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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 YMCA

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 YANA SKYBIN,  
24 one of the Defendants herein, taken on the 10th day of  
25 April, 2014, at the offices of HGR Graham, Barrie, Ontario,  
26 commencing at 1:50 p.m.

27

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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31 PLEASE NOTE: The list of undertakings and refusals is  
32 provided as a service to counsel and does not purport to be  
33 complete or binding upon the parties herein.

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1 YANA SKYBIN: DULY AFFIRMED

2 EXAMINATION BY MR.

3 1. Q. Ms. Skybin, what's -- what is your religious  
4 faith?

5 A. I don't understand the question.

6 2. Q. What is your religion?

7 MR. KRYSIAK: Don't answer that. Irrelevant.

8 MR. TIMOKHOV: Refusal grounds?

9 MR. KRYSIAK: Irrelevant.

10 MR. TIMOKHOV: Ah, it's relevant to the point  
11 that Ms. Skybin was taking Nikityuks -- defence  
12 Nikityuks to the church.

13 MR. KRYSIAK: I don't see anything in the  
14 pleadings about religion and that's why to me  
15 it's not relevant.

16 MR. TIMOKHOV: That is refusal?

17 MR. KRYSIAK: Yes.

18 MR. TIMOKHOV: Okay.

19 REFUSAL NO. To answer question, what is your  
20 religion.

21 BY MR.

22 3. Q. So I understand it was your job as a  
23 counsellor at YMCA; is it true?

24 A. Could you please repeat.

25 4. Q. Have you been working as a counsellor at

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1 YMCA?

2 A. When?

3 5. Q. Ever?

4 A. I'm a settlement counsellor with YMCA

5 Newcomer Services, yes.

6 6. Q. So the answer is yes?

7 A. Yes.

8 7. Q. And when did you get this job?

9 A. January 2009.

10 8. Q. Can you provide a description of the job --  
11 of your duties?

12 A. I'm a settlement counsellor. My job is to  
13 provide information to newcomers in Canada, refer people to  
14 services in our community and to assist in completing  
15 forms, act as a liaison between community agencies and YMCA  
16 and anything else that's required within my duties or  
17 within that job description.

18 9. Q. What is your understanding of word liaison?

19 A. As a person who provides communication and  
20 connection between the agencies that we refer the clients  
21 to.

22 10. Q. By communication you mean translation and  
23 translation services or you have authority to act in your  
24 own capacity as a representative?

25 A. I don't understand the question.

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1 11. Q. Do you need -- do you need -- when you  
2 representing the -- the clients, do you require the clients  
3 to be present at the time you have communication?

4 A. It depends.

5 12. Q. Do you have authority to act as a  
6 representative of your client -- for your clients before  
7 different organizations?

8 A. If we have a release, yes.

9 13. Q. What do you mean by release?

10 A. We have a release form that the client would  
11 sign allowing us to communicate to another agency regarding  
12 the specific matter identified in that release and in that  
13 case, yes, that's a verbal cons -- written consent from the  
14 client to communicate on their behalf regarding the matter.

15 14. Q. So in other words it's authority to  
16 communicate on behalf of your clients before different  
17 organizations?

18 A. I don't understand what you mean.

19 15. Q. From what you just said, I understand that  
20 release is authorization from the client allowing you to  
21 act as a representative by -- of your clients before these  
22 organizations?

23 A. Can you please explain what you mean.

24 16. Q. Do you understand the meaning of word  
25 representative?

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1 MR. KRYSIAK: She clear doesn't. Can you define  
2 representative for her?

3 WITNESS: Can you define action, what would that  
4 mean, in action?

5 BY MR.

6 17. Q. Representative means a person having  
7 authority to make decisions and to undertake  
8 responsibilities on behalf of their clients.

9 A. In this case in that case, no.

10 18. Q. In what case?

11 A. If that's how you define it then, no.

12 19. Q. Can you define your understanding of word  
13 liaison?

14 MR. KRYSIAK: You said representative, are we  
15 talking about a different issue now?

16 MR. TIMOKHOV: Well, we are talking about her  
17 understanding of what represent --  
18 representation.

19 WITNESS: How you defined it, I do not have a  
20 decision making power in my capacity.

21 BY MR. TIMOKHOV:

22 20. Q. But you have power to negotiate on behalf of  
23 your clients?

24 A. No, not to negotiate.

25 21. Q. So what power do you have?

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1           A. I don't have any powers.

2 22.       Q. So what is the purpose of being liaison as  
3 per the release -- what is the point of signing the -- for  
4 the clients to sign the release to allowing you to contact  
5 different organizations?

6           A. An example would be the client needs to  
7 request something and they would allow me, in the written  
8 form, to do that on their behalf.

9 23.       Q. Do you have authority from YMCA to act as  
10 representative before different organization -- by  
11 representative I mean to negotiate with organization in  
12 absence of your clients to explain something just to the  
13 organizations?

14          A. I still don't understand your question.

15 24.       Q. Ah, do you have -- is it possible for you to  
16 call to Ontario Works, in the absence of your clients, and  
17 to explain your client's situation?

18          A. I can, if I have a release, I can call  
19 Ontario Works and give the client's name if necessary  
20 contact information and communicate the question, but it  
21 all depends on what it is that they need or what the  
22 situation is.

23 25.       Q. So if you get a call from Ontario Works and  
24 they ask you to clarify the words in your client's Ontario  
25 Works application, would you explain the meaning of the

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1 application to Ontario Works?

2 MR. KRYSIAK: Show me the application.

3 MR. TIMOKHOV: No. We are discussing the scope  
4 of her authority to the client. You just  
5 interrupting this cross-examin with  
6 examination and just we'll put it on the record  
7 and we'll require another day of examination in  
8 this case as you know. You can't interfere with  
9 my examination.

10 MR. KRYSIAK: Your question is ambiguous.

11 MR. TIMOKHOV: My -- my question is -- your  
12 client is evasive and I'm trying to understand  
13 the scope of your client's authority as an  
14 employee of YMCA and your client is being  
15 evasive.

16 MR. KRYSIAK: I don't think so. I think she's  
17 trying her best to answer your questions. If  
18 you're mentioning an application then she would  
19 benefit to see the application and then say  
20 whether she can give directions about the  
21 application.

22 BY MR.

23 26. Q. Are you allowed to be registered as next of  
24 kin with any organization?

25 A. Allowed in which sense?

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1 27. Q. In sense of to register yourself as a next of  
2 kin?

3 A. I don't understand.

4 28. Q. Don't you understand the meaning of next of  
5 kin?

6 A. Yes, I know the -- the word.

7 29. Q. Have you ever been registered as next of kin  
8 for Alla or Valentin Nikityuk?

9 A. No.

10 30. Q. Have you been registered as next of kin for  
11 Alla or Valentin Nikityuk with Ontario Works?

12 A. If you show -- not as next of kin, no.

13 31. Q. In what capacity did you register with  
14 Ontario Works when it comes to Nikityuk's application for  
15 social assistance?

16 A. Not registered with Ontario Works.

17 MR. TIMOKHOV: Just can get off the record.

18 (Off Record)

19 BY MR. TIMOKHOV:

20 32. Q. I would like to refer to document brief of  
21 the plaintiff Volume 6 of 6 at Tab 20, that is page 229.  
22 That is application for assistance under Ontario Works Act  
23 of Alla and Valentin Nikityuk that shows that Yana Skybin  
24 was registered as next of kin for them.

25 MR. KRYSIAK: What do you want her to do with

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1 this document?

2 MR. TIMOKHOV: I want her to explain what -- why  
3 she registered as next of kin because before she  
4 said that she never registered as next of kin for  
5 Nikityuks and there is contradiction to her  
6 testimony.

7 MR. KRYSIAK: Does this document show that she  
8 registered something?

9 MR. TIMOKHOV: She is listed as next of kin for  
10 Alla and Valentin Nikityuk.

11 MR. KRYSIAK: Okay. First question, have you  
12 seen this document before?

13 WITNESS: No.

14 MR. KRYSIAK: Can you look at it and see if you  
15 can understand what it is?

16 WITNESS: I've never seen this document before.

17 BY MR.

18 33. Q. Do you know who prepared this document?

19 A. I don't know.

20 34. Q. Is it true that around January 2011 you  
21 registered as the representative for Alla and Valentin  
22 Nikityuk before Revenue Canada?

23 A. Can I see the document?

24 35. Q. Is it true? The answer is yes or no.

25 A. Can I see the document you are referring to?

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1 36. Q. No, I am asking you a question.

2 A. I can't answer that question.

3 MR. TIMOKHOV: Counsel, you have to explain your  
4 client duty to answer my questions.

5 MR. KRYSIAK: What -- what don't you understand  
6 about the question?

7 WITNESS: Um, I need to see the date and what  
8 document you are referring to.

9 MR. KRYSIAK: Are you having trouble recalling...

10 WITNESS: Yes, I have...

11 MR. KRYSIAK: ...anything to do with...

12 WITNESS: ...trouble recalling that, that's  
13 right, yeah, I would like to see exactly what you  
14 are referring to.

15 MR. KRYSIAK: ...okay.

16 BY MR. TIMOKHOV:

17 37. Q. Do you have problems with your memory?

18 MR. KRYSIAK: Are you going to show her any CRA  
19 documents to refresh her memory?

20 MR. TIMOKHOV: No, I just want her to answer the  
21 question.

22 MR. KRYSIAK: She's having trouble recalling CRA  
23 matters so she'd like to refer to a document.

24 BY MR.

25 38. Q. So it is my understanding just I will -- it

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1 is my understanding that you are licenced as a certified  
2 translator at this time?

3 A. Ah, interpreter.

4 39. Q. And you have worked as YMCA counsellor  
5 helping people with certain settlement issues?

6 A. Settlement issues, that's correct.

7 40. Q. Do you think you have capacity to do it if  
8 you don't have sufficient memory to remember just what you  
9 did two years ago?

10 MR. KRYSIAK: Don't answer that.

11 MR. TIMOKHOV: No, that -- the ground?

12 MR. KRYSIAK: Harassment.

13 MR. TIMOKHOV: No, just pretty much is  
14 credibility as to -- as to Ms. Skybin's memory.

15 MR. KRYSIAK: I don't think so. I think any  
16 person can forget something they did or didn't do  
17 from a few years ago and it's it shouldn't be  
18 an attack on her character or her integrity as an  
19 employee of the YMCA.

20 REFUSAL NO. 2: To answer the question, do you  
21 think you have capacity, if you don't have  
22 sufficient memory to remember just what you did  
23 two years ago.

24 MR. TIMOKHOV: Oh, our position that it comes to  
25 the question of credibility, but in any case do

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1           you remember any dealings with Revenue Canada  
2           around a couple of years ago on behalf of your  
3           clients Nikityuks?

4           WITNESS: Ah, yes.

5 BY MR.

6 41.       Q. And what do you remember?

7           A. Again, I would need to know what you are  
8 referring to.

9 42.       Q. No, you said that you remember it's just what  
10 do you remember?

11          A. My clients needed to request a Notice of  
12 Assessment and they couldn't pass the verification  
13 interview on the phone. The Revenue Canada agent advised  
14 us to complete authorization form for the purpose of  
15 requesting those assessments which I did and they were  
16 mailed to the client. That was the only dealing with CRA I  
17 can recall.

18 43.       Q. These Notices of Assessment were mailed to  
19 the client directly?

20          A. Yes, to the address.

21 44.       Q. Did they discuss this Notices of Assessment  
22 with you after?

23          A. I don't think so.

24 45.       Q. Why did they require this Notice of  
25 Assessment?

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1           A. It was requested by another agency.

2 46.       Q. Which agency?

3           A. That I don't remember at the moment.

4 47.       Q. Isn't your practice to just help people       so  
5 they told you what agency it was, you just -- you don't  
6 remember it, right?

7           A. Yes, that's correct. I don't want to be  
8 incorrect that is why I don't want to say this or that  
9 agency.

10 48.       Q. Do you take an undertaking to check your  
11 records and to detect which agency it was?

12           A. No, because I -- I need to know what exactly  
13 you're referring to.

14 49.       Q. I'm referring to your lack of memory about  
15 what agency required Notice for Assessment for Alla and  
16 Valentin Nikityuk?

17           A. It was done...

18 50.       Q. And I want an undertaking on this.

19           A. ...it was done after -- it was done upon the  
20 request of the clients and it would be in their -- that was  
21 initiated by the client and I just forward upon that  
22 request.

23 51.       Q. Do you have have a formal request -- a  
24 written request from the client?

25           A. No, it would be a verbal request.

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1 52. Q. Is it YMCA policy requiring counsellors to  
2 keep a log of their activities -- written logs?

3 A. We do, yes, we do.

4 53. Q. Did you put this request and the purpose of  
5 the request in your written log back in the beginning of  
6 2011?

7 A. Can...

8 54. Q. No, don't look at the counsel, you have to  
9 answer it.

10 A. ...no, I can check.

11 55. Q. Did you have written log for (inaudible) on  
12 2011?

13 A. I do have my notes, yes.

14 56. Q. And when did you start keeping your notes --  
15 just in regards of Nikityuks file?

16 A. I would do that from the very beginning.

17 57. Q. And when was very beginning?

18 A. I would have to check, but that's when they  
19 first contacted our agency to receive service.

20 58. Q. Do you understand that it was your  
21 responsibility to review the documents and to refresh your  
22 memory before coming to this examination, did your counsel  
23 explain this?

24 MR. KRYSIAK: What's the purpose of this  
25 question?

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1 MR. TIMOKHOV: The purpose is she came unprepared  
2 to this examination. That's completely  
3 inappropriate.

4 MR. KRYSIAK: I don't think that's the case.  
5 She's answering all the questions. She simply  
6 can't remember the first date of the first log  
7 entry and I think that that's...

8 MR. TIMOKHOV: No.

9 MR. KRYSIAK: ...perfectly reasonable.

10 MR. TIMOKHOV: She simply doesn't remember the  
11 first date when she first encountered Nikityuk  
12 and that is a basic information.

13 MR. KRYSIAK: I don't think that's basic  
14 information because she has worked there for  
15 years and she has many different clients and she  
16 doesn't recall every client's first meeting date.

17 MR. TIMOKHOV: We take it as a refusal.

18 MR. KRYSIAK: That's -- there was a refusal for  
19 what, I'm sorry?

20 MR. TIMOKHOV: A refusal to answer the question  
21 just when she first encountered Nikityuks, it's  
22 the basic information.

23 MR. KRYSIAK: How is, 'I don't remember' a  
24 refusal, can you -- can you explain that to me,  
25 please?

=====



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1 MR. TIMOKHOV: Because it is my understanding  
2 that she was reading documents before this  
3 examination and she -- she's supposed to be  
4 prepared for this examination and she doesn't  
5 remember basic information like when she first  
6 encountered defendant in this action...

7 MR. KRYSIAK: You're saying...

8 MR. TIMOKHOV: ...Nikityuks.

9 MR. KRYSIAK: ...she's pretending not to  
10 remember?

11 MR. TIMOKHOV: So just therefore just it is my  
12 understanding that there is - that is an issue  
13 of credibility and Ms. Skybin has issues with the  
14 memory because that is the (inaudible).

15 MR. KRYSIAK: How is that a refusal.

16 MR. TIMOKHOV: Do you have an undertaking to  
17 produce this information, right, when you first  
18 encountered Nikityuks.

19 MR. KRYSIAK: Yes, she can...

20 MR. TIMOKHOV: Okay.

21 MR. KRYSIAK: ...follow-up on that.

22 WITNESS: I can look up that information, yes.

23 BY MR. TIMOKHOV:

24 59. Q. And you don't remember it now, just you said  
25 it, right?

=====

1 A. I don't understand what you're asking me.

2 60. Q. You don't remember when you met Nikityuks  
3 first time?

4 A. In 2009.

5 61. Q. So it was 2009?

6 A. You didn't ask me that question.

7 MR. TIMOKHOV: Counsel, can you please just  
8 explain your client that she has to answer the  
9 questions.

10 MR. KRYSIAK: Your questions are very confusing.

11 MR. TIMOKHOV: My question was when...

12 MR. KRYSIAK: I can't keep track of them myself  
13 and I think she's doing the best she can in the  
14 circumstances.

15 MR. TIMOKHOV: ...my question on the record was,  
16 when -- when it was when she met Nikityuks first  
17 time. She said, 'I do not remember'.

18 MR. KRYSIAK: Your question was about logs then  
19 it switched to something else. I'm having  
20 trouble keeping track, and I've been at this for  
21 a few years, this is her first time she's doing  
22 her best, in my opinion.

23 MR. TIMOKHOV: We have a record.

24 BY MR.

25 62. Q. My -- so your answer is that you met

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1 Nikityuks first time in 2009?

2 A. That's correct.

3 63. Q. And how did you meet them?

4 A. I met them at the Innisfil library for an  
5 appointment.

6 64. Q. Who introduced you to them?

7 A. Ah, they came alone.

8 65. Q. Who introduced Nikityuks to you as YMCA  
9 counsellor?

10 A. Can you rephrase.

11 66. Q. How did -- how do you know who introduced  
12 Nikityuks to you?

13 A. I received a phone call from their daughter,  
14 Svetlana, asking about our services and Svetlana asked if I  
15 can meet with her parents who require services because  
16 they're new to the area. I booked an appointment and met  
17 with Nikityuks at the library.

18 67. Q. What was the services Svetlana requested?

19 A. Settlement services.

20 68. Q. Wasn't it specifically ESL classes that she  
21 requested?

22 A. I don't remember what exactly the wording was  
23 at the time.

24 69. Q. But when you received the call from Svetlana  
25 she enquired about ESL classes using the telephone number

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1 on the web site, didn't she?

2 A. Maybe, as I said, I can't remember the exact  
3 wording.

4 70. Q. Do you keep a log of incoming calls?

5 A. No.

6 71. Q. So do you remember when you started keeping a  
7 log regarding Nikityuk file?

8 A. Um, from the very beginning as soon as we  
9 opened the file we keep record of every time we meet with  
10 the client.

11 72. Q. And how do you keep your record, is it  
12 handwriting or is it electronic form?

13 A. Specifically in this case, it was some  
14 handwriting and some computer.

15 73. Q. And you have opened a file where you put all  
16 your notes and printouts of electronic forms, didn't you?

17 A. Yes.

18 74. Q. And you still have this file in your office  
19 in YMCA?

20 A. It's at YMCA, yes.

21 75. Q. At YMCA. Do you take an undertaking to  
22 produce all your records since 2009 until now?

23 MR. KRYSIAK: What records?

24 MR. TIMOKHOV: The the complete handwritten  
25 and electronic log.

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1 MR. KRYSIAK: If it's not in these productions  
2 and it's at the office, then we'll produce it.  
3 MR. TIMOKHOV: She just testified that she kept a  
4 log since 2009, we want the complete log.  
5 MR. KRYSIAK: If it's not already in here, and  
6 it's at the office, then we'll produce it.  
7 MR. TIMOKHOV: Well that was her testimony,  
8 counsel.  
9 MR. KRYSIAK: I don't understand where the  
10 disagreement lies.  
11 MR. TIMOKHOV: I apologize?  
12 MR. KRYSIAK: I don't understand what you're  
13 saying.  
14 MR. TIMOKHOV: I am saying that your counsel --  
15 that your client just testified that she kept a  
16 log in handwriting and electronic form since 2009  
17 and now you are saying that just you are not able  
18 to produce this log.  
19 MR. KRYSIAK: No, I never said that I'm not able  
20 to produce this log. I -- I would prefer if you  
21 only told me what I actually said and not things  
22 that I didn't say because that takes up time and  
23 makes things very confusing for everybody. I  
24 said that we produced these documents here, but  
25 if there are additional documents at the office

=====

1           that are logs that we haven't produced in our  
2           production, then we will produce them. That's  
3           what I said.

4           MR. TIMOKHOV: Ah, the document brief of the  
5           plaintiffs that is Volume 6 of 6 it has a  
6           document which is in my understanding, and I  
7           would like the witness to take look at it, that  
8           is Ms. Skybin's log starting from 2011. It is my  
9           understanding that it was Ms. Skybin's testimony  
10          that she kept a log from 2009. We require the  
11          production of this log as an undertaking.

12          MR. KRYSIAK: Do you have notes at the office  
13          that predate 2011?

14          MR. TIMOKHOV: That's what she just said,  
15          counsel.

16          MR. KRYSIAK: I'm asking her. Let's -- again,  
17          one question at a time.

18          WITNESS: There is a file well, whatever is in  
19          that file would still be there.

20          MR. KRYSIAK: Okay. And you can produce it?

21          WITNESS: Um, we did produce the file the  
22          entire file when it was requested.

23          MR. KRYSIAK: Okay. We'll look at it again and  
24          see if there was something that hasn't been  
25          produced.

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1            UNDERTAKING NO. 1: To produce handwritten and  
2            electronic log, if not already produced and is at  
3            the office.

4 BY MR. TIMOKHOV:

5 76.        Q. And what was your impression of Alla Nikityuk  
6 at that time when you met her at the library?

7            A. I didn't have any impression.

8 77.        Q. Just, sorry, I just have to come back to it,  
9 we would -- and as to the log file, you never changed the  
10 electronic -- when did you create the file, you created the  
11 file as the events were going on, right -- the log?

12          A. Yes. Yes, that's correct.

13 78.        Q. So pretty much when did you do the  
14 recordings, pretty much after...

