

# The impoverished of Oshawa

Searching for solutions: breaking stigma and shunning statistics

By Joel Wittnebel  
The Oshawa Express

A chemical smell rises from the carpets of the van. The cold wind that pushes around the empty Tim Horton's cups and plastic wrappers behind 275 Wentworth Street pulls the odour from the vehicle's open doors.

Laura Green, standing beside her vehicle she's just treated for bed bugs, the pests having found their way from her apartment on the bottom of a shoe or clinging to an article of clothing, stares at a set of numbers on sheets of paper.

The numbers give a statistical overview of the income, health and early childhood indicators for Oshawa's Lakeview neighbourhood in the city's south end, where she lives with her nine-year-old autistic son, Trystan. He stands beside her, his head snug tight in a hood, his eyes glued to the iPad in his hands.

"It's scary to see these numbers," she says.

The sheets of paper ruffling in her hands don't paint a nice picture of her neighbourhood and depict how living there can affect Trystan's development, health and future prospects.

Green pulls on a cigarette and looks at a second set of numbers. A similar statistical profile, but for one of Oshawa's other areas: downtown. Her eyes widen.

"But yet they said that downtown was improving?" she queries.

According to the Region of Durham's Health Neighbourhood mapping, the residential 'hoods in downtown Oshawa are in worse shape than those in the south end of the city, and it's not the only area that's suffering these days.

The impoverished areas of Oshawa are not alone in the region and for health care providers, experts and the people who live there, breaking the cycle that keeps many of these areas from improving will mean putting stigma and statistics aside and working together to help the denizens who live there, like Trystan.

## Shunning statistics: Myth; the south end is Oshawa most's impoverished area.

While over a quarter (26.5 per cent) of people in the Lakeview area of the city are considered low income, that number jumps to 28.1 when you move into the city's core, and the number of children under age six living in low-income households increases from 38.4 per cent in Lakeview to 42.6 in the downtown.

Also, the median after-tax income is over \$10,000 less downtown than it is in Lakeview's south end, dropping from \$44,600 in the south to \$32,500 in downtown, the lowest across the city.

In fact, Lakeview's median income isn't even the second lowest in Oshawa, with Beatrice North (north of Beatrice between Oshawa Creek and Harmony Road to Taunton Road) sitting at a lowly \$43,600.

"Some of those issues that are prevalent in the neighbourhoods are not just specific to the areas of south Oshawa," says Lee Kierstead, the executive director of the Oshawa Community Health Centre (OCHC).

The OCHC, which started as the South Oshawa Community Development Project in the 1980s, has expanded its purview since then to include all of Oshawa and most recently merged with the Ajax Youth Centre to provide health, early childhood development and other resources to Pickering, Ajax and Whitby, as well.

For Kierstead, the struggling areas of a city tend to see issues snowball, with things like income disparity, health issues and development risks piling on top of each other and perpetuating one another.

In terms of schools throughout the city, a chart ranking the best in the city could have the title struck off and replaced with the title of Oshawa income levels instead. There seems to be a correlation between the two.

At the top of the list of best schools in the city are

those in the north end: Father Joseph Venini and Dr. S.J. Phillips topping Fraser Institutes rankings of elementary schools in Oshawa. Moving down the list, the general trend is of the more midtown schools and, finally, several schools in the south end of the city populate the bottom of these rankings in terms of EQAO test results. Monsignor John Pereyma, Oshawa Central and GL Roberts populate the bottom five.

"It's a perpetuating thing, when you have a lack of education, leading to low income, leading to unemployment — these are all the things that kind of cycle," Kierstead says.

And how is that cycle broken?

Numbers aside, the most important thing is getting children the resources they need at a young age.

"There's a true acknowledgement and an understanding that in order to break through cycles like that you really have to get young children an opportunity to flourish and experience and get off to the best start," he says.

However, according to Dr. Toba Bryant, an associate professor in the Faculty of Health Sciences at UOIT, this isn't always possible with low-income parents.

"They really can't afford the kind of resources that would help a child and help their development over time," she says. "So those children reach school and they're not ready to learn and it's because their households are so stressed, their parents don't have time, they're often doing shift work because those are the only kinds of jobs they can find."

And though it isn't always the fault of the parents, it's where the blame generally falls, Bryant says.

"I think often this tends to degenerate into blaming the parents, but it's the circumstances that the parents are in and they often have no control over that. So it often creates a very stressed situation," she says.

And that stressed situation can lead to something worse.

## Breaking the stigma

For Green, the stigma of living in the south end of the city is something she lives with everyday.

Not only will landlords not rent to people from her building looking to move, but living on Wentworth, she says she sees the "worst of the worst," in terms of living conditions and criminal activity.

Green says she knows the problem only exists in pockets, while the stigma of "dirty south Oshawa" extends its invisible cloud all the way down to Lake Ontario and makes no exceptions.

But she says that the people who live in the south's better areas also act as catalysts for the stigmatization by shunning the worst areas.

"They can turn a blind eye to us all they want, we're still here, and just because we're making noise and getting attention, they don't like it because 'oh, our little haven is now being put in a bad light,' and it's like, you know what? How about you open your pretty little eyes and look at the whole, not just your little area."

Perhaps the big developers should be getting that message, too.

One of the big factors that has the potential to improve the struggling areas of Oshawa is development, yet, none of it is happening in the south end.

"It sounds like they've red-circled Oshawa south as stay out of there, but that is the very community that could use help," Bryant says.

And while the north end of Oshawa benefits from wide swaths of open land, the south end must struggle with brownfields and infill, and it is this lack of development that is a really key issue, according to the city's commissioner of development services, Paul Ralph.

