

THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: An application under "The Domestic
Violence and Stalking Act"

BETWEEN:

LIONEL ANDRE BOUCHARD,

Applicant,

- and -

ANDRE LIONEL BOUCHARD, CLAIRE DEANNA DEMERY, and
LYNDA STAUB,

Respondents.

TRANSCRIPT OF PROCEEDINGS, before Judicial
Justice of the Peace Harvey, held at the Law Courts
Complex, 408 York Avenue, in the City of Winnipeg, Province
of Manitoba, on the 31st day of October, 2009.

APPEARANCE:

MR. L. BOUCHARD, in Person

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1 OCTOBER 31, 2009

2

3 THE COURT: The time -- you can sit, sir.

4 MR. BOUCHARD: Yeah, okay. I just want to get
5 closer.

6 THE COURT: Okay. The time is 9:10 at night and
7 it's Saturday, October 31st, 2009. These are applications
8 for protection orders under The Domestic Violence and
9 Stalking Act. The designated justice conducting these
10 proceedings is myself, my initial is B, and my last name is
11 Harvey, H-A-R-V-E-Y. Now, the applicant -- I have four
12 protection orders here. There's four of them and you're
13 the applicant in all four of them; is that correct, sir?

14 MR. BOUCHARD: Yes.

15 THE COURT: Okay. And your name is Lionel, L-I-
16 O-N-E-L, Andre, A-N-D-R-E, Bouchard, B-O-U-C-H-A-R-D; is
17 that correct?

18 MR. BOUCHARD: Correct.

19 THE COURT: And what is your date of birth?

20 MR. BOUCHARD: January 22nd, 1924.

21 THE COURT: All right. I think we're going to
22 first deal with the application against your son. Let's
23 get that one out first. Your son is Andre, A-N-D-R-E,
24 Lionel, L-I-O-N-E-L, Bouchard, B-O-U-C-H-A-R-D; is that
25 correct?

26 MR. BOUCHARD: Correct.

27 THE COURT: And what is your son's date of birth?

28 Do you know how, what, when his birthday is?

29 MR. BOUCHARD: No, I'm not sure.

30 THE COURT: Do you know around how old he is?

31 MR. BOUCHARD: September sometime.

32 THE COURT: How old do you think he is, though?
33 Fifty? Forty? Thirty?

34 MR. BOUCHARD: He would be 48, I would say.

1 THE COURT: Around 48.

2 MR. BOUCHARD: In that ballpark.

3 THE COURT: Around there. All right. Okay. One
4 moment. Okay. So during these proceedings you have to
5 speak loud and clear. If I ask you a question, you cannot
6 nod your head yes or no, you have to answer yes or no; do
7 you understand that?

8 MR. BOUCHARD: Okay.

9 THE COURT: Good. I'm also going to caution you
10 that Andre, your son, can listen to these taped
11 proceedings. So, if you had to flee your house or go in
12 hiding, don't tell me where you're hiding; do you
13 understand?

14 MR. BOUCHARD: Yes.

15 THE COURT: Okay. I'm also going to let you
16 know, because Andre doesn't know you're here today, I need
17 to hear the whole truth, whether it's good or bad for you,
18 because if you don't tell me the truth or don't tell me the
19 whole story and if I did grant you this order and then if
20 the higher court reviewed it, that order may not stand; do
21 you understand that?

22 You have to say --

23 MR. BOUCHARD: Yes.

24 THE COURT: -- yes or no.

25 MR. BOUCHARD: Yes.

26 THE COURT: Okay. So, and just for the record,
27 you told me you're hard of hearing. You have a hearing aid
28 but it doesn't work that good, so I've asked you to lift
29 your hand up if you don't understand what I'm saying or if
30 I'm speaking too quickly. You did tell me you can lip read
31 a little bit, so I'm trying to speak loud and I'm trying to
32 speak as slow as I possibly can. Okay?

33 MR. BOUCHARD: Okay.

34 THE COURT: I've read your application regarding

1 Andre. So you son, there is an order right now that your
2 son can have no contact with you; is that correct?

3 MR. BOUCHARD: Correct.

4 THE COURT: And that's through the Headingley
5 RCMP?

6 In your -- hold on. On appendix 6, there is a --
7 do you have a copy of all this?

8 If you can look at appendix 6, please. I'm going
9 to get you to look at this.

10 And just for the record, one of your daughters is
11 in the courtroom and she's just passing you the
12 documentation.

