

CITATION: *Yong Wang v. Christopher Banton*, 2026 ONSC 3222
COURT FILE NO.: CV-12-00447544-0000
DATE: 20260601

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: YONG WANG, Plaintiff

AND:

CHRISTOPHER BANTON, Defendant

BEFORE: Paul Schabas J.

COUNSEL: Self-represented Plaintiff

William Joseph Jesseau and Emily Lum, for the Defendant

HEARD: June 1, 2026

ENDORSEMENT

[1] This matter was set for a 10-day jury trial to commence this morning.

[2] As of 10:20 a.m., the plaintiff had not attended.

[3] After hearing submissions from counsel for the defendant, I dismissed the action and indicated I would provide brief reasons in writing.

[4] The background to this matter was helpfully summarized by DesRosiers J. in her Reasons released on March 13, 2026: *Wang v Banton*, 2026 ONSC 1553. DesRosiers J. found the plaintiff to be vexatious in his “persistent appeals” of Associate Justice McAfee’s order and in his emails to many people unrelated to the litigation and for having “flooded the inbox of defendant’s counsel.” She ordered that the plaintiff “not institute any further proceedings nor any appeals” in this case “except by leave of a judge of the Superior Court of Justice.”

[5] The matter has a long history. It stems from a motor vehicle accident in 2010. The action was commenced in 2012. The plaintiff was represented by counsel until 2016 and has been self-represented since that time. The matter has been struck from the trial list at least twice previously.

[6] On December 1, 2025, the parties appeared before Chalmers J. in CPC court. The plaintiff appeared virtually. Chalmers J. scheduled a jury trial for the June 2026 sittings. He also scheduled the pre-trial conference for April 24, 2026 at 9:30 a.m. As the plaintiff did not object to the defendant’s draft expert report schedule, Chalmers J. approved it.

[7] The plaintiff has an outstanding proceeding in the Divisional Court, as he wished to seek leave to appeal the order of Shore J. dated August 8, 2025 to a panel of the Divisional Court. Chalmers J. was aware of this on December 1, 2025, noting that the plaintiff had filed a motion in writing. However, counsel for the defendant advised me today that the plaintiff has failed to perfect his motion for leave to appeal.

[8] Chalmers J. also noted that the plaintiff had been emailing the trial coordinator frequently prior to the December 1, 2025 court appearance. Chalmers J. directed the plaintiff to only contact the trial office if “absolutely necessary.”

[9] The plaintiff did not appear on March 10, 2026, which is when the motion before DesRosiers J. was heard, although, as DesRosiers J.’s reasons note, he was served with the materials and was reminded of the court date by counsel for the defendants.

[10] Similarly, the plaintiff failed to attend the pre-trial conference on April 24, 2026.

[11] On May 25, 2026, the plaintiff posted his Response to Request to Admit on the Trial Documents bundle on Case Center.

[12] The parties were advised that I would be the trial judge on Thursday, May 28, 2026. I am advised that the email from the court to the parties was sent to all six of the plaintiff’s email addresses.

[13] On May 29, 2026, the defendants served and filed a motion record seeking to have the action dismissed on three grounds. The first is that the plaintiff has filed no opinion evidence from a physician that he has “sustained permanent serious impairment of an important physical, mental or psychological function”, as required by s. 4.3 of O-Reg 318/03 in order to meet s. 267.5 of the *Insurance Act*, RSO 1990, c. I.8: *Khan v. Sinclair*, 2014 ONSC 1355 at paras. 11 - 12. The second ground is that the plaintiff has failed to produce evidence of his earning capacity before or after the accident, leaving the court to “speculate and pull a dollar figure out of thin air”: *Johnston v Walker*, 2017 ONSC 3370 at para. 10. Thirdly, the plaintiff has produced no evidence of any out-of-pocket expenses on which a trier of fact could make an award of damages.

[14] The plaintiff was previously put on notice of all these deficiencies in the defendant’s pre-trial memorandum.

[15] This morning, at approximately 8:30 a.m., I received two identical emails from the plaintiff, from different email addresses. They were also addressed to Chalmers J., staff in the trial office and Christine Zander at Aviva, who I am informed is Mr. Jesseau’s client. The plaintiff did not send them to counsel for the defendant.

[16] When I commenced the hearing today, I forwarded the email from the plaintiff to defendant’s counsel, and to the court registrar. Mr. Jesseau advised me that it is the plaintiff’s “standard email” that he has been sending from six different email addresses for the past seven months. Mr. Jesseau described the email as an “incoherent compilation” of motions and other

interlocutory steps with assertions by the plaintiff that they are “invalid.” I agree with that description.

[17] It is very clear that the plaintiff knew that the trial was to begin today. He recently posted material to Case Center, and he is aware that I was assigned to be the trial judge. Mr. Jesseau advised that he and his colleague have been emailing the plaintiff every day recently reminding him of the date and time for trial this morning.

[18] It is clear to me that the plaintiff has chosen not to attend this morning; instead choosing to communicate with me by email. He has been representing himself on this matter for 10 years, conducting himself in what has been found to be vexatious conduct. Indeed, although he may still have a motion outstanding to the Divisional Court, the subject matter of it is quite vexatious as well, with little connection to the merits of the proceeding, and he has not pursued the motion appropriately.

[19] After fourteen years, the matter needs to come to a conclusion. On the basis of the plaintiff’s failure to attend today alone, I would dismiss the action. It is simply the next step in the plaintiff’s vexatious conduct.

[20] Further, the motion to dismiss sets out a complete lack of evidence and failure to comply with requirements to pursue an action of this kind. If the plaintiff had evidence to support his case it ought to have been produced years ago. If he had such evidence and wanted to adduce it, the plaintiff should have shown up today and asked for an adjournment to gather and produce it. He did neither.

[21] The defendant seeks costs of the action on a substantial indemnity basis in the amount of \$100,084.61. This does not include the \$16,896.63 in costs which is outstanding from the many interlocutory orders listed in the defendant’s Bill of Costs. In my view, substantial indemnity costs are appropriate. The plaintiff has litigated this matter in a vexatious manner, pursuing numerous interlocutory steps with little regard to the merits of the case. He has spent at least the past four years bombarding counsel, and many others, with emails complaining about the case. He has accused defendant’s counsel of fraud before Justices DesRosiers, O’Brien, and three judges of the Court of Appeal. His failure to attend at any court hearing since December 1, 2025, including for his trial today, demonstrates a disrespect for the court, and misuse of the court procedure in an action in which he is the plaintiff.

[22] Accordingly, the plaintiff shall pay costs of the action to the defendant in the amount of \$100,000. This is in addition to the outstanding costs orders which the plaintiff must also pay to the defendant.

[23] Finally, in light of the plaintiff’s conduct in sending many emails per day to the defendant and the court, now including me, I order that the plaintiff may only communicate with the defendant or the court on this matter by delivering hard copy materials. He is not to email counsel for the defendant, or the court (including staff and judges). This includes any motion or steps he may wish to take to review or appeal the dismissal of his action.

Schabas J.