

Federal Court



Cour fédérale

**Date: 20221221**

**Docket: 22-T-84**

**Citation: 2022 FC 1779**

[ENGLISH TRANSLATION]

**Ottawa, Ontario, December 21, 2022**

**PRESENT: The Honourable Madame Justice Rochester**

**BETWEEN:**

**RAYNALD GRENIER**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA AND  
THE SUPREME COURT OF CANADA  
REGISTRY**

**Respondents**

**JUDGMENT AND REASONS**

I. Overview

[1] This decision pertains to a motion for an extension of time submitted by Raynald Grenier, who is representing himself, to file an application for leave for judicial review.

[2] The “decision” underlying this judicial review is the case summary *Raynald Grenier v Procureur général du Québec* (number 40016), published on the Supreme Court of Canada website [summary]. This summary is linked to the dismissal of Mr. Grenier’s application for leave to appeal by the Supreme Court of Canada [SCC] on May 12, 2022. Following the dismissal of his application for leave to appeal, his “request for reconsideration” of that application was not granted.

[3] In his application for judicial review, Mr. Grenier alleges that the summary is a false and fraudulent document that could fall under the *Criminal Code*, RSC 1985, c C-46. Notably, Mr. Grenier is seeking the following remedies (i) to correct the summaries (English and French); (ii) to explain to all Canadians how the SCC justices [TRANSLATION] “were able, in a single day, the day of the hearing on May 12, 2022, to read the 39 applications for leave and replies;” and (iii) to [TRANSLATION] “ORDER A RECONSIDERATION OF MY APPLICATION or PAY ME A COMPENSATORY AMOUNT OF \$100,000 FOR DAMAGE TO MY REPUTATION and LOSS OF LEGAL CHANCE.”

[4] For the reasons that follow, the motion for an extension of time is dismissed. In my opinion, the motion must be dismissed because there is no defensible argument or basis that would give him a chance of success in this application for judicial review.

## II. Factual Background

[5] On March 8, 2013, the Superior Court of Québec declared Mr. Grenier to be a quarrelsome litigant (*Québec (Procureur général) c Grenier*, 2013 QCCS 1982 at para 36). It

thereby prohibited him from submitting any applications before a Quebec court or tribunal without first obtaining authorization. That judgment was confirmed by the Quebec Court of Appeal on June 12, 2013 (*Grenier c Québec (Procureur général)*, 2013 QCCA 1094). The SCC then dismissed Mr. Grenier's application for leave to appeal of December 12, 2013 (*Raynald Grenier v Attorney General of Quebec*, 2013 CanLII 81862 (SCC)).

[6] In a February 16, 2017, decision, the Superior Court awarded Mr. Grenier's opposing party right of ownership by 10 year prescription of a lot in the Quebec cadastre (Lot 1 397 985), Registration Division of Québec (*Ferme et Pisciculture Lac en ville c Grenier*, 2017 QCCS 1202; appeal dismissed: *Grenier c Ferme et pisciculture Lac en Ville*, 2018 QCCA 776).

[7] Later, Mr. Grenier found himself before the Superior Court again for an application for authorization to bring an application for declaratory judgment and for correction of title with respect to the February 16, 2017, decision. In a decision dated June 15, 2021, the Court dismissed the application, finding there was *res judicata* (*Procureur général du Québec c Grenier*, 2021 QCCS 2747). The Court of Appeal then dismissed the motion for leave to appeal from the June 15, 2021, decision on the basis that Mr. Grenier had not shown that his appeal had a chance of success (*Grenier c Procureur général du Québec*, 2021 QCCA 1597). Lastly, on May 12, 2022, the SCC dismissed Mr. Grenier's motion for leave to appeal (*Raynald Grenier v Attorney General of Québec*, 2022 CanLII 38790 (SCC)).

[8] Further to the dismissal of that application for leave to appeal, Mr. Grenier stated that on May 20, 2022, he filed [TRANSLATION] "a reconsideration request because FALSE

DOCUMENTS were produced by the federal office that consists of the Registrar of the Supreme Court.”

[9] According to the notice of motion record, the registry allegedly received this reconsideration request on May 24, 2022, and it consisted of a letter contesting the summary produced in the context of the application for leave to appeal.