15          A. After meetings.

16 79.        Q. ...the end of the day? And that applies to  
17 handwritten records and it applies to electronic records?

18          A. I would write down the -- at the end -- not -  
19 - yes, at the end of the day I would write down if there  
20 was anything that's been done on behalf of the clients.

21 80.        Q. And when did you keep handwritten records and  
22 when did you keep electronic records?

23          A. Simultaneously.

24 81.        Q. Why didn't you keep like only handwritten  
25 records or electronic records, wasn't it creating confusion

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1 just in -- in the records?

2           A. They would not be duplicated. The -- we do  
3 not a specific -- have a specific way of writing down or  
4 keeping the file. There is no specific way how to do it.

5 82.       Q. But you did it. Did you ever change the  
6 records...

7           A. No.

8 83.       Q. ...just later?

9           A. No, never.

10 84.       Q. And how did you keep electronic records, did  
11 you open Word document or what software did you use?

12           A. Word document.

13 85.       Q. And that was opened -- the document was  
14 opened back when?

15           A. I can't recall.

16 86.       Q. You said that pretty much you started keeping  
17 records back in 2009 did you       did you open this record  
18 immediately, was it one file or was it several files?

19           A. There was no -- not much recorded in 2009.

20 87.       Q. But you opened the file, didn't you,  
21 Microsoft Word file?

22           A. No, that -- the file I opened was a paper  
23 file, that's a standard procedure for any client.

24 88.       Q. When did you start keeping electronic  
25 records?

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1 A. When necessary.

2 89. Q. What was the date you opened the Microsoft  
3 Word file to record electronic -- to record your log?

4 A. 2011.

5 90. Q. 2011. And before 2011 you kept handwritten  
6 notes?

7 A. Yes.

8 91. Q. And when about in 2011 did you open the  
9 Microsoft Word document?

10 A. Can't give you an exact date.

11 92. Q. Was it one doc one Microsoft Word document  
12 or was it several documents?

13 A. Again, can't tell you exactly.

14 93. Q. Do you remember the circumstances when you  
15 opened Microsoft Word document?

16 A. No.

17 94. Q. Do you still have this Microsoft Word  
18 document on your computer?

19 A. Yes.

20 95. Q. Can you produce a copy of that Microsoft Word  
21 document on USB?

22 MR. KRYSIAK: Yes.

23 MR. TIMOKHOV: We have an undertaking?

24 MR. KRYSIAK: It's -- it's on your computer?

25 WITNESS: It is and it's the same document.

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1 MR. KRYSIAK: Saved as a file, then yes.  
2 UNDERTAKING NO. 2: To produce copy of Microsoft  
3 Word document on USB.

4 MR. TIMOKHOV: And this produced Microsoft Word  
5 file will show the date when the file was first  
6 opened because you can see it in the properties  
7 of the documents?

8 MR. KRYSIAK: She's not an...

9 WITNESS: I wouldn't know that

10 MR. KRYSIAK: ...she doesn't work in computer  
11 engineering, that's not a fair question. The  
12 file -- whatever is on the properties, you'll  
13 see.

14 MR. TIMOKHOV: Do you undertake not to touch this  
15 file and request your IT personnel to get the  
16 original version of the file with the date of  
17 opening it?

18 MR. KRYSIAK: No, we'll give you the file on the  
19 USB key and then you can retain somebody to check  
20 the authenticity.

21 MR. TIMOKHOV: No, what I'm saying that in the  
22 process of copying the file just as a date of  
23 creation may be changed so I'm asking like IT  
24 person just to make sure it doesn't happen  
25 because then it will be very bad for credibility

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1 of your client, it will show that the document  
2 was created just recently.

3 MR. KRYSIAK: She'll -- the document will come in  
4 exactly as it sits right now.

5 MR. TIMOKHOV: But the document will be retrieved  
6 by IT personnel.

7 MR. KRYSIAK: I can't -- I can't guarantee who at  
8 YMCA will retrieve the document.

9 MR. TIMOKHOV: All right. So if it shows like  
10 the date of -- the date of creation was as of  
11 this year, just I don't think it would be very  
12 present your client as very credible, that's my  
13 point. Okay.

14 MR. KRYSIAK: I think that -- I agree with you  
15 that if a document that was supposed to be  
16 created in 2011 has a 2014 creation date on it,  
17 then we have a problem.

18 MR. TIMOKHOV: Yeah. And if there are several  
19 documents she will produce several documents of  
20 this, right?

21 MR. KRYSIAK: Yes.

22 MR. TIMOKHOV: Mm-hmm.

23 BY MR. TIMOKHOV:

24 96. Q. And coming back to that meeting at the  
25 library, what was your impression of Alla Nikityuk, you had

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1 conversation in Russian with her probably because she  
2 didn't speak English?

3 A. Yes, I had a conversation in Russian with  
4 them.

5 97. Q. Mm-hmm. And what -- how do you remember  
6 these people -- how do you remember Alla, sorry?

7 A. I'm -- there is nothing particular to  
8 remember about Alla.

9 98. Q. Don't you have an impression about first time  
10 you met a person?

11 A. They asked for information and I gave them  
12 information.

13 99. Q. And how do they impress you as -- how Alla  
14 impressed you as a person?

15 MR. KRYSIAK: She's tried answering that. You  
16 can be more specific asking her was Alla happy,  
17 sad, quiet.

18 BY MR.

19 100. Q. Was she happy, sad, quiet?

20 A. Neither.

21 101. Q. She was neutral?

22 A. Neutral, yes.

23 102. Q. What about Valentin?

24 A. Same.

25 103. Q. And what did you tell them -- what -- what

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1 did they ask you -- what kind of services did they  
2 requested?

3 A. They asked for English classes and I helped  
4 them to connect with our office to book an assessment to  
5 enroll in English classes.

6 104. Q. So before you testified they asked -- they  
7 potentially asked you for settlement services, now you are  
8 saying that they asked for English classes?

9 A. That is a part of my service, to provide  
10 people with information and refer to the appropriate  
11 service.

12 105. Q. Do you remember now why Svetlana called you  
13 and what she requested particularly?

14 A. When Svetlana called me she told me she found  
15 our number on the computer or somewhere on-line and she has  
16 parents that need information and she asked if we could  
17 meet with them and provide that information...

18 106. Q. Did...

19 A. ...and I booked an appointment for them.

20 107. Q. ...didn't she call you specifically to  
21 register her parents for ESL classes?

22 A. She asked us about what we do. I explained  
23 and I explained we can certainly meet with them and provide  
24 information regarding whatever they need.

25 108. Q. But what you initially did after the meeting,

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1 you pretty much register them for ESL classes and for  
2 assessment?

3 A. No, I would refer them to the assessment and  
4 after that assessment was done, they would be referred to  
5 an English program, not necessarily with our agency, but in  
6 this case they were referred to our classes.

7 109. Q. And by -- by assessment you mean assessment  
8 of their -- of their knowledge of English?

9 A. Language...

10 110. Q. Language assessment?

11 A. ...the Canadian Language assessment, yes.

12 111. Q. Okay. And what was the result of the  
13 assessment?

14 A. I wouldn't know that because I wasn't there.

15 112. Q. How was their English?

16 A. I wouldn't know that because I spoke to them  
17 in Russian.

18 113. Q. Always. Because you know in the best of my  
19 knowledge, you know Nikityuks for, at this point, almost  
20 five years. Did you ever speak to them in English?

21 A. No, that wouldn't be necessary.

22 114. Q. Did you ever hear them speak in English?

23 A. Can't give you an exact example.

24 115. Q. So it is my understanding that the purpose  
25 why Nikityuks came to YMCA was to learn English, is it

=====

1 correct?

2           A. That was one thing they needed at the time  
3 and they enrolled in English program, yes, to learn  
4 English.

5 116.       Q. As a purpose for them to join YMCA was to  
6 integrate Nikityuks to Canadian Society and become them a  
7 part of Canada?

8           A. There is no such a purpose, so to say, we  
9 provide people with information they ask for, but we don't  
10 make it a point of our organization to integrate somebody  
11 purposefully into the society. That is a -- up to the  
12 client what, you know, depending on what they want and what  
13 they needs are.

14 117.       Q. Is it true that part of the program you  
15 manage is called Settlement -- Newcomer Settlement  
16 Services?

17           A. I only work as a settlement counsel at that  
18 organization.

19 118.       Q. And you just testified that you provide  
20 newcomers with settlement services, don't you?

21           A. I provide newcomers with settlement services,  
22 that's correct.

23 119.       Q. And do you know this program is funded by --  
24 by -- partly by federal government, by Immigration Canada?

25           A. Yes.

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1 120. Q. What is in your opinion the purpose of -- for  
2 the federal government to pay for for ESL classes to YMCA?

3 A. I don't have an opinion about that.

4 121. Q. Why -- why do you think just what is the  
5 purpose of ESL classes?

6 A. I don't understand what you're asking me.

7 122. Q. It is -- I'm asking you, would it be fair to  
8 say that the purpose of registering a newcomers for English  
9 as a Second Language classes is to help newcomers to help  
10 English, is it fair point?

11 A. I still don't understand what it is that  
12 you're asking me, my opinion or what...

13 123. Q. Why people...

14 A. ...what is it that...

15 124. Q. ...register with ESL -- for ESL classes, why  
16 newcomers, in your opinion, register for English as a  
17 Second Language classes?

18 A. Everybody has their -- they all have their  
19 reasons for registering for English classes.

20 125. Q. Do you think that the fair reason is that  
21 people want to learn English?

22 A. Yes.

23 126. Q. And you just testified that you never spoke  
24 with and I understand that you supervised the program  
25 that sort of you were partly a part of this program of

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1 English as a language, you are referring people to this  
2 program, is correct?

3 A. I can refer people to the assessment, yes.

4 127. Q. And you just testified that when Nikityuks  
5 were coming to YMCA you never spoke to them in English; is  
6 it correct:

7 A. You just asked me about English classes, I  
8 still...

9 128. Q. You said that you never spoke to Nikityuks in  
10 English, that's what you testified, is correct?

11 A. Does it have something to do with the  
12 language classes, because I don't understand the nature of  
13 of the question.

14 129. Q. No, it has to do with what you just testified  
15 that you never spoke to Nikityuks in English, is it  
16 correct, yes or no?

17 A. No, it wasn't necessary.

18 130. Q. So you didn't speak to them in English?

19 A. No.

20 131. Q. And you never heard them speak in English?

21 A. I can't tell that because I can't recall a  
22 particular situation that would require me to communicate  
23 to them directly in English.

24 132. Q. So it is my understanding that the purpose of  
25 Nikityuks coming to YMCA, one of the purposes, was to learn

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1 English, but you never spoke with them to English and you  
2 never heard them speak in English; is it right?

3 A. I don't -- I still would like more  
4 clarification about the nature of your question.

5 133. Q. What was the purpose of registering for ESL  
6 classes, do you understand that the major purpose was to  
7 learn English here to be able to communicate with other  
8 people in Canada?

9 A. That's up to an individual.

10 134. Q. And you never -- you never -- well just you  
11 already answer this question. Wasn't your duty just as  
12 YMCA counsellor just to help people to speak English  
13 instead of like providing them comfort speaking in Russian?

14 A. No.

15 135. Q. I see. Don't you think it's a dut -- that  
16 the purpose why federal government is paying YMCA for ESL  
17 classes is just to help newcomers to learn English?

18 A. Are you asking my opinion...

19 136. Q. Yes.

20 A. ...on this?

21 137. Q. Of course.

22 A. So can you rephrase or can you repeat the  
23 question?

24 138. Q. Don't you think the federal government,  
25 Immigration Canada, is paying for ESL classes to help

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1 newcomers to learn English?

2           A. The program exists for the purpose of  
3 learning the language, yes.

4 139.       Q. And for five years you know Nikityuks you  
5 never spoke English with them and you never -- you don't  
6 recall them speaking English?

7           A. In my communication with them I -- that  
8 wasn't necessary.

9 140.       Q. And after five years of attending YMCA, that  
10 is five years from when you first met Nikityuks when they  
11 registered for ESL classes, they are not -- what is their  
12 English level now?

13           A. I wouldn't know.

14 141.       Q. And I understand that just out five years  
15 with YMCA Nikityuks are not able to fill in simple  
16 applications or make simple calls to certain agencies in  
17 English, right?

18           A. Can you ask you specific question?

19 142.       Q. My specific question is after five years of  
20 attending settlement services with YMCA, Nikityuks are  
21 still not able to manage their affairs independently in  
22 English?

23           A. Which applications or which forms?

24 143.       Q. Do they speak English at all now, in the best  
25 of your knowledge like as of today?

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1 A. I don't know.

2 144. Q. Ah, but you helped -- when was last time you  
3 communicated with Nikityuks?

4 A. Um, what -- when I communicated about what  
5 with Nikityuks?

6 145. Q. When was last time you met Nikityuks?

7 A. Um, a month ago.

8 146. Q. Which was what was occasion?

9 A. There was no occasion. They came to our  
10 office for service and I saw them in the hallway -- well,  
11 like in the door.

12 147. Q. For what service?

13 A. They came for settlement service and they  
14 received that service and.

15 148. Q. Which service was that?

16 A. Settlement service.

17 149. Q. What kind of settlement service?

18 A. I don't know because I'm not their worker  
19 anymore.

20 150. Q. When did you stop being their worker?

21 A. After the allegations were brought forward.

22 151. Q. Which was 2012?

23 A. '12.

24 152. Q. So YMCA assigned another worker to the file?

25 A. Yes.

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1 153. Q. Did you continue meeting Nikityuks socially?

2 A. Yes.

3 154. Q. How often do you meet them socially now?

4 A. I don't.

5 155. Q. You don't meet them socially?

6 A. No.

7 156. Q. But you testified that you continue meeting  
8 them socially?

9 A. You asked me if I saw them, yes, I do not  
10 continue seeing them socially.

11 157. Q. Are you still friends with Nikityuks?

12 A. I'm not friends with Nikityuks.

13 158. Q. Do you invite them to your birthdays, and?

14 A. No.

15 159. Q. Do you invite them to any personal occasions?

16 A. No.

17 160. Q. What about back in 2013, did they attend your  
18 birthdays or any special occasions?

19 A. No.

20 161. Q. What about in 2014?

21 A. No.

22 162. Q. Is it true that you got married in February  
23 2014?

24 A. Yes.

25 163. Q. Is it true that Nikityuks attended your

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1 wedding?

2 A. They came to the church.

3 164. Q. Why did they come to the church?

4 A. They wanted to join the other friends who  
5 attended -- who came -- were invited to come to the church.

6 165. Q. So you saw them on your -- on your special  
7 occasions, 2014?

8 A. Yes.

9 166. Q. Doesn't it contradict that your statement  
10 before that you didn't see them in 2014 on special  
11 occasions?

12 MR. KRYSIAK: No, earlier you said if she invited  
13 them out...

14 MR. TIMOKHOV: No, she saw...

15 MR. KRYSIAK: ...and she said no she didn't  
16 invite them.

17 MR. TIMOKHOV: ...him on a social occasion, that  
18 was the question.

19 WITNESS: No, you asked me if I invited them.

20 BY MR.

21 167. Q. And is it true that on the photographs that  
22 you were taking with them they were standing by your side  
23 during the wedding?

24 MR. KRYSIAK: You have to point to the  
25 photograph.

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1 WITNESS: I don't understand, sir.

2 BY MR. TIMOKHOV:

3 168. Q. When you are making pictures, group pictures,  
4 where Nikityuks were standing?

5 MR. KRYSIAK: Which pictures when?

6 BY MR. TIMOKHOV:

7 169. Q. Did you make any pictures during the wedding?

8 A. There were pictures taken at the wedding.

9 170. Q. Do you remember pictures taken when Nikityuks  
10 were standing by your side?

11 A. I wouldn't remember exactly that.

12 171. Q. You don't remember or they were not standing  
13 on your side?

14 A. I don't remember exactly what you're  
15 describing.

16 172. Q. So you kept communicating with Nikityuks  
17 after, right?

18 MR. KRYSIAK: After when...

19 WITNESS: No.

20 MR. KRYSIAK: ...define the time periods.

21 BY MR. TIMOKHOV:

22 173. Q. Did you keep communicating with Nikityuks  
23 after after the allegations were brought by my client?

24 A. And what do you mean by communicating?

25 174. Q. Seeing each other socially?

=====

1 A. Socially, yes.

2 175. Q. So you saw them socially?

3 A. Socially, yes.

4 176. Q. Are you still their friend?

5 A. I'm not friends.

6 177. Q. How can you describe your relationship with  
7 Nikityuks now?

8 A. Currently I don't have a relationship with  
9 Nikityuks.

10 178. Q. But you see them socially?

11 A. Not anymore, no.

12 179. Q. Do you take trips together?

13 A. No.

14 180. Q. When was last time you went for a trip with  
15 them?

16 A. A long time ago.

17 181. Q. How long time ago?

18 A. Probably two, three years ago.

19 182. Q. And did you attend any social events like  
20 concerts or concerts, exhibitions, sightseeings anything  
21 like that?

22 A. A concert, yes.

23 183. Q. When?

24 A. Again, long time ago.

25 184. Q. How long time ago?

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1 A. Probably three years ago.

2 185. Q. Do you call each other to communicate  
3 (inaudible)?

4 A. No.

5 186. Q. Do you see each other just...

6 A. No.

7 187. Q. ...okay, I see. Ah, is it true that you  
8 helped Nikityuks recently with their request that was sent  
9 to Russian Federation regarding their pension?

10 A. I'm not their worker anymore.

11 188. Q. Yeah, in personal capacity?

12 A. No.

13 189. Q. Did you tell them to send the documents to  
14 Russian Federation to request some information about their  
15 pension?

16 A. In -- as a worker when I worked with them.

17 190. Q. Did you do it?

18 A. We faxed the request to Russia.

19 191. Q. When was it?

20 A. Two -- two years ago.

21 192. Q. Did you send -- did you help them with  
22 documents recently?

23 A. No, I'm not their worker anymore.

24 193. Q. I would like to refer you to Vol to  
25 document brief of the plaintiffs Volume 6 of 6 that is Tab

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1 23. That is email from Yana Skybin to Erik Bornman sent on  
2 March 21st, 2013, do you want to read this email. So you  
3 did help Nikityuks, right, in 2013?

4 A. Um, in what do you mean, helped Nikityuks?

5 194. Q. You scanned and email Alla and Valentin's  
6 documents to their lawyer, Erik Bornman?

7 A. They came to the office and I was the only  
8 one there. They asked for help because it was urgent  
9 matter. We scanned and faxed the documents to their  
10 lawyer.

11 195. Q. So you did help them?

12 A. Upon the client's request I scanned and faxed  
13 the documents that they needed to send.

14 196. Q. No, you just testified that YMCA withdrew you  
15 from the files, was there not -- no longer your clients; is  
16 it correct?

17 A. They are the clients of YMCA.

18 197. Q. But they are not your clients because you  
19 were withdrawn from the file for a reason?

20 A. Their main case worker is somebody else, but  
21 if a client comes into the office and we only have one  
22 counsellor, we would help anybody to send the documents.  
23 It wasn't anything special.

24 198. Q. What was the reason YMCA removed you from the  
25 file?

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1           A.   For my own protection.

2 199.       Q.   From whom -- protection from whom?

3           A.   From the allegations being brought forward.

4 200.       Q.   Maybe they removed you for protection YMCA as  
5 well, because there was certain allegations?

6           A.   No.

7           MR. KRYSIAK:   She answered the question already.

8 201.       Q.   She answered, for her own protection, and I'm  
9 asking what else is the reason to remove her as Nikityuks  
10 counsellor to prevent the conflict of       potential conflict  
11 of interests and to protect YMCA.   Do you remember  
12 discussion like with your supervisors when you were removed  
13 from the file, did they....

14          A.   There were two occasions at which it was  
15 discussed.

16 202.       Q.   When was it?

17          A.   Ah, the first occasion was in 2013, um, when  
18 my colleague was brought in to work with me on this case  
19 and the second occasion was again in 2013 -- late in 2013  
20 when, again for my protection, it was decided that now the  
21 main case worker would be my colleague working with  
22 Nikityuks.

23 203.       Q.   And who is...

24          A.   On an ongoing basis...

25 204.       Q.   ...who is your colleague?

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1 A. ...Jonathan Duncan.

2 205. Q. Wasn't it told to you that for your own  
3 protection you are not supposed to provide the Nikityuks  
4 with any services?

5 A. Nikityuks are the clients of YMCA.

6 206. Q. So they have Jonathan Duncan as their  
7 counsellor at this point and they have probably different  
8 counsellors, couldn't they use their services?

9 A. They are using our services and Jonathan  
10 Duncan is the counsellor who's assisting them.

11 207. Q. But still, just because they are clients of  
12 YMCA you still keep providing them with certain services  
13 when they need them, right?

14 A. When somebody comes in and says, 'We need to  
15 have this faxed' and the counsellor isn't -- in with  
16 another client or is not available, then yes, it is within  
17 the scope of my role and my job to be able to assist them.

18 208. Q. How else do you assist them, do you remember  
19 any other occasions when you assisted them in 2014?

20 A. I'm not their worker anymore.

21 209. Q. Did you help them with any documents or with  
22 anything at all just in personal capacity?

23 A. No.

24 210. Q. Did they call you?

25 A. No, when?

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1 211. Q. In 2014?

2 A. Can you describe what you mean?

3 212. Q. Did they make any calls to you in the year of  
4 2014?

