

**CITATION:** Leong v. Moore Canada Corp. et al, 2026 ONSC  
**COURT FILE NO.:** CV-25-00746096-0000  
**DATE:** 20260415

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** ANITA LEONG, Plaintiff

**AND:**

MOORE CANADA CORP., AKA DATA COMMUNICATIONS  
MANAGEMENT, THE MANUFACTURERS LIFE INSURANCE COMPANY,  
Defendants

**BEFORE:** Justice A.P. Ramsay

**COUNSEL:** Anita Leong, Self-represented

*Sophia Zaidi* for The Defendants

**HEARD:** In-writing

**ENDORSEMENT**

- [1] The defendants, the Manufacturers Life Insurance Company, filed a Request For Stay For Dismissal Under Rule 2.1 dated January 16, 2026. Manufacturers' request to stay or dismiss the action as against it is made under r. 2.1.01(1) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.
- [2] Manufacturers says that this is a duplicative proceeding and attaches the pleadings from the tribunal (Human Rights Tribunal Notice of Application and the Response), and the Decision of the Human Rights Tribunal of Ontario dated April 9, 2025, as well as the Reconsideration Decision dated June 5, 2025.
- [3] Having reviewed the plaintiff's amended statement of claim, I need not hear from the plaintiff because I am not satisfied that these proceedings against Manufacturers amount to an abuse of process. The motion is therefore dismissed.
- [4] The question is whether the plaintiff's claims can succeed on the face of the pleadings. If it is apparent from the statement of claim that an action may be frivolous, vexatious or an abuse of process of the court, then resort to rule 2.1.01 may be appropriate: *Joubarne v. Kellam*, 2019 ONSC 955. The plaintiff commenced this action on December 22, 2025, for wrongful dismissal, damages for unpaid sick/vacation pay, general damages, punitive damages, severance, lost benefits and other claims for long term disability benefits. The court has jurisdiction to summarily dismiss the action under r. 2.1.01 if it is apparent from

the statement of claim that the action may be frivolous, vexatious or an abuse of process of the court.

- [5] The record before me indicates that the plaintiff filed an application against Manulife Financial to the Human Rights Tribunal of Ontario, which appears to be for alleged discrimination under the Human Rights Code regarding “Goods, services and facilities”, on the basis of disability. A review of the record indicates that the plaintiff appears to be relying on the same facts set out in her statement of claim. I note in passing that there is no explanation before me as to how the two insurers in the two separate proceedings are related, but this is not fatal.
- [6] One of the criteria for a vexatious proceeding, as noted by the application judge in *Re Lang Michener et al. v. Fabian et al.* (1987), 59 O.R. (2d) 353 (H.C.), as distilled from the caselaw, “where it is obvious that an action cannot succeed, or if the action would lead to no possible good, or if no reasonable person can reasonably expect to obtain relief, the action is vexatious”. It is not obvious to the court that the plaintiff’s action cannot succeed.
- [7] I note that Manufacturers argues that the plaintiff’s action is “duplicative”. While it is not clear to the court whether Manufacturers take the position that this is an abuse of process, in my view, on the materials filed, r. 2.1 is not the appropriate mechanism to make such a determination. In some instances, proceedings which involve the same or similar parties or legal issues may be duplicative but is not sufficient to constitute an abuse of process: *Saskatchewan (Environment) v. Métis Nation – Saskatchewan*, 2025 SCC 4, 500 D.L.R. (4th) 279.
- [8] As Canada’s highest court has repeatedly noted, the doctrine of abuse of process is concerned with the administration of justice and fairness: *Métis Nation – Saskatchewan*, at para. 33. The court has authority to prevent misuse of its proceedings in a way that would be manifestly unfair to a party or in some way bring the administration of justice into disrepute: *Métis Nation – Saskatchewan*, supra; *(Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63, [2003] 3 S.C.R. 77, at para. 37.
- [9] A multiplicity of proceedings which engage the same issues can amount to an abuse of process: *Cashin Mortgages Inc. v. 2511311 Ontario Ltd.*, 2024 ONCA 103, 170 O.R. (3d) 107, at para. 14; *Métis Nation – Saskatchewan*, at para. 38. But, the existence of two or more ongoing legal proceedings which involve the same, or similar, parties or legal issues, is in itself not sufficient for an abuse of process: *Métis Nation – Saskatchewan*, at para. 39.
- [10] In my view, consideration of the context and available remedies in both proceedings may be one of the factors the court may have to grapple with. As the Supreme Court noted, there may be a valid reason for bringing separate, but related, proceedings, and in such cases, a multiplicity of proceedings can serve to enhance the administration of justice: *Métis Nation – Saskatchewan*, supra. The Supreme Court has made clear that “the abuse of process analysis does not end when multiple or similar proceedings exist” but rather, the court must determine whether permitting the litigation to proceed would violate principles of judicial economy, consistency, finality or the integrity of the administration of justice.

[11] In the result, it is not appropriate, in my view, for such a determination to be made in a summary fashion. I am not satisfied that this is an appropriate case for summary disposition under r. 2.1.

**Date:** April 15, 2026

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Justice A. P. Ramsay