CITATION: Sloat v. Grand Erie District School Board, 2026 ONSC 608
DIVISIONAL COURT FILE NO.: 331/24
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2026 ONSC 608 (CanLII)

SUPERIOR COURT OF JUSTICE – ONTARIO
DIVISIONAL COURT

RE: CAROL ANN SLOAT, Applicant

AND:

GRAND ERIE DISTRICT SCHOOL BOARD, Respondent

BEFORE: Schreck, Shore, Brownstone JJ.

COUNSEL: *Jordan Lester*, for the Applicant

George Avraam, for the Respondent

HEARD at Hamilton: January 30, 2026

DECISION ON COSTS

Shore, J.:

[1] Towards the end of oral submissions on a preliminary issue, counsel advised that the parties reached an agreement, except on the issue of costs. The panel proceeded to hear submissions on costs.

[2] For the reasons below, the Respondent shall pay costs to the Applicant in the sum of $10,000.

[3] The Applicant, a trustee for the Grand Erie District School Board (the “Board”), brought an application for judicial review of an in-camera decision of the Board, dated November 4, 2024. The Applicant also seeks judicial review of their sanction decision and the decision of the School Board, dated November 25, 2024, dismissing her appeal.

[4] In their factum and at the outset of the hearing, the Board raised a preliminary issue, that the application was premature because the Board’s in-camera decision was never brought to a public vote, a requirement of s.218.3(11) of the *Education Act*, and therefore there was no final decision for review. Further, the sanctions had not been imposed and would not be imposed in the absence of a public vote.

[5] The terms agreed to by the parties are as follows:

a. The parties agree that no decision was made under the *Education Act*;

b. The Board stipulates that this matter, which was only ever in-camera, will not be put into effect in a public session, and thus there will be no decision under 218.3(11) of the *Education Act*.

[6] Although it appears that the Respondent was successful on the preliminary issue, the Applicant is seeking costs. The Applicant submits that at no time prior to their submissions today did the Board convey to her that they would not be moving forward with a public vote. The Applicant submits that had the Board conveyed their position to her in advance, there would have been no reason to proceed with the application.

[7] In the last six in-camera votes related to the Applicant, the Board moved to a public vote. The Applicant had no reason to believe that this time would be different. This is an election year for the Applicant. Had the Applicant waited for the Board to have a vote in public, there would have been insufficient time to have the application heard and the matter clarified in advance of the election, scheduled for May.

[8] At the outset, the Applicant wrote to the Board's counsel, advising them that they were required to decide within 14 days of their in-camera vote whether they would bring the matter to a public vote. The Board's response to that letter and subsequent communication was vague and non-committal.

[9] The Respondent submits that there should be no order for costs. They raised a preliminary issue, and they were successful on this issue. The Board decided that, after Court decisions were released setting aside the Board's previous findings against the Applicant, they would heed the Court's suggestion that they stop pursuing the Applicant. The Board submits they had no intention of moving to a public vote after receipt of the other decisions made by this Court.

[10] In considering the submissions of the parties, I find the Applicant is entitled to her costs. The Applicant had already incurred most of the costs by the time the Board raised the issue of prematurity in their material. It was only during submissions that the Board confirmed that they would not be proceeding with a public vote. The Board did not convey this information in advance. Until the Applicant received this confirmation, she felt she had no choice but to proceed with the application, given the factors set out in paragraphs 7 and 8 above.

[11] The Board could have advised the Applicant in advance that they would not be bringing the matter to a public vote. They chose not to. In their correspondence, they advised that they were only deferring the vote. Had the Board determined that they were not proceeding with a public vote, they should have proceeded on the argument of mootness, and not prematurity. They did not.

[12] In considering the behaviour of the Board, including their failure to communicate to the Applicant their decision not to take the vote public until the penultimate moment, I find the Applicant is entitled to her costs.

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[13] At the outset of the hearing, the parties advised the Court that they reach an agreement on costs, being $10,000 to the successful party.

Disposition:

[14] On consent, order to go as follows:

a. There has been no decision finding that the Applicant breached the Code of Conduct, under the *Education Act*;

b. The Grand Erie District School Board shall not put their in-camera vote to a public vote and therefore there shall be no decision by the School Board under 218.3(11) of the Education Act.

[15] The Respondent shall pay the Applicant costs in the sum of $10,000, inclusive.

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Shore J.

I agree ___________________________
Schreck J.

I agree ___________________________
Brownstone J.

Date: February 4, 2026

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