

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

JOHN C. TURMEL

Respondent

APPLICANT'S RECORD

VOLUME 8 of 8

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FEDERAL COURT

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FEDERAL COURT

BETWEEN:

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**MEMORANDUM OF FACT AND LAW OF THE APPLICANT,
THE ATTORNEY GENERAL OF CANADA**

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PART I – OVERVIEW

1. The respondent, John C. Turmel, epitomizes the vexatious litigant. For more than forty years, Mr. Turmel has been abusing the resources of the Federal Courts with meritless, frivolous and vexatious proceedings and appeals. He often brings these proceedings for improper purposes, frequently attempts to re-litigate previously decided issues, uses pleadings to make scandalous allegations against other parties, and refuses to follow court rules and to pay costs orders.

2. Not content to abuse court resources alone, Mr. Turmel has also recently branched-out into developing litigation “kits” consisting of template court materials, and recruiting others to flood the courts with these materials. This Court has dismissed nearly 700 of these claims to date, again on the grounds that they were meritless, frivolous or vexatious. In the course of these claims, Mr. Turmel has attempted to represent others even though he is not licensed to practice law, and has used social media to insult members of the Federal Courts and discourage others from paying costs.

3. Mr. Turmel has proven to be an ungovernable litigant and his proceedings and litigation kits have consumed vast court resources. An order pursuant to s. 40 of the *Federal Courts Act* that he obtain leave before instituting or continuing proceedings, and additional measures regulating his ability to assist others, are warranted, and would prevent Mr. Turmel from continuing to abuse the process of the Federal Courts.

PART II – STATEMENT OF FACTS

4. Since 1980, Mr. Turmel has instituted at least 67 court proceedings. This includes 20 claims and applications in this Court, 13 appeals to the Federal Court of Appeal, 18 applications and appeals in the Ontario courts, and 27 applications for leave

to appeal to the Supreme Court of Canada.¹ As further detailed below, these proceedings have concerned a wide range of legal issues.

A. Proceedings concerning banking issues

5. In 1981, Mr. Turmel filed an unsuccessful application in this court for an order that “the Bank of Canada cease and desist the genocidal practice of interest” (Court File No. (“CFN”) T-896-81). The Federal Court of Appeal dismissed an appeal of this decision (CFN A-136-81), and the Supreme Court of Canada dismissed an application by Mr. Turmel for leave to appeal (CFN 17314).²

6. In 1982, the County Court of Ontario granted an action by Toronto Dominion Bank against Mr. Turmel, and awarded judgement in the amount of \$2,813.19. After unsuccessfully appealing to the Court of Appeal for Ontario, Mr. Turmel sought leave to appeal to the Supreme Court of Canada where, according to the reported leave decision, he argued that the interest rates charged by the bank were a violation of natural, biblical or criminal laws (CFN 18329). The Supreme Court of Canada dismissed this leave application.³

B. Proceedings concerning election issues

7. Mr. Turmel is a perennial candidate in federal and provincial elections, and has brought numerous proceedings concerning election issues. Between 1980 and 2007, he instituted twelve proceedings against the Canadian Radio-Television and Telecommunications Commission (“CRTC”) and several broadcasters concerning the broadcasters’ allocation of free political broadcast time or Mr. Turmel’s omission or expulsion from various debate broadcasts.⁴

¹ Affidavit of Lisa Minarovich, sworn May 31, 2022 (“Minarovich Affidavit”), para 6, **Applicant’s Record (“AR”), Vol 1, Tab C, p 9-13**

² Minarovich Affidavit, paras 10-14, **AR, Vol 1, Tab C, p 14-15**

³ Minarovich Affidavit, paras 15-18, **AR, Vol 1, Tab C, p 15**

⁴ Minarovich Affidavit, paras 19-50, **AR, Vol 1, Tab C, p 15-22**

8. Of these proceedings, eleven were dismissed on their merits (CFN T-5329-80, T-2883-83, T-2884-83, T-1516-84, 300/84, T-798-85, T-799-85, T-1716-87, T-1717-87, A-451-07 and 09-A-19), and the other was stayed for non-payment of court costs (CFN 1827/90). Although Mr. Turmel appealed some of these decisions, his appeals were all dismissed or deemed abandoned (CFN A-912-80, A-13-84, A-955-84), and his subsequent applications for leave to appeal two of the appeal decisions to the Supreme Court of Canada were dismissed (CFN 19099 and 33319).⁵

9. In 2015, Mr. Turmel brought an action in this Court for a declaration that that the expense-audit provisions of the *Canada Elections Act* infringed his right under s. 3 of the *Canadian Charter of Rights and Freedoms* (“Charter”) to participate as a candidate in federal elections (CFN T-561-15). The action, an appeal by Mr. Turmel to the Federal Court of Appeal (CFN A-202-16), and an application by Mr. Turmel for leave to appeal to the Supreme Court of Canada (CFN 37646), were all dismissed.⁶

C. Proceedings concerning gaming issues

10. Mr. Turmel has brought multiple proceedings concerning Canada’s gaming laws. In 1981, he brought an unsuccessful application in this Court for an order that the provincial Crown prosecute retailer Simpsons-Sears for selling playing cards, which Mr. Turmel alleged were prohibited gaming devices (CFN T-3-81).⁷

11. In 1993, Mr. Turmel was charged with keeping a gaming house, and prosecuted in the Ontario Court of Justice (CFN 93-18193). According to the reported decisions in this matter, in the course of his prosecution, he brought multiple interlocutory applications to dismiss criminal charges against him. However, these applications were unsuccessful, and the Court ultimately convicted Mr. Turmel of this charge. Although he appealed his conviction to the Court of Appeal for Ontario (CFN

⁵ Minarovich Affidavit, paras 19-50, **AR, Vol 1, Tab C, p 15-22**

⁶ Minarovich Affidavit, paras 51-55, **AR, Vol 1, Tab C, p 22-23**

⁷ Minarovich Affidavit, paras 56-57, **AR, Vol 1, Tab C, p 23**

C21516), the Court largely dismissed his appeal, and the Supreme Court of Canada dismissed his application for leave to appeal (CFN 25610).⁸

D. Proceedings against the Canadian Broadcasting Corporation

12. In 2010, Mr. Turmel brought two separate libel actions against the Canadian Broadcasting Corporation (“CBC”) in the Ontario Superior Court of Justice (CV-10-48 and CV-699-2010). The actions, which related to Mr. Turmel’s appearance on the *Dragon’s Den* television program, were both dismissed. Although Mr. Turmel appealed the dismissal of both actions to the Court of Appeal for Ontario (CFN 52849 and C53732), his appeals and subsequent application for leave to appeal to the Supreme Court of Canada (CFN 34882) were dismissed.⁹

E. Proceedings concerning cannabis issues

13. Mr. Turmel has personally brought or assisted others to bring numerous constitutional challenges to Canada’s cannabis laws. In 2001, Mr. Turmel was charged with contempt for posting material to the Internet in violation of a publication ban issued by the Québec Superior Court during the trial of Mr. Turmel’s brother on marihuana offences. In the course of the contempt prosecution (CFN 550-01003994), Mr. Turmel brought a motion for a declaration that the marihuana provisions of the *Controlled Drugs and Substances Act* (“CDSA”) infringed s. 7 of the Charter. However, the court dismissed this motion and ultimately convicted Mr. Turmel of contempt.¹⁰

14. In 2002 and 2003, Mr. Turmel personally brought two unsuccessful civil applications in the Ontario Superior Court of Justice for orders declaring the marihuana provisions of the *Controlled Drugs and Substances Act* unconstitutional (CFN

⁸ Minarovich Affidavit, paras 58-61, **AR, Vol 1, Tab C, p 24**

⁹ Minarovich Affidavit, paras 62-68, **AR, Vol 1, Tab C, p 24-26**

¹⁰ Minarovich Affidavit, paras 69-72, **AR, Vol 1, Tab C, p 26-27**

573/3003 and 133-2003). In the course of one of these applications, he also brought an unsuccessful interlocutory motion for the same relief.

