

CITATION: The Association of Professional Engineers of Ontario v. Chouchaoui et al., 2025
ONSC 5850
COURT FILE NO.: CV-10-00395800-0000
DATE: 20251015

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:)
)
THE ASSOCIATION OF PROFESSIONAL) *Brookelyn Kirkham and Alexia Parente, for*
ENGINEERS OF ONTARIO) the Plaintiff
)
Applicant)
)
- and -)
)
BENABDALLAH CHOUCHAOUI and) In person
WINDSOR INDUSTRIAL)
DEVELOPMENT LABORATORY INC.)
)
Respondent)
)
) **HEARD:** July 23, 2025

REASONS FOR JUDGEMENT

PAPAGEORGIOU J.

Overview

[1] This is the penalty phase of the contempt order I made cited at 2025 ONSC 2225

[2] The matter involves the defendant, Mr. Chouchaoui’s, contempt of a permanent injunction on consent (the "Injunction Order"), which enjoined Mr. Chouchaoui (and his company, the respondent, Windsor Industrial Development Laboratory Inc. (“WIDL”)) from: describing himself as an engineer; engaging in the practice of professional engineering in Ontario; offering to the public and engaging in the business of providing to the public services that are within the practice of professional engineering; and using an engineering seal - acts that all require a licence or other authorization from the Association of Professional Engineers of Ontario, (the “PEO”) under *Professional Engineers Act*, R.S.O., 1990, c. P. 28.

[3] Mr. Chouchaoui has never been licensed as a professional engineer in Ontario.

[4] I found that in breach of this order, Mr. Chouchaoui misused an engineer seal belonging to Mr. Wilcken, a licensed professional engineer with the PEO in respect of building permit applications that he submitted to the City of Windsor. I found that out of 48 pages that bear Mr. Wilcken's seal, only 19 were personally sealed by him. I found that Mr. Chouchaoui placed seals on drawings never prepared by Mr. Wilcken, changed the date on drawings he did prepare and then resubmitted them as updated drawings, by using Mr. Wilcken's digital and physical seals.

[5] The PEO seeks 30 days incarceration.

[6] Mr. Chouchaoui is a self-represented litigant. He prepared a detailed submission that he read and also made oral submissions in response. He was organized, well-spoken, and articulate. Although I accept English is his second language, his English was excellent. He also said that he had a lawyer assist him with the preparation of his materials. He clearly understood the issues that he would have to address. Going into this penalty hearing he had my decision where I expressed concern that he had failed to recognize the severity of the situation, was continuing to make excuses, did not comprehend that he done anything wrong, and was at risk of continuing his contempt.

Decision

[7] For the reasons that follow, I order that Mr. Chouchaoui shall be incarcerated beginning October 14, 2025, for a period of 14 days.

Analysis

Sentencing Principles for Civil Contempt

[8] Pursuant to r. 60.11 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, the court has a "broad discretion to fashion an appropriate remedy for contempt" and make any order as is just, including ordering imprisonment and payment of a fine.

[9] As set out in *Business Development Bank of Canada v. Cavalon Inc.*, 2017 ONCA 663, 416 D.L.R. (4th) 269, at para. 74 ("*BDC*"), the court has a wide discretion and may impose penalties including: imprisonment, a fine, an Order that the person do or refrain from doing something, costs and/or any other order the judge considers necessary.

[10] As the Court of Appeal stated in *Boily v. Carleton Condominium Corporation 145*, 2014 ONCA 574, 121 O.R. (3d) 670, at para. 79, "[t]he purpose of a penalty for civil contempt is to enforce compliance with a court order and to ensure societal respect for courts. The remedy for civil contempt is designed not only to enforce the rights of a private party...but also to enforce the efficacy of the process of the court itself."

[11] The most important objectives in determining the appropriate sentence for civil contempt are specific and general deterrence: *Boily*, at para 105; *BDC* at para. 91.

[12] The secondary objective is punishment: *BDC*, at para. 81. That is, punishment serves to denounce conduct that requires denouncing and thereby will deter the contemnor and others from breaching court orders.

