

JLM vs Children's Aid Society of the City of Guelph and the County of Wellington (CYFSA s.120), 2026 ONCFSRB 128

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CHILD AND FAMILY SERVICES REVIEW BOARD

BETWEEN:

JLM

Applicant

-and-

Children's Aid Society of the City of Guelph and the County of Wellington

Respondent

DECISION

Adjudicator: Ivana Vaccaro

Date: September 10, 2026

File Number: CA26-0031

Citation: 2026 ONCFSRB 128

Indexed as: JLM vs Children's Aid Society of the City of Guelph and the County of Wellington (CYFSA s.120)

WRITTEN SUBMISSIONS

JLM, Applicant	)	
	)	Self-represented
	)	
	)	
	)	
The Children’s Aid Society of the City of	)	
Guelph and the County of Wellington,	)	Arnab Quadry, Counsel
Respondent	)	
	)	

OVERVIEW

- [1] This is an Application filed with the Child and Family Services Review Board (“CFSRB”) under section 120 of the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c.14, Sched.1 (“Act”).
- [2] The CFSRB found the Application was eligible to proceed under subsections 120(4)4 and 5 of the Act.

ISSUES

- [3] The issues to be determined are as follows:
 - i. Whether the Applicant was provided with reasons why the Respondent failed to deliver a letter to the Child in March 2025;
 - ii. Whether the Applicant was heard by the Respondent in relation to allegations about her parenting made by the Child’s father in December 2023; and,
 - iii. Whether the Applicant was heard by the Respondent in relation to her school planning for the Child in May 2024 and March 2025.

RESULT

- [4] Having reviewed the Application, the Response and the hearing documents filed by the parties, I find the following:
 - a) With respect to the issue identified in paragraph 3(i), I find on a balance of probabilities that the Applicant was provided with sufficient reasons why the Respondent failed to deliver a letter to the Child in March 2025;
 - b) With respect to paragraph 3(ii), given the limited scope of the Respondent’s involvement with the Child and his father and the continued involvement of Hamilton Child and Family Services (“HCFS”)

with the Applicant, I am not satisfied the Respondent did not hear the Applicant's concerns regarding the allegations made by the Child's father against her to the Respondent in December 2023 but find the Applicant ought to have directed her concerns regarding the allegations to HCFS for a response; and,

- c) With respect to paragraph 3(iii), based on the submissions and evidence filed by the parties, I am not satisfied the Applicant was not heard by the Respondent regarding the school planning for the Child in May 2024 and March 2025.

- [5] At the pre-hearing of June 4, 2026, the parties agreed for the hearing to be conducted in writing, pursuant to Rules 8.1 and 24.2 of the CFSRB's Rules of Procedure.

HISTORY OF PROCEEDINGS

- [6] On February 11, 2026, the Applicant filed an Application with the CFSRB which represents the third of three Applications filed by her against the Respondent.
- [7] The first Application, CA24-0065 ("CA24-0065 Application"), was resolved following a pre-hearing mediation on June 6, 2024, and as such it did not proceed to a hearing.
- [8] The second Application CA25-0199 ("CA25-0199 Application") was dismissed on January 13, 2026, in part because the Applicant attempted to relitigate the issues in the CA24-0065 Application and in part because the CFSRB was not satisfied that the balance of the issues raised were not before the court in a child protection proceeding, given that neither party provided any court documents, including pleadings or orders as part of their submissions.
- [9] The present Application makes various vague allegations against the Respondent which are based on the Applicant not being heard or provided with reasons by the Respondent. At 170 pages in length, the Application provided a combination of

submissions which appear to be generated by artificial intelligence, having incorrectly cited sections of the *Act*, and included numerous pages of Child Protection Information Network notes from 2024 and 2025.