15. Mr. Turmel appealed the decisions dismissing both of these applications (CFN C39740 and C39653). However, the Court of Appeal for Ontario dismissed both appeals, and the Supreme Court of Canada dismissed an application by Mr. Turmel for leave to appeal (CFN 30570).¹¹

16. Mr. Turmel was personally charged in 2003 with possession of marijuana for the purposes of trafficking. In the course of his prosecution, he brought three separate applications challenging the constitutionality of the CDSA marijuana provisions. The Ontario Superior Court of Justice dismissed all three applications, and the Court of Appeal for Ontario dismissed Mr. Turmel's appeals (CFN C40127, C44587 and C44588). The Supreme Court of Canada also denied a motion by Mr. Turmel for an extension of time to seek leave to appeal one of these Court of Appeal decisions (CFN 30571), and dismissed his applications for leave to appeal the other two (CFN 32011 and 32012).¹²

17. Mr. Turmel was eventually convicted of this offence, after again attempting to challenge the constitutionality of the CDSA at trial. Although he appealed his conviction, the Court of Appeal for Ontario in 2007 dismissed his appeal (CFN C45295), and the Supreme Court of Canada dismissed his motion for an extension of time to seek leave to appeal (CFN 32013). In 2016, Mr. Turmel brought a motion for an extension of time to file another appeal of this conviction (CFN M45479). However, the Court of Appeal for Ontario dismissed both this motion and a further motion to set aside the first motion decision (CFN M45751), and the Supreme Court of Canada dismissed an application by Mr. Turmel for leave to appeal (CFN 37064).¹³

¹¹ Minarovich Affidavit, paras 73-77, 79-83, **AR, Vol 1, Tab C, p 27-29**

¹² Minarovich Affidavit, paras 78-88, **AR Vol 1, Tab C, p 28-30**

¹³ Minarovich Affidavit, paras 84-93, **AR Vol 1, Tab C, p 29-31**

18. Although not licensed to practice law, Mr. Turmel frequently provides legal assistance to others charged with marihuana offences. Between 2008 and 2014, there are at least four reported instances of accused persons relying on court materials or legal strategies pioneered by Mr. Turmel to bring interlocutory applications challenging the constitutionality of the CDSA marihuana provisions. The Ontario Superior Court of Justice dismissed each of these applications.¹⁴

19. Since 2014, Mr. Turmel has developed litigation “kits” consisting of template court materials challenging the constitutionality of various aspects of Canada’s medical cannabis regulatory regime, and distributed these via his websites for others to download, complete and file in the Federal Courts.¹⁵ Individuals have filed or attempted to file hundreds of substantially identical proceedings based on these kits, including:

- (a) 315 actions, including one by Mr. Turmel (CFN T-488-14), challenging the former *Marihuana Medical Access Regulations* and *Marihuana for Medical Purposes Regulations* (the “Turmel Kit MMAR-MMPR claims”);¹⁶
- (b) 19 motions for extensions of time to appeal the December 30, 2014, injunction decision of the Federal Court in *Allard v Canada* (the “Allard injunction decision”);¹⁷
- (c) Nine actions, including one by Mr. Turmel (CFN T-1932-18), for declarations that the CDSA infringed s. 7 of the Charter by failing to provide access to cannabis juice and oil for medical purposes (the “Turmel Kit juice and oil claims”);¹⁸

¹⁴ Minarovich Affidavit, paras 94-102, **AR, Vol 1, Tab C, p 31-33**

¹⁵ Minarovich Affidavit, para 9, **AR, Vol 1, Tab C, p 14**

¹⁶ Minarovich Affidavit, paras 103-04, **AR, Vol 1, Tab C, p 34**

¹⁷ Minarovich Affidavit, paras 152-54, 157, **AR, Vol 1, Tab C, p 51-52**

¹⁸ Minarovich Affidavit, paras 164, 166, **AR, Vol 1, Tab C, p 54-56**

- (d) 393 actions challenging the processing time for Health Canada registration to produce cannabis for personal medical use (the “Turmel Kit processing-time claims”);¹⁹
- (e) 36 actions challenging the 150-gram public limit on public possession and shipping of cannabis for medical purposes (the “Turmel Kit public possession and shipping limit claims”);²⁰
- (f) Four actions challenging the requirement for annual healthcare practitioner authorization to use cannabis for medical purposes;²¹
- (g) One action challenging Health Canada’s rejection of one plaintiff’s application for registration to produce cannabis for personal medical use;²² and
- (h) One action challenging the production-site requirements for individuals producing cannabis for personal medical use, and one action challenging the criminal-record requirements.²³

20. Of these 770 proceedings, at least 657 were struck or dismissed by the Federal Courts, while the remainder were discontinued, not accepted for filing, or are the subject of outstanding requests by the Crown for dismissal.²⁴

F. Proceedings concerning federal COVID-19 mitigation measures

21. Since January 2021, 80 self-represented plaintiffs, including Mr. Turmel (CFN T-130-21), have filed substantially identical Federal Court claims. The claims, which are again based on kits developed and distributed by Mr. Turmel, allege that

¹⁹ Minarovich Affidavit, para 175, **AR, Vol 1, Tab C, p 58**

²⁰ Minarovich Affidavit, paras 222-23, **AR, Vol 1, Tab C, p 71**

²¹ Minarovich Affidavit, paras 225-26, **AR, Vol 1, Tab C, p 72**

²² Minarovich Affidavit, paras 211-12, **AR, Vol 1, Tab C, p 68**

²³ Minarovich Affidavit, paras 241-42, 247-48, **AR, Vol 1, Tab C, p 77-79**

²⁴ Minarovich Affidavit, paras 148, 158-59, 167, 191, 200, 203, 205, 213, 232, 237, 245-46, 250 and Exhibits 60, 105, 129, **AR, Vol 1 (Tab C, p 47-49, 52, 56, 63, 65-69, 74, 76, 78-79), Vol 4 (Tab C60, p 900), Vol 5 (Tab C105, p 1220, 1229, and Tab C129, p 1406)**

Canada’s COVID-19 mitigation measures infringe several Charter provisions (the “Turmel Kit COVID-19 claims”).²⁵

