**CITATION**: Goetze v. Information and Privacy Commissioner (Ontario), 2026 ONSC 1768
**DIVISIONAL COURT FILE NO.:** 505/24
**DATE:** 20260325

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

**RE:** HANS GOETZE, Moving Party (Applicant)

**AND:**

INFORMATION AND PRIVACY COMMISSIONER OF ONTARIO, Responding Party (Respondent)

**BEFORE:** D.L. Corbett J.

**COUNSEL:** *Brendan Gray*, for the Responding Party

*Hans Goetze*, self-represented Moving Party

**HEARD IN WRITING:** March 23, 2024

## ENDORSEMENT

**D.L. Corbett J.**

[1] Mr Goetze seeks judicial review of a decision of the Respondent (the "IPC") not to continue to inquire into a request for records from Mr Goetze.

[2] The subject of the request is medical records Mr Goetze seeks from a physician who treated him (Dr Emara) and related medical records.

[3] Mr Goetze has (or had) ongoing civil proceedings against Dr Emara.

[4] The application in this court is at an early stage. Faieta J. conducted case conferences in the fall of 2025 and directed Mr Goetze to file his Notice of Application (which was done in early November). Mr Goetze had indicated to Faieta J. that he wished to obtain a sealing order in respect to materials to be filed in connection with the application. Faieta J. gave directions that Mr Goetze deliver a notice of motion, affidavit in support of the motion, and factum, by December 17, 2025.

[5] So far as I am able to determine, Mr Goetze has not provided the required motion materials. There is a notice of motion (referenced in more detail below) but no affidavit and no factum. If Mr Goetze has provided the required materials, he has not uploaded them to the court's portal.

[6] As would be common practice on a motion requesting a sealing order, the court requested that the parties provide complete materials to the court by email, so that records sought to be sealed would remain private pending the court's decision on the sealing order. Mr Goetze did not provide

his materials by email but rather sent them to the court on a microchip, delivered to the court office by courier. It is not clear that a copy of these materials was sent to counsel for the IPC.

[7] The IPC has sent the court a draft of the index for its Record of Proceedings (apparently served December 31, 2025).

[8] The materials sent by Mr Goetz to the court by microchip are voluminous. They do not appear to include a notice of motion, affidavit, or factum in support of the motion for a sealing record.

[9] In its responding materials, the IPC indicates that the IPC would not oppose an order directing that Mr Goetz's OHIP number be redacted from the Record of Proceedings to be filed by the IPC. Such an order to protect against misuse of a person's personal identifying information is not a controversial one to make after application of the principles in *Sherman Estate*, and I would grant that order.

[10] I do not appear to have proper motion materials from the moving party in support of his request for a sealing order. Mr Goetze is self-represented. Ordinarily, I would give him another chance to pursue the sealing order, though I do note that (a) Justice Faieta did list the required materials for Mr Goetze; and (b) Justice Faieta did alert Mr Goetze to the test in *Sherman Estate* that Mr Goetze has to meet to obtain a sealing order.

[11] Finally, I wish to state this as clearly as possible for Mr Goetze. A party may not send a large mass of unorganized materials to the court and expect the court to wade through them and figure out what they are, why they have been filed, and what the filing party wants the court to do with them. As a self-represented party, Mr Goetze is required to familiarize himself with the court's process, and to follow the rules that apply to what he is doing. In this instance, Mr Goetze was required to deliver: (i) a notice of motion that identifies precisely what he is asking the court to do and the legal basis of the request (without argument or evidence); (ii) a motion record containing the evidence upon which the moving party relies in support of the relief claimed in the notice of motion (which must almost always include an affidavit that references any attached documents and explains why those documents have been included in the evidence), and (iii) a factum, which is a written argument of fact and law that explains to the court what the moving party is asking the court to do, why the evidence provides a factual basis for the order sought, and the legal basis on which the request ought to be granted.

**The Application Itself**

[12] The application itself seeks judicial review of a decision of the IPC made June 28, 2024. Mr Goetze initially purported to bring an appeal from this decision. O'Brien J. struck the Notice of Appeal and permitted Mr Goetze to deliver a Notice of Application in its place. Mr Goetze failed to meet multiple deadlines to deliver his Notice of Application, and the original schedule for the application had to be cancelled (which would have seen the application heard in July 2025). The Notice of Application in this case was not filed until November 2025.

[13] The Notice of Application does not appear to address the basis on which the impugned IPC decision was made, which was as follows:

> I exercise my discretion not to review the subject-matter of this complaint. The complainant provides no representations in response to my preliminary assessment that his complaint could be more appropriately dealt with, completely, by the court in the [civil] proceeding between the parties. That court proceeding already concerns the January 2021 Affidavit of Documents, which forms the basis for the complainant's assertion that additional records exist. The complainant's entire complaint is that he has not been granted access to records that he claims exist according to the January 2021 Affidavit of Documents. Because the January 2021 Affidavit of Documents forms part of the existing court proceeding between the complainant and the doctor, that court proceeding is the best process to address that complainant's concerns about records he alleges he has not received in the course of that proceeding. As a result, I conclude that the complaint could more appropriately dealt with, completely, by means of the court proceeding and there are no reasonable grounds for me to continue to conduct a review under sections 57(3) and (4)(b) of the *Act*. (Decision, para. XX)

[14] Thus, the application before this court is concerned, not with the underlying merits of Mr Goetze's request for records, but with the IPC's discretion not to continue a review into that request on the basis that the issue can and should be addressed in the civil proceedings between the parties. This is a very focused issue for judicial review. The Notice of Application fails to identify this as the issue for judicial review and fails to state any basis upon which a panel of this court could interfere with the IPC's exercise of discretion.

