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Paul Taylor

Fax

To:	Chief Justice for the Court of Appeal for Ontario the Honourable Chief Justice George Strathy, and Chief Justice for the Superior Court of Justice the Honourable Chief Justice Madam Heather Smith	**From:**	Paul Taylor
Fax:	[redacted]	**Pages:**	10 plus cover
Phone:	[redacted]	**Date**	December 14, 2018
Re:	Letter to Chief Justices	**cc:**	Name

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Comments:

Please find attached a letter addressed tot eh Chief Justices of Ontario. I am unsure of if this is the correct procedure for contacting them, but please accept my apologies in advance if this is not correct.

Please note I have taken additional steps as well as I am in the process of preparing an application for leave to appeal to the Supreme Court of Canada.

Thank you

Paul Taylor

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[redacted]
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December 14, 2018

Chief Justice for The Court of Appeal for Ontario
The Honourable Chief Justice George R. Strathy

Chief Justice for the Superior Court of Justice
The Honourable Chief Justice Heather Forster Smith

Court of Appeal for Ontario and
The Ontario Superior Court of Justice
Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N5

Dear Chief Justices,

My name is Paul Taylor, I am an injured worker, with numerous physical and psychological disabilities. I have been a self-represented litigant on several matters in the Ontario Superior Court of Justice as well as the Court of Appeal for Ontario. I am writing you not knowing if you will receive this letter. How to contact you, the Chief Justices, has been intentionally left off any information about our court system in Ontario. I am writing you both, the Chief Justice for Superior Court of Justice and the Chief Justice for the Court of Appeal for Ontario, to attempt to understand why injured workers who are self-represented, and suffering from numerous physical and psychological disabilities, such as myself, are not respected for who and what we are by the Justices in Ontario. Moreover, the disrespect falls well into the area of pure hatred! This leads me to the question of:

Why do the Justices in Ontario hate injured workers so much, to deprive injured workers of any rights?

I hear many people say: "*You can't sue a WCB/WSIB/WorkSafe* in Canada". When I ask them why, they have no answer, except "*because*". I sought redress within our court system for one simple reason, to seek justice for injured workers, like myself. I learned that in Canada, like most countries, we have three parts to our government. The three parts of government are constitutionally empowered and obligated: the legislature, who creates the laws; the executive, who ensures the laws are put into practice; and most importantly, the judiciary, who has the

constitutionally empowered responsibility and obligation to ensure the actions and laws of our government, the executive, and the legislatures, comply with our Constitution. In addition to my fight in the courts for justice for injured workers, I have also run for political office and will continue to run in future Provincial and Federal elections, to fight for fairness for all Canadians.

To anticipate your form-letter response, I have also sent a copy of this letter to the Law Society of Ontario and the Canadian Judicial Council, in the form of a complaint. I am also in the process of preparing a motion to extend time and application for leave to appeal, the Court of Appeal for Ontario decisions (C63503, and now C65144) to the Supreme Court of Canada. This will cover any advice in your response, as to the next steps. However, I am utterly skeptical of any real response, action, or justice, but I will continue to fight for justice for injured workers, regardless. For injured workers of Canada, justice has fallen into severe disrepute!

While the actions of the Justices of Ontario towards individuals, such as myself, can only be perceived as extremely troubling, I do wish to express my sincere gratitude. My gratitude goes out to all the Justices of Ontario for the extremely difficult work they must endure. I cannot in any way imagine the work they must do, or how they must do it. Knowing that our Justices must preside over some cases, which can only be described as pure evil. All this, to attempt to right the wrongs, within our society. All the while being exposed to the worst of mankind. It must leave a great psychological impact on the justices. For their devotion to justice, I am very grateful. For this reason, I struggle with great difficulty, to reach my conclusion that:

the justices of Ontario must hate injured workers who are self-represented and have disabilities.

I have provided proof and substantial justification for the conclusion, starting with what is really defined as "*respect*" and what is really defined as "*hatred*".

Among several definitions for "*Respect*" the following is the most appropriate for this specific situation:

"Due regard for the feelings, wishes, or rights of others."