22. On July 21, 2021, Prothonotary Aylen (as she then was) struck Mr. Turmel’s claim without leave to amend. This Court has since dismissed Mr. Turmel’s appeal of this decision. A further appeal by Mr. Turmel to the Federal Court of Appeal is outstanding (CFN A-286-21). The other 79 claims remain stayed pending the outcome of this appeal.²⁶

23. On February 16, 2022, Mr. Turmel filed a further claim challenging the constitutionality of Canada’s vaccination requirements for air travellers (CFN T-277-22). On May 18, 2022, this Court struck this claim without leave to amend.²⁷ This court has since also struck eight substantially identical claims, which were once again based on kits developed and distributed by Mr. Turmel (the “Turmel Kit vaccination-requirement claims”).²⁸

G. The Attorney General of Canada’s consent

24. The Attorney General of Canada has consented to the bringing of this application, in accordance with s. 40(2) of the *Federal Courts Act*.²⁹

²⁵ Minarovich Affidavit, paras 255, 258, **AR, Vol 1, Tab C, p 81, 83**

²⁶ Minarovich Affidavit, paras 262, 277, 281-82, **AR, Vol 1, Tab C, p 84, 91, 93**

²⁷ Minarovich Affidavit, para 287, **AR, Vol 1, Tab C, p 95**

²⁸ *Fudge v Canada*, CFN T-693-22 and several other proceedings (Judgment of Horne, Proth. dated July 4, 2022), **Book of Authorities (“BOA”), Tab 1**; *Fudge v Canada*, CFN T-693-22 and several other proceedings (Order of Horne, Proth. dated July 27, 2022), paras 11, 18 [*“Fudge costs decision”*], **BOA, Tab 2**

²⁹ [RSC 1985, c F-7](#), s [40\(2\)](#) [*“Federal Courts Act”*]

PART III – POINTS IN ISSUE

25. The issue on this application is whether this Court should require that Mr. Turmel obtain leave before instituting or continuing proceedings in the Federal Courts, and impose additional measures to prevent him from continuing to prepare materials for or assist others with their litigation.

PART IV – SUBMISSIONS

A. GENERAL PRINCIPLES

26. If the Federal Court or Federal Court of Appeal is satisfied on an application that a person has persistently instituted vexatious proceedings or conducted proceedings in a vexatious manner, s. 40 provides that the Court may order that no proceedings be instituted or continued by that person in that Court except with leave.³⁰ The Federal Court of Appeal recently confirmed that this Court may also impose leave requirements under s. 40 that extend to proceedings in the Federal Court of Appeal.³¹

27. The purpose of s. 40 is well known. The resources of the Federal Courts are finite, and every moment devoted to a vexatious litigant is a moment unavailable to deserving litigants. While access to the courts is fundamental in our society, regulation is sometimes necessary to ensure that vexatious litigants cannot consume court resources in a manner that effectively limits access for everyone else, or repeatedly target innocent parties or the Crown with unmeritorious proceedings.³²

³⁰ *Federal Courts Act*, s [40\(1\)](#)

³¹ *Coote v Canada*, [2021 FCA 150](#), paras [3](#), [6](#), [13](#); see also *Lawyers' Professional Indemnity Company v Coote*, CFN T-312 (Order of Hughes J, dated June 13, 2013), paras (b) and 1, **BOA, Tab 4**; *Lawyers' Professional Indemnity Company v Coote*, [2013 FC 643](#) [“*Coote FC 2013 reasons*”], aff'd [2014 FCA 98](#)

³² *Canada v Olumide*, [2017 FCA 42](#), paras [18-21](#) [“*Olumide*”]; *Hughes v Canada*, CFN T-1315-18 (Order of Barnes J., dated October 6, 2021), para 9, **BOA, Tab 3**

28. The central question in each s. 40 application is whether the litigant's ungovernability or harmfulness to the court system is so great as to justify a leave-granting process.³³ While no single factor is determinative, the Federal Courts have identified several common indicia of vexatiousness, including persistently bringing meritless proceedings and appeals; bringing proceedings for an improper purpose; attempting to re-litigate previously decided issues; making unsubstantiated or intemperate remarks regarding the court or other parties; disregard for court orders, rules or timelines; and the failure to pay costs of prior proceedings.³⁴

29. In weighing these factors, the Court should have regard to the whole history of the litigant's proceedings, and not only whether the proceedings originally disclosed a good cause of action.³⁵ It may also consider the litigant's proceedings in other courts, their conduct out of court, and any role played by the litigant in proceedings brought by others.³⁶

B. MR. TURMEL IS A VEXATIOUS LITIGANT

30. Mr. Turmel bears several hallmarks of a vexatious litigant. He and his kit users have brought numerous meritless proceedings, motions and appeals, and frequently bring them for an improper purpose. He routinely tries to re-litigate previously decided issues, and uses pleadings and social media to make scandalous and intemperate statements about the Crown and the Courts. He often refuses to follow court orders, rules and timelines, and has numerous costs awards that remain unpaid.

³³ *Bernard v Canada*, [2019 FCA 144](#), para [16](#), leave to appeal refused [\[2019\] SCCA No 432](#); see also *Olumide*, para [27](#)

³⁴ *Olumide*, paras [22](#), [32](#), [33](#), *Canada v Fabrikant*, [2019 FCA 198](#), para [26](#) [*Fabrikant*]; *Potvin v Rooke*, [2019 FCA 285](#), para [5](#) [*Potvin*]; *Cooté* FC 2013 reasons, paras [23-25](#); *Tonner v Lowry*, [2016 FC 230](#), para [20](#); *Mazhero v Fox*, [2011 FC 392](#), para [40](#) [*Mazhero*]

³⁵ *Cooté* FC 2013 reasons, para [25](#)

³⁶ *Mazhero*, para [13](#); *Canada Post Corp v Varma*, [\[2000\] FCJ No 851](#), para [23](#); *Badawy v 1038482 Alberta Ltd*, [2019 FC 504](#), para [22](#) [*Badawy*]; *Canada v Ubah*, [2021 FC 1466](#), para [30](#) [*Ubah*]

31. Taken together, these factors reveal a wholly ungovernable litigant for whom a leave requirement is warranted to ensure that he cannot continue to abuse the process of the Federal Courts.

