

CITATION: Conroy v. Toronto Police Services Board, 2024 ONSC 6709
COURT FILE NO.: CV-24-00713502
DATE: 20241202

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN:)
)
IAN CONROY) In person
)
Plaintiff)
)
– and –)
) Akkila Thirukesan, for the Defendants,
TORONTO POLICE SERVICES BOARD) Department of Justice
AND CANADIAN SECURITY)
INTELLIGENCE SERVICE (CSIS)) Michelle Doody, for the Toronto Police
CANADA AND GOVERNMENT OF) Services Board
CANADA)
Defendants)
)
)
)
)
) **HEARD:** November 26, 2024

2024 ONSC 6709 (CanLII)

PAPAGEORGIU J.

Overview

[1] The Plaintiff is a self-represented litigant. The Defendants are moving to strike his Statement of Claim without leave to amend.

[2] The Plaintiff attended the motion in person accompanied by his wife who is obviously a tremendous support to him. He was well-spoken, well prepared, pleasant, and respectful. It was clear to me that he sincerely believes that he has been the target of a wide conspiracy involving numerous US officials as well as doctors, dentists, broadcasters, the Canadian defendants, and others, which conspiracy has lasted over twenty years.

[3] The main allegations are against US officials, in particular the FBI.

[4] Both in his Claim and in person before me, the Plaintiff asserts that he has been targeted by these US officials because he is in possession of classified information relating to the US government’s ability to surveil people and remotely impact them physically and mentally with

their technology. When I asked him how he came to possess this classified information, he had no response.

[5] He says that the US government has used this technology to read his mind, remove and reinstate sexual feelings, and to assassinate him on several occasions by sending some kind of signal that affects his heart and mind through satellites. In his factum, he says that this happened to him recently while driving on the 401.

[6] He also says that he has been receiving messages on his television set from President Obama and President Joe Biden. He says President Biden presented himself to the Plaintiff while he was watching television, with a threatening face and a closed fist under his chin. At the hearing, he provided me with a photograph of President Biden to show me the way that President Biden appeared to him. He says that this pose was a message to him that he should stay silent about what he knew. When he complained to the police about this, he says he was forcibly admitted to CAMH. He alleges that President Obama also spoke to him over the television and advised him that he should go to Brazil.

[7] Other allegations in the Statement of Claim are that: parties have been tampering with his food from Uber Eats, that he has been slandered in the media because “broadcasters are doing eye gestures (moving both eyes completely to the left or looking straight upwards with both eyes) on live television”, and that his computers were hacked with the main impact being that the quality of his music was degraded to a lower quality.

[8] He says that he has been falsely diagnosed with schizophrenia because the US government and others have influenced his physicians in this regard in order to silence him.

[9] The Claim against the Toronto Police Services Board (“TPSB”) is that it has been involved with and/or collaborated with the US entities that have targeted him, and that it failed to investigate his various complaints about what these US bodies and officials were doing.

[10] As against the Attorney General of Canada (“AGC”), the Plaintiff’s claim relates to complaints that he made to CSIS about some of the events set out in the Claim.

[11] He claims damages in the amount of \$1.5 billion.

[12] He commenced a similar claim in 2022 which was much shorter. The AGC brought a motion to dismiss pursuant to r. 2.1 which was dismissed. The plaintiff discontinued that Claim shortly afterwards.

[13] The defendants bring a motion to strike the Claim in its entirety pursuant to r. 21.01(1)(d) and 21.01(3)(d) as well as r. 25.11.

Decision

[14] I grant the order sought and strike out this Claim without leave to amend.

Issues

- Issue 1: Does the Claim against the TPSB set out sufficient particulars to permit the TPSB to respond?
- Issue 2: Does the Claim against the AGC disclose a cause of action?
- Issue 3: Should the Claim be struck pursuant to rr. 25.11 and 21.01(3)(d)?
- Issue 4: What is the appropriate remedy and should leave to amend be granted?

Analysis

The Law

[15] Rule 25 of the *Rules of Civil Procedure* sets out detailed rules applicable to pleadings.

[16] In *Cerqueira v. Ontario*, 2010 ONSC 3954, at para. 11, Strathy J., as he then was, set out the following principles applicable to pleadings which are relevant in this case:

(a) the purpose of pleadings is to give notice of the case to be met, to define the matters in issue for the parties and for the court, and to provide a permanent record of the issues raised: *1597203 Ontario Limited v. Ontario*, [2007] O.J. No. 2349; *Aristocrat Restaurants v. Ontario*, [2003] O.[J]. No. 5331 (S.C.J.) at para. 15; *Somerleigh v. Lakehead Region Conservation Authority*, 2005 CarswellOnt 3546 (S.C.J.) at para. 5;

(b) the causes of action must be clearly identifiable from the facts pleaded and must be supported by facts that are material: *CIT Financial Ltd. v. Sharpless*, 2006 CarswellOnt 3325;

(c) every pleading must contain a concise statement of the material facts on which the party relies but not the evidence by which those facts are to be proved: rule 25.06; this includes pleading the material facts necessary to support the causes of action alleged;

...

