

CITATION: Victor v. The Law Office of Joy Nwawe, 2026 ONSC 472
DIVISIONAL COURT FILE NO.: 693/25
DATE: 20260126

**SUPERIOR COURT OF JUSTICE – ONTARIO
DIVISIONAL COURT**

RE: VICTOR APARA, Appellant

AND:

THE LAW OFFICE OF JOY NWAVE, Respondent

BEFORE: Matheson J.

COUNSEL: *Self-Represented Appellant*

Self-Represented Respondent

HEARD at Toronto: In writing.

ENDORSEMENT

[1] Victor Opara has been given notice that the Court is considering making an order staying or dismissing this proceeding under r. 2.1.01 of the *Rules of Civil Procedure*. The following directions were given in this regard:

Victor Opara has submitted two notices of appeal from the decision of Associate Justice D. Michael Brown dated July 23, 2025. The decision of Associate Justice Brown that has been submitted to this Court is a costs decision. Under s. 133 of the *Courts of Justice Act*, leave to appeal would be required before this Court would have jurisdiction to hear an appeal from a costs decision, as set out in that section.

Victor Opara was given the opportunity to briefly state why leave to appeal would not be required, as was the respondent. Instead, both sides submitted several pages of submissions. Mr. Opara's submissions focus on a prior decision of Justice Koehnen that is referred to the reasons for decision of Associate Justice Brown. There is no right of appeal from reasons for decision. If leave is required, any issues with the reasons could form part of the submissions on why leave should be granted.

The two notices of appeal seek to challenge the same order. The only order made was for costs.

Despite the above, Mr. Opara has not asked to change his proceeding to a motion for leave to appeal. Although Mr. Opara is self-represented in this dispute and relies on being self-represented, in his communications with this Court he shows himself as a lawyer.

The Registrar is directed to send out a notice under r. 2.1 of the *Rules of Civil Procedure* regarding this proposed appeal. Mr. Opara's submissions that have already been provided will be considered part of his response to the notice under r. 2.1, and he may supplement them in accordance with the notice. The respondent's prior submissions will also be considered, but the respondent may not supplement them.

[2] Mr. Opara has made submissions in response to the r. 2.1 notice. It is apparent from those submissions that although the notices of appeal in this Court seek to overturn the decision of Associate Justice Brown, Mr. Opara is also seeking relief from a prior decision of Justice Koehnen that he says the Associate Justice misinterpreted or misapplied. In that prior decision, Justice Koehnen ordered as follows:

The dates in the timetable below are absolutely peremptory to both parties. In Mr. Opara's case that means if he fails to complete any of the tasks he is obliged to complete, he will lose the rights to argue the application and the application will be deemed to be abandoned.

[3] In the Associate Justice's reasons for decision, he quotes the above order and proceeds on the basis that Mr. Opara's application had been deemed to be abandoned because Mr. Opara did not comply.

[4] The only order made by the Associate Justice was an order for costs. As noted in my prior directions, there is no right of appeal from reasons for decision and leave to appeal is required to appeal costs. Issues with the reasons for decision may be raised in support of a request for leave to appeal the costs decision.

[5] In his r. 2.1 submissions, Mr. Opara makes lengthy submissions about legal principles that may apply to whether an order should be peremptory, whether a party should be excused from compliance with a timetable order, dismissal due to delay and other matters that relate to the above order of Justice Koehnen. There are also brief submissions on costs, in which Mr. Opara sets out reasons why he submits that the Associate Justice erred in his costs decision. Mr. Opara concludes with what he submits should happen, including "allow the appeal, set aside the dismissal and costs; reinstate the application; deem [his April 22, 2024 filing] timely" and move forward with the underlying application that Justice Koehnen addressed above. In other words, Mr. Opara seeks to set aside both the costs order of the Associate Justice and potentially the prior order of Justice Koehnen. In his r. 2.1 submissions, Mr. Opara does not provide useful submissions about the need for leave to appeal.

[6] Subrule 2.1.01(1) authorizes the Court to dismiss a proceeding as frivolous or vexatious or otherwise an abuse of the process of the court. However, r. 2.1 should only be used for “the clearest of cases”: *Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733, at para. 8. This is such a case because this Court has no jurisdiction to hear the appeals that have been submitted by Mr. Opara. Leave to appeal is required.

[7] Mr. Opara had the right to seek leave to appeal the decision of Associate Justice Brown. Within that leave motion, he could raise the grounds he now relies on. Mr. Opara may, within two weeks from today, serve and file a notice of motion for leave to appeal the decision of Associate Justice Brown without requiring an extension of time but he must do so as a new filing under the *Consolidated Practice Direction for Divisional Court Proceedings*. As for the earlier decision of Justice Koehnen, it is not properly challenged in these proceedings. I make no comment on the merit of either potential challenge.

[8] This Divisional Court proceeding is dismissed under r. 2.1 of the *Rules of Civil Procedure*.

Matheson J.

Date: January 26, 2026