

CITATION: Mohammad v. Farar, 2024 ONSC 4562
COURT FILE NO.: CV-24-00717388-0000
DATE: 20240816

ONTARIO SUPERIOR COURT OF JUSTICE

RE: Ahmad Mohammad, Plaintiff

-and-

David Farar, Catherine Munn and Stephen Hart, Defendants

BEFORE: Robert Centa J.

COUNSEL: Ahmad Mohammad, self-represented plaintiff

Sean Murtha, for the defendants

HEARD: August 18, 2024

ENDORSEMENT

[1] Ahmad Mohammad commenced this action against the defendants David Farar, Catherine Munn, and Stephen Hart. It is another action arising out of Mr. Mohammad’s troubled relationship with McMaster University.¹ On June 13, 2024, the Court of Appeal for Ontario summarized one aspect of Mr. Mohammad relationship with McMaster as follows:

[Mr. Mohammad] was formerly a student at McMaster University (the “University”). Beginning in 2017, he was supervised by Professor Bakr and a co-supervisor, and by early 2019, Professor Bakr noticed a deterioration in the moving party’s mental health. The moving party showed signs of paranoia, including making accusations of faculty stealing and manipulating his research. In 2019, he began to call Professor Bakr repeatedly.

¹ For a non-exhaustive sampling of cases, see: *Mohammad v. McMaster University*, 2021 ONSC 3494 (statement of claim struck out pursuant to r. 2.1.01); *Mohammad v. Sajjad-Hazai*, 2021 ONSC 8490 (statement of claim struck out pursuant to r. 21.01(1)(b)); *Mohammad v. Munn*, 2023 ONSC 4361 (appeal dismissed pursuant to r. 2.1); *Mohammad v. McMaster University*, 2023 ONCA 598 (dismissing three appeals pursuant to r. 2.1); *Mohammad v. McMaster Security Services, Hamilton Police, and Hamilton Crown Attorney* (CV-23-00692952-0000, dismissed on September 11, 2023, pursuant to rule 2.1); *Mohammad v. Bakr*, 2024 ONSC 290 (action dismissed pursuant to r. 2.1) aff’d 2024 ONCA 347 (appeal dismissed pursuant to r. 2.1).

In February 2019, the University severed its relationship with the moving party via a persona non grata letter, prohibiting him from entering any University property or communicating with members of the University community, although he continued to communicate with them through third parties. The University issued several more letters. In the fourth letter, the moving party was notified that continued non-compliance may result in criminal charges. On February 10, 2020, Professor Bakr was approached by the moving party on the way to his car that was parked on campus. The moving party was charged with criminal harassment the same month.

The Crown sought a common law peace bond. Justice Campling of the Ontario Court of Justice imposed a two-year peace bond on June 29, 2021, which was upheld on judicial review by Goodman J. of the Superior Court of Justice in December 2021. In November 2022, the moving party brought a motion for an extension of time to serve and file a notice of appeal from Goodman J.'s decision. This was a 10-month delay.

Following the peace bond, the moving party filed private prosecutions against three people associated with the University. Pre-enquete hearings were held before a Justice of the Peace and at each hearing the Crown exercised its prosecutorial discretion, entering a stay of proceedings for all three private prosecutions. The moving party sought review of or relief in view of the stays. Goodman J. summarily dismissed the moving party's request.²

- [2] I find that Mr. Mohammad's latest action is also frivolous, vexatious, and an abuse of the process of the court. For the reasons that follow, I dismiss this action pursuant to rule 2.1 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg 194.

Procedural history

- [3] This matter came before me on June 4, 2024, in Civil Practice Court. Later that day, the registrar's office referred this motion to me pursuant to rule 2.1.01(7), following receipt of a written request from lawyers for the defendants.
- [4] On June 5, 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.³ I directed the registrar to notify Mr. Mohammad and provide him with an opportunity to explain why the claim should not be dismissed at this time.

² *R. v. Mohammad*, 2024 ONCA 49, at paras. 2 to 5.

