

CITATION: Khan v. TD Bank et al., 2025 ONSC 4600
COURT FILE NO.: CV-24-1366
DATE: 2025 08 08

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Israt Khan and Bambiland Inc., Plaintiffs

AND:

TD Bank, Rhiainn Coulombe, Royal Bank of Canada, BoyneClarke Lawyers
LLP, John Fitzpatrick and Joshua J. Santimaw, Defendants

BEFORE: M.T. Doi J.

COUNSEL: Israt Khan, self-represented Plaintiff

William Dandie, for the Defendant, The Toronto Dominion Bank

Gregory W. Bowden, for the Defendant, Royal Bank of Canada

HEARD: August 8, 2025 (in writing)

ENDORSEMENT

Overview

[1] This motion was referred to me by the registrar’s office under rule 2.1.01 of the *Rules of Civil Procedure*, RRO 1990, Reg. 194, after counsel for the Defendant The Toronto Dominion Bank (“TD Bank”) requested to have the action dismissed for appearing on its face to be frivolous and vexatious.

[2] By Endorsement dated January 23, 2025, I indicated that the Court was considering whether to dismiss the action for being frivolous, vexatious, or an abuse of process, and invited the Plaintiffs to make written submissions on whether the statement of claim should be dismissed. Written submissions were received from the Plaintiffs, TD Bank, and the Defendant Royal Bank of Canada (“RBC”) in response to the Court’s notice.

[3] For the reasons that follow, I find that the action should be dismissed for being frivolous and vexatious.

Legal Principles

[4] Rule 2.1.01 is a gatekeeping mechanism by which the Court may stay or dismiss litigation that is clearly frivolous, vexatious, or an abuse of process: *Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733 at para 8, leave to appeal refused 2016 CanLII 27190 (SCC). It is well-established that rule 2.1 is not for close calls, but is applied robustly to the clearest of cases where the abusive nature of the proceeding is apparent on the face of the pleading and there is a basis for resorting to this attenuated process: *Scaduto* at paras 8-9; *Robson v. Law Society of Ontario*, 2023 ONCA 860 at para 3; *Sumner v. Ottawa (Police Services)*, 2023 ONCA 140 at para 9; *Wu v. Toronto (City)*, 2024 ONCA 810 at para 3.

[5] A motion under rule 2.1 focuses on the pleadings and any submissions by the parties under the rule. No evidence is submitted on a rule 2.1 motion: *Scaduto* at paras 9 and 11-12.

[6] A frivolous proceeding lacks a legal basis or legal merit, or has been commenced without reasonable grounds, and is readily recognizable as one devoid of merit with little to no realistic prospect of success: *Rahman v. Financial Services Regulatory Authority of Ontario*, 2025 ONSC 1210 at para 6; *Lavallee v. Isak*, 2022 ONCA 290 at para 19.

[7] A vexatious proceeding is one taken to annoy or embarrass an opposite party, or conducted in a vexatious manner: *Wang v. Canada*, 2025 ONSC 4261 at para 6; *Lavallee* at para 19.

[8] Neither the opposing parties nor the court should be required to devote scarce resources to clearly frivolous or vexatious proceedings as they take time away from meritorious cases: *Rahman* at para 7. The application of rule 2.1 is limited but serves an important role in screening out meritless claims that drain the limited resources of the justice system: *Kokic v. Johnson*, 2025 ONCA 4 at para 6; *Buehlmann-Miyake v. Buhlmann*, 2025 ONCA 131 at para 3.

Analysis

[9] I am satisfied that the statement of claim is clearly frivolous as it does not articulate any basis for making a legally recognized claim against any of the Defendants and, therefore, is incapable of success. The statement of claim makes a number of disjointed comments about alleged fraudulent transactions involving forged instruments and other unlawful activity that are

not coherent and lack particulars to support a viable claim at law. The claim broadly alludes to vague assertions of defamatory conduct by unnamed Defendants or their employees without setting out legally recognizable or discernable grounds to advance such a claim. The claim further raises broad allegations that the Defendants engaged in racist or discriminatory practices but without any particulars to ground a claim at law.

[10] The statement of claim attaches unexplained screenshots of various websites and electronic messages that seem unrelated and irrelevant to any of the allegations in the pleading or any apparent cause of action.

[11] Towards the end of the claim, the Plaintiffs plead, “[t]he remedy of this terrorisms requires criminal charges,” but this relief falls outside the purview of civil courts. This and other similar assertions in the claim clearly show the frivolous nature of the pleading.

[12] Having read the statement of claim in the broadest and least-critical manner, and with generous allowances for drafting imprecisions, I find that the claim does not assert a cause of action or plead any material facts to support a proper claim for damages or other relief.

[13] Taking this all into consideration, I find that the claim is untenable and, therefore, frivolous as it cannot possibly succeed.

[14] The statement of claim exhibits a number of hallmarks of vexatious litigation, that include inflammatory references to murder, death threats, terrorism and extortion without any apparent connection to a viable claim at law, with exaggerated or scandalous accusations of discriminatory practices and conspiracy theories. There is no attempt to connect the facts to any cause of action, and the inclusion of extraneous details about race, conspiracy, and threats point to an intention to harass or oppress the Defendants without asserting a legitimate right that constitutes a hallmark of vexatious litigation: *Wilson v. Fatahi-Ghandehari*, 2023 ONCA 74 at para 10; *Gao v. Ontario WSIB*, 2014 ONSC 6497 at paras 14-15.

[15] Notably, the claim seeks damages of “950 QUADTROTILLION cad” that is clearly an improbable or exaggerated amount.¹ A grandiose and unattainable claim for damages is a further hallmark of vexatious litigation: *Weinstein v. HMQ*, 2020 ONSC 485 at para 50.

[16] Taking this all into account, I find that these factors in combination clearly show that the action is vexatious: *Wang* at para 6; *Lavallee* at para 19.

[17] The submissions of the Plaintiffs do not rebut the concern that the action is frivolous or vexatious, or otherwise demonstrate a viable claim for the action. The submissions consist of incomplete notes that do not give meaningful information or context to establish a cause of action. If anything, the submissions support the conclusion that the action should be dismissed. In their submissions, the Plaintiffs simply repeat the bald assertions of fraud in the statement of claim that are untenable without particulars or a factual basis to ground the claim that have not been pleaded. In addition, they broadly allude in their submissions, without any foundation, *further* claims in breach of contract, negligence and conspiracy but with no particulars to ground a cause of action. They refer to an RCMP investigation but without explaining its relevance to the action beyond stating that a dismissal of the action could jeopardize the investigation. They also appended additional screenshots to their submissions without explaining their context or purpose.

[18] This is not a close call. The statement of claim is clearly frivolous by making broad and unsustainable assertions that are untied to a proper cause of action and have no prospect of success. Respectfully, I find that the claim will inevitably fail for lacking reasonable grounds on its face. In addition, I find that the statement of claim is riddled with the hallmarks of vexatious litigation.²

[19] Based on all of the foregoing, the action is dismissed under rule 2.1.01 without costs.

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¹ The claim for damages of [sic] “950 QUADTROTILLION” is unclear and may reflect a typographical issue. That said, a “quadrillion” is a unit of quantity equal to 10^{15} (i.e., 1,000,000,000,000,000) and would make the amount of \$950 quadrillion equal to \$950,000,000,000,000.

² In arriving at my finding that the statement of claim is frivolous and vexatious, I have not considered Fowler Byrne J.’s order dated June 14, 2024 that was made in an entirely different proceeding. That order has no bearing on whether the within action is frivolous, vexatious, or an abuse of process and was limited to the particular circumstances in that other proceeding.