

CITATION: Huang v. T&T Supermarket, 2026 ONSC 4268
COURT FILE NO.: CV-24-00002167-0000
DATE: 2026/07/22

SUPERIOR COURT OF JUSTICE-ONTARIO

RE: JIAN GUO HUANG, Plaintiff

AND:

T&T SUPERMARKET INC., Defendant

BEFORE: Gibson J.

COUNSEL: Jian Guo Huang, Self-represented Plaintiff

Connie Cheung and Anja Kohlman Sawa, Counsel for the Defendant

HEARD: March 11, 2026

ENDORSEMENT

Overview

[1] This motion is brought by Jian Guo Huang (the “Plaintiff”) seeking leave to further amend his already-amended claim. The Defendant, T&T Supermarket Inc. (“T&T”), seeks to have this Court dismiss the Plaintiff’s sought amendments.

[2] The Plaintiff was an employee of T&T from on or about February 4, 2022, until September 27, 2023, when his employment was terminated for cause.

[3] On December 20, 2024, the Plaintiff filed a Statement of Claim (the “Original Claim”). On January 8, 2025, the Plaintiff filed an amended Statement of Claim (the “Amended Claim”), further outlining his causes of action and adding claims for additional damages. On March 26, 2025, T&T filed a Statement of Defence, and on March 28, 2025, the Plaintiff filed a Reply. On July 21, 2025, the Plaintiff wrote to counsel for the Defendant T&T, Ms. Cheung, advising he intended to bring a motion to further amend the Amended Claim, adding eight individual defendants. However, he did not provide a draft further amended Statement of Claim at that time.

[4] In the Plaintiff's August 29, 2025, Motion Record (the "Plaintiff's August Motion Record"), the Plaintiff provided a draft further amended claim (the "Proposed Further Amended Claim") seeking amendments including but not limited to the addition of eight new individual defendants. In the Plaintiff's Notice of Motion (the "August Notice of Motion") from the Plaintiff's August Motion Record, the Plaintiff was also seeking: (a) an order authorizing substituted service of the proposed amended statement of claim on the following six proposed defendants: Tina Lee, Amanda Wen, Charles Zhang, Renee Shao, Weige Wu, and Tony Liu; and (b) an order confirming that substituted service is not required for the proposed defendants Guofu Chen (incorrectly named Guo Fu Chen by the Plaintiff) and Chung Chan on the basis that they would be served in person or via the HR Representative of the Defendant.

[5] On September 22, 2025, the Plaintiff served the Defendant with a new draft amended Statement of Claim containing different and additional proposed amendments (the "Second Proposed Further Amended Claim"). These further amendments included but were not limited to the addition of two new defendants, Minnie Zhao and Valerie He. On September 23, 2025, the Plaintiff served the Defendant with yet another Notice of Motion (the "September Notice of Motion") which appears to be only seeking an order granting the Plaintiff leave to amend the statement of claim. On October 15, 2025, and October 16, 2025, the Plaintiff personally served Minnie Zhao, Renee Shao, Charles Zhang, and Weige Wu with a Notice of Motion. On October 17, 2025, the Plaintiff served the Defendant with a new draft amended Statement of Claim containing different and additional proposed amendments (the "Third Proposed Further Amended Claim"). These further amendments include but are not limited to the removal of four defendants from the ten defendants he previously sought to add: Tony Liu, GuoFu Chen (who was incorrectly named Guo Fu Chan in the Second Proposed Further Amended Claim), Chung Chan and Valerie He.

[6] For clarity, in the Third Proposed Further Amended Claim, the Defendant sought to add the following individual defendants to the claim: Minnie Zhao, Renee Shao, Tina Lee, Amanda Wen, Charles Zhang, and Weige Wu.

[7] There followed a series of appearances before Justices Antoniani and Ohler in which they attempted to assist the self-represented Plaintiff to clarify his claim.

[8] The Plaintiff now requests an Order that: leave be granted under Rule 26.01 to amend the Statement of Claim in accordance with the Third Proposed Further Amended Claim; that leave be granted under Rule 5.04(2) to add Tina Lee, Minnie Zhao, Amanda Wen, Charles Zhang, Renee Shao and Weige Wu as defendants; that service of the Amended Statement of Claim on the proposed defendants be effected by substituted service through T&T corporate email addresses or delivery to T&T's Human Resources Department; and that the Amended Statement of Claim be deemed issued *nunc pro tunc* as of September 25, 2025.

