Federal Court of Appeal

Cour d'appel fédérale

Date: 20260323

Docket: A-111-25

Citation: 2026 FCA 60

CORAM: **GLEASON J.A.**
MONAGHAN J.A.
GOYETTE J.A.

BETWEEN:

PARVINDER SINGH SANDHU

Appellant

and

COLLEGE OF IMMIGRATION AND CITIZENSHIP CONSULTANTS (CICC)

Respondent

Heard at Toronto, Ontario, on March 11, 2026.

Judgment delivered at Ottawa, Ontario, on March 23, 2026.

REASONS FOR JUDGMENT BY: GOYETTE J.A.

CONCURRED IN BY: GLEASON J.A.
MONAGHAN J.A.

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REASONS FOR JUDGMENT

GOYETTE J.A.

[1] Mr. Parvinder Singh Sandhu appeals a decision of the Federal Court: 2025 FC 504. The Federal Court declared Mr. Sandhu to be a vexatious litigant pursuant to section 40 of the *Federal Courts Act*, R.S.C. 1985, c. F-7. Accordingly, the Court regulated Mr. Sandhu's access to the Court by prohibiting him from instituting or continuing litigation and from filing documents in that Court without leave. The Federal Court also dismissed an action that Mr.

Sandhu had commenced against the College of Immigration and Citizenship Consultants: FC Decision at para. 55.

I. Background

[2] Mr. Sandhu and his brother Devinder, who is not a party to this proceeding, are directors of Worldwide Immigration Consultancy Services Canada Inc. The Sandhus were licensed immigration consultants until the College's Discipline Committee found them liable for professional misconduct and revoked their licences: Appeal Book at 158–84, 212–26. The Committee ordered the Sandhus to notify their clients and the public of the revocation, and to issue refunds to clients who were provided inadequate services: Appeal Book at 224–25. The disciplinary proceedings spanned over two years, during which the Sandhus brought numerous proceedings challenging the authenticity of the College's evidence. These include five unsuccessful motions in the Committee's proceedings, one action against the College in the Federal Court and three judicial review applications also in the Federal Court: FC Decision at paras. 7–10, 14–17, 19, 21; Appeal Book at 77–79, 112–13, 116–17, 121–23, 136–43, 187–94, 238–46, 336–54. The action and judicial review applications were either dismissed or discontinued: Appeal Book at 197–205, 432, 436.

[3] Following the revocation of his licence, Mr. Sandhu continued to bring a barrage of legal proceedings to the Federal Court. With his brother, he applied for judicial review of the final decision by the Committee in the disciplinary proceedings, including the revocation of their licences: FC Decision at para. 23; Appeal Book at 440–48. Mr. Sandhu also brought an action

against the College and an application seeking an order in the nature of *mandamus* against the Royal Canadian Mounted Police and the Attorney General of Canada: FC Decision at paras. 25–26; Appeal Book at 504–37, 677–83. He also filed motions and sent letters to the Federal Court that are too numerous to mention: see for instance FC Decision at para. 26; Appeal Book at 253–56, 286–289, 357–360, 451–53, 591–95, 642–47, 800–07, 1906–09, 1914–15, 1924–28, 1933, 1942–45. Mr. Sandhu also unsuccessfully asked this Court to set aside one of the Federal Court's orders: *Parvinder Singh Sandhu v. Attorney General of Canada* (27 November 2024), Ottawa A-322-24 (FCA); FC Decision at para. 24; Appeal Book at 760–68, 1992–96.

[4] As mentioned, the Federal Court allowed the College's application for a vexatious litigant order. It also dismissed Mr. Sandhu's remaining action against the College (T-1428-24), the other action having been discontinued. Of note, the Federal Court did not dismiss Mr. Sandhu's and his brother's judicial review application of the Discipline Committee's decision to revoke their licences (T-983-23): FC Decision at para. 55.

