

Court File No.

CV-20-0000010-0000

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

(Court seal)

**BETWEEN:**

**PAUL TAYLOR**

**Applicant**

- and -

**THE WORKPLACE SAFETY & INSURANCE APPEALS TRIBUNAL – WSIAT**

**Respondent**



**NOTICE OF APPLICATION  
TO  
ONTARIO SUPERIOR COURT OF JUSTICE  
FOR JUDICIAL REVIEW – CERTIORARI**

TO THE RESPONDENTS

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following pages.

THIS APPLICATION for Judicial Review – Writ of Certiorari will come on for an oral hearing before the Ontario Superior Court of Justice on **Tuesday March 24<sup>th</sup>, 2020 at 10:00 am** to be held at **Guelph Superior Court of Justice located at 74 Woolwich Street Guelph, Ontario.**

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the office of the Ontario Superior Court of Justice, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the office of the Ontario Superior Court of Justice within thirty days after service on you of the applicant's application record, or at least four days before the hearing, whichever is earlier.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN TO IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date: MAR 13 2020

Issued by:   
Registrar

Address of court office 74 Woolwich Street,  
Guelph, Ontario N1H 3T9  
Tel: (519) 822-7961

TO **Workplace Safety & Insurance Appeals Tribunal – WSIAT**  
505 University Avenue - 5th Floor  
Toronto, ON M5G 2P2  
Tel: (416) 314-8800  
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AND TO **Attorney General of Ontario – AGO**  
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*Lawyers for the Government of Ontario*

AND TO **Attorney General of Canada – AGC**  
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*Lawyers for the Government of Canada*

**APPLICATION FOR  
JUDICIAL REVIEW – CERTIORARI**

**THE APPLICANT MAKES AN APPLICATION FOR JUDICIAL REVIEW – CERTIORARI  
TO THE ONTARIO SUPERIOR COURT OF JUSTICE:**

1. Grant the applicant’s request to file a lengthy factum, due to the volume of issues to be considered and their complexity.
2. Grant the applicant Leave for their Application for Judicial Review – Certiorari to be heard by the Superior Court of Justice.
3. Grant the applicant an abridgement of time for filing the application, factum, and supporting materials.
4. Review two decisions of the Workplace Safety & Insurance Appeals Tribunal (“**WSIAT**”). That being WSIAT decision 691-05, dated February 11, 2008, and WSIAT decision 691/05R, dated June 13, 2013. The applicant, (“**Mr. Taylor**”) seeks an order from this Honourable Court for the following:
  - a. A declaration under s. 52 of the *Constitution*<sup>1</sup>, that s. 69 & s. 86 of the *Workers Compensation Act*<sup>2</sup>, for work accidents occurring prior to January 1, 1998, regarding the ousting of the jurisdiction of the Superior Court, be deemed unconstitutional and of no force or effect.

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<sup>1</sup> 1982, being Schedule B to the *Canada Act* 1982 (UK), 1982, c 11.

<sup>2</sup> 1990, c W.11

- b. A declaration under s. 52 of the *Constitution*<sup>3</sup>, that s. 118 (2)(3)(4) & s. 123(4)(5) of the *Workplace Safety and Insurance Act*<sup>4</sup> for work accidents occurring after January 1, 1998, regarding the ousting of jurisdiction of the Superior Court, be deemed unconstitutional and of no force or effect;
- c. That the WSIAT decision 691/05, which denied initial entitlement to benefits for a sudden injury to Mr. Taylor's upper-back and mid-back, be set aside and a decision of this Honourable Court be put in its place to the effect of, Mr. Taylor be granted initial and permanent entitlement to benefits for a sudden injury to Mr. Taylor's lower-back, mid-back, upper-back, neck and head, as a result of a workplace accident, of February 6, 1997.
- d. Mr. Taylor be granted initial entitlement to benefits for physical repetitive strain injuries to Mr. Taylor's lower-back, mid-back, upper-back, neck, left rotator cuff, right rotator cuff, left forearm, right forearm, left hand, and right hand.
- e. Mr. Taylor be granted entitlement to benefits, specifically a Non-Economic Loss Award ("NEL"), for a permanent impairment, as a result of physical injuries to Mr. Taylor's mid back, upper back, neck, and head, for the workplace accident of February 6, 1997. This is in addition to the accepted entitlement to benefits for a permanent impairment for a physical injury to Mr. Taylor's lower-back, as a result of, the workplace accident of February 6, 1997.

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<sup>3</sup> 1982, being Schedule B to the *Canada Act* 1982 (UK), 1982, c 11.