"We don't have any interest from developers, they haven't identified any sites," Ralph says. "There really are limited opportunities for redevelopment."

The city has successfully redeveloped such locations as the previous industrial site that is now home



Photo by Joel Wittnebel/The Oshawa Express

Laura Green and her son Trystan, 9, both live in an apartment at 275 Wentworth Street West. Green says that residents of her building and others in similar low-income areas are stigmatized by others in the area.

“

*They can turn a blind eye to us all they want, we're still here, and just because we're making noise and getting attention, they don't like it because 'oh, our little haven is now being put in a bad light.'*

”

Laura Green  
South Oshawa resident



Oshawa Express file photo

While much has been made about the economic problems faced by residents in Oshawa's south end, there are other parts of the city with even lower socio-economic standings, including city's downtown core and Beatrice North, an area north of Beatrice between Oshawa Creek and Harmony Road to Taunton Road. According to a 2014 city report, nearly all of the new housing development has taken place in the more affluent north end of Oshawa.

of Bobby Orr Public School and the previous Conant School site that is now the office of the OCHC.

In recent years however, the growth just hasn't been there.

According to the city's development activity report for 2014, nearly all of the new development for single-detached dwellings, townhouses and apartments took place in the north end. And it's not only residential, but certain essential services, like financial institutions, that are non-existent in the south.

"Those basic services that people need aren't there because the population isn't there," Ralph says.

And the population is only decreasing. Studies show a negative growth of 3.6 per cent between 2006 and 2011, the most recent statistics available.

Thus lies the catch-22. To aid in breaking the stigma of Oshawa's struggling areas, there needs to be development, but for development to occur, developers need to see a growing population, but if the developers don't build, where is this hypothetical growing population going to live?

### Searching for solutions

In recent weeks, the idea of a South Oshawa Community Development Plan has made the rounds at city hall.

In the regular meeting of council on Nov. 30, Oshawa council voted to send the project to the region to take the lead, after much debate from some councillors.

However, for those on the ground, the debate is only white noise because it doesn't matter who takes the lead.

"You need all parts of the system to be working collaboratively," Kierstead says. "It's not a matter of pushing off from one to the other."

Ralph denies the feelings of some in the community that the city is passing the buck over to the region.

"When I started looking at it all, the real heart of the issue is a social and economic issue in south Oshawa and it would be best served if the Region, who has social services, health, has regional housing, affordable housing under their purview, they have Durham Region Transit and they have Durham Region Police that can help lead with other stakeholders."

Similar to the OCHC's work with Durham's school boards to ensure children are safe, have a full stomach and receiving the love and affection they need, any type of regional or municipal plan or policy will need to take these facets into consideration, because for Bryant, the problem originates from bad public policy to begin with.

"Poverty is created by bad public policies and this contributes to the inequitable distribution of the social determinants of health," she says. Those determinants being such things as: income security, food security, job security, housing security, and early childhood development and education. "If we had policies that were supportive of those social determinants, those children would do better."

And Kierstead says there are people in the community willing to help with that.

"There's a lot of really strong leaders out there and it really is a matter of how you connect in with them and mobilize that," he says.

However, Green says the city shouldn't just look at the south end, but the city as a whole and all its struggling areas.

"We don't just deserve better living conditions, everyone does," she says.

Bryant, with the help of a colleague, is also looking into another cause with her Job Related Quality of Life in Oshawa study which will be taking place in the coming months.

"Our goal is to work with the community to try to identify some potential public policies that might address the inequities that have arisen and how we can promote the creation of good jobs," she says.

With Green, the papers with numbers spread all over them are now gone, and most of the chemical odour has drifted away on the wind.

Trystan is sitting in the open doorway of the van, still playing on his iPad.

"He gets the world and so does she," Green says, speaking of her playful son and her 17-year-old daughter, who will soon be going off to college.

While she lives on disability, she says she makes sure her son gets the things he needs and then some, taking him to karate and violin lessons.

She also says he acts as a mentor for the other children. Telling them to use their manners, and always say please and thank-you. His politeness even earns him some free treats at the Tim Horton's near his house.

"What? I'm trying to help," Trystan says.

And for Green, she knows the area isn't the best to raise her child, but for her the numbers mean nothing if she pours everything she has into raising a "young gentleman."

A young gentleman that will need to shun statistics and break the stigma to have a healthy future.

"It gives me a sense of pride to know he will stand up for everyone else," Green says.



Photo by Joel Wittebel/The Oshawa Express

Residents of areas where there is more low-income tenants, such as the Wentworth apartments, are often stigmatized when looking for a new place to live, according to Wentworth resident Laura Green. Lee Kierstead, the executive director of the Oshawa Community Health Centre, says residents in lower income areas are often stuck in a perpetuating cycle.