The Carswell Canadian Dictionary of Law 4th Edition defines "hate or hatred" that it:

> *"...connotes emotion of an intense and extreme nature that is clearly associated with vilification and detestation... a most extreme emotion that belies reason; an emotion that if exercised against members of an identifiable group, implies that those individuals are to be despised, scorned, denied respect and* ***made subject to ill-treatment on the basis of group affiliation****".*
>
> Further states that hate/hatred:
>
> *"As referred to in human rights legislation, extreme ill-will and an emotion which allows for no redeeming qualities in the persons to whom it is directed; and unusually strong and deep-felt emotions of detestation, calumny and vilification"* (p. 578)

Unfortunately, injured workers, with disabilities, that represent themselves within our court system, are not being treated with respect by the Justices of Ontario. Injured workers are even, in most cases, being treated with hatred. This is very troubling, as injured workers who are self-represented in the courts are representative of three separate recognized *Charter* statuses or classes of Canadians. The status or classes of Canadians are:

- **self-represented litigants**, and not just those SRLs in family law, but in all areas of law such as civil, criminal, administrative, and so on;

- **individuals who are injured at work**, or more accurately stated, victims of workplace accidents; and

- **those persons with disabilities** people who suffer from physical disabilities, yes physical disabilities that cannot be seen and psychological disabilities.

Self-Represented Litigants Are Being Hated by The Justices of Ontario:
I wish to mention that while I raise concern with the Justices in Ontario, I do wish to state that the court clerks have been very helpful and kind to Self-Represented Litigants ("**SRL**"). Initially, when I started my fight in the court system against the Workplace Safety & Insurance Board ("**WSIB**") and the Workplace Safety & Insurance Appeals Tribunal ("**WSIAT**"), I believed that being treated fair by the justices, as an SRL, just meant simply a right to be able to speak on your own matter and that was all. I was unaware of my true rights as an SRL and were made clear to me when I learned of the Canadian Judicial Council's ("**CJC**") *Principles on Self-Represented Litigants and Accused Persons*, which was adopted by the CJC in 2006, some 12 years ago I might add. I also learned that the Supreme Court of Canada ("**SCC**") adopted the CJC principles, as common law in Canada, in their case of *Pintea v. Johns* (2017) SCC 23. The SCC in their decision, dismissed a decision of a lower provincial appellant court to hold an SRL in contempt. The SCC in their decision, agreed that the SRLs are not aware of all the laws, procedures, and processes of the courts. As such, the SCC has made it quite clear that SRLs should not and cannot be held to the same standard as a represented party, or more importantly, an experienced lawyer. The SCC dismissing a contempt charge sends a very loud message. That errors made by SRLs can even be extremely serious in nature, and that these errors must be overlooked by the courts, **which is in the interest of justice**.

In my past experiences with the Superior Court of Justice and the Court of Appeal, I have experienced many instances of where I was punished by the courts for errors that I had made as an SRL. Errors that would not have been made, had I been an experienced lawyer. More importantly errors, that were not as serious as a contempt charge.

In my own personal experience, in February 2014, I prepared and filed a statement of claim against the WSIB and the WSIAT. My claim was based on the WSIB & the WSIAT had acted in ***bad faith*** when they administered my claim and appeals. My advancement of ***bad faith*** was to remove the individual immunity from the WSIB staff, the WSIAT staff, and the WSIB medical consultants. This is specified in s. 179 of the *WSIA* S.O. 1997. ***Bad faith*** is also the main element

of ***Tort of Public Misfeasance***. As I am sure you are aware, ***bad faith*** is an act of ***knowing, intentional, deception***. This is something one would think the courts would be very opposed to and take a very strong stand against. Instead, the Superior Court of Justice and the Court of Appeal for Ontario endorsed and rewarded this behavior of ***bad faith*** on the part of the WSIB and the WSIAT.

The Superior Court of Justice endorsed ***bad faith*** as an acceptable practice of the WSIB and the WSIAT. This was done when the court allowed the WSIB & the WSIAT's motion to dismiss my claim. The Superior Court of Justice stated that my claim lacked a cause of action and the court lacked jurisdiction. His Honour Justice Price later stated in his costs endorsement that my claim may have been successful had it been prepared by an experienced lawyer. His Honour Justice Price also claimed that the court lacked jurisdiction for ***some*** claimed damages, being benefits, but not all claimed damages, but dismissed my entire claim.

