

COURT OF APPEAL FOR ONTARIO

CITATION: Seferovic v. 285 Spadina SPV Inc., 2026 ONCA 32

DATE: 20260116

DOCKET: M56568 (COA-25-CV-1552)

Paciocco J.A. (Motion Judge)

BETWEEN

Devad Seferovic (also known as Alex Seferovic), Reza Abedi and Rodolphe Najm

Applicants
(Respondents/Responding Parties)

and

285 Spadina SPV Inc. and Ronald Hitti (also known as Rony Hitti) * and Raja Farah*

Respondents
(Appellants*/Moving Parties*)

AND BETWEEN

2356802 Ontario Corp.

Applicant
(Respondents/Responding Party)

and

285 Spadina SPV Inc., Ronald Hitti also known as Ronny Hitti*

Respondents
(Appellant*/Moving Party*)

Ronald Hitti, acting in person

Raja Farah, acting in person

Shahen Alexanian, for the responding party 2356802 Ontario Corp.

No one appearing for the responding parties Devad Seferovic (also known as Alex Seferovic), Reza Abedi and Rodolphe Najm

Heard: January 5, 2026

REASONS FOR DECISION

[1] The motions now before me arise from litigation relating to a banquet and concert hall business that the moving party, Mr. Hitti, undertook in 2018 through a corporation he then controlled, 285 Spadina SPV Inc. (“285 Spadina”). His mother, the moving party, Ms. Farah, was also a director and officer of 285 Spadina at the time. By order of Steele J. in February 2023, both Mr. Hitti and Ms. Farah were removed as directors and officers of 285 Spadina. These motions are formally brought on behalf of Mr. Hitti and Ms. Farah, but Mr. Hitti claims to hold a continuing power of attorney for his mother and that he is her litigation guardian. For simplicity, I will refer to the motions as brought by him.

[2] Mr. Hitti and his mother are the respondents in the underlying litigation, which developed in two streams: (1) an application by 2356802 Ontario Corp. (“235 Corp.”), related to disputes between 285 Spadina as tenant and 235 Corp. as landlord of the heritage theatre which Mr. Hitti intended to develop into a banquet and concert venue (the “Lease Application”); and (2) a parallel application seeking oppression remedies initiated by investors of 285 Spadina (the “Oppression Application”).

[3] Mr. Hitti initiated numerous proceedings in both streams of litigation, requiring dozens of decisions to be rendered. Many of those proceedings represented attempts by him to relitigate matters, including through duplicative motions to set aside previous orders pursuant to r. 59.06(2) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194. It has been Mr. Hitti's pattern in these proceedings to file what has been described as massive, diffuse records of unmanageable, recycled material. He has an established history of ignoring court orders, leaving costs awards unpaid, and making inflammatory allegations against the judges he appears before.

[4] On September 19, 2023, Osborne J. declared Mr. Hitti to be a vexatious litigant (the "Vexatious Litigant Order") under s. 140 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 ("CJA"). An appeal of that decision to this Court (COA-23-CV-1030) was administratively dismissed for delay on December 6, 2023, and that dismissal has never been set aside. The Vexatious Litigant Order provides, in material part, that "pursuant to s. 140(1)(c) of the *Courts of Justice Act* Ronald Hitti is prohibited from instituting any further proceedings in any court except by leave of a judge of the Superior Court of Justice".

[5] In July 2025, Mr. Hitti brought an application for leave to bring a r. 51.06 motion to set aside orders made by Kimmel J. in April 2022. The motion for leave was denied by Black J. on July 18, 2025. After finding that Mr. Hitti was exercising effective control over 285 Spadina during much of the historical litigation, Black J.

also struck the pleadings of both Mr. Hitti and 285 Spadina as respondents in the two underlying application proceedings because of Mr. Hitti's "monumental and ongoing failure to pay the many outstanding costs orders against him" and because his conduct was frivolous and vexatious and constituted an abuse of process. In his ruling, Black J. observed that the applicants in the two proceedings had taken virtually no steps in the underlying applications for many years, and he expressed doubts about the utility of their proceeding further. He chose to schedule a case conference before Cavanagh J. "to determine whether any of the other parties have any interest in this litigation proceeding any further, and if so, to what end".

[6] Following the case conference on September 29, 2025, Cavanagh J. ordered that both the Lease Application and Oppression Application be dismissed after determining that the applicants in both applications did not wish to continue. This dismissal was despite Mr. Hitti's objection, who submitted that the applications should be stayed pending the disposition of his pending appeal of Black J.'s orders. In fact, his appeal of Black J.'s orders was not accepted by this Court for filing because Mr. Hitti had not obtained leave to bring it, as required by his September 19, 2023 Vexatious Litigant Order. It was not then, and is not now, before this Court. Mr. Hitti then appealed Cavanagh J.'s decision. The Registrar's office agreed to accept his notice of appeal for filing, without leave, as COA-25-CV-1552.