- [10] On February 12, 2026, the CFSRB issued a Case Management Direction directing the Applicant to provide written submissions summarizing her specific complaints against the Respondent, referencing events and workers if applicable, and to indicate the remedy she is seeking. The CFSRB also set a page limit for the Applicant's submissions.
- [11] The Applicant filed her submission on February 17, 2026, as directed, and the CFSRB found the Application eligible to proceed on February 19, 2026, under s. 120(4)4 and 5 of the *Act*.
- [12] On March 2, 2026, the Respondent filed its response to the Application, and argued, amongst other things, that the Application should be dismissed because it was an attempt to relitigate complaints made in the CA25-0199 Application and referenced the ongoing dispute in the family court over which the CFSRB did not have jurisdiction pursuant to s.120(8) of the *Act*.
- [13] On March 4, 2026, the CFSRB issued a Case Management Direction directing the Applicant to respond to the issues raised by the Respondent and file copies of the court documents relevant to her complaints in addition to her submissions, and the Respondent to file responding submissions.
- [14] On April 9, 2026, the CFSRB issued an interim decision allowing the present Application to proceed in part, and only on the issues itemized in subparagraphs 3(i) to (iii) inclusive. All other issues were dismissed because they were not separate and different from the issues before the court.
- [15] A pre-hearing was held on June 4, 2026. In the Pre-Hearing Report dated June 5, 2026 ("Pre-Hearing Report"), the CFSRB set down timelines, page and spacing limitations for each of the parties to file their written submissions and evidence for the written hearing. The Applicant failed to comply with the restrictions set out in the Pre-Hearing Report.

- [16] Consequently, on July 30, 2026, the CFSRB issued a Case Management Direction which provided the Applicant with an opportunity to reorganize and refile her written submissions and evidence for the hearing in compliance with the restrictions set out in the Pre-Hearing Report (“July 30 Direction”). The CFSRB set new timelines for each of the parties to file their submissions and evidence. The CFSRB cautioned the Applicant that if she failed to comply with the July 30 Direction, the Application may be dismissed as an abuse of process.
- [17] The Applicant subsequently filed a combination of submissions and evidence with the CFSRB, some of which failed to comply with the July 30 Direction. Given the Applicant’s failure to fully comply with the July 30 Direction, in its responding submissions, the Respondent requested that the Application be dismissed as an abuse of process. As a result, the Applicant sought a variation of the July 30 Direction to increase the number of pages permitted for her reply submission, to address the respondent’s request to dismiss.
- [18] Ultimately, on August 31, 2026, the day the Applicant’s reply submissions were due, she filed the reply submissions in accordance with the original page and spacing restrictions.
- [19] On September 1, 2026, the CFSRB issued a direction limiting the Applicant’s submissions and evidence for the written hearing to the following documents:
- 01_CA26-0031_APPLICANT_WRITTEN_SUBMISSIONS_CLICKABLE_SUBMIT_AUG10_2026.pdf (“Applicant’s Submissions”)
 - 02_CA26-0031_APPLICANT_EVIDENCE_BOOK_AND_INDEX_CLICKABLE_SUBMIT_AUG10_2026.pdf (“Applicant’s Evidence”)
 - CA26-0031_APPLICANT_REPLY_FORMAT_COMPLIANT_AUG31_2026.pdf (“Applicant’s Reply”)
- [20] In addition to limiting the Applicant’s submissions and evidence as set out above, the CFSRB limited the Respondent’s responding submissions to those filed August 21, 2026.
- [21] The CFSRB did not vary the July 30 Direction to increase the number of pages for the Applicant’s reply submissions given that it did not dismiss the Application as

an abuse of process and because the Applicant ultimately filed her reply submissions within the page and spacing restrictions set out in the July 30 Direction.

ANALYSIS

(i) Did the Respondent provide the Applicant with reasons why the Respondent failed to deliver a letter to the Child in March 2025?

[22] The relevant provisions of *the Act* are set out below:

Subsection 15(2) of the *Act* provides:

Service providers shall ensure that children and young persons and their parents have an opportunity to be heard and represented when decisions affecting their interests are made and to be heard when they have concerns about the services they are receiving.

Section 120(4) of the *Act* provides:

The following matters may be reviewed by the Board under this section: ...

