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VIA EMAIL

January 25, 2024

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

Dear Registrar:

Re: *John Turmel v Attorney General of Canada*, File No. 41053

Please accept this letter as the response of the Attorney General of Canada (“Canada”), to the application for leave to appeal in this matter. This leave application raises no issue of public importance and should be dismissed.

By Judgment dated November 9, 2022, the Federal Court declared the applicant, John C. Turmel, a vexatious litigant pursuant to s. 40 of the *Federal Courts Act*, and imposed measures regulating his access to that Court and ability to assist others with their proceedings.¹ By Judgment dated September 28, 2023, the Federal Court of Appeal dismissed the applicant’s appeal, and affirmed the Judgment of the Federal Court.²

In affirming the Federal Court decision, the Federal Court of Appeal correctly identified the appellate standard of review and relied on well-established principles concerning s. 40 and the hallmarks of vexatiousness.³ The applicant has identified no error in the Court’s application of these principles, let alone an error that transcends the issues in dispute between the parties.

The applicant suggests that the proposed appeal is an opportunity for this Court to consider whether “proceedings that benefit society and victims of oppressive legislation” can be deemed frivolous and vexatious. However, this issue does not arise in this case. As the Federal Court observed, the applicant’s proceedings have harmed others and not benefited them.⁴ Moreover, as the Federal

¹ *Federal Courts Act*, [RSC 1985, c F-7](#), s 40 [EN](#) | [FR](#); *Canada v Turmel*, [2022 FC 1526](#) (“FC Decision”)

² *Turmel v Attorney General of Canada*, [2023 FCA 197](#) (“FCA Decision”)

³ FCA Decision, paras [2](#), [7](#), [14](#)

⁴ FC Decision, paras [26](#), [45](#)

Court of Appeal observed, it is not open to the courts on an application under s. 40 to consider whether the applicant's previous proceedings were properly dismissed as frivolous and vexatious.⁵

Canada therefore requests that the application for leave to appeal be dismissed with costs, but does not oppose the applicant's separate motion for leave to file a memorandum of argument of more than 20 pages in support of his application for leave.

Yours truly,

A handwritten signature in blue ink, appearing to read 'J. Bricker', written over a horizontal line.

Jon Bricker, Senior Counsel
National Litigation Sector

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

⁵ FCA Decision, paras [8-9](#)