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Court File No.....

IN THE SUPREME COURT OF CANADA

ON APPEAL FROM: THE COURT OF APPEAL FOR ONTARIO

BETWEEN:

Ahmed Bouragba

APPLICANT
(Appellants)

AND

Ontario College of Teachers,

RESPONDENTS
(Respondents)

Stephane Vachon, Edith Dumont and Diane Lamoureux

(INTERVENERS)

APPLICATION FOR LEAVE TO APPEAL

Ahmed Bouragba/ **Applicant**

8411 Russell rd., Ottawa K4B 0J7 Ontario, Tel: 613 255 5509,

Email: ahmbourgba@hotmail.com

Counsel for the respondents (Ontario College of Teachers) :

To: **McCarthy Tétrault LLP**

Ms. Charlotte-Anne Malisehewski (Lawyer for Ontario College of Teachers)

Suite 5300 TD Bank Tower Box 48, 66 Wellington Street West Toronto ON M5K 1E6

Tel: 416-601-8013, Fax: 416-868-0673

Email: cmalischewski@mccarthy.ca

Emond Harnden LLP

Mr. Robert Paul Marshall for Stephane Vachon, Diane Lamoureux and Edith Dumont

707 rue Bank St. Ottawa, ON K1S 3V1

Tel: 613 563-7660, Fax: 613 563-8001

Email: pmarshall@ehlaw.ca



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NOTICE OF APPLICATION FOR LEAVE TO APPEAL

(RSC., 1985, C S-26) Appeals with leave of SCC 40(1,2), 43(1)

TAKE NOTICE, that Ahmed Bouragba hereby applies for leave to appeal to the Court, pursuant to Supreme Court Act RSC., 1985, C S-26) Appeals with leave of SCC 40(1,2), 43(1) From the judgment of the Court of Appeal for Ontario M-49924 (M 50197) made on May 24, 2019 refusing to grant leave to appeal decisions of the Ontario Divisional Court dismissing two correlated judicial review applications in file (DC 16-2199 and 2174), the first decisions were made by the Ontario College of Teachers (Investigation Committee) and if leave will be granted for an order to set aside the wrong dismissal of the two applications for judicial review by the Ontario divisional court on November 22, 2018 and to decide whether to discipline the members or to return the case to the lower courts to correct their errors to remain consistent with the protection of the best interest of the students in Canada.

AND FURTHER TAKE NOTICE that this application for leave is made on the following grounds:

1- This application raises issues of public importance concerning the safety and well-being of the students in public education and their constitutional rights in access to public education and access to impartial justice that ought to be decided by this Court. Specifically, this case raises issues of correction of injustice caused by the violations of the Ontario College of Teachers Act made by the College's investigation committee when exaggeratedly exceeded its jurisdiction and it failed to transfer serious complaints of (voyeurism, psychological abuse...) against members of the teaching profession who are not teachers to the Discipline Committee.

2- The decisions of the College which were systemically protected by influenced lower Courts created a new abnormal unprecedented and an abusive jurisprudence, if not corrected by the

Supreme Court of Canada the mandate of the College will be reversed from serving the public interest by protecting the vulnerable students to legislating the systemic psychological abuse against the students to include sexual solicitation by members of the teaching profession, violations of the students rights to access public education and shutting down the parents involvement in the education of their children.

The failure of the appellate courts to correct the College's wrongdoings will give the members of the teaching profession a legal opportunity and a solid ground to abuse the students and practice voyeurism at the schools without consequence by simply referring to these odd Investigation Committee of the College of Teachers decisions and seek equal treatment from the abnormal and abusive jurisprudence protected by the lower appellate Courts.

3- Ensure the safety and well-being of the children in the Canadian schools by overturning the Ontario College of Teachers investigation decisions that protected the members of the profession who committed serious professional misconduct (sexual solicitation (promotion of voyeurism using Facebook), the principal Diane Lamoureux shared pictures of her open breasts in bikini with her minor students in Facebook while smoking cigarettes or drugs, other pictures from her toilet drinking alcohol and promoting the substance to her students by writing comments, psychological abuse of student proven by professionals (Physicians and psychologist), illegal removal of student Tarik Bouragba from his classroom interrupting his education.. The errors made by the investigation committee were:

