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January 18, 2018

Premier Hon. Rachel Notley
307 Legislature Building
10800 - 97 Avenue, Edmonton, AB T5K 2B6

Mayor Naheed Nenshi
Office of the Mayor, The City of Calgary
P.O. Box 2100, Station M Calgary, AB, T2P 2M5

Open Letter To Alberta Premier Rachel Notley and Calgary Mayor Naheed Nenshi

REQUEST THAT NDP PREMIER COMPLY WITH LIBERAL OPPOSITION “HOPE YOU RECEIVE A SATISFACTORY RESPONSE FROM THE PREMIER RACHEL NOTLEY”,

Per R. v. Barros there are 4 elements for the charge for extortion, which of the following elements of the charge was not met? This should be a simple question for Sgt Hayley to answer, the reason for ongoing Sgt Hayley refusal to answer and ongoing problem for Calgary Police Chief is that he cannot prove that acting without jurisdiction to change the criminal code, by directing, arrest, assault and extortion in order to facilitate an ongoing crime by Canadian Judicial Council is reasonable, therefore if they answer the question they will create beyond all reasonable doubt evidence that they are lying.

Unfortunately for Calgary Police Canada gave a black African immigrant, an s7 Victims Bill of Rights duty for Calgary to disclose to the victim the outcome of criminal investigation of each element of the offence. They opened after months of back and forth where Mr Davis confirmed that they consulted their lawyer before opening the criminal investigation.

Calgary Police Chief cannot prove that Alberta Provincial Court has jurisdiction to create the new two tier criminal code process, other Canadians access Criminal Code mandatory services without leave, but Olumide requires leave to access the same service. The intent, is that, instead of a hearing to test the actions of the criminal, the hearing is to determine whether the black African immigrant from an alleged excrement hole country shall receive the mandatory valuable service given to him by Canada.

Other than the fact that no judge, not even Alberta Parliament has jurisdiction to change a mandatory criminal code process, nor do they have power to use public power in bad faith (mental intent to facilitate an ongoing crime) to contravene the objects of the Act that gives public power, this means, it is the victim of Conservative “Party Brass” racial discrimination that will be on trial, rather than the racism sympathizer Canadian Judicial Council who is refusing Judges Act good faith duty to request a record of investigation for the criminal misconduct by judges that include Justice Trudel.

https://adeolumideonline.files.wordpress.com/2018/01/openletter_supremecourtregistrar_auditorgenera_lofcanada.pdf

Alberta Provincial Court are copying Alberta Court of Queen's Bench and Alberta Court of Appeal acting without jurisdiction in bad faith to change the criminal code by claiming that the black African immigrant from an alleged excrement hole country requires leave to access their criminal court. The test for extortion is "context of the "course of conduct considered in its entirety", therefore the new two tier process is beyond all reasonable doubt evidence that Alberta Provincial Court is determined to facilitate racial discrimination by extorting a mandatory right to prosecute Canadian Judicial Council for criminal misconduct by judges that include Alberta Court of Queen's Bench, Court of Appeal judges who committed a crime by refusing to apply the s21b Criminal Code test to Canadian Judicial Council. I told them to their face that according to s21b anything done or omitted to facilitate a crime, is a crime. They could not defeat me, so they simply removed my mandatory right to access criminal court.

Ellen-Anne O'Donnell, Law Enforcement Review Board, Criminal Injuries Review Board went on a tirade of 11 direct false statements, 11 indirect false statements accusing the black African immigrant from an alleged excrement hole country of "far-fetched allegations of constitutional and Charter breaches ...to subvert the justice system". She refused to retract false statements despite contrary evidence and about 5,000 pages of available on request supplementary evidence that is in the possession of Canadian Judicial Council. Every count is linked to a tab number, lying to the police is a criminal offence, she calling me a liar because she knows that co criminals Alberta Court of Queen's Bench, Court of Appeal will protect her, they benefit from her tirade of s21b, s362 s341 s380 criminal offences.

R. v. Barros, 2011 SCC 51, [2011] 3 S.C.R. 368 [53] Extortion requires the Crown to establish beyond a reasonable doubt (i) that the accused has induced or attempted to induce someone to do something or to cause something to be done; (ii) that the accused has used threats, accusations, menaces or violence; (iii) that he or she has done so with the intention of obtaining something by the use of threats; and (iv) that either the use of the threats or the making of the demand for the thing sought to be obtained was without reasonable justification or excuse: .. [54] ... "one item in the accused's course of conduct" is not to be isolated, but taken in the context of the "course of conduct considered in its entirety" (p. 546). Although Cartwright J. was speaking in relation to whether the conduct was "justifiable or excusable", his observation applies with equal force to all of the elements of the charge of extortion.

In light of enclosed 28 reasons why Calgary Police are refusing to disclose which element of the offence of extortion was not met, excerpts of January 8 letter to Premier (page 5), January 1 letter to Premier and Mayor (page 5), December 8 letter to Premier and Mayor (page 12), December 5 letter to Premier (page 28), November 1 letter to Premier and Mayor (page 34), David Swann, MLA, Calgary Mountain View, Alberta Liberal Opposition "I hope you receive a satisfactory response from the Premier Rachel Notley and from the Minister of Justice, Kathleen Ganley."

I. Calgary Police Chief ongoing refusal to issue an s7 Canada Victims Bill of Rights policy decision (consequence is Calgary Police Commission "CPC" lack of jurisdiction to hear policy appeal) and
II. Calgary Police Chief ongoing refusal to issue misconduct complaint re Sgt Hayley refusal to comply with s7 Canada Victims Bill of Rights duty to disclose with elements of the offence of extortion was not met (consequence is Alberta Law Enforcement Review Board "LERB" lack of jurisdiction to hear Sgt Hayley misconduct appeal),
III. enclosed pending Notice of Application before the Premier designed to force LERB to hear the Police Act constitutional question,
IV. enclosed pending Notice of Application before the Mayor designed to force the Calgary Police Chief to issue the 2 above mentioned decisions,
could you both please advise when the Applications before you will be heard?

Your ongoing refusal to comply with s4 s7 Administrative Procedures and Jurisdiction Act to hear the application and issue a decision on the merits, is an s21b Criminal Code offence of party to extortion. Registry court staff directing sheriffs to arrest and assault me in order to defraud right to refusal signature and name of person extorting s504 s507.1 criminal code right to go before a Justice of Peace to obtain a mandatory oral hearing where each element of the offence is tested, violates;

- 1) "if an...order would infringe a Charter right, the Charter will apply to preclude the order" RWDSU
- 2) "good faith does not mean .. punishing a person for exercising an unchallengeable right" Freeman
- 3) "good faith ..does not mean arbitrarily and illegally .. divest a citizen of ..civil status" Freeman
- 4) registry staff and sheriffs are not judges, therefore judicial independence does not apply,
- 5) there was no court proceeding, therefore constitutional judicial independence cannot apply,
- 6) there was no court proceeding, therefore common law judicial immunity cannot apply,
- 7) the receiving of s504 information is a "ministerial act" McHale , it is not a judicial act,
- 8) "power of the courts to control their own administration was not absolute" Gonzalez
- 9) the power to order an arrest and assault is not an adjudicative or core judicial duty,
- 10) lack of jurisdiction to change s10 Alberta Interpretation Act,
- 11) lack of jurisdiction to change s14 s15 s16 Alberta Peace Officers Act,
- 12) lack of jurisdiction to change Alberta Provincial Courts Act 9.51(1) "maliciously and without reasonable and probable cause"
- 13) lack of jurisdiction to change s3 Alberta Oaths Of Office Act Chapter O-1
- 14) lack of jurisdiction to change / positive obligation to comply with s1a,b, 2, 3 Alberta Bill Of Rights
- 15) lack of jurisdiction to change / positive obligation to comply with objects, s4 Alberta Human Rights Act,
- 16) lack of Alberta jurisdiction to change Constitution Acts 1867 to 1982 52(1) "Any law inconsistent with .. Constitution is, to extent of the inconsistency, of no force or effect"
- 17) lack of Alberta jurisdiction to change Constitution Acts 1867 to 1982 Legislative Authority of Parliament of Canada 91 'Criminal Law... including the Procedure in Criminal Matters"
- 18) lack of Alberta jurisdiction to change Criminal Code s2, s482(1)(3), s507.1, s504, s540, s551.2, s551.3(1g Charter), s683(2), s802(1), s21b party to offence, s22 counselling someone to commit an offence , s22.2 organization party to offence, s25.1(9)(11b) public officer offence, s139 obstruction of justice, s265(1a,b)(3c,d) assault, s346(1.1b) extortion, s380(1a) fraud, s341, s423.1(b) intimidation,
- 19) lack of Alberta jurisdiction to change s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights,
- 20) lack of Alberta jurisdiction to change s11 s12 s13 s21(a,d) s34 Canada Interpretation Act,
- 21) lack of Alberta jurisdiction / positive obligation to comply with s2, s3, s5 Canada Human Rights Act
- 22) lack of Alberta jurisdiction / positive obligation to comply with preamble objects s7 s9 s10 s12 s15 Charter of Rights, preamble objects,
- 23) lack of Alberta jurisdiction / positive obligation to comply with preamble objects s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights against racist revictimization of victim with mens rae to retain proceeds Garland of racism principle of fundamental justice,
- 24) lack of Alberta jurisdiction / positive obligation to comply with rule of law that vested inalienable right to equal protection from racist arrest, assault and extortion cannot be destroyed by government legislation,
- 25) lack of Alberta jurisdiction / positive obligation to comply with rule of law against arbitrary (contrary to objects of enabling Act) application of statutory power,
- 26) lack of Alberta jurisdiction / positive obligation to comply with rule of law against elevating statutory power above the constitution,
- 27) lack of Alberta jurisdiction / positive obligation to comply with rule of law against using statutory public power in bad faith (discrimination, arrest, assault, extortion),

28) lack of Alberta jurisdiction / positive obligation to comply with rule of law against absurd statutory or constitutional interpretation,

<http://thelawdictionary.org/> (Black's Law Dictionary)

What is EXTORTION? Any oppression by color or pretense of right, ...consists in any public officer unlawfully taking, by color of his office, from any person .. thing of value that is not due to him. ...

What is INTIMIDATION? .. Every person commits a misdemeanor, punishable with a fine or imprisonment, who wrongfully uses violence to or intimidates any other person.. with a view to compel him to abstain from doing, or to do, any act which he has a legal right to do, or abstain from doing

S21b is clear, anything done or omitted in order to facilitate an ongoing crime is a crime, therefore refusing Judges Act good faith duty to request the "record of investigation" is a crime. Olumide has an; s2 "prosecutorwhere the Attorney General does not intervene, ..person who institutes proceedings to which this Act applies"

s482(1)"rules of court not inconsistent with this or any other Act of Parliament, ... within the jurisdiction of that court," s482(3) "Purpose of rules ... to attain the ends of justice"

s504 "justice shall receive the information"

s507.1 "shall ... heard and considered .. informant...witnesses"

s683(2).. Parties entitled to adduce evidence and be heard,

s802(1) "prosecutor is entitled personally to conduct his case..",

s507.1(2)(3)(8) "cause the evidence to be taken in accordance with section 540 in so far as that section is capable of being applied"

s551.2 "ensuring that the evidence on the merits is presented without interruption"

Criminal Code right to an s507.1 oral hearing to present evidence to meet each element of the test to prove that; Canadian Judicial Council member Alberta Court of Queen's Bench is committing an ongoing crime by refusing to request a record of investigation for criminal misconduct by judges that made deliberate false statements in writing with deliberate mental intent to defraud service and facilitate destruction of Olumide's political career through racial discrimination by Conservative "Party Brass".

Civil fraud (balance of probabilities) and criminal fraud (beyond all reasonable doubt) is the same thing, the only difference is the test. As long as I can prove beyond all reasonable doubt that Justice Trudel deliberately lied about the content of material before her with intent to defraud service, Alberta Court of Queen's Bench is committing a crime by refusing to request a record of investigation of Justice Trudel.

The Premier and the Mayor are falling over themselves to protect criminals. There is no middle ground, one of us is lying, everyone is claiming no jurisdiction because Calgary Police Chief refuses to issue a s7 Victims Bill of Rights policy decision / refuses to issue Sgt Hayley service complaint decision, both the Premier and the Mayor have power to solve the problem by hearing the applications before them. All of which respectfully submitted by Ade Olumide

JANUARY 1, 2018 LETTER TO ALBERTA MEMBERS OF PROVINCIAL PARLIAMENT

CC: Calgary City Council, Alberta LERB

From; Complainant: Ade Olumide, Tel 613 265 6360, fax 613 832 2051, email ade6035@gmail.com,

....

Request For Quote In Support Of An LERB Constitutional Question?- Please respond ASAP

Please be advised that bad things happen when good people are silent, can you please provide me a quote in support of my request that Premier Notley direct the Alberta Law Enforcement Review Board to deal with the constitutional question arising from;

- refusal of Calgary Police to disclose which element of the offence of extortion was not met?

- refusal of Calgary Police to issue a decision on creating an s7 Victims Bill of Rights policy to disclose on request by the victim the outcome of the investigation on each element of the offence?

Facts do not change because of an LERB constitutional question, worst case scenario is LERB will decide that assisting criminals to retain the proceeds of crime by Calgary Police refusal to issue a misconduct complaint decision / s7 policy request decision is not a breach of the rule of law against arbitrary application of Police Act power, what is the Premier afraid of? Who is she trying to protect?

The status quo is that LERB is refusing jurisdiction because the Calgary Police Commission refusing jurisdiction because the Calgary Police Chief is refusing to issue a decision on the complaint about the refusal of Sgt Hayley to comply with s7 Victims Bill of Rights by disclosing which elements of the offence of the charge of extortion is not met and Calgary Police Services refuses to issue a decision on creating an s7 Victims Bill of Rights policy to disclose on request the outcome of the criminal investigation for each element of the charge.

This is an abuse of process, because it indirectly defrauds the Police Act, because it is a crime to do so directly. History teaches that bad things happen when good people are silent. Can you please provide me a quote of support that I can forward to the Premier?

I never met Walter Grant Notley (may his sole rest in peace), but if he believed that might means right, he would have joined a party that had a chance to form government, instead he followed his conscience, and spent his life fighting for what he believed in. If he knew that an NDP government was using public power to commit a crime, he would be disappointed. I previously told my Conservative friends that we can learn from Premier Notley, instead of taking the path of least resistance, she followed her conscience and fought for what she believed. I am therefore confident that if she listens to her conscience again, she will order an LERB constitutional question and let the chips fall where they may.

JANUARY 8, 2018, CC: ALBERTA MLAS

I am still waiting to hear back from enclosed pending December 8 Notice of Application, I am in compliance with the following provisions of the Police Act, Why are you refusing to comply? What are you trying to hide? Who are you trying to protect? In light of the comments of David Swann, MLA, Calgary Mountain View, Alberta Liberal Opposition wrote "I hope you receive a satisfactory response from the Premier Rachel Notley and from the Minister of Justice, Kathleen Ganley.", I am hopeful that they will intervene to restore the integrity of the Calgary Police and the Calgary Police Commission.

