Amending pleadings and documents

Rule 25.11

Pleadings

Foley v. Victoria Hospital London Health Sciences Centre, 2023 ONSC 7155

Para. 43: Leave to amend a claim should be denied only in the clearest of cases (South Holly Holdings Ltd. v. The Toronto-Dominion Bank, 2007 ONCA 456, at para. 6). While a party should not be given unlimited scope to amend its pleading, the court is reluctant to deprive plaintiffs of an opportunity to remedy a deficient pleading (Tran v. University of Western Ontario, 2015 ONCA 295, at para. 27). This is particularly true where there is no evidence of harm to the defendants if leave to amend is granted and an amendment could cure the deficiency (South Holly Holdings, at para. 6). On the other hand, where the challenged paragraphs are scandalous, frivolous or vexatious, a court is not required to grant leave to amend (Huachangda Canada Holdings Inc. v. Solcz Group Inc., 2019 ONCA 649, at para. 31; 1588444 Ontario Ltd. v. State Farm Fire and Casualty Co., 2017 ONCA 42, 135 O.R. (3d) 681, at para. 25).

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