ONTARIO COURT OF JUSTICE

CITATION: *R. v. Chand*, 2025 ONCJ 282
DATE: 2025·05·26
NEWMARKET

B E T W E E N :

HIS MAJESTY THE KING

— AND —

VINAY CHAND

DIRECTION RE: DEFENCE FINAL SUBMISSIONS

Ms. Zenia Sethna..... counsel for the Crown
Mr. Arvin Ross..... counsel for the defendant

KENKEL J.:

[1] Mr. Chand is charged with Aggravated Assault and related offences. The trial evidence is complete, and the defence and Crown have provided their final submissions in writing. Unfortunately, there are serious problems with the defence submissions.

[2] One of the cases cited appears to be fictitious. The court was unable to find any case at that citation. There was no case by that name with that content at any other citation.

[3] Several case citations led to unrelated civil cases. Some case names were potentially related to self-defence, but the citations were for completely different cases. Other citations led to the case named, but the case did not provide authority for the point cited. The errors are numerous and substantial.

[4] There will be a discussion at the conclusion of the trial about how the

defence submissions were prepared, but at this time the court's focus is on concluding the trial in a way that is fair to both parties.

[5] I appreciate that this case likely turns on findings of fact and credibility, not the legal points in the defence submissions. I also appreciate that the general test for self-defence does not appear to be at issue. The disagreement between the parties is primarily a factual dispute not a legal one. However, Mr. Chand is entitled to the benefit of full submissions on all aspects of the case. I find it necessary to order that Mr. Ross personally prepare a new set of defence submissions within the following guidelines:

- the paragraphs must be numbered;
- the pages must be numbered;
- case citations must include a pinpoint cite to the paragraph that illustrates the point being made;
- case citations must be checked and hyperlinked to CanLII or other site to ensure accuracy;
- generative AI or commercial legal software that uses GenAI must not be used for legal research for these submissions.

[6] Mr. Ross has done a good job presenting the defence in this case. I'm confident that he will be able to prepare proper submissions within these guidelines.

Delivered: May 26, 2025.

Justice Joseph F. Kenkel