

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

ANDREA HORWATH

Applicant

and

BENIAMINO LEONETTI and THE CITY OF HAMILTON

Respondents

AFFIDAVIT OF ANDREA HORWATH

I, ANDREA HORWATH, of the City of Hamilton, in the Province of Ontario, DO
MAKE OATH AND SAY AS FOLLOWS:

1. I am the Respondent in this matter, and as such I have knowledge of the matters hereinafter deposed to.
2. Where my knowledge is based on information provided by a third-party, I have identified that party and I believe the information to be true.
3. The Respondent and I lived in a common law relationship since 1986 and were never married. We separated on January 1, 2010 ("**Date of Separation**").
4. The relationship produced one (1) child namely, [REDACTED]
[REDACTED]

5. On or about the 31st day of October, 2010 the Respondent and I entered into a Separation Agreement granting the Respondent tenancy of one rental unit at the property municipally described as 76 West Avenue North, Hamilton, Ontario (“**Subject Property**”).

6. In or about October, 2018 I attempted to secure access to the rental unit and was denied same. This resulted in a proceeding being initiated before the Landlord and Tenant Board.

7. On or about the 15th day of October, 2018 the Landlord and Tenant Board acknowledged that the Respondent had substantially interfered with my ability to access the Subject Property and ordered him to pay the cost of the filing fee. Attached hereto and marked as **Exhibit “A”** to this my affidavit is a copy of the Order dated October 15, 2018.

8. I was further prevented from being granted access to the Subject Property as there was a no-contact order in place due to the fact the Respondent, Beniamino Leonetti (“**Respondent**”) had been charged with criminal harassment of myself in November of 2018.

9. On or about December 12, 2023 Justice Krill made an Order that allowed myself to obtain access to the Subject Property. Attached hereto and marked as **Exhibit “B”** to this my affidavit is a copy of the Endorsement dated December 12, 2023.

10. I retained a repair cost assessor to look at the Subject Property and at that time, I discovered that the Respondent had caused over \$300,000.00 in damages to the Subject Property. Attached hereto and marked as **Exhibit “C”** to this my affidavit is a copy of the Repair estimate dated January 27, 2024.

11. On or about January 31, 2024 I received an appraisal indicating that the property was worth \$300,000.00. Attached hereto and marked as **Exhibit “D”** to this my affidavit is an abstract of the appraisal evidencing the value of the property.

12. The Subject Property has likely decreased in value and there is no further equity in the Subject Property due to the neglect of the Respondent. Attached hereto and marked as **Exhibit “E”** to this my affidavit is a copy of the Statement of Claim filed in the Superior Court of Justice claiming \$300,000.00 in damages.

13. On or about the 12th day of December, 2025 I received the Emergency Order (“**Emergency Order**”) for the Subject Property. Attached hereto and marked as **Exhibit “F”** to this my affidavit is a copy of the Emergency Order.

14. I immediately took steps to comply with the Emergency Order and hired contractors to fence of the Subject Property.

15. The Respondent immediately blocked any efforts by my contractor to fence of the Subject Property. Attached hereto and marked as **Exhibit “G”** to this my affidavit is communication from Jordan Fortino.

16. Both myself and my son, [REDACTED] were extremely concerned for the well-being of the Respondent as his physical health had deteriorated significantly and he frequently presented as paranoid, accusatory and suffering from cognitive decline. Attached hereto and marked as **Exhibit “H”** to this my affidavit is a copy of an affidavit from my son, [REDACTED] filed in the Unified Family Court of Hamilton dated November 11, 2025.

17. Further, we have expressed our concern to the Respondent’s counsel as well my willingness to provide the Respondent with a referral to available emergency housing supports as may be required. Attached hereto and marked as **Exhibit “I”** to this my

affidavit is a copy of an email direct to the Respondent's counsel on the 20th day of November, 2025.

18. On or about December 15, 2025, Justice Krawchenko denied the request made from the City of Hamilton for uninterrupted occupancy of the Subject Property premised, *inter alia* on the statutory definition of the building inspector. Attached hereto and marked as **Exhibit "J"** to this my affidavit is a copy of the endorsement of Justice Krawchenko dated December 15, 2025.

19. The matter came back before the court on the 23rd day of December, 2025. On that date Justice Valente ordered that the Chief Building Officer ("**CBO**") and its agents be authorised to complete immediate repairs to the Subject Property for the general protection of the public. Attached hereto and marked as **Exhibit "K"** to this my affidavit is a copy of Justice Valente's order dated December 23, 2025.

20. On the 21st day of January, 2026 the City of Hamilton issued a Property Standards Order ("**Property Standards Order**"). Attached hereto and marked as **Exhibit L** to this my affidavit is a copy of the Property Standards Order dated January 21, 2026.

21. An inspection by my contractor, Jordan Fortino took place on the Subject Property on or about the 28th day of January, 2026.

22. Or about the 1st day of February, 2026. I was quoted a conservative sum of \$130,984.50 to bring the property up to standard ("**Fortino Report**"). This quote does not include potential damages to the interior of the structure as the contractor was not able to assess same. Attached hereto and marked as **Exhibit "M"** to this my affidavit is a copy of the estimate I received from Fortino Contractors.

23. Further, the Fortino Report made it clear that the subject property had to be vacated to effect the necessary repairs.

24. On or about the second day of February, 2026 my counsel, James A. Brown wrote to Mr. DiGregorio and queried whether Mr. Leonetti could vacate the property by the 9th day of February, 2026. Attached hereto and marked as **Exhibit "N"** to this my affidavit is a copy of the email to Mr. DiGregorio dated February 2, 2026.

25. A follow-up email was sent on the 3rd day of February, 2026 to counsel, Mr. DiGregorio's office. Attached hereto and marked as **Exhibit "O"** to this my affidavit is a copy of the email to Mr. DiGregorio dated February 3, 2026.

26. On or about the 3rd day of February, 2026 my lawyer, James A. Brown received an email from the law clerk to Mr. DiGregorio indicating that he would be away on vacation until February 17, 2026. Attached hereto and marked as **Exhibit "P"** to this my affidavit is a copy of the email from Melissa Andrade dated February 3, 2026.

27. On or about the 7th day of February, 2026 I received the quote for the demolition ("**Demolition Quote**") of the Subject Property of which, is estimated in the amount of \$26,400.00 plus HST. Attached here to and marked as **Exhibit Q** to this my affidavit is a copy of the Demolition Quote received on the 7th day of February, 2026.

28. I am asking that this Honourable Court order prohibiting occupancy of the Subject Property to allow me to comply with the Property Standards Order imposed by the City of Hamilton.

29. Repairing the Subject Property will be extremely prejudicial to my financial interests.

30. This matter is urgent as the Property Standards Order must be complied with by May 1st of this year. The contractors will require time to demolish the property and we simply cannot wait any longer for the property to be vacated.

31. This Affidavit is made in support of my request for an order prohibiting the occupancy of the Subject Property and for no improper purpose.

SWORN BEFORE ME by video conference in accordance with Ontario Regulation 431/20 under the *Commissioners for Taking Affidavits Act* in the City of Hamilton, Province of Ontario before me at Caledonia, Ontario on the 10th day of February, 2026



DocuSigned by:
James Brown
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Commissioner for Taking Affidavits
(or as may be)

Signed by:
Andrea Horwath
70D305B4EFB7444...

ANDREA HORWATH