

Federal Court



Cour fédérale

Date: 20250908

Docket: T-1827-25

Citation: 2025 FC 1483

Ottawa, Ontario, September 8, 2025

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

**RN786366963CA TRUST (PRIVATE)
RAJI "IN RIGHT OF POSTMASTER, AND
GRANTOR, TRUSTEE OF THE
RN786366963CA TRUST"**

Plaintiffs

and

**HIS MAJESTY THE KING (THE CROWN)
PUBLIC TRUSTEES AND CROWN**

OFFICERS:

**GLEN SCHWARTZ
FREYA KRISTJANSON
JANET LEIPER
ANN C. MCNEELY
EFFIE C. PRATTAS
JOHN TWOHIG
JOSEPH AGUECI
KIRAN QURESHI
TANIA KUMMER
KATE BEVERIDGE
SHARON SHORE
LOVE SAINT-FLEUR
GUY RÉGIMBALD
SARA QUINN-HOGAN
ERIC JANSE
LINSDAY KIRK
KEVIN F. MCCUMBER**

**TOM GOLDSMITH
LAURA S. NTOUKAS
CROWN OFFICER MANCINI**

Defendants

ORDER

[1] On June 18, 2025, this Court issued an order pursuant to Rule 74(2) of the *Federal Courts Rules*, SOR/98-106 [the *Rules*] seeking the parties' written submissions not exceeding 5 pages, double-spaced, with proof of service, as to whether the Plaintiffs' statement of claim ought to be removed from the Court file. The parties complied with the Court's order and filed their written submissions on June 26, 2025.

[2] The Court has considered the parties' respective submissions and concludes that the Plaintiff's statement of claim must be removed from the Court file pursuant to Rule 74(1) and that this proceeding is to be dismissed pursuant to Rule 168.

I. The Law Applicable to the Original Rule 74 Request

[3] Rule 74 of the *Rules* provides the Court with the discretion to order the removal of a document from the Court file in the circumstances set out in the Rule and as developed by the jurisprudence interpreting and applying the Rule. Rule 74 reads 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

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) was not filed in accordance with these Rules, an order of the Court or an Act of Parliament;	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) is scandalous, frivolous, vexatious or clearly unfounded; or	b) les documents qui sont scandaleux, frivoles, vexatoires ou manifestement mal fondés;
(c) is otherwise an abuse of the process of the Court.	c) les documents qui constituent autrement un abus de procédure.
Opportunity to make submissions	Occasion de présenter des observations
(2) The Court may only make an order under subsection (1) if all interested parties have been given an opportunity to make submissions.	(2) La Cour ne peut rendre une ordonnance en vertu du paragraphe (1) que si elle a donné aux parties intéressées l'occasion de présenter leurs observations.

[4] Justice Lafrenière explained the rationale for Rule 74 in *Gaskin v. Canada*, 2023 FC 1542, at paras 16 to 20 (*Gaskin*). I can do no better than to reproduce his words here and to adopt them as my own:

[16] By way of background, Rule 74 was amended following recommendations made in a report submitted by a subcommittee to the Rules Committee over a decade ago, on October 16, 2012: see Canada Gazette, Part I, Vol 155, No 15 (April 10, 2021). According to the report, public consultations revealed a broad consensus that certain parties sometimes make excessive or disproportionate use of rights under the Rules. These excesses include the use of procedures to delay cases and the adoption of behaviours disproportionate to the objective of achieving an expeditious, just and cost-effective judicial decision. Such proceedings often languish in the justice system, wasting limited judicial resources. Self-represented litigants often bring multiple proceedings and motions for the same matter. They also sometimes initiate proceedings that clearly have no chance of success. Consequently, it became evident that decision-makers needed new tools to regulate proceedings.

[17] Prior to the amendments, Rule 74 allowed the Court to order, on its own initiative, that a document could be removed from the Court file if it had not been filed in accordance with the Rules, an order of the Court, or an Act of Parliament, but only after all interested parties had been given an opportunity to be heard.

[18] In recent years, the Federal Court of Appeal held that the combined effect of Rule 74 (as it then was), Rule 4 (the gap rule), and Rule 55, alongside its plenary powers, granted the Court jurisdiction to summarily dismiss a proceeding that is abusive of the Court's process: *Coote v Canada (Human Rights Commission)*, 2021 FCA 150 at paras 16-18; *Dugré v Canada (Attorney General)*, 2021 FCA 8 at paras 19-21.

[19] With the addition of paragraphs (b) and (c) to Rule 74(1), this Court can now order that a document be removed from the court record on additional grounds, similar to those applicable to motions to strike found at paragraphs (c) and (f) of Rule 221(1). Moreover, by replacing the words "to be heard" with "to make submissions" in Rule 74(2), it is clearly intended that the matter of removal of a document would normally be addressed in writing, with the onus placed equally on all parties, and not necessarily by making oral submissions in court at an in-person hearing.