Definitions¹ In this Act, (d) "complainant" means a person who makes a complaint under section 42.1; (d.1) "complaint" means a complaint under section 42.1;

Complaints 42.1(1) Subject to subsection (2), a person may make a complaint respecting the conduct of a police officer. (2) The following persons may make a complaint referred to in subsection (1): (a) a person to whom the conduct complained of was directed; (3) Any person may make a complaint in respect of a policy or service of a police service. (4) A complaint must be made in writing and must include the following information: (a) the full name of the complainant; (b) the complainant's contact information, including the complainant's (i) address, (ii) telephone number, (iii) cellular telephone number, if available, and (iv) electronic mail address, if available; (d) if the complaint is in respect of the conduct of a police officer,

- (i) the date of the alleged conduct, if known, (ii) the identification of the police officer, if known, and (iii) a description of the incident that gave rise to the alleged conduct;
 - (e) if the complaint is in respect of a policy or service of a police service, sufficient information to identify the policy or service complained of;
 - (g) any other information prescribed in the regulations.
- (5) A complaint may be transmitted by electronic mail.
- (6) A complaint is considered to be made on the date it is received by the chief of police, the officer in charge of a police service, the Public Complaint Director, the Regional Public Complaint Director or the Provincial Public Complaint Director, as the case may be.

Bringing of complaints 43(1) All complaints with respect to a police service or a police officer, other than the chief of police, shall be referred to the chief.

(4) On receipt of a complaint under subsection (1), the chief of police shall determine whether the complaint or a portion of the complaint is a complaint as to (a) the policies of or the services provided by the police service, or (b) the actions of a police officer.

(5) A complaint or that portion of the complaint that is a complaint (a) as to the policies of or services provided by the police service shall be disposed of in accordance with section 44, and

(b) as to the actions of a police officer shall be disposed of in accordance with sections 45 to 48.

Complaints re policies and services 44(1) Where a complaint is a complaint as to the policies of or services provided by a police service, the chief of police shall review the matter, and

(a) take whatever action the chief considers appropriate, if any, or

(b) refer the matter to the commission for it to take whatever action it considers appropriate.

(2) On the disposition of a matter by the chief of police or the commission under subsection (1), the chief shall advise the complainant in writing (a) as to the disposition of the matter in respect of which the complaint was made, and (b) of the complainant's right to appeal the matter to the commission if the complainant is not satisfied with the disposition of the matter.

(11) The chief of police, in the case of a complaint under this section, must advise the complainant in writing at least once every 45 days as to the status of the complaint.

Complaints re police officers 45(0.1) ..

(1) Where a complaint is a complaint as to the actions of a police officer other than the chief of police, subject to sections 43 and 43.1, the chief shall cause the complaint to be investigated.

(2) If, after causing the complaint to be investigated, the chief of police is of the opinion that the actions of a police officer may constitute (a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the chief shall refer the matter to the Minister of Justice and Solicitor General, or (b) a contravention of the regulations governing the discipline or the performance of duty of police officers, the chief shall cause the matter to be proceeded with under subsection (3).

(3) Where the chief of police is of the opinion that the actions of a police officer constitute a contravention of the regulations governing the discipline or the performance of duty of police officers, the chief of police, or a person designated by the chief of police who, pursuant to the regulations, is eligible to serve as the presiding officer at a hearing, shall conduct a hearing into the matter as it relates to that contravention. (7) If a complaint is being investigated under this section, the chief of police must advise the complainant in writing at least once every 45 days as to the progress of the investigation.

DECEMBER 8 NOTICE OF APPLICATION TO CALGARY POLICE CHIEF

Take Notice that as a result of November 28 letter (received December 7) of Calgary Police

Commission which states "policy complaints must be made .. to the Service ... there does not appear to be a decision of the Calgary Police Service which may be appealed" "You Did Not Have An Active

Complaint With The Professional Standards Section At The Time .. Therefore No 45 Day Letter Was Required” AND October 16 letter of the Alberta Law Enforcement Board, which states “the Board has no jurisdiction There has been no decision made by ... Calgary Police Service..;

Take Notice that refusal to activate a complaint about Sgt Hayley Marquis OR refusal to issue an s7 Victims Bill of Rights policy that can be appealed to the Commission is a violation of Regulation 5(1d "deceit", e "discreditable conduct", h "neglect of duty") by;

1) s21b Criminal Code party to extortion by Alberta Provincial Court.

2) deliberate misinterpretation of s7 Canada Victims Bill of Rights “Every victim has the right, on request, to information about the status and outcome of the investigation into the offence” as excluding the “outcome of the investigation into each element of the offence”.

3) deliberate misinterpretation of s7 Canada Victims Bill of Rights “Every victim has the right, on request, to information about the status and outcome of the investigation into the offence” as excluding “despite manifest evidence of each element of the offence and criminal retaining proceeds of crime, why outcome of the investigation into the offence did not lead to charges by the police”.

4) deliberate misinterpretation of s16 Canada Victims Bill of Rights “Every victim has the right to have the court consider making a restitution order against the offender” as excluding “right to have police lay a charge so the court consider restitution order against Alberta Provincial Court duty to retribute the proceeds of extortion by granting s504 s507.1 s551.3(1g Charter) right to prosecute Alberta Court of Queen’s Bench, Alberta Court of Appeal for party to.. fraud”

Take Further Notice that pursuant to s3(a) s4 s10(b) Administrative Procedures and Jurisdiction Act, rule of law against arbitrary (contrary to objects) application of Police Act, s11 s12 s13 s21(1a,d) s34 Canada Interpretations Act, s10 Alberta Interpretation Act, s(1a,b)(2) Alberta Bill Of Rights, s1(a) s2(b,c,e) Canada Bill of Rights against criminal revictimization of victim principle of fundamental justice s12 Charter right, objects s6, s7, s9, s10, s16 Canada Victims Bill of Rights, Police Service Regulation 5(1e "discreditable conduct", h "neglect of duty), Police Act 44(11), 43(12)(b)(ii), 44(4)(5), 47(4), oath "...according to law" duties by; refusing to activate August 29, September 18, October 22, November 1, November 20, complaints in order to evade the 45 day deadline for status of complaints re Sgt Hayley Marquis refusal to disclose which elements of the charge were not met, in order to fraudulently conceal which elements of the charge of extortion against were not met.

Police Act 44 (11) The chief of police, in the case of a complaint under this section, must advise the complainant in writing at least once every 45 days as to the status of the complaint.

Administrative Procedures and Jurisdiction Act; Evidence and representations 4 Before an authority, in the exercise of a statutory power, refuses the application of or makes a decision or order adversely affecting the rights of a party, the authority (a) shall give the party a reasonable opportunity of furnishing relevant evidence to the authority, (b) shall inform the party of the facts in its possession or the allegations made to it contrary to the interests of the party in sufficient detail (i) to permit the party to understand the facts or allegations, and (ii) to afford the party a reasonable opportunity to furnish relevant evidence to contradict or explain the facts or allegations, and (c) shall give the party an adequate opportunity of making representations by way of argument to the authority.

The Complainant Hereby Seeks 3 Declarations;

1) SERVICE DECLARATION that; the following August 29, September 18, October 22, November 1, November 20, December 8, 2017 complaints to the Police Chief are hereby activated and consolidated into this December 8, 2017 Notice of Application, the Calgary Police Chief shall;

a) hold a disciplinary hearing re Sgt Hayley Marquis;

b) lay a charge under the regulation re Sgt Hayley Marquis Regulation 5(1d "deceit", e "discreditable conduct", h "neglect of duty") by committing party to extortion by refusing to disclose which elements of the charge of Alberta Provincial Court extortion were not met.

c) direct that the extortion crime by Alberta Provincial Court be investigated again

2) POLICY DECLARATION that s48(2) is contrary to objects of Police Act, because it excludes s12 Charter abuse of process refusal to activate a complaint or issue an 47(5) decision re 42.1 complaint about Sgt Hayley Marquis fraudulent concealment of which elements of the charge of extortion against Alberta Provincial Court were not met, 48(2) should read "upon expiration of 44(11) deadline";

Appeals to the Board 48 (2) If a complaint has been made, the complainant may, within 30 days from the day the complainant was advised under section 47(5) of the determination of the complaint, upon expiration of 44(11) deadline, appeal the matter to the Board

Allard v. Canada, 2016-02-24, 2016 FC 236, T-2030-13....principles of fundamental justice ... overbreadth ... gross disproportionality ... a law that takes away rights in a way that generally supports the object of the law, goes too far by denying the rights of some individuals in a way that bears no relation to the object...grossly disproportionate effect on one person is sufficient to violate the norm... effect actually undermines the objective"

3) POLICY DECLARATION that in light of Alberta lack of jurisdiction to change s6, s7, s9, s10, s16 Canada Victims Bill of Rights, the Calgary Police shall implement a policy to on request immediately disclose in writing which elements of any charge is not met OR issue 47(5) decision on why 21b, 22.2 Criminal Code, s1(a) s2(b,c,e) Canada Bill of Rights against criminal cruel revictimization of victim principle of fundamental justice s12 Charter right, Johnston, RWDSU, Gosselin, Islip, Freeman, Roncarreli is not a positive obligation to disclose elements of charge not met.

Johnston et al. v. Prince Edward Island, 1995 10509 (NL SCTD)... City of Kamloops v. Nielsen, 1984 CanLII 21 (SCC), ...: 'In my view, inaction for no reason or inaction for an improper reason cannot be ... bona fide exercise of discretion. Where the question whether the requisite action should be taken has not even been considered by the public authority, or at least has not been considered in good faith...,

"RWDSU v. Dolphin Delivery Ltd., [1986] 2 SCR 573, 1986 CanLII 5 (SCC) The Charter will apply to any rule of the common law that ...directs an abridgement of a guaranteed right...if an...order would infringe a Charter right, the Charter will apply to preclude the order, and, by necessary implication, to modify the common law rule... courts are, of course, bound by the Charter;"

Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84... By enacting the Social Aid Act, the Quebec government triggered a state obligation...C. Negative vs. Positive Rights and the Requirement of State Action [319] ... rights include a positive dimension, such that they are not merely rights of non-interference but also what might be described as rights of "performance", then they may be violable by mere inaction...,

Islip v. Coldmatic Refrigeration of Canada Ltd., 2002 BCCA 255 (CanLII), 2002 BCCA 255 ...an incomplete representation may amount to an actionable falsehood: ... An incomplete statement may be as misleading as a false one, and such half-truths have frequently been treated as legally significant misrepresentations. ...it is open to the court to hold that the concealment of the material facts can, when taken with general statements, true in themselves but incomplete, turn those statements into misrepresentations...

Freeman v. Canada (Citizenship and Immigration), 2013-10-23, 2013 FC 1065, IMM-6304-12, Legal Principles Relating to the Concept of Bad Faith ...[24] The Supreme Court also stated in Roncarelli that "good faith" means "... carrying out the statute according to its intent and for its purpose; it means good faith in acting with a rational appreciation of that intent and purpose and not with an improper intent and for an alien purpose...". According to the Court, "good faith" does not mean acting "for the purposes of punishing a person for exercising an unchallengeable right" and "it does not mean arbitrarily and illegally attempting to divest a citizen of an incident of his civil status": at para. 46....[26] While bad faith certainly includes situations where there is intentional fault on the part of a decision-maker (as was the case in Roncarelli), evidence of actual malice or intent to harm is not required in order to rebut the presumption of good faith: Finney v. Barreau du Québec, 2004 SCC 36, [2004] 2 S.C.R. 17, at para. 40. [27] As the Supreme Court observed in Entreprises Sibeca, above at para. 26, in addition to deliberate acts, the concept of bad faith can include "acts that are so markedly inconsistent with the relevant legislative context that a court cannot reasonably conclude that they were performed in good faith". [28] Direct evidence of bad faith is not required. It can, in the appropriate case, be inferred from the surrounding circumstances: Finney, at paras. 37-39, Enterprises Sibeca, above at para. 26. [29] "Bad faith" can encompass serious carelessness or recklessness. Indeed "recklessness implies a fundamental breakdown of the orderly exercise of authority, to the point that absence of good faith can be deduced and bad faith presumed":

Roncarelli v. Duplessis 1959 CanLII 50 (SCC), [1959] S.C.R. 121,there is no such thing as absolute and untrammelled "discretion", that is that action can be taken on any ground or for any reason that can be suggested to the mind of the administrator; no legislative Act can, without express language, be taken to contemplate an unlimited arbitrary power exercisable for any purpose, however capricious or irrelevant, regardless of the nature or purpose of the statute. Fraud and corruption in the Commission may not be mentioned in such statutes but they are always implied as exceptions. "Discretion" necessarily implies good faith in discharging public duty; there is always a perspective within which a statute is intended to operate; and any clear departure from its lines or objects is just as objectionable as fraud or corruption.

13 GROUNDS FOR ABOVE MENTIONED RELIEF SOUGHT;

1. Legislation below show there is no immunity for acts without jurisdiction or bad faith. Alberta Provincial Court has no jurisdiction to refuse s2 "prosecutor", s12, s21b, 25.1(9)(11b), s22.2, s23, s139(1)(2)(3a), s362, 482, 504, 507.1, 540, 551.2, 551.3(1g Charter), 683(2),783 Criminal Code. Assault and extortion is bad faith. Alberta Provincial Court is a criminal code "organization" "person" "justice system participant" that can be charged for assault, extortion. Alberta Provincial Courts Act 2000 Chapter P-31 Action for damages 9.51(1) No action may be brought against a judge for any act done or omitted to be done in the execution of the judge's duty or for any act done in a matter in which the judge has exceeded the judge's jurisdiction unless it is proved that the judge acted maliciously and without reasonable and probable cause. ... (5) The Minister of Page 12 of 26 Justice and Solicitor General may make a payment for damages or costs, including lawyer's charges incurred by the judge in respect of an act, omission or matter described in subsection (1), (2) or (3).

Manitoba The Provincial Court Act C.C.S.M. C. C275 Exemption from liability 71 Except as provided in this Act, no action shall lie or be instituted against a judge or justice of the peace for any act done by him or her in the execution of a duty unless the act was done maliciously and without reasonable and probable cause.

Manitoba The Court of Queen's Bench Act; Exemption from liability 15 Where an officer of the court, in exercising the powers and performing the duties of the officer, acts in good faith, an action shall not be brought against the officer with respect to an act of the officer unless the act is malicious and is done without reasonable grounds.

Prince Edward Island Provincial Court Act, RSPEI 1988, C P-25 11. Limitation of Action (1) Except as provided in this Act, no action lies or may be instituted against a judge, or justice of the peace for any act done by him or her in the execution of his or her duties unless the act was done maliciously or without reasonable cause.

