

CITATION: Deokaran v. Law Society of Ontario, 2026 ONSC 3216
DIVISIONAL COURT FILE NO.: DC-752/25
DATE: 2026-06-05

**ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT**

ACJ F. McWatt, R.D. Gordon and S. Shore, JJ.

BETWEEN:

Gabriella Varsha Deokaran

Appellant

– and –

Law Society of Ontario

Respondent

) Paul Slansky, for the Appellant

) Kristin Bailey, for the Respondent

) **HEARD at Toronto via Zoom:**

) June 1, 2026

DECISION ON APPEAL

R.D. GORDON J.

Overview

[1] The appellant’s license to practice law was revoked on August 29, 2024, after findings of professional misconduct by the Hearing Division of the Law Society Tribunal.

[2] The appellant filed a Notice of Appeal to the Appeal Division of the Law Society Tribunal on September 5, 2024. Some 11 months later the appeal remained unperfected and was dismissed for delay.

[3] The appellant appeals both the order of the Hearing Division and the Appeal Division and brings a motion to admit fresh evidence.

[4] At the hearing of this matter, we dismissed the appeal from the Appeal Division, rendering the appeal from the Hearing Division and fresh evidence motion moot. These are our reasons.

Jurisdiction

[5] The Divisional Court has jurisdiction to hear this appeal pursuant to s. 49.38(a) of the *Law Society Act*, R.S.O. 1990. C.L.8.

Standard of Review

[6] Appellate standards of review apply to this proceeding. The appeal from the Appeal Division alleges only errors of law. The standard of review is therefore correctness.

The Issues

[7] With respect to the decision of the Appeal Division, the appellant submits that the Appeal Division did not have jurisdiction to make the order to dismiss for delay. The appellant raises two issues: (1) That Rule 17.4 of the *Law Society Rules of Practice and Procedure* requires a motion to be brought to dismiss an appeal for delay and that it was improper for the Appeal Division to initiate and order the dismissal without a motion requesting it; and (2) Dismissal of an appeal for delay required, in this case, a decision of a five-person panel and accordingly, the decision of Adjudicator Leighton alone was unlawful.

[8] The appellant conceded that if this Court finds that the Appeal Division had jurisdiction to make the order, there are no further grounds to set aside the order dismissing her appeal for delay, and the underlying decision would stand.

Analysis

Was a Motion Required for Dismissal for Delay?

[9] On November 27, 2024, in its endorsement dealing with Ms. Deokaran's motion that she be allowed to perfect her appeal without filing transcripts from the Hearing Division it was noted that the Law Society asked that specific timelines be imposed on Ms. Deokaran to perfect her appeal. The Adjudicator declined to do so, indicating that "The *Rules* set out the procedural requirements for parties on appeal and I expect that the parties will comply with them".

[10] At the request of the parties, a proceeding management conference was held on April 8, 2025, to discuss allegations of fraud being raised by Ms. Deokaran and certain disclosure issues arising therefrom. In the endorsement arising from that conference the adjudicator noted that the 60-day deadline for perfecting the appeal had come and gone and that it was important to move the matter forward to a hearing expeditiously. He ordered that Ms. Deokaran bring a motion for disclosure or production within 30 days or alternatively perfect her appeal within 30 days. The disclosure motion was brought and scheduled for hearing.

[11] Ms. Deokaran's motion was heard on May 23, 2025. In the Appeal Division decision released June 3, 2025, the adjudicator suggested the scheduling of a proceeding management conference to set deadlines for the perfection of the appeal. That conference was held on July 2, 2025, with the adjudicator requiring both parties to submit brief written submissions on the deadline for perfection by July 11, 2025. On July 13, 2025, following receipt of submissions, a further proceeding management conference endorsement was released requiring Ms. Deokaran to perfect her appeal within 30 days failing which her appeal would be dismissed without requiring the Law Society to bring a Rule 17.4(1) motion.

[12] On August 8, 2025, Ms. Deokaran wrote to the Appeal Division advising that she had undertaken filings in the Court of Appeal for Ontario that effectively stayed the order requiring her to perfect her appeal by August 13, 2025. On August 11, 2025, the Appeal Division issued a further proceeding management conference endorsement indicating once again that if she failed to perfect her appeal by August 13, 2025, her appeal would be dismissed for delay without the requirement of a Rule 17.4(1) motion.

[13] Ms. Deokaran filed a further motion with the Appeal Division asking for an extension of time to perfect her appeal. In a proceeding management conference endorsement dated August 14, 2025 her motion was denied and the appeal was dismissed for delay.

[14] Rule 17.3 (1) requires an appellant to perfect an appeal within 60 days of filing the notice or appeal or 60 days from the panel giving its reasons for the final order, whichever comes last. Rule 17.3(3) provides that if it is necessary to do so in the interests of justice, a member of the Appeal Division may give special directions and vary Rule 17.3(1).

[15] Rule 17.4(1) provides that if an appeal is not perfected by the deadline the respondent may bring a motion to dismiss the appeal for delay.

[16] The appellant argues that it is only by such a motion that dismissal of the appeal can take place.

[17] We disagree.

[18] Rule 1.1 of the *Law Society Tribunal Rules of Practice and Procedure* sets out the purposes of the rules, which include establishing fair processes, promoting timely determination of proceedings, and ensuring efficient processes and proceedings.

[19] Rule 1.2 requires that the rules be interpreted and applied in accordance with their purposes. Rule 1.4 says that the Tribunal may exercise any of its powers at the request of a party or on its own initiative. Rule 1.5 states that the Tribunal may decide not to apply the rules strictly unless to do so would be inconsistent with legislation, regulations or a mandatory rule.

