Court declares both corporation and its director vexatious litigants

March 26, 2025

The Ontario Superior Court of Justice recently released its decision on a vexatious litigation application in *Lenczner Slaght LLP v. Glycobiosciences Inc et al*, 2025 ONSC 829. The law firm, Lenczner Slaght (*Lenczner*), brought an application pursuant to section 140 of the *Courts of Justice Act* to declare both the corporation and its director vexatious litigants.

Background

The respondents on this vexatious litigant application were Glycobiosciences Inc. (Glyco), an Ontario corporation that carries on business by licencing intellectual property, and Kevin Drizen, an officer and director of Glyco, and its principal and controlling mind. Mr. Drizen had previously been granted leave to represent Glyco in 2017.

The record before the Court showed that Mr. Drizen has commenced at least 32 proceedings on behalf of Glyco since receiving leave to operate without the assistance of counsel. None of these actions have progressed to a hearing on the merits, but rather have been mired in procedural motions and meritless appeals.

Decision

The Court granted the application to declare the respondents vexatious litigants and stayed all of Glyco's existing actions before any Court in Ontario except and until leave is granted by a judge of the Superior Court.

While the Court acknowledged that declaring a party a vexatious litigant is "an extraordinary power" that must be exercised sparingly and with care, it nonetheless deemed it appropriate in the circumstances. The Court found that on a wholistic view of Glyco's litigation history, nearly all the indicators of a vexatious litigant are present, including that Glyco is an inordinate burden on the justice system, has instituted multiple proceedings against various defendants, repeatedly appealed the summary dismissal of his actions, accuses judges of bad faith or bias, and does not pay cost awards, among

other factors. In addition, Mr. Drizen is personally impervious to financial implications because he sues through his corporation.

In defending against the application, Glyco and Dr. Drizen argued that the lawsuits Glyco has instigated are not vexatious as evidenced by various confidential settlements. The Court did not accept this argument. Settlement is not evidence of merit. To the contrary, the Court found that the dismissal record speaks to a litigant engaged in "nuisance litigation".

Commentary

This case is noteworthy for the Court's decision to declare a director a vexatious litigant for bringing numerous actions on behalf of a corporation. Not only was the corporation declared a vexatious litigant, the Court applied the remedy more broadly to the director of the Glyco personally and any other corporate entities he controls. The Court ultimately declared Dr. Drizen a vexatious litigant despite him not being a litigant in the series of actions commenced in Ontario courts.

Although there remains a high bar for declaring litigants vexatious, this decision demonstrates that the courts will deploy this remedy more broadly where doing so is necessary to maintain the integrity of the justice system. Here, the Court took a determinedly purposive approach to making its vexatious litigant order with a view to ensuring the order restrict the use of corporations as a mechanism to exert abuse through the civil litigation process.

By

Alicia Krausewitz, Jonathan Thoburn

Expertise

Disputes, Municipal Liability

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.