13 On page, on page 2, the third last paragraph, it
14 says the RCMP in Headingley put a no contact order on him
15 because he's allegedly stole your cell phone and some
16 binder regarding legal information.

17 Can you give him that? Thank you.

18 MR. BOUCHARD: So Andy has no contact with me
19 right now.

20 THE COURT: Well, that's what it says here. It
21 looks like, it looks like the Headingley RCMP put a no
22 contact order on Andy; is that correct?

23 MR. BOUCHARD: Correct.

24 THE COURT: Okay. And it looks like he's
25 breaking it and nothing's happened. Has he -- from your
26 documents here it said that he broke it.

27 MR. BOUCHARD: (Inaudible).

28 THE COURT: Your documentation here --

29 MR. BOUCHARD: Yes.

30 THE COURT: -- that you signed before your,
31 before a lawyer, it said at some point Andy broke the order
32 and that the police didn't charge him. Do you remember
33 signing this documentation, sir? This one that's before,
34 that's right in front of you?

1 MR. BOUCHARD: If I remember signing it?

2 THE COURT: Yes.

3 MR. BOUCHARD: Yes.

4 THE COURT: Okay. I'm just finishing reading
5 this, one moment.

6 I'm guessing we're going to have a few problems.
7 Right now, you're not a ward of the Public Trustee. And
8 your daughter Marlene (phonetic) is in the courtroom today,
9 and from what I can see she doesn't have committee over
10 you, so she has no legal backing that I can see. Okay.
11 She's nodding her head that she may have committee. Let me
12 see, one moment. Okay. One moment.

13 Okay. So what your daughter Marlene has given me
14 is a power of attorney, but it, it's not a committee
15 through the Public Trustee to deal with, or she can't
16 represent you right now in court. She's here in the
17 courtroom but I told her before, on the outside of the
18 courtroom, I'm not swearing her in to talk on your behalf,
19 because she's not entitled to unless she has committee
20 through the Public Trustee, whether you're under The
21 Vulnerable Persons Act or under the Public Trustees.

22 I've read all the documents that you have here.
23 The problem is, I, I understand what's happening, sir, and,
24 and I'll speak to you, as well -- I don't know what your,
25 is it Legar (phonetic).

26 MS. LEGARE: Legare.

27 THE COURT: Legare, sorry. L-E-G-A-R-E.
28 Everything that I've read here from -- well, I'm going to
29 ask Ms. Legare a question at this point, because I, I think
30 your dad's going to have trouble answering. Do you mind if
31 I ask your daughter a few questions?

32 MR. BOUCHARD: Okay.

33 THE COURT: Okay. Let's start with Andy. Is
34 that no contact order still in effect?

1 MS. LEGARE: No.

2 THE COURT: Is that because there was a peace, it
3 says here they went and applied for a peace bond.

4 MS. LEGARE: That was a separate issue.

5 THE COURT: Okay. Why is that no contact order
6 no longer in effect?

7 MS. LEGARE: Because -- I have a document here.
8 There was the no contact and he got dad to sign an
9 agreement and he got one, he got the other two, the other
10 two sisters to come in and represent him on this when, in
11 fact, there should have been no contact and there should --
12 there was the no contact and he shouldn't have been doing
13 this. He was doing this indirectly.

14 THE COURT: So did the police drop the charge, or
15 the Crown drop --

16 MS. LEGARE: What happened is, because of this,
17 and he had no intentions of honouring it, he was able to --

18 THE COURT: This is appendix 8; right?

19 MS. LEGARE: Yeah, that's correct.

20 THE COURT: Okay.

21 MS. LEGARE: At this time, on the, the, on the
22 day before, yes, on the Sunday, this was drawn on the
23 Monday. On the Sunday there was a no contact for Andy
24 against, in favour of dad and myself. After signing this,
25 he told me I could not stay in dad's house because he's the
26 registered owner. So he had me removed and then he got
27 dad, grabbed him and took him into the RCMP station and had
28 him drop the, the theft charge and the no contact. Mine
29 stayed, but his did not.

30 THE COURT: Okay. And that was in 2006?

31 MS. LEGARE: Yes. If the RCMP, who admitted it
32 in their records, had enforced it, we wouldn't be here
33 today. Dad would have not been kicked out of his home.

34 THE COURT: Okay. So, the problem is your dad's

1 applying for an emergency basis order under the domestic
2 violence and stalking. So it's not stalking. I've read
3 everything, it's not stalking. The only way would be under
4 domestic violence. I'm assuming at some point his children
5 have all lived with him; correct?

