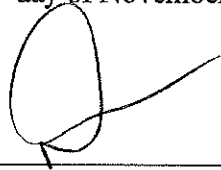


This is Exhibit "JJ" referred to in the affidavit of Vivian Krause sworn before me at Vancouver, B.C. this 16<sup>th</sup> day of November, 2023.

A handwritten signature in black ink, consisting of a large, loopy initial 'J' followed by a horizontal stroke extending to the right.

*A Commissioner for taking Affidavits within British Columbia*

**ALLEN / M<sup>C</sup>MILLAN**

March 1, 2021

File No. 01593-001

**VIA COURIER**

Bell Media Inc.  
500 – 969 Robson Street  
Vancouver, BC V6Z 1X5

**Attention: Legal Department**

Dear Sirs/Mesdames:

**Re: Fortius Foundation and others**

We are counsel to Fortius Foundation, CHIMP: Charitable Impact Foundation (Canada), Scott Cousens, John Bromley and Blake Bromley. We are advised that Alissa Thibault of CTV News Vancouver plans to imminently air a story regarding the sale of the Fortius Sport & Health Facility (the "Facility") to the City of Burnaby which we expect will contain statements defamatory of our clients. We write to advise Bell Media that our clients will take all necessary steps to defend their reputations should Bell Media defame them, whether by direct publication of defamatory statements or republication of defamatory statements made by others.

While Ms. Thibault has, to date, declined to indicate what in particular she wishes to discuss with our clients, we understand that the impetus behind her planned story is a protracted campaign of misinformation regarding the funding of the Facility alleged solely by an individual named Vivian Krause. Through her internet blog, Ms. Krause has repeatedly alleged for that our clients and others have funded the Facility through a "massive tax fraud scam" and has suggested that our clients and others may have received a windfall when the Facility is sold to the City of Burnaby.

Ms. Krause's allegations stem from her ignorance of complex charitable tax planning. As she correctly notes, the gifts from our clients and others which were used to fund the construction of the Facility included some of the largest charitable gifts in British Columbia history. As such, these gifts were subject to careful scrutiny by our clients and their accounting and legal advisors before they were made and were subject to careful scrutiny by the Canada Revenue Agency thereafter.

It is surprising that Ms. Krause, who we understand to be a nutritionist by trade, considers herself qualified to identify a "massive tax fraud scam". In fact, the subject transactions have been audited by more than one of the "big four" international accounting firms, and the Canada Revenue Agency has been aware of the transactions for several years and raised no concerns whatsoever.

Ms. Krause has communicated her allegations to the City of Burnaby, the Economic Crime Unit of the RCMP, the Auditor General of British Columbia and the Director General of the Canada Revenue Agency's Charities Directorate. As far as we are aware, none of these entities have pursued any action in response to the allegations. It is truly disappointing that



Greg Allen  
D (604) 282-3982 / greg@amlc.ca

1550-1185 West Georgia Street,  
Vancouver, BC V6E 4E6

M (604) 569-2652  
F (604) 628-3832

www.amlc.ca

{00144238}

Bell Media would seek to add credence and legitimacy to these wild, incendiary allegations by giving them a platform on CTV News Vancouver.

As Bell Media is well aware, if it communicates defamatory statements it must establish that it acted responsibly in order to avoid liability. Given the seriousness of Ms. Krause's allegations, the lack of reliability of Ms. Krause as the source of these allegations, the lack of any time sensitivity to the story, and the low public importance of these issues, no story which gives airtime to Ms. Krause's allegations could be considered responsible. The irresponsibility of airing a story on these allegations is compounded by the fact that it would be impossible to communicate the nuance and complexity of the applicable charitable tax regime in the time available. Viewers of the story would be left with a clear understanding of Ms. Krause's allegations, but no understanding of why those allegations are completely untrue.

Should the story go to air and our clients are forced to commence litigation to protect their reputations, we are confident that they would be successful in that litigation. They would seek substantial damages. Our clients are leaders in the charitable sector and depend heavily on their reputations for continued success. The damage to their reputations that would be caused by a national media company reporting on their involvement in alleged tax fraud is incalculable.

In addition to reputational harm, there is a chance that reported allegations of tax fraud involving the Fortius gifts could spur a Canada Revenue Agency investigation into our clients' financial affairs. While our clients are fully confident that any such investigation would reveal no wrongdoing, it would be an expensive and lengthy process. The cost of responding to an investigation would be damages flowing directly from the publication of the impugned defamatory statements, and our clients would seek full indemnity, including indemnity for legal fees, from Bell Media.

We urge Bell Media to rethink the proposed story. It serves no journalistic purpose whatsoever for Bell Media to publicize debunked allegations of criminal conduct, and in the process causes substantial harm to our clients. Should the story go to air and include Ms. Krause's allegations against our clients, we anticipate that our instructions will be to immediately commence proceedings against Bell Media.

We look forward to receiving confirmation that the story will not proceed at your earliest convenience.

Yours truly,

**Allen / McMillan Litigation Counsel**

Per: 

Greg J. Allen\*

\*Law Corporation

cc: CTV News Vancouver  
Attn: Alissa Thibault (Via E-Mail: [alissa.thibault@bellmedia.ca](mailto:alissa.thibault@bellmedia.ca))

Mar 3, 2021 at 6:16 PM

Hi Vivian, I was hoping to have better news for you.

I've been in talks with the lawyers the last couple of days after sending in my story and my bosses have decided to put a pause on it. At this stage the consensus is that it's too complicated and needs some expert insight.

I'm going to keep trying with it and see what I can do but at this stage I've been told I don't have enough of a case.

I appreciate the work you've done and understand if you want to take it to other media - I'm going to reach out to some investigative colleagues in Toronto but I can't give you a timeline on that