15 A. Yes, I did tell her. She knows about it.

16 626. Q. And you know that husband of Lika Severin is
17 a recruiter in Barrie?

18 A. No, I didn't know. I have conducts only with
19 Lika.

20 627. Q. Do you know that he works for Rogers, he is
21 finding employees for Rogers?

22 A. No, I didn't know this -- I don't know this.

23 628. Q. Did you discuss it with Egor Pshenitsyn?

24 A. We -- Egor, no, but I know him because he
25 attended the same school.

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1 629. Q. But he probably know about it because other
2 people tell him?

3 A. Quite possible, but I didn't talk to him
4 about it.

5 630. Q. Did you discuss it with Svetlana Lesovska?

6 A. No.

7 631. Q. What about her friend, Tatiana -- Tatiana?

8 A. I even don't know who you are talking about.

9 632. Q. They both live in Innisfil?

10 MR. BORNMAN: What's the name again?

11 WITNESS: They know -- they know that they left,
12 the know the reason why we left. Maybe they know
13 about this as well.

14 BY MR. TIMOKHOV:

15 633. Q. Did you discuss it with Konstantin and
16 Svetlana Guschenko?

17 A. No.

18 634. Q. What about Zina and Ivan?

19 A. Zina, yes, Zina knows that we had aggressive
20 behaviour in our house.

21 635. Q. And what about Valentina, from Barrie, and
22 her daughter-in-law, Julia?

23 A. But they all our friends.

24 636. Q. And you discuss it with (inaudible) pretty
25 much there is violence in your house?

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1 A. Maybe I didn't discuss it with her, but they
2 learn it from somewhere.

3 637. Q. Did you speak to Irma Vladimirovna, a mother
4 of Zoya Scherbakov -- do you discuss with her?

5 A. I talked to her, but she left right now and I
6 have no contact with her.

7 638. Q. Did you discuss with her that your children
8 attacked you?

9 A. We talk about their aggressive behaviour,
10 this is what we're talking about.

11 639. Q. And what do you mean by aggressive behaviour?

12 A. Everything I named was aggressive behaviour
13 and they are -- during the last time they -- their
14 behaviour was unexpected.

15 640. Q. And you discussed with all people I mentioned
16 just pretty much?

17 A. I didn't discuss -- I didn't discuss with all
18 those people, I do not recall who I talk who I didn't, but
19 because we communicate with each other, probably I talked
20 to some people and the other people learned from other
21 people.

22 641. Q. And on or about just October you had a
23 conversation with Emma Tatrovos and you said that there was
24 violence in your house as well and?

25 A. Yeah, aggression -- yes, aggressive

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■ behaviour.

2 642. Q. And did you call Pavel aggressive too,
3 emotionally abusive did you call Pavel, your son-in-law,
4 abusive and emotion and physically aggressive as well?

5 A. Yeah, I think to of say obscene words it's
6 aggression and to yelled about to yelled about
7 everything and to tell things like, 'If you tell this about
8 anything, we file -- we sue you in the court'.

9 643. Q. And did you find Pavel physically abusive as
10 well?

11 A. No, I did not.

12 644. Q. But you said that he was throwing plates into
13 your husband and don't you find it physically abusive?

14 A. But he throw the plate not in my husband, but
15 on the wall and he dropped the glass at the foot of my
16 husband and I think that this is aggression.

17 645. Q. And you said that the next he said he would
18 throw a plate into your husband?

19 A. Not the plate, I was beside my husband and he
20 dropped the glass in front of him at his foot and then he
21 said, 'Next time this glass will be on you'.

22 646. Q. Did you discuss it with these people that I
23 just mentioned, with your friends?

24 A. Of course I told, but I do not -- for us it
25 was shock and I do not remember who and when I -- I told

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1 this.

2 647. Q. And you told it to a number of social
3 workers, Chrystel Hilton, when -- at Ontario Works?

4 A. Yes.

5 648. Q. And just to get back -- just -- I understand
6 that when you had good relationship with your children, you
7 wrote a will (inaudible) all your and Valentin's property
8 would go to them in case of your death?

9 A. Yeah, there was something like this.

10 649. Q. And when was it?

11 A. It was long time ago when we lived back in
12 Russia when we had good relationships and when we trusted
13 each other.

