

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR.)
JUSTICE H.J. WILTON-SICKS) TUESDAY THE 20TH
DAY OF JULY, 2012

AMS

BETWEEN:

THE LAW SOCIETY OF UPPER CANADA

Applicant

- and -

ALTHEA REYES

Respondent

ORDER

THIS APPLICATION, by the Applicant for a permanent injunction against the Respondent was heard this day at 330 University Avenue, Toronto, Ontario M5G 1R7.

ON READING the Application Record and Supplementary Application Record and upon hearing the submissions of counsel for The Law Society of Upper Canada,

1. THIS COURT ORDERS that Althea Reyes ("Reyes") is permanently enjoined from engaging in the practice of law or in the provision of legal services in Ontario in contravention of section 26.1 of the *Law Society Act*, R.S.O. 1990 c.L.8 as amended (the "Act").

2. THIS COURT ORDERS that the Respondent Reyes is permanently enjoined from advertising or holding herself out as a person who may practise law or provide legal services in Ontario, contrary to section 26.1 of the *Act*.

~~3. THIS COURT ORDERS that the Applicant may in its discretion publish this Order in such media as it deems appropriate.~~ AMS

4. THIS COURT ORDERS that the Respondent shall forthwith pay the Applicant its costs of this application fixed in the amount of \$ 11,700. AMS

THE LAW SOCIETY OF UPPER CANADA and ALTHEA REYES
Applicant Respondent

Court File No. CV 12-544

July 30/12

S. Bieber and C. Scotcher for the applicant
The respondent did not appear.
Written endorsement is attached.

W. Mon-hill

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at TORONTO

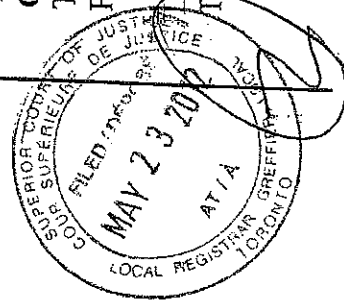
APPLICATION RECORD
(returnable July 27, 2012)

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The Law Society of Upper Canada v. Althea Reyes

ENDORSEMENT

[1] The applicant seeks an injunction under section 26.3(1)(a) of the *Law Society Act*, R.S.O. 1990 c. L. 8 prohibiting the respondent from contravening sections 26.1(1) and (4) of the Act. The test for the granting of such a stationary injunction is set out in *R. v. IPSCO Recycling Inc.* (2003), [2004] 2 F.C.R. 530 (F.C.) at para. 51. In particular, there is no need for the applicant to prove damages or irreparable harm; irreparable harm to the public is presumed. Nor is there a need to demonstrate that other available enforcement remedies have already been pursued.

[2] In the present case, there is ample evidence that the respondent has both provided legal services and practiced law in Ontario, as such terms are understood under the Act, in respect of her representation of Doris Zacharias ("Zacharias"), Slavko Duric ("Duric") and Khalid Mahmood ("Mahmood"). There is also ample evidence that the respondent held herself out as a person who may practice law in Ontario to Zacharias, Duric and Mahmood. While section 261.1(5) of the Act and item 30(1)5 of By-Law 4: Licensing of the By-Laws of the Law Society of Upper Canada collectively permit the provision of legal services to a "friend", there is no evidence that either Zacharias or Duric were friends of the respondent and considerable doubt regarding Mahmood's qualification as a friend. In addition, the respondent received payment for legal services from Zacharias and Duric, which unequivocally disentitles her to the benefit of the exemption.

[3] The respondent did not appear at the hearing of the motion nor did she file responding materials. Accordingly, there is no basis for concluding that it would be inequitable to grant the order. While the last known actions of the respondent in contravention of the Act occurred in August 2011, I am satisfied that the order is not of questionable utility. The delay from August 2011 to April 2012, when this matter was scheduled, reflects the ordinary process of complaint investigation and assessment by the Law Society. There can be no assurance that other contraventions are not occurring, as the respondent's whereabouts are unknown, or that there will be no further contraventions in the future. Moreover, enforcement serves the public interest more generally by potentially deterring similar contraventions by other parties.

[4] Accordingly, the injunction is granted in accordance with the terms set out in the attached form of order. Costs are awarded in favour of the applicant in the amount of \$11,700.



Wilton-Siegel J.

Date: July 30, 2012