

# KEEPING CURRENT

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## Protecting the justice system from vexatious litigants (*Ottawa Police Services Board v. M.(D.)*)

By Stephen Thiele

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The justice system is an important institution in a well-functioning democracy. Among other things, an efficient justice system upholds the rule of law, protects rights, and promotes social stability. An efficient and independent justice system enhances public confidence in government by ensuring that state power is not abused. At the same time, the justice system must be free from abuse by litigants. Accordingly, judges have been granted the power to find those litigants who abuse the justice system to be “vexatious”, and to limit their access to the courts.

In *Ottawa Police Services Board v. M.(D.) Deirdre Moore*, [2025 ONSC 537](#), the court was required to determine whether the respondent, M, was a “vexatious” litigant under section [140](#) of the Ontario *Courts of Justice Act* (CJA).

Section [140](#) of the CJA provides that where a person has persistently and without reasonable grounds instituted vexatious proceedings in any court or conducted a proceeding in any court in a vexatious manner, a judge can make

an order preventing the person from instituting any further proceedings, and stay any previously instituted proceeding, except by leave of a judge. This section also provides a judge with a broad authority to make any other order that is just.

The Ottawa Police Services Board sought to have M declared a vexatious litigant as a result of M having commenced 13 proceedings, some of which were against the Board and some of which included acrimonious family law proceedings.

In 2013, M began to suffer from declining mental health that resulted in a diagnosis of bipolar effective disorder. In 2020, the family law proceedings concluded with an order that M's spouse be awarded sole custody of their children. The court also granted M's spouse and children a restraining order against M under [section 137 of the Child and Youth Family Services Act](#).

Subsequently, M commenced 10 different civil actions against multiple defendants, including the Board, lawyers

involved in the family law proceedings, medical professionals, the Attorney General of Ontario and a judge. M alleged that these defendants conspired as a “crime syndicate” to cover up abusive behaviour of M’s spouse and to terminate M’s relationship with M’s children.

With respect to the Board, M first sued it in 2021 for \$700,000. The claim alleged that the Board conspired with M’s former landlord, a real estate agent, a paralegal and M’s spouse to perpetrate eviction fraud, and that the Board’s police officers failed to adequately investigate. A judge struck this statement of claim on the grounds that it disclosed no reasonable cause of action.

A month after the dismissal of the first claim against the Board, M commenced a second action against it. In the second action, M sought over \$8 million in damages for negligence, negligent investigation, defamation, complicity to arbitrary detention, torture, false imprisonment, assault, battery, accessory to mischief, conspiracy to prosecute, accessory to fraud, knowing assistance of breach in fiduciary duty, deliberate ignorance, malice, intentional infliction of emotional suffering, negligent infliction of emotional suffering and abuse of public service. M also alleged that the Board’s officers assisted M’s spouse in “illegal child apprehension”.

M threatened further litigation against the Board, and commenced additional proceedings in which allegations of conspiracy were repeated.

M sued M’s former family lawyer five times. The multiple proceedings commenced by M showed that M was collaterally attacking the outcome of the family law proceedings.

As well, the history of the proceedings showed that M sometimes discontinued proceedings. For example, in July 2024, M commenced an application arguing that the Board’s application to have M declared a vexatious litigant was

vexatious. M then sought to discontinue that (counter) application, but failed to attend a pre-scheduled case conference to deal with the request.

M also demonstrated a propensity to accuse members of the judiciary of bias and professional misconduct, demanding that judges recuse themselves from some of the proceedings.

With respect to conduct outside the court, M had posted on their personal website that, among other things, lawyers for the Board participated in “organized crime” and “extortion”, that a certain named judge was engaged in “court-enabled cover-up”, and that Crown Attorney lawyers, the Ontario Court of Justice and the Ontario Superior Court of Justice participated in an “Ottawa-based crime syndicate.” M further accused one judge of being “ruthless” and another judge of being “crooked”.

The hallmarks of a vexatious proceeding and a vexatious litigant include bringing one or more actions to determine an issue which has already been determined by a court of competent jurisdiction, bringing actions that obviously cannot succeed or that are brought for improper purposes, and bringing actions where issues are rolled into subsequent actions, repeated and supplemented.

In determining whether proceedings are vexatious, the court is obligated to review the whole history of the matter and to take into account the purported vexatious litigant’s conduct in taking unsuccessful appeals and conduct outside the courtroom.

The Board was not required to satisfy each of the hallmarks: see *Carleton Condominium Corporation No. 166 v. Sennek*, [2017 ONSC 5016](#) at paragraph [30](#).



In the circumstances, the court concluded that M was a vexatious litigant because M had persistently and without reasonable grounds instituted vexatious court proceedings and conducted those proceedings in a vexatious manner. Accordingly, amongst the terms of the court's order, M was prohibited from instituting any proceeding or, with the exception of the family law proceedings in which M was involved, continuing any proceedings previously instituted by M until such time as leave by a judge was granted to permit any of those actions to proceed or continue.

The key takeaway from this case is that judges have powerful authority to control the efficiency of the justice system. Although declaring a person a vexatious litigant is a power that is to be used sparingly, judges must be firm when a person abuses the justice system by bringing multiple claims against multiple defendants and sometimes the same named defendant in multiple actions, and by making wild allegations against parties, including members of the judiciary.

### Contact us

If you have a litigation matter and are in need of legal advice, please do not hesitate to contact **Stephen Thiele** in our dispute resolution group at 416.865.6651 or via email at [sthiele@grllp.com](mailto:sthiele@grllp.com).

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