

CITATION: Aujla v. Law Society of Ontario, 2026 ONSC 3783
DIVISIONAL COURT FILE NO.: DC-26-00000166-00JR
DATE: 20260629

**ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT**

B E T W E E N :

TARNJIT SINGH AUJLA	)	
	)	Self-represented
	)	
Moving Party	)	
	)	
	)	
– and –	)	
	)	
LAW SOCIETY OF ONTARIO and LAW	)	Bernadette Saad, for the Respondent Law
SOCIETY TRIBUNAL	)	Society of Ontario
	)	
Responding Parties	)	
	)	
	)	
	)	
	)	HEARD In Writing:
	)	June 24, 2026

VERMETTE J.

REASONS FOR DECISION

[1] The moving party, Tarnjit Singh Aujla, brings a motion for an order extending the time to commence an application for judicial review of the decision of the Hearing Division of the Law Society Tribunal (“**Hearing Division**”) dated January 20, 2025: *Aujla v. Law Society of Ontario*, 2025 ONLSTH 10 (“**Decision**”). In the Decision, the Hearing Division found that Mr. Aujla had made deliberate false and misleading representations on his 2015 application for an L1 licence (i.e., a licence entitling him to practise law in Ontario as a barrister and solicitor). As a result, Mr. Aujla was deemed not to have met the requirements for the issuance of an L1 licence and his application for licensing was refused.

[2] Mr. Aujla filed his Notice of Motion for an extension of time to commence an application for judicial review on March 19, 2026, i.e., 14 months after the Decision was released. In his Notice of Motion, Mr. Aujla sets out a number of grounds for his proposed application for judicial

review, including arguments based on the wording of section 730 of the *Criminal Code* and the interpretation of the questions in the good character questionnaire of the Law Society of Ontario (“LSO”), and allegations of unreasonable findings and breaches of procedural fairness.

[3] Mr. Aujla has not appealed the Decision to the Appeal Division of the Law Society Tribunal (“**Appeal Division**”). A party to a proceeding before the Hearing Division may appeal a final decision or order of the Hearing Division to the Appeal Division on any grounds. An appeal to the Appeal Division must be commenced within 30 days. After the 30-day period, an appeal may only be started with the written consent of the respondent to the appeal or with leave. See sections 49.32(1), 49.33(1) and 49.34 of the *Law Society Act*, R.S.O. 1990, c. L.8 (“**LSA**”), and Rule 17.2(1) of the *Law Society Tribunal Rules of Practice and Procedure*.

I. TEST FOR AN EXTENSION OF TIME

[4] Subsection 5(1) of the *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1 (“**JRPA**”) provides that an application for judicial review shall be made no later than 30 days after the date the decision for which judicial review is being sought was made.

[5] Subsection 5(2) of the *JRPA* states that the Divisional Court may, on such terms as it considers proper, extend the time for making an application for judicial review if it is satisfied that: (a) there are apparent grounds for relief, and (b) no substantial prejudice or hardship will result to any person affected by reason of the delay. As the use of the word “may” indicates, the granting of an extension of time is in the Court’s discretion. While the two factors mentioned in subsection 5(2) are prerequisites to the exercise of the Court’s discretion, they do not preclude the consideration of other factors. Thus, the Court can consider the reasons for the delay by the moving party. Factors to consider in determining whether there are “apparent grounds for relief” include the length of the delay and any explanation offered for it, as well as the substantive merits of the application for judicial review. See *Unifor v. Scepter Canada Inc.*, 2022 ONSC 5683 at paras. 17-18 (“**Unifor**”); *Boothe v. CUPE Local 4400*, 2023 ONSC 7024 at paras. 6-7; and *Constant v. College of Physiotherapists*, 2025 ONSC 4034 at para. 2 (“**Constant**”).

II. APPLICATION TO THIS CASE

[6] I discuss the relevant factors below.

1. Apparent grounds for relief and merits of the proposed application for judicial review

[7] In order to have “apparent grounds for relief” under subsection 5(2) of the *JRPA*, Mr. Aujla does not need to show that he has a successful application for judicial review on the merits. See *Unifor* at para. 22. While the inquiry based on the merits is limited at this stage, the LSO raises a serious issue as to whether there is an adequate alternative remedy in this case – i.e., an appeal to the Appeal Division – which justifies a discretionary refusal to hear an application for judicial review.

[8] Judicial review is a discretionary remedy. One of the discretionary grounds for refusing to undertake judicial review is that there is an adequate alternative. See *Strickland v. Canada (Attorney General)*, 2015 SCC 37 at paras. 37-38, 40 (“**Strickland**”).

