Court File Number: T-2448-26

FEDERAL COURT

B E T W E E N:

KEVIN A. MCLEAN

Applicant

- and -

Royal Canadian Mounted Police, Michael Duheme, Jeff Ball and Stephane Brisson

Respondents

TABLE OF CONTENTS FOR APPLICANT'S NOTICE OF MOTION NUMBER THREE (NOM #3) PURSUANT TO RULE 364(1)(2) ET AL UNDER PART 7 OF THE *FEDERAL COURTS RULES*

- Location of **Hearing** on **Motion:** Principal Office of Federal Court of Canada : Ottawa, 90 Sparks avenue, Ottawa, Ontario
- **Date:** July 22, 2026 (Wednesday) at 9:30 a.m.
- **Estimated duration:** 30 minutes
- **Moving Party:** Applicant
- **Service on**: NOT REQUIRED: Service: Not required pursuant to Rule 145 and June 24, 2026 Decision/Other Disposition
- **Form 305 and Rule 305 failures by Respondents**:
  - Attempted filing but not accepted filing by the Respondents for Form 305: **June 3, 2026**
- **Rule 318 non-compliance by Respondents**:
  - No attempts to transmit the Rule 318 required materials in possession of the Tribunal or notice objection (subject to NOM #1 being heard in writing)
- **No objection, challenge, objection or Appeal, pursuant to Rule 51 of the *Federal Courts Rules*, of Associate Judge Mr. Crinson direction/order of June 24, 2026 by Respondents within 10 days** (July 4, 2026, but the next business day was July 6, 2026)

Filing Dates for NOM #3:

1. **NOM #3**: July 15, 2026 via fax filing pursuant to 71(3) (see: Tab 1); and
2. **NOM #3 MOFL**: July 15 2026 via fax filing pursuant to 71(3) (see: Tab 3);
3. **Costs Submissions**: July 15, 2026, via fax filing pursuant to Rule 71 (see: Tab 24)

APPLICANT'S INDEX

#	Sub-tab	Document	Date	MISC	Page #
		THE NOTICE OF MOTION	July 08 and 15, 2026		
1		Form 359 (original and then filed anew to include the fresh evidence discovery of cross-institutional fraud)	July 08 and 15, 2026		1-27
	A	Applicant's NOM #3 (Original)	July 08, 2026		1-12
	B	Applicant's Updated NOM #3	July 15, 2026	▪ (in light of the fresh evidence discoveries: that the **Justice Whyte Nowak July 2 Purported Direction (False Document)** was, de jure, a false document; the connection between Ms. Maya-Jo Blake-Janniere, as per her union membership with that of the likes of Mr. Jeffrey Ball, Mr. Stephane Brisson, Mr. Curtis Matthew and Ms. Tina Beaudoin (who was caught in intentional misrepresentations that she received a document from the "Office of Primary Interest" when she did not)	13-27
		AFFIDAVIT(S) OF THE APPLICANT/MOVING PARTY			
2		Affidavit #1 of the Applicant, made and fax filed on July 11, 2026	July 11, 2026	▪ Applicant complied under	28-49

				protest per s with the requirement that an affidavit must be filed for a Judicial Review when Respondents have defaulted as per Rule 305-308. Moreover, the CTR has been required by the Respondent RCMP since June 9, 2026	
3		**MOFL FOR NOM #3**	July 08 and 15, 2026		50-102
	A	Applicant's **MOFL** for NOM #3	July 08, 2026	▪ Said initial MOFL For NOM #3 was fax filed on July 8, 2026	51-68
	B	Applicant's Updated **MOFL** for NOM #3	July 15, 2026	▪ Said MOFL was fax filed in two components pursuant to Rule 71(3) of the *Federal Courts Rules* to ensure it was under 20 pages with each fax.	69-102
		ANY OTHER MATERIAL NECESSARY FOR PURPOSES OF THE MOTION	May 15 to July 15, 2026		
4		Applicant's Form 301 Application	Filed: May 15, 2026 Issued: May 19, 2026	▪ Payment made and accepted: May 15, 2026 ▪ For Justice Whyte Nowak's or at least for the **Justice Whyte Nowak July 2 Purported Direction (False Document)**, edification and	103-126

				clarity for the public, ▪ "filed", in respect of a document, means accepted for filing under rule 72.	
5		Applicant's Rule 317 Request	May 19, 2026	▪ Served electronically on May 19, 2026 ▪ Served physical and paper copy: May 20, 2026 at 120 Adelaide Street, Suite 400, Toronto, Ontario ▪ Accepted for Filing: May 20, 2026	127-166
6		Certificate of Service of the Applicant in relation to documents number two and three supra	May 19, 2026	Accepted for filing on May 20, 2026	167-216
7		NOM #1 and **MOFL** for NOM #1			217-263
	A	NOM #1	June 10, 2026	▪ Due to compression or flattening required, digital signatures removed as a result of that required process for collating of electronic copies (screenshot of signature page included for veracity purposes) ▪ (nota bene: NOM #1 remains the motion subject too the Associate Judge Mr. Crinson that it would be heard in writing)	218-223

	B	**MOFL** for NOM #1	June 10, 2026	▪ Due to compression or flattening required, digital signatures removed as a result of that required process for collating of electronic copies (screenshot of signature page included for veracity purposes) ▪ (nota bene: NOM #1 remains the motion subject too the Associate Judge Mr. Crinson that it would be heard in writing)	224-260
8		Associate Judge Mr. Crinson **Decision/Other Disposition**	June 24, 2026	▪ Respondents received notice on said date. 10 days to appeal pursuant to Rule 51 should they have wished ▪ Respondents apparently attempted to file Form 305 on June 3, 2026, but was not accepted for filing	261-263
9		**MOFL** for Form 301 Application (accepted for filing on May 15, 2026)	June 3, 2026		264-296
10					297-366
	A	Fax filed letter in relation to the Madam Justice Whyte Nowak purported sua sponte direction	July 6, 2026	▪ (under 20 pages and not a motion record, application record, appeal or book of authorities)	298-306
	B	Fax filed NOM #3 to the Principal Office	July 6, 2026	▪ (under 20 pages and not a motion record, application	307-318

				record, appeal or book of authorities)	
	C	Fax filed **MOFL** for NOM #3 to the Principal Office	July 7, 2026	▪ (under 20 pages and not a motion record, application record, appeal or book of authorities)	319-337
	D	Email thread from June 16, 2026, after the filing of and paying for the "Requisition for Hearing – Application" number one ("RFHA #1").	June 16, 2026 and onwards	▪ Involving Mr. Mercieca's initial mistaken view regarding "service" of the Respondents when none was required	338-366
11		Documents involving: **Justice Whyte Nowak July 2 Purported Direction (False Document)** and Ms. Maya-Jo Blake-Janniere	July 2, 2026 and various		367-371
12		Documents involving the: **Associate Judge Mr. Cotter** Direction/Decision itself and related documents	May 20, 2026 and various		372-431
13		Associate Judge Mr. Crinson **Decision/Other Disposition** and documents	June 24, 2026		432-437
14		Fax Filing documents with Affidavit #1 of Mr. Kevin A. McLean (BA, JD, CIM)	July 11, 2026		438-464
15		Fax Filed Affidavit #1 of Mr. Kevin A. McLean (BA, JD, CIM)	July 11, 2026		465-488

16		General research type documents involving the Coat of Arms of Canada	Obtained on July 13, 2026 and beyond		489-512
17		Federal Court of Canada Logo documents	Obtained on July 13, 2026 and beyond	▪ (distinct from the Canadian Coat of Arms)	513-526
18		Discovery of False Logo contained in the **Justice Whyte Nowak July 2 Purported Direction (False Document)**	July 13, 2026 and beyond		527-534
19		Request for Metadata File known as the **ZEKRY, Amira**, of the Federal Court of Canada pursuant to *Federal Courts Rules*	July 13, 2026		535-537
20		Documents involving Ms. Maya-Jo Blake-Janniere, the individual charged with the Criminal Code Form 4 Indictment or Criminal Code Form 2 Information involving possession of illicit firearms, drugs and stolen property	Discovered: July 13 2026		538-553
21		Documents involving **Mr. Tyler Alviano[i],** LSO number of 86825K (June 23, 2023) legal counsel at the Department of Justice of Canada ("DOJ"), with a particularized focus on tax related matters and proceedings and counsel in ZEKRY, Amira, tax proceeding from 2025 which was the file contained in the metadata of the **Justice Whyte Nowak July 2 Purported Direction (False Document)**	Discovered: July 13, 2026 and beyond	▪ Mr. Alviano practiced in criminal defence law at Neuberger and Partners prior to joining the DOJ in October 2024 (the same date as the false arrest of the Applicant)	554-562

22		Documents involving **Mr. Jacob Dylan Norris**[ii], LSO number 89466J (call date: June 19, 2024) counsel at DOJ, and his, inter alia, connections to Minister of National Revenue (which is the Minister that oversees CRA and tax related matters) (his connection to Mr. Alviano of the DOJ (tax section)	July 14, 2026	▪ Mr. Norris is a part of The Litigation, Extradition, and Advisory Law Division (LEAD) is a specialized operational unit within the National Litigation Sector of the Department of Justice (DOJ) Canada, specifically stationed out of the Ontario Regional Office in Toronto.[iii] ▪ Mr. Norris commenced practicing law at the DOJ in September 2024 (the same month s the False Information Package is tied to) (nota bene: Mr. Nick Continelli who is noted in the Associate Judge Mr. Crinson Decision/Other Disposition has been with the DOJ since August 2019 and based out of Hamilton)[iv]	563-578
23		Applicant's July 14 2026 filing in light of unauthorized transference from fax filing to portal filing involving his Affidavit #1; filing confirmation; and initial email that was the catalyst or stimulus for the Applicant's July 14, 2026, filing	July 14, 2026		579-648
	A	Court File T-2448-26 - addressing unauthorized transference - fax filing to e-portal	July 14, 2026		580-582
	B	Final Letter - Error on Registry - Affidavit #1 Applicant - MCLEAN Kevin - 14-July-26	July 14, 2026		583-644

	C	Federal Court - Submission Confirmation - July 14 - Ottawa Registry	July 14, 2026		645-648
24		Applicant's Costs Submissions in relation to NOM #3 (fax filed on July 15, 2026 see: infra)	July 15, 2026		649-664
		FAX FILED DOCUMENTS OF JULY 15, 2026	July 15, 2026		
25		**NOM #3, MOFL AND COSTS SUBMISSIONS**	July 15, 2026		665-734
	A	Fax Filed NOM #3 of the Applicant	July 15, 2026	Notice (as service not required on the Respondents as per Associate Judge Mr. Crinson **Decision/Other Disposition**) provided on July 15, 2026 (under 20 pages and not a motion record, application record, appeal or book of authorities)	666-681
	B	Fax Filed "**MOFL for NOM #3**"	July 15, 2026	Notice (as service not required on the Respondents as per Associate Judge Mr. Crinson **Decision/Other Disposition**) provided on July 15, 2026 Delivered in two separate faxes for strict compliance with the *Federal Courts Rules*, R. 71(3)	682-717

	C	Fax Filed Costs Submissions for NOM #3	July 15, 2026	Notice (as service not required on the Respondents as per Associate Judge Mr. Crinson **Decision/Other Disposition**) provided on July 15, 2026 (under 20 pages and not a motion record, application record, appeal or book of authorities)	718-734

The following motion record for NOM #3 is hereby duly certified and executed by the Applicant/Moving Party on July 16, 2026

Mr. Kevin A. McLean (BA, JD, CIM)
Applicant
Pro Se and Pro Bono Publico
68 Abell St. (Receptionist desk) Toronto, ON M6J 0B1
Email: mclean@searchandseizure.ca

[i] https://lsodirectory.lso.ca/en-US/licensee-detail/?lawsocietynumber=86825K
[ii] https://lsodirectory.lso.ca/en-US/licensee-detail/?lawsocietynumber=89466J
[iii] Core Responsibilities The LEAD Division focuses on three main pillars of federal legal operations: Extradition and Mutual Legal Assistance: Managing the domestic legal workflow for international treaty obligations. This involves working closely with the federal International Assistance Group (IAG) to facilitate the legal removal of fugitives to or from Canada and handling international evidence-gathering requests. Civil and Public Law Litigation: Representing the federal Crown and various government departments or agencies in complex litigation. They defend government decisions, mitigate legal risks, and manage active cases before regional and federal courts. Strategic Advisory Services:

Providing proactive, specialized legal counsel to federal client departments on complex regulatory frameworks, administrative law, and constitutional matters, including alignment with the Canadian Charter of Rights and Freedoms.

[iv] https://www.linkedin.com/in/nick-continelli-51b3b3148/

Tab 1

Tab A

FORM 359
Federal Courts Rules, Rule 359

Notice of Motion

Court File No. T-2448-26

FEDERAL COURT OF CANADA

BETWEEN:

KEVIN A. McLEAN (BA, JD, CIM)

Applicant

– and –

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

NOTICE OF MOTION
(Applicant's NOM #3)

TAKE NOTICE THAT the Applicant, Kevin A. McLean (BA, JD, CIM), will make a motion to the Federal Court of Canada, on Wednesday, July 15, 2026, at 9:30 AM, at the Federal Court of Canada, 90 Sparks Street, Ottawa, Ontario,

I. RELIEF SOUGHT

THIS MOTION IS FOR the following relief in the form of Orders, including declaratory relief:

1. AN ORDER that this NOM #3 Motion Hearing was heard in writing before the Chief Justice of the Federal Court of Canada and the decision was under reserve;
2. **An Order** abridging any and all applicable temporal periods prescribed by the *Federal Courts Rules* (the "FCR"), including but not limited to Part 7 – Motions (where applicable) as strictly necessary to permit this Notice of Motion (the "NOM #3") and the underlying substantive relief sought within the second notice of motion (the "NOM #2") to be heard and definitively determined as expeditiously as the Acting Chief Justice may direct, whether upon written representations, via an oral hearing, or through a hybrid adjudicative mechanism.
3. **A Declaration** that any direction issued by Justice Whyte Nowak *post facto* the return date of a motion was procedurally impermissible under the *FCR*, as such actions require the bringing of a formal motion pursuant to *FCR* Rule 8(2), and no such motion was extant before said jurist;

4. **An Order** dispensing with strict compliance with any procedural strictures of the *FCR* that might otherwise impede the immediate ingestion and adjudication of this motion, recognizing the profound jurisdictional anomalies herein as "special circumstances" unequivocally warranting relief pursuant to *FCR* Rule 55;
5. **An Order** granting sweeping procedural relief *nunc pro tunc* to validate any perceived irregularities, structural anomalies, or temporal defects inherent in the form, timing, filing, and transmission of this Notice of Motion, explicitly encompassing the utilization of Form 359 for a motion instituted pursuant to *FCR* Rule 369, with such validation operating retroactively and effectively as of the precise date of electronic submission and concurrent hand delivery to the Toronto local office (the "Toronto Local Office").
6. **A Declaration and Order** establishing that the adjudication of any and all alleged procedural irregularities falls within the exclusive supervisory purview of the Acting Chief Justice of the Federal Court, and concurrently declaring that no motion to attack such perceived irregularities has been instituted by the respondents (the "Respondents"), nor can any such motion be lawfully advanced by said Respondents owing to their absolute, continuing, and uncured default.
7. **A Declaration and Order** that the purported direction issued by Justice Whyte Nowak on July 2, 2026 (the "July 2 Direction"), her acts were Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est, is void, *ab initio*, *coram non judice*, and of absolutely no force or effect, predicated upon a fundamental absence of jurisdiction and statutory authority.
8. **A Declaration** that any findings, directives, or conclusions articulated within the July 2 Direction that contradict or are inconsistent with the direction issued by Associate Judge Crinson on June 24, 2026 (the "June 24 Direction"), constitute an impermissible collateral attack upon a governing judicial directive, and are consequently subject to the doctrines of issue estoppel and internal *res judicata*.
9. **A Declaration** that Associate Judge Crinson, acting pursuant to *FCR* Rule 50(1) and the statutory definition of "Court" (the "Court") articulated within *FCR* Rule 2, possessed the requisite and unassailable statutory jurisdiction to hear, manage, and determine procedural matters and motions in writing, rendering the June 24 Direction a binding judicial order *in limine*.

10. **A Declaration** that the sole procedural controversy stemming from the June 24 Direction—specifically, the imposition of a requirement to file supporting affidavits, which implicitly and paradoxically necessitates service upon defaulting respondents contrary to *FCR* Rule 145—constitutes a discrete public interest issue currently before this Honourable Court, and that in all other respects, the Associate Judge's determinations were entirely proper, *intra vires*, and unassailable absent a formal appellate mechanism.
11. **A Declaration** that the Respondents, as confirmed by the June 24 Direction citing *inter alia FCR* Rule 145, are not entitled to notice of steps due to their continuing and uncured default; consequently, any prior, present, or future provision of notice of steps to the Respondents is hereby declared strictly null, void, and formally retracted. It is further declared that the swearing and inclusion of affidavits within the application record (the "Application Record") strictly for the purposes of service upon said defaulting Respondents is a procedural nullity and not required at law.
12. **A Declaration** that Justice Whyte Nowak, operating exclusively out of the Toronto Local Office, lacked the jurisdictional authority to issue sweeping directions regarding NOM #2 *post facto*, as said motion had already been transmitted to the Ottawa principal office (the "Ottawa Principal Office") for determination by the Acting Chief Justice.
13. **A Declaration** that, pursuant to *FCR* Rule 34 and *FCR* Rule 369, a moving party bringing a motion in writing against unopposed respondents retains the strict procedural right to request a specific return date at a general sitting, and that the assertion to the contrary within the July 2 Direction constitutes an actionable misstatement of law.
14. **An Order** mandating that the NOM #2 be heard concurrently with the present NOM #3, and that such matters be adjudicated in conjunction with the hearing of the substantive application, subject to the granting of leave as predicated upon the Applicant's indefeasible right to tender further submissions subsequent to the mandatory transmission of the Certified Tribunal Record (the "CTR").
15. **A Permanent Order** restraining Justice Whyte Nowak from any further involvement, adjudication, or the issuance of directions in this proceeding, thereby preserving procedural fairness, institutional impartiality, and the overarching integrity of the administration of justice.
16. **Costs** of this motion awarded on an elevated, full-indemnity scale, payable forthwith.

17. Such further and other equitable or declaratory relief as this Honourable Court may deem just and appropriate *in limine*.

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II. GROUNDS FOR THE MOTION

17. The grounds upon which this motion is predicated are meticulously delineated herein.

The Statutory Competence of Associate Judges and the Definition of the "Court"

18. The jurisprudential architecture of the Federal Court is strictly codified. Pursuant to *FCR* Rule 2, the term "Court" (the "Court") is explicitly defined to mean "the Federal Court, including an associate judge acting within the jurisdiction conferred under these Rules."

19. Concurrently, *FCR* Rule 50(1) grants an associate judge sweeping jurisdiction to hear and make necessary orders relating to any motion under the Rules, subject only to narrowly tailored exceptions, none of which apply to the procedural case management or the scheduling of written motions under *FCR* Rule 369.

20. Associate Judge Crinson possessed the absolute statutory competence to issue the June 24 Direction. Furthermore, in accordance with *FCR* Rule 369(4), the "Court" (which encompasses the Associate Judge) is expressly empowered to dispose of a motion in writing upon the expiration of the reply period. The determination that NOM #1 would be determined in writing was a lawful, binding exercise of judicial authority.

The Doctrine of Coordinate Jurisdiction and the Prohibition of Collateral Attack by all "persons"

21. It is a foundational axiom of Canadian civil procedure that a jurist cannot sit in appeal of, vary, or countermand an order or direction rendered by another jurist in the same proceeding, absent explicit statutory appellate authority. The Supreme Court of Canada has repeatedly affirmed that the rule against collateral attack is an essential pillar of the Rule of Law, ensuring that court orders stand binding and conclusive unless set aside through lawful appellate mechanisms (*R. v. Litchfield*, 1993, 4 S.C.R. 333).

22. The July 2 Direction was issued without the engagement of any appellate mechanism pursuant to *FCR* Rule 51. By functionally overturning the procedural determinations rendered by Associate Judge Crinson, the July 2 Direction operates as an *ultra vires* collateral attack, violating the principle of internal *res judicata*. This unauthorized interference constitutes an absolute nullity, directly contravening established common law and equitable principles.

The Jurisprudential Impossibility of Appealing Judicial Directions

23. It is established law that a "Direction" (the "Direction") issued by the Federal Court does not possess the formal characteristics of a "judgment" or "order" (the "Order") as defined under *Section 27* of the *Federal Courts Act*. Consequently, such a direction lacks the requisite legal finality to be subjected to an appeal before the Federal Court of Appeal. As such, directions create the potential for abuse or the appearance of abuse. While judges have judicial immunity for their acts while acting in the capacity of a judicial office, the importance of acting with jurisdiction is most salient.

24. It is established law that a "Direction" issued by the Federal Court does not possess the formal characteristics of a "judgment" or "order" under Section 27 of the *Federal Courts Act*. Consequently, a direction lacks the requisite legal finality to be subjected to an appeal before the Federal Court of Appeal. Because they bypass formal appellate review, directions create an inherent risk of procedural overreach, or at minimum, the appearance of an abuse of process.

The Limits of Judicial Immunity and Jurisdictional Constraints

25. While judges enjoy judicial immunity for actions taken within their judicial capacity, the requirement that they act within their lawful jurisdiction remains paramount. A judge who acts entirely outside their jurisdiction—whether *de facto* or *de jure*—cannot claim absolute privilege or immunity. As established in *Valente v. The Queen*, the *Canadian Charter of Rights and Freedoms* governs the common law and restrains judicial conduct. The obligation of any party to comply with a judicial act is strictly contingent upon the court possessing lawful jurisdiction and the individual judge possessing the requisite authority to act.

This fundamental jurisdictional principle remains preserved in Canadian law through the Supreme Court of Canada's decision in *McLean v. Bradley* (1878), 2 S.C.R. 535. Citing ancient common law maxims and *Taylor v. Clemson* (1844), 11 Cl. & Fin. 610, 8 E.R. 1233 (H.L.), the Supreme Court affirmed the doctrine of *coram non judice*:

> "When the Court has no jurisdiction of the cause, the whole proceeding is coram non judice... and in this case it is not necessary to obey one who is not judge of the cause."

26. Where a court or an individual judge lacks legal authorization, the resulting proceeding is entirely invalid. In the present matter, there were no legal grounds for Justice Whyte Novak to intervene, nor did Her Honour cite any authority granting her jurisdiction to do so.

Contempt of Court and the Impairment of Judicial Dignity

27. Pursuant to Rule 466 of the *Federal Courts Rules*, a person is guilty of contempt of Court if they:

- **(b)** disobey a process or order of the Court; or

(c) act in such a way as to interfere with the orderly administration of justice, or to impair the authority or dignity of the Court. By issuing the purported direction, Justice Whyte Novak actively impaired the authority and dignity of the Court. Her Honour's intervention effectively nullified and disregarded the existing direction of Associate Judge Crinson, treating a binding judicial step as a nullity and improperly deferring the matter back to a remote registry officer.

The Distinction Between Civil Liability and Contempt

28. The restrictions surrounding judicial immunity largely concern civil liability to adversarial litigants, which is distinct from the issue at bar. As reviewed in *Prefontaine v. Gosman*, 2000 ABQB 870 (citing *R. v. Germain*, 1984 CanLII 1307 (AB KB)), a judge is only shielded from civil liability if they genuinely *believed* they were acting with jurisdiction and in the course of their judicial duties.
29. However, this application does not seek civil damages against a judicial officer. It concerns contempt—the inherent power of the Court to control its own processes and protect its institutional integrity. Just as litigants and court staff have a positive duty not to facilitate, aid, or abet unlawful judicial acts based on a "bad" or jurisdictionally defective warrant, they cannot rely on a direction issued entirely without jurisdiction.

Remedy Sought in this regard

30. The intervening conduct of Justice Whyte Novak disrupted the orderly administration of justice, undermined a sitting Associate Judge, and eroded public confidence in the administration of law.

Accordingly, the Applicant seeks a formal Declaration that Justice Whyte Novak engaged in conduct that impaired the dignity, authority, and orderly administration of justice of this Honourable Court.

31. The procedure for challenging an unfavorable direction is not to lodge an appeal, but rather to file a formal motion before the Federal Court itself, seeking an order that effectively reverses or alters the substance of the direction. Upon the issuance of that formal order, the appellate competency of the Federal Court of Appeal is then triggered.

32. Because the July 2 Direction was issued *sua sponte* and without the foundation of a motion, it lacks the procedural platform necessary to be converted into an order. This creates a procedural deadlock that can only be resolved by a supervisory intervention by the Chief Justice, reaffirming that the Direction is a nullity and restoring the integrity of the record.

The Strict Parameters of Rule 369 and Rule 34

33. The July 2 Direction posits that there is no provision within the *FCR* permitting an applicant to schedule the determination of a motion in writing. This assertion is a manifest misstatement of law. *FCR* Rule 369(4) operates systematically: upon the expiration of the reply period where respondents are in default or fail to object, the Court is statutorily compelled to dispose of the motion.

34. Concurrently, *FCR* Rule 34 explicitly dictates that general sittings of the Federal Court for the hearing of motions shall be held at specified locations on specified days. The Applicant's requisition for hearing (the "Requisition for Hearing") properly anchored the matter to a valid return date, thereby exercising a procedural right explicitly enshrined within the statutory framework.

Administrative Permissibility of Ancillary Documents and the *Primus Inter Pares* Doctrine

35. The rejection of the motion record predicated upon the inclusion of a Draft Order and highly particularized indexing ignores established jurisprudential practice. *FCR* Rule 394 explicitly contemplates the submission of draft orders. Where the rules remain silent, *FCR* Rule 4 authorizes reliance upon provincial superior court practices, wherein the provision of a Draft Order serves as a standard courtesy. Such inclusions are, at most, curable irregularities under *FCR* Rule 55; transforming them into fatal defects that render the filing a nullity is a profound misapplication of judicial discretion.

36. The Acting Chief Justice, operating under the constitutional doctrine of *Primus Inter Pares* (First Among Equals), possesses the inherent administrative independence and supervisory jurisdiction to ensure the integrity of the Court's records (*Beauregard v. Canada*, 1986 2 S.C.R. 56). Applying the principles from *Julius v. Oxford (Bishop*

of) (1880), the discretionary power of the Chief Justice converts into a mandatory duty to act when the fundamental rights of an applicant are obstructed by an *ultra vires* nullity birthed from within the Court's own administrative apparatus. The maxim *actus curiae neminem gravabit* (an act of the court shall prejudice no man) demands the immediate rectification of this procedural impossibility.

The Primus Inter Pares Doctrine and the 13 Chief Justice Duties

37. Since the 1995 adjudication in *Ruffo v. Conseil de la magistrature*, 1995, 4 S.C.R. 267 (the "Ruffo"), the doctrine of *Primus Inter Pares* has emerged as a substantive, rather than merely ceremonial, designation of seniority. This doctrine has incrementally evolved through the interstices of judicial precedent to recognize that a Chief Justice of a Section 96 Court possesses an inherent suite of responsibilities that need not be explicitly conferred by statute or regulation (collectively, the "13 Chief Justice Duties"):

Duty	**Definition**
Ultimate Jurisdiction (the "Ultimate Jurisdiction")	The possession of the definitive and final authority over the adjudicative and administrative functions of the Court, ensuring that the judicial hierarchy remains intact and that the *status quo ante* is preserved against unauthorized deviation.
Constitutional Trust Stewards (the "Constitutional Trust Stewards")	The non-delegable responsibility to serve as the primary guardian of the constitutional trust bestowed upon the judicial branch by the sovereign and the citizenry, a trust that is predicated upon the absolute neutrality of the bench.
Imperviously Influenced Mandate (the "Imperviously Influenced Mandate")	The requirement to remain completely impervious to external influences, bearing the unique burden of ensuring the Court as a whole remains insulated from such pressures, whether they be political, executive, or administrative (see: *Faber c. R.*, 2015 QCCS 12).
Master of the Roster (the "Master of the Roster")	The absolute authority over the scheduling and distribution of judicial resources, preventing the emergence of "judicial silos" or the arbitrary and *ad hoc* assumption of jurisdiction by individual members of the bench.
Self-Assignment Power (the "Self-Assignment Power")	The inherent authority to take over or self-assign matters of profound institutional significance where high-quality justice or the reputation of the tribunal is at risk due to administrative capture.
Administrative Steward (the "Administrative Steward")	The duty to oversee the clerical and registry functions as a necessary extension of judicial sovereignty, ensuring that the administrative arm of the court does not operate in a state of lawlessness or procedural stasis.

Institutional Reputation Guardian (the "Institutional Reputation Guardian")	The obligation to serve as the face of the Court and the protector of its standing in the public eye, rectifying any conduct that may cast a pall upon the perceived impartiality of the judiciary.
Efficiency Operation Duty (the "Efficiency Operation Duty")	The responsibility to ensure the seamless and efficient operation of all Court functions, preventing the occurrence of administrative *lacunae* or the functional stagnation of the list.
Ethical Compliance Guarantee (the "Ethical Compliance Guarantee")	The occupation of a preferred position to ensure and guarantee absolute compliance with judicial ethics within the tribunal, acting as the final arbiter of professional conduct.
Complaint Laying Power (the "Complaint Laying Power")	The intrinsic authority to initiate formal complaints against colleagues where ethical breaches are identified, a power that is central to the self-regulating nature of the judicature.
Puisne Judge Removal Power (the "Puisne Judge Removal Power")	The authority to relieve or reassign a colleague from judicial duties during the pendency of ethical inquiries or complaints, thereby preserving the public's perception of institutional integrity.
Moral Barometer (the "Moral Barometer")	The role of serving as the ethical and integrity barometer for the entire judicial institution, setting the standard for comportment and professionalism.
Moral Authority (the "Moral Authority")	The power to impose judicial will upon other puisne judges through the exercise of moral authority regarding directives to which they may not be legally subject but are ethically bound to follow for the collective good.

38. The present procedural impasse, characterized by an *ultra vires* collateral attack upon a binding direction and a refusal to facilitate access to justice, necessitates the exercise of these inherent duties by the Acting Chief Justice to maintain the institutional legitimacy of the Court.

III. DOCUMENTS TO BE RELIED UPON

39. The following documents are relied upon:

a. The June 24, 2026, Direction of Associate Judge Crinson;

b. The July 2, 2026, Direction of Justice Whyte Nowak;

c. The Applicant's July 6, 2026, Supervisory Review Letter and Transmission Confirmation;

d. The Notice of Application FILED on May 15, 2026;

e. The Rule 317 Request FILED on May 20, 2026;

f. The Certificate of Service FILED on May 20, 2026;

g. The Applicant's within Motion Record for NOM #3

h. All other documents contained within the formal court file, explicitly encompassing all documents, affidavits, and exhibits referenced within the Applicant's first notice of motion (the "NOM #1"), which remains actively seized for written determination; and the same applicable to NOM #2;

i. Any further documentary evidence, *acta*, or materials the Applicant may file or that this Honourable Court may permit *in limine*.

DATED: July 6, 2026

Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
68 Abell Street (Reception Desk)
Toronto, Ontario M6J 0B1
Tel: 647.370.9354
Fax: 416.352.0055
Email: mclean@searchandseizure.ca

TO:

None applicable because the Respondents failed to file their Notice of Appearances within ten days and as per the binding and correct elements of the Associate Judge Mr. Crinson direction including his proper and correct reference to Federal Courts Rules, s. 145 et al. The Respondents have not taken any steps in relation to the Associate Judge Mr. Crinson direction.

Tab B

FORM 359 Rule 359

14

Notice of Motion

Court File No. T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A. McLEAN

Applicant

– and –

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

NOTICE OF MOTION

(Applicant's NOM #3 - Amplified with Fresh Evidence of Institutional Fraud)

TAKE NOTICE THAT the Applicant, Kevin A. McLean (BA, JD, CIM), will make a motion to the Federal Court of Canada, on **Wednesday, July 22, 2026, at 9:30 AM**, at the Federal Court, 90 Sparks Street, Ottawa, Ontario.

I. RELIEF SOUGHT

THIS MOTION IS FOR the following relief in the form of Orders, including declaratory relief:

A. Foundational Adjudicative Orders and Apex Supervisory Declarations

1. AN ORDER that this NOM #3 Motion was heard partly orally and partly in writing before the Acting Chief Justice of the Federal Court of Canada and the decision was under reserve;
2. An Order directing that NOM #1, having been explicitly directed to proceed in writing by the June 24 **Decision/Other Disposition** of Associate Judge Crinson, be heard and decided on an expedited, forthwith basis by the assigned puisne judge or, absent such assignment, directly by the Acting Chief Justice of the Federal Court;
3. An Order abridging any and all applicable temporal periods prescribed by the *Federal Courts Rules* (the "*FCR*"), including but not limited to Part 7 – Motions (where applicable) as strictly necessary to permit this Notice of Motion (the "NOM #3") and the underlying substantive relief sought within the second notice of motion (the "NOM #2") to be heard and definitively determined as expeditiously as the Acting Chief Justice may direct;

4. A Declaration that any direction issued by Justice Whyte Nowak post facto the return date of a motion was procedurally impermissible under the *FCR*, as such actions require the bringing of a formal motion pursuant to *FCR* Rule 8(2), and no such motion was extant before said jurist;
5. A Declaration that *FCR* Rule 369 had no applicability to the administrative rejection executed, and its inclusion or invocation under a registry officer's name within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** is entirely inappropriate and *ultra vires*;
6. A Declaration and Order that Justice Whyte Nowak was never seized of the Proceeding and, as such, can be formally stripped of her non-seizing of the Proceeding;
7. A Further Declaration that no puisne judge possesses the inherent power to self-assign a proceeding per se;
8. A Declaration that the Chief Justice of the Federal Court possesses the exclusive power of self-assignment and roster management;
9. A Declaration that the Chief Justice of the Federal Court has the implied power to relieve a judge of certain judicial functions, alongside the explicit power to direct Registrars in matters assigned by law to the judiciary;
10. A Declaration that, in light of the profound challenges, controversies, high-profile nature of this matter, and the circumstances placing the focus directly upon the integrity of the Court, this Proceeding constitutes a 'Chief Justice's Case' mandating apex supervisory adjudication;
11. An Order dispensing with strict compliance with any procedural strictures of the *FCR* that might otherwise impede the immediate ingestion and adjudication of this motion, recognizing the profound jurisdictional anomalies and overt institutional fraud discovered herein as “special circumstances” unequivocally warranting relief pursuant to *FCR* Rule 55;
12. An Order granting sweeping procedural relief nunc pro tunc to validate any perceived irregularities, structural anomalies, or temporal defects inherent in the form, timing, filing, and transmission of this Notice of Motion, explicitly encompassing the utilization of Form 359 for a motion instituted pursuant to *FCR* Rule 369, with such validation operating retroactively and effectively as of the precise date of electronic submission and concurrent hand delivery to the Toronto local office;

13. A Declaration and Order establishing that the adjudication of any and all alleged procedural irregularities falls within the exclusive supervisory purview of the Acting Chief Justice of the Federal Court, and concurrently declaring that no motion to attack such perceived irregularities has been instituted by the Respondents, nor can any such motion be lawfully advanced by said Respondents owing to their absolute, continuing, and uncured default;

B. Declarations of Nullity, Forgery, Contempt, and Statutory Contraventions

14. A Declaration and Order that the purported direction issued by Justice Whyte Nowak on July 2, 2026 (the "**Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**"), and her acts were *Factum A Judice, Quod Ad Officium Jure Non Pertinet Ratum Non Est*, is void ab initio, *coram non judice*, and of absolutely no force or effect, predicated upon a fundamental absence of jurisdiction and statutory authority;
15. A Declaration that, pursuant to the explicit statutory dichotomy between an "Order" under *FCR* Rule 2 (which broadly includes a decision or other disposition) and a "Judgment" under Section 27 of the *Federal Courts Act* (which triggers appellate jurisdiction), the June 24 **Decision/Other Disposition** constituted a binding "Order" subject exclusively to a formal *FCR* Rule 51 motion. Consequently, the failure of the Respondents to invoke Rule 51 rendered the June 24 **Decision/Other Disposition** unassailable, transforming the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** into an impermissible, *ultra vires* collateral attack;
16. A Declaration that the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** constitutes a "false document" as interpreted under the Criminal Code of Canada, as it is a document that is false in relation to the very purpose for which it was created, and that its synthesis triggers the actus reus and mens rea of "forgery" based upon an intent to deceive the Applicant and the Court as to its jurisdictional authenticity;
17. A Declaration that the unauthorized, synthetic superimposition of the National Coat of Arms upon the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** constitutes a forgery by making a material addition to a genuine document or adding a false seal;
18. A Declaration that the electronic dissemination and reproduction of the fabricated **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** by Maya-Jo Blake-Janniere constitutes "uttering" or "using" a forged document at law;

19. A Declaration that Justice Whyte Nowak owed an absolute, non-delegable duty to the administration of justice to ensure that any instrument released in her name was accurate, true, honest, and accurately reflected the specific Court (the Trial Division) in which she was purporting to sit;

20. An Order compelling Justice Whyte Nowak and Registry Officer Maya-Jo Blake-Janniere to provide sworn evidence (via affidavit or oral examination) delineating precisely who authorized, synthesized, and ultimately disseminated the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**;

21. A Declaration that any findings, directives, or conclusions articulated within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** that contradict or are inconsistent with the valid **Decision/Other Disposition** issued by Associate Judge Crinson on June 24, 2026 (the "June 24 **Decision/Other Disposition**"), constitute an impermissible collateral attack upon a governing judicial directive, and are consequently subject to the doctrines of issue estoppel and internal res judicata;

22. A formal Declaration that the forensic metadata extracted from the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**—specifically the identification of third-party post-production manipulation software ("PDF-XChange Editor") and the harboring of a disparate, cloned file identifier ("T-4313-25 direction.docx")—definitively establishes that the instrument is a synthetic fabrication devoid of authentic judicial provenance, triggering the maxim Fraus omnia corrumpit;

23. A Declaration that the unauthorized commercial superimposition of the National Coat of Arms (an appellate and executive crest) upon the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, rather than the constitutionally mandated 2008 Federal Court Trial Division Coat of Arms, constitutes an actionable contravention of section 9(1)(e) and 9(1)(n.1) of the *Trademarks Act*, RSC 1985, c T-13, and the Copyright Act, RSC 1985, c C-42;

24. A Declaration that the incorporation of the Official Languages Act boilerplate translation requirement—a footer strictly designated for substantive Reasons for Judgment—onto the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** conclusively proves the document was hastily cloned from an antecedent substantive judgment template;

25. A Declaration that the June 24 **Decision/Other Disposition** issued by Associate Judge Crinson constituted a "decision" and therefore an "Order" as defined by the *Federal Courts Rules*, and that Justice Whyte Nowak, Maya-Jo Blake-Janniere, and other complicit actors yet to be ascertained, actively disobeyed this Order of the Court, thereby committing contempt contrary to *FCR* Rule 466(b);
26. A Declaration that the actions of Justice Whyte Nowak, Maya-Jo Blake-Janniere, and other complicit actors, in fabricating, uttering, and enforcing the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, interfered with the orderly administration of justice and impaired the authority and dignity of the Court, thereby constituting contempt under *FCR* Rule 466(c);
27. An Order mandating the absolute and permanent expungement of the fabricated **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** from the official court file, the Record of Proceeding, and any internal adjudicative or administrative repository of the Courts Administration Service, utilizing *FCR* Rule 74 and Rule 394, restoring the procedural record to its unadulterated status quo ante;

C. Declarations Regarding Jurisdiction, Service, Notice, and Default

28. A Declaration that Associate Judge Crinson, acting pursuant to *FCR* Rule 50(1) and the statutory definition of "Court" articulated within *FCR* Rule 2, possessed the requisite and unassailable statutory jurisdiction to hear, manage, and determine procedural matters and motions in writing, rendering the June 24 **Decision/Other Disposition** a binding judicial order in limine;
29. A Declaration that the sole procedural controversy stemming from the June 24 **Decision/Other Disposition**—specifically, the imposition of a requirement to file supporting affidavits, which implicitly and paradoxically necessitates service upon defaulting respondents contrary to *FCR* Rule 145—constitutes a discrete public interest issue currently before this Honourable Court, and that in all other respects, the Associate Judge's determinations were entirely proper, intra vires, and unassailable absent a formal appellate mechanism;
30. A Declaration that the Respondents, as confirmed by the June 24 **Decision/Other Disposition** citing inter alia *FCR* Rule 145, are not entitled to formal *service* of steps due to their continuing and uncured default; consequently, any prior, present, or future provision of service to the Respondents is hereby declared strictly null, void, and formally

retracted. It is further declared that the swearing and inclusion of affidavits within the Application Record strictly for the purposes of *service* upon said defaulting Respondents is a procedural nullity and not required at law;

31. A Declaration that Justice Whyte Nowak, operating exclusively out of the Toronto Local Office, lacked the jurisdictional authority to issue sweeping directions regarding NOM #2 post facto, as said motion had already been transmitted to the Ottawa Principal Office for determination by the Acting Chief Justice;

32. A Declaration that, pursuant to *FCR* Rule 34 and *FCR* Rule 369, a moving party bringing a motion in writing against unopposed respondents retains the strict procedural right to request a specific return date at a general sitting, and that the assertion to the contrary within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** constitutes an actionable misstatement of law;

33. A Declaration strictly differentiating the statutory mechanism of *service* (which the Respondents forfeited under Rule 145) from the ethical provision of institutional *notice*. It is declared that the Applicant possesses the absolute right to serve institutional courtesy notice upon implicated actors (e.g., Jake Norris, Tyler Alviano, Justice Whyte Nowak) and executive oversight bodies (the Minister of Justice, Chief Justices) for the purposes of whistleblowing and establishing a definitive evidentiary record of fraud, completely independent of *FCR* service obligations;

D. Orders for Forensic Production, Unsealing, and Security Audits

34. An Order directing the Courts Administration Service (the "CAS") to immediately produce the native, unadulterated electronic PDF file of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, alongside the comprehensive Electronic Filing System transmission logs and network audit trails corresponding to said upload date, to identify the originating IP address of the fabrication;

35. An Order directing the Registry to immediately unseal, verify, and formally disclose the complete, unredacted case file, counsel of record, and specific litigants associated with the antecedent proceeding bearing Court File No. T-4313-25 (now definitively linked to the Canada Revenue Agency and the Attorney General of Canada), recognizing that said metadata artifact embedded within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** functions as a cryptographic breadcrumb (Ex ungue leonem) essential to unmasking the forgery;

36. An Order directing the CAS to produce formal, verified employment credentialing, security clearance, and institutional roster records corresponding to the individuals identified as “Maya-Jo Blake-Janniere” and “Tristan Mercieca”;

37. An Order directing the CAS to execute a comprehensive security audit concerning “Maya-Jo Blake-Janniere,” specifically investigating the incontrovertible nexus to the Criminal Code infractions detailed within the public record (Oshawa OPP drug and firearms trafficking syndicate, May 2021), and a Declaration striking the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** from the docket as the product of a compromised state informant acting in an administrative capacity;

E. Institutional Relief and Costs

38. An Order mandating that the NOM #2 be heard concurrently with the present NOM #3, and that such matters be adjudicated in conjunction with the hearing of the substantive application, subject to the granting of leave as predicated upon the Applicant's indefeasible right to tender further submissions subsequent to the mandatory transmission of the Certified Tribunal Record;

39. A Permanent Order restraining Justice Whyte Nowak from any further involvement, adjudication, or the issuance of directions in this proceeding, thereby preserving procedural fairness, institutional impartiality, and the overarching integrity of the administration of justice;

40. An Order permanently transferring this proceeding ex debito justitiae from the compromised Toronto Local Office to the Ottawa Principal Office;

41. An Order declaring that the out-of-band communications traversing the registry constituted a clandestine, un-docketed “phantom” *FCR* Rule 51 internal appeal, effectively usurping formal motion requirements through the illicit collusion of junior Department of Justice counsel;

42. An Order granting the substantive relief sought within NOM #1 and NOM #2 in substantially the same form as requested therein;

43. An Order mandating that Justice Whyte Nowak tender a formal, public apology to the Tax Court of Canada for the unauthorized misappropriation of its institutional emblem, and concurrently to the Prime Minister of Canada, the Right Honourable Mark Carney, for the illicit misuse of the National Coat of Arms;
44. An Order directing the Minister of Justice and Attorney General of Canada, the Honourable Sean Fraser, to immediately convene an independent, external investigation into the systemic "ghost drafting" of judicial decisions by members of the executive branch on behalf of the judicial branch, to rectify this profound subversion of the separation of powers;
45. An Order directing the Chief Administrator of the Federal Court to formally transmit certified copies of the impugned **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** and the underlying forensic metadata to the Law Society of Ontario, compelling an immediate regulatory investigation into any and all licensees implicated in this fabrication;
46. A Declaration that the impugned individuals, not necessarily the Respondents themselves, have abused the process of this Federal Court;
47. Costs of this motion awarded on an elevated, full-indemnity scale, payable forthwith in a lump sum amount commensurate with the hours spent in untangling the fraud, bad faith, dishonesty, bribery and extortion at no less than **$100,000** by the time of the hearing. An Order that said costs be apportioned against the contravening individuals or persons accordingly; and
48. Such further and other equitable or declaratory relief as this Honourable Court may deem just and appropriate in limine.

II. GROUNDS FOR THE MOTION

48. The grounds upon which this motion is predicated are meticulously delineated herein:

A. The Statutory Competence of Associate Judges and the Prohibition of Collateral Attack

49. The jurisprudential architecture of the Federal Court is strictly codified. Pursuant to *FCR* Rule 2, the term "Court" is explicitly defined to mean "the Federal Court, including an associate judge acting within the jurisdiction

conferred under these Rules." Concurrently, *FCR* Rule 50(1) grants an associate judge sweeping jurisdiction to hear and make necessary orders relating to any motion under the Rules.

50. Associate Judge Crinson possessed the absolute statutory competence to issue the June 24 **Decision/Other Disposition**. Furthermore, in accordance with *FCR* Rule 369(4), the determination that NOM #1 would be determined in writing was a lawful, binding exercise of judicial authority.

51. It is a foundational axiom of Canadian civil procedure that a jurist cannot sit in appeal of, vary, or countermand an order or direction rendered by another jurist in the same proceeding, absent explicit statutory appellate authority.

52. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was issued without the engagement of any appellate mechanism pursuant to *FCR* Rule 51. By functionally overturning the procedural determinations rendered by Associate Judge Crinson, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** operates as an *ultra vires* collateral attack, violating the principle of internal res judicata and issue estoppel.

B. The Jurisprudential Impossibility of Appealing Judicial Directions (*FCA* vs. *FCR*)

53. It is established law that a "Direction" issued by the Federal Court does not possess the formal characteristics of a "judgment" under Section 27 of the *Federal Courts Act*. Consequently, a direction lacks the requisite legal finality to be subjected to an appeal before the Federal Court of Appeal.

54. However, under *FCR* Rule 2, an "order" is broadly defined to include a "decision or other disposition." The June 24 **Decision/Other Disposition** issued by Associate Judge Crinson constituted a binding "decision," qualifying strictly as an "order" under the *FCR*. Consequently, the exclusive, mandatory mechanism to challenge this order was a formal motion to appeal to a Federal Court judge pursuant to *FCR* Rule 51. Because the Respondents failed to invoke Rule 51, the June 24 **Decision/Other Disposition** became unassailable. The intervening conduct of Justice Whyte Nowak completely bypassed this strict statutory architecture.

C. The Limits of Judicial Immunity, Adjudicative Privilege, Administrative Privilege and Contempt of Court

55. While judges enjoy judicial immunity for actions taken within their judicial capacity, the requirement that they act within their lawful jurisdiction remains paramount. A judge who acts entirely outside their jurisdiction—whether

de facto or de jure—cannot claim absolute privilege or immunity. When the Court has no jurisdiction of the cause, the whole proceeding is *coram non judice*.

23

56. Pursuant to Rule 466 of the *Federal Courts Rules*, a person is guilty of contempt of Court if they disobey a process or order of the Court (Rule 466(b)), or act in such a way as to interfere with the orderly administration of justice, or to impair the authority or dignity of the Court (Rule 466(c)).
57. Because the June 24 **Decision/Other Disposition** strictly falls under the *FCR* definition of an "Order," the subsequent synthesis and transmission of the fabricated **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** flagrantly disobeyed a binding Order of the Court. Nullifying the existing direction of an Associate Judge without jurisdiction, and deploying a False Document to achieve this end, represents the absolute pinnacle of contemptuous interference.

D. The Statutory Forgery: False Document and Uttering

58. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** formally constitutes a "false document" as defined by federal statute. A document is materially false if it is false in relation to the purpose for which it was created. By incorporating an unauthorized appellate crest and cloned tax file metadata to simulate a Trial Division directive, the document is materially false in relation to its purpose.
59. Furthermore, the unauthorized superimposition of the National Coat of Arms constitutes forgery by making a material addition to a genuine document or adding a false seal. The requisite intent for forgery merely requires an intent to deceive (inducing a state of mind that a false document is genuine), rather than an intent to defraud. The "halfway house" forgery of the crest demonstrates this precise intent to deceive the Applicant into believing the document possessed appellate authority.
60. The electronic transmission of this manipulated PDF by Maya-Jo Blake-Janniere constitutes the "use" and "uttering" of a forged document, as established by binding appellate jurisprudence.

E. Forensic Fabrication and Metadata Cloning (The T-4313-25 Anomaly (contained under "Title" in the "PDF Properties")

61. Exhaustive forensic interrogation of the digital metadata within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** exposes the clandestine utilization of third-party, commercial post-production manipulation software (PDF-XChange Editor), bypassing the secure, native Microsoft Word macro-templates utilized by the CAS.
62. Embedded immutably within the properties of this manipulated file is the title: "T-4313-25 direction.docx". This internal file identifier corresponds to a 2025 proceeding involving the Canada Revenue Agency and the Attorney General of Canada. This metadata artifact operates as an incontrovertible cryptographic breadcrumb, proving that a preexisting executive branch litigation template was hijacked to synthesize the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**.

F. The Misappropriation of Appellate Heraldry (The National Coat of Arms)

63. The Federal Court (formerly Federal Court Trial Division) operates strictly utilizing its designated 2008 Coat of Arms to visually separate its trial-level mandate from the executive branch and appellate tribunals.
64. Conversely, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** features a synthetically grafted iteration of the National Coat of Arms of Canada. The National Coat of Arms is the authorized insignia utilized exclusively by provincial appellate bodies, the Federal Court of Appeal, and the Tax Court of Canada. This catastrophic heraldic error firmly links the forgery to the cloned 2025 Tax Court/CRA template.

G. *Trademarks Act* and Copyright Act Contraventions

65. The unauthorized commercial superimposition of the **National Coat of Arms** utilizing third-party software constitutes a direct, actionable contravention of section 9(1)(e) and 9(1)(n.1) of the *Trademarks Act*, RSC 1985, c T-13. Furthermore, under Crown copyright, permission is strictly required when official works are adapted or translated.

H. The Criminality Nexus and Phantom Registry Personnel

66. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was disseminated by one "Maya-Jo Blake-Janniere," an individual absent from contemporary public federal employment registries.

67. Publicly accessible journalistic archives from May 2021 identify an individual bearing this exact appellation as a primary target indicted on numerous egregious charges, including weapons offenses and cocaine trafficking syndicates. The deployment of an individual linked to organized crime to unilaterally execute coercive administrative functions suggests the presence of a compromised state informant acting in an administrative capacity.

I. The Subversion of the Adjudicative Apparatus (Clandestine Collusion)

68. The evidentiary record confirms that Mr. Tyler Alviano, junior counsel within the Department of Justice, served as counsel of record for the Attorney General in the antecedent cloned proceeding (T-4313-25).

69. It is posited that Mr. Jake Norris, counsel for the Respondents in the present matter, facing a procedural impossibility due to Associate Judge Crinson's binding **Decision/Other Disposition**, colluded to obtain a Tax Court template from the 2025 proceeding. This template was then manipulated to secure the endorsement of Justice Whyte Nowak ex parte, constituting a clandestine, un-docketed "phantom" internal appeal.

J. The Norris/Lam Correspondence and the Adverse Inference Regarding Regional COM Mr. Peggs

70. In recently discovered correspondence authored by Mr. Jake Norris and transmitted via Ms. Alaina Lam, the Respondents' counsel forcefully demanded that the Applicant direct communications exclusively to RCMP Regional Commander Mr. Matt Peggs. An adverse inference must be formally drawn regarding this highly irregular administrative funneling, suggesting a coordinated attempt to route inquiries to a specific operational node to shield the broader institutional apparatus.

K. The Jurisprudential Distinction Between Notice and Service

71. Under the *Federal Courts Rules*, "notice" refers to the core purpose of keeping a party informed, while "service" is the formal, legally mandated mechanism used to establish jurisdiction. The Respondents are in absolute default, rendering any subsequent demand for formal "service" a legal impossibility under *FCR* Rule 145.

72. However, the Applicant explicitly relies upon this jurisprudential distinction to provide institutional "notice" to the implicated actors within this Notice of Motion, satisfying the ethical purpose of keeping the respective authorities informed, completely independent of the mechanical strictures of formal "service."

L. Statutory Mechanisms for Expungement and Implied Jurisdiction

73. The Federal Court possesses the implied power to prevent the misuse of its procedures. Under *FCR* Rule 74(1) ("Removal of Documents"), the Court maintains the direct statutory vehicle to physically or electronically excise a document from the active court Record of Proceedings if it constitutes an abuse of process. A document bearing a false insignia and cloned external metadata fundamentally triggers the immediate execution of Rule 74.

74. Furthermore, *FCR* Rule 394 provides the Court with a swift statutory vehicle to completely nullify any direction that contains an error arising from an administrative irregularity.

75. While the actions of registry officers and judges are legally shielded by the presumption of regularity, this presumption is thoroughly rebutted if an applicant tenders verifiable physical evidence of an administrative defect, such as the non-native commercial editing software signatures and the cloned 2025 external file identifier presented herein.

III. DOCUMENTS TO BE RELIED UPON

76. The following documents are relied upon:

a. The June 24, 2026, **Decision/Other Disposition** of Associate Judge Mr. Crinson;
b. The July 2, 2026, **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**;
c. The May 20, 2026, Direction of Associate Judge Cotter (and corresponding native Microsoft Word metadata);
d. The Applicant's July 6, 2026, Supervisory Review Letter and Transmission Confirmation;
e. The Applicant's July 13, 2026, Urgent Notification of Institutional Fraud to the Three Chief Justices (Federal Court, Federal Court of Appeal, Tax Court);
f. The Notice of Application FILED on May 15, 2026;
g. The Rule 317 Request FILED on May 20, 2026, and the Certificate of Service FILED on May 20, 2026;
h. The Applicant's accepted for filing, post the Associate Judge Mr. Cotter direction, certificate of service of May 20, 2026;
i. The Recorded Entry Information for Court File No. T-4313-25;
j. The Durham Radio News Publication dated May 28, 2021, detailing the OPP Project Garfield arrests;
k. The GrapeCity/Mescius SDK PDF False Information Package Error Analysis Chart;
l. The Applicant's Motion Record for NOM #3;
m. The Applicant's MOFL/Written Representations herein;
n. The Applicant's Book of Authorities (previously submitted) and any additions to the same;

o. All other documents contained within the formal court file, explicitly encompassing all documents, affidavits, and exhibits referenced within NOM #1 and NOM #2;
p. Any further documentary evidence, acta, or materials the Applicant may file or that this Honourable Court may permit in limine.

DATED: July 15, 2026

Mr. Kevin A. McLean (BA, JD, CIM)
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Email: mclean@searchandseizure.ca

INSTITUTIONAL AND COURTESY NOTICE PROVIDED TO:

The following individuals and institutional bodies are provided explicit notice of this motion and the underlying institutional fraud purely as an act of ethical transparency and formal record-preservation (whistleblowing), and strictly not as an act of statutory "service":

1. Mr. Jake Norris, Counsel, Department of Justice
2. Mr. Nick Continelli, litigation counsel, Department of Justice
3. Mr. Tyler Alviano, lawyer, Department of Justice (Tax Services)
4. Ms. Maya-Jo Blake-Janniere, Federal Court Registry Officer
5. All other registry officers whose names provided an auto-reply to a R.369 email account
6. Madam Justice Allyson Whyte Nowak, Federal Court of Canada
7. The Honourable Sean Fraser, Minister of Justice and Attorney General of Canada
8. The Honourable Gabrielle St-Hilaire, Chief Justice of the Tax Court of Canada
9. The Honourable Yves de Montigny, Chief Justice of the Federal Court of Appeal

Tab 2

FORM 80A - Rule 80

AFFIDAVIT

Court File No.: T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A. McLEAN

Applicant

and

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

Respondents

AFFIDAVIT #1 OF KEVIN A. MCLEAN

I, MR. **KEVIN A. McLEAN (BA, JD, CIM) (HE/HIM)**, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am the Applicant in this proceeding and, as such, have personal knowledge of the matters set out in this affidavit, except where stated to be based on information and belief, in which case I verily believe those matters to be true.
2. I make this affidavit in relation to the filing history, the alleged irregularities in relation to myself, and the subsequent procedural circumstances concerning the Requisition for Hearing of the Application, the Notice of Motion referred to herein as "NOM #1," and the documents and communications described below.
3. I identify the irregularities described herein as **alleged irregularities**. I also state that, in my view, the relevant

4. On **May 15, 2026**, I submitted my Notice of Application (Form 301) to the Federal Court Registry via online filing. On that date, the Registry **conditionally accepted** the Application for filing, and I paid the required filing fee of **$50.00**. I had and have no reversionary interest in said funds, and they have remained the unequivocal and unconditional property of the Federal Court of Canada.
5. Between **May 15 and May 19, 2026**, I had multiple interactions with the Registry concerning the Application and the accompanying Rule 317 Request. The Registry reviewed the Form 301, identified certain alleged irregularities which I respectfully disagreed per se, and directed me to correct them. I corrected the issues immediately and resubmitted the documents upon the next business day with no admission that the Federal Court of Canada registry was correct.
6. On **May 19, 2026**, the Registry **issued** the Application, assigned Court File No. T-2448-26, and accepted for filing: (a) my Rule 317 Request; and (b) my Certificate of Service confirming service of the Application on the Respondents.
7. The Certificate of Service filed May 20, 2026 was **accepted for filing** by the Registry. At no time did the Registry advise me that the Certificate of Service was defective, nor did the Registry reject it under Rule 72.
8. It was never raised as any issue in May or June 2026.
9. The interaction between myself and Mr. Mercieca was in relation to my "Requisition For Hearing – Application" and his position based on in my view, without castigation of him per se as I appreciate it was most unprecedented to have the RCMP, its Head, its RCMP ATIP Director General, and the individual responsible for the Non-Search Decision or "Refusal To Search Decision" in Mr. Jeff Baalal, not file the standard Notice of Appearances.
10. While I did not see the email as it was filtered to a non-mainframe viewing panel as per my high level security protocols as per that domain being connected to and its underlying body corporate being responsible for a litany of access point and security clearance for a bevy of going concern businesses in the fields of legal analysis,

11. The email thread itself only has the one email but I have included her as a safe sender for future reference.
12. If Ms. Alaina Lam is the same individual as Ms. Alaina Nicole Lam of which I have checked for the first time today in relation to her and there is a notation therein of her having surrendered her license within a year of having first being called as a paralegal. However, if that is the same individual, then perhaps my filter process with G Suite picked up on something in this regard. Nonetheless, it is now a moot issue.
13. I will be providing a copy of this affidavit to the Federal Court of Canada Registry forthwith upon completion and to the Respondents so that if they take any issue with the documents or claim lack of authenticity per se they can do so. However, they are, as I merely downloaded them as PDF's and converted the word document (the consent form under Rule 7) into PDF. I will take their silence as a further non-objection. I will then revert back to any previous thread without providing them with notice or service as I am entitled and they are prohibited from the same.
14. I remain of the view that the RCMP as the "Other Tribunal" has possession of the material sought but is intentionally refusing to transmit the same.

VOLUME #2: REQUISITION FOR HEARING INTERACTIONS

15. On **June 12, 2026**, I paid for and filed the Requisition for Hearing of the Application.
16. On **June 16, 2026**, I interacted with Mr. Mercieca of the Registry regarding the Requisition for Hearing.
17. I interacted with Mr. Mercieca again on **June 19, 2026**, and again toward the end of June 2026, including in relation to Ottawa and the same underlying matter.
18. I verily believe that if Mr. Mercieca had had the benefit of the document issued or made by Associate Judge Crinson dated **June 24, 2026**, the procedural posture may have been materially different.

VOLUME #3: JUNE 24 ASSOCIATE JUDGE MR. CRINSON DIRECTION

20. In my view, the Federal Court of Canada meets the relevant definition of a **Tribunal** for the purposes engaged by this proceeding, in that it is not the Tax Court of Canada and is a body that exercises, or purports to exercise, powers conferred by or under an Act of Parliament (see: definition under the FCA).
21. Although the Federal Court of Canada is not, at that level, a section 96 court of the Constitution Act, 1867, or judge in the same sense as a provincial superior court, I verily believe that it meets the applicable definition of tribunal for the purposes of the issues raised in this proceeding.
22. In light of the fresh evidence now available to me, it is my belief that, had Mr. Mercieca accepted the filings, this proceeding would have been heard on its merits together with NOM #1 in writing.
23. I further state that I used what I understood to be the correct forms for the filings in question.
24. Notwithstanding the foregoing, Mr. Mercieca's position appeared to be predicated on conditions precedent contained in a Federal Court policy document.
25. In my view, that policy document may be helpful as general guidance, but it is not itself the law and is not sufficiently precise as it relates to this proceeding.

VOLUME #4: JUNE 3 DOJ EMAIL, RULE 7 CONSENT, NOTICE OF APPEARANCE ET AL (READ TODAY BY THE APPLICANT IN REVIEWING ALL DOCUMENTATION FOR AFFIDAVIT AND ADDITIONAL SUBMISSIONS RELATING TO FRAUD, ISSUE ESTOPPPEL, ABUSE OF PROCESS AND INTEGRITY CONCERNS INVOLVING THAT OF JUSTICE WHYTE NOWAK

26. On **June 3, 2026**, I received an email from **Ms. Alaina Lam**, Legal Assistant, Litigation, Extradition & Advisory Division, Department of Justice Canada, Ontario Regional Office. The email enclosed three documents: (a) a cover letter from counsel for the Attorney General of Canada ("AGC"); (b) a **Rule 7 Consent to Extension of Time**; and (c) a **Notice of Appearance** signed by counsel for the AGC.

A true copy of the June 3, 2026 email and its attachments is attached hereto as **Exhibit "A"**.

20. In the June 3 cover letter, counsel for the AGC expressly stated that the AGC was "in receipt of your Notice of

22. The **Notice of Appearance**, signed June 3, 2026, confirms that the Respondents intended to appear in respect of this Application and treated the Application as properly commenced, properly served, and properly before the Court.

23. I verily believe that the documents described above help explain why the Respondents have remained silent in this regard.

24. It is my view that the Respondents have not demonstrated grounds entitling them to leave to file a Form 305 at a later date.

VOLUME #5: RULE 318 DEADLINE

25. Irrespective of the Respondents' failure, as I understand it, to file a Notice of Appearance within 10 days of service, I verily believe that the RCMP, as the tribunal for the purposes of the Rule 317 request, remained bound by **Rule 318** of the Federal Courts Rules.

26. I state that counsel for the Respondents was, to my knowledge and belief, on the scene as of June 3, 2026, and admitted service of the Respondents on the date on which they were served with electronic and hard copies of the relevant documents.

27. Accordingly, I verily believe that the Respondents and the tribunal were aware of the **20-day requirement under Rule 318** to either object to the Rule 317 request or transmit the certified tribunal record, and that the applicable deadline was **June 8, 2026**, being the Monday of the following week.

VOLUME #6: COUNSEL LOCATION AND DOCUMENT DELIVERY

28. I also note that two lawyers who, to my knowledge, are not counsel of record and do not have addresses for service in this proceeding, appear from the Law Society of Ontario directory to be located at **120 Adelaide Street West, Suite 400**.

31. It is unclear to me why counsel for the Respondents did not become engaged until Wednesday, June 3, 2026.
32. I do not speculate as to the reason for that timing, but I state that the delay and the surrounding chronology are matters I consider relevant to the procedural issues now before the Court.

VOLUME #7: JULY 2 DIRECTION

33. I am also challenging what I say is a **void ab initio** document or disposition of Justice Whyte Nowak dated **July 2, 2026**.
34. I note that Justice Whyte Nowak did not, in that document, refer to the June 24, 2026, document issued or made by Associate Judge Crinson.
35. It is unclear to me whether the absence of any such reference was accidental or deliberate.
36. However, I verily believe that the June 24, 2026 document ought to have been contained in the court file at the relevant time.
37. I verily believe that this fresh evidence constitutes grounds explaining why the Respondents did not seek to appeal the relevant order under Rule 51.
38. In particular, I believe the Respondents knew, or ought to have known, that they had no proper grounds to do so and that they would not be approaching the Court with clean hands.
39. I further believe that the Respondents knew, or ought to have known, that they were required to seek leave, including in light of the Rule 7 consent aspect referred to in the materials.
40. I have objected and continue to object to Justice Whyte Nowak being involved in this Proceeding on grounds of conflict, abuse of process, lack of independence and lack of impartiality. To the extent that I will need to particularize the same, I will do so under seal to respect various forms of privilege and confidentiality of others. However, the focus will be on her longstanding career with Ogilvy Renault later merged with Norton Roses Fullbright LLP.

interpretation. Certain individuals named in the style of cause, including Mr. Ball and Mr. Brisson, were named due to their delegated roles, statutory responsibilities, and the relief sought against them in relation to the underlying matters. In any event, this issue is now moot in light of the Respondents' acceptance of service and their subsequent conduct.

41. I further note that Mr. Norris did **not** seek any consent relating to parties or the style of cause. The only consent he sought was a **Rule 7 consent to file the Respondents' Notice of Appearance**. This confirms that the Respondents treated the Application as properly commenced, properly served, and properly before the Court.
42. I also note that Mr. Norris instructed me to "cease communications with Assistant Commissioner Matt Peggs," but did **not** state that Mr. Peggs was uninvolved in the matters underlying this proceeding. I verily believe that this omission constitutes a tacit acknowledgment that Mr. Peggs, as Regional Commander, was involved in the underlying matters and that the Respondents were aware of the issues raised in the Application.

VOLUME #9: RULE 134 ACCEPTANCE OF SERVICE

43. The June 3, 2026 cover letter from Mr. Norris constitutes an **acceptance of service under Rule 134** of the Federal Courts Rules. The letter is signed, dated, and expressly acknowledges receipt of the Notice of Application and confirms that "service upon the AGC [was] effected May 19, 2026."
44. Pursuant to Rule 134(d), an acceptance of service signed and dated by a party's solicitor constitutes **proof of service**. Accordingly, the June 3, 2026 letter is independent proof that service was properly effected and acknowledged, and that the Respondents were aware of the Application and the Rule 305 deadline.
45. I verily believe that this Rule 134 acceptance of service contradicts the July 2, 2026 Direction's conclusion that the Application was "not properly filed" due to alleged deficiencies in proof of service. The Respondents' own solicitor expressly confirmed service, thereby perfecting service and eliminating any alleged defect.

VOLUME #10: DISCOVERY OF EXHIBIT "A" TODAY

47. Exhibit "A" is six pages excluding the Exhibit "A" itself.

48. Upon reading Exhibit "A" for the first time, I was **astonished** to discover that the Respondents expressly admitted service effected on May 19, 2026, acknowledged receipt of the Application, and apparently attempted to file a Notice of Appearance. This admission is directly relevant to the procedural issues addressed in the Directions dated June 24 and July 2, 2026.

49. In my follow up submission by way of written representations, I provide legal analysis as to what constitutes an Order under the Federal Courts Rules along with issue estoppel et al.

50. I can provide **independent evidence** of the time at which I accessed and read Exhibit "A," including email metadata, system logs, and device timestamps, should the Court require confirmation of when I first became aware of these documents.

VOLUME #11: INTEGRITY OF THE RECORD

49. I make this affidavit to bring this fresh evidence to the forefront, to clarify the procedural record, and to assist the Court in understanding the chronology and context of the Directions issued June 24 and July 2, 2026.

50. I verily believe that the Respondents' acceptance of service under Rule 134 by one Mr. Jake Norris on a date with what I believe to be his signature, their attempt to file a Notice of Appearance, and their request for a Rule 7 extension materially affect the procedural posture of this proceeding.

51. While I have an intellectual dispute in light of the facts and the admission by Mr. Norris that the Respondents were served (so effected according to him on their behalf) on May 19, 2026, and their failure to file and serve Notices of Appearances within 10 days of May 19, 2026, which based on that admission by Mr. Norris (solicitor) with a date and signature would have required the filing of Notices of Appearances by May 29, 2026, which was a Friday.

52. I hereby reproduce for purposes of authenticity and security of the maker of the affidavit true copies of my

b. My Ontario driver's license (valid from 2024); and

c. My birth certificate from British Columbia.

Ontario

Driver's Licence
Permis de conduire

ON
CANADA

1,2 NAME/ NOM
MCLEAN,
KEVIN,ALEXANDER

8 410-775 KING ST W
TORONTO, ON, M5V 2K3

4d NUMBER/ NUMÉRO M1651 - 43318 - 30325

4a ISS/ DÉL. 2024/06/26

4b EXP/ EXP. 2029/03/25

5 DD/ RÉF. IC7664935

16 HGT/ HAUT. 188 cm

15 SEX/ SEXE M

9 CLASS/ CATÉG. G

M1651-43318-30325

1983/03/25

PASSPORT
PASSEPORT

CANADA

Type/Type
P

Issuing Country/Pays émetteur
CAN

Passport No./N° de passeport
AS384004

Surname/Nom
MCLEAN

Given names/Prénoms
KEVIN ALEXANDER

Nationality/Nationalité
CANADIAN/CANADIENNE

Date of birth/Date de naissance
25 MAR /MARS 83

Sex/Sexe
M

Place of birth/Lieu de naissance
VANCOUVER CAN

Date of issue/Date de délivrance
19 JUNE/JUIN 23

Date of expiry/Date d'expiration
19 JUNE/JUIN 33

Issuing Authority/Autorité de délivrance
TORONTO

P<CANMCLEAN<<KEVIN<ALEXANDER<<<<<<<<<<<<<<<<<<<<

AS384004<7CAN8303257M3306194<<<<<<<<<<<<<<<<<<08

BIRTH CERTIFICATE

Jack Shewchuk
Registrar General
Vital Statistics Agency

Certified extract from Registration of Birth filed at Victoria, BC, Canada.

VSA 434(14/08)

Surname	MCLEAN
Given Name(s)	KEVIN ALEXANDER
Date of Birth	MAR 25, 1983
Sex	MALE
Place of Birth	VANCOUVER
Registration Number	1983-59-018443
Date of Registration	JUL 04, 1983
Date of Issue	OCT 18, 2016
Name of Parent	MCLEAN, JUDY LILI ANNE
Birthplace of Parent	BRITISH COLUMBIA, CANADA
Name of Parent	NUGENT, JOHN ALLEN
Birthplace of Parent	ONTARIO, CANADA

B C 0 1 2 0 4 9 3 2

BIRTH
CERTIFICATE
BRITISH COLUMBIA
CANADA

53. I make this affidavit for no improper purpose.

SWORN BEFORE ME at the City of Toronto, Province of Ontario, this 11th day of July, 2026.

Commissioner for Taking Affidavits

Mr. Kevin A. McLean (BA, JD, CIM)

Narainsamy Naid Appasawmy
Licensed Paralegal & Notary Public
in and for the Province of Ontario.
My commission is of unlimited duration.
No legal advice given.

Mr. Narainsamy Naid Appasawmy
307 - 2045 Dufferin Street
York, ON M6E 3R4
Phone (647) 409-5442
info@kumar-the-paralegal.com

This is Exhibit "A" referred to in the Affidavit of Mr. Kevin A. McLean (BA, JD, CIM) sworn (or affirmed) before me at

Toronto, ON

this 10th day of July 20 26.

A Commissioner/Notary Public for the Province of Ontario

This is Exhibit A referred to in the affidavit (or statutory declaration) of Kevin A. McLean sworn (or affirmed or declared) before me this 11 day of July, 20 26

A Notary Public in and for the Province of Ontario

Narainsamy Naid Appasawmy
Licensed Paralegal & Notary Public
in and for the Province of Ontario.
My commission is of unlimited duration.
No legal advice given.

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

McLean v Royal Canadian Mounted Police et al. – Court File No.: T-2448-26

1 message

Lam, Alaina (she her elle la) <Alaina.Lam@justice.gc.ca> Wed, Jun 3, 2026 at 3:44 PM
To: "mclean@searchandseizure.ca" <mclean@searchandseizure.ca>
Cc: "Norris, Jake (he him il lui)" <Jake.Norris@justice.gc.ca>

Good afternoon,

Please see the attached documents: a letter to your attention, Respondent's Notice of Appearance, and Rule 7 Consent, which is served upon you pursuant to the *Federal Courts Rules*.

Kind regards,

Alaina Lam

Legal Assistant / Adjointe juridique

Litigation, Extradition & Advisory Division / la Division du contentieux, de l'extradition et du service consultatif

Ontario Regional Office / Bureau régional de l'Ontario

National Litigation Sector / Secteur national du contentieux

Department of Justice Canada / Ministère de la Justice Canada

Alaina.Lam@justice.gc.ca / T: 437-295-5093

Department of Justice Canada | Ministère de la Justice Canada

NOTICE OF CONFIDENTIALITY: The information contained in this e-mail and in all documents attached may be of a confidential nature. If you are not the intended recipient, please advise the sender and immediately destroy this message and all documents attached. Thank you.

AVIS DE CONFIDENTIALITÉ: L'information contenue dans ce courriel et dans tous documents annexés peut être de nature confidentielle. Si vous n'en êtes pas un destinataire désigné, veuillez en aviser l'émetteur et détruire immédiatement le message et tous documents annexés. Merci.

Consent - Rule 7 (T-2448-26).docx
17K

Department of Justice Canada
Ontario Regional Office
National Litigation Sector
120 Adelaide Street West
Toronto, ON M5H 1T1

Ministère de la Justice Canada
Bureau régional de l'Ontario
Secteur national du contentieux
120, rue Adelaide ouest
Toronto (Ontario) M5H 1T1

Telephone/Téléphone: (416) 347-6823
Fax /Télécopieur: (416) 453-5750
Email/Courriel: jake.norris@justice.gc.ca

Via Email: mclean@searchandseizure.ca

June 3, 2026

Kevin McLean
68 Abell Street
Toronto, ON M6J 0B1

Dear Mr. McLean,

Re: ***Kevin Alexander McLean v Royal Canadian Mounted Police et al.*** **–**
Court File No.: T-2448-26

I am counsel for the Attorney General of Canada ("AGC") in the above-noted proceeding, representing the Royal Canadian Mounted Police ("RCMP"). Please direct all correspondence to me and cease communications with Assistant Commissioner, Matt Peggs, and/or other represented parties within this proceeding.

Please be advised that I am not in a position to provide you with any legal advice. Should you require assistance in navigating this process, you may wish to consider retaining legal counsel. The Law Society of Ontario (www.lso.ca) and Legal Aid Ontario (www.legalaid.on.ca) may offer resources to assist you should you seek legal representation.

The AGC is in receipt of your Notice of Application dated May 15, 2026 (service upon the AGC effected May 19, 2026). Please find enclosed the AGC's Notice of Appearance and Rule 7 Consent to Extension of Time for filing. If you agree to this extension of time, please return a signed copy which I shall file with the Court.

In your Notice of Application, you have named the RCMP et al. as the tribunal in respect of which the application is brought. It is contrary to Rule 303(1) of the *Federal Courts Rules* to have named them as respondents. To regularize the proceeding, I also ask that you take steps to amend the style of cause in the Notice of Application to reflect the AGC as the proper respondent, pursuant to Rule 303(2) of the *Federal Courts Rules.*

Sincerely,

T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN ALEXANDER MCLEAN

Applicant

and

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

Respondents

CONSENT TO AN EXTENSION OF TIME
(Rule 7)

Pursuant to Rule 7 of the *Federal Courts Rules*, the parties hereby consent to an extension of time until June 3, 2026 for service of the Respondent's Notice of Appearance, pursuant to Rule 305 of the *Federal Courts Rules*.

Dated June 3, 2026

ATTORNEY GENERAL OF CANADA

Ontario Regional Office
National Litigation Sector
120 Adelaide Street West, Suite 400
Toronto, ON M5H 1T1

Per: Jake Norris, LSO# 89466J
Telephone: 416-347-6823

Dated June __, 2026

KEVIN MCLEAN

68 Abell Street
Toronto, ON M6J 0B1
Email: mclean@searchandseizure.ca

Applicant in-person

T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A MCLEAN

Applicant

and

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

Respondents

NOTICE OF APPEARANCE

The Attorney General of Canada, improperly named as the Royal Canadian Mounted Police et al., intends to appear in respect of this application.

June 3, 2026

ATTORNEY GENERAL OF CANADA
Department of Justice
Ontario Regional Office
120 Adelaide Street West
Suite 400
Toronto, Ontario
M5H 1T1
Fax: (416) 954-8982

Per: **Jake Norris**
LSO #89466J
Tel: (416) 347-6823
E-mail: Jake.Norris@justice.gc.ca

TO: **FEDERAL COURT**
180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

AND TO: **KEVIN MCLEAN**
68 Abell Street
Toronto, ON M6J 0B1
mclean@searchandseizure.ca

Applicant in-person

Tab 3

Tab A

FEDERAL COURT OF CANADA

BETWEEN:

KEVIN A. McLEAN (BA, JD, CIM)

Applicant

– and –

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

MEMORANDUM OF FACT AND LAW OF THE APPLICANT

(Notice of Motion #3 — Returnable July 15, 2026 before the Primus Inter Pares of the FCC in acting CJ of the FCC in The Honourable Madam Justice Martine St. Louis who is also the permanent ACJ of the FCC)

(Proposed by Order or Request Sought as a **Motion** *in Writing under Rule 369 yet Applicant is available to provide oral submissions)*

PART I — CONCISE STATEMENT OF FACT

A. COMMENCEMENT, UNOPPOSED NATURE, AND THE RESPONDENTS' ABSOLUTE DEFAULT

1. The Applicant repeats and relies upon the material facts pleaded in the Form 301 Application, the *Rule* 317 Request and other documents in the court file. He adopts the definitions from those documents and they have the same meaning herein as they do therein.
2. On May 15, 2026, the Applicant's Notice of Application was formally filed and accepted by the Registry.
3. On May 20, 2026, both the Applicant's *Rule* 317 Request for the transmission of the Certified Tribunal Record ("**CTR**") and the Applicant's Certificate of Service were unequivocally accepted for filing.
4. On June 3, 2026, the Respondents, through counsel, attempted to file a Notice of Appearance. However, as later confirmed by the June 24 Direction of Associate Judge Crinson, this attempt was multiple days late and legally defective, placing the Respondents in absolute statutory default.

5. Operating strictly within his rights against defaulting, unopposed Respondents, the Applicant submitted the Application Record and Memorandum of Fact and Law for filing on that same day, June 3, 2026.

B. THE FILING OF NOM #1, ADMINISTRATIVE FRICTION, AND NOM #2

5. The Respondent RCMP failed to file the **CTR** or register any formal objection within 20 days of being served with the *Rule* 317 Request (May 19, 2026). Consequently, on June 10, 2026, the Applicant submitted for filing his first Notice of **Motion** ("NOM #1") to compel the transmission of the **CTR**.
6. On June 12, 2026, the Applicant paid for the Requisition for Hearing to the Toronto Local Office.
7. On June 16, 2026, Registry Officer Mr. Mercieca sent an email containing incorrect legal analyses. The Applicant responded accordingly throughout that week to correct these misapprehensions of the *Federal Courts Rules* ("*FCR*").
8. The proposed return date for NOM #1, June 17, 2026, passed without determination. On June 19, 2026, the Applicant submitted for filing and paid for a second Requisition for Hearing for the substantive Application to the Toronto Local Office.
9. On June 22 and 23, 2026, the Applicant submitted a paper copy of his second Notice of **Motion** ("NOM #2"), to be heard on June 30, 2026.

C. THE BINDING JUNE 24 DIRECTION OF ASSOCIATE JUDGE CRINSON

10. On June 24, 2026, Associate Judge Crinson issued a binding direction. The Applicant agrees with the entirety of this direction, save for the discrete requirement to include an affidavit in the Application Record, owing to the unopposed nature of the proceeding.
11. Crucially, Associate Judge Crinson's direction confirmed that NOM #1 would be heard in writing.
12. Between June 24 and June 26, the Applicant submitted finalized hard copies of the NOM #2 **Motion** Record and the Current Application Record. To bypass localized paper-copy issues along with an impugned failure to transmit the same to the Principal Office, the Applicant concurrently fax-filed these documents to the Principal Office in Ottawa on Monday, June 29, 2026.

13. The June 30, 2026, return date for NOM #2 passed. Notably, as correctly affirmed by the binding enactments in the *FCA* and *FCR*, the Respondents were not required to be served due to their uncured default.

D. THE PURPORTED JULY 2 PURPORTED DIRECTION AND THE RESULTING INSTITUTIONAL IMPASSE

14. On July 2, 2026, Justice Whyte Nowak issued a purported direction. This act breached a variety of legal principles, was borderline contemptuous of the Court's authority and dignity, and operated as a direct collateral attack upon her fellow judge's direction without even referencing the same.
15. The Applicant responded to the purported direction of Justice Whyte Nowak, and then fax-filed the present Notice of **Motion** ("NOM #3"), returnable July 15, 2026, at the Principal Office in Ottawa.
16. In light of ongoing paper-copy logistical failures, the lack of apparent transmission from the Local Office to the Principal Office, systemic issues with the Toronto Office, and the overriding necessity to invoke the Primus Inter Pares doctrine and the Chief Justice's duties, the Applicant has fax-filed this Memorandum of Fact and Law and the corresponding NOM #3 **Motion** Record directly to Ottawa.
17. As of the date of this Memorandum, the Respondents have filed a single document (the defective Notice of Appearance). The RCMP has neither objected to the production of the material in its possession sought in the *Rule* 317 Request nor transmitted the same to the Registry and the Applicant.
18. There are a variety of general issues of law that are of central importance to the legal system as a whole, along with *Rule* of Law issues that require consistent and uniform answers—partially concerning one aspect of the Associate Judge Crinson direction, but plentifully in relation to the Justice Whyte Nowak purported direction.

PART II — STATEMENT OF THE POINTS IN ISSUE

19. The specific points in issue to be adjudicated are strictly delineated as follows.
    a. Does the Federal Court of Canada, although mentioned in the Judicature Sections of the *Constitution Act, 1867,* have Inherent Jurisdiction? (No).
    b. Whether the purported direction promulgated on July 2, 2026, constitutes an *ultra vires*, without jurisdiction, void, and void ab initio (not merely voidable) collateral attack upon the valid, binding, correct,

and unchallenged procedural directives articulated within the June 24, 2026 direction of coordinate jurisdiction within the same court, namely the Federal Court of Canada (Yes);

c. Whether an order or direction rendered by an associate judge is susceptible to appellate challenge before a judge of the Federal Court **absent** the initiation of a formalized **Motion** within the strictly prescribed ten-day limitation period, thereby rendering the subsequent interference an absolute nullity rather than a mere procedural irregularity (**No**);

d. Whether the defaulting respondents possessed actual (de facto) and/or legal (de jure) notice of the aforementioned June 24, 2026 direction, notwithstanding their absolute statutory disentitlement to formal notice of subsequent steps, given the explicit inclusion of the respondents' counsel of record within the electronic transmission designated by the associate judge (yes);

e. Whether the expiration of the mandated ten-day appellate limitation period, coupled concurrently with the total absence of any formal appellate **Motion** initiated by the respondents, unequivocally extinguished any latent statutory jurisdiction to review the aforementioned direction (Yes, it expired at the close of the day on Monday, July 6, 2026);

f. Whether the presiding jurist possessed the jurisdictional competence to act *sua sponte* in countermanding a finalized procedural directive (No, Justice Whyte Novak had no jurisdiction to act sua sponte and nor did she point to any such power regarding the same);

g. Whether the *sua sponte* adjudicative actions of the presiding jurist properly characterize a *Factum a judice, quod ad officium jure non pertinet, ratum non est*, and consequently, whether the jurist, a duly appointed Federal Court of Canada (Toronto Local Office) Judge, acted entirely *coram non judice* by promulgating sweeping directives extraneous to lawful appellate mechanisms subsequent to the matter's transmission from the Local Office (irrespective of the misstatements of fact and law contained therein) (Yes, her acts cannot be ratified as they a “borne dead” and you cannot put something on top of nothing, and while there were no appearances before her, whatever ‘session’ she had in drafting the same and then instructing or advising the registry officer who input “*Rule* 369” in her vocational title was Coram Non Judice from the time it started);

h. Whether the *Primus Inter Pares* doctrine imposes an imperative constitutional obligation upon the Chief Justice of the Federal Court to intercede and assert ultimate jurisdiction, thereby rectifying systemic administrative anomalies and curing the severe procedural irregularities *nunc pro tunc* (Affirmative);

i. Whether the absolute statutory default of the respondents operates to disentitle them *in limine* from any requisite notice or service, service of document including this NOM #3 and the Hearing of the Federal Court of Canada Form 301 Application (Yes, they are disentitled);

j. Whether the purported July 2, 2026 direction functioned as an unconstitutional impediment, effectively depriving the applicant of the fundamental right of access to the courts and the constitutional guarantee of an effective remedy, in flagrant contravention of the *Rule* of Law (Yes); and

k. Other issues interspersed generally or specifically herein.

PART III — CONCISE STATEMENT OF SUBMISSIONS

A. THE STATUTORY COMPETENCE OF ASSOCIATE JUDGES AND THE ABSOLUTE PROHIBITION OF COLLATERAL ATTACK

20. Pursuant to *Rule 2* of the *Federal Courts Rules*, the definition of "Court" (the "**Court**") explicitly encompasses an associate judge operating within their statutorily conferred jurisdiction. Under *Rule 50(1)* of the *Federal Courts Rules*, the associate judge possessed the unassailable statutory competence to case manage and unilaterally direct the written determination of the first Notice of **Motion** (the "**NOM #1**"). It is submitted that this explicit legislative delegation under the *Federal Courts Rules* operates to render the directives of associate judges functionally indistinguishable from those of a judge of the Federal Court, insofar as the finality of case management decisions is concerned.

21. It constitutes a bedrock foundational axiom of Canadian civil procedure that a jurist is strictly prohibited from sitting in appeal of, varying, or countermanding an order or direction rendered by another jurist within the identical proceeding, absent explicit statutory appellate authorization. This unyielding prohibition against collateral attack operates as an indispensable pillar supporting the *Rule* of Law, as definitively established by the Supreme Court of Canada in *R. v. Litchfield,* [1993] 4 S.C.R. 333 (the "*Litchfield*"). The rationale underpinning this prohibition is the

preservation of certainty and the imperative that the orderly and functional administration of justice not be subverted by parallel, unauthorized adjudications. 57

22. The seminal jurisprudence of *Litchfield* has been affirmed extensively across Canadian appellate courts and applies with equal vigor in civil, administrative, and constitutional contexts. The interdependent legal doctrines of issue estoppel and *res judicata* are unequivocally cemented within the jurisprudential framework to avert the chaotic multiplicity of proceedings. Furthermore, the proposition that a binding direction remains functionally distinct from an order is axiomatic. As articulated in *McLean v. Bradley,* 1878 CanLII 22 (SCC) (2 S.C.R. 535) and *Pong v. Quong,* 1927 CanLII 2 (SCC*)*, and wholly consistent with the parameters delineated in *Wilson v. The Queen,* 1983 CanLII 35 (SCC) ([1983] 2 S.C.R. 594), an order or direction promulgated by a judicial officer acting within their jurisdiction must be rigorously obeyed unless systematically set aside in a proceeding explicitly designed for that specific objective. The integrity of the judicial process mandates that collateral attacks be summarily dismissed to prevent the usurpation of established procedural finality.

23. Like the decision of Denton J. of the County Court of York, as it then was and what forms what is currently downtown Toronto (hence the Fort York library and the area of Fort York including what is commonly known as Chinatown (Spadina avenue), it perfectly manifest that she had no jurisdiction to do so—no jurisdiction subject to appeal; that she could entertain such collateral matter only either as *persona designata* or as arbitrator. Even worse than Denton J., where there was some kind of loose agreement with some form of conditions precedent or reservation of rights therein, Justice Whyte Novak acted sua sponte in unauthorized fashion. With great respect, she breached her code of ethics and the *Judges Act* (Federal). It would behoove her to apologize but that is not a condition herein or sought.

24. Justice Whyte Novak had assumed a jurisdiction she did not possess under unspecified, de facto and de jure, legal authority and the entirety of her purported direction was *coram non judice*.

25. Inasmuch as the purported July 2, 2026 direction functionally countermanded the procedural trajectory meticulously solidified by the June 24, 2026 direction, without the requisite invocation of a formal **Motion** or appellate mechanism, it constitutes an egregious violation of internal *res judicata*. This usurpation thereby renders the subsequent directive a complete nullity and void *ab initio*. A fundamental precept of statutory interpretation

dictates that courts must eschew interpretations that generate absurdity; permitting a lateral and unprompted nullification of a binding procedural order invariably culminates in administrative anarchy and an affront to the orderly disposition of justice.

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1. Directions Versus Orders: Functional Equivalence for the Preservation of Finality

26. Within the strictures of the *Federal Courts Rules*, the semantic differentiation between an order and a direction—frequently issued pursuant to case management authorities such as *Rule 54* or *Rule 385* of the *Federal Courts Rules*—is rendered entirely immaterial concerning the preservation of finality. While specific pronouncements denominated as directions may possess the substantive characteristics of an order, the fundamental protective doctrines designed to insulate judicial decisions from lateral interference apply universally to both. This functional equivalence ensures that procedural clarity is maintained irrespective of the nominal classification of the judicial pronouncement.

27. A direction functions as a binding procedural imperative *in limine*. Until formally varied, rescinded, or appealed via the appropriate statutory mechanism explicitly provided for under the *Federal Courts Rules*, it operates unequivocally as the substantive law of the proceeding. The endeavor to circumvent a binding directive without employing the meticulously prescribed appellate infrastructure offends the prohibition against collateral attack. Such an endeavor constitutes an abuse of process equivalently to the repudiation of a formalized order, as it fundamentally undermines the finality essential to a functioning legal system. As the foundational legal maxim dictates, *Interest reipublicae ut sit finis litium* (It is in the interest of the State that there be an end to litigation). To countenance otherwise would be to permit endless relitigation of settled procedural norms, thereby exhausting the resources of both the litigants and the adjudicative body.

2. The Statutory Hierarchy and the Usurpation of Appellate Jurisdiction

28. While the traditional collateral attack doctrine articulated in *Litchfield* relies fundamentally upon the principle of coordinate jurisdiction (the prohibition against a Superior Court judge reviewing the determinations of another Superior Court judge), the statutory architecture of the Federal Court establishes a distinct institutional hierarchy. Pursuant to *Rule 51(1)* of the *Federal Courts Rules*, a judge of the Federal Court is designated as the explicit

statutory appellate authority for determinations rendered by an associate judge. This hierarchical structuring confirms that an appeal is the sole, exclusive mechanism for challenging an associate judge's directive.

29. Had the defaulting respondents initiated a formal **Motion** under *Rule 51* of the *Federal Courts Rules*, the presiding jurist would ostensibly possess the requisite statutory jurisdiction to review the directive. The fatal jurisdictional defect within the present circumstances crystallizes unequivocally in the *sua sponte* intervention. A court acting in an appellate capacity is inherently reactive; its jurisdiction is activated solely through the formalized pleadings of an aggrieved party. The assertion of appellate authority absent this activation is a profound jurisdictional error.

30. The respondents were afforded a strict, immutable ten-day limitation period to initiate such an appeal pursuant to the *Federal Courts Rules*. Calculating from the issuance of the directive on June 24, 2026 (excluding the initial day), the limitation period demonstrably expired, effectively obliterating any residual opportunity for appellate review. Consequently, the *sua sponte* collateral attack executed by the presiding jurist operated entirely devoid of inherent or statutory jurisdiction. The parameters of inherent jurisdiction do not authorize a court to contravene express legislative enactments or procedural limitations. As unequivocally established in *Baxter Student Housing Ltd. v. College Housing Co-operative Ltd.,* [1976] 2 S.C.R. 475, even where a superior court possesses broad inherent jurisdiction, it remains absolutely prohibited from contradicting unequivocal legislative will, such as: (i) strict statutory limitation periods; or (ii) requirements of the filing of a First Defence and the making of an Order for the "Assignment For Case Management" of the Proceeding itself under *Rule* 77 of the Ontario *Rule*s of Civil Procedure before a Proceeding in either the City of Ottawa, City of Toronto or County of Essex, before such a Proceeding can be so assigned.

31. Also, Inherent Jurisdiction, when it is so possessed by a provincial superior court (or a “Section 96 Court” which by way of example the Divisional Court is not and does not possess Inherent Jurisdiction per se), must be exercised sparingly.

32. An inescapable and profound negative inference must be drawn regarding the deliberate omission, within the July 2, 2026 direction, of any reference to the prior, valid directive of the associate judge. This conspicuous omission impugns the integrity of the judicial process and suggests a willful circumvention of established procedural constraints. Consequently, the *Primus Inter Pares* doctrine must be compellingly invoked by the Chief Justice of

the Federal Court, consistent with the foundational principles illuminated in *R. v. Baldovi,* 2016 MBQB as per Chief Justice of the Manitoba superior court (leave to appeal to S.C.C. refused). The invocation of this doctrine is an imperative necessity to rectify systemic administrative anomalies and preserve the institutional repute of the Court.

3. The True Jurisdictional Defect: Assuming Appellate Authority Without Lawful Invocation

33. Insofar as the presiding jurist acted *sua sponte* and wholly bereft of statutory or invoked authority, the intervention transcends the parameters of a mere collateral attack; it constitutes an unabashed usurpation of jurisdiction and a profound, fundamental deprivation of procedural fairness. The unilateral interjection by the jurist effectively usurps the role of the litigants, transforming the neutral arbiter into an active participant. These actions perfectly encapsulate the ancient and enduring maxim *Factum a judice, quod ad officium jure non pertinet, ratum non est* (An act of a judge which does not pertain to his office is of no force (or cannot be ratified).

34. The jurist acted strictly *coram non judice* (before one who is not a judge having jurisdiction), rendering the purported direction an absolute nullity that commands no obedience nor demands any procedural compliance from the applicant. Drawing upon Herbert Broom's foundational maxims of law, it is a universally recognized principle that *Cui jurisdictio data non est, ea decernenti parere nemo cogitur* (A person who decrees without jurisdiction need not be obeyed). The policy rationales explicitly articulated in *Litchfield*, alongside the indispensable civil doctrines of finality, are operationalized through the following critical syllogisms and analytical lenses:

4. Failure to Trigger Rule 51:

35. An appellate tribunal, including a judge of the Federal Court reviewing an associate judge's directive, is strictly precluded from exercising its jurisdiction in a vacuum. Such jurisdiction must be affirmatively and meticulously invoked by an interested party via a formal **Motion**. By acting *sua sponte*, the jurist improperly and unlawfully conflated the roles of applicant and adjudicator, unilaterally nullifying a binding decision without affording the requisite procedural mechanisms to be heard, thereby violating the *audi alteram partem* principle.

36. Following the definitive appellate pronouncement in *Hospira Healthcare Corp. v. Kennedy Institute of Rheumatology,* 2016 *FCA* 215, the determinations of associate judges are explicitly and robustly shielded from *de novo* review. Their decisions must be scrutinized exclusively under the stringent appellate standards delineated by the Supreme Court of Canada in *Housen v. Nikolaisen, 2002 SCC 33* (correctness for errors of law; palpable and overriding error for mixed fact and law). The *sua sponte* abrogation of the June 24, 2026 directive comprehensively bypassed this mandatory standard of review, rendering the interference procedurally indefensible and substantively invalid.

B. FUNCTUS OFFICIO AND FINALITY:

37. Upon the promulgation of the directive by the associate judge, the doctrine of *functus officio* immediately and irrevocably attached to the determined procedural mechanism. This principle dictated, with finality, that the substantive evaluation of the first Notice of **Motion** (the "**NOM #1**") must proceed in writing. Once a court or tribunal has rendered a final decision and its formal judgment is entered, it generally exhausts its jurisdiction over the matter. Furthermore, the respondents, entrenched in absolute and continuing default, required formal leave to participate under the *Federal Courts Rules* and were statutorily disentitled to any further service of documents.
38. The judicial institution remains irreversibly bound by its own crystallized processes and binding directives. The subsequent intervention by a distinct jurist to rewrite the established procedural architecture renders the authority of the initial jurist unilaterally and spontaneously entirely illusory. This *ultra vires* act precipitates the precise systemic chaos and endless relitigation that the *rule* against collateral attack was meticulously designed to eradicate. To hold otherwise would fundamentally subvert the predictability required for the administration of justice.

4. THE STRATEGIC AND CONSTITUTIONAL IMPERATIVE

39. It is respectfully submitted that while the presiding jurist undeniably possessed the latent statutory authority to vary the directive upon the proper, formalized invocation of an appellate **Motion** pursuant to *Rule 51*, there existed a strict and absolute deprivation of active jurisdiction to effectuate such substantial variations *sua sponte*.

40. The deliberate circumvention of the mandated standard of review functionally constitutes an impermissible, unconstitutional, and *ultra vires* collateral attack by the institution upon its own binding, formalized processes. The actions undertaken remain unequivocally *Factum a judice, quod ad officium jure non pertinet, ratum non est*, establishing a definitive nullity within the procedural record that must be formally recognized and rectified by the Court.

C. CONSTITUTIONAL RIGHT TO ACCESS TO JUSTICE, THE RULE OF LAW, AND THE RIGHT TO A HEARING

41. The purported **July 2 Purported Direction** transcends mere procedural error; it functions as an unconstitutional barrier to the courts. Universal access to the courts is a foundational component of the *Rule* of Law, containing both procedural and substantive elements (*Uhrik v. Terrigno*, 2024 ABCA 383, at para 10). The Supreme Court of Canada established in *Trial Lawyers Association of British Columbia v. British Columbia (Attorney General),* 2014 SCC 59 (at paras 32 and 40), bolstered by *Ontario (Attorney General) v. $25,610 in Canadian Currency,* 2017 ONCA 251 (at para 1), that measures preventing citizens from bringing legitimate issues to the courts strike at the core of section 96 of the *Constitution Act, 1867.* The emphasis is on "measures that prevent"
42. Access to justice sits at an "untouchable constitutional level" (*Larouche v. Court of Queen's Bench of Alberta, 2015 ABQB 25*, at para 25). The right to an effective remedy is essential; without it, the *Rule* of Law is replaced by a *rule* of individuals arbitrarily deciding who shall have access to justice. Furthermore, there exists a strict prohibition against the interference with the mere pursuit of a legal remedy (*Timm v. Canada*, 2019 FC 238).
43. Courts act as the ultimate defenders of the Constitution and must remain completely separate in authority and function from all other participants, particularly the executive (*The Queen v. Beauregard,* 1986 CanLII 24 (SCC)).
44. The Applicant maintains an indefeasible right to a Hearing (as defined under *Rule* 1.03) of the substantive Application, and the underlying right to a determination—not necessarily success, but a determination on the merits. Consistent with *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 (at paras 36, 53, 61, an 199) and *Yatar v. TD Insurance Meloche Monnex*, 2024 SCC 8 (at para 49), general questions of law of central importance to the legal system require consistency and a final, determinate answer from the judiciary.

D. THE STRICT PARAMETERS OF RULES 369, 34, AND THE PERMISSIBILITY OF ANCILLARY DOCUMENTS

45. The assertion in the **July 2 Purported Direction** that an applicant cannot schedule the determination of a written **Motion** is a manifest error of law. *FCR Rule* 369(4) compellingly operates to dispose of **Motion**s upon the expiration of reply periods. When read in conjunction with *FCR Rule* 34 (general sittings), the Applicant retains the strict right to anchor unopposed **Motion**s to a valid return date.

46. The General Principle under the Federal Courts Rules must be followed and the language of the enactors of the Enactment (see: Interpretation Act (Canada), definition) must be respected. This is a component of legislative will. Justice Whyte Novak entirely, which the Applicant submits with great respect was done intentionally, disrespected, denigrated and disparaged said legislative will (in this instance, the Governor General of Canada). In so doing, she usurped the power of a branch of government to which she did not and does belong in Parliament.

47. Furthermore, the rejection of the **Motion** record for containing a Draft Order ignores *FCR Rule* 394 and *Rule* 4. The provision of draft orders is a standard courtesy recognized across superior courts. To transform this administrative inclusion into a fatal procedural defect is an arbitrary obstruction of justice curable entirely by *FCR Rule* 55.

E. THE PRIMUS INTER PARES DOCTRINE AND THE 13 DUTIES OF THE CHIEF JUSTICE

48. The constitutional architecture of the Court vests the Chief Justice with inherent supervisory jurisdiction. Following *Ruffo v. Conseil de la magistrature,* [1995] 4 S.C.R. 267, the *Primus Inter Pares* (First Among Equals) designation carries substantive obligations.

49. In circumstances of profound institutional impasse, the Acting Chief Justice is compelled to execute the "13 Chief Justice Duties," notably including:

    a. Ultimate Jurisdiction: Authority over adjudicative functions to preserve the *status quo ante*;

    b. Self-Assignment Power: The inherent authority to seize matters where the institutional reputation is at risk of administrative capture;

    c. Imperviously Influenced Mandate: Ensuring the Court remains insulated from localized registry friction;

d. **Institutional Reputation Guardian**: Rectifying internal conduct that casts a pall upon the administration of justice.

50. The Acting Chief Justice possesses the indefeasible authority to convert discretionary power into a mandatory duty to act (*Julius v. Oxford (Bishop of)*) (House of Lords, as per Lord Cairns) to lift the procedural impossibility imposed upon the Applicant.

F. ABSOLUTE DEFAULT AND THE NULLITY OF NOTICE REQUIREMENTS

51. The Respondents are in absolute default. Pursuant to the explicit wording of *FCR Rule*s 145 and 308, they are completely disentitled to notice of any further step. The July 2 Purported Direction's insistence on the filing of supporting affidavits strictly to effectuate service upon defaulting parties paradoxically demands a legal impossibility and contravenes the binding June 24 Direction and the relevant enactments.

PART IV — CONCISE STATEMENT OF THE ORDER SOUGHT

52. The Applicant respectfully requests the following Orders and Declarations:

a. A Declaration that none of the Respondents served and filed a **Motion** to challenge the direction/order of Associate Judge Mr. Crinson of July 24, 2026, pursuant to section 51 of the *Federal Courts Rules* should they have wished to have done so;

b. A Declaration that the |Respondents had notice of the Associate Judge Mr. Crinson July 24, 2026, order/direction;

c. A Declaration that the acts of Justice Whyte Nowak constitute *Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est*, and that her conduct and the purported **July 2 Purported Direction** are *coram non judice*, an impermissible collateral attack upon the June 24 Direction, and void *ab initio*.

d. A Declaration that the Applicant was deprived of access to justice and access to the courts by the Justice Whyte Nowak purported direction.

e. An Order restoring the Applicant's right to a Hearing (as defined under *FCR Rule* 1.03) of the Application and confirming his underlying right to a determination on the merits, consistent with the binding law of Canada as per *Vavilov* and *Yatar*.

f. An Order and Declaration that there was, and is, no legal requirement for the Applicant to obey any of the directives contained within the purported **July 2 Purported Direction** of Justice Whyte Nowak, on account of a strict lack of jurisdiction to engage in providing the verbiage contained therein.

g. An Order granting the substantive relief sought within the Applicant's Notice of **Motion** #1 (NOM #1) and Notice of **Motion** #2 (NOM #2) in substantially the same form as requested therein.

h. An Order abridging all time limits under the *FCR* and validating all of the Applicant's filings and procedural steps *nunc pro tunc* pursuant to *FCR Rule* 55.

i. A Declaration that the Respondents are in absolute, uncured default and are explicitly disentitled to notice of any step, rendering any requirement for service affidavits a legal nullity.

j. A Declaration that Associate Judge Crinson operated entirely *intra vires* under *FCR Rule* 50(1), making the June 24 Direction binding *in limine* but for the one source of contention and objection raised by the Applicant relating to any requirement to file "affidavits" for an Application Record, which is necessarily tied to "service", with Respondents who were not entitled, as found by Associate Judge Mr. Crinson;

k. An Order placing this **Motion** and NOM #2 before the Acting Chief Justice for immediate determination under the *Primus Inter Pares* doctrine.

l. An Order confirming that while the Applicant was and is available to speak to the matter orally on the scheduled return date, the Chief Justice of the Federal Court heard the **Motion** in writing in the interests of justice and in accordance with the General Principles under the *FCR*.

m. An Order directing the Registry to return the $50.00 tariff fees paid by the Applicant for each Requisition for Hearing – Application submitted to the Toronto Local Office on June 12 and June 19, 2026, and confirming the formal acceptance of the Requisition for Hearing – Application submitted to the Ottawa Principal Office in late June 2026.

n. An Order that the Applicant is entitled to have his Application heard in writing, encompassing the provision of a final comprehensive Memorandum of Fact and Law spanning the entirety of issues in the Proceeding up to a length of 40 pages (double-spaced, 30 lines per page). Furthermore, that the Application was heard on July 25, 2026, with the Applicant required to submit all final documents by July 23, 2026, via email to the Chief Judicial Administrator in Ottawa and via the Federal Court Portal.

o. An Order explicitly restraining the Federal Court Registry from forwarding, mailing, or otherwise providing notice of any procedural steps, filings, or directions to the Respondents, in strict accordance with their disentitlement under *FCR Rule*s 145 and 308.

p. An Order directing the Federal Court Registry to immediately provide written notice to the Applicant via email the moment the Respondent RCMP transmits the Certified Tribunal Record (the "**CTR**") to the Court, should it attempt to cure its ongoing default.

q. An Order declaring that should the RCMP fail to transmit the **CTR** within a timeframe established by the Court, the substantive Application shall proceed exclusively upon the comprehensive evidentiary record adduced by the Applicant, without prejudice to the Applicant.

r. An Order permanently enjoining the Local Office Registry from processing or characterising this proceeding as an "Application for Leave," confirming its strict status as an unopposed Application for Judicial Review.

s. An Order exempting the Applicant from any requirements to produce or file physical paper copies of the Application Record or any further materials for the duration of the Proceeding, permitting the use of the Federal Court Portal and electronic transmission as the exclusive and sufficient mode of filing.

t. A Permanent Order restraining Justice Whyte Nowak from further administration or adjudication in this proceeding

u. The relief in NOM #1 is granted with costs to the Applicant payable forthwith;

v. The relief in NOM #2 is granted with costs to the Applicant payable forthwith;

w. The Hearing of this Application shall be heard in writing on July 24, 2026, and the Applicant shall file a comprehensive Application Record along with a comprehensive MOFL incorporating the **CTR** by no later than July 23, 2026, at two p.m.;

    1. To the extent that the Respondent RCMP fails to transmit the **CTR** by July 17, 2026, to the Registry and the Applicant, the Applicant will be at liberty to bring an ex parte without notice **Motion** for Anton Piller Order relief from the RCMP CPIC and any other relief of similar nature;
    2. The Applicant will also be at liberty to seek all of his costs including investigative costs regarding the same;
    3. The Applicant will be at liberty to seek relief in the nature of contempt as well under section 467 and 468 et al under the *Federal Courts Rules*;

x. Any further relief that is just and equitable;

y. Any further relief that is within the Equitable Jurisdiction of the Federal Court of Canada;

z. Any further relief that gives effect to the above that is consistent with the *Rule* Of Law, the General Principle of the *Federal Courts Rules*, compliance with *Rule* 318 of the *Federal Courts Rules*, access to justice, Charter value, the RCMP Act, the Privacy Act, ATIA, duties of good faith, fiduciary duties, equitable obligations et al; and

aa. Costs on a full-indemnity scale, payable forthwith.

PART V — LIST OF AUTHORITIES

1. *R. v. Litchfield*, [1993] 4 S.C.R. 333
2. *McLean v. Bradley* (1878), 2 S.C.R. 535
3. *Prefontaine v. Gosman*, 2000 ABQB 870 (citing R. v. Germain, 1984, (Alta.)
4. *Valente v. The Queen,* [1985] 2 S.C.R. 673
5. *Beauregard v. Canada*, [1986] 2 S.C.R. 56
6. *Ruffo v. Conseil de la magistrature*, [1995] 4 S.C.R. 267
7. *Taylor v. Clemson (1844)*, 11 Cl. & Fin. 610, 8 E.R. 1233 (H.L.)

8. *Trial Lawyers Association of British Columbia v. British Columbia (Attorney General),* 2014 SCC 59
9. *Ontario (Attorney General) v. $25,610 in Canadian Currency,* 2017 ONCA 251
10. *Uhrik v. Terrigno,* 2024 ABCA 383
11. *Timm v. Canada*, 2019 FC 238
12. *Larouche v. Court of Queen's Bench of Alberta,* 2015 ABQB 25
13. *The Queen v. Beauregard,* 1986 CanLII 24 (SCC)
14. *Canada (Minister of Citizenship and Immigration) v. Vavilov,* 2019 SCC 65
15. *Yatar v. TD Insurance Meloche Monnex,* 2024 SCC 8
16. *Hospira Healthcare Corp. v. Kennedy Institute of Rheumatology, 2016 FCA 215*
17. *R. v. Litchfield,* [1993] 4 S.C.R. 333

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 7th day of July, 2026.

Mr. Kevin A. McLean (BA, JD, CIM) (he/him)

Applicant,

Self-Represented

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Tab B

FEDERAL COURT 70

BETWEEN:

KEVIN A. McLEAN

Applicant

– and –

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

MEMORANDUM OF FACT AND LAW OF THE APPLICANT FOR NOM #3 (RETURNABLE IN OTTAWA ON JULY 22, 2026 AT 9:30 A.M.

PART I — CONCISE STATEMENT OF FACT

A. COMMENCEMENT, UNOPPOSED NATURE, AND THE RESPONDENTS' ABSOLUTE DEFAULT

1. The applicant (the "**Applicant**") rigorously repeats and unequivocally relies upon the comprehensive material facts pleaded within the initial application commenced in form 301 (the "**Form 301 Application**"), the formal requisition for materials (the "**Rule 317 Request**"), the corresponding sworn affidavits, and all other substantive documents presently filed within the official court docket. The specific definitions, terminological parameters, and evidentiary foundations articulated within those antecedent documents are strictly adopted herein. They are intended to possess identical jurisprudential meaning and operational force throughout the entirety of this formal submission, ensuring absolute continuity of the procedural record. On May 15, 2026, the Form 301 Application was formally submitted and unequivocally accepted for filing by the registry of the Federal Court (the "**Registry**"). This foundational procedural step was executed in strict adherence to the prescribed parameters of the *Federal Courts Rules*, SOR/98-106 (the "**Federal Courts Rules**"), concurrently accompanied by the requisite tariff payment. Said financial remittance was unequivocally processed, deposited, and retained by the tribunal, thereby crystallizing the commencement of the proceeding and irrevocably invoking the superintending jurisdiction of the Federal Court (Affidavit #1 of Kevin A. McLean, sworn July 11, 2026, at para 4).
2. Subsequently, on May 20, 2026, both the Rule 317 Request—demanding the mandatory, unredacted transmission of the certified tribunal record (the "**Certified Tribunal Record**")—and the finalized certificate of service (the "**Certificate of Service**") were unequivocally accepted for filing and entered into the docket by the Registry. The

formal administrative acceptance and ingestion of these instruments established the unassailable procedural baseline from which all subsequent statutory limitation periods must be calculated and legally enforced (Affidavit #1, at paras 6-7). On June 3, 2026, the respondents (the "**Respondents**"), acting through designated legal counsel representing the Attorney General of Canada, attempted to file a notice of appearance (the "**Notice of Appearance**"). However, as definitively confirmed by the subsequent June 24 **Decision/Other Disposition** issued by Associate Judge Crinson, this administrative attempt was effectuated multiple days beyond the strict statutory limitation period mandated by the *Federal Courts Rules*. The filing was legally defective, entirely bereft of the requisite motion for an extension of time, and fundamentally unauthorized, thereby irrevocably placing the Respondents in an absolute and continuing state of statutory default. This default strictly operates to disentitle the Respondents from further participatory rights absent the granting of formal judicial leave (Affidavit #1, at paras 26-28).

3. Operating strictly, lawfully, and proportionally within the procedural rights afforded to a litigant advancing a proceeding against defaulting, unopposed entities, the application record (the "**Application Record**") and the comprehensive memorandum of fact and law (the "**Memorandum of Fact and Law**") were submitted for filing on that identical day, June 3, 2026. This action was executed with the express intent to ensure the most expeditious and least expensive determination of the proceeding, perfectly consistent with the overarching, mandatory administrative mandate enshrined within *Rule 3*.

B. THE FILING OF NOM #1, ADMINISTRATIVE FRICTION, AND NOM #2

6. The institutional respondent, specifically the Royal Canadian Mounted Police (the "**RCMP**"), entirely and persistently failed to transmit the Certified Tribunal Record. Furthermore, the RCMP neglected to register any formal, statutorily compliant objection within the mandatory twenty-day period subsequent to being properly served with the Rule 317 Request (which was effectuated on May 19, 2026, and explicitly admitted by opposing counsel). Consequently, upon the absolute expiration of this immutable procedural deadline, on June 10, 2026, the first notice of motion (the "**NOM #1**") was submitted for filing, seeking mandatory prerogative and injunctive relief to compel the immediate transmission of the requisite evidentiary record from the defaulting tribunal.

7. On June 12, 2026, the requisition for hearing (the "**Requisition for Hearing**") was formally executed, the applicable tariff was paid, and the instrument was submitted to the Toronto local office of the Federal Court (the "**Toronto Local Office**") to securely anchor the adjudicative trajectory (Affidavit #1, at para 15).

8. On June 16, 2026, an electronic communication was transmitted by Registry Officer Mr. Mercieca. It is submitted that this correspondence contained substantively incorrect legal analyses, impermissibly conflated ministerial registry functions with substantive adjudicative determinations, and attempted to impose non-statutory conditions precedent upon the Applicant. Corresponding corrective communications were systematically dispatched throughout the duration of that week by the Applicant to meticulously correct these fundamental misapprehensions of the *Federal Courts Rules*, to demarcate the strict boundaries of registry authority, and to restore procedural orthodoxy to the docket (Affidavit #1, at paras 9-10, 16). The proposed and formally requested return date for NOM #1, designated as June 17, 2026, elapsed without any judicial determination, case management intervention, or formalized response from the Court. In direct response to this administrative stagnation and systemic paralysis, on June 19, 2026, a second Requisition for Hearing concerning the substantive Form 301 Application was meticulously prepared, submitted, and paid for at the Toronto Local Office, further evidencing the Applicant's diligent, unwavering pursuit of judicial resolution and procedural momentum (Affidavit #1, at para 17). On June 22 and 23, 2026, physical iterations of the second notice of motion (the "**NOM #2**") were formally submitted to the Registry, with the explicit statutory designation that said motion was to be heard on June 30, 2026. This filing thereby established a clear, unambiguous, and unassailable procedural trajectory mandated for written adjudication.

C. THE BINDING JUNE 24 DECISION/OTHER DISPOSITION OF ASSOCIATE JUDGE CRINSON

11. On June 24, 2026, a binding judicial direction was comprehensively authored, natively generated within the secure judicial intranet, and issued by Associate Judge Crinson (the "**June 24 Decision/Other Disposition**"). Profound agreement is maintained with the overwhelming entirety of this judicial **Decision/Other Disposition**, save for the discrete, isolated procedural requirement mandating the inclusion of an affidavit of service within the Application Record. This specific requirement is respectfully and rigorously contested owing strictly to the unopposed, absolute default nature of the proceeding, wherein formal service of subsequent steps is no longer statutorily mandated pursuant to *Rule 145* (Affidavit #1, at paras 19-21).

12. Crucially, the June 24 **Decision/Other Disposition** explicitly and unequivocally confirmed that NOM #1 would be determined in writing. This formalized determination by a judicial officer of coordinate jurisdiction definitively established the adjudicative pathway, officially placing the matter squarely before the Court for substantive resolution and effectively shielding the proceeding from any subsequent lateral, unauthorized administrative interference. Between the dates of June 24 and June 26, 2026, finalized, hard-copy iterations of the motion record for NOM #2, alongside the updated Application Record, were submitted to the Registry. To proactively circumvent localized, systemic logistical failures concerning paper-copy processing observed routinely within the Toronto Local Office, and alongside an impugned, continuing failure by said office to transmit the submitted documents to the principal office in Ottawa (the "**Ottawa Principal Office**"), these critical documents were concurrently transmitted via facsimile directly to the Ottawa Principal Office on Monday, June 29, 2026. The June 30, 2026, return date for NOM #2 subsequently elapsed. It must be noted with absolute clarity and legal precision that, as correctly affirmed by the binding enactments codified within the *Federal Courts Act*, RSC 1985, c F-7 (the "***Federal Courts Act***") and the *Federal Courts Rules*, the Respondents were strictly and legally disentitled from being served with these materials due to their continuing, uncured, and absolute statutory default.

D. THE JUSTICE WHYTE NOWAK JULY 2 PURPORTED DIRECTION (FALSE DOCUMENT) AND THE RESULTING INSTITUTIONAL IMPASSE

15. On July 2, 2026, an instrument purportedly constituting a judicial direction was issued by Justice Whyte Nowak (the "**Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**"). It is forcefully submitted that this unilateral act systematically breached a multitude of established legal principles, was borderline contemptuous of the established authority and dignity of the Court, and operated strictly as a direct, *ultra vires* collateral attack upon the binding **Decision/Other Disposition** of a coordinate judicial officer. Most egregiously, this subsequent directive was executed entirely *in vacuo*, utterly devoid of any referential acknowledgment of the antecedent June 24 **Decision/Other Disposition**, thereby violently fracturing the continuity and integrity of the procedural record (Affidavit #1, at paras 33-36).

16. A formal, rigorous response to the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was immediately executed and filed by the Applicant, followed instantaneously by the facsimile transmission of

the present, third notice of motion (the "**NOM #3**"). This motion was rendered returnable on July 22, 2026, and was purposefully directed exclusively to the Ottawa Principal Office to entirely evade further localized jurisdictional interference and registry obstructionism at the Toronto Local Office.

17. In comprehensive consideration of the ongoing, systemic logistical failures pertaining to physical documentation, the apparent and alarming absence of mandatory transmission from the Toronto Local Office to the Ottawa Principal Office, the profound operational deficiencies observed within the Toronto Registry, and the overriding constitutional necessity to immediately invoke the *Primus Inter Pares* doctrine alongside the inherent supervisory duties of the Chief Justice, this Memorandum of Fact and Law and the corresponding motion record for NOM #3 have been transmitted directly via facsimile to the Ottawa Principal Office. As of the precise date of this formal submission, the Respondents have NOT filed a singular, structurally defective document (the aforementioned Notice of Appearance). The RCMP has neither formally objected to the compulsory production of the material meticulously delineated within the Rule 317 Request, nor has it transmitted said requisite material to the Registry or the Applicant, thereby sustaining and exacerbating its posture of profound statutory non-compliance.

18. A multiplicity of general issues of law, possessing central importance to the legal system comprehensively, alongside profound *Rule of Law* considerations, necessitate consistent, uniform, and immediate judicial determination by the apex administrative authority of this Court. While these issues partially concern the discrete service aspect articulated within the June 24 **Decision/Other Disposition**, they overwhelmingly, critically, and fundamentally relate to the absolute jurisdictional nullities, forensic fabrications, and synthetic document manipulation embedded within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**.

PART II — STATEMENT OF THE POINTS IN ISSUE

20. The specific, multifaceted points in issue mandated for rigorous, uncompromising adjudication are strictly delineated as follows, expanding upon the profound jurisdictional and constitutional stakes inherent in each query:

> a. Whether the Federal Court of Canada, notwithstanding its explicit mention within the Judicature Sections of the *Constitution Act, 1867*, possesses an inherent or plenary jurisdiction analogous to a provincial superior court, or whether its authority is strictly circumscribed by the parameters of its enabling federal statutes, thereby completely barring the exercise of unenumerated, *sua sponte* powers to arbitrarily vary settled docket trajectories (Negative; the Court strictly lacks plenary inherent jurisdiction);

b. Whether the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** constitutes an *ultra vires* act executed entirely without statutory, inherent, or invoked jurisdiction, thereby rendering it an absolute nullity and *void ab initio* (and emphatically not merely voidable as a curable procedural irregularity), specifically characterizing it as an impermissible, unconstitutional collateral attack upon the valid, binding, correct, and unchallenged procedural directives previously articulated within the June 24 **Decision/Other Disposition** by a jurist of coordinate jurisdiction (Affirmative);

c. Whether an order or **Decision/Other Disposition** rendered by an associate judge is susceptible to appellate challenge, variance, or *sua sponte* countermand before a judge of the Federal Court absent the formal initiation of a motion within the strictly prescribed ten-day limitation period articulated under *Rule 51*, thereby rendering any subsequent, unprompted adjudicative interference an absolute nullity that destroys institutional finality (Negative);

d. Whether the defaulting Respondents possessed actual (*de facto*) and legal (*de jure*) notice of the June 24 **Decision/Other Disposition**, notwithstanding their absolute statutory disentitlement to formal notice of subsequent steps, given the explicit inclusion of the Respondents' counsel of record within the electronic transmission executed natively by the associate judge (Affirmative);

e. Whether the expiration of the mandated ten-day appellate limitation period, coupled concurrently with the total absence of any formal appellate motion initiated by the aggrieved Respondents, unequivocally extinguished any latent statutory jurisdiction to review, alter, or vacate the June 24 **Decision/Other Disposition**, rendering the Court entirely *functus officio* regarding the parameters set therein (Affirmative; appellate jurisdiction was irrevocably extinguished at the close of business on Monday, July 6, 2026);

f. Whether the out-of-band communications traversing the registry constituted a clandestine, un-docketed "phantom" *Rule 51* internal appeal, effectively usurping the formal motion requirements and culminating in an *ex parte* adjudication by a jurist who lacked the requisite jurisdictional competence or explicit statutory authority to act *sua sponte* in countermanding a finalized, binding procedural directive (Affirmative);

g. Whether the *sua sponte* adjudicative actions of the presiding jurist properly characterize a *Factum a judice, quod ad officium jure non pertinet, ratum non est* (an act of a judge which does not pertain to his office is of no force), and consequently, whether the jurist acted entirely *coram non judice* (without jurisdiction) by promulgating sweeping directives extraneous to lawful appellate mechanisms subsequent to the matter's formal transmission to the principal office (Affirmative; such acts cannot be ratified as they are void at their inception);

h. Whether strict, uncompromising compliance with the mandatory motion prerequisites established under *Rule 399* of the *Federal Courts Rules* constitutes an absolute jurisdictional necessity to set aside or vary an existing order or **Decision/Other Disposition**, thereby rendering the *sua sponte*, motion-less **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** entirely *ultra vires*, procedurally impossible, and a legal nullity (Affirmative);

i. Whether the *Primus Inter Pares* (First Among Equals) doctrine imposes an imperative constitutional obligation upon the Chief Justice of the Federal Court to actively intercede, assert ultimate supervisory jurisdiction, and rectify systemic administrative anomalies, thereby eradicating the severe procedural irregularities and decisively restoring the *status quo ante nunc pro tunc* (Affirmative);

j. Whether the absolute statutory default of the Respondents operates to definitively disentitle them *in limine* from any requisite notice, formal service of documents—explicitly including this NOM #3—and the right to participate in the hearing of the Form 301 Application, thereby neutralizing any *ex post facto* registry demands for service affidavits (Affirmative);

k. Whether the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** functioned as an unconstitutional impediment, effectively depriving the Applicant of the fundamental right of access to the courts, stalling the adjudicative momentum, and abrogating the constitutional guarantee of an effective remedy, in flagrant and egregious contravention of the *Rule of Law* (Affirmative);

l. Whether the extraction of incontrovertible forensic metadata from the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, revealing severe post-production manipulation utilizing commercial software identified as "**PDF-XChange Editor**", elevating the instrument from a mere procedural anomaly to a synthetic fabrication *void ab initio*, thereby engaging the equitable maxim *Fraus omnia corrumpit* (Affirmative);

m. Whether the **T-4313-25** metadata artifact embedded within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** functions as a cryptographic breadcrumb requiring immediate judicial unsealing, as the identification of the litigants and counsel of record associated with said 2025 proceeding will definitively unmask the identity of the external actor responsible for authoring the synthetic fabrication (Affirmative; engaging the maxim *Ex ungue leonem*);
n. Whether the unadulterated visual incorporation of the executive branch "C A N A D A" typography, governed exclusively by the Treasury Board's Federal Identity Program (the "**FEDERAL IDENTITY PROGRAM**"), onto a purported judicial instrument irreparably destroys its provenance, vitiates the separation of powers, and annuls its legal validity as an independent order of the Federal Court (Affirmative);
o. Whether the superimposition of the National Coat of Arms of Canada (the Executive/Appellate crest) rather than the constitutionally mandated 2008 Federal Court Coat of Arms exposes the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** as a blatant, incompetent external forgery executed by an actor ignorant of precise heraldic demarcations, and specifically whether this reveals the mindset of an actor attempting to synthesize a "phantom" appellate document (Affirmative; engaging the doctrine of *res ipsa loquitur*);
p. Whether the incorporation of the *Official Languages Act* boilerplate translation requirement—a footer strictly designated for substantive *Reasons for Judgment*—onto a purported *Rule 72* administrative rejection conclusively proves the document was hastily and recklessly cloned from an antecedent substantive judgment template, exposing its synthetic origins (Affirmative);
q. Whether the utilization of unverified, ostensibly phantom registry officers (absent from official employment rosters), engaging in asymmetric, out-of-band email protocols with opposing counsel, manifests a profound institutional bias and structural irregularity that necessitates immediate appellate eradication (Affirmative);
r. Whether the precise nomenclature attributed to the phantom registry officer traversing the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** aligns incontrovertibly with public records detailing severe *Criminal Code* infractions, thereby necessitating the admission of *Similar Fact Evidence* and invoking the maxim *Ex turpi causa non oritur actio* to definitively vitiate the authority of the impugned instrument (Affirmative);
s. Whether the unauthorized commercial superimposition of the National Coat of Arms upon a fabricated document constitutes a direct, actionable contravention of section 9(1)(e) and 9(1)(n.1) of the *Trademarks Act*, RSC 1985, c T-13, and the *Copyright Act*, RSC 1985, c C-42, further solidifying the instrument as an absolute nullity *void ab initio* (Affirmative);
t. Whether the exhaustion of administrative remedies by the Applicant, met strictly with institutional evasion and silence by the Courts Administration Service regarding the aforementioned metadata and heraldic fabrications, necessitates the immediate and permanent transfer of this proceeding from the compromised Toronto Local Office to the Ottawa Principal Office *ex debito justitiae* (Affirmative);
u. Whether an adverse inference must be drawn against the Crown based upon correspondence from Mr. Jake Norris (transmitted via Ms. Alaina Lam) forcefully demanding the Applicant communicate exclusively with RCMP Regional Commander Matt Peggs, demonstrating an operational attempt to funnel and control the Applicant's inquiries (Affirmative); and
v. Whether the strict distinction between "service" (a statutory mechanism of jurisdictional vestment, strictly not required due to default under FCR Rule 145) and "institutional notice" (an act of ethical transparency and whistleblowing directed to implicated individuals and Chief Justices) wholly vitiates the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**'s insistence on sworn service affidavits (Affirmative).

PART III — CONCISE STATEMENT OF SUBMISSIONS

A. THE STATUTORY COMPETENCE OF ASSOCIATE JUDGES AND THE ABSOLUTE PROHIBITION OF COLLATERAL ATTACK (ALBEIT ON ITS FACE INTERNAL FROM A JUDGE BUT BLACK WIDOW WOVEN FROM THE EXECUTIVE BRANCH)

21. Pursuant to *Rule 2* of the Federal Courts Rules, the definition of "Court" is explicitly and unequivocally expanded to encompass an associate judge operating within their statutorily conferred jurisdiction. Under *Rule 50(1)* of the Federal Courts Rules, the associate judge possessed the unassailable statutory competence to actively case manage the proceeding and to unilaterally direct the written determination of NOM #1. It is submitted that this explicit legislative delegation, meticulously codified within the Federal Courts Rules, operates to render the directives of associate judges functionally indistinguishable from those of a fully appointed judge of the Federal Court, insofar as the finality, binding nature, and enforcement of case management decisions are concerned. The institutional authority of the Court speaks with one voice, and a lateral fracture of that voice breeds systemic instability.

22. It constitutes a bedrock foundational axiom of Canadian civil procedure that a jurist is strictly and absolutely prohibited from sitting in appeal of, varying, reviewing, or countermanding an order or **Decision/Other Disposition** rendered by another jurist within the identical proceeding, absent explicit, formally invoked statutory appellate authorization. This unyielding prohibition against collateral attack operates as an indispensable pillar supporting the *Rule of Law*, as definitively established by the Supreme Court of Canada in *R. v. Litchfield*, [1993] 4 S.C.R. 333. The profound policy rationale underpinning this prohibition transcends mere procedural neatness; it is the absolute preservation of institutional certainty, the conservation of scarce judicial resources, and the fundamental imperative that the orderly and functional administration of justice must never be subverted by parallel, unauthorized, or conflicting adjudications. Permitting jurists to horizontally overrule one another destroys the hierarchical integrity of the appellate process and subjects litigants to arbitrary vacillations in procedural governance.

23. The seminal jurisprudence of *Litchfield* has been affirmed extensively across Canadian appellate courts and applies with equal, unmitigated vigor in civil, administrative, and constitutional contexts. The interdependent legal doctrines of issue estoppel and *res judicata* are unequivocally cemented within the jurisprudential framework to avert the chaotic multiplicity of proceedings and to strictly shield litigants from the harassment of perpetual relitigation on settled points. The ancient, venerable maxim *Nemo debet bis vexari pro una et eadem causa* (no man shall be twice vexed for one and the same cause) is resolutely engaged. Furthermore, the proposition that a binding **Decision/Other Disposition** remains functionally equivalent to a formalized order concerning its finality

and its absolute demand for obedience is axiomatic. As articulated in *McLean v. Bradley*, 1878 CanLII 22 (SCC) (2 S.C.R. 535) and reinforced in *Wilson v. The Queen*, 1983 CanLII 35 (SCC) ([1983] 2 S.C.R. 594), an order or direction promulgated by a judicial officer acting within their lawful jurisdiction must be rigorously obeyed unless systematically set aside in a proceeding explicitly designed and statutorily authorized for that specific objective .Inasmuch as the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** functionally countermanded the procedural trajectory meticulously solidified by the June 24 **Decision/Other Disposition**—and achieved this total reversal without the requisite invocation of a formal motion or a recognized appellate mechanism—it constitutes an egregious, actionable violation of internal *res judicata*. This *sua sponte* usurpation of appellate authority thereby renders the subsequent directive a complete nullity and *void ab initio*.

