

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

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

AFFIDAVIT OF DOCUMENTS OF SVETLANA DANILOVA AND PAVEL DANILOV

I, Svetlana Danilova, of the Town of Innisfil, in the Province of Ontario, a Plaintiff
in this action, **MAKE OATH AND SAY:**

1. I have conducted a diligent search of my records and have made appropriate enquiries of others to inform myself in order to make this affidavit. This affidavit discloses, to the full extent of my knowledge, information and belief, all documents relating to any matter in issue in this action that are or have been in my possession, control or power.
2. I have listed in Schedule A those documents that are in my possession, control or power and that I do not object to producing for inspection.

3. I have listed in Schedule B those documents that are or were in my possession, control or power and that I object to producing because I claim they are privileged, and I have stated in Schedule B the grounds for each such claim.
4. I have listed in Schedule C those documents that were formerly in my possession, control or power but are no longer in my possession, control or power, and I have stated in Schedule C when and how I lost possession or control of or power over them and their present location.
5. I have never had in my possession, control or power any document relating to any matter in issue in this action other than those listed in Schedules A, B and C.

SWORN BEFORE ME at the)
City of _____, in the Province of Ontario)
this day of , 2013)
_____)
Commissioner for Taking Affidavits

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)
)
)
)
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_____)
SVETLANA DANILOVA

LAWYER'S CERTIFICATE

I CERTIFY that I have explained to the deponent,

- (a) the necessity of making full disclosure of all documents relating to any matter in issue in the action;
- (b) what kinds of documents are likely to be relevant to the allegations made in the pleadings; and
- (c) if the action is brought under the simplified procedure, the necessity of providing the list required under rule 76.03.

, 2013_____

SCHEDULE A

Documents in my possession control or power that I do not object to producing for inspection.

Doc #	Tab	Date	Description
VOLUME 1: INNISFIL HOUSE; ALLA & VALENTIN NIKITYUK			
Proof that the House is purchased with Pavel's and Svetlana's money when Nikityuks were not even Canadian residents, and the intention of Plaintiffs to sell the House after closing date			
1.	1	Jun 24, 2007	House Purchase agreement between Pratt Homes, Pavel Danilov and Svetlana Danilova with all amendments and schedules (proof that House has been purchased when Nikityuks were not in the picture)
2.	2	July 28, 2008	Scotiabank Cost of Borrowing of \$217,520 Disclosure Statement
3.		Jul 26, 2008	Personal Credit Agreement of Scotiabank with Pavel Danilov and Svetlana Danilova
4.		Jul 26, 2008	Personal Credit Agreement Approval Conditions of Scotiabank with Pavel Danilov and Svetlana Danilova
5.		Aug 15, 2008	Mortgage Repayment Terms Confirmation Notice
Overall 4 documents			
6.	3	Sep 12, 2008	Hohots Watt LLP. Report about closing transaction of purchase and sale of the house from Pratt Hansen Group Inc. 1490 Rankin Way, Innisfil
7.		Aug 7, 2008	Statement of Adjustments between Pratt Hansen Group Inc, Pavel Danilov and Svetlana Danilova
8.		Aug 7, 2008	Bank Draft for \$51633.57 paid to Hohots Watt LLP as the down payment for the House
9.		Aug 15, 2008	Receipt of the transaction SC672893 in the amount of \$261,845.15 for the House
Overall 4 documents			
10.	4	Feb 12, 2008	Email chain with real estate agent Igor Vujovic proving the intention of Pavel and Svetlana to sell the House after the closing date.
Proof that Plaintiff had no difficulty to fund the purchase of the House on their own even in 2007, when the Purchase Agreement was signed and when Nikityuks were not Canadian residents; and especially in 2008 when the House was built, and later to fund any renovations.			
11.	5	Aug 17, 2007	Pre-approval of mortgage with TD Canada Trust, by John Burch, with the condition to verify the balance of the down payment in the amount \$54380 30 days prior to closing; proof that Plaintiffs had no difficulties to finance the purchase of the House when they signed the Purchase agreement
12.	6	Jul 6, 2003	Form IMM 5292 (Confirmation of Permanent Residence)

			proving that Pavel Danilov possessed \$41,000 in cash when crossed the Canadian border.
13.	7	Aug 31, 2007	Statement of CIBC Investor's Edge Investment Account, joint by Pavel and Svetlana, proving portfolio value \$18378.27 on August 7, 2007 and \$27642.98 on August 31, 2007
14.		Jun 30, 2007	Statement of CIBC RRSP account of Pavel Danilov, proving portfolio value \$18,415.51 on Jun 30, 2007
15.		Dec 31, 2007	Statement of CIBC RRSP account of Pavel Danilov, proving portfolio value \$18,738.55 on Dec 31, 2007
16.		Dec 31, 2007	Statement of CIBC RRSP account of Svetlana Danilova, proving portfolio value \$517.32 on Dec 31, 2007
		Overall 4 documents, proof that a year before Nikityuks even landed in Canada Plaintiffs had about \$46900 of their own funds invested in stocks and options	
17.	8	Jun 30, 2008	Statement of CIBC RRSP account of Pavel Danilov with portfolio value \$10,991.12 on Jun 30 2008
18.		Jun 30, 2008	TD Waterhouse SDRSP statement of account 34WB91-S of Svetlana Danilova with portfolio value \$1,850.02
19.		Jun 30, 2008	TD Waterhouse SDRSP statement of account 763H37-S: of Pavel Danilov with portfolio value \$23,671.25
20.		Jul 1, 2008	Manulife Share Ownership Report for Pavel Danilov with Employee Share Accumulation Plan value \$4,604.96
		Overall 4 documents, proof of approximately \$41,000 of funds invested in stocks and options and available for down payment	
21.	9	Apr 30, 2008	Interactive Brokers statement of account U453047: proof of extra portfolio value \$40,859.28 on April 01, 2008 – more funds available for down payment before the 1 st Nikityuks' transfer of Russian property proceedings
22.		May 30, 2008	Interactive Brokers statement of account U453047: proof of transfers \$15,900.00 on May 20, 2008 and \$107,840.00 on May 28, 2008
23.		Jun 30, 2008	Interactive Brokers statement of account U453047: proof of transfer \$107,783.00 on Jun 23, 2008; proof of total portfolio value \$272,800.38 on Jun 30, 2008
		Overall 3 documents proving that Russian property proceedings were not used to buy the House	
24.	10	2003	Form T4 (personal taxable income of Pavel Danilov as an employee of Compass Inc. in 2003) – \$12,075.78
25.		2004	Form T4 (personal taxable income of Pavel Danilov as an employee of Compass Inc in 2004) – \$51,950.84
26.		2005	Form T4 (personal taxable income of Pavel Danilov as an employee of Compass Inc in 2005) - \$61,586.08
27.		2006	Form T4 (personal taxable income of Pavel Danilov as an employee of Compass Inc in 2006) - \$60,330.08
28.		2007	Form T4 (personal taxable income of Pavel Danilov as an employee of Compass Inc in 2007) - \$15,445.13

