

Federal Court



Cour fédérale

Date: 20240710

Docket: T-716-24

Citation: 2024 FC 1087

Toronto, Ontario, July 10, 2024

PRESENT: The Honourable Mr. Justice A. Grant

BETWEEN:

AMAR AHLAWAT

Plaintiff

and

HIS MAJESTY THE KING

Defendant

JUDGMENT AND REASONS

I. OVERVIEW

[1] On May 14, 2024, Madam Associate Judge Molgat issued an Order pursuant to subsection 74(1) of the *Federal Courts Rules*, SOR/98-106 (*Rules*), requiring the Plaintiff to show cause as to why his Statement of Claim should not be removed from the Court file. Upon the filing of written materials from the Plaintiff and the Defendant, this matter comes back before the Court for a determination on the “Show Cause” issue.

[2] For the reasons that follow, I conclude that the Plaintiff has not succeeded in showing cause as to why his Statement of Claim filed on April 4, 2024, should not be removed from the Court file. The Plaintiff's Statement of Claim will therefore be removed from the Court file. As a result of this Judgment, it will not be possible to continue with the underlying proceeding, and this Court file will be closed.

II. BACKGROUND

[3] The Plaintiff filed a Statement of Claim on April 4, 2024, in which he made numerous allegations of misconduct against multiple individuals and government agencies, including the Canadian Security Intelligence Service (CSIS), the Canada Revenue Agency (CRA), Employment and Social Development Canada (ESDC), the Justice Department, the Canadian Human Rights Tribunal (CHRT) and the National Security and Intelligence Review Agency (NSIRA). The Plaintiff also made allegations against Prime Minister Justin Trudeau and Deputy Prime Minister Chrystia Freeland. It appears that the root of the Plaintiff's concern relates to his suspicion that false information has been entered into the Canadian Police Information Centre (CPIC) databases, and that this has endangered him and his family.

[4] After the Plaintiff filed his Statement of Claim, the Defendant filed with the Court a letter dated May 9, 2024, submitting that the Statement of Claim should be removed from the Court file pursuant to Rule 74(1)(a) and 74(1)(b) of the *Rules*. In the letter, the Defendant further submitted that, per paragraph 74(1)(a) of the *Rules*, the Plaintiff's Statement of Claim did not accord with the *Rules* or an Act of Parliament; and that it was, per paragraph 74(1)(b) of the *Rules*, scandalous, frivolous, vexatious or clearly unfounded.

[5] Following the Defendant's correspondence, the matter was placed before Madam Associate Judge Molgat on May 14, 2024, for consideration under Rule 74. Associate Justice Molgat found as follows, in respect of the Plaintiff's Statement of Claim:

[T]he 26-page Statement of Claim appears on its face scandalous, frivolous, vexatious or clearly unfounded; that it is difficult to decipher, contains voluminous excerpts from correspondence, is prolix and replete with bald allegations of damage by the Canadian government which are unsupported by material facts and lacking in legal foundation and seeks remedies which this Court has no jurisdiction to grant, such as an order granting the Plaintiff security protection.

[6] As a result, Madam Associate Judge Molgat issued an Order requiring the Plaintiff to show cause pursuant to Rule 74(2) of the *Rules* as to why the Statement of Claim should not be removed from the Court file before any further steps may be taken in the proceeding.

[7] In response to this Order, on May 27, 2024, the Plaintiff provided written submissions setting out why, in his view, the Statement of Claim should not be removed from the Court file.

[8] In response to these submissions, the Defendant provided further correspondence on June 25, 2024. In that correspondence, the Defendant noted that the Plaintiff had failed to explain why the Statement of Claim should not be removed from the Court file, and had instead taken the opportunity to further argue the same allegations in the offending Claim.

III. LAW

[9] Rule 74 of the *Rules* is as follows:

Removal of documents

74 (1) Subject to subsection (2), the Court may, at any time, order that a document be removed from the Court file if the document

(a) was not filed in accordance with these Rules, an order of the Court or an Act of Parliament;

(b) is scandalous, frivolous, vexatious or clearly unfounded; or

(c) is otherwise an abuse of the process of the Court.

Retrait de documents

74 (1) Sous réserve du paragraphe (2), la Cour peut, à tout moment, ordonner que soient retirés du dossier de la Cour :

a) les documents qui n'ont pas été déposés en conformité avec les présentes règles, une ordonnance de la Cour ou une loi fédérale;

b) les documents qui sont scandaleux, frivoles, vexatoires ou manifestement mal fondés;

c) les documents qui constituent autrement un abus de procédure.

[10] Rule 168 of the *Rules* is as follows:

Dismissal where continuation impossible

168 Where following an order of the Court it is not possible to continue a proceeding, the Court may dismiss the proceeding.