The matter was appealed to the Court of Appeal for Ontario. The Court of Appeal confirmed his Honour Justice Price's decision that the court lacked jurisdiction in their decision C63503 dated February 6, 2018. I found this to be extremely contradictory, as the Court of Appeal for Ontario in a previous decision of *Castrillio v. WSIB* stated at para 66 that:

> *"The case makes it clear that, as a general principle,* ***the legislature cannot completely oust the jurisdiction of the Superior Court****, including, most pertinently, an allegation of misfeasance in public office related to its use of statutory power for an improper purpose."*

When I made mention of jurisdiction in *Castrillio v. WSIB* to the Court of Appeal, His Honour Justice Laskin, His Honour Justice Huscroft, and His Honour Justice Paciocco sitting for the Court of Appeal for Ontario, claimed I would only be able to advance such a claim if it was a class proceeding. I also raised the point to the Court of Appeal for Ontario that the issue of whether a WCB/WSIB can be sued was already dealt with in Alberta, in the case of *Wolfert v. Shuchuk* ABCA 109. This case also went before the SCC. The matter was ruled that injured workers can sue a WCB/WSIB/WorkSafe and the claim should not have been prematurely dismissed by the lower court in Alberta. His Honour Justice Laskin, His Honour Justice Huscroft, and His Honour Justice Paciocco sitting for Court of Appeal for Ontario, in their decision not only ignored this case, claiming it was Alberta and not Ontario, but went beyond this and stated in a ***mocking way*** that *"there was no tort of bad faith"*. Ironically, the Court of Appeal in the same decision of *Castrillio v. WSIB* stated that:

> *"The law, as set out in Freeman-Maloy, is that the claimant need not allege or prove actual malice in order to make out the mental element of the cause of action of misfeasance,* ***only bad faith****."* (p. 14)

Both cases previously mentioned make it clear that, as a general principle of law in Canada that, **the legislature cannot completely oust the jurisdiction of the Superior Court,** including, most pertinently, an allegation of misfeasance in public office related to its use of statutory power for an improper purpose. It was clear to me that neither the Superior Court of Justice, nor the Court of Appeal for Ontario would listen to anything I had written, to say, or to argue, as I was just an

SRL. Not to mention, I had advanced several *Charter* arguments which were completely ignored and not even mentioned in their decisions.

The negative indifference by justices towards self-represented individuals was clearly confirmed in the research report conducted in 2015, by the eminent legal scholar Dr. Julie Macfarlane who heads the National Self Represented Litigants Project. Where in the report entitled "*The Use of Summary Judgment Procedures Against Self-Represented Litigants: Efficient case Management or Denial of Access to Justice?*" at page 9 of the report highlighted the fact that "***The number of summary judgment applications against SRLs rose by more than 1000% between 2004 and 2014***". The report further stated that "***96% of applications for summary judgement against self-represented parties was successful***." This is a shocking finding, considering that this unethical behavior has been acknowledged by the CJC, the Supreme Court of Canada, and by his Honour Chief Justice Strathy, who said in his Honour's speech on September 13, 2018 with the opening of the courts that:

> "*The court system remains inaccessible to many Ontarians,* ***particularly the most vulnerable members of our society****. In many instances, their legal problems intersect with their economic, family, health, and social issues.*"

Unfortunately, and with great respect, I submit that his Honour Chief Justice Strathy did not go far enough, as His Honour Chief Justice only made mention of concerns with SRLs in the family court system and no other. In reviewing civil cases involving injured workers, I can find no successful cases involving an injured worker who is an SRL. Most injured workers are left without any form of representation. Injured workers are mostly low income and suffer from numerous physical and psychological disabilities. Injured workers are without question "***the most vulnerable members of our society***" All of the civil cases against the WCBs/WSIB/WorkSafe were denied with the use of summary judgements!