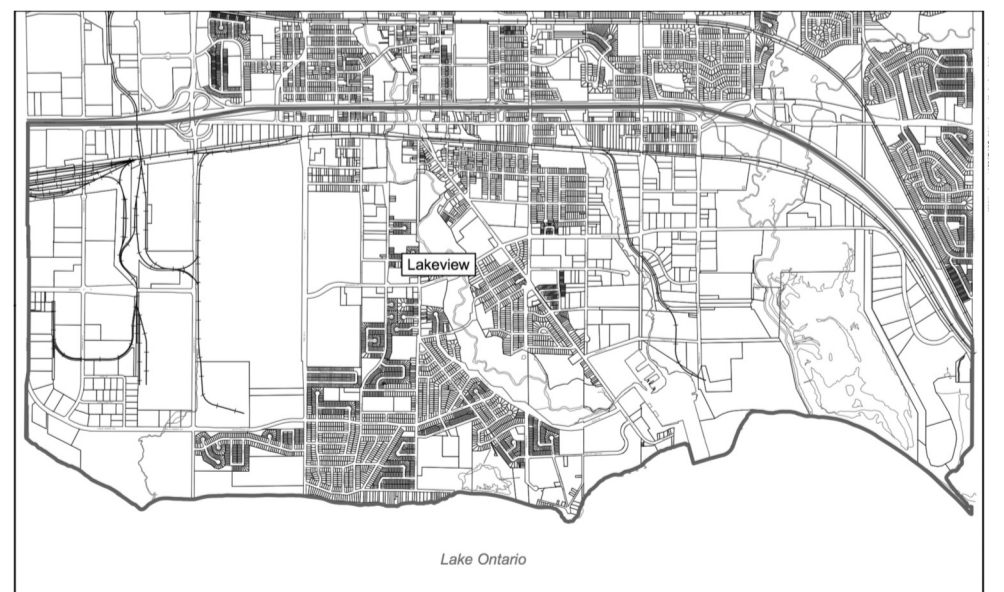


Image courtesy of the City of Oshawa

The Lakeview area - the official name for the portion of Oshawa that sits south of Highway 401 - is among the city's lowest income areas. The area is facing a falling population, falling 3.6 per cent between 2006 and 2011. Because of a falling population, the area is less ripe for new developments, unlike the city's booming north end.



# “There’s an anger and fury that builds up inside”

## How one man’s life devolved from the council chambers to a jail cell



Oshawa Express file photos

Former councillor Robert Lutzky, seen here during his days on council, at one time had 100 per cent of his wages as a councillor garnished to pay back his creditors. Typically, only 25 per cent of a person’s pay can be garnished, but following a legal opinion presented by city solicitor David Potts, that number was bumped up, according to court records. This, along with a 2005 court decision over fines on an apartment building he operated, led to the former councillor seeking revenge on the city solicitor, which erupted into the kidnapping and stand off in October 2012.



After Lutzky kidnapped Potts from his Courtice home, he took him to an industrial unit in Whitby filled with guns, ammo, an armoured van and the materials needed to make a bomb. While Potts was able to escape, Lutzky stood off with the police for nearly 27 hours before surrendering.



Superintendent Brian Osborne of Durham police addresses the media following the conclusion of their long standoff with Lutzky. Following his standoff, Lutzky would soon be taken to Lindsay’s Central East Correctional Centre, where he would spend the next three-plus years of his life, including one of those years in solitary confinement as per his request. With the frustration of preparing for his trial without a lawyer and continued denials for release, Lutzky lashed out, having run ins with the prison’s guards.

By Joel Wittebel  
The Oshawa Express

*This story is the culmination of more than three years of reporting by The Oshawa Express. Beginning on the night of the 2012 kidnapping, throughout the 27-hour standoff and ending with Lutzky’s final sentencing on Feb. 26, 2016.*

*Through the more than three years of court dates, The Express has been present for many pre-trial hearings.*

*Details for this story were gathered during those dates, along with information shared in the agreed statement of facts, court documents, victim impact statements and the words of Crown Attorney Ngai On Young, lawyer Chris Murphy and Robert Lutzky himself.*

### October 17, 2012 - sometime before 6 a.m.

*It was approaching dawn, flashing blue and red lights splashed colour on the wall of an indescrpt industrial unit in Whitby.*

*Inside, one man sat surrounded by guns, thousands of rounds of ammunition, an armoured van and all the materials needed to build a bomb. The kidnapping plot he’d attempted to undertake the day before had failed.*

*“I deviated from the plan and it all went wrong,” the man says, speaking to his wife on his cellphone.*

*The man’s body, more accustomed to the fit of a suit, is clad in body armour and sweat after nearly 27 hours spent inside the warehouse surrounded by police.*

*Again, he speaks into the cellphone in his hand. This time, on the other end, a police negotiator listens to the man who, hours before, told them he had a bomb and to stay away.*

*“When they see what I have in here they will put me away forever,” the man says.*

*There’s little negotiating left to do, and the man knows he has no choice. The police have told him they understand his situation and they just want to resolve things in a way that nobody gets hurt.*

*He’s had problems, the man says – serious problems that nobody understands.*

*The officer says that he does understand, life can be hard. Again, the man says nobody can understand.*

*“There’s an anger and a fury that builds up inside,” he says.*

*Defeated, Robert Lutzky, who spent years representing citizens of Oshawa at city hall, teaching under-privileged kids and serving his country as a lieutenant in the Canadian military, walked from the industrial unit and surrendered to police.*

Before becoming notorious for kidnapping Oshawa city solicitor David Potts in 2012 and the ensuing legal frenzy that lasted more than three years, Robert Lutzky was a respected community official. A hard working civil servant known for his passionate, albeit somewhat unorthodox, reputation.

Born in Toronto, Lutzky studied urban planning at Carleton University, and soon after graduation, returned to the GTA to work in Oshawa’s planning department. In 1991, at the age of 24, he ran an unsuccessful bid to become mayor. Three years later, he would lower his sights and win a councillor’s seat.

Lutzky spent his first term quietly warming his seat in the council chambers with work on downtown revitalization and efforts with Habitat for Humanity. In 1997, the city shuffled its ward boundaries and Lutzky lost his seat. He would remain out of politics for the next six years.