2. s7 Canada Victims Bill of Right to information about the outcome of an investigation, includes outcome of investigation of each element of the charge. It is a breach of the rule of law against absurd Rizzo & Rizzo Shoes Ltd. (Re), [1998] 1 SCR 27 statutory interpretation to interpret s7 as excluding "which elements of the charge were not met" and if met, why the charge was not laid.

3. Whether an accused is charged or not was public information before Parliament enacted the Canada Victims Bill of Right. S7 is a new positive obligation Gosselin v. Québec (Attorney General), [2002] 4 SCR 429 which is violable by inaction Johnston et al. v. Prince Edward Island, 1995 CanLII 10509 right to complete Islip v. Coldmatic Refrigeration of Canada Ltd., 2002 BCCA 255 outcome of investigation from the police investigation.

4. Police or Board or Alberta Parliament lack of jurisdiction to change objects s6 s7 s16 Canada Victims Bill of Rights OR jurisdiction to adopt an arbitrary (contrary to objects) interpretation of s7 "outcome of the investigation" s16 "right to have the court consider making a restitution order" with mens rae to contravene the objects of the Victims Bill of Rights.

5. Test for sufficiency of objects s6 s7 s16 Canada Victims Bill of Rights outcome of investigation information; R. v. R.E.M., 2008 SCC 51, "Path Through ... Conflicting Evidence" Test, "complete disregard of ..evidence" test, "did not.. explain which .. offences were proved" test, "deficiencies in the reasons ...error in law" test, "unsettled law ...difficult or novel question of law ...error in law" test, "Statutory Right To Appeal ... Duty To Give Reasons"

6. Police Act 43(12)(b)(ii), 44(4)(5), 47(4), oath "...according to law" Police Service Regulation; 5(1d "deceit", e "discreditable conduct", h "neglect of duty"),

7. objects s2 s3 s4 s13.1 Alberta Victims of Crimes Act,

8. equality under Iacobucci J. in Law v. Canada, [1999] Criminal Code s22.2 organization party to offence, 25.1(9)(11b) public officer offence, s21b party to offence, s341 fraudulent concealment, constitutional rule of law "that vested rights will not be destroyed without reasonable compensation" JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312 ,

9. public policy that “a criminal should not be permitted to keep the proceeds of his crime” Garland v. Consumers’ Gas Co., [2004] 1 S.C.R. 629 which is codified in Bill C-26 (S.C. 2012 c. 9) Reforms to Self-Defence and Defence of Property,

10. rule of law against arbitrary Freeman v. Canada (Citizenship and Immigration), 2013 FC 1065; Roncarelli v. Duplessis 1959 CanLII 50 (SCC) Allard v. Canada, 2016 FC 236 interpretation of the Police Act duties and oath which is codified in s12 s13 s21(1a,d) Canada Interpretations Act s10 Alberta Interpretation Act,

11. s(1a,b)(2) Alberta Bill Of Rights S2(b,e) Canada Bill of Rights against criminal revictimization of victim principle of fundamental justice s12 Charter right that overrules any policy RWDSU v. Dolphin Delivery Ltd., [1986] 2 SCR 573 that may be Criminal Code s21b deliberately misinterpreted to preclude an honest and complete Islip v. Coldmatic Refrigeration of Canada Ltd., 2002 BCCA 255 answer on which element of the charge was not met OR if all elements of the charge are met and criminal retains the proceeds of the crime, an honest and complete answer on why the charge was not laid.

12. If the Police refuse relief sought it would be a breach of the rule of law against arbitrary Freeman v. Canada (Citizenship and Immigration), 2013 FC 1065; Roncarelli v. Duplessis 1959 CanLII 50 (SCC) Allard v. Canada, 2016-02-24, 2016 FC 236 (contrary to objects) use of Police Act, Police Service Regulation public power which is codified in s12 s13 s21 Canada Interpretations Act s10 Alberta Interpretation Act Police Act Oath “..according to the law..”

13. Canadian Doctors for Refugee Care v. Canada (Attorney general), 2014 FC 651, R. v. Smith (Edward Dewey), [1987] 1 SCR 1045 particularized s12 Charter test; Calgary police 21b party to assault, extortion, ongoing .. fraud significant causation for destruction of a 15 year political career / loss of job / loss of home / \$100,000 costs reprisals fraud goes beyond what is necessary to achieve a legitimate Interpretations Act objective

I. ...is unacceptable to a large segment of the population

II. ...does not have any social purpose such as reformation, rehabilitation or deterrence

III. ...does not accord with public standards of decency or propriety

IV. ...is of such a character as to shock general conscience

V. ...is unusually severe, degrading to dignity and worth

At The Hearing, The Complainant Will Rely On:

4) All complainant and other records before the Police (Sgt. S. Adair, Sgt Hayley Marquis (13 attached files on July 20, 23, 25, 27, Aug 29), Barry E. Davis, Roger Chaffin), as produced by the police AND other records in possession of the complainant which was not requested by the police.

All of which respectfully submitted by complainant Ade Olumide

...CC: Calgary City Council c/o Mayor Naheed Nenshi

Office of the Mayor, The City of Calgary, P.O. Box 2100, Station M Calgary, AB, T2P 2M5

Phone: 403-268-5622 Fax: 403-268-8130 Direct Email: themayor@calgary.ca

CC: Premier Hon. Rachel Notley, premier@gov.ab.ca 307 Legislature Building 10800 - 97 Avenue,

Edmonton, AB T5K 2B6 Phone: 780.427.2251 Fax: 780.427.1349 Constituency Office, Strathcona

Professional Centre, Suite 101, 10328 - 81 Avenue NW Edmonton, AB, Canada T6E 1X2

Phone: 780.414.0702 Fax: 780.414.0703 Email: edmonton.strathcona@assembly.ab.ca

.....

From .. Ade Olumide, Tel 613 265 6360, fax 613 832 2051, ade6035@gmail.com,.. December 8, 2017

I received by email on December 7, 2017 a Calgary Police Commission letter dated November 28, 2017. The core of your defence is "Canada Victims Bill of Rights.. policy complaints must be made .. to the Service ... there does not appear to be a decision of the Calgary Police Service which may be appealed". If I appeal to the LERB, Ellen-Anne O'Donnell, Law Enforcement Review Board, Acting Chair Ellen-Anne O'Donnell, Criminal Injuries Review Board, who is in a conflict of interest because she already committed 21 criminal code offences on behalf of the Criminal Injuries Review Board, would support your no jurisdiction conclusion.

Therefore I hereby bring enclosed application policy complaint attention of the Calgary Police AND application service complaint to the Calgary Police Service. However, in light of the Commission and LERB incitement of Calgary Police to continue the 4 month ongoing crime, I am very skeptical that anyone in the Calgary Police will activate a service complaint or issue a policy decision.

However if I had to meet the mens rae test, against the Commission or Calgary Police or the Alberta Government or any other person, I need to prove beyond all reasonable doubt that the person intended to commit a crime. Therefore it is incumbent on me to correct the following false statements because in the future, I made need to rely to these falsehoods to prove mens rae to incite calgary police to commit fraud;

- I. "You Have Been Provided A Detailed Reply By A CPS Detective"
- II. "You Did Not Have An Active Complaint With The Professional Standards Section At The Time .. Therefore No 45 Day Letter Was Required"
- III. "Her Correspondence ..Does Not Suggest ... Fraud Was Intended"
- IV. "The Core Of Your Complaint .. Chief To Confirm You Are A Victim ... So You Can Access A Financial Benefit .."
- V. "Despite Your View To The Contrary, The Commission Has No Ability To Lay A Charge Itself"

Further, your letter interprets and applies s48(2) Police Act, yet you appear to imply that you lack jurisdiction to comply with s52(1) Constitution Acts 1867 to 1982 "Any law inconsistent with .. Constitution is, to extent of the inconsistency, of no force or effect"; Nova Scotia (Workers' Compensation Board) v. Martin; Nova Scotia (Workers' Compensation Board) v. Laseur, 2003 SCC 54 (CanLII), [2003] 2 S.C.R. 504, Arzem v. Ontario (Community and Social Services), 2006 HRTO 17 (CanLII) 166. Essentially, the state of the law is that administrative tribunals lack jurisdiction to make general declarations that an impugned provision or statute is inconsistent with the Charter. The extent of their jurisdiction to grant a remedy if they find an impugned provision or statute is inconsistent with subsection 52(1) is limited to specific declaration relating to the matter before them.

"YOU HAVE BEEN PROVIDED A DETAILED REPLY BY A CPS DETECTIVE"

Stating that below mentioned response is a detailed response, is a violation of s362 Criminal Code. You did not call it a response, you called it "detailed", that is false. In consideration that you know that the trigger for the complaint is the refusal of Sgt Marquis to disclose which elements of the charge of extortion was not met, I conclude that your falsehood is deliberate with mens rae to defraud my s7 Victims Bill of Right to a complete answer. Per case law below, there is a test for a complete answer.

There are 4 elements for the charge, which of the following 4 elements of the charge of extortion is Calgary police saying was not met against Alberta Provincial Court? You and everyone else involved

are making all sorts of false statements in order to prevent the Calgary Police from having to answer this question. Clearly the motive is to protect high value criminals. The elements are;

- (i) that the accused has induced or attempted to induce someone to do something or to cause something to be done; (something done is use of sherriffs to remove of s504 s507.1 right to prosecute ABCQB)
- (ii) accused has used threats, accusations, menaces or violence; (armed sherriffs is threat of violence)
- (iii) that he or she has done so with the intention of obtaining something by the use of threats; (something obtained was s504 s507.1 right to prosecute ABCQB)
- (iv) that either the use of the threats or the making of the demand for the thing sought to be obtained was without reasonable justification or excuse.” (by documentation before ABPC and orally I told them it was a crime to refuse, I showed by case law for no jurisdiction to refuse, so extortion cannot be with reasonable justification, I showed as long as CRA retains proceeds of .. fraud anyone that helps them is an s21b criminal and that is why ABCQB (Canadian Judicial Council) is a criminal)

I urge you to reconsider this fraudulent path, in an s507.1 hearing I get to present to test for party to .. fraud and apply it to ACQB, ACOA, the Crown will be on their side, the judge will be on their side, it should be a slam dunk, what are you and ABPC afraid off? I cannot fabricate evidence from thin air, I did not write the criminal code, if party to .. fraud is not a crime they win, if it is a crime I win.

If Calgary Police believe that a court has immunity from the criminal code, let them come out repeat the s21b party to .. fraud criminal code offence of ACQB Justice Gates and I will challenge the police to point to anything in the Criminal Code or any Parliament of Canada legislation that grants a court or the Crown immunity for s504 “person” “justice system participant” “organization” prosecution.

All the judges in the world working for a life time cannot defeat me, that is why judges and police and Commission are lying like street criminals to extort my access to criminal court. I have told you several times, all the judges in Canada do not have the power or jurisdiction to remove s504 s507.1 from the criminal code, if Crown Counsel tells you different, Calgary Police should charge them for s22 person counselling and s140 public mischief and s21b party to .. fraud and s380 falsehoods etc. etc.

On Tue, Aug 29, 2017 at 12:49 PM, Hayley Marquis ... wrote: Good day Mr. Olumide, Upon conclusion of the investigation, it was determined that the elements of the alleged Criminal Code offences were not met, therefore charges were not merited. ..

Islip v. Coldmatic Refrigeration of Canada Ltd., 2002 BCCA 255 (CanLII), 2002 BCCA 255 ...an incomplete representation may amount to an actionable falsehood: ... An incomplete statement may be as misleading as a false one, and such half-truths have frequently been treated as legally significant misrepresentations. ...it is open to the court to hold that the concealment of the material facts can, when taken with general statements, true in themselves but incomplete, turn those statements into misrepresentations...

Lefrancois v Ottawa Chrysler Dodge, 2014 CanLII 54172 (ON SCSM Fraud and Negligent Misrepresentation 53. What distinguishes a fraudulent misrepresentation from a negligent misrepresentation is an absence of honest belief in its truth: Francis v. Dingman 1983 CanLII 1985 (ON CA), (1983), 43 O.R. (2d) 641 (C.A.), (1984), leave to appeal refused, 23 B.L.R. 234n (S.C.C)57. Silence and half-truths can amount to fraudulent misrepresentation. (Outaouais Synergist Inc. v. Lang Michener LLP, 2013 ONCA 526 (CanLII)).58. The duty may be breached not only by positive misstatements but also by omissions, for they may be just as misleading ...

“YOU DID NOT HAVE AN ACTIVE COMPLAINT WITH .. PROFESSIONAL STANDARDS SECTION AT THE TIME .. THEREFORE NO 45 DAY LETTER WAS REQUIRED”

This is straight from the LERB criminal playbook of deceitful subterfuge skullduggery unscrupulous statements. In any event I sent complaints to the Police Chief on activate August 29, September 18, October 22, November 1, November 20, but you say there was no active complaint with the Professional Standards Section, but you do not tell me if there is currently an active complaint or when that complaint became active or if the Chief will comply with the 45 day and subsequent update deadlines.

The real truth is that you want to protect high value criminals so you want the Professional Standards Section to refuse to activate any complaint. Over a period of 4 months there is silence from the Calgary Police Chief, like LERB, you are congratulating the Calgary Police Chief for successfully committing the ongoing crime of refusing to disclose which element of the offence of extortion was not met and inciting him to continue evading the 45 day statutory deadline by not activating any of the complaints.

“HER CORRESPONDENCE ..DOES NOT SUGGEST ... FRAUD WAS INTENDED”

The facts are that if the Calgary Police complies with statutory and constitutional duties to disclose which elements of the charge of extortion are not met, it would lead to incrimination of the police or the Alberta provincial court, there is no middle ground.

Ms. Spicer committed an s380(1a) criminal offence, as proof I enclosed the Zlatic authority, and excerpts of correspondence she read before sending me an email intended to defraud service and policy complaint rights. She had a good faith duty to clearly state the procedure for a service complaint about the chief OR policy complaint appeal, instead she committed wrongful use of statutory power to contravene the objects of Police Act with mens rae to extinguish and put my right to on merits adjudication of service complaint AND policy complaint at risk by non-disclosure of important facts, by lying that I am asking the Commission for legal advice, rather than asking the commission to fulfill statutory duties re service complaint about the chief AND policy complaint appeal.

I am also accusing you of an s380(1a) offence because a foreseeable consequence of all these false statements is that the Calgary Police will refuse to activate any of the complaints and refuse to issue a service or policy decision that can be appealed to you or the LERB. This is the intent of LERB letter, you are compliant to that deceitful subterfuge skullduggery unscrupulous intent. Please note that “it is unnecessary for a defrauding party to profit from his or her fraud in order to be convicted; it is equally unnecessary that the victims of a fraud suffer actual pecuniary loss in order that the offence be made out:”

I will yet reserve my comments on the silence of the Mayor on the application before the City, he campaigned on a friendlier city, he should know better. I will yet reserve my comments on the silence of an NDP government on the application before them, the stereotype is that the NDP are more interested in a just and equitable society, they should know better.

