

FORM 171A Rule 171
Statement of Claim

T-3726-25



**Court File No.
FEDERAL COURT**

BETWEEN:

**Marie Pia Fazio
Plaintiff**

and

**Toronto-Dominion Bank
Defendant**

(Court seal)

Statement of Claim

TO THE DEFENDANT:

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 a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Courts Rules, serve it on the plaintiff's solicitor or, if the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court

WITHIN 30 DAYS after the day on which this statement of claim is served on you, if you are served in Canada or the United States; or

WITHIN 60 DAYS after the day on which this statement of claim is served on you, if you are served outside Canada and the United States.

TEN ADDITIONAL DAYS are provided for the filing and service of the statement of defence if you or a solicitor acting for you serves and files a notice of intention to respond in Form 204.1 prescribed by the Federal Courts Rules.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

September 26, 2025

Issued by:

KYLA CHISHOLM
(Registry Officer)
REGISTRY OFFICER
AGENT DU GREFFE

Address of local office:

180 Queen St West Suite 200
Toronto, ON M5V 3L6

TO: (Name and address of each defendant)

The Toronto-Dominion Bank, TD Bank Tower, 66 Wellington Street West, 12th Floor,
Toronto, Ontario, M5K 1A2

(Separate page)

Claim

1 The plaintiff claims: (*State here the precise relief claimed.*)

- a) General damages in an amount to be determined at trial, for harm suffered by the Plaintiff due to the Defendant's systemic fraud, negligent misrepresentation, obstruction, and concealment of records, including financial loss, emotional distress, reputational harm, and deprivation of financial autonomy.
- b) Special damages for specific financial losses suffered by the Plaintiff, including but not limited to:
 - i. Funds estimated at approximately \$40,000 missing from the Plaintiff's Toronto-Dominion bank ("TD") accounts, with the precise amount currently incalculable due to fraudulent and missing transactions, to be proven at trial following a full accounting and disclosure by the Defendant;
 - ii. Consequential damages arising from the Canada Revenue Agency's ("CRA") retroactive demand for repayment of Canada Emergency Recovery Benefits ("CERB") benefits, currently stated as \$14,000 but subject to change, precise amount incalculable due to CRA inconsistencies, which were directly affected by the Defendant's obstruction and refusal to provide complete and accurate financial records and Interac transaction history;
 - iii. Losses connected to misrepresented or concealed workplace and government income deposits, including deposits from Sparkrock Ltd., Sparkrock Edsembli Inc. ("Sparkrock"), Leonnova Inc., Loblaw's Inc., Loblaw Companies Limited, and the Canada Revenue Agency, which were deposited through TD but not accurately recorded;
 - iv. Losses arising from fraudulent or inaccurate account and investment statements, including false entries, omissions, inconsistent fees, misleading and inconsistent transaction coding, and unexplained deposits.
- c) Aggravated and punitive damages in an amount sufficient to punish the Defendant and deter similar conduct, given its intentional or reckless misconduct, including:
 - i. Misrepresentation of employees, representatives, and agents' roles and authority, and provision of contradictory or false procedures for basic banking services;
 - ii. Manipulation, falsification, and concealment of account, Interac, and investment records;
 - iii. Failure to provide meaningful customer service, including unreasonable delays, failure to respond, feigned or actual incompetence, and systemic targeting or abusive treatment of the Plaintiff when she identified herself;
 - iv. Refusal to meaningfully respond to the Plaintiff's formal legal complaints and correspondence, including letters and registered mail directed to the CEO, Privacy Officer, Ombudsman, and senior management;

- v. Failure to maintain consistent transaction coding and fraud detection systems, which obstructed the Plaintiff's ability to identify and report fraudulent activity.
- d) A declaration that the Defendant has violated the Plaintiff's statutory rights under the Personal Information Protection and Electronic Documents Act (PIPEDA) by denying lawful access to complete and intelligible financial records.
- e) A declaration that the Defendant's conduct in falsifying, concealing, or obstructing access to transaction records directly contributed to unlawful penalties imposed by the Canada Revenue Agency ("CRA"), and caused reputational harm to the Plaintiff by undermining her credibility with government agencies and third parties.
- f) An order compelling the Defendant to produce to the Plaintiff, within 30 days, complete copies of all her financial and transaction records from October 2020 to the present, across all accounts, in a usable electronic format, including metadata, internal logs, Interac e-Transfer details, and any archived or DOS-based records.
- g) An order for a full accounting and reconciliation of the Plaintiff's accounts by the Defendant, including production of all internal records necessary to determine true balances and to identify all missing or fraudulent transactions.
- h) Interest pursuant to the Federal Courts Act and/or the Interest Act.
- i) Costs of this action, including disbursements, on a substantial indemnity basis.
- j) Such further and other relief as this Honourable Court may deem just.

(In consecutively numbered paragraphs, set out each allegation of material fact relied on to substantiate the claim.)

