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**VIA EMAIL**

January 23, 2023

Ms. Chantal Carbonneau, Registrar  
Supreme Court of Canada, 301 Wellington Street  
Ottawa, Ontario K1A 0J1  
Email: [registry-greffe@scc-csc.ca](mailto:registry-greffe@scc-csc.ca)

Dear Registrar:

**Re: *TURMEL, John v His Majesty the King*, File No. 40520**

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Please accept this letter as the response of His Majesty the King in Right of Canada (“Canada”), to the application for leave to appeal in this matter. The proposed appeal does not raise an issue of public importance, and Canada accordingly requests that the application be dismissed, with costs.

**A. Background**

In 2021, the applicant, John Turmel (“the applicant”) filed a statement of claim in the Federal Court (“FC”) seeking declarations related to the federal government. Among other things, the applicant sought a declaration that “COVID-mitigation restrictions” violated his rights under the *Canadian Charter of Rights and Freedoms*, and sought an order pursuant to section 24(1) of the *Charter* for an injunction prohibiting any COVID-mitigation restrictions not used to control the flu.<sup>1</sup>

A Prothonotary of the FC struck the applicant’s claim without leave to amend, finding that the statement of claim failed to plead the material facts necessary to satisfy the individual elements of any specific *Charter* infringement and did not particularize how the applicant’s *Charter* rights had been infringed.<sup>2</sup> The Prothonotary also found that the claim was an abuse of process as it contained bare assertions that the Defendant could not know how to answer, and was replete with lengthy diatribes, and scandalous and extreme allegations.

The applicant unsuccessfully appealed the Prothonotary’s decision to a single judge of the Federal Court,<sup>3</sup> and then to the Federal Court of Appeal<sup>4</sup>. The applicant now seeks leave to appeal the Court of Appeal’s decision.

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<sup>1</sup> *Turmel v Canada*, Order of Case Management Judge Mandy Aylen dated July 12, 2021, T-130-21 [“Prothonotary Order”] at para 11, **Application Record, Tab 2, p 7**

<sup>2</sup> Prothonotary Order at para 25, **Application Record, Tab 2, p 11**

<sup>3</sup> *Turmel v Canada*, [2021 FC 1095](#), **Application Record, Tab 3, p 17**

<sup>4</sup> *Turmel v Canada*, [2022 FCA 166](#), **Application Record, Tab 4, p 28**

**B. The proposed appeal does not raise an issue of public importance**

The proposed appeal does not raise an issue of public importance. In striking the claim, the Prothonotary relied on well-established principles concerning the elements of proper pleadings, and in affirming her decision, the Courts below correctly identified and applied the appellate standard of review.

While the applicant now alleges that it would be more "just" for his claim to proceed, so that Canadians can be alerted to the COVID-19 "false alarm," he does not identify any specific errors in the decisions below, let alone any errors that give rise to issues of public importance.

In any event, even if the applicant could identify errors, the proposed appeal would serve no purpose. As the Motions Judge observed, the only the federal COVID-19 measures specifically identified in the claim were the pre-flight testing and 14-day quarantine requirements for travellers entering Canada by air.<sup>5</sup> However, the testing and quarantine requirements in place at the time of the applicant's claim set out in the *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19* were repealed on September 30, 2022.<sup>6</sup> The applicant has correspondingly failed to identify any live issue of public importance.

Canada therefore requests that the application for leave to appeal be dismissed, with costs.

Best,



James Schneider, Counsel  
National Litigation Sector

cc John Turmel, Applicant  
Christopher Rupar, Agent for the Respondent

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<sup>5</sup> Prothonotary Order at para 25C-D , **Application Record, Tab 2, p 13**

<sup>6</sup> [Order Repealing the Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No 73](#)