CPC Public Complaints Director <cpcpcd@calgarypolicecommission.ca>
Fri, Sep 15, 2017 at 5:26 PM
To: Ade Olumide Ade <ade6035@gmail.com>
Mr. Olumide –

I have received your letter. Your specific requests (which of the following elements of the charge were not met?) cannot be answered by the Commission. The Commission is the governance oversight body to the Police Service is not in a position to answer the questions you are posing. You appear to be seeking a legal opinion on the elements of a charge. Please consider seeking independent legal advice.

Heather Spicer | Public Complaint Director & Legal Counsel |

R. v. Zlatic, [1993] 2 SCR 29, 1993 CanLII 135 (SCC) ... (i) Fraud by "Other Fraudulent Means" ... However, the third category of "other fraudulent means" has been used to support convictions in a number of situations where deceit or falsehood cannot be shown. These situations include,.. non#disclosure of important facts, exploiting the weakness of another, .. Dishonesty is, of course, difficult to define with precision. It does, however, connote an underhanded design which has the effect, or which engenders the risk, of depriving others of what is theirs. J. D. Ewart, in his Criminal Fraud (1986), defines dishonest conduct as that "which ordinary, decent people would feel was discreditable as being clearly at variance with straightforward or honourable dealings" The dishonesty of "other fraudulent means" has, at its heart, the wrongful use of something in which another person has an interest, in such a manner that this other's interest is extinguished or put at risk. A use is "wrongful" in this context if it constitutes conduct which reasonable decent persons would consider dishonest and unscrupulous...it is unnecessary for a defrauding party to profit from his or her fraud in order to be convicted; it is equally unnecessary that the victims of a fraud suffer actual pecuniary loss in order that the offence be made out: ...

“THE CORE OF YOUR COMPLAINT .. CHIEF TO CONFIRM YOU ARE A VICTIM ... SO YOU CAN ACCESS A FINANCIAL BENEFIT”

This statement is deliberately misleading with mens rae to discredit me and incite the Calgary Police to continue their crime, the fact is that you know the core of my complaint is that the Calgary Police must charge the Alberta Provincial Court. I have repeatedly told you all that if you do not lay the charge I will be back in Calgary to charge the Calgary Police.

Further you know that no financial benefit program can restore my political career, ultimately the Alberta Court of Queen's Bench (Canadian Judicial Council) has power to restore my political career, but Alberta Provincial Court extorted my right to prosecute them, so charging Alberta Provincial Court would allow me to prosecute Alberta Court of Queen's Bench (Canadian Judicial Council) myself.

There is no s16 Canada Victims Bill of Right to retribute the extorted service, rather the Alberta Government, Alberta Provincial Court, Alberta Court of Queen's Bench, Alberta Court of Appeal are covering up their crimes lying that they have jurisdiction to remove my legislated access to criminal court. You are helping them with all these false statements, because you rely on these co criminals to protect you. It will take time, but in the end, the other judges and other police and other crown employees, will eventually hold you all accountable.

In light of excerpts below before you and the complaints director, I conclude that you are deliberately misrepresenting the core of my complaint AND the September 1 email from the complaints director is wrongful use of statutory power to contravene the objects of Police Act with mens rae to extinguish and put my rights to on merits adjudication of service complaint AND policy complaint at risk.

Canadian Doctors for Refugee Care v. Canada (Attorney general), 2014 FC 651, R. v. Smith (Edward Dewey), [1987] 1 SCR 1045 particularized s12 Charter test; Calgary police 21b party to assault,

extortion, ongoing .. fraud significant causation for destruction of a 15 year political career / loss of job / loss of home / \$100,000 costs reprisals fraud goes beyond what is necessary to achieve a legitimate Interpretations Act objective

VI. ...is unacceptable to a large segment of the population

VII. ...does not have any social purpose such as reformation, rehabilitation or deterrence

VIII. ...does not accord with public standards of decency or propriety

IX. ...is of such a character as to shock general conscience

X. ...is unusually severe, degrading to dignity and worth

....

Mon, May 1, 2017 at 12:45 PM

..... To: ade6035@gmail.com

We're sorry the following problem was found during review of your submitted report T17003311:

Sir, This report does not contain any information related to an offence, only Criminal Code Charges against an unknown person. Please contact your local police authority to file a report, who will in turn, contact the Calgary Police Service should follow-up in our jurisdiction be required.

Please do not reply to this email as it is not monitored.

Thank you, Calgary Police Service – Sentry ...

On May 2, I Wrote To The Calgary Police Chief;

I received enclosed email from the Calgary Police, and I would like a written explanation why the following 11 criminal code offences are not crimes?, if the Chief accepts that these are criminal code offences, then I would like a written explanation why the Calgary Police would commit s21b party to 11 offences by refusing to investigate and lay charges in order to stop an ongoing crime?

On May 17, I Wrote To The Commission Complaints Director;

"I sent enclosed complaint by email, fax and mail, but there is no response from calgary police chief, chief constable roger chaffin. I listed 11 criminal code offences; the silence of the police chief tells me that he agrees that the 11 criminal code offences are not offences. ... i am a victim because 2 people directed 2 people to steal property from me; therefore all 4 people committed a crime. I want my property back, but refusal to investigate means that the same crime could happen to me or to someone else again, this foreseeable outcome is inconsistent with police good faith duty to protect victims of crime and prevent victims of crime from being revictimised. I am the victim of crime and the refusal to investigate based on a falsehood that "report does not contain any information related to an offence" is a crime.

On May 18, I Wrote To The Commission Complaints Director;

.. Police Chief Inaction Is Encouraging Rather Than Preventing Crime Which Is Bad Faith Breach Of 41a Objects Of Police Services Act

... Legality Of Calgary Police Commission Decision

There was a threat of physical injury by a gun; there was an illegal demand that Olumide not s504 report a crime, the something obtained was s504 s507.1 s540 criminal code rights, s346 broad definition of "anything" makes Olumide a victim of s265 assault s346 intimidation and s423 extortion s380 fraud.

The Alberta Provincial Court employees had no right to refuse s504 s507.1 s540 criminal code rights, to the contrary they had a duty to comply, therefore there is no legal justification for assault, intimidation

and extortion, the only cover up justification for Alberta Provincial Court employees is illegal because, that is an 25.1(9) (11b), 139(1) (2) (3a), s380 (1) criminal code offence.

Please note that the only legal response that commission can send is a letter stating that Alberta Provincial Court employees are not committing a crime, therefore the Calgary Police is not party to the ongoing crime. If Commission does not clearly say that Alberta Provincial Court employees did not commit a crime, and if both Calgary Police and The Commission refuse to investigate and take corrective action, both are party to the same Alberta Provincial Court employees crime. Please note that s21b criminal code makes refusing good faith Police Services Act public power statutory duties in order to facilitate Alberta Provincial Court employees party to offence.

If the Calgary police refuse to lay a charge due to mens rae s21b criminal code motivation, there is an alternative remedy because the citizen can launch an s504 s507.1 s540 private prosecution to lay a charge, but when the Calgary police are helping to defraud the right to lay a charge, the Commission must intervene in the abuse of power. If the police do not lay a charge, I intend to return to lay the charge, but I don't know know if the sheriffs will be asked to assault me again.

The Calgary Police Chief inaction decision endorses the status quo of giving Alberta Provincial Court employees crime power to use sheriffs to breach s2, 7, 9, 10, 12, 15 Charter rights in order to defraud an s504 right to report a crime is a crime, because s504 is "property" "valuable service". s12 Canada Interpretations Act s10 17 Alberta Interpretations Act precludes Calgary Police / Commission from exceeding jurisdiction by contravening objects of enabling Police Services Act.

...Refusal to request an investigation is encouragement of 21, 22, 139, 140, 265, 346, 380, 423 criminal code breaches which is a contravention of objects.

I enclosed extortion case law, so that there would be no doubt that Alberta Provincial Court employees are committing an 265, 346, 423 crime by defrauding s504 property with threat of injury with a gun. The Federal Government has exclusive constitutional jurisdiction to draft the criminal code, no Alberta Provincial Court employees, JP, police, judge or any person, not even the Alberta parliament can pass legislation to defraud my s504 right to report a crime, let alone assault me to defraud s504.

...I made very specific allegations regarding Alberta Provincial Court employees. Can you confirm that assault, extortion, fraud is acceptable to the Commission, and given the same set of circumstances I should expect the same discriminatory and criminal treatment by Alberta Provincial Court employees and Calgary Police Chief?

...R. v. Davis, [1999] 3 S.C.R. 759.....

43 I begin with the grammatical and ordinary sense of "anything". The Oxford English Dictionary (2nd ed. 1989), vol. 1, defines anything as follows: "A combination of ANY and THING, in the widest sense of the latter, with all the varieties of sense belonging to ANY." The dictionary definition suggests a broad interpretation, which would include sexual favours. Such an interpretation is also supported by the immediate context of the provision. "Anything" is referred to three times in s. 305(1):.....In my view, the meaning of "anything" in the immediate context of "to extort or gain anything" and inducing any person "to do anything or cause anything to be done" is clearly in keeping with the wide, unrestricted dictionary definition, and includes sexual favours.

45 I also find that an interpretation of "anything" that includes sexual favours is suggested by the purpose and nature of the offence of extortion. Extortion criminalizes intimidation and interference with freedom of choice. It punishes those who, through threats, accusations, menaces, or

violence induce or attempt to induce their victims into doing anything or causing anything to be done. Threats, accusations, menaces and violence clearly intimidate: see *R. v. McCraw*, [1991] 3 S.C.R. 72, at p. 81; *R. v. Clemente*, [1994] 2 S.C.R. 758, at pp. 761-62. When threats are coupled with demands, there is an inducement to accede to the demands. This interferes with the victim's freedom of choice, as the victim may be coerced into doing something he or she would otherwise have chosen not to do.

...

58 For all these reasons, I agree with the British Columbia Court of Appeal in *Bird*, supra, at p. 17, that "anything" should be given a "wide unrestricted application" and that sexual favours fall "squarely within the meaning of the word 'anything' as used in the section".

R. v. Barros, 2011 SCC 51, [2011] 3 S.C.R. 368

[53] Extortion requires the Crown to establish beyond a reasonable doubt (i) that the accused has induced or attempted to induce someone to do something or to cause something to be done; (ii) that the accused has used threats, accusations, menaces or violence; (iii) that he or she has done so with the intention of obtaining something by the use of threats; and (iv) that either the use of the threats or the making of the demand for the thing sought to be obtained was without reasonable justification or excuse. ..[55] The need to view the conduct of the accused in its entirety and in context was further addressed by the Ontario Court of Appeal in *R. v. Alexander* (2005), 206 C.C.C. (3d) 233, leave to appeal refused, [2006] 1 S.C.R. v. It was argued in that case that extortion was not made out because the "threats", however distasteful, were not themselves unlawful. Doherty J.A. commented: When an accused charged with extortion has used threats in an attempt to collect a legitimate debt, the trier of fact must consider all of the circumstances, including the nature of the threat and the nature of the demand, to determine whether the Crown has proved beyond a reasonable doubt that there was no reasonable justification or excuse for the threat. [para. 84]...

[59] The first task is to identify the "something" sought by Mr. Barros by alleged threats or menaces and the person from whom this was sought. The indictment identifies the "something" as obtaining "an end to criminal proceedings against Irfan Qureshi" and accuses the appellant of seeking to obtain this by inducing or attempting "to induce Detective Kevin Brezinski to take steps" to withdraw the charges against Qureshi. ...

[60] It is true that Mr. Barros did not come right out and say that if the police did not drop the charges against Qureshi the "source" would suffer bad consequences. On the other hand, the law does not require the person accused of extortion to act clumsily and without subtlety. What is required is that the message be sent in words definite enough to convey to a person of ordinary intelligence in the position of Sgt. Brezinski, taking into account his shared police background with Mr. Barros, a threat of harm to his "secret source" if the prosecution was not ended.

[63] The trial judge took a functional approach to the existence of a threat, i.e. "whatever is communicated must be definite enough that a person of ordinary intelligence would understand it as a threat of injury" (A.R., at p. 11). What is "definite enough" will depend on the context. Having stated the test, however, the trial judge demonstrably failed to apply it. She talked the talk but demonstrably failed to walk the walk. Nowhere in the section of her reasons rejecting the existence of "threats" does she refer to any of the factual context at all. Instead, the trial judge looked at dictionary definitions of the words "threat" and "menace" which described them as "a determination or disposition to inflict an evil or injury on another person", or a "declaration of hostile determination or of loss, pain, punishment or damage to be inflicted in retribution for or conditionally upon some course". There was, it is true, no such "hostile declaration". Nor, as a matter of law, was one required..... [65] In my respectful view, the trial judge erred in law in concluding that the indirect suggestions and veiled references put forward by Mr. Barros did not in the circumstances here "qualify", as a matter of law, as "threats" for the purpose of the extortion offence. Elsewhere in her reasons, the trial judge found as facts that Mr.

Barros told Sgt. Brezinski that he knew "for sure who the source was" (A.R., at p. 16), and noted Sgt. Brezinski's testimony that "he felt that his back was against the wall" (p. 15)...

"DESPITE YOUR VIEW TO THE CONTRARY, THE COMMISSION HAS NO ABILITY TO ...LAY A CHARGE ITSELF"

You are deliberately misrepresenting the nature of the application relief before you. Issuing a policy about the s7 Canada Victims Bill of Right duty to disclose which elements of the charge is not met, is not asking you to lay a charge. Clearly you simply want to discredit me, with mens rae to incite the Calgary Police to commit ongoing crimes.

On September 1, 2017, I Wrote To The Commission;

Complaint Re Calgary Police Chief, Chief Constable Roger Chaffin;

... As you can see, the Police Chief, the Victim Services Director and the Injuries Review Board are doing indirectly what cannot be done directly.

"1) Can you help me find out which elements of the following schedule 1 crimes "266 assault, 346 extortion, 423 intimidation, 423.1 intimidation of justice system participant" were not met?"

I sent enclosed question by email to the Calgary Police Chief on August 29, but there is no response from Calgary Police Chief, Chief Constable Roger Chaffin;

"2)...there are 4 elements for the charge, which of the following elements of the charge was not met?"

(i) that the accused has induced or attempted to induce someone to do something or to cause something

to be done;

(ii) that the accused has used threats, accusations, menaces or violence;

(iii) that he or she has done so with the intention of obtaining something by the use of threats; and

(iv) that either the use of the threats or the making of the demand for the thing sought to be obtained was

without reasonable justification or excuse:"

I know that the silence of Calgary Police Chief, Chief Constable Roger Chaffin is protecting powerful friends in the judiciary, I also know he will not answer the question unless he is compelled to answer the

question. Please do not send me a fraudulent response like you cannot interfere in the decision of the police not to lay a criminal charge. I am not asking you to compel the police to lay a charge. I have a Victims Bill of Right to "information", the information I seek is "which of the following elements of the charge was not met"? This is a very simple question, if you refuse then the entire commission is guilty of an 21b, 23, s22.2, 25.1(9)(11b), 341, s380(1) Criminal Code offence of defrauding information.

