*(Court file no.)*

Form 2.2A

Courts of Justice Act

notice of motion FOR VEXATIOUS LITIGANT ORDER

*(General heading)*

notice of motion FOR VEXATIOUS LITIGANT ORDER

THE MOVING PARTY IS SEEKING A VEXATIOUS LITIGANT ORDER against *(identify person against whom you are seeking a vexatious litigant order)* under subsection 140 (1) of the *Courts of Justice Act*. If granted, the order may restrict the ability of *(identify person against whom you are seeking a vexatious litigant order)* to commence or continue court proceedings in any court in Ontario.

TO THE RESPONDING PARTY WHO IS THE POTENTIAL SUBJECT OF A VEXATIOUS LITIGANT ORDER

IF YOU ARE THE PERSON AGAINST WHOM A VEXATIOUS LITIGANT ORDER IS BEING SOUGHT AND YOU WISH TO RESPOND TO THIS MOTION, you or an Ontario lawyer acting for you must prepare a response in Form 2.2D (found on <https://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/>) prescribed by the *Rules of Civil Procedure*, serve it on the lawyer of the moving party and the lawyers of all persons named in the list of ongoing proceedings in this notice (the “notified persons” as defined in Rule 2.2) or, if the moving party or any notified person does not have a lawyer, serve it on the moving party or notified person themselves, and file it, with proof of service, in this court office. Your response in Form 2.2D must be served and filed with proof of service within 20 days after you receive this notice. If you do not file a response, a judge may make an order against you without your participation. See Rule 2.2 of the *Rules of Civil Procedure* for details about the procedures applicable to this motion.

TO ALL OTHER RESPONDING PARTIES AND NOTIFIED PERSONS

IF YOU WISH TO REPLY TO THIS NOTICE OR ANY RESPONSE MADE BY *(identify person against whom the vexatious litigant order is being sought)*, you or an Ontario lawyer acting for you may prepare a reply in Form 2.2E (found on <https://ontariocourtforms.on.ca/en/rules-of-civil-procedure-forms/>) prescribed by the *Rules of Civil Procedure*, serve it on the lawyers for all the parties and all other persons named in the list of ongoing proceedings in this notice (the “notified persons” as defined in Rule 2.2) or, if any party or notified person does not have a lawyer, serve it on the party or notified person themselves, and file it, with proof of service, in this court office. If the person against whom a vexatious litigant order is being sought serves a response on you, your reply in Form 2.2E must be served and filed with proof of service within 20 days after you are served. If you are not served with a response, your reply in Form 2.2E must be served and filed with proof of service within 30 days after service of this notice. You are not required to make a reply in this matter. However, if you choose not to reply, you will not be entitled to appear at a hearing in the matter without leave of a judge. If a judge ultimately makes a vexatious litigant order in this matter, you will be entitled to receive a copy of the order, decision and reasons, regardless of whether you file a reply. See Rule 2.2 of the *Rules of Civil Procedure* for details about the procedures applicable to this motion.

Address of

Date ….......................................................... court office ............................................................

*(To be completed by moving party)*

THE MOTION IS FOR a vexatious litigant order against *(identify person against whom you are seeking a vexatious litigant order)* under subsection 140 (1) of the *Courts of Justice Act.* If granted, the order may restrict the ability of *(identify person against whom you are seeking a vexatious litigant order)* to commence or continue court proceedings in any court in Ontario.

THE GROUNDS FOR THE MOTION ARE *(specify the grounds to be argued, such as bringing multiple proceedings for already determined issues, bringing forward grounds and issues from previous proceedings, persistently pursuing an unsuccessful appeal, failing to pay costs awards or bringing proceedings where no reasonable person would expect to obtain the relief sought)*.

To the best of my knowledge, the following is a complete list of ongoing proceedings in any Ontario court to which *(identify person against whom you are seeking a vexatious litigant order)* is a party:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| COURT FILE NUMBER IN FULL, INCLUDING COURT PREFIX (e.g., CV, SC) | LOCATION OF PROCEEDING | TITLE OF PROCEEDING | NAME AND ADDRESS FOR SERVICE OF EACH PARTY TO PROCEEDING  *(specify the name, address and email address (if any) of each party and their lawyer (if any))* | CITATION OF REPORTED DECISION (IF ANY) |
| *(Begin the list with the proceeding in which this motion is being brought)* |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

