

Federal Court



Cour fédérale

Date: 20211104

Docket: T-515-21

Citation: 2021 FC 1183

Ottawa, Ontario, November 4, 2021

PRESENT: The Honourable Mr. Justice Lafrenière

BETWEEN:

ANTHONY HICKS

Applicant

and

ROYAL CANADIAN MOUNTED POLICE

Respondent

ORDER AND REASONS

[1] A Notice of Status Review was issued by Prothonotary Sylvie Molgat on October 4, 2021 [Notice] which required the Applicant to serve and file within 15 days of the date of the Notice, representations stating the reasons why the proceeding should not be dismissed for delay. The Notice specified that the representations should include a justification for the delay and a proposed timetable for completion of the steps necessary to advance the proceeding in an expeditious manner.

[2] Upon reviewing the entries in the Proceedings Management System, I note that the Notice of Application was issued on March 23, 2021. Rule 306 of the *Federal Courts Rules*, SOR/98-106 provides that an applicant must serve their supporting affidavits and documentary exhibits and file proof of service within 30 days of issuance of a notice of application. There is no record of such step being taken by the Applicant or any request, formal or otherwise, for an extension of time to comply with Rule 306.

[3] In response to the Notice, the Applicant submitted very brief written representations. The Respondent has elected not to file any responding submissions.

[4] The Applicant also tendered an affidavit sworn October 1, 2021, consisting of 77 paragraphs. Attached to the affidavit are dozens of exhibits, running into the hundreds of pages. While affidavit evidence is generally not permitted on status review, I have directed that it be accepted for filing given that the Applicant is self-represented. However, upon perusing the affidavit evidence, I am not satisfied that any of it relates to the issues to be determined on status review, but rather to the Applicant's quixotic quests for justice, tilting at bizarre and imagined conspiracies by disparate actors.

[5] On status review, the Court must be satisfied that the reasons provided for the delay in moving the proceeding forward are justified and, in addition, that the measures proposed by the party in default to move the case forward are appropriate. The only explanation being offered by the Applicant for the delay in moving the proceeding forward is that he is being "financially

starved out by the Crown.” For the following reasons, I conclude that the explanation is wholly inadequate to account for the substantial period of delay.

[6] First, it was ultimately the Applicant’s decision to initiate the proceeding, not the Crown. Therefore, it should not have come as a surprise to the Applicant that he would have to expend time and costs to pursue the application. As recently pointed out to the Applicant in another proceeding (Court File No. T-1042-21), the fact that he is self-represented does not give him any additional rights or special exemption because of his lack of knowledge or legal skill. I would add bald assertions of impecuniosity to the list.

[7] Second, the Applicant states at paragraph 7 of his written representations that: “[t]he matter is now at the point where accountability cannot go any higher so I feel I can proceed with the affidavit and supporting documents.” This would suggest that the reason for the delay had little to do with financial problems, but rather with the Applicant making a conscious decision to ignore this proceeding.

[8] Third, if the Applicant was prevented from taking any step required by Part 5 of the *Federal Courts Rules*, for financial or other reasons, it was incumbent on him to request an extension of time in a timely manner. He failed to do so without any valid or persuasive explanation.

[9] The Court must balance the two competing values of timely justice and the right to a hearing on the merits. While our system of civil justice favours the determination of disputes on

their merits, there are circumstances where the integrity of the administration of justice is best served by requiring a party to comply with the Rules in order to obtain the relief that they seek. As Mr. Justice James Hugessen stated in *Eric Scheuneman v Her Majesty the Queen*, 2003 FCT 37, “if [a party] insists upon representing himself, he must play by the same rules as everyone else.”

[10] In conclusion, I am not satisfied that the feeble explanation provided by the Applicant serves to excuse the six (6) month period of delay in the proceeding. The absence of a valid explanation for the delay, coupled with the Applicant’s failure to propose a concrete timetable for the completion of the steps necessary to advance the proceeding in an expeditious manner, leads me to conclude that the application should be dismissed for delay.

ORDER IN T-515-21

THIS COURT ORDERS that the application is dismissed for delay.

“Roger R. Lafrenière”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-515-21

STYLE OF CAUSE: ANTHONY HICKS v ROYAL CANADIAN
MOUNTED POLICE

NOTICE OF STATUS REVIEW PURSUANT TO RULE 380 OF THE *FEDERAL COURTS RULES* CONSIDERED AT OTTAWA, ONTARIO.

ORDER AND REASONS: LAFRENIÈRE J.

DATED: NOVEMBER 4, 2021

WRITTEN REPRESENTATIONS BY:

Anthony Hicks

FOR THE APPLICANT
(ON HIS OWN BEHALF)

SOLICITORS OF RECORD:

Attorney General of Canada
Ottawa, Ontario

FOR THE RESPONDENT