[9] A number of considerations are relevant when deciding whether an alternative remedy or forum is adequate so as to justify a discretionary refusal to hear a judicial review application. These considerations include the convenience of the alternative remedy; the nature of the error alleged; the nature of the other forum which could deal with the issue, including its remedial capacity; the existence of adequate and effective recourse in the forum in which litigation is already taking place; expeditiousness; the relative expertise of the alternative decision-maker; economical use of judicial resources; and cost. The categories of relevant factors are not closed. It is for courts to identify and balance the relevant factors in the context of a particular case. See *Strickland* at paras. 42-43.

[10] Assessing whether there is an adequate alternative remedy is not a matter of following a checklist focused on the similarities and differences between the potentially available remedies. The court should consider not only the available alternative, but also the suitability and appropriateness of judicial review in the circumstances. Thus, the question is not simply whether some other remedy is adequate, but also whether judicial review is appropriate. Ultimately, this calls for a balance of convenience analysis. See *Strickland* at para. 43.

[11] I agree with the LSO that a balance of convenience analysis demonstrates that an appeal to the Appeal Division is an adequate alternative remedy.

[12] As set out above, the *LSA* provides that a party to a proceeding before the Hearing Division may appeal a final decision to the Appeal Division on any grounds. The errors that Mr. Aujla proposes to raise on an application for judicial review can be raised on an appeal before the Appeal Division. As stated by the Supreme Court of Canada in *Yatar v. TD Insurance Meloche Monnex*, 2024 SCC 8 at para. 63 (“*Yatar*”), alternatives exist where internal review processes have not been exhausted or where there is a statutory right to appeal that is not restricted, such that questions of law, fact, and mixed fact and law could be considered on appeal.

[13] While it is true that Mr. Aujla would need leave from the Appeal Division in order to start an appeal because the 30-day period to appeal has expired, Mr. Aujla also needs leave from this Court in order to make an application for judicial review because the 30-day period to make an application has also expired.

[14] The Appeal Division has broad powers on appeal, including making any order or decision that ought to or could have been made by the Hearing Division: see subsection 49.35(2) of the *LSA*. Moreover, I accept the LSO’s submission that proceeding before the Appeal Division would be less costly than the court process. Judicial economy is also a legitimate concern. See *Yatar* at para. 65.

[15] An appeal to the Appeal Division has already been recognized by this Court as being an adequate alternative remedy: see *Foster v. The Law Society Tribunal*, 2017 ONSC 3430 at paras. 5 and 10. Further, both the Hearing Division and the Appeal Division of the Law Society Tribunal have been recognized as expert tribunals. Not proceeding with an appeal deprives this Court from the experience and assistance of the Appeal Division in dealing with the issues. See *The Law Society of Upper Canada v. Cengarle*, 2018 ONSC 1033 at paras. 7-8. This is particularly significant in this case given that Mr. Aujla appears to be raising new arguments and/or arguments that were not addressed by the Hearing Division in the Decision.

[16] Mr. Aujla raises issues regarding the independence of the Appeal Division and suggests that an appeal to the Appeal Division would be useless given the errors made by the Hearing Division. A similar argument was rejected by the Supreme Court of Canada in *Harelkin v. University of Regina*, [1979] 2 S.C.R. 561 at 589. Further, a claim of bias or lack of institutional independence is not a sufficient basis to find that there are extraordinary circumstances that justify hearing an application for judicial review where the applicant has not availed themselves of available alternative remedies. The claim for bias and/or lack of independence should be raised with the tribunal first. See *Obouhov v. Lunn*, 2018 ONSC 772 at para. 15 and *Khan v. The Law Society of Ontario*, 2019 ONSC 5800 at para. 5.¹

[17] In light of the foregoing, after balancing the various relevant considerations, I conclude that an appeal (with leave) to the Appeal Division constitutes an adequate alternative remedy and would be more appropriate than an application for judicial review (with leave) in the circumstances of this case.

2. Length of the delay and explanation for the delay

[18] I now turn to the issue of delay and Mr. Aujla's explanations.

[19] The 30-day period to make an application for judicial review with respect to the Decision ended on February 19, 2025. Mr. Aujla brought his motion for an extension of time 13 months later, on March 19, 2026.

[20] In his affidavit, Mr. Aujla states that he has intended to challenge the Decision from the moment he read it, and that this intention never changed. He further states:

[...] What prevented me from acting within 30 days was not indifference or inaction. It was wrong advice from specialist counsel about what remedies were available, along with a serious health condition that had been clinically developing for years and which required acute medical intervention beginning three days after the Decision, and my complete absence of knowledge of the judicial review mechanism. [...]

