Pintea v. Johns, 2017 SCC 23, 2017 CSC 23, 2017 CarswellAlta 680

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Supreme Court of Canada

Pintea v. Johns

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S.C.R. 470, [2017] S.C.J. No. 23

Valentin Pintea (Appellant) and Dale Johns and Dylan Johns (Respondents) National Self-Represented Litigants Project, Pro Bono Ontario and Access Pro Bono (Interveners)

McLachlin C.J.C., Abella J., Moldaver J., Karakatsanis J., Wagner J., Gascon J., Côte J., Brown J., Rowe J.

Heard: April 18, 2017
Judgment: April 18, 2017
Docket: 37109

Proceedings: Reversed, 2016 CarswellAlta 772, 266 A.C.W.S. (3d) 32, [2016] A.W.L.D. 2223, 2016 ABCA 99 (Alta. C.A.)

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Subject: Civil Practice and Procedure; Evidence

Headnote

Civil practice and procedure

Evidence

Karakatsanis J.:

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1   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.