Ironically, the Honourable Chief Justice Strathy's speech was made on the same day I was an SRL before the Court of Appeal for Ontario. I was arguing my motion and appeal. My motion was heard by the panel. My motion was requesting the Court of Appeal for Ontario accommodate disabled persons who can not attend the appeal hearing due to their disabilities. Not surprisingly, both my motion and my appeal were dismissed by the Court of Appeal.

This brings me to another person who experienced ill-treatment as a SRLs. A gentleman by the name of Norman Traversy, when he was attempting to get justice within the court system, was escorted out of the Ottawa court building by the Ottawa Police Services. He posed no threat to the court, staff, or anyone. He showed the court staff and the presiding judge nothing but respect. He was simply waiting for his name to be called to see the judge. More troubling was the concern he was not even informed of any wrong doing, if he in fact did any. Mr. Traversy also suffers from PTSD, which he suffers from, for being a first responder, who responded to many fires and countless horrific accidents. Clearly his disabilities were not accommodated by the judge, the court staff, or the Ottawa Police Services, let alone his Constitutional Rights. Accommodating persons with disabilities is my next concern.

Disabled Persons Are Being Hated by The Justices of Ontario:
In my Court of Appeal hearing on September 13, 2018 the court clerks provided an accommodating courtroom and even provided a hearing device for a hard of hearing individual. For which I am extremely grateful for. However, all too often I have watched others and experienced myself be discriminated against by the Justices of Ontario. This was simply because the Justices of Ontario do not understand how, or even if they must accommodate persons with disabilities. In my observation of others, I watched as an SRL in Brampton Superior Court of Justice who stated to the Justice on countless occasions he was unable to represent himself due to his psychological disability from a head injury. He also stated on numerous occasions to the Justice that he did not understand what was being said to him and he required the assistance of a friend – a *'McKenzie friend'*. This was denied by the Justice. The Justice went beyond denying his request and in turn, mocked his request. The justice stated there was no such thing as a *'McKenzie friend'* because her Madam Honour never heard of it.

In my own personal experiences, when I was before his honour Justice Lemay in Brampton. I had respectfully asked the court to record the proceedings in accordance with the Superior Court Practice Directive. This was signed and ordered by her Honour Madam Chief Justice Heather Smith. I explained to his Honour Justice Lemay that the normal procedure is to ask the court to record for note taking purposes. I further explained that this does not apply for persons with disabilities, such as myself, as it states in the practice directive. Meaning disabled persons can record court proceedings, without consent of the court. I was asking the court out of respect, to not surprise them. His Honour Justice Lemay did allow me to use the recorder, but with strict limitations. Something that left me concerned. Later when I would go before the Court of Appeal for Ontario, I was completely denied my request for accommodations. I was advised I could obtain a recording of the hearing from the court after the appeal hearing was completed.

Among the many physical and psychological disabilities, I suffer, one is Attention Deficient Disorder - ADD. It simply means I struggle to focus at times, more so in stressful situations. I had mentioned this to the Brampton Superior Court of Justice. Prior to the motion hearing, before his Honour Justice Price. I had also carefully prepared and wrote out my oral arguments in advance. This was so I could stay focused, raise critical points, as well as stay on time. I was only able to get part of what I had to say before being stopped by his Honour Justice Price and asked several questions. This left me leaving many important points out. In one instance, his honour put forth an argument to me, that *"if a person becomes 100% disabled then an employer would have to accommodate this."* This statement left me with the impression he was very opposed to having to accommodate any disabled person for any reason. I thought why am I having to defend my right to disabilities, a right which is guaranteed by the *Human Rights Code* and the *Charter*? Both of which have supremacy over all other laws in Ontario. This is not and should not be, a legal argument. It is like a person who believes in a religion being asked to <u>prove their belief</u> in the religion. Or, a person having to <u>prove their belief</u> in their gender being male, female, or whatever. As I stated to His Honour, it was and is ridiculous!

When the matter went before the Court of Appeal on December 18, 2017, again I had prepared my oral statement and arguments in advance. I was again stopped mid-argument and did my best to stay focused, but again I had missed many important points. My many disabilities were ignored and not accommodated by the courts. It was as though they hated me as a person with disabilities.

