

**UNITED NATIONS CIVIL AND POLITICAL RIGHTS COMPLAINT  
ADE OLUMIDE V CANADA**

Date: February 21, 2018

Elections Act / Judges Act / Supreme Courts Act  
/ Federal Court Act / Privacy Act / Criminal Code Constitutional Question

I received with thanks your letter dated 31 January 2018, my reply is as follows; 1) I hereby select the Human Rights Committee. 2) I have in my possession about 20,000 pages of exhibits to prove every allegation, I did not include them because I do not want to overwhelm the Council in an effort to prove exhaustion of domestic remedies, I recommend Council assume every allegation of fact and law to be true. As a party to the litigation, Canada is in possession of the same 20,000 pages, therefore additional specific exhibits should only as a rebuttal to Canada.

It is impossible for Canada to challenge any fact or law, they only reason they survived the Canadian legal system is that judges lied several times in order to prevent a hearing on the merits, none of the proceedings was ever heard on the merits, at the UNHRC Canada has no choice but to agree to the legislative changes in the “**Eleven Constitutional Questions Of International Importance To Human Rights Law**” on pages 9 to 18, once that happens it would be impossible for what happened to me to ever happen to anyone else. Other member countries will benefit from the merits hearing of the “**Eleven Constitutional Questions**”.

The heart of the matter is that if you make a criminal misconduct complaint to the Canadian Judicial Council, the Chair will decide whether to request a record of investigation, if any criminal misconduct complaint is a will trigger police record of investigation and the result is public information, no judge would take the risk lying about relief sought, lying about grounds, lying about content of court records, stealing by removal of court records in order to hide evidence of their fraud etc.

The Attorney General retains the constitutional right to decide whether to bring a public prosecution in criminal court, the Council will retain the constitutional right to decide whether to remove the judge. The litigation began in June 2012, the Supreme Court of Canada is the highest “local court system”, between 2014 to date, they have refused over 20 times, refused to reconsider, and refused to hear constitutional questions which would show that they lack jurisdiction to refuse.

The constitutional questions the Supreme Court is refusing to hear are summarized under the title “**Eleven Constitutional Questions**”. All 9 Supreme Court justices will not voluntarily agree to reverse themselves. The Canadian Judicial Council has power to remove judges for criminal misconduct, I sent about 70 complaints over 2 years, they refused to respond.

They will not voluntarily respond because the Chair of Council is the Chief Justice of the Supreme Court of Canada who is one of the subjects of the complaint that all 9 Supreme Court justices deliberately lied that s40 Supreme Court Act is not jurisdiction to hear appeal of the order of a single judge who refuses to allow the appeal to go before a panel of judges, they never give reasons for denying leave to appeal, they made an exception in my case because they knew the allegations I was making on my website, they lied with only a couple of words in order to cover up previous lies by other members of the Council who are also subjects of criminal misconduct complaints, therefore Council is in a conflict of interest.

They know that no one would believe a black african immigrant, if the police were required to create a record of investigation for this no jurisdiction s362 Criminal Code offence, it will never happen again. The foreseeable consequence of the lies is to encourage racial discrimination exclusion of black politicians, arbitrary arrest and assault of black males.

Some enclosed evidence that local remedies are exhausted;

- A) Court Orders which are subject of complaints to Canadian Judicial Council
- B) Summary of initial complaints to the Canadian Judicial Council which shows that the orders are crimes.
- C) Letter to Supreme Court of Canada Chief Justice re criminal proceedings constitutional question.
- D) Letter to Canada House of Commons Standing Committee on Justice and Human Rights.

## **I. INFORMATION ON THE COMPLAINANT**

Name: Olumide First name(s): Ade , Nationality: Canadian, Place of Birth: Geneva Switzerland. Address for correspondence on this complaint: Email [ade6035@gmail.com](mailto:ade6035@gmail.com) I consent to my name being disclosed in the communications to Governments, intergovernmental organisations, businesses, military or security companies. I consent to my name being disclosed in a public report to the Human Rights Council.

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### **International Public Interest Benefit Of Judges Act / Supreme Court Act Constitutional Questions**

Canada's Response to questions posed by the Committee on the Elimination of Racial Discrimination during the Interactive Dialogue with Canada on August 14-15, 2017 is disingenuous because Canada refers to the Administrative Tribunals Support Service of Canada which provides support services for the Canadian Human Rights Commission, but a black politician has been defrauded the statutory right access to the Canadian Human Rights Commission.

Canada has refused to change s67(4c) Canada Elections Act which courts have interpreted as license to discriminate against a black politicians. There has never been a trial, several judges simply removed statutory rights to trials and appeals by making several deliberate false statements with mental intent to destroy the complainant inalienable right to self-defence against the destruction of his reputation by judges who relied on the stereotype that black people lie about racism to accuse the complainant of lying by pretending that there were no exhibits and witness statements showing racial discrimination.

If the requested changes to the Judges Act are made, changes to other legislation can be achieved in Canadian courts, through read in or read down remedies based on the existing Canadian Constitution. Therefore, it is bad faith for Canada refuse Judges Act changes, and accept changes to the Canada Human Rights Act, Canada Elections Act, Supreme Courts Act, Federal Court Act, Privacy Act and Criminal Code. It is also worth noting that Canada has refused Judges Act statutory power to order a mandatory Canadian Judicial Council investigation of any of the judicial criminal misconduct which have now brought the reputation of our great country into disrepute.

The complainant has reached out to federal and provincial political parties with seats in parliament, thus far only the Alberta Liberal Party has supported the rule of law. The complainant will continue reaching out to them in order to obtain their Judges Act position statements. Any federal or provincial government or political party that does not support proposed or similar changes to the below mentioned legislation, is at worst a racist political party or government and at best sympathetic to the racist Conservative "Party Brass" that has brought the reputation of our great country into disrepute.

Despite the declaratory relief before them, none of the Judges Canadian Judicial Council racism sympathizer members (Supreme Court of Canada, Ontario Superior Court, Quebec Superior Court, New Brunswick Court of Queen's Bench, Alberta Court of Queen's Bench, BC Supreme Court) have been able to;

- 1) "Proove that 2 years of refusing to investigate with mens rae intent to contravene the objects of Judges Act by encouraging racial discrimination criminal misconduct is not a crime by private

person pretending to have judicial power, a breach of rule of law against arbitrary (contrary to objects) application of law and a breach of s12, s21(a,d) Canada Interpretation Act.

- 2) Prove that refusing good faith Judges Act duty to create the record of investigation and record of enquiry is not complainant or Minister of Justice criminal code “property” or “service” that engages 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1) of the Criminal Code.
- 3) Prove that 60(2c), 63(2), 63(4), 65(5)(6) Judges Act is not a right to complain, right to be considered as a witness, right to the record of investigation and record of the inquiry be made public (if there are no public interest reason for prohibition of publication) is not a public service that must be provided with good faith objects of Act
- 4) Prove that 60(2c), 63(2) 65(2) Judges Act rights to complain about ‘65 (b) having been guilty of misconduct, (c) having failed in the due execution of that office, or (d) ... conduct or otherwise... incompatible with the due execution of that office,’ right for the judge to be removed or public expression of disapproval, is not a public service that must be provided with a good faith(consistent with objects of Act)
- 5) Prove that refusing mandatory (beyond all reasonable doubt) or discretionary (absence of good faith mandatory duty to comply with objects of Act), in order to defraud access to criminal court in order to facilitate a crimes of deliberate in writing and verbal judicial falsehoods to; act without jurisdiction, exceed jurisdiction, defraud first instance, defraud appellate jurisdiction, defraud criminal code, statutory and constitutional property and service, for improper purpose of benefitting employer and Council organization that they have interest in, is not a crime
- 6) Prove 2 year abuse of public power refusals to respond to request investigate manifest criminal offences, is not an ongoing crime which engages a rule of law self defence constitutional right and rule of law against criminal revictimization of victim principle of fundamental justice
- 7) Prove s12 s15 Charter / s12 Interpretation Act / Bill C26 Criminal Code 35(1c,ii) is not evidence of societal consensus on rule of law self defence constitutional rule of law against racist criminal revictimization of victim s2e Canadian Bill of Rights principle of fundamental justice
- 8) Prove jurisdiction to defraud jurisdiction to defraud criminal code 21b, 23, s22.2, 25.1(9)(11b), s122, 139(1)(2)(3a), 341, 362, s380(1), 482 (1) ... may make rules of court not inconsistent with this or any other Act of Parliament,”
- 9) Prove jurisdiction to defraud Oath “..I will truly and faithfully, according to my skill and knowledge, execute the duties, powers and trusts placed in me as a judicial justice ....”
- 10) Prove jurisdiction to defraud jurisdiction to defraud Canadian Victims Bill of Rights “service” “property” “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”

- 11) Prove jurisdiction to defraud 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” “It is unnecessary to conduct an analysis on gross disproportionality after considering arbitrariness and overbreadth”.
- 12) Disprove any exhibit before Canadian Judicial Council re 300 criminal offences in 5 provinces
- 13) Prove that Canadian Judicial Council is not a government agency

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.

14) Prove that the following case law does not apply to judicial exercise of public power “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...**”

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.**

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**”:

Bourbonnais v. Canada (Attorney General), [2006] 4 FCR 170, 2006 FCA 62 (CanLII) 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.

## II. STATE CONCERNED/ARTICLES VIOLATED

Name of the State that is either a party to the Protocol: Canada

### **International Covenant on Civil and Political Rights (ICCPR)**

Preamble, The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the **inherent dignity and of the equal and inalienable rights** of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the **inherent dignity of the human person**,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his **civil and political rights**, as well as his economic, social and cultural rights, Considering the obligation of States under the Charter of the United Nations to promote universal **respect for, and observance of, human rights** and freedoms, Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a **responsibility to strive for the promotion** and observance of the rights recognized in the present Covenant,

Article 1; 1. All peoples have the right of self-determination. By virtue of that right they freely determine their **political** status and freely pursue their economic, social and cultural development.

PART II Article 2; 1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, **to adopt such laws** or other measures as may be necessary **to give effect to the rights recognized in the present Covenant**.

3. Each State Party ... undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy **shall have his right thereto determined** by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

Article 3; The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and **political rights** set forth in the present Covenant.

PART III Article 7; No one shall be subjected to torture or to **cruel, inhuman or degrading treatment or punishment**.

Article 9; 1. Everyone has the right to liberty and security of person. **No one shall be subjected to arbitrary arrest** or detention. 2. **Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.**

Article 17; 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to **unlawful attacks on his honour and reputation**.  
2. Everyone has the right to the protection of the law against such interference or attacks.

Article 25; Every citizen shall have the **right and the opportunity**, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the **conduct of public affairs, directly** or through freely chosen representatives;
- (b) To vote **and to be elected at genuine periodic elections** which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of **equality, to public service in his country**.

Article 26; All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

### **The Universal Declaration of Human Rights**

Preamble, Whereas recognition of the **inherent dignity and of the equal and inalienable rights** of all members of the human family is the foundation of freedom, justice and peace in the world,  
Whereas disregard and **contempt for human rights** have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,  
Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that **human rights should be protected by the rule of law**,  
Whereas it is essential to promote the development of friendly relations between nations,  
Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the **dignity and worth of the human person and in the equal rights of men and women** and have determined to promote social progress and better standards of life in larger freedom,  
Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal **respect for and observance of human rights** and fundamental freedoms,  
Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to **promote respect for these rights** and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1; All human beings are born free and **equal in dignity and rights**. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.; Everyone is entitled to all the rights and freedoms set forth in this Declaration, **without distinction of any kind, such as race, colour**, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the

basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.; Everyone has the right to life, liberty and **security of person**.

Article 5.; No one shall be subjected to torture or to **cruel, inhuman or degrading treatment or punishment**.

Article 7.; All are **equal before the law and are entitled without any discrimination to equal protection of the law**. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.; Everyone has the right to an **effective remedy** by the competent national tribunals for acts violating the fundamental rights **granted him by the constitution or by law**.

Article 9.; No one shall be subjected to **arbitrary arrest**, detention or exile.

Article 10.; Everyone is entitled in full equality to a fair and public hearing by an independent and **impartial tribunal**, in the determination of his rights and obligations and of any criminal charge against him.

Article 12.; No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to **attacks upon his honour and reputation**. Everyone has the right to the protection of the law against such interference or attacks.

Article 21.; (1) Everyone has the right to **take part in the government of his country, directly** or through freely chosen representatives. (2) Everyone has the **right of equal access to public service** in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 28.; Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.; (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just **requirements of morality**, public order and the general welfare in a democratic society. (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.; Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the **destruction of any of the rights and freedoms** set forth herein.

Articles of the Covenant or Convention alleged to have been violated: Canada's ongoing refusal to make enclosed or similar intent legislative changes violates;

- a) International Covenant on Civil and Political Rights (ICCPR); preamble, Articles 1(1), 2(1)(2)(3a,b), 3, 7, 9(1)(2), 17(1)(2), 25(a)(b)(c), 26;
- b) The Universal Declaration On Human Rights; preamble, Articles 1, 2, 3, 5, 7, 8, 9, 10, 12, 21(1)(2)(3), 29(2)(3), 30

### **Eleven Constitutional Questions Of International Importance To Human Rights Law**

1) A question of **CONSTITUTIONAL IMPORTANCE** is; that only a political party can form a government, but the effect of s67(4c) Act / Guergis / Pick / Grewal political parties common law is; "Court should not interfere with...process...established pursuant to a statute", it is "statutorily allowed" to decide "fundamental purpose...endorsing one...of its members as candidates" Act by violating s3, 15 Charter right to representation in government <sup>Figuera</sup> through a process that discriminates <sup>Vriend</sup>, abuses of nomination contracts <sup>Houle</sup>, and destroys vested / inalienable / natural justice rights.

Guergis v. Novak, 2013 ONCA449 "[90] Even if the allegation regarding the Prime Minister's involvement is read as proven, s. 67(4)(c) of the Canada Elections Act, S.C. 2000 c.9, gives the leader of a political party the authority to refuse to endorse a candidate. **As it is statutorily allowed, it therefore cannot be an unlawful act**"...

Pick v. Conservative Party of Canada, 2004 CanLII 38425 (SK QB) It is neither surprising nor offensive to the logic of the above candidate selection process that Article 3, subsection k of the Candidate **Nomination Rules and Procedures, as well as Section 67(4)(c) of the Act should be compatible with one another.** It makes no sense to me that an application for the position of a "nomination contestant" should have his application accepted in the first instance, proceed to the riding election and if duly elected, subsequently fail to receive the endorsement of the party under Section 67(4)(c)...

Grewal v. Conservative Party of Canada, 2004 CanLII 9568 (ON SC) [29] I cannot accept the plaintiff's position on the meaning of s. 67(4)(c) and the restrictive application of that section. [30] Firstly, there is **nothing in that section that stipulates that a leader must give reasons for not endorsing a candidate.**[31] Secondly, the Party, determines the candidates he wishes to have representing the Party. It is not for the Court to make those determinations. The Court should not interfere with a process that has been established by a Party or a **process that has been established pursuant to a statute.**

Figuroa v. Canada (Attorney General), 2003 SCC 37 (CanLII), 227 D.L.R. (4th) 1... the purpose of the right to vote enshrined in s. 3 of the Charter is not equality of voting power per se, but the **right to "effective representation"**. Ours is a representative democracy. **Each citizen is entitled to be represented in government.** Representation comprehends the idea of having a voice in the deliberations of government as well as the idea of the right to bring one's grievances and concerns to the attention of one's government representative..... Put simply, full political debate ensures that ours is an open society with the benefit of a broad range of ideas and opinions: This...ensures not only that policy makers are aware of a broad range of options, but also that the determination of social policy is sensitive to the needs and interests of a broad range of citizens....

Vriend v. Alberta, [1998] 1 SCR 493, 1998 CanLII 816 (SCC) 2 66 ... submission has failed to distinguish between "private activity" and **"laws that regulate private activity"**. The former is not subject to the Charter, while the latter obviously is. ...to wait until someone is discriminated against ...challenge the validity of the provision in each appropriate case... would not only be wasteful of

judicial resources, but also unfair in that it would impose burdens of delay, cost and personal vulnerability to discrimination for the individuals involved in those eventual cases.... provisions... do not depend on any particular factual context in order to resolve their constitutional status, there is really no need to adduce additional evidence...

2) A question of **CONSTITUTIONAL IMPORTANCE** is; s8(2) power to withdraw process, s579 Criminal Code and s11(d) Ontario Crown Attorney Act power to stay private prosecution, are prima facie unconstitutionally overbroad because it is interpreted as jurisdiction to facilitate s15 s3 Charter / s67(4c) Canada Elections Act racial discrimination & violate;

- a) Constitution Acts, 1867 to 1982 52(1) states "Any law inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect"
- b) It permits Ontario AG or Canada AG to "**go too far by**" using s11(d) s579 to deny positive obligation to amend 138 Police Act judicial power to direct an arrest and assault of a black male whose colour is deemed a security risk without providing the black male victim a reason, despite inalienable, equality under the law, constitutional rule of law that vested rights against racial discrimination cannot be destroyed without remedy, objects s1 Human Rights Code, objects s15 Charter of Rights, objects s1 Canadian Bill of rights, objects s5 Canadian Human Rights Act rights to; self-defence against racial discrimination.

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"

- c) Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84...state can properly be held accountable for the claimants' inability to exercise their s. 7 rights... The claimants need not establish that the state can be held causally responsible for ... environment in which their s. 7 rights were threatened, nor do they need to establish that the government's inaction worsened their plight.. "[i]n some contexts it will be proper to characterize **s.15 as providing positive rights**".... in order to make a fundamental freedom meaningful, a posture of restraint would not be enough, and positive governmental action might be required". [360] ... Most obviously, they stand for the proposition that the Charter's fundamental freedoms can be infringed even absent overt state action. Mere restraint on the part of government from actively interfering with protected freedoms is not always enough to ensure Charter compliance; **sometimes government inaction can effectively constitute such interference**....
- d) R. v. Regan, 2002 SCC 12 (CanLII), [2002] 1 S.C.R. 297 and R. v. Nixon, 2011 SCC 34 (CanLII), [2011] 2 S.C.R. 566, purported an abuse of process and principles of fundamental justice exception to s579 overbroad crown prosecutor power without a read in remedy.
- e) s4(3c) BC Crown Counsel Act legislated "interests of justice" limit on s579 power.
- f) Ambrosi v. British Columbia (Attorney General), 2014 BCCA 123 correctly interpreted s4(3c) as limiting s579 power to unless s507.1 summons is issued.

- g) s10 Quebec Code of Penal Procedure differentiated criminal "proceeding" from criminal "application", this limits s579 power to unless s507.1 summons is issued.
- h) Quebec Act Respecting Director of Criminal Penal Prosecutions limits s579 by 13 "interest of justice", "15(3)... interests of crime victims..", "18...if..interests of justice so require..."
- i) rule of law against using public power in bad faith is part of the constitution (s482 criminal code precludes abuse of public power to breach 21b, s22.2, 25.1(9)(11b), s126, 139(1)(2)(3a), s265(1a,b)(3c,d), s423.1(b), s346(1.1)(b), 341, s380(1a) criminal code)
- j) rule of law against arbitrary (contrary to objects) statutory interpretation of s11d Crown Attorney Act s579 Criminal Code which is codified in 25.1(9)(11b), s122 Criminal Code offences that only apply to public officers, s97(2)(3) Supreme Court Act, s12 s13 s21(1a,d) Canada Interpretations Act, 41, 41.2 Quebec Interpretation Act CI-16, 8, 17 BC Interpretation Act, 1, 15, 17 NB Interpretation Act, s10 Ontario Interpretation Act, s10 Alberta Interpretation Act, 46(2) Federal Courts Act, 97(2) Supreme Courts Act, 96(2) Ontario Courts Justice Act is part of the constitution,
- k) rule of law against absurd consequences of unlimited s11d power to violate 108(1a) Public Service of Ontario Act, 2006 "wrongdoing" / 21b, s22.2, 25.1(9)(11b), s126, 139(1)(2)(3a), s265(1a,b)(3c,d), s423.1(b), s346(1.1)(b), 341, s380(1a) criminal code is part of the constitution,
- l) rule of law against conflict of interest administrative decision makers, in a manner that breaches s16 Public Officers Act is part of the constitution, "Public Officers Act, R.S.O. 1990, CHAPTER P.45: Procedure when public officer interested in question before him" 16. Where by any general or special Act any person or the occupant for the time being of any office is empowered to do or perform any act, matter or thing and such person or the occupant for the time being of such office is disqualified by interest from acting and no other person is by law empowered to do or perform such act, matter or thing, then he or she or any interested person may apply, upon summary motion, to a judge of the Superior Court of Justice, who may appoint some disinterested person to do or perform the act, matter or thing in question."
- m) s4 Quebec Charter right "Every person has a right to the safeguard of his **dignity, honour and reputation**" tarnished by racist stereotypes that black people lie about racism, is an inalienable right
- n) objects, s2 Alberta Victims of Crimes Act, s4, 7d, 14(1a,b,c), 14(2), 15, 21(1), 28(2)(3) (4) (5) 39(2e) Manitoba The Victims' Bill of Rights, objects, 6, 7, 10,16 Canada Victims Bill of Rights are evidence that using Police Act 138 to revictimize a criminal code victim is beyond the jurisdiction of any involved in the criminal code "justice system participant" (Ontario, police, courts).

11d s579 shall read in "subject to the Charter, inalienable right to self-defence from ongoing crime"

- 3) A question of **CONSTITUTIONAL IMPORTANCE** is; that Canadian Human Rights Commission interpretation of s41 Canadian Human Rights Act is unconstitutionally overbroad because it purports power to;
  - a) Act contrary to s2, s27(1,a,b,e,g,h) Human Rights Act, 1(1) 9(7) Human Rights Tribunal Rules, act contrary to the rule of law and public policy objects of Canadian Human Rights Commission that racists should not be permitted to keep the proceeds of racism <sup>Garland</sup>
  - b) Violate; s21b, s22.2, s25.1(9)(11b), s380(1a) Criminal Code,

- c) Violate; s52(1) Constitution Acts 1867 to 1982, preamble objects s12 Charter, s15 Charter positive obligation, preamble objects s1(a,b) s2(b,e) Canada Bill of Rights against racists' revictimization of victim with mens rae to retain proceeds of racism principle of fundamental justice, s11 s12 s13 s21 s34 Canada Interpretation Act; Rule of law that racists should not be permitted to keep the proceeds of racism, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating Commission power above the constitution, Rule of law against using statutory power in bad faith, Rule of law against unconstitutionally overbroad legislation,  
S41 should read in "... subject to the Constitution, Criminal Code, the Commission shall deal with any complaint filed with it unless in respect of that complaint it appears to the Commission that.."
- 4) A question of **CONSTITUTIONAL IMPORTANCE** is; Whereas rule 78(3) is unconstitutionally overbroad because it allows the Registrar to act in bad faith abuse of process doing indirectly [using s15, 97(1c) Supreme Court Act 8(2), 19(2), 73(4) Rules] what cannot be done directly [defraud 52(1) Constitution Acts, 1867 to 1982, s24 Charter of Rights].
- a) Whereas the Chief Justice has no immunity if he permits Registrar to act without jurisdiction by using s15, 97(1c) Supreme Court Act 8(2), 19(2), 73(4) Rules without deciding the constitutionality of s15, 97(1c) Supreme Court Act 8(2), 19(2), 73(4) Rules, any letter refusing to file the new evidence civil proceedings reconsideration motion records, are void abinitio for lack of jurisdiction.
- b) Whereas Supreme Court Registrar is a Government Of Canada employee with an s12 s15 Charter duty of care to the applicant made several false statements about s40 Supreme Courts Act jurisdiction in order to extort Supreme Courts Act leave to appeal statutory rights AND breached his \$600 contract duty to respond to s40 Supreme Courts Act jurisdiction rebuttals AND consequently defrauded applicant right to reply before submission to the court, all submission of \$600 extortion issue court documents to the court is void abinitio due to lack of jurisdiction.
- c) Whereas the rule of law against arbitrary statutory interpretation means that 15, 97(1c) Supreme Court Act 8(2), 19(2), 73(4) Supreme Court Rules cannot be used to contravene the public good objects of the Supreme Court Act has been codified in 25.1(9)(11b), s122 Criminal Code offences that only apply to public officers, s97(2)(3) Supreme Court Act, s12 s13 s21(1a,d) Canada Interpretations Act, 41, 41.2 Quebec Interpretation Act CI-16, 8, 17 BC Interpretation Act, 1, 15, 17 NB Interpretation Act, s10 Ontario Interpretation Act, s10 Alberta Interpretation Act, 46(2) Federal Courts Act, 97(2) Supreme Courts Act, 96(2) Ontario Courts Justice Act.
- d) Whereas objects, s16 Canada Victims Bill of Rights to restitution of the proceeds of crime is an object of the Supreme Court Act
- e) Whereas using s15, 97(1c) Supreme Court Act 8(2), 19(2), 73(4) Supreme Court Rules to breach s11 Criminal Code right to parallel civil proceedings, is bad faith, because the criminals retain the proceeds of the crime,
- f) Whereas "[36] if ..order would infringe a Charter right, the Charter will apply to preclude the order,... courts are..bound by the Charter" *RWDSU v Dolphin Delivery Ltd*[1986] 2 SCR573, 1986 SCC is binding on the Registrar's rule of law use of s15, 97(1c) Supreme Court Act 8(2), 19(2), 73(4) Rules.

- g) Whereas s15, 97(1c) Supreme Court Act 8(2), 19(2), 73(4) Supreme Court Rules cannot be used to violate Rule Of Law s2(b,e) Canadian Bill Of Rights Against Criminals' Revictimization Of Victim Principle Of Fundamental Justice which is tested by adapting R. v. Smith (Edward Dewey), [1987] 1 SCR 1045 s12 s15 Charter cruel treatment racial discrimination test; 21b party to ongoing fraud predominant causation for political career destruction / loss of job / loss of home / \$100,000 costs reprisals (treatment) to revictimize a victim fraud and racial discrimination; goes beyond what is necessary to achieve a legitimate Interpretations Act objective is unacceptable to a large segment of the population does not have any social purpose such as reformation, rehabilitation or deterrence does not accord with public standards of decency or propriety is of such a character as to shock general conscience is unusually severe, degrading to dignity and worth

S15 Supreme Court Act is unconstitutionally overbroad it shall read in as follows; "15 Subject to the **Constitution, Criminal Code** and direction of the Chief Justice the Registrar shall superintend ...",

S97(1c) Supreme Court Act is unconstitutionally overbroad it shall read in as follows; "97(1)(c) for empowering the Registrar to subject to the **Constitution, Criminal Code** do any such thing and transact any such business as is specified in the rules or orders, and to exercise any authority and jurisdiction in respect of the rules or orders as may be done,"

S78(3) Supreme Court Rules is unconstitutionally overbroad it shall read in as follows; "78 (3) subject to s97(1c)(2)(3) Supreme Court Act ..Registrar's decision to refuse to accept a document under .. 8(2) or 73(4) is not an order"

S73(4) Supreme Court Rules is unconstitutionally overbroad it shall read in as follows; "73 (4) The Registrar may subject to s97(1c)(2)(3) Supreme Court Act shall refuse to accept a motion for reconsideration .."

S8(2) Supreme Court Rules is unconstitutionally overbroad it shall read in as follows; "8(2) The Court, a judge or the Registrar may subject to s97(1c)(2)(3) Supreme Court Act refuse a document that does not comply with these Rules ..."

S19(2) Supreme Court Rules is unconstitutionally overbroad it shall read in as follows; "19(2) On receipt of a document, the Registrar may subject to s97(1c)(2)(3) Supreme Court Act (a) accept or reject the document for filing;"

5) A question of **CONSTITUTIONAL IMPORTANCE** is; Whereas two tier Criminal Code mandatory first instance and appeal procedure / Supreme Court Act s3 s35 process is beyond a registrar's jurisdiction, and a breach of equality under law Iacobucci J. in Law v. Canada, [1999]),

- a) Whereas the discriminatory use of s685 to exceed s685 "no substantial grounds of appeal" jurisdiction AND defraud s685 unconstitutionally overbroad Constitutional Question AND in Canadian history, except in Ade Olumide, s685 has never been applied except in 14 cases of lack of

jurisdiction to hear an appeal of an interlocutory order, therefore an equality under the law positive obligation to reverse the burden of proof is engaged,

- b) Whereas s504 S507.1 is found in Parts XVI of the Criminal Code, and s685 is found in PART XXI which implies first instance trial on the merits by a judge or jury,
- c) Whereas the rule of law against arbitrary statutory interpretation means that 15, 58(1b), 97(1c) Supreme Court Act 8(2), 19(2), 33(1d) Supreme Court Rules s685 Criminal Code cannot be used to contravene the objects of the Supreme Court Act has been codified in 25.1(9)(11b), s122 Criminal Code offences that only apply to public officers, s97(2)(3) Supreme Court Act, s12 s13 s21(1a,d) Canada Interpretations Act, 41, 41.2 Quebec Interpretation Act CI-16, 8, 17 BC Interpretation Act, 1, 15, 17 NB Interpretation Act, s10 Ontario Interpretation Act, s10 Alberta Interpretation Act, 46(2) Federal Courts Act, 97(2) Supreme Courts Act, 96(2) Ontario Courts Justice Act.
- h) Whereas objects, s16 Canada Victims Bill of Rights to restitution of the proceeds of crime is an object of the Supreme Court Act
- d) Whereas using s15, 58(1b), 97(1c) Supreme Court Act 8(2), 19(2), 33(1d) Supreme Court Rules s685 Criminal Code to breach 12, 21b, 23, s22.2, 25.1(9)(11b), 122, 139(1)(2)(3a), 341, 362, s380(1a) Criminal Code is bad faith, because the criminals retain the proceeds of the crime,
- e) Whereas "[36] if ..order would infringe a Charter right, the Charter will apply to preclude the order,... courts are..bound by the Charter" RWDSU v Dolphin Delivery Ltd[1986] 2 SCR573, 1986 SCC is binding on the Registrar's rule of law interpretation of s15, 58(1b), 97(1c) Supreme Court Act 8(2), 19(2), 33(1d) Supreme Court Rules s685 Criminal Code,
- f) Whereas s15, 58(1b), 97(1c) Supreme Court Act 8(2), 19(2), 33(1d) Supreme Court Rules s685 Criminal Code cannot be used to violate Rule Of Law s2(b,e) Canadian Bill Of Rights Against Criminals' Revictimization Of Victim Principle Of Fundamental Justice, tested by adapting R. v. Smith [1987] 1 SCR 1045 s12 s15 Charter cruel treatment racial discrimination test;

S685 Criminal Code is unconstitutionally overbroad <sup>Allard v. Canada, 2016-02-24, 2016 FC 236, T-2030-13</sup>, it shall read in, "if a **Court of Appeal lacks jurisdiction** and....",

S15 Supreme Court Act is unconstitutionally overbroad it shall read in as follows; "15 Subject to the **Constitution, Criminal Code** and direction of the Chief Justice the Registrar shall superintend ...",

S58 (1b) Supreme Court Act is unconstitutionally overbroad it shall read in as follows; 58(1)(b) in the case of an appeal for which leave to appeal is not required **includes any unfulfilled criminal code appeal** for which leave to appeal is not required,

S97 (1c) Supreme Court Act is unconstitutionally overbroad it shall read in as follows; "97(1)(c) for empowering the Registrar to **subject to the Constitution, Criminal Code** do any such thing and transact any such business as is specified in the rules or orders, and to exercise any authority and jurisdiction in respect of the rules or orders as may be done,"

S8(2) Supreme Court Rules is unconstitutionally overbroad it shall read in as follows; "8(2) The Court, a judge or the Registrar may subject to s97(1c)(2)(3) Supreme Court Act refuse a document that does not comply with these Rules ..."

