

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Between

THE KINGDOM OF HEAVEN FOUND A SEAN  
(An Express Trust Organization)

Plaintiff

- And -

TANJA JOHNSON, HALA TABL, and MICHAEL VON DEHN

Defendants

**STATEMENT OF DEFENCE  
OF THE DEFENDANT TANJA JOHNSON**

1. The Defendant Tanja Johnson admits the allegations in paragraphs 2, 18, 34-35, 40, 46 of the Statement of Claim.
2. The Defendant Tanja Johnson denies the allegations in paragraphs 1, 3-7, 10, 15, 24-26, 28-31, 41-45, 47-62 of the Statement of Claim.
3. The Defendant Tanja Johnson has no knowledge of the allegations in paragraphs 8-9, 11-14, 16-17, 19-23, 27, 32-33, 36-39 of the Statement of Claim.

**The Plaintiff is Not a Legal Entity**

4. In the Statement of Claim in this proceeding, the Plaintiff is named as “The Kingdom of Heaven Found a Sean” (the “**Plaintiff**”). The Plaintiff is not a legal entity and the Statement of Claim should accordingly be struck.

### **Frivolous, Vexatious, and/or Abuse of Process**

5. The Plaintiff's claims are frivolous, vexatious, and/or an abuse of process.
6. The Plaintiff's claims are an improper attack on the appointment of an estate trustee. The process for appointing an estate trustee, and for challenging the appointment of an estate trustee is set out in Rules 74 and 75 of the *Rules of Civil Procedure, RRO 1990, Reg 194* (the "**Rules**"). This procedure has already been invoked by Sean von Dehn and his objection to the application of the Defendant Tanja Johnson has been considered and rejected by the Court.
7. It is not clear from the Statement of Claim what specific claims are being advanced against each defendant and how that is connected to the relief being sought.

### **Background and the Parties**

8. Joachim von Dehn (the "**Deceased**") died on October 29, 2019.
9. The Deceased died intestate.
10. The Deceased was survived by his three children Sean von Dehn ("**Sean**"), Tanja Johnson ("**Tanja**"), and Michael von Dehn ("**Michael**").
11. The Deceased was not survived by a spouse.
12. No Certificate of Appointment of Estate Trustee Without a Will ("**Certificate of Appointment**") has yet been issued with respect to the Deceased's estate (the "**Estate**").

## **Beneficiaries of Estate**

13. In Ontario, inheritance in intestacies is governed by *Succession Law Reform Act*, R.S.O.1990, c.S.26 (the “**SLRA**”).
14. Pursuant to the terms of the SLRA the beneficiaries of the Estate are the three children of the Deceased, Sean, Tanja, and Michael and they each entitled to an equal share of the residue of the Estate.
15. The Plaintiff’s claims with respect to inheritance of an intestate estate by the first-born son are contrary to the express requirements of the SLRA and devoid of a scintilla of merit.
16. Sean is a beneficiary of the Estate. The Plaintiff is not a beneficiary of the Estate.
17. Assuming that the Plaintiff is a legal entity, which is denied, the Plaintiff is a stranger to the Estate and has no standing to advance a claim against the Estate or any trustee of the Estate.

## **Line of Credit secured against 1070 Hewitt**

18. On the Deceased’s death, his primary asset and thus the primary asset of the Deceased was his home at 1070 Hewitt Street in Gravenhurst, Ontario (the “**Home**”).
19. The Deceased had encumbered the Home with National Bank of Canada (“**National Bank**”) as security for a line of credit (collectively, the loan and security are the “**Line of Credit**”). There remained a debt due to National Bank outstanding on his death.
20. The Line of Credit fell in arrears.

21. Ultimately, National Bank exercised its rights under the terms of the Line of Credit and sold the House under power of sale.
22. The solicitors for National Bank, Merovitz Petochn (the “**Solicitors**”), have retained the net proceeds of the sale of the House, after discharge of the Line of Credit and the payment of all expenses (the “**Net Proceeds**”), in trust for the benefit of the Estate.
23. The Net Proceeds retained by the Solicitors are approximately \$306,000.00.
24. The Solicitors have indicated that they are willing to pay the Net Proceeds to a properly appointed estate trustee without a will for the Estate.

## **The Applications by Tanja for a Certificate of Appointment**

### **The First Application in 2020**

25. In 2020, Tanja was advised by National Bank that the Line of Credit was in arrears and that House would be sold.
26. National Bank agreed not to start legal proceedings until June 22, 2020, to give Tanja time to apply for a Certificate of Appointment of Estate Trustee Without a Will for the Estate (the “**First Application**”).
27. Tanja retained the Defendant, Hala Tabl, to assist her to prepare and file the First Application.