29.		2007	Form T4 (personal taxable income of Pavel Danilov as an employee of Rogers Communications Inc. in 2007) - \$62,644.90, same form amended - \$62805.90 (2 documents)
30.		2008	Form T4 (personal taxable income of Pavel Danilov as an employee of Rogers Communications Inc. in 2008) - \$95,334.46
31.		2009	Form T4 (personal taxable income of Pavel Danilov as an employee of Rogers Communications Inc. in 2009) - \$71,044.10
32.		2009	Form T4 (personal taxable income of Pavel Danilov as an employee of IBM Canada Ltd. in 2009) - \$25,733.71
33.		2010	Form T4 (personal taxable income of Pavel Danilov as a former employee of Rogers Communications, Inc in 2010) - \$7,454.79
34.		2010	Form T4 (personal taxable income of Pavel Danilov as an employee of IBM Canada Ltd. in 2010) - \$103,251.04
35.		2011	Form T4 (personal taxable income of Pavel Danilov as an employee of IBM Canada Ltd. In 2011) - \$98202.54
		Overall 13 documents proving Pavel's full time income in 2008-2011	
Sponsorship Agreement, Nikityuks' immigration and funding of their life in Canada			
36.	11	Oct 27, 2004	Sponsorship Agreement between Svetlana Danilova as sponsor, Pavel Danilov as co-signer, Alla Nikityuk as sponsored person, and Ministry of Citizenship and Immigration, Canada
37.	12	Nov 14, 2005	CIBC joint account 06022/63-14937 contract and details
38.			Account Summary for primary account holder Svetlana Danilova
39.			Account Summary for secondary account holder Alla Nikityuk
40.			Signature Card with both account holders' signatures, Personal Account Agreement
41.			Privacy Protection Disclosure Notice
		Overall 5 documents proving that Nikityuks had access to the CIBC joint account 06022/63-14937 since November 2005	
Proof that in 2008 when Nikityuks immigrated to Canada they were in desperate need for Canadian health care services.			
42.	13	Jul 13, 2008	Copy of Emergency Record of Valentin Nikityuk at Trillium Health Centre
43.		Jul 28, 2008	Explanation of Valentin Nikityuk to the insurance company about the emergency visit to Trillium Health Centre
44.		Jul 13, 2008	Authorization of Valentin Nikityuk to release medical information to Manulife Visitors to Canada
45.		Jul 30, 2008	Copy of Emergency Record of Valentin Nikityuk at Trillium Health Centre
46.		Aug 4, 2008	Explanation of Valentin Nikityuk to the insurance company

			about the emergency visit to Trillium Health Centre
47.		Jul 30, 2008	Visitors to Canada Emergency Hospital & Medical Insurance Claim Form
48.		Nov 3, 2008	Request for MRI to RVH Imaging Services, by Valentin Nikityuk, pointing Svetlana Danilova as his emergency contact
49.		Jul 13, 2008	Official prescription receipts of Valentin Nikityuk, overall 2 documents
50.		Jul 13, 2008	Receipt in the amount of \$330 for urgent care services for patient Valentin Nikityuk, from Trillium Health Center
		Overall 10 documents	
Loan/Activity Agreement between family members as an official source of Nikityuks' income in Canada			
51.	14	Jun 14, 2008	Loan/Activity Agreement between Family Members
52.		Dec 31, 2008	Statement for the remaining principal on Dec 31, 2008
53.		Jan 28, 2008	Exhibit "A" from the affidavit of Valentin Nikityuk – email sent by Pavel Danilov to Alla and Valentin Nikityuk in January 2008 with the explanations of some financial aspects of living in Canada, translated from Russian, improperly presented by Valentin Nikityuk because the document doesn't have the technical email headers (not clear who and when sent it, who was the recipient, what is the title, purpose or subject of the document)
54.		Jan 28, 2008	Same email with technical headers, proving that most of statement of Loan/Activity agreement were explained to Nikityuks in their own language
55.		Apr 2, 2009	CRA request for additional information in respect of the loan used for investment purposes, interest paid and loan principal remaining
56.		May 20, 2009	CRA confirmation of pre-assessment review and all interest claims allowed
		Overall 6 documents	
57.	15	Oct 31, 2011; Feb 19, 2013	Annuity Rates in Canada in 2011 and 2012, printed from the web site LifeAnnuities.com (overall 2 documents, proof that Nikityuks could not get better interest on their capital than in the Loan Agreement)
Proof that significant part of proceeding from sold Russian property actually didn't belong to Nikityuks but to Svetlana and Anastasia, plaintiffs' daughter			
58.	16	Jul 23, 2002	Copy of Russian passport of Svetlana Danilova with registration in the same apartment as Nikityuks – proof that Svetlana had the right to live in the sold apartment
59.		Apr 4, 2000	Copy of Russian passport of Anastasia Danilova (Svetlana and Pavel's daughter) with registration in the same apartment as Nikityuks – proof that Anastasia had the right to live in that apartment
60.		Jul 4, 1991	"About privatisation of the accommodation in Russian