S19(2) Supreme Court Rules is unconstitutionally overbroad it shall read in as follows; "19(2) On receipt of a document, the Registrar may subject to s97(1c)(2)(3) Supreme Court Act (a) accept or reject the document for filing;"

S33(1d) Supreme Court Rules is unconstitutionally overbroad it shall read in as follows; "33(1) A notice of appeal ... shall .... (b) set out the legislative provisions that authorize the appeal;(d) in the case of all other appeals for which leave to appeal is not required includes any unfulfilled criminal code appeal for which leave to appeal is not required,

6) A question of **CONSTITUTIONAL IMPORTANCE** is; In light of Saskatchewan Bill 30 s16(2) Privacy Act s10(2) Access To Information Act are unconstitutionally overbroad, they shall read in "subject to the Charter of Rights, Criminal Code" after words "may but is not required",

[http://www.oipc.sk.ca/Legislation/2015-12-](http://www.oipc.sk.ca/Legislation/2015-12-31_Supplementary%20FOIP%20LA%20FOIP%20Amendments.pdf)

31\_Supplementary%20FOIP%20LA%20FOIP%20Amendments.pdf

Part I Amendments For Citizens 1. Confirm or deny existence of record

In Review Report 035/2015, the IPC made the following recommendation: I recommend that the Legislative Assembly amend subsection 7(4) of The Local Authority Freedom of Information and Protection of Privacy Act and The Freedom of Information and Protection of Privacy Act to narrow the scope of these provisions to bring them in line with other provinces. In this Report, our section 7(4) of FOIP was compared to similar provisions in other jurisdictions as follows: A jurisdictional scan indicates that British Columbia and Ontario have a similar provision but it can only be invoked where there would be an unjustified invasion of privacy or interference with law enforcement. Alberta, Prince Edward Island and Manitoba are similar but in addition to the above, the provision can be invoked where disclosure would threaten health or safety. **The federal Access to Information Act (ATIA) has a provision most similar to Saskatchewan's. It is broad and the federal Information Commissioner has recommended that it be more narrowly defined as it is in other provinces.** Saskatchewan's subsection 7(4) of LA FOIP and FOIP should also be amended to narrow the scope of this discretionary power in order to bring it into line with other provinces. Proposal To bring Saskatchewan in line with other jurisdictions, I propose the following amendment to subsection 7(4) of FOIP: 7(4) Where an application is made with respect to a record that is exempt from access pursuant to sections 15, 21 or 29(1) of this Act, the head may refuse to confirm or deny that the record exists or ever did exist.

Access To Information Act; ..10 .. Existence of a record not required to be disclosed (2) The head of a government institution **may but is not required** to indicate under subsection (1) whether a record exists.

Privacy Act 16 ... Existence not required to be disclosed (2) The head of a government institution **may but is not required** to indicate under subsection (1) whether personal information exists.

7) A question of **CONSTITUTIONAL IMPORTANCE** is; any definition of judicial misconduct that excludes criminal offences, is unconstitutionally narrow. Manitoba is the only province that expressly defined judicial misconduct as including any indictable criminal code offence which includes

s362 deliberate false statement in writing with intent to defraud “property” “service”, 21b deliberate false statement with intent to facilitate an ongoing criminal offence, 25.1(9)(11b) deliberate false statement by a public officer with intent to defraud “property” "obstruct, pervert or defeat the course of justice", s122 deliberate false statement with intent to use public power for something other than the public good, s139(1)(2)(3a) deliberate false statement to "obstruct, pervert or defeat the course of justice", s126 deliberate false statement with intent to disobey a statute. No legislation below expressly defines misconduct as excluding **beyond all reasonable doubt evidence** of deliberate false statements in a court order with mens rae to act; without jurisdiction, in bad faith, to defraud "property" "service", Judges Act 65(2d) shall read in “... by an indictable criminal offence, his or her **conduct or otherwise**,

Judges Act; **65(2)(b)** having been **guilty of misconduct**, (c) having **failed in the due execution** of that office, or (d) having been placed, by his or her **conduct or otherwise**, in a position **incompatible with the due execution of that office**, ...

Ontario Courts Justice Act 51.8 (1)(b) ... (ii) **conduct that is incompatible** with the due execution of his or her office, or (iii) **failure to perform the duties** of his or her office.

Justices Of The Peace Act, 11.2(2)(b)(ii) **conduct that is incompatible** with the due execution of his or her office, or (iii) failure to perform the duties of his or her office.

New Brunswick Provincial Court Act, R.S.N.B. 1973, C. P-21

6 Subject to this Act, a judge holds office during good behaviour and may be removed from office only for **misconduct, neglect of duty or inability to perform his or her duties**.

Newfoundland And Labrador, CODE OF ETHICS

1. The Judge should render justice within the framework of the law.
2. The Judge should perform the duties of office with integrity, dignity and honour.
3. The Judge has a duty to foster professional competence.
4. The Judge should avoid any conflict of interest and refrain from entering a situation or position where the functions of judicial office cannot be faithfully carried out.
5. The Judge should be, and be seen to be, impartial and objective.
6. The Judge should perform the duties of office diligently and devote all efforts to the exercise of his/her judicial functions.
7. The Judge should refrain from any activity which is not compatible with the judicial office.
8. In public, the Judge should act in a reserved, dignified and courteous manner.
9. The Judge should follow the administrative directives of the Chief Judge within the performance of judicial office.
10. The Judge should uphold the integrity and defend the independence of the judiciary, in the best interest of justice and society.

British Columbia Provincial Court Act [RSBC 1996] Scope of inquiry 26 (b) **misconduct**; (c) **failure in the execution** of his or her office; (d) **conduct incompatible** with the due execution of his or her office.

Quebec Chapter T-16 Courts Of Justice Act 262. The code of ethics determines the rules of conduct and the duties of the judges towards the public, the parties to an action and the advocates, and it indicates in particular which **acts or omissions are derogatory to the honour, dignity or integrity of the judiciary** and the functions or activities that a judge may exercise...

chapter T-16, r. 1 Judicial code of ethics Courts of Justice Act (chapter T-16, s. 261)

1. The judge should render justice within the framework of the law.

2. The judge should perform the duties of his office with integrity, dignity and honour.
3. The judge has a duty to foster his professional competence.
4. The judge should avoid any conflict of interest and refrain from placing himself in a position where he cannot faithfully carry out his functions.
5. The judge should be, and be seen to be, impartial and objective.
6. The judge should perform the duties of his office diligently and devote himself entirely to the exercise of his judicial functions.
7. The judge should refrain from any activity which is not compatible with his judicial office.
8. In public, the judge should act in a reserved, serene and courteous manner.
9. The judge should submit to the administrative directives of his chief judge, within the performance of his duties.
10. The judge should uphold the integrity and defend the independence of the judiciary, in the best interest of justice and society.

Nova Scotia Provincial Court Act, Chapter 238, 1989 17K (e) (i) age or infirmity, (ii) having been guilty of **misconduct**, (iii) having **failed in the due execution** of that office, or (iv) having been placed, by the judge's **conduct or otherwise**, in a position incompatible with the due execution of that office.

Territorial Court Act, RSNWT 1988, (1) A person wishing to make a complaint about (a) the conduct of a judge or of a justice; (b) the **neglect of duty** by a judge or a justice; or (c) any matter which may lead a person to conclude that the ability or capacity of a judge or justice to perform their responsibilities has become substantially impaired or diminished or that they are **otherwise unfit** for office;

Alberta Judicature Act RSA 2000 Section 35 Chapter J-2 Report of recommendations 37 (3) A sanction referred to in subsection (2)(g) or (h) may be recommended only if there was a finding of **misbehaviour, neglect of duty** or inability to perform duties.

Alberta Provincial Court Act Complaints; 9.4 A complaint about the **competence, conduct, misbehaviour or neglect of duty** of a judge or the inability of a judge to perform duties is to be dealt with in accordance with Part 6 of the Judicature Act.

Manitoba The Provincial Court Act C.C.S.M. C. C275 Complaints referred directly to board 31(2) Despite subsection (1), the Chief Judge **shall refer a complaint to the board if (a) the complaint alleges that a judge has committed an indictable offence**; or (b) in the opinion of the Chief Judge, the alleged misconduct by the judge may amount to conduct prejudicial to the **administration of justice that brings the judicial office into disrepute**.

Saskatchewan Provincial Court Act, 1998 Chapter P-30.11 Statutes Of Sk.;

**2(j) "misconduct" includes conduct unbecoming a judge**; Review and investigation of complaint 55(1) The council shall review and, where necessary, investigate the conduct of a judge where the council: (a) receives a complaint respecting the judge alleging **misconduct or incapacity**; or (b) otherwise becomes aware of possible misconduct by the judge or possible incapacity of the judge.

Prince Edward Island Provincial Court Act, RSPEI 1988, C P-25 .. 10. (1) Where the Lieutenant Governor in Council has reason to believe that a judge is guilty of **misbehaviour** or is **unable to perform his or her duties** properly, the Lieutenant Governor in Council shall by order appoint a judge of the Supreme Court to inquire into and report on the matter.

8) A question of **CONSTITUTIONAL IMPORTANCE** is; whether in light of constitutional rule of law right to self-defence from ongoing crimes, constitutional judicial independence, constitutional

criminal law enforcement role of attorney generals, parliament of Canada exclusive Constitutional jurisdiction to write the Criminal Code, rule of law right to **separation of executive and judicial power**, public interest and good governance policy concerns, is Part II Judges Act lack of separation of “investigate” (police), prosecutorial (AG or private prosecutor) and adjudicative (judges) functions for court proceeding criminal misconduct constitutional? To bring s60(2) or 63(2) into compliance, it must read in “**shall request a police investigation** of any judicial proceeding criminal misconduct”, 63(3) or 69(1) shall read in “must make an inquiry if the police conclude there is evidence of a crime”.

9) A question of **CONSTITUTIONAL IMPORTANCE** is; in light of s11(d) Charter right to "a hearing before an independent and **impartial** tribunal", s10 Supreme Courts Act s9(1) Federal Courts Act Oath Of Office, Constitution Acts 1867 to 1982 ... Parliament of Canada 91 ‘Criminal Law... including the Procedure in Criminal Matters“ jurisdiction over s2 "prosecutor ....where 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”, 683(2).. Parties entitled to adduce evidence and be heard, 802(1) “prosecutor is entitled personally to conduct his case..”, 507.1(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”, s551.3(1g Charter), 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, Criminal Code, does the Canada have jurisdiction to exclude a deliberate falsehood in a criminal proceeding with mens rae to benefit a judge or court or judicial council from 65(2) Judges Act definition of misconduct? To bring 63(3) or 69(1) into compliance with s11(d) Charter, it must read in “must make inquiry if **court or judge or judicial council** benefits from a judicial proceeding criminal misconduct”.

10) A question of **CONSTITUTIONAL IMPORTANCE** is; In light of the trite constitutional rule of law rights against arbitrary (**contrary to objects**) interpretation of 65(2) Judges Act AND rule of law against absurd 65(2) Judges Act interpretation <sup>Rizzo & Rizzo Shoes Ltd. (Re), [1998] 1 SCR 27, 1998 CanLII 837 (SCC)</sup> which was codified in 25.1(9)(11b), s122 Criminal Code offences that only apply to public officers, s97(2)(3) Supreme Court Act, s12 s13 s21(1a,d) Canada Interpretations Act, 41, 41.2 Quebec Interpretation Act CI-16, 8, 17 BC Interpretation Act, 1, 15, 17 NB Interpretation Act, s10 Ontario Interpretation Act, s10 Alberta Interpretation Act, 46(2) Federal Courts Act, 97(2) Supreme Courts Act, 96(2) Ontario Courts Justice Act, s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights, s2, s3, s5 Canada Human Rights Act, Constitution Acts 1867 to 1982 52(1) "Any law inconsistent with .. Constitution is, to extent of the inconsistency, of no force or effect", s7 s9 s10 s12 s15 Charter of Rights, s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights, does Canada have jurisdiction to exclude a deliberate arbitrary court order in a criminal proceeding from 65(2) Judges Act definition of misconduct? To bring s60(2) or 63(2) into compliance, it must read in “shall investigate any order that is arbitrary (contrary to objects of statutes that are the subject of litigation) or violates a statute or the constitution”, 63(3) or 69(1) shall read in “must make an **inquiry for any order that violates a statute or the constitution**”,

11) A question of **CONSTITUTIONAL IMPORTANCE** is; In light of fact that Manitoba, PEI do not recognize alleged immunity from “**maliciously and without reasonable and probable cause**”, other than Conseil, all 9 provinces affirm a bad faith exception for civil proceedings against judicial

councils, provinces lack jurisdiction to legislate immunity from the Criminal Code, rule of law that vested rights not be destroyed without remedy, s12(6) Federal Courts Act “immunity”, common law and provincial legislated “**immunity**” for superior court judges is unconstitutionally overbroad <sup>Allard v. Canada, 2016 FC 236</sup>, they shall read in the **bad faith exception** as described in provincial legislation below.

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. ...

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**.

### **III. EXHAUSTION OF DOMESTIC REMEDIES/APPLICATION TO OTHER INTERNATIONAL PROCEDURES**

Have you submitted the same matter for examination under another procedure of international investigation or settlement (e.g., the Inter-American Commission on Human Rights, the European Court of Human Rights or the African Commission on Human and Peoples’ Rights)? No

#### **Member of Canada Privy Council / Chief Justice of Supreme Court of Canada / Chair of Canadian Judicial Council**

The Chief Justice is encouraging discrimination against black politicians, by acting without jurisdiction in proceedings where the Canadian Judicial Council / Supreme Court of Canada is a party and in violation of the rule of law against using public power in bad faith by refusing to hear appeal of the registrar’s decision to act without jurisdiction and in bad faith by refusing to hear a constitutional question in order to cover up a falsehood by all 9 Supreme Court justices (The Right Honourable McLachlin, Beverley; Abella, Rosalie Silberman; Moldaver, Michael J.; Karakatsanis, Andromache; Wagner, Richard; Gascon, Clément; Côté, Suzanne; Brown, Russell; Rowe, Malcolm) who issued a no s40 Supreme Courts Act jurisdiction to hear leave appeal motion of 6 final orders, 2 final directions by a single Federal Court of Appeal judge.

There is a pending complaint about this crime before Canadian Judicial Council Chair Richard Wagner, therefore the inaction refusal of Chief Justice Richard Wagner to direct the Registrar to comply with the rule of law by hearing the civil proceedings constitutional question and hearing the criminal proceedings

constitutional question, creates a personal benefit of avoidance of CJC reprimand or removal to Chief Justice Richard Wagner. The Supreme Court test for s122 Criminal Code breach of trust is engaged;

*R. v. Boulanger*, [2006] 2 S.C.R. 49, 2006 SCC The offence of breach of trust by a public officer is established where the Crown proves beyond a reasonable doubt that: (1) the accused is an official; (2) the accused was acting in connection with the duties of his or her office; (3) the accused breached the standard of responsibility and conduct demanded of him or her by the nature of the office; (4) the accused's conduct represented a serious and marked departure from the standards expected of an individual in the accused's position of public trust; and (5) the accused acted with the intention to use his or her public office for a purpose other than the public good, for example, a dishonest, partial, corrupt, or oppressive purpose.

*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...',

### Supreme Court Registrar

The registrar is acting without jurisdiction in proceedings where the Supreme Court is a party and in violation of the rule of law against using public power in bad faith by refusing to hear a motion on the constitutionality of the rules that he claims gives him public power to refuse constitutional mandatory duty to file civil proceedings new evidence reconsideration motion records in civil files in order to cover up crimes that include a falsehood by the Supreme Court Registrar who wrote no s40 Supreme Courts Act jurisdiction to hear leave appeal application for 6 final orders, 2 final directions by a single Federal Court of Appeal judge against parties that include Canada, Conservative Party, Canadian Judicial Council, Federal Court, Federal Court of Appeal, Supreme Court of Canada.

“On April 6, the registrar wrote; “Section 40 of the Supreme Court Act provides that the Court can hear appeals from “any final or other judgment of the Federal Court of Appeal or of the highest court of final resort in a province, or a judge thereof.” That means that the decision you are appealing from must be a final judgement that cannot be appealed anywhere but in this Court. ... your application may be premature ... If you decide to apply to this Court ...your application will be dismissed because the Court does not have jurisdiction”. He cashed a \$600 cheque based on a contract that he will provide a **written explanation** re s362(1) Criminal Code false statements that s40 Supreme Court is not jurisdiction to hear civil appeals of final decisions by any court of appeal single judge or clerk refusing to schedule an appeal before a panel of judges.

Canada legislated meaning of “40(1)” “appeal” “final judgement” “judgment” “judicial proceeding”, the following irrefutable legal conclusion are based on government legislation that the Registrar and all Supreme Court Justices are familiar with, they chose to make false statements about jurisdiction in order to extort appeal rights with threats of injury from loss of application fees.

- a) Any interlocutory or final judgement by a single judge can be appealed
- b) Any interlocutory or final judgement by a panel of judges can be appealed
- c) All registrar are under a mandatory statutory duty to comply with any Chief Justice verbal or written direction, therefore inaction by any Chief Justice to a request to change the final decision of a registrar to refuse to open a file number, is Chief Justice final judgment that can be appealed

- d) “judgment” that can be appealed is defined in the Supreme Court Act as including other verbal or written decisions which are not orders.
- e) There is nothing in the Supreme Court Act that a decision has to be in writing.
- f) There is nothing in the Supreme Court Act that a decision has to have a file number.
- g) The word “decree” includes implied oral decisions by Chief Justice to a registry officer.
- h) The lack of decision to issue a file number is an implied decision that can be appealed.
- i) The word includes means that as long as it affects “substantive right of any of the parties in controversy”, any verbal or written or implied decision can be appealed”

Supreme Court Act (R.S.C., 1985, C. S-26) Definitions 2 (1) In this Act, appeal includes **any proceeding** to set aside or vary any judgment of the **court appealed from**; (appel) final judgment means any judgment, rule, order **or decision** that determines in whole or in part any **substantive right** of any of the parties in controversy in any judicial proceeding; judgment, when used with reference to the court appealed from, includes any judgment, rule, order, **decision**, decree, decretal order or sentence thereof, and when used with reference to the Supreme Court, includes any judgment or order of that Court; (jugement) **judicial proceeding includes** any action, suit, **cause, matter or other proceeding** in disposing of which the court appealed from has not exercised merely a regulative, administrative or executive jurisdiction;

“Appeals with leave of Supreme Court 40 (1) Subject to subsection (3), an appeal lies to the Supreme Court from any final **or other judgment** of the Federal Court of Appeal or of the highest court of final resort in a province, or a judge thereof, in which judgment can be had in the particular case sought to be appealed to the Supreme Court, whether or not leave to appeal to the Supreme Court has been refused by any other court, where, with respect to the particular case sought to be appealed, the Supreme Court is of the opinion that any question involved therein is, **by reason of its public importance or the importance of any issue of law** or any issue of mixed law and fact involved in that question, one that ought to be decided by the Supreme Court or is, for any other reason, **of such a nature or significance** as to warrant decision by it, and leave to appeal from that judgment is accordingly granted by the Supreme Court.

Supreme Court Registrar also refused s784 Criminal Code, Supreme Court Act and constitutional duty to issue 9 criminal proceedings notices of appeal;

- I. S15, 58(1b), 97(1c) Supreme Court Act 8(2), 19(2), 33(1d) Supreme Court Rules S685 Criminal Code Notice Of Motion And Constitutional Question (Criminal) To Supreme Court Registrar Roger Bilodeau;
- II. Ontario Superior Court (Criminal) File 17-30442, 17-30443, 17-30444, 17-30445 (**Registrar In “Highest Court Of Final Resort In A Province” Acted Without Jurisdiction In Bad Faith To Remove s784 Criminal Code Appeal Re Prosecution of Office of Auditor General of Canada**)
- III. Alberta Court Of Queen’s Bench (Criminal) 170510184X1 (“**Highest Court Of Final Resort In A Province**” Exceeded s685 “No Substantial Ground Of Appeal” Jurisdiction In Bad Faith, Abused The Court Process To Remove s24 Charter right to s685 Constitutional Question / s784 Criminal Code Appeal Re Prosecution of Canadian Judicial Council Member AB Court Of Queen’s Bench)

- IV. Quebec Superior Court (Criminal) 550-36-000021-178 (“**Highest Court** Of Final Resort In A Province” Exceeded s685 “No Substantial Ground Of Appeal” Jurisdiction In Bad Faith, Abused The Court Process To Remove s24 Charter right to s685 Constitutional Question / s784 Criminal Code Appeal Re Prosecution of Canadian Judicial Council Member Quebec Superior Court)
- V. New Brunswick Court of Queen’s Bench (Criminal) File (**Registrar** In “Highest Court Of Final Resort In A Province” Acted Without Jurisdiction In Bad Faith To Remove s784 Criminal Code Appeal Re Prosecution of Canadian Judicial Council Member NB Court of Queen’s Bench)
- VI. BC Supreme Court (Criminal) File 27229-1 (“**Highest Court** Of Final Resort In A Province” Exceeded s685 “No Substantial Ground Of Appeal” Jurisdiction In Bad Faith To Remove s784 Appeal Re Prosecution of Canadian Judicial Council Member BC Supreme Court)
- VII. Ontario Superior Court (Criminal) File 17-MOT-1-93 (**Registrar** In “Highest Court Of Final Resort In A Province” Acted Without Jurisdiction In Bad Faith To Remove s784 Criminal Code Appeal Re Prosecution of Office of Public Sector Integrity Commissioner)
- VIII. Ontario Superior Court (Criminal) File CR-17-00000001-00M0 (“**Highest Court** Of Final Resort In A Province” Acted Without Jurisdiction In Bad Faith To Remove s784 Criminal Code Appeal Re Prosecution of Ontario Court of Appeal)
- IX. Ontario Superior Court (Criminal) File 16-30604, (“**Highest Court** Of Final Resort In A Province” Acted Without Jurisdiction In Bad Faith To Remove s784 Criminal Code Appeal Re Prosecution of Canadian Judicial Council)

### **Canadian Judicial Council**

They are acting without jurisdiction, contrary to reprimand or remove objects of Judges Act by in about 2 years, refusing good faith duty to respond to about 62 complaints of criminal misconduct by judges.

### **Prime Minister of Canada and Minister of Justice**

Canadian Judicial Council is part of the government policy implementation team, therefore their crimes are Canadian government crimes. Canada is acting in bad faith by;

- a) not responding to a request for a meeting to discuss meritorious changes to statutes that include the Judges Act and Elections Act,
- b) removing statutory and constitutional right to access Federal Court and Federal Court of Appeal,
- c) refusing a Judges Act statutory duty to request a record of investigation from the Canadian Judicial Council,
- d) refusing to consent to hearing of the Judges Act / Supreme Courts Act / Federal Court Act / Privacy Act / Criminal Code / Elections Act / Human Rights Act constitutional question,
- e) refusing to request an RCMP investigation of Supreme Court Registrar, Office of Auditor General of Canada, Office or Public Sector Integrity Commissioner, Human Rights Commission, Canadian Judicial Council,
- f) refusing s507(1) public prosecution of Supreme Court Registrar, Office of Auditor General of Canada, Office or Public Sector Integrity Commissioner, Human Rights Commission and Canadian Judicial Council for committing an ongoing crime by refusing Judges Act good faith duty to request the record of investigation for judicial criminal misconduct complaints.

Between 1<sup>st</sup> Day of January 2010 to 21<sup>st</sup> Day of February 2017, **Her Majesty The Queen In Right of Canada “The Queen”** did knowingly by deceit, falsehood and other fraudulent means, defraud equal benefit of s296 (2.1,3.1,6) Excise Tax Act, s23 s95 Financial Administrations Act, s5(1a) s42(1) Canada Revenue Agency Act, s12 s21(1a,d) Interpretations Act, s12 Charter of Rights, s1(a), s2(e) Canadian Bill of Rights, rule of law, s126 Criminal Code, for an improper purpose of creating a financial benefit for Her Majesty The Queen In Right of Canada “The Queen”, in contravention of s380(1a) of the Criminal Code of Canada.

Between 1<sup>st</sup> Day of January 2010 to 21<sup>st</sup> Day of February 2017, **Her Majesty The Queen In Right of Canada “The Queen”** did knowingly make and cause to be made false statements in writing, with intent that it be relied upon, to wit equal benefit of s12 Privacy Act, s4 Access To Information Act, s12 Charter of Rights, s1(a),s2(e) Canadian Bill of Rights, rule of law,s126 Criminal Code, for an improper purpose of creating a financial benefit for Her Majesty The Queen In Right of Canada “The Queen”, in contravention of s362[1] of the Criminal Code of Canada.

#### **Complainant Member of Parliament**

The MP for the black politician is refusing to represent and promote his meeting request to the Prime Minister or the House of Commons Committee on Justice and Human Rights in order to present ideas for changes to the Judges Act and Elections Act.

#### **House of Commons**

No MP has provided a quote in support of changes to the Judges Act and Elections Act that will prevent racial discrimination against black politicians.

#### **House of Commons Committee on Justice and Human Rights**

They are refusing to respond to a request to present to the Committee on the public interest benefit of making changes to the Judges Act and Elections Act.

#### **Senate of Canada**

They are refusing to respond to request for a quote in support of changes to the Judges Act and Elections Act that will prevent racial discrimination against black politicians.

#### **Senate Committee on Legal and Constitutional Affairs**

They are refusing to respond to a request to present to the Committee on the public interest benefit of making changes to the Judges Act.

#### **Senate Committee on Human Rights**

They are refusing to respond to a request to present to the Committee on the public interest benefit of making changes to the Elections Act.

#### **Elections Canada**

They refused to respond to a request for intervention at the Human Rights Commission in order to prevent the Commission from defrauding jurisdiction re Canada Elections Act constitutional question.

#### **Office of Public Sector Integrity Commissioner**

They acted without jurisdiction to violate “wrongdoing” objects of enabling Act by refusing to investigate wrongdoing by public servants that include Canadian Judicial Council, Supreme Court Registrar, Canadian Human Rights Commission by falsely stating, no evidence of wrongdoing.

### **Office of Auditor General of Canada**

They acted without jurisdiction to contravene the “wrongdoing” objects of the enabling Act by refusing to investigate criminal wrongdoing by Office of Public Sector Integrity Commissioner by falsely stating that he lacked jurisdiction to investigate the complaint from Office of Public Sector Integrity Commissioner.

### **Royal Canadian Mounted Police**

They have thus far refused to open a criminal investigation of Canadian Judicial Council.

### **The Supreme Court of Canada**

Despite the foreseeable consequence of encouraging racial discrimination against black politicians, they defrauded merits hearing of Judges Act / Supreme Courts Act / Federal Court Act / Privacy Act / Elections Act / Human Rights Act constitutional question.

### **Federal Court of Canada**

They defrauded s24 Charter right to access the court, as a reprisal for exercising s21(a,d) Canada Interpretations Act right to sue the Federal Court of Canada for criminal code violations that include false statement that they lack jurisdiction to decide the Canada Elections Act constitutional question, despite the foreseeable consequence of encouraging racial discrimination against black politicians. They defrauded merits hearing of Judges Act / Supreme Courts Act / Federal Court Act / Privacy Act / Elections Act / Human Rights Act constitutional question.

### **Federal Court of Appeal of Canada**

They defrauded s24 Charter right to access the court, as a reprisal for exercising s21(a,d) Canada Interpretations Act right to sue the Federal Court of Appeal of Canada for criminal code violations that include false statement that they lack jurisdiction to decide the Canada Elections Act constitutional question, false statement that despite contrary evidence, there is no evidence to show that there was a premeditated racist plan to let the black candidate contest the Conservative Party nomination as long as one of the other caucasian candidates could defeat him, but disqualify without giving a reason because he had a 7 to 1 membership popularity with the membership that is about 98% caucasian. They defrauded merits hearing of Judges Act / Supreme Courts Act / Federal Court Act / Privacy Act / Elections Act / Human Rights Act constitutional question.

### **Ontario Premier and Attorney General**

They defrauded my s24 Charter right to access the court, by defrauding the s140 Courts Justice Act Constitutional Question. They are acting in bad faith by abusing unlimited s79 Criminal Code power to stay any prosecution without a reason to defraud my s24 Charter right to an s79 Criminal Code constitutional question AND s504 s507.1 Criminal Code statutory right to prosecute the racist Federal Court, Federal Court of Appeal, Supreme Court of Canada for actions that include false statement that they lack jurisdiction to decide the Canada Elections Act constitutional question, false statement that despite contrary evidence, there is no evidence to show that there was a racist premeditated plan to ensure that about 98% caucasian party members do not nominate a black candidate to represent them.

They are refusing to respond to complaints about Ontario Superior Court and Ontario Court of Appeal acting without jurisdiction to remove access to Criminal Court by refusing to provide a hearing date without even creating a file number or issuing an order so that the Supreme Court can falsely state that they lack jurisdiction because there is no written order. A registrar is not a judge therefore their crimes of refusing to issue file numbers are Ontario Government crimes.

Due to Ontario racial profiling studies, Ontario discovered that black people are more likely to be deemed a security risk by law enforcement, in response they created s6(1)(4), s7(1)(3)(4), 8, Police Services Act Ontario Regulation 58/16 but they are now refusing to change s138 Police Act so that judges would also have to give the black male a reason for directing an arrest and assault by the police. Ontario Attorney General violated Ade Olumide s1 Human Rights Code right to equal access to 5 Attorney General Act / 65, 66, 67, 68, 69, 71, 72, 77 Courts Justice Act / 3(2), 142 Police Services Act / Police Services Act 12 Ontario Regulation 58/16 services.

Ontario is also guilty of refusing to consent to hearing of the constitutional question, refusing to request a police investigation, refusing s507(1) public prosecution of Canadian Judicial Council member (Ontario Superior Court) for committing an ongoing crime by refusing Judges Act good faith duty to request the record of investigation for judicial criminal misconduct complaints sent to them in Ontario.