4. Allegations that the society has failed to comply with subsection 15(2).

5. Allegations that the society has failed to provide the complainant with reasons for a decision that affects the complainant's interests.

[23] In *PO v. Family and Children's Services Niagara* 2012 CFSRB 38 ("*PO v. FCSN*") at paras. 14 to 15, the CFSRB described the purpose of provisions equivalent to subsections 120(4) 4 and 5 of the *Act* in its predecessor legislation, i.e., subsections 68.1(4) 4 and 5 of the *Child and Family Services Act*, RSO 1990, C.11, as follows:

The obligations under s.68.1(4) 4 and 5 reflect the importance of active participation for parents, providing them with the opportunity to have some degree of influence in the process. This is facilitated through genuine communication, giving applicants the opportunity to have input into decision making and to have enough information to make informed responses to, or accept decisions.

To be heard involves active listening, discussions, the society's taking steps to address the Applicant's concerns and communicating this to her so that she feels her concerns are taken seriously and dealt with thoroughly.

- [24] This description of the purpose applies to the current legislative scheme.
- [25] Subsection 120(4)5 of the *Act* states that the CFSRB may review allegations that a society has failed to provide a complainant with reasons for a decision that affects the complainant's interests. The "right to reasons" under the *Act* is the right to a meaningful explanation about decisions that affect the Applicant's interests. In *J.G. v. Windsor-Essex Children's Aid Society*, 2013 CFSRB 8, the CFSRB held at para 13 that:
- ... what constitutes sufficient reasons is a matter to be examined in each case in the context of that particular situation. This may include an examination of the timeliness and the level of detail provided. A parent must be given sufficient information regarding the factors that were taken into account in making the decision to allow him or her to understand why and how the decision was made.
- [26] The Applicant claims that on March 12, 2025 she asked the Respondent worker to provide the Child with a letter she wrote and included in her email to him apologizing for missing her visit with the Child. On March 18, 2025, the Respondent worker emailed the Applicant and declined to provide the Child with the Applicant's letter of apology to the Child. The letter of apology is included at page 48 of the Applicant's Evidence.
- [27] In the Respondent worker's email of March 18, 2025, at pages 49 and 50 of the Applicant's Evidence, he writes to the Applicant:
- ...I think this would be a wonderful way to connect with...[Child]...when you see him, but that I am not entirely comfortable giving this to him. I believe this would be a great opportunity to share a wholesome moment with him. It's very thoughtful, but I will not be passing this along.
- [28] In the Applicant's Submissions, she acknowledges that while she was provided with reasons why the Respondent declined to provide her letter of apology, she asserts that the reasons provided did not accord with the reason disclosed in the Respondent's internal, CPIN record, at pages 49 and 50 of the Applicant's Evidence.
- [29] Specifically, while the Respondent's worker explained to the Applicant that he was not entirely comfortable giving the Applicant's letter of apology to the Child and

would not pass it along to him, the CPIN record disclosed the reason why he was not comfortable, following a consultation with his supervisor. The CPIN record notes that the Respondent's worker felt the Applicant may have been under the influence at the time she wrote the letter to the Child and sent it to the Respondent worker.

- [30] The Applicant asserts that withholding the reason why the Respondent's worker was not entirely comfortable providing the Child with her apology letter was material as he did not identify the "objective evidence, criterion or policy being applied" and did not give her the "information necessary to understand and answer the actual concern reflected in the internal note". See para. 53 of the Applicant's Submissions.
- [31] While I agree with the Applicant that the Respondent did not provide her with the reason *why* the Respondent worker was not entirely comfortable giving the Child the apology letter, the Applicant was certainly provided with enough information and sufficient reasons for her to either to accept the decision or deny it and make further inquiries with the Respondent worker regarding the source of his discomfort.
- [32] The CPIN records for this communication between the Applicant and the Respondent's worker do not indicate that the Applicant made any further inquiries into the reasons provided by the Respondent worker or that there was any further communication between the parties in respect of the apology letter. Moreover, the Applicant does not submit that she made any further inquiries regarding the Respondent worker's reasons for not providing the apology letter to the Child, and specifically *why* the Respondent worker was not entirely comfortable doing so.
- [33] That said, the Applicant ultimately obtained a copy of the CPIN record which notes a reason why the Respondent worker did not feel comfortable passing on the apology letter to the Child, over and above the reasons provided by the Respondent worker in his email to the Applicant of March 18, 2025.
- [34] To be clear, the Applicant is not required to ask for reasons for a decision made by the Respondent which affects her interests under subsection 120(4)5 of the *Act* in order to be provided with reasons. However, the Applicant was certainly