*(Insert additional rows, as necessary)*

To the best of my knowledge, the following is a complete list of finally disposed (concluded) proceedings in any Ontario court to which *(identify person against whom you are seeking a vexatious litigant order)* was a party:

|  |  |  |  |
| --- | --- | --- | --- |
| COURT FILE NUMBER IN FULL, INCLUDING COURT PREFIX  (e.g., CV, SC) | LOCATION OF PROCEEDING | TITLE OF PROCEEDING | CITATION OF REPORTED DECISION (IF AVAILABLE) |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

*(Insert additional rows, as necessary)*

*(Date) (Name, address, email address (if any), and telephone number of moving party’s lawyer or moving party)*

TO *(Name, address, email address (if any), and telephone number of each responding party’s lawyer or responding party)*

RCP-E 2.2A (June 1, 2024)

Instructions for Making a Notice of Motion for Vexatious Litigant Order

The following instructions are a basic guide only and are **not** a substitute for the advice and assistance of a lawyer. For information on how to find a lawyer, including free and lower-cost options, go to: <https://www.ontario.ca/page/find-lawyer-or-paralegal>.

Use this form **only** if you are seeking a vexatious litigant order against an opposing party **in the course of an ongoing proceeding**. This form may be used in an ongoing civil proceeding in the Superior Court of Justice, Divisional Court, or Court of Appeal.

If you wish to seek a vexatious litigant order **outside** an ongoing proceeding, you must commence a new proceeding by application in the Superior Court of Justice using **Form 2.2B Notice of Application for Vexatious Litigant Order**.

**Step 1: COMPLETE** the **Notice of Motion for Vexatious Litigant Order** form. Specify the grounds you are relying on in support of the motion. Be specific. Examples may include bringing multiple proceedings to try to re-determine already determined issues, bringing forward grounds and issues from previous proceedings, the persistent pursuit of unsuccessful appeals, the failure to pay costs awards and bringing proceedings where no reasonable person would expect to obtain the relief sought.

To the best that you can determine the following information, you are required to list both ongoing and disposed (concluded) proceedings in any court in Ontario to which the person against whom you are seeking a vexatious litigant order is or was a party, as applicable. You must provide the court file number, location of the proceeding, title of the proceeding and citation of reported decisions made in the course of the proceeding. For ongoing proceedings only, also provide the name, address and email address (if any) of each party to the proceeding or their lawyer if they are represented.

**Step 2: SERVE.** You must serve a copy of the notice of motion on all responding parties in the present proceeding and on all the other persons named in the list of **ongoing** proceedings in the notice, according to the requirements for service under Rule 2.2 and Rule 16 of the *Rules of Civil Procedure*. Unless the court orders otherwise, you do not need to serve persons who are named only in the list of disposed proceedings.

**Step 3: FILE** the notice of motion in the court in which the proceeding is ongoing, with proof of service on the responding parties and all parties named in the list of ongoing proceedings on the notice.

What Happens Next?

**RESPONSE.** After you serve your notice of motion, the person against whom you are seeking a vexatious litigant order has 20 days to serve and file a **Form 2.2D Response from Potential Subject of Vexatious Litigant Order**.

**REPLY.** You and any other party or person named in the list of ongoing proceedings in the notice may choose to serve and file a reply using **Form 2.2E** **Reply Respecting Potential Vexatious Litigant Order** up to 20 days after the person against whom you are seeking a vexatious litigant order serves their response. If they do not serve a response, you and any other party or person named in the list of ongoing proceedings in the notice may serve and file a reply up to 30 days after you served the notice.

**JUDGE’S INITIAL REVIEW.** After the time to file a response and any replies has elapsed, a judge will conduct an initial review of all submissions. Upon completion of the review, the judge will make an order in **Form 2.2F Order Following Initial Review Under Rule 2.2** regarding whether to schedule a hearing in the matter. The registrar will provide a copy of the order to every party or person who filed a document to participate in the matter.

**HEARING, DECISION AND ORDER.** If a hearing is ordered following the initial review, the hearing will be conducted according to the directions provided. After the hearing, the presiding judge will either make a vexatious litigant order in **Form 2.2G Vexatious Litigant Order** or decline to make a vexatious litigant order If a vexatious litigant order is made, the person who is the subject of the order may be declared a vexatious litigant and be restricted from:

* commencing or continuing any court proceedings in future;
* commencing or continuing any court proceedings in future against particular parties; and/or
* commencing or continuing any court proceedings in future regarding particular subject matter

without leave (permission) of a judge of the Superior Court of Justice. The person who is the subject of the vexatious litigant order may also be subject to other terms that the presiding judge determines are just.

If the judge declines to make a vexatious litigant order, the judge will make an order reflecting this decision and will provide reasons.

**APPEAL.** A vexatious litigant order may be appealed, as set out in section 140(2.3) of the *Courts of Justice Act*.