

**SUPREME COURT OF CANADA**

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| **Citation:** Pintea *v.* Johns, 2017 SCC 23, [2017] 1 S.C.R. 470 | **Appeal heard:** April 18, 2017  **Judgment rendered:** April 18, 2017  **Docket:** 37109 |

Between:

**Valentin Pintea**

Appellant

and

Dale Johns and

Dylan Johns

Respondents

- and -

**National Self-Represented Litigants Project,**

**Pro Bono Ontario and**

**Access Pro Bono**

Interveners

**Coram:** McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown and Rowe JJ.

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| **Reasons for Judgment:**  (paras. 1 to 5) | Karakatsanis J. (McLachlin C.J. and Abella, Moldaver, Wagner, Gascon, Côté, Brown and Rowe JJ. concurring) |

Pintea *v.* Johns, 2017 SCC 23, [2017] 1 S.C.R. 470

Valentin Pintea Appellant

v.

Dale Johns and

Dylan Johns Respondents

and

National Self-Represented Litigants Project,

Pro Bono Ontario and

Access Pro Bono Interveners

**Indexed as:** Pintea ***v.*** Johns

2017 SCC 23

File No.: 37109.

2017: April 18.

Present: McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown and Rowe JJ.

on appeal from the court of appeal of alberta

*Civil procedure — Contempt of court — Required knowledge — Self-represented plaintiff failing to comply with case management orders and failing to attend case management meetings after having moved without filing change of address with court as required — Case management judge striking claim, finding plaintiff in contempt of court and awarding costs to defendants — Majority of Court of Appeal affirming decision — Dissenting judge finding that plaintiff’s failure to attend case management meetings not act of contempt and that costs award significantly disproportionate consequence for failing to file change of address — Actual knowledge of impugned orders necessary for plaintiff to be found in contempt — Action restored and costs award vacated — Alberta Rules of Court, Alta. Reg. 124/2010, r. 10.52(3)(a)(iii).*

**Statutes and Regulations Cited**

*Alberta Rules of Court*, Alta. Reg. 124/2010, r. 10.52(3)(a)(iii).

**Authors Cited**

Canadian Judicial Council. *Statement of Principles on Self-represented Litigants and Accused Persons*, September 2006 (online: https://www.cjc-ccm.gc.ca/cmslib/general/news\_pub\_other\_PrinciplesStatement\_2006\_en.pdf; archived version: <http://www.scc-csc.ca/cso-dce/2017SCC-CSC23_1_eng.pdf>).

APPEAL from a judgment of the Alberta Court of Appeal (Martin, McDonald and Veldhuis JJ.A.), 2016 ABCA 99, [2016] A.J. No. 432 (QL), 2016 CarswellAlta 772 (WL Can.), affirming a decision of the Court of Queen’s Bench (Kenny J.). Appeal allowed.

Colin Feasby, Sean Sutherland and Adam LaRoche, for the appellant.

Duncan C. Boswell and Alyssa J. Duke, for the respondents.

Ilan Ishai and Ranjan Agarwal, for the intervener the National Self-Represented Litigants Project.

Andrew Bernstein, Jeremy Opolsky and Leora Jackson, for the interveners Pro Bono Ontario and Access Pro Bono.

The judgment of the Court was delivered orally by

1. Karakatsanis J. — The common law of civil contempt requires that the respondents prove beyond a reasonable doubt that Mr. Pintea had actual knowledge of the Orders for the case management meetings he failed to attend.
2. The case management judge failed to consider whether Mr. Pintea had actual knowledge of two of the three Orders upon which she based her decision. The respondents concede that the requirements of Rule 10.52(3)(a)(iii) of the *Alberta Rules of Court*, Alta. Reg. 124/2010, were not met with respect to these two Orders.
3. As a result, the finding of contempt cannot stand.
4. We would add that we endorse the *Statement of Principles on Self-represented Litigants and Accused Persons* (2006) (online) established by the Canadian Judicial Council.
5. The appeal is allowed, the action is restored and the costs award vacated.

Judgment accordingly.

Solicitors for the appellant: Osler, Hoskin & Harcourt, Calgary.

Solicitors for the respondents: Gowling WLG (Canada), Calgary.

Solicitors for the intervener the National Self-Represented Litigants Project: Bennett Jones, Toronto.

Solicitors for the interveners Pro Bono Ontario and Access Pro Bono: Torys, Toronto.