			Federation” – law of Jul 4, 1991
61.			Overall 3 documents, proof that Svetlana and Anastasia had equal shares in the apartment sold by Nikityuks
62.	17	Apr 2008	Email correspondence in April 2008 of Svetlana with her real estate agent regarding the apartment sell and money transfer to Canada (translated to English)
Last Wills and Testaments of Nikityuks, known to Plaintiffs, proving that after their death the principal of the Loan was supposed to be inherited by Svetlana			
63.	18	Sep 9, 2009	Last Will and Testament of Alla Nikityuik
64.		Sep 9, 2009	Last Will and Testament of Valentin Nikityuk
			Overall 2 documents
Power of Attorney with affidavits of lawyer and Russian speaking witness proving that Valentin Nikityuk made a false affidavit; and other PoA related documentation proving that revoked PoA was never used, including for control of Nikityuks’ TFSA accounts			
65.	19	Sep 9, 2009	Power of Attorney of Valentin Nikityuk for Svetlana Danilova (revoked on Oct 24, 2011) (overall 2 documents)
66.		Sep 9, 2009	Power of Attorney of Alla Nikityuk for Svetlana Danilova (revoked on Oct 24, 2011)
			Overall 2 documents
67.	20	Jan 9, 2013	Affidavit of Aurika Karasseva, the Russian speaking witness who verified identity, translated and explained PoA to Nikityuks
68.		Jan 9, 2013	Affidavit of Edward H. Merifield, solicitor who verified identity and ensured that PoA were translated and explained to Nikityuks prior to signing
			Overall 2 documents, proof that Valentin Nikityuk lies in his affidavit that he “unknowingly signed PoA”
69.	21	Oct 19, 2011	Continuing Power of Attorney for Property of Alla Nikityuk appointing Valentin Nikityuk
70.			Power of Attorney for Personal Care of Alla Nikityuk appointing Valentin Nikityuk
71.			Continuing Power of Attorney for Property of Valentin Nikityuk appointing Alla Nikityuk
72.			Power of Attorney for Personal Care of Valentin Nikityuk appointing Alla Nikityuk
			Overall 4 documents
73.	22	Oct 1, 2009	TD Waterhouse Discount Brokerage TFSA application of Alla Nikityuk for the new account # 81R108J
74.			Third Party Determination Statement for account # 81R108J
75.			Customer Agreement for account # 81R108J
76.			Certified copy of id of Alla Nikityuk
77.			TFSA Designation of Successor Holder and/or Beneficiary for account # 81R108J
78.			Discount Brokerage Power of Attorney for account #

			81R108J appointing Svetlana Danilova
79.			Certified copy of id of Svetlana Danilova
80.			Discount Brokerage Trading Authorization on account # 81R108J for Pavel Danilov
81.			TD Waterhouse Discount Brokerage TFSA application of Valentin Nikityuk for the new account # 81R126J
82.			Third Party Determination Statement for account # 81R126J
83.			Customer Agreement for account # 81R126J
84.			Certified copy of id of Valentin Nikityuk
85.			TFSA Designation of Successor Holder and/or Beneficiary for account # 81R126J
86.			Discount Brokerage Power of Attorney for account # 81R126J appointing Svetlana Danilova
87.			Certified copy of id of Svetlana Danilova
88.			Discount Brokerage Trading Authorization on account # 81R126J for Pavel Danilov
		Overall 16 documents proving that Nikityuks were present at the bank appointment in person, signed the documentation themselves and their identity was verified by the bank clerk	
Shared expenses paid by Nikityuks in 2008-2011			
89.	23	Dec 27, 2012	Summary Report from Intuit Quicken software records of Pavel Danilov about shared expenses in the period Jun 13, 2008 – Oct 17, 2011. Nikityuks' share paid from their investment income
90.		Dec 27, 2012	Itemized Shared Expenses Report from Intuit Quicken software records of Pavel Danilov for the period Jun 13, 2008 – Aug 14, 2008 when Pavel, Svetlana, their daughter Anastasia, Alla and Valentin Nikityuk lived together in Etobicoke, available also in electronic form
91.		Dec 27, 2012	Itemized Shared Expenses Report from Intuit Quicken software records of Pavel Danilov for the period Aug 15, 2008 – May 31, 2009 when Alla and Valentin Nikityuk lived in Innisfil all week and Pavel and Svetlana only came on weekends, available also in electronic form
92.		Dec 27, 2012	Itemized Shared Expenses Report from Intuit Quicken software records of Pavel Danilov for the period Jun 1, 2009 – Oct 17, 2011 when all family lived together in Innisfil, available also in electronic form
93.		Jan 27, 2013	CRA website printout of directions for CCA classes and amortization norms to justify the calculation of the household depreciation portion of shared expenses
		Overall 5 documents	
94.		2008-2011	Statements of CIBC chequing account 80-23034 (joint Pavel and Svetlana's) in electronic form – overall 38 documents, proof of Pavel and Svetlana's share of