B. PROCEDURAL NULLITY: FAILURE TO ADHERE TO RULE 399 FOR VARIANCE

25. Pursuant to the strict procedural architecture of *Rule 399* of the Federal Courts Rules, the mechanism to set aside, vacate, or vary an existing order or **Decision/Other Disposition** is strictly, exhaustively, and exclusively confined to the formal initiation of a motion. Specifically, *Rule 399(1)* dictates that the Court may, **on motion**, set aside or vary an order made *ex parte* or in the absence of a party, provided the party against whom the order is made successfully discloses a *prima facie* case articulating precisely why the order should not have been made. Furthermore, *Rule 399(2)* permits a motion to set aside or vary an order by reason of a matter arising subsequent to the making of the order, or where the order was obtained by fraud. The inclusion of the phrase "on motion" operates as a strict, unyielding condition precedent to the exercise of the Court's variance jurisdiction.
26. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** explicitly and unapologetically attempted to vary, countermand, and entirely reject the precise procedural framework and adjudicative pathway definitively established by the June 24 **Decision/Other Disposition**. However, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was authored and issued completely absent the initiation of any formal motion by the Respondents, and incontrovertibly without the existence of a formalized motion filed under the auspices of *Rule 399*. It emerged from a procedural vacuum, untethered to any adversarial request.
27. As strict compliance with the mandatory procedural prerequisites of *Rule 399* was entirely evaded, the presiding jurist fundamentally lacked the foundational jurisdictional predicate required to lawfully vary the June 24

Decision/Other Disposition. Consequently, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** operates strictly as an *ultra vires* act. The authority to vary an order is not a plenary, unchecked, or sovereign power of the court; rather, it is rigorously constrained by the procedural safeguards meticulously encoded within the Federal Courts Rules. To permit the variation of a procedural trajectory absent a formal motion is to violently divest the opposing party of the fundamental constitutional right to be heard, triggering a catastrophic violation of the *Audi alteram partem* (listen to the other side) principle. It strips the litigation of its adversarial character and transforms the judge into an inquisitor.

C. THE STATUTORY HIERARCHY AND THE USURPATION OF APPELLATE JURISDICTION

29. While the traditional collateral attack doctrine articulated in *Litchfield* relies fundamentally upon the principle of coordinate jurisdiction (protecting the decisions of a jurist from review by a jurist of equal rank), the statutory architecture of the Federal Court establishes a distinct, defined institutional hierarchy. Pursuant to *Rule 51(1)* of the Federal Courts Rules, a judge of the Federal Court is designated as the explicit statutory appellate authority for determinations rendered by an associate judge. This hierarchical structuring confirms that a formal appeal is the sole, exclusive, and exhaustive mechanism for challenging an associate judge's directive.
30. Had the defaulting Respondents initiated a formal motion under *Rule 51* of the Federal Courts Rules, the presiding jurist would ostensibly possess the requisite statutory jurisdiction to review the directive. The fatal jurisdictional defect within the present circumstances crystallizes unequivocally in the *sua sponte* intervention. A court acting in an appellate capacity is inherently reactive; its jurisdiction is activated solely through the formalized pleadings and formal invocation of an aggrieved party. An appellate court cannot manufacture its own jurisdiction absent a litigant's plea. To do so is to abandon the role of a neutral arbiter.
31. The Respondents were afforded a strict, immutable ten-day statutory limitation period to initiate such an appeal. Calculating from the issuance of the **Decision/Other Disposition** on June 24, 2026, the limitation period demonstrably expired, effectively and permanently obliterating any residual opportunity for appellate review. Consequently, the *sua sponte* collateral attack executed by the presiding jurist operated entirely devoid of inherent, statutory, or invoked jurisdiction. The jurist was effectively *functus officio* regarding the capacity to review the June 24 **Decision/Other Disposition** upon the expiration of the appellate window. The passage of time definitively

extinguished the procedural avenue for review. An inescapable and profound negative inference must be drawn regarding the deliberate omission, within the text of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, of any reference whatsoever to the prior, valid, and active **Decision/Other Disposition** of the associate judge (Affidavit #1, at paras 34-35). This conspicuous and alarming omission impugns the integrity of the judicial process and strongly suggests a willful, calculated circumvention of established procedural constraints. [i]

THE CLANDESTINE APPELLATE MECHANISM: THE PHANTOM RULE 51 APPEAL AND ASYMMETRIC ADJUDICATION

33. A rigorous evaluation of the anomalous, out-of-band email loop traversing the registry explicitly engaging unrostered (as per recent public directory populations) Registry Officer "Maya-Jo Blake-Janniere" and the Respondents' counsel—raises a chilling, deeply subversive legal hypothesis. It is posited that this asymmetric communication precipitated a clandestine, un-docketed "phantom" internal appeal of Associate Judge Crinson's June 24 **Decision/Other Disposition**.

34. This phantom appellate maneuver was seemingly orchestrated entirely *in vacuo*, effectively bypassing the mandatory notice, filing, and adversarial transparency requirements enshrined within *Rule 51*. An internal appeal under *Rule 51* requires strict adherence to timelines and adversarial participation; a jurist cannot lawfully adjudicate a "phantom appeal" sparked by unilateral, off-the-record registry complaints. The resulting **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, issued under the guise of an administrative *Rule 72* rejection, functionally operated as a covert appellate reversal.

35. The psychological architecture of this fabrication is further betrayed by the external actor's catastrophic heraldic selection. By deliberately superimposing the *National Coat of Arms* (the executive/appellate crest) rather than the standard Trial Division sea-caribou crest, the external actor revealed their mindset: they believed they were constructing a document to execute an "appellate" override. In doing so, they fundamentally misunderstood the mechanics of *Rule 51*, which dictates that an appeal of an associate judge's order lies to a "judge of the Federal Court" (Trial Division), remaining squarely within the Trial Division's heraldic jurisdiction, not the Federal Court

of Appeal. This psychological slip-up exposes the instrument as a synthetic fabrication engineered by an external entity completely ignorant of jurisdictional boundaries.

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D. RULE 72 JURISPRUDENTIAL ANALYSIS AND APPLICATION

36. To ascertain the precise jurisdictional boundaries traversed herein, a rigorous, categorical analysis of *Rule 72* of the Federal Courts Rules is strictly necessitated. *Rule 72* serves as a critical procedural mechanism, empowering the Administrator to seek direction from a judicial officer when a document submitted for filing ostensibly deviates from the prescribed rules. The overarching rationale of *Rule 72* is firmly anchored to the mandate of *Rule 3*, ensuring the just, most expeditious, and least expensive determination of every proceeding on its merits.

Categorization of Rule 72 Jurisprudence

37. A synthesis of advanced jurisprudence reveals that *Rule 72* interventions are systematically categorized into three distinct operational domains. [ii]

Application to the Present Factual Matrix

38. The rigorous application of the aforementioned jurisprudential principles to the current proceeding definitively establishes the absolute primacy of the June 24 **Decision/Other Disposition**. Associate Judge Crinson, executing his lawful authority pursuant to *Rule 72*, evaluated the comprehensive docket and rendered a binding judicial determination regarding the trajectory of the filings. Specifically, he directed the conditional progression of the file (mandating future compliance with *Rule 306* regarding evidentiary affidavits) while definitively ordering the motion to be heard in writing based upon the established, uncured default of the Respondents.

39. Because the June 24 **Decision/Other Disposition** constituted a formalized judicial determination under *Rule 72*, it was subject exclusively to formal appellate review under the highly deferential standard delineated in *Sui v. Canada*. The subsequent **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** did not operate as a lawful appellate review; rather, it functioned as an unauthorized, *sua sponte* administrative rejection that completely and inexplicably ignored the antecedent judicial directions already governing the exact same filings. It improperly substituted a *de novo* rejection for what required an appellate motion.

43. The injection of the fabricated **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, functioning to circumvent the Federal Courts Rules and misuse the Court's process, constitutes an actionable abuse of process. As defined by the Supreme Court of Canada in *Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63 (at para 37), the Court possesses the inherent power to prevent its procedure from being utilized in a manner that brings the administration of justice into disrepute. The doctrine of abuse of process is a broad and flexible mechanism; its purpose is to enable the court to prevent the misuse of its own process.

44. In *Halagan v. Reifel*, 1997 CarswellBC 4040, the Court explicitly addressed the impermissibility of advancing inconsistent legal facts. Madam Justice Satanove held: "The court expects a party to take a position which is consistent with its evidence and to maintain that position in its dealings with the court. In other words, saying something to one judge and saying the opposite to another will not be countenanced." Applying *Halagan*, the factual matrix herein reveals a devastating contradiction. On June 3, 2026, Mr. Jake Norris, counsel for the Respondents, transmitted formal correspondence explicitly admitting that "service upon the AGC [was] effected May 19, 2026." However, the subsequent **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** rejected the Applicant's motion based on a diametrically opposed premise: the lack of a sworn affidavit of service. Permitting the Respondents to benefit from a purported judicial direction that relies on a fact they have already formally admitted to be false constitutes an overt deception upon the Court and a profound abuse of process.

45. As affirmed in *Laiken v. Carey*, 2011 ONSC 5892, counsel owes an absolute, non-negotiable duty of honesty to the Court (the "Fisherman's Rule"). The failure of opposing counsel to immediately alert the Court that the July 2 Purported Direction was predicated on a false premise (having already admitted service) engages severe professional misconduct. However counsel owed a duty to opposing litigants because of the exception to the rule: " There are a few well established exceptions to the general rule that a lawyer owes no duty to opposing or third parties, including: Where a lawyer is implicated in i**ntentional torts, including fraud, slander of title, false imprisonment, malicious prosecution, abuse of process and civil conspiracy**, those intentional torts are not

defeated by the rule that a lawyer owes no duty of care to the opposing party in litigation" (see: Laiken v. Carey, 2011 ONSC 5892 (CanLII), at para 55 as per Madam Justice L.B. Roberts)).

F. THE VITIATION OF DOCUMENTARY INTEGRITY: FORENSIC METADATA AND THE UNAUTHORIZED SUPERIMPOSITION OF THE COAT OF ARMS

50. The evaluation of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** must profoundly transcend a mere analysis of jurisdictional overreach and rigorously scrutinize the actual provenance, structural integrity, and synthetic genesis of the instrument itself. Forensic metadata extracted directly from the electronic iterations of the divergent directives reveals catastrophic structural anomalies within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** that utterly destroy any presumption of authenticity.

The Distinction Between Organic Generation and Post-Production Manipulation

51. It is a matter of strict administrative orthodoxy that official instruments of the Federal Court of Canada are generated natively within secure, monitored word-processing environments (specifically, Microsoft Word for Microsoft 365) and exported organically to the Portable Document Format (PDF). This organic generation method seamlessly embeds the official, integrated vector assets of the Court, explicitly presenting the standard, bilingual text integrated with the recognized administrative insignia, alongside organically embedded metadata, explicitly including the correct population of the author field (e.g., Registry Officer "Lopez, Diane"). The June 24 **Decision/Other Disposition**, authored by Associate Judge Crinson, and the May 20 Direction, authored by Associate Judge Cotter, flawlessly exhibit this native structural integrity, bearing the correct administrative headers and organically embedded metadata. Conversely, advanced forensic analysis of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** unequivocally dictates that it was not generated organically. As confirmed by the extracted advanced properties, the document was created or heavily manipulated utilizing third-party, post-production manipulation software, explicitly identified within the metadata as "**PDF-XChange Editor** 10.7.1.399" and "PDF-XChange Core API SDK" (the "**Manipulation Software**"). Most damningly, the metadata profile of the July 2 document is utterly lacking a legitimate author designation, presenting a blank field where a native CAS document would rigidly auto-populate the credentialed registry officer's identity.

52. The commercial Manipulation Software identified within the metadata operates fundamentally distinctly from native word-processing applications. Unlike native generation environments, which organically compile textual and structural data into a finalized vector format, the Manipulation Software is expressly engineered to execute post-production alterations upon previously compiled documents. It facilitates the retroactive superimposition of graphical layers, the extraction or deletion of embedded text, and the artificial injection of watermarks long after the originating file has been locked. The utilization of such post-production software upon a purported judicial instrument conclusively demonstrates that the document was synthetically assembled or retroactively altered, completely bypassing the secure, monitored, and automated macro-templates natively embedded within the Courts Administration Service (the "**CAS**") intranet.

The Internal Metadata Discrepancy: A Cloned Instrument

53. The synthetic nature of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** is rendered absolute by an examination of its internal title metadata. Embedded within the core properties of the document is the specific title: **T-4313-25** direction.docx. This internal file identifier bears absolutely no jurisdictional, temporal, or factual nexus to the current proceeding, which operates strictly under Court File No. T-2448-26. The presence of an entirely disparate file number from the preceding calendar year (2025) within the foundational metadata constitutes *prima facie* and incontrovertible evidence that the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was not authored as an original, authentic instrument for this specific proceeding. It was demonstrably cloned, repurposed, and synthetically assembled from an unrelated, antecedent document utilizing commercial PDF editing software, severely impugning its chain of custody. It is forcefully advanced that this metadata artifact functions as a cryptographic breadcrumb (*Ex ungue leonem*). The judicial unveiling of the litigants and counsel of record associated with the antecedent **T-4313-25** proceeding will inevitably unmask the identity of the external actor responsible for this synthetic fabrication.

G. THE NON-DELEGABLE JUDICIAL DUTY OF VERIFICATION AND APPROVAL

59. The promulgation of a judicial directive inherently demands the rigorous, non-delegable oversight of the presiding jurist. A jurist is bound by an absolute, non-delegable duty to meticulously review, verify, and authenticate the structural and substantive integrity of any instrument issued under their sovereign authority prior to its formal transmission to the registry. The abdication of this fundamental duty violates the venerable maxim *Delegatus non potest delegare* (a delegate cannot delegate).

H. THE ANTECEDENT MAY 20 DIRECTION OF ASSOCIATE JUDGE COTTER: FORENSIC AUTHENTICITY AND PROCEDURAL RECTIFICATION

61. To comprehensively unmask the procedural nullity and forensic fabrication embodied within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, it is strictly necessitated to evaluate the antecedent judicial direction issued by Associate Judge John C. Cotter on May 20, 2026 (the "**May 20 Direction**").

The Lawful Exercise of Rule 72 and the Immediate Perfection of Service

62. On May 20, 2026, Associate Judge Cotter, acting entirely *intra vires*, evaluated the initial submission of the Applicant's Rule 317 Request. Utilizing the strict parameters of *Rule 72(2)(a)*, the Associate Judge directed the rejection of the filing predicated strictly upon an administrative absence of verified proof of service. This was a proper exercise of gatekeeping. This procedural deficiency was not fatal; it was immediately, permanently, and conclusively rectified by the Applicant on that identical date. To rapidly cure the defect, the Applicant systematically invoked *Rule 146(1)(b)* of the *Federal Courts Rules*, submitting incontrovertible proof of service in the form of unedited electronic transmission logs and automated acknowledgment receipts generated directly by the Department of Justice intake server (TOR.Leadadmissions@justice.gc.ca). Subsequent to this rigorous curative step, the finalized, compliant documentation package was successfully accepted and ingested by the Federal Court E-Filing portal, yielding the unique confirmation sequence 2026-05-20-4847823110108. Beyond establishing the procedural baseline, the May 20 Direction provides the ultimate forensic comparative metric. A meticulous extraction of the metadata embedded within Associate Judge Cotter's May 20 Direction reveals the absolute hallmark of judicial authenticity: the instrument was natively generated utilizing "Microsoft Word for Microsoft 365" and seamlessly exported utilizing standard Acrobat protocols (PDF Version 1.7). Furthermore, the author metadata correctly identified Registry Officer "Lopez, Diane," establishing an unassailable, organic chain of

custody. The organic generation of the May 20 Direction (Associate Judge Cotter) and the June 24 **Decision/Other Disposition** (Associate Judge Crinson) flawlessly illustrates the standard operating procedures of the Federal Court. The stark, undeniable contrast between these native documents and the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** (which utilized commercial Manipulation Software, omitted the author field, and harbored a cloned **T-4313-25** identifier) catastrophically exposes the latter as a synthetic manipulation entirely divorced from the Court's secure architecture.

I. COMPREHENSIVE FORENSIC AND INSTITUTIONAL ANALYSIS: FEDERAL IDENTITY PROGRAM VERSUS JUDICIAL HERALDRY

70. The evaluation of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** must transcend a mere analysis of metadata software manipulation and rigorously scrutinize the actual institutional heraldry superimposed upon the instrument itself.

The Federal Identity Program and Executive Typography

71. The visual identity of the executive branch of the Canadian government is strictly governed by the Federal Identity Program (the "**FEDERAL IDENTITY PROGRAM**"), administered by the Treasury Board Secretariat. Established to maintain a coherent corporate identity across all departments and agencies that report to Parliament, the **FEDERAL IDENTITY PROGRAM** framework mandates the precise deployment of the "Canada" wordmark. The "Canada" wordmark serves as the dominant, universally recognized symbol of the federal executive. While the wordmark is traditionally deployed horizontally, specific co-branding initiatives and distinct departmental templates permit a vertical alignment of the "C A N A D A" text string, typically descending along the margins of the document.

The Independent Heraldic Identity of the Federal Court

72. As a superior court of record authorized by the *Constitution Act, 1867*, and established under the *Federal Courts Act*, the Federal Court of Canada operates with absolute independence from the executive branch and its **FEDERAL IDENTITY PROGRAM** mandates. To visually enshrine this independence, the Court does *not* utilize the **FEDERAL IDENTITY PROGRAM** "Canada" wordmark on its judicial instruments. Instead, the Federal

Court possesses its own highly specific heraldic Coat of Arms, granted by the Canadian Heraldic Authority on December 10, 2007 (the "**Heraldic Crest**"). The blazon of the Heraldic Crest features winged sea-caribou, a balance issuing from a coronet of maple leaves and fleurs-de-lis, and the motto *Equity, Droit, Admiralty*.

Visual Discrepancy Analysis of the Impugned Document

73. A rigorous visual inspection of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** reveals a jarring and fundamentally contradictory amalgamation of judicial heraldry and executive branch **FEDERAL IDENTITY PROGRAM** artifacts. The most damning visual anomaly is the vertical "C A N A D A" watermark seamlessly descending along the center of the header. The independent judiciary is constitutionally separate from the Crown's executive ministries. A legitimate Federal Court judge or Registry Officer operating within the secure judicial intranet would not, and technically could not, generate a document utilizing an executive branch **FEDERAL IDENTITY PROGRAM** template.

The Misappropriation of Appellate Heraldry: The National Coat of Arms Anomaly

74. A profound, catastrophic heraldic fatal error has been unveiled upon closer forensic magnification of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**. The crest superimposed upon the impugned instrument is definitively *not* the 2008 Federal Court Coat of Arms (characterized by the winged sea-caribou and the motto *Equity, Droit, Admiralty*). Rather, it is a low-resolution, synthetically grafted iteration of the *National Coat of Arms of Canada* (featuring the lion, unicorn, flags, and the motto *A Mari Usque Ad Mare*).
75. The National Coat of Arms is strictly utilized by the executive branch and specifically designated appellate tribunals. To fully contextualize the gravity of this heraldic misappropriation, the constitutional rationale permitting the utilization of the National Coat of Arms by provincial appellate bodies, such as the Court of Appeal for Ontario or the Federal Court of Appeal, must be rigorously delineated.
76. Pursuant to the constitutional architecture of Canada, the Sovereign operates as the indivisible "fount of justice." Under section 96 of the *Constitution Act, 1867*, provincial superior courts function within a unique hybrid paradigm; whilst administered by provincial legislatures, the presiding jurists are appointed and remunerated by the federal executive. As these appellate tribunals possess the inherent jurisdiction to adjudicate and enforce both provincial

statutes and federal enactments—most notably the *Criminal Code*, RSC 1985, c C-46, and the *Canadian Charter of Rights and Freedoms*—the National Coat of Arms is rightfully displayed to project unified, national sovereign authority. Conversely, the Federal Court of Canada (Trial Division) (as it was known) operated strictly as a statutory court formulated under section 101 of the *Constitution Act, 1867*. To visually segregate its specialized, national trial-level mandate from the appellate courts and the executive branch, it was specifically granted the 2008 Federal Court Coat of Arms. The Federal Court of Canada Trial Division emphatically does *not* utilize the National Coat of Arms for any operational or ceremonial purpose, relying instead upon its distinct sea-caribou heraldry or standardized text-based bilingual headers for routine orders.

77. The synthesis of the National Coat of Arms upon a purported Federal Court procedural direction unequivocally exposes the external actor's profound ignorance of Canadian constitutional and heraldic demarcations. The document is undeniably false on its face, rendering it void *ab initio*. The equitable maxim *res ipsa loquitur* (the thing speaks for itself) is forcefully engaged; the heraldic error independently proves the forgery.

The "Halfway House" Forgery and the GrapeCity Modus Operandi

78. This glaring misidentification conclusively exposes the external actor's *modus operandi*. It is submitted that the architectural forgery executed upon the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** betrays a specific, recognizable psychological hesitancy—a tactical decision to commit a "halfway house" forgery. The external actor, intimately aware that misappropriating the exact, operational, bilingual text header of the Federal Court (e.g., the standard "FEDERAL COURT / COUR FÉDÉRALE" text absent ceremonial graphics) might trigger immediate internal scrutiny, opted instead to superimpose what they incorrectly assumed was the appropriate grand heraldry (the National Coat of Arms). This action demonstrates a calculated attempt to construct a "90 percent fraud," ostensibly mitigating the offensiveness of an outright duplication while relying on the intimidation factor of the grand heraldry to command obedience. This tactical hesitation mirrors, with chilling precision, the *Similar Fact Evidence* previously adduced regarding the False Information Package. In that antecedent malfeasance, the external actors utilized the GrapeCity Software to synthesize a fictitious Ontario Court of Justice (OCJ) logo bearing the "Justice of the Peace" insignia, rather than perfectly cloning the true provincial coat of arms. The *modus operandi* is identical: the synthesis of an incongruous, approximate emblem to execute

severe jurisdictional overreach without committing a perfect replication of the genuine instrument. By selecting the National Coat of Arms (the appellate/executive crest) instead of the Trial Court's true logo or text header, the forger committed a fatal error of heraldic misappropriation. An analytical reconciliation of the disparate forensic anomalies obliterates any hypothesis of mere administrative inadvertence. Even if one were to perilously assume that the harboring of the **T-4313-25** metadata was merely the result of a clerical error—such as the careless recycling of a precedent document from the previous calendar year—this rationalization completely fails to account for the concurrent presence of the fabricated heraldry.

The Incompetent Misappropriation of Judicative Boilerplate: The Official Languages Act Anomaly

79. A terminal structural contradiction is embedded within the final footer of the impugned **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**. The document concludes with a highly specific, standardized disclaimer: *"Pursuant to section 20 of the Official Languages Act all decisions, orders and judgments, including any reasons given therefor, issued by the Court are issued in both official languages. In the event that such documents are issued in the first instance in only one of the official languages, a copy of the version in the other official language will be forwarded on request when it is available."* This boilerplate translation disclaimer is strictly, institutionally reserved for formal *Reasons for Judgment* or substantive adjudicative *Orders* that dispose of merits on the docket. It is emphatically *not* appended to routine administrative registry rejections issued under *Rule 72*.The presence of this *Reasons for Judgment* footer upon a purported *Rule 72* administrative rejection constitutes a catastrophic structural incongruity. It provides *prima facie* evidence that the external actor hastily cloned an antecedent substantive judgment template (corroborating the **T-4313-25** direction.docx metadata artifact) and recklessly failed to sanitize the document of its adjudicative footer during the post-production synthesis via the Manipulation Software.

J. DIGITAL PROVENANCE: THE COURTS ADMINISTRATION SERVICE METADATA ARCHITECTURE AND THE 2006 TEMPLATE ANOMALY

98. To further establish the synthetic nature of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, one must rigorously interrogate the cryptographic and chronological fingerprints of the Courts Administration Service (the "**CAS**") intranet. Following its inception in 2003, the CAS engaged in a multi-year

technological modernization initiative to standardize registry workflows. By 2006, the CAS had developed and deployed a suite of standardized Microsoft Word macro-enabled templates across its secure intranet. A well-documented technical idiosyncrasy of the Microsoft Word ecosystem—specifically when utilizing the native "Save As PDF" functionality—involves the handling of the CreationDate metadata field. When a new document is instantiated from a legacy template, the resulting PDF file frequently inherits the original creation date of the underlying template, rather than recording the date the specific document was authored. This specific software behavior provides an invaluable, unintended cryptographic signature for authentic CAS documents. An examination of the metadata for the undisputed, authentic direction issued by Associate Judge Cotter on May 20, 2026, reveals that the document was "Created" in 2006, despite being modified and exported in 2026. Similarly, the authentic **Decision/Other Disposition** issued by Associate Judge Crinson on June 24, 2026, exhibits the identical 2006 chronological anomaly. The appearance of the year "2006" in the creation metadata of documents issued in 2026 is definitive proof of their origin within the CAS IT environment. It signifies that the registry officers utilized the official, locked CAS templates authored during the 2006 modernization rollout. Conversely, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** completely lacks this 2006 template inheritance. Its metadata confirms it was created on July 2, 2026, utilizing the external Manipulation Software, proving mathematically that it was generated from scratch or from a non-CAS template, completely bypassing the secure registry workflow. This constitutes objective, verifiable evidence that the document did not organically originate from the Federal Court Registry.

K. THE TAX COURT HERALDRY NEXUS: SYNTHESIZING THE METADATA AND THE COAT OF ARMS FORGERY

107. The synthetic provenance of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** is conclusively proven through the synthesis of its embedded metadata identifier (**T-4313-25**) and its catastrophic heraldic anomaly (the *National Coat of Arms*). It is respectfully submitted that this convergence unravels the precise *modus operandi* of the external fabrication.

108. An examination of the foundational particulars of the antecedent proceeding bearing Court File No. **T-4313-25** reveals that the respondents within said 2025 proceeding were the Attorney General of Canada and the Canada

Revenue Agency (the "**CRA**"). As formally recognized within the institutional branding of the Tax Court of Canada, the Tax Court explicitly utilizes the *National Coat of Arms* (the identical crest superimposed upon the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**) as its official institutional insignia, visually distinguishing its specialized revenue mandate from the Trial Division of the Federal Court.

109. The advanced syllogism is inescapable. The external actor, intimately embedded within or possessing unfettered access to the Department of Justice / Attorney General of Canada tax litigation apparatus, cloned a document template from the antecedent **T-4313-25** CRA proceeding. Because matters involving the CRA routinely interface with the Tax Court of Canada, or utilize DOJ tax-litigation templates formally bearing the *National Coat of Arms*, the cloned document inherently carried this executive/appellate crest. In their haste to synthesize a procedural rejection against the Applicant within the present T-2448-26 proceeding, the external actor superimposed the text of the *Federal Court* but catastrophically failed to sanitize the document of the Tax Court/Executive heraldry. They simultaneously neglected to update the underlying Word document title property before exporting it via the external Manipulation Software. This critical convergence perfectly marries the internal **T-4313-25** direction.docx metadata identifier with the external *National Coat of Arms* visual anomaly, establishing the fraudulent genesis of the document beyond a reasonable doubt and rendering it an absolute nullity *ab initio*.

L. PROCEDURAL IMPOSSIBILITY: PERFECTED SERVICE AND THE VIOLATION OF JUDICIAL COMITY

111. Beyond the metadata fabrications, the substantive legal text of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** presents an equally profound set of procedural contradictions that vitiate its legitimacy. The primary justification advanced in the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** for rejecting the Applicant's motion is an alleged failure to prove service, demanding a sworn affidavit. However, under *Rule 146(1)(b)* of the Federal Courts Rules, proof of service may be definitively established by "a written admission of service by the person served or the person's solicitor." Moreover, as the merits need not be addressed because the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** is fraud on its face (with some irony) to the False Information Package under the Criminal Code from September 2024.

112. On June 24, 2026, Associate Judge Crinson issued a formal **Decision/Other Disposition** managing this exact docket, explicitly ruling that further service was not required and granting a 30-day extension for any outstanding affidavits. Just eight days later, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** completely ignored Associate Judge Crinson's binding directives, arriving at diametrically opposed conclusions. In the absence of a *Rule 51* appeal by the Respondents, Justice Whyte Nowak lacked the jurisdictional authority to spontaneously override the valid case management directives of an Associate Judge. This horizontal fracture violates judicial comity. The Applicant complied under protest on a technical point of law.

M. THE SUBSTANTIVE MOTIVE: SYSTEMIC VULNERABILITIES AND RULE 317 PRODUCTION

118. To understand the potential motives behind the injection of a highly irregular document into the court file, one must examine the underlying substantive dispute. The Applicant alleges that a "False Information Package" was generated through the unauthorized manipulation of a CPIC "WANT record" utilizing software vulnerabilities in the GrapeCity/Mescius SDK PDF framework. The Applicant's *Rule 317* request seeks the production of raw forensic mainframe ledger records and cryptographic audit trails residing within the CPIC database. If the *Rule 317* request is enforced, the RCMP will be legally compelled to produce the unredacted CPIC metadata, potentially exposing the unauthorized manipulation of a criminal information package (a fraud upon the court). In this context, the sudden appearance of the highly irregular **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**—which abruptly rejects the Applicant's procedural motions based on fabricated heraldry, falsified metadata, and false premises regarding service—can be viewed as a desperate attempt to derail the proceeding before the *Rule 318* production deadline can be enforced. The stakes involve systemic institutional accountability.

O. CONSTITUTIONAL RIGHT TO ACCESS TO JUSTICE AND THE RULE OF LAW

123. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** transcends mere procedural error; it functions as a formidable, unconstitutional barrier to the courts. Universal access to the courts is a foundational component of the *Rule of Law*, containing both indispensable procedural and substantive elements (*Uhrik v. Terrigno*, 2024 ABCA 383, at para 10). The Supreme Court of Canada established definitively in *Trial*

Lawyers Association of British Columbia v. British Columbia (Attorney General), 2014 SCC 59 (at paras 32 and 40), bolstered subsequently by *Ontario (Attorney General) v. $25,610 in Canadian Currency*, 2017 ONCA 251 (at para 1), that measures actively preventing citizens from bringing legitimate issues to the courts strike directly at the core of section 96 of the *Constitution Act, 1867*. The emphasis is strictly placed on "measures that prevent."[iii]

Q. PERFECTED SERVICE, RULE 134(D), AND THE EXTINGUISHMENT OF PROCEDURAL DEFECTS

130. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**'s conclusion that the Form 301 Application was "not properly **filed**" due to an allegedly unsworn affidavit of service is legally and factually bankrupt. She has conflated the distinctions between "filed" versus "issued", "filed" versus "served" and "filed" versus "proof of service". As documented within the fresh evidence adduced, counsel for the Attorney General of Canada, Mr. Jake Norris, transmitted formal correspondence on June 3, 2026, explicitly acknowledging receipt of the Form 301 Application and confirming that "service upon the AGC was effected May 19, 2026" (Affidavit #1, at paras 26, 43-44). Furthermore, a formalized *Rule 7* Consent to Extension of Time, executed and signed by said counsel, was concurrently provided to the Applicant. Pursuant to the strict text of *Rule 134(d)* of the Federal Courts Rules, an acceptance of service signed and dated by a party's solicitor constitutes absolute, irrebuttable proof of service. The written acknowledgment by the Respondents' solicitor operates to definitively perfect service, thereby irrevocably curing any latent defect in the antecedent affidavit.

S. ABSOLUTE DEFAULT AND THE NULLITY OF NOTICE REQUIREMENTS

137. The Respondents are in absolute, uncured default. Pursuant to the explicit wording of *Rules 145* and *308*, they are completely disentitled to notice of any further step in the proceeding. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**'s insistence on the filing of supporting affidavits strictly to effectuate service upon defaulting parties paradoxically demands a legal impossibility and directly contravenes both the binding June 24 **Decision/Other Disposition** and the relevant enactments. Pursuant to *Rule 74(2)* of the Federal Courts Rules, the Court may only order a document removed under *Rule 74(1)* if "all interested parties have been given an opportunity to make submissions." However, because the Respondents are in a state of absolute, uncured default, they have legally forfeited their participatory rights. As explicitly defined under *Rule 2* and applied via *Rules 145* and *308*, defaulting respondents are disentitled to notice of steps, service of documents, or the right

to be heard prior to judgment being granted against them. Consequently, the Respondents are legally precluded from challenging the expungement, and the Court is strictly unburdened from affording them an "opportunity to make submissions" under *Rule 74(2)*. The Court possesses the ***absolute jurisdiction to immediately and permanently expunge*** the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** upon the Applicant's unopposed submissions.

T. THE PHANTOM ROSTER ANOMALY, ASYMMETRIC TRANSMISSION PROTOCOLS, AND INSTITUTIONAL BIAS

140. A rigorous audit of the officially published employment rosters and credentialing directories corresponding to the Courts Administration Service (the "**CAS**") for the Toronto Local Office reveals a conspicuous, unprecedented anomaly. The specific identities attributed to the administrative personnel effectuating these irregular interventions—specifically, "Maya-Jo Blake-Janniere" and "Tristan Mercieca"—are demonstrably absent from the contemporary, official public registries. The deployment of unverified, ostensibly phantom administrative actors to unilaterally intercept, delay, and adjudicate substantive filings introduces a catastrophic fracture in the chain of custody. It is forcefully submitted that the utilization of undocumented personnel to execute coercive administrative functions vitiates the presumption of institutional regularity, engaging the equitable maxim *Nemo potest esse simul actor et judex* (no one can be at once suitor and judge), as the registry ostensibly operated as an active shield for the defaulting Respondents. Furthermore, the administrative interventions executed by the aforementioned Mr. Mercieca operated in direct contravention of the mandatory referral mechanism enshrined within *Rule 72*. By unilaterally imposing non-statutory conditions precedent without immediate escalation to a judicial officer, the registry officer assumed an adversarial, gatekeeping posture that functionally shielded the defaulting Respondents. Given that the counsel for the Respondents operates under the auspices of the Attorney General of Canada, this spontaneous administrative rescue by federal registry personnel crystallizes a profound reasonable apprehension of institutional bias, effectively treating the registry as an extension of the Respondent's defensive apparatus. The forensic disparity between the authentic and the impugned directives is further exposed by an analysis of their respective transmission protocols. The legally binding, organically authored directives of Associate Judge Cotter and Associate Judge Crinson were transmitted via the secure, automated, and generic

routing infrastructure of the Court (specifically, the CAS-SATJ DECISIONS server gateway), completely omitting any personalized registry officer email nomenclature. The jurisprudential voice of these authentic directions clearly reflects the intellectual *animus* of the erudite Associate Judges. In stark, inexplicable contrast, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** involved anomalous, direct communication referencing "Maya-Jo Blake-Janniere," which precipitated an immediate, asymmetric, and highly personalized response from the Respondents' counsel, Mr. Norris. This uncharacteristic celerity and direct engagement by opposing counsel with a specific, registry officer—where absolute silence was maintained regarding the authentic, secure judicial transmissions authored by the Associate Judges—irrefutably suggests the existence of an out-of-band communication loop entirely divorced from the secure, automated architecture of the Federal Court. This asymmetric access to the docket demands immediate supervisory eradication.

U. THE CRIMINALITY NEXUS AND THE ADMISSIBILITY OF SIMILAR FACT EVIDENCE CONCERNING PHANTOM REGISTRY PERSONNEL

144. It is respectfully submitted that the catastrophic breakdown of institutional integrity observed herein transcends the boundaries of mere administrative bias or phantom credentialing. The precise nomenclature affixed to the impugned instrument—specifically identifying "Maya-Jo Blake-Janniere" as the purported registry author—necessitates profound judicial scrutiny in light of verifiable, open-source intelligence revealing severe *Criminal Code* infractions. A rigorous examination of the public record, explicitly corroborated by regional media publications (Durham Radio News, May 28, 2021), incontrovertibly links an individual bearing the identical, highly unique hyphenated appellation of "Maya-Jo Blake-Janniere" to severe, multi-jurisdictional criminal syndicates. The documented infractions encompass the trafficking of controlled substances (cocaine), the possession of property obtained by crime, and egregious firearms-related offences. The corresponding evidentiary exhibits validating these assertions have been formally adduced within the updated motion record (see: Tab 18).

145. The emergence of this criminal nexus fundamentally obliterates any residual presumption of administrative regularity regarding the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**. The utilization of a purported registry officer's identity—an identity inextricably tied to profound criminal malfeasance

involving the proceeds of crime—directly mirrors the underlying *Similar Fact Evidence* previously pleaded concerning the synthesis of the False Information Package.

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V. THE STATUTORY AND TRADEMARK PROTECTION OF HERALDIC EMBLEMS: THE PROHIBITION OF UNAUTHORIZED MISAPPROPRIATION

149. It is rigorously advanced that the unauthorized incorporation of the National Coat of Arms onto the impugned **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** transcends mere visual or procedural irregularity and constitutes a direct, actionable contravention of the *Trademarks Act*, RSC 1985, c T-13 (the "***Trademarks Act***"). Pursuant to the strictures administered by the Treasury Board of Canada Secretariat (the "**TBS**"), the National Coat of Arms is strictly reserved for the Government of Canada, its official representatives, the Canadian monarch, and explicitly authorized institutions such as the courts. This visual insignia is the ultimate representation of sovereign authority, and its commercial or unauthorized appropriation is explicitly prohibited to prevent the dilution of institutional trust .Furthermore, it is a foundational constitutional and heraldic axiom that the royal arms are inherently personal to the sovereign; consequently, they cannot be used without the King's explicit consent. The National Coat of Arms of Canada, precisely as originally designed in 1921 and subsequently revised in 1957 and 1994, is rigorously protected under both the *Trademarks Act* and the *Copyright Act*, RSC 1985, c C-42 (the "**Copyright Act**"), and absolutely cannot be used, reproduced, or appropriated without formal authorization.

150. Section 9(1)(e) of the *Trademarks Act* expressly dictates that no person shall adopt in connection with a business, as a trademark or otherwise, any mark consisting of, or so nearly resembling as to be likely to be mistaken for, the arms, crest, or flag adopted and used at any time by Canada. Concurrently, officially granted heraldic emblems—such as the 2008 Federal Court Coat of Arms—are rigidly shielded under paragraph 9(1)(n.1) of the *Trademarks Act* and are governed exclusively by the Canadian Heraldic Authority. It is a matter of strict federal enforcement that marks and designs bearing similarity to these official symbols are pursued aggressively as actionable manifestations of copyright or trademark infringement. Beyond trademark prohibitions, the unyielding strictures of Crown copyright are inextricably engaged. Under Crown copyright protocols, formal permission is invariably required when an official work is being revised, adapted, synthesized, or translated, irrespective of whether the purpose of the reproduction is purportedly for personal or public non-commercial distribution. The

synthetic superimposition of the National Coat of Arms utilizing commercial, third-party post-production software (specifically, **PDF-XChange Editor**) by an external actor effectively misappropriates the sovereign identity of the state to effectuate an unauthorized *sua sponte* interference. Such an act usurps the visual authority of the Crown to lend a veneer of coercive legitimacy to a fabricated document, simultaneously violating the Crown's copyright through the unauthorized digital adaptation of the crest. The gravity of protecting state emblems from unauthorized reproduction is further emphasized by Canada's adherence to international obligations, specifically Article 6ter of the *Paris Convention for the Protection of Industrial Property*, which mandates the strict prohibition of the unauthorized use of state armorial bearings.

W. FRAUD, BRIBERY, EXTORTION, AND SPECIAL CAUSES OF NULLITY

164. Fraud, dishonesty, bad faith, extortion, and bribery form a special category of causes of nullity, which transcends all others. As classically articulated by Lord Denning in *Lazarus Estates Ltd. v. Beasley*, [1956] 1 Q.B. 702 at p. 712: "Fraud unravels everything. The Court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved, it vitiates judgments, contracts and all transactions whatsoever…"It is trite law that "fraud on the court" by any person, respondent, or litigant, constitutes a strict "nullity" because fraud, bribery, dishonesty, and extortion are special causes of common law nullities that transcend all others. When proven, they set aside and unravel all previous steps and actions up to the time of the fraud (*Landreville v. Town of Boucherville*, [1978] 2 S.C.R. 801). Furthermore, in *Enbridge Gas Distribution Inc. v. Marinaccio*, 2012 ONCA 701 (the "**Bribery Test**"), the Court of Appeal for Ontario articulated the standard for civil bribery and secret commissions.

Y. THE CROWN IS INDIVISIBLE AND THE PSAC/USJE UNION NEXUS

169. Following the jurisprudential standard articulated in *Benedict v. Ontario*, it is a foundational constitutional axiom that "The Crown is indivisible." Malfeasance perpetrated by distinct agents, ministries, or administrative bodies operating under the Crown's umbrella cannot be artificially compartmentalized to shield the broader institutional apparatus from accountability. A direct, incontrovertible nexus to the underlying corruption has been identified operating systematically within the administrative framework. The compromised actors are explicitly bound as employees operating under the auspices of the Public Service Alliance of Canada (PSAC) and the Union

of Safety and Justice Employees (USJE). This explicitly encompasses: Ms. Maya-Jo Blake-Janniere (implicated directly within the Federal Court Registry infrastructure regarding the synthesis of the False Document);Mr. Jeff Ball and Mr. Stephane Brisson; and All other implicated officials involved in the *Privacy Act* and *Access to Information Act* (ATIA) obstructivism, explicitly including Ms. Melissa Simpson, Mr. Curtis Mathew (ATIA #2), and Ms. Tina Beaudoin (ATIA #1) (see; NOM #2 Motion Record with her deceit that a document was from the Office of Primary Interest when it was from Maggie von zur-Muehlen, a newly employed administrative type individual (out of a successful career in the restaurant industry). The concerted, coordinated obstruction executed by these interconnected unionized employees operating under the indivisible Crown demonstrates a systemic, institutionalized effort to frustrate the Applicant's fundamental rights, engaging severe liability that demands immediate appellate-level scrutiny and comprehensive remedies.

Z. THE DISTINCTION BETWEEN ADJUDICATIVE AND ADMINISTRATIVE PRIVILEGE

174. To preemptively neutralize any attempt by the Registry or the presiding jurists to shield their actions behind the veil of judicial immunity, a rigorous legal distinction must be drawn between "Adjudicative Privilege" and "Administrative Privilege." In Canadian law, **Adjudicative Privilege** (also defined as "Deliberative Privilege") strictly protects the internal deliberations and communications of adjudicative bodies regarding the substantive merits of a case. This absolute privilege prevents the disclosure of personal notes and draft memos to ensure the sanctity of the decision-making process. Conversely, **Administrative Privilege** (dovetailing with "Administrative Immunity") protects the administrative functions of the judiciary, such as the assignment of cases or the operation of the registry. Crucially, as established by the Supreme Court of Canada in *MacKeigan*, this administrative privilege is **not absolute** and can be overridden if there is a compelling, valid reason to review the administration of justice. In *MacKeigan*, the Supreme Court recognized this fundamental dichotomy, with dissenting justices noting: "The privilege as to the administration of the courts, however, is not of the same fundamental importance and is qualified in nature. It is an adjunct to the adjudicative privilege."

BB. THE COMPROMISED LOCAL INFRASTRUCTURE AND THE IMPERATIVE FOR JURISDICTIONAL TRANSFER

181. Given the profound, unrefuted irregularities originating exclusively from the Toronto Local Office—specifically, the deployment of phantom registry officers entirely absent from the official roster, the existence of an asymmetric, out-of-band communication loop with the Respondents, and the ingestion of a synthetically fabricated judicial direction—it is forcefully asserted that the localized administrative infrastructure is irreparably compromised. The institutional evasion characterizing the response to the Applicant's Formal Demands and *Rule 26* Requisition solidifies this conclusion. A localized registry that fails to investigate the systemic manipulation of its own docket cannot reasonably be entrusted with the continued administration of the proceeding. Consequently, the Applicant asserts *ex debito justitiae* (as a matter of right) that the Toronto Local Office is structurally divested of the capacity to guarantee a fair, impartial, and unadulterated administrative process. The proceeding must be immediately, formally, and permanently transferred to the Ottawa Principal Office. It is for this precise reason that the Applicant's request for a Supervisory Review regarding the fabricated **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** has been transmitted directly and exclusively to the Acting Chief Justice at the Ottawa Principal Office, thereby completely bypassing the compromised localized friction and ensuring that the *Rule of Law* is protected at the highest institutional level.

PART IV — CONCISE STATEMENT OF THE ORDER SOUGHT

185. The Applicant respectfully requests the Orders and Declarations in the NOM #3 of July 15, 2026[iv], including any relief in a draft order.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 15th day of July, 2026.

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PART V — LIST OF AUTHORITIES

1. *Trademarks Act*, RSC 1985, c T-13
2. *Copyright Act*, RSC 1985, c C-42
3. *R. v. Litchfield*, [1993] 4 S.C.R. 333
4. *McLean v. Bradley*, 1878 CanLII 22 (SCC) (2 S.C.R. 535)
5. *Prefontaine v. Gosman*, 2000 ABQB 870 (citing *R. v. Germain*, 1984, (Alta.))
6. *Valente v. The Queen*, [1985] 2 S.C.R. 673
7. *Beauregard v. Canada*, [1986] 2 S.C.R. 56
8. *Ruffo v. Conseil de la magistrature*, [1995] 4 S.C.R. 267
9. *Taylor v. Clemson* (1844), 11 Cl. & Fin. 610, 8 E.R. 1233 (H.L.)
10. *Trial Lawyers Association of British Columbia v. British Columbia (Attorney General)*, 2014 SCC 59
11. *Ontario (Attorney General) v. $25,610 in Canadian Currency*, 2017 ONCA 251
12. *Uhrik v. Terrigno*, 2024 ABCA 383
13. *Timm v. Canada*, 2019 FC 238
14. *Larouche v. Court of Queen's Bench of Alberta*, 2015 ABQB 25
15. *The Queen v. Beauregard*, 1986 CanLII 24 (SCC)
16. *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65
17. *Yatar v. TD Insurance Meloche Monnex*, 2024 SCC 8
18. *Hospira Healthcare Corp. v. Kennedy Institute of Rheumatology*, 2016 FCA 215
19. *Ismailzada v. Ontario (Attorney General)*, 2026 CanLII 30027 (FC)
20. *Okogun v. Canada (Citizenship and Immigration)*, 2026 FC 723 (CanLII)
21. *Sabok Sir v. Canada*, 2021 FC 82 (CanLII)
22. *Sui v. Canada (Attorney General)*, 2025 CanLII 3564 (FC)
23. *Lazarus Estates Ltd. v. Beasley*, [1956] 1 Q.B. 702
24. *Landreville v. Town of Boucherville*, [1978] 2 S.C.R. 801
25. *Enbridge Gas Distribution Inc. v. Marinaccio*, 2012 ONCA 701
26. *Benedict v. Ontario*, 2000 CanLII 22616 (ON CA)
27. *Grossman v. Toronto General Hospital*, 1983 CanLII 1898 (ON SC)
28. *MacKeigan v. Hickman*, [1989] 2 S.C.R. 796

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[i] It is an established equitable principle that Suppressio veri, expressio falsi (the suppression of truth is equivalent to the expression of falsehood); the active suppression of the existence of the June 24 Decision/Other Disposition within the text of the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) vitiates its legitimacy entirely, rendering it an instrument of obfuscation rather than a genuine exercise of adjudication.

[ii] i. Rejection of Filings (Enforcement of Procedural Integrity): The Court possesses the absolute authority to reject documents that are fundamentally non-compliant or prejudicial. As demonstrated in Ismailzada v. Ontario (Attorney General), 2026 CanLII 30027 (FC), and Okogun v. Canada (Citizenship and Immigration), 2026 FC 723 (CanLII), the Court will strictly reject irregular materials to prevent the record from being compromised by documents lacking legal standing or proper service (see also: Aydin v. Canada, 2025 FC 359; Lunn v. Canada, 2023 CanLII 2720). This mechanism protects the docket from frivolous or abusive pleadings.

ii. Judicial Direction and Conditional Acceptance (Pragmatism in Litigation): Reflecting a profound jurisprudential preference for substantive justice over rigid formalism, the Court frequently utilizes Rule 72 to facilitate conditional acceptance. As evidenced in Sabok Sir v. Canada, 2021 FC 82 (CanLII), and E.S. v. Canada (Attorney General), 2017 FC 1127 (CanLII), the judiciary acts as a steward, guiding litigants toward compliance rather than erecting absolute barriers. Rule 72 is similarly invoked to address procedural ambiguities, as seen in George v. Heiltsuk First Nation, 2022 FC 1786 (CanLII), and Laquerre v. Canada, 2024 FCA 31 (CanLII).

iii. Procedural Context, Standards of Review, and Inherent Authority: A critical distinction exists between ministerial acts and judicial determinations. When the Registry refers a matter to an Associate Judge under Rule 72, the resulting determination carries the full, unmitigated weight of a judicial decision. Accordingly, appellate review of such decisions is subjected to a highly deferential standard, typically "palpable and overriding error," as affirmed in Sui v. Canada (Attorney General), 2025 CanLII 3564 (FC). Furthermore, jurisprudence establishes that Rule 72

provides directions regarding the internal mechanics of filing, which are structurally distinct from formal orders that adjudicate the substantive merits of the parties (see: Shamattawa First Nation v. Thomas, 2021 FC 1142 (CanLII); Fabrikant v. Canada, 2018 FCA 171 (CanLII)).

[iii] Access to justice sits at an "untouchable constitutional level" (Larouche v. Court of Queen's Bench of Alberta, 2015 ABQB 25, at para 25). The right to an effective remedy is essential; without it, the Rule of Law is supplanted by a rule of individuals arbitrarily and capriciously deciding who shall have access to justice. Furthermore, there exists a strict, unyielding prohibition against the interference with the mere pursuit of a legal remedy (Timm v. Canada, 2019 FC 238).

Courts act as the ultimate defenders of the Constitution and must remain completely separate in authority, independence, and function from all other participants, particularly the executive branch (The Queen v. Beauregard, 1986 CanLII 24 (SCC)). The Applicant maintains an indefeasible, constitutionally protected right to a hearing of the substantive Form 301 Application, and the underlying right to a determination—not necessarily a guarantee of success, but an absolute guarantee of a determination on the merits. Consistent with Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65 and Yatar v. TD Insurance Meloche Monnex, 2024 SCC 8, general questions of law of central importance to the legal system require consistency, transparency, and a final, determinate answer from the judiciary.

[iv] a. A Declaration that none of the Respondents served and filed a motion to challenge the Decision/Other Disposition of Associate Judge Crinson of June 24, 2026, pursuant to Rule 51 of the Federal Courts Rules, should they have wished to have done so;

b. A Declaration that the Respondents had notice of the Associate Judge Crinson June 24, 2026, Decision/Other Disposition;

c. A Declaration that the acts of Justice Whyte Nowak constitute Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est, and that her conduct and the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) are coram non judice, an impermissible collateral attack upon the June 24 Decision/Other Disposition, and void ab initio.

d. A formal declaration that the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) was issued ultra vires, absent the mandatory motion required under Rule 399 of the Federal Courts Rules, rendering the purported variance of the June 24 Decision/Other Disposition a procedural nullity.

e. A formal declaration that the forensic metadata extracted from the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT), demonstrating post-production manipulation via the Manipulation Software, the unauthorized superimposition of the National Coat of Arms (appellate/executive crest) rather than the authentic 2008 Federal Court Coat of Arms, the visual integration of executive branch "C A N A D A" typography governed by the Federal Identity Program, and the harboring of a disparate file identifier (T-4313-25 direction.docx), definitively establishes that the instrument is a synthetic fabrication devoid of authentic judicial provenance, triggering the maxim Fraus omnia corrumpit.

f. An Order directing the Courts Administration Service (the "CAS") to immediately produce the native, unadulterated electronic PDF file of the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT), alongside the comprehensive Electronic Filing System transmission logs and audit trails corresponding to said upload date, for immediate forensic authentication.

f.1. An Order directing the Registry to immediately unseal, verify, and formally disclose the counsel of record and the specific litigants associated with the antecedent proceeding bearing Court File No. T-4313-25, recognizing that said metadata artifact embedded within the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) functions as a cryptographic breadcrumb requiring immediate judicial unmasking.

f.2. An Order directing the Courts Administration Service (the "CAS") to produce formal, verified employment credentialing and institutional roster records corresponding to the individuals identified as "Maya-Jo Blake-Janniere" and "Tristan Mercieca," to definitively ascertain their jurisdictional standing and structural authorization to execute administrative duties within the Toronto Local Office.

f.3. An Order directing the Courts Administration Service (the "CAS") to execute a comprehensive security and identity verification audit concerning the individual operating under the nomenclature "Maya-Jo Blake-Janniere," specifically investigating any nexus to the Criminal Code infractions detailed within the public record, and a corresponding Declaration striking the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) from the docket should such a nexus be authenticated.

f.4. A Declaration that the unauthorized commercial superimposition of the National Coat of Arms upon the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) constitutes an actionable contravention of section 9(1)(e) and 9(1)(n.1) of the Trademarks Act, RSC 1985, c T-13, and Article 6ter of the Paris Convention, rendering the instrument an absolute nullity void ab initio.

g. A Declaration pursuant to Rule 255 regarding the admission of service by the Respondents as evidenced in the June 3 correspondence authored by Mr. Jake Norris, definitively extinguishing any procedural necessity for further sworn affidavits of service.

h. A Declaration that the Applicant was deprived of access to justice and access to the courts by the Justice Whyte Nowak purported direction.

i. An Order restoring the Applicant's right to a hearing of the Form 301 Application and confirming his underlying right to a determination on the merits, consistent with the binding law of Canada as per Vavilov and Yatar.

j. An Order and Declaration that there was, and is, no legal requirement for the Applicant to obey any of the directives contained within the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT), on account of a strict lack of jurisdiction to engage in providing the verbiage contained therein.

k. An Order granting the substantive relief sought within NOM #1 and NOM #2 in substantially the same form as requested therein.

l. An Order abridging all time limits under the Federal Courts Rules and validating all of the Applicant's filings and procedural steps nunc pro tunc pursuant to Rule 55.

m. A Declaration that the Respondents are in absolute, uncured default and are explicitly disentitled to notice of any step, rendering any requirement for service affidavits a legal nullity.

n. A Declaration that Associate Judge Crinson operated entirely intra vires under Rule 50(1) and Rule 72, making the June 24 Decision/Other Disposition binding in limine, but for the one source of contention and objection raised by the Applicant relating to any requirement to file "affidavits" for an Application Record, which is necessarily tied to "service", with Respondents who were not entitled, as found by Associate Judge Crinson.

o. An Order placing this motion and NOM #2 before the Acting Chief Justice for immediate determination under the Primus Inter Pares doctrine.

p. An Order confirming that while the Applicant was and is available to speak to the matter orally on the scheduled return date, the Chief Justice of the Federal Court heard the motion in writing in the interests of justice and in accordance with the General Principles under the Federal Courts Rules.

q. An Order directing the Registry to return the $50.00 tariff fees paid by the Applicant for each Requisition for Hearing submitted to the Toronto Local Office on June 12 and June 19, 2026, and confirming the formal acceptance of the Requisition for Hearing submitted to the Ottawa Principal Office in late June 2026.

r. An Order that the Applicant is entitled to have his Form 301 Application heard in writing, encompassing the provision of a final comprehensive Memorandum of Fact and Law spanning the entirety of issues in the proceeding up to a length of 40 pages (double-spaced, 30 lines per page). Furthermore, that the Form 301 Application was heard on July 25, 2026, with the Applicant required to submit all final documents by July 23, 2026, via email to the Chief Judicial Administrator in Ottawa and via the Federal Court Portal.

s. An Order explicitly restraining the Federal Court Registry from forwarding, mailing, or otherwise providing notice of any procedural steps, filings, or directions to the Respondents, in strict accordance with their disentitlement under Rules 145 and 308.

t. An Order directing the Federal Court Registry to immediately provide written notice to the Applicant via email the moment the Respondent RCMP transmits the Certified Tribunal Record to the Court, should it attempt to cure its ongoing default.

u. An Order declaring that should the RCMP fail to transmit the Certified Tribunal Record within a timeframe established by the Court, the substantive Form 301 Application shall proceed exclusively upon the comprehensive evidentiary record adduced by the Applicant, without prejudice to the Applicant.

v. An Order permanently enjoining the Toronto Local Office Registry from processing or characterizing this proceeding as an “Application for Leave,” confirming its strict status as an unopposed Application for Judicial Review.

w. An Order exempting the Applicant from any requirements to produce or file physical paper copies of the Application Record or any further materials for the duration of the proceeding, permitting the use of the Federal Court Portal and electronic transmission as the exclusive and sufficient mode of filing.

x. A Permanent Order restraining Justice Whyte Nowak from further administration or adjudication in this proceeding.

y. The relief in NOM #1 is granted with costs to the Applicant payable forthwith.

z. The relief in NOM #2 is granted with costs to the Applicant payable forthwith.

aa. The hearing of this Form 301 Application shall be heard in writing on July 24, 2026, and the Applicant shall file a comprehensive Application Record along with a comprehensive Memorandum of Fact and Law incorporating the Certified Tribunal Record by no later than July 23, 2026, at 2:00 p.m.

To the extent that the Respondent RCMP fails to transmit the Certified Tribunal Record by July 17, 2026, to the Registry and the Applicant, the Applicant will be at liberty to bring an ex parte without notice motion for Anton Piller Order relief from the RCMP CPIC and any other relief of similar nature.

The Applicant will also be at liberty to seek all of his costs including investigative costs regarding the same.

The Applicant will be at liberty to seek relief in the nature of contempt as well under Rules 467 and 468 et al under the Federal Courts Rules.

bb. Any further relief that is just and equitable.

cc. Any further relief that is within the Equitable Jurisdiction of the Federal Court of Canada.

dd. Any further relief that gives effect to the above that is consistent with the Rule of Law, the General Principle of the Federal Courts Rules, compliance with Rule 318 of the Federal Courts Rules, access to justice, Charter values, the RCMP Act, the Privacy Act, the ATIA, duties of good faith, fiduciary duties, equitable obligations et al.

ee. Costs on a full-indemnity scale, payable forthwith.

Tab 4

e-document-é T-2448-26 ID 1
FILED
FEDERAL COURT
COUR FÉDÉRALE
DÉPOSÉ
May 15, 2026
15 mai 2026
Tristan Mercieca
TOR 1

FORM 301 - Rule 301 104

NOTICE OF APPLICATION

(Court Seal)

Court File No. _____

FEDERAL COURT

BETWEEN:

KEVIN A. MCLEAN

Applicant

and

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

Respondents

APPLICATION UNDER sections 18, 18.1 and 18.2 of the *Federal Courts Act*, R.S.C. 1985, c. F-7, and the Rule 300-301 Federal Courts Rules, SOR/98-106, Part -1,

NOTICE OF APPLICATION

TO THE RESPONDENTS:

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at **Toronto, Ontario.**

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the Federal Courts Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: _____

Issued on: May 19, 2026

Issued by: Tristan Mercieca (Registry Officer)

Address of Local Office: Toronto Local Office / Bureau local de Toronto 180 Queen St. W., Suite 200 /180, rue Queen O., Bureau 200 Toronto, Ontario M5V 3L6

Issued by: _____

(Registry Officer)

Address of local office:

Federal Court Registry
180 Queen Street West,
Suite 200
Toronto, Ontario
M5V 3L6

TO (name and address of each respondent):

TO:

RCMP National Headquarters 73 Leikin Drive Ottawa, ON K1A 0R2 Canada
Email: Legal_Services@rcmp-grc.gc.ca

TO:

Commissioner of the RCMP Mr. Michael Duheme 73 Leikin Drive Ottawa, ON K1A 0R2 Canada

Email: Michael.Duheme@rcmp-grc.gc.ca

TO:

Director General of RCMP Access To Information and Privacy Branch (the "ATIP Branch") Mr. Stephane Brisson 73 Leikin Drive Ottawa, ON K1A 0R2 Canada
Email: stephane.brisson@rcmp-grc.gc.ca

TO:

Director, Privacy, RCMP ATIP Branch Mr. Jeff Ball 73 Leikin Drive Ottawa, ON K1A 0R2 Canada
Email: Jeff.ball@rcmp-grc.gc.ca

NAME AND ADDRESS of every other person required to be served

TO:

Mr. Matt Peggs
Assistant Commissioner of the RCMP
Regional Commander of the Central Region of Ontario (formerly the "O" Region (O Division, Ontario, Commanding Officer, 'O' Division)) for the RCMP
RCMP Central Region Headquarters
Royal Canadian Mounted Police

130 Dufferin Avenue
London, Ontario N6A 4K3
Canada
Telephone : 519-640-7254
Alternate Telephone : 1-800-387-0020
Fax : 519-640-7425
TDD : 519-640-7495

(Originating Agency Identifier in Canadian Police Information Centre ("CPIC"): **ON80300**)

AND TO:

The RCMP Milton Detachment known as the Toronto West Detachment (the "TWD")
TORONTO WEST - MILTON DETACHMENT
2755 High Point Drive
Milton, Ontario L9T 5E8
Canada
Telephone : 905-876-9500
Fax : 905-876-9595
Attention: Regional COM Mr. Matt Peggs
Attention: Officer-in-Charge
(Originating Agency Identifier in Canadian Police Information Centre ("CPIC"): **ON80313**)

APPLICATION

(Where the application is an application for judicial review)

This is an application for judicial review in respect of:

(Identify the tribunal)

The Royal Canadian Mounted Police ("RCMP")

The Applicant notes that the RCMP is a "Tribunal" under the Federal Courts Rules (*FCR*) under Rule 317 and by cross-reference to section 2(1) of the *Federal Courts Act* (the "*FCA*") under the "Other Tribunal" component of the definition of: **"federal board, commission or other tribunal"** means any body, person or persons having, exercising or purporting to exercise jurisdiction or powers conferred by or under an Act of Parliament or by or under an order made under a prerogative of the Crown, other than the Tax Court of Canada or any of its judges or associate judges, any such body constituted or established by or under a law of a province or any such person or persons appointed under or in accordance with a law of a province or under section 96 of the Constitution Act, 1867.

Section 2 of the *FCR* states: tribunal has the same meaning as **"federal board, commission or other tribunal"** in the Act. Ergo, the RCMP is a Tribunal under the Court Rules and under the *Federal Courts Act*.

Moreover, the person or persons, exercising validly pursuant to delegation by the Head of the Government Institution (RCMP) or purporting to exercise powers pursuant to an Act of Parliament (specifically the *Privacy Act* and/or *ATIA*) are part of the definition of Tribunal or **"Federal Commission, Board, or Other Tribunal"** under the *FCA*. Pursuant to section 73(1) of the *Privacy Act*, Mr. Brisson is listed as the Director General ATIPB of the RCMP, and Mr. Jeff Ball has represented himself to be a Director of Privacy with the RCMP.

(Set out the date and details of the decision, order or other matter in respect of which judicial review is sought)

In relation to the decisions, orders, or other matters in respect of which judicial review is sought, some involve that which could be considered an "Order" (see: section 2 of the *FCR*) as they involve a decision or other disposition of a Tribunal.

The other matters in respect of which judicial review is sought involve the purported exercising of jurisdiction or powers under the *Privacy Act* which stem from documents in the possession of the Applicant but also documents not in the possession of the Applicant.

The details of the decision, order or other matter in respect of which judicial review is sought involving the failure to search issue, which constitutes an Order under the *FCA* and *FCR*, was on April 27, 2026, and so communicated to the Applicant by the RCMP via email. Nonetheless, the Respondent took an extension of time of some 60 days from the date of receipt of the Applicant's express mail, with tracking, access request under the *Privacy Act*, which was received by the RCMP on March 11, 2026. 60 days from said date was May 11, 2026.

The RCMP did not communicate to the Applicant that it conducted any further searches of the required repositories including but not limited to: Foundational Metadata Repositories for the Foundational Metadata; and the Offline Historical Database with respect to any hexadecimal dumps involving any potential amended or purged data that was consistent or not consistent with the "False Information Package" which was filed in a transferee courthouse known as the OCJ 10 Armoury Street Courthouse. The failure to search decision of the RCMP and the individual Respondents, some or all (as known to each), is the subject of the mandamus relief *infra*.

The details of the decision, order or other matter also involve the neglect or failure to consider the requirement of the Head of the RCMP to consider whether, pursuant to ss. 8(2), particularly clause 8(2)(m) of the *Privacy Act*, and expressly or by

implication section 19 of the *ATIA*, to disclose to the Applicant any Personal Information and to the public at large or certain segments of the public any record under the *ATIA* requests of the Applicant in April and May 2026.

1. The applicant makes application for:

    a. **Loss of Jurisdiction by the RCMP Tribunal:**
        1. **A Declaration** that the RCMP Tribunal, pursuant to section 2 of the FCR and section 2 of the FCA lost jurisdiction over, or acted without jurisdiction in relation to, Matter No. **P-2025-16999** (albeit the PII Access Request (March 11 2026) was made and delivered on March 11, 2026) by reason of: a. a breach of the duties of good faith and procedural fairness; b. the presence of conflicts of interest, actual bias, and/or a reasonable apprehension of bias; and c. a profound lack of operational independence and impartiality;
        2. **A Declaration** that the Respondent exceeded its statutory mandate, refused to exercise its mandatory jurisdiction, and/or improperly purported to exercise powers outside of its jurisdiction in an *ultra vires* manner, rendering any and all steps, proceedings, and decisions in Matter No. **P-2025-16999** void *ab initio*;
    b. **Mandamus:** An Order in the nature of writ of mandamus compelling the RCMP to discharge its public duty to act to the Applicant to search for the requested Personal Information;
    c. **Mandamus:** An Order in the nature of Writ of Mandamus compelling the RCMP, through the Head of the RCMP in the RCMP Commissioner, Mr. Michael Duheme, to discharge its public duty to consider whether a public interest disclosure is required under section 8(2)(m) of the *Privacy Act* with reference to section 19 of the *Access to Information Act*;
    d. **Compliance Confirmation:** An Order directing the RCMP to provide a sworn affidavit or declaration from a qualified person detailing the searches conducted pursuant to this Order, including audits of the Foundational Metadata Request and hexadecimal searches of the Offline Historical Database relating to the Applicant's Personal Information. An Order that this affidavit or declaration shall be served on the Applicant and filed with this Honourable Court within five (5) days of the date of this Order;
    e. **Prohibition:** An Order in the nature of writ of prohibition enjoining the Respondent, its delegates, administrators, custodians, and any affiliated bodies from expunging, altering, transferring, sanitizing, migrating, obfuscating, or archiving beyond rapid retrieval any metadata, system logs, or historical audit trails associated with Police Case ID: 457197 (and any related TPS Case File or Occurrence Number) pending the final adjudication of this Application and the exhaustion of all appeals;
    f. **Prohibition:** An Order in the nature of writ of prohibition or injunctive relief restraining from searching repositories that were not within the scope of PII Access Request (March 11 2026) for the purposes of said access request;
    g. **Judicial Oversight:** An Order that this Honourable Court remain seized of this matter to oversee compliance with the Orders herein and to address any subsequent issues arising from the Respondent's execution of these directives;
    h. **Interim and injunctive relief:** An Order granting immediate interim injunctive relief pending the final disposition of this Application;
    i. **Permanent injunctive relief:** An Order granting permanent injunctive relief to abate the ongoing statutory breaches;
    j. **Bad faith and improper motives:** A Declaration that by failing to discharge public ministerial or executory duties to act to the Applicant at first instance and in the face of demands by the Applicant, the Respondents engaged in improper motives, bad faith, abuse of process, or other impermissible

reasons for purporting to exercise a power pursuant to an Act of Parliament or refusing to exercise jurisdiction or a power under an Act of Parliament;

k. **Breach of Fiduciary duties:** A Declaration that the Respondents breached their duties of good faith and/or fiduciary duties to the Applicant and the public by their conduct herein;
l. **Procedural unfairness**: A Declaration that the Respondents breached their duties owed to the Applicant of procedural fairness, natural justice, and administrative fairness;
m. **Decision making bias, dependence and partiality:** A Declaration that the Respondents were actually biased towards the Applicant and/or exhibited the appearance of bias to a reasonable and informed observer. A further **Declaration** that there was and is a reasonable apprehension of bias, lack of independence, lack of impartiality amongst the Respondents and all of those within the ATIP Branch and the RCMP policing forces as it relates to the issues and grounds in this Proceeding herein;
n. **Dependence and partiality**: A Declaration that the Respondents were operating under, or had the reasonable appearance of, a conflict of interest, a lack of institutional independence, and/or a lack of impartiality;
o. **Police Case ID: 457197**: A Declaration that the Police Case ID: 457197 or part of that number is a jurisdictional identifier uniquely assigned by the RCMP;
p. **Admissions and Estoppel by record:** A Declaration that the April 27, 2026, letter signed by Ms. Worrell on behalf of Mr. Jeff Ball, Director, Privacy (RCMP) with a metadata author of Kristen Wardrop, and the appended three page document from the RCMP, when measured against the referenced letter appended by the appellant under MFIPPA involving the Halton Regional Police Services Board (indexed as 2024 CanLII 67092 (ON IPC) (Order MO-4542; Appeal MA21-00096) (the "Halton Police 2024 Case")), amounts to an admission at law or, in the alternative, that Respondents are estopped by record as end noted[i];
q. **Unrequested search of Specialized Policing Services of RCMP**: A Declaration that the Respondent, RCMP, and Mr. Ball's inclusion of an admission that it searched in the "Specialized Policing Services" amounts to an institutional admission that the Applicant's Personal Information migrated out of standard divisional boundaries and directly into the RCMP's national operational and technological command[ii];
r. **Originating Police Agency (RCMP):** A Declaration that the RCMP was the originating law enforcement agency by reference to either the RCMP former Ontario ("O" or "O Division") Headquarters, later renamed to "Central Region" in London, Ontario, with an ORI Number of ON80300 under CPIC (the "CPIC Number 80300") and its RCMP Regional Commander ("Reg. COM"), Mr. Matt Peggs or the RCMP Toronto West Detachment located in Milton, Ontario (the "Toronto West Detachment" or "TWD") with CPIC ORI Number ON803313, which is responsible for Toronto West;
s. **TPS 14th Division in Toronto (West) without copy of INTAKE COURT ENDORSEMENT (SEPT 23 2024) and/or "warrant in the first":** A Declaration that one of the underlying reasons the Toronto Police Services Board ("TPS"), 14th Division did not have a copy of the purported process(es) or warrants and the arresting Police Officers did not have a copy on "him" or "her" and were unable to produce it when formally requested to do so, pursuant to the Applicant's Charter rights and section 29 of the Criminal Code, was because the RCMP had sole possession, control and custody in its file under Police Case ID: 457197 or otherwise, and the respective RCMP and TPS digital architectures do not synchronize;
t. **The most convenient fictitious Justice for the False Information Package:** A Declaration that the underlying reason Justice of the Peace Mr. George Jiri was utilized as the fictitious authorizing justice of the peace was due to, inter alia, his proximity in Peel Regional Police Services (OCJ Brampton) to the OCJ Brampton Courthouse which was the closest courthouse to the RCMP TWD (Milton):
u. **RCMP possession of Authentic Information Package:** A Declaration that the RCMP has maintained possession (actual and sole, as it relates to Executive Branches of government of law

enforcement) of the underlying authentic, completed, sworn (deemed or in person) Information package (the "Authentic Information Package"), alongside any endorsements or warrants, since their completion, including any transcription by the "law enforcement applicant" of an in-person judicial chambers appearance and/or via telecommunication that "produced a writing" and/or that did "not produce a writing";

v. **RCMP denoted unlawful seizure and search:** A Declaration that the RCMP through designated agents on its behalf unlawfully seized the Applicant's property (primarily chattels including private, confidential and/or privileged documentation from this residence at Unit 410-775 King Street West, City of Toronto, Province of Ontario, M5V 2K3) and/or without lawful execution upon him with a search and/or seizure warrant, on or after September 20, 2024 and prior to October 2, 2024;

w. **Improper motives to not search the PIB and other repositories:** A Declaration that the sole reason the RCMP ATIP Branch did not search the Personal Information Bank request and any locations under the control of it was because it knew, or was deemed to know, that it would have irrevocably implicated the RCMP Specialized Policing Services' (the "SPS") unit or an alternate RCMP department;

x. **Forthwith search of Foundational Metadata Location and Offline Historical Database Location:** An Order that, on account of the RCMP SPS' unit being involved with the Applicant commencing in 2024 but concealed from the Applicant, such a search of the RCMP CPIC database, including Foundational and Offline Historical Database repositories, must be executed forthwith, and that the RCMP ATIP Branch must assign qualified individuals to conduct an audit under the Foundational Metadata Request alongside a specialized, qualified individual to conduct the specialized mainframe analysis of hexadecimal dumps and hexadecimal inputs;

y. ***Privacy Act*, section 10**: A Declaration that the Applicant is legally entitled to all of his personal information under the control of the Government Institution (RCMP) that has been used, is being used, or is available for use for an administrative purpose pursuant to ss. 10(1)(a) of the *Privacy Act*, or is organized or intended to be retrieved by the name of an individual or by an identifying number, symbol, or other particular assigned to an individual (see: ss. 10(1)(b) of the *Privacy Act*);

z. **Temporal computation declaration:** A Declaration that the Applicant provided, by his PII Access Request (March 11 2026), received on said date and not March 12, 2026, sufficiently specific information regarding the location of the information as to render it reasonably retrievable by the government institution;

aa. Offline Historical Database:

1. A Declaration that the RCMP has exclusively control of the Offline Historical Database over any and all other police service board and police services in the country;
2. A Declaration and Order that the Applicant is entitled to any and all transactional logs including "ADD", "MODIFY", "CLEAR", and "CANCEL", but solely in relation to Personal Information concerning himself[iii];

bb. **Inapplicability of *Privacy Act*, ss. 19(1)(d):**

1. A Declaration that ss. 19(1)(d) of the *Privacy Act* bears no applicability to the Personal Information sought by the Applicant in a PIB or otherwise, as such Personal Information relates to that which was uploaded or input into CPIC, as those inputs provide the ultimate source of truth in relation to public court records like an Information or an Indictment, court endorsements, a summons, and/or an arrest warrant, which are universally publicly available after a process has been issued and/or an individual has been arrested;
2. A Further Declaration that not only is the Applicant legally entitled to the same but so is the public at large, and no equitable duty of confidence arises as the Personal Information of the Applicant—also the Personal Information of a presiding Judge, of which they are both entitled to the same under the *Privacy Act* and the public under *ATIA*, along with the name of the fictitiously input Justice of the Peace under the *Privacy Act*—is unequivocally public information and constitutes public records subject to the ss. 19(2) of the *Privacy Act* override;

cc. **Duty of Confidence never arises with non-exempt PIB's and CPIC:**
    1. A further Declaration that the Personal Information sought by the Applicant in a PIB and in any repository involving CPIC or related to CPIC could not meet the common law test for "confidential information" because whether classified as Personal Information or information (i.e. transactional logs, terminal ID's, issuing court, issuing court level, geographic location, system identification numbers, modification to WANT records) (i) such information was not communicated in a relationship of confidence; (ii) the information by its very nature is NOT confidential; and/or (iii) the information was not communicated for a purpose that necessitates confidentiality;

dd. **PII Access Request (March 11 2026) related to administrative data (not "intelligence"):** A Declaration that the Personal Information that the Applicant was seeking under the *Privacy Act* constituted administrative data of himself and not intelligence per se, but rather the administrative record of a transaction on a federal mainframe (CPIC), and the likes of the Terminal ID, ORI, issuing authority, name of a judicial officer, and system identification number (SID) are structural artifacts of the RCMP's own system architecture, and not confidential communications;

ee. **Section 19 inapplicable when RCMP is the originating police force**: A Declaration of Law that Parliament did not include the likes of a federal government established by or pursuant to an Act of the legislature or a province, or an institution of such a government, under ss. 19(1)(d), and to the extent that the RCMP was strictly responsible for its entry, the RCMP can never rely on ss. 19(1)(d) in relation to requests for administrative Personal Information residing in a PIB or in CPIC, alongside Foundational Metadata and Offline Historical Database Personal Information;

ff. **Section 22(1)(b) without merit in relation to PII Access Request (March 11 2026):** A Declaration that the RCMP's reliance on section 22(1)(b), entirely absent the searching of the storage, repositories, or locations housing the Foundational Metadata Request and Offline Historical Database Request, does not fall under ss. 22(1)(b), and by relying on such a subsection, the RCMP admitted that the Applicant had not received access to or disclosure of his own **Personal Information**, which acts as the source of truth to be measured against the "Open Court Principle"[iv];

gg. **Warrant spent on October 2, 2024:** A Declaration that once the warrant (arrest), when signed or not signed by the undisclosed presiding Judge in an "Ex Parte In Camera Hearing", whether in person in judicial chambers or via telecommunication that did or did not produce a writing, was executed on October 2, 2024, the investigative necessity of the CPIC entry definitively expired and transformed into a historical artifact, thus section 22(1)(b) holds no relevance *ab initio* or thereafter despite the blatant absence of a search;

hh. **Identity of the municipal or regional government:** A Declaration that the RCMP is statutorily required to provide the identity of the municipal government or "regional government" that it was vaguely referring to under section 19(1)(d) in its April 27, 2026, letter;

ii. **Consequential Relief:** An Order granting any consequential relief that flows from the above, or the required materials to be filed by the Tribunal that were in its possession at the time of making any decisions, orders, or other matters subject to judicial review herein known or to be known;

jj. **Leave to make further submissions**: An Order granting the Applicant leave to make further submissions and tender further evidence pre- and post-granting of the orders herein to avoid any multiplicity of proceedings and the avoidance of wasteful and deleterious government spending, alongside the inefficient use of government resources;

kk. **Costs:** An Order granting the costs of this Application on a full indemnity basis;

ll. **Interest:** An Order granting prejudgment and post judgment interest on any costs awards or otherwise; and

mm. **Residual Relief**: An Order granting such further and other relief as this Honourable Court may deem just and equitable.

The grounds for the application are:

The Applicant and the Foundational Factual Matrix: A Contextual Substratum of Systemic Obfuscation

Introduction and Jurisdictional Nullification

2. It is respectfully submitted that a profound, unprecedented, and systemic manipulation of judicial instruments was effectuated *post facto* to the arrest of Mr. Kevin A. McLean (the "**Applicant**") on October 2, 2024. Consequently, the purported processes, including the underlying criminal proceedings (the "**Criminal Proceeding**"), were rendered void *ab initio* upon the fabrication of a fraudulent document, in direct contravention of the *Criminal Code*, RSC 1985, c C-46 (the "***Criminal Code***"), and upon its subsequent filing within the Ontario Court of Justice 10 Armoury Street Courthouse (the "**Armoury Street Courthouse**"). It must be categorically established *in limine* that the aforementioned fabrication constitutes an absolute nullity, and cannot be construed as a mere procedural irregularity, given the direct contravention of statutory mandates, common law precepts, and equitable principles.
3. The designation of the aforementioned fabrication as an unprecedented information package (the "**False Information Package**") is utilized meticulously, as the historical jurisprudence and public disciplinary registries of this jurisdiction are devoid of any analogous manifestation of malfeasance. The documented transgressions delineate circumstances wherein law enforcement authorities not merely manipulated the endorsement of a process or an arrest warrant through the impersonation of a judicial officer, but effectuated the wholesale falsification of an entire information package, purportedly assembled pursuant to the ***Criminal Code***.[v]

Jurisprudential Distinctions: Subfacial Deficiencies versus Absolute Nullities

4. To substantiate the gravity of subfacial and facial fabrications, reliance is placed upon *R. v. Schertzer*, 2015 ONCA 259 (the "***Schertzer Decision***"), and *R. v. Hansen*, 2018 ONCA 46 (the "***Hansen Decision***"). These appellate authorities adjudicated instances of subfacial fabrication, wherein ostensibly valid judicial authorizations were rendered constitutionally defective due to underlying prevarications promulgated by law enforcement officials regarding the scope of their investigations and the purported existence of reasonable grounds to believe (the "**Reasonable Grounds To Believe**").
5. The ***Schertzer Decision*** involved the falsification of police notes designed to conceal an unlawful search, whereas the ***Hansen Decision*** addressed the invalidation of search warrants predicated upon misleading information sworn by affiants. Applying the legal principles elucidated therein to the present factual matrix, it is evident that the actions deployed against the Applicant transcend mere subfacial deficiencies; they constitute overt, absolute fabrications of judicial processes *ab initio*.

6. A comparative analysis necessitates an examination of *Silva v. R.*, 2021 QCCS 4627, and *Silva v. R.*, 2021 QCCS 4131 (collectively, the "***R. v. Silva Decisions***"). The factual matrix therein involved an officer of the Service de Police de la Ville de Montréal (the "**SPVM**"), Officer Guillaume Joly-Tessier, who temporarily misappropriated a judicial stamp belonging to a Justice of the Peace to forge an arrest warrant. The target of said fabrication was a highly dangerous, convicted fugitive possessing a documented history of severe, violent criminality, including armed robbery and murder. While the misconduct elucidated in the "***R. v. Silva Decisions***" was undeniably deplorable, it was rationalized internally as a manifestation of noble-cause corruption, undertaken *in extremis* to apprehend a significant threat to public safety.
7. Conversely, the circumstances surrounding the Applicant, an individual devoid of any criminal antecedents but for the soundly defeating of the RCMP and former RCMP officers while retained by the soon to be defunct LSBC, stand in stark contrast to the preceding authorities. The fabrication of the *Criminal Code Form 2 Information* (the "**Form Two Information**") within the False Information Package involved the installation of a Toronto Region Court Officer, Mrs. Frugoni-Rojas, as a fabricated informant (the "**Fictitious Informant**"). Furthermore, the process ostensibly engaged a fictitious Justice of the Peace, Mr. George Jiri, improperly ascribed to the Ontario Court of Justice Brampton Courthouse (the "**Brampton Courthouse**"). The Applicant maintained no residential or jurisdictional nexus to the Brampton Courthouse. Geographically and jurisdictionally, the Royal Canadian Mounted Police Milton Detachment (the "**RCMP Milton Detachment**") operated with proximity and oversight regarding specific federal matters within Toronto West. Simply put, unprecedented fraud on two levels of court involving a fictious informant and fictitious judicial officer. More colourfully put, Mr. Jeff Ball, Director, Privacy, of the RCMP ATIB Branch has the audacity to represent that he cannot search the Foundational Metadata Repository and Offline Historical Database Repository. The Applicant pleads that the RCMP ATIB Branch must search but it does not want to search for fear of what it will discover.

Systemic Institutional Obfuscation and the Absence of Competent Jurisdiction

8. The systemic manipulation extended to the purported identification mechanisms, specifically Police Case ID: 457197 and the altered designation "C L (M)", which, calculated upon a balance of probabilities, referenced the Regional Commander of the Central Region, Mr. Matt Peggs (the "**Regional Commander**"), potentially in connection with his investiture into the Order of Merit of the Police Forces. Subsequent investigations executed by the Applicant, initially in March 2025 and subsequently verified directly at the Armoury Street Courthouse in June 2025, confirmed the absolute non-involvement of any legitimately appointed judicial officer from the Toronto Region.
9. Consequently, the purported *ex parte in camera* proceeding (the "**Ex Parte Hearing**") was discovered to have been ostensibly situated at the Superior Court of Justice 361 University Avenue Courthouse (the "**Originating**

Courthouse"). It was subsequently unveiled that the originating office was the family law division situated on the primary level of the Originating Courthouse. This geographical and structural anomaly illuminated the improper involvement of Madam Justice Shore, who, during her tenure as practicing counsel, provided representation to the former spouse of the Applicant's former common-law partner, Mr. Papadimitropoulos.

10. At the material times, Mr. Papadimitropoulos operated as the Statutory Accident Benefits Schedule manager (the "**SABS Manager**") at the TD Insurance Group, wherein he perpetrated a multifaceted fraud concerning the administration of the Applicant's accident benefits. These benefits originated from an automobile collision devoid of fault on the part of the Applicant, which occurred on August 31, 2022. Following the discovery of fraudulent signatures effectuated by Mr. Papadimitropoulos, he was subsequently dismissed from his employment in January 2025. Upon the Applicant's discovery of the aforementioned fraudulent activities on September 19, 2024, the Applicant was subjected to an unlawful exclusion from his residence on September 20, 2024, ostensibly facilitated by proximate law enforcement personnel.
11. The fabricated endorsement, dated September 23, 2024 (the "**Intake Court Endorsement**"), remained facially irregular and evocative of family law or insolvency proceedings, rather than criminal adjudication. The Applicant's subsequent efforts to secure a copy of the *Criminal Code Form 7 Warrant for Arrest* (the "**Form Seven Warrant**") were systematically thwarted by the administrative apparatus at room 241 of the Originating Courthouse.
12. *Nota bene*: It might be argued by the Respondents that the utilization of family court facilities or mislabeled endorsements merely constitutes an administrative irregularity capable of being cured under equitable principles or procedural rules. However, applying Herbert Broom's maxim *actus curiae neminem gravabit* (an act of the court shall prejudice no man), alongside the strict doctrine of jurisdictional competence, it is submitted that a proceeding commenced in a wholly inappropriate division by way of forged documentation constitutes a fundamental nullity, rendering all subsequent enforcement actions *ultra vires*. The Royal Canadian Mounted Police (the "**RCMP**") is consequently bound to produce the unredacted evidentiary materials pursuant to *Rule 317* of the *Federal Courts Rules*, SOR/98-106 (the "***Federal Courts Rules***").

Digital Forgery and the Mandate for Remedial Disclosure

13. It must be emphasized that the execution of the False Information Package was facilitated utilizing GrapeCity manipulation software, currently operating under the nomenclature "Mescius" (the "**GrapeCity Software**"). The metadata extracted from the impugned documentation corroborates the deployment of version 6.0.2.0 of the GrapeCity Software. This revelation, which is the subject of two formalized requests under the *Access to Information Act*, RSC 1985, c A-1 (the "***ATIA***"), funded and submitted by the Applicant in the vernal season of 2026, cements the unprecedented nature of this malfeasance. The imperative is unequivocally placed upon the Head of the Government Institution (the "**Institution Head**") to issue public disclosure notices pursuant to paragraph

8(2)(m) of the *Privacy Act*, RSC 1985, c P-21 (the "***Privacy Act***"), and section 19 of the ***ATIA***, to prevent the perpetuation of this systemic abuse, restoring the *status quo ante* for any other members of the populace who may be subjected to similar covert manipulations.

14. The Criminal Proceeding was rendered a nullity, at law, *ab initio* at the precise moment of its digital fabrication.

The Respondents: Statutory Delegates, Fiduciary Obligations, and the Federal Apparatus

15. The Royal Canadian Mounted Police (the "**RCMP**") is a federal institution and Government Institution under the Privacy constituted and governed by the strictures of the *Royal Canadian Mounted Police Act* (the "***RCMP Act***").
16. Commissioner Michael Duheme, in his capacity as the apex of the institution, is inextricably bound by the administrative and fiduciary obligations legislated by Parliament.
17. Director General Stephane Brisson and Privacy Director Jeff Ball, acting as delegates within the Access to Information and Privacy Branch, are similarly constrained by the unyielding imperatives of statutory compliance.
18. The paramount importance of the *RCMP Act* is underscored by the solemn statutory duties articulated under section 37 thereof, which compels adherence to the highest standard of conduct. This obligation is further entrenched by the oaths sworn by the Respondents to uphold the law, fundamentally precluding any *ultra vires* administrative shielding or institutional complicity.

EQUITABLE REMEDIES IN THE NATURE OF MANDAMUS: COMPELLING THE EXECUTION OF NON-DISCRETIONARY PUBLIC DUTIES

19. Relief in the nature of mandamus constitutes an imperative and equitable prerogative remedy, available to compel the performance of a public duty that has been unlawfully disregarded.
20. The rigorous legal test for mandamus is demonstrably satisfied, as delineated by the Federal Court of Appeal in *Apotex Inc. v. Canada (Attorney General)* (the "*Apotex*").
21. It is self-evident that clear, unequivocally articulated demands were effectuated by the Applicant, triggering the Respondents' strict legal duties to conduct searches of the Foundational Metadata Repository and the Offline Historical Database Repository. The ensuing period of administrative silence and *de facto* refusal necessitates judicial intervention *in limine* to restore the *status quo ante* and compel the execution of the statutory mandate.

PREROGATIVE RELIEF IN THE NATURE OF PROHIBITION: ENJOINING PROSPECTIVE MALFEASANCE AND DIGITAL SPOLIATION

22. An order of prohibition is sought *in limine* to permanently enjoin the Respondents, and any delegated subordinates, from the spoliation, deletion, alteration, or obfuscation of immutable digital artifacts residing within the federal architecture.

23. The tripartite test for prohibition is incontrovertibly met, predicated upon *prima facie* evidence of impending administrative malfeasance, rendering such extraordinary relief imperative to safeguard the integrity of the administration of justice.
24. The entitlement to such relief is crystallized by the imperative to safeguard the foundational metadata and hexadecimal arrays residing within the Canadian Police Information Centre (the "**CPIC**").

DECLARATORY JUDGMENTS: ESTABLISHING JURISDICTIONAL NULLITY AND VINDICATING SUBSTANTIVE RIGHTS

25. Declaratory judgments are within the absolute discretion of a court with equitable jurisdiction (not to be conflated with Inherent Jurisdiction) like the FCC. They serve as potent instruments of judicial oversight, invoked to authoritatively pronounce upon the rights of the parties and the legal characterization of *acta* undertaken by public bodies
26. While acknowledging the inherently discretionary purview of the Federal Court of Canada (the "**FCC**"), the test for declaratory relief is incontrovertibly satisfied by the presence of a real, substantial, and immediate dispute wherein the Applicant possesses a vital interest.
27. The utility of such declarations is paramount in exposing the systemic bypass of mandatory legislative frameworks, thereby establishing an authoritative and permanent record of the nullity of the manipulated judicial instruments.

OUSTER OF INSTITUTIONAL JURISDICTION: FATAL APPREHENSION OF BIAS, FUTILITY, AND STRUCTURAL INCOMPETENCE

28. **The Test for Losing Jurisdiction**: It is an established principle of administrative law that a reviewing court will completely strip a tribunal of its jurisdiction—refusing to remit the matter back—only under exceptional circumstances where the tribunal is rendered legally incapable of providing a fair or valid rehearing.
29. **The Core Legal Test**: To displace the standard remedy of remitting a case back to a tribunal, an applicant must demonstrate that remittal would be futile, unfair, or fundamentally break the administration of justice. The court rigorously examines whether the tribunal can still fulfill its statutory duty impartially and effectively.
30. **Reasonable Apprehension of Bias (Conflict of Interest)**: The Respondents operate under a reasonable apprehension of systemic bias and conflict of interest, rendering the tribunal legally incapable of providing an independent review, thereby necessitating that this Honourable Court retain absolute jurisdiction over the matter.

31. **Failure or Refusal to Exercise Jurisdiction**: The Tribunal fundamentally misinterpreted its statutory mandate and displayed a persistent unwillingness to apply the law, culminating in a grave jurisdictional error that requires direct judicial intervention to prevent repeated procedural failures.
32. **The Futility and Operational Exception**: Based on the totality of the Respondents' inadequate responses under the *Privacy Act* and *ATIA*, remitting this matter back to the Tribunal would be futile, serve no practical legal purpose, and constitute an unjustifiable waste of public resources.
33. **Severe Lack of Institutional Competence**: The statutory duty imposed on the Commissioner to determine public interest disclosure places the RCMP in an inherent conflict, irreparably compromising its independence and establishing a structural incapacity to conduct a procedurally fair adjudication of the Applicant's requests.

FORENSIC AND TECHNICAL METADATA IMPERATIVES: EXPOSING THE DIGITAL METAMORPHOSIS OF JUDICIAL INSTRUMENTS

34. **Forensic Analysis of Automated Document Generation**: It is submitted that the impugned document identified as "Information Package 4810 998 24 48129169-00", affixed post facto and no earlier than November 1, 2024, (with first appearance of the Applicant scheduled for November 13, 2024, pursuant to a Criminal Code Form 10 Undertaking which was begrudgingly prepared by the TPS on account of the Applicant demanding incessantly and admittedly, while incarcerated, with passion, and notably without any reference to Police Case ID: 457197 contained in the Criminal Code Form 10 Undertaking) exhibits catastrophic structural anomalies. A critical component of this forensic reality is the identification of *GrapeCity Documents for PDF* version 6.0.2.0 as the document producer—a software development kit ("the SDK") rather than a standard end-user application. The presence of this metadata inextricably proves that the document was generated via an automated back-end script, thereby constituting an unauthorized procedural bypass of the *FRANK/ICON* case management systems.
35. **Integrated Analysis of the False Information Package (the "FIP")**: The table below delineates the profound factual errors, technical metadata failures, and procedural diversions characterizing the FIP:

Category	Specific Deficiency	Location	Legal Implication & Forensic Depth

Case Indexing	Police Case ID: 457197	Page 3	The Barcode of Fraud: Valid ICON/CCO Case IDs are strictly 7 digits. This anomaly signifies an entirely fabricated or transposed file architecture. TPS Case ID and/or occurrence numbers contain the year with hyphen and eight digits. Ergo, the remaining portion of a non-particularized police force confirms, by deduction and exclusionary logic, that the RCMP was the originating police force (nota bene: RCMP refers to its policing units as "forces" whereas the TPS refers to themselves as "services" by way of divisions)

THE TEMPORAL ANOMALY AND ALGORITHMIC SURVEILLANCE AUDIT TRAIL: PRIMA FACIE EVIDENCE OF PRE-EMPTIVE SURVEILLANCE

36. The documentary record reveals a glaring chronological discrepancy within the RCMP's purported *Privacy Act* response dated April 27, 2026. Despite acknowledging receipt of the Applicant's request on March 17, 2026, the matter was unilaterally assigned the federal file identifier P-2025-16999.

37. In the rigorous domain of federal records management, this prefix irrevocably denotes the year the file was initiated. This temporal anomaly establishes *prima facie* evidence that the RCMP had already commenced an active intelligence, surveillance, or audit file concerning the Applicant in 2025, operating in parallel with concurrent civil litigation, thereby completely demolishing the fiction that this was ever a localized municipal matter.

38. Furthermore, the generation of a specific maximum-threshold algorithm log in April 2026, inextricably paired with the query "Q PERS+ REM:000330500", constitutes incontrovertible digital proof that federal actors were actively hunting, verifying, or manipulating the precise identity of the Applicant within a secured federal network.

THE RULE 317 MANDATE: EXTRACTION AND COMPULSORY PRODUCTION OF THE CERTIFIED TRIBUNAL RECORD

39. To secure the comprehensive adjudication of this Application, the transmission of the complete Certified Tribunal Record (the "**CTR**") is mandated pursuant to Rule 317 of the *Federal Courts Rules*.

40. The evidentiary matrix necessitates the extraction and certification of three distinct tiers of Personal Information currently suppressed by the Respondents:

Data Type	Primary Source	Level of Effort	Forensic Value
Active Warrant Status	CPIC "Persons" File	Low (Routine Query)	Operational verification only.

Foundational Metadata (ORI, Terminal ID)	Transaction Logs (PPU 005)	Moderate (Requires Audit)	Identifies the true genesis of the digital record.
Amended/Purged Data (The "Frankendoc")	Offline Historical Database	High (Specialized Extraction)	Exposes post-execution structural metamorphosis and unauthorized jurisdictional transfers.

41. The mandatory certification of these materials, circumventing the pervasive administrative deflections, is legally indispensable for exposing the unauthorized post-execution alterations regarding the identity of the authorizing judicial officer, the date, and the true jurisdictional origin of the warrant, thereby ensuring the Court is equipped to adjudicate the jurisdictional nullity *de novo*. The Applicant repeats and relies upon the exhaustive factual and legal grounds particularized within the Applicant's standalone Written Request and Supporting Submission Pursuant to Rule 317 of the Federal Courts Rules, served upon the Respondents concurrently on May 18, 2026. The Applicant states that the explicit invocation of remedies in the nature of Prerogative Writs of Mandamus and Prohibition, conjoined with specific allegations of bad faith, institutional bias, and systemic conflict of interest involving Regional Commander Mr. Matt Peggs (Central Region), legally expands the mandatory disclosure test of the Certified Tribunal Record (the "**CTR**") to encompass all 18 categories of raw historical metadata, transaction logs, application software library artifacts, and core charging instruments housed within Personal Information Bank (PIB RCMP PPU 005). Said PIB is not an exempt bank under any regulation under the *Privacy Act*.

ACTIONABLE NEGLECT OF STATUTORY DUTY, DOCTRINAL IMPERATIVES, AND INSTITUTIONAL MALFEASANCE

42. It is averred that the impugned conduct transcends mere administrative oversight, constituting an actionable neglect of duty, administrative malfeasance, and the deliberate spoliation of digital evidence orchestrated at the highest echelons of the Central Region Command, specifically implicating Regional Commander Mr. Matt Peggs.
43. The systemic, institutionalized suppression of publicly accessible judicial records fundamentally rebuts the presumption of *omnia praesumuntur rite et solemniter esse acta*, necessitating immediate judicial intervention to enforce the maxim *ubi jus ibi remedium*.
44. The foundational nullities embedded within the orchestrated process invoke the immutable doctrine of *quod ab initio non valet, in tractu temporis non convalescit*, permanently vitiating the Respondent's purported jurisdictional authority. Furthermore, pursuant to the doctrine of *respondeat superior*, the Tribunal bears ultimate vicarious and institutional liability for the orchestrated obfuscation effectuated by its delegates and regional commanders. In light of the unlawful seizure and deprivation of property detailed herein, the equitable principle of *spoliatus debet ante*

omnia restitui dictates that immediate restitution and comprehensive disclosure are mandatory prerequisites to the restoration of the *status quo ante*. 120

THE EXCEPTION TO PLEADING EVIDENCE: PLEADING OF SIMILAR FACT EVIDENCE

45. It is acknowledged that the incorporation of evidentiary particulars within procedural pleadings is conventionally prohibited; notwithstanding said prohibition, an indispensable exception is effectuated when advancing similar fact evidence *in limine*. The extrapolation of overarching legal principles dictates that to establish a nexus of systemic malfeasance, the foundational factual substratum must be delineated with precision to demonstrate a continuing course of conduct. It might be asserted by opposing entities that such evidentiary inclusions contravene the *Rules of Civil Procedure* pertaining to the pleading of material facts exclusive of evidence. This presumption is comprehensively rebutted by the jurisprudential mandate articulated in *R. v. Handy*, *2002 SCC 56* (the "*Handy Jurisprudence*"). In the *Handy Jurisprudence*, the Supreme Court of Canada elucidated the doctrine of similar fact evidence, establishing that where the probative value of antecedent conduct demonstrates a systemic pattern or characteristic methodology, such probative value substantially eclipses any purported prejudicial effect. Applied to the present circumstances, the pleading of systemic state-sponsored harassment is not merely permissible but legally mandatory to establish the requisite factual nexus of institutional malfeasance.

The Nullification of State Action and the Clandestine Extraction of Digital Memory

46. Whereas the aforementioned falsification of the documentation (the "**False Information Package**") transcends rational comprehension, similar fact evidence is concurrently pleaded herein implicating the Royal Canadian Mounted Police (the "**RCMP**") and specific former constabulary personnel affiliated therewith, notably Colin Cree and Laurie Windover, operating under the corporate auspices of EFS e-Forensic Services Inc. (the "**Forensic Corporation**"). It is submitted that the Forensic Corporation was retained to execute a forensic duplication of the primary storage apparatus utilized during the period of affiliation with the Law Society of British Columbia (the "**LSBC**"). Said entities were complicit in the clandestine and concealed extraction of the random access memory (the "**Random Access Memory**"), utilizing an invasive and malicious software application designated as "DumpIt". Said application operated independently of the primary hard drive apparatus to execute a covert technological interception.
47. The potentiality of said clandestine extraction of the Random Access Memory was ascertained in the year 2021, prompting the invocation of statutory mechanisms pursuant to the *Freedom of Information and Protection of Privacy Act* directed toward the LSBC. Subsequent to said statutory demands, an extraction iteration was procured in hexadecimal format (the "**Hexadecimal Format**"), necessitating extraordinary technological investigation to

decipher. Consequently, compulsory demands for exculpatory documentation, explanations, and personal information (the "**Personal Information**") were levied upon Mr. Cree and Mr. Windover. It is documented that Mr. Windover, manifesting profound indignation ostensibly resultant from the exposition of the malfeasance orchestrated by the LSBC and the Forensic Corporation, instituted technological barricades against the electronic correspondence address utilized for communications, specifically mclean@searchandseizure.ca (the "**Electronic Mail Address**").

48. *Nota bene:* An analytical evaluation must address the classification of the utilization of the aforementioned malicious software. It is explicitly categorized not as a mere procedural irregularity, but as an absolute nullity *ab initio*, as it constituted a direct contravention of statutory privacy mandates and equitable principles. Pursuant to the legal maxims compiled in Herbert Broom's *A Selection of Legal Maxims*, the principle of *Omnia praesumuntur contra spoliatorem* (every presumption is made against a wrongdoer) is inextricably engaged. The clandestine extraction constitutes an *ultra vires* assumption of investigative authority, rendering the derived *acta* entirely devoid of legal force.

Frivolous Prosecutorial Initiations and Post Facto Fabrications

49. Extrapolating further upon the systemic pattern of harassment, an antecedent fabrication of criminal culpability was orchestrated by the detachment of the RCMP, as the sole police force in North Vancouver by way of agreement between the province and the federal government, situated in North Vancouver, British Columbia, in the year 2017. The allegations promulgated therein were determined by the reviewing Crown Counsel to be so conspicuously frivolous, vexatious, and bereft of substantive merit that prosecutorial authorization was summarily declined *ipso facto*, thereby preserving the *status quo ante*.

Nullity of Seizure and Calculated Ruses of Incarceration for extended captivity, inability to advance legal matters, serious injury, premature death and/or death

50. It is further submitted that upon the realization by the RCMP that a substantively deficient and unlawful investigative maneuver had been executed, culminating in an unlawful lockout and property confiscation concerning the principal residence located at Unit 410-775 King Street West, City of Toronto, Province of Ontario, M5V 2K3 (the "**Principal Residence**"), a meticulously calculated ruse was engineered. The aforementioned lockout, being a direct contravention of overarching common law property rights and the *Residential Tenancies Act, 2006*, *S.O. 2006, c. 17* (the "*RTA*"), is asserted to constitute an indisputable and irremediable nullity. In this regard, the RCMP clearly waited until the unlawful lockouts occurred to denote the Applicant as "NFA".

51. Following demands for the restitution of chattels purportedly retained within the Principal Residence, the RCMP systematically transferred the unlawfully confiscated property from the RCMP Toronto West Detachment situated in Milton, Ontario, to a Toronto Police Service (the "**TPS**") division designated as "Toronto West". It is advanced that this geographical relocation was a premeditated subterfuge designed to orchestrate a physical apprehension, effectuating an incarceration without the provision of bail.
52. The underlying objective of this apprehension was the deliberate neutralization of formidable *pro se* litigation capabilities, representing at minimum the third manifestation of such strategic deprivation. Initial representations articulated by personnel of the TPS 14th Division indicated an impending transportation to an alternative maximum-security detention facility, presumably the Millhaven Institution, which is jurisprudentially recognized for its severe custodial conditions. The orchestration was purportedly designed to maximize systemic disadvantage, exploiting the absence of a principal residence and familial support infrastructure within the jurisdictional boundaries of Toronto, Ontario.

GOVERNING STATUTORY AND REGULATORY FRAMEWORKS RELIED UPON

53. The Applicant repeats and relies upon the authorities contained within communications between himself and the RCMP vis-à-vis his access requests under the *Privacy Act* and ATIA, along with any other documents provided to it. The Applicant relies upon the statutory and regulatory frameworks meticulously outlined in the following legislation:

    a. *Privacy Act*, R.S.C., 1985, c. P-21;
    b. *Privacy Regulations*, SOR/83-508;
    c. *Exempt Personal Information Bank Order, No. 5 (ND)*, SOR/85-38;
    d. *Exempt Personal Information Bank Order, No. 13 (RCMP)*, SOR/90-149;
    e. *Exempt Personal Information Bank Order, No. 14 (CSIS)*, SOR/92-688;
    f. *Exempt Personal Information Bank Order, No. 25 (RCMP)*, SOR/93-272;
    g. *Access to Information Act*, R.S.C., 1985, c. A-1 (the "***ATIA***")
    h. *Access to Information Regulations*, SOR/83-507;
    i. *Federal Courts Act*, R.S.C., 1985, c. F-7;
    j. *Federal Courts Rules*, SOR/98-106;
    k. *Canada Evidence Act*, R.S.C., 1985, c. C-5, Part 1;
    l. *Secure Electronic Signature Regulations*, SOR/2005-30, Part 1;
    m. *Royal Canadian Mounted Police Act*, R.S.C., 1985, c. R-10;
    n. *Royal Canadian Mounted Police Regulations, 2014*, SOR/2014-281;
    o. *Commissioner's Standing Orders (Conduct)*, SOR/2014-291;
    p. *Commissioner's Standing Orders (Classification Redress Process for Members)*, SOR/2001-248;
    q. *Commissioner's Standing Orders (Employment Requirements)*, SOR/2014-292;
    r. *Commissioner's Standing Orders (General Administration)*, SOR/2014-293;
    s. *Commissioner's Standing Orders (Grievances and Appeals)*, SOR/2014-289
    t. *Royal Canadian Mounted Police Public Complaints Commission Rules of Practice*, SOR/93-17;
    u. *Enhancing Royal Canadian Mounted Police Accountability Act*, S.C. 2013, c. 18;
    v. *Public Complaints and Review Commission Act*, S.C. 2024, c. 25;

w. *Interpretation Act*, R.S.C., 1985, c. I-21;
x. *Criminal Code*, R.S.C., 1985, c. C-46; and
y. *Security Offences Act*, R.S.C., 1985, c. S-7.

This application will be supported by the following material:

54. The Affidavit[vi] of Mr. Kevin A. McLean (BA, JD, CIM) or on his behalf, to be sworn, and the documentary exhibits attached thereto, including:
    a. Tab 1: The Applicant's statutory access request under the *Privacy Act*, dated February 27, 2026, and received by the Respondents on March 11, 2026, requesting the extraction of foundational metadata, raw hexadecimal dumps, and offline historical transaction logs from the CPIC database.
    b. Tab 2: The Canada Post tracking and delivery confirmation certificate, verifying physical delivery and statutory service of the Applicant's *Privacy Act* request at the Respondents' Ottawa headquarters on March 11, 2026
    c. Tab 3: Correspondence from mid-March 2026, containing the Applicant's detailed technical disclosure of relevant Toronto Police Service (TPS) Originating Agency Identifiers (ORIs), Case IDs, and a digital forensic metadata analysis identifying 43 structural anomalies tied to the GrapeCity PDF engine and the "CL (M)" software artifact
    d. Tab 4: Administrative correspondence and records spanning March and April 2026, documenting the Respondents' unilateral 30-day time extension, the subsequent failure to search, and the formal dispute concerning the execution of superficial "live" terminal queries versus the requested offline database extractions
    e. Tab 5: The purported statutory response from the RCMP ATIP branch, dated April 27, 2026, including the selective application of statutory exemptions to active 2025 data pools and the omission of 2024 historical transaction logs.
    f. Tab 6: Electronic mail communications dated October 2, 2024, involving Constable Anthony Romano of the TPS (14 Division) regarding property retrieval, the Applicant's detention, and the processing of the underlying judicial authorizations.
    g. Tab 7: The formal statutory complaint submitted by the Applicant to the Civilian Review and Complaints Commission for the RCMP (CRCC), concerning the administrative handling and tracking of records under the direction of Assistant Commissioner Matthew Peggs.
    h. Tab 8: Unanswered written demands served upon Assistant Commissioner Matthew Peggs, seeking the production of authentic system metadata, verification of the "CL (M)" system artifact, and the return of property seized between September 20, 2024, and October 2, 2024.
    i. Tab 9: The parallel statutory access request submitted by the Applicant under the *Access to Information Act* (*ATIA*) on May 5, 2026, targeting the National Technology Onboarding Program (NTOP) software procurement logs, enterprise licensing, and server-side deployment files for the MESCIUS / GrapeCity PDF software libraries.
    j. Tab 10: Copies of the formal structural complaints submitted to the Office of the Privacy Commissioner of Canada (OPCC) regarding systemic data suppression, unauthorized search paths into Specialized Policing Services, and the ongoing refusal to search Personal Information Bank (PIB) RCMP PPU 005.
    k. Tab 11: Documents and decision from LECA in Spring 2025;
    l. Tab 12: Rule 317 of the *FCR* request of March 18, 2026;
    m. Tab 13: documents involving the Similar Fact Evidence ("SFE") doctrine above;
    n. Tab 14: Residual records: records, documents et al not captured by the above but relevant to the Application; and
    o. Such further and other material as the Applicant may advise and this Honourable Court may permit.

55. The Applicant hereby requests that the Respondents send a certified copy of the material particularized in the Exhaustive Schedule of the standalone Written Request served upon the RCMP Tribunal on May 18, 2026, which is incorporated by reference herein:

SCHEDULE OF REQUESTED MATERIALS FOR PURPOSES OF A CERTIFIED TRIBUNAL RECORD

SCHEDULE OF REQUESTED MATERIALS

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 *infra*structure.
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 *infr*astructure 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.

Date: May 18, 2026

Mr. Kevin A. McLean (BA, JD, CIM)
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SOR/2004-283, ss. 35 and 38

[i] The RCMP did not conduct a search for records, as required by the Applicant's PII Access Request (March 11 2026), in the manner they executed in the Halton Police 2024 Case;
The RCMP's representation that it conducted a search in CPIC and Specialized Policing Services is fundamentally flawed as the Applicant did not request a search "in" Specialized Policing Services;
The RCMP did not rely upon ss. 16(2) of the *Privacy Act* as it did in the Halton Police Case, thereby defeating any implication of an ongoing investigation or the utilization of sensitive techniques, and the RCMP has waived that protection for the purposes of this judicial review herein;
The RCMP represented in the Halton Police Case that, "The *Privacy Act* has established the right of applicants to access federally maintained records which contain personal information concerning themselves" whereas in the McLean v. RCMP proceeding, it stated, "The *Privacy Act* has established the right of applicants to access federally maintained records" WITHOUT reference to Personal Information, consistent with the

exemptions relied upon by the RCMP only referencing "information" and "Personal Information of the Applicant," leading to a clear jurisdictional path for judicial review on issues outside of the scope of section 29 and 41 of the *Privacy Act*;

The RCMP in the McLean RCMP Proceeding utilized the language of "If this matter concerned another police department, they may have information of interest to you. The *Privacy Act* does not authorize the RCMP to search files or to disclose information belonging to other police forces" whereas in the Halton Police Case the language used by the RCMP was: "if you were involved with another police department or service, they may have information that concerns you. The *Privacy Act* does not authorize the RCMP to search files or to disclose information belonging to other police forces". The factual inference is that the RCMP only referred to another "department" which be of itself and the RCMP does not have a legal justification under an Act of Parliament to refuse to search the Foundational Metadata and Offline Historical Database so requested by the Applicant including PPU 005, when a request is solely constrained to CPIC, because the RCMP Specialized Policing Services were involved, directly or indirectly;

[ii] i. A further Declaration that the Respondents' search of the Specialized Policing Services was arbitrary, devoid of an explicit request, and strictly unauthorized in relation to the PII Access Request (March 11 2026);

ii. A further Declaration that the Respondents orchestrated a purported extension of time on March 17, 2026, so communicated to the Applicant, because after querying the Applicant's initial identifiers the system did not trigger a police file tied to the TPS but rather triggered a hit tied to a program or database managed under the national SPS umbrella, housing elite federal units—such as Covert Operations, Cyber, and Regional Communications (implicating managers like Regional Commander Mr. Matt Peggs (see: "C" "L" and "(M") in the False Information Package);

iii. A further Declaration that the RCMP's Specialized Policing Services is the precise department that owns, manages, and builds the RCMP's centralized high-tech *infr*astructure including the software development kit of GrapeCity.Documents.PDF that was utilized to manipulate the authentic "Adult Common Information Package" after the inputs were already finalized and then provided to the undisclosed SCJ Judge in the "Ex Parte In Camera Hearing" on or around September 2024;

iv. A further Declaration that the RCMP was inherently responsible for the structural manipulation of the "Adult Common Information Package";

[iii] For absolute clarity, said Order includes Personal Information about him in relation to the type of Personal Information that one would be entitled to obtain post-arrest, including any and all Informations and Indictments, arrest warrants, and/or endorsements;

[iv] The Applicant was not and is not requesting "investigative techniques" and "confidential sources," but rather an audit trail of a definitively concluded "Intake Court Endorsement" and "judicial authorization";

[v] In accordance with the legal maxims compiled by Herbert Broom, specifically fraus omnia corrumpit (fraud vitiates everything) and ex dolo malo non oritur actio (no right of action arises from a deceitful wrong), the entirety of the acta executed under such pretenses is irremediably vitiated and rendered coram non judice.

[vi]And/or by way of Application Record by comprehensive Application and/or by way of singular or multiple affidavits

Tab 5

From: Mr. Kevin A. McLean (BA, JD, CIM)
Email: mclean@searchandseizure.ca

e-document-é T-2448-26 ID 5
FILED / DÉPOSÉ
FEDERAL COURT
COUR FÉDÉRALE
May 20, 2026
20 mai 2026
Diane Lopez
TOR | 2

Party: Applicant
Document type: PDF signed request pursuant to Rule 317 of the FCR
Short tile: *McLean v. RCMP et al*
Court Level: Federal Court of Canada
Court Office: City of Toronto (180 Queen Street West, Suite 200)

COURT FILE NUMBER: T-2448-26

May 19, 2026

COMPREHENSIVE WRITTEN REQUEST OF THE RCMP (TRIBUNAL) PURSUANT TO RULE 317 OF THE *FEDERAL COURT RULES*, WHICH IS TITLED "MATERIAL IN THE POSSESSION OF THE TRIBUNAL" (AS DEFINED UNDER *FCR*, S. 317 AND FCA, S. 2)

Served on the RCMP in its capacity as a "Tribunal" as defined under *Federal Court Rules*, section 2, where *tribunal* has the same meaning as *federal board, commission or other tribunal* under section 2(1) of the *Federal Courts Act*) on **May 18, 2026**.

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PART 1: STATEMENT OF RULE 317 REQUEST AND OVERVIEW OF SEMINAL PRINCIPLES UNDER RULE 317 TO 319 OF THE *FCR*

1. Rule 317 of the *Federal Courts Rules* is titled "**Material from Tribunal**" and it authorizes a party to request material relevant to an "Application" (see: section 2 of the FCR, which means a proceeding referred to in rule 300) that is in the possession of a "Tribunal" (see: section 2 of the FCA and section 2 of the FCR) whose "Order" (see: section 2 of the FCR) is subject of the Application and not in possession of the party by serving on the Tribunal and filing a written request, identifying the material requested.
2. "Material" is not defined under the FCA or FCR, and the Interpretation Act is not of assistance in this regard but based on statutory interpretation principles, "Material" including that which can be reproduced and where it cannot, the original "Materials" to the Registry. The FCC Registry holds that "Original Material" in trust and it is returned to the Tribunal after the Applicant has been heard subject to the Court's directions. In essence, it is entire collective body of documents, physical items, data, papers, things, records, information, Personal Information et al that are in the possession of the Tribunal.
3. Document discovery in our country varies from province to province and has varied over time with respect to whether the test is "materiality" or "relevance". The latter is a much broader and lower standard for the threshold as to whether the "materials" must be disclosed to the other party(ies). In the context of an Application to the FCC, a document is relevant to an application for judicial review if it may affect the decision that the Court will make on the application. the relevance of the documents requested must necessarily be determined in relation to the grounds of review set forth in the originating notice and evidence filed by a moving party (see: infra, Douze, the Honourable Madam Justice Tremblay-Lamer explicitly adopted the instruction provided by the Court of Appeal in Canada (Human Rights Commission) v. Pathak, 1995 CanLII 3591 (FCA), [1995] 2 F.C. 455, 54 A.C.W.S. (3d) 1344 (C.A.) (Pathak), regarding the parameters of relevance under Rule 317). The reason for the finding as to evidence filed by the Applicant, along with the grounds in the Application, is encompassed by the 20 days after service of the Rule 317 request.
4. "Possession" is not defined under the FCA or FCR, and the Interpretation Act (Federal) does not assist either. This is much like the *Privacy Act*, along with the likes of the provincial privacy protection statutes that do not define the word "control".
5. "Control" has been interpreted by the FCC and FCA since 1995 to encompass the following wherein Letourneau J.A., writing for the court, held as follows, at p. 245:

> "The notion of control referred to in [the Act] is left undefined and unlimited. Parliament did not see fit to distinguish between ultimate and immediate, full and partial, transient and lasting, or "de jure" and "de facto" control. Had Parliament intended to qualify and restrict the notion of control to the power to dispose of the information, as suggested by the appellant, it could certainly have done so by limiting the citizen's right of access only to those documents that the government can dispose of or which are under the lasting or ultimate control of the government."
>
> (see: *Canada Post Corp. v. Canada (Minister of Public Works)* (1995), 1995 CanLII 3574 (FCA), 30 Admin. L.R. (2d) 242, [1995] 2 F.C. 110, cited with approval by the ONCA Ontario Criminal Code Review Board v. Hale, 1999 CanLII 3805 (ON CA)).

6. In Ontario Criminal Review Board, the tribunal therein was found to have control of backup audio tapes created by an independent contractor as the tribunal itself had the power to make a demand for those tapes. It was irrelevant whether they existed or not or what state they were in. The lack of a contractual provision compelling the court reporter to deliver the tapes does not negate the Board's control over them (para 35).
7. However, are "control" and "possession" 'one and the same'? That question need not be answered herein.
8. Nonetheless, the types of possession include all the various types of possession including:
    a. De facto;

b. De jure;
c. Actual;
d. Constructive;
e. Sole;
f. Joint; and
g. Others (denoted infra).

9. As the Respondent RCMP Tribunal is required to transmit all material (which may not be Personal Information of the Applicant) to the FCC that is in its possession whose "Orders" (which include decisions or dispositions by the Tribunal) and that is not in the possession of the Applicant, the issue of whether the Respondent RCMP Tribunal has control of requested Personal Information becomes somewhat moot. Nonetheless, the RCMP's constructive possession is unique herein because it is the custodian, controller and operator of the CPIC architecture so it has constructive possession, at the very least, of materials therein that are relevant to this JR Application before the FCC.
10. While certain decisions have and continue to focus on what was before or available to the Tribunal at the time of the decision, the scope of disclosure broadens significantly when an applicant has sought writs of mandamus, writs of prohibition and alleged conflicts of interest and bias (individual and institutional) et al (see: infra for the authorities in this regard).

PART 1(A): SCHEDULE OF MATERIALS REQUESTED FROM THE APPLICANT TO THE RCMP (TRIBUNAL)

11. With that segue, the Applicant is and has requested, upon service of this written request pursuant to Rule 317 of the Federal Courts Rules, SOR/98-106, Part -1 (the "*Federal Courts Rules*" or the "*FCR*"), materials, particularized infra, in possession of the RCMP tribunal (the "Tribunal"). The schedule of material sought herein is as follows:

SCHEDULE OF REQUESTED MATERIALS

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VOLUME #1(C): RULE 317 JURISPRUDENCE: THE REQUIREMENT OF CERTIFIED TRIBUNAL RECORD (THE "CTR")

12. Consistent with settled jurisprudence regarding the open court principle (the "**Open Court Principle**") entrenched within section 2(b) of the *Canadian Charter of Rights and Freedoms* (the "***Charter***"), informations and indictments (the "**Informations**" and "**Indictments**") are unequivocally treated as public court documents upon the issuance of a process and/or the service of a Criminal Code Summons or the execution of a Criminal Code Form 7 Arrest Warrant. Furthermore, any corresponding endorsements by a judicial officer ("Endorsements") thereto are to be made available upon formal request by an accused party (devoid of prescribed fees) or the public writ large, subject to the prescribed fee schedule delineated within *Regulation 158/03*.
13. Analogously, within the taxation context, it has been established that the Canada Revenue Agency, pursuant to a request under *Rule 317* of the *FCR*, forwarded a certified copy of an information (the "**Information**") to the

Registry. Said document was subsequently treated by the Registry as a public document, with a copy concurrently remitted to the applicant's counsel: *Rémillard v. Canada (National Revenue)*, 2020 FC 1061 at para 5.

14. Documentation transmitted pursuant to *Rule 318* of the *FCR* is strictly incorporated into the receiving Court's official records and is governed *ipso facto* by the **Open Court Principle** (see: *Rémillard*, at paras 25–26 and 37–38). Sections 23 and 26 of the *FCR* mandate that the Court file and its annexes be treated as publicly accessible, subject exclusively to statutory confidentiality or specific judicial sealing orders.
15. The procedural mechanism outlined in *Rules 317* and *318* of the *FCR* is strictly operational and non-exploratory; its function is solely to transition relevant materials into the possession of the Registry, distinguishable from private discoveries which are executed beyond the purview of the Court file (see: *Rémillard*, at paras 57–59 and 65–66). Private discoveries are governed by the implied undertaking rule subject to questions from discovery being read into the court record by affidavit or at a hearing.
16. Should the **Respondent RCMP Tribunal** argue that the applicant is utilizing *Rule 317* as an impermissible exploratory discovery mechanism, such an assertion is preemptively defeated by the fact that the requested records constitute foundational administrative documents that inherently form the basis of the tribunal's jurisdiction and subsequent (or omitted) actions.
17. The protections afforded under section 8 of the *Charter* are rendered inapplicable *in limine*, as no reasonable expectation of privacy ("REOP") can legally persist subsequent to an applicant requisitioning transmission pursuant to *Rule 317* of the *FCR* (see: *Rémillard*, at paras 163–165).
18. Generally, *Rule 317* of the *FCR* encompasses exclusively the material that was available to the administrative decision-maker at the time the decision was rendered (at paras 23, 39, and 41–42). However, a substantially broader scope of disclosure is mandated in circumstances where procedural fairness, reasonable apprehension of bias, 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 notice of application (the "**JR NOA**") filed by the applicant (the "**Applicant**").

> *Volume #1(C)(I): Unsearched Repositories; and the RCMP Tribunal (through Mr. Ball) did not rely on any exemption under s. 18*

19. The circumstances present herein ostensibly construct a paradox; however, a rigorous legal examination reveals that such a paradox is illusory, even if it is averred that the Royal Canadian Mounted Police (the "**RCMP**") neglected to search the requisite repositories for foundational metadata (the "**Foundational Metadata**") and the offline historical database (the "**Offline Historical Database**") (collectively, the "**Unsearched Repositories**"). The jurisprudential test dictates that the determination rests upon what material was legally available to the decision-maker at the material time.

> *Volume #1(C)(I)(a): The Misstatement of Law in the RCMP Tribunal Decision: "Privacy Act does not authorize search of files…belonging to other police forces"*

20. The failure of the RCMP, as admitted predicated upon its representation in the April 27, 2026, letter communicated to the Applicant that the "The *Privacy Act* does not authorize the RCMP to search files….belonging to other police forces" (see: page 1 of 6, paragraph three).
21. "Files" is not defined under the *Privacy Act* but it is mentioned six (6) times under the *Privacy Act* which are:
    a. EXEMPTIONS
        i. Exempt Banks
            1. Governor in Council may designate exempt banks
                a. Subsection 18(1): The Governor in Council may, by order, designate as exempt banks certain personal information banks that contain **files** all of which consist predominantly of personal information described in section 21 or 22.
            2. Contents of order
                a. Clause 18(3)(b): (3) An order made under subsection (1) shall specify

i. (b) where a personal information bank is designated that contains files that consist predominantly of personal information described in subparagraph 22(1)(a)(ii), the law concerned.

b. The auto population of "files" (three to six) involve the review of exempt banks by the Privacy Commissioner of Canada into those exempt banks.

Volume #1(C)(I)(a)(i): Conclusion on the misstatement of law in this context

22. The Respondent RCMP did NOT claim an exemption under section 18(2) of the *Privacy Act* which states for sake of convenience:

> "Disclosure may be refused
> (2) The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that is contained in a personal information bank designated as an exempt bank under subsection (1)."

23. The Head of he Government Institution is that of Commissioner Mr. Michael Duheme.

Volume #1(C)(II): For sake of completeness: Review of Exempt PIB's

24. Nonetheless, the exempt PIB's are:

a. Department of National Defence Exempt Bank:

i. Exempt Personal Information Bank Order, No. 5 (ND), SOR/85-38, Part -1: The personal information bank under the control of the Department of National Defence containing the Security and Intelligence Information files No. ND-P70 is hereby designated as an exempt bank on the basis of section 21 of the *Privacy Act*;

b. **Criminal Operational Intelligence Records** (tied to Personal Information contained at subparagraph **22(1)(a)(ii))**

i. Exempt Personal Information Bank Order, No. 13 (RCMP), SOR/90-149, Part -1: Criminal Operational Intelligence Records, No. CMP/P-PU-015, a personal information bank under the control of the Royal Canadian Mounted Police, is hereby designated as an exempt bank on the basis of section 22 of the *Privacy Act*.

1. or the purposes of paragraph 18(3)(b) of the *Privacy Act*, the laws concerned, in relation to those files that are contained in the exempt bank referred to in section 2 that consist predominantly of personal information described in subparagraph **22(1)(a)(ii)** of that Act, are the Criminal Code, the Customs Act, the Excise Act, the Food and Drugs Act, the Immigration and Refugee Protection Act, the Income Tax Act, the Controlled Drugs and Substances Act and the Foreign Interference and Security of Information Act.

c. CSIS Exempt Bank:

i. Exempt Personal Information Bank Order, No. 14 (CSIS), SOR/92-688, Part -1

d. Exempt Personal Information Bank Order, No. 25 (RCMP), SOR/93-272, Part -1,

i. For the purposes of paragraph 18(3)(b) of the *Privacy Act*, the laws concerned, in relation to those files that are contained in the exempt bank referred to in section 2 that consist predominantly of personal information described in subparagraph 22(1)(a)(ii) of that Act, are the Criminal Code, the Foreign Interference and Security of Information Act, the Security Offences Act, the Royal Canadian Mounted Police Act and the Canadian Security Intelligence Service Act.

Volume #1(C)(I)(a): Conclusion on the inapplicability of Exempt Banks to the PII Access Request (March 11 2026) and this NOA for Judicial Review

25. Leaving aside that the RCMP solely focused on "information" and not "Personal Information", it explicitly relied in its decision on April 27, 2026, wherein it stated:136

> "Enclosed is a copy of all of the information to which you are entitled. Please note that some of the information has been exempted pursuant to sections 19(1)(d), 22(1)(b) and 26 of the Act"

26. There is not a single solitary mention of section 18 therein. Ergo, the RCMP Tribunal was not relying on "files contained in a PIB being exempt from disclosure let alone searching.
27. For completeness purposes and to avoid unnecessary and frivolous objections by the RCMP regarding its obligation to transmit a complete, accurate, and full CTR to the FCC and the Applicant, there is also not a single mention of n subparagraph 22(1)(a)(ii). Ergo, any reliance by the RCMP Tribunal on not being able to search files or disclose information (sic) belonging to other police forces is not relevant herein.
28. Hence, the Applicant's judicial review Notice of Application (Form 301) seeking writs of mandamus and prohibition as the relevant Personal Information sought, of which the Applicant did not seek that which was produced in the three page heavily redacted document accompanying the April 27 decision, has not been searched for.
29. Irrespective of the same, there would remain a judicial review independent of that aforementioned mandamus issue, predicated on the requirement (statutory and common law) for the Head of the Government Institution to consider whether to make a public interest disclosure regarding the manipulation of a "Criminal Code Information Package" into a False Information Package which is unprecedented in Canadian legal history (see: R. v. Scherzer and R. v. Hamilton did not contained falsification of the Criminal Code Information Packages but the falsification of underlying legal bases and notes per se; and R. v. Silva (Quebec) involved the stealing of a Justice of the Peace's stamp on account of "noble cause corruption" by a young Police Officer in Mr. Jolly as the public was in a state of terror with a notorious gang connected hitman in Mr. Silva).

VOLUME #1(D): THE FAILURE TO SEARCH BY THE RCMP

30. In light of the above uncontroverted syllogism and the sophisms by the RCMP, the *Privacy Act* not only authorizes but obligates the Government Institution to search for Personal Information requested (not "files") within the scope of an access request whether it is in a Personal Information Bank (a "PIB") 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 number, symbol or other particular assigned to an individual (see: section 10 of the *Privacy Act*).
31. However, the word "files" is utilized under some of the attendant regulations under the *Privacy Act* where certain PIB's, pursuant to ss. 18(1) of the *Privacy Act*, making certain PIB's exempt from search and disclosure.
32. The Applicant requested access to the PIB known as PPU 005 and it is not an exempt PIB. Moreover, the PII Access Request (March 11 2026) was not a request for "files" per se but for Personal Information contained in the PIB (PPU 005) and searches of Foundational Metadata and Offline Historical Database with respect to an executed arrest warrant including any original and amended data therein contained his Personal Information. But for the name of the judicial officer who in fact issued an endorsement including an Arrest Warrant (Criminal Code Form 7) all of the Personal Information therein would be on its face and de facto only involving him per se. In relation to the name of the judicial officer who issued the endorsement (dubbed an "Intake Court Endorsement") "warrant in the first", the federal statutory Personal Information definition under section 3(i) (see: means information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing…(i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual). This is also consistent with the judicial interpretation of Personal Information, and the required interpretation as follows:
    a. Drawing from jurisprudence in the federal public sector, the definition of personal information must be given a broad and expansive interpretation (Dagg v. Canada (Minister of Finance), [1997] 2 S.C.R., dissenting, 403 at para 68; 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] 1 S.C.R. 66, 2003 SCC 8, at para 23).

b. Personal information is information "about" an identifiable individual. "About" means that the information is not just the subject of something but also relates to or concerns the subject (Canada (Information Commissioner) v. Canada (Transportation Accident Investigation and Safety Board), 2006 FCA 157).
c. Information will be about an "identifiable individual" where there is a serious possibility that an individual could be identified through the use of that information, alone or in combination with other information (Gordon v. Canada (Health), 2008 FC 258 (CanLII).Footnote1 Information need not be recorded for it to constitute personal information. It is sufficient that the information be about an identifiable individual even if the information is not in a recorded form, such as oral conversations, biological samples and real time video surveillance. While the absence of a recording may go to the issue of collection, it does not change the fact that the information is personal information (Morgan v. Alta Flights Inc. (2006) FCA 121, affirming (2005) FC 421).
d. The same information can be personal to more than one individual, where, for example, it contains the views of one individual about another individual, or where the same information reveals something about two identifiable individuals (Wyndowe v. Rousseau, 2008 FCA 39 (CanLII)).
e. Information will still be personal information even if it is publicly available within the meaning of the regulations,Footnote2 and is exempt from applicable consent requirements (Englander v. TELUS Communications Inc., 2004 FCA 387 (CanLII)).
f. Subjective information about an individual may still be personal information even if it is not necessarily accurate (Lawson v. Accusearch Inc. 2007 FC 125).

