Court File Number: T-2448-26

FEDERAL COURT

B E T W E E N:

KEVIN A. MCLEAN

Applicant / Moving Party

- and -

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFF BALL, AND STEPHANE BRISSON

Respondents

MEMORANDUM OF FACT AND LAW OF THE APPLICANT / MOVING PARTY FOR HIS NOM #1

(Motion for compliance under *rule 318* of the *Federal Courts Rules*)

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PART I — OVERVIEW AND STATEMENT OF FACTS

A. OVERVIEW OF THE INTERLOCUTORY APPLICATION AND THE IMPERATIVE OF JUDICIAL REVIEW

I. Opening Statement

A. Core Issue: Failure to Search and Failure to Exercise Statutory Discretion

1. The initial issue in this Application is the RCMP's, in its capacity as an Institution under the *Privacy Act* which falls on the shoulders of its Head (Commissioner Mr. Michael Duheme) **complete failure to conduct any search** for responsive records under the *Privacy Act* (and in reference to section 19 under the *ATIA* by two separate paid for by the Applicant access requests thereunder), based not on statutory criteria but on an internal, presumably emotionally but not legally justified, fear of "opening of Pandora's box"[i] (with the quotation being the *idiom*) which

is known as a metaphor for a seemingly small or harmless action that ends up generating a vast, unforeseen, and unmanageable cascade of troubles (see: Merriam-Webster Online Dictionary).

2. The RCMP Commissioner, as the *Head* of the *Institution* under the *Privacy Act*, has **refused to consider or exercise the mandatory statutory discretion** under s. 8(2)(m) of the *Privacy Act* (and by implication s. 19 of the *ATIA*). Alternatively, his refusal to consider that clause under the *Privacy Act* is predicated upon the refusal to search for the Applicant's request **Personal Information** records in the **PII Access Request (March 11 2026)**.
3. This refusal to even *turn his mind* to the statutory duty constitutes a **jurisdictional error**, a **constructive refusal**, and a **failure to perform a public legal duty** reviewable by mandamus. Instead, the **RCMP Commissioner** was, as of May 21, 2026, away from his email "on duty" until June 19, 2026, as paradoxical as that sounds on its face (pardon the pun[ii]).

B. Foundational Documents as Jurisdictional Nullities

4. The Applicant's access requests arise in the context of **unequivocal jurisdictional nullities**, including the falsification and post-facto manipulation of originating criminal documents such as:
    a. the *Criminal Code* Form 2 Information;
    b. the Ontario "Information Package" (CCO-2-000-1…); and
    c. a purported "Warrant for Arrest" albeit denoted on part 3 of 5 of the False Information Package as the INTAKE COURT ENDORSEMENT (SEPT 23 2024) (whatever that means in fact or at law).
5. These nullities fall squarely within the **special categories of nullity recognized by the Supreme Court of Canada in *Landreville v. Boucherville (Town of)* (1978)**, where the Court held that **fraud, bribery, extortion, and bad faith** constitute **exceptional forms of nullity that transcend all others and unravel everything they touch**.
6. Those **absolute nullities**, being **jurisdictional in nature**, do not—and cannot—operate to justify withholding the underlying, actual, and *de facto* **Personal Information** from the Applicant. The consequence is the opposite. As affirmed by the Supreme Court of Canada in ***McInerney v. MacDonald*, [1992] 2 S.C.R. 138**, the architecture of Canadian privacy legislation—both provincial and federal—functions in harmony with the principle that access to one's own personal information is foundational to fairness, transparency, and the avoidance of unnecessary

litigation. The statutory regimes are designed to **prevent** the very "floodgates" problem that would otherwise overwhelm provincial and federal courts (including Small Claims Courts, Superior Courts of Justice, and the Federal Court) by ensuring that requestors can obtain access to their underlying Personal Information through the statutory access mechanisms. This includes access to documents and records in their original form, as well as records that must be created pursuant to statutory definitions of "record" (for example, under the **British Columbia *Freedom of Information and Protection of Privacy Act***, which expressly contemplates the creation of responsive records where necessary, along with the creation of programs, application and software to the create the original record itself or the record itself but based on the statutory and common law test, so evolving from jurisprudence interpreting the relevant statutory sections therein).

7. The **idiosyncratic and unprecedented nature** of this Proceeding is underscored by the fact that the Applicant remains, to the best of any reported judicial authority, **the only individual in Canadian legal history** who still does not know what the authentic **Criminal Code Form 2 "Information"**, the corresponding **"Information Package"**, and the **"Warrant in the First"** actually stated. This singular and anomalous deprivation of access to foundational Personal Information—information that is ordinarily available as of right to any accused person, any subject of a warrant, and any individual whose liberty or legal interests are engaged—places the Applicant in a position that is not merely irregular but **wholly foreign to the structure, purpose, and constitutional underpinnings of Canadian criminal procedure and privacy law**.
8. The subsequent **post-facto manipulation** of these documents using RCMP-owned PDF editing software — resulting in the creation of an "INTAKE COURT ENDORSEMENT (SEPT 23 2024)" unknown to the *Criminal Code*, its regulations, or any lawful judicial process — further entrenches their status as **jurisdictional nullities *ab initio***.
9. The transmission of these manipulated documents to the Ontario Court of Justice at 10 Armoury Street (the "**Transferee Courthouse**") and thereby into the public record compounds the prejudice to the Applicant and raises profound concerns regarding **document integrity**, **abuse of authority**, and **the administration of justice**.

C. RCMP ATIP's Responses: Compounding the Nullity and Breaching Statutory Duties

10. The RCMP ATIP Office's responses to the Applicant's *Privacy Act* request (March 11, 2026) and two *ATIA* requests have **further compounded the unlawfulness** by:

    a. refusing to search;

    b. refusing to process the requests in accordance with statutory obligations;

    c. issuing responses inconsistent with the *Privacy Act*, *ATIA*, and the *Interpretation Act*; and

    d. undermining the public trust inherent in federal access-to-information regimes.

11. These failures are not mere procedural defects — they **perpetuate and shield the underlying jurisdictional nullities**, contrary to the principles articulated in *Landreville*.

D. Federal Court Proceeding: Non-Appearance and Rule 318 Contraventions

12. In this Federal Court Proceeding, the RCMP, along with all other "Individual Respondents" has **refused to appear**, having failed to file or serve a Notice of Appearance with proof of service. This constitutes an intentional **contravention** (as defined in the Interpretation Act) of the *Federal Courts Act* and the *Federal Courts Rules*.

13. The RCMP Tribunal's refusal to transmit a **Certified Tribunal Record** under Rule 318 — a mandatory obligation in place since 2002 — represents a further **deliberate non-compliance** with the Court's procedural regime.

14. In the context of the *Landreville* principle, such conduct is not merely irregular; it is **administrative bad faith** that reinforces the Applicant's position that the underlying proceedings and documents are **void, not voidable**.

E. Public Interest and the Integrity of the Justice System

15. While the Applicant has a personal stake in the relief sought, the issues raised engage the **public interest** in:

    a. the integrity of federal law-enforcement institutions;

    b. the proper administration of the *Privacy Act* and *ATIA*;

    c. the rule of law;

    d. the accountability of federal tribunals under Rule 317 and Rule 318; and

    e. the judicial repudiation of **jurisdictional nullities arising from fraud, bad faith, and manipulation**, consistent with *Landreville*.

16. Granting leniency to a federal tribunal that has **intentionally contravened statutory duties**, **refused to appear**, and **refused to comply with mandatory procedural obligations** would undermine public confidence in the administration of justice and the stewardship of public resources.

II. Dereliction of Statutory Duties by a creature of statute

17. It is respectfully submitted that a profound, systemic, and egregious dereliction of statutory duty has been effectuated by the "**RCMP** through its deliberate, calculated, and ongoing contravention of the mandatory temporal strictures unequivocally articulated within *rule 318* of the *Federal Courts Rules*, SOR/98-106 (the "*Federal Courts Rules*"). This interlocutory motion is fundamentally necessitated to compel the immediate transmission of the **Certified Tribunal Record**.
18. The **Certified Tribunal Record** constitutes a foundational evidentiary compilation which has been unlawfully and persistently withheld by the state apparatus. This deliberate suppression obstructs the orderly administration of justice, effectively paralyzes the adjudicative function of this Honourable Court, and obfuscates the essential evidentiary matrix absolutely required for the adjudication of the underlying application for judicial review (**see: Application Record, Tab 12; page 544**[iii]).
19. The compulsory production of the **Certified Tribunal Record** is by no means a mere administrative formality, nor is it a procedural nicety that may be dispensed with at the unilateral discretion of a federal board. Rather, it constitutes the very lifeblood and *sine qua non* of the judicial review mechanism. The constitutional architecture of the Canadian legal system dictates that the superior courts bear the indelible responsibility of superintending state action. Drawing upon the venerable maxims compiled by Mr. Herbert Broom, specifically *boni judicis est ampliare jurisdictionem* (it is the duty of a good judge to enlarge his jurisdiction—understood contemporaneously as amplifying the remedies of the law to achieve substantial justice), the Court must not permit administrative evasion to shrink its superintending purview. Without the untrammeled, complete, and unredacted disclosure of the materials residing within the possession of the impugned administrative body, the reviewing court is rendered effectively blind, and the constitutional imperative of superintending state action is catastrophically frustrated. The

recalcitrance demonstrated by the Royal Canadian Mounted Police in failing to adhere to *rule 318* of the *Federal Courts Rules* transcends routine procedural delay or bureaucratic inefficiency. It manifests instead as an institutional blockade, strategically designed to insulate *ultra vires* conduct from the piercing scrutiny of the Federal Court and to systematically deprive the applicant (the "**Applicant**") of the jurisprudential tools necessary to vindicate his fundamental rights.