[9] T&T opposes the Plaintiff's motion for an order for leave to amend the Third Proposed Further Amended Claim. It submits that the amendments disclose no reasonable causes of action or plead insufficient, unparticularized material facts or time-barred allegations as against the Proposed Defendants. In the alternative, T&T pleads that the Court should exercise its discretion to dismiss the motion under Rule 5.04(2) of the *Rules of Civil Procedure*.

Issues

[10] This motion requires the Court to consider the following issues:

1. Do the proposed amendments disclose reasonable causes of action against each individual defendant?
2. Are the amendments supported by material facts and particularized allegations?
3. Are the claims against the proposed defendants statute-barred by the *Limitations Act, 2002*?
4. Would the addition of defendants cause non-compensable prejudice to the Defendant T&T?
5. Should leave be granted under Rules 26.01 and 5.04(2)?

Law

The Test on a Motion to Amend Pleadings under Rule 26.01

[11] While Rule 26.01 favours the presumptive grant of leave to amend pleadings to add a party,

“there is no absolute right to amend pleadings” and the Court has the residual right to deny amendments where appropriate: *Marks v. Ottawa (City)*, 2011 ONCA 248, at para. 19. The test to amend a pleading under Rule 26.01 requires: (a) The amendments do not result in irreparable prejudice; (b) The amended pleadings disclose a cause of action; and (c) The proposed amendments otherwise comply with the rules of pleading: *Plante v. Industrial Alliance Life Insurance Co*, 2003 CanLII 64295 (ON SC), at para. 21.

[12] Rule 25.06(8) requires that an amended pleading: “contain a “concise statement of material facts” relied on... [and] the proposed amendments contain sufficient particulars -- for example, of fraud and misrepresentation”: *Plante*, at para. 21. The test to amend pleadings incorporates the test to strike out all or part of a pleading pursuant to Rule 21.01(1)(b) (on the basis there is no reasonable cause of action), or pursuant to Rule 25: *Plante*, at para. 22.

[13] The Supreme Court of Canada has consistently held that the test for striking all or part of a claim is whether it is plain and obvious that it has no reasonable prospect of success: *Knight v. Imperial Tobacco Canada Ltd.*, 2011 SCC 42, at para. 17. When assessing whether a claim has a reasonable prospect of success, the Court must accept the facts alleged in the pleadings to be true unless they are “patently ridiculous” or incapable of proof. Bald, conclusory statements of fact or law, unsupported by material facts, will not be assumed to be true: *Das v. George Weston Ltd.*, 2018 ONCA 1053, at para. 74.

[14] Further, Rule 25.06 of the Rules requires a minimum level of material fact disclosure. The remedy for failing to meet this threshold is to strike out the pleadings. The elements of each cause of action must also be supported by a concise statement of the material facts on which the party relies for the claim. Where the pleading fails to do this, the claim will not have a reasonable prospect of success: *The Vinyl Company Inc v. Magnolia Windows and Doors, LLC*, 2018 ONSC 2561, at para. 12.

The Test on a Motion to Amend Pleadings under Rule 5.04(2)

[15] While Rule 26.01 regulates when and how a party may amend its pleadings, Rule 5.04(2) specifically addresses when and how a new party may be added to an action. Even if an amendment would otherwise be allowed under Rule 26.01, the Court retains discretion under Rule 5.04(2) to

refuse the addition of a party “based on the principles of fairness and judicial efficiency”: *Plante*, at para. 25. Specifically, Rule 5.04(2) allows for the Court to exercise discretion to refuse leave to amend if the addition of a party causes undue delay, complicates a hearing, or causes undue prejudice to another party.

[16] There is a separate basis available under Rule 5.04(2) to refuse leave to amend. Rule 5.04(2) is a discretionary provision, whereas Rule 26.01 is a mandatory provision: *Saier v. The Ottawa Hospital*, 2021 ONSC 3553, at para. 39.

