

**ONTARIO
SUPERIOR COURT OF JUSTICE**

IN THE MATTER OF the *Courts of Justice Act*, R.S.O. 1990, c. C.43

B E T W E E N:

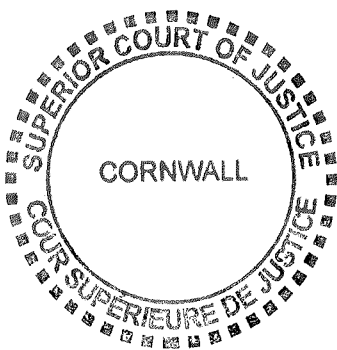
**THE CORPORATION OF THE TOWNSHIP OF
SOUTH GLENGARRY**

Applicant

- and -

ANDY SZABO

Respondent



NOTICE OF APPLICATION

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

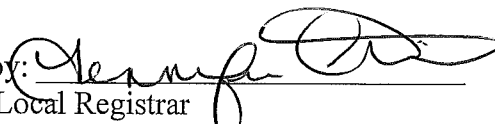
THIS APPLICATION will come on for a hearing before a judge on November 23 2018 at 10:00 a.m., at the Court House at 29 Second Street West, Cornwall, Ontario K6J 1G3.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date: August ^{al}20, 2018 ~~21~~

Issued by: 
Local Registrar
Ontario Superior Court of Justice

Courthouse Address: 29 Second Street West
Cornwall, Ontario
K6J 1G3

TO: Andy Szabo
19146 Warring Drive, R.R. # 1
Cornwall, Ontario
K6H 5H5

1. The Township of South Glengarry makes an application for:
 - (a) a declaration pursuant to section 140(1) of the *Courts of Justice Act*, R.S.O 1990, c. C-43, that the Respondent, Andy Szabo, is a vexatious litigant;
 - (b) an order that no further legal proceeding may be instituted by Mr. Szabo in any court, except with leave of a judge of the Superior Court of Justice;
 - (c) an order that any existing proceedings previously commenced by Mr. Szabo in any court not be continued, except with leave of a judge of the Superior Court of Justice; and
 - (d) such further and other relief that this Honourable Court deems just.

2. The grounds for the application are:
 - (a) The Respondent, Andy Szabo, ("Mr. Szabo") has persistently and without reasonable grounds instituted vexatious proceedings in various courts and conducted proceedings in a vexatious manner against the Applicant, the Corporation of the Township of South Glengarry (the "Township").

 - (b) Mr. Szabo has been involved in numerous proceedings against the Township since 2013. In 2013 and 2014, Mr. Szabo and his common law spouse commenced eleven (11) actions involving the Township and other Defendants, arising out of the construction of their residence, municipally known as 19146 Warring Drive, Summerstown, Ontario (SC-13-1166, SC-13-1167, SC-14-250, SC-14-252, SC-14-253, SC-14-262, SC-14-263, SC-14-265, SC-14-266, SC-14-267, SC-14-269). These eleven actions were resolved by a consent order following a lengthy settlement conference in October 2014.

- (c) After resolving these claims, Mr. Szabo subsequently brought an action on or about December 16, 2014 against the Township (SC-14-1243). Despite Mr. Szabo's extensive knowledge of the Small Claims Court, this Claim contained multiple requests for relief which could not be granted by the Small Claims Court.
- (d) Mr. Szabo was ordered by Deputy Judge White and Deputy Judge Fortier to produce documents and clarifications. He failed to comply with those Orders and the Township was required to bring a motion to dismiss the Claim. On January 28, 2016, Deputy Judge Leclair dismissed Mr. Szabo's claim (SC-14-1243).
- (e) Following the Motion to Dismiss for SC-14-1243, Mr. Szabo approached Bryan Brown, Chief Administrative Officer of the Township of South Glengarry, and advised Mr. Brown that the Township would either have to pay him or pay their counsel "forever". Mr. Szabo has since brought many vexatious proceedings to further this intent to "forever" pursue the Township.
- (f) After Mr. Szabo's SC-14-1243 claim was dismissed with costs to the Township, Mr. Szabo filed a motion pursuant to Rule 17.04 (1) of the Rules of Small Claim Court for a new trial on the basis that relevant evidence was unavailable to the party at the time of the original dismissal. Deputy Judge Leclair ordered that this motion was not to be heard until the ordered costs were paid to the Defendant. This motion never did proceed.
- (g) Subsequently, Mr. Szabo commenced another claim in Small Claims Court, SC-18-37, against the Township. The Township took the position that this claim was frivolous and vexatious and forwarded a letter to the Honourable Justice Leroy of the Superior Court of Justice, requesting this claim be dismissed with costs. While the request by the Defendant was made erroneously pursuant to the *Rules of Civil Procedure*, Mr. Szabo was served with a Notice that Proceeding May be Stayed or Dismissed by the Court. Mr. Szabo subsequently served and filed a

Notice of Discontinuance of Claim for SC-18-37.