33. The general principles overall are:

    a. Privacy Rights' Purpose:
        i. privacy rights are designed to protect the privacy of individuals with respect to Personal Information held by government institutions and to provide individuals with a right of access to that information;
    b. *Privacy Act*:
        i. quasi-constitutional;
    c. Exceptions from an individual applicant's access rights – interpreted narrowly:
        i. in Lavigne v. Canada (Office of the COMMISSIONER of Official Languages), 2002 SCC 53 (CanLII), [2002] 2 S.C.R. 773, Gonthier J. observed that exceptions from the rights set out in the act should be interpreted narrowly, with any doubt resolved in favour of preserving the right;
    d. Burden of proof:
        i. the burden of persuasion on the person asserting the exception (at paras. 30-31 of Lavigne);
    e. Privacy Rights only compromised when there is a compelling state interest for doing so:
        i. in Dagg v. Canada (Minister of Finance), 1997 CanLII 358 (SCC), [1997] 2 S.C.R. 403, the SCC articulated the governing principles of privacy law including that protection of privacy is a fundamental value in modern democracies and is enshrined in ss. 7 and 8 of the Charter, and privacy rights are to be compromised only where there is a compelling state interest for doing so (at paras. 65, 66, 71)

34. It is axiomatic that the RCMP is also subject to the Charter pursuant to section 32 of the Charter.
35. *Lex non cogit ad impossibilia* (the law does not compel the impossible) cannot shield the RCMP where the material was, in fact, extant and obtainable.
36. Inasmuch as Informations, Indictments, and any associated endorsements—including but not limited to arrest warrants—are fundamental components governed by the Open Court Principle (which concurrently protects the rights of listeners pursuant to section 2(b) of the *Charter*), the failure of an originating courthouse or originating court office to produce said documents is immaterial. The RCMP possesses the requisite statutory authority to procure such documentation and is legally obligated to do so pursuant to *Rule 317*. From a policy perspective, the Federal Court of Canada and the RCMP are absolutely bound to discharge this requirement to preserve the integrity

of the rule of law (the "**Rule of Law**"). Invoking Herbert Broom's maxim, *omnia praesumuntur rite et solemniter esse acta* (all acts are presumed to have been done rightly and regularly), the public is entitled to presume the RCMP will fulfill its legal duties to procure necessary records.

37. Copies of the aforementioned Informations, Indictments, and corresponding endorsements, alongside copies of arrest warrants—as represented by the Toronto Police Service (the "**TPS**" or the "**Arresting Police Division**") to have been in their possession—are strictly relevant to the JR NOA, specifically concerning the prerogative relief sought in the nature of mandamus and prohibition.
38. Furthermore, the compulsory transmission of these documents will categorically elucidate whether the RCMP was operating *mala fides* by intentionally breaching a public legal duty, or, in the alternative, operating negligently by breaching a public legal duty in a profoundly derelict manner. This evidentiary disclosure is paramount as it directly dictates the quantum and nature of the consequential relief to be awarded.

VOLUME #1(D)(I): THE LEGAL TEST FOR RELEVANCE

39. For the strict purposes of *Rule 317* of the *FCR*, a document is deemed relevant to an application for judicial review if it possesses the capacity to affect the ultimate decision that the Court will render on the application (see: *Douze v. Canada (Citizenship and Immigration)*, 2010 FC 1086 at para 19); *Boudreau v. Canada (Revenue Agency)*, 2022 FC 792 (CanLII), at para 16.

VOLUME #1(D)(II): APPLICATION OF DOUZE V. CANADA (CITIZENSHIP AND IMMIGRATION), 2010 FC 1086

40. In *Douze*, the Honourable Madam Justice Tremblay-Lamer explicitly adopted the instruction provided by the Court of Appeal in *Canada (Human Rights Commission) v. Pathak*, 1995 CanLII 3591 (FCA), [1995] 2 F.C. 455, 54 A.C.W.S. (3d) 1344 (C.A.) (*Pathak*), regarding the parameters of relevance under *Rule 317*:

> "A document is relevant to an application for judicial review if it may affect the decision that the Court will make on the application. As the decision of the Court will deal only with the grounds of review invoked by the **Respondent**, the relevance of the documents requested must necessarily be determined in relation to the grounds of review set forth in the originating notice of motion and the affidavit filed by the **Respondent**. (at para. 10)"

41. The ratio decidendi established in *Douze* has been consistently affirmed across numerous subsequent decisions, including:

    a. *Chopra v. Canada (Public Safety and Emergency Preparedness)*, 2026 CanLII 18896 (FC), at para 10;
    b. *John Doe 1 v. Canada (Attorney General)*, 2024 FC 1024, wherein Mr. Justice Diner articulated:
        i. It is well established that the test for relevance under *Rule 17* is synonymous with that under *Rule 317* of the *FCR* (*Abu* at paras 28 and 43, citing *Douze v. Canada (Citizenship and Immigration)*, 2010 FC 1086 at para 19 and *Nguesso v. Canada (Citizenship and Immigration)*, 2015 FC 102 at para 94). Ergo, a document is classified as "relevant" in this specific context where it "may affect the decision that the Court will make on the application," determined strictly in relation to "the grounds of review and any affidavit filed in support of the application" (*Abu* at para 43).
    c. The relevance of the material requisitioned under *Rule 317* of the *FCR* is the determinative factor. For the purposes of *Rule 317*, a document is relevant to an application for judicial review if it may affect the decision that the Court will ultimately make on the application (see: *Douze v. Canada (Citizenship and Immigration)*, 2010 FC 1086 at para 19; *Boudreau v. Canada (Revenue Agency)*, 2022 FC 792 (CanLII), at para 16; and
    d. Various other binding appellate and trial-level jurisprudence.

VOLUME #1(E): WHY NOTICES OF APPLICATION FOR MANDAMUS NECESSITATE AN EXPANDED INTERPRETATION OF THE CTR

42. In *Abu v. Canada (Citizenship and Immigration)*, 2021 FC 1031, Mr. Justice Norris articulated the distinguished threshold for mandamus applications as follows: 139
43. "I begin by noting that one of the usual indicators of relevance in the judicial review context—was the document or information before the tribunal when it made its decision?—does not apply in a mandamus application because it is the failure or refusal of the tribunal to make a decision that has prompted the application in the first place. While this is a sound indicator of relevance when a decision is being reviewed, it is not exhaustive of the concept of relevance in the judicial review context generally. It is well established that the test for relevance in the context of the production of a CTR is whether a document in the possession or control of the tribunal in question "may affect the decision that the Court will make on the application" (*Canada (Human Rights Commission) v. Pathak*, 1995 CanLII 3591 (FCA), [1995] 2 F.C. 455 [at page 460], 1995 CarswellNat 666, at paragraph 10 (WL Can.) (C.A.)).

VOLUME #1(F): JUDICIAL REVIEWS ARE DISTINCT FROM APPEALS – RULE 317 EXCLUSIVELY INVOKED WITHIN APPLICATIONS

44. Mirroring the explicit statutory language of the *FCR*, *Beniey v. Canada (Border Services Agency)*, 2024 FC 972 unequivocally affirmed that *Rule 317* applies exclusively to judicial reviews conducted pursuant to the *Federal Courts Act* (the "**FCA**") and is inapplicable to applications instituted under separate statutory regimes, such as the *Official Languages Act, RSC 1985, c 31 (4th supp)* (the "**OLA**"). This principle was previously crystallized in *Lavigne v. Canada Post Corporation*, 2009 FC 756, wherein it was determined at paragraph 16 that *Rule 317* cannot be invoked against the Commissioner within an application commenced under section 77 of the *OLA*, as the Commissioner's decision is not formally under review.
45. By logical extrapolation, applications commenced pursuant to section 41 of the *Privacy Act* or under the *Access to Information Act* (the "**ATIA**") do not constitute judicial reviews under the *FCA* and therefore do not govern the specific issues herein, wherein a tribunal (the "**RCMP Tribunal**") has explicitly conceded a failure to search delineated repositories.

VOLUME #1(G): THE PRECAUTIONARY PRINCIPLE AND THE RULE OF LAW PRECLUDE SPECULATION

46. As explicated by the Federal Court of Appeal in *Canadian Copyright Licensing Agency (Access Copyright) v. Alberta*, 2015 FCA 268 [*Access Copyright*] (per Stratas JA at para 15):

> "Parties before the administrative decision maker will often have in their possession all of the material the administrative decision maker considered in making its decision. But not always. And sometimes parties may be unsure whether they do. Sometimes they wish to confirm exactly what the administrative decision maker actually considered in making its decision. Rule 317 of the Federal Courts Rules provides a means by which parties can achieve those ends
>
> (see also: *Friends of the Earth Canada v. Canada (Attorney General)*, 2023 FC 1438 (CanLII), at para 9).

47. Herein, the Applicant less than little: he has nothing.

VOLUME #1(H): THE DISCOVERY OF IMPROPER MOTIVE FACILITATES MEANINGFUL JUDICIAL REVIEW

48. It is an accepted legal tenet that the certified record and its surrounding context may unveil whether an administrative decision was predicated upon an improper motive or driven by alternative impermissible rationales (*Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at para 137).

49. In the event that the reviewing court is deprived of the evidentiary foundation relied upon by the administrative decision-maker, the detection of a reviewable error may be rendered an impossibility (*Access Copyright* at para 14). The paramount and overarching consideration is whether the requested disclosure will permit a meaningful and substantive judicial review of the impugned decision (*GCT Canada Limited Partnership v. Vancouver Fraser Port Authority*, 2021 FC 624 at para 26).

VOLUME #1(I): THE DIFFERENTIAL LEGAL TEST FOR PROHIBITION UNDER RULE 317

50. In *Air Passenger Rights v. Canada (Attorney General)*, 2021 FCA 201, Associate Justice Gleason of the Federal Court of Appeal delineated at paragraph 21:

> "[21] Turning to the first of the foregoing assertions, as the applicant rightly notes, the breadth of materials that are subject to disclosure under Rules 317 and 318 of the Federal Courts Rules is broader where bias or breach of procedural fairness is alleged, particularly where, as here, relief in the nature of prohibition is sought. In such circumstances, disclosure is not limited to the materials that were before the tribunal when an order was made. Rather, where such arguments are raised, documents in the possession, control or power of a tribunal that are relevant to the allegations of bias or breach of procedural fairness are subject to disclosure.

51. Indeed, were it otherwise, this Court would be deprived of evidence necessary for the disposition of an applicant's claims of bias or breach of procedural fairness and the availability of relief in the nature of prohibition would be largely illusory: see, e.g., Humane Society of Canada Foundation v. Canada (National Revenue), 2018 FCA 66, 289 A.C.W.S. (3d) 875 at paras. 5-6; Gagliano v. Canada (Commission of Inquiry into the Sponsorship Program & Advertising Activities), 2006 FC 720, 293 F.T.R. 108 at para. 50, aff'd 2007 FCA 131; Majeed v. Canada (Minister of Employment & Immigration), 1997 CarswellNat 1693, [1993] F.C.J. No. 908 (F.C.T.D.) at para. 3, aff'd [1994] F.C.J. No. 1401 (F.C.A.). Thus, the first assertion advanced by the AGC as to the scope of permitted disclosure under Rules 317 and 318 is without merit."
52. Allegations encompassing bias 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**").
53. Concurrently, prerogative relief in the form of a writ of prohibition (the "**Writ of Prohibition**") is actively sought by the Applicant. Herbert Broom's maxim *ubi jus ibi remedium* (where there is a right, there is a remedy) dictates that the Court must possess the requisite evidentiary record to formulate such a remedy.
54. *Ipso facto*, given that the remedies of mandamus and prohibition are concurrently pursued, the restrictive test evaluating solely the materials available at the precise moment of the RCMP Tribunal's decision is fundamentally inapplicable. While the Applicant submits that this narrower threshold would nonetheless be satisfied, the prevailing appellate jurisprudence unequivocally binds the Court, by virtue of vertical *stare decisis*, to compel the RCMP Tribunal to transmit the expansive array of materials in certified format to both the Federal Court and the Applicant.
55. Should it be argued that the broader array of documents falls outside the technical "control" of the decision-maker because they were not explicitly reviewed, such an argument constitutes a logical fallacy. The jurisprudence explicitly overrides this limitation where bad faith, bias, or procedural fairness are pleaded, transferring the metric of discoverability from "what was reviewed" to "what may affect the Court's disposition of the fairness allegations."

Volume #1(H)(ii): Judicial Treatment of Air Passenger Rights

56. When allegations of bias or breaches of procedural fairness are advanced within a notice of application, the legally permissible scope of materials subject to mandatory disclosure under *Rules 317* and *318* is substantially broadened. This augmented scope is a jurisprudential imperative designed to guarantee that the reviewing Court is vested with the requisite evidentiary matrix to judiciously dispose of these claims (*Air Passenger Rights v. Canada (Attorney*

General), 2021 FCA 201 at para 21). Consequently, where bias or a breach of procedural fairness is averred, all documentation possessing relevance to such allegations must be subject to compulsory disclosure (*Ron W Cameron Charitable Foundation v. Canada (National Revenue)*, 2023 FCA 175 [*Ron W Cameron*] at para 26); *Delisle (Kannabis Shop) v. Kahnawake Cannabis Control Board*, 2026 CanLII 14519 (FC), at para 13.

57. In circumstances where an allegation of a breach of procedural fairness, a reasonable apprehension of bias, or actual bias is asserted within a notice of application or notice of appeal, the orthodox convention restricting production to relevant material physically before the decision-maker is invariably expanded. Supplemental documents demonstrating relevance to the specific allegation become subject to production: *Humane Society of Canada Foundation v. Canada (National Revenue)*, 2018 FCA 66 at para 6 (*Humane Society*); *Air Passenger Rights v. Canada (Attorney General)*, 2021 FCA 201 at para 21 (*Air Passenger Rights 2021*). The Federal Court of Appeal definitively codified this expanded obligation in *Air Passenger Rights 2021* (see: paragraph 21); *Jewish National Fund of Canada Inc. v. Canada (National Revenue)*, 2025 FCA 114 (CanLII), at para 13.
58. Furthermore, averments detailing discrimination on the basis of disability or egregious breaches of procedural fairness serve as sufficient independent catalysts to warrant expanded disclosure pursuant to *Rule 317*. When such arguments are substantively raised, documents demonstrating relevance to the allegations—irrespective of whether they were physically reviewed by the decision-maker—are strictly subject to disclosure (*Air Passenger Rights v. Canada (Attorney General)*, 2021 FCA 201 at para 21); *Ron W. Cameron Charitable Foundation v. Canada (National Revenue)*, 2023 FCA 175 (CanLII), at para 26. Application of this law dictates that the Applicant's pleadings of specific biases mandate production of the entire foundational record to assess the veracity of the tribunal's omissions.

VOLUME #1(I): THE IMPERATIVE OF A FORMAL REQUEST

59. In *Wheeldon v. Canada (Attorney General)*, 2012 FC 355, Mr. Justice Phelan articulated the absolute necessity of tendering a formal written request, notwithstanding the absence of a strictly prescribed statutory form. The Court observed the fatal deficiency when an applicant sought supplementary information without formalizing the requisite demand pursuant to *Rule 317* of the *FCR*. Specifically, the **Respondent** formally notified the Court that it refrained from producing the entirety of the material pertaining to the impugned decision strictly because the procedural formality of *Rule 317* was not strictly adhered to by the applicant: *Wheeldon v. Canada (Attorney General)*, 2012 FC 355 (CanLII), at para 15.

VOLUME #1(J): AUTHORITY FOR THE APPLICABILITY OF RULE 317 UNDER AN ATIA REVIEW

60. The standard of correctness is universally applicable in determining the applicability of *Rule 317* to a section 44 review under the *ATIA*, as such an inquiry constitutes a pure question of law (at para 11). A review instituted under section 44 retains the fundamental character of a judicial review, as it invariably scrutinizes the administrative decision-maker's ultimate determination regarding the disclosure of records (at paras 14–15 and 26). The decision itself embodies "the subject of the application," thereby satisfying the strict statutory language and threshold requirements encapsulated within *Rule 317* (at para 15): *Preventous Collaborative Health v. Canada (Health)*, 2021 FC 253. By applying this doctrine to the present facts, the failure to produce the required documents transforms the administrative inaction into the direct subject matter of the application, thereby triggering the compulsory production requirements of *Rule 317*.

VOLUME #2: STATEMENT OF ISSUES

61. The issues are provided herein to ensure that this proceeding is determined in a manner that is just, most expeditious and least expensive outcome of every proceeding with consideration being given to the principle of proportionality, including consideration of the proceeding's complexity, the importance of the issues involved and the amount in

dispute (see: rule 3(a) and (b)) and in the event that there is an objection to some of the material requested the Court has the benefit of the relevant issues: 142

a. **Definitional Parameters under the *Privacy Act*:** Predicated upon the assertion that the RCMP purported to exercise jurisdiction and powers pursuant to the *Privacy Act, RSC 1985, c P-21*—an Act of Parliament—what is the proper jurisprudential and statutory interpretation of the following operative terms within the context of the present application: i. "Order"; ii. "Material"; and iii. "Relevant".

b. **The Legal Doctrine of Possession:** Given the absence of an explicit statutory definition of "possession" within the *Federal Courts Act, RSC 1985, c F-7*, the *FCR*, or the *Interpretation Act, RSC 1985, c I-21*, what is the prevailing common law and jurisprudential definition of "possession" specifically as it applies to the production of records in applications before the Federal Court of Canada?

c. **Expanded Scope of Disclosure (*Rules 317* and *318*):** To what extent is the legally permissible scope of mandatory disclosure, compelled under *Rules 317* and *318* of the *FCR*, augmented and expanded in circumstances where an applicant explicitly pleads and seeks relief based upon: i. A Writ of Mandamus; ii. A Writ of Prohibition; iii. The reasonable apprehension of bias, existence of a conflict of interest, institutional lack of independence, and/or lack of impartiality; and/or iv. Egregious breaches of the principles of procedural fairness;

d. **Subsection 19(1)(d) misguided yet revealing reference:**
   i. **Principal Issue for Determination:**
      1. Whether the invocation of the statutory exemption enumerated within subsection 19(1)(d) of the *Privacy Act* operates, *sub silentio*, as an admission of the originating law enforcement agency status of the federal constabulary; and furthermore, whether the totality of the circumstances encompassing the disposition of the subject chattels, the internal reorganization of the federal institution, the alleged documentary irregularities, and the anomalous remuneration of court personnel furnishes a triable inference of systemic procedural manipulation or institutional impropriety.
   ii. **Particularized Sub-Issues:**
      1. a) **Disposition of Chattels and Warrant Protocols:** Whether the ostensibly irregular handling of the subject chattels by the municipal police service—specifically, the uncatalogued sequestration thereof within a provisional repository, compounded by ensuing contradictory representations concerning the purported transfer to the Property Evidence Management Unit, and conjoined with the failure to produce an executory warrant of arrest—furnishes sufficient evidentiary weight to support the inference that the federal constabulary, rather than the municipal entity, operated as the primary or originating agency, thereby providing the foundational rationale for the invocation of subsection 19(1)(d).
   iii. b) **Institutional Reorganization as Statutory Circumvention:**
      1. Whether the redesignation of the federal constabulary's "O" Division to the "Central Region," whilst remaining under the continuous administrative authority of the presiding Regional Commander, is liable to be construed as a deliberate structural realignment executed with the specific intent of satisfying the jurisdictional phrasing contained within subsection 19(1)(d) ("regional government established by... an Institution of such a government"), thereby operating as an artifice to insulate agency records from mandatory disclosure.
   iv. c) **Inherent Prejudice to the Governmental Institution (understandable yet non-legal justification for non-disclosure):**
      1. Whether, by invoking the aforementioned statutory exemption, it is implicitly conceded by the federal institution that the execution of a comprehensive search would invariably yield specific foundational metadata—comprising the Originating Agency Identifier (ORI),

particulars of the issuing tribunal, and the identity of the presiding judicial officer—which would conclusively establish the agency's direct involvement, thereby occasioning inherent prejudice to the institution.

v. d) **Alleged Documentary Alteration and Software Exploitation:**
    1. In consideration of the publicly documented technical vulnerabilities inherent to the software framework identified as GrapeCity.Documents.PDF 6.0.2.0, whether a balance of probabilities suggests that said framework was utilized to effectuate a systematic obfuscation or manipulation of the primary evidentiary record, thereby converting the Authentic Information Package into the False Information Package.

vi. e) **Procedural Irregularities Indicative of Federal Agency Practices:**
    1. Whether the particularized errors and omissions identifiable within the False Information Package bear a greater indicia of alignment with the administrative practices of a federal agency operating within a regional framework—an entity arguably lacking the high-volume, routine process-issuing expertise characteristic of municipal police forces—than with those of the municipal police service itself.

vii. f) **Probative Inferences Regarding Personnel Remuneration:**
    1. What juridical inferences may be properly drawn from the sudden and material escalation in the remuneration of the named Court Officer, propelling said individual to a publicly disclosed threshold of elevated compensation in the year 2025, in immediate sequence to the allegedly unauthorized utilization of her identity as an informant—an averment she purportedly could not traverse upon confrontation. Furthermore, whether this temporal pattern of compensation raises a triable issue as to the possibility that such financial advancement was furnished as a clandestine commission or improper inducement to secure acquiescence to the aforementioned inclusion of her identity.

e. **Subsection 22, "Law Enforcement and Investigation"**: the absence of section 22(1)(a) but the inclusion of 22(1)(b) misguided yet enlightening, illuminating and informative reference:
    i. The central issues in this application for judicial review concern the Royal Canadian Mounted Police's (the "RCMP") unlawful withholding of Foundational Metadata and Offline Historical Database records under the *Privacy Act*, R.S.C. 1985, c. P-21 (the "*Act*"). Specifically, the issues are framed as follows:
        1. **The Jurisdictional Misdirection:** Did the RCMP ATIP Branch err in law by declining to invoke the specific exemption under paragraph 22(1)(a) of the *Act*—which would require identifying itself as an "investigative body" under the *Privacy Regulations*—and instead relying on paragraph 22(1)(b), thereby assuming an evidentiary burden of proving "injury" that it cannot legally or factually satisfy?
        2. **The Failure to Establish a Reasonable Expectation of Injury:** Can the disclosure of historical, transactional, or administrative metadata (including CPIC logs, Foundational Metadata, and offline database entries) be reasonably expected to cause "injury" to the enforcement of any law or the conduct of lawful investigations under paragraph 22(1)(b), particularly where the underlying investigation is stale, inactive, or structurally concluded?
        3. **The Temporal and Procedural Boundaries of "Investigations":** Can the RCMP assert an ongoing investigative character over CPIC transactions that merely log the completion of past, expired, or time-barred administrative processes (such as a summons or arrest warrant), particularly where any potential prosecution is long-concluded or barred under the constitutional ceilings established in *R. v. Jordan*?
        4. **The Mischaracterization of Public Court Records as Confidential Sources:** Does paragraph 22(1)(b)(ii) permit the withholding of ministerial metadata (such as Originating Agency [ORI] codes, court levels, court locations, names of judicial officers, or Source Identifiers [SID]) under the guise of protecting a "confidential source," when the informant

on a Criminal Code Form 2 Information is a matter of public record post-arrest or post-issuance of process?

5. **The Exclusion of Ultra Vires Conduct from "Lawful Investigations":** Applying the doctrine of the indivisibility of the Crown (*Benedict v. Ontario*), can information generated through, or corrupted by, fraudulent manipulation or the compilation of false information packages ever be characterized as "obtained" or "prepared" in the course of a "*lawful* investigation" under subsection 22(1)?

f. **Pre-emptive Resolution of Anticipated Objections (The Establishment of Novel Precedent):** In the event the RCMP (the "**RCMP Tribunal**") neglects its statutory duty to transmit all relevant material to the Registry and the applicant (the "**Applicant**"), does the present factual matrix warrant the establishment of a novel legal precedent? Specifically, where there exists an underlying allegation of fraud perpetrated by law enforcement in concert with Crown Counsel during a criminal proceeding that is strictly *void ab initio*, and where a criminal prosecution could not lawfully have been sustained due to the deliberate filing of an admittedly false information package into a transferee courthouse (the Ontario Court of Justice, 10 Armoury Street Courthouse), is the RCMP Tribunal precluded from relying upon spurious legal justifications to outright refuse a requisite search for the Personal Information of the Applicant?

VOLUME #3: LEGAL BASES

VOLUME #3(A): THE OFFICE OF THE PRIVACY COMMISSIONER DETERMINES THE EXTENT OF THE RCMP'S STATUTORY DUTY AND PARAMOUNTCY OF CONTROL OVER MULTI-JURISDICTIONAL ENTRIES WITHIN THE CANADIAN POLICE INFORMATION CENTRE (THE "CPIC")

62. The Office of the Privacy Commissioner of Canada (the "**OPCC**") previously initiated a comprehensive investigation pertaining to formal complaints registered against the Royal Canadian Mounted Police (the "**RCMP**") which was titled by the OPCC, Disclosure of information about complainant's attempted suicide to US (United States) Customs and Border Protection not authorized under the *Privacy Act* (see: https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-federal-institutions/2016-17/pa_20170419_rcmp/).
63. Said complaints concerned the unauthorized extraterritorial disclosure of personal information (the "**Personal Information**") regarding an individual's historical medical distress—specifically, a suicide attempt—to the United States Customs and Border Protection (the "**CBP**"). The impugned data, originally uploaded by the Toronto Police Service (the "**TPS**") to the CPIC database, was subsequently weaponized by the CBP to formally deny the complainant entry into the United States. The OPCC determined the complaints to be entirely well-founded, conclusively ruling that the dissemination constituted a direct contravention of the *Privacy Act, RSC 1985, c P-21*, as it satisfied neither the rigid parameters of a valid "law enforcement" exemption nor the doctrine of "consistent use".
64. In November 2013, the complainant was engaged in transnational travel originating from Toronto Pearson International Airport. During the preclearance protocol, CBP agents detained the individual, subjecting her to interrogatory measures predicated upon a historical medical emergency dated June 2012.
65. The complainant was formally deemed inadmissible to the United States pursuant to the *Immigration and Nationality Act* (United States), predicated strictly upon health-related statutory grounds (specifically, the categorization of a mental disorder allegedly posing a threat to public safety).

The Genesis of the Disclosed Intelligence:

66. The CBP extracted this sensitive intelligence directly via the CPIC mainframe. The TPS had previously instituted a "Caution flag" denoting "Suicidal Tendencies," running concurrently with a "Special Interest Police" (the "**SIP**") entry categorized as "Mental Health - Attempted Suicide - Drugs," following their deployment to the complainant's 2012 medical distress incident.
67. Notwithstanding the fact that the TPS physically inputted the data and the CBP acted as the ultimate consumer of said data, the formal complaint was strategically and correctly levied against the RCMP.
68. The RCMP operates as the absolute statutory steward and supreme technological administrator of the CPIC infrastructure. Furthermore, it exercises exclusive jurisdiction over the Memorandum of Cooperation (the "**MOC**") executed with the Federal Bureau of Investigation, which technically facilitates the access of United States agencies to the CPIC databanks.
69. Consequently, the RCMP is encumbered with the ultimate and inescapable legal responsibility to ensure that any intelligence disseminated to foreign state actors maintains strict adherence to the *Privacy Act*. *Ipso facto*, the RCMP is precluded from operating as a mere passive repository or "blind conduit"; rather, it is compelled by law to actively govern, monitor, and regulate the propriety and legality of any data uploaded by ancillary police forces. Invoking the foundational legal maxims authored by Herbert Broom, *qui facit per alium facit per se* (he who acts through another acts himself) and *qui non prohibet quod prohibere potest assentire videtur* (he who does not prevent what he has the power to prevent is deemed to assent), the RCMP's failure to actively restrict unlawful data sharing renders it directly culpable for the resultant privacy breaches.

Jurisprudential Analysis and Determinations of the OPCC

70. The determinative legal issue hinged upon whether the extraterritorial transmission of the data to the CBP, absent the explicit consent of the complainant, was legally justifiable pursuant to the stringent statutory exemptions articulated within subsection 8(2) of the *Privacy Act*.

Analysis of Paragraph 8(2)(f) (Agreements with Foreign States for Law Enforcement):

71. The RCMP advanced the argument that the admissibility screening protocols executed by the CBP inherently constitute a public safety and law enforcement mandate, ostensibly designed to preemptively guard against tangible threats to property or human safety.

The Finding of the Commissioner

72. The OPCC unequivocally ruled that the immigration admissibility assessments conducted by the CBP do not satisfy the rigorous definitional thresholds of "law enforcement" or "criminal justice" within the strict purview of the MOC. The complainant had engaged in no statutory infractions and was subject to no penal sanctions; her activities were strictly limited to international transit. The OPCC firmly established that deeply sensitive health intelligence must exclusively be disseminated to border authorities in circumstances where the individual in question exhibits a demonstrable, empirical threat to public safety.

Analysis of Paragraph 8(2)(a) (The Consistent Use Doctrine):

73. The RCMP averred that leveraging the health data to evaluate transnational public safety aligned consistently with the originating purpose of its collection by the municipal constabulary.
74. The OPCC rejected this premise, finding that the primary operational intent behind the collection of such data by frontline officers is to chronicle localized incidents and ensure the immediate tactical safety of officers and the public during direct, real-time interactions. The utilization of such highly confidential health records for the facilitation of a foreign immigration assessment constitutes an application that an individual could not "reasonably

expect," barring the existence of a clear, present, and imminent danger. Thus, the transmission strictly failed the test for consistent use.

The Intransigence of the RCMP

75. The RCMP formally dissented from the OPCC's findings and outright refused the implementation of the recommended directives. The Tribunal steadfastly maintained the position that the CBP operates as a valid law enforcement entity and that the "SHARE USA" default parameter must remain universally active to theoretically preserve public safety.
76. Notwithstanding the institutional recalcitrance regarding system defaults and the precise lexicon of the policies, the OPCC acknowledged the substantive collateral benefit: the intense scrutiny of the RCMP's architectural administration catalyzed local agencies to unilaterally purge thousands of mental health records from the CPIC network, thereby drastically mitigating the probability of analogous privacy infractions.
77. This inherent limitation encapsulates precisely why the investigative reports generated by the OPCC are not, *ipso facto*, subject to judicial review *per se*; the OPCC operates functionally as an ombudsman, authorized to recommend remedial avenues that the impugned Government Institution possesses the discretion to disregard. This structural limitation perfectly mirrors the statutory frameworks of the *Personal Information Protection and Electronic Documents Act, SC 2000, c 5* and the *Access to Information Act, RSC 1985, c A-1*.
78. The Office of the Information Commissioner has some different statutory powers but that is not at issue herein.
79. Conversely, the *Privacy Act* dictates a markedly more restrictive paradigm concerning an applicant's right to invoke the jurisdiction of the Federal Court of Canada. Adjudicative access is narrowly circumscribed, crystallized specifically when a complainant seeks relief pursuant to section 41 of the *Privacy Act* following a formal refusal of access. Ergo, the present application for judicial review is correctly and inescapably predicated upon the egregious failure of the RCMP to conduct a requisite search for the Personal Information of the applicant (the "**Applicant**") pursuant to his formally submitted Access Request (dated March 11, 2026), and the concomitant failure of the Head of the RCMP to execute the mandatory statutory contemplation mandated under subsection 8(2) of the *Privacy Act*.

VOLUME #3(A)(I): SUMMARY OF JURISPRUDENTIAL EFFECT REGARDING THE INPUTTING OF FALSE OR INACCURATE DATA INTO CPIC BY ANY LAW ENFORCEMENT APPARATUS

80. The OPCC's determinations establish an irrevocable precedent: the RCMP is strictly prohibited from operating as a passive host or "blind conduit" for intelligence contributed by external police forces. Given its paramount structural and administrative role, the RCMP is legally bound to exercise an active, governing supremacy over all Personal Information transiting the national infrastructure.
81. The jurisprudential rationale underpinning the OPCC's findings is delineated into the following determinative principles:
    - **a. The Doctrine of Sufficient Control**
        - **i.** The OPCC explicitly concluded that the quantum of control exercised by the RCMP over the CPIC mainframe is unequivocally sufficient to trigger the robust protections of section 8 of the *Privacy Act*. Even in circumstances where a municipal entity, such as the TPS, originated the data upload and maintained nominal carriage of their localized investigative file (denoted by an occurrence number), the Commissioner of the RCMP remains the ultimate, non-delegable authority accountable for the administration, operation, and statutory compliance of the overarching system.
            1. Herein, it is a matter of evidentiary record that at least one of the specific case identification numbers associated with the impugned records is demonstrably not attributable to the TPS; namely, Police Case ID: 457197 (visibly stamped upon the upper right-hand quadrant of the admitted False Information Package). Both the TPS and the Ontario Provincial Police (the "**OPP**") have formally and unequivocally disclaimed any jurisdictional relation to said case identification number, a repudiation which logically and necessarily leaves the RCMP as the sole remaining institutional custodian.

Paramount Stewardship of the Bilateral Agreement

82. Predicated upon the fact that the RCMP acts as the exclusive Canadian signatory to the MOC executed with the Federal Bureau of Investigation, the OPCC ruled that the RCMP bears the sole, non-transferable burden of ensuring that any cross-border intelligence dissemination strictly comports with both the MOC and the domestic imperatives of Canadian privacy legislation.

The Imperative for Active Policy and Architectural Safeguards

83. The OPCC profoundly criticized the RCMP's legally bereft posture that the onus of statutory compliance rests entirely upon the contributing municipal or provincial agencies. The OPCC firmly established that the RCMP must actively engineer the CPIC policies, user protocols, and foundational technical defaults to preemptively neutralize the potential for unauthorized data proliferation.
84. 30. By way of specific illustration, the OPCC mandated that the RCMP restructure the technical baseline of the system's "SHARE USA" feature to automatically suppress the transmission of deeply sensitive health data, rather than permitting dissemination to function as the unexamined default parameter.
85. 31. This precise conflict crystallizes the overarching precedent: while the RCMP attempts to shield itself behind the facade of a collaborative, decentralized system where localized forces "own" their respective data, the OPCC definitively ruled that supreme architectural stewardship equates inextricably to absolute legal accountability. To achieve compliance with the *Privacy Act*, the RCMP must actively audit, regulate, and restrict the manner in which both domestic and foreign agencies interface with the databanks under its sovereign control.

VOLUME #3(B): THE NOVEL LEGAL ISSUES FORMULATED FOR ADJUDICATION

86. The novel legal controversies presented for adjudication herein are robust and multifaceted. 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. The resolution of these distinct, untested issues will be effortlessly achieved upon the compulsory transmission of the certified tribunal record (the "**CTR**") to both the Federal Court of Canada 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 mount under *Rule 318* of the *Federal Courts Rules, SOR/98-106* (the "***FCR***").

The First Novel and Untested Issue

87. 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. Should the inputted data align with said 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 fabricated: *Lawson v. Accusearch Inc.*, 2007 FC 125.

The Second Novel and Untested Issue

88. 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" or the purportedly valid INTAKE COURT ENDORSEMENT (dated September 23, 2024). 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 "**ORI**"); the designated issuing authority or "court field"; the remarks/narrative field; and the System Identification Number (the "**SID**") generated upon entry), such alterations constitute a profound abuse of process. Collectively, these elements are categorized as the foundational data elements comprising a "WANT record".

89. It is submitted as a highly probable extrapolation that the originating law enforcement agency, designated by the initial ORI, was not the identical agency that subsequently executed the surreptitious amendments to the WANT record. These potential, unauthorized systemic alterations encompass four distinct vectors of modification:
    a. The deliberate modification or reassignment of the ORI, falsely transferring jurisdictional appearance to a separate police service;
    b. The structural alteration of the jurisprudential authority or "court field" to legitimize an otherwise *void ab initio* warrant;
    c. The substantive revision of the remarks or narrative field to retroactively justify the apprehension of the Applicant; and
    d. The systemic desynchronization or reallocation of the SID, designed to obfuscate the original timestamp and audit trail of the fabricated entry.
90. The forensic veracity of these administrative maneuvers—and the exposure of the underlying malfeasance—can only be illuminated through a rigorous examination of the automated hexadecimal transaction logs and sequence trails. Consequently, this determination can solely be achieved through the unmitigated disclosure of the Applicant's Personal Information, which is definitively housed within a Personal Information Bank (the "**PIB**") and remains under the absolute control and constructive possession of the centralized federal repository.

VOLUME #3(C): THE JURISPRUDENTIAL DOCTRINE OF POSSESSION UNDER THE FEDERAL COURT RULES

91. A masterful comprehension of the legal doctrine of "possession" is absolutely paramount when navigating the *FCR*, specifically concerning the mandatory production of documentary evidence. This doctrine governs both the general discovery apparatus (Rules 222-223) and, crucially, the compulsory transmission of tribunal records under *Rule 317*.

The Definition of Possession in the Strict Context of Rule 317

92. *Rule 317* of the *FCR* vests an applicant in a judicial review proceeding with the absolute right to requisition material relevant to the application that resides within the possession of the impugned Tribunal.
93. 73. Within the architecture of the *FCR*, the concept of "possession" vehemently rejects the archaic limitation of mere physical custody. The appellate jurisprudence has consistently expanded "possession" to broadly encompass the legal right, authority, or institutional ability to procure the document. While the *FCR* omits a rigid definitional clause for "possession," the overwhelming weight of document production jurisprudence establishes that it strictly incorporates:
    a. **Actual Possession:** The immediate, physical custody of the document; and
    b. **Constructive Power or Control:** Vesting the entity with the absolute right or jurisdictional authority to demand and obtain the document, irrespective of its immediate physical locale.

94. Consequently, for the purposes of *Rule 317*, if a Tribunal possesses the overarching legal right or technical capacity to access relevant data, that material is definitively deemed to be in its "possession" for production purposes, even if the physical servers or archives are geographically displaced.

The Tripartite Categorization of Possession

95. In advanced civil procedure, possession is jurisprudentially categorized into three distinct operational forms:
    a. **Sole Possession:**
        i. **Definition:** The most absolute iteration of possession. It manifests when a singular entity exercises exclusive physical custody and administrative dominion over a record.
            1. If the Tribunal maintains the singular physical iteration of a memorandum within its immediate administrative confines, it exercises sole possession.
            2. The Tribunal retains the exclusive, unfettered right to utilize, manipulate, and produce the material.
    b. **Joint Possession**
        i. **Definition:** This formulation arises when two or more distinct entities share physical custody, administrative access, or control over a record, resulting in a shared, indivisible right to possess the material.
        ii. **Application:**
            1. In circumstances where the RCMP and an external municipal police force mutually interact with a shared digital architecture (such as CPIC), both entities may exercise Joint Possession over the underlying data matrices. In the realm of document production, shared possession with a non-party does not immunize the party from production; they remain legally compelled to produce the material or actively seek the requisite consent, as their legal right to the document remains absolute.
    c. **Constructive Possession**
        i. **Definition:** This represents the most expansive and vital formulation of possession. It dictates that an entity holds possession when it lacks immediate physical containment of the material, yet wields the *de jure* legal right, institutional power, or technical authority to requisition and obtain it.
        ii. **Application:** This doctrine frequently serves as the epicenter of contentious document production litigation. If the RCMP archives its historical data utilizing external federal infrastructure but retains the sovereign right to demand the extraction of those logs at will, the RCMP is irrevocably bound by Constructive Possession. Similarly, if records are held by a delegated agent or legal counsel, the principal entity maintains Constructive Possession because it exercises the power of directive over the agent. **Rule 317 Implications:** A Tribunal is strictly legally barred from resisting a *Rule 317* request by pleading an absence of physical custody if it possesses the statutory or administrative authority to compel the retrieval of the document from its current host. The RCMP is not seeking that an independent contractor provide its backup tapes but rather it is a demand unto itself if you will.

VOLUME #3(D): A COMPARATIVE LINGUISTIC ANALYSIS OF THE RCMP'S DECISIONS (THE HALTON POLICE CASE VS. THE MCLEAN RCMP PROCEEDING)

Volume #3(D)(I): The RCMP Decision in the Halton Police FIPPA Case

96. To illuminate the institutional bad faith and strategic linguistic manipulation deployed by the RCMP herein, the Applicant heavily relies upon a comparative analysis of the strikingly similar, yet critically divergent, language utilized by the RCMP in *Halton Regional Police Services Board (Re)*, 2024 CanLII 67092 (ON IPC) (the "**Halton Police Case**"). In the Halton Police Case, Adjudicator Faughnan, presiding under the *Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, c M.56* (the "**MFIPPA**"), reproduced the RCMP's formal refusal letter at paragraph four, which stated:

> "This is in response to your request made under the *Privacy Act*, which was received by this office on March 2, 2015, in which you are seeking a report of all inquiries made by any officer/civilian member of any Canadian or USA police force since 1970 under your identifiers including any inquiries made on CPIC/PARAS."

> Based on the information provided, a search for records was conducted. Be advised that we can neither confirm nor deny the existence of the information requested. If the information did exist, it would be subject to exemption in its entirety pursuant to Paragraph 22(1)(b) of the *Privacy Act*...
>
> The *Privacy Act* has established the right of applicants to access federally maintained records which contain personal information concerning themselves. If you were involved with another police department or service, they may have information that concerns you. The *Privacy Act* does not authorize the RCMP to search files or to disclose information belonging to other police forces."

Volume #3(D)(II): The Distinctions Possessing Profound Legal Significance

Volume #3(D)(II)(a): The Execution of a "Search for Records"

97. In the Halton Police Case, the RCMP formally averred that "a search for records was conducted," utilizing the term without limitation. The term "record" lacks a precise definition under the *Privacy Act*, contrasting sharply with the *Access to Information Act* which broadly defines it as "any documentary material, regardless of medium or form."
98. Conversely, in the present proceeding (the "**McLean RCMP Proceeding**"), the RCMP artificially narrowed its purview, strictly representing that a search was conducted solely within "CPIC and Specialized Policing Services"—despite the Applicant explicitly demanding a search of the Foundational Metadata and Offline Historical Database.

Volume #3(D)(II)(b): The Deployment and Subsequent Waiver of the "Neither Confirm Nor Deny" Shield

99. In the Halton Police Case, the RCMP explicitly deployed the powerful statutory shield of section 16(2), stating it could "neither confirm nor deny" the existence of the requested intelligence. In stark contrast, the RCMP completely abandoned this shield in the **McLean RCMP Proceeding**.

The Legal Ramifications of Waiving Section 16(2):

100. The mechanism of Section 16(2) permits a Government Institution to completely obfuscate the existence of a record, an extraordinary measure designed to preserve the sanctity of active, highly sensitive investigations. The author of the RCMP decision in the **McLean RCMP Proceeding** explicitly chose not to invoke this provision.
101. **The Legal Import:** By declining to invoke Section 16(2) *in limine*, the RCMP legally waived its right to obfuscate the existence of the records. Because it failed to issue an NCND response, the RCMP is now irrevocably tethered to its specifically cited exemptions (Sections 19, 22, and 26).
102. Should the **Respondent** attempt to argue during these proceedings that the existence of the requested Metadata is hypothetical or that confirming its existence would compromise investigative integrity, such an objection is a strict nullity. The **Respondent** has preemptively waived this protection and cannot retroactively reconstruct a Section 16(2) shield to evade production under *Rule 317*. It chose the route it did by granting itself an extension of time and it could have amended its decision from April 27, 2026, and the record will reflect that the Applicant provided it with opportunity to do so but it declined.
103. Consequently, the RCMP is legally estopped from asserting that the Personal Information sought is immune from basic acknowledgment before this Honourable Court. It falls under the principle at least by analogy from Turigan v. Alberta, ABCA, 1988, involving "estoppel by record".

Volume #3(D)(II)(c): The Strategic Erasure of "Concerning Themselves"

104. In the Halton Police Case, the RCMP stated, "The *Privacy Act* has established the right of applicants to access federally maintained records *which contain personal information concerning themselves*." Alarmingly, in the **McLean RCMP Proceeding**, the RCMP deliberately truncated this sentence, stating merely, "The *Privacy Act*

has established the right of applicants to access federally maintained records," entirely deleting the reference to Personal Information.

105. This surgical erasure is not benign; it perfectly substantiates the Applicant's assertion regarding the Foundational Metadata. Under Section 3 of the *Privacy Act*, "personal information" unequivocally encompasses transaction histories and assigned identifying numbers. By deliberately removing the qualifier "concerning themselves," the RCMP attempted to linguistically sever its statutory duty to track biographical metadata logs, unlawfully recharacterizing the underlying server operations as mere "federal administrative records" exempt from the Applicant's reach.

Volume #3(D)(II)(d): Misinterpretations Regarding Authorization and Ownership

106. In the Halton Police Case, the RCMP hypothesized, "*If* you were involved with another police department... they may have information that concerns you." In the **McLean RCMP Proceeding**, the RCMP shifted to an operative past-tense certainty: "If this matter *concerned* another police department... The *Privacy Act* does not authorize the RCMP to search files or to disclose information belonging to other police forces."

107. 99. The hypothetical "If" in the Halton matter was logical, as the requestor sought fifty years of generalized data. Herein, the Applicant demanded highly specific, targeted access to Personal Information directly indexed under Police Case ID: 457197—an identifier formally disavowed by both the TPS and the OPP. The RCMP's assertion that it lacks "authorization" to search its own sovereign database for records that do not "belong" to other forces is a profound misstatement of law.

VOLUME #4: WITHOUT A SEARCH, CORRECTION RIGHTS CEASE TO EXIST AS LEGISLATED BY PARLIAMENT

VOLUME #4(A): PERSONAL INFORMATION IS AKIN TO ONE'S OWNERSHIP

108. It is a well-settled jurisprudential axiom that *Rule 317* of the *FCR* does not demand that the requested material be legally "owned" by the administrative Tribunal, nor does it require exclusive, physical geographic custody. The singular, uncompromising statutory threshold is that the material resides within the "possession" of the Tribunal.

109. Furthermore, relying upon established jurisprudence (such as the determinations of Mr. Justice Tysoe in the Supreme Court of British Columbia in *Mazhero*), the Personal Information of an applicant is inherently "owned" by the applicant themselves—it emphatically does not legally "belong" to other police forces, regardless of their status as the originating agency.

110. In *Atlantic Prudence Maritime Inc. v. Canada (Minister of Transport)*, 1983 2 FC 183 (FCA) (the "**Atlantic Prudence Decision**"), the Federal Court of Appeal conclusively established that possession within the context of administrative record production must be subjected to a highly practical, functional interpretation, firmly rejecting the archaic constraints of narrow property concepts. The appellate court unequivocally ruled that a Tribunal is strictly prohibited from evading its production obligations by advancing the specious claim that records are "owned" by third parties, provided those records were relied upon, hosted, or technically accessible by the Tribunal in the execution of its administrative mandate.

111. 103. This overarching principle was subsequently codified and expanded in *Canada (Attorney General) v. Cloutier*, 2008 FC 322 (the "**Cloutier Decision**"). The Federal Court definitively held that material housed within an electronic database accessible by a government institution constitutes absolute possession for the strict purposes of a *Rule 317* request. The Court forcefully rejected the obsolete notion that electronic data must be physically manifested in print or localized within a specific geographic office to be "possessed," holding that technological accessibility acts as the absolute functional and legal equivalent of possession.

112. Under the doctrine of Constructive Possession, an entity holds possession of material whenever it exercises the legal right, administrative power, or technological capacity to command its retrieval, completely independent of physical containment. In the modern administrative apparatus, data is perpetually decentralized across complex virtual architectures. To restrict the definition of possession to physical, paper-based custody would render the operation of *Rule 317* an archaic and absolute nullity (the "**Nullity**").

113. 105. The CPIC database represents a colossal, centralized national infrastructure. While municipal entities input localized intelligence via their discrete ORIs, the foundational technological mainframe, the database schema, and the physical server arrays are owned, operated, and exclusively maintained by the RCMP. The interaction between the RCMP and external police forces does not constitute total operational separation; rather, it manifests as a textbook paradigm of Joint Possession over the transactional metadata.

114. 106. When an external law enforcement agency instantiates a WANT Record into CPIC, that specific data matrix is instantly ingested into a database strictly hosted upon federal servers. The corresponding transactional logs, sequence trails, and hexadecimal dumps are automatically and autonomously generated by the federal system architecture itself. The RCMP holds the supreme administrative credentials, the systemic audit tools, and the absolute physical dominion over the server farms required to extract this intelligence. Consequently, the raw forensic mainframe ledger records sought by the Applicant reside indisputably within the Constructive Possession of the RCMP.

VOLUME #4(C): THE RCMP AS THE PARAMOUNT CUSTODIAN AND SOVEREIGN ADMINISTRATIVE STEWARD

115. In *Canada (Information Commissioner) v. Minister of National Defence*, 2011 SCC 25 (the "**National Defence Decision**"), the Supreme Court of Canada formulated a rigid bipartite test to determine whether a government institution exercises control over records for statutory production purposes:

a. First, does the record relate to a substantive departmental matter?
b. Second, could the institution reasonably expect to obtain a copy of the record upon executing a request?

116. Although the *National Defence Decision* was adjudicated under the *Access to Information Act*, its foundational logic applies *a fortiori* to the legal concept of possession encapsulated within *Rule 317*. The administration, forensic auditing, and structural security of the CPIC infrastructure are indisputably departmental matters under the exclusive purview of the RCMP. As the sovereign national steward of CPIC, the RCMP possesses the absolute, unassailable legal and technical right to obtain, audit, and extract any record residing within its own database.

117. 109. This conclusion is explicitly supported by provincial adjudicative bodies. As noted in the Halton Police Case, the Information and Privacy Commissioner of Ontario definitively ruled that municipal police boards possess neither custody nor control over the CPIC Offline Historical Database. Because these offline archives are managed with absolute exclusivity by the RCMP, any legal demand for historical transaction logs must be directed solely to the federal institution.

VOLUME #4(D): THE ABSOLUTE NULLITY OF THE "THIRD-PARTY OWNERSHIP" DEFENSE

118. Any anticipated attempt by the **Respondent** to resist the compulsory production mandates of *Rule 317* by falsely characterizing the requested transaction logs and hexadecimal dumps as "belonging" to other police forces is a profound legal absurdity. A transaction log is emphatically not an investigative narrative report, nor does it encompass proprietary, third-party tactical intelligence. It is purely administrative Metadata—an automated, machine-generated chronicle of the systemic operations (*acta*) of the federal mainframe itself. The unique system identification numbers, the ORIs, the hardware terminal addresses, and the microsecond timestamps are intrinsic, systemic properties belonging exclusively to the CPIC platform. They constitute the indisputable administrative footprint of state action. If an arrest warrant was subjected to illicit, post-hoc digital modification—specifically via

the unauthorized exploitation of the GrapeCity SDK API—the transaction logs represent the singular, immutable evidentiary matrix proving that alteration. The deliberate suppression of this critical Metadata by the **Respondent**, disguised beneath the specious veil of inter-agency confidentiality, constitutes an administrative omission that is an absolute Nullity *ab initio*, emphatically not a curable irregularity (the "**Irregularity**"). This obstruction directly and fatally contravenes the statutory purpose of subsection 12(1) of the *Privacy Act* and fundamentally frustrates the compulsory production mechanics of *Rule 317*. The state is strictly prohibited from deploying the complexity of its own decentralized database architecture as a jurisprudential shield to conceal administrative malfeasance or *ultra vires* jurisdictional overreach.

VOLUME #4(E): THE STATUTORY ABSURDITY AND THE FRUSTRATION OF CORRECTION RIGHTS UNDER SUBSECTION 12(2) OF THE PRIVACY ACT

119. 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 right to request a correction of said information, mandate the attachment of a formal notation if the correction is refused, and compel the notification of these amendments to any entity that received the data within the preceding two years.

120. 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 statutory absurdity (the "**Statutory Absurdity**").

121. If the RCMP is legally permitted to abdicate its overarching search obligations beneath the guise 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. A requestor cannot correct that which the paramount custodian outright refuses to locate.

122. 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 RCMP's restrictive interpretation, an individual maliciously targeted by the 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 taint constitutes an ongoing, egregious violation of fundamental justice.

123. 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*, an interpretation must be adopted so that the provision may have effect rather than fail). The RCMP cannot strategically interpret section 12(1) (access) in a manner that entirely nullifies section 12(2) (correction).

124. **Nota Bene:** 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*. 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 RCMP, functioning as the supreme technological custodian, remains the sole entity legally and technically capable of executing the statutory mandate commanded by subsection 12(2).

Volume #4(E)(I): The Paramountcy of the Initial Search and the "Meaningful Exercise" of Subsection 12(2)

125. It is a foundational legal axiom that the invocation of the remedial correction rights enshrined within subsection 12(2) of the *Privacy Act* is strictly predicated upon the antecedent execution of a comprehensive search. Stated with stark precision: the realization of statutory rights initiates exclusively with a search. By refusing to proactively interrogate the Foundational Metadata and the Offline Historical Database—repositories over which

the RCMP exercises absolute constructive possession—the RCMP Tribunal entirely and structurally paralyzes the Applicant's capacity to exercise his statutory entitlements.

126. In *Canada (Information Commissioner) v. Canada (Minister of Citizenship and Immigration)*, 2002 FCA 270 (CanLII), 2003 1 FC 219 (the "**Information Commissioner Decision**"), the Federal Court of Appeal conclusively established the parameters safeguarding the effective operation of subsection 12(2). The appellate court ruled that the excessive severance or redaction of records, which renders the resulting disclosure incomprehensible, fundamentally undermines the "meaningful exercise" of the correction rights granted under subsection 12(2) (at para 10).

127. Applying the deductive logic of the *Information Commissioner Decision a fortiori* to the present factual matrix: if the provision of severely redacted information illegally frustrates the meaningful exercise of subsection 12(2), then the **Respondent**'s outright, institutional refusal to even conduct a preliminary search constitutes an absolute evisceration of those identical rights *ab initio*.

Volume #4(E)(II): The Competing Interests and the Disclosure of Authorizing Identities (Paragraphs 3(g) and 3(i))

128. A central determination in the *Information Commissioner Decision* was the resolution of competing statutory interests concerning the disclosure of third-party identities under paragraphs 3(g) and 3(i) of the *Privacy Act*. The Federal Court of Appeal explicitly ruled that a requester's significant private interest in clearing their name in the public domain invariably supersedes a third party's minimal interest in anonymity (at paras 31 and 33). Fairness in administrative inquiries dictates that adverse actions or unfavourable views cannot remain secret and strictly unchallengeable (at para 34).

129. The Applicant herein maintains a profound, legally cognizable interest in clearing his name across the national law enforcement infrastructure, an objective partially realized but requiring further unmitigated disclosure. The singular avenue to definitively establish the falsity of the CPIC data requires the disclosure of the specific authorizing entities—namely, the issuing judicial officers—embedded within the WANT record.

130. Pursuant to the *Information Commissioner Decision*, the names of the authorizing or issuing jurists fall squarely within the purview of paragraph 3(i) of the *Privacy Act* (the name of an individual where it appears with other personal information relating to the individual, or where the disclosure of the name itself would reveal information about the individual).

131. Crucially, this disclosure imperative strictly encompasses the name of the ostensibly fictitious Justice of the Peace, "George Jiri," irrespective of the fact that said individual did not physically execute the data upload. The identities of the actors (real or fabricated) authorizing the state's action against the Applicant constitute "views or opinions about the individual" under paragraph 3(g) and are thus inextricably embedded within the Applicant's own Personal Information.

132. **Nota Bene:** The **Respondent** is pre-emptively estopped from asserting that a refusal to search is justified to protect the privacy interests of the municipal officers or jurists named within the CPIC warrant metadata. As the Federal Court of Appeal unequivocally held, a generalized "chilling effect" or a promise of confidentiality cannot override the statutory duty to disclose, particularly when the requester seeks to challenge fundamentally flawed or unchallengeable state actions (at paras 11-12, 34).

133. Finally, given the high probability that the False Information Package was disseminated to ancillary government institutions—potentially both domestic and foreign—the Applicant possesses an unassailable statutory right to ascertain the precise nature of the uploaded data. This knowledge is an absolute requisite to compelling the downstream notifications mandated by clause 12(2)(c). The RCMP Tribunal's refusal to search acts as a deliberate blockade, shielding downstream consumers of fabricated intelligence from statutory correction.

VOLUME #4(F): THE OPERATIONAL EXCLUSIVITY OF "OFF-LINE SEARCHES" AND THE REDUCTIO AD ABSURDUM OF DELEGATED CONTROL

134. It is a matter of established administrative record and judicial notice that municipal and provincial law enforcement apparatuses are strictly precluded from independently executing "off-line searches" within the CPIC

infrastructure. This systemic limitation was explicitly chronicled by the Information and Privacy Commissioner of Ontario in *Halton Regional Police Services Board (Re)*, 2024 CanLII 67092 (ON IPC), relying upon the foundational analysis articulated within *Order MO-1446*.

135. As delineated within *Order MO-1446*, while ancillary police departments may possess terminal access for standard queries, an "off-line search"—a forensic mechanism utilized to process and extract deep-archive computer records—mandates the explicit submission of a formal request to the RCMP. It is only subsequent to the RCMP's unilateral approval and physical execution of said search that the generated results are formally transmitted to the requesting agency.

136. Crucially, the adjudicator determined that the extracted search results crystallize into a record within the custody and control of the municipal police department *strictly upon their receipt* of the finalized data from the federal repository.

137. Utilizing an advanced legal syllogism, this operational architecture yields an incontrovertible conclusion: if municipal police forces are themselves entirely reliant upon the RCMP to physically access and extract data from the Offline Historical Database, then the RCMP inherently possesses absolute, unassailable custody and control over the foundational archival intelligence. To countenance the **Respondent**'s prevailing posture—that the Applicant is legally barred from requisitioning his own Personal Information directly from the RCMP because said data ostensibly "belongs" to external police forces—engineers a profound *reductio ad absurdum*. It is a legal impossibility for an external police force to "own" or exercise paramount control over a historical dataset to which they lack direct, independent access.

138. **Nota Bene:** Consequently, the RCMP remains the singular, inescapable statutory custodian capable of discharging the search and production obligations mandated by the *Privacy Act* and *Rule 317*. Any assertion by the **Respondent** that the Applicant must uniquely pursue municipal agencies to secure off-line CPIC logs is a deceptive administrative deflection, entirely devoid of operational reality and legal merit.

VOLUME #4(G): THE JURISPRUDENCE OF "CONTROL": THE RIGHT OF DEMAND AND THE PURPOSIVE INTERPRETATION OF ACCESS LEGISLATION

Volume #4(G)(I): The Broad, Liberal, and Purposive Interpretation of Control

139. The jurisprudential conception of "control" under federal access to information legislation commands a remarkably broad, liberal, and purposive interpretation, strictly divorced from archaic notions of physical property or immediate custody.

140. In *Canada Post Corp. v. Canada (Minister of Public Works)*, 1995 CanLII 3574 (FCA) (the "**Canada Post Decision**"), the Federal Court of Appeal definitively rejected restrictive, proprietary constraints upon the statutory definition of control. Articulating the binding precedent on behalf of the appellate court, Létourneau J.A. held at page 245:

> "The notion of control referred to in the Act is left undefined and unlimited. Parliament did not see fit to distinguish between ultimate and immediate, full and partial, transient and lasting, or 'de jure' and 'de facto' control. Had Parliament intended to qualify and restrict the notion of control to the power to dispose of the information, as suggested by the appellant, it could certainly have done so by limiting the citizen's right of access only to those documents that the government can dispose of or which are under the lasting or ultimate control of the government."

Volume #4(G)(II): The Binding Precedent of Hale v. Ontario (Criminal Code Review Board)

141. This expansive interpretive doctrine formulated by the Federal Court of Appeal was explicitly adopted and fortified by the Court of Appeal for Ontario in *Ontario (Criminal Code Review Board) v. Hale*, 1999 CanLII 3805 (ON CA) (the "**Hale Decision**").

142. The *Hale Decision* concerned a highly analogous statutory access request. The requesters sought access to backup audio tapes created and physically retained by a court reporter. Crucially, the court reporter was not an employee, but an independent contractor engaged on a fee-for-service basis by the Ontario Criminal Code Review

Board (the "**Review Board**"). The Review Board and the court reporter formally resisted production, vehemently arguing that the backup tapes were created strictly as personal *aide-mémoire* for the reporter, remained within the exclusive physical custody of the contractor, and were therefore not under the "control" of the Review Board.

143. The Court of Appeal for Ontario fundamentally rejected this evasion. Justice O'Connor, writing for the unanimous court, ruled that control is not contingent upon immediate physical possession or strict ownership. Rather, because the Review Board operated under a statutory mandate to keep an accurate record of its proceedings, it inherently possessed the *right to demand* access to the independent contractor's backup tapes to verify accuracy. The appellate court unequivocally held that the institutional legal right to make a future demand for the records satisfies the statutory threshold of "control," thereby compelling production.

Volume #4(G)(III): Application to the Present Factual Matrix: Offline Historical Data and Amended, Purged Records

144. Applying the binding jurisprudential logic of both the *Canada Post Decision* and the *Hale Decision a fortiori* to the present factual matrix yields an unassailable legal conclusion. The Applicant herein seeks access to off-line historical data, encompassing the original iterations of the inputted CPIC intelligence, alongside any subsequent unauthorized amendments, systemic purging, or operational alterations executed upon the WANT record.

145. If an administrative tribunal (such as the Review Board) is deemed by an appellate court to exercise absolute control over the independently created and personally housed backup tapes of an arm's-length private contractor—predicated exclusively upon the tribunal's right to demand those records for verification—the conclusion regarding the RCMP is infinitely stronger.

146. The RCMP is not interacting with an arm's-length contractor; it is the sovereign administrator of its own technological infrastructure. The offline historical metadata resides within the RCMP's own proprietary server arrays. The RCMP possesses the supreme, unmitigated statutory and administrative *right to demand*, extract, and audit the historical and purged data matrices generated within its own systems.

147. **Nota Bene:** Should the **Respondent** attempt to artificially distinguish between active terminal data "belonging" to local police and offline historical data, such a distinction is a jurisprudential nullity. The RCMP's unquestionable authority to demand and extract the offline historical data establishes immediate, incontrovertible control. To suggest that the paramount federal law enforcement agency lacks control over the historical audit logs generated entirely within its own sovereign database is a legal absurdity that offends the liberal and purposive interpretative mandate established by the Federal Court of Appeal.

VOLUME #4(H): THE JURISPRUDENTIAL SIGNIFICANCE OF THE UNSOLICITED INQUIRY INTO SPECIALIZED POLICING SERVICES AND THE INVOLUNTARY INSTITUTIONAL ADMISSION OF CENTRALIZED SYSTEMIC MANIPULATION

Volume #4(H)(I): The Inference and the "Data Trigger"

148. The explicit and unsolicited inclusion of the Specialized Policing Services (the "**SPS**") within the formal decision letter executed by the **Respondent**—specifically, via Mr. Jeff Ball—notwithstanding the absolute absence of any such request by the Applicant, precipitates a jurisprudential inference of monumental proportion. This unsolicited inclusion functions as an involuntary institutional admission that the Applicant's dossier migrated entirely beyond the jurisdictional boundaries of standard divisional detachments, becoming inextricably embedded within the RCMP's paramount national operational and technological command.

149. Pursuant to the strict operational strictures governing the *Privacy Act*, an Access to Information and Privacy (the "**ATIP**") directorate is strictly prohibited from executing arbitrary or exploratory searches within branches fundamentally disconnected from the parameters of a specific request. The federal ATIP apparatus exclusively interrogates specific Personal Information Banks (the "**PIBs**") when an initial intake assessment or an automated algorithmic database query affirmatively flags the existence of records within that distinct repository.

150. Consequently, the explicit institutional declaration that an SPS search was effectuated unambiguously exposes the **Respondent**'s internal evidentiary trail. It constitutes an irrefutable "Data Trigger": upon querying the Applicant's initial identifiers, the centralized mainframe did not merely isolate a routine, localized police occurrence. Rather, the systemic query unequivocally triggered a definitive hit tethered directly to an elite program or high-level database administered under the sovereign, national umbrella of the SPS

Volume #4(H)(II): The Proverbial "Pandora's Box" and the MESCIUS / GrapeCity SDK Software Connection

151. The jurisprudential ramifications of this involuntary institutional admission operate akin to the opening of a proverbial Pandora's Box, fundamentally fortifying and entirely legitimizing the Applicant's parallel requests instituted under the *Access to Information Act* concerning the deployment and unauthorized manipulation of MESCIUS and GrapeCity SDK software architectures.

152. As meticulously chronicled within the RCMP National System Architecture and Specialized Operational Support Manuals, the SPS is precisely the paramount federal directorate entrusted with the ownership, administration, and architectural construction of the RCMP's centralized, high-technology infrastructure. This sprawling mandate explicitly encompasses the CPIC mainframe itself, the Canadian Firearms Program, and the National Cybercrime Coordination center (the "**NC3**").

153. Therefore, the ATIP directorate was compelled to search the SPS for a singular, inescapable administrative reason: the SPS serves as the exclusive federal locus where the server-side document compilation logs and the forensic metadata manipulation sequence trails physically and electronically reside

Volume #4(H)(III): The Statutory Validation via the Treasury Board of Canada

154. This operational reality is further cemented by the Treasury Board of Canada's official Info Source publication, which formally registers and delineates the legal parameters of PIB RCMP PPU 005.This registration operates as the definitive, unassailable legal proof that the Offline Historical Database is inextricably bound to the federal statutory jurisdiction exercised by the SPS, rendering any overarching claim of "third-party ownership" over these specific architectural logs a strictly *ultra vires* proposition

155. Relying upon the foundational evidentiary maxim *habemus optimum testem, confitentem reum* (we have the best witness, a confessing defendant), the **Respondent**'s own unsolicited admission that it searched the SPS stands as the highest form of evidentiary proof that the federal apparatus was actively engaged in the architectural processing of the Applicant's data.

156. **Nota Bene:** Should the **Respondent** attempt to mitigate this admission by characterizing the unsolicited SPS search as a mere "routine administrative courtesy" or an over-inclusive clerical error, such an argument must be summarily dismissed *in limine* as an absolute nullity. The federal ATIP apparatus operates within a perpetual state of resource scarcity; it inherently does not expend computational or administrative capital to execute exhaustive forensic searches within the nation's most secure cyber-directorate absent a definitive, algorithmically generated directive necessitating that specific jurisdictional inquiry.

Volume #4(H)(IV): The Indispensable Role of Regional Communications as Cross-Jurisdictional Intermediaries and the Implication of Mr. Matt Peggs

157. Furthermore, the operational architecture of the SPS heavily implicates the substantive involvement of the Regional Communications (the "**Regional COM**") apparatus and specialized operational managers, specifically including Mr. Matt Peggs.

158. Within the highly stratified command structures of the RCMP's National Capital Region and allied specialized frameworks, Regional COM operates as the vital intermediary bridging localized municipal operations (such as the TPS or Peel Regional Police) and the paramount federal mainframe. When an investigative dossier manifests a profound jurisdictional paradox—such as the irreconcilable geographic conflict observed herein between the Toronto Courthouse and the fabricated authority of Brampton-based Justice of the Peace "George

Jiri"—routine frontline detachment channels are inherently bypassed. Such complex, multi-jurisdictional matters are statutorily escalated and routed directly through Specialized Regional Command elements.

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159. Because the SPS houses the Covert Operations, Cyber, and Protective Policing units any coordination of multi-jurisdictional information packages, covert data intercepts, or specialized tracking records executed by regional managers such as Mr. Peggs would automatically and inescapably be catalogued within the Specialized Investigative and Support Services repositories

Volume #4(H)(V): The Crystallization of the Rule 317 Mandate Regarding Regional Communication Logs

160. By explicitly admitting to the execution of a search within the SPS, the **Respondent** has crystallized the exact jurisdictional authority required for the Applicant to mandate the compulsory production of the comprehensive communication logs of Mr. Matt Peggs pursuant to *Rule 317*.

161. The **Respondent** is now strictly estopped from advancing the specious defense that the Regional COM office, or the communications of its managers, resides "outside the scope" of the proceeding. By formally placing the entirety of the SPS operational branch into the administrative record of its decision, the **Respondent** has voluntarily subjected the operational metadata generated by its regional managers to the transparency mechanisms of the *Federal Courts Rules*.

Volume #4(H)(VI): The Evidentiary "Smoking Gun" and the Absurdity of the Delegated Deflection

162. This explicit reference to the SPS functions as an evidentiary "Smoking Gun"—an incontrovertible admission against interest. It validates, with absolute administrative certainty, that the Applicant's Personal Information triggered elite operational files, confirming the mobilization of national cyber-infrastructure rather than mere localized municipal records

163. Finally, this admission exposes a fatal, irreconcilable administrative contradiction within the RCMP's prevailing posture. It highlights the profound legal absurdity of the ATIP Director formally advising the Applicant to blindly pursue records from a "municipal police force" while his own correspondence concurrently admits that the RCMP was internally compelled to interrogate its most elite, national Specialized Operational Support and Cyber branches to process the dossier

164. The **Respondent**'s attempt to obfuscate this admission beneath the guise of a "routine thorough search." The state is legally prohibited from simultaneously asserting that a file is a mundane municipal matter while actively deploying its highest echelon of federal cyber-infrastructure to interrogate it. The **Respondent** is bound by the contradiction within its own administrative template.

VOLUME #5: CONCLUSION

I. THE TACTICAL AVOIDANCE OF PARAGRAPH 22(1)(A) AND THE UNMET BURDEN UNDER PARAGRAPH 22(1)(B)

165. The deliberate non-reliance by the **Respondent** upon *paragraph 22(1)(a)* of the *Privacy Act* represents a fatal strategic and legal error. Had the **Respondent** relied upon *paragraph 22(1)(a)* of the *Privacy Act*, it would have been inextricably compelled to demonstrate that the personal information was obtained or prepared by a specified investigative body in the course of a lawful investigation.

166. Instead, by retreating to the generalized, harm-based exemption articulated within *paragraph 22(1)(b)* of the *Privacy Act*, the **Respondent** must satisfy a rigorous and elevated evidentiary threshold. It must substantiate, with compelling exactitude, that disclosure "could reasonably be expected to be injurious to the enforcement of any law of Canada... or the conduct of lawful investigations." The established jurisprudence of this Honourable Court emphatically dictates that "injury" under *paragraph 22(1)(b)* of the *Privacy Act* cannot be established by

mere speculation, boilerplate assertions, or administrative trepidation. The **Respondent** has effectively cornered itself: it has invoked an exemption necessitating clear, convincing, and objective evidence of harm to state operations, an evidentiary burden it is fundamentally incapable of discharging in relation to historical system transaction logs (the "**System Transaction Logs**") and metadata.

II. THE HIGH THRESHOLD OF "INJURY TO THE ENFORCEMENT OF LAW" AND THE RULE OF LAW

167. Far from inflicting injury upon the administration of justice, the disclosure of the requested foundational metadata (the "**Foundational Metadata**"), the aforementioned System Transaction Logs, and the offline historical data residing within the Canadian Police Information Centre (the "**Canadian Police Information Centre**") is absolutely indispensable to the preservation of the rule of law.

168. It is precisely the non-disclosure, withholding, or retroactive purging of audit trails and system metadata that profoundly threatens the integrity of both the *Privacy Act* and the *Criminal Code*. System logs operate as the primary and incorruptible mechanism by which state accountability and data integrity are forensically verified.

169. *Paragraph 22(1)(b)* of the *Privacy Act* cannot be improperly weaponized as an impenetrable shield to preclude the discovery of administrative malfeasance, unlawful data retention, or procedural non-compliance. The "injury" contemplated by Parliament is exclusively an injury to lawful law enforcement operations, not the exposure of systemic administrative deviations, fraudulent record manipulations, or the intentional evasion of statutory purging requirements.

III. THE TEMPORAL CEILING OF INVESTIGATIVE EXEMPTIONS AND THE IMPACT OF R. V. JORDAN

170. Records maintained within the Canadian Police Information Centre are fundamentally transactional in their legal character; they memorialize the administrative execution of legal process (for instance, the lodging, modification, or cancellation of a warrant). Once a legal process is completed, executed, or rendered legally defunct, it immediately loses any active investigative character.

171. In the present matter, the underlying proceedings are unequivocally stale-dated, having comfortably and substantially exceeded the presumptive constitutional ceilings promulgated in *R. v. Jordan, [2016] 1 S.C.R. 631*. Where an investigation is legally deceased, irrevocably inactive, or barred from prosecution by the constitutional effluxion of time, the **Respondent** cannot legitimately posit that the disclosure of transactional metadata relates to an active or ongoing investigation.

172. Furthermore, the disclosure of metadata pertaining to a concluded or non-existent matter cannot logically precipitate "injury" to an investigative process that lacks legal vitality. As famously articulated by Lord Denning in *MacFoy v. United Africa Co. Ltd., [1961] 3 All E.R. 1169 (P.C.)*, an act that is void is an absolute nullity; one cannot put something on nothing and expect it to stand, for something on nothing remains nothing.

173. To the extent that it could ever be suggested a valid criminal proceeding existed (namely, a properly constructed arrest warrant, even one ostensibly issued orally), there was not, at law, a valid criminal prosecution (the "**Criminal Prosecution**"). The factual reality that numerous hearings were attended, culminating in an order dismissing the frivolous and meritless charge predicated upon a non-informant within a fabricated information package (the "**False Information Package**"), is indisputable. However, as a matter of strict legal classification, the entire apparatus was void *ab initio* from the precise temporal moment the False Information Package was filed. The contravention of strict statutory dictates mandates that such actions be classified as an absolute nullity rather than a mere procedural irregularity.

IV. THE FALLACY OF INFORMANT PRIVILEGE IN RELATION TO PUBLIC COURT RECORDS AND METADATA

174. The **Respondent** endeavours to improperly conflate the identity of a confidential informant—who is traditionally safeguarded by the near-absolute evidentiary shield of informer privilege—with the identity of a

complainant or a swearing officer executing a form 2 information (the "**Form 2 Information**") pursuant to the *Criminal Code*. This constitutes a profound and fatal legal error.

175. Firstly, upon the issuance of legal process or the execution of an arrest, a Form 2 Information is instantaneously transmuted into a public court record. The identity of the informant contained therein is rendered unequivocally public as an inextricable function of constitutional open court principles.

176. Secondly, the specific metadata requested—encompassing originating agency identifier codes (the "**Originating Agency Identifier**"), issuing court locations, judicial officer identities, and system identification numbers (the "**System Identification Numbers**")—contains absolutely no identifying information concerning legitimately confidential informants.

177. The **Respondent**'s strategic contortion of *paragraph 22(1)(b)(ii)* of the *Privacy Act* to encompass non-identifying, ministerial court metadata represents an impermissible and *ultra vires* expansion of the confidential source exemption, a proposition that is wholly unsupported by the statutory text or established common law principles.

V. ULTRA VIRES CONDUCT, FRAUDULENT MANIPULATION, AND THE LIMITS OF "LAWFUL INVESTIGATIONS"

178. The doctrine of the indivisibility of the Crown, as elucidated in *Benedict v. Ontario (2000), 51 O.R. (3d) 147 (C.A.)*, dictates that the state cannot act in a fractured or divided capacity. The state is legally precluded from claiming the benefits of statutory protections while its agents simultaneously act in direct, deliberate contravention of the law.

179. The existence of a "lawful investigation" operates as a strict, unyielding condition precedent to the application of any exemption enumerated under *subsection 22(1)* of the *Privacy Act*. State action that is birthed from bad faith, systemic fraud, or the deliberate, calculated manipulation of institutional records is *ultra vires* and void *ab initio*.

180. Just as criminal misconduct perpetrated by an individual officer operating under the colour of authority can never be shielded under the guise of "law enforcement and investigation," institutional acts of record manipulation or the compilation of a False Information Package cannot, under any legal fiction, be characterized as a "lawful investigation."

181. To hold otherwise would establish a perilous precedent, permitting the state to invoke statutory privacy exemptions to conceal its own unlawful conduct—a consequence that is profoundly offensive to the principles of fundamental justice, equitable doctrines, and the explicit statutory architecture of the *Privacy Act*.

VI. THE JURISDICTIONAL LEGERDEMAIN: SECTION 19(1)(D) AND THE CENTRAL REGION METAMORPHOSIS

182. In a manifest attempt to orchestrate a sophisticated statutory evasion, the **Respondent** has invoked *paragraph 19(1)(d)* of the *Privacy Act*, alleging that the foundational records constitute personal information obtained in confidence from the government of a province or an institution thereof. This invocation is a jurisprudential sleight-of-hand designed to obfuscate the internal structural metamorphosis of the Royal Canadian Mounted Police.

183. It is a matter of administrative record that the federal entity formerly designated as "O" Division has been systematically restructured into an integrated, multi-jurisdictional intelligence hub now operating as central region command (the "**Central Region**"). The invocation of *paragraph 19(1)(d)* of the *Privacy Act* is predicated upon a deliberate mischaracterization: treating the highly integrated Central Region infrastructure—which is fundamentally federal in its apex control—as an independent "provincial institution" merely because it synergizes with municipal or provincial entities.

184. The refusal to disclose the Originating Agency Identifier, the issuing court level, and the identity of the presiding judicial officer is not animated by a genuine desire to protect intergovernmental confidences. Rather, it is a calculated manoeuvre to prevent the forensic tracing of the data directly back to the executive suites of the Central Region, specifically the purview of the regional commander (the "**Regional Commander**").

185. The evidentiary record strongly supports the inference that the Regional Commander, acting as the multi-jurisdictional intermediary, ingested unverified data and uploaded it directly into the federal mainframe under police case identification number 457197 (the "**Police Case Identification Number**"). It is submitted that the immense institutional weight of the Regional Commander was utilized to bypass standard judicial scrutiny, allowing an irregular and fundamentally flawed authorization to be accepted on its face by the issuing justice.

186. *Nota Bene*: The **Respondent** may counter that the Central Region, by virtue of its joint-forces operations, functions *de facto* as a provincial entity for the purposes of *paragraph 19(1)(d)* of the *Privacy Act*. This argument is entirely devoid of merit and offends the doctrine of federal paramountcy. The Canadian Police Information Centre is a sovereign federal mainframe. The indivisibility of the Crown strictly precludes a federal institution from bifurcating its own hybrid command structure to artificially generate a "third-party" provincial shield where none exists at law. The data residing under the Police Case Identification Number is exclusively within the constructive possession and paramount control of the federal **Respondent**.

187. This structural obfuscation perfectly elucidates why the front-facing municipal police service was entirely incapable of producing a physical arrest warrant during the period of detention. The municipal constabulary was acting merely as the operational appendage for a data file generated, maintained, and entirely controlled within the Central Region infrastructure of the **Respondent**. The concealment of this reality through the misapplication of *paragraph 19(1)(d)* of the *Privacy Act* is *ultra vires* the **Respondent**'s statutory authority.

VII. THE APPLICATION OF EQUITABLE MAXIMS: FRAUD UPON THE LAW AND THE VITIATION OF ADMINISTRATIVE ACTS

188. The deliberate withholding of exculpatory system metadata and the invocation of inapplicable statutory exemptions must be scrutinized through the lens of established equitable maxims. As extensively catalogued in Herbert Broom's seminal treatise, *A Selection of Legal Maxims*, the foundational premise remains resolute: fraud is proved when it is demonstrated that a false representation has been made knowingly, without belief in its truth, or recklessly, careless as to whether it be true or false.

189. Where systemic administrative operations are executed with reckless disregard for statutory prerequisites, producing a False Information Package that results in unlawful deprivation of liberty, an honest belief in the truth of the state's actions is nullified. The motive of the state actor guilty of such reckless promulgation is rendered legally immaterial.

190. Furthermore, the equitable principle of fraudulent concealment forcefully applies to toll any procedural barriers. It has long been an axiom of equity that no length of time is a bar to relief in cases of fraud where there has been no laches on the part of the defrauded party. The maxim *nemo ex suo delicto meliorem suam conditionem facere potest* (no man can improve his condition by his own wrong) strictly precludes the **Respondent** from utilizing its own obfuscatory tactics—namely, hiding the Originating Agency Identifier and the Police Case Identification Number—to prevent the discovery of the underlying nullity.

191. The execution of legal process is bound by strict jealousy, designed to protect against fraud, collusion, and the resulting disgrace to the Crown and the administration of justice. The rule *necessitas quod cogit defendit* (necessity defends what it compels) cannot be invoked by the state when the "necessity" was entirely manufactured by its own creation of a False Information Package.

192. If an individual or an institutional entity, acting under colour of right or the colour of law, executes an illegal act or abuses the process of the court, transforming it into an instrument of oppression or extortion, such conduct constitutes a fraud upon the law. Consequently, the **Respondent** is strictly barred from availing itself of its own illegal acts.

193. It is an unassailable tenet of jurisprudence that fraud vitiates everything it touches (*fraud no doubt vitiates everything*). Where an administrative act or judicial authorization is procured through the reckless or intentional submission of a False Information Package, the resulting instrument is not merely tainted by irregularity; it is an absolute nullity, void *ab initio*, rendering the parties subject to the equitable restoration of the *status quo ante*.

194. The primary function of litigation, and indeed of the administrative tribunal process, is the untrammelled search for truth. Properly interpreted, privacy legislation is designed to promote, rather than hinder, that truth-seeking function. By deliberately refusing to execute a compliant search and by shielding the executive

machinations of the Central Region, the **Respondent** continues to perpetuate a fraud upon the tribunals, upon the law, and upon the administration of justice *in limine*.

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VIII. THE FIDUCIARY DUTY OF DISCLOSURE AND THE EQUITABLE INTEREST IN PERSONAL INFORMATION: THE APPLICATION OF MCINERNEY V. MACDONALD

195. The jurisprudence articulated by the Supreme Court of Canada in *McInerney v. MacDonald, [1992] 2 S.C.R. 138* governs the incontrovertible right of an individual to access personal information held by an institutional repository. The apex Court definitively ruled that information regarding oneself, revealed to or compiled by an institution acting in a professional capacity, remains, in a fundamental and immutable sense, the property of the individual.

196. While the **Respondent** may claim structural ownership of the physical and digital architecture comprising the Canadian Police Information Centre, it must be legally emphasized that the **Respondent** acts merely as a custodian of the personal information residing therein. The Supreme Court of Canada categorically established that the subject of the records possesses a trust-like beneficial interest (the "**Beneficial Interest**") in the substantive information itself. This equitable interest mandates that, as an unyielding general rule, the individual possesses a paramount right of access to the information, thereby imposing a corresponding obligation upon the institutional custodian to effectuate its immediate provision.

197. The relationship between the state as the repository of sensitive personal data and the individual to whom that data pertains is inextricably imbued with fiduciary obligations. A fiduciary duty (the "**Fiduciary Duty**") inherently demands that the institutional actor conduct itself with the utmost good faith, loyalty, and transparency. To deny an individual access to their own Foundational Metadata and System Transaction Logs constitutes a profound breach of this Fiduciary Duty, effectively utilizing the confidentiality mechanisms designed to protect the individual as a clandestine shield to facilitate improper institutional conduct.

198. Furthermore, the principles of equity demand a strict reciprocity of information. The necessity for state institutions to compile sensitive, highly private data concerning an individual must be counterbalanced by a corresponding openness and full disclosure to that selfsame individual. As noted in *McInerney v. MacDonald, [1992] 2 S.C.R. 138*, the systematic withholding of records profoundly undermines the structural integrity of the administrative system. If there has been improper conduct in the compilation or maintenance of the records—such as the reckless promulgation of a False Information Package—it is an imperative of justice that such deviations be illuminated rather than sequestered under the guise of an arbitrary statutory exemption.

199. Given the profound disparity in the evidentiary capacities of the parties, the Supreme Court of Canada explicitly mandated that the burden of proof rests entirely and exclusively upon the entity withholding the information. The onus falls squarely upon the **Respondent** to definitively justify any exception to the general rule of access. Such a denial cannot be predicated upon mere speculative administrative inconvenience or the abstract fear of subsequent litigation; it requires the demonstration of a significant likelihood of a substantial adverse effect, a threshold the **Respondent** has conspicuously failed to meet.

200. The **Respondent** possesses no unfettered discretion to arbitrarily deny access to the Originating Agency Identifier or the Police Case Identification Number. Such administrative discretion is heavily circumscribed and must be exercised upon proper equitable principles. Where the **Respondent** refuses a legitimate request for access, this Honourable Court is fundamentally empowered to exercise its superintending equitable jurisdiction, acting *in personam* to ensure the **Respondent** adheres strictly to its standard of conduct and is restrained from acting in a manner inconsistent with the applicant's Beneficial Interest.

201. Ultimately, the deliberate obfuscation of the System Transaction Logs to insulate the machinations of the Central Region and the Regional Commander is diametrically opposed to the fiducial qualities required of a state repository. Where systemic fraud upon the law is alleged, the principles enshrined in *McInerney v. MacDonald, [1992] 2 S.C.R. 138* forcefully compel the immediate unsealing and production of the underlying records, affirming the paramountcy of truth-seeking over the tactical evasion of institutional accountability.

202. But it all comes back to the same issue that the **Respondent** RCMP Tribunal admitted it did not search because of its misguided understanding of the law, as scary as it is, that the *Privacy Act* does not authorize the RCMP to search files OR disclose information belongings to other police forces.

203. The RCMP Tribunal did not rely on section 18 of the *Privacy Act* so none of the Personal Information sought by the Applicant in a PIB was exempt from searching. Moreover, the RCMP Tribunal did not rely on ss. 22(1)(a) at all or even 22(1)(a)(ii) which is required in relation for reliance on an exempt bank. This was and is fatal to the RCMP Tribunal with respect to its decision that it could not search for "files".

204. In relation to any and all Personal Information sought by the Applicant that was highly particularized as statutorily required (see: ss. 12(1)(b): under the control of a government institution with respect to which the individual is able to provide sufficiently specific information on the location of the information as to render it reasonably retrievable by the government institution), the RCMP Tribunal failed to search the CPIC database, as it admitted, for Foundational Metadata and Offline Historical Database in relation to the Applicant's Personal Information. The attached document to the April 27, 2026, decision or disposition of the Tribunal (RCMP), was not even within the spectrum of what would be produced in disclosing Foundational Metadata (i.e. the ORI; the issuing court level; the issuing court location; the name of the judicial officer; and the SID) and/or the Offline Historical Database for amended or purged originally input data including the likes of CLEAR, CANCEL, ADD, MODIFY et al type functions in relation to the Applicant's Personal Information. It is trite that metadata is information that can be Personal Information in relation to an individual.

205. The legal test for the transmission of materials pursuant to *Rule 317* of the *Federal Courts Rules* has been comprehensively and irrefutably satisfied. The requested material was demonstrably available to the administrative tribunal in question (see: *subsection 2(1)* of the *Federal Courts Act*) at the time but nonetheless it is in its possession at the time of this Rule 317 request:

   a. Relevant to the core issues on judicial review, specifically the abject failure of the **Respondent** to execute a reasonable, legally compliant search;
   b. In the possession (whether actual, constructive, or joint) of the **Respondent**, acting in its capacity as the paramount administrator of the Canadian Police Information Centre; and
   c. Not in the possession of the applicant.

206. As the Applicant did not include a specified request such as this in his Notice Of Application ("NOA") it is included hereunder pursuant to Rule 317(3) of the *Federal Courts Rules*.

All of which is respectfully requested by Mr. Kevin A. McLean (BA, JD, CIM)

DATED at Toronto, Ontario, this 18th day of May, 2026.

Mr. Kevin A. McLean (BA, JD, CIM)
Toronto, Ontario
Applicant, Self-Represented
mclean@searchandseizure.ca

APPENDICES

APPENDIX #1

Rule 317 of the Federal Courts Rules

317 (1) A party may request anything that is relevant to the application that is in the possession of a federal board, commission or other tribunal whose order is the subject of the application and that was not when the application was made in the possession of the party.

(2) The request shall be in Form 317.

(3) The request shall be served on the tribunal and on all other parties.

(4) A request under subsection (1) may be made at any time, but if it is made after the applicant has served its record under rule 309, the request may only be made with leave of the Court.

Rule 318 of the Federal Courts Rules

318 (1) Within 20 days after being served with a request under rule 317, the tribunal shall transmit (a) the original or a certified copy of the requested material to the registry, and (b) a copy of the material to the party who requested it or a written notification that the material is not in the possession of the tribunal.

(2) Where the tribunal or a party objects to a request under rule 317, the tribunal or party shall, within 20 days after being served with the request, serve on all other parties and file a written objection stating the grounds for the objection.

(3) The Court may, on motion, examine the material and order that the material, or a portion of it, be transmitted to the registry or returned to the tribunal.

APPENDIX #2:

The formal transformation of the RCMP's "O" Division into the **Federal Policing Central Region** was implemented between late **2023** and **2024**. [1, 2]

Timeline Breakdown:

- **Phase 1 (2022–2023):** The RCMP initiated a broader Federal Policing transformation plan. This included preliminary steps to decommission the old National Division and consolidate its units into Ontario's framework.
- **Phase 2 (October 2023):** Assistant Commissioner Matt Peggs was originally appointed as the Commanding Officer of "O" Division.
- **Phase 3 (2024):** As the organizational structure shifted away from traditional geographic divisions into specialized federal regions, "O" Division was officially rebranded as **Central Region**, with Peggs carrying over his leadership as the newly titled Regional Commander.

- Nothing past this line -

Tab 6

66

FEDERAL COURT

168

e-document-é T-2448-26 ID 6
FILED
FEDERAL COURT
COUR FÉDÉRALE
DÉPOSÉE
May 20, 2026
20 mai 2026
Diane Lopez
TOR 3

Court File No: T-2448-26

BETWEEN:

KEVIN ALEXANDER McLEAN

Applicant

- and -

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

NOTICE OF FILING PROOF OF SERVICE BY ANALOGY TO RULE 146(1)(b) AND IN ACCORDANCE WITH THE CURATIVE PROVISIONS OF RULE 5, Rule 55 (Varying Rule and Dispensing with Compliance) AND RULE 66 OF THE *FEDERAL COURTS RULES* in the form of an Applicant's Certificate of Service

TO THE REGISTRY AND TO THE RESPONDENTS:

TAKE NOTICE that the Applicant is filing herewith the uncontested proof of service concerning the Applicant's **"COMPREHENSIVE WRITTEN REQUEST OF THE RCMP (TRIBUNAL) PURSUANT TO RULE 317 OF THE FEDERAL COURT RULES"**, dated May 19, 2026, which was previously rejected under Rule 72(2)(a) solely for an administrative absence of verification data.

I, **Mr. Kevin A. McLean (BA, JD, CIM)**, Applicant, acting in a self-represented capacity, hereby certify that I caused the Respondents and the Attorney General of Canada (on behalf of the Respondent RCMP) to be duly served with true copies of the standalone Rule 317 Request and the stamped, issued Notice of Application for Judicial Review via the following concurrent physical and electronic methodologies:

1. **Physical Personal Service:** By personally delivering true physical copies of the aforementioned documents on the morning of **May 20, 2026**, directly to the office of the Department of Justice (Attorney General of Canada), located at 120 Adelaide Street West, Suite 400, Toronto, Ontario, M5H 1T1.
2. **Electronic Service and Ingestion Verification:** Pursuant to Rule 146(1)(b), applied by analogy via the flexible variation provisions of Rule 5 and Rule 66, actual electronic service was fully executed on the morning of **May 20, 2026**. This service was routed to the validated, public-facing Department of Justice intake addresses obtained directly from the physical entrance door of the Suite 400 office.

1. **Schedule "A":**
    1. All emails under the titled email thread, "McLean v. RCMP et al - T-2448-26 - Notice of Application" which include eight email message;
        1. A true copy of the electronic transmission log dated May 20, 2026, at 10:20 AM and 10:23 AM, demonstrating complete service of the Rule 317 Request upon the Attorney General of Canada at the corrected, validated address: AGC_PGC_Toronto.Lead-DCECJ@justice.gc.ca (Search and... pp. 1, 3, 5).
        2. A true copy of the automated confirmation receipt generated by the Department of Justice at 10:23 AM via TOR.Leadadmissions@justice.gc.ca, verifying successful server ingestion and active monitoring (Search and... p. 7).

The underlying 39-page Rule 317 Request is appended to this notice after the last page under Schedule “A”.

DATED at Toronto, Ontario, this 20th day of May, 2026, and duly signed by the undersigned individual:

Mr. Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
68 Abell Street, Toronto, ON M6J 0B1
Email: mclean@searchandseizure.ca

Schedule “A”

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

McLean v. RCMP et al - T-2448-26 - Notice of Application

8 messages

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Tue, May 19, 2026 at 4:57 PM
To: Legal_Services@rcmp-grc.gc.ca, Michael.Duheme@rcmp-grc.gc.ca, stephane.brisson@rcmp-grc.gc.ca, Jeff.ball@rcmp-grc.gc.ca, Robert.Borland@rcmp-grc.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

As promised, please find the stamped Notice of Application from the FCC Registry for service upon the Respondents. There were some changes that were required to the final version that were drawn to my attention by the FCC Registry and I made those last night and into the morning. It does not affect my Rule 317 of the FCR request.

I have included the noted emails therein including legal counsel along the Legal Services email.

You have ten days from today's date to file and serve a Notice of Appearance.

Thank you kindly.

Mr. Kevin A. McLean (BA, JD, CIM)

--
Best regards,

Mr. Kevin A. McLean (BA (MCL), JD, CIM)

Email: mclean@searchandseizure.ca
Phone: 647.370.9354
Fax: upon request

NOTA BENE: This email is for dispute resolution and litigation purposes only. Without prejudice communication so denoted invokes settlement privilege.

CONFIDENTIALITY NOTICE: This email and any attachments are confidential and may contain privileged information. It is intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this email is strictly prohibited. If you have received this communication in error, please immediately notify the sender by replying to this email and permanently delete the original message and any attachments from your system.

2 attachments

T-2448-26 - Kevin Alexander McLean v. Royal Canadian Mounted Police et al - Stamped Copy - May 19 - 2026.pdf
1066K

Rule 317 Requst - McLean v. RCMP - Applicant - Mr McLean - 18-May-2026 - Electronically Signed - Served - Filed.pdf
664K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Tue, May 19, 2026 at 5:01 PM
To: Legal_Services@rcmp-grc.gc.ca, Michael.Duheme@rcmp-grc.gc.ca, stephane.brisson@rcmp-grc.gc.ca, Jeff.ball@rcmp-grc.gc.ca, Robert.Borland@rcmp-grc.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

I also confirm, out of an abundance of caution, that you now have 20 days from today's to file the certified tribunal record, along with serving me with a copy of the same, based on the materials particularized in your possession that are relevant to this Application.

Kindly provide the same exclusively to this email for service purposes.

Thank you kindly.
[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Tue, May 19, 2026 at 10:24 PM
To: Legal_Services@rcmp-grc.gc.ca, Michael.Duheme@rcmp-grc.gc.ca, stephane.brisson@rcmp-grc.gc.ca, Jeff.ball@rcmp-grc.gc.ca, Robert.Borland@rcmp-grc.gc.ca

Date: May 19, 2026

Classification: Private and Confidential

Sending method: Via Email

Your file number: Court File No. T-2448-26

To:

Respondents in McLean v. Royal Canadian Mounted Police et al. under Court File No. T-2448-26

Subject I: Confirmation of effectuated service concerning Court File No. T-2448-26

Subject II: Procedural notification regarding the transmission of the notice of application

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

PART 1: INTRODUCTION

1. Written correspondence is hereby initiated regarding the aforementioned matters.
2. The enumerated documentation is appended hereto for the substantive and procedural purposes delineated herein.

PART 2: CONFIRMATION OF EFFECTUATED NOTIFICATION AND SERVICE

Execution of Primary Regional Service

3. Unambiguous confirmation is hereby proffered that formal notification has been effectuated upon the Royal Canadian Mounted Police Central Region, specifically directed via electronic mail to the attention of Regional Commander Mr. Matt Peggs.
4. In conjunction with the aforementioned electronic notification, a facsimile transmission of the notice of application (the "**Notice of Application**") for judicial review was concurrently executed upon the Royal Canadian Mounted Police Toronto West Detachment (the "**Toronto West Detachment**") situated in Milton, Ontario.
5. Furthermore, it is formally certified that a congruent courtesy transmission of the requisite materials, in strict accordance with the mechanisms outlined under *Rule 317* of the *Federal Courts Rules*, has been duly conveyed *in limine*.

6. It is additionally certified that a facsimile transmission of the Notice of Application was effectively served upon the federal headquarters of the Royal Canadian Mounted Police, located in Ottawa, Ontario, during the evening hours of the present date.

PART 3: EVIDENTIARY SUBSTANTIATION AND PROCEDURAL SAFEGUARDS

Provision of Evidentiary Substantiation

7. In the event that evidentiary substantiation of the aforementioned transmissions is necessitated by the respondents (the "**Respondents**"), prompt advisement is respectfully demanded, whereupon comprehensive documentary validation of the effectuated service shall be expeditiously produced *ipso facto*.

Preservation of the Procedural Record

8. Notwithstanding the immediate availability of absolute proof, this communication is dispatched *ex abundanti cautela* to permanently interdict any prospective obfuscation, structural manipulation, or misrepresentation of the procedural record.

9. This proactive articulation ensures that, should procedural exigencies dictate the swearing and filing of formal affidavits of service or notice, an immutable and meticulously documented foundational substratum exists upon which absolute legal reliance may be placed, thereby rendering any subsequent contrary assertions of procedural deficiency a fundamental nullity *ab initio*.

PART 4: ANTICIPATED RESPONSES FROM INDEPENDENT COUNSEL

10. Upon the requisite retention and formal designation of independent legal counsel for each respective Respondent, it is strictly anticipated that all responsive procedural correspondence shall be directed herein in accordance with established jurisprudential protocols, thereby preserving the *status quo ante*.

Thank you.

[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Wed, May 20, 2026 at 12:14 AM
To: Legal_Services@rcmp-grc.gc.ca, Michael.Duheme@rcmp-grc.gc.ca, stephane.brisson@rcmp-grc.gc.ca, Jeff.ball@rcmp-grc.gc.ca, Robert.Borland@rcmp-grc.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

I write to confirm that my Rule 317 Request has been filed with the FCC. I made two slight revisions for the date and the inclusion of the file number. Please find attached. Thank you.

[Quoted text hidden]

Rule 317 Request - T-2448-26 - McLean v. RCMP - Applicant - Mr McLean - 19-May-2026 - SIGNED - FILED - SERVED.pdf
585K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Wed, May 20, 2026 at 10:20 AM
To: Legal_Services@rcmp-grc.gc.ca, Michael.Duheme@rcmp-grc.gc.ca, stephane.brisson@rcmp-grc.gc.ca, Jeff.ball@rcmp-grc.gc.ca, Robert.Borland@rcmp-grc.gc.ca, AGC_PGC_Toronto.Lead-DCECG@justice.gc.ca

Date: May 20, 2026
Classification: Private and Confidential
Sending method: Via Electronic Mail

To:

The Attorney General of Canada; Royal Canadian Mounted Police; and Relevant Respondents
Subject I: *McLean v. Royal Canadian Mounted Police et al.* (Court File No. T-2448-26) before the *Federal Court of Canada* — Confirmation of Hard Copy Service of the Issued notice of application

for judicial review (the "**Notice Of Application For Judicial Review**") dated November 15, 2026
Subject II: Service of Requisition for Material Pursuant to *Rule 317* of the *Federal Courts Rules*, SOR/98-106 and Ascertainment of Legal Representation

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

PART I: INTRODUCTION

1. Correspondence is hereby transmitted in relation to the aforementioned jurisprudential matters.

PART II: EFFECTUATION OF SERVICE

Section A: Physical Service of Originating Documentation

2. Formal notification is hereby provided that physical, hard-copy service of the originating document, specifically the filed iteration of the notice of application for judicial review (the "**Notice Of Application For Judicial Review**") dated May 15, 2026, alongside a duplicate of the requisition for materials pursuant to *Rule 317* of the *Federal Courts Rules* (the "**Rule 317 Request**"), was successfully consummated upon the physical premises of the respondents.

Section B: Electronic Transmission Directive

3. During the aforementioned consummation of physical service, an observation was recorded regarding a formally posted directive upon the entryway of the premises. The said directive explicitly delineated a designated electronic mailing address, specifically AGC_PGC_Toronto.Lead-DCECG@justice.gc.ca (the "**Designated Electronic Address**"), mandated for the receipt of service of documentary instruments upon the Attorney General of Canada in proceedings wherein a notice of constitutional question (the "**Notice Of Constitutional Question**") is manifestly ***absent.***

PART III: PROVISION OF SUPPLEMENTARY ENCLOSURES

5. To facilitate expeditious judicial economy and out of an abundance of procedural caution, exact duplicate iterations of the previously served physical documents are appended to this electronic transmission for immediate perusal and referential convenience.

PART IV: ASCERTAINMENT OF RESPONDENT REPRESENTATION

6. A formal inquiry is hereby advanced to ascertain whether the named respondents, individually or collectively, shall be represented by duly appointed legal counsel or, in the alternative, whether said entities shall be proceeding *in propria persona* throughout the adjudication of the aforementioned judicial review. Should any of the particulars of the material requested be unclear, please advise me forthwith. Otherwise, I will presume that all is sufficiently clear and particularized. I anticipate that I will have my current motion and application records to you in short order with the proviso that additional documents and records will be included where applicable (i.e. not in my possession).
7. Thank you kindly in advance for your anticipated compliance.

Yours truly,
Mr. Kevin A. McLean (BA, JD, CIM)
Enclosures

[Quoted text hidden]

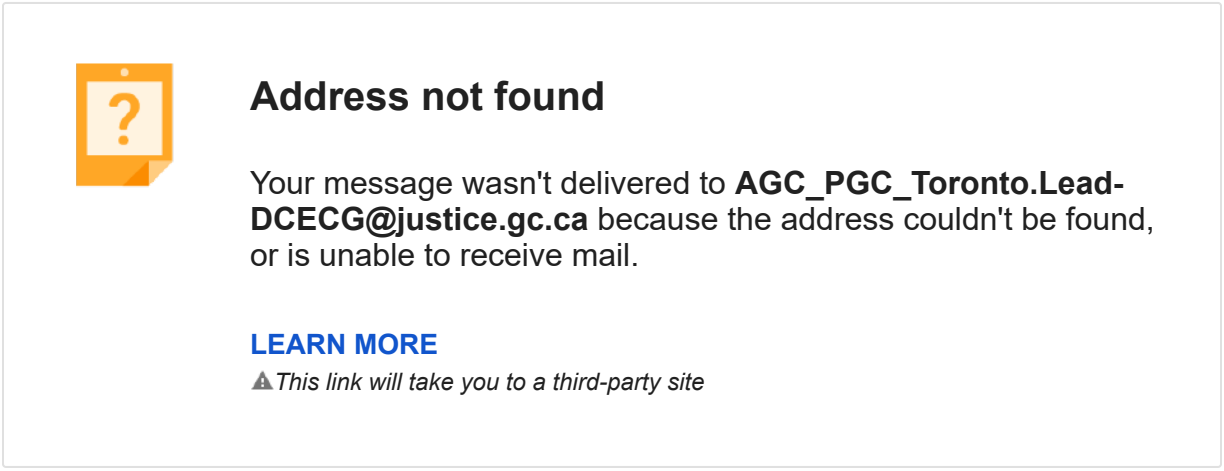
---

2 attachments

Rule 317 Request - T-2448-26 - McLean v. RCMP - Applicant - Mr McLean - 19-May-2026 - SIGNED - FILED - SERVED.pdf
585K

T-2448-26 - Kevin Alexander McLean v. Royal Canadian Mounted Police et al - Stamped Copy - May 19 - 2026.pdf
1066K

Mail Delivery Subsystem <mailer-daemon@googlemail.com> Wed, May 20, 2026 at 10:20 AM
To: mclean@searchandseizure.ca



The response from the remote server was:

```
550 5.4.1 Recipient address rejected: Access denied. For more information see
https://aka.ms/EXOSmtpErrors [QB1PEPF00004E09.CANPRD01.PROD.OUTLOOK.COM 2026-05-
20T14:20:23.271Z 08DEB324FB54CC87]
```

Final-Recipient: rfc822; AGC_PGC_Toronto.Lead-DCECG@justice.gc.ca
Action: failed
Status: 5.4.1
Remote-MTA: dns; justice-gc-ca.mail.protection.outlook.com. (52.101.192.0, the
server for the domain justice.gc.ca.)
Diagnostic-Code: smtp; 550 5.4.1 Recipient address rejected: Access denied. For more information see
https://aka.ms/EXOSmtpErrors [QB1PEPF00004E09.CANPRD01.PROD.OUTLOOK.COM 2026-05-20T14:20:23.271Z
08DEB324FB54CC87]
Last-Attempt-Date: Wed, 20 May 2026 07:20:23 -0700 (PDT)

noname
5K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Wed, May 20, 2026 at 10:23 AM
To: Legal_Services@rcmp-grc.gc.ca, Michael.Duheme@rcmp-grc.gc.ca, stephane.brisson@rcmp-grc.gc.ca, Jeff.ball@rcmp-grc.gc.ca, Robert.Borland@rcmp-grc.gc.ca, AGC_PGC_Toronto.Lead-DCECJ@justice.gc.ca

AGC_PGC_Toronto.Lead-DCECJ@justice.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns: I apologize as I input a “G” as opposed to a “J” where the letter before the @ was required. Thank you.

Date: May 20, 2026
Classification: Private and Confidential
Sending method: Via Electronic Mail

To:

The Attorney General of Canada; Royal Canadian Mounted Police; and Relevant Respondents
Subject I: *McLean v. Royal Canadian Mounted Police et al.* (Court File No. T-2448-26) before the *Federal Court of Canada* — Confirmation of Hard Copy Service of the Issued notice of application for judicial review (the "**Notice Of Application For Judicial Review**") dated November 15, 2026
Subject II: Service of Requisition for Material Pursuant to *Rule 317* of the *Federal Courts Rules*, SOR/98-106 and Ascertainment of Legal Representation

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

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Section A: Physical Service of Originating Documentation

2. Formal notification is hereby provided that physical, hard-copy service of the originating document, specifically the filed iteration of the notice of application for judicial review (the "**Notice Of Application For Judicial Review**") dated May 15, 2026, alongside a duplicate of the requisition for materials pursuant to *Rule 317* of the *Federal Courts Rules* (the "**Rule 317 Request**"), was successfully consummated upon the physical premises of the respondents.

Section B: Electronic Transmission Directive

3. During the aforementioned consummation of physical service, an observation was recorded regarding a formally posted directive upon the entryway of the premises. The said directive explicitly delineated a designated electronic mailing address, specifically AGC_PGC_Toronto.Lead-DCECG@justice.gc.ca (the "**Designated Electronic Address**"), mandated for the receipt of service of documentary instruments upon the Attorney General of Canada in proceedings wherein a notice of constitutional question (the "**Notice Of Constitutional Question**") is manifestly ***absent.***

PART III: PROVISION OF SUPPLEMENTARY ENCLOSURES

5. To facilitate expeditious judicial economy and out of an abundance of procedural caution, exact duplicate iterations of the previously served physical documents are appended to this electronic transmission for immediate perusal and referential convenience.

PART IV: ASCERTAINMENT OF RESPONDENT REPRESENTATION

6. A formal inquiry is hereby advanced to ascertain whether the named respondents, individually or collectively, shall be represented by duly appointed legal counsel or, in the alternative, whether said entities shall be proceeding *in propria persona* throughout the adjudication of the aforementioned judicial review. Should any of the particulars of the material requested be unclear, please advise me forthwith. Otherwise, I will presume that all is sufficiently clear and particularized. I anticipate that I will have my current motion and application records to you in short order with the proviso that additional documents and records will be included where applicable (i.e. not in my possession).
7. Thank you kindly in advance for your anticipated compliance.

Yours truly,
Mr. Kevin A. McLean (BA, JD, CIM)

Enclosures
[Quoted text hidden]

 # TOR - Lead Admissions <TOR.Leadadmissions@justice.gc.ca> Wed, May 20, 2026 at 10:23 AM
To: "Mr. Kevin Alexander McLean" <mclean@searchandseizure.ca>

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From: Mr. Kevin A. McLean (BA, JD, CIM)
Email: mclean@searchandseizure.ca

Party: Applicant
Document type: PDF signed request pursuant to Rule 317 of the FCR
Short tile: *McLean v. RCMP et al*
Court Level: Federal Court of Canada
Court Office: City of Toronto (180 Queen Street West, Suite 200)

COURT FILE NUMBER: T-2448-26

May 19, 2026

COMPREHENSIVE WRITTEN REQUEST OF THE RCMP (TRIBUNAL) PURSUANT TO RULE 317 OF THE *FEDERAL COURT RULES*, WHICH IS TITLED "MATERIAL IN THE POSSESSION OF THE TRIBUNAL" (AS DEFINED UNDER *FCR*, S. 317 AND FCA, S. 2)

Served on the RCMP in its capacity as a "Tribunal" as defined under *Federal Court Rules*, section 2, where *tribunal* has the same meaning as *federal board, commission or other tribunal* under section 2(1) of the *Federal Courts Act*) on **May 18, 2026**.

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PART 1: STATEMENT OF RULE 317 REQUEST AND OVERVIEW OF SEMINAL PRINCIPLES UNDER RULE 317 TO 319 OF THE *FCR*

1. Rule 317 of the *Federal Courts Rules* is titled "**Material from Tribunal**" and it authorizes a party to request material relevant to an "Application" (see: section 2 of the FCR, which means a proceeding referred to in rule 300) that is in the possession of a "Tribunal" (see: section 2 of the FCA and section 2 of the FCR) whose "Order" (see: section 2 of the FCR) is subject of the Application and not in possession of the party by serving on the Tribunal and filing a written request, identifying the material requested.
2. "Material" is not defined under the FCA or FCR, and the Interpretation Act is not of assistance in this regard but based on statutory interpretation principles, "Material" including that which can be reproduced and where it cannot, the original "Materials" to the Registry. The FCC Registry holds that "Original Material" in trust and it is returned to the Tribunal after the Applicant has been heard subject to the Court's directions. In essence, it is entire collective body of documents, physical items, data, papers, things, records, information, Personal Information et al that are in the possession of the Tribunal.
3. Document discovery in our country varies from province to province and has varied over time with respect to whether the test is "materiality" or "relevance". The latter is a much broader and lower standard for the threshold as to whether the "materials" must be disclosed to the other party(ies). In the context of an Application to the FCC, a document is relevant to an application for judicial review if it may affect the decision that the Court will make on the application. the relevance of the documents requested must necessarily be determined in relation to the grounds of review set forth in the originating notice and evidence filed by a moving party (see: infra, Douze, the Honourable Madam Justice Tremblay-Lamer explicitly adopted the instruction provided by the Court of Appeal in Canada (Human Rights Commission) v. Pathak, 1995 CanLII 3591 (FCA), [1995] 2 F.C. 455, 54 A.C.W.S. (3d) 1344 (C.A.) (Pathak), regarding the parameters of relevance under Rule 317). The reason for the finding as to evidence filed by the Applicant, along with the grounds in the Application, is encompassed by the 20 days after service of the Rule 317 request.
4. "Possession" is not defined under the FCA or FCR, and the Interpretation Act (Federal) does not assist either. This is much like the *Privacy Act*, along with the likes of the provincial privacy protection statutes that do not define the word "control".
5. "Control" has been interpreted by the FCC and FCA since 1995 to encompass the following wherein Letourneau J.A., writing for the court, held as follows, at p. 245:

> "The notion of control referred to in [the Act] is left undefined and unlimited. Parliament did not see fit to distinguish between ultimate and immediate, full and partial, transient and lasting, or "de jure" and "de facto" control. Had Parliament intended to qualify and restrict the notion of control to the power to dispose of the information, as suggested by the appellant, it could certainly have done so by limiting the citizen's right of access only to those documents that the government can dispose of or which are under the lasting or ultimate control of the government."
>
> (see: *Canada Post Corp. v. Canada (Minister of Public Works)* (1995), 1995 CanLII 3574 (FCA), 30 Admin. L.R. (2d) 242, [1995] 2 F.C. 110, cited with approval by the ONCA Ontario Criminal Code Review Board v. Hale, 1999 CanLII 3805 (ON CA)).

6. In Ontario Criminal Review Board, the tribunal therein was found to have control of backup audio tapes created by an independent contractor as the tribunal itself had the power to make a demand for those tapes. It was irrelevant whether they existed or not or what state they were in. The lack of a contractual provision compelling the court reporter to deliver the tapes does not negate the Board's control over them (para 35).
7. However, are "control" and "possession" 'one and the same'? That question need not be answered herein.
8. Nonetheless, the types of possession include all the various types of possession including:
    a. De facto;

b. De jure;
c. Actual;
d. Constructive;
e. Sole;
f. Joint; and
g. Others (denoted infra).

9. As the Respondent RCMP Tribunal is required to transmit all material (which may not be Personal Information of the Applicant) to the FCC that is in its possession whose "Orders" (which include decisions or dispositions by the Tribunal) and that is not in the possession of the Applicant, the issue of whether the Respondent RCMP Tribunal has control of requested Personal Information becomes somewhat moot. Nonetheless, the RCMP's constructive possession is unique herein because it is the custodian, controller and operator of the CPIC architecture so it has constructive possession, at the very least, of materials therein that are relevant to this JR Application before the FCC.
10. While certain decisions have and continue to focus on what was before or available to the Tribunal at the time of the decision, the scope of disclosure broadens significantly when an applicant has sought writs of mandamus, writs of prohibition and alleged conflicts of interest and bias (individual and institutional) et al (see: infra for the authorities in this regard).

PART 1(A): SCHEDULE OF MATERIALS REQUESTED FROM THE APPLICANT TO THE RCMP (TRIBUNAL)

11. With that segue, the Applicant is and has requested, upon service of this written request pursuant to Rule 317 of the Federal Courts Rules, SOR/98-106, Part -1 (the "*Federal Courts Rules*" or the "*FCR*"), materials, particularized infra, in possession of the RCMP tribunal (the "Tribunal"). The schedule of material sought herein is as follows:

SCHEDULE OF REQUESTED MATERIALS

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 **81**	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.

VOLUME #1(C): RULE 317 JURISPRUDENCE: THE REQUIREMENT OF CERTIFIED TRIBUNAL RECORD (THE "CTR")

12. Consistent with settled jurisprudence regarding the open court principle (the "**Open Court Principle**") entrenched within section 2(b) of the *Canadian Charter of Rights and Freedoms* (the "***Charter***"), informations and indictments (the "**Informations**" and "**Indictments**") are unequivocally treated as public court documents upon the issuance of a process and/or the service of a Criminal Code Summons or the execution of a Criminal Code Form 7 Arrest Warrant. Furthermore, any corresponding endorsements by a judicial officer ("Endorsements") thereto are to be made available upon formal request by an accused party (devoid of prescribed fees) or the public writ large, subject to the prescribed fee schedule delineated within *Regulation 158/03*.
13. Analogously, within the taxation context, it has been established that the Canada Revenue Agency, pursuant to a request under *Rule 317* of the *FCR*, forwarded a certified copy of an information (the "**Information**") to the

Registry. Said document was subsequently treated by the Registry as a public document, with a copy concurrently remitted to the applicant's counsel: *Rémillard v. Canada (National Revenue)*, 2020 FC 1061 at para 5.

14. Documentation transmitted pursuant to *Rule 318* of the *FCR* is strictly incorporated into the receiving Court's official records and is governed *ipso facto* by the **Open Court Principle** (see: *Rémillard*, at paras 25–26 and 37–38). Sections 23 and 26 of the *FCR* mandate that the Court file and its annexes be treated as publicly accessible, subject exclusively to statutory confidentiality or specific judicial sealing orders.
15. The procedural mechanism outlined in *Rules 317* and *318* of the *FCR* is strictly operational and non-exploratory; its function is solely to transition relevant materials into the possession of the Registry, distinguishable from private discoveries which are executed beyond the purview of the Court file (see: *Rémillard*, at paras 57–59 and 65–66). Private discoveries are governed by the implied undertaking rule subject to questions from discovery being read into the court record by affidavit or at a hearing.
16. Should the **Respondent RCMP Tribunal** argue that the applicant is utilizing *Rule 317* as an impermissible exploratory discovery mechanism, such an assertion is preemptively defeated by the fact that the requested records constitute foundational administrative documents that inherently form the basis of the tribunal's jurisdiction and subsequent (or omitted) actions.
17. The protections afforded under section 8 of the *Charter* are rendered inapplicable *in limine*, as no reasonable expectation of privacy ("REOP") can legally persist subsequent to an applicant requisitioning transmission pursuant to *Rule 317* of the *FCR* (see: *Rémillard*, at paras 163–165).
18. Generally, *Rule 317* of the *FCR* encompasses exclusively the material that was available to the administrative decision-maker at the time the decision was rendered (at paras 23, 39, and 41–42). However, a substantially broader scope of disclosure is mandated in circumstances where procedural fairness, reasonable apprehension of bias, 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 notice of application (the "**JR NOA**") filed by the applicant (the "**Applicant**").

> *Volume #1(C)(I): Unsearched Repositories; and the RCMP Tribunal (through Mr. Ball) did not rely on any exemption under s. 18*

19. The circumstances present herein ostensibly construct a paradox; however, a rigorous legal examination reveals that such a paradox is illusory, even if it is averred that the Royal Canadian Mounted Police (the "**RCMP**") neglected to search the requisite repositories for foundational metadata (the "**Foundational Metadata**") and the offline historical database (the "**Offline Historical Database**") (collectively, the "**Unsearched Repositories**"). The jurisprudential test dictates that the determination rests upon what material was legally available to the decision-maker at the material time.

> *Volume #1(C)(I)(a): The Misstatement of Law in the RCMP Tribunal Decision: "Privacy Act does not authorize search of files…belonging to other police forces"*

20. The failure of the RCMP, as admitted predicated upon its representation in the April 27, 2026, letter communicated to the Applicant that the "The *Privacy Act* does not authorize the RCMP to search files….belonging to other police forces" (see: page 1 of 6, paragraph three).
21. "Files" is not defined under the *Privacy Act* but it is mentioned six (6) times under the *Privacy Act* which are:
    a. EXEMPTIONS
        i. Exempt Banks
            1. Governor in Council may designate exempt banks
                a. Subsection 18(1): The Governor in Council may, by order, designate as exempt banks certain personal information banks that contain **files** all of which consist predominantly of personal information described in section 21 or 22.
            2. Contents of order
                a. Clause 18(3)(b): (3) An order made under subsection (1) shall specify

i. (b) where a personal information bank is designated that contains files that consist predominantly of personal information described in subparagraph 22(1)(a)(ii), the law concerned.

b. The auto population of "files" (three to six) involve the review of exempt banks by the Privacy Commissioner of Canada into those exempt banks.

Volume #1(C)(I)(a)(i): Conclusion on the misstatement of law in this context

22. The Respondent RCMP did NOT claim an exemption under section 18(2) of the *Privacy Act* which states for sake of convenience:

> "Disclosure may be refused
> (2) The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that is contained in a personal information bank designated as an exempt bank under subsection (1)."

23. The Head of he Government Institution is that of Commissioner Mr. Michael Duheme.

Volume #1(C)(II): For sake of completeness: Review of Exempt PIB's

24. Nonetheless, the exempt PIB's are:

a. Department of National Defence Exempt Bank:

i. Exempt Personal Information Bank Order, No. 5 (ND), SOR/85-38, Part -1: The personal information bank under the control of the Department of National Defence containing the Security and Intelligence Information files No. ND-P70 is hereby designated as an exempt bank on the basis of section 21 of the *Privacy Act*;

b. **Criminal Operational Intelligence Records** (tied to Personal Information contained at subparagraph **22(1)(a)(ii))**

i. Exempt Personal Information Bank Order, No. 13 (RCMP), SOR/90-149, Part -1: Criminal Operational Intelligence Records, No. CMP/P-PU-015, a personal information bank under the control of the Royal Canadian Mounted Police, is hereby designated as an exempt bank on the basis of section 22 of the *Privacy Act*.

1. or the purposes of paragraph 18(3)(b) of the *Privacy Act*, the laws concerned, in relation to those files that are contained in the exempt bank referred to in section 2 that consist predominantly of personal information described in subparagraph **22(1)(a)(ii)** of that Act, are the Criminal Code, the Customs Act, the Excise Act, the Food and Drugs Act, the Immigration and Refugee Protection Act, the Income Tax Act, the Controlled Drugs and Substances Act and the Foreign Interference and Security of Information Act.

c. CSIS Exempt Bank:

i. Exempt Personal Information Bank Order, No. 14 (CSIS), SOR/92-688, Part -1

d. Exempt Personal Information Bank Order, No. 25 (RCMP), SOR/93-272, Part -1,

i. For the purposes of paragraph 18(3)(b) of the *Privacy Act*, the laws concerned, in relation to those files that are contained in the exempt bank referred to in section 2 that consist predominantly of personal information described in subparagraph 22(1)(a)(ii) of that Act, are the Criminal Code, the Foreign Interference and Security of Information Act, the Security Offences Act, the Royal Canadian Mounted Police Act and the Canadian Security Intelligence Service Act.

Volume #1(C)(I)(a): Conclusion on the inapplicability of Exempt Banks to the PII Access Request (March 11 2026) and this NOA for Judicial Review

25. Leaving aside that the RCMP solely focused on "information" and not "Personal Information", it explicitly relied in its decision on April 27, 2026, wherein it stated:

> "Enclosed is a copy of all of the information to which you are entitled. Please note that some of the information has been exempted pursuant to sections 19(1)(d), 22(1)(b) and 26 of the Act"

26. There is not a single solitary mention of section 18 therein. Ergo, the RCMP Tribunal was not relying on "files contained in a PIB being exempt from disclosure let alone searching.
27. For completeness purposes and to avoid unnecessary and frivolous objections by the RCMP regarding its obligation to transmit a complete, accurate, and full CTR to the FCC and the Applicant, there is also not a single mention of n subparagraph 22(1)(a)(ii). Ergo, any reliance by the RCMP Tribunal on not being able to search files or disclose information (sic) belonging to other police forces is not relevant herein.
28. Hence, the Applicant's judicial review Notice of Application (Form 301) seeking writs of mandamus and prohibition as the relevant Personal Information sought, of which the Applicant did not seek that which was produced in the three page heavily redacted document accompanying the April 27 decision, has not been searched for.
29. Irrespective of the same, there would remain a judicial review independent of that aforementioned mandamus issue, predicated on the requirement (statutory and common law) for the Head of the Government Institution to consider whether to make a public interest disclosure regarding the manipulation of a "Criminal Code Information Package" into a False Information Package which is unprecedented in Canadian legal history (see: R. v. Scherzer and R. v. Hamilton did not contained falsification of the Criminal Code Information Packages but the falsification of underlying legal bases and notes per se; and R. v. Silva (Quebec) involved the stealing of a Justice of the Peace's stamp on account of "noble cause corruption" by a young Police Officer in Mr. Jolly as the public was in a state of terror with a notorious gang connected hitman in Mr. Silva).

VOLUME #1(D): THE FAILURE TO SEARCH BY THE RCMP

30. In light of the above uncontroverted syllogism and the sophisms by the RCMP, the *Privacy Act* not only authorizes but obligates the Government Institution to search for Personal Information requested (not "files") within the scope of an access request whether it is in a Personal Information Bank (a "PIB") 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 number, symbol or other particular assigned to an individual (see: section 10 of the *Privacy Act*).
31. However, the word "files" is utilized under some of the attendant regulations under the *Privacy Act* where certain PIB's, pursuant to ss. 18(1) of the *Privacy Act*, making certain PIB's exempt from search and disclosure.
32. The Applicant requested access to the PIB known as PPU 005 and it is not an exempt PIB. Moreover, the PII Access Request (March 11 2026) was not a request for "files" per se but for Personal Information contained in the PIB (PPU 005) and searches of Foundational Metadata and Offline Historical Database with respect to an executed arrest warrant including any original and amended data therein contained his Personal Information. But for the name of the judicial officer who in fact issued an endorsement including an Arrest Warrant (Criminal Code Form 7) all of the Personal Information therein would be on its face and de facto only involving him per se. In relation to the name of the judicial officer who issued the endorsement (dubbed an "Intake Court Endorsement") "warrant in the first", the federal statutory Personal Information definition under section 3(i) (see: means information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing…(i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual). This is also consistent with the judicial interpretation of Personal Information, and the required interpretation as follows:
    a. Drawing from jurisprudence in the federal public sector, the definition of personal information must be given a broad and expansive interpretation (Dagg v. Canada (Minister of Finance), [1997] 2 S.C.R., dissenting, 403 at para 68; 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] 1 S.C.R. 66, 2003 SCC 8, at para 23).

b. Personal information is information "about" an identifiable individual. "About" means that the information is not just the subject of something but also relates to or concerns the subject (Canada (Information Commissioner) v. Canada (Transportation Accident Investigation and Safety Board), 2006 FCA 157).
c. Information will be about an "identifiable individual" where there is a serious possibility that an individual could be identified through the use of that information, alone or in combination with other information (Gordon v. Canada (Health), 2008 FC 258 (CanLII).Footnote1 Information need not be recorded for it to constitute personal information. It is sufficient that the information be about an identifiable individual even if the information is not in a recorded form, such as oral conversations, biological samples and real time video surveillance. While the absence of a recording may go to the issue of collection, it does not change the fact that the information is personal information (Morgan v. Alta Flights Inc. (2006) FCA 121, affirming (2005) FC 421).
d. The same information can be personal to more than one individual, where, for example, it contains the views of one individual about another individual, or where the same information reveals something about two identifiable individuals (Wyndowe v. Rousseau, 2008 FCA 39 (CanLII)).
e. Information will still be personal information even if it is publicly available within the meaning of the regulations,Footnote2 and is exempt from applicable consent requirements (Englander v. TELUS Communications Inc., 2004 FCA 387 (CanLII)).
f. Subjective information about an individual may still be personal information even if it is not necessarily accurate (Lawson v. Accusearch Inc. 2007 FC 125).

33. The general principles overall are:

    a. Privacy Rights' Purpose:
        i. privacy rights are designed to protect the privacy of individuals with respect to Personal Information held by government institutions and to provide individuals with a right of access to that information;
    b. *Privacy Act*:
        i. quasi-constitutional;
    c. Exceptions from an individual applicant's access rights – interpreted narrowly:
        i. in Lavigne v. Canada (Office of the COMMISSIONER of Official Languages), 2002 SCC 53 (CanLII), [2002] 2 S.C.R. 773, Gonthier J. observed that exceptions from the rights set out in the act should be interpreted narrowly, with any doubt resolved in favour of preserving the right;
    d. Burden of proof:
        i. the burden of persuasion on the person asserting the exception (at paras. 30-31 of Lavigne);
    e. Privacy Rights only compromised when there is a compelling state interest for doing so:
        i. in Dagg v. Canada (Minister of Finance), 1997 CanLII 358 (SCC), [1997] 2 S.C.R. 403, the SCC articulated the governing principles of privacy law including that protection of privacy is a fundamental value in modern democracies and is enshrined in ss. 7 and 8 of the Charter, and privacy rights are to be compromised only where there is a compelling state interest for doing so (at paras. 65, 66, 71)

34. It is axiomatic that the RCMP is also subject to the Charter pursuant to section 32 of the Charter.
35. *Lex non cogit ad impossibilia* (the law does not compel the impossible) cannot shield the RCMP where the material was, in fact, extant and obtainable.
36. Inasmuch as Informations, Indictments, and any associated endorsements—including but not limited to arrest warrants—are fundamental components governed by the Open Court Principle (which concurrently protects the rights of listeners pursuant to section 2(b) of the *Charter*), the failure of an originating courthouse or originating court office to produce said documents is immaterial. The RCMP possesses the requisite statutory authority to procure such documentation and is legally obligated to do so pursuant to *Rule 317*. From a policy perspective, the Federal Court of Canada and the RCMP are absolutely bound to discharge this requirement to preserve the integrity

of the rule of law (the "**Rule of Law**"). Invoking Herbert Broom's maxim, *omnia praesumuntur rite et solemniter esse acta* (all acts are presumed to have been done rightly and regularly), the public is entitled to presume the RCMP will fulfill its legal duties to procure necessary records.

37. Copies of the aforementioned Informations, Indictments, and corresponding endorsements, alongside copies of arrest warrants—as represented by the Toronto Police Service (the "**TPS**" or the "**Arresting Police Division**") to have been in their possession—are strictly relevant to the JR NOA, specifically concerning the prerogative relief sought in the nature of mandamus and prohibition.
38. Furthermore, the compulsory transmission of these documents will categorically elucidate whether the RCMP was operating *mala fides* by intentionally breaching a public legal duty, or, in the alternative, operating negligently by breaching a public legal duty in a profoundly derelict manner. This evidentiary disclosure is paramount as it directly dictates the quantum and nature of the consequential relief to be awarded.

VOLUME #1(D)(I): THE LEGAL TEST FOR RELEVANCE

39. For the strict purposes of *Rule 317* of the *FCR*, a document is deemed relevant to an application for judicial review if it possesses the capacity to affect the ultimate decision that the Court will render on the application (see: *Douze v. Canada (Citizenship and Immigration)*, 2010 FC 1086 at para 19); *Boudreau v. Canada (Revenue Agency)*, 2022 FC 792 (CanLII), at para 16.

VOLUME #1(D)(II): APPLICATION OF DOUZE V. CANADA (CITIZENSHIP AND IMMIGRATION), 2010 FC 1086

40. In *Douze*, the Honourable Madam Justice Tremblay-Lamer explicitly adopted the instruction provided by the Court of Appeal in *Canada (Human Rights Commission) v. Pathak*, 1995 CanLII 3591 (FCA), [1995] 2 F.C. 455, 54 A.C.W.S. (3d) 1344 (C.A.) (*Pathak*), regarding the parameters of relevance under *Rule 317*:

> "A document is relevant to an application for judicial review if it may affect the decision that the Court will make on the application. As the decision of the Court will deal only with the grounds of review invoked by the **Respondent**, the relevance of the documents requested must necessarily be determined in relation to the grounds of review set forth in the originating notice of motion and the affidavit filed by the **Respondent**. (at para. 10)"

41. The ratio decidendi established in *Douze* has been consistently affirmed across numerous subsequent decisions, including:

    a. *Chopra v. Canada (Public Safety and Emergency Preparedness)*, 2026 CanLII 18896 (FC), at para 10;
    b. *John Doe 1 v. Canada (Attorney General)*, 2024 FC 1024, wherein Mr. Justice Diner articulated:
        i. It is well established that the test for relevance under *Rule 17* is synonymous with that under *Rule 317* of the *FCR* (*Abu* at paras 28 and 43, citing *Douze v. Canada (Citizenship and Immigration)*, 2010 FC 1086 at para 19 and *Nguesso v. Canada (Citizenship and Immigration)*, 2015 FC 102 at para 94). Ergo, a document is classified as "relevant" in this specific context where it "may affect the decision that the Court will make on the application," determined strictly in relation to "the grounds of review and any affidavit filed in support of the application" (*Abu* at para 43).
    c. The relevance of the material requisitioned under *Rule 317* of the *FCR* is the determinative factor. For the purposes of *Rule 317*, a document is relevant to an application for judicial review if it may affect the decision that the Court will ultimately make on the application (see: *Douze v. Canada (Citizenship and Immigration)*, 2010 FC 1086 at para 19; *Boudreau v. Canada (Revenue Agency)*, 2022 FC 792 (CanLII), at para 16; and
    d. Various other binding appellate and trial-level jurisprudence.

VOLUME #1(E): WHY NOTICES OF APPLICATION FOR MANDAMUS NECESSITATE AN EXPANDED INTERPRETATION OF THE CTR

42. In *Abu v. Canada (Citizenship and Immigration)*, 2021 FC 1031, Mr. Justice Norris articulated the distinguished threshold for mandamus applications as follows:
43. "I begin by noting that one of the usual indicators of relevance in the judicial review context—was the document or information before the tribunal when it made its decision?—does not apply in a mandamus application because it is the failure or refusal of the tribunal to make a decision that has prompted the application in the first place. While this is a sound indicator of relevance when a decision is being reviewed, it is not exhaustive of the concept of relevance in the judicial review context generally. It is well established that the test for relevance in the context of the production of a CTR is whether a document in the possession or control of the tribunal in question "may affect the decision that the Court will make on the application" (*Canada (Human Rights Commission) v. Pathak*, 1995 CanLII 3591 (FCA), [1995] 2 F.C. 455 [at page 460], 1995 CarswellNat 666, at paragraph 10 (WL Can.) (C.A.)).

