

Federal Court



Cour fédérale

Date: 20221018

Docket: T-985-22

Citation: 2022 FC 1419

Ottawa, Ontario, October 18, 2022

PRESENT: The Honourable Mr. Justice Ahmed

BETWEEN:

JAMES LESLIE GERARD STEEVES

Plaintiff

and

**HIS MAJESTY THE KING
IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
ROYAL CANADIAN MOUNTED POLICE
JUDGE R. DENIS MORGAN, DAVID EBY ATTORNEY GENERAL
MIKE FARNSWORTH SOLICITOR GENERAL AND
GILLESPIE & COMPANY LLP**

Defendants

ORDER AND REASONS

I. Overview

[1] The Plaintiff, James Leslie Gerard Steeves (Mr. “Steeves”), is self-represented in these proceedings. This case concerns his appeal under Rule 51 of the *Federal Court Rules*, SOR/98-

106 (the “*Rules*”) to set aside the order of Associate Judge Ring (“AJ Ring”), dated August 9, 2022 (the “Order”).

[2] The Order granted the Defendants’ motions in writing to strike out the Plaintiff’s claim on the basis that it disclosed no reasonable cause of action; was scandalous, frivolous and vexatious; and amounted to an abuse of process. The Order also dismissed the Plaintiff’s two motions in writing to add two new parties as additional defendants to the Statement of Claim (the “Claim”).

[3] The Plaintiff submits that, contrary to AJ Ring’s findings, the Claim discloses a clear cause of action, and an associate judge cannot make an order on matters concerning the *Canadian Charter of Rights and Freedoms* (“*Charter*”).

[4] For the reasons that follow, I find that the AJ Ring made no palpable and overriding error in granting the Defendants’ motions and striking out the Claim. I therefore dismiss this motion with costs.

II. Facts

A. Relevant Background

[5] The Claim describes Mr. Steeves as the trustee, beneficiary and equitable title holder of the James and Paola Steeves Family Trust. On May 12, 2022, Mr. Steeves commenced an action against the Defendants, alleging various acts of wrongdoing by the Defendants against himself.

The relief sought by Mr. Steeves is summarized by AJ Ring in the Order (court file number T-985-22).

[6] On May 13, 2022, Mr. Steeves filed an Amended Statement of Claim, which additionally named Gillespie & Company LLP as a defendant in the style of cause.

[7] On June 14, 2022, the Attorney General of British Columbia (“AGBC”) brought a motion on behalf of the Defendants, His Majesty the King in Right of the Province of British Columbia (the “Province”), Judge R. Dennis Morgan (“Judge Morgan”), and the Honourable Mark Farnworth, Minister of Public Safety and Solicitor General, for an order striking out the Statement of the Claim, without leave to amend, dismissing the action with costs. The AGBC brought the same motion to strike on behalf of the Defendant, the Royal Canadian Mounted Police (“RCMP”), on June 17, 2022.

[8] In response to the Defendants’ motions to strike, Mr. Steeves submitted that both motions should be quashed because the Defendants are trying to “evade the Rule of Law” and the Claim clearly outlines a reasonable cause of action.

[9] Mr. Steeves also brought two motions. On June 20, 2022, Mr. Steeves brought a motion to add the counsel for the AGBC as an additional defendant to the Claim, and on June 23, 2022, brought a motion to add another counsel as a defendant.

B. *Order Subject to Appeal*

[10] AJ Ring granted the Defendants' motions to strike the Statement of Claim, without leave to amend, and dismissed the Plaintiff's motions to add three additional defendants.

[11] On the motions to strike, AJ Ring outlined the relevant test, that a claim can be struck where it is "plain and obvious" that it discloses no reasonable cause of action or, in other words, has no reasonable prospect of success (*Hunt v Carey Canada Inc.*, [1990] 2 SCR 959 at para 36; *R. v Imperial Tobacco Canada Ltd.*, 2011 SCC 42). She noted that the statement of claim could only be struck due to lack of jurisdiction if it is plain and obvious that the Federal Court lacks jurisdiction.

[12] AJ Ring found that it is well-established that the Federal Court does not have jurisdiction to entertain an action against the Provincial Crown, and noted that another action brought by Mr. Steeves in the Federal Court was also struck out for lack of jurisdiction over the Province. AJ Ring also found no jurisdiction to entertain the action brought against Judge Morgan, who is also immune from civil actions based on his judicial role. She therefore found it plain and obvious that the Court lacks jurisdiction to entertain the Plaintiff's claims against the Provincial Defendants, thereby striking the claims against them.

[13] AJ Ring also found that the Claim failed to disclose a reasonable cause of action against the Federal Crown. She first noted that although the RCMP was the only Federal body in the style of cause, the Claim's factual allegations included references to several other Federal

entities. Acknowledging that a claim may be struck out for disclosing no reasonable cause of action where it makes bare conclusions without the required factual basis, AJ Ring found that the Claim should be struck because it is radically deficient in its bald assertions without the necessary factual justifications, even on a generous reading.

[14] Although finding this sufficient to dispose of both motions to strike, AJ Ring also found that the Claim should be struck for being scandalous, frivolous or vexatious. Noting that a vexatious action is one whether the claim does not sufficiently reveal the factual basis for the action, making it impossible for the defendant to respond or the Court to regulate the action, the Claim in this case is also vexatious for being deficient in factual material (*Murray v Canada (Public Service Commission)*, [1978] FCJ No 406 at para 10; *Kisikawpimootewin v Canada*, 2004 FC 1426 at paras 8-9).

