

THE QUEEN'S BENCH
Winnipeg Centre

In the matter of: An application under the Domestic Violence & Stalking Act

Between:

LIONEL BOUCHARD

Applicant,

- and -

ANDRÉ BOUCHARD, LYNDA STAUB, CLAIRE DEMERY

Respondents,

AFFIDAVIT OF LIONEL BOUCHARD

I, Lionel Bouchard, of the Town of Elie, in the Province of Manitoba,

MAKE OATH AND SAY THAT:

1. I am the applicant in this matter and make this Affidavit in support of my application to this Honourable Court for such interim and final orders as the Court deems meet, including the return of the original power of attorney dated January 10, 2006. While in the hospital, in the early stages of recuperating from a concussion to the back of the head, André Bouchard (Andy) initiated a power of attorney for myself at his lawyer's office. While at the Grace Hospital cafeteria Andy concealed the document, which I had been vehemently refusing to sign for over half an hour, beneath the insurance and driver licence renewal forms. In so doing, he cunningly ~~he~~ deceived me into signing this power of attorney made out in his and Lynda Staub's favour. This event was witnessed by Marlene Légaré, my daughter of B.C. Upon learning of its existence, I immediately revoked the power of

attorney on January 27, 2006.

(Exhibit A)

2. I am also requesting the return of my van and personal belongings which Andy has instructed Mike Slegers not to return to me, left at Mike Slegers while I lived there temporarily. (Exhibit B)

3. If the court deems to see fit, after reviewing all the evidence herewith, I am seeking extraordinary and unprecedented remedy whereby, after five years, at age of 87, whereby Judge Harvey recognized the horrific senior abuse I have been subjected to at the hands of Andy, having been subjected to untold emotional, physical and psychological abuse in his refusal to honour his written agreement with me in 2002. In 2008, the judge saw fit to award me possession of my home. The civil claim commenced in 2008, whereby the judge was leaning towards awarding me possession at the time when Andy, to circumvent this order, deliberately sought to delay the matter claiming to have a purported document releasing him from our agreement, contrary to his promises to his siblings in 2006 that I would be allowed to return to my home in June 2006. (Exhibit C)

4. I have been a resident of Manitoba all my life. I was escorted out of Manitoba by two private investigators to live in B.C. temporarily with my daughter, on the advice of my lawyer who feared for my safety. While in the process of getting a possession order, I was held against my will at Mike Slegers' on Andy's instructions. My van was locked up in a shed on his farm. My cellular was taken from me. I was not allowed "out of Andy's sight", a statement Andy made to my cousin Jules Chartrand who came to see me at Mike Slegers to invite me out for coffee. I was not allowed, not until such time as I signed off on the two caveats. In January 2006, Andy had put up the farm for sale to which I have a life estate, this while I was recuperating in the hospital. (Exhibit D)

5. I am currently paying rent in St. Francois pending a possession order to my home Elie. I was evicted by Andy in February 2006, with agreements signed that I return by June 1, 2006. Andy has

refused to allow me to return to my home despite written and verbal agreements to me, family and friends. I was forced to register a life estate caveat, as the original agreement signed at the time of the sale of the Centennial home to Andy, the eldest of my two sons, deliberately did not get registered, nor the mortgage I held for him and to which he still owes me money to this day.

(Exhibit E)

6. Andy has confirmed by his own actions that he is still intent on committing me, his primary intent since my fall as he told Marlene that "I could live another twenty years" in disgust. Andy refuses to honour our life estate agreement and believes by committing me, that will resolve his financial problems.

(Exhibit F)

7. I was deemed competent by my doctor on several occasions, and by the Maple Ridge Mental Health unit in 2010, when I underwent a voluntary assessment in anticipation of this claim. (Exhibit G)

8. In their affidavits, these children refer to being "embarrassed" by having Protection Orders issued against them. It is obvious they do not consider the fact that they have tossed out me, their father, "on the street" so to speak, at age 82, this when most vulnerable having just come out of the hospital recovering from a traumatic head injury whereby I almost died twice according to the nurses. Despite written agreements, they refused to allow me, their father, to return to his home of over fifty years. This behaviour can only be described as despicable, the height of senior abuse and cruelty which no father should have had to undergo and for which the Court needs to address in issuing incontestable protection orders to ensure my safety for the rest of my life.