VOLUME #1(F): JUDICIAL REVIEWS ARE DISTINCT FROM APPEALS – RULE 317 EXCLUSIVELY INVOKED WITHIN APPLICATIONS

44. Mirroring the explicit statutory language of the *FCR*, *Beniey v. Canada (Border Services Agency)*, 2024 FC 972 unequivocally affirmed that *Rule 317* applies exclusively to judicial reviews conducted pursuant to the *Federal Courts Act* (the "**FCA**") and is inapplicable to applications instituted under separate statutory regimes, such as the *Official Languages Act, RSC 1985, c 31 (4th supp)* (the "**OLA**"). This principle was previously crystallized in *Lavigne v. Canada Post Corporation*, 2009 FC 756, wherein it was determined at paragraph 16 that *Rule 317* cannot be invoked against the Commissioner within an application commenced under section 77 of the *OLA*, as the Commissioner's decision is not formally under review.
45. By logical extrapolation, applications commenced pursuant to section 41 of the *Privacy Act* or under the *Access to Information Act* (the "**ATIA**") do not constitute judicial reviews under the *FCA* and therefore do not govern the specific issues herein, wherein a tribunal (the "**RCMP Tribunal**") has explicitly conceded a failure to search delineated repositories.

VOLUME #1(G): THE PRECAUTIONARY PRINCIPLE AND THE RULE OF LAW PRECLUDE SPECULATION

46. As explicated by the Federal Court of Appeal in *Canadian Copyright Licensing Agency (Access Copyright) v. Alberta*, 2015 FCA 268 [*Access Copyright*] (per Stratas JA at para 15):

> "Parties before the administrative decision maker will often have in their possession all of the material the administrative decision maker considered in making its decision. But not always. And sometimes parties may be unsure whether they do. Sometimes they wish to confirm exactly what the administrative decision maker actually considered in making its decision. Rule 317 of the Federal Courts Rules provides a means by which parties can achieve those ends
>
> (see also: *Friends of the Earth Canada v. Canada (Attorney General)*, 2023 FC 1438 (CanLII), at para 9).

47. Herein, the Applicant less than little: he has nothing.

VOLUME #1(H): THE DISCOVERY OF IMPROPER MOTIVE FACILITATES MEANINGFUL JUDICIAL REVIEW

48. It is an accepted legal tenet that the certified record and its surrounding context may unveil whether an administrative decision was predicated upon an improper motive or driven by alternative impermissible rationales (*Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at para 137).

49. In the event that the reviewing court is deprived of the evidentiary foundation relied upon by the administrative decision-maker, the detection of a reviewable error may be rendered an impossibility (*Access Copyright* at para 14). The paramount and overarching consideration is whether the requested disclosure will permit a meaningful and substantive judicial review of the impugned decision (*GCT Canada Limited Partnership v. Vancouver Fraser Port Authority*, 2021 FC 624 at para 26).

VOLUME #1(I): THE DIFFERENTIAL LEGAL TEST FOR PROHIBITION UNDER RULE 317

50. In *Air Passenger Rights v. Canada (Attorney General)*, 2021 FCA 201, Associate Justice Gleason of the Federal Court of Appeal delineated at paragraph 21:

> "[21] Turning to the first of the foregoing assertions, as the applicant rightly notes, the breadth of materials that are subject to disclosure under Rules 317 and 318 of the Federal Courts Rules is broader where bias or breach of procedural fairness is alleged, particularly where, as here, relief in the nature of prohibition is sought. In such circumstances, disclosure is not limited to the materials that were before the tribunal when an order was made. Rather, where such arguments are raised, documents in the possession, control or power of a tribunal that are relevant to the allegations of bias or breach of procedural fairness are subject to disclosure.

51. Indeed, were it otherwise, this Court would be deprived of evidence necessary for the disposition of an applicant's claims of bias or breach of procedural fairness and the availability of relief in the nature of prohibition would be largely illusory: see, e.g., Humane Society of Canada Foundation v. Canada (National Revenue), 2018 FCA 66, 289 A.C.W.S. (3d) 875 at paras. 5-6; Gagliano v. Canada (Commission of Inquiry into the Sponsorship Program & Advertising Activities), 2006 FC 720, 293 F.T.R. 108 at para. 50, aff'd 2007 FCA 131; Majeed v. Canada (Minister of Employment & Immigration), 1997 CarswellNat 1693, [1993] F.C.J. No. 908 (F.C.T.D.) at para. 3, aff'd [1994] F.C.J. No. 1401 (F.C.A.). Thus, the first assertion advanced by the AGC as to the scope of permitted disclosure under Rules 317 and 318 is without merit."
52. Allegations encompassing bias 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**").
53. Concurrently, prerogative relief in the form of a writ of prohibition (the "**Writ of Prohibition**") is actively sought by the Applicant. Herbert Broom's maxim *ubi jus ibi remedium* (where there is a right, there is a remedy) dictates that the Court must possess the requisite evidentiary record to formulate such a remedy.
54. *Ipso facto*, given that the remedies of mandamus and prohibition are concurrently pursued, the restrictive test evaluating solely the materials available at the precise moment of the RCMP Tribunal's decision is fundamentally inapplicable. While the Applicant submits that this narrower threshold would nonetheless be satisfied, the prevailing appellate jurisprudence unequivocally binds the Court, by virtue of vertical *stare decisis*, to compel the RCMP Tribunal to transmit the expansive array of materials in certified format to both the Federal Court and the Applicant.
55. Should it be argued that the broader array of documents falls outside the technical "control" of the decision-maker because they were not explicitly reviewed, such an argument constitutes a logical fallacy. The jurisprudence explicitly overrides this limitation where bad faith, bias, or procedural fairness are pleaded, transferring the metric of discoverability from "what was reviewed" to "what may affect the Court's disposition of the fairness allegations."

Volume #1(H)(ii): Judicial Treatment of Air Passenger Rights

56. When allegations of bias or breaches of procedural fairness are advanced within a notice of application, the legally permissible scope of materials subject to mandatory disclosure under *Rules 317* and *318* is substantially broadened. This augmented scope is a jurisprudential imperative designed to guarantee that the reviewing Court is vested with the requisite evidentiary matrix to judiciously dispose of these claims (*Air Passenger Rights v. Canada (Attorney*

General), 2021 FCA 201 at para 21). Consequently, where bias or a breach of procedural fairness is averred, all documentation possessing relevance to such allegations must be subject to compulsory disclosure (*Ron W Cameron Charitable Foundation v. Canada (National Revenue)*, 2023 FCA 175 [*Ron W Cameron*] at para 26); *Delisle (Kannabis Shop) v. Kahnawake Cannabis Control Board*, 2026 CanLII 14519 (FC), at para 13.

57. In circumstances where an allegation of a breach of procedural fairness, a reasonable apprehension of bias, or actual bias is asserted within a notice of application or notice of appeal, the orthodox convention restricting production to relevant material physically before the decision-maker is invariably expanded. Supplemental documents demonstrating relevance to the specific allegation become subject to production: *Humane Society of Canada Foundation v. Canada (National Revenue)*, 2018 FCA 66 at para 6 (*Humane Society*); *Air Passenger Rights v. Canada (Attorney General)*, 2021 FCA 201 at para 21 (*Air Passenger Rights 2021*). The Federal Court of Appeal definitively codified this expanded obligation in *Air Passenger Rights 2021* (see: paragraph 21); *Jewish National Fund of Canada Inc. v. Canada (National Revenue)*, 2025 FCA 114 (CanLII), at para 13.
58. Furthermore, averments detailing discrimination on the basis of disability or egregious breaches of procedural fairness serve as sufficient independent catalysts to warrant expanded disclosure pursuant to *Rule 317*. When such arguments are substantively raised, documents demonstrating relevance to the allegations—irrespective of whether they were physically reviewed by the decision-maker—are strictly subject to disclosure (*Air Passenger Rights v. Canada (Attorney General)*, 2021 FCA 201 at para 21); *Ron W. Cameron Charitable Foundation v. Canada (National Revenue)*, 2023 FCA 175 (CanLII), at para 26. Application of this law dictates that the Applicant's pleadings of specific biases mandate production of the entire foundational record to assess the veracity of the tribunal's omissions.

VOLUME #1(I): THE IMPERATIVE OF A FORMAL REQUEST

59. In *Wheeldon v. Canada (Attorney General)*, 2012 FC 355, Mr. Justice Phelan articulated the absolute necessity of tendering a formal written request, notwithstanding the absence of a strictly prescribed statutory form. The Court observed the fatal deficiency when an applicant sought supplementary information without formalizing the requisite demand pursuant to *Rule 317* of the *FCR*. Specifically, the **Respondent** formally notified the Court that it refrained from producing the entirety of the material pertaining to the impugned decision strictly because the procedural formality of *Rule 317* was not strictly adhered to by the applicant: *Wheeldon v. Canada (Attorney General)*, 2012 FC 355 (CanLII), at para 15.

VOLUME #1(J): AUTHORITY FOR THE APPLICABILITY OF RULE 317 UNDER AN ATIA REVIEW

60. The standard of correctness is universally applicable in determining the applicability of *Rule 317* to a section 44 review under the *ATIA*, as such an inquiry constitutes a pure question of law (at para 11). A review instituted under section 44 retains the fundamental character of a judicial review, as it invariably scrutinizes the administrative decision-maker's ultimate determination regarding the disclosure of records (at paras 14–15 and 26). The decision itself embodies "the subject of the application," thereby satisfying the strict statutory language and threshold requirements encapsulated within *Rule 317* (at para 15): *Preventous Collaborative Health v. Canada (Health)*, 2021 FC 253. By applying this doctrine to the present facts, the failure to produce the required documents transforms the administrative inaction into the direct subject matter of the application, thereby triggering the compulsory production requirements of *Rule 317*.

VOLUME #2: STATEMENT OF ISSUES

61. The issues are provided herein to ensure that this proceeding is determined in a manner that is just, most expeditious and least expensive outcome of every proceeding with consideration being given to the principle of proportionality, including consideration of the proceeding's complexity, the importance of the issues involved and the amount in

dispute (see: rule 3(a) and (b)) and in the event that there is an objection to some of the material requested the Court has the benefit of the relevant issues: 192

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a. **Definitional Parameters under the *Privacy Act*:** Predicated upon the assertion that the RCMP purported to exercise jurisdiction and powers pursuant to the *Privacy Act, RSC 1985, c P-21*—an Act of Parliament—what is the proper jurisprudential and statutory interpretation of the following operative terms within the context of the present application: i. "Order"; ii. "Material"; and iii. "Relevant".

b. **The Legal Doctrine of Possession:** Given the absence of an explicit statutory definition of "possession" within the *Federal Courts Act, RSC 1985, c F-7*, the *FCR*, or the *Interpretation Act, RSC 1985, c I-21*, what is the prevailing common law and jurisprudential definition of "possession" specifically as it applies to the production of records in applications before the Federal Court of Canada?

c. **Expanded Scope of Disclosure (*Rules 317* and *318*):** To what extent is the legally permissible scope of mandatory disclosure, compelled under *Rules 317* and *318* of the *FCR*, augmented and expanded in circumstances where an applicant explicitly pleads and seeks relief based upon: i. A Writ of Mandamus; ii. A Writ of Prohibition; iii. The reasonable apprehension of bias, existence of a conflict of interest, institutional lack of independence, and/or lack of impartiality; and/or iv. Egregious breaches of the principles of procedural fairness;

d. **Subsection 19(1)(d) misguided yet revealing reference:**
   i. **Principal Issue for Determination:**
      1. Whether the invocation of the statutory exemption enumerated within subsection 19(1)(d) of the *Privacy Act* operates, *sub silentio*, as an admission of the originating law enforcement agency status of the federal constabulary; and furthermore, whether the totality of the circumstances encompassing the disposition of the subject chattels, the internal reorganization of the federal institution, the alleged documentary irregularities, and the anomalous remuneration of court personnel furnishes a triable inference of systemic procedural manipulation or institutional impropriety.
   ii. **Particularized Sub-Issues:**
      1. a) **Disposition of Chattels and Warrant Protocols:** Whether the ostensibly irregular handling of the subject chattels by the municipal police service—specifically, the uncatalogued sequestration thereof within a provisional repository, compounded by ensuing contradictory representations concerning the purported transfer to the Property Evidence Management Unit, and conjoined with the failure to produce an executory warrant of arrest—furnishes sufficient evidentiary weight to support the inference that the federal constabulary, rather than the municipal entity, operated as the primary or originating agency, thereby providing the foundational rationale for the invocation of subsection 19(1)(d).
   iii. b) **Institutional Reorganization as Statutory Circumvention:**
      1. Whether the redesignation of the federal constabulary's "O" Division to the "Central Region," whilst remaining under the continuous administrative authority of the presiding Regional Commander, is liable to be construed as a deliberate structural realignment executed with the specific intent of satisfying the jurisdictional phrasing contained within subsection 19(1)(d) ("regional government established by... an Institution of such a government"), thereby operating as an artifice to insulate agency records from mandatory disclosure.
   iv. c) **Inherent Prejudice to the Governmental Institution (understandable yet non-legal justification for non-disclosure):**
      1. Whether, by invoking the aforementioned statutory exemption, it is implicitly conceded by the federal institution that the execution of a comprehensive search would invariably yield specific foundational metadata—comprising the Originating Agency Identifier (ORI),

particulars of the issuing tribunal, and the identity of the presiding judicial officer—which would conclusively establish the agency's direct involvement, thereby occasioning inherent prejudice to the institution.

v. d) **Alleged Documentary Alteration and Software Exploitation:**
   1. In consideration of the publicly documented technical vulnerabilities inherent to the software framework identified as GrapeCity.Documents.PDF 6.0.2.0, whether a balance of probabilities suggests that said framework was utilized to effectuate a systematic obfuscation or manipulation of the primary evidentiary record, thereby converting the Authentic Information Package into the False Information Package.

vi. e) **Procedural Irregularities Indicative of Federal Agency Practices:**
   1. Whether the particularized errors and omissions identifiable within the False Information Package bear a greater indicia of alignment with the administrative practices of a federal agency operating within a regional framework—an entity arguably lacking the high-volume, routine process-issuing expertise characteristic of municipal police forces—than with those of the municipal police service itself.

vii. f) **Probative Inferences Regarding Personnel Remuneration:**
   1. What juridical inferences may be properly drawn from the sudden and material escalation in the remuneration of the named Court Officer, propelling said individual to a publicly disclosed threshold of elevated compensation in the year 2025, in immediate sequence to the allegedly unauthorized utilization of her identity as an informant—an averment she purportedly could not traverse upon confrontation. Furthermore, whether this temporal pattern of compensation raises a triable issue as to the possibility that such financial advancement was furnished as a clandestine commission or improper inducement to secure acquiescence to the aforementioned inclusion of her identity.

e. **Subsection 22, "Law Enforcement and Investigation"**: the absence of section 22(1)(a) but the inclusion of 22(1)(b) misguided yet enlightening, illuminating and informative reference:

i. The central issues in this application for judicial review concern the Royal Canadian Mounted Police's (the "RCMP") unlawful withholding of Foundational Metadata and Offline Historical Database records under the *Privacy Act*, R.S.C. 1985, c. P-21 (the "*Act*"). Specifically, the issues are framed as follows:
   1. **The Jurisdictional Misdirection:** Did the RCMP ATIP Branch err in law by declining to invoke the specific exemption under paragraph 22(1)(a) of the *Act*—which would require identifying itself as an "investigative body" under the *Privacy Regulations*—and instead relying on paragraph 22(1)(b), thereby assuming an evidentiary burden of proving "injury" that it cannot legally or factually satisfy?
   2. **The Failure to Establish a Reasonable Expectation of Injury:** Can the disclosure of historical, transactional, or administrative metadata (including CPIC logs, Foundational Metadata, and offline database entries) be reasonably expected to cause "injury" to the enforcement of any law or the conduct of lawful investigations under paragraph 22(1)(b), particularly where the underlying investigation is stale, inactive, or structurally concluded?
   3. **The Temporal and Procedural Boundaries of "Investigations":** Can the RCMP assert an ongoing investigative character over CPIC transactions that merely log the completion of past, expired, or time-barred administrative processes (such as a summons or arrest warrant), particularly where any potential prosecution is long-concluded or barred under the constitutional ceilings established in *R. v. Jordan*?
   4. **The Mischaracterization of Public Court Records as Confidential Sources:** Does paragraph 22(1)(b)(ii) permit the withholding of ministerial metadata (such as Originating Agency [ORI] codes, court levels, court locations, names of judicial officers, or Source Identifiers [SID]) under the guise of protecting a "confidential source," when the informant

on a Criminal Code Form 2 Information is a matter of public record post-arrest or post-issuance of process?

5. **The Exclusion of Ultra Vires Conduct from "Lawful Investigations":** Applying the doctrine of the indivisibility of the Crown (*Benedict v. Ontario*), can information generated through, or corrupted by, fraudulent manipulation or the compilation of false information packages ever be characterized as "obtained" or "prepared" in the course of a "*lawful* investigation" under subsection 22(1)?

f. **Pre-emptive Resolution of Anticipated Objections (The Establishment of Novel Precedent):** In the event the RCMP (the "**RCMP Tribunal**") neglects its statutory duty to transmit all relevant material to the Registry and the applicant (the "**Applicant**"), does the present factual matrix warrant the establishment of a novel legal precedent? Specifically, where there exists an underlying allegation of fraud perpetrated by law enforcement in concert with Crown Counsel during a criminal proceeding that is strictly *void ab initio*, and where a criminal prosecution could not lawfully have been sustained due to the deliberate filing of an admittedly false information package into a transferee courthouse (the Ontario Court of Justice, 10 Armoury Street Courthouse), is the RCMP Tribunal precluded from relying upon spurious legal justifications to outright refuse a requisite search for the Personal Information of the Applicant?

VOLUME #3: LEGAL BASES

VOLUME #3(A): THE OFFICE OF THE PRIVACY COMMISSIONER DETERMINES THE EXTENT OF THE RCMP'S STATUTORY DUTY AND PARAMOUNTCY OF CONTROL OVER MULTI-JURISDICTIONAL ENTRIES WITHIN THE CANADIAN POLICE INFORMATION CENTRE (THE "CPIC")

62. The Office of the Privacy Commissioner of Canada (the "**OPCC**") previously initiated a comprehensive investigation pertaining to formal complaints registered against the Royal Canadian Mounted Police (the "**RCMP**") which was titled by the OPCC, Disclosure of information about complainant's attempted suicide to US (United States) Customs and Border Protection not authorized under the *Privacy Act* (see: https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-federal-institutions/2016-17/pa_20170419_rcmp/).
63. Said complaints concerned the unauthorized extraterritorial disclosure of personal information (the "**Personal Information**") regarding an individual's historical medical distress—specifically, a suicide attempt—to the United States Customs and Border Protection (the "**CBP**"). The impugned data, originally uploaded by the Toronto Police Service (the "**TPS**") to the CPIC database, was subsequently weaponized by the CBP to formally deny the complainant entry into the United States. The OPCC determined the complaints to be entirely well-founded, conclusively ruling that the dissemination constituted a direct contravention of the *Privacy Act, RSC 1985, c P-21*, as it satisfied neither the rigid parameters of a valid "law enforcement" exemption nor the doctrine of "consistent use".
64. In November 2013, the complainant was engaged in transnational travel originating from Toronto Pearson International Airport. During the preclearance protocol, CBP agents detained the individual, subjecting her to interrogatory measures predicated upon a historical medical emergency dated June 2012.
65. The complainant was formally deemed inadmissible to the United States pursuant to the *Immigration and Nationality Act* (United States), predicated strictly upon health-related statutory grounds (specifically, the categorization of a mental disorder allegedly posing a threat to public safety).

The Genesis of the Disclosed Intelligence:

66. The CBP extracted this sensitive intelligence directly via the CPIC mainframe. The TPS had previously instituted a "Caution flag" denoting "Suicidal Tendencies," running concurrently with a "Special Interest Police" (the "**SIP**") entry categorized as "Mental Health - Attempted Suicide - Drugs," following their deployment to the complainant's 2012 medical distress incident.
67. Notwithstanding the fact that the TPS physically inputted the data and the CBP acted as the ultimate consumer of said data, the formal complaint was strategically and correctly levied against the RCMP.
68. The RCMP operates as the absolute statutory steward and supreme technological administrator of the CPIC infrastructure. Furthermore, it exercises exclusive jurisdiction over the Memorandum of Cooperation (the "**MOC**") executed with the Federal Bureau of Investigation, which technically facilitates the access of United States agencies to the CPIC databanks.
69. Consequently, the RCMP is encumbered with the ultimate and inescapable legal responsibility to ensure that any intelligence disseminated to foreign state actors maintains strict adherence to the *Privacy Act*. *Ipso facto*, the RCMP is precluded from operating as a mere passive repository or "blind conduit"; rather, it is compelled by law to actively govern, monitor, and regulate the propriety and legality of any data uploaded by ancillary police forces. Invoking the foundational legal maxims authored by Herbert Broom, *qui facit per alium facit per se* (he who acts through another acts himself) and *qui non prohibet quod prohibere potest assentire videtur* (he who does not prevent what he has the power to prevent is deemed to assent), the RCMP's failure to actively restrict unlawful data sharing renders it directly culpable for the resultant privacy breaches.

Jurisprudential Analysis and Determinations of the OPCC

70. The determinative legal issue hinged upon whether the extraterritorial transmission of the data to the CBP, absent the explicit consent of the complainant, was legally justifiable pursuant to the stringent statutory exemptions articulated within subsection 8(2) of the *Privacy Act*.

Analysis of Paragraph 8(2)(f) (Agreements with Foreign States for Law Enforcement):

71. The RCMP advanced the argument that the admissibility screening protocols executed by the CBP inherently constitute a public safety and law enforcement mandate, ostensibly designed to preemptively guard against tangible threats to property or human safety.

The Finding of the Commissioner

72. The OPCC unequivocally ruled that the immigration admissibility assessments conducted by the CBP do not satisfy the rigorous definitional thresholds of "law enforcement" or "criminal justice" within the strict purview of the MOC. The complainant had engaged in no statutory infractions and was subject to no penal sanctions; her activities were strictly limited to international transit. The OPCC firmly established that deeply sensitive health intelligence must exclusively be disseminated to border authorities in circumstances where the individual in question exhibits a demonstrable, empirical threat to public safety.

Analysis of Paragraph 8(2)(a) (The Consistent Use Doctrine):

73. The RCMP averred that leveraging the health data to evaluate transnational public safety aligned consistently with the originating purpose of its collection by the municipal constabulary.
74. The OPCC rejected this premise, finding that the primary operational intent behind the collection of such data by frontline officers is to chronicle localized incidents and ensure the immediate tactical safety of officers and the public during direct, real-time interactions. The utilization of such highly confidential health records for the facilitation of a foreign immigration assessment constitutes an application that an individual could not "reasonably

expect," barring the existence of a clear, present, and imminent danger. Thus, the transmission strictly failed the test for consistent use.

The Intransigence of the RCMP

75. The RCMP formally dissented from the OPCC's findings and outright refused the implementation of the recommended directives. The Tribunal steadfastly maintained the position that the CBP operates as a valid law enforcement entity and that the "SHARE USA" default parameter must remain universally active to theoretically preserve public safety.
76. Notwithstanding the institutional recalcitrance regarding system defaults and the precise lexicon of the policies, the OPCC acknowledged the substantive collateral benefit: the intense scrutiny of the RCMP's architectural administration catalyzed local agencies to unilaterally purge thousands of mental health records from the CPIC network, thereby drastically mitigating the probability of analogous privacy infractions.
77. This inherent limitation encapsulates precisely why the investigative reports generated by the OPCC are not, *ipso facto*, subject to judicial review *per se*; the OPCC operates functionally as an ombudsman, authorized to recommend remedial avenues that the impugned Government Institution possesses the discretion to disregard. This structural limitation perfectly mirrors the statutory frameworks of the *Personal Information Protection and Electronic Documents Act, SC 2000, c 5* and the *Access to Information Act, RSC 1985, c A-1*.
78. The Office of the Information Commissioner has some different statutory powers but that is not at issue herein.
79. Conversely, the *Privacy Act* dictates a markedly more restrictive paradigm concerning an applicant's right to invoke the jurisdiction of the Federal Court of Canada. Adjudicative access is narrowly circumscribed, crystallized specifically when a complainant seeks relief pursuant to section 41 of the *Privacy Act* following a formal refusal of access. Ergo, the present application for judicial review is correctly and inescapably predicated upon the egregious failure of the RCMP to conduct a requisite search for the Personal Information of the applicant (the "**Applicant**") pursuant to his formally submitted Access Request (dated March 11, 2026), and the concomitant failure of the Head of the RCMP to execute the mandatory statutory contemplation mandated under subsection 8(2) of the *Privacy Act*.

VOLUME #3(A)(I): SUMMARY OF JURISPRUDENTIAL EFFECT REGARDING THE INPUTTING OF FALSE OR INACCURATE DATA INTO CPIC BY ANY LAW ENFORCEMENT APPARATUS

80. The OPCC's determinations establish an irrevocable precedent: the RCMP is strictly prohibited from operating as a passive host or "blind conduit" for intelligence contributed by external police forces. Given its paramount structural and administrative role, the RCMP is legally bound to exercise an active, governing supremacy over all Personal Information transiting the national infrastructure.
81. The jurisprudential rationale underpinning the OPCC's findings is delineated into the following determinative principles:
    - **a. The Doctrine of Sufficient Control**
        - **i.** The OPCC explicitly concluded that the quantum of control exercised by the RCMP over the CPIC mainframe is unequivocally sufficient to trigger the robust protections of section 8 of the *Privacy Act*. Even in circumstances where a municipal entity, such as the TPS, originated the data upload and maintained nominal carriage of their localized investigative file (denoted by an occurrence number), the Commissioner of the RCMP remains the ultimate, non-delegable authority accountable for the administration, operation, and statutory compliance of the overarching system.
            1. Herein, it is a matter of evidentiary record that at least one of the specific case identification numbers associated with the impugned records is demonstrably not attributable to the TPS; namely, Police Case ID: 457197 (visibly stamped upon the upper right-hand quadrant of the admitted False Information Package). Both the TPS and the Ontario Provincial Police (the "**OPP**") have formally and unequivocally disclaimed any jurisdictional relation to said case identification number, a repudiation which logically and necessarily leaves the RCMP as the sole remaining institutional custodian.

Paramount Stewardship of the Bilateral Agreement

82. Predicated upon the fact that the RCMP acts as the exclusive Canadian signatory to the MOC executed with the Federal Bureau of Investigation, the OPCC ruled that the RCMP bears the sole, non-transferable burden of ensuring that any cross-border intelligence dissemination strictly comports with both the MOC and the domestic imperatives of Canadian privacy legislation.

The Imperative for Active Policy and Architectural Safeguards

83. The OPCC profoundly criticized the RCMP's legally bereft posture that the onus of statutory compliance rests entirely upon the contributing municipal or provincial agencies. The OPCC firmly established that the RCMP must actively engineer the CPIC policies, user protocols, and foundational technical defaults to preemptively neutralize the potential for unauthorized data proliferation.
84. 30. By way of specific illustration, the OPCC mandated that the RCMP restructure the technical baseline of the system's "SHARE USA" feature to automatically suppress the transmission of deeply sensitive health data, rather than permitting dissemination to function as the unexamined default parameter.
85. 31. This precise conflict crystallizes the overarching precedent: while the RCMP attempts to shield itself behind the facade of a collaborative, decentralized system where localized forces "own" their respective data, the OPCC definitively ruled that supreme architectural stewardship equates inextricably to absolute legal accountability. To achieve compliance with the *Privacy Act*, the RCMP must actively audit, regulate, and restrict the manner in which both domestic and foreign agencies interface with the databanks under its sovereign control.

VOLUME #3(B): THE NOVEL LEGAL ISSUES FORMULATED FOR ADJUDICATION

86. The novel legal controversies presented for adjudication herein are robust and multifaceted. 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. The resolution of these distinct, untested issues will be effortlessly achieved upon the compulsory transmission of the certified tribunal record (the "**CTR**") to both the Federal Court of Canada 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 mount under *Rule 318* of the *Federal Courts Rules, SOR/98-106* (the "***FCR***").

The First Novel and Untested Issue

87. 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. Should the inputted data align with said 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 fabricated: *Lawson v. Accusearch Inc.*, 2007 FC 125.

The Second Novel and Untested Issue

88. 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" or the purportedly valid INTAKE COURT ENDORSEMENT (dated September 23, 2024). 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 "**ORI**"); the designated issuing authority or "court field"; the remarks/narrative field; and the System Identification Number (the "**SID**") generated upon entry), such alterations constitute a profound abuse of process. Collectively, these elements are categorized as the foundational data elements comprising a "WANT record".

89. It is submitted as a highly probable extrapolation that the originating law enforcement agency, designated by the initial ORI, was not the identical agency that subsequently executed the surreptitious amendments to the WANT record. These potential, unauthorized systemic alterations encompass four distinct vectors of modification:
    a. The deliberate modification or reassignment of the ORI, falsely transferring jurisdictional appearance to a separate police service;
    b. The structural alteration of the jurisprudential authority or "court field" to legitimize an otherwise *void ab initio* warrant;
    c. The substantive revision of the remarks or narrative field to retroactively justify the apprehension of the Applicant; and
    d. The systemic desynchronization or reallocation of the SID, designed to obfuscate the original timestamp and audit trail of the fabricated entry.
90. The forensic veracity of these administrative maneuvers—and the exposure of the underlying malfeasance—can only be illuminated through a rigorous examination of the automated hexadecimal transaction logs and sequence trails. Consequently, this determination can solely be achieved through the unmitigated disclosure of the Applicant's Personal Information, which is definitively housed within a Personal Information Bank (the "**PIB**") and remains under the absolute control and constructive possession of the centralized federal repository.

VOLUME #3(C): THE JURISPRUDENTIAL DOCTRINE OF POSSESSION UNDER THE FEDERAL COURT RULES

91. A masterful comprehension of the legal doctrine of "possession" is absolutely paramount when navigating the *FCR*, specifically concerning the mandatory production of documentary evidence. This doctrine governs both the general discovery apparatus (Rules 222-223) and, crucially, the compulsory transmission of tribunal records under *Rule 317*.

The Definition of Possession in the Strict Context of Rule 317

92. *Rule 317* of the *FCR* vests an applicant in a judicial review proceeding with the absolute right to requisition material relevant to the application that resides within the possession of the impugned Tribunal.
93. 73. Within the architecture of the *FCR*, the concept of "possession" vehemently rejects the archaic limitation of mere physical custody. The appellate jurisprudence has consistently expanded "possession" to broadly encompass the legal right, authority, or institutional ability to procure the document. While the *FCR* omits a rigid definitional clause for "possession," the overwhelming weight of document production jurisprudence establishes that it strictly incorporates:
    a. **Actual Possession:** The immediate, physical custody of the document; and
    b. **Constructive Power or Control:** Vesting the entity with the absolute right or jurisdictional authority to demand and obtain the document, irrespective of its immediate physical locale.

94. Consequently, for the purposes of *Rule 317*, if a Tribunal possesses the overarching legal right or technical capacity to access relevant data, that material is definitively deemed to be in its "possession" for production purposes, even if the physical servers or archives are geographically displaced.

The Tripartite Categorization of Possession

95. In advanced civil procedure, possession is jurisprudentially categorized into three distinct operational forms:
    a. **Sole Possession:**
        i. **Definition:** The most absolute iteration of possession. It manifests when a singular entity exercises exclusive physical custody and administrative dominion over a record.
            1. If the Tribunal maintains the singular physical iteration of a memorandum within its immediate administrative confines, it exercises sole possession.
            2. The Tribunal retains the exclusive, unfettered right to utilize, manipulate, and produce the material.
    b. **Joint Possession**
        i. **Definition:** This formulation arises when two or more distinct entities share physical custody, administrative access, or control over a record, resulting in a shared, indivisible right to possess the material.
        ii. **Application:**
            1. In circumstances where the RCMP and an external municipal police force mutually interact with a shared digital architecture (such as CPIC), both entities may exercise Joint Possession over the underlying data matrices. In the realm of document production, shared possession with a non-party does not immunize the party from production; they remain legally compelled to produce the material or actively seek the requisite consent, as their legal right to the document remains absolute.
    c. **Constructive Possession**
        i. **Definition:** This represents the most expansive and vital formulation of possession. It dictates that an entity holds possession when it lacks immediate physical containment of the material, yet wields the *de jure* legal right, institutional power, or technical authority to requisition and obtain it.
        ii. **Application:** This doctrine frequently serves as the epicenter of contentious document production litigation. If the RCMP archives its historical data utilizing external federal infrastructure but retains the sovereign right to demand the extraction of those logs at will, the RCMP is irrevocably bound by Constructive Possession. Similarly, if records are held by a delegated agent or legal counsel, the principal entity maintains Constructive Possession because it exercises the power of directive over the agent. **Rule 317 Implications:** A Tribunal is strictly legally barred from resisting a *Rule 317* request by pleading an absence of physical custody if it possesses the statutory or administrative authority to compel the retrieval of the document from its current host. The RCMP is not seeking that an independent contractor provide its backup tapes but rather it is a demand unto itself if you will.

VOLUME #3(D): A COMPARATIVE LINGUISTIC ANALYSIS OF THE RCMP'S DECISIONS (THE HALTON POLICE CASE VS. THE MCLEAN RCMP PROCEEDING)

Volume #3(D)(I): The RCMP Decision in the Halton Police FIPPA Case

96. To illuminate the institutional bad faith and strategic linguistic manipulation deployed by the RCMP herein, the Applicant heavily relies upon a comparative analysis of the strikingly similar, yet critically divergent, language utilized by the RCMP in *Halton Regional Police Services Board (Re)*, 2024 CanLII 67092 (ON IPC) (the "**Halton Police Case**"). In the Halton Police Case, Adjudicator Faughnan, presiding under the *Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, c M.56* (the "**MFIPPA**"), reproduced the RCMP's formal refusal letter at paragraph four, which stated:

> "This is in response to your request made under the *Privacy Act*, which was received by this office on March 2, 2015, in which you are seeking a report of all inquiries made by any officer/civilian member of any Canadian or USA police force since 1970 under your identifiers including any inquiries made on CPIC/PARAS."

Based on the information provided, a search for records was conducted. Be advised that we can neither confirm nor deny the existence of the information requested. If the information did exist, it would be subject to exemption in its entirety pursuant to Paragraph 22(1)(b) of the *Privacy Act*...

The *Privacy Act* has established the right of applicants to access federally maintained records which contain personal information concerning themselves. If you were involved with another police department or service, they may have information that concerns you. The *Privacy Act* does not authorize the RCMP to search files or to disclose information belonging to other police forces."

Volume #3(D)(II): The Distinctions Possessing Profound Legal Significance

Volume #3(D)(II)(a): The Execution of a "Search for Records"

97. In the Halton Police Case, the RCMP formally averred that "a search for records was conducted," utilizing the term without limitation. The term "record" lacks a precise definition under the *Privacy Act*, contrasting sharply with the *Access to Information Act* which broadly defines it as "any documentary material, regardless of medium or form."
98. Conversely, in the present proceeding (the "**McLean RCMP Proceeding**"), the RCMP artificially narrowed its purview, strictly representing that a search was conducted solely within "CPIC and Specialized Policing Services"—despite the Applicant explicitly demanding a search of the Foundational Metadata and Offline Historical Database.

Volume #3(D)(II)(b): The Deployment and Subsequent Waiver of the "Neither Confirm Nor Deny" Shield

99. In the Halton Police Case, the RCMP explicitly deployed the powerful statutory shield of section 16(2), stating it could "neither confirm nor deny" the existence of the requested intelligence. In stark contrast, the RCMP completely abandoned this shield in the **McLean RCMP Proceeding**.

The Legal Ramifications of Waiving Section 16(2):

100. The mechanism of Section 16(2) permits a Government Institution to completely obfuscate the existence of a record, an extraordinary measure designed to preserve the sanctity of active, highly sensitive investigations. The author of the RCMP decision in the **McLean RCMP Proceeding** explicitly chose not to invoke this provision.
101. **The Legal Import:** By declining to invoke Section 16(2) *in limine*, the RCMP legally waived its right to obfuscate the existence of the records. Because it failed to issue an NCND response, the RCMP is now irrevocably tethered to its specifically cited exemptions (Sections 19, 22, and 26).
102. Should the **Respondent** attempt to argue during these proceedings that the existence of the requested Metadata is hypothetical or that confirming its existence would compromise investigative integrity, such an objection is a strict nullity. The **Respondent** has preemptively waived this protection and cannot retroactively reconstruct a Section 16(2) shield to evade production under *Rule 317*. It chose the route it did by granting itself an extension of time and it could have amended its decision from April 27, 2026, and the record will reflect that the Applicant provided it with opportunity to do so but it declined.
103. Consequently, the RCMP is legally estopped from asserting that the Personal Information sought is immune from basic acknowledgment before this Honourable Court. It falls under the principle at least by analogy from Turigan v. Alberta, ABCA, 1988, involving "estoppel by record".

Volume #3(D)(II)(c): The Strategic Erasure of "Concerning Themselves"

104. In the Halton Police Case, the RCMP stated, "The *Privacy Act* has established the right of applicants to access federally maintained records *which contain personal information concerning themselves*." Alarmingly, in the **McLean RCMP Proceeding**, the RCMP deliberately truncated this sentence, stating merely, "The *Privacy Act*

has established the right of applicants to access federally maintained records," entirely deleting the reference to Personal Information.

105. This surgical erasure is not benign; it perfectly substantiates the Applicant's assertion regarding the Foundational Metadata. Under Section 3 of the *Privacy Act*, "personal information" unequivocally encompasses transaction histories and assigned identifying numbers. By deliberately removing the qualifier "concerning themselves," the RCMP attempted to linguistically sever its statutory duty to track biographical metadata logs, unlawfully recharacterizing the underlying server operations as mere "federal administrative records" exempt from the Applicant's reach.

Volume #3(D)(II)(d): Misinterpretations Regarding Authorization and Ownership

106. In the Halton Police Case, the RCMP hypothesized, "*If* you were involved with another police department... they may have information that concerns you." In the **McLean RCMP Proceeding**, the RCMP shifted to an operative past-tense certainty: "If this matter *concerned* another police department... The *Privacy Act* does not authorize the RCMP to search files or to disclose information belonging to other police forces."

107. 99. The hypothetical "If" in the Halton matter was logical, as the requestor sought fifty years of generalized data. Herein, the Applicant demanded highly specific, targeted access to Personal Information directly indexed under Police Case ID: 457197—an identifier formally disavowed by both the TPS and the OPP. The RCMP's assertion that it lacks "authorization" to search its own sovereign database for records that do not "belong" to other forces is a profound misstatement of law.

VOLUME #4: WITHOUT A SEARCH, CORRECTION RIGHTS CEASE TO EXIST AS LEGISLATED BY PARLIAMENT

VOLUME #4(A): PERSONAL INFORMATION IS AKIN TO ONE'S OWNERSHIP

108. It is a well-settled jurisprudential axiom that *Rule 317* of the *FCR* does not demand that the requested material be legally "owned" by the administrative Tribunal, nor does it require exclusive, physical geographic custody. The singular, uncompromising statutory threshold is that the material resides within the "possession" of the Tribunal.

109. Furthermore, relying upon established jurisprudence (such as the determinations of Mr. Justice Tysoe in the Supreme Court of British Columbia in *Mazhero*), the Personal Information of an applicant is inherently "owned" by the applicant themselves—it emphatically does not legally "belong" to other police forces, regardless of their status as the originating agency.

110. In *Atlantic Prudence Maritime Inc. v. Canada (Minister of Transport)*, 1983 2 FC 183 (FCA) (the "**Atlantic Prudence Decision**"), the Federal Court of Appeal conclusively established that possession within the context of administrative record production must be subjected to a highly practical, functional interpretation, firmly rejecting the archaic constraints of narrow property concepts. The appellate court unequivocally ruled that a Tribunal is strictly prohibited from evading its production obligations by advancing the specious claim that records are "owned" by third parties, provided those records were relied upon, hosted, or technically accessible by the Tribunal in the execution of its administrative mandate.

111. 103. This overarching principle was subsequently codified and expanded in *Canada (Attorney General) v. Cloutier*, 2008 FC 322 (the "**Cloutier Decision**"). The Federal Court definitively held that material housed within an electronic database accessible by a government institution constitutes absolute possession for the strict purposes of a *Rule 317* request. The Court forcefully rejected the obsolete notion that electronic data must be physically manifested in print or localized within a specific geographic office to be "possessed," holding that technological accessibility acts as the absolute functional and legal equivalent of possession.

112. Under the doctrine of Constructive Possession, an entity holds possession of material whenever it exercises the legal right, administrative power, or technological capacity to command its retrieval, completely independent of physical containment. In the modern administrative apparatus, data is perpetually decentralized across complex virtual architectures. To restrict the definition of possession to physical, paper-based custody would render the operation of *Rule 317* an archaic and absolute nullity (the "**Nullity**").

113. 105. The CPIC database represents a colossal, centralized national infrastructure. While municipal entities input localized intelligence via their discrete ORIs, the foundational technological mainframe, the database schema, and the physical server arrays are owned, operated, and exclusively maintained by the RCMP. The interaction between the RCMP and external police forces does not constitute total operational separation; rather, it manifests as a textbook paradigm of Joint Possession over the transactional metadata.

114. 106. When an external law enforcement agency instantiates a WANT Record into CPIC, that specific data matrix is instantly ingested into a database strictly hosted upon federal servers. The corresponding transactional logs, sequence trails, and hexadecimal dumps are automatically and autonomously generated by the federal system architecture itself. The RCMP holds the supreme administrative credentials, the systemic audit tools, and the absolute physical dominion over the server farms required to extract this intelligence. Consequently, the raw forensic mainframe ledger records sought by the Applicant reside indisputably within the Constructive Possession of the RCMP.

VOLUME #4(C): THE RCMP AS THE PARAMOUNT CUSTODIAN AND SOVEREIGN ADMINISTRATIVE STEWARD

115. In *Canada (Information Commissioner) v. Minister of National Defence*, 2011 SCC 25 (the "**National Defence Decision**"), the Supreme Court of Canada formulated a rigid bipartite test to determine whether a government institution exercises control over records for statutory production purposes:

a. First, does the record relate to a substantive departmental matter?
b. Second, could the institution reasonably expect to obtain a copy of the record upon executing a request?

116. Although the *National Defence Decision* was adjudicated under the *Access to Information Act*, its foundational logic applies *a fortiori* to the legal concept of possession encapsulated within *Rule 317*. The administration, forensic auditing, and structural security of the CPIC infrastructure are indisputably departmental matters under the exclusive purview of the RCMP. As the sovereign national steward of CPIC, the RCMP possesses the absolute, unassailable legal and technical right to obtain, audit, and extract any record residing within its own database.

117. 109. This conclusion is explicitly supported by provincial adjudicative bodies. As noted in the Halton Police Case, the Information and Privacy Commissioner of Ontario definitively ruled that municipal police boards possess neither custody nor control over the CPIC Offline Historical Database. Because these offline archives are managed with absolute exclusivity by the RCMP, any legal demand for historical transaction logs must be directed solely to the federal institution.

VOLUME #4(D): THE ABSOLUTE NULLITY OF THE "THIRD-PARTY OWNERSHIP" DEFENSE

118. Any anticipated attempt by the **Respondent** to resist the compulsory production mandates of *Rule 317* by falsely characterizing the requested transaction logs and hexadecimal dumps as "belonging" to other police forces is a profound legal absurdity. A transaction log is emphatically not an investigative narrative report, nor does it encompass proprietary, third-party tactical intelligence. It is purely administrative Metadata—an automated, machine-generated chronicle of the systemic operations (*acta*) of the federal mainframe itself. The unique system identification numbers, the ORIs, the hardware terminal addresses, and the microsecond timestamps are intrinsic, systemic properties belonging exclusively to the CPIC platform. They constitute the indisputable administrative footprint of state action. If an arrest warrant was subjected to illicit, post-hoc digital modification—specifically via

the unauthorized exploitation of the GrapeCity SDK API—the transaction logs represent the singular, immutable evidentiary matrix proving that alteration. The deliberate suppression of this critical Metadata by the **Respondent**, disguised beneath the specious veil of inter-agency confidentiality, constitutes an administrative omission that is an absolute Nullity *ab initio*, emphatically not a curable irregularity (the "**Irregularity**"). This obstruction directly and fatally contravenes the statutory purpose of subsection 12(1) of the *Privacy Act* and fundamentally frustrates the compulsory production mechanics of *Rule 317*. The state is strictly prohibited from deploying the complexity of its own decentralized database architecture as a jurisprudential shield to conceal administrative malfeasance or *ultra vires* jurisdictional overreach.

VOLUME #4(E): THE STATUTORY ABSURDITY AND THE FRUSTRATION OF CORRECTION RIGHTS UNDER SUBSECTION 12(2) OF THE PRIVACY ACT

119. 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 right to request a correction of said information, mandate the attachment of a formal notation if the correction is refused, and compel the notification of these amendments to any entity that received the data within the preceding two years.

120. 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 statutory absurdity (the "**Statutory Absurdity**").

121. If the RCMP is legally permitted to abdicate its overarching search obligations beneath the guise 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. A requestor cannot correct that which the paramount custodian outright refuses to locate.

122. 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 RCMP's restrictive interpretation, an individual maliciously targeted by the 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 taint constitutes an ongoing, egregious violation of fundamental justice.

123. 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*, an interpretation must be adopted so that the provision may have effect rather than fail). The RCMP cannot strategically interpret section 12(1) (access) in a manner that entirely nullifies section 12(2) (correction).

124. **Nota Bene:** 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*. 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 RCMP, functioning as the supreme technological custodian, remains the sole entity legally and technically capable of executing the statutory mandate commanded by subsection 12(2).

Volume #4(E)(I): The Paramountcy of the Initial Search and the "Meaningful Exercise" of Subsection 12(2)

125. It is a foundational legal axiom that the invocation of the remedial correction rights enshrined within subsection 12(2) of the *Privacy Act* is strictly predicated upon the antecedent execution of a comprehensive search. Stated with stark precision: the realization of statutory rights initiates exclusively with a search. By refusing to proactively interrogate the Foundational Metadata and the Offline Historical Database—repositories over which

the RCMP exercises absolute constructive possession—the RCMP Tribunal entirely and structurally paralyzes the Applicant's capacity to exercise his statutory entitlements.

126. In *Canada (Information Commissioner) v. Canada (Minister of Citizenship and Immigration)*, 2002 FCA 270 (CanLII), 2003 1 FC 219 (the "**Information Commissioner Decision**"), the Federal Court of Appeal conclusively established the parameters safeguarding the effective operation of subsection 12(2). The appellate court ruled that the excessive severance or redaction of records, which renders the resulting disclosure incomprehensible, fundamentally undermines the "meaningful exercise" of the correction rights granted under subsection 12(2) (at para 10).

127. Applying the deductive logic of the *Information Commissioner Decision a fortiori* to the present factual matrix: if the provision of severely redacted information illegally frustrates the meaningful exercise of subsection 12(2), then the **Respondent**'s outright, institutional refusal to even conduct a preliminary search constitutes an absolute evisceration of those identical rights *ab initio*.

Volume #4(E)(II): The Competing Interests and the Disclosure of Authorizing Identities (Paragraphs 3(g) and 3(i))

128. A central determination in the *Information Commissioner Decision* was the resolution of competing statutory interests concerning the disclosure of third-party identities under paragraphs 3(g) and 3(i) of the *Privacy Act*. The Federal Court of Appeal explicitly ruled that a requester's significant private interest in clearing their name in the public domain invariably supersedes a third party's minimal interest in anonymity (at paras 31 and 33). Fairness in administrative inquiries dictates that adverse actions or unfavourable views cannot remain secret and strictly unchallengeable (at para 34).

129. The Applicant herein maintains a profound, legally cognizable interest in clearing his name across the national law enforcement infrastructure, an objective partially realized but requiring further unmitigated disclosure. The singular avenue to definitively establish the falsity of the CPIC data requires the disclosure of the specific authorizing entities—namely, the issuing judicial officers—embedded within the WANT record.

130. Pursuant to the *Information Commissioner Decision*, the names of the authorizing or issuing jurists fall squarely within the purview of paragraph 3(i) of the *Privacy Act* (the name of an individual where it appears with other personal information relating to the individual, or where the disclosure of the name itself would reveal information about the individual).

131. Crucially, this disclosure imperative strictly encompasses the name of the ostensibly fictitious Justice of the Peace, "George Jiri," irrespective of the fact that said individual did not physically execute the data upload. The identities of the actors (real or fabricated) authorizing the state's action against the Applicant constitute "views or opinions about the individual" under paragraph 3(g) and are thus inextricably embedded within the Applicant's own Personal Information.

132. **Nota Bene:** The **Respondent** is pre-emptively estopped from asserting that a refusal to search is justified to protect the privacy interests of the municipal officers or jurists named within the CPIC warrant metadata. As the Federal Court of Appeal unequivocally held, a generalized "chilling effect" or a promise of confidentiality cannot override the statutory duty to disclose, particularly when the requester seeks to challenge fundamentally flawed or unchallengeable state actions (at paras 11-12, 34).

133. Finally, given the high probability that the False Information Package was disseminated to ancillary government institutions—potentially both domestic and foreign—the Applicant possesses an unassailable statutory right to ascertain the precise nature of the uploaded data. This knowledge is an absolute requisite to compelling the downstream notifications mandated by clause 12(2)(c). The RCMP Tribunal's refusal to search acts as a deliberate blockade, shielding downstream consumers of fabricated intelligence from statutory correction.

VOLUME #4(F): THE OPERATIONAL EXCLUSIVITY OF "OFF-LINE SEARCHES" AND THE REDUCTIO AD ABSURDUM OF DELEGATED CONTROL

134. It is a matter of established administrative record and judicial notice that municipal and provincial law enforcement apparatuses are strictly precluded from independently executing "off-line searches" within the CPIC

infrastructure. This systemic limitation was explicitly chronicled by the Information and Privacy Commissioner of Ontario in *Halton Regional Police Services Board (Re)*, 2024 CanLII 67092 (ON IPC), relying upon the foundational analysis articulated within *Order MO-1446*.

135. As delineated within *Order MO-1446*, while ancillary police departments may possess terminal access for standard queries, an "off-line search"—a forensic mechanism utilized to process and extract deep-archive computer records—mandates the explicit submission of a formal request to the RCMP. It is only subsequent to the RCMP's unilateral approval and physical execution of said search that the generated results are formally transmitted to the requesting agency.

136. Crucially, the adjudicator determined that the extracted search results crystallize into a record within the custody and control of the municipal police department *strictly upon their receipt* of the finalized data from the federal repository.

137. Utilizing an advanced legal syllogism, this operational architecture yields an incontrovertible conclusion: if municipal police forces are themselves entirely reliant upon the RCMP to physically access and extract data from the Offline Historical Database, then the RCMP inherently possesses absolute, unassailable custody and control over the foundational archival intelligence. To countenance the **Respondent**'s prevailing posture—that the Applicant is legally barred from requisitioning his own Personal Information directly from the RCMP because said data ostensibly "belongs" to external police forces—engineers a profound *reductio ad absurdum*. It is a legal impossibility for an external police force to "own" or exercise paramount control over a historical dataset to which they lack direct, independent access.

138. **Nota Bene:** Consequently, the RCMP remains the singular, inescapable statutory custodian capable of discharging the search and production obligations mandated by the *Privacy Act* and *Rule 317*. Any assertion by the **Respondent** that the Applicant must uniquely pursue municipal agencies to secure off-line CPIC logs is a deceptive administrative deflection, entirely devoid of operational reality and legal merit.

VOLUME #4(G): THE JURISPRUDENCE OF "CONTROL": THE RIGHT OF DEMAND AND THE PURPOSIVE INTERPRETATION OF ACCESS LEGISLATION

Volume #4(G)(I): The Broad, Liberal, and Purposive Interpretation of Control

139. The jurisprudential conception of "control" under federal access to information legislation commands a remarkably broad, liberal, and purposive interpretation, strictly divorced from archaic notions of physical property or immediate custody.

140. In *Canada Post Corp. v. Canada (Minister of Public Works)*, 1995 CanLII 3574 (FCA) (the "**Canada Post Decision**"), the Federal Court of Appeal definitively rejected restrictive, proprietary constraints upon the statutory definition of control. Articulating the binding precedent on behalf of the appellate court, Létourneau J.A. held at page 245:

> "The notion of control referred to in the Act is left undefined and unlimited. Parliament did not see fit to distinguish between ultimate and immediate, full and partial, transient and lasting, or 'de jure' and 'de facto' control. Had Parliament intended to qualify and restrict the notion of control to the power to dispose of the information, as suggested by the appellant, it could certainly have done so by limiting the citizen's right of access only to those documents that the government can dispose of or which are under the lasting or ultimate control of the government."

Volume #4(G)(II): The Binding Precedent of Hale v. Ontario (Criminal Code Review Board)

141. This expansive interpretive doctrine formulated by the Federal Court of Appeal was explicitly adopted and fortified by the Court of Appeal for Ontario in *Ontario (Criminal Code Review Board) v. Hale*, 1999 CanLII 3805 (ON CA) (the "**Hale Decision**").

142. The *Hale Decision* concerned a highly analogous statutory access request. The requesters sought access to backup audio tapes created and physically retained by a court reporter. Crucially, the court reporter was not an employee, but an independent contractor engaged on a fee-for-service basis by the Ontario Criminal Code Review

Board (the "**Review Board**"). The Review Board and the court reporter formally resisted production, vehemently arguing that the backup tapes were created strictly as a personal *aide-mémoire* for the reporter, remained within the exclusive physical custody of the contractor, and were therefore not under the "control" of the Review Board.

143. The Court of Appeal for Ontario fundamentally rejected this evasion. Justice O'Connor, writing for the unanimous court, ruled that control is not contingent upon immediate physical possession or strict ownership. Rather, because the Review Board operated under a statutory mandate to keep an accurate record of its proceedings, it inherently possessed the *right to demand* access to the independent contractor's backup tapes to verify accuracy. The appellate court unequivocally held that the institutional legal right to make a future demand for the records satisfies the statutory threshold of "control," thereby compelling production.

Volume #4(G)(III): Application to the Present Factual Matrix: Offline Historical Data and Amended, Purged Records

144. Applying the binding jurisprudential logic of both the *Canada Post Decision* and the *Hale Decision a fortiori* to the present factual matrix yields an unassailable legal conclusion. The Applicant herein seeks access to off-line historical data, encompassing the original iterations of the inputted CPIC intelligence, alongside any subsequent unauthorized amendments, systemic purging, or operational alterations executed upon the WANT record.

145. If an administrative tribunal (such as the Review Board) is deemed by an appellate court to exercise absolute control over the independently created and personally housed backup tapes of an arm's-length private contractor—predicated exclusively upon the tribunal's right to demand those records for verification—the conclusion regarding the RCMP is infinitely stronger.

146. The RCMP is not interacting with an arm's-length contractor; it is the sovereign administrator of its own technological infrastructure. The offline historical metadata resides within the RCMP's own proprietary server arrays. The RCMP possesses the supreme, unmitigated statutory and administrative *right to demand*, extract, and audit the historical and purged data matrices generated within its own systems.

147. **Nota Bene:** Should the **Respondent** attempt to artificially distinguish between active terminal data "belonging" to local police and offline historical data, such a distinction is a jurisprudential nullity. The RCMP's unquestionable authority to demand and extract the offline historical data establishes immediate, incontrovertible control. To suggest that the paramount federal law enforcement agency lacks control over the historical audit logs generated entirely within its own sovereign database is a legal absurdity that offends the liberal and purposive interpretative mandate established by the Federal Court of Appeal.

VOLUME #4(H): THE JURISPRUDENTIAL SIGNIFICANCE OF THE UNSOLICITED INQUIRY INTO SPECIALIZED POLICING SERVICES AND THE INVOLUNTARY INSTITUTIONAL ADMISSION OF CENTRALIZED SYSTEMIC MANIPULATION

Volume #4(H)(I): The Inference and the "Data Trigger"

148. The explicit and unsolicited inclusion of the Specialized Policing Services (the "**SPS**") within the formal decision letter executed by the **Respondent**—specifically, via Mr. Jeff Ball—notwithstanding the absolute absence of any such request by the Applicant, precipitates a jurisprudential inference of monumental proportion. This unsolicited inclusion functions as an involuntary institutional admission that the Applicant's dossier migrated entirely beyond the jurisdictional boundaries of standard divisional detachments, becoming inextricably embedded within the RCMP's paramount national operational and technological command.

149. Pursuant to the strict operational strictures governing the *Privacy Act*, an Access to Information and Privacy (the "**ATIP**") directorate is strictly prohibited from executing arbitrary or exploratory searches within branches fundamentally disconnected from the parameters of a specific request. The federal ATIP apparatus exclusively interrogates specific Personal Information Banks (the "**PIBs**") when an initial intake assessment or an automated algorithmic database query affirmatively flags the existence of records within that distinct repository.

150. Consequently, the explicit institutional declaration that an SPS search was effectuated unambiguously exposes the **Respondent**'s internal evidentiary trail. It constitutes an irrefutable "Data Trigger": upon querying the Applicant's initial identifiers, the centralized mainframe did not merely isolate a routine, localized police occurrence. Rather, the systemic query unequivocally triggered a definitive hit tethered directly to an elite program or high-level database administered under the sovereign, national umbrella of the SPS

Volume #4(H)(II): The Proverbial "Pandora's Box" and the MESCIUS / GrapeCity SDK Software Connection

151. The jurisprudential ramifications of this involuntary institutional admission operate akin to the opening of a proverbial Pandora's Box, fundamentally fortifying and entirely legitimizing the Applicant's parallel requests instituted under the *Access to Information Act* concerning the deployment and unauthorized manipulation of MESCIUS and GrapeCity SDK software architectures.

152. As meticulously chronicled within the RCMP National System Architecture and Specialized Operational Support Manuals, the SPS is precisely the paramount federal directorate entrusted with the ownership, administration, and architectural construction of the RCMP's centralized, high-technology infrastructure. This sprawling mandate explicitly encompasses the CPIC mainframe itself, the Canadian Firearms Program, and the National Cybercrime Coordination center (the "**NC3**").

153. Therefore, the ATIP directorate was compelled to search the SPS for a singular, inescapable administrative reason: the SPS serves as the exclusive federal locus where the server-side document compilation logs and the forensic metadata manipulation sequence trails physically and electronically reside

Volume #4(H)(III): The Statutory Validation via the Treasury Board of Canada

154. This operational reality is further cemented by the Treasury Board of Canada's official Info Source publication, which formally registers and delineates the legal parameters of PIB RCMP PPU 005.This registration operates as the definitive, unassailable legal proof that the Offline Historical Database is inextricably bound to the federal statutory jurisdiction exercised by the SPS, rendering any overarching claim of "third-party ownership" over these specific architectural logs a strictly *ultra vires* proposition

155. Relying upon the foundational evidentiary maxim *habemus optimum testem, confitentem reum* (we have the best witness, a confessing defendant), the **Respondent**'s own unsolicited admission that it searched the SPS stands as the highest form of evidentiary proof that the federal apparatus was actively engaged in the architectural processing of the Applicant's data.

156. **Nota Bene:** Should the **Respondent** attempt to mitigate this admission by characterizing the unsolicited SPS search as a mere "routine administrative courtesy" or an over-inclusive clerical error, such an argument must be summarily dismissed *in limine* as an absolute nullity. The federal ATIP apparatus operates within a perpetual state of resource scarcity; it inherently does not expend computational or administrative capital to execute exhaustive forensic searches within the nation's most secure cyber-directorate absent a definitive, algorithmically generated directive necessitating that specific jurisdictional inquiry.

Volume #4(H)(IV): The Indispensable Role of Regional Communications as Cross-Jurisdictional Intermediaries and the Implication of Mr. Matt Peggs

157. Furthermore, the operational architecture of the SPS heavily implicates the substantive involvement of the Regional Communications (the "**Regional COM**") apparatus and specialized operational managers, specifically including Mr. Matt Peggs.

158. Within the highly stratified command structures of the RCMP's National Capital Region and allied specialized frameworks, Regional COM operates as the vital intermediary bridging localized municipal operations (such as the TPS or Peel Regional Police) and the paramount federal mainframe. When an investigative dossier manifests a profound jurisdictional paradox—such as the irreconcilable geographic conflict observed herein between the Toronto Courthouse and the fabricated authority of Brampton-based Justice of the Peace "George

Jiri"—routine frontline detachment channels are inherently bypassed. Such complex, multi-jurisdictional matters are statutorily escalated and routed directly through specialized Regional Command elements.

159. Because the SPS houses the Covert Operations, Cyber, and Protective Policing units any coordination of multi-jurisdictional information packages, covert data intercepts, or specialized tracking records executed by regional managers such as Mr. Peggs would automatically and inescapably be catalogued within the Specialized Investigative and Support Services repositories

Volume #4(H)(V): The Crystallization of the Rule 317 Mandate Regarding Regional Communication Logs

160. By explicitly admitting to the execution of a search within the SPS, the **Respondent** has crystallized the exact jurisdictional authority required for the Applicant to mandate the compulsory production of the comprehensive communication logs of Mr. Matt Peggs pursuant to *Rule 317*.

161. The **Respondent** is now strictly estopped from advancing the specious defense that the Regional COM office, or the communications of its managers, resides "outside the scope" of the proceeding. By formally placing the entirety of the SPS operational branch into the administrative record of its decision, the **Respondent** has voluntarily subjected the operational metadata generated by its regional managers to the transparency mechanisms of the *Federal Courts Rules*.

Volume #4(H)(VI): The Evidentiary "Smoking Gun" and the Absurdity of the Delegated Deflection

162. This explicit reference to the SPS functions as an evidentiary "Smoking Gun"—an incontrovertible admission against interest. It validates, with absolute administrative certainty, that the Applicant's Personal Information triggered elite operational files, confirming the mobilization of national cyber-infrastructure rather than mere localized municipal records

163. Finally, this admission exposes a fatal, irreconcilable administrative contradiction within the RCMP's prevailing posture. It highlights the profound legal absurdity of the ATIP Director formally advising the Applicant to blindly pursue records from a "municipal police force" while his own correspondence concurrently admits that the RCMP was internally compelled to interrogate its most elite, national Specialized Operational Support and Cyber branches to process the dossier

164. The **Respondent**'s attempt to obfuscate this admission beneath the guise of a "routine thorough search." The state is legally prohibited from simultaneously asserting that a file is a mundane municipal matter while actively deploying its highest echelon of federal cyber-infrastructure to interrogate it. The **Respondent** is bound by the contradiction within its own administrative template.

VOLUME #5: CONCLUSION

I. THE TACTICAL AVOIDANCE OF PARAGRAPH 22(1)(A) AND THE UNMET BURDEN UNDER PARAGRAPH 22(1)(B)

165. The deliberate non-reliance by the **Respondent** upon *paragraph 22(1)(a)* of the *Privacy Act* represents a fatal strategic and legal error. Had the **Respondent** relied upon *paragraph 22(1)(a)* of the *Privacy Act*, it would have been inextricably compelled to demonstrate that the personal information was obtained or prepared by a specified investigative body in the course of a lawful investigation.

166. Instead, by retreating to the generalized, harm-based exemption articulated within *paragraph 22(1)(b)* of the *Privacy Act*, the **Respondent** must satisfy a rigorous and elevated evidentiary threshold. It must substantiate, with compelling exactitude, that disclosure "could reasonably be expected to be injurious to the enforcement of any law of Canada... or the conduct of lawful investigations." The established jurisprudence of this Honourable Court emphatically dictates that "injury" under *paragraph 22(1)(b)* of the *Privacy Act* cannot be established by

mere speculation, boilerplate assertions, or administrative trepidation. The **Respondent** has effectively cornered itself: it has invoked an exemption necessitating clear, convincing, and objective evidence of harm to state operations, an evidentiary burden it is fundamentally incapable of discharging in relation to historical system transaction logs (the "**System Transaction Logs**") and metadata.

II. THE HIGH THRESHOLD OF "INJURY TO THE ENFORCEMENT OF LAW" AND THE RULE OF LAW

167. Far from inflicting injury upon the administration of justice, the disclosure of the requested foundational metadata (the "**Foundational Metadata**"), the aforementioned System Transaction Logs, and the offline historical data residing within the Canadian Police Information Centre (the "**Canadian Police Information Centre**") is absolutely indispensable to the preservation of the rule of law.

168. It is precisely the non-disclosure, withholding, or retroactive purging of audit trails and system metadata that profoundly threatens the integrity of both the *Privacy Act* and the *Criminal Code*. System logs operate as the primary and incorruptible mechanism by which state accountability and data integrity are forensically verified.

169. *Paragraph 22(1)(b)* of the *Privacy Act* cannot be improperly weaponized as an impenetrable shield to preclude the discovery of administrative malfeasance, unlawful data retention, or procedural non-compliance. The "injury" contemplated by Parliament is exclusively an injury to lawful law enforcement operations, not the exposure of systemic administrative deviations, fraudulent record manipulations, or the intentional evasion of statutory purging requirements.

III. THE TEMPORAL CEILING OF INVESTIGATIVE EXEMPTIONS AND THE IMPACT OF R. V. JORDAN

170. Records maintained within the Canadian Police Information Centre are fundamentally transactional in their legal character; they memorialize the administrative execution of legal process (for instance, the lodging, modification, or cancellation of a warrant). Once a legal process is completed, executed, or rendered legally defunct, it immediately loses any active investigative character.

171. In the present matter, the underlying proceedings are unequivocally stale-dated, having comfortably and substantially exceeded the presumptive constitutional ceilings promulgated in *R. v. Jordan, [2016] 1 S.C.R. 631*. Where an investigation is legally deceased, irrevocably inactive, or barred from prosecution by the constitutional effluxion of time, the **Respondent** cannot legitimately posit that the disclosure of transactional metadata relates to an active or ongoing investigation.

172. Furthermore, the disclosure of metadata pertaining to a concluded or non-existent matter cannot logically precipitate "injury" to an investigative process that lacks legal vitality. As famously articulated by Lord Denning in *MacFoy v. United Africa Co. Ltd., [1961] 3 All E.R. 1169 (P.C.)*, an act that is void is an absolute nullity; one cannot put something on nothing and expect it to stand, for something on nothing remains nothing.

173. To the extent that it could ever be suggested a valid criminal proceeding existed (namely, a properly constructed arrest warrant, even one ostensibly issued orally), there was not, at law, a valid criminal prosecution (the "**Criminal Prosecution**"). The factual reality that numerous hearings were attended, culminating in an order dismissing the frivolous and meritless charge predicated upon a non-informant within a fabricated information package (the "**False Information Package**"), is indisputable. However, as a matter of strict legal classification, the entire apparatus was void *ab initio* from the precise temporal moment the False Information Package was filed. The contravention of strict statutory dictates mandates that such actions be classified as an absolute nullity rather than a mere procedural irregularity.

IV. THE FALLACY OF INFORMANT PRIVILEGE IN RELATION TO PUBLIC COURT RECORDS AND METADATA

174. The **Respondent** endeavours to improperly conflate the identity of a confidential informant—who is traditionally safeguarded by the near-absolute evidentiary shield of informer privilege—with the identity of a

complainant or a swearing officer executing a form 2 information (the "**Form 2 Information**") pursuant to the *Criminal Code*. This constitutes a profound and fatal legal error.

175. Firstly, upon the issuance of legal process or the execution of an arrest, a Form 2 Information is instantaneously transmuted into a public court record. The identity of the informant contained therein is rendered unequivocally public as an inextricable function of constitutional open court principles.

176. Secondly, the specific metadata requested—encompassing originating agency identifier codes (the "**Originating Agency Identifier**"), issuing court locations, judicial officer identities, and system identification numbers (the "**System Identification Numbers**")—contains absolutely no identifying information concerning legitimately confidential informants.

177. The **Respondent**'s strategic contortion of *paragraph 22(1)(b)(ii)* of the *Privacy Act* to encompass non-identifying, ministerial court metadata represents an impermissible and *ultra vires* expansion of the confidential source exemption, a proposition that is wholly unsupported by the statutory text or established common law principles.

V. ULTRA VIRES CONDUCT, FRAUDULENT MANIPULATION, AND THE LIMITS OF "LAWFUL INVESTIGATIONS"

178. The doctrine of the indivisibility of the Crown, as elucidated in *Benedict v. Ontario (2000), 51 O.R. (3d) 147 (C.A.)*, dictates that the state cannot act in a fractured or divided capacity. The state is legally precluded from claiming the benefits of statutory protections while its agents simultaneously act in direct, deliberate contravention of the law.

179. The existence of a "lawful investigation" operates as a strict, unyielding condition precedent to the application of any exemption enumerated under *subsection 22(1)* of the *Privacy Act*. State action that is birthed from bad faith, systemic fraud, or the deliberate, calculated manipulation of institutional records is *ultra vires* and void *ab initio*.

180. Just as criminal misconduct perpetrated by an individual officer operating under the colour of authority can never be shielded under the guise of "law enforcement and investigation," institutional acts of record manipulation or the compilation of a False Information Package cannot, under any legal fiction, be characterized as a "lawful investigation."

181. To hold otherwise would establish a perilous precedent, permitting the state to invoke statutory privacy exemptions to conceal its own unlawful conduct—a consequence that is profoundly offensive to the principles of fundamental justice, equitable doctrines, and the explicit statutory architecture of the *Privacy Act*.

VI. THE JURISDICTIONAL LEGERDEMAIN: SECTION 19(1)(D) AND THE CENTRAL REGION METAMORPHOSIS

182. In a manifest attempt to orchestrate a sophisticated statutory evasion, the **Respondent** has invoked *paragraph 19(1)(d)* of the *Privacy Act*, alleging that the foundational records constitute personal information obtained in confidence from the government of a province or an institution thereof. This invocation is a jurisprudential sleight-of-hand designed to obfuscate the internal structural metamorphosis of the Royal Canadian Mounted Police.

183. It is a matter of administrative record that the federal entity formerly designated as "O" Division has been systematically restructured into an integrated, multi-jurisdictional intelligence hub now operating as central region command (the "**Central Region**"). The invocation of *paragraph 19(1)(d)* of the *Privacy Act* is predicated upon a deliberate mischaracterization: treating the highly integrated Central Region infrastructure—which is fundamentally federal in its apex control—as an independent "provincial institution" merely because it synergizes with municipal or provincial entities.

184. The refusal to disclose the Originating Agency Identifier, the issuing court level, and the identity of the presiding judicial officer is not animated by a genuine desire to protect intergovernmental confidences. Rather, it is a calculated manoeuvre to prevent the forensic tracing of the data directly back to the executive suites of the Central Region, specifically the purview of the regional commander (the "**Regional Commander**").

185. The evidentiary record strongly supports the inference that the Regional Commander, acting as the multi-jurisdictional intermediary, ingested unverified data and uploaded it directly into the federal mainframe under police case identification number 457197 (the "**Police Case Identification Number**"). It is submitted that the immense institutional weight of the Regional Commander was utilized to bypass standard judicial scrutiny, allowing an irregular and fundamentally flawed authorization to be accepted on its face by the issuing justice.

186. *Nota Bene*: The **Respondent** may counter that the Central Region, by virtue of its joint-forces operations, functions *de facto* as a provincial entity for the purposes of *paragraph 19(1)(d)* of the *Privacy Act*. This argument is entirely devoid of merit and offends the doctrine of federal paramountcy. The Canadian Police Information Centre is a sovereign federal mainframe. The indivisibility of the Crown strictly precludes a federal institution from bifurcating its own hybrid command structure to artificially generate a "third-party" provincial shield where none exists at law. The data residing under the Police Case Identification Number is exclusively within the constructive possession and paramount control of the federal **Respondent**.

187. This structural obfuscation perfectly elucidates why the front-facing municipal police service was entirely incapable of producing a physical arrest warrant during the period of detention. The municipal constabulary was acting merely as the operational appendage for a data file generated, maintained, and entirely controlled within the Central Region infrastructure of the **Respondent**. The concealment of this reality through the misapplication of *paragraph 19(1)(d)* of the *Privacy Act* is *ultra vires* the **Respondent**'s statutory authority.

VII. THE APPLICATION OF EQUITABLE MAXIMS: FRAUD UPON THE LAW AND THE VITIATION OF ADMINISTRATIVE ACTS

188. The deliberate withholding of exculpatory system metadata and the invocation of inapplicable statutory exemptions must be scrutinized through the lens of established equitable maxims. As extensively catalogued in Herbert Broom's seminal treatise, *A Selection of Legal Maxims*, the foundational premise remains resolute: fraud is proved when it is demonstrated that a false representation has been made knowingly, without belief in its truth, or recklessly, careless as to whether it be true or false.

189. Where systemic administrative operations are executed with reckless disregard for statutory prerequisites, producing a False Information Package that results in unlawful deprivation of liberty, an honest belief in the truth of the state's actions is nullified. The motive of the state actor guilty of such reckless promulgation is rendered legally immaterial.

190. Furthermore, the equitable principle of fraudulent concealment forcefully applies to toll any procedural barriers. It has long been an axiom of equity that no length of time is a bar to relief in cases of fraud where there has been no laches on the part of the defrauded party. The maxim *nemo ex suo delicto meliorem suam conditionem facere potest* (no man can improve his condition by his own wrong) strictly precludes the **Respondent** from utilizing its own obfuscatory tactics—namely, hiding the Originating Agency Identifier and the Police Case Identification Number—to prevent the discovery of the underlying nullity.

191. The execution of legal process is bound by strict jealousy, designed to protect against fraud, collusion, and the resulting disgrace to the Crown and the administration of justice. The rule *necessitas quod cogit defendit* (necessity defends what it compels) cannot be invoked by the state when the "necessity" was entirely manufactured by its own creation of a False Information Package.

192. If an individual or an institutional entity, acting under colour of right or the colour of law, executes an illegal act or abuses the process of the court, transforming it into an instrument of oppression or extortion, such conduct constitutes a fraud upon the law. Consequently, the **Respondent** is strictly barred from availing itself of its own illegal acts.

193. It is an unassailable tenet of jurisprudence that fraud vitiates everything it touches (*fraud no doubt vitiates everything*). Where an administrative act or judicial authorization is procured through the reckless or intentional submission of a False Information Package, the resulting instrument is not merely tainted by irregularity; it is an absolute nullity, void *ab initio*, rendering the parties subject to the equitable restoration of the *status quo ante*.

194. The primary function of litigation, and indeed of the administrative tribunal process, is the untrammelled search for truth. Properly interpreted, privacy legislation is designed to promote, rather than hinder, that truth-seeking function. By deliberately refusing to execute a compliant search and by shielding the executive

machinations of the Central Region, the **Respondent** continues to perpetuate a fraud upon the tribunals, upon the law, and upon the administration of justice *in limine*.

VIII. THE FIDUCIARY DUTY OF DISCLOSURE AND THE EQUITABLE INTEREST IN PERSONAL INFORMATION: THE APPLICATION OF MCINERNEY V. MACDONALD

195. The jurisprudence articulated by the Supreme Court of Canada in *McInerney v. MacDonald, [1992] 2 S.C.R. 138* governs the incontrovertible right of an individual to access personal information held by an institutional repository. The apex Court definitively ruled that information regarding oneself, revealed to or compiled by an institution acting in a professional capacity, remains, in a fundamental and immutable sense, the property of the individual.

196. While the **Respondent** may claim structural ownership of the physical and digital architecture comprising the Canadian Police Information Centre, it must be legally emphasized that the **Respondent** acts merely as a custodian of the personal information residing therein. The Supreme Court of Canada categorically established that the subject of the records possesses a trust-like beneficial interest (the "**Beneficial Interest**") in the substantive information itself. This equitable interest mandates that, as an unyielding general rule, the individual possesses a paramount right of access to the information, thereby imposing a corresponding obligation upon the institutional custodian to effectuate its immediate provision.

197. The relationship between the state as the repository of sensitive personal data and the individual to whom that data pertains is inextricably imbued with fiduciary obligations. A fiduciary duty (the "**Fiduciary Duty**") inherently demands that the institutional actor conduct itself with the utmost good faith, loyalty, and transparency. To deny an individual access to their own Foundational Metadata and System Transaction Logs constitutes a profound breach of this Fiduciary Duty, effectively utilizing the confidentiality mechanisms designed to protect the individual as a clandestine shield to facilitate improper institutional conduct.

198. Furthermore, the principles of equity demand a strict reciprocity of information. The necessity for state institutions to compile sensitive, highly private data concerning an individual must be counterbalanced by a corresponding openness and full disclosure to that selfsame individual. As noted in *McInerney v. MacDonald, [1992] 2 S.C.R. 138*, the systematic withholding of records profoundly undermines the structural integrity of the administrative system. If there has been improper conduct in the compilation or maintenance of the records—such as the reckless promulgation of a False Information Package—it is an imperative of justice that such deviations be illuminated rather than sequestered under the guise of an arbitrary statutory exemption.

199. Given the profound disparity in the evidentiary capacities of the parties, the Supreme Court of Canada explicitly mandated that the burden of proof rests entirely and exclusively upon the entity withholding the information. The onus falls squarely upon the **Respondent** to definitively justify any exception to the general rule of access. Such a denial cannot be predicated upon mere speculative administrative inconvenience or the abstract fear of subsequent litigation; it requires the demonstration of a significant likelihood of a substantial adverse effect, a threshold the **Respondent** has conspicuously failed to meet.

200. The **Respondent** possesses no unfettered discretion to arbitrarily deny access to the Originating Agency Identifier or the Police Case Identification Number. Such administrative discretion is heavily circumscribed and must be exercised upon proper equitable principles. Where the **Respondent** refuses a legitimate request for access, this Honourable Court is fundamentally empowered to exercise its superintending equitable jurisdiction, acting *in personam* to ensure the **Respondent** adheres strictly to its standard of conduct and is restrained from acting in a manner inconsistent with the applicant's Beneficial Interest.

201. Ultimately, the deliberate obfuscation of the System Transaction Logs to insulate the machinations of the Central Region and the Regional Commander is diametrically opposed to the fiducial qualities required of a state repository. Where systemic fraud upon the law is alleged, the principles enshrined in *McInerney v. MacDonald, [1992] 2 S.C.R. 138* forcefully compel the immediate unsealing and production of the underlying records, affirming the paramountcy of truth-seeking over the tactical evasion of institutional accountability.

202. But it all comes back to the same issue that the **Respondent** RCMP Tribunal admitted it did not search because of its misguided understanding of the law, as scary as it is, that the *Privacy Act* does not authorize the RCMP to search files OR disclose information belongings to other police forces.

203. The RCMP Tribunal did not rely on section 18 of the *Privacy Act* so none of the Personal Information sought by the Applicant in a PIB was exempt from searching. Moreover, the RCMP Tribunal did not rely on ss. 22(1)(a) at all or even 22(1)(a)(ii) which is required in relation for reliance on an exempt bank. This was and is fatal to the RCMP Tribunal with respect to its decision that it could not search for "files".

204. In relation to any and all Personal Information sought by the Applicant that was highly particularized as statutorily required (see: ss. 12(1)(b): under the control of a government institution with respect to which the individual is able to provide sufficiently specific information on the location of the information as to render it reasonably retrievable by the government institution), the RCMP Tribunal failed to search the CPIC database, as it admitted, for Foundational Metadata and Offline Historical Database in relation to the Applicant's Personal Information. The attached document to the April 27, 2026, decision or disposition of the Tribunal (RCMP), was not even within the spectrum of what would be produced in disclosing Foundational Metadata (i.e. the ORI; the issuing court level; the issuing court location; the name of the judicial officer; and the SID) and/or the Offline Historical Database for amended or purged originally input data including the likes of CLEAR, CANCEL, ADD, MODIFY et al type functions in relation to the Applicant's Personal Information. It is trite that metadata is information that can be Personal Information in relation to an individual.

205. The legal test for the transmission of materials pursuant to *Rule 317* of the *Federal Courts Rules* has been comprehensively and irrefutably satisfied. The requested material was demonstrably available to the administrative tribunal in question (see: *subsection 2(1)* of the *Federal Courts Act*) at the time but nonetheless it is in its possession at the time of this Rule 317 request:

   a. Relevant to the core issues on judicial review, specifically the abject failure of the **Respondent** to execute a reasonable, legally compliant search;
   b. In the possession (whether actual, constructive, or joint) of the **Respondent**, acting in its capacity as the paramount administrator of the Canadian Police Information Centre; and
   c. Not in the possession of the applicant.

206. As the Applicant did not include a specified request such as this in his Notice Of Application ("NOA") it is included hereunder pursuant to Rule 317(3) of the *Federal Courts Rules*.

All of which is respectfully requested by Mr. Kevin A. McLean (BA, JD, CIM)

DATED at Toronto, Ontario, this 18th day of May, 2026.

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APPENDIX #1

Rule 317 of the Federal Courts Rules

317 (1) A party may request anything that is relevant to the application that is in the possession of a federal board, commission or other tribunal whose order is the subject of the application and that was not when the application was made in the possession of the party.

(2) The request shall be in Form 317.

(3) The request shall be served on the tribunal and on all other parties.

(4) A request under subsection (1) may be made at any time, but if it is made after the applicant has served its record under rule 309, the request may only be made with leave of the Court.

Rule 318 of the Federal Courts Rules

318 (1) Within 20 days after being served with a request under rule 317, the tribunal shall transmit (a) the original or a certified copy of the requested material to the registry, and (b) a copy of the material to the party who requested it or a written notification that the material is not in the possession of the tribunal.

(2) Where the tribunal or a party objects to a request under rule 317, the tribunal or party shall, within 20 days after being served with the request, serve on all other parties and file a written objection stating the grounds for the objection.

(3) The Court may, on motion, examine the material and order that the material, or a portion of it, be transmitted to the registry or returned to the tribunal.

The formal transformation of the RCMP's "O" Division into the **Federal Policing Central Region** was implemented between late **2023** and **2024**. [1, 2]

Timeline Breakdown:

- **Phase 1 (2022–2023):** The RCMP initiated a broader Federal Policing transformation plan. This included preliminary steps to decommission the old National Division and consolidate its units into Ontario's framework.
- **Phase 2 (October 2023):** Assistant Commissioner Matt Peggs was originally appointed as the Commanding Officer of "O" Division.
- **Phase 3 (2024):** As the organizational structure shifted away from traditional geographic divisions into specialized federal regions, "O" Division was officially rebranded as **Central Region**, with Peggs carrying over his leadership as the newly titled Regional Commander.

- Nothing past this line -

TAB 7

Tab A

FORM 359 Rule 359

Notice of Motion

219

Court File Number: T-2448-26

FEDERAL COURT

B E T W E E N:

KEVIN A. MCLEAN

Applicant

- and -

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

Respondents

Notice of Motion

TAKE NOTICE THAT the Applicant, Mr. Kevin A. McLean (BA, JD, CIM), will make a motion to the Federal Court under rule 369 of the *Federal Courts Rules* "Motions in writing", to be heard (in writing) and decided on **Wednesday, June 17, 2026 at 9:30 a.m.** or soon as thereafter.

THE MOTION IS FOR the following precise relief sought:

A. Procedural Relief

1. **Abridgment of Time:** An Order that any timelines required to be abridged are so abridged pursuant to Rule 8 of the *Federal Courts Rules*, on a *nunc pro tunc* basis where applicable;
2. **Dispensation of Compliance:** An Order varying or dispensing with strict compliance of any rule pursuant to Rule 55 of the *Federal Courts Rules*, on a *nunc pro tunc* basis where applicable;
3. **Deeming of Filing:** An Order deeming all documents submitted for filing on the day in which they were submitted to the Registry, pursuant to Rule 72.1 of the *Federal Courts Rules*;
4. **Dispensation of Proof of Service:** A Declaration and Order that the Applicant is not required to provide further proof of service upon the Respondents pursuant to Rule 73, granted *nunc pro tunc*, given the Respondents' failure to file a Notice of Appearance (Form 305).

B. Declaratory and Substantive Relief

5. **Declaration of Contravention:** A Declaration that the Royal Canadian Mounted Police (the "RCMP Tribunal") has contravened its mandatory statutory and procedural duties pursuant to Rule 318 of the *Federal Courts Rules*;
6. **Declaration of Disobedience:** A Declaration that the RCMP Tribunal has disobeyed a lawful process of this Honourable Court, acted in a manner that interferes with the orderly administration of justice, and impaired the authority and dignity of the Court;
7. **Mandatory Order for Compliance:** An Order compelling the RCMP Tribunal to fully comply with its duties pursuant to Rule 318 of the *Federal Courts Rules* by transmitting the complete Certified Tribunal Record to the Registry and the Applicant within twenty-four (24) hours of the issuance of this Order;
8. **Imposition of Conditions:** The imposition of such terms, conditions, and directions as this Honourable Court considers just to ensure immediate compliance, pursuant to Rule 53(1) of the *Federal Courts Rules*.

C. Leave Relating to Potential Contempt

9. **Leave for Contempt Proceedings:** An Order granting the Applicant leave to bring a motion for contempt against the RCMP Tribunal, and any specific persons facilitating the intentional breach of the orders herein, pursuant to Rule 50(1)(d) and Rules 466 and 467 of the *Federal Courts Rules*.

D. Cross-Jurisdictional Enforcement Relief

10. **Authorization for Enforcement:** An Order declaring that the Applicant is at liberty, authorized, and empowered to apply to any court, tribunal, regulatory, or administrative body, wherever located, for the recognition of this Order, and for assistance in carrying out its terms and the terms of any other order issued in these proceedings.

E. Costs and Residual Relief

11. **Costs:** Costs of this motion in favour of the Applicant on a full indemnity basis, to be assessed after this Honourable Court has rendered judgment herein;
12. **Residual Relief:** Such further and other orders of an equitable nature, predicated upon the Federal Court's equitable jurisdiction, that are fair, just, and necessary to restore the *status quo ante*.

THE GROUNDS FOR THE MOTION ARE:

A. Factual Grounds

1. The Applicant initiated this Application for Judicial Review on May 15, 2026, and it was accepted for filing on May 15, 2026 (the "Judicial Review Application", "Statutory Application" or "Application").
2. At its core, the **Judicial Review Application** concerns relief, *inter alia*, relating to the issues which are not subject to complaints under the Privacy Act:

a. Failure to search for the Personal Information records in a PIB and/or within the control of the Government Institution (RCMP); and

b. Failure of the RCMP Commissioner (Head of the Government Institution) to discharge his duty to consider ss. 8(2)(m) in relation to the worst fraudulent manipulation of Criminal Code documents or alike under the Ontario "Information Package" in the history of our country since confederation in 1867.

3. On May 19, 2026, the Applicant served a comprehensive, formalized written request upon the RCMP Tribunal pursuant to Rule 317 of the *Federal Courts Rules* (the "Rule 317 Request").
4. The Respondents failed or neglected to serve, file, with proof of service, within 10 days of service of the Applicant's Application or at all, Form 305 Notices of Appearance. As such, they are prohibited from receipt of notice of steps and service of documents in this Proceeding.
5. The Respondents have not sought leave relating to the same.
6. More than twenty (20) days have elapsed since the service of the **Rule 317 Request**.
7. The RCMP Tribunal has failed, neglected, and/or refused to transmit the **Certified Tribunal Record** to the Registry and the Applicant, in direct contravention of the mandatory language of Rule 318(1).
8. The Respondents have failed to serve and file a Notice of Appearance (Form 305) within the prescribed time, thereby forfeiting their right to notice of steps and service of documents in this proceeding.
9. The RCMP Tribunal has a variety of undischarged, outstanding, and unfulfilled obligations under the *Privacy Act* (namely the failure in its duty to search for the Personal Information records sought) and under Rule 318.
10. The Applicant relies on the adverse inference doctrine arising from the Respondents' silence, default, and deliberate obfuscation.

B. Legal and Statutory Grounds

8. **The General Principle:** The motion is brought in accordance with Rule 3 of the *Federal Courts Rules* to secure the just, most expeditious, and least expensive outcome of this proceeding, with due consideration given to the principle of proportionality, the complexity of the systemic issues involved, and the overriding public interest.
9. **Statutory Interpretation (*Interpretation Act*, RSC 1985, c I-21):** The Applicant relies upon the principles of textual, contextual, and purposive construction as codified in the *Interpretation Act*, including:
    a. **Section 10 ("Law Always Speaking"):** Statutes and regulations must be interpreted dynamically to accommodate evolving circumstances and technological realities without requiring constant legislative amendment.
    b. **Section 12 ("Enactments Deemed Remedial"):** Enactments shall be given such fair, large, and liberal construction and interpretation as best ensures the attainment of their objects.

   c. **Section 25 ("Documentary Evidence"):** Rebuttable presumptions regarding the admissibility and establishment of facts via documentary evidence, which stand uncontroverted due to the Respondents' default.

10. **Jurisdiction and Powers of the Federal Court (*Federal Courts Act*, RSC 1985, c F-7):** The RCMP constitutes a "federal board, commission or other tribunal" pursuant to section 2. The Court possesses concurrent original jurisdiction (ss. 17, 26), jurisdiction *in personam* (s. 43(1)), and the authority to grant extraordinary remedies, including interim orders (s. 18.2).
11. **Federal Courts Rules:** The Applicant relies upon Rules 2-8, 47, 50, 53, 55, 72.1, 73, 301, 305, 317-319, and Part 7 (Motions, specifically Rules 358-369).
12. The Applicant adopts the defined terms and relies upon the factual and legal grounds comprehensively detailed in the Notice of Application, the Rule 317 Request, and the Memorandum of Fact and Law filed in support of the Application.
13. Such further and other grounds as the Applicant may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The Applicant's Notice of Application, filed on May 15, 2026;
2. The Applicant's Rule 317 Request, served May 18, 2026, and filed May 19, 2026;
3. The Applicant's Proofs of Service (dated May 19, 2026) in relation to the Notice of Application and the Rule 317 Request;
4. The Applicant's Memorandum of Fact and Law for the Application, dated June 2, 2026;
5. The Applicant's Application Record, dated June 2, 2026, and updated on June 10, 2026;
6. The Applicant's Motion Record for this Notice of Motion, including the Memorandum of Fact and Law for the Motion along with Draft Order; and
7. Such further and other documents or material that may come into the possession of the Applicant or as this Honourable Court may permit.

June 10, 2026

Mr. Kevin A. McLean (BA, JD, CIM)
Applicant (Self-Represented or *Pro Se* and *Pro Bono Publico*)
68 Abell Street
Toronto, Ontario
M6J 0B1
Telephone:
Fax: 416.352.0055
Email: mclean@searchandseizure.ca

TO:

THE REGISTRAR
Federal Court of Canada
180 Queen Street West, Suite 200
Toronto, Ontario M5V 3L6

AND TO:

(Not Applicable for service as the Respondents have failed to serve and file a Notice of Appearance in Form 305, thereby forfeiting notice of steps and service requirements pursuant to the Federal Courts Rules)

Tab B

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 Databas**e 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*.

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).

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-CNP" 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.

Mr. Kevin A. McLean (BA, JD, CIM)
68 Abell Street
Toronto, Ontario
M6J 0B1
Fax: 416.352.0055
Email: mclean@searchandseizure.ca
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

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

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

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

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

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

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

[xix] See: page(s) in Motion Record as hyperlinked herein
[xx] See: page(s) in Motion Record as hyperlinked herein
[xxi]See: page(s) in Motion Record as hyperlinked herein
[xxii] See: page(s) in Motion Record as hyperlinked herein
[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

TAB 8

Federal Court Cour fédérale

180 Queen St. W, Suite 200
Toronto, Ontario
M5V 3L6

Via email

Applicant:

Kevin Alexander McLean
mclean@searchandseizure.ca

Respondent:

Nick Continelli / Jake Norris
Department of Justice, Ontario Regional Office
nick.continelli@justice.gc.ca / jake.norris@justice.gc.ca

June 24, 2026

RE: T-2448-26 - Kevin Alexander McLean v. Royal Canadian Mounted Police

Please find below the Direction issued Associate Judge Crinson dated June 24, 2026:

"The following documents have been placed before me for directions under R.72:

Submitted June 3 – Letter dated June 3, 2026, Application Record and Memo of Fact and Law

Submitted June 19 – Letter dated June 19, 2026 and Requisition for Hearing

Submitted June 22 – Bill of Costs and Draft Decision

Submitted June 22 – Updated and Amended Application Record

Submitted June 22 – Letter dated June 22, 2026

Submitted June 23 – Letter dated June 23, 2026

The Notice of Appearance submitted by the Respondent on June 3, 2026 cannot be accepted for filing absent an Order granting an extension of time to file the Notice of Appearance. Pursuant to Rule 145 of the Federal Courts Rules the Applicant is not required to serve any further documents on the Respondent unless and until there is a properly filed Notice of Appearance. They are however required to file documents in a timely fashion. This means that any supporting affidavits were required to be filed, or proof of their service filed, by June 14, 2026. If the submitted Applicant's Record contains supporting affidavits that have not been previously filed it may not be accepted for filing until those affidavits have been filed.

The Applicant must comply with R.306 and file supporting affidavits before other steps in the proceeding may be taken, time for doing so is hereby extended to 30 days from the date of this direction. Subsequent documents are not accepted for filing until R.306 filing of the Applicant's supporting affidavits is complete.

This direction will also address the letter dated June 23 which identifies a hearing date of June 30. The Motion Record submitted under Rule 369 therefore will be determined in writing."

Regards,

Alice Prodan Gil
Senior Registry Officer

TAB 9

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FEDERAL COURT

B E T W E E N:

KEVIN A. MCLEAN

Applicant

- and -

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

Respondents

MEMORANDUM OF FACT AND LAW OF THE APPLICANT

(PURSUANT TO RULE 70 (30 PAGES EXCLUDING TABLE OF CONTENTS AND APPENDICES)

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PART I — OVERVIEW AND STATEMENT OF FACTS

A. OVERVIEW

1. This **Application** proceeds **unopposed**. The **Respondents** were duly served with the issued Notice of Application on May 19, 2026, and **failed to file a Notice of Appearance (Form 305)** within the 10-day period mandated by the *Federal Courts Rules*. Under Form 305 and Rule 305(2), the Respondents are **not entitled to notice of any further step** *or* service of documents. Interim orders including final orders, including an Order of 'judgment' may *ipso facto* be rendered *in absentia.*

2. Within the context of the present Application before the Federal Court of Canada (the "**Federal Court**" or "FCC"), it is posited that protracted delay is demonstrably calculated, on a balance of probabilities, to manifest a profound miscarriage of justice, thereby constituting an egregious affront to the foundational tenets of the rule of law. Such transgressions encompass sub-categories of jurisprudence demanding adjudication on the correctness standard as opposed to the reasonableness standard as per the SCC's majority decision in Vavilov: (i) overarching legal inquiries of paramount significance to the administration of justice comprehensively; (ii) complexities delineating the jurisdictional demarcations betwixt disparate administrative tribunals; and (iii) the intricate equilibrium maintained between the legislative apparatus and collateral state organs, all of which necessitate a definitive and unequivocal resolution by the judiciary, categorized herein as the final answer requirement (the "**Final Answer Requirement**"). The sanctity of the rule of law ("Rule Of Law") dictates that the judiciary retains the ultimate adjudicative authority, defined as the final word requirement (the "**Final Word Requirement**"), particularly concerning overarching legal questions that mandate absolute uniformity and jurisprudential consistency, identified as the uniform answers requirement (the "**Uniform Answers Requirement**") or vertical *stare decisis*. Furthermore, judicial intervention is rendered imperative in instances where an administrative entity, including an "Other Tribunal" which the RCMP is in this capacity and under the scheme of the Federal Courts Act and Federal Courts Rules, interprets its statutory and prescribed ambit in a manner irreconcilable with the jurisdictional prerogatives of an alternative administrative body, as the Rule Of Law fundamentally eschews and disdains the proliferation of discordant mandates that precipitate a genuine operational conflict, characterized as the intolerance for conflicting orders requirement (the "**Intolerance For Conflicting Orders Requirement**").
3. Pertinent constitutional paradigms invoked herein regarding the Rule Of Law include, *inter alia*: (i) the egalitarian application of jurisprudence ensuring equitable protection and ancillary rights and privileges of Canadian citizens or those permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*; (ii) institutional accountability demanding absolute transparency wherein all entities are subordinate to the law and the Rule Of Law is above no person; and (iii) unimpeded access to justice and access to Government Institutions, de facto and de jure conducting the required searches within the ambit of an individual's (citizen or permanent resident) access request to his or her (or other personal pronouns) Personal Information. Although the presumption of an administrative tribunal's independence and lack of bias is not constitutionally enshrined in a manner analogous to sections 96 through 101 of the *Constitution Act, 1867* governing superior courts, an evidentiary presumption of impartiality and the absolute absence of conflicts of interest remains a foundational cornerstone of administrative law.
4. Irrespective of the jurisdictional capacity of the *Federal Court* to mandate the physical appearance of the RCMP n incontrovertible authority resides within the judiciary to compel strict adherence to the obligations articulated under *rule 317* of the *Federal Courts Rules*, alongside the enforcement of overarching equitable doctrines, common law imperatives, and statutory prescriptions.

5. It is acknowledged that an absence of statutory recourse for any Applicant to complain under section 29 of the Privacy Act concerning systemic, general or specific deficiencies in required searches or the dereliction by the head of the *RCMP* to operationalize discretionary powers vested under section 8(2)(m) of the *Privacy Act* (the "***Privacy Act***") and, by necessary implication, section 19 of the federal Access To Information Act (the "**Access to Information Act**" or "*ATIA*").
6. Furthermore, the administrative tribunal of the *RCMP* has demonstrably been divested of jurisdiction, constituting an *ultra vires* posture regarding, at a minimum, the requests executed pursuant to the *Privacy Act*, as evidenced by the personal information access request dated March 11, 2026 (the "**Access Request**"). The tribunal is inextricably foreclosed from restoring the *status quo ante* on a multitude of grounds as already submitted and by reference to now uncontroverted evidence in the filed documents herein.
7. Reliance is perpetually placed upon the uncontroverted factual matrix and the unopposed, binding jurisprudential authorities incorporated within the record of proceeding (the "**Record of Proceeding**"). Scrutinizing the evidentiary *acta*, it is submitted that the documented circumstances elucidate an unprecedented and egregious falsification of judicial instruments. To the extent there is a reported decision where the "Executive Branch(es)" of government, particularly law enforcement, have falsified the entirety of an information package, including the usurpation of the Judicial Branch of government, the Applicant welcomes this Honourable FCC pointing him to such authority for his review. However, his extensive research has not found a single authority with such egregious fraudulent manipulation of a document that not only commences a Criminal Proceeding but also one that authorizes the complete obliteration of an individual's liberty.
8. Distinguishing the present scenario from *R. v. Smith*, 2020 ONCJ 611(the "*Smith Decision*") as per Justice Nadel of the OCJ (Hamilton Court), wherein the unauthorized alteration of weapon surrender forms was executed merely for administrative convenience with one of the surrendering individuals being bed ridden, the present machinations involve the deliberate adulteration of a *Criminal Code* form 7 warrant for arrest (the "**Warrant for Arrest**"). Such a severe circumvention of the statutory architecture unequivocally constitutes a complete nullity rather than a mere curable irregularity, as it represents a direct contravention of legislative enactments, the *Criminal Code* and immutable equitable principles. Perhaps, the RCMP and other law enforcement branches are of the unlawful view that because section 32 of the *Interpretation Act* utilizes the word "prescribed" as opposed to "statutory" that such falsification and uttering of a false document in the record of a transferee courthouse is not covered by Parliament therein. Such ruminations and cogitations will forever remain in the domain hypothetical considering none of the Respondents wished to appear.
9. For sake of convenience also for emphasis, the unprecedented nature of what underlies (pardon the pun as it relates to the second syllable in said word).[i] Subsequent to the unprecedented and egregious vitiation of documentary integrity facilitated by the utilization of the software development kit encompassed within the software application GrapeCity.Documents.For.PDF throughout the calendar year of 2024, a conspicuous dereliction of administrative

and statutory duty has been exhibited by the Regional Commander, Mr. Matt Peggs. Specifically, a constitutional demand for foundational prosecutorial instruments—encompassing an authentic information package (the "**Authentic Information Package**") and an instrument of apprehension, formally designated as an arrest warrant (the "**Arrest Warrant**")—has been entirely ignored. The assertion promulgated within the *MAG CSD Court Information Access Guide (2019)*, by the MAG which dos not form "Source Law" under the *Legislation Act, 2006,* suggesting that the Superior Court of Justice in Ontario, functioning inherently as a "court of record", is exempted from the obligation to retain original or reproduced iterations of the *acta* of the tribunal, including an intake court endorsement (the "**Intake Court Endorsement**") or a *Criminal Code* Form 7 warrant for arrest (the "**Warrant For Arrest**"), is fundamentally contested. The failure to retain and furnish such documentation operates in direct contravention of established common law and statutory imperatives; consequently, such failures are unequivocally classified not as mere procedural irregularities, but as absolute nullities *ab initio*. Ss. 2(b) of the Charter protest listeners and our SCC coined the "open **court** principle" with intent and precision. That being said, where the unprecedented occurs, like it has involving the factual matrix herein, CPIC, by its Foundational Metadata and Offline Historical Database repositories becomes a universal source of non-emotional, digital truth at points in time.

10. Furthermore, the explicit entitlement of an accused individual to procure a *Criminal Code* Form 2 information (the "**Information**") or a *Criminal Code* Form 4 indictment (the "**Indictment**") absent financial encumbrance under the *Administration of Justice Act* and its attendant regulation (see: Reg 158/03) is categorically acknowledged within the aforementioned guide. Notwithstanding formal requests for said documentation intended to restore the *status quo ante* and to have copies of the underlying documents which commenced a Criminal Proceeding against the Applicant and the apparent "Intake Court Endorsement", a species unknown to criminal law per se but more in the nature of "family law" or "bankruptcy and insolvency law", which is unsurprising in relation to the former considering the now known location of the Originating Court Office at the Originating Courthouse (both definitions defined infra), the provision thereof remains unfulfilled. The Applicant has been wise to exhaust all avenues.
11. Following an initial correspondence in March 2026 by Ms. Simion, the Manager of Court Operations situated at the originating courthouse (the "**Originating Courthouse**") and originating court office (the "**Originating Court Office**") at the Superior Court of Justice located at 361 University Avenue, floor one, wherein assurances of an imminent update were provided, a profound cessation of communication ensued. Such systemic obfuscation epitomizes the administrative recalcitrance characterized by the Honourable Mr. Justice Phelan of the Federal Court as a "royal runaround" within the jurisprudence of *Chitrakar v. Bell TV,* 2013 FC 1103 (CanLII) (the "*Chitrakar Decision*"), at paragraph 11.
12. *Prima facie*, the pervasive reticence demonstrated by the Regional Commander of the Central Region regarding elemental informational requests precipitates the invocation of the adverse inference doctrine. It is vociferously submitted and implored that judicial notice be taken by this Honourable Court concerning this obstinate silence.

The self-evident conclusion extrapolated from such omissions dictates that the withheld documentation either corroborates the alleged nullities or is entirely non-existent, rendering the actions of the administrative authorities *ultra vires*.

13. Pursuant to the stringent evidentiary thresholds dictating the pleading of similar fact evidence—functioning as a recognized exception to the prohibition against pleading evidence *per se*, notwithstanding the characterization of the present proceeding as an application rather than an action—such similar fact evidence has been formally pleaded (vide: Tab 11, page 433, paragraph 43). The formal admission of this evidentiary foundation is systematically sought *in limine*.
14. An advanced syllogism regarding the factual matrix leads to the self-evident conclusion that the Regional Commander, Mr. Matt Peggs, could not conceivably constitute the informant (the "**Informant**") delineated within the *Information*. This deduction is substantiated by the irrefutable reality that the presiding court officer of the Toronto Region, Mrs. Frugoni-Rojas, was neither of the male sex, as denoted by the nomenclature "(M)" within the designation "C L (M)", nor did the individual possess the requisite official title. It must be articulated that this observation is not intended to castigate the commendable duties executed by court officers; rather, it serves to highlight the incontrovertible fact that Mrs. Frugoni-Rojas did not hold the distinguished appellation in question.
15. Extensive forensic analysis of the systemic vulnerabilities inherent within the specific iteration of PDF manipulation software, namely GrapeCity.Documents.For.PDF 6.0.2.0, elucidates that the titular designation for a commander, abbreviated as "COM" or "C.O.M.", is erroneously transfigured into "C L (M)". This software anomaly is acutely exacerbated when the digital signature apparatus and infrastructure promulgated by Adobe, Inc. are synthesized into the *Authentic Information Package*.
16. The Commander of the Order of Merit of the Police Forces (the "**Order Of Merit**") is an accolade acknowledging outstanding meritorious service and profound leadership capacities over an extended duration, frequently possessing national or international ramifications. In connection with the aforementioned Regional Commander, Mr. Matt Peggs, who concurrently functions as an Assistant Commissioner subservient to Commissioner Mr. Michael Duheme, official publications substantiate a promotion to the Commanding Officer of the O Division in October 2023. Subsequently rebranded as the Central Region, it is documented that Assistant Commissioner Peggs presides over this jurisdiction to manifest impactful outcomes on a national echelon. It is further promulgated that in January 2025, an appointment to the *Order Of Merit* was conferred, followed by the bestowment of the King's Coronation Medal in May 2025, thereby solidifying the official designation as Assistant Commissioner, Regional Commander, Central Region. The irreconcilable discrepancy between the digitally altered documentation and these indisputable facts renders the corresponding instruments a strict nullity, rather than a mere irregularity.
17. Unless a contrary intention is unequivocally manifested, the terminological definitions delineated within the extant record of proceeding (the "**Record Of Proceeding**") are implicitly and expressly adopted herein. Furthermore,

rigorous adherence is maintained to the statutory definitions enshrined within the *Federal Courts Act*, the *Federal Courts Rules*, the *Interpretation Act*, and the *Canada Evidence Act*.

18. In instances wherein the vitiation of documentary integrity is identified—specifically pertaining to the forgery or purported application of a judicial officer's signature where a physical, electronic, or digital signature is statutorily mandated—reliance is firmly placed upon the *Secure Electronic Signature Regulations*, promulgated by the Governor General pursuant to the enabling frameworks of the *Personal Information Protection and Electronic Documents Act* and the *Canada Evidence Act*. Any deviation from these stringent signature requirements operates *ipso facto* to render the document a nullity, as it constitutes a direct contravention of binding statutory and equitable principles. In conjunction with the definitional reliance predicated upon the *Interpretation Act* (notably section 2, which establishes the distinction between an act and a regulation while categorizing both as an enactment), the interpretative mandates of the *Interpretation Act* are explicitly assimilated, including, but not limited to, the subsequent provisions: a. Section 3: Governing general application; b. Section 11: Dictating imperative and permissive construction, specifically regarding the obligatory nature of "shall" and the discretionary nature of "may"; c. Section 12: Establishing that every enactment is deemed remedial and shall be accorded such fair, expansive, and liberal construction as optimally ensures the realization of its underlying objectives; d. Section 15: Concerning the application of interpretation provisions and rules; e. Section 16: Pertaining to the terminology utilized within regulations; f. Section 25: Regulating documentary evidence; g. Section 34: Classifying indictable and summary conviction offences; h. Section 35: Defining "contravene" as incorporating a failure to comply; defining "telecommunications" as the emission, transmission, or reception of signs, signals, writing, images, sounds, or intelligence of any nature by any wire, cable, radio, optical, or other electromagnetic system, or by any comparable technical mechanism; and defining "writing" to encompass words printed, typewritten, painted, engraved, lithographed, photographed, or represented or reproduced by any modality of visible manifestation. Furthermore, comprehensive reliance is situated upon the following statutory provisions contained within the *Canada Evidence Act*, without limitation: a. Section 23: Concerning the evidence of judicial proceedings; b. Section 29(9); c. Section 31.2; d. Section 31.3; e. Section 31.8; f. Section 35; and g. Section 36.

19. This Application concerns the RCMP's **refusal to conduct any search** for the Applicant's Personal Information under the ***Privacy Act***, RSC 1985, c. P-21. The RCMP did not perform a search of:
    a. **foundational metadata** (Level 2), including ORI, terminal ID, system identification number, and PPU 005 transaction logs; and
    b. **amended or purged data** (Level 3), including hexadecimal dumps, offline mainframe interrogation, audit trails, and version histories.

    (see: for distinction purposes, Tab 11, page 431 and 432).

20. The RCMP's refusal to search is **not a complaint category** under s. 29(1) of the *Privacy Act*. The Privacy Commissioner has **no jurisdiction** to investigate or remedy a refusal to search. The Applicant therefore has **no adequate alternative remedy**, and mandamus lies.

21. On April 7, 2026, the Applicant formally invoked **s. 8(2)(m)** of the *Privacy Act* in a written request addressed to Commissioner Michael Duheme, the **Head** of the institution. This triggered the Commissioner's **mandatory statutory duty** to personally consider whether the public interest in disclosure clearly outweighs any invasion of privacy. The RCMP did not acknowledge, consider, or respond to this request. *(see: Tab 3, sub-tabs, P to S).*
22. On June 2, 2026, when the Applicant served the Commissioner electronically, an automated response indicated that the Commissioner was "away on duty" until late June. This contemporaneous fact confirms that the Commissioner was unavailable to exercise discretion at the time of service, but it does **not** suspend the RCMP's statutory obligations, nor does it cure the earlier refusal to search or the earlier refusal to consider s. 8(2)(m).
23. The evidentiary record demonstrates that the RCMP has never possessed, and could never have possessed, a validly issued *Criminal Code* Form 2 Information or Form 7 Warrant corresponding to Police Case ID 457197 (see: Application Record, pages 74 and 325). Instead, the RCMP produced a **fabricated, digitally manipulated, incomplete "Information Package"**, missing mandatory pages, missing judicial signatures, and bearing metadata proving it was generated using **GrapeCity.Documents for PDF v. 6.0.2.0**, a commercial SDK external to the secure ICON/FRANK judicial systems *(see: Application Record, page 179, 343, 391, 397, 430, 431)*
24. The Applicant's arrest on October 2, 2024, was therefore executed **without lawful authority**, contrary to ss. 7, 8, and 9 of the **Charter**, and contrary to the statutory requirements of the ***Criminal Code***, including ss. 29, 504, 507, and 508. The RCMP's refusal to search foundational metadata and amended/purged data prevents the Applicant from accessing the records necessary to vindicate his statutory and constitutional rights. This refusal is unreasonable, incorrect, procedurally unfair, and contrary to the purpose of the *Privacy Act*.

B. THE RESPONDENTS' DEFAULT

25. The calculated dereliction exhibited by the respondents in omitting the submission of form 305 (the "**Form 305**") does not merely constitute a procedural irregularity; rather, it represents a deliberate procedural election yielding profound legal consequences and operates as an absolute nullity regarding any subsequent participatory entitlements. The prescribed statutory instrument unambiguously articulates that an entity desiring to oppose the application is strictly required to file a notice of appearance (the "**Notice Of Appearance**") within a designated ten-day duration, failing which said entity is categorically disentitled to any future notification concerning advancing steps within the application framework. It is submitted that *rule 305* of the *Federal Courts Rules*, being formally prescribed by the Governor General of Canada pursuant to a democratically enacted parliamentary enabling statute, is not amenable to an arbitrary, dismissive, or insouciant disposition, particularly when such recalcitrance is perpetrated by a federal **Institution** commanding an approximate seven-billion-dollar annual budgetary allocation. The procedural comportment of the RCMP, an administrative entity birthed and perpetuated by federal statutory mechanisms, transcends mere irony and paradox, culminating unequivocally in a *reductio ad absurdum*. Furthermore, for the facilitation of judicial convenience, *rule 305* explicitly mandates that a respondent

intending to appear must, within ten days subsequent to the service of a notice of application, formally serve and file the **Notice Of Appearance** utilizing the **Form 305**.

26. The formal procedural default executed by the respondents operates to definitively substantiate the following incontrovertible truths:

    a. The respondents do not offer opposition to the specified relief sought.
    b. A calculated administrative determination has been effectuated to entirely abstain from adjudicative participation.
    c. A complete absence of evidentiary materials has been tendered for judicial consideration.
    d. No rationale or justification has been articulated addressing the persistent refusal to execute the mandated search.

27. No elucidation has been proffered regarding the fabrication of the false information package (the "**False Information Package**"), nor has any explanation been supplied for the perpetuation of potentially inaccurate proprietary personal information implicating the applicant, the fictitious judicial persona identified as Justice of the Peace Mr. George Jiri, and a fictitious informant ostensibly functioning as Court Officer (Toronto Region) Mrs. Frugoni-Rojas. Consequently, the judiciary is incontrovertibly entitled and required to decide in that a "may" becomes a "must' (see: J*ulius v. Oxford (Bishop of) (1880)*, App. Cas. 214 (H.L.), Lord Cairns (nota bene: some other SCC decisions have referenced The Honourable Lordship Blackburn such as this very Federal Court of Canada in The Honourable ACJ Mr. Jerome (as he then was) in *Information Commissioner v. Minister of Employment and Immigration (respondent)*, 1986 CanLII 6836) states at pages 242-243: But there are cases in which the authority or power given is not to do a judicial act, and yet there is a duty on the donee to exercise the power if it appears to be given to the donee for the purpose of making good a right, and he is called upon by those who have that right to exercise the power for their benefit.)—and inextricably bound by overarching equitable doctrines—to proceed upon the uncontradicted evidentiary *acta* systematically filed by the applicant. The prevailing legal threshold governing the adjudication of the substantive merits remains the balance of probabilities (the "**Balance Of Probabilities**"). Notwithstanding the absolute default of the respondents and the ensuing *in limine* nullification of their participatory standing, the adjudicative obligation to meticulously evaluate the evidentiary foundation remains resolutely intact; the determinative legal inquiry necessitates an exhaustive assessment of whether clear, cogent, and compelling evidence has been marshaled to satisfy the requisite preponderance threshold, conceptually demarcated as the fifty-one to forty-nine percent evidentiary continuum, thereby mandating the dispensation of the requested relief. Applying the doctrine of *prima facie* substantiation, an advanced legal syllogism is necessarily engaged regarding the discharge of the evidentiary burden in the absence of adversarial contestation. Wherein an applicant fulfills the initial evidentiary onus through the submission of uncontroverted documentation demonstrating an *ultra vires* statutory contravention, and the opposing state apparatus intentionally abstains from challenging said evidentiary matrix, the scales of the **Balance Of Probabilities** are *ipso facto* tipped inexorably in favour of granting the sought declarations and prerogative writs. The fabricated instrumentation and corresponding metadata anomalies, maintaining a status of being completely unrefuted, ascend beyond mere

foundational allegations, crystallizing into established, unassailable judicial facts demanding the restoration of the *status quo ante*.

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C. FACTUAL BACKGROUND

The Applicant's PII Access Request (March 11, 2026)

28. On March 11, 2026, the Applicant submitted a detailed **Personal Information Request** to the RCMP seeking foundational metadata and amended/purged data associated with Police Case ID 457197 ((see: Application Record, pages 74 and 325), including:

    a. ORI;
    b. terminal ID;
    c. system identification number;
    d. PPU 005 transaction logs;
    e. audit trails;
    f. hexadecimal dumps;
    g. any records explaining the creation, modification, or purging of the Information Package.

29. The RCMP acknowledged receipt but refused to conduct any search of the repositories reasonably expected to contain responsive records.

The April 7, 2026 s. 8(2)(m) Public-Interest-Disclosure Request

30. On April 7, 2026, the Applicant wrote directly to Commissioner Duheme, formally invoking **s. 8(2)(m)** of the *Privacy Act* and requesting that the Head of the **Institution** consider whether the public interest in disclosure clearly outweighs any invasion of privacy.

31. This request was detailed, legally grounded, and supported by extensive uncontroverted evidence of:

    a. documentary metamorphosis;
    b. metadata anomalies;
    c. jurisdictional nullities;
    d. potential systemic vulnerabilities in CPIC; and
    e. the public-interest implications of fabricated judicial instruments.

32. The RCMP did not acknowledge, consider, or respond to the request. This constitutes a **refusal to exercise discretion**, a reviewable error under s. 18.1 of the *Federal Courts Act*.

The Arrest of October 2, 2024

33. The Applicant was arrested on October 2, 2024, by the Toronto Police Service ("TPS") purportedly pursuant to a "Warrant for Arrest." TPS refused to produce the warrant when demanded under ***Criminal Code* s. 29**, despite being lured to the TPS 14th Division under false pretenses regarding receiving the Applicant's property from an unnamed source The Application Record contains **no valid Form 7 Warrant**, nor any judicial authorization corresponding to Police Case ID 457197 because this INTAKE COURT ENDORSEMENT (SEPT 23 2024) has never been produced by any source (see: Application Record, pages 74 and 325).

The "False Information Package"

34. The RCMP produced a five-page "Information Package" purporting to be a *Criminal Code* Form 2 Information. The authentic Form 2 is a **six-page** pro forma document used throughout Ontario. The Applicant's Application Record demonstrates that:

    a. Page 4 (swearing/attestation, judicial signature, Crown election, plea, committal) is missing;
    b. Page 5 (counts, sentence date, withdrawn counts) is missing;
    c. No judicial signature appears anywhere;
    d. The purported Informant is fictitious;
    e. The document contains digital artifacts ("CL (M)") consistent with failed template merging; and
    f. The metadata identifies **GrapeCity.Documents for PDF v. 6.0.2.0** as the generator.
    (see: Application Record, Tab 10, *ATIA* Request of the Applicant of May 5, 2026, delivered to RCMP on May 7, 2026).

Metadata Proving Fabrication

35. The PDF metadata embedded in the Information Package conclusively identifies the document as having been generated using: "GrapeCity.Documents for PDF, Version 6.0.2.0."
36. This software is a commercial developer SDK, not a judicial document-generation system. Authentic criminal process in Ontario is generated exclusively through:
    a. **ICON** (Integrated Courts Offences Network); and
    b. **FRANK** (Framework for Automated and Networked Courts).
37. Neither ICON nor FRANK can produce documents with GrapeCity metadata. The presence of this metadata proves that the Information Package was **not generated by any court**, but was instead **synthetically compiled** outside the judicial system.

The RCMP's Refusal to Search

38. Despite the Applicant's detailed request, the RCMP refused to search:
    a. foundational metadata repositories;
    b. the Offline Historical Database;

c. PPU 005 logs;
d. amended/purged data repositories; and
e. any system reasonably expected to contain responsive records.

39. The refusal to search is unreasonable, contrary to the *Privacy Act*, contrary to the duty of fairness, and contrary to the purpose of access legislation. While it is contrary to all of those laws, whether statutes or regulations (commonly known as "**Source Laws**" (see: supra)), the common law and courts of equity (as they once were but since merged into a single court system under the FCC), it was rather ingenious of the RCMP to do so because it is not a ground where an Applicant can make a complaint the Privacy Commissioner of Canada, the Honourable Mr. Dufesene.

PART II — POINTS IN ISSUE

40. This Application raises the issue of standard of review of the RCMP's failure to act and the Head of the RCMP's failure or inability to act as a consequence of the former along with seven primary issues for determination along with secondary issues. Each issue flows directly from the Respondents' refusal to conduct a search under the *Privacy Act*, their refusal to exercise mandatory statutory discretion under s. 8(2)(m), and their failure to file and serve, as anticipated, a Certified Tribunal Record under Rule 317. Or in the alternative, whether the refusal to search by the RCMP (an "Other Tribunal" under the *Federal Courts Rules* and *Federal Courts Act*) renders each issue flowing from it.[ii]

ISSUE #1: REFUSAL TO SEARCH

41. The first issue is as follows: whether the RCMP breached its statutory duty under the *Privacy Act* by refusing to conduct any search for the Applicant's Personal Information. The central issue is whether the RCMP's refusal to conduct **any search at all** for foundational metadata (Level 2) and amended/purged data (Level 3) constitutes a breach of its statutory obligations under ss. 4, 6, and 12 of the *Privacy Act*.
42. The RCMP did not search: the Foundational Metadata repositories (ORI, terminal ID, system identification number, PPU 005 logs); the Offline Historical Database (hexadecimal dumps, audit trails, version histories); and any repository reasonably expected to contain responsive Personal Information. A refusal to search is a refusal to perform a statutory duty. It is not a "refusal to disclose" and therefore does **not** fall within any complaint category under s. 29(1) of the *Privacy Act*.

ISSUE NO. 2: REFUSAL TO DISCHARGE A PUBLIC DUTY TO SEARCH IS REVIEWABLE BY THE FCC AND ONLY THE FCC, AND THE WRIT OF MANDAMUS IS AVAILABLE TO THE APPLICANT AND THOSE SIMILARLY SITUATED

43. The second issue is w**hether the RCMP's refusal to search is reviewable by mandamus.**

44. Mandamus lies where:

a. a public legal duty exists;
b. the duty is owed to the Applicant;
c. the Applicant has a clear right to performance;
d. no adequate alternative remedy exists;
e. a Respondent has refused to act;
f. the duty is non-discretionary (or where it is discretionary, the discretion is fettered and must be exercised (i.e. it does not guarantee a result but it guarantees an exercise of the non-discretionary duty or the discretionary duty (nota bene: even discretion with latitude must be exercised in a lawful, non-abusive, good faith manner);
g. the Moving Party, the requestor, plaintiff or applicant comes with clean hands; and
h. the order will be effective in its utility.

45. All criteria are met. The RCMP has a **non-discretionary duty** to search for Personal Information. The Privacy Commissioner has **no jurisdiction** over refusals to search. The RCMP has expressly refused to act. Mandamus is therefore the appropriate remedy.

ISSUE #3: CLAUSE 8(2)(M) OF THE PRIVACY ACT: THE FAILURE TO CONSIDER BY THE HEAD OF THE INSTITUTION

46. The foregoing issue is whether the RCMP Commissioner breached his mandatory duty to consider public-interest disclosure under s. 8(2)(m) of the *Privacy Act*. On April 7, 2026, the Applicant formally invoked s. 8(2)(m) in a written request addressed to Commissioner Duheme, the Head of the institution. This triggered the Commissioner's **mandatory statutory duty** to personally consider whether the public interest in disclosure clearly outweighs any invasion of privacy. *(see: Application Record, supra).* The RCMP did not acknowledge, consider, or respond to the request. This constitutes a **refusal to exercise discretion**, a reviewable error under s. 18.1 of the *Federal Courts Act*. The Commissioner's automated "away on duty" (whatever that means in fact or at law) response on or around May 21, 2026, does not suspend statutory obligations, nor does it cure the earlier refusal to consider the Applicant's April 7 request. In fairness, the Commissioner Mr. Duheme's email stated:

> "Prenez note que je serai absent en devoir à compter du 21 mai au 19 juin. Sous Commissaire Bryan Larkin agira à titre de Commissaire par intérim. Vous pouvez le rejoindre à Bryan.Larkin@rcmp-grc.gc.ca.
> **********
> The 21st May to 19 June, I will be away on duty , Deputy Commissioner Bryan Larkin will be the acting Commissioner. He can be reached at Bryan.Larkin@rcmp-grc.gc.ca"

ISSUE #4: REFUSAL TO SEARCH FOR FOUNDATIONAL METADATA AND OFFLINE HISTORICAL DATABASE

47. The foregoing issue is whether the RCMP's refusal to search foundational metadata, contained with a PIB under PPU 005 (i.e. the ORI; issuing court; issuing court level; issuing court location; name of the judicial officer of the

"Ex Parte In Camera Hearing" (so presiding); and the system identification number), and amended/purged data in the Offline Historical Database is any of the following: incorrect or in the alternative, unreasonable; procedurally unfair; and/or contrary to the purpose of the *Privacy Act*. The *Privacy Act* is quasi-constitutional legislation designed to protect informational privacy and ensure individuals can access Personal Information under the control of government institutions. The RCMP's refusal to search:

a. frustrates the purpose of the Act;
b. intentionally mock Parliament and its intentional and deliberate choice of language, intent and spirit of the *Privacy Act* (and the *ATIA*);
c. mocks our fundamental notion of democracy;
d. flouts our common law system with impunity;
e. prevents the Applicant from accessing Personal Information to which he is entitled;
f. prevents the Applicant from verifying the authenticity of the Information Package; and
g. prevents the Applicant from determining whether any lawful authority existed for his arrest.

48. The refusal is therefore unreasonable, incorrect, and contrary to the governing principles of privacy law.

ISSUE #5: FRAUD UNRAVELS EVERYTHING BUT IT IMPOSES POSITIVE DUTIES ON ALL MOST NOTABLY FEDERAL INSTITUTIONS LIKE THE RCMP

49. Whether the fabricated "Information Package" and its metadata anomalies require the Court to order a mandatory search of amended/purged data.

50. The Application Record demonstrates that the Information Package:

a. is missing mandatory pages;
b. contains no judicial signature by a judicial officer (Justice of the Peace; OCJ Judge; or Judge of Superior Court Of Criminal Jurisdiction (see: *Criminal Code* definition)) which will undoubtedly be contained in CPIC as the frame of reference for universal truth;
c. contains inconsistent footers;
d. contains digital artifacts ("CL (M)"); and
e. was generated using **GrapeCity.Documents for PDF v. 6.0.2.0**, a commercial SDK external to ICON/FRANK.

51. These anomalies raise serious concerns regarding: authenticity; alteration; fabrication; purging; and unauthorized modification. Only a Level 3 search — including hexadecimal dumps, offline mainframe interrogation, and audit trail extraction — can determine the genesis and modification history of the document. The RCMP's refusal to conduct such a search is unreasonable and contrary to its statutory obligations.

ISSUE #6: FRAUDULENT MISREPRESENTATIONS PERPETRATED UPON THE JUDICIARY ARE MIRRORED WITHIN THE CANADIAN POLICE INFORMATION CENTRE SYSTEM, AND THE CONCOMITANT POSITIVE OBLIGATIONS IMPOSED UPON THE ROYAL CANADIAN MOUNTED POLICE AS CUSTODIAN AND CONTROLLER

52. An unprecedented and thoroughly untested jurisprudential question crystallizes upon the determination of whether the originating data sequence introduced into the centralized repository of the Canadian Police Information Centre

(the "CPIC")—without regard to the specific law enforcement apparatus functioning as the originating terminal, whether ostensibly operating in the capacity of a principal or an agent, and irrespective of the designated alphanumeric case identification nomenclature—substantively and materially mirrored the contents encapsulated within the admitted false information package (the "False Information Package"). It is advanced that the foundational fraudulent misrepresentations perpetrated upon the judiciary were unconscionably effectuated through the illicit utilization of Portable Document Format manipulation software by law enforcement personnel. This systemic subversion of the judicial process is profoundly compounded by the anomalous jurisdictional involvement of the Ontario Court of Justice situated at 10 Armoury Street, encompassing its presiding Justices of the Peace and, specifically, the Honourable Mr. Justice Block. Given that Mr. Justice Block's antecedent legal practice prominently featured the defense and representation of law enforcement officers subjected to regulatory and administrative scrutiny by various oversight bodies, the deliberate channeling of this adjudicative process before this specific jurist strongly infers a calculated stratagem of impermissible forum shopping—jurisprudentially characterized as "bench hunting"—thereby fatally vitiating the ensuing authorizations. Provided that the inputted data unequivocally corresponds with the aforementioned fabricated package, it follows *ipso facto* that the applicant (the "Applicant") is indisputably entitled to the compulsory disclosure of said data, characterized legally as proprietary personal information (the "Personal Information").

53. With the benefit of the Applicant finding the **Lincoln County Law Association (Niagara) Pro Forma Information Package** in July 2025 (as this Honourable Court can check the metadata therein as the metadata never lies), the obvious question screams out: how could multiple justices of the peace and an OCJ Judge look at this file with its Information Number and not notice multiple pages missing from said False Information Package and not positively act? **Only they know and that is beyond the scope of this FCC Application.**
54. This entitlement to disclosure persists undiminished notwithstanding the demonstrable reality that the foundational data is ostensibly fabricated and intrinsically fallacious, a foundational principle affirmed in *Lawson v. Accusearch Inc.*, 2007 FC 125.
55. The collateral and subordinate legal inquiry mandates a rigorous forensic investigation into whether the nascent data matrix integrated into the CPIC framework—specifically designating a warrant in the first instance and utilizing the identifier "MCLEAN, Kevin"—maintained structural integrity and absolute accuracy at the exact temporal moment of its inception. This assessment must be conducted independently of the fundamentally contested substantive merits pertaining to the ex parte in camera hearing (the "Ex Parte In Camera Hearing") or the ostensibly authoritative intake court endorsement (the "Intake Court Endorsement"), bearing the date of September 23, 2024. Of paramount jurisprudential significance is the judicial determination as to whether this specific data matrix was subsequently subjected to *post hoc* unauthorized modifications, executed either antecedent to or immediately succeeding the physical apprehension and detention of the Applicant. Assuming the metadata possessed technical exactitude *in limine*, yet was subsequently and strategically manipulated to forcibly harmonize

with the precise parameters necessitated by the CPIC architecture—specifically, the foundational metadata (the "Foundational Metadata"), encompassing the originating agency identifier (the "Originating Agency Identifier" or "ORI"); the designated issuing authority or court field (the "Court Field"); the remarks and narrative field (the "Narrative Field"); and the system identification number (the "System Identification Number" or "SID") autonomously generated upon initial entry—such machinations transcend mere procedural irregularities. Rather, they constitute a catastrophic abuse of process, rendering the antecedent authorizations an absolute nullity, as opposed to a mere irregularity, given that such systemic alterations represent a direct contravention of established equitable principles and statutory frameworks. Collectively, these delineated components are taxonomically classified as the foundational data elements constituting a want record (the "WANT Record"). It is advanced as a highly persuasive syllogistic extrapolation that the originating law enforcement agency, explicitly designated by the initial Originating Agency Identifier, was demonstrably not the identical entity that subsequently perpetrated the clandestine and surreptitious alterations upon the Want Record. These prospective, unauthorized systemic modifications, which are *prima facie* indicative of profound malfeasance, encompass four distinct and independent vectors of systemic manipulation: a. The deliberate modification, falsification, or complete reassignment of the Originating Agency Identifier, effectuated to deceitfully transfer the veneer of jurisdictional authority to an entirely disparate police service; b. The structural and substantive alteration of the jurisprudential authority designated within the Court Field, maliciously engineered to artificially legitimize an arrest warrant that was unambiguously void *ab initio* and fundamentally a nullity; c. The material revision of the contents within the Narrative Field, executed with the demonstrable intent to retroactively and speciously justify the unlawful apprehension of the Applicant; and d. The systemic desynchronization, obfuscation, or deliberate reallocation of the System Identification Number, mathematically formulated to conceal the authentic timestamp and effectively obliterate the evidentiary audit trail associated with the fabricated digital entry.