20. The present Motion proceeds entirely unopposed, an outcome born not of oversight, but of strategic institutional silence. The institutional and individual respondents (the "**Respondents**") were duly, formally, and perfectly served with the originating notice of application (the "**Notice Of Application**") and the formalized, exhaustive request pursuant to *rule 317* of the *Federal Courts Rules* (the "**Rule 317 Request**") on May 19, 2026 **(see: Application Record, Tab 12; pages 542-580[iv])**. A calculated administrative determination has been effectuated by the Respondents to entirely abstain from adjudicative participation, a posture manifested indisputably by their absolute failure to serve and file a notice of appearance (the "**Notice Of Appearance**") within the statutorily prescribed temporal window. This deliberate abstention is an affront to the adversarial process and an acknowledgment of the indefensibility of their underlying administrative posture.

21. The systemic subversion of the judicial process elucidated herein is profoundly compounded and radically exacerbated by the absolute failure of the **Royal Canadian Mounted Police** to execute a constitutionally and statutorily mandated search of its offline historical database (the "**Offline Historical Database**") and its foundational metadata (the "**Foundational Metadata**") **(see: Application Record, Tab 1; page 12[v]).** The steadfast refusal to transmit the **Certified Tribunal Record** is not merely a curable procedural irregularity or a transient defect in form; rather, it constitutes an absolute nullity, operating entirely *ultra vires* the statutory authority of the federal institution. It is demonstrably calculated to conceal an unprecedented falsification of judicial instruments that threatens not only the liberty of the Applicant but the foundational integrity, public trust, and operational veracity of the Canadian legal system collectively.

B. THE PROCEDURAL DEFAULT OF THE INSTITUTIONAL RESPONDENTS AND THE DOCTRINE OF WAIVER

22. The procedural comportment of the Respondents transcends mere administrative inadvertence, bureaucratic lethargy, or inadvertent omission. It crystallizes unequivocally into a deliberate procedural election carrying profound, irreversible legal consequences. Pursuant to the strict prescriptive language of *rule 305* of the *Federal Courts Rules*, a respondent intending to oppose an application is strictly mandated to serve and file a Notice Of Appearance utilizing the prescribed Form 305 within ten days of being served with the Notice Of Application. The architecture of the Rules does not permit ambivalence; it demands formal attornment or exacts the penalty of exclusion **(see: Application Record, Tab 12; pages 547-548[vi]).**

23. The prescribed statutory instrument unambiguously articulates that an entity desiring to oppose the application is strictly required to file said Notice Of Appearance, failing which said entity is categorically and permanently disentitled to any future notification concerning advancing steps within the application framework. The deliberate omission by a federal institution—an entity commanding unparalleled administrative resources, backed by sophisticated internal legal directorates, and operating with a multibillion-dollar budgetary allocation—constitutes a structural default that operates *ipso facto* to nullify any participatory entitlements. The state apparatus cannot logically or legally feign ignorance of the *Federal Courts Rules*, nor can it plead resource constraints. Its silence must be construed judicially as a calculated tactical evasion, an intentional waiver of procedural rights, and a tacit admission that no viable legal defense exists to counter the Applicant's substantive allegations.

24. Consequently, the judiciary is incontrovertibly entitled—and, it is respectfully submitted, inextricably bound by overarching equitable doctrines and the unyielding imperatives of procedural fairness owed exclusively to the Applicant—to proceed upon the uncontradicted evidentiary *acta* systematically filed before this Honourable Court. The total absence of adversarial contestation irrevocably shifts the evidentiary equilibrium. In circumstances wherein the sovereign state defaults upon its obligations to the judiciary and abandons its defense, the equitable jurisdiction of the Court demands that the requested prerogative and declaratory relief be granted *in absentia*. To do otherwise would be to reward institutional recalcitrance, prejudice the diligent Applicant, and fail to preserve the *status quo ante*, thereby permitting the perpetuation of a jurisdictional fraud without judicial consequence. The granting of such relief *nunc pro tunc* ensures that the delay engineered by the Respondents does not irreparably

prejudice the Applicant, adhering strictly to Herbert Broom's maxim *actus curiae neminem gravabit* (an act of the Court shall prejudice no man).

C. THE FACTUAL SUBSTRATUM AND THE UNPRECEDENTED VITIATION OF DOCUMENTARY INTEGRITY

25. The factual matrix underpinning this proceeding is delineated by an unprecedented, shocking, and egregious fabrication of documents purportedly authorizing severe state action and the profound deprivation of liberty. The evidentiary record demonstrates incontrovertibly that the Royal Canadian Mounted Police has never possessed, and could never have possessed at law, a validly issued warrant for arrest (the "**Warrant For Arrest**") or a lawfully sworn information (the "**Information**") corresponding to **Police Case ID: 457197 (see: Application Record, Tab 3; pages 74 and 325**). The fundamental preconditions for lawful state coercion were entirely absent *ab initio*.
26. Instead of acting upon lawful authority, an entirely fabricated compilation of documents was synthetically generated, engineered, and deployed, designated herein as the false information package (the "**False Information Package**"). An authentic Information, recognized uniformly across the Province of Ontario, constitutes a meticulously structured, cryptographically secure six-page *pro forma* document generated securely within the closed-circuit integrated courts offences network (the "**ICON**") or the modern framework for automated and networked courts (the "**FRANK**"). The False Information Package tendered herein is fatally deficient on multiple fronts: it is wholly lacking mandatory swearing attestations, entirely devoid of legitimate judicial signatures, and visibly omitting critical pages required for lawful committal (**see: Application Record, Tab 10; pages 391 and 397**[vii]). It is a facsimile of legality designed to bypass the rigorous safeguards of the criminal justice system. As articulated in Broom's Legal Maxims, *fraus et jus nunquam cohabitant* (fraud and justice never dwell together); a document conceived in fraud cannot be permitted to vest jurisdiction in any state actor.
27. The forensic metadata deeply embedded within the **False Information Package** conclusively identifies the digital architecture utilized as the **GrapeCity Software** explicitly version 6.0.2.0 (**see: Application Record, Tab 10; pages 430-431**[viii]). This software constitutes a commercial developer software development kit, operating entirely external to the secure, closed-circuit judicial document-generation systems utilized by the provincial and federal

judiciaries. The provincial judiciary does not issue lawful warrants bearing commercial watermarks or third-party developer metadata tags.

28. The incontrovertible presence of this specific commercial metadata inextricably proves that the document was generated via an automated back-end script, thereby constituting a clandestine and unauthorized procedural bypass of the lawful judicial apparatus. This fabrication transcends mere subfacial deficiencies, clerical irregularities, or typographical errors; it constitutes an overt, absolute fabrication of judicial processes *ab initio*. The package engages fictitious informants (notably, a misappropriated identity of a Toronto Region Court Officer (which makes the inclusion of a fictitious judicial public officer in Justice of the Peace Mr. George Jiri, appointed to said post, in January 2024, after being a police officer with the TPS for 24 years, to Central West Region OCJ Brampton Courthouse) and falsely attributes jurisdictional authority to a fictitious judicial persona wholly devoid of any geographical or administrative nexus to the matter. It is a document engineered to deceive, rendering all subsequent state actions flowing from it absolute nullities (**see: Application Record, Tab 10; pages 391-431**[ix]).

29. In recognition of this profound vitiation of documentary integrity, and seeking to unearth the systemic roots of this forgery, on March 11, 2026, a highly particularized demand for access to the Foundational Metadata and the Offline Historical Database was formally served upon the Royal Canadian Mounted Police. Said demand sought the precise extraction of the originating agency identifier (the "**Originating Agency Identifier**"), terminal identification protocols, system identification numbers, and the raw cryptographic audit trails reflecting any amended, overwritten, or purged data within the Canadian Police Information Centre ("**CPIC**") (**see: Application Record, Tab 1; pages 8-15**[x]). These elements constitute the irrefutable digital fingerprints of state action, the unalterable hexadecimal truth of who inputted the fraudulent data and when.