1. Mr. Turmel persistently brings meritless proceedings and appeals

32. As detailed above, courts have to date dismissed virtually all of the proceedings brought by Mr. Turmel and his kit users. While the reasons for dismissal have varied, common reasons include that the claims lacked sufficient material facts to disclose a reasonable cause of action,³⁷ were scandalous, frivolous, vexatious or an abuse of process,³⁸ or were supported by little or no evidence.³⁹

33. The Federal Courts have also repeatedly expressed concern about the boilerplate nature of the template statements of claim developed by Mr. Turmel. For example, in striking the Turmel Kit MMAR-MMPR claims, Phelan J. noted that the statements of claim contained vague generalizations and hyperbole, but virtually no detail concerning each plaintiff's personal circumstances or how the impugned regulatory provisions engaged their individual Charter rights.⁴⁰ The Federal Court of Appeal and this court have echoed this concern in subsequent cases.⁴¹

34. In the course of their proceedings, Mr. Turmel and his kit users frequently bring motions for interlocutory relief, often for orders exempting them from the

³⁷ Minarovich Affidavit, paras 144, 167, 191, 213, 232, 237, 277, 287, **AR, Vol 1, Tab C, p 45, 56, 63, 68-69, 74, 76, 91-92, 95**

³⁸ Minarovich Affidavit, paras 11, 59, 85, 95, 97, 148, 233, 277, 287, **AR, Vol 1, Tab C, p 14, 24, 30-32, 48-49, 75, 91-92, 95**

³⁹ Minarovich Affidavit, paras 36, 59, 71, 74, 80, 158, **AR, Vol 1, Tab C, p 19, 24, 26-29, 52**

⁴⁰ Minarovich Affidavit, paras 101, 115, 117, 148, **AR, Vol 1, Tab C, p 33, 37-39, 47-49**

⁴¹ Minarovich Affidavit, paras 191, 232, 277, 287, **AR, Vol 1, Tab C, p 63, 74, 91-92, 95**; *Fudge* costs decision, para 18, **BOA, Tab 2**

constitutionally impugned legislative provisions pending the underlying proceeding.⁴² This includes more than 89 motions in the course of the Turmel Kit MMAR-MMPR claims, and 11 in the course of the Turmel Kit motions for extensions of time to appeal the Allard injunction decision. Like the underlying proceedings, each of these motions was ultimately dismissed, many of them on grounds that they were unsupported by any evidence concerning each plaintiff's circumstances or why interim relief was required.⁴³

35. Mr. Turmel appeals virtually all of his litigation losses, sometimes even bringing multiple appeals from the same decision.⁴⁴ When these appeals are dismissed, he routinely seeks leave to appeal to the Supreme Court of Canada where, once leave is inevitably denied, he often seeks reconsideration.⁴⁵ He also frequently prepares appeal materials for others to file, and encourages them to appeal.⁴⁶ Since 2014, kit users have responded with 40 appeals to the Federal Court of Appeal, 19 applications for leave to appeal to the Supreme Court of Canada, and five motions for reconsideration by that court.⁴⁷

36. While Mr. Turmel appears to take pride in his appellate experience – he has noted in recent social media posts that “I appeal all my cases to the Supreme Court”

⁴² Minarovich Affidavit, paras 58-59, 70, 75, 78, 84, 94-101, 157-58, 162-63, 284 and Exhibit 132 (para 11), **AR, Vol 1 (Tab C, p 24, 26-33, 52, 54, 94), Vol 5 (Tab C132, p 1435)**

⁴³ Minarovich Affidavit, paras 104, 108, 110, 117, 121-22 and Exhibit 132 (para 49), **AR, Vol 1 (Tab C, p 34-36, 38-40), Vol 5 (Tab C132, p 1447)**

⁴⁴ Minarovich Affidavit, paras 12, 17, 23, 28, 31, 33, 53, 60, 66, 85, 90, 108, 119, 126, 139, 150, 272, 280, 282, **AR, Vol 1, Tab C, p 15-18, 22, 24-25, 30-31, 35, 39, 41, 44-45, 50, 90, 93**

⁴⁵ Minarovich Affidavit, paras 13, 15, 23, 32, 49, 54, 60, 67, 79, 81, 86-88, 92, 128, 140, **AR, Vol 1, Tab C, p 15-16, 18, 22-24, 26, 28-31, 42, 45**

⁴⁶ Minarovich Affidavit, paras 118, 129, 131, **AR, Vol 1, Tab C, p 39, 42-43**

⁴⁷ Minarovich Affidavit, paras 108, 110, 119, 122, 127, 132, 162-63, 184, 186, 207, **AR, Vol 1, Tab C, p 35-36, 39-41, 43, 54, 61, 67**

and that “Most of my cases end up at the top”⁴⁸ – courts have consistently dismissed his and his kit users’ appeals, leave applications and reconsideration motions.⁴⁹ In doing so, courts have often noted that Mr. Turmel or his kit users failed to so much as identify an arguable error in the appealed from, and invited the appellate court instead to simply reweigh evidence and reach a different conclusion from the court below.⁵⁰

2. Mr. Turmel attempts to re-litigate previously decided issues

37. Courts in at least seventeen proceedings have observed that Mr. Turmel or his kit users attempted to raise previously decided issues.⁵¹

38. In the elections context, Mr. Turmel has brought five applications in this court for mandamus to compel the CRTC to address broadcasters’ allocation of free political broadcast time or Mr. Turmel’s omission from debate broadcasts, and three more for applications restraining the broadcasters themselves from airing election broadcasts without him.⁵² The court has consistently dismissed these applications on the grounds that the CRTC was under no public duty to address these issues, and that the broadcasters were not federal boards, commissions or tribunals subject to the court’s jurisdiction.⁵³ In dismissing two of these applications in 1987, Joyal J. observed that the court had followed these principles “in successive and unsuccessful

⁴⁸ Minarovich Affidavit, paras 257, 270, **AR, Vol 1, Tab C, p 82, 88**

⁴⁹ Minarovich Affidavit, paras 13-14, 17-18, 23, 32-33, 49, 53-54, 60, 66-67, 80, 87, 90, 92, 108, 121-22, 124, 127, 130, 140, 151, 163, 191, 203, 219, 237, 265-66, **AR, Vol 1, Tab C, p 15-16, 18, 22-26, 28-30, 35, 40-42, 45, 50, 54, 63, 66, 70, 76, 85-86**

⁵⁰ Minarovich Affidavit, paras 151, 219, 266 and Exhibit 44 (paras 18, 20), **AR, Vol 1, (Tab C, p 50, 70, 85-86), Vol 3 (Tab C44, p 771)**

⁵¹ Minarovich Affidavit, paras 27, 30, 36, 40, 59, 65, 75, 77, 84, 86, 95, 97, 99, 142, 148, 232, 287, **AR, Vol 1, Tab C, p 17-20, 24-25, 27-33, 45, 74, 95**

⁵² Minarovich Affidavit, paras 21, 25, 29, 35, 39, 45 (see also paras 33, 42, 47), **AR, Vol 1, Tab C, p 16-22**

⁵³ Minarovich Affidavit, paras 22, 26-27, 30, 36-37, 40, 46 (see also paras 33, 43, 48), **AR, Vol 1, Tab C, p 16-21**

applications before this court by the same applicant in the years 1980, 1983 and 1984,” and that “[t]he applicant admits to having had many runs at the cat on this point.”⁵⁴

39. In the cannabis context, Mr. Turmel brought two separate civil applications in the Ontario Superior Court of Justice in 2002 and 2003 for declarations that the CDSA marijuana provisions were unconstitutional, and after the first of these applications was dismissed, he filed a motion in that application for essentially the same relief.⁵⁵ Criminal courts have also noted the tendency of Mr. Turmel and his criminal kit users to bring numerous applications for interlocutory relief, and to continue bringing them long after identical applications have been dismissed.⁵⁶

