

CITATION: Volnyansky v. Ontario (Community and Social Services), 2011 ONCA 434
DATE: 20110603
DOCKET: C53384/C53392

COURT OF APPEAL FOR ONTARIO

Blair, Watt and Epstein JJ.A.

BETWEEN

Lubov Volnyansky

Appellant

and

Her Majesty The Queen In Right of Ontario, as represented by the Minister of
Community and Social Services and Regional Municipality of Peel

Respondents

Lubov Volnyansky, in person

Baaba Forson, for Her Majesty The Queen In Right of Ontario

Ann Dinnert for Regional Municipality of Peel

Heard: June 3, 2011

On appeal from the order of Justice Douglas K. Gray of the Superior Court of Justice
dated May 26, 2010.

APPEAL BOOK ENDORSEMENT

[1] This endorsement applies both to this appeal and to Ms. Volnyansky's appeal in
C53384.

[2] Ms. Volnyansky expressed many complaints to us this morning about the way she has been (allegedly) mistreated in the social welfare system generally and in particular, with respect to the calculation of benefits and deductions respecting her claims under the *Ontario Works Act*. On these appeals, however, these issues are not properly before us and cannot be decided.

[3] The only question properly before us is whether Justice Gray erred in dismissing the two actions that Ms. Volnyansky commenced in Superior Court. We are satisfied that he did not.

[4] On the issues as pleaded in the two statements of claim, Ms. Volnyansky's real complaints relate to a decision of the Statutory Benefits Tribunal requiring her to repay \$1,314 in benefits received under the *Ontario Works Act*. The Tribunal's decision cannot be reviewed in an action. The proper procedure is to appeal the decision on a question of law to the Divisional Court or to seek judicial review of the reconsideration order, before the Divisional Court. Justice Gray was correct in striking out the statements of claim on the basis that the Superior Court of Justice has no jurisdiction by way of action over decisions of the Social Benefits Tribunal.

[5] In the circumstances of this case, there is no basis upon which this court can proceed as if it had reconstituted itself as the Divisional Court.

[6] The appeals are therefore dismissed. We make no order as to costs.