

**CITATION:** LaBar v. Tran, 2025 ONSC 965  
**COURT FILE NO.:** CV-23-00706088-0000  
**DATE:** 20250211

**ONTARIO SUPERIOR COURT OF JUSTICE**

**RE:** Anthony James LaBar, David Ryan Andrew Carter, Daniele Mario Grechi,  
Leonard Hochberg, Mark Alexander Beanton Donald, Laurentiu Ben-Eliezer, and  
Dean Randall Adema, Applicants

-and-

Jenny Tran, Respondent

**BEFORE:** Robert Centa J.

**COUNSEL:** Jordan Goldblatt and Logan St. John Smith, for the applicants

Jenny Tran, self-represented respondent

**HEARD:** February 4, 2025

**ENDORSEMENT**

[1] The seven applicants are lawyers who at one time represented the respondent, Jenny Tran. Ms. Tran has sued each of the respondents in the Superior Court of Justice or in the Small Claims Court. The applicants bring this application under s. 140 of the *Courts of Justice Act* to have Ms. Tran declared a vexatious litigant.<sup>1</sup>

[2] For the reasons that follow, I grant the application.

**A. *Procedural history of this application***

[3] At a case conference held on August 14, 2023, Shin Doi J. scheduled this application to be heard for a full day on February 4, 2025. Ms. Tran did not attend the case conference. Justice Shin Doi set the following timetable for the exchange of material on the application:

- a. Notice of application to be delivered on or before August 21, 2023;
- b. Application record to be delivered on or before November 24, 2023;
- c. Responding application record to be delivered on or before April 1, 2024;
- d. Reply record (if any) to be delivered on or before May 1, 2024;

---

<sup>1</sup> R.S.O. 1990, c. C.43.

- e. Cross-examinations to be completed on or before September 30, 2024;
- f. Applicants' factum to be delivered on or before November 30, 2024; and
- g. Responding factum to be delivered on or before December 30, 2024.

[4] On August 29, 2023, Shin Doi J. permitted Ms. Tran to bring a "cross-motion" at the return of the application. Justice Shin Doi ordered Ms. Tran to serve her notice of cross-motion on or before September 6, 2023, and to "comply with the hearing timetable set out in the endorsement" from the case conference.

[5] Ms. Tran did not file her responding record or factum on the application in accordance with the order of Shin Doi J., dated August 14, 2023. Ms. Tran did not file her material on her "cross motion" in accordance with the order of Shin Doi J., dated August 29, 2023. Instead, on January 7, 2025, Ms. Tran attended Civil Practice Court to request an adjournment of the hearing. Ms. Tran advanced several grounds for her request. Justice Koehnen rejected all of Ms. Tran's submissions:

The defendants have scheduled a motion on February 4, 2025 to have the plaintiff declared a vexatious litigant. The plaintiff has already been declared to be a vexatious litigant by the Divisional Court.

The plaintiff objects to the hearing proceeding on February 4. She first argues that she was not advised of the case conference at which the hearing date was set. Assuming that is correct, the motion date was scheduled by Justice Shin Doi at a case conference on August 14, 2023. The plaintiff would therefore have had almost 18 months to prepare.

In addition, it appears that the plaintiff then sought directions to have a cross motion that she wished to bring added to the hearing date on February 4, 2025. Justice Shin Doi granted that request by endorsement dated August 29, 2023. As a result, whatever the plaintiff did or did not know about the original case conference or the original schedule, she certainly knew about it by August 29, 2023, sought relief in connection with the hearing and obtained the relief she sought.

The plaintiff next objected to the fact that the hearing was virtual and should have been in person. When I offered her an in person hearing, she said that whenever the hearing occurred it should be virtual.

Next, the plaintiff submitted the matter should be adjourned because she was under the impression that it was a motion but has now learned that it is an application. There was no explanation for why that should make a difference. There is no suggestion that the

plaintiff was not aware from the outset what the nature of the relief being sought against her was.

Finally, the plaintiff submitted that she was no longer available for a hearing on February 4, 2025. When I asked her the reason for which she was no longer available she advised that she has not had an opportunity to prepare her materials. I do not accept that as a reason for delaying the hearing. The plaintiff has known of the hearing for over 17 months. Assuming she was not present at the first case conference that set the timetable, she was clearly able to seek relief in respect of that endorsement and obtained the relief she sought. Had the timetable [been] inconvenient for her, she should have sought a change to the timetable shortly after it was set, and not a month before the hearing date.