In 2003, after working as a teacher and developer to support himself, Lutzky returned to the political arena, and he brought with him six years worth of wild ideas.

These wild ideas, which many times had him gesturing madly and pontificating loudly in the council chambers, started to make headlines.

In 2004, Lutzky suggested that Oshawa should look into the possibility of annexing the nation of Turks and Caicos in the Caribbean.

A year later, Lutzky would get into a verbal spat with fellow councillor John Neal, who in a letter to local newspapers, had used the name University of Ontario Institute of Technology.

Lutzky had filed a copyright on the name, claiming he owned the rights to it because he was the first person to come up with the idea for a university in Oshawa. UOIT was established in 2002.

He demanded Neal resign. It didn’t happen. A year later, the storm started to build.

It was a small indiscretion, but one that the passionate Lutzky fought until the bitter end. It had him butting heads with the city’s legal department and city lawyer David Potts, the man he would kidnap at gunpoint seven years later.

Lutzky operated an apartment building owned by his aging

father. In 2005, the city’s bylaw department, working off complaints from the public, cited him for operating an illegal rooming house.

It was Potts who reviewed the bylaw department’s investigation and made the determination that there was enough evidence to level a fine.

Lutzky fought the charge all the way to the Ontario Court of Appeal, but eventually lost and was forced to pay the \$1,000 fine.

On the surface, the small legal wrangling didn’t seem like much. However, to Lutzky, this is where it all started.

In 2009, Lutzky found himself in the headlines again with a raucous campaign to bring the band KISS to Oshawa via an online contest.

The rock group eventually played a gig at the General Motors Centre.

The same year, Lutzky and Potts clashed again.

Facing debt issues, garnishment proceedings were initiated by Lutzky’s creditors who, in court, sought any money the city would pay to the councillor to cover his debts.

According to federal law, creditors can only garnish 25 per cent of a person’s wages. However, according to city bylaws, councillors are not employees and therefore the remuneration they receive can not be considered wages. This was Potts’s legal analysis and it led to all of Lutzky’s wages, as both a city and regional councillor, being garnished by creditors, according to statements read in court.

In 2010, despite garnering more than 7,000 votes in the municipal election, Lutzky would once again lose his seat in the council chambers.

The storm was starting to gain momentum, and over the next two years, the anger would only build, as Lutzky slipped further into debt. It was estimated by prosecutors that, at the time, Lutzky owed hundreds of thousands of dollars.

The debt and troubles with work translated into trouble at home, where the relationship with his wife had started to slip.

Finally, the storm grew too large to contain. The date was Oct. 15, 2012

### October 15, 2012 - approximately 11 p.m.

*It was an uneventful, yet lengthy, council meeting. It allowed David Potts time to text his wife Maureen. The two were excited to see one another after a long day.*

*It was a cool fall night as Potts stepped out into the driveway of his Courtice home at around 11 p.m.*

*At first, as the large Yukon truck pulled into the driveway behind him, Potts didn’t think anything of it. Perhaps it was someone just looking for directions?*

*It was only as he stepped out and the shadowed figure approached that things started to seem off.*

*The SUV’s lights were switched off, bathing the approaching figure in darkness. As the shadow moved into the light, the face of Robert Lutzky emerged from the black.*

*Potts, immediately recognizing his former colleague, greeted him casually, perhaps a little confused at his presence, then the gun was thrust into his ribs.*

*Confused and scared, Potts made his way to the large SUV at Lutzky’s urging. As he did, the alarm on his car blared into the night as he used his job to alert those inside that something was wrong.*

*Before Maureen made it to the front door, the driveway was deserted.*

*The door to her husband’s car stood open, briefly illuminated by the orange lights of the car’s hazards flashing in synch with the alarm.*

*Maureen knew almost immediately her husband had been taken, and running back into the house, her daughter following behind her; she first called police, then tried David’s cell.*

*There was no answer, and the worry slowly started to build into panic, the frenzied emotion clear in the words left in the messages on David’s voicemail.*

Lutzky has spent the last three and a half years in prison at the Central East Correctional Centre (CECC) in Lindsay.

And for the first year of his imprisonment, Lutzky was focused on one thing: getting out of prison.

“My heart was pounding so hard in my chest, it was like I just ran a marathon,” Lutzky said, describing his first morning waking up behind bars.

Early in his incarceration, Lutzky made several bids for freedom and, in total, was in court for three bail reviews during the pretrial period, all of which were denied.

He also pursued several other legal avenues for release, and used almost every legal tool available to those who believe they have been wronged by the system.

Among them, Lutzky filed a Charter application citing unreasonable delay on bringing his case to trial; he sought a stay of proceedings, claimed a trial judge was biased; he also

tried to have the venue of his trial changed. A trio of mandamus applications were also filed by Lutczyk. These legal tools are used to try and force a court into action.

Lutczyk also attempted to run for municipal election in 2014, but failed to register in time.

The former councillor also put forward a habeas corpus application, used by those seeking release who believe their imprisonment is unlawful.

None of these applications were successful and Lutczyk remained at CCEC, where he spent more than a year of his pretrial limbo in solitary confinement. His isolation was upon his request, fearing what would happen if he were put with the general population.

Without human contact, Lutczyk says interaction was found elsewhere. Fruit flies in his cell became friends, and the birds outside became familiar.

"They were there to engage me," he says of the crows, who, over time, have learned that inmates can be a source of food "Once they see an orange clad figure, they start squawking."

However, as the days wore on, the world started to fade away. "My nervous system was attacking my mind," he says. "The days are just starting to melt into each other."