Paquette v. Desrochers, 2000 CanLII 22729 (ON SC)...[15] In the seminal case of Nelles v. Ontario, 1989 CanLII 77 (SCC), [1989] 2 S.C.R. 170, 60 D.L.R. (4th) 609, the Supreme Court of Canada ... The Supreme Court concluded that the traditional common law immunity did not apply to civil actions for malicious prosecution. **..absolute immunity for the Attorney General and his agents, the Crown Attorneys, is not justified in the interests of public policy....** There is no doubt that the policy considerations in favour of absolute immunity have some merit. But in my view those considerations must give way to the right of a private citizen to seek a remedy when the prosecutor acts maliciously in fraud of his duties with the result that he causes damage to the victim.... [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 ...

### **Ontario Court of Justice (Criminal)**

Chief Justices Of The Ontario Court Of Justice, Superior Court Of Justice, Ontario Court Of Appeal violated Ade Olumide s1 Human Rights Code right to equal access to 5, 14, 36, 65, 66, 67, 69 Courts Justice Act services. They extorted a mandatory statutory right to prosecute the Canadian Judicial Council for refusing to request a record of investigation of judges that facilitated racial discrimination against black politicians by making several false statements in court orders. They violated the following statutes by directing arrest and assault by deeming the colour of a black male a security risk because he feared the stereotype that black male would become violent because he had prevented him from attending a meeting that he was invited to.

It has been almost 1 year since the assault because a black skin colour is a security risk, but OCJ is still refusing to provide a reason for direct police to arrest and assault the complainant which is a breach of Charter of Rights “Arrest or detention 10. Everyone has the right on arrest or detention (a) to be informed promptly of the reasons therefor;” Canadian Bill of Rights “(c) deprive a person who has been arrested or detained (i) of the right to be informed promptly of the reason for his arrest or detention,” Canada Victims Bill of Rights “Security 9 Every victim has the right to have their security considered by the appropriate authorities in the criminal justice system. Protection from intimidation and retaliation 10 Every victim has the right to have reasonable and necessary measures taken by the appropriate authorities in the criminal justice system to protect the victim from intimidation and retaliation.”

They defrauded an Ontario Court of Justice court order that the s579 Criminal Code Constitutional Question shall be heard. They falsely stated that a criminal code “organization” “person” “justice system participant” that include Ontario Court of Justice, Ontario Justice of Peace Review Council cannot be prosecuted as organizations despite no rebuttal to judicial notice of fact commonly known to the community that SNC Lavalin is being prosecuted as criminal code “organization” “person” “justice system participant” for bribery with relation to Ghadaffi’s son and s22.2 Criminal Code specifically defines the test for prosecuting an “organization”. The Ontario Court of Justice violated;

- 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) A JP is a not judge, 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 Ontario Interpretation Act,
- 11) lack of jurisdiction to change s3 s17(3) Justice of Peace Officers Act,
- 12) lack of jurisdiction to change / positive obligation to comply with s1 Human Rights Code
- 13) lack of Ontario 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”
- 14) lack of Ontario jurisdiction to change Constitution Acts 1867 to 1982 Legislative Authority of Parliament of Canada 91 ‘Criminal Law... including the **Procedure in Criminal Matters**”
- 15) lack of Ontario 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, s140 inducing police to commit a crime by lying that a black male is a security risk, s265(1a,b)(3c,d) assault, s346(1.1b) extortion, s380(1a) fraud, s341, s423.1(b) intimidation,
- 16) lack of Ontario jurisdiction to change s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights,
- 17) lack of Ontario jurisdiction to change s11 s12 s13 s21(a,d) s34 Canada Interpretation Act,
- 18) lack of Ontario jurisdiction / positive obligation to comply with s2, s3, s5 Canada Human Rights Act
- 19) lack of Ontario jurisdiction / positive obligation to comply with preamble objects s7 s9 s10 s12 s15 Charter of Rights, preamble objects,

- 20) lack of Ontario 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<sup>Garland</sup> of racism principle of fundamental justice,
- 21) lack of Ontario 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,
- 22) lack of Ontario jurisdiction / positive obligation to comply with rule of law against arbitrary (contrary to objects of enabling Act) application of statutory power,
- 23) lack of Ontario jurisdiction / positive obligation to comply with rule of law against elevating statutory power above the constitution,
- 24) lack of Ontario jurisdiction / positive obligation to comply with rule of law against using statutory public power in bad faith (discrimination, arrest, assault, extortion),
- 25) lack of Ontario jurisdiction / positive obligation to comply with rule of law against absurd statutory or constitutional interpretation,

The following cases show that the Ontario Court of Justice has no jurisdiction to refuse s504 s507.1 criminal code right to prosecute the Canadian Judicial Council for ongoing crimes;

Waskowec v. Ontario, 2014 ONSC 1646 (CanLII) [12] The s. 507 (or **s.507.1**) **power, on the other hand, belongs to the justice**. In Dowson, supra at 536-7, Lamer J. referred to it as “**an obligation to ‘hear and consider’ the allegation and make a determination**”. He held that the justice “**plays the same role as the grand jury, as regards the finding of grounds to issue a process**”. In Jean Talon Fashion, supra at 227-8, Rothman J. held that “It is only after the information is received that the Justice’s judicial function begins”. He described the s. 507 “judicial function” in the following terms: On receiving the information, therefore, the **Justice must hear and consider the allegations of the informant** and, if he considers it desirable or necessary, **he may also hear evidence of other witnesses so that he can decide whether or not a case has been made out** for the issuance of a summons or a warrant. This being an ex parte hearing, the accused has no right to be present or to cross-examine the informant or any of the witnesses. The purpose of the hearing is not to determine the guilt or innocence of the accused but simply to determine whether or not there are reasonable and probable grounds to indicate that the accused should be required to answer to the charge of an offence.

Ambrosi v. British Columbia (Attorney General), 2014 BCCA 123 (CanLII)

[23] Section 507.1 requires that the referral be heard by a judge or a designated justice; that the informant lead evidence of his or her allegations **on each essential element of the offence** (see also, McHale at para. 74); and that notice be given to the Attorney General, and that the Attorney General be permitted to participate, cross-examine and call witnesses, and present evidence.

[24] These additional safeguards ensure that “spurious allegations, vexatious claims, and frivolous complaints barren of evidentiary support or legal validity will not carry forward into a prosecution” (McHale at para. 74).

[25] **Once process is issued, the Attorney General has the right to step in and take over the prosecution and either stay the proceedings or continue with the prosecution:** s. 579(1) of the Code.

R. v. Vasarhelyi, 2011 ONCA 397 (CanLII) Evidence at the Pre-enquete

[39] Section 507.1(3)(a) distinguishes between “the *allegations* of the informant”, on the one hand, and “the *evidence* of witnesses”, on the other. Unlike s. 507(1)(a)(ii), applicable to informations laid by law

enforcement officers, where the introduction of the *evidence* of witnesses is only required where the justice “considers it desirable or necessary to do so”, s. 507.1(3)(a) **appears to make the introduction of “evidence of witnesses” essential**. Such a requirement serves as an important control over invocation of the criminal process to further the fevered imaginings of a private informant.

[40] Despite this apparent requirement of “the evidence of witnesses” at the pre-enquete under s. 507.1(3), the section **does not specify or otherwise describe, in express words, the substance or kind of evidence that must or may be introduced on the inquiry**. For example, nothing like s. 518(1), which sets the boundaries of the justice’s inquiry and delineates the nature and scope of evidence that may be received at a judicial interim release hearing, appears in s. 507.1.

[41] The absence of express provisions governing the evidence of witnesses at the pre-enquete is alleviated by the provisions of s. 507.1(8), which incorporate by reference ss. 507(2)-(8). Among the incorporated provisions of ss. 507(2)-(8) is s. 507(3)(b), which requires a justice who hears the evidence of a witness under s. 507(1), a provision like ss. 507.1(2) and (3), to **“cause the evidence to be taken in accordance with section 540 in so far as that section is capable of being applied”**.

[42] Section 540 is one of several provisions that appear under the heading, *Taking Evidence of Witnesses*, under Part XVIII that deals with the procedure on the preliminary inquiry.

[43] Sections 540(1) – (5) have appeared in one form or another, since the *Criminal Code* of 1892. With the more recent addition of subsection (6), these provisions describe the mechanics of recording evidence received in the proceedings. They do not concern themselves with what may be given in evidence, only with how it is to be recorded once received.

[44] Sections 540(7) – (9) entered service on June 1, 2004, as part of a comprehensive series of amendments intended to expedite the hearing and circumscribe the scope of the preliminary inquiry. The current regime for private prosecutions, including the procedure to be followed at the pre-enquete, came into force on July 23, 2002. The referential incorporation of the provisions of s. 540 by what is now s. 507(3) continues provisions to the same effect that have been in force since prior to the 1955 revision of the *Criminal Code*.

[45] Sections 540(7)-(9) and sections 540(1)-(6) serve entirely different functions.

[46] The *admissibility* of evidence at a preliminary inquiry is the focus of ss. 540(7)-(9). In other words, these provisions have to do with *what* the justice may receive as evidence at the inquiry. Sections 540(7)-(9) **expand the scope of what may be received as evidence beyond what the traditional rules of admissibility would permit**. Provided the information tendered for reception is **credible and trustworthy**, and the opposite party has received reasonable notice of the intention to introduce it, together with disclosure, the **justice may admit the information as evidence even though the traditional rules of evidence would exclude it**.

[47] In contrast, ss. 540(1)-(6) have nothing to do with *what* may be admitted as evidence at the preliminary inquiry. Their focus is on *how* what is admitted as evidence is to be recorded, not on the evidentiary composition of the record.

[48] In combination, **ss. 507.1(8) and 507(3)(b) appear to incorporate s. 540 in its entirety “in so far as that section is capable of being applied” to the pre-enquete**. By contrast, s. 646,[2] the marginal heading of which is also “taking evidence”, expressly excludes ss. 540(7)-(9) from its incorporation of the evidence taking provisions of Part XVIII.

[49] Unlike a preliminary inquiry to which s. 540 applies directly, a pre-enquete is not an adversarial proceeding. The person against whom the informant seeks to have process issued is not present and is not represented by counsel. **The Attorney General is entitled to notice of the hearing, an opportunity to attend, to cross-examine and call witnesses and to present any relevant evidence at the pre-enquete without being deemed to intervene in the proceeding**. The Attorney General may

also enter a stay of proceedings on a private information **as soon as the information has been laid** or withdraw the information once a justice has determined that process should issue: *Criminal Code*, s. 579(1); *R. v. Dowson*, 1983 CanLII 59 (SCC), [1983] 2 S.C.R. 144; and *R. v. McHale* (2010), 2010 ONCA 361 (CanLII), 256 C.C.C. (3d) 26 (Ont. C.A.), at para. 89, leave to appeal to S.C.C. refused, [2010] S.C.C.A. No. 290...

[55] The task set for the justice of the peace by s. 507.1 was to determine whether he considered that the appellant had made out a case for the issuance of process to compel the appearance of the prospective accused to answer allegations of three historical indictable offences. The justice's decision, according to s. 507.1(3)(a), was to be based upon a hearing and consideration of the *allegations* of the informant and the *evidence* of witnesses. Unlike the provisions of s. 507(1)(a)(ii), applicable to informants associated with law enforcement, s. 507.1(3)(a) appears to *require* the evidence of witnesses. The only "witness" here was the appellant.

[56] Section 507.1 contains no express provisions about what is admissible as evidence at the pre-enquete. Such a lacuna is scarcely remarkable. As a matter of general principle, however, it would seem logical to conclude that, at the very least, **evidence that showed or tended to show the commission of the listed offences by the prospective accused would be relevant and material at the pre-enquete**: *R. v. Grinshpun* (2004), 2004 BCCA 579 (CanLII), 190 C.C.C. (3d) 483 (B.C.C.A.), at para. 33, leave to appeal to S.C.C. refused, [2004] S.C.C.A. No. 579.

[57] **No principled reason would exclude from the evidentiary mélange at the pre-enquete, evidence that would be relevant, material and admissible** (under the traditional rules of evidence) in support of committal at the preliminary inquiry or in proof of guilt at trial.

*R. v. McHale*, 2010 ONCA 361 (CanLII) [69] The structure and language of s. 507.1(3)(a) differs from the former s. 455.3 applicable in *Dowson*. Under the former provision, the justice was required to hear and consider *ex parte*, the allegations of the informant. The justice was only required to hear and consider, *ex parte*, the evidence of witnesses, where the justice considered it desirable or necessary to do so. Section 507.1(3) is of a different construction. It eschews the direct statement of a duty in favour of a **list of prerequisites** that must be met before the justice may exercise his or her discretion to issue process. The prerequisites include the requirement that the justice hear and consider the allegations of the informant and the evidence of witnesses. The effect of s. 507.1(3)(a) is to **impose a duty on the justice to hear and consider the allegations of the informant and the evidence of witnesses** at the pre-enquete.

[70] It is well-settled that criminal proceedings are instituted or commenced by the laying or receipt of an information in writing and under oath. Anyone named as a person who committed the offence described in the information is a person "charged" with an offence for the purposes of s. 11(b) of the *Charter*: *R. v. Kalanj*, 1989 CanLII 63 (SCC), [1989] 1 S.C.R. 1594, at p. 1607.

[71] A criminal prosecution only commences after a justice has made a decision to issue process: *Dowson*, at p. 150. As Chief Law Officer of the Crown, the Attorney General has supervisory control over criminal prosecutions. It seems reasonable to conclude that this supervisory authority begins contemporaneously with the commencement of a criminal prosecution. And that moment, at least in the absence of some statutory provision to the contrary, is **after a justice has decided to issue process at the conclusion of a pre-enquete**.

[72] Policy considerations also favour the conclusion that the withdrawal authority of the Attorney General crystallizes and may be exercised as of the moment the justice determines to issue process **at the conclusion of the pre-enquete**.

[73] The *Criminal Code* permits private prosecutions. A private informant may lay an information in conformity with s. 504. Receipt of the information commences criminal proceedings. Parliament enacted, more accurately continued, a procedure aimed at the **determination by a judicial officer** of whether the informant has made out a case for prosecution. This procedure is the pre-enquete, a hearing that **provides the private informant the opportunity to present her or his case** for prosecution.

[74] Conduct of the pre-enquete vindicates the interest of the private informant who seeks prosecution of another for an alleged crime. The pre-enquete assures the private informant that an **independent judicial officer will hear the informant's allegations, listen to the evidence of the informant's witnesses, and decide whether there this is evidence of each essential element of the offence** charged in the information. The pre-enquete also ensures that spurious allegations, vexatious claims, and frivolous complaints barren of evidentiary support or legal validity will not carry forward into a prosecution. To insist that the withdrawal power await the determination about issuance of process also **reduces the risk** that the *Criminal Code's* provisions for private prosecution will **to begin and end with the right to lay a private information**.

[75] To hold that the authority to withdraw arises immediately upon the decision to issue process does not prejudice the interest of the persons named as responsible for the crimes alleged in the private information. The pre-enquete is conducted *in camera*. A decision by the Attorney General to withdraw the information once the decision to issue process has been made requires no public appearance, nor any response by those named in the information.

[76] The nexus between the decision to issue process and the withdrawal authority of the Attorney General **also ensures that the decision to withdraw is informed by knowledge of the substance of the case** the private prosecutor proposes to pursue. **The fuller evidentiary record** also establishes the basis upon which the withdrawal decision is grounded should **accountability concerns** later surface.

### **Ontario Superior Court Of Justice (Criminal)**

They defrauded my s24 Charter right to access the court, by defrauding the s140 Courts Justice Act Constitutional Question. They falsely stated that a criminal proceeding is not a criminal proceeding with mens rae to defraud s551.3(1g Charter) Criminal Code Proceeding. They falsely stated that they have absolute immunity from Criminal Code prosecution. They defrauded merits hearing s579 Criminal Code constitutional question. The Chief Justice acted in bad faith by doing indirectly (refusing to comply with s774 Criminal Code, s12 Canada Interpretations Act s482(1)(3) Criminal Code rules 1.01(1), 1.04(1), 4.10, 6.01(1), 27.03, 27.04(1), Courts Justice Act 14(1)(7), 75(1), 80) what cannot be done directly, in order to commit party to arrest, assault, extortion by the Ontario Court of Justice violating 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), s140(1b), s265(1a,b)(3c,d), s346(1.1b), s423.1(b), 341, 362, s380(1) Criminal Code. In lay man terms, they are committing an ongoing crime by refusing mandatory criminal code statutory duties to create a file number and provide a hearing date.

### **Ontario Court of Appeal (Criminal)**

They falsely stated that a criminal proceeding is not a criminal proceeding with mens rae to defraud s551.3(1g Charter) Criminal Code Proceeding. They defrauded merits hearing s579 Criminal Code constitutional question. The Chief Justice acted in bad faith by doing indirectly (refusing to comply with s784 Criminal Code, s12 Canada Interpretations Act s482 Criminal Code rules 10(1)(2), Courts Justice Act 5(1), 7(1), 76(1), 80) what cannot be done directly, in order to commit party to arrest, assault, extortion by the Ontario Court of Justice violating 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, s140(1b), s265(1a,b)(3c,d), s346(1.1b), s423.1(b), 341, 362, s380(1a) Criminal Code. In lay man terms,

they are committing an ongoing crime by refusing mandatory criminal code statutory duties to create a file number and provide a hearing date.

### **Ontario PC and NDP Opposition Leaders**

They are refusing to respond to request that they represent the black male to the Ontario Provincial Police Commissioner and Deputy Commissioner by requesting a reason why they have not responded to requests for prosecution of persons that include Ontario Court Justice and Ontario Justice of Peace Review Council for offences that include racist arrest, assault and extortion of statutory right to prosecute the racism sympathizer Canadian Judicial Council.

### **Law Society of Upper Canada Diversity Initiatives Committee**

They are refusing to respond to formal Administrative Procedures Act Application request that they represent the black male Police Act 138 rule that the victim is entitled to receive on request the reason for arrest and assault, to Criminal Rules Committee which includes the Law Society of Upper Canada, Ontario Attorney General, Ontario Court of Justice, Ontario Superior Court, Ontario Court of Appeal.

COMPLAINANT HEREBY SEEKS THE FOLLOWING 3 DECLARATIONS;

- 1) 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; LSUC 21b party to arrest, assault, extortion of right to prosecute Canadian Judicial Council causation for destruction of a 15 year political career / loss of job / loss of home / \$100,000 costs reprisals 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
  
- 2) Declaration that LSUC lacks jurisdiction to use statutory power to dismiss a complaint with mens rae to violate s52(1) Constitution Acts 1867 to 1982, s21b, s22.2, s25.1(9)(11b), s380(1a) Criminal Code, preamble objects and s7 s9 s10 s12 Charter of Rights, 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, s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights, s11 s12 s13 s21 s34 Canada Interpretation Act; **Rule of law that vested inalienable right to equal protection from the law against arbitrary arrest, assault and extortion cannot be destroyed by any government legislation**, Rule of law that a criminal should not be permitted to keep the proceeds of his crime, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating statutory power above the constitution, Rule of law against using statutory power in bad faith, Rule of law that Parliament did not intend to give LSUC the power to exceed the constitution, Rule of law against unconstitutionally overbroad statutory power.
  
- 3) Declaration that refusing to grant the letter of support for the above mentioned criminal rule, is unconstitutionally overbroad because it purports power to; act contrary to Law Society Act "principles to be applied by the Society 4.2", violate; s52(1) Constitution Acts 1867 to 1982, s21b, s22.2, s25.1(9)(11b), s380(1a) Criminal Code, preamble objects and s7 s9 s10 s12 Charter of Rights, 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, s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights, s11 s12 s13 s21 s34 Canada Interpretation Act; **Rule of law that vested inalienable right to equal protection from the law against arbitrary arrest, assault and extortion cannot be destroyed by any government legislation**, Rule of law that a criminal should not be permitted to keep the proceeds of his crime, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating statutory power above the constitution, Rule of law against using statutory power in bad faith, Rule of law that Parliament did not intend to give LSUC the power to exceed the constitution, Rule of law against unconstitutionally overbroad statutory power.

### **Ontario Organization of Independent Police Review Directorate**

They issued a decision that the Ottawa Police has a duty to comply with any criminal offence requested by a judge and the Ottawa Police does not have jurisdiction to ask the judge for a written justification of the direction to arrest, assault and extort complainant right to prosecute the Canadian Judicial Council.

They are refusing to respond formal Administrative Procedures Act Notice of Application request that they represent the black male to the Ontario Provincial Police Commissioner and Deputy Commissioner by requesting a reason why they have not responded to requests for an s7 Canada Victims Bill of Rights to duty to provide the victim an outcome of the investigation of offences that include racist arrest, assault and extortion of statutory right to prosecute the racism sympathizer Canadian Judicial Council.

### **COMPLAINANT HEREBY SEEKS THE FOLLOWING 5 DECLARATIONS;**

- 1) 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; OPP 21b party to assault, extortion of right to prosecute Canadian Judicial Council causation for destruction of a 15 year political career / loss of job / loss of home / \$100,000 costs reprisals 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
  
- 2) Declaration that Solicitor General, OIPRD lack jurisdiction to interpret 6.4 OIPRD Rules of Procedure s60 Police Services Act as power to dismiss a complaint with mens rae to violate s52(1) Constitution Acts 1867 to 1982, s21b, s22.2, s25.1(9)(11b), s139(1)(2)(3a), s380(1a) Criminal Code, preamble objects and s12 s9 s10 Charter of Rights, 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, s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights, s11 s12 s13 s21 s34 Canada Interpretation Act; Rule of law that a criminal should not be permitted to keep the proceeds of his crime, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating court or tribunal adjudicative power above the constitution, Rule of law against using statutory power in bad faith, Rule of law that vested right to criminal code mandatory proceedings shall not be destroyed without police intervention to remedy the crime, Rule of law against unconstitutionally overbroad legislation and regulations.

3) Declaration that OIPRD interpretation of 6.4 OIPRD Rules of Procedure s60(4) Police Services Act is unconstitutionally overbroad because it purports power to; act contrary to s1 s42 s81(2) objects of the Police Services Act, act contrary to PART VII Code of conduct 30. 2, act contrary to the “public policy, a criminal should not be permitted to keep the proceeds of his crime”<sup>Garland</sup> objects of Independent Police Review Director, violate; s52(1) Constitution Acts 1867 to 1982, s21b, s22.2, s25.1(9)(11b), s139(1)(2)(3a), s380(1a) Criminal Code, preamble objects and s12 s9 s10 Charter of Rights, 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, s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights, s11 s12 s13 s21 s34 Canada Interpretation Act; Rule of law that a criminal should not be permitted to keep the proceeds of his crime, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating court or tribunal adjudicative power above the constitution, Rule of law against using statutory power in bad faith, Rule of law that vested right to criminal code mandatory proceedings shall not be destroyed without police intervention to remedy the crime, Rule of law against unconstitutionally overbroad legislation and regulations. 6.4 s60(1) shall read in “subject to the Constitution, Criminal Code, Victims Bill of Rights, Independent Police Review Director may, in accordance with this section, decide not to deal with a complaint” ..

4) S7 Canada Victims Bill of Right to an outcome of the investigation of each element of the charge of assault and extortion against any court, Canada Victims Bill of Right; s2 objects s9 right to security s10 right against intimidation and retaliation s16 right to restitution of right to criminal code mandatory proceedings, common law test for Paquette v. Desrochers, 2000 CanLII 22729 (ON SC)...”malicious failure to prosecute”, Johnston et al. v. Prince Edward Island, 1995 10509 (NL SCTD)... City of Kamloops v. Nielsen, 1984 CanLII 21 (SCC), ...: 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...,” is an OPP positive obligation to issue a policy that any assault and extortion of right to criminal code mandatory proceedings will trigger an automatic OPP criminal investigation.

5) s52(1) Constitution Acts 1867 to 1982, s21b, s22.2, s25.1(9)(11b), s139(1)(2)(3a), s380(1a) Criminal Code, preamble objects and s12 s9 s10 Charter of Rights, 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, s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights, s11 s12 s13 s21 s34 Canada Interpretation Act; Rule of law that a criminal should not be permitted to keep the proceeds of his crime, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating court or tribunal adjudicative power above the constitution, Rule of law against using statutory power in bad faith, Rule of law that vested right to criminal code mandatory proceedings shall not be destroyed without police intervention to remedy the crime, Rule of law against unconstitutionally overbroad legislation and regulations, supersedes the common law doctrine of judicial immunity, is an OPP positive obligation to issue a policy that raising common law question of judicial immunity **before commencement of a court (judicial) proceeding**, is unconstitutional because;

judicial independence is a constitutional doctrine, while judicial immunity is a common law doctrine with exceptions (bad faith, assault and extortion of right to criminal code mandatory proceedings, Alberta, PEI, Manitoba legislative acknowledgement of bad faith, lack of jurisdiction exceptions)

neither constitutional judicial independence nor common law judicial immunity can be engaged **before commencement of a criminal court** (judicial) proceeding.

neither judicial independence nor judicial immunity can overcome s139 obstruction of justice, s25.1(9)(11b) administration of law criminal code offences.

the receiving of information is a “ministerial act”, it is not a judicial act, any “judicial or adjudicative immunity” that includes arrest, assault and extortion of access to criminal court administrative office in order to do indirectly (prevent the **ministerial act commencement of a criminal court proceeding**) what he had no power or jurisdiction to do directly, is unconstitutionally overbroad.

### **Ontario Provincial Police**

They are refusing to respond to formal Administrative Procedures Act Notice of Application request that prosecute persons that include Ontario Court of Justice, Ontario Justice of Peace Review Council, Ontario Superior Court, Ontario Court of Appeal party to offences that include racist arrest, assault and extortion of statutory right to prosecute the racism sympathizer Canadian Judicial Council.

**POLICY REQUEST- COMPLAINANT HEREBY SEEKS THE FOLLOWING 4 DECLARATIONS;**

6) 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; OPP 21b party to assault, extortion of right to prosecute Canadian Judicial Council causation for destruction of a 15 year political career / loss of job / loss of home / \$100,000 costs reprisals fraud;

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

7) Declaration that OPP lacks jurisdiction to dismiss this application with mens rae to violate s52(1) Constitution Acts 1867 to 1982, s21b, s22.2, s25.1(9)(11b), s139(1)(2)(3a), s380(1a) Criminal Code, preamble objects and s12 s9 s10 Charter of Rights, 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, s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights, s11 s12 s13 s21 s34 Canada Interpretation Act; Rule of law that a criminal should not be permitted to keep the proceeds of his crime, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating OPP power above the constitution, Rule of law against using statutory power in bad faith, Rule of law that vested right to criminal code mandatory proceedings shall not be destroyed without police intervention to remedy the crime.

8) Declaration that s7 Canada Victims Bill of Right to an outcome of the investigation of each element of the charge of assault and extortion against any court, Canada Victims Bill of Right; s2 objects s9 right to security s10 right against intimidation and retaliation s16 right to restitution of right to criminal code mandatory proceedings, common law test for Paquette v. Desrochers, 2000 CanLII 22729 (ON SC)...”malicious failure to prosecute”, Johnston et al. v. Prince Edward Island, 1995 10509 (NL

SCTD)... City of Kamloops v. Nielsen, 1984 CanLII 21 (SCC), ...: 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...,” is an OPP positive obligation to issue a policy that any assault and extortion of right to criminal code mandatory proceedings will trigger an automatic OPP criminal investigation.

9) Declaration that s52(1) Constitution Acts 1867 to 1982, s21b, s22.2, s25.1(9)(11b), s139(1)(2)(3a), s380(1a) Criminal Code, preamble objects and s12 s9 s10 Charter of Rights, 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, s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights, s11 s12 s13 s21 s34 Canada Interpretation Act; Rule of law that a criminal should not be permitted to keep the proceeds of his crime, Rule of law against absurd statutory interpretation, Rule of law against arbitrary application of statutory power, Rule of law against elevating OPP power above the constitution, Rule of law against using statutory power in bad faith, Rule of law that vested right to criminal code mandatory proceedings shall not be destroyed without police intervention to remedy the crime, supersedes the common law doctrine of judicial immunity, are an OPP positive obligation to issue a policy that raising common law question of judicial immunity **before commencement of a court (judicial) proceeding**, is unconstitutional because;

judicial independence is a constitutional doctrine, while judicial immunity is a common law doctrine with exceptions (bad faith, assault and extortion of right to criminal code mandatory proceedings, Alberta, PEI, Manitoba legislative acknowledgement of bad faith, lack of jurisdiction exceptions) neither constitutional judicial independence nor common law judicial immunity can be engaged **before commencement of a criminal court** (judicial) proceeding.

neither judicial independence nor judicial immunity can overcome s139 obstruction of justice, s25.1(9)(11b) administration of law criminal code offences.

the receiving of information is a “ministerial act”, it is not a judicial act, any “judicial or adjudicative immunity” that includes arrest, assault and extortion of access to criminal court administrative office in order to do indirectly (prevent the **ministerial act commencement of a criminal court proceeding**) what he had no power or jurisdiction to do directly, is unconstitutionally overbroad.

## SERVICE REQUEST

Further to the above mentioned mandate of Deputy Commissioner Rick Barnum / Ottawa Crown Prosecutors, I would like to bring to your attention the following provisions of the police services act;

1. Police services shall be provided throughout Ontario in accordance with the following principles:
  1. The need to ensure the safety and security of all persons and **property in Ontario**.
  2. The importance of safeguarding the fundamental rights guaranteed by the Canadian **Charter of Rights and Freedoms** and the **Human Rights Code**.
  4. The importance of **respect for victims of crime** and understanding of their needs.
42. (1) The duties of a police officer include,
  - (c) **assisting** victims of crime;
  - (d) **apprehending criminals** and other offenders and others who may lawfully be taken into custody;
  - (e) **laying charges and participating** in prosecutions;

**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**;

2.. victim means an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence.

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

**Security** 9 Every victim has the right to have their security considered by the appropriate authorities in the criminal justice system.

Protection from intimidation and **retaliation** 10 Every victim has the right to have reasonable and necessary measures taken by the appropriate authorities in the criminal justice system to protect the victim from intimidation and retaliation.

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

## Ontario Human Rights Code Preamble,

Whereas recognition of the **inherent dignity** and the **equal and inalienable rights** of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

And Whereas it is public policy in Ontario to recognize the **dignity and worth of every person** and to provide for **equal rights and opportunities** without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the **dignity and worth of each person** so that **each person feels a part of the community** and **able to contribute fully** to the development and well-being of the community and the Province;

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...

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**...