14 650. Q. And they knew about it, your children knew
15 that they are on the will?

16 A. Yeah, sure.

17 651. Q. Did you write a formal will in Ontario -- in
18 Province of Ontario?

19 A. At least they brought us to the lawyer and we
20 did -- did the will.

21 652. Q. By you and who all you mean both you and
22 Valentin and they just gave all the property to them after
23 their deaths -- after your deaths?

24 MR. BORNMAN: There's some discussions about the
25 words. Maybe restate the question.

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1 BY MR. TIMOKHOV:

2 653. Q. All your things -- all your things you
3 brought to them?

4 A. Yeah, there was a will like this.

5 654. Q. And there is still a will or just you
6 cancelled the will?

7 A. We cancelled not the will, we cancelled the
8 power of attorney for doing everything for us.

9 655. Q. So will is -- wills -- both wills are still
10 valid?

11 A. But it happens that we don't have anything --
12 we don't own anything.

13 656. Q. But this will is still valid or you cancelled
14 them?

15 A. We just don't take in the consideration
16 because we don't have anything -- we don't have anything to
17 leave to them.

18 657. Q. If you had something, whom -- would you
19 cancel the will if you had any things or property, would
20 you cancel this will?

21 A. At least there would be a different
22 conversation.

23 658. Q. Who do you think would be beneficiaries under
24 this will now?

25 A. I think that they realize now that we don't

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1 have anything and they can behave towards us in any way.

2 659. Q. The question is, if you had anything just who
3 would be beneficiaries now?

4 A. I couldn't answer this question now.

5 660. Q. Because you don't know or because you don't
6 want to?

7 MR. BORNMAN: I'm going to object to this
8 question, it's speculative

9 MR. DANILOV: No, it's not.

10 MR. TIMOKHOV: That's not speculative, that is
11 relative of the interest of Yana Skybin in this
12 matter.

13 BY MR.

14 661. Q. Did you give any money or property to Yana
15 Skybin in terms of your relationship?

16 A. Yana Skybin has no relation -- no relations
17 to our belongings or our anything. We didn't give her
18 anything and she didn't give us anything.

19 662. Q. Did you give her any gifts?

20 A. No.

21 663. Q. Never?

22 A. No, never.

23 664. Q. Did you give her any envelopes?

24 A. Never.

25 665. Q. When was first time you told Yana Skybin that

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1 you gave \$260,000, or approximately the same amount, to
2 your children?

3 A. It was found out later, but of courBe when we
4 came we told it we gave children this money.

5 666. Q. When did you tell this?

6 A. When we came probably this is the time. We
7 didn't give them the money, we just brought money and we
8 will leave as we agreed.

9 667. Q. So you told her right when you were
10 introduced of her?

11 A. No. Absolutely no. We didn't discuss this
12 topic.

13 668. Q. When was it?

14 A. Oh, I -- oh, I do not remember when it
15 happened, but not at the first day I discuss -- I told
16 this.

17 669. Q. And -- but you told her later?

18 A. We told her the same like we told other
19 people.

20 670. Q. And what did she say about it -- what did she
21 say about it?

22 A. You mean what did she respond to this. ■
23 even do not -- I even do not remember because we didn't
24 have a special conversation on this topic.

25 671. Q. I understand that at some point Yana arranged

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1 some lawyers, or paralegals, to demand this money from you?

2 MS. DANILOVA: From us.

3 WITNESS: From you.

4 MR. TIMOKHOV: Oh, from my -- from...

5 INTERPRETER: He said, 'From you'.

6 MR. TIMOKHOV: ...yeah.

7 INTERPRETER: I translated that from you.

8 BY MR.

9 672. Q. That at some -- at some point you told Yana
10 that your children took advantage of you and stole your
11 money, didn't you?

12 A. We talk about, but I do not remember when it
13 was so long time ago without any purpose.

14 673. Q. And what did she say to it?

15 A. I do not remember what she answered to this.
16 She didn't answer anything, she just listened to me.

17 674. Q. But after that after (inaudible) she was
18 helping you to find lawyers to get your money back?