[10] The SCC summary states the following:

**Summary**

**40016**  
**Raynald Grenier v.**  
**Procureur général du**  
**Québec**  
**(Quebec) (Civil) (By Leave)**

**Keywords**

Property - Real property - Property — Immovables — Correction of title — Res judicata — Quarrelsome litigant — Application for judicial acquisition of right of ownership by 10 year prescription allowed in 2017 — Applicant’s lot thereby attributed to neighbour — Applicant seeking authorization to apply for declaratory judgment to correct title — Whether application for leave to appeal raises question of public importance.

**Summary**

**Sommaire**

**40016**  
**Raynald Grenier c.**  
**Procureur général du**  
**Québec**  
**(Québec) (Civile)**  
**(Autorisation)**

**Mots-clés**

Biens - Biens réels - Biens — Biens réels — Correction de titre — Chose jugée — Plaideur quérulent — Demande en acquisition judiciaire du droit de propriété par prescription décennale accueilli en 2017 — Lot du demandeur ainsi attribué à voisin — Demandeur cherchant permission pour demander jugement déclaratoire en correction de titre — La demande d’autorisation d’appel soulève-t-elle une question d’importance pour le public?

**Sommaire**

**Case summaries are prepared by the Office of the Registrar of the Supreme Court of Canada (Law Branch). Please note that summaries are not provided to the Judges of the Court. They are placed on the Court file and website for information purposes only.**

The applicant, Mr. Grenier, owns land adjoining land owned by a farm. In 2017, the farm successfully applied for judicial acquisition of a right of ownership by 10 year prescription in a lot adjacent to its land. Mr. Grenier opposed the application on the basis that he was the sole owner of the lot. Subsequently, in 2021, Mr. Grenier sought authorization to bring an application for a declaratory judgment and for correction of title with respect to the lot. Authorization was required because Mr. Grenier had been declared to be a quarrelsome litigant in 2013. The Superior Court dismissed Mr. Grenier's application, finding that a decision on the remedy sought by him had already been rendered in 2017. In other words, there was res judicata between Mr. Grenier and the farm with regard to the lot, and Mr. Grenier could not reopen the debate. The Court of Appeal dismissed Mr. Grenier's motion for leave to appeal because he had not shown that

**Les sommaires de dossiers sont préparés par le Bureau du registraire de la Cour suprême du Canada (Direction générale du droit). Veuillez noter qu'ils ne sont pas transmis aux juges de la Cour; ils sont plutôt versés au dossier de la Cour et affichés sur son site Web uniquement à titre d'information.**

Le demandeur, M. Grenier, est propriétaire d'un terrain voisin de celui d'une ferme. En 2017, la ferme a présenté avec succès une demande en acquisition judiciaire d'un droit de propriété, invoquant la prescription de 10 ans sur un lot adjacent à son terrain. M. Grenier s'était opposé à la demande, sur la base qu'il est l'unique propriétaire du lot. Plus tard, en 2021, M. Grenier a demandé l'autorisation pour introduire une demande en jugement déclaratoire et correction de titre relativement au lot. L'autorisation était nécessaire, puisque M. Grenier avait été déclaré plaideur quérulent en 2013. La Cour supérieure a rejeté la demande de M. Grenier. Elle a conclu que le remède recherché par M. Grenier a déjà été décidé en 2017. En d'autres termes, il y a chose jugée entre M. Grenier et la ferme concernant le lot, et M. Grenier ne peut pas refaire le débat. La Cour d'appel a rejeté la requête pour permission d'appeler de M. Grenier. M. Grenier n'a

his appeal had a chance of success and that authorizing it would serve the ends of justice.

pas démontré que son appel présente des chances de succès et que de l'autoriser servirait les fins de la justice.

[11] Essentially, Mr. Grenier objects to the fact that the summary does not mention which lot was attributed to his neighbour (Lot 1 397 985) and which lot was not.

[12] In a letter dated June 15, 2022, the Registrar of the SCC responded to Mr. Grenier and stated that after consideration, the summary in question was prepared in accordance with the Registrar of the SCC's usual practice and as a result, the summary would not be modified. Moreover, the Registrar of the SCC explained to Mr. Grenier that the summaries are not provided to the judges of the Court, and that only applications for leave to appeal, responses to these applications, and related replies are provided to them, and only after the deadline to file these replies has expired.