28. Because the Deceased resided in Gravenhurst, the proper Court for the filing of the First Application was Bracebridge.
29. Michael initially consented to the First Application; Sean refused to provide his consent on the form required by the *Rules*.
30. In Ontario an application for a Certificate of Appointment of Estate Trustee without a Will requires the consent of a majority of beneficiaries entitled to inherit a majority of the estate or a Court order dispensing with this requirement. The First Application met this requirement.
31. All applications for a certificate of appointment in intestacies must also deal with the issue of bonding: either the proposed trustee must post a surety bond, or the proposed trustee must apply for and be granted an Order dispensing with a bond.
32. After Tanja filed the First Application, the estates registry at the Bracebridge Court took the position that Tanja's application for an Order to Dispense with a Bond could not proceed without unanimous consent of all beneficiaries. Accordingly, Tanja brought an urgent Court application (the "**Urgent Application**"), seeking as relief, among other things, an order permitting her to file an application for a certificate of appointment and an order permitting her to apply for an Order dispensing with a bond both without Sean's consent.
33. Michael and Sean were served with the application record and factum of the Urgent Application.

34. Sean then filed a Notice of Objection to the First Application in **Ottawa and posted it on his website.**
35. Tanja, through her solicitor, notified the Court in Bracebridge of Sean's objection to the First Application immediately after becoming aware of it.
36. By endorsement (the "**Endorsement**"), dated June 4, 2020 Woodley J., granted Tanja the right to pursue the application for appointment as estate trustee without Sean's consent, and further provided that Sean could object to the First Application if he wished to.
37. The Endorsement and the First Application were served on Sean by Tanja through her solicitor.
38. Tanja re-filed the First Application with the Court in Bracebridge on or about June 12, 2020.
39. Sean did not file a Notice of Objection to the First Application.
40. Michael subsequently rescinded his consent to the First Application and as a result Tanja immediately withdrew the First Application on June 19, 2020.

### **The Second Application in 2022 by Tanja for a Certificate of Appointment**

41. By letter dated January 31, 2022, Tanja, Sean, and Michael were notified by the Solicitors that the House had been sold, that they retained the Net Proceeds and that they would release the Net Proceeds upon receipt of a notarial copy of a certificate of appointment of estate trustee.

42. Tanja again engaged the Defendant Hala Tabl to assist her to file an Application for a Certificate of Appointment of Estate Trustee Without Will for the Estate (the “**Second Application**”).
43. Through her counsel, Tanja asked each of Michael and Sean to consent to the Second Application.
44. Michael consented to the Second Application, and his consent was filed with the Second Application.
45. The Second Application was served on Sean, together with Michael’s consent in accordance with the *Rules*. Sean was also served with the Endorsement.
46. The Second Application was prepared and filed electronically with the Court in Bracebridge on behalf of Tanja by her solicitor Hala Tabl on March 24, 2022.
47. In a cover letter that accompanied the filing of the Second Application, Ms. Tabl indicated that Tanja took the position that the Endorsement applied to the Second Application.
48. As required by the *Rules*, the value of the Estate disclosed in the Second Application is the gross value of the Estate on the death of the deceased (essentially, the gross value of the Home) without deduction or reduction for unsecured debts of the Deceased, nor any expenses incurred after his death. In particular, the value of the Estate disclosed in the Second Application is not reduced by the expenses incurred by National Bank enforcing its rights or selling the Home but these do reduce the cash available as Net Proceeds.

49. Shortly after Sean was served with the Second Application, and before the Second Application had been filed in Bracebridge, Sean filed a Notice of Objection in Barrie signing it as King Sean, House von Dehn.
50. Tanja, through her counsel, advised the Court in Bracebridge of Sean's objection filed in Barrie and provided it to the Court in Bracebridge when she filed the Second Application.
51. By Order dated May 6, 2022, in the Second Application proceedings, Justice Casullo dispensed with the requirement for Tanja to post an administration bond in connection with the Estate for the Second Application.
52. By endorsement dated May 6, 2022, in the Second Application proceedings, Justice Casullo vacated the objection of King Sean, House von Dehn, to the Second Application.
53. Accordingly, the objection of Sean von Dehn to the Second Application and Tanja's application for appointment as estate trustee of the Estate has been disposed of.

#### **Dismissal with costs**

54. The Plaintiff's claims are part of a sustained campaign of hostility and harassment by Sean von Dehn against Tanja and anyone involved with the Estate or engaged by Tanja to assist her with the Estate. This campaign includes numerous threats and baseless allegations as against the Solicitors, publication of false and defamatory claims against Tanja and others on his website, and a meritless complaint to the Law Society of Ontario about the Defendant, Hala Tabl.



55. The action should be dismissed as against Tanja with costs on a complete indemnity basis, payable from Sean's share of the Estate.

August 26, 2022

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**THE KINGDOM OF HEAVEN FOUND A SEAN  
(An Express Trust Organization)**

and

**TANJA JOHNSON, HALA TABL, and MICHAEL  
VON DEHN**

Plaintiff

Defendants

**Court File No. CV-22-00089835-0000**

**ONTARIO  
SUPERIOR COURT OF JUSTICE**  
  
PROCEEDING COMMENCED AT OTTAWA

**STATEMENT OF DEFENCE  
OF THE DEFENDANT TANJA JOHNSON**

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