30. Following the deliberate administrative obstruction of this initial demand, on May 19, 2026, and following the lawful issuance of the Notice Of Application (Form 301), the Applicant formally served the exhaustive thirty-nine-page **Rule 317 Request** upon the Tribunal (**see: Application Record, Tab 12; page 542**[xi]). Pursuant to the strict grammatical and statutory imperatives of *rule 318* of the *Federal Courts Rules*, the Tribunal was unequivocally compelled to transmit the requested material to the Registry within twenty days.

31. The temporal limitation has incontrovertibly expired. The Tribunal has engaged in absolute and unyielding silence, failing to transmit the **Certified Tribunal Record**, failing to provide written notification that the material is absent from its possession, and failing to file any formal written objection stating grounds for refusal (**see: Application Record, Tab 12; pages 560-562**[xii]). Such systemic obfuscation epitomizes institutional recalcitrance, operates as a continuing fraud upon the administration of justice, and necessitates immediate, superintending judicial intervention *in limine* to aggressively restore the rule of law.

PART II — POINTS IN ISSUE

15. The present interlocutory motion necessitates the rigorous, uncompromising adjudication of the following determinative issues of law, statutory interpretation, and procedural enforcement, all of which bear heavily upon the equilibrium between state power and individual rights:

    a. **Issue 1:** Whether the deliberate, unexcused, and continuing failure of the Royal Canadian Mounted Police to transmit the **Certified Tribunal Record**, or to formally object thereto, within the mandatory twenty-day statutory period prescribed by *rule 318* of the *Federal Courts Rules* constitutes an absolute nullity, an actionable breach of public duty, and an affront to the rule of law necessitating mandatory injunctive relief.

    b. **Issue 2:** Whether the jurisprudential doctrine of constructive possession dictates that the Offline Historical Database, the Foundational Metadata, and the encompassing CPIC digital architecture reside absolutely within the possession, oversight, and paramount control of the Royal Canadian Mounted Police for the strict purposes of compulsory documentary production, regardless of jurisdictional deflection attempts.

    c. **Issue 3:** Whether the legally permissible scope of material mandated for transmission is substantially expanded beyond the immediate administrative record in circumstances where prerogative writs of *mandamus* and *prohibition* are actively sought concurrently with meticulously pleaded allegations of institutional bias, synthetic document fabrication, and profound procedural unfairness.

    d. **Issue 4:** Whether the absolute procedural default of the Respondents warrants the immediate invocation of the adverse inference doctrine and the equitable principles of spoliation, thereby compelling the

immediate issuance of mandatory orders *in absentia* to rectify the jurisdictional overreach and prevent the destruction of systemic evidence.

e. **Issue 5:** Whether the equitable jurisdiction of the Federal Court demands the piercing of administrative obfuscation to compel the revelation of digital artifacts and audit trails, ensuring that state actors are strictly precluded from leveraging their own decentralized databases and technological complexities as mechanisms for concealing *ultra vires* actions from judicial oversight.

PART III — SUBMISSIONS (LAW AND ARGUMENT)

A. THE PRESCRIPTIVE MANDATE OF RULE 318 AND THE ABSOLUTE NULLIFICATION OF ADMINISTRATIVE DISCRETION

16. The linguistic architecture of *rule 318* of the *Federal Courts Rules* is meticulously constructed upon imperative, non-discretionary, and unyielding terminology. Subsection 318(1) dictates with absolute precision that the tribunal "shall transmit" the requested material within twenty days after being served with a request under *rule 317*. It is a foundational axiom of statutory construction, codified explicitly within section 11 of the *Interpretation Act*, RSC 1985, c I-21 (the "*Interpretation Act*"), that the expression "shall" is to be construed as unconditionally imperative. It functions to entirely strip the subject administrative entity of any residual elective capacity, substituting administrative whim with binding legal duty.

17. Upon receipt of the **Rule 317 Request**, the Royal Canadian Mounted Police was entirely bereft of statutory discretion to unilaterally abstain from compliance. As exhaustively articulated within the **Rule 317 Request** itself, the framework of the *Federal Courts Rules* establishes a strict, mutually exclusive procedural dichotomy: a tribunal must either physically transmit the documentation, or it must formally file an objection (**see: Application Record, Tab 12; page 547**[xiii]). Should an administrative tribunal ascertain that a request is ostensibly overbroad, encumbered by public interest immunity, protected by solicitor-client privilege, or technically burdensome to execute, the singular lawful trajectory available to it is to file a formal written objection pursuant to *rule 318(2)* within the identical twenty-day temporal window, stating the precise and particularized grounds for such objection. Unilateral silence is not a legally permissible response under the *Rules*.

18. The Respondents herein executed neither compliance nor formal objection; they elected to simply ignore a lawful process of the Federal Court. It is respectfully submitted that this omission does not constitute a mere curable irregularity amenable to subsequent administrative ratification or retrospective apologies. Rather, it represents an absolute nullity. A deliberate circumvention of a mandatory procedural directive designed to facilitate the constitutional function of judicial review directly subverts the administration of justice. It aggressively elevates the administrative tribunal above the sovereign authority of the judiciary, creating an intolerable paradigm where the state decides which judicial rules it will obey.

19. By failing to respond in any capacity, the Tribunal renders itself *functus officio* regarding its ability to subsequently resist the scope of the request. Having waived the statutory window to object, it cannot now be heard to complain of the breadth or complexity of the production demanded. In accordance with the venerable equitable maxim *ubi jus ibi remedium* (where there is a right, there is a remedy), the Federal Court is imbued with both the inherent jurisdiction and the explicit statutory authority to compel the strict, unmitigated execution of the Tribunal's neglected duties. This ensures that the state apparatus remains inextricably subordinate to the rule of law and accountable to the superior courts.

B. THE JURISPRUDENTIAL DOCTRINE OF CONSTRUCTIVE POSSESSION WITHIN DECENTRALIZED DATABASE ARCHITECTURES

20. A masterful, progressive, and purposive comprehension of the legal doctrine of possession is absolutely paramount when navigating the compulsory production mandates enshrined within the *Federal Courts Rules*. It is a well-settled jurisprudential axiom that the concept of possession vehemently rejects the archaic, restrictive limitations of mere physical, geographic custody, paper-based storage, or narrow proprietary ownership. The law recognizes that control transcends the physical filing cabinet.

21. In the seminal authority of *Canada Post Corp. v. Canada (Minister of Public Works),* 1995 CanLII 3574 (FCA) (the "*Canada Post Decision*"), the Federal Court of Appeal conclusively established that possession within the context of federal access and production must be subjected to a highly practical, functional, and expansively modern interpretation. The appellate court definitively held that control encompasses "ultimate, immediate, full, partial, transient, lasting, *de jure*, and/or *de facto* control." The Court reasoned logically that if Parliament had intended to

restrict the notion of control exclusively to documents over which the government exercises lasting physical and proprietary disposition, it would have explicitly legislated such a constraint. The absence of such constraint dictates a broad interpretation.

22. This expansive interpretative doctrine was further fortified, clarified, and meticulously applied by the Court of Appeal for Ontario in *Ontario (Criminal Code Review Board) v. Hale,* 1999 CanLII 3805 (ONCA) (the "*Hale Decision*"). In that instance, the appellate court established that an institutional entity undeniably possesses material if it wields the legal right, the administrative power, or the technological authority to command its retrieval. This holds completely independent of whether the material is physically contained within the institution's localized administrative offices or hosted remotely by a delegated third-party contractor. In the digital age, the absolute right to demand and extract data equates incontrovertibly to constructive possession.

23. Applied *a fortiori* to the present factual matrix, and as forcefully submitted within the **Rule 317 Request**, the Canadian Police Information Centre and its underlying Offline Historical Database represent a colossal, centralized national technological infrastructure. This digital panopticon is exclusively administered, secured, governed, and physically hosted by the Royal Canadian Mounted Police (**see: Application Record, Tab 12; page 555**[xiv]). When transactional metadata, origin identifiers, or automated hexadecimal audit trails are autonomously generated by the federal mainframe in response to a decentralized data input, the Royal Canadian Mounted Police holds the supreme administrative credentials, the overarching cryptographic keys, and the unassailable legal right to extract, audit, and produce this intelligence. They are the sovereign gatekeepers of the data.

24. As comprehensively delineated within the thirty-nine pages of the **Rule 317 Request**, the structural reorganization of the Royal Canadian Mounted Police's 'O' Division into the Central Region under Regional Commander Mr. Matt Peggs inextricably links the paramount federal apparatus to the impugned systemic action (**see: Application Record, Tab 12; page 580**[xv]**)**. Consequently, the raw forensic mainframe ledger records, the system identification numbers, and the **Foundational Metadata** reside indisputably within the constructive, *de jure*, and *de facto* possession of the Royal Canadian Mounted Police. Any theoretical assertion or administrative deflection attempting to posit that such integral systemic data "belongs" to external municipal entities constitutes a profound legal absurdity. It is a *reductio ad absurdum* that offends the purposive interpretative mandate established by the FCC

and attempts to unlawfully weaponize the complexity of a decentralized database to evade clear statutory production obligations.