- Excess of jurisdiction by failing to transfer the complaint to the Discipline Committee, solely to protect three members of the profession because their lawyer worked at the College as an Independent Legal Counsel.
- Ignoring the direct evidence of psychological harm confirmed by witnesses and a number of professionals (Physicians and psychologist), ignorance of the breach of duty of care by the principal and her supervisors.
- Breach of duty of protecting the public interest by the College.
- Ignoring the direct conflict of interest involving the intervener Mr. Paul Marshall who was also the legal counsel for the respondents while acting as an independent legal counsel at the Ontario College of Teachers.
- The investigation panel erred by stating that the principal was free to smoke in bikini and take inappropriate pictures of herself in her private environment ignoring the fact that once she posted her inappropriate pictures and shared them on Facebook with her minor students then the privacy is not a ground to dismiss the allegations an the misconduct was established, furthermore, the Supreme Court of Canada confirmed in R. Jarvis 2019 SCC 10 in file 37833 that **Teaching is a public profession**, stating that **teachers' off-duty conduct, even when not directly related to students, is relevant to their suitability to teach. Members must maintain a sense of professionalism at all times – in their personal and professional lives.** This leave to appeal should be granted to keep consistency with the recent ruling of the Supreme Court of Canada and to eliminate the public allegations of double standard approach against the administration of justice when dealing with Corporations and unrepresented people.

It is against the law and a violation of the Ontario College of Teachers Act to dismiss serious allegations at the investigation stage, while at the same time going forward with a fabricated

complaint against a parent of student who was cautioned by the Investigation committee of the College when he was falsely accused by the same principal asserting that he was rude to her.

4- The court of Appeal that refused to grant leave to appeal failed to protect the public interest and their failure was a result of the influencing financial and political power of the lawyer of the interveners Mr. Robert Paul Marshall.

5- Eliminate the influence of the lawyers of the corporations on the judicial system and reduce conspiracy and conflicts of interest in the Canadian administration of justice.

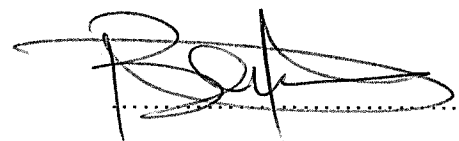
6- Eliminate contradictions in jurisprudence and remind the judges of the lower courts (honourable Alexandra Hoy, Fledman, Swinton, Macleod..) to not act above the law for the purpose to protect each other's decision.

7- Eliminate Courts' systemic double standard approach in the treatment of Corporations and unrepresented citizens.

8- Violation of tests, errors of law to include the appropriate standards of review. Other example was the fact of me winning a motion on March 07, 2019, the honorable judge Alexandra Hoy granted me cost against the College and intervener but the cost was confiscated by the same judge who tied my cost to the final decision which was not related to the motion, I won before her, at the same time her honor instructed the future panel of her Court to dismiss my leave to appeal prejudicing my application for leave to appeal, also she violated the Test of extension of time by allowing my motion for an extension of time by stating that the merit is not available and the leave must be dismissed, her order was to inappropriately confiscate my cost and to serve the corporation and the clients of Mr. Marshall because she was protecting her best friend judge Swinton who chaired the panel of the divisional court that arbitrarily dismissed my two judicial applications.

SIGNED BY

Ahmed Bouragba/ Applicant
8411 Russell rd., Ottawa K4B0J7 Tel: 613 255 5509,
E: ahmbourgba@hotmail.com



AUG 29, 2019

ORIGINAL TO:

THE REGISTRAR OF THE SUPREME COURT OF CANADA

COPY TO:

Counsel for the Respondent:

McCarthy Tétrault LLP
Ms. Charlotte-Anne Malisehwski (Lawyer for Ontario College of Teachers)
Suite 5300 TD Bank Tower Box 48, 66 Wellington Street West Toronto ON M5K 1E6

Tel: 416-601-8013
Fax: 416-868-0673
Email: cmalischewski@mccarthy.ca

Counsel for the Interveners

Emond Harnden LLP

Mr. Robert Paul Marshall for (Stephane Vachon, Diane Lamoureux and Edith Dumont)

707 rue Bank St. Ottawa, ON K1S 3V1

Tel: 613 563-7660, Fax: 613 563-8001

Email: pmarshall@ehlaw.ca

Copy of the application for leave to:

- 1- Canada Attorney General**
- 2- Ontario Attorney General**
- 3- Ontario Minister of Education**
- 4- Ontario Teachers Federation (OTF)**

NOTICE TO THE RESPONDENT: A respondent may serve and file a memorandum in response to this application for leave to appeal within 30 days of the date a file number is assigned in this matter. You will receive a copy of the letter to the applicant confirming the file number as soon as it is assigned. If no response is filed within that time, the Registrar will submit this application for leave to appeal to the Court for consideration.

