

**IN THE MATTER OF THE TORONTO EXTERNAL CONTRACTS INQUIRY**

**AFFIDAVIT OF BRIAN C. CLARK**

I, Brian C. Clark, of the City of Markham in the Region of York in the Province of Ontario, **MAKE OATH AND SAY:**

**BACKGROUND**

1. I am a private investigator and process server. Over the course of the last two years, I have located and served a number of individuals on behalf of the Toronto Computer Leasing Inquiry. As such, I have knowledge of the matters hereinafter deposed to.

2. I am the owner of Clark Security Consultants Ltd., an investigation agency founded two years ago, and former partner/owner of Trillium Investigations and Consultants Ltd. ("Trillium"). I established Trillium in 1996, the year I retired as a Staff Sergeant in the Toronto Police Service. I held various ranks within the Toronto Police Service over the course of approximately thirty years.

**ATTEMPTS TO LOCATE BALL HSU AND SERVE WITH HIM WITH A SUMMONS IN 2003**

3. On July 30, 2003, Commission Counsel instructed me to locate Ball Hsu, Natalia Hsu (Mr. Hsu's wife) and Ying Hsu (their daughter) and serve the same with a summons to appear for an interview before the Inquiry. Ball and Natalia Hsu own a home at 8 Glenarden Crescent in Richmond Hill, Ontario, L4B 2G2 (the "Ball Hsu Residence") (TEC056242).

4. On July 28, 2003, I reviewed the phone records to locate the address of Ying Hsu and confirmed that Ying Hsu also resided at the Ball Hsu Residence.

5. On July 30, 2003, I attended the Ball Hsu Residence and rang the doorbell, but no one answered. I observed vehicles in the driveway and took note of the license plate numbers.

6. On August 5, 2003, I attended the registered business address of Ball Hsu & Associates at 2180 Steeles Ave. W., Suite 215 in Concord, Ontario, L4K 2Z5 (the "Ball Hsu Office") (TEC056242). I also attended the Ball Hsu Residence. I could not locate Ball, Natalia or Ying Hsu at either location.

7. On August 6, 2003, I attended and observed the Ball Hsu Residence between 7 and 9 am. I rang the doorbell, but no one answered the front door. It did not appear to me that anyone was at home.

8. On September 8, 2003, I again attended the Ball Hsu Residence. On this occasion, Ying Hsu opened the door. I served Ying Hsu personally with an original summons to appear on September 18, 2004. I informed Ms. Hsu that I wished to speak to her parents, Ball and Natalia Hsu. Ms. Hsu was not very co-operative. Ms. Hsu advised me that Ball and Natalia Hsu were not at home and that she did not know when they would return. I was asked not to bother her any further and Ms. Hsu slammed the front door shut.

9. On September 9, 2003, I followed up with a telephone call to the Ball Hsu Residence. Judging from the voice, I believe Ying Hsu answered the phone. I asked to speak to Ball or Natalia Hsu, but was advised that they were not at home and that the time of their return was unknown.

10. On September 15, 2003, I attended the registered office of Andall Technologies Corporation ("Andall") at 1033 McNicoll Ave, in Scarborough, Ontario M1W 3W6 (TEC056248). Natalia Hsu is listed as the President of Andall. I discerned no activity at the Andall office. I then passed by the Ball Hsu Residence and noticed that there were house painters present.

11. On October 1, 2003, I made inquiries at the head office of Canadian Imperial Bank of Commerce ("CIBC"), Ball Hsu's personal bank, in order to locate Mr. Hsu's address history.

12. On both October 20 and 22, 2003, I attended the Ball Hsu Residence, but did not observe any activity on either occasion.

13. On both November 24 and 25, 2003, I attended the Ball Hsu Residence. There were no vehicles in the driveway. On both days I observed Ying Hsu leave for work in the morning driving a BMW X5 with an Ontario licence plate ARJE 264

14. On December 11, 2003, between 5:00 and 6:00pm I again attended and observed the Ball Hsu Residence, but I did not discern any activity. I also attended the office of Mandexin Technology Corporation, located at 1000 Finch Ave. W, Suite 300, Toronto M3J 2V5. Ball Hsu is listed as the Administrator of the Corporation. I also attended and observed the Ball Hsu & Associates Registered Office, but did not discern any evidence of business activity or personnel.

15. On both December 23 and 24, 2003, I attended and observed the Ball Hsu Residence. There were no vehicles present on these occasions. I subsequently made a phone call to the Ball Hsu Residence. The individual that answered the phone hung up when I asked to speak to Ball Hsu.

#### **ATTEMPTS TO LOCATE BALL HSU AND SERVE HIM WITH A SUMMONS IN 2004**

16. On January 8, 2004, I attended the Ball Hsu Residence and did not discern any activity. Subsequently, I phoned the Ball Hsu Residence. I believe Ying Hsu answered the phone. In any event, the recipient hung up the phone when I asked to speak to Ball Hsu.

17. On Thursday, December 9, 2004, I attended the Ball Hsu Residence and did not discern any activity. I observed a Honda Civic parked in the driveway and took note of the licence plate. I had previously seen this car parked outside the Ball Hsu Residence on July 30<sup>th</sup>, 2003. This car is not registered to any of the inhabitants of the Ball Hsu Residence.

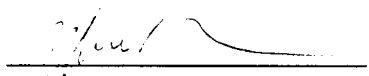
18. On December 11<sup>th</sup>, 2004 between 8:30 and 9:00 a.m. I again attended and observed the Ball Hsu Residence. There were no vehicles present on the driveway on this occasion. I followed up with a telephone call to the Ball Hsu Residence, dialling the number I used previously, but it was no longer in service.

19. On December 12, 2004 between 9 and 9:30 p.m. I again attended the Ball Hsu Residence. I observed no activity. I knocked on the front door, but there was no answer.

20. The following morning, on Monday, December 13<sup>th</sup>, 2004 between 7:30 and 9:00 a.m., I again attended the Ball Hsu Residence. I did not discern any activity. I knocked on the front door, but there was no answer.

21. On December 14, 2004, I made inquiries at the head office of the TD Canada Trust, the bank Andall held an account, and was advised that the account was closed on May 7, 2004.

22. I am of the opinion that Ball and Natalia Hsu are no longer reside at 8 Glenarden Crescent in Richmond Hill, Ontario.

**SWORN BEFORE ME** at )  
the City of Toronto in )  
the Province of Ontario on )  
15 December , 2004 )  
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**A COMMISSIONER, ETC.** )

  
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**BRIAN C. CLARK**