

This is the 5<sup>th</sup> affidavit  
of Victoria [Nevens] in this case  
and was made on February 24, 2020

No. 184508  
Victoria Registry

*In the Supreme Court of British Columbia*

Between:

**CANADIAN IMPERIAL BANK OF COMMERCE**

and:

Petitioner

**GERALD WAYNE JACK DALEY, DECEASED**  
**Victoria Nevens the EXECUTOR/ADMINISTRATOR/PERSONAL**  
**REPRESENTATIVE of the estate of Gerald Wayne Jack Daley**  
**JOHN DOE and JANE DOE**

Respondent(s)

**AFFIDAVIT of Victoria [Nevens]**

I, **Victoria [Nevens]**, am a Woman of 46 years old, occupied as a professional teacher of the Gospel of the Kingdom of Heaven/Common Law, lawful holder and caretaker of my permanent "In Trust" residence located at 604 Polyanthus Crescent Victoria BC V8Z 2J4.

I, **Victoria [Nevens]**, Sui Juris, hereafter "I", one of the [biblehub.net/peculiar+people](http://biblehub.net/peculiar+people) or foreign national on the land known as British Columbia, in this court of record, do depose to say I am competent to swear and have personal firsthand knowledge of the matters hereafter testified to and hereby aver the following under penalty of perjury and unforgivable [biblehub.net/blasphemy](http://biblehub.net/blasphemy).

**Application**

1. I, Victoria Nevens am asking this court to grant an interim prohibitive injunction to prevent CIBC from obtaining a Writ of Possession to execute an eviction from my permanent 'in trust' residence.
2. I Victoria N. am asking this court to grant a mandatory injunction to force CIBC to engage in private negotiations with me to resolve this dispute professionally, honestly and considerately.
3. I Victoria the applicant am asking this court to order a quia timet injunction to stop my unlawful eviction due to the high degree of probability the harm to my health, welfare and safety will in fact occur, certainly be life-threatening and is imminent. I am terrified.

## Background

4. I am the spouse of Jack Daley who truly loved and protected me for over twenty years. Jack shielded me from dealings with financial institutions as he is a real Man who took care of his duties. I never worried Jack hadn't taken care of our business as it pertained to financial decisions with corporations like CIBC.
5. My spouse Jack Daley was a Man of his word, a Man of Honor. If Jack said he was going to do something he did it without fail. Jack worked for the same company for almost fifty (50) years.
6. Jack and I did not hold multiple Mortgages on our residence. Jack had one account he used to deposit and withdrawal monies with CIBC.
7. 2013 Jack purchase Life Insurance on our Mortgage with a subsidiary of CIBC called Canada Life. Jack believed this would provide me a permanent residence after he passed without debt to secure my future and leave those he loved a generational legacy.
8. January 2016 Jack worried about my future safety purchased a constructive trust to leave me all our property of every kind and wherever located to be held in trust; administered how, when and on what terms were necessary for as long as I decided. Hereto attached as **Exhibit "A"** is a true copy of the Last Will and Testament of my spouse.
9. In Jack's Last Will and Testament, a constructive trust secured our assets by eliminating third parties from litigating alleged liabilities owed by the estate. All controversies had to be handled in private negotiations with myself the personal representative of the estate.
10. CIBC has alleged a default 16 months after Jack passed on a Mortgage claiming automatic payment was stopped. There is no record of these automatic payments on a second Mortgage coming out of Jack's account before he passed. Hereto attached as **Exhibit "B"** true copies of Bank Statements dated 7 Nov to 7 Dec 2012; 7 Mar to 7 Apr 2017 and 10 Sep to 5 Oct 2018.
11. After Jack passed there was funds available in his CIBC account to have made the monthly Mortgage payment making a default impossible up to and including September 2018 when a demand letter was sent by solicitors for CIBC to our residence for forty (40) thousand dollars. Hereto attached as **Exhibit "C"** is a true copy of the demand letter.
12. CIBC was not permitted without my consent to stop automatic payments after Jack passed as I am the executrix of his personal and public affairs. If there was an outstanding amount why was I not notified of this until 16 months after Jack passed?
13. There is no evidence of a running or active account from July 2005 onward when Jack remortgaged our residence in January 2013. Hereto attached as **Exhibit "D"** is a true copy of the Land Title office application.
14. There is no evidence of a second Mortgage on Jack's CIBC annual Mortgage statements from 2010 to 2016. Hereto attached as **Exhibit "E"** are true copies of these statements.
15. I am capable of looking after my family's property despite being a Woman with disabilities. An occupancy report provided to CIBC solicitors 28 Sept 2018 confirming my home is "in good maintained condition" because I care about the gifts God has given me. I am constantly having my Human and Cultural Rights violated. I am obligated to speak up when I am being persecuted and oppressed. Hereto attached as **Exhibit "F"** are true copies of these documents.

16. January 8 2020 I served CIBC with a Notice of Civil Claim for 3.7 million dollars as a result of general, special and punitive damages for the loss, harm and damage its agents have caused my family. CIBC did not respond within 21 days after service awarding default judgement for failure to respond.

