

October 2, 2026

Hatim Kheir

Hamilton Police Service Board
c/o Kirsten Stevenson, Executive Director
155 King William Street
Hamilton, ON L8R 1A7

Sent via email to: [REDACTED]

Dear Ms. Stevenson:

Re: Notice of Pending Legal Proceeding

We are writing to advise that we have been retained as counsel to the Dominion Society of Canada ("DSC") for the purpose of initiating a civil claim against the Hamilton Police Service Board for the actions of Hamilton Police Service ("HPS") officers, pursuant to section 47(1) of the *Community Safety and Policing Act*.

This correspondence is intended to place the Hamilton Police Service Board, the Hamilton Police Service, the Chief of Police, the involved officers, and all other relevant persons on formal notice of the anticipated litigation and of the requirement to preserve all potentially relevant evidence.

Nature of the Claim

DSC is a non-partisan advocacy group dedicated to promoting Canadian identity, heritage, and nationalism. It had intended to hold a conference ("DomCon") in the City of Hamilton on August 29, 2026. DomCon is a political conference where attendees gather to listen to notable speakers, primarily on the subject of immigration reform. Most importantly DomCon is a peaceful and constitutionally protected activity.

The HPS took significant steps to interfere with our client's constitutionally protected freedom of expression. In particular:

1. it publicly denounced our client and stated that DomCon was not welcome in the City of Hamilton;
2. it told conference organizers to cancel DomCon and move the event out of the City;



3. it solicited “[a]nyone with information regarding a recent venue booking for August 29” to contact the HPS; and
4. it actively reached out to potential venues and cautioned them against hosting DomCon.

The HPS’ publicly stated reason for engaging in this behaviour is that our client’s message is “divisive and exclusionary.” Preventing “divisive and exclusionary” expression is not a valid policing objective, whether pursuant to relevant legislation or the common law. Accordingly, the actions of HPS were not “prescribed by law” and therefore are not subject to the benefit of section 1 of the *Charter*.

Ultimately, due to the above efforts of the HPS, DSC was forced to look outside of Hamilton for a venue.

By making efforts to ensure that DomCon did not proceed in Hamilton the HPS infringed our client’s constitutional protected freedom of expression and is liable for damages under section 24(1) of the *Charter*. The nature and quantum of those damages remain under investigation and will be particularized in due course.

Nothing in this correspondence is intended to constitute an exhaustive statement of the facts, causes of action, parties, damages, or relief that may ultimately be pleaded. All of our client’s rights are expressly reserved.

Preservation of Evidence

Given the anticipated litigation, you are requested to take immediate steps to preserve all documents, electronically stored information, recordings, physical evidence, and other materials that are or may be relevant to the resulting proceedings.

This preservation request applies to all relevant information in the possession, power, or control of the Hamilton Police Service Board, the Hamilton Police Service, their members and employees, and any third-party maintaining information or records on their behalf.

Automatically Deleted Records

We specifically request that immediate steps be taken to prevent the deletion, overwriting, recycling, alteration, loss, or destruction of any body-worn camera footage, cruiser video, CCTV footage, radio communications, dispatch records, electronic messages, or other evidence subject to an automatic retention or deletion schedule.

This request includes preservation of the original native electronic files and associated metadata, and not merely an exported, compressed, edited, or redacted copy.



If relevant information is stored by a third-party service provider, contractor, cloud-storage provider, or other external custodian, please immediately take all reasonable steps required to ensure its continued preservation.

Preservation of Mobile Devices and Electronic Communications

To the extent that any involved member used a HPS-issued or personal mobile telephone, tablet, messaging application, or other device to communicate concerning the anticipated claim, all relevant communications should be preserved, including text messages, instant messages, photographs, videos, call logs, application data, and associated metadata.

No potentially relevant device should be wiped, reset, recycled, replaced, reassigned, or otherwise altered in a manner that could result in the destruction of relevant information until appropriate preservation measures have been implemented.

Identification of Involved Officers

If the identities of all officers involved in the incident are not already apparent from the occurrence materials, please preserve all records necessary to identify each officer, dispatcher, supervisor, special constable, civilian employee, or other person who participated in or witnessed the events.

This includes personnel identifiable through CAD data, GPS data, cruiser assignments, body-worn camera systems, duty rosters, radio logs, access-control systems, and other electronic records.

Anticipated Defendants

The anticipated proceeding may name the **Hamilton Police Service Board**, one or more members of the Hamilton Police Service, and such other parties as the evidence may disclose.

Section 47(1) of the *Community Safety and Policing Act, 2019* provides that a police service board is liable for acts or omissions of members of its police service committed in the course of their employment. Nothing in this correspondence should be interpreted as limiting our client's position concerning the liability of any individual officer or other person.

Notice to Insurer and Counsel

Please immediately provide a copy of this correspondence to any insurer, claims administrator, risk-management representative, or legal counsel who may respond to this claim on behalf of the Hamilton Police Service Board or any involved member.



If counsel has been retained, please have counsel contact the undersigned, and future communications concerning the anticipated proceeding can thereafter be directed through counsel.

Confirmation of Preservation

Please provide written confirmation by **October 12, 2026**, that:

1. this correspondence has been received by the Hamilton Police Service Board and Hamilton Police Service;
2. a litigation hold or other appropriate preservation direction has been issued;
3. all relevant officers, supervisors, civilian employees, IT personnel, records personnel, and other custodians have been instructed to preserve potentially relevant evidence; and
4. the matter has been referred to the appropriate insurer, claims administrator, and/or legal counsel.

If any category of evidence identified above has already been destroyed, deleted, overwritten, lost, or is otherwise unavailable, please advise us immediately in writing, identifying: (a) the nature of the material; (b) the date on which it was destroyed or became unavailable; (c) the applicable retention policy; (d) the person or process responsible for its destruction or deletion; and (e) whether any copy, backup, export, derivative file, or other version remains available.

This notice should be interpreted broadly in favour of preservation. It is not intended to impose any obligation beyond those applicable at law, but rather to ensure that potentially relevant evidence is not lost after litigation has been reasonably contemplated.

Nothing in this letter constitutes a waiver of any of our client's rights, causes of action, remedies, claims, or entitlement to relief, all of which are expressly reserved.

Sincerely,

CHARTER ADVOCATES CANADA

Per:



Hatim Kheir and Christopher Fleury
Counsel for the Dominion Society of Canada

CC: Chief Frank Bergen

