

CITATION: Chodha v Ontario (Attorney General), 2026 ONSC 2892
COURT FILE NO.: CV-25-428
DATE: 2026 05 19

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Pardeep Chodha, Plaintiff

AND:

Attorney General of Ontario (Ontario Government), Defendant

BEFORE: M.T. Doi J.

COUNSEL: Pardeep Chodha, self-represented Plaintiff

Serena Yun, for the Defendant

HEARD: May 19, 2026 (In Writing)

ENDORSEMENT

Overview

[1] On October 15, 2025, I directed the registrar to notify the parties that I had reviewed the statement of claim and was considering a dismissal of the action for being frivolous, vexatious, or an abuse of the court's process after the defendant filed a written request to stay or dismiss the action under r.2.1.01 of the *Rules of Civil Procedure*, RRO 1990, Reg. 194. The registrar gave notice of my concerns and the plaintiff filed written submissions as directed.¹

[2] As set out below, I find that the action is clearly frivolous, vexatious, and an abuse of the court's process and, therefore, should be dismissed under r. 2.1.01(1).

Legal Principles

[3] The court may exercise its gatekeeping function by summarily deciding whether, on its face, a proceeding should be dismissed for being frivolous, vexatious, or an abuse of the process of the court: r. 2.1.01(1). A frivolous or vexatious action lacks a legal basis or legal merit, or is brought without reasonable grounds: *Van Sluytman v. Orillia Soldiers' Memorial Hospital*, 2017 ONSC 692 at para 11.

[4] The Court of Appeal explained the key principles governing the operation of r. 2.1 in *Visic v. Elia Associates Professional Corporation*, 2020 ONCA 690 at para 8, leave to appeal refused [2020] SCCA No. 473, as follows:

1. Rule 2.1 must be “interpreted and applied robustly so that a motion judge can effectively exercise his or her gatekeeping function to weed out litigation that is clearly frivolous, vexatious, or an abuse of process”: *Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733, at para. 8, leave to appeal refused, [2015] S.C.C.A. No. 488. The Rule is not for close calls — it may be used only in “the clearest of cases where the abusive nature of the proceeding is apparent on the face of the pleading and there is a basis in the pleadings to support the resort to the attenuated process”: *Scaduto*, at paras. 8-9; *Khan v. Law Society of Ontario*, 2020 ONCA 320 (“*Khan*”), at para. 6, leave to appeal [refused 2021 CanLII 4696 (SCC)].

2. A motion under r. 2.1 focuses on the pleadings and any submissions of the parties made under the rule. No evidence is submitted on a r. 2.1 motion: *Scaduto*, at paras. 9, 11-12. A court may, however, review reasons and pleadings from other proceedings to determine whether the case is abusive: *Khan*, at para. 9.

3. Rule 2.1 does not replace other rules in the *Rules of Civil Procedure* to strike out actions or to deal with other procedural irregularities summarily: *Khan*, at para. 7. The rule is “not meant to be an easily accessible alternative to a pleadings motion, a motion for summary judgment, or a trial”: *Khan v. Krylov & Company LLP*, 2017 ONCA 625, 138 O.R. (3d) 581, at para. 12; *P.Y. v. Catholic Children’s Aid Society of Toronto*, 2020 ONCA 98, at para. 11. The Rules provide many other remedies to address cases that are not clear on the face of the pleading: *Khan*, at para. 15.

The Claim

[5] The within statement of claim, issued on January 27, 2025, seeks \$30 million in various heads of damage against the Crown in right of Ontario (“Ontario”) for alleged actionable wrongs by the Human Rights Tribunal of Ontario (“HRTTO”). As pleaded, the statement of claim expressly seeks damages against Ontario “*in lieu of the actionable wrongdoing of HRTTO*” or “*on behalf of Human Rights Tribunal of Ontario, which is a non-suable entity*”: see paras 1 and 3(2) of the statement of claim: Case Center A24 and A26.

[6] The plaintiff previously commenced an action against the HRTTO in *Chodha v. Human Rights Tribunal of Ontario (Social Justice Tribunals of Ontario)* (Superior Court File No. CV-18-006-5284-0000) in Toronto (the “First Action”) for \$18 million in various heads of damages for alleged wrongs by the HRTTO in respect of a discrimination claim against his former employer under the *Human Rights Code*, RSO 1990, c. H.19.

[7] On August 19, 2024, Koehnen J. dismissed the First Action under r. 2.1 for being frivolous, vexatious, and an abuse of process after finding that: a) the HRTO, as a statutory tribunal exercising a quasi-judicial function, is not liable to suit for damages; and b) the First Action was a collateral attack on the HRTO's decision for the discrimination claim brought by the plaintiff.

[8] In dismissing the First Action, Koehnen J. endorsed that the appropriate recourse for a party who is dissatisfied with a tribunal's decision is to seek judicial review or an appeal from the decision. Despite this guidance, the plaintiff chose to seek damages against Ontario by starting the within action (Superior Court File No. CV-25-00000428-0000) in Brampton on January 27, 2025.