[13] The Court of Appeal has applied the following five-factor test for determining the appropriate sanction for civil contempt:

- a) Presence of aggravating factors/mitigating factors.
- b) Similarity of sentence in like circumstance.
- c) Deterrence and denunciation—the sentence should denounce unlawful conduct, promote a sense of responsibility in the contemnor, and deter the contemnor and others from defying court orders.
- d) Proportionality of the sentence to the wrongdoing—the sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.
- e) Reasonableness of a fine or incarceration. *BDC*, at para. 90

[14] Considerations relevant to this analysis include: (a) The nature of the contemptuous act; (b) Whether the contemnor has admitted his breach; (c) Whether the contemnor has tendered a formal apology to the Court; (d) Whether the breach was a single act or part of an on-going pattern of conduct in which there were repeated breaches; (e) Whether the breach occurred with the full knowledge and understanding of the contemnor such that it was a breach rather than a result of a mistake or misunderstanding; and (f) The extent to which the conduct of the contemnor has displayed defiance; and whether the order was a private one affecting only the parties or whether some public benefit lies at its root: *Nelson Barbados Group Ltd. v. Cox*, 2010 ONSC 569 at para 25.

[15] If Mr. Chouchaoui could purge the contempt this would be a significant mitigating factor: *BDC* at para 86. However, his conduct being historical in nature cannot be purged. Where there is an impossibility in that regard, the court should consider whether the contemnor has admitted wrongdoing, expressed genuine remorse, made efforts to mitigate damages, or has a medical condition: *Keenan v. Keenan*, 2015 ONSC 574 at para 14.

Aggravating factors/Mitigating Factors

Nature of the contemptuous act

[16] As noted, the act involved the misappropriation and use of another engineer's seal. This type of conduct results in an inability of the PEO to detect that there is unlicensed practice. It took

multiple years to uncover. It was a pattern of behaviour involving multiple improper uses of the seal. I found that it was willful, and deliberate. There is an element of fraud and forgery in this conduct as well as misappropriation of another's seal.

[17] Mr. Chouchaoui did not admit the breach. In the early days when the PEO was trying to contact him and engage in negotiations to avoid a contempt hearing, he was uncommunicative and would not agree to a resolution that the PEO proposed. Given that he knew these were not his seals, and Mr. Wilckens refused to do any further work for Mr. Chouchaoui, this could not have occurred by mistake.

Mitigating factors

[18] Mr. Chouchaoui provided submissions that describe his background of having come to Canada as an immigrant from North Algeria with many hopes to complete his education, help his family, have his own family, contribute positively in Canada and prove himself. He is 60 years old and lives with his parents and his sister. Before he came to Canada he endured ten years of a civil war in Algeria.

[19] He does not have a criminal record and this is the first time he has been found in contempt. His absence of a criminal record is a mitigating factor.

[20] He explained that his financial position has been weak over the past many years because of the economy, the world pandemic, changes in geopolitical issues, and his personal health.

[21] He has provided some evidence of health issues which can be a mitigating factor. There is a letter from his family physician dated June 9, 2025 which says that he had a nervous breakdown in 2021 and was referred by his previous family doctor to a local family psychiatrist, Dr. Aleem Khan. It says that he is now under the family physician's care and has been referred to another psychiatrist in Windsor. I note that there is no note from Dr. Khan that shows that he went to see Dr. Khan or how often or for how long. Mr. Chouchaoui said that he tried to get a letter from Dr. Kahn, but he was on holidays.

[22] I do not accept his explanation that he had difficulty obtaining a letter from Dr. Kahn. The contempt decision was released on April 10, 2025 which was three months before the penalty hearing. It is difficult to accept that Dr. Kahn was on holidays for three months without someone monitoring his practice. If that was the case, Mr. Chouchaoui could have obtained a copy of his medical files, or an OHIP summary which records would have documented any problems and visits and/or treatment. He also could have particularized the dates he attended this physician and set out any treatment he has been receiving which he did not. I note again that he said he had the assistance of counsel when he prepared his materials.

[23] He also made general reference to his physical health but there were no records in that regard. I note that in December 2024 when he sought an adjournment of the proceeding, although there was reference to physical health issues there was no reference to any mental health issues.

[24] The material provided does not show that his health is what caused him to engage in this conduct. The material provided does not suggest that if there was incarceration, it would disrupt a care plan for him or that he would be unable to get the medical care he needs. There is nothing to suggest that any medical issues could not be accommodated during a short period of incarceration.

[25] While I accept that his health concerns are a mitigating factor, they are not a strong mitigating factor.