[15] The Notice of Application also appears to seek relief that is not available in this court on review of the decision from the IPC. For example, the first remedy sought by Mt Goetze in the Notice of Application is as follows:

> The applicant makes application for: …
>
> Overturning the dismissal of plaintiff claim by Justice Carroccia 24 April 2024, as in preponderance of errors in law since 13 January 2021 and shown throughout SLAPP motion defendant made ultra vires 14 January 2021 for case management when defence never provided true evidence dissembling plaintiff claim as remains true right and just; and, as the trial judge is directed will work with litigants to ensure that the process is fair, as apparent did not ensure.

This court does not have jurisdiction to interfere with a decision of Carroccia J. in the Superior Court proceedings in the course of an application for judicial review of the IPC's decision. Indeed, this court probably has no jurisdiction to interfere with the order of Carroccia J. at all, since it seems likely (from what is said about it in the Notice of Application) that order is a final order of a Superior Court judge and subject to appeal to the Court of Appeal and not to this court.

[16] The first ground listed for the application is as follows (quoted verbatim):

THE Plaintiff, Hans Goetze, APPEALS to the Divisional Court, again, now as Judicial Review, notwithstanding appeal has been filed to Court of Appeal 06 January 2025, in his response to "too clever" time queer direction of 05 and 12 December 2024, following confusing miscarriage occurred in hearing before, Justice O'Brien, 05 December 2024, with inappropriate 19.5 hours' notice she conjoining IPCO matters of missing records, one of four matters relevant to this claim, complaints to IPCO filed 22 February 2021 which plaintiff had long prior made rules appropriate appeal separately, Justice O'Brien conjoining to plaintiff Appeal to Divisional Court filed 24 May 2024, File 505/24 of Justice M. Carroccia dismissal of plaintiff claim in her undertaking and conducting known ultra vires SLAPP process, 14 January 2021, the defendant counsel had had no agency to make under the rules having prior defaulted to provide complete records to discovery 13 times, the 14th time defied response required to plaintiff Motion In Writing 04 December 2020 (MIW). and defendant had made such SLAPP motion using fraudulent affidavits, and, falsified evidence. Defendant had promoted unnecessary cataracts surgeries in scheming insurance fraud of OHIP fees with intending plaintiff vision loss harm to coerce trebling fees intake for private clinic laser surgeries as balance of probabilities shows from review of even the partial records as he abridged 'purgery' records missing at least 10 documents therein referred, where there were no diagnostics showing any cataracts. File 505/24 was, in appeal of Justice Carroccia case management of defence counsel Lerners who had withheld from discovery known missing documents of plaintiff personal healthcare records in defiance of rules 76.03 and PHIPA, they defying 14 plaintiff requests in 2020 alone (and defiance as has continued). Having provided no true evidence to dissemble plaintiff claim, and defied required response, per 37.12.1 (5), to plaintiff Motion in Writing, 04 December 2020 (MIW), and thus having no agency to make any motion without judicial authority, per 37.16. With aid of CSR Rosemary Limarzi impropriety functioning as adjunct advocate sabotaged proper process of plaintiff filing MIW and allowed Lerners make ultra vires Strategic Legal Attack Persecuting Plaintiff (SLAPP) motion, 14 January 2021, intending to pervert process as based on inherently bad faith sworn Affidavit of Documents and other affidavits to cover certain criminal fabrications of evidence intended to pervert justice for dismissal of plaintiff claim. In extraordinary show of bias animus Justice Pomerance errors in law had allowed counsel ultra vires SLAPP motion to succeed, she barring all plaintiff evidence and relevant expertise in the common record, she overturning Justice Bondi direction to refile the plaintiff MIW without prejudice, and, without defence ever answering to the claim issues with true evidence. Justice Carroccia miscarried justice in several errors in law relying exclusively on defence counsel fabrications and barring all plaintiff evidence from her inherently unfair conduct of hearings, displaying explicit bias to favour counsel over self-represented litigant plaintiff as her abusive ignoring, as had Pomerance, CJC, unanimous SCC prescedents, AJA, and, CJA 96 (2) abiding direction on treatment of SRLs to align with Charter 15 necessity. Judges are charged to ensure fairness in proceedings as she abandoned any display as had Pomerance before. Plaintiff claim remains right and just based in true evidence and reliable, necessary and relevant expertise in