5 A. They did call and asked to book an  
6 appointment with Jonathan.

7 213. Q. You just testified that Jonathan was assigned  
8 to this file in 2013, why would they call you in 2014?

9 A. With the request to book an appointment to  
10 see Jonathan.

11 214. Q. Did you explain Nikityuks you are not allowed  
12 by YMCA to communicate with them or to act with them?

13 A. It was explained to Nikityuks that Jonathan  
14 is their case worker.

15 215. Q. And for your own protection, you are not  
16 allowed to provide them with services?

17 A. No. For my own protection I was not anymore  
18 their case worker.

19 216. Q. But there was no prohibition to provide them  
20 with no services?

21 A. No, they are still clients of YMCA.

22 217. Q. Mm-hmm. And why would they call you in 2014  
23 just asking to book an appointment why didn't they just  
24 call YMCA reception do to it?

25 A. That I wouldn't know.

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1 218. Q. Do you remember any other calls?

2 A. No.

3 219. Q. You don't remember or they didn't call?

4 A. I don't remember any other calls.

5 220. Q. Do you remember any calls to you after you  
6 were removed from the file in 2013, did they call you?

7 A. Depends what...

8 221. Q. Did they call at all?

9 A. ...what you're...

10 222. Q. Just after Jonathan Duncan was assigned as  
11 their counsellor?

12 A. ...to book an appointment.

13 223. Q. So they pretty much called you to book an  
14 appointment?

15 A. Yes.

16 224. Q. Because it was more convenient to call you  
17 just to book an appointment because you could do it  
18 directly?

19 A. I don't know why they would call me to book  
20 an appointment, but that's what they did and I booked the  
21 appointment.

22 225. Q. When did you book the appointment, how long  
23 did it take for you to book the appointment with Jonathan?

24 A. It's down on the calendar.

25 226. Q. Just do you remember that was fairly recently

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1 when they called you 2014?

2 A. I don't remember.

3 227. Q. How many days did it take to book at this  
4 appointment?

5 A. I don't understand what you mean?

6 228. Q. I mean just they called you one day, when did  
7 you schedule an appointment with Jonathan, how many days  
8 were between when they called you and they had an  
9 employment with Jonathan?

10 A. I don't know.

11 229. Q. But you just testified that it was just more  
12 convenient to call you to book an appointment than to call  
13 reception, is correct, (inaudible)?

14 A. I don't know that.

15 230. Q. That's what you just said.

16 A. I don't know why they -- I don't have the  
17 answer to the why.

18 231. Q. And they -- they called you on several  
19 occasions in 2013 as well, right, just to book an  
20 appointment with Mr. Duncan?

21 A. Depends when, the 2013 is a long year.

22 232. Q. Just after you were removed from -- from the  
23 file and Jonathan Duncan was appointed, who else would they  
24 call you to make an appointment with Jonathan?

25 A. They were -- Jonathan was assigned to their

=====

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1 case and at the end of 2013, so the remainder of the year I  
2 was their case worker.

3 233. Q. I see, but did they call you after you were  
4 removed?

5 A. To book an appointment to see Jonathan.

6 234. Q. For any for any other purpose?

7 A. Yes.

8 235. Q. They called you?

9 A. I answered the question.

10 236. Q. Okay. Did they call you for other purpose  
11 other than just booking an appointment with Jonathan in  
12 2013?

13 A. Probably.

14 237. Q. And why did they call you?

15 A. Um, at one time it was that Valentin had his  
16 surgery and they would tell me how that went.

17 238. Q. Why would he tell you this, you are not even  
18 his friend? I thought ...

19 A. What do you mean?

20 239. Q. ...how did it go -- how did the surgery go?

21 A. That's irrelevant.

22 240. Q. No, just you had a conversation, he called  
23 you?

24 MR. KRYSIAK: She's right, though, it's not  
25 relevant how the surgery went.

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=====: ===

1 MR. TIMOKHOV: No, what is relevant , why did he  
2 call her because she testified that they are not  
3 friends anymore.

4 MR. KRYSIAK: Anymore, but you were talking to a  
5 -- about a conversation in 2013.

6 BY MR. TIMOKHOV:

7 241. Q. Well just -- so you used to be friends in  
8 2013, that is what you are saying?

9 A. We're not friends.

10 242. Q. I asked you to describe your relationship  
11 with them just you can do it now?

12 A. Of mutual respect to another human being who  
13 is of the same cultural background.

14 243. Q. Do you call them just out of respect as a  
15 human being?

16 A. If I know they're sick I would call later to  
17 find out how they're feeling.

18 244. Q. So you call them as well?

19 A. In 2013 not anymore, no.

20 245. Q. Did you call them in 2014?

21 A. Only to ask for information.

22 246. Q. For what information?

23 A. A client was looking for an artist in the  
24 community and I knew they met somebody who was an artist  
25 and I called to ask for a phone number of that person.

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1 247. Q. I see. And I understood that pretty much  
2 YMCA told you just to -- that for your own protection that  
3 you should limit like communication as or at your  
4 presentation of Nikityuks because there are certain  
5 allegations from Al -- from Pavel and Svetlana Danilov?

6 MR. KRYSIAK: We've been over this.

7 MR. TIMOKHOV: She can answer, yes, it will be  
8 easy.

9 MR. KRYSIAK: She already has.

10 MR. TIMOKHOV: Okay.

11 BY MR.

12 248. Q. So my understanding just after you met them  
13 in 2009 when they started attending the school with YMCA,  
14 English as a Second Language school, you developed some  
15 sort of relationship with them which was more than the  
16 relationship between counsellor and client?

17 A. Can you describe the relationship?

18 249. Q. I describe it as a friendship, but you told  
19 me it's not a relationship of friendship it's more a  
20 relationship of mutual respect to human beings and tell me  
21 to this extent, just but what kind of relationship did you  
22 have just after 2009?

23 A. Um, social relationship.

24 250. Q. Did you like them as personalities?

25 A. Yes.

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1 251. Q. As human beings?

2 A. Yes.

3 252. Q. Did they like you as human being?

4 A. Yes.

5 253. Q. So you...

6 A. Mutual.

7 254. Q. ...you liked each other, it was mutual --  
8 mutual liking, if there such a word, right?

9 A. Yes.

10 255. Q. So when people like each other there is  
11 probably it's a friendship, right, or just a?

12 A. Do you need me to agree or disagree...

13 256. Q. I don't know.

14 A. ...or offer my opinion?

15 257. Q. Yeah, your opinion. Just what kind of  
16 relationship it was?

17 A. A social relationship.

18 258. Q. Social relationship of liking each other, you  
19 don't have to provide an answer. And you saw each other  
20 socially often, didn't you?

21 A. No.

22 259. Q. How often did you see Nikityuks in what -- at  
23 YMCA?

24 A. At YMCA often because they attended classes.

25 260. Q. So they attended classes everyday, didn't

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1 they?

2           A. Probably. At the time I was an Itinerant  
3 counsellor so I wouldn't know how often they were in  
4 classes because I was in the community.

5 261.       Q. But you did you schedule classes for them?

6           A. No.

7 262.       Q. But just how much time did you spend everyday  
8 at YMCA?

9           A. I spent only two days of my week at the YMCA  
10 -- at the office.

11 263.       Q. But did they tell you how often they attend  
12 the classes and how much they learn?

13           A. I wouldn't have anything to do with the  
14 classes.

15 264.       Q. So you didn't discuss it with them, in other  
16 words?

17           A. No.

18 265.       Q. And did you see them socially?

19           A. On an -- occasionally.

20 266.       Q. How often?

21           A. Like in a...

22 267.       Q. In 2009?

23           A. ...year?

24 268.       Q. In 2009?

25           A. In 2010?

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1 269. Q. '09?

2 A. '09, probably not at all. I can't tell you.

3 270. Q. What about 2010?

4 A. Maybe two -- three occasions.

5 271. Q. In the whole 2010?

6 A. Probably.

7 272. Q. Is it true that you went to African Lion  
8 Safari with them?

9 A. I went with my children in my own car to the  
10 Lion Safari and they came in their car. We met there, went  
11 for a walk and I went back home with my children in my car  
12 and they went on their way.

13 273. Q. Did you may -- meet them accidentally, didn't  
14 you arrange a meeting there?

15 A. I didn't arrange for the meeting.

16 274. Q. But did you know that they are coming?

17 A. Yes.

18 275. Q. And did -- did they know that you are coming?

19 A. Yes.

20 276. Q. And how did they know?

21 A. They told me they want to go to Safari and I  
22 also wanted to take my children to Safari and we agreed to  
23 go the same day.

24 277. Q. And who paid for the tickets to Safari?

25 A. I paid for myself and my children and they

=====

=====

1 paid for themselves.

2 278. Q. Did you meet before you entered the park?

3 A. We met there at the park.

4 279. Q. Inside?

5 A. Yes.

6 280. Q. After you bought the tickets?

7 A. Yes.

8 281. Q. And did they pay for any -- for anything just  
9 for you or your children?

10 A. No.

11 282. Q. Did they buy them anything?

12 A. No.

13 283. Q. Do -- do you remember that you having dinner  
14 together with them?

15 A. No.

16 284. Q. So in other words, you had dinner separately  
17 at African Lion Safari?

18 A. We had lunch. Each of us bought our own  
19 lunch and we sat together and ate.

20 285. Q. I see. So you didn't buy anything inside?

21 A. I paid...

22 286. Q. You didn't buy anything...

23 A. ...for my children and myself.

24 287. Q. ...okay. Do you remember going out just for  
25 road trips on weekends with Nikityuks?

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1 A. No road trips, no.

2 288. Q. Where did you go -- where else did you go out  
3 together in 2010?

4 A. We went to Cranberry Fest in Bala.

5 289. Q. What is this?

6 A. Cranberry Fest in Bala. Can't tell, probably  
7 2010.

8 290. Q. And you are -- you arrange this meeting?

9 A. No.

10 291. Q. So you just met there accidentally?

11 A. No.

12 292. Q. What happened?

13 A. What happened where?

14 293. Q. How did you go there together?

15 A. Nikityuks shared with me that they went to  
16 Bala before and they invited me to join this year -- that  
17 year.

18 294. Q. So they invited you?

19 A. Yes.

20 295. Q. Why would they invited you?

21 A. They were very sociable people. They loved  
22 going places and that was what they enjoyed doing.

23 296. Q. How often did they go to places, do you know?

24 A. Probably often.

25 297. Q. Did you go to the -- to different places -

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1 to other places in 2010?

2 A. '10 I don't remember. I don't remember if it  
3 was '10 or '11, but yes, they came with me and my mom to  
4 Collingwood Scenic Caves.

5 298. Q. And who paid for the tickets?

6 A. I paid for myself and my mom and they paid  
7 for themselves.

8 299. Q. And you met inside or you met outside?

9 A. No, we went there together.

10 300. Q. In one car?

11 A. In my car, yes.

12 301. Q. In your car. And you remember how they were  
13 buying the tickets?

14 A. We just stood in line and everybody paid for  
15 their tickets.

16 302. Q. Did they pay in cash or by credit card?

17 A. I don't know. I wouldn't know that.

18 303. Q. Like normally when you went somewhere, did  
19 they pay by cash or they pay by credit card?

20 A. I don't know. I didn't watch them pay.

21 304. Q. Where else did you go in 2010?

22 A. That's all.

23 305. Q. So you didn't go anywhere else in 2010?

24 A. I don't know if it was 2010, we went to a  
25 concert together, but it might have been 2011.

=====



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1 306. Q. What concert?

2 A. Lyrica Choir.

3 307. Q. Did they pay for the tickets?

4 A. No, I bought the tickets and I offered to  
5 take them there.

6 308. Q. And where else did you go in 2010?

7 A. That's all I remember.

8 309. Q. Did -- did you go to Danilov's house to meet  
9 Nikityuks in 2010?

10 A. No. To meet Nikityuks, I met them at the  
11 library.

12 310. Q. Well just did you go to Danilov's house at  
13 all?

14 A. One time.

15 311. Q. When was it?

16 A. I was invited with other Russian speaking  
17 people in the community to come for a meal.

18 312. Q. Who cooked the meal?

19 A. Alla.

20 313. Q. Did you ever invite Nikityuks to come to your  
21 house?

22 A. Yes.

23 314. Q. How many times was this in 2010?

24 A. I don't know about 2010 specifically. I  
25 don't remember which year.

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1 315. Q. Do you -- like how often did they come to  
2 your house?

3 A. Urn, on a couple of occasions.

4 316. Q. By couple you mean two occasions?

5 A. A couple of occasions, yes, that I remember.

6 317. Q. So they came on two occasions that you  
7 remember?

8 A. Yes, but not necessarily in 2010.

9 318. Q. Let's talk just about 2010, 2011?

10 A. I invited a group of people to Thanksgiving  
11 and I invited Alla and Valentin to join our Thanksgiving  
12 dinner.

13 319. Q. Did they give you any presents at that time?

14 A. No.

15 320. Q. What did they bring with them?

16 A. I can't remember. Maybe a pie that Alla --  
17 but I can't say for sure.

18 321. Q. What other occasion was that?

19 A. Another occasion was my birthday party -- it  
20 wasn't a party, it was a meal with a few people, again,  
21 Russian speaking people and my brother and they came  
22 together.

23 322. Q. When was it?

24 A. In 2011.

25 323. Q. Did they come to any other of your birthdays?

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1 A. No.

2 324. Q. Not in 2010?

3 A. No.

4 325. Q. Did you meet anywhere else other than just  
5 Danilov's and your home?

6 A. What -- can you...

7 326. Q. Just for social occasions, for a drink, for a  
8 dinner?

9 A. ...no drink, no -- no dinner, no.

10 327. Q. So you didn't meet outside for dinner with  
11 them?

12 A. Say it again?

13 328. Q. You didn't take them to restaurant or they...

14 A. No.

15 329. Q. ...didn't take you to the restaurant...

16 A. No. No.

17 330. Q. ...nothing like that?

18 A. No.

19 331. Q. Did they know your children well?

20 A. They met my children, they don't know them  
21 well.

22 332. Q. What is the relationship between them and  
23 your children?

24 A. There is no relationship.

25 333. Q. Do they like each other?

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=====

1 A. Yes.

2 334. Q. Did she buy children any gifts?

3 A. No.

4 335. Q. You didn't invite her to children's  
5 birthdays?

6 A. No. No.

7 336. Q. Did you celebrate New Year together in 2010?

8 A. No.

9 337. Q. Did you celebrate any other just occasions  
10 like Christmas or anything like that when you went to  
11 church together, or just?

12 A. I invited Alla and Valentin to a concert at  
13 the church, once, I don't remember the year. And they  
14 came. It was a concert, Christmas carols.

15 338. Q. So it was different concert from the concert  
16 you went to?

17 A. Yeah. Different from Lyrica's concert, yes.

18 339. Q. Mm-hmm. I understand that you are about 30  
19 years old at this point, or, how old are you now?

20 A. Is that relevant?

21 340. Q. Just my understanding is that you are a  
22 younger person, how are you interested...

23 MR. KRYSIAK: You can answer?

24 WITNESS: I'm 39.

25 BY MR.

=====

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1 341. Q. ...how 39 years old -- year old person is  
2 interested in communicating with older people who are 75,  
3 what kind of interest do you have in common?

4 A. I have no interest.

5 342. Q. Why do you just socialize with her -- with  
6 them?

7 A. What do you mean?

8 343. Q. Why do you go to events together with them  
9 just it doesn't make any sense because you are much younger  
10 person.

11 A. I don't understand how there is a problem.

12 344. Q. There is no problem, I mean, just I don't  
13 understand how -- what is the purpose of you going together  
14 to -- inviting older people to your birthday and going to  
15 other places, what kind of -- what is -- what is your and  
16 their interest in that. You said you liked each other,  
17 what kind of common interest do you have?

18 A. Common background.

19 345. Q. But you probably know many other people with  
20 common background and just why -- why wouldn't you...

21 A. Yes.

22 346. Q. ...communicate with them?

23 A. **Ido.**

24 MR. KRYSIAK: She didn't say she doesn't. Let's  
25 -- again, let's stick to what she said, not to

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1           what she didn't say.

2           MR. TIMOKHOV:   Sorry?

3           MR. KRYSIAK:   She never said she doesn't  
4           communicate with any other people.

5   BY MR. TIMOKHOV:

6   347.       Q.   Yeah, just what is your interest to  
7   communicate with Nikityuks particularly with older people?

8           A.   It's -- there is no interest in communicating  
9   with older people.

10   348.       Q.   What kind of common interest do you have --  
11   what    do you have any common hobbies or just anything  
12   like that, what -- what your -- what your meetings are  
13   based on why do you call each other, because there is  
14   always reason just for people doing something.

15           A.   There is no reason.

16   349.       Q.   You just communicate with them out of respect  
17   as to human beings?

18           A.   Yes.

19   350.       Q.   Do you have respect to other human beings?

20           A.   Yes.

21   351.       Q.   I see. What was your relationship with  
22   Svetlana in 2010 and 2011, did you communicate?

23           A.   Yes.

24   352.       Q.   And it is my understanding that you  
25   communicated with her because just you are discussing

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1 Nikityuks Nikityuks affairs with YMCA?

2 A. No, not Nikityuks affairs with YMCA.

3 353. Q. What did you discuss with Svetlana?

4 A. What do you refer to as communicate?

5 354. Q. No, just did you communicate with Svetlana  
6 often?

7 A. On an occasion.

8 355. Q. Who called, you or Svetlana?

9 A. Svetlana called.

10 356. Q. And what did she ask?

11 A. She didn't ask anything, she would be sharing  
12 about herself.

13 357. Q. And what did she tell you?

14 A. What did I tell her?

15 358. Q. No, what did she was sharing things about  
16 herself, what did she tell you?

17 A. About her daughter's success as a -- as a --  
18 in sports. Like not really much, very casual.

19 359. Q. And how often did Svetlana call you?

20 A. Occasionally, not often.

21 360. Q. Once a month, twice a month?

22 A. I wouldn't remember exact number of times.

23 361. Q. But it was more than once, more than twice?

24 A. More than once, yes, more than twice, yes,  
25 and I saw Svetlana at YMCA in -- in Innisfil.

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1 362. Q. What did she do there?  
2 A. Exercise, swimming.  
3 363. Q. And did you have a conversation?  
4 A. Yes, in the swimming pool.  
5 364. Q. You remember about what?  
6 A. Very casual. Nothing particular.  
7 365. Q. Did you call Svetlana yourself?  
8 A. I can't remember now exactly if I called her  
9 or if it was just a call from Svetlana, but I didn't have a  
10 reason to call.  
11 366. Q. Did you ever invite Svetlana to your home?  
12 A. No.  
13 367. Q. Did you ever ask her to help you somehow?  
14 A. No.  
15 368. Q. With anything?  
16 A. No.  
17 369. Q. And you don't remember calling her  
18 personally?  
19 A. No.  
20 370. Q. Did you want to socialize with Svetlana just  
21 on social occasions out of respect to each other?  
22 A. No.  
23 371. Q. And you never ask her to socialize with you?  
24 A. Hmm, no.  
25 372. Q. And you never helped -- you never called

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1 Svetlana just to ask for any help just to discuss any aff -  
2 - any help with the parents while they were at YMCA?

3 A. I don't think so.

4 373. Q. You never asked Svetlana to translate  
5 anything to the parents?

6 A. No.

7 374. Q. Is it true that in August 2009 you wrote to  
8 Svetlana an email and you asked Svetlana to review  
9 confidentiality agreement with the parents to sign it and  
10 to bring back because you didn't want to overwhelm them  
11 when you met them you gave them a lot of information and  
12 you just (inaudible) that form, that was in August 2009?

13 A. Can I see the email?

14 (Off Record)

15 375. Q. Sure. Document brief of the plaintiffs  
16 Volume 2 of 3 Tab 1, email on the top of the first page?

17 A. So what is the question.

18 376. Q. The question was that there is a  
19 contradiction because you said that you never contacted  
20 Svetlana regarding helping them with YMCA documents or  
21 anything and there is an email from you saying that is  
22 pretty much that you did. So it means you didn't tell what  
23 was happening.

24 A. I still don't understand what you're asking  
25 me.

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1 377. Q. You said that you never contacted Svetlana  
2 asking her for help with any YMCA affairs, that is what you  
3 testified before. And now I showed you email saying that  
4 you did contact Svetlana to review a confidentiality  
5 agreement, is it correct so you did contact Svetlana  
6 regarding reviewing confidentiality agreement back in 2009?

7 A. I gave my clients a confidentiality -- it's  
8 not an agreement, it's a statement, and I explained to them  
9 what it says and they wanted to take it home to review with  
10 their daughter. I emailed the daughter as a follow-up to  
11 that initial appointment.

12 378. Q. So you did ask Svetlana to translate it to  
13 them, right?

14 A. Whether I ask Svetlana to translate the  
15 document to them?

16 379. Q. Yeah, that is what it said, to read it to  
17 them and to ask them to sign and bring to their appointment  
18 on the 19th, that's what you wrote.

19 A. The document is in English and they wanted to  
20 understand more of what the document says and I sent it  
21 home with them.

22 380. Q. That is what translate means. And then there  
23 is email from you on August 27, 2009 it's regarding some  
24 sort of lawyer referral service that you recommended and  
25 actual lawyers who are recommended to me by my colleague,

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=====

1 just can you explain why Svetlana needed a lawyer?