I note that Sgt. S. Adair first lied that "report does not contain any information related to an offence" is a crime, now Sgt Hayley Marquis is lying that "elements of the alleged criminal code offences were not met". Sgt Hayley Marquis response proves that Sgt. S. Adair statement that the allegations are not a criminal code offence is false, but Sgt Hayley Marquis seeks the same outcome as Sgt. S. Adair because

he is lying that elements of the charge were not met, but he wants to cover up his lie by refusing to state

which element of the charge was not met. Perhaps Sgt Hayley Marquis has a right to lie to protect powerful criminals, I have a right to information, and I hereby exercise that right. With respect, anyone

who tries to defraud me of “which of the following elements of the charge was not met” is a criminal.

.....

Question For Calgary Police

2) By stating that the elements of the charge were not met, you have made a finding of fact with foreseeable consequences that Alberta Queen (Queen is Indivisible) retains the proceeds of .. fraud, commits more crimes like theft of my home through taxation of costs obtained by fraud AND Alberta Provincial Court will continue to defraud s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 Excise Tax Act 97.1 “Prosecution On Indictment” right to prosecute Alberta Court of Queen’s Bench / Her Majesty The Queen, there are 4 elements for the charge, which of the following elements of the charge was not met?

(i) that the accused has induced or attempted to induce someone to do something or to cause something to be done;

(ii) that the accused has used threats, accusations, menaces or violence;

(iii) that he or she has done so with the intention of obtaining something by the use of threats; and

(iv) that either the use of the threats or the making of the demand for the thing sought to be obtained was without reasonable justification or excuse:

When a crime is committed, laying a charge is discretionary, but discretion implies good faith, that means consistent with the objects of Police Act. Can you sight an example of police committing s21b criminal code offence by refusing to lay the charge when there is irrefutable evidence that the criminal is holding onto to proceeds of the crime? Suppose a criminal stole your car, and you track down the criminal, and the police refuse to recover your car despite in writing confession by the criminal that they stole your car because the criminal lies that s296 Excise Tax Act s23 s95 Financial Administrations Act s12 Charter s380 Criminal Code is not ongoing duty to return a stolen car;

I. Can police and the court and victims services breach 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, s380(1) by preventing you from retaking your car by lying that car theft is not a crime?

Authority for “Course Of Conduct Considered In Its Entirety”- R. v. Barros, 2011 SCC 51, [2011] 3 S.C.R. 368 [53] Extortion requires the Crown to establish beyond a reasonable doubt (i) that the accused has induced or attempted to induce someone to do something or to cause something to be done; (ii) that the accused has used threats, accusations, menaces or violence; (iii) that he or she has done so with the intention of obtaining something by the use of threats; and (iv) that either the use of the threats or the making of the demand for the thing sought to be obtained was without reasonable justification or excuse: see R. v. Ntarelli, [1967] S.C.R. 539; D. Watt, Watt’s Manual of Criminal Jury Instructions (2005).

[54] Of particular pertinence in Ntarelli is the instruction by Cartwright J. (later Chief Justice), speaking for the Court, that “one item in the accused’s course of conduct” is not to be isolated, but taken in the context of the “course of conduct considered in its entirety” (p. 546). Although Cartwright J. was speaking in relation to whether the conduct was “justifiable or excusable”, his observation applies with equal force to all of the elements of the charge of extortion.

[55] The need to view the conduct of the accused in its entirety and in context was further addressed by the Ontario Court of Appeal in R. v. Alexander (2005), 206 C.C.C. (3d) 233, leave to appeal refused, [2006] 1 S.C.R. v. It was argued in that case that extortion was not made out because the “threats”, however distasteful, were not themselves unlawful. Doherty J.A. commented: When an accused charged with extortion has used threats in an attempt to collect a legitimate debt, the trier of fact must consider all of the circumstances, including the nature of the threat and the nature of the demand, to determine whether the Crown has proved beyond a reasonable doubt that there was no reasonable justification or excuse for the threat. ...

[59] The first task is to identify the “something” sought by Mr. Barros by alleged threats or menaces and the person from whom this was sought. The indictment identifies the “something” as obtaining “an end to criminal proceedings against Irfan Qureshi” ...

[61] The key element, as the Court recognized in *R. v. Davis*, [1999] 3 S.C.R. 759, is the relationship between the alleged threats, etc. and the complainant’s freedom of choice:

Extortion criminalizes intimidation and interference with freedom of choice. It punishes those who, through threats, accusations, menaces, or violence induce or attempt to induce their victims into doing anything or causing anything to be done. . . . [T]he victim may be coerced into doing something he or she would otherwise have chosen not to do. [References omitted; para. 45.]

Accordingly, a veiled reference may constitute a threat if it is sufficient, in light of all the circumstances, to convey to the complainant the consequences which he or she fears or would prefer to avoid: *R. v. McClure* (1957), 22 W.W.R. 167 (Man. C.A.), at p. 172. The courts have elsewhere adopted a similar contextual interpretation: *R. v. Hodson*, 2001 ABCA 111, 92 Alta. L.R. (3d) 262, at paras. 11-13; *R. v. Pelletier* (1992), 71 C.C.C. (3d) 438 (Que. C.A.).

[62] The trial judge emphasized at several points the absence of an explicit demand but Mr. Barros conveyed his threat more subtly for example by referring to what had happened in other cases where an informer was identified, i.e. the charges were dropped. Mr. Barros himself readily acknowledged in his statement to the police that “[t]he Policeman’s responsibility [is] to protect the source. I’ve gone through that, I’ve lost major cases [because] of having to protect my source” (R.R., vol. IV, at p. 35).

[63] The trial judge took a functional approach to the existence of a threat, i.e. “whatever is communicated must be definite enough that a person of ordinary intelligence would understand it as a threat of injury” (A.R., at p. 11). What is “definite enough” will depend on the context.

.... [65] In my respectful view, the trial judge erred in law in concluding that the indirect suggestions and veiled references put forward by Mr. Barros did not in the circumstances here “qualify”, as a matter of law, as “threats” for the purpose of the extortion offence. Elsewhere in her reasons, the trial judge found as facts that Mr. Barros told Sgt. Brezinski that he knew “for sure who the source was” (A.R., at p. 16), and noted Sgt. Brezinski’s testimony that “he felt that his back was against the wall” (p. 15). She observed “there is no doubt that Barros knew from his background what kinds of things would probably be going through Brezinski’s mind as the topic of an informant came up” (p. 15). Moreover, she emphasized the statement of Mr. Barros, heavy with portent, that “[w]e don’t want to get anyone hurt here” (p. 17). “[T]he evidence establishes”, she wrote, “that Barros knew as well as anyone, much better than the Court, for example, how dangerous it would be in these circumstances for the identity of an informant to be revealed” (p. 16).

R. v. Zlatic, [1993] 2 SCR 29, 1993 CanLII 135 (SCC) 1. ... the actus reus of fraud will be established by proof of: 1. the prohibited act, be it an act of deceit, a falsehood or some other fraudulent means; and 2. deprivation caused by the prohibited act, which may consist in actual loss or the placing of the victim's pecuniary interests at risk. Correspondingly, the mens rea of fraud is established by proof of: 1. subjective knowledge of the prohibited act; and 2. subjective knowledge that the prohibited act could have as a consequence the deprivation of another (which deprivation may consist in knowledge that the victim's pecuniary interests are put at risk). (i) Fraud by "Other Fraudulent Means" ... Most frauds continue to involve either deceit or falsehood. As is pointed out in *Théroux*, proof of deceit or falsehood is sufficient to establish the actus reus of fraud; no further proof of dishonest action is needed. However, the third category of "other fraudulent means" has been used to support convictions in a number of situations where deceit or falsehood cannot be shown. These situations include, to date, the use of corporate funds for personal purposes, non-disclosure of important facts, exploiting the weakness of another, unauthorized diversion of funds, and unauthorized arrogation of funds or property: Dishonesty is, of course, difficult to define with precision. It does, however, connote an underhanded design which has the effect, or which engenders the risk, of depriving others of what is

theirs. J. D. Ewart, in his *Criminal Fraud* (1986), defines dishonest conduct as that "which ordinary, decent people would feel was discreditable as being clearly at variance with straightforward or honourable dealings" (p. 99). The dishonesty of "other fraudulent means" has, at its heart, the wrongful use of something in which another person has an interest, in such a manner that this other's interest is extinguished or put at risk. A use is "wrongful" in this context if it constitutes conduct which reasonable decent persons would consider dishonest and unscrupulous.... The authorities make it clear that it is unnecessary for a defrauding party to profit from his or her fraud in order to be convicted; it is equally unnecessary that the victims of a fraud suffer actual pecuniary loss in order that the offence be made out: ...

Judicial Immunity

Since you are refusing to tell me which element of the charge was not met, I speculate that you think that the Alberta Provincial Court is immune from criminal prosecution. This is false, see; Alberta Provincial Courts Act 2000 Chapter P-31 Action for damages 9.51(1) No action may be brought against a judge for any act done or omitted to be done in the execution of the judge's duty or for any act done in a matter in which the judge has exceeded the judge's jurisdiction unless it is proved that the judge acted maliciously and without reasonable and probable cause. ... (5) The Minister of Justice and Solicitor General may make a payment for damages or costs, including lawyer's charges incurred by the judge in respect of an act, omission or matter described in subsection (1), (2) or (3).

Judicial independence is not defined in the constitution, the myth that judicial independence is judicial immunity is propagated by judges for the benefit of judges. Judges allege that immunity is not to protect judges, but to protect the public, but if 65(2) Judges Act does not include deliberate falsehoods in a court order with mens rae to defraud prosecution of ongoing .. fraud jurisdiction, that decision will both erode "public confidence" that immunity seeks to protect.

Judicial immunity is a common law doctrine that is subservient to the constitutional rule of law right to self defence from ongoing crimes that includes party .. fraud. Alberta Court o Queens Bench Member of Canadian Judicial Council was created for the primary purpose of implementing attorney general "traditional constitutional role of protecting the public interest in the administration of justice" *Cosgrove v. Canadian Judicial Council*, [2007] 4 FCR 714, 2007 FCA 103 (CanLII) by reprimand or removal judges for misconduct, this primary purpose *Madadi v. B.C. (Ministry of Education)*, 2012 BCHRT 380 (CanLII) means Member of Canadian Judicial Council lacks immunity.

Madadi v. B.C. (Ministry of Education), 2012 BCHRT 380 (CanLII) [71] ...The difficulty with these decisions is that they appear to have carved out an exemption to the application of human rights legislation based on a common law principle. In the words of the Supreme Court in *Ocean Port*, the Tribunal has elevated a common law rule to constitutional status. [72]... While it is open to a Court to define the scope and application of common law concepts such as negligence, *Bolster* makes clear that it is not similarly open to read down human rights legislation on the basis of common law principle. [73] It could be argued that the constitutional guarantee of independence extends to certain tribunals and may be inconsistent with the application of the human rights legislation to certain Court-like functions carried out by those tribunals. It does not appear, however, that the argument has never been addressed to date by the OHRT. As a result, I am driven to conclude that the decisions of the OHRT to date, with respect to the immunity issue, is of little persuasive value in British Columbia ...Conclusion Respecting Judicial Immunity [74] While the decisions of both our Courts and the Ontario Human Rights Tribunal express that there are sound reasons for immunizing judicial and quasi-judicial decision makers from civil suit: promoting finality of decision-making and the public interest in the integrity of the

justice system, a key element of which is impartial and independent decision makers, constitutional judicial immunity does not apply to the hearing process of the TRB. As expressed in *Ocean Port*, “While tribunals may sometimes attract Charter requirements of independence, as a general rule they do not”. Certainly it is clear that the TRB was created for the primary purpose of implementing government policy respecting education. It therefore does not attract constitutional guarantees of independence in my view. I am driven to the conclusion that judicial immunity does not apply to the processes of the TRB whether they be those functions that may be performed interchangeably by Courts or tribunals, such as the discipline hearing in this case or responsibilities related to the sort of policy-driven adjudicative responsibilities that could not be performed by the Courts.

Bourbonnais v. Canada (Attorney General), [2006] 4 FCR 170, 2006 FCA 62 (CanLII) [26]... Sexton J.A., after reviewing the Canadian authorities on this point and, in particular, the decision of the Supreme Court of Canada in *Morier et al. v. Rivard*, 1985 CanLII 26 (SCC), [1985] 2 S.C.R. 716, and the decisions of the Quebec Court of Appeal in *Royer v. Mignault* (1998), 1988 CanLII 445 (QC CA), 50 D.L.R. (4th) 345 (Que. C.A.) leave to appeal to the Supreme Court refused, [1988] 1 S.C.R. xiii, and *Proulx v. Quebec (Attorney General)* (1997), 1997 CanLII 10286 (QC CA), 145 D.L.R. (4th) 394 (Que. C.A.), in which the Court of Appeal adopted the bad faith exception formulated by Lord Denning in *Sirros*, concluded as follows at paragraph 41: ... judicial immunity does not apply where it is shown that a judge knowingly acts beyond his jurisdiction....[28]In the case at bar, the appellant does not contend that he is entitled to judicial immunity in regard to the criminal prosecution that has been brought against him. In my opinion, there would be no merit whatsoever to any such claim. As Lord Denning stated in *Sirros*, at page 782: “Of course, if the judge has ...has perverted the course of justice, he can be punished in the criminal courts.” ...[30]It is clear from some of the cases discussed above, however, that the immunity of judges from criminal liability is not total. In this respect the law of England is the same as that of the USA. Excepting the general principles of immunity discussed above, any judicial officer who violates the criminal law would be as liable therefore as any other private person. According to Woodhouse J. of the New Zealand Court of Appeal, “a judge can, of course, be made to answer, and in a proper case, pay dearly, for any criminal misconduct. Like any other citizen criminal proceedings may be brought against him.” This is because “criminal conduct is not part of the necessary functions performed by public official”... The defence of judicial immunity from indictment was rightly rejected in both *Braatelein v. United States* and *United States v. Hastings* (above). The law on immunity from criminal liability was aptly summed up by White J. of the US Supreme Court in *O’Shea v. Littleton*, We have never held that the performance of the duties of judicial . . . officers requires or contemplates the immuni-zation of otherwise criminal deprivations of constitutional rights . . . on the contrary the judicially fashioned doctrine of official immunity does not reach so far as to immunize criminal conduct proscribed by an Act of Congress. A principle similar to this would probably apply (with appropriate modifications) in most common#law jurisdictions.