> common record as lawful per precedences, as adducing party did not establish the threshold requirements of admissibility of evidence which fails review even by SRL plaintiff, and ignores precedent expert testimony tests of such testimony, per Mohan, deficient expert evidence was misused by Lerners in effort to pervert justice and abuse process, White Burgess para 18, 3 and 4, in case here found unresistant to effective cross-examination shown by the non-expert SRL plaintiff, both defendant records and opinion letter adduced are inept of reason, has been evaded by Justices Bondy, Pomerance and Carroccia without proper reason in law given by any. There is none. Process has been perverted by defendant intending perversion of justice soon for six years as CMPA intends abuse of process at public expense this claim has been taken to evade honest defence from claim. Their counsel have no honest defence for defendant. Such CMPA routine abuse of process prevails over equity until a judge says that is enough as in the case of Jesperson v Karas after 15 years of aggressive CMPA extenuations even high-handed in appealing jury decision award of punitive damages. CMPA abuse is economics driven as extenuation to financial exhaustion of plaintiff resources, even to death, is cheaper alternative to honest defence paying warranted just awards, while CMPA is 80% subsidized by government violates Charter 15 rights guarantee, in this case the public twice paying, first for unnecessary surgery boosting surgeon income by insurance fraud, then, for tortfeasor defence by CMPA in a perversion of double recovery at [309 – 310] McLachlin J. in Cunningham v. Wheeler, 1994 CanLII 120 (SCC), [1994] 1 SCR 359. The precedent of Girao v Cunningham should have given all pause long ago, both court and counsel ignored their own duties to conduct in fairness, per CJA 96 (2), all are absolutely expected to treat the self-represented party fairly - fight fair and follow the rules - the trial judge is directed will work with litigants to ensure that the process is fair, as apparent did not ensure. The plaintiff claim is true right and just as Summary Judgement must ensue without defence counsel unless the judge so insists production of missing documents, as was due according the rules 20 December 2020, when counsel refused process and then made ultra vires motion.

[17] The court is required to facilitate access to the justice system for self-represented litigants. There is, however, a limit to what the court can do or should attempt to do. The passage quoted above is incoherent, unfocused, and does not appear to be material to this application, which concerns one specific decision: the IPC's discretionary decision not to investigate Mr Goetze's inquiry any further.

**What To Do ?**

[18] Successive case management judges have been trying to establish a reasonably expeditious process to get this application to a hearing. On its face, this is a straightforward matter: was the IPC's decision reasonable?

[19] The Notice of Application is improper, but I have identified the issue for the application in these reasons, and the IPC has not requested that the Notice of Application be struck. I would not

strike the Notice of Application, in these circumstances, but would direct that the application is restricted to judicial review of the impugned IPC decision. I am satisfied that the panel hearing the application will be able to do that without my requiring Mr Goetze to re-draft his Notice of Application.

[20] Dr Emara has not been named as a party in the application. I would not require that he be added by the applicant, but he should be given notice of the application, and if he wishes to be added as a party, he should be given an opportunity to make that request (Dr Emara was the respondent to the appeal struck by O'Brien J.). Prior directions from the court required that the IPC be named a respondent to the application but said nothing about continuing to include Dr Emara.

[21] I would order that Mr Goetze's OHIP number be redacted in the Record of Proceedings and any other materials filed on the application. No unredacted version of the ROP need be filed with the court: Mr Goetz's OHIP number does not appear to be necessary information for the application panel to adjudicate this matter.

[22] I would not grant a sealing order in respect to anything else to be filed in respect to the application, without prejudice to any party seeking to have any portion of the materials filed on the application sealed by the panel hearing the application. Such an order can be made at the time of the hearing. While it is better to address this issue prospectively, this application has already been delayed too long. Any prejudice that may result from a request for the sealing order being left to the panel hearing the application is justified as a consequence of the need to have the application adjudicated in a timely manner, and Mr Goetze's failures to follow the court's processes and directions to date.

[23] The IPC shall serve and file the Record of Proceedings by April 24, 2026.

[24] Mr Goetze shall serve and file his Application Record and Factum for the Application by June 26, 2026. I have given Mr Goetze more time than usual to deliver his materials in recognition of his self-represented status. Mr Goetze should not expect that the court will be readily willing to extend this deadline, particularly if an extension request is not made well before the deadline, rather than at the last minute or after the deadline has passed.

[25] The IPC shall serve and file its responding materials by July 31. 2026.

[26] Counsel for the IPC is requested to serve a copy of this endorsement and a copy of the Notice of Application on counsel of record for Dr Emara in the civil proceedings by April 3, 2026. If Dr Emara wishes to ask to be added as a respondent to this Application, he shall make that request by email (copied to Mr Goetze and to counsel for the IPC) by April 17, 2026, marked to my attention. If Dr Emara is added as a respondent to the application, he should expect that his deadline for responding materials will be July 31, 2026.

[27] The Registrar is asked to schedule the hearing of this application before a panel of three judges of the Divisional Court, for an estimated 0.5 days, on a date no earlier than September 8, 2026, and to advise the parties of the date.

[28] Order accordingly. D.L. Corbett J. is seized of any further case management required for this application.

"D.L. Corbett J."