

IN THE SUPREME COURT OF CANADA

(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO)

BETWEEN:

PAUL TAYLOR

Applicant

-and-

THE WORKPLACE SAFETY & INSURANCE BOARD – WSIB

Respondent

-and-

THE WORKPLACE SAFETY & INSURANCE APPEALS TRIBUNAL – WSIAT

Respondent

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

TAKE NOTICE that the applicant, Paul Taylor, applies for leave to appeal to the Court, under section 40(1) and 43(1) of the *Supreme Court Act*, and Rule 25 of the *Rules of the Supreme Court of Canada*, SOR/2002-156, from the judgement of the Court of Appeal for Ontario File No. C63503 (the “**Judgement**”) made February 6, 2018, for an order granting leave to appeal from the judgement, along with costs of this application, or any further or other order that the Court may deem appropriate;

AND FURTHER TAKE NOTICE that this application for leave is made on the following grounds:

1. This case raises some of the most fundamental constitutional questions a court can consider:

- a. Can legislation absolutely immunize a government agency and/or individual for serious intentional wrong doings, by simply ousting the jurisdiction of the court based on a pleading for damages, even though the same legislation prevents it? In this case, the Court of Appeal for Ontario has held it can.
 - b. Can a court have a negative indifference towards self-represented parties within their decisions. To what extent should courts accommodate persons who are self-represented? In this case, the Court of Appeal for Ontario has held that no accommodation should be made to persons who are self-represented.
 - c. Can the principle of deliberative secrecy regarding administrative tribunals and boards, be absolute? In this case the Court of Appeal for Ontario has held it is.
2. The fundamental questions of whether a legislature can bar or otherwise restrict directly with the use of an absolute immunity clause, or indirectly with the use of the court's jurisdiction being ousted for individual claims for personal remedies made pursuant to common law. Where the Supreme Court has considered this issue indirectly, it has come to the opposite conclusion to that of the Court of Appeal for Ontario.
3. Furthermore, if a legislature were permitted to bar civil remedies through common law for serious intentional wrongs, this would then be advanced that it would be a restriction of Charter remedies made pursuant to s. 24(1) of the Charter.
4. The decision of the Court of Appeal for Ontario in this case puts the law in Ontario in conflict with appellate law in Alberta, other provinces, and this very court, creating significant uncertainty in the law across Canada.
5. This issue raised by this appeal, impacts all Canadians. General "protection from civil action" by ousting the jurisdiction of the court, clauses such as sections 118 & 123 of the *Workplace Safety & Insurance Act* are found in statutes in each and every province and territory of Canada. The Supreme Court's guidance on whether such statutes can directly

or indirectly bar civil actions for serious intentional wrongs will benefit all Canadians collectively.

6. The fundamental question of whether a court should have a negative indifference towards a litigant who is self-represented, such as Mr. Taylor is of utmost national importance.
7. The applicant is a public interest litigant who seeks to have these issues resolved as matters of consequence to the community as a whole.

Dated at Guelph, Ontario this 14th day of September 2019

SIGNED BY



Paul Taylor



Applicant
Self-represented

ORIGINAL TO: ***THE REGISTRAR***

COPIES TO: ***WORKPLACE SAFETY & INSURANCE BOARD - WSIB***
Legal Services Division
200 Front St. West, 22nd Floor
Toronto, ON, M5V 3J1
Fax: (416) 344-3160

Jean-Denis Be'lec
LSO #40140R
Tel: (416) 344-3136
E-mail: Jean-Denis_Belec@wsib.on.ca

Jeffrey Clarke
LSO #569374N
Tel: (416) 344-3964
E-mail: Jeffrey_Clarke@wsib.on.ca

Lawyers for the Respondent
Workplace Safety and Insurance Board – WSIB

PALIARE ROLAND LLP
155 Wellington Street West, 35th Floor
Toronto, On, M5V 3H1

Andrew Lokan
LSO #31629Q
Tel: (416) 646-4324
Fax: (416) 646-4301
E-mail: Andrew.Lokan@palaireroland.com

Lawyer for the Respondent
The Workplace Safety and
Insurance Appeals Tribunal – WSIAT

MINISTRY OF THE ATTORNEY GENERAL
Civil Law Division
720 Bay Street, 4th Floor
Toronto, On. M74 2S9

Lawyer for the Intervenor
Government of Ontario

DEPARTMENT OF JUSTICE CANADA
120 Adelaide Street West
Suite #400
Toronto, Ontario M5H 1T1
Telephone: 416-973-0942
Fax: (416) 952-0298

Lawyer for the Intervenor
Government of Canada

NOTICE TO THE RESPONDENT: A respondent may serve and file a memorandum in response to this application for leave to appeal within 30 days after service of the application. If no response is filed within that time, the Registrar will submit this application for leave to appeal to the Court for consideration pursuant to section 43 of the *Supreme Court Act*.

Paul Taylor v. WSIB AND WSIAT
Applicant Respondents

Court file no.: _____

SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO)

PROCEEDING COMMENCED AT

ONTARIO SUPERIOR COURT OF JUSTICE
7755 Hurontario Street
Brampton, Ontario L6W 4T1

NOTICE OF LEAVE TO APPEAL

Paul Taylor

Appellant
Self-represented