CITATION: Amaro v. The Chiefs of Ontario, 2026 ONSC 1817
DIVISIONAL COURT FILE NO.: DC-25-53
DATE: 2026/03/30

SUPERIOR COURT OF JUSTICE – ONTARIO
DIVISIONAL COURT

RE: STEVEN AMARO AKA TALKING BEAR, Applicant

AND:

THE CHIEFS OF ONTARIO, Respondents

BEFORE: Tranquilli J.

COUNSEL: Steven Amaro, Self-Represented

Katherine Hensel & Adam Wheeler, for the Respondents

HEARD at London: December 29, 2025, via videoconference

ENDORSEMENT

Introduction

[1] Steven Amaro, known as Talking Bear, is a member of the Walpole Island First Nation. He lives off-reserve in Windsor, Ontario. Mr. Amaro describes a lengthy legal dispute with the First Nation Council that involves systemic discrimination and the denial of services to off-reserve members like him. The respondent Chiefs of Ontario ("COO") is a private voluntary association of First Nations Chiefs in Ontario. Mr. Amaro asked the COO to support his cause and intervene with political advocacy to address the injustice illustrated by his personal experience. The COO declined. Mr. Amaro applies to this court for judicial review of the COO's decision.

[2] The COO moves to dismiss this application pursuant to rule 21.01(3)(a) of the *Rules of Civil Procedure* for lack of jurisdiction. Mr. Amaro brings motions for orders striking the COO's motion, compelling discovery and cross-examination and cost sanctions.

[3] At issue is whether it is "plain and obvious" that Mr. Amaro's application cannot succeed or whether the respondent's motion should be dismissed as an abuse of process against a vulnerable self-represented litigant and manifestation of "institutional stonewalling" by the respondent.

[4] These reasons will explain why the application for judicial review is dismissed. In summary, this motion is not about the merits of Mr. Amaro's concerns about the COO's decision or his goals to achieve policy reform on behalf of all off-reserve First Nations people like him. The barrier to his application is that the COO's decision as a private voluntary association is not subject to judicial review. The court therefore has no jurisdiction to review the decision. Moreover, the issues raised, and relief sought, by the applicant are not justiciable. The relief sought on this application is demonstrably unsuitable for adjudication and must be dismissed.

[5] I am satisfied the COO was fair and reasonable in the conduct of this proceeding and have not taken improper advantage of the applicant with this motion. There is no basis to strike their motion because of misconduct or non-disclosure. I am not persuaded that the outstanding information sought by the applicant was relevant to the outcome of this motion.

Overview

[6] The following background arises from materials filed on the motions, including several affidavits delivered by Mr. Amaro and affidavits sworn by COO's director of justice and respondent counsel's law clerk in support of its motion and in response to the applicant's motions.

The Parties

[7] Mr. Amaro's application materials allege a six-year history of conflict with Walpole Island First Nation Council. The dispute involves ongoing legal proceedings, including criminal charges that were later withdrawn. He has brought concerns of systemic discrimination and malicious prosecution forward to the Human Rights Tribunal of Ontario and the Law Enforcement Complaints Agency. He submits these concerns engage issues of national importance and has also notified the Assembly of First Nations, other political leaders and the media. He seeks amendments to s. 17 of the *Indian Act*, R.S.C., 1985, c. I-5, to empower off-reserve First Nations peoples to form their own bands and elect their own governance structures.

[8] The COO is a private, voluntary, membership-based association that brings the First Nations Chiefs in Ontario to cooperate on matters of common interest. All 133 First Nations Chiefs have the right to be members of the COO. The COO is governed by the Chiefs of Ontario Charter ("COO Charter"), which sets out the mission, vision and mandate of the organization. The mission is to support all First Nations in Ontario as they assert their sovereignty, jurisdiction, and their chosen expression of nationhood. The COO is led by its Chiefs-in-Assembly. Participation in decision-making is voluntary and made by consensus or by majority resolution. The COO's various functions include political advocacy, but only as mandated by the Chiefs-in-Assembly. The various roles

and functions of the COO are supported by the COO Secretariat, a federally incorporated not-for-profit corporation.