The Limitations Act and Amending Pleadings

[17] A proceeding shall not be commenced in respect of a claim after the second anniversary of the day on which the claim was discovered: *Limitations Act, 2002*. Section 5 of the Act sets out the presumption that the person with the claim knows of the matters referred to on the day the act or omission on which the claim is based takes place. If a limitation period in respect of a claim against a person has expired, the claim shall not be pursued by adding the person as a party to any existing proceeding: *Limitations Act, 2002*, s. 21(1).

[18] In the context of Rule 5.04 of the Rules, a motion to add a defendant to an existing action that is brought outside of the limitation period will presumptively constitute prejudice against the proposed defendant in the motion: *Higgins v. Barrie (City)*, 2011 ONSC 2233, at para. 17. If a motion to add a defendant is brought after the expiration of the limitation period, the motion judge is entitled to consider the evidentiary record to determine whether, as a question of fact, there was a reasonable explanation on proper evidence as to why the plaintiff could not have discovered the claim through reasonable diligence: *Pepper v. Zellers Inc*, 2006 CanLII 42355 (ON CA), at para. 14.

[19] A plaintiff discovers they have a claim when they have either actual or constructive knowledge of the material facts upon which a plausible inference of liability on the proposed defendant’s party can be drawn. This does not require the plaintiff to be certain that the known facts will give rise to a legal liability. Rather, the plaintiff only needs to have knowledge of the material facts that form the basis for the plausible inference of legal liability: *Grant Thornton LLP v. New Brunswick*, 2021 SCC 31, at para. 45.

Analysis

[20] I conclude that the Plaintiff's motion should fail because the pleadings disclose no reasonable cause of action, there are insufficient particulars, and the allegations against the proposed defendants are time-barred.

[21] The Plaintiff submits that the Defendant T&T's objections are premature and should be addressed at trial, not at the pleadings stage. He also submits that the doctrine of fraudulent concealment and the continuing tort principle prevent the Defendant from invoking s.21(1) of the *Limitations Act*. I do not agree.

[22] The majority of the Plaintiff's proposed amendments in the Third Proposed Further Amended Claim relate to adding the Proposed Defendants to his claim. However, the Plaintiff has failed to plead a reasonable cause of action with respect to the Proposed Defendants. Specifically, the Plaintiff has not established any independent cause of action arising separately from the performance of the Proposed Defendants' duties in the course of their employment. In order for an employee to be held personally liable in tort, the employee's actions "must themselves be tortious" or "exhibit a separate identity from that of the corporation or employer, so as to make the act or conduct complained of the employee's own": *Kraik v. Ungar*, 2020 ONSC 7221, at para. 19. In *Kraik*, the court struck out the plaintiff's claim against his former manager for, among other things, fraudulent misrepresentation and breach of contract, because the Statement of Claim (i) did not plead the manager was acting outside his capacity as an employee, (ii) nor did it plead any facts to support such an allegation: *Kraik*, at paras. 5 and 22. In striking out the plaintiff's allegation that the manager induced the plaintiff to sign an employment agreement with false representations, the Court noted that in order for an employee to be personally liable, "there must be some activity on [the part of the employee] that takes them out of the role of directing minds of the corporation." *Kraik*, at para. 18.

[23] In *Mohammed v. Her Majesty the Queen in Right of Ontario*, 2019 ONSC 532, at paras. 28 and 57, the court struck several claims against the plaintiff's former manager and director on the basis the plaintiff's allegations were insufficient to establish personal liability against these defendants. With respect to the director's alleged breach of fiduciary duties, the Court noted the plaintiff had pled a conclusion without pleading the material facts to support that conclusion.

[24] In the present case, the Proposed Defendants are and were at all material times employees of T&T. The Plaintiff has failed to plead or establish the elements of an independent cause of action against the Proposed Defendants sufficient to establish personal liability. To the extent the Plaintiff has pled an independent cause of action, he has failed to adequately particularize the material facts underlying those claims, as required by Rule 25.06. The Plaintiff's allegations amount to bald conclusory statements of fact and law that cannot be assumed to be true.

[25] Additionally, to the extent the Plaintiff has particularized the allegations of material facts underpinning the alleged causes of action against the Proposed Defendants, those allegations are time-barred under the *Limitations Act*.