### **Circumstances**

17. This is an ongoing case providing the reason the application for interim and interlocutory injunctions ex parte on short notice are being presented to this court. My life is in imminent danger.
18. January 15 2020 during a hearing before a master I Victoria a tenant on the lands and premises was struck as party to the proceeding. Section 94 of *Residential Tenancy Act* provides no order of a court is enforceable against a tenant unless the tenant is joined as a party to a proceeding. Hereto attached as **Exhibit "G"** a true copy of the order with my name struck out.
19. January 15 2020 during the hearing before a master I Victoria a tenant in the residence was not called being struck from the proceeding. Hereto attached as **Exhibit "H"** is a true copy of the hearing transcript.
20. January 16 2020 I received personal notification my family's permanent residence was sold without right or our consent. Under threats of violent assault, duress, theft of my personal property and violations of my privacy I would be evicted in two weeks. Hereto attached as **Exhibit "I"** is a true copy of the eviction notice.
21. February 10 2020 Govt of BC confirms my spouse "Gerald W Daley" is recognised as the property owner of 604 Polyanthus Crescent. Hereto attached as **Exhibit "J"** is a true copy of this official confirmation.
22. February 18 2020 I contacted CIBC via email with a demand letter and invoice for \$117,400.00 for unpaid property management fees and reimbursements for property running costs. Hereto attached as **Exhibit "K"** is a true copy of the invoice.
23. February 20 2020 I filed a dispute with BC Residential Tenancy Branch File No. 110000568 to stop the unlawful forced eviction based on the petitioner's refusal to comply with the Act, other regulations, International law and my spouse's Last Will and Testament. Hereto attached as **Exhibit "L"** is a true copy of the dispute application receipt.
24. February 20 2020 I received a second confirmation of Post Traumatic Stress Injuries (PTSD) from a professional who established the harm that will be caused to my health, welfare and safety if forcibly evicted from my familial residence. Hereto attached as **Exhibit "M"** are true copies of the diagnosis with confirmation of the imminent harm I face if this court refuses to grant the injunction.
25. The estate of Gerald Wayne Jack Daley and I are not debtors in this application. CIBC is the debtor owing my family. There cannot be an illegal violent eviction from my residence performed by CIBC and its solicitors with the agreement of the court as the court will become party to indictable criminal offences, violate its obligation to international law and UN Sustainable Development Goals.
26. I have attempted to present the truth in the documents in my care to CIBC and its solicitors privately for months as I do not agree with this litigation from the beginning. I know what Jack's Will says and why which was written to exterminate litigation to avoid plundering the estate by third parties.
27. CIBC have non-negotiable corporate responsibilities and an obligation to the UN Sustainable Development Goals they have not followed in its dealings with Jack and I. Now that I am a vulnerable widow I need support more than ever. CIBC and its solicitors are taking egregious advantage of me, a defenceless Woman in need of protection.

28. I have no choice but to apply to this court for an interlocutory injunction to stop being forced into homelessness, lose my personal belongings and be left destitute this Friday February 28.

### Summary

29. CIBC has not provided me proof of its claim of a default. The burden of proof is on a petitioner. For this reason, I want the court to make the orders sought in this application for an injunction.

30. CIBC did not extend or follow its corporate responsibilities in their dealings with me after my spouse passed. CIBC makes claims of being about the needs of its clients such as:

[www.cibc.com/content/dam/about\\_cibc/corporate\\_responsibility/pdfs/cibc-crr-2018-en.pdf#page=11](http://www.cibc.com/content/dam/about_cibc/corporate_responsibility/pdfs/cibc-crr-2018-en.pdf#page=11)

Helping clients through economic hardship. We are committed to assisting clients in times of distress. Our advisors work directly with clients to help them manage their finances when they are faced with hardship or crisis that makes it difficult for them to meet their financial responsibilities. In these situations, we offer assistance to clients in their day-to-day banking and long-term financial needs by deferring mortgage or other loan payments and providing them with debt restructuring solutions.

[www.cibc.com/content/dam/about\\_cibc/corporate\\_responsibility/pdfs/cibc-crr-2018-en.pdf](http://www.cibc.com/content/dam/about_cibc/corporate_responsibility/pdfs/cibc-crr-2018-en.pdf)

### Our Vision and Values

Our vision is to be the leader in client relationships. We are building the most trusting and enduring client relationships by putting our clients at the centre of all that we do. Our vision comes to life through our core values of trust, team work and accountability. Our values are an intrinsic part of the work that we do everyday and underpin every interaction with our stakeholder.

As I was not afforded the kindness CIBC claims to provide, I want the court to do justice between the parties over and above the Rule and grant the injunction in hopes CIBC will correct its oversight.

31. I will not survive yet another violent assault if force evicted from a residence I cherish and shared with my beloved family for seventeen (17) years. This is the truth, I am in fear for my life.

32. I will suffer irreparable harm which cannot be adequately compensated in damages if evicted. I have provided this court with two reports from medical professionals regarding being a Woman with disabilities (PTSD). Hereto attached as **Exhibit "N"** is a true copy of a Canadian Journal of Public Health on the affects of homelessness. Hereto attached as **Exhibit "O"** is a true copy of a Canadian Observatory on Homelessness report regarding health issues people with no security/home face.

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|---|---|-----------------|
| SWORN (OR AFFIRMED) BEFORE ME               | ) |                 |
| at Victoria                                 | ) |                 |
| British Columbia                            | ) |                 |
| on  | ) |                 |
| _____                                       | ) | _____           |
| [dd/mmm/yyyy]                               | ) | Victoria Nevens |
|   | ) | [name]          |
| _____                                       | ) |                 |
| A commissioner for taking affidavits for    | ) |                 |
| British Columbia                            | ) |                 |
| _____                                       | ) |                 |
| [print name or affix stamp of commissioner] | ) |                 |