

**CITATION:** Bogue v. Miracle, 2025 ONSC 4530  
**COURT FILE NO.:** CV-19-00077-00 (Belleville)  
**DATE:** 20250805

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** Glenn Bogue, Applicant

**AND:**

Andrew Clifford Miracle, Andrew Clifford Maracle III, Smokin' Joes and Smokin' Speedway, Virginia Maracle, Lisa Sexsmith Maracle operating as Smokin' Speedway and Yolanda Maracle, Respondents

**BEFORE:** Mew J.

**COUNSEL:** *Greg Roberts*, for Glenn Bogue (Moving Party)

*Ian J. Collins*, for Andrew Clifford Miracle (Responding Party)

**HEARD:** 5 August 2025 at Belleville (in writing)

**ENDORSEMENT**

- [1] Glenn Bogue seeks security for the costs of a pending motion brought by Andrew Clifford Miracle, in which Mr. Miracle seeks an order that I recuse myself as judge and case manager in this matter and also in Court File BK-19-02561274-0033 (Ottawa) based on apprehension of bias. That motion is scheduled to be heard in Belleville on 6 August 2025.
- [2] At a case conference held on 24 July 2025, a timetable was established for the delivery of motion materials related to both the recusal motion and the motion for security for costs. I fixed the date of 6 August 2025, which was the date originally set for the hearing of other motions brought by Mr. Bogue and Mr. Miracle, as the hearing date for the recusal motion. I directed that any party seeking security for costs in relation to the recusal motion should serve and file their materials by 4:00 p.m. on 25 July 2025, and that materials responding to the security for costs motion were to be served and filed by 4:00 p.m. on 31 July 2025.
- [3] The grounds stated for Mr. Bogue's security for costs motion are that:
- a. Mr. Miracle has insufficient assets in Ontario (situated off a reserve and subject to execution by Mr. Bogue) to pay the costs of the motion; and
  - b. There is good reason to believe that Mr. Miracle's motion is frivolous and vexatious.

- [4] Although not a stated ground for the motion, the motion record also discloses that there are unpaid costs awards made against Mr. Miracle in this proceeding (including appeals) totalling \$12,506.29.
- [5] Rule 56.01 of the Rules of Civil Procedure, R.R.O. 1990, Reg. 194, provides that the court may order security for costs where it appears that, *inter alia*:
- a. a defendant or respondent has an order against the plaintiff or applicant for costs in the same or another proceeding that remain unpaid in whole or in part; or
  - b. there is good reason to believe that the action or application is frivolous and vexatious and that the plaintiff or applicant has insufficient assets in Ontario to pay the costs of the defendant or respondent.
- [6] Mr. Miracle concedes that he has insufficient assets to pay Mr. Bogue's costs.
- [7] In support of his assertion that the motion to recuse is frivolous and vexatious, Mr. Bogue points to the long history of this litigation, and to the fact that the current allegation of bias has only recently been made, despite the conduct which is said to have given rise to the allegation having occurred in February 2024 and the decision which followed having been handed down in April 2024: *Bogue v. Miracle*, 2024 ONSC 1964 (CanLII). Mr. Bogue also asks me to take into account that Mr. Miracle did not complain of bias in his unsuccessful appeal from my decision: *Bogue v. Miracle*, 2025 ONCA 188 (CanLII), or in his pending application for leave to appeal to the Supreme Court of Canada.
- [8] Allegations of judicial bias call into question not simply the personal integrity of the judge, but the integrity of the entire administration of justice. Because of that, the threshold for a finding of real or perceived bias is high. While advocates must be free to fearlessly raise such allegations, to do so is a serious step that should not be undertaken lightly: see *R. v. S. (R.D.)*, 1997 CanLII 324 (SCC), [1997] 3 S.C.R. 484, 151 D.L.R. (4th) 193, at para. 113.
- [9] Mr. Miracle is represented by a lawyer who, as an officer of the court, is required to act with integrity, and to represent Mr. Miracle resolutely and honourably within the limits of the law while treating the tribunal with candour, fairness, courtesy, and respect: Law Society of Ontario, *Rules of Professional Conduct*.
- [10] For the purposes of this motion for security for costs, I therefore proceed on the assumption that Mr. Collins would not associate himself with his client's motion if he believed it to be frivolous, vexatious, obstructionist or unfounded.
- [11] Given the serious nature of the allegation that has been made, it would be inappropriate to frustrate that motion from being considered on its merits by ordering security for costs on the ground that it is frivolous and vexatious. That would be to effectively prejudge the allegation of bias.
- [12] On the other hand, the motion should not proceed while there remain unpaid costs awards against Mr. Bogue. Absent a successful appeal to the Supreme Court of Canada, those are

costs which Mr. Miracle is bound to, yet has failed to pay. In that regard Mr. Miracle unsuccessfully sought a stay of the Court of Appeal's decision pending his application for leave to appeal to the Supreme Court: *Gram v His Majesty The King*, unreported endorsement of Roberts J.A. in Court File No. M55969 (COA-24-CV-0478), dated 9 May 2025.

- [13] Accordingly, I would order Mr. Miracle to forthwith post security for costs in the amount of \$12,506.29, representing the unpaid costs that he had been ordered to pay to Mr. Bogue. As discussed at the case conference, the order will be satisfied upon payment of the amount of security ordered into the trust account of Ian Collins prior to 10:00 a.m. on 6 August 2025, such funds to thereafter remain in Mr. Collins' trust account pending further order of this court.
- [14] Should Mr. Collins fail to certify that the security for costs has been deposited in accordance with this endorsement, Mr. Miracle's recusal motion will be deemed to have been dismissed with prejudice.

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Mew J.

**Date:** 5 August 2025