APPLICANT'S MEMORANDUM OF ARGUMENT

PART I – STATEMENT OF FACTS

1- The Ontario College of Teachers (College) is a tribunal mandated to protect the public interest by investigating and disciplining the members of the teaching profession to include (teachers, principals, superintendents and directors in education) The legislation was enacted in accordance to the Ontario College of Teachers Act 1996. The College is an agent of the government of Ontario. The Supreme Court of Canada allowed a similar appeal this year in R. v. Jarvis 2019 SCC 10 enhancing the protection of the vulnerable students from possible misconduct by the members of the teaching profession.

2- The main issue of public importance is the fact of allowing and legislating an abnormal jurisprudence of voyeurism in public schools, psychological abuse of vulnerable minor students, double standard approaches by public institutions against the unrepresented Canadians when they seek justice in our Courts and tribunals. The College of Teachers reversed its mandate from protecting the children (students) to protect and advocate for the violators of the students' rights in a safe environment and access to public education. If this appeal will not be allowed, the members of the teaching profession can freely abuse the students and practice voyeurism and violate the rights of the students by simply referring to the College's decisions in dismissing a proven allegations at the investigation stage even before they arrive to the Discipline Committee, this odd jurisprudence must be corrected to protect the students. Principal of school shared her inappropriate pictures of her open breasts, in bikini smoking cigarettes or drugs with other pictures of herself taken from her toilet drinking alcohol with comments on Facebook soliciting her minor students to drink after midnight, she bullied and abused some of her students psychologically, the evidence was provided by professionals (Physicians, psychologist, witnesses.) she was protected by her supervisors and by the College of Teachers due to a conflict of interest caused by her lawyer Mr. Paul Marshall who acted for her and for the Ontario College of Teachers at the same time. The College stated in its decision that the principal was free to do whatever she wants in her private life, ignoring the fact that once she shared the pictures with her students, the misconduct is established. The College is in contradiction with the recent statement from the Canada Supreme Court confirming that the teachers are required to behave even when they are off duty.

3- The director in education was required to provide all the documents when requested by the College's investigation committee, the director in education failed to provide the most important documents to the investigation Committee violating section 23 from the Ontario College of Teachers Act 1996. Professional misconduct, this allegation was dismissed by the College saying that the director was in position to choose which document she can provide to committee which was clearly false simply because the article in the Act does not provide exception to any special member of the profession and the legislator clearly decided that it is a professional misconduct to fail to . These kind of corrupt decisions must be corrected to ensure consistency in the justice system and to restore the missing public confidence in many of the public institutions.

4- The College has a number of committees (investigation and discipline committee..), the mandate of the College is to protect the public interest in education, the public covered by the College are the parents and the students attending public schools in all Ontario.

5- Mr. Robert Paul Marshall is a former teacher and a lawyer supported by strong lobbies, he was implemented in the College of Teachers in 2008 as an Independent Legal Counsel while he was the legal counsel for the majority of public school boards in Ontario, he was acting in prima facie conflict of interest because the members of the teaching profession appeared at the discipline hearings by complaints made by their employers when Mr. Marshall was the legal counsel of the school boards at the same time and his role at the College allows him to sit in the discipline hearings of the employees and provide guidance to the panels of the hearings, this conflict was enhanced and protected by a number of Ontario politicians in the Ontario Ministry of Education who used the College of Teachers as a tool for political benefits to their party. The decisions of different panels were manipulated and guided based on the best interest of Mr. Marshall's clients (public school boards financed by Canadian vulnerable taxpayers)

6- In 2012, the Appellant Ahmed Bouragba was elected as a council member at the College Council governing the Ontario College of Teachers. After an Oath taken by me to protect the public interest, I was obliged to respect the College's mandate. Mr. Marshall's conflict of interest had no chance to survive so a number of elected council members raised the issue with the Registrar of the College Mr. Michael Salvatori and the Chair of the Council Ms. Liz Papadopoulos in October 2013 and again in March 2014. The final removal of Mr. Marshall with his conflict was achieved after a serious fight due to his political and financial power on the staff of the College specifically on Mr. Richard Lewko who appears to own the public College as his private business.

7- By raising the conflict of interest, Mr. Marshall conspired with his clients at the CEPEO Ottawa based school board so the principal Diane Lamoureux from Gisele Lalonde started targeting my children, on December 19, 2013 on the last day of school prior to the Christmas break, Ms. Lamoureux suspended my son Yassin Bouragba who had exemplary behavior for three days and for no good reason, she justified her harsh and unreasonable suspension by the fact that he was asking for a napkin after his lunch and she did not allow him to get the napkin once he exited the school cafeteria. Yassin complied respectfully to her request and he did not go back to grab a napkin and decided to go to his class, Yassin was a minor student and he was intimidated publicly by his principal in front of hundreds of other students, he was sent outside of the school in an open area with extreme cold in a place where there was no transport to return back home because his parents lived in the country and the only way of transport was the yellow school bus, she did not consider his safety and he stayed extended time in the freezing temperatures.