6 MS. LEGARE: And they were raised by him on that
7 farm.

8 THE COURT: Yes.

9 MS. LEGARE: Yes.

10 THE COURT: Okay. It's more, it's more elder
11 abuse than domestic violence. That's what's happening
12 here, it sounds like, from everything that I've read. The
13 problem is this needs to go into the courts. There's a
14 civil, there's also, like you have civil numbers here. So,
15 this has gone before a Queen's Bench justice already, or
16 some of these matters have gone before a Queen's Bench
17 justice, I'm assuming.

18 MS. LEGARE: They haven't been finalized yet.
19 He's (inaudible) --

20 THE COURT: But there is the affidavit, there's a
21 civil since 2008 --

22 MS. LEGARE: It's, it's --

23 THE COURT: -- there's been a civil --

24 MS. LEGARE: It's ongoing.

25 THE COURT: -- motion here.

26 MS. LEGARE: Yes. It's ongoing.

27 THE COURT: This needs to go back before that
28 judge, or justice I should say. Everything here has to go
29 back before the justice, because whether they can grant a
30 prevention order under the domestic violence Act, I'm not
31 sure. Because this is more -- is it domestic violence or
32 is it elder abuse? There's a difference between the two of
33 them. A Queen's Bench justice can grant an order under The
34 Family Maintenance Act, there's different acts they can

1 grant orders, where I don't have jurisdiction to grant an
2 order to give him protection from his children. You should
3 be going through the Public Trustee, talking to them to
4 find out what steps you have take.

5 MS. LEGARE: We've, I think we've exhausted all
6 those routes.

7 THE COURT: What about committee?

8 MS. LEGARE: Why would you go committee? He's
9 got no mental issues whatsoever, he's just got a hearing
10 issue at times.

11 THE COURT: Okay.

12 MS. LEGARE: He's got no mental issue whatsoever.

13 THE COURT: Okay.

14 MS. LEGARE: The thing is, he's been staying with
15 me in B.C. because the lawyer sent him out there for his
16 own safety.

17 THE COURT: Yes.

18 MS. LEGARE: If he comes back here pending the
19 court, he's going to be harassed and they are just going
20 to --

21 THE COURT: Well, how would they know where he
22 is? How would --

23 MS. LEGARE: Have you lived in a small town
24 before?

25 THE COURT: Yes.

26 MS. LEGARE: There's your answer.

27 THE COURT: Okay. But if he comes back -- but
28 you, okay, so you live in B.C.?

29 MS. LEGARE: Correct.

30 THE COURT: Okay. So, he's been living in B.C.
31 for a while.

32 MS. LEGARE: Since he was escorted out of the
33 province with two private investigators last August, on the
34 18th. So it's been like 10 months already and he'd like to

1 come back and deal with it but he's not safe to come back
2 here.

3 THE COURT: Okay. Well, it's quite the dilemma,
4 but, unfortunately, with this Act my hands, where I have
5 jurisdiction to deal with that, my hands are very tied in
6 this. I have a very small jurisdiction when it comes to
7 protection orders and what I can grant and what I cannot
8 grant. When you got --

9 MS. LEGARE: He, he got the no contact based on
10 the theft that my brother did to him.

11 THE COURT: Yeah.

12 MS. LEGARE: And it's gotten worse. He's just
13 run with it since then. Everything that he can think of,
14 going into his bank account, stealing his mail, sending the
15 police to harass him in B.C., on and on, you name it, he
16 has done it.

17 THE COURT: Okay.

18 MS. LEGARE: This person does not observe any law
19 whatsoever. As you can see, he had a no contact when he
20 drew this up.

21 THE COURT: Well, that's something you should be
22 going to the police --

23 MS. LEGARE: Oh, I will.

24 THE COURT: -- and having him charged.

25 MS. LEGARE: I will be after this, but I'm just
26 trying to keep dad safe in the meantime.

27 THE COURT: Yeah, I totally understand that.

28 MS. LEGARE: He is 85 and a half. Like at some
29 point we have to get on with our life.

30 THE COURT: Um-hum.

31 MS. LEGARE: And why should we, why should he be
32 running scared knowing that the minute they know he's here
33 -- we've been here for a week, we haven't advertised or
34 gone to see anyone, except a few, two trusted people.

1 THE COURT: Um-hum.

2 MS. LEGARE: And we have to do it that way,
3 otherwise he will send the hoards of RCMP after both of us.

4 THE COURT: But if they send the RCMP, the RCMP
5 would be doing what? What would they come to say?

6 MS. LEGARE: Oh, they'd come up, they'd come up
7 with some charges. He had 11 charges on me. I spent four
8 months in pre-trial.