[13] On July 12, 2022, Mr. Grenier [TRANSLATION] "addressed the Federal Court by Canada Post registered mail to request authorization to file an application for judicial review and remedies." Mr. Grenier stated that he made several calls to the Federal Court registrar, but did not have any response to his July 12 request.

[14] On August 31, 2022, Mr. Grenier added that he returned [TRANSLATION] "new copies with a cheque for \$50." Having still not received a response, Mr. Grenier stated that on September 21, 2022, he went to the Federal Court regional office in Québec and submitted, a third time, the same documents [TRANSLATION] "with some recent history added."

[15] On November 7, 2022, Associate Justice Mirelle Tabib of this Court provided Mr. Grenier with an oral directive that stated:

[TRANSLATION]

The documents submitted by the applicant cannot be received to be filed. Motions for an extension of time under subsection 18.1(2) of the Federal Courts Act must be made by formal motion, respecting sections 364 et seq of the Federal Courts Rules and not only by informal letter.”

### III. Present Motion

[16] On November 21, 2022, the applicant, Mr. Raynald Grenier, filed a notice of motion that reproduced the grounds as follows:

[TRANSLATION]

(1) Delay in the reception by the Federal Court of my application for authorization to file a motion for JUDICIAL REVIEW and REMEDIES.

(2) Only the submission at the regional office of Québec (Québec) seems to have reached the Federal Court Registry.

(3) Since this involves FALSE DOCUMENTS presented by a federal office that could be criminal or penal in nature, it is essential for the Court to examine it and order the necessary corrections to prevent the reoccurrence of such acts that are prejudicial to all Canadians.

(4) It is possible that telework and the summer season caused delays until September 21.

(5) The applicant made several enquiries at the Registry, but there is no trace of my file despite the proof of reception issued by Canada Post (tracking), a copy of which is enclosed.

(6) The applicant acted with due diligence and understanding of the Registry’s difficult work and other causes for delayed reception including the summer season.

[17] The motion is for an extension of the 30-day deadline set out in the *Federal Courts Act*, RSC (1985), c F-7 [Act] to file “a motion for judicial review and remedies.” In particular, the motion for judicial review targets the above-noted summary, which the applicant qualifies as a “false document.”

[18] Mr. Grenier presents his written submissions as follows:

[TRANSLATION]

(1) SUMMARY 40016 IS A FALSE DOCUMENT registered 12-05-2022 14:34 summary in French and 12-05-2022 14:39 in English, (see page 1 of my NOTICE OF MOTION FOR RECONSIDERATION)

(2) This SUMMARY ignores my request for a declaratory judgment to recognize that judgments “A” and “B” (Superior Court and Court of Appeal) were passed as *res judicata*. The erroneous judgment “A” (200-17-023544-166) is at the base of the error. This judgment “A” recognized my neighbour’s property of lot 1 397 985 but did not attribute my logging road (982-1-1) to him. IT IS FALSE TO WRITE: “Applicant’s lot thereby attributed to neighbour.”

(3) THE SUMMARY IS A FALSE DOCUMENT because of its false interpretation, not only of my motion for leave but also judgments “A” and “B” (S.C and C.A.)

(4) The person who drafted this summary neglected to include that the request for the judicial acquisition of the right of ownership was only granted on lot 1 397 985 AND NOT ON MY ROAD IN MY FOREST LAND, lot 982-1-1. MISREPRESENTATION OF THE TRUTH = FALSE DOCUMENT.

(5) The SUMMARY IS A FAKE because it is not based on my motion for leave and because, in addition, it refers to a lot for which “...the farm successfully applied for judicial acquisition or a right of ownership...” The judgments clearly state that this “successfully applied” lot is their own uncontested lot (1 397 985) and not the lot on which my forest farm road is located.

(6) The Court cannot let such a false document representing a MISCARRIAGE OF JUSTICE but also a permanent stain that seriously taints the integrity of Canada’s justice system.



