CITATION: Beaudoin v. City of Ottawa, 2025 ONSC 3870
COURT FILE NO.: DC-25-2964
DATE: 2025/07/07

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Isabelle Beaudoin, Applicant (Moving Party)

-and-

City of Ottawa, Respondent (Responding Party)

BEFORE: Anne London-Weinstein J.

COUNSEL: Applicant, Self-Represented

Greg Warburton for the Respondent

HEARD: June 24, 2025

RULING ON INTERLOCUTORY MOTION TO ADD APPLICANTS TO APPLICATION FOR JUDICIAL REVIEW AND TO ORDER RESPONDENT TO PROVIDE RESPONSE

[1] The Applicant/Moving Party, Isabelle Beaudoin, brings an interlocutory motion to add five individuals as new co-applicants to an existing application for judicial review, to permit future undisclosed applicants to be added without leave—including any similarly affected resident of Ontario—and to compel the City of Ottawa's response to her application materials earlier than was already ordered at a prior case conference.

[2] The application itself challenges the Respondent's purported decision to require the installation of an updated water meter and electronic water usage reading device at the Applicant's property, located at 108 Delong Drive, Ottawa, Ontario as a condition of continued municipal water service.

[3] The five individuals the Applicant seeks to add are: Jane Scharf, Viren Gandhi, Lise Giroux, Sylvia Godbout and Isabelle St-Martin.

[4] These persons have no connection to the Applicant's property but they also are opposed to the use of the updated water meter and electronic water usage reading devices.

Facts:

[5] On April 10, 2023, the Respondent advised the Applicant that the water meter servicing her property required replacement to ensure accurate billing. The Applicant refused to permit the replacement. Between April 2023 and November 2024, the Respondent sent numerous notices advising that meter and endpoint replacement at her property was a condition of service. On November 14, 2024, the Respondent shut off water service to the property under s. 59(1) of Water By-law, No. 2019-74.

[6] The Applicant filed for judicial review of the Respondent's decision on December 8, 2024. A case conference was held on December 20, 2024 before Justice Labrosse. At that time, the parties agreed that a new water meter would be installed, and that water services would be restored. This occurred the same day.

[7] A second case conference is scheduled for November 17, 2025. Justice Labrosse's endorsement deferred the Respondent's obligation to respond to the Application until after that case conference.

[8] The Applicant seeks to add the five named co-applicants and to permit the future addition of other applicants without leave of the court and to compel a response from the Respondent prior to the case conference set for November 17, 2025

Law and Analysis:

[9] Amendments under r. 26.01 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, are presumptively permissible where certain conditions are met. However, the addition of parties under r. 5.04(2) involves a separate analysis—one that gives the court a discretion in deciding whether adding parties is appropriate, even if the proposed amendment is otherwise permissible. This court in *Plante v. Industrial Alliance Life Insurance Co.* (2004), 66 O.R. (3d) 74 (S.C.), indicated at para. 25:

> Addition of a party engages a slightly different analysis because Rule 5.04(2) is discretionary and not mandatory. The wording is similar to Rule 26.01 and therefore is subject to the same tests discussed above. Notwithstanding that those tests may be met, the court retains a discretion to refuse addition of a party. Such

> discretion of course is not whimsical but based on the principles of fairness and judicial efficiency.

[10] Any motion to amend pleadings and add parties must be assessed against a series of criteria derived from rr. 26.01 and 5.04(2). In *Plante*, at para. 27, the court outlined the comprehensive legal test to be applied where a party seeks to amend their pleading and add parties under r. 5.04(2):

- The proposed amendment must meet all of the tests under r. 26.01.
- Joinder should be appropriate under r. 5.02(2) or required under r. 5.03. The addition of the parties should arise out of the same transaction or occurrence (r. 5.02(2)(a), should have a question of law or fact in common (r. 5.02(2)(b)), or the addition of the party should promote the convenient administration of justice (r. 5.02(2)(e)).
- Joinder should not be inappropriate under rr. 5.03 (6) or 5.05. The addition of a party should not unduly delay or complicate a hearing or cause undue prejudice to the other party.
- Addition of a party will be refused if it is shown to be an abuse of process. Abuse of process will exist where the addition of a party is for an improper purpose such as solely to obtain discovery from them, to put unfair pressure on the other side to settle, to harass the other party or for a tactical reason only.