- 1) The Plaintiff is a Canadian Citizen residing in Ontario who has maintained multiple accounts with the Defendant, the Toronto-Dominion Bank ("TD"), since October 2020, including chequing, savings, and investment accounts. Through these accounts, the Plaintiff's workplace income, government payments, investment earnings, and personal transactions have been processed.
- 2) The Defendant, TD, is a federally regulated financial institution governed by the *Bank Act*, R.S.C. 1991, c. 46, carrying on business across Canada, with its head office located in Toronto, Ontario.
- 3) This Court has jurisdiction under sections 17 and 20–23 of the *Federal Courts*

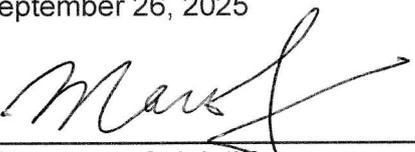
Act, R.S.C. 1985, c. F-7. The relief sought falls within the jurisdiction of this Court, including claims for damages, declarations, and orders directed at federally regulated entities such as the Defendant.

- 4) The Defendant has failed to maintain accurate and reliable records of the Plaintiff's accounts, resulting in missing funds estimated at approximately \$40,000, with the precise amount incalculable until the Defendant provides full disclosure and accounting.
- 5) The Defendant's records of the Plaintiff's accounts contained hundreds of false or unexplained entries, together with omissions of legitimate transactions, including but not limited to rent payments, workplace income deposits, and CRA income benefit deposits.
- 6) The Defendant failed to provide complete Interac transaction history for the year 2021, despite repeated requests, thereby obstructing the Plaintiff's ability to prove her self-employment income to the Canada Revenue Agency ("CRA"). As a result, the CRA issued a retroactive demand for repayment of Canada Emergency Response Benefit ("CERB") funds, stated as \$14,000 but subject to change. The precise amount of this penalty remains incalculable due to inconsistencies and inaccuracies in the Plaintiff's CRA records, which were directly affected by the Defendant's obstruction and refusal to provide accurate banking records.
- 7) The Defendant's records also concealed or misrepresented workplace and government income deposits, including deposits from Sparkrock Ltd., Sparkrock Ensembli Inc. ("Sparkrock"), Leonnova Inc., Loblaws Inc., Loblaw Companies Limited, and the CRA.
- 8) The Plaintiff's investment account statements issued by the Defendant contained significant discrepancies, including false entries and omissions, which the Defendant failed or refused to explain.
- 9) The Defendant applied inconsistent and unexplained monthly fees to the Plaintiff's accounts, and recorded misleading transactions that did not reflect actual activity.
- 10) The Defendant's transaction coding practices were inconsistent and misleading, such that even its own fraud department was unable or unwilling to identify which deposits were fraudulent, or how a merchant transaction is flagged as fraudulent.
- 11) The Plaintiff also discovered deposits appearing in her accounts that were not made by her, including unexplained Automated Teller Machine ("ATM") deposits, further demonstrating systemic fraud and errors in the Defendant's financial records. The Plaintiff was forced to expend extraordinary time and effort reviewing, reconciling, and auditing her accounts in an attempt to identify fraudulent and missing transactions, which imposed an extreme personal burden and further compounded her financial and emotional harm.

- 12) The Defendant's employees, representatives, and agents routinely misrepresented their roles and authority, including individuals who claimed or appeared to act as managers. The Plaintiff experienced this misconduct across multiple channels, including in-person banking, online banking and website interactions, and telephone communications. The Defendant's representatives provided contradictory and false procedures for basic banking services such as reporting fraud or replacing bank cards, and routinely dismissed or disregarded the Plaintiff's reports of fraudulent online activity.
- 13) The Defendant failed to provide meaningful customer service, including placing the Plaintiff on excessive holds, ignoring emails and voicemails, failing to return calls, and refusing or unable to answer basic questions. Whenever the Plaintiff identified herself by name or bank card, she was consistently directed to individuals who engaged in abusive, obstructive, or degrading conduct.
- 14) The Plaintiff delivered multiple formal legal letters and complaints to the Defendant, including correspondence addressed to the CEO, the Privacy Officer, the Ombudsman, and other senior management. These were delivered by email, registered mail, and in person. The Defendant failed to provide any substantive response, offering only automated acknowledgments or no reply at all.
- 15) The Defendant's fraud department further refused to provide proper legal contact information, and insisted on logging fraud incidents one by one, despite being advised that the Plaintiff had identified hundreds of fraudulent transactions.
- 16) As a result of the foregoing misconduct, the Defendant deprived the Plaintiff of access to her own complete and intelligible financial records, violated her statutory rights under the Personal Information Protection and Electronic Documents Act (PIPEDA), and caused her significant financial, emotional, and reputational harm.
- 17) The Defendant's misconduct deprived the Plaintiff of equal and dignified treatment in her access to essential financial services. The Plaintiff pleads that access to banking and financial services constitutes a basic human need in modern society. On multiple occasions, delays and obstructions by the Defendant left the Plaintiff unable to afford food and other necessities of life. By obstructing, falsifying, and concealing her financial records, the Defendant not only violated the Plaintiff's statutory rights under PIPEDA but also inflicted a serious affront to her dignity, autonomy, and ability to meet basic life needs, thereby warranting aggravated damages.

The plaintiff proposes that this action be tried at Ottawa, Ontario, Canada.

September 26, 2025



(Signature of plaintiff)

Marie Pia Fazio, 815 Shaw Street, Toronto, ON M6G 3L9, 647-203-8890,
marie@mapiaconsulting.com

(Name, address and telephone and fax numbers of plaintiff)

SOR/2021-150, s. 12