[19] Lastly, Mr. Grenier is claiming the following remedies:

(1) TO CORRECT FALSIFIED SUMMARIES by clearly stating:

- (a) the summaries of the English and French versions
- (b) my application for leave to appeal
- (c) my motion for reconsideration to a judge and the registry

(2) A CERTIFIED STATEMENT reproducing the texts in the French summary and in the 3<sup>rd</sup> paragraph of Madam Registrar's letter stating: [TRANSLATION] "... the summaries are not provided to the judges of the Court".

(3) TO EXPLAIN TO ALL CANADIANS how the judges were able, in a single day, during the May 12, 2022, hearing, to read the 39 applications for leave and the replies.

(4) TO ORDER OR SUGGEST greater attention by the Registrar to false documents as she admitted "that the summary in question was prepared in compliance with our usual practice" (2nd para of the Registrar's June 15, 2022, letter).

(5) IF THE FALSIFIED SUMMARY WAS PRODUCED IN GOOD FAITH according to the examination and the Criminal Code does not apply, the Code of Ethics of Advocates, the Canadian Bill of Rights and the Charters must be closely reviewed.

(6) TO ORDER A RECONSIDERATION OF MY APPLICATION or PAY ME A COMPENSATORY AMOUNT OF \$100,000 FOR DAMAGE TO MY REPUTATION and LOSS OF LEGAL CHANCE.

#### IV. Issues

[20] This application raises the following question:

- A. Should the Court grant Mr. Grenier an extension of the time set out under subsection 18.1(2) of the Act, for presenting his application for judicial review?

#### V. Analysis

[21] To determine the issue in this case, the legal framework that applies was confirmed by the Federal Court of Appeal in *Canada (Attorney General) v Larkman*, 2012 FCA 204 at paragraph 61, which states the four questions that should guide the analysis of the issue in this case:

[61] The parties agree that the following questions are relevant to this Court's exercise of discretion to allow an extension of time:

- (1) Did the moving party have a continuing intention to pursue the application?
- (2) Is there some potential merit to the application?
- (3) Has the Crown been prejudiced from the delay?
- (4) Does the moving party have a reasonable explanation for the delay?

[Citations omitted.]

[22] At paragraph 62 of the same decision, the Federal Court of Appeal states:

[62] These questions guide the Court in determining whether the granting of an extension of time is in the interests of justice: *Grewal, supra* at pages 277-278. The importance of each question depends upon the circumstances of each case. Further, not all of these four questions need be resolved in the moving party's favour. For example, "a compelling explanation for the delay may lead to a positive response even if the case against the judgment appears weak, and equally a strong case may counterbalance a less satisfactory justification for the delay": *Grewal*, at page 282. In certain cases, particularly in unusual cases, other questions may be relevant. The overriding consideration is that the interests of justice be served. See generally *Grewal*, at pages 278-279; *Canada (Minister of Human Resources Development) v. Hogervorst*, 2007 FCA 41 at paragraph 33; *Huard v. Canada (Attorney General)*, 2007 FC 195, 89 Admin LR (4th) 1.

[23] In this case, I find that it would not be in the interest of justice to allow an extension of time. The determining factor is that the application does not have any reasonable chance of success. In fact, even if there are certain factors that favour Mr. Grenier, it would not be in the interest of justice to authorize pursuing this application. Doing otherwise, despite Mr. Grenier's arguments to the contrary, would be wasting legal resources for the simple reason that the application for judicial review contains fatal flaws.

[24] Among the factors that are favourable to him are his clear and constant intentions to pursue his application. Mr. Grenier seems to have tried to submit his application by mail twice. Also, the respondent did not submit any evidence to indicate it was prejudiced from the delay. Moreover, I feel that Mr. Grenier's explanation to justify his delay, while not entirely reasonable, is not completely unreasonable.

[25] However, the factor that is unfavourable for this application is the issue of basis. In my opinion, in this case, it is the determining factor. The application features several fundamental and preliminary deficiencies that undermine its merits.

[26] First, I agree with the respondent that the summaries of Mr. Grenier's case prepared by the Office of the Registrar of the SCC and published on the SCC website do not constitute decisions, orders or other matters for which Mr. Grenier can initiate a judicial review at the Federal Court.