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.**

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**":

The OPP is hereby requested not to commit party to offence of assault and extortion by investigating the following crimes and lay charges against the following **5 criminals**;

- (i) Justice of Peace Review Council
- (ii) Her Majesty The Queen In Right of Ontario for Ontario
- (iii) Ontario Court of Justice
- (iv) Ontario Superior Court
- (v) Ontario Court of Appeal

The following documents, are in support of this request;

- (i) Complaint to Justice of Peace Council- Page 7
- (ii) Letter To Ontario Court of Appeal Chief Justice- Page 47
- (vi) Letters To Ontario, Court of Appeal, Ontario Superior Court, Ontario Court of Justice - Page 72

Justice Of Peace Review Council

Between 8<sup>th</sup> day of November 2017 to 24<sup>th</sup> day of November 2017 at the City of Toronto, **Justice of Peace Review Council** did knowingly by deceit, falsehood and other fraudulent means, defraud s12 s24 Charter of Rights s2(b,e) Canada Bill of Rights objects s9 s10 Canada Victims Bill of Rights s12 Canada Interpretations Act, Justice of Peace Act warn, reprimand, education, removal remedies re November 8 JP McLean, in contravention of s380(1a) of the Criminal Code of Canada.

Her Majesty The Queen In Right Of Ontario For Ontario

Between 8<sup>th</sup> day of November 2017 to 24<sup>th</sup> day of November 2017 at City of Toronto, **Her Majesty The Queen In Right of Ontario** did knowingly by deceit, falsehood and other fraudulent means, defraud s12 s24 Charter of Rights, s2(b,e) Canada Bill of Rights, objects s16 Canada Victims Bill of Rights, s12 Canada Interpretations Act, Criminal Code s505 s507(1) prosecution of persons that include Ontario Superior Court, Ontario Court of Appeal, in contravention of s380(1a) of the Criminal Code of Canada.

Ontario Court Of Justice

Between 8<sup>th</sup> day of November 2017 to 24<sup>th</sup> day of November 2017 at City of Ottawa, **Ontario Court of Justice** did willfully obstruct, pervert, defeat course of justice by falsely stating that the Criminal Code does not authorize prosecution of the accused "person" "justice system participant" "organization" with mens rae to defraud s12 s24 Charter of Rights, s2(b,e) Canada Bill of Rights, objects s16 Canada

Victims Bill of Rights, s12 Canada Interpretations Act, Criminal Code s2 “prosecutor” s482(1) s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 prosecution of persons that include Ontario Court of Justice, Justice of Peace Review Council for crimes that include assault and extortion, in contravention of s139(1)(2)(3a) of the Criminal Code of Canada.

#### Ontario Superior Court

Between 8<sup>th</sup> day of November 2017 to 24<sup>th</sup> day of November 2017 at City of Ottawa, **Ontario Superior Court of Justice** did willfully obstruct, pervert, defeat course of justice by defrauding s12 s24 Charter of Rights, s2(b,e) Canada Bill of Rights, objects s16 Canada Victims Bill of Rights, s12 Canada Interpretations Act, s482(1) Criminal Code, rules 1.02(1), 1.04(1), 4.10, 6.01(1), 27.03, 27.04 duty to provide a hearing date for the criminal proceeding Charter mandamus application on the Ontario Court of Justice, in contravention of s139(1)(2)(3a) of the Criminal Code of Canada.

#### Ontario Court Of Appeal

Between 8<sup>th</sup> day of November 2017 to 24<sup>th</sup> day of November 2017 at City of Toronto, **Ontario Court of Appeal** did willfully obstruct, pervert, defeat course of justice by defrauding s12 s24 Charter of Rights, s2(b,e) Canada Bill of Rights, objects s16 Canada Victims Bill of Rights, s12 Canada Interpretations Act, Criminal Code s482(1) s784, Criminal rules 10 right to appeal denial of criminal proceeding Charter mandamus application hearing date at the Ontario Superior Court of Justice, in contravention of s139(1)(2)(3a) of the Criminal Code of Canada.

#### Ontario Provincial Police Standards Bureau

They have not created an s7 s9 s10 s16 Canada Victims Bill of Rights standard of care at the OPP.

#### Ontario Justice Committee

There is no change to Police Act 138, in order to create a mandatory duty for a judge to comply with the Canadian Charter of Rights, Canadian Bill of Rights, Canadian Victims Bill of Rights, Rule of Law by filing a written reason for racist arrest and assault with the Ontario Attorney General and Court.

#### Ontario Human Rights Tribunal

With the support of Ontario, Ontario Court of Justice, Ontario Superior Court, Ontario Court of Appeal, the Tribunal has declared an intention to dismiss the application to change Police Act 138 to create a mandatory duty for the judge to file a written reason for arrest and assault with the Ontario Attorney General and the Court Registrar or Chief Justice, due to alleged judicial immunity from racist crimes of illegal arrest, assault, extortion of right to prosecute Canadian Judicial Council racism sympathizer crimes, committed without a court proceeding in the public foyer beside the entrance of the court and in contravention of a judicial invitation to come to court to meet with a Justice of Peace that agreed to issue a prosecution of Canadian Judicial Council for crimes that include refusal to request investigation of judges that made several false statements in order to facilitate Conservative “Party Brass” racism. The HRTTO has been provided an 11 part test to dismiss without committing a criminal offence, therefore they ONLY have two choices, proceed to a hearing on the merits or commit a crime;

- 1) On Merits Adjudication Of October 18 Judicial Immunity Constitutional Question Judicial Notice Of 3 Legislative Facts

- 2) On Merits Adjudication Of October 20 Prosecutorial / Tribunal Immunity Constitutional Question Judicial Notice Of 4 Legislative Facts;
- 3) Police Act 138(1)(ii) power to without a court proceeding deny access to a court facility is not an adjudicative decision and is not "integral to the effective exercise of their duties" <sup>Jo-Anne Pickel</sup> /
- 4) s69 Courts Justice Act Criminal Rules Committee power is subject to s15 s24 Charter of Rights, s1 Human Rights Code, s1(a,b) s2(e) Canadian Bill of Rights, Constitution Acts 1867 to 1982 52(1) "Any law inconsistent with .. Constitution is, to extent of the inconsistency, of no force or effect" /
- 5) With about 1 million yearly court cases, it is not in the public interest <sup>Jo-Anne Pickel</sup> to have the power to without a court proceeding arrest assault black people because you are afraid of their colour /
- 6) With 1 million yearly court cases, it is not in public interest <sup>Jo-Anne Pickel</sup> to encourage arrest assault of blacks by rewarding theft of assault extortion criminal prosecution and appeal <sup>Jo-Anne Pickel</sup> .
- 7) Refusing to apply HRTO 3 part test for common law adjudicative immunity is defacto bad faith
- 8) Refusing to apply HRTO prima facie racism test for reversing burden of proof is defacto bad faith
- 9) Elevating common law above judicial immunity constitutional question defacto bad faith
- 10) Failure to apply Human Rights Commission ultimate and secondary 6 part organization test on false statement of lack of lack jurisdiction for adjudicative immunity constitutional question / criminal rules committee handling of 138(1)(ii) policy matter is bad faith
- 11) Merits Adjudication Of Formal Orders In Forms 10, 12, 16, 20 Tribunal power to obtain video and audio recordings of what lead to an order to arrest and assault, JPs and police officer eye witness affidavits on what lead to an order to arrest and assault.

### **Ontario Human Rights Commission**

<http://www.cbc.ca/news/canada/ottawa/ohrc-racial-profiling-traffic-stop-data-1.3872493>

Non-White Lawyers Call Out Racial Profiling In Justice System

<http://www.cbc.ca/radio/thecurrent/the-current-for-september-13-2016-1.3759566/september-13-2016-full-episode-transcript-1.3760936#top>

Despite knowing that black people are more like to be deemed a security risk by law enforcement, they have contravened the objects of the Human Rights Code through inaction to racial discrimination by the judiciary and racial discrimination against black politicians by despite notice of intent to dismiss due to purported judicial immunity without a court proceeding, they have refused to respond to requests that they seek intervener status at the Ontario Human Rights Tribunal Application.

The foreseeable consequence of inaction is that the Police Act 138(1)(ii) right of judges to arrest and assault black males without giving a reason will disproportionately affect the black males that access the criminal justice system because black males are more likely to be deemed a security risk for simply holding a pen and paper and asking a Justice of Peace for his name so that the victim can exercise a

statutory right to make a complaint to the Justice of Peace Review Council, despite s3 s17(3) Justice of Peace Act duty to provide his name.

In years of litigation, judges are always caucasians, this is not to disparage caucasians, many gave their lives fighting to abolish slave trade, fighting to end apartheid in South Africa, by 7 to 1 they preferred a black African over 3 other highly qualified caucasians, the government should take steps to a judiciary that is more reflective of the population, but this is not the solution. If a black judge perceives that compliance with the rule of law will limit career opportunities, or if he perceives that caucasian political careers are more important than black political careers, a black judge is capable of being racist to black politicians, therefore the root cause is the lack of police accountability for Canadian Judicial Council.

If the CJC knew that the Chair can go to jail for refusing to request investigation of multiple deliberate false statements in a court order the, s67(4c) Canada Elections Act constitutional question would have been heard a long time ago. This will not affect the appeal status quo for errors in law, which is a question of law or fact where there can be multiple answers. For example everyone knows that the argument that assault, murder, rape, kidnap by a judge on a court premises is protected by judicial immunity is obviously false, therefore there must be a test, therefore failure to apply the test which includes whether or not there was a court proceeding, is a deliberate criminal offence.

The Commission knows that without judicial integrity, all human rights legislation is meaningless; the Commission knows that only political parties can form a government, only a government can write the legislation required for police accountability for corrupt leaders of the Canadian Judicial Council, yet despite the Tribunal's notice of intent to commit a crime, they are silent. In consideration of their s15 Charter s1 Human Rights Code positive obligation, objects of the Human Rights Code, if they let the Tribunal dismiss without putting up a fight, that inaction is an s21b criminal code offence. Anyone can take offence at the comments of the complainant, but no one can prove him wrong.

Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84..... "[i]n some contexts it will be proper to characterize **s.15 as providing positive rights**".... in order to make a fundamental freedom meaningful, a posture of restraint would not be enough, and positive governmental action might be required". [360] ... Most obviously, they stand for the proposition that the Charter's fundamental freedoms can be infringed even absent overt state action. Mere restraint on the part of government from actively interfering with protected freedoms is not always enough to ensure Charter compliance; **sometimes government inaction can effectively constitute such interference**....

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....,

### **Ontario Justice of Peace Review Council**

They have contravened the objects of the Justice of Peace Act by encouraging justice of peace racist criminal misconduct by falsely stating that they lack jurisdiction because arrest and assault without a court proceeding is a judicial decision. Justice Of Peace Review Council Crimes;

**Breached s380(1) Criminal Code;**

Council cannot state in writing that **any JP has jurisdiction to refuse to comply with;**

- a) Rule of law 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, 2004 SCC 25, 52...Criminal Code are intra vires the level of government that enacted them...overriding public policy consideration in this case is.. As a matter of public policy, **a criminal should not be permitted to keep the proceeds of his crime.**” is part of the Constitution, which was codified in s16 Victims Bill of Rights to restitution duty of Council to reverse disposition of all complaints OR face criminal prosecution to enforce s16.
- b) Fraud 380 (1) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security or **any service,**
- c) 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...**The courts are, of course, bound by the Charter;**
- d) Enforcement of guaranteed rights and freedoms. 24. (1) **Anyone** whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied **may apply to a court** of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.
- e) front page of Ontario Court of Justice s504 s507.1 information form “As a citizen, you have the right to appear before a Justice of the Peace to lay charges against another person by swearing to an Information. A Justice of Peace must receive the Information if it meets the statutory provisions of the Criminal Code of Canada.”
- f) Constitution Acts 1867 to 1982 ... Parliament of Canada 91 ‘Criminal Law... including the Procedure in Criminal Matters‘ jurisdiction over s2 "prosecutor .....where 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”, 683(2).. Parties entitled to adduce evidence and be heard, 802(1) “prosecutor is entitled personally to conduct his case..”, 507.1(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”, s551.3(1g Charter),
- g) Superior Court Justice Hackland who initiated more crimes than any other judge, denied the s504 s507.1 injunction by the Crown for lack of jurisdiction, the Ontario Court of Justice do not agree, so they are arresting, assaulting, abusing, threatening injury, extorting, intimidating, discriminating, mocking, belittling, demeaning, lying about jurisdiction, lying about meaning of s504 “person” “justice system participant” “organization” in order to facilitate multiple ongoing crimes.
- h) Olumide v Her Majesty the Queen in Right of Ontario, 2017 ONSC “[9] The current case law holds that a **Justice of the Peace cannot decline to accept an information.** Justice Code in Waskowec

v. Ontario, 2014 ONSC 1646 (CanLII) held that the powers of a Justice of the Peace under s. 504 of the Criminal Code are purely ministerial with no place for judicial discretion; at para 11:”

- i) *Olumide v Her Majesty the Queen in Right of Ontario*, 2017 ONSC 1201 [13] .. an **entitlement granted by the Criminal Code cannot be constrained by a court order** granted under provincial legislation ...
- j) *Olumide v Her Majesty the Queen in Right of Ontario*, 2017 ONSC [19] ...the **injunctive relief requested is beyond the Court’s jurisdiction** in that it would restrict the right of a private citizen to lay an information under section 504 of the Criminal Code and thus is arguably not permissible.
- k) *R. v. Zlatic*, [1993] 2 SCR 29, 1993 CanLII 135 (SCC) (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, .... 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;
- l) *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**.
- m) *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**”:

- n) *Canadian Broadcasting Corporation v The Queen*, 1983 CanLII 50 (SCC), [1983] 1 S.C.R. 339 the Supreme Court upheld the decision of the Ontario Court of Appeal that CBC could be prosecuted under Criminal Code, “it is not enough ..that the purpose ... is an authorized purpose; **the Court must also determine that the means which the agent uses to accomplish the purpose are expressly or impliedly**” ... **I am quite satisfied that it never entered the mind of Parliament that C.B.C. could not be reached by the statute...** *R. v. Eldorado Nuclear Ltd.; R. v. Uranium Canada Ltd.*, [1983] 2 SCR 551 “I have serious **doubts that Parliament ever intended...carte blanche to engage in illegal activities on behalf of the Crown and to encourage other citizens to do likewise**” “We might ask in this case whether Parliament ever contemplated that the respondents would go about the implementation of their statutory purposes by means of an illegal conspiracy with others, counting on the protection of their Crown immunity”

**Breached s341 Criminal Code;** Lack of “warn” or “reprimand” or “education” or “removal” jurisdiction over 11.2(2b) “(ii) conduct that is incompatible with the due execution of his or her office, (prohibited criminal offences that bring the administration of justice into disrepute) (iii) failure to perform the duties of his or her office” re JPs **McAleer, Hiscox, St Jean, Ralph, Drescher, Kreling** arrest and assault of a victim of crime in order to extort victim’s Criminal Code s2”prosecutor” s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) s683(2) s788 s802 / Canada Victims Bill of Rights s2 objects, 6, 9, 10, 16 / Charter of Rights s9, s10, s12 s15 / s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights against criminal revictimization of victim with mens rae to retain proceeds <sup>Garland</sup> of crime principle of fundamental justice / Canada Interpretation Act s11 s12 s13 s21 s34 / Ontario Interpretation Act s10 / Justice of Peace Act s3 oath, s17(3) duty to assist / rule of law against using public power to deliberately commit criminal offences, is a fraudulent misrepresentation.

**Breached s81b Police Services Act;** s21b party to offence, s22 person counselling, s22.2 organization party to offence, s25.1(9)(11b) public officer offence, s122 breach of trust use of public power against the public good in order to obtain personal benefit, s139(1)(2)(3a) obstruction of justice, s140(1b) inducing police to commit a crime by lying that a black male is a security risk, s265(1a,b)(3c,d) assault, s346(1.1b) extortion, s380(1a) fraud, s341 fraudulent concealment, s423.1(b) intimidation.

**Breached 482(1)** criminal code by dishonestly/ partiality acting without jurisdiction to defraud criminal code “482(1) ... may make rules of court not inconsistent with this or any other Act of Parliament, and any rules so made apply to any prosecution, proceeding, action or appeal ,... in relation to any matter of a criminal nature or arising from or incidental to any such prosecution, proceeding, action or appeal”

**Breached s3 s17(3) Justice Peace Act** by dishonestly and with partiality acting without jurisdiction to defraud “service” “property” Justice of Peace Act “3. . I will faithfully and to the best of my skill and knowledge, execute the duties of a justice of the peace, and I will do so without fear or favour, affection or ill will. So help me God. “”17. Justices to assist public (3) Justices of the peace shall assist members of the public, at their request, in formulating informations in respect of offences.”

**Breached s2 objects s6 s9 s10 s16 Victims Bill of Rights** by dishonestly and with partiality acting without jurisdiction to defraud Criminal Code s482(1) “any act of parliament”;

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

- b) 2.. victim means an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence.
- c) General information 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.
- d) Security 9 Every victim has the right to **have their security considered** by the appropriate authorities in the criminal justice system.
- e) Protection from intimidation and retaliation 10 Every victim has the right to have reasonable and necessary measures taken by the appropriate authorities in the criminal justice system to **protect the victim from intimidation and retaliation**.

**Deliberately defrauding s12, 21 Interpretations Act** by dishonestly and with partiality acting without jurisdiction to breach constitutional rule of law right self defence from ongoing crimes object of criminal code / Enactments Remedial, Enactments deemed remedial 12 Every enactment is deemed remedial, and shall be given such fair, large and liberal construction and interpretation as best ensures the **attainment of its objects**. Corporations: Powers vested in corporations 21 (1) Words establishing a corporation shall be construed (a) **as vesting in the corporation power to sue and be sued**,.....(d) as exempting from **personal liability** for its debts, obligations or **acts individual members of the corporation who do not contravene the provisions of the enactment establishing the corporation**.

**Breached s362 Criminal Code**; Para 4 of August 10 decision re JP **Jocelyn St Jean** “Information, which was not sworn, was not properly before the court” pretending it was an s507.1 hearing, “she did not have jurisdiction to proceed”, “you were refusing to leave ... she would request security to escort you” is a deliberate misrepresentation of refusal to comply with s3, s17(3) Justice of Peace Act, Canada Victims Bill of Rights s2 objects, 6, 9, 10, 16 Charter of Rights s9, s10, s12 s15 / s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights complaint against JP St Jean, because she was not asked to proceed with a hearing, by refusing to answer a scheduling question, she treated me like a criminal lying that about Canadian Judicial Council. It is beyond St Jean jurisdiction to violate s9 s10 Victims Bill of Rights Criminal Code s265(1a,b)(3c,d) assault, s346(1.1b) extortion, s380(1a) fraud, s341, s423.1(b) intimidation, by threatening injury against a victim that she swore to assist by refusing to answer how to set a separate full day hearing date for s579 Criminal Code Constitutional Question / s504 s507.1 hearing, in order to demean me she threatened injury to defraud questions that she has duties to answer.

**Breached s362 Criminal Code**; Para 5 of August 10 decision re JP **Jocelyn St Jean** “outside the jurisdiction of Council” is a false statement because any criminal code offence is automatic “(ii) conduct that is incompatible with the due execution of his or her office, or (iii) failure to perform the duties of his or her office.”

**Breached s362 Criminal Code**; Para 5 of August 10 decision re JP **Jocelyn St Jean** “no evidence of judicial misconduct” is a false statement because the motive for refusal to comply with s3 Justice of Peace Act oath office duty to “execute the duties of a justice of the peace... without fear or favour,

affection or ill will”, 17(3) “shall assist members of the public, at their request, in formulating informations in respect of offences” by refusing to send up the original 16-30604 file so that the February 6 intake JP who was willing to correct the error on the intake form could not correct the error (some pages had Justice of the Peace Anna Blauveldt signatures, some did not). Both the intake JP and myself spent about 1 hour trying to get the 16-30604 file through the Registry, JP St Jean refused in order to buy time to devise a strategy to defraud the 16-30604 prosecution, which is s21b party to offences by the Canadian Judicial Council s139(1)(2)(3a) obstruction of justice defrauding s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 criminal code.

**Breached s341 Criminal Code;** Criminal Code 788 “do all other things” gives **St Jean** broad powers to process s504, and schedule or decide the s579 Constitutional Question that will prevent Crown from staying prosecution without breaching ongoing crime self defence constitutional rule of law.

**Defrauding s2 objects s6 Victims Bill of Rights / s12 s15 Charter Rights / s17(3) Justice of Peace Act:** “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”. General information 6 Every victim has the **right, on request, to information** about the criminal justice system and the role of victims in it; the services and programs available to them as a victim,” Her Worship Justice of the Peace Jocelyne A. **St Jean** mocked me when I asked for her name, this is cruel treatment of a victim of Canadian Judicial Council party to Conservative Party racism and Canadian Judicial Council; criminal misconduct, she laughed and said do I want to add her to the list of CJC crimes. Then Crown Counsel Brian Redman also mocked me by saying that Her Worship Justice of the Peace Jocelyne A. St Jean would be in good company.

**Defrauding s24 Charter Rights;** “R. V. Sharkey, 2014 ONCJ 437 (CANLII) I conclude that I have the power to issue a declaration of invalidity under the Charter. That decision is, according to the principles of stare decisis, not binding on any other judge. They are free to follow it or not. In my view, they are free to follow it whether or not there is a Charter application in the case before them” is evidence of the s24 Charter right of a criminal code “victim” “prosecutor” to bring an s579 constitutional question before an s507.1 hearing is “property” “valuable public service”, but on February 6, 2017 at court room 14 of the Ottawa Ontario Court of Justice **JP Jocelyne A. St Jean** breached s139(1)(2)(3a) by acts that include refusing to tell me how to obtain 15(1)(2)(3)(4) Justice of Peace Act hearing before a judge. She refused 788 “do all other things” Criminal Code delegated power to set Criminal Code Constitutional Question date and receive the s504 information under oath and refer it to a judge.

**Breached s362 Criminal Code;** Para 4 of August 10 decision re **JP Herbert Kreling** “decision that a hearing would not be scheduled was ... a decision made by a higher court”, JP Kreling had no jurisdiction to make a decision to prevent JP Anna Blaudveldt file 16-30604 from signing a decision she already made, para 4 statement is a misrepresentation of *Olumide v Her Majesty the Queen in Right of Ontario*, 2017 ONSC 1201 [12] The Crown submits that because Mr. Olumide’s intended private prosecutions are authorized by the Criminal Code, they are not barred by a vexatious litigant order under s. 140 of the Courts of Justice Act, R.S.O. 1990, c. C-43. ....[13] .. an **entitlement granted by the Criminal Code cannot be constrained by a court order** granted under provincial legislation ... [19]

In the Court's view, the **injunctive relief requested is beyond the Court's jurisdiction** in that it would restrict the right of a private citizen to lay an information under section 504 of the Criminal Code and thus is arguably not permissible. .. [20] In summary, **the Court will not issue an injunction** preventing Mr. Olumide from attempting to launch private presentations without leave of the Court.

**Breached s362 Criminal Code;** Para 5 of August 10 decision re **JP Herbert Kreling** “your allegations about the Justice of Peace were based on speculation”, JP St Jean ordered a meeting with Olumide and JP Anna Blauveldt, the fact that JP Kreling acted without jurisdiction to defraud the meeting so as to defraud an existing s504 s507.1 decision, has been admitted by Council, therefore the allegations cannot be speculation. This is a public space beside the entrance of the court there is a recording of me showing a piece of paper to write his name. JP Blaudveldt and Ottawa Police Officer Andrew Milton witnessed the assault and conversation in a public space. Ottawa Police Officer Andrew Milton will testify that he saw me asking the JP for his name, that he saw me asking for permission to get his name, that he denied that permission and that it was only when I was outside the court house that he gave me the JP's name. Council sighted a “security issue” as JP Kreling reason for arrest and assault, but did not say what that security issue is, that is an admission that asking a JP for his name is not a security issue, he had already succeeded in extortion, but he went further because he thinks black males are criminals, he is afraid of me, he thinks blacks do not deserve equal treatment and must be put in the place, he thinks caucasian political careers are more important than black political careers and wanted to teach me a lesson for daring to act in self-defence against racists. I have a right to be in the public area of the court house, right to go to the registry to obtain his name, he has a duty to tell me his name, neither him nor council can tell me the security reason for arrest / assault which is a violation of preamble objects s7 s9 s10 s12 s15 Charter of Rights, 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 of racism principle of fundamental justice;

- a) Enforcement of guaranteed rights and freedoms. 24. (1) **Anyone** whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied **may apply to a court** of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.
- b) Charter of Rights “Arrest or detention 10. Everyone has the right on arrest or detention (a) to be informed promptly of the reasons therefor;”
- c) Canadian Bill of Rights “(c) deprive a person who has been arrested or detained (i) of the right to be informed promptly of the reason for his arrest or detention,”
- d) s81b Police Services Act **Inducing misconduct** 81. (1) No person shall, ..(b) induce or attempt to induce a police officer to commit misconduct. Offence (3) A person who contravenes subsection (1) or (2) is guilty of an offence
- f) s2 objects s6 s9 s10 s16 Victims Bill of Rights Security 9 Every victim has the right to **have their security considered** by the appropriate authorities in the criminal justice system. Protection from intimidation and retaliation 10 Every victim has the right to have reasonable and necessary measures taken by the appropriate authorities in the criminal justice system to **protect the victim from intimidation and retaliation.**
- e) Criminal Code s139(1)(2)(3a) obstruction of justice, s140(1b) mischief, s265(1a,b)(3c,d) assault, s346(1.1b) extortion, s380(1a) fraud, s341, s423.1(b) intimidation, **Public mischief** 140 (1) Every one commits public mischief who, with intent to mislead, causes a peace officer to enter on or continue an investigation by (a) making a false statement that accuses some other person of having committed an offence; (b) **doing anything** intended to cause some other person to be suspected of

having committed an offence that the other person has not committed, or to divert suspicion from himself; (c) reporting that an offence has been committed when it has not been committed; or

**Breached s362 Criminal Code;** Para 6 of August 10 decision re **JP Herbert Kreling** “outside the jurisdiction of the Council” is a false statement because any criminal code offence is automatic “(ii) conduct that is incompatible with the due execution of his or her office, or (iii) failure to perform the duties of his or her office.”

**Breached s362 Criminal Code** by falsely stating in September 18 **JP Hiscox** decision para 2 “The Committee noted that ... you appear to be using the Council’s complaints process to obtain a remedies that you were not successful in obtaining through the courts.”, because the remedy “Council shall “warn” or “reprimand” or “education” or “removal” for “(ii) conduct that is incompatible with the due execution of his or her office, or (iii) failure to perform the duties of his or her office” is a remedy that has never been sought in a court, nor does any court have jurisdiction to grant “warn” or “reprimand” or “education” or “removal” remedy.

**Breached s362 Criminal Code** by falsely stating in September 18 **JP Hiscox** decision para 3 “The Committee Noted that in the version of the events described in your complaint, it appeared that His Worship made a decision that he would not grant your request to lay criminal charges and you persisted in trying to have the charges laid”, because my complaint was “I said he needs to write his name on the sheet I was handing to him; he said NO, he is asking me to leave.”, that is not persisted in trying to have the charges laid, that is persisted in obtaining evidence he read the letter and signed a s504 s24 refusal;

a) Enforcement of guaranteed rights and freedoms. 24. (1) **Anyone** whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied **may apply to a court** of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

**Breached s362 Criminal Code** by falsely stating in September 18 **JP Hiscox** decision para 3 “Without an audio recording, the committee was unable to determine on a balance of probabilities what actually occurred”, the complaint states “a female police officer waiting to see him witnessed the altercation. .... others gathered at the door to watch the scene, at least 3 to 5 other witnesses can corroborate this account.”, further counter staff (more witnesses) initially refused to process the mandamus application that same day, they did so after speaking with JP Hiscox for about 20 minutes, he walked past me after speaking with them, he did not challenge my facts or remedy his crime. Further this happened beside the security screening area beside the entrance of the court, therefore there must be audio video footage of a 6ft man standing up while I was seated, hands in the air like Hitler berating me to leave his office.

**Breached s362 Criminal Code** by falsely stating in September 18 **JP Hiscox** decision para 4 “it is not judicial misconduct for a justice of the peace to decline to issue criminal charges”, because The front page of Ontario Court of Justice s504 s507.1 information form 17(3) Justice of Peace Act “duty to assist” by unambiguously and clearly stating that "As a citizen, you have the right to appear before a Justice of the Peace to lay charges against another person by swearing to an Information. A Justice of Peace must receive the Information if it meets the statutory provisions of the Criminal Code of Canada.”, AND there is no jurisdiction to change *Olumide v Her Majesty the Queen in Right of Ontario*, 2017 ONSC “[9] The current case law holds that a **Justice of the Peace cannot decline to accept an information**. Justice Code in *Waskowec v. Ontario*, 2014 ONSC 1646 (CanLII) held that the powers of

a Justice of the Peace under s. 504 of the Criminal Code are purely ministerial with no place for judicial discretion; at para 11:”

**Breached s362 Criminal Code** by falsely stating in September 18 **JP Hiscox** decision para 4 “it is not judicial misconduct for a justice of the peace to ... request that a person leave ...”, because the complaint states “I need Council to let me know if 6ft JP Hiscox yelling, berating and refusing to allow a victim of crimes to report a crime is part of the job description... I said he needs to write his name on the sheet I was handing to him; he said NO, he is asking me to leave.”

**Breached s341 Criminal Code** false pretence by stating in September 18 **JP Hiscox** decision para 5 by stating “..the has no legal authority to compel any judicial officer to schedule a hearing or to require that criminal charges be laid” in order to fraudulently conceal relief “Council shall “warn” or “reprimand” or “education” or “removal” of ... Toronto Peterborough JP Hiscox P ... re “11.2(2b) “(ii) conduct that is incompatible with the due execution of his or her office, (iii) failure to perform the duties of his or her office” that include the following criminal code offences that are before the complaints committee;”

**Breached s362 Criminal Code** by falsely stating in September 18 **JP Dresher** decision para 2 “The Committee noted that ... you appear to be using the Council’s complaints process to obtain a remedies that you were not successful in obtaining through the courts.”, because the remedy “Council shall “warn” or “reprimand” or “education” or “removal” for “(ii) conduct that is incompatible with the due execution of his or her office, or (iii) failure to perform the duties of his or her office” is a remedy that has never been sought in a court, nor does any court have jurisdiction to grant “warn” or “reprimand” or “education” or “removal” remedy.

**Breached s362 Criminal Code** by falsely stating in September 18 **JP Dresher** decision para 3 “.matters outside the jurisdiction of the Council”, because Council has jurisdiction over the relief “Council shall “warn” or “reprimand” or “education” or “removal” of ...JP K Drescher ... re “11.2(2b) “(ii) conduct that is incompatible with the due execution of his or her office, (iii) failure to perform the duties of his or her office” that include the following criminal code offences ...;”

**Breached s21b Criminal Code** by September 18 **JP Dresher** dishonestly and with partiality making a verbal false statement (refused to write) that she had no s504 jurisdiction over the Ontario Court of Appeal, she committed party to offences by the 3 accused Ontario Court of Appeal, Canadian Judicial Council, Office Public Sector Integrity Commissioner.