2 A. Can I see the email?

3 381. Q. Of course.

4 A. I don't recall the actual question or request  
5 from Svetlana.

6 382. Q. But she wrote you, right?

7 A. She talked to me on the phone.

8 383. Q. That is email from you, right -- oh, she  
9 spoke with you on the phone as well?

10 A. Yes.

11 384. Q. So she was asking you just for your help --  
12 for your help, she used your knowledge just once in a while  
13 as well?

14 A. For -- actually asked for information.

15 385. Q. About lawyers?

16 A. I don't know what that particular email  
17 refers to or what exactly the question was.

18 386. Q. Neither do I, but the email from you says,  
19 \*\*\*"There is a lawyer referral service you might want to  
20 use to get info and as for actual lawyers who have been  
21 recommended to me by my colleague" , then you provided  
22 numbers. So there was some discussion about lawyers which  
23 you recommended after discussing with your colleague, it  
24 what email says?

25 MR. KRYSIAK: The email says what it says, is

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1                   there something else...

2                   MR. TIMOKHOV: Exactly.

3                   MR. KRYSIAK: ...on this?

4 BY MR.

5 387.           Q. But you don't remember just what she was  
6 asking you back in 2009, right?

7                   A. No.

8 388.           Q. And then there is an email that is not from  
9 you, but from Ruth Millar and it is saying that \*\*\*"Skybin  
10 asked me if I knew any older Russian people that your  
11 parents could meet and talk with", so you asked Svetlana  
12 pretty much to recommend other -- any other older people,  
13 that is an email from Ruth Millar dated September 1st,  
14 2009. So pretty much you ask -- you asked Ruth to call  
15 Svetlana, do you remember it in 2009?

16                  A. No, I don't remember what the context was.

17 389.           Q. And then you just wrote Svetlana that Ruth  
18 spoke to the other lady, that is an email September 1st,  
19 2009 and she wanted you to meet -- to meet Nikityuks, that  
20 is an email dating Tuesday September 1st, 2009, you don't  
21 remember what it's about, right?

22                  A. Can I see the email?

23 390.           Q. Of course.

24 (Off Record)

25 BY MR. TIMOKHOV:

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1 391. Q. And pretty much under Tab 1 there are at  
2 least 38 emails which is communication between you and  
3 Svetlana; is it correct?

4 A. Yes.

5 392. Q. And before you testified that you didn't  
6 communicate with Svetlana much, she just called to you on  
7 several occasions?

8 A. That's correct.

9 393. Q. So you didn't tell the truth?

10 A. I don't under -- what do you mean I didn't  
11 tell the truth?

12 394. Q. You said there was no communication with  
13 Svetlana, you didn't communicate much?

14 A. You asked if I called or communicated with  
15 Svetlana.

16 395. Q. And you said, no?

17 A. Most of my communication was from Svetlana  
18 calling or asking for some information.

19 396. Q. And there was some communication from you as  
20 well asking for Svetlana for some information, right?

21 A. Um, what -- like what email do you refer to?

22 397. Q. If you for example just -- as an example, to  
23 email that's number 17 and that is September 28, 2009 email  
24 and it says,

25 \*\*\*"I want to ask you if your mom is handy in

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1 sewing and your stepfather is in woodworking.  
2 Our church sign up for Godly play curriculum  
3 where we will be making our own materials using  
4 the templates. We need help with making them".

5 That is an email from you to Svetlana. So you contacted  
6 her, right, you emailed her asking for their parent's help?

7 A. That was an invitation if they were  
8 interested in to do something in the community.

9 398. Q. So you contacted Svetlana, right?

10 A. According to your email, yes, I did contact  
11 Svetlana.

12 COURT REPORTER: Excuse me, could you just  
13 uncover the mic from....

14 WITNESS: For the record, I didn't remember that  
15 instance and so I did not lie.

16 BY MR. TIMOKHOV:

17 399. Q. And there is an email from Svetlana, that is  
18 number 20, is dated October 3rd, 2009 and it says,

19 \*\*\*"Hello" -- "Hello Yana, I'm writing to thank  
20 you for being in touch with my parents and to say  
21 that my mom is happy she can discuss all their  
22 needs with you".

23 So is it fair to say that pretty much you -- the parents  
24 did discuss all the needs with you?

25 A. What needs?

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1 400. Q. I don't know. Tell me?

2 A. I don't know either.

3 MR. KRYSIAK: This is not her email.

4 BY MR.

5 401. Q. And the email further says that Valentin has  
6 an appointment at 3:30 with a doctor, urologist , and then  
7 just a follow-up email from you dated October 3rd, says,  
8 \*\*\*"Absolutely no worries. She said 3:30 I can  
9 meet them there or do they need a ride. She can  
10 call me and tell me exactly what she needs and  
11 I'll do what's needed. "

12 That is email number 21.

13 MR. KRYSIAK: Do you have a question about these  
14 emails?

15 MR. TIMOKHOV: The question was pretty much that  
16 -- well, she met with -- Ms. Skybin met -- met  
17 Valentin on the other occasion like during  
18 doctor's appointments and she said she didn't.

19 MR. KRYSIAK: You never asked her that question.

20 BY MR.

21 402. Q. Did you -- did you go there?

22 A. You didn't ask me the questions.

23 403. Q. Okay. Did you go to Valentin's appointment  
24 with a doctor around October 2009?

25 A. I don't remember that particular instance.

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1 404. Q. Well, because your emails says,  
2 \*\*\*"Absolutely no worries. I can meet them there or do  
3 they need a ride. She can call me and tell me exactly what  
4 she needs and I will do what's needed. "

5 A. I don't remember that particular instance.

6 405. Q. You don't. And by, you can call me, is it  
7 fair to say that Valentin and Alla had your cell phone  
8 number -- your personal number?

9 A. I had a work number.

10 406. Q. Yeah?

11 A. I was an Itinerant counsel, I was provided  
12 with a cell phone with from my company.

13 407. Q. That is how you communicated?

14 A. Yes.

15 408. Q. And then there is email, that is email number  
16 22, that is email from you. And it says,

17 \*\*\*"My kids have an appointment at the  
18 optometrist. I'm not sorry, but I won't be able  
19 to come in October. Please let me know if your  
20 parents need help in future. "

21 And then just it says,

22 \*\*\*"I also want to make plans with you to meet on  
23 Sunday to go to the Ukrainian church and then to  
24 the german cafe for a cup of coffee and german  
25 pastry, could you please give me some dates. "

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1 So that is an email from you, so you did invite Sveta for  
2 social occasion?

3 A. Svetlana asked me about churches in Barrie  
4 and I did share the information that there is a Ukrainian -  
5 - Greek -- sorry, Greek Catholic church...

6 409. Q. And...

7 A. ...that is close to our cultural church.  
8 And, yes, I did offer to go there together.

9 410. Q. ...so you went to a church -- you go to  
10 church once in a while, right?

11 A. I go to church, I don't go to that church.

12 411. Q. And why didn't you -- why did you affirm  
13 today and why didn't you swear on Bible?

14 MR. KRYSIAK: Don't answer that. We've been  
15 through this.

16 MR. TIMOKHOV: That is a fair question.

17 MR. KRYSIAK: No, not in my opinion.

18 REFUSAL NO. 3: To answer the question, why did  
19 you affirm today and why didn't you swear on  
20 Bible.

21 BY MR.

22 412. Q. So you went to church, but you decided to  
23 affirm today.

24 MR. KRYSIAK: If -- and if we're going to  
25 continue going through these emails, I would like

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1 the line of questioning to go more towards the  
2 statement of claim because so far, in my  
3 opinion...

4 MR. TIMOKHOV: All right.

5 MR. KRYSIAK: ...the evidence we're going through  
6 is simply supporting the fact that Yana fulfilled  
7 all her duties as a counsellor and in fact went  
8 above and beyond. And I think your -- your  
9 clients are trying to disprove that, so maybe we  
10 should change the line of questioning.

11 MR. TIMOKHOV: No. What your client testified  
12 was that Yana didn't have any social interactions  
13 with Svetlana and she didn't have much social  
14 interaction with Alla and Valentin Nikityuk other  
15 than just on several occasions and now we see at  
16 least 38 emails that show personal interaction  
17 which your client didn't tell the facts of they  
18 were.

19 MR. KRYSIAK: Yeah my client, probably not  
20 recollection of 38 emails.

21 MR. TIMOKHOV: She she doesn't have much  
22 recollection about 38 emails. All right.

23 BY MR. TIMOKHOV:

24 413. Q. And can you please tell what do you use your  
25 email yana@skybin.net, what kind of email is that?

=====

1 A. That is my personal email.

2 414. Q. Yeah, why did you communicate with Svetlana  
3 using your personal email?

4 A. Um, what is your question?

5 415. Q. Why did you give Svetlana your personal email  
6 if you always acted in your capacity as YMCA employee?

7 A. Not in -- with Svetlana, she's not my client.

8 416. Q. Did you use this email to communicate with  
9 Danilovs -- with Nikityuks as well?

10 A. I wouldn't remember that now.

11 417. Q. But you gave -- you gave the family your  
12 personal email, yana@skybin.net; is it true?

13 A. Not purposefully, not that I gave them my  
14 email.

15 418. Q. How did they get it?

16 A. I don't know. What do you mean?

17 419. Q. What I'm asking you is why -- why did you use  
18 your personal email in communications with Danilovs?

19 A. Why I use my personal email in communication  
20 Danilovs?

21 420. Q. Mm-hmm?

22 A. Probably it had to do with social  
23 interaction.

24 421. Q. So you interacted with Danilovs socially,  
25 right?

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1 A. Not with Danilovs, no.

2 422. Q. Hmm?

3 A. I didn't interact with Danilovs socially.

4 423. Q. You didn't invite them for coffee and german  
5 pastry, nothing like that?

6 A. Ah, I went out with -- yes, one time I went  
7 with Svetlana to the church and for coffee and then I met  
8 her at the Innisfil YMCA, not arranged it was accidental,  
9 and I did interact with her there.

10 424. Q. And did you invite her to your birthday or  
11 did you invite her out to any other social occasions?

12 A. I don't...

13 425. Q. By her I mean Svetlana?

14 A. ...not birthday, no, but...

15 426. Q. And no personal -- not other occasions?

16 A. ...I don't think so.

17 427. Q. And I would like to refer you to Tab 2 of  
18 Volume 2 of document brief of the plaintiff. There's some  
19 communication in Russian. And by communication I mean 22  
20 emails. There is certified translation attached to the  
21 emails. Can I please refer you to untranslated email in  
22 Russian?

23 A. The which one?

24 428. Q. Ah, for example to email number one. And  
25 there is a translation pretty much in the beginning and it

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1 says,

2           \*\*\*"Sveta may I offer you going to Innisfil on  
3           November the first for one day. I enjoyed an  
4           acquaintances and opportunity to have a  
5           conversation. "

6 And then it says -- it says, \*\*\*"You can write me back via  
7 this email address" and by address you probably meant the  
8 email yana@skybin.net?

9           A. I didn't have access to my work email on the  
10 weekends. That is why I provided Svetlana with my personal  
11 email.

12 429.       Q. Before -- because before you testified that  
13 you didn't provide Svetlana -- Svetlana with an email and  
14 you didn't know where she -- where they got it and now we  
15 have an email from you dated October 18th, 2009 saying that  
16 you in fact did provide Svetlana with this email?

17           A. You're asking me about the email of that -  
18 you're asking me about...

19 430.       Q. I'm asking...

20           A. ...a particular email.

21 431.       Q. ...about yanaskybin.net that you pro -- you  
22 asked to communicate with Svetlana using your personal  
23 email?

24           A. I'm explaining the email you're asking me  
25 about.

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1 432. Q. You didn't have access to it. And then email  
2 dated number four dated July 15th, and these are just  
3 examples, it says,

4 \*\*\*"Sveta thank you very much. On Friday we want  
5 to go together with you I will call you to let  
6 you know. My mother stays with us. We could  
7 make for the shore together."

8 So you again invited Svetlana for social occasion, didn't  
9 you. So you did invite Svetlana for social occasion?

10 A. I don't remember. It was a very...

11 433. Q. You don't remember?

12 A. ...long time ago. I don't remember the...

13 434. Q. I see.

14 A. ...context or the -- what it was in response  
15 to and...

16 435. Q. And I would like to refer you to untranslated  
17 version that is pretty much in the middle. And in all  
18 emails you you use -- you address Svetlana as Sveta,  
19 what Sveta means in Russian?

20 A. Her name.

21 436. Q. But when do you use Sveta?

22 A. That's a Russian name for Svetlana.

23 437. Q. When do you use (inaudible) instead of Yana?

24 A. Sveta does not equal Yanacheka(phonetic)

25 438. Q. Well what Sveta means?

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- 1           A. That's a short...
- 2 439.       Q. Would it be fair to say...
- 3           A. ...for Svetlana.
- 4 440.       Q. ...it's short friendly way to say Svetlana?
- 5           A. It's a short for Svetlana.
- 6 441.       Q. And friendly one?
- 7           A. It's a short version of Svetlana in Russian.
- 8 442.       Q. But do address friends with this name?
- 9           A. Svetlana is not my friend and I don't
- 10 understand what you mean.
- 11 443.       Q. Would you address people whom you don't know
- 12 well as Sveta?
- 13           A. Yes.
- 14 444.       Q. Would you address your high school teacher as
- 15 Sveta in Russia?
- 16           A. No, because of the difference.
- 17 445.       Q. What is the difference?
- 18           A. In our culture we do not address our teachers
- 19 by the first name.
- 20 446.       Q. Would you address your teacher by first name
- 21 as Svetlana or like Sveta?
- 22           A. I would not address my teacher by the first
- 23 name.
- 24 447.       Q. Would it be fair to say that Svetlana is
- 25 respectfully name to address people in Russian language and

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1 Sveta is a way to address friends and close acquaintances?

2 A. I don't understand what you're asking me.

3 448. Q. Would you say that Sveta is -- is a short  
4 cute name for Svetlana?

5 A. No. It's a short version of Svetlana.

6 449. Q. But you don't address people whom you don't  
7 know well as Sveta, do you?

8 A. Yes, I do.

9 450. Q. And in all emails you address Sveta as Ty.  
10 Would it be fair to say that you can address people -- only  
11 close people as Ty, that is an equivalent to English  
12 (inaudible) English (inaudible). You don't address people  
13 whom you respect with -- or with whom you keep distance as  
14 Ty. What Ty means in Russian?

15 A. You.

16 451. Q. What is difference between ty and vy?

17 A. Vy is somebody who is in authority or older.

18 452. Q. Or somebody who you don't know well?

19 A. In most cases it would be somebody who's in a  
20 position of authority or older.

21 453. Q. So would it be fair to say that the  
22 translation is of Ty is -- the difference between ty and  
23 vy is the same as the difference in English as you and the?

24 A. I don't know what exactly you want me to  
25 answer, what kind of question are you referring to?

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1 454. Q. My question is, would it be fair to say that  
2 ty is a friendly way to address people that if we had a  
3 conversation today you probably would not address me as ty  
4 because just you don't know me very well, unless you want  
5 to show disrespect to me of course?

6 A. That is not correct.

7 455. Q. So you would -- you would comfortably address  
8 me as ty?

9 A. Depends on the setting.

10 456. Q. Right now if we spoke in Russian. Do you  
11 address people whom you don't know well as ty?

12 A. Yes.

13 457. Q. Would you address me as ty today if we spoke  
14 in Russian?

15 A. Yes, depends on, again, on the  
16 relationship...

17 458. Q. Is it fair to say...

18 A. ...and on the setting.

19 459. Q. ...is it fair to say that ty is friendly way  
20 to address people?

21 A. It's an okay way to address people, it's  
22 neutral.

23 460. Q. Ty is neutral. So in other words you say  
24 that it's okay to address people whom you don't know well  
25 as ty?

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1           A. Yeah, it's okay to address people as ty, yes,  
2 as you.

3 461.       Q. And whom do address as vy, which in English  
4 means you.

5           A. Somebody who's older or in a position of  
6 power.

7 462.       Q. How do you address Valentin and Alla?

8           A. Vy.

9 463.       Q. Always?

10          A. Yes.

11 464.       Q. So (inaudible) Svetlana doesn't -- why -- so  
12 is your position that Alla and Valentin are -- have  
13 authority and power; that's what you just say?

14          A. No, they're older -- they're older people.  
15 Older like they're of my grandparent's age. I would not  
16 address my grandparents as ty.

17 465.       Q. Because they have authority and power?

18          A. No, because of the age difference.

19 466.       Q. I see. How do address younger people?

20          A. As equal, ty, unless we're in a situation  
21 where they have authority.

22 467.       Q. So you address people with whom you have  
23 respect to you address them vy and people who you consider  
24 to be equal to you as ty, right?

25          A. It depends on the situation and the setting.

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1 468. Q. So when in official situation you address  
2 people vy, right?

3 A. Yes.

4 469. Q. And in this emails you always address Svet --  
5 Svetlana as Sveta and ty, didn't you?

6 A. Apparently.

7 470. Q. And despite supposedly they were parents of  
8 your clients -- children of your -- of your clients?

9 A. Sveta is -- yes, the daughter of Alla.

10 471. Q. So shouldn't you treat them with respect?

11 MR. KRYSIAK: No more questioning on this  
12 subject.

13 BY MR.

14 472. Q. Ah, that is just pretty much that they're --  
15 would it be fair to say or -- yeah, it's almost -- and you  
16 never asked Svetlana to help you with any immigration  
17 issues, you didn't ask her for your advice -- for  
18 Svetlana's advice, never, right. Did you ever help  
19 Svetlana to help with your mother immigration issues?

20 A. My mother's not immigrating.

21 473. Q. Did you ever helped -- Svetlana to help with  
22 your mother's sponsorship application?

23 A. My mother is not being sponsored.

24 474. Q. I see. Okay. There's an email dating  
25 dated number nine, you have it, it's dated August 28th,

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1 2010 and says,

2 \*\*\*"Hi Sveta. I have request to make of you. ■  
3 started filling out the documents and got  
4 confused with the formula. I can't make sense of  
5 the lines. Could I count on your help upon your  
6 arrival to figure out the numbers."

7 Can you explain this email?

8 A. I don't recall.

9 475. Q. Isn't it true that you wrote that email when  
10 your mother -- you was -- you expected to sponsor your  
11 mother and you couldn't calculate your income on the  
12 sponsorship application?

13 A. I can't recall that email.

14 476. Q. Did you expect to sponsor your mother around  
15 this time in 2010 or 2009?

16 A. What is your question...

17 477. Q. Did you...

18 A. ...regarding the -- my relationship with  
19 Svetlana?

20 478. Q. ...my question is did you expect to sponsor  
21 your mother in 2009 or 2010?

22 A. I did not sponsor my mother.

23 479. Q. Did you expect to?

24 A. And did I expect what?

25 480. Q. So sponsor her to bring her -- to bring your

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1 mother to Canada?

2 A. I did not sponsor my mother to come to  
3 Canada.

4 481. Q. Did you expect to sponsor her, did you plan  
5 to do it?

6 A. No.

7 482. Q. Did you consider it?

8 A. No.

9 483. Q. So can you explain what this email is about?

10 A. I don't recall that email.

11 484. Q. But that was an email sent from your YMCA.ca  
12 address, right, on August 2008, 2010?

13 MR. KRYSIAK: So you recall sending this email?

14 WITNESS: I don't recall it, no.

15 MR. KRYSIAK: Okay. Then that's it. She doesn't  
16 recall it.

17 BY MR.

18 485. Q. And then there's an email dating -- dated  
19 just August -- that is number 16 that is dated August 5th,  
20 2011 and it says, \*\*\*"Dear Valentin and Alla. Tanya, Dima  
21 and Irochka", right, and it says, \*\*\*"I want to see you as  
22 my guests on 20th of August at 6:00 p.m. at the address 86  
23 Russell Hill Drive", that's your address, isn't it?

24 A. Yes.

25 486. Q. So you invited them?

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1 A. Yes.

2 487. Q. And says, \*\*\*"I would love to meet you all.  
3 If Valentin's daughter still happens to stay at his place,  
4 please take her along as well". That is what you wrote?

5 A. Yes.

6 488. Q. So was it invitation to your birthday?

7 A. Yes.

8 489. Q. Why did you invite your client to your  
9 birthday?

10 A. I didn't invite them as a client.

11 490. Q. Sorry?

12 A. I didn't invite them as a client.

13 491. Q. In what capacity did you invite them?

14 A. As somebody I knew. As a social  
15 acquaintance.

16 492. Q. So would it be fair to say -- I would like to  
17 refer you to another email which is email 19. And says,  
18 \*\*\*"Valentin and Alla", that is dated October 26, that is  
19 when pretty much about the time Valentin and Alla claimed  
20 abuse. And says,

21 \*\*\*"Thank you for your attendance of the  
22 spectacle performed by my beloved children. Did  
23 you like it? I called Sveta to make sure in but  
24 you had left by then. I want to reiterate my  
25 gratitude" .

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1 And that was August just 26, 2011 about the time you  
2 claimed that pretty much Nikityuks was stress and abused,  
3 right?

4 A. No, I (inaudible).

5 493. Q. So you invited them, Valentin and Alla, to  
6 performance performed by your beloved children?

7 A. What is your question?

8 494. Q. That pretty much you invited one more time  
9 Valentin and Alla to your children performance, did you?

