

**CITATION:** Macalolot v. City Of Toronto Vpd/Tph 2026 ONSC 2782  
**DIVISIONAL COURT FILE NO.:** DC-25-00000592-00JR  
**DATE:** 20260511

**SUPERIOR COURT OF JUSTICE – ONTARIO  
DIVISIONAL COURT**

**RE:** Case Conference

SHINETTE C. MACALOLOT, Applicant

**AND:**

CITY OF TORONTO VPD/TPH, Respondent

**BEFORE:** Justice Shore

**COUNSEL:** Shinnette C. Macalolot, Self-Represented

*Anna Solomon, Stephanie Moutsatsos, and Taryn Wilkie, for the Respondent*

**HEARD:** In Writing

**REASONS FOR DECISION**

[1] The applicant commenced an application before the Human Rights Tribunal, alleging discrimination with respect to employment because of ethnic origin, sexual harassment, solicitation or advances, and reprisal, contrary to the *Human Rights Code*, R.S.O. 1990, c. H.19.

[2] The respondent requested that the application be dismissed because there was a full and final release with respect to the same issues in dispute. On December 6, 2024, the HRTTO sent the applicant a letter titled “Delivery of Response and Notice of Request to Dismiss”. The request directed the applicant to provide a response by January 6, 2025. The request clearly stated that failing to respond by the deadline could result in a determination of abandonment of the application.

[3] On February 6, 2025, the HRTTO released a decision dismissing the application as abandoned, because the applicant failed to file the required submissions addressing the Tribunal’s jurisdiction to consider the application.

[4] On February 10, 2025, one month after the submissions were due, the applicant filed a Form 11 (Response to Request for Order During Proceedings). The applicant submitted that her email account was hacked and the timely submissions to the Tribunal were erased by former colleagues, however, the submissions provided no evidence to support this.

[5] On February 25, 2025, the applicant resubmitted a Form 11, along with her resume and other documents pertaining to her qualifications for her former position. The applicant never addressed the respondent's request to dismiss the Application.

[6] On February 25, 2025, the applicant filed a Request for Reconsideration. In a decision dated June 20, 2025, the request was denied.

[7] The applicant brought this application for judicial review in Divisional Court.

[8] On March 3, 2026, the following direction was made by this Court:

The applicant is seeking judicial review of the HRTO decision, dated February 6, 202[5], and the reconsideration decision, dated June 20, 2025, dismissing her application as abandoned as she failed to provide submissions as requested by the HRTO on the issue of whether a full and final release had been signed between the parties on the issues in dispute.

It is unclear whether the applicant filed her materials in this Court in accordance with the timelines set out in the direction of Justice Nakatsuru, dated November 4, 2025. In any event, the material now appears to have been filed.

I have reviewed the decision of the HRTO and the application for judicial review. Before a new schedule is set for the responding material, I am directing the Registrar to serve the parties with a Form 2.1. The court is considering dismissing the application because the application:

1. Is asking for relief that cannot be granted by this Court; and
2. Has not raised any proper grounds for the application for judicial review. The applicant's materials relate to the substantive matter before the HRTO, which did not proceed and was never decided. It does not address the actual decision made by the HRTO, that is the decision to dismiss the application as abandoned.

The applicant may, within 15 days after receiving the notice, file with the court a written submission, no more than 10 pages in length, responding to the notice and addressing the Court's concerns set out above.

If the applicant does not file a written submission that complies with paragraph 1, the court may make the order without any further notice to the applicant.

The respondents do not need to provide responding submissions unless requested by further direction of this Court.

[9] Rule 2.1.01 (1) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, provides:

The court may make an order staying or dismissing a proceeding that appears on its face to be frivolous or vexatious or otherwise an abuse of the process of the court.

[10] The use of the rule should be limited to the clearest of cases: *Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733, 343 O.A.C. 87, at para. 8.

[11] I have reviewed the ten pages of submissions from the applicant. The submissions continue to address the substantive issues relating to the original application before the HRTO but not the decision of the HRTO. The applicant repeats and relies on the factual submissions made before the HRTO for the reconsideration decision but offers no grounds for the application for judicial review. For these reasons, I find the application to be devoid of merit and therefore frivolous and an abuse of process.

[12] It is also difficult to discern from the application the relief being requested by the applicant. It appears she is asking this Court to reinstate her employment and make an order for lost wages and moral damages. This is not relief that can be granted by this Court.

[13] The applicant fails to put forward any ground for the application for judicial review. The application has no chance of success.

[14] The application is dismissed under r. 2.1 of the *Rules of Civil Procedure*.

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Sharon Shore, J.

**Released: May 11, 2026**