³ *Mohammad v. Farar*, 2024 ONSC 3217

- [5] On June 7, 2024, Mr. Mohammad provided an email message he described as a “brief factum” and some documents, all of which related to a different proceeding he commenced. In his email message, Mr. Mohammad requested that he “be fully accommodated as per the doctor’s request.” Mr. Mohammad’s message attached a letter from his psychiatrist that requested that I provide an extension of time for Mr. Mohammad to respond and to allow him to make oral submissions instead of written submissions.
- [6] In an endorsement dated June 10, 2024, I provided Mr. Mohammad with an extension of time and required him to deliver his written submission in this proceeding on or before August 10, 2024. I declined to allow Mr. Mohammad the opportunity to make oral submissions. As I explained:

I am, however, not prepared to grant Mr. Mohammad the right to make oral submissions. On April 8, 2024, I presided over a case conference involving Mr. Mohammad in a different action he commenced (court file CV-23-00706376-0000). In my endorsement on that day, I wrote as follows:

Finally, I note that Mr. Mohammad was very disruptive during this call. He became increasingly agitated to the point where I directed the Registrar to mute his microphone. Despite this, he continued to unmute his microphone and continued to yell things at me including “What is your net worth?” and “You are a criminal.” This behaviour was unacceptable and cannot be repeated.

Despite my clear direction, when Mr. Mohammad appeared in Civil Practice Court on June [4], 2024, on this matter, he again spoke in a disruptive, loud, and aggressive manner.

Given Mr. Mohammad’s past behaviour, his unwillingness or inability to follow my directions and to conduct himself appropriately during oral hearings, and the summary nature of the rule 2.1 process, I am not prepared to provide him with an oral hearing. If there are other accommodations, in addition to the extension of time that I have granted to him, that he feels would be helpful, Mr. Mohammad may send a request for further accommodations....

- [7] Mr. Mohammad did not provide any submissions by the extended deadline or request any further accommodations.

Rule 2.1

- [8] 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:

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*.⁴

- [9] 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.⁵
- [10] 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.⁶

The action is frivolous, vexatious and an abuse of process

- [11] The nine-paragraph statement of claim is handwritten. The statement of claim identifies two of the three defendants as David Farar, the President of McMaster University, Dr. Catherine Munn, an “administrative person” at McMaster and Mr. Mohammad’s former psychiatrist.
- [12] The third defendant, Stephen Hart, is not mentioned in the body of the statement of claim. The distribution list for the statement of claim indicates that the claim was delivered to Stephen Hart (International Protect). Mr. Mohammad has pleaded no facts to suggest that Mr. Hart is a proper defendant. The action against Mr. Hart is frivolous in the sense that it cannot possibly succeed, and it is vexatious in the sense that he should not be dragged into

⁴ *Gao v. Ontario (Workplace Safety and Insurance Board)*, 2014 ONSC 6100. See also *Scaduto v. Law Society of Upper Canada*, 2015 ONCA 733.

⁵ *Van Sluytman v. Orillia Soldiers' Memorial Hospital*, 2017 ONSC 692, at para. 11.

⁶ *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.

litigation in the absence of a factual nexus to any of the alleged injuries suffered by the plaintiff.

[13] Mr. Mohammad alleges that:

- a. Dr. Farar committed “significant privacy breaches of false information”;
- b. Dr. Munn “misdiagnosed my PTSD purposely!”;
- c. Dr. Farar asked Project International to “write false information about me” and to “flip the facts upside down”;
- d. Dr. Farar asked the Hamilton Police Service to “inject me with toxic chemical treatment...which is deadly to my biology!”
- e. “This is an attempt to cause bodily but psychological harm against innocent person!”

[14] The statement of claim seeks the following relief:

1. To receive the full [disclosure] sent to Protect International.
2. To receive Faisal Babha’s investigative report.
3. To receive full information of every payment made by the President against me.

[15] I find that the action is frivolous, vexatious and an abuse of the process of the court for four reasons.

[16] First, it is difficult to discern a plausible cause of action in the statement of claim. Mr. Mohammad is asserting a conspiracy of some sort, but the allegations contain no particulars and are very poorly explained. It is difficult to see the factual basis for any of the claims asserted.

[17] Second, Mr. Mohammad has made very serious allegations against Dr. Farar and Dr. Munn but has pleaded no material facts in support of those allegations. Pleading a claim in this manner is vexatious.

[18] Third, Mr. Mohammad has litigated some or all of these matters previously and has done so in a way found to be vexatious. The repeated initiation of meritless litigation is itself vexatious. It places unnecessary and unreasonable burdens on defendants and the court system.

[19] Fourth, despite giving Mr. Mohammad an opportunity to file written submissions explaining why the action should be dismissed, and then extending the deadline by which he could provide those submissions, he did not provide any submissions. While it is

possible that Mr. Mohammad could have persuaded me that his action should be allowed to proceed, he did not do so.

[20] 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: August 16, 2024