[27] Subsection 18.1(1) of the Act states that an application for judicial review may be made by the Attorney General of Canada or by anyone “directly affected by the matter in respect of which relief is sought.” A matter that can be the subject of an application for judicial review does not only include a “decision or order” but any matter in respect of which a remedy may be available under section 18 of the Act (*Air Canada v Toronto Port Authority et al.*, 2011 FCA 347 at para 24; *Fortune Dairy Products Limited v Canada (Attorney General)*, 2020 FC 540 at para 83).

[28] The publication of the summaries of Mr. Grenier’s case on the SCC website does not grant Mr. Grenier the right to submit an application for judicial review.

[29] Mr. Grenier is claiming remedies that include the correction of the summaries; a certified statement indicating that summaries are not provided to the judges; an explanation to all Canadians of how the SCC judges were able to read the 39 applications for leave in one day; an order to the Registrar of the SCC to pay more attention to “false documents”; and an order for the reconsideration of the application for leave or to pay him \$100,000 for damage to his reputation and loss of legal chance.

[30] Mr. Grenier did not provide any basis on which the Court could grant the remedies requested. Considering them, Mr. Grenier’s notice of application for leave is so clearly irregular as to be bereft of the possibility of success.

[31] Moreover, this application for judicial review constitutes an indirect attack against the judgments rendered by the Superior Court of Quebec, the Court of Appeal of Quebec and the SCC. These courts considered Mr. Grenier's arguments about his motion for declaratory judgment and correction of title, and had fully ruled on these issues. To be very clear, for the benefit of Mr. Grenier, this Court does not have the jurisdiction to order the SCC to reconsider Mr. Grenier's application for leave. As such, this application is therefore an abuse of process.

[32] The respondent, in my opinion reasonably, raises the issue of limited judicial resources and the applicant's past involvement in the legal system. Although I recognize that Mr. Grenier might be frustrated that the case was not favourable to him, he used or caused to be used a disproportionate amount of judicial resources by seeking to reopen an issue that had already been ruled on by several courts.

[33] Mr. Grenier submits that he is not seeking to reopen the debate but instead, to ensure that the fact the summary did not specify which lot was at issue cannot cause him any loss or damage. There is no evidence before this Court that such a summary with a general reference to a lot would be applied in terms of a transfer of property rights or used by a land registry.

[34] Mr. Grenier also submits that the integrity of the judicial system and the documents published by the SCC are of great importance to the Canadian public. After having reviewed the facts in this case and the file I have at my disposition, I have determined that this request does not involve the integrity of the judicial system in general, or that of the SCC.

[35] Considering that Mr. Grenier did not present his application for judicial review within the 30 days prescribed by the Act, and considering it is not in the interest of justice to extend the time to submit an application for judicial review, Mr. Grenier's motion is dismissed.

VI. Conclusion

[36] For these reasons, Mr. Grenier's motion for an extension of time to submit his application for judicial review is dismissed.

[37] The respondent is seeking costs of \$1,000. Considering the facts in this case and pursuant to the discretionary power conferred on me under section 400 of the *Federal Courts Rules*, SOR/98-106, costs in the amount of \$900 shall be awarded to the respondent.

**JUDGMENT in docket 22-T-84**

**THIS COURT'S JUDGMENT is that:**

1. The application is dismissed; and
2. Costs in the amount of \$900 are awarded to the respondent.

“Vanessa Rochester”

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Judge

Certified true translation  
Elizabeth Tan

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** 22-T-84

**STYLE OF CAUSE:** RAYNALD GRENIER v ATTORNEY GERNAL  
AND SUPREME COURT OF CANADA REGISTRY

**PLACE OF HEARING:** QUEBEC, QUEBEC AND HEARD BY  
VIDEOCONFERENCE

**DATE OF HEARING:** DECEMBER 8, 2022

**JUDGMENT AND REASONS:** ROCHESTER J.

**DATED:** DECEMBER 21, 2022

**APPEARANCES**

Raynald Grenier

FOR THE APPLICANT  
(ON HIS OWN BEHALF)

Anne Poirier

FOR THE RESPONDENTS

**SOLICITORS OF RECORD**

Attorney General of Canada  
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FOR THE RESPONDENTS