

CITATION: Ulysse v. The Agency Groupe Inc., 2022 ONSC
OSHAWA COURT FILE NO.: CV-19-2985
DATE:20220311

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Louis Mercier Ulysse a.k.a. Louis Mercier, Plaintiff/Moving Party/Judgment Creditor

AND:

The Agency Groupe Inc. and Dwayne Hines, Defendants/Judgment Debtors

BEFORE: The Honourable Mr. Justice H.K. O'Connell

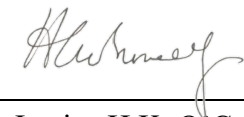
COUNSEL: Tanya C. Walker, for the Plaintiff/Moving Party/Judgment Creditor
tanya@tcwalkerlawyers.com

No one for Respondent Debtors

HEARD: January 28, 2022

ENDORSEMENT

- [1] This matter was before me on January 28, 2022. Mr. Hines was found in contempt of my earlier order.
- [2] I have now signed an order setting out his contempt, his requirement to comply with my order, and I have signed a warrant of committal compelling him to surrender on March 17, 2022 at the Oshawa Courthouse at 9:30 AM to start serving his 60 day sentence in accord with the order.
- [3] This endorsement, the order, and the warrant of committal to be served on Mr. Hines at his place of residence. Personal service is the first line of service but given that Mr. Hines has been shown to have been evading service in the past if he does not accept service at his address, this endorsement, the order and the warrant of committal are to be emailed to Mr. Hines and the material is to be left at his place of address as well. This will constitute sufficient service.
- [4] The time is now well past for Mr. Hines to engage the process.
- [5] Finally, failure to surrender will precipitate, upon request, the issuance of a warrant for Mr. Hine's arrest.



Justice H.K. O'Connell

Date: March 11, 2022

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE
JUSTICE HUGH
O'CONNELL

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)
)

FRIDAY, THE 11TH
DAY OF MARCH 2022

B E T W E E N:

LOUIS MERCIER ULYSSE a.k.a. LOUIS MERCIER

Plaintiff/Moving Party/
Judgment Creditor

- and -

THE AGENCY GROUPE INC. and DWAYNE HINES

Defendants/
Judgment Debtors

ORDER

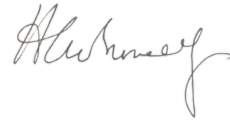
THIS MOTION made by the Plaintiff for an Order that the Defendants, Dwayne Hines (“**Mr. Hines**”), and The Agency Groupe Inc. be found in contempt of court and that Mr. Hines be sentenced to 60 days imprisonment was heard this day at 150 Bond Street East Oshawa, Ontario by way of judicial videoconference via Zoom.

ON READING the Notice of Motion and Affidavit, the Factum of the Plaintiff, Louis Ulysse (“**Mr. Ulysse**”), and on hearing the submissions of counsel for the Plaintiffs Rishi Nageshar, no one appearing for the Defendants;

1. **THIS COURT ORDERS** that Mr. Hines is sentenced to a 60-day custodial sentence effective immediately.
2. **THIS COURT ORDERS THAT** on March 17, 2022, Mr. Hines shall surrender himself at the courthouse located at 150 Bond Street in Oshawa to turn himself in to the Court Officers there to serve his sentence.
3. **THIS COURT ORDERS THAT** if Mr. Hines fails to turn himself in, then an arrest warrant shall be issued.
4. **THIS COURT ORDERS THAT** there shall be no remission on the sentence unless or until ordered by the court upon Mr. Hines serves the full sentence or purges his contempt satisfactorily by:
 - a. scheduling an examination in aid of execution and providing an affidavit of assets and the documents contained in Schedule “A” of the Order of Justice O’Connell dated July 13, 2021 at least ten business days prior to the examination in aid of execution; or
 - b. pay all outstanding judgments and cost awards in favour of the Plaintiff.
5. **THIS COURT ORDERS THAT** the Defendants shall pay the costs of this motion on a substantial indemnity basis to the Plaintiff in the amount of \$1,628.90,

inclusive of disbursements.

6. **THIS ORDER BEARS INTEREST** at a rate of 2% per cent per year commencing January 28, 2022.
7. **THIS COURT ORDERS** that the Justice O'Connell will remain seized of this matter.
8. **THIS COURT ORDERS** that, notwithstanding Rule 59.05, this Order is effective from the date it is made and is enforceable without any need for entry and filing. In accordance with Rules 77.07(6) and 1.04, no formal Order need be entered and filed unless appeal or a motion for leave to appeal is brought to an appellate court. Any party to this Order may nonetheless submit a formal Order for original signing, entry and filing when the Court returns to regular operations.



The Honourable Justice O'Connell

LOUIS MERCIER ULYSSE

Plaintiff/Moving
Party/Judgment Creditor

- and -

**THE AGENCY GROUPE INC.
and DWAYNE HINES**

Defendants/Judgment Debtors

Court File No. CV-19-00002985-0000

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
OSHAWA

ORDER

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ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE)
JUSTICE HUGH)
O'CONNELL)

FRIDAY, THE 11TH
DAY OF MARCH 2022

B E T W E E N:

LOUIS MERCIER ULYSSE a.k.a. LOUIS MERCIER

Plaintiff/Moving Party/
Judgment Creditor



- and -

THE AGENCY GROUPE INC. and DWAYNE HINES

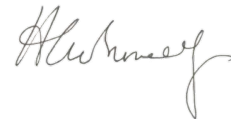
Defendants/
Judgment Debtors

WARRANT OF COMMITTAL

TO ALL POLICE OFFICERS in Ontario

WHEREAS I have found that DWAYNE HINES and THE AGENCY GROUPE INC. are in contempt of this court and have ordered imprisonment as punishment for the contempt,

YOU ARE ORDERED TO ARREST DWAYNE HINES on **MARCH 17, 2022** and deliver him to a provincial correctional institution, to be detained there for 60 days provided that, after serving **10 days**, Mr. Hines shall be returned to the court for the purpose of allowing the court to consider varying the sentence based on Mr. Hines' acts to purge his contempt between now and then. Section 6(1) of the *Prisons and Reformatories Act* RSC 1985, C p-20 AS incorporated into S. 28 OF the *Ministry of Correctional Services Act*, R.S.O, 1990. C M.22 apply. That is, there shall be no remission on the sentence unless or until ordered by the court upon Mr. Hines purging his contempt satisfactorily or the full sentence being served.



The Honourable Justice O'Connell

LOUIS MERCIER ULYSSE

Plaintiff/Moving
Party/Judgment Creditor

- and -

**THE AGENCY GROUPE INC.
and DWAYNE HINES**

Defendants/Judgment Debtors

Court File No. CV-19-00002985-0000

ONTARIO
SUPERIOR COURT OF JUSTICE
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WARRANT OF COMMITTAL

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