

COURT OF APPEAL FOR ONTARIO

CITATION: 1486151 Ontario Limited (Diverse Transportation) v. Chen,
2025 ONCA 786
DATE: 20251117
DOCKET: COA-25-CV-0304

Roberts, Miller and Monahan JJ.A.

BETWEEN

1486151 Ontario Limited o/a Diverse Transportation

Plaintiff (Respondent)

and

Zhuo Chen

Defendant (Appellant)

Edward Zhou, for the appellant

Cameron Rempel, Kathleen Glowach and Jacqueline Houston, for the respondent

Heard and rendered orally: November 14, 2025

On appeal from the order of Justice Edward M. Morgan of the Superior Court of Justice, dated January 27, 2025, with reasons reported at 2025 ONSC 554 and from the costs order dated March 6, 2025, with reasons at 2025 ONSC 1472.

REASONS FOR DECISION

[1] The appellant appeals the dismissal of his anti-SLAPP motion under s. 137.1 of the *Courts of Justice Act*. He also seeks leave to appeal the costs order of \$50,000, all inclusive.

[2] The appellant is the former employee of the respondent. Following his departure from employment with the respondent, the appellant made a claim for unpaid wages and other amounts that he alleged the respondent owed to him. In his various demands for payment, the appellant threatened to send damaging communications to the respondent's clients and others if payment was not made (the "communications"). He offered that if payment were made, he would not make the threatened communications. Payment was not made at that time.

[3] The appellant made damaging communications to the respondent's most important clients and to the Ministry of Transportation. He claimed that the respondent had engaged in harmful and unsafe practices and was a bad employer. In all of these communications, the appellant referenced his employment dispute along with the health and safety and other allegations.

[4] In his analysis under s. 137.1(3), the motion judge characterized the true nature of the appellant's communications as being about the appellant's employment dispute rather than a matter of public interest. He found that there was no basis for the appellant's health and safety and other allegations. Although not necessary to do so given his finding under s. 137.1(3), the motion judge went on to decide under s. 137.1(4)(b) that there was no public interest in the appellant's communications that would outweigh the respondent's interest to continue its defamation action against the appellant.

[5] The appellant argues that the motion judge made the following reversible errors:

1. The motion judge erroneously considered the appellant's motive to make the impugned communications as part of his analysis under s. 137.1(3).
2. The motion judge made palpable and overriding errors in his assessment of the true nature of the appellant's communications.
3. The motion judge erred in the balancing stage of his analysis under s. 137.1(4)(b).

[6] We are not persuaded that there is any basis to interfere with the motion judge's decision.

[7] First, it was open to the motion judge to find that what the appellant's communications were really about was the appellant's employment dispute with the respondent and not matters of public interest.

[8] Second and relatedly, we see no palpable and overriding error in the motion judge's conclusion that the respondent "would have no trouble at all in meeting its burden to prove that [the appellant's] statements about it were false, indefensible and harmful to its business reputation". It was open to the motion judge to accept the respondent's evidence that none of its practices related to wash tickets gave rise to health or safety concerns nor that it engaged in improper employment practices.

[9] Finally, with respect to s. 137.1(4)(b), the motion judge made no error in his balancing of the harm likely suffered by the respondent from the appellant's communications, against the public interest in protecting the appellant's expression. Specifically, the motion judge did not err in finding that "[t]here is no public interest in the form of debt collection and redress presented by the record" before him and therefore "there [was] nothing to weigh against the prevailing public interest in claimants taking an alleged wrong to trial". As the motion judge found, the defamation action was "aimed at vindicating [the respondent's] business reputation and [had] nothing whatsoever to do with stifling public participation or blocking information that [the appellant] says the public had a right to know."

[10] The appellant seeks leave to appeal the costs awarded by the motion judge. The motion judge's exercise of his discretion under s. 137.1(8) to award costs to the respondent is subject to considerable appellate deference, absent reversible error. We see none here.

[11] The appeal is dismissed.

[12] The respondent is entitled to costs of the appeal in the amount of \$15,000 from the appellant.

"L.B. Roberts J.A."

"B.W. Miller J.A."

"P.J. Monahan J.A."