Through most of the process, Lutczyk represented himself, and therefore was allowed time during his stay at CCEC to review the disclosure of his case and prepare for his impending trial. According to him, the process was fraught with flaws.

Computers that didn't work or were password protected, DVDs that didn't work, and no supplies to write with, noting he had to sharpen a single pencil with his fingernails and teeth in order to make notes.

With the constant frustration in preparing for trial, as well as his continued denials for release, Lutczyk had his first run in with the CCEC guards, just past his first anniversary in prison.

Handcuffed and being led to another cell, Lutczyk refused to enter. The tiny room was filthy and the floor of the shower stall was slick with mould.

Describing the incident, Lutczyk says the guard pushed the handcuffs painfully down into his wrists, so he did the only thing he could with his hands behind his back.

"I grabbed his finger and I squished it," he says. "After that issue, there's more tension between me and the guards evolving."

### October 15, 2012 - sometime around midnight

*David was hauled out of the large SUV and led into an industrial unit in Whitby.*

*The entire drive to the Hopkins Street facility, Lutczyk kept his right hand on the wheel and his other, holding the gun, trained at David's midsection.*

*With each word, Lutczyk says, David's fear and anger continues to grow.*

*The man had been waiting outside his home for hours. He watched Maureen enter the house around 10 p.m. as she got home from work. Lutczyk detailed his financial ruin, his personal crises. He demanded David's cellphone.*

*Inside the unit, his hands bound with plastic ties, David is forced on to a stool beneath a single bright bulb hanging from the ceiling.*

*The large unit is dominated by a white cube van. Propane tanks and other mechanical equipment are scattered around the space.*

*The frantic voices of Maureen and David's daughter echoed around the room. David stared at the satisfied look on Lutczyk's face as he played the messages from David's phone.*

*He swallowed his anger, his fear, and thought about his wife, his family. He figured he would never see them again. As Lutczyk returned from the van, standing in front of Potts with the gun dangling at his side, David looked up at him, then offered his forgiveness for what Lutczyk had done.*

*His captor looked stunned. Then he looked away, mumbling something. It sounded like he said things may have "gone too far."*

*Looking to deescalate the situation further, David held out his hands, the ties were rubbing painfully into his wrists. Lutczyk removed them.*

*David took the situation a step further and was able to convince Lutczyk to leave the unit to get something to eat at a nearby Tim Hortons drive thru.*

*Once outside the unit, David vowed regardless of what happened, he would never go back inside.*

Several times during the pretrial period, Lutczyk attempted to get help with his case.

When legal aid was denied, he filed a Rowbotham application, which is used to obtain funding by those who don't qualify for legal aid, but are facing serious charges unrepresented. The application was denied. The judge cited Lutczyk had failed to disclose the sale of a pair of properties in Oshawa, the funds from which could have been used for counsel.

"The credibility of this applicant is an issue," Justice Cory Gilmore said at the time.

With the latest denial, Lutczyk continued to prepare for his trial solo from CCEC. Occasionally, he would be visited by an amicus (friend of the court) who would provide assistance. The amicus, a Toronto-based lawyer, Chris Murphy, would be present to assist Lutczyk during his court appearances.

However, the issues at CCEC persisted, including an incident caught on security cameras where Lutczyk and the guards got into a scum after Lutczyk is said to have attacked a guard with a dinner tray, something he denies.

Then, after more than two years, a trial date was finally set for January 2015. A 10-day period was set for pretrial motions before a

Jan. 26 start.

However, following the theme of Lutczyk's legal saga, it became evident that this January date wouldn't happen.

"It's looking like that's going to be a fairy tale," said Justice Hugh O'Connell at the time.

The pretrial motions, originally slated for 10 days, lasted six months, followed by the legal proceedings for Lutczyk's aforementioned Charter application and other legal pursuits.

In the summer of 2015, the incidents spilled over into behind the scenes altercations at the Durham Region Courthouse where Lutczyk claims he was assaulted by OPP officers and special constables in the holding cells.

The Crown eventually dropped the charges put forward by Lutczyk, citing not enough evidence to proceed.

It wasn't until October of 2015 that Lutczyk would see an approval from the justice system. Upon a second Rowbotham application, this time filed by Murphy, Lutczyk's amicus, Justice O'Connell okayed the application and Murphy moved from amicus to Lutczyk's counsel.

Just over a month later, Lutczyk would enter a guilty plea.

### October 16, 2012 - between 1 and 2 a.m.

*David waited for his moment.*

*He knew he would only get one chance to escape. Akin to their first trip to Whitby, Lutczyk drove with his one hand on the wheel, the other holding the gun aimed at David's chest.*

*As the Yukon pulled into the drive-thru, David prepared for Lutczyk to turn to place the order, his fingers twitching toward the seat belt buckle. However, Lutczyk kept his eyes forward, not turning toward the open window.*

*The car pulled forward, and now, David knew this was the moment. Lutczyk would most certainly have to turn to pick up the food.*

*As the truck stopped at the pick-up window, both men froze. The only movement was their eyes as they followed the progress of the DRPS cruiser into the parking lot. Then the front seat of the SUV was lit up with white light as the spotlight aimed directly at them.*

*David only had time to lift his hand in the shape of a gun before Lutczyk slammed his foot to the floor sending the SUV careening forward, over the curb and out on to the street. Barreling down the road, running red lights, David knew where his captor was headed, and he remembered his vow from hours before.*

After years of an impending trial, Lutczyk's guilty plea came as a surprise to many, who, like the pretrial saga before, expected a lengthy trial.

However, Murphy says obtaining representation changed a lot for Lutczyk.

