

TRIBUNALS ONTARIO

Animal Care Review Board

**TRIBUNAUX DÉCISIONNELS
ONTARIO**

**Commission d'étude des soins aux
animaux**



Citation: *LaPointe v. Chief Animal Welfare Inspector*, 2025 ONACRB 159

Date: 2025-06-30

File Numbers: 16430, 16507, 16514, 16515, 16558, 16559 and 16602/ACRB

Appeals and applications under section 38 of the *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c. 13.

Between:

Joshua LaPointe

Appellant

and

Chief Animal Welfare Inspector

Respondent

MOTION DECISION

Adjudicator:

Anxhela (Angela) Peco, Vice-Chair

Appearances:

For the Appellant:

Joshua LaPointe, self-represented

For the Respondent:

Jason Tam, Counsel

Heard:

Motions on January 6 and 7, 2025;
Merits hearing on January 7, 10, 30, February 18 and
March 13, 2025; last submissions received March 24,
2025

OVERVIEW

- [1] Joshua LaPointe had multiple appeals and applications pending before the Animal Care Review Board (Board) relating to various enforcement actions by Animal Welfare Services (AWS) in late 2024. These actions culminated in the removal of Mr. LaPointe's animals from his care, in decisions to keep those animals in care, and in statements of account requiring him to pay for that care.
- [2] In January 2025, the Chief Animal Welfare Inspector (CAWI) brought seven motions seeking to dismiss Mr. LaPointe's proceedings for abuse of process. In the alternative, CAWI sought that Mr. LaPointe's anticipated evidence be excluded because it did not comply with the Board's procedural orders and included misleading information generated with the use of artificial intelligence. Mr. LaPointe opposed the motions.
- [3] On consent of the parties, the motions were heard at the same time pursuant to s. 9.1(1)(b) of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 (SPPA).
- [4] At the conclusion of the motions hearing, I gave oral reasons denying CAWI's request to dismiss the proceedings as an abuse of process. However, I excluded Mr. LaPointe's non-compliant materials in the hearing of Board files 16430/ACRB and 16507/ACRB, scheduled to proceed before me immediately following these motions. I left the issue of the admissibility of Mr. LaPointe's materials at the remaining proceedings to be determined by the adjudicators presiding over those proceedings.
- [5] These are the written reasons.

ISSUES

- [6] Should the Board dismiss the appeals and applications on the ground that proceeding would be an abuse of process?
- [7] Should Mr. LaPointe's materials be excluded from evidence at the hearings?

BACKGROUND

[8] At the time of the motions hearing, Mr. LaPointe's appeals and applications were at various stages of the Board's process. Some had been scheduled for a hearing while others were awaiting case conference or hearing dates.

[9] The pending matters were as follows:

1. 16430/ACRB and 16507/ACRB: appeals of the removal of and the decision to keep in care a dog named Patch. The matters were scheduled for a hearing in January 2025;
2. 16514/ACRB and 16515/ACRB: appeals of the removal of 33 dogs and an application for the return of those dogs. The matters were scheduled to be heard one after the other in January and February 2025;
3. 16558/ACRB: an appeal of a statement of account related to Patch, scheduled for a hearing in early February 2025;
4. 16559/ACRB: an appeal of a statement of account related to the 33 dogs, with hearing dates yet to be set; and
5. 16602/ACRB: an appeal of a decision to keep the 33 dogs (and 2 puppies born) in care. A case conference was scheduled in January 2025.

ANALYSIS

Abuse of Process

[10] Abuse of process is a doctrine that allows a tribunal to intervene to prevent the misuse of its procedure in ways that would be unfair to a party to the litigation or would otherwise bring the administration of justice into disrepute. When analyzing whether there has been an abuse of process, the Board is required to consider whether the proceedings are oppressive or vexatious, and whether the proceedings violate the fundamental principles of justice underlying the

community's sense of fair play and decency (*Toronto (City) v C.U.P.E., Local 79*, 2003 SCC 63 at paras. 35-37).

- [11] Under s. 23(1) of the SPPA, the Board has the authority to make orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes.