The suspension was extended to January 06, and January 07 2014, while all his peers came back to school after the Christmas break ready for the preparation of the exams, Ms. Lamoureux invited me to bring Yassin back on January 08, 2014, when I went to her school she evicted both of us despite the fact we were very polite with her and this was

confirmed by her direct testimony in emails to her supervisor Stephane Vachon. Her disrespectful eviction to me and my son from a public institution was caused by me asking her to wait for a member of the school board to attend the meeting so there will be a witness from her side.

8- Yassin stayed home and panicked because he served his 3 days suspension and when he went back to his school to catch up for his lessons, he was disrespectfully evicted for no reason on January 08, 2014, the superintendent Stephane Vachon and the school board director Edith Dumont were contacted to solve the problem but Mr. Marshall did not allow the problem to be solved because he was the school board legal counsel and Mr. Vachon was unable to say no to Mr. Marshall because he saved him in the past from a Human Rights complaint made by a mother of a white Canadian girl in grade one who was discriminated due to her disability (The decision is available in citation 2011 HRT0 2132) E.E v. Conseil des écoles catholiques de langue française du Centre-Est. It shows the relationship between Mr. Marshall and Vachon and how Mr. Marshall was behind all what happened to Bouragba's kids because he removed him from the Ontario College of Teachers.) After the hearing of the case superintendent Vachon had to quit his former catholic school board and hired by the CEPEO in the same position, Mr. Marshall was the legal counsel for all school boards in Ottawa so all decisions of the school boards were based on his own desire. The jurisprudence from the Ottawa Superior Court of Justice confirm that he was removing board directors and superintendents of education since 2003 due to his significant influencing power on the Courts.

9- The elected trustee of the school board CEPEO Mr. George Orfali was involved to solve the problem so Yassin can return to his school in a better environment free of bullying and harassment, the trustee was successful in obtaining a letter of apology from the principal Diane Lamoureux to me for her disrespect and eviction but he failed to allow Yassin to move to another school or to perform his exams in other location. Yassin staid home almost four months out of school and we could not transfer him to another school board because Mr. Marshall did not allow the transfer to happen as a reprisal against me because I raised his 6 years conflict of interest at the College of Teachers and recommended his removal. When Yassin changed his school, Mr. Marshall moved forward after my other younger son Tarik Bouragba who was systemically removed and denied entire access to education in Ontario under our influenced administration of justice.

10- When the principal was informed that Yassin is affected psychologically, she initiated a vexatious complaint against me in my role as a father to the Ontario College of Teachers on January 29, 2014, her complaint was designed by Mr. Marshall and it was submitted through the College's back door and it was processed against me by a biased panel of the investigation committee, the complaint was patently vexatious and made in bad faith because the principal sent me a letter of apology for her disrespect to me and my son on January 16, 2014 and when she assumed that I rejected her apology, she fabricated her third party allegations extracted from the meeting between me and the trustee and the superintendent when we discussed her behavior which resulted in a letter of apology to me by the principal on the same day. In her fabricated complaint, the principal accused me that I was rude to her contradicting her own three statements and emails sent to her

supervisor confirming in details how I was respectful together with my son to her. Moreover, she sent me a letter of apology, it was so obvious that her complaint was a pure fabrication with the support of her legal counsel Mr. Paul Marshall. The College of Teachers falsified the complaint and changed my role as a parent to a teacher misbehaving with his principal at his school where I teach, and changed the status of the principal Diane Lamoureux from a principal of a school and a member of the teaching profession to a member of the public to create a perception that I was a bad teacher and a public member complained against me which was false, I was in completely different school board. The allegations against me were so unreasonable to a disgusting point as they included allegations of discrimination of none white parent in inferior position against a white person who was in position of principal.. Despite of all these facts the College cautioned me and destroyed my reputation with my employer that had no idea about the complaint as my school board is a different employer. The injustice became a value at the College. At the same time the College refused to transfer to the discipline committee a proven allegations of voyeurism, psychological abuse, sexual solicitation of the principal against my son and other students, her psychological abuse and breach of her duty of care were patently evident in the record and proven by professionals and her Facebook history, the College dismissed the proven allegations of professional misconduct without transferring them to the Discipline committee. This mess must be corrected.

11- The investigation committee issued a caution against me in my role as a parent who went to return his intimidated and bullied kid to his school and we were both again intimidated and evicted disrespectfully by the principal, this was so absurd and in contradiction with the College's mandate in protecting the kids and their parents from the conduct of the members of the profession but not to cover for the members' misconduct and discipline the parents.