40. Mr. Turmel has repeatedly and unsuccessfully sought judicial recognition of a constitutional right for healthy individuals to use cannabis for preventive medical purposes.⁵⁷ In 2017, this court struck the Turmel Kit MMAR-MMPR challenges, which alleged that the 150-gram limit on possession of cannabis for purposes, the requirement for annual medical authorization to use cannabis, and the production-site requirements for personal producers, were unconstitutional.⁵⁸ Despite this decision, Mr. Turmel has continued to develop new template claims concerning these same issues.⁵⁹ He also personally filed a Turmel Kit juice and oil claim long after several identical claims were struck,⁶⁰ and has continued to distribute and promote the Turmel Kit processing-

⁵⁴ Minarovich Affidavit, para 40, **AR, Vol 1, Tab C, p 20**

⁵⁵ Minarovich Affidavit, paras 73-77, **AR, Vol 1, Tab C, p 27-28**

⁵⁶ Minarovich Affidavit, paras 59, 84, 86, 95, 97, 99, 101, **AR, Vol 1, Tab C, p 24, 29-33**

⁵⁷ Minarovich Affidavit, para 74, 80 and Exhibit 34 (Reasons for Order, para 23), **AR, Vol 1 (Tab C, p 27-29), Vol 3 (Tab C34, p 684)**

⁵⁸ Minarovich Affidavit, para 148 and Exhibit 22 (Statement of Claim, p 3, 5, 7), **AR, Vol 1 (Tab C, p 47-49), Vol 2 (Tab C22, p 466, 468, 470)**

⁵⁹ Minarovich Affidavit, paras 221-22, 224-25, 241-42, **AR, Vol 1, Tab C, p 70-72, 77**

⁶⁰ Minarovich Affidavit, paras 167-69, **AR, Vol 1, Tab C, p 56-57**

time claims long after the Federal Court of Appeal and this court struck hundreds of these claims.⁶¹

41. In May 2022, this court struck Mr. Turmel's constitutional challenge to Canada's vaccination requirements for air travellers. In doing so, Prothonotary Horne observed that the claim included "the same lengthy diatribes, and unsubstantiated allegations of cover-ups and conspiracies" as Mr. Turmel's previously struck challenge to federal COVID-19 mitigation measures, and challenged some of the same provisions while his appeal of the decision striking that claim was still outstanding, which the court concluded was an abuse of process.⁶²

3. Mr. Turmel brings proceedings for an improper purpose

42. Mr. Turmel often brings proceedings for an improper purpose.

43. In 1981, Mr. Turmel brought an application in this court for an order compelling the provincial Crown to prosecute retailer Simpsons-Sears for selling decks of playing cards, which Mr. Turmel alleged were gaming devices. In dismissing the application, Walsh J. explained that it followed Mr. Turmel's own conviction for keeping gaming devices, and that Mr. Turmel's stated purpose in bringing the application was "to drag someone really big down with me" who could better defend the charge, which Mr. Turmel hoped would lead to the gaming-devices offence being repealed, amended or no longer enforced.⁶³

44. In social media posts, Mr. Turmel has described his development and distribution of litigation kits as part of an intentional strategy to overwhelm the courts and the Crown. He invites plaintiffs to "clog up," "flood," "swamp," "semi-paralyze"

⁶¹ Minarovich Affidavit, paras 191, 200, 203-04, 211, **AR, Vol 1, Tab C, p 63, 65-67**

⁶² Minarovich Affidavit, para 287 and Exhibit 173 (paras 9, 11-12), **AR, Vol 1 (Tab C, p 95), Vol 7 (Tab C173, p 1866-67)**

⁶³ Minarovich Affidavit, paras 56-57, **AR, Vol 1, Tab C, p 23**

or “ream out” the Federal Court registry with a “tidal wave” or “avalanche” of claims or requests for documents.⁶⁴

45. In a July 2016 post promoting the Turmel Kit juice and oil claims, Mr. Turmel explained that “The real winning power is once again what freaked out both the Crown and the Registry last time, the volume.” In a December 2018 post concerning a proposed challenge to the *Criminal Code* drug-impaired driving provisions, he similarly explained that “There is only [one] way to fight back and that's through mass action in the courts.”⁶⁵

46. In other posts, Mr. Turmel uses militaristic or violent language to characterize his litigation strategy. He describes himself as a “guerilla lawyer” and invites his kit users (whom he has described as an “army of goldstars,” in reference to the gold-coloured seal placed on Federal Court claims) to “sap the defences” of the court and Crown and file claims and “get in on the kill.”⁶⁶

47. In still other posts, Mr. Turmel acknowledges that his kit proceedings lack merit, but explains why he nevertheless brings them. In a 2014 post, he acknowledged that his challenge to the *Marihuana Medical Access Regulations* had been rendered moot by the repeal of those regulations, but explained that he was proceeding with his challenge “to smear [Health Canada] with their own dirt. These are malevolent government gremlins and I’m about to really light a fire under their asses.”⁶⁷

48. In another post concerning the Turmel Kit 150-gram claims, Mr. Turmel explained that “People ask me why I keep fighting so many loser fights. It’s because I

⁶⁴ Minarovich Affidavit, paras 118, 146, 160-61, 165, 173, 257, 270, 285-86, 288, **AR, Vol 1, Tab C, p 39, 46-47, 53-58, 82-83, 88, 94-95**

⁶⁵ Minarovich Affidavit, para 252, **AR, Vol 1, Tab C, p 80**

⁶⁶ Minarovich Affidavit, paras 106, 112, 165, 168, 182, 218, 257, 270, 290, **AR, Vol 1, Tab C, p 35, 37, 54-57, 61, 70, 82, 89, 96**

⁶⁷ Minarovich Affidavit, para 111, **AR, Vol 1, Tab C, p 36**

love ruining the careers of the judges and Crowns who get added to the History Wall of MedPot shame.”⁶⁸ After this court struck the Turmel Kit MMAR-MMPR claims, Mr. Turmel similarly used social media to announce that he would appeal, noting that “Sure, the chances are slim but I enjoy exposing judicial failures to their bosses.”⁶⁹

49. While Mr. Turmel openly boasts about having brought proceedings for improper purposes, courts have expressed concern with this aspect of his litigation. Courts in criminal proceedings have noted Mr. Turmel’s use of “legal warfare” language, and described Mr. Turmel’s and his kit users’ interlocutory applications as obvious tactics to delay and frustrate proceedings.⁷⁰

50. This court has recently expressed similar concerns. In awarding costs against several plaintiffs in the Turmel Kit vaccination-requirement claims, Prothonotary Horne observed that the claims were identical in substance to Mr. Turmel’s claim and that the plaintiffs’ objective appeared to be to “clog the registry with redundant actions, and vex the defendant with needless filings.”⁷¹

4. Mr. Turmel makes unsubstantiated and intemperate remarks against other parties and the courts

51. Mr. Turmel frequently uses pleadings to make unsubstantiated and intemperate remarks about other parties, and when courts dismiss his proceedings, uses social media to crudely insult the judges involved.