When addressing requests like these the court must consider not only the interests of the immediate parties but must also consider the interests of other parties in other matters. If the hearing date is vacated now, it will not be possible to make effective use of that hearing date. This is one reason for delays in the justice system; parties book hearings and then adjourn them without good reason. When a court schedules a motion and sets a timetable, particularly 17 months in advance of the motion, the parties are expected to abide by the time table.

As a result of the foregoing, the hearing scheduled for February 4, 2025 will proceed as scheduled and will proceed as a virtual hearing.

***B. Material delivered by Ms. Tran on the application***

[6] On January 30, 2025, Ms. Tran served her “cross-application record” and factum. Ms. Tran’s factum was 138 pages long. Ms. Tran’s notice of application was 52 pages long. I reviewed all of the written material in advance of the application.

[7] Ms. Tran’s “amended notice of cross application” stated that Ms. Tran’s “motion” was for the following relief:

(i) An Order granting cross-application and respondent's application;

(ii) An Order granting application judicial review CPC’s J. Koehnen fraud order and set aside his fraud order;

(iii) If the court does not intend to grant the above applications. An Order granting appoint accommodation counsel or amicus for procedure fairness needs on cross-application, respondent’s application, and application judicial review CPC’s J. Koehnen fraud order. Because Plaintiff is under disability.

(iv) Otherwise, An Order directing the Defendants to undertake duty on motion appoints counsel, or amicus to assist the Plaintiff and the court in these very complex applications provided in rules to avoid another fraud order in these complex matters and Plaintiff is not employed since she has a disability. Because this motion duty is undertaken between the court and Defendants provided in rules when she is a disability party these complex applications;

(v) Especially, Plaintiff learned on CPC hearing before J. Koehnen ignored her or did not accept her submissions, grounds, and evidence of this complex matter before him when he was aware she was mentally and legally incapable except repeatedly bias, threatened, impugn, and abused processes to confuse her and make her health condition deteriorate, etc;

(vi) An order granting strikes out its defence [*sic*] or note in default on its statements of defence;

(vii) An order granting dismissal of the Defendants/Applicants' application;

(viii) An order declaring that the Defendants/Applicants are vexatious litigates [*sic*];

(ix) An order declaring that Defendants/Applicants no further proceedings be instituted in any court except by leave of a judge of Ontario Superior Court;

(x) An order declaring Defendants/Applicants no further several above very complex matters proceed at once in a matter or proceed one by one each matter in other time to avoid confusing the court and Plaintiff/Respondent to making her health condition deteriorated again;

(xi) An order declaring Defendants/Applicants need Duty of Accommodate with Plaintiff/Respondent to avoid their conduct repeatedly vexatious, abuse of process and confuses her when they do not respond to her inquiry about their matters and repeatedly unilaterally contact the court schedule and do any things these matters, etc, without her beginning aware it;

(xii) An order granting judicial review CPC J. Koehnen's fraud order and set aside his fraud order.

(xiii) An order granting the abridgment of time to serve and file an amended notice of cross-application, respondent's application, and application judicial review J. Koehnen's fraud order, etc.

(xiv) An order granting the lengthy factum;

(xv) An order granting of costs on a substantial indemnity basis and mental distress to previous case conference, CPC hearing, Cross-Application, Respondent's Application, Application Judicial Review J. Koehnen's order and Application appoint counsel or amicus these complex applications, etc.

(xvi) Such further and other relief as the Plaintiff/Respondent may request and this Honourable Court may grant.

[8] Ms. Tran did not deliver her cross-application record in accordance with the order of Shin Doi J. Indeed, despite the schedule for exchange of materials having been set in August 2023, Ms. Tran did not deliver either the amended "notice of cross-application," the supporting affidavit, or the factum until 7:07 p.m. on January 30, 2025, which was only two business days before the return of the application.

[9] Given the late delivery of Ms. Tran's materials, the applicants did not have a fair opportunity, or really any opportunity, to respond to the issues raised by Ms. Tran in her cross-application. For that reason, I will not consider Ms. Tran's requests for relief set out in her notice of cross-application.

[10] In many circumstances, I would have struck out Ms. Tran's material altogether because it was delivered late and in violation of the court-ordered timetable. However, since this was a s. 140 application, I was not prepared to do so. Counsel for the applicants indicated that they were prepared to proceed despite the late delivery of the affidavit and factum. I therefore considered Ms. Tran's affidavit and factum on the application.

