

CITATION: Rozsa v. Ontario Disability Support Program, 2024 ONSC 5260
COURT FILE NO.: CV-24-00725024-0000
DATE: 20240924

ONTARIO SUPERIOR COURT OF JUSTICE

RE: Istvan Anton Rozsa, Plaintiff

-and-

Ontario Disability Support Program, Social Benefit Tribunal, Ministry of
Children Community and Social Services, Defendants

BEFORE: Robert Centa J.

COUNSEL: Istvan Anton Rozsa, self-represented plaintiff

Jonelle Van Delft, for the defendant Social Benefits Tribunal

HEARD: September 24, 2024

ENDORSEMENT

- [1] The registrar’s office referred this motion to me pursuant to rule 2.1.01(7) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, following receipt of a written request from lawyers for the defendant Social Benefits Tribunal, under rule 2.1.01(6).
- [2] On September 6, 2024, I released an endorsement indicating that I had reviewed the statement of claim and it appeared to me that it may be frivolous and vexatious.¹ I directed the registrar to notify Mr. Rozsa and provide him with an opportunity to explain why the claim should not be dismissed at this time.
- [3] On September 23, 2024, Mr. Rozsa provided submissions, which I have now reviewed. For the reasons that follow, I dismiss this action.

Rule 2.1

- [4] Rule 2.1.01 permits the court to stay or dismiss a proceeding if the proceeding appears on its face to be frivolous or vexatious or otherwise an abuse of process of the court. Justice Myers explained the purpose of the rule as follows:

¹ *Rozsa v. Ontario Disability Support Program*, 2024 ONSC 4958.

Rule 2.1 is not meant to apply to close calls. It is not a short form of summary judgment. But that does not mean that it is not to be robustly interpreted and applied. Where a proceeding appears on its face to meet the standards of frivolous, vexatious or an abuse of process, the court should be prepared to rigorously enforce the rule to nip the proceeding in the bud. Rigorous enforcement of this rule will not only protect respondents from incurring unrecoverable costs, but should positively contribute to access to justice by freeing up judicial and administrative resources that are so acutely needed to implement the “culture shift” mandated by the Supreme Court of Canada. The new rule tailors appropriate procedural fairness for the category of cases involved and is an example of early resolution of civil cases that is very much in line with the goals set out in *Hryniak*.²

- [5] A frivolous or vexatious action lacks a legal basis or legal merit or has been brought without reasonable grounds. Frivolous and vexatious proceedings are often identified by, among other features, their use of rambling language which makes discerning a legitimate cause of action very difficult.³
- [6] As Myers J. observed, the court is not to use rule 2.1.01 for close calls. However, neither the opposing parties nor the court should be required to devote scarce resources to proceedings or motions that are clearly frivolous and vexatious. Allowing such proceedings to occupy space on the court docket takes time away from other, more meritorious cases. There is simply no benefit to allowing clearly frivolous and vexatious proceedings to continue.⁴

The action is frivolous, vexatious and an abuse of process

- [7] Mr. Rozsa’s complaint focuses on his unsuccessful appeal to the Social Benefits Tribunal from his grant of ODSP benefits. He asserts that the Tribunal owed fiduciary duties to him. He pleads that:
1. The Defendant, the Social Benefits Tribunal, was responsible for ensuring the accuracy and fairness of the appeal process.

² *Gao v. Ontario (Workplace Safety and Insurance Board)*, 2014 ONSC 6100. See also *Scaduto v. Law Society of Upper Canada*, 2015 ONCA 733.

³ *Van Sluytman v. Orillia Soldiers’ Memorial Hospital*, 2017 ONSC 692, at para. 11.

⁴ *Dunning v. Colliers Macaulay Nicolls Inc.*, 2023 ONSC 73, at para. 26; *Foley v. Victoria Hospital London Health Services Centre*, 2023 ONSC 4978, at para. 5.

2. The Defendant failed in this responsibility by committing clerical errors that adversely affected my case.

3. Further, the actions of perjury committed by tribunal members are unacceptable and have caused significant harm to me.

[8] Mr. Rozsa seeks general damages of \$100 million, special damages of \$50 million, and punitive damages of \$2 million. He also seeks a range of other relief including orders to assist him with “housing recommendations” and to “set up a pay direct with a temporary housing platform” and an order that he be considered for employment with the Ministry of Children, Community and Social Services. This latter relief is not available in a civil action.

[9] In my view, this action appears to be frivolous in the sense that it can not succeed. The Tribunal is an adjudicative tribunal established under the *Ontario Works Act, 1997*, S.O. 1997. It is not a legal entity that can sue or be sued.⁵

[10] In addition, subsection 77(1) of the Act provides that no action or other proceeding in damages shall be instituted against the Ministry, the Director, a delivery agent, a delivery partner, an officer or employee of any of them or anyone acting under their authority for any act done in good faith in the execution or intended execution of a duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any duty or authority under this Act

[11] Mr. Rozsa may seek a reconsideration of any adverse decision pursuant to the Act, or he may seek judicial review of a Tribunal decision. What he cannot do is sue the Tribunal in civil court.

[12] In addition, Mr. Rozsa’s submissions reinforce my conclusion that the action is frivolous. Under the subject line “PROOF FOR THE CORRUPTION,” Mr. Rozsa wrote as follows:

this case shall be closed and rule in favour for my client Istvan Anton Rozsa in the even the judge does not wish to act by his oat or willing to take full capacity and responsibility and that includes and not limited to him self and all court staff behaviour which was recorded at all time I don’t care you laws or whatsoever and the bitcoin corruption stuff as well As mentioned i’m not stupid but this is more than something that is against the human beings rather than an act of the DEVILS herein referred to the court what the hell you guys want to establish here is that i kill my self or what i wanna have a life with a role and a meaning to it and this is more than make me throw up i also will refer this to the judicial council for canada because this is it just not about money but my safety and well bein I

⁵ See generally: *Daly v. Landlord Tenant Board*, 2022 ONSC 2434, at paras. 17 to 19; *Raba v. Wronecki*, 2015 ONSC 20, at para. 33.

SHALL WISH THAT OUR FATHER MAY FORGIVE THIS
SINS BUT HE SHALL NEVER FORGET [text as in original].

- [13] While I had originally considered striking out only the claim against the Tribunal and allowing the claim against the Ministry to proceed, Mr. Rozsa's submissions persuade me that the better approach is to dismiss the entire proceeding.
- [14] I find that the action is frivolous, vexatious, and an abuse of the process of the court. I dismiss the action without costs.

Robert Centa J.

Date: September 24, 2024