

CANADA / JUDGMENT

Seferovic v. 285 Spadina SPV Inc.

2026 ONCA 84

COURT

Court of Appeal for Ontario

DECIDED

6 February 2026

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Seferovic v. 285 Spadina SPV Inc. Collection Decisions of the Court of Appeal Date 2026-02-06
Neutral citation 2026 ONCA 84 Docket numbers COA-25-CV-1552 Judges Roberts, Lois B.;
Monahan, Patrick J.; Wilson, Darla A. Subject Civil Decision Content COURT OF APPEAL FOR
ONTARIO CITATION: Seferovic v. 285 Spadina SPV Inc, 2026 ONCA 84 DATE: 20260206 DOCKET:
COA-25-CV-1552 Roberts, Monahan, and Wilson JJ.A. BETWEEN Devad Seferovic and Reza Abedi
and Rodolphe Najm Applicants (Respondents) and 285 Spadina SPV Inc. and Raja Farah* and
Ronald Hitti* (Appellants*) AND BETWEEN 2356802 Ontario Corp. Applicant (Respondent) and
285 Spadina SPV Inc. and Ronald Hitti also known as Rony Hitti* Respondents (Appellant*)
Ronald (Rony) Hitti, acting on his own behalf and also on behalf of the appellants, Raja Farah and
285 Spadina SPV Inc.[1] Shahan A. Alexanian, for the respondent, 2356802 Ontario Corp. Heard:
in writing Determination pursuant to r. 2.1 of the Rules of Civil Procedure, R.R.O. 1990, Reg. 194,
with respect to the appeal from the order of Justice Peter J. Cavanagh of the Superior Court of
Justice, dated September 29, 2025. REASONS FOR DECISION

- [1] This endorsement relates to an appeal that Ronald Hitti (“Mr. Hitti”) has purportedly filed relating to the order of Cavanagh J. dated September 29, 2025. This litigation has what has been described quite correctly as a “tortuous history”: 2356802 Ontario Corp. v. 285 Spadina SPV Inc. (March 16, 2023), Toronto, CV-21-00662130-00CL, 21-00667377-00CL (Ont. S. C.), per Penny J. As a result, a brief chronology is necessary to place the appeal in context.
- [2] 2356802 Ontario Corp. (“235”) is the owner of a commercial building which has been designated as a heritage building under the Ontario Heritage Act, R.S.O. 1990, c. O.18. In June of 2018, 235 entered into two lease agreements with 285 Spadina (“285 Spadina”) as tenant. Mr. Hitti controlled 285 and he wished to redevelop the building as a concert hall event venue. Disputes concerning the lease soon arose and litigation ensued. His mother, Raja Farah (“Ms. Farah”) was the other shareholder in 285 Spadina.
- [3] 235 commenced an application against Mr. Hitti and 285 Spadina arising from funds 235 alleged it provided to 285 Spadina to complete work required under the lease (the “lease application”). Another application seeking oppression relief was commenced by investors in the business (the “oppression application”). There were many court attendances and orders of the court commencing with Perell J.’s lengthy reasons in 2020. Kimmel J. in

comprehensive decisions in 2022 dealt with the numerous requests for relief and ordered an accounting and tracing of all funds that had been invested into 285 Spadina: *Seferovic v. 285 Spadina SPV Inc.*, 2022 ONSC 2429; *2356802 Ontario Corp. v. 285 Spadina SPV Inc.*, 2022 ONSC 2427. Mr. Hitti and 285 Spadina were ordered to pay the applicants' costs in the oppression application fixed in the sum of \$45,000.

- [4] The orders of Kimmel J. were not complied with, and it appears the costs were not paid. On December 29, 2022, Kimmel J. granted 235's motion to terminate the lease: *2356802 Ontario Corp. v. 285 Spadina SPV Inc.*, 2022 ONSC 7318. Mr. Hitti brought an urgent motion to stay the Kimmel J. order, which was dismissed. In February 2023, Steele J. ordered the removal of Mr. Hitti and his mother as directors and officers of 285 Spadina and ordered Mr. Hitti to pay costs in the amount of \$15,000.
- [5] Mr. Hitti attempted to schedule five motions in March 2023, essentially seeking to reargue his earlier positions. Penny J. declined to schedule any of the motions he sought to set down, noting they were all "ill conceived, doomed to fail and/or a form of abuse of the court's process." Penny J. also ordered the outstanding costs to be paid.
- [6] In April 2023 Steele J. denied further interlocutory relief sought by Mr. Hitti, noting it to be yet another attempt to relitigate matters that the court had already decided. In an order dated September 19, 2023, Osborne J. (as he then was) declared Mr. Hitti to be a vexatious litigant under s. 140 of the Courts of Justice Act, R.S.O. 1990, c. C.43 (the "CJA"): *Seferovic et al. v. 285 Spadina*, 2023 ONSC 5578. On November 10, 2023, 285 Spadina was ordered to reimburse the landlord \$1,501,139.64 for funds used by 285 Spadina for non-landlord's work: *2356802 Ontario Corp. v. 285 Spadina SPV Inc.*, 2023 ONSC 6382. Mr. Hitti attempted to appeal the vexatious litigant order, but his appeal was dismissed for delay.
- [7] On March 18, 2024, Cavanagh J. declined to grant Mr. Hitti leave to bring another motion for a stay of proceedings. Mr. Hitti then sought leave to bring a motion seeking an interim stay of proceedings on the basis that he was under a disability due to "long COVID". A judicial direction was issued on October 29, 2024 by the Commercial List that no further matters be scheduled in these cases until a motion before Black J. dealing with representation had been determined.
- [8] In reasons released on December 10, 2024, Black J. found that Mr. Hitti could not represent his mother, and that the corporation needed to be represented by counsel. Black J. noted concerns that Mr. Hitti was using his mother – who Mr. Hitti alleged was incapable – "as a vehicle to get around the leave requirements" of the vexatious litigant order and to advance his own agenda through her.