Gonzalez v. Ministry of Attorney General, 2009 BCSC 639 (CanLII) [35] ...After reviewing the English authorities, credited as the source of the law in respect of superior court judicial immunity, Chouinard J., writing for the Majority, says that judicial immunity is absolute except possibly when, “a judge who in bad faith did something he knew he did not have the jurisdiction to do, or ... a judge who was not acting in the course of his judicial duties knowing that he had no jurisdiction to act”

Taylor v. Canada (Attorney General), [2000] 3 FCR 298, 2000 CanLII 17120 (FCA) [60]Finally, in my view, the exception to absolute immunity established in *Sirros v. Moore* is an extremely narrow one. It will be the rare case indeed where a plaintiff can show that a judge acted with the knowledge that he or she had no jurisdiction. The example cited by Lord Bridge in *McC v. Mullan* demonstrates both the need for an exception to the judicial immunity principle, as well as the limited nature of the exception..

J.W. Abernethy Management & Consulting Ltd. v. 705589 Alberta Ltd. and Trillium Homes Ltd., 2005 ABCA 103 (CanLII) [24]... The only exception is when a judge "knowingly acts outside of official capacity; without a good faith belief of jurisdiction": S.G. v. Larochelle (2004), 355 A.R. 46, 2004 ABQB 123 (CanLII) at para. 10; aff'd 2005 ABCA 111 (CanLII), citing Royer v Mignault (1988), 1988 CanLII 445 (QC CA), 50 D.L.R. (4th) 345 at 354 (Que. C.A.). Judicial immunity clearly extends to Queen's Bench judicial settlement processes, including binding JDR's. See Condessa Z Holdings Ltd. v. Rusnak (1993), 1993 CanLII 5526 (SK CA), 109 Sask. R. 170 (C.A.).

Royer c. Mignault, 1988 CanLII 445 (QC CA) Immunity of Superior Court Judges What he does may be outside his jurisdiction - in fact or in law - but so long as he honestly believes it to be within his jurisdiction, he should not be liable. Once he honestly entertains this belief, nothing else will make him liable. He is not to be plagued with allegations of malice or ill-will or bias or anything of the kind. Actions based on such allegations have been struck out and will continue to be struck out. Nothing will make him liable except it be shown that he was not acting judicially, knowing that he had no jurisdiction to do it.... In McC. c. Mullan, (1984) 3 All E.R. 908, 816, Lord Bridge of Harwich stated: ...It is, of course, clear that the holder of any judicial office who acts in bad faith, doing what he knows he has no power to do, is liable in damages. If the Lord Chief Justice himself, on the acquittal of a defendant charged before him with a criminal offence, were to say, "That is a perverse verdict," and thereupon proceed to pass a sentence of imprisonment, he could be sued for trespass. ... I conclude, therefore, that a superior court judge is protected by absolute immunity from any civil liability for anything he does or says in the performance of his functions as a judge. He will not be liable in damages unless he acts outside of his jurisdiction knowing that he has no power to do what he does.

Future Inns Canada Inc. v. Nova Scotia (Labour Relations Board), 1999 CanLII 2477 (NS CA) [113].. the Board and its members are protected from a civil action for damages arising out of any acts committed by them, provided the acts are committed in the course of judicial duties, and provided further that a member may lose his or her immunity if while acting in bad faith they did something which he or she knew he or she did not have the jurisdiction to do, or while not acting in the course of judicial duties knew that he or she had no jurisdiction to act.

Morier et al. v. Rivard et al (1985), 1985 CanLII 26 (SCC), 23 D.L.R. (4th) 1 (S.C.C.), the majority considered the extent and nature of the immunity conferred on superior court judges in Canada, and concluded that it is essentially absolute, allowing for potential liability only where a judge is shown to have knowingly exceeded his jurisdiction in bad faith.

Robert Craig Waters. Tort & Insurance Law Journal, Spr. 1986 21 n3, p509-516" "Federal tort law: judges cannot invoke judicial immunity for acts that violate litigants civil rights;

Piper v. Pearson, id., 2 Gray 120. ... entitlement to immunity, the U.S. Supreme Court focused upon the nature of the act: is it an act ordinarily performed by a Judge? But an act done in complete absence of all jurisdiction cannot be a judicial act. It is no more than the act of a private citizen, pretending to have judicial power which does not exist at all. In such circumstances, to grant absolute judicial immunity is contrary to the public policy expectation that there shall be a Rule of Law.

State use of Little v. U.S. Fidelity & Guaranty Co., 217 Miss. 576, 64 So. 2d 697. When a judicial officer acts entirely without jurisdiction or without compliance with jurisdiction requisites he may be held civilly liable for abuse of process even though his act involved a decision made in good faith, that he had jurisdiction.

Ableman v. Booth, 21 Howard 506 (1859). "No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence."

Bradley v. Fisher, 13 Wall. 335, 20 L.Ed. 646 (1872) "Where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction."

Rankin v. Howard, (1980) 633 F.2d 844, cert den. Zeller v. Rankin, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326. When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost.

Ashelman v. Pope, 793 F.2d 1072 (1986), the Ninth Circuit, en banc, criticized the "judicial nature" analysis it had published in Rankin as unnecessarily restrictive. But Rankin's ultimate result was Judge Howard had been independently divested of absolute judicial immunity by his complete lack of jurisdiction.

Stump v. Sparkman, id., 435 U.S. 349 Some urge that any act "of a judicial nature" entitles the Judge to absolute judicial immunity. But in a jurisdictional vacuum, (that is, absence of all jurisdiction) the second prong necessary to absolute judicial immunity is missing.

Davis v. Burris, 51 Ariz. 220, 75 P.2d 689 (1938) judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action...

Verge Insurance Brokers Limited et al. v Richard Sherk et al., 2015 ONSC 4044 (CanLII) inherent jurisdiction defined [59] "Inherent jurisdiction is a power derived from the very nature of the court as a superior court of law, permitting the court to maintain its authority and to prevent its process being obstructed and abused": see Stelco Inc. (Re), 2005 CanLII 8671 (ON CA) at para. 34, citing with approval I. H. Jacob, "The Inherent Jurisdiction of the Court" (1970), 23 Current Legal Problems at pp. 27-28. [60] "[T]he inherent jurisdiction of the court is . . . a residual source of powers, which the court may draw upon as necessary whenever it is just or equitable to do so": see Halsbury's Laws of England, 4th ed. (London: LexisNexis UK, 1973), vol. 37, at para. 14.

(b)inherent jurisdiction is not to conflict with Rule [61] "[T]he inherent jurisdiction of the Court of Queen's Bench is not such as to empower a judge of that Court to make an order negating the unambiguous expression of the legislative will": see Baxter Student Housing Ltd. et al. v. College Housing Co-operative Ltd. et al., 1975 CanLII 164 (SCC), [1976] 2 S.C.R. 475 at p. 480.[62] "Inherent jurisdiction cannot, of course, be exercised so as to conflict with a statute or Rule": see Montreal Trust Company et al. v. Churchill Forest Industries (Manitoba) Limited, [1971] 4 W.W.R. 542 at p. 547, cited with approval in Baxter Student Housing Ltd. et al. v. College Housing Co-operative Ltd...

(c) inherent jurisdiction limited to filling gaps [63] "In spite of the expansive nature of this power, inherent jurisdiction does not operate where Parliament or the legislature has acted": see Stelco Inc. (Re), supra, at para. 35. [64] Inherent jurisdiction is "not limitless; if the legislative body has not left a functional gap or vacuum, then inherent jurisdiction should not be brought into play": see Royal Oak Mines Inc. (Re), 1999 CanLII 14843 (ON SC), [1999] O.J. No. 864 (Gen. Div.), cited with approval in Stelco Inc. (Re), ibid.[65] "[W]here the usefulness of the powers under the Rule ends, the usefulness of the powers of inherent jurisdiction begins . . . they are wider and more extensive powers . . . filling any gaps left by the Rules . . .": see I. H. Jacob, "The Inherent Jurisdiction of the Court" (1970), 23 Current Legal Problems at pp. 50-51. [66] Furthermore, s. 146 of the Courts of Justice Act, R.S.O. 1990, c. C.43 restricts the scope of inherent jurisdiction to situations where there is an "absence of express provision for procedures . . .": 146. Where procedures not provided – Jurisdiction conferred on a court,

a judge or a justice of the peace shall, in the absence of express provision for procedures for its exercise in any Act, regulation or rule, be exercised in any manner consistent with the due administration of justice.

Freeman v. Canada (Citizenship and Immigration), 2013-10-23, 2013 FC 1065, IMM-6304-12, Legal Principles Relating to the Concept of Bad Faith ...[24] The Supreme Court also stated in Roncarelli that "good faith" means "... carrying out the statute according to its intent and for its purpose; it means good faith in acting with a rational appreciation of that intent and purpose and not with an improper intent and for an alien purpose...". According to the Court, "good faith" does not mean acting "for the purposes of punishing a person for exercising an unchallengeable right" and "it does not mean arbitrarily and illegally attempting to divest a citizen of an incident of his civil status": at para. 46....[26] While bad faith certainly includes situations where there is intentional fault on the part of a decision-maker (as was the case in Roncarelli), evidence of actual malice or intent to harm is not required in order to rebut the presumption of good faith: Finney v. Barreau du Québec, 2004 SCC 36, [2004] 2 S.C.R. 17, at para. 40. [27] As the Supreme Court observed in Entreprises Sibeca, above at para. 26, in addition to deliberate acts, the concept of bad faith can include "acts that are so markedly inconsistent with the relevant legislative context that a court cannot reasonably conclude that they were performed in good faith". [28] Direct evidence of bad faith is not required. It can, in the appropriate case, be inferred from the surrounding circumstances: Finney, at paras. 37-39, Enterprises Sibeca, above at para. 26. [29] "Bad faith" can encompass serious carelessness or recklessness. Indeed "recklessness implies a fundamental breakdown of the orderly exercise of authority, to the point that absence of good faith can be deduced and bad faith presumed":

Roncarelli v. Duplessis 1959 CanLII 50 (SCC), [1959] S.C.R. 121,there is no such thing as absolute and untrammelled "discretion", that is that action can be taken on any ground or for any reason that can be suggested to the mind of the administrator; no legislative Act can, without express language, be taken to contemplate an unlimited arbitrary power exercisable for any purpose, however capricious or irrelevant, regardless of the nature or purpose of the statute. Fraud and corruption in the Commission may not be mentioned in such statutes but they are always implied as exceptions. "Discretion" necessarily implies good faith in discharging public duty; there is always a perspective within which a statute is intended to operate; and any clear departure from its lines or objects is just as objectionable as fraud or corruption.

.....

Premier Hon. Rachel Notley, premier@gov.ab.ca 307 Legislature Building 10800 - 97 Avenue, Edmonton, AB T5K 2B6 Phone: 780.427.2251 Fax: 780.427.1349 Constituency Office, Strathcona Professional Centre Suite 101, 10328 - 81 Avenue NW Edmonton, AB, Canada T6E 1X2 Phone: 780.414.0702 Fax: 780.414.0703 Email: edmonton.strathcona@assembly.ab.ca

....From .. Ade Olumide, Tel 613 265 6360, fax 613 832 2051, ade6035@gmail.com, ...Dec. 5, 2017

.... Alberta Government Jurisdiction

This is an admission that you have read the content of the following facts in November 17 Notice of Application, you consider them to be true, and knowingly commit a crime by refusing LERB Application actions that are within the constitutional jurisdiction of your government;

Crimes By Alberta Crown Counsel Criminal- 3

Crimes By Alberta Victims Services- 10

Crimes By Alberta Law Enforcement Review Board "LERB"- 16

Crimes By Alberta Criminal Injuries Review Board "CIRB"- 18

October 4 Letter and Notice Of Application To Alberta Criminal Injuries Board- 77

October 16, 2017, Notice Of Motion / Notice Of Constitutional Question To Alberta Law Enforcement Review Board- 87

September 28, Notice Of Motion / Notice Of Appeal To Alberta Law Enforcement Review Board- 101

I await your disposition of the November 18 application relief already before you, failure to grant the relief below is an s21b party to criminal offences by Alberta Law Enforcement Review Board;

Further to my letter dated November 17, please accept this formal request for 2, 3, 3.1, 17(1c), 30, 62 Police Act Minister Direction that the Alberta law Enforcement Review Board to hold an inquiry to determine enclosed relief;

5) Declaration that s48(2) Police Act is unconstitutionally narrow as excluding an s12 Charter abuse of process refusal to issue an 47(5) decision re 42.1 complaint about fraudulent concealment of which elements of the charge of assault and extortion against Alberta Provincial Court were not met, 48(2) should read "within 6 months of lack of 47(5) decision, upon expiration of 44(11) deadline";

6) Declaration that the police shall disclose which elements of the charge of assault and extortion against Alberta Provincial Court were not met within 30 days OR issue 47(5) decision on why 21b, 22.2 Criminal Code, s2(b,e) Canada Bill of Rights against criminal cruel revictimization of victim principle of fundamental justice s12 Charter right, Johnston, RWDSU, Gosselin, Islip is not a positive obligation to disclose which elements of the charge were not met.

7) Declaration that s12 Charter, objects s7 Canada Victims Bill of Right to information about the outcome of an investigation, includes outcome of investigation of each element of charge, it is a breach of the rule of law against absurd Rizzo & Rizzo Shoes Ltd. (Re), [1998] 1 SCR 27 statutory interpretation to interpret s7 as excluding "which elements of the charge were not met" and if met, why the charge was not laid.

8) Declaration that whether an accused is charged or not was public information before the Canada Victims Bill of Right, s7 is a new expanded right to the outcome of each element of a charge positive obligation Gosselin v. Québec (Attorney General), [2002] 4 SCR 429 , violation by inaction Johnston et al. v. Prince Edward Island, 1995 CanLII 10509 right to complete Islip v. Coldmatic Refrigeration of Canada Ltd., 2002 BCCA 255 outcome of investigation.

9) Declaration that no person has jurisdiction to change objects s6 s7 s16 Canada Victims Bill of Rights OR jurisdiction to an unconstitutionally narrow interpretation of s7 "outcome of investigation" s16 "right to have the court consider making a restitution order", because that change would violate the rule of law against arbitrary (contrary to objects of Victims Bill of Rights) statutory interpretation.

Your Judicial Independence Comments

The Alberta Law Enforcement Review Board is a Tribunal, that lacks the constitutional judicial independence, its primary purpose is to implement government policy Madadi , therefore the Alberta Government cannot use judicial independence to defraud the application.

