

Federal Court of Appeal



Cour d'appel fédérale

Date: 20260327

**Dockets: A-440-25 (Lead file)
A-441-25**

Citation: 2026 FCA 66

**CORAM: LASKIN J.A.
LOCKE J.A.
WALKER J.A.**

Docket: A-440-25

BETWEEN:

BENJAMIN BEDER

Appellant

and

**HIS MAJESTY THE KING IN RIGHT OF NOVA SCOTIA as represented by the
ATTORNEY GENERAL OF NOVA SCOTIA and THE MINISTER OF
COMMUNITY SERVICES (NOVA SCOTIA)**

Respondents

Docket: A-441-25

AND BETWEEN:

BENJAMIN BEDER

Appellant

and

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO as represented by the
ATTORNEY GENERAL OF ONTARIO**

Respondent

Heard at Toronto, Ontario, on March 24, 2026.

Judgment delivered at Ottawa, Ontario, on March 27, 2026.

REASONS FOR JUDGMENT BY:

LASKIN J.A.

CONCURRED IN BY:

LOCKE J.A.
WALKER J.A.

Federal Court of Appeal



Cour d'appel fédérale

Date: 20260327

**Dockets: A-440-25 (Lead file)
A-441-25**

Citation: 2026 FCA 66

**CORAM: LASKIN J.A.
LOCKE J.A.
WALKER J.A.**

Docket: A-440-25

BETWEEN:

BENJAMIN BEDER

Appellant

and

**HIS MAJESTY THE KING IN RIGHT OF NOVA SCOTIA as represented by the
ATTORNEY GENERAL OF NOVA SCOTIA and THE MINISTER OF
COMMUNITY SERVICES (NOVA SCOTIA)**

Respondents

Docket: A-441-25

AND BETWEEN:

BENJAMIN BEDER

Appellant

and

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO as represented by the
ATTORNEY GENERAL OF ONTARIO**

Respondent

REASONS FOR JUDGMENT

LASKIN J.A.

[1] In these consolidated appeals, Benjamin Beder seeks to set aside orders of the Federal Court (T-3762-25 and T-3764-25, November 21, 2025, Furlanetto J.) removing two notices of application filed by Mr. Beder from the Federal Court files under rule 74 of the *Federal Courts Rules*, SOR/98-106.

[2] In its current version, rule 74 reads as follows:

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.

Opportunity to make submissions

(2) The Court may only make an order under subsection (1) if all interested parties have been given an opportunity to make submissions.

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.

Occasion de présenter des observations

(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.

[3] This rule may be applied where a proceeding is commenced that the Court plainly has no jurisdiction to entertain: see, for example, *Leahy v. Canada (Citizenship and Immigration)*, 2020 FCA 145 at para. 11, leave to appeal refused, 2021 CanLII 18046 (SCC); *Ahlawat v. Canada*, 2024 FC 1087 at para. 22. The Federal Court, as a statutory court established “for the better Administration of the Laws of Canada” (*Constitution Act*, 1867, s. 101), has only the jurisdiction conferred on it, expressly or impliedly, by federal statute: *Windsor (City) v. Canadian Transit Co.*, 2016 SCC 54 at para. 33.

[4] Mr. Beder’s notices of application are grounded in his alleged mistreatment at the hands of court officials in Nova Scotia and Ontario, who he says have improperly refused to accept certain material for filing. He submits that, as a result, he has among other things been “administratively barred from both Ontario and Nova Scotia forums,” deprived of the ability to contest a Nova Scotia order “purportedly” made under that province’s child welfare legislation, and deprived of the opportunity to pursue his *Charter* claims. However, Mr. Beder has not explained how the conduct of court officials in Nova Scotia and Ontario confers jurisdiction on the Federal Court to hear and decide his claims. He does not refer to any federal legislation with that purpose or that effect.

[5] Mr. Beder argues that the alleged conduct of Nova Scotia and Ontario court officials created a judicial or constitutional vacuum and that, therefore, the Federal Court has jurisdiction over that conduct and is competent to grant *Charter* relief. There is no merit in this argument.

[6] Among his other submissions, Mr. Beder submits that rule 74 is no longer available because his applications have been designated as “special cases” appropriate for and meriting case management. However, this submission fails to account for the provision in rule 74 authorizing the making of a removal order “at any time.”

[7] These reasons are sufficient to dismiss Mr. Beder’s appeals, and I would do so. Since the respondents did not participate in the appeals, I would make no award of costs.

“J.B. Laskin”

J.A.

“I agree.

George R. Locke J.A.”

“I agree.

Elizabeth Walker J.A

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKETS: A-440-25 (Lead file)
A-441-25
5

DOCKET: A-440-25 (Lead file)

STYLE OF CAUSE: BENJAMIN BEDER v. HIS
MAJESTY THE KING IN RIGHT
OF NOVA SCOTIA AS
REPRESENTED BY THE
ATTORNEY GENERAL OF
NOVA SCOTIA AND THE
MINISTER OF COMMUNITY
SERVICES (NOVA SCOTIA)

AND DOCKET: A-441-25

STYLE OF CAUSE: BENJAMIN BEDER v. HIS
MAJESTY THE KING IN RIGHT
OF ONTARIO AS REPRESENTED
BY THE ATTORNEY GENERAL
OF ONTARIO

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 24, 2026

REASONS FOR JUDGMENT BY: LASKIN J.A.

CONCURRED IN BY: LOCKE J.A.
WALKER J.A.

DATED: MARCH 27 2026

APPEARANCES:

BENJAMIN BEDER FOR THE APPELLANT
(ON THEIR OWN BEHALF)