

COURT OF APPEAL FOR ONTARIO

CITATION: *Rebello v. Ontario (Attorney General)*, 2025 ONCA 665

DATE: 20250922

DOCKET: M55858 (COA-24-CV-1212)

Thorburn, Coroza and Gomery JJ.A.

BETWEEN

Tanya Rebello

Plaintiff (Moving Party/Appellant)

and

His Majesty the King in Right of Ontario, as represented by the Attorney General
for Ontario, the Premier of Ontario and Ministry of the Attorney General Counsel
Joanna Chan

Defendants (Responding Parties/Respondents)

Tanya Rebello, acting in person

Adam Mortimer and Bhavini Lekhi, for the responding parties

Heard: in writing

Determination pursuant to r. 2.1.01 of the *Rules of Civil Procedure*, R.R.O. 1990,
Reg. 194, with respect to the appeal from the order of Justices MacPherson,
Huscroft and Dawe of the Court of Appeal for Ontario, dated March 13, 2025.

REASONS FOR DECISION

[1] On November 1, 2024, Centa J. of the Superior Court of Justice struck a claim brought by Tanya Rebello (“the Moving Party”), deeming it an abuse of process. Centa J. held that all the allegations in the pleadings either (1) disclosed

no reasonable cause of action, or (2) had already been determined in a prior duplicative action. He dismissed the Moving Party's claim without leave to amend.

[2] The Moving Party appealed Centa J.'s order to this court. On March 13, 2025, the appeal was dismissed, with reasons reported at *Rebello v. Ontario*, 2025 ONCA 202. The Moving Party's application for leave to appeal the dismissal to the Supreme Court of Canada was denied on September 18, 2025: *Tanya Rebello v. His Majesty the King in Right of Ontario as represented by the Attorney General of Ontario, et al.*, 2025 CanLII 94214 (SCC).

[3] It is not necessary to outline in any detail the factual and procedural background that gives rise to this litigation. The panel that dismissed the Moving Party's appeal concisely summarized the history of this matter: *Rebello*, at paras. 3-10. In sum, in April 2018, Service Ontario erroneously transferred the registered ownership of the Moving Party's vehicle to an auto parts company. That mistake was corrected but has led to extensive litigation in the Superior Court of Justice and this court.

[4] The Moving Party has filed a r. 59.06 motion under the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, to review this court's March 13 decision and costs order. The Registrar has referred the Moving Party's motion to this panel to consider whether this is an appropriate case for an order pursuant to r. 2.1.01 of

the *Rules*.¹ Under that rule, the court may stay or dismiss a motion if it appears on its face to be frivolous or vexatious or is otherwise an abuse of the process of the court.

[5] The Moving Party's materials ask the court to reconsider the dismissal of her appeal from Centa J.'s order pursuant to r. 59.06 of the *Rules* which states:

59.06 (1) An order that contains an error arising from an accidental slip or omission or requires amendment in any particular on which the court did not adjudicate may be amended on a motion in the proceeding.

(2) A party who seeks to,

- (a) have an order set aside or varied on the ground of fraud or of facts arising or discovered after it was made;
- (b) suspend the operation of an order;
- (c) carry an order into operation; or
- (d) obtain other relief than that originally awarded, may make a motion in the proceeding for the relief claimed.

[6] The Moving Party's materials appear to rely on r. 59.06(2): "on the ground of fraud or of facts arising or discovered after [the decision] was made". More specifically, the Moving Party argues that the panel that made the March 13 decision made several "false" statements in its reasons and alleges that one of the panel members was biased.

¹ The Registrar has referred the motion to a different panel and not the original panel because of the position advanced by the Moving Party regarding one of the panel members who sat on appeal.

[7] We are satisfied, upon reviewing the materials, that the submissions and assertions made in the Moving Party's materials have no merit. The motion should be dismissed because it is frivolous, vexatious, and an abuse of process. Among other things, it seeks to set aside a decision that the Moving Party has already sought, unsuccessfully, to appeal to the Supreme Court of Canada.

[8] We expressly adopt, as applicable to this case, the comments of this court in *Lochner v. Ontario Civilian Police Commission*, 2020 ONCA 720, [2020] O.J. No. 4851, at para. 21: "it is important for the courts to be gatekeepers of our system of justice. Abusive litigants should be screened out of the system so that parties with true justiciable disputes may have them adjudicated by the courts."

[9] Accordingly, the Moving Party's motion is dismissed pursuant to r. 2.1.01 of the *Rules*. We make no order as to costs.

"Thorburn J.A."
"S. Coroza J.A."
"S. Gomery J.A."