- (h) Mr. Szabo subsequently filed another claim in Small Claims Court, SC-18-94, against the Township. The Township requested this claim be dismissed with costs, pursuant to Rule 12.02 of the Small Claims Court and took the position that this claim was inflammatory, a waste of time, a nuisance and/or an abuse of the court's process.
- (i) On June 21, 2018, Deputy Judge Stauffer dismissed claim SC-18-94, commenting that the plain and obvious process which Mr. Szabo was able and aware to pursue under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 to obtain access to public records.
- (j) On July 18, 2018, Mr. Szabo served the Township with a Notice of Appeal and Appellant's Certificate Respecting Evidence, appealing Deputy Judge Stauffer's decision to dismiss Claim SC18-94.
- (k) Mr. Szabo's most recent claims (SC-18-37 and SC-18-94) contain multiple requests for relief which are not within the jurisdiction of the Small Claims Court.
- (l) In the most recent claim (SC-18-94) against the Township, Mr. Szabo refers to the "the past 6 years", demonstrating an attempt to re-open issues decided previously by the Court and/or an administrative tribunal.
- (m) In addition to multiple court proceedings, Mr. Szabo has also initiated many proceedings involving the Office of the Information and Privacy Commissioner of Ontario.
- (n) Mr. Szabo has also commenced a purported "complaint" pursuant to the *Municipal Elections Act*, S.O. 1996, c. 32, Sched. dated June 15, 2018.

- (o) Grounds and issues raised by Mr. Szabo in each subsequent proceeding have repeated those from prior actions and been supplemented with further details.
- (p) Mr. Szabo's continued use of the court to pursue unfounded and inappropriate claims results in excessive use of staff time, costs to the Township and amounts to an abuse of process.
- (q) The proceedings commenced by Mr. Szabo are facially frivolous and vexatious. His pleadings do not contain any coherent narrative or a concise statement of the material facts in support of the wrongs alleged. Mr. Szabo's claims are generally unclear, with numerous attachments, and they are difficult to determine what he is seeking. Many of the claims repeat similar, if not identical, allegations detailed in the multiple proceedings.
- (r) Mr. Szabo is not a self-represented litigant who is unfamiliar with the court process, but a self-represented litigant who intends on abusing the process of the court to harass the Township.
- (s) Mr. Szabo often repeats unfounded allegations of impropriety and unprofessionalism against the Township, its employees and counsel.
- (t) Mr. Szabo has commenced various claims and processes in an effort to compel the Township to complete unreasonable tasks, and to seek a financial punishment relating to matters which are not within the jurisdiction of the courts' requested.
- (u) The Township relies on subsection 140 (1) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43.

3. The following documentary evidence will be used at the hearing of the application:
- (a) Affidavit of Bryan Brown, sworn August 14, 2018, and the exhibits referred to therein;
 - (b) Affidavit of Kelli Campeau, sworn August 14, 2018, and the exhibits referred to therein; and
 - (c) Such further and other material as counsel may advise and this Honourable Court will permit.

Date: August ²¹~~20~~, 2018 *ER*

HORNER & PIETERSMA
Barristers and Solicitors
P.O. Box 733
Morrisburg, Ontario K0C 1X0

Eldon Horner (LSUC # 36388A)
Tel: (613) 543-2946
Fax: (613) 543-3867

Lawyer for the Applicant

THE CORPORATION OF THE TOWNSHIP OF SOUTH GLENGARRY
Applicant

and

ANDY SZABO
Respondent

IN THE MATTER OF the *Courts of Justice Act*, R.S.O. 1990, c. C.43

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced at Cornwall

NOTICE OF APPLICATION

G. Eldon Horner
LSUC # 4836388A

Horner & Pietersma
Barristers & Solicitors
P. O. Box 733,
Morrisburg, ON K0C 1X0

Tel: (613) 543-2946
Fax: (613) 543-3867

Solicitor for the Applicant