



Court File No. CN-26-00001569-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**



BETWEEN:

ETIENNE VINCENT MARIO GADBOIS

SIGNIFIÉ LE 27
2026 04 17

Plaintiff

- and -

BENJAMIN BENJAMIN

Defendant

STATEMENT OF CLAIM

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The Claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in form 18A prescribed by the Rules of Civil Procedure, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this Statement of Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period of serving and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a Statement of Defence, you may serve and file Notice of Intent to Defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$4000 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believed the amount claimed for costs is excessive, you may pay the plaintiffs claim and \$400 for costs and have costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date 27-APR-2026

Issued by Angela Marcia
Local Registrar

Address of court office: 50 Eagle Street West
New Market Ontario
L3Y 6B1

TO: BENJAMIN BENJAMIN
102-5164 Rene-Levesque
Sherbrooke, Quebec
J1N 2X1

THIS ACTION IS BROUGHT AGAINST YOU UNDER THE SIMPLIFIED PROCEDURE PROVIDED IN RULE 76 OF THE RULES OF CIVIL PROCEDURE.

CLAIM

The Plaintiff claims:

- a) Judgment against the Defendant in the amount of \$100,000.00, representing the principal sum claimed by the Plaintiff to the Defendant pursuant to emotional pain and economic prejudice;
- b) Judgment against the Defendant for interest at the rate of 6% per annum, calculated from January 2025 to the date of judgment, in accordance with the agreement between the parties.
- c) In the alternative, the Plaintiff claims pre-judgment interest on the sum of \$100,000.00 pursuant to section 128 of the Courts of Justice Act, R.S.O. 1990, as amended, from the date of demand to the date of judgment.
- d) In the alternative, the Plaintiff claims post-judgment interest pursuant to section 129 of the Courts of Justice Act, R.S.O. 1990, as amended.
- e) If applicable, judgment against the Defendant for general damages, including compensation for irreparable harm sustained by the Plaintiff, in an amount to be determined by this Honourable Court.
- f) If applicable, judgment against the Defendant for punitive and exemplary damages in an amount to be determined by this Honourable Court;
- g) Costs of this action on a substantial indemnity basis, together with any goods and services tax which may be payable on any amount pursuant to the *Excise Tax Act*, R.S.C., 1985, as amended and applicable disbursements; and
- h) Such further and other relief as this Honourable Court deems just.

BACKGROUND INFORMATION

1. The Plaintiff, Étienne Vincent Mario Gadbois, is an individual residing in the Province of Ontario.
2. The Defendant is an individual known as “Benjamin”, whose full legal name is currently unknown to the Plaintiff. The Defendant resides, partly or fully, at the residence of Katherine Hebert-Vachon in Ontario.
3. Katherine Hebert-Vachon executed documentation permitting service by a bailiff on behalf of the Defendant, which is evidence that the Defendant resides at that address.
4. The Plaintiff will amend this Statement of Claim to include the Defendant’s full legal name once it becomes known following a private investigation.
5. The Defendant is sufficiently identifiable for the purposes of this proceeding, including by his residence and personal circumstances known to the Plaintiff, including that he is known to have a daughter named “Gaby”.
6. The Defendant is also known as “little man” or “little Benjamin” as he has severe intellectual deficiencies.
7. This action arises from the Defendant’s unauthorized use and occupation of the Plaintiff’s personal property, including furniture owned exclusively by the Plaintiff.
8. The Defendant has used and benefited from the Plaintiff’s property without the Plaintiff’s knowledge, consent, or authorization, and without paying any compensation.
9. The Plaintiff is the lawful owner of all the furniture and personal property located at 102-5164 Rene-Levesque, Sherbrooke, including but not limited to the bed used regularly by the Defendant and all other household furnishings located at the residence, including the television in the bedroom.

10. The Plaintiff acquired and owned these items prior to any use of them by the Defendant.
11. The Defendant has used the Plaintiff's furniture while residing at the residence of Katherine Hebert-Vachon.
12. The Defendant has occupied or resided at the premises where the Plaintiff's property is located and has benefited from such occupation.
13. The Defendant has failed to pay any rent or reasonable compensation to the Plaintiff for the use of the Plaintiff's property.
14. The Defendant has been unjustly enriched by the use of the Plaintiff's property, and the Plaintiff has suffered a corresponding deprivation.
15. There is no juristic reason for the Defendant's enrichment.
16. As a result of the Defendant's conduct, the Plaintiff has suffered damages, including loss of use of property, depreciation, and the reasonable value of such use.
17. The Plaintiff claims general damages in the amount of \$100,000.
18. The Defendant's conduct has been deliberate and in disregard of the Plaintiff's rights, warranting an award of punitive damages.
19. The Plaintiff claims punitive damages in an amount to be determined by this Honourable Court.
20. The Plaintiff claims pre-judgment and post-judgment interest pursuant to the *Courts of Justice Act*.
21. The Plaintiff claims costs of this action.
22. The Plaintiff claims such further and other relief as this Honourable Court deems just.

23. The Plaintiff reserves the right to amend this claim upon obtaining further particulars.

24. No part of the sum of \$100,000.00 has been paid by the Defendant.

CONCLUSION

25. The Plaintiff pleads that, by reason of the Defendant's actions, and the resulting financial deprivation, the Plaintiff is entitled to claim general and punitive damages arising from the Defendant's conduct, in addition to the sum of \$100,000.00 representing, notably, unpaid rent to the Plaintiff.

26. The Plaintiff propose that this action be tried at the Town of Newmarket, in the Province of Ontario;

27. The Plaintiff has performed all conditions precedent necessary to entitle the Plaintiff to judgment.

Dated: April 27, 2026

Lawyer for the Plaintiff

Name and Address:

Valeriy Kurzhev

901-235 Gosford Blv

North York, Ontario, M3N 2W3

ETIENNE VINCENT MARIO GADBOIS

Plaintiff

BENJAMIN BENJAMIN

Defendant

Court File No. CV-

ONTARIO

SUPERIOR COURT OF JUSTICE

Proceeding commenced at Newmarket

STATEMENT OF CLAIM

V KURZHEV LAW

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Barrister and Solicitor

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