9 THE COURT: Who, your brother did?

10 MS. LEGARE: Yes. He put me --

11 THE COURT: Okay.

12 MS. LEGARE: -- in pre-trial because
13 (inaudible) --

14 THE COURT: But let's deal with your dad. What
15 kind of charges would they be bringing against your father?

16 MS. LEGARE: No, against me, so that they can
17 grab my father, remove his protection order, the no
18 contact, and then --

19 THE COURT: Well, it's already removed, though.

20 MS. LEGARE: It, well, it wasn't before that,
21 though (inaudible) --

22 THE COURT: Okay. But that was in 2006 and now
23 we're at 2009. So tell me why he needs an emergency order?
24 Like he doesn't really fall under the domestic violence,
25 that's the problem. He's not being stalked. He's been
26 living -- I understand that you took him out of the
27 province and, for his --

28 MS. LEGARE: (Inaudible).

29 THE COURT: -- safety and for everything.

30 MS. LEGARE: Exactly.

31 THE COURT: So nothing has happened. The problem
32 is, to come tonight and to apply for a protection order, it
33 has to be an emergency basis. Something has to have
34 happened. Whether it falls under domestic violence or

1 stalking, that's another issue, but something has to have
2 happened that he needs an emergency basis order. I
3 understand what you think might happen. Luckily nothing
4 has happened.

5 MS. LEGARE: Well, that's because we haven't
6 surfaced. But when, when we do, we can expect the RCMP to
7 break, be breaking down our door, because he is very good
8 at fabricating lies and charges.

9 THE COURT: Well, why wouldn't you be going to
10 the RCMP?

11 MS. LEGARE: They know me by first, second and
12 third name by now.

13 THE COURT: I know, but why wouldn't you go
14 before your brother or sisters would go? Why wouldn't you
15 go to the RCMP and say, look, I'm bringing dad back.

16 MS. LEGARE: Can we go back to this small town
17 mentality? They are still stealing his mail today. One
18 postmaster has gotten fired and another one's on his way
19 out. It's a small town --

20 THE COURT: Why isn't it re-routed to --

21 MS. LEGARE: It --

22 THE COURT: -- B.C.?

23 MS. LEGARE: It is and it's still being stolen,
24 it's being stopped. They still do what they like. It's
25 the same thing in a small town.

26 THE COURT: Like how do you know it's being
27 stolen, or what's being stolen?

28 MS. LEGARE: Well, initially it was being stolen.
29 I reported it, so the postmaster got fired. Now they've
30 got a new postmaster, and I know something's going on in
31 the background. Small town, you know, brand new person, we
32 can go ahead and we can fill the person's head full of
33 nonsense, and his mail got sent all back. It should've --

34 THE COURT: All back to B.C.?

1 MS. LEGARE: No, sent back to wherever it was
2 coming from. And how we found out, it was kind of ironic,
3 is the MLA's mail was being returned to her and we had
4 approached her on senior abuse. We talked to the
5 postmaster, the new one, who does not know my brother, but
6 obviously does now, and you listen to it enough, you go,
7 okay, he's not coming back, we're sending all the mail
8 back. He comes in and says --

9 THE COURT: Well, then you go through Canada Post
10 and --

11 MS. LEGARE: Well, he did, we did.

12 THE COURT: -- if there has to be a lawsuit, then
13 there has to be -- if no one's --

14 MS. LEGARE: No, I, I brought it to their
15 attention, (inaudible) was the supervisor at the mail
16 deposit.

17 THE COURT: Okay. So then I'm --

18 MS. LEGARE: So --

19 THE COURT: -- assuming that's not going --

20 MS. LEGARE: But --

21 THE COURT: -- to happen now.

22 MS. LEGARE: But what I'm saying is, there's no
23 end to this. Okay.

24 THE COURT: Well, it's senior abuse, there's no
25 question. From what I've read here --

26 MS. LEGARE: It is.

27 THE COURT: -- there's senior abuse happening.

28 MS. LEGARE: (Inaudible) --

29 THE COURT: But does he fall under domestic
30 violence?

31 MS. LEGARE: I think so.

32 THE COURT: See, I don't --

33 MS. LEGARE: Okay. There was charges of theft
34 against my brother for both my dad and myself, and you know

1 what the ironic thing is, they dropped it, they said family
2 dispute. He turns around, charges me, I spend four months
3 in remand (inaudible) --

4 THE COURT: Okay. But this is about your dad,
5 not you. So we have to deal --

6 MS. LEGARE: Well, well --

7 THE COURT: -- with right now --

8 MS. LEGARE: The reason I got hit is because I
9 was, I was standing up for my father, no one else was. So,
10 of course, the, you know, I have to take the, I have to
11 take the arrows, right. If I'm out of the way, then they
12 can get to dad. He would be in a psychiatric ward already,
13 in 2006, had I not come out the first time to stop it. My
14 brother had already been looking at facilities. There's
15 nothing wrong with my dad.

