

Federal Court of Appeal



Cour d'appel fédérale

Date: 20160519

Docket: A-284-15

Citation: 2016 FCA 153

**CORAM: GAUTHIER J.A.
TRUDEL J.A.
SCOTT J.A.**

BETWEEN:

ROBERT LAVIGNE

Appellant

and

**MICHEL PARE, JOCELYNE CANTIN, LUCIE VEILLETTE,
MELANIE MATTE, DANIELLE DESROSIERS,
JACINTHE MARLEAU, DAVID LANTRY
AND
CANADIAN RIGHTS COMMISSION
AND
ATTORNEY GENERAL OF CANADA**

Respondents

Heard at Montréal, Quebec, on May 18, 2016.

Judgment delivered at Montréal, Quebec, on May 19, 2016.

REASONS FOR JUDGMENT BY:

GAUTHIER J.A.

CONCURRED IN BY:

**TRUDEL J.A.
SCOTT J.A.**

Federal Court of Appeal



Cour d'appel fédérale

Date: 20160519

Docket: A-284-15

Citation: 2016 FCA 153

**CORAM: GAUTHIER J.A.
TRUDEL J.A.
SCOTT J.A.**

BETWEEN:

ROBERT LAVIGNE

Appellant

and

**MICHEL PARE, JOCELYNE CANTIN, LUCIE VEILLETTE,
MELANIE MATTE, DANIELLE DESROSIERS,
JACINTHE MARLEAU, DAVID LANTRY
AND
CANADIAN RIGHTS COMMISSION
AND
ATTORNEY GENERAL OF CANADA**

Respondents

REASONS FOR JUDGMENT

GAUTHIER J.A.

[1] This is an appeal from a decision of Justice Luc Martineau (2015 FC 631), granting a motion brought by the Canadian Human Rights Commission and the Attorney General of

Canada declaring that Mr. Robert Lavigne is a vexatious litigant and ordering that no further proceedings be instituted by him in the Federal Court without leave of the Court. The motion judge also ordered that Mr. Lavigne's action shall be dismissed without any possibility of amendment, on the basis that it is a vexatious proceeding and otherwise constitutes an abuse of process.

[2] The decision of the motion judge was made pursuant to subsection 40(1) of the *Federal Courts Act*, R.S.C. 1985, c. F-7 and Rules 221(1)(c) and (f) of the *Federal Courts Rules*, SOR/98-106. These types of decisions are discretionary, and the judge's exercise of his discretion is entitled to deference on appeal.

[3] The appellant essentially submitted the same arguments he had raised before the motion judge, adding that the judge gave insufficient reasons, including by failing to review each and every argument the appellant had raised. According to the appellant, the judge erred in several respects in failing to apply what the appellant considers to be the appropriate approach to determine whether his action should be dismissed.

[4] I was not persuaded that there is any error, in law or otherwise, justifying the intervention of the Court in the instant case. In my view, the conclusions of the motion judge are supported by the extensive materials that were before him. The judge gave sufficient weight to all relevant considerations, and his reasons are adequate and intelligible and they allowed this Court to ascertain his reasoning. There is no need for us to add anything further to the detailed explanations already given by the judge.

[5] I therefore propose to dismiss the appeal with costs in the amount of \$1350 (inclusive of tax and disbursements).

“Johanne Gauthier”

J.A.

“I agree
Johanne Trudel J.A.”

“I agree
A.F. Scott J.A.”

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

**APPEAL FROM A JUDGMENT OF THE FEDERAL COURT DATED MAY 13, 2015,
DOCKET NUMBER: T-1632-13 (2015 FC 631)**

DOCKET: A-284-15

STYLE OF CAUSE: ROBERT LAVIGNE v. MICHEL PARE, JOCELYNE CANTIN, LUCIE VEILLETTE, MELANIE MATTE, DANIELLE DESROSIERS, JACINTHE MARLEAU, DAVID LANTRY AND CANADIAN RIGHTS COMMISSION AND ATTORNEY GENERAL OF CANADA

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: MAY 18, 2016

REASONS FOR JUDGMENT BY: GAUTHIER J.A.

CONCURRED IN BY: TRUDEL J.A.
SCOTT J.A.

DATED: MAY 19, 2016

APPEARANCES:

Robert Lavigne FOR THE APPELLANT
(on his own behalf)

Caroline Laverdière FOR THE RESPONDENTS
Erin Morgan

SOLICITORS OF RECORD:

William F. Pentney FOR THE RESPONDENTS
Deputy Attorney General of Canada