[20] The appellant argues that Rule 17.4(1) is a mandatory rule. We disagree. To the contrary, it is a permissive rule. It allows a motion by the respondent. It does not require it. Accordingly, the Tribunal acted appropriately and within its power when it first ordered the perfection of the appeal within a set timeframe, disposing with the need to bring a motion if the timeframe was missed, and subsequently dismissing the appeal for failing to perfect the appeal within the time frame set out in its order.

[21] Furthermore, Rule 7.5 provides for proceeding management conferences to be held at the request of a party or on its own initiative. At such a conference the panel may, among other things, set timelines and deadlines for steps in a proceeding and hear and decide procedural motions.

[22] In our view, these rules clearly allow the Tribunal to proceed as it did. The rules provide it with authority to largely control its own procedure and to initiate procedural steps when a party fails to do so.

[23] We therefore find that the appeal cannot succeed on this ground.

Did the Order for Dismissal for Delay Require a Five-Person Panel in this Case?

[24] The appellant relies upon s. 5 of *Ontario Regulation 167/07* and the Ontario Court of Appeal cases of *Serra v. Serra*, 2007 ONCA 465 (CanLII) and *AMT Finance Inc. v. LaFontaine*, 2018 ONCA 87 to argue that a single member of the Appeal Division cannot dismiss an appeal for delay.

[25] Section 5 of *Ontario Regulation 167/07* requires the assignment of five members of the Appeal Division to a *hearing of an appeal*. In our view, this section is of no application in the matter before us because the dismissal did not arise from the “hearing of an appeal”. It arose from a hearing concerning the appellant’s failure to perfect her appeal contrary to the endorsement made at the prior proceeding management conference.

[26] The appellant submits that *Serra* and *AMT Finance* stand for the proposition that a motion that finally determines an appeal whether on its merits or otherwise must be made to a properly constituted panel of the court or, in this case, tribunal.

[27] In our view, *Serra* and *AMT Finance* are distinguishable from the case before us. In particular, Rule 61.16(2.2) of the *Rules of Civil Procedure* specifically requires that a motion in the Court of Appeal that finally determines an appeal is to be heard by three judges.

[28] There is no comparable rule in the *Law Society Tribunal Rules of Practice and Procedure* (“*Rules*”). The *Rules* permit the Tribunal to actively case manage its cases, including setting timelines and deadlines for steps in the proceeding. The purpose of the case management is to facilitate the just and most expeditious disposition of a proceeding. The Tribunal is entitled to control its own process. Having made an order that Ms. Deokaran perfect her appeal within 30 days failing which her appeal would be dismissed, there was no requirement for the dismissal to proceed before a full panel. This was a procedural decision, not a merits-based decision.

[29] The appeal cannot succeed on this ground.

Other

[30] Following our oral decision advising the parties that the appeal was dismissed for reasons to follow, correspondence was received from counsel for the Appellant asking that the court reconvene to consider further arguments on: (1) an allegation of bias made with regard to the Appeal Division Panelist Margaret Leighton, who dismissed the appeal for delay; and (2) the Hearing Division’s refusal of a motion by the Appellant for disclosure of an alleged withdrawal of judicial complaints and pending fresh evidence motion.

[31] By correspondence received from the Respondent, it was submitted that the Appellant should be required to bring an application to re-open the appeal, at which she would be required to establish a clear and compelling case that a miscarriage of justice will likely occur absent a re-opening.

[32] In our view, neither of the arguments now raised by the Appellant has any reasonable prospect of success. With respect to the allegation of bias against Panelist Margaret Leighton, the Appellant’s *factum* alleges bias as a result of her decision to dispense with the requirement of a motion for dismissal for delay, having made her decision without notice to the Appellant and having acted repeatedly without jurisdiction. As we have outlined above, the Appeal Division acted appropriately and within its rules. We have been directed to nothing in the record that would support a finding of bias against her.

[33] With respect to the Appellant’s failed disclosure motion and potential fresh evidence motion, they have no bearing upon the Appeal Division’s dismissal for delay. It is possible they would have a bearing on the appeal of the decision of the Hearing Division, but as counsel for the

Appellant rightly conceded at the commencement of the hearing, this court only gets to the decision of the Hearing Division if the Appellant is successful in her appeal from the Appeal Division. Disclosure of an alleged withdrawal of a judicial complaint has no bearing on the question of whether the Appeal Division had jurisdiction to make the order to dismiss for delay.

Conclusion

[34] The Appeal Division acted within its jurisdiction when it dismissed the appeal for delay. As set out above, given that the Appeal Division decision has not been set aside, this Court cannot hear an appeal of the underlying decision. The motion for fresh evidence is moot, as it only applied to the appeal of the underlying decision.

[35] The appeal is dismissed with costs in favour of the Respondent fixed at \$7,500.00.

R. D. Gordon J.

I agree
S. Shore J.

I agree
ACJ F. McWatt

Released: June 5, 2026

CITATION: Deokaran v. Law Society of Ontario, 2026 ONSC 3216
DIVISIONAL COURT FILE NO.: DC-752/25
DATE: 2026-06-05

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT
ACJ F. McWatt, R.D. Gordon and S. Shore, JJ.

BETWEEN:

Gabriella Varsha Deokaran

Appellant

– and –

Law Society of Ontario

Respondent

DECISION ON APPEAL

R.D. Gordon J.

Released: June 5, 2026