

CITATION: Taylor v. Pivotal Integrated HR Solutions, 2020 ONSC 5414
COURT FILE NOS.: TBA
DATE: 20200909

SUPERIOR COURT OF JUSTICE – ONTARIO – DIVISIONAL COURT

RE: Taylor v. Pivotal Integrated HR Solutions

COUNSEL: *Mr Taylor*, self-represented

Andrew Lokan, for WSIAT

No one appearing, for Pivotal Integrated HR Solutions

BEFORE: D.L. Corbett J.

DATE: September 9, 2020

CASE MANAGEMENT ENDORSEMENT

[1] The self-represented applicant seeks judicial review of WSIAT decisions respecting claims he has already pursued for compensation through appeals to this court, the Court of Appeal, and the Supreme Court of Canada (where his motion for leave to appeal was dismissed, but his request for reconsideration of that dismissal is still outstanding). The plaintiff argues that this is a different case, being an application for judicial review that is not precluded by prior appellate proceedings. WSIAT takes the position that the application is relitigation of matters already decided authoritatively.

[2] I advised the parties at the outset that I do not consider this case readily amendable to the process under R.2.1.01. On its face, it appears that a record will be required for this court to decide at least some of the objections to this proceeding raised by WSIAT. Given that preliminary determination, WSIAT advised that it wished to move to quash or dismiss the application as frivolous, vexatious and an abuse of process.

[3] WSIAT is not a party to this application, as it has been framed by the applicant. WSIAT asks to be added as a party. Mr Taylor will not consent to WSIAT being added, and takes the position that WSIAT is in the same position as a judge whose judgment is under review in an appellate court. I explained to Mr Taylor that statutory tribunals and statutory decision-makers do generally have an opportunity to be heard in appeal and review proceedings taken from their decisions. Mr Taylor does not accept that this should be so. Therefore it will be for WSIAT to move to be added as a party to the application

[4] WSIAT shall deliver its motion materials for an order to be added as a party to the application, and for an order quashing or dismissing the application by September 18, 2020. Mr Taylor shall deliver his responding materials by September 25, 2020. Mr Lokan shall provide a

file sharing platform in which he shall place all materials served respecting the motion. The motion shall proceed on October 5, 2020, at 10 am, for an estimated half day, before a single judge of the Divisional Court, by Zoom videoconference.

[5] Following the case management teleconference, Mr Taylor sent an email to the court indicating that he was considering abandoning his application so that he could commence a fresh application before the Superior Court of Justice. He considers his application urgent and notes that it is possible for a single judge to take jurisdiction over a Divisional Court application if the matter cannot await a hearing before a panel of three judges because of urgency. I directed staff to advise Mr Taylor that this provision is administered by the Divisional Court office in Toronto. It is open to the court to direct that the matter be heard by a single judge if urgency so requires. This was not an issue that Mr Taylor raised at the case management conference, and he was directed to seek a further case management conference if he wished to seek such a direction in his case.

[6] In terms of urgency, the motion has been expedited. On an urgent basis the underlying application would take several months to complete, at minimum, and the court will consider an appropriate schedule after a decision on the upcoming motion is rendered. If Mr Taylor considers that his position is urgent such that these timelines are inadequate, his remedy is to seek interlocutory relief pending completion of the schedule. He may seek a case management conference to schedule a motion for such relief, and that conference will be expedited.

[7] The named respondent, Pivotal Integrated, was not present at this conference call. It is not clear they had proper notice of the application materials or of the teleconference itself. It shall be given notice of any further steps in this proceeding, and it shall be entitled to appear at the motion and to make submissions if it wishes.

[8] The court has endorsed its fiat on this endorsement this day; the unsigned version distributed to the parties today has the authority and effect of the signed version, a copy of which will be provided to the parties in due course after the suspension of ordinary court operations is lifted.

D.L. Corbett J.

Date: September 9, 2020