

Brantford (City) v. Doolittle, 2026 ONCJ 440

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ONTARIO COURT OF JUSTICE

CITATION: *Brantford (City) v. Doolittle*, 2026 ONCJ 440

DATE: 2026 07 24

COURT FILE No.: Brantford, Ontario 26-0883

B E T W E E N :

BRANTFORD (CITY)

— AND —

BENJAMIN DOOLITTLE

Before Justice of the Peace K Bouchard

Heard on April 23rd, 2026, May 28th, 2026, June 25th, 2026

Reasons for Judgment on Motions released on July 24th, 2026

A. Sault..... counsel for the prosecution
B. Doolittle..... defendant, on his own behalf

JUSTICE OF THE PEACE BOUCHARD:

Introduction

[1] Benjamin Doolittle (the defendant) is before the Brantford sitting of the Ontario Court of Justice (OCJ) for various Highway Traffic Act (HTA)¹ and Compulsory Automobile Insurance Act (CAIA)² offences under the Provincial Offences Act (POA)³. The defendant is self-represented and has appeared in person.

[2] The defendant has filed several pre-trial motions of a constitutional nature before this court, on multiple submission dates. In the interests of justice this court seized itself with the trial in order to hear the motions on a motions date, an entire tier of an afternoon docket was dedicated to his motions. The motions date was set for June 25th, 2026 with the trial date set for September 1st, 2026. The court summarily dismissed some motions as manifestly frivolous on May 28th, 2026. Enclosed are my reasons for the decisions rendered on both the summarily dismissal date, and the full motions hearing date.

[3] Further, the court made findings that the defendant's demeanour in court, and his written submission bear many hallmarks of Organized Pseudo legal Commercial Argument (OPCA) style litigants. In order to prevent a deliberate attempt by the defendant

to waste judicial resources, delay and obfuscate its proceedings the court imposed several procedural restrictions on the defendant. Those restrictions, so far, have proven to be successful, the court is satisfied that the defendant's ability to argue his motions has not been impaired, and that the proceedings have remained open, and fair to both parties.

Issues

[4] Did the defendant identify any indigenous or treaty right that engages s. 35(1) or s. 52(1) of the Constitution? Did the defendant prove that provincial laws have been displaced in their general application in Ontario? Did the defendant prove an infringement on his protected rights under s.35(1)?

[5] Did the defendant prove that the HTA and CAIA do not apply within the Haldimand Tract⁴? Is it relevant to these proceedings whether the Haldimand tract is within a covenant within the meaning of s. 35(1)⁵. Has he proven a Mohawk Nation's covenant interest in the Haldimand Tract, and does that displace the provinces legislative authority? Did Ontario need to consult prior to legislating this authority, and if they failed to consult does that render the prosecution constitutionally infirm?

[6] Did the defendant prove his treaty rights, as a hereditary posterity member of the Mohawk Nation, were infringed, and if so that the HTA and CAIA are therefore invalid with respect to himself (or any descendant of three specific villages as he argued) under s. 52(1)⁶?

[7] Did the defendant prove that the court lacks jurisdiction to adjudicate these public welfare offences? Has the defendant confused land title with personal immunity from public welfare offences? Is the province in any way encumbered, barred, or prevented from prosecuting the defendant for these offences as he argues?

[8] Does the court have the jurisdiction to grant the relief the defendant seeks? If he seeks a declaration that Ontario is encumbered (barred) from prosecuting him under the HTA or CAIA has he proven this court can grant that relief?

[9] Did the defendant prove that the prosecutor should be removed from the case at bar due to a reasonable apprehension of bias against the defendant? Is it a relevant factor that the prosecutor is a member of a different tribal group from the defendant, and if relevant can the court find that is a proper basis to remove them? Can a defendant make such a claim without bringing an officer of the court into disrepute, and by extension the court itself?

[10] Should the court make cultural accommodations for indigenous defendants to foster reconciliation, and to demonstrate respect for the local indigenous population? Does the court have a treaty, statutory or common law obligation to respect certain indigenous ceremonies, as a precondition to prosecution, as the defendant argues?

[11] Does the court have jurisdiction to summarily dismiss the defendant's motions? Should they be dismissed without a hearing on their merits? If so what is the legal test to dismiss motions summarily in POA proceedings?

[12] More fundamentally, did the defendant prove that this issues he has raised are even relevant to his HTA and CAIA proceedings, or is it clear from his submissions that they are a type of OPCA tactic to delay his proceedings from being heard on their merits?

[13] Can the court impose procedural restrictions on the defendant to control OPCA style disruptions in order to ensure fair and just proceedings? Can the defendant ignore those restrictions on his own motion, and if not what sanctions can the court impose?