[26] After the contempt order, he did make efforts to pay the initial \$6,000 cost award made against him by soliciting friends and family members. I agree that this is mitigating, but it is also not a strong mitigating factor. He did not make these efforts in respect of an order that dates back to 2011 until he was found in contempt in this proceeding. I do not accept his explanation that he did not know this was due within 90 days as it very clearly says this in the order. Although English is not his first language, again, his English was excellent at the hearing and it was his responsibility to understand and obey the order.

[27] In any event, this delay is over a decade and it is not plausible that he ever would have paid it but for this contempt proceeding or that he thought he had more than a decade to do so.

[28] He provided letters from friends and community members that attest to his good works in the community:

- Friends who have known him since childhood who say that he is an ambitious hardworking man who puts others before him.
- Senior Imam of the main Mosque in the City of London and Imam Boras at the Albeer Sunni Mosque in Windsor who say Mr. Chouchaoui is a man of purpose who is keen on having a positive impact on mankind.
- An administrator of the Imam Hussein Foundation, who acknowledges Mr. Chouchaoui's volunteer work to build a playground for children.
- Letters of reference from his neighbours who state he is a good and respectful neighbour who is getting back to working hard, to restoring his home so that he can host his sister, parents and family members.
- His accountant who attests to his good conduct, honesty, and his care of family members.
- Individuals who attest to the work that he did to assist the Canadian economy by assisting with solving technical issues for area manufacturing companies where he teamed up with a former member of the PEO and also a current member of the PEO.

[29] I note that although some of these letters referenced the difficulty he was having with the City of Windsor and the building of his home, none of the above letters demonstrated that these individuals knew what he had done with the seal. They seem to imply their understanding that the City of Windsor was being difficult with Mr. Chouchaoui and in my view, they could only have obtained this understanding from Mr. Chouchaoui. As well, none of them acknowledge that they know that he has been held in contempt of a court order and that they still have these views of him. Some letters were written before the finding of contempt altogether. None of these letters set out that these individuals would be prepared to monitor either his house arrest or community service.

[30] I note that after the PEO pointed this out, he did say that he told these individuals about this case but it is curious that none of them mentioned it if this was the case.

[31] Given this, these letters do not have significant weight when considering whether there has been mitigation and/or whether serving a sentence in the community pursuant to house arrest or whether community service would be an adequate penalty.

[32] He considers himself to be an ambassador for Canada. He said that he wants to close this issue and do what he is meant to do which is contribute to the manufacturing of recycled products from scrap tires which is his new endeavor. He referenced the growing health and environmental issues caused by the end of the life of a tire; in Canada there are annual scraps from 30 million passenger vehicles alone. He hopes that his work will trigger a chain of manufacturing companies throughout Canada and that it will create employment. He says he has been invited to make a presentation of his work to the Canadian Society for Chemistry. These are laudable goals to be sure.

[33] Remorse, taking responsibility, and contrition can be mitigating.

[34] Mr. Chouchaoui did not apologize in the materials that he submitted. Rather, what he wrote was “I feel bad to be in the situation that we are in.” When this was pointed out, he said that English is not his first language and one could substitute “I feel bad” with “I apologize”. However, it still does not go far enough because it suggests that there is also some responsibility on the PEO’s part or the City of Windsor’s part because he used the word “we”.

[35] He also said a number of things during the hearing which show that does not have remorse and has not actually taken responsibility. He said that he has not been disobeying the law and that:

“I never really intentionally did anything wrong.”

“I’m really honest.”

“I never really created issues for people.”

[36] He blamed the PEO and said that the case had not been presented properly by them. While he did ultimately say that he took responsibility for the submittals if anything wrong was done, he suggested that he had other people working for him. He continued to say that although he made

the submissions, he did not alter them. He also said to his knowledge no one who worked for him did anything to the drawings he submitted. He maintained that nothing improper was done to the drawings he submitted. This is simply not true given my findings.

[37] He said:

Like I am saying, Your Honour, I didn't stamp nobody's drawing, I didn't use nobody's seal, I don't have a seal of anybody. I sent the documents like I said, to the City. I have other people helping me in the project if that's what you're asking, but I am responsible for the submittal. So, if these drawings were wrong, I am responsible for that.

[38] This does not show that he has taken responsibility.