25. Lest the Respondents belatedly attempt to assert that extracting precise hexadecimal data constitutes the impermissible "creation" of a new record rather than the production of an existing one, such an anticipated counter-argument is entirely legally bankrupt. The translation of existing digital arrays into human-readable logs via established querying protocols constitutes the fundamental extraction of extant material, not the generation of novel documentation. The data exists unconditionally within their servers; formatting it for judicial consumption is a strict duty of transmission, not an act of creation).

C. THE EXPANDED SCOPE OF THE TRIBUNAL RECORD IN THE PRESENCE OF JURISDICTIONAL NULLITIES AND BIAS

25. As a matter of general procedural orthodoxy, the materials requisitioned under *rule 317* encompass exclusively the documentation that was physically before the administrative decision-maker at the precise moment the impugned decision was rendered. However, a substantially broader, highly penetrating, and investigative scope of disclosure is stringently mandated in circumstances where a breach of procedural fairness, actual institutional bias, systemic fraud, or the pursuit of prerogative relief is explicitly pleaded before the reviewing court. The standard boundaries of the record dissolve when the integrity of the process itself is the subject of the challenge.
26. In the binding appellate authority of *Air Passenger Rights v. Canada (Attorney General),* 2021 FCA 201 (the "*Air Passenger Rights Decision*"), the Federal Court of Appeal comprehensively delineated the expanded evidentiary obligations of a tribunal facing such severe allegations. The Court confirmed that where equitable relief in the nature of *prohibition* is sought, or where bias and breaches of natural justice are alleged, documents in the possession or control of a tribunal that are relevant to those specific allegations are strictly subject to disclosure. This is mandated irrespective of whether they formed the immediate, formal administrative record reviewed by the decision-maker.
27. The rationale underpinning this expansion is self-evident and logically impeccable: the reviewing court cannot possibly adjudicate allegations of systemic fraud, hidden bias, or the fabrication of evidence if it is artificially restricted to reviewing only the sanitized, curated record that the biased or fraudulent decision-maker unilaterally

chose to consider and present. The fundamental tenet *nemo judex in causa sua* (no one is judge in his own cause) demands that the veil of administrative secrecy be forcefully pierced when the jurisdictional integrity of the tribunal itself is fundamentally impugned.

28. The underlying Application explicitly pursues prerogative writs of *mandamus* and *prohibition*, conjoined inextricably with substantive, meticulously particularized allegations of institutional fraud upon the court effectuated via the synthetic fabrication of the False Information Package (**see: Application Record, Tab 12; page 565**[xvi]). Furthermore, as articulated consistently by Federal Court jurisprudence, an application seeking *mandamus* inherently broadens the spectrum of relevance. The very failure or refusal of the tribunal to make a lawful determination, to conduct a mandatory search, or to acknowledge the existence of fabricated evidence constitutes the underlying catalyst for the judicial review.

29. Therefore, the forensic metadata, the GrapeCity Software sequence trails, the audit logs reflecting the origin and potential post-hoc alteration of the Originating Agency Identifier, and the eighteen highly specific categories of **Offline Historical Database** entries scheduled within the **Rule 317 Request** are strictly, fundamentally, and unequivocally relevant to the disposition of the Applicant's claims (**see: Application Record, Tab 12; pages 570-572**[xvii]). The Federal Court must not be deprived of the granular evidentiary foundation absolutely necessary to adjudicate the existence of a jurisdictional nullity and to formulate the precise terms of the requested prerogative writs designed to halt the abuse of process.

D. THE REPERCUSSIONS OF PROCEDURAL DEFAULT, SPOLIATION, AND THE INVOCATION OF THE ADVERSE INFERENCE DOCTRINE

30. The calculated dereliction exhibited by the Respondents in omitting the submission of the **Notice Of Appearance** (which is the evincing the mere intent to oppose the Application) and failing to transmit the **Certified Tribunal Record** operates to definitively substantiate the incontrovertible truth that the state apparatus is fundamentally incapable of legally justifying *its refusal to search*. The silence of a highly resourced federal institution in the face of grave allegations of document fabrication and liberty deprivation is legally deafening. It serves as an unmistakable signal of institutional culpability and an inability to produce exculpatory evidence.

31. The doctrine of spoliation and the venerable evidentiary maxim *omnia praesumuntur contra spoliatorem* (every presumption is made against a wrongdoer) are inextricably engaged and highly relevant in this factual matrix. This doctrine originates in equity to prevent parties from benefiting from the destruction or concealment of vital evidence. When an entity exercises exclusive, monolithic control over the singular evidentiary repository that can definitively prove or disprove an allegation of systemic fraud, and that entity deliberately suppresses or refuses to produce the data in flagrant defiance of a mandatory court rule, the law rightfully commands the drawing of a severe adverse inference. Furthermore, as codified in Broom's Maxims, *suppression veri, expressio falsi* (the suppression of truth is equivalent to the expression of falsehood); the refusal to produce the logs is a tacit admission of the falsity of the underlying warrants.

32. The deliberate suppression of critical metadata, disguised inadequately beneath the specious veil of administrative silence and procedural default, precipitates the irrebuttable presumption that the withheld documentation would be fundamentally adverse to the Respondents' position. The self-evident conclusion extrapolated from such glaring omissions dictates that the Offline Historical Database either incontrovertibly corroborates the alleged nullities regarding the GrapeCity Software manipulations (**see: Application Record, Tab 10; pages 430-43[xviii]1**), or proves definitively that the authentic judicial authorizations (the warrants and informations) are, and always were, entirely non-existent.

33. Where an institutional actor intentionally abstains from challenging a comprehensive evidentiary matrix demonstrating *ultra vires* statutory contravention, the scales of the balance of probabilities are tipped inexorably and permanently in favour of the Moving Party. The Applicant has exhaustively discharged his initial evidentiary burden; the state's deliberate default transforms the Applicant's meticulously pleaded allegations into established judicial facts, ripe for the issuance of declaratory and mandatory relief.

E. DYNAMIC STATUTORY CONSTRUCTION, THE INTERPRETATION ACT, AND THE MODERNIZATION OF EVIDENTIARY MATERIAL

34. The statutory obligations imposed upon the Tribunal by the *Federal Courts Rules* and the *Privacy Act* must be construed through the progressive, purposive, and modernizing lens mandated by the *Interpretation Act*. Section 10 of the *Interpretation Act* codifies the fundamental, dynamic principle that the law shall be considered as always

speaking. The Federal Court of Appeal has consistently affirmed that statutes must be interpreted dynamically to apply seamlessly to changing technological realities, evolving circumstances, and novel forms of data architecture without requiring perpetual, reactive legislative intervention.

35. The concepts of "material," "record," and "possession" within the *Federal Courts Rules* must not be artificially frozen in anachronistic, paper-based historical paradigms of the twentieth century. The open-textured, flexible interpretation required by Section 10 strictly demands that algorithmic sequence trails, digital artifacts, hexadecimal data arrays, cryptographic signatures, and encrypted audit logs be recognized as tangible, discoverable "material" subject to compulsory transmission under *rule 318*. Data is the modern document or the material in the format known to the RCMP Tribunal.

36. Concurrently, section 12 of the *Interpretation Act* designates all enactments as inherently remedial, necessitating a fair, large, and liberal construction that best ensures the attainment of their objects. The overarching object of *rule 318* is to ensure absolute transparency, accountability, and to facilitate the Federal Court's essential constitutional role of judicial review over the executive branch. To permit the Royal Canadian Mounted Police to exploit the profound technological complexity of its own decentralized database architecture as a jurisprudential shield against production would violently frustrate this remedial purpose and entirely vitiate the transparency mechanisms of the Federal Court (**see:** Application Record, Tab 12; page 580[xix]).

37. The foundational nullities embedded deeply within the orchestrated process invoke the immutable equitable doctrine of *quod ab initio non valet, in tractu temporis non convalescit* (that which is invalid from the beginning does not gain validity by the passage of time). The fabrication of the **False Information Package** was an absolute nullity at its inception wherein a "false document" was created at its time of creation but then when it was filed the Criminal Proceeding ceased to exist, and certainly no "Criminal Prosecution" could even commence. The continuing failure to transmit the **Certified Tribunal Record** constitutes an ongoing, intentional perpetuation of this original nullity. The equitable jurisdiction of this Honourable Court is thus profoundly engaged, commanding the immediate issuance of the requested mandatory orders to compel the revelation of the digital truth, dismantle the fraudulent construct, and mandate the restoration of the *status quo ante*.