(Exhibit H)

9. Lynda Staub drafted two discharges for me to forfeit my claim whereby my lawyer reported her to the law society.

(Exhibit I)

10. Lynda, in her position at Winnipeg Land Titles, withheld registering Andy's mortgage taken out on December 14, 2005, two days before my fall, until February 13, 2006, the day prior to her being

confident that they could obtain Peace Bonds against Marlene in Portage La Prairie. (Exhibit J)

11. Currently I suffer from shingles, a condition caused by stress which these three children have subjected me to over the past five years since evicting me out of my home. I also carry Nitro spray in the event I have a heart attack and have done so for years. My hearing aids are defective and I am awaiting the five-year period at which time in March I qualify for a new hearing aids through W.C.B., hearing loss due to driving a grader for over 30 years, aggravated by my fall in 2005. (Exhibit K)

12. My daughter Lynda Staub works at Winnipeg Land Titles for the past twenty years. I had been in contact with her weekly over the years, this by her own admission. Lynda was in a position to ensure my rights were not violated but chose not to do so, which has resulted in my having been tossed out of my home for the past five years, this at the age of 87, when I should be reaping the rewards of my hard labour on the Bouchard farm in Elie since 1957, the year Andy was born, in Elie. (Exhibit L)

13. My daughter, Marlene Légaré, was the only one of my eight remaining children who came to aid to return me to my home from the hospital. Andy, Lynda, and Claire as well as another daughter, Helene Johnson who lives in the States, aggressively came against her, attacking her credibility, her career, and used the RCMP, Crown and the legal system to charge her repeatedly to detain her and to discourage her from assisting me, which only increased her resolve. After Andy's call to her in January 2006, she was very troubled by the fact that Andy had told her he was looking to commit me and had looked at facilities in Portage La Prairie, which he confirmed to a good friend Susie Waldner at the hospital. When exposed to his siblings, Andy then began a campaign to slander Marlene and to deceive his out-of-province siblings stating that the St. Eustache Manor he had resorted to send me to, was an assisted living complex, when in fact it is a low rental Manitoba Housing Complex open to tenants of all ages. Andy spearheaded all the charges against Marlene, slandering her to the RCMP as she was resident of B.C., which it made it easy to do as she is not known in Manitoba having moved

to B.C. in 1972. Andy smeared her name in the newspaper, embellishing the situation and making false statements to discredit her to her clients in B.C. as the story ran in B.C. as well. The final injustice was when Andy presented the magistrate with a typed list of names that Andy claimed had wanted her to undergo a psychiatric assessment for the past several years, an evaluation required for her in order to obtain bail. The majority of individuals on that list have denied authorizing or even being aware their names were being used, including Andy's own lawyer who Marlene had never met. Refer to Marlene's affidavit.

(Exhibit M)

14. Andy's motives to ensure that I would never go home, was the fact that he had remortgaged his property in Portage La Prairie for \$185,000 two days prior to my fall. He went into my home, against my wishes on New Year's Day 2006, while I was in the hospital, and destroyed, by Lynda's own admission in an email, 27 bags of "garbage" as she called it which were my clothes, personal belongings, and the majority of my paperwork which Andy decided was to be tossed out. I have compiled a list of personal belongings which I place a value of \$5,000 to replace.

(Exhibit N)

15. Andy has loathed me for years, has screamed at me on the farm, has destroyed my trees, disabled by motor-home on two occasions, and on another occasion the RCMP had to be called in order to release my motor-home at the farm, Andy has stolen my mail, poured acid in my new van, conducted telephone banking impersonating me, requested six months of cellular bills using a revoked power of attorney. All three tried to get banking information at the Bank of Montreal in 2008 whereby the bank notified me. One of my daughters impersonated my sister Madeleine Fillion who has power of attorney on my account. Claire has used a revoked power of attorney to close down my overdraft at the Caisse Populaire in Elie, and then transferred \$2,000 to another plan, obtained my medical records without my authorization, Andy backdating his request to the day he had power of attorney, Claire having approached David Bradley for a copy of a power of attorney made out in her favour without my knowledge, used it to financially hemorrhage me conducting business without my knowledge and to my detriment. Lynda has harassed me repeatedly with the RCMP at my daughter's in B.C., threatened

