

COURT OF APPEAL FOR ONTARIO

CITATION: *Rebello v. Ontario*, 2025 ONCA 127

DATE: 20250219

DOCKET: M55649 (COA-24-OM-0370)

Pepall, Paciocco and Sossin JJ.A.

BETWEEN

Tanya Rebello

Plaintiff (Moving Party)

and

His Majesty the King in the Right of the Province of Ontario Represented by the
Ministry of Transportation for the Province of Ontario and the Ministry of
Government and Consumer Services for the Province of Ontario

Defendant (Responding Party)

Tanya Rebello, acting in person

Adam Mortimer and Bhavini Lekhi, for the responding party

Heard: in writing

Determination pursuant to r. 2.1.02 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, with respect to the appeal from the order of Justice Frederick L. Myers of the Superior Court of Justice dated May 25, 2021, with reasons reported at 2021 ONSC 3752.

REASONS FOR DECISION

[1] On December 20, 2024, the moving party, Tanya Rebello, filed a panel review motion of a decision of the motion judge, dismissing a motion for an extension of time to file a notice of appeal. The court has referred to this panel the

question of whether the motion for a panel review can move forward, or whether this is an appropriate case for an order pursuant to r. 2.1 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.

[2] Rule 2.1.02(1) permits the court on its own initiative to stay or dismiss a motion if the motion appears on its face to be frivolous or vexatious or otherwise an abuse of the process of the court. In such circumstances, the court may also prohibit the moving party from making further motions without leave: *Gallos v. Toronto (City)*, 2014 ONCA 818, at paras. 4, 5.

[3] The original action relating to this motion involved a 2018 incident involving Service Ontario and gave rise to several actions by the moving party, one of which, the subject of this proceeding, was brought in June 2019 (CV-19-629849). On May 25, 2021, Myers J. dismissed this action as abandoned, on the basis that the moving party had written to advise that she intended to abandon that action.

[4] After related actions were dismissed, the moving party decided to appeal the decision of Myers J. dismissing her action as abandoned. The time to appeal having long expired, in December 2024, the moving party brought a motion to extend time to file a notice of appeal. The Crown filed a notice to have the motion to extend time dismissed under r. 2.1. The Registrar decided not to dismiss the motion on that basis and it was heard by the motion judge on December 16, 2024. Applying the test from *Enbridge Gas Distribution Inc. v. Froese*, 2013 ONCA 131,

the motion judge dismissed the motion for an extension of time on its merits. He concluded that the moving party did not form an intention to appeal during the appeal period, that the proposed appeal lacked merit, and that the overall justice of the case did not warrant an extension of time.

[5] The moving party argues that r. 2.1 is not appropriate for her motion to review the decision of the motion judge. She argues that the motion judge erred in his conclusions that she had not formed an intention to appeal, that the appeal lacked merit and that the justice of the case did not warrant an extension of time. She adds that since r. 2.1 was not applied at the time of the motion for an extension of time, it should not be applied to the panel review of that motion.

[6] In our view, this is an appropriate case for an order under r. 2.1. This rule provides “a streamlined procedure for disposing of proceedings and motions that on their face are frivolous, vexatious or otherwise an abuse of process”: *Simpson v. The Chartered Professional Accountants of Ontario*, 2016 ONCA 806, 5 C.P.C. (8th) 280, at para. 43; see also *Lochner v. Ontario Civilian Police Commission*, 2020 ONCA 720, at para. 18.

[7] The application of r. 2.1 is limited to the clearest of cases: *Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733, at para. 8, leave to appeal refused, [2015] S.C.C.A. No. 488. Some hallmarks of litigants warranting the application of r. 2.1 include exhausting all rights of review, appealing any time there

is an adverse judgment, and bringing multiple proceedings in an attempt to re-determine settled issues: see *Talwar v. Grand River Hospital*, 2025 ONCA 35; *Mukwa v. Farm Credit of Canada*, 2022 ONCA 320, at para. 9.

[8] These hallmarks are evident here. This motion arises in the context of multiple actions, dismissals, and appeals, as outlined by the motion judge in his review of the procedural background to the underlying motion. In another appeal to this court by the moving party in related litigation, *Rebello v. Ontario (Transportation)*, 2024 ONCA 842, the court upheld a significant costs award against the moving party, observing, at para. 24, “[the moving party] has been repeatedly admonished for bringing meritless motions and proceedings based on unfounded allegations.”

[9] Section 7(5) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, permits a panel of this court to hear a review of a single judge's order. Overturning a single judge's order is supposed to be an extraordinary remedy, especially in cases where the order is discretionary: *Yaiguaje v. Chevron Corp.*, 2017 ONCA 827, at para. 20. In this case, the moving party has not raised a viable ground of review against the exercise of the motion judge's discretion to deny the extension of time to file a notice of appeal, and no purpose would be served by requiring such a review. We reiterate that this is not a “close call” but rather falls into the category of the “clearest of cases.”

[10] The moving party's motion for a panel review is dismissed pursuant to r. 2.1.01, and the moving party is prohibited from making any further motions in this proceeding without leave of a judge of this court.

[11] We make no order as to costs.

"S.E. Pepall J.A."
"David M. Paciocco J.A."
"L. Sossin J.A."