[39] He also minimized the severity of what he had been done by saying that he was working on one internal project that was for him, not for someone else.

[40] He said that he does consulting and research and development and that sometimes "I use the word 'engineering' but not meant to be engineering services." It is very concerning that he still does not understand the seriousness of using the word "engineering" in conjunction with his work when this was the reason for the 2011 Injunction Order.

[41] With respect to his failure to respond to the PEO when it first sought to resolve this matter he said his computer broke down. He said he used a mailbox that he no longer has access to. If he logs on, it does not show anything. At the same time, he blamed the PEO for bombarding him with emails which is inconsistent with him having been unable to access the emails.

[42] He blamed a lawyer who he says he hired to address this matter who he paid \$500 a month who then failed to respond to the PEO. He did not identify this lawyer or provide any proof.

[43] He said that nothing he has done harms the public.

[44] He blamed "a lot" of people who had taken money from him including someone who he hired and gave \$30,000 to and who then did not do the work.

Aggravating factors include:

[45] He breached the Injunction Order deliberately and repeatedly over a few years in a manner that concealed the fact that he was breaching it.

[46] As set out below, in the face of these contempt proceedings, he continued to promote himself and his business as an engineering firm offering engineering services.

[47] As also particularized in greater detail below, he adopted obstructionist tactics and flouted court orders throughout this proceedings. He has shown ongoing disrespect for the court.

[48] His breaches of the Injunction Order were fraudulent and constituted a misappropriation of another's seal.

[49] His conduct poses a risk to public safety by eroding the sanctity of the seal as further particularized below.

[50] His breach was for his own personal financial benefit so that he did not have to hire an engineer to seal the drawings.

[51] Many of the above factors have been recognized in the past to be aggravating factors: *Devathasan v. Abacksingh*, 2018 ONSC 7557 at para 28; *Keenan v. Keenan*, 2015 ONSC 574 at para 15.

Deterrence and Denunciation

[52] Where the underlying order serves a public regulatory purpose, the need for deterrence and denunciation is heightened: *Law Society of Canada v. Hatzitrifonos*, 2018 ONSC 3719 at para 12.

[53] The Act is intended to safeguard the public from unqualified persons performing technical and safety-sensitive work: s. 2(3).

[54] Compliance is particularly critical in the case of unlicensed individuals. Without the ability to impose professional discipline, the PEO must rely on court orders to enforce the Act, protect the public, and uphold the integrity of the profession. If unlicensed individuals are permitted to disregard such orders with impunity, it sends a message that they can engage in fraudulent or unsafe conduct without consequence, thereby undermining the authority of PEO and public confidence in self-regulating professions.

Proportionality to the Offence

[55] The principle of proportionality means that the punishment must fit the wrongdoing: *Boily* at para 91.

[56] Members of the public are often unable to judge the quality or competence of professional engineers, or their professional engineering work, given the highly technical nature of engineering.

[57] By restricting the practice to only those holding a license, the public is protected through a guarantee that every "professional engineer" possesses the requisite baselines of competence and experience required by the PEO.

[58] The seal of a professional engineer, thus, carries significant weight, symbolizing the practitioner's responsibility for the accuracy and integrity of the work. It reflects the application of professional knowledge and adherence to relevant laws, codes, and standards. While the seal is not a guarantee of accuracy, it establishes that a qualified individual has prepared the document,

allowing authorities and other parties to reasonably rely on the work, provided the practitioner's licence is verified.

[59] Misusing an engineering seal, particularly by affixing it to documents that have not been prepared or reviewed by a licenced professional engineer, undermines the integrity of the profession and creates a false assurance of competence.

[60] All contempt is serious, but this contempt is particularly serious because what Mr. Chouchaoui did was motivated by his own personal gain, that is his need to complete his projects. As well, he circumvented anyone's ability to see that he was breaching a court order that prohibited him from describing himself as an engineer by using someone else's seal.

Specific and General Deterrence

[61] The PEO argues, and I agree, that there is a strong need for specific deterrence because Mr. Chouchaoui has so far been undeterred by the Injunction Order, and the many endorsements throughout this proceeding.

[62] It is also important that Mr. Chouchaoui's conduct does not relate to a private dispute but engages the broader public interest related to preventing unlicensed individuals from engaging in the practice of engineering. Thus, the principle of general deterrence takes on a heightened importance. Unlicensed practice can result in significant harm to members of the public.

