

[4] For the reasons provided orally, the request for adjournment was denied. In sum, I am not satisfied that that the purported new evidence is relevant to a decisive issue on this motion. At this stage, the main issue is whether this court has jurisdiction to sit in appeal of a case conference endorsement of the Divisional Court. New evidence about alleged fraud by the LTB is not relevant to or decisive of that question.

[5] The appellant also argued that he was not properly served with the respondents' motion materials. There is no dispute that the materials were sent to him by email, at the email address he has used throughout these proceedings. The appellant acknowledged that he received the email. However, he chose to delete it because he was not properly addressed as "Darrell (Given name): Hails."

[6] I find that the appellant was properly served. His decision to delete the email and his objection to how he was addressed do not invalidate service. I am satisfied that the appellant received the respondents' documents and had a fair opportunity to respond to them.

[7] The appellant did not submit a factum. His oral submissions centered around health and safety issues regarding fluoride and the landlord's alleged breach of the tenancy agreement. Other than to ask questions of the court, he did not make submissions about this court's jurisdiction to hear the motion. Nor did he point to any purported error in Justice Jensen's case conference endorsement or explain why appellate intervention would be warranted in this case.

[8] Section 21 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 (*CJA*) sets out how and by whom various matters before the Divisional Court are determined. Paragraph 21(5) of the *CJA* stipulates that motions determined by a single judge of the Divisional Court can be set aside or varied by a panel of the Divisional Court. That provision does not explicitly deal with case conference endorsements. However, paras. 21(1) and 21(2) of the *CJA* deal broadly with "proceedings." Reading s. 21 as a whole, it is clear that the legislator intended that all proceedings

in the Divisional Court be dealt with by the Divisional Court, either by a single judge or by a panel of that court.

[9] The motion is dismissed. As a judge of the Ontario Superior Court, I have no jurisdiction to set aside or vary a case conference endorsement of a judge of the Divisional Court.

[10] The respondents submit that the motion should also be dismissed because it is without merit. I make no comment on this issue. It is not within my jurisdiction to determine the merits of the motion.

[11] The respondents were entirely successful on this motion. If the parties are unable to agree on costs, they may provide brief written submissions of no more than 2 pages (exclusive of their cost outlines) double spaced and in 12-point font. The respondents may file cost submissions within 14 days of the date of this endorsement. The appellant may file cost submissions within 30 days of the date of this endorsement. No reply submissions will be permitted without leave.

Date: August 1, 2025

Madam Justice M. Flaherty

CITATION: Hails v. Geauvreau et al., 2025 ONSC 4504
COURT FILE NO.: DC-25-3009
DATE: 20250801

ONTARIO

SUPERIOR COURT OF JUSTICE

Darrell (Given Name) Hails

Appellant

– and –

Andrea Geauvreau and Chad Geauvreau Jointly and
severally

Respondents

REASONS FOR DECISION

Madam Justice M. Flaherty

Released: August 1, 2025