Rules

[14] In *Brantford (City) v Doolittle*⁷, Quon J.P. went to great lengths to summarize the history of the Haldimand Proclamation and Tract. In that case, which happened to involve this same defendant, making similar motions before that honourable court, His Worship analyzed in excruciating detail whether the Crown had a duty to consult, whether beneficiary interest and land title were germane to HTA and CAIA offences; whether the OCJ as a statutory court can grant prerogative writs or equitable remedies such as declarations or injunctions, whether to grant a recusal and investigation request. This court finds no fault with his reasons, having read them, and would adopt his conclusions. I would also like to thank His Worship for the tremendous amount of effort he put into these written reasons, which have aided my own findings.

[15] In *Klippenstein*⁸ it was held that a jurist need not recuse themselves when a litigant personally attacks the judicial officer; to do so risks bringing the court into disrepute and encouraging mischief and unprofessional conduct from litigants. In *S.L. v. Marson*⁹ the Ontario Court of Appeal (ONCA) held that there is a strong presumption of judicial impartiality, that can be rebutted by the moving party. In *Colling*¹⁰ the Supreme Court of Canada (SCC) held that a jurist must consider the cumulative effective of judicial interventions when determining reasonable apprehension of bias. In *Kelly v. Palazoo*¹¹ the ONCA held that allegations of bias call into question the integrity of the judicial officer (and by extension I read this to include licensed officers); while baseless accusations of bias can cause a disservice to the administration of justice.

[16] The Truth and Reconciliation Report tabled in 2015¹² made 94 calls to action, and of those 25 through 42 applied to the justice system and the administration of justice in Canada. The late honourable former justice and senator M. Sinclair, as chair of the commission recommended that in call to action 42 that federal and provincial governments commit to recognizing and implementing aboriginal justice systems consistent with treaty and established rights under the Constitution Act, 1982¹³, and the United Nations Declaration on the Rights of Indigenous Peoples endorsed by Canada in November 2012.

[17] In *Haevisher*¹⁴, the SCC held that the appropriate standard for summary dismissal is whether the underlying application is manifestly frivolous. The court may weed out applications which will necessarily fail. However, the moving party, seeking summary dismissal bears the burden of proving this standard. The SCC directs jurists to not conduct a limited weighing on inferences, rather they must assume the facts alleged by the original applicant at their highest.

[18] The Courts of Justice Act (CJA) at s 39(2)¹⁵ provides authority for a Justice of the Peace (JP) to preside over POA trials. The Justice of the Peace (JPA) at s 17(1)¹⁶ confirms I have jurisdiction throughout Ontario. A JP is empowered under POA s 91(3)¹⁷ to convene a show cause hearing for contempt when other mechanisms to ensure decorum and civility have failed.

[19] In *Meads v Meads*¹⁸ the court identified numerous categories or types of litigation behaviour intended to “paralyze court operation, if not break it.” The court in *Meads* describes OPCA tactics as vexatious in nature, where defendants believe (incorrectly) that they are outside the court’s jurisdiction, and that the court’s rules do not apply to them. Further in *Meads* the court identifies “magic hats” that litigants attempt to wear to shield themselves, such as declaring themselves immune, or part of an exempt or immune group. The court urges jurists to take swift and decisive action to curtail OPCA litigants, including show cause hearings, striking documents or motions, cost orders, and fines.

Application

[20] The defendant in this case disputes whether this court should be persuaded, and whether I should adopt the reasons of Quon J.P. in *Branford (City) v Doolittle*. I don’t find the defendant’s arguments persuasive. The reasoning by His Worship is not only germane to the case at bar, as it centers on very similar arguments concerning the Haldimand tract including the duty to consult, beneficiary interest and land title, but I am satisfied that the reasons were thorough and made in a considered manner. I am also satisfied that no subsequent authority has displaced his conclusions. I would adopt them entirely. As such the defendant’s arguments on Issues (para 4 through 7) are dismissed. I will find his arguments are manifestly frivolous without a hope of success. The province is in no way encumbered, nor barred in prosecuting the defendant, despite his self-imposed objection that they are. Instead, I’ll find this is another example of “magic hat” thinking that is discussed at length in *Meads*¹⁹, where a defendant claims broad immunity from litigation based on an exemption or group he belongs to, in this case the villages and posterity Mr. Doolittle claims for himself.