			expenses
95.		2008-2011	Statements of CIBC chequing account 63-14937 (joint Svetlana, Alla and Valentin's) in electronic form – overall 38 documents, proof of Alla and Valentin's share of expenses
		All documents in electronic format supplied on the USB memory stick attached to Volume 1	
Different chequing accounts and credit cards Nikityuks had in 2005-2012			
96.	24	Aug 15, 2012	Information letter from Scotiabank about joint account 01362 03369 20 – Alla and Valentin were added to the account on Aug 22, 2009 and closed the account on Oct 5, 2011
97.		Jun 24, 2009	Information Letter from CIBC Credit Card Services about increasing limit of CIBC Dividend credit card account to \$6,000
98.		Dec 24, 2009	Information Letter from CIBC Credit Card Services about increasing limit of CIBC Dividend credit card account to \$8,500
99.		Mar 2009	Letter from CIBC Credit Card Services about the new Alla Nikityuk's supplementary credit card
100.		Mar 2009	Letter from CIBC Credit Card Services about the new Valentin Nikityuk's supplementary credit card
101.		Aug 7, 2012	Information letter from CIBC about Visa credit cards: Alla Nikityuk added as a supplementary cardholder on Nov 22, 2005, Valentin – on Jul 3, 2008. Both supplementary card holders removed on July 30, 2012, after they issued a Counterclaim
102.		Aug 17, 2012	Information letter from CIBC about Mastercard credit cards: Alla and Valentin Nikityuk were added as supplementary card holders on Nov 16, 2004 and removed on October 17, 2011
103.		Dec 2008	Welcome letter from TD Canada Trust about TD Visa Rebate Rewards supplementary cards for Alla and Valentin Nikityuk with the credit limit \$7000
		Overall 8 documents	
Proof of Nikityuks' income in 2008-2011			
104.	25	May 22, 2009	CRA Notice of Assessment of Alla Nikityuk for 2008 tax year - \$8,246 total and the same taxable income
105.		May 22, 2009	CRA Notice of Assessment of Valentin Nikityuk for 2008 tax year – \$8,246 total and the same taxable income
106.		Mar 15, 2010	CRA Notice of Assessment of Alla Nikityuk for 2009 tax year - \$20,841 total and \$17,644 taxable income
107.		Mar 15, 2010	CRA Notice of Assessment of Valentin Nikityuk for 2009 tax year - \$20,245 total and \$16,601 taxable income
108.		Mar 14, 2011	CRA Notice of Assessment of Alla Nikityuk for 2010 tax year - \$21,914 total and \$18,596 taxable income
109.		Mar 14, 2011	CRA Notice of Assessment of Valentin Nikityuk for 2010 tax

			year - \$22,293 total and \$18,596 taxable income
		Overall 6 documents	
Proof that Nikityuks spent their Russian pension mostly on entertainment and other private (not shared) expenses			
110.	26	Jun 27, 2011 – Nov 28, 2011	Statements of Visa TD Rebate Rewards credit card – overall 5 documents
Proof that since October 2011 Nikityuks keep fabricating miscellaneous money-relating “incidents” with the purpose to make as much trouble for Plaintiffs as possible and to force Plaintiffs to pay more money to them			
111.	27	Dec 15, 2011	Letter from Wall Armstrong & Green about December 2011 installment of Alla Nikityuk’s Russian pension
112.		Dec 23, 2011	Svetlana’s response to the letter of Wall Armstrong & Green explaining the situation with pension, bank accounts, sponsorship and social assistance of Nikityuks; VOID cheque of support CIBC account and CIBC statement of account 63-14937 for Dec 1-31, 2011 as a proof that Nikityuks always had access to their money attached
		Overall 2 documents, proof that Nikityuks created mess with Alla’s pension on purpose and then accused Plaintiffs that they were “holding” it	
113.	28	Feb 23, 2012	From NLC Lawyers to Fernandes Paralegal Services: fax with request for the Lease Agreement for the residence of Nikityuks
114.		Mar 1, 2012	From Fernandes Paralegal Services to NLC Lawyers: fax with the request to release the money which are in fact the subject of the Loan Agreement or to pay monthly support amount of approximately \$3,000.00 and additional funds, and threats for full investigation by CRA and other governmental agencies assuming that Plaintiffs do something wrong
115.		Mar 23, 2012	From Fernandes Paralegal Services to NLC Lawyer: fax with request to update
116.		Apr 23, 2012	From Fernandes Paralegal Services to LNC Lawyers: fax from Fernandes Paralegal Services with the false statement that Pavel and Svetlana ask Nikityuks to live on \$1,100 a month which of that \$786 goes to rent. Russian pension not mentioned at all, as Nikityuks conceal it from their legal representative. Attached: rent confirmation with all important information smudged out, some bank receipt about irrelevant account of Valentin Nikityuk, incomplete bank statement for April 2012 and some email in Russian without proper translation (also part of exhibit “I” from affidavit of Valentin Nikityuk but in the affidavit all these fabricated documents removed by new Nikityuks’ lawyer)
		Overall 4 documents	
117.	29	Nov 10, 2011	TD Canada Trust credit card account ending 1659 closure confirmation

118.		Apr 26, 2012	TD Rebate Rewards statement for the closed credit card account ending 1659 with 2 transactions "STATEMENT REPRINT" in the total amount of \$140
119.		Jul 7, 2012	CIBC Alert Service notification about downgrade of Pavel's credit status because of the late payment for TDCT VISA account
		Overall 3 documents, proof that Nikityuks had the supplementary TD Visa Rebate Reward card(s) in their possession, used them to receive account statements for the closed Pavel's account and tried to charge Pavel for those statements	
120.	30	Oct 2011 – Dec 2012	Statements of CIBC account 63-14937 - overall 15 documents, available also in electronic form; statements after Dec 2012 can be added later – proof that 1) support never stopped 2) in January-April 2012 Nikityuks created mess on their support account by deliberately putting in deep overdraft status
Cases			
121.	31	Aug 14, 2007	Wentzel v. Goosen, 2007 BCSC 1230 – case about loan agreement between family members.

