

# COURT OF APPEAL FOR ONTARIO

CITATION: Seo v. Ontario (Information and Privacy Commissioner), 2026 ONCA  
246

DATE: 20260401

DOCKET: COA-25-CV-1731

Zarnett, Monahan and Rahman JJ.A.

BETWEEN

Ian Seo

Applicant (Appellant/Responding Party)

and

Information and Privacy Commissioner of Ontario and the City of Toronto\*

Respondents (Respondents/Moving Party\*)

Ian Seo, acting in person

David A. Gourlay, for the moving party, the City of Toronto

Linda Hsiao-Chia Chen, for the respondent, Information and Privacy  
Commissioner of Ontario<sup>1</sup>

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 direction of Justice Sharon Shore of  
the Divisional Court, dated November 20, 2025.

## REASONS FOR DECISION

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<sup>1</sup> The Information and Privacy Commissioner of Ontario did not participate in the motion.

[1] In September 2025, the appellant brought an application in the Divisional Court for judicial review of a decision of the Information and Privacy Commissioner of Ontario (“IPC”) relating to his request for disclosure from the City of Toronto.

[2] On November 20, 2025, Shore J. conducted a case conference in the judicial review proceeding and then released a direction that provided as follows:

The [appellant] requested disclosure from the City of Toronto. The City missed the 30 day deadline by 5 days. The [appellant] brought an application before the IPC. On July 18, 2025, the IPC closed their file because they said there was no deemed refusal by the City because the City provided a response. The [appellant] requested a review of this decision but received no response. The [appellant] brought an application for judicial review of the IPC decision, dated July 18, 2025.

The City, the IPC and the [appellant] attended the conference today. The IPC acknowledged that they had not responded because the [appellant’s] email ended up in their spam folder. They are committed to providing the [appellant] with an expedited review date.

Further, the City has made the disclosure available. The [appellant] has not looked at the disclosure.

The application is held in abeyance pending the appeal/review before the IPC. Further, the [appellant] is to confirm whether the matter before the IPC is moot, that is, if the disclosure requested has been provided or made available by the City.

[3] On December 19, 2025, the appellant commenced an appeal in this court from Shore J.’s direction. In the Notice of Appeal, the appellant characterizes the direction as having “finally disposed of the judicial review before the Divisional

Court” and describes the appeal as one that is brought “as of right under [the] Courts of Justice Act, s 6(1)(b)”.

[4] The City seeks an order dismissing the appeal under r. 2.1.01 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, because it appears on its face to be frivolous, vexatious or otherwise an abuse of process of the court. The City contends that Shore J.’s direction was procedural, and the route to challenge it is by a further proceeding in the Divisional Court. In the alternative, the City contends that an order of the Divisional Court may only be appealed to this court with leave, which the appellant has not obtained or even sought.

[5] We agree that the appeal should be dismissed for lack of jurisdiction. A purported appeal that clearly does not engage the jurisdiction of this court is an abuse of process and is properly dismissed under r. 2.1.01: *Chowdhury v. Unity Health Toronto*, 2025 ONCA 90, at para. 4.

[6] An order made by a single judge of the Divisional Court may not be appealed as of right to this court. Section 6(1)(b) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 (“*CJA*”), referred to by the appellant is inapplicable to such an order. If the order of the single judge of the Divisional Court is made on a motion, the route to challenge it is by a motion to a panel of the Divisional Court under s. 21(5) of the *CJA*, not by an appeal to this court: *Bernard Property Maintenance v. Taylor*, 2019 ONCA 830, 148 O.R. (3d) 494, at paras. 1-3. In all other cases, an appeal from an

order of the Divisional Court is governed by s. 6(1)(a) of the *CJA*, not s. 6(1)(b). Such an appeal may only be brought with leave of this court.

[7] The appellant's response to the request for dismissal of the appeal was that the City lacked standing due to alleged procedural defaults in the Divisional Court and this court. Those arguments are not germane to the question of whether the appellant has an appeal as of right to this court from Shore J.'s direction.

[8] The appeal must therefore be dismissed, without costs.

"B. Zarnett J.A."

"P.J. Monahan J.A."

"M. Rahman J.A."