

Docket: 2013-610(IT)G

BETWEEN:

ELIO DALLE RIVE,

Appellant,

and

HER MAJESTY THE QUEEN,

Respondent.

Motion heard on July 19, 2013 at Toronto, Ontario

By: The Honourable Justice Judith M. Woods

Appearances:

For the Appellant: The Appellant himself

Counsel for the Respondent: H. Annette Evans
Rishma Bhimji

JUDGMENT

UPON motion by the respondent for an order striking out the notice of appeal and dismissing the appeal with costs,

IT IS ORDERED THAT:

1. the motion is granted,
2. the notice of appeal filed with the Registry on February 20, 2013 is struck out in its entirety without leave to amend,
3. the appeal is dismissed, and

4. the respondent is entitled to costs, fixed in the amount of \$1,000, which shall be paid by the appellant to the respondent no later than August 15, 2013.

Signed at Toronto, Ontario this 30th day of July 2013.

“J. M. Woods”

Woods J.

Citation: 2013 TCC 243
Date: 20130730
Docket: 2013-610(IT)G

BETWEEN:

ELIO DALLE RIVE,

Appellant,

and

HER MAJESTY THE QUEEN,

Respondent.

REASONS FOR JUDGMENT

Woods J.

[1] The Crown brings a motion for an order to strike out the notice of appeal in its entirety and to dismiss the appeal with costs.

[2] The notice of appeal sets out the issues to be decided in the appeal as follows:

D. ISSUES TO BE DECIDED

16. CROWN to provide proof that the Income Tax Act, and all other Statutory Regulations and Enactments do apply to the flesh and blood, human being named above as Elio, child of God, an individual, of the family Dalle Rive.

17. Legal recourse against all parties continuing with unlawfully attacking and forcing involuntary servitude, involuntary contracts and the unlawful enforcement of any other judicial jurisdiction other than Inherent Jurisdiction upon Elio, child of God, an individual, of the family Dalle Rive.
All parties to be accountable under their full commercial liability.

[3] The Crown submits that the notice of appeal has the same fatal defects that the Court considered in *Cassa v The Queen*, 2013 TCC 43. In *Cassa*, Justice Campbell referred to the decision of *Meads v Meads*, 2012 ABQB 571, and comments as

follows:

[14] The majority of the Appellant's proposed appeal is peppered throughout with many of the concepts and language referred to in *Meads*. It contains statements and assertions that are unintelligible, incomprehensible, meaningless, irrelevant and factually hopeless. I consider those types of arguments an abuse of the Court's processes. Such "song and dance" routines hinder and limit the availability of Court resources for those self-represented litigants who are making an honest attempt to advance their appeals through the Court system in a timely manner.

[4] I agree with the Crown's submission. It is clear based on the language used in the notice of appeal, and the appellant's submissions at the hearing, that this is vexatious litigation of the type described by Rooke A.C.J. in *Meads*, at para 1:

[1] [...] These persons employ a collection of techniques and arguments promoted and sold by "gurus" (as hereafter defined) to disrupt court operations and to attempt to frustrate the legal rights of governments, corporations, and individuals.

[5] It would be an abuse of the process of this Court for this litigation to proceed.

[6] I will grant the respondent's motion to strike out the notice of appeal without leave to amend and will dismiss the appeal.

[7] I would award costs to the respondent fixed in the amount of \$1,000, which shall be paid by the appellant to the respondent no later than August 15, 2013.

Signed at Toronto, Ontario this 30th day of July 2013.

"J. M. Woods"

Woods J.

CITATION: 2013 TCC 243

COURT FILE NO.: 2013-610(IT)G

STYLE OF CAUSE: ELIO DALLE RIVE and
HER MAJESTY THE QUEEN

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: July 19, 2013

REASONS FOR JUDGMENT BY: The Honourable Justice J.M. Woods

DATE OF JUDGMENT: July 30, 2013

APPEARANCES:

For the Appellant: The Appellant himself

Counsel for the Respondent: H. Annette Evans
Rishma Bhimji

COUNSEL OF RECORD:

For the Appellant:

Name: n/a

Firm:

For the Respondent: William F. Pentney
Deputy Attorney General of Canada
Ottawa, Ontario