The Request for COO Intervention

[9] By letter of June 16, 2025 to the COO, Mr. Amaro detailed the history of his dispute with the Walpole Island First Nation Council, his experience of systemic discrimination and the urgent need for *Indian Act* reform. He requested the COO's "immediate and decisive intervention" regarding the social, legal and political injustices perpetrated against him.

[10] The COO declined to intervene. By responding email of June 18, 2025, the COO's Director of Justice advised it: "…does not have the mandate to advocate on personal maters or provide legal advice or direct support on legal matters for individuals.

[11] The COO maintained its decision in a follow-up email exchange with the applicant later that same day. The writer acknowledged the applicant's difficulties but explained that "organizational limitations" to COO would not allow for intervention in the matter. The email advised that unless the COO was mandated by the Chiefs-in-Assembly, it was unable to advocate on individual requests/matters. The writer identified other potential resources for assistance and explained that the COO was also working on addressing the systemic issues identified by the applicant within the organization's prescribed mandates.

[12] By letter of June 19, 2025 the applicant delivered his "formal response" to the COO's decision with further argument in support of his original request for intervention. He presented his interpretation of the COO's obligations for intervention and advocacy pursuant to its COO Charter and how his individual concerns represented systemic barriers affecting a significant number of First Nations people in Ontario warranting the COO's intervention. He detailed his analysis of how *Indian Act* reform would promote off-reserve self-determination and the COO's role in his agenda for an urgent meeting with the Minister of Crown-Indigenous Relations and other stakeholders to that purpose. He explained why the immediate suspension of the deputy police chief pending disposition of his law enforcement complaint transcended a personal issue to promote transparency and accountability where the issue concerns how law enforcement disproportionately affects indigenous communities.

[13] By email of the same date, the COO's Director of Justice responded: "Thank you for your correspondence, and acknowledging receipt."

[14] By email of June 26, 2025, the applicant sent his "final communication" to the COO, challenging its decision not to intervene at his request. He demanded an immediate and decisive response from the COO by the close of business June 30, 2025, failing which he would pursue all legal remedies including judicial review. The deadline passed. By email of June 30, 2025 to the COO, the applicant confirmed his deadline for urgent response

had passed without any communication from the COO, thus paving the way for legal proceedings to address their "egregious inaction".

The Proceeding

[15] By application issued July 2, 2025 and amended July 18, 2025, Mr. Amaro seeks orders requiring the COO to reconsider its' decision not to intervene on his behalf. The Attorney General does not participate. Mr. Amaro submits the decision is an unreasonable exercise of the COO's discretion and is discriminatory of off-reserve First Nations members, contrary to the respondent's mission and principles. He also seeks orders compelling the COO to engage in "appropriate political advocacy" for a resolution of his dispute with Walpole Island First Nation, facilitation of a meeting with a federal government minister, suspension of the Windsor Police Service Deputy Chief pending disposition of the applicant's complaint, and COO internal policy review to ensure off-reserve members are equitably treated.

[16] This matter has required active case management and consumed significant court resources to date because of unnecessary procedural complexity and high conflict between the parties. The applicant alleges the respondent has engaged in fraudulent and oppressive conduct in its response to his application. The respondent submits the applicant has engaged in harassing and vexatious conduct. References to plans for contempt motions and vexatious litigant proceedings have heightened the litigation tension. The factual matrix underlying that aspect of the dispute is not a matter for disposition on this motion. However, a general history is necessary context to the applicant's response to the Rule 21 motion.

[17] The application ought to have been issued in London as the Divisional Court centre for the Southwest Region. However, the applicant caused it to be issued in the Superior Court of Justice in Windsor with a first return date the next month in regular motion court, ostensibly to be argued on grounds of urgency, but without seeking leave pursuant to s. 6 of the *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1 ("*JRPA*"). Adjournment requests were contested. Timetables imposed. Respondent counsel requested case management because of the procedural irregularity and the anticipated motion to address jurisdiction. Notwithstanding notice of my appointment to case manage the application, the applicant brought motions to dismiss the respondent's motion and for an order requiring the respondent's deponent to undergo cross-examination on specific terms. This required further appearances for the Superior Court's direction pending scheduling of the first case conference set for late September 2025.