Annulation ou rejet par la Cour

168 Lorsque la continuation d'une instance est irrémédiablement compromise par suite d'une ordonnance de la Cour, celle-ci peut rejeter l'instance.

[11] Rule 174 of the *Rules* is as follows:

Material facts

174 Every pleading shall contain a concise statement of the material facts on which the party relies, but shall not include evidence by which those facts are to be proved.

Exposé des faits

174 Tout acte de procédure contient un exposé concis des faits substantiels sur lesquels la partie se fonde; il ne comprend pas les moyens de preuve à l'appui de ces faits.

[12] As my colleague Mr. Justice Lafrenière explained in *Gaskin v Canada*, 2023 FC 1542 at paragraphs 16 to 20 [Gaskin I], recent amendments to Rule 74 of the *Rules* now permit the Court to order that a document be removed from the judicial record on the grounds that it is scandalous, frivolous, vexatious and/or clearly unfounded (pursuant to 74(1)(b)), or constitutes an abuse of the Court’s process (pursuant to 74(1)(c)). As noted by Justice Lafrenière, the addition of these new grounds provide the Court with the necessary tools to deal directly and expeditiously with clearly inappropriate and/or abusive conduct in the litigation process.

IV. ANALYSIS

A. *The Plaintiff’s Statement of Claim*

[13] On my own review of the Plaintiff’s Statement of Claim, and in considering the parties’ submissions following the Order of Associate Judge Molgat, I have concluded that the Claim should indeed be removed pursuant to Rule 74 of the *Rules*.

[14] As noted above, the Plaintiff’s Statement of Claim contained serious allegations against many Canadian government agencies and numerous individuals. The allegations include (but are not limited to) the following:

- CSIS orchestrated biological attacks against the Plaintiff in the form of food poisoning;
- Prime Minister Justin Trudeau accused the Indian government of killing a Canadian citizen because the Prime Minister was worried the Plaintiff would go to the Indian press to disclose his mistreatment by Canadian authorities;
- Deputy Prime Minister Chrystia Freeland “essentially gave the stamp of approval” for an assassination attempt against the Plaintiff;
- The arrest and detention of Huawei CFO Meng Wanzhou was related to a CSIS attempt to disrupt the Plaintiff’s efforts to celebrate his South Asian heritage;

- Members of the Canadian House of Commons have conducted “psychological operations” against the Plaintiff, targeting his Hindu and Indian heritage, with the aim of obstructing his cases before the Canadian judiciary – this includes planting legal representatives on the Plaintiff’s legal team to frustrate the course of justice;
- CSIS sexually assaulted the Plaintiff in high school, while conducting state sponsored investigations on him;
- CSIS agents have engaged in chemical attacks on the Plaintiff through administration of drugs and noxious substances such as narcotics;
- CSIS agents have attacked the Plaintiff’s new puppy, which he is training to be a service animal.

[15] In addition to these allegations, the Plaintiff also sought various forms of relief, which include:

- 24-hour security protection for the Plaintiff and his mother;
- A correction to the CPIC database;
- A full investigation of the alteration of information, related it seems, to the CPIC issue;
- Damages in the amount of \$824,350,000, which the Plaintiff states is based on the amount asked for in his Canadian Human Rights Tribunal proceeding.

B. *The Statement of Claim should be removed from the Court file*

[16] I note at the outset that the purpose of the Rule 74 process is not to adjudicate whether a party is a vexatious or abusive litigant. As this Court noted in *Gaskin v Rogers*, 2023 FC 1588 [*Gaskin II*], this can only be pursued under section 40 of the *Federal Courts Act*, RSC 1985, c F-7. The focus of a Rule 74 review is on the propriety of the document itself, which in this case is the Plaintiff’s Statement of Claim.

[17] For the reasons provided below, I conclude that the Statement of Claim should be removed from the Court file, as it was not filed in accordance with the *Rules*, and is clearly unfounded and vexatious.

[18] The Statement of Claim does not comply with the *Rules* because, even when read generously, it does not plead the necessary facts – contrary to Rule 174 of the *Rules*. Pursuant to this Rule, a plaintiff must plead sufficient particulars and material facts to support every cause of action pleaded: *St. John's Port Authority v. Adventure Tours Inc.*, 2011 FCA 198, 420 N.R. 149 at paragraph 29; *Lauer v Canada (Attorney General)*, 2017 FCA 74 at paragraph 10, 27, *Gaskin I* at paragraphs 21-24. In my respectful view, the Plaintiff's Statement of Claim did not provide any material facts to support his claims of abuse and mistreatment at the hands of Canadian agencies and officials.

[19] Allegations of fact contained in a pleading may only be assumed true if capable of proof via evidence adducible at trial. Alleged facts that are not presumed to be true include those that are inconsistent with common sense, vague generalizations, conjecture, bare allegations or bald conclusory legal statements: *Jensen v Samsung Electronics Co. Ltd.*, 2023 FCA 89, at para 52(b).

