

Limbani (Litigation Guardian of) v. Limbani (1999), 29 C.P.C. (4th) 33 (Ont. S.C.J.).

Proposition of Law:

Actions involving parties under disability – Mental incompetence – Guardian ad litem – Plaintiff mother did not speak English, was uneducated and fragile and did not customize herself to Canadian culture or legal system – As mother was allegedly dependant upon her family litigation guardian was assigned to her for purpose of maintaining action against sons – Sons brought application to have litigation guardian removed pursuant to R. 7.07(1) of *Rules of Civil Procedure* – Application granted – Mother was not disabled under s. 6 or s. 45 of Substituted Decisions Act or R. 1.03, as required for appointment of litigation guardian – Mother was not minor nor absentee and was mentally stable.