19 A. We didn't have any previous lawyer until we
20 went to legal clinic.

21 MR. BORNMAN: There actually was pro bono counsel
22 that wrote a letter, Sasha Green. And there was
23 a paralegal that also wrote a letter on behalf of
24 Alla and Valentin Nikityuk.

25 BY MR. TIMOKHOV:

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1 675. Q. Did you discuss it with any Russian lawyers?

2 A. We just went for counselling. We didn't have
3 any lawyer by that time.

4 676. Q. Who was the lawyer?

5 A. I do not remember his name.

6 677. Q. How did he look like?

7 INTERPRETER: Sorry?

8 BY MR. TIMOKHOV:

9 678. Q. How did he look like?

10 MR. BORNMAN: Sorry, I missed something. Did we
11 say yes to the....

12 MR. TIMOKHOV: Yes, they discuss it with Russian
13 lawyer as a matter of consultation.

14 WITNESS: I do not remember how he looked like.

15 BY MR.

16 679. Q. Where was his office?

17 A. I don't know.

18 680. Q. Was it (inaudible)?

19 A. I don't -- I don't went in Toronto, I don't
20 know the way.

21 681. Q. So you don't even remember names of lawyers
22 you discuss it with?

23 A. I do not remember because he was not our
24 lawyer. It was just one time meeting -- we just get
25 counselling and that's it.

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1 682. Q. So you discuss this matter with several
2 lawyers, but nobody took the case before you contacted
3 Community Legal Clinic, right?

4 A. Nobody could deal with us because we had no
5 money for anything and that's why we applied to legal
6 clinic.

7 683. Q. Just (inaudible) purpose, there is no legal
8 will from either you or -- or Valentin with Yana Skybin as
9 beneficiary?

10 A. Nonsense. Nonsense.

11 684. Q. What about YMCA as beneficiary?

12 A. We don't have anything.

13 MR. BORNMAN: Yes -- yes or no?

14 WITNESS: No.

15 BY MR.

16 685. Q. Did you promise Yana Skybin any money in case
17 you get the money?

18 A. No.

19 686. Q. Did she ask for it?

20 A. No.

21 687. Q. Why do you think just Yana wanted to become
22 your friend?

23 A. Why so do you know how many friends we have,
24 I don't know why people want to -- to be our friends.

25 688. Q. Did she ever ask for anything from you?

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1 A. Never -- never she ask anything.

2 689. Q. When was first time she told you that you can
3 get social housing if you claim abuse?

4 A. I told you before that we had a conversation
5 that we want to live separate and we were asking the ways
6 where we could apply for the separately.

7 690. Q. And Yana told you that you can claim social
8 housing if you -- if there is abuse?

9 A. We just wanted to live -- to live separate,
10 not to be dependent on our relatives and we were looking
11 for the ways to find our own living.

12 691. Q. And Yana helped you to find a way to -- to
13 live separately?

14 A. Not - not Yana, but we -- we ourselves
15 realized how we can do this.

16 692. Q. But Yana helped you with letters and
17 communication to -- to get what you want?

18 A. Yana helped us as a counsellor, as an
19 interpreter from school

20 MR. TIMOKHOV: I have no further questions.

21

22

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24 foregoing is a true and accurate
25 transcription of a digital

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ONTARIO SUPREME COURT OF JUSTICE

BETWEEN:

SVETLANA DANILOVA AND PAVEL DANILOV

Plaintiffs

- and -

ALLA NIKITYUK, VALENTIN NIKITYUK, YANA
SKYBIN, YOUNG MENS CHRISTIAN ASSOCIATION
operating as YMCA SIMCOE/MUSKOKA AND YMCA
SIMCOE/MIJSKOKA NEWCOMER SERVICES

Defendants

Court File No. 13-1101

BETWEEN:

SVETLANA DANILOVA AND PAVEL DANILOV

Plaintiffs

- and -

ALLA NIKITYUK, VALENTIN NIKITYUK, YANA
SKYBIN, YOUNG MENS CHRISTIAN ASSOCIATION
operating as YMCA SIMCOE/MUSKOKA AND YMCA
SIMCOE/MUSKOKA NEWCOMER SERVICES

Defendants

Examination for Discovery of:

ALLA NIKITYUK

Taken on: April 8, 2014

SIMCOE COURT REPORTING (BARRIF) INC.
Barrie, Ontario