[18] At the September 2025 case conference, I gave orders for the application to be transferred to the Divisional Court, Southwest Region and the timetabling of the respondent's preliminary motion and the cross-motion to strike. The respondent already agreed to the applicant's request for the respondent representative's cross-examination to be conducted in writing, subject to reserving its right to refuse the applicant's questions that required

selection of the applicant's binary or pre-formed answers for response. The discovery and remaining interim steps were timetabled, with the balance of the applicant's motion adjourned to the hearing of the Rule 21 motion. I directed that any issue as to the respondent's refusal to answer a question, or the sufficiency of the respondent's answer could be raised by the applicant with the court in submissions on the motion to strike. I noted the nature of the applicant's filings and communications to that point and counseled the applicant to consider whether the volume and tone could be counterproductive to the proceeding.

[19] Notwithstanding this direction, the applicant filed a motion "to compel discovery" pursuant to rules 30 and 34 in early December 2025. He sought an urgent case conference to address the respondent's alleged conduct in refusing to produce a document and served counsel with notice of a three-tier "punishment and deterrence order" levying personal fines up to a maximum of $1,000,000 against counsel for malicious conduct. He submitted the COO's refusal to provide this information warranted dismissal of the rule 21 motion.

[20] The respondent in turn sought a case conference for the court's direction to address the applicant's conduct and raised the prospect of a vexatious litigant application. The respondent submitted it was concerned about the applicant's continued conduct towards the respondent employees and counsel, despite the court's admonitions. These concerns included the applicant's threat and filing of a Law Society of Ontario complaint as a litigation tactic. The respondent maintained the applicant's question on cross-examination had been properly answered.

[21] By endorsement dated December 8, 2025, I declined to schedule a further case conference or further motions before the hearing date already set for later that month. The court would be able to determine whether the question had been properly answered and address any necessary relief at the hearing of the motions. I directed the applicant could bring his concerns as set out in his motion materials at that time. The respondent was at liberty to deliver formal responding materials at its discretion. The applicant was directed to refrain from bringing any further motions in respect of this application pending disposition of this Rule 21 motion, to cease all direct communications to the COO and to restrict his communications with respondent counsel to those that are necessary for the preparation and hearing of the motions.

Issues

[22] The issues for determination on this motion are:

1. Should the respondent's motion be dismissed for abuse of process or procedural non-compliance?

2. Is it plain and obvious that this judicial review application will fail?

[23] Before addressing these questions, I will address a further preliminary issue that arose regarding the confirmation of motion that was filed in advance of this hearing pursuant to Rule. 37.10.1 of the *Rules*.

Motion Confirmation Form

[24] The applicant submitted the respondent's motion should be dismissed on the basis of "procedural forfeiture" because the COO failed to list all of the materials to which the court would be referred on the hearing of the motion.

[25] The applicant submitted that the respondent failed to list the applicant's motion materials on the confirmation. These included the applicant's motions brought in September and December 2025 and directed by the court to be addressed in the hearing as well as supplementary materials (Parts 1-3) filed by the applicant in respect of the Rule 21 motion in October 2025.

[26] The applicant submitted this was a further attempt to willfully suppress evidence and caused ongoing constitutional trauma. The applicant was not going to argue the motion and that it should be dismissed.

[27] The respondent advised there was no intention to deceive or mislead the applicant or the court. In all the circumstances, it was not clear how the applicant's motion materials were going to be relied upon at the hearing.

[28] I advised the parties I would not dismiss the respondent's motion on this preliminary objection, with written reasons to follow. These are the reasons.

[29] The confirmation process outlined in rule 37.10.1(1) of the *Rules* exists primarily for the court's benefit. It is intended to be the result of a meaningful process where counsel and/or counsel and the self-represented party confer and turn their minds to what remains in issue since the motion or application was first filed. It generally serves as the starting place in the court's review and is used to inform itself on what matters remain in issue and the materials to review. A thoughtfully completed motion confirmation form benefits the parties and the court in the preparation for an efficient and effective hearing. It is meant to ensure that the appropriate amount of time is made available to the parties in argument and that the court presiding at the motion knows the issues to be addressed and the materials to be reviewed in advance: *Sheikh v. Ali*, 2024 ONSC 3559 at paras. 7-9.