CAWI's Submissions

- [12] For the purpose of the abuse of process test, CAWI relies on the Merriam Webster definition of the word "oppressive" as "unreasonably burdensome or severe". It submits that Mr. LaPointe's conduct and how these matters have proceeded are oppressive and breach the fundamental principles of justice.
- [13] CAWI argues that abuse of process warranting dismissal of the proceedings has been made out for the following reasons:
1. Mr. LaPointe has created an "endless cycle of litigation" by refusing consent to consolidate matters and hold a single hearing. He has not provided persuasive reasons for why the matters need to be heard separately, which will lead to excessive duplication of evidence;
 2. Mr. LaPointe has not kept his proposed evidence and submissions separate for each hearing, despite his argument that keeping the matters separate allows him time to prepare and keep the issues organized;
 3. Mr. LaPointe has consistently refused to comply with the Board's directions to discontinue sending multiple emails to CAWI and the Board and to compile documents into one single PDF;
 4. The number and volume of documents Mr. LaPointe has filed is excessive. Expecting CAWI and the Board to review over 200 emails that include various attachments and documents ranging in length from a few pages to several hundred pages is procedurally unfair; and

5. Mr. LaPointe's use of artificial intelligence tools has produced false or misleading information. This information includes veterinary opinions that are likely fabricated and citations to non-existent cases or cases that do not stand for the legal principles for which he relies on them.

[14] If the Board was not prepared to dismiss the proceedings as an abuse of process, CAWI relies on Rules 9.4 and 14.1 of the Board's Common Rules of Practice and Procedure (Rules) to request that the Board not permit Mr. LaPointe to rely on his materials as evidence at the hearings because he has failed to comply with Board directions and because the documents contain misleading information.

Mr. LaPointe's Submissions

- [15] Mr. LaPointe disagrees that his conduct in these proceedings constitutes an abuse of process and submits that dismissing his proceedings at this early stage would be premature. He stated he did not have legal assistance, was unsure of what materials to submit, and did not intend to rely on everything as evidence.
- [16] Mr. LaPointe acknowledges that he relied on artificial intelligence tool ChatGPT to help him research, formulate ideas and structure his arguments. He states he did not intend to include references to false cases, and it was not his intention to deceive the opposing party or this Board. He had assumed the information generated by ChatGPT was legitimate and he had not verified each cited case.
- [17] In written submissions filed by Mr. LaPointe in response to these motions, he also noted that he was not aware of a rule prohibiting use of ChatGPT and that if there was an issue with the authenticity of his submissions, he was open to clarifying any points and providing supporting evidence.

Board dismisses the abuse of process arguments but strikes non-compliant submissions

[18] For the reasons that follow, I was not persuaded that Mr. LaPointe's conduct amounted to an abuse of process. Even if the conduct had amounted to an abuse of process, I was not persuaded that dismissal of the proceedings, an exceptional measure that would deprive Mr. LaPointe of the ability to have the matters determined on the merits, would be a proportionate and appropriate remedy in this case. While I rejected the abuse of process argument, I granted in part CAWI's motion that Mr. LaPointe's non-compliant submissions be excluded from evidence at the hearing.

Lack of consent to consolidate matters

[19] CAWI submits that Mr. LaPointe's refusal to consolidate proceedings will lead to excessive repetition of evidence and unnecessary scheduling of several hearing days. It says this result will run contrary to the Board's mandate to efficiently resolve matters.

[20] I agree with CAWI's submission that the matters share some common facts, evidence, and witnesses. However, hearing proceedings at the same time under s. 9.1(1)(b) of the SPPA requires the consent of the parties. I am not persuaded that it is an abuse of process for Mr. LaPointe to have brought several applications and appeals of different instruments that were issued to him, as is his right to do, and to maintain that some of those matters should be heard separately.

[21] In addition, both the parties and this Board have tools available to them to mitigate some of the concerns around hearing inefficiency. For example, reliance on affidavit evidence would eliminate the need for witnesses to testify multiple times. Provided they agree, the parties may also request that the Board permit evidence introduced in an earlier hearing to be admitted in one or more of the later hearings, under s. 15.1 of the SPPA. Finally, scheduling some matters to be heard one immediately after the other, as is the case with 16514/ACRB and 16515/ACRB, facilitates some consistency and efficiency in decision-making because these matters will be heard by the same adjudicator.