"It has always been my position, obviously, that (representation is) required in this case because of the complexity of the case and the various issues that arose," Murphy said at the time.

Already familiar with the case through his role as amicus, Murphy's appointment was clearly the catalyst for the plea, but he says there was more than that.

"It was at that point he had counsel for the first time and was able to essentially obtain legal advice on this," he said. "Ultimately, I think Mr. Lutczyk just wanted to accept responsibility for what he had done and he did that."

It would take almost three more months before Lutczyk would hear his fate.

### October 16, 2012 - early morning hours

*The SUV slammed through the metal gates on Hopkins Street, the police cruisers' blaring sirens already pulling in behind them.*

*Running from the driver's side, Lutczyk hauled David from the car, holding the gun to his head and placing him between the police and himself.*

*Lutczyk scoffed at the police's continued shouts to drop the gun and release his hostage.*

*Pulling him in an awkward stutter step, David knew Lutczyk wanted to get him back inside the unit.*

*The cops continued to yell, their guns trained on the two men, the red dots painting David's chest. As they slowly headed towards the warehouse door, David made his move.*

*Dropping to the ground, Lutczyk immediately made a frantic dash behind him, trying to maintain his human shield. The two men wrestled on the concrete and Lutczyk attempted to drag David through the doors. David fought and Lutczyk gave up. He disappeared into the unit and David ran toward the lights of the police.*

*Lutczyk would remain inside for nearly 27 hours, speaking to his wife and several others on his cellphone.*

*He would request safe passage out of Whitby, and for all possible criminal charges against him to be forgotten.*

*He would accept the inevitable*

*He would surrender.*

*David, after giving his statement to police, would be back at city hall for work the next morning.*



Following more than three years in prison and legal wranglings ahead of his trial, Lutczyk entered a guilty plea in December for the October 2012 kidnapping. The former councillor was given an eight-year, four-month prison term by Justice Alex Sosna. With credit for time served, Lutczyk will serve three years and four months. Speaking with the media after the conclusion of the final sentencing hearing, Potts said he accepted Lutczyk's apology and that he and his wife have moved on with their lives.

The final legal question was time.

With years of it already spent in pretrial wrangling, the Crown was pushing for a 10-year sentence, while Murphy was seeking a lesser term of eight years.

During the sentencing hearing, Maureen had her chance to address Lutczyk, and the courts, for the first time, detailing the impact that night had on her family, describing it as "the most terrifying nightmare that one could inflict on a family."

"Mr Lutczyk's unimaginable cruelty found its mark and continues to haunt," Maureen said. "Never has Mr. Lutczyk expressed anything resembling remorse for his planned and outrageous attack on our family."

Hearing her words, Lutczyk sat calmly in his seat at the front of the courtroom, staring at the wall in front of him, occasionally glancing at his hands. At the end of the first day, Feb. 4, as Justice Alex Sosna prepared to close the proceedings before making his final decision weeks later, he gave Lutczyk a chance to speak.

The man, whose thinning hair and gaunt frame is a shadow of the man who occupied a seat in Oshawa council years before, offered an apology.

"I feel I really have to say things from the inside of my core," Lutczyk said. "I'm so deeply sorry that I hurt her and her husband and her children..."

"I'm just sorry for it all... I truly hope you can find it in your hearts to forgive me for this."

However, the words were lost on Justice Sosna.

A little more than three weeks later, Sosna would describe Lutczyk's apology as "hollow and disingenuous."

The judge ordered Lutczyk to stand, and in what seemed like only seconds before handing down a 10-year sentence, Murphy bolted to his feet and urged the judge to stop, stating that, as it stood, the sentence was a "significant departure" from previous discussions between the Crown, himself and the judge.

"The sentence you are about to impose is not in accordance with those discussions," Murphy said.

Meaning, if Sosna had been given a few more seconds to speak, Lutczyk would have spent an additional two years in jail.

Crown attorney Ngai On Young and Murphy had previously agreed that Lutczyk would be given additional credit for his time served, above and beyond the legislated 1.5 days for every day served in pretrial custody. They submitted two days for every day served should be given to Lutczyk due to his rocky stay at CCEC

However, Sosna found no precedent or reason for giving Lutczyk the additional credit.

"It would be an error," he said of such a decision.

Murphy pressed on and was able to persuade Sosna for additional time to speak with Young. The pair returned with a joint submission that Lutczyk's sentence should be eight years and four months. With the credit for time served, Lutczyk would remain in jail for another three years and four months.

It was a sentence Sosna agreed with and imposed.

### February 26, 2016

David and Maureen exit the courtroom, and are almost immediately surrounded by media.

Since the preliminary hearing, when David testified about the events of Oct. 15, 2012, the municipal lawyer has kept quiet about the incident.

His response to the verdict was that justice had been served. "Both counsel were working very hard, as was Justice Sosna, and I think the result was just," he said.

When asked how he felt now that the three-year saga was at an end, David said he was relieved, but for him, the issue has been over for years.

The comments of Justice Sosna on Lutczyk's apology were also echoed in the media's questions to David, but he disagreed, saying his family accepted Lutczyk's remorse.

"I accept his apology," he said.

However, he was only reiterating his comments made three years before. Handcuffed and at gunpoint, sitting beneath the bare lightbulb of Lutczyk's doomsday bunker, David had looked at his captor, and forgave him.

"It was over three and a half years ago," David said.