[30] I had case managed the matter and was seized of this motion over the preceding three months in preparation for this hearing date. The court was under no confusion as to the issues on the motions. The applicant also demonstrated he was able to quickly remedy the omission with an amended confirmation form. The materials for all motions to be heard were uploaded and available for the court's review on Case Center and were, in fact, so reviewed.

[31] I am also satisfied there was no "fraud" by the respondent as asserted by the applicant. While it is best practice for a party to list all those materials which will be heard on a motion and not their own, I accept that there was no intention by the respondent to mislead the court with this omission. As I shall explain further in these reasons, I agree that some of the disclosure issues that were the subject of the applicant's motions were moot by the time of the hearing. For its part, the court was not precise in its direction of how the applicant's motions would be addressed at the hearing. The respondent had also registered its concern early in this proceeding that the volume of the applicant's submissions and communications risked causing confusion, among other issues. The December 2025 motion was unexpected in light of the court's previous direction. There is no fraud or other intentional misconduct by the respondent in the preparation of this confirmation form. No prejudice arose from the irregularity. I was satisfied that the case managed and timetabled R21 motion, for which the applicant was long on notice, could be heard on its merits.

[32] The applicant made submissions on his motions at this hearing. However, he did not make any oral submissions in response to the Rule 21 motion, although invited to do so. His oral argument on his motions indirectly informs his position on the Rule 21 motion and is consistent with his written materials that I have carefully reviewed. I find the applicant had ample notice of this motion and reasonable opportunity to put his position forward for the court's consideration.

Analysis

1. Should the respondent's motion be dismissed for procedural non-compliance and other conduct?

[33] There are two motions by the applicant addressing disclosure from the respondent and questioning the respondent's conduct.

September 2025 Motion

[34] In the motion first returnable in September 2025 the applicant sought orders requiring the respondent to provide full, complete and sworn answers to 50 questions on cross examination of the respondent's deponent on her affidavit, and "orders" striking the respondent's motion as an abuse of process, and that the respondent's conduct constitutes a deliberate pattern of bad faith, procedural non-compliance and vexatious litigation.

[35] The issues in this motion are either moot or unsupported by the record. The primary relief on the motion concerned the cross-examination of the respondent's representative. The other relief and grounds would flow from disposition of this issue. The respondent agreed to undergo written cross-examination as proposed but raised concern about the format of some of the questions. The court provided its direction. This primary disclosure issue

having been addressed by the court, it cannot follow on this record that there is a pattern of bad faith or vexatious litigation or an abuse of process by the respondent as alleged.

[36] If I have misapprehended the applicant's position, I find there is no basis for dismissal based on abusive or vexatious conduct. The respondent's motion is contemplated in the *Rules* and was brought pursuant to that procedure. The respondent sought the court's direction through case management and made a reasonable concession on the conduct of the cross-examination on its affidavit. While the respondent seeks to dismiss the application through this motion, it does not follow that this motion is oppressive or violates the fundamental principles of justice underlying the community's sense of fair play and decency: *Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63, at paras. 35- 37. The issue and the timing of this motion is not tactical, as the applicant seems to suspect. Jurisdiction is fundamental to whether this court can hear this matter. The question arises with some regularity on applications for judicial review and a court will also raise it of its own initiative if not identified by the parties. I am satisfied there was a basis for the respondent to seek the court's ruling on this issue, as shall be developed further in these reasons. A determination of this question at a preliminary stage is in the interests of justice as it may promote the most expeditious and least expensive determination of the proceeding.

[37] For clarity, the balance of the applicant's September 2025 motion that was adjourned to this hearing is dismissed for the foregoing reasons.

<u>December 2025 Motion</u>

[38] In the December 2025 motion, the applicant sought production of a "sworn fabricated document" that he identified in the respondent's answers on cross-examination. He sought orders for invocation of an e-discovery protocol, the immediate production of the respondent's "specific organizational record" allegedly sworn to exist by the affiant, and all internal communications regarding the COO's response to the applicant's letter of June 19, 2025. He also requested production of all records related to the governance and internal determination of the COO's jurisdictional status concerning the *Canadian Charter of Rights and Freedoms*, an order compelling electronic discovery and a punitive costs award personally against respondent's counsel for their abuse of process in respect of the fabricated document.