[5] On appeal, Mr. Sandhu criticizes the Federal Court for having: 1) misapplied the vexatious litigant legal test; 2) dismissed his action without considering its merits; 3) breached his right to procedural fairness by failing to rule on his motion to admit a letter from the Privacy Commissioner; and 4) undermined judicial integrity by making prejudicial comments in respect of his ongoing judicial review application.

[6] I disagree.

II. Analysis

[7] The Federal Court's decisions to declare a person a vexatious litigant under section 40 of the *Federal Courts Act* and to dismiss an action for lack of merit are discretionary: *Hutton v. Sayat*, 2025 FCA 66 at para. 4, citing *Feeney v. Canada*, 2022 FCA 190 at para. 4 and other decisions. As such, this Court may overturn the Federal Court only if it erred in law or committed a palpable and overriding error on a question of fact or on a question of mixed fact and law: *Housen v. Nikolaisen*, 2002 SCC 33; *Hospira Healthcare Corporation v. Kennedy Institute of Rheumatology*, 2016 FCA 215 at paras. 28, 72, 79.

[8] There were no such errors.

A. *No misapplication of the legal principles on vexatious litigants*

[9] Regarding the vexatious litigant test, the Federal Court properly identified the overarching question before it—whether Mr. Sandhu's ungovernability or harmfulness to the court system and its participants justify regulating his court access—and the "hallmarks" of vexatiousness that have been repeatedly affirmed by this Court: FC Decision at paras. 42–43 citing *Simon v. Canada (Attorney General)*, 2019 FCA 28 at para. 18 and *Canada v. Olumide,* 2017 FCA 42 at paras. 32–34.

[10] Mr. Sandhu is right that vexatiousness "comes in all shapes and sizes": Appellant's Corrected Memorandum at para. 15, citing *Olumide* at para. 32. And so, the Federal Court

considered Mr. Sandhu's particular circumstances to determine whether they bore the hallmarks of vexatiousness.

[11] These circumstances included Mr. Sandhu's pattern of continuously relitigating and seeking investigation into his claim that the College and its affiliates have forged signatures: FC Decision at para. 48. They also included Mr. Sandhu's "continued and repeated allegations against the College regarding forgery, fraud, tampering with evidence, unethical practices, and 'serious criminal violations'": FC Decision at paras. 49–50. The Federal Court found these allegations, raised in proceedings and motions where they were irrelevant to the issues at play, to be scandalous, frivolous, unsupported and damaging to the College, the Discipline Committee, individual staff, adjudicators and counsel: *Ibid*. A third circumstance was Mr. Sandhu's disregard of both the Federal Court's orders and the *Federal Courts Rules*, S.O.R./98-106: FC Decision at para. 51.

[12] There are no discernible errors in the Federal Court's assessment of the facts, let alone any that are palpable and overriding.

[13] Mr. Sandhu resists this conclusion and says the Federal Court focused too much on the number of proceedings that he brought instead of considering their merits. This argument cannot succeed.

[14] The Federal Court considered the merits of the proceedings. It said that the merits of Mr. Sandhu's allegations regarding the authenticity of the College's evidence may be relevant to his

judicial review application of the Discipline Committee's decision: FC Decision at para. 49. Since this application is ongoing, it will be for the Federal Court to consider whether the allegations are relevant and, if so, determine the weight to give them. However, the Federal Court found that continuously and frivolously raising these allegations in a series of proceedings and motions where these allegations are irrelevant should not be allowed to go on: FC Decision at paras. 49, 53.

B. *No error in dismissing Mr. Sandhu's action*

[15] In the action that the Federal Court dismissed (T-1428-24), Mr. Sandhu claimed the College was engaged in "very serious criminal violations" involving the forgery of documents and signatures. He sought a declaration that his *Charter* rights had been violated and claimed damages totaling hundreds of millions of dollars, among other relief: Appeal Book at 2072, 2095, 2101–03; *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

[16] Mr. Sandhu argues that the Federal Court failed to consider the merits of his action before dismissing it. Again, the Federal Court did consider the merits: it found that the action had no merit and dismissed it for this very reason: FC Decision at para. 55. Given that Mr. Sandhu cannot point to an error of law or a palpable and overriding error that tainted this decision, this Court cannot overturn it.