[22] I acknowledge that holding separate hearings will require more resources both on the part of the CAWI and this Board, but I was not persuaded that Mr. LaPointe's refusal to consent to consolidating matters amounted to an abuse of process.

Non-compliant submissions

[23] The Board had conducted several case conferences to prepare some of Mr. LaPointe's matters for a hearing and had issued Case Conference Reports and Orders (CCROs) containing directions regarding disclosure and the filing of hearing materials with the Board.

[24] Some CCROs contained specific directions for Mr. LaPointe. These included orders and reminders that he was to provide his disclosure and document books in one single document and that he was not to send his documents in multiple emails. The CCROs also required that his documents identify the relevant Board file number, given that he had several matters open before the Board. Mr. LaPointe was also put on notice that failure to comply with these directions may result in the Board not accepting his documents.

[25] CAWI submits that Mr. LaPointe's inability to follow these procedural orders and the number of documents he has filed are oppressive and undermine the fundamental principles of justice. It submits among other things that producing a large volume of documentation, proposed evidence and submissions in such a short time span prejudices CAWI's ability to prepare for these hearings.

[26] Based on CAWI's affidavit evidence on these motions, Mr. LaPointe had sent over 200 emails, with several attachments, to CAWI and the Board since November 2024. Some attachments were several hundred pages in length.

[27] Mr. LaPointe stated in responding submissions that he was unsure of what documents to file with the Board and was trying to include everything that might be relevant to his proceedings.

[28] In deciding how to address the non-compliant materials and whether Mr. LaPointe's conduct amounted to an abuse of process, I considered the following factors:

1. Mr. LaPointe was a self-represented party. Even though he did not provide supporting documentation, on more than one occasion he had stated that he had a disability that made it difficult for him to navigate proceedings. Both factors weighed in favour of granting him some procedural latitude to facilitate his participation.
2. On the other hand, the extent of Mr. LaPointe's non-compliance with procedural orders was significant. Mr. LaPointe did not offer a persuasive explanation for why he continuously failed to comply with the orders. In reviewing materials in preparation for the hearing in 16430/ACRB and 16507/ACRB, it was clear to me that Mr. LaPointe had not complied with the Board's CCROs in many respects. He had filed materials in multiple emails and submitted large volumes of unsorted and unlabeled documents. Despite being notified that continued non-compliance may result in the Board not accepting his documents, he continued to file documents in a piecemeal fashion, past the filing deadlines and close to the start of the hearing. Some emails and documents appeared to be duplicates while others had the same file name but differed in content.

[29] Having weighed these factors carefully, I was not persuaded by CAWI's argument that the Board should find abuse of process and dismiss the proceedings based on the deficiencies of Mr. LaPointe's submissions. I appreciate that the voluminous filings posed serious challenges for both the CAWI and the Board, but I disagree that these actions rose to the level of preventing CAWI from meaningfully participating in these proceedings, hampering the Board's ability to properly adjudicate the proceedings, or otherwise warrant their dismissal.

[30] Instead, I determined that an order striking the non-compliant material would be a more proportionate response to the scale of non-compliance in these cases. This outcome prevented prejudice to the CAWI, who would otherwise have been expected to review a large volume of documents in an extremely short amount of time and to prepare cross-examination. At the same time, it would permit Mr. LaPointe to pursue his appeals by relying on some documents that had been filed in compliance with the CCROs and to participate in these proceedings by testifying within the scope of will-say statements included in his materials, cross-examining CAWI's witnesses and making submissions.