provided with sufficient reasons for her to either accept the decision or make further inquiries if she was not satisfied with the reasons provided. It appears she did none.

[35] The Applicant asks the CFSRB to find that the communication provided to her did not disclose the “material internal reason” reflected in CPIN record for March 18, 2025 and therefore did not provide adequate reasons for its refusal to give the Child her letter.

[36] Moreover, the Applicant seeks an order requiring the Respondent to provide written reasons which identify the actual basis for the March 2025 refusal, including the role of supervisory consultation and the material information relied upon.

[37] Under Section 120(7) of the *Act*, the CFSRB may:

- a) order the society to proceed with the complaint made by the complainant in accordance with the complaint review procedure established by regulation;
- b) order the society to provide a response to the complainant within a period specified by the Board;
- c) order the society to comply with the complaint review procedure established by regulation or with any other requirements under this *Act*;
- d) order the society to provide written reasons for a decision to a complainant; or
- e) dismiss the complaint.

[38] While it is within my purview to order the Respondent to provide written reasons for the decision it made to the Applicant under subsection 120(7)(d), I decline to do so.

[39] I am not persuaded that the Applicant was not provided with reasons for the Respondent worker’s decision not to provide the apology letter to the Child on her behalf within the meaning of subsection 120(4)5 of the *Act*. The Applicant was given sufficient information to understand why the decision was made by the Respondent worker, and in the alternative, sufficient information to make further inquiries regarding the basis for the reasons provided.

- [40] It is clear from the communication between the Respondent worker and the Applicant that the Respondent worker was not entirely comfortable providing the Child with the Applicant's letter and would not be passing it along. The Respondent worker also suggested it might be a way for the Applicant to connect with the Child when she saw the Child next. The fact that the Respondent worker did not disclose to the Applicant why he did not feel entirely comfortable providing the Child with her letter does not mean the Applicant did not receive sufficient reasons.
- [41] Even if I were to find the Applicant was not provided with sufficient reasons because the basis for the Respondent worker not feeling entirely comfortable providing the letter to the Child was not disclosed to the Applicant, I cannot see the need for the Respondent to provide further written reasons at this time, given that the Applicant already has the CPIN record which notes why the Respondent worker may not have felt entirely comfortable providing the apology letter to the Child.
- [42] Accordingly, I find that the Applicant was provided with sufficient reasons why the Respondent worker did not wish to pass on her letter to the Child on March 18, 2025, pursuant to subsection 120(4)5 of the *Act*.

(ii) Was the Applicant heard by the Respondent in relation to allegations about her parenting made by the Child's father in December 2023?

- [43] The Applicant asserts that her concerns regarding the Child in the father's care were not heard by the Respondent in the meaningful way required by subsection 15(2) of the *Act*.
- [44] The decision in *PO v. FCSN* makes clear that being heard involves active listening, discussions and the Respondent taking steps to address the Applicant's concerns so that she feels her concerns were taken seriously and dealt with thoroughly.
- [45] While the Applicant's Evidence includes notes pertaining to the various complaints made by each party against the other to the Respondent regarding the Child's care, and the Applicant claims that she does not offer the said evidence for the CFSRB to determine the truth of the complaints, she essentially takes the position

that her complaints against the Child's father were not handled in a reciprocal manner as the father's complaints were handled against her.