The Proposed Defendants

[26] I agree with the submissions of the Defendant T&T in respect of each of the Proposed Defendants. I shall address each separately.

Tina Lee

[27] The facts pled in the Third Proposed Amended Claim and the October 17, 2025 Affidavit, even if true, do not establish the elements of any tort recognizable at law for which Ms. Lee could be personally liable to the Plaintiff. The Plaintiff's allegations with respect to Ms. Lee are located in paragraphs 21 and 24(1) of the Third Proposed Further Amended Claim and paragraphs 13, 50 to 53 and 58 to 59 of the October 17, 2025 Affidavit. In paragraph 24(1)(h) of the Third Proposed Further Amended Claim, the Plaintiff pleads baldly that Ms. Lee committed fraud, misrepresentation, bad faith and oppression and that she acted beyond the scope of legitimate corporate decision-making, but he has pled insufficient or otherwise insufficiently particularized material facts to support those claims. At paragraph 21 of the Third Proposed Further Amended Claim and paragraphs 51 to 53 of the October 17, 2025 Affidavit, the Plaintiff pleads that Ms. Lee responded to the Plaintiff's e-mail on October 11, 2023. The Plaintiff claims this email, which was sent by Ms. Lee's Executive Assistant Florence Lai, contained false and defamatory allegations, but does not particularize what statements he alleges are defamatory. The Plaintiff further pleads at paragraph 24(1)(d) and 24(1)(e) of the Third Proposed Further Amended Claim that the email failed to address allegations raised by the Plaintiff and that this "confirms Ms. Lee's awareness and acquiescence in T&T's fraudulent and retaliatory conduct". These allegations cannot form the basis of an independent cause of action

against Ms. Lee, who did not even personally send the email complained of. At paragraph 24(1)(f) and (g) of the Third Proposed Further Amended Claim the Plaintiff pleads Windley Ely Inc. was retained by T&T to manage its Workplace Safety and Insurance Board (“WSIB”) claims and provided false information to the WSIB. He further pleads there is a “clear and arguable basis” that Ms. Lee either directed or approved this misrepresentation but provides no particulars to support this bald claim. At paragraph 59 of the October 17, 2025 Affidavit, the Plaintiff alleges that on February 14, 2024, T&T filed submissions with the WSIB containing false statements and that it can be inferred Ms. Lee orchestrated and concealed these fraudulent acts. However, apart from baldly stating T&T’s actions demonstrate “corporate authorization and coordination at the highest level”, the Plaintiff provides no material facts to support these allegations.

Amanda Wen

[28] The facts pled in the Third Proposed Amended Claim and the October 17, 2025 Affidavit, even if true, do not establish the elements of any tort recognizable at law for which Ms. Wen could be personally liable to the Plaintiff. The Plaintiff’s allegations with respect to Ms. Wen are located in paragraphs 12 and 24(2) of the Third Proposed Further Amended Claim and paragraphs 23, 26 and 34 of the October 17, 2025 Affidavit. In paragraph 24(2)(d) of the Third Proposed Further Amended Claim, the Plaintiff pleads baldly that Ms. Wen’s alleged actions constitute fraud and bad faith and that she acted beyond the scope of legal administrative duties, but the Plaintiff has pled insufficient or otherwise insufficiently particularized material facts to support those claims. At paragraph 12 of the Third Proposed Further Amended Claim the Plaintiff alleges that in or around September 13, 2022, Ms. Wen altered a Return to Work Plan (“RTW Plan”) the Plaintiff refused to sign by marking on it that he refused to sign. At paragraph 24(2), the Plaintiff further pleads that the RTW Plan altered by Ms. Wen contained several false statements written or directed by Ms. Wen. However, the Plaintiff does not identify what these alleged false statements are. Furthermore, this allegation is outside of the two-year time limit set out in the Act and is therefore statute barred, but in any event, even if true, does not constitute the basis of an independent cause of action sufficient to establish personal liability.

