ONTARIO
SUPERIOR COURT OF JUSTICE
Toronto Region

Court File No.:

B E T W E E N:

ABU UBAIDA AMIN	**APPLICANT**

Applicant

— and —

ATTORNEY GENERAL OF ONTARIO	**RESPONDENTS**
ATTORNEY GENERAL OF CANADA	
SABINA ASHRAF PARIMOO	
TARIQ KANTROO	
SABINA PARIMOO MEDICINE PROFESSIONAL CORPORATION	
JAGWINDER SINGH KANG	
COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO	
THE REGIONAL MUNICIPALITY OF PEEL POLICE SERVICES BOARD	
GURJOT KANDOLA	

Respondents

APPLICATION FOR LEAVE TO COMMENCE PROCEEDING

Pursuant to Section 140(3) of the Courts of Justice Act

TO THE REGIONAL SENIOR JUSTICE:

I. OVERVIEW

1. This Application for Leave is brought pursuant to **section 140(3) of the** *Courts of Justice Act***, R.S.O. 1990, c. C.43**, in compliance with the Order of Mandhane J. dated June 5, 2025 in *Parimoo et al. v. Amin et al.*, 2025 ONSC 3348 (the "Vexatious Litigant Order").

2. The Applicant, Abu Ubaida Amin, respectfully seeks leave to commence a constitutional application pursuant to **section 24(1) of the Canadian Charter of Rights and Freedoms** (the "Charter"). The proposed application raises narrow and arguable constitutional questions that have not been previously adjudicated. It does not relitigate prior civil disputes.

3. The Applicant submits that leave should be granted because: (a) the proposed application discloses a prima facie constitutional case on its merits; and (b) the proposed proceeding is not an abuse of process: *Foy v. Foy (No. 2)* (1979), 26 O.R. (2d) 220 (C.A.).

II. THE PROPOSED APPLICATION — NATURE AND SCOPE

4. The proposed application is a constitutional proceeding challenging whether the **cumulative effect** of: (i) a vexatious litigant declaration under s. 140; (ii) multiple and ongoing cost orders totalling over $43,758; (iii) Writ of Seizure and Sale enforcement proceedings against the Applicant's only commercial premises; and (iv) the resulting practical elimination of the Applicant's ability to access the courts — has **infringed the Applicant's rights under sections 7 and 15 of the Charter**.

5. The Applicant does NOT seek to set aside any prior finding on the merits of the underlying civil disputes. The proposed application raises a **distinct constitutional question**: whether the manner and cumulative weight of judicial processes, as they have been applied to this

self-represented litigant, cross a constitutional threshold. This question is appropriate for judicial determination.

III. PRIMA FACIE MERIT — SECTION 7 (LIBERTY AND SECURITY OF THE PERSON)

6. **Section 7 of the Charter** provides that everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

7. The Applicant submits there is a prima facie case that his section 7 rights have been infringed:

   (a) **Financial and psychological security:** The cumulative effect of cost orders exceeding $43,758, enforcement by Writ of Seizure and Sale against his commercial unit at 5 Cherrycrest Drive (his sole source of livelihood), and ongoing litigation restrictions, have caused documented **financial ruin, psychological distress, and serious harm to the Applicant's physical and psychological integrity**, engaging the security of the person component of s. 7: *Blencoe v. British Columbia (Human Rights Commission)*, 2000 SCC 44; *Chaoulli v. Quebec (Attorney General)*, 2005 SCC 35.

   (b) **Fundamental justice — procedural fairness:** The Applicant was declared vexatious based on proceedings in which he was self-represented and had no access to counsel. The cumulative impact of procedural barriers has prevented the Applicant from obtaining a hearing on the **merits** of any of his claims since 2023. A legal regime that systematically forecloses access without a substantive merits hearing may deprive liberty in a manner contrary to the principles of fundamental justice: *R. v. Morgentaler*,

[1988] 1 SCR 30; *New Brunswick (Minister of Health and Community Services) v. G.(J.)*, [1999] 3 SCR 46.

(c) **Breadth and proportionality:** The Order of Mandhane J. bars the Applicant from ANY proceeding in ANY court in Ontario without leave. The Applicant submits this is potentially overbroad and disproportionate — extending to proceedings wholly unrelated to the conduct cited as vexatious — and thus engages the principles against gross disproportionality and arbitrariness under s. 7: *Canada (Attorney General) v. Bedford*, 2013 SCC 72 at para. 120.

IV. PRIMA FACIE MERIT — SECTION 15 (EQUALITY RIGHTS)

8. **Section 15(1) of the Charter** guarantees equal protection and equal benefit of the law without discrimination.

