**Superior Court of Justice**
**WELLAND**

Court File Number/Numéro de dossier du greffe
CV-25-00015603-0000

**Civil Endorsement Sheet/**
***Page d'inscription***

**DATE: 24/02/2026**

# PARSONS v. RODRIGUEZ

**Plaintiff(s)/Applicant(s)**: Michael Parsons
**Counsel:** Julian Renaud **NO ONE APPEARS**

**Defendant(s)/Respondent(s)**: Natalia Sanchez Rodriguez
**Counsel**: Pratik Batta

[1] [1] The parties jointly own a residential property. Their relationship has ended, and the Plaintiff has commenced an action under the *Partition Act* seeking the sale of the property.

[2] The Defendant brings this motion under r. 25.11 of the *Rules of Civil Procedure* to strike certain passages from the Statement of Claim as immaterial, scandalous, or vexatious. She submits that the impugned allegations are irrelevant to a *Partition Act* claim, are unnecessarily negative, and would distract from an efficient resolution of this litigation.

[3] The Defendant raised these concerns with the Plaintiff in October 2025. A reply was received one month later asserting that the challenged material was relevant to costs. The Defendant then brought this motion on the December short motions list.

[4] As Justice Kriwetz recorded on that date, Plaintiff's counsel appeared and sought an adjournment, in part to file responding materials. The adjournment was granted. No responding materials have been filed, nor has the Plaintiff or counsel appeared today. I therefore proceeded to hear the motion and received submissions from Mr. Batta.

[5] I am satisfied that much of the material identified by the Defendant meets the r. 25.11 definition of "scandalous."

[6] Justice Perell *in Iskatewuzaagegan No. 30 Independent First Nation v. Winnipeg (City)*, 2024 ONSC 2163, at para. 145, explains that scandalous pleadings include indecent or offensive allegations directed at prejudicing the opponent, as well as irrelevant or unfounded allegations inserted only for colour. A pleading that raises an issue that cannot influence the outcome of the action is scandalous.

[7] This principle is particularly relevant here.

[8] This is a proceeding under the *Partition Act*. As Smith J. summarized in *Crampton v. Lightfoot*, 2025 ONSC 3902, a joint owner has a *prima facie* right to partition or sale. The resisting party must justify any refusal.

[9] The statutory inquiry focuses on ownership, the appropriateness of a sale, how the sale should occur, and distribution of proceeds. The *Act* is property-focused, not fault-focused.

Disputed Passages

[10] Paragraphs 7–10 recount why the Plaintiff left the property and include allegations of irrational conduct and improper police involvement.

[11] Paragraphs 12 and 18 refer to the Defendant's financial circumstances and an allegation of attempted extortion.

[12] Paragraph 19 alleges defamation relating to the Plaintiff's current girlfriend, an issue that is the subject of a separate defamation action.

[13] Paragraph 20 asserts that the Defendant's conduct made negotiation impossible.

[14] I am satisfied that much of this content is scandalous because it cannot influence the outcome of a *Partition Act* claim and would unnecessarily expand the litigation. Allegations of irrationality, criminality, or financial incapacity are irrelevant and risk inflaming proceedings and improperly expanding the scope of discovery.

[15] I reject the Plaintiff's submission that this information is relevant to costs. Costs are not a pleading issue: *AI MacFarlane & Associates Ltd. v. Delong* (1986), 55 OR (2d) 89 (HC), at p. 90.

Disposition

[16] Paragraphs 7–9, 12, 18–19, and the first sentence of paragraph 20 are struck. The Plaintiff shall amend the Statement of Claim accordingly.

[17] Paragraph 10 will not be struck.

[18] I consider both costs thrown away from the December appearance and costs of today's motion.

[19] My jurisdiction arises under s. 131(1) of *the Courts of Justice Act*. I have reviewed the relevant jurisprudence including *394 Lakeshore Oakville Holdings Inc. v. Misek*, 2010 ONSC 7238.

[20] The Defendant is the successful party. The Plaintiff's conduct in securing an adjournment and then filing no material warrants increased costs.

[21] I award costs of $6,500 to the Defendant, payable within thirty days.

Latimer, J