**Breached s362 Criminal Code** by falsely stating in September 18 **JP Dresher** decision para 3 “...the justice of the peace to request the assistance of security to have you removed from the courtroom was a matter of judicial decision making” Because JP Dresher did not request security, there was no court room, in her office, she said she would sign the refusal after I left her office, I left immediately, she broke her promise and sent out the documents 10 minutes later without signing, this means she took time to read the letter, knew she was committing a crime and refused to sign in order to hide the evidence.

**Defrauding JP s504 Jurisdiction;** I told JP **K Dresher** that the s504 test is whether the offence is drafted in accordance to the criminal code, s784 Criminal Code is property and service, so she has to receive the s504 information, she proceeded to without any evidence prejudge the s507.1 hearing and decide that acting without jurisdiction to defraud s784 is not a crime, by lying that she lacked

jurisdiction to issue an s504 information against Ontario Court of Appeal for acting without jurisdiction to defraud s784 criminal code right to appeal, s504, s380 right to service;

- b) Superior Court Justice Hackland defrauded R v McHale by lying that proceedings authorized by Criminal Code s504 s507.1 s551.3(1g Charter) are not a criminal proceedings, lying that he has absolute criminal code immunity and pretending that there was no Recusal Application before him.
- c) Superior Court Justice Salmers lied that he has insufficient information (same 2000 pages before JP Hiscox was before Salmers) re mandamus re defrauding s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 re prosecution of persons that include Ontario Court of Appeal, Ontario Superior Court, Her Majesty The Queen In Right Of Ontario, Ontario Provincial Police.
- d) Olumide v Her Majesty the Queen in Right of Ontario, 2017 ONSC “[9] The current case law holds that a **Justice of the Peace cannot decline to accept an information**. Justice Code in Waskowec v. Ontario, 2014 ONSC 1646 (CanLII) held that the powers of a Justice of the Peace under s. 504 of the Criminal Code are purely ministerial with no place for judicial discretion; at para 11.”
- e) Fraud 380 (1) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security or **any service**,
- f) Enforcement of guaranteed rights and freedoms. 24. (1) **Anyone** whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied **may apply to a court** of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

**Judicial Immunity Falsehood;** I told JP **K Dresher** that the letter to her includes about 20 authorities showing there is no Ontario Court of Appeal judicial immunity from s139 obstruction of justice criminal prosecution, no judicial immunity for deliberating acting without jurisdiction to defraud s784 statutory appeal rights in order to facilitate acting without jurisdiction to defraud initial s504 s507.1 s551.3(1g Charter) rights, deliberating refusing jurisdiction, deliberating acting in excess of jurisdiction, deliberating abusing discretionary power to contravene the objects of the Act, deliberate falsehoods to defraud property and service. Without any authority, JP K Dresher contradicted *Bourbonnais v. Canada* by lying that Justice Hackland can exercise discretion to do whatever he pleases, and the only recourse is an appeal (this is false, but if it were true, then defrauding s784 appeal right is a crime). *Bourbonnais v. Canada* (Attorney General), [2006] 4 FCR 170, 2006 FCA 62 (CanLII) [26].... judicial immunity does not apply where it is shown that a judge knowingly acts **beyond his jurisdiction**....[28]... “Of course, if the judge has ...**has perverted the course of justice, he can be punished in the criminal courts.**”

**Council Immunity Falsehood;** I told JP **K Dresher** whether the accused is Canadian Judicial Council or Office Public Sector Integrity Commissioner the test is the same, inciting criminal misconduct or inciting criminal wrongdoing by refusing to respond to 1 year of over 30 complaints of criminal misconduct is a contravention of the objects of enabling Acts, I also explained that the only response I ever received, sighted Justice Hackland discriminatory “deficiencies with English language” comments as reason for defrauding the application, I explained that despite over 30 counts of fraud against Superior Court Justice Hackland, the Ontario Court of Appeal committed triple discrimination by defrauding final order jurisdiction over Conservative party discrimination case. Canadian Judicial Council are using the same denial of equal treatment discrimination playbook to contravene the objects of the Act, therefore they do not have any protection for bad faith. I tried to quote s12 s21 Canada Interpretations Act duty to comply with objects, but JP K Dresher without any authority lied that public officers can exercise discretion to do anything, and the only recourse is an appeal

**Defrauding JP Criminal Law Jurisdiction;** I told JP **K Dresher** that criminal law is the Constitution Acts 1867 to 1982 Legislative Authority of Parliament of Canada 91 'Criminal Law... including the **Procedure in Criminal Matters'** constitutional jurisdiction of the federal government, s482 criminal code precludes any rule that changes the criminal code, therefore s504 s507.1 s551.3(1g Charter) is "property" and "service" given to me by Parliament, and it is a crime for her to defraud me of "property" and "service", I highlighted 15(2)(3)(4) Justice of Peace Act letter and front page of information, which is more evidence that refusal of s2 "prosecutor" 482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 is a breach of s21(b), s22.2, s23, 25.1(9)(11b), s139(1)(2)(3a), s341, s380 criminal code.

**Defrauding s24 Charter Rights;** I told JP **K Dresher** that per the 15(2)(3)(4) Justice of Peace letter, she needs to refer the hearing of the constitutional question / s507.1 criminal code to a judge, she said Ontario Court of Justice does not have jurisdiction to hear a constitutional questions, I told her that is not true, this court ruled differently in R. v. Sharkey, 2014 ONCJ 437, she ignored this because it did not support her intent to commit fraud. JP K Dresher acted dishonestly and with partiality by acting without jurisdiction to defraud s63(2) Judges Act / 3f An Act respecting the office of the Director of Public Prosecutions / s579 Criminal Code overbroad constitutional questions.

**Defrauding Objects of Council / Victims / Charter / Canadian Bill of Rights ;** Committee decision that it is acceptable to decide JP Ralph motive refusing positive obligation to respond to application record scheduling request without knowing **JP Ralph** reason for not responding is an impermissible violation of the s13(3)(2) Maintaining the high quality of the justice system objects of Council / s2 objects, 6, 9, 10, 16 Charter of Rights s9, s10, s12 s15 / s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights / s2 objects, s6, s16 Victims Bill of Rights / s10 Ontario Interpretation Act / s12, 21 Canada Interpretations Act / s3 Oath / s17(3) Justice of Peace Act duty to assist because it is an endorsement of past criminal misconduct, facilitation of ongoing criminal misconduct, incitement of future criminality. He had a duty to either schedule the hearing or provide the procedure to schedule the hearing against Canadian Judicial Council, therefore 16-30604 against the Canadian Judicial Council is still seating in limbo.

**Breached s362 Criminal Code** in para 4, May 31 **JP Warren Ralph** decision "it is not judicial misconduct for a justice of the peace to decline to respond" to defraud "inaction" "positive obligation" common law, s3 oath, 17(3) "shall assist members of the public, at their request, in formulating informations in respect of offences" with 15(4) hearing with mens rae to facilitate ongoing s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 crimes by Ontario Court of Justice.

- a) Johnston et al. v. Prince Edward Island, 1995 CanLII 10509 (NL SCTD) [302]... *City of Kamloops v. Nielsen*, 1984 CanLII 21 (SCC), [1984] 2 S.C.R. 2, at p. 24, by Wilson, J., in these words: '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...',
- b) Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84 [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**...

**Breached s341 Criminal Code** false pretence in para 4 of May31decision re **JP Ralph** by stating "The Committee further noted that the Council has no legal authority to compel any judicial officer to schedule a hearing and that was a matter outside the jurisdiction of the Council" by misrepresenting relief "Council shall "warn" or "reprimand" or "education" or "removal" JP Ralph "failure to perform

the duties of his or her office” that include Justice Of Peace Act s3 s17(3), Criminal Code s2 s482 s504 s507.1 s507.1(7) s551.2 s551.3(1g) 683(2) s788 s802 statutory scheduling duty.

**Breached s362 Criminal Code** Para 5 of May 31 decision re **JP Ralph** by falsely stating “... not judicial misconduct” despite Criminal Code s21b s23 s22.2, 25.1(9)(11b), party to offence motive for refusing s3 s17(3) Justice of Peace Act s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 statutory scheduling duty is jurisdiction of Council because it is “(ii) conduct that is incompatible with the due execution of his or her office, or (iii) failure to perform the duties of his or her office”.

**Breached s362 Criminal Code** by falsely stating in May 31 **JP Ralph** decision para 3 “... using the Council’s complaints process to obtain a remedy you were not successful at obtaining through the courts.” Because the remedy “Council shall “warn” or “reprimand” or “education” or “removal” for “(ii) conduct that is incompatible with the due execution of his or her office, or (iii) failure to perform the duties of his or her office” is a remedy that has never been sought in a court, nor does any court have jurisdiction to grant “warn” or “reprimand” or “education” or “removal” remedy.

**Breached s362 Criminal Code;** Para 3, 5 of January 15, 2018 decision re JP D.M. **McAleer** (named in error as JP Cheryl McLean due to initial refusal to release transcript) “outside the jurisdiction of the Council” is a false statement because any criminal code offence is “(ii) conduct that is incompatible with the due execution of his or her office, or (iii) failure to perform the duties of his or her office.”

**Relief Sought;** Take Notice that pursuant to s3, s9.1, 15, 16 Statutory Powers Procedure Act, applicant hereby bring an application **to be heard immediately** by the Justice of Peace Review Complaints Committee at 31 Adelaide Street East, Toronto, ON, seeking the following declaration;

- a) “Council shall “warn” or “reprimand” or “education” or “removal” of ... JP McAleer(name corrected after January 15 decision) ... re “11.2(2b) “(ii) conduct that is incompatible with the due execution of his or her office, (iii) failure to perform the duties of his or her office” that include the following prohibited criminal offences that bring the administration of justice into disrepute; 21b, 23, s22.2, 25.1(9)(11b), 139(2), 341, s380(1) criminal code offence of deliberately lying that s504 Criminal Code does not authorize prosecution of “person” “organization” “justice system participant” that include the Justice of Peace Review Council ... AND violating s22 Criminal Code by counselling 4 other trainee JPs at the November 8 hearing to commit crimes against me in the future prosecution of the Justice of Peace Review Council”

Your November 24 letter states that “it appears that you have legal questions about the situation when a judge declines to hear a constitutional question”, this is a violation of s362 Criminal Code because the November 13 and November 24 declaration sought was very clear. The fact that none of Council decisions in JPs Hiscox, St Jean, Ralph, Dresher, Kreling, McAleer(name corrected after January 15 decision) reproduced the exact wording of the declaratory relief sought is beyond all reasonable doubt evidence of premeditation to commit crime.

Further you know that any criminal code offence is prohibited conduct that brings the administration of justice into disrepute which is “conduct that is incompatible with the due execution of his or her office”, AND you know that JPs Hiscox, St Jean, Ralph, Dresher, Kreling, McAleer(name corrected after January 15 decision) violated the Criminal Code, therefore you make several statements in your

November 24 letter with mens rae to deliberately misrepresent the declaratory relief before you, with mens rae to defraud jurisdiction.

The motive for this fraudulent misrepresentation is to cover up prior fraudulent misrepresentations that you lack “warn” or “reprimand” or “education” or “removal” jurisdiction over “conduct that is incompatible with the due execution of his or her office” (prohibited criminal offences that bring the administration of justice into disrepute) re JPs Hiscox, St Jean, Ralph, Dresher, Kreling arrest and assault of a victim of crime in order to extort victim’s Criminal Code s2”prosecutor” s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) s683(2) s788 s802 / Canada Victims Bill of Rights rights s2 objects, 6, 9, 10, 16 / Charter of Rights s9, s10, s12 / Canada Bill of Rights s2(b,e) / Canada Interpretation Act s11 s12 s13 s21 s34 / Ontario Interpretation Act s10 / Justice of Peace Act 17(3) / rule of law against using public power to deliberately commit criminal offences.

In consideration that JP McAleer(name corrected after January 15 decision) contradicted the Justice of Peace Review Council by confirming JPs Hiscox, St Jean, Ralph, Dresher, Kreling subject of previous complaints to council, violated the criminal code and should be prosecuted as individuals, I know council will violate s362 criminal code by falsely stating that you lack “warn” or “reprimand” or “education” or “removal” jurisdiction over her prohibited conduct criminal offences (“conduct that is incompatible with the due execution of his or her office”).

If JP McAleer(name corrected after January 15 decision) agreed with the Justice of Peace Review Council she would have taken the position that JPs Hiscox, St Jean, Ralph, Dresher, Kreling did not commit a crime and permitted me to provide evidence to meet each element of the test for each criminal offence. She knew that it would be impossible to rebut the test for each criminal offence, trapped she chose to lie that “person” “justice system participant” “organization” cannot be charged. I told her SNC Lavalin is being prosecuted for bribing Ghadaffi’s son, it made no difference. Her only choice was to charge Council or lie.

Even the Crown Counsel read from s22.2 Criminal Code and told her Mr Olumide is correct that an organization person justice system participant can be charged. Like Council, he wanted to rely on the vexatious criminal offence, both JP Gireault and JP McAleer(name corrected after January 15 decision) read Justice Hackland’s order and knew that Council reliance on the vexatious criminal offence was a crime, she decided to invent a new lie.

I hereby request confirmation that the Chief Justice of the Ontario Court of Justice has not been involved in any way in handling this complaint AND will not be involved in handling this complaint AND was not involved in drafting the November 24 letter or selecting the member of the committee. Failure to comply will be separate count in a future criminal prosecution of the Justice of Peace Review Council.

<http://www.duhaime.org/LegalDictionary/J/JudicialMisconduct.aspx>

..BEHAVIOR (Black's Law Dictionary) Misconduct Definition: **Conduct on the part of a judge that is prohibited** and which could lead to a form of discipline. ... judicial conduct include, generally, a **prohibition against conduct prejudicial to the administration of justice that could bring the judicial office into disrepute.** ... Examples of specific instances of judicial misconduct include: •The use of a harsh and angry tone and demeanor, •Excessive arrogance, •Lack of impartiality,

•Incompetence, •**Criminal conduct**, •Conflict of interest, •An ethnic or racial slur, •Misuse of prestige of office, .. prejudgment, ..Administrative mismanagement ...

1. A November 8 out of town JP lied at the Ottawa Ontario Court of Justice that she is not bound by the order of the October 5 JP because even though the Criminal Code gives me the right to prosecute an organization and raise an s579 constitutional question to prevent that prosecution from being stayed by Ontario, she acted without jurisdiction and in bad faith by lying that I cannot prosecute an organization.

2. She also contravened the objects of the Justice of Peace Act by using the hearing to train about 4 other JPs on how to commit crimes, that is an s22 Criminal Code offence.

3. In consideration of the following constitutional and criminal code provisions, the November 8 JP is a criminal that acted in bad faith AND without jurisdiction to defraud the criminal code;

Constitution Acts, 1867 to 1982 52(1) states “Any law inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect”

Constitution Acts 1867 to 1982 Legislative Authority of Parliament of Canada 91 ‘Criminal Law... including the **Procedure in Criminal Matters**;

Canada Victims Bill of Rights ...Restitution order 16 Every victim has the **right to have the court consider making a restitution order** against the offender.

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;

**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,

**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

Power to make rules 482 (1) Every superior court of criminal jurisdiction and every court of appeal may make rules of court not inconsistent with this or any other Act of Parliament, and any rules so made apply to any **prosecution**, proceeding, action or **appeal**, as the case may be, within the **jurisdiction of that court**, instituted in relation to **any matter of a criminal nature** or arising from or incidental to any such **prosecution**, proceeding, action or **appeal**.

Judicial notice 781 (2) Proclamations, orders, rules, regulations and by-laws mentioned in subsection (1) and the publication thereof **shall be judicially noticed**.

Criminal Code S551.3 (1giii) "before the stage of the presentation of the evidence on the merits... adjudicating any issues that can be decided before that stage ....Charter of Rights and Freedoms"

Criminal Code 2 "prosecutor .....where the Attorney General does not intervene, means the person who institutes proceedings to which this Act applies",

482(3) "Purpose of rules..any other matter... to attain the ends of justice ...with respect to ..applications,

802 (1) The prosecutor is entitled personally to conduct his case ..

802 (2) The prosecutor or defendant, as the case may be, may examine .. witnesses

802 (3) Every witness at a trial in proceedings ... shall be examined under oath.

4. November 8 JP acted in bad faith by collaterally attacking October 5 JP Order that the 1<sup>st</sup> item to be addressed would be the s579 Criminal Code Constitutional Question and refused to allow witness evidence under oath with mens rae to facilitate ongoing crimes,

5. then she violated objects s16 Victims Bill of Rights by lying that she lacked jurisdiction because only individuals can be prosecuted, lied that organizations or corporations cannot be prosecuted,

6. the prosecutor told the JP and Crown Prosecutor to their face, that they are criminals, therefore if there is no Crown response to below mentioned grounds, it is an admission that they are both criminals.

7. Whereas November 8 JP lost immunity for acting without jurisdiction to change the criminal code with mens rae to defraud Criminal Code services.

In *Morier et al. v. Rivard et al* (1985), [1985 CanLII 26 \(SCC\)](#), 23 D.L.R. (4<sup>th</sup>) 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**.

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**. *Piper v. Pearson*, id., 2 Gray 120.

**"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**." *Ableman v. Booth*, 21 Howard 506 (1859).

**"Where there is no jurisdiction, there can be no discretion**, for discretion is incident to jurisdiction." *Piper v. Pearson*, 2 Gray 120, cited in *Bradley v. Fisher*, 13 Wall. 335, 20 L.Ed. 646 (1872)

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. *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.

8. Whereas November 8 criminal pretending to be a JP has no rebuttal to s482(1) Criminal Code that reinforces Parliament of Canada s91 Constitution Act exclusive jurisdiction over the criminal code by stating in s482(1) that no court do anything to contravene express provisions in the criminal code.

9. Whereas November 8 criminal pretending to be a JP has no rebuttal to s12 Canada Interpretation Act, objects s16 Canada Victims Bill of Rights that prevent misinterpretation of the criminal code "organization" "person" "justice system participant" in order to contravene the self-defence to ongoing crimes objects of Criminal Code.

10. Whereas November 8 criminal pretending to be a JP has no rebuttal to s21 Canada Interpretation Act allows prosecution of any created by statute organization that contravenes the objects of the incorporating Act. "Powers vested in corporations 21 (1) Words establishing a corporation shall be construed (a) as vesting in the corporation power to sue and be sued, to contract and be contracted with by its corporate name, to have a common seal and to alter or change it at pleasure, to have perpetual succession, to acquire and hold personal property for the purposes for which the corporation is established and to alienate that property at pleasure; .... (d) as exempting from personal liability for its debts, obligations or acts individual members of the corporation who do not contravene the provisions of the enactment establishing the corporation."

11. Whereas November 8 criminal pretending to be a JP lied that if Ontario Court of Justice was convicted of a crime that would make her guilty of the same crime is a misrepresentation of the fact that the neither the criminal code nor common law defines an organization or corporation as an individual.

12. Whereas November 8 criminal pretending to be a JP has no rebuttal to the common law fact when a senior officer of an organization commits a crime and the organization benefits from the crime, the organization can be prosecuted.

13. Whereas November 8 criminal pretending to be a JP has no rebuttal to fact that the Crown fraudulently stayed JP Millar sworn information against Her Majesty The Queen In Right of Canada, Federal Court, Federal Court of Appeal, Supreme Court as criminal code “organization” “person” “justice system participant” AND JP Blaudveldt swore the information against Canadian Judicial Council as an organization because the right to prosecute an organization is a criminal code entitlement.

14. Whereas November 8 criminal pretending to be a JP has no rebuttal to *Olumide v Her Majesty the Queen in Right of Ontario*, 2017 ONSC 1201 [13] .. **an entitlement granted by the Criminal Code cannot be constrained by a court order granted under provincial legislation ... [19] ...the injunctive relief requested is beyond the Court’s jurisdiction..**

15. Although the Crown was not an accused, Whereas November 8 criminal pretending to be a JP has no rebuttal to fact that s18(2) Crown Liability and Proceedings Act creates a narrow Criminal Code immunity for the Crown therefore s504 criminal code is binding on Her Majesty The Queen, and there is no Parliament of Canada legislation anywhere in the country that gives a court or judicial council or any other person or organization or justice system participant criminal code immunity.

Crown Liability and Proceedings Act Crown liable for disclosure 18: Saving provision(2)

(a) with the consent of the originator of the communication or of the person intended by the originator to receive it; (b) in the course of or for the purpose of giving evidence in any civil **or criminal proceedings** or in any other proceedings in which the servant of the Crown may be required to give evidence on oath; (c) in the course of or for the purpose of any criminal investigation if the private communication or radio-based telephone communication was not unlawfully intercepted;

(f) where disclosure is made to a peace officer or prosecutor in Canada or to a person or authority with responsibility in a foreign state for the investigation or prosecution of offences and is intended to be in the interests of the administration of justice in Canada or elsewhere.

16. Whereas November 8 criminal pretending to be a JP had no rebuttal to judicial notice of fact commonly known to the community that SNC Lavalin is being prosecuted as criminal code “organization” “person” “justice system participant” for bribery re Ghadaffi’s son.

17. Whereas the prosecutor would have trapped the November 8 criminal pretending to be a JP when he began to question her on which criminal code text or legislation or case law she was relying on as jurisdiction to change the content of the s504 criminal code “organization” “person” “justice system participant”, but co criminal Crown Counsel Giegen Millar jumped in to stop her from answering the question, because he knew that November 8 criminal pretending to be a JP would is caught in a lie.

**Using S140 Courts Justice Act Fraud To Without Jurisdiction Defraud** Canada Victims Bill of Rights s2 objects, 6, 9, 10, 16 / Charter of Rights s9, s10, s12 s15 / s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights against criminal revictimization of victim with mens rae to retain proceeds<sup>Garland</sup> of crime principle of fundamental justice / Canada Interpretation Act s11 s12 s13 s21 s34 / Ontario Interpretation

Act s10 / Justice of Peace Act s3 oath, s17(3) duty to assist / rule of law against using public power to deliberately commit criminal offences, is **An s21b Criminal Code Offence.**

**Breached s22 criminal code** Last paragraph August 10 decisions “will appear in ... Annual Report” is deliberately intended to mislead JPs that “*Olumide v Her Majesty the Queen in Right of Ontario*, 2017 ONSC 1201 [12] .... private prosecutions are authorized by the Criminal Code, they are ~~not~~ barred by a vexatious litigant order under s. 140 of the Courts of Justice Act, R.S.O. 1990, c. C-43. ....[13] .. an **entitlement granted by the Criminal Code cannot be constrained by a court order** granted under provincial legislation ... [19] ...the injunctive relief requested is **beyond the Court’s jurisdiction** ....” and incite other JPs, Judges and Ontario to loose immunity by acting without jurisdiction to defraud Olumide s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 criminal code rights, Council has shown irrefutable evidence that they are for fraudulent purpose eviscerating the Criminal Code AND misleading JPs about consequence of acting without jurisdiction to facilitate crimes WITH mens rae to protect Justice of Peace Review Council, Ontario Court of Justice, Ontario Judicial Council from criminal prosecution which is s122 Criminal Code breach of trust for personal benefit;

**Breached s21b party to** s81b Police Services Act, s21b party to offence, s22 person counselling, s22.2 organization party to offence, s25.1(9)(11b) public officer offence, s122 breach of trust use of public power against the public good in order to obtain personal benefit, s139(1)(2)(3a) obstruction of justice, s140(1b) inducing police to commit a crime by lying that a black male is a security risk, s265(1a,b)(3c,d) assault, s346(1.1b) extortion, s380(1a) fraud, s341 fraudulent concealment, s423.1(b) intimidation through “false pretence” “deceit, other fraudulent means”;

Para 2 of August 10 decision re JP **Jocelyn St Jean** “you were declared a vexatious litigant”  
 Para 2 of August 10 decision re JP **Herbert Kreling** “you were declared a vexatious litigant”  
 Para 3 of the letter states that “you were declared a vexatious litigant”,  
 Para 2 of September 28 decision re Toronto **JP K Drescher** “you were declared a vexatious litigant”  
 Para 2 of September 28 decision re Peterborough **JP Hiscox P** “you were declared a vexatious litigant”  
 Para 2 of August 10 decision re JP **Jocelyn St Jean** “you were declared a vexatious litigant”  
 Para 2 of August 10 decision re JP **Herbert Kreling** “you were declared a vexatious litigant”  
 is mens rae intent to incite JPs to commit fraud by spreading a falsehood that a civil vexatious order has jurisdiction to defraud criminal code rights, prejudice of the outcome of a private prosecution of the s140 declaration that was obtained by mounting a collateral attack on Superior Court Justice Pollak decision to hear s140 Courts Justice Act constitutional question on the merits, collateral attack on Court of Appeal Justice Hourigan who granted leave to appeal and Court of Appeal judges lying about s6(2) Courts Justice Act jurisdiction in order to defraud s140 Courts Justice Act constitutional question.

R. v. Zlatic, [1993] 2 SCR 29, 1993 CanLII 135 (SCC) (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, .... 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: ...

Vexatious means that there has been a trial, and a judge applied the law to the facts and made a judgement and a litigant refused to accept the result. **Where there has never been a trial because judges lie to defraud jurisdiction**, the person making the fraudulent declaration and everyone relying on that fraudulent declaration in order to commit more crimes, is obviously a criminal.

Both Superior Court Justice Dunphy s140 declaration and the Court of Appeal lie that they lack s6(2) Courts Justice Act jurisdiction to determine the s140 Constitutional Question is illegal. The declaration was obtained by fraudulent collateral attack on Superior Court Justice Pollak who dismissed Crown motion not to hear s140 Courts Justice Act constitutional question on the merits and collateral attack on Ontario Court of Appeal Justice Hourigan who granted leave to appeal, the mens rae motive for the conflict of interest collateral attack is to facilitate ongoing crimes by Ontario Court of Justice, Ontario Superior Court, Ontario Court of Appeal.

Illegal s140 order is one of the s504 counts of fraud, but Council has prejudged outcome of the s504 s507.1(7) s551.3(1g) without a hearing. Council's breached 21b any act or omission to facilitate ongoing crime, 23 facilitating escape from past crime, s22.2 organization party to offence, 25.1(9)(11b) public officer defrauding property, 139(1)(2)(3a) obstruction of justice, 340 fraudulent concealment.

As evidenced by the order of Justice Pollak and the appeal, it is obvious that if Pollak was allowed to hear the constitutional question s140 would have been read down, it is also obvious that if the Ontario Court of Appeal had not refused to hear the appeal of Justice Pollak order by lying about s6(2) Courts Justice Act jurisdiction the vexatious order would be void abinitio for lack of jurisdiction. For obvious reasons of avoiding self-incrimination the Ontario Court of Appeal lied that they did not have s6(2) Courts Justice Act jurisdiction to decide the s140 Courts Justice Act constitutional question.

The fact is that I challenged the constitutionality of s140 by showing that since there was **no existing proceeding against Ontario**, no finding of fact that Ontario did not break the Criminal Code, it was a breach of Rule Of Law Right To Self Defence From Ongoing Property Crimes / Right Against Criminals' Revictimization Of Victim Principle Of Fundamental Justice Is Part Of The Constitution to permit an s140 application without an existing proceeding against Ontario.

The consequences of s140 fraud by the Ontario Government include loss of home due to government fraud and government taxation powers to collect some of about \$100,000 costs by deliberate lies by judges with mens rae to defraud jurisdiction for tax fraud, defamation, discrimination and abuse of contract political career destruction.

Justice Pollak is not stupid, Ontario asked her to dismiss the motion, after 3 hours of arguments she refused Ontario's cross motion, adjourned Ontario's Application and agreed to decide the constitutionality of s140 on the merits and took time to reserve and write the order. Ontario and

Metrolinx rushed to find another Justice Wilson who ordered the s140 application to proceed, even though Justice Pollak had been working on the order for about 2 weeks, and had not yet issued an order on whether s140 Courts Justice Act is constitutional, Wilson collateral attack on Justice Pollak caused her to issue an order the next day refusing to hear the s140 question. Justifying criminal proceeding fraud by using an illegally obtained civil vexatious order based on unconstitutional civil provincial legislation is illegal for the following reasons;

R. v. McHale, 2010 ONSC 887 (CanLII) [4] I agree with both parties that the present application is criminal in nature. **The provincial legislation has no application:** R. v. Storgoff, 1945 CanLII 17 (SCC), [1945] S.C.R. 526. Under Rule 43 of the Criminal Proceedings Rules, the application should be heard by a judge of the Superior Court in Cayuga.

Olumide v Her Majesty the Queen in Right of Ontario, 2017 ONSC 1201 [12] The Crown submits that because Mr. Olumide's intended private prosecutions are authorized by the Criminal Code, they are not barred by a vexatious litigant order under s. 140 of the Courts of Justice Act, R.S.O. 1990, c. C-43. ....[13] .. **an entitlement granted by the Criminal Code cannot be constrained by a court order granted under provincial legislation ... [19] ...the injunctive relief requested is beyond the Court's jurisdiction ....**

Bourbonnais v. Canada (Attorney General), [2006] 4 FCR 170, 2006 FCA 62 (CanLII) [26].... judicial immunity does not apply where it is shown that a judge knowingly acts **beyond his jurisdiction...**[28]... "Of course, if the judge has ...**has perverted the course of justice, he can be punished in the criminal courts.**"

### Excerpts Of Notice Of Appeal

#### S140 Courts Justice Act Relief

- 1) Declaration that the unprovoked treatment of hearing s140 application / appeal (costs of lawyer and cross examination) before s140 Constitutional Question is a breach of constitutional rule of law rights against criminal code violator reprisal on criminal code victim principle of fundamental justice because it permits an s140 application without an existing proceeding against the criminals.
- 2) Declaration that in light of s7 Interpretations Act "shall" judicial duty to Notice Legislative Fact that s7 Metrolinx Act "that agree to participate" grants freedom of choice to municipal property taxpayers <sup>Finlay</sup> to not agree to Presto, s140 Courts Justice Act breaches the constitutional rule of law against a law with an effect that is contrary to property crime self-defence objects of the Courts Justice Act, which is described in Criminal Code 35(1c,ii), 35(3), it shall be read down as unconstitutionally overbroad, the AG shall have 6 months to remedy s140.
- 3) s140 Courts Justice Act prohibition of s24 Charter liberty to access Court is a breach of;
  - a) constitutional rule of law against an overbroad law "that goes too far by denying the rights of some individuals in a way that bears no relation to" and contrary to property crime self-defence objects of Courts Justice Act, in Criminal Code 35(1c,ii), 35(3).
  - b) constitutional rule of law that vested s6 Courts Justice Act rights of appeal and inalienable rights against judicial discrimination not be destroyed by breaching rule of law rights against criminal code violator reprisal on criminal code victim principle of fundamental justice.

c) No Interpretations Act “public good” <sup>Kallaba</sup> in breaching s12 Charter through a without provocation overbroad extension of M44527 (no Presto matter proceeding without leave).  
S140 Courts Justice Act shall be read down as **unconstitutionally overbroad**, the AG shall have 6 months to remedy s140.