Analysis

[9] I find that this action is clearly frivolous, vexatious, and an abuse of the court's process.

[10] It is clear that the statement of claim in this action seeks essentially the same relief as in the First Action due to the HRTO's actions and decisions related to the discrimination claim that it dealt with. Indeed, the plaintiff acknowledges the duplicative nature of the First Action and the within action in his written submissions to the r. 2.1 notice. The abuse of process doctrine promotes fairness and the proper administration of justice to prevent a misuse of the court's process in a way that would be manifestly unfair or in some way bring the administration of justice into disrepute: *Toronto (City) v CUPE Local 79*, 2003 SCC 633 at para 37; *Behn v Moulton Contracting Ltd.*, 2013 SCC 26 at para 39; *Law Society of Saskatchewan v Abrametz*, 2022 SCC 29 at para 33. An abuse of process may arise where litigation before the court is essentially an attempt to relitigate a prior claim that the court has already determined, and where relitigating the issue would violate principles of judicial economy, finality, and maintaining the integrity of the administration of justice: *Behn* at paras 40-41, citing *Canam Enterprises Inc. v. Coles*, 2000 CanLII 8514 (ONCA) at paras 55-56, affirmed 2002 SCC 63; *CUPE Local 79* at para 37; *Abrametz* at para 34.

[11] Having considered the statement of claim in this action, I find that it essentially seeks to re-litigate the same issues raised in the First Action that Koehnen J. dismissed on August 19, 2024 for being frivolous, vexatious, and an abuse of process by improperly challenging an HRTO decision in a civil action in the Superior Court of Justice. To prevent litigating essentially the same claim previously dismissed in the First Action, I find that this action should be dismissed as an

abuse of the court's process to prevent an unfair and improper relitigating of the matter: *Behn* at paras 40-41.

[12] Respectfully, I am not persuaded that the First Action brought in Toronto is distinguishable from this action in Brampton because the plaintiff substituted Ontario for the HRTO as the named defendant. The Crown in right of Ontario is not liable for anything done or not done by a person while discharging or purporting to discharge responsibilities of a judicial nature: *Crown Liability and Proceedings Act, 2019*, SO 2019, c.7, Sch 17, s. 9(2)(b). In addition, the relationship between the Crown and members of quasi-judicial boards and tribunals exercising an adjudicative authority derived from statute is outside the ambit of vicarious liability: *Daly v. Ontario (Landlord and Tenant Board)*, 2023 ONCA 152 at para 7, leave to appeal refused, 2023 CanLII 85848 (SCC), citing *Speckling v. Kearney*, 2007 BCCA 145 at para 4.

[13] In any event, as the within action is grounded on the HRTO's conduct or decisions for the discrimination claim that was before the tribunal for its determination, I would find that this action raises a collateral attack on the HRTO's decision that would be an abuse of the court's process and bring the administration of justice into disrepute: *CUPE Local 79* at paras 33-34, 37.

[14] The statement of claim in this action does not otherwise plead a discernable cause of action or any material facts or particulars to support a claim in damages against Ontario. Similarly, the written submissions filed by the plaintiff in response to the r. 2.1 notice do not raise any legal or factual grounds that would otherwise support the claim for damages in this action. Instead, the plaintiff's written submissions make it clear that his claim against Ontario is untenable by asserting grounds to essentially relitigate his discrimination claim that the HRTO heard and determined.

[15] As neither the statement of claim for this action nor the plaintiff's written submissions to the r. 2.1 notice establish any material facts to otherwise properly ground the claim for damages against Ontario, I find that the statement of claim is clearly frivolous, vexatious, and an abuse of the court's process.

[16] Taking everything into account, I find that this action is clearly frivolous, vexatious, and an abuse of the court's process on the face of the statement of claim as pleaded.

[17] Accordingly, the action is dismissed without costs.

Date: May 19, 2026

M.T. Doi J.

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¹ Ontario also filed a companion request under r. 2.1 to stay or dismiss the plaintiff's motion brought on August 5, 2025 to note Ontario in default because its statement of defence had been delivered on April 3, 2025 well before the motion was brought. The plaintiff attended triage court on August 5, 2025 to set a long hearing date for his motion to strike the statement of defence, note Ontario in default, and obtain default judgment, but the triage judge, L. Shaw J., adjourned the matter after Ontario did not appear as it was not served. A motion by Ontario to dismiss the action was heard on June 26, 2025 and dismissed with leave for the plaintiff to re-serve the statement of claim by July 26, 2025, although it is unclear why the claim was to be re-served as the statement of defence was filed on April 3, 2025. On August 19, 2025, Trimble J. struck the plaintiff's motion for default relief from the triage list after the plaintiff could not requisition Ontario in default, ostensibly because the statement of defence was filed that made the case as a live action. In the circumstances, I would have been inclined to grant Ontario's request to stay or dismiss the plaintiff's motion for default relief, but my decision to dismiss the entire action under r. 2.1.01(1) overtook Ontario's r. 2.1 request in respect of the motion and made it redundant.