16 THE COURT: Mr. Bouchard, do you understand
17 what's happening?

18 Do you understand what's happening --

19 MR. BOUCHARD: Yes.

20 THE COURT: -- here today?

21 MR. BOUCHARD: Yes.

22 THE COURT: Okay. You tell me, what's happening
23 here today? Why, why are you here tonight?

24 MR. BOUCHARD: I'm here to, to work on this no
25 contact.

26 THE COURT: Okay. Why do you want a no contact
27 order against your son and your daughters?

28 MR. BOUCHARD: Because they've been harassing
29 (inaudible), and they, they tried to put me into a mental.
30 They had psychologist coming down to, and talk to me and,
31 and then the psychologist says Mr. Bouchard is able to look
32 after his own affair and, and they -- it happened more than
33 once, happened about three times. They tried to put me
34 admitted in, me in Portage mental home but it, it didn't --

1 the, the psychologist said there's nothing wrong with
2 Mr. Bouchard. And it happened in, in St. Eustache, when
3 they moved me to St. Eustache temporary, I mean until I go
4 back into my home in June. That was in January. And the,
5 the psychologist came and see me over there, too. They
6 took, and they took a psychiatric (sic) St. Eustache and he
7 questioned me about it, and says no wrong with
8 Mr. Bouchard, he could look after his own affair, and he
9 could live wherever he wants to, in his home. It was
10 understood and signed for, that I would be back in, in
11 June, into my home on the homestead where I was born and
12 raised and worked there all my life.

13 THE COURT: Your son's living on that homestead
14 now, or is anybody living on it?

15 MS. LEGARE: The --

16 MR. BOUCHARD: Yeah.

17 MS. LEGARE: My brother put somebody in there.
18 Just when my dad filed a caveat against it and the lawyer
19 sent him a letter saying he was taking back his home, he
20 immediately put the (inaudible) in there. Just somebody to
21 block his access.

22 THE COURT: Okay. So this is in, in civil court
23 right now as it is, there are civil motions, you're
24 fighting for your house back, you're fighting for quite a
25 few things against your sons (sic) and daughters; is that
26 correct?

27 Are -- you're in court against your sons (sic)
28 and daughters; is that correct?

29 MR. BOUCHARD: Yes.

30 THE COURT: Okay.

31 MS. LEGARE: Well, son actually. My dad sold my
32 brother the property but retained a life estate, and that
33 was going well until dad took one slip and fall, was in the
34 hospital, and my brother immediately --

1 THE COURT: Okay.

2 MS. LEGARE: -- took advantage of that situation.

3 THE COURT: Okay.

4 MS. LEGARE: The problem is, when waiting for
5 court they gang up around him, and you saw what happened
6 last summer, they took away the vehicle I had given him and
7 they locked it up, they took away his cell, they would not
8 allow him to see his lawyer, they wanted him to fire his
9 lawyer, and --

10 THE COURT: Okay.

11 MS. LEGARE: -- they wanted him to change the
12 power of attorney.

13 THE COURT: Okay. Going to stop you right now.
14 If you were granted a protection order --

15 MR. BOUCHARD: Yeah.

16 THE COURT: -- what would you want it to say?
17 What kind of protection do you want?

18 MR. BOUCHARD: So that they can't harass me
19 anymore and just leave me alone. They're not going to try
20 and take me back to a psychiatric, which --

21 THE COURT: Okay. There was a no contact order
22 before. If you were given another no contact order, it's a
23 piece of paper. Are you going to call the police?

24 MR. BOUCHARD: If they, if they want to harass me
25 or --

26 THE COURT: Or if they contact you?

27 MR. BOUCHARD: Yeah. If they (inaudible) --

28 MS. LEGARE: (Inaudible) I think he's learned
29 that it doesn't matter how many pieces of paper they put
30 their signature to, they will not honour it. He's got a
31 half a dozen of these, they have not honoured one.

