

Federal Court of Appeal



Cour d'appel fédérale

Date: 20251105

Docket: A-312-24

Citation: 2025 FCA 200

**CORAM: STRATAS J.A.
MONAGHAN J.A.
ROUSSEL J.A.**

BETWEEN:

MASOOD MASJOODY

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Vancouver, British Columbia, on November 5, 2025.
Judgment delivered from the Bench at Vancouver, British Columbia, on November 5, 2025.

REASONS FOR JUDGMENT OF THE COURT BY:

MONAGHAN J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Vancouver, British Columbia, on November 5, 2025).

MONAGHAN J.A.

[1] The Canadian Judicial Council (CJC) dismissed the complaint of the appellant, Dr. Masjoody, against three judges of the Court of Appeal for British Columbia at the screening stage. The CJC concluded the complaint was “trivial, vexatious, made for an improper purpose and manifestly without substance”.

[2] The appellant brought an application for judicial review of that decision before the Federal Court. As a preliminary matter, the Federal Court struck some paragraphs and exhibits from the appellant's affidavit, finding them inadmissible. The Federal Court also decided it would disregard certain paragraphs in the appellant's memorandum of fact and law finding them improper, unsupported by evidence and, thus, frivolous and vexatious.

[3] The Federal Court dismissed the appellant's application, finding the CJC decision reasonable and the CJC process procedurally fair: *Masjoody v. Canada* (Attorney General), 2024 FC 1349 (*per* Manson J.). It awarded the respondent costs based on the Tariff.

[4] The appellant now appeals that decision, raising numerous issues. We have carefully considered each of them. Collectively, they raise the following questions:

1. Did the Federal Court err in dealing with the appellant's affidavits and memorandum of fact and law?
2. Was the CJC decision unreasonable?
3. Was the CJC process procedurally unfair?
4. Did the Federal Court breach the appellant's procedural fairness rights or was it biased?
5. Did the Federal Court err by ordering the appellant to pay punitive costs?

[5] Having regard to the record before us and the appellant's oral and written submissions, we conclude that the answer to each of these questions is no.

[6] The Federal Court made no reversible error in dealing with the appellant's affidavits: Rule 81 of the *Federal Courts Rules*, S.O.R./98-106 and *Tsleil-Waututh Nation v. Canada (Attorney General)*, 2017 FCA 128 at para. 98 and cases there cited. Similarly, we see no reversible error in the Federal Court's decision to disregard—that is give no weight to—unsupported submissions in the appellant's memorandum.

[7] The appellant challenges the Federal Court's conclusions that the CJC decision was reasonable and its process procedurally fair. On an appeal of the Federal Court's decision on those issues, we re-do the analysis and draw our own conclusions. Having done so, we conclude the CJC decision was reasonable, and its process was procedurally fair, for substantially the same reasons the Federal Court did. To those reasons, we add that the CJC is not required to separately address in its decision each piece of evidence the appellant put forth and is presumed to have reviewed and considered all the evidence before it.

[8] When it comes to procedural fairness, the focus of the inquiry is on whether a fair and just process was followed having regard to all the circumstances: *Canadian Pacific Railway Company v. Canada (Attorney General)*, 2018 FCA 69 at para. 54. That includes the “right to have [the] case considered fully and fairly by an impartial decision maker”: *Palozzi v. Canada (Attorney General)*, 2024 FCA 81 at para. 9, citing *Canadian Pacific* at para. 41.

[9] The transcripts of the Federal Court hearing show to us that the Federal Court read and considered the record, including the appellant's written submissions. While the Federal Court could be characterized as unduly impatient, it gave the appellant the opportunity to present his

case. Its refusal to allow him to refer to evidence it ruled inadmissible or to read his written submissions is not a breach of procedural fairness. Nor does it support a finding of bias or impartiality. Based on the record, it is clear the Federal Court found the appellant's submissions unpersuasive.

[10] That said, if the Federal Court breached the appellant's procedural fairness rights, this appeal effectively cures any breach because, as noted above, we review the CJC decision and process afresh and come to our own conclusions: see *Haynes v. Canada (Attorney General)*, 2023 FCA 158 at paras. 14–16, leave to appeal to SCC refused, 41047 (6 June 2024); *Whitelaw v. Canada (Attorney General)*, 2025 FCA 68 at paras. 10, 16; *Jagadeesh v. Canadian Imperial Bank of Commerce*, 2024 FCA 172 at para. 40.

[11] Finally, the Federal Court's cost award was not punitive. The Federal Court applied the default rule for costs found in Rule 407 of the *Federal Courts Rules*.

[12] The appellant's request to have additional parties named as respondents is denied. Under the *Federal Courts Rules*, the parties are those in the existing style of cause.

[13] The respondent seeks elevated costs and says that is appropriate in the circumstances. The respondent submits that the appellant persistently advances bald and unsubstantiated allegations of dishonesty, bad faith and dishonourable conduct which are vexatious. He did so before the CJC, before the Federal Court, and again before this Court.

[14] We consider lump-sum costs of \$4,000 appropriate in the circumstances. Accordingly, we will dismiss the appeal with costs in the all-inclusive amount of \$4,000.

"Siobhan K.A. Monaghan"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-312-24

STYLE OF CAUSE: MASOOD MASJOODY v.
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: VANCOUVER, BRITISH
COLUMBIA

DATE OF HEARING: NOVEMBER 5, 2025

**REASONS FOR JUDGMENT OF THE COURT
BY:** STRATAS J.A.
MONAGHAN J.A.
ROUSSEL J.A.

DELIVERED FROM THE BENCH BY: MONAGHAN J.A.

APPEARANCES:

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ON HIS OWN BEHALF

Sancho McCann FOR THE RESPONDENT

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