[11] The decision in *Plante* related to the addition of defendants in an action. The court considered Rule 5.02(2), which pertains to the addition of defendants/respondents in deciding the motion. Adding a plaintiff or applicant to an action is governed by Rule 5.02(1).

[12] Rule 5.02(1) reads: Two or more persons who are represented by the same lawyer of record may join as plaintiffs or applicants in the same proceeding where,

(a) they assert, whether jointly, severally or in the alternative, any claims to relief arising out of the same transaction or occurrence, or series of transactions or occurrences;

(b) a common question of law or fact may arise in the proceeding; or

(c) it appears that their joining in the same proceeding may promote the convenient administration of justice.

[13] I agree with the Applicant that the fact that she is self-represented, as are the proposed five co-applicants should not be a bar to adding co-applicants under Rule 5.02(1). To interpret the rule in the manner suggested by the Respondent would preclude self-represented individuals from

adding an applicant or a plaintiff to their proceeding. This would pose a bar to the self-represented which is inconsistent with the principle of access to justice to all persons whether they chose to represent themselves or are represented by counsel.

[14] However, the proposed co-applicants in this case have no connection to the judicial review in this case, which relates to actions taken by the Respondent in relation to the Applicant's property. Judicial review is intended to be a record-based inquiry into the legality of a specific administrative decision, in this case the use of the device in question as a condition of service provision. The judicial review in this case is not intended to be a wide-ranging inquiry into the use of these devices generally.

[15] While the proposed co-applicants have a common interest in the outcome of the Applicant's judicial review application, adding them to this proceeding will needlessly complicate matters without advancing the legal merits of the underlying application.

[16] Adding the five new applicants with distinct factual circumstances will unnecessarily complicate the proceeding, require fresh evidence and procedural steps, and distract from the purported decision under review, which relates to the Applicant's property. In my view, this would prejudice the Respondent in a manner which is not remedied by costs or directions. See *Refco Futures (Canada) Ltd v. Keuroghlian* (2004), 39 C.P.C. (5th) 344 (Ont. S.C.), at para. 8, aff'd 2002 CarswellOnt 5505 (S.C.). The addition of the five new applicants is not in the interests of the convenient administration of justice. To permit other future co-applicants to join in this application without leave of the court would also needlessly add to the complexity of this matter.

[17] In addition, two of the proposed applicants, Sylvie Godbout and Viren Gandhi, face a limitation period under the *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1. Pursuant to s. 5(1) of that Act, an application for judicial review is required to be commenced within 30 days of the decision or matter in respect of which relief is sought, unless the court orders otherwise, considering the merits of the application: *Jonker v. Township of West Lincoln*, 2023 ONSC 1948, 167 O.R. (3d) 544, at paras. 35-37. Ms. Godbout and Mr. Gandhi are presumptively statute-barred from commencing an application for judicial review and the onus is on the Applicant to establish that non-compensable prejudice will not be visited upon the Respondent. The Applicant argues that discoverability is an issue which could be argued to overcome the bar of the limitation period.

However, even if the discoverability principle was found to apply, the fact that these claims are so dated still causes prejudice to the Respondent in having to address allegations unrelated to this specific claim for judicial review. The allegations of Ms. Godbout and Mr. Gandhi stretch back several years.

[18] The proposed applicants lack standing–whether private or public interest–in the underlying application for judicial review. A judicial review is not a class-action proceeding. Being a citizen, resident or taxpayer does not furnish an individual with a private interest standing to challenge disputed government legislation. As was indicated in *Landau v. Ontario (Attorney General)*, 2013 ONSC 6152, 293 C.R.R. (2d) 257, at para. 16:

> [T]o have private interest standing, a person must have a direct personal legal interest in the issue. In respect to issues of public policy, to have standing an applicant must show that she is "exceptionally prejudiced" or is "specially interested" in the issue. "Interested" here means having a legal interest, not having one's intellectual passion aroused.