10 A. I shared with Alla and Valentin that my  
11 children go to a camp which happened to be in Innisfil very  
12 close to where they live and they at the end of the camp  
13 they have a performance and they expressed interest to  
14 attend and I told them that they could and they -- they did  
15 and they sent me the pictures. They -- they went nearby to  
16 the camp that where my children were and, yes, at the  
17 end of the camp there was a performance.

18 495. Q. And it said also said you mentioned that  
19 pictures had been taken, did you take any -- they took any  
20 pictures?

21 A. They took pictures, yes, of the performance.

22 496. Q. And did you ever ask Svetlana for any  
23 information regarding how Russian pensions work?

24 A. Whether I ask Svetlana about Russian  
25 pensions ...

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■ 497. Q. Yeah.

2 A. ...how they work, what do you mean?

3 498. Q. Did you ever discuss the way people  
4 Russian people in Canada receive Russian pensions?

5 A. I don't recall that.

6 499. Q. Okay. So that is email number 18, Tab 2 --  
7 11, Tab 2.

8 A. Okay.

9 500. Q. And line two says,  
10 \*\*\*"I have a question to ask about Russian  
11 pension, could you email the low down on the  
12 rules in Russia governing the receipt of Canadian  
13 pension. "

14 So you had some interest in Russian pension, didn't you?

15 A. I had a client at the time who was asking the  
16 question about Russian pension, or rather, the agreement  
17 between Canada and Russia and I knew that -- that Svetlana  
18 or she shared that information with me and I wanted a link  
19 to that information.

20 501. Q. Do you remember the name of the client?

21 A. No, I wouldn't remember the exact name.

22 502. Q. Is it fair to say that pretty much around  
23 that time you appointed yourself as a representative for  
24 Nikityuks with Revenue Canada?

25 A. No.

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1 503. Q. That is what Nikityuks ask you to -- they had  
2 questions about Russian pension that's why approached her?

3 A. No. That had no connection what so ever.

4 504. Q. You don't remember why they approached you  
5 still, right?

6 A. What is your question?

7 505. Q. Why did you request Revenue Canada records?

8 A. I did, I answered that question.

9 506. Q. Because there was some occasion -- you said  
10 you don't remember. Maybe you remember now after I just...

11 A. No. They...

12 507. Q. ...refreshed your memory a little bit?

13 A. ...they needed to request a Notice of  
14 Assessment. They couldn't pass the verification interview  
15 and that is why we completed the form to request that those  
16 Notice of Assessments would be sent to them.

17 508. Q. They couldn't pass verification interview?

18 A. Over the phone, yes, with Revenue Canada to  
19 request those Notices of Assessment themselves.

20 509. Q. I see, but what was the reason they requested  
21 the assessments?

22 A. They were asked for those assessments.

23 510. Q. And you don't know why?

24 A. No.

25 511. Q. Okay.

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1 MR. TIMOKHOV: We'll take five minute break.

2. (Off Record)

3 BY MR.

4 512. Q. And you said before, or whatever, just did  
5 you ever receive any gifts or any money from Alla or  
6 Valentin Nikityuk?

7 A. I did receive small gifts. I did not receive  
8 money from Nikityuks.

9 513. Q. And when did you receive small gifts?

10 A. Um, when they came to my birthday, there was  
11 a collective gift with other people there and they brought  
12 chocolates to the office which I shared with everybody in  
13 the office. Um, there was one time that Alla brought a  
14 small vase, again I don't know what the occasion was, like  
15 those were the gifts. Mostly chocolates.

16 514. Q. How chocolates can be precious?

17 MR. KRYSIAK: What does that mean?

18 MR. TIMOKHOV: Her email says, \*\*\*"Thank you for  
19 your precious gift" .

20 MR. KRYSIAK: Point to the email please.

21 BY MR.

22 515. Q. Pretty much email 17, line two, it provides,  
23 \*\*\*"Thank you that you came as well for your precious  
24 gift" . Can you explain how chocolates can be precious?

25 A. That wasn't chocolates.

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1 516. Q. It was precious vase?

2 A. What do you mean?

3 517. Q. I mean just they brought you precious gift  
4 and you said the precious gift was chocolates or vase --  
5 small vase?

6 A. Small what?

7 518. Q. Small vase. What Niki - what did Nikityuks  
8 give you as a present?

9 A. There was a collective gift and I thanked  
10 everybody who came...

11 519. Q. And that was a big...

12 520. Q. ...to my birthday party.

13 521. Q. ...box of chocolates, right?

14 A. No.

15 522. Q. What was it?

16 A. A gift card.

17 523. Q. For how much?

18 A. I don't remember the exact amount, but I was  
19 grateful that people put it together.

20 524. Q. But it doesn't address to -- to everybody.

21 It's addressed to Valentin and Alla. \*\*\*"Let me expresE: a  
22 profound gratitude that you have come as well as for your  
23 precious gift", and then it says, \*\*\*"You are very generous  
24 persons. Thank you very much" .

25 A. I expressed my appreciation that they came

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1 and they contributed towards the gift.

2 525. Q. That was that gift car -- gift card?

3 A. A collective gift card, yes.

4 526. Q. And you don't know what the amount was?

5 A. (Inaudible) \$50.

6 527. Q. Who else contributed?

7 A. Ah, the friend.

8 528. Q. Who is your friend?

9 A. Terina.

10 529. Q. Who else?

11 A. I don't know. It was presented to me with  
12 the card from the people who were there.

13 530. Q. So pretty much three people attended your  
14 birthday, right?

15 A. More, my brother, yes.

16 531. Q. So pretty much that was an occasion that you  
17 just invited people whom you didn't consider as friends,  
18 you invited your brother, you invited your friend, Terina,  
19 and you invited Nikityuks to your birthday, is it...

20 A. I invited those people to my birthday for a  
21 meal, yes...

22 532. Q. ...and you...

23 A. ...and I didn't expect gifts, but they did  
24 make a gift and I wanted to express my gratitude.

25 533. Q. ...so would it be fair to say that because

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1 you invited them among -- two of them among four people  
2 invited you consider them to be fr -- good friends?

3 A. I invited them because I knew that they would  
4 like to come out and socialize and that was the reason to  
5 invite them.

6 534. Q. And do you remember how happy they were  
7 during birthday -- they were happy, just upset, they had  
8 fun, right?

9 A. We had a meal, we shared...

10 535. Q. What did you do during the birthday?

11 A. ...we shared the meal together.

12 536. Q. And was -- what else did you do?

13 A. We shared the meal, that was it.

14 537. Q. Did you have a conversation?

15 A. We talked as a group, yeah.

16 538. Q. And what did you discuss?

17 A. We did not discuss anything, we -- I wouldn't  
18 remember exactly the conversation, but it was a gathering,  
19 a social event, a meal that we shared together.

20 539. Q. It was nice -- a nice occasion?

21 A. It was a nice occasion, yes.

22 540. Q. And everybody was happy?

23 A. Yes.

24 541. Q. Did you sing, listen to music, tell jokes,  
25 right?

=====:

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1           A. Yeah. We shared -- yeah, a common knowledge  
2 of our culture, yeah, remembered some songs, yeah, exactly,  
3 like social interaction.

4 542.       Q. And you and your brother were happy?

5           A. Yeah, I guess so.

6 543.       Q. And what about Alla and Valentin?

7           A. They were part of the group. We shared the  
8 meal together.

9 544.       Q. So everybody was happy, right, everybody was  
10 happy at that birthday?

11          A. Appeared so, yes, everybody seemed happy.

12 545.       Q. And you were making pictures?

13          A. There might be pictures, yeah.

14 546.       Q. And did you notice anything just unusual  
15 about Nikityuks?

16          A. We shared a meal together like what exactly  
17 are you asking me -- what exactly -- what unusual signs,  
18 what are you looking for?

19 547.       Q. Just was Alla wearing make-up, for example?

20          A. I don't remember that.

21 548.       Q. What kind of dress she was wearing?

22          A. I don't remember.

23 549.       Q. Do you remember if she had any injuries?

24          A. Why would you say that?

25 550.       Q. I didn't say it, I'm asking?

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1 A. Nothing -- nothing unusual.

2 551. Q. So there was no injuries?

3 A. I -- not that I remember any injuries.

4 Nothing unusual.

5 552. Q. Did you guys discuss social housing at that  
6 birthday?

7 A. No.

8 553. Q. When did you start discussing social housing?

9 A. I did not discuss social housing, like, if  
10 discussion like -- okay, my question is what discussion --  
11 what do you mean by discussion.

12 554. Q. When did you -- when -- when was first time -  
13 - do you know what social housing program is?

14 A. Yes.

15 555. Q. What is it used for?

16 A. It's used for people who cannot pay full rent  
17 and it's income ba -- income -- income based rent provided  
18 by the housing department of the social housing within the  
19 Simcoe County where we live.

20 556. Q. How many applications for YMCA clients would  
21 you file to social housing connection?

22 A. A number.

23 557. Q. Which is approximately?

24 A. Cannot give you an exact number, but quite  
25 a...

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1 558. Q. More than 10, less than 10?

2 A. ...yes, more than 10.

3 559. Q. So you -- that is one of your spec --  
4 specialties or purposes, like, that is like a common  
5 situation?

6 A. An application like that is not unusual to be  
7 completed at a -- by our office or with the clients in our  
8 office, yes.

9 560. Q. And how long does it normally take for people  
10 to get social housing?

11 A. That I don't know.

12 561. Q. How long is the waiting list?

13 A. I don't know at the moment.

14 562. Q. Have you ever called social housing  
15 connection with questions about your clients?

16 A. Yes, to verify their information and to find  
17 out if the application is on file or has been received,  
18 yes.

19 563. Q. And you don't know how long it normally takes  
20 to get social housing in Barrie?

21 A. It varies.

22 564. Q. So just why don't you tell me how it varies?

23 A. Um, what, um -- it it varies on -- based  
24 on the application submitted and the availability of social  
25 housing, but I don't know exact number or exact time frame.

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1 565. Q. So the clients never asked you how -- like  
2 your other clients never ask you how long it would take to  
3 get social housing?

4 A. Yes, they do. And I always tell them that  
5 they can -- at the time of the application they can ask or  
6 when that information's being updated yearly they could  
7 but from what I recall calling the social housing, they  
8 don't give exact time frame.

9 566. Q. Would it be fair to say that the waiting list  
10 now approximately more than five years?

11 A. I don't know exactly.

12 567. Q. But do people wait more than like at least  
13 two years?

14 A. I don't know. It depends on the person's  
15 situation.

16 568. Q. And when was first time you filed an  
17 application just to social housing for your clients?

18 A. For which clients?

19 569. Q. For any client.

20 A. The first time I wouldn't recall my first  
21 time. I have done a number of those applications.

22 570. Q. But you are with YMCA for a while I  
23 understand...

24 A. Yes.

25 571. Q. ...since 2000?

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1 A. Nine.

2 572. Q. Nine. And did you file an application in  
3 2009 from the best of your knowledge?

4 A. Um, like I wouldn't remember exact number of  
5 applications, but since the beginning of my career I've  
6 filed a few applications with that.

7 573. Q. And you don't know what is approximate  
8 waiting list now just for regular application, that is  
9 something you don't know?

10 A. Sorry, what is your question?

11 574. Q. How long people normally wait for social  
12 housing in Barrie?

13 A. It depends on the person's circumstances and  
14 I don't normally know...

15 575. Q. A regular application?

16 A. ...I don't know.

17 576. Q. You don't know?

18 A. We help the people to complete the form and  
19 submit it and then that's that.

20 577. Q. That is what you mostly do, you just fill in  
21 the form and people submit it, right?

22 A. We help them, yeah, to complete the form and  
23 -- or with them present answering the questions and then  
24 that form is being either delivered to the office by the  
25 person or faxed and if they need further verification, if

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1 it has been received or not or if they need to -- if they  
2 receive correspondence from social housing they come to us  
3 and we assist them with communication, again, regarding  
4 whatever the correspondence says, yes.

5 578. Q. And do you ever follow-up on these  
6 applications?

7 A. Follow-up in which sense?

8 A. I mean calling social housing asking just  
9 what is the status of the application?

10 A. If the client asks me to, yes, I would help  
11 the client to do that.

12 579. Q. But you are not representing the client in  
13 front of social housing, do you?

14 A. I'm not representing, no, anyway.

15 580. Q. That is -- that is not something that you  
16 usually do?

17 A. I would work with the client and would help  
18 them to ask specific questions regarding the application or  
19 correspondence received...

20 581. Q. From specific request...

21 A. ...from social housing.

22 582. Q. ...just from a client every time?

23 A. Yes.

24 583. Q. And when did you discuss, first time, social  
25 housing with Nikityuks?

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1           A. They came to my office for an appointment and  
2 they asked for social housing -- for information regarding  
3 social housing?

4 584.       Q. When was it?

5           A. That was in 2011 -- August 2011.

6 585.       Q. What date?

7           A. Can I consult my notes?

8 586.       Q. Of course.

9           A. August 23rd, 2011.

10 587.       Q. And you never discussed social housing with  
11 them before?

12          A. No.

13 588.       Q. And your notes dated August 19th said -- say,  
14 it's in the beginning of the page, \*\*\*"I received a call  
15 from Svetlana Danilova telling me" and so on, can you  
16 please read it?

17          A. \*\*\*"I received a call from Svetlana Danilova  
18 telling me that"...

19 589.       Q. You can read it to yourself you don't have  
20 to....

21          MR. KRYSIAK: Read it to yourself and familiarize  
22 yourself with it.

23          WITNESS: Yes.

24 BY MR. TIMOKHOV:

25 590.       Q. Pretty much in in this log you say that

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1 Svetlana called you and said -- and said stop -- stop  
2 discussing social housing with my parents because just they  
3 becoming strange and unreasonable and we want to live  
4 together, that's what the email says?

5 A. No, it's not an email.

6 591. Q. Log, sorry.

7 A. Svetlana called me and said that if her  
8 parents approach me I need to know that there is nothing  
9 going on in their household and as the rest of the email  
10 email log reads.

11 592. Q. And don't you find it strange that you  
12 started this particular log on this date, on August 19,  
13 2011 just exactly four days before Alla and Valentin came  
14 to ask for social housing?

15 A. I was advised by my supervisor to keep notes  
16 detailed notes and I started doing that.

17 593. Q. When did your supervisor advised you to  
18 keep....

19 A. Later, but I restored -- I kept notes and I  
20 restored them from those notes and put them in a log  
21 format.

22 594. Q. And when do you mean later -- when did your  
23 supervisor tell you to keep notes?

24 A. When Alla and Valentin were referred to  
25 transitional services with the Barrie Women's Shelter.

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1 595. Q. And when was it?

2 A. September 2011.

3 596. Q. And you testified before that it was YMCA  
4 policy to keep notes starting from 2009 and that is what  
5 you did, you kept handwritten notes and then electronic  
6 notes?

7 A. What do you mean by YMCA policy?

8 597. Q. You testified that there is YMCA policy  
9 requiring YMCA counsellors to keep a log of their meetings  
10 with the clients and their conversations and you said that  
11 you started the log in 2009?

12 A. There is no policy on how to keep records.  
13 We keep record, yes, of our meetings or appointments and if  
14 there is a particular situation then we record the type of  
15 service we provided to the client on a particular day.

16 598. Q. And you said that you kept this log starting  
17 from 2009?

18 A. Not this long, no. I kept only information  
19 if I'd given any information to Alla and Valentin I would  
20 write down what kind of information was provided to them or  
21 what -- if they were referred somewhere I would record that  
22 in their file.

23 599. Q. And when Valentin -- when Alla and Valentin  
24 came to your office, did you understand that that is a  
25 serious situation that there is allegations of abuse?

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1 A. When they came to my office, no, I didn't  
2 know anything about the situation.

3 600. Q. But you didn't understand that just -- you  
4 didn't take it seriously like there was allegations of  
5 abuse in the family and physical violence?

6 A. At that appointment they did share their  
7 story and Alla showed the bruises and described what  
8 happened.

9 601. Q. But you didn't start keeping this log before  
10 September 2011 when the supervisor asked you to, that's  
11 what you just said?

12 MR. KRYSIAK: She said she didn't keep electronic  
13 ones, she said she kept it on notes.

14 MR. TIMOKHOV: No. She said that in in  
15 September 2011 her supervisor told her to  
16 document the occasion and that's when she started  
17 to.

18 WITNESS: No, I said I referred the client -- we  
19 referred the clients to community -- Barrie  
20 Women's Shelter in September of 2011.

21 BY MR. TIMOKHOV:

22 602. Q. And when did you start this log?

23 A. In 2011.

24 603. Q. What months?

25 A. Um, I restored the August notes from the

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1 notes I kept on file.

2 604. Q. What do you mean, you restored them, what  
3 kind of notes you kept on file?

4 A. I kept on file the description and I restored  
5 the notes and I created the -- started keeping -- started  
6 keeping electronic track of every interaction.

7 605. Q. What do you mean you restored it, you had  
8 handwritten notes or just what kind of notes did you have  
9 before to restore them?

10 A. Whatever the clients shared in their story,  
11 that is the information that I put down in an electronic  
12 form.

13 606. Q. So you had another electronic file?

14 A. Um, this is the file, but I started I put  
15 down the notes on the -- what was reported to me and I  
16 continued going forward recording every interaction in the  
17 log.

18 607. Q. I am confused. So you said in September you  
19 restored your old notes just into this file. What -- what  
20 kind of electronic or handwritten information you used to  
21 restore the notes into this file, and please just be  
22 simple, miss, because I'm really confused.

23 A. Um, I pretty much started keeping notes from  
24 the very beginning so I would keep -- I have -- I would  
25 have a date and the type of request that came forward and

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1 everything that was said I would put it down in writing and  
2 so the initial...

3 608. Q. In writing -- handwriting, correct?

4 A. ...after the -- after the -- Alla and  
5 Valentin shared the story of -- their story, after they  
6 shared their story the supervisor advised me to keep  
7 detailed notes and that's what I started doing.

8 609. Q. Did you have any other notes before September  
9 on approximately on August -- just 19 or 23rd, you said you  
10 had some kind of other electronic notes?

11 A. No other electronic notes.

12 610. Q. What did you have?

13 A. The date of when they came for an appointment  
14 and what -- basically I restored the story, but on...

15 611. Q. From -- from your memory?

16 A. ...from my memory, yeah, on -- into the  
17 electronic form and then continued after that keeping up  
18 that log.

19 612. Q. And that was in September when your  
20 supervisor asked you to, right?

21 A. September, that's correct.

22 613. Q. And that is approximately one month after the  
23 accident, right?

24 A. That's correct.

25 614. Q. And before you testified in the beginning to

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1 this examination that it was your custom to make notes  
2 after every meeting?

3 A. I did. I did keep dates and type of service  
4 provided to the client, yes.

5 615. Q. But you didn't keep detailed notes?

6 A. This was a special situation and we are  
7 advised to then track -- basically to write down  
8 everything, keep detailed notes, yes.

9 616. Q. But you -- at that time you were an employee  
10 of YMCA for at least two years, didn't you understand on  
11 August 23rd, 2011 when people came to report abuse to you  
12 that the situation was special that when people are  
13 physically assaulted and they have bruises, that is a  
14 special situation, you didn't take it very seriously, did  
15 you?

16 A. I took it seriously.

17 617. Q. But you didn't make any notes?

18 A. I provided them with information -- with the  
19 information and they said that they want to keep peace in  
20 the house and they left with that.

21 618. Q. And you said Alla had bruises, can you  
22 describe the bruises?

23 A. Yes, they were on both arms.

24 619. Q. Where exactly?

25 A. Upper part of the body, the...

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- 1 620. Q. What part of the body, where?
- 2 A. ...on both arms, um, the upper part of the
- 3 arm both sides.
- 4 621. Q. Both left and right arm?
- 5 A. Both left and right arm, yes.
- 6 622. Q. And how did the bruises look like?
- 7 A. Um, they they were bruises, but not just
- 8 one bruise, in like in the same part of the body, but
- 9 they were like there were a few bruises.
- 10 623. Q. On both arms?
- 11 A. Both arms, yes.
- 12 624. Q. And did you see any cuts, blood?
- 13 A. No cuts, no.
- 14 625. Q. And...
- 15 A. But the bruises were like kind of -- they
- 16 were visible, but no blood.
- 17 626. Q. ...so this were minor bruises?
- 18 A. they were multiple bruises on both arms.
- 19 627. Q. But how bad they were they were just very
- 20 minor bruises, right?
- 21 A. I wouldn't call them minor, no.
- 22 628. Q. How would you describe them?
- 23 A. They were...
- 24 629. Q. They were slightly visible, right?
- 25 A. ...no. They were visible. She was wearing a

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1 shirt and they were under the sleeves, but if you lifted up  
2 the sleeves you wouldn't miss them. They were very obvious  
3 and visible.

4 630. Q. And how did they look like, they were from  
5 fingers or from punches that was one big bruise, just  
6 describe them?

7 A. No, it wasn't one bruise, it was a few  
8 bruises in maybe five centimeters range on both arms and  
9 they were gray, yellow, green colour.

10 MR. DANILOV: No, they were old.

11 BY MR. TIMOKHOV:

12 631. Q. And you said that these two bruises, or  
13 multiple bruise...

14 A. No..

15 632. Q. ...they were five centimeters apart...

16 A. ...in size.

17 633. Q. ...or they were five centimeters in size?