[21] I will first deal with the part of Mr. Aujla's explanation that relates to the advice he received from his former lawyers.

a. *Delay caused by wrong advice received from former lawyers*

[22] Relying on cases dealing with the issue of when the limitation period starts running with respect to solicitor negligence claims brought by clients against their former lawyers, Mr. Aujla

¹ Mr. Aujla's reliance on the reasons of Lamer C.J. in *Canadian Pacific Ltd. v. Matsqui Indian Band*, [1995] 1 S.C.R. 3 on the issue of institutional independence is misplaced as Lamer C.J. was not writing for the majority on this issue.

submits that he should not be expected to have discovered the remedy independently, and that the clock did not begin until he first knew that the advice received from his specialist lawyer was wrong. Mr. Aujla argues that the mention of a right to appeal in a letter he received from the LSO on October 2, 2025 (“**October 2025 LSO Letter**”) is significant, and that it was “the first indication from anyone in authority that a direct challenge to the Decision had ever existed.” Mr. Aujla states that he “followed the only path his retained expert identified as available.”

[23] In his Factum, Mr. Aujla states that he “had no knowledge of any statutory right of appeal” in September 2025. In his supplementary submission, Mr. Aujla also states the following:

The Applicant first learned that any challenge right had ever existed when William Holder, an LSO Senior Manager, dismissed a regulatory complaint in October 2025 and referred in passing to a “right to appeal” the Decision.

[24] In order to deal with these allegations, it is necessary to review the communications sent to Mr. Aujla by his former lawyers in the days following the release of the Decision that are included in the record before me. The following are relevant excerpts from these communications:

- a. An e-mail sent to Mr. Aujla by one of his lawyers on January 20, 2025 at 8:53 p.m. includes the following statements: “We do not recommend that you appeal, but we do suggest that you re-apply for licensing. Please let us know if you have any questions.”
- b. An e-mail sent to Mr. Aujla by his other lawyer on January 20, 2025 at 9:25 p.m. reads as follows:

Errors in fact are not appealable. You need errors in law or palpable and overriding error. I do not believe you will win the appeal.

[Name of Mr. Aujla’s other lawyer] is correct. If you reapply and disclose it will be way easier and faster than an appeal.

If you want to appeal we are not prepared to do it. We simply do not have time with our trial schedule in the next 3 months to prepare and perfect the appeal in the time frame required. Moreover, if you choose to appeal, you need to have a fresh pair of eyes. I would recommend [name of lawyer] at the [name of firm].

[...]

- c. A letter sent to Mr. Aujla by his lawyers on January 24, 2025 contains the following statements:

[...]

While we are disappointed in the outcome for you, we strongly advised you against pursuing an appeal, and indicated that if you did decide to appeal, we would not act for you.

There were no errors in law or palpable and overriding errors of fact or law that would give you any prospect of success on an appeal. We suggested that you may wish to submit a new application to meet the licensing requirements afresh. This will also be much quicker than an appeal. There is nothing in their decision which precludes such a fresh application for licencing.

[...]

Last week, after receiving the decision, you sent over 18 emails with abusive and angry language, mostly late at night. These emails included demands like that I “better find a way to have the decision removed” from the public record. While we understand that this outcome may be frustrating and upsetting, we can no longer indulge your behaviour. Given that we were retained to represent you on the hearing and that has now concluded, we confirm that our professional relationship has ended effective immediately.

[...]

We will no longer be replying to any of your emails since there is nothing further to discuss.

[...]

Should you require any additional legal assistance, we recommend seeking new counsel.

- d. A letter sent to Mr. Aujla by his lawyers on January 25, 2025 includes the following statements:

[...]

Following this, we expressed our regret for the outcome and advised against pursuing an appeal. Based on our professional assessment, there were no errors in law or palpable and overriding errors of fact or la, w [sic] that would justify an appeal. Additionally, we informed you that, should you decide to proceed with an appeal, we would not be prepared to represent you in this matter. Instead, we suggested that you may wish to submit a new application to meet the licensing requirements afresh.

In response, you sent over 18 emails containing abusive and angry language. While we understand that this outcome may be frustrating and upsetting, we cannot condone such behavior. Given that we were retained to represent you in the Good Character Hearing and that has now concluded, we confirm that our professional relationship has ended effective immediately.

[...]

Please refrain from sending further abusive correspondence or communicating at all. Should you require any additional legal assistance, we recommend seeking new counsel.

[25] The October 2025 LSO Letter from which Mr. Aujla allegedly learned for the first time that he had a right of appeal includes the following statement: “It is noted that you and your counsel did not appeal the decision of your panel, although you had a right of appeal.”