[7] The motion now before me is filed within appeal COA-25-CV-1552.¹ However, the broad array of procedural and substantive relief that Mr. Hitti seeks within the motion goes far beyond the issues addressed in Cavanagh J.'s decision. The relief requested includes, in substance:

- An order setting aside the Registrar's December 6, 2023 dismissal for delay of his appeal of the Vexatious Litigant Order made by Osborne J., and a declaration that Osborne J.'s order is *ultra vires*, invalid, and of no force of effect;
- An order consolidating appeals COA-23-CV-1030 and COA-25-CV-1552;
- An order staying the Vexatious Litigant Order and all prior decisions made related to the Lease Application and Oppression Application;
- An order directing the Registrar to reinstate five of Mr. Hitti's appeals of Superior Court orders brought to this Court since 2023 which appear to have been abandoned, dismissed for delay, and/or dismissed on their merits;

¹ It is also ostensibly filed under COA-23-CV-1030 which was dismissed by the Registrar's order in December 2023, so it is not an active appeal at this Court. Mr. Hitti's current motion asks that the Registrar's dismissal order be set aside. Among the many problems with Mr. Hitti's pleadings on this motion, he should not have sought relief relating to two separate appeals within a single motion.

- Declarations as to what he describes as “specific and verifiable facts” relevant to the underlying litigation and declarations confirming identified diverse legal and constitutional rights;
- Declarations that six judges of the Superior Court of Justice have acted in bad faith or denied and concealed knowledge of Mr. Hitti’s disability, and “ignored, enabled and incited” the abuse of the Court’s process by the opposing parties against him, and that findings made by them have distorted subsequent determinations by other judges;
- Declarations that the Ministry of the Attorney General and other state actors have violated his and his mother’s enumerated rights;
- Declarations that rulings adverse to him are *prima facie* abusive, vexatious, and unconstitutional;
- Declarations relating to the finality or legal effect of numerous court orders;
- Orders confirming his right to represent 285 Spadina, providing funding for the payment of legal fees, and requiring the return of his property; and
- Orders concerning rights under the lease with 235 Corp.

[8] I pause to note that this motion bears many of the hallmarks of vexatious and frivolous litigation. Most of the relief sought is not available through the appeal process or from an appeal court, let alone from a single judge on a motion. Most of the relief he seeks is grandiose and manifestly frivolous. The grounds for the motion are rife with scandalous conspiratorial claims made against multiple judges of the Superior Court of Justice and other “state actors”, including unsupportable claims of malice, malicious discrimination, defamation and allegations of bad faith. In aid of the motions, he invokes numerous manifestly inapplicable provisions of the *Charter of Rights and Freedoms*, the *Ontario Human Rights Code*, the *Criminal Code*, and international covenants. The motions even contain unspecified claims for *habeas corpus* relief. This would have been an appropriate case for providing notice of dismissal pursuant to r. 2.1.02. But it is not necessary to pursue this route because Mr. Hitti has brought these motions without leave, contrary to the Vexatious Litigant Order.

[9] Mr. Hitti claims that he does not require leave to bring these motions because Osborne J.’s Vexatious Litigant Order is void, *ultra vires*, and of no effect based on multiple objections he makes to its correctness. This is not correct. Regardless of whether any of the objections he takes to the order have merit, which I need not address, a vexatious litigant order made under s. 140 of the *CJA*, “stands until such time as it is reversed or stayed”: *Varma v. Rozenberg*, 1998 CanLII 4334 (Ont. C.A.), at para. 5.

[10] It is of course settled that a vexatious litigant order is a final order appealable as of right to the Court of Appeal, without requiring leave: *CJA*, s. 140(2.3); see also *Kallaba v. Bylykbashi* (2006), 207 O.A.C. 60 (C.A.), at paras. 23-29. However, it is also settled that where the terms of the order are broad enough to include proceedings in the Court of Appeal, as they are in this case, “apart from the argument of the appeal of [the] vexatious litigant order itself, any motions in that [appeal] proceeding require leave of a Superior Court judge”: *Son v. Khan*, 2018 ONCA 984, at para. 6; *College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario v. Yan*, 2025 ONCA 380, at para. 3, motion to review dismissed, 2025 ONCA 520; and *Ontario (Attorney General) v. Reyes*, 2017 ONCA 613.

[11] It follows that Mr. Hitti required leave to bring each of the motions now before me in COA-25-CV-1552. Neither the declaration that he is a vexatious litigant nor Osborne J.’s order pursuant to s. 140(1) of the *CJA* that he is prohibited from instituting any proceedings in any court except by leave of a judge of the Superior Court of Justice have been reversed or stayed. They are still operative and must be observed. The motions must therefore be dismissed because Mr. Hitti did not obtain leave to bring them, pursuant to the terms of the Vexatious Litigant Order and s. 140(3) of the *Courts of Justice Act*.

[12] I recognize that Mr. Hitti’s motion appears to seek an order setting aside the Registrar’s December 6, 2023 dismissal of his appeal COA-23-CV-1030 which was

his appeal of the Vexatious Litigant Order. While it is true that he had the right to appeal the Vexatious Litigant Order without first seeking leave, he is still required to obtain leave to bring any motions within that appeal, which includes a motion to set aside the dismissal order. Moreover, this motion was not properly brought as a part of the COA-25-CV-1552 proceeding, in any event. For both of these reasons, I decline to entertain it.

[13] I also note, in passing, that in my view, the Registrar should not have filed appeal COA-25-CV-1552 from the order of Cavanagh J. without leave nor should it have accepted the filing of this motion. Appeal COA-25-CV-1552 is not the appeal of the Vexatious Litigant Order, and it is a proceeding in “any court” instituted by Mr. Hitti. Since I am a judge sitting alone, I lack jurisdiction to dismiss the appeal on this basis, and therefore refrain from doing so.

[14] Costs in the requested amount of \$500 inclusive of applicable taxes and disbursements are payable by Mr. Hitti and Ms. Farah to 235 Ontario Corp.

“David M. Paciocco J.A.”