[19] Public interest standing is granted in exceptional cases. The court must be satisfied that:

- There is a serious justiciable issue raised;
- The proposed party has a genuine interest in the matter; and
- The proceeding is a reasonable and effective method to bring the issue before the court. See: *Downtown Eastside Sex Workers United Against Violence Society v. Canada (Attorney General)*, 2012 SCC 45, [2012] 2 S.C.R. 524, at para. 37.

[20] Ms. Scharf and Ms. Giroux claim that they are directly and materially impacted by the Respondent's smart water meter program, however they acknowledge that the Respondent has not required that the technology be installed at their respective properties.

[21] Ms. Giroux states, she "often visits friends and relatives with the transmitter affixed to their properties" which she feels deprives her of peace of mind. Ms. Scharf and Ms. Giroux have offered up their personal opinions regarding the safety of lithium batteries. They also adopt the concerns advanced by the Applicant. Neither Ms. Scharf nor Ms. Giroux have been required to install new meters or endpoints. They are not the subject of any administrative decision by the Respondent. They lack private interest standing.

[22] Having found that private interest standing cannot be afforded to Ms. Scharf or Ms. Giroux, I considered whether they could be granted public interest standing. The rationale for granting public interest standing is to prevent unconstitutional or unlawful state action from escaping review due to the absence of a directly affected party. See: *Canadian Council of Churches v. R.*, [1992] 1 S.C.R. 236, at pp.252-53. Public interest standing does not confer the ability to join a judicial review where the administrative decision is already being challenged by a directly affected party. The Applicant in this case has already sought judicial review of the decision by the Respondent. There is no basis to add Ms. . Scharf and Ms. Giroux as applicants on the basis of a public interest standing.

[23] Ms. Godbout and Mr. Gandhi allege they are directly and materially impacted by the smart meter program because endpoints were installed at their properties several years ago. Both also indicate that they agreed to their water meters being replaced without reconnection to the "contentious endpoint." They reference sending what they describe as "notices of liability" to the Respondent. However, expressing disagreement with a decision made by the Respondent does not create a reviewable decision nor does it confer private interest standing in this matter.

[24] The concerns expressed by Ms. Godbout and Mr. Gandhi are also already being addressed through the application brought by the Applicant for judicial review.

[25] I conclude that Ms. Godbout and Mr. Gandhi cannot be added as applicants as they lack any form of standing in this matter.

[26] Finally, the Applicant seeks to add Isabelle St-Martin. The Applicant indicates that Ms. St-Martin shares the same concerns and has the same legal interests in this matter as she has a wireless transmitter installed on her property. For the reasons previously outlined, I find that Ms. St-Martin lacks any form of standing to participate in this application for judicial review and that adding her as a party to this proceeding will not promote judicial efficiency and will prolong the time needed to resolve this matter.

[27] I find that the proposed addition of these co-applicants will needlessly complicate the adjudication of this judicial review. Furthermore, the inclusion of the five proposed applicants, along with future applicants to be added without leave, is frivolous in nature. I find that the

Applicant has not met the test under r. 26.01 and the court exercises its discretion in not permitting the five new applicants to be added to the application, nor to permit future applicants to be added without leave of the court.

[28] The Application to add five new co-applicants and future applicants without leave is dismissed. Regarding the request that the Respondent be required to respond prior to the case management conference, I agree with the applicant. The second case conference has been significantly delayed as a result of this motion and the parties should avoid any further delay. Having both parties ready to proceed with the application at the second conference will assist Justice Labrosse in moving this matter forward. I am not aware of any prejudice to the Respondent if they respond before the second case conference. The Respondent shall therefore have until October 31, 2025 to respond.

Costs

[29] The Respondent is the successful party on the motion and is presumptively entitled to costs. The parties are encouraged to resolve the issue of costs. If the parties cannot resolve the issue of costs for this proceeding, they may file brief written submissions, not exceeding two pages, exclusive of Bills of Costs. The Respondent shall file their submissions by July 28, 2025, and the Applicant shall file her submissions by August 18, 2025. Costs submissions are to be sent to SCJ.Assistants@ontario.ca and to my attention.

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Anne London-Weinstein J.

Date: July 7, 2025

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Released: July 7, 2025