In my arguments again before the Court of Appeal on September 13, 2018 I had filed a motion. Unfortunately I was not financially able to provide a hard copy and my electronic copy was not provided to the justices. My motion was to request to accommodate Canadians with disabilities by being allowed to video record the hearing and it was denied. The request for accommodation was not unreasonable and was fair. The justices were more concerned with the recording of a court proceeding and quoted s. 130 of the *Courts of Justice Act* R.S.O. 1990. The Justices made no mention of the *Ontario Human Rights Code* or the *Charter*. Both of which have supremacy clauses over other laws, including the *Courts of Justice Act*.

While the Justices of Ontario provide some accommodations for persons with disabilities, they clearly do not go far enough. Some of the ways they could do more is:

- **Protecting a disabled person from unfair justice by allowing a friend to assist them;**
- **Considering any actions or inactions of a disabled person to be that of a simple error which should & must be overlooked, as well as accommodated for;**
- **Allowing individuals to record the proceedings due to their disabilities, whether audio or video; and**
- **Allowing the rebroadcasting of appeals and trials for person with disabilities who cannot attend these hearings due to their disabilities.**

This leaves a reasonable person, with the sense that the Justices of Ontario are systematically targeting a group of individuals who are disabled and, in the process, displaying hatred through their actions and inactions. This hatred is displayed even more so in my last group/class of Canadians, which is injured workers.

Injured Workers Are Being Hated by the Justices of Ontario:

Finally, the issue of the treatment by Justices in Ontario towards injured workers, who really are victims of workplace accidents, leaves one with the disturbing impression that injured workers are hated by the Justices of Ontario. Hundreds of civil law cases have been reviewed involving workers compensation boards ("**WCB/WSIB/WorkSafe**") and injured workers across Canada. There are very few, if any, successful cases where injured workers have been successful in suing the WCBs in Canada, especially in Ontario. The only successful case found was the before mention cases of *Castrillio v. WSIB* and *Shuchuk v. Wolfert* in Alberta. Both matters never even went to trial and settled out of court. This leaves many with the impression that the Justices in Ontario have an ulterior motive of wrongly protecting the administrative justice system, specifically the workers compensation system. This then allows unlawful actions by the WSIB, the WSIAT, their staff, and their consulting staff against Canadians who are in most cases suffering from very serious injuries. The justices of Ontario have allowed the WSIB and the WSIAT to do whatever pleasures them with injured workers, regardless of ***the Rule of Law***!

In my first attempt at justice for injured workers, I attempted to get lawful redress from the unlawful actions on the part of the WSIB & the WSIAT. Redress is something that all free persons should have and must have a right to, or simply put, we do not have rights at all! As Sir Justice William Blackstone stated in his *Commentary of Common-law English Law,* and was stated almost 300 years ago that:

> *"For it is a settled and invariable principle in the laws of England* ***that every right when withheld must have a remedy, and every injury its proper redress****."*(Blackstone 1832)

A legal principle that is very similar to our *Charter of Rights and Freedoms* specifically s. 7 – *life, liberty, security of person*; and s. 24 enforcement or ***redress*** of such infringed rights.

My attempt at legal redress was denied by the Ontario Superior Court of Justice and the Court of Appeal for Ontario. The court's justification was that the courts lacked jurisdiction both in common-law and in *Charter* infringement. This is something I find very hard to accept or even believe. On its own, the assertion by both courts violates the legal principle of the ***"Rule of Law"*** which states:

> *"The rule of law refers to a legal principle of governance in which* ***all persons, institutions and entities, public and private are accountable to laws*** *that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards."* (U.N. 2004)

It is clear to many that the Justices of Ontario are not only protecting the administrative justice system, but are violating provincial laws, Canadian laws, the Constitution of Canada, international laws and virtually all legal principles in the process. The only legitimate explanation is that **the Justices in Ontario must hate injured workers**.