[63] The harm here is not only about the public, and the public regulator but involves the use and misappropriation of another individual's seal. Using another's seal conceals the fact of unlicensed practice, because a member of the public, who receives an improperly sealed document would have no way of knowing; if they looked up the identity of the person on the seal, they would see a licensed individual which is not the case because the seal was improperly applied. Anyone looking at the seal would have no reason to think there was any potential harm because the seal is real. The reason why Mr. Chouchaoui did this was precisely to avoid the problem of the detection of unlicensed use which the Injunction Order prohibited.

[64] Indeed, it took multiple years to uncover what Mr. Chouchaoui was doing.

[65] This is why it is very dangerous from a public safety perspective.

[66] If unlicensed individuals know they can ignore the regulatory framework, it undermines the regulatory framework and the public interest served by it. The difficulty is that if the PEO is not able to ensure the compliance of unlicensed individuals through appropriate sanctions, it sends a message that individuals can engage in unsafe conduct with impunity.

Reasonableness of a fine, house arrest, community service or incarceration

[67] In *Boily* at para 129, the Court stated that it is crucial that the penalty respond to the conduct being sanctioned and the relevant conduct is the "seriousness of the disrespect of the court, not the

severity of any resulting harm.” As well, incarceration for civil contempt is rare. Usually, the court imposes a fine or some other order related to the litigation that is sufficient to regain the authority of the court. Incarceration is a penalty of last resort: *BDC* at para 82; *Law Society of Upper Canada*, 2018 ONSC 3719.

[68] In *Ceridian Canada Ltd. v. Azeezodeen*, 2014 ONSC 4162, aff'd 2014 ONCA 656 at para 24, the court addressed the circumstances under which courts have imposed custodial sentences for civil contempt:

This court has imposed jail sentences ranging from five days to one year in cases of civil contempt. Each of the custodial cases have two things in common: one, the defendant's breach, like here, was knowing and deliberate; and two, the length of the jail term was a function of the continuing nature of the contempt discounted by the degree of remorse or apology on the part of the defendant. Here although the breaches continued over only four days, the defendant was defiant and showed absolutely no remorse. In my view, where the breach of a court order is knowing and deliberate, continues over several days, and the only response from the defendant is defiance without remorse, a jail sentence is appropriate: *BDC* at para 85. Factors that make it more likely that a custodial sentence will be imposed, include where: 35 (a) "the contempt has not been purged and the contempt is a serious one"; (b) a court order is deliberately disobeyed and accompanied by other flagrant misconduct; (c) there is willful interference with the court of justice or a "callous disregard for the court's authority"; and (d) there are repeated breaches of an order or a serious single breach of an order.

[69] Here, Mr. Chouchaoui has shown a significant disrespect for the court and the Injunction Order. This is plain from the way he has conducted himself throughout this proceeding. The breach as I have said was knowing and deliberate.

[70] His breaches of the Injunction Order were repeated breaches over a number of years.

[71] He did not acknowledge the wrongdoing or express a genuine understanding that what he had done was wrong. Rather, his “apology” was equivocal and an attempt to explain away what had happened and blame others. It was not a true apology. I even tried to tease a true apology out of him at the hearing and advised him that he was not helping himself. This made no impact.

[72] Thus, this proceeding to date (including past cost awards), and not even the knowledge that the PEO was requesting incarceration have impressed upon Mr. Chouchaoui the gravity of his conduct.

[73] He had many opportunities to show the court that he could comply with court orders and he repeatedly failed to do so:

- On September 27, 2024, Centa J. scheduled the contempt motion to be heard on December 11, 2024. Mr. Chouchaoui did not comply with the court-ordered

timetable nor Centa J.'s subsequent endorsements. He failed to deliver responding evidence by sworn affidavit, cancelled his cross-examination last-minute, failed to attend a rescheduled cross-examination, and overall failed to communicate with PEO.

