

COURT OF APPEAL FOR ONTARIO

CITATION: Pyper v. Goble, 2024 ONCA 372

DATE: 20240508

DOCKET: COA-23-CV-1062

Roberts, Trotter and George JJ.A.

BETWEEN

Marie Pyper and Onyx Community Services

Applicants (Respondents)

and

Trevor Goble

Respondent (Appellant)

Trevor Goble, acting in person

Kyle Shimon and Noel Platte, for the respondents

Heard and released orally: May 3, 2024

On appeal from the order of Justice Robyn M. Ryan Bell of the Superior Court of Justice, dated September 25, 2023.

REASONS FOR DECISION

[1] The appellant appeals from the order made under s. 140 of the CJA declaring him to be a vexatious litigant.

[2] The appellant submits that the motion judge erred in her assessment of the evidence before her, in particular, her credibility findings and in preferring the evidence of the respondent, Marie Pyper, over his evidence. He also argues that Marie Pyper had no authority to commence the s. 140 application on behalf of the respondent, Onyx Community Services. Finally, he says that there were no

previously decided matters before the court that could have supported the finding that he had engaged in vexatious litigation.

[3] We do not accept these submissions.

[4] The motion judge correctly applied the governing principles and made no error in her assessment of the evidence that she carefully and thoroughly reviewed, including the long history of vexatious proceedings engaged in by the appellant. The appellant has pointed to no error in the motion judge’s analysis or findings. Her findings were open to her to make on the record before her. There is no basis to interfere with her order.

[5] We see no merit to the appellant’s argument that the application was not properly authorized by either respondent. As she indicated in her sworn affidavit, Ms. Pyper is the Executive Director of Onyx. The respondents were represented by counsel who clearly had their clients’ authority to proceed with the application.

[6] The appeal is dismissed.

[7] The respondents are entitled to their costs of this appeal from the appellant forthwith on a substantial indemnity basis in the amount of \$24,103.41. This appeal was frivolous and vexatious. The respondents should not have been put to the expense of responding to it.

“L.B. Roberts J.A.”
“Gary Trotter J.A.”
“J. George J.A.”