Doc #	Tab	Date	Description
VOLUME 2: YANA SKYBIN, YMCA & WELFARE FRAUD			
Proof of close relationship between Yana Skybin, Svetlana and her parents, and that Yana Skybin was well familiar with the situation in the family, financial status and good relationships			
122.	1	Aug 5, 2009 - Mar 17, 2011	Family email correspondence with Yana Skybin proving that Svetlana negotiated Nikityuks' admission at YMCA in 2009 and constantly was taking care of all their needs; (overall 38 emails printed out and sorted chronologically, all available also in electronic form)
123.	2	Oct 18, 2009 – Aug 28, 2011	Family email correspondence with Yana Skybin in Russian, proving that Yana had close relationships with Svetlana and her parents and even asked for Svetlana's help with different things which are supposed to be in her capacity as YMCA settlement counselor several times (overall 22 emails in Russian, printed out, sorted chronologically with certified translation, all available also in electronic form)
124.	3	Aug 8, 2013 – Feb 2, 2013	Photos of Yana Skybin with Nikityuks on different occasions, proving that Yana had close personal relationships with Svetlana's parents and was well familiar with the situation in the family.
Correspondence with YMCA proving that YMCA and personally Yana Skybin were aware of the Nikityuks' attempt to scam Canadian social assistance system from day one, and did not react properly			
125.	4	Oct 26, 2011	Letter to YMCA with the request to clarify YMCA's position about YMCA's involvement into Nikityuks leaving the family and fabricating abuse incidents
126.		Oct 30, 2011	Letter to Susan Green, Director of YMCA Newcomer Services with a cheque for \$1741.94 to cover Nikityuks' basic expenses in the period Oct 18-Nov 30, 2011, and a printout from CRA website that on Oct 27, 2011 Yana Skybin is a registered CRA representative of Alla Nikityuk
127.		Nov 11, 2011	Stop payment order dated Nov 10, 2011
128.		Dec 8, 2011	Scotiabank statement as of Dec 8, 2011 proving that Nikityuks didn't cash out the support cheque till Dec 5, 2011 because their welfare application was in process
129.		Dec 15, 2011	Letter to Susan Green, Director of YMCA Newcomer Services, regarding the Sponsorship Agreement Support, with VOID cheque of CIBC support account attached
			Overall 8 documents
Proof that Pavel and Svetlana reported welfare fraud immediately once they became			

aware of the fact, and took all necessary steps with Ontario Works to cut Nikityuks from social assistance they are not eligible for.			
130.	5	Nov 10, 2011	Report about Nikityuks' welfare fraud sent to Ministry of Community & Social Services Welfare Fraud Hotline by email
131.		Nov 14, 2011	Email confirmation from to Ministry of Community & Social Services Welfare Fraud Hotline that the fraud report received
132.		Dec 17, 2011	Report about Nikityuks' welfare fraud sent by fax to Ministry of Community & Social Services Welfare Fraud Hotline Report
		Overall 3 documents	
133.	6	Nov 29, 2011	Letter from County of Simcoe Social Services that Alla and Valentin Nikityuk are in receipt of social assistance under Ontario Works, signed by Crystal Hylton
134.		Dec 15, 2011	Letter from County of Simcoe Social Services that Alla and Valentin Nikityuk received the social assistance in the amount of \$1,644 under Ontario Works, signed by Crystal Hylton
135.		Dec 15, 2011	Letter from Svetlana Danilova to Crystal Hylton, County of Simcoe Social Services, with the notification that the support cheque for the period October-November 2011 for Nikityuks is cancelled because they received social assistance for the same period, and expressed concern why Nikityuks don't withdraw Alla's Russian pension and other funds from CIBC account 63-14937; Void cheque for the CIBC support account and transaction summary of Dec 7, 2011 support payment attached
136.		Dec 29, 2011	Reply of Svetlana Danilova to County of Simcoe Social Services with the explanation that the sponsors Pavel and Svetlana never stopped to provide funds for Nikityuks, with attached statement of CIBC account 63-14937 proving that Nikityuks have access to their money
137.		Jan 6, 2012	Letter from Svetlana Danilova to Building Management of Overden Place Apts, 1 Blake Street, Barrie, with the request of disclosure of financial information based on the Sponsorship Agreement in regard of Valentin Nikityuk and Alla Nikityuk
138.		Jan 9, 2012	Interim Assistance Order of Social Benefits Tribunal in regard of Alla and Valentin Nikityuk, to pay interim assistance effective Dec 1, 2011 to May 31, 2012
139.		Jan 18, 2012	Fax from Pavel Danilov and Svetlana Danilova to Tim Robertson of Ontario Works Main Administration, with CIBC account statement and VOID cheque of the account attached as proof of support never stopped.
140.		Jan 24, 2012	Fax from Pavel Danilov and Svetlana Danilova to Tim