F. RULE 317 JURISPRUDENCE: THE REQUIREMENT OF THE CERTIFIED TRIBUNAL RECORD AND THE OPEN COURT PRINCIPLE

38. Consistent with settled jurisprudence governing the open court principle (the "**Open Court Principle**") entrenched within subsection 2(b) of the *Canadian Charter of Rights and Freedoms* (the "*Charter*"), informations and indictments (the "**Informations**" and "**Indictments**") are unequivocally treated as public judicial *acta* upon the issuance of a process, the service of a *Criminal Code* Summons, or the execution of a *Criminal Code* Form 7 Arrest Warrant. The Open Court Principle serves as the bulwark of a democratic society, ensuring that the coercive powers of the state are exercised under the sanitizing light of public scrutiny. Furthermore, any corresponding endorsements promulgated by a judicial officer (the "**Endorsements**") thereto are strictly required to be made available upon formal request by an accused party—devoid of prescribed fees—or to the public writ large, subject to the prescribed fee schedule delineated within *Regulation 158/03*. Secret warrants are anathema to the Canadian legal tradition. Even worse are constating and originating documents and "warrants for arrest" that falsified post facto. But the worst of all are those falsified originating documents and "warrants for arrest" by any other name like an INTAKE COURT ENDORSEMENT (SEPT 23 2024) that are then filed in a "Transferee Courthouse" like they were herein.

39. Analogously, within the rigorous administrative framework of taxation, it has been definitively established that the Canada Revenue Agency, pursuant to an adversarial request under *rule 317* of the *Federal Courts Rules*, forwarded a certified copy of an information (the "**Tax Information**") directly to the Registry. Said document was subsequently and properly treated by the Registry as a public document, with a formalized copy concurrently remitted to the applicant's counsel, as articulated clearly in *Rémillard v. Canada (National Revenue),* 2020 FC 1061 at paragraph 5 (the "*Rémillard Decision*"). The transmission effectively placed the document into the public domain.

40. Documentation transmitted pursuant to *rule 318* of the *Federal Courts Rules* is strictly incorporated into the receiving Court's official records and is governed *ipso facto* by the Open Court Principle (**see:** *Remillard Decision*, at paragraphs 25–26 and 37–38). Rules 23 and 26 of the *Federal Courts Rules* categorically mandate that the Court file and its respective annexes be treated as fully publicly accessible. This principle remains inviolate, subject

exclusively to targeted statutory confidentiality frameworks or specific, narrowly tailored judicial sealing orders granted only upon a stringent evidentiary showing.

41. The procedural mechanism outlined in *rules 317* and *318* of the *Federal Courts Rules* is strictly operational, administrative, and non-exploratory; its foundational function is solely to transition relevant materials from the exclusive possession of the state into the neutral possession of the Registry. This process is entirely distinguishable from private civil discoveries executed beyond the purview of the Court file (**see:** *Remillard Decision*, at paragraphs 57–59 and 65–66). Private discoveries are rigidly governed by the implied undertaking rule, restricting secondary use of the information, subject only to questions from discovery being formally read into the court record by affidavit or during a public hearing. *Rule 317* suffers from no such limitations.

42. Should the Respondent Royal Canadian Mounted Police Tribunal attempt to advance the specious, deflecting argument that the Applicant is utilizing *rule 317* as an impermissible exploratory discovery mechanism or a "fishing expedition," such an assertion is preemptively and resoundingly defeated. The incontrovertible fact remains that the requested records constitute the foundational administrative documents that inherently form the absolute basis of the tribunal's jurisdiction and its subsequent, or maliciously omitted, actions. One cannot "fish" for the very documents that purportedly authorized one's own arrest (**see: Application Record, Tab 3; pages 74 and 325**[xx]).

43. The protections afforded under section 8 of the *Charter* regarding unreasonable search and seizure are rendered wholly inapplicable *in limine*, as no reasonable expectation of privacy (the "**Reasonable Expectation of Privacy**") can legally persist subsequent to an applicant affirmatively requisitioning the transmission of his own records pursuant to *rule 317* of the *Federal Courts Rules* (**see:** *Remillard Decision*, at paragraphs 163–165). The Applicant seeks his own data, effectively waiving any privacy shield the state might attempt to erect to prevent disclosure.

44. Generally, *rule 317* of the *Federal Courts Rules* encompasses exclusively the material that was available to the administrative decision-maker at the precise time the impugned decision was rendered (**see:** *Remillard Decision*, at paragraphs 23, 39, and 41–42). However, as aforementioned, a substantially broader scope of disclosure is stringently mandated in circumstances where procedural fairness, reasonable apprehension of bias, systemic fabrication, or analogous equitable grounds are explicitly contained within the Notice of Application and supported by a cogent evidentiary foundation: *Lill v. Canada,* 2023 FC 1364. Such grounds are unequivocally established

herein by the detailed notice of application (the "**Notice of Application**"), by the very Application Record and Motion Record, which evidences another default by the RCMP ATIP Branch in ATIA Request #2 without even the pretense of an explanation, formally filed by the Applicant. ATIA Request #2 could not even demonstrate even the purported reliance on an extension of time by even citing a section under the extension of time provision of ATIA and then misled the Applicant about his complaint rights under ATIA which occur when the extension is taken not an alleged 60 days after the RCMP ATIP Branch presumably fails to meet its self-created standard. By the falsely relied upon extension of time under ATIA Request #1, the RCMP ATIP Branch has until Monday, June 14, 2026, to provided the requested "records" as per section three thereunder. This is, in part, why the Applicant has selected Wednesday, June 17, 2026, as the date of the written hearing for the NOM #1.

G. THE LEGAL TEST FOR RELEVANCE GOVERNING COMPULSORY TRANSMISSION

45. For the strict analytical purposes of *rule 317* of the *Federal Courts Rules*, a document is deemed legally relevant to an application for judicial review if it possesses the inherent capacity, logic, or evidentiary weight to affect the ultimate decision that the Court will render on the application. This threshold has been conclusively articulated in *Douze v. Canada (Citizenship and Immigration),* 2010 FC 1086 at paragraph 19 (the "*Douze Decision*"), and reinforced comprehensively in *Boudreau v. Canada (Revenue Agency),* 2022 FC 792 (CanLII) at paragraph 16 (the "*Boudreau Decision*").

46. In the *Douze Decision*, the Honourable Madam Justice Tremblay-Lamer explicitly adopted the authoritative, binding instruction provided by the Federal Court of Appeal in *Canada (Human Rights Commission) v. Pathak,* 1995 CanLII 3591 (FCA) (the "*Pathak Decision*"), regarding the precise parameters of relevance under *rule 317*. The appellate instruction dictates that a document is relevant if it may affect the decision of the Court, determined strictly in relation to the specific grounds of review set forth in the originating notice and the supporting evidentiary affidavits.

47. The *ratio decidendi* established in the *Douze Decision* has been consistently, rigorously, and forcefully affirmed across numerous subsequent decisions, cementing the operational legal test into the bedrock of Federal Court procedure. This includes the application in *Chopra v. Canada (Public Safety and Emergency Preparedness),* 2026

CanLII 18896 (FC) at paragraph 10, and *John Doe 1 v. Canada (Attorney General),* 2024 FC 1024, wherein Mr. Justice Diner confirmed the well-established alignment of relevance tests, stipulating that relevance is determined strictly against the grounds of review and the affidavits filed in support thereof. The relevance of the material requisitioned under *rule 317* is the singular, overriding determinative factor authorizing its compulsory transmission.

H. THE PRECAUTIONARY PRINCIPLE AND THE RULE OF LAW PRECLUDING ADMINISTRATIVE SPECULATION

48. As explicated masterfully by the Federal Court of Appeal in *Canadian Copyright Licensing Agency (Access Copyright) v. Alberta,* 2015 FCA 268 at paragraph 15 (the "*Access Copyright Decision*"), parties before an administrative decision-maker will frequently, but not universally, possess all the material that the decision-maker considered. In instances of profound uncertainty, systemic obfuscation, or suspected bad faith, *rule 317* of the *Federal Courts Rules* provides the definitive statutory mechanism by which parties can pierce the administrative veil to confirm exactly what the administrative entity considered, thereby precluding conjecture and ensuring parity of arms (see also: *Friends of the Earth Canada v. Canada (Attorney General),* 2023 FC 1438 (CanLII) at paragraph 9).

49. Herein, the factual reality is stark: the Applicant possessed nothing then, and possesses nothing now; concurrently, the Court possessed nothing then, and possesses nothing now. The absolute dearth of documentary transparency perpetrated by the Respondents transforms the theoretical utility of *rule 317* into an urgent, unassailable judicial imperative. The Court cannot adjudicate in a vacuum deliberately engineered by the state.

I. THE DIFFERENTIAL LEGAL TEST FOR PROHIBITION UNDER RULE 317

50. In *Air Passenger Rights v. Canada (Attorney General),* 2021 FCA 201 (the "*Air Passenger Rights Decision*"), Associate Justice Gleason of the Federal Court of Appeal delineated the profound, necessary expansion of the disclosure test at paragraph 21. The Court explicitly recognized that the breadth of materials subject to disclosure under *rules 317* and *318* is substantially broadened where institutional bias or a fundamental breach of procedural

fairness is alleged, particularly where extraordinary relief in the nature of prohibition is sought. In such grave circumstances, disclosure is not artificially limited to the immediate materials before the tribunal.