32 MR. BOUCHARD: So they've been stalking me for
33 quite a while and --

34 MS. LEGARE: And how they do it, they gang up on

1 him and they take advantage of the fact that I'm out of
2 province.

3 THE COURT: Okay.

4 MS. LEGARE: This has to stop.

5 THE COURT: Okay. I'm going to give you back
6 your power of attorney, I don't need that. Thank you.

7 MS. LEGARE: Thank you.

8 THE COURT: So the documents I see with Andre
9 Bouchard and Claire Demery -- Claire's also your daughter;
10 is that correct?

11 MR. BOUCHARD: That's correct.

12 THE COURT: And you're applying for a protection
13 order against her. Everything is almost identical from --

14 MS. LEGARE: It is.

15 THE COURT: -- all your exhibits, and everything
16 else. And then there's a Lynda Staub, she's also your
17 daughter; correct?

18 MR. BOUCHARD: Yeah, Lynda Staub. Yes.

19 THE COURT: Is your daughter, and once again
20 identical documents here, including the civil stuff. Then
21 there's a Michael --

22 MS. LEGARE: Slegers.

23 THE COURT: -- Slegers. Who's, who's Michael
24 Slegers?

25 MR. BOUCHARD: He's, he's, he comes from Holland
26 and he's got, he's living in, in (inaudible) St. Paul right
27 now, but he's, he's been causing problem all over.

28 THE COURT: Yeah, but who is he to you?

29 MR. BOUCHARD: No relation.

30 MS. LEGARE: If I may, when he came out for court
31 last summer, Mike offered to have him stay there and make
32 sure that Andy didn't come anywhere near dad. And then two
33 days before court, Andy set up a meeting on the farm on the
34 pretext of giving dad some of his possessions back, and

1 when dad got there, my brother had a psychiatrist in his
2 truck.

3 THE COURT: Okay. Okay. I'm going to stop you
4 now. On your application against Michael Bernadis, B-E-R-
5 N-A-D-I-S, Slegers, S-L-E-G-E-R-S, you don't qualify for a
6 protection order against him because it has to fall under
7 domestic violence or stalking, so you don't qualify to get
8 a protection order against this man. So that one I'm
9 dismissing. That means I'm throwing that one out.

10 But I'm going to deal with the three that are
11 before me still. We're, we're dealing right now with Andre
12 Lionel Bouchard, and then you've also applied for a
13 protection order for, against Lynda, L-Y-N-D-A, Stobe
14 (phonetic), or Staub, S-T-A-U-B, your daughter, and you've
15 also applied for a protection order against Claire, C-L-A-
16 I-R-E, Deanna, D-E-A-N-N-A, Demery, D-E-M-E-R-Y, who's also
17 your daughter.

18 MR. BOUCHARD: Correct.

19 THE COURT: So between Andre's, Claire's and
20 Lynda's, all the evidence is identical, basically, and all
21 the exhibits are the same, everything that's attached here.
22 So I'm going through, I'm trying to figure out if you
23 qualify under domestic violence. Who commits domestic
24 violence? These are your children. Yes, they can, so that
25 you meet the qualifications under domestic violence. The
26 next is the meaning of domestic violence. Can you
27 understand what I'm saying?

28 I'm going too fast?

29 Okay. I'm explaining what domestic violence
30 means, and it's a reckless act or omission that causes
31 property damage; that causes fear for their safety; that
32 constitutes psychological or emotional abuse; and there's
33 other, there are other things but they, it doesn't, it
34 doesn't meet the criteria for you.

1 So now, elder abuse I think could possibly fall
2 under domestic violence, under who commits domestic
3 violence. If it's a grandparent against a child, or a
4 father against their children, or children against the
5 father, part of elder abuse, does that constitute domestic
6 violence? I think it does. So you qualify for this.

7 Now, have there been psychological or emotional
8 abuse? Everything that I've read here regarding these
9 three respondents, yes, there has been abuse, regarding
10 everything that you've gone through with the different
11 psychiatrists that they've sent you to, removing you from
12 the province, having investigators come, I'm looking at all
13 the exhibits and all the affidavits that are here.

14 And your, your other daughter is here today, who
15 has shown me her power of attorney. I've let her speak but
16 I, but I didn't swear her in to have her testify, because I
17 just needed to know what was happening, why there wasn't a
18 committee. And she explained that you're mentally
19 competent, all the doctors have said you're okay. Every
20 time they took you to a psychiatric hospital, all the
21 doctors have said you've been good; is that correct?