to charge me with child abuse and when on my lawyer's advice I complained to the RCMP Lynda refused to answer their calls. Breaching the "No Contact" orders Andy, Lynda and Claire attended funerals of my brother and brother-in-law so that I was unable to attend for fear of being apprehended by them, or at my sister's funeral whereby my nephew Roland Bouchard had been solicited by Andy to force me against my will as had occurred at the Holiday Inn in January 2006.
(Exhibit O)

16. Upon stealing my cellular phone, as well as my daughter Marlene's, out from B.C. to assist me returning home, Andy was charged with two counts of theft and a No Contact which he breached immediately when he used his wife and sisters to make contact with me and to present me with a written agreement which he refused to honour in any event. Andy convinced Crown to stay the charges citing "family dispute" as the cause, sending a clear message that it not against the law to steal from family members or breach "No Contact" orders.
(Exhibit P)

17. On September 16, 2010, I was unable to travel due to medical reasons, and as a result the protection orders were set aside.
(Exhibit Q)

18. In addition, I had no legal representation. Attached herewith is my rebuttal to Andy's affidavit.
(Exhibit R)

19. A rebuttal to Lynda Staub's affidavit is attached.
(Exhibit S)

20. A rebuttal to Claire Demery's affidavit is attached.
(Exhibit T)

21. As all three of my children insist that, despite not wanting to have anything to do with me, they are trying to make me a ward of the public trustee.
(Exhibit U)

22. Attached is a list of what actions each of these children have done for me over the years.
(Exhibit V)

23. In October 2010, I was informed in the six weeks since the protection order had been removed,

consideration is made to the five years that I have had to endure outsted of my own home. (Exhibit W)

24. Lynda Staub and Andy, Claire and Helene's only motivation is not the love and care of both her parents, rather what they are able to inherit from both her parents. (Exhibit X)

25. My affidavit as sworn in Winnipeg in October 2009. (Exhibit Y)

26. In October 2010, I was informed in the six weeks since the protection order had been removed, there had not been any incident. Within minutes, the first encounter with my daughter Lynda, she accused Marlene of abducting me at the airport, similar to past false allegations which detained her, meant to separate the two of us, clearly indicating to the court that this harassment and senior abuse will only continue going forward and why for my safety, protection orders are necessary. (Exhibit Z)

24. On hearing the evidence given, and on finding that domestic violence as defined under this Act has occurred, and on belief by the applicant that that the domestic violence will continue, and upon reviewing the evidence, both written and verbal, the court can only deem it advisable to grant me these protection orders for immediate protection and that there be several conditions, that the original power of attorney made out in favour of André Bouchard and Lynda Staub be returned to me, that my van and all personal belongings as described in Winston Smith's letter in 2008, currently at Mike Slegers be returned forthwith, and that the court grant me an immediate possession order for my home according to the life estate issued in 2002 based on the evidence of cruelty and senior abuse I have undergone over the past five years. Clearly my rights were violated repeatedly, this at the most vulnerable time in my life. As a result of such an extreme case of disrespect for the law and cruelty to me, their father, in light of my advanced age of 87, this warrants an extreme order as to grant me my home as is rightfully as I need to live the rest of my life in peace and make request to the court for such immediate remedy to such an extreme case of senior abuse as I find myself in at this time and for this I seek recourse from the court.

24. I make this Affidavit bona fide.

SWORN Before me at the City of)
Maple Ridge)
Winnipeg, in the Province of)
Manitoba, the ~~8th~~ day of)
British Columbia)
February, 2011.)
April

Lionel Bouchard
~~XXXXXXXXXXXXXXXXXXXX~~

LIONEL ANDRE BOUCHARD

Wendy D. Whitter
A Notary Public in and for the
Province of Manitoba.
A Notary Public in and for the Province of
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