56. The forensic verification of these administrative maneuvers—and the consequent unmasking of the underlying institutional malfeasance, which is fundamentally *ultra vires* the statutory authority of the offending entities—can exclusively be elucidated through an uncompromising, granular examination of the automated hexadecimal transaction logs and sequential digital trails. Consequently, this indispensable evidentiary determination can solely be actualized through the compulsory and unmitigated disclosure of the Personal Information of the Applicant, which is definitively housed within a personal information bank (the "Personal Information Bank") and unequivocally remains under the absolute administrative control and constructive possession of the centralized federal repository. While international legislative frameworks, notably the *General Data Protection Regulation* (the "*GDPR*"), explicitly bestow upon an applicant the positive statutory right to compel the erasure or deletion of data, domestic legislation presents a divergent paradigm. Specifically, the *Personal Information Protection and Electronic Documents Act* (the "*PIPEDA*") lacks perfectly analogous provisions, and an exhaustive statutory interpretation yields no discernible language enacted by Parliament within the *Privacy Act* that would facilitate an

identical equitable remedy of deletion. Notwithstanding this legislative lacuna, a supervening and paramount legal issue crystallizes herein regarding whether affirmative, positive legal duties are imposed upon the Royal Canadian Mounted Police to proactively notify all individuals whose Personal Information is thus improperly implicated concerning a privacy breach. This imperative arises despite the conspicuous absence of a formal definition for "Breach of Security Safeguards" or a corresponding regulatory framework within the *Privacy Act* that would explicitly encompass the dissemination of the identities of the authentic presiding jurist of the Ex Parte In Camera Hearing; the fabricated judicial persona—a fictitious construct demonstrably possessing a jurisdictional nexus to the Royal Canadian Mounted Police and its specifically designated investigative file, being Police Case ID: 457197, ostensibly established via an anomalous proximity to the Toronto West Detachment of the Royal Canadian Mounted Police, notwithstanding the spatial incongruity that said detachment is counterintuitively situated within the municipal boundaries of Milton, Ontario, rather than the anticipated western jurisdiction of Toronto; and the Applicant. To the extent that a rigid statutory duty of mandatory notification by a government **Institution** is ostensibly absent, a corollary deduction necessitates determining whether such an overarching obligation is intrinsically subsumed and legally enforceable under the auspices of paragraph 8(2)(m) of the *Privacy Act*, thereby preserving the *status quo ante* and preventing the perpetuation of a nullity derived from systemic concealment.

PART III — LAW AND ARGUMENT

A. THE STANDARD OF REVIEW OF THE RCMP'S FAILURES TO ACT; AND THE RCMP HAS A STATUTORY DUTY TO CONDUCT A REASONABLE SEARCH FOR PERSONAL INFORMATION

The Standard of Review

57. It is a trite postulate of administrative jurisprudence that the applicable standard of review governing the primary issues herein, specifically concerning the adjudicative scrutiny of the RCMP acting in its capacity as a tribunal (the "**Tribunal**"), is exclusively that of correctness.

58. In the seminal jurisprudential authority of *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 (the "*Vavilov*"), the Supreme Court of Canada (the "**SCC**") effectuated a profound metamorphosis of the administrative law paradigm, thereby superseding the erstwhile analytical framework formerly established in *Dunsmuir*. By virtue of this landmark pronouncement, a revised framework for judicial review (the "**Judicial Review Framework**") was promulgated, predicated upon the foundational ethos that a culture of justification (the "**Culture of Justification**") necessitates all state delegates to proffer adjudicative reasons characterized by internal coherence and rigorous justification commensurate with the prevailing legal and factual constraints. Consequently, the reasonableness standard (the "**Reasonableness Standard**") operates as the *prima facie* baseline for the evaluation of state action, subject to delineated jurisprudential and statutory exceptions.

59. It is a foundational doctrine of Canadian administrative law that an aggrieved party retains an inherent constitutional entitlement to seek judicial intervention. As elucidated within contemporary academic and jurisprudential discourse pertaining to the Culture of Justification, it is postulated that affording the judiciary an untrammeled discretionary prerogative to decline the adjudication of applications for judicial review—predicated upon a subjective evaluation of the efficacy of internal reconsideration mechanisms—would permit judicial discretion to subvert foundational constitutional principles. While the reviewing court retains the *in limine* discretion to adjudicate an application upon its substantive merits and subsequently deny equitable or prerogative relief, it is submitted that such discretion does not encompass an outright refusal to entertain the application for judicial review *ab initio*, a legal axiom unequivocally affirmed at paragraph 49 of *Yatar v. TD Insurance Meloche Monnex*, 2024 SCC 8 (the "*Yatar*").
60. The *Vavilov* jurisprudence categorically reconstituted the judicial review topography, departing significantly from the preceding *Dunsmuir* epoch. Commencing in the year 2019, whilst the presumptive standard of review remains that of reasonableness, the aforementioned presumption is invariably displaced by the correctness standard (the "**Correctness Standard**") in a plurality of specified circumstances, all of which are manifestly applicable within the parameters of the present proceedings.
61. There exist, at a minimum, five primary exceptions to the presumptive Reasonableness Standard, specifically: a. instances wherein the Correctness Standard is statutorily mandated by the legislature; b. circumstances wherein statutory appeal mechanisms are explicitly prescribed; c. adjudications necessitating the resolution of constitutional questions; d. determinations involving general questions of law of central importance to the legal system collectively; and e. adjudications pertaining to the jurisdictional boundaries delineating administrative entities, as exhaustively articulated in *Vavilov* at paragraphs 34, 36, 55, 58, and 63.
62. The latter exceptions, specifically those enumerated in subsections (c) through (e), are designated herein as the rule of law standard of review exceptions (the "**Rule of Law SOR Exceptions**").
63. Furthermore, the jurisprudential principles articulated in *Society of Composers, Authors and Music Publishers of Canada v. Entertainment Software Association*, 2022 SCC 30 (the "*SOCAN*") demarcated a supplementary basis for the rebuttal of the reasonableness presumption: the existence of concurrent jurisdiction between the judiciary and an administrative tribunal, particularly in circumstances wherein there manifests a persistent jurisdictional discord or inconsistency in the application of substantive legal principles.
64. Pursuant to the plurality reasons in *Vavilov* at paragraph 54, upon the invocation of the Correctness Standard, the reviewing court is imbued with the jurisdictional authority to either substantiate the administrative determination or, in the alternative, substitute its own judicial reasoning for that of the administrative decision-maker, a methodology strictly consistent with the orthodox principles delineated in *Dunsmuir* at paragraph 50.
65. The *Vavilov* decision was promulgated by a *coram* of nine justices of the SCC. Whilst seven justices authored the joint majority reasons (the "**Vavilov Joint Reasons**"), Justices Abella and Karakatsanis articulated joint concurring reasons (the "**Vavilov Joint Concurring Reasons**").

66. Within the Vavilov Joint Reasons, the majority opined that questions of central importance have been transmuted into a comprehensive classification necessitating correctness review, predominantly because administrative expertise no longer operates as a determinative criterion in the selection of the applicable standard of review, as explicitly articulated at paragraph 61.
67. As unequivocally established in *Vavilov*, the application of reasonableness review can never be legitimized solely through an invocation of administrative expertise, as such a doctrinal concept does not confer upon administrative delegates a prerogative to enlarge their jurisdictional mandate or to omit the statutorily mandated exercise thereof beyond the strict parameters of legislative intendment. The overarching statutory architecture perpetually operates as an incontrovertible constraint upon administrative delegates, effectuating a circumscription of their adjudicative authority, a fundamental legal principle emphasized *ipso facto* at paragraph 68.
68. In 2019, the SCC elucidated that whilst the common law presumption ostensibly favors reasonableness, said presumption is expeditiously rebutted wherein the statutory architecture stipulates a right of statutory appeal upon questions of law. In the present adjudicative matrix, the questions of law are manifold, historically evasive of orthodox appellate review, and of paramount consequence to both substantive jurisprudence and the procedural mechanisms governing access requests under the *Privacy Act*, RSC 1985, c P-21 (the "*Privacy Act*") and the *Access to Information Act*, RSC 1985, c A-1 (the "*ATIA*"). Specifically, these matters involve proceedings before the RCMP and elucidate the mandatory procedural trajectories to be undertaken when section 29 of the *Privacy Act* does not statutorily authorize a request to transmogrify into a formal complaint following an institution's failure or refusal to conduct a mandatory search. Furthermore, the issues address circumstances wherein the head of the **Institution** has failed or neglected, whether as a direct consequence of the aforementioned failure or otherwise, to even contemplate the exercise of discretionary authority pursuant to section 8(2)(m) of the *Privacy Act* or, more expansively, under section 19 of the *ATIA*. Any such failure to adhere to the statutory mandate constitutes a fundamental nullity rather than a mere procedural irregularity, given that it represents a direct contravention of a prevailing legislative statute and equitable principles. Such contravention irremediably vitiates the administrative action, rendering it *ultra vires*, void *ab initio*, and entirely rebutting any residual presumption of *omnia praesumuntur rite esse acta*.
69. As meticulously observed within the Vavilov Joint Concurring Reasons, the methodological approach adopted by the majority of the SCC effectuated the systematic divestiture of curial deference from an extensive multitude of administrative actors who are subjected to statutory rights of appeal, questions of law, and general questions of law of central importance to the legal system in its entirety.
70. Notwithstanding the foregoing, when evaluating the profound significance of questions of law, or inextricably intertwined questions of mixed fact and law wherein the legal inquiry is extricable, alongside general questions of law of central importance to the legal system as a whole, it is an irrefragable syllogism that securing a judicially

correct determination is paramount to merely assessing whether the administrative decision was ostensibly reasonable. The proposition inherently resolves itself through the application of deductive legal logic.

71. In addressing whether the adjudicative questions posed herein possess a general nature of central importance to the legal system as a comprehensive entity, the affirmative conclusion is rendered self-evident by the substantive gravity of the constitutional and administrative principles that are inextricably engaged. It is respectfully submitted that the entirety of the jurisprudential questions raised herein are intrinsically of a general nature and of central importance to the legal system collectively. Consequently, predicated upon this ground independently, and without prejudice or limitation to alternate meritorious grounds, the applicable standard of review governing the non-appearing RCMP, acting as a tribunal or 'other tribunal' as contemplated by the *Federal Courts Rules*, SOR/98-106, *Rule 317* and *Rule 2* (the "*Federal Courts Rules*"), alongside the *Federal Courts Act*, RSC 1985, c F-7, *section 2* (the "*Federal Courts Act*"), is incontrovertibly that of correctness, mandating an immediate judicial intervention to restore the *status quo ante*.

The Failure of the RCMP to conduct a search of the Foundational Metadata repository and the Offline Historical Database

72. The *Privacy Act* imposes a **positive, non-discretionary duty** on government institutions to identify, locate, and retrieve Personal Information under their control. This duty arises from the combined operation of ss. 4, 6, and 12:
    a. **Section 4** requires institutions to collect only information directly related to their operating programs;
    b. **Section 6** requires institutions to maintain accurate, complete, and up-to-date records;
    c. **Section 7** requires the **Institution** to only use Personal Information under control of the Government **Institution** for the purpose for which the information was obtained or compiled by the Government **Institution** or for a use consistent with that purpose; OR requires the **Institution** to only disclose (NTD); and
    d. **Section 12(1)** grants individuals the right to access Personal Information "about themselves that is under the control of a government institution."

73. There can never be a purpose for which the information was obtained or compiled by the Government **Institution** or for a use consistent with that purpose; or for a purpose for which the information may be disclose to the **Institution** under section 8(2) when the initial or subsequent information including Personal Information was fraudulent input or amended thereafter to ensure that it was "consistent" with the fraud committed on the OCJ 10 Armoury Street Courthouse by those utilizing PDF manipulation software in the form of the SDK then known as GrapeCity.Documents.For.PDF (version 6.0.2.0). The right of access under s. 12(1) is meaningless unless the **Institution** performs a **reasonable search** for responsive records. A refusal to search is therefore a refusal to perform a statutory duty. The RCMP's refusal to conduct **any search at all** for foundational metadata (Level 2) or amended/purged data (Level 3) constitutes a breach of its statutory obligations. It is axiomatic that the duty to search is not optional. It is not discretionary. It is not subject to internal policy preferences. It is a **mandatory**

statutory obligation that flows directly from the structure and purpose of the *Privacy Act*. The RCMP's refusal to search is therefore a reviewable error under s. 18.1 of the *Federal Courts Act*.

THE RCMP'S REFUSAL TO SEARCH IS NOT REVIEWABLE BY THE PRIVACY COMMISSIONER

74. Section 29(1) of the *Privacy Act* exhaustively enumerates the categories of complaints the Privacy Commissioner may investigate. These include:

    a. improper use or disclosure (s. 29(1)(a));
    b. refusal of access (s. 29(1)(b));
    c. refusal to correct (s. 29(1)(c));
    d. unreasonable extensions (s. 29(1)(d));
    e. language/format issues (s. 29(1)(e), (e.1));
    f. inappropriate fees (s. 29(1)(f));
    g. issues with the index (s. 29(1)(g)); and
    h. issues relating to collection, retention, disposal, use, disclosure, or requesting access (s. 29(1)(h)).

75. **None of these categories include a refusal to search.** The duty to search is not a matter within the Commissioner's jurisdiction for patently obvious and axiomatic reasons underpinning Parliament's passing and amending of the *Privacy Act* since 1985 (nota bene: some 92 versions since September 24, 2002). The Federal Court has confirmed that where the Commissioner lacks jurisdiction, the appropriate remedy is **judicial review and mandamus**, not a complaint to the Commissioner. Accordingly, the Applicant has **no adequate alternative remedy**, satisfying a key requirement for mandamus.

C. THE RCMP'S REFUSAL TO SEARCH FOUNDATIONAL METADATA (LEVEL 2) IS UNLAWFUL

76. Foundational metadata includes:

    a. the **ORI** (Originating Agency Identifier);
    b. the **terminal ID** used to create and potentially the Terminal ID (may be the same or different to modify the records, data and Personal Information;
    c. the **system identification number**; and
    d. **PPU 005 transaction logs** showing when, where, and by whom the record was created or altered.

77. These records are essential to determining:

    a. whether the Information Package ever existed in a lawful form. If so, what were the data points involving the same?
    b. whether it was created within ICON/FRANK;
    c. whether it was modified, overwritten, or purged; and/or
    d. whether the RCMP and any law enforcement agency including "Police Services" unlike how the RCMP refers to itself as "Police Forces" ever possessed lawful judicial authorization.

78. The RCMP refused to conduct even a basic audit of PPU 005 logs *(see: Tab 1, Page 8 of the PII Access Request (March 11 2026))*. This refusal is unreasonable, contrary to the *Privacy Act*, and contrary to the duty of fairness.

The RCMP's position — that it is "not authorized to search files belonging to other police forces" — is a **misstatement of law**.

79. The Applicant did not request "files belonging to other police forces." He requested his Personal Information which is akin to ownership of the same:

    a. metadata;
    b. system identifiers;
    c. audit trails;
    d. transaction logs;
    e. CPIC entries; and
    f. PPU 005 records.

80. These are **federal records** and federal Personal Information under the control of the RCMP. The RCMP's refusal to search foundational metadata is therefore unlawful.

D. THE RCMP'S REFUSAL TO SEARCH AMENDED OR PURGED DATA (LEVEL 3) IS UNLAWFUL

81. Amended/purged data includes:

    a. hexadecimal dumps;
    b. offline mainframe interrogation;
    c. audit trails;
    d. version histories;
    e. overwritten or deleted entries
    f. "vector collapse" indicators showing unauthorized modification.
    g. These searches are required where, as here, the authenticity of a document is in question. The Applicant's Application Record demonstrates that the False Information Package:
        i. is missing mandatory pages;
        ii. contains no judicial signature;
        iii. contains inconsistent footers;
        iv. contains digital artifacts ("CL (M)"); and
        v. was generated using **GrapeCity.Documents for PDF v. 6.0.2.0**, a commercial SDK external to ICON/FRANK.

82. These anomalies raise serious concerns of:

    a. fabrication;
    b. alteration;
    c. purging;
    d. unauthorized modification; and
    e. synthetic document generation.

83. Only a Level 3 search can determine the genesis and modification history of the document. The RCMP's refusal to conduct such a search is unreasonable and contrary to its statutory obligations. The RCMP's position — that it cannot search "files belonging to other police forces" — is irrelevant. The Applicant is not seeking municipal files. He is seeking **federal metadata** stored in:

a. CPIC;
b. PPU 005;
c. the Offline Historical Database; and RCMP-controlled audit logs.

84. These repositories are under the **exclusive control** of the RCMP. The refusal to search them is unlawful.

E. THE LEGAL TEST FOR MANDAMUS IS SATISFIED

85. The Federal Court applies a well-established seven-part test for mandamus. Mandamus will issue where:

a. A public legal duty exists;
b. The duty is owed to the Applicant;
c. The Applicant has a clear right to performance;
d. No adequate alternative remedy exists;
e. The Respondent has refused to act;
f. The duty is non-discretionary; and
g. The order will be effective.

86. Each criterion is satisfied:

a. **Public legal duty:** The RCMP has a statutory duty to search for Personal Information (ss. 4, 6, 12).
b. **Duty owed to the Applicant:** The Applicant is the subject of the information.
c. **Clear right to performance:** The Applicant provided precise identifiers and repository locations.
d. **No adequate alternative remedy:** The Privacy Commissioner has **no jurisdiction** over refusals to search (s. 29).
e. **Refusal to act:** The RCMP expressly refused to conduct any search.
f. **Non-discretionary duty:** The duty to search is mandatory.
g. **Effectiveness:** A mandamus order will compel the RCMP to perform the required searches.

87. Mandamus is therefore the appropriate and necessary remedy.

F. THE DOCTRINE OF "CONTROL" UNDER THE PRIVACY ACT AND FEDERAL COURTS JURISPRUDENCE

Control is broader than physical possession

88. The *Privacy Act* does not define "control." The Federal Court of Appeal has repeatedly held that "control" is a **broad, liberal, purposive concept**, not limited to:

a. physical possession;
b. server location;
c. departmental boundaries; and
d. municipal vs. federal custody.

89. In *Canada Post Corp. v Canada (Minister of Public Works)*, the Court held that control includes: "ultimate, immediate, full, partial, transient, lasting, de jure, and/or de facto control." The RCMP is the **paramount custodian** of CPIC and PPU 005. It has:

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a. de jure control (statutory authority);
b. de facto control (operational authority);
c. common law control (the legal right, privilege or permission to make the demand albeit unto itself);
d. constructive control (ability to demand records); and
e. exclusive control (sole administrator of the Offline Historical Database).

90. The RCMP cannot avoid its statutory obligations by asserting that certain records "belong to other police forces." The Applicant is not seeking municipal records. He is seeking **federal metadata** stored in federal systems.

Control includes the ability to demand records

91. In *Ontario Criminal Code Review Board v. Hale*, our ONCA held that a tribunal has "control" over records if it has the **power to demand** them, even if the records are held by a contractor or third party. The RCMP has the right, power and/or privilege *to make a demand* (albeit it is unto itself and in effect the right to make the demand is the duty to search): CPIC logs; PPU 005 transaction histories; audit trails; hexadecimal dumps; and system identifiers. The RCMP's refusal to search is therefore a refusal to exercise control, not a lack of control.

Control includes metadata and audit trails

92. Metadata is Personal Information under s. 3 of the *Privacy Act*. It is also "information under the control of a government institution" under s. 12(1). The RCMP's refusal to search metadata repositories is therefore a refusal to search Personal Information under its control.

Control includes amended and purged data

93. The Offline Historical Database contains: overwritten entries; purged entries; amended entries; version histories; and audit trails. These records, exclusively Personal Information in nature so requested, are under the **exclusive control** of the RCMP. The refusal to search them for the Personal Information request from the Applicant is unlawful.

G. THE RCMP COMMISSIONER BREACHED HIS MANDATORY DUTY TO CONSIDER PUBLIC-INTEREST DISCLOSURE UNDER S. 8(2)(M)

G(I): Section 8(2)(m) imposes a mandatory duty on the Head of the institution

94. Section 8(2)(m) of the *Privacy Act* authorizes disclosure of Personal Information without consent where:
    a. **(i)** the public interest in disclosure clearly outweighs any invasion of privacy; or
    b. **(ii)** disclosure would clearly benefit the individual concerned.

95. The jurisprudence is unequivocal. **The Head of the Institution must personally consider the request.** This duty cannot be delegated, ignored, or deferred. On April 7, 2026, the Applicant formally invoked s. 8(2)(m) in a detailed written request addressed directly to Commissioner Duheme, the Head of the RCMP. *(see: supra).* This triggered the Commissioner's mandatory statutory duty to :review the request; weigh the public interest; consider the Applicant's evidence; determine whether disclosure is warranted; provide reasons.

2. The RCMP refused to exercise discretion

96. The RCMP did not acknowledge, consider, or respond to the Applicant's April 7 request. This constitutes a **refusal to exercise discretion**, a reviewable error under s. 18.1 of the *Federal Courts Act*. A refusal to exercise discretion is as unlawful as an improper exercise of discretion. Put another way, it is a discretion that does not exist at law.

3. The Commissioner's "away on duty" auto-reply does not suspend statutory obligations

97. On June 2, 2026, when the Applicant served the Commissioner electronically, an automated response indicated that the Commissioner was "away on duty" until late June. This contemporaneous fact confirms that the Commissioner was unavailable at the time of service, but it does **not**: suspend statutory duties; cure the earlier refusal to consider the April 7 request; justify the RCMP's failure to act; and negate the Applicant's right to mandamus. The refusal to consider s. 8(2)(m) occurred **before** the Commissioner's absence and is therefore a completed jurisdictional error.

H. MCINERNEY V. MACDONALD

98. It is a foundational tenet of access and privacy jurisprudence, authoritatively elucidated by the Supreme Court of Canada in *McInerney v. MacDonald,* 1992 CanLII 57 (SCC) (the "*McInerney Decision*"), that an individual possesses a fundamental, continuing, and trust-like beneficial interest in their personal information (the "**Personal Information**"). Within the *McInerney Decision*, the highest appellate tribunal of this jurisdiction unequivocally decreed that a fiduciary-analogous duty commands the disclosure of such documentary *acta* upon request, an obligation from which the custodian may not capriciously resile. An advanced syllogistic extrapolation of the legal principles articulated within the *McInerney Decision* mandates the application of its ratio decidendi to the statutory imperatives enshrined within the *Privacy Act, RSC 1985, c P-21* (the "*Privacy Act*").

99. *A fortiori*, if the speculative fear of frivolous legal proceedings cannot ostensibly validate a refusal to disclose recognized documentation, such apprehensions are *ipso facto* and incontrovertibly deficient to legitimize a comprehensive institutional refusal to conduct a mandatory search (i.e. the refusal to search) *in limine*.

100. Furthermore, the *McInerney Decision* recognized the paradoxical reality that the outright denial of access is demonstrably calculated to incentivize the very commencement of litigation it purportedly seeks to avoid. As noted by the Supreme Court of Canada, when an entity refuses disclosure, the aggrieved party is inevitably compelled to commence an action to acquire the requisite records via the rules of civil procedure governing documentary discovery. Applied *mutatis mutandis* to the present factual matrix, the absolute failure of the Royal Canadian Mounted Police to conduct a requisite search of the offline historical database (the "**Offline Historical Database**") precipitates an identical outcome: the applicant (the "**Applicant**") is forcibly conscripted into initiating these exact judicial review proceedings, culminating in the pursuit of the prerogative writ of mandamus, to effectuate the compulsory search that ought to have been executed *prima facie*.

101. In direct application of the aforementioned jurisprudence to the uncontroverted evidentiary matrix herein, the Royal Canadian Mounted Police has purportedly refused to search the foundational metadata (the "**Foundational Metadata**") under the guise that such efforts might yield information over which they disclaim authority or which they baselessly deem extraneous. However, the *McInerney Decision* categorically invalidates the argument that records may be withheld merely because they are perceived as meaningless or subject to misinterpretation. If the documentation housed within the Canadian Police Information Centre (the "**CPIC**") is genuinely unblemished, its revelation would precipitate no prejudice; conversely, the persistent refusal to search strongly substantiates the adverse inference that said repositories contain indisputable proof of systemic fabrication. The utilized software mechanism, identified as GrapeCity.Documents.For.PDF (version 6.0.2.0), manufactured an ostensibly authoritative instrument that is inextricably devoid of jurisdictional competence, thereby constituting an absolute nullity *ab initio* rather than a curable procedural irregularity, as it was forged in direct contravention of the *Criminal Code,* and immutable equitable principles. Consequently, the institutional posture of the Royal Canadian Mounted Police—characterized by an *ultra vires* refusal to interrogate the hexadecimal dumps and audit trails—is diametrically opposed to the equitable duties of disclosure affirmed in the *McInerney Decision*. By failing to restore the *status quo ante*, the respondents (the "**Respondents**") have abdicated their positive statutory obligations, utilizing administrative reticence as a clandestine mechanism to perpetuate the concealment of a juridical nullity. It is therefore respectfully advanced that the judicial intervention of this Honourable Court is strictly necessitated to vitiate this obstinate recalcitrance and compel the execution of a comprehensive search, thereby ensuring that the foundational tenets of transparency and the rule of law are unequivocally upheld.

102. In order for the Applicant to be able to exercise his right to request correction, the RCMP must discharge its duty to search at first instance.

I. THE FABRICATED "INFORMATION PACKAGE" IS AN ABSOLUTE NULLITY

103. The Application Record demonstrates that the Information Package:

a. is missing mandatory pages;
b. contains no judicial signature (ink; electronic; or "digital signature" although it purports to have been digitally signed by JP Mr. George Jiri of OCJ Brampton in a Toronto Region matter (on its best day), which is unlawful in of itself and, on its face (pardon the pun), would have been impossible considering the full implementation of the Criminal E-Intake Portal in 2022 province wide for the OCJ
c. contains inconsistent footers;
d. contains digital artifacts ("CL (M)") which on their face and by lack of controverted evidence or the single appearance by a single Respondent including the failure of the Regional COM of the entire Central Region (formerly the "O" Region" for Ontario) in Regional COM Mr. Matt Peggs (not to be confused with former Fire Commissioner in Mr. Matthew Pegg (nota bene: no "s"); and
e. was generated using **GrapeCity.Documents for PDF v. 6.0.2.0**, a commercial SDK external to ICON/FRANK.

104. These anomalies are not "irregularities." They are **jurisdictional defects** that render the document an **absolute nullity**. A fabricated Information Package cannot:

a. authorize an arrest;
b. be the grounds to lure an individual to a police division that it has received some of the individual's property only with the motive to falsely arrest him, detain him, imprison him with the threat of indefinite imprisonment at another detention centre;
c. support a CPIC entry ab initio or post facto by falsification;
d. justify a deprivation of liberty; and
e. be relied upon by law enforcement.

105. Only a Level 3 search can determine the genesis and modification history of the document. The RCMP's refusal to conduct such a search is unreasonable and contrary to law.

PART IV — RELIEF SOUGHT

106. It is imperative, with respect, to recall what is in the Record Of Proceeding by way of Tab 12 in the Applicant's Rule 317 Request (see: page 457 and onwards). By way of summary and recasting with current temporal relevant, the jurisprudential and administrative determinations promulgated by the Office of the Privacy Commissioner of Canada (the "OPCC") establish an irrevocable and binding paradigm: the Royal Canadian Mounted Police (the "RCMP") is strictly precluded from operating as a passive repository or "blind conduit" concerning the proliferation of intelligence contributed by external municipal or provincial law enforcement apparatuses. As the supreme technological administrator and absolute statutory steward of the Canadian Police Information Centre (the "CPIC") infrastructure, the RCMP exercises paramount, non-delegable control over all multi-jurisdictional entries. Consequently, it is an irrefragable syllogism that the RCMP is encumbered with the ultimate legal responsibility to actively govern, monitor, and ensure that all proprietary data transiting this national framework strictly comports with the rigid parameters of the *Privacy Act*. Invoking the foundational equitable and legal maxims *qui facit per alium facit per se* and *qui non prohibet quod prohibere potest assentire videtur*, the recalcitrant refusal to conduct a mandatory search of the foundational metadata (the "Foundational Metadata") and

the Offline Historical Database constitutes a direct contravention of statutory obligations. The OPCC has explicitly concluded that the quantum of control exercised by the RCMP over the CPIC mainframe is unequivocally sufficient to trigger the robust, mandatory protections enshrined within section 8 of the *Privacy Act*. Even in circumstances wherein an ancillary municipal entity ostensibly originated the data upload and maintained nominal carriage of a localized investigative file, the Commissioner of the RCMP remains the ultimate authority accountable for the administration and statutory compliance of the overarching system. Therefore, the attempt by the RCMP to shield itself behind the facade of a decentralized framework to evade an affirmative duty to search is fundamentally *ultra vires*.

107. This absolute architectural stewardship inextricably equates to absolute legal accountability, particularly when confronted with the insidious integration of fabricated or fundamentally inaccurate data. Given the evidentiary record demonstrating the presence of unparalleled subfacial and facial fabrications—amounting to absolute nullities *ab initio* rather than mere curable procedural irregularities—the RCMP is legally bound to exercise an active, governing supremacy over the implicated files. In relation to said implicated files, wherein the personal information (the "Personal Information") of the applicant (the "Applicant") is inextricably intertwined, an immutable and indefeasible statutory entitlement to said data is possessed by the Applicant. Drawing from binding federal public sector jurisprudence, the taxonomy of what constitutes the Personal Information mandates a profoundly broad and expansive interpretative framework; it encompasses information that is strictly "about" an identifiable individual, signifying that the data not only subjects the individual but substantively relates to or concerns them, as authoritatively articulated in *Dagg v. Canada (Minister of Finance)*, [1997] 2 SCR 403, *Canada (Information Commissioner) v. Canada (Transportation Accident Investigation and Safety Board)*, 2006 FCA 157, and *Canada (Information Commissioner) v. Canada (Commissioner of the Royal Canadian Mounted Police)*, 2003 SCC 8.

108. Furthermore, it is a settled doctrine that a serious possibility of an individual being identified through the utilization of said information, either in isolation or synthesized with external data matrices, strictly satisfies the threshold of an "identifiable individual," a principle confirmed in *Gordon v. Canada (Health)*, 2008 FC 258. The classification transcends mere recorded typologies; the essential nature of information concerning an identifiable subject operates to solidify its status as the Personal Information, irrespective of its physical or unrecorded embodiment, as supported by *Morgan v. Alta Flights Inc.*, 2006 FCA 121. The jurisprudential parameters remain utterly undiminished even if the intelligence is shared among multiple identifiable subjects, as established in *Wyndowe v. Rousseau*, 2008 FCA 39, or if the data ostensibly exists within the public domain, as affirmed in *Englander v. TELUS Communications Inc.*, 2004 FCA 387. Of paramount significance to the present matrix of fabricated instruments, subjective or fundamentally inaccurate intelligence ascribed to an individual unequivocally retains its strict classification as the Personal Information, a doctrine firmly cemented in *Lawson v. Accusearch Inc.*, 2007 FC 125.

109. The systemic subversion effectuated through the illicit utilization of Portable Document Format manipulation software demands uncompromising forensic verification via the compulsory disclosure of the requested hexadecimal transaction logs and sequential digital trails. The failure to actively restrict, audit, and expose such unlawful data manipulation renders the RCMP directly culpable for the resultant privacy breaches, thereby entirely destroying any residual presumption of *omnia praesumuntur rite esse acta*. *Ipso facto*, the present application for judicial review is correctly and inescapably predicated upon the egregious dereliction of the RCMP in failing to conduct the requisite search. To achieve compliance with the *Privacy Act*, the prerogative writ of mandamus must be issued to actively interrogate the repositories under the sovereign and constructive control of the centralized federal repository. Consequently, immediate judicial intervention *in limine* is strictly necessitated to compel the execution of a comprehensive, multi-level search, thereby restoring the *status quo ante* and ensuring that the foundational tenets of transparency, statutory adherence, and the rule of law are unequivocally upheld.

110. The Applicant seeks the following relief, flowing directly from the Respondents' refusal to search, refusal to exercise statutory discretion, failure to produce a Certified Tribunal Record, and failure to participate in this proceeding. The Applicant seeks all relief set out in this Notice of Application, including but not limited to:

a. A declaration that the RCMP Tribunal has lost jurisdiction over file 2025-16999 [sic] and the Applicant's two ATIA requests to the RCMP ATIP Branch (Request #1 delivered April 14, 2026, and Request #2 delivered May 7, 2026; Application Record, Tabs 9 and 10). This relief is subject to the passage of time, the date of the judgment hearing, and leave to make further submissions (including seeking directions and enforcement of orders); b. The declaratory relief detailed at subparagraphs 1(k) through 1(p), 1(r) through 1(t), 1(v), 1(w), and 1(y) through 1(hh); c. The orders detailed at subparagraphs 1(x) and 1(ii); and d. Any other relief not expressly encompassed above;

b. A declaration that the RCMP breached its statutory obligations under ss. 4, 6, and 12 of the *Privacy Act* by: a. refusing to conduct any search for the Applicant's Personal Information; b. refusing to search foundational metadata (Level 2), including ORI, terminal ID, system identification number, and PPU 005 logs; c. refusing to search amended or purged data (Level 3), including hexadecimal dumps, offline mainframe interrogation, audit trails, and version histories; and d. refusing to take any steps reasonably necessary to identify, locate, or retrieve Personal Information under its control;

c. An order in the nature of *mandamus* compelling the RCMP to conduct a full, complete, and good-faith search for all Personal Information responsive to the Applicant's March 11, 2026 request, specifically including: a. Level 2 (Foundational Metadata): ORI (Originating Agency Identifier), terminal ID, system identification number, PPU 005 transaction logs, and all metadata identifying the genesis, custody, or modification history of Police Case ID 457197; and b. Level 3 (Amended or Purged Data): hexadecimal dumps, offline mainframe interrogation results, audit trails, version histories, records showing overwritten/deleted/purged entries, and any indicators of synthetic document generation or "vector collapse;

d. An order in the nature of *mandamus* compelling the Head of the RCMP, Commissioner Michael Duheme, to: a. exercise his statutory discretion under s. 8(2)(m) of the *Privacy Act*; b. consider whether the public interest in disclosure clearly outweighs any invasion of privacy, and whether disclosure would benefit the Applicant; c. review the Applicant's April 7, 2026 request; and d. provide written reasons documenting this analysis. *(Note: This relief compels the lawful consideration of disclosure, not the disclosure itself).*

e. A declaration that the RCMP's refusal to search: a. is incorrect and unreasonable; b. frustrates the purpose of the *Privacy Act* and the ATIA; c. violates the Applicant's right of access under s. 12(1); d. violates the duty to maintain accurate and complete records under s. 6; and e. violates the duty to collect and retain information lawfully under s. 4.

f. An order requiring the RCMP to file, within a time fixed by the Court, a sworn Affidavit of Compliance setting out: a. the repositories searched and methods used; b. the specific metadata and amended/purged data retrieved; c. the results of all Level 2 and Level 3 searches, including the Applicant's located Personal Information; and d. any records confirmed to have been altered, overwritten, or purged;
g. An order in the nature of *prohibition* enjoining the RCMP, its delegates, and affiliated bodies from expunging, altering, transferring, sanitizing, migrating, obfuscating, or archiving beyond rapid retrieval any metadata, system logs, or historical audit trails associated with Police Case ID 457197 pending final adjudication and exhaustion of appeals;
h. An order that the Court remain seized of this matter to oversee compliance with the Orders herein, to address the RCMP's loss of jurisdiction, and to address any subsequent issues arising from the Respondents' execution of these directives;
i. An order granting immediate interim injunctive relief pending final disposition of this Application;
j. An order granting permanent injunctive relief to abate ongoing statutory breaches
k. Such costs as this Honourable Court deems just, including elevated or full indemnity costs if warranted by the Respondents' default and refusal to perform statutory duties; and
l. Such further and other relief as this Honourable Court deems just and necessary to give full effect to its judgment.

All of which is most respectfully submitted to this Honourable Federal Court of Canada by the Applicant on below date:

Date: June 3, 2026

Mr. Kevin A. McLean (BA, JD, CIM)
Applicant (Self-Represented)
68 Abell Street
(Receptionist desk)
Toronto, Ontario
M6J 0B1
Email: mclean@searchandseizure.ca
Fax: 416.352.0055

APPENDICES

PART V — LIST OF AUTHORITIES

(Rule 70(1)(e), Federal Courts Rules)

A. Statutes and Regulations

1. ***Federal Courts Act***, RSC 1985, c F-7
2. ***Federal Courts Rules***, SOR/98-106
3. ***Privacy Act***, RSC 1985, c P-21
4. **Access to Information Act**, RSC 1985, c A-1
5. ***Canadian Charter of Rights and Freedoms***, Part I of the Constitution Act, 1982
6. ***Criminal Code***, RSC 1985, c C-46

B. Jurisprudence

Supreme Court of Canada

7. *Lavigne v Canada (Commissioner of Official Languages),* 2002 SCC 53
8. *Dagg v Canada (Minister of Finance),* [1997] 2 SCR 403
9. *Canada (Information Commissioner) v Canada (Minister of National Defence)*, 2011 SCC 25

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2. Federal Court of Appeal / Federal Court

17. *Apotex Inc v Canada (Attorney General)*, [1994] 1 FC 742 (CA)
18. *Dagg v. Canada (Minister of Finance)*, [1997] 2 SCR 403,
19. *Canada (Information Commissioner) v. Canada (Transportation Accident Investigation and Safety Board)*, 2006 FCA 157, and
20. *Canada (Information Commissioner) v. Canada (Commissioner of the Royal Canadian Mounted Police)*, 2003 SCC 8.
21. *Morgan v. Alta Flights Inc.*, 2006 FCA 121.
22. *Wyndowe v. Rousseau*, 2008 FCA 39,
23. *Englander v. TELUS Communications Inc.*, 2004 FCA 387. 7

24. *Lawson v. Accusearch Inc.*, 2007 FC 125.

3. Provincial Appellate and Superior Courts

25. *Ontario Criminal Code Review Board v Hale*, 1999 CanLII 3805 (ONCA)

C. Secondary Materials

26. Treasury Board Secretariat, Personal Information Banks — RCMP PPU 005

27. GrapeCity.Documents for PDF, Developer Documentation (Version 6.0.2.0)

28. OPC Special Investigation Report (2014) — Mental Health Disclosures to U.S. CBP

[i] "[4] To substantiate the gravity of subfacial and facial fabrications, reliance is placed upon R. v. Schertzer, 2015 ONCA 259 (the "Schertzer Decision"), and R. v. Hansen, 2018 ONCA 46 (the "Hansen Decision"). These appellate authorities adjudicated instances of subfacial fabrication, wherein ostensibly valid judicial authorizations were rendered constitutionally defective due to underlying prevarications promulgated by law enforcement officials regarding the scope of their investigations and the purported existence of reasonable grounds to believe (the "Reasonable Grounds To Believe").
[5] The Schertzer Decision involved the falsification of police notes designed to conceal an unlawful search, whereas the Hansen Decision addressed the invalidation of search warrants predicated upon misleading information sworn by affiants. Applying the legal principles elucidated therein to the present factual matrix, it is evident that the actions deployed against the Applicant transcend mere subfacial deficiencies; they constitute overt, absolute fabrications of judicial processes ab initio.
[6] A comparative analysis necessitates an examination of Silva v. R., 2021 QCCS 4627, and Silva v. R., 2021 QCCS 4131 (collectively, the "R. v. Silva Decisions"). The factual matrix therein involved an officer of the Service de Police de la Ville de Montréal (the "SPVM"), Officer Guillaume Joly-Tessier, who temporarily misappropriated a judicial stamp belonging to a Justice of the Peace to forge an arrest warrant. The target of said fabrication was a highly dangerous, convicted fugitive possessing a documented history of severe, violent criminality, including armed robbery and murder. While the misconduct elucidated in the "R. v. Silva Decisions" was undeniably deplorable, it was rationalized internally as a manifestation of noble-cause corruption, undertaken in extremis to apprehend a significant threat to public safety.
[7] Conversely, the circumstances surrounding the Applicant, an individual devoid of any criminal antecedents but for the soundly defeating of the RCMP and former RCMP officers while retained by the soon to be defunct LSBC, stand in stark contrast to the preceding authorities. The fabrication of the Criminal Code Form 2 Information (the "Form Two Information") within the False Information Package involved the installation of a Toronto Region Court Officer, Mrs. Frugoni-Rojas, as a fabricated informant (the "Fictitious Informant"). Furthermore, the process ostensibly engaged a fictitious Justice of the Peace, Mr. George Jiri, improperly ascribed to the Ontario Court of Justice Brampton Courthouse (the "Brampton Courthouse"). The Applicant maintained no residential or jurisdictional nexus to the Brampton Courthouse. Geographically and jurisdictionally, the Royal Canadian Mounted Police Milton Detachment (the "RCMP Milton Detachment") operated with proximity and oversight regarding specific federal matters within Toronto West. Simply put, unprecedented fraud on two levels of court involving a fictious informant and fictitious judicial officer. More colourfully put, Mr. Jeff Ball, Director, Privacy, of the RCMP ATIB Branch has the audacity to represent that he cannot search the Foundational Metadata Repository and Offline Historical Database Repository. The Applicant pleads that the RCMP ATIB Branch must search but it does not want to search for fear of what it will discover."

(see: Tab 11, pages 425 and 426).

[ii] Put another way, without the RCMP (ATIP Branch) conducting a search under the PII Access Request (March 11 2026) (and presumably by the time of the "Hearing" (not by conference as that would not be legally possible based on the most expeditiousness under which the Applicant is marshalling this FCC Application forward, then the Head of the **Institution**(Commissioner Mr. Micheal Duheme) cannot exercise a discretion, as fettered as it may be and sill subject to the relief of a writ of mandamus, under ss. 8(2)(m). It is trite that this FCC Application raises at the very least general issues which are of central importance to the legal system as a whole.

TAB 10

Tab A

Date: July 6, 2026 **Time of Transmission:** 09:22 AM EDT **Total Pages:** 1 (cover page) + attached letter

Sender (Rule 71(3)(a)):

Mr. Kevin A. McLean (BA, JD, CIM) Applicant (Self-Represented) 68 Abell Street (Reception Desk) Toronto, Ontario M6J 0B1

Telephone: 647.370.9354 **Email:** mclean@searchandseizure.ca

Fax Number for Return (Rule 71(3)(d)):

416.352.0055

Contact for Transmission Problems (Rule 71(3)(e)):

Mr. Kevin A. McLean Telephone: 647.370.9354

Recipient:

Federal Court of Canada Ottawa Principal Office Registry Operations Courts Administration Service

Fax: *(Insert Ottawa Principal Office fax number used previously — e.g., 613-943-2298 or designated FCC line)*

Subject:

Supervisory Review Request — Direction dated July 2, 2026 (Justice Whyte Nowak) Procedural Inconsistencies with June 24, 2026 Crinson Direction Transmission Obligations Under Rules 23–25 (NOM #1 and NOM #2) To be coupled with NOM #3 (forthcoming)

Notes:

This fax transmits the Applicant's formal request for supervisory review of the July 2, 2026 Direction. The attached letter outlines procedural inconsistencies with the governing June 24 Crinson Direction, Rule 369, Rule 34, Rule 72, Rule 65, Rule 4, Rule 55, Rule 394, and Rules 23 25. Respondents have no standing under Rule 145 and are not entitled to notice of steps or service of documents. NOM #3 will be filed forthwith.

Routing Request:

Please ensure immediate routing to: **The Honourable Martine St-Louis** Acting Chief Justice / Associate Chief Justice Federal Court of Canada Ottawa Principal Office

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

Requisition of Hearing

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Mon, Jul 6, 2026 at 9:08 AM
To: "Bakalakis, Christos" <Christos.Bakalakis@cas-satj.gc.ca>
Cc: "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>, FC_Reception_CF <fc_reception_cf@cas-satj.gc.ca>

BY EMAIL AND BY FAX
Dictated with voice recognition software (reserve rights to amend any errors involving syntax, spelling, grammar or incorrect double negatives but the substance will remain the same)
Note: may be also be formalized in the form of a PDF and signed letter with the contents remaining the same
Date: **July 6, 2026**
To:
Mr. Christos Bakalakis Regional Director General — Ontario Region Courts Administration Service (Toronto Local Office)
Mr. David Boudreau Manager, Registry Operations Courts Administration Service (Ottawa Principal Office)

CC OR FORWARDED TO:

The Honourable Martine St-Louis Acting Chief Justice / Associate Chief Justice Federal Court of Canada (Ottawa Principal Office)

Re: Court File No. T-2448-26 — McLean v. RCMP et al
Request for Supervisory Review — Direction dated July 2, 2026 (Justice Whyte Nowak) (to be coupled with further to be filed documents)
Procedural and Substantive Inconsistencies with June 24, 2026 Crinson Direction
Transmission Obligations Under Rules 23–25 (NOM #1 and NOM #2)

I. INTRODUCTION

1. I thank you for your email of last week. I had not reviewed it until to today's date and in light of having to spend nearly half a day having faxes delivered to the Federal Court of Canada (Ottawa Court Office).
2. I write respectfully to request supervisory review of the Direction issued on July 2, 2026 by Justice Whyte Nowak under Rule 72(2)(a), in relation to the Applicant's Notice of Motion #1 ("NOM #1") and Notice of Motion #2 ("NOM #2").
3. This request is made solely on procedural grounds. The July 2 Direction contains several factual and procedural inconsistencies when compared against: (a) the record of filings; (b) Registry acceptance and transmission confirmations; (c) the June 24, 2026 Direction of Associate Judge Crinson; and (d) the mandatory transmission obligations under Rules 23–25.
4. For clarity, all documents referenced in the July 2 Direction were **filed, stamped, and accepted** by the Registry. (Appendix A.)
5. NOM #1 and NOM #2 were required to be transmitted **forthwith** to the Principal Office under Rules 23–25. The Regional Director General confirmed transmission on June 29, 2026. (Appendix B.)
6. The July 2 Direction was issued **after** the return date of June 30, 2026, and after Registry acceptance and transmission. This creates a procedural inconsistency requiring clarification.

II. PROCEDURAL CHRONOLOGY (APPENDICES A–F)

6. On May 19–20, 2026, the Notice of Application and Rule 317 Request were served, filed, stamped, and accepted. (Appendix C.)
7. On June 22–25, 2026, the Registry accepted: (a) Updated Application Record; (b) Draft Reasons for Order/Judgment; (c) Draft Bill of Costs; (d) Motion Record for NOM #2; (e) Response to Crinson Direction; (f) Requisition for Hearing.
8. On June 24, 2026, Associate Judge Crinson issued a Direction governing the file. (Appendix D.)
9. On June 29, 2026, the Regional Director General confirmed that the Applicant's materials had been **reviewed and forwarded to a judge** for consideration and further direction. (Appendix B.)
10. NOM #2 was returnable on June 30, 2026.
11. The July 2 Direction was issued **after** the return date and after transmission.

III. POINT-BY-POINT RESPONSE TO THE JULY 2 DIRECTION

HEADING 1 — "THE APPLICANT FILED A MOTION DATED JUNE 10, 2026…"

12. Correct. The Applicant filed NOM #2 on June 10, 2026.
13. Associate Judge Crinson's June 24 Direction confirmed that NOM #2 would be **determined in writing** under Rule 369. (Appendix D.)
14. The return date of June 30, 2026 passed, and the written determination process was already engaged.
15. The July 2 Direction was issued **after** the return date and after transmission, creating a chronological inconsistency.

HEADING 2 — "HE HAS DIRECTED THAT THE MOTION BE DETERMINED BY THE ACTING CHIEF JUSTICE…"

16. Respectfully, the Applicant did **not** "direct" the Court.
17. The Applicant sought relief in NOM #2 that NOM #1 and NOM #2 be determined together, consistent with the primus inter pares doctrine.
18. This was a **request for relief**, not a direction to the Court.
19. Associate Judge Crinson already confirmed written determination under Rule 369.

HEADING 3 — "REGISTRY ADVISED THE APPLICANT ON JUNE 16, 2026…"

20. The July 2 Direction states that the Registry advised the Applicant on June 16, 2026 that an affidavit of service was required.
21. The actual June 16 email (Appendix F) does **not** state that the Applicant's proof of service was deficient.
22. The June 16 email does **not** identify any defect in the Notice of Application or Rule 317 Request.
23. The June 16 email does **not** reject any filing previous but in relation to the Requisition for Hearing which stemmed on a legal issue to be decided which is, inter alia, whether when Respondents have been served with a "filed" document which the NOA and Rule 317 Request were, but fail to respond within prescribed timelines and do not have leave, are affidavits required in the Application Record, I respectfully say "no" but that is an issue to be decided.
24. The June 16 email does **not** constitute a Rule 72(2)(a) notice.
25. The June 16 email does **not** relate to NOM #1 or NOM #2.
26. The June 16 email was general procedural guidance, not a rejection.
27. The July 2 Direction mischaracterizes the June 16 email.

HEADING 4 — "AFFIDAVIT OF SERVICE NOT SWORN OR COMMISSIONED…"

28. The Certificate of Service filed on May 20, 2026 was **accepted**, **stamped**, and **entered**. (Appendix C.)
29. The Registry never notified the Applicant of any defect.
30. Associate Judge Crinson's June 24 Direction did **not** identify any defect in service.
31. The Regional Director General confirmed transmission of all materials on June 29.

HEADING 5 — "TABLE OF CONTENTS, DRAFT ORDER, AND BRIEF OF AUTHORITIES CONTAIN ARGUMENT…"

32. Draft Orders and Draft Reasons are standard components of Rule 369 written motions.
33. Associate Judge Crinson did not reject these components.
34. The Registry accepted and transmitted them.

HEADING 5A — TABLE OF CONTENTS DOES NOT CONTAIN ARGUMENT

35. The Table of Contents is **highly particularized and detailed**, consistent with Federal Court practice.
36. The Federal Courts Rules do **not** prescribe any form for a Table of Contents.
37. The Registry accepted it without objection.
38. Associate Judge Crinson did not identify any defect.

HEADING 5B — DRAFT ORDER IS PERMITTED UNDER RULE 4

39. The Federal Courts Rules contain **no prescribed form** for Draft Orders.
40. Rule 4 permits reliance on provincial superior court practice where the Rules are silent.
41. Nunc pro tunc relief was sought.
42. The Draft Order was filed to assist the Court.
43. Associate Judge Crinson did not identify any defect in a previously drafted order for NOM #1.

HEADING 5C — BRIEF OF AUTHORITIES IS PROPER

44. The Brief of Authorities contains citations and parenthetical references, which are standard.
45. The Rules do not prohibit explanatory parentheticals.
46. The Registry accepted it.
47. Associate Judge Crinson did not identify any defect.

HEADING 5D — RULE 4 GOVERNS MATTERS NOT PROVIDED FOR

48. Rule 4 permits procedural matters not provided for in the Rules to be addressed by analogy or provincial practice.
49. The Draft Order and detailed indexing fall squarely within Rule 4.
50. The July 2 Direction does not reference Rule 4.

HEADING 5E — JURISDICTIONAL INCONSISTENCY WITH JUNE 24 CRINSON DIRECTION

51. Associate Judge Crinson confirmed: (a) Respondents have **no standing** under Rule 145; (b) NOM #1 will be determined **in writing**; (c) No defect in service; (d) No affidavit requirement; (e) No rejection of filings.
52. The July 2 Direction contradicts these findings.

HEADING 5F — MATTERS DEALT WITH ON MOTION MUST BE DEALT WITH ON MOTION

53. NOM #1 and NOM #2 were brought under Rule 369.
54. Rule 369 requires written determination unless a respondent objects.
55. The Respondents filed no Notice of Appearance and no objection.
56. The July 2 Direction revisits matters already placed before the Court on motion.

HEADING 5G — JULY 2 DIRECTION WAS NOT PROPERLY BEFORE JUSTICE WHYTE NOWAK

57. NOM #1 and NOM #2 were filed, accepted, and transmitted under Rules 23–25.
58. The Regional Director General confirmed transmission on June 29.
59. The July 2 Direction was issued after transmission and after the return date.

HEADING 5H — DUTY WAS TO HEAR AND DETERMINE, NOT HEAR AND DIRECT

60. Rule 369 imposes a duty to **determine** written motions.

61. Associate Judge Crinson confirmed written determination.
62. The July 2 Direction revisits acceptance rather than determining the motion.

HEADING 5I — JULY 2 DIRECTION ISSUED FROM DIFFERENT COURT OFFICE

63. NOM #1 and NOM #2 were filed in Toronto and transmitted to Ottawa.
64. The July 2 Direction was issued after transmission and after the return date.
65. This creates a procedural inconsistency.

HEADING 5J — PRIMUS INTER PARES CONSIDERATIONS

66. NOM #2 raised issues appropriate for supervisory review by the judicial head of the Court.
67. The July 2 Direction does not address these issues.

HEADING 5K — JULIUS V. OXFORD (BISHOP OF)

68. *Julius v. Oxford (Bishop of)* holds that a statutory power may become a duty where rights are affected.
69. NOM #2 invoked this principle.
70. The July 2 Direction does not address it.

HEADING 5L — THREE REQUISITIONS FOR HEARING PAID AND ACCEPTED

71. The Applicant paid for three Requisitions for Hearing.
72. All payments were accepted.
73. The July 2 Direction does not address their status.

HEADING 5M — NOM #1 GOVERNED BY JUNE 24 CRINSON DIRECTION

74. Associate Judge Crinson confirmed NOM #1 would be determined in writing.
75. No reconsideration or appeal was filed.
76. The July 2 Direction is inconsistent with the governing Direction.
77. Justice Whyte Novak appears to hang her legal bases hat on what was represented by one Mr. Tristan Mercieca which was addressed after June 16, 2026, and solely in relation to a Requisition for Hearing.

HEADING 5N — OPENING GROUND FOR MOTION #3

77. The Applicant intends to bring a motion seeking a declaration that the July 2 Direction is invalid, subject to supervisory review.

HEADING 5O — RULE 65 FORMATTING REQUIREMENTS FULLY MET

78. Rule 65 concerns formatting, not content.
79. All documents complied fully with Rule 65.
80. The Registry accepted all documents.
81. The July 2 Direction does not identify any specific formatting irregularity.

HEADING 5P — CONFLATION OF FILING AND SERVICE UNDER RULE 72

82. The July 2 Direction states that "without a proper affidavit of service, the Application is not properly filed."
83. Rule 2 defines "filed" as "accepted for filing under Rule 72."
84. The Notice of Application was accepted, stamped, and entered.
85. Filing was complete.
86. Service was complete.
87. No Rule 72(2)(a) notice was issued.
88. The July 2 Direction conflates FILING with SERVICE.

HEADING 5Q — DISTINCTION BETWEEN AFFIDAVIT OF SERVICE AND AFFIDAVITS ON THE APPLICATION

89. An affidavit of service concerns proof of service.
90. Affidavits on the Application concern evidence.
91. The Certificate of Service was accepted and stamped.

92. No defect was identified.

HEADING 5R — MISSTATEMENT OF RULE 369

93. Rule 369(1) expressly authorizes written motions.
94. NOM #1 and NOM #2 were brought under Rule 369.
95. Associate Judge Crinson confirmed written determination.
96. The July 2 Direction's statement is inconsistent with Rule 369.

HEADING 5S — ROLE OF REGISTRY OFFICERS UNDER RULE 369

97. Registry Officers do not determine motions.
98. Registry Officers do not override judicial Directions.
99. The July 2 Direction references Rule 369 inconsistently.

HEADING 5T — GENERAL SITTINGS UNDER RULE 34

100. Rule 34 provides that motions may be heard in Ottawa every Wednesday and Toronto every Tuesday.
101. NOM #2 was returnable June 30 (Tuesday).
102. The July 2 Direction does not reference Rule 34.

HEADING 5U — IRREGULARITIES ARE NOT NULLITIES

103. Rule 55 permits dispensing with compliance.
104. The only arguable irregularity was a half-page excess in the MOFL.
105. Irregularities are addressed by a motions judge, not by Direction.

HEADING 5V — DRAFT ORDERS ARE PERMITTED UNDER RULE 394

106. Rule 4 contemplates the drafting of an Order to assist the Court. The Presiding Motions Judge ("PMJ") which Justice Whyte Novak was not by her own admission. The PMJ may agree with the draft order or not.
107. There is no prohibition against filing a Draft Order with a Rule 369 motion.
108. The Draft Order was filed to assist the Court.

HEADING 5W — RESPONDENTS HAVE NO STANDING UNDER RULE 145

109. Associate Judge Crinson confirmed Respondents have **no standing** under Rule 145.
110. Respondents are not entitled to notice of steps or service of documents.
111. The July 2 Direction does not address this.

VI. REQUEST FOR SUPERVISORY REVIEW

112. The Applicant will be requesting supervisory review with a NOM #3.
113. Of course, no service will be effected on the Respondents as they admitted they were served by what Associate Judge Mr. Crinson referred to was an attempt to file a Notice of Appearance on July 3, 2026.
114. Kindly note in your file records that the Respondents are NOT entitled to notice of steps because it appears some counsel to the Respondents, although not counsel of record herein, were copied on correspondence.
115. With great respect to Justice Whyte Novak, I remain absolutely stunned at some of her apparent recitations or statements of law which are entirely inconsistent with the most basic understanding of civil law, civil procedure under the Federal Courts Act and Federal Courts Rules, along with not being conversant with the documentary record at all. Perhaps these were innocent mistakes but to not be able to distinguish between "filed" and "served" and then to blatantly override the correct elements of the Associate Judge Mr. Crinson direction is most concerning. As such, the Local Office (Toronto) can no longer hear this Proceeding in my view. Nonetheless, that will be for the Chief Justice of the Federal Court of Canada to determine in relation to my upcoming motion and in relation to NOM #2 which Justice Whyte Novak admitted had passed yet in the same breath or close to (if you will) she represented that the following: "The Court determines when the motion shall be heard [sic] and there is **no provision in the Rules** by which the Applicant can schedule the determination of a motion in writing [sic]"

116. On the first misrepresentation or misapprehension of the law in that sentence, I note the following which I reproduce (emphasis is mine):

> General Sittings of Trial Division
>
> 34 (1) General Sittings of the Federal Court for the **hearing of MOTIONS shall be held**, except during the seasonal or summer recess or on a holiday,
>
> (a) at Ottawa, every Wednesday and on any other day fixed by the Chief Justice of the Federal Court;
>
> (b) at Toronto and Vancouver, every Tuesday and on any other day fixed by the Chief Justice of the Federal Court;
>
> (c) in Quebec,
>
> (i) at Montreal, every Tuesday and on any other day fixed by the Chief Justice of the Federal Court, and
>
> (ii) on a day and at any other place fixed by the Chief Justice of the Federal Court; and
>
> (d) in every province other than Ontario, Quebec and British Columbia, at least once per month, on a day and at a place fixed by the Chief Justice of the Federal Court.

117. In relation to hearing motions in writing, which is Rule 369 which is de facto in the author block of the registry officer so Justice Whyte Novak can refer to that as she was clearly mistaken:

> Maya-Jo Blake-Janniere
> **Rule 369**
> Registry Officer"

118. There is no dispute that the Respondents remain in default and my motions have been set for the dates above and infra, and returnable on those dates to be heard.

119. For ease of reference, I reproduce for Justice Whyte Novak and for the Record Of Proceeding herein and my upcoming formal relief sought as that type of direction, whether public or not, contains so many inaccuracies and misstatements of law that they must be addressed forthwith by the Chief Justice of the Federal Court of Canada:

> Motions in writing
>
> 369 (1) A party may, in a notice of motion, request that the motion be decided on the basis of written representations.
>
> Request for oral hearing
>
> (2) A respondent to a motion brought in accordance with subsection (1) shall serve and file a respondent's record within 10 days after being served under rule 364 and, if the respondent objects to disposition of the motion in writing, indicate in its written representations or memorandum of fact and law the reasons why the motion should not be disposed of in writing.
>
> Reply
>
> (3) A moving party may serve and file written representations in reply within four days after being served with a respondent's record under subsection (2).
>
> Disposition of motion
>
> (4) On the filing of a reply under subsection (3) or on the expiration of the period allowed for a reply, the Court may dispose of a motion in writing or fix a time and

place for an oral hearing of the motion.

120. As the public interest issues have increased along with integrity being at issue as a result of Justice Whyte Novak, I regrettably must immediately fax this document to the attention of the acting Chief Justice of the Federal Court of Canada. I again refer to the 13 Chief Justice Duties in the case law cited previously.
121. For the Record Of Proceeding, I confirm the following:
    a. NOM #1 was heard in writing on June 17, 2026;
    b. NOM #2 was heard in writing on June 30, 2026 (Ottawa); and
    c. I sought that the Hearing of the Application, with those points of law issues, be heard together by the Chief Justice of the Federal Court of Canada.
122. This letter will be faxed forthwith to the Ottawa Principal Office in order to ensure that this Proceeding is decided in accordance with the Rule of Law and the General Principle under the Federal Courts Rules. It is regrettable to waste so much time on a purported direction from JWN, of which I am still researching her background and call to the bench to see if any other issues arise so I object promptly if there are, but it had to be addressed.

Respectfully submitted,

Mr. Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
mclean@searchandseizure.ca
68 Abell Street
Toronto, ON M6J 0B1

On Mon, Jun 29, 2026 at 3:55 PM Bakalakis, Christos <Christos.Bakalakis@cas-satj.gc.ca> wrote:

> Dear Mr. McLean,
>
> I am writing to you as the Regional Director General responsible for the Toronto Registry Office to provide you with an update regarding your matter currently before the Federal Court.
>
> The Registry has received and reviewed the materials and correspondence you submitted on June 25, 2026 to ensure compliance with the Federal Court Rules and the Court's directions. The materials have now been forwarded to a judge of the Federal Court for consideration and further direction.
>
> I understand that you are seeking a hearing through your Rule 369 motion. The Toronto Rule 369 team has prioritized sending your motion to the Court for direction.
>
> I recognize you are seized with this matter and appreciate your efforts to advance your concerns through the Court process. To help ensure that your submissions are received and processed efficiently, I encourage you to only direct future materials to the Toronto Registry, which is responsible for the administration of this proceeding, as opposed to sending the same document to multiple offices at the same time.
>
> Thank you for your attention to these matters. The Registry remains committed to ensuring that your file is processed fairly, impartially, and in accordance with the Federal Court Rules and the directions of the Court.

Tab B

FAX COVER PAGE — RULE 71(3) COMPLIANT

Federal Court of Canada — Ottawa Principal Office

(a) Sender — Name, Address, Telephone Number Mr. Kevin A. McLean (BA, JD, CIM) Applicant (Self-Represented) 68 Abell Street (Reception Desk) Toronto, Ontario M6J 0B1 **Telephone:** 647.370.9354 **Email:** mclean@searchandseizure.ca

(b) Date and Time of Transmission Date: July 6, 2026 **Time:** 2:30 PM EDT

(c) Total Number of Pages (including cover page) Total Pages: 11 (1 cover page + 10-page Notice of Motion #3)

(d) Fax Number for Return Fax (for return): 416.352.0055

(e) Contact for Transmission Problems Contact Name: Mr. Kevin A. McLean **Contact Telephone:** 647.370.9354

TO:

Federal Court of Canada Ottawa Principal Office Registry Operations Courts Administration Service

VIA FAX

SUBJECT:

Notice of Motion #3 (Form 359) Returnable: Wednesday, July 15, 2026 — 9:30 AM — Ottawa Request for Determination in Writing (Rule 369) Supervisory and Declaratory Relief Sought

FORM 359
Federal Courts Rules, Rule 359

Notice of Motion

Court File No. T-2448-26

FEDERAL COURT OF CANADA

BETWEEN:

KEVIN A. McLEAN (BA, JD, CIM)

Applicant

— and —

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

NOTICE OF MOTION
(Applicant's NOM #3)

TAKE NOTICE THAT the Applicant, Kevin A. McLean (BA, JD, CIM), will make a motion to the Federal Court of Canada, on Wednesday, July 15, 2026, at 9:30 AM, at the Federal Court of Canada, 90 Sparks Street, Ottawa, Ontario,

I. RELIEF SOUGHT

THIS MOTION IS FOR the following relief in the form of Orders, including declaratory relief:

1. AN ORDER that this NOM #3 Motion Hearing was heard in writing before the Chief Justice of the Federal Court of Canada and the decision was under reserve;
2. **An Order** abridging any and all applicable temporal periods prescribed by the *Federal Courts Rules* (the "FCR"), including but not limited to Part 7 Motions (where applicable) as strictly necessary to permit this Notice of Motion (the "NOM #3") and the underlying substantive relief sought within the second notice of motion (the "NOM #2") to be heard and definitively determined as expeditiously as the Acting Chief Justice may direct, whether upon written representations, via an oral hearing, or through a hybrid adjudicative mechanism.
3. **A Declaration** that any direction issued by Justice Whyte Nowak *post facto* the return date of a motion was procedurally impermissible under the *FCR*, as such actions require the bringing of a formal motion pursuant to *FCR* Rule 8(2), and no such motion was extant before said jurist;

4. **An Order** dispensing with strict compliance with any procedural strictures of the *FCR* that might otherwise impede the immediate ingestion and adjudication of this motion, recognizing the profound jurisdictional anomalies herein as "special circumstances" unequivocally warranting relief pursuant to *FCR* Rule 55;

5. **An Order** granting sweeping procedural relief *nunc pro tunc* to validate any perceived irregularities, structural anomalies, or temporal defects inherent in the form, timing, filing, and transmission of this Notice of Motion, explicitly encompassing the utilization of Form 359 for a motion instituted pursuant to *FCR* Rule 369, with such validation operating retroactively and effectively as of the precise date of electronic submission and concurrent hand delivery to the Toronto local office (the "Toronto Local Office").

6. **A Declaration and Order** establishing that the adjudication of any and all alleged procedural irregularities falls within the exclusive supervisory purview of the Acting Chief Justice of the Federal Court, and concurrently declaring that no motion to attack such perceived irregularities has been instituted by the respondents (the "Respondents"), nor can any such motion be lawfully advanced by said Respondents owing to their absolute, continuing, and uncured default.

7. **A Declaration and Order** that the purported direction issued by Justice Whyte Nowak on July 2, 2026 (the "July 2 Direction"), her acts were Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est, is void, *ab initio*, *coram non judice*, and of absolutely no force or effect, predicated upon a fundamental absence of jurisdiction and statutory authority.

8. **A Declaration** that any findings, directives, or conclusions articulated within the July 2 Direction that contradict or are inconsistent with the direction issued by Associate Judge Crinson on June 24, 2026 (the "June 24 Direction"), constitute an impermissible collateral attack upon a governing judicial directive, and are consequently subject to the doctrines of issue estoppel and internal *res judicata*.

9. **A Declaration** that Associate Judge Crinson, acting pursuant to *FCR* Rule 50(1) and the statutory definition of "Court" (the "Court") articulated within *FCR* Rule 2, possessed the requisite and unassailable statutory jurisdiction to hear, manage, and determine procedural matters and motions in writing, rendering the June 24 Direction a binding judicial order *in limine*.

10. **A Declaration** that the sole procedural controversy stemming from the June 24 Direction—specifically, the imposition of a requirement to file supporting affidavits, which implicitly and paradoxically necessitates service upon defaulting respondents contrary to *FCR* Rule 145 constitutes a discrete public interest issue currently before this Honourable Court, and that in all other respects, the Associate Judge's determinations were entirely proper, *intra vires*, and unassailable absent a formal appellate mechanism.

11. **A Declaration** that the Respondents, as confirmed by the June 24 Direction citing *inter alia FCR* Rule 145, are not entitled to notice of steps due to their continuing and uncured default; consequently, any prior, present, or future provision of notice of steps to the Respondents is hereby declared strictly null, void, and formally retracted. It is further declared that the swearing and inclusion of affidavits within the application record (the "Application Record") strictly for the purposes of service upon said defaulting Respondents is a procedural nullity and not required at law.

12. **A Declaration** that Justice Whyte Nowak, operating exclusively out of the Toronto Local Office, lacked the jurisdictional authority to issue sweeping directions regarding NOM #2 *post facto*, as said motion had already been transmitted to the Ottawa principal office (the "Ottawa Principal Office") for determination by the Acting Chief Justice.

13. **A Declaration** that, pursuant to *FCR* Rule 34 and *FCR* Rule 369, a moving party bringing a motion in writing against unopposed respondents retains the strict procedural right to request a specific return date at a general sitting, and that the assertion to the contrary within the July 2 Direction constitutes an actionable misstatement of law.

14. **An Order** mandating that the NOM #2 be heard concurrently with the present NOM #3, and that such matters be adjudicated in conjunction with the hearing of the substantive application, subject to the granting of leave as predicated upon the Applicant's indefeasible right to tender further submissions subsequent to the mandatory transmission of the Certified Tribunal Record (the "CTR").

15. **A Permanent Order** restraining Justice Whyte Nowak from any further involvement, adjudication, or the issuance of directions in this proceeding, thereby preserving procedural fairness, institutional impartiality, and the overarching integrity of the administration of justice.

16. **Costs** of this motion awarded on an elevated, full-indemnity scale, payable forthwith.

17. Such further and other equitable or declaratory relief as this Honourable Court may deem just and appropriate *in limine*.

II. GROUNDS FOR THE MOTION

17. The grounds upon which this motion is predicated are meticulously delineated herein.

The Statutory Competence of Associate Judges and the Definition of the "Court"

18. The jurisprudential architecture of the Federal Court is strictly codified. Pursuant to *FCR* Rule 2, the term "Court" (the "Court") is explicitly defined to mean "the Federal Court, including an associate judge acting within the jurisdiction conferred under these Rules."

19. Concurrently, *FCR* Rule 50(1) grants an associate judge sweeping jurisdiction to hear and make necessary orders relating to any motion under the Rules, subject only to narrowly tailored exceptions, none of which apply to the procedural case management or the scheduling of written motions under *FCR* Rule 369.

20. Associate Judge Crinson possessed the absolute statutory competence to issue the June 24 Direction. Furthermore, in accordance with *FCR* Rule 369(4), the "Court" (which encompasses the Associate Judge) is expressly empowered to dispose of a motion in writing upon the expiration of the reply period. The determination that NOM #1 would be determined in writing was a lawful, binding exercise of judicial authority.

The Doctrine of Coordinate Jurisdiction and the Prohibition of Collateral Attack by all "persons"

21. It is a foundational axiom of Canadian civil procedure that a jurist cannot sit in appeal of, vary, or countermand an order or direction rendered by another jurist in the same proceeding, absent explicit statutory appellate authority. The Supreme Court of Canada has repeatedly affirmed that the rule against collateral attack is an essential pillar of the Rule of Law, ensuring that court orders stand binding and conclusive unless set aside through lawful appellate mechanisms (*R. v. Litchfield*, 1993, 4 S.C.R. 333).

22. The July 2 Direction was issued without the engagement of any appellate mechanism pursuant to *FCR* Rule 51. By functionally overturning the procedural determinations rendered by Associate Judge Crinson, the July 2 Direction operates as an *ultra vires* collateral attack, violating the principle of internal *res judicata*. This unauthorized interference constitutes an absolute nullity, directly contravening established common law and equitable principles.

The Jurisprudential Impossibility of Appealing Judicial Directions

23. It is established law that a "Direction" (the "Direction") issued by the Federal Court does not possess the formal characteristics of a "judgment" or "order" (the "Order") as defined under *Section 27* of the *Federal Courts Act*. Consequently, such a direction lacks the requisite legal finality to be subjected to an appeal before the Federal Court of Appeal. As such, directions create the potential for abuse or the appearance of abuse. While judges have judicial immunity for their acts while acting in the capacity of a judicial office, the importance of acting with jurisdiction is most salient.

24. It is established law that a "Direction" issued by the Federal Court does not possess the formal characteristics of a "judgment" or "order" under Section 27 of the *Federal Courts Act*. Consequently, a direction lacks the requisite legal finality to be subjected to an appeal before the Federal Court of Appeal. Because they bypass formal appellate review, directions create an inherent risk of procedural overreach, or at minimum, the appearance of an abuse of process.

The Limits of Judicial Immunity and Jurisdictional Constraints

25. While judges enjoy judicial immunity for actions taken within their judicial capacity, the requirement that they act within their lawful jurisdiction remains paramount. A judge who acts entirely outside their jurisdiction—whether *de facto* or *de jure* cannot claim absolute privilege or immunity. As established in *Valente v. The Queen*, the *Canadian Charter of Rights and Freedoms* governs the common law and restrains judicial conduct. The obligation of any party to comply with a judicial act is strictly contingent upon the court possessing lawful jurisdiction and the individual judge possessing the requisite authority to act.

This fundamental jurisdictional principle remains preserved in Canadian law through the Supreme Court of Canada's decision in *McLean v. Bradley* (1878), 2 S.C.R. 535. Citing ancient common law maxims and *Taylor v. Clemson* (1844), 11 Cl. & Fin. 610, 8 E.R. 1233 (H.L.), the Supreme Court affirmed the doctrine of *coram non judice*:

> "When the Court has no jurisdiction of the cause, the whole proceeding is coram non judice... and in this case it is not necessary to obey one who is not judge of the cause."

26. Where a court or an individual judge lacks legal authorization, the resulting proceeding is entirely invalid. In the present matter, there were no legal grounds for Justice Whyte Novak to intervene, nor did Her Honour cite any authority granting her jurisdiction to do so.

Contempt of Court and the Impairment of Judicial Dignity

27. Pursuant to Rule 466 of the *Federal Courts Rules*, a person is guilty of contempt of Court if they:

- **(b)** disobey a process or order of the Court; or

(c) act in such a way as to interfere with the orderly administration of justice, or to impair the authority or dignity of the Court. By issuing the purported direction, Justice Whyte Novak actively impaired the authority and dignity of the Court. Her Honour's intervention effectively nullified and disregarded the existing direction of Associate Judge Crinson, treating a binding judicial step as a nullity and improperly deferring the matter back to a remote registry officer.

The Distinction Between Civil Liability and Contempt

28. The restrictions surrounding judicial immunity largely concern civil liability to adversarial litigants, which is distinct from the issue at bar. As reviewed in *Prefontaine v. Gosman*, 2000 ABQB 870 (citing *R. v. Germain*, 1984 CanLII 1307 (AB KB)), a judge is only shielded from civil liability if they genuinely *believed* they were acting with jurisdiction and in the course of their judicial duties.

29. However, this application does not seek civil damages against a judicial officer. It concerns contempt—the inherent power of the Court to control its own processes and protect its institutional integrity. Just as litigants and court staff have a positive duty not to facilitate, aid, or abet unlawful judicial acts based on a "bad" or jurisdictionally defective warrant, they cannot rely on a direction issued entirely without jurisdiction.

Remedy Sought in this regard

30. The intervening conduct of Justice Whyte Novak disrupted the orderly administration of justice, undermined a sitting Associate Judge, and eroded public confidence in the administration of law.

Accordingly, the Applicant seeks a formal Declaration that Justice Whyte Novak engaged in conduct that impaired the dignity, authority, and orderly administration of justice of this Honourable Court.

31. The procedure for challenging an unfavorable direction is not to lodge an appeal, but rather to file a formal motion before the Federal Court itself, seeking an order that effectively reverses or alters the substance of the direction. Upon the issuance of that formal order, the appellate competency of the Federal Court of Appeal is then triggered.

32. Because the July 2 Direction was issued *sua sponte* and without the foundation of a motion, it lacks the procedural platform necessary to be converted into an order. This creates a procedural deadlock that can only be resolved by a supervisory intervention by the Chief Justice, reaffirming that the Direction is a nullity and restoring the integrity of the record.

The Strict Parameters of Rule 369 and Rule 34

33. The July 2 Direction posits that there is no provision within the *FCR* permitting an applicant to schedule the determination of a motion in writing. This assertion is a manifest misstatement of law. *FCR* Rule 369(4) operates systematically: upon the expiration of the reply period where respondents are in default or fail to object, the Court is statutorily compelled to dispose of the motion.

34. Concurrently, *FCR* Rule 34 explicitly dictates that general sittings of the Federal Court for the hearing of motions shall be held at specified locations on specified days. The Applicant's requisition for hearing (the "Requisition for Hearing") properly anchored the matter to a valid return date, thereby exercising a procedural right explicitly enshrined within the statutory framework.

Administrative Permissibility of Ancillary Documents and the *Primus Inter Pares* Doctrine

35. The rejection of the motion record predicated upon the inclusion of a Draft Order and highly particularized indexing ignores established jurisprudential practice. *FCR* Rule 394 explicitly contemplates the submission of draft orders. Where the rules remain silent, *FCR* Rule 4 authorizes reliance upon provincial superior court practices, wherein the provision of a Draft Order serves as a standard courtesy. Such inclusions are, at most, curable irregularities under *FCR* Rule 55; transforming them into fatal defects that render the filing a nullity is a profound misapplication of judicial discretion.

36. The Acting Chief Justice, operating under the constitutional doctrine of *Primus Inter Pares* (First Among Equals), possesses the inherent administrative independence and supervisory jurisdiction to ensure the integrity of the Court's records (*Beauregard v. Canada*, 1986 2 S.C.R. 56). Applying the principles from *Julius v. Oxford (Bishop*

of) (1880), the discretionary power of the Chief Justice converts into a mandatory duty to act when the fundamental rights of an applicant are obstructed by an *ultra vires* nullity birthed from within the Court's own administrative apparatus. The maxim *actus curiae neminem gravabit* (an act of the court shall prejudice no man) demands the immediate rectification of this procedural impossibility.

The Primus Inter Pares Doctrine and the 13 Chief Justice Duties

37. Since the 1995 adjudication in *Ruffo v. Conseil de la magistrature*, 1995, 4 S.C.R. 267 (the "Ruffo"), the doctrine of *Primus Inter Pares* has emerged as a substantive, rather than merely ceremonial, designation of seniority. This doctrine has incrementally evolved through the interstices of judicial precedent to recognize that a Chief Justice of a Section 96 Court possesses an inherent suite of responsibilities that need not be explicitly conferred by statute or regulation (collectively, the "13 Chief Justice Duties"):

Duty	Definition
Ultimate Jurisdiction (the "Ultimate Jurisdiction")	The possession of the definitive and final authority over the adjudicative and administrative functions of the Court, ensuring that the judicial hierarchy remains intact and that the *status quo ante* is preserved against unauthorized deviation.
Constitutional Trust Stewards (the "Constitutional Trust Stewards")	The non-delegable responsibility to serve as the primary guardian of the constitutional trust bestowed upon the judicial branch by the sovereign and the citizenry, a trust that is predicated upon the absolute neutrality of the bench.
Imperviously Influenced Mandate (the "Imperviously Influenced Mandate")	The requirement to remain completely impervious to external influences, bearing the unique burden of ensuring the Court as a whole remains insulated from such pressures, whether they be political, executive, or administrative (see: *Faber c. R.*, 2015 QCCS 12).
Master of the Roster (the "Master of the Roster")	The absolute authority over the scheduling and distribution of judicial resources, preventing the emergence of "judicial silos" or the arbitrary and *ad hoc* assumption of jurisdiction by individual members of the bench.
Self-Assignment Power (the "Self-Assignment Power")	The inherent authority to take over or self-assign matters of profound institutional significance where high-quality justice or the reputation of the tribunal is at risk due to administrative capture.
Administrative Steward (the "Administrative Steward")	The duty to oversee the clerical and registry functions as a necessary extension of judicial sovereignty, ensuring that the administrative arm of the court does not operate in a state of lawlessness or procedural stasis.

Institutional Reputation Guardian (the "Institutional Reputation Guardian")	The obligation to serve as the face of the Court and the protector of its standing in the public eye, rectifying any conduct that may cast a pall upon the perceived impartiality of the judiciary.
Efficiency Operation Duty (the "Efficiency Operation Duty")	The responsibility to ensure the seamless and efficient operation of all Court functions, preventing the occurrence of administrative *lacunae* or the functional stagnation of the list.
Ethical Compliance Guarantee (the "Ethical Compliance Guarantee")	The occupation of a preferred position to ensure and guarantee absolute compliance with judicial ethics within the tribunal, acting as the final arbiter of professional conduct.
Complaint Laying Power (the "Complaint Laying Power")	The intrinsic authority to initiate formal complaints against colleagues where ethical breaches are identified, a power that is central to the self-regulating nature of the judicature.
Puisne Judge Removal Power (the "Puisne Judge Removal Power")	The authority to relieve or reassign a colleague from judicial duties during the pendency of ethical inquiries or complaints, thereby preserving the public's perception of institutional integrity.
Moral Barometer (the "Moral Barometer")	The role of serving as the ethical and integrity barometer for the entire judicial institution, setting the standard for comportment and professionalism.
Moral Authority (the "Moral Authority")	The power to impose judicial will upon other puisne judges through the exercise of moral authority regarding directives to which they may not be legally subject but are ethically bound to follow for the collective good.

38. The present procedural impasse, characterized by an *ultra vires* collateral attack upon a binding direction and a refusal to facilitate access to justice, necessitates the exercise of these inherent duties by the Acting Chief Justice to maintain the institutional legitimacy of the Court.

III. DOCUMENTS TO BE RELIED UPON

39. The following documents are relied upon:

a. The June 24, 2026, Direction of Associate Judge Crimson;

b. The July 2, 2026, Direction of Justice Whyte Nowak;

c. The Applicant's July 6, 2026, Supervisory Review Letter and Transmission Confirmation;

d. The Notice of Application FILED on May 15, 2026;

e. The Rule 317 Request FILED on May 20, 2026;

f. The Certificate of Service FILED on May 20, 2026;

g. The Applicant's within Motion Record for NOM #3

h. All other documents contained within the formal court file, explicitly encompassing all documents, affidavits, and exhibits referenced within the Applicant's first notice of motion (the "NOM #1"), which remains actively seized for written determination; and the same applicable to NOM #2;

i. Any further documentary evidence, *acta*, or materials the Applicant may file or that this Honourable Court may permit *in limine*.

DATED: July 6, 2026

Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
68 Abell Street (Reception Desk)
Toronto, Ontario M6J 0B1
Tel: 647.370.9354
Fax: 416.352.0055
Email: mclean@searchandseizure.ca

TO:

None applicable because the Respondents failed to file their Notice of Appearances within ten days and as per the binding and correct elements of the Associate Judge Mr. Crinson direction including his proper and correct reference to Federal Courts Rules, s. 145 et al. The Respondents have not taken any steps in relation to the Associate Judge Mr. Crinson direction.

Tab C

FEDERAL COURT OF CANADA — FAX COVER PAGE

Rule 71(3) — Strict Compliance

Re: McLean v. RCMP et al, Court File No. T-2448-26

FROM: Mr. Kevin A. McLean (BA, JD, CIM) Applicant (Self-Represented) 68 Abell Street (Reception Desk) Toronto, Ontario M6J 0B1 Email: mclean@searchandseizure.ca Telephone: 647.370.9354 Fax (for return): 416.352.0055

TO: Federal Court of Canada — Principal Office (Ottawa) Attention: *Registry Officer / Acting Chief Justice* Fax: 613.952.3653

DATE & TIME OF TRANSMISSION: July 7, 2026 — 3:33 a.m. (EDT)

TOTAL NUMBER OF PAGES: 18 pages (including this cover page)

DOCUMENT TRANSMITTED:

Memorandum of Fact and Law — Notice of Motion #3 (17 pages) Returnable Wednesday, July 15, 2026 Filed directly to Ottawa due to institutional and loss of jurisdiction issues at the Toronto Local Office.

PURPOSE OF TRANSMISSION:

This Memorandum of Fact and Law is fax-filed directly to the Principal Office in Ottawa including but not limited to:

- Ongoing transmission failures and logistical issues at the Toronto Local Office;
- The absence of apparent forwarding of prior filings;
- The institutional impasse arising from the July 2 Purported Direction;
- The binding June 24 Direction of Associate Judge Crinson (applicable in all respects except the affidavit requirement, which is inapplicable where Respondents remain in absolute statutory default);
- Confirmation that the none of the Respondents sought to appeal the finding and direction/order of Associate Judge Mr. Crinson within 10 days of July 24, 2026. As such, they will need leave to: i. have a Form 305 accepted for filing; ii. Leave to file any objection to the Rule 317 Request; and iii. Leave to bring an appeal under Rule 51 of the Federal Courts Rules;
- **FAX FILED WITH OTTAWA PURSUANT TO THE LEGAL GROUNDS IN NOM #2 AND NOM #3 (SEE: PRIMUS INTER PARES DOCTRINE AND 13 DUTIES OF A CJ OF ANY COURT).**

CONTACT FOR TRANSMISSION ISSUES:

Mr. Kevin A. McLean Tel: 647.370.9354

Court File No. T-2448-26

FEDERAL COURT OF CANADA

BETWEEN:

KEVIN A. McLEAN (BA, JD, CIM)

Applicant

– and –

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

MEMORANDUM OF FACT AND LAW OF THE APPLICANT

(Notice of Motion #3 Returnable July 15, 2026 before the Primus Inter Pares of the FCC in acting CJ of the FCC in The Honourable Madam Justice Martine St. Louis who is also the permanent ACJ of the FCC)

(Proposed by Order or Request Sought as a **Motion** *in Writing under Rule 369 yet Applicant is available to provide oral submissions)*

PART I — CONCISE STATEMENT OF FACT

A. COMMENCEMENT, UNOPPOSED NATURE, AND THE RESPONDENTS' ABSOLUTE DEFAULT

1. The Applicant repeats and relies upon the material facts pleaded in the Form 301 Application, the *Rule* 317 Request and other documents in the court file. He adopts the definitions from those documents and they have the same meaning herein as they do therein.
2. On May 15, 2026, the Applicant's Notice of Application was formally filed and accepted by the Registry.
3. On May 20, 2026, both the Applicant's *Rule* 317 Request for the transmission of the Certified Tribunal Record (**"CTR"**) and the Applicant's Certificate of Service were unequivocally accepted for filing.
4. On June 3, 2026, the Respondents, through counsel, attempted to file a Notice of Appearance. However, as later confirmed by the June 24 Direction of Associate Judge Crinson, this attempt was multiple days late and legally defective, placing the Respondents in absolute statutory default.

5. Operating strictly within his rights against defaulting, unopposed Respondents, the Applicant submitted the Application Record and Memorandum of Fact and Law for filing on that same day, June 3, 2026.

B. THE FILING OF NOM #1, ADMINISTRATIVE FRICTION, AND NOM #2

5. The Respondent RCMP failed to file the **CTR** or register any formal objection within 20 days of being served with the *Rule* 317 Request (May 19, 2026). Consequently, on June 10, 2026, the Applicant submitted for filing his first Notice of **Motion** ("NOM #1") to compel the transmission of the **CTR**.
6. On June 12, 2026, the Applicant paid for the Requisition for Hearing to the Toronto Local Office.
7. On June 16, 2026, Registry Officer Mr. Mercieca sent an email containing incorrect legal analyses. The Applicant responded accordingly throughout that week to correct these misapprehensions of the *Federal Courts Rules* ("*FCR*").
8. The proposed return date for NOM #1, June 17, 2026, passed without determination. On June 19, 2026, the Applicant submitted for filing and paid for a second Requisition for Hearing for the substantive Application to the Toronto Local Office.
9. On June 22 and 23, 2026, the Applicant submitted a paper copy of his second Notice of **Motion** ("NOM #2"), to be heard on June 30, 2026.

C. THE BINDING JUNE 24 DIRECTION OF ASSOCIATE JUDGE CRINSON

10. On June 24, 2026, Associate Judge Crinson issued a binding direction. The Applicant agrees with the entirety of this direction, save for the discrete requirement to include an affidavit in the Application Record, owing to the unopposed nature of the proceeding.
11. Crucially, Associate Judge Crinson's direction confirmed that NOM #1 would be heard in writing.
12. Between June 24 and June 26, the Applicant submitted finalized hard copies of the NOM #2 **Motion** Record and the Current Application Record. To bypass localized paper-copy issues along with an impugned failure to transmit the same to the Principal Office, the Applicant concurrently fax-filed these documents to the Principal Office in Ottawa on Monday, June 29, 2026.

13. The June 30, 2026, return date for NOM #2 passed. Notably, as correctly affirmed by the binding enactments in the *FCA* and *FCR*, the Respondents were not required to be served due to their uncured default.

D. THE PURPORTED JULY 2 PURPORTED DIRECTION AND THE RESULTING INSTITUTIONAL IMPASSE

14. On July 2, 2026, Justice Whyte Nowak issued a purported direction. This act breached a variety of legal principles, was borderline contemptuous of the Court's authority and dignity, and operated as a direct collateral attack upon her fellow judge's direction without even referencing the same.

15. The Applicant responded to the purported direction of Justice Whyte Nowak, and then fax-filed the present Notice of **Motion** ("NOM #3"), returnable July 15, 2026, at the Principal Office in Ottawa.

16. In light of ongoing paper-copy logistical failures, the lack of apparent transmission from the Local Office to the Principal Office, systemic issues with the Toronto Office, and the overriding necessity to invoke the Primus Inter Pares doctrine and the Chief Justice's duties, the Applicant has fax-filed this Memorandum of Fact and Law and the corresponding NOM #3 **Motion** Record directly to Ottawa.

17. As of the date of this Memorandum, the Respondents have filed a single document (the defective Notice of Appearance). The RCMP has neither objected to the production of the material in its possession sought in the *Rule* 317 Request nor transmitted the same to the Registry and the Applicant.

18. There are a variety of general issues of law that are of central importance to the legal system as a whole, along with *Rule* of Law issues that require consistent and uniform answers—partially concerning one aspect of the Associate Judge Crinson direction, but plentifully in relation to the Justice Whyte Nowak purported direction.

PART II — STATEMENT OF THE POINTS IN ISSUE

19. The specific points in issue to be adjudicated are strictly delineated as follows.

    a. Does the Federal Court of Canada, although mentioned in the Judicature Sections of the *Constitution Act, 1867*, have Inherent Jurisdiction? (No).

    b. Whether the purported direction promulgated on July 2, 2026, constitutes an *ultra vires*, without jurisdiction, void, and void ab initio (not merely voidable) collateral attack upon the valid, binding, correct,

and unchallenged procedural directives articulated within the June 24, 2026 direction of coordinate jurisdiction within the same court, namely the Federal Court of Canada (Yes);

c. Whether an order or direction rendered by an associate judge is susceptible to appellate challenge before a judge of the Federal Court **absent** the initiation of a formalized **Motion** within the strictly prescribed ten-day limitation period, thereby rendering the subsequent interference an absolute nullity rather than a mere procedural irregularity (**No**);

d. Whether the defaulting respondents possessed actual (de facto) and/or legal (de jure) notice of the aforementioned June 24, 2026 direction, notwithstanding their absolute statutory disentitlement to formal notice of subsequent steps, given the explicit inclusion of the respondents' counsel of record within the electronic transmission designated by the associate judge (yes);

e. Whether the expiration of the mandated ten-day appellate limitation period, coupled concurrently with the total absence of any formal appellate **Motion** initiated by the respondents, unequivocally extinguished any latent statutory jurisdiction to review the aforementioned direction (Yes, it expired at the close of the day on Monday, July 6, 2026);

f. Whether the presiding jurist possessed the jurisdictional competence to act *sua sponte* in countermanding a finalized procedural directive (No, Justice Whyte Novak had no jurisdiction to act sua sponte and nor did she point to any such power regarding the same);

g. Whether the *sua sponte* adjudicative actions of the presiding jurist properly characterize a *Factum a judice, quod ad officium jure non pertinet, ratum non est*, and consequently, whether the jurist, a duly appointed Federal Court of Canada (Toronto Local Office) Judge, acted entirely *coram non judice* by promulgating sweeping directives extraneous to lawful appellate mechanisms subsequent to the matter's transmission from the Local Office (irrespective of the misstatements of fact and law contained therein) (Yes, her acts cannot be ratified as they a "borne dead" and you cannot put something on top of nothing, and while there were no appearances before her, whatever 'session' she had in drafting the same and then instructing or advising the registry officer who input "*Rule* 369" in her vocational title was Coram Non Judice from the time it started);

h. Whether the *Primus Inter Pares* doctrine imposes an imperative constitutional obligation upon the Chief Justice of the Federal Court to intercede and assert ultimate jurisdiction, thereby rectifying systemic administrative anomalies and curing the severe procedural irregularities *nunc pro tunc* (Affirmative);

i. Whether the absolute statutory default of the respondents operates to disentitle them *in limine* from any requisite notice or service, service of document including this NOM #3 and the Hearing of the Federal Court of Canada Form 301 Application (Yes, they are disentitled);

j. Whether the purported July 2, 2026 direction functioned as an unconstitutional impediment, effectively depriving the applicant of the fundamental right of access to the courts and the constitutional guarantee of an effective remedy, in flagrant contravention of the *Rule* of Law (Yes); and

k. Other issues interspersed generally or specifically herein.

PART III — CONCISE STATEMENT OF SUBMISSIONS

A. THE STATUTORY COMPETENCE OF ASSOCIATE JUDGES AND THE ABSOLUTE PROHIBITION OF COLLATERAL ATTACK

20. Pursuant to *Rule 2* of the *Federal Courts Rules*, the definition of "Court" (the "**Court**") explicitly encompasses an associate judge operating within their statutorily conferred jurisdiction. Under *Rule 50(1)* of the *Federal Courts Rules*, the associate judge possessed the unassailable statutory competence to case manage and unilaterally direct the written determination of the first Notice of **Motion** (the "**NOM #1**"). It is submitted that this explicit legislative delegation under the *Federal Courts Rules* operates to render the directives of associate judges functionally indistinguishable from those of a judge of the Federal Court, insofar as the finality of case management decisions is concerned.

21. It constitutes a bedrock foundational axiom of Canadian civil procedure that a jurist is strictly prohibited from sitting in appeal of, varying, or countermanding an order or direction rendered by another jurist within the identical proceeding, absent explicit statutory appellate authorization. This unyielding prohibition against collateral attack operates as an indispensable pillar supporting the *Rule* of Law, as definitively established by the Supreme Court of Canada in *R. v. Litchfield,* [1993] 4 S.C.R. 333 (the "*Litchfield*"). The rationale underpinning this prohibition is the

preservation of certainty and the imperative that the orderly and functional administration of justice not be subverted by parallel, unauthorized adjudications.

22. The seminal jurisprudence of *Litchfield* has been affirmed extensively across Canadian appellate courts and applies with equal vigor in civil, administrative, and constitutional contexts. The interdependent legal doctrines of issue estoppel and *res judicata* are unequivocally cemented within the jurisprudential framework to avert the chaotic multiplicity of proceedings. Furthermore, the proposition that a binding direction remains functionally distinct from an order is axiomatic. As articulated in *McLean v. Bradley,* 1878 CanLII 22 (SCC) (2 S.C.R. 535) and *Pong v. Quong,* 1927 CanLII 2 (SCC), and wholly consistent with the parameters delineated in *Wilson v. The Queen,* 1983 CanLII 35 (SCC) ([1983] 2 S.C.R. 594), an order or direction promulgated by a judicial officer acting within their jurisdiction must be rigorously obeyed unless systematically set aside in a proceeding explicitly designed for that specific objective. The integrity of the judicial process mandates that collateral attacks be summarily dismissed to prevent the usurpation of established procedural finality.

23. Like the decision of Denton J. of the County Court of York, as it then was and what forms what is currently downtown Toronto (hence the Fort York library and the area of Fort York including what is commonly known as Chinatown (Spadina avenue), it perfectly manifest that she had no jurisdiction to do so—no jurisdiction subject to appeal; that she could entertain such collateral matter only either as *persona designata* or as arbitrator. Even worse than Denton J., where there was some kind of loose agreement with some form of conditions precedent or reservation of rights therein, Justice Whyte Novak acted sua sponte in unauthorized fashion. With great respect, she breached her code of ethics and the *Judges Act* (Federal). It would behoove her to apologize but that is not a condition herein or sought.

24. Justice Whyte Novak had assumed a jurisdiction she did not possess under unspecified, de facto and de jure, legal authority and the entirety of her purported direction was *coram non judice*.

25. Inasmuch as the purported July 2, 2026 direction functionally countermanded the procedural trajectory meticulously solidified by the June 24, 2026 direction, without the requisite invocation of a formal **Motion** or appellate mechanism, it constitutes an egregious violation of internal *res judicata*. This usurpation thereby renders the subsequent directive a complete nullity and void *ab initio*. A fundamental precept of statutory interpretation

dictates that courts must eschew interpretations that generate absurdity; permitting a lateral and unprompted nullification of a binding procedural order invariably culminates in administrative anarchy and an affront to the orderly disposition of justice.

1. Directions Versus Orders: Functional Equivalence for the Preservation of Finality

26. Within the strictures of the *Federal Courts Rules*, the semantic differentiation between an order and a direction—frequently issued pursuant to case management authorities such as *Rule 54* or *Rule 385* of the *Federal Courts Rules*—is rendered entirely immaterial concerning the preservation of finality. While specific pronouncements denominated as directions may possess the substantive characteristics of an order, the fundamental protective doctrines designed to insulate judicial decisions from lateral interference apply universally to both. This functional equivalence ensures that procedural clarity is maintained irrespective of the nominal classification of the judicial pronouncement.

27. A direction functions as a binding procedural imperative *in limine*. Until formally varied, rescinded, or appealed via the appropriate statutory mechanism explicitly provided for under the *Federal Courts Rules*, it operates unequivocally as the substantive law of the proceeding. The endeavor to circumvent a binding directive without employing the meticulously prescribed appellate infrastructure offends the prohibition against collateral attack. Such an endeavor constitutes an abuse of process equivalently to the repudiation of a formalized order, as it fundamentally undermines the finality essential to a functioning legal system. As the foundational legal maxim dictates, *Interest reipublicae ut sit finis litium* (It is in the interest of the State that there be an end to litigation). To countenance otherwise would be to permit endless relitigation of settled procedural norms, thereby exhausting the resources of both the litigants and the adjudicative body.

2. The Statutory Hierarchy and the Usurpation of Appellate Jurisdiction

28. While the traditional collateral attack doctrine articulated in *Litchfield* relies fundamentally upon the principle of coordinate jurisdiction (the prohibition against a Superior Court judge reviewing the determinations of another Superior Court judge), the statutory architecture of the Federal Court establishes a distinct institutional hierarchy. Pursuant to *Rule 51(1)* of the *Federal Courts Rules*, a judge of the Federal Court is designated as the explicit

statutory appellate authority for determinations rendered by an associate judge. This hierarchical structuring confirms that an appeal is the sole, exclusive mechanism for challenging an associate judge's directive.

29. Had the defaulting respondents initiated a formal **Motion** under *Rule 51* of the *Federal Courts Rules*, the presiding jurist would ostensibly possess the requisite statutory jurisdiction to review the directive. The fatal jurisdictional defect within the present circumstances crystallizes unequivocally in the *sua sponte* intervention. A court acting in an appellate capacity is inherently reactive; its jurisdiction is activated solely through the formalized pleadings of an aggrieved party. The assertion of appellate authority absent this activation is a profound jurisdictional error.

30. The respondents were afforded a strict, immutable ten-day limitation period to initiate such an appeal pursuant to the *Federal Courts Rules*. Calculating from the issuance of the directive on June 24, 2026 (excluding the initial day), the limitation period demonstrably expired, effectively obliterating any residual opportunity for appellate review. Consequently, the *sua sponte* collateral attack executed by the presiding jurist operated entirely devoid of inherent or statutory jurisdiction. The parameters of inherent jurisdiction do not authorize a court to contravene express legislative enactments or procedural limitations. As unequivocally established in *Baxter Student Housing Ltd. v. College Housing Co-operative Ltd.*, [1976] 2 S.C.R. 475, even where a superior court possesses broad inherent jurisdiction, it remains absolutely prohibited from contradicting unequivocal legislative will, such as: (i) strict statutory limitation periods; or (ii) requirements of the filing of a First Defence and the making of an Order for the "Assignment For Case Management" of the Proceeding itself under *Rule* 77 of the Ontario *Rules* of Civil Procedure before a Proceeding in either the City of Ottawa, City of Toronto or County of Essex, before such a Proceeding can be so assigned.

31. Also, Inherent Jurisdiction, when it is so possessed by a provincial superior court (or a "Section 96 Court" which by way of example the Divisional Court is not and does not possess Inherent Jurisdiction per se), must be exercised sparingly.

32. An inescapable and profound negative inference must be drawn regarding the deliberate omission, within the July 2, 2026 direction, of any reference to the prior, valid directive of the associate judge. This conspicuous omission impugns the integrity of the judicial process and suggests a willful circumvention of established procedural constraints. Consequently, the *Primus Inter Pares* doctrine must be compellingly invoked by the Chief Justice of

the Federal Court, consistent with the foundational principles illuminated in *R. v. Baldovi*, 2016 MBQB as per Chief Justice of the Manitoba superior court (leave to appeal to S.C.C. refused). The invocation of this doctrine is an imperative necessity to rectify systemic administrative anomalies and preserve the institutional repute of the Court.

3. The True Jurisdictional Defect: Assuming Appellate Authority Without Lawful Invocation

33. Insofar as the presiding jurist acted *sua sponte* and wholly bereft of statutory or invoked authority, the intervention transcends the parameters of a mere collateral attack; it constitutes an unabashed usurpation of jurisdiction and a profound, fundamental deprivation of procedural fairness. The unilateral interjection by the jurist effectively usurps the role of the litigants, transforming the neutral arbiter into an active participant. These actions perfectly encapsulate the ancient and enduring maxim *Factum a judice, quod ad officium jure non pertinet, ratum non est* (An act of a judge which does not pertain to his office is of no force (or cannot be ratified).

34. The jurist acted strictly *coram non judice* (before one who is not a judge having jurisdiction), rendering the purported direction an absolute nullity that commands no obedience nor demands any procedural compliance from the applicant. Drawing upon Herbert Broom's foundational maxims of law, it is a universally recognized principle that *Cui jurisdictio data non est, ea decernenti parere nemo cogitur* (A person who decrees without jurisdiction need not be obeyed). The policy rationales explicitly articulated in *Litchfield*, alongside the indispensable civil doctrines of finality, are operationalized through the following critical syllogisms and analytical lenses:

4. Failure to Trigger Rule 51:

35. An appellate tribunal, including a judge of the Federal Court reviewing an associate judge's directive, is strictly precluded from exercising its jurisdiction in a vacuum. Such jurisdiction must be affirmatively and meticulously invoked by an interested party via a formal **Motion**. By acting *sua sponte*, the jurist improperly and unlawfully conflated the roles of applicant and adjudicator, unilaterally nullifying a binding decision without affording the requisite procedural mechanisms to be heard, thereby violating the *audi alteram partem* principle.

Deference Owed to Associate Judges:

36. Following the definitive appellate pronouncement in *Hospira Healthcare Corp. v. Kennedy Institute of Rheumatology*, 2016 *FCA* 215, the determinations of associate judges are explicitly and robustly shielded from *de novo* review. Their decisions must be scrutinized exclusively under the stringent appellate standards delineated by the Supreme Court of Canada in *Housen v. Nikolaisen, 2002 SCC 33* (correctness for errors of law; palpable and overriding error for mixed fact and law). The *sua sponte* abrogation of the June 24, 2026 directive comprehensively bypassed this mandatory standard of review, rendering the interference procedurally indefensible and substantively invalid.

B. FUNCTUS OFFICIO AND FINALITY:

37. Upon the promulgation of the directive by the associate judge, the doctrine of *functus officio* immediately and irrevocably attached to the determined procedural mechanism. This principle dictated, with finality, that the substantive evaluation of the first Notice of **Motion** (the "**NOM #1**") must proceed in writing. Once a court or tribunal has rendered a final decision and its formal judgment is entered, it generally exhausts its jurisdiction over the matter. Furthermore, the respondents, entrenched in absolute and continuing default, required formal leave to participate under the *Federal Courts Rules* and were statutorily disentitled to any further service of documents.
38. The judicial institution remains irreversibly bound by its own crystallized processes and binding directives. The subsequent intervention by a distinct jurist to rewrite the established procedural architecture renders the authority of the initial jurist unilaterally and spontaneously entirely illusory. This *ultra vires* act precipitates the precise systemic chaos and endless relitigation that the *rule* against collateral attack was meticulously designed to eradicate. To hold otherwise would fundamentally subvert the predictability required for the administration of justice.

4. THE STRATEGIC AND CONSTITUTIONAL IMPERATIVE

39. It is respectfully submitted that while the presiding jurist undeniably possessed the latent statutory authority to vary the directive upon the proper, formalized invocation of an appellate **Motion** pursuant to *Rule 51*, there existed a strict and absolute deprivation of active jurisdiction to effectuate such substantial variations *sua sponte*.

40. The deliberate circumvention of the mandated standard of review functionally constitutes an impermissible, unconstitutional, and *ultra vires* collateral attack by the institution upon its own binding, formalized processes. The actions undertaken remain unequivocally *Factum a judice, quod ad officium jure non pertinet, ratum non est*, establishing a definitive nullity within the procedural record that must be formally recognized and rectified by the Court.

C. CONSTITUTIONAL RIGHT TO ACCESS TO JUSTICE, THE RULE OF LAW, AND THE RIGHT TO A HEARING

41. The purported **July 2 Purported Direction** transcends mere procedural error; it functions as an unconstitutional barrier to the courts. Universal access to the courts is a foundational component of the *Rule* of Law, containing both procedural and substantive elements (*Uhrik v. Terrigno*, 2024 ABCA 383, at para 10). The Supreme Court of Canada established in *Trial Lawyers Association of British Columbia v. British Columbia (Attorney General)*, 2014 SCC 59 (at paras 32 and 40), bolstered by *Ontario (Attorney General) v. $25,610 in Canadian Currency*, 2017 ONCA 251 (at para 1), that measures preventing citizens from bringing legitimate issues to the courts strike at the core of section 96 of the *Constitution Act, 1867*. The emphasis is on "measures that prevent"
42. Access to justice sits at an "untouchable constitutional level" (*Larouche v. Court of Queen's Bench of Alberta, 2015 ABQB 25*, at para 25). The right to an effective remedy is essential; without it, the *Rule* of Law is replaced by a *rule* of individuals arbitrarily deciding who shall have access to justice. Furthermore, there exists a strict prohibition against the interference with the mere pursuit of a legal remedy (*Timm v. Canada*, 2019 FC 238).
43. Courts act as the ultimate defenders of the Constitution and must remain completely separate in authority and function from all other participants, particularly the executive (*The Queen v. Beauregard*, 1986 CanLII 24 (SCC)).
44. The Applicant maintains an indefeasible right to a Hearing (as defined under *Rule* 1.03) of the substantive Application, and the underlying right to a determination—not necessarily success, but a determination on the merits. Consistent with *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 (at paras 36, 53, 61, an 199) and *Yatar v. TD Insurance Meloche Monnex*, 2024 SCC 8 (at para 49), general questions of law of central importance to the legal system require consistency and a final, determinate answer from the judiciary.

D. THE STRICT PARAMETERS OF RULES 369, 34, AND THE PERMISSIBILITY OF ANCILLARY DOCUMENTS

45. The assertion in the **July 2 Purported Direction** that an applicant cannot schedule the determination of a written **Motion** is a manifest error of law. *FCR Rule* 369(4) compellingly operates to dispose of **Motions** upon the expiration of reply periods. When read in conjunction with *FCR Rule* 34 (general sittings), the Applicant retains the strict right to anchor unopposed **Motions** to a valid return date.

46. The General Principle under the Federal Courts Rules must be followed and the language of the enactors of the Enactment (see: Interpretation Act (Canada), definition) must be respected. This is a component of legislative will. Justice Whyte Novak entirely, which the Applicant submits with great respect was done intentionally, disrespected, denigrated and disparaged said legislative will (in this instance, the Governor General of Canada). In so doing, she usurped the power of a branch of government to which she did not and does belong in Parliament.

47. Furthermore, the rejection of the **Motion** record for containing a Draft Order ignores *FCR Rule* 394 and *Rule* 4. The provision of draft orders is a standard courtesy recognized across superior courts. To transform this administrative inclusion into a fatal procedural defect is an arbitrary obstruction of justice curable entirely by *FCR Rule* 55.

E. THE PRIMUS INTER PARES DOCTRINE AND THE 13 DUTIES OF THE CHIEF JUSTICE

48. The constitutional architecture of the Court vests the Chief Justice with inherent supervisory jurisdiction. Following *Ruffo v. Conseil de la magistrature*, [1995] 4 S.C.R. 267, the *Primus Inter Pares* (First Among Equals) designation carries substantive obligations.

49. In circumstances of profound institutional impasse, the Acting Chief Justice is compelled to execute the "13 Chief Justice Duties," notably including:

    a. Ultimate Jurisdiction: Authority over adjudicative functions to preserve the *status quo ante*;

    b. Self-Assignment Power: The inherent authority to seize matters where the institutional reputation is at risk of administrative capture;

    c. Imperviously Influenced Mandate: Ensuring the Court remains insulated from localized registry friction;

d. **Institutional Reputation Guardian**: Rectifying internal conduct that casts a pall upon the administration of justice.

50. The Acting Chief Justice possesses the indefeasible authority to convert discretionary power into a mandatory duty to act (*Julius v. Oxford (Bishop of)*) (House of Lords, as per Lord Cairns) to lift the procedural impossibility imposed upon the Applicant.

E. ABSOLUTE DEFAULT AND THE NULLITY OF NOTICE REQUIREMENTS

51. The Respondents are in absolute default. Pursuant to the explicit wording of *FCR Rules* 145 and 308, they are completely disentitled to notice of any further step. The July 2 Purported Direction's insistence on the filing of supporting affidavits strictly to effectuate service upon defaulting parties paradoxically demands a legal impossibility and contravenes the binding June 24 Direction and the relevant enactments.

PART IV — CONCISE STATEMENT OF THE ORDER SOUGHT

52. The Applicant respectfully requests the following Orders and Declarations:

a. A Declaration that none of the Respondents served and filed a **Motion** to challenge the direction/order of Associate Judge Mr. Crinson of July 24, 2026, pursuant to section 51 of the *Federal Courts Rules* should they have wished to have done so;

b. A Declaration that the |Respondents had notice of the Associate Judge Mr. Crinson July 24, 2026, order/direction;

c. A Declaration that the acts of Justice Whyte Nowak constitute *Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est*, and that her conduct and the purported **July 2 Purported Direction** are *coram non judice*, an impermissible collateral attack upon the June 24 Direction, and void *ab initio*.

d. A Declaration that the Applicant was deprived of access to justice and access to the courts by the Justice Whyte Nowak purported direction.

e. An Order restoring the Applicant's right to a Hearing (as defined under *FCR Rule* 1.03) of the Application and confirming his underlying right to a determination on the merits, consistent with the binding law of Canada as per *Vavilov* and *Yatar*.

f. An Order and Declaration that there was, and is, no legal requirement for the Applicant to obey any of the directives contained within the purported **July 2 Purported Direction** of Justice Whyte Nowak, on account of a strict lack of jurisdiction to engage in providing the verbiage contained therein.

g. An Order granting the substantive relief sought within the Applicant's Notice of **Motion** #1 (NOM #1) and Notice of **Motion** #2 (NOM #2) in substantially the same form as requested therein.

h. An Order abridging all time limits under the *FCR* and validating all of the Applicant's filings and procedural steps *nunc pro tunc* pursuant to *FCR Rule* 55.

i. A Declaration that the Respondents are in absolute, uncured default and are explicitly disentitled to notice of any step, rendering any requirement for service affidavits a legal nullity.

j. A Declaration that Associate Judge Crinson operated entirely *intra vires* under *FCR Rule* 50(1), making the June 24 Direction binding *in limine* but for the one source of contention and objection raised by the Applicant relating to any requirement to file "affidavits" for an Application Record, which is necessarily tied to "service", with Respondents who were not entitled, as found by Associate Judge Mr. Crinson;

k. An Order placing this **Motion** and NOM #2 before the Acting Chief Justice for immediate determination under the *Primus Inter Pares* doctrine.

l. An Order confirming that while the Applicant was and is available to speak to the matter orally on the scheduled return date, the Chief Justice of the Federal Court heard the **Motion** in writing in the interests of justice and in accordance with the General Principles under the *FCR*.

m. An Order directing the Registry to return the $50.00 tariff fees paid by the Applicant for each Requisition for Hearing – Application submitted to the Toronto Local Office on June 12 and June 19, 2026, and confirming the formal acceptance of the Requisition for Hearing – Application submitted to the Ottawa Principal Office in late June 2026.

n. An Order that the Applicant is entitled to have his Application heard in writing, encompassing the provision of a final comprehensive Memorandum of Fact and Law spanning the entirety of issues in the Proceeding up to a length of 40 pages (double-spaced, 30 lines per page). Furthermore, that the Application was heard on July 25, 2026, with the Applicant required to submit all final documents by July 23, 2026, via email to the Chief Judicial Administrator in Ottawa and via the Federal Court Portal.

o. An Order explicitly restraining the Federal Court Registry from forwarding, mailing, or otherwise providing notice of any procedural steps, filings, or directions to the Respondents, in strict accordance with their disentitlement under *FCR Rules* 145 and 308.

p. An Order directing the Federal Court Registry to immediately provide written notice to the Applicant via email the moment the Respondent RCMP transmits the Certified Tribunal Record (the "**CTR**") to the Court, should it attempt to cure its ongoing default.

q. An Order declaring that should the RCMP fail to transmit the **CTR** within a timeframe established by the Court, the substantive Application shall proceed exclusively upon the comprehensive evidentiary record adduced by the Applicant, without prejudice to the Applicant.

r. An Order permanently enjoining the Local Office Registry from processing or characterising this proceeding as an "Application for Leave," confirming its strict status as an unopposed Application for Judicial Review.

s. An Order exempting the Applicant from any requirements to produce or file physical paper copies of the Application Record or any further materials for the duration of the Proceeding, permitting the use of the Federal Court Portal and electronic transmission as the exclusive and sufficient mode of filing.

t. A Permanent Order restraining Justice Whyte Nowak from further administration or adjudication in this proceeding

u. The relief in NOM #1 is granted with costs to the Applicant payable forthwith;

v. The relief in NOM #2 is granted with costs to the Applicant payable forthwith;

w. The Hearing of this Application shall be heard in writing on July 24, 2026, and the Applicant shall file a comprehensive Application Record along with a comprehensive MOFL incorporating the **CTR** by no later than July 23, 2026, at two p.m.;

   1. To the extent that the Respondent RCMP fails to transmit the **CTR** by July 17, 2026, to the Registry and the Applicant, the Applicant will be at liberty to bring an ex parte without notice **Motion** for Anton Piller Order relief from the RCMP CPIC and any other relief of similar nature;
   2. The Applicant will also be at liberty to seek all of his costs including investigative costs regarding the same;
   3. The Applicant will be at liberty to seek relief in the nature of contempt as well under section 467 and 468 et al under the *Federal Courts Rules*;

x. Any further relief that is just and equitable;

y. Any further relief that is within the Equitable Jurisdiction of the Federal Court of Canada;

z. Any further relief that gives effect to the above that is consistent with the *Rule* Of Law, the General Principle of the *Federal Courts Rules*, compliance with *Rule* 318 of the *Federal Courts Rules*, access to justice, Charter value, the RCMP Act, the Privacy Act, ATIA, duties of good faith, fiduciary duties, equitable obligations et al; and

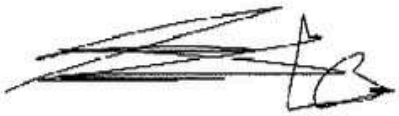
aa. Costs on a full-indemnity scale, payable forthwith.

PART V — LIST OF AUTHORITIES

1. *R. v. Litchfield*, [1993] 4 S.C.R. 333
2. *McLean v. Bradley* (1878), 2 S.C.R. 535
3. *Prefontaine v. Gosman*, 2000 ABQB 870 (citing R. v. Germain, 1984, (Alta.)
4. *Valente v. The Queen*, [1985] 2 S.C.R. 673
5. *Beauregard v. Canada*, [1986] 2 S.C.R. 56
6. *Ruffo v. Conseil de la magistrature*, [1995] 4 S.C.R. 267
7. *Taylor v. Clemson (1844)*, 11 Cl. & Fin. 610, 8 E.R. 1233 (H.L.)

8. *Trial Lawyers Association of British Columbia v. British Columbia (Attorney General)*, 2014 SCC 59
9. *Ontario (Attorney General) v. $25,610 in Canadian Currency*, 2017 ONCA 251
10. *Uhrik v. Terrigno*, 2024 ABCA 383
11. *Timm v. Canada*, 2019 FC 238
12. *Larouche v. Court of Queen's Bench of Alberta*, 2015 ABQB 25
13. *The Queen v. Beauregard*, 1986 CanLII 24 (SCC)
14. *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65
15. *Yatar v. TD Insurance Meloche Monnex*, 2024 SCC 8
16. *Hospira Healthcare Corp. v. Kennedy Institute of Rheumatology, 2016 FCA 215*
17. *R. v. Litchfield*, [1993] 4 S.C.R. 333

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 7th day of July, 2026.



Mr. Kevin A. McLean (BA, JD, CIM) (he/him)

Applicant,

Self-Represented

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Email: mclean@searchandseizure.ca

Tab D

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Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

Requisition of Hearing

15 messages

Mercieca, Tristan <Tristan.Mercieca@cas-satj.gc.ca> Tue, Jun 16, 2026 at 1:49 PM
To: "Mr. Kevin Alexander McLean" <mclean@searchandseizure.ca>

Hello Applicant,

The Requisition for Hearing document you submitted to the Federal Court can not be accepted for filing at this moment. I am going to outline all of the reasons and next steps for you to follow.

First, I direct you to this chart →

Application for Judicial Review - Federal Court

This chart sets forth the order in which documents are to be filed and processed. This document comes last, you are jumping steps here.

Second, please amend the requisition of hearing form to comply with the rule 314. See here →

Contents of requisition

(2) A requisition referred to in subsection (1) shall

- **(a)** include a statement that the requirements of subsection 309(1) have been satisfied and that any notice required under section 57 of the Act has been given;
- **(b)** set out the place at which the hearing should be held;
- **(c)** set out the maximum number of hours or days required for the hearing;
- **(d)** list any dates within the following 90 days on which the parties are not available for a hearing;
- **(e)** set out the name, address, telephone number and fax number of the solicitor for every party to the application or, where a party is not represented by a solicitor, the person's name, address, telephone number and any fax number; and
- **(f)** indicate whether the hearing will be in English or French, or partly in English and partly in French, and whether the materials in the requisition for hearing file will be in English or French, or partly in English and partly in French.

Third

When submitting documents to the registry, you need to provide proof of service in the form of an affidavit of service that the Respondent has received a copy of the document being given.

Moving forward, as you have already paid for the requisition of hearing, you no longer need to do so in the future. When you eventually reach this step in the application process please reference this number 2026-06-12-5485328130686

340

Please review the chart I noted above and contact the registry regarding any questions or concerns regarding these procedures.

Regards,

Tristan Mercieca

Registry Officer | Agent du greffe

Courts Administration Service | Service administratif des tribunaux judiciaires

Federal Court: 416-973-3356 | Federal Court of Appeal: 416-952-8006

Tristan.Mercieca@cas-satj.gc.ca

Courts Administration Service | Service administratif des tribunaux judiciaires | Canada

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Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Tue, Jun 16, 2026 at 4:55 PM
To: "Mercieca, Tristan" <Tristan.Mercieca@cas-satj.gc.ca>

Subject: RE: Requisition of Hearing — Court File No. T-2448-26 — McLean v. RCMP et al.

Dear Mr. Mercieca:

I confirm receipt of your email and thank you for your review. I respectfully disagree on an urgent basis and before five pm. Nonetheless I confirm my NOM #1 is to be heard in writing tomorrow regarding the Rule 317 Request. I will amplify my posiiton, grounded in law and with the binding jurispurdence in support, but in the spirit of urgency, this is a quick summary.

While I appreciate the general operational flowchart provided, I must respectfully clarify that the *Federal Courts Rules* dictate a different procedural reality when a respondent is in absolute default. The Requisition for Hearing is procedurally ripe and compliant based on the following specific rules:

1. **Total Default of Appearance (Rule 305):** The Respondents were served with the Notice of Application on May 19, 2026. The 10-day statutory timeline under Rule 305 has long since expired. The Respondents have failed to file a Notice of Appearance.
2. **Absolute Exemption from Service (Rule 305):** Under Rule 305, a respondent who has not entered an appearance is *not entitled to notice of any subsequent steps or service of any subsequent documents* prior to final judgment. Frontline requirements for an Affidavit of Service are legally inapplicable here. The motion and the requisition proceed on an *ex parte* basis as a matter of law.
3. **Satisfaction of Rule 314 Timelines:** Rule 314(1) dictates that a requisition must be filed within 10 days after the expiration of the time for the respondent's record. Because the Respondents defaulted under Rule 305, their right to file a record never materialized and has structurally lapsed. Rule 309(1) has been fully satisfied by the Applicant.

4. **Pending Written Hearing Tomorrow (Rule 369):** My Motion Record (NOM #1) to compel the Certified Tribunal Record under Rule 318 was submitted via E-Filing under Confirmation Number 2026-06-11-0960124814350. Because the Respondents have no standing to respond, this motion is structurally ripe for *ex parte* judicial determination on my chosen written hearing date of **tomorrow, Wednesday, June 17, 2026**.

I have also filed supplementary **Written Representations based on Fresh Evidence** today to finalize the record.

I kindly request that my Rule 35 Requisition, Motion Record, the Form 314 Requisition for Hearing, and today's Written Representations be placed immediately before the Motions Judge for adjudication tomorrow morning under Rule 369.

Thank you for your assistance in processing these files to the judiciary.

Yours truly,

Mr. Kevin A. McLean (BA, JD, CIM)
68 Abell Street, Toronto
mclean@searchandseizure.ca

[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Fri, Jun 19, 2026 at 4:49 PM
To: fc_reception_cf@cas-satj.gc.ca, Maggie.Lau@cas-satj.gc.ca, Todd.Desanti@cas-satj.gc.ca
Cc: "Mercieca, Tristan" <Tristan.Mercieca@cas-satj.gc.ca>

Subject: *URGENT – Outstanding Filings and Resubmitted Requisition for Hearing (Court File No. T-2448-26)*
To:
Maggie.Lau@cas-satj.gc.ca; Todd.Desanti@cas-satj.gc.ca; Tristan.Mercieca@cas-satj.gc.ca; fc_reception_cf@cas-satj.gc.ca;

Dear Registry Officers,

I write further to my correspondence and filings in *Court File No. T-2448-26* to address the **urgent** status of several outstanding documents submitted for filing on **June 3**, **June 10**, and **June 11, 2026**, as well as the **resubmitted Requisition for Hearing - Application ("RFHA")** transmitted on **June 19, 2026** (Confirmation No. **2026-06-19-9957964156529**).

As detailed in the attached cover letter, the following filings—each submitted with valid confirmation numbers—remain unprocessed in the Court's electronic system:

- **Application Record** – Confirmation No. *2026-06-03-1192357147322*
- **Memorandum of Fact and Law** – Confirmation No. *2026-06-03-0007422788029*
- **Cover Letter** – Confirmation No. *2026-06-03-8359215481736*
- **Notice of Motion in Writing (June 10)** – Confirmation No. *2026-06-10-0635652712965*
- **Motion Record (June 11)** – Confirmation No. *2026-06-11-0960124814350*

These documents were accepted by the E-Filing System and assigned confirmation numbers, but they do not yet appear as processed or filed. Respectfully, had these filings been processed in the ordinary course, the concerns raised in Mr. Mercieca's June 16, 2026 email would not have arisen.

To avoid any further delay, I confirm that I am willing, **as a courtesy**, to provide the confirmation documents themselves by separate email for ease of reference.

Procedural Posture and Respondents' Absolute Default

For clarity, the Respondents:

- have **not served or filed a Form 305 Notice of Appearance** within the 10-day period mandated by **Rule 305**, or at all;
- have **not opposed the Judicial Review Application (Form 301)**;
- have **not objected** to the Rule 317 Request within the 20-day period mandated by **Rule 318**, or at all;
- have **not transmitted a Certified Tribunal Record**; and
- did **not oppose NOM #1**, which proceeded unopposed on **June 17, 2026**.

There is **no Application for Leave** in this proceeding. The reference to such a process in the June 16 correspondence is respectfully unclear, as the matter before the Court is a **substantive Judicial Review Application**, issued on **May 19, 2026**, supported by a Rule 317 Request and a complete Application Record.

Urgency and the Need for the Matter to Be Sub Judice Before Summer Recess

Given the nature of the issues raised—including matters of public importance, statutory interpretation, and the Respondents' complete procedural default—it is essential that the Requisition for Hearing be processed **no later than June 30, 2026**, such that the matter is formally **sub judice** and awaiting adjudication before the commencement of the Court's summer recess.

Kindly ensre that your records are reflected regarding the matters supra and by the referenced documents.

The amended Form 314 Requisition for Hearing was resubmitted on **June 19, 2026**. Because the E-Filing System would not permit resubmission using the original confirmation number, I paid the filing fee again to avoid any delay.

Requested Action

Accordingly, I respectfully request that the Registry:

1. **Process and formally accept** the outstanding filings submitted on June 3, 10, and 11, 2026;
2. **Confirm acceptance** of the Requisition for Hearing submitted June 19, 2026; and
3. **Update the Court file to reflect the complete procedural history**, as this will allow any future misapprehensions or misunderstandings to be avoided, given that **no notice of steps or service is required on the Respondents** and the **only outstanding obligations are those of the RCMP Tribunal under Rule 318**, which may be addressed by way of Order from the motions judge presiding over NOM #1.

I remain available at any time should clarification or further information be required.

Thank you for your attention to these urgent and outstanding matters.

Respectfully submitted,

Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
mclean@searchandseizure.ca

[Quoted text hidden]

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3 attachments

Form 314 - RFHA Applicant - 19-June-2026 - E-Sig.pdf
231K

Cover Letter - Outstanding Issues - RFHA - June 19-26.pdf
2546K

FILING CONFIRMATION - June 19 2026 - Requisition for Hearing and Cover Letter - Applicant - Mr McLean -.pdf

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Mon, Jun 22, 2026 at 9:23 AM
To: Maggie.Lau@cas-satj.gc.ca, Todd.Desanti@cas-satj.gc.ca

Subject: RESPECTFULLY URGENT: Filing of additional documents (to be included in an updated and amended for current purposes Application Record (supplemental to the June 3, 2026, submitted Application Record) – Court File No. T-2448-26 (*McLean v. RCMP et al.*)

Dear Registry Officers Ms. Lau and Mr. Desanti,

I hope this email finds you well.

Please be advised that I have successfully transmitted the **Applicant's Supplementary Application Record** through the E-Filing portal this morning (Federal Co... p. 1).

- **Submission Timestamp:** June 22, 2026, at 9:08:47 AM ET (Federal Co... p. 1).
- **Portal Confirmation Number:** 2026-06-22-0652978947347 (Federal Co... p. 1).

Because this filing contains self-authenticating electronic business records under the *Canada Evidence Act* establishing critical institutional contradictions, it is entirely time-critical to my outstanding **Form 314 Requisition for Hearing** submitted on June 19, 2026 and on June 12 2026 (twice paid now).

As the Respondents remain in total default under Rule 305/308, this Proceeding proceeds on an entirely unopposed basis.

To ensure strict compliance with the Federal Courts Rules, I reproduce Rule 314:

"**Requisition for hearing**

314 (1) An applicant shall, within 10 days after service of the respondent’s record or the expiration of the time for doing so, whichever is earlier, serve and file a requisition, in Form 314, requesting that a date be set for the hearing of the application"

As the Respondents were required to file a Notice of Appearance within 10 days after having been served on May 19, 2026, and the Respondent RCMP Tribunal was required to "transmit" the CTR by no later than 20 days after May 19, 2026 (June 10 2026 at the latest), I move expeditiously with my Requisition for Hearing Application on June 12, 2026. Moreover, within 10 days could not be any later than June 19, 2026.

I respectfully request that this package be synchronized and routed directly to the Judicial Administrator alongside my Form 314 paperwork to secure the final summary determination requested for **June 29 or June 30, 2026**, prior to the upcoming summer recess. This will be on an interim basis because I will provide in short order an updated

Application Record that will include the documents from the Motion Record (heard in writing on June 17, 2026) but nonetheless to assist out of respect for the public purse but the finite and valuable resources of the Federal Court of Canada.

The submitted for filing letter and the confirmation submission are attached for ease of reference and convenience all on an urgent basis in light of the mistaken, by Mr. Mercieca (without any castigation of him (nota bene: noting that the RCMP and some of the Respondents de facto are responsive in ATIA requests but not before the Federal Court of Canada in this Proceeding which provides self-evident conclusions (i.e. that the RCMP will participate in other arenas but not this one)) that the initially paid for Requisition For Hearing - Application could not be accepted at said time. Nonetheless, I made some minor housekeeping amendments to the same to ensure absolute and strict compliance (i.e. dates in which I would not be available).

Thank you for your continued diligence and vital assistance in managing this Proceeding. Should anything be unclear or require any response, please let me know. Otherwise, I will presume all is in order and the outstanding submitted filings will be processed accordingly and the either of the dates for a presumed in writing hearing (subject to the FCC Presiding Application Judge wishing to hear from me orally on a remote basis) are acceptable.

My update Application Record will follow to include this seminal and significant evidence so the Presiding Applications Judge has a full, true and accurate representation of the relevant documents, evidence and positions (de facto and de jure - however misapprehended and inconsistent (internally and externally)) at the time of Hearing (see: FCR, definitions).

Thank you kindly.

[Quoted text hidden]

2 attachments

Ltr - Head Registrar - Support - Urgent - Req Hearing App - Applicant - 22-June-26.pdf
2043K

Federal Court - Submission Confirmation - Letter with attachments (A to G) - June 22 2026.pdf
762K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Mon, Jun 22, 2026 at 5:12 PM
To: Maggie.Lau@cas-satj.gc.ca, Todd.Desanti@cas-satj.gc.ca, fc_reception_cf@cas-satj.gc.ca

Subject: Filing of Final Updated Application Record – Court File No. T-2448-26

Dear Ms. Lau and Mr. Desanti,

I write further to my correspondence earlier this morning and confirm that, as represented, I have now filed the finalized and fully updated **Application Record** in Court File No. **T-2448-26**.

The filing was transmitted through the Federal Court's E-Filing System at **5:01 p.m. ET** today and assigned **Confirmation Number 2026-06-22-5682806976155**. This completes the undertaking I provided in my cover letter and attachments submitted earlier today.

This updated Application Record incorporates all supplemental materials referenced in my June 22 correspondence, including the self-authenticating electronic business records and the additional statutory evidence required to ensure that the file before the Applications Judge is complete, accurate, and procedurally synchronized with the Form 314 Requisition for Hearing.

Kindly process the outstanding filings referenced in my earlier correspondence. However, I respectfully note that processing this aggregated and comprehensive, meticulously hyperlinked Application Record will itself demonstrate the dates of the submitted-for-filing materials, which are required to be stamped on the day of submission. I also note that I will likely file the additional documents comprising the Reasons for Order and Order (Tab 24) and the Bill of Costs (Tab 25), as indicated. Thank you.

I wish to thank you both for your continued diligence and assistance in processing the outstanding filings and ensuring that the record is properly routed for adjudication.

Should anything further be required from me at this stage, please let me know.

Respectfully submitted,
Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
mclean@searchandseizure.ca

Enclosures:

Filed copy of Application Record (Tabs 1 to 25) on June 22, 2026; and

Filing confirmation:
Confirmation Number 2026-06-22-5682806976155

[Quoted text hidden]

2 attachments

Application Record - Index with 26 Tabs - McLean v RCMP - Applicant - 06-22-26 - Sig - Filed.pdf
16833K

Federal Court - Submission Confirmation - Application Record - Applicant - 5 pm - Monday June 22 2026.pdf
762K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Mon, Jun 22, 2026 at 5:34 PM
To: Maggie.Lau@cas-satj.gc.ca, Todd.Desanti@cas-satj.gc.ca, fc_reception_cf@cas-satj.gc.ca

Subject: Filing of Draft Reasons for Order/Judgment and Draft Bill of Costs – Court File No. T-2448-26

Dear Ms. Lau and Mr. DeSanti,

Further to my earlier correspondence and the filing of the finalized Application Record this afternoon, I write to confirm that I have now submitted the two remaining standalone documents referenced in my June 22 cover letter—namely:

1. the **Draft Reasons for Order / Reasons for Judgment with Order at Appendix A**, and
2. the **Draft Bill of Costs** (Tab 25).