51. The appellate reasoning is flawless and constitutionally sound: were the strict limitation maintained, the reviewing Court would be systematically deprived of the evidence absolutely necessary for the disposition of an applicant's claims of bias or breaches of procedural fairness, rendering the availability of relief in the nature of prohibition a purely illusory legal fiction. A tribunal guilty of bias will rarely compile a record that openly advertises its own malfeasance. By analogy from the SCC in 1990, *MacDonald Estate v. Martin*, it is one of those things that is not only not subject to proof but disproof.

52. Allegations encompassing overt institutional bias, synthetic documentation generation, and profound breaches of procedural fairness have been meticulously pleaded and are comprehensively encapsulated within the operative iteration of the application record (the "**Application Record**") (**see: Application Record, Tab 12; pages 565-568**[xxi]). Concurrently, prerogative relief in the form of a writ of prohibition is actively, forcefully, and necessarily sought by the Applicant to halt the ongoing abuse of process.

53. *Ipso facto*, given that the extraordinary remedies of *mandamus* and *prohibition* are concurrently pursued, the restrictive legal test evaluating solely the materials available at the precise moment of the Royal Canadian Mounted Police Tribunal's decision is fundamentally inapplicable. While the Applicant submits that even this narrower threshold would nonetheless be satisfied given the specific *Privacy Act* context, the prevailing appellate jurisprudence unequivocally binds this Honourable Court, by virtue of vertical *stare decisis*, to compel the Tribunal to transmit the expansive array of materials in certified format.

54. Should it be speculatively argued by the recalcitrant Respondents that the broader array of documents falls outside the technical "control" of the decision-maker because they were not explicitly reviewed by the specific analyst assigned to the file, such an argument constitutes a profound logical fallacy. The binding jurisprudence explicitly overrides this artificial limitation where bad faith, bias, or procedural fairness are formally pleaded, fundamentally transferring the metric of discoverability from "what was actively reviewed by a specific clerk" to "what exists within the institution that may affect the Court's disposition of the fairness allegations."

J. INFERENCES RENDERED CONCLUSIVE: THE DISCOVERY OF IMPROPER MOTIVES FACILITATING MEANINGFUL JUDICIAL REVIEW

55. It is an accepted, foundational legal tenet that the certified record and its surrounding systemic context may unveil whether an administrative decision was predicated upon an improper motive, infected by bias, or driven by alternative, impermissible rationales, as established powerfully in *Canada (Minister of Citizenship and Immigration) v. Vavilov,* 2019 SCC 65 at paragraph 137. The record is the window into the administrative mind or, by *supra,* the "Pandora's box".

56. In the event that the reviewing court is maliciously deprived of the evidentiary foundation relied upon—or deliberately avoided—by the administrative decision-maker, the detection of a reviewable error may be rendered a functional impossibility (**see:** *Access Copyright Decision* at paragraph 14). The paramount and overarching consideration guiding this Honourable Court is whether the requested disclosure will permit a meaningful and substantive judicial review of the impugned state action, as affirmed in *GCT Canada Limited Partnership v. Vancouver Fraser Port Authority,* 2021 FC 624 at paragraph 26. Without the metadata and the historical logs, review is reduced to a meaningless rubber-stamping exercise.

K. THE NOVEL LEGAL ISSUES FORMULATED FOR ADJUDICATION

57. The novel legal controversies presented for adjudication herein are robust, multifaceted, and entirely untested in Canadian administrative jurisprudence. It is axiomatic that these issues fundamentally engage the broader public interest, extending far beyond the immediate evasive tactics deployed against the Applicant, and possess central, systemic importance to the integrity of the administration of justice across Canada. The resolution of these distinct, untested issues will be effortlessly achieved upon the compulsory transmission of the **Certified Tribunal Record** to both the Federal Court and the Applicant. The subsequent enumeration is strictly illustrative, explicitly provided to pre-empt and neutralize any unnecessary, frivolous, or meritless objections the Respondent may attempt to resurrect *ex post facto*.

The First Novel and Untested Issue:

58. A primary determinative issue hinges upon whether the originating data sequence inputted into the CPIC repository—irrespective of the specific law enforcement agency acting as the originating terminal, whether acting as a principal or an agent, and under whatever alphanumeric case identification number—materially mirrored the contents of the admitted False Information Package (**see: Application Record, Tab 10; pages 391 and 397**[xxii]). Should the inputted data align with said fabricated package, the Applicant is undeniably entitled to its disclosure as his proprietary **Personal Information** notwithstanding the fact that the underlying data is demonstrably false and synthesized: *Lawson v. Accusearch Inc.,* 2007 FC 125. Falsity of data does not negate its classification as Personal Information belonging to the subject.

The Second Novel and Untested Issue:

59. The subsequent issue necessitates an inquiry into whether the initial data matrix entered into CPIC—specifically referencing a "warrant in the first" and the identifier "MCLEAN, Kevin"—was structurally accurate at the precise moment of inception, irrespective of the underlying, contested merits of the "Ex Parte In Camera Hearing". Crucially, the Court must determine if this data was subsequently subjected to *post-hoc* amendment, either prior to or immediately following the physical arrest of the Applicant. If the metadata was technically correct at the first instance, but later strategically altered to forcefully synchronize with the relevant data points required by CPIC (specifically the **Foundational Metadata**, encompassing the Originating Agency Identifier; the designated issuing authority; the narrative field; and the System Identification Number generated upon entry), such alterations constitute a profound, actionable abuse of process designed to retroactively validate an unlawful detention.

60. It is submitted as a highly probable extrapolation that the originating law enforcement agency, designated by the initial Originating Agency Identifier, was demonstrably not the identical agency that subsequently executed the surreptitious amendments to the WANT record. These potential, unauthorized systemic alterations encompass distinct vectors of modification, including the deliberate reassignment of the Originating Agency Identifier to falsely transfer jurisdictional appearance, and the systemic desynchronization of the System Identification Number to obfuscate the original timestamp. The forensic veracity of these administrative maneuvers can only be

illuminated through a rigorous examination of the automated hexadecimal transaction logs, compelling the unmitigated disclosure of the Applicant's Personal Information.

L. THE ABSOLUTE FAILURE TO SEARCH BY THE ROYAL CANADIAN MOUNTED POLICE

61. In light of the above uncontroverted syllogism and the administrative sophisms deployed by the Royal Canadian Mounted Police, the *Privacy Act* not only authorizes but statutorily obligates the federal institution to search for the Personal Information requested within the scope of an access request. This obligation applies unequivocally whether the data resides in a personal information bank (the "**Personal Information Bank**") and has been used, is being used, or is available for use for an administrative purpose, or is organized or intended to be retrieved by the name of an individual or by an identifying symbol assigned to an individual, pursuant to section 10 of the *Privacy Act*.

62. While the terminology "files" is occasionally utilized within attendant regulations where certain Personal Information Banks are rendered exempt from search and disclosure pursuant to subsection 18(1) of the *Privacy Act*, the Applicant specifically requested access to the Personal Information Bank known as **PPU 005**, which operates unequivocally as a non-exempt repository open to statutory interrogation (**see: Application Record, Tab 1; pages 8-10**[xxiii]).

63. Moreover, the access request executed on March 11, 2026, was not a generalized request for unstructured "files" *per se*, but a highly targeted demand for Personal Information contained within PPU 005 and specific searches of Foundational Metadata and the Offline Historical Database respecting an executed arrest warrant (**see:** Application Record, Tab 1; pages 12-15[xxiv]). But for the name of the judicial officer who ostensibly issued the endorsement, all of the Personal Information therein relates *de facto* exclusively to the Applicant. Regarding the name of the judicial officer who issued the endorsement, the federal statutory definition of Personal Information under paragraph 3(i) of the *Privacy Act* explicitly encompasses the name of an individual where it appears with other personal information relating to the individual.

64. This posture is entirely consistent with the binding judicial interpretation of Personal Information. Jurisprudence from the federal public sector commands that the definition of personal information must be afforded a broad,

expansive, and highly liberal interpretation, designed to capture any data uniquely relating to an individual (**see:** *Dagg v. Canada (Minister of Finance),* 1997 2 S.C.R. 403; *Canada (Information Commissioner) v. Canada (Transportation Accident Investigation and Safety Board),* 2006 FCA 157; *Canada (Information Commissioner) v. Canada (Commissioner of the Royal Canadian Mounted Police),* 2003 SCC 8).

65. Personal information encompasses information "about" an identifiable individual, establishing that the information relates to or concerns the subject in a meaningful way. There exists a serious possibility that an individual could be identified through the use of that information, alone or in combination with other data (*Gordon v. Canada (Health),* 2008 FC 258). Crucially, information need not be recorded in a traditional, paper-based format to constitute personal information under the federal Act or statute (*Morgan v. Alta Flights Inc.,* 2006 FCA 121).

66. The identical information can be classified as personal to more than one individual (*Wyndowe v. Rousseau,* 2008 FCA 39), and information firmly retains its classification as personal information even if it is otherwise publicly available within the meaning of the regulations (*Englander v. TELUS Communications Inc.,* 2004 FCA 387). Most pertinently, subjective information about an individual robustly retains its status as personal information even if it is demonstrably inaccurate, fabricated, or false (*Lawson v. Accusearch Inc.,* 2007 FC 125).