4) Judicial Notice of fact known to community that David Chen shop keeper case “outrage” re treatment of a criminal code victim charged for breaking a law while acting in self-defence to property crime **shows societal consensus** <sup>Prentice</sup> on rights against criminal reprisal on a victim principle of fundamental justice which led to Bill C-26 Citizen’s Arrest Self-Defence Act criminal code “34(3)... threatened by another person... 35(1) lawfully assisting a person ...on ...grounds that another person...is about to take property...for the purpose of ...preventing another person from taking ... property”.

.....

### **S6(2) Courts Justice Act Jurisdiction Relief**

5) That Parliament intends to breach; s10 Interpretations Act property crime self-defence objects of Courts Justice Act, s138 Courts Justice Act Multiplicity of Proceedings AND interpretation common law by using “lies to the Divisional Court” in 6(1), 6(2), 19(1), 31 of the Courts Justice Act to mean the same thing all times except 6(2) AND s6(2) means this Court “has jurisdiction” where Divisional Court leave to appeal granted and 6(3) this Court “may on motion transfer” where Divisional Court leave to appeal granted, violates Supreme Court **rule of law against absurd illogical incoherent arbitrary statutory interpretation**.

6) Declaration that s6(2) words “has jurisdiction” precludes the Divisional Court from assuming jurisdiction before leave to appeal is granted, s6(3) words “may” is discretionary power to assume jurisdiction after the Divisional Court has granted leave to appeal, any panel order that refuses s6(2) Courts Justice Act jurisdiction over Justice Pollack’s order without stating the difference between s6(3) “already been commenced” and s6(2) not already been commenced, is grounds for a Canadian Judicial Complaint or criminal prosecution re misconduct of defrauding s6(2) statutory right for improper purpose of rewarding criminals by punishing the criminals’ victim.

7) s6(2) Courts Justice Act merits hearing of relief in paragraphs 3 – 11 of motion record Notice of Appeal of October 12 order, AND declaration that upon 3 hour arguments that led to refusal of cross motion to dismiss Constitutional Question on October 3 AND decision that October 17 application shall not proceed until an order that hearing the application is constitutional <sup>RWDSU, Kallaba</sup> AND s140 Courts Justice Act is not unconstitutionally overbroad, reversing the decision 5 days before the canceled October 17 hearing is a breach of rule of law rights against criminal reprisal on a victim **principle of fundamental justice** which led to Bill C-26 **Citizen’s Arrest Self-Defence Act**.  
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...**The courts are, of course, bound by the Charter**;

Kallaba v. Bylykbashi 2006 CanLII 3953 (ON CA), [2006] O.J. No. 545 (C.A.), [31] However, a s. 140(1) order is an extraordinary remedy that alters a person’s right to access the courts. Such an order may be granted in error. For example, a s. 140(1) order may not be supported by the evidential record. It may have been made by a **judge mistakenly acting without jurisdiction**, in breach of the **requirements of natural justice** or on **incorrect legal principles**. .. [39] .... In Ontario, s. 10 of the

Interpretation Act, R.S.O. 1990, c. I.11 provides: 10. Every Act shall be deemed to be remedial, whether its immediate purport is to direct the doing of any thing that the Legislature deems to be for the public good or to **prevent** or punish the doing of any thing that it deems to be **contrary to the public good**, and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the **attainment of the object** of the Act according to its **true intent**, meaning and spirit. ...

(i) Purpose [112] The overarching purpose of the CJA when it was passed was “to comprehensively revise the legislation establishing Ontario courts and regulating their proceedings”. [2] As such, the CJA provides the important right of access to justice for the people of Ontario. **Access to justice is a fundamental pillar of the rule of law**. It provides litigants with the means to determine their rights and their freedoms. As MacPherson J.A. said in *Carom v. Bre-X Minerals Ltd.* (2000), 2000 CanLII 16886 (ON CA), 51 O.R. (3d) 236 (C.A.) at para. 5: “Quite clearly, effective access to justice is a precondition to the exercise of all other legal rights.” .....

### Ontario Judicial Council

Lise Maisonneuve Chair of Justice of Peace Review Council / Chief Justice Ontario Court of Justice refused Courts Justice Act 36(1) “The **Chief Justice** of the Ontario Court of Justice shall direct and supervise the sittings of the Ontario Court of Justice ...” with mens rae to violate;

- 1) “if an...order would infringe a **Charter** right, the **Charter** will apply to preclude the order”<sup>RWDSU</sup>
- 2) “good faith does not mean .. **punishing a person for exercising an unchallengeable right**”<sup>Freeman</sup>
- 3) “good faith ..does not mean **arbitrarily and illegally** .. divest a citizen of ..civil status”<sup>Freeman</sup>
- 4) there was no court proceeding, therefore common law judicial immunity cannot apply,
- 5) the receiving of s504 information is a “ministerial act”<sup>McHale, Olumide</sup>, it is not a judicial act,
- 6) “power of the courts to control their own administration was not absolute”<sup>Gonzalez</sup>
- 7) the power to order an arrest and assault is not an adjudicative or core judicial duty,
- 8) lack of jurisdiction to change s10 Ontario Interpretation Act,
- 9) lack of jurisdiction to change s3 s17(3) Justice of Peace Officers Act,
- 10) lack of jurisdiction to change s81b Police Services Act
- 11) lack of jurisdiction to change / positive obligation to comply with s1 Human Rights Code
- 12) lack of Ontario 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”
- 13) lack of Ontario jurisdiction to change Constitution Acts 1867 to 1982 Legislative Authority of Parliament of Canada 91 ‘Criminal Law... including the **Procedure in Criminal Matters**”
- 14) lack of Ontario 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 person counselling, s22.2 organization party to offence, s25.1(9)(11b) public officer offence, s122 breach of trust, s139 obstruction of justice, s140(1b) inducing police to commit a crime by lying that a black male is a security risk, s265(1a,b)(3c,d) assault, s346(1.1b) extortion, s380(1a) fraud, s341 fraudulent concealment, s423.1(b) intimidation,
- 15) lack of Ontario jurisdiction to change s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights,
- 16) lack of Ontario jurisdiction to change s11 s12 s13 s21(a,d) s34 Canada Interpretation Act,
- 17) lack of Ontario jurisdiction / positive obligation to obey s2, s3, s5 Canada Human Rights Act
- 18) lack of Ontario jurisdiction / positive obligation to comply with preamble objects s7 s9 s10 s12 s15 Charter of Rights, preamble objects,
- 19) lack of Ontario 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<sup>Garland</sup> of racism principle of fundamental justice,

- 20) lack of Ontario 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,
- 21) lack of Ontario jurisdiction / positive obligation to comply with rule of law against arbitrary (contrary to objects of enabling Act) application of statutory power,
- 22) lack of Ontario jurisdiction / positive obligation to comply with rule of law against elevating alleged statutory power above the constitution,
- 23) lack of Ontario jurisdiction / positive obligation to comply with rule of law against using statutory public power in bad faith (discrimination, arrest, assault, extortion),
- 24) lack of Ontario jurisdiction / positive obligation to comply with rule of law against absurd statutory or constitutional interpretation,

**Breached s362(1) Criminal Code;** Para 2 of July 5 decision re Lise Maissonneuve “remedies ... are outside the jurisdiction of the council”

Para 8 of June 20 decision re Lise Maissonneuve “remedies you seek are outside the jurisdiction of the Council”

Para 2 of July 5 decision re Lise Maissonneuve “no evidence of judicial misconduct”

Para 5 of June 20 decision re Lise Maissonneuve “it was not misconduct for a judge to decline to take action to intervene in a court matter”

Para 7 of June 20 decision re Lise Maissonneuve “did not reveal any evidence of judicial misconduct”

These statements are false because any criminal code offence is “(ii) conduct that is incompatible with the due execution of his or her office, or (iii) failure to perform the duties of his or her office” AND Chief Justice Lise Maissonneuve violated Criminal Code s21b s22.2, s23, 25.1(9)(11b), by not responding to positive obligation re Criminal Code s507.1(10), 788, Justice of Peace Act15(1)(4), Courts Justice Act 36(1) “The **Chief Justice** of the Ontario Court of Justice shall direct and supervise the sittings of the Ontario Court of Justice and the assignment of its judicial duties” by directing the regional senior judge to implement; “Criminal Code 507.1 (10) .... *designated justice* means a justice designated for the purpose **by the chief judge of the provincial court**” “788... justice may ..(2)(c) do all other things preliminary to the trial.” “15(1) The regional senior judge, under the **direction of the Chief Justice** of the Ontario Court of Justice, shall direct and supervise the sittings ... assignment of their judicial duties,” “Transfer to a judge (4) In the case of a trial that would otherwise be held before a justice of the peace, **any party** may submit a request to the regional senior judge of the Ontario Court of Justice for the region to have the trial held before a judge...” AND this inaction was intended to create the foreseeable consequence of JPs acting without jurisdiction to defraud Criminal Code s482 s504 s507.1 s507.1(7) s540 s551.2 s551.3(1g Charter) s683(2) s788 s802 sitting before a judge so as to facilitate ongoing crimes, therefore 16-30604 against Canadian Judicial Council is still seating in limbo.

**Breached s22 Criminal Code;** Last paragraph June 20 decision “**Will Appear In ...Annual Report**”

Para 4 of June 20 decision re Lise Maissonneuve “you have been declared a vexatious litigant” These statements are with intent to use the proceeds of fraud to incite JPs to act without jurisdiction to defraud Criminal Code s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 WITH mens rae to protect Justice of Peace Review Council, Ontario Court of Justice, Ontario Judicial Council from criminal prosecution which is s122 Criminal Code breach of trust for personal benefit.

**Defrauding s80 Courts Justice Act;** Despite s3,7, 11 Justice of Peace Act involvement of the Chief Justice and a couple of letters requesting recusal due to conflict of interest, the Ontario Court of Justice,

Lise Maissonneuve refused to confirm that she was not involved in the Justice of Peace Review Council registrar decision not to send new evidence of a police investigation of a court for defrauding s2 s482 s504 s507.1 s540 s551.2 s551.3(1g Charter) 683(2) s788 s802 to complaints committee.

- a) <https://adeolumideonline.files.wordpress.com/2017/06/canadian-judicial-council-chair-supreme-court-chief-justice-beverley-maclachlin-retires-amid-police-investigation-part-1.pdf>
- b) Courts Justice Act 80 Every judge or officer of a court in Ontario,.. .. I will faithfully, impartially and to the best of my skill and knowledge execute the duties of .. So help me God.
- c) Justice of Peace Act Composition (3) The Review Council is composed of, (a) the **Chief Justice of the Ontario Court of Justice**, or another judge of the Ontario Court of Justice designated by the Chief Justice; ... Chair (7) The **Chief Justice of the Ontario Court of Justice** or, in his or her absence, the Associate Chief Justice Co-ordinator of Justices of the Peace, shall chair all meetings of the Review Council. ...

### Ottawa Police Services Board

Ottawa Police Services Board violated Ade Olumide s1 Human Rights Code right to equal access to 31(1c), 63(5)(6)(7) Police Services Act / 12 Police Services Act Ontario Regulation 58/16 services. They refused to create a policy that any police officer who is directed by a judge to commit arrest and assault, must after compliance, obtain a written reason for that request and file it with the police along with their personal observation that all the victim did was to ask the JP his name, he was speaking monotone, he asked the Police if he could ask registry staff the name, the Police refused and said he will be provided the name after he is no longer in the court premises.

### Ottawa Police

Ottawa Police violated Ade Olumide s1 Human Rights Code right to equal access to s2 “prosecutor” criminal code court registry services by preventing Ade Olumide from asking the criminal court registry for the name of the Court of Justice JP who asked the police to arrest and assault Ade Olumide due to pre conceived notions about black people in the criminal justice system and deem his black colour to be a security risk.

Ottawa Police violated Ade Olumide s1 Human Rights Code right to equal access to 1, 2, 4, 42(1c,d), 81(1)(2) Police Services Act / s6(1)(4), s7(1)(3)(4), 8, Police Services Act Ontario Regulation 58/16 services, objects, 2, 6, 7, 16 Canada Victims Bill of Rights, s41(1b), 63(1)(2)(3) Police Services Act / 11(2), 13(1)(2) Ontario Regulation 58/16 services. Scheuer v. Canada, 2015 FC 74... As the Supreme Court of Canada observed at para. 56 of Hill, holding police officers to a **standard of care that might make them more careful** is not necessarily a bad thing. The same reasoning applies in this case...

They refused to charge the Justice of Peace for inducing a police officer to commit the crime of racists arrest, assault, extortion of legal right to prosecute the Canadian Judicial Council racism sympathizers. It has been almost 1 year since the assault because a black skin colour is a security risk, but OCJ is still refusing to provide a reason for direct police to arrest and assault the complainant which is a breach of Charter of Rights “Arrest or detention 10. Everyone has the right on arrest or detention (a) to be informed promptly of the reasons therefor;” Canadian Bill of Rights “(c) deprive a person who has been arrested or detained (i) of the right to be informed promptly of the reason for his arrest or detention,” Canada Victims Bill of Rights “Security 9 Every victim has the right to have their security considered by the appropriate authorities in the criminal justice system. Protection from intimidation and retaliation 10 Every victim has the right to have reasonable and necessary measures taken by the appropriate

authorities in the criminal justice system to protect the victim from intimidation and retaliation.” Police Services Act Ontario Regulation 58/16; “(4) A reason required ... must be **a reason the police officer can articulate and must include details relating to the particular circumstances.**”

### **Ottawa City Council**

Ottawa City Council violated Ade Olumide s1 Human Rights Code right to equal access to 4(1)(2) Police Services Act / 11(2)(2,6,7,8), 224 (a,b,d.1,f) Municipal Act service. They refused to direct the Police Services Board to create the requested policy or create a bylaw that that any police officer who is directed by a judge to commit arrest and assault, must after compliance, obtain a written reason for that request and file it with the police along with their personal observation that all the victim did was to ask the JP his name, so he could exercise a statutory right to file a complaint against the JP violation of s3 s17(3) Justice of Peace Act in order to facilitate ongoing crimes.

### **Alberta Victims Services Director**

They refused statutory duty to advocate for victims of crime by asking the Calgary Police to tell the victim of the crime, which element of the offence of extortion has not been met.

### **Alberta Injuries Review Board**

They made 11 direct false statements, 11 indirect false statements which includes a finding that arrest, assault and extortion by Alberta Provincial Court is not a crime, accused the black African immigrant of “far-fetched allegations of constitutional and Charter breaches ... to subvert the justice system”. Lying to the police is a criminal offence, yet she is despite contrary evidence, calling the complainant a liar because she knows that co criminals Alberta Court of Queen’s Bench, Court of Appeal will protect her.

1. S362 Criminal Code false statement in writing to benefit your employer “...on April 27, 2017 ... he wished to lay a private information against the Calgary Police” (CPS)- 19
2. S362 Criminal Code false statement in writing to benefit your employer “He alleged that CPS removed some of his property from him and that constituted fraud”- 19
3. S362 Criminal Code false statement in writing to benefit your employer “The sheriffs actions would not constitute offences ... they were merely performing their duties”- 20
4. S362 Criminal Code false statement in writing to benefit your employer “...confirmation of a criminal code offence would still be required from the police.”- 20
5. S362 Criminal Code false statement in writing to benefit your employer “irrelevant documents, ... tax records and communications with the CRA over past tax disputes”- 20
6. S341 Criminal Code false pretence of indirectly stating that allegations are false without directly stating allegations are false “allegations against .... Chief of Police for Calgary, the CPS”- 21
7. S341 Criminal Code false pretence of indirectly stating that allegations are false without directly stating allegations are false “allegations against ... Alberta Courts...”- 22
8. S341 Criminal Code false pretence of indirectly stating that allegations are false without directly stating allegations are false “allegations against ... Federal Courts”- 26
9. S341 Criminal Code false pretence of indirectly stating that allegations are false without directly stating allegations are false “allegations against ... the VFB program”- 69
10. S341 Criminal Code false pretence of indirectly stating that allegations are false without directly stating allegations are false “allegations against ... the Solicitor General’s Office”- 69
11. S341 Criminal Code false pretence of indirectly stating that allegations are false without directly stating allegations are false “allegations against ... other government agencies and employees”- 69

12. S341 Criminal Code false pretence of indirectly stating that allegations are false without directly stating allegations are false “arguments of conspiracies between the VFB program, CPS, the Provincial Court and the Court of Queen’s Bench to deny his claims”- 70
13. S362 Criminal Code false statement in writing to benefit your employer “Far-fetched allegations of constitutional and Charter breaches”- 70
14. S341 Criminal Code false pretence of indirectly stating that allegations are false without directly stating allegations are false “allegations of denying the applicant his liberty”- 71
15. S341 Criminal Code false pretence of indirectly stating that allegations are false without directly stating allegations are false “allegations that judges .... have lied, ... perjury ... fraudulent acts”- 71
16. S341 Criminal Code false pretence of indirectly stating that allegations are false without directly stating allegations are false “allegations of conflict of interest by sitting judges”- 74
17. S362 Criminal Code false statement in writing to benefit your employer “statutes unrelated to these proceedings ...Elections Act”- 74
18. S362 Criminal Code false statement in writing to benefit your employer “statutes unrelated to these proceedings ...Access To Information Act”- 74
19. S362 Criminal Code false statement in writing to benefit your employer “statutes unrelated to these proceedings ...Alberta Bill of Rights”- 74
20. S362 Criminal Code false statement in writing to benefit your employer “reference to dozens of irrelevant court cases”- 75
21. S341 Criminal Code false pretence of indirectly stating that allegations are false without directly stating allegations are false “arguing that the police, the VFB program, and others are wrong in their determination that the courts cannot be charged with such offences”- 75
22. S362 Criminal Code false statement in writing to benefit your employer “the only possible way to challenge this decision would be ...application for judicial review”- 77

### **Alberta Conservative United Conservative Party Opposition Leader and Justice Critic**

They are refusing to take a position on whether Alberta should compel LERB to decide the constitutionality of Calgary Police refusing to issue a decision.

### **Alberta Liberal Party Opposition Leader**

They have taken the position that the Alberta Premier and Minister of Justice should provide a satisfactory response with regard to my request that they compel LERB to decide the constitutionality of Calgary Police refusing to issue a decision.

### **Alberta Attorney General**

They have taken the fraudulent conflict of interest position that ordering the LERB to decide the constitutional question without a the decision from Calgary Police is “not necessary to further public confidence in policing”. LERB is an arm of Alberta Government policy implementation team, therefore their s22 criminal code offence is an Alberta Government crime.

The reason for conflict of interest is that a registrar is not a judge therefore their arrest, assault and extortion crimes are an Alberta Government crime, Alberta Government is also guilty of refusing to consent to hearing of the constitutional question, refusing to request a police investigation, refusing s507(1) public prosecution of Canadian Judicial Council member (Alberta Court of Queen’s Bench) for committing an ongoing crime by refusing Judges Act good faith duty to request the record of investigation for judicial criminal misconduct complaints sent to them in Alberta.

Alberta AG defrauded s784 Criminal Code appeal rights through a deliberate false statement to the registrar, claiming that s685 “no substantial ground of appeal” power of registrar is engaged despite fact that any government legislation constitutional question is automatically a substantial ground of appeal.

Alberta Judicial Council is an arm of Alberta Government policy implementation team, therefore their refusal to respond to complaints about the Alberta Provincial Court Chief Judge and Deputy Chief Judge refusal to create a rule or practice direction to prevent repeat arrest, assault, extortion is an Alberta Government refusal. The same logic applies to crimes of Alberta Victims of Crime Services Director and Alberta Criminal Injuries Review Board.

### **Alberta Court of Queen’s Bench**

They defrauded merits hearing s579 Criminal Code, s8(2) Criminal Code power to withdraw process, S4 Alberta Judicature Act “immunities”, S4 Alberta Judicature Act “immunities”, s60(2), 63(2) 63(3) or 69(1) Judges Act Constitutional Questions. They falsely stated that Canadian Judicial Council member (Alberta Court of Queen’s Bench) ongoing crime by refusing Judges Act good faith duty to request the record of investigation for judicial criminal misconduct complaints sent to them in Alberta is not an s21b Criminal Code offence. They falsely stated that Alberta Court of Queen’s Bench cannot be prosecuted because it is not a corporation, the complainant tried to read from the criminal code test for an “organization” “person” “justice system participant” but he yelled at the complainant NO and beckoned security which was a threat of assault, if the complaint tried to correct his tirade of false statements. They falsely stated that he has jurisdiction to remove my statutory right to access Criminal Court.

### **Alberta Court of Appeal**

They defrauded merits hearing s579 Criminal Code constitutional question. They used s685 Criminal Code power to defraud hearing of s685 Criminal Code Constitutional Question. They also defrauded s784 Criminal Code appeal rights through a deliberate false statement s685 “no substantial ground of appeal” despite fact the that any government legislation constitutional question is automatically a substantial ground of appeal. They falsely stated that he has jurisdiction to remove my statutory right to access Criminal Court.

### **Alberta Provincial Court**

They defrauded merits hearing s579 Criminal Code constitutional question. They extorted a mandatory statutory right to prosecute the Canadian Judicial Council (Alberta Court of Queen’s Bench) for refusing to request a record of investigation of a judge that facilitated racial discrimination against black politicians by making several false statements in court orders. Racism is not just the refusal of service but the way it was refused, directing an arrest and assault, by using a black male racist stereotype to lie that he was yelling, in order to justify a refusal that the criminal code forbids, was intended to demean and put him in his place, they could have refused service without going out of their way to belittle and disrespect him. Their disdain for a reasonable request to speak to the Manager, was a subconscious reaction to his colour and accent, they wanted him to know that they do not think he is equally deserving of respect, they wanted to teach me a lesson for thinking he can stand up to caucasian criminals by accessing a service that other Canadians have access to.

The refusal of the Chief Judge and Deputy Chief Judge to remedy the situation is also linked to their subconscious belief that they are better than the victim, therefore he should simply shut up and accept

the fact that due to his colour and ethnic origin, he is a second class citizen in his home country. They violated the following statutes by directing arrest and assault and are refusing enclosed relief;

- I. equal access to court registry facilities
- II. equal access to s2 "prosecutor .....where 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" service of going before a JP to swear an s504 Criminal Code information against Canadian Judicial Council (Alberta Court of Queen's Bench)
- III. equal access to s2 "prosecutor" s482(1)(3) service of going before a JP to obtain an s507.1 Criminal Code oral hearing against Canadian Judicial Council (Alberta Court of Queen's Bench)
- IV. equal access to s2 "prosecutor" s482(1)(3) service of going before a JP to obtain an s551.3(1g Charter) Criminal Code oral hearing against Canadian Judicial Council (Alberta Court of Queen's Bench)
- V. equal access to s2 "prosecutor" s482(1)(3) service of 683(2).. Parties entitled to adduce evidence and be heard, 802(1) "prosecutor is entitled personally to conduct his case..", 507.1(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"
- VI. equal access to s2 "prosecutor" s482(1)(3) service of speaking with a manager
- VII. equal access to s2 "prosecutor" s482(1)(3) service of s504 refusal name and signature
- VIII. equal access to s2 "prosecutor" s482(1)(3) service of s9 s10 Canada Victims Bill of Rights protection from threats of injury
- IX. equal access to Alberta Provincial Court Chief Judge, Deputy Chief Judge service of s4 s7 Administrative Procedures and Jurisdiction Act / s3 Oaths Of Office Act / s14 s15 s16 Peace Officers Act response to request for a rule or practice direction that registry or justice of peace or sheriff cannot refuse s504 mandatory public service without a written reason with name and signature explaining why the s504 information is not a prima facie criminal code offence

Their inaction is a violation of

- 1) "if an...order would infringe a **Charter** right, the **Charter** will apply to preclude the order" <sup>RWDSU</sup>
- 2) "good faith does not mean .. **punishing a person for exercising an unchallengeable right**" <sup>Freeman</sup>
- 3) "good faith ..does not mean **arbitrarily and illegally** .. divest a citizen of ..civil status" <sup>Freeman</sup>
- 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" <sup>McHale</sup>, it is not a judicial act,
- 8) "power of the courts to control their own administration was not absolute" <sup>Gonzalez</sup>
- 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 <sup>Garland</sup> 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,

### **Alberta RCMP**

They have refused to respond to request that they open a criminal investigation of the Alberta Government party to crimes that include extortion. They refused “Further to my s7 Canada Victims Bill of Right to know the outcome of investigation for each element of the offence, I hereby request to know the outcome of each element of offences by Her Majesty The Queen In Right of Alberta;

- s139 obstruction of justice, s362 false statements, s21b party to tax fraud by Alberta Crown Counsel Criminal “no substantial ground of appeal” false statements in writing with intent that it be relied upon to defraud defraud “service” “property” 2 “prosecutor”, 482 (1)(3), 504, 507.1, 540, 551.2, 551.3(1g), 683(2), 783, 784, s774, 777(1), s784, 802(1)(2)(3) criminal code AND s685 Criminal Code Constitutional Question in order to assist Her Majesty The Queen to retain the proceeds of crimes that include of tax fraud, and assist Alberta Court of Queen’s Bench

retain the proceeds of party to tax fraud. In about 150,000 criminal cases every year, in the history of Canada, s685 never been used to defraud criminal code statutory appeal rights of any person, except in 14 cases of lack of jurisdiction for interlocutory appeals, the first non jurisdiction case, is to target Ade Olumide. That should tell you that they are afraid of the fact that Parliament of Canada has given me the Criminal Code right to prosecute the Crown and any Court for beyond all reasonable doubt evidence of tax fraud and party to tax fraud.

- a) An s16 Canada Victims Bill of Rights restitution order against the accused would be an Alberta new evidence motion to void the s685 “no substantial ground of appeal” declaration.
- s21b party to tax fraud by Alberta Crown Counsel Criminal refusal of s505 s507(1) criminal code public prosecution of Judges Act Canadian Judicial Council [Alberta Court of Queen’s Bench] for defrauding 60(2c), 63(2), 63(4)(5)(6), 65 Judges Act “property” “valuable service” **good faith duty to request investigation of party to tax fraud**, through refusal to respond to complaints re criminal offences by judges, with mens rae to assist Her Majesty The Queen to retain the proceeds of crimes that include defrauding s296 (2.1,3.1,6) Excise Tax Act, s23 s95 Financial Administrations Act, s5(1a) s42(1) Canada Revenue Agency Act, s12 Privacy Act, s4 Access To Information Act, with mens rae to assist Canadian Judicial Council [Alberta Court of Queen’s Bench] to retain the proceeds of party to tax fraud by refusing to request Judges Act investigation of criminal offences by judges.
  - a) An s16 Canada Victims Bill of Rights restitution order against the accused would be a prosecution of Alberta Court of Queen’s Bench for refusal to request investigation of criminal misconduct by judges.
- s21b party to tax fraud by Alberta Crown Counsel Criminal refusal of s505 s507(1) public prosecution of Judges Act Canadian Judicial Council [Alberta Court of Queen’s Bench] for s21b party to Her Majesty The Queen In Right of Canada tax fraud, by making false statements that; Ongoing Tax Fraud By Her Majesty Is Not A Crime, Alberta Court Of Queen’s Bench Refusing Judges Act Good Faith Duty To Request Investigation Of Judges Lying In Order To Facilitate Ongoing Tax Fraud Is Not An s21b, 22.2, 25.1(9)(11b) Criminal Code Offence, Alberta Court Of Queen’s Bench Cannot Be Prosecuted Because It Is Not A Corporation.
  - a) An s16 Canada Victims Bill of Rights restitution order against the accused would be a prosecution of Alberta Court of Queen’s Bench for these 3 false statements.

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.

- s380(1a) party to extortion by Alberta Criminal Injuries Review Board making of 21 false or deceitful statements in writing, with mens rae to defraud a charge of extortion of 2 “prosecutor”,

482 (1)(3), 504, 507.1, 540, 551.2, 551.3(1g), 683(2),783, 784, s774, 777(1), s784, 802(1)(2)(3) Criminal Code against Alberta Provincial Court employees of Alberta Government.

- a) An s16 Canada Victims Bill of Rights restitution order against the accused would be a processing of the victims of crime benefits application based on a finding of fact that complainant is a victim of the crime of extortion by Alberta Provincial Court.
- s380(1a) party to extortion by Alberta Victims Services refusal of good faith statutory duties to ask Calgary Police which elements of offence of extortion against Alberta Provincial Court were not met, with mens rae to defraud a charge of extortion of 2 “prosecutor”, 482 (1)(3), 504, 507.1, 540, 551.2, 551.3(1g), 683(2),783, 784, s774, 777(1), s784, 802(1)(2)(3) Criminal Code against Alberta Provincial Court employees of Alberta Government.
    - a) An s16 Canada Victims Bill of Rights restitution order against the accused would be a Victims Services request to the Calgary Police asking to know which elements of the charge of extortion against the Alberta Provincial Court are not met.
  - s341 party to tax fraud Alberta Ministry of Justice fraudulent concealment purpose for refusal of 2, 3, 3.1, 17(1c), 30, 62 Police Act direction that the Alberta law Enforcement Review Board hold an inquiry, with mens rae to defraud a charge of extortion of 2 “prosecutor”, 482 (1)(3), 504, 507.1, 540, 551.2, 551.3(1g), 683(2),783, 784, s774, 777(1), s784, 802(1)(2)(3) Criminal Code against Alberta Provincial Court employees of Alberta Government.
    - a) An s16 Canada Victims Bill of Rights restitution order against the accused would be a direction that the Alberta law Enforcement Review Board hold an inquiry to know why the Calgary Police is refusing s7 Canada Victims Bill of Rights duty to disclose which elements of the charge of extortion against the Alberta Provincial Court are not met.

### **Alberta Human Rights Commission**

They are refusing to hear the application.

### **Calgary Police Chief**

He has refused to issue a service complaint decision on their refusal to comply with s7 Canada Victims Bill of Right duty to disclose the outcome of the criminal investigation of each element of the offence of extortion by Alberta Provincial Court. He also refused to issue a policy complaint decision re lack of s7 s16 Canada Victims Bill of Right policy by the Calgary Police Department, the foreseeable consequence is to allow Calgary Police to do indirectly (defraud right to Alberta Provincial Court restitution of proceeds of crime), what they lack jurisdiction to do directly.

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 tax 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.

The Complainant Hereby Seeks 3 Declarations;

- 10) 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
- 11) 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”;
- 12) 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.

### **Calgary Police Professional Standards**

They have refused to investigate Calgary Police misconduct of refusing to issue a decision on the policy complaint AND refusing to issue a decision on the service complaint in order to defraud LERB jurisdiction over an appeal of the service complaint and defraud Calgary Police Commission jurisdiction over an appeal of the policy complaint.