### **C. Preliminary issues**

[11] At the beginning of the hearing, Ms. Tran raised several preliminary issues.

[12] First, she requested an adjournment so that the court could appoint *amicus* counsel to assist her. It appears that this is not the first time that Ms. Tran has requested the appointment of *amicus*. The Ontario Court of Appeal, the Divisional Court, and the Superior Court of Justice have all dismissed previous requests by Ms. Tran that the court appoint *amicus* on her behalf.<sup>2</sup> I adopt Speyer J.'s thorough reasons explaining why it is not appropriate to appoint *amicus* to represent Ms. Tran. In particular, as Speyer J. explained:

The core purpose of the appointment sought by Ms. Tran is to assist her to present her case as counsel would do. She is seeking state-

---

<sup>2</sup> *R. v. Tran*, 2019 ONCA 919, at para. 3; *Tran v. Office of the Independent Police Review Director*, 2023 ONSC 2098, at para. 7; *Tran v. Durham Condominium Corporation*, 2021 ONSC 2166. See also, *Tran v. Ontario Superior Court of Justice*, 2024 HRTO 995, at para. 22, where the Vice-Chair observed "I note that the applicant repeatedly requested that the Tribunal appoint a lawyer or *amicus curae* and the Tribunal has repeatedly refused the applicant's request."

funded legal counsel to advance her interests. She does not seek the appointment of *amicus* to assist the court by providing a perspective that she is incapable of providing herself.

An *amicus* cannot do what Ms. Tran wants. An *amicus* does not act as a lawyer for a party. An *amicus* does not take instructions from a party to the proceedings. Rather, the role of *amicus* is to provide the court with a perspective that the court feels is lacking. An *amicus* acts in the public interest for the benefit of the court in the correct disposal of a case. An *amicus* is bound by a duty of loyalty and integrity to the court and not to any of the parties to the proceedings. See: *R. v. Imona-Russell*, 2013 SCC 43, at para. 118, per Fish J. in dissent, though not on this issue.<sup>3</sup>

- [13] I see no basis to appoint *amicus* and I dismiss Ms. Tran's request that I do so.
- [14] Second, Ms. Tran submitted that the application should be adjourned because she is a person under a disability within the meaning of Rule 7 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, and that, therefore, this matter cannot proceed until she is represented by a litigation guardian (rule 7.01(1)) who, in turn, must be represented by a lawyer (rule 15.01(1)). I do not accept this submission. The hearing date for this application was set in August 2023. If Ms. Tran wished to retain counsel or to have an application for the appointment of a litigation guardian brought on her behalf, she had plenty of time to do so. I also note that she did not raise this issue before Koehnen J. on January 7, 2025, when she sought an adjournment of this application. Ms. Tran's submission that she is a person under a disability is also entirely inconsistent with the fact that on January 30, 2025, she served a notice of cross-application on her own behalf. I see no evidence that Ms. Tran is a person under a disability within the meaning of Rule 7. She delivered extensive written materials and made lengthy oral submissions in support of her position. Like Speyer J., I conclude that there is no reason in this case to appoint a litigation guardian for Ms. Tran.<sup>4</sup>
- [15] Third, Ms. Tran requested accommodations for her disability. When I asked her what accommodations she needed to participate in the hearing, she indicated an adjournment and the appointment of *amicus*. For the reasons set out above, I do not think those are reasonable or necessary accommodations and I declined to provide them. In addition, I adopt the reasons of Koehnen J. as to why an adjournment of this application is unwarranted.
- [16] Ms. Tran indicated that she would need two hours for her oral submissions. I agreed with her request. Ms. Tran had an interpreter present on Zoom for the hearing. However, Ms. Tran delivered most of her submissions in English and did so without any apparent difficulty.

---

<sup>3</sup> *Tran v. Durham Condominium Corporation*, 2021 ONSC 2166, at paras. 11-12.

<sup>4</sup> *Tran v. Durham Condominium Corporation*, 2021 ONSC 2166, at para. 6.