Madadi v. B.C. (Ministry of Education), 2012 BCHRT 380 (CanLII) [71] ...The difficulty with these decisions is that they appear to have carved out an exemption to the application of human rights legislation based on a common law principle. In the words of the Supreme Court in Ocean Port, the Tribunal has elevated a common law rule to constitutional status. [72]... While it is open to a Court to

define the scope and application of common law concepts such as negligence, Bolster makes clear that it is not similarly open to read down human rights legislation on the basis of common law principle. [73] It could be argued that the constitutional guarantee of independence extends to certain tribunals and may be inconsistent with the application of the human rights legislation to certain Court-like functions carried out by those tribunals. It does not appear, however, that the argument has never been addressed to date by the OHRT. As a result, I am driven to conclude that the decisions of the OHRT to date, with respect to the immunity issue, is of little persuasive value in British Columbia. Conclusion Respecting Judicial Immunity [74] While the decisions of both our Courts and the Ontario Human Rights Tribunal express that there are sound reasons for immunizing judicial and quasi-judicial decision makers from civil suit: promoting finality of decision-making and the public interest in the integrity of the justice system, a key element of which is impartial and independent decision makers, constitutional judicial immunity does not apply to the hearing process of the TRB. As expressed in Ocean Port, "While tribunals may sometimes attract Charter requirements of independence, as a general rule they do not". Certainly it is clear that the TRB was created for the primary purpose of implementing government policy respecting education. It therefore does not attract constitutional guarantees of independence in my view. I am driven to the conclusion that judicial immunity does not apply to the processes of the TRB whether they be those functions that may be performed interchangeably by Courts or tribunals, such as the discipline hearing in this case or responsibilities related to the sort of policy-driven adjudicative responsibilities that could not be performed by the Courts.

If Alberta Law Enforcement Review Board were a court, the following would still apply;

1. The presumption is wrong decisions are errors in law, but if I prove beyond all reasonable doubt that LERB did not make an error, but lied about jurisdiction to hear the constitutional question with bad faith mens rae to defraud valuable service, LERB can be charged in criminal court.
2. When LERB acts without jurisdiction to defraud a statutory right to a constitutional question, common law civil adjudicative immunity cannot be engaged without adjudication decision.
3. When LERB acts without jurisdiction to defraud a statutory right to an appeal by indirectly asking the Calgary Police and Calgary Police commission not to make a decision that can be appealed, common law civil adjudicative immunity cannot be engaged without adjudication of an appeal.
4. The s22.2 Criminal Code test "with the intent at least in part to benefit the organization" to charge any organization including LERB is met, because refusing to hear the application benefits Alberta.
5. Parliament created a 25.1(9) Criminal Code .. fraud test that applies to all public officers including LERB "act or omission that would otherwise constitute an offence and that would be likely to result in loss of or serious damage to property".
6. Parliament created a 25.1(11b) Criminal Code "wilful attempt in any manner to obstruct, pervert or defeat the course of justice" test, synonymous with the text in s139 applies to LERB.
7. Criminal Code s504 "person" "justice system participant" "organization" includes LERB.
8. 139(2) obstruction of justice "(2) Every one who wilfully attempts in any manner other than a manner described in subsection (1) to obstruct, pervert or defeat the course of justice is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years." applies to LERB.

9. The Parliament of Canada has exclusive constitutional criminal law jurisdiction and it has not given anyone immunity from the Criminal Code, even the Alberta Government was not given immunity from the Criminal Code. Constitution Acts 1867 to 1982 Legislative Authority of Parliament of Canada 91 'Criminal Law... including the Procedure in Criminal Matters;

10. Civil law is provincial constitutional jurisdiction, however PEI, Alberta, Manitoba has permitted charging a court in civil court, therefore if LERB is a court, it can be charged.

11. The common law doctrine of civil adjudicative immunity cannot overrule the s12 Charter or the constitutional rule of law that a criminal shall not be permitted to keep the proceeds of crime. Canadian Doctors for Refugee Care v. Canada (Attorney general), 2014 FC 651, R. v. Smith (Edward Dewey), [1987] 1 SCR 1045 particularized s12 Charter test; LERB 21b party to causation for destruction of a 15 year political career / loss of job / loss of home / \$100,000 costs fraud;

- a) ...goes beyond what is necessary to achieve a legitimate Interpretations Act objective
- b) ...is unacceptable to a large segment of the population
- c) ...does not have any social purpose such as reformation, rehabilitation or deterrence
- d) ...does not accord with public standards of decency or propriety
- e) ...is of such a character as to shock general conscience
- f) ...is unusually severe, degrading to dignity and worth

12. LERB lacks jurisdiction to change s52(1) Constitution Acts 1867 to 1982 "Any law inconsistent with .. Constitution is, to extent of the inconsistency, of no force or effect"; Nova Scotia (Workers' Compensation Board) v. Martin; Nova Scotia (Workers' Compensation Board) v. Laseur, 2003 SCC 54 (CanLII), [2003] 2 S.C.R. 504, Arzem v. Ontario (Community and Social Services), 2006 HRTO 17 (CanLII) 166. Essentially, the state of the law is that administrative tribunals lack jurisdiction to make general declarations that an impugned provision or statute is inconsistent with the Charter. The extent of their jurisdiction to grant a remedy if they find an impugned provision or statute is inconsistent with subsection 52(1) is limited to specific declaration relating to the matter before them.

13. LERB lacks of jurisdiction to change s21b, s22.2, s25.1(9)(11b), s139, s380(1a) Criminal Code

14. LERB lacks of jurisdiction to change preamble objects and s9, s10, s12 Charter

15. LERB lacks of jurisdiction to change preamble objects and s2(b,e) Canada Bill of Rights against criminals' revictimization of victim with mens rae to retain proceeds of crime principle of fundamental justice

16. LERB lacks of jurisdiction to change s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights

17. LERB lacks of jurisdiction to change s11 s12 s13 s21 s34 Canada Interpretation Act

18. Common law test for malicious failure to prosecute is binding on LERB. Paquette v. Desrochers, 2000 CanLII 22729 (ON SC)...In law, can the Attorney General be liable in tort for damages occasioned by a malicious failure to prosecute? [16] The operative word is malicious. It seems to me that if the malicious initiation and continuation of prosecutions is an actionable tort, its corollary must also be available, namely a malicious failure to prosecute. One can contemplate a situation where, as a result of proven malice, an accused is not prosecuted for a vicious attack upon a victim. Subsequently, the same individual viciously attacks the same victim, once again occasioning severe bodily harm. Surely, if malice can be proved, the failure to prosecute may well be alleged as a cause giving rise to

the subsequent damage. I conclude that such a cause of action could be maintained and would accord with the public policy considerations expounded by the Supreme Court of Canada in *Nelles*.

19. Rule of law that a criminal should not be permitted to keep the proceeds of his crime is binding on LERB; *Garland v. Consumers' Gas Co.*, [2004] 1 S.C.R. 629, 2004 SCC 25, 52...Criminal Code are *intra vires* the level of government that enacted them....overriding public policy consideration in this case is the fact that the LPPs were collected in contravention of the Criminal Code. As a matter of public policy, a criminal should not be permitted to keep the proceeds of his crime.

20. Rule of law against absurd interpretation of Police Act is binding on LERB; *Rizzo & Rizzo Shoes Ltd. (Re)*, [1998] 1 SCR 27, 1998 CanLII 837 (SCC) 27 consequences...are incompatible with both the object of the Act..It is a well established principle of statutory interpretation that the legislature does not intend to produce absurd consequences. According to *Côté*, *supra*, an interpretation can be considered absurd if it leads to ridiculous or frivolous consequences, if it is extremely unreasonable or inequitable, if it is illogical or incoherent, or if it is incompatible with other provisions or with the object of the legislative enactment ... *Sullivan* echoes these comments noting that a label of absurdity can be attached to interpretations which defeat the purpose of a statute or render some aspect of it pointless or futile ...

21. Rule of law against arbitrary application of statutory power is binding on LERB; *Roncarelli v. Duplessis* 1959 CanLII 50 (SCC), [1959] S.C.R. 121,there is no such thing as absolute and untrammelled "discretion", that is that action can be taken on any ground or for any reason ...; no legislative Act can... be taken to contemplate an unlimited arbitrary power exercisable for any purpose, however capricious or irrelevant, regardless of the nature or purpose of the statute. ... "Discretion" necessarily implies good faith in discharging public duty; ... any clear departure from its lines or objects is just as objectionable as fraud or corruption.

22. Rule of law against elevating LERB power above the constitution is binding on LERB; "*RWDSU v. Dolphin Delivery Ltd.*, [1986] 2 SCR 573, 1986 CanLII 5 (SCC) The Charter will apply to any rule of the common law that ...directs an abridgement of a guaranteed right...if an...order would infringe a Charter right, the Charter will apply to preclude the order, and, by necessary implication, to modify the common law rule... courts are, of course, bound by the Charter;"

23. Positive obligation not to ignore LERB party to s9, s10, s12 Charter violations is binding on LERB; *Gosselin v. Québec (Attorney General)*, [2002] 4 SCR 429, 2002 SCC 84... By enacting the Social Aid Act, the Quebec government triggered a state obligation...C. Negative vs. Positive Rights and the Requirement of State Action [319] ... rights include a positive dimension, such that they are not merely rights of non-interference but also what might be described as rights of "performance", then they may be violable by mere inaction...,

24. Rule of law against using statutory power in bad faith is binding on LERB; *Freeman v. Canada (Citizenship and Immigration)*, 2013-10-23, 2013 FC 1065, IMM-6304-12, "good faith" means "... carrying out the statute according to its intent and for its purpose; ... not with an improper intent ... "good faith" does not mean ... punishing a person for exercising an unchallengeable right" and "it does not mean arbitrarily and illegally attempting to divest a citizen of an incident of his civil status"... "acts that are so ... inconsistent with ... legislative context that a court cannot ...conclude that they were performed in good faith". ... evidence of bad faith is not required. It can... be inferred from the surrounding circumstances.... that absence of good faith can be deduced and bad faith presumed":

25. Rule of law that vested right to restitution of the proceeds of crime shall not be destroyed without police intervention to remedy the crime is binding on LERB; JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312 (CanLII) THE RULE OF LAW [118] That unwritten constitutional principles form part of the fabric of the Canadian Constitution is clear. As expressed by Chief Justice Lamer, the provisions of the preamble to the Constitution Act, 1867 provide "organizing principles" that may be used to "fill out gaps in the express terms of the constitutional scheme[136] The principle of the sovereignty of Parliament requires judicial obedience to the strict terms of the statute. In the process of applying a statute, however, uncertainties concerning its scope or effect in particular circumstances are bound to arise. The rule of law requires that these uncertainties be resolved, so far as possible, in a manner which would most conform to the reasonable understanding of the subject to whom the statute is primarily addressed. Implicit in this understanding is the expectation that Parliament will conform to the generally accepted notions of fairness and justice -- that punishment will not be authorized for acts which were not known to be unlawful when committed, that vested rights will not be destroyed without reasonable compensation, that the powers of officials are to be limited by proper respect for the liberty of the citizen. "If the words are not conclusive in themselves, the reasonableness or otherwise of the construction contended for has always been recognized as a matter fairly to be taken in account" ..147] ... one law for all" concept based on the rule of law providing the law be supreme over both the acts of government and private persons:...[228]...The process of interpreting a statutory provision that is susceptible of more than one meaning was traditionally governed by the basic precept that the Court's function is to discover the intention of the legislature. In a case in which the ordinary rules of construction yield two equally plausible meanings, policy considerations are a factor in resolving the conflict. In constitutional cases before the Charter this was reflected in the practice of interpreting statutes by applying a presumption that a legislative body does not intend to exceed its powers under the Constitution.

Criminal Code 504 ..(a) that the person has committed, anywhere, an indictable offence that may be tried in the province in which the justice resides, and that the person is or is believed to be, or (ii) resides or is believed to reside, within the territorial jurisdiction of the justice; (b) that the person, wherever he may be, has committed an indictable offence within the territorial jurisdiction of the justice; (c) that the person has, anywhere, unlawfully received property that was unlawfully obtained within the territorial jurisdiction of the justice; or (d) that the person has in his possession stolen property within the territorial jurisdiction of the justice.

every one, person and owner, and similar expressions, include Her Majesty and an organization;

justice system participant means a member of the Senate, of the House of Commons, of a legislative assembly or of a municipal council, (b) a person who plays a role in the administration of criminal justice, including...a prosecutor, ... an officer of a court, a judge and a justice, an informant, a prospective witness,a peace officer within the meaning of any of paragraphs (b), (c), (d), (e) and (g) of the definition peace officer, a civilian employee of a police force, a person employed in the administration of a court, (viii.1) a public officer within the meaning of subsection 25.1(1) and a person acting at the direction of such an officer, an employee of the Canada Revenue Agency who is involved in the investigation of an offence under an Act of Parliament,...

organization means a public body, body corporate, society, company, firm, partnership, trade union or municipality, or an association of persons that is created for a common purpose,
(ii) has an operational structure, and
(iii) holds itself out to the public as an association of persons; (organisation)

22.2 In respect of an offence that requires the prosecution to prove fault — other than negligence — an organization is a party to the offence if, with the intent at least in part to benefit the organization, one of its senior officers (a) acting within the scope of their authority, is a party to the offence; (b) having the mental state required to be a party to the offence and acting within the scope of their authority, directs the work of other representatives of the organization so that they do the act or make the omission specified in the offence; or (c) knowing that a representative of the organization is or is about to be a party to the offence, does not take all reasonable measures to stop them from being a party to the offence.

Protection of Persons Administering and Enforcing the Law

25.1 ... Principle (2) It is in the public interest to ensure that public officers may effectively carry out their law enforcement duties in accordance with the rule of law and,

Requirements for certain acts (9) No public officer is justified in committing an act or omission that would otherwise constitute an offence and that would be likely to result in loss of or serious damage to property.... Limitation (11) Nothing in this section justifies...

(b) the wilful attempt in any manner to obstruct, pervert or defeat the course of justice; or

Alberta Provincial Courts Act 2000 Chapter P-31 Action for damages 9.51(1) No action may be brought against a judge for any act done or omitted to be done in the execution of the judge's duty or for any act done in a matter in which the judge has exceeded the judge's jurisdiction unless it is proved that the judge acted maliciously and without reasonable and probable cause. ... (5) The Minister of Page 12 of 26 Justice and Solicitor General may make a payment for damages or costs, including lawyer's charges incurred by the judge in respect of an act, omission or matter described in subsection (1), (2) or (3).

Manitoba The Provincial Court Act C.C.S.M. C. C275 Exemption from liability 71 Except as provided in this Act, no action shall lie or be instituted against a judge or justice of the peace for any act done by him or her in the execution of a duty unless the act was done maliciously and without reasonable and probable cause.

Manitoba The Court of Queen's Bench Act; Exemption from liability 15 Where an officer of the court, in exercising the powers and performing the duties of the officer, acts in good faith, an action shall not be brought against the officer with respect to an act of the officer unless the act is malicious and is done without reasonable grounds.

Prince Edward Island Provincial Court Act, RSPEI 1988, C P-25 11. Limitation of Action (1) Except as provided in this Act, no action lies or may be instituted against a judge, or justice of the peace for any act done by him or her in the execution of his or her duties unless the act was done maliciously or without reasonable cause.