[21] Further even if I found he was correct on the merits, with respect to para 8 he has not proven this inferior court has jurisdiction to issue an order declaring that the province is encumbered in his prosecution; rather I will adopt Quon J.P.’s findings that the defendant is in the wrong forum to make that argument. While I have authority to declare legislation invalid under s.52(1) of the constitution with respect to this defendant only, that is not his argument, he specifically argues on behalf of posterity or descendants of three specific villages. Further this court does not recognize the recently created Mohawk Nation of the Grand River secretariat where the defendant and his brother have self-appointed themselves as officers, as a legitimate or recognized intervenor in these proceedings, nor have I granted them intervenor status which is rarely if ever given below appellate courts. Instead, I find this organization is further evidence of OPCA type litigation, which aims to delay and obfuscate these proceedings by filing copious documents on behalf of the defendant. I have placed a restriction on the defendant that I will not allow this organization to file any further documents on his behalf. The Elected

Council of the Six Nations is the recognized representative of the Six Nations community, and they are not a party to these proceedings.

[22] Turning to his request to have Prosecutor Sault recused or removed from this case, I find his arguments without merit of any kind. He cites a dated scholarship website where the Prosecutor expresses her gratitude for the scholarship and her desire to help her community, the Mississauga's of the Credit. The defendant then makes the extraordinary mental leap that this means she is biased against him as a member of the Mohawk Nation. Not only is his position illogical, it shows disrespect for an officer of this court. I would not allow a licensee to tender such an argument, I see no reason to allow a self-represented defendant to advance preposterous claims. He claims a reasonable apprehension of bias or conflict of interest; I will find he is wrong, his claims are entirely unreasonable, speculative, and display tribalist and racist thinking that brings this court into disrepute. I warned the defendant that if he advanced these arguments again, I would sanction him. That warning was not fully heeded, as at the full motions hearing he again advanced his arguments, and then also disparaged Quon J.P. referencing very dated Justices of the Peace Review Council (JPRC) proceedings, which were completely irrelevant. Reviewing Palazoo his conduct has done a disservice to administration of justice in this court, the court will observe the defendant's conduct closely moving forward for further unsubstantiated claims of bias.

[23] Additionally, the defendant in his written submissions indicated he may have initiated JPRC proceedings against this court, the court pays no attention to those threats. He is entitled to submit valid complaints; this court welcomes JPRC oversight as it ensures this court is conducting itself in an ethical and professional manner. If JPRC were to identify any past or current lapses they would be corrected without delay and stated on the record. Having reviewed Klippenstein, Marson, Colling, Palazoo I am confident no such breach has occurred. Further the defendant's claims are aimed only at delaying the court's proceedings.

[24] Turning to cultural accommodations, I reject the defendant's argument that the province, representing the executive, is encumbered or barred in his prosecution because they have not, as a precondition to his prosecution, conducted certain cultural ceremonies that he approves of. This is an illogical argument, to allow a defendant in criminal or quasi-criminal proceedings to set the rules of that the court must follow as a precondition destroys the independence of the judiciary, as the judiciary sets its own rules not the executive branch. The court is bound in no way to conduct indigenous or any other cultural ceremony as a precondition to obtaining jurisdiction over his proceedings. The opposite is true, the court has jurisdiction as granted by the legislative branch, granted in statute such as the POA, HTA and CAIA.

[25] However, I do believe it is in the interests of justice, and reconciliation to make accommodations, in line with call to action 42 to recognize aboriginal justice systems and practices to the extent that they are not inconsistent with established statutes. To that end I granted the defendant's motion, in part, by allowing cultural accommodations of Mohawk and other indigenous culture to become a part of our proceedings, such as but not limited to smudging, eagle feathers et al.

[26] The court denied the prosecutions motion to summarily dismiss all of the defendants' motions prior to a full motions hearing, as the prosecution failed to meet their burden of demonstrating that his motions were manifestly frivolous, they also applied an outdated authority. However, I did make exceptions for findings on jurisdiction, the court found it has jurisdiction over the charges, and that motion to remove the prosecutor was dismissed summarily as it was without chance of success and therefore manifestly frivolous.

[27] I am satisfied I have authority under the CJA and JPA to preside in these proceedings, I have seized myself with the trial meaning I am a court of competent jurisdiction to grant remedies. Also, I am empowered under the POA to maintain decorum, civility, and the reputation of the court. I am satisfied I have the authority and obligation to restrict OPCA type behaviours from a defendant, those restrictions must be reasonable, proportional and maintain fundamental fairness of proceedings. I made findings on the record that the defendant's documents had hallmarks of AI generation. He essentially admitted using AI as a tool to assist drafting and proofreading his submissions. I do not dispute the utility of AI tools (chatgpt, gemini, et al) especially for self represented defendants. However, I became concerned as the case summaries that the defendant provided lacked a full copy of the cited authority, when questioned by the court where and how he accessed the case he was unable to clearly indicated where he read the case and why he did not provide a copy to the court. Further his summaries did not always properly digest the ratio decidendi of the decision. I came to the conclusion that the summaries were AI generated. I imposed a restriction that his filings must be no more than 10 pages, double spaced, 12 point font. This was done to control the tidal wave of lengthy written submission he has submitted, many of which use different formats, and are highly repetitive. I am satisfied that a summary of his arguments can be made in that amount of pages (excluding the book of authorities), this was proven by the prosecution who fit their filings within the same limitation although the court had not imposed it on them. Further I imposed a restriction aimed to curb his use of unidentified AI use, he was ordered by the court to submit a signed affidavit with his submissions that he had written the documents before the court.