C. *No breach of procedural fairness resulting from absence of ruling on the motion*

[17] To appreciate Mr. Sandhu's argument that the Federal Court breached his right to procedural fairness by failing to rule on his motion to admit the Privacy Commissioner's letter, it is helpful to provide context.

[18] Subsection 40(2) of the *Federal Courts Act* says that an application for an order declaring a person a vexatious litigant "may be made only with the consent of the Attorney General of Canada". Here, the College twice obtained the Attorney General's consent: on May 3, 2024, that is, a few months before July 19, 2024, when the College filed its application, and again on August 14, 2024. The College filed both consents with the Federal Court: Appeal Book at 60–63.

[19] Ever since the consents were served and filed, Mr. Sandhu has been challenging their validity and seeking the information the College communicated to the Attorney General to obtain them: Appeal Book at 644–69, 696–99. For this purpose, Mr. Sandhu brought motions and wrote various letters to the Federal Court. For instance, in February 2025, he brought a motion seeking disclosure of "all records, documents, communications, and materials" relied upon by the Attorney General in issuing its consents. The motion also sought an order that the consents be quashed on the grounds they were improperly obtained and because of "the lack of disclosure": Appeal Book at 1924–28. The Federal Court rejected Mr. Sandhu's motion because the rules Mr. Sandhu relied on do not allow for the disclosure sought, and because neither the *Federal Courts Rules* nor the *Federal Courts Act* provides the authority to quash the Attorney General's consents: Appeal Book at 2038–42.

[20] Shortly after the Federal Court rejected Mr. Sandhu's motion, and a few days before the hearing of the College's application, he served another notice of motion on the College. This time, the motion was for "an order granting [Mr. Sandhu] leave to file the Privacy Commissioner's March 7, 2025 Letter" and "requesting the [Federal] Court [to] take judicial notice of the findings contained in the … Letter": Appeal Book at 1942–45.

[21] The decision under appeal does not discuss this motion.

[22] Mr. Sandhu says by failing to rule on this second motion, the Federal Court breached his right to procedural fairness. He adds that the Privacy Commissioner's letter "confirmed [the Department of Justice's] unlawful refusal to disclose the evidentiary basis of the consents" and that "[t]his raised serious doubt as to whether the consents were lawfully obtained": Appellant's Corrected Memorandum at para. 11.

[23] This argument fails for the following reasons.

[24] First, there is no evidence before this Court that the motion was filed with the Federal Court nor is there evidence as to the content of the Privacy Commissioner's letter. In this regard, in the order dated August 22, 2025 determining the content of the appeal book, this Court wrote that the Privacy Commissioner's letter could not be included because Mr. Sandhu had not brought a motion to adduce fresh evidence under Rule 351 of the *Federal Courts Rules*. Mr. Sandhu did not bring such a motion afterwards.

[25] Without the Privacy Commissioner's letter, this Court cannot entertain Mr. Sandhu's arguments about the lawfulness of the Attorney General's actions. Mr. Sandhu is essentially asking this Court to find the Attorney General's consent was invalid without bringing any evidence to support that conclusion. It is an error of law for a court to draw a factual conclusion based on a total absence of evidence: *R. v. J.M.H.*, 2011 SCC 45 at para. 25, citing *Schuldt v. The Queen,* [1985] 2 S.C.R. 592 at 604. Therefore, Mr. Sandhu's argument must be rejected.

[26] Second, section 40 requires the Attorney General to consent. While subsection 40(2) states that the Attorney General "is entitled to be heard on the application", he is not required to participate in the hearing or explain why he consented to the application.