⁶⁸ Minarovich Affidavit, para 236, **AR, Vol 1, Tab C, p 75**

⁶⁹ Minarovich Affidavit, para 149 (see also paras 131, 264), **AR, Vol 1, Tab C, p 42, 49-50, 85**

⁷⁰ Minarovich Affidavit, paras 59, 97, 101, **AR, Vol 1, Tab C, p 24, 32-33**

⁷¹ *Fudge* costs decision, paras 18-19, **BOA, Tab 2**

52. In pleadings and argument, he has described Bank of Canada interest policies and various aspects of Canada's medical cannabis regulatory regime as "genocidal."⁷² He has alleged that the public possession and shipping limits for medical cannabis and federal COVID-19 measures are the result of "statistical fraud," and suggested that COVID-19 itself is an "imaginary plague," deaths from which greatly exaggerated by an "evil cabal" that includes the WHO, with the support of global media.⁷³ Courts have repeatedly struck these allegations as scandalous, frivolous and vexatious.⁷⁴

53. In social media posts, Mr. Turmel insults the intelligence or integrity of the judges who dismiss his and his kit users' proceedings, referring to them as "imbeciles" or otherwise suggesting that they lack intelligence.⁷⁵ He has suggested that the judges who dismissed his cannabis or COVID-19 kit claims have "blood on their hands" or "deserve death row for what they have done."⁷⁶

54. In January 2017, after Phelan J. struck the Turmel Kit MMAR-MMPR claims for lack of material facts, Mr. Turmel explained in a social media post that one of the plaintiffs had cancer and was medically authorized to use cannabis, but that

⁷² Minarovich Affidavit, paras 10, 71, 74-75, 117, 233 and Exhibit 17 (Superior Court of Justice decision dated January 9, 2003, para 63; Superior Court of Justice decision dated February 7, 2003, paras 1, 7), **AR, Vol 1 (Tab C, p 14, 27-28, 38, 75), Vol 2 (Tab C17, p 263, 282-83)**

⁷³ Minarovich Affidavit, para 233 and Exhibit 147 (Statement of Claim, paras 37, 39, 46, 71, 89-90, 104, 117, 120), **AR, Vol 1 (Tab C, p 75), Vol 6 (Tab C147, p 1538-39, 1542, 1552, 1556-57, 1561, 1566-67)**

⁷⁴ Minarovich Affidavit, paras 148, 233, 277 and Exhibit 17 (Superior Court of Justice decision dated January 9, 2003, para 81; Court of Appeal for Ontario decision dated October 7, 2003, para 6), **AR, Vol 1 (Tab C, p 48-49, 75, 91-92), Vol 2 (Tab C17, p 266, 289)**

⁷⁵ Minarovich Affidavit, paras 239, 269-70, **AR, Vol 1, Tab C, p 76, 87, 89**

⁷⁶ Minarovich Affidavit, paras 131, 149, 208, 264, 275, 279, **AR, Vol 1, Tab C, p 43, 49-50, 68, 85, 91-93**

“Judge said that's not enough. Wanted to see her X-rays, maybe give her a feel for those tumors before Doubting Thomas would believe.”⁷⁷

55. In a further comment concerning a Federal Court of Appeal stay decision in the Turmel Kit public possession and shipping limit claims, Mr. Turmel observed “I feel sad for what [Near J.A.] has done to punish 7,000 sick people. Because that’s the number who will benefit when we strike the cap. God’ll get him.”⁷⁸

56. In yet another social media post after this court struck his Turmel Kit COVID-19 claim, Mr. Turmel suggested to readers that:

If you took the jab but wouldn't have if you'd known that Covid was a hoax, maybe you should send Prothonotary Aylen a message telling her that her you wouldn't have taken the experimental vaccine if she hadn't suppressed that the virus was a hoax. And if someone near you dies of a blood clot, let her know she did it to them.

Ottawa girl thought she'd shut down that Ottawa eccentric Turmel and now she'll have the blood of millions on her hands. Har har. Looks good on her. Not so good on her victims.⁷⁹

5. Mr. Turmel shows disregard for court orders, rules and timelines

57. Mr. Turmel often disregards court orders, rules and timelines. In 2002, he was convicted of contempt for knowingly posting material to the Internet in violation of a publication ban issued in the course of his brother’s criminal trial for marihuana offences.⁸⁰

58. In the various Turmel Kit proceedings in this court, Mr. Turmel has attempted to file impermissible materials such as summary-judgment motions in a

⁷⁷ Minarovich Affidavit, para 149, **AR, Vol 1, Tab C, p 49**

⁷⁸ Minarovich Affidavit, para 236, **AR, Vol 1, Tab C, p 75**

⁷⁹ Minarovich Affidavit, para 279, **AR, Vol 1, Tab C, p 93**

⁸⁰ Minarovich Affidavit, paras 69-71, **AR, Vol 1, Tab C, p 26-27**

stayed or simplified action, and an appeal from a direction.⁸¹ In 2015, nineteen of his kit users also filed or attempted to file motions for extensions of time to appeal the Allard injunction decision, although the applicants were not parties in Allard and therefore lacked any standing to appeal.⁸²

59. On at least three occasions, Mr. Turmel has failed to pursue his appeals at all, leading the Federal Court of Appeal to dismiss them for delay or as abandoned.⁸³ On several other occasions, Mr. Turmel and his kit users have missed filing deadlines, sometimes by several months, but brought motions for extensions of time.⁸⁴ While the courts have granted extensions in many of these cases, they have denied extensions in others, often on grounds that the applicants failed entirely to explain their delay.⁸⁵

60. In 2015, Mr. Turmel missed a court-ordered deadline to serve and file an appeal book agreement in several consolidated appeals in which he had been designated lead appellant. Although the Federal Court of Appeal granted his motion for an extension of time, in doing so Ryer J.A. noted Mr. Turmel's "seeming indifference towards compliance with the order of Boivin J.A.," and awarded costs to Canada despite Mr. Turmel's success on the motion.⁸⁶

61. Mr. Turmel often attempts to make legal submissions on behalf of others despite multiple reminders from this court that, as a non-solicitor, he is not permitted

⁸¹ Minarovich Affidavit, paras 113, 115, 117, 138-39, **AR, Vol 1, Tab C, p 37-38, 44-45**; *Federal Courts Rules*, [SOR/98-106](#), s [297](#) [*"Federal Courts Rules"*]; *Aga Khan v Tajdin*, [2012 FCA 238](#), para [4](#)

⁸² Minarovich Affidavit, paras 158-59, **AR, Vol 1, Tab C, p 52**

⁸³ Minarovich Affidavit, paras 28, 31, 53, **AR, Vol 1, Tab C, p 17-18, 22**

⁸⁴ Minarovich Affidavit, paras 53, 81, 108, 126, 150, 181, 190, 218, 266, **AR, Vol 1, Tab C, p 22, 29, 35, 41, 50, 60, 63, 70, 85-86**

⁸⁵ Minarovich Affidavit, paras 82, 151, 158, 219 and Exhibit 155 (p 2), **AR, Vol 1 (Tab C, p 29, 50, 52, 70), Vol 6 (Tab C155, p 1662)**