[28] As became clear on June 25th, 2026 the defendant, on his motion ignored the courts direction as he did not agree with it, and he disputed the courts' ability to impose such a restriction on a self-represented defendant. The question before the court on that appearance then became what sanction the court should impose for a wilful and deliberate breach of the court's orders. While contempt was available, I decided a lesser sanction would drive home the message and avoided a show cause hearing which would only protract his proceedings further. I decided the most fair thing to do was to receive the impugned submissions that ignored my restrictions, to preserve them for appellate review. However, I decided to give them little to no weight for his motions. I allowed the defendant to make lengthy verbal submissions over the next 2 hours on his motions, which mostly amounted to him reading the impugned documents into the record.

[29] The defendant repeatedly asserted, without evidence or authority, that Meads does not apply to indigenous defendants. When questioned on this position he was unable to cite the paragraph in Meads that stood for his position, and then went on to state that it was unfair for a justice to insist that a defendant cite a paragraph in the manner

a licensee would have to. His arguments are not persuasive, it was not the courts assertion rather the defendants that Meads did not apply to indigenous persons accused of being OPCA by a court, it was his burden to provide an authority and he failed to do so in a convincing manner.

Conclusions

[30] For these reasons all of the defendant's motions, with the exception of making cultural accommodations towards indigenous culture, were dismissed either summarily or after a full hearing on the merits. The defendant has failed to prove each of them, as was his burden, on a balance of probabilities. It is clear after a full hearing that most of his arguments are manifestly frivolous and were intended to delay his proceedings from proceeding to trial. The court is satisfied that the 2 hours spent on the motions hearing has built a sufficient record to allow appellate review should the defendant dispute the findings of this court.

[31] The court intends to maintain the OPCA restrictions it has imposed on the defendant. While the audio recording and transcript may not reflect outright obstinance in his conduct the court has found that the defendant has been disrespectful to this court and its officers on several occasions. The defendant may not on his own motion, as he did at the last appearance, disregard the court's directions merely because he disagrees with them or believes they are unfair. In the interests of justice and procedural fairness the defendant's conduct will be closely monitored and all tools at the court's disposal will be used in a reasonable and progressive manner to ensure a fair and just trial is conducted in September of this year. I remain seized with these proceedings.

Released: July 24th, 2026

Signed: Justice of the Peace Bouchard

¹ Highway Traffic Act, R.S.O. 1990, c. H.8.

² Compulsory Automobile Insurance Act, R.S.O. 1990, c. C.25.

³ Provincial Offences Act, R.S.O. 1990, c. P.33

⁴ Haldimand Proclamation, 1784.

⁵ Constitution Act, 1982.

⁶ Constitution Act, 1982.

⁷ Brantford (City) v. Doolittle, 2024 ONCJ 498 (CanLII), <<https://canlii.ca/t/k76d1>>, retrieved on 2026-07-20

⁸ Klippenstein v. Manitoba Ombudsman, 2015 MBCA 15

⁹ S.L. v. Marson et al., 2014 ONCA 510 para 24

¹⁰ R. v. Colling 2018 SCC 23

¹¹ Kelly v. Palazoo, (2008) O.R. (3d) 111 (Ont. C.A.) para 21

¹² Truth and Reconciliation Commission Calls to Action 2015

¹³ Constitution Act, 1982.

¹⁴ R. v. Haevischer, 2023 SCC 11 (CanLII), [2023] 1 SCR 416, <<https://canlii.ca/t/jwwm7>>, retrieved on 2026-07-23

¹⁵ Courts of Justice Act, R.S.O. 1990, c. C.43, s 39(2).

¹⁶ Justices of the Peace Act, R.S.O. 1990, c. J.4, s 17(1).

¹⁷ Provincial Offences Act, R.S.O. 1990, c. P.33, s 91(3).

¹⁸ Meads v. Meads, 2012 ABQB 571 (CanLII), <<https://canlii.ca/t/fsvjq>>, retrieved on 2026-07-20.

¹⁹ Meads v. Meads, 2012 ABQB 571 (CanLII), <<https://canlii.ca/t/fsvjq>>, retrieved on 2026-07-20, para 302 and 307.