18 A. In size. Each of them was about...

19 634. Q. In diameter?

20 A. ...In diameter, yeah, around maybe -- again,  
21 I can't remember exactly each of those bruises, but there  
22 were multiple bruises on both arms of her body. They were  
23 visible like if you would not mistaken them for anything  
24 else.

25 635. Q. Mistaken it for anything else from what?

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1           A. Like an occasional bruise that a person can  
2 get.

3 636.       Q. So you think those bruises were caused by  
4 violence, correct -- by assault?

5           A. Alla shared the story of what happened to  
6 her. I observed -- I only saw the bruises after she showed  
7 them to me under her sleeves.

8 637.       Q. And did you see bruises anywhere else on the  
9 body, on the legs or chest, or?

10          A. She didn't show me her legs, no.

11 638.       Q. Did she show of her other body?

12          A. No.

13 639.       Q. Did you make -- what is standard procedure in  
14 YMCA as to how to process people reporting domestic abuse  
15 and injuries?

16          A. Um, we can tell the person that they have an  
17 option of reporting the abuse and we also can go over the  
18 indicators of abuse and provide them with a -- like just  
19 share general information being published by the Community  
20 Legal Education Ontario or any information that would be  
21 easily accessible on the resources -- in the resources on -  
22 - like depending on the situation. So also we could refer  
23 people for transitional services or for legal counsel.

24 640.       Q. You said you have to go through some  
25 criterias of abuse or guidelines, just what -- what are you

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1 mentioning, do we have written guidelines how to process  
2 abuse?

3 A. We do not process abuse, we advise the client  
4 to either seek counsel -- legal counsel, or to report the  
5 abuse to the police.

6 641. Q. But before you said that you have to go  
7 through some sort of criteria or indicia of abuse like I --  
8 I didn't catch the word, that there's some indicat  
9 indicators of abuse or indicators you used?

10 A. Oh, we give, depending on the description, we  
11 would provide people with the information produced by the  
12 Community Legal Education Ontario on, in this case, elder  
13 abuse.

14 642. Q. And what are the indicators of elder abuse?

15 A. Um, there is a cycle of abuse and there are  
16 different indicators that match the description in this  
17 case.

18 643. Q. What do you mean, cycle of abuse?

19 A. Um, emotional, financial, physical, verbal,  
20 psychological.

21 644. Q. Financial, verbal, psychological and  
22 physical, right?

23 A. Yes.

24 645. Q. And that is called cycle of abuse?

25 A. Yes.

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- 1 646. Q. Where did you get this term?  
2 A. From the resource called Violence Against  
3 Women.  
4 647. Q. Where did you get this resource?  
5 A. We have all the resources in the office  
6 available to us.  
7 648. Q. Who publishes this, Violence Against Women?  
8 A. Women -- it's an organization.  
9 649. Q. Who oh, that.  
10 A. And it goes...  
11 650. Q. ...is organization?  
12 A. ...yes, and it lists the resources in the  
13 community available to people to access and one of them is  
14 Barrie Women's Shelter.  
15 651. Q. Okay. So Violence Against Women, that is  
16 organization, right?  
17 A. Yes.  
18 652. Q. And they publish some publication just where  
19 you got it from cycle of abuse?  
20 A. Yes.  
21 653. Q. Do you have a copy of this publication?  
22 A. Yes, it's easily available, not at the  
23 moment, but I...  
24 654. Q. Do you make an undertaking to make this  
25 available?

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1 A. ...yes, it's not difficult.

2 MR. TIMOKHOV: We have an undertaking?

3 MR. KRYSIAK: Yeah.

4 UNDERTAKING NO. To provide copy of  
5 publication from Violence Against Women.

6 BY MR. TIMOKHOV:

7 655. Q. And you -- your supervisors instructed you to  
8 consult this -- this resource, right, Violence Against  
9 Women?

10 A. That's a resource available to us if we...

11 656. Q. YMCA counsellors?

12 A. ...need to understand -- yeah, the indicators  
13 and then we would use the resource to refer the person to  
14 the appropriate organization that deals with that kind of  
15 situation and, as I said, you know, it has lists local  
16 resources in the community.

17 657. Q. And what are the indicators of physical  
18 abuse?

19 A. A physical assault would be one of them.

20 658. Q. What are the indicators of physical abuse,  
21 assault, what else, because you said that you saw a number  
22 of indicators?

23 A. That was the most obvious one. Um, other  
24 indicators...

25 659. Q. Injuries, right?

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1           A.   ...injuries, yes.

2 660.       Q.   Mm-hmm.

3           A.   Other indicators was from what Alla shared

4 about the situation at home.  It's based on their story.

5 661.       Q.   What other indicators?

6           A.   Yelling.

7 662.       Q.   Mm-hmm.

8           A.   Swearing.

9 663.       Q.   Mm-hmm.

10          A.   Throwing objects at somebody or at the wall.

11 When the person telling the story is distressed and in

12 fear, or appearing have fear.

13 664.       Q.   Mm-hmm.

14          A.   When the person's being told they're crazy,

15 they       they're not sane.

16 665.       Q.   What are the indicators of financial abuse?

17          A.   Ah, financial control.  When the person has

18 no knowledge of how their finances are being handled and

19 has no control over their finances.

20 666.       Q.   Mm-hmm.

21          A.   When the person starts hiding in their room

22 and comes out only when the other family members are not

23 around.

24 667.       Q.   Mm-hmm.  What about psychological?

25          A.   Um, Valentin shared a story that -- um, the

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1 computers were -- like he would receive messages in his  
2 computer that he did not initiate so there was control over  
3 computers and then also the TV was -- the cable was  
4 disconnected without their will or consultation with them.  
5 So they were not allowed to watch, or continue watching,  
6 the programs they enjoyed.

7 668. Q. And you said there is another source, some  
8 sort of Barrie Women's Shelter just publication, right?

9 A. No, that's one of the resources listed in the  
10 publication Violence Against Women.

11 669. Q. What other resources you use at YMCA just on  
12 elderly abuse or just any abuse are there any other  
13 guidelines or publications?

14 A. There are very specific situations and none  
15 of like not all of them would have the same protocol.  
16 So it depends on the situation and in this situation the  
17 two individuals are adults who we referred to the services  
18 in the community that help people in situations like that.

19 670. Q. Are there any guidelines, you said protocol,  
20 what kind of protocol, what do you have at YMCA to address  
21 abuse or what did you mean by protocol?

22 A. We have a *Child Protection Act*...

23 671. Q. Yeah.

24 A. ...that we have training on, we received that  
25 training recently. That is one of the protocols we do have

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1 in place.

2 672. Q. And to use this protocol when it comes to  
3 elderly people as well -- to vulnerable people?

4 A. That is correct except I received the  
5 training and all of us, that came into effect only like  
6 recently, like we literally received our training two --  
7 three months ago.

8 673. Q. And do we have a copy of this protocol --  
9 children's protocol?

10 A. Yes, we do.

11 674. Q. Do you undertake to produce it?

12 MR. KRYSIAK: It's already been undertaken  
13 previously.

14 MR. TIMOKHOV: We have specific undertaking from  
15 -- Yana Skybin, because she's a different  
16 defendant in this action, right.

17 MR. KRYSIAK: Yeah, but it's just the same  
18 document. You don't need to get it twice, right.

19 MR. TIMOKHOV: Oh, absolutely, but we have  
20 separate undertaking from her.

21 MR. KRYSIAK: Yeah.

22 UNDERTAKING NO. 4: To produce copy of children's  
23 protocol regarding abuse.

24 BY MR.

25 675. Q. And you said you went through some training

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1 just recently, three months ago, what kind of training it  
2 was?

3 A. Child protection.

4 676. Q. What kind of course it was?

5 A. Um, it was one time we had presentation that  
6 was a two hour presentation. And then we were given the  
7 policy to review and then we personally were asked  
8 questions and it's like a test and then once you pass the  
9 test you sign the form saying that you've taken the  
10 training and the date when it was completed.

11 677. Q. And you refer to some policy, what policy do  
12 you refer to, you said you were given some policy?

13 A. Child Protection Training Policy.

14 678. Q. Is it a written document?

15 A. Yes, it's a written document that you review.

16 679. Q. Do you undertake to produce this document?

17 A. Yes, it's no problem.

18 MR. KRYSIAK: Okay.

19 UNDERTAKING NO. 5: To produce copy of Child  
20 Protection Training Policy document.

21 BY MR.

22 680. Q. And I just repeat yourself , but pretty much  
23 child protection guidelines, protocols and policies at YMCA  
24 you apply these policies because you don't have better just  
25 to -- to abuse of vulnerable individuals, right?

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1 A. At the moment, yes.

2 681. Q. At the moment before they get (inaudible)?

3 A. Yes.

4 MR. DANILOV: There is Volume 6 over there plus  
5 tab.

6 BY MR.

7 682. Q. Are you familiar with this document, that is  
8 Volume 6 of 6 document brief of the plaintiffs?

9 MR. KRYSIAK: Look through it, tell me if you've  
10 seen it before.

11 WITNESS: I haven't seen this particular  
12 document.

13 BY MR.

14 683. Q. But are you familiar with organization that  
15 wrote this document?

16 A. Which organization, Simcoe County Elder Abuse  
17 Prevention Committee, I know of this committee, yes.

18 684. Q. How do you know about this committee?

19 A. Um, there was a focus group organized in 2013  
20 where our organization was invited to take part in Simcoe  
21 County and I attended the focus group. That's the first  
22 time I learned about the organization.

23 685. Q. So pretty much the organization invited YMCA  
24 to take part in the discussion of elder abuse?

25 A. It's a fo -- it was a focus group on the

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1 issue of elder abuse in Simcoe County and resources

2 available in the community and partnership of the...

3 686. Q. And you attend -- you attended this, right?

4 A. I attended the focus group, that's correct.

5 687. Q. When was it, sorry?

6 A. 2013.

7 688. Q. And what did you discuss there?

8 A. It was a focus group where agencies were

9 informed of the new committee being formed...

10 689. Q. Mm-hmm.

11 A. ...and and the issues around elder abuse

12 in Simcoe County.

13 690. Q. And does this organization help YMCA in  
14 developing its guidelines as to how to treat elder abuse?

15 A. I wouldn't know that information.

16 691. Q. Who referred you to this focus group?

17 A. The organization the committee, the  
18 coordinator from the committee contacted our organization  
19 and they invited us to take part in the focus group and I  
20 came.

21 692. Q. And who in your organization told you about  
22 this about this committee and focus group?

23 A. Ah, the coordinator of the committee  
24 contacted us directly and invited us -- and later we  
25 exchanged business cards and she sent me an email inviting

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1 to participate in the focus group.

2 693. Q. And what was the name of the person?

3 A. Christy -- I don't remember her last name, I  
4 don't want to say it wrong so Christy is her first name.

5 694. Q. Did you get permission from your supervisors  
6 to attend this group?

7 A. Yes.

8 695. Q. Who gave you permission?

9 A. My supervisor at the time was Ruth Millar.

10 MR. TIMOKHOV: I didn't get your last name, your  
11 name's Fiona, right, and last name is?

12 MS. CASCAGNETTE: Cascagnette.

13 MR. TIMOKHOV: Cascagnette.

14 BY MR.

15 696. Q. Did Fiona Cascagnette give you permission to  
16 attend this group as well because she's your supervisor as  
17 well?

18 A. That wouldn't be necessary.

19 697. Q. But did she know about this group?

20 A. I doubt.

21 698. Q. What is the role of -- what is her role at  
22 YMCA, I understand she is responsible for policy decisions  
23 so she might be directly involved into policy discussion  
24 groups?

25 A. What is your question to me?

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1 699. Q. What is the role of Fiona just at YMCA?

2 A. Currently or when...

3 700. Q. Currently.

4 A. ...currently Fiona is overseeing our child  
5 minding and child care and she's not currently our  
6 supervisor. She was a supervisor at the time, of our  
7 organization -- of our agency.

8 701. Q. If this document is this committee  
9 something that everybody at YMCA -- well most of the people  
10 at YMCA know about?

11 A. No.

12 702. Q. So pretty much Ruth and you knew about it,  
13 right, because they contacted you?

14 A. They contacted us. They received funding to  
15 start, um, I don't quite know what -- where the funding was  
16 from, but yes, they were -- they were inviting  
17 organizations to the focus groups because this was a new  
18 initiative in Simcoe County and we were contacted as one of  
19 the organizations and we attended the focus group.

20 703. Q. So pretty much Ruth knew about it, who else?

21 A. Within YMCA?

22 704. Q. Yeah.

23 A. Our department that was directly contacted.

24 705. Q. Did Susan Green know about it?

25 A. I don't know.

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1 706. Q. Okay. But -- and would it be fair to say  
2 that this pretty much -- yeah, because you used like the  
3 same language, indicators and so on and there are possible  
4 indicators of -- of types and abuse pretty much the same  
5 language that they use, like indicators, can you take a  
6 look at the indicators. This what you meant by indicators?

7 A. I can't comment on this particular document.

8 707. Q. Mm-hmm. But you'll provide me with a list of  
9 indicators in that guideline, or whatever, just you use at  
10 the YMCA, you will make an undertaking?

11 A. The cycle of abuse, yes.

12 708. Q. And at least some...

13 A. Yes, it does.

14 709. Q. ...indicators? Okay. so just to get back to  
15 that precious gift, is it true that just you had a  
16 discussion with Fiona just before and you said that you  
17 don't have recollection about -- about receiving any gifts  
18 for a birthday before today -- you said that you don't  
19 remember if Nikityuks gave you any gift, did you tell it to  
20 -- to Fiona before -- before today?

21 A. I couldn't remember no, the discussion was  
22 around gifts and my comment of my recollection was that I  
23 never received expensive gifts from Nikityuks.

24 710. Q. Mm-hmm. And isn't it a policy at YMCA just  
25 to disclose all the gifts you receive from clients?

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1 A. They were not at my birthday party as a  
2 client.

3 711. Q. I mean even in personal capacity, do you have  
4 to disclose all gifts from the clients just to your  
5 employer?

6 A. We don't have to disclose all the gifts from  
7 the clients.

8 712. Q. So you don't have such a policy?

9 A. We do have a policy around gifts.

10 713. Q. You do have?

11 A. Yes.

12 714. Q. Is it a written policy?

13 A. It's in our pro -- yes, in our policy and  
14 procedures.

15 715. Q. And what do you mean by policies and  
16 procedures, is there some kind of...

17 A. Human Resources policies and procedures.

18 716. Q. ... and that is the employee book, right?

19 A. An employee book, yeah, YMCA.

20 717. Q. Do you have an undertaking to produce this  
21 book?

22 A. Yes.

23 MR. KRYSIAK: What's the name of the book?

24 WITNESS: The Human Resources Employee Handbook.

25 UNDERTAKING NO. To produce copy of Human

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1 Resources Employee Handbook.

2 BY MR.

3 718. Q. And does this book specifies something like  
4 impartiality that you are supposed to be impartial and  
5 independent from your clients that you're not supposed to  
6 represent clients just if you are not impartial about like  
7 communicating with clients on social occasions?

8 A. There is no policy around socializing with  
9 clients.

10 719. Q. And isn't it true that before today when you  
11 had conversation with Fiona you said that you didn't  
12 receive any gifts, but today you -- before you just entered  
13 this room you had a conversation and you said that in fact  
14 you received some gifts, but you don't remember what?

15 A. I never said I did not receive any gifts.

16 720. Q. You never said...

17 A. I said I never...

18 721. Q. ...that you didn't receive gifts?

19 A. ...received expensive gifts from Alla and  
20 Valentin.

21 722. Q. Did you have a conversation with your --  
22 well, just before today and you denied receiving any gifts;  
23 is it true?

24 A. No.

25 723. Q. So you never denied receiving any gifts?

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1 A. No.

2 724. Q. By, no, you mean?

3 A. I did not say I did not receive any gifts.

4 725. Q. I see. And today -- so pretty much when you  
5 had conversation before, you said that you received some  
6 gifts, right, but you don't remember what?

7 A. No, I don't know what you mean by your  
8 question.

9 726. Q. Well, I understand that you had a  
10 conversation with Fiona before today, right, about  
11 receiving gifts, birthday gifts; do you recollect any  
12 conversation?

13 A. Conversation regarding birthday gifts?

14 727. Q. Yes. From Nikityuk.

15 A. My clients oh, Alla and Valentin came to  
16 my birthday and there was a gift, I couldn't remember what  
17 the gift was.

18 728. Q. That is your -- what you told Fiona when she  
19 tried to address this question with you before today?

20 A. Yes.

21 729. Q. And what did you tell her today before you  
22 entered this court room?

23 A. We did not have a discussion...

24 730. Q. Before this....

25 A. ...around gifts.

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1 731. Q. You didn't have any discussions about gifts  
2 today at all with Fiona?

3 A. I did not have discussions with Fiona.

4 732. Q. You didn't speak to Fiona today about gifts  
5 that you received from Nikityuk?

6 MR. KRYSIAK: She's answered this. This is  
7 getting very tiring now.

8 MR. TIMOKHOV: No, that's -- let's...

9 MR. KRYSIAK: She -- she said...

10 MR. TIMOKHOV: ...she didn't have a conversation  
11 today, right, that's it. Okay.

12 BY MR.

13 733. Q. And I understand when clients report abuse  
14 normally just you -- and you said it before that just that  
15 you have to refer clients to different organizations,  
16 right?

17 A. I refer clients, yes, for further support.

18 734. Q. Do you understand that abuse and physical  
19 violence is a criminal offence in Canada?

20 A. Yes.

21 735. Q. And do you understand that normally some  
22 organizations and just they immediately report this crimes  
23 to police?

24 A. Which organizations?

25 736. Q. Community organizations.

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1 A. I work at YMCA. I don't work at other  
2 organizations.

3 737. Q. Do you have any policy requiring you to  
4 report.

5 COURT REPORTER: I can't -- you need to let her  
6 finish answering the question because I can't  
7 hear her answer.

8 BY MR.

9 738. Q. Do you have any po -- zero tolerance --  
10 violence tolerance policy at YMCA which requires you to  
11 report abuse to police?

12 A. No.

13 739. Q. Violence to police?

14 A. No.

15 740. Q. Injuries to police?

16 A. No.

17 741. Q. Refer any injuries to personal doctor for  
18 treatment?

19 A. No.

20 742. Q. So where do you normally refer abuse cases?

21 A. It's different for every client it would be  
22 different. So I would like more information regarding your  
23 question.

24 743. Q. I'm talking about Nikityuks case pretty much,  
25 where did you refer them?

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1           A. I referred them to transitional services and  
2 legal counsel with the Barrie Women's Shelter.

3 744.       Q. Transitional?

4           A. Services and legal counsel.

5 745.       Q. Legal counsel, you mean Community Legal  
6 Services, right?

7           A. No. The Barrie Women's Shelter has a legal  
8 advocate on staff.

9 746.       Q. Okay. Do you know that Nikityuks had an  
10 appointment with their family doctor just about the time?

11           A. I don't know about that.

12           MR. TIMOKHOV: Off the record.

13 (Off Record)

14 BY MR.

15 747.       Q. And you don't know about anybody from YMCA,  
16 or just within your knowledge, who helped Nikityuks with  
17 their appointment with family physicians on 22nd of August  
18 around the time of abuse, they didn't tell you about it?

19           A. I don't remember. I don't have recollection.

20 748.       Q. So they didn't tell you just that they went  
21 to see the family doctor, right?

22           A. Don't remember.

23 749.       Q. And I understand that your birthday was  
24 around that time, August 20th, I believe, right, when is  
25 your birthday?

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1 A. August 18.

2 750. Q. And on August 18th when you saw Alla you  
3 didn't see any bruises or any injuries?

4 A. Nothing was unusual.

5 751. Q. And what Alla was wearing for your birthday?

6 A. I don't remember.

7 752. Q. Do you recognize these pictures? That is Tab  
8 6 of plaintiff's brief Volume 2.

9 A. Yes.

10 753. Q. Can you show -- can you show the bruises on -  
11 - on Alla's hands?

12 A. What do you mean, can I show bruises?

13 754. Q. Well, on these pictures Alla is wearing  
14 sleeveless shirt, can you indicate any bruises on these  
15 pictures -- terrible bruise, 5 centimeters wide?

16 A. There was nothing unusual that day.

17 755. Q. And the bruises you said they were yellowish  
18 so they were like -- by yellowish I mean...

19 A. Gray...

20 756. Q. ...probably they're older bruises because  
21 normally they are blue-like in the beginning?

22 A. ...grayish brown colour.

23 757. Q. So older -- older bruises, right?

24 A. I wouldn't know -- I don't know what is the  
25 status of the bruises in terms of the time.

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1 758. Q. But she didn't have those bruises at your  
2 birthday?

3 A. I haven't noticed anything...

4 759. Q. You haven't...

5 A. ...at that time.

6 760. Q. ...anything despite she was wearing shirt  
7 without sleeves, right?

8 A. At the time I didn't...

9 761. Q. I see.

10 A. ...see anything or...

11 762. Q. And at...

12 A. ...anything was shown to me.

13 763. Q. ...at these pictures, as you said, everybody  
14 seems to be happy and that is your impression of the  
15 pictures?

16 A. It was a special occasion and we shared a  
17 meal together and took a few pictures.

18 764. Q. And you said that one of indicators of  
19 physical abuse is ongoing depression or just -- right, when  
20 I was asking you about indicators of physical abuse, you  
21 said that abused people are normally depressed?