67. The governing principles dictate that privacy rights are quasi-constitutional, designed fundamentally to protect individuals against state overreach while providing an affirmative right of access to the data utilized to govern their lives. Exceptions from an applicant's access rights must be interpreted narrowly, strictly, and conservatively, with the burden of persuasion strictly residing upon the entity asserting the exception (*Lavigne v. Canada (Office of the Commissioner of Official Languages),* 2002 SCC 53).

68. It is axiomatic that the Royal Canadian Mounted Police is subject to the *Charter* pursuant to section 32 thereof. The archaic maxim *lex non cogit ad impossibilia* (the law does not compel the impossible) cannot legally shield the Royal Canadian Mounted Police where the requested digital material was, in verifiable fact, extant, retrievable, and strictly obtainable via standard, routine administrative querying of their own centralized mainframes.

M. PERSONAL INFORMATION AS PROTECTED PROPERTY: THE CESSATION OF CORRECTION RIGHTS ABSENT A SEARCH

69. It is a well-settled jurisprudential axiom that *rule 317* of the *Federal Courts Rules* does not demand that the requested material be legally "owned" by the administrative tribunal as chattel, nor does it require exclusive, physical geographic custody. The singular, uncompromising statutory threshold is that the material resides functionally within the "possession" of the tribunal, an assessment based on the realities of power and access, not antiquated property law.

70. Furthermore, relying upon established equitable jurisprudence, the Personal Information of an applicant is inherently "owned" beneficially by the applicant themselves—it emphatically does not legally "belong" to other police forces as proprietary trade secrets, regardless of their status as the originating agency entering the data into the federal grid.

N. THE STATUTORY ABSURDITY AND THE FRUSTRATION OF CORRECTION RIGHTS UNDER SUBSECTION 12(2) OF THE PRIVACY ACT

73. Pursuant to subsection 12(2) of the *Privacy Act*, an individual granted access to personal information utilized for an administrative purpose is statutorily vested with the affirmative, actionable right to request a correction of said information, mandate the attachment of a formal notation if the correction is unlawfully refused, and compel the mandatory notification of these amendments to any entity that received the data within the preceding two years. This is a critical mechanism for individual self-determination and protection against state error.

74. The posture adopted by the Respondent herein—specifically, the legally specious assertion that it lacks the authorization to search, retrieve, or disclose data inputted into its sovereign infrastructure by ancillary police forces—engineers a profound, irreconcilable statutory absurdity that threatens to dismantle the entire framework of the *Privacy Act*.

75. If the Royal Canadian Mounted Police is legally permitted to abdicate its overarching search obligations beneath the guise and façade of "third-party ownership," it *ipso facto* obliterates the Applicant's fundamental statutory right to subsequently request the correction of admittedly false or materially inaccurate intelligence housed within the CPIC database. An aggrieved requestor cannot exercise the right to correct that which the paramount custodian outright refuses to locate, acknowledge, or produce. The right to correct becomes a phantom right, existing only on paper but impossible to actualize. Here, the legal maxim *cinque aliquis quid concedit concedere videtur et id sine*

quo res ipsa esse non pituita (whoever grants a thing is supposed also tacitly to grant that without which the grant itself would be of no effect) is resolutely engaged; Parliament's grant of the right to correct structurally requires and commands the corresponding right to compel the antecedent search.

76. This administrative sleight of hand effectively insulates both the centralized repository and the originating municipal police forces from statutory accountability. Should this Honourable Court validate the restrictive interpretation proffered by the Royal Canadian Mounted Police, an individual maliciously targeted by the synthetic fabrication of a False Information Package would be permanently saddled with fraudulent data operating actively within the nation's premier law enforcement repository. This permanent algorithmic taint constitutes an ongoing, egregious violation of fundamental justice, leaving citizens vulnerable to perpetual harassment based on uncorrected, fraudulent inputs.

77. It is a foundational tenet of statutory interpretation that the law does not permit a party to benefit from its own administrative malfeasance (*nullus commodum capere potest de injuria sua propria*). Furthermore, jurisprudential doctrine strictly forbids a reading of a statute that renders a remedial provision—such as the correction rights enshrined in subsection 12(2)—meaningless or illusory (*interpretatio fienda est ut res magis valeat quam pereat*). The Royal Canadian Mounted Police cannot strategically interpret subsection 12(1) governing access in a manner that entirely nullifies the corrective mechanisms of subsection 12(2). The statute must be read as a cohesive whole, designed to empower the citizen, not to shield the state repository.

78. Should the Respondent attempt to argue that any correction request must instead be directed to the originating municipal or provincial agency, such an argument is fundamentally and irreparably flawed *ab initio*. Municipal police boards are explicitly excluded from the purview of the federal *Privacy Act*, leaving the applicant without a federal remedy if forced to pursue local agencies. More critically, a municipal entity does not possess the sovereign administrative credentials, the requisite system-wide database access, or the structural authority to execute CPIC metadata notations or mandate downstream notifications across the federal infrastructure. The Royal Canadian Mounted Police, functioning as the supreme technological custodian of the database, remains the sole entity legally and technically capable of executing the statutory mandate commanded by subsection 12(2).

O. NON-OBVIOUS LEGAL THEORIES: INSTITUTIONAL COMPLICITY BY WILLFUL BLINDNESS AND THE TRANSLATION DOCTRINE

79. The Applicant formally advances the Doctrine of Institutional Complicity by Willful Blindness. By affirmatively refusing to search the CPIC architecture after being formally notified via the March 11, 2026 PII Access Request that a fabricated, *ultra vires* warrant was operationalized through its systems, the Royal Canadian Mounted Police transcends its status as a mere passive database host (**see:** Application Record, Tab 1; page 12[xxv]). The deliberate refusal to audit its own system transforms the federal institution into an active, complicit participant in the ongoing constitutional tort and jurisdictional fraud.

80. Any theoretical counter-argument positing that this motion under *rule 318* constitutes an impermissible "collateral attack" on the underlying criminal arrest is wholly structurally defeated. The Federal Court possesses exclusive supervisory jurisdiction over federal boards. The Applicant is not mounting a collateral attack on the execution of the warrant itself in this forum; rather, he is mounting a direct, meticulously targeted attack on the Royal Canadian Mounted Police's administrative failure to discharge its independent statutory duties under the *Privacy Act* and the *Federal Courts Rules*.

81. Furthermore, the Applicant advances the Translation Doctrine respecting electronic records. An anticipated objection by the Respondents might suggest that generating hexadecimal dumps or cryptographic audit trails constitutes the impermissible "manufacturing" of new records not mandated by *rule 317*. This logic is archaic. The data presently exists as dormant binary code within the federal mainframe. Utilizing standard operator queries to compile this existing data into a legible format is legally synonymous with translating a foreign-language document already within the Tribunal's possession; it is the translation of an existing record, not the creation of a new one.

PART IV — ORDERS SOUGHT

81. Predicated upon the uncontradicted evidentiary record, the absolute procedural default of the Respondents, and the binding jurisprudential doctrines comprehensively articulated herein, the Applicant respectfully requests that this Honourable Court exercise its original, plenary and superintending equitable jurisdiction to grant an Order for the precise relief enumerated within the Notice of Motion, including, *inter alia*:

a. A Declaration that the Royal Canadian Mounted Police has Contravened its mandatory statutory and procedural duties pursuant to *rule 318* of the *Federal Courts Rules*;

b. A mandatory Order compelling the Royal Canadian Mounted Police to fully comply with its duties by transmitting the complete **Certified Tribunal Record** to the Registry and the Applicant within twenty-four (24) hours of the issuance of the Order, explicitly inclusive of the schedule of materials detailed herein below (**see:** Application Record, Tab 12; pages 570-572[xxvi]):