⁸⁶ Minarovich Affidavit, paras 125-26, **AR, Vol 1, Tab C, p 41**

to do so.⁸⁷ He also frequently uses social media to provide his kit users with advice on the conduct of their proceedings, or to suggest that he can obtain relief on their behalf.⁸⁸ He has served and files materials for others, apparently including a deceased person in one case, and has suggested to his kit users that they recruit more plaintiffs and charge money for completing and filing a template claim on their behalf.⁸⁹

6. Mr. Turmel has numerous unpaid costs orders

62. Mr. Turmel has numerous unpaid costs orders. Since 2015, the Federal Courts and the Supreme Court of Canada have ordered him to pay Canada's costs on ten occasions. Of these orders, Mr. Turmel has paid only one (for \$100), while the other nine (totaling \$15,340) remain unpaid.⁹⁰ Since 2010, the Ontario courts have also ordered him to pay the CBC's costs on three occasions. These orders, which total \$18,453.04, also remain unpaid.⁹¹

63. In 2016, the Federal Court of Appeal dismissed several consolidated appeals from an interlocutory decision of this court, with costs. Noting that Mr. Turmel had undertaken to personally pay any costs award on behalf of all 26 appellants, the court ordered him to do so and fixed costs at \$3,350. These costs remain unpaid despite Mr. Turmel's undertaking.⁹²

⁸⁷ Minarovich Affidavit, paras 99, 114, 123, 145, 147-48, 202, 262, 301, **AR, Vol 1, Tab C, p 33, 37, 41, 46-47, 66, 84-85, 100**; *Federal Courts Rules*, s [119](#)

⁸⁸ Minarovich Affidavit, paras 115-16, 197, 206, 261, **AR, Vol 1, Tab C, p 37-38, 65, 67, 84**

⁸⁹ Minarovich Affidavit, paras 120, 131-34, 155, 165, 204, 209, 257, **AR, Vol 1, Tab C, p 39-40, 42-43, 51, 55-56, 66-68, 83**

⁹⁰ Minarovich Affidavit, paras 293-95, **AR, Vol 1, Tab C, p 97-98**

⁹¹ Minarovich Affidavit, para 296, **AR, Vol 1, Tab C, p 98**

⁹² Minarovich Affidavit, paras 124, 127, 293-94, **AR, Vol 1, Tab C, p 41, 97-98**

64. In social media posts, Mr. Turmel has told kit users that “It’s okay to skip out on costs” and that “I’d forgotten about all the times I stiffed them on costs.”⁹³ He has suggested that plaintiffs ordered to pay \$800 in costs send Canada a cheque for just one dollar.⁹⁴

65. Not surprisingly given these statements by Mr. Turmel, several of his kit users have failed to pay costs when ordered by courts to do so. Since 2015, the Federal Courts and Supreme Court of Canada have ordered Mr. Turmel’s kit users to pay Canada’s costs on at least 35 occasions. Of these costs orders, 22 (totalling \$16,362.82) remain unpaid.⁹⁵

C. ADDITIONAL MEASURES ARE NEEDED TO REGULATE MR. TURMEL’S ACCESS

66. In addition to a requirement that Mr. Turmel obtain leave before personally instituting or continuing any proceedings, the Attorney General of Canada requests that this court: a) make leave conditional on payment of Mr. Turmel’s outstanding costs; b) prohibit Mr. Turmel from preparing court materials or assisting others with their proceedings; and c) order that no proceedings be instituted using materials prepared by Mr. Turmel, except with leave.⁹⁶

67. In managing vexatious litigants, the Federal Court of Appeal has held that the Federal Courts are not limited to s. 40, but also have access to other powers, including plenary powers, necessary to prevent abuses of the court’s process.⁹⁷

⁹³ Minarovich Affidavit, paras 275, 299 (see also para 300), **AR, Vol 1, Tab C, p 91, 99**

⁹⁴ Minarovich Affidavit, paras 136, **AR, Vol 1, Tab C, p 44**

⁹⁵ Minarovich Affidavit, paras 297, **AR, Vol 1, Tab C, p 98**

⁹⁶ Notice of Application, p 3, **AR, Vol 1, Tab A, p 3**

⁹⁷ *Fabrikant*, paras [2](#), [44](#); *Ubah*, para [40](#)

68. The Federal Court of Appeal has also observed that vexatiousness comes in many shapes and sizes.⁹⁸ Different measures may therefore be required in each case. However, while there is no “one size fits all” approach to vexatious-litigant orders, courts have held that orders should generally include measures to prevent vexatious litigants from litigating through proxies or assisting other litigants, ensure compliance with existing judgments, and prevent the vexatious litigant from otherwise circumventing the terms of the vexatious-litigant order.⁹⁹

69. In past cases, courts have attempted to achieve these goals with terms requiring vexatious litigants to pay outstanding costs as a precondition to obtaining leave.¹⁰⁰ They have also prohibited vexatious litigants from litigating through others, or assisting others, including by preparing court documents, providing legal advice, or communicating with the court, including as a “McKenzie friend.”¹⁰¹ They have required the registry to reject documents prepared on behalf of the vexatious litigant, or prohibited the vexatious litigant from having their interests represented by others, except with leave.¹⁰²

70. Similar terms are appropriate in this case. Mr. Turmel has numerous unpaid costs awards, and appears to take pride in not having paid them.¹⁰³ If he is to continue to use the resources of the Federal Courts, this court should require that he first comply with these orders so that orders of the Federal Courts are respected and prospective

⁹⁸ *Olumide*, para [32](#)

⁹⁹ *Fabrikant*, paras [45-46](#); *Virgo v Canada*, [2019 FCA 167](#), para [33](#); see also *Unrau v National Dental Examining Board*, [2019 ABQB 283](#), para [904](#) [“*Unrau*”] (cited favourably in *Fabrikant*, para [48](#))

¹⁰⁰ *Potvin*, para [8](#); *Unrau*, paras [828-31](#)

¹⁰¹ *Badawy*, [Order](#) (para 9); *Ubah*, paras [46](#), [50](#), [54](#); *Unrau*, paras [904](#), [1010](#) (subparas 1(ii), 8)

¹⁰² *Olumide*, para [48](#); *Potvin*, para [8](#)

¹⁰³ *Minarovich Affidavit*, paras 275, 293-96, 299-300, **AR, Vol 1, Tab C, p 91, 97-99**

defendants or respondents with outstanding costs awards do not incur further costs in responding to leave applications by Mr. Turmel.

71. However, a requirement that Mr. Turmel obtain leave to personally institute or continue proceedings is not sufficient. As detailed above, Mr. Turmel has attempted to overwhelm this court and the Crown by preparing court documents for and assisting others, and has exhibited many other hallmarks of vexatiousness in the course of these proceedings. The requested measures would prevent him from continuing abuse the process of the Federal Courts in this manner.

