

CITATION: Hyde v. VanMar Constructors Inc., 2026 ONSC 4182
DIVISIONAL COURT FILE NO.: DC-23-0000003-00
(Kitchener)
DATE: 20260721

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

RE: RYAN HYDE, Moving Party

AND:

VANMAR CONSTRUCTORS INC., Responding Party

BEFORE: D.L. Corbett, Nakatsuru and Vermette JJ.

COUNSEL: *Mr Hyde*, self-represented Moving Party

Samuel Nash, for the Responding Party

Heard by ZOOM: July 16, 2026

ENDORSEMENT

The Court

[1] This is a motion brought pursuant to s. 21(5) of the *Courts of Justice Act* to review the case management directions of MacNeil J., dated April 8, 2026 (unreported).

[2] In the impugned directions, the case management judge directed terms for obtaining and filing trial transcripts for use on the appeal and struck out the Moving Party’s 267-page appeal factum, with directions for completion of proper appeal materials.

[3] The Moving Party argues that the case management judge erred in her order. He says that he was entitled to have his appeal scheduled in accordance with the prior order of Gibson J. dated November 29, 2024 (unreported), and that the case management judge erred in failing to schedule the appeal and to grant other relief against the Responding Party for their failure to deliver responding appeal materials.

[4] There is no merit to this review motion. The case management judge patiently and thoroughly explained why she was making the order that she did, and her conclusions were reasonable that the appeal materials that had been filed by the Moving Party were (a) in breach of the Moving Party’s obligations to obtain and file trial transcripts and (b) in gross violation of the page limits that apply to appeal factums. It was the case management judge’s responsibility to make orders to ensure that the appeal was ready to be heard on the merits, and she did that. The

order of Gibson J. was no bar to the directions of the case management judge: the Moving Party had not properly perfected his appeal, the appeal was not ready to be heard because of the Moving Party's failure to comply with his responsibilities as an appellant, and his flagrant breach of the Rules respecting transcripts and factums. It would have been an error in principle for the case management judge to have permitted this matter to proceed to a hearing on the state of the filings.

[5] Filing a factum of 267 pages in length in a Small Claims Court appeal is preposterous. Defending that preposterous filing on the basis that the appeal is fact-driven and includes allegations of bias, while also resisting production of complete transcripts, is, likewise, an untenable position. Challenging these directions of the case management judge shows a lack of judgment, given the high level of deference accorded such an order on a motion to review it: *Lynch v. Ross Wilson Holdings Ltd.*, 2026 ONSC 2471 (Div. Ct.), paras. 60-61, and the cases cited therein. In the hearing before us, the Moving Party persisted in obviously untenable factual positions, including:

- a. Arguing that court staff acted improperly in scheduling the case managing conference, when it was clear, on the face of the case management decision, that it was the case management judge, in her capacity as administrative judge for Divisional Court proceedings in her region, who put her mind to the request for a conference and directed that it be held. When this was put to the Moving Party, his argument was predicated on doubting the veracity of the case management judge's clear statement as to what had happened.
- b. Arguing that the Certificates Respecting Evidence delivered by the parties did not require him to obtain transcripts for the appeal. On their face, they do require that the Moving Party provide transcripts, and the case management judge's finding to this effect is reasonable. When this was put to the Moving Party in argument, his response was a tendentious submission that the Certificates mean something other than what they clearly say.

[6] This case has been over-litigated and under-managed. Had triage and consistent case management been brought to bear, this appeal should have progressed, in the ordinary course, and been disposed of, on the merits, on proper appeal materials, within a year. Once the matter came to the attention of the case management judge, she quite properly intervened to get this appeal on track.

[7] Proper appeal materials should be obtained and filed without further delay. We would direct that there be no further motions, unless the case management judge directs otherwise, and we would direct that there be one case management judge going forward, which should be MacNeil J. unless Her Honour directs that another judge undertake ongoing case management.

[8] MacNeil J. directed the Moving Party to bring a motion by April 24, 2026 if he wished to be relieved of the obligation to obtain and file complete trial transcripts (Decision, para. 43(a)(ii)). The Moving Party did not bring a motion respecting this issue, as directed by MacNeil J.'s order, which was not stayed pending this review motion. The Moving Party had an opportunity to address

the transcript issue with us, and we do not see merit to his argument on the transcript issue. We would not extend the time for him to bring a motion on that issue, with the result that he must obtain and file complete trial transcripts, failing which his appeal shall be dismissed.

[9] We would, however, extend the deadline prescribed by MacNeil J. for the Moving Party to serve and file proof that he has ordered a full transcript to **July 31, 2026**. This is an exercise of discretion in the Moving Party's favour: while we view the review motion as without merit, and the Moving Party's failure to comply with the unstayed order of the case management judge to be without reasonable explanation, we would not terminate his appeal rights for this non-compliance. The Moving Party should understand that if he does not comply with the July 31st deadline, and then pay for, obtain and file the required transcripts promptly, his appeal may be dismissed.

[10] We note that we need not decide the contending motions respecting the proper record before us. The case management judge was entitled to take judicial notice of the documents filed for the appeal (including the Certificates respecting evidence, prior endorsements in this case, the Notice of Appeal and the 267 page factum filed by the Moving Party for the appeal, all of which, taken together, were a sufficient basis for the decision to conduct the case management conference and for the directions made as a result of that conference).

[11] The review motion is dismissed.

[12] The Moving Party shall pay costs of the review motion to the Responding Party on a substantial indemnity basis, fixed at \$7,403.13, payable within thirty days. Given the quantum of the Moving Party's claimed costs, almost triple the quantum claimed by the Responding Party, we are satisfied that this costs order is consistent with the proportionality principles stated in *Boucher v. Public Accountants Council for the Province of Ontario*, 2004 CanLII 14579 (Ont. CA).

[13] We note, for the benefit of the self-represented Moving Party, that his only recourse from this decision is an appeal to the Ontario Court of Appeal, with leave from that court: *Courts of Justice Act*, s. 6(1)(a). Our order is not stayed pending appeal proceedings to the Court of Appeal unless the Court of Appeal orders otherwise.

“D.L. Corbett J.”

“Nakatsuru J.”

“Vermette J.”

Released: July 21, 2026