These documents were transmitted through the Federal Court's E-Filing System at **5:30 p.m. ET** and assigned **Confirmation Number 2026-06-22-6147101164801**.

This filing completes the undertakings I provided earlier today and ensures that the full set of materials—Application Record (Tabs 1–25), Supplemental Record, Draft Reasons for Order, Draft Order, and Draft Bill of Costs—are now before the Court in advance of the pending written hearing.

As noted previously, I respectfully request that the Registry process the outstanding filings referenced in my earlier correspondence. However, I also note that processing this aggregated, comprehensive, and meticulously hyperlinked Application Record will itself demonstrate the dates of the submitted-for-filing materials, which are required to be stamped on the day of submission.

Thank you again for your continued diligence and assistance in ensuring that the record is complete, accurate, and properly routed to the Applications Judge.

Should anything further be required from me at this stage, please let me know.

Respectfully submitted,
Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
mclean@searchandseizure.ca

Enclosures:
• Draft Reasons for Order / Reasons for Judgment (Filed June 22, 2026)
• Draft Bill of Costs (Filed June 22, 2026)
• Filing Confirmation No. 2026-06-22-6147101164801

[Quoted text hidden]

3 attachments

Draft Order - McLean v. RCMP - T-2448-26 - June 30-2026 (HEARING DATE) - Filed - 06-22-2026.pdf
431K

Tab 25 Bill of Costs - McLean v RCMP - SIGNED.pdf
166K

FEDERA~1.PDF
761K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Tue, Jun 23, 2026 at 9:34 AM
To: Maggie.Lau@cas-satj.gc.ca, Todd.Desanti@cas-satj.gc.ca, fc_reception_cf@cas-satj.gc.ca

Confirmation of Courtesy Hard-Copy Delivery – Court File No. T-2448-26

Dear Ms. Lau and Mr. DeSanti,

I write to confirm that at **8:51 a.m. this morning**, I delivered **two hard-copy binders** to the Federal Court of Canada (Toronto Office), 180 Queen Street West, 2nd Floor, via the designated mail-room drop box.

These binders constitute **courtesy chambers copies** of the Applicant's **Application Record (Tabs 1–25)**, already submitted electronically yesterday under the relevant confirmation numbers. Each volume contains the full set of tab inserts, sub-tab exhibits ("Exhibit A" onward), and the complete enumerated record (pp. 1–880). The division is as follows:

- **Volume 1:** Tabs 1–13
- **Volume 2:** Tabs 14–25

A **loose copy of the attached cover letter** was included in the package, along with loose copies of the **Draft Reasons for Order / Reasons for Judgment** and the **Draft Order**. Each binder bears a signed cover page with a notation indicating that it is a **courtesy hard copy for the presiding Applications Judge**.

Given the recent processing delays (fully appreciating the demands on the Registry and the electronic portal), these courtesy copies may serve, if necessary, as an **emergency hard-copy filing** to ensure the record is fully available to the Court in advance of the proposed hearing window and the approaching summer recess.

I also confirm that a copy of the attached cover letter and the enclosures referenced therein are to be provided to **The Honourable Martine St-Louis**, **Acting Chief Justice of the Federal Court** (and by permanent appointment, the Associate Chief Justice). This is solely for oversight purposes, consistent with the jurisprudence on judicial administration and integrity (including *R. v. Baldovi*, *Tobiass*, the 1997 Provincial Judges Reference, and *Ruffo*), and to ensure that the Acting Chief Justice is positioned to discharge her supervisory responsibilities where issues of institutional integrity, procedural irregularity, or potential controversy arise. This Proceeding may also be one in which the Acting Chief Justice elects to self-assign, and I may bring such a request in due course.

Thank you kindly for your continued diligence and assistance. Should anything further be required, I remain available at any time.

Respectfully submitted,
Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
mclean@searchandseizure.ca

Attachment: Cover Letter – June 23, 2026 (with referenced enclosures)

[Quoted text hidden]

Cover Letter - June 23 2026 - Lau Desanti and ACJ (Acting CJ).pdf
190K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Tue, Jun 23, 2026 at 4:40 PM
To: Maggie.Lau@cas-satj.gc.ca, Todd.Desanti@cas-satj.gc.ca, fc_reception_cf@cas-satj.gc.ca

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Subject: COVER LETTER — NOTICE OF MOTION #2 (Hand-Delivered Filing)
June 23, 2026
BY HAND – LOCAL OFFICE (TORONTO)
Federal Court of Canada – Toronto Local Office
180 Queen Street West
Toronto, Ontario
M5V 3L6
Attention:

Director of Federal Court of Canada (Local Office City of Toronto): Ms. Lau

Director of Operations (Local Office, City of Toronto): Mr. DeSanti [i]

(Also for transmission to the Principal Office pursuant to Rules 23–25)

Re: Court File No. T-2448-26
McLean v. Royal Canadian Mounted Police et al.
Courier or Delivery Filing ("Delivery Filing") of Notice of Motion (Rule 369 Motion in Writing)

Dear Esteemed Directors of the Local Office (City of Toronto):

Please find enclosed the Applicant's **Notice of Motion (NOM #2)**, brought under **Rule 369** of the *Federal Courts Rules*. As you will note therein, it is now my view in light of what has transpired in the recent weeks and the inclusion of further evidence, documents, materials et al, that this Proceeding in light of the general issues to be decided of central importance to the legal system as a whole and the unprecedented nature of the RCMP and Individual Respondents (some) responding some of the access to information requests, duly paid for as required (where applicable), but not participating in this Proceeding along with the RCMP (Tribunal) not even engaging in the pretense of compliance with Rule 318, that this amounts to a Chief Justice's case as per the authorities cited. As such, this NOM #2 is one that is explicitly to be heard before the acting Chief Justice and Associate Chief Justice of the Federal Court of Canada.
This filing was courier/**hand-delivered** to the Toronto Local Office for the purpose of:

- **stamping and accepting the Notice of Motion for filing**, and
- ensuring, pursuant to **Rules 23–25**, that the document is **transmitted forthwith to the Principal Office in Ottawa** for judicial consideration.

While only one copy of the Form 359 was required, I provided three along with a cover letter therein as a courtesy. The Applicant will file the **Motion Record**, **Memorandum of Fact and Law**, and **Draft Order for NOM #2** in expedient fashion to assist the Federal Court of Canada and the Chief Justice/ACJ in having

this NOM #2 heard and decided in the most expeditious, just and cost effective manner as it relates to the outcome (see: Rule 3).

The Applicant requires that this Notice of Motion be:

1. **Stamped as filed** as of today's date at 3:51 p.m.
2. **Entered on the docket** for Court File No. T-2448-26; and
3. **Transmitted (forthwith)** to the Principal Office in accordance with **Rules 23–25**.

To assist with the above, the Applicant has provided a replica of that which was Delivery Filed today for ease of reference et al.

Lastly on a procedural, record-keeping, housekeeping or abundance of caution level, I confirm that that the Application Record that was Delivery Filed this morning had been taken from the "Courier Filing" or "Delivery Filing" dedicated box. I thank you for your expediency in the same.

Thank you for your attention to this delivery filing ("Delivery Filing") and the necessary transmission pursuant to the non-discretionary provisions of the Federal Courts Rules.

As noted, should the Chief Justice (acting)/ACJ of the Federal Court of Canada require any hybrid format of hearing including oral submissions from me, I have ensured that I am available for the same on Tuesday, June 30, 2026.

I hope you are all well and thank you kindly on a general level.

Wishing you all well.

Respectfully submitted,

Kevin Alexander McLean (BA, JD, CIM)
Applicant, Self-Represented
68 Abell Street (Reception Desk)
Toronto, Ontario M6J 0B1
Email: **mclean@searchandseizure.ca**

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[i] https://new.geds-sage.gc.ca/en/GEDS/?pgid=014&dn=T1U9RkVEQ09VUi1DT1VSRkVELE9VPVJFR1NFUlYtU0VSR1JFRixPVT1UT1JPTlRPLVRPUk9OVE8sT1U9UkVHU0VSLVNFUkdSRSxPVT1DSElFRkFELUFETUNIRSxPVT1DQVMtU0FUSixPPUdDLEM9Q0E=
[Quoted text hidden]

NOM #2 - Motion Form - McLean v RCMP - Applcant - 23-June-2026 - SIGNED.pdf
259K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Wed, Jun 24, 2026 at 9:32 AM
To: Maggie.Lau@cas-satj.gc.ca, Todd.Desanti@cas-satj.gc.ca, fc_reception_cf@cas-satj.gc.ca

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SUBJECT: Confirmation of Delivery Filing – Motion Record (NOM #2), 2nd Updated Application Record, and NOM #1

BODY:

Dear FCC Registry Directors,

Ms. Maggie Lau and Mr. Todd Desanti,

I write to confirm that earlier this morning, at approximately 8:58 a.m., I completed the physical Delivery Filing of the Applicant's three-volume Motion Record for Notice of Motion #2.

As the Motion Record contains 28 tabs, it also serves as the **Second Updated Application Record**, and naturally incorporates the Motion Record for Notice of Motion #1. These materials were deposited in the designated Delivery Filing drop box at the Toronto Federal Court location. I note this for the record out of an abundance of caution.

For reference and ease of navigation, I have included the full index/table of contents corresponding to the three volumes delivered. An electronic version of the complete Record, with bookmarks and hyperlinks, will be provided in due course.
Further, as the Notice of Motion #2 was Delivery Filed yesterday, I confirm that the hearing of NOM #2 is scheduled for **Tuesday, June 30, 2026**.
Please advise if any further administrative steps are required.
Respectfully,
Kevin A. McLean
Applicant (Self-Represented)
68 Abell Street
Toronto, ON M6J 0B1
mclean@searchandseizure.ca

Enclosure.

[Quoted text hidden]

Table of Contents only - Motion Record - NOM 2 - 06-24-26.pdf
612K

FC_Reception_CF <FC_Reception_CF@cas-satj.gc.ca> Wed, Jun 24, 2026 at 9:45 AM
To: "Mr. Kevin Alexander McLean" <mclean@searchandseizure.ca>

Hello,

We would kindly ask that if you are trying to reach the Toronto office, their e-mail is TOR_Reception@fct-cf.ca.

Thank you.

Principal Registry Office / Bureau Principal du Greffe

Senior Registry Officer | Agent principal du greffe
Federal Court | Cour fédérale
1-800-663-2096

4th Floor/4e étage | General Proceedings – Procédures Générales
90 Sparks St. Ottawa, ON|K1A OH9

Please feel free to respond in the official language of your choice. / Veuillez me répondre dans la langue officielle de votre choix.

[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Wed, Jun 24, 2026 at 4:56 PM
To: FC_Reception_CF <FC_Reception_CF@cas-satj.gc.ca>

Dear Principal Registry Officers,

Thank you for your message.

I will add your clarification to the correspondence thread above. I also confirm that my recent Delivery Filings will naturally be forwarded to, and processed by, the Principal Office in Ottawa in the ordinary course.

Thank you kindly,
Kevin A. McLean

[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Wed, Jun 24, 2026 at 5:00 PM
To: Maggie.Lau@cas-satj.gc.ca, Todd.Desanti@cas-satj.gc.ca, TOR_Reception@fct-cf.ca

SUBJECT: Delivery Filing Confirmation – Motion Record (NOM #2), 2nd Updated Application Record, and NOM #1

Dear Toronto Registry Officers,

Further to the message received from the Principal Registry Office with the additional email along with the previous one removed as I was unaware that is the Principal Office email , I am writing to confirm that earlier this morning, at approximately 8:58 a.m., I completed the physical Delivery Filing of the Applicant's three-volume Motion Record for Notice of Motion #2.

As the Motion Record contains 28 tabs, it also serves as the Second Updated Application Record and naturally incorporates the Motion Record for Notice of Motion #1. These materials were deposited in the designated Delivery Filing drop box at the Toronto Federal Court location.

For reference and ease of navigation, I have included the full index/table of contents corresponding to the three volumes delivered. An electronic version of the complete Record, with bookmarks and hyperlinks, will be provided in due course.

As the Notice of Motion #2 was Delivery Filed yesterday, I confirm that the hearing of NOM #2 is scheduled for Tuesday, June 30, 2026.

Thank you kindly,

[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Thu, Jun 25, 2026 at 9:51 AM
To: Maggie.Lau@cas-satj.gc.ca, Todd.Desanti@cas-satj.gc.ca, TOR_Reception@fct-cf.ca, OttawaRegistry@cas-satj.gc.ca, David.Boudreau@cas-satj.gc.ca, FC_Reception_CF <fc_reception_cf@cas-satj.gc.ca>

Subject: *McLean v. RCMP — Court File No. T-2448-26 — Delivery Filing of Tabs 29–31 (June 25, 2026)*

To:

- *Maggie.Lau@cas-satj.gc.ca*
- *Todd.DeSanti@cas-satj.gc.ca*
- *David.Boudreau@cas-satj.gc.ca*

Cc:

351

- TorontoRegistry@cas-satj.gc.ca
- OttawaRegistry@cas-satj.gc.ca

Dear Ms. Lau, Mr. DeSanti, and Mr. Boudreau,

Please be advised that at **8:51 a.m. this morning (June 25, 2026)**, I **Delivery Filed** the enclosed materials at the Toronto Local Office of the Federal Court of Canada in relation to *McLean v. Royal Canadian Mounted Police*, Court File No. **T-2448-26**.

The following documents were filed and are enclosed here for ease of reference:

- **Tab 29**
— Direction of Associate Judge Crinson dated June 24, 2026
- **Tab 30**
— Applicant's Response to the Direction (June 25, 2026)
- **Tab 31**
— Email from Mr. Jeff Ball (RCMP) dated May 19, 2026 and IPC Order MO-1672

Tab 30 is addressed to the **Chief Administrator** and copied to the **Acting Chief Justice / Associate Chief Justice** of the Federal Court of Canada, as it raises procedural issues concerning Rule 306, Rule 145, Rule 317–318, and matters of institutional integrity requiring judicial oversight.

This email is provided solely to ensure that the enclosed materials, already Delivery Filed, are brought promptly to your attention and routed appropriately in accordance with sections 17 and 25 of the *Federal Courts Rules*. A copy of the letter itself is being faxed to the Office of the Chief Justice at the Principal Office as I am dictating this letter.

As noted in the Direction of Associate Judge Mr. Crinson, I note the footer therein which is why this is also addressed to the chief administrator.

Thank you for your attention to this matter.

Respectfully, **Kevin A. McLean**

Applicant (Self-Represented)

mclean@searchandseizure.ca

[Quoted text hidden]

2 attachments

Letter to the Chief Administrator - CJ FCC - Addressing AJ Crinson Direction - Applicant - 25-June-2026.pdf
311K

Tabs 29 to 31 - MR - AR - 2nd Updated - 25-June-2026.pdf 352
1028K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Thu, Jun 25, 2026 at 11:26 AM
To: Maggie.Lau@cas-satj.gc.ca, Todd.Desanti@cas-satj.gc.ca, TOR_Reception@fct-cf.ca, OttawaRegistry@cas-satj.gc.ca, David.Boudreau@cas-satj.gc.ca, FC_Reception_CF <fc_reception_cf@cas-satj.gc.ca>

Subject: *McLean v. RCMP — Court File No. T-2448-26 — Confirmation of Ottawa E-Filing (June 25, 2026)*

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns,

I write to confirm that a copy of the enclosed correspondence (Tab 30) has now been **submitted for filing through the Ottawa Registry's electronic filing portal**, for the purpose of drawing it to the immediate attention of the **Chief Justice / Acting Chief Justice of the Federal Court of Canada**. A copy of the Federal Court of Canada E-Filing System confirmation is attached for your reference.

For clarity, when I refer to the issues in **Notice of Motion #2** being "determined" by the Chief Justice, I do not mean to imply any expectation as to the result. Rather, I confirm only that, under the doctrine of *primus inter pares*, the matter must be **heard and decided** by the judicial head of the Court (or Acting Chief Justice, as applicable), given the institutional integrity issues raised. To the extent that a new Chief Justice has not yet been appointed, I respectfully note that the Acting Chief Justice has been carrying out those responsibilities since October 31, 2025, and is therefore the proper judicial authority to hear and determine the matter in writing.

In this regard, I also note the long-standing principle that a statutory or procedural "power" may, in context, become a **duty**. As Lord Cairns explained in *Julius v. Oxford (Bishop)* (1880), 5 App. Cas. 214 at 222-23 (H.L.), a power becomes coupled with a duty where "the nature of the thing empowered to be done" and "the title of the person for whose benefit the power is to be exercised" require its exercise. This principle has been adopted by the Supreme Court of Canada and by the Federal Court, including in *Information Commissioner v. Minister of Employment and Immigration*, 1986 CanLII 6836 (FC). In the present circumstances, the institutional integrity issues, the contempt-jurisdiction implications, and the primus inter pares doctrine collectively require that the Chief Justice / Acting Chief Justice exercise the power to hear and determine the matter.

As such, this NOM #2 must be decided at the earliest opportunity for the Honourable acting Chief Justice of the Federal Court of Canada and currently permanent ACJ of the Federal Court of Canada. While I appreciate it was not the intent of Associate Judge (formerly known as "masters") to create a "contempt mine field" for myself or others similarly situated, he has done so. Clear lines of appropriate and lawful conduct must be determined herein and for proceedings with similar facts on a procedural level. I say this all with great respect but with the nuances of potential contempt under the Federal Court Rules (not being confined to intentional breach of an Order) and my obvious trauma from being falsely detained, arrested and imprisoned, I sincerely trust you can appreciate why I am taking such a direction so seriously. On a procedural level, it can never be that an Applicant, when a Judicial Review Application is unopposed by a non-appearing Tribunal who is nonetheless compelled to transmit the CTR, is required to "file" with "proof of filing", which is necessarily intertwined with "service" (which AJ Mr. Crinson confirmed correctly that no service was required by me on the Respondents post June 1, 2026), is required to file affidavit material. It is the very Certified Tribunal Record is required by the Tribunal. Certainly if documents are missing from that CTR, perhaps affidavit material may be required but that is a pure hypothetical.

As Notice of Motion #2 is returnable on June 30, 2026, and as the issues raised therein must be determined by the Chief Justice / Acting Chief Justice, I respectfully reiterate the obligation under **Rule 25(a)** of the *Federal Courts Rules* that Delivery-Filed documents be **transmitted without delay** to the Principal Office.

For completeness, I will be **e-filing the entire NOM #2 / Second Updated Application Record**, including **Tab 32 (Draft Order and Draft Reasons for Order/Judgment)**, through the Ottawa Registry portal later today. This document will largely resemble Tab 28 of the First Updated Application Record, but will incorporate:

- the material facts arising from Associate Judge Crinson's Direction of June 24, 2026,
- the Rule 306 paradox,

- the contempt-jurisdiction implications under Rules 50 and 466,
- the Rule 317–318 Certified Tribunal Record issues, and
- the necessary declaratory and consequential relief.

As Associate Judge Crinson correctly noted, the Respondents have **no standing** and are **not entitled to service** under Rule 145. Accordingly, and consistent with the Direction, **no service will be effected upon them**. Rule 364(3) does not apply, as this is a **Rule 369 written motion**, but I anticipate filing the final document today in both paper (Delivery Filing) and electronic formats.

Thank you for your attention to these important public interest and Rule Of Law issues.

Respectfully,

[Quoted text hidden]

[Quoted text hidden]

FCC Ottawa Registry - Confirmation Submission - Letter - CJ - FCC - June 25 2026.pdf
760K

Bakalakis, Christos <Christos.Bakalakis@cas-satj.gc.ca> Mon, Jun 29, 2026 at 3:55 PM
To: "mclean@searchandseizure.ca" <mclean@searchandseizure.ca>
Cc: "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>

Dear Mr. McLean,

I am writing to you as the Regional Director General responsible for the Toronto Registry Office to provide you with an update regarding your matter currently before the Federal Court.

The Registry has received and reviewed the materials and correspondence you submitted on June 25, 2026 to ensure compliance with the Federal Court Rules and the Court's directions. The materials have now been forwarded to a judge of the Federal Court for consideration and further direction.

I understand that you are seeking a hearing through your Rule 369 motion. The Toronto Rule 369 team has prioritized sending your motion to the Court for direction.

I recognize you are seized with this matter and appreciate your efforts to advance your concerns through the Court process. To help ensure that your submissions are received and processed efficiently, I encourage you to only direct future materials to the Toronto Registry, which is responsible for the administration of this proceeding, as opposed to sending the same document to multiple offices at the same time.

Thank you for your attention to these matters. The Registry remains committed to ensuring that your file is processed fairly, impartially, and in accordance with the Federal Court Rules and the directions of the Court.

Should you have questions please do not hesitate to reach out to me directly using the information below.

Sincerely,

Christos (Chris) Bakalakis

Regional Director General – Ontario Region

Courts Administration Service | Government of Canada

180 Queen St W, Office 3001, Toronto, Ontario M5V 3L6

Email: Christos.Bakalakis@cas-satj.gc.ca | Tel: 416-888-4625

Directeur général régional – Région de l'Ontario

Service administratif des tribunaux judiciaires | Gouvernement du Canada

180, rue Queen Ouest, bureau 3001, Toronto (Ontario) M5V 3L6

Courriel : Christos.Bakalakis@cas-satj.gc.ca | Tél : 416-888-4625

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Courts Administration Service | Service administratif des tribunaux judiciaires

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De : Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>
Envoyé : 25 juin 2026 11:27
À : Lau, Maggie <Maggie.Lau@cas-satj.gc.ca>; Desanti, Todd <Todd.Desanti@cas-satj.gc.ca>; TOR_Reception <TOR_Reception@fct-cf.ca>; OttawaRegistry@cas-satj.gc.ca; Boudreau, David <David.Boudreau@cas-satj.gc.ca>; FC_Reception_CF <FC_Reception_CF@cas-satj.gc.ca>
Objet : Re: Requisition of Hearing

Subject: *McLean v. RCMP — Court File No. T-2448-26 — Confirmation of Ottawa E-Filing (June 25, 2026)*

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns,

I write to confirm that a copy of the enclosed correspondence (Tab 30) has now been **submitted for filing through the Ottawa Registry's electronic filing portal**, for the purpose of drawing it to the immediate attention of the **Chief Justice / Acting Chief Justice of the Federal Court of Canada**. A copy of the Federal Court of Canada E-Filing System confirmation is attached for your reference.

For clarity, when I refer to the issues in **Notice of Motion #2** being "determined" by the Chief Justice, I do not mean to imply any expectation as to the result. Rather, I confirm only that, under the doctrine of *primus inter pares*, the matter must be **heard and decided** by the judicial head of the Court (or Acting Chief Justice, as applicable), given the institutional integrity issues raised. To the extent that a new Chief Justice has not yet been appointed, I respectfully note that the Acting Chief Justice has been carrying out those responsibilities since October 31, 2025, and is therefore the proper judicial authority to hear and determine the matter in writing.

In this regard, I also note the long-standing principle that a statutory or procedural "power" may, in context, become a **duty**. As Lord Cairns explained in *Julius v. Oxford (Bishop)* (1880), 5 App. Cas. 214 at 222-23 (H.L.), a power becomes coupled with a duty where "the nature of the thing empowered to be done" and "the title of the person for whose benefit the power is to be exercised" require its exercise. This principle has been adopted by the Supreme Court of Canada and by the Federal Court, including in *Information Commissioner v. Minister of Employment and Immigration*, 1986 CanLII 6836 (FC). In the present circumstances, the institutional integrity issues, the contempt-jurisdiction implications, and the primus inter pares doctrine collectively require that the Chief Justice / Acting Chief Justice exercise the power to hear and determine the matter.

As such, this NOM #2 must be decided at the earliest opportunity for the Honourable acting Chief Justice of the Federal Court of Canada and currently permanent ACJ of the Federal Court of Canada. While I appreciate it was not the intent of Associate Judge

(formerly known as “masters”) to create a “contempt mine field” for myself or others similarly situated, he has done so. Clear lines of appropriate and lawful conduct must be determined herein and for proceedings with similar facts on a procedural level. I say this all with great respect but with the nuances of potential contempt under the Federal Court Rules (not being confined to intentional breach of an Order) and my obvious trauma from being falsely detained, arrested and imprisoned, I sincerely trust you can appreciate why I am taking such a direction so seriously. On a procedural level, it can never be that an Applicant, when a Judicial Review Application is unopposed by a non-appearing Tribunal who is nonetheless compelled to transmit the CTR, is required to “file” with “proof of filing”, which is necessarily intertwined with “service” (which AJ Mr. Crinson confirmed correctly that no service was required by me on the Respondents post June 1, 2026), is required to file affidavit material. It is the very Certified Tribunal Record is required by the Tribunal. Certainly if documents are missing from that CTR, perhaps affidavit material may be required but that is a pure hypothetical.

As Notice of Motion #2 is returnable on June 30, 2026, and as the issues raised therein must be determined by the Chief Justice / Acting Chief Justice, I respectfully reiterate the obligation under **Rule 25(a)** of the *Federal Courts Rules* that Delivery-Filed documents be **transmitted without delay** to the Principal Office.

For completeness, I will be **e-filing the entire NOM #2 / Second Updated Application Record**, including **Tab 32 (Draft Order and Draft Reasons for Order/Judgment)**, through the Ottawa Registry portal later today. This document will largely resemble Tab 28 of the First Updated Application Record, but will incorporate:

- the material facts arising from Associate Judge Crinson’s Direction of June 24, 2026,
- the Rule 306 paradox,
- the contempt-jurisdiction implications under Rules 50 and 466,
- the Rule 317–318 Certified Tribunal Record issues, and
- the necessary declaratory and consequential relief.

As Associate Judge Crinson correctly noted, the Respondents have **no standing** and are **not entitled to service** under Rule 145. Accordingly, and consistent with the Direction, **no service will be effected upon them**. Rule 364(3) does not apply, as this is a **Rule 369 written motion**, but I anticipate filing the final document today in both paper (Delivery Filing) and electronic formats.

Thank you for your attention to these important public interest and Rule Of Law issues.

Respectfully,

Mr. Kevin A. McLean (BA, JD, CIM)

On Thu, Jun 25, 2026 at 9:51 AM Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> wrote:

> **Subject:** *McLean v. RCMP — Court File No. T-2448-26 — Delivery Filing of Tabs 29–31 (June 25, 2026)*
>
> **To:**
>
> - *Maggie.Lau@cas-satj.gc.ca*
> - *Todd.DeSanti@cas-satj.gc.ca*
> - *David.Boudreau@cas-satj.gc.ca*
>
> **Cc:**
>
> - *TorontoRegistry@cas-satj.gc.ca*
> - *OttawaRegistry@cas-satj.gc.ca*
>
> Dear Ms. Lau, Mr. DeSanti, and Mr. Boudreau,

Please be advised that at **8:51 a.m. this morning (June 25, 2026), I Delivery Filed** the enclosed materials at the Toronto Local Office of the Federal Court of Canada in relation to *McLean v. Royal Canadian Mounted Police*, Court File No. **T-2448-26**.

The following documents were filed and are enclosed here for ease of reference:

- **Tab 29** — Direction of Associate Judge Crinson dated June 24, 2026
- **Tab 30** — Applicant's Response to the Direction (June 25, 2026)
- **Tab 31** — Email from Mr. Jeff Ball (RCMP) dated May 19, 2026 and IPC Order MO-1672

Tab 30 is addressed to the **Chief Administrator** and copied to the **Acting Chief Justice / Associate Chief Justice** of the Federal Court of Canada, as it raises procedural issues concerning Rule 306, Rule 145, Rule 317–318, and matters of institutional integrity requiring judicial oversight.

This email is provided solely to ensure that the enclosed materials, already Delivery Filed, are brought promptly to your attention and routed appropriately in accordance with sections 17 and 25 of the *Federal Courts Rules*. A copy of the letter itself is being faxed to the Office of the Chief Justice at the Principal Office as I am dictating this letter.

As noted in the Direction of Associate Judge Mr. Crinson, I note the footer therein which is why this is also addressed to the chief administrator.

Thank you for your attention to this matter.

Respectfully, **Kevin A. McLean**

Applicant (Self-Represented)

mclean@searchandseizure.ca

On Wed, Jun 24, 2026 at 5:00 PM Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> wrote:

> **SUBJECT:** Delivery Filing Confirmation – Motion Record (NOM #2), 2nd Updated Application Record, and NOM #1
>
> Dear Toronto Registry Officers,
>
> Further to the message received from the Principal Registry Office with the additional email along with the previous one removed as I was unaware that is the Principal Office email , I am writing to confirm that earlier this morning, at approximately 8:58 a.m., I completed the physical Delivery Filing of the Applicant's three-volume Motion Record for Notice of Motion #2.
>
> As the Motion Record contains 28 tabs, it also serves as the Second Updated Application Record and naturally incorporates the Motion Record for Notice of Motion #1. These materials were deposited in the designated Delivery Filing drop box at the Toronto Federal Court location.
>
> For reference and ease of navigation, I have included the full index/table of contents corresponding to the three volumes delivered. An electronic version of the complete Record, with bookmarks and hyperlinks, will be provided in due course.
>
> As the Notice of Motion #2 was Delivery Filed yesterday, I confirm that the hearing of NOM #2 is scheduled for Tuesday, June 30, 2026.
>
> Thank you kindly,

On Wed, Jun 24, 2026 at 9:32 AM Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> wrote:

> **SUBJECT:** Confirmation of Delivery Filing – Motion Record (NOM #2), 2nd Updated Application Record, and NOM #1
>
> **BODY:**

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Dear FCC Registry Directors,
Ms. Maggie Lau and Mr. Todd Desanti,

I write to confirm that earlier this morning, at approximately 8:58 a.m., I completed the physical Delivery Filing of the Applicant's three-volume Motion Record for Notice of Motion #2.

As the Motion Record contains 28 tabs, it also serves as the **Second Updated Application Record**, and naturally incorporates the Motion Record for Notice of Motion #1. These materials were deposited in the designated Delivery Filing drop box at the Toronto Federal Court location. I note this for the record out of an abundance of caution.

For reference and ease of navigation, I have included the full index/table of contents corresponding to the three volumes delivered. An electronic version of the complete Record, with bookmarks and hyperlinks, will be provided in due course.

Further, as the Notice of Motion #2 was Delivery Filed yesterday, I confirm that the hearing of NOM #2 is scheduled for **Tuesday, June 30, 2026**.

Please advise if any further administrative steps are required.

Respectfully,

Kevin A. McLean
Applicant (Self-Represented)
68 Abell Street
Toronto, ON M6J 0B1
mclean@searchandseizure.ca

Enclosure.

On Tue, Jun 23, 2026 at 4:40 PM Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> wrote:

Subject: COVER LETTER — NOTICE OF MOTION #2 (Hand-Delivered Filing)

June 23, 2026

BY HAND – LOCAL OFFICE (TORONTO)
Federal Court of Canada – Toronto Local Office
180 Queen Street West
Toronto, Ontario
M5V 3L6

Attention:

Director of Federal Court of Canada (Local Office City of Toronto): Ms. Lau

Director of Operations (Local Office, City of Toronto): Mr. DeSanti [i]

(Also for transmission to the Principal Office pursuant to Rules 23–25)

Re: Court File No. T-2448-26
McLean v. Royal Canadian Mounted Police et al.
Courier or Delivery Filing ("Delivery Filing") of Notice of Motion (Rule 369 Motion in Writing)

Dear Esteemed Directors of the Local Office (City of Toronto):

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Please find enclosed the Applicant's **Notice of Motion (NOM #2)**, brought under **Rule 369** of the *Federal Courts Rules*. As you will note therein, it is now my view in light of what has transpired in the recent weeks and the inclusion of further evidence, documents, materials et al, that this Proceeding in light of the general issues to be decided of central importance to the legal system as a whole and the unprecedented nature of the RCMP and Individual Respondents (some) responding some of the access to information requests, duly paid for as required (where applicable), but not participating in this Proceeding along with the RCMP (Tribunal) not even engaging in the pretense of compliance with Rule 318, that this amounts to a Chief Justice's case as per the authorities cited. As such, this NOM #2 is one that is explicitly to be heard before the acting Chief Justice and Associate Chief Justice of the Federal Court of Canada.

This filing was courier/**hand-delivered** to the Toronto Local Office for the purpose of:

- **stamping and accepting the Notice of Motion for filing**, and
- ensuring, pursuant to **Rules 23–25**, that the document is **transmitted forthwith to the Principal Office in Ottawa** for judicial consideration.

While only one copy of the Form 359 was required, I provided three along with a cover letter therein as a courtesy. The Applicant will file the **Motion Record**, **Memorandum of Fact and Law**, and **Draft Order for NOM #2** in expedient fashion to assist the Federal Court of Canada and the Chief Justice/ACJ in having this NOM #2 heard and decided in the most expedtious, just and cost effective manner as it relates to the outcome (see: Rule 3).

The Applicant requires that this Notice of Motion be:

1. **Stamped as filed** as of today's date at 3:51 p.m.
2. **Entered on the docket** for Court File No. T-2448-26; and
3. **Transmitted (forthwith)** to the Principal Office in accordance with **Rules 23–25**.

To assist with the above, the Applicant has provided a replica of that which was Delivery Filed today for ease of reference et al.

Lastly on a procedural, record-keeping, housekeeping or abundance of caution level, I confirm that that the Application Record that was Delivery Filed this morning had been taken from the "Courier Filing" or "Delivery Filing" dedicated box. I thank you for your expediency in the same.

Thank you for your attention to this delivery filing ("Delivery Filing") and the necessary transmission pursuant to the non-discretionary provisions of the Federal Courts Rules.

As noted, should the Chief Justice (acting)/ACJ of the Federal Court of Canada require any hybrid format of hearing including oral submissions from me, I have ensured that I am available for the same on Tuesday, June 30, 2026.

I hope you are all well and thank you kindly on a general level.

Wishing you all well.

Respectfully submitted,

Kevin Alexander McLean (BA, JD, CIM)
Applicant, Self-Represented
68 Abell Street (Reception Desk)
Toronto, Ontario M6J 0B1
Email: **mclean@searchandseizure.ca**

[i] https://new.geds-sage.gc.ca/en/GEDS/?pgid=014&dn=T1U9RkVEQ09VUi1DT1VSRkVELE9VPVJFR1NFUlYtU0VSR1JFRixPVT1UT1JPTlRPLVRPUk9OVE8sT1U9UkVHU0VSLVNFUkdSRSxPVT1DSElFRkFELUFETUNIRSxPVT1DQVMtU0FUSixPPUdDLEM9Q0E=

On Tue, Jun 23, 2026 at 9:34 AM Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> wrote:

> Confirmation of Courtesy Hard-Copy Delivery – Court File No. T-2448-26
>
> Dear Ms. Lau and Mr. DeSanti,
>
> I write to confirm that at **8:51 a.m. this morning**, I delivered **two hard-copy binders** to the Federal Court of Canada (Toronto Office), 180 Queen Street West, 2nd Floor, via the designated mail-room drop box.
>
> These binders constitute **courtesy chambers copies** of the Applicant's **Application Record (Tabs 1–25)**, already submitted electronically yesterday under the relevant confirmation numbers. Each volume contains the full set of tab inserts, sub-tab exhibits ("Exhibit A" onward), and the complete enumerated record (pp. 1–880). The division is as follows:
>
> - **Volume 1:** Tabs 1–13
> - **Volume 2:** Tabs 14–25
>
> A **loose copy of the attached cover letter** was included in the package, along with loose copies of the **Draft Reasons for Order / Reasons for Judgment** and the **Draft Order**. Each binder bears a signed cover page with a notation indicating that it is a **courtesy hard copy for the presiding Applications Judge**.
>
> Given the recent processing delays (fully appreciating the demands on the Registry and the electronic portal), these courtesy copies may serve, if necessary, as an **emergency hard-copy filing** to ensure the record is fully available to the Court in advance of the proposed hearing window and the approaching summer recess.
>
> I also confirm that a copy of the attached cover letter and the enclosures referenced therein are to be provided to **The Honourable Martine St-Louis**, **Acting Chief Justice of the Federal Court** (and by permanent appointment, the Associate Chief Justice). This is solely for oversight purposes, consistent with the jurisprudence on judicial administration and integrity (including *R. v. Baldovi*, *Tobiass*, the 1997 Provincial Judges Reference, and *Ruffo*), and to ensure that the Acting Chief Justice is positioned to discharge her supervisory responsibilities where issues of institutional integrity, procedural irregularity, or potential controversy arise. This Proceeding may also be one in which the Acting Chief Justice elects to self-assign, and I may bring such a request in due course.
>
> Thank you kindly for your continued diligence and assistance. Should anything further be required, I remain available at any time.
>
> Respectfully submitted, **Kevin A. McLean (BA, JD, CIM)** Applicant, Self-Represented
> mclean@searchandseizure.ca
>
> **Attachment:** Cover Letter – June 23, 2026 (with referenced enclosures)

On Mon, Jun 22, 2026 at 5:34 PM Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> wrote:

> **Subject:** Filing of Draft Reasons for Order/Judgment and Draft Bill of Costs – Court File No. T-2448-26
>
> Dear Ms. Lau and Mr. DeSanti,
>
> Further to my earlier correspondence and the filing of the finalized Application Record this afternoon, I write to confirm that I have now submitted the two remaining standalone documents referenced in my June 22 cover letter—namely:
>
> 1. the **Draft Reasons for Order / Reasons for Judgment with Order at Appendix A**, and
> 2. the **Draft Bill of Costs** (Tab 25).
>
> These documents were transmitted through the Federal Court's E-Filing System at **5:30 p.m. ET** and assigned **Confirmation Number 2026-06-22-6147101164801**.

This filing completes the undertakings I provided earlier today and ensures that the full set of materials—Application Record (Tabs 1–25), Supplemental Record, Draft Reasons for Order, Draft Order, and Draft Bill of Costs—are now before the Court in advance of the pending written hearing.

As noted previously, I respectfully request that the Registry process the outstanding filings referenced in my earlier correspondence. However, I also note that processing this aggregated, comprehensive, and meticulously hyperlinked Application Record will itself demonstrate the dates of the submitted-for-filing materials, which are required to be stamped on the day of submission.

Thank you again for your continued diligence and assistance in ensuring that the record is complete, accurate, and properly routed to the Applications Judge.

Should anything further be required from me at this stage, please let me know.

Respectfully submitted, **Kevin A. McLean (BA, JD, CIM)** Applicant, Self-Represented
mclean@searchandseizure.ca

Enclosures: • Draft Reasons for Order / Reasons for Judgment (Filed June 22, 2026) • Draft Bill of Costs (Filed June 22, 2026) • Filing Confirmation No. 2026-06-22-6147101164801

On Mon, Jun 22, 2026 at 5:12 PM Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> wrote:

> **Subject:** Filing of Final Updated Application Record – Court File No. T-2448-26
>
> Dear Ms. Lau and Mr. Desanti,
>
> I write further to my correspondence earlier this morning and confirm that, as represented, I have now filed the finalized and fully updated **Application Record** in Court File No. **T-2448-26**.
>
> The filing was transmitted through the Federal Court's E-Filing System at **5:01 p.m. ET** today and assigned **Confirmation Number 2026-06-22-5682806976155**. This completes the undertaking I provided in my cover letter and attachments submitted earlier today.
>
> This updated Application Record incorporates all supplementary materials referenced in my June 22 correspondence, including the self-authenticating electronic business records and the additional statutory evidence required to ensure that the file before the Applications Judge is complete, accurate, and procedurally synchronized with the Form 314 Requisition for Hearing.
>
> **Kindly process the outstanding filings referenced in my earlier correspondence. However, I respectfully note that processing this aggregated and comprehensive, meticulously hyperlinked Application Record will itself demonstrate the dates of the submitted-for-filing materials, which are required to be stamped on the day of submission. I also note that I will likely file the additional documents comprising the Reasons for Order and Order (Tab 24) and the Bill of Costs (Tab 25), as indicated. Thank you.**
>
> I wish to thank you both for your continued diligence and assistance in processing the outstanding filings and ensuring that the record is properly routed for adjudication.
>
> Should anything further be required from me at this stage, please let me know.
>
> Respectfully submitted, **Kevin A. McLean (BA, JD, CIM)** Applicant, Self-Represented
> mclean@searchandseizure.ca
>
> Enclosures:
>
> Filed copy of Application Record (Tabs 1 to 25) on June 22, 2026; and
>
> Filing confirmation:
> Confirmation Number 2026-06-22-5682806976155

On Mon, Jun 22, 2026 at 9:23 AM Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> wrote:

Subject: RESPECTFULLY URGENT: Filing of additional documents (to be included in an updated and amended for current purposes Application Record (supplemental to the June 3, 2026, submitted Application Record) – Court File No. T-2448-26 (*McLean v. RCMP et al.*)

Dear Registry Officers Ms. Lau and Mr. Desanti,

I hope this email finds you well.

Please be advised that I have successfully transmitted the **Applicant's Supplementary Application Record** through the E-Filing portal this morning (Federal Co... p. 1).

- **Submission Timestamp:** June 22, 2026, at 9:08:47 AM ET (Federal Co... p. 1).
- **Portal Confirmation Number:** 2026-06-22-0652978947347 (Federal Co... p. 1).

Because this filing contains self-authenticating electronic business records under the *Canada Evidence Act* establishing critical institutional contradictions, it is entirely time-critical to my outstanding **Form 314 Requisition for Hearing** submitted on June 19, 2026 and on June 12 2026 (twice paid now).

As the Respondents remain in total default under Rule 305/308, this Proceeding proceeds on an entirely unopposed basis.

To ensure strict compliance with the Federal Courts Rules, I reproduce Rule 314:

"Requisition for hearing

- **314 (1)** An applicant shall, within 10 days after service of the respondent’s record or the expiration of the time for doing so, whichever is earlier, serve and file a requisition, in Form 314, requesting that a date be set for the hearing of the application"
- As the Respondents were required to file a Notice of Appearance within 10 days after having been served on May 19, 2026, and the Respondent RCMP Tribunal was required to "transmit" the CTR by no later than 20 days after May 19, 2026 (June 10 2026 at the latest), I move expeditiously with my Requisition for Hearing Application on June 12, 2026. Moreover, within 10 days could not be any later than June 19, 2026.

I respectfully request that this package be synchronized and routed directly to the Judicial Administrator alongside my Form 314 paperwork to secure the final summary determination requested for **June 29 or June 30, 2026**, prior to the upcoming summer recess. This will be on an

interim basis because I will provide in short order an updated Application Record that will include the documents from the Motion Record (heard in writing on June 17, 2026) but nonetheless to assist out of respect for the public purse but the finite and valuable resources of the Federal Court of Canada.

The submitted for filing letter and the confirmation submission are attached for ease of reference and convenience all on an urgent basis in light of the mistaken, by Mr. Mercieca (without any castigation of him (nota bene: noting that the RCMP and some of the Respondents de facto are responsive in ATIA requests but not before the Federal Court of Canada in this Proceeding which provides self-evident conclusions (i.e. that the RCMP will participate in other arenas but not this one)) that the initially paid for Requisition For Hearing - Application could not be accepted at said time. Nonetheless, I made some minor housekeeping amendments to the same to ensure absolute and strict compliance (i.e. dates in which I would not be available).

Thank you for your continued diligence and vital assistance in managing this Proceeding. Should anything be unclear or require any response, please let me know. Otherwise, I will presume all is in order and the outstanding submitted filings will be processed accordingly and the either of the dates for a presumed in writing hearing (subject to the FCC Presiding Application Judge wishing to hear from me orally on a remote basis) are acceptable.

My update Application Record will follow to include this seminal and significant evidence so the Presiding Applications Judge has a full, true and accurate representation of the relevant documents, evidence and positions (de facto and de jure - however misapprehended and inconsistent (internally and externally)) at the time of Hearing (see: FCR, definitions).

Thank you kindly.

On Fri, Jun 19, 2026 at 4:49 PM Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> wrote:

> **Subject:** *URGENT – Outstanding Filings and Resubmitted Requisition for Hearing (Court File No. T-2448-26)* **To:** Maggie.Lau@cas-satj.gc.ca; Todd.Desanti@cas-satj.gc.ca; Tristan.Mercieca@cas-satj.gc.ca; fc_reception_cf@cas-satj.gc.ca;
>
> Dear Registry Officers,
>
> I write further to my correspondence and filings in *Court File No. T-2448-26* to address the **urgent** status of several outstanding documents submitted for filing on **June 3**, **June 10**, and **June 11, 2026**, as well as the **resubmitted Requisition for Hearing - Application ("RFHA")** transmitted on **June 19, 2026** (Confirmation No. **2026-06-19-9957964156529**).
>
> As detailed in the attached cover letter, the following filings—each submitted with valid confirmation numbers—remain unprocessed in the Court's electronic system:

- **Application Record** – Confirmation No. *2026-06-03-1192357147322*
- **Memorandum of Fact and Law** – Confirmation No. *2026-06-03-0007422788029*
- **Cover Letter** – Confirmation No. *2026-06-03-8359215481736*
- **Notice of Motion in Writing (June 10)** – Confirmation No. *2026-06-10-0635652712965*
- **Motion Record (June 11)** – Confirmation No. *2026-06-11-0960124814350*

These documents were accepted by the E-Filing System and assigned confirmation numbers, but they do not yet appear as processed or filed. Respectfully, had these filings been processed in the ordinary course, the concerns raised in Mr. Mercieca's June 16, 2026 email would not have arisen.

To avoid any further delay, I confirm that I am willing, **as a courtesy**, to provide the confirmation documents themselves by separate email for ease of reference.

Procedural Posture and Respondents' Absolute Default

For clarity, the Respondents:

- have **not served or filed a Form 305 Notice of Appearance** within the 10-day period mandated by **Rule 305**, or at all;
- have **not opposed the Judicial Review Application (Form 301)**;
- have **not objected** to the Rule 317 Request within the 20-day period mandated by **Rule 318**, or at all;
- have **not transmitted a Certified Tribunal Record**; and
- did **not oppose NOM #1**, which proceeded unopposed on **June 17, 2026**.

There is **no Application for Leave** in this proceeding. The reference to such a process in the June 16 correspondence is respectfully unclear, as the matter before the Court is a **substantive Judicial Review Application**, issued on **May 19, 2026**, supported by a Rule 317 Request and a complete Application Record.

Urgency and the Need for the Matter to Be Sub Judice Before Summer Recess

Given the nature of the issues raised—including matters of public importance, statutory interpretation, and the Respondents' complete procedural default—it is essential that the Requisition for Hearing be processed **no later than June 30, 2026**, such that the matter is formally **sub judice** and awaiting adjudication before the commencement of the Court's summer recess.

Kindly ensre that your records are reflected regarding the matters supra and by the referenced documents.

The amended Form 314 Requisition for Hearing was resubmitted on **June 19, 2026**. Because the E-Filing System would not permit resubmission using the original confirmation number, I paid the filing fee again to avoid any delay.

Requested Action

Accordingly, I respectfully request that the Registry:

1. **Process and formally accept** the outstanding filings submitted on June 3, 10, and 11, 2026;
2. **Confirm acceptance** of the Requisition for Hearing submitted June 19, 2026; and
3. **Update the Court file to reflect the complete procedural history**, as this will allow any future misapprehensions or misunderstandings to be avoided, given that **no notice of steps or service is required on the Respondents** and the **only outstanding obligations are those of the RCMP Tribunal under Rule 318**, which may be addressed by way of Order from the motions judge presiding over NOM #1.

I remain available at any time should clarification or further information be required.

Thank you for your attention to these urgent and outstanding matters.

Respectfully submitted, 364

Kevin A. McLean (BA, JD, CIM) Applicant, Self-Represented mclean@searchandseizure.ca

On Tue, Jun 16, 2026 at 4:55 PM Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> wrote:

> **Subject:** RE: Requisition of Hearing — Court File No. T-2448-26 — McLean v. RCMP et al.
>
> Dear Mr. Mercieca:
>
> I confirm receipt of your email and thank you for your review. I respectfully disagree on an urgent basis and before five pm. Nonetheless I confirm my NOM #1 is to be heard in writing tomorrow regarding the Rule 317 Request. I will amplify my posiiton, grounded in law and with the binding jurispurdence in support, but in the spirit of urgency, this is a quick summary.
>
> While I appreciate the general operational flowchart provided, I must respectfully clarify that the *Federal Courts Rules* dictate a different procedural reality when a respondent is in absolute default. The Requisition for Hearing is procedurally ripe and compliant based on the following specific rules:
>
> 1. **Total Default of Appearance (Rule 305):** The Respondents were served with the Notice of Application on May 19, 2026. The 10-day statutory timeline under Rule 305 has long since expired. The Respondents have failed to file a Notice of Appearance.
> 2. **Absolute Exemption from Service (Rule 305):** Under Rule 305, a respondent who has not entered an appearance is *not entitled to notice of any subsequent steps or service of any subsequent documents* prior to final judgment. Frontline requirements for an Affidavit of Service are legally inapplicable here. The motion and the requisition proceed on an *ex parte* basis as a matter of law.
> 3. **Satisfaction of Rule 314 Timelines:** Rule 314(1) dictates that a requisition must be filed within 10 days after the expiration of the time for the respondent's record. Because the Respondents defaulted under Rule 305, their right to file a record never materialized and has structurally lapsed. Rule 309(1) has been fully satisfied by the Applicant.
> 4. **Pending Written Hearing Tomorrow (Rule 369):** My Motion Record (NOM #1) to compel the Certified Tribunal Record under Rule 318 was submitted via E-Filing under Confirmation Number 2026-06-11-0960124814350. Because the Respondents have no standing to respond, this motion is structurally ripe for *ex parte* judicial determination on my chosen written hearing date of **tomorrow, Wednesday, June 17, 2026**.
>
> I have also filed supplementary **Written Representations based on Fresh Evidence** today to finalize the record.
>
> I kindly request that my Rule 35 Requisition, Motion Record, the Form 314 Requisition for Hearing, and today's Written Representations be placed immediately before the Motions Judge for adjudication tomorrow morning under Rule 369.
>
> Thank you for your assistance in processing these files to the judiciary.
>
> Yours truly,
>
> **Mr. Kevin A. McLean (BA, JD, CIM)**
> 68 Abell Street, Toronto
> mclean@searchandseizure.ca

On Tue, Jun 16, 2026 at 1:49 PM Mercieca, Tristan <Tristan.Mercieca@cas-satj.gc.ca> wrote:

> Hello Applicant,

365

The Requisition for Hearing document you submitted to the Federal Court can not be accepted for filing at this moment. I am going to outline all of the reasons and next steps for you to follow.

First, I direct you to this chart →

Application for Judicial Review - Federal Court

This chart sets forth the order in which documents are to be filed and processed. This document comes last, you are jumping steps here.

Second, please amend the requisition of hearing form to comply with the rule 314. See here →

Contents of requisition

(2) A requisition referred to in subsection (1) shall

- **(a)** include a statement that the requirements of subsection 309(1) have been satisfied and that any notice required under section 57 of the Act has been given;
- **(b)** set out the place at which the hearing should be held;
- **(c)** set out the maximum number of hours or days required for the hearing;
- **(d)** list any dates within the following 90 days on which the parties are not available for a hearing;
- **(e)** set out the name, address, telephone number and fax number of the solicitor for every party to the application or, where a party is not represented by a solicitor, the person's name, address, telephone number and any fax number; and
- **(f)** indicate whether the hearing will be in English or French, or partly in English and partly in French, and whether the materials in the requisition for hearing file will be in English or French, or partly in English and partly in French.

Third

When submitting documents to the registry, you need to provide proof of service in the form of an affidavit of service that the Respondent has received a copy of the document being given.

Moving forward, as you have already paid for the requisition of hearing, you no longer need to do so in the future. When you eventually reach this step in the application process please reference this number 2026-06-12-5485328130686

Please review the chart I noted above and contact the registry regarding any questions or concerns regarding these procedures.

Regards,

Tristan Mercieca 366

Registry Officer | Agent du greffe

Courts Administration Service | Service administratif des tribunaux judiciaires

Federal Court: 416-973-3356 | Federal Court of Appeal: 416-952-8006

Tristan.Mercieca@cas-satj.gc.ca

Courts Administration Service | Service administratif des tribunaux judiciaires | Canada

image002.png
16K

TAB 11

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

T-2448-26 Kevin Alexander McLean v. Royal Canadian Mounted Police

CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca> Thu, Jul 2, 2026 at 1:01 PM
To: "mclean@searchandseizure.ca" <mclean@searchandseizure.ca>, "nick.continelli@justice.gc.ca" <nick.continelli@justice.gc.ca>, "jake.norris@justice.gc.ca" <jake.norris@justice.gc.ca>
Cc: R369_Toronto <R369_Toronto2@cas-satj.gc.ca>

FEDERAL COURT **COUR FÉDÉRALE**

Good day,
Please find attached a true copy of the of the following document(s):

Bonjour,
Veuillez trouver ci-joint une copie conforme du ou des document(s) suivant(s):

Judgment	☐	Jugement
Reasons for Judgment	☐	Motifs du jugement
Order	☐	Ordonnance
Reasons for Order	☐	Motifs de l'ordonnance
Direction(s)	☒	Directive(s)
Rendered by the Court	Allyson Whyte Nowak Judge/Juge	Rendu(e)(s) par la Cour
Dated	2026-07-02	Daté(e)(s)

If a certified copy of the above-noted decision is required, please advise and a copy will be forwarded to your attention by regular mail.

Si une copie certifiée de la décision susmentionnée est requise, veuillez-nous en informer et une copie vous sera transmise par courrier régulier.

PLEASE CONFIRM RECEIPT OF THIS E-MAIL AND ATTACHED DOCUMENT(S), BY REPLY E-MAIL, WITHIN TWO (2) DAYS.

VEUILLEZ ACCUSER RÉCEPTION PAR COURRIEL, DANS LES DEUX (2) JOURS, DU PRÉSENT COURRIEL ET DES DOCUMENTS QUI Y SONT JOINTS.

Anything sent to this e-mail address, other than confirmation of receipt of a decision, will not be considered as having been received by the Registry.

Tout ce qui est envoyé à cette adresse courriel, autre que l'accusé de réception d'une décision, ne sera pas considéré comme ayant été reçu par le greffe.

*Pursuant to section 20 of the Official Languages Act, any **final** decisions, orders and judgments, including any reasons given therefore, issued by the Federal Court are made available in both official languages simultaneously or one after the other. If a final decision is issued in one of the official languages and then, at the earliest possible time, in the other official language, a copy of the version in the other official language will be forwarded on request when it is available.*

*Conformément à l'article 20 de la Loi sur les langues officielles, les décisions, ordonnances et jugements **définitifs** - exposé des motifs compris - rendus par la Cour fédérale sont mis à la disposition du public dans les deux langues officielles soit simultanément ou une à la suite de l'autre. Si une décision définitive est rendue d'abord dans l'une des deux langues officielles, puis dans les meilleurs délais dans l'autre langue officielle, la copie de la version dans l'autre langue officielle sera transmise, sur demande, dès qu'elle sera disponible.*

Thank you,

Maya-Jo Blake-Janniere

Registry Officer

Courts Administration Service, Toronto Local Office

Service administrative des tribunaux judiciaires, Bureau local de Toronto

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T-2448-26 DIRECTION July 2.pdf
42K

Federal Court C A N A D A Cour fédérale

180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

July 2, 2026

VIA E-MAIL

Kevin Alexander McLean
mclean@searchandseizure.ca

Nick Continelli
nick.continelli@justice.gc.ca

Jake Norris
jake.norris@justice.gc.ca

RE: T-2448-26
Kevin Alexander McLean v. Royal Canadian Mounted Police

Please be advised of the following Court direction issued by Justice Whyte Nowak dated July 2, 2026:

"The Applicant filed a motion dated June 10, 2026, to be decided in writing under Rule 369 of the Federal Courts Rules. He has directed that the motion be determined by the Acting Chief Justice of the Federal Court on a specified date, which has since passed.

Pursuant to Rule 72(2)(a) of the Federal Courts Rules, the Registry is directed not to accept the Applicant's motion (and any of the Applicant's various amended motion materials) for the reasons that follow.

The Applicant's motion is for a variety of relief stemming from the Respondent's purported failure to file a Notice of Appearance within the 10-day period mandated by Rule 305(1), or at any time thereafter. The Applicant's motion materials state that the Respondents were served on May 19, 2026 and that proof of service was filed and accepted May 19, 2026. However, a Registry Officer advised the Applicant by email dated June 16, 2026, that the Applicant would need to provide proof of service in the form of an affidavit of service that the Respondent received a copy of the originating document. The document purporting to be an affidavit of service is not in proper form: it is neither sworn nor commissioned. Without a proper affidavit of service, the Application is not properly filed and the Applicant's motion is rejected.

The Applicant's latest motion record also contains a number of irregularities that should be addressed before it is refiled:

(i) ***The Table of Contents, Draft Order and Brief of Authorities contain written argument which is improper – argument should be confined to the Memorandum of Fact and Law;***

(ii) ***Volume #3, titled "DOCUMENTS FROM FILED APPLICATION RECORD OF JUNE 3, 2026, AND MOFL FOR JUDICIAL REVIEW APPLICATION (FORM 301) OF JUNE 3, 2026" does not comply with Rule 80(1) and (3) of the Federal Courts Rules and the documents in this volume cannot be included in the motion record as stand alone documents;***

(iii) ***The Notice of Application, Rule 317 Request and Memorandum of Fact and Law fail to comply with Rule 65 of the Federal Courts Rules;***

(iv) ***The Memorandum of Fact and Law exceeds the page limit provided at Rule 70(4) of the Federal Courts Rules (which page limit is inclusive of the sections listed at subsections (a) through (g));***

(v) ***The Court determines when the motion shall be heard and there is no provision in the Rules by which the Applicant can schedule the determination of a motion in writing;***

(vi) ***Any amendments to documents filed must be in accordance with Rule 79 of the Federal Courts Rules."***

Maya-Jo Blake-Janniere
Rule 369
Registry Officer

Pursuant to section 20 of the *Official Languages Act* all decisions, orders and judgments, including any reasons given therefor, issued by the Court are issued in both official languages. In the event that such documents are issued in the first instance in only one of the official languages, a copy of the version in the other official language will be forwarded on request when it is available.

Conformément à l'article 20 de la *Loi sur les langues officielles*, les décisions, ordonnances et jugements finals, avec les motifs y afférents, sont émis dans les deux langues officielles. Au cas où ces documents ne seraient émis, en premier lieu, que dans l'une des deux langues officielles, une copie de la version dans l'autre langue officielle sera transmise, sur demande, dès qu'elle sera disponible.

Tab 12

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

T-2448-26 / Federal Court - Decision / Décision - Cour fédérale

4 messages

CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca> Wed, May 20, 2026 at 1:38 PM
To: "mclean@searchandseizure.ca" <mclean@searchandseizure.ca>

FEDERAL COURT COUR FÉDÉRALE

Good day, Please find attached a true copy of the of the following document(s):		Bonjour, Veuillez trouver ci-joint une copie conforme du ou des document(s) suivant(s):
Judgment	☐	Jugement
Reasons for Judgment	☐	Motifs du jugement
Order	☐	Ordonnance
Reasons for Order	☐	Motifs de l'ordonnance
Direction(s)	☒	Directive(s)
Rendered by the Court	John C. Cotter Associate Judge/Juge adjoint(e)	Rendu(e)(s) par la Cour
Dated	2026-05-20	Daté(e)(s)

If a certified copy of the above-noted decision is required, please advise and a copy will be forwarded to your attention by regular mail.

PLEASE CONFIRM RECEIPT OF THIS E-MAIL AND ATTACHED DOCUMENT(S), BY REPLY E-MAIL, WITHIN TWO (2) DAYS.

Anything sent to this e-mail address, other than confirmation of receipt of a decision, will not be considered as having been received by the Registry.

*Pursuant to section 20 of the Official Languages Act, any **final** decisions, orders and judgments, including any reasons given therefore, issued by the Federal Court are made available in both official languages simultaneously or one after the other. If a final decision is issued in one of the official languages and then, at the earliest possible time, in the other official language, a copy of the version in the other official language will be forwarded on request when it is available.*

Si une copie certifiée de la décision susmentionnée est requise, veuillez-nous en informer et une copie vous sera transmise par courrier régulier.

VEUILLEZ ACCUSER RÉCEPTION PAR COURRIEL, DANS LES DEUX (2) JOURS, DU PRÉSENT COURRIEL ET DES DOCUMENTS QUI Y SONT JOINTS.

Tout ce qui est envoyé à cette adresse courriel, autre que l'accusé de réception d'une décision, ne sera pas considéré comme ayant été reçu par le greffe.

*Conformément à l'article 20 de la Loi sur les langues officielles, les décisions, ordonnances et jugements **définitifs** - exposé des motifs compris - rendus par la Cour fédérale sont mis à la disposition du public dans les deux langues officielles soit simultanément ou une à la suite de l'autre. Si une décision définitive est rendue d'abord dans l'une des deux langues officielles, puis dans les meilleurs délais dans l'autre langue officielle, la copie de la version dans l'autre langue officielle sera transmise, sur demande, dès qu'elle sera disponible.*

T-2448-26 Directions from Associate Judge Cotter (20-MAY-2026).pdf
164K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Wed, May 20, 2026 at 1:49 PM
To: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>

Thank you kindly for the email and attachment from The Honourable Associate Justice Cotter. I am reviewing it and will respond as soon as I am able.
[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Wed, May 20, 2026 at 2:23 PM
To: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>

Attention: D. Lopez / Registry Officer (Toronto Local Office)
Dear Mr. Lopez,
I acknowledge receipt of the **Directions of Associate Judge Cotter dated May 20, 2026**, rejecting the Applicant's standalone Rule 317 request under **Rule 72(2)(a)** for an administrative absence of verified proof of service. I thank him personally in the professional sense for being so attentive and expeditious to such a Proceeding when I can only imagine his demands. My sincere thanks to the FCC and him on this front.
To maintain the court record with absolute procedural efficiency, I have immediately cured this technical deficiency. I have re-submitted the **Comprehensive Rule 317 Written Request** through the e-filing portal under the category **Requests (General)**, now seamlessly consolidated behind a formalized **Notice of Filing Proof of Service**.
Given the exigent timeline and constraints on securing a physical Commissioner for Taking Affidavits on short notice, the Applicant has strictly verified service pursuant to **Rule 146(1)(b) of the *Federal Courts Rules***, which permits proof of service via written and electronic admissions. The enclosed filing package contains the immutable electronic transmission logs to the individual Respondents, the validated delivery routing to the Attorney General of Canada at AGC_PGC_Toronto.Lead-DCECJ@justice.gc.ca, and the corresponding automated acknowledgment receipt

generated directly by the Department of Justice intake system (TOR.Leadadmissions@justice.gc.ca) on **May 20, 2026, at 10:23 AM**.
As actual, verified service upon the Attorney General of Canada and the Respondents has been fully executed, the technical grounds for the initial rejection are entirely resolved. I will submit this package with the Rule 317 Request in short order through the FCC E-Portal.
On a parenthetical note, I have provided positive surveys in relation to each of my filings which were nothing but positive as the e-filing portal is well-constructed, quite intuitive et al compared to others that I have utilized over the past 15 years or so.
Respectfully submitted,
Mr. Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
Email: mclean@searchandseizure.ca
Phone: 647.370.9354

[Quoted text hidden]

Proof of Service - Rule 317 Request - McLean v. RCMP - Applicant - KAM (BA JD CIM) - 20-May-2026 - Dig Sign.pdf
1250K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Wed, May 20, 2026 at 3:23 PM
To: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>

Attention: D. Lopez / Registry Officer (Toronto Local Office)

Dear Mr. Lopez,

Further to the electronic transmission submitted through the e-filing portal earlier today, I am writing to provide immediate operational clarification regarding a necessary formatting correction.

Please **DISREGARD** the portal submission bearing confirmation sequence number: **2026-05-20-9549358807080**. Due to an inadvertent clerical error, an incomplete PDF structure was initially transmitted.

I have successfully re-submitted the complete, corrected documentation package, which has been assigned the following unique confirmation number: **2026-05-20-4847823110108**.

This finalized 48-page consolidated filing constitutes the **only** active Rule 317 Request and Applicant's Certificate of Service to be processed and appended to the record (pp. 1-2). As noted in my previous message, this package fully satisfies **Rule 146(1)(b)** by embedding the unedited electronic email transmission logs and the corresponding automated acknowledgment receipt generated directly by the Department of Justice server architecture (TOR.Leadadmissions@justice.gc.ca) (pp. 1, 10).

I kindly request that your office stamp and file the package under confirmation sequence **2026-05-20-4847823110108** to ensure the active court docket tracks seamlessly.

I apologize for any administrative inconvenience this duplicate transmission may have caused your department, and I thank you for your ongoing professional courtesy.

I have encosed the two documents that were filed from the only submission for processing along with the unique confirmation number from the back-end of the FCC E-Portal and the email I just received.

Respectfully submitted,
Mr. Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
Email: mclean@searchandseizure.ca
Phone: 647.370.9354

[Quoted text hidden]

4 attachments

Email - Only Filing to be processed - Unique Confirmation number 2026-05-20-4847823110108 (T-2448-26).pdf
87K

Federal Court - Submission Confirmation - Only filing to be processed.pdf
761K

The Applicant' Certificate of Service - Rule 317 Request - McLean v RCMP - 20-May-2026 306 - Dig Sign.pdf
1083K

Rule 317 Request - T-2448-26 - McLean v. RCMP - Applicant - Mr McLean - 19-May-2026 - SIGNED - FILED - SERVED.pdf
585K

Twitter

Print page

Your documents have been submitted to the Federal Court using the Electronic Filing System (E-Filing System).

Your document(s) have been submitted to the Federal Court.

- You have submitted **2 document(s)** to the **Toronto Registry Office.**
- Your unique confirmation number for this submission is: **2026-05-20-4847823110108.**
- Date submitted: **05/20/2026** at **3:15:47 P.M. Eastern Time (ET).**

Note that your document(s) will be **considered successfully filed after the Registry reviews, accepts and processes your submission**.

You will then receive an email that includes the Court File Number and a hyperlink to the stamped documents.

- What's next
- Urgent matter
- Online access to documents
- Your submission

What's next

You will receive an email from **noreply-nepasrepondre@cas-satj.gc.ca** with the unique confirmation number above.

Federal Court Registry personnel will review your submission and determine whether it can be accepted.

✓ Accepted document(s)

If your document(s) comply with the *Federal Courts Rules, Act*, and formatting standards:

1. The Registry will accept and process your submission.
    - Your document(s) will be deemed as filed on the date and time of your submission to the E-Filing System, Eastern time (ET); unless you submitted on a Saturday, Sunday, or holiday. If you submitted on a weekend or holiday, they will be deemed as filed on the next business day.
2. You will receive an email confirming that your document(s) have been accepted and filed. The email will include the Court File Number and a hyperlink to the stamped document(s).

✕ Non-accepted document(s)

If your document(s) do not comply with the *Federal Courts Rules, Act*, and formatting standards:

1. The Registry will send you an email to inform you of the filing status and provide instructions for corrections.
2. Use the E-filing System and your unique confirmation number to submit the corrected document(s). The submission of a corrected document will not result in additional charges.
3. After you submit the corrected document(s), they will be reviewed. The Registry will send you an email indicating whether or not the corrected documents have been accepted.

Issues related to document type 377

If you selected the wrong document type(s) in the E-Filing System this may affect the applicable filing fee. The Federal Court Registry may contact you by phone or email for additional payment or a refund.

Urgent matter

If you have flagged your submission as urgent, please contact the Registry. Submitting documents electronically does not guarantee that they will be reviewed immediately.

Online access to documents

If you have requested your submission be exempt from public online access, the documents mentioned will not be made available online until the Court makes a decision about your request and informs you.

▶ Your submission

Share your feedback

Take 5 minutes to help us improve our service.

Start survey

Start a new submission

Representing Yourself

Finding Legal Help
Practice Guides
Procedural Charts
Procedural Roadmaps
Checklists
Court Costs
Deadlines Calculator
Resolving Your Case
Registry

Court Files and Decisions

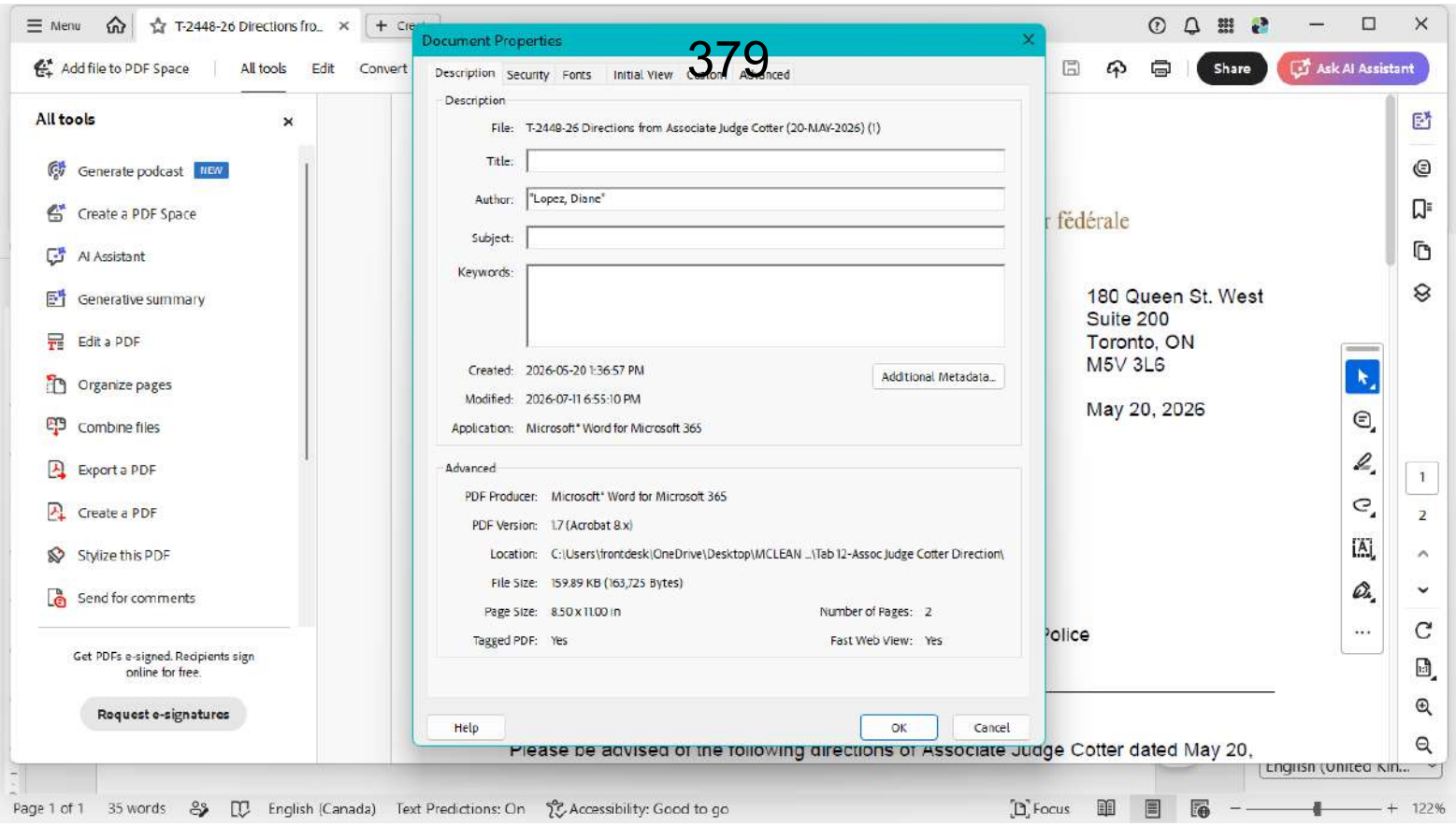
Court Files
Decisions
Hearing Lists
General Sittings
Summer Recess
Calendar of Hearings

Media

Administration of the Court
Court Files
Decisions
Calendar of Hearings

Resources

Registry
Court Costs
Procedural Charts
Procedural Roadmaps
Resolving Your Case
Finding Legal Help
Checklists


Document Properties
Description
Security
Fonts
Initial View
Custom
Advanced
File: T-2448-26 Directions from Associate Judge Cotter (20-MAY-2026) (1)
Title:
Author: "Lopez, Diane"
Subject:
Keywords:
Created: 2026-05-20 1:36:57 PM
Modified: 2026-07-11 6:55:10 PM
Application: Microsoft® Word for Microsoft 365
Additional Metadata...
Advanced
PDF Producer: Microsoft® Word for Microsoft 365
PDF Version: 1.7 (Acrobat 8.x)
Location: C:\Users\frontdesk\OneDrive\Desktop\MCLEAN ...\Tab 12-Assoc Judge Cotter Direction\
File Size: 159.89 KB (163,725 Bytes)
Page Size: 8.50 x 11.00 in
Number of Pages: 2
Tagged PDF: Yes
Fast Web View: Yes
Help
OK
Cancel
All tools
Generate podcast
Create a PDF Space
AI Assistant
Generative summary
Edit a PDF
Organize pages
Combine files
Export a PDF
Create a PDF
Stylize this PDF
Send for comments
Request e-signatures
180 Queen St. West
Suite 200
Toronto, ON
M5V 3L6
May 20, 2026
Please be advised of the following directions of Associate Judge Cotter dated May 20,

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

2026-05-19-5628619297232 (T-2448-26)

1 message

noreply-nepasrepondre@cas-satj.gc.ca <noreply-nepasrepondre@cas-satj.gc.ca> Wed, May 20, 2026 at 1:45 PM
To: mclean@searchandseizure.ca

YOUR DOCUMENT SUBMITTED TO THE FEDERAL COURT'S E-FILING SYSTEM WAS NOT ACCEPTED FOR FILING AT THIS TIME.

Confirmation Number: 2026-05-19-5628619297232

Status: Not Accepted

Date Submitted: 2026-05-19 22:43:31 Eastern time zone
Court File Number: T-2448-26
Style of Cause: Kevin Alexander McLean v. Royal Canadian Mounted Police

Proceeding Type: T - Federal Court
Proceeding Nature: S. 18.1 Application for Judicial Review

Document Type: Requests (General)

Name of Submitted Document: af7a7c9f-ae9c-44ee-972d-41a9b594e67f.pdf

Registry Officer: Diane Lopez

Comments from Registry to e-Filer: Rejected for filing as per the Direction of Associate Judge Cotter dated May 20, 2026.

Please do not respond to this email. This email address is automated and unattended, and cannot help with questions or requests. Please contact the Registry of the Federal Court.

Federal Court Cour fédérale

180 Queen St. West
Suite 200
Toronto, ON
M5V 3L6

May 20, 2026

By email

Kevin A. McLean
mclean@searchandseizure.ca
The Applicant (self-represented)

RE: Kevin Alexander McLean v. Royal Canadian Mounted Police
Court File No: T-2448-26

Please be advised of the following directions of Associate Judge Cotter dated May 20, 2026:

In this Direction:

- **"Request" refers a request by the applicant under Rule 317 that was submitted to the Registry on May 19, 2026, and is titled "COMPREHENSIVE WRITTEN REQUEST OF THE RCMP (TRIBUNAL) PURSUANT TO RULE 317 OF THE *FEDERAL COURT RULES*, WHICH IS TITLED "MATERIAL IN THE POSSESSION OF THE TRIBUNAL" (AS DEFINED UNDER *FCR*, S. 317 AND FCA, S. 2)". The Request is dated May 19, 2026 on page 1, and May 18, 2026 on page 36.**

- **Unless otherwise indicated, any reference to a "Rule" is to those in the *Federal Courts Rules*.**

The Registry sought directions as to whether the Request could be accepted for filing as proper proof of service was not submitted with it.

As per Rule 317, the Request must be served on the other parties, in this case, the respondents. Pursuant to Rule 73, a document that is required to be served, other than an originating document, shall not be filed without proof that it has been served within the time and in the manner provided for

by these Rules. Proof of service must be as provided for in Rule 146, or if applicable, paragraph 34 of the *Amended Consolidated General Practice Guidelines* dated June 20, 2025.

In submitting the Request to the Registry, the following comment was included by the applicant: "A copy has been served on the Respondents. Mr. Kevin A. McLean (BA, JD, CIM)". However, of significance, no proper proof of service was submitted with the document.

As the Request was not submitted with proper proof of service, the Document is rejected for filing pursuant to Rule 72(2)(a).

Sincerely,

D. Lopez
Registry Officer

FEDERAL COURT

383

Court File No: T-2448-26

BETWEEN:

KEVIN ALEXANDER McLEAN

Applicant

- and -

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

NOTICE OF FILING PROOF OF SERVICE BY ANALOGY TO RULE 146(1)(b) AND IN ACCORDANCE WITH THE CURATIVE PROVISIONS OF RULE 5, Rule 55 (Varying Rule and Dispensing with Compliance) AND RULE 66 OF THE *FEDERAL COURTS RULES* in the form of an Applicant's Certificate of Service

TO THE REGISTRY AND TO THE RESPONDENTS:

TAKE NOTICE that the Applicant is filing herewith the uncontested proof of service concerning the Applicant's **"COMPREHENSIVE WRITTEN REQUEST OF THE RCMP (TRIBUNAL) PURSUANT TO RULE 317 OF THE FEDERAL COURT RULES"**, dated May 19, 2026, which was previously rejected under Rule 72(2)(a) solely for an administrative absence of verification data.

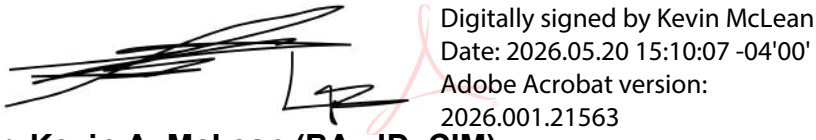
I, **Mr. Kevin A. McLean (BA, JD, CIM)**, Applicant, acting in a self-represented capacity, hereby certify that I caused the Respondents and the Attorney General of Canada (on behalf of the Respondent RCMP) to be duly served with true copies of the standalone Rule 317 Request and the stamped, issued Notice of Application for Judicial Review via the following concurrent physical and electronic methodologies:

1. **Physical Personal Service:** By personally delivering true physical copies of the aforementioned documents on the morning of **May 20, 2026**, directly to the office of the Department of Justice (Attorney General of Canada), located at 120 Adelaide Street West, Suite 400, Toronto, Ontario, M5H 1T1.
2. **Electronic Service and Ingestion Verification:** Pursuant to Rule 146(1)(b), applied by analogy via the flexible variation provisions of Rule 5 and Rule 66, actual electronic service was fully executed on the morning of **May 20, 2026**. This service was routed to the validated, public-facing Department of Justice intake addresses obtained directly from the physical entrance door of the Suite 400 office.

1. **Schedule "A":**
    1. All emails under the titled email thread, "McLean v. RCMP et al - T-2448-26 - Notice of Application" which include eight email message;
        1. A true copy of the electronic transmission log dated May 20, 2026, at 10:20 AM and 10:23 AM, demonstrating complete service of the Rule 317 Request upon the Attorney General of Canada at the corrected, validated address: AGC_PGC_Toronto.Lead-DCECJ@justice.gc.ca (Search and... pp. 1, 3, 5).
        2. A true copy of the automated confirmation receipt generated by the Department of Justice at 10:23 AM via TOR.Leadadmissions@justice.gc.ca, verifying successful server ingestion and active monitoring (Search and... p. 7).

The underlying 39-page Rule 317 Request is appended to this notice after the last page under Schedule “A”.

DATED at Toronto, Ontario, this 20th day of May, 2026, and duly signed by the undersigned individual:



Mr. Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
68 Abell Street, Toronto, ON M6J 0B1
Email: mclean@searchandseizure.ca

Schedule “A”

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

McLean v. RCMP et al - T-2448-26 - Notice of Application

8 messages

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Tue, May 19, 2026 at 4:57 PM
To: Legal_Services@rcmp-grc.gc.ca, Michael.Duheme@rcmp-grc.gc.ca, stephane.brisson@rcmp-grc.gc.ca, Jeff.ball@rcmp-grc.gc.ca, Robert.Borland@rcmp-grc.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

As promised, please find the stamped Notice of Application from the FCC Registry for service upon the Respondents. There were some changes that were required to the final version that were drawn to my attention by the FCC Registry and I made those last night and into the morning. It does not affect my Rule 317 of the FCR request.

I have included the noted emails therein including legal counsel along the Legal Services email.

You have ten days from today's date to file and serve a Notice of Appearance.

Thank you kindly.

Mr. Kevin A. McLean (BA, JD, CIM)

--
Best regards,

Mr. Kevin A. McLean (BA (MCL), JD, CIM)

Email: mclean@searchandseizure.ca
Phone: 647.370.9354
Fax: upon request

NOTA BENE: This email is for dispute resolution and litigation purposes only. Without prejudice communication so denoted invokes settlement privilege.

CONFIDENTIALITY NOTICE: This email and any attachments are confidential and may contain privileged information. It is intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this email is strictly prohibited. If you have received this communication in error, please immediately notify the sender by replying to this email and permanently delete the original message and any attachments from your system.

2 attachments

T-2448-26 - Kevin Alexander McLean v. Royal Canadian Mounted Police et al - Stamped Copy - May 19 - 2026.pdf
1066K

Rule 317 Requst - McLean v. RCMP - Applicant - Mr McLean - 18-May-2026 - Electronically Signed - Served - Filed.pdf
664K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Tue, May 19, 2026 at 5:01 PM
To: Legal_Services@rcmp-grc.gc.ca, Michael.Duheme@rcmp-grc.gc.ca, stephane.brisson@rcmp-grc.gc.ca, Jeff.ball@rcmp-grc.gc.ca, Robert.Borland@rcmp-grc.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

I also confirm, out of an abundance of caution, that you now have 20 days from today's to file the certified tribunal record, along with serving me with a copy of the same, based on the materials particularized in your possession that are relevant to this Application.

Kindly provide the same exclusively to this email for service purposes.

Thank you kindly.
[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Tue, May 19, 2026 at 10:24 PM
To: Legal_Services@rcmp-grc.gc.ca, Michael.Duheme@rcmp-grc.gc.ca, stephane.brisson@rcmp-grc.gc.ca, Jeff.ball@rcmp-grc.gc.ca, Robert.Borland@rcmp-grc.gc.ca

Date: May 19, 2026

Classification: Private and Confidential

Sending method: Via Email

Your file number: Court File No. T-2448-26

To:

Respondents in McLean v. Royal Canadian Mounted Police et al. under Court File No. T-2448-26

Subject I: Confirmation of effectuated service concerning Court File No. T-2448-26

Subject II: Procedural notification regarding the transmission of the notice of application

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

PART 1: INTRODUCTION

1. Written correspondence is hereby initiated regarding the aforementioned matters.
2. The enumerated documentation is appended hereto for the substantive and procedural purposes delineated herein.

PART 2: CONFIRMATION OF EFFECTUATED NOTIFICATION AND SERVICE

Execution of Primary Regional Service

3. Unambiguous confirmation is hereby proffered that formal notification has been effectuated upon the Royal Canadian Mounted Police Central Region, specifically directed via electronic mail to the attention of Regional Commander Mr. Matt Peggs.
4. In conjunction with the aforementioned electronic notification, a facsimile transmission of the notice of application (the "**Notice of Application**") for judicial review was concurrently executed upon the Royal Canadian Mounted Police Toronto West Detachment (the "**Toronto West Detachment**") situated in Milton, Ontario.
5. Furthermore, it is formally certified that a congruent courtesy transmission of the requisite materials, in strict accordance with the mechanisms outlined under *Rule 317* of the *Federal Courts Rules*, has been duly conveyed *in limine*.

Execution of Federal Headquarters Service 388

6. It is additionally certified that a facsimile transmission of the Notice of Application was effectively served upon the federal headquarters of the Royal Canadian Mounted Police, located in Ottawa, Ontario, during the evening hours of the present date.

PART 3: EVIDENTIARY SUBSTANTIATION AND PROCEDURAL SAFEGUARDS

Provision of Evidentiary Substantiation

7. In the event that evidentiary substantiation of the aforementioned transmissions is necessitated by the respondents (the "**Respondents**"), prompt advisement is respectfully demanded, whereupon comprehensive documentary validation of the effectuated service shall be expeditiously produced *ipso facto*.

Preservation of the Procedural Record

8. Notwithstanding the immediate availability of absolute proof, this communication is dispatched *ex abundanti cautela* to permanently interdict any prospective obfuscation, structural manipulation, or misrepresentation of the procedural record.

9. This proactive articulation ensures that, should procedural exigencies dictate the swearing and filing of formal affidavits of service or notice, an immutable and meticulously documented foundational substratum exists upon which absolute legal reliance may be placed, thereby rendering any subsequent contrary assertions of procedural deficiency a fundamental nullity *ab initio*.

PART 4: ANTICIPATED RESPONSES FROM INDEPENDENT COUNSEL

10. Upon the requisite retention and formal designation of independent legal counsel for each respective Respondent, it is strictly anticipated that all responsive procedural correspondence shall be directed herein in accordance with established jurisprudential protocols, thereby preserving the *status quo ante*.

Thank you.

[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Wed, May 20, 2026 at 12:14 AM
To: Legal_Services@rcmp-grc.gc.ca, Michael.Duheme@rcmp-grc.gc.ca, stephane.brisson@rcmp-grc.gc.ca, Jeff.ball@rcmp-grc.gc.ca, Robert.Borland@rcmp-grc.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

I write to confirm that my Rule 317 Request has been filed with the FCC. I made two slight revisions for the date and the inclusion of the file number. Please find attached. Thank you.

[Quoted text hidden]

Rule 317 Request - T-2448-26 - McLean v. RCMP - Applicant - Mr McLean - 19-May-2026 - SIGNED - FILED - SERVED.pdf
585K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Wed, May 20, 2026 at 10:20 AM
To: Legal_Services@rcmp-grc.gc.ca, Michael.Duheme@rcmp-grc.gc.ca, stephane.brisson@rcmp-grc.gc.ca, Jeff.ball@rcmp-grc.gc.ca, Robert.Borland@rcmp-grc.gc.ca, AGC_PGC_Toronto.Lead-DCECG@justice.gc.ca

Date: May 20, 2026
Classification: Private and Confidential
Sending method: Via Electronic Mail

To:

The Attorney General of Canada; Royal Canadian Mounted Police; and Relevant Respondents
Subject I: *McLean v. Royal Canadian Mounted Police et al.* (Court File No. T-2448-26) before the *Federal Court of Canada* — Confirmation of Hard Copy Service of the Issued notice of application

for judicial review (the "**Notice Of Application For Judicial Review**") dated November 15, 2026
Subject II: Service of Requisition for Material Pursuant to *Rule 317* of the *Federal Courts Rules*, SOR/98-106 and Ascertainment of Legal Representation

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

PART I: INTRODUCTION

1. Correspondence is hereby transmitted in relation to the aforementioned jurisprudential matters.

PART II: EFFECTUATION OF SERVICE

Section A: Physical Service of Originating Documentation

2. Formal notification is hereby provided that physical, hard-copy service of the originating document, specifically the filed iteration of the notice of application for judicial review (the "**Notice Of Application For Judicial Review**") dated May 15, 2026, alongside a duplicate of the requisition for materials pursuant to *Rule 317* of the *Federal Courts Rules* (the "**Rule 317 Request**"), was successfully consummated upon the physical premises of the respondents.

Section B: Electronic Transmission Directive

3. During the aforementioned consummation of physical service, an observation was recorded regarding a formally posted directive upon the entryway of the premises. The said directive explicitly delineated a designated electronic mailing address, specifically AGC_PGC_Toronto.Lead-DCECG@justice.gc.ca (the "**Designated Electronic Address**"), mandated for the receipt of service of documentary instruments upon the Attorney General of Canada in proceedings wherein a notice of constitutional question (the "**Notice Of Constitutional Question**") is manifestly ***absent.***

PART III: PROVISION OF SUPPLEMENTARY ENCLOSURES

5. To facilitate expeditious judicial economy and out of an abundance of procedural caution, exact duplicate iterations of the previously served physical documents are appended to this electronic transmission for immediate perusal and referential convenience.

PART IV: ASCERTAINMENT OF RESPONDENT REPRESENTATION

6. A formal inquiry is hereby advanced to ascertain whether the named respondents, individually or collectively, shall be represented by duly appointed legal counsel or, in the alternative, whether said entities shall be proceeding *in propria persona* throughout the adjudication of the aforementioned judicial review. Should any of the particulars of the material requested be unclear, please advise me forthwith. Otherwise, I will presume that all is sufficiently clear and particularized. I anticipate that I will have my current motion and application records to you in short order with the proviso that additional documents and records will be included where applicable (i.e. not in my possession).
7. Thank you kindly in advance for your anticipated compliance.

Yours truly,
Mr. Kevin A. McLean (BA, JD, CIM)
Enclosures

[Quoted text hidden]

---

2 attachments

Rule 317 Request - T-2448-26 - McLean v. RCMP - Applicant - Mr McLean - 19-May-2026 - SIGNED - FILED - SERVED.pdf
585K

T-2448-26 - Kevin Alexander McLean v. Royal Canadian Mounted Police et al - Stamped Copy - May 19 - 2026.pdf
1066K

Mail Delivery Subsystem <mailer-daemon@googlemail.com> Wed, May 20, 2026 at 10:20 AM
To: mclean@searchandseizure.ca

Address not found

Your message wasn't delivered to **AGC_PGC_Toronto.Lead-DCECG@justice.gc.ca** because the address couldn't be found, or is unable to receive mail.

LEARN MORE

⚠ *This link will take you to a third-party site*

The response from the remote server was:

```
550 5.4.1 Recipient address rejected: Access denied. For more information see
https://aka.ms/EXOSmtpErrors [QB1PEPF00004E09.CANPRD01.PROD.OUTLOOK.COM 2026-05-
20T14:20:23.271Z 08DEB324FB54CC87]
```

Final-Recipient: rfc822; AGC_PGC_Toronto.Lead-DCECG@justice.gc.ca
Action: failed
Status: 5.4.1
Remote-MTA: dns; justice-gc-ca.mail.protection.outlook.com. (52.101.192.0, the
server for the domain justice.gc.ca.)
Diagnostic-Code: smtp; 550 5.4.1 Recipient address rejected: Access denied. For more information see
https://aka.ms/EXOSmtpErrors [QB1PEPF00004E09.CANPRD01.PROD.OUTLOOK.COM 2026-05-20T14:20:23.271Z
08DEB324FB54CC87]
Last-Attempt-Date: Wed, 20 May 2026 07:20:23 -0700 (PDT)

noname
5K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Wed, May 20, 2026 at 10:23 AM
To: Legal_Services@rcmp-grc.gc.ca, Michael.Duheme@rcmp-grc.gc.ca, stephane.brisson@rcmp-grc.gc.ca, Jeff.ball@rcmp-grc.gc.ca, Robert.Borland@rcmp-grc.gc.ca, AGC_PGC_Toronto.Lead-DCECJ@justice.gc.ca

AGC_PGC_Toronto.Lead-DCECJ@justice.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns: I apologize as I input a “G” as opposed to a “J” where the letter before the @ was required. Thank you.

Date: May 20, 2026
Classification: Private and Confidential
Sending method: Via Electronic Mail

To:

The Attorney General of Canada; Royal Canadian Mounted Police; and Relevant Respondents
Subject I: *McLean v. Royal Canadian Mounted Police et al.* (Court File No. T-2448-26) before the *Federal Court of Canada* — Confirmation of Hard Copy Service of the Issued notice of application for judicial review (the "**Notice Of Application For Judicial Review**") dated November 15, 2026
Subject II: Service of Requisition for Material Pursuant to *Rule 317* of the *Federal Courts Rules*, SOR/98-106 and Ascertainment of Legal Representation

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Section A: Physical Service of Originating Documentation

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6. A formal inquiry is hereby advanced to ascertain whether the named respondents, individually or collectively, shall be represented by duly appointed legal counsel or, in the alternative, whether said entities shall be proceeding *in propria persona* throughout the adjudication of the aforementioned judicial review. Should any of the particulars of the material requested be unclear, please advise me forthwith. Otherwise, I will presume that all is sufficiently clear and particularized. I anticipate that I will have my current motion and application records to you in short order with the proviso that additional documents and records will be included where applicable (i.e. not in my possession).
7. Thank you kindly in advance for your anticipated compliance.

Yours truly,
Mr. Kevin A. McLean (BA, JD, CIM)

Enclosures
[Quoted text hidden]

 # TOR - Lead Admissions <TOR.Leadadmissions@justice.gc.ca> Wed, May 20, 2026 at 10:23 AM
To: "Mr. Kevin Alexander McLean" <mclean@searchandseizure.ca>

This message is automatically generated, and confirms receipt of your email. Please do not respond to this message. The email box is monitored from 8:00am to 5:00pm weekdays, excluding statutory holidays. Any materials received after 5:00 pm will be treated as if received on the following business day.

****

Ce message est généré automatiquement et confirme la réception de votre courriel. Veuillez ne pas répondre à ce message. La boîte courriel est surveillée de 8 h à 17 h en semaine, à l’exception des jours fériés. Tout matériel reçu après 17 h sera traité comme s’il avait été reçu le jour ouvrable suivant.

From: Mr. Kevin A. McLean (BA, JD, CIM)
Email: mclean@searchandseizure.ca

Party: Applicant
Document type: PDF signed request pursuant to Rule 317 of the FCR
Short tile: *McLean v. RCMP et al*
Court Level: Federal Court of Canada
Court Office: City of Toronto (180 Queen Street West, Suite 200)

COURT FILE NUMBER: T-2448-26

May 19, 2026

COMPREHENSIVE WRITTEN REQUEST OF THE RCMP (TRIBUNAL) PURSUANT TO RULE 317 OF THE *FEDERAL COURT RULES*, WHICH IS TITLED "MATERIAL IN THE POSSESSION OF THE TRIBUNAL" (AS DEFINED UNDER *FCR*, S. 317 AND FCA, S. 2)

Served on the RCMP in its capacity as a "Tribunal" as defined under *Federal Court Rules*, section 2, where *tribunal* has the same meaning as *federal board, commission or other tribunal* under section 2(1) of the *Federal Courts Act*) on **May 18, 2026**.

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PART 1: STATEMENT OF RULE 317 REQUEST AND OVERVIEW OF SEMINAL PRINCIPLES UNDER RULE 317 TO 319 OF THE *FCR*

1. Rule 317 of the *Federal Courts Rules* is titled "**Material from Tribunal**" and it authorizes a party to request material relevant to an "Application" (see: section 2 of the FCR, which means a proceeding referred to in rule 300) that is in the possession of a "Tribunal" (see: section 2 of the FCA and section 2 of the FCR) whose "Order" (see: section 2 of the FCR) is subject of the Application and not in possession of the party by serving on the Tribunal and filing a written request, identifying the material requested.
2. "Material" is not defined under the FCA or FCR, and the Interpretation Act is not of assistance in this regard but based on statutory interpretation principles, "Material" including that which can be reproduced and where it cannot, the original "Materials" to the Registry. The FCC Registry holds that "Original Material" in trust and it is returned to the Tribunal after the Applicant has been heard subject to the Court's directions. In essence, it is entire collective body of documents, physical items, data, papers, things, records, information, Personal Information et al that are in the possession of the Tribunal.
3. Document discovery in our country varies from province to province and has varied over time with respect to whether the test is "materiality" or "relevance". The latter is a much broader and lower standard for the threshold as to whether the "materials" must be disclosed to the other party(ies). In the context of an Application to the FCC, a document is relevant to an application for judicial review if it may affect the decision that the Court will make on the application. the relevance of the documents requested must necessarily be determined in relation to the grounds of review set forth in the originating notice and evidence filed by a moving party (see: infra, Douze, the Honourable Madam Justice Tremblay-Lamer explicitly adopted the instruction provided by the Court of Appeal in Canada (Human Rights Commission) v. Pathak, 1995 CanLII 3591 (FCA), [1995] 2 F.C. 455, 54 A.C.W.S. (3d) 1344 (C.A.) (Pathak), regarding the parameters of relevance under Rule 317). The reason for the finding as to evidence filed by the Applicant, along with the grounds in the Application, is encompassed by the 20 days after service of the Rule 317 request.
4. "Possession" is not defined under the FCA or FCR, and the Interpretation Act (Federal) does not assist either. This is much like the *Privacy Act*, along with the likes of the provincial privacy protection statutes that do not define the word "control".
5. "Control" has been interpreted by the FCC and FCA since 1995 to encompass the following wherein Letourneau J.A., writing for the court, held as follows, at p. 245:

> "The notion of control referred to in [the Act] is left undefined and unlimited. Parliament did not see fit to distinguish between ultimate and immediate, full and partial, transient and lasting, or "de jure" and "de facto" control. Had Parliament intended to qualify and restrict the notion of control to the power to dispose of the information, as suggested by the appellant, it could certainly have done so by limiting the citizen's right of access only to those documents that the government can dispose of or which are under the lasting or ultimate control of the government."
>
> (see: *Canada Post Corp. v. Canada (Minister of Public Works)* (1995), 1995 CanLII 3574 (FCA), 30 Admin. L.R. (2d) 242, [1995] 2 F.C. 110, cited with approval by the ONCA Ontario Criminal Code Review Board v. Hale, 1999 CanLII 3805 (ON CA)).

6. In Ontario Criminal Review Board, the tribunal therein was found to have control of backup audio tapes created by an independent contractor as the tribunal itself had the power to make a demand for those tapes. It was irrelevant whether they existed or not or what state they were in. The lack of a contractual provision compelling the court reporter to deliver the tapes does not negate the Board's control over them (para 35).
7. However, are "control" and "possession" 'one and the same'? That question need not be answered herein.
8. Nonetheless, the types of possession include all the various types of possession including:
    a. De facto;

b. De jure;
c. Actual;
d. Constructive;
e. Sole;
f. Joint; and
g. Others (denoted infra).

9. As the Respondent RCMP Tribunal is required to transmit all material (which may not be Personal Information of the Applicant) to the FCC that is in its possession whose "Orders" (which include decisions or dispositions by the Tribunal) and that is not in the possession of the Applicant, the issue of whether the Respondent RCMP Tribunal has control of requested Personal Information becomes somewhat moot. Nonetheless, the RCMP's constructive possession is unique herein because it is the custodian, controller and operator of the CPIC architecture so it has constructive possession, at the very least, of materials therein that are relevant to this JR Application before the FCC.
10. While certain decisions have and continue to focus on what was before or available to the Tribunal at the time of the decision, the scope of disclosure broadens significantly when an applicant has sought writs of mandamus, writs of prohibition and alleged conflicts of interest and bias (individual and institutional) et al (see: infra for the authorities in this regard).

PART 1(A): SCHEDULE OF MATERIALS REQUESTED FROM THE APPLICANT TO THE RCMP (TRIBUNAL)

11. With that segue, the Applicant is and has requested, upon service of this written request pursuant to Rule 317 of the Federal Courts Rules, SOR/98-106, Part -1 (the "*Federal Courts Rules*" or the "*FCR*"), materials, particularized infra, in possession of the RCMP tribunal (the "Tribunal"). The schedule of material sought herein is as follows:

SCHEDULE OF REQUESTED MATERIALS

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.

VOLUME #1(C): RULE 317 JURISPRUDENCE: THE REQUIREMENT OF CERTIFIED TRIBUNAL RECORD (THE "CTR")

12. Consistent with settled jurisprudence regarding the open court principle (the "**Open Court Principle**") entrenched within section 2(b) of the *Canadian Charter of Rights and Freedoms* (the "***Charter***"), informations and indictments (the "**Informations**" and "**Indictments**") are unequivocally treated as public court documents upon the issuance of a process and/or the service of a Criminal Code Summons or the execution of a Criminal Code Form 7 Arrest Warrant. Furthermore, any corresponding endorsements by a judicial officer ("Endorsements") thereto are to be made available upon formal request by an accused party (devoid of prescribed fees) or the public writ large, subject to the prescribed fee schedule delineated within *Regulation 158/03*.
13. Analogously, within the taxation context, it has been established that the Canada Revenue Agency, pursuant to a request under *Rule 317* of the *FCR*, forwarded a certified copy of an information (the "**Information**") to the

Registry. Said document was subsequently treated by the Registry as a public document, with a copy concurrently remitted to the applicant's counsel: *Rémillard v. Canada (National Revenue)*, 2020 FC 1061 at para 5.

14. Documentation transmitted pursuant to *Rule 318* of the *FCR* is strictly incorporated into the receiving Court's official records and is governed *ipso facto* by the **Open Court Principle** (see: *Rémillard*, at paras 25–26 and 37–38). Sections 23 and 26 of the *FCR* mandate that the Court file and its annexes be treated as publicly accessible, subject exclusively to statutory confidentiality or specific judicial sealing orders.
15. The procedural mechanism outlined in *Rules 317* and *318* of the *FCR* is strictly operational and non-exploratory; its function is solely to transition relevant materials into the possession of the Registry, distinguishable from private discoveries which are executed beyond the purview of the Court file (see: *Rémillard*, at paras 57–59 and 65–66). Private discoveries are governed by the implied undertaking rule subject to questions from discovery being read into the court record by affidavit or at a hearing.
16. Should the **Respondent RCMP Tribunal** argue that the applicant is utilizing *Rule 317* as an impermissible exploratory discovery mechanism, such an assertion is preemptively defeated by the fact that the requested records constitute foundational administrative documents that inherently form the basis of the tribunal's jurisdiction and subsequent (or omitted) actions.
17. The protections afforded under section 8 of the *Charter* are rendered inapplicable *in limine*, as no reasonable expectation of privacy ("REOP") can legally persist subsequent to an applicant requisitioning transmission pursuant to *Rule 317* of the *FCR* (see: *Rémillard*, at paras 163–165).
18. Generally, *Rule 317* of the *FCR* encompasses exclusively the material that was available to the administrative decision-maker at the time the decision was rendered (at paras 23, 39, and 41–42). However, a substantially broader scope of disclosure is mandated in circumstances where procedural fairness, reasonable apprehension of bias, 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 notice of application (the "**JR NOA**") filed by the applicant (the "**Applicant**").

Volume #1(C)(I): Unsearched Repositories; and the RCMP Tribunal (through Mr. Ball) did not rely on any exemption under s. 18

19. The circumstances present herein ostensibly construct a paradox; however, a rigorous legal examination reveals that such a paradox is illusory, even if it is averred that the Royal Canadian Mounted Police (the "**RCMP**") neglected to search the requisite repositories for foundational metadata (the "**Foundational Metadata**") and the offline historical database (the "**Offline Historical Database**") (collectively, the "**Unsearched Repositories**"). The jurisprudential test dictates that the determination rests upon what material was legally available to the decision-maker at the material time.

Volume #1(C)(I)(a): The Misstatement of Law in the RCMP Tribunal Decision: "Privacy Act does not authorize search of files…belonging to other police forces"

20. The failure of the RCMP, as admitted predicated upon its representation in the April 27, 2026, letter communicated to the Applicant that the "The *Privacy Act* does not authorize the RCMP to search files….belonging to other police forces" (see: page 1 of 6, paragraph three).
21. "Files" is not defined under the *Privacy Act* but it is mentioned six (6) times under the *Privacy Act* which are:
    a. EXEMPTIONS
        i. Exempt Banks
            1. Governor in Council may designate exempt banks
                a. Subsection 18(1): The Governor in Council may, by order, designate as exempt banks certain personal information banks that contain **files** all of which consist predominantly of personal information described in section 21 or 22.
            2. Contents of order
                a. Clause 18(3)(b): (3) An order made under subsection (1) shall specify

i. (b) where a personal information bank is designated that contains files that consist predominantly of personal information described in subparagraph 22(1)(a)(ii), the law concerned.

b. The auto population of "files" (three to six) involve the review of exempt banks by the Privacy Commissioner of Canada into those exempt banks.

Volume #1(C)(I)(a)(i): Conclusion on the misstatement of law in this context

22. The Respondent RCMP did NOT claim an exemption under section 18(2) of the *Privacy Act* which states for sake of convenience:

> "Disclosure may be refused
> (2) The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that is contained in a personal information bank designated as an exempt bank under subsection (1)."

23. The Head of he Government Institution is that of Commissioner Mr. Michael Duheme.

Volume #1(C)(II): For sake of completeness: Review of Exempt PIB's

24. Nonetheless, the exempt PIB's are:

a. Department of National Defence Exempt Bank:

i. Exempt Personal Information Bank Order, No. 5 (ND), SOR/85-38, Part -1: The personal information bank under the control of the Department of National Defence containing the Security and Intelligence Information files No. ND-P70 is hereby designated as an exempt bank on the basis of section 21 of the *Privacy Act*;

b. **Criminal Operational Intelligence Records** (tied to Personal Information contained at subparagraph **22(1)(a)(ii))**

i. Exempt Personal Information Bank Order, No. 13 (RCMP), SOR/90-149, Part -1: Criminal Operational Intelligence Records, No. CMP/P-PU-015, a personal information bank under the control of the Royal Canadian Mounted Police, is hereby designated as an exempt bank on the basis of section 22 of the *Privacy Act*.

1. or the purposes of paragraph 18(3)(b) of the *Privacy Act*, the laws concerned, in relation to those files that are contained in the exempt bank referred to in section 2 that consist predominantly of personal information described in subparagraph **22(1)(a)(ii)** of that Act, are the Criminal Code, the Customs Act, the Excise Act, the Food and Drugs Act, the Immigration and Refugee Protection Act, the Income Tax Act, the Controlled Drugs and Substances Act and the Foreign Interference and Security of Information Act.

c. CSIS Exempt Bank:

i. Exempt Personal Information Bank Order, No. 14 (CSIS), SOR/92-688, Part -1

d. Exempt Personal Information Bank Order, No. 25 (RCMP), SOR/93-272, Part -1,

i. For the purposes of paragraph 18(3)(b) of the *Privacy Act*, the laws concerned, in relation to those files that are contained in the exempt bank referred to in section 2 that consist predominantly of personal information described in subparagraph 22(1)(a)(ii) of that Act, are the Criminal Code, the Foreign Interference and Security of Information Act, the Security Offences Act, the Royal Canadian Mounted Police Act and the Canadian Security Intelligence Service Act.

Volume #1(C)(I)(a): Conclusion on the inapplicability of Exempt Banks to the PII Access Request (March 11 2026) and this NOA for Judicial Review

25. Leaving aside that the RCMP solely focused on "information" and not "Personal Information", it explicitly relied in its decision on April 27, 2026, wherein it stated: 401

> "Enclosed is a copy of all of the information to which you are entitled. Please note that some of the information has been exempted pursuant to sections 19(1)(d), 22(1)(b) and 26 of the Act"

26. There is not a single solitary mention of section 18 therein. Ergo, the RCMP Tribunal was not relying on "files contained in a PIB being exempt from disclosure let alone searching.
27. For completeness purposes and to avoid unnecessary and frivolous objections by the RCMP regarding its obligation to transmit a complete, accurate, and full CTR to the FCC and the Applicant, there is also not a single mention of n subparagraph 22(1)(a)(ii). Ergo, any reliance by the RCMP Tribunal on not being able to search files or disclose information (sic) belonging to other police forces is not relevant herein.
28. Hence, the Applicant's judicial review Notice of Application (Form 301) seeking writs of mandamus and prohibition as the relevant Personal Information sought, of which the Applicant did not seek that which was produced in the three page heavily redacted document accompanying the April 27 decision, has not been searched for.
29. Irrespective of the same, there would remain a judicial review independent of that aforementioned mandamus issue, predicated on the requirement (statutory and common law) for the Head of the Government Institution to consider whether to make a public interest disclosure regarding the manipulation of a "Criminal Code Information Package" into a False Information Package which is unprecedented in Canadian legal history (see: R. v. Scherzer and R. v. Hamilton did not contained falsification of the Criminal Code Information Packages but the falsification of underlying legal bases and notes per se; and R. v. Silva (Quebec) involved the stealing of a Justice of the Peace's stamp on account of "noble cause corruption" by a young Police Officer in Mr. Jolly as the public was in a state of terror with a notorious gang connected hitman in Mr. Silva).

VOLUME #1(D): THE FAILURE TO SEARCH BY THE RCMP

30. In light of the above uncontroverted syllogism and the sophisms by the RCMP, the *Privacy Act* not only authorizes but obligates the Government Institution to search for Personal Information requested (not "files") within the scope of an access request whether it is in a Personal Information Bank (a "PIB") 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 number, symbol or other particular assigned to an individual (see: section 10 of the *Privacy Act*).
31. However, the word "files" is utilized under some of the attendant regulations under the *Privacy Act* where certain PIB's, pursuant to ss. 18(1) of the *Privacy Act*, making certain PIB's exempt from search and disclosure.
32. The Applicant requested access to the PIB known as PPU 005 and it is not an exempt PIB. Moreover, the PII Access Request (March 11 2026) was not a request for "files" per se but for Personal Information contained in the PIB (PPU 005) and searches of Foundational Metadata and Offline Historical Database with respect to an executed arrest warrant including any original and amended data therein contained his Personal Information. But for the name of the judicial officer who in fact issued an endorsement including an Arrest Warrant (Criminal Code Form 7) all of the Personal Information therein would be on its face and de facto only involving him per se. In relation to the name of the judicial officer who issued the endorsement (dubbed an "Intake Court Endorsement") "warrant in the first", the federal statutory Personal Information definition under section 3(i) (see: means information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing…(i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual). This is also consistent with the judicial interpretation of Personal Information, and the required interpretation as follows:
    a. Drawing from jurisprudence in the federal public sector, the definition of personal information must be given a broad and expansive interpretation (Dagg v. Canada (Minister of Finance), [1997] 2 S.C.R., dissenting, 403 at para 68; 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] 1 S.C.R. 66, 2003 SCC 8, at para 23).

b. Personal information is information "about" an identifiable individual. "About" means that the information is not just the subject of something but also relates to or concerns the subject (Canada (Information Commissioner) v. Canada (Transportation Accident Investigation and Safety Board), 2006 FCA 157).
c. Information will be about an "identifiable individual" where there is a serious possibility that an individual could be identified through the use of that information, alone or in combination with other information (Gordon v. Canada (Health), 2008 FC 258 (CanLII).Footnote1 Information need not be recorded for it to constitute personal information. It is sufficient that the information be about an identifiable individual even if the information is not in a recorded form, such as oral conversations, biological samples and real time video surveillance. While the absence of a recording may go to the issue of collection, it does not change the fact that the information is personal information (Morgan v. Alta Flights Inc. (2006) FCA 121, affirming (2005) FC 421).
d. The same information can be personal to more than one individual, where, for example, it contains the views of one individual about another individual, or where the same information reveals something about two identifiable individuals (Wyndowe v. Rousseau, 2008 FCA 39 (CanLII)).
e. Information will still be personal information even if it is publicly available within the meaning of the regulations,Footnote2 and is exempt from applicable consent requirements (Englander v. TELUS Communications Inc., 2004 FCA 387 (CanLII)).
f. Subjective information about an individual may still be personal information even if it is not necessarily accurate (Lawson v. Accusearch Inc. 2007 FC 125).

33. The general principles overall are:

    a. Privacy Rights' Purpose:
        i. privacy rights are designed to protect the privacy of individuals with respect to Personal Information held by government institutions and to provide individuals with a right of access to that information;
    b. *Privacy Act*:
        i. quasi-constitutional;
    c. Exceptions from an individual applicant's access rights – interpreted narrowly:
        i. in Lavigne v. Canada (Office of the COMMISSIONER of Official Languages), 2002 SCC 53 (CanLII), [2002] 2 S.C.R. 773, Gonthier J. observed that exceptions from the rights set out in the act should be interpreted narrowly, with any doubt resolved in favour of preserving the right;
    d. Burden of proof:
        i. the burden of persuasion on the person asserting the exception (at paras. 30-31 of Lavigne);
    e. Privacy Rights only compromised when there is a compelling state interest for doing so:
        i. in Dagg v. Canada (Minister of Finance), 1997 CanLII 358 (SCC), [1997] 2 S.C.R. 403, the SCC articulated the governing principles of privacy law including that protection of privacy is a fundamental value in modern democracies and is enshrined in ss. 7 and 8 of the Charter, and privacy rights are to be compromised only where there is a compelling state interest for doing so (at paras. 65, 66, 71)

34. It is axiomatic that the RCMP is also subject to the Charter pursuant to section 32 of the Charter.
35. *Lex non cogit ad impossibilia* (the law does not compel the impossible) cannot shield the RCMP where the material was, in fact, extant and obtainable.
36. Inasmuch as Informations, Indictments, and any associated endorsements—including but not limited to arrest warrants—are fundamental components governed by the Open Court Principle (which concurrently protects the rights of listeners pursuant to section 2(b) of the *Charter*), the failure of an originating courthouse or originating court office to produce said documents is immaterial. The RCMP possesses the requisite statutory authority to procure such documentation and is legally obligated to do so pursuant to *Rule 317*. From a policy perspective, the Federal Court of Canada and the RCMP are absolutely bound to discharge this requirement to preserve the integrity

of the rule of law (the "**Rule of Law**"). Invoking Herbert Broom's maxim, *omnia praesumuntur rite et solemniter esse acta* (all acts are presumed to have been done rightly and regularly), the public is entitled to presume the RCMP will fulfill its legal duties to procure necessary records.

37. Copies of the aforementioned Informations, Indictments, and corresponding endorsements, alongside copies of arrest warrants—as represented by the Toronto Police Service (the "**TPS**" or the "**Arresting Police Division**") to have been in their possession—are strictly relevant to the JR NOA, specifically concerning the prerogative relief sought in the nature of mandamus and prohibition.
38. Furthermore, the compulsory transmission of these documents will categorically elucidate whether the RCMP was operating *mala fides* by intentionally breaching a public legal duty, or, in the alternative, operating negligently by breaching a public legal duty in a profoundly derelict manner. This evidentiary disclosure is paramount as it directly dictates the quantum and nature of the consequential relief to be awarded.

VOLUME #1(D)(I): THE LEGAL TEST FOR RELEVANCE

39. For the strict purposes of *Rule 317* of the *FCR*, a document is deemed relevant to an application for judicial review if it possesses the capacity to affect the ultimate decision that the Court will render on the application (see: *Douze v. Canada (Citizenship and Immigration)*, 2010 FC 1086 at para 19); *Boudreau v. Canada (Revenue Agency)*, 2022 FC 792 (CanLII), at para 16.

VOLUME #1(D)(II): APPLICATION OF DOUZE V. CANADA (CITIZENSHIP AND IMMIGRATION), 2010 FC 1086

40. In *Douze*, the Honourable Madam Justice Tremblay-Lamer explicitly adopted the instruction provided by the Court of Appeal in *Canada (Human Rights Commission) v. Pathak*, 1995 CanLII 3591 (FCA), [1995] 2 F.C. 455, 54 A.C.W.S. (3d) 1344 (C.A.) (*Pathak*), regarding the parameters of relevance under *Rule 317*:

> "A document is relevant to an application for judicial review if it may affect the decision that the Court will make on the application. As the decision of the Court will deal only with the grounds of review invoked by the **Respondent**, the relevance of the documents requested must necessarily be determined in relation to the grounds of review set forth in the originating notice of motion and the affidavit filed by the **Respondent**. (at para. 10)"

41. The ratio decidendi established in *Douze* has been consistently affirmed across numerous subsequent decisions, including:

    a. *Chopra v. Canada (Public Safety and Emergency Preparedness)*, 2026 CanLII 18896 (FC), at para 10;
    b. *John Doe 1 v. Canada (Attorney General)*, 2024 FC 1024, wherein Mr. Justice Diner articulated:
        i. It is well established that the test for relevance under *Rule 17* is synonymous with that under *Rule 317* of the *FCR* (*Abu* at paras 28 and 43, citing *Douze v. Canada (Citizenship and Immigration)*, 2010 FC 1086 at para 19 and *Nguesso v. Canada (Citizenship and Immigration)*, 2015 FC 102 at para 94). Ergo, a document is classified as "relevant" in this specific context where it "may affect the decision that the Court will make on the application," determined strictly in relation to "the grounds of review and any affidavit filed in support of the application" (*Abu* at para 43).
    c. The relevance of the material requisitioned under *Rule 317* of the *FCR* is the determinative factor. For the purposes of *Rule 317*, a document is relevant to an application for judicial review if it may affect the decision that the Court will ultimately make on the application (see: *Douze v. Canada (Citizenship and Immigration)*, 2010 FC 1086 at para 19; *Boudreau v. Canada (Revenue Agency)*, 2022 FC 792 (CanLII), at para 16; and
    d. Various other binding appellate and trial-level jurisprudence.

VOLUME #1(E): WHY NOTICES OF APPLICATION FOR MANDAMUS NECESSITATE AN EXPANDED INTERPRETATION OF THE CTR

42. In *Abu v. Canada (Citizenship and Immigration)*, 2021 FC 1031, Mr. Justice Norris articulated the distinguished threshold for mandamus applications as follows: 404
43. "I begin by noting that one of the usual indicators of relevance in the judicial review context—was the document or information before the tribunal when it made its decision?—does not apply in a mandamus application because it is the failure or refusal of the tribunal to make a decision that has prompted the application in the first place. While this is a sound indicator of relevance when a decision is being reviewed, it is not exhaustive of the concept of relevance in the judicial review context generally. It is well established that the test for relevance in the context of the production of a CTR is whether a document in the possession or control of the tribunal in question "may affect the decision that the Court will make on the application" (*Canada (Human Rights Commission) v. Pathak*, 1995 CanLII 3591 (FCA), [1995] 2 F.C. 455 [at page 460], 1995 CarswellNat 666, at paragraph 10 (WL Can.) (C.A.)).

VOLUME #1(F): JUDICIAL REVIEWS ARE DISTINCT FROM APPEALS – RULE 317 EXCLUSIVELY INVOKED WITHIN APPLICATIONS

44. Mirroring the explicit statutory language of the *FCR*, *Beniey v. Canada (Border Services Agency)*, 2024 FC 972 unequivocally affirmed that *Rule 317* applies exclusively to judicial reviews conducted pursuant to the *Federal Courts Act* (the "**FCA**") and is inapplicable to applications instituted under separate statutory regimes, such as the *Official Languages Act, RSC 1985, c 31 (4th supp)* (the "**OLA**"). This principle was previously crystallized in *Lavigne v. Canada Post Corporation*, 2009 FC 756, wherein it was determined at paragraph 16 that *Rule 317* cannot be invoked against the Commissioner within an application commenced under section 77 of the *OLA*, as the Commissioner's decision is not formally under review.
45. By logical extrapolation, applications commenced pursuant to section 41 of the *Privacy Act* or under the *Access to Information Act* (the "**ATIA**") do not constitute judicial reviews under the *FCA* and therefore do not govern the specific issues herein, wherein a tribunal (the "**RCMP Tribunal**") has explicitly conceded a failure to search delineated repositories.

VOLUME #1(G): THE PRECAUTIONARY PRINCIPLE AND THE RULE OF LAW PRECLUDE SPECULATION

46. As explicated by the Federal Court of Appeal in *Canadian Copyright Licensing Agency (Access Copyright) v. Alberta*, 2015 FCA 268 [*Access Copyright*] (per Stratas JA at para 15):

> "Parties before the administrative decision maker will often have in their possession all of the material the administrative decision maker considered in making its decision. But not always. And sometimes parties may be unsure whether they do. Sometimes they wish to confirm exactly what the administrative decision maker actually considered in making its decision. Rule 317 of the Federal Courts Rules provides a means by which parties can achieve those ends
>
> (see also: *Friends of the Earth Canada v. Canada (Attorney General)*, 2023 FC 1438 (CanLII), at para 9).

47. Herein, the Applicant less than little: he has nothing.

VOLUME #1(H): THE DISCOVERY OF IMPROPER MOTIVE FACILITATES MEANINGFUL JUDICIAL REVIEW

48. It is an accepted legal tenet that the certified record and its surrounding context may unveil whether an administrative decision was predicated upon an improper motive or driven by alternative impermissible rationales (*Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at para 137).

49. In the event that the reviewing court is deprived of the evidentiary foundation relied upon by the administrative decision-maker, the detection of a reviewable error may be rendered an impossibility (*Access Copyright* at para 14). The paramount and overarching consideration is whether the requested disclosure will permit a meaningful and substantive judicial review of the impugned decision (*GCT Canada Limited Partnership v. Vancouver Fraser Port Authority*, 2021 FC 624 at para 26).

VOLUME #1(I): THE DIFFERENTIAL LEGAL TEST FOR PROHIBITION UNDER RULE 317

50. In *Air Passenger Rights v. Canada (Attorney General)*, 2021 FCA 201, Associate Justice Gleason of the Federal Court of Appeal delineated at paragraph 21:

> "[21] Turning to the first of the foregoing assertions, as the applicant rightly notes, the breadth of materials that are subject to disclosure under Rules 317 and 318 of the Federal Courts Rules is broader where bias or breach of procedural fairness is alleged, particularly where, as here, relief in the nature of prohibition is sought. In such circumstances, disclosure is not limited to the materials that were before the tribunal when an order was made. Rather, where such arguments are raised, documents in the possession, control or power of a tribunal that are relevant to the allegations of bias or breach of procedural fairness are subject to disclosure.

51. Indeed, were it otherwise, this Court would be deprived of evidence necessary for the disposition of an applicant's claims of bias or breach of procedural fairness and the availability of relief in the nature of prohibition would be largely illusory: see, e.g., Humane Society of Canada Foundation v. Canada (National Revenue), 2018 FCA 66, 289 A.C.W.S. (3d) 875 at paras. 5-6; Gagliano v. Canada (Commission of Inquiry into the Sponsorship Program & Advertising Activities), 2006 FC 720, 293 F.T.R. 108 at para. 50, aff'd 2007 FCA 131; Majeed v. Canada (Minister of Employment & Immigration), 1997 CarswellNat 1693, [1993] F.C.J. No. 908 (F.C.T.D.) at para. 3, aff'd [1994] F.C.J. No. 1401 (F.C.A.). Thus, the first assertion advanced by the AGC as to the scope of permitted disclosure under Rules 317 and 318 is without merit."
52. Allegations encompassing bias 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**").
53. Concurrently, prerogative relief in the form of a writ of prohibition (the "**Writ of Prohibition**") is actively sought by the Applicant. Herbert Broom's maxim *ubi jus ibi remedium* (where there is a right, there is a remedy) dictates that the Court must possess the requisite evidentiary record to formulate such a remedy.
54. *Ipso facto*, given that the remedies of mandamus and prohibition are concurrently pursued, the restrictive test evaluating solely the materials available at the precise moment of the RCMP Tribunal's decision is fundamentally inapplicable. While the Applicant submits that this narrower threshold would nonetheless be satisfied, the prevailing appellate jurisprudence unequivocally binds the Court, by virtue of vertical *stare decisis*, to compel the RCMP Tribunal to transmit the expansive array of materials in certified format to both the Federal Court and the Applicant.
55. Should it be argued that the broader array of documents falls outside the technical "control" of the decision-maker because they were not explicitly reviewed, such an argument constitutes a logical fallacy. The jurisprudence explicitly overrides this limitation where bad faith, bias, or procedural fairness are pleaded, transferring the metric of discoverability from "what was reviewed" to "what may affect the Court's disposition of the fairness allegations."

Volume #1(H)(ii): Judicial Treatment of Air Passenger Rights

56. When allegations of bias or breaches of procedural fairness are advanced within a notice of application, the legally permissible scope of materials subject to mandatory disclosure under *Rules 317* and *318* is substantially broadened. This augmented scope is a jurisprudential imperative designed to guarantee that the reviewing Court is vested with the requisite evidentiary matrix to judiciously dispose of these claims (*Air Passenger Rights v. Canada (Attorney*

General), 2021 FCA 201 at para 21). Consequently, where bias or a breach of procedural fairness is averred, all documentation possessing relevance to such allegations must be subject to compulsory disclosure (*Ron W Cameron Charitable Foundation v. Canada (National Revenue)*, 2023 FCA 175 [*Ron W Cameron*] at para 26); *Delisle (Kannabis Shop) v. Kahnawake Cannabis Control Board*, 2026 CanLII 14519 (FC), at para 13.

57. In circumstances where an allegation of a breach of procedural fairness, a reasonable apprehension of bias, or actual bias is asserted within a notice of application or notice of appeal, the orthodox convention restricting production to relevant material physically before the decision-maker is invariably expanded. Supplemental documents demonstrating relevance to the specific allegation become subject to production: *Humane Society of Canada Foundation v. Canada (National Revenue)*, 2018 FCA 66 at para 6 (*Humane Society*); *Air Passenger Rights v. Canada (Attorney General)*, 2021 FCA 201 at para 21 (*Air Passenger Rights 2021*). The Federal Court of Appeal definitively codified this expanded obligation in *Air Passenger Rights 2021* (see: paragraph 21); *Jewish National Fund of Canada Inc. v. Canada (National Revenue)*, 2025 FCA 114 (CanLII), at para 13.
58. Furthermore, averments detailing discrimination on the basis of disability or egregious breaches of procedural fairness serve as sufficient independent catalysts to warrant expanded disclosure pursuant to *Rule 317*. When such arguments are substantively raised, documents demonstrating relevance to the allegations—irrespective of whether they were physically reviewed by the decision-maker—are strictly subject to disclosure (*Air Passenger Rights v. Canada (Attorney General)*, 2021 FCA 201 at para 21); *Ron W. Cameron Charitable Foundation v. Canada (National Revenue)*, 2023 FCA 175 (CanLII), at para 26. Application of this law dictates that the Applicant's pleadings of specific biases mandate production of the entire foundational record to assess the veracity of the tribunal's omissions.

VOLUME #1(I): THE IMPERATIVE OF A FORMAL REQUEST

59. In *Wheeldon v. Canada (Attorney General)*, 2012 FC 355, Mr. Justice Phelan articulated the absolute necessity of tendering a formal written request, notwithstanding the absence of a strictly prescribed statutory form. The Court observed the fatal deficiency when an applicant sought supplementary information without formalizing the requisite demand pursuant to *Rule 317* of the *FCR*. Specifically, the **Respondent** formally notified the Court that it refrained from producing the entirety of the material pertaining to the impugned decision strictly because the procedural formality of *Rule 317* was not strictly adhered to by the applicant: *Wheeldon v. Canada (Attorney General)*, 2012 FC 355 (CanLII), at para 15.

VOLUME #1(J): AUTHORITY FOR THE APPLICABILITY OF RULE 317 UNDER AN ATIA REVIEW

60. The standard of correctness is universally applicable in determining the applicability of *Rule 317* to a section 44 review under the *ATIA*, as such an inquiry constitutes a pure question of law (at para 11). A review instituted under section 44 retains the fundamental character of a judicial review, as it invariably scrutinizes the administrative decision-maker's ultimate determination regarding the disclosure of records (at paras 14–15 and 26). The decision itself embodies "the subject of the application," thereby satisfying the strict statutory language and threshold requirements encapsulated within *Rule 317* (at para 15): *Preventous Collaborative Health v. Canada (Health)*, 2021 FC 253. By applying this doctrine to the present facts, the failure to produce the required documents transforms the administrative inaction into the direct subject matter of the application, thereby triggering the compulsory production requirements of *Rule 317*.

VOLUME #2: STATEMENT OF ISSUES

61. The issues are provided herein to ensure that this proceeding is determined in a manner that is just, most expeditious and least expensive outcome of every proceeding with consideration being given to the principle of proportionality, including consideration of the proceeding's complexity, the importance of the issues involved and the amount in

dispute (see: rule 3(a) and (b)) and in the event that there is an objection to some of the material requested the Court has the benefit of the relevant issues: 407

a. **Definitional Parameters under the *Privacy Act*:** Predicated upon the assertion that the RCMP purported to exercise jurisdiction and powers pursuant to the *Privacy Act, RSC 1985, c P-21*—an Act of Parliament—what is the proper jurisprudential and statutory interpretation of the following operative terms within the context of the present application: i. "Order"; ii. "Material"; and iii. "Relevant".

b. **The Legal Doctrine of Possession:** Given the absence of an explicit statutory definition of "possession" within the *Federal Courts Act, RSC 1985, c F-7*, the *FCR*, or the *Interpretation Act, RSC 1985, c I-21*, what is the prevailing common law and jurisprudential definition of "possession" specifically as it applies to the production of records in applications before the Federal Court of Canada?

c. **Expanded Scope of Disclosure (*Rules 317* and *318*):** To what extent is the legally permissible scope of mandatory disclosure, compelled under *Rules 317* and *318* of the *FCR*, augmented and expanded in circumstances where an applicant explicitly pleads and seeks relief based upon: i. A Writ of Mandamus; ii. A Writ of Prohibition; iii. The reasonable apprehension of bias, existence of a conflict of interest, institutional lack of independence, and/or lack of impartiality; and/or iv. Egregious breaches of the principles of procedural fairness;

d. **Subsection 19(1)(d) misguided yet revealing reference:**
   i. **Principal Issue for Determination:**
      1. Whether the invocation of the statutory exemption enumerated within subsection 19(1)(d) of the *Privacy Act* operates, *sub silentio*, as an admission of the originating law enforcement agency status of the federal constabulary; and furthermore, whether the totality of the circumstances encompassing the disposition of the subject chattels, the internal reorganization of the federal institution, the alleged documentary irregularities, and the anomalous remuneration of court personnel furnishes a triable inference of systemic procedural manipulation or institutional impropriety.
   ii. **Particularized Sub-Issues:**
      1. a) **Disposition of Chattels and Warrant Protocols:** Whether the ostensibly irregular handling of the subject chattels by the municipal police service—specifically, the uncatalogued sequestration thereof within a provisional repository, compounded by ensuing contradictory representations concerning the purported transfer to the Property Evidence Management Unit, and conjoined with the failure to produce an executory warrant of arrest—furnishes sufficient evidentiary weight to support the inference that the federal constabulary, rather than the municipal entity, operated as the primary or originating agency, thereby providing the foundational rationale for the invocation of subsection 19(1)(d).
   iii. b) **Institutional Reorganization as Statutory Circumvention:**
      1. Whether the redesignation of the federal constabulary's "O" Division to the "Central Region," whilst remaining under the continuous administrative authority of the presiding Regional Commander, is liable to be construed as a deliberate structural realignment executed with the specific intent of satisfying the jurisdictional phrasing contained within subsection 19(1)(d) ("regional government established by... an Institution of such a government"), thereby operating as an artifice to insulate agency records from mandatory disclosure.
   iv. c) **Inherent Prejudice to the Governmental Institution (understandable yet non-legal justification for non-disclosure):**
      1. Whether, by invoking the aforementioned statutory exemption, it is implicitly conceded by the federal institution that the execution of a comprehensive search would invariably yield specific foundational metadata—comprising the Originating Agency Identifier (ORI),

particulars of the issuing tribunal, and the identity of the presiding judicial officer—which would conclusively establish the agency's direct involvement, thereby occasioning inherent prejudice to the institution.

v. d) **Alleged Documentary Alteration and Software Exploitation:**
    1. In consideration of the publicly documented technical vulnerabilities inherent to the software framework identified as GrapeCity.Documents.PDF 6.0.2.0, whether a balance of probabilities suggests that said framework was utilized to effectuate a systematic obfuscation or manipulation of the primary evidentiary record, thereby converting the Authentic Information Package into the False Information Package.

vi. e) **Procedural Irregularities Indicative of Federal Agency Practices:**
    1. Whether the particularized errors and omissions identifiable within the False Information Package bear a greater indicia of alignment with the administrative practices of a federal agency operating within a regional framework—an entity arguably lacking the high-volume, routine process-issuing expertise characteristic of municipal police forces—than with those of the municipal police service itself.

vii. f) **Probative Inferences Regarding Personnel Remuneration:**
    1. What juridical inferences may be properly drawn from the sudden and material escalation in the remuneration of the named Court Officer, propelling said individual to a publicly disclosed threshold of elevated compensation in the year 2025, in immediate sequence to the allegedly unauthorized utilization of her identity as an informant—an averment she purportedly could not traverse upon confrontation. Furthermore, whether this temporal pattern of compensation raises a triable issue as to the possibility that such financial advancement was furnished as a clandestine commission or improper inducement to secure acquiescence to the aforementioned inclusion of her identity.

e. **Subsection 22, "Law Enforcement and Investigation"**: the absence of section 22(1)(a) but the inclusion of 22(1)(b) misguided yet enlightening, illuminating and informative reference:
    i. The central issues in this application for judicial review concern the Royal Canadian Mounted Police's (the "RCMP") unlawful withholding of Foundational Metadata and Offline Historical Database records under the *Privacy Act*, R.S.C. 1985, c. P-21 (the "*Act*"). Specifically, the issues are framed as follows:
        1. **The Jurisdictional Misdirection:** Did the RCMP ATIP Branch err in law by declining to invoke the specific exemption under paragraph 22(1)(a) of the *Act*—which would require identifying itself as an "investigative body" under the *Privacy Regulations*—and instead relying on paragraph 22(1)(b), thereby assuming an evidentiary burden of proving "injury" that it cannot legally or factually satisfy?
        2. **The Failure to Establish a Reasonable Expectation of Injury:** Can the disclosure of historical, transactional, or administrative metadata (including CPIC logs, Foundational Metadata, and offline database entries) be reasonably expected to cause "injury" to the enforcement of any law or the conduct of lawful investigations under paragraph 22(1)(b), particularly where the underlying investigation is stale, inactive, or structurally concluded?
        3. **The Temporal and Procedural Boundaries of "Investigations":** Can the RCMP assert an ongoing investigative character over CPIC transactions that merely log the completion of past, expired, or time-barred administrative processes (such as a summons or arrest warrant), particularly where any potential prosecution is long-concluded or barred under the constitutional ceilings established in *R. v. Jordan*?
        4. **The Mischaracterization of Public Court Records as Confidential Sources:** Does paragraph 22(1)(b)(ii) permit the withholding of ministerial metadata (such as Originating Agency [ORI] codes, court levels, court locations, names of judicial officers, or Source Identifiers [SID]) under the guise of protecting a "confidential source," when the informant

on a Criminal Code Form 2 Information is a matter of public record post-arrest or post-issuance of process? 409

5. **The Exclusion of Ultra Vires Conduct from "Lawful Investigations":** Applying the doctrine of the indivisibility of the Crown (*Benedict v. Ontario*), can information generated through, or corrupted by, fraudulent manipulation or the compilation of false information packages ever be characterized as "obtained" or "prepared" in the course of a "*lawful* investigation" under subsection 22(1)?

f. **Pre-emptive Resolution of Anticipated Objections (The Establishment of Novel Precedent):** In the event the RCMP (the "**RCMP Tribunal**") neglects its statutory duty to transmit all relevant material to the Registry and the applicant (the "**Applicant**"), does the present factual matrix warrant the establishment of a novel legal precedent? Specifically, where there exists an underlying allegation of fraud perpetrated by law enforcement in concert with Crown Counsel during a criminal proceeding that is strictly *void ab initio*, and where a criminal prosecution could not lawfully have been sustained due to the deliberate filing of an admittedly false information package into a transferee courthouse (the Ontario Court of Justice, 10 Armoury Street Courthouse), is the RCMP Tribunal precluded from relying upon spurious legal justifications to outright refuse a requisite search for the Personal Information of the Applicant?