22 A. I didn't say that.

23 765. Q. You said actually you use the word,  
24 distressed. And did they appear to be distressed at your  
25 birthday?

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■ A. No.

2 766. Q. How it was not an indicator?

3 A. There's no connection.

4 767. Q. And I understood -- I understand you had good  
5 relationship -- well, just from this emails you had  
6 communication with Svetlana at that time, you called her  
7 ty, vy, you called her by short name, so you had some  
8 channelled communication with her by your personal email  
9 and occasional calls to your cell phone number?

10 A. Yes.

11 768. Q. And didn't you use Svetlana's cell number as  
12 well, didn't you?

13 A. Don't know if it was Svetlana's cell number  
14 or home number, but yes, I did know -- I did have it,  
15 Svetlana's number in my phone.

16 769. Q. Did you try to discuss Nikityuks accusations  
17 with Svetlana and kind of address the situation with  
18 Svetlana or Pavel directly?

19 A. No.

20 770. Q. Why didn't you do it?

21 A. We have a confidentiality policy in place and  
22 that would prevent me from doing so.

23 771. Q. And all this five years that is the first  
24 time you found out that just Nikityuks were not happy with  
25 -- with Svetlana and Pavel, they didn't tell you about this

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1 before?

2 A. Not about the -- what happened at home and --  
3 no.

4 772. Q. What did they tell you about their  
5 relationship with the family before August 23, 2011?

6 A. There was nothing particular or anything that  
7 -- like it depends on what you mean?

8 773. Q. So, before August 23, 2011 you thought that  
9 the family has -- is strong and has a good relation between  
10 parents and children?

11 A. It appeared so.

12 774. Q. And -- and what happened after you referred  
13 Nikityuks to these two organizations that you mentioned,  
14 which are, Women's Shelter, or?

15 A. Barrie Women's Shelter and Crisis Services.

16 775. Q. Yeah, what did you do, how did you report  
17 them?

18 A. At first the legal advocate came to the  
19 office and met with Nikityuks...

20 776. Q. From...

21 A. ...where they shared the story -- Bev  
22 Juno(phonetic) from Barrie Women's Shelter, the legal  
23 advocate.

24 777. Q. ...Mm-hmm. When was it?

25 A. October 5th.

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1 778. Q. October 5th?  
2 A. 2011.  
3 779. Q. And what -- and there was meeting between  
4 legal advocate and?  
5 A. Alla and Valentin at our office.  
6 780. Q. On October 5th?  
7 A. October 5th, 2011.  
8 781. Q. And what did you discuss?  
9 A. Alla and Valentin shared their story with  
10 Bev.  
11 782. Q. And you're looking at the document, can you  
12 refer me to the document you are looking at?  
13 A. At my notes.  
14 783. Q. And what is the date?  
15 A. October 5th, 2011.  
16 784. Q. Mm-hmm. And what was the name of the  
17 advocate?  
18 A. Bev Juno.  
19 785. Q. Hmm?  
20 A. Bev Juno  
21 786. Q. Mm-hmm. She's a lawyer right, or is she?  
22 A. Legal advocate.  
23 787. Q. Which -- which means a lawyer, or?  
24 A. She's not a lawyer, she's a legal advocate,  
25 that's her title.

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1 788. Q. What is -- what is -- she's a social worker  
2 or she's a lawyer?

3 A. She's not a lawyer.

4 789. Q. All right. So then she's a social worker, I  
5 understand, right?

6 A. I only know her title.

7 790. Q. Mm-hmm. And you were present at the time,  
8 right?

9 A. Yes.

10 791. Q. And pretty much can you explain what was  
11 going on at that meeting with Bev?

12 A. Alla and Valentin shared their story of what  
13 was happening at home.

14 792. Q. Yeah. And who was talking during the  
15 meeting, you were translating or just you were telling the  
16 story?

17 A. I was translating. They were both talking.

18 793. Q. And what did -- what did they tell you --  
19 what did they tell Bev?

20 A. The story was the same as listed in my notes,  
21 I can repeat that.

22 794. Q. Mm-hmm. And you referred to what date of  
23 your notes?

24 A. Bev came to the office on October 5th to meet  
25 with the clients.

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1 795. Q. And you said that the information is in your  
2 notes, but there is nothing other than, \*\*\*"Met with Bev,  
3 made a plan", on October 5th, 2011, right?

4 A. What is your question?

5 796. Q. My question, what was happening on October  
6 5th, 2011 at the meeting with Bev?

7 A. Bev came to our office and Alla and Valentin  
8 shared their story with her...

9 797. Q. Mm-hmm.

10 A. ...of what was happening at home and that  
11 they want to leave, but they want to apply for housing or  
12 find another solution to the problem.

13 798. Q. Mm-hmm. And October 5th, 2011 notes -- logs  
14 refer to a plan, is it a plan which set up two of Volume 6  
15 of the document brief of the plaintiff -- this document,  
16 that is the plan, right?

17 A. That is the action plan, yes.

18 799. Q. That is what you prepared during the meeting?

19 A. Yes.

20 800. Q. And why didn't you involve legal counsel or  
21 Bev, legal advocate, before October -- why did you wait for  
22 two months because you waited between October 23rd until  
23 August 23rd until October 5th, why did you wait so long?

24 A. I didn't wait. The clients didn't want to  
25 they shared their story and they wanted the application for

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1 subsidized housing and they just wanted to continue on with  
2 their lives and that was the end of that meeting.

3 801. Q. So didn't you consider your clients to be in  
4 danger because they were recently abused and there were  
5 just you saw some injuries?

6 A. I gave them the information on the -- from  
7 the community legal advocate -- education Ontario.

8 802. Q. And that's it?

9 A. The printout from -- yeah, translated into  
10 Russian.

11 803. Q. Why didn't you make any pictures of the  
12 injuries any photographs -- why didn't you make  
13 photographs on October 23rd?

14 A. Because it's up to the client to approach  
15 police to report, if they choose, any criminal offence.

16 804. Q. Did you -- so pretty much on October 23rd  
17 Nikityuks said, that we want to apply for social housing?

18 A. Yes, they wanted to apply for social housing.

19 805. Q. Did you explain them that they would have to  
20 wait several years to get social housing?

21 A. I explained to them that they're being  
22 sponsored and they would not qualify for social housing and  
23 I asked them why they were considering -- why they're  
24 making that request.

25 806. Q. Why did you think they would not qualify

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1 financially for social housing?

2 A. No, they wouldn't qualify because they're  
3 being sponsored and the sponsorship is in place.

4 807. Q. But was it your understanding that pretty  
5 much Danilovs are financially supporting them at that time  
6 and they provide them with food and shelter and all basic  
7 needs?

8 A. So what is your question again?

9 808. Q. My question was, did you understand that they  
10 would not financially qualify just for social housing at  
11 the time?

12 A. Social housing was not really the issue here.  
13 It was why they wanted to leave or why they wanted to go  
14 elsewhere.

15 809. Q. You just testified that you explained them  
16 that they would not qualify for social housing because they  
17 are sponsored?

18 A. I asked them why they were even looking into  
19 a situation of -- of applying for -- yeah, they first of  
20 all wouldn't qualify, but secondly that was not the issue.  
21 The issue was them wanting to move out.

22 810. Q. And you knew family enough, you understood  
23 that they are driving their car, that just they have two  
24 rooms at Danilovs house, separate rooms, and they have  
25 enough money to pay for expensive trips to African Lion

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1 Safari and to the concerts and so on. So I understood that  
2 they are financially not in the worst position?

3 A. What is your question.

4 811. Q. Did you -- did you -- you had knowledge that  
5 pretty much Nikityuks have basic shelter, didn't you, that  
6 they have two rooms at Danilovs house?

7 A. I knew they live with the children, yes.

8 812. Q. And they live separately -- separately just  
9 in two separate rooms on the upper floor?

10 A. That's something that I can't comment on --  
11 where they live and how they live, I don't know.

12 813. Q. Well you said that you were invited to  
13 Danilovs house on one occasion, did they show you their  
14 rooms?

15 A. No, I was on the main floor with the other  
16 people sharing a meal.

17 814. Q. Mm-hmm. Did you know that they're driving a  
18 Honda Civic, their car, because before you testified that  
19 you came in separate cars and you knew that they are  
20 driving their own car?

21 A. I don't know anything about -- like I didn't  
22 know anything about like specifics of who and what and who  
23 owns what.

24 815. Q. And -- but you saw them driving Honda Civic  
25 pretty much on everyday basis to YMCA, right?

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1           A. No, because I am -- first of all Itinerant  
2 counsellor so I was only there two days a week and,  
3 secondly, people come to school we don't know what cars  
4 they come in so, no, I wouldn't be watching people coming  
5 to school by cars.

6 816.       Q. But you knew that they are driving their  
7 Honda Civic just when you went to African Lion Safari and  
8 when you went to concert they were driving the car?

9           A. There was another car, but I don't remember  
10 the make of the car, so, yeah, they had access to a car, I  
11 just can't...

12 817.       Q. What colour of the car was?

13           A. ...blue.

14 818.       Q. And you knew that they had some money to  
15 spend for African Lion Safari, for concert so they paid for  
16 themselves all the time, right?

17           A. They paid for themselves. I didn't ask  
18 them...

19 819.       Q. Mm-hmm.

20           A. ...any questions about their money.

21 820.       Q. So you didn't see them at that time as poor  
22 people, people who live in poverty?

23           MR. KRYSIAK: At what time?

24           MR. TIMOKHOV: Ah, up to -- up to August 2011.

25           WITNESS: They didn't come to me as a counsellor

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1 with questions regarding food bank, if that's  
2 what you're asking, no.

3 BY MR.

4 821. Q. But you didn't consider to be very poor  
5 people?

6 A. I don't know anything about their financial  
7 status.

8 822. Q. But you didn't consider them people who  
9 cannot afford food, who would go to food bank, who doesn't  
10 have where to live, nothing like that, right?

11 A. They never asked me for information...

12 823. Q. Never asked you for this information?

13 A. ...regarding food banks, no.

14 824. Q. Mm-hmm. And did you explain them that just  
15 if that in accordance with a sponsorship agreement they  
16 have an obligation to seek resources from -- from the  
17 sponsors first before applying for social assistance?

18 A. That's not my job.

19 825. Q. You didn't explain them that before they  
20 applied for social assistance that they have to seek  
21 financial help from their sponsors?

22 A. That wasn't the issue though.

23 826. Q. But you did -- you said that you may not  
24 financially qualify because you are sponsored...

25 A. For the...

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1 827. Q. ...what did you mean by that?

2 A. ...duration of the sponsorship, the sponsor  
3 is responsible for the people they have the undertaking  
4 for...

5 828. Q. Yeah.

6 A. ...and that would basically be the reason why  
7 they wouldn't qualify.

8 829. Q. And isn't it true that you wanted to sponsor  
9 your mother just to come to Canada before?

10 A. No. And there is no relationship whatsoever.

11 830. Q. And did you ever see in your -- in the course  
12 of your duties, the sponsorship agreement with Revenue  
13 Canada -- with Immigration Canada?

14 MR. KRYSIAK: Whose sponsorship agreement?

15 MR. TIMOKHOV: Any sponsorship agreement.

16 WITNESS: What are you asking me again?

17 BY MR.

18 831. Q. Did you have opportunity to review a standard  
19 sponsorship agreement?

20 A. With Alla and Valentin?

21 832. Q. No. Any with Immigration Canada?

22 MR. KRYSIAK: Any sponsorship agreement, have you  
23 ever seen one?

24 WITNESS: I've seen one, yes, of course.

25 BY MR. TIMOKHOV:

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1 833. Q. And I would like to refer you to a standard  
 2 sponsorship agreement, in this case it's Nikityuks  
 3 sponsorship agreement between Nikityuks, Danilovs and  
 4 Immigration Canada and that is Volume 1, Tab 11 and I would  
 5 like to refer you to the paragraphs under the heading,  
 6 Obligation of the Person to be Sponsored.

7 MR. KRYSIAK: Okay. What would you like her to  
 8 do?

9 MR. TIMOKHOV: I would like her to review this  
 10 top two paragraphs.

11 MR. KRYSIAK: This and this.

12 WITNESS: And what is the question regarding  
 13 those two paragraphs?

14 BY MR.

15 834. Q. The question is, did you explain to Nikityuks  
 16 that they have duty to look for alternative source --  
 17 sources of income like employment?

18 A. No, I did not explain that because that was  
 19 not in the discussion.

20 835. Q. Did you recommend them to search for  
 21 employment?

22 A. No.

23 836. Q. Did you explain them the paragraph two of the  
 24 sponsorship agreement that they pretty much need to go to  
 25 their sponsors to ask for financial assistance?

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■ A. No, I did not go over the sponsorship  
2 agreement with Nikityuks.

3 837. Q. So instead you just decided just that  
4 Nikityuks should apply for social assistance, that is why  
5 you referred them to Ontario Works -- why did you refer  
6 what were criterias, or indicators, that made you refer  
7 Nikityuks to Ontario Works?

8 A. I did not refer Nikityuks to Ontario Works.  
9 They worked with transitional services of Barrie Women's  
10 Shelter and they were handling the situation that Nikityuks  
11 were in.

12 838. Q. Is it true that you accompanied Nikityuks to  
13 the Ontario Works and help them with their application?

14 A. No, I wasn't at that appointment. They had  
15 an independent interpreter provided by Ontario -- by  
16 Ontario Works. I was not there.

17 839. Q. Why did they list you as -- as next of kin to  
18 Nikityuks on Ontario Works application?

19 A. I have no knowledge of that.

20 840. Q. And you didn't give them authority to list  
21 you as next of kin?

22 A. No.

23 841. Q. Do you think they listed you as next of kin  
24 because they trusted you and considered you to be their  
25 friend?

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1 A. I have no knowledge of that listing?

2 842. Q. Ah, do we have -- did Ruth Millar had any  
3 involvement with the situation at that time?

4 A. Yes.

5 843. Q. What did she do?

6 A. We both were supporting the clients in their  
7 needs.

8 844. Q. And I would like to refer -- to refer you to  
9 Volume 6 of plaintiff's brief of documents and that is Tab  
10 8 and that is a letter from YMCA to Social Services  
11 Division, County of Simcoe, it's letter dated October 27  
12 from Ruth Millar and it says that Ruth is able to discuss  
13 any concerns about Nikityuks' Ontario Work entitlement  
14 directly with Ontario Works.

15 MR. KRYSIAK: Okay. What's the question?

16 BY MR.

17 845. Q. The question is, doesn't the letter provide  
18 that YMCA invites Ontario Works to discuss any questions  
19 directly with Ruth or YMCA?

20 A. The clients asked for our assistance in  
21 communicating with Ontario Works. They gave us a release  
22 and that release was forwarded to Ontario Works on their  
23 behalf.

24 846. Q. But before you said that you had nothing to  
25 do with an application for Ontario Works and pretty much

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1 the application was handled by other organization?

2           A. The referral was made by other organizations.  
3 We did support them when they had particular needs that  
4 arose during the time of their entitlement to the -- to the  
5 assistance.

6 847.       Q. But at that time you understood that the  
7 Nikityuks do not financially qualify for assistance because  
8 they are sponsored?

9           A. That was different time in their lives.

10 848.       Q. I don't understand you.

11           MR. KRYSIAK: At what time?

12 BY MR.

13 849.       Q. Ah, when is the date, in October 2011, did  
14 you explain to them that pretty much -- to Nikityuks, that  
15 they do not qualify financially?

16           A. For what?

17 850.       Q. For Ontario Works...

18           A. I was not...

19 851.       Q. ...because they have...

20           A. ...working with Nikityuks directly on the  
21 application.

22 852.       Q. ...who was working with Nikityuks directly?

23           A. That would be the Barrie Women's Shelter.

24 853.       Q. But you had an opportunity to review the  
25 application because otherwise you would not invite Ontario



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1 Works to contact YMCA directly to discuss questions, would  
2 you?

3 MR. KRYSIAK: She didn't do it, it was Ruth  
4 Millar...

5 BY MR.

6 854. Q. Well did you...

7 MR. KRYSIAK: ...you're mixing people here.

8 BY MR. TIMOKHOV:

9 855. Q. ...did you discuss this with this letter with  
10 Ruth because I unders -- you just testified before that you  
11 was worked on Nikityuks file at the time?

12 A. We both assisted our clients, yes, they are  
13 clients of YMCA and we support our clients mutually.

14 856. Q. Did you discuss any questions with Ontario  
15 Works at the time?

16 A. At what time?

17 857. Q. In October or in October, November, December,  
18 2011?

19 A. This particular fax refers to bus tickets and  
20 their entitlement for bus tickets. So Ruth Millar enquired  
21 if the clients would be entitled for bus tickets.

22 858. Q. So you did enquiries for Ontario Works,  
23 didn't you?

24 A. Upon request from our clients.

25 859. Q. I see. And isn't true that just around

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1 January 2012 you asked for re-evaluation of sponsorship  
2 agreement, whatever it means, with Immigration Canada?

3 A. I did not ask for such a thing.

4 860. Q. I would like to refer you to a document brief  
5 of the plaintiff that is Volume 6, Tab 15, that is an email  
6 dated January 13, 2012 and it says,

7 \*\*\*"I got a call from local office. Spoke with  
8 Lenny. She said that we need to call the call  
9 centre and advise them on the situation and they  
10 don't offer re-evaluations sponsorship  
11 agreement."

12 What did you mean by re-evaluation of sponsorship  
13 agreement?

14 A. Um, the County of Simcoe initiated the  
15 request for Nikityuks to prove that there was a sponsorship  
16 breakdown and, according to this email, we have been  
17 instructed accordingly and that was the response from the  
18 call centre and that is listed here.

19 861. Q. So pretty much you said, County of Simcoe  
20 requested you to re-evaluate sponsorship agreement of the  
21 Nikityuk, do I understand correct?

22 A. No, that was communication that was request -  
23 - that request was communicated to Nikityuks through us  
24 because of the language barrier. And that was the  
25 requirement that the County of Simcoe had of them at the

=====

1 time.

2 862. Q. You mean Ontario Works, right?

3 A. No. County of Simcoe Social Housing.

4 863. Q. Oh, Social Housing. So pretty much Simcoe  
5 Social Housing contacted you directly regarding Nikityuks  
6 file, didn't they?

7 A. They contacted YMCA Simcoe Muskoka and  
8 requested the meeting the Nikityuks, which was communicated  
9 to them, and they went in person and met with County of  
10 Simcoe regarding their social housing situation.

11 864. Q. And why in your opinion they couldn't contact  
12 Nikityuks directly?

13 A. I don't have knowledge about that.

14 865. Q. You said before that it's because they don't  
15 speak English, just now?

16 A. You're asking me why they couldn't contact  
17 them, I wouldn't know why they wouldn't contact them.

18 866. Q. No, you said they wouldn't contact them  
19 because Nikityuks don't speak English -- was your answer?

20 A. They couldn't communicate to them in English.

21 867. Q. And why do you think Nikityuks couldn't  
22 communicate with English after just attending YMCA classes  
23 for, at that time, more than three years?

24 A. What is your question to me?

25 868. Q. My question is just would it be fair to say

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1 that after attending ESL classes for more than three years,  
2 Nikityuks could communicate in English?

3 A. That wouldn't be a question to me. I'm not  
4 an English teacher.

5 869. Q. But you are YMCA employee involved in ESL  
6 program, just...

7 A. Settlement Services with YMCA Newcomer  
8 Services.

9 870. Q. Do you think that it took Nikityuk they --  
10 that they couldn't learn English in three years because  
11 they have some kind of memory or capacity issues, they --  
12 they have difficulties with learning information?

13 A. I have no knowledge of that.

14 871. Q. Do you have any explanation why a person  
15 cannot learn basic English in three years?

16 MR. KRYSIAK: There's about half hour left. I  
17 sure hope these...

18 MR. TIMOKHOV: Oh, there's more than half hour.

19 MR. KRYSIAK: ...questions get better.

20 WITNESS: What are you asking me exactly?

21 BY MR. TIMOKHOV:

22 872. Q. Do you have any explanation just -- did you  
23 communicate -- did you have any issues with capacity just  
24 with that Nikityuks didn't remember things or they didn't  
25 understand you?

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1           A. I communicated with Nikityuks in Russian. I  
2 didn't notice anything that you're describing.

3 873.       Q. Do you -- you don't have any explanations why  
4 an adult person can't learn English in three years?

5           A. What are you asking me?

6 874.       Q. I'm asking you, is there any explanation that  
7 you can provide, you dealt with them social, attended  
8 different occasions, just do you have any explanations why  
9 they couldn't learn English in three years?

10          A. I don't have an answer for you.

11 875.       Q. You don't have an answer for it. And I would  
12 like to refer you to document brief of the plaintiff,  
13 that's Volume 6. And that is a letter dated December 20th,  
14 2011, it's written on YMCA letterhead and it appears to  
15 have a cover letter that is signed by you; did you sign  
16 this letter?

17           MR. KRYSIAK: Is this on Tab 13?

18           MR. TIMOKHOV: Tab 13, please.

19           MR. KRYSIAK: Read it first. Make sure you know  
20 it.

21 BY MR. TIMOKHOV:

22 876.       Q. You wrote this letter, right?

23           A. I did.

24 877.       Q. And you write it from your personal knowledge  
25 and beliefs, right, because that is support letter?

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1 A. Based on the experience with the clients.