PART V – ORDER SOUGHT

72. The Attorney General of Canada requests an order:

- a) that no further proceedings other than an appeal from any order in the present application may be instituted, and that any proceeding previously instituted may not be continued, by Mr. Turmel in the Federal Court or the Federal Court of Appeal, except with leave of the Federal Court;
- b) that any application by Mr. Turmel for leave to institute or continue proceedings must, in addition to satisfying the criteria in s. 40(4) of the *Federal Courts Act*, demonstrate that all outstanding costs awards against Mr. Turmel in the Federal Courts have been paid in full;
- c) prohibiting Mr. Turmel from preparing, distributing or in any way disseminating court documents, including template documents, for use by others in proceedings before the Federal Courts;
- d) prohibiting Mr. Turmel from assisting others with their proceedings in the Federal Courts, including by filing materials or by purporting to represent or communicate with the courts on their behalf;
- e) that no further proceedings may be instituted in the Federal Courts using originating documents, including template documents, that are in any way prepared, distributed or disseminated by Mr. Turmel, except with leave of the Federal Court;
- f) for costs.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated at Toronto this 11th day of August, 2022.



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PART VI – LIST OF AUTHORITIES

Aga Khan v Tajdin, [2012 FCA 238](#)

Badawy v 1038482 Alberta Ltd, [2019 FC 504](#)

Bernard v Canada, [2019 FCA 144](#), leave to appeal refused [\[2019\] SCCA No 432](#)

Canada v Fabrikant, [2019 FCA 198](#)

Canada v Olumide, [2017 FCA 42](#)

Canada v Ubah, [2021 FC 1466](#)

Canada Post v Varma, [\[2000\] FCJ No 851](#)

Coote v Canada, [2021 FCA 150](#)

Fudge v Canada (CFN T-693-22) and several other proceedings (Judgment of Horne, Proth. dated July 4, 2022)

Fudge v Canada, CFN T-693-22 and several other proceedings (Order of Horne, Proth. dated July 27, 2022)

Hughes v Canada, CFN T-1315-18 (Order of Barnes J., dated October 6, 2021)

Lawyers' Professional Indemnity Company v Coote, CFN T-312 (Order of Hughes J, dated June 13, 2013)

Lawyers' Professional Indemnity Company v Coote, [2013 FC 643](#), aff'd [2014 FCA 98](#)

Mazhero v Fox, [2011 FC 392](#)

Potvin v Rooke, [2019 FCA 285](#)

Tonner v Lowry, [2016 FC 230](#)

Unrau v National Dental Examining Board, [2019 ABQB 283](#)

Virgo v Canada, [2019 FCA 167](#)

PART VII – STATUTES AND REGULATIONS

Federal Courts Act, [RSC 1985, c F-7](#), s [40](#)

Federal Courts Rules, [SOR/98-106](#), ss [119](#), [297](#)



CANADA

CONSOLIDATION

CODIFICATION

Federal Courts Act

Loi sur les Cours fédérales

R.S.C., 1985, c. F-7

L.R.C. (1985), ch. F-7

Current to July 13, 2022

À jour au 13 juillet 2022

Last amended on June 23, 2022

Dernière modification le 23 juin 2022

Vexatious proceedings

40 (1) If the Federal Court of Appeal or the Federal Court is satisfied, on application, that a person has persistently instituted vexatious proceedings or has conducted a proceeding in a vexatious manner, it may order that no further proceedings be instituted by the person in that court or that a proceeding previously instituted by the person in that court not be continued, except by leave of that court.

Attorney General of Canada

(2) An application under subsection (1) may be made only with the consent of the Attorney General of Canada, who is entitled to be heard on the application and on any application made under subsection (3).

Application for rescission or leave to proceed

(3) A person against whom a court has made an order under subsection (1) may apply to the court for rescission of the order or for leave to institute or continue a proceeding.

Court may grant leave

(4) If an application is made to a court under subsection (3) for leave to institute or continue a proceeding, the court may grant leave if it is satisfied that the proceeding is not an abuse of process and that there are reasonable grounds for the proceeding.

No appeal

(5) A decision of the court under subsection (4) is final and is not subject to appeal.

R.S., 1985, c. F-7, s. 40; 1990, c. 8, s. 11; 2002, c. 8, s. 39.

Poursuites vexatoires

40 (1) La Cour d'appel fédérale ou la Cour fédérale, selon le cas, peut, si elle est convaincue par suite d'une requête qu'une personne a de façon persistante introduit des instances vexatoires devant elle ou y a agi de façon vexatoire au cours d'une instance, lui interdire d'engager d'autres instances devant elle ou de continuer devant elle une instance déjà engagée, sauf avec son autorisation.

Procureur général du Canada

(2) La présentation de la requête visée au paragraphe (1) nécessite le consentement du procureur général du Canada, lequel a le droit d'être entendu à cette occasion de même que lors de toute contestation portant sur l'objet de la requête.

Requête en levée de l'interdiction ou en autorisation

(3) Toute personne visée par une ordonnance rendue aux termes du paragraphe (1) peut, par requête au tribunal saisi de l'affaire, demander soit la levée de l'interdiction qui la frappe, soit l'autorisation d'engager ou de continuer une instance devant le tribunal.

Pouvoirs du tribunal

(4) Sur présentation de la requête prévue au paragraphe (3), le tribunal saisi de l'affaire peut, s'il est convaincu que l'instance que l'on cherche à engager ou à continuer ne constitue pas un abus de procédure et est fondée sur des motifs valables, autoriser son introduction ou sa continuation.

Décision définitive et sans appel

(5) La décision du tribunal rendue aux termes du paragraphe (4) est définitive et sans appel.

L.R. (1985), ch. F-7, art. 40; 1990, ch. 8, art. 11; 2002, ch. 8, art. 39.



CANADA

CONSOLIDATION

CODIFICATION

Federal Courts Rules

Règles des Cours fédérales

SOR/98-106

DORS/98-106

Current to July 13, 2022

À jour au 13 juillet 2022

Last amended on January 13, 2022

Dernière modification le 13 janvier 2022

Representation of Parties

General

Individuals

119 (1) Subject to rule 121, an individual may act in person or be represented by a solicitor in a proceeding.

Limited-scope representation

(2) Except in respect of a party referred to in rule 121, representation by a solicitor may be limited in scope to only those aspects of the proceeding that are within a solicitor's mandate that is agreed to by the individual and the solicitor.

SOR/2021-246, s. 3.

thing required, and may do anything permitted, to be done by a solicitor under these Rules in respect of those aspects of the proceeding that are not within the solicitor's mandate.

SOR/2021-246, s. 4.

Représentation des parties

Dispositions générales

Personne physique

119 (1) Sous réserve de la règle 121, une personne physique peut agir seule ou se faire représenter par un avocat dans toute instance.

Mandat limité

(2) Sauf en ce qui concerne la partie visée à la règle 121, la représentation par avocat peut être limitée aux aspects de l'instance sur laquelle l'avocat et la personne physique se sont entendus par mandat.

DORS/2021-246, art. 3.

DORS/2021-246, art. 4.

Motion for summary judgment or summary trial

297 No motion for summary judgment or summary trial may be brought in a simplified action.

SOR/2009-331, s. 4.

Requête en jugement sommaire ou en procès sommaire

297 Aucune requête en jugement sommaire ou en procès sommaire ne peut être présentée dans une action simplifiée.

DORS/2009-331, art. 4.