

CANADA / JUDGMENT

Jones-Moore v. Moore

2025 ONCA 877

COURT

Court of Appeal for Ontario

DECIDED

17 December 2025

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Jones-Moore v. Moore Collection Decisions of the Court of Appeal Date 2025-12-17 Neutral citation 2025 ONCA 877 Docket numbers COA-25-CV-0359 Judges Simmons, Janet M.; Miller, Bradley; Wilson, Darla A. Subject Civil Decision Content COURT OF APPEAL FOR ONTARIO CITATION: Jones-Moore v. Moore, 2025 ONCA 877 DATE: 20251217 DOCKET: COA-25-CV-0359 Simmons, Miller and Wilson JJ.A. BETWEEN Susan Lorraine Jones-Moore Plaintiff (Appellant) and Damien Albert Moore, Redmore Properties Inc., Hauskey Inc. and Hauskey Realty Inc. Defendants (Respondents) Susan Lorraine Jones-Moore, acting in person Dara Shane Hirbod, for the respondents Hauskey Inc. and Hauskey Realty Inc. Mary Anne Cummings, for the respondents Damien Albert Moore and Redmore Properties Inc. Heard: December 9, 2025 On appeal from the order of Justice Chris de Sa of the Superior Court of Justice, dated March 4, 2025, with reasons reported at 2025 ONSC 1425. REASONS FOR DECISION

- [1] The appellant's statement of claim was struck under rr. 21.01(1)(b), 21.01(3)(d), and 25.11 of the Rules of Civil Procedure, R.R.O. 1990, Reg. 194, due to various infirmities, including that the statement of claim was vexatious and an abuse of process and allowing it to proceed would bring the administration of justice into disrepute.
- [2] The appellant raised five grounds of appeal. We address each ground in turn.
- [3] First, that the motion judge effectively converted the motion to a summary judgment motion and decided it on the basis of affidavit evidence. We do not agree that the motion judge made any error. The motion was not brought solely on the basis of r. 21.01(1)(b), but also on rr. 25.11 and 21.01(3)(d), both of which permit recourse to evidence.
- [4] Second, that the motion judge erred in finding the claims were statute-barred because of the effluxion of time. But the motion was not brought on the basis of a lapsed limitation period under r. 21.01(1)(a), and although the motion judge made a comment about limitation periods in obiter, the motion was not decided on this basis.

- [5] Third, that the motion judge erred in finding that the statement of claim, in alleging intimate partner violence, seeks to relitigate a matter in issue in the family law proceedings against Mr. Moore. This was the appellant's primary ground of appeal. The appellant argued that this action is the first time the intimate partner violence claim has been raised, and that it could not have been raised before.
- [6] We do not agree. The appellant raised nearly identical allegations of, among other things, sexual assault and coercive control in an affidavit she filed in the family law proceeding in 2022. The motion judge held that the present allegations "look to be nothing more than an attempt by the Plaintiff to resurrect the family matter."
- [7] The motion judge found the action to be vexatious and an abuse of process, although he did not find the appellant to be personally vexatious. He found the appellant regretted the settlement, and brought the present action as a means of reviving it. The motion judge did not err.
- [8] The appellant's allegations were live in the proceeding that ended in a final settlement, and the respondents are entitled to rely on that settlement. As this court recently held, "the doctrine of abuse of process serves to prevent the relitigation of issues that have already been decided ... [and] can also apply to issues that could have been determined in prior proceedings": *Becker v. Walgate*, 2025 ONCA 696, at para. 34; see also: *Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63, [2003] 3 S.C.R. 77, at para. 37; *Aba-Aikhail v. University of Ottawa*, 2013 ONCA 633, 363 D.L.R. (4th) 470, leave to appeal refused, [2013] S.C.C.A. No. 491, at para. 12.
- [9] Fourth, the motion judge erred in dismissing the claims against the Hauskey respondents on the basis that the claims against them are frivolous and vexatious and intended to embarrass Mr. Moore by suing his employer. On appeal, the appellant appears to narrow her allegation against the Hauskey respondents to only include vicarious liability for sexual assault. Given our resolution of the third ground of appeal, this ground of appeal cannot succeed either.
- [10] Fifth, that the motion judge erred in striking the statement of claim without providing leave to amend. We do not agree that the motion judge erred. The problems with the claim, as identified by the motion judge, are not drafting errors.

DISPOSITION

- [11] The appeal is dismissed. The Hauskey respondents and the Moore respondents are each awarded costs of the appeal in the amount of \$5,000, all inclusive. "Janet Simmons J.A." "B.W. Miller J.A." "D.A. Wilson J.A."

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