[26] Mr. Aujla does not articulate very clearly what was wrong with his former lawyer’s advice, but he states in his Factum that “retained specialist counsel applied the wrong appeal standard, never disclosed the limitation period, nor advised of any alternative legal remedies”. He also states the following in his Factum regarding the “wrong appeal standard” issue:

Within days of the Decision, and entirely within the 30-day appeal window, [Mr. Aujla’s lawyers] issued three written professional communications. All three advised him against appeal, and [one of the lawyers] specifically told him that “errors in fact are not appealable. You need errors in law or palpable and overriding error.” Section 49.33(1) of the Law Society Act provides that a party may appeal the Decision “on any grounds.” [The lawyer] never mentioned it. [...]

[27] In my view, Mr. Aujla’s allegations that he received wrong advice from his former lawyers about what remedies were available and that this wrong advice is the reason for the delay or part of it is not supported by the record. Among other things:

- a. Mr. Aujla’s statement that he “first learned that any challenge right had ever existed” when he received the October 2025 LSO Letter is patently false. While Mr. Aujla’s former lawyers recommended against an appeal, it is very clear from their communications that Mr. Aujla had a right to appeal the Decision. Thus, the October 2025 LSO Letter does not contain new information on this issue and does not say anything different from what Mr. Aujla’s former lawyers told him. Among other things, the letter from the LSO did not tell Mr. Aujla that he had a meritorious appeal.
- b. The fact that Mr. Aujla had a right of appeal is also clear in the communications because while his lawyers told him that they were not prepared to act for him on an appeal, they recommended another lawyer should Mr. Aujla choose to appeal. There is no evidence that Mr. Aujla sought a second opinion regarding the merits of an appeal at the relevant time, even though he knew that he could choose to appeal the Decision.
- c. While the communications from Mr. Aujla’s former lawyers do not expressly mention the deadline to appeal, it is clear from the January 20, 2025 e-mail sent at 9:25 p.m. that steps were required to be taken in the near future in the event of an appeal because the e-mail states that the lawyers did not have time in the next three months to prepare and perfect the appeal in the time frame required. Knowing that there was a right of appeal, it is not credible that Mr. Aujla could have thought that

he had many months or an unlimited amount of time to start an appeal. There is no evidence that Mr. Aujla asked questions about the appeal process or that he sought advice from another lawyer regarding an appeal, as recommended by his former lawyers. Further, the correspondence is very clear that as of January 24, 2025, the professional relationship between Mr. Aujla and his lawyers had ended and that Mr. Aujla needed to seek new counsel for any additional legal assistance or advice.

- d. Mr. Aujla does not identify the “alternative legal remedies” of which his former lawyers wrongly failed to advise him. If Mr. Aujla means to refer to an application for judicial review, this question is discussed above in the context of the analysis regarding the existence of an adequate alternative remedy.
- e. Mr. Aujla complains about the advice he received regarding the “appeal standard”. He emphasizes that he could appeal on any grounds and that he was told that errors of fact were not appealable. However, the fact that a decision may be appealed on any grounds does not mean that the appellate standard of review is correctness for all types of errors. Generally speaking, and while it could have been done in a better and clearer manner, the communications from Mr. Aujla’s lawyers set out the standard of appellate review that would have been applied by the Appeal Division. See *Khan v. Law Society of Ontario*, 2022 ONSC 1951 at para. 86 and *Law Society of Ontario v Culliton*, 2022 ONLSTA 17 at para. 7. One of the e-mails sent to Mr. Aujla on January 20, 2025 incorrectly states that errors in fact are not appealable, but this statement is immediately followed by the statement that errors of law or palpable and overriding errors are needed. Further, both the letters dated January 24 and 25, 2025, refer to palpable and overriding errors of fact. While the letters from Mr. Aujla’s lawyers note that Mr. Aujla sent them numerous e-mails containing abusive and angry language, there is no evidence that Mr. Aujla asked any questions about, or sought to clarify, the appeal process or the “appeal standard”. Further, Mr. Aujla is alleging at least one error of law on the part of the Hearing Division (regarding the interpretation of section 730 of the *Criminal Code*), and he was never told that errors of law were not appealable.
- f. The suggestion that Mr. Aujla simply accepted the advice of his former lawyers without questioning it is undermined by the statements in the correspondence about the numerous angry e-mails sent by Mr. Aujla to his former lawyers, which led to the termination of the professional relationship shortly after the release of the Decision.