VOLUME #3: LEGAL BASES

VOLUME #3(A): THE OFFICE OF THE PRIVACY COMMISSIONER DETERMINES THE EXTENT OF THE RCMP'S STATUTORY DUTY AND PARAMOUNTCY OF CONTROL OVER MULTI-JURISDICTIONAL ENTRIES WITHIN THE CANADIAN POLICE INFORMATION CENTRE (THE "CPIC")

62. The Office of the Privacy Commissioner of Canada (the "**OPCC**") previously initiated a comprehensive investigation pertaining to formal complaints registered against the Royal Canadian Mounted Police (the "**RCMP**") which was titled by the OPCC, Disclosure of information about complainant's attempted suicide to US (United States) Customs and Border Protection not authorized under the *Privacy Act* (see: https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-federal-institutions/2016-17/pa_20170419_rcmp/).
63. Said complaints concerned the unauthorized extraterritorial disclosure of personal information (the "**Personal Information**") regarding an individual's historical medical distress—specifically, a suicide attempt—to the United States Customs and Border Protection (the "**CBP**"). The impugned data, originally uploaded by the Toronto Police Service (the "**TPS**") to the CPIC database, was subsequently weaponized by the CBP to formally deny the complainant entry into the United States. The OPCC determined the complaints to be entirely well-founded, conclusively ruling that the dissemination constituted a direct contravention of the *Privacy Act, RSC 1985, c P-21*, as it satisfied neither the rigid parameters of a valid "law enforcement" exemption nor the doctrine of "consistent use".
64. In November 2013, the complainant was engaged in transnational travel originating from Toronto Pearson International Airport. During the preclearance protocol, CBP agents detained the individual, subjecting her to interrogatory measures predicated upon a historical medical emergency dated June 2012.
65. The complainant was formally deemed inadmissible to the United States pursuant to the *Immigration and Nationality Act* (United States), predicated strictly upon health-related statutory grounds (specifically, the categorization of a mental disorder allegedly posing a threat to public safety).

The Genesis of the Disclosed Intelligence:

66. The CBP extracted this sensitive intelligence directly via the CPIC mainframe. The TPS had previously instituted a "Caution flag" denoting "Suicidal Tendencies," aiming concurrently with a "Special Interest Police" (the "**SIP**") entry categorized as "Mental Health - Attempted Suicide - Drugs," following their deployment to the complainant's 2012 medical distress incident.
67. Notwithstanding the fact that the TPS physically inputted the data and the CBP acted as the ultimate consumer of said data, the formal complaint was strategically and correctly levied against the RCMP.
68. The RCMP operates as the absolute statutory steward and supreme technological administrator of the CPIC infrastructure. Furthermore, it exercises exclusive jurisdiction over the Memorandum of Cooperation (the "**MOC**") executed with the Federal Bureau of Investigation, which technically facilitates the access of United States agencies to the CPIC databanks.
69. Consequently, the RCMP is encumbered with the ultimate and inescapable legal responsibility to ensure that any intelligence disseminated to foreign state actors maintains strict adherence to the *Privacy Act*. *Ipso facto*, the RCMP is precluded from operating as a mere passive repository or "blind conduit"; rather, it is compelled by law to actively govern, monitor, and regulate the propriety and legality of any data uploaded by ancillary police forces. Invoking the foundational legal maxims authored by Herbert Broom, *qui facit per alium facit per se* (he who acts through another acts himself) and *qui non prohibet quod prohibere potest assentire videtur* (he who does not prevent what he has the power to prevent is deemed to assent), the RCMP's failure to actively restrict unlawful data sharing renders it directly culpable for the resultant privacy breaches.

Jurisprudential Analysis and Determinations of the OPCC

70. The determinative legal issue hinged upon whether the extraterritorial transmission of the data to the CBP, absent the explicit consent of the complainant, was legally justifiable pursuant to the stringent statutory exemptions articulated within subsection 8(2) of the *Privacy Act*.

Analysis of Paragraph 8(2)(f) (Agreements with Foreign States for Law Enforcement):

71. The RCMP advanced the argument that the admissibility screening protocols executed by the CBP inherently constitute a public safety and law enforcement mandate, ostensibly designed to preemptively guard against tangible threats to property or human safety.

The Finding of the Commissioner

72. The OPCC unequivocally ruled that the immigration admissibility assessments conducted by the CBP do not satisfy the rigorous definitional thresholds of "law enforcement" or "criminal justice" within the strict purview of the MOC. The complainant had engaged in no statutory infractions and was subject to no penal sanctions; her activities were strictly limited to international transit. The OPCC firmly established that deeply sensitive health intelligence must exclusively be disseminated to border authorities in circumstances where the individual in question exhibits a demonstrable, empirical threat to public safety.

Analysis of Paragraph 8(2)(a) (The Consistent Use Doctrine):

73. The RCMP averred that leveraging the health data to evaluate transnational public safety aligned consistently with the originating purpose of its collection by the municipal constabulary.
74. The OPCC rejected this premise, finding that the primary operational intent behind the collection of such data by frontline officers is to chronicle localized incidents and ensure the immediate tactical safety of officers and the public during direct, real-time interactions. The utilization of such highly confidential health records for the facilitation of a foreign immigration assessment constitutes an application that an individual could not "reasonably

expect," barring the existence of a clear, present, and imminent danger. Thus, the transmission strictly failed the test for consistent use.

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The Intransigence of the RCMP

75. The RCMP formally dissented from the OPCC's findings and outright refused the implementation of the recommended directives. The Tribunal steadfastly maintained the position that the CBP operates as a valid law enforcement entity and that the "SHARE USA" default parameter must remain universally active to theoretically preserve public safety.
76. Notwithstanding the institutional recalcitrance regarding system defaults and the precise lexicon of the policies, the OPCC acknowledged the substantive collateral benefit: the intense scrutiny of the RCMP's architectural administration catalyzed local agencies to unilaterally purge thousands of mental health records from the CPIC network, thereby drastically mitigating the probability of analogous privacy infractions.
77. This inherent limitation encapsulates precisely why the investigative reports generated by the OPCC are not, *ipso facto*, subject to judicial review *per se*; the OPCC operates functionally as an ombudsman, authorized to recommend remedial avenues that the impugned Government Institution possesses the discretion to disregard. This structural limitation perfectly mirrors the statutory frameworks of the *Personal Information Protection and Electronic Documents Act, SC 2000, c 5* and the *Access to Information Act, RSC 1985, c A-1*.
78. The Office of the Information Commissioner has some different statutory powers but that is not at issue herein.
79. Conversely, the *Privacy Act* dictates a markedly more restrictive paradigm concerning an applicant's right to invoke the jurisdiction of the Federal Court of Canada. Adjudicative access is narrowly circumscribed, crystallized specifically when a complainant seeks relief pursuant to section 41 of the *Privacy Act* following a formal refusal of access. Ergo, the present application for judicial review is correctly and inescapably predicated upon the egregious failure of the RCMP to conduct a requisite search for the Personal Information of the applicant (the "**Applicant**") pursuant to his formally submitted Access Request (dated March 11, 2026), and the concomitant failure of the Head of the RCMP to execute the mandatory statutory contemplation mandated under subsection 8(2) of the *Privacy Act*.

VOLUME #3(A)(I): SUMMARY OF JURISPRUDENTIAL EFFECT REGARDING THE INPUTTING OF FALSE OR INACCURATE DATA INTO CPIC BY ANY LAW ENFORCEMENT APPARATUS

80. The OPCC's determinations establish an irrevocable precedent: the RCMP is strictly prohibited from operating as a passive host or "blind conduit" for intelligence contributed by external police forces. Given its paramount structural and administrative role, the RCMP is legally bound to exercise an active, governing supremacy over all Personal Information transiting the national infrastructure.
81. The jurisprudential rationale underpinning the OPCC's findings is delineated into the following determinative principles:
    - **a. The Doctrine of Sufficient Control**
        - **i.** The OPCC explicitly concluded that the quantum of control exercised by the RCMP over the CPIC mainframe is unequivocally sufficient to trigger the robust protections of section 8 of the *Privacy Act*. Even in circumstances where a municipal entity, such as the TPS, originated the data upload and maintained nominal carriage of their localized investigative file (denoted by an occurrence number), the Commissioner of the RCMP remains the ultimate, non-delegable authority accountable for the administration, operation, and statutory compliance of the overarching system.
            1. Herein, it is a matter of evidentiary record that at least one of the specific case identification numbers associated with the impugned records is demonstrably not attributable to the TPS; namely, Police Case ID: 457197 (visibly stamped upon the upper right-hand quadrant of the admitted False Information Package). Both the TPS and the Ontario Provincial Police (the "**OPP**") have formally and unequivocally disclaimed any jurisdictional relation to said case identification number, a repudiation which logically and necessarily leaves the RCMP as the sole remaining institutional custodian.

Paramount Stewardship of the Bilateral Agreement

82. Predicated upon the fact that the RCMP acts as the exclusive Canadian signatory to the MOC executed with the Federal Bureau of Investigation, the OPCC ruled that the RCMP bears the sole, non-transferable burden of ensuring that any cross-border intelligence dissemination strictly comports with both the MOC and the domestic imperatives of Canadian privacy legislation.

The Imperative for Active Policy and Architectural Safeguards

83. The OPCC profoundly criticized the RCMP's legally bereft posture that the onus of statutory compliance rests entirely upon the contributing municipal or provincial agencies. The OPCC firmly established that the RCMP must actively engineer the CPIC policies, user protocols, and foundational technical defaults to preemptively neutralize the potential for unauthorized data proliferation.
84. 30. By way of specific illustration, the OPCC mandated that the RCMP restructure the technical baseline of the system's "SHARE USA" feature to automatically suppress the transmission of deeply sensitive health data, rather than permitting dissemination to function as the unexamined default parameter.
85. 31. This precise conflict crystallizes the overarching precedent: while the RCMP attempts to shield itself behind the facade of a collaborative, decentralized system where localized forces "own" their respective data, the OPCC definitively ruled that supreme architectural stewardship equates inextricably to absolute legal accountability. To achieve compliance with the *Privacy Act*, the RCMP must actively audit, regulate, and restrict the manner in which both domestic and foreign agencies interface with the databanks under its sovereign control.

VOLUME #3(B): THE NOVEL LEGAL ISSUES FORMULATED FOR ADJUDICATION

86. The novel legal controversies presented for adjudication herein are robust and multifaceted. 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. The resolution of these distinct, untested issues will be effortlessly achieved upon the compulsory transmission of the certified tribunal record (the "**CTR**") to both the Federal Court of Canada 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 mount under *Rule 318* of the *Federal Courts Rules, SOR/98-106* (the "***FCR***").

The First Novel and Untested Issue

87. 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. Should the inputted data align with said 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 fabricated: *Lawson v. Accusearch Inc.*, 2007 FC 125.

The Second Novel and Untested Issue

88. 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" or the purportedly valid INTAKE COURT ENDORSEMENT (dated September 23, 2024). 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 "**ORI**"); the designated issuing authority or "court field"; the remarks/narrative field; and the System Identification Number (the "**SID**") generated upon entry), such alterations constitute a profound abuse of process. Collectively, these elements are categorized as the foundational data elements comprising a "WANT record".

89. It is submitted as a highly probable extrapolation that the originating law enforcement agency, designated by the initial ORI, was not the identical agency that subsequently executed the surreptitious amendments to the WANT record. These potential, unauthorized systemic alterations encompass four distinct vectors of modification:
    a. The deliberate modification or reassignment of the ORI, falsely transferring jurisdictional appearance to a separate police service;
    b. The structural alteration of the jurisprudential authority or "court field" to legitimize an otherwise *void ab initio* warrant;
    c. The substantive revision of the remarks or narrative field to retroactively justify the apprehension of the Applicant; and
    d. The systemic desynchronization or reallocation of the SID, designed to obfuscate the original timestamp and audit trail of the fabricated entry.
90. The forensic veracity of these administrative maneuvers—and the exposure of the underlying malfeasance—can only be illuminated through a rigorous examination of the automated hexadecimal transaction logs and sequence trails. Consequently, this determination can solely be achieved through the unmitigated disclosure of the Applicant's Personal Information, which is definitively housed within a Personal Information Bank (the "**PIB**") and remains under the absolute control and constructive possession of the centralized federal repository.

VOLUME #3(C): THE JURISPRUDENTIAL DOCTRINE OF POSSESSION UNDER THE FEDERAL COURT RULES

91. A masterful comprehension of the legal doctrine of "possession" is absolutely paramount when navigating the *FCR*, specifically concerning the mandatory production of documentary evidence. This doctrine governs both the general discovery apparatus (Rules 222-223) and, crucially, the compulsory transmission of tribunal records under *Rule 317*.

The Definition of Possession in the Strict Context of Rule 317

92. *Rule 317* of the *FCR* vests an applicant in a judicial review proceeding with the absolute right to requisition material relevant to the application that resides within the possession of the impugned Tribunal.
93. 73. Within the architecture of the *FCR*, the concept of "possession" vehemently rejects the archaic limitation of mere physical custody. The appellate jurisprudence has consistently expanded "possession" to broadly encompass the legal right, authority, or institutional ability to procure the document. While the *FCR* omits a rigid definitional clause for "possession," the overwhelming weight of document production jurisprudence establishes that it strictly incorporates:
    a. **Actual Possession:** The immediate, physical custody of the document; and
    b. **Constructive Power or Control:** Vesting the entity with the absolute right or jurisdictional authority to demand and obtain the document, irrespective of its immediate physical locale.

94. Consequently, for the purposes of *Rule 317*, if a Tribunal possesses the overarching legal right or technical capacity to access relevant data, that material is definitively deemed to be in its "possession" for production purposes, even if the physical servers or archives are geographically displaced.

The Tripartite Categorization of Possession

95. In advanced civil procedure, possession is jurisprudentially categorized into three distinct operational forms:
    a. **Sole Possession:**
        i. **Definition:** The most absolute iteration of possession. It manifests when a singular entity exercises exclusive physical custody and administrative dominion over a record.
            1. If the Tribunal maintains the singular physical iteration of a memorandum within its immediate administrative confines, it exercises sole possession.
            2. The Tribunal retains the exclusive, unfettered right to utilize, manipulate, and produce the material.
    b. **Joint Possession**
        i. **Definition:** This formulation arises when two or more distinct entities share physical custody, administrative access, or control over a record, resulting in a shared, indivisible right to possess the material.
        ii. **Application:**
            1. In circumstances where the RCMP and an external municipal police force mutually interact with a shared digital architecture (such as CPIC), both entities may exercise Joint Possession over the underlying data matrices. In the realm of document production, shared possession with a non-party does not immunize the party from production; they remain legally compelled to produce the material or actively seek the requisite consent, as their legal right to the document remains absolute.
    c. **Constructive Possession**
        i. **Definition:** This represents the most expansive and vital formulation of possession. It dictates that an entity holds possession when it lacks immediate physical containment of the material, yet wields the *de jure* legal right, institutional power, or technical authority to requisition and obtain it.
        ii. **Application:** This doctrine frequently serves as the epicenter of contentious document production litigation. If the RCMP archives its historical data utilizing external federal infrastructure but retains the sovereign right to demand the extraction of those logs at will, the RCMP is irrevocably bound by Constructive Possession. Similarly, if records are held by a delegated agent or legal counsel, the principal entity maintains Constructive Possession because it exercises the power of directive over the agent. **Rule 317 Implications:** A Tribunal is strictly legally barred from resisting a *Rule 317* request by pleading an absence of physical custody if it possesses the statutory or administrative authority to compel the retrieval of the document from its current host. The RCMP is not seeking that an independent contractor provide its backup tapes but rather it is a demand unto itself if you will.

VOLUME #3(D): A COMPARATIVE LINGUISTIC ANALYSIS OF THE RCMP'S DECISIONS (THE HALTON POLICE CASE VS. THE MCLEAN RCMP PROCEEDING)

Volume #3(D)(I): The RCMP Decision in the Halton Police FIPPA Case

96. To illuminate the institutional bad faith and strategic linguistic manipulation deployed by the RCMP herein, the Applicant heavily relies upon a comparative analysis of the strikingly similar, yet critically divergent, language utilized by the RCMP in *Halton Regional Police Services Board (Re)*, 2024 CanLII 67092 (ON IPC) (the "**Halton Police Case**"). In the Halton Police Case, Adjudicator Faughnan, presiding under the *Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, c M.56* (the "**MFIPPA**"), reproduced the RCMP's formal refusal letter at paragraph four, which stated:

> "This is in response to your request made under the *Privacy Act*, which was received by this office on March 2, 2015, in which you are seeking a report of all inquiries made by any officer/civilian member of any Canadian or USA police force since 1970 under your identifiers including any inquiries made on CPIC/PARAS."

> Based on the information provided, a search for records was conducted. Be advised that we can neither confirm nor deny the existence of the information requested. If the information did exist, it would be subject to exemption in its entirety pursuant to Paragraph 22(1)(b) of the *Privacy Act*...
>
> The *Privacy Act* has established the right of applicants to access federally maintained records which contain personal information concerning themselves. If you were involved with another police department or service, they may have information that concerns you. The *Privacy Act* does not authorize the RCMP to search files or to disclose information belonging to other police forces."

Volume #3(D)(II): The Distinctions Possessing Profound Legal Significance

Volume #3(D)(II)(a): The Execution of a "Search for Records"

97. In the Halton Police Case, the RCMP formally averred that "a search for records was conducted," utilizing the term without limitation. The term "record" lacks a precise definition under the *Privacy Act*, contrasting sharply with the *Access to Information Act* which broadly defines it as "any documentary material, regardless of medium or form."
98. Conversely, in the present proceeding (the "**McLean RCMP Proceeding**"), the RCMP artificially narrowed its purview, strictly representing that a search was conducted solely within "CPIC and Specialized Policing Services"—despite the Applicant explicitly demanding a search of the Foundational Metadata and Offline Historical Database.

Volume #3(D)(II)(b): The Deployment and Subsequent Waiver of the "Neither Confirm Nor Deny" Shield

99. In the Halton Police Case, the RCMP explicitly deployed the powerful statutory shield of section 16(2), stating it could "neither confirm nor deny" the existence of the requested intelligence. In stark contrast, the RCMP completely abandoned this shield in the **McLean RCMP Proceeding**.

The Legal Ramifications of Waiving Section 16(2):

100. The mechanism of Section 16(2) permits a Government Institution to completely obfuscate the existence of a record, an extraordinary measure designed to preserve the sanctity of active, highly sensitive investigations. The author of the RCMP decision in the **McLean RCMP Proceeding** explicitly chose not to invoke this provision.
101. **The Legal Import:** By declining to invoke Section 16(2) *in limine*, the RCMP legally waived its right to obfuscate the existence of the records. Because it failed to issue an NCND response, the RCMP is now irrevocably tethered to its specifically cited exemptions (Sections 19, 22, and 26).
102. Should the **Respondent** attempt to argue during these proceedings that the existence of the requested Metadata is hypothetical or that confirming its existence would compromise investigative integrity, such an objection is a strict nullity. The **Respondent** has preemptively waived this protection and cannot retroactively reconstruct a Section 16(2) shield to evade production under *Rule 317*. It chose the route it did by granting itself an extension of time and it could have amended its decision from April 27, 2026, and the record will reflect that the Applicant provided it with opportunity to do so but it declined.
103. Consequently, the RCMP is legally estopped from asserting that the Personal Information sought is immune from basic acknowledgment before this Honourable Court. It falls under the principle at least by analogy from Turigan v. Alberta, ABCA, 1988, involving "estoppel by record".

Volume #3(D)(II)(c): The Strategic Erasure of "Concerning Themselves"

104. In the Halton Police Case, the RCMP stated, "The *Privacy Act* has established the right of applicants to access federally maintained records *which contain personal information concerning themselves*." Alarmingly, in the **McLean RCMP Proceeding**, the RCMP deliberately truncated this sentence, stating merely, "The *Privacy Act*

has established the right of applicants to access federally maintained records," entirely deleting the reference to Personal Information.

105. This surgical erasure is not benign; it perfectly substantiates the Applicant's assertion regarding the Foundational Metadata. Under Section 3 of the *Privacy Act*, "personal information" unequivocally encompasses transaction histories and assigned identifying numbers. By deliberately removing the qualifier "concerning themselves," the RCMP attempted to linguistically sever its statutory duty to track biographical metadata logs, unlawfully recharacterizing the underlying server operations as mere "federal administrative records" exempt from the Applicant's reach.

Volume #3(D)(II)(d): Misinterpretations Regarding Authorization and Ownership

106. In the Halton Police Case, the RCMP hypothesized, "*If* you were involved with another police department... they may have information that concerns you." In the **McLean RCMP Proceeding**, the RCMP shifted to an operative past-tense certainty: "If this matter *concerned* another police department... The *Privacy Act* does not authorize the RCMP to search files or to disclose information belonging to other police forces."

107. 99. The hypothetical "If" in the Halton matter was logical, as the requestor sought fifty years of generalized data. Herein, the Applicant demanded highly specific, targeted access to Personal Information directly indexed under Police Case ID: 457197—an identifier formally disavowed by both the TPS and the OPP. The RCMP's assertion that it lacks "authorization" to search its own sovereign database for records that do not "belong" to other forces is a profound misstatement of law.

VOLUME #4: WITHOUT A SEARCH, CORRECTION RIGHTS CEASE TO EXIST AS LEGISLATED BY PARLIAMENT

VOLUME #4(A): PERSONAL INFORMATION IS AKIN TO ONE'S OWNERSHIP

108. It is a well-settled jurisprudential axiom that *Rule 317* of the *FCR* does not demand that the requested material be legally "owned" by the administrative Tribunal, nor does it require exclusive, physical geographic custody. The singular, uncompromising statutory threshold is that the material resides within the "possession" of the Tribunal.

109. Furthermore, relying upon established jurisprudence (such as the determinations of Mr. Justice Tysoe in the Supreme Court of British Columbia in *Mazhero*), the Personal Information of an applicant is inherently "owned" by the applicant themselves—it emphatically does not legally "belong" to other police forces, regardless of their status as the originating agency.

110. In *Atlantic Prudence Maritime Inc. v. Canada (Minister of Transport)*, 1983 2 FC 183 (FCA) (the "**Atlantic Prudence Decision**"), the Federal Court of Appeal conclusively established that possession within the context of administrative record production must be subjected to a highly practical, functional interpretation, firmly rejecting the archaic constraints of narrow property concepts. The appellate court unequivocally ruled that a Tribunal is strictly prohibited from evading its production obligations by advancing the specious claim that records are "owned" by third parties, provided those records were relied upon, hosted, or technically accessible by the Tribunal in the execution of its administrative mandate.

111. 103. This overarching principle was subsequently codified and expanded in *Canada (Attorney General) v. Cloutier*, 2008 FC 322 (the "**Cloutier Decision**"). The Federal Court definitively held that material housed within an electronic database accessible by a government institution constitutes absolute possession for the strict purposes of a *Rule 317* request. The Court forcefully rejected the obsolete notion that electronic data must be physically manifested in print or localized within a specific geographic office to be "possessed," holding that technological accessibility acts as the absolute functional and legal equivalent of possession.

112. Under the doctrine of Constructive Possession, an entity holds possession of material whenever it exercises the legal right, administrative power, or technological capacity to command its retrieval, completely independent of physical containment. In the modern administrative apparatus, data is perpetually decentralized across complex virtual architectures. To restrict the definition of possession to physical, paper-based custody would render the operation of *Rule 317* an archaic and absolute nullity (the "**Nullity**").

113. 105. The CPIC database represents a colossal, centralized national infrastructure. While municipal entities input localized intelligence via their discrete ORIs, the foundational technological mainframe, the database schema, and the physical server arrays are owned, operated, and exclusively maintained by the RCMP. The interaction between the RCMP and external police forces does not constitute total operational separation; rather, it manifests as a textbook paradigm of Joint Possession over the transactional metadata.

114. 106. When an external law enforcement agency instantiates a WANT Record into CPIC, that specific data matrix is instantly ingested into a database strictly hosted upon federal servers. The corresponding transactional logs, sequence trails, and hexadecimal dumps are automatically and autonomously generated by the federal system architecture itself. The RCMP holds the supreme administrative credentials, the systemic audit tools, and the absolute physical dominion over the server farms required to extract this intelligence. Consequently, the raw forensic mainframe ledger records sought by the Applicant reside indisputably within the Constructive Possession of the RCMP.

VOLUME #4(C): THE RCMP AS THE PARAMOUNT CUSTODIAN AND SOVEREIGN ADMINISTRATIVE STEWARD

115. In *Canada (Information Commissioner) v. Minister of National Defence*, 2011 SCC 25 (the "**National Defence Decision**"), the Supreme Court of Canada formulated a rigid bipartite test to determine whether a government institution exercises control over records for statutory production purposes:

a. First, does the record relate to a substantive departmental matter?
b. Second, could the institution reasonably expect to obtain a copy of the record upon executing a request?

116. Although the *National Defence Decision* was adjudicated under the *Access to Information Act*, its foundational logic applies *a fortiori* to the legal concept of possession encapsulated within *Rule 317*. The administration, forensic auditing, and structural security of the CPIC infrastructure are indisputably departmental matters under the exclusive purview of the RCMP. As the sovereign national steward of CPIC, the RCMP possesses the absolute, unassailable legal and technical right to obtain, audit, and extract any record residing within its own database.

117. 109. This conclusion is explicitly supported by provincial adjudicative bodies. As noted in the Halton Police Case, the Information and Privacy Commissioner of Ontario definitively ruled that municipal police boards possess neither custody nor control over the CPIC Offline Historical Database. Because these offline archives are managed with absolute exclusivity by the RCMP, any legal demand for historical transaction logs must be directed solely to the federal institution.

VOLUME #4(D): THE ABSOLUTE NULLITY OF THE "THIRD-PARTY OWNERSHIP" DEFENSE

118. Any anticipated attempt by the **Respondent** to resist the compulsory production mandates of *Rule 317* by falsely characterizing the requested transaction logs and hexadecimal dumps as "belonging" to other police forces is a profound legal absurdity. A transaction log is emphatically not an investigative narrative report, nor does it encompass proprietary, third-party tactical intelligence. It is purely administrative Metadata—an automated, machine-generated chronicle of the systemic operations (*acta*) of the federal mainframe itself. The unique system identification numbers, the ORIs, the hardware terminal addresses, and the microsecond timestamps are intrinsic, systemic properties belonging exclusively to the CPIC platform. They constitute the indisputable administrative footprint of state action. If an arrest warrant was subjected to illicit, post-hoc digital modification—specifically via

the unauthorized exploitation of the GrapeCity SDK API—the transaction logs represent the singular, immutable evidentiary matrix proving that alteration. The deliberate suppression of this critical Metadata by the **Respondent**, disguised beneath the specious veil of inter-agency confidentiality, constitutes an administrative omission that is an absolute Nullity *ab initio*, emphatically not a curable irregularity (the "**Irregularity**"). This obstruction directly and fatally contravenes the statutory purpose of subsection 12(1) of the *Privacy Act* and fundamentally frustrates the compulsory production mechanics of *Rule 317*. The state is strictly prohibited from deploying the complexity of its own decentralized database architecture as a jurisprudential shield to conceal administrative malfeasance or *ultra vires* jurisdictional overreach.

VOLUME #4(E): THE STATUTORY ABSURDITY AND THE FRUSTRATION OF CORRECTION RIGHTS UNDER SUBSECTION 12(2) OF THE PRIVACY ACT

119. 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 right to request a correction of said information, mandate the attachment of a formal notation if the correction is refused, and compel the notification of these amendments to any entity that received the data within the preceding two years.

120. 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 statutory absurdity (the "**Statutory Absurdity**").

121. If the RCMP is legally permitted to abdicate its overarching search obligations beneath the guise 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. A requestor cannot correct that which the paramount custodian outright refuses to locate.

122. 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 RCMP's restrictive interpretation, an individual maliciously targeted by the 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 taint constitutes an ongoing, egregious violation of fundamental justice.

123. 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*, an interpretation must be adopted so that the provision may have effect rather than fail). The RCMP cannot strategically interpret section 12(1) (access) in a manner that entirely nullifies section 12(2) (correction).

124. **Nota Bene:** 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*. 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 RCMP, functioning as the supreme technological custodian, remains the sole entity legally and technically capable of executing the statutory mandate commanded by subsection 12(2).

Volume #4(E)(I): The Paramountcy of the Initial Search and the "Meaningful Exercise" of Subsection 12(2)

125. It is a foundational legal axiom that the invocation of the remedial correction rights enshrined within subsection 12(2) of the *Privacy Act* is strictly predicated upon the antecedent execution of a comprehensive search. Stated with stark precision: the realization of statutory rights initiates exclusively with a search. By refusing to proactively interrogate the Foundational Metadata and the Offline Historical Database—repositories over which

the RCMP exercises absolute constructive possession—the RCMP Tribunal entirely and structurally paralyzes the Applicant's capacity to exercise his statutory entitlements.

126. In *Canada (Information Commissioner) v. Canada (Minister of Citizenship and Immigration)*, 2002 FCA 270 (CanLII), 2003 1 FC 219 (the "**Information Commissioner Decision**"), the Federal Court of Appeal conclusively established the parameters safeguarding the effective operation of subsection 12(2). The appellate court ruled that the excessive severance or redaction of records, which renders the resulting disclosure incomprehensible, fundamentally undermines the "meaningful exercise" of the correction rights granted under subsection 12(2) (at para 10).

127. Applying the deductive logic of the *Information Commissioner Decision a fortiori* to the present factual matrix: if the provision of severely redacted information illegally frustrates the meaningful exercise of subsection 12(2), then the **Respondent**'s outright, institutional refusal to even conduct a preliminary search constitutes an absolute evisceration of those identical rights *ab initio*.

Volume #4(E)(II): The Competing Interests and the Disclosure of Authorizing Identities (Paragraphs 3(g) and 3(i))

128. A central determination in the *Information Commissioner Decision* was the resolution of competing statutory interests concerning the disclosure of third-party identities under paragraphs 3(g) and 3(i) of the *Privacy Act*. The Federal Court of Appeal explicitly ruled that a requester's significant private interest in clearing their name in the public domain invariably supersedes a third party's minimal interest in anonymity (at paras 31 and 33). Fairness in administrative inquiries dictates that adverse actions or unfavourable views cannot remain secret and strictly unchallengeable (at para 34).

129. The Applicant herein maintains a profound, legally cognizable interest in clearing his name across the national law enforcement infrastructure, an objective partially realized but requiring further unmitigated disclosure. The singular avenue to definitively establish the falsity of the CPIC data requires the disclosure of the specific authorizing entities—namely, the issuing judicial officers—embedded within the WANT record.

130. Pursuant to the *Information Commissioner Decision*, the names of the authorizing or issuing jurists fall squarely within the purview of paragraph 3(i) of the *Privacy Act* (the name of an individual where it appears with other personal information relating to the individual, or where the disclosure of the name itself would reveal information about the individual).

131. Crucially, this disclosure imperative strictly encompasses the name of the ostensibly fictitious Justice of the Peace, "George Jiri," irrespective of the fact that said individual did not physically execute the data upload. The identities of the actors (real or fabricated) authorizing the state's action against the Applicant constitute "views or opinions about the individual" under paragraph 3(g) and are thus inextricably embedded within the Applicant's own Personal Information.

132. **Nota Bene:** The **Respondent** is pre-emptively estopped from asserting that a refusal to search is justified to protect the privacy interests of the municipal officers or jurists named within the CPIC warrant metadata. As the Federal Court of Appeal unequivocally held, a generalized "chilling effect" or a promise of confidentiality cannot override the statutory duty to disclose, particularly when the requester seeks to challenge fundamentally flawed or unchallengeable state actions (at paras 11-12, 34).

133. Finally, given the high probability that the False Information Package was disseminated to ancillary government institutions—potentially both domestic and foreign—the Applicant possesses an unassailable statutory right to ascertain the precise nature of the uploaded data. This knowledge is an absolute requisite to compelling the downstream notifications mandated by clause 12(2)(c). The RCMP Tribunal's refusal to search acts as a deliberate blockade, shielding downstream consumers of fabricated intelligence from statutory correction.

VOLUME #4(F): THE OPERATIONAL EXCLUSIVITY OF "OFF-LINE SEARCHES" AND THE REDUCTIO AD ABSURDUM OF DELEGATED CONTROL

134. It is a matter of established administrative record and judicial notice that municipal and provincial law enforcement apparatuses are strictly precluded from independently executing "off-line searches" within the CPIC

infrastructure. This systemic limitation was explicitly chronicled by the Information and Privacy Commissioner of Ontario in *Halton Regional Police Services Board (Re)*, 2024 CanLII 67092 (ON IPC), relying upon the foundational analysis articulated within *Order MO-1446*.

135. As delineated within *Order MO-1446*, while ancillary police departments may possess terminal access for standard queries, an "off-line search"—a forensic mechanism utilized to process and extract deep-archive computer records—mandates the explicit submission of a formal request to the RCMP. It is only subsequent to the RCMP's unilateral approval and physical execution of said search that the generated results are formally transmitted to the requesting agency.

136. Crucially, the adjudicator determined that the extracted search results crystallize into a record within the custody and control of the municipal police department *strictly upon their receipt* of the finalized data from the federal repository.

137. Utilizing an advanced legal syllogism, this operational architecture yields an incontrovertible conclusion: if municipal police forces are themselves entirely reliant upon the RCMP to physically access and extract data from the Offline Historical Database, then the RCMP inherently possesses absolute, unassailable custody and control over the foundational archival intelligence. To countenance the **Respondent**'s prevailing posture—that the Applicant is legally barred from requisitioning his own Personal Information directly from the RCMP because said data ostensibly "belongs" to external police forces—engineers a profound *reductio ad absurdum*. It is a legal impossibility for an external police force to "own" or exercise paramount control over a historical dataset to which they lack direct, independent access.

138. **Nota Bene:** Consequently, the RCMP remains the singular, inescapable statutory custodian capable of discharging the search and production obligations mandated by the *Privacy Act* and *Rule 317*. Any assertion by the **Respondent** that the Applicant must uniquely pursue municipal agencies to secure off-line CPIC logs is a deceptive administrative deflection, entirely devoid of operational reality and legal merit.

VOLUME #4(G): THE JURISPRUDENCE OF "CONTROL": THE RIGHT OF DEMAND AND THE PURPOSIVE INTERPRETATION OF ACCESS LEGISLATION

Volume #4(G)(I): The Broad, Liberal, and Purposive Interpretation of Control

139. The jurisprudential conception of "control" under federal access to information legislation commands a remarkably broad, liberal, and purposive interpretation, strictly divorced from archaic notions of physical property or immediate custody.

140. In *Canada Post Corp. v. Canada (Minister of Public Works)*, 1995 CanLII 3574 (FCA) (the "**Canada Post Decision**"), the Federal Court of Appeal definitively rejected restrictive, proprietary constraints upon the statutory definition of control. Articulating the binding precedent on behalf of the appellate court, Létourneau J.A. held at page 245:

> "The notion of control referred to in the Act is left undefined and unlimited. Parliament did not see fit to distinguish between ultimate and immediate, full and partial, transient and lasting, or 'de jure' and 'de facto' control. Had Parliament intended to qualify and restrict the notion of control to the power to dispose of the information, as suggested by the appellant, it could certainly have done so by limiting the citizen's right of access only to those documents that the government can dispose of or which are under the lasting or ultimate control of the government."

Volume #4(G)(II): The Binding Precedent of Hale v. Ontario (Criminal Code Review Board)

141. This expansive interpretive doctrine formulated by the Federal Court of Appeal was explicitly adopted and fortified by the Court of Appeal for Ontario in *Ontario (Criminal Code Review Board) v. Hale*, 1999 CanLII 3805 (ON CA) (the "**Hale Decision**").

142. The *Hale Decision* concerned a highly analogous statutory access request. The requesters sought access to backup audio tapes created and physically retained by a court reporter. Crucially, the court reporter was not an employee, but an independent contractor engaged on a fee-for-service basis by the Ontario Criminal Code Review

Board (the "**Review Board**"). The Review Board and the court reporter formally resisted production, vehemently arguing that the backup tapes were created strictly as a personal *aide-mémoire* for the reporter, remained within the exclusive physical custody of the contractor, and were therefore not under the "control" of the Review Board.

143. The Court of Appeal for Ontario fundamentally rejected this evasion. Justice O'Connor, writing for the unanimous court, ruled that control is not contingent upon immediate physical possession or strict ownership. Rather, because the Review Board operated under a statutory mandate to keep an accurate record of its proceedings, it inherently possessed the *right to demand* access to the independent contractor's backup tapes to verify accuracy. The appellate court unequivocally held that the institutional legal right to make a future demand for the records satisfies the statutory threshold of "control," thereby compelling production.

Volume #4(G)(III): Application to the Present Factual Matrix: Offline Historical Data and Amended, Purged Records

144. Applying the binding jurisprudential logic of both the *Canada Post Decision* and the *Hale Decision a fortiori* to the present factual matrix yields an unassailable legal conclusion. The Applicant herein seeks access to off-line historical data, encompassing the original iterations of the inputted CPIC intelligence, alongside any subsequent unauthorized amendments, systemic purging, or operational alterations executed upon the WANT record.

145. If an administrative tribunal (such as the Review Board) is deemed by an appellate court to exercise absolute control over the independently created and personally housed backup tapes of an arm's-length private contractor—predicated exclusively upon the tribunal's right to demand those records for verification—the conclusion regarding the RCMP is infinitely stronger.

146. The RCMP is not interacting with an arm's-length contractor; it is the sovereign administrator of its own technological infrastructure. The offline historical metadata resides within the RCMP's own proprietary server arrays. The RCMP possesses the supreme, unmitigated statutory and administrative *right to demand*, extract, and audit the historical and purged data matrices generated within its own systems.

147. **Nota Bene:** Should the **Respondent** attempt to artificially distinguish between active terminal data "belonging" to local police and offline historical data, such a distinction is a jurisprudential nullity. The RCMP's unquestionable authority to demand and extract the offline historical data establishes immediate, incontrovertible control. To suggest that the paramount federal law enforcement agency lacks control over the historical audit logs generated entirely within its own sovereign database is a legal absurdity that offends the liberal and purposive interpretative mandate established by the Federal Court of Appeal.

VOLUME #4(H): THE JURISPRUDENTIAL SIGNIFICANCE OF THE UNSOLICITED INQUIRY INTO SPECIALIZED POLICING SERVICES AND THE INVOLUNTARY INSTITUTIONAL ADMISSION OF CENTRALIZED SYSTEMIC MANIPULATION

Volume #4(H)(I): The Inference and the "Data Trigger"

148. The explicit and unsolicited inclusion of the Specialized Policing Services (the "**SPS**") within the formal decision letter executed by the **Respondent**—specifically, via Mr. Jeff Ball—notwithstanding the absolute absence of any such request by the Applicant, precipitates a jurisprudential inference of monumental proportion. This unsolicited inclusion functions as an involuntary institutional admission that the Applicant's dossier migrated entirely beyond the jurisdictional boundaries of standard divisional detachments, becoming inextricably embedded within the RCMP's paramount national operational and technological command.

149. Pursuant to the strict operational strictures governing the *Privacy Act*, an Access to Information and Privacy (the "**ATIP**") directorate is strictly prohibited from executing arbitrary or exploratory searches within branches fundamentally disconnected from the parameters of a specific request. The federal ATIP apparatus exclusively interrogates specific Personal Information Banks (the "**PIBs**") when an initial intake assessment or an automated algorithmic database query affirmatively flags the existence of records within that distinct repository.

150. Consequently, the explicit institutional declaration that an SPS search was effectuated unambiguously exposes the **Respondent**'s internal evidentiary trail. It constitutes an irrefutable "Data Trigger": upon querying the Applicant's initial identifiers, the centralized mainframe did not merely isolate a routine, localized police occurrence. Rather, the systemic query unequivocally triggered a definitive hit tethered directly to an elite program or high-level database administered under the sovereign, national umbrella of the SPS

Volume #4(H)(II): The Proverbial "Pandora's Box" and the MESCIUS / GrapeCity SDK Software Connection

151. The jurisprudential ramifications of this involuntary institutional admission operate akin to the opening of a proverbial Pandora's Box, fundamentally fortifying and entirely legitimizing the Applicant's parallel requests instituted under the *Access to Information Act* concerning the deployment and unauthorized manipulation of MESCIUS and GrapeCity SDK software architectures.

152. As meticulously chronicled within the RCMP National System Architecture and Specialized Operational Support Manuals, the SPS is precisely the paramount federal directorate entrusted with the ownership, administration, and architectural construction of the RCMP's centralized, high-technology infrastructure. This sprawling mandate explicitly encompasses the CPIC mainframe itself, the Canadian Firearms Program, and the National Cybercrime Coordination center (the "**NC3**").

153. Therefore, the ATIP directorate was compelled to search the SPS for a singular, inescapable administrative reason: the SPS serves as the exclusive federal locus where the server-side document compilation logs and the forensic metadata manipulation sequence trails physically and electronically reside

Volume #4(H)(III): The Statutory Validation via the Treasury Board of Canada

154. This operational reality is further cemented by the Treasury Board of Canada's official Info Source publication, which formally registers and delineates the legal parameters of PIB RCMP PPU 005.This registration operates as the definitive, unassailable legal proof that the Offline Historical Database is inextricably bound to the federal statutory jurisdiction exercised by the SPS, rendering any overarching claim of "third-party ownership" over these specific architectural logs a strictly *ultra vires* proposition

155. Relying upon the foundational evidentiary maxim *habemus optimum testem, confitentem reum* (we have the best witness, a confessing defendant), the **Respondent**'s own unsolicited admission that it searched the SPS stands as the highest form of evidentiary proof that the federal apparatus was actively engaged in the architectural processing of the Applicant's data.

156. **Nota Bene:** Should the **Respondent** attempt to mitigate this admission by characterizing the unsolicited SPS search as a mere "routine administrative courtesy" or an over-inclusive clerical error, such an argument must be summarily dismissed *in limine* as an absolute nullity. The federal ATIP apparatus operates within a perpetual state of resource scarcity; it inherently does not expend computational or administrative capital to execute exhaustive forensic searches within the nation's most secure cyber-directorate absent a definitive, algorithmically generated directive necessitating that specific jurisdictional inquiry.

Volume #4(H)(IV): The Indispensable Role of Regional Communications as Cross-Jurisdictional Intermediaries and the Implication of Mr. Matt Peggs

157. Furthermore, the operational architecture of the SPS heavily implicates the substantive involvement of the Regional Communications (the "**Regional COM**") apparatus and specialized operational managers, specifically including Mr. Matt Peggs.

158. Within the highly stratified command structures of the RCMP's National Capital Region and allied specialized frameworks, Regional COM operates as the vital intermediary bridging localized municipal operations (such as the TPS or Peel Regional Police) and the paramount federal mainframe. When an investigative dossier manifests a profound jurisdictional paradox—such as the irreconcilable geographic conflict observed herein between the Toronto Courthouse and the fabricated authority of Brampton-based Justice of the Peace "George

Jiri"—routine frontline detachment channels are inherently bypassed. Such complex, multi-jurisdictional matters are statutorily escalated and routed directly through specialized Regional Command elements.

159. Because the SPS houses the Covert Operations, Cyber, and Protective Policing units any coordination of multi-jurisdictional information packages, covert data intercepts, or specialized tracking records executed by regional managers such as Mr. Peggs would automatically and inescapably be catalogued within the Specialized Investigative and Support Services repositories

Volume #4(H)(V): The Crystallization of the Rule 317 Mandate Regarding Regional Communication Logs

160. By explicitly admitting to the execution of a search within the SPS, the **Respondent** has crystallized the exact jurisdictional authority required for the Applicant to mandate the compulsory production of the comprehensive communication logs of Mr. Matt Peggs pursuant to *Rule 317*.

161. The **Respondent** is now strictly estopped from advancing the specious defense that the Regional COM office, or the communications of its managers, resides "outside the scope" of the proceeding. By formally placing the entirety of the SPS operational branch into the administrative record of its decision, the **Respondent** has voluntarily subjected the operational metadata generated by its regional managers to the transparency mechanisms of the *Federal Courts Rules*.

Volume #4(H)(VI): The Evidentiary "Smoking Gun" and the Absurdity of the Delegated Deflection

162. This explicit reference to the SPS functions as an evidentiary "Smoking Gun"—an incontrovertible admission against interest. It validates, with absolute administrative certainty, that the Applicant's Personal Information triggered elite operational files, confirming the mobilization of national cyber-infrastructure rather than mere localized municipal records

163. Finally, this admission exposes a fatal, irreconcilable administrative contradiction within the RCMP's prevailing posture. It highlights the profound legal absurdity of the ATIP Director formally advising the Applicant to blindly pursue records from a "municipal police force" while his own correspondence concurrently admits that the RCMP was internally compelled to interrogate its most elite, national Specialized Operational Support and Cyber branches to process the dossier

164. The **Respondent**'s attempt to obfuscate this admission beneath the guise of a "routine thorough search." The state is legally prohibited from simultaneously asserting that a file is a mundane municipal matter while actively deploying its highest echelon of federal cyber-infrastructure to interrogate it. The **Respondent** is bound by the contradiction within its own administrative template.

VOLUME #5: CONCLUSION

I. THE TACTICAL AVOIDANCE OF PARAGRAPH 22(1)(A) AND THE UNMET BURDEN UNDER PARAGRAPH 22(1)(B)

165. The deliberate non-reliance by the **Respondent** upon *paragraph 22(1)(a)* of the *Privacy Act* represents a fatal strategic and legal error. Had the **Respondent** relied upon *paragraph 22(1)(a)* of the *Privacy Act*, it would have been inextricably compelled to demonstrate that the personal information was obtained or prepared by a specified investigative body in the course of a lawful investigation.

166. Instead, by retreating to the generalized, harm-based exemption articulated within *paragraph 22(1)(b)* of the *Privacy Act*, the **Respondent** must satisfy a rigorous and elevated evidentiary threshold. It must substantiate, with compelling exactitude, that disclosure "could reasonably be expected to be injurious to the enforcement of any law of Canada... or the conduct of lawful investigations." The established jurisprudence of this Honourable Court emphatically dictates that "injury" under *paragraph 22(1)(b)* of the *Privacy Act* cannot be established by

mere speculation, boilerplate assertions, or administrative trepidation. The **Respondent** has effectively cornered itself: it has invoked an exemption necessitating clear, convincing, and objective evidence of harm to state operations, an evidentiary burden it is fundamentally incapable of discharging in relation to historical system transaction logs (the "**System Transaction Logs**") and metadata.

II. THE HIGH THRESHOLD OF "INJURY TO THE ENFORCEMENT OF LAW" AND THE RULE OF LAW

167. Far from inflicting injury upon the administration of justice, the disclosure of the requested foundational metadata (the "**Foundational Metadata**"), the aforementioned System Transaction Logs, and the offline historical data residing within the Canadian Police Information Centre (the "**Canadian Police Information Centre**") is absolutely indispensable to the preservation of the rule of law.

168. It is precisely the non-disclosure, withholding, or retroactive purging of audit trails and system metadata that profoundly threatens the integrity of both the *Privacy Act* and the *Criminal Code*. System logs operate as the primary and incorruptible mechanism by which state accountability and data integrity are forensically verified.

169. *Paragraph 22(1)(b)* of the *Privacy Act* cannot be improperly weaponized as an impenetrable shield to preclude the discovery of administrative malfeasance, unlawful data retention, or procedural non-compliance. The "injury" contemplated by Parliament is exclusively an injury to lawful law enforcement operations, not the exposure of systemic administrative deviations, fraudulent record manipulations, or the intentional evasion of statutory purging requirements.

III. THE TEMPORAL CEILING OF INVESTIGATIVE EXEMPTIONS AND THE IMPACT OF R. V. JORDAN

170. Records maintained within the Canadian Police Information Centre are fundamentally transactional in their legal character; they memorialize the administrative execution of legal process (for instance, the lodging, modification, or cancellation of a warrant). Once a legal process is completed, executed, or rendered legally defunct, it immediately loses any active investigative character.

171. In the present matter, the underlying proceedings are unequivocally stale-dated, having comfortably and substantially exceeded the presumptive constitutional ceilings promulgated in *R. v. Jordan, [2016] 1 S.C.R. 631*. Where an investigation is legally deceased, irrevocably inactive, or barred from prosecution by the constitutional effluxion of time, the **Respondent** cannot legitimately posit that the disclosure of transactional metadata relates to an active or ongoing investigation.

172. Furthermore, the disclosure of metadata pertaining to a concluded or non-existent matter cannot logically precipitate "injury" to an investigative process that lacks legal vitality. As famously articulated by Lord Denning in *MacFoy v. United Africa Co. Ltd., [1961] 3 All E.R. 1169 (P.C.)*, an act that is void is an absolute nullity; one cannot put something on nothing and expect it to stand, for something on nothing remains nothing.

173. To the extent that it could ever be suggested a valid criminal proceeding existed (namely, a properly constructed arrest warrant, even one ostensibly issued orally), there was not, at law, a valid criminal prosecution (the "**Criminal Prosecution**"). The factual reality that numerous hearings were attended, culminating in an order dismissing the frivolous and meritless charge predicated upon a non-informant within a fabricated information package (the "**False Information Package**"), is indisputable. However, as a matter of strict legal classification, the entire apparatus was void *ab initio* from the precise temporal moment the False Information Package was filed. The contravention of strict statutory dictates mandates that such actions be classified as an absolute nullity rather than a mere procedural irregularity.

IV. THE FALLACY OF INFORMANT PRIVILEGE IN RELATION TO PUBLIC COURT RECORDS AND METADATA

174. The **Respondent** endeavours to improperly conflate the identity of a confidential informant—who is traditionally safeguarded by the near-absolute evidentiary shield of informer privilege—with the identity of a

complainant or a swearing officer executing a form 2 information (the "**Form 2 Information**") pursuant to the *Criminal Code*. This constitutes a profound and fatal legal error.

175. Firstly, upon the issuance of legal process or the execution of an arrest, a Form 2 Information is instantaneously transmuted into a public court record. The identity of the informant contained therein is rendered unequivocally public as an inextricable function of constitutional open court principles.

176. Secondly, the specific metadata requested—encompassing originating agency identifier codes (the "**Originating Agency Identifier**"), issuing court locations, judicial officer identities, and system identification numbers (the "**System Identification Numbers**")—contains absolutely no identifying information concerning legitimately confidential informants.

177. The **Respondent**'s strategic contortion of *paragraph 22(1)(b)(ii)* of the *Privacy Act* to encompass non-identifying, ministerial court metadata represents an impermissible and *ultra vires* expansion of the confidential source exemption, a proposition that is wholly unsupported by the statutory text or established common law principles.

V. ULTRA VIRES CONDUCT, FRAUDULENT MANIPULATION, AND THE LIMITS OF "LAWFUL INVESTIGATIONS"

178. The doctrine of the indivisibility of the Crown, as elucidated in *Benedict v. Ontario (2000), 51 O.R. (3d) 147 (C.A.)*, dictates that the state cannot act in a fractured or divided capacity. The state is legally precluded from claiming the benefits of statutory protections while its agents simultaneously act in direct, deliberate contravention of the law.

179. The existence of a "lawful investigation" operates as a strict, unyielding condition precedent to the application of any exemption enumerated under *subsection 22(1)* of the *Privacy Act*. State action that is birthed from bad faith, systemic fraud, or the deliberate, calculated manipulation of institutional records is *ultra vires* and void *ab initio*.

180. Just as criminal misconduct perpetrated by an individual officer operating under the colour of authority can never be shielded under the guise of "law enforcement and investigation," institutional acts of record manipulation or the compilation of a False Information Package cannot, under any legal fiction, be characterized as a "lawful investigation."

181. To hold otherwise would establish a perilous precedent, permitting the state to invoke statutory privacy exemptions to conceal its own unlawful conduct—a consequence that is profoundly offensive to the principles of fundamental justice, equitable doctrines, and the explicit statutory architecture of the *Privacy Act*.

VI. THE JURISDICTIONAL LEGERDEMAIN: SECTION 19(1)(D) AND THE CENTRAL REGION METAMORPHOSIS

182. In a manifest attempt to orchestrate a sophisticated statutory evasion, the **Respondent** has invoked *paragraph 19(1)(d)* of the *Privacy Act*, alleging that the foundational records constitute personal information obtained in confidence from the government of a province or an institution thereof. This invocation is a jurisprudential sleight-of-hand designed to obfuscate the internal structural metamorphosis of the Royal Canadian Mounted Police.

183. It is a matter of administrative record that the federal entity formerly designated as "O" Division has been systematically restructured into an integrated, multi-jurisdictional intelligence hub now operating as central region command (the "**Central Region**"). The invocation of *paragraph 19(1)(d)* of the *Privacy Act* is predicated upon a deliberate mischaracterization: treating the highly integrated Central Region infrastructure—which is fundamentally federal in its apex control—as an independent "provincial institution" merely because it synergizes with municipal or provincial entities.

184. The refusal to disclose the Originating Agency Identifier, the issuing court level, and the identity of the presiding judicial officer is not animated by a genuine desire to protect intergovernmental confidences. Rather, it is a calculated manoeuvre to prevent the forensic tracing of the data directly back to the executive suites of the Central Region, specifically the purview of the regional commander (the "**Regional Commander**").

185. The evidentiary record strongly supports the inference that the Regional Commander, acting as the multi-jurisdictional intermediary, ingested unverified data and uploaded it directly into the federal mainframe under police case identification number 457197 (the "**Police Case Identification Number**"). It is submitted that the immense institutional weight of the Regional Commander was utilized to bypass standard judicial scrutiny, allowing an irregular and fundamentally flawed authorization to be accepted on its face by the issuing justice.

186. *Nota Bene*: The **Respondent** may counter that the Central Region, by virtue of its joint-forces operations, functions *de facto* as a provincial entity for the purposes of *paragraph 19(1)(d)* of the *Privacy Act*. This argument is entirely devoid of merit and offends the doctrine of federal paramountcy. The Canadian Police Information Centre is a sovereign federal mainframe. The indivisibility of the Crown strictly precludes a federal institution from bifurcating its own hybrid command structure to artificially generate a "third-party" provincial shield where none exists at law. The data residing under the Police Case Identification Number is exclusively within the constructive possession and paramount control of the federal **Respondent**.

187. This structural obfuscation perfectly elucidates why the front-facing municipal police service was entirely incapable of producing a physical arrest warrant during the period of detention. The municipal constabulary was acting merely as the operational appendage for a data file generated, maintained, and entirely controlled within the Central Region infrastructure of the **Respondent**. The concealment of this reality through the misapplication of *paragraph 19(1)(d)* of the *Privacy Act* is *ultra vires* the **Respondent**'s statutory authority.

VII. THE APPLICATION OF EQUITABLE MAXIMS: FRAUD UPON THE LAW AND THE VITIATION OF ADMINISTRATIVE ACTS

188. The deliberate withholding of exculpatory system metadata and the invocation of inapplicable statutory exemptions must be scrutinized through the lens of established equitable maxims. As extensively catalogued in Herbert Broom's seminal treatise, *A Selection of Legal Maxims*, the foundational premise remains resolute: fraud is proved when it is demonstrated that a false representation has been made knowingly, without belief in its truth, or recklessly, careless as to whether it be true or false.

189. Where systemic administrative operations are executed with reckless disregard for statutory prerequisites, producing a False Information Package that results in unlawful deprivation of liberty, an honest belief in the truth of the state's actions is nullified. The motive of the state actor guilty of such reckless promulgation is rendered legally immaterial.

190. Furthermore, the equitable principle of fraudulent concealment forcefully applies to toll any procedural barriers. It has long been an axiom of equity that no length of time is a bar to relief in cases of fraud where there has been no laches on the part of the defrauded party. The maxim *nemo ex suo delicto meliorem suam conditionem facere potest* (no man can improve his condition by his own wrong) strictly precludes the **Respondent** from utilizing its own obfuscatory tactics—namely, hiding the Originating Agency Identifier and the Police Case Identification Number—to prevent the discovery of the underlying nullity.

191. The execution of legal process is bound by strict jealousy, designed to protect against fraud, collusion, and the resulting disgrace to the Crown and the administration of justice. The rule *necessitas quod cogit defendit* (necessity defends what it compels) cannot be invoked by the state when the "necessity" was entirely manufactured by its own creation of a False Information Package.

192. If an individual or an institutional entity, acting under colour of right or the colour of law, executes an illegal act or abuses the process of the court, transforming it into an instrument of oppression or extortion, such conduct constitutes a fraud upon the law. Consequently, the **Respondent** is strictly barred from availing itself of its own illegal acts.

193. It is an unassailable tenet of jurisprudence that fraud vitiates everything it touches (*fraud no doubt vitiates everything*). Where an administrative act or judicial authorization is procured through the reckless or intentional submission of a False Information Package, the resulting instrument is not merely tainted by irregularity; it is an absolute nullity, void *ab initio*, rendering the parties subject to the equitable restoration of the *status quo ante*.

194. The primary function of litigation, and indeed of the administrative tribunal process, is the untrammelled search for truth. Properly interpreted, privacy legislation is designed to promote, rather than hinder, that truth-seeking function. By deliberately refusing to execute a compliant search and by shielding the executive

machinations of the Central Region, the **Respondent** continues to perpetuate a fraud upon the tribunals, upon the law, and upon the administration of justice *in limine*.

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VIII. THE FIDUCIARY DUTY OF DISCLOSURE AND THE EQUITABLE INTEREST IN PERSONAL INFORMATION: THE APPLICATION OF MCINERNEY V. MACDONALD

195. The jurisprudence articulated by the Supreme Court of Canada in *McInerney v. MacDonald, [1992] 2 S.C.R. 138* governs the incontrovertible right of an individual to access personal information held by an institutional repository. The apex Court definitively ruled that information regarding oneself, revealed to or compiled by an institution acting in a professional capacity, remains, in a fundamental and immutable sense, the property of the individual.

196. While the **Respondent** may claim structural ownership of the physical and digital architecture comprising the Canadian Police Information Centre, it must be legally emphasized that the **Respondent** acts merely as a custodian of the personal information residing therein. The Supreme Court of Canada categorically established that the subject of the records possesses a trust-like beneficial interest (the "**Beneficial Interest**") in the substantive information itself. This equitable interest mandates that, as an unyielding general rule, the individual possesses a paramount right of access to the information, thereby imposing a corresponding obligation upon the institutional custodian to effectuate its immediate provision.

197. The relationship between the state as the repository of sensitive personal data and the individual to whom that data pertains is inextricably imbued with fiduciary obligations. A fiduciary duty (the "**Fiduciary Duty**") inherently demands that the institutional actor conduct itself with the utmost good faith, loyalty, and transparency. To deny an individual access to their own Foundational Metadata and System Transaction Logs constitutes a profound breach of this Fiduciary Duty, effectively utilizing the confidentiality mechanisms designed to protect the individual as a clandestine shield to facilitate improper institutional conduct.

198. Furthermore, the principles of equity demand a strict reciprocity of information. The necessity for state institutions to compile sensitive, highly private data concerning an individual must be counterbalanced by a corresponding openness and full disclosure to that selfsame individual. As noted in *McInerney v. MacDonald, [1992] 2 S.C.R. 138*, the systematic withholding of records profoundly undermines the structural integrity of the administrative system. If there has been improper conduct in the compilation or maintenance of the records—such as the reckless promulgation of a False Information Package—it is an imperative of justice that such deviations be illuminated rather than sequestered under the guise of an arbitrary statutory exemption.

199. Given the profound disparity in the evidentiary capacities of the parties, the Supreme Court of Canada explicitly mandated that the burden of proof rests entirely and exclusively upon the entity withholding the information. The onus falls squarely upon the **Respondent** to definitively justify any exception to the general rule of access. Such a denial cannot be predicated upon mere speculative administrative inconvenience or the abstract fear of subsequent litigation; it requires the demonstration of a significant likelihood of a substantial adverse effect, a threshold the **Respondent** has conspicuously failed to meet.

200. The **Respondent** possesses no unfettered discretion to arbitrarily deny access to the Originating Agency Identifier or the Police Case Identification Number. Such administrative discretion is heavily circumscribed and must be exercised upon proper equitable principles. Where the **Respondent** refuses a legitimate request for access, this Honourable Court is fundamentally empowered to exercise its superintending equitable jurisdiction, acting *in personam* to ensure the **Respondent** adheres strictly to its standard of conduct and is restrained from acting in a manner inconsistent with the applicant's Beneficial Interest.

201. Ultimately, the deliberate obfuscation of the System Transaction Logs to insulate the machinations of the Central Region and the Regional Commander is diametrically opposed to the fiducial qualities required of a state repository. Where systemic fraud upon the law is alleged, the principles enshrined in *McInerney v. MacDonald, [1992] 2 S.C.R. 138* forcefully compel the immediate unsealing and production of the underlying records, affirming the paramountcy of truth-seeking over the tactical evasion of institutional accountability.

202. But it all comes back to the same issue that the **Respondent** RCMP Tribunal admitted it did not search because of its misguided understanding of the law, as scary as it is, that the *Privacy Act* does not authorize the RCMP to search files OR disclose information belongings to other police forces.

203. The RCMP Tribunal did not rely on section 18 of the *Privacy Act* so none of the Personal Information sought by the Applicant in a PIB was exempt from searching. Moreover, the RCMP Tribunal did not rely on ss. 22(1)(a) at all or even 22(1)(a)(ii) which is required in relation for reliance on an exempt bank. This was and is fatal to the RCMP Tribunal with respect to its decision that it could not search for "files".

204. In relation to any and all Personal Information sought by the Applicant that was highly particularized as statutorily required (see: ss. 12(1)(b): under the control of a government institution with respect to which the individual is able to provide sufficiently specific information on the location of the information as to render it reasonably retrievable by the government institution), the RCMP Tribunal failed to search the CPIC database, as it admitted, for Foundational Metadata and Offline Historical Database in relation to the Applicant's Personal Information. The attached document to the April 27, 2026, decision or disposition of the Tribunal (RCMP), was not even within the spectrum of what would be produced in disclosing Foundational Metadata (i.e. the ORI; the issuing court level; the issuing court location; the name of the judicial officer; and the SID) and/or the Offline Historical Database for amended or purged originally input data including the likes of CLEAR, CANCEL, ADD, MODIFY et al type functions in relation to the Applicant's Personal Information. It is trite that metadata is information that can be Personal Information in relation to an individual.

205. The legal test for the transmission of materials pursuant to *Rule 317* of the *Federal Courts Rules* has been comprehensively and irrefutably satisfied. The requested material was demonstrably available to the administrative tribunal in question (see: *subsection 2(1)* of the *Federal Courts Act*) at the time but nonetheless it is in its possession at the time of this Rule 317 request:

   a. Relevant to the core issues on judicial review, specifically the abject failure of the **Respondent** to execute a reasonable, legally compliant search;
   b. In the possession (whether actual, constructive, or joint) of the **Respondent**, acting in its capacity as the paramount administrator of the Canadian Police Information Centre; and
   c. Not in the possession of the applicant.

206. As the Applicant did not include a specified request such as this in his Notice Of Application ("NOA") it is included hereunder pursuant to Rule 317(3) of the *Federal Courts Rules*.

All of which is respectfully requested by Mr. Kevin A. McLean (BA, JD, CIM)

DATED at Toronto, Ontario, this 18th day of May, 2026.

Mr. Kevin A. McLean (BA, JD, CIM)
Toronto, Ontario
Applicant, Self-Represented
mclean@searchandseizure.ca

APPENDICES

APPENDIX #1

Rule 317 of the Federal Courts Rules

317 (1) A party may request anything that is relevant to the application that is in the possession of a federal board, commission or other tribunal whose order is the subject of the application and that was not when the application was made in the possession of the party.

(2) The request shall be in Form 317.

(3) The request shall be served on the tribunal and on all other parties.

(4) A request under subsection (1) may be made at any time, but if it is made after the applicant has served its record under rule 309, the request may only be made with leave of the Court.

Rule 318 of the Federal Courts Rules

318 (1) Within 20 days after being served with a request under rule 317, the tribunal shall transmit (a) the original or a certified copy of the requested material to the registry, and (b) a copy of the material to the party who requested it or a written notification that the material is not in the possession of the tribunal.

(2) Where the tribunal or a party objects to a request under rule 317, the tribunal or party shall, within 20 days after being served with the request, serve on all other parties and file a written objection stating the grounds for the objection.

(3) The Court may, on motion, examine the material and order that the material, or a portion of it, be transmitted to the registry or returned to the tribunal.

APPENDIX #2:

The formal transformation of the RCMP's "O" Division into the **Federal Policing Central Region** was implemented between late **2023** and **2024**. [1, 2]

Timeline Breakdown:

- **Phase 1 (2022–2023):** The RCMP initiated a broader Federal Policing transformation plan. This included preliminary steps to decommission the old National Division and consolidate its units into Ontario's framework.
- **Phase 2 (October 2023):** Assistant Commissioner Matt Peggs was originally appointed as the Commanding Officer of "O" Division.
- **Phase 3 (2024):** As the organizational structure shifted away from traditional geographic divisions into specialized federal regions, "O" Division was officially rebranded as **Central Region**, with Peggs carrying over his leadership as the newly titled Regional Commander.

- Nothing past this line -

TAB 13

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

T-2448-26 / Federal Court - Decision / Décision - Cour fédérale - Kevin Alexander McLean v. Royal Canadian Mounted Police

1 message

CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca> Wed, Jun 24, 2026 at 1:19 PM
To: "mclean@searchandseizure.ca" <mclean@searchandseizure.ca>, "nick.continelli@justice.gc.ca" <nick.continelli@justice.gc.ca>, "jake.norris@justice.gc.ca" <jake.norris@justice.gc.ca>

FEDERAL COURT **COUR FÉDÉRALE**

Good day, Please find attached a true copy of the of the following document(s):		Bonjour, Veuillez trouver ci-joint une copie conforme du ou des document(s) suivant(s):
Judgment	☐	Jugement
Reasons for Judgment	☐	Motifs du jugement
Order	☐	Ordonnance
Reasons for Order	☐	Motifs de l'ordonnance
Direction(s)	☒	Directive(s)
Correction(s)	☐	Correction(s)
Rendered by the Court	Michael D. Crinson	Rendu(e)(s) par la Cour
	Title / Titre	
Dated	2026-06-24	Daté(e)(s)

If a certified copy of the above-noted decision is required, please advise and a copy will be forwarded to your attention by regular mail.

PLEASE CONFIRM RECEIPT OF THIS E-MAIL AND ATTACHED DOCUMENT(S), BY REPLY E-MAIL, WITHIN TWO (2) DAYS.

Anything sent to this e-mail address, other than confirmation of receipt of a decision, will not be considered as having been received by the Registry.

*Pursuant to section 20 of the Official Languages Act, any **final** decisions, orders and judgments, including any reasons given therefore, issued by the Federal Court are made available in both official languages simultaneously or one after the other. If a final decision is issued in one of the official languages and then, at the earliest possible time, in the other official language, a copy of the version in the other official language will be forwarded on request when it is available.*

Si une copie certifiée de la décision susmentionnée est requise, veuillez-nous en informer et une copie vous sera transmise par courrier régulier.

VEUILLEZ ACCUSER RÉCEPTION PAR COURRIEL, DANS LES DEUX (2) JOURS, DU PRÉSENT COURRIEL ET DES DOCUMENTS QUI Y SONT JOINTS.

Tout ce qui est envoyé à cette adresse courriel, autre que l'accusé de réception d'une décision, ne sera pas considéré comme ayant été reçu par le greffe.

*Conformément à l'article 20 de la Loi sur les langues officielles, les décisions, ordonnances et jugements **définitifs** - exposé des motifs compris - rendus par la Cour fédérale sont mis à la disposition du public dans les deux langues officielles soit simultanément ou une à la suite de l'autre. Si une décision définitive est rendue d'abord dans l'une des deux langues officielles, puis dans les meilleurs délais dans l'autre langue officielle, la copie de la*

version dans l'autre langue officielle sera transmise, sur demande, dès qu'elle sera disponible.

T-2448-26_24-JUN-2026.pdf
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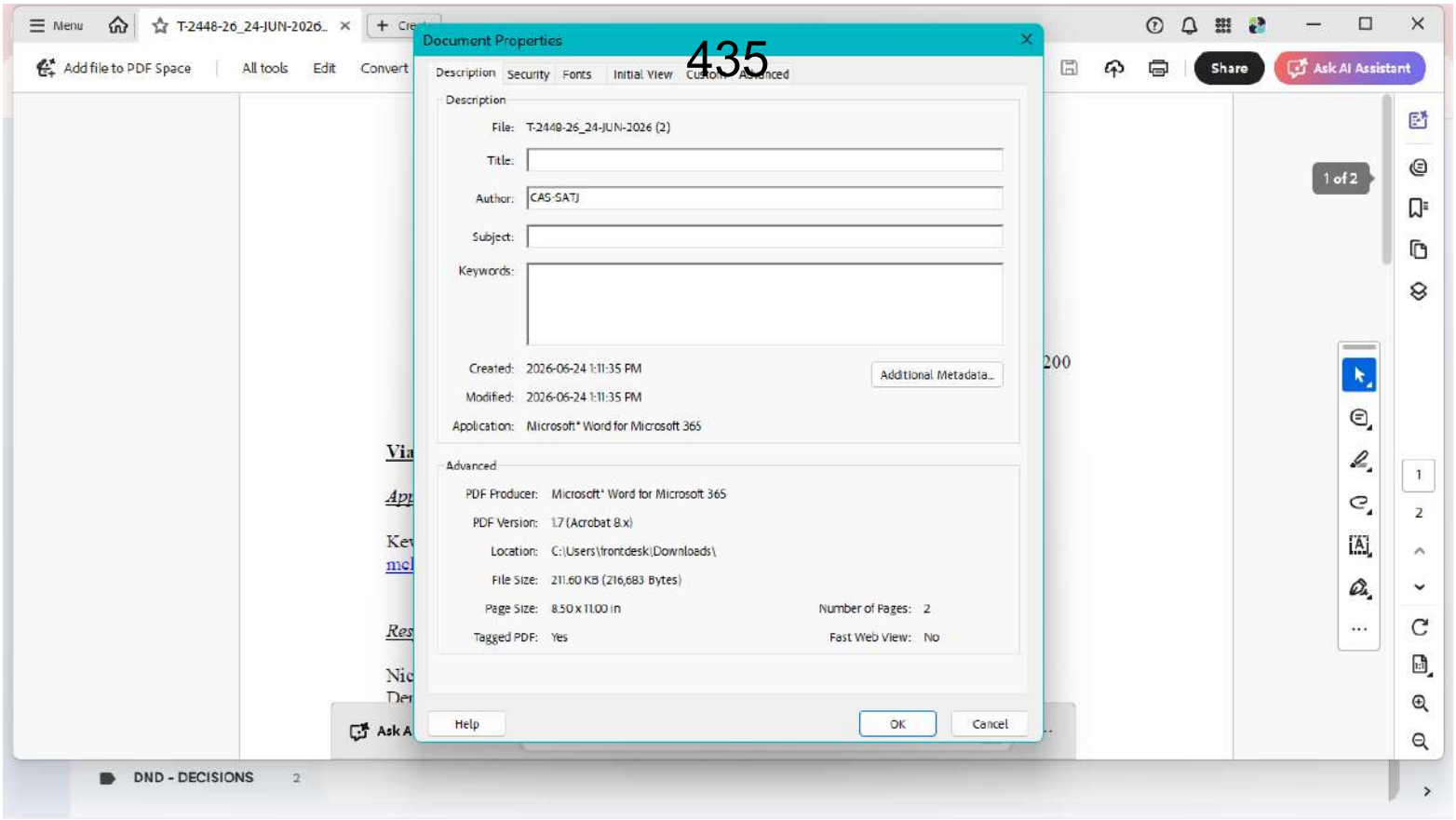
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DND - DECISIONS

Federal Court Cour fédérale

180 Queen St. W, Suite 200
Toronto, Ontario
M5V 3L6

Via email

Applicant:

Kevin Alexander McLean
mclean@searchandseizure.ca

Respondent:

Nick Continelli / Jake Norris
Department of Justice, Ontario Regional Office
nick.continelli@justice.gc.ca / jake.norris@justice.gc.ca

June 24, 2026

RE: T-2448-26 - Kevin Alexander McLean v. Royal Canadian Mounted Police

Please find below the Direction issued Associate Judge Crinson dated June 24, 2026:

"The following documents have been placed before me for directions under R.72:

Submitted June 3 – Letter dated June 3, 2026, Application Record and Memo of Fact and Law

Submitted June 19 – Letter dated June 19, 2026 and Requisition for Hearing

Submitted June 22 – Bill of Costs and Draft Decision

Submitted June 22 – Updated and Amended Application Record

Submitted June 22 – Letter dated June 22, 2026

Submitted June 23 – Letter dated June 23, 2026

The Notice of Appearance submitted by the Respondent on June 3, 2026 cannot be accepted for filing absent an Order granting an extension of time to file the Notice of Appearance. Pursuant to Rule 145 of the Federal Courts Rules the Applicant is not required to serve any further documents on the Respondent unless and until there is a properly filed Notice of Appearance. They are however required to file documents in a timely fashion. This means that any supporting affidavits were required to be filed, or proof of their service filed, by June 14, 2026. If the submitted Applicant's Record contains supporting affidavits that have not been previously filed it may not be accepted for filing until those affidavits have been filed.

The Applicant must comply with R.306 and file supporting affidavits before other steps in the proceeding may be taken, time for doing so is hereby extended to 30 days from the date of this direction. Subsequent documents are not accepted for filing until R.306 filing of the Applicant's supporting affidavits is complete.

This direction will also address the letter dated June 23 which identifies a hearing date of June 30. The Motion Record submitted under Rule 369 therefore will be determined in writing."

Regards,

Alice Prodan Gil
Senior Registry Officer

TAB 14

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

McLean v. RCMP - discovery of fresh evidence from Ms. Lam and Mr. Norris with his binding admissions et al - to be notarized affidavit attached

2 messages

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Fri, Jul 10, 2026 at 3:01 PM
To: nick.continelli@justice.gc.ca, jake.norris@justice.gc.ca, alaina.lam@justice.gc.ca
Cc: "Bakalakis, Christos" <Christos.Bakalakis@cas-satj.gc.ca>, "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>

Subject Matter Court File No. T-2448-26: Imperative Rectifications, Legal Rebuttals, and Fatal Admissions Concerning the Purported Notice of Appearance and Jurisdictional Definitions

A. INTRODUCTION AND PRELIMINARY OBSERVATIONS

1. The correspondence dated June 3, 2026, comprising a cover letter, a purported consent to an extension of time (the "**Consent**"), and an unfiled notice of appearance (the "**Notice of Appearance**"), was formally reviewed on July 10, 2026, subsequent to its exfiltration from high-level security protocols that had previously sequestered the communication.

2. Annexed hereto is an unnotarized iteration of the Affidavit. It is advanced that a duly commissioned and notarized iteration shall be transmitted immediately upon its execution, scanning, and formal filing with the Registry of the Federal Court of Canada (the "**Registry**").

3. A meticulous examination of the assertions contained within the June 3, 2026 correspondence reveals fundamental misapprehensions of established statutory frameworks, procedural maxims, and equitable doctrines. The positions advanced on behalf of the named respondents are, with respect, legally untenable and are hereby categorically rejected *in toto*.

4. It is a foundational principle of jurisprudence, eloquently distilled in Herbert Broom's *A Selection of Legal Maxims*, that *allegans contraria non est audiendus* (one who alleges contradictory things is not to be heard). The attempt to unilaterally alter the strategically named respondents absent an antecedent judicial order, whilst simultaneously presenting a draft order predicated upon the very proceedings purportedly deemed irregular, is inherently contradictory and must fail *in limine*.

B. THE FATAL ADMISSION OF SERVICE, DEFAULT STATUS, AND PROFESSIONAL RAMIFICATIONS

5. Within the aforementioned correspondence, an explicit admission was promulgated by legal counsel indicating that service upon the respondents was undeniably effected on May 19, 2026.

6. Such admissions proffered by a solicitor operating within the scope of their mandate are not merely evidentiary in nature; rather, they definitively dispose of the justiciable issue. Pursuant to the strict temporal parameters delineated within the *Federal Courts Rules*, the mandated ten-day period for the filing of responsive pleadings unequivocally lapsed on Friday, May 29, 2026.

7. The correspondence of June 3, 2026, wherein the Consent was actively solicited on behalf of the collectively styled respondents, unequivocally establishes the authority of Mr. Norris to legally bind all such parties. Furthermore, the explicit demand articulated within said correspondence that communications with non-respondent functionaries—specifically Assistant Commissioner Matt Peggs—be immediately ceased, incontrovertibly demonstrates the comprehensive nature of the representation and the respondents' acute awareness of the underlying substantive issues.

8. Consequently, the newly discovered documents exfiltrated on this date are deemed legally fatal to the respondents' position. The ex post facto submission advanced on June 3, 2026, absent an antecedent judicial order granting an extension of time, constitutes an egregious contravention of the *Federal Courts Rules*. The procedural posture was thereby cemented into a default status, governed by the maxim *vigilantibus non dormientibus jura subveniunt* (the laws aid those who are vigilant, not those who sleep upon their rights).

9. The record substantiates that a certificate of service was accepted for filing, fortifying the incontrovertible reality of the May 19, 2026 perfection of service, which stands wholly consistent with the explicit admissions of opposing counsel. It is posited that the professional ramifications of such an unmitigated admission of default by counsel are substantial. The realization that the temporal threshold for an extension of time to file a Notice of Appearance has irrevocably elapsed necessitates that legal counsel for the respondents immediately contact their professional liability insurer, as the admission permanently binds the respondents to the chronological reality of their delinquency.

C. THE JURISPRUDENTIAL THRESHOLD FOR TEMPORAL EXTENSIONS AND THE IMPOSSIBILITY OF RELIEF

10. An examination of the legal threshold required to obtain an extension of time to file a Notice of Appearance, as governed by Rule 8 of the *Federal Courts Rules* and established jurisprudence, reveals a stringent, conjunctive quadripartite test (the "**Extension Test**"). The burden rests squarely upon the moving party to demonstrate a continuing intention to pursue the matter, a reasonable explanation for the delay, an absence of prejudice to the opposing party, and an arguable case on the merits.

11. Given that a period of forty-three days has now elapsed subsequent to the absolute expiration of the mandated temporal limit on May 29, 2026, the delay is characterized as egregious and irremediable. The respondents cannot conceivably satisfy the foundational elements of the Extension Test.

12. As such, no discretionary relief or equitable intervention can salvage the respondents' default status at this exceedingly advanced juncture. Any endeavor to resurrect the respondents' standing, following a willful failure to abide by the prescribed temporal constraints, is subject to the most stratospheric of judicial thresholds, which remains definitively unmet.

13. It is definitively confirmed that no consent shall be proffered on behalf of the applicant for any temporal extension to facilitate the respondents' delinquency. Any judicial application seeking such equitable relief shall be vigorously opposed, accompanied by a stringent demand for costs. Furthermore, the purported endeavor to effectuate a change or substitution of the named respondents via mere amendment is legally vacuous. Pursuant to Rule 76 of the *Federal Courts Rules*, judicial leave to amend a party's name is strictly predicated upon the correction of a genuine mistake. It is categorically advanced that no such mistake was committed by the applicant; hence, the stratagem to unilaterally substitute the Attorney General of Canada is fundamentally flawed and procedurally impermissible.

D. STATUTORY CONSTRUCTION OF JURISDICTION, PREROGATIVE WRITS, AND THE CROWN LIABILITY AND PROCEEDINGS ACT

14. The assertion that the styling of the respondents contravenes the *Federal Courts Rules* is inherently flawed. This postulation relies upon a profound conflation of the vicarious liability of the Crown for damages in tort with the pursuit of specific equitable relief and prerogative writs against specific functionaries acting *ultra vires*.

15. An application for judicial review is not an orthodox civil action for damages. The specific, sweeping, and equitable remedies pursued herein are directed against individuals who, through overt actions or culpable silence—such as the purported non-search decisions orchestrated by Mr. Ball and the tacit acquiescence of Mr. Duheme—acted outside the protective veil of their authorized duties.

16. The argument positing that the Attorney General of Canada operates as the exclusive permissible respondent disregards the explicit bifurcated mechanisms provided within the *Crown Liability and Proceedings Act*. Under this legislative scheme, the liability of the federal Crown is strictly vicarious. Pursuant to Section 10 of the *Crown Liability and Proceedings Act*, no proceedings lie against the Crown unless the act or omission would have given rise to a cause of action against the servant directly.

17. Ergo, if an employee commits a rogue, unauthorized act that is entirely unrelated to their public service role, or operates outside the scope of their assigned duties, the Crown faces no liability. Responsibility remains solely with the individual actor. The Federal Crown cannot be held vicariously liable *per se* for actions that are profoundly *ultra vires*. Naming the specific actors is thus a jurisprudential imperative to prevent the circumvention of accountability, echoing the maxim *qui facit per alium facit per se* (he who acts through another acts himself), whilst acknowledging that intentional malfeasance severs the agency relationship.

18. The precision of the Application and the corresponding request pursuant to Rule 317 of the *Federal Courts Rules* are anchored immutably upon the intentional failure to search and the failure to consider. It is an irrefutable legal proposition that there exists no authorized duty or mandate for a public servant, such as Mr. Ball, to willfully *not* search for requested records. Consequently, the Federal Crown cannot incur vicarious liability for such rogue omissions, nor can it be held liable for the overarching delinquency exhibited by Mr. Duheme.

19. It must further be observed that the Head of the Institution, in the context of these proceedings, is entirely denuded of the qualified immunity statutorily afforded to functionaries such as the Privacy Commissioner under the legislative scheme of the *Privacy Act*. The pursuit of prerogative writs against these specific individuals remains the sole, appropriate jurisprudential avenue.

20. Furthermore, the Federal Court of Canada, in its administrative capacity, and the respondents herein, fall squarely within the definitional parameters established by Section 2 of the *Federal Courts Act*, which unequivocally dictates that a federal board, commission or other tribunal (the "**Federal Board**") is defined as:

    "...any body, person or persons having, exercising or purporting to exercise jurisdiction or powers conferred by or under an Act of Parliament or by or under an order made under a prerogative of the Crown, other than the Tax Court of Canada or any of its judges or associate judges, any such body constituted or established by or under a law of a province or any such person or persons appointed under or in accordance with a law of a province or under section 96 of the Constitution Act, 1867;"

21. The foundational inquiries persist: which specific order of the Crown is purportedly relied upon to exempt the respondents from this explicit statutory definition, considering the operational mechanisms of the Royal Canadian Mounted Police inherently constitute the exercise of jurisdiction conferred by an Act of Parliament?

E. FORENSIC INQUIRIES ARISING FROM THE DIRECTION OF ASSOCIATE JUDGE CRINSON

22. A forensic disaggregation of the procedural history necessitates a methodical inquiry into the *acta* (the "**Acta**") deposited with the registry on June 3, 2026. In a Direction dated June 24, 2026, Associate Judge Crinson astutely observed:

    "The Notice of Appearance submitted by the Respondent on June 3, 2026 cannot be accepted for filing absent an Order granting an extension of time to file the Notice of Appearance. Pursuant to Rule 145 of the Federal Courts Rules the Applicant is not required to serve any further documents on the Respondent unless and until there is a properly filed Notice of Appearance."

23. It is imperative to ascertain precisely what instruments were submitted for filing, and on whose explicit behalf, noting particularly the adjudicator's deliberate utilization of the singular noun "Respondent."

24. Was the June 3, 2026 correspondence, containing the fatal admission of perfected service, contemporaneously deposited with the Registry? It remains a matter of paramount importance to the integrity of the procedural record to ascertain definitively whether the cover letter—which was exclusively addressed to the applicant—was submitted for filing, and by whom such potential filing was executed.

25. If a Registry officer, specifically Mr. Tristan Mercieca, was apprised of the fact that the prescribed deadline had lapsed, and that no condition precedent had been satisfied, the fundamental nature of the procedural posture is irrevocably altered. An explicit demand is hereby formulated for the immediate provisioning of copies of all documents, correspondence, filing confirmation numbers, and subsequent responses from the Registry generated on or around June 3, 2026.

F. PROCEDURAL NULLITIES, ISSUE ESTOPPEL, AND THE DISPOSITION OF JUSTICE WHYTE NOWAK

26. Additional submissions shall be advanced detailing the unauthorized insertion of Justice Whyte Nowak into these proceedings on July 2, 2026, immediately following a statutory holiday.

27. The disposition rendered on that date reveals a profound failure to distinguish between the distinct procedural concepts of "filing," "issuance," "service," and "proof of service" as codified within the *Federal Courts Rules* and the *Federal Courts Act*. To postulate that an application was not properly filed—when the incontrovertible record demonstrates that it was filed, issued, served with an accepted certificate of service, and subsequently acknowledged via an express admission of service by opposing counsel—betrays a discernible deficiency in procedural expertise regarding the prevailing statutory frameworks.

28. It is further submitted that the dispositions and non-judgment decisions rendered by Associate Judge Crinson on June 24, 2026, are firmly insulated by the doctrine of issue estoppel (the "**Issue Estoppel**"). These are fundamental points of law. The subsequent disposition promulgated by Justice Whyte Nowak—whose historical legal representation of the Aga Khan is hereby noted for the formal record—cannot legally overtake, abrogate, or supersede the prior established judicial determinations.

29. The alleged defects cited on July 2, 2026, are entirely vitiated by the admissions promulgated by Mr. Norris, which operate to dispose of the issue entirely. This admission stands wholly consistent with the prior, lawfully accepted filings, further cementing the invalidity of the July 2, 2026 disposition.

G. RULE 72 CHRONOLOGY, COMPLIANCE MATTERS, AND FINAL ADJUDICATION

30. The procedural chronology warrants rigorous scrutiny under Rule 72 of the *Federal Courts Rules*. Pursuant to Rule 72(1) and (2), if a document submitted for filing is deemed to lack the fulfillment of conditions precedent, the Administrator is mandated to refer the document without delay to a judge or associate judge. The sequence wherein matters were purportedly adjudicated by Associate Judge Crinson on June 24, 2026, and subsequently, seemingly *de novo*, placed before Justice Whyte Nowak on July 2, 2026, presents an insurmountable procedural and logical schism. It is deduced that the requisite documents were not concurrently or sequentially referred in a lawful manner. The inescapable conclusion is that the July 2, 2026 disposition was the product of a rushed administrative maneuver wherein the desired ends improperly sought to justify the means.

31. A profound invitation for deep introspection is extended to Justice Whyte Nowak regarding conduct that skirts the precipice of contempt of established procedural maxims. Should circumstances compel the formulation of a formal complaint to the Canadian Judicial Council (the "**CJC Complaint**") to safeguard the public interest, the foundational issue of judicial competency—specifically, the failure to comprehend the rudimentary, codified distinctions between a document being "filed," "served," and "proof of service"—shall form the gravamen of the grievance.

32. The prospect of a sitting jurist lacking the capacity to distinguish such elemental concepts at the time of rendering a disposition is genuinely frightening for the public administration of justice, effectively vitiating any opportunity for subsequent procedural redemption. However, should a formal retraction and apology be promulgated by Justice Whyte Nowak acknowledging this unmitigated error, the matter may be deemed equitably resolved and closed.

33. Absent such remediation, every administrative or judicial directive flowing from the unauthorized and erroneous insertion of Justice Whyte Nowak is categorically classified as a nullity, void *ab initio*, and of absolutely no force or effect.

34. Consequently, the lawful dispositions rendered by Associate Judge Crinson remain singularly binding, establishing that no further service upon the delinquent respondents is required. Save for the discrete legal challenge advanced by the applicant regarding the necessity of filing affidavits against respondents who have willfully failed to file a Form 305, the procedural path is unequivocally cleared. The Requisition for Hearing is now capable of being filed without impediment. It is respectfully submitted that the entirety of this proceeding is fully ripe for final adjudication and disposition on Wednesday, subject only to the potential necessity of granting leave for supplemental submissions upon the anticipated receipt of the certified tribunal record (the "**Certified Tribunal Record**").

35. Should Mr. Norris' insurer need to be involved, he, she or it can contact me directly.

36. Other than the requirement of the RCMP to transmit the CTR to the Registry and myself, all other communications will be without service and notice of steps to the Respondents. Thankfully this was found and will be commissioned in short order theby, while a dispute intellectually between myself and AJ Mr. Crinson on these facts, the only affidavit that could have been required and an issue post commencement of this Proceeding in relation to Ms. Lam's provision of the email, cover letter, purported Notice of Apperance and proposed consent to extend time to file are all fatal to the Respondents albeit Mr. Norris representing that no communications can be made by me to Respondents and Reg Commander Mr. Peggs. Notably there was no denial that Reg Commander Mr. Peggs acted in a role as we found by forensic expert evidence with the worst falsification of a Criminal Code imput Information Package in Canadian history. I will be away from my email for the remainder of the afternon so I bid you adieu.

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

--
Best regards,

Mr. Kevin A. McLean (BA (MCL), JD, CIM)

Email: mclean@searchandseizure.ca
Phone: 647.370.9354
Fax: upon request

NOTA BENE: This email is for dispute resolution and litigation purposes only. Without prejudice communication so denoted invokes settlement privilege.

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Affidavit #1 of Mr Kevin A McLean - McLean v. RCMP et al - Applicant - 10-July-2026.pdf
3106K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Sat, Jul 11, 2026 at 4:52 PM
To: nick.continelli@justice.gc.ca, jake.norris@justice.gc.ca, alaina.lam@justice.gc.ca
Cc: "Bakalakis, Christos" <Christos.Bakalakis@cas-satj.gc.ca>, "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>

July 11, 2026

Style of Cause: McLean v. RCMP, Duheme, Bisson, and Ball
Court File No: T-2448-26
Sender: Mr. Kevin A. McLean (BA, JD, CIM)
Sender status: Applicant/Moving Party in three motions

Subject: enclosure of Affidavit #1 of Mr. Kevin A. McLean (BA, JD, CIM) in notarized form

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns

As promised, please find attached. A copy of the same will be filed in short order. Thank you.
[Quoted text hidden]

Affidavit #1 - McLean v. RCMP et al - Applicant - MCLEAN - Kevin - 11-July-2026 - FILED.pdf
6678K

FORM 80A - Rule 80

AFFIDAVIT

Court File No.: T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A. McLEAN

Applicant

and

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

Respondents

AFFIDAVIT #1 OF KEVIN A. MCLEAN

I, MR. **KEVIN A. McLEAN (BA, JD, CIM) (HE/HIM)**, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am the Applicant in this proceeding and, as such, have personal knowledge of the matters set out in this affidavit, except where stated to be based on information and belief, in which case I verily believe those matters to be true.
2. I make this affidavit in relation to the filing history, the alleged irregularities in relation to myself, and the subsequent procedural circumstances concerning the Requisition for Hearing of the Application, the Notice of Motion referred to herein as "NOM #1," and the documents and communications described below.
3. I identify the irregularities described herein as **alleged irregularities**. I also state that, in my view, the relevant

4. On **May 15, 2026**, I submitted my Notice of Application (Form 301) to the Federal Court Registry via online filing. On that date, the Registry **conditionally accepted** the Application for filing, and I paid the required filing fee of **$50.00**. I had and have no reversionary interest in said funds, and they have remained the unequivocal and unconditional property of the Federal Court of Canada.
5. Between **May 15 and May 19, 2026**, I had multiple interactions with the Registry concerning the Application and the accompanying Rule 317 Request. The Registry reviewed the Form 301, identified certain alleged irregularities which I respectfully disagreed per se, and directed me to correct them. I corrected the issues immediately and resubmitted the documents upon the next business day with no admission that the Federal Court of Canada registry was correct.
6. On **May 19, 2026**, the Registry **issued** the Application, assigned Court File No. T-2448-26, and accepted for filing: (a) my Rule 317 Request; and (b) my Certificate of Service confirming service of the Application on the Respondents.
7. The Certificate of Service filed May 20, 2026 was **accepted for filing** by the Registry. At no time did the Registry advise me that the Certificate of Service was defective, nor did the Registry reject it under Rule 72.
8. It was never raised as any issue in May or June 2026.
9. The interaction between myself and Mr. Mercieca was in relation to my "Requisition For Hearing – Application" and his position based on in my view, without castigation of him per se as I appreciate it was most unprecedented to have the RCMP, its Head, its RCMP ATIP Director General, and the individual responsible for the Non-Search Decision or "Refusal To Search Decision" in Mr. Jeff Baalal, not file the standard Notice of Appearances.
10. While I did not see the email as it was filtered to a non-mainframe viewing panel as per my high level security protocols as per that domain being connected to and its underlying body corporate being responsible for a litany of access point and security clearance for a bevy of going concern businesses in the fields of legal analysis,

11. The email thread itself only has the one email but I have included her as a safe sender for future reference.
12. If Ms. Alaina Lam is the same individual as Ms. Alaina Nicole Lam of which I have checked for the first time today in relation to her and there is a notation therein of her having surrendered her license within a year of having first being called as a paralegal. However, if that is the same individual, then perhaps my filter process with G Suite picked up on something in this regard. Nonetheless, it is now a moot issue.
13. I will be providing a copy of this affidavit to the Federal Court of Canada Registry forthwith upon completion and to the Respondents so that if they take any issue with the documents or claim lack of authenticity per se they can do so. However, they are, as I merely downloaded them as PDF's and converted the word document (the consent form under Rule 7) into PDF. I will take their silence as a further non-objection. I will then revert back to any previous thread without providing them with notice or service as I am entitled and they are prohibited from the same.
14. I remain of the view that the RCMP as the "Other Tribunal" has possession of the material sought but is intentionally refusing to transmit the same.

VOLUME #2: REQUISITION FOR HEARING INTERACTIONS

15. On **June 12, 2026**, I paid for and filed the Requisition for Hearing of the Application.
16. On **June 16, 2026**, I interacted with Mr. Mercieca of the Registry regarding the Requisition for Hearing.
17. I interacted with Mr. Mercieca again on **June 19, 2026**, and again toward the end of June 2026, including in relation to Ottawa and the same underlying matter.
18. I verily believe that if Mr. Mercieca had had the benefit of the document issued or made by Associate Judge Crinson dated **June 24, 2026**, the procedural posture may have been materially different.

VOLUME #3: JUNE 24 ASSOCIATE JUDGE MR. CRINSON DIRECTION

20. In my view, the Federal Court of Canada meets the relevant definition of a **Tribunal** for the purposes engaged by this proceeding, in that it is not the Tax Court of Canada and is a body that exercises, or purports to exercise, powers conferred by or under an Act of Parliament (see: definition under the FCA).
21. Although the Federal Court of Canada is not, at that level, a section 96 court of the Constitution Act, 1867, or judge in the same sense as a provincial superior court, I verily believe that it meets the applicable definition of tribunal for the purposes of the issues raised in this proceeding.
22. In light of the fresh evidence now available to me, it is my belief that, had Mr. Mercieca accepted the filings, this proceeding would have been heard on its merits together with NOM #1 in writing.
23. I further state that I used what I understood to be the correct forms for the filings in question.
24. Notwithstanding the foregoing, Mr. Mercieca's position appeared to be predicated on conditions precedent contained in a Federal Court policy document.
25. In my view, that policy document may be helpful as general guidance, but it is not itself the law and is not sufficiently precise as it relates to this proceeding.

VOLUME #4: JUNE 3 DOJ EMAIL, RULE 7 CONSENT, NOTICE OF APPEARANCE ET AL (READ TODAY BY THE APPLICANT IN REVIEWING ALL DOCUMENTATION FOR AFFIDAVIT AND ADDITIONAL SUBMISSIONS RELATING TO FRAUD, ISSUE ESTOPPPEL, ABUSE OF PROCESS AND INTEGRITY CONCERNS INVOLVING THAT OF JUSTICE WHYTE NOWAK

26. On **June 3, 2026**, I received an email from **Ms. Alaina Lam**, Legal Assistant, Litigation, Extradition & Advisory Division, Department of Justice Canada, Ontario Regional Office. The email enclosed three documents: (a) a cover letter from counsel for the Attorney General of Canada ("AGC"); (b) a **Rule 7 Consent to Extension of Time**; and (c) a **Notice of Appearance** signed by counsel for the AGC.

A true copy of the June 3, 2026 email and its attachments is attached hereto as **Exhibit "A"**.

20. In the June 3 cover letter, counsel for the AGC expressly stated that the AGC was "in receipt of your Notice of

22. The **Notice of Appearance**, signed June 3, 2026, confirms that the Respondents intended to appear in respect of this Application and treated the Application as properly commenced, properly served, and properly before the Court.

23. I verily believe that the documents described above help explain why the Respondents have remained silent in this regard.

24. It is my view that the Respondents have not demonstrated grounds entitling them to leave to file a Form 305 at a later date.

VOLUME #5: RULE 318 DEADLINE

25. Irrespective of the Respondents' failure, as I understand it, to file a Notice of Appearance within 10 days of service, I verily believe that the RCMP, as the tribunal for the purposes of the Rule 317 request, remained bound by **Rule 318** of the Federal Courts Rules.

26. I state that counsel for the Respondents was, to my knowledge and belief, on the scene as of June 3, 2026, and admitted service of the Respondents on the date on which they were served with electronic and hard copies of the relevant documents.

27. Accordingly, I verily believe that the Respondents and the tribunal were aware of the **20-day requirement under Rule 318** to either object to the Rule 317 request or transmit the certified tribunal record, and that the applicable deadline was **June 8, 2026**, being the Monday of the following week.

VOLUME #6: COUNSEL LOCATION AND DOCUMENT DELIVERY

28. I also note that two lawyers who, to my knowledge, are not counsel of record and do not have addresses for service in this proceeding, appear from the Law Society of Ontario directory to be located at **120 Adelaide Street West, Suite 400**.

31. It is unclear to me why counsel for the Respondents did not become engaged until Wednesday, June 3, 2026.
32. I do not speculate as to the reason for that timing, but I state that the delay and the surrounding chronology are matters I consider relevant to the procedural issues now before the Court.

VOLUME #7: JULY 2 DIRECTION

33. I am also challenging what I say is a **void ab initio** document or disposition of Justice Whyte Nowak dated **July 2, 2026**.
34. I note that Justice Whyte Nowak did not, in that document, refer to the June 24, 2026, document issued or made by Associate Judge Crinson.
35. It is unclear to me whether the absence of any such reference was accidental or deliberate.
36. However, I verily believe that the June 24, 2026 document ought to have been contained in the court file at the relevant time.
37. I verily believe that this fresh evidence constitutes grounds explaining why the Respondents did not seek to appeal the relevant order under Rule 51.
38. In particular, I believe the Respondents knew, or ought to have known, that they had no proper grounds to do so and that they would not be approaching the Court with clean hands.
39. I further believe that the Respondents knew, or ought to have known, that they were required to seek leave, including in light of the Rule 7 consent aspect referred to in the materials.
40. I have objected and continue to object to Justice Whyte Nowak being involved in this Proceeding on grounds of conflict, abuse of process, lack of independence and lack of impartiality. To the extent that I will need to particularize the same, I will do so under seal to respect various forms of privilege and confidentiality of others. However, the focus will be on her longstanding career with Ogilvy Renault later merged with Norton Roses Fullbright LLP.

interpretation. Certain individuals named in the style of cause, including Mr. Ball and Mr. Brisson, were named due to their delegated roles, statutory responsibilities, and the relief sought against them in relation to the underlying matters. In any event, this issue is now moot in light of the Respondents' acceptance of service and their subsequent conduct.

41. I further note that Mr. Norris did **not** seek any consent relating to parties or the style of cause. The only consent he sought was a **Rule 7 consent to file the Respondents' Notice of Appearance**. This confirms that the Respondents treated the Application as properly commenced, properly served, and properly before the Court.
42. I also note that Mr. Norris instructed me to "cease communications with Assistant Commissioner Matt Peggs," but did **not** state that Mr. Peggs was uninvolved in the matters underlying this proceeding. I verily believe that this omission constitutes a tacit acknowledgment that Mr. Peggs, as Regional Commander, was involved in the underlying matters and that the Respondents were aware of the issues raised in the Application.

VOLUME #9: RULE 134 ACCEPTANCE OF SERVICE

43. The June 3, 2026 cover letter from Mr. Norris constitutes an **acceptance of service under Rule 134** of the Federal Courts Rules. The letter is signed, dated, and expressly acknowledges receipt of the Notice of Application and confirms that "service upon the AGC [was] effected May 19, 2026."
44. Pursuant to Rule 134(d), an acceptance of service signed and dated by a party's solicitor constitutes **proof of service**. Accordingly, the June 3, 2026 letter is independent proof that service was properly effected and acknowledged, and that the Respondents were aware of the Application and the Rule 305 deadline.
45. I verily believe that this Rule 134 acceptance of service contradicts the July 2, 2026 Direction's conclusion that the Application was "not properly filed" due to alleged deficiencies in proof of service. The Respondents' own solicitor expressly confirmed service, thereby perfecting service and eliminating any alleged defect.

VOLUME #10: DISCOVERY OF EXHIBIT "A" TODAY

47. Exhibit "A" is six pages excluding the Exhibit "A" itself.

48. Upon reading Exhibit "A" for the first time, I was **astonished** to discover that the Respondents expressly admitted service effected on May 19, 2026, acknowledged receipt of the Application, and apparently attempted to file a Notice of Appearance. This admission is directly relevant to the procedural issues addressed in the Directions dated June 24 and July 2, 2026.

49. In my follow up submission by way of written representations, I provide legal analysis as to what constitutes an Order under the Federal Courts Rules along with issue estoppel et al.

50. I can provide **independent evidence** of the time at which I accessed and read Exhibit "A," including email metadata, system logs, and device timestamps, should the Court require confirmation of when I first became aware of these documents.

VOLUME #11: INTEGRITY OF THE RECORD

49. I make this affidavit to bring this fresh evidence to the forefront, to clarify the procedural record, and to assist the Court in understanding the chronology and context of the Directions issued June 24 and July 2, 2026.

50. I verily believe that the Respondents' acceptance of service under Rule 134 by one Mr. Jake Norris on a date with what I believe to be his signature, their attempt to file a Notice of Appearance, and their request for a Rule 7 extension materially affect the procedural posture of this proceeding.

51. While I have an intellectual dispute in light of the facts and the admission by Mr. Norris that the Respondents were served (so effected according to him on their behalf) on May 19, 2026, and their failure to file and serve Notices of Appearances within 10 days of May 19, 2026, which based on that admission by Mr. Norris (solicitor) with a date and signature would have required the filing of Notices of Appearances by May 29, 2026, which was a Friday.

52. I hereby reproduce for purposes of authenticity and security of the maker of the affidavit true copies of my

b. My Ontario driver's license (valid from 2024); and

c. My birth certificate from British Columbia.

Ontario

Driver's Licence
Permis de conduire

ON
CANADA

1,2 NAME/ NOM
MCLEAN,
KEVIN,ALEXANDER

8 410-775 KING ST W
TORONTO, ON, M5V 2K3

4d NUMBER/ NUMÉRO M1651 - 43318 - 30325

4a ISS/ DÉL. 2024/06/26

4b EXP/ EXP. 2029/03/25

5 DD/ RÉF. IC7664935

16 HGT/ HAUT. 188 cm

15 SEX/ SEXE M

9 CLASS/ CATÉG. G

M1651-43318-30325

1983/03/25

PASSPORT
PASSEPORT

CANADA

Type/Type
P

Issuing Country/Pays émetteur
CAN

Passport No./N° de passeport
AS384004

Surname/Nom
MCLEAN

Given names/Prénoms
KEVIN ALEXANDER

Nationality/Nationalité
CANADIAN/CANADIENNE

Date of birth/Date de naissance
25 MAR /MARS 83

Sex/Sexe
M

Place of birth/Lieu de naissance
VANCOUVER CAN

Date of issue/Date de délivrance
19 JUNE/JUIN 23

Date of expiry/Date d'expiration
19 JUNE/JUIN 33

Issuing Authority/Autorité de délivrance
TORONTO

P<CANMCLEAN<<KEVIN<ALEXANDER<<<<<<<<<<<<<<<<<<<<

AS384004<7CAN8303257M3306194<<<<<<<<<<<<<<<<<<08

BIRTH CERTIFICATE

Jack Shewchuk
Registrar General
Vital Statistics Agency

VITAL STATISTICS ACT
BRITISH COLUMBIA

Certified extract from
Registration of Birth
filed at Victoria, BC,
Canada.

VSA 434(14/08)

Surname	MCLEAN
Given Name(s)	KEVIN ALEXANDER
Date of Birth	MAR 25, 1983
Sex	MALE
Place of Birth	VANCOUVER
Registration Number	1983-59-018443
Date of Registration	JUL 04, 1983
Date of Issue	OCT 18, 2016
Name of Parent	MCLEAN, JUDY LILI ANNE
Birthplace of Parent	BRITISH COLUMBIA, CANADA
Name of Parent	NUGENT, JOHN ALLEN
Birthplace of Parent	ONTARIO, CANADA

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455

BIRTH
CERTIFICATE
BRITISH COLUMBIA
CANADA

53. I make this affidavit for no improper purpose.

SWORN BEFORE ME at the City of Toronto, Province of Ontario, this 11th day of July, 2026.

Commissioner for Taking Affidavits

Mr. Kevin A. McLean (BA, JD, CIM)

Narainsamy Naid Appasawmy
Licensed Paralegal & Notary Public
in and for the Province of Ontario.
My commission is of unlimited duration.
No legal advice given.

Mr. Narainsamy Naid Appasawmy
307 - 2045 Dufferin Street
York, ON M6E 3R4
Phone (647) 409-5442
info@kumar-the-paralegal.com

This is Exhibit "A" referred to in the Affidavit of Mr. Kevin A. McLean (BA, JD, CIM) sworn (or affirmed) before me at

Toronto, ON

this 10th day of July 20 26.

A Commissioner/Notary Public for the Province of Ontario

This is Exhibit A referred to in the affidavit (or statutory declaration) of Kevin A. McLean sworn (or affirmed or declared) before me this 11 day of July, 20 26

A Notary Public in and for the Province of Ontario

Narainsamy Naid Appasawmy
Licensed Paralegal & Notary Public
in and for the Province of Ontario.
My commission is of unlimited duration.
No legal advice given.

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

McLean v Royal Canadian Mounted Police et al. – Court File No.: T-2448-26

1 message

Lam, Alaina (she her elle la) <Alaina.Lam@justice.gc.ca> Wed, Jun 3, 2026 at 3:44 PM
To: "mclean@searchandseizure.ca" <mclean@searchandseizure.ca>
Cc: "Norris, Jake (he him il lui)" <Jake.Norris@justice.gc.ca>

Good afternoon,

Please see the attached documents: a letter to your attention, Respondent's Notice of Appearance, and Rule 7 Consent, which is served upon you pursuant to the *Federal Courts Rules*.

Kind regards,

Alaina Lam

Legal Assistant / Adjointe juridique

Litigation, Extradition & Advisory Division / la Division du contentieux, de l'extradition et du service consultatif

Ontario Regional Office / Bureau régional de l'Ontario

National Litigation Sector / Secteur national du contentieux

Department of Justice Canada / Ministère de la Justice Canada

Alaina.Lam@justice.gc.ca / T: 437-295-5093

Department of Justice Canada | Ministère de la Justice Canada

NOTICE OF CONFIDENTIALITY: The information contained in this e-mail and in all documents attached may be of a confidential nature. If you are not the intended recipient, please advise the sender and immediately destroy this message and all documents attached. Thank you.

AVIS DE CONFIDENTIALITÉ: L'information contenue dans ce courriel et dans tous documents annexés peut être de nature confidentielle. Si vous n'en êtes pas un destinataire désigné, veuillez en aviser l'émetteur et détruire immédiatement le message et tous documents annexés. Merci.

Consent - Rule 7 (T-2448-26).docx
17K

Department of Justice Canada
Ontario Regional Office
National Litigation Sector
120 Adelaide Street West
Toronto, ON M5H 1T1

Ministère de la Justice Canada
Bureau régional de l'Ontario
Secteur national du contentieux
120, rue Adelaide ouest
Toronto (Ontario) M5H 1T1

Telephone/Téléphone: (416) 347-6823
Fax /Télécopieur: (416) 453-5750
Email/Courriel: jake.norris@justice.gc.ca

Via Email: mclean@searchandseizure.ca

June 3, 2026

Kevin McLean
68 Abell Street
Toronto, ON M6J 0B1

Dear Mr. McLean,

Re: ***Kevin Alexander McLean v Royal Canadian Mounted Police et al.*** **–**
Court File No.: T-2448-26

I am counsel for the Attorney General of Canada ("AGC") in the above-noted proceeding, representing the Royal Canadian Mounted Police ("RCMP"). Please direct all correspondence to me and cease communications with Assistant Commissioner, Matt Peggs, and/or other represented parties within this proceeding.

Please be advised that I am not in a position to provide you with any legal advice. Should you require assistance in navigating this process, you may wish to consider retaining legal counsel. The Law Society of Ontario (www.lso.ca) and Legal Aid Ontario (www.legalaid.on.ca) may offer resources to assist you should you seek legal representation.

The AGC is in receipt of your Notice of Application dated May 15, 2026 (service upon the AGC effected May 19, 2026). Please find enclosed the AGC's Notice of Appearance and Rule 7 Consent to Extension of Time for filing. If you agree to this extension of time, please return a signed copy which I shall file with the Court.

In your Notice of Application, you have named the RCMP et al. as the tribunal in respect of which the application is brought. It is contrary to Rule 303(1) of the *Federal Courts Rules* to have named them as respondents. To regularize the proceeding, I also ask that you take steps to amend the style of cause in the Notice of Application to reflect the AGC as the proper respondent, pursuant to Rule 303(2) of the *Federal Courts Rules.*

Sincerely,

T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN ALEXANDER MCLEAN

Applicant

and

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

Respondents

CONSENT TO AN EXTENSION OF TIME
(Rule 7)

Pursuant to Rule 7 of the *Federal Courts Rules*, the parties hereby consent to an extension of time until June 3, 2026 for service of the Respondent's Notice of Appearance, pursuant to Rule 305 of the *Federal Courts Rules*.

Dated June 3, 2026

ATTORNEY GENERAL OF CANADA

Ontario Regional Office
National Litigation Sector
120 Adelaide Street West, Suite 400
Toronto, ON M5H 1T1

Per: Jake Norris, LSO# 89466J
Telephone: 416-347-6823

Dated June __, 2026

KEVIN MCLEAN

68 Abell Street
Toronto, ON M6J 0B1
Email: mclean@searchandseizure.ca

Applicant in-person

T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A MCLEAN

Applicant

and

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

Respondents

NOTICE OF APPEARANCE

The Attorney General of Canada, improperly named as the Royal Canadian Mounted Police et al., intends to appear in respect of this application.

June 3, 2026

ATTORNEY GENERAL OF CANADA
Department of Justice
Ontario Regional Office
120 Adelaide Street West
Suite 400
Toronto, Ontario
M5H 1T1
Fax: (416) 954-8982

Per: **Jake Norris**
LSO #89466J
Tel: (416) 347-6823
E-mail: Jake.Norris@justice.gc.ca

TO: **FEDERAL COURT**
180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

AND TO: **KEVIN MCLEAN**
68 Abell Street
Toronto, ON M6J 0B1
mclean@searchandseizure.ca

Applicant in-person

TAB 15

FAX COVER SHEET — VOLUME 1 OF 2

Court File No.: T-2448-26 McLean v. RCMP et al.

TO: Federal Court of Canada Registry – Toronto Office Fax: **(416) 954-8982** 180 Queen Street West Suite 200 Toronto, ON M5V 3L6

FROM: Mr. Kevin A. McLean (BA, JD, CIM) 68 Abell Street Toronto, ON M6J 0B1 Tel: (647) 409-5442 Email: mclean@searchandseizure.ca

DATE OF TRANSMISSION: July 11, 2026

TOTAL NUMBER OF PAGES: 20 pages (including this cover sheet)

SENDER'S FAX AND PHONE NUMBER IN THE EVENT OF ANY ISSUES:

Fax: 416.981.7117
Phone number: 647.370.9354

CONTACT PERSON IN EVENT OF TRANSMISSION PROBLEM: Mr. Kevin A. McLean Tel: (647) 409-5442

RE: Affidavit #1 of Mr. Kevin A. McLean — Volume 1 of 2 Pages 1 19

NOTES: Filed pursuant to Rule 71(3) of the Federal Courts Rules.

FORM 80A - Rule 80

AFFIDAVIT

Court File No.: T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A. McLEAN

Applicant

and

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

Respondents

AFFIDAVIT #1 OF KEVIN A. MCLEAN

I, MR. **KEVIN A. McLEAN (BA, JD, CIM) (HE/HIM)**, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am the Applicant in this proceeding and, as such, have personal knowledge of the matters set out in this affidavit, except where stated to be based on information and belief, in which case I verily believe those matters to be true.
2. I make this affidavit in relation to the filing history, the alleged irregularities in relation to myself, and the subsequent procedural circumstances concerning the Requisition for Hearing of the Application, the Notice of Motion referred to herein as "NOM #1," and the documents and communications described below.
3. I identify the irregularities described herein as **alleged irregularities**. I also state that, in my view, the relevant

4. On **May 15, 2026**, I submitted my Notice of Application (Form 301) to the Federal Court Registry via online filing. On that date, the Registry **conditionally accepted** the Application for filing, and I paid the required filing fee of **$50.00**. I had and have no reversionary interest in said funds, and they have remained the unequivocal and unconditional property of the Federal Court of Canada.
5. Between **May 15 and May 19, 2026**, I had multiple interactions with the Registry concerning the Application and the accompanying Rule 317 Request. The Registry reviewed the Form 301, identified certain alleged irregularities which I respectfully disagreed per se, and directed me to correct them. I corrected the issues immediately and resubmitted the documents upon the next business day with no admission that the Federal Court of Canada registry was correct.
6. On **May 19, 2026**, the Registry **issued** the Application, assigned Court File No. T-2448-26, and accepted for filing: (a) my Rule 317 Request; and (b) my Certificate of Service confirming service of the Application on the Respondents.
7. The Certificate of Service filed May 20, 2026 was **accepted for filing** by the Registry. At no time did the Registry advise me that the Certificate of Service was defective, nor did the Registry reject it under Rule 72.
8. It was never raised as any issue in May or June 2026.
9. The interaction between myself and Mr. Mercieca was in relation to my "Requisition For Hearing – Application" and his position based on in my view, without castigation of him per se as I appreciate it was most unprecedented to have the RCMP, its Head, its RCMP ATIP Director General, and the individual responsible for the Non-Search Decision or "Refusal To Search Decision" in Mr. Jeff Baalal, not file the standard Notice of Appearances.
10. While I did not see the email as it was filtered to a non-mainframe viewing panel as per my high level security protocols as per that domain being connected to and its underlying body corporate being responsible for a litany of access point and security clearance for a bevy of going concern businesses in the fields of legal analysis,

11. The email thread itself only has the one email but I have included her as a safe sender for future reference.

12. If Ms. Alaina Lam is the same individual as Ms. Alaina Nicole Lam of which I have checked for the first time today in relation to her and there is a notation therein of her having surrendered her license within a year of having first being called as a paralegal. However, if that is the same individual, then perhaps my filter process with G Suite picked up on something in this regard. Nonetheless, it is now a moot issue.

13. I will be providing a copy of this affidavit to the Federal Court of Canada Registry forthwith upon completion and to the Respondents so that if they take any issue with the documents or claim lack of authenticity per se they can do so. However, they are, as I merely downloaded them as PDF's and converted the word document (the consent form under Rule 7) into PDF. I will take their silence as a further non-objection. I will then revert back to any previous thread without providing them with notice or service as I am entitled and they are prohibited from the same.

14. I remain of the view that the RCMP as the "Other Tribunal" has possession of the material sought but is intentionally refusing to transmit the same.

VOLUME #2: REQUISITION FOR HEARING INTERACTIONS

15. On **June 12, 2026**, I paid for and filed the Requisition for Hearing of the Application.

16. On **June 16, 2026**, I interacted with Mr. Mercieca of the Registry regarding the Requisition for Hearing.

17. I interacted with Mr. Mercieca again on **June 19, 2026**, and again toward the end of June 2026, including in relation to Ottawa and the same underlying matter.

18. I verily believe that if Mr. Mercieca had had the benefit of the document issued or made by Associate Judge Crinson dated **June 24, 2026**, the procedural posture may have been materially different.

VOLUME #3: JUNE 24 ASSOCIATE JUDGE MR. CRINSON DIRECTION

20. In my view, the Federal Court of Canada meets the relevant definition of a **Tribunal** for the purposes engaged by this proceeding, in that it is not the Tax Court of Canada and is a body that exercises, or purports to exercise, powers conferred by or under an Act of Parliament (see: definition under the FCA).

21. Although the Federal Court of Canada is not, at that level, a section 96 court of the Constitution Act, 1867, or judge in the same sense as a provincial superior court, I verily believe that it meets the applicable definition of tribunal for the purposes of the issues raised in this proceeding.

22. In light of the fresh evidence now available to me, it is my belief that, had Mr. Mercieca accepted the filings, this proceeding would have been heard on its merits together with NOM #1 in writing.

23. I further state that I used what I understood to be the correct forms for the filings in question.

24. Notwithstanding the foregoing, Mr. Mercieca's position appeared to be predicated on conditions precedent contained in a Federal Court policy document.

25. In my view, that policy document may be helpful as general guidance, but it is not itself the law and is not sufficiently precise as it relates to this proceeding.

VOLUME #4: JUNE 3 DOJ EMAIL, RULE 7 CONSENT, NOTICE OF APPEARANCE ET AL (READ TODAY BY THE APPLICANT IN REVIEWING ALL DOCUMENTATION FOR AFFIDAVIT AND ADDITIONAL SUBMISSIONS RELATING TO FRAUD, ISSUE ESTOPPPEL, ABUSE OF PROCESS AND INTEGRITY CONCERNS INVOLVING THAT OF JUSTICE WHYTE NOWAK

26. On **June 3, 2026**, I received an email from **Ms. Alaina Lam**, Legal Assistant, Litigation, Extradition & Advisory Division, Department of Justice Canada, Ontario Regional Office. The email enclosed three documents: (a) a cover letter from counsel for the Attorney General of Canada ("AGC"); (b) a **Rule 7 Consent to Extension of Time**; and (c) a **Notice of Appearance** signed by counsel for the AGC.

A true copy of the June 3, 2026 email and its attachments is attached hereto as **Exhibit "A"**.

20. In the June 3 cover letter, counsel for the AGC expressly stated that the AGC was "in receipt of your Notice of

22. The **Notice of Appearance**, signed June 3, 2026, confirms that the Respondents intended to appear in respect of this Application and treated the Application as properly commenced, properly served, and properly before the Court.

23. I verily believe that the documents described above help explain why the Respondents have remained silent in this regard.

24. It is my view that the Respondents have not demonstrated grounds entitling them to leave to file a Form 305 at a later date.

VOLUME #5: RULE 318 DEADLINE

25. Irrespective of the Respondents' failure, as I understand it, to file a Notice of Appearance within 10 days of service, I verily believe that the RCMP, as the tribunal for the purposes of the Rule 317 request, remained bound by **Rule 318** of the Federal Courts Rules.

26. I state that counsel for the Respondents was, to my knowledge and belief, on the scene as of June 3, 2026, and admitted service of the Respondents on the date on which they were served with electronic and hard copies of the relevant documents.

27. Accordingly, I verily believe that the Respondents and the tribunal were aware of the **20-day requirement under Rule 318** to either object to the Rule 317 request or transmit the certified tribunal record, and that the applicable deadline was **June 8, 2026**, being the Monday of the following week.

VOLUME #6: COUNSEL LOCATION AND DOCUMENT DELIVERY

28. I also note that two lawyers who, to my knowledge, are not counsel of record and do not have addresses for service in this proceeding, appear from the Law Society of Ontario directory to be located at **120 Adelaide Street West, Suite 400**.

31. It is unclear to me why counsel for the Respondents did not become engaged until Wednesday, June 3, 2026.

32. I do not speculate as to the reason for that timing, but I state that the delay and the surrounding chronology are matters I consider relevant to the procedural issues now before the Court.

VOLUME #7: JULY 2 DIRECTION

33. I am also challenging what I say is a **void ab initio** document or disposition of Justice Whyte Nowak dated **July 2, 2026**.

34. I note that Justice Whyte Nowak did not, in that document, refer to the June 24, 2026, document issued or made by Associate Judge Crinson.

35. It is unclear to me whether the absence of any such reference was accidental or deliberate.

36. However, I verily believe that the June 24, 2026 document ought to have been contained in the court file at the relevant time.

37. I verily believe that this fresh evidence constitutes grounds explaining why the Respondents did not seek to appeal the relevant order under Rule 51.

38. In particular, I believe the Respondents knew, or ought to have known, that they had no proper grounds to do so and that they would not be approaching the Court with clean hands.

39. I further believe that the Respondents knew, or ought to have known, that they were required to seek leave, including in light of the Rule 7 consent aspect referred to in the materials.

40. I have objected and continue to object to Justice Whyte Nowak being involved in this Proceeding on grounds of conflict, abuse of process, lack of independence and lack of impartiality. To the extent that I will need to particularize the same, I will do so under seal to respect various forms of privilege and confidentiality of others. However, the focus will be on her longstanding career with Ogilvy Renault later merged with Norton Roses Fullbright LLP.

interpretation. Certain individuals named in the style of cause, including Mr. Ball and Mr. Brisson, were named due to their delegated roles, statutory responsibilities, and the relief sought against them in relation to the underlying matters. In any event, this issue is now moot in light of the Respondents' acceptance of service and their subsequent conduct.

41. I further note that Mr. Norris did **not** seek any consent relating to parties or the style of cause. The only consent he sought was a **Rule 7 consent to file the Respondents' Notice of Appearance**. This confirms that the Respondents treated the Application as properly commenced, properly served, and properly before the Court.

42. I also note that Mr. Norris instructed me to "cease communications with Assistant Commissioner Matt Peggs," but did **not** state that Mr. Peggs was uninvolved in the matters underlying this proceeding. I verily believe that this omission constitutes a tacit acknowledgment that Mr. Peggs, as Regional Commander, was involved in the underlying matters and that the Respondents were aware of the issues raised in the Application.

VOLUME #9: RULE 134 ACCEPTANCE OF SERVICE

43. The June 3, 2026 cover letter from Mr. Norris constitutes an **acceptance of service under Rule 134** of the Federal Courts Rules. The letter is signed, dated, and expressly acknowledges receipt of the Notice of Application and confirms that "service upon the AGC [was] effected May 19, 2026."

44. Pursuant to Rule 134(d), an acceptance of service signed and dated by a party's solicitor constitutes **proof of service**. Accordingly, the June 3, 2026 letter is independent proof that service was properly effected and acknowledged, and that the Respondents were aware of the Application and the Rule 305 deadline.

45. I verily believe that this Rule 134 acceptance of service contradicts the July 2, 2026 Direction's conclusion that the Application was "not properly filed" due to alleged deficiencies in proof of service. The Respondents' own solicitor expressly confirmed service, thereby perfecting service and eliminating any alleged defect.

VOLUME #10: DISCOVERY OF EXHIBIT "A" TODAY

47. Exhibit "A" is six pages excluding the Exhibit "A" itself.

48. Upon reading Exhibit "A" for the first time, I was **astonished** to discover that the Respondents expressly admitted service effected on May 19, 2026, acknowledged receipt of the Application, and apparently attempted to file a Notice of Appearance. This admission is directly relevant to the procedural issues addressed in the Directions dated June 24 and July 2, 2026.

49. In my follow up submission by way of written representations, I provide legal analysis as to what constitutes an Order under the Federal Courts Rules along with issue estoppel et al.

50. I can provide **independent evidence** of the time at which I accessed and read Exhibit "A," including email metadata, system logs, and device timestamps, should the Court require confirmation of when I first became aware of these documents.

VOLUME #11: INTEGRITY OF THE RECORD

49. I make this affidavit to bring this fresh evidence to the forefront, to clarify the procedural record, and to assist the Court in understanding the chronology and context of the Directions issued June 24 and July 2, 2026.

50. I verily believe that the Respondents' acceptance of service under Rule 134 by one Mr. Jake Norris on a date with what I believe to be his signature, their attempt to file a Notice of Appearance, and their request for a Rule 7 extension materially affect the procedural posture of this proceeding.

51. While I have an intellectual dispute in light of the facts and the admission by Mr. Norris that the Respondents were served (so effected according to him on their behalf) on May 19, 2026, and their failure to file and serve Notices of Appearances within 10 days of May 19, 2026, which based on that admission by Mr. Norris (solicitor) with a date and signature would have required the filing of Notices of Appearances by May 29, 2026, which was a Friday.

52. I hereby reproduce for purposes of authenticity and security of the maker of the affidavit true copies of my

b. My Ontario driver's license (valid from 2024); and

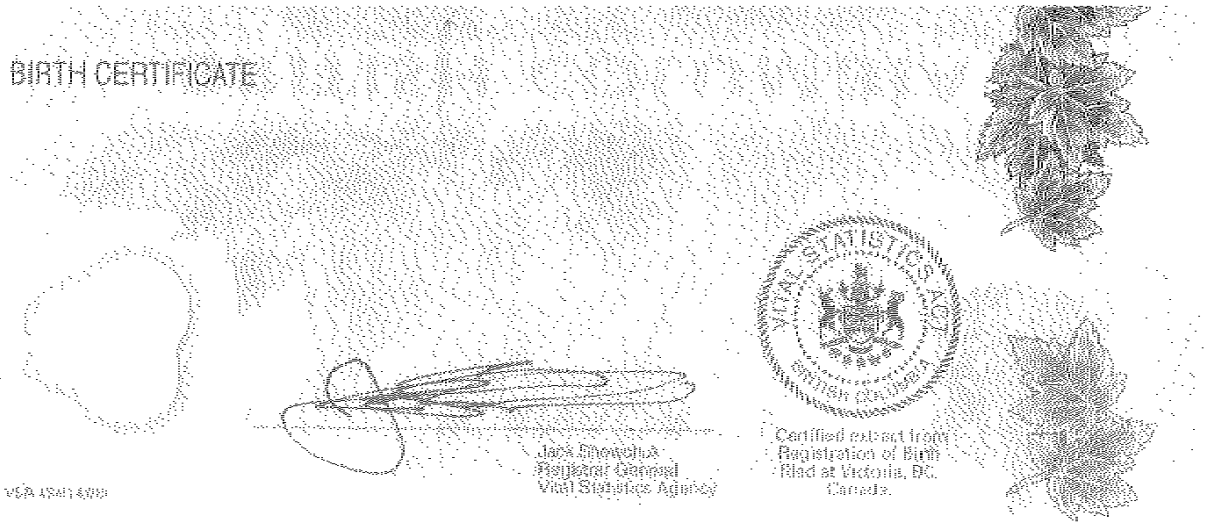
c. My birth certificate from British Columbia.