### **Alberta Law Enforcement Review Board**

They are refusing jurisdiction to determine the constitutionality of Calgary Police defrauding the Police Act statutory procedures by refusing to issue an s7 Canada Victims Bill of Rights policy decision and misconduct decision re officer refusing to comply with s7 by disclosing which elements of the offence of extortion are not met. LERB also violated s22 Criminal Code person counselling offence by indirectly advising the Calgary Police not to issue a decision on the service complaint that they acknowledge was already activated by the Police Act.

At The Hearing, The Complainant Will Seek 2 Declarations;

- I. Declaration that s48(2) is unconstitutionally narrow as excluding an s12 Charter abuse of process refusal to issue an 47(5) decision re 42.1 complaint about Sgt Hayley Marquis 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”;
- II. 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, within 6 months of lack of 47(5) decision, upon expiration of 44(11) deadline, appeal the matter to the Board ....

### **Calgary Police Commission**

They violated s22 Criminal Code person counselling offence by advising the Calgary Police to refuse to comply with the Police Act by deactivating a service complaint and a policy complaint that the Police Act had already activated.

### **Calgary City Council**

They have refused to respond to enclosed application;

This application 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.

### **Vancouver City Council and Vancouver Police Board**

They have refused to respond to enclosed application;

Take Notice; That this application by Ade Olumide to the City pursuant to Administrative Tribunals Act, 15, 23, 26, 28, 29, 34, 38, 70 Police Act, 1, 2, 210, 218(2), 249, 520 Municipal Act shall be heard by the Vancouver City Council and Vancouver Police Services Board within 30 days at a time set by the Mayor of Vancouver and Chair of the Vancouver Police Services Board. Take further notice that the; Bylaws, Standards, Policies, Guidelines, Rules, Internal Procedures, Goal, Objective Sought are:

- I. The City or any “municipal administrative body” under City control shall not refuse Administrative Tribunals Act procedure for adjudication of an application on the merits.
- II. The City or any “municipal administrative body” under City control shall comply with letter and intent of Administrative Tribunals Act by within 30 days from complaint, issuing to the applicant Administrative Tribunals Act procedural time lines for adjudicating merits of the application.
- III. The Municipal Police Service Board hereby issue an internal procedure policy that the Vancouver Police shall not refuse jurisdiction to investigate any crime committed in Vancouver unless, another police force has assumed jurisdiction over a crime committed in Vancouver.
- IV. Pursuant to objects s6 s7 s16 Canada Victims Bill of Rights, the Municipal Police Service Board hereby issue an internal procedure policy that on request, 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 Vancouver, 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.

#### **BC Police Complaint Commissioner’s Office**

They realized that the lack of jurisdiction claim was a false statement, so they created a new false statement that acting without jurisdiction to remove an s507.1 hearing that was ordered by a BC Provincial Court Justice of Peace is not an s21b Criminal Code party to offence crime, despite contrary BC Court of Appeal Ambrosi case law that stated that s4(3c) Crown Counsel Act means that the Vancouver Crown Counsel lack jurisdiction to stay a s504 s507.1 private prosecution until after an s507.1 hearing where the judge decided to issue process. They also refused to comply with a Police Act statutory duty to open a lack of s7 s16 Canada Victims Bill of Right policy by the Vancouver Police Department, the foreseeable consequence is to allow Vancouver Police to do indirectly (defraud right to restitution of proceeds of crime), what they lack jurisdiction to do directly.

#### **Vancouver Police**

They made a false statement that they lack jurisdiction to open the criminal investigation against the Vancouver Crown Counsel Criminal for a crimes committed in Vancouver.

#### **Vancouver Police Professional Standards**

They refused to investigate false statement with intent to facilitate ongoing crimes, which is Police Act misconduct by the Vancouver Police.

#### **British Columbia Royal Canadian Mounted Police**

They made a false statement that they lack jurisdiction to open the criminal investigation against the BC Government for a crimes committed in Victoria and Vancouver, by falsehood that “allegations ..have not occurred in British Columbia. Accordingly ... report ...allegations to ... appropriate .. jurisdiction”, AND refusing criminal investigation of The “person” “organization” “justice system participant” **Her Majesty The Queen In Right Of British Columbia** breached Criminal Code 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362, s380(1a) by acting without jurisdiction to defraud “service”

“property” s504 “ Any one ...may lay an information in writing and under oath before a justice, and the justice shall receive the information,” 2, 482 (1), (3), 507.1, 540, 551.2, 551.3(1g), 683(2),783, 802(1)(2)(3) criminal code, 8, 17 BC Interpretation Act, s12, 21 Canada Interpretations Act, 30.2 (5) BC Provincial Courts Act, s2 Objects s16 Victims Bill of Rights, s12 s15 s24 Charter of Rights and Freedoms, s1(a,b), s2(b,e) Canadian Bill Of Rights in order to assist **Her Majesty The Queen in Right of Canada** to continue to defraud s296 (2.1,3.1,6) Excise Tax Act, s23 s95 Financial Administrations Act, s5(1a) s42(1) Canada Revenue Agency Act, s12 Privacy Act, s4 Access To Information Act.

- I. **BC AG lied** at the Vancouver Provincial Court that they have the jurisdiction to collaterally attack the JP’s s504 order providing s507.1 / s540 / s551.3(1g Charter) criminal code hearing date.
- II. **BC AG stole** s507.1 / s540 “property” and “service” given to me by the Canadian government.
- III. **BC AG lied** that they have jurisdiction to contravene the Crown Counsel Act by using unconstitutional s4 (3c) power to order a court of competent jurisdiction not to hear s4 (3c) constitutional question.
- IV. **BC AG stole** s24 Charter right to bring an s579 Criminal Code constitutional question.
- V. **BC AG lied** that about 2000 pages of tax fraud evidence is not enough to obtain a conviction. A 2010 CRA letter denies rebates by lying that I do not qualify despite persistent arguments that I qualify, a 2011 CRA letter approves rebates for the same 2010 properties, mails cheques, and then denies the rebates because I missed the deadline by 3 months, therefore 2010 denial is fraud. It is now 2017, the proceeds of fraud are still with CRA and they have committed more crimes that include perjury and ATIP fraud. Judges lied in writing to prevent first instance hearing or appeal, BC Supreme Court is mens rae refusing Judges Act duty to request investigation of these judges in order to help judges, CRA and others commit more crimes.
- VI. **BC AG lied** that the BC address of the accused is not an address for the accused.
- VII. **BC AG lied** that BC Supreme Court is not a member of the Canadian Judicial Council who at their BC address committed s21b criminal code offences by refusing to respond to several complaints about criminal misconduct by judges.
- VIII. **BC AG lied** that s21 Canada Interpretations Act, s504 Criminal Code right to prosecute any “person” “justice system participant” “organization” Her Majesty The Queen, BC Supreme Court by lying that a court cannot be prosecuted.
- IX. **BC AG lied** that judges deliberately acting without jurisdiction despite beyond reasonable doubt evidence of mens rae intent to defraud “property” “valuable service”, have immunity from criminal prosecution, the “immunity” constitutional question will prove that BC AG deliberately lied.
- X. **BC AG lied** that any court has immunity from criminal code prosecution.

### **British Columbia Attorney General**

They used s579 Criminal Code stay power to defraud hearing of s579 Criminal Code constitutional question. BC AG used s579 Criminal Code unlimited stay power to exceed s4(3c) BC Crown Counsel Act “interests of justice” limit on power to stay a private prosecution. BC AG acted without jurisdiction to remove an s507.1 hearing that was ordered by a BC Provincial Court Justice of Peace, this act is an s21b Criminal Code offence because the motive for removing the hearing date is the overwhelming evidence that Canadian Judicial Council member (BC Supreme Court) is committing an ongoing crime by refusing Judges Act good faith duty to request the record of investigation for judicial criminal misconduct complaints sent to them in BC. BC AG is refusing s507(1) public prosecution of BC Supreme Court. BC AG made several in writing false statements that include the claiming that BC

Supreme Court has immunity from criminal code prosecution. A registrar is not a judge therefore their crime of s685 referral is a BC Government crime, BC Government is also guilty of refusing to consent to hearing of the constitutional question and refusing to request a police investigation. They defrauded policy relief below by lying that Administrative Tribunals Act does not apply to;

Legislation And Policies Sought Are:

- I. Her Majesty The Queen In Right of British Columbia shall comply with letter and intent of Administrative Tribunals Act by within 30 days from complaint, issuing to the applicant Administrative Tribunals Act procedural time lines for adjudicating merits of the application.
- II. Her Majesty The Queen In Right of British Columbia hereby issue policy and legislation that pursuant to objects s16 Canada Victims Bill of Rights to a restitution order against a criminal, s4(3c) Crown Counsel Act which precludes intervention in any s507.1 Criminal Code hearing before Justice has decided whether or not to issue process, therefore, the Crown shall on request by any applicant, lift any stay that was entered before any s507.1 hearing.

### **British Columbia Standing Committee On Legislative Initiatives Committee**

They are refusing to respond to request that the committee recommend a change to the BC Crown Counsel Act by inserting “subject to rule law right to self defence against an ongoing crime” before 3(c) as follows; BC Crown Counsel Act **subject to rule law right to self defence against an ongoing crime** “3(c) supervise prosecutions of offences that are being initiated or conducted by individuals who are not Crown counsel and, if the interests of justice require, to intervene and to conduct those prosecutions.”

### **British Columbia Supreme Court Associate Chief Justice / Member of Canadian Judicial Council**

He defrauded merits hearing s579 Criminal Code constitutional question and committed the following obstruction of justice crimes;

- a) s341 fraudulent concealment by breaching the rule of law against conflict of interest by acting without jurisdiction to defraud mandatory criminal code procedure in order to benefit himself, his employer and the Canadian Judicial Council of which he is a member.
- b) s341 fraudulent concealment of his crimes by prejudgment and partiality by dismissing my application without a hearing and telling the crown it is not necessary for them to respond.
- c) s341 fraudulent concealment of his crimes by breaching the rule of law against using public power in bad faith by abusing Associate Chief Justice Assignment power to assign the case to himself.
- d) s341 fraudulent concealment of his crimes by defrauding BC Court of Appeal Ambrosi decision that s4(3c) means AG cannot stay a private prosecution unless justice has issued an s507.1 summons.
- e) s341 fraudulent concealment of the pleadings that s504 criminal code authorizes prosecution of all 6 accused because regardless of where they committed the crime, they reside in BC
- f) s341 fraudulent concealment of the illegal use of s579 / s4(3c) unlimited power to stay to defraud s24 Charter s504 s507.1 s540 s551.3(1g) Criminal Code right to s579 / s4(3c) constitutional question
- g) 21b, 23 criminal code party to BC Supreme Court Associate Chief Justice Judges Act s21b criminal code offence of refusing to request investigation of criminal misconduct by judges
- h) s362 criminal code violation false statement in writing that July 13 order date is June 14
- i) s362 criminal code violation false statement in writing that July 13 order is part of transcript
- j) s362 criminal code violation false statement in writing “nothing objectionable in crown’s analysis”
- k) s362 criminal code violation false statement in writing “ ...fatally deficient”
- l) s362 criminal code violation false statement in writing “it does stem from an originating process”

- m) s362 criminal code violation false statement in writing “well settled contrary law to ... constitutional validity of s579(1) of the criminal code”
- N) s362 criminal code violation false statement in writing “no justiciable lis before the court”
- O) s362 criminal code violation false statement in writing “not .. remote prospect..application ..success”

### **British Columbia Court of Appeal**

They defrauded merits hearing s579 Criminal Code constitutional question. BC Court of Appeal violated BC Court of Appeal “Ambrosi v. British Columbia (Attorney General), 2014 BCCA 123 (CanLII) [23] Section **507.1 requires** that the referral be heard by a judge or a designated justice; that the informant lead evidence of his or her allegations on each essential element of the offence (see also, McHale at para. 74); ..[25] **Once process is issued**, the Attorney General has the right to step in and take over the prosecution and either stay the proceedings or continue with the prosecution: s. 579(1) of the Code.”.

They also defrauded s784 Criminal Code appeal rights without any prior notice to the appellant, through a deliberate false statement s685 “no substantial ground of appeal” despite fact the that any government legislation constitutional question is automatically a substantial ground of appeal AND despite the fact that whether they or even BC Parliament have jurisdiction to change Ambrosi v. British Columbia (Attorney General), is a substantial ground of appeal.

### **Quebec Attorney General**

They are refusing s507(1) public prosecution of Canadian Judicial Council member (Quebec Superior Court) for committing an ongoing crime by refusing Judges Act good faith duty to request the record of investigation for judicial criminal misconduct complaints sent to them in Quebec, refusing exercise good faith duty to order a mandatory investigation of the Court of Quebec Judges for criminal code offences.

Quebec AG defrauded s784 Criminal Code appeal rights through a deliberate false statement to the registrar, claiming that s685 “no substantial ground of appeal” power of registrar is engaged despite fact that any government legislation constitutional question is automatically a substantial ground of appeal. A registrar is not a judge therefore their s685 acting without jurisdiction through several false statements with intent to defraud s784 appeal rights / acting without jurisdiction to strike a civil appeal are Quebec Government crimes, Quebec Government is also guilty of refusing to consent to hearing of the constitutional question and refusing to request a police investigation. Conseil is a part of Quebec Government policy implementation team, therefore their T262 crimes are Quebec Government crimes.

### **Montreal Police**

They falsely stated that Quebec Court of Appeal has judicial immunity from criminal code prosecution AND refused to comply with “request the Montreal Police to charge the “person” “organization” “justice system participant” **Quebec Court of Appeal** for breaching Criminal Code 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) in Montreal by acting without jurisdiction to;

- I. Defraud “service” “property” 2, 482 (1)(3), 504, 507.1, 540, 551.2, 551.3(1g), 683(2), 783, 784, s774, 777(1) criminal code, s4 s10 s12 Quebec Charter, s12, 21 Canada Interpretations Act, Courts Justice Act S89 and 180 Oath, objects s16 Victims Bill of Rights, s12 s24 Charter of Rights and Freedoms, s1(a,b), s2(b,e) Canadian Bill Of Rights in order to;

- II. assist Her Majesty The Queen to continue to defraud s296 (2.1,3.1,6) Excise Tax Act, s23 s95 Financial Administrations Act, s5(1a) s42(1) Canada Revenue Agency Act, s12 Privacy Act, s4 Access To Information Act.
- III. AND assist Canadian Judicial Council (Quebec Superior Court) to defraud 60(2c), 63(2), 63(4)(5)(6), 65 Judges Act “property” “valuable service”.
- IV. AND assist Quebec Superior Court to make false statements that include no jurisdiction to grant T262 Courts Justice Act statutory interpretation declaratory relief, prosecution of Her Majesty The Queen for tax fraud and Judicial Council (Quebec Superior Court) for party to tax fraud is unsustainable.
- V. AND assist Conseil de la magistrature de Quebec to defraud T262 Courts Justice Act “property” “valuable service” by false stating that deliberate no jurisdiction, no legal grounds falsehood in a court order is not criminal misconduct that engages Conseil T262 jurisdiction.

They refused to hear “**Policy Complaint Re Montreal Police** I hereby request the following Bylaws, Standards, Policies, Guidelines, Rules, Internal Procedures:

- I. The Montreal Police shall issue an internal procedure policy that unless there is an Act of the Parliament of Canada granting any “justice system participant” “person” or “organization” immunity from criminal code prosecution, the Montreal Police shall not refuse jurisdiction to investigate any crime committed in Montreal.
- II. Pursuant to objects s6 s7 s16 Canada Victims Bill of Rights, the Montreal Police shall issue an internal procedure policy that on request, 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 Montreal, 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.

### **Montreal City Council**

They refused to adjudicate relief; Bylaws, Standards, Policies, Rules, Internal Procedures, Sought;

- I. The City or any person under City control shall not refuse s1, 2, 4, 5, 6, 8, 9, 10 Act Respecting Administrative Justice principles of administrative justice procedure for adjudication of an application on the merits.
- II. The City or any person under City control shall comply with letter and intent of s1, 2, 4, 5, 6, 8, 9, 10 Act Respecting Administrative Justice principles of administrative justice procedure by within 30 days from receipt of application, issuing procedural time lines for adjudicating merits of the application.
- III. The Montreal Police shall issue an internal procedure policy that unless there is an Act of the Parliament of Canada granting any justice system participant person or organization immunity from criminal code prosecution, the Montreal Police shall not refuse jurisdiction to investigate any crime committed in Montreal.
- IV. Pursuant to objects s6 s7 s16 Canada Victims Bill of Rights, the Montreal Police shall issue an internal procedure policy that on request, 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 Montreal, 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.

### **Gatineau Police**

They refused to respond to requests for obstruction of justice criminal investigation of Court of Quebec AND refused to comply with Gatineau Police to charge the “person” “organization” “justice system participant” Court of Quebec for breaching Criminal Code 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) by acting without jurisdiction to defraud “service” “property” 2, 482 (1)(3), 504, 507.1, 540, 551.2, 551.3(1g), 683(2), 783 criminal code, s4 s10 s12 Quebec Charter, s12, 21 Canada Interpretations Act, Courts Justice Act S89 and 180 Oath, objects s16 Victims Bill of Rights, s12 s15 s24 Charter of Rights and Freedoms, s1(a,b), s2(b,e) Canadian Bill Of Rights in order to assist Her Majesty The Queen to continue to defraud s296 (2.1,3.1,6) Excise Tax Act, s23 s95 Financial Administrations Act, s5(1a) s42(1) Canada Revenue Agency Act, s12 Privacy Act, s4 Access To Information Act.

They refused “request ... following Bylaws, Standards, Policies, Guidelines, Rules, Internal Procedures:

- I. The Gatineau Police shall issue an internal procedure policy that unless there is an Act of the Parliament of Canada granting any “justice system participant” “person” or “organization” immunity from criminal code prosecution, the Gatineau Police shall not refuse jurisdiction to investigate any crime committed in Gatineau.
- II. Pursuant to objects s6 s7 s16 Canada Victims Bill of Rights, the Gatineau Police shall issue an internal procedure policy that on request, 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 Gatineau, 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.”

### **Gatineau City Council**

They refused to adjudicate enclosed relief; Bylaws, Standards, Policies, Rules, Internal Procedures:

- I. The City or any person under City control shall not refuse s1, 2, 4, 5, 6, 8, 9, 10 Act Respecting Administrative Justice principles of administrative justice procedure for adjudication of an application on the merits.
- II. The City or any person under City control shall comply with letter and intent of s1, 2, 4, 5, 6, 8, 9, 10 Act Respecting Administrative Justice principles of administrative justice procedure by within 30 days from receipt of application, issuing procedural time lines for adjudicating merits of the application.
- III. The Gatineau Police shall issue an internal procedure policy that unless there is an Act of the Parliament of Canada granting any justice system participant person or organization immunity from criminal code prosecution, the Gatineau Police shall not refuse jurisdiction to investigate any crime committed in Gatineau.
- IV. Pursuant to objects s6 s7 s16 Canada Victims Bill of Rights, the Gatineau Police shall issue an internal procedure policy that on request, 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 Gatineau, 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.

### **Commissaire à la déontologie policière**

They are refusing to issue a decision re complaints about Gatineau Police and Montreal Police.

### **Court of Quebec**

They defrauded merits hearing s579 Criminal Code constitutional question. They made a false statement that they had no s504 s507.1 jurisdiction, then they made another false statement that there is no legal basis to s504 s507.1 prosecution of Canadian Judicial Council member (Quebec Superior Court) for committing an ongoing crime by refusing Judges Act good faith duty to request the record of investigation for judicial criminal misconduct complaints sent to them in Quebec.

### **Quebec Superior Court**

They defrauded merits hearing s579 Criminal Code constitutional question. They made a false statement that they lack jurisdiction to issue a public interest declaration on the meaning of T262 Courts Justice Act, in order to facilitate Conseil false statement that an s362 criminal code offence of a deliberate false statement in a court order, with mental intent to defraud property and obstruct justice in a criminal proceeding is not T262 “conduct and the duties.. acts or omissions.. derogatory to the honour, dignity or integrity of the judiciary”.

They defrauded merits hearing of s63(2) Judges Act constitutional question. They also made a false statement that there is no legal basis to s504 s507.1 prosecution of Canadian Judicial Council member (Quebec Superior Court) for committing an ongoing crime by refusing Judges Act good faith duty to request the record of investigation for judicial criminal misconduct complaints sent to them in Quebec.

### **Quebec Court of Appeal**

They defrauded merits hearing s579 Criminal Code, s63(2) Judges Act constitutional question. They used s685 Criminal Code power to defraud hearing of s685 Criminal Code Constitutional Question. They also defrauded s784 Criminal Code appeal rights through a deliberate false statement s685 “no substantial ground of appeal” despite fact the that any government legislation constitutional question is automatically a substantial ground of appeal. They also made a false statement that a registrar has jurisdiction to strike appeal of Quebec Superior Court false statement of lack of jurisdiction to issue a T262 declaration, despite the fact that only a panel of judges can strike an appeal.

### **Crimes By Quebec Court of Appeal Mtre Catherine Dufour, Deputy Clerk**

Mtre Catherine Dufour, Deputy Clerk exceeded s685 “no substantial ground of appeal” jurisdiction AND violated 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) of the Criminal Code by falsely stating that “allegations set out in the notice of appeal are... vague” “it is difficult to identify the grounds of appeal” “arguments regarding the unconstitutionality... seem to me, unsustainable” “grounds pertaining to an alleged violation of the rule of law to self-defence from ongoing crime are vague and non specific” “arguments concerning the absence of immunity of judges and the Crown ..seem to have no chance of success”. Justice Allan Hilton violated 21b, s22.2, 23, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) by lying that he lacked jurisdiction to quash Mtre Catherine Dufour criminal code offences. Therefore Mtre Catherine Dufour is in a conflict of interest to refuse to schedule the motion to vary the order of Justice Allan Hilton.

**“Allegations Set Out In The Notice Of Appeal Are... Vague”** Only a criminal can lie this is vague;

- I. “Between 1<sup>st</sup> Day of January 2010 to 21<sup>st</sup> Day of February 2017 at the City of Gatineau, Office of the Privacy Commissioner of Canada, 30 Victoria Street, QC K1A 1H3, **Her Majesty The Queen In Right of Canada “The Queen”** did knowingly by deceit, falsehood and other

fraudulent means, defraud 128 Auguste Renoir, J8P 8C4, Gatineau resident's (2005 to 2015) equal benefit of s296 (2.1,3.1,6) Excise Tax Act, s23 s95 Financial Administrations Act, s5(1a) s42(1) Canada Revenue Agency Act, s12 s21(1a,d) Interpretations Act, s12 Charter of Rights, s1(a), s2(e) Canadian Bill of Rights, rule of law, s126 Criminal Code, for an improper purpose of creating a financial benefit for Her Majesty The Queen In Right of Canada "The Queen" who resides at 85 Chemin de La Savane Gatineau, QC K1A 1L4, in contravention of s380(1) of the Criminal Code of Canada.

- II. Between 1<sup>st</sup> Day of January 2010 to 21<sup>st</sup> Day of February 2017 at the City of Gatineau, Office of the Privacy Commissioner of Canada, 30 Victoria Street, QC K1A 1H3, **Her Majesty The Queen In Right of Canada "The Queen"** did knowingly make and cause to be made false statements in writing, with intent that it be relied upon, to wit 128 Auguste Renoir, J8P 8C4, Gatineau resident's (2005 to 2015) equal benefit of s12 Privacy Act, s4 Access To Information Act, s12 Charter of Rights, s1(a),s2(e) Canadian Bill of Rights, rule of law,s126 Criminal Code, for an improper purpose of creating a financial benefit for Her Majesty The Queen In Right of Canada "The Queen" who resides at 85 Chemin de La Savane Gatineau, QC K1A 1L4, in contravention of s362[1c(ii),d] of the Criminal Code of Canada.
- III. Between 1<sup>st</sup> Day of December 2015 to 21<sup>st</sup> Day of February 2017 at the City of Gatineau, and City of Quebec, Quebec Superior Court Chief Justice (member of Canadian Judicial Council) did for fraudulent purpose, **contravene objects of Judges Act by refusing s63(2) Judges Act public power good faith duty to investigate and submit a record of investigation of manifest indictable offences** by federally appointed judges that are facilitating escape of Her Majesty The Queen In Right of Canada "The Queen" ongoing indictable offences at the City of Gatineau in order to defraud a 128 Auguste Renoir, J8P 8C4, Gatineau resident's (2005 to 2015) equal benefit of s296 (2.1,3.1,6) Excise Tax Act, s23 s95 Financial Administrations Act, s12 Privacy Act, s4 Access To Information Act, s5(1a) s42(1) Canada Revenue Agency Act, s12 s21(1a,d) Interpretations Act, s12, s24 Charter of Rights, s1(a), s2(e) Canadian Bill of Rights, rule of law, contrary to section 341 of the Criminal Code of Canada.
- IV. Between 1<sup>st</sup> Day of December 2015 to 21<sup>st</sup> Day of February 2017 at the City of Gatineau, and City of Quebec, Quebec Superior Court Chief Justice (member of Canadian Judicial Council) did for fraudulent purpose, **contravene objects of Judges Act by refusing s63(2) Judges Act public power good faith duty to investigate and submit a record of investigation of manifest indictable offences** by federally appointed judges that are facilitating escape of Her Majesty The Queen In Right of Canada "The Queen" ongoing indictable offences at the City of Gatineau in order to defraud a 128 Auguste Renoir, J8P 8C4, Gatineau resident's (2005 to 2015) equal benefit of s296 (2.1,3.1,6) Excise Tax Act, s23 s95 Financial Administrations Act, s12 Privacy Act, s4 Access To Information Act, s5(1a) s42(1) Canada Revenue Agency Act, s12 s21(1a,d) Interpretations Act, s12, s24 Charter of Rights, s1(a), s2(e) Canadian Bill of Rights, rule of law, contrary to section 21b of the Criminal Code of Canada.

**"It Is Difficult To Identify The Grounds Of Appeal"**; Only a criminal can lie that these grounds are not identifiable;

“(f) the grounds of appeal ....

- I. The Rule Of Law Against Using S579 Statutory Power To Stay Or Common Law Power To Withdraw In **Bad Faith** Is Part Of The Canadian Constitution
- II. Rule Of Law Right To **Self Defence** From Ongoing Property Crimes / Right Against **Criminals' Cruel Revictimization Of Victim** Principle Of Fundamental Justice Is Part Of The Constitution
- III. The Rule Of Law Right Against Arbitrary Inherent Jurisdiction To **Violate Objects** of Enabling Statutes that include Criminal Code, Judges Act / Constitution, Is Part Of The Constitution
- IV. Using Public Power To Retain Proceeds Of Crime And Commit More Crimes Against Same Victim, Is Breach Of Rule Of Law Against **Absurd** Statutory / Constitutional Interpretation
- V. Lack Of Good Faith Reasons For Stay Or Withdrawal Or Refusal To Investigate Is Indirectly Removing **7, 9, 10 Charter** Rights Because It Cannot Be Done Directly (Abuse of Process)
- VI. The Rule Of Law Against **Conflict Of Interest** Attorney General Or Judicial Or Council Decision Makers, Is Part Of The Canadian Constitution.”

“**Arguments Regarding The Unconstitutionality... Unsustainable**”, only a criminal can lie Allard v. Canada, 2016-02-24, 2016 FC 236, T-2030-13 unconstitutionally overbroad is not sustainable;

Unconstitutionally Overbroad means there is a narrower option; this was done by Quebec, BC, Supreme Court. The sections “3F / S579 ERROR IN LAW” and “63(2) ERROR IN LAW” in the Notice of Appeal simply shows the irrefutable fact that S579 is prima facie unconstitutional because leading cases in the area of abuse of process and the principles of fundamental justice, like R. v. Regan, 2002 SCC 12 (CanLII), [2002] 1 S.C.R. 297 and R. v. Nixon, 2011 SCC 34 (CanLII), [2011] 2 S.C.R. 566, purported **an abuse of process and principles of fundamental justice exception** to unlimited s579 power to stay a prosecution without reading in, BC legislated “interests of justice” limit on s579, Ambrosi v. British Columbia (Attorney General), 2014 BCCA 123 limited s579 power to unless s507.1 summons is issued, Quebec legislated “interests of justice” “interests of crime victims” limit on s579, Quebec legislated a private prosecution to be a criminal application rather than proceeding in order to limit s579 power, s579 permits AG to stay s579 Constitutional Question to facilitate ongoing crime, s579 permits AG to stay prosecution of AG. Please explain why Allard v. Canada in the Notice of Appeal is unsustainable?

“Is 3f, S579, 63(2) Unconstitutionally Overbroad?... 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”

“**Grounds Pertaining To An Alleged Violation Of The Rule Of Law To Self Defence From Ongoing Crime Are Vague And Non Specific**”, only a criminal can lie that Bill C-26 (S.C. 2012 c. 9) Reforms to Self-Defence and Defence of Property: Technical Guide for Practitioners is not evidence of societal consensus that self defence to property crime is a constitutional right;

This was addressed in the Notice of Appeal 1<sup>st</sup> conclusion below and 63(2) ground, the rule of law is part of the constitution (see JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312 (CanLII), the proceeds of fraud is still with the Queen, therefore the right of self defence to retake property stolen by crime which was codified in Bill C-26 is engaged. There is a 3 part test for a rule of law; 1) There must be societal consensus (media reports and Self-Defence and Defence of Property: Technical Guide for Practitioners qualify for judicial notice of fact of societal consensus) 2) It must be a legal principle (self-defence is a

legal principle that it why it was codified in Bill C-26) 3) It must be capable of being tested (see Notice of Appeal R. v. Smith s12 Charter test).

“Judicial Notice of Fact that shop keeper David Chen media reports / 781(1) criminal code, s17 s18 Canada Evidence Act Judicial Notice of Legislative Fact that Bill C-26 (S.C. 2012 c. 9) Reforms to Self-Defence and Defence of Property: Technical Guide for Practitioners re Criminal Code 35 is evidence of societal consensus to Constitutional Rule Of Law Rights To Self Defence From Ongoing Crimes / Rule Of Law Rights Against Criminals’ Revictimization Of Victim Principle Of Fundamental Justice which can be tested by adapting R. v. Smith (Edward Dewey), [1987] 1 SCR 1045 Charter test...”

Prentice v. Canada, [2006] 3 FCR 135, 2005 FCA 395 (CanLII) “First, it must be a legal principle.... Second, there must be **sufficient consensus** that the alleged principle is “vital or fundamental to our societal notion of justice”... Third, the alleged principle must be capable of being identified with precision and applied to situations in a manner that yields predictable results”

Canadian Doctors for Refugee Care v. Canada (Attorney general), 2014 FC 651 [614] In determining whether treatment or punishment is “cruel and unusual”, Canadian courts have looked at a number of factors as part of a kind of ‘cost/benefit’ analysis. These factors include whether the treatment goes beyond what is necessary to achieve a legitimate aim, whether there are adequate alternatives, whether the treatment is arbitrary and whether it has a value or social purpose. Other considerations include whether the treatment in question is unacceptable to a large segment of the population, whether it accords with public standards of decency or propriety, whether it shocks the general conscience, and whether it is unusually severe and hence degrading to human dignity and worth: R. v. Smith, above at para. 44.