[39] The applicant takes issue with the COO's response to Mr. Amaro's letter of June 19, 2025 which set out his "formal response" to their decision and requested clarification of their mandate regarding systemic issues.

[40] At Question #34 on the written cross-examination, the applicant asked: "Did you, in your official capacity, respond to that letter? The respondent's answer: "Yes, I responded."

[41] The applicant submits this answer is a fabrication and evidence of institutional stonewalling because the witness did not, in fact, "officially" respond to his letter. The writer merely emailed: "Thank you for your correspondence, and acknowledging receipt."

[42] The applicant may not accept the respondent's answer, but there is no reason on this record to go further. The question has been asked and answered. There is no reason to doubt or further test its accuracy. There is no dispute that the COO sent a brief email in acknowledgement of receipt of the applicant's June 19, 2025 letter. That this was not the "official" response that the applicant wanted, or that the COO chose not to further correspond with him on the issues, does not make either the COO's email or its content a fabrication.

[43] In any event, such further information, if it exists, is not relevant to the preliminary question of jurisdiction. These arguments relate to the respondent's desire to have the court review the reasonableness or correctness of the COO's decision itself.

[44] The request for documents related to the governance and internal determination of the COO's jurisdictional status concerning s. 15 of the *Canadian Charter of Rights and Freedoms*, is also not relevant to this motion. There is nothing in the motion record that explains why this is raised, or how the right to equal protection and benefit of the law without discrimination is relevant to whether the court has jurisdiction to judicially review the COO's decision. Again, it seems to relate to review of the impugned decision itself rather than the question of jurisdiction.

[45] The applicant had adequate notice of and opportunity to address the jurisdiction issues presented on this motion. The moving party's materials provide an affidavit and documentary evidence that explains the respondent's organizational structure. The applicant's materials and arguments show he is not a stranger to this information. The respondent's representative was produced for cross examination. There is no right to insist on general discovery of the respondent on an application for judicial review: *Payne v. Ontario Human Rights Commission,* 2000 CanLII 5731 ONCA, at paras. 165-166. Nor does judicial review afford a party to a right to documentary discovery: *CCSAGE Naturally Green v. Director, sec. 47.5 EPA*, 2018 ONSC 237 (Div. Ct.), at para. 69.

[46] Since I have found the respondent did not engage in the fabrication of evidence or other abusive or vexatious conduct there is no basis on which to consider the applicant's demands for the personal cost sanctions asserted against the respondent and/or its counsel personally. This motion is dismissed is dismissed in its entirety.

[47] I am satisfied the respondent's motion record provides a sufficient basis on which to determine this jurisdictional question.

2. Is it plain and obvious this judicial review application will fail?

[48] The test on a motion to quash an application for judicial review asks whether it is plain and obvious or beyond doubt that the judicial review application would fail: *Beaucage v. Métis Nation of Ontario*, 2019 ONSC 633 (Div. Ct.) at para. 19; *Adams v. Canada (Attorney General)*, 2011 ONSC 325 (Div. Ct.), at para. 19; *Certified General Accountants Assn. of Canada v. Canadian Public Accountability Board* 2008 CanLII 1536 (ON SCDC), at para. 39.

[49] The respondent raises two grounds in support of its position that it is "plain and obvious" that Mr. Amaro's application for judicial review cannot succeed and must be dismissed: 1. The decision is not public in nature; and 2. The remedies sought by the applicant are not justiciable.

[50] I have given the applicant's argument in his responding motion materials broad and careful consideration. In summary, he submits the decision is public in nature. The COO receives federal and provincial funding and holds itself out to the public as the representative body for all First Nations in Ontario, making its decision subject to review. He contends the decision is unreasonable, an unlawful exercise of its mandate and perpetuates systemic discrimination against non-reserve members. Moreover, the concerns about the systemic discrimination against off-reserve First Nations people, of which this decision is itself another example, are of urgent national importance and require this court to perform its essential function of holding the respondent to account.