**D. *The test to be applied in an application under s. 140***

[17] This proceeding is to be determined in accordance with the version of s. 140 of the *Courts of Justice Act* that was in force at the time the applicants commenced this application.<sup>5</sup> The applicable version of s. 140 provides as follows:

140 (1) Where a judge of the Superior Court of Justice is satisfied, on application, that a person has persistently and without reasonable grounds,

(a) instituted vexatious proceedings in any court; or

(b) conducted a proceeding in any court in a vexatious manner,

the judge may order that,

(c) no further proceeding be instituted by the person in any court; or

(d) a proceeding previously instituted by the person in any court not be continued,

except by leave of a judge of the Superior Court of Justice.

[18] Courts have identified certain hallmarks of vexatious proceedings and vexatious litigants. These include:

- a. bringing one or more actions to determine an issue which has already been determined by a court of competent jurisdiction;
- b. commencing one or more actions where it is obvious that the action cannot succeed, or would lead to no possible good, or where no reasonable person can expect to obtain relief;
- c. initiating one or more actions that roll forward grounds and issues raised into subsequent actions where they are repeated and supplemented, often with actions against the lawyers who have acted for or against the litigant in the earlier proceedings;
- d. conducting proceedings in a vexatious manner, regardless of whether there was originally a good cause of action;
- e. failing to pay cost orders made in earlier steps of a proceeding or in earlier proceedings;

---

<sup>5</sup> *O'Brien et al. v. Argiloff et al.*, 2024 ONSC 5864, at para. 11.

- f. making inappropriate submissions in form and content; and
- g. persistently launching unsuccessful appeals from judicial decisions.<sup>6</sup>

***E. Ms. Tran is a vexatious litigant***

- [19] I find that Ms. Tran has instituted and conducted vexatious proceedings persistently and without reasonable grounds. As I will explain, I conclude that it is necessary to protect the interests of society as a whole by alleviating the burden on parties and the judicial system caused by lengthy, spurious, and repetitious proceedings.<sup>7</sup>
- [20] Ms. Tran has brought at least four appeals or applications for judicial review in the Divisional Court.<sup>8</sup> In 2023, Ms. Tran brought an application for judicial review of a decision of the Office of the Independent Police Review Director. Justice Corbett dismissed Ms. Tran’s application as frivolous, vexatious, and an abuse of process on the basis that it sought to relitigate a case that has been decided previously and stated no basis to review a subsequent decision of the OIPRD to this effect.<sup>9</sup> After reviewing some of Ms. Tran’s prior litigation history, Corbett J. concluded that Ms. Tran was a vexatious litigant and ordered that she not commence or continue any proceeding in the Divisional Court without leave.<sup>10</sup>
- [21] The evidence filed on this application also satisfies me that Ms. Tran has brought at least 29 appeals and related motions at the Court of Appeal.<sup>11</sup> In 2007, a panel of the Court of Appeal (Tulloch J.A. (as he then was), Lauwers and Brown J.J.A.) observed that Ms. Tran had consumed more than her fair share of judicial resources and declared her to be a vexatious litigant:

---

<sup>6</sup> *Van Shuytman v. Muskoka (District Municipality)*, 2018 ONCA 32, 26 C.P.C. (8th) 130; *Toronto Hospital v. Nourhaghighi*, 1999 CarswellOnt 1633; *Royal College of Dental Surgeons of Ontario v. Chuang*, 2007 CanLII 34853 (ON SC); *Lang Michener Lash Johnston v. Fabian* (1987), 59 O.R. (2d) 353 (Ont. S.C. H.C.J.).

<sup>7</sup> *LeBlanc v. Alghamdi*, 2022 ONCA 687, at para. 10.

<sup>8</sup> *Jenny Tran v. AMC Environmental Corporation and Maefson Martins Costa* (133/21); *Jenny Tran v. Durham Condominium Corporation No. 85, and Newton Trelawney Property Management, and Yellow Pine Developments Limited and Frank Valente* (252/21); *Jenny Tran v. Durham Condominium No. 86, and Newton and Newton Trelawney Property Management, and Yellow Pine Developments Limited and Frank Valente* (717/21); and *Jenny Tran v. Office of the Independent Police Review Director, and the Attorney General of Ontario* (439/22).

<sup>9</sup> *Tran v. Office of the Independent Police Review Director*, 2023 ONSC 2098, at para. 19.

<sup>10</sup> *Tran v. Office of the Independent Police Review Director*, 2023 ONSC 2098, at para. 27.