2 878. Q. What do you mean by experience, what -- what  
3 they told you?

4 A. Yes, from what they told us and from the  
5 services they received from our office and based on  
6 information they shared. And also what I experienced in my  
7 capacity as a settlement counsellor.

8 879. Q. And the letter says in paragraph eight that  
9 just when Nikityuks left Danilovs it's just yeah, it's  
10 on the second page it's the third paragraph from...

11 MR. KRYSIAK: Okay.

12 BY MR.

13 880. Q. ...from the top, that -- that Svetlana called  
14 you numerously after just Nikityuks left in October,  
15 sometimes five, six times a day, do you...

16 A. What is the question?

17 881. Q. ...do you think it was unreasonable for a  
18 daughter with elder parents to call to find out where did  
19 they go?

20 MR. DANILOV: That was the question.

21 BY MR. TIMOKHOV:

22 882. Q. That is the question, do you think it was  
23 unreasonable for Svetlana to call everywhere to find out  
24 where the parents go when she didn't know their location?

25 A. Are you asking my opinion?

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1 883. Q. Yeah.

2 A. Or in my experience?

3 884. Q. I'm asking for your opinion?

4 A. I don't have an opinion.

5 885. Q. And you offered Svet -- you spoke with

6 Svetlana and Svetlana what did Svetlana tell you, did

7 she try to ask you where the parents went?

8 A. Svetlana asked me to tell her when I come to

9 the office if her parents are there.

10 886. Q. Where?

11 A. At the school.

12 887. Q. What did you tell her?

13 A. I told her that if I see them I will tell

14 them she called and if they choose to call back, they'll do

15 so.

16 888. Q. Did you tell Svetlana that you helped

17 Nikityuks to go to Women's Shelter and they're safe?

18 A. That would be a violation of the

19 confidentiality agreement.

20 889. Q. Did you tell her that you have any

21 information about their whereabouts and, in the best of your

22 knowledge, the parents are safe?

23 A. I responded to her request.

24 890. Q. By saying what?

25 A. By telling her that will give that --

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1 communicate that information to the parents if I see them  
2 when I come to the office.

3 891. Q. But you didn't tell her, Svetlana, that you  
4 know that where the parents are and they just approached  
5 YMCA seeking help and that there was a case of abuse?

6 A. No, I did not tell Svetlana that.

7 892. Q. So pretty much you didn't provide her with  
8 any information?

9 A. I'm not allowed to provide personal  
10 information.

11 893. Q. And the letter says that instead of providing  
12 personal information, you offer Svetlana to seek  
13 counselling, what kind of counselling you mean?

14 A. Svetlana appeared distressed and I told her  
15 that if she wants more information about where she could  
16 seek counselling, I would provide that to her.

17 894. Q. Don't -- don't you think it was cruel on your  
18 part pretty much not to help a daughter who is looking for  
19 missing parents just with any information or any  
20 suggestions?

21 A. What is your question?

22 895. Q. My question, don't you think it was cruel and  
23 unreasonable what you did...

24 A. Are you asking for my...

25 896. Q. ...because you knew where the parents are,

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1 but you didn't provide any information to Svetlana?

2 A. ...are you asking for my opinion, or?

3 897. Q. Yeah, I'm asking for opinion do you cons  
4 consider yourself acting cruelly at that time?

5 A. No, because I maintained the confidentiality  
6 of my clients.

7 898. Q. But could you just tell them that this case  
8 is now managed by YMCA and we handle the situation,  
9 something like that, without providing any details?

10 A. That would be in violation of our statement  
11 of confidentiality.

12 899. Q. Did you discuss it with your supervisor?

13 A. Yes.

14 900. Q. So instead of -- what did she tell you?

15 A. That we should keep personal information  
16 confidential no matter who asks for that information, even  
17 a relative.

18 901. Q. And you didn't even tell that this case is  
19 managed by YMCA, right?

20 A. Tell who?

21 902. Q. Tell Svetlana?

22 A. That would be in violation of the  
23 confidentiality agreement...

24 903. Q. I understand.

25 A. ...of YMCA.

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1 904. Q. Do you know that Svetlana reported parents  
2 missing with the police?

3 A. I don't know that.

4 905. Q. And instead of just you didn't want to breach  
5 confidentiality therefore you asked Svetlana to seek  
6 counselling, you mean some kind of psychological  
7 counselling, right -- what kind of counselling?

8 A. There are services in the community available  
9 to people and I would look into that gladly if she wanted  
10 me to.

11 906. Q. What kind of services you mean?

12 A. ■ she didn't want to pursue it, I didn't  
13 look into that.

14 907. Q. What kind of services did you mean?

15 A. I don't mean anything because I didn't look  
16 into that.

17 908. Q. You mean you recommended her some  
18 counselling, what kind of counselling was this?

19 A. I did not look into services because she  
20 didn't want me to provide her with any information.

21 909. Q. But what did you mean by counselling?

22 A. What to do in her situation.

23 910. Q. What what did you mean by counselling,  
24 what kind of -- psychological counselling, just?

25 A. No, counselling as to what to do in her

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1 situation.

2 911. Q. When the parents are missing?

3 A. When she is -- yeah, in her situation.

4 912. Q. Distressed situation?

5 A. Distressed situation, yeah, then she needs  
6 help.

7 913. Q. Is there any policy YMCA has requiring just  
8 YMCA to notify the family just about -- about abuse case to  
9 give them some kind of notice to stop the abuse, anything  
10 like that?

11 A. Not to my knowledge.

12 914. Q. Can you look more into that issue and to  
13 discuss it with your supervisor?

14 A. Discuss what with my supervisor?

15 915. Q. The policy as -- as to notifying the parents  
16 about about some kind of cease of (inaudible) of  
17 violence and that there -- this matter is taken over by  
18 YMCA?

19 A. This matter was not take over by YMCA. We  
20 provide information to the clients and we refer them to the  
21 service in the community. That is a completely different  
22 situa like what you are saying is not what our role is.

23 916. Q. So pretty much you are saying that YMCA  
24 policy is just to keep -- to keep the family in absolute  
25 lack of knowledge about what is going on and just let them

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1 just kind of suffer?

2 MR. KRYSIAK: That's not what she said.

3 MR. TIMOKHOV: Well, she said that it is their  
4 policy not to inform the parents about just...

5 MR. KRYSIAK: She said there was no such  
6 policy...

7 MR. TIMOKHOV: ...so there is confid...

8 MR. KRYSIAK: ...that she know of.

9 MR. TIMOKHOV: ...confidentiality and that the  
10 policy not is (inaudible), right?

11 WITNESS: I don't understand your question...

12 BY MR.

13 917. Q. So your...

14 A. ...I'm sorry.

15 918. Q. ...confidentiality policy requires you not to  
16 advise the family that the -- the parents were referred by  
17 YMCA to any organizations or shelter?

18 A. I would need to have verbal or written  
19 release of information to any party regarding a client's  
20 information. So that is our confidentiality policy.

21 919. Q. Did you speak with Nikityuks about obtaining  
22 such a release?

23 A. They did not wish to -- they did not want to  
24 be contacted by their daughter and son-in-law.

25 920. Q. And you discussed it with them just -- 'Can

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1 you just contact your children and tell them that just you  
2 are in shelter', something like that?

3 A. I did not ask them that very question that  
4 you are saying.

5 921. Q. I understand that you are mother of three  
6 children. What would you do if your chil -- is  
7 hypothetical, your children would be missing, would be  
8 you're looking for them?

9 A. I still don't understand what...

10 922. Q. Don't you think it's reasonable...

11 A. ...you...

12 923. Q. ...for the children to -- to look after their  
13 elder mother when she's missing?

14 A. ...that's really not my role to be playing  
15 these hypothetical...

16 924. Q. Yeah, but you said -- testified before that  
17 you have respect to all people and you sort of try to get --  
18 - to understand people's feelings. Do you try to help --  
19 did you really try to help Svetlana just pretty much by  
20 contacting Nikityuks and telling them, just can we just  
21 tell Svetlana that just YMCA -- that Yana is taking care of  
22 us or just where?

23 A. Nikityuks did not wish to be -- they did not  
24 ask us to contact the family or they did not wish to be  
25 contacted by the family.

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1 925. Q. But you just testified that you didn't  
2 contact them after like you spoke with Svetlana?

3 MR. KRYSIAK: No, she testified she...

4 WITNESS: I....

5 MR. KRYSIAK: ...didn't ask that specific  
6 question that you phrased to her.

7 BY MR.

8 926. Q. They didn't ask Nikityuks pretty much -- she  
9 didn't ask Nikityuks to talk to Svetlana and to inform her  
10 that -- where they are?

11 A. I did tell Nikityuks that Svetlana called and  
12 she was concerned and I -- and what I told Svetlana that I  
13 will pass the message to Nikityuks, I did that.

14 927. Q. And did you call Svetlana saying that you  
15 passed the message to Nikityuk?

16 A. No, I didn't.

17 928. Q. You didn't feel it necessary, right?

18 A. I don't remember because I have my job and  
19 that so in terms of what you're asking me...

20 929. Q. It was not important for you, right?

21 A. ...that's not correct.

22 930. Q. Then just explain me what is correct?

23 A. I did not contact Svetlana.

24 931. Q. Because you didn't care?

25 MR. KRYSIAK: That's not what she said.

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1 WITNESS: That's not correct.

2 MR. TIMOKHOV: That's the question.

3 MR. KRYSIAK: Answer it, did you not contact her  
4 because you didn't care?

5 WITNESS: No.

6 BY MR. TIMOKHOV:

7 932. Q. Why didn't you contact Svetlana and tell her  
8 that you passed the message that Svetlana is looking for  
9 her to Nikityuks?

10 A. Because it was up to Nikityuks to contact  
11 Svetlana.

12 933. Q. And I would like to refer you to Tab 18 of  
13 the same brief. And paragraph two of email dating February  
14 28th it says that, \*\*\*"Pavel and Svetlana already found out  
15 where they live. They harassed everyone and somehow found  
16 out". So what did you mean by harassment?

17 A. A couple of students came to school and  
18 approached our counsellors and we brought them to the  
19 director right away. They reported that they received  
20 numerous calls from Svetlana and there were certain things  
21 being asked of them and they've been told certain things  
22 that constitute harassment. They were seeking counsel at  
23 that point.

24 934. Q. And who was the students.

25 A. You want names?

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1 935. Q. Yes.

2 MR. KRYSIAK: I'm not sure if it's...

3 WITNESS: Yeah, confidential. Yeah.

4 MR. KRYSIAK: ...confidentiality or not. I'll  
5 think about it.

6 WITNESS: I would be bound by the same policy.

7 MR. TIMOKHOV: Ah, it's not covered by  
8 confidentiality, she's not a lawyer.

9 WITNESS: No, but those are our clients, so...

10 MR. TIMOKHOV: So.

11 WITNESS: ...I may not be able to release their  
12 names.

13 BY MR. TIMOKHOV:

14 936. Q. So you have to answer the questions and you  
15 have under Rule 31 undertaking not to release this  
16 information other than for the purpose of litigation.

17 MR. DANILOV: It's actually says, harassed  
18 everyone. Everyone is a lot of people.

19 MR. TIMOKHOV: No, the question is what are the  
20 names, I mean you have undertaking not to release  
21 this information, so.

22 MS. DANILOVA: There are witnesses.

23 MR. TIMOKHOV: It stays in this room and for the  
24 purpose of litigate. She has to. You can't  
25 claim confidential.

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1 MR. KRYSIAK: Do you remember their names?

2 WITNESS: Yes, of course I do.

3 MR. KRYSIAK: Okay.

4 BY MR. TIMOKHOV:

5 937. Q. What are the names?

6 A. Julia Malichiva(phonetic)

7 938. Q. Mm-hmm.

8 A. Lilia Fathichova(phonetic)

9 939. Q. Lilia Fathichova(phonetic)?

10 A. Fathichova.

11 940. Q. What else?

12 A. Those are the clients who came to our office.

13 941. Q. Mm-hmm. And do you have any specific  
14 training with law or just providing legal advice or just to  
15 your clients?

16 A. I do not have legal training.

17 942. Q. Are you certified as a lawyer or as a  
18 paralegal in Ontario?

19 A. No.

20 943. Q. Is it true that you assisted Nikityuks in  
21 preparing interim review with Ontario Works when they were  
22 refused Ontario Works?

23 A. I referred them to the Community Legal Clinic  
24 for further counsel.

25 MR. TIMOKHOV: Can we get off record for a

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1 second.

2 (Off Record)

3 BY MR. TIMOKHOV:

4 944. Q. Yeah, there is a letter just that is attached  
5 to Tab 13 to document brief six and pretty much the  
6 paragraph one says that this letter of support for Alla and  
7 Valentin Nikityuk request for internal review of the  
8 decision of the social assistance program, right, so who  
9 was handling the internal review, who represented...

10 A. The Community Legal Clinic.

11 945. Q. ...and they were listed as representatives  
12 their representatives, right?

13 A. I wouldn't know that, like what are you --  
14 what exactly asking of me?

15 946. Q. Who requested this letter, Nikityuks or  
16 Community Legal Clinic?

17 A. Community Legal Clinic requested the letter  
18 of support from all the organizations that were supporting  
19 them through the transition.

20 947. Q. And there was some letter, just maybe you  
21 help me with that, when you refer to financial situation  
22 between Nikityuks and Danilovs to be fraud on behalf of  
23 Danilovs, do you remember this letter?

24 A. Show me the letter.

25 948. Q. Do you remember ever claiming fraud against

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1 Danilovs?

2 A. Show me the letter, please.

3 949. Q. Do you remember, that is the question, do you  
4 remember claiming fraud, did you consider that pretty much  
5 Danilovs took advantage of their parents by defrauding them  
6 of their money -- of their savings?

7 MR. KRYSIAK: Are you asking about a letter or  
8 about her personal ...

9 MR. TIMOKHOV: No, did...

10 MR. KRYSIAK: ...opinion?

11 BY MR.

12 950. Q. ...what is your personal opinion about this,  
13 do you think they defrauded just the parents?

14 MR. KRYSIAK: Well her personal opinion doesn't  
15 matter here it's what she did...

16 MR. TIMOKHOV: Okay.

17 MR. KRYSIAK: ...in her capacity that matters.

18 BY MR.

19 951. Q. Did you ever write that any correspondence  
20 claiming that Danilovs committed fraud in regards to their  
21 parents?

22 A. I would need to see the letter to be able to  
23 answer that question because I can't...

24 952. Q. It's a serious...

25 A. ...recall.

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1 953. Q. ...it's a very serious accusation. I think  
2 just you have to remember it because you probably had to  
3 consider just consequences to these accusation before you  
4 just wrote it, if you did. So you don't remember it, right  
5 -- so you don't remember making any allegations of fraud  
6 against Danilovs?

7 A. In which...

8 954. Q. In any correspondence, do you remember it or  
9 not?

10 A. ...personally, no.

11 955. Q. In any communication, email communication,  
12 just written communication, personally?

13 A. We work with clients and based on the  
14 client's story -- I don't know what you're referring to. I  
15 cannot answer your question.

16 956. Q. But do you understand that if you don't put  
17 any effort into -- into understanding that just if the  
18 story's true or not, any investigation, that you pretty  
19 much distributing just the false statements. There is that  
20 you might be responsible for it just when you are telling  
21 the truth even if you are told the tru -- ah, false  
22 information by others?

23 A. I was not distributing.

24 957. Q. So if somebody...

25 A. ...any information.

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1 958. Q. ...lies to you and then you process this  
2 information to somebody else, you may be responsible for  
3 this; do you understand it?

4 A. I worked with my clients based on what they  
5 described, or what they told us. We have no ability to  
6 tell a lie from the truth except from -- like we work with  
7 particular people and with their story.

8 959. Q. But before you testified that that is just  
9 pretty much the main purpose of YMCA is not to help people,  
10 but just with their just stories, but just to refer them to  
11 different organization, that's pretty much the purpose of  
12 YMCA is referral service?

13 A. Our service is broader than referral. We  
14 also support clients in their ongoing needs and that would  
15 include while they are being supported by other  
16 organizations. So we would provide that support on a case  
17 management basis.

18 960. Q. So you act as -- as a client's agents when  
19 the clients sign this release?

20 A. That's not the correct word, we're not  
21 agents. We're support worker, we're social workers.

22 961. Q. You -- by signing a release you get some  
23 authority just to help your client in communication with  
24 other organizations, right?

25 A. In communication with the client -- always in

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1 communication with the client.

2 962. Q. Mm-hmm. And I would like to refer you to Tab  
3 3 of this brief. And there is email from you to Anthony  
4 Cuthbert, and that is paragraph -- paragraph two. Pretty  
5 much says, \*\*\*"Now it's a full blown abuse with physical  
6 attacks, threats and financial robbery." So what did you  
7 mean by financial robbery?

8 A. Based on client's story, they had no control  
9 over their finances and their pension -- the only source of  
10 income they have, was also not in their possession.

11 963. Q. How is it robbery?

12 A. That's something that belongs to others and  
13 is taken away from them and there is full control over  
14 their finances.

15 964. Q. But you didn't investigate was it robbery or  
16 not, you just wrote it was robbery, right, it was your  
17 opinion from what your client told.

18 A. From what my clients emphasized, yes.

19 965. Q. And what -- what did your clients -- how did  
20 they describe the situation about robbery, why don't you  
21 explain it just?

22 A. Um, without their consent or consultation the  
23 TV was cut off, the internet and then the family presented  
24 them with a bill for internet services, for computer  
25 repair, and they'd been told that that money will be

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1 deducted from their pension. Um, that's what's listed  
2 here, specifically.

3 966. Q. How is it robbery?

4 A. That's full control over somebody's life.

5 MR. DANILOV: Big bill for computer repairs.

6 BY MR.

7 967. Q. I mean, when somebody requires somebody to  
8 pay for internet services, just how is to control over  
9 somebody's life. I mean, we all controlled in this way,  
10 aren't we?

11 A. Yeah, but they're being told that their  
12 pension will be reduced because of those bills and they are  
13 not being asked if they agree or not.

14 MR. DANILOV: And why not.

15 WITNESS: There's no agreement to that.

16 BY MR.

17 968. Q. How do you know that there was no agreement  
18 to that?

19 A. It's based on the client's story.

20 969. Q. And do you consider like such robbery to be  
21 fraud just when somebody intentionally takes something away  
22 from somebody?

23 A. You're playing with words.

24 970. Q. No, what I'm trying to say, did you ever use  
25 word fraud in your communication just do you remember it?

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1 MR. KRYSIAK: She already answered.

2 MR. TIMOKHOV: She doesn't remember it, right?

3 WITNESS: Don't remember...

4 MR. TIMOKHOV: Okay.

5 WITNESS: ...using that word.

6 BY MR.

7 971. Q. And I understand that you are -- I understand  
8 that you are a mother of three children, aren't you?

9 A. Yes.

10 972. Q. So would it be fair to say that when you  
11 immigrated to Canada you experienced certain just financial  
12 difficulties?

13 A. Why you -- what are you asking me?

14 MR. KRYSIAK: Answer him...

15 BY MR.

16 973. Q. Did you have...

17 MR. KRYSIAK: ...it's his last question.

18 MR. TIMOKHOV: ...did you have no it's not the  
19 last question just I need another five minutes.

20 MR. KRYSIAK: No. We end at 6:00.

21 MR. TIMOKHOV: Oh, okay.

22 BY MR. TIMOKHOV:

23 974. Q. So did you have any financial difficulties?

24 MR. TIMOKHOV: Now is 5:55 so I have another five  
25 minutes.

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1 MR. KRYSIAK: It's 5:57.

2 MR. TIMOKHOV: Okay.

3 BY MR.

4 975. Q. So, did you have any financial difficulties?

5 A. How is that relevant.

6 976. Q. No, just answer the question as your counsel  
7 instructed you.

8 A. That's my personal life and how is it  
9 relevant to my current (inaudible).

10 977. Q. I would like to refer you to Tab 18 of  
11 document brief of the plaintiff Volume 4 that is Tab 18 and  
12 there is certain article -- internet article and that is  
13 some interview and this article provides -- there was  
14 certain interview about you and at certain point you  
15 communicated to an interview that mothers have some  
16 difficulties and at some point you were hitting just the  
17 tap with your hands, did you provide this statements?

18 A. So what is your question?

19 978. Q. My question, is it difficult for you to  
20 support three children and a mother, do you experience  
21 financial difficulties, do you have enough money to  
22 support ...

23 COURT REPORTER: I'm sorry, I can't hear you.

24 BY MR.

25 979. Q. ...do you have enough money to support your

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1 family?

2 A. I do have enough money to support my family.

3 980. Q. And is it true that at some point you told  
4 Svetlana that just when your mom come you would rather to  
5 live here independently?

6 A. I don't recall anything regarding my mother.

7 981. Q. And do you remember that pretty much you told  
8 that you would not be able to support your family unless  
9 you use social programs just in Ontario?

10 A. Not correct.

11 982. Q. Not correct or you don't remember?

12 A. Not correct. I have never said that.

13 983. Q. You didn't tell her, correct?

14 A. No.

15 984. Q. I see. Well, I have no further questions.

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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/MUSKOKA NEWCOMER SERVICES

Defendants

Court File No. 13-J101

BETWEEN:

SVETLANA DANILOVA AND PAVEL DANILOV

Plaintiff

- 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:

YANA SKYBIN

Taken on: April 10, 2014

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