- The motion for contempt was first scheduled to proceed before Dow J. on December 11, 2024. The matter was adjourned at the request of an individual appearing by telephone claiming to be Mr. Chouchaoui's brother, Ahmed, and acting under a power of attorney.
- As the PEO was concerned that this was yet another attempt by Mr. Chouchaoui to avoid accountability, Justice Dow ordered that a copy of the power of attorney and government-issued identification for Ahmed be produced to the PEO. Mr. Chouchaoui failed to do so.
- Leading up to December 11th hearing, the PEO discovered that, even in the face of a contempt motion, Mr. Chouchaoui was still advertising WIDL as an engineering firm. At the PEO's request, Dow J. ordered that Mr. Chouchaoui remove any reference to engineering services from his website. Following the December 11th hearing, Mr. Chouchaoui removed some explicit references to engineering from the WIDL website. Recently, WIDL included a disclaimer on its website stating: "Dr. Chouchaoui and WIDL do not do engineering services regulated by PEO (Professional Engineers of Ontario). If you need services as such please contact PEO for referrals to an engineer who does such." However, the "Meet Our Team" section and client testimonials remain on the website, featuring stock photographs and misappropriated identities, including of another licensed professional engineer. The PEO says that this content continues to mislead the public about the nature and legitimacy of WIDL's operations and I agree.
- Also, at the PEO's request on December 11, Dow J. ordered that Mr. Chouchaoui immediately cease and desist any and all use of Mr. Wilcken's seal and destroy any version of it in whatever form it may exist. When Mr. Chouchaoui was unresponsive following the December 11th hearing, Centa J. ordered Mr. Chouchaoui to confirm that he had destroyed the seal or to deliver the seal along with any versions of the seal that he may have. He failed to do so.

[74] With respect to the website issues noted above, and the problems noted, he said that someone else set it up. When asked what this person's name was, he had difficulty giving an answer. There was a long pause and then he said the person's name was Jahye and he found him on Kijiji. When it was pointed out that he provided no last name, later in the hearing he provided one. He denied there was anything wrong with the website and there was no harm in using stock photos of an engineer on his website.

[75] He cannot purge the contempt and as in *BDC*, this is a situation of Mr. Chouchaoui's own making.

[76] He cannot pay a fine. Even if he could, it took him over ten years to pay the \$6,000 costs order from the Injunction Order and only on the eve of this hearing. A fine that he and the general public know he cannot and will not pay will not be sufficient in these circumstances to meet the objectives of specific or general deterrence.

[77] Mr. Chouchaoui did not attend the hearing with any proposal for how house arrest or community service would be monitored. He also did not have any proposal for any community service but then sent me an email where he proposed serving lunch at the Downtown Mission on Ouellette Avenue. There was no evidence that he had reviewed whether this was feasible with the Mission and whether it would be prepared to monitor this. Frankly, the fact that he suggests that he merely serve lunch without even specifying a time period also shows that this proceeding has still not impressed upon him the seriousness of his conduct.

[78] In any event, house arrest and/or community service will be insufficient in the circumstances, because they require that a party show they respect court orders and requires the use of the honour system. This court does not have any confidence that he will abide by a court order given his past conduct. Notably, supervision would be crucial because part of this matter involved his trying to escape detection through the use of fraud and forgery and there is still no plan for how this could be accomplished.

[79] Mr. Chouchaoui explained that he is currently building his family home and that he is having difficulty with the City of Windsor. He is in financial distress. These are the factors that led him to the misuse of the seal in the first place and this coupled with his continual downplaying of what he has done suggests that there is strong likelihood that he will do this again and that there needs to be a penalty that will make him take this matter seriously.

[80] While I appreciate his concerns that any amount of incarceration will impact his career and potentially his ability to cross the border, these are things he should have thought about before he committed these acts in breach of a court order and before he decided he would come to court and still deny what he had done and fail to express contrition.

[81] Given his lack of contrition, and continual excuses, there is no penalty short of incarceration that will reflect the severity of what he has done and that will adequately vindicate the due administration of justice. As well, relatively lenient sanctions such as community service, or a conditional "house arrest" would not have a meaningful impact on him.

[82] Any penalty short of incarceration in all these circumstances would send the message to the public that they can misuse engineering seals, put the public in danger and that the consequences will not be that severe even when an individual does not take adequate responsibility and show remorse.

Similarity in Like Circumstances

[83] Each case is fact specific. The PEO references the following cases that it considers similar.