			Robertson of Ontario Works Main Administration, with updated CIBC account statement as proof of support never stopped.
141.		Apr 12, 2012	Letter from Pavel Danilov and Svetlana Danilova to Tim Robertson of Ontario Works Main Administration, sent by registered mail, with updated CIBC account statements as proof of support never stopped.
142.		Nov 27, 2012	Letter from County of Simcoe Social Services with the request to repay the social assistance in the amount of \$1644 received by Nikityuks I 2011, signed by Daphne Yetman
143.		Dec 4, 2012	Copy of cashed cheque in the amount of \$1644 sent to County of Simcoe to cover Nikityuks' debt.
144.	7	Mar 12, 2013	Notification of sponsorship default from Citizenship and Immigration Canada to Pavel Danilov
145.		Mar 12, 2013	Notification of sponsorship default from Citizenship and Immigration Canada to Svetlana Danilova
		Overall 2 documents	
Photos taken in the period 2007-2011 as proof that Nikityuks were happy living in the family and nobody abused them			
146.	8	Oct 16, 2007 – Oct 2, 2011	Family photos taken in the period 2007-2011 as a proof that Nikityuks were happy living in the family and nobody abused them (overall 83 documents printed and hundreds more available in electronic form)
147.	9	Sep 22, 2008 – Oct 2, 2011	Photos taken by Valentin Nikityuk in the period 2008-2011 as a proof that Nikityuks met a lot of other people in different places and on different occasions and nobody "discouraged or obstructed" them from having company or socializing with others (overall 72 documents printed and hundreds more available in electronic)
148.		1974-2011	Video materials in electronic form proving that there were no any abuse in the family, and video fragments showing where Nikityuks might pick up the ideas for fabrication of abuse incidents.
		Electronic materials are provided on USB memory stick attached to Volume 1.	
Greeting cards signed by Nikityuks on different occasions as a proof that they were happy and grateful living in the family, and nobody abused them			
149.	10	Feb 29, 2008	Greeting card for Pavel's birthday
150.		Aug 26, 2009	Greeting card for Pavel and Svetlana's wedding anniversary
151.		Aug 26, 2010	Greeting card for Pavel and Svetlana's wedding anniversary
152.		Mar 8, 2010	Greeting cards for Svetlana on International Women's' Day March the 8 th
153.		Feb 28, 2011	Greeting card for Pavel's birthday
		Overall 5 documents translated from Russian	

Email communications between the family, relatives and friends in Russia as a proof that Nikityuks were happy living in the family and nobody abused them			
154.	11	Jun 02, 2009	Email sent by Alla and Valentin Nikityuk to Alla's cousin Lyuda and her daughter Marina
155.		Jun 06, 2010	Email sent by Valentin Nikityuk to his friend Eugeny Groshev
156.		Aug 13, 2010	Email sent by Valentin Nikityuk to his friend Eugeny Groshev
157.		Aug 15, 2010	Email from Alla's cousin Lyudmila and her daughter Marina to Alla and Valentin Nikityuk
158.		Apr 04, 2011	Email sent by Valentin Nikityuk to his brother Slava Nikityuk and niece Olga
159.		Aug 14, 2011	Email sent by Valentin Nikityuk to his daughters
Overall 6 documents translated from Russian			
160.	12	Nov 11, 2011	Email from Valentin's friend Nikolay Popov to Valentin, Alla, Svetlana and Pavel
Elder Abuse: general public information relevant to the case			
161.	13	October 2008	Elder Abuse. The Hidden Crime: Brochure by Advocacy Centre for the Elderly (ACE) and Community Legal; ISBN 0-88903-258-0
162.	14	Feb 25, 2010	Elder Abuse and Falsely Accused – article by Nafeesah R. Abdullah published on http://voices.yahoo.com ; with comments
Ontario Works Policy Directives			
163.	15	Nov 2008	2.3 Emergency Assistance
164.		Oct 2012	3.11 Sponsored Immigrants
165.		Jul 2008	4.3 Real Property
166.		Jan 2013	5.1 Income and Exemptions
167.		Feb 2009	5.8 Interest and Dividends
Overall 5 documents			
168.	16	2007	Undertaking a Family Class Sponsorship Breakdown, - brochure funded by Citizenship and Immigration Canada and developed by Ontario Council of Agencies Serving Immigration
Miscellaneous			
169.	17	Nov 3, 2010	Power of Attorney executed by Valentin Nikityuk appointing Margarita Alexeeva of St. Petersburg, Russia with the right to control his account in Sberbank of Russian Federation
	18		<i>TAB RESERVED for Supplementary Affidavit of Documents</i>
170.	19	Feb 16, 2013	Photos of basement and office at 1490 Rankin Way, Innisfil proving that Nikityuks always had access to all financial documentation, overall 10 documents
Cases			
171.	20	Dec 9, 2010 – Jun 10, 2011	Canada (Attorney General) v. Mavi 2011 SCC 30 – Case about sponsorship undertaking and responsibility of

			sponsors to repay social assistance obtained by their sponsored relatives
172.	21	Mar 19, 1998	Her Majesty The Queen v LOIS McISAAC and CHARLES McISAAC in the Supreme Court of BC – Case about fraudulent obtaining of social assistance in the amount in excess of \$5,000.
173.	22	Apr 4, 2007	Her Majesty The Queen v Carla Rodney in Ontario Superior Court of Justice – Case about social assistance fraud in the amount over \$5,000
174.	23	Mar 7, 2002	Her Majesty The Queen v John Oliynyk and Irene Oliynyk in The Court of Appeal For Saskatchewan – Case about social assistance fraud in the amount of approximately \$157,000.
175.	24	Sep 12, 1994	Order P-752 on Appeal P-9400179, Ministry of Community and Social Services, Ontario – Case of appeal under the Freedom of Information and Protection of Privacy Act. The appellant requested from the Ministry copies or records relating to welfare fraud and to welfare recipients with substantial financial assets.
176.	25	Apr 11, 2012	Order MO-2716 on Appeal MA10-440, City of Toronto – Case of appeal under Municipal Freedom of Information and Protection of Privacy Act. The appellant sought access to her complete file held by Toronto Employment and Social Services including records received from a complainant.