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# The Oshawa Express

\$1.00 www.oshawaexpress.ca "WELL WRITTEN, WELL READ" Vol 11 No 34 Wednesday, July 6 2016

## Canada Post to lock out workers

Crown corporation announces it will not accept union's offer, will lock out workers starting on Friday

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## Bank robbed at gunpoint

Three suspects wanted after RBC held up for cash

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## No skating at city hall

Councillors shoot down proposal to have ice rink installed in Civic Square this winter

Page 7

## Bus pass deal reached

After eight months of back and forth, councillors agree on future rate for U-Pass

Page 10

## Destruction of history

The Harriet Cock House on Simcoe Street North, which has stood on the same plot of land for nearly 200 years, will soon be torn down to make room for a mall and subdivision. However, The Oshawa Express has learned that RioCan, the property's developer, knew four years ago the property could be saved and moved, but did nothing. To read more on the history of this 19th-century home and what is happening to the land, turn to page 13.

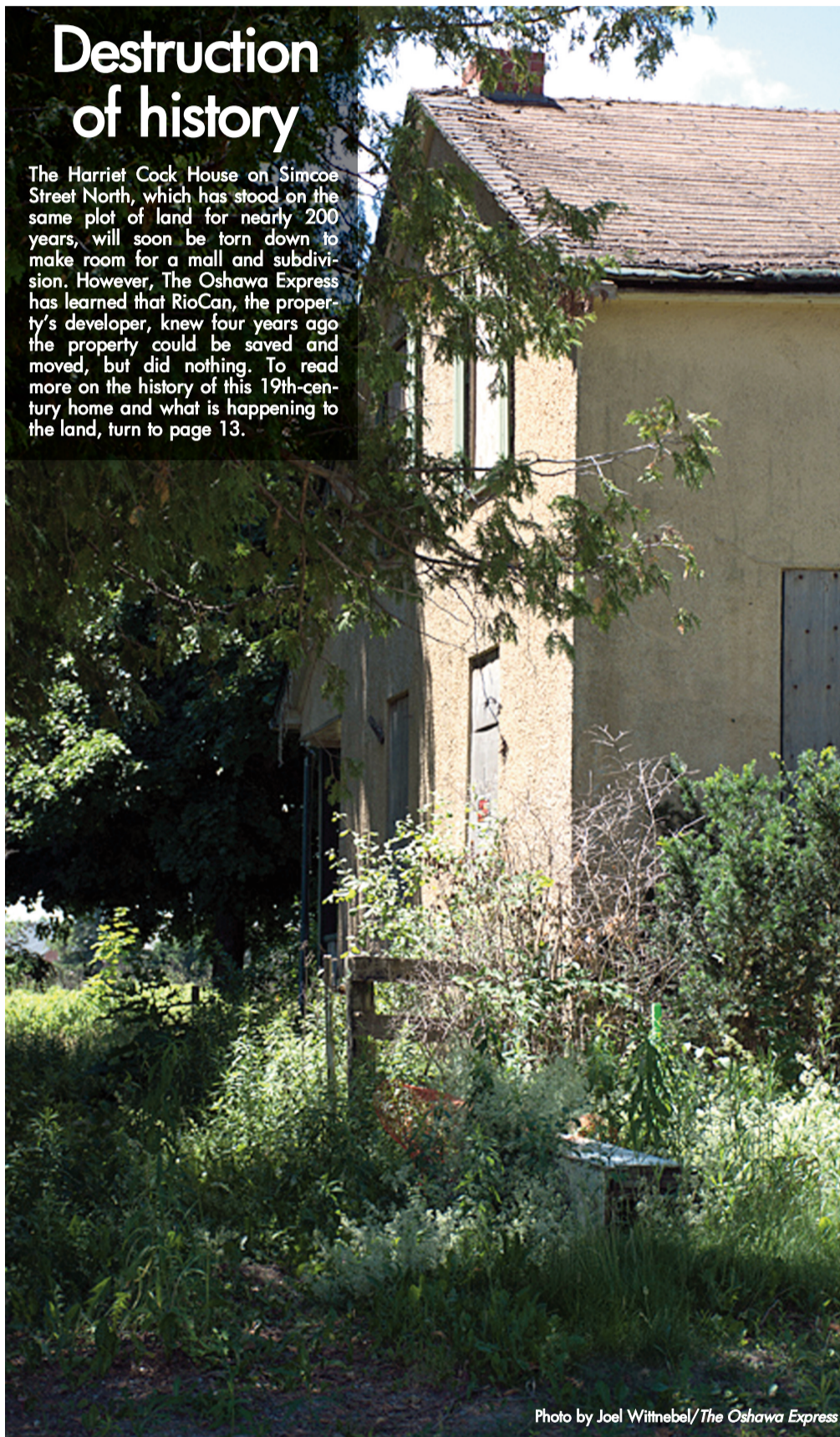


Photo by Joel Wittnebel/The Oshawa Express

## Funding found for jumbotron

By Joel Wittnebel  
The Oshawa Express

The final price is stamped and Oshawa now has an idea of where the money will be coming from to pay for the new score clock system at the General Motors Centre.

Following negotiations with Media Resources, the company supplying the clock, the city reached a final deal of \$762,310 for the new jumbotron. This is well below original estimates, which saw the new system costing upwards of \$900,000.

The funding for the new system is coming from a variety of sources, and while it will see some capital projects deferred in 2016, Mayor John Henry says he is still pleased with the outcome.

"We wanted to try and make it up out of the existing budget and find opportunities," he says, noting the city wanted to do its best without having to borrow funds.

See CONTENT Page 10

## City has no policy on tracking overtime

*Increase in extra pay leads to investigation*

By Joel Wittnebel  
The Oshawa Express

The lack of any consistent policy to track staff overtime at the city has led the municipality's auditor to push for further investigation and the implementation of a system to log workers' extra time spent on the job.