22 MR. BOUCHARD: Correct.

23 THE COURT: Yes. Okay. So I'm going to, part
24 and parcel, put these three applications together. So what
25 I'm going to do is you have to have three separate orders
26 because there's three separate applications. So, on the
27 balance of probabilities that an, that an order is, I
28 wouldn't say it's immediate, but I think it's advisable,
29 that an order be granted because of what's been happening
30 on the domestic violence regarding yourself and your
31 children. So what I'm going to do is go through each one
32 and give three separate orders.

33 So, on the application made by Lionel Andre
34 Bouchard for a protection order for himself against Andre

1 Lionel Bouchard, made without notice before me this date,
2 and upon reading the documents filed and on hearing the
3 evidence given, and on finding that domestic violence as
4 defined under this Act has occurred, and on belief by the
5 applicant that the domestic violence will continue, and
6 upon my reviewing the evidence, both written and verbal, I
7 think it's advisable that I do grant you this protection
8 order for your immediate protection. And there's going to
9 be two conditions.

10 First of all, it lasts three years from today's
11 date, so it will expire October 31st, 2012.

12 The first one will be, the respondent, and that
13 is Andre Lionel Bouchard, shall not directly or indirectly
14 communicate with or contact the applicant. He's not
15 allowed to phone you, your son cannot send you an e-mail,
16 he cannot send you a letter, he cannot write you, anything;
17 do you understand that?

18 MR. BOUCHARD: Okay.

19 THE COURT: I'm also going to give a condition
20 that your son, Andre Lionel Bouchard, the respondent, shall
21 not attend at, or near or within one city block of where
22 the applicant resides or regularly attends. So wherever
23 you go, wherever you live, he has to stay one block away
24 from you, anywhere you regularly attend. Say you go to a
25 church, he can't, he has to stay a block away from that
26 church; do you understand that?

27 MR. BOUCHARD: Okay. Yes.

28 THE COURT: Do you have any questions?

29 MR. BOUCHARD: He can't --

30 THE COURT: Do you understand what I --

31 MR. BOUCHARD: He can't, he won't be able to come
32 on the, on the farm?

33 THE COURT: If you're living on the farm, no, he
34 cannot come on the farm. He cannot phone you. If he does,

1 you must call the police immediately. Don't let him in, do
2 not talk to him. You will get a copy of this order and
3 they will know that you have a copy of this order and they
4 have to enforce it by law. They must enforce it. And you
5 give a copy of this order to your lawyer, as well. They
6 need to know that you have this; do you understand?

7 MR. BOUCHARD: Yes.

8 THE COURT: Okay. And Mr. Bouchard, so he lives
9 in Portage la Prairie?

10 MS. LEGARE: That's correct.

11 THE COURT: So that will be served through the
12 Portage la Prairie RCMP. Okay. So that is his. One
13 moment.

14 Okay. So now we're dealing with --

15 MR. BOUCHARD: Pardon me. If he has anything on
16 the, on the property, he have to take it away?

17 THE COURT: He will have to get somebody to come
18 get it. He, he's not allowed to come get it.

19 MR. BOUCHARD: Okay.

20 THE COURT: Someone --

21 MR. BOUCHARD: Okay.

22 THE COURT: -- else would have to do it.

23 MR. BOUCHARD: Okay. Thank you.

24 THE COURT: And your daughter Claire lives in
25 Teulon?

26 Yes?

27 MR. BOUCHARD: Yes.

28 THE COURT: Okay. So once again, this is your
29 application on Lionel Andre Bouchard and the respondent is
30 Claire, C-L-A-I-R-E, Deanna, D-E-A-N-N-A, Demery, D-E-M-E-
31 R-Y. Based on the balance of probabilities, once again I
32 think it's advisable for your imminent protection that I
33 grant you a protection order under the domestic violence
34 legislation.

1 Upon the application made by Lionel Andre
2 Bouchard against Claire Deanna Demery, made without notice
3 before me this date, and upon reading the documents filed
4 and on hearing the evidence given, and on finding that
5 domestic violence as defined under the Act has occurred,
6 and on belief by the applicant, Mr. Bouchard, that the
7 domestic violence will continue, and upon my reviewing the
8 evidence, both written and verbal, I hereby grant this
9 protection order for the imminent protection of Lionel
10 Andre Bouchard against Claire Deanna Demery with the
11 following conditions.

12 First thing, this order will expire in three
13 years, once again. So October 31st, 2012. And I'm going
14 to give the same conditions that I gave against your son.