12- The Courts in judicial review were influenced by Marshall's financial and political power, relied on the judge Swinton from the divisional court of Ontario on November 19, 2018 reviewing the application for judicial review, she forgot herself and acted as a loyal lawyer helping Ms. Lonsdale and Ms. Malischewski the lawyers of the College who also were acting in conflict of interest because they were the same lawyers who attempted to silence me by a vexatious and corrupt action of presumed defamation against me by the College in October 2016 because I initiated an action to the Ottawa Superior Court on September 2016 against the College and the Intervener Marshall for destroying the entire access to the education of my other son Tarik Bouragba, that injunction was allowed to proceed on an emergency basis by honorable justice Kane to save Tarik's education on September 13, 2016 however Mr. Marshall used his influence on justice Beaudoin who violated illegally Kane's order on November 01, 2016 and stayed the action up to this date. That case reached the Supreme Court of Canada and now it is back to the superior court in Ottawa for further considerations.

13- As a parent, when I made a complaint against Ms. Lamoureux, Ms. Dumont and Mr. Vachon to the College for their misconduct in their roles in education, the College's investigation panel dismissed the serious and proven in the record allegations against them in direct contradiction and double standard approach, this was too absurd, the

investigation committee is only a screening committee, its role is very limited to review and if there is any if little ground of suspicion they must transfer the complaints to the Discipline committee for serious hearing and decisions in the interest of the vulnerable students as mandated.

14- The College's deviated from its mandate in an extreme way, the courts in Ontario were entirely influenced and confiscated, the justice in this province is arbitrary and completely missing specifically for unrepresented people, the justice in Canada is available for the stronger only and this was a fact due the lack of judicial independence. This request is a serious public interest matter since the injustice anywhere is threat to justice everywhere.

15- The members in question with the College did not stop at that stage of administrative torture, their harm was extended to systemically eliminate my younger son Tarik from entire access to public education in all Ontario school boards and he lost his education entirely under the systemic judicial corruption, Mr. Marshall and the College of Teachers would never act this way if they were not granted carte blanche from the highest level of government taking advantage from the weakness of our biased justice system.

16- The public interest in this case and the public importance are very clear to allow the appeal to eliminate the injustice and to free the administration of justice and restore public confidence not only in the judicial system but in all public institutions.

17- After the dismissal by the divisional court, I attempted to seek leave to appeal from the Ontario highest Court of Appeal (ONCA) Mr. Marshall and the lawyer of the College acted in bad faith and delayed to provide the proper signed Order until the last day of possible appeal, then they stated that they are against an extension of time to file my leave to appeal to the Court of Appeal which caused me a request for an extension of time to file a leave to appeal. The motion for extension of time was granted by the Ontario Court of Appeal on March 07, 2019 due to the strong motion record and merit. Later when the written decision was issued, Justice Hoy demonstrated that she was highly influenced after the hearing.

18- The College and Mr. Marshall who was the intervener for the members who conspired against the education of my kids and who psychologically abused and sexually solicited by sharing inappropriate pictures of almost nude principal with my son and other students in midnight on Facebook, the investigation panel who has no jurisdiction, dismissed those allegations while the same panel of the College issued a caution damaging my reputation with my employer who had no idea about the drama played by the College and Mr. Marshall.

19- Honourable Alexandra Hoy from the Court of Appeal came on March 07, 2019 to protect judge Swinton proven lack of impartiality, in her decision Ms. Hoy granted me an extension of time and cost but my cost were confiscated in a direct violation of the principles of costs and serious prejudice when she instructed a future panel of her Court to dismiss my leave to appeal, she also acted above the law when she violated the test for granting extension of time as the judge shall not grant extension of time for a party if in his

opinion that the merit is not high, Ms. Hoy confirmed that in her view the future panel shall dismiss my leave to appeal anyway, yet she granted me the extension of time and cost, however she tied my cost with the success on the final leave to appeal ordering any panel to dismiss it anyway, in other direct words without prejudice my cost were stolen and my leave was denied corruptly. The decision was not posted in CanLII database as usual to keep the legal business ongoing.

20- I wrote to the ONCA chief justice asking for corrections of the compromised decision, his secretary informed me that he is preparing a letter explaining the mistakes of the Court and that my request is going to be treated with care, unfortunately, nothing happened, I requested that the leave to appeal should be heard by 5 judges instead of 3 and it should be orally so I can argue my case, The chief justice ignored me completely as I am not a corporation or a rich citizen so I had to accept injustice letting them act as they want with the administration of justice until Canada will be converted to third a world undeveloped country in term of access to justice.