Charles Zhang

[29] The facts pled in the Third Proposed Amended Claim and the October 17, 2025 Affidavit, even if true, do not establish the elements of any tort recognizable at law for which Mr. Zhang could

be personally liable to the Plaintiff. The Plaintiff's allegations with respect to Mr. Zhang are located in paragraphs 11 to 13, 16, 18, 19 and 24(4) of the Third Proposed Further Amended Claim and paragraphs 15, 17, 23 to 25, 27, 28, 33 to 35, 38 to 40, 43, 44 and 55 of the October 17, 2025 Affidavit. In paragraph 24(4)(a) of the Third Proposed Further Amended Claim, the Plaintiff pleads baldly that Mr. Zhang's alleged actions constitute fraud, retaliation, intentional infliction of emotional distress, invasion of privacy, coercion and bad faith and that Mr. Zhang was acting beyond the scope of his role as Store Manager. However, the Plaintiff has pled insufficient or otherwise insufficiently particularized material facts to support those claims. Further, to the extent the Plaintiff has particularized a date for the material facts, the majority are outside the two-year limitation period outlined in the Act and/or are insufficiently particularized: (a) At paragraph 11 of the Third Proposed Further Amended Claim, the Plaintiff alleges that on September 3, 2022, Mr. Zhang, Ms. Wu and Ms. Shao, prepared and signed off on an Employer's Report of Injury (WSIB Form 7) that contained false statements. The Plaintiff has failed to provide particulars of all the alleged false statements, and this allegation is statute barred by the *Limitations Act*. (b) At paragraph 12 of the Third Proposed Further Amended Claim and paragraph 15 of the October 17, 2025 Affidavit, the Plaintiff alleges on September 13, 2022, Mr. Zhang, Ms. Wu and Ms. Shao telephoned the Plaintiff and attempted to deceive and coerce him into signing a fraudulent RTW Plan but does not disclose how these individuals attempted to deceive or coerce the Plaintiff or why the Plaintiff considers the RTW Plan to be fraudulent. Furthermore, these allegations are statute barred by the Act. (c) At paragraphs 17 to 20 of the October 17, 2025 Affidavit, the Plaintiff alleges that Mr. Zhang and Ms. Wu signed a RTW Plan dated September 13, 2022, which contained multiple false statements. These allegations are statute barred by the Act. (d) At paragraph 13 of the Third Proposed Further Amended Claim and paragraph 33 of the October 17, 2025 Affidavit, the Plaintiff alleges that from October 3, 2022, onward, Mr. Zhang and Ms. Shao misrepresented a claim specialist to be a lawyer in order to intimidate him and discourage him from asserting his WSIB rights. The Plaintiff has failed to provide particulars with respect to the nature of the misrepresentation and Mr. Zhang or Ms. Shao's involvement. Additionally, the Plaintiff does not provide dates of any ongoing misrepresentation and the one date he does provide is outside of the limitation period. (e) At paragraphs 23 to 26 of the October 17, 2025 Affidavit, the Plaintiff alleges that on October 13, 2022, he attended a meeting with Mr. Zhang, Ms. Shao, Ms. Wu and Ms. Wen to address the alleged "forged" RTW Plan and alleged false statements in the WSIB Form 7. He further alleges Mr. Zhang told him his back injury had been accepted by the WSIB and that the statements in the Form 7 "no longer mattered". These