Doc #	Tab	Date	Description
VOLUME 3: COSTS AND DAMAGES			
Before Canada Support			
177.	1	Feb 8, 2005 – Nov 7, 2005	Citi Mastercard statements for the period February – November 2005 - overall 10 documents proving withdrawals of support funds in Russia in the total amount of \$7121.60
178.	2	Dec 2005 – Jan 1, 2008	CIBC Personal Account 63-14937 Statements and Bankbook Reconstruction Reports proving regular international withdrawals in rubles, equivalent to approximately \$400-\$450 per month, in the total amount of \$10,680.23 – overall 10 documents
179.	3	Nov 17, 2004	Receipt for \$1100 paid by Svetlana Danilova to Citizenship and Immigration Canada for the immigration application of Alla and Valentin Nikityuk
180.		Feb 28, 2005	Receipt for \$1100.05 paid by Svetlana Danilova to Pekao Travel for the air ticket for the trip to Russia to support Alla Nikityuk's surgery
181.		Aug 22, 2005	Electronic air ticket for Alla Nikityuk visit in October 2005
182.		Oct 20, 2005	Travel Insurance Declaration Form for Alla Nikityuk visiting in October-November 2005, purchased by Svetlana Danilova for \$144
183.		Oct 17, 2007	American Express credit card statement proving the purchase by Svetlana Danilova of air tickets for Alla and Valentin Nikityuk in the total amount of \$2300.58 and travel insurance in the total amount of \$266.47
184.		Oct 1, 2007	Manulife Financial travel insurance policy for Alla Nikityuk (total premium \$117.81) and Valentin Nikityuk (total premium \$148.66) – overall 2 documents
185.		Dec 14, 2007	Receipt for \$980 paid by Svetlana Danilova to Citizenship and Immigration Canada for the immigration processing of Alla and Valentin Nikityuk
186.		Jun 6, 2008	Mastercard credit card statement proving the purchase by Pavel Danilov of air tickets for Alla and Valentin Nikityuk in the total amount of \$1901.46, and e-ticket confirmation for the same flight, for the amount of 1871.50 USD – overall 2 documents
187.		Jun 17, 2008	American Express credit card statement proving the purchase by Pavel Danilov of the SIM cards for Alla and Valentin Nikityuks cell phones in the amount of \$90.40, and by Svetlana Danilova of the travel insurance for Alla and

			Valentin Nikityuk in the amount of \$927.67
188.		May 29, 2008	Manulife quote and information received by Svetlana Danilova by email from Krista DeKuyper with the cost of emergency medical insurance for Alla and Valentin Nikityuk, in the total amount of \$927.67
		Overall 13 documents	
Apartment rented for Nikityuks in preparation of their arrival to Canada			
189.	4	Apr 18, 2008	Rental application for apartment 802 at 73 Widdicombe Blvd, Etobicoke, for Alla and Valentin Nikityuk
190.		Mar 19, 2008	Floor plan of the similar apartment sent to Valentin Nikityuk by email
191.		Mar 3, 2008	Receipt for the last month rent deposit in the amount of \$1120
192.		Apr 30, 2008	Receipt for the additional parking space in the amount of \$100
193.		Jun 19, 2008	Confirmation of residency for Pavel Danilov, Svetlana Danilova, Anastasia Danilova, Alla Nikityuk & Valentin Nikityuk
		Overall 5 documents	
Second car lease			
194.	5	Jun 1, 2008	Vehicle Lease Agreement between Pavel Danilov and Honda Financial Services about Honda Civic 2009
195.	6	Jan 19, 2011 – May 1, 2012	Certificates of automobile insurance for the period 2011-2013 – overall 7 documents
196.	7	Aug 18, 2012	Receipt from Lease Busters Inc. for the advertising of lease take over, the ad printed from the web site – overall 2 documents
197.	8	Sep 14, 2010	Barrie Honda Service invoice – odometer reading 49,493 km
198.		Feb 9, 2011	Barrie Honda Service invoice – odometer reading 61,254 km
199.		Aug 31, 2011	Barrie Honda Service invoice – odometer reading 72,614 km
200.		Nov 19, 2012	Beach Rd. Auto Repair Inc. invoice – odometer reading 80,281 km; tires replaced for \$440.70
201.		Jan 19, 2013	Calculation of average mileage per day when Nikityuks used the car (68 km/day) and when they don't (11 km/day)
		Overall 5 documents	
Damages caused by CPL motion			
202.	9	May 25, 2010	Appraisal of property located at 1490 Rankin Way Innisfil for Scotia Bank – value at May 25, 2010 is \$325,000
203.		Oct 19, 2012	Appraisal of property located at 1490 Rankin Way Innisfil for Svetlana and Pavel Danilov – value at Oct 19, 2012 is \$360,000; the difference with previous appraisal is \$35,000
204.	10	Jan 1, 2011	Scotiabank annual mortgage statement from January 1 to December 31, 2011 with a proof that up to 80% of the