[28] I also find that the cases relied upon by Mr. Aujla on the issue of when the limitation period starts running with respect to claims of solicitor negligence are distinguishable. Mr. Aujla’s former lawyers advised him that they were no longer acting for him within a few days of receiving the Decision, and it does not appear from the correspondence and the references to the numerous angry and abusive e-mails sent by Mr. Aujla that Mr. Aujla was accepting his lawyers’ advice.

[29] Thus, I do not find that Mr. Aujla’s explanation based on his former lawyers’ communications and advice is satisfactory.

b. Delay caused by health issues

[30] The evidence before me shows that Mr. Aujla was a client at William Osler Health System's Withdrawal Management Centre from January 23 to 27, 2025. He subsequently participated in the Intensive Day Addiction Treatment Program at William Osler Health System from February 3 to 28, 2025. This program is an intensive four-week day program.

[31] A party's illness must be considered in assessing their explanation for the delay. See *Afolabi v. Law Society of Ontario*, 2025 ONCA 641 at para. 17. I accept that Mr. Aujla has provided a valid explanation for the delay between January 23 and February 28, 2025.

[32] Mr. Aujla's justification for the delay between March and September 2025 is what he calls "physician-directed recovery". Mr. Aujla relies on a letter written by his doctor which states the following regarding the period that followed Mr. Aujla's participation in the four-week day program:

Following completion of this program, I advised Mr. Aujla to prioritize his medical recovery and to avoid exposure to significant occupational or environmental stressors during the recovery phase. This recommendation was based on established clinical principles, as individuals undergoing major metabolic and lifestyle interventions frequently require a period of physiological and psychological stabilization in order to consolidate treatment gains and reduce the risk of relapse or deterioration. In my clinical judgment, the period from late January 2025 through September 2025 represented a medically necessary period of recovery and stabilization during which prioritizing his health was clinically appropriate. Mr. Aujla adhered to these medical recommendations and remained engaged in appropriate follow-up care throughout this time.

[33] In my view, this evidence is too general and vague to justify inaction for a seven-month period (March to September 2025). Among other things, there is no evidence as to Mr. Aujla's daily activities during that period and what he was able and not able to do. From his own admission, Mr. Aujla was well enough during that period to work on "preliminary LSO reapplication drafts", i.e., documents necessary to reapply for a licence.

c. Delay caused by the absence of knowledge of the remedy

[34] Mr. Aujla states that as his health recovered in September 2025, he "began reviewing the Decision and the hearing record to identify what, if anything, [he] could do." He states the following in his Factum:

Research triggered by that remark [in the October 2025 LSO Letter] led the Applicant to identify, through November and December 2025, that s. 49.33(1) of the Law Society Act permitted appeal on "any grounds" – but that window had already closed. Continued research through January and February 2026 identified judicial review under the JRPA as a separate and available mechanism. This was the first time the Applicant became aware of this procedural vehicle. Filing was completed without further delay.

[35] Again, the evidence regarding what Mr. Aujla did during the remaining 5.5-month period – from October 2025 to March 19, 2026 – is extremely general and vague. This period is more than five times the period to file a notice of appeal or a notice of application for judicial review, which applies to all litigants, including self-represented litigants who do not have a legal education like Mr. Aujla.

[36] Further, while Mr. Aujla states that the “window had already closed” with respect to an appeal to the Appeal Division, he fails to note that the “window had already closed” as well with respect to an application for judicial review. Mr. Aujla does not explain why he sought an extension of time with respect to an application for judicial review in March 2026 instead of an extension of time with respect to an appeal in December 2025.

[37] In light of the foregoing, I conclude that Mr. Aujla has provided a satisfactory explanation for only a small portion of the 13-month delay in this case.

3. Prejudice

[38] There is a public interest in the finality of judgments. See *Rizzi v. Mavros*, 2007 ONCA 350 at para. 25.

[39] It has been held in a number of cases that prejudice may be presumed where an applicant has not brought an application for judicial review within the stipulated timelines. The prejudice faced by professional regulatory bodies lies in the fact that the public has a strong interest in the timely and final resolution of its processes. See *Constant* at para. 3 and *Rowe v. College of Nurses of Ontario*, 2023 ONSC 3735 at para. 49.

4. Conclusion

[40] None of the relevant factors support the granting of an extension of time. Therefore, I decline to extend the time to commence an application for judicial review of the Decision.

III. DISPOSITION

[41] Mr. Aujla’s motion for an order extending the time to commence an application for judicial review of the Decision is dismissed.

[42] Mr. Aujla is ordered to pay costs to the LSO on a partial indemnity basis in the all-inclusive amount of \$5,000.00 within 30 days.

Marie-Andrée Vermette, J.

Released: June 29, 2026