

**ONTARIO  
SUPERIOR COURT OF JUSTICE – *Divisional Court***

BETWEEN:

**PAUL TAYLOR**

Moving Party  
(Applicant)

- and -

**PIVOTAL INTERGRATED HR SOLUTIONS**

(Respondent)

**NOTICE OF MOTION  
TO A PANEL OF THE *DIVISIONAL COURT***

The Moving Party, Mr. Paul Taylor (“**Mr. Taylor**”), will make a Motion to a Panel of the *Divisional Court* on a date to be set by the registrar.

**PROPOSED METHOD OF HEARING:** The motion is to be heard orally.

**THE MOTION IS FOR:**

1. An order under s. 21(5) of the *Court of Justice Act* to set aside the decision of Her Honour Justice Sachs dated October 8, 2020.
2. An order under s. 4 of the *Judicial Review Procedures Act*, (“**JRPA**”) granting interim relief to Mr. Taylor until the matter is disposed of by the Court.

**THE GROUNDS FOR THE MOTION ARE:*****Factual Grounds***

3. That her Honour committed numerous errors of fact and law when Her Honour rendered her decision of October 10, 2020.
  
4. Her Honour committed an error of law when she allowed a summary judgement motion to proceed before the applicant, Mr. Taylor, could bring his motion under s. 5(2) of the *JRPA*.
  
5. The Judge committed an error of law when she intentionally disregarded Mr. Taylor's arguments regarding the constitutionality of s. 9(2) of the *JRPA* under s. 7 and s. 96 of the Constitution.
  
6. The Judge incorrectly inferred the Respondent, Pivotal Integrated HR Solutions ("**Pivotal**") had no interest in participating in Mr. Taylor's Application for Judicial Review ("**Application**") to have two decisions of the Workplace Safety & Insurance Appeals Tribunal ("**WSIAT**") judicially reviewed. As such, Her Honour further inferred that the WSIAT has the authority, in the interests of justice, to sit in Pivotal's place, as the Respondent. However, Pivotal does have a financially vested interest in opposing Mr. Taylor's application. This is because if Mr. Taylor is success with his application, Pivotal could be required to pay monies back that they received for Mr. Taylor's work injury. Additionally, Pivotal could have a cost order awarded against them. Pivotal has not participated because they were likely advised not to. This further raises concern over the

complete lack of impartiality, as a decision maker, under the Rule of Law, on the part of the WSIAT.

7. Her Honour committed an error of fact when she stated that Mr. Taylor had no explanation for his delay for the period between the tribunal decision of February 11, 2008 and his request for reconsideration dated October 28, 2012. Mr. Taylor had referred the Her Honour to his detailed explanation in his letter of request for reconsideration to the Tribunal dated October 28, 2012. While the supporting evidence was not provided with the letter. The production of the case record was the lawful responsibility of the WSIAT, under s. 10 of the *JRPA*.
8. Her Honour also committed an error of Fact when she never mentioned any explanation that was provided for the period beyond 2013. Part of the explanation was that Mr. Taylor did file two other applications for judicial review. That Mr. Taylor had also brought a civil claim against the WSIB and the WSIAT.
9. Her Honour also committed an error of Fact when she stated that the advice by WSIAT counsel to Mr. Taylor was correct when it was not. As Counsel had said all applications for judicial review go to the *Divisional Court*, which is incorrect, as urgent applications go to the Superior Court.
10. Her Honour committed an error of law when she stated the prejudice of a party is solely based on the delay of bringing the application. Her Honour failed to consider the actual

prejudice of the ability of the party to oppose the application. That being that there must be actual proof there is lost evidence, lost memory, or the unavailability of oral evidence.

***Statutory***

11. Sections 4, 5(2), 6(2) and 10 of the *Judicial Review Procedures Act*.

12. Rule 37, 61.16(6) of the *Rules of Civil Procedure*.

13.

14. Section 21(5) of the *Courts of Justice Act*.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion:

15. The WSIAT Case Record to be provided to the Court by the WSIAT in accordance with

s. 10 of the *Judicial Review Procedures Act*, Specifically:

- a. WSIAT Exhibit 2a, Case Record Volume 1,
- b. WSIAT Exhibit 2b, Case Record Volume 2,
- c. WSIAT Exhibit 3, Case Record Addendum 1,
- d. WSIAT Exhibit 4, Case Record Addendum 2,
- e. WSIAT Exhibit 5, Case Record Addendum 3,
- f. WSIAT Exhibit 6, Case Record Addendum 4,
- g. WSIAT Exhibit 7, Case Record Addendum 5,
- h. WSIAT Exhibit 8, Case Record Addendum 6,
- i. WSIAT Exhibit 9, Case Record Addendum 7,

- j. WSIAT Exhibit 10, Case Record Addendum 8,
- k. WSIAT Exhibit 11, Case Record Addendum 9,
- l. WSIAT Exhibit 12, Case Record Addendum 10,
- m. WSIAT Exhibit 13, Case Record Addendum 11,
- n. WSIAT Exhibit 14, Case Record Addendum 12,
- o. WSIAT Exhibit 15, Case Record Addendum 13,
- p. WSIAT Exhibit 16, Case Record Addendum 14,
- q. WSIAT Exhibit 17, Case Record Addendum 15,
- r. WSIAT Exhibit 18/19, Doctor Clinical Notes,
- s. WSIAT Reconsideration Record

16. Affidavit of Mr. Taylor & supporting documentation, Mr. Taylor Factum, Book of Authorities,

17. Such further and other material as Mr. Taylor may require and this Court may permit.

October 10<sup>th</sup>, 2020

**Paul Taylor**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Moving Party/Applicant**  
*Self-represented Litigant* 😊

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*Lawyers for the Government of Canada*

As a courtesy, a copy will be (has been) served on Mr. Lokan (LSO# 31629Q), of Paliare Roland Rosenberg Rothstein LLP 155 Wellington Street W. Toronto Ontario M5V 3H1 Tel: (416) 646-4324 by e-mail at andrew.lokan@paliareroldan.com, counsel for the Workplace Safety & Insurance Appeals Tribunal.

**Responding Party to Motion**

BACKSHEET

**Paul Taylor**  
*(Applicant)*

vs.

**Pivotal Integrated HR Solutions**  
*(Respondent)*

Court file No. 381/20

***Ontario Superior Court of Justice***  
***Divisional Court***

PROCEEDING COMMENCED AT

Osgoode Hall  
130 Queen St W, Toronto, ON M5H 2N5

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***THE DIVISIONAL COURT***

**Applicant:**  
***Paul Taylor***



Self-represented Litigant 😊