<sup>11</sup> *Jenny Tran v. The Attorney General of Ontario* (COA-23-CV-0327); *Jenny Tran v. The Attorney General of Canada* (M54322); *Jenny Tran v. The Attorney General of Canada* (M54376); *R v. Tran, Jenny* (C60204); *R v. Tran, Jenny* (C62622); *R v. Tran, Jenny* (M45182); *R v. Tran, Jenny* (M45846); *R v. Tran, Jenny* (M46654); *R v. Tran, Jenny* (M46880); *R v. Tran, Jenny* (M47609); *Aviva Canada Inc. v. Tran, Jenny et al.* (M46098); *Tran, Jenny et al. v. Payne, Yan et al.* (M43731); *Tran, Jenny et al. v. Payne, Yan et al.* (M45705); *R v. Tran, Jenny* (C55841); *R v. Tran, Jenny* (M46518); *R v. Tran, Jenny* (M46602); *R v. Tran, Jenny* (M47249); *R v. Tran, Jenny* (M47874); *R v. Tran, Jenny* (M50950); *R v. Tran, Jenny* (M51020); *Aviva Canada Inc. v. Tran, Jenny et al.* (M46546); *Aviva Canada Inc. v. Tran, Jenny et al.* (M46535); *Aviva Canada Inc. v. Tran, Jenny et al.* (M46336); *Tran, Jenny et al. v. Payne, Yan et al.* (M44035); *Tran, Jenny et al. v. Payne, Yan et al.* (M44205); *Ezer Professional Corp. v. Ajax Unisex Salon & Spa Inc. et al.* (M39998); *Ezer Professional Corp. v. Ajax Unisex Salon & Spa Inc. et al.* (C53586); *Kar, Anna Hun Yuk v. Chung, Stephen et al.* (C35858); and *Kar, Anna Hun Yuk v. Chung, Stephen et al.* (M26449).



The appellant's persistence in seeking various remedies in the face of an appeal that is the hands of counsel, is vexatious. She has consumed much more than her fair share of judicial and other resources. We therefore order that the appellant will not be permitted to pursue additional motions or applications to this court without the permission in writing of a member of this court, based on a written request by the appellant no more than three pages in length without any additional material. Counter staff are instructed not to accept any material from the appellant that is inconsistent with this direction.<sup>12</sup>

[22] In addition to the cases in which she sued the applicants, Ms. Tran has commenced at least 18 other actions in the Superior Court of Justice.<sup>13</sup> In one recent application, Ms. Tran has named the "Oshawa Divisional Court," the "Toronto Divisional Court," and several judges and members of the court staff as respondents.

1. Ms. Tran rolls forward issues and grounds from prior proceedings, often against counsel

[23] Each of the seven applicants is a lawyer who previously represented Ms. Tran. In each of her claims against an applicant, Ms. Tran has rolled forward grounds and issues that she raised in the cases where the applicant represented her. Her statements of claim obviously contain unsustainable allegations and gratuitous complaints about legal professionals, which is a common feature of vexatious proceedings.<sup>14</sup>

[24] For example, during her 2015 criminal trial for eight different fraud-related criminal offences, Ms. Tran repeatedly submitted that the Crown had failed to make full disclosure to her. In reasons for decision convicting Ms. Tran on each count charged, the trial judge emphatically rejected her submissions:

This pattern of deflecting blame away from herself when confronted with irreconcilable inconsistencies was prevalent throughout her testimony. She often testified that she could not fully explain herself because the Crown was holding back disclosure and that the investigation was unprofessional. This common theme for Ms. Tran was completely unfounded. It is important to note that Ms. Tran raised the issue of disclosure even before any evidence was called. I satisfied myself at that juncture that disclosure was complete.

---

<sup>12</sup> *R. v. Tran*, 2017 ONCA 482, at para. 5.

<sup>13</sup> *Tran v. Jenny Wong Beauty* (CV-04-276515); *Tran v. Han et al.* (CV-10-396850); *Tran v. Manulife et al.* (CV-10-396885); *Tran v. Linamar Corporation* (CV-10-407346); *Tran v. Pickersgill et al.* (CV-14-497609); *Tran v. Panacci* (CV-16-559932); *Tran v. Juzkiw et al.* (CV-17-578177); *Tran v. Seres* (CV-17-580152); *Tran v. Cousins* (CV-18-596912); *Tran v. Lawrence et al.* (CV-23-696540); *Tran et al. v. Ezer Professional Corporation* (CV-10-401955); *Tran v. Chapman et al.* (CV-16-546376); *Tran v. Cousins* (CV-16-552388); *Tran v. Intact Insurance et al.* (CV-17-580889); *Tran v. AMC Environmental* (CV-18-59284); *Tran v. Durham Condo Corp No. 86 et al.* (CV-20-1885); *Tran v. The Attorney General of Ontario* (CV-22-1708); and *Tran v. The Oshawa Divisional Court et al.* (CV-23-1259).