“**Arguments Concerning The Absence Of Immunity Of Judges And The Crown ..Seem To Have No Chance Of Success**”, only a criminal can lie that that 20 authorities re s504 right to prosecute Quebec Superior Court for party to fraud and Queen for fraud has no chance of success;

Criminal Code; **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)

**Le Conseil de Magistrature de Quebec**

They made a false statement that an s362 criminal code offence of a deliberate false statement in a court order, with mental intent to defraud property, obstruct justice and act without jurisdiction to remove s504 s507.1 s551.3(1g Charter) from the criminal code is not T262 “conduct and the duties.. acts or omissions.. derogatory to the honour, dignity or integrity of the judiciary” in order to facilitate ongoing crimes by the Court of Quebec which include s507.1(7) right to new evidence hearing.

### New Brunswick RCMP

They refused to respond to obstruction of justice criminal complaints against NB Provincial Court. They refused to investigate and “charge the “person” “organization” “justice system participant” Alberta Provincial Court for breaching Criminal Code 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362(1), s380(1a) by acting without jurisdiction to defraud “service” “property” 2, 482 (1)(3), 504, 507.1, 540, 551.2, 551.3(1g), 683(2), 783 criminal code, 1, 15, 17 NB Interpretation Act, s12, 21 Canada Interpretations Act, s12(1) Provincial Courts Act Oath, objects s16 Victims Bill of Rights, s12 s24 Charter of Rights and Freedoms, s1(a,b), s2(b,e) Canadian Bill Of Rights. The crimes include;

- Breach of 362(1) of the criminal code by dishonestly and partiality making a false statement in writing “no legal basis”, with intent that it be relied upon to defraud s507.1 s504 Crminal Code s24 Charter “service” “property” that includes the initial Canada, Ontario, Conservative Party, Canadian Judicial Council causes of action.
- Breach of 380(1) of the criminal code by dishonestly and with partiality acting without jurisdiction to defraud “service” “property” (S504 “ Any one ...may lay an information in writing and **under oath before a justice, and the justice shall receive the information,**”
- Breach of 380(1) of the criminal code by dishonestly and with partiality acting without jurisdiction to defraud s507.1 “service” “property” (s507.1 mandatory oral hearing duty to “hear and consider” evidence in a manner consistent with s540 Criminal Code)
- Breach of 380(1) of the criminal code by dishonestly and with partiality acting without jurisdiction to defraud Power to make rules criminal code 21b, 23, s22.2, 25.1(9)(11b), 139(1) (2) (3a), 341, 362, s380(1), 482 (1) ... may make rules of court not inconsistent with this or any other Act of Parliament, and any rules so made apply to any prosecution, proceeding, action or appeal ,... in relation to any matter of a criminal nature or arising from or incidental to any such prosecution, proceeding, action or appeal”
- Breach of 380(1) of the criminal code by dishonestly and with partiality acting without jurisdiction to defraud s12(1) Provincial Courts Act “service” “property” (12(1)... oath... **faithfully, impartially and honestly** execute **all** the powers and duties of the office of judge of the Provincial Court accordingly to my best skill and knowledge; and I will **do right by all manner of people according to law, without fear or favour**, affection or ill-will).
- Breach of 380(1) of the criminal code by dishonestly and with partiality acting without jurisdiction to defraud objects of Canadian Victims Bill of Rights “service” “property” (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)
- Breach of 380(1) of criminal code by dishonestly and with partiality acting without jurisdiction to defraud 1, 15, 17 NB Interpretation Act, s12, 21 Canada Interpretations Act “service” “property” (constitutional rule of law self defence to ongoing crimes objects)

- Breach of 380(1) of the criminal code by dishonestly and with partiality acting without jurisdiction to defraud Canadian Charter of Rights to “service” “property” (s63(2) Judges Act / 3f An Act respecting the office of the Director of Public Prosecutions / s579 Criminal Code / overbroad constitutional questions pursuant to 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” “It is unnecessary to conduct an analysis on gross disproportionality after considering arbitrariness and overbreadth”. )”

### **New Brunswick Attorney General**

They are refusing s507(1) public prosecution of Canadian Judicial Council member (NB Court of Queen’s Bench) for committing an ongoing crime by refusing Judges Act good faith duty to request the record of investigation for judicial criminal misconduct complaints sent to them in NB, refusing exercise good faith statutory power to order a mandatory investigation of the Chief Judge of NB Provincial Court for criminal code offences. A registrar is not a judge therefore their crimes of refusing to issue file numbers are an NB Government crime, NB Government is also guilty of refusing to consent to hearing of the constitutional question and refusing to request a police investigation. New Brunswick Judicial Council is part of the government policy implementation team of the NB Government, therefore their crimes and false statements are NB Government crimes.

### **New Brunswick Opposition Leader**

They are refusing to respond to enclosed request In order to campaign for this Judges Act change, can you please send me a quote re your personal position on **creating a separate path for dealing with Judges Act criminal misconduct complaints against a judge?** Can you please send me a quote re your personal position on the Minister of Justice directing the New Brunswick Judicial Council to investigate Provincial Court Chief Judge?

### **New Brunswick Court of Queen’s Bench (Criminal) Chief Justice**

They defrauded merits hearing s579 Criminal Code constitutional question. They acted in bad faith by doing indirectly (refusing to comply with s774 Criminal Code, s12 Canada Interpretations Act s482(1)(3) Criminal Code Rules 5, 9, 11 Criminal Procedure Rules of the Court of Queen’s Bench, Rule 65 of the Rules of Court of New Brunswick, s10(1d) s12(1b) Provincial Courts Act what cannot be done directly, in order to commit party to Provincial Court of New Brunswick violating 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362, s380(1) Criminal Code. In lay man terms, they are committing an ongoing crime by refusing mandatory criminal code statutory duties to create a file number and provide a hearing date.

### **New Brunswick Court of Appeal (Criminal) Chief Justice**

They defrauded merits hearing s579 Criminal Code constitutional question. They acted in bad faith by doing indirectly (refusing to comply with s784 Criminal Code, s12 Canada Interpretations Act s482(1)(3) Criminal Code New Brunswick Court of Appeal rules “Where no provision 5 Where the statute giving a right of appeal or a right to apply to the court or to a judge does not specify the procedure to be followed, these rules apply as far as may be practicable”, what cannot be done directly, in order to commit party to New Brunswick Court of Queen’s Bench, Provincial Court of New

Brunswick violating 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362, s380(1) Criminal Code.. In lay man terms, they are committing an ongoing crime by refusing mandatory criminal code statutory duties to create a file number and provide a hearing date.

### **Provincial Court of New Brunswick Chief Judge**

They defrauded merits hearing s579 Criminal Code constitutional question. He made the following deliberate false statements which he lacked jurisdiction to make without first receiving an s504 information under oath and scheduling the s507.1 mandatory oral hearing where the evidence will be tested against each element of the offence. The following deliberate statements are a violation of 21b, 23, s22.2, 25.1(9)(11b), 139(1)(2)(3a), 341, 362, s380(1) criminal code of Canada;

- a) Order dated January 17, 2017- falsehood that His Honour cannot receive the s504 information under oath / give the s507.1 hearing date s24 Charter question because “Provincial Court of New Brunswick does not have jurisdiction” over s504 507.1 Information s24 Charter question.
- b) Order dated January 17, 2017- falsehood that His Honour “this Court has no authority to issue summons to the Canadian Judicial Council.
- c) Order dated February 2, 2017- falsehood that His Honour cannot receive the s504 information under oath / give the s507.1 hearing date s24 Charter question because the information is not in “the proper form in accordance with the provisions of s. 504 and s. 507 of the Criminal Code of Canada ...this is not the proper forum”
- d) Order dated March 8, 2017- falsehood that His Honour cannot receive the s504 information under oath / give the s507.1 hearing date s24 Charter question because “further particulars about the nature of the alleged offense” is a prerequisite to s507.1 hearing.
- e) Order dated March 23, 2017- falsehood that His Honour cannot receive the s504 information under oath / give the s507.1 hearing date s24 Charter question because “there is no legal basis upon which your application could be granted, no Hearing date will be provided”

### **New Brunswick Judicial Council / NB Chief Judge / Vice Chair Canadian Judicial Council**

In order to obtain a personal benefit of lack of criminal code s21b scrutiny of his Canadian Judicial Council decisions, he refused jurisdiction to process “evidence of misconduct, neglect of duty or inability to perform required duties” complaint re Provincial Court of NB Chief Judge.

## **IV. FACTS OF THE COMPLAINT**

In light of the irrefutable statements of facts above (public information), and in order not to bury the UN with about 20,000 pages of documentation that is already in the possession of Canada and the Canadian Judicial Council, it is prudent to only provide documentation to refute any denial by Canada. Since it is impossible for Canada to refute any of the facts above, it is prudent to recommend that the UN rely on these detailed and specific irrefutable facts in order to recommend legislative changes to comply with;

International Covenant on Civil and Political Rights (ICCPR); preamble, [Articles 1\(1\), 2\(1\)\(2\)\(3a,b\), 3, 7, 9\(1\)\(2\), 17\(1\)\(2\), 25\(a\)\(b\)\(c\), 26](#)

The Universal Declaration On Human Rights; preamble, Articles 1, 2, 3, 5, 7, 8, 9, 10, 12, 21(1)(2)(3), 29(2)(3), 30

**Facts Re Conservative “Party Brass” Racists / Canadian Judicial Council Racism Sympathizers**

The words “Party Brass” are a direct quote from an email apology from the Ottawa Citizen reporter who ran the story that Olumide was running in the more ethnically diverse riding of Ottawa West Nepean while he was selling memberships in the more homogenous riding of Carleton Mississippi Mills. I did not ask him to name the source, but since Jenni Byrne had a leading role in the national campaign and candidate selection, therefore she should know who was responsible for planting the false story.

Federal Court of Appeal **Justice Trudel A301-16** October 19, November 19, 2015 knowingly made false statements in writing that “during his oral submissions, Mr. Olumide, **for the first time, stated that race and ethnicity** were at the root of his case”, despite;

- a) “party brass” referral of dispute with caucasian comparator Allan Riddel to an arbitrary committee and refusal of Olumide’s request to refer Olumide dispute to an arbitrary committee,
- b) use of black african immigrant stereotypes fake degree, foreign residency skeletons allegations by former Conservative Party Executive Director and nomination committee member Dan Hilton at the Conservative Party nomination committee interview,
- c) allegedly neutral former Conservative Party Executive Director and nomination committee member Dan Hilton dog whistle politics speech to members on the day of the nomination vote that only the 3 caucasian candidates are suitable but did not state why the black candidate was unsuitable,
- d) use of black african immigrant stereotype not enough time in country to understand our culture allegations by two members of the Conservative Party nomination committee,
- e) use of black african immigrant stereotype foreign residency skeletons allegations in an email by an allegedly neutral member of the Conservative Party nomination committee,
- f) use of dog whistle politics by Conservative “Party Brass” who, since Olumide already won, communicated fears to many many people that if Olumide was allowed to win, they would lose the riding, there was no need to say reason for loose the riding fear, Olumide’s black skin was obvious,
- g) there were 4 candidates, all 3 were caucasian, Olumide was the only black person, Olumide beat everyone 7 to 1 in memberships, suddenly the “Party Brass” disqualified Olumide without a reason,
- h) witness statement from people who heard the use of nomination committee allegations of fake degree and other ethnic origin stereotypes by Conservative Party agent Walter Pamic,
- i) Conservative Party agent Walter Pamic argued to an Olumide supporter that since the candidate in Ottawa West Nepean was black, Olumide did not experience racial discrimination,
- j) well-meaning member email advising Olumide that due to Conservative Party Brass fear of loss of the riding, he should to run in the more ethnically diverse riding of Ottawa West Nepean,
- k) despite Olumide’s overwhelming support with rural residents, Olumide was endorsed by rural residents that include the President of the Ontario landowners and a many farmers and members of farming associations that live and operate farms in the riding, a well-meaning member tried to explain Party’s fears by asking Olumide how he would relate to farmers in the rural riding,

**contrary to s362[1] of the Criminal Code.**

Federal Court of Appeal **Justice Trudel A301-16** October 19, November 19, 2015 knowingly made false statement in writing that “he presented a vague theory of premeditation ...plan to allowing him to run for the nomination as long as he did not win..there is **not an iota of evidence substantiating these serious allegations**”, despite the following 2014 antecedence prior to May 2015 disqualification;

- a) Conservative “Party Brass” planted false 2014 story in Ottawa Citizen that Olumide was running in the ethnically diverse riding of Ottawa West Nepean while he was selling memberships in the more homogenous riding of Carleton Mississippi Mills,

- b) as occurred in another riding, the Conservative “Party Brass” could have informally disqualified Olumide anytime in 2014 but left him in the race while shopping for a caucasian to defeat him,
- c) Conservative “Party Brass” 2014 email to riding, asking that they not to buy memberships through Olumide because it may not be processed (though Olumide not named, he was the only one selling),
- d) allegedly neutral head of Conservative Party nomination committee asking members during a dinner in 2014 not to buy memberships through Olumide because it may not be processed (though Olumide not named, he was the only one selling),
- e) allegedly neutral Conservative Party nomination committee member telling Olumide in 2014 that he has not been approved so he should stop telling people that he is seeking the nomination,
- f) Conservative “Party Brass” 2014 efforts to draft Councillor Allan Hubley for fear that a black candidate had already won the nomination,
- g) even people not supporting Olumide knew he had won, this triggered “Party Brass” plan B to ensure anyone but the black candidate would be allowed to contest the nomination in the safe riding; upon deciding not to contest the nomination, Councillor Hubley told Olumide in 2014 that “if the nomination were held today, you will win”, the campaign manager for one of the contestants told Olumide in 2015 that “your name is the only name I am hearing at the door, you have succeeded in making the hydro free trade issue the ballot question”, upon delivery of memberships days before Olumide was disqualified in May 2015 the Conservative Party staffer that received the memberships told Olumide that he has beaten everyone else “hands down” ,
- h) dog whistle politics stump speech of Conservative Party agent Walter Pamic telling many many members that he has been drafted into the race because the Conservative Party is scared that we would loose the riding, everyone knew Olumide had already won, there was no need to say the reason for the loose the riding fear, my black skin colour was obvious,
- i) At a time when only Conservative “Party Brass” current Executive Director Dustin Van Vught knew about the threat of litigation, Conservative Party agent Walter Pamic immediately received that insider information and worked through a mutual friend to try to convince Olumide to back down, when that did not work Conservative Party agent Walter Pamic began spreading ethnic origin stereotype rumours based on accurate insider information of the same ethnic origin stereotype allegations from Conservative Party nomination interview documents that he was not privy to,

**contrary to s362(1) of the Criminal Code.**

The heart of the matter is not Justice Trudel’s deliberate false statements, but her inner racism sympathizer motive for inserting those racism false statements. Her order is laced with indignation that the black boy does not know his place. She already lied about lack of jurisdiction over the Constitutional Question re; Canada Elections Act, Human Rights Act, Employment Equity Act, Public Service Employment Act, Personal Information Protection And Electronic Documents Act, she could have stopped there, instead she pretended that there the Conservative Party had a single iota of defence to irrefutable racism facts, pretended there was a trial and made unnecessary demonstrably false no racism finding of fact in order to cuddle and encourage Conservative “Party Brass” racism.

Federal Court of Appeal Justice Johane Trudel wanted to kill the racism facts, so that some racists in the Conservative “Party Brass” can overturn the will of the grassroots who do not care about my colour. The 98% caucasian members preferred the black boy over 3 other well accomplished caucasian candidates because without being elected, while at the Municipal Taxpayer Advocacy Group Olumide convinced 37 cities across Ontario to pass a motion that hydro should be affordable, so they knew they could trust him to use the same persuasive skills to make a Canadian Hydro free trade agreement priority 1.

Since her lies, other including Justices McLachlin, Stratas, Martineau, Harrington, Mactavish, Tabib, Locke, Gleason, Weiler, Salmers, Hackland, Strathy have despite contrary evidence, directly or indirectly used a falsehood that is based on a stereotype that black people lie. They underestimate the black boy, it will take time, but in the end the Canadian Judicial Council will create of “record of investigation” for each complaint. Dear Supreme Court Registrar, Mr. Bilodeau, are these judges racists or racism sympathizers? Please apply the following 23 part legal test and please let me know the results;

**Brar and others v. B.C. Veterinary Medical Association and Osborne, 2015 BCHRT 151**

1. Discrimination is a distinction whether intentional or not, which has the effect of imposing disadvantages Para 693, limits benefits available to other members of society Para 693.  
Does falsely accusing Olumide of lying about racism impose a disadvantage or limit opportunities of other black politicians who win a nomination in a more homogenous riding?
2. Inclusion is achieved by preventing exclusion Para 694,  
Does falsely accusing Olumide of lying about racism promote inclusion of other black politicians who win a nomination in a more homogenous riding?
3. Prima facie individual discrimination Para 697,  
Do these caucasian judges who directly or indirectly falsely accused Olumide of lying about racism meet the test for prima facie discrimination?
4. It is not necessary to allege that discrimination was intentional. Para 699
5. There is no need to establish an intention to discriminate, the focus of the enquiry is on the effect of the respondent’s actions on the complainant. Para 708(b) “focus is on the effects of the respondent’s actions, not the reasons..is given statutory effect in s. 2 of the Code...” Para 734  
Whether or not these judges intended to encourage discrimination against black politicians, is this outcome of falsely accusing Olumide of lying about racism foreseeable?
6. Discrimination need not be the only factor. Para 700  
If these judges have other criminal reasons for falsely accusing Olumide of lying about racism, are they still be guilty of encouraging discrimination against black politicians?
7. Just because other black people may not have faced similar treatment. Para 702.  
Just because Conservative “Party Brass” succeeded in finding another black candidate in Ottawa West Nepean, are these judges are entitled to falsely accuse Olumide of lying about racism?
8. Inference of discrimination may be drawn where the evidence, including circumstantial evidence, renders the inference more probable than other possible explanations. Para 703
9. Look at all the circumstances to identify the “subtle scent of discrimination” Para 705
10. There need not be direct evidence of discrimination, discrimination will more often be proven by the circumstantial evidence and inference. Para 708d
11. Discrimination based on race is very subtle, direct evidence is rarely available. Para 715
12. Peel Law Assn. v. Pieters, 2013 ONCA 396 (CanLII). In race cases, the outcome depends on the respondents’ state of mind, which cannot be directly observed and must always be inferred from circumstantial evidence... Para 719

13. Relatively "little affirmative evidence" is required before the inference of discrimination is permitted. .. standard of proof requires inference be more probable than not... Para 719
14. The intersection of "place of origin" with race, colour or ethnic origin appears to compound the barriers to employment integration and intensify economic and social vulnerability for foreign educated and trained persons. Para 740  
The fact that if Olumide were a caucasian immigrant from the UK, no one would ask if he degrees are fake, no one would ask if he has foreign residency skeletons, no one would ask if he has been long enough in the country to understand our culture, no one would be scared of looing the rising, is evidence that these judges falsely accused Olumide of lying about racism?
15. Historical disadvantage experienced by the group is a factor. Para 704  
Should the historical disadvantage of black people be a factor that judges tempted to cuddle Conservative "Party Brass" racists should have taken into account?
16. Evidence that white people are treated better in similar circumstances. Para 707  
Is the fact that the Conservative "Party Brass" referred the Allan Riddel matter to an arbitrary committee but refused Olumide request for referral to an arbitrary committee a factor that these judges should have taken into account before falsely accusing Olumide of lying about racism?
17. Organizations have a responsibility to take proactive steps to ensure that they are not engaging in, condoning or allowing racial discrimination or harassment to occur. Para 712  
Does condoning and allowing racial discrimination by falsely accusing Olumide of lying about racism prove that; worst case scenario is that these judges are racists, best case scenario is that these judges are racism sympathizers?
18. Failing to recognize the complex, subtle and systemic nature of racism impedes effective action against it. Para 713  
Is there any rational connection between accusing Olumide of lying about racism and the Correia legal test before them? Correia v. York Catholic District School Board, 2011 HRTO 1733 (CanLII) [75] Many discrimination cases, such as this case, do not involve direct evidence that a complainant's colour or race was a factor in the incident in question. A tribunal must draw reasonable inferences from proven facts. [76]. . .:(a) The prohibited ground or grounds of discrimination need not be the sole or the major factor leading to the discriminatory conduct; it is sufficient if they are a factor; (b) There is no need to establish an intention or motivation to discriminate; the focus of the enquiry is the effect of the respondent's actions on the complainant; (c) There need be no direct evidence of discrimination; discrimination will more often be proven by circumstantial evidence and inference; and (d) Racial stereotyping will usually be the result of subtle unconscious beliefs, biases and prejudices. ... [77] In cases where discrimination must be proved by circumstantial evidence,. .. (1) Once a prima facie case of discrimination has been established, the burden shifts to the respondent to provide a rational explanation which is not discriminatory. (2)... The respondent must offer an explanation which is credible on all the evidence. (3) A complainant is not required to establish that the respondent's actions lead to no other conclusion but that discrimination was the basis for the decision at issue in a given case. (4) There is no requirement that the respondent's conduct, to be found discriminatory, must be consistent with the allegation of discrimination and inconsistent with any other rational explanation. (5) The ultimate issue is whether an inference of

discrimination is more probable from the evidence than the actual explanations offered by the respondent. ...34] .. a prima facie case of racial discrimination. **He was the only candidate ... who is a member of a racialized group. The successful candidates were all caucasian. The applicant fulfilled the basic qualifications for the position as advertised. ... His academic qualifications were superior to those of the successful candidates.** Given these facts, it is my view that the applicant has provided a sufficient basis at least to shift the evidentiary burden to the respondent and require it to provide an explanation for the decisions it made.

19. Individual acts themselves may be ambiguous or explained away, but as part of the larger picture, may lead to an inference that racial discrimination was a factor. Para 714  
Since Justice Trudel already lied about lack of jurisdiction, what is the bigger picture motive of going beyond the jurisdiction question and accusing Olumide of lying about racism?
20. racialized people are less credible and must be more carefully scrutinized, investigated or must be corroborated... racialized people play the “race card” to manipulate; Para 724  
Judges know this stereotype, therefore each time a judge directly or indirectly accuses Olumide of lying about racism without applying the legal test to the facts, is it not obvious that they are deliberately encouraging the stereotype that black people lie about racism?
21. racialized people themselves, and not racism or racial discrimination, are at fault for their disadvantage or state of “otherness,” commonly known as “blaming it on the victim”; Para 724  
Is this why Justice Hackland and Canadian Judicial Council Executive Director Norman Sabourin blamed the victim by alleging english language deficiencies (whether or not Olumide has english language deficiencies, no judge can claim not to understand his allegations) ?
22. Tribunal has found that the lack of due process may be evidence of adverse treatment. Para 732  
Despite due process trite law that a court cannot make findings of fact without trial evidence, is accusing Olumide of lying about racism without trial evidence, irrefutable proof that these judges deliberately intended to profit from the stereotype that black people lie about racism?
23. How events would normally unfold in a given situation; if there are differences in the normal practice, this might provide evidence of differential treatment. Para 733 Complainants should not be required to prove they are worse off than others and that a ‘race to the bottom’ type analysis must be avoided Para 762 The Code does not require an intention to discriminate in order to establish a contravention of the Code; the focus is on the impact of the policy. Para 735  
It is unconstitutional to deny a candidate without a reason, it does not have to be a good reason or a bad reason, but the Conservative Party Brass racists must give a reason, therefore Olumide is entitled to a hearing of the s67(4c) s91 s504 Canada Elections Act constitutional question, since the judges cannot point to any other case in Canadian history where a candidate was disqualified without providing the candidate a reason, how can they justify lying about jurisdiction?

As a result of overwhelming evidence of facts below, the Supreme Court Registrar Roger Bilodeau lacks the jurisdiction to breach the rule of law against using public power to discriminate in bad faith by doing indirectly (using unconstitutional legislation) what cannot be done directly, with intent to cuddle Conservative “Party Brass” racists / Canadian Judicial Council racism sympathizer;

- 1) Canadian Judicial Council refusing to create a record of investigation re enclosed A301-16 fraud by Federal Court of Appeal Justice Trudel in order to help Conservative “Party Brass” racists.
- 2) In 2016 the Ontario Court of Appeal lied that they lack C61130 jurisdiction to hear appeal of Superior Court Justice Hackland’s final order preventing me from being the 2015 general elections candidate. The Conservative Party lawyer Paul D’Angelo did not know that the Ontario Court of Appeal were so skilled in lying, so he lied that he did not receive the Notice or Appeal, racism sympathizer Ontario Court of Appeal Chief Justice George Strathy protected D’Angelo by refusing to adjudicate the motion relief. Despite transcript evidence of Justice Hackland clearly making an abuse of process final decision to block Olumide from the 2015 election and use of security in costs to encourage racism, the Ontario Court of Appeal chose to cuddle Conservative “Party Brass” racists by lying about jurisdiction.
- 3) In C61130 the Chief Racism Sympathizer former Supreme Court Chief Justice Beverley McLachlin covered up racism sympathizer Federal Court of Appeal Justice Anne Mactavish / Conservative “Party Brass” racists’ lawyer Paul D’Angelo use of a perjured affidavit to steal A301-16 costs won by racism sympathizer Federal Court of Appeal Justice Johane Trudel fraud, by mooting the Supreme Court motion by refusing to withdraw an illegal Supreme Court service to the Conservative Party.
- 4) The Chief Racism Sympathizer former Canadian Judicial Chair Beverley McLachlin defrauded A367-16 proceeding against racism sympathizer Canadian Judicial Council / Conservative “Party Brass” racists by falsely stating that the Supreme Court lacks jurisdiction to hear the appeal of racism sympathizer Federal Court of Appeal Justice David Stratas final order in A367-16 who within the orders asked the registrar to prevent the only other 2 options (single judge reconsideration motion or Federal Court of Appeal panel motion for leave to appeal to the Supreme Court motion).
- 5) The Chief Racism Sympathizer former Canadian Judicial Chair Beverley McLachlin defrauded A313-16 proceeding against the Conservative “Party Brass” racists by falsely stating that the Supreme Court lacks jurisdiction to hear the appeal of racism sympathizer Federal Court of Appeal Justice David Stratas final order in A313-16 who within the orders asked the registrar to prevent the only other 2 options (single judge reconsideration motion or Federal Court of Appeal panel motion for leave to appeal to the Supreme Court motion).
- 6) The Chief Racism Sympathizer former Supreme Court Chief Justice Beverley McLachlin defrauded T1640-16 proceeding against the racism sympathizer Supreme Court / Conservative “Party Brass” racists by falsely stating that the Supreme Court lacks jurisdiction to hear the appeal of racism sympathizer Federal Court of Appeal Justice Denis Pelletier written final judgement / racism sympathizer Federal Court of Appeal Justice David Stratas verbal judgement confirming the written final judgement in T1640-16 refusing to comply with s27 Federal Courts Act right to appeal Federal Court Chief Justice Paul Crampton verbal “final judgement” refusal to overturn Federal Court registrar written “final judgement” removing the scheduled T1640-16 motion from the rolls. Federal Courts Act “final judgment means any judgment or other decision that determines in whole or in part any substantive right of any of the parties in controversy in any judicial proceeding”.

## V. SUPPORTING DOCUMENTATION

1) Attached letter to the House of Commons Committee on Justice and Human Rights

2) Open letters to the Canadian Judicial Council.

<https://adeolumideonline.files.wordpress.com/2017/06/canadian-judicial-council-chair-supreme-court-chief-justice-beverley-maclachlin-retires-amid-police-investigation-part-1.pdf>

“Canadian Judicial Council Chair, Supreme Court Chief Justice Beverley Maclachlin Retires Amid Police Investigation”

[https://adeolumideonline.files.wordpress.com/2018/01/openletter\\_albertapremierrachelnotley\\_calgarymayor.pdf](https://adeolumideonline.files.wordpress.com/2018/01/openletter_albertapremierrachelnotley_calgarymayor.pdf)

<https://adeolumideonline.files.wordpress.com/2017/12/beverleymclachlinparttwo1.pdf>

3) Open letter to the Canadian Human Rights Commission

[https://adeolumideonline.files.wordpress.com/2018/01/openletterto\\_humanrightscommissioners.pdf](https://adeolumideonline.files.wordpress.com/2018/01/openletterto_humanrightscommissioners.pdf)

“Request that the Commission stop stoking the flames of racial discrimination against black politicians”

4) Open letter to Auditor General of Canada

[https://adeolumideonline.files.wordpress.com/2017/12/openletter\\_-\\_officeauditorgeneralcanada.pdf](https://adeolumideonline.files.wordpress.com/2017/12/openletter_-_officeauditorgeneralcanada.pdf)

“Request That OAG Stop Facilitating Crimes That Include Arrest By Racists And Racism Sympathizer Public Sector Employees”

3) Open letter to Member of Canada Privy Council / Chief Justice of Supreme Court of Canada / Chair of Canadian Judicial Council re Civil Proceedings Constitutional Question

[https://adeolumideonline.files.wordpress.com/2018/01/openletter\\_supremecourtregistrar\\_auditorgeneralofcanada.pdf](https://adeolumideonline.files.wordpress.com/2018/01/openletter_supremecourtregistrar_auditorgeneralofcanada.pdf)

“Stop cuddling Conservative “party brass” racists / Canadian Judicial Council racism sympathizers.”

4) Open letter to Member of Canada Privy Council / Chief Justice of Supreme Court of Canada / Chair of Canadian Judicial Council re Criminal Proceedings Constitutional Question

[https://adeolumideonline.files.wordpress.com/2018/01/openletter\\_criminal-proceedings\\_supremecourtchiefjustice.pdf](https://adeolumideonline.files.wordpress.com/2018/01/openletter_criminal-proceedings_supremecourtchiefjustice.pdf)

“Request To Stop Cuddling Racism Sympathizer Canadian Judicial Council Members (Supreme Court of Canada, Ontario Superior Court, Quebec Superior Court, New Brunswick Court of Queen’s Bench, Alberta Court of Queen’s Bench, British Columbia Supreme Court)”

### APPLICATION SENT TO;

United Nations Human Rights Committee, complaints to the treaty bodies, Office of the High Commissioner for Human Rights United Nations Office at Geneva, 1211 Geneva 10, Switzerland, Fax + 41 22 917 90 22 Email [petitions@ohchr.org](mailto:petitions@ohchr.org); [registry@ohchr.org](mailto:registry@ohchr.org)