[20] I find the facts alleged by the Plaintiff in his Statement of Claim cannot be presumed to be true. On the contrary, the Claim is replete with vague generalizations, conjecture, bare allegations, and accusations that defy common sense. As Associate Judge Duchesne recently noted in *Jane Doe v Canada*, 2024 CanLII 58463 (at para 13):

Pleadings that plead bald allegations of fact or mere conclusions of law are not proper. The proper pleading of a Statement of Claim is necessary for a defendant to prepare a Statement of Defence. Material facts frame the discovery process and allow counsel to advise their clients, to prepare their case and to map a trial strategy. The pleadings establish the parameters of relevance at discovery and trial. What constitutes a material fact is determined in light of the cause of action and the relief sought. A plaintiff must plead the constituent elements of each cause of action or legal ground raised in summary form but with sufficient detail. The pleading must tell the defendant who, when, where, how and what gave rise to its liability.

[21] I find that the Plaintiff's Statement of Claim in this matter does not meet the requirements set out above, as it fails to set out the constituent elements of each cause of action and it fails to provide material facts that could adequately inform the Defendant of the "who, when, where, how and what" that allegedly gives rise to its liability. As in *Gaskin I* (at para 28), I find that the Statement of Claim in this matter "lacks any material facts tying the allegations of wrongdoing to the Crown or his servants, which is an essential element for a claim against the federal Crown": *Crown Liability and Proceedings Act*, RSC 1985, c C-50, s 3, 10.

[22] In addition, a claim must also "indicate the relief sought, which must be of a type which the action could produce, and the court has jurisdiction to grant": *Zbarsky v Canada*, 2022 FC 195 at paragraph 13; relying on *Bérubé v Canada*, 2009 FC 43 at paragraph 24, aff'd 2010 FCA 276. It is plainly apparent that at least some of the relief sought by the Plaintiff in this matter would go beyond this Court's jurisdiction, including the request that the Court order 24-hour protection for the Plaintiff and his mother, and the request for a full investigation of the alteration of information found in the Plaintiff's CPIC file. As the Defendant notes, the Plaintiff's request

for monetary damages may also constitute an abuse of process, as this is the same relief sought in a different proceeding before the Canadian Human Rights Tribunal.

[23] For these reasons, I conclude that the Plaintiff's Statement of Claim should be removed from the Court file, as it was not filed in accordance with the *Rules*, and is clearly unfounded and vexatious.

C. *Impact of Removal of Statement of Claim*

[24] In an action before this Court, a Statement of Claim is an originating document: Rule 63(1)(a) of the *Rules*. That is to say, a Statement of Claim is a document by which an action is commenced, and without it, there is no action. As a result, it follows that the removal of a Statement of Claim pursuant to Rule 74 essentially voids the action, and should therefore result in the immediate closing of the Court file: see, for example, *Siewe v Canada (Citizenship and Immigration)*, 2022 FCA 139 at paragraph 23; *Ubah v Canada*, 2022 FCA 129 at paragraph 21.

[25] In the alternative, I would also note that Rule 168 of the *Rules* provides that where an order makes it impossible to continue a proceeding, the Court may dismiss the proceeding. With the removal of the Plaintiff's Statement of Claim from the Court file, it is not possible for the Plaintiff's claim to continue. The Statement of Claim is, as noted, an originating document, and without it, there is no basis on which to pursue the litigation.

V. CONCLUSION

[26] For the above reasons, the Plaintiff's Statement of Claim will be removed from the Court record, pursuant to Rule 74 of the *Federal Courts Rules*. As the removal of the Statement of Claim nullifies the underlying action, the Court file in this matter will be closed and no further materials will be received, filed, or accepted in this matter. No costs will be awarded.

JUDGMENT IN T-716-24

THIS COURT'S JUDGMENT IS that:

1. The Statement of Claim in this matter shall be removed from the Court file.
2. This proceeding is deemed a nullity and void ab initio.
3. The Registry shall not receive, accept or file any further documents from the parties in this Court file.
4. The whole, without costs.

“Angus G. Grant”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-716-24

STYLE OF CAUSE: AMAR AHLAWAT v HIS MAJESTY THE KING

**MOTION IN WRITING CONSIDERED IN TORONTO, ONTARIO PURSUANT TO
RULE 369 OF THE *FEDERAL COURTS RULES***

JUDGMENT AND REASONS: GRANT J.

DATED: JULY 10, 2024

WRITTEN SUBMISSIONS BY:

Amar Ahlawat

FOR THE PLAINTIFF
(ON HIS OWN BEHALF)

Renuka Koilpillai

FOR THE DEFENDANT

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