<sup>14</sup> *LeBlanc v. Alghamdi*, 2022 ONCA 687, at para. 12.

Despite this, the Crown continued to accommodate Ms. Tran with her consistent disclosure requests throughout the course of the trial, often providing her with two or three copies of documents and statements that she already had in her possession. I am well satisfied that all of Ms. Tran's disclosure requests were fully accommodated and then some.<sup>15</sup>

[25] Despite this finding, she accuses her former lawyers, Mr. LaBar and Mr. Hochberg, of negligence for failing to bring *Stinchcombe* motions to obtain further disclosure in her criminal trial. Ms. Tran also accuses Mr. Hochberg of misleading the court by agreeing that disclosure was complete. Ms. Tran refuses to accept the trial judge's determination that the Crown met its disclosure obligations to her. Instead, she has rolled forward her meritless complaints about disclosure into actions against her former counsel. Unfortunately, this is not an isolated incident.

[26] As another example, when Ms. Tran faced the compelled sale of her condominium unit, she brought a proceeding against the condominium corporation and a motion for an injunction to prevent the sale. The court dismissed Ms. Tran's motion for an injunction, her motion to vary or set aside the order dismissing her motion, and her motion for leave to appeal.<sup>16</sup> Ms. Tran then commenced a series of proceedings, which included the following:

- a. a proceeding at the Human Rights Tribunal of Ontario naming as respondents the lawyers for the condominium corporation, the lawyers who acted for the purchasers of the unit, and the real estate brokerages who acted on the sale;<sup>17</sup>
- b. an application for judicial review of the decision of the Office of the Independent Police Review Director not to investigate the police officers who declined to lay charges in connection with the sale of her condominium unit;<sup>18</sup>
- c. commencing an application naming The Oshawa Divisional Court, The Toronto Divisional Court, several judges, and members of the court staff as respondents. Ms. Tran sought an injunction restraining the respondents from abusing and threatening her and violating her rights under the Canadian *Charter of Rights and Freedoms*.<sup>19</sup>

[27] Ms. Tran has repeatedly initiated one or more actions that roll forward grounds and issues raised into subsequent actions where they are repeated and supplemented, often with

---

<sup>15</sup> *R. v. Tran*, 2015 ONSC 534, at para. 48.

<sup>16</sup> *Tran v. Durham Condominium Corporation No. 86*, 2021 ONSC 6024, *Tran v. AMC Environmental and Tran v. Durham Condominium Corporation No. 86*, 2021 ONSC 5902; and *Tran v. AMC Environmental and Tran v. DCC Durham Condominium Corporation No. 86* 2021 ONSC 7419.

<sup>17</sup> *Tran v. Shibley Righton LLP*, 2024 HRTO 932.

<sup>18</sup> *Tran v. Office of the Independent Police Review Director*, 2023 ONSC 2098.

<sup>19</sup> Court File No. CV-23-00001259-0000 (Oshawa).

actions against the lawyers who have acted for or against her in the earlier proceeding and the judicial officers who presided over her cases.

2. Ms. Tran persistently pursues unsuccessful appeals and attempts to re-litigate issues

[28] Ms. Tran is unwilling to accept judicial decisions with which she does not agree. Ms. Tran reacts in one of two ways:

- a. she frequently and unsuccessfully appeals from adverse decisions; or
- b. she simply starts a new proceeding to seek the same relief that an earlier decision denied to her.

[29] First, as described above, Ms. Tran has filed so many meritless appeals, interlocutory appellate motions, and applications for judicial review, that both the Court of Appeal for Ontario and the Divisional Court have declared her to be a vexatious litigant.

[30] In addition, she frequently brings motions to vary or set aside orders with which she disagrees.<sup>20</sup> Indeed, in the notice of cross-application, she sought “judicial review” of the Civil Practice Court endorsement of Koehnen J., which she described as a “fraud order.” Ms. Tran’s challenge to the direction provided by Koehnen J. at Civil Practice Court is obviously meritless.