PART II

STATEMENT OF THE QUESTIONS IN ISSUE

21- The question is germane to the disposition of the case, the courts below misinterpreted and misapplied the rules of law and this case includes a constitutional issue and a novel point of law:

-Jurisdiction: Does this court has jurisdiction to grant leave to appeal from a refusal of leave by a provincial court of last resort?

It is beyond the doubt that the Supreme Court of Canada has jurisdiction to grant leave to appeal from a refusal of leave from the highest court of Appeal in any province, the provision is demonstrated clearly by Rule 40 (1) Appeals with leave of Supreme Court. It is time for the Supreme Court to engage in allowing appeals from the refusal of Appeal by the highest provincial courts of Appeal to enhance the judicial integrity by proving that the administration of justice in Canada is not failing and it has the power to correct injustice and promote accountability, this is also another serious matter of public importance to restore public confidence in the legal system.

22- Was there an intentional violation of the Ontario College of Teachers Act by the investigation committee?

Refusing to transfer the case to the Discipline Committee when the evidence of violation of the Act is direct with an abuse of students is considered a violation of the main mandate of the College and a violation of the rules of law of the investigation screening committee, this fact is very common and is one of the reason used to protect the systemic perversion in all public institutions against the public interest, the Supreme Court of Canada had now an opportunity to clear the issue and provide guidance even to the Canadian Judicial Council and to the Law Society and to all the disciplinary organizations so they stop using the first screening barriers as an excuse to protect the members' wrongdoings. The complaints against the members were not thrown at the intake stage, they were processed by the

screening committee which is very limited by its role of moving forward to the Discipline or to the Fitness to Practise Committee to deal with any allegations of professional misconduct if there is a little smell of misconduct.

The violation was the failure of transferring a proven serious allegations of misconduct to the Discipline Committee against three members of the teaching profession (Principal Diane Lamoureux, superintendent Stephane Vachon and the director in education of the CEPEO school board Ms. Edith Dumont)

The complaints included allegations of (Voyeurism, psychological abuse, double standard approach (deux poids deux mesures) misleading the administration of justice, charter's violations, systemic conspiracy and multiple conflicts of interest..)

23- The double standard approach (Deux poids-deux mesures) by College:

It was proven by the fact that a fabricated complaint against me as a parent that has nothing to do with my professional duties and even assuming true it has no impact whatsoever on any student, still I was cautioned by the same investigation committee while the crimes against students by the same three members of the profession in question made during their performance of their professional duties were dismissed entirely, this rendered the case a serious matter of public importance that deserves the attention of the Canada Supreme Court, the same judges involved with me (hounorable Feldman and justice Hoy) were involved in a recent public scandal when they signed a decision in other case by a judge who was not even a panel member, see article in the Lawyers' daily dated August 14, 2019 (ONCA orders appeal it bungled to be re-argued after wrong judge signs off on civil judgment) known as correcting an error by a mistake.

24- Standard of Review: The first ground of appeal is on a question of law and the second one is a fact of ignoring the evidence confirming the absurdity of the case. Ignoring evidence is also a question of mixed law and facts. The standard is correctness.

25- Other errors of law, when I won a motion and granted my cost to be paid by the College of Teachers, the absurdity here is the fact that I was not paid any cost because the lower court decided to confiscate my cost and to prejudice my case by honorable justice Alexandra Hoy on March 07, 2019, her decision is self explanatory, if her decision will not be corrected at the Canada Supreme Court then it will be considered as a strong jurisprudence against the interest of justice and contradictory to the rules of costs, this is also a matter of public importance, the rules of costs are discretionary but not to the point to grant them from one judge's hand then confiscate them by the other hand, this action was highly inappropriate by the highest court of appeal by a judge who is a member of the Canadian Judicial Council, the test of extension of time and the jurisprudence were both violated even though the motion was granted, this action reinforced the fact that I have a good cases to be adjudicated and to be decided by a responsible an serious institution which could be the Supreme Court of Canada. Up to this date, the entire administration of justice is remarkably failing.

26- Is the case of public importance?

It is beyond the doubt that it is. The safety of the students is important to everyone, the

judicial integrity is important, the respect for unrepresented citizens appearing in the Canadian Courts and Tribunals is a major concern in all Canada, the number of the NGO organizations trying to find a solutions to this absolute lack of impartiality and disrespect to self-represented is increasing even on the international level, it is time for the Canadians to feel safe in their homeland by assuring that there is an independent judicial system that is not submitted to the influencing power of the rich Corporations and political or religious lobbies and groups, it is time to eliminate the external influence on the administration of justice. A number of Supreme Court of Canada Chiefs justice recognized the issue and urged the entire community to solve the issue, here is an opportunity for the Court to provide directions by a clear jurisprudence to lift the interference and to assure that the Canadian judges and adjudicators should not submit to any corporations' influence.