- [46] Moreover, the Applicant alleges that the CPIN record "does not identify a contemporaneous...[Respondent]...record showing when the material December allegations were put to...[her]...what response was requested, where my response was recorded, or how it was weighed before the narrative continued through service contacts". See Applicant's Submissions at para. 20.
- [47] The Applicant asserts that for the Respondent to demonstrate that it complied with its obligations under subsection 15(2) of the *Act* and therefore subsection 120(4)4 of the *Act*, "[t]he record should therefore reveal the procedural link between the adverse information and...[her]...opportunity to answer it". See Applicant's Submissions at para. 21.
- [48] It is not the CFSRB's mandate to determine the truthfulness of either parent's complaints against the other to the Respondent, or whether the Respondent made the right or wrong decision regarding the complaints made by either party regarding the care of the Child.
- [49] The question the CFSRB must determine is whether the Applicant was given a meaningful opportunity to be heard regarding the complaints made by the Child's father against her to the Respondent in December 2023. In the Applicant's view, the Respondent should have put to the Applicant the complaints made by the Child's father against her, so she could respond to each of the complaints and her response could be taken into consideration.
- [50] The Respondent claims that it was involved with the Child from December 4, 2023 to June 19, 2025, pursuant to a request from HCFS to conduct monthly home visits with the Child and his father, and provide any supports or resources they needed. At the time, the Child and his father resided in the Respondent's jurisdiction while the Applicant resided in the HCFS's jurisdiction. As such, HCFS was the primary agency with an ongoing protection file open for the Applicant and her children and worked with the Applicant directly.

- [51] The Respondent asserts that it was not responsible for investigating the allegations regarding the Applicant, nor was the Respondent responsible for working with the Applicant to address the allegations. Any parenting concerns or allegations regarding the Applicant, including any protection investigation, would have been the responsibility of HCFS and the worker assigned to the Applicant and her children. The Respondent claims the HCFS worker would have been aware of any contact logs that would document allegations of concerns about the Applicant's parenting and would have been responsible for following up with the Applicant regarding any concerns expressed.
- [52] The Applicant's Evidence confirms the limited scope of the Respondent's involvement with the Child and his father, and that HCFS continued to service the Applicant and her children. See the Applicant's Evidence at page 3 and 4.
- [53] The Applicant's Evidence also confirms that the Respondent's worker did not put to the Applicant the allegations of the Child's father against her, nor did he seek any explanation from her. However, given the Respondent's limited involvement, it is clear to me that it was not the role of the Respondent worker to do so, but that of HCFS.
- [54] In addition, the Applicant's Evidence demonstrates that the Respondent worker listened to the Applicant's concerns regarding the Child's father and followed up with those concerns, including directly with the Child's father.
- [55] As such, given the limited scope of the Respondent's involvement with the Child and his father, I am not satisfied that the Respondent was obliged to hear from the Applicant regarding the allegations made by the Child's father against her in December 2023. The Applicant could have directed those concerns to HCFS.
- [56] Accordingly, I decline to order the relief sought by the Applicant at para. 22 of the Applicant's Submissions which is focussed on the Respondent establishing through written submissions how it put the allegations of the Child's father to the Applicant and how it garnered a response from her on the specific allegations.

(iii) Was the Applicant heard by the Respondent in relation to her school planning for the Child in May 2024 and March 2025?