[84] In *Cellupica v. Di Giulio*, 2011 ONSC 1715, the Court sentenced the contemnor to 90 days' incarceration for failing to comply with orders to disclose financial information and attend an examination in aid of execution. The contemnor, who defrauded the plaintiffs of \$2.5 million, failed to purge his contempt, lied to the Court, and evaded proceedings. Justice Brown (as he then was) found that the contemnor "played a cat-and-mouse game with the Plaintiffs" in an effort to avoid disclosing relevant financial information that could be used to enforce a significant default judgment: paras 1, 15, 18, 25, 29-31, 34, 41-45, 48-49. This case is not entirely the same because the court had to secure bench warrants on two occasions to secure the defendant's attendance. As well this defendant had a criminal record as well as outstanding fraud charges and continued to fail to offer himself up for examination in aid of execution. There is no evidence that Mr. Chouchaoui has a criminal record. This proceeding appears to be the only time that he has been in trouble with the law apart from issues that led to the Injunction Order.

[85] In *Dean Warren Enterprises Inc. v. 1628655 Ontario Inc.*, 2017 ONSC 5038 at para 7 the court imposed a 60-day custodial sentence on a judgment debtor who failed to attend an examination of aid in execution and ignored orders to produce basic financial records. The Court emphasized that the obligations were simple, the amounts at issue were significant, there was no reasonable prospect that the contemnor would comply with a fine, and he showed little remorse.

[86] In *Wilson v. Semon*, 2013 ONSC 6785, the Court imposed a 30-day custodial sentence for repeated breaches of financial disclosure and preservation orders. The contemnor had lied under oath, dissipated assets, and ignored multiple court orders: paras 21-32. There are important differences. The contemnor was given a second opportunity to purge her contempt and then did not attend at the third appearance and she was found to have lied under oath. The Court had to issue a bench warrant after which she finally appeared voluntarily.

[87] In *Law Society of Upper Canada v. Fingold*, 2012 ONSC 2850 the Court imposed a 14-day custodial sentence on a disbarred lawyer who continued to provide legal services in breach of an injunction. The Court held that "[a] short but sharp jail sentence [was] appropriate ... given Mr. Fingold's antecedents and his expressed intention not to be governed by the LSUC [Law Society] and orders of the Courts", as well as his "unrepentant" and "unapologetic" attitude. The Court further held that a jail term was "necessary to impress upon Mr. Fingold the seriousness of his contempt and, ultimately, how his contemptuous conduct is further rejected and denounced by the Court." This case is the most similar.

[88] In view of the mitigating factors and in particular that Mr. Chouchaoui does not have a criminal record, as well as the views of his community and his health concerns, even though there is not very much evidence in this regard, I sentence him to 14 days incarceration commencing today.

[89] He has also said that he is prepared to take down any additional offending material on his website. The PEO will provide him with a list of any such materials upon his release.

[90] He should be aware that should he engage in any activity similar to the ones that led to this proceeding, the outcome will likely be far more severe and I trust that this proceeding has imposed upon him the seriousness of this matter.

Costs

[91] The PEO requests substantial indemnity costs in the amount of \$21,144.85.

[92] In *Net Connect Installation Inc. v. Mobile Zone Inc.*, 2017 ONCA 766, at paragraphs 8 and 9 the Court of Appeal indicated that there is a rebuttable presumption that the successful party on a contempt motion is entitled to substantial indemnity costs.

[93] Mr. Chouchaoui did not provide any submission as to why this was not appropriate other than his personal finances which he provided in his materials.

[94] I award the PEO the costs it seeks.

[95] Mr. Chouchaoui says that he needs a payment plan to pay all costs orders. The PEO suggested a plan of \$5,000 every quarter. He says he cannot afford this.

[96] I order that he pay \$3,000 each quarter beginning January 1, 2026, and thereafter every three months on the first of the month.

Papageorgiou J.

Released: October 15, 2025

CITATION: The Association of Professional Engineers of Ontario v. Chouchaoui et al., 2025
ONSC 5850
COURT FILE NO.: CV-10-00395800-0000
DATE: 20251015

ONTARIO

SUPERIOR COURT OF JUSTICE

THE ASSOCIATION OF PROFESSIONAL
ENGINEERS OF ONTARIO

Applicant

– and –

BENABDALLAH CHOUCHAOUI and WINDSOR
INDUSTRIAL DEVELOPMENT LABORATORY
INC.

Respondent

REASONS FOR JUDGEMENT

Papageorgiou J.

Released: October 15, 2025