PART III STATEMENT OF ARGUMENT

27- The significant prejudice caused to my leave to appeal in ONCA by honorable Alexandra Hoy is not justified, if not corrected it will ruin the reputation of the Canadian judicial system. (Acted above the law, contradicted all jurisprudence, the chief justice of the Court lacked impartiality and he was ignorant by not replying to a serious request supported with direct written evidence (Hoy's handwritten decision) and the Chief secretary Ms. Stefanie was forced to lie to me when the counsels gave her instruction to ask me to wait for a letter containing the Court's view of the behavior of honorable Hoy ensuring that my request for 5 judges and oral an hearing has to take place. The serious prejudice resulted in the dismissal of the entire case against the interest of justice.

28- The behavior of justice Swinton from the Ontario divisional court when she started exploring the record and presumably correcting the lawyer of the College in the hearing was a prima facie violation of her mandate by a professional misconduct, the same court of appeal had many jurisprudence confirming that the interference of the judge in the job of the lawyer during the hearing was not acceptable and many decisions were overturned because of this behavior, the ONCA was provided with jurisprudence still they ignored them causing contradictions and double standard approach by the Court. This has to be corrected by the Supreme Court of Canada.

29- The Ontario College of Teachers Investigation panel violated, the College's Act and exceeded its jurisdiction by dismissing allegations that must be transferred to the discipline panel, this demonstrated a double standard approach because the complaint against me as a parent even they were patently proven false and made for improper reason and in bad faith to protect the clients of the strong and rich Marshall who was acting in conflict of interest. The mandate of the College was also violated because the College has to protect the kids and their parents but not the members of the profession, in this case the College went after a parent in allegations that were purely fabricated by the principal and her lawyer Marshall. This excess of jurisdiction should be corrected by the appellate courts but their failure was caused by the systemic lack of impartiality and the strength of the influencing power of Mr. Marshall, so the Supreme Court should not submit to Marshall's political power and should grant the leave to appeal.

30- The inappropriate intervention of the Chair of the Divisional Court panel must result in quashing the Court's decision to remain consistent with this honorable Court of Appeal in the decisions: R. v. Huang, 2013 ONCA 240 and R. v. Hossu, (2002), 2002 CanLII 45013 (ON CA), 167 C.C.C. (3d) 344, at para. 35, "[i]t is counsel's job, not the trial judge's, to explore inconsistencies in a witness' testimony." The Chair of the divisional court panel Ms. Swinton has demonstrated apprehension of bias by not acting as a listener during the hearing of the matter when Counsel for the respondent Ms. Lonsdale stated that she does not know if an email was sent by the applicant or by his wife, judge Swinton interrupted the counsel and acted as a lawyer for the Respondent saying that the email was sent by him (the applicant), this was enough to quash the divisional court biased decision as it demonstrated Swinton's biased decision and the intention of dismissing the applications based on prejudice and proves that Swinton came with a predisposed decision.

31- In the interest of consistency, the Court of appeal must allow the appeal to not be in contradiction with itself in citation: R. v. Huang, 2013 ONCA 240 when the Panel constituted by judges (Doherty, MacPherson and Cronk JJ.A) quashed a decision of a superior court based on apprehension of bias identical to the one at bar, the panel stated in para 33:

"It bears repetition that trial judges, like appellate judges, must preside in a judicious fashion. Trial judges are, at bottom, listeners. As this court said in R. v. Hossu, (2002), 2002 CanLII 45013 (ON CA), 167 C.C.C. (3d) 344, at para. 35, "[i]t is counsel's job, not the trial judge's, to explore inconsistencies in a witness' testimony." [34] The appeals are allowed and a new trial in respect of each appellant before a different trial judge is ordered."

32- The panel of the divisional court erred in law in paragraph [3] of the decision DC 16-2199 by granting the Applicant a limited participatory standing without the right to challenge the merit of the patently biased decisions made by the Respondent's investigation panel affecting the integrity of the legislation of Ontario College of Teachers Act and the Applicant's reputation.

33- The divisional court erred in law when it was clearly confused between a right of an intervener in the judicial review process and a right of an Applicant or a co-applicant in the same process. If not quashed or corrected, the decision will bring the justice into disrepute as it will limit the rights of complainants in challenging merits even if they were affected by the decision, which in result will discourage the citizens to bring applications for judicial reviews. Any co-applicant or complainant who is affected by a decision of a tribunal has the right for full standing to include his right to challenge the merit, otherwise there will be no sense for applying for judicial review that eradicates the justice of the case and provides full immunity to administrative and quasi-judicial tribunals to protect violations of the law. Complainants who are not affected by the decisions may not have the stand to challenge the merit.