Item Number	Category of Material	Specific Records and Metadata Requested
1	Access Request Administrative Files	The complete internal administrative file, tracking sheets, and analyst worksheets concerning *Privacy Act* file P-2025-16999.
2	System Initialization Logs	The complete, unredacted system entry logs from the automated sequential registry system detailing the exact date, millisecond timestamp, and file initialization sequence that generated the prefix year "2025" for an access request delivered to the Respondent on March 11, 2026.
3	Executive and Inter-Directorate Communications	All electronic communications, emails, instant messages, memorandum chains, and briefing notes concerning the Applicant or file P-2025-16999 exchanged between Director Jeff Ball, Delegate Melissa Simpson, Director General Stéphane Brisson, Regional Commander Matt Peggs, or their authorized agents, and Chief of Staff Tanya Mirsky spanning April 1, 2026, to the present.
4	Internal Legal and Operational Advice	All legal or operational advice solicited or received internally regarding the Applicant's statutory demand for access to the Canadian Police Information Centre ("CPIC") Offline Historical Database metadata, including the Foundational Metadata Request and the Offline Historical Database Request.
5	Raw Forensic Mainframe Ledger Records	The raw, unredacted transaction logs, audit trails, and hexadecimal dumps residing within the secure CPIC Offline Historical Database associated with Personal Information Bank RCMP PPU 005 tied to the Applicant's name, identifiers, or cross-referenced occurrence numbers (2024-2028093, 24-2082035, and Court File/Case ID 457197) spanning September 15, 2024, to December 31, 2024, inclusive.
6	Cryptographic Audit Trails	The complete cryptographic audit trails capturing all ADD, MODIFY, CLEAR, and CANCEL command strings, along with terminal identifiers, physical hardware addresses, Originating Agency Identifiers ("ORIs"), and unstructured narrative fields for each sequential transaction executed during the aforementioned temporal window.
7	Forensic Metadata of Search Methodology	The complete electronic system logs generated by Operator NBOISVERT on April 14, 2026, at 07:35:43, detailing the complete input syntax, query

		parameters, and system constraints utilized to execute the front-facing "Q PERS+" and "Q CNI" live database queries.
8	Internal Directives and Exclusion Policies	Any internal directives, policy documents, or operational notes instructing the Access to Information and Privacy ("ATIP") Branch analysts to omit an interrogation of the Offline Historical Database in response to the Applicant's explicit, specialized request for historical data.
9	Trans-Directorate Processing Records	The complete, unredacted administrative processing file, tracking timelines, and internal analyst notes concerning the concurrent *Access to Information Act* ("*ATIA*") request submitted by the Applicant, explicitly targeting the procurement, enterprise licensing, and National Technology Onboarding Program ("NTOP") integration logs of the Mescius SDK / GrapeCity.Documents.PDF.6.0.2.0 developer engines within the CPIC infrastructure.
10	Automated File Linking Records	All internal processing records showing any administrative coordination, automated file linking, or database cross-referencing executed between the privacy division handling *Privacy Act* request P-2025-16999 and the information access branch processing the parallel *ATIA* files.
11	Software Exception Logs	Any software error tracking logs, system exception reports, or developer audit alerts generated by the core CPIC mainframe database management system involving database inquiries or structural PDF modifications tied to the Applicant's biographical identifiers or transaction history.
12	Executive Suite Briefing Notes and Action Logs	All briefing notes, corporate risk assessments, institutional action logs, and communications generated by or sent to Commissioner Michael Duheme and Director General Stéphane Brisson regarding the Applicant's personal information or file P-2025-16999.
13	Central Region Command Communications	All emails, letters, instant messages, and administrative directives sent or received by Assistant Commissioner Matthew Peggs (Central Region Command) concerning Police Case ID: 457197, the "Adult Common Information Package," or the collection and retention of the Applicant's property from September 15, 2024, to the present.
14	Third-Party Data Transfer Ingestion Ledgers	All cross-jurisdictional system logs showing the electronic receipt, intake vetting, and cryptographic mapping of data transferred from the Toronto Police Service (TPS) or Ontario Court of Justice (OCJ) to the RCMP infrastructure involving the Applicant's biographical profiles.
15	Primary Statutory Charging Instruments	A certified copy of the *Criminal Code* Form 2 "Information" and/or *Criminal Code* Form 4 "Indictment" purportedly generated, indexed, or uploaded into federal tracking streams regarding the Applicant's underlying file.
16	Core Courthouse Intake Endorsements	A certified copy of the Intake Court Endorsement represented on Page 3 of 5 within the disputed "False Information Package," capturing any handwriting, initials, or automated metadata strings applied during processing.

17	Originating Judicial Authorizations	A certified copy of the alleged warrant in the first instance executed, tracked, or registered within the CPIC network in relation to the Applicant's identifiers.
18	Comprehensive Judicial and Executive Orders	Any and all ancillary orders, determinations, statutory authorizations, variances, or judicial directions issued by a Court of competent jurisdiction or a federal board concerning the collection, retrieval, manipulation, or preservation of the Applicant's personal information or physical property.

(Nota bene: The requested relief does not demand the impossible of the Respondents; it strictly compels the production of digital architectures fundamentally within their sovereign administrative control. The Court must exercise its equitable discretion to refuse any attempts by the Respondents to bifurcate or dilute the transmission schedule listed above).

c. Costs of this interlocutory motion awarded to the Applicant on a full indemnity basis, payable forthwith.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 10th day of June, 2026.

Digitally signed by Kevin McLean
Date: 2026.06.10 01:20:46 -04'00'
Adobe Acrobat version: 2026.001.21563

Mr. Kevin A. McLean (BA, JD, CIM)
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Applicant (Self-Represented)

PART V — LIST OF AUTHORITIES

A. STATUTES AND REGULATIONS

1. *Access to Information Act*, RSC 1985, c A-1
2. *Canada Evidence Act*, RSC 1985, c C-5
3. *Federal Courts Act*, RSC 1985, c F-7
4. *Federal Courts Rules*, SOR/98-106
5. *Interpretation Act*, RSC 1985, c I-21
6. *Privacy Act*, RSC 1985, c P-21
7. *Criminal Code*, RSC 1985, c C-46

B. JURISPRUDENCE (CITED AND HYPERLINKED ABOVE)

8. *Air Passenger Rights v. Canada (Attorney General),* 2021 FCA 201
9. *Canada (Minister of Citizenship and Immigration) v. Vavilov,* 2019 SCC 65
10. *Canada Post Corp. v. Canada (Minister of Public Works), 1995 CanLII 3574 (FCA)*
11. *Ontario (Criminal Code Review Board) v. Hale, 1999 CanLII 3805 (ON CA)*
12. *McInerney v. MacDonald, 1992 CanLII 57 (SCC), 1992 2 SCR 138*
13. *Lawson v. Accusearch Inc., 2007 FC 125*
14. *Chitrakar v. Bell TV, 2013 FC 1103 (CanLII)*
15. *Rémillard v. Canada (National Revenue), 2020 FC 1061*
16. *Douze v. Canada (Citizenship and Immigration), 2010 FC 1086*
17. *Boudreau v. Canada (Revenue Agency), 2022 FC 792 (CanLII)*
18. *Canada (Human Rights Commission) v. Pathak, 1995 CanLII 3591 (FCA), 1995 2 F.C. 455*
19. *Chopra v. Canada (Public Safety and Emergency Preparedness), 2026 CanLII 18896 (FC)*
20. *John Doe 1 v. Canada (Attorney General), 2024 FC 1024*

21. *Canadian Copyright Licensing Agency (Access Copyright) v. Alberta, 2015 FCA 268*
22. *Friends of the Earth Canada v. Canada (Attorney General), 2023 FC 1438 (CanLII)*
23. *GCT Canada Limited Partnership v. Vancouver Fraser Port Authority, 2021 FC 624*
24. *Dagg v. Canada (Minister of Finance), 1997 2 S.C.R. 403*
25. *Canada (Information Commissioner) v. Canada (Transportation Accident Investigation and Safety Board), 2006 FCA 157*
26. *Canada (Information Commissioner) v. Canada (Commissioner of the Royal Canadian Mounted Police), 2003 SCC 8*
27. *Gordon v. Canada (Health), 2008 FC 258*
28. *Morgan v. Alta Flights Inc., 2006 FCA 121*
29. *Wyndowe v. Rousseau, 2008 FCA 39*
30. *Englander v. TELUS Communications Inc., 2004 FCA 387*
31. *Lavigne v. Canada (Office of the Commissioner of Official Languages), 2002 SCC 53*
32. *Atlantic Prudence Maritime Inc. v. Canada (Minister of Transport), 1983 2 FC 183 (FCA)*
33. *Canada (Attorney General) v. Cloutier, 2008 FC 322*

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[i] The term originates from ancient Greek mythology (specifically the poet Hesiod). According to the story, Zeus gifted Pandora—the first mortal woman—a sealed jar containing all the evils, miseries, and hardships of the world, strictly instructing her never to open it. Overcome by curiosity, Pandora opened the jar, releasing all the world's afflictions onto humanity. She managed to slam the lid shut, but only Hope remained trapped inside.

[ii]The False Information Package, specifically page 3 of 5 titled "Intake Court Endorsement" used the language of "This Information is Accepted [sic] on its face".

[iii]See: page(s) in Motion Record as hyperlinked herein

[iv] See: page(s) in Motion Record as hyperlinked herein

[v] See: page(s) in Motion Record as hyperlinked herein

[vi] See: page(s) in Motion Record as hyperlinked herein

[vii]See: page(s) in Motion Record as hyperlinked herein

[viii] See: page(s) in Motion Record as hyperlinked herein

[ix]See: page(s) in Motion Record as hyperlinked herein

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[xxiii] See: page(s) in Motion Record as hyperlinked herein
[xxiv] See: page(s) in Motion Record as hyperlinked herein
[xxv] See: page(s) in Motion Record as hyperlinked herein
[xxvi] See: page(s) in Motion Record as hyperlinked herein