[31] Second, she sometimes reacts to an unfavourable decision by starting over. For example, the Office of the Independent Police Review Director dismissed her complaint against two police officers. Ms. Tran sought judicial review of that decision. The Divisional Court struck out her notice of application with leave to amend. Ms. Tran did not provide an amended notice of application and the court struck out her application.<sup>21</sup>

[32] Unwilling to accept this result, Ms. Tran filed a second complaint with the Director, who dismissed the complaint as duplicative of the first. Ms. Tran then brought a second application for judicial review which was struck out with leave to amend. Ms. Tran amended her application and made clear its connection to the prior complaint. The Divisional Court then directed the Registrar to issue a Rule 2.1 notice advising Ms. Tran that the court was considering dismissing the application as frivolous and vexatious. In his notice to Ms. Tran, Justice Corbett noted:

On the face of the case, Ms. Tran is seeking to re-litigate the issues that were the subject-matter of her first application for judicial review, which was dismissed by this court on November 1, 2022. This she may not do.<sup>22</sup>

---

<sup>20</sup> See, for example, *Tran v. Durham Condominium Corporation No. 86*, 2021 ONSC 6024; *Tran v. Durham Condominium Corporation*, 2021 ONSC 2415, at para. 12; *Tran v. Durham Condominium Corporation*, 2021 ONSC 4452.

<sup>21</sup> *Tran v. Office of the Independent Police Review Director*, 2023 ONSC 2098, at para. 3.

<sup>22</sup> *Tran v. Office of the Independent Police Review Director*, 2023 ONSC 2098, at para. 3.

[33] Instead of responding to the notice, Ms. Tran moved to set it aside and then attempted to bring a further motion requesting that the court appoint a lawyer to represent her.<sup>23</sup>

[34] There are many examples of Ms. Tran bringing one or more proceedings to determine an issue which has already been determined by a court or tribunal or has commenced an unsuccessful appeal or challenge to a judicial determination.

3. Ms. Tran commences proceedings where no reasonable person would expect to obtain the relief sought

[35] Ms. Tran’s civil proceedings frequently seek astronomical damages for relatively minor events.

[36] For example, Ms. Tran alleges that the applicants, Mr. Carter and Mr. Grechi, failed to perfect Ms. Tran’s appeal of a small claims court judgment requiring her to repay \$5617.10 in fraudulent insurance claims. Ms. Tran claims damages of \$10 million against Mr. Carter and Mr. Grechi. Moreover, the evidence demonstrates that the appeal was, in fact, perfected.

[37] Ms. Tran has claimed extravagant damages in her actions against the applicants, Mr. Donald (\$2 million), Mr. Hochberg (\$10 million), Mr. LaBar (\$10 million), and in her action against the condominium corporation (\$10 million).

4. Ms. Tran routinely makes inappropriate submissions in form and content

[38] Even allowing for Ms. Tran’s status as a self-represented litigant, her submissions and her dealings with the court are routinely inappropriate.

[39] On this application, Ms. Tran filed a factum that contained 138 pages of submissions. She did not obtain leave to file a factum of this length. In the factum, Ms. Tran frequently used bold type, full caps, and/or underlined text for emphasis. She asked rhetorical questions and called affiants “liars” without any evidence to make out such a serious allegation. Throughout her factum, Ms. Tran referred to judicial decisions with which she disagrees as “fraud orders” and accused judges of bias. Large sections of the factum did not appear to address live issues in this application and appear to have been copied and pasted from other submissions or decisions.

[40] I will not repeat them, but I do rely on Corbett J.’s observations regarding Ms. Tran’s habit of emailing judges and court staff repeatedly and inappropriately.<sup>24</sup>

---

<sup>23</sup> *Tran v. Office of the Independent Police Review Director*, 2023 ONSC 2098, at paras. 4-6.

<sup>24</sup> See generally, *Tran v. Office of the Independent Police Review Director*, 2023 ONSC 2098; *Tran v. Office of the Independent Police Review Director*, 2023 ONSC 3207.