[51] I agree with the respondent that it is beyond doubt that the application will fail for both reasons, either of which would be sufficient on its own to dismiss the application.

<u>1. The decision is not public in nature.</u>

[52] The Divisional Court's jurisdiction is determined by statute. It has no inherent jurisdiction: *Adam*s, at para. 22. The relief sought in this application for judicial review must fall within s. 2(1) of the *JRPA*, or it is beyond the jurisdiction of this court: *Beaucage*, at para. 21.

[53] Section 2(1) of the *JRPA* provides that on an application for judicial review, the court may grant orders in the nature of *mandamus*, prohibition, *certiorari* or for relief by way of declaration. These remedies are available only against exercises of power that are public in character. While the notion of public law defies full and precise definition, the courts use these prerogative remedies to supervise persons and bodies that derive their powers from statute in their performance of functions of a public or governmental nature: *Setia v. Appleby College*, 2013 ONCA 753, at para. 20; *Air Canada v. v. Toronto Port Authority*, 2011 FCA 347, at para. 55; *Highwood Congregation v. Wall*, 2018 SCC 26, at para. 15

[54] The assessment of whether a particular decision is subject to public law and its remedies requires careful consideration and weighing of the relevant circumstances of the particular case informed by the experience of case law. That experience has identified a number of factors relevant to the determination of whether a matter is of sufficient public character to bring it within the jurisdiction of public law: *Setia*, at para. 33; *Beaucage*, at paras. 25-26; *Trost v. Conservative Party of Canada*, 2018 ONSC 2733 (Div. Ct.), at para. 13; *Air Canada*, at para. 60.

[55] I have considered these factors in all the circumstances of the case and find that the following are material and dispositive to the question. They lead to the conclusion that the COO's decision does not have sufficient public dimension to which public law remedies can be applied.

[56] The character of this matter for which review is sought is private. At its core, the application challenges the decision of a private association not to pursue the political advocacy agenda requested by the applicant. I acknowledge the applicant's emphasis that his personal experience only serves as an example of the problem of systemic discrimination experienced by many non-reserve members. Nevertheless, broad public impact is insufficient to bring a decision within the public law sphere for judicial review. Simply because a decision impacts a broad segment of the public does not mean that it is public in the administrative law sense of the term. Previous cases that reviewed voluntary association decisions relied on the broad public impact of the decision rather than the narrower question of whether the decision was within the public law sphere. That approach is no longer accepted law: *Beaucage*, at para. 25. The relevant inquiry is whether the legality of state decision making is at issue: *Highwood*, at para. 21.

[57] The decision-maker is a private, voluntary, membership-based association that operates pursuant to a charter and with the administrative support of a separate corporate secretariat. It is not a creature of statute. The COO's mission is to support all First Nations in Ontario as they assert their sovereignty, jurisdiction and their chosen expression of nationhood. It is true that the COO works and engages in advocacy with the provincial and federal governments and the Assembly of First Nations on identified priorities. However, it is not woven into the government network and does not exercise a power as part of that network. A significant role in policy consultations does mean that the COO is a public body or that its decisions are public law decisions: *Beaucage*, at paras. 38, 46. While the COO plays an important role in public policy, it is not a governmental actor. The COO does not draw its powers from government and does not exercise public responsibilities: *Trost*, at para. 16.

[58] I accept the respondent's submission that the COO's organization is materially like that of the Métis Nation of Ontario, which was closely considered by the Divisional Court in *Beaucage* on the same question. In finding the Métis Nation of Ontario's membership decision was not subject to judicial review, the court held that the nature of the organization, its responsibilities and its relationship with government do not transform its

decisions into public law decisions subject to judicial review: *Beaucage*, at para. 44. That rationale applies here with equal force.

[59] The decision itself is the exercise of private discretion. It did not emanate directly from a public source of law such as statute, regulation or order. While the COO plays an important role in public policy, it remains a private actor.

[60] The Divisional Court does not have jurisdiction to review the COO's decision, and the application is dismissed for the foregoing reasons.