9. The Applicant is a member of identifiable groups — including on the basis of **national/ethnic origin, religion, and socioeconomic status** as a small business owner operating in a predominantly immigrant-serving commercial complex in Brampton. These grounds are either enumerated or analogous under s. 15: *Corbiere v. Canada (Minister of Indian and Northern Affairs)*, [1999] 2 SCR 203.

10. The Applicant submits there is a prima facie case that the application of s. 140, and the cumulative procedural sanctions imposed, have had a **disproportionate adverse effect** on the Applicant as a member of these groups — reinforcing pre-existing disadvantage and limiting access to the civil justice system in a manner that perpetuates stereotyping and systemic disadvantage: *Eldridge v. British Columbia (Attorney General)*, [1997] 3 SCR 624; *Fraser v. Canada (Attorney General)*, 2020 SCC 28.

V. NOT AN ABUSE OF PROCESS

11. The proposed application does not seek to relitigate prior findings on the merits of the underlying condominium disputes or the defamation claim. Those matters involved distinct civil claims between private parties.

12. The proposed constitutional application raises a **new and distinct question** — the constitutional validity and proportionate application of s. 140 as applied to this Applicant — which has not been decided in any prior proceeding.

13. Courts have recognized that constitutional challenges to the exercise of judicial power, including challenges to orders that restrict court access, are legally cognizable: *British Columbia (Attorney General) v. Christie*, 2007 SCC 21 (access to justice as a constitutional principle); *Trial Lawyers Association of British Columbia v. British Columbia (Attorney General)*, 2014 SCC 59.

VI. RELIEF REQUESTED

14. The Applicant respectfully requests:

    (d) **Leave** to commence the proposed Charter Application attached hereto as the "Proposed Notice of Application";

    (e) **Directions** as to service of the proposed application, including service on the Attorneys General of Ontario and Canada; and

    (f) **Such further directions** as the Court considers just in the circumstances.

Date: March 8, 2026

Abu Amin

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ONTARIO

SUPERIOR COURT OF JUSTICE

SERVICE ADDRESSES

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AND TO:

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AFFIDAVIT OF ABU UBAIDA AMIN

I, **Abu Ubaida Amin**, of the City of Brampton in the Province of Ontario, **MAKE OATH AND SAY:**

Background

1. I am the Applicant in this matter and the deponent of this affidavit.
2. I reside in Brampton, Ontario and operate small businesses within the province.
3. I make this affidavit in support of my application for leave to commence a constitutional application pursuant to **section 140(3) of the Courts of Justice Act**.

Vexatious Litigant Order

4. On June 5, 2025, the Ontario Superior Court of Justice issued an order declaring me a vexatious litigant and restricting my ability to commence or continue proceedings without leave of the Court. *Parimoo et al. v. Amin et al.*, CV-23-1801-00.
5. As a result of that Order, any new proceeding must first receive leave from the Court.
6. I bring this application in compliance with that requirement.

Background Litigation

7. The disputes giving rise to these proceedings (CV-23-1801-00) and (CV-23-1288-00) originated from conflicts arising after Dr. Parimoo refused medical appointment in bad faith to Ayesha Amin authorized by Tariq Kantroo, and October 22, 2022 premediated false police complaint in made by Respondent Parimoo in slander, libel and malice in bad faith to beat CPSO regulatory discrimination compalint.

8. Those disputes resulted in several legal proceedings before the Ontario Superior Court of Justice.

9. During the course of those proceedings, cost orders were issued and enforcement steps were taken relating to those orders.

Allegations Made During the Litigation

10. During the litigation Motion Hearing under oath, certain allegations were made that I had left threatening voicemail messages at a clinic associated with the opposing parties.

11. I deny making any such messages.

12. To my knowledge, no recordings or verifiable evidence of such messages have ever been produced.

13. I have previously sought to introduce fresh evidence before the Court of Appeal concerning the absence of such evidence.

Impact of the Litigation

14. The cumulative effect of the proceedings described above has had serious consequences for me, including:

(g) financial hardship;

(h) reputational harm;

(i) psychological stress; and

(j) restrictions on my ability to pursue legal claims.

15. I believe that the cumulative effect of litigation restrictions, enforcement proceedings, and procedural decisions has created significant barriers preventing me from obtaining a hearing on the merits of my claims.

Purpose of the Proposed Application

16. The proposed application seeks constitutional remedies concerning:

(k) access to justice;

(l) procedural fairness; and

(m) the proportionality of litigation restrictions imposed upon me.

17. I believe these issues raise serious and arguable constitutional questions appropriate for judicial determination.