(f) the court may strike part of a pleading, with or without leave to amend, on the grounds that (a) it may prejudice or delay the trial of an action, (b) it is scandalous, frivolous or vexatious, or (c) it is an abuse of the process of the court: rule 25.11;

...

(i) allegations of fraud, misrepresentation, negligence and conspiracy must be pleaded with particularity: *Lana International Ltd. v. Menasco Aerospace Ltd.* [1996] O.J. No. 1448.

[17] As noted in the recent Court of Appeal decision, *Burns v. RBC Life Insurance Company*, 2020 ONCA 347, at para. 16:

... Each defendant in a statement of claim should be able to look at the pleading and find an answer to a simple question: What do you say I did that has caused you, the plaintiff, harm and when did I do it?

[18] Under Rule 21.01(1)(b), a party may move to strike out a pleading on the ground that it does not disclose a cause of action. On such a motion, the following principles apply:

- a. All allegations of fact, unless plainly ridiculous or incapable of proof, must be accepted as proven.
- b. The defendant, in order to succeed, must show that it is plain and obvious and beyond doubt that the plaintiff could not succeed in the claim.
- c. The novelty of the action will not militate against the plaintiff.
- d. The Statement of Claim must be read as generously as possible with a view to accommodating any inadequacies in the allegations due to drafting deficiencies. *Jacobson v. Skurka*, 2015 ONSC 1699, 125 O.R. (3d) 279, at para. 73; *Hunt v. Carey Canada Inc.*, [1990] 2 S.C.R. 959, at pp. 972-973; *Dawson v. Rexcraft Storage and Warehouse Inc.* (1998), 164 D.L.R. (4th) 257 (Ont. C.A.), at para. 9.
- e. A claim will be found legally insufficient when its allegations “do not give rise to a recognized cause of action or it fails to plead the necessary elements of an otherwise recognized cause of action...[A] plaintiff must, at minimum, plead the basic elements of a recognized cause of action pursuant to which an entitlement to damages is claimed. Vague allegations that make it impossible for [the defendant] to reply should be struck”: *Aristocrat Restaurants Ltd. v. Ontario*, 2003 CarswellOnt 5574, at paras. 18-19.

[19] Leave to amend will only be denied in the clearest of cases when it is plain and obvious that no tenable cause of action is possible on the facts as alleged and there is no reason to suppose that the party could improve his or her case by any amendment: *Mitchell v. Lewis*, 2016 ONCA 903, 134 O.R. (3d) 524, at para. 21; *Conway v. Law Society of Upper Canada*, 2016 ONCA 72, 395 D.L.R. (4th) 100, at para. 16; *South Holly Holdings Ltd. v. The Toronto-Dominion Bank*, 2007 ONCA 456, at para. 6.

Issue 1: Does the claim against the TPSB set out sufficient particulars to permit the TPSB to respond?

[20] As noted, most of the Statement of Claim is about what US officials have allegedly done. The TPSB is not mentioned in most paragraphs of the Statement of Claim.

[21] Although not specified, it appears that the causes of action that the Plaintiff is advancing against the TPSB are assault, negligent investigation and conspiracy to injure. As noted, the *Rules of Civil Procedure* require pleadings with respect to negligence and conspiracy to be pleaded with particularity. However, the Plaintiff has failed to provide such particulars. Apart from generalities, the “who”, “what”, “where” and “when” are missing. These details are important to permit the TPSB to respond especially because the allegations span a twenty-year period during which the Plaintiff admits he has never been criminally charged with anything.

[22] For example,

- He pleads in paragraph 9 that since 2003, the Toronto Police and the FBI have tried to coerce his family and friends to get them to comply with their investigation to “squeeze” him but provides no details.
- He pleads in paragraph 10 that since 2003, the Toronto Police and the FBI have made threats “to make the Plaintiff and the Plaintiffs daughter live a "pure" life if the Plaintiff didn't comply with the investigation(s).” He says that he was also threatened that the Toronto Police and the FBI would be on top of him with surveillance inside of jail until death occurred by hanging if the Plaintiff tried to legally defend himself. There are no details as to who made these threats, or when or how they were conveyed.
- He says in paragraph 16 that he has experienced “extensive financial suppression” from the Toronto Police and the US Government (FBI). Although there are some pleadings about the Canadian Revenue Agency and his CPP disability payments, he does not explain what the Toronto Police did to suppress him financially.
- He says in paragraph 23 that from 2013 until present the Toronto Police and US Government (FBI) have attempted to lure him with women for sexual relations in an attempt to break up his marriage, and also backdown in the investigation. But he provides no details.
- He says in paragraph 26 that since 2003 the Toronto Police and the FBI have tortured him and committed human rights violations. But he provides no details in respect of this alleged torture. To the extent this torture relates to the satellite attacks that he has pleaded, these pleadings are about the FBI.
- He says in paragraph 31 that undercover officers entered his house without a warrant on hundreds of occasions without any particulars as to when and who.
- He says in paragraph 32 that undercover agents threatened to whip him but provides no details.