[27] Third, a compelling argument can be made that the Attorney General's decision to consent to an application is not amenable to judicial review: see, for example, *Bernard v. Canada (Attorney General),* 2019 FC 924 at paras. 11–14. The Attorney General's consent does not affect the legal rights of someone who is the subject of a vexatious litigant application, does not impose legal obligations on this person and does not cause this person prejudicial effects: *Empire Company Limited v. Canada (Attorney General)*, 2025 FCA 34 at para. 7 and cases there cited. Rather, a person's legal rights are affected by a section 40 application only after the court hears the application on its merits and grants the order.

[28] Finally, the Attorney General's reason for consenting to the College's application for a vexatious litigant order is irrelevant to the issue that was before the Federal Court: whether Mr. Sandhu's ungovernability or harmfulness to the court system and its participants justify

regulating his access to the Court. To answer that question, the Federal Court was required to consider Mr. Sandhu's circumstances. This is what the Federal Court did. In this context, Mr. Sandhu's argument that the Federal Court violated his right to procedural fairness by not hearing his motion to admit the Privacy Commissioner's letter must be rejected.

D. *No undermining of judicial integrity*

[29] The fact the Federal Court cast some doubt on the merits of Mr. Sandhu's and his brother's ongoing judicial review did not "undermine the integrity" of proceedings or risk creating a reasonable apprehension of bias, as Mr. Sandhu claims: Appellant's Corrected Memorandum at paras. 19–20.

[30] The test for a reasonable apprehension of bias is well-established: whether a reasonable, right-minded, and informed person, viewing the matter realistically and practically, and having thought the matter through, would conclude the deciding judge—whether consciously or unconsciously—is unable to decide the matter fairly and impartially: *Oberlander v. Canada (Attorney General)*, 2019 FCA 64 at para. 7, citing *Committee for Justice and Liberty et al. v. National Energy Board et al.*, [1978] 1 S.C.R. 369 at 394. The onus is on the party making the allegation to show a "real likelihood or probability of bias": *Yukon Francophone School Board, Education Area #23 v. Yukon (Attorney General)*, 2015 SCC 25 at para. 25.

[31] Here, it is premature for Mr. Sandhu to say his judicial review application will not be fairly treated merely because the Federal Court, in the decision under appeal, expressed concerns about its merits without dismissing it. A reasonable and right-minded person would not think the

Federal Court could not subsequently hear Mr. Sandhu's judicial review application with an open mind.

III. Disposition

[32] In light of the above, I would dismiss Mr. Sandhu's appeal.

[33] With respect to costs, Mr. Sandhu argues the $10,822.37 in costs awarded to the College in the Federal Court was excessive and unfairly disadvantaged him as a self-represented litigant bringing "bona fide Charter-based claims": Appellant's Corrected Memorandum at para. 22. Rule 400(1) of the *Federal Courts Rules* gives the Court "full discretionary power over the amount and allocation of costs". Absent an error of law, a costs order will only be set aside where there is a palpable and overriding error: *Hutton* at para. 18, citing *Sun Indalex Finance, LLC v. United Steelworkers*, 2013 SCC 6 at para. 247, citing *Hamilton v. Open Window Bakery Ltd.*, 2004 SCC 9 at para. 27; *Shull v. Canada*, 2025 FCA 25 at para. 44. Mr. Sandhu does not allege any error of law, and I see no palpable and overriding error in the Federal Court's costs order.

[34] With respect to the costs of this appeal, the College has filed a bill of costs, accompanied by an affidavit of service, requesting $5,220 in fees. At the hearing, Mr. Sandhu made no submissions on costs, leaving it to the Court's discretion. Given the outcome of the appeal, I would award costs to the College in the fixed amount requested.

"Nathalie Goyette"
J.A.

"I agree.
Mary J.L. Gleason J.A."

"I agree.
K. A. Siobhan Monaghan J.A."

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

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CONCURRED IN BY:	GLEASON J.A. MONAGHAN J.A.
DATED:	MARCH 23, 2026

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