- [9] In July 2025, Mr. Hitti sought leave to bring a motion under r. 59.06 of the Rules of Civil Procedure, R.R.O. 1990, Reg. 194 (“the Rules”). Black J. dismissed Mr. Hitti’s leave motion and struck his pleadings and those of 285 Spadina and all motion records that had been filed, pursuant to rr. 25.11 and 57.03(2). He directed a case conference in both applications, which was scheduled to take place before Cavanagh J.
- [10] At the case conference before Cavanagh J. on September 29, 2025, Mr. Hitti sought to have yet another motion heard, which was declined. At the request of 235 and the other applicants, Cavanagh J. dismissed both the leave application and the oppression application.
- [11] Mr. Hitti then sought to file an appeal of the order of Cavanagh J., without seeking leave from a judge of the Superior Court of Justice. 235 has requested the court dismiss the appeal as frivolous, vexatious or otherwise an abuse of the process of the court, pursuant to r. 2.1.01. That is the request that is now before us.
- [12] We agree this is an appropriate case for the court to invoke the r. 2.1.01 process and we dispense with the need for further submissions from any parties as contemplated under r. 2.1.01(8).
- [13] Shortly after filing his appeal of Cavanagh J.’s order, Mr. Hitti brought a motion in this court seeking a variety of relief, including relief from the dismissal for delay of his appeal of the vexatious litigant order made by Osborne J., an order directing the Registrar to reinstate five appeals of orders of the Superior Court which were deemed abandoned or dismissed for delay, various declarations against judges of the Superior Court, and other relief. That motion was dismissed by Paciocco J.A. in reasons released January 16, 2026: *Seferovic v. 285 Spadina SPV Inc.*, 2026 ONCA 32.
- [14] Paciocco J.A. found that the Registrar should not have accepted this appeal from the order of Cavanagh J. for filing absent leave from the Superior Court, pursuant to the vexatious litigant order, nor should the Registrar have accepted the filing of the motion before him. As a single judge, however, Paciocco J.A. lacked jurisdiction to dismiss the appeal. Mr. Hitti then attempted to file a motion to review the order of Paciocco J.A. without seeking leave from the court. That motion has not yet been processed for filing.
- [15] This matter and the other related litigation have a long history in the court system. What began as applications against Mr. Hitti, his mother and their company quickly became vehicles for Mr. Hitti to engage in abusive, threatening behaviour against the opposing parties, judges, and court staff. Numerous judges have commented on the abusive conduct of Mr. Hitti, his failure to follow the Rules, his refusal to comply with orders of the court and his refusal to pay costs ordered against him. While Mr. Hitti has alleged he suffers from a disability, that allegation has been dismissed by several judges, who noted that he failed to file sufficient medical evidence to support the existence of a disability.

- [16] Mr. Hitti intentionally ignores orders of the Superior Court and of this court. It appears that he has not paid any of the costs orders that have been made. He has filed thousands of pages of material in his attempts to relitigate matters that are the subject of judicial decisions and his conduct has necessitated more than 40 court appearances. Other judges have commented that his conduct has been abusive for years. As found by Black J., He has caused considerable waste of scarce judicial time and resources, the time and resources of his opponents and the valuable time and attention of court staff. It is simply not fair to the court, to court staff, to his opponents and to the public who fund the court system through tax dollars, and have the right to expect a court system that functions and strives to function with reasonable efficiency, to allow Mr. Hitti's behaviour to continue.
- [17] We agree.
- [18] As a result of Mr. Hitti's behaviour, he was declared a vexatious litigant pursuant to s. 140 of the CJA. As a result, Mr. Hitti is prohibited from instituting any further proceedings in any court without leave of a judge of the Superior Court of Justice. Mr. Hitti has ignored that declaration. While he delivered a notice of appeal of the September 29, 2025 order of Cavanagh J., he has once again done so without first seeking leave of the Superior Court, contrary to s. 140(1) of the CJA.
- [19] Accordingly, the appeal is frivolous and is yet another abuse of the process of the court and it is dismissed pursuant to rule 2.1.01.
- [20] Finally, we note that Mr. Hitti's continuing abuse of court staff is also unacceptable. No further correspondence from Mr. Hitti will be reviewed by court staff, filed in this court's record, or receive a response, unless Mr. Hitti provides proof that he has obtained leave from a judge of the Superior Court to commence or continue a proceeding.
- [21] To be clear, as a result of the order declaring him a vexatious litigant, he is required to seek leave from a judge of the Superior Court before he commences any step in any proceeding in any court. This applies to proceedings already commenced.

Disposition

- [22] The appeal is dismissed. Costs fixed at \$5000 are payable by Mr. Hitti to 235 forthwith. In the circumstances, the appellants' consent as to form and content is dispensed with. "L.B. Roberts J.A." "P.J. Monahan J.A." "D.A. Wilson J.A."
- [1] In correspondence and in various representations to the court, Mr. Hitti purported to represent himself, Raja Farah, and 285 Spadina SPV Inc. As discussed below, however, he has not been granted leave to represent the corporation nor does he have an order authorizing him to represent Ms. Farah. In fact, he has been explicitly directed not to represent either.

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