allegations do not establish the essential elements of any recognized cause of action which Mr. Zhang would be personally liable for. Furthermore, these allegations are statute barred by the Act. (f) At paragraphs 28 to 29 of the October 17, 2025 Affidavit, the Plaintiff alleges that shortly after October 19, 2022, Mr. Zhang and Ms. Wu rejected the accommodations recommended by the Plaintiff's physiotherapist. The Plaintiff has failed to provide particulars of what accommodations were rejected. Furthermore, these allegations are statute barred by the Act. (g) At paragraph 16 of the Third Proposed Further Amended Claim and paragraph 37 of the October 17, 2025 Affidavit, the Plaintiff alleges that in April and May of 2023 Mr. Zhang, Ms. Shao and Ms. Wu misled WSIB Case Manager Carlie Floss with false statements and misrepresentations contained in the Employer's Report of Injury (WSIB Form 7). This allegation is statute barred by the Act. (h) At paragraph 38 of the October 17, 2025 Affidavit, the Plaintiff alleges that on June 25, 2023, he was reprimanded by Mr. Zhang for more than two hours, during which time he was prohibited from drinking water. The Plaintiff has failed to particularize what Mr. Zhang said to him. Furthermore, this allegation is statute barred by the Act. (i) At paragraphs 39 to 40 of the October 17, 2025 Affidavit, the Plaintiff alleges that on August 31, 2023, Mr. Zhang and Ms. Wu demanded he sign a "Case Study Report" and imposed a new rule requiring him to seek permission to leave his workstation to use the bathroom. At paragraph 43 of the October 17, 2025 Affidavit, the Plaintiff states that this rule was lifted on September 3, 2023. These allegations are statute barred by the Act. (j) At paragraph 18 of the Third Proposed Further Amended Claim and paragraph 43 of the October 17, 2025 Affidavit, the Plaintiff alleges that on September 3, 2023, Mr. Zhang and Ms. Wu mocked the Plaintiff. These allegations are statute barred by the Act. (k) At paragraph 19 of the Third Proposed Further Amended Claim and paragraph 44 of the October 17, 2025 Affidavit, the Plaintiff alleges that on September 9, 2023, Mr. Zhang and Mr. Wu "compelled" the Plaintiff to complete a full 8-hour shift but does not disclose how they compelled the Plaintiff to remain at work. Furthermore, this allegation is statute barred by the *Limitations Act*.

Weige Wu

[30] The facts pled in the Third Proposed Amended Claim and the October 17, 2025 Affidavit, even if true, do not establish the elements of any tort recognizable at law for which Ms. Wu could be personally liable to the Plaintiff. The Plaintiff's allegations with respect to Ms. Wu are located in paragraphs 9 to 12, 16 to 19 and 24(6) of the Third Proposed Further Amended Claim and paragraphs 7 to 11, 15, 17 to 20, 28, 31 to 32, 37, 39 to 41 and 43 of the October 17, 2025 Affidavit. In paragraph

24(6)(a) of the Third Proposed Further Amended Claim, the Plaintiff simply pleads baldly that Ms. Wu's alleged actions constitute discrimination, bad faith, coercion, and harassment, and went beyond legitimate supervisory functions. However, the Plaintiff has pled insufficient or otherwise insufficiently particularized material facts to support those claims. Further, to the extent the Plaintiff has particularized a date for the material facts, they are all outside the two-year limitation period outlined in the Act and/or insufficiently particularized: (a) At paragraph 9 of the Third Proposed Further Amended Claim, the Plaintiff alleges that immediately following his August 30, 2022, workplace injury, Ms. Wu coerced and deceived the Plaintiff to return to the store to sign a pre-determined and fraudulent RTW Plan requiring him to perform preinjury work. This allegation is statute barred by the Act. (b) At paragraph 10 of the Third Proposed Further Amended Claim, the Plaintiff alleges that on September 2, and 3, 2022, Ms. Wu refused to assign other staff to perform tasks which he alleged were outside his RTW Plan, forcing him to complete all tasks under it. At paragraph 11 of the October 17, 2025 Affidavit, he further alleges Ms. Wu warned him that a failure to complete the RTW Plan would be considered a breach of the agreement. These allegations are statute barred by the Act. (c) At paragraph 31 of the October 17, 2025 Affidavit, the Plaintiff alleges that on October 19, 2022, Ms. Wu shouted at the Plaintiff and verbally attacked him for over ten minutes in front of other employees. The Plaintiff has failed to provide particulars of what Ms. Wu allegedly shouted and, more importantly, this allegation is statute barred by the Act. (d) At paragraph 17 of the Third Proposed Further Amended Claim and paragraph 41 of the October 17, 2025 Affidavit, the Plaintiff alleges that on September 2, 2023, Ms. Wu pushed a dim sum cart into the right side of his abdomen, causing him to drop his phone. The Plaintiff has failed to particularize whether Ms. Wu acted intentionally and what injuries, if any, the Plaintiff sustained as a result of Ms. Wu's actions. Furthermore, this allegation is statute barred by the Act.