15 The respondent, Claire Deanna Demery, shall not
16 contact, directly or indirectly, with the complainant, or
17 with the applicant. So once again, she can't call you,
18 send you a letter, nothing; you understand that?

19 MR. BOUCHARD: Yes.

20 THE COURT: And she has to, she, she's not
21 allowed to attend at, or near or within one city block of
22 where the applicant resides or regularly attends. So once
23 again, she has to stay at least a block away from you; do
24 you understand that?

25 MR. BOUCHARD: Yes.

26 THE COURT: Any questions about --

27 MR. BOUCHARD: Yes, Your Honour.

28 THE COURT: -- that? If she breaks it, what are
29 you going to do?

30 MR. BOUCHARD: Phone the cop.

31 THE COURT: Yes. And then once again, on the
32 applicant, Lionel Andre Bouchard, against the respondent
33 Lynda, L-Y-N-D-A, Staub, S-T-A-U-B, based on the balance of
34 probabilities, that an order is advisable for the imminent

1 protection of Lionel Andre Bouchard and, sorry, and it's a
2 reasonable likelihood that the respondent will commit
3 domestic violence as defined under the Act.

4 Upon the application made by Lionel Andre
5 Bouchard for a protection order for yourself, made without
6 notice against Lynda Staub, before me this date, and upon
7 reading the documents filed and on hearing the evidence
8 given, and on finding that domestic violence under this Act
9 has occurred, and on belief by the applicant that the
10 domestic violence will continue, and upon my reviewing the
11 evidence, both written and verbal, I hereby think it's,
12 order that this protection order be granted for Lionel
13 Andre Bouchard, because I think it's advisable that I do
14 that at this point for your imminent protection against
15 Lynda Staub with the following conditions.

16 The first, it'll expire in three years, on
17 October 31st, 2012.

18 And the conditions will be that the respondent
19 shall not directly or indirectly contact the applicant. So
20 once again, no phone calls, no letters, no nothing.

21 And the respondent shall not attend at, or near
22 or within one city block of where the applicant resides or
23 regularly attends.

24 Do you have any questions about this order?

25 It's the same as the other two.

26 MR. BOUCHARD: If I have any objection?

27 THE COURT: Pardon me?

28 MS. LEGARE: He didn't hear you.

29 THE COURT: Oh. So you got a protection order
30 against Lynda.

31 MR. BOUCHARD: Yes.

32 THE COURT: Against Andre, against Andre and
33 against Claire.

34 MR. BOUCHARD: Right.

1 THE COURT: Okay. And they all have the same
2 conditions.

3 MR. BOUCHARD: Same conditions.

4 THE COURT: No contact and not to come near you;
5 you understand that?

6 MR. BOUCHARD: Yes.

7 THE COURT: And if they break it, what are you
8 going to do, sir?

9 MR. BOUCHARD: Phone the cop.

10 THE COURT: Yes. Yeah. And Lynda lives in
11 Rosser, Manitoba. What RCMP deal with Rosser?

12 MS. LEGARE: Stonewall.

13 THE COURT: Is that Stonewall?

14 MS. LEGARE: Stonewall.

15 THE COURT: Thank you. And then, like I said,
16 the protection order, what you asked for against Michael
17 Slegers, is dismissed. You don't qualify under domestic
18 violence legislation and you don't qualify under the
19 stalking legislation for this one; do you understand?

20 MR. BOUCHARD: Oh, yes.

21 THE COURT: Done. Okay. So what's going to
22 happen, unfortunately, you have to go back out there
23 because the papers have to be typed. They're all going to
24 be typed up and then they'll be given to you. Make copies
25 for your lawyers. So, your lawyer needs to have a copy.
26 Okay. Do you have any questions?

27 MR. BOUCHARD: Not really. Thank you.

28 THE COURT: Okay. Okay. So just have a seat out
29 there. It's going to be a while though, still. Hopefully
30 within the next half hour. Okay.

31 MS. LEGARE: Oh, thank you so much.

32
33

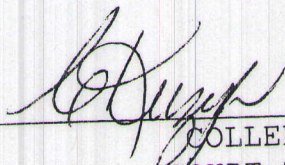
(PROCEEDINGS CONCLUDED)

OCTOBER 31, 2009

[23]

CERTIFICATE OF TRANSCRIPT

I hereby certify that the foregoing pages of printed matter, numbered 1 to 22, are a true and accurate transcript of the proceedings, transcribed by me to the best of my skill and ability.



COLLEEN A. KUZYK
COURT TRANSCRIBER

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