<sup>4</sup> S.O. 1997, c. 16, Sched. A

- f. Mr. Taylor be granted entitlement to N.E.L. benefits for a permanent impairment, as a result of physical injuries to Mr. Taylor's upper-back, neck, and head, as a result of the workplace accident, of July 7, 1997.
- g. Mr. Taylor be granted entitlement to N.E.L. benefits for a permanent impairment, as a result of physical repetitive strain injuries, to Mr. Taylor's lower-back, mid-back, upper-back, neck, left rotator cuff, right rotator cuff, left forearm, right forearm, left hand, and right hand;
- h. That Mr. Taylor be granted an increase to 28%, for his existing N.E.L. award for his permanent lower back injury.
- i. Mr. Taylor be granted entitlement to benefits for chronic pain disability for Myofascial pain syndrome and Fibromyalgia pain syndrome, which would be in addition to the benefits he has received and is seeking.
- j. Mr. Taylor be allowed a new Labour Market Re-entry program ("LMR"), or more commonly known as a retraining program, with a new identified Suitable Employment and/or Business ("SEB"), or more commonly known as future career, in the field of Lawyer. That the retraining program be specifically a four-year university and a two-year law school program.

- k. That Mr. Taylor be awarded 100% Future Economic Loss (“FEL”) benefits from April 1, 2003, to present and until the completion of his LMR program; and
  - l. That Mr. Taylor’s FEL be recalculated to include his daughter and other tax deductions and that Mr. Taylor be provided the calculations from the WSIB.
5. That in the alternative:
- a. the matter be referred to the WSIAT to be heard on an urgent basis, specifically the WSIAT be ordered to hear the matter and render a decision within one week after that; and
  - b. that Mr. Taylor’s F.E.L. benefits be restored to 100%, until the final decision is issued by the WSIAT.

**THE GROUNDS FOR THIS APPLICATION FOR JUDICIAL REVIEW:**

6. That the WSIAT panel members Mr. Gale, Mr. Wheeler, and Ms. Ferrari and B. Kalvin, in rendering WSIAT decision 691/05R dated June 13, 2013, and WSIAT decision 691/05 dated February 11, 2008:
  - a. Committed numerous intentional errors of law.
  - b. Made numerous finding of facts, which were based on little or no evidence, which was otherwise patently unreasonable.

- c. Exercised its discretion in an unreasonable way, specifically by acting in an arbitrary way that resulted in the WSIAT committing numerous acts of bad faith, for an improper purpose.
- d. Based its decisions entirely or predominately on irrelevant factors and failed to take statutory requirements into account.
- e. Breached the rules of natural justice and procedural fairness; and
- f. Breached s. 2, 7, 12, and 15 of the *Charter of Rights and Freedoms*.

7. The *Constitution Act*<sup>5</sup>, specifically:

- a. Section 2 – Freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.
- b. Section 7 – The right to life, liberty and security of the person and the right not to be deprived thereof.
- c. Section 12 – The right not to be subjected to any cruel and unusual treatment or punishment.

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<sup>5</sup> *Constitution Act*, 1867, 30 & 31 Victoria, c. 3. (U.K.); *The Constitution Act*, 1982, being Schedule B to the *Canada Act* 1982 (U.K.), 1982, c. 11.; and *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act* 1982 (U.K.) 1982, c.11

- d. Section 15 – The right to the equal protection and equal benefit of the law without discrimination and without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental, or physical disability.
  - e. Section 24 – Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.
  - f. Section 52 – The Constitution of Canada is the ‘Supreme law’ of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.
  - g. Section 91 – *Powers of the Parliament*; and
  - h. Section 92 – *Exclusive Powers of the Provincial Legislatures*.
1. The *Judicial Review Procedure Act* R.S.O. 1990, section 2 (1), (2), (3), (4), section 4, section 6 (2), (3), and section 7
  2. *Workers Compensation Act* R.S.O. 1990,
  3. *Workplace Safety and Insurance Act*, 1997, S.O. 1997,
  4. The *Courts of Justice Act* R.S.O. 1990, section 18 (3); and



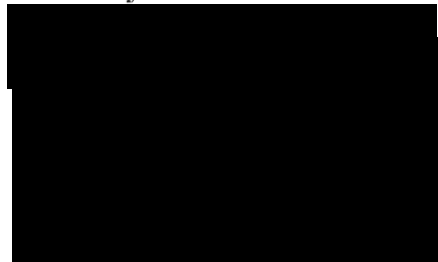
5. The *Rules of Civil Procedure*, Rule 37, 38, and 68(2)

**THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE HEARING OF THE APPLICATION:**

- a) Affidavit and supporting documents of Mr. Taylor, the Applicant's Factum, the Applicant's Book of Authorities; and
- b) Such further and other materials as Mr. Taylor may advise and this Honourable Court may permit.

**Date:** March 6<sup>th</sup>, 2020

**Paul Taylor**



Applicant  
*Self-Represented* ☺

*Ontario*  
**Superior Court of Justice**  
PROCEEDING COMMENCED AT  
Guelph Superior Court of Justice  
74 Woolwich Street Guelph, Ontario N1H 3T9

**APPLICATION FOR JUDICIAL REVIEW**

Applicant: 