			equity in the house can be borrowed
205.	11	Jan 10, 2013	Printout from the website of Interactive Brokers with standard Margin Requirements for US stocks.
206.			Printout from the website of Interactive Brokers with the proof that margin requirements for AGNC stock are in fact standard
207.	12	Oct 18, 2012	Copy of the fax sent by NLC Lawyers to HGR Graham Partners LLP (lawyers of YMCA) and to Community Legal Clinic (lawyers of Alla and Valentin Nikityuk) about the intention of Pavel & Svetlana Danilovs to borrow about \$30,000 against the property with the purpose to buy AGNC stock for \$30 per share
208.	13	To be updated at the last moment	Printout from website http://finance.yahoo.com with historic quotes of AGNC stock
209.	14	Jan 10, 2013	Printout from website of Interactive Brokers proving interest rate charged by the broker on the margin balance 1.67%
210.	15	Dec 10, 2012	Scotiabank personal credit line statement proving annual interest rate 3.5%
211.	16	Jan 14, 2013	Invoice of Explore World Corporation for Notarized Affidavits of Aurika Karasseva and Edward H. Merifield, in the amount of \$524
212.	17	Mar 16, 2013	Notice from Pavel Danilov and Svetlana Danilova to Erik Bornmann, Community Legal Clinic about the intention to sell AGNC stock and to buy ARR stock instead, and attached calculation of damages caused by CPL motion, in the amount of \$18,479.25
213.	18	To be updated at the last moment	Printout from website http://finance.yahoo.com with historic quotes of ARR stock
Other Expenses			
214.	19		<i>TAB RESERVED for Supplementary Affidavit of Documents</i>
215.	20		<i>TAB RESERVED for Supplementary Affidavit of Documents</i>
216.	21	Jan 29, 2013	Receipt of Vladimir Kravtsov, certified translator, in the amount of \$200, for Russian to English translation
Legal Expenses			
217.	22	Feb 22, 2012	Agreement, initial retainer invoice and copy of cheque paid to NLC Lawyers, Raj Napal, Barrister & Solicitor, for legal service, in the amount of \$3390
218.		Aug 24, 2012	Retainer receipt and copy of cheque paid to NLC Lawyers, Raj Napal, Barrister & Solicitor, for legal service, in the amount of \$3000
Overall 4 documents			
219.	23	Jan 5, 2012	Invoice and copy of cheque paid to Sergiy Timokhov, Barrister & Solicitor, for legal service, in the amount of \$1356
220.		Jan 16, 2012	Invoice and copy of cheque paid to Sergiy Timokhov, Barrister & Solicitor, for legal service, in the amount of \$346

221.		Dec 13, 2012	Invoice for the initial review of the file, in the amount of \$5000
222.		Dec 28, 2012	Invoice and copy of cheque paid to Sergiy Timokhov, Barrister & Solicitor, for legal service, in the amount of \$553.70
		Overall 7 documents	
Damages caused by difference in tax return			
223.	24	2009-2011	Tax Return Summaries of Pavel Danilov and Svetlana Danilova, printed from TurboTax software, for tax years 2009-2011, filed and corrected to 10% of Nikityuks annual income, admitted by them as in "verbal" agreement, to prove the difference coming from Nikityuks' interest income.
224.	25	2012	Tax Return Summary of Pavel Danilov and Svetlana Danilova, printed from TurboTax software, for tax year 2012, filed and hypothetical if Nikityuks annual income was as high as in 2009-2011, to prove the difference coming from Nikityuks' interest income.

SCHEDULE B

Documents that are or were in my possession control or power that I object to producing on the grounds of privilege:

(a) "solicitor-client privilege" means the privilege attaching to documents that constitute, contain, record or reflect confidential communications passing between a client, or an expert retained on behalf of a client, and the client's solicitors, where the communications were made in the course of the obtaining or providing of legal advice, and the solicitors were acting in a professional capacity as solicitors;

(b) "litigation privilege" means the privilege attaching to documents that were created or came into existence for the dominant purpose of assisting a party or its solicitors in the conduct of pending or reasonably anticipated litigation;

(c) "without prejudice privilege" means the privilege attached to documents constituting communications between the parties or their solicitors made for the purpose of attempting to compromise or settle the litigation or the issues between them, or expressing opinions or views on the merits of the litigation.

Doc #	Date	Description	Ground of Privilege
225.	2003-...	CRA assessment confirmations of Pavel Danilov & Svetlana Danilova starting from tax year 2003 and later	Litigation
226.	Aug 2008 - ...	Brokerage, chequing, savings, credit card, RRSP and TFSA accounts statements of Pavel Danilov & Svetlana Danilova, not listed in Schedule "A", starting from August 2008, some on paper, some in electronic format. Electronic documents are provided on the USB memory stick attached to Volume 1.	Litigation
227.	Feb 9, 2013	Letter from Pavel Danilov to Community Legal Clinic, for Nikityuks, by mail only: Documents for Nikityuks' tax return 2012. Attached: 1) Report "Alla & Valentin Investment Income 2012" from Pavel's personal accounting system 2) Family Loan Remaining Principal Statement for tax years 2008-2012 3) Projected value of the Loan principal 4) Future	Without prejudice

		Deductions from the Loan principal 5) Copy of the Loan agreement	
228.	Mar 1, 2013	Letter from Pavel Danilov to Community Legal Clinic, for Nikityuks, by mail only: Second request to sign and return the annual statement of the Loan principal for tax return purpose	Without prejudice
229.	Mar 15, 2013	Letter from Pavel Danilov to Community Legal Clinic, for Nikityuks, by registered mail: Notice of Breach of Contract (Loan Agreement)	Without prejudice

SCHEDULE C

Documents that were formerly in my possession, control or power but are no longer in my possession, control or power:

230. The originals of letters emanating from the Plaintiffs, copies of which are listed in Schedules "A" and "B"; such documents are believed to be in the possession of the addressees, who received possession of them from the Plaintiffs on or about their respective dates.
231. Statement of the remaining principal on the Loan Agreement as of December 31, 2011 – sent to Nikityuks for signature by registered mail in Feb 2012 for the preparation of 2011 tax return and never returned.
232. Statement of the remaining principal on the Loan Agreement as of December 31, 2012 – sent to Nikityuks' lawyer for signature by registered mail in Feb 2013 for the preparation of 2012 tax return and never returned.

SVETLANA DANILOVA AND PAVEL DANILOV

and

ALLA NIKITYUK, VALENTIN NIKITYUK, YANA SKYBIN,
YOUNG MENS CHRISTIAN ASSOCIATION operating as
YMCA SIMCOE/MUSKOKA AND YMCA
SIMCOE/MUSKOKA NEWCOMER SERVICES

Plaintiff

Defendants

Court File No.

12-0545-SR

**ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at Barrie**

**AFFIDAVIT OF DOCUMENTS
OF SVETLANA DANILOVA AND PAVEL
DANILOV**