[31] More specifically, I directed the following pursuant to Rule 9.4 of the Rules:

1. *Board files 16430 and 16507/ACRB, scheduled to be heard before me immediately following these motions:* I permitted Mr. LaPointe to rely on documents and photographs that had been consolidated into two books of documents with the help of CAWI. Any material that was not included in these consolidated documents would be struck.
2. *Board files 16514, 16515, 16558, 16559, 16602/ACRB:* I ordered that the adjudicators assigned to those files would decide on the issue of possible non-compliant submissions. While Mr. LaPointe had breached procedural orders contained in one other CCRO related to Board files 16514 and 16515/ACRB, filing deadlines set out in two other CCROs had not passed at the time of this motions hearing (16558 and 16559/ACRB). In the seventh matter (16602/ACRB), a case conference had yet to be scheduled and there were no procedural orders related to that file. In these circumstances, Mr. LaPointe still had an opportunity to provide compliant materials in at least three matters.

Use of Artificial Intelligence Tools

[32] CAWI submits that Mr. LaPointe's reliance on ChatGPT and other artificial intelligence tools to produce misleading information was equivalent to Mr.

LaPointe making false statements to this Board. On that basis, it argued that the matters should be dismissed as an abuse of process. CAWI further submits that Mr. LaPointe cannot prove the authenticity of content generated by artificial intelligence and that some of his anticipated evidence is therefore inadmissible.

- [33] Among Mr. LaPointe's materials, CAWI references a document titled "veterinary opinions supporting the case." Counsel notes that the opinions come from veterinarians whose names do not appear on the College of Veterinarians of Ontario's register and submits that the opinions are likely fabricated. Counsel also notes instances where Mr. LaPointe's research cites jurisprudence without citations or refers to cases that do not stand for the principle for which they are cited.
- [34] CAWI's motion materials also included an excerpt from a document Mr. LaPointe filed showing an interaction with ChatGPT. It includes the prompt typed into ChatGPT and ChatGPT's response. In any event, Mr. LaPointe does not dispute that he used ChatGPT in preparing some of his documents.
- [35] I agree with CAWI's submission that it is not the use of artificial intelligence itself that is the issue in this matter. Of particular concern here is Mr. LaPointe's indiscriminate reliance on artificial intelligence tools that, while potentially helpful, are not a reliable source for legal research.
- [36] It appears to me that there are two types of submissions that may have been generated with the help of artificial intelligence tools that need to be addressed as part of this motion. The first are the incomplete and potentially false citations, and references to cases that do not stand for the principle for which they are cited. The second type of submissions are those containing anticipated evidence from an unknown source, including large swathes of text that may have been generated using artificial intelligence tools or copied from other online sources.
- [37] As to the first type of submissions, relying on false citations or providing misleading statements of law is a serious matter. Although I accept Mr.

LaPointe's submission that he did not intend to mislead the Board and that he had a mistaken belief that information provided by ChatGPT is accurate, I remind Mr. LaPointe and all parties appearing before this Board of the obligation to independently confirm cases cited in their materials. Although I acknowledge the seriousness of the situation, I do not find it appropriate in these circumstances to find abuse of process warranting dismissal of the proceedings. If Mr. LaPointe attempts to rely on this information at the hearing, the Board will disregard it.

- [38] As to the second type of submissions, general concerns around the admissibility and weight of anticipated evidence, whether generated by artificial intelligence tools or not, can be addressed by existing rules of evidence. I see no basis to dismiss these appeals and applications because some of Mr. LaPointe's anticipated evidence may be inadmissible.
- [39] Similarly, concerns around the admissibility of any veterinary opinions are best dealt with under existing common law and Board rules on expert evidence. While it is unclear if the veterinary opinions are fabricated or provided by veterinarians from another jurisdiction, this Board's rules speak specifically to the requirements a party must meet before relying on the evidence of expert witnesses. Among them are the requirements to disclose the name and contact information of the expert witness, to provide a signed statement from the expert acknowledging their duty to the tribunal, to provide the qualifications of the expert, and to disclose any signed reports that set out the instructions provided to the expert, the expert's conclusions, and the basis for those conclusions.

CONCLUSION

[40] For all of the foregoing reasons, I denied CAWI's motion to dismiss Mr. LaPointe's proceedings as an abuse of process but granted in part its motion to exclude non-compliant submissions in Board files 16430 and 16507/ACRB.

Released: June 30, 2025

Anxhela (Angela) Peco, Vice-Chair