In a second matter that I attempted to have resolved by the courts was the amount and length of institutional delays within the workers compensation system in Ontario. Many injured workers across Canada are ill-informed by the courts that injured workers have a right to speedy determination and payment of benefits. This being in lieu of being able to sue their employers. This is a widely used excuse in Canada, by its courts. However, when I recently raised the issue of the amount and length of systemic delays, in some cases reaching years and even decades within the workers compensations system, my concerns, my appeal, and my motion were all ignored and dismissed. This was done by both the Superior Court of Justice and the Court of Appeal for Ontario. It was as though I, as an injured worker, has no rights in Ontario. Ironically, I was very disheartened by the Ontario Superior Court and the Court of Appeal decisions, especially when I raised mention in my arguments of an 800-year-old charter, the *Magna Carta*, which states:

> ***"To none will we sell, to none will we deny, or delay, the right of justice"***
> (*Magna Carta* 1215 c. 40).

This roughly translates and has even recently been quoted by the Canadian Senate as ***"Justice Delayed is Justice Denied"*** in their report on criminal justice reform. Ironically, when my matter

was before the Superior Court of Justice, Her Honour Madam Petersen raised the point of why she should give me preferential treatment over other injured workers, waiting just as long or longer. This was in response to my claim of being urgent. To this I reply, ***"Fiat justice ruat caelum"*** or in English ***"let justice be done, though the heavens may fall"***. This was quoted from a famous English case of *Somerset v. Stewart* (1772). I also argued with Her Honour that it may appear to be preferential treatment, but she need not worry, as I would ensure all injured workers would also go with me. I also argued that it would not be a valid argument, as previously in a criminal matter before the SCC in the case of *R. v. Jordan*. The SCC, as I am sure you are aware slammed the government for not acting to respond to institutional delays. Troublingly, the courts in their decisions give the perception that injured workers matters could wait indefinitely making it not years, or decades, but a generational issue. Where injured workers are forced to pass their appeals onto their children and grandchildren to fight for them. The Justices justification is that *well, injured workers have waited and well they can continue to wait*. This argument is routinely used by the Justices, even if the injured workers are being pushed into poverty, homelessness, and starvation!

Therefore, the Justices of Ontario have intentionally denied justice to all injured workers for no legitimate reason, but to make the administrative justice system seem perfect, when they know it is not. The justices of Ontario in doing nothing to help injured workers, they have placed hundreds and even thousands of hardworking Ontarians into poverty, but for no other reason than the fact that the Justices of Ontario must hate injured workers.

What is even more disturbing is that the Justices in Ontario believe they are doing Ontario taxpayers and society a great service when they ignore the rights of injured workers, but they are not! When injured workers legitimate claims for workers compensation benefits are wrongly delayed and denied, injured workers are then forced onto taxpayer funded social programs such as Ontario Works, OHIP, OSAP, CPPD, etc. It has been estimated that ***more than 1,400 injured workers are forced onto OW& ODSP each and every month in Ontario, due to the systemic failures from the workers compensation system, which is solely funded by employers and not taxpayers***.

In conclusion, and before you inform me, I will have to file an appeal, please note that as I mentioned earlier, I am presently preparing a motion and application to the SCC. I have never done this before, so it is taking me a considerable amount of time to learn the process, not to mention overcoming my physical and psychological disabilities. I have also sent a copy of this letter to the CJC and the Law Society of Ontario, counsel for the WSIB and the WSIAT, my MPP and my MP. I wish to state that the actions of the Justices of Ontario towards individuals such as myself, who are self-represented injured workers with disabilities, have placed our justice system into ***severe disrepute!*** For their only driving force, is to despise injured workers who were self-represented and disabled, was covert self-motives. What other reason could one justify their actions and inactions against me and others. This as I indicated above is the legally defining factor of what hatred is.

I wish to say that I wish no disrespect to the Justices of Ontario, or to you the Chief Justices, but I strongly believe I would be showing total and utter disrespect to our justice system if I do not say, do anything, or even make you aware of the current crisis within our justice system.

I remain respectfully yours,

[redacted]

Paul Taylor

Respect: *"a feeling of deep admiration for someone or something elicited by their abilities, qualities, or achievements!"*

c.c. Canadian Judicial Council of Canada
Law Society of Ontario
M. P. Lloyd Longfield
M.P.P. Mike Schreiner
Mr. J.D. Belec – Counsel for WSIB
Mr. M. Fenrick – Counsel for WSIAT
Injured Workers of Ontario