2. The remedies sought by the applicant are not justiciable.

[61] The respondent also submits the application for judicial review seeks political remedies that go beyond the authority of the courts. They are not available as a matter of law and institutional capacity. The applicant asserts his relief seeks strategic political advocacy and facilitation that aligns with the COO's overarching objectives as set out in the COO Charter and consistent with principles of administrative law.

[62] Justiciability relates to the subject matter of a dispute. Justiciability is a set of judge-made rules, norms and principles delineating the scope of judicial intervention in social, political and economic life. If a subject-matter is held not to be suitable for judicial determination, it is non-justiciable: *Highwood*, at para. 33. Political questions are demonstrably unsuitable for adjudication. These will typically involve moral, strategic, ideological, historical or policy considerations that are not susceptible to resolution through adversarial presentation of evidence or the judicial process. The question is whether the matter is purely political in nature or whether there is a sufficient legal component to anchor the issue and warrant judicial intervention: *Tanudjaja v. Canada (Attorney General)*, 2014 ONCA 852 at para 21.

[63] I observe that the question of justiciability speaks to another factor the court may consider when determining the public versus private nature of a matter, being the suitability of public law remedies. If the nature of the matter is such that public law remedies would be useful, courts are more inclined to regard it as public in nature: *Air Canada*, at para. 60.

[64] The amended application for judicial review seeks:

a. A declaration that COO's refusal to directly engage in political advocacy regarding the systemic issues exemplified by the applicant's circumstances constitutes an unreasonable exercise of its discretion and a failure to exercise its public mandate in accordance with the COO Charter and the principles of administrative law.

b. A declaration that the COO's policies or interpretations, as applied to the applicant, lead to a systemic and *de facto* discriminatory exclusion of non-residential First Nations members from the COO's advocacy efforts, contrary to its stated mission and principles.

c. An order compelling the COO "to reconsider its position and engage in appropriate political advocacy and facilitation regarding":

i. The immediate suspension of the Deputy Chief of the Windsor Police Service pending the outcome of a Law Enforcement Complaint Agency matter;

ii. A "meaningful resolution" of his dispute with the Walpole Island First Nation Chief and Council concerning the denial of services as detailed his Human Rights Tribunal of Ontario application;

iii. The facilitation of an urgent meeting with the Minister of Crown-Indigenous Relations to discuss implementation of Indian Act amendments for the formation of off-reserve First Nations bands; and

iv. A review and amendment of COO policies to ensure equitable and non-discriminatory advocacy and support for all First Nations people in Ontario, including off-reserve members, without requiring the consent of or proxy from Band Councils.

[65] I agree with the respondent's submission that this application is not justiciable. Public law remedies would not be useful. The COO is not a governmental actor with responsibilities or powers in respect of the decision or the issues to which the subject matter relates. The relief sought is vague in scope and obscured by the applicant's personal legal issues and broader political matters. The applicant seeks relief that would compel the organization to engage in activities for which there is no judicially discoverable and manageable standard. To require the respondent to engage in "appropriate political advocacy and facilitation" of meetings, and "meaningful resolution" of his dispute with the Walpole Island First Nation takes the court beyond its institutional function.

[66] The application is not justiciable and is dismissed for the foregoing reasons.

Disposition

[67] The respondent's motion pursuant to rule 21.01(3)(a) of the *Rules of Civil Procedur*e, dated July 31, 2025 and first returnable August 12, 2025, is granted.

[68] The application for judicial review dated July 2, 2025, and amended July 18, 2025 is dismissed.

[69] The applicant's: 1. "Motion to Compel, Strike, and For Sanctions dated September 5, 2025; 2. "Notice of Motion – Motion to Compel Discovery (Rules 30 & 34) Urgent and Abbreviated, undated but with an affidavit of the applicant sworn November 28, 2025; and 3. Notice of Motion for Execution of Sanctions, Judgment , and Evidentiary Forfeiture dated December 4, 2025 are dismissed.

Costs

[70] If the parties cannot resolve costs of these motions, the respondent shall deliver their written cost submissions by April 20, 2026 and the applicant his written cost submissions by May 4, 2026. Submissions should address the applicant's and respondent's motions. Written submissions are limited to no more than three (3) pages in length excluding bills of costs and offers to settle. There is no right of reply without leave.

Tranquilli J.

Date: March 30, 2026