The internal audit completed by KPMG found that overtime was being tracked five different ways in five different departments across the city and that reasons for overtime were not "routinely documented on an individual basis in some areas," the report reads.

See CONSULTANT Page 3

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# The slow destruction of Harriet Cock House

Four years ago, it appeared the property could be saved; now, the mid-19th century home is slated for destruction



Joel Wittnebel

*If these walls could talk, the words would be shaking with fear.*

*Only a few short steps from the home's front door, across a dirt path soon to be overtaken with yellowed grass, zooms the ever increasing traffic of Simcoe Street North. Looking out the back window, dust clouds float over the flattened land that will soon be home to one of Oshawa's newest subdivisions. Long gone are the green fields and thick forest that would have previously been these windows' vista.*

*The bulldozers rattle over the dry soil, waiting for the final word to turn their metal teeth on the small, unsuspecting building that has proven so pesky in the past.*

*Apparently, four years can change a lot.*

The house at 2300 Simcoe St. N., previously home to one of Oshawa's earliest female land owners, Harriet Cock, was built nearly 200 years ago in the mid-1800s.

Harriet immigrated here with her daughter, son-in-law and servants from England, using the fortunes she amassed, willed to her from a pair of deceased husbands. After her death in 1897, the home saw several different owners before it was eventually sold to Windfields Farm, who owned it until 2009.

It is one of the city's earliest pieces of architecture, and soon it will be bulldozed to the ground to make room for a shopping mall and more houses as part of RioCan's latest project.

It did not have to be this way.

Four years ago, a report prepared by ERA Architects was commissioned by RioCan to study the feasibility of moving the heritage house, which sits at the edge of its monstrous development.

The report found that the home was slightly more significant than anyone expected.

"We find the building to be of significant heritage value as a rare example of the early frame building type in the Oshawa region," the report reads.

"This early, and now unusual, construction gives the house notable and significant architectural heritage value."

It also has a cousin at the Lakefront. The architects used the Henry House, now part of the Oshawa Museum, as a reference point due to the similarities between the two.

"The similarities are too great for the two houses to have been constructed 50 years apart and the conclusion thus is that the subject house dates from the same period," the report reads.

The architects also found that, despite its age, the house was sturdy and could easily stand-up to the move, which upon consultation with an expert mover, the architects labelled as a "relatively simple project," as many of the issues were of an aesthetic nature.

"The frame building was found to be in good condition and robustly constructed to withstand the impact of relocation," the report concludes.

A cost estimate pegged the relocation between \$40,000 and \$45,000.

While the first 150 or so years left the house in sound conditions, it would seem these last four have just been four too many, according to RioCan.

In a recent letter to city council, it has found the house can no longer stand up to the move as the front porch is collapsing and "the building itself has developed serious structural deficiencies that are now a potential liability risk."

The letter also states that it had been RioCan's intention to relocate the property further north and integrate it into a commercial block.

The news came as quite a surprise to Diane Stephen,



Photo by Joel Wittnebel/The Oshawa Express

First constructed in the mid-19th century, the home formerly belonging to Harriet Cock, one of Oshawa's first female land owners, will soon be coming down to make room for a mall and a subdivision. A report commissioned by RioCan, the property's owner, four years ago found that it would be easy to move the house, with the city expressing interest in designating it a heritage property. However, the house was never moved, and RioCan now says the house is in such a state of disrepair that it has to be torn down.

chair of the Heritage Oshawa committee, who always believed that moving the house was still a consideration.

"There was potential, and that was an option that was always on the table until we get this letter," she says.

Council was also on board with the relocation, carrying a motion in 2013 that approved the move and also suggested that councillors consider designating the building under the Ontario Heritage Act.

They went as far as making the suggestion as part of the program, approved this year, for honouring the Windfields Farm legacy.

When a draft proposal of the plan was made public, RioCan requested the house be removed from those being designated. According to a city report, "RioCan had a concern about designating the Harriet Cock House...given the state of disrepair of the building and the location of the building in relation to the proposed development in this area."

RioCan did not return requests for comment on this story from The Oshawa Express, including requests for details as to why the house was not moved following the original report.

When the final program was brought forward in February, the house had been removed from the list.

"It's unfortunate and it's always sad to lose a piece of history," says Mayor John Henry.

"The challenge is we don't own the property."

Henry also acknowledges the fact that the house has deteriorated in recent years, admitting to stopping to close and lock the front door of the house while passing by, that was, before the doors and windows were boarded up.

"If it reaches a point where it's not that easy to repair and move, what's the end result?" he says.

Included in its letter to

the city, RioCan has also provided a \$15,000 donation to help with the Windfields Farm Legacy Program, something councillors have agreed should go toward a display case in the new Firehall 6, which will showcase artifacts from Windfields Farm.

"It's an opportunity for the city to get something," Henry says of the donation.

"I'm hoping that RioCan continues to do what they promised in the north end of the city, and I have all the expectations of that."

The sad end of Harriet Cock House also comes with a silver lining for Stephen, since the Oshawa Museum already has an extensive record of Harriet's life.

"A lot of times when these houses come down, we have no life story about where the people came from," she says.

Even so, whenever the house does come down, as several reports have detailed, a lot more will be lost than just a pile of wood and shingles.



Image courtesy of RioCan

The Harriet Cock House is set to be torn down in order to make room for RioCan's Windfields Farm project. The development is set to be home to a 1.5-million-square-foot shopping centre and 30 acres of residential development.