[15] AJ Ring also found that the Claim amounted to an abuse of process, given the Plaintiff's repeated attempts to litigate the same dispute (*Toronto (City) v C.U.P.E., Local 79*, 2003 SCC 63 at para 37). She stated that in this case, the Claim is largely an attempt to re-litigate the claim that this Court already struck out.

[16] Finding that Mr. Steeves failed to plead material facts in the Amended Statement of Claim that could cure the radical defects in the Claim, or propose any further curative amendments, AJ Ring concluded that the Claim should be struck without leave to amend (*Simon v Canada*, 2011 FCA 6 at paras 8, 14).

[17] AJ Ring consequently found the Plaintiff's motions to add defendants to be moot and therefore dismissed. She stated that these motions would be dismissed even if the Claim was not struck out because the alleged wrongdoing against the proposed additional defendants is the filing of the motions to strike, which do not give rise to a cause of action on their own.

[18] Ultimately, AJ Ring concluded that the Claim should be struck out in its entirety, without leave to amend, for disclosing no reasonable cause of action due to lack of jurisdiction and being scandalous, frivolous or vexatious, and for amounting to an abuse of process.

III. Issue and Standard of Review

[19] The sole issue in this case is whether AJ Ring erred in striking out the Plaintiff's Claim.

[20] The applicable standard of review for an appeal for a discretionary order of an associate judge is palpable and overriding error for questions of fact and questions of mixed fact and law, and correctness for questions of law and questions of mixed fact and law where there is an extricable legal principle at issue (*Hospira Healthcare Corporation v Kennedy Institute of Rheumatology*, 2016 FCA 215 ("*Hospira*") at paras 64, 66, citing *Housen v Nikolaisen*, 2002 SCC 33 at paras 17-37). I note that references to "prothonotary" in this case and other relevant jurisprudence is hereby replaced by reference to "associate judge", as per sections 371 and 372 of the *Judges Act*, RSC 1985, c J-1. In *Hospira*, the Federal Court of Appeal notes that the Court should only interfere in discretionary orders of associate judges where "such decisions are incorrect in law or are based on a palpable and overriding error in regard to the facts" (at para

64). The principles laid out in *Hospira* have been consistently applied, including in recent decision in *Alam v Canada (Attorney General)*, 2022 FC 833.

[21] In my view, AJ Ring did not commit an extricable error of law. This Court only interferes with the Order if it involved a palpable and overriding error regarding a question of fact, or a question of fixed fact and law.

[22] In *Lill v Canada (Attorney General)*, 2020 FC 551, this Court noted that the Federal Court of Appeal has described a palpable and overriding error as “an error that is obvious, plainly seen and apparent, the effect of which is to vitiate the integrity of reasons” (at para 25, citing *Madison Pacific Properties Inc. v Canada*, 2019 FCA 19 at para 26; *Maximova v Canada (Attorney General)*, 2017 FCA 230 at para 5).

IV. Analysis

[23] AJ Ring did not make a palpable or overriding error to warrant this Court’s intervention.

[24] On the issue of whether the Plaintiff’s claims against the Provincial Defendants should be struck out, AJ Ring reasonably found that this Court does not have jurisdiction to oversee these Provincial entities. The applicable test is indeed whether it is plain and obvious that this Court lacks jurisdiction, which AJ Ring applied. This Court’s jurisprudence is clear on this matter.

[25] AJ Ring reasonably concluded that the Plaintiff’s claims against the Federal entities should be struck for disclosing no reasonable cause of action because of its bald conclusions that

are unsubstantiated by a factual base. The Claim is indeed deficient and does not provide facts or evidence to support the numerous allegations of wrongdoing against various Federal bodies.

[26] The Order also reasonably found the Claim should be struck for being vexatious and amounting to an abuse of process. The lack of factual basis or evidence to support the claims leaves no room for the Defendants to respond or for this Court to meaningfully adjudicate the matter, making this a vexatious Claim. Mr. Steeves has appeared in this Court before, and is essentially attempting to re-litigate his claims, making this an abuse of process. AJ Ring made reasonable conclusions on both these points.

[27] It is also reasonable for AJ Ring to find that the Claim should be struck without leave to amend. Mr. Steeves has failed to cure the defects in his Claim and proposed no amendments that could reasonably do so.

V. Conclusion

[28] It is not this Court's role to challenge an associate judge's discretion absent a palpable and overriding error. In my view, AJ Ring's Order does not contain such an error to warrant this Court's intervention. The Plaintiff's motion to appeal AJ Ring's decision is dismissed, with costs.

ORDER in T-985-22

THIS COURT ORDERS that the Rule 51 motion to appeal the AJ Ring's Order is dismissed, with costs.

“Shirzad A.”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-985-22

STYLE OF CAUSE: JAMES LESLIE GERARD STEEVES v HIS MAJESTY
THE KING IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA, ROYAL CANADIAN
MOUNTED POLICE, JUDGE R. DENIS MORGAN,
DAVID EBY ATTORNEY GENERAL, MIKE
FARNSWORTH SOLICITOR GENERAL AND
GILLESPIE & COMPANY LLP

**MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO
RULE 369 OF THE *FEDERAL COURTS RULES***

ORDER AND REASONS: AHMED J.

DATED: OCTOBER 18, 2022

WRITTEN SUBMISSIONS:

James Leslie Gerard Steeves
(On his own behalf)

FOR THE PLAINTIFF

Rory D. Makosz

FOR THE DEFENDANTS

SOLICITORS OF RECORD:

Attorney General of Canada
Vancouver, British Columbia

FOR THE DEFENDANTS