[20] These amendments came into effect on January 13, 2022.

[5] An Order that an originating document be removed from the Court file effectively dismisses the underlying proceeding (*Dona v. Canada (Attorney General)*, 2024 FC 92, at para 21) as framed in and by the originating document because a proceeding in which the originating document is removed from the Court file pursuant to Rule 74(1) is a proceeding that was not properly commenced.

II. Analysis

[6] The Plaintiffs' statement of claim is prolix and is largely concerned with events, occurrences and orders made in an Ontario Superior Court of Justice Family proceeding bearing

Court file number FS-19-11396, in Ontario Small Claims Court proceedings bearing file number SC-23-1244 and SC-24-7645, with respect to traffic tickets and the Ontario Court of Justice, the Toronto Police Service File bearing number 24-2770931, and the Plaintiffs' interactions with judges, deputy judges and court staff at the Ontario Superior Court of Justice, the Ontario Small Claims Court, Toronto Police Service officers and detectives, and judges of this Court.

[7] The relief sought includes the enforcement of unidentified orders against Clerks of the Parliament of Canada, Parliament of the United Kingdom, the Legislative Assembly of Ontario, United States House of Representatives, all of which are alleged to be agencies of the Crown, \$ 10 million dollars in damages for breach of contract or in tort in connection with traffic tickets, an accounting of a constructive trust declared by the Ontario Superior Court of Justice, damages in the amount of \$ 300 million dollars in connection with Ontario Small Claims Court proceedings, and various other orders setting aside orders made in the Ontario Superior Court of Justice, requiring the issue of a writ of annulment of marriage and an order deputizing the Royal Canadian Mounted Police among many others sought.

[8] None of the orders sought are within this Court's jurisdiction, and none of the facts alleged contain a scintilla of a cause of action that lies within this Court's jurisdiction.

[9] A document that is scandalous, frivolous or vexatious pursuant to the *Rules* and the relevant jurisprudence includes a statement of claim or an application for judicial review in which the plaintiff or the applicant presents no rational argument based upon the facts or law in support of the sought relief, where the pleading is so clearly futile that it has not the slightest

chance of success, where the pleading improperly casts a derogatory light on someone with respect to their moral character, or where the proceeding is commenced maliciously, without probable cause or not leading to a practical result (*Pfizer Inc. v. Apotex Inc.* (1999), 1999 CanLII 8371 (FC); *Steiner v. Canada* (1996), 1996 CanLII 3869 (FC); *Ruman v. Canada*, 2005 FC 389; *Hutton v. Sayat*, 2024 FC 601 at para 26; *Cannon v. Canada*, 2024 FC 1746, at para 6; *Zhao-Jie v TD Waterhouse Canada Inc.*, 2024 FC 261, at para 7; *Sauve v Canada*, 2010 FC 217, at para 38).

[10] A document that is otherwise an abuse of process pursuant to Rule 74(1)(c) of the *Rules* includes a document that misuses the Court's procedure and one that can lead to no possible good (*Gaskin*, at para 31). A document would be considered an abuse of process where its content represents the relitigation of issues in different judicial forums and in connection with different relief sought. Differences of forum and relief do not preclude a claim or an application from being abusive. Proceeding with such relitigation undermines the doctrine of finality and respect for the administration of justice (*Mancuso v. Canada (National Health and Welfare)*, 2015 FCA 227, at paras 39 to 45; *Ewert v. Canada (Attorney General)*, 2025 FC 676, at paras 26-33).

[11] The Plaintiffs take aim at the judges and deputy judges that have made orders they disagree with while also seeking to relitigate matters that have been resolved in other forums and by decision makers other than this Court. The Orders sought are in any event not within this Court's jurisdiction.

[12] The Plaintiffs' statement of claim falls within the broad scope of originating documents that are frivolous and vexatious and an abuse of process within the meaning of Rules 74(1)(b) and (c) on its face. The statement of claim shall be removed from the Court file.

[13] The proceeding shall be dismissed pursuant to Rule 168 of the *Rules* as it is not possible for the Plaintiffs to continue this proceeding as a result of this Order removing the statement of claim from the Court file.

ORDER in T-1827-25

THIS COURT ORDERS that:

1. The Plaintiffs' statement of claim is to be removed forthwith from the Court file pursuant to Rule 74(1)(b) and (c) of the *Rules*.
2. The Plaintiffs' proceeding is dismissed pursuant to Rule 168 of the *Rules*.
3. No costs are awarded to any party in connection with the steps that led to this Order.

"Benoit M. Duchesne"

Judge