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NOTICE OF APPLICATION (November 1, 2017 resent November 20, 2017)

ADE OLUMIDE V CITY OF CALGARY

Calgary City Council c/o Mayor Naheed Nenshi, Office of the Mayor, The City of Calgary

P.O. Box 2100, Station M Calgary, AB, T2P 2M5

Phone: 403-268-5622 Fax: 403-268-8130 Direct Email: themayor@calgary.ca

.....

From Ade Olumide .. Tel: 613 265 6360 Fax: 613 832 2051, ade6035@gmail.com

Take Notice; That this application by Ade Olumide to the Municipality of Calgary pursuant to s3(a) s4 s10(b) Administrative Procedures and Jurisdiction Act, s1(2) s3 s5 s7 s9 s153 s156 Municipal

Government Act, 27, 28, 39, 40 Police Act shall be heard by the Calgary City Council within 30 days at a time set by the Mayor of Calgary;

Bylaw or Policy or Rule Sought: The "municipality" of Calgary and any "council committee" "local authority" "municipal authority" "Municipal Government Board" or "natural person" or "corporation" controlled by the municipality of Calgary shall; not refuse s3(a) s4 s10(b) Administrative Procedures and Jurisdiction Act procedure for adjudication of an application on the merits, comply with letter and intent of s3(a) s4 s10(b) Administrative Procedures and Jurisdiction Act by within 30 days issuing to the applicant a decision on procedural time lines for adjudicating merits of any application.

2 Grounds:

1) There is no immunity for acting without jurisdiction to violate for s21b s22.2 25.1(9)(11b), s380(1a) Criminal Code, s12 s13 s21(1a,d) Canada Interpretations Act re; s12 Charter of Rights and Freedoms, objects s6, 7, 16 Canada Victims Bill of Rights, s2(b,e) Canadian Bill Of Rights against criminals' revictimization of victim principle of fundamental justice, rule of law right to self defence against ongoing .. fraud and party to .. fraud, s10 Alberta Interpretation Act re; s1(2) s3 s5 s7 s9 s153 s156 Municipal Government Act, 27, 28, 39, 40 Police Act, s(1a,b)(2) Alberta Bill Of Rights,

2) Whether or not the police lay a charge, if a victim provides evidence that a criminal has a duty to retribute the proceeds of a crime committed in Calgary, if the Police decide not to lay charges, the victim is entitled to know the outcome of investigation of each element of the offence with details that would allow the victim to if necessary provide more evidence to meet the test for that element.

Written Representations

The lesson from the holocaust is that bad things happen when good people are silent, it may not happen overnight, but overtime the silence of people who are empowered to stop bad people, is what allows the number of victims of bad people to increase. If you are silent, one day, one day the Calgary Police and Calgary Police Commission will commit the same or a different crime on someone you care about.

The root cause of the problem is ongoing April 2017 to date refusal of Calgary Police Chief to identify which of the elements of the charge of extortion is not met, and the refusal of Calgary Police Commission to make a policy to force the Calgary Police Chief to comply with s7 Victims Bill of Right to outcome of investigation of each element of the charge, refusal of Alberta Law Enforcement Board, Alberta Injuries Review Board to exercise jurisdiction until the Calgary Police Chief makes a decision.

I believe that the reason all these persons are either lying or refusing to respond, is that they are trying to protect value criminals by defrauding me. There are 4 elements for the charge, which of the elements of the charge was not met? This is a simple question, I have an s7 Victims Bill of Rights to an answer, what is the Calgary Police and Calgary Police Commission afraid off? Who are they trying to protect by defrauding me of the right to an answer? Please note that anyone including the City that does anything or omits to do anything in order to assist the Calgary Police and Calgary Police Commission ongoing crime is committing an s21b Criminal Code offence. The 4 elements of the charge are;

a. that the accused has induced or attempted to induce someone to do something or to cause something to be done;

b. that the accused has used threats, accusations, menaces or violence;

c. that he or she has done so with the intention of obtaining something by the use of threats; and d.

that either the use of the threats or the making of the demand for the thing sought to be obtained was without reasonable justification or excuse:

If within 30 days, there is no written response granting the policy declaration OR a letter from the City committing to within a reasonable time period develop a rule, I will hold the city criminally liable for s21b s22.2 25.1(9)(11b), s380(1a) party to .. fraud and vicariously civilly liable for misfeasance, bad faith, tort of malicious failure to "establish and maintain an adequate and effective municipal police service..prescribe the rules governing the operations of the commission by action or inaction with mens rae to directly or indirectly facilitate prevention of policy that the Calgary Police has no jurisdiction to refuse to comply with s7 Canadian Bill of Rights to outcome of investigation for element of the charge of assault, extortion, with mens rae that criminals retain the proceeds of crime by refusing to permit s504 s507.1 oral hearing where the Court of Queen's Bench inaction re Judges Act duties re criminal misconduct by judges is tested against each element of the charge of party to .. fraud.

I have enclosed a copy of 2 applications that I have a statutory right to bring, due to the content of the Notice of Application and records before the Calgary Police and Calgary Police Commission, I believe that in order to defraud me of statutory rights and protect high value criminals, the Calgary Police and Calgary Police Commission will find a way to refuse jurisdiction.

Since both the Calgary Police and Calgary Police Commission started off by lying with mens rae to refuse jurisdiction, I believe they will deliberately ignore the foreseeable fraudulent consequences of a refusal to adjudicate the relief sought on the merits (facts are accepted or rejected by referring to the evidence / rebuttal case law for each ground) is that criminals will retain the proceeds of the crime.

In any proceeding against the City within or outside the City, it is assumed that all records before the Calgary Police and Calgary Police Commission are before the City, if you do not have access to them, please ask me and I will provide them to you. If you do not have access to them and you do not ask me, that would be contrary to the objects of the Police Act, Municipal Government Act which is bad faith.

Municipal police services 27(1) A municipality that has assumed responsibility for establishing a municipal police service under section 4(2)(d) or (5)(c) shall establish and maintain an adequate and effective municipal police service under the general supervision of a municipal police commission.

Commissions 28(2) A council that has established a commission shall, subject to the regulations,
(a) prescribe the rules governing the operations of the commission, and
(b) appoint the members of the commission.

Liability re municipal police services 39 (4) The chief of police is liable for a tort committed by the chief in the performance or purported performance of the duties of the chief.
(5) The council, and not the chief of police, shall pay the following in respect of any action brought against the chief under this section:

Liability re other persons 40(2) A municipality is liable in respect of a tort committed by an employee as a master is liable for a tort committed by the master's servant in the course of the servant's employment if the tort was committed in the performance or purported performance of the duties of the employee.

Municipal Act; 1(2) For the purposes of this Act, a municipality or group of municipalities controls a corporation if (a) the municipality or group of municipalities hold, other than by way of security only, securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation and, if exercised, are sufficient to elect a majority of the directors of the

corporation, or (b) all or a majority of its members or directors are appointed by the municipality or group of municipalities.

Municipal purposes 3 The purposes of a municipality are (a) to provide good government, (b) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality, and (c) to develop and maintain safe and viable communities.

Powers, duties and functions 5 A municipality (a) has the powers given to it by this and other enactments, (b) has the duties that are imposed on it by this and other enactments and those that the municipality imposes on itself as a matter of policy, and (c) has the functions that are described in this and other enactments.

General jurisdiction to pass bylaws 7 A council may pass bylaws for municipal purposes respecting the following matters: (a) the safety, health and welfare of people and the protection of people and property; (b) people, activities and things in, on or near a public place or place that is open to the public; (f) services provided by or on behalf of the municipality;

Guides to interpreting power to pass bylaws 9 The power to pass bylaws under this Division is stated in general terms to (a) give broad authority to councils and to respect their right to govern municipalities in whatever way the councils consider appropriate, within the jurisdiction given to them under this or any other enactment, and (b) enhance the ability of councils to respond to present and future issues in their municipalities.

Duties, Titles and Oaths of Councillors ...153 Councillors have the following duties: (a) to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality; (b) to participate generally in developing and evaluating the policies and programs of the municipality; (f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

Taking of oath 156 A councillor, a chief elected official and a deputy and acting chief elected official may not carry out any power, duty or function until that person has taken the official oath prescribed by the Oaths of Office Act.

Oaths of Office Act; Official oath

2 When by a statute of Alberta a person is required to take an official oath on (a) being appointed to an office other than that of judge or justice of the peace, or (b) being admitted to a profession or calling, the oath shall be taken in the following form:

I, , swear that I will diligently, faithfully and to the best of my ability execute according to law the office of . So help me God.

Garland v. Consumers' Gas Co., [2004] 1 S.C.R. 629, 2004 SCC 25, 52...Criminal Code are intra vires the level of government that enacted them....overriding public policy consideration in this case is the fact that the LPPs were collected in contravention of the Criminal Code. As a matter of public policy, a criminal should not be permitted to keep the proceeds of his crime.

Paquette v. Desrochers, 2000 CanLII 22729 (ON SC)...In law, can the Attorney General be liable in tort for damages occasioned by a malicious failure to prosecute? [16] The operative word is malicious. It seems to me that if the malicious initiation and continuation of prosecutions is an actionable tort, its corollary must also be available, namely a malicious failure to prosecute. One can contemplate a

situation where, as a result of proven malice, an accused is not prosecuted for a vicious attack upon a victim. Subsequently, the same individual viciously attacks the same victim, once again occasioning severe bodily harm. Surely, if malice can be proved, the failure to prosecute may well be alleged as a cause giving rise to the subsequent damage. I conclude that such a cause of action could be maintained and would accord with the public policy considerations expounded by the Supreme Court of Canada in Nelles.

Johnston et al. v. Prince Edward Island, 1995 10509 (NL SCTD)... City of Kamloops v. Nielsen, 1984 CanLII 21 (SCC), ...: 'In my view, inaction for no reason or inaction for an improper reason cannot be ... bona fide exercise of discretion. Where the question whether the requisite action should be taken has not even been considered by the public authority, or at least has not been considered in good faith....,

R. v. Zlatic, [1993] 2 SCR 29, 1993 CanLII 135 (SCC) 1. ... the actus reus of fraud will be established by proof of: 1. the prohibited act, be it an act of deceit, a falsehood or some other fraudulent means; and 2. deprivation caused by the prohibited act, which may consist in actual loss or the placing of the victim's pecuniary interests at risk. Correspondingly, the mens rea of fraud is established by proof of: 1. subjective knowledge of the prohibited act; and 2. subjective knowledge that the prohibited act could have as a consequence the deprivation of another (which deprivation may consist in knowledge that the victim's pecuniary interests are put at risk). (i) Fraud by "Other Fraudulent Means" ...

Most frauds continue to involve either deceit or falsehood. As is pointed out in Th roux, proof of deceit or falsehood is sufficient to establish the actus reus of fraud; no further proof of dishonest action is needed. However, the third category of "other fraudulent means" has been used to support convictions in a number of situations where deceit or falsehood cannot be shown. These situations include, to date, the use of corporate funds for personal purposes, non#disclosure of important facts, exploiting the weakness of another, unauthorized diversion of funds, and unauthorized arrogation of funds or property: Dishonesty is, of course, difficult to define with precision. It does, however, connote an underhanded design which has the effect, or which engenders the risk, of depriving others of what is theirs. J. D. Ewart, in his Criminal Fraud (1986), defines dishonest conduct as that "which ordinary, decent people would feel was discreditable as being clearly at variance with straightforward or honourable dealings" (p. 99). The dishonesty of "other fraudulent means" has, at its heart, the wrongful use of something in which another person has an interest, in such a manner that this other's interest is extinguished or put at risk. A use is "wrongful" in this context if it constitutes conduct which reasonable decent persons would consider dishonest and unscrupulous.... The authorities make it clear that it is unnecessary for a defrauding party to profit from his or her fraud in order to be convicted; it is equally unnecessary that the victims of a fraud suffer actual pecuniary loss in order that the offence be made out: ...

Canadian Victims Bill Of Rights S.C. 2015, C. 13, S. 2 Preamble, Whereas crime has a harmful impact on victims and on society; Whereas victims of crime and their families deserve to be treated with courtesy, compassion and respect, including respect for their dignity; Whereas it is important that victims' rights be considered throughout the criminal justice system; Whereas victims of crime have rights that are guaranteed by the Canadian Charter of Rights and Freedoms; Whereas consideration of the rights of victims of crime is in the interest of the proper administration of justice;

6 Every victim has the right, on request, to information about

- (a) the criminal justice system and the role of victims in it;
- (b) the services and programs available to them as a victim, including restorative justice programs; and
- (c) their right to file a complaint for an infringement or denial of any of their rights under this Act.

Investigation and proceedings 7 Every victim has the right, on request, to information about (a) the status and outcome of the investigation into the offence; and (b) the location of proceedings in relation to the offence, when they will take place and their progress and outcome.

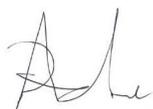
...Restitution order 16 Every victim has the right to have the court consider making a restitution order against the offender.

Freeman v. Canada (Citizenship and Immigration), 2013-10-23, 2013 FC 1065, IMM-6304-12, Legal Principles Relating to the Concept of Bad Faith. [29] "Bad faith" can encompass serious carelessness or recklessness. Indeed "recklessness implies a fundamental breakdown of the orderly exercise of authority, to the point that absence of good faith can be deduced and bad faith presumed":

Roncarelli v. Duplessis 1959 CanLII 50 (SCC), [1959] S.C.R. 121, ...there is no such thing as absolute and untrammelled "discretion", ... "Discretion" necessarily implies good faith in discharging public duty; there is always a perspective within which a statute is intended to operate; and any clear departure from its lines or objects is just as objectionable as fraud or corruption.

Uni-Jet Industrial Pipe Ltd. v. Canada (Attorney General), 2001 MBCA 40, "Thirdly there is reckless untargeted malice. The official does the act intentionally being aware that it risks directly causing loss to the plaintiff or an identifiable class to which the plaintiff belongs and the official wilfully disregards that risk. What the official is here aware of is that there is a risk of loss involved in the intended act. His recklessness arises because he chooses wilfully to disregard that risk....An alternative basis for liability in the tort also exists. The majority decision in Three Rivers, supra, stands for the proposition that in addition to targeted malice, liability for misfeasance in public office is established where there is knowledge or recklessness regarding both the authority to act and the harm that is known (or foreseen) to result from the illegal actions. This proposition maintains a clear and fundamental distinction between negligence on the part of public officials and abuses of power, while allowing the tort to sanction behavior that may not be as blatantly wrong as targeted malice, but is an abuse of power nonetheless. Such abuses may occur when zealous civil servants over-step their authority for what they believe is the best interests of the public without due regard for individuals consequently harmed, or when executive decisions are made which bend the rule and injure a few to avoid politically undesirable consequences. Whatever the facts may be, Three Rivers, supra, broadens the scope of the tort beyond the "targeted malice" cases while maintaining the element of deliberate misconduct as the underlying substance of the tort."

Sincerely,



Ade Olumide