## 5. Conclusion

- [41] The Court of Appeal for Ontario and the Divisional Court have previously found Ms. Tran to be a vexatious litigant. In the application before me, Ms. Tran has demonstrated the same conduct described by other judges. Ms. Tran made two hours of submissions during the hearing, but failed to answer the thrust of the applicants' submission that she was a vexatious litigant.
- [42] Ms. Tran has burdened many litigants and the court with unmeritorious and repetitive claims and allegations, which have wasted the time and energy of many people.
- [43] I find that Ms. Tran has displayed all the hallmarks of a vexatious litigant. I allow the application and declare Ms. Tran to be a vexatious litigant.

### ***F. Costs***

- [44] At the conclusion of the application, the parties provided their submissions on costs. If successful, the applicants sought their costs of the application on a partial indemnity scale, fixed in the amount of \$26,521.36, all inclusive. Ms. Tran submitted that the respondents should not be awarded any costs, even if they were successful.
- [45] Fixing costs is a discretionary decision under s. 131 of the *Courts of Justice Act*. In exercising my discretion, I may consider the result in the proceeding, any offer to settle or to contribute made in writing, and the factors listed in rule 57.01 of the *Rules of Civil Procedure*. These factors include, but are not limited to, the following:
- a. the result in the proceeding;
  - b. the experience of the lawyer for the party entitled to the costs as well as the rates charged, and the hours spent by that lawyer;
  - c. the amount of costs that an unsuccessful party could reasonably expect to pay in relation to the step in the proceeding for which costs are being fixed;
  - d. the amount claimed and the amount recovered in the proceeding;
  - e. the complexity of the proceeding;
  - f. the importance of the issues;
  - g. the conduct of any party that tended to shorten or lengthen unnecessarily the duration of the proceeding; and
  - h. any other matter relevant to the question of costs.
- [46] The applicants were entirely successful on this application and there is no doubt that this proceeding was very important to them. The issues raised on this application were not only

very important to the applicants but to everyone who has been the target of Ms. Tran's vexatious litigation. This application was truly brought in the public interest.

- [47] While the legal issues raised on this application were not overly complex, the applicants marshalled a comprehensive record. A significant and obvious amount of time and care went in to assembling a very thorough record that documented Ms. Tran's litigation history in several courts and tribunals. This record was of significant assistance to me.
- [48] Counsel's rates are very reasonable. They only claim 60% of the LawPro rates and the total number of hours claimed reflects efficient work and appropriate delegation to more junior lawyers. Ms. Tran did not challenge either the hourly rates or the number of hours claimed.
- [49] Given her experience with litigation, Ms. Tran could reasonably have expected to pay the amount of costs sought by the applicants for an application of this scale.
- [50] Ultimately, in exercising my discretion to fix costs, I must consider what is fair and reasonable for the unsuccessful party to pay in this proceeding and balance the compensation of the successful party with the goal of fostering access to justice.<sup>25</sup> In my view, it is fair and reasonable that Ms. Tran pay \$25,000 in costs to the applicants.

**G. Order**

- [51] I grant the application and make an order:
- a. declaring that the respondent, Jenny Tran, is a vexatious litigant;
  - b. declaring that Ms. Tran may initiate no further proceedings, in any court, except with leave of a judge of the Superior Court of Justice;
  - c. that Ms. Tran may not continue any of the following proceedings, except with leave of a judge of the Superior Court of Justice:
    - i. Jenny Tran v. Anthony James LaBar et al. (CV-16-559926);
    - ii. Jenny Tran v. Leonard Hochberg (CV-17-578622);
    - iii. Jenny Tran v. David Ryan Andrew Carter, et al. (CV-17-579164);
    - iv. Jenny Tran v. Mark Alexander Beaton Donald, et al. (CV-18-596545);
    - v. Jenny Tran v. Laurentiu Ben-Eliezer (SC-14-003927); and
    - vi. Jenny Tran v. Dean Randall Adema, et al. (SC-16-00001844);

---

<sup>25</sup> *Boucher v. Public Accountants Council (Ontario)* (2004), 71 O.R. (3d) 291 (C.A.) at paras. 26 and 37.

- d. directing that a copy of any Order in this application affecting any of those proceedings be filed in that proceeding; and
- e. that Ms. Tran pay the applicants costs of the application, fixed in the amount of \$25,000, inclusive of taxes and disbursements, within 30 days of the date of this order.

[52] The applicants should send a draft order to my judicial assistant for my review and signature as soon as possible. I hereby dispense with the need to obtain Ms. Tran's consent to the form and content of the order.



---

Robert Centa J.

Date: February 11, 2025