34- Concealing bias of the Chair of the College's Investigation Panel, the bias of the Intervener and the inappropriate application of the test of bias by the Divisional Court. The divisional court refused to deal with the intervener's bias and it has concealed the bias

of the intervener Mr. Paul Marshall who worked at the College and represented the members in question while he also was the legal lawyer of the school board working under the members' direction by his clients. At the time when the complaints were under review Mr. Marshall was acting in conflict of interest working for both the Ottawa French Public School Board and the Ontario College of Teachers. When his bias was exposed Ms. Chartrand defended his bias and provided a letter of recommendation to keep him acting in conflict of interest.

35- The panel referred to some paragraphs (# 20, 25 and 26) from Kipianik v. Ontario Judicial Council 2012 ONSC 5866 to support its decision for granting limited standing however the decision clearly and strongly supported a full standing for the Applicant Kipianik which granted him full participatory rights to include a challenge of the merit of the Respondents' decision contrary to the divisional court wrong interpretation of the case law. Only the Chair of the panel Ms. Swinton who was in possession of the single copy of the Respondent's documents, the other two judges had no copies and none of them verified the case law relying on pure speculations provided by the Respondent's legal counsels.

36-The divisional court erred in law by ignoring the applicant's submission about his public interest standing and the divisional court erred when decided that I was accorded procedural fairness.

37- The divisional court erred by ignoring the evidence of the principal's Lamoureux and her bias with Mr. Paul Marshall who used the Ontario College of Teachers back door to allow her complaint against a parent who challenged his bias and his judicial influence on the tribunals. The written statement and evidence provided by the principal was crystal clear confirming that the applicant was respectful in all his interactions with the principal of his children.

38- The interests of justice is beyond those of the parties which warrant granting leave in this case to protect the reputation of the administration of justice.

39- The decision will have a negative impact on the Public interest in education and mainly on the safety of the students since it has created a dangerous precedent which provided an absolute immunity and a free carte blanche for the members of the College of Teachers to commit serious professional misconducts without consequences, for examples principals of Ontario schools are now encouraged and protected when they share with their minor students pictures of themselves with open breasts and underwear while smoking cigarettes, drinking alcohol and taking pictures of themselves from their bathrooms with soliciting comments, members of the teaching profession can now abuse students psychologically and even proven the allegations they must be dismissed according to the College's Investigation committee that refused to transfer the cases to the discipline committee, exceeding its jurisdiction. Contraventions of the OCT Act and the Ministry of education act by the members, hiding documents to mislead the administrative tribunal and the divisional courts are serious wrongdoing, no matter how influenced the legal system in Ontario by bias, the impact of bias should be limited when the safety and the well being of children are in jeopardy.

40- The divisional court erred by ordering cost against the Applicant in a matter of public interest concerning the safety of the vulnerable Ontario students and their parents.

PART IV

SUBMISSIONS IN SUPPORT OF ORDER SOUGHT CONCERNING COSTS

The case is a public interest case so the Appellant is not seeking costs.

PART V

ORDER OR ORDERS SOUGHT

- Grant leave to appeal.
- If leave is granted an order overturning the decisions of the lower Courts in the public interest.
- No costs.

PART VI

TABLE OF AUTHORITIES

- 1- R. Jarvis 2019 SCC 10
- 2- R. v. Shea, 2010 SCC 26 [2010] 2 S.C.R. 17,
- 3- Spence v. Ontario College of Teachers 2018 ONSC 3335
- 4- London (City) v. Ayerswood Development Corp 2002 CanLII 3225 (ON CA)
- 5- R. v. Huang, 2013 ONCA 240
- 6- R. v. Hossu, (2002), 2002 CanLII 45013 (ON CA), 167 C.C.C. (3d) 344 at para. 35
- 7- Kipianik v. Ontario Judicial Council 2012 ONSC 5866 (para 20, 25 and 26)

PART VII

LEGISLATION

1- Appeals with leave of Supreme Court

40 (1) Subject to subsection (3), an appeal lies to the Supreme Court from any final or other judgment of the Federal Court of Appeal or of the highest court of final resort in a province, or a judge thereof, in which judgment can be had in the particular case sought to be appealed to the Supreme Court, whether or not leave to appeal to the Supreme Court has been refused by any other court, where, with respect to the particular case sought to be appealed, the Supreme Court is of the opinion that any question involved therein is, by reason of its public importance or the importance of any issue of law or any issue of mixed law and fact involved in that question, one that ought to be decided by the Supreme Court