

Federal Court



Cour fédérale

Date: 20130423

Docket: T-107-13

Citation: 2013 FC 406

Vancouver, British Columbia, April 23, 2013

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

EDWARD ANTHONY MEYER^{©TM}

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

REASONS FOR ORDER AND ORDER

[1] The Plaintiff appeals the March 8, 2013 Order of Prothonotary Roger R. Lafrenière, striking out his Statement of Claim, without leave to amend.

[2] The reasons for the order are summarized by the Prothonotary in the following passages:

No useful purpose would be serviced [*sic*] by summarizing the allegations in the Statement of Claim. First, the allegations are incomprehensible. Second, there are no allegations made against the Crown Defendant. Third, to the extent that the Plaintiff may have a complaint, it appears that it arises from his dealings with his bank, CIBC.

The Statement of Claim plainly and obviously does not disclose a reasonable cause of action against the Crown Defendant, let alone a cause of action within this Court's jurisdiction. Being substantially in agreement with the written representations filed on behalf of the Defendant, which I adopt and make mine, I conclude that the Statement of Claim should be struck out, without leave to amend.

[3] The Plaintiff's principal complaint, as was admitted by him, is against CIBC Mortgages Inc. He acknowledged that there is presently no ongoing litigation between CIBC Mortgages Inc. and the Plaintiff, although steps may soon be taken in that regard by CIBC Mortgages Inc.

[4] The Plaintiff commenced the present action against Her Majesty in an effort, it appears, to require that she enforce those provisions of the *Bills of Exchange Act* against CIBC Mortgages Inc. which the Plaintiff says it has violated. Whether those provisions have been violated or not is a matter between the Plaintiff and CIBC Mortgages Inc. There is no duty on Her Majesty to act in what is essentially a private dispute, except perhaps to establish law courts in which such disputes can be litigated. That she has done.

[5] The Statement of Claim pleads no facts against Her Majesty and, as such, it is plain and obvious that it cannot succeed and must be struck. Further, as I understand the Plaintiff's claims against Her Majesty, the Statement of Claim cannot be amended to allege a claim that has any possibility of success. Accordingly, this appeal must be dismissed.

[6] The Defendant seeks its costs of this appeal, in the amount of \$300. The Plaintiff impressed upon the court his current financial situation, which no doubt has led in part to his

dispute with CIBC Mortgages Inc.; however, a successful party is generally entitled to its costs and I so order. Whether the Defendant takes any steps to recover those costs is a matter to be left to the discretion of the Defendant, with a hope that it will show some compassion for the Plaintiff.

THIS COURT ORDERS that the appeal is dismissed, with costs to the Defendant fixed at \$300.

“Russel W. Zinn”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-107-13

STYLE OF CAUSE: EDWARD ANTHONY MEYER^{®™}
v HER MAJESTY THE QUEEN

PLACE OF HEARING: Vancouver, BC

DATE OF HEARING: April 22, 2013

**REASONS FOR ORDER
AND ORDER:** ZINN J.

DATED: April 23, 2013

APPEARANCES:

Edward Anthony Meyer

FOR THE APPLICANT
(ON HIS OWN BEHALF)

Kirat Khalsa

FOR THE RESPONDENT

SOLICITORS OF RECORD:

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FOR THE RESPONDENT