Renee Shao

[31] The facts pled in the Third Proposed Amended Claim and the October 17, 2025 Affidavit, even if true, do not establish the elements of any tort recognizable at law for which Ms. Shao could be personally liable to the Plaintiff. The Plaintiff's allegations with respect to Ms. Shao are located in paragraphs 11 to 14, 16, and 24(5) of the Third Proposed Further Amended Claim and paragraphs 15 and 33 of the October 17, 2025 Affidavit. In paragraph 24(5)(a) of the Third Proposed Further Amended Claim, the Plaintiff simply pleads baldly that Ms. Shao's alleged actions constitute fraud, fabrication, concealment, and bad faith, and went beyond the scope of her legitimate HR duties.

However, the Plaintiff has pled insufficient or otherwise insufficiently particularized material facts to support those claims. Further, to the extent the Plaintiff has particularized a date for the material facts, they are all outside the two-year limitation period outlined in the Act in addition to being otherwise insufficiently particularized, as set out above and below: (a) At paragraph 14 of the Third Proposed Further Amended Claim, the Plaintiff alleges that on October 23, 2022, he demanded that Ms. Shao discard food which he was assigned to exchange expiry labels on. Even if true, this allegation does not support a reasonable cause for action for personal liability of Ms. Shao to the Plaintiff and, furthermore, is statute barred by the *Limitations Act*.

Minnie Zhao

[32] The facts pled in the Third Proposed Amended Claim and the October 17, 2025 Affidavit, even if true, do not establish the elements of any tort recognizable at law for which Ms. Zhao could be personally liable to the Plaintiff. The Plaintiff's allegations with respect to Ms. Zhao are located in paragraph 24(3) of the Third Proposed Further Amended Claim and paragraphs 64 to 70 of the October 17, 2025 Affidavit. In paragraph 24(3)(e) of the Third Proposed Further Amended Claim, the Plaintiff pleads baldly that Ms. Zhao engaged in fraud, misrepresentation, defamation, oppression, and bad faith and went beyond the scope of legitimate HR functions, but he has pled insufficient or otherwise insufficiently particularized material facts to support those claims. The only particularized alleged material facts relied on by the Plaintiff are that Ms. Zhao signed his termination and Release and Indemnity letter, which he alleges contained unparticularized false and misleading statements, and that Ms. Zhao submitted a response containing false statements to the Human Rights Tribunal of Ontario in response to the Plaintiff's application. Even if true, these allegations do not constitute the basis of an independent cause of action sufficient to establish personal liability.

Rule 5.04(2)

[33] In any event, even if the proposed amendments met the requirements under Rule 26.01, which I assess they do not in the case, I would exercise my discretion under Rule 5.04(2) to refuse the Plaintiff's motion to add the Proposed Defendants. In this case, the addition of six additional individual defendants – including, for example, the CEO of T&T, who, based on the Plaintiff's allegations, had no direct involvement in his employment beyond her assistant responding to an email he sent her but is claimed to have performed fraudulent or oppressive actions – unduly complicates and delays the hearing. Amongst other matters, the Rules allow for the examination for discovery

of every party deemed adverse in interest – which means each of the Proposed Defendants, if added, would be examined. Accordingly, in the circumstances, the interests of judicial efficiency compel the Court to exercise its discretion and dismiss the motion.

Order

[34] The Court Orders that the Plaintiff's motion for leave to amend his Claim as per the Third Proposed Further Amended Claim, to add additional defendants, for substituted service, and for issuance of an Amended Statement of Claim, is dismissed.

Costs

[35] The parties are encouraged to agree upon appropriate costs. If the parties are not able to agree on costs, they may make brief written submissions to me (maximum three pages double-spaced, plus a bill of costs) by email to my judicial assistant at mona.goodwin@ontario.ca and to Kitchener.SCJJA@ontario.ca. The Defendant T&T may have 14 days from the release of this decision to provide its submissions, with a copy to the Plaintiff; the Plaintiff a further 14 days to respond, with a copy to the Defendant; and the Defendant a further 7 days for a reply, if any. If no submissions are received within this timeframe, the parties will be deemed to have settled the issue of costs as between themselves. If I have not received any response or reply submissions within the specified timeframes after the Defendant's initial submissions, I will consider that the parties do not wish to make any further submissions and will decide on the basis of the material that I have received.

M. Gibson J.

Date: July 22, 2026