

Workers Union, 2002 FCT 656 which held that were a company is found in contempt, aiding and abetting directors may also be found in contempt.

[7] On May 2, 2023, at a case conference, counsel, Mr. Morris, attended on behalf of MEJJ and assured Chalmers J. that MEJJ would satisfy undertakings within one month.

[8] Chalmers J. did not schedule the contempt motion but ordered that MEJJ answer undertakings within one month failing which the contempt motion could be brought.

[9] On July 24, 2024, the parties appeared before me. At that time, MEJJ had a new counsel who attended and advised that MEJJ was working on the undertakings and would be satisfied shortly. The motion was adjourned on consent to permit this.

[10] The parties then attended before me on October 9, 2024, at 2:00. Undertakings had still not been fully complied with but MEJJ's counsel indicated that they were almost complete and that she had sent a raft of undertakings to the plaintiff shortly before 2:00 pm. Counsel for the plaintiff had not had time to review the undertakings but took the position that I should still make a contempt order because MEJJ had acted in contempt of the court through all of the significant delays.

[11] MEJJ and Mr. Roopchand argued that I should adjourn the motion.

Decision

[12] For the reasons that follow, I declare that MEJJ is in breach of McGraw A.J. and Chalmers J.'s Orders.

[13] I am directing that it comply with these orders by November 1, 2024, failing which the contempt motion will proceed on November 18, 2024, at 10:00 a.m.

Analysis

[14] It was not appropriate to adjourn the motion. MEJJ had flouted two court orders for a considerable length of time.

[15] As O'Leary J explained in *Canada Metal Co. v. Canadian Broadcasting Corp. (No. 2)*:

To allow court orders to be disobeyed would be to treat the road towards anarchy. If orders of the Court can be treated with disrespect, the whole administration of justice is brought into scorn. Daily, thousands of Canadians resort to our Courts for relief against the wrongful acts of others. If the remedies that the Courts grant to correct those wrongs can be ignored, then there will be nothing left but for each person to take the law into his own hands. Loss of respect for the Courts will quickly result in the destruction of our society.

Canada Metal Co. v. Canadian Broadcasting Corp. (1974), 4 OR (2d) 585, 1974 CanLII 835 (Ont HC) at para. 70, affirmed, 1975 CanLII 544 (Ont CA)

[16] However, I am not persuaded that at this stage it is appropriate to make an Order of contempt, particularly since MEJJ has made significant efforts and delivered most of the undertakings.

[17] The exercise of the contempt power is discretionary and Courts discourage the routine use of this power to obtain compliance with court orders. The power should be exercised cautiously and with great restraint as an enforcement tool of last, rather than first, resort: *Ruffolo v. David*, 2019 ONCA 385.

[18] Before making a contempt finding, a judge should consider other options, such as issuing a declaration that the party breached the order: *Carey*, at paras. 36-37; *Chong v. Donnelly*, 2019 ONCA 799, 33 R.F.L. (8th) 19, at paras. 9-12; *Valoris pour enfants et adultes de Prescott-Russell c. K.R.*, 2021 ONCA 366, at para. 41; and *Ruffolo, supra*, at paras. 18-19.

[19] In this case, I am giving MEJJ one last chance to put itself into compliance, which shall be done by November 1, 2024.

[20] The contempt motion shall return before me on November 18, 2024, at 10:00 a.m. in the event there are still issues with noncompliance.

[21] MEJJ and Mr. Roopchand shall pay costs to the plaintiff fixed in the amount of \$4,000 payable within 14 days.

Papageorgiou J.

Released: October 10, 2024

CITATION: Amon v. Mejj Enterprises Inc., 2024 ONSC 5640

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

SUSAN AMON

Plaintiff

– and –

MEJJ ENTERPRISES INC, and WEST REALTY
GROUP LTD. cob ROYAL LEPAGE WEST REALTY
GROUP

Defendants

REASONS FOR JUDGMENT

Papageorgiou J.

Released: October 10, 2024