[23] There are also many paragraphs where there are allegations about an “investigation” without identifying whether this relates to the TPSB or the FBI. There are also insufficient particulars in these paragraphs.

[24] As well, many of the pleadings are bald, unsupported by material facts, and amount to nothing more than conjecture, assumptions or speculation. For example:

- He says in paragraph 13 that for the past 7 years, Toronto Police and the US Government (FBI) used satellite surveillance to remove and reinstate his sexual feelings (libido)
- He says in paragraph 19 that his human rights have been violated because he has been unsuccessful in obtaining legal counsel because his electronic communications are being intercepted by the TPSB.

[25] The pleading is deficient. There are insufficient facts pled that would permit the TPSB to properly defend itself and meaningfully respond to the allegations.

[26] As well, there are numerous things set out in the claim that common sense tells me are incapable of proof. It is plain and obvious that the plaintiff cannot succeed on this claim, when read as a whole.

Issue 2: Does the claim against the AGC disclose a cause of action?

[27] There is no common law right to sue the Crown in tort. Liability of the Crown in tort is derived from and governed by section 3 and 10 of the *Crown Liability and Proceedings Act* (CLPA). By virtue of s.3(b)(i) of the CLPA, the Crown can only be found vicariously liable for the acts or omissions of its servants, that are committed within the course of their employment. In other words, for the Crown to be liable for any of the torts alleged in the Plaintiff's Claim, the pleadings must identify a "servant" of the Crown, within the meaning of the CLPA, who is responsible for the acts complained of.

[28] The Claim fails to appropriately identify any individual servants of the Crown that are responsible for the conduct alleged to give rise to any of the causes of action advanced.

[29] Additionally, there are only five paragraphs that mention CSIS or the AGC. Even if the Plaintiff had set out who the Crown's servant was, four of these paragraphs fail to set out a cause of action even when read generously.

- Paragraphs 17 and 27 plead that the US government tried to assassinate him, that he escalated the matter to CSIS and that CSIS was able to stop further attacks. It is unclear how a cause of action against CSIS arises out of these pleadings since on their face, they plead that CSIS was of assistance in stopping assassination attempts by the US government.

- Paragraph 29 pleads that the US government remotely changed his password on his computer. This was an inconvenience; he escalated this to CSIS and the matter was resolved since escalating it. It is unclear how this results in any cause of action against the AGC.
- Paragraph 41 pleads that he experienced a remote assassination attempt while he was wearing headphones and an explosion occurred in his headphones that gave him headaches and nausea afterwards. The only allegation here is that he informed CSIS of this occurrence. It is unclear how this results in any cause of action against the AGC.

[30] Therefore, the pleading as against the AGC is also deficient.

[31] It is plain and obvious that the claim against the AGC cannot succeed.

Issue 3: Should the claim be struck pursuant to rr. 25.11 and 21.01(3)(d)?

[32] Finally, I am satisfied that this Claim, when read as a whole, fits within the concerns raised by Myers J. in *Gao v. Ontario WSIB*, 2014 ONSC 6497. Although *Gao* involves r. 2.1, the wording of r. 2.1 is the same as that in rr. 25.11 and 21.01(3)(d).

[33] Although the previous Statement of Claim was not struck pursuant to r. 2.1, it was not the same and did not raise all of the concerns raised by this one.

Issue 4: What is the appropriate remedy and should leave to amend be granted?

[34] The defects are so significant that the Claim as a whole must be struck.

[35] I have had the benefit of hearing the Plaintiff's response to the arguments and he was unable to provide any new facts that he could plead that would cure the defects. He essentially repeated much of what is in the Statement of Claim, without providing the details that could cure it.

[36] I am satisfied that there are no possible amendments that would result in this being a viable claim against these defendants.

Conclusion

[37] Therefore, the Claim is struck without leave to amend.

[38] I recognize that this will be a disappointment to the Plaintiff who, as I said, I found to be a pleasant and sincere man.

[39] However, as the Court held in *Rebello v. The Bank of Nova Scotia*, 2018 ONSC 7127, [granting leave to amend] "would just be an initiation to the plaintiff to inflict further costly

proceedings on the defendant with no realistic sense that a credible lawsuit lies dormant waiting to emerge."

[40] I encourage the parties to resolve costs but if they wish the parties may make submissions as follows: the Defendants within 5 days no longer than 5 pages and the Plaintiff within 5 days no longer than 5 pages.

Papageorgiou J.

Released: December 2, 2024

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SUPERIOR COURT OF JUSTICE

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IAN CONROY

Plaintiff

– and –

TORONTO POLICE SERVICES BOARD AND
CANADIAN SECURITY INTELLIGENCE SERVICE
(CSIS) CANADA AND GOVERNMENT OF CANADA
Defendants

REASONS FOR JUDGMENT

Papageorgiou J.

Released: December 2, 2024