

Court File No.

CV-21-00657645-00ES

ONTARIO
SUPERIOR COURT OF JUSTICE
(Estates List)

B E T W E E N :

LAW SOCIETY OF ONTARIO

Applicant

and

ESTATE OF BRADLEY ROBERT ALFRED DUBY, DECEASED
and BRAD DUBY PROFESSIONAL CORPORATION

Respondents

APPLICATION UNDER the *Law Society Act*, R.S.O. 1990, c. L.8, s. 49.44 to 49.52
as amended, and the *Trustee Act*, R.S.O. 1990, c.T.23, s. 60 and 61

AFFIDAVIT OF LINH HOANG

I, LINH HOANG, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am employed in the Trustee Services Department of the Law Society of Ontario (the "**Law Society**"). I am the Law Clerk presently assigned to the Trustee Services' file relating to the Estate of Bradley Robert Alfred Duby, deceased and Brad Duby Professional Corporation (the "**Respondents**"). I have personal knowledge of the information set out in this affidavit. Where my statements are based on information or belief or where my information comes from documents, I believe that information to be true.
2. The Law Society seeks to be appointed trustee of the Respondents' professional business in order to preserve and/or distribute client property and complete the wind up of his law practice.

Background

3. Bradley Robert Alfred Duby was licensed by the Law Society to practise law in October 2002. Although his licensing status with the Law Society was “Partner – Professional Business,” he appears to have practiced law as a sole practitioner from business premises at 2 Clinton Place in Toronto, Ontario.
4. The last Lawyer’s Annual Report filed by Mr. Duby with the Law Society was for the period ending in 2019, and it indicated that his practice was primarily in the area of civil litigation. Review of his firm’s website (<https://dubyassociates.com/>) suggests his practice was primarily personal injury based.
5. Mr. Duby passed away on January 28, 2021. I viewed Mr. Duby’s obituary at the website: <https://www.tributearchive.com/obituaries/19883296/Bradley-Robert-Alfred-Duby/Georgetown/Ontario/Jones-Funeral-Home>. His [obituary](#) is viewable by clicking on the link.
6. The Respondents operated a mixed trust account no. 1994417, transit number 24502, at the Bank of Montreal branch located at 640 Bloor St W., Toronto, Ontario. The trust account is currently frozen at the Law Society’s request and upon notice to the Bank of Mr. Duby’s passing.
7. I am advised by lawyer, Nico Paul, who was acting for Mr. Duby’s surviving spouse, that Mr. Duby died intestate and that she is not currently seeking to be appointed as Estate Trustee. A copy of Mr. Paul’s correspondence dated February 24, 2021 is attached as **Exhibit “A.”**

Current Concerns

- 8. In very limited circumstances and when there is no succession plan in place with respect to a licensee's law practice, the Law Society, through its Trustee Services department, will take possession of the practice in order to ensure an orderly transition of the client files and trust funds, if any, for the clients.

- 9. Receiving and responding to client inquiries is a primary component of my work in Trustee Services. I have received more than 60 inquiries from clients, counsel and third parties, looking for client files, trust funds and seeking to collect debts since Mr. Duby passed away. Mr. Duby had a very active practice and currently, there is no one with authority to wind up the practice.

Relief Sought

- 10. As there is no one authorized to complete the wind up of the Respondents' professional business, the Law Society seeks to be appointed trustee to ensure that the interests clients and former clients are protected and for the purpose of obtaining, preserving and distributing client property.

SWORN REMOTELY by Linh Hoang
of the City of Toronto in the
Province of Ontario, before me
this 24th day of February 2021, in accordance
with O. Reg. 431/20, Administering Oath
or Declaration Remotely:



Linh Hoang

Linh Hoang

A Commissioner, etc.

From: Nico Paul
To: Joanne MacMillan
Subject: Re: Brad Duby Estate
Date: February 24, 2021 2:18:25 PM
Attachments: image003.png

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

Hi Joanne,

I have been advised by Mr. Duby's surviving spouse that she has not located a Will and that she is not currently seeking to be appointed as an Estate Trustee of his estate.

Nico Paul

Paul and Paul - Lawyers | 2323 Yonge Street, Suite 504, Toronto, Ontario M4P 2C9

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**This is Exhibit A referred to in the
affidavit of
Linh Hoang sworn remotely before me,
in accordance with O Reg 431-20, on
2021-02-24:**



A Commissioner for Taking Affidavits

LAW SOCIETY OF ONTARIO and ESTATE OF BRADLEY ROBERT ALFRED DUBY, DECEASED ET AL.

ONTARIO
SUPERIOR COURT OF JUSTICE
(Estates List)

PROCEEDINGS COMMENCED AT TORONTO

AFFIDAVIT OF LINH HOANG

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