- [57] The Applicant alleges that she was not provided with an opportunity to be heard by the Respondent regarding her school planning for the Child in May 2024 and March 2025, notwithstanding the Applicant's acknowledgment that she was not the primary caregiver for the Child at the relevant time.
- [58] The Applicant alleges that she was neither notified of nor asked to participate in school meetings which involved the Child's father and the Respondent, and furthermore, she was not contacted by the Respondent in advance of the meetings to ascertain her views nor did the Respondent demonstrate a consideration of her views within the process related to the Child's school planning issues.
- [59] At paragraph 42 of the Applicant's Submissions, the Applicant maintains that the evidence provided by her "document a coordinated school, clinical, information-sharing and transfer process" which ultimately calls into question whether the Respondent provided her with a "meaningful opportunity to be heard within that process".
- [60] The Respondent takes the position that it did not assist the Child's father with the Child's placement in a particular school within its jurisdiction but merely provided general information at the time he was considering changing the Child's school, and that it did not call a meeting with the school to the exclusion of the Applicant.
- [61] The Respondent asserts that the March 2025 school meeting was requested by the school and attended to by the Child's father and a different worker for the Respondent. The Respondent is unaware why the school called a meeting without the Applicant present. The Respondent also asserts that there were no prior planning meetings or discussions held by the school in May 2024 which the Respondent attended. The Applicant's Evidence did note that a school meeting was also held in January 2025 with the Child's father and the Respondent worker present, and the Evidence does not record the Applicant as being present. Moreover, page 41 of the Applicant's Evidence notes that the Child would be moving and attending a new school.
- [62] What is unclear from the Applicant's Submissions, the Applicant's Reply and the Applicant's Evidence is what decision was made by the Respondent which affected

the Applicant and for which she was not provided with an opportunity to be heard by the Respondent.

- [63] At page 24 of the Applicant's Evidence is a copy of an email from the Applicant to the Respondent dated June 7, 2024 in which she complains to the Respondent regarding the Child being removed from the jurisdiction where educational and other supports are available to him for his education and behavioural needs and references a court order which requires the Child to remain within the Applicant's jurisdiction ("education complaint"). However, I was unable to glean from the Applicant's Evidence whether the Respondent replied to her email, other than notes which indicate that the Respondent addressed the Applicant's concerns directly with the Child's father. In addition, at page 41 of the Applicant Evidence, the CPIN record for March 19, 2025 indicates that the Child and his father will be changing schools after they move.
- [64] It is clear the Applicant wanted to be notified by the Respondent regarding any school planning for the Child which was being undertaken by the Child's father and/or that the Respondent attended to; however, it does not appear from the Applicant's Evidence that the Respondent had any significant role in the decision made regarding the Child's school, other than to provide general information and attend two school meetings.
- [65] It is not within the CFSRB's purview to order the Respondent to notify the Applicant of a school meeting it was invited to attend, or to notify the Applicant that a school meeting was scheduled to take place to discuss the school plan for the Child. That would be akin to the CFSRB determining what decision the Respondent should or should not have made, which falls outside of our jurisdiction under the *Act*.
- [66] The Applicant did not provide any submissions regarding the education complaint other than to include it in the CPIN record she provided as evidence. The Applicant did not make any submissions regarding whether the Respondent provided any meaningful response to the education complaint, other than to allege she was not included in the school planning process.
- [67] I am therefore not satisfied that the Respondent did not afford the Applicant an opportunity to be heard in relation to school planning for the Child in May 2024 and

March 2025. Apart from the education complaint, there is no other record from either party of the Applicant expressing her concern to the Respondent or the Respondent responding to her concern in relation to school planning for the Child.

- [68] The complaint appears to hinge on the Applicant not being included in the consultation process regarding the Child's school planning, rather than not being provided with an opportunity to be heard. It is clear there was communication throughout the Applicant's Evidence between the Applicant and the Respondent. The question is what became of that communication, and neither party provided sufficient submissions or evidence to answer that question.
- [69] As such, I am not inclined to grant the Applicant's relief at para. 47 of the Applicant's Submissions and note that much of the relief sought is information which is within her knowledge. The Applicant's Evidence also provides the information she is seeking concerning who attended the school meetings.

ORDER

- [70] For the foregoing reasons, the Application is dismissed.

CONFIDENTIALITY ORDER

- [71] Pursuant to Rules 9.3 and 9.4 of the CFSRB's Rules of Procedure, parties and their representatives must not use, share, discuss or disclose any CFSRB documents or decisions or any other documents or information provided or used in this Application with anyone, including through the media or online. The CFSRB prohibits the use of any of this information for any purpose outside of the CFSRB's proceedings, except with an order of the Court or the CFSRB, as appropriate.

Released: September 10, 2026

Ivana Vaccaro

Ivana Vaccaro
Adjudicator