Ontario
Driver's Licence
Permis de conduire
ON
CANADA
1 NAME/NOM
MCLEAN,
KEVIN ALEXANDER
2 410-775 KING ST W
TORONTO, ON, M5V 2K3
4d NUMBER/
NUMÉRO
M1651-43318-30325
4a ISS/DÉL
2024/06/26
4b EXP/EXP
2029/03/25
5 DD/DE
IC7664935
16 HGT/HAUT
188 cm
5 SEX/SEXE
M
9 CLASS
CATÉG.
G
12
13
14
15

PASSPORT
PASSEPORT
CANADA
Type/Type
P
Surname/Nom
MCLEAN
Given names/Prénoms
KEVIN ALEXANDER
Nationality/Nationalité
CANADIAN/CANADIENNE
Date of birth/Date de naissance
25 MAR /MARS 83
Sex/Sexe
M
Place of birth/Lieu de naissance
VANCOUVER CAN
Date of issue/Date de délivrance
19 JUNE/JUIN 23
Date of expiry/Date d'expiration
19 JUNE/JUIN 33
Issuing Authority/Autorité de délivrance
TORONTO
P<CANMCLEAN<<KEVIN<ALEXANDER<<<<<<<<<<<<<<<<<<<<
AS384004<7CAN8303253M3306194<<<<<<<<<<<<<<02

478

BIRTH CERTIFICATE



Surname	MCLEAN
Given Name(s)	KEVIN ALEXANDER
Date of Birth	MAR 25, 1983 Sex MALE
Place of Birth	VANCOUVER
Registration Number	1983-59-013443
Date of Registration	JUL 04, 1983 Date of Issue OCT 18, 2016
Name of Parent	MCLEAN, JUDY LILI ANNE
Birthplace of Parent	BRITISH COLUMBIA, CANADA
Name of Parent	NUGENT, JOHN ALLEN
Birthplace of Parent	ONTARIO, CANADA

B C 0 1 2 0 4 9 3 2

BRITISH COLUMBIA
CANADA
BIRTH
CERTIFICATE

53. I make this affidavit for no improper purpose.

SWORN BEFORE ME at the City of Toronto, Province of Ontario, this 11th day of July, 2026.

Commissioner for Taking Affidavits

Mr. Kevin A. McLean (BA, JD, CIM)

Naraineamy Naid Appaseamy
Licensed Paralegal & Notary Public
in and for the Province of Ontario.
My commission is of unlimited duration.
No legal advice given.

Mr. Naraineamy Naid Appaseamy
307 - 2045 Dufferin Street
York, ON M6E 3R4
Phone (647) 409-5442
info@kumar-the-paralegal.com

This is Exhibit "A" referred to in the Affidavit of Mr. Kevin A. McLean (BA, JD, CIM) sworn (or affirmed) before me at Toronto, ON this 10th day of July 20 26.

A Commissioner/Notary Public for the Province of Ontario

This is Exhibit A referred to in the affidavit (or statutory declaration) of Kevin A. McLean sworn (or affirmed or declared) before me this 11 day of July, 2026

A Notary Public in and for the Province of Ontario

Karalnsamy Nelid Appadawmy
Licensed Paralegal & Notary Public
in and for the Province of Ontario.
My commission is of unlimited duration.
No legal advice given.

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

McLean v Royal Canadian Mounted Police et al. – Court File No.: T-2448-26

1 message

Lam, Alaina (she her elle la) <Alaina.Lam@justice.gc.ca> Wed, Jun 3, 2026 at 3:44 PM
To: "mclean@searchandseizure.ca" <mclean@searchandseizure.ca>
Cc: "Norris, Jake (he him il lui)" <Jake.Norris@justice.gc.ca>

Good afternoon,

Please see the attached documents: a letter to your attention, Respondent's Notice of Appearance, and Rule 7 Consent, which is served upon you pursuant to the *Federal Courts Rules*.

Kind regards,

Alaina Lam

Legal Assistant / Adjointe juridique

Litigation, Extradition & Advisory Division / la Division du contentieux, de l'extradition et du service consultatif

Ontario Regional Office / Bureau régional de l'Ontario

National Litigation Sector / Secteur national du contentieux

Department of Justice Canada / Ministère de la Justice Canada

Alaina.Lam@justice.gc.ca / T: 437-295-5093

Department of Justice Canada | Ministère de la Justice Canada

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AVIS DE CONFIDENTIALITÉ: L'information contenue dans ce courriel et dans tous documents annexés peut être de nature confidentielle. Si vous n'en êtes pas un destinataire désigné, veuillez en aviser l'émetteur et détruire immédiatement ce message et tous documents annexés. Merci.

482

Consent - Rule 7 (T-2448-26).docx
17K

Department of Justice Canada
Ontario Regional Office
National Litigation Sector
120 Adelaide Street West
Toronto, ON M5H 1T1

Ministère de la Justice Canada
Bureau régional de l'Ontario
Secteur national du contentieux
120, rue Adelaide ouest
Toronto (Ontario) M5H 1T1

Telephone/Téléphone: (416) 347-6823
Fax /Télécopieur: (416) 453-5750
Email/Courriel: jake.norris@justice.gc.ca

Via Email: mclean@searchandseizure.ca

June 3, 2026

Kevin McLean
68 Abell Street
Toronto, ON M6J 0B1

Dear Mr. McLean,

Re: ***Kevin Alexander McLean v Royal Canadian Mounted Police et al.*** **–**
Court File No.: T-2448-26

I am counsel for the Attorney General of Canada ("AGC") in the above-noted proceeding, representing the Royal Canadian Mounted Police ("RCMP"). Please direct all correspondence to me and cease communications with Assistant Commissioner, Matt Peggs, and/or other represented parties within this proceeding.

Please be advised that I am not in a position to provide you with any legal advice. Should you require assistance in navigating this process, you may wish to consider retaining legal counsel. The Law Society of Ontario (www.lso.ca) and Legal Aid Ontario (www.legalaid.on.ca) may offer resources to assist you should you seek legal representation.

The AGC is in receipt of your Notice of Application dated May 15, 2026 (service upon the AGC effected May 19, 2026). Please find enclosed the AGC's Notice of Appearance and Rule 7 Consent to Extension of Time for filing. If you agree to this extension of time, please return a signed copy which I shall file with the Court.

In your Notice of Application, you have named the RCMP et al. as the tribunal in respect of which the application is brought. It is contrary to Rule 303(1) of the *Federal Courts Rules* to have named them as respondents. To regularize the proceeding, I also ask that you take steps to amend the style of cause in the Notice of Application to reflect the AGC as the proper respondent, pursuant to Rule 303(2) of the *Federal Courts Rules*.

Sincerely,

T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN ALEXANDER MCLEAN

Applicant

and

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

Respondents

485

CONSENT TO AN EXTENSION OF TIME
(Rule 7)

Pursuant to Rule 7 of the *Federal Courts Rules*, the parties hereby consent to an extension of time until June 3, 2026 for service of the Respondent's Notice of Appearance, pursuant to Rule 305 of the *Federal Courts Rules*.

Dated June 3, 2026

ATTORNEY GENERAL OF CANADA

Ontario Regional Office
National Litigation Sector
120 Adelaide Street West, Suite 400
Toronto, ON M5H 1T1

Per: Jake Norris, LSO# 89466J
Telephone: 416-347-6823

Dated June __, 2026

KEVIN MCLEAN

68 Abell Street
Toronto, ON M6J 0B1
Email: mclean@searchandseizure.ca

Applicant in-person

FAX COVER SHEET — VOLUME 2 OF 2

Court File No.: T-2448-26 McLean v. RCMP et al.

TO: Federal Court of Canada Registry – Toronto Office Fax: **(416) 954-8982** 180 Queen Street West Suite 200 Toronto, ON M5V 3L6

FROM: Mr. Kevin A. McLean (BA, JD, CIM) 68 Abell Street Toronto, ON M6J 0B1 Tel: (647) 409-5442 Email: mclean@searchandseizure.ca

DATE OF TRANSMISSION: July 11, 2026

TOTAL NUMBER OF PAGES: 4 pages (including this cover sheet)

SENDER'S FAX NUMBER FOR RETURN:

Fax: 416.981.7117
Phone number: 647.370.9354

CONTACT PERSON IN EVENT OF TRANSMISSION PROBLEM: Mr. Kevin A. McLean Tel: 647.370.9354

RE: Affidavit #1 of Mr. Kevin A. McLean — Volume 2 of 2 Pages 20–22

NOTES: Filed pursuant to Rule 71(3) of the Federal Courts Rules.

T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A MCLEAN

Applicant

and

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

Respondents

487

NOTICE OF APPEARANCE

The Attorney General of Canada, improperly named as the Royal Canadian Mounted Police et al., intends to appear in respect of this application.

June 3, 2026

ATTORNEY GENERAL OF CANADA
Department of Justice
Ontario Regional Office
120 Adelaide Street West
Suite 400
Toronto, Ontario
M5H 1T1
Fax: (416) 954-8982

Per: **Jake Norris**
LSO #89466J
Tel: (416) 347-6823
E-mail: Jake.Norris@justice.gc.ca

TO: **FEDERAL COURT**
180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

AND TO: **KEVIN MCLEAN**
68 Abell Street
Toronto, ON M6J 0B1
mclean@searchandseizure.ca

Applicant in-person

TAB 16

Official symbols of Canada

Over the past century, the following symbols have become an integral part of our national identity through common use and collective pride, with most having been formally adopted by the Government of Canada as official symbols of our country.

On this page

- The Coat of Arms
- The national flag
- The beaver
- The national anthem
- Lacrosse
- Hockey
- The maple tree
- The national horse
- The Maple Leaf Tartan
- The national colours

The Coat of Arms

The Coat of Arms of Canada
Source: Government of Canada

The Coat of Arms of Canada, called the Arms of Canada or the Royal Arms of Canada, were adopted by proclamation of King George V in 1921.

The use of coats of arms originated in Europe in the medieval period. The first coats of arms served to distinguish combatants on the battlefield. They were quickly adopted throughout all facets of society to identify individuals or other legal entities, such as organizations, municipalities, regions, and countries. The practice of heraldry, which we call the field of study and creation of coats of arms and other related emblems, continues to this day. Coats of arms still serve to create visual "identity cards" that represent their bearers. They are especially found in official contexts, as is the case for the arms of sovereign countries.

The Coat of Arms of Canada display the royal emblems of England, Scotland, Ireland, and France, while also featuring distinctly Canadian symbols.

The Royal Crown that sits atop the Coat of Arms indicates that these are the Arms of His Majesty the King in Right of Canada.

Canada's motto is *A Mari Usque Ad Mare*, which translates to "From Sea to Sea".

In 1994, a circular, red ribbon was added to the Arms, displaying the motto of the Order of Canada: *Desiderantes Meliorem Patriam* (meaning "They desire a better country").

The present artistic rendering of the Arms of Canada was drawn by Cathy Bursey-Sabourin, Fraser Herald at the Canadian Heraldic Authority.

Did you know?

Canada's provinces and territories also have their own distinct coats of arms, many of which incorporate Indigenous emblems. For example, this is the case with the coat of arms of Prince Edward Island, which

features the 8-pointed star of the Mi'kmaq people, of New Brunswick with the wampum of the Wolastoqiyik (Maliseet) Nation, and of Nunavut which features, among other symbols, the inukshuk and the qulliq.

The national flag

The National Flag of Canada flies proudly on Parliament Hill in Ottawa. Source: Government of Canada

The National Flag of Canada was adopted on January 28, 1965, by proclamation of Queen Elizabeth II [1]. On February 15 of that same year, the new National Flag of Canada was raised for the first time on Parliament Hill.

Every year, on February 15, the entire country celebrates National Flag of Canada Day to highlight this anniversary.

The design of the National Flag of Canada is the result of an intensive creative process that took place in 1964. With its distinctive maple leaf, Canada's red and white flag is easily recognized around the globe.

Learn more about the National Flag of Canada, including its history, dimensions, flag etiquette and rules for half-masting.

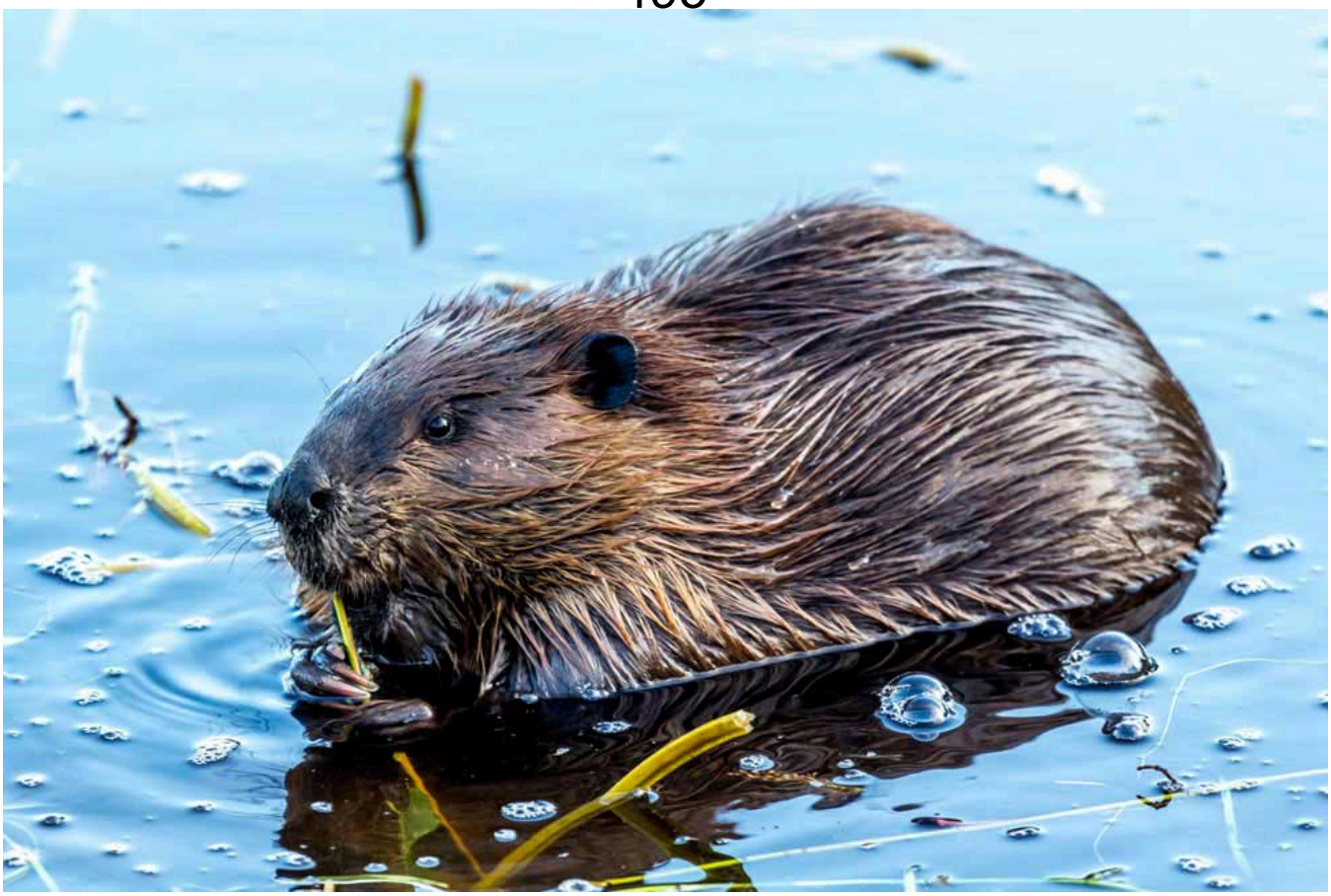
Did You Know?

The creation of the National Flag of Canada is the work of many people who contributed to the project during the 1960s, from its first concept to the final design. Discover some of the key individuals!

The beaver

The beaver is a herbivorous mammal that makes its home in semi-aquatic environments throughout every region in Canada, especially near waterways, lakes, and ponds. It became an official symbol of Canada on March 24, 1975, when the *National Symbol of Canada Act* received royal assent. This law aimed to showcase the beaver (*castor canadensis*) as one of the symbols of Canadian sovereignty.

The beaver had already been a part of Canadian identity before the *Act* was adopted. For example, in 1851 the beaver was featured prominently on Canada's first postage stamp. It was also seen on the totem poles of First Nations on the Pacific coast. In fact, the beaver was the first universally popular symbol of Canada, even before the maple leaf.



A beaver in its natural environment.
Source: iStock.com/Randy Alexander

Long before the arrival of European settlers, Indigenous peoples recognized the importance and value of the beaver. Its fur was used to make clothing and its bones were used to make a variety of tools. Its nutritious meat also made it a valuable food source. Furthermore, a substance secreted by its glands served as excellent bait for other carnivorous species.

Despite these qualities, the reason the beaver became an official symbol of Canada is first and foremost the central role it played in the fur trade that stretched from the 17th to the middle of the 19th century. This period saw a heavy demand for beaver pelts, which were especially important in the manufacture of the waterproof felt hats that were very popular in Europe at

the time. The beaver's presence in North America represented a substantial commercial opportunity for Europeans and motivated the exploration and colonization that marked the history of Canada.

While the fur trade played an important role in Canada's history, it was also responsible for the near extinction of the beaver as a species. Towards the middle of the 19th century, the beaver had almost disappeared from the Canadian landscape. Measures were put in place to protect it and, consequently, its populations have recovered throughout the country.

Did You Know?

The beaver is featured on many heraldic emblems in Canada. For example, it is found on the arms of the province of Manitoba and on the badge of the Huron-Wendat Nation.

The national anthem

"O Canada" was proclaimed Canada's national anthem on July 1, 1980, with the adoption of the *National Anthem Act*.

"O Canada" was first performed a century earlier, on June 24, 1880, during the Saint-Jean-Baptiste Day celebrations in the City of Québec.

The music was composed by Calixa Lavallée, and the French lyrics were written by Adolphe-Basile Routhier. Many English versions have appeared over the years. The version on which the official English lyrics are based was written in 1908 by Robert Stanley Weir.

The Ottawa Children's Choir sings the National Anthem at the Remembrance Day ceremony in Ottawa on November 11, 2022.
Source: Sgt Mathieu St-Amour, Rideau Hall

From its creation until it was adopted as our national anthem, “O Canada” served as an increasingly popular patriotic song, both in French- and English-speaking Canada. Today, it allows Canadians to honour their country with pride and enthusiasm.

Read the history of “O Canada”, learn about the people behind the anthem, listen to recordings or watch sign language versions of the national anthem and read the official lyrics.

Did You Know?

According to tradition and as a sign of respect, it is customary to stand when “O Canada” is played. The same etiquette also applies to the national anthems of other nations.

Lacrosse

Men's lacrosse teams from Ontario and British Columbia face off in the finals at the 2022 Canada Summer Games in Niagara, Ontario. Men's lacrosse was making its return to the Canada Games after a 37-year absence while women's lacrosse was being featured for the very first time.
Source: The Canada Games/Larry Mathewson

Lacrosse is a team sport where players try to score the most goals by throwing a rubber ball into the opposing team’s goal with the help of a stick fitted with a net on one end, allowing players to pass, catch, and throw the ball. [2] Lacrosse can be played on an indoor surface (box lacrosse), or outdoors on a grassy field (field lacrosse).

In 1994, a Member of Parliament presented a bill in the House of Commons proposing that hockey should be made Canada’s national sport. Following a debate, the bill was modified, and hockey was then declared Canada’s

national winter sport, and lacrosse as the national summer sport. The *National Sports of Canada Act* was given royal assent on May 12, 1994.

The origins of contemporary lacrosse are to be found amongst First Nations of Turtle Island (that is, North America) who played stick ball games long before the arrival of the first European settlers. It is thus one of the oldest team games played on the American continent. In fact, the game is known under various names, notably *Deyhontsigwa'ehs* in Onondaga, *Tewaaraton* in Mohawk, or *Baggataway* amongst the Algonquin groups. While it is difficult to describe with any precision how the ancient game was played, with each Nation having its own traditional version of the game, matches could be played over several days and over large areas. In ancient times, as today, the game is considered by many Indigenous peoples as a medicine game, played in the Sky World and on Mother Earth, and a gift of the Creator that is still played to honor and respect the way of life and ceremonies of First Nations.

European settlers showed interest in lacrosse from their very first encounters with the game. In the mid-19th century, settlers began adapting the game and converted it into a sport, applying their own rules. The first sports organization in the Dominion, the Canadian Lacrosse Association, was created in 1867 under the leadership of George Beers, adopting the slogan "Our country, our game". However, the traditional form of the game remained alive and well amongst First Nations. Then, many Indigenous nations tended to gravitate toward box lacrosse, which became the sport of choice in Canada.

In 1901, Lord Minto, Governor General of Canada, donated a silver cup to serve as a trophy for the senior amateur lacrosse championship in Canada. The Minto Cup, which is today awarded to the victors of the junior men's

championship, remains one of the most coveted prizes in the world of lacrosse. A similar trophy, the Mann Cup, is awarded for the senior men's box lacrosse championship.

Today, lacrosse is played from coast to coast, as well as in several other countries, in four distinct disciplines: box lacrosse, field lacrosse, women's lacrosse, and inter-crosse. Lacrosse will also make a return to the Olympic program, to be featured in the 2028 Summer Olympic Games, after having been absent since 1908.

Did you know?

In 1876, two Canadian teams (one from Kahnawake and the other from Montréal) competed at Windsor Castle, in England, in the presence of Queen Victoria. This was the second of three lacrosse tours in England, to showcase Canada as a nation.

Hockey

Ice hockey, commonly called hockey, is a team sport played on a frozen surface (skating rink). Each of the two teams, composed of 6 players, seeks to score the most goals by using curved sticks to send a rubber disc, known as a puck, into the opposing team's goal, located at one end of the rink.

The Parliament of Canada declared hockey as the national winter sport when the *National Sports of Canada Act* received royal assent on May 12, 1994. Hockey occupies a prominent place in Canadian history. Since its very beginnings, hockey has stood out as an important element of our identity, acting as a unifying force. As the sport of hockey gradually developed,

Children playing hockey during a hockey summer camp at WinSport, Canada Olympic Park, in Calgary.
Source: WinSport

Canada contributed to its rule structure, its development, and its expansion, and left its mark on the international scene thanks to the skill of its teams.

Hockey's diverse origins have been the object of much debate. However, Canada played a key role in the adoption of the sport's modern version. In the late 19th and early 20th centuries, Canadian rules, such as the use of a rubber puck rather than a ball, gradually became the standard in hockey. In 1911, the national Hockey Association, a Canadian organization and predecessor to today's National Hockey League, reduced the number of a team's players on the ice from 7 to 6. Other leagues would also adopt this rule in the following decade.

Lord Stanley, Governor General of Canada from 1888 to 1893, also contributed to the development of hockey as the organized sporting institution we know today. In 1893, Lord Stanley decided to offer a trophy to the best ice hockey team in the country. In 1927, the National Hockey League adopted the Stanley Cup as the trophy awarded to the team that emerged as playoff champion.

Throughout history, Canada has won some important international competitions that have united Canadians and inspired national pride. These include the World Junior Championships, the Hockey World Cup, Olympic and Paralympic Games, and the memorable Canada-U.S.S.R. Summit Series in 1972, known as the Series of the Century, which resonates as one of the greatest moments in the history of Canadian sports.

As the game of hockey developed, women's hockey and para hockey (formerly known as sled or sledge hockey) also appeared and rapidly grew to prominence both in Canada and worldwide. Since the introduction of women's hockey at the Olympic Games in Nagano in 1998, the Canadian women's team has won an impressive number of medals. Canada's para hockey team, meanwhile, has competed in every iteration of the Paralympic Games since the sport was introduced in 1994, earning many medals.

Today, hockey and para hockey are played by hundreds of thousands of Canadians of all genders and ages, demonstrating that Canadians' passion for this sport is alive and well across all regions of the country.

Did You Know?

In 1956, Canada Post issued its first hockey-themed stamp to draw attention to Canada's most popular winter sport. This 5 cents postage stamp paid tribute to Canada's hockey players, their skills, and the

recognition they earned in international competitions.

The maple tree

A maple tree displaying a range of autumn colours.
Source: Government of Canada

Although the maple is closely associated with Canada, the *Proclamation Designating the Maple Tree as National Arboreal Emblem of Canada* was only adopted in 1996.

Of the 150 known species of maple (genus *Acer*), 10 are native to Canada: the sugar, black, bigleaf, silver, red, mountain, striped, Douglas, vine and Manitoba maples. While the sugar maple is probably the most well-known of the maple species, Canada's arboreal emblem is the generic maple species.

The maple has played a meaningful role in the development of Canada on a commercial and ecological level, and even in terms of our identity, when thinking of the maple leaf and the important emblem it has become. Indigenous peoples were the first to recognize the maple's value and benefits. Long before the arrival of the first settlers, Indigenous peoples were using the maple for its medicinal properties and to make tools and objects such as traps. They collected its sap, which they rendered into syrup and sugar, and used it to smoke meat for prolonged conservation. They would later share their knowledge with the newcomers, who, over time, adapted these methods to increase production in the face of an ever-increasing demand for maple products both in North America and Europe.

Today, the maple industry continues to create jobs, especially in rural areas, and generates economic benefits through the export of maple products to about 60 countries throughout the world.

Did You Know?

Canada is the largest producer and exporter of maple products in the world. While several Canadian provinces produce maple products, the vast majority of production and export comes from Quebec.

The national horse [506]

Stallion Garoy Palmer Charley - [CAN] 14164 - is a purebred Canadian Horse raised by Élevage De Lessard horse breeders, in Sainte-Catherine-de-la-Jacques-Cartier, Quebec.
Source: Photo Sport JFX

While the Canadian horse had been a feature of Canada's agricultural and industrial landscape for centuries, it was not until April 2002 that it was recognized as the national horse of Canada by the *National Horse of Canada Act*.

The origins of the Canadian horse date back to 1665. At that time, the King of France, Louis XIV, sent some of the best mares and stallions from the royal stables to New France – the Norman and Breton horses were of mixed

origin and included Arabian, Barb and Andalusian horses. Over the next century, amidst harsh winters and tough working conditions on the land, the horse population of New France developed in isolation from other breeds and acclimatized to Canadian conditions, gradually becoming a breed of its own – the Canadian horse.

Known for its great strength, endurance, intelligence, and good temper, the Canadian horse is very versatile despite its small size. Also called “the little iron horse”, it worked side by side with the early settlers to help build the country. From farm work, to logging and trail riding, the dark-coated Canadian horse impacted agriculture, trade and transportation in Canada’s early modern history. It was also exported, notably serving as artillery and cavalry horses in the American Civil War.

Threatened with extinction in the late 19th century, efforts were made in the late 1800s and throughout the 20th century to preserve the distinctive Canadian horse. Today, although still at risk, they number in the thousands and can be found across the country.

Did you know?

In 1999, the Canadian horse was designated a heritage breed by the Parliament of Quebec, as it is closely associated with the historical origins and agricultural traditions of the province. The *Act Respecting Animal Breeds Forming Part of Québec’s Agricultural Heritage* also declared the Canadian cow and the Chantecler chicken as heritage animal breeds in Quebec.

The Maple Leaf Tartan

Wearing the Maple Leaf Tartan, members of the 2nd Battalion, The Royal Canadian Regiment's Pipes and Drums perform during the Change of Command ceremony on 27 June 2019.
Source: The Royal Canadian Regiment (photographer unknown)

The Maple Leaf Tartan was declared an official national symbol on March 9, 2011, by way of a ministerial declaration.

Tartan is a cloth, often made of wool or cashmere, that is characterized by its pattern of horizontal and vertical lines crossing at right angles, showcasing various colours. Tartans are generally associated with Scotland and its various regions, clans, and families. Today, tartans are often used to express membership in a family or an organization.

Created in 1964 by David Weiser, a Toronto businessman working in the fashion industry, the Maple Leaf Tartan was designed in anticipation of the 100th anniversary of Confederation in 1967. Inspired by the colours of the maple leaf through the changing seasons, the tartan's pattern incorporates the green of summer leaves, the gold of early autumn, the red of the first frost and the brown tones of fallen leaves before winter. The symbolism of the Maple Leaf Tartan thus highlights a distinct aspect of the Canadian landscape. Its name is also inspired by another symbol that emerged in the mid-1960s: the National Flag of Canada, which features a stylized maple leaf.

On October 21, 2010, the Government of Canada declared that April 6 would be known as Tartan Day. Tartan Day celebrations include parades by pipe bands, traditional dance, often inspired by Scottish culture, as well as community gatherings.

A symbol of national pride, the tartan was designed to be worn by Canadians from all backgrounds, especially on days like Canada Day (July 1) and Tartan Day (April 6).

Did You Know?

Many items of clothing bearing the pattern of the Maple Leaf Tartan were sold on the grounds of Expo 67, an event marking Canada's Centennial in 1967.

The national colours[510]

A participant holds a torch during the ceremony for the launch of Canada 150 on New Year's Eve, December 31, 2016. Red and white, Canada's colours, are on prominent display at every national celebration.

Source: Government of Canada

It was long believed that red and white were designated as Canada's national colours by King George V in the proclamation of the Canada Coat of Arms in 1921. However, the proclamation contains no such declaration [3] [4].

Notwithstanding this popular historical misconception, red and white, the colours that adorn the National Flag of Canada, have undeniably come to represent Canada both at home and abroad. It is in fact common practice throughout the world for a country's national colours to be those featured on its national flag.

Many Canadians have also come to embrace these colours as representative of natural features prominent in some parts of our country: the white of winter snows, and the red of autumnal maple leaves.

Over time, red and white have become an integral part of our national identity, through common use and collective pride, even if they are not enshrined in law as national colours.

Did You Know?

The National Flag of Canada is subject to manufacturing standards that include, among others, the precise colour parameters of the red to be used. Many factors must be considered in order to respect the proper shade of red for the flag, including the material or surface on which the flag design is to be printed.

Footnotes

1 *Canada Gazette, 1867-1946 (Dominion of Canada), vol. 99, no. 4, Regular Issue, February 24, 1965 (bac-lac.gc.ca)*, page 3.

2 “Lacrosse”, the name of the game, is derived from the French la crosse, where the word crosse refers to the stick itself.

3 *Canada Gazette, 1867-1946 (Dominion of Canada), vol. 55, no. 25, Regular Issue, December 17, 1921 (bac-lac.gc.ca),* p. 2406.

4 Note: the Canada Gazette was only published in a bilingual format as of 1970. The texts from 1921 and 1967 linked to on this page are therefore available only in English.

Date modified: 2024-04-25

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TAB 17

WIKIPEDIA
25 years of the free encyclopedia

Federal Court (Canada)

The **Federal Court** (French: *Cour fédérale*) is a Canadian trial court that hears cases arising under certain areas of federal law. The Federal Court is a superior court with nationwide jurisdiction.

History

The court was created on July 2, 2003, by amendments to the *Federal Court Act*, which was renamed the *Federal Courts Act*. The amendments split the former Federal Court of Canada into two separate courts. The Trial Division of the former court became the Federal Court, while the Appeal Division became the Federal Court of Appeal.[1]

The former Federal Court of Canada was the successor to the Exchequer Court of Canada, which was set up in 1875 by the Liberal government of Prime Minister Alexander Mackenzie. That court was primarily a revenue court, to govern disputes over federal taxation, and also civil claims against the federal government. It was succeeded in 1971 by the Federal Court of Canada, with the two divisions, trial and appellate, and a much-expanded jurisdiction, to cover matters such as immigration, patents and copyrights, and judicial review of federal boards, commissions and agencies. The 2003 amendments split the Federal Court of Canada into the current Federal Court and Federal Court of Appeal.

On October 24, 2008, the Federal Court was given its own armorial bearings by the Canadian Heraldic Authority, the third court in Canada to be given its own coat of arms – after the Court Martial Appeal Court of Canada and Ontario Superior Court of Justice. The coat of arms features a newly created fantastical creature, the winged sea caribou, as the supporters, representing the provision of justice on air, land and sea.[2]

Federal Court
Cour fédérale

Coat of Arms of the Federal Court granted in 2008

Established	2003
Jurisdiction	Canada
Location	Sits across Canada
Motto	Equity, Droit, Admiralty
Composition method	Appointed by Governor General on advice of federal Cabinet
Authorized by	*Constitution Act, 1867* *Federal Courts Act*
Appeals to	Federal Court of Appeal
Judge term length	Mandatory retirement at age 75
Number of positions	Chief Justice Associate Chief Justice 39 Judges 9 Associate Judges
Language	English and French
Type of tribunal	Superior court of law, equity, admiralty and judicial review

Structure

Website	Federal Court (http://www.fct-cf.gc.ca/)
Acting Chief Justice	
Currently	Martine St-Louis
Since	October 31, 2025
Associate Chief Justice	
Currently	Martine St-Louis
Since	December 11, 2024

Judges

The Federal Court consists of a chief justice, an associate chief justice, thirty-nine full-time judges, and nine associate judges. There is also a varying number of supernumerary positions, for judges who are approaching retirement.[3][4]

Judges are appointed by the Governor in Council, namely the governor general of Canada acting on the advice of the federal Cabinet.[5] To be appointed, a candidate must already be a judge of a superior court, or have at least ten years standing as a barrister or advocate in Canada.[6] At least ten of the judges must come from Quebec.[7]

The salaries of the judges and associate judges are reviewed every four years by the federal Judicial Compensation and Benefits Commission. As of April 1, 2025, the chief justice and associate chief justice receive $455,000 while other judges receive $414,900 annually.[8]

Law clerks are hired for one-year terms to help the judges research and prepare decisions. They are generally assigned to a particular judge.

Sittings

Although based in Ottawa, the Federal Court holds sittings and motion days across Canada.[9][10]

Administration

The Courts Administration Service provides registry services to several federal courts, including the Federal Court.[11] The Federal Court Registry is located in Ottawa, with regional offices throughout the country. The Registry in Ottawa maintains all original court files, with certified copies maintained in regional offices.[12] The Registry provides clerical services and other administrative support to the Court, and provides clerical services and procedural guidance to litigants.[13]

Registry offices for the federal courts, Ottawa

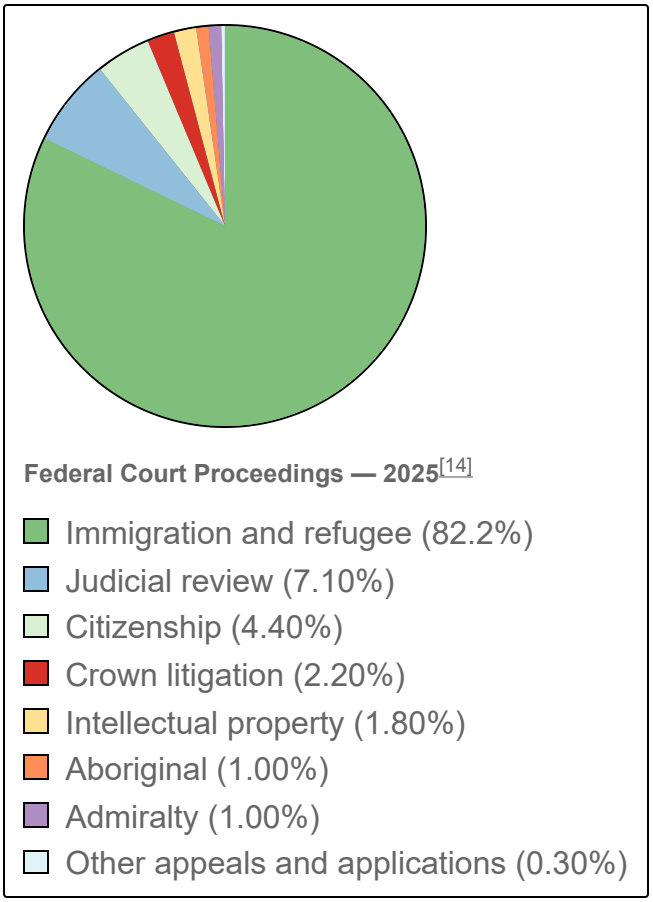
Jurisdiction

Statutory jurisdiction

The Federal Court's authority comes from the *Federal Courts Act*. The court can only hear cases where a federal statute confers jurisdiction on the court to hear cases of that type. The subject-matter of a grant of jurisdiction must be within federal legislative authority.

The Federal Court's jurisdiction is civil in nature. Trials and applications are conducted by a single judge,[15] and never with a jury.[16] The court hears cases in the following areas of law:[17]

- Administrative law
- Citizenship, immigration and refugee law
- Judicial review of Veterans Review and Appeal Board of Canada decisions
- Intellectual property law
- Admiralty (maritime) law
- National security law
- Cases involving federally-regulated industries such as railway tariff disputes
- Aboriginal law
- Claims against the Government of Canada.



These instances of jurisdiction may either be exclusive or concurrent with provincial superior courts, depending on the statute. Generally, the Federal Court has exclusive authority of judicial review over decisions made by federal boards, commissions, and administrative tribunals, other than those assigned to the Federal Court of Appeal. The jurisdiction over civil actions against the federal government is concurrent with the jurisdiction of the provincial superior courts.

In some cases, the Federal Court may have the power of judicial review over decisions by the federal Cabinet under particular statutory provisions. For example, in 2024, the Federal Court held that the federal Cabinet did not meet the statutory requirement to invoke the *Emergencies Act* to respond to the Freedom Convoy in 2022.[18] The Federal Court of Appeal upheld the decision.[19]

Because it is a superior court of national jurisdiction, judgments are enforceable across Canada.[20]

Immigration matters

In 2020, more than 50% of the court's workload consisted of immigration and refugee cases, comprising 6,424 immigration-related matters commenced.[21] By the end of 2024, that number had increased to 24,667 immigration-related matters commenced in 2024,[22] which represented an increase of 44% over the year prior and quadruple the number of immigration-related cases prior to the COVID-19 pandemic.[23]

In March 2025, the Court published a notice regarding the backlog and delays in document processing times, due primarily to the increase in the number of immigration-related matters.[24] In May 2025, the court published a special order extending certain deadlines for key immigration documents[25] in order to alleviate the burden for the judiciary and court staff.[26]

Appeal process

Most decisions of the Federal Court may be appealed to the Federal Court of Appeal. However, decisions relating to immigration and citizenship may not be appealed unless the Federal Court certifies that the decision raises a "serious question of general importance".[27][28]

In rare cases, the parties to a decision of the Federal Court can jointly seek to appeal directly to the Supreme Court of Canada, bypassing the Federal Court of Appeal in an appeal *per saltum*. The parties must both consent to the application, and the Supreme Court then decides whether to grant leave to appeal.[29]

Judges and associate judges

Chief Justice and Associate Chief Justice

Name	Appointed	Nominated by	Position prior to appointment
Alan Diner	2026 (Chief Justice)	Carney	Lawyer, Baker McKenzie
	2014 (Judge)	Harper	
Martine St-Louis, Associate Chief Justice	2024 (Associate Chief Justice)	Trudeau	Lawyer, McCarthy Tétrault
	2014 (Judge)	Harper	
Source: Federal Court — Members of the Court[30]			

Name	Appointed	Nominated by	Position prior to appointment
Russel W. Zinn (supernumerary)	2008	Harper	Lawyer, Ogilvy Renault
Jocelyne Gagné	2012 (Judge)	Harper	Lawyer, Lavery, de Billy
	2018–2024 (Associate Chief Justice)	Trudeau	
Catherine Kane	2012	Harper	Senior General Counsel, Department of Justice (Canada)
Michael D. Manson (supernumerary)	2012	Harper	Lawyer, Smart & Biggar
Yvan Roy (supernumerary)	2012	Harper	Deputy Secretary to the Cabinet
Cecily Strickland	2012	Harper	Lawyer, Stewart McKelvey
Glennys L. McVeigh	2013	Harper	Senior Counsel, Public Prosecution Service of Canada
Simon Fothergill	2014	Harper	Counsel, Privy Council of Canada
Denis Gascon	2015	Harper	Lawyer, Norton Rose Fulbright
Richard F. Southcott	2015	Harper	Vice President and General Counsel, Irving Shipbuilding Inc.
Patrick K. Gleeson	2015	Harper	Senior Legal Advisor, Judge Advocate General
Ann Marie McDonald	2015	Harper	Lawyer, McInnes Cooper
Roger Lafrenière (supernumerary)	2017	Trudeau	Prothonotary, Federal Court
William F. Pentney	2017	Trudeau	Deputy Minister of Justice and Deputy Attorney General of Canada, Department of Justice (Canada)
Shirzad S. Ahmed	2017	Trudeau	Lawyer, sole practitioner
Sébastien Grammond	2017	Trudeau	Professor and Dean of Civil Law, University of Ottawa
Paul Favel	2017	Trudeau	Lawyer, McKercher LLP
John Norris[31]	2018	Trudeau	Lawyer, sole practitioner
Nicholas McHaffie	2019	Trudeau	Lawyer, Stikeman Elliott
Janet M. Fuhrer	2019	Trudeau	Lawyer, Ridout & Maybee
Christine Pallotta	2020	Trudeau	Lawyer, Borden Ladner Gervais
Andrew D. Little	2020	Trudeau	Lawyer, Bennett Jones
Angela Furlanetto	2021	Trudeau	Prothonotary, Federal Court
Lobat Sadrehashemi	2021	Trudeau	Lawyer, Immigration and Refugee Legal Clinic, Vancouver

Avvy Yao-Yao Go	2021	Trudeau	Clinic Director, Chinese and Southeast Asian Legal Clinic, Ontario
Mandy Aylen	2021	Trudeau	Prothonotary, Federal Court
Guy Régimbald	2022	Trudeau	Lawyer, Gowling WLG
Ekaterina Tsimberis	2023	Trudeau	Lawyer, Smart & Biggar
Anne M. Turley	2023	Trudeau	Department of Justice (Canada)
Negar Azmudeh	2023	Trudeau	Immigration and Refugee Board of Canada
Phuong T.V. Ngo	2023	Trudeau	Gowling WLG
Allyson Whyte Nowak	2024	Trudeau	Norton Rose Fulbright Canada
Angus G. Grant	2024	Trudeau	Assistant Deputy Chairperson, Refugee Appeal Division of the Immigration and Refugee Board
Julie L. Blackhawk	2024	Trudeau	Lawyer, Department of Justice Canada
Michael Battista	2024	Trudeau	Founding counsel, Battista Migration Law Group
Benoit M. Duchesne	2024	Trudeau	Associate Judge, Federal Court
Love Saint-Fleur	2024	Trudeau	Coordinating Member, Refugee Appeal Division of the Immigration and Refugee Board
Meaghan M. Conroy	2024	Trudeau	MLT Aikins LLP
Danielle Ferron	2025	Trudeau	Langlois Lawyers LLP
Andrew J. Brouwer	2025	Trudeau	Lawyer, Legal Aid Ontario Refugee Law Office
Darren Thorne	2025	Trudeau	Member, Refugee Appeal Division of the Immigration and Refugee Board
Source: Federal Court — Members of the Court[30]			

Associate judges

Name	Appointed	Nominated by	Position prior to appointment
Martha Milczynski (supernumerary)	2003	Chrétien	Chair, Financial Services Commission of Ontario and the Financial Services Tribunal
Kathleen M. Ring	2017	Trudeau	General Counsel, Department of Justice Canada
Alexandra Steele	2018	Trudeau	Lawyer, Robic LLP
Sylvie M. Molgat	2018	Trudeau	Lawyer, Dubuc Osland
Catherine A. Coughlan	2021	Trudeau	Counsel, Department of Justice Canada
L.E. Trent Horne	2021	Trudeau	Lawyer, Aird & Berliss LLP
Michael Crinson	2023	Trudeau	Lawyer, Crinson Law LLP
John C. Cotter	2023	Trudeau	Lawyer, Osler, Hoskin & Harcourt
Catharine Moore	2024	Trudeau	Counsel, Department of Justice Canada
Kirkland G. Shannon	2025	Trudeau	Director General and Deputy Chief Executive Officer, Law Commission of Canada
Source: Federal Court — Members of the Court[30]			

Former judges, prothonotaries, and associate judges

Chief Justice

Name	Term in office
Allan Lutfy	July 3, 2003 – September 30, 2011[a]
Paul S. Crampton	December 15, 2011 – October 30, 2025[b]
Source: Federal Court — Members of the Court[30]	

Notes to table

a. Judge of the FC–TD, August 7, 1996; Associate Chief Justice of the Federal Court of Canada from December 8, 1999, until the 2003 reorganisation.

b. Judge of the Federal Court, November 26, 2009 – December 15, 2011.

Name	Term in office
Paul U.C. Rouleau	July 3, 2003 – July 25, 2007[a]
Yvon Pinard	July 3, 2003 – July 1, 2013[b]
Max M. Teitlebaum	July 3, 2003 – January 27, 2007[c]
W. Andrew MacKay	July 3, 2003 – March 20, 2004[d]
Frederick E. Gibson	July 3, 2003 – August 30, 2008[e]
Sandra J. Simpson	July 3, 2003 – June 10, 2020[f]
Danièle Tremblay-Lamer	July 3, 2003 – August 31, 2017[g]
Douglas Campbell	July 3, 2002 – August 27, 2020[h]
James K. Hugessen	July 3, 2003 – July 26, 2008[i]
Pierre Blais, P.C.	July 3, 2003 – February 19, 2008[j]
François Lemieux	July 3, 2003 – October 5, 2012[k]
John A. O'Keefe	July 3, 2003 – November 30, 2015[l]
Elizabeth Heneghan	July 3, 2003 – February 9, 2026[m]
Eleanor Dawson	July 3, 2003 – December 26, 2009[n]
Dolores Hansen	July 3, 2003 – May 31, 2016[o]
Edmond P. Blanchard	July 3, 2003 – June 27, 2014[p]
Michael A. Kelen	July 3, 2003 – June 12, 2016[q]
Michel Beaudry	July 3, 2003 – June 14, 2012[r]
Luc Martineau	July 3, 2003 – June 14, 2012[r]
Carolyn Layden-Stevenson	July 3, 2003 – December 12, 2008[s]
Simon Noël	July 3, 2003 – August 31, 2022[t]
Judith A. Snider	July 3, 2003 – October 15, 2013[u]
Johanne Gauthier	July 3, 2003 – October 21, 2011[v]
James Russell	July 3, 2003 – August 31, 2020[w]
James O'Reilly	July 3, 2003 – January 9, 2025[x]
Konrad W. von Finckenstein	August 14, 2003 – January 25, 2007
Sean J. Harrington	September 16, 2003 – April 24, 2019
Richard Mosley	November 4, 2003 – May 9, 2024
Michel M.J. Shore	November 4, 2003 – April 30, 2022
Michael L. Phelan	November 19, 2003 – June 8, 2022
Anne L. Mactavish	November 19, 2003 – June 22, 2019[y]

Yves de Montigny	November 19, 2004 – June 19, 2015[y]
Roger T. Hughes	June 1, 2005 – September 16, 2016
Robert L. Barnes	November 22, 2005 – November 22, 2021
Leonard S. Mandamin	April 27, 2007 – August 19, 2019
Robert M. Mainville	June 16, 2009 – June 18, 2010[y]
David G. Near	June 19, 2009 – February 7, 2013[y]
Richard Boivin	June 19, 2009 – April 10, 2014[y]
Paul S. Crampton	November 26, 2009 – December 15, 2011[z]
Marie-Josée Bédard	April 14, 2010 – June 25, 2015
Donald J. Rennie	September 30, 2010 – February 26, 1015[y]
André F.J. Scott	October 1, 2010 – January 30, 2014[y]
Mary J.L. Gleason	December 15, 2011 – June 19, 2015[y]
Peter B. Annis	February 7, 2013 – April 6, 2022
George R. Locke	April 10, 2014 – March 7, 2019[y]
René LeBlanc	April 10, 2014 – April 28, 2020[y]
Henry S. Brown	June 13, 2014 – January 2, 2026
Keith M. Boswell	June 30, 2014 – January 20, 2021
B. Richard Bell	February 5, 2015 – October 30, 2023
Robin Camp	June 26, 2015 – March 9, 2017
E. Susan Elliott	June 19, 2015 – June 1, 2024
Sylvie E. Roussel	June 19, 2015 – April 19, 2022[y]
Elizabeth Walker	February 6, 2018 – January 26, 2024[y]
Peter George Pamel	May 2, 2019 – September 20, 2024[y]
Vanessa Rochester	August 4, 2021 – January 26, 2024[y]
Source: Federal Court — Members of the Court[30]	

Notes to table

a. Judge of the FC–TD from August 5, 1982, until the 2003 reorganisation.
b. Judge of the FC–TD from June 19, 1984, until the 2003 reorganisation.
c. Judge of the FC–TD from October 29, 1985, until the 2003 reorganisation.
d. Judge of the FC–TD from September 2, 1988, until the 2003 reorganisation.
e. Judge of the FC–TD from April 1, 1993, until the 2003 reorganisation.
f. Judge of the FC–TD from June 10, 1993, until the 2003 reorganisation.
g. Judge of the FC–TD from June 16, 1993, until the 2003 reorganisation.
h. Judge of the FC–TD from December 8, 1995, until the 2003 reorganisation.
i. Judge of the FC–TD from June 23, 1998, until the 2003 reorganisation.

j. Judge of the FC–TD from June 23, 1998, until the 2003 reorganisation; appointed to the Federal Court of Appeal, February 19, 2008.
k. Judge of the FC–TD from January 21, 1999, until the 2003 reorganisation.
l. Judge of the FC–TD from June 30, 1999, until the 2003 reorganisation.
m. Judge of the FC–TD from November 15, 1999, until the 2003 reorganisation.
n. Judge of the FC–TD from December 8, 1999, until the 2003 reorganisation; appointed to the Federal Court of Appeal December 28, 2009.
o. Judge of the FC–TD from December 8, 1999, until the 2003 reorganisation.
p. Judge of the FC–TD from October 5, 2000, until the 2003 reorganisation.
q. Judge of the FC–TD from July 31, 2001 until the 2003 reorganisation.
r. Judge of the FC–TD from January 25, 2002 until the 2003 reorganisation.
s. Judge of the FC–TD from January 25, 2002, until the 2003 reorganisation; appointed to the Federal Court of Appeal December 12, 2008.
t. Judge of the FC–TD from August 8, 2002 until the 2003 reorganisation.
u. Judge of the FC–TD from October 10, 2002 until the 2003 reorganisation.
v. Judge of the FC–TD from December 11, 2002, until the 2003 reorganisation; appointed to the Federal Court of Appeal October 21, 2011.
w. Judge of the FC–TD from December 11, 2002 until the 2003 reorganisation.
x. Judge of the FC–TD from December 12, 2002 until the 2003 reorganisation.
y. Appointed to the Federal Court of Appeal.
z. Appointed Chief Justice.

Prothonotaries

Name	Term in office
J. Alfred Preston	June 1, 1971 – March 13, 1984
Peter A.K. Giles	June 27, 1985 – March 28, 2002
Jacques Lefebvre	June 28, 1985 – February 2, 1999
John A. Hargreave	February 17, 1994 – January 4, 2006
Richard Morneau	November 28, 1995 – May 15, 2018
Roza Aronovitch	March 10, 1999 – April 2, 2015
Roger Lafrenière	April 1, 1999 – June 7, 2017[a]
Mandy Aylen	June 16, 2016 – August 4, 2021[a]
Angela Furlanetto	March 7, 2019 – February 26, 2021[a]
Source: Federal Court — Members of the Court[30]	

Associate judges

Name	Term in office
Mireille Tabib	September 23, 2022 – July 31, 2023[b]
Kevin R. Aalto	September 23, 2022 – April 19, 2023[c]
Source: Federal Court — Members of the Court[30]	

Notes to tables

- "FC–TD" indicates "Federal Court of Canada–Trial Division"

a. Appointed to the Federal Court.
b. Prothonotary from March 18, 2003 to creation of associate judge position, September 23, 2022.
c. Prothonotary from May 7, 2007 to creation of associate judge position, September 23, 2022.

Coat of arms

Coat of arms of the Federal Court

Crest
Issuant from a coronet of maple leaves and fleurs-de-lis, a balance Or

Escutcheon
Or on a Canadian pale Sable in chief three scrolls, two in saltire one in pale Or, bound by a ribbon chequy Or and Sable

Supporters
Two sea-caribou Or, that to the dexter male, that to the sinister female, both with wings and tarsi Sable and set on a cloth chequy Or and Sable above a bar wavy Or

Motto
EQUITY • DROIT • ADMIRALTY

Banner

A banner of the Arms within a bordure compony Or and Sable

Badge

On a pellet three scrolls, two in saltire one in pale Or, bound by a ribbon chequy Or and Sable

Badge of Office for the Ushers of the Federal Court

The Badge of the Court surmounting two batons in saltire Or tipped Sable

Badge of Office for the Registrar of the Federal Court

The Badge of the Court surmounting two quill pens in saltire Or

See also

- Tax Court of Canada

References

Canada portal

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5. *Federal Courts Act (https://laws-lois.justice.gc.ca/eng/acts/f-7/)*, RSC 1985, c. F-7, s. 5.2.
6. *Federal Courts Act (https://laws-lois.justice.gc.ca/eng/acts/f-7/)*, RSC 1985, c. F-7, s. 5.3.
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External links

- Federal Court website (http://www.fct-cf.gc.ca)

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TAB 18

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

T-2448-26 Kevin Alexander McLean v. Royal Canadian Mounted Police

4 messages

CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca> Thu, Jul 2, 2026 at 1:01 PM
To: "mclean@searchandseizure.ca" <mclean@searchandseizure.ca>, "nick.continelli@justice.gc.ca" <nick.continelli@justice.gc.ca>, "jake.norris@justice.gc.ca" <jake.norris@justice.gc.ca>
Cc: R369_Toronto <R369_Toronto2@cas-satj.gc.ca>

FEDERAL COURT **COUR FÉDÉRALE**

Good day,
Please find attached a true copy of the of the following document(s):

Bonjour,
Veuillez trouver ci-joint une copie conforme du ou des document(s) suivant(s):

Judgment	☐	Jugement
Reasons for Judgment	☐	Motifs du jugement
Order	☐	Ordonnance
Reasons for Order	☐	Motifs de l'ordonnance
Direction(s)	☒	Directive(s)
Rendered by the Court	Allyson Whyte Nowak Judge/Juge	Rendu(e)(s) par la Cour
Dated	2026-07-02	Daté(e)(s)

If a certified copy of the above-noted decision is required, please advise and a copy will be forwarded to your attention by regular mail.

PLEASE CONFIRM RECEIPT OF THIS E-MAIL AND ATTACHED DOCUMENT(S), BY REPLY E-MAIL, WITHIN TWO (2) DAYS.

Anything sent to this e-mail address, other than confirmation of receipt of a decision, will not be considered as having been received by the Registry.

*Pursuant to section 20 of the Official Languages Act, any **final** decisions, orders and judgments, including any reasons given therefore, issued by the Federal Court are made available in both official languages simultaneously or one after the other. If a final decision is issued in one of the official languages and then, at the earliest possible time, in the other official language, a copy of the version in the other official language will be forwarded on request when it is available.*

Si une copie certifiée de la décision susmentionnée est requise, veuillez-nous en informer et une copie vous sera transmise par courrier régulier.

VEUILLEZ ACCUSER RÉCEPTION PAR COURRIEL, DANS LES DEUX (2) JOURS, DU PRÉSENT COURRIEL ET DES DOCUMENTS QUI Y SONT JOINTS.

Tout ce qui est envoyé à cette adresse courriel, autre que l'accusé de réception d'une décision, ne sera pas considéré comme ayant été reçu par le greffe.

*Conformément à l'article 20 de la Loi sur les langues officielles, les décisions, ordonnances et jugements **définitifs** - exposé des motifs compris - rendus par la Cour fédérale sont mis à la disposition du public dans les deux langues officielles soit simultanément ou une à la suite de l'autre. Si une décision définitive est rendue d'abord dans l'une des deux langues officielles, puis dans les meilleurs délais dans l'autre langue officielle, la copie de la version dans l'autre langue officielle sera transmise, sur demande, dès qu'elle sera disponible.*

Thank you,

Maya-Jo Blake-Janniere

Registry Officer

Courts Administration Service, Toronto Local Office

Service administrative des tribunaux judiciaires, Bureau local de Toronto

T-2448-26 DIRECTION July 2.pdf
42K

Norris, Jake (he him il lui) <Jake.Norris@justice.gc.ca> Thu, Jul 2, 2026 at 2:51 PM
To: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>, "mclean@searchandseizure.ca" <mclean@searchandseizure.ca>, "Continelli, Nick" <Nick.Continelli@justice.gc.ca>
Cc: R369_Toronto <R369_Toronto2@cas-satj.gc.ca>

Good afternoon,

Receipt confirmed on behalf of the Respondent.

Kind regards,

Jake Norris

(he/him/il/lui)

Counsel | Avocat

National Litigation Sector | Secteur national du contentieux

Department of Justice Canada | Ministère de la Justice Canada

Ontario Regional Office | Bureau régional de l'Ontario

120 Adelaide Street West | 120, rue Adelaide ouest
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tel | tél: 416-347-6823

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From: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>
Sent: Thursday, July 2, 2026 1:01 PM
To: mclean@searchandseizure.ca; Continelli, Nick <Nick.Continelli@justice.gc.ca>; Norris, Jake (he him il lui) <Jake.Norris@justice.gc.ca>
Cc: R369_Toronto <R369_Toronto2@cas-satj.gc.ca>
Subject: T-2448-26 Kevin Alexander McLean v. Royal Canadian Mounted Police

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Sun, Jul 12, 2026 at 8:31 PM
To: "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>, "Bakalakis, Christos" <Christos.Bakalakis@cas-satj.gc.ca>
Cc: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>, "Continelli, Nick" <Nick.Continelli@justice.gc.ca>, R369_Toronto <R369_Toronto2@cas-satj.gc.ca>, jake.norris@justice.gc.ca

Date: July 12, 2026
Classification: Private and Confidential
Sending Method: Via Email
To: CAS-SATJ DECISIONS (cas-satj-decisions@cas-satj.gc.ca), Mr. Nick Continelli (nick.continelli@justice.gc.ca), Mr. Jake Norris (jake.norris@justice.gc.ca), R369_Toronto2@cas-satj.gc.ca, Mr. Christos Bakalakis, Head Administrator for the Ontario Region (Christos.Bakalakis@cas-satj.gc.ca), and Mr. David Boudreau, Chief Administrator (David.Boudreau@cas-satj.gc.ca)
Subject I: Purported Decision/Direction Rendered by Justice Whyte Nowak on July 2, 2026, Facilitated by Ms. Maya-Jo Blake-Janniere, Federal Court Registry Officer
Subject II: Heraldic and Logographic Discrepancies Between the Valid Directions of Associate Judge Cotter and Associate Judge Crinson Versus the Document Attributed to Justice Whyte Nowak, Including the Involvement of Ms. Maya-Jo Blake-Janniere
Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

Part I: Introduction and Imperative Inquiries

1. Correspondence is hereby initiated concerning the aforementioned subjects.
2. A critical examination has been conducted regarding the instrument circulated on July 2, 2026, which is ostensibly a direction rendered by Justice Allyson Whyte Nowak and transmitted by Ms. Maya-Jo Blake-Janniere, an official within the Federal Court Registry (the "**Purported Direction**").
3. Prior to delving into the substantive fatal defects of the aforementioned documentation, a formal and unequivocal demand is hereby directed to the Federal Court Registry to immediately produce the definitive nomenclature of the file as denoted in the digital metadata associated with the Purported Direction. It is imperative that this specific metric of digital evidence be obtained and remanded to the presiding adjudicator for the hearing of Notice of Motion #3 (the "**NOM #3**"), scheduled to be heard on Wednesday, July 15, 2026.

Part II: Procedural Posture and the Doctrine of Nullity

4. The procedural history dictates an analysis of the prior directions promulgated by Associate Judge Cotter on May 20, 2026, and Associate Judge Crinson on June 24, 2026 (the "**Prior Directions**").
5. Rigorous compliance with the Prior Directions was effectuated through the acceptance of the Certificate of Service on May 20, 2026, and the subsequent execution and filing of Affidavit #1 on July 11, 2026, the latter having been filed under formal protest as an explicit prerequisite for a Requisition for Hearing.
6. The Respondents, having elected to abstain from seeking an internal appellate remedy pursuant to Rule 51 of the *Federal Courts Rules*, SOR/98-106, are effectively noted in default; consequently, they are precluded from asserting any oppositional entitlement to further procedural notice regarding these steps.
7. An intrinsic review of the Purported Direction manifests profound logographic irregularities; specifically, the heraldic emblem utilized upon the instrument is incongruous with the authorized and established insignia of the Federal Court of Canada.
8. It is submitted that the Purported Direction features an emblem that visually replicates the Coat of Arms of Canada, an insignia strictly unauthorized for this distinct judicial application, which contrasts starkly with the proper logographics affixed to the Prior Directions.
9. To anticipate and categorically rebut any counter-argument asserting that such typographical or formatting anomalies constitute curable irregularities under the *Federal Courts Rules*, it is averred that such a proposition is logically deficient *in limine*. A direct contravention of a statutory design, involving the integration of an illegitimate seal, operates as an irremediable defect that strips the document of any *prima facie* legal authority, rendering it a strict nullity rather than a curable procedural lapse.
10. In accordance with the foundational legal maxim *fraus omnia vitiat* (fraud vitiates all), alongside the corollary *ex nihilo nihil fit* (out of nothing comes nothing), the utilization of an unauthorized and misappropriated emblem dictates that the Purported Direction is *void ab initio*. Therefore, the proceeding must be returned to the *status quo ante*.

Part III: Metadata Anomalies and Technological Manipulations

11. An exhaustive forensic analysis of the digital footprint belonging to the document exposes deeply concerning anomalies; prominently, the underlying file nomenclature is designated within the metadata as "T-4313-25 direction.docx", evidencing a file origin that is chronologically misaligned with the current 2026 proceeding.
12. The metadata concomitantly indicates the utilization of PDF-XChange Editor, a software application possessing robust optical character recognition and advanced document manipulation capabilities (the "**Software**").
13. The Software is known to operate upon a freemium model, wherein unpaid versions affix watermarks, while it concurrently enables profound alterations to text, layouts, interactive forms, and underlying formatting.
14. Applying the stringent analytical and fiduciary standards inherent to the perspective of a former British Columbia barrister and solicitor and a Chartered Investment Manager, it is observed that such digital artifacts constitute definitive, undeniable evidence of unauthorized document fabrication and alteration.
15. The presence of such manipulative software signatures, amalgamated with the incongruous 2025 file nomenclature, *ipso facto* corroborates the assertion that the Purported Direction is a manufactured and fraudulent instrument.
16. While the general jurisprudential presumption *omnia praesumuntur rite et solemniter esse acta* (all acts are presumed to have been done rightly and regularly) shields customary administrative functions, this presumption is thoroughly and entirely rebutted by the explicit fabrications evident upon the face of the document.

Part IV: Personnel Integrity and Trademark Misappropriation

17. Exacerbating the invalidity of the Purported Direction is the transmittal of the instrument by one Ms. Maya-Jo Blake-Janniere.

18. Publicly accessible journalistic archives, specifically a publication dated May 28, 2021, identify an individual bearing the exact appellation—Maya-Jo Blake-Janniere, age 25, of Oshawa—as a party indicted on numerous egregious criminal charges, encompassing weapons offenses, cocaine trafficking, and possession of property obtained by crime (the "**Criminal Indictments**").
19. It is strictly incumbent upon the administration of justice to immediately clarify whether the Registry Officer identified herein is the identical individual named within the aforementioned Criminal Indictments.
20. Concurrently, it is observed that Justice Whyte Nowak's professional biography extols an extensive expertise in intellectual property litigation, including complex trademark, trade secret, and copyright disputes, spanning a twenty-eight-year tenure prior to elevation to the bench.
21. A profound irony is actualized herein: a jurist ostensibly possessing paramount expertise in intellectual property law is purportedly the author and signatory of an instrument characterized by the flagrant misappropriation of a national trademark and court logo.
22. Applying the maxim *nemo dat quod non habet* (no one gives what they do not have), an entity cannot confer legitimate legal authority through an instrument that fundamentally misappropriates the intellectual property and insignia it relies upon for its very jurisdiction.
23. To preemptively neutralize any assertion that judicial immunity insulates such acts, it is submitted that actions taken entirely without jurisdiction, or acts that are *ultra vires* the administrative capacity of the tribunal through overt falsification, forfeit such protections. It is asserted that a jurist's failure to discern the elementary distinctions between filing, serving, and proof of service, compounded with the misappropriation of logos, mandates immediate referral to the Canadian Judicial Council.

Part V: Remedial Demands and Concluding Declarations

24. In light of the manifest falsifications and jurisdictional overreaches identified, it is categorically declared that the Toronto Registry is divested of any continuing authority over this proceeding.
25. Immediate escalation shall be pursued to the Chief Justice of the Federal Court, the Chief Justice of the Federal Court of Appeal, the Canadian Judicial Council, and the Prime Minister of Canada.
26. Furthermore, it is hereby confirmed that formal requests for the production of the foundational case records and particulars corresponding to the 2025 file nomenclature discovered within the metadata shall be transmitted separately in short order, an action that will invariably result in a subsequent escalation of the costs due and owing in this matter.
27. Expedient and uncompromising measures shall be deployed to ensure these extraordinary circumstances, alongside the corresponding prayers for relief, are placed before the presiding justice in Ottawa for the hearing of NOM #3 on Wednesday, July 15, 2026.
28. It remains a self-evident conclusion that the Purported Direction is an unequivocal nullity, entirely devoid of juridical force or validity, thereby necessitating its immediate expungement from the record.

Part VI: Mandatory Expungement, Jurisdictional Transfer, and Escalation of Costs

29. It is now unequivocally required, as a matter of strict legal necessity, that formal relief be sought to mandate the absolute expungement of the Purported Direction from the official court file, the Record of Proceeding, or any analogous adjudicative repository, ensuring no vestige of this nullification remains within the official documentation.
30. Given the imminence of the adjudicative proceedings scheduled for Wednesday, July 15, 2026, in Ottawa, Ontario, it is formally confirmed that this precise relief for expungement shall be forcefully advanced under the auspices of the existing NOM #3. Concurrently, all applications for supplementary or resulting relief shall be coordinated and confirmed exclusively with the Ottawa Registry, effectively circumventing the compromised local infrastructure in Toronto.
31. It remains an inescapable conclusion that the current proceeding must be transferred *ex debito justitiae* (as a matter of right) out of the Toronto locus. This imperative directly parallels established historical precedent experienced directly by the Applicant, wherein the deployment of false logistical insignia within a fictitious criminal proceeding before the Ontario Court of Justice (Toronto) and the Superior Court of Justice (Toronto), alongside related systemic matters at the Divisional Court (Toronto), fundamentally necessitated the absolute transfer of those proceedings to preserve judicial integrity.
32. Accordingly, formal transmission regarding these fatal procedural defects, and the consequent necessity for an immediate change of venue, shall be executed independently and directly to the Chief Justice of the Federal Court of Canada, as well as to Mr. David Boudreau in his statutory capacity as Chief Administrator.
33. The obvious question arises as to why the Federal Court of Canada (not Federal Court of Appeal) would be editing a PDF as opposed to not drafting from a Word document? Only time will tell with the underlying disclosures form the underlying metadata
34. That Appendix #4, if it involves the same registry officer, is just absolutely terrifying and I cannot even consider participating in a hearing ever again at the courthouse when registry officers are acquiring weaponry and drugs like that along property from crime especially when I had my property stolen in Toronto from an insurance adjuster named Mr. David Karat of one or some of the insurance companies in the TDI Group. Perhaps, my computer and phone and other pieces of stolen property went into that criminal syndicate drug property ring in Durham and Oshawa as Mr. Karat is from Oshawa as well. I am speculating but something to look into.
35. What is also very interesting is that Justice Whyte Nowak represented the Aga Khan multiple times in court and after TD Insurance companies (multiple) engaged in further fraud with my identification by signing me for an event at the Aga Khan museum on November 8, 2024. Perhaps just another coincidence.
36. As denoted in my filed affidavit of yesterday, as no service was required as per a decision/direction of Associate Judge Mr. Crinson that actually had the Federal Court of Canada logo (along with Associate Judge Cotter as well), I was unaware of the same as you can see it s not contained therein. I reattach the same solely for convenience and ease of reference purposes.
37. Finally on the substantive side, it must be emphatically registered that the interjection of these fabricated instruments has precipitated an exponential and unwarranted multiplication of legal labor. This manufactured exigency has generated a veritable mountain of superfluous administrative and juridical effort, invariably guaranteeing that a substantially elevated quantum of costs shall be strictly sought and rigorously pursued against the responsible entities.
38. Lastly, as the Respondents are non-appearing as per the valid and binding decision of Associate Judge Cotter an Associate Judge Mr. Crinson, and this fraudulent decision/directing of Justice Whyte Nowak was “borne dead”, Mr. Norris stated in some letter that I could

seek legal aid for this proceeding. I do not follow and I presume he is wrong but he may wish to stop advising the public that judicial review applications to the Federal Court of Canada entitle applicants to obtain assistance, advice et al from Legal Aid. In any event, I will move to the separate threads to obtain the necessary underlying documents and files, and proceed to Judgment.

Yours truly,
Mr. Kevin A. McLean (BA, JD, CIM)

APPENDICES

APPENDIX #1

Federal Court Cour fédérale

180 Queen St. West
Suite 200
Toronto, ON
M5V 3L6

May 20, 2026

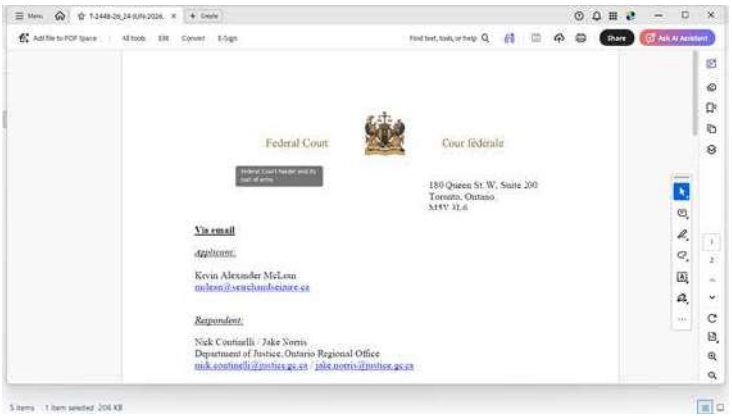
By email

Kevin A. McLean
mclean@searchandseizure.ca
The Applicant (self-represented)

RE: Kevin Alexander McLean v. Royal Canadian Mounted Police
Court File No: T-2448-26

Please be advised of the following directions of Associate Judge Cotter dated May 20

APPENDIX #2



Federal Court Cour fédérale

180 Queen St. W. Suite 200
Toronto, Ontario
M5V 3L6

Via email

Applicant:

Kevin Alexander McLean
mclean@searchandseizure.ca

Respondent:

Nick Continelli / Jake Norris
Department of Justice, Ontario Regional Office
nick.continelli@justice.gc.ca / jake.norris@justice.gc.ca

APPENDIX #3

Federal Court / Cour fédérale

180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

July 2, 2026

VIA E-MAIL

Kevin Alexander McLean
[redacted]

Nick Counselli
[redacted]

Jake Norris
[redacted]

RE: T-2448-26
Kevin Alexander McLean v. Royal Canadian Mounted Police

APPENDIX #4:

https://www.durhamradionews.com/archives/139571

Five from Durham among 11 charged as OPP break up drug trafficking network

May 28, 2021 | 1:30 pm

OPP say 11 people are facing charges, including five from Durham Region, after an investigation into a GTA-based drug trafficking network with ties to known street gangs.

Over the course of six months, officers from several police forces looked at fentanyl and cocaine trafficking in Simcoe County and Muskoka.

Officers say the drugs were brought into the area by an organized network of traffickers.

This month, they searched nine properties, including two in Oshawa and one in Ajax. Other places in Barrie, Toronto and Markham were also searched.

Over the course of their investigation, police seized 427 grams of fentanyl, 734 grams of cocaine, 53 grams of crack, Hydromorphone and Oxycodone pills and drug trafficking paraphernalia.

Investigators think the drugs seized represent about 4,144 doses on the street.

Four handguns, five vehicles and over $100,000 in cash was also uncovered.

The 11 people arrested face a combined 148 charges, including for drug trafficking and gang-related crimes.

Through investigation, police have linked this criminal network to several fatal and non-fatal overdoses between January 2020 and February 2021.

Jordan Lem, 30, of Oshawa is facing 15 charges, including trafficking in fentanyl and cocaine, possession of property obtained by crime and fail to comply with a court order.

Kadeem Knott, 30, of Oshawa faces 22 gun, gang and drug trafficking charges.

Maya-Jo Blake-Janniere, 25, of Oshawa is charged with gun crimes, trafficking cocaine and possession of property obtained by crime.

Nothing past this line
[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Sun, Jul 12, 2026 at 8:35 PM
To: "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>, "Bakalakis, Christos" <Christos.Bakalakis@cas-satj.gc.ca>
Cc: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>, "Continelli, Nick" <Nick.Continelli@justice.gc.ca>, R369_Toronto <R369_Toronto2@cas-satj.gc.ca>, jake.norris@justice.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

I apologize as I did not attach the filed affidavit of yesterday. Please see attached. Thank you.
[Quoted text hidden]

Affidavit #1 - McLean v. RCMP et al - Applicant - MCLEAN - Kevin - 11-July-2026 - FILED.pdf
6678K

TAB 19

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

URGENT REQUISITION FOR PRODUCTION OF JUDICIAL RECORDS: File No. T-4313-25 Pursuant to Rule 26 of the Federal Courts Rules

1 message

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Sun, Jul 12, 2026 at 8:43 PM
To: "Bakalakis, Christos" <Christos.Bakalakis@cas-satj.gc.ca>, "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>

Date: July 12, 2026

Classification: Urgent, Private and Confidential

Sending Method: Via Email

To: Federal Court Registry (Ottawa) and Federal Court Registry (Toronto Local Office)

Subject: URGENT REQUISITION FOR PRODUCTION OF JUDICIAL RECORDS: File No. T-4313-25 Pursuant to Rule 26 of the Federal Courts Rules

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

Part I: Invocation of Statutory Entitlement and Immediate Exigency

1. Pursuant to the strict legal entitlements enshrined within rule 26(1) of the *Federal Courts Rules*, SOR/98-106, an urgent and formal requisition is hereby initiated to compel the immediate electronic production and facilitated inspection of specific judicial records.

2. As an adjudicative imperative, access is strictly demanded regarding the proceeding designated under the file nomenclature T-4313-25 (the "**Requested File**").

3. Given the extraordinary and severe exigencies precipitated by the discovery of this specific file nomenclature embedded within the digital metadata of a purportedly fraudulent direction—a matter currently the subject of rigorous scrutiny and impending adjudicative intervention scheduled for Wednesday, July 15, 2026—time is of the absolute essence.

Part II: Demands for Comprehensive File Particulars

4. It is categorically required that the Registry immediately extract, compile, and transmit the comprehensive foundational particulars of the Requested File.

5. To satisfy this mandatory demand, the electronic transmission must strictly encompass, but shall not be limited to, the following documentation and verified information: a. The complete and unaltered constating documents that initiated the proceeding; b. The definitive nomenclature and official style of cause associated with the Requested File; and c. The precise identities of all presiding Judges and Associate Judges who have been seized of, or have participated in any adjudicative or administrative capacity regarding, the Requested File.

6. It is asserted *ex debito justitiae* (as a matter of right) that the Requested File, unless explicitly sealed by a formal order of the Court pursuant to rule 26(2) or rule 26(3) of the *Federal Courts Rules*, constitutes a public repository. Consequently, it is strictly incumbent upon the Registry officers, acting in the course of their duties, to facilitate this access electronically, thereby ensuring the preservation of judicial transparency without necessitating physical removal of the annexes.

Part III: Fee Remittance and Administrative Fulfillment

7. Regarding the administrative costs potentially associated with this urgent production, it is presently presumed, in the absence of contrary advisement, that no tariff or fee is applicable for the electronic transmission of these public records.

8. Should a statutory fee be explicitly mandated by the Registry for the fulfillment of this specific requisition, immediate advisement is required. Upon receipt of such notification, prompt and full remittance shall be effectuated to guarantee that no administrative or financial impediment delays the release of these critical records.

9. In light of the aforementioned urgency and the imminent hearings, this documentation must be provided exclusively via email. Immediate compliance and the prompt transmission of the Requested File particulars are strictly anticipated.

Yours truly,

Mr. Kevin A. McLean (BA, JD, CIM)

--
Best regards,

Mr. Kevin A. McLean (BA (MCL), JD, CIM)

Email: mclean@searchandseizure.ca
Phone: 647.370.9354
Fax: upon request

NOTA BENE: This email is for dispute resolution and litigation purposes only. Without prejudice communication so denoted invokes settlement privilege.

CONFIDENTIALITY NOTICE: This email and any attachments are confidential and may contain privileged information. It is intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this email is strictly prohibited. If you have received this communication in error, please immediately notify the sender by replying to this email and permanently delete the original message and any attachments from your system.

TAB 20

Five from Durham among 11 charged as OPP break up drug trafficking network

May 28, 2021 | 1:30 pm

OPP say 11 people are facing charges, including five from Durham Region, after an investigation into a GTA-based drug trafficking network with ties to known street gangs.

Over the course of six months, officers from several police forces looked at fentanyl and cocaine trafficking in Simcoe County and Muskoka.

Officers say the drugs were brought into the area by an organized network of traffickers.

This month, they searched nine properties, including two in Oshawa and one in Ajax. Other places in Barrie, Toronto and Markham were also searched.

Over the course of their investigation, police seized 427 grams of fentanyl, 734 grams of cocaine, 53 grams of crack, Hydromorphone and Oxycodone pills and drug trafficking paraphernalia.

RECENT POSTS

Investigators think the drugs seized represent about 4,145 doses on the street.

Four handguns, five vehicles and over $100,000 in cash was also uncovered.

The 11 people arrested face a combined 148 charges, including for drug trafficking and gang-related crimes.

Through investigation, police have linked this criminal network to several fatal and non-fatal overdoses between January 2020 and February 2021.

Jordan Lem, 30, of Oshawa is facing 18 charges, including trafficking in fentanyl and cocaine, possession of property obtained by crime and fail to comply with a court order.

Kadeem Knott, 30, of Oshawa faces 22 gun, gang and drug trafficking charges.

Maya-Jo Blake-Janniere, 25, of Oshawa is charged with gun crimes, trafficking cocaine and possession of property obtained by crime.

Troy LeDrew, 25, and Chantell Martin, 27, both of Ajax are charged with possession of cocaine for the purpose of trafficking.

Lem and Knott were held for bail hearings, the other three were released on undertakings.

Photos courtesy of OPP

Go Back

- Police search turns up drugs, gun parts at home in Pickering July 11, 2026
- Man caught with fake gun, invalid licence plates during fraud investigation in Durham July 11, 2026
- Newcastle driver caught going nearly 200km/h on Huntsville highway July 11, 2026
- Lane restrictions coming to part of Rossland Road in Whitby July 11, 2026
- Community support leads to arrest in fake currency case in Ajax July 11, 2026
- How the federal government's proposed digital regulator would work July 11, 2026
- Applications for federal public service jobs drop by almost 30 per cent July 10, 2026
- Highway 401 westbound collector lanes closed for construction Friday July 10, 2026
- Nurses at Lakeridge Health part of latest round of cuts: ONA July 10, 2026
- Police investigating after woman sexually assaulted in Ajax July 10, 2026

2 comments on “Five from Durham among 11 charged as OPP break up drug trafficking network”

Sandy Smith says:

May 28, 2021 at 5:18 pm

Put their pictures in the article so we can tell who these alleged criminals are. I wouldn’t want them for neighbors’.

Diane Dileo says:

May 30, 2021 at 1:58 pm

Good! Keep jamming up these networks and let the gangs know they cant do business here. Keep the drugs off our streets and these people in jail

ADDENDUM OF CHARGED PERSONS - PROJECT GARFIELD

NAME	AGE	RESIDENCE	CHARGE	COURT STATUS & DATE
Jordan LEM 18 Charges	30	***Oshawa, ON***	• Trafficking in a Schedule I Substance – Fentanyl contrary to Section 5(1) of the Controlled Drugs and Substances Act **x3** • Trafficking in a Schedule I Substance – Crack Cocaine contrary to Section 5(1) of the Controlled Drugs and Substances Act **x4** • Possession of Property Obtained by Crime under $5000 contrary to Section 354(1)(a) of the Criminal Code **x7** • Possession of Property Obtained by Crime over $5000 contrary to Section 354(1)(a) of the Criminal Code • Conspiracy to Commit Indictable Offence contrary to Section 465(1)(c) of the Criminal Code • Commission of an Indictable Offence for the Benefit of a Criminal Organization contrary to Section 467.12 of the Criminal Code • Fail to Comply with a Court Order contrary to Section 145(5)(a) of the Criminal Code	Remanded into custody. Bail hearing scheduled for May 26, 2021
Kadeem KNOTT 22 Charges	30	***Oshawa, ON***	• Trafficking in a Schedule I Substance – Fentanyl contrary to Section 5(1) of the Controlled Drugs and Substances Act **x4** • Trafficking in a Schedule I Substance – Crack Cocaine contrary to Section 5(1) of the Controlled Drugs and Substances Act **x3**	Remanded into custody. Next appearance May 26, 2021

			• Possession of Property Obtained by Crime under $5000 contrary to Section 354(1)(a) of the Criminal Code **x6** • Possession of Property Obtained by Crime over $5000 contrary to Section 354(1)(a) of the Criminal Code • Unauthorized Possession of a Prohibited Firearm contrary to Section 91(1) of the Criminal Code • Possession of a Prohibited Firearm Knowing its Possession is Unauthorized contrary to Section 92(1) of the Criminal Code • Possession of a Loaded Prohibited Firearm contrary to Section 95(1) of the Criminal Code • Possession of a Firearm Knowing that it was Obtained By the Commission of an Offence contrary to Section 96(1) of the Criminal Code • Careless Storage of a Firearm contrary to Section 86(2) of the Criminal Code • Possession of a Schedule I Substance for the Purpose of Trafficking – Cocaine contrary to Section 5(2) of the Controlled Drugs and Substances Act • Conspiracy to Commit Indictable Offence contrary to Section 465(1)(c) of the Criminal Code • Commission of an Indictable Offence for the Benefit of a Criminal Organization	

ADDENDUM OF CHARGED PERSONS - PROJECT GARFIELD

			contrary to Section 467.12 of the Criminal Code	
Jermaine POTTER 20 Charges	37	***Toronto, ON***	• Trafficking in a Schedule I Substance – Fentanyl contrary to Section 5(1) of the Controlled Drugs and Substances Act **x8** • Possession of a Schedule I Substance for the Purpose of Trafficking – Crack Cocaine contrary to Section 5(2) of the Controlled Drugs and Substances Act • Possession of a Schedule I Substance for the Purpose of Trafficking – Fentanyl contrary to Section 5(2) of the Controlled Drugs and Substances Act • Possession of Property Obtained by Crime under $5000 contrary to Section 354(1)(a) of the Criminal Code **x7** • Possession of Property Obtained by Crime over $5000 contrary to Section 354(1)(a) of the Criminal Code • Conspiracy to Commit Indictable Offence contrary to Section 465(1)(c) of the Criminal Code • Commission of an Indictable Offence for the Benefit of a Criminal Organization contrary to Section 467.12 of the Criminal Code	Remanded into custody. Next appearance May 28, 2021
Kory HAWTHORNE 25 Charges	27	***Toronto, ON***	• Trafficking in a Schedule I Substance – Fentanyl contrary to Section 5(1) of the Controlled Drugs and Substances Act **x3**	Remanded into custody. Bail hearing scheduled for May 21, 2021

ADDENDUM OF CHARGED PERSONS - PROJECT GARFIELD

			• Trafficking in a Schedule I Substance – Crack Cocaine contrary to Section 5(1) of the Controlled Drugs and Substances Act • Unauthorized Possession of a Prohibited Firearm contrary to Section 91(1) of the Criminal Code **x3** • Possession of a Prohibited Firearm Knowing its Possession is Unauthorized contrary to Section 92(1) of the Criminal Code **x3** • Possession of a Loaded Prohibited Firearm contrary to Section 95(1) of the Criminal Code **x2** • Possession of a Firearm Knowing that it was Obtained By the Commission of an Offence contrary to Section 96(1) of the Criminal Code **x3** • Careless Storage of a Firearm contrary to Section 86(2) of the Criminal Code **x3** • Possession of a Schedule I Substance for the Purpose of Trafficking – Cocaine contrary to Section 5(2) of the Controlled Drugs and Substances Act • Possession of Property Obtained by Crime over $5000 contrary to Section 354(1)(a) of the Criminal Code • Possession of Property Obtained by Crime under $5000 contrary to Section 354(1)(a) of the Criminal Code **x3**	

ADDENDUM OF CHARGED PERSONS - PROJECT GARFIELD

			• Conspiracy to Commit Indictable Offence contrary to Section 465(1)(c) of the Criminal Code • Commission of an Indictable Offence for the Benefit of a Criminal Organization contrary to Section 467.12 of the Criminal Code	
Kyle HAWTHORNE 28 Charges	29	***Toronto, ON***	• Trafficking in a Schedule I Substance – Fentanyl contrary to Section 5(1) of the Controlled Drugs and Substances Act **x3** • Trafficking in a Schedule I Substance – Crack Cocaine contrary to Section 5(1) of the Controlled Drugs and Substances Act • Unauthorized Possession of a Prohibited Firearm contrary to Section 91(1) of the Criminal Code **x3** • Possession of a Prohibited Firearm Knowing its Possession is Unauthorized contrary to Section 92(1) of the Criminal Code **x3** • Possession of a Loaded Prohibited Firearm contrary to Section 95(1) of the Criminal Code **x2** • Possession of a Firearm Knowing that it was Obtained By the Commission of an Offence contrary to Section 96(1) of the Criminal Code **x3** • Careless Storage of a Firearm contrary to Section 86(2) of the Criminal Code **x3**	Remanded into custody. Bail hearing scheduled for May 21, 2021

ADDENDUM OF CHARGED PERSONS - PROJECT GARFIELD

			• Possession of a Firearm Contrary to Prohibition Order contrary to Section 117.01(1) **x3** • Possession of a Schedule I Substance for the Purpose of Trafficking – Cocaine contrary to Section 5(2) of the Controlled Drugs and Substances Act • Possession of Property Obtained by Crime over $5000 contrary to Section 354(1)(a) of the Criminal Code • Possession of Property Obtained by Crime under $5000 contrary to Section 354(1)(a) of the Criminal Code **x3** • Conspiracy to Commit Indictable Offence contrary to Section 465(1)(c) of the Criminal Code • Commission of an Indictable Offence for the Benefit of a Criminal Organization contrary to Section 467.12 of the Criminal Code	
Tavar KNOTT 20 Charges	34	***Toronto, ON***	• Trafficking in a Schedule I Substance – Fentanyl contrary to Section 5(1) of the Controlled Drugs and Substances Act **x3** • Possession of a Schedule I Substance for the Purpose of Trafficking – Cocaine contrary to Section 5(2) of the Controlled Drugs and Substances Act • Possession of a Schedule I Substance for the Purpose of Trafficking – Fentanyl contrary to Section 5(2) of the Controlled Drugs and Substances Act	Remanded into custody. Next appearance June 7, 2021

ADDENDUM OF CHARGED PERSONS - PROJECT GARFIELD

			• Possession of a Schedule I Substance for the Purpose of Trafficking – Oxycodone contrary to Section 5(2) of the Controlled Drugs and Substances Act • Possession of a Schedule I Substance for the Purpose of Trafficking – Hydromorphone contrary to Section 5(2) of the Controlled Drugs and Substances Act • Possession of Property Obtained by Crime under $5000 contrary to Section 354(1)(a) of the Criminal Code **x3** • Possession of Property Obtained by Crime over $5000 contrary to Section 354(1)(a) of the Criminal Code • Conspiracy to Commit Indictable Offence contrary to Section 465(1)(c) of the Criminal Code • Commission of an Indictable Offence for the Benefit of a Criminal Organization contrary to Section 467.12 of the Criminal Code • Fail to Comply with a Court Order contrary to Section 145(5)(a) of the Criminal Code **x7**	
Justin HOPE 4 Charges	31	***Toronto, ON***	• Trafficking in a Schedule I Substance – Crack Cocaine contrary to Section 5(1) of the Controlled Drugs and Substances Act • Possession of Property Obtained by Crime under $5000 contrary to Section 354(1)(a) of the Criminal Code	Released on a Recognizance. Next appearance June 23, 2021

ADDENDUM OF CHARGED PERSONS - PROJECT GARFIELD

			• Conspiracy to Commit Indictable Offence contrary to Section 465(1)(c) of the Criminal Code • Commission of an Indictable Offence for the Benefit of a Criminal Organization contrary to Section 467.12 of the Criminal Code	
Maya-Jo BLAKE-JANNIERE 7 Charges	25	***Oshawa, ON***	• Unauthorized Possession of a Prohibited Firearm contrary to Section 91(1) of the Criminal Code • Possession of a Prohibited Firearm Knowing its Possession is Unauthorized contrary to Section 92(1) of the Criminal Code • Possession of a Loaded Prohibited Firearm contrary to Section 95(1) of the Criminal Code • Possession of a Firearm Knowing that it was Obtained By the Commission of an Offence contrary to Section 96(1) of the Criminal Code • Careless Storage of a Firearm contrary to Section 86(2) of the Criminal Code • Possession of a Schedule I Substance for the Purpose of Trafficking – Cocaine contrary to Section 5(2) of the Controlled Drugs and Substances Act • Possession of Property Obtained by Crime over $5000 contrary to Section 354(1)(a) of the Criminal Code	Released on Undertaking. First appearance June 28, 2021

ADDENDUM OF CHARGED PERSONS - PROJECT GARFIELD

Troy LEDREW 2 Charges	25	***Ajax, ON***	• Possession of a Schedule I Substance for the Purpose of Trafficking – Cocaine contrary to Section 5(2) of the Controlled Drugs and Substances Act **x2**	Released on a Recognizance. Next appearance June 28, 2021
Julian HOPE-RUDDER 1 Charge	30	***Toronto, ON***	• Possession of a Schedule I Substance for the Purpose of Trafficking – Cocaine contrary to Section 5(2) of the Controlled Drugs and Substances Act	Released on Undertaking. First appearance June 28, 2021
Chantell MARTIN 1 Charge	27	***Ajax, ON***	• Possession of a Schedule I Substance for the Purpose of Trafficking – Cocaine contrary to Section 5(2) of the Controlled Drugs and Substances Act	Released on Undertaking. First appearance June 28, 2021

Courts Administration Service | Service administratif des tribunaux judiciaires' Post

Courts Administration Service | Service administratif des tribunaux judiciaires
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Service excellence is at the heart of everything we do! In fact, it is one of our 5 strategic priorities. The many recipients of this award have distinguished themselves through their strong commitment to client service, whether serving members of the public or members of the Courts.

Among the recognized teams was an operational/Registry team from Toronto composed of Robert

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9

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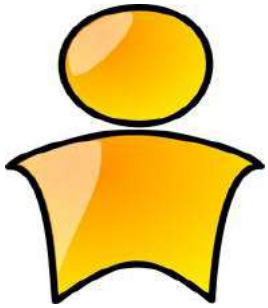
TAB 21

555

Government of Canada | Gouvernement du Canada

Person Information

Tyler Alviano - Counsel



Telephone : 437-448-8662

120 Adelaide St W Suite 400
Toronto, Ontario M5H 1T1
Canada

Organizations

- Canada
  - Justice Canada
    - NATIONAL LITIGATION SECTOR
      - ONTARIO REGIONAL OFFICE (TORONTO)
        - Tax Law Services Division

556

Date modified:

2026-07-13

Government of Canada / Gouvernement du Canada

Browse Organization

Search in : Tax Law Services Division

Enter value to search for :

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Examples

(1) Smith **(2)** Smith, John **(3)** John Smith **(4)** 613-999-0101 **(5)** "Da Vinci" **(6)** minister

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Organizations

- Canada
  - Justice Canada
    - NATIONAL LITIGATION SECTOR
      - ONTARIO REGIONAL OFFICE (TORONTO)
        - **Tax Law Services Division**
          - ICase Coordinator

Tax Law Services Division

People 179

558

1. Ahn, Caroline; 647-256-7320; Counsel;
2. Aird, Diana; 416-357-7619; Deputy Regional Director & Senior Counsel;
3. Al Afif, Mohammed; 416-524-2074; Legal Assistant;
4. Alviano, Tyler; 437-448-8662; Counsel;
5. Anderson, Kristina; 647-256-7324; Legal Assistant;
6. Anjum, Maham MA; 647-256-1645; Legal Assistant;
7. Asevero, Deionza Asevero; Co-op student;
8. B Sharif, Niloofar; 416-577-5374; Counsel;
9. Bablak, Vanessa; 647-542-8097; Paralegal;
10. BAnez, Zen; 647-256-1254; Legal Assistant;
11. Barrios-Rodriguez, Eimy; 647-256-7406; Paralegal;
12. Basta, Peter; 780-495-3808; Counsel;
13. Beahen, Katie; 647-256-7453; Counsel;
14. Belhumeur, Ashley; 647-256-7392; Paralegal;
15. Bergeron, Natanz; 416-459-6355; Counsel;
16. Bhattacharyya, Suranjana; 647-256-7334; Counsel;
17. Bilyk, Monica; 647-256-1667; Legal Assistant;
18. Bishara, Jessica; 647-256-1269; Counsel;
19. Blackett, Jacqueline; 647-256-1669; Counsel;
20. Bouchier, Sarah; 647-256-7338; Senior Paralegal;
21. Bourchier, D'ette; 416-559-2875; Counsel;
22. Bryan, Nathaniel; 647-328-8843; Counsel;
23. Campbell, Rochelle; 647-256-1671; Paralegal;
24. Caruso, Jennifer; 647-256-7344; Paralegal;
25. Chamberland, Ben; 647-256-7376; Counsel;

1 Next ➔

Date modified:

2026-07-13

559

Tyler Alviano

Counsel at Department of Justice Canada
Toronto, Ontario, Canada

Contact

www.linkedin.com/in/tyler-alviano-b74581101 (LinkedIn)

Top Skills

Customer Service
Leadership
Communication

Certifications

McGill Personal Finance Essentials

Summary

I am currently an Articling Student at LaBarge Weinstein LLP, a corporate law firm based in Ottawa. I recently graduated from the University of Ottawa Faculty of Law cum laude from the JD Program. Prior to beginning my legal education I received my Honours Bachelor of Arts Degree in Philosophy (2018) as well as my Master of Arts Degree in Philosophy (2019) from Wilfrid Laurier University.

I am dedicated, hard-working and am always looking for opportunities to broaden my experiences.

Experience

Department of Justice Canada | Ministère de la Justice du Canada
Counsel - Tax Law Services Division
October 2024 - Present (1 year 10 months)
Toronto, Ontario, Canada

Neuberger & Partners LLP
Criminal Defence Lawyer
October 2023 - October 2024 (1 year 1 month)
Toronto, Ontario, Canada

LaBarge Weinstein LLP
Articling Student
August 2022 - May 2023 (10 months)

University of Ottawa - Faculty of Law | Common Law
2 years 9 months

Teaching Assistant
September 2020 - May 2022 (1 year 9 months)

Law Student
September 2019 - May 2022 (2 years 9 months)

Inter Alia
English Content Editor
September 2020 - May 2022 (1 year 9 months)

LaBarge Weinstein LLP
Summer Law Student
May 2021 - August 2021 (4 months)
Ottawa, Ontario, Canada

Women's Legal Education and Action Fund (LEAF)
Events Coordinator
May 2019 - May 2021 (2 years 1 month)

Pro Bono Students Canada
Student Volunteer - LEAF, "Only Yes Means Yes" Campaign
September 2019 - May 2020 (9 months)
Ottawa, Ontario, Canada

Conducted workshops with high school students on the law surrounding sexual assault in Canada and the importance of consent.

Wilfrid Laurier University
3 years 2 months

Teaching Assistant
September 2018 - May 2019 (9 months)
Waterloo, ON

Campus Ambassador
April 2016 - August 2018 (2 years 5 months)

AMERICAN EAGLE OUTFITTERS INC.
Sales Floor Associate
November 2012 - September 2015 (2 years 11 months)

Planet Kids Summer Camps
Program Director
June 2011 - September 2014 (3 years 4 months)
Milton, Ontario, Canada

Education

University of Ottawa

Doctor of Law - JD Candidate · (2019 - 2022)

Wilfrid Laurier University

Master of Arts - MA, Philosophy · (2018 - 2019)

Wilfrid Laurier University

Bachelor of Arts - BA, Philosophy · (2014 - 2018)

562

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About

I am currently an Articling Student at LaBarge Weinstein LLP, a corporate law firm based in Ottawa. I recently graduated from the University of Ottawa Faculty of Law cum laude from the JD Program. Prior to beginning my legal education I received my Honours Bachelor of Arts Degree in Philosophy (2018) as well as my Master of Arts Degree in Philosophy (2019) from Wilfrid Laurier University.

I am dedicated, hard-working and am always looking for opportunities to broaden my experiences.

Activity

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Experience

Counsel - Tax Law Services Division
Department of Justice Canada | Ministère de la Justice du Canada
Oct 2024 - Present · 1 yr 10 mos
Toronto, Ontario, Canada

Criminal Defence Lawyer
Neuberger & Partners LLP
Oct 2023 - Oct 2024 · 1 yr 1 mo
Toronto, Ontario, Canada

Articling Student
LaBarge Weinstein LLP
Aug 2022 - May 2023 · 10 mos

University of Ottawa - Faculty of Law | Common Law
2 yrs 9 mos

- **Teaching Assistant**
  Sep 2020 - May 2022 · 1 yr 9 mos
- **Law Student**
  Full-time

TAB 22

Court File No.: CV-25-00752340-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

B E T W E E N:

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Applicants

- and -

GSC SOLAR FUND I LP, GSC SOLAR FUND I GP INC., GSC SOLAR FUND II LP, GSC SOLAR FUND II GP INC., GSC SOLAR LEASING LP, GSC SOLAR LEASING GP INC., GSC SOLAR LEASING II LP and GSC SOLAR LEASING II GP INC.

Respondents

IN THE MATTER OF AN APPLICATION PURSUANT TO SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT,* R.S.C. 1985, c. B-3, AS AMENDED, AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED

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(As at December 4, 2025)

TORYS LLP TD South Tower, 79 Wellington St. W., 30th Floor Box 270 Toronto, ON M5K 1N2 **David Bish** Tel: 416.865.7353 E-mail: dbish@torys.com **Mike Noel** Tel: 416.865.7378 E-mail: mnoel@torys.com *Counsel to Deutsche Bank Trust Company Americas, as Agent, and Deutsche Bank AG, Canada Branch, and The Bank of Nova Scotia*	**ALVAREZ & MARSAL CANADA INC.** Royal Bank Plaza, South Tower 200 Bay Street, Suite 3501 P.O. Box 22 Toronto, ON M5J 2J1 **Stephen Ferguson** Tel: 416.847.5162 E-mail: sferguson@alvarezandmarsal.com **Duncan MacRae** Tel: 403.815.0297. E-mail: dmacrae@alvarezandmarsal.com *Receiver*

GOODMANS LLP Bay Adelaide Centre – West Tower 333 Bay Street, Suite 3400 Toronto, ON M5H 2S7 **Brendan O'Neill** Tel: 416.849.6017 E-mail: boneill@goodmans.ca **Bradley Wiffen** Tel: 416.597.4208 E-mail: bwiffen@goodmans.ca **Josh Sloan** Tel: 416.597.4127 E-mail: jsloan@goodmans.ca *Counsel to the Receiver*	**RECONSTRUCT LLP** 80 Richmond Street West, Suite 1700 Toronto, ON M5H 2A4 **Caitlin E. Fell** Tel: 416.613.8282 E-mail: cfell@reconllp.com **R. Brendan Bissell** Tel: 416.613.0066 E-mail: bbissell@reconllp.com *Counsel to Grasshopper Solar Corporation, TwentyFifty Inc. and TwentyFifty Asset Management Inc.*
BLAKE, CASSELS & GRAYDON LLP 199 Bay Street, Suite 4000 Toronto, ON M5L 1A9 **Chris Burr** Tel: 416.863.3261 E-mail: chris.burr@blakes.com **Caitlyn McIntyre** Tel: 416.863.4174 E-mail: caitlin.mcintyre@blakes.com **Charles McRoberts** Tel: 416.863.2436 E-mail: charles.mcroberts@blakes.com *Counsel to Deutsche Bank Trust Company Americas, as Agent*	**DENTONS CANADA LLP** 99 Bank Street, Suite 1420 Ottawa, ON K1P 1H4 **Philip Rimer** Tel: 613.783.9634 E-mail: philip.rimer@dentons.com **Fraser Mackinnon Blair** Tel: 613.783.9647 E-mail: fraser.mackinnon.blair@dentons.com *Counsel to Nipissing First Nation*
Vijay Sagar 7566 Saint Barbara Blvd Mississauga, Ontario L5W 0B6 E-mail: vijays@rogers.com	

Ministries / Government Entities / Regulatory Authorities

ATTORNEY GENERAL OF CANADA Department of Justice Canada Ontario Regional Office 120 Adelaide Street West, Suite 400 Toronto, ON M5H 1T1	**MINISTRY OF FINANCE** 33 King Street W., 6th Floor Oshawa, ON L1H 8H5

Fozia Chaudary Tel: 647.256.7347 E-mail: Fozia.Chaudary@justice.gc.ca **Edward Park** Tel: 647.292.9368 E-mail: Edward.Park@justice.gc.ca **Vaughan Thatcher** Tel: 416.518.0089 E-mail: Vaughan.thatcher@justice.gc.ca **General Intake for Department of Justice** E-mail: AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca **Kelly Smith Wayland** E-mail: kelly.smithwayland@justice.gc.ca **Kevin Dias** E-mail: kevin.dias@justice.gc.ca **Walter Kravchuk** Tel: 365.375.2752 E-mail: walter.kravchuk@justice.gc.ca **Jake Norris** Tel: 416.347.6832 E-mail: Jake.Norris@justice.gc.ca *Counsel to His Majesty the King in Right of Canada as represented by the Minister of National Revenue*	**Steven Groeneveld** Tel: 905.431.8380 E-mail: steven.groeneveld@ontario.ca *Counsel, Legal Services Branch, Ministry of Finance, Civil Law Division, Ministry of the Attorney General Ontario Public Service*
INSOLVENCY UNIT MINISTRY OF FINANCE 33 King Street W., 6th Floor Oshawa, ON L1H 8H5 E-mail: insolvency.unit@ontario.ca	

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568
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Counsel in the Litigation, Extradition, and Advisory Law Division of the Department of Justice.

Activity

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Experience

Counsel
Department of Justice Canada | Ministère de la Justice du Canada · Permanent Full-time
Sep 2024 - Present · 1 yr 11 mos
Toronto, Ontario, Canada · Hybrid

Articling Student
Attorney General | Procureur général · Contract Full-time
Aug 2023 - Jun 2024 · 11 mos
Toronto, Ontario, Canada · Hybrid

University of Ottawa
3 yrs
Ottawa, Ontario, Canada

- **Research Assistant**
  Contract
  May 2020 - Apr 2023 · 3 yrs

  Research Assistant for Dr. Penelope Simons on transnational corporate activity and human rights violations.

- **Research Assistant**
  Contract Part-time
  Jun 2022 - Aug 2022 · 3 mos

  Research Assistant for Professor Brandon Stewart on weaponized noise as a novel claim in battery.

Summer Fellow
Friedman Mansour LLP · Internship

569

Jake Norris

Counsel, Department of Justice
Toronto, Ontario, Canada

Summary

Counsel in the Litigation, Extradition, and Advisory Law Division of the Department of Justice.

Experience

Department of Justice Canada | Ministère de la Justice du Canada
Counsel
September 2024 - Present (1 year 11 months)
Toronto, Ontario, Canada

Attorney General | Procureur général
Articling Student
August 2023 - June 2024 (11 months)
Toronto, Ontario, Canada

University of Ottawa
3 years

Research Assistant
May 2020 - April 2023 (3 years)
Ottawa, Ontario, Canada

Research Assistant for Dr. Penelope Simons on transnational corporate activity and human rights violations.

Research Assistant
June 2022 - August 2022 (3 months)
Ottawa, Ontario, Canada

Research Assistant for Professor Brandon Stewart on weaponized noise as a novel claim in battery.

Friedman Mansour LLP
Summer Fellow
May 2022 - September 2022 (5 months)
Ottawa, Ontario, Canada

Contact

www.linkedin.com/in/jake-norris-1070a6137 (LinkedIn)

Top Skills

Public Speaking
Negotiation
Event Planning

Languages

French (Elementary)
English (Native or Bilingual)
German (Elementary)

Honors-Awards

Valedictorian Award
President's List of Distinction
University Medal in Early Modern Studies
Honours Thesis Prize in Early Modern Studies
Valedictorian Prize

Publications

To Improve, Slowly: Resolving the tension between reform, revolt, and progress in Edmund Burke's Reflections on the Revolution in France
The Negative Theology and Natural Religion of Montaigne's 'Apology'
Foreward: on defacement
Down the Duck-Rabbit-Hole: Considering 'nonsense' in Lewis Carroll and Ludwig Wittgenstein
Threats to the Security of Canada: Same, Same but Different

Carleton University
Research Assistant
September 2020 - May 2021 (9 months)
Ottawa, Ontario, Canada

Research assistant for Dr. Leah West at the Norman Patterson School of International Affairs. Areas of research include Canadian national security law and the COVID-19 pandemic, foreign terrorist fighters, intelligence sharing, emergencies law, and the extraterritorial effect of the Charter.

Intrepid Podcast
Blog Contributor
September 2020 - April 2021 (8 months)
Ottawa, Ontario, Canada

Bi-weekly briefings on Canadian national security law.

Simcoe Chambers
Receptionist
July 2018 - June 2019 (1 year)
Toronto, Ontario, Canada

Western University
Teaching Assistant
January 2017 - May 2018 (1 year 5 months)
London, Ontario

Department: Women's Studies and Feminist Research
Course: Women and Popular Culture: Garbo to Gaga
Description from Syllabus: How is gender represented in popular culture? What messages do we receive about women from Reality TV? Disney films? Hip Hop culture? How do cultural understandings of what it means to be feminine become entangled in the way women are represented within popular culture? What kind of impact might these messages have on us, as consumers?
This course explores a number of the aforementioned themes, and in particular, how they relate to ideas, representations, and experiences of women in popular culture. Taught through an intersectional lens, this course focuses on elements of class, race and sexuality alongside gender. In doing so, students will be offered a nuanced understanding of the way in which women are represented, and valued, within popular culture (and the broader social world)! While we explore historical and contemporary figures, the majority of the course will focus on contemporary themes like the evolution

of Beyoncé's feminism, the emergence of transgender folks in the media, the role of gendered violence in Marvel's Jessica Jones, and representations of femininity in a variety of reality TV genres – to name a few.

This course is also designed so that it becomes clear how various technologies (magazines, the Internet, music videos, literature, reality TV, etc.) can play a direct role in how women are represented in popular culture and how we, as consumers, experience them through these technologies. As a result, this course hopes to gauge your interest when you are consuming pop culture inside as well as outside the classroom, where you perhaps become aware of some of the themes we've discussed when you're Netflixing at home on a Saturday night.

Duties: Grading and giving feedback on exams and weekly discussion forums.

Past courses TA'd

(Winter 2017) Department: Women's Studies and Feminist Research

Course: The Body

CN Tower

Guest Services Representative

May 2012 - August 2014 (2 years 4 months)

My main priority was to be a positive ambassador for the CN Tower, Toronto, and Canada by providing guests with professional and friendly service during their visit. I interacted with guests from all over the world, conveying important information in an entertaining and efficient manner. Functions of the job included: tour speeches, operation of the elevators, managing guest flow, assisting security, and responding to questions and concerns.

Education

University of Ottawa

JD-MA (International Affairs) · (2019 - 2023)

Western University

Master's Degree, Theory & Criticism · (2016 - 2018)

University of King's College

Bachelor's Degree, Early Modern Studies and Philosophy with a Minor in Contemporary Studies · (2012 - 2016)

Monarch Park Collegiate Institute

572
High School · (2008 - 2012)

Law Society of Ontario | Barreau de l'Ontario

Jacob Dylan Norris

Practising Law - Employed

Class of Licence
Lawyer - L1

Law Society Number
89466J

Licence Start Date
June 19, 2024

Offers Services in French
No

Real estate insured †
No

Provides unbundled legal services under limited scope retainers
No

Additional information approved under the Increased Transparency initiative will be added to the directory on September 1, 2026, when the related amendments to By-Law 8 come into effect. See:
Increased Transparency

Summary | Practice Conditions and Restrictions (0) | Regulatory Proceedings and Meetings (0) | Other Licences/Memberships (0)

Contact Information

Business name

Department of Justice Canada

574

Address

120 Adelaide St W

Toronto , ON M5H 1T1

Phone number

Email Address

Current Practice Conditions or Restrictions

None

Regulatory Proceedings and Meetings

None

Previous Licence

None

Other Licences/Memberships

No additional Canadian licences/memberships have been reported.

575

None

Definitions ⓘ.

None

Definitions ⓘ.

None

Definitions ⓘ.

Regulatory proceedings - Law Society Tribunal

None

Regulatory proceedings - Courts

None

Regulatory proceedings published before May 2026

Orders made prior to May 2026, can be found below. Orders made after May 2026 or proceedings started after May 2026, can be found under Regulatory Proceedings - Law Society Tribunal or Regulatory Proceedings - Courts.

None

Regulatory meetings

Regulatory meetings are a remedial process to address conduct issues. Summaries are posted after the meeting.

None

No additional Canadian licences/memberships have been reported.

†A "Yes" in the Real Estate Insured field indicates that the lawyer has purchased the required insurance from the professional liability insurer for lawyers in Ontario to provide real estate services to the public.

Lawyers who are also licensed in another Canadian jurisdiction may have appropriate insurance from that jurisdiction and be entitled to practise real estate law in Ontario, even if they have not purchased insurance in Ontario. The Law Society of Ontario cannot confirm if our lawyers are insured in another jurisdiction but the lawyer can give you that information.

The directory includes regulatory history information from February 27, 1986 onward. Discipline and other regulatory hearings that resulted in the ordering of a "Reprimand in Committee" or an "Admonition", while public, are not publishable and, therefore, are not included in this directory. It takes time for the directory to be updated with certain regulatory information. Contact the Law Society to ensure you have complete, up-to-date information. Your use of this directory is governed by and subject to the Legal Notice . You should check the Legal Notice from time to time to keep informed of any changes or additions.

TAB 23

Tab A

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

McLean v. RCMP, Duheme, Ball and Brisson - Court File T-2448-26 - addressing an errant submission confirmation from Toronto Registry in relation to fax filing of a document et al

1 message

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Tue, Jul 14, 2026 at 4:20 PM
To: "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>, FC_Reception_CF <fc_reception_cf@cas-satj.gc.ca>

Date: July 14, 2026

Classification: Urgent

Sending Method: Via Email

To: Mr. David Boudreau, Chief Administrator (David.Boudreau@cas-satj.gc.ca) and the Federal Court Registry (Ottawa)

Subject: URGENT: Confirmation of E-Portal Filing, Affirmation of Antecedent Filing Date, and Transmittal of Appendices — Court File No. T-2448-26

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

1. Correspondence is hereby transmitted to formally confirm the successful electronic portal submission effectuated on July 14, 2026, directed explicitly to the Ottawa Principal Office.
2. Attached hereto, please find a true and complete copy of the formal correspondence clarifying the procedural posture of Affidavit #1, inclusive of all relevant appendices, alongside the automated e-portal submission confirmation (Unique Confirmation Number: 2026-07-14-1807639952485).
3. It is definitively confirmed that the original facsimile transmission date of July 11, 2026, strictly deemed as filed on July 13, 2026, by operation of law, remains the absolute and immutable filing date. The secondary electronic submission was executed strictly *ex abundanti cautela* (out of an abundance of caution) to supplement the mainframe and definitively secure the venue.
4. As comprehensively articulated within the attached correspondence, all future administrative processing, filings, and adjudicative scheduling regarding the aforementioned proceeding shall be permanently sequestered and administered exclusively through the secure infrastructure of the Ottawa Principal Office.
5. The prompt, uncompromising attention of the Registry to the attached documentation is strictly anticipated.

Respectfully submitted,

Mr. Kevin A. McLean (BA, JD, CIM)

Attachments:

- Letter to FCC Registry Ottawa Re: Affidavit 1, Venue Integrity, and Prior Supervisory Correspondence (with Appendices)
- Federal Court E-Filing Submission Confirmation (July 14, 2026)

--
Best regards,

Mr. Kevin A. McLean (BA (MCL), JD, CIM)

Email: mclean@searchandseizure.ca
Phone: 647.370.9354
Fax: upon request

NOTA BENE: This email is for dispute resolution and litigation purposes only. Without prejudice communication so denoted invokes settlement privilege.

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2 attachments

Federal Court - Submission Confirmation - July 14 - Ottawa Registry.pdf
762K

Final Letter - Error on Registry - Affidavit #1 Applicant - MCLEAN Kevin - 14-July-26.pdf
8232K

Tab B

Date: July 14, 2026
Classification: Urgent
Sending Method: Via E-Portal at first instance

584

TO:

Manager of Court Operations / Judicial Administrator
Federal Court of Canada — Principal Office (Ottawa)
90 Sparks Street, Ottawa, ON K1A 0H9

Attention: Mr. David Boudreau, Chief Administrator

SUBJECT I: MCLEAN V. ROYAL CANADIAN MOUNTED POLICE ET AL. — COURT FILE NO.: T-2448-26
SUBJECT II: AFFIDAVIT #1 — AFFIRMATION OF ORIGINAL FILING DATE, VENUE INTEGRITY, AND FORMAL TRANSMISSION OF PRIOR SUPERVISORY CORRESPONDENCE

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

PART I: INTRODUCTION AND THE AFFIRMATION OF THE ANTECEDENT FILING DATE

1. Correspondence is hereby initiated to formally delineate the procedural posture of the aforementioned proceeding and to permanently anchor the evidentiary record regarding recent submissions.
2. It is strictly and unequivocally confirmed *in limine* that the substantive evidentiary instrument, specifically designated as affidavit #1 (the "**Affidavit #1**"), was successfully, lawfully, and formally transmitted via facsimile directly to the principal office in Ottawa (the "**Principal Office**") on Saturday, July 11, 2026. The execution of this facsimile transmission constitutes the definitive, original, and immutable filing date pursuant to the statutory mechanisms governing the receipt of documents.
3. I adopt all facts from the documents in the appendices that I created.

PART II: STATUTORY ADHERENCE TO RULE 71 AND THE E-PORTAL CLARIFICATION

3. A profound legal distinction, carrying substantive procedural consequences, must be rigorously delineated regarding the methods of transmission utilized herein. To completely pre-empt any localized administrative ambiguity or inadvertent docketing errors, strict reliance is placed upon the explicit codification of *Rule 71* of the *Federal Courts Rules*, SOR/98-106.
4. The relevant statutory architecture governing the transmission and receipt of documentation is explicitly reproduced below to underscore the unassailable validity of the antecedent facsimile submission:

Filing of Documents

Sending documents for filing
71 (1) A document may be sent to the Registry for the purpose of filing by delivery, mail, fax or electronic transmission.
Sending by fax — prior consent required
(2) The Administrator's consent is required before any of the following documents may be sent by fax:
(a) a motion record, application record, trial record, appeal book or book of authorities; and
(b) any other document that is longer than 20 pages.
Fax cover page
(3) A document that is sent by fax shall include a cover page that sets out the following information:
(a) the name, address and telephone number of the sender;
(b) the date and time of the transmission;
(c) the total number of pages being transmitted, including the cover page;
(d) a fax number at which the sender may receive documents; and
(e) the name and telephone number of the person that is to be contacted in the event of a transmission problem.
Sending by electronic transmission — document format
(4) A document that is sent by electronic transmission shall be in PDF (Portable Document Format) or any other format that is approved by the Court.
Originating documents sent by electronic transmission
(5) A person who sends an originating document by electronic transmission shall provide the Registry with paper copies for issuance or arrange for the Registry to prepare those copies.
SOR/2015-21, s. 11

5. On July 14, 2026, a secondary, purely administrative electronic submission was effectuated via the Court's e-filing portal. This subsequent transmission generated an automated e-portal confirmation referencing the Toronto Registry Office, specifically bearing the unique confirmation sequence 2026-07-14-5481895658847 (the "**E-Portal Confirmation**").
6. It is forcefully advanced that the uploading of this document into the electronic portal was executed strictly *ex abundanti cautela* (out of an abundance of caution) to ensure an electronic duplicate was instantly accessible within the mainframe. This secondary digital deposit is definitively not intended to, nor can it legally, alter, supersede, or novate the original, perfected facsimile filing date of July 11, 2026.
7. *Nota bene*: It might be erroneously asserted by an administrative operative that a facsimile transmission executed upon a weekend is not deemed "filed" until it is electronically processed by the portal on the subsequent business day. This hypothesis is fatally rebutted by the equitable maxim *Qui prior est tempore potior est jure* (he who is prior in time is stronger in right). The physical transmission timestamp generated by the facsimile machine fundamentally anchors the document's arrival within the Court's possession. To displace the July 11 timestamp in favor of a July 14 portal confirmation would operate to artificially abridge limitation periods and arbitrarily prejudice the submitting party. Consequently, the July 11, 2026 date remains absolute and immutable.

PART III: STATUTORY DEEMING PROVISIONS: THE APPLICATION OF THE HOLIDAY CALCULUS

8. It is further advanced that the precise legal calculation of the filing date is strictly governed by the deeming provisions of the *Federal Courts Rules*. Specifically, the statutory architecture mandates:

> Submission on holiday
> (3) A document that is submitted for filing on a holiday is deemed to have been submitted for filing on the next day that is not a holiday.
> SOR/2015-21, s. 11

9. As the original facsimile transmission was perfected on Saturday, July 11, 2026—a day statutorily recognized as a holiday for the purposes of registry operations—it is definitively established that the instrument is legally deemed to have been submitted for filing on the immediately subsequent business day.
10. Therefore, technically and strictly speaking, Affidavit #1 is lawfully anchored to a definitive, formalized filing date of Monday, July 13, 2026. This statutory deeming provision operates automatically and immutably, entirely superseding any subsequent automated e-portal ingestion dates.

PART IV: THE ABSOLUTE DISENTITLEMENT TO SERVICE AND NOTICE

11. The necessity of service concerning Affidavit #1 must be addressed to ensure absolute procedural clarity. As definitively established by the immutable directives codified within *Rule 305(2)* of the *Federal Courts Rules*, and subsequently fortified by the binding and unappealed decision promulgated by Associate Judge Crinson on June 24, 2026 (the "**June 24 Unappealed Decision**"), the respondents (the "**Respondents**") are in a state of absolute, uncured statutory default.
12. Consequently, it is a self-evident conclusion that the Respondents are strictly and completely disentitled from receiving service, formal notice, or administrative forwarding of this affidavit or any subsequent procedural steps. In rigorous compliance with these binding determinations, no formal service has been effected upon the Respondents, although it is acknowledged that notice was previously provided under entirely separate circumstances.

PART V: THE DOCTRINE OF COLLATERAL ATTACK AND THE FINALITY OF THE JUNE 24 UNAPPEALED DECISION

13. The absolute finality of the June 24 Unappealed Decision is strictly governed by the foundational jurisprudential doctrine prohibiting collateral attack. As definitively articulated by the Supreme Court of Canada in *Wilson v. The Queen*, 1983 CanLII 35 (SCC), [1983] 2 S.C.R. 594:

> "I agree with that statement. It has long been a fundamental rule that a court order, made by a court having jurisdiction to make it, stands and is binding and conclusive unless it is set aside on appeal or lawfully quashed. It is also well settled in the authorities that such an order may not be attacked collaterally—and a collateral attack may be described as an attack made

in proceedings other than those whose specific object is the reversal, variation, or nullification of the order or judgment."

14. To rigorously apply this binding jurisprudence to the present procedural posture, the following unassailable adjudicative syllogism is submitted:

    a. Did Associate Judge Mr. Crinson possess the requisite statutory and jurisdictional authority to make the June 24 Unappealed Decision? **Yes**.

    b. Did the Respondents receive actual and legal notice of said decision? **Yes**.

    c. Did the Respondents file and serve an appeal of a decision of an Associate Judge to a Judge of the Federal Court of Canada within the strict ten-day limitation period following June 24, 2026? **No**.

15. Ergo, an absolute entitlement to proceed with the hearing of the underlying Application, entirely without the necessity of further service upon or notice to the defaulting Respondents, is definitively crystallized. This adjudicative progression shall be executed promptly and without further administrative impediment.

PART VI: VENUE INTEGRITY, THE RESTORATION OF THE STATUS QUO ANTE, AND SUPERVISORY NOTICE

16. Given the unassailable procedural posture permanently crystallized by the June 24 Unappealed Decision—a decision that was incontrovertibly not subjected to internal appellate review within the strict ten-day limitation period prescribed by *Rule 51*—the adjudicative pathway is definitively set.

17. To rigorously maintain the appearance of independence, absolute impartiality, and fairness to a reasonable and objective observer, it is formally declared that all future filings, requisitions, and scheduling initiatives shall be tendered exclusively to the Principal Office in Ottawa. This permanent transfer of venue is executed to completely insulate the proceeding from the severe logistical and jurisdictional anomalies recently observed within the localized infrastructure.

18. Furthermore, the administrative record must reflect that on July 13, 2026, at approximately 6:30 p.m., comprehensive supervisory correspondence was transmitted via facsimile directly to the apex judicial authorities, specifically:

    a. The Chief Justice of the Tax Court of Canada;

    b. The Chief Justice of the Federal Court of Appeal; and

    c. The Acting Chief Justice of the Federal Court of Canada.

19. This antecedent correspondence meticulously addressed profound venue concerns, the preservation of the *Rule of Law*, and the absolute necessity of institutional fairness in relation to the active proceeding designated as T-2448-26. A true copy of this supervisory notification is appended herein exclusively to confirm its prior transmission; it is strictly not tendered as substantive evidence on the underlying application.

PART VII: DENOUEMENT

20. To synthesize the procedural reality and bind the administration to the established facts, the following dictates are respectfully confirmed and mandated:

    a. It is declared that the enclosed iteration of Affidavit #1 is provided electronically to the Principal Office strictly to supplement the mainframe out of an abundance of caution, engaging the maxim *Abundans cautela non nocet* (abundant caution does no harm);
    b. It is formally demanded that the original facsimile filing date of July 11, 2026, strictly deemed as filed on July 13, 2026 by operation of law, be rigorously maintained upon the docket, as no lawful jurisdiction exists to administratively substitute a valid facsimile timestamp with a subsequent e-portal ingestion date; and
    c. It is strictly required that all further administrative processing, filings, and adjudicative scheduling in this matter be sequestered and administered exclusively through the secure infrastructure of the Ottawa Registry.

21. In light of the profound and systemic forensic anomalies unearthed over the preceding seventy-two hours, it is formally declared that the third notice of motion (the "NOM #3") shall be comprehensively refiled to encompass the expanded prayers for relief previously forecasted. Consequently, this reconstituted motion is to be made returnable before the Ottawa Principal Office strictly on July 22, 2026, thereby entirely obviating any procedural necessity for the matter to proceed upon tomorrow's adjudicative docket.
22. While initial procedural stratagems contemplated the mere submission of supplementary written representations, the gravity and magnitude of the recently discovered documentary fabrications unequivocally mandate the initiation of a motion provided de novo. The underlying fraud upon the tribunal is of such a severe, constitutional nature that it necessitates a formalized, expanded adjudicative vehicle to adequately address the malfeasance.
23. Accordingly, a true copy of this electronic portal filing shall be concurrently tendered directly to the Chief Administrator to ensure absolute administrative transparency and institutional preservation. Furthermore, should any residual jurisdictional or venue ambiguities persist, it is strictly advanced that such matters are to be definitively resolved by formal judicial order, insulating the proceeding from further localized registry friction.
24. Nonetheless, it is unequivocally confirmed that the finalized iteration of the Application Record, perfected as of the present date, alongside the corresponding Requisition for Hearing, shall be formally submitted for filing in remarkably short order, thereby crystallizing the substantive adjudicative pathway and advancing the matter toward final judgment.
25. The prompt, uncompromising attention of the Principal Office to these urgent, systemic matters is strictly anticipated.

Respectfully submitted,

Mr. Kevin A. McLean (BA, JD, CIM)

To be forward to the CJ of the Federal Court of Canada

APPENDIX #1: FEDERAL COURT E-FILING SUBMISSION CONFIRMATION — JULY 14, 2026 (UNIQUE CONFIRMATION NUMBER 2026-07-14-5481895658847) (NEVER FILED IN THE E-PORTAL OF THE TORONTO REGISTRY)

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

Federal Court E-filing submission confirmation. Unique Confirmation number 2026-07-14-5481895658847 (T-2448-26)

1 message

noreply-nepasrepondre@cas-satj.gc.ca <noreply-nepasrepondre@cas-satj.gc.ca> Tue, Jul 14, 2026 at 1:19 PM
To: mclean@searchandseizure.ca
Cc: mclean@searchandseizure.ca

Your document(s) have been submitted to the Federal Court.

You have submitted **1 document(s)** to the **Toronto Registry Office** on **July 14, 2026 at 01:16 PM ET**.

Next steps

You will receive one (1) more e-mail:

- to confirm the Registry's review of your submission, and to provide its filing status. Please be aware that a document is not considered filed until it has been accepted by the Registry or the Court.

Submission Details

Unique Confirmation Number: 2026-07-14-5481895658847
Date Submitted: July 14, 2026 at 01:16 PM ET
Style of Cause: Kevin Alexander McLean v. Royal Canadian Mounted Police

Proceeding Information

Court: Federal Court
Court File Number: T-2448-26
Proceeding Type: Federal Court
Proceeding Subject: Application for Judicial Review
Proceeding Nature: S. 18.1 Application for Judicial Review
Proposed Class Action? No

Party List

Party Name: KEVIN A MCLEAN
Party Role: Applicant

Party Name: MICHAEL DUHEME
Party Role: Respondent (application)

Party Name: JEFF BALL
Party Role: Respondent (application)

Party Name: STEPHANE BRISSON
Party Role: Respondent (application)

Party Name: ROYAL CANADIAN MOUNTED POLICE (THE)
Party Role: Respondent (application)

Document Information

Filing Party: KEVIN A MCLEAN
Document Type: Affidavit

Contact Information

Updates about your submission will be sent to the following contact person:
First Name: Kevin
Last Name: McLean
Address: 68 Abell Street
Municipality: Toronto
Province or Territory: Ontario
Postal Code: M6J 0B1
Telephone Number: 6473709354
Email Address: mclean@searchandseizure.ca
Alternate email Address: mclean@searchandseizure.ca
Language of communication with Registry: English

Filing Information

Registry Office: Toronto
Is Filing Urgent? No
Urgency Description:

We value your feedback! If you have not already done so, please share your experience with E-Filing in our quick survey.

Please do not respond to this email. This email address is automated and unattended, and cannot help with questions or requests.

Please contact the Registry of the Federal Court.

FORM 80A - Rule 80

AFFIDAVIT

Court File No.: T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A. McLEAN

Applicant

and

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

Respondents

AFFIDAVIT #1 OF KEVIN A. MCLEAN

I, MR. **KEVIN A. McLEAN (BA, JD, CIM) (HE/HIM)**, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am the Applicant in this proceeding and, as such, have personal knowledge of the matters set out in this affidavit, except where stated to be based on information and belief, in which case I verily believe those matters to be true.
2. I make this affidavit in relation to the filing history, the alleged irregularities in relation to myself, and the subsequent procedural circumstances concerning the Requisition for Hearing of the Application, the Notice of Motion referred to herein as "NOM #1," and the documents and communications described below.
3. I identify the irregularities described herein as **alleged irregularities**. I also state that, in my view, the relevant

4. On **May 15, 2026**, I submitted my Notice of Application (Form 301) to the Federal Court Registry via online filing. On that date, the Registry **conditionally accepted** the Application for filing, and I paid the required filing fee of **$50.00**. I had and have no reversionary interest in said funds, and they have remained the unequivocal and unconditional property of the Federal Court of Canada.
5. Between **May 15 and May 19, 2026**, I had multiple interactions with the Registry concerning the Application and the accompanying Rule 317 Request. The Registry reviewed the Form 301, identified certain alleged irregularities which I respectfully disagreed per se, and directed me to correct them. I corrected the issues immediately and resubmitted the documents upon the next business day with no admission that the Federal Court of Canada registry was correct.
6. On **May 19, 2026**, the Registry **issued** the Application, assigned Court File No. T-2448-26, and accepted for filing: (a) my Rule 317 Request; and (b) my Certificate of Service confirming service of the Application on the Respondents.
7. The Certificate of Service filed May 20, 2026 was **accepted for filing** by the Registry. At no time did the Registry advise me that the Certificate of Service was defective, nor did the Registry reject it under Rule 72.
8. It was never raised as any issue in May or June 2026.
9. The interaction between myself and Mr. Mercieca was in relation to my "Requisition For Hearing – Application" and his position based on in my view, without castigation of him per se as I appreciate it was most unprecedented to have the RCMP, its Head, its RCMP ATIP Director General, and the individual responsible for the Non-Search Decision or "Refusal To Search Decision" in Mr. Jeff Baalal, not file the standard Notice of Appearances.
10. While I did not see the email as it was filtered to a non-mainframe viewing panel as per my high level security protocols as per that domain being connected to and its underlying body corporate being responsible for a litany of access point and security clearance for a bevy of going concern businesses in the fields of legal analysis,

11. The email thread itself only has the one email but I have included her as a safe sender for future reference.
12. If Ms. Alaina Lam is the same individual as Ms. Alaina Nicole Lam of which I have checked for the first time today in relation to her and there is a notation therein of her having surrendered her license within a year of having first being called as a paralegal. However, if that is the same individual, then perhaps my filter process with G Suite picked up on something in this regard. Nonetheless, it is now a moot issue.
13. I will be providing a copy of this affidavit to the Federal Court of Canada Registry forthwith upon completion and to the Respondents so that if they take any issue with the documents or claim lack of authenticity per se they can do so. However, they are, as I merely downloaded them as PDF's and converted the word document (the consent form under Rule 7) into PDF. I will take their silence as a further non-objection. I will then revert back to any previous thread without providing them with notice or service as I am entitled and they are prohibited from the same.
14. I remain of the view that the RCMP as the "Other Tribunal" has possession of the material sought but is intentionally refusing to transmit the same.

VOLUME #2: REQUISITION FOR HEARING INTERACTIONS

15. On **June 12, 2026**, I paid for and filed the Requisition for Hearing of the Application.
16. On **June 16, 2026**, I interacted with Mr. Mercieca of the Registry regarding the Requisition for Hearing.
17. I interacted with Mr. Mercieca again on **June 19, 2026**, and again toward the end of June 2026, including in relation to Ottawa and the same underlying matter.
18. I verily believe that if Mr. Mercieca had had the benefit of the document issued or made by Associate Judge Crinson dated **June 24, 2026**, the procedural posture may have been materially different.

VOLUME #3: JUNE 24 ASSOCIATE JUDGE MR. CRINSON DIRECTION

20. In my view, the Federal Court of Canada meets the relevant definition of a **Tribunal** for the purposes engaged by this proceeding, in that it is not the Tax Court of Canada and is a body that exercises, or purports to exercise, powers conferred by or under an Act of Parliament (see: definition under the FCA).
21. Although the Federal Court of Canada is not, at that level, a section 96 court of the Constitution Act, 1867, or judge in the same sense as a provincial superior court, I verily believe that it meets the applicable definition of tribunal for the purposes of the issues raised in this proceeding.
22. In light of the fresh evidence now available to me, it is my belief that, had Mr. Mercieca accepted the filings, this proceeding would have been heard on its merits together with NOM #1 in writing.
23. I further state that I used what I understood to be the correct forms for the filings in question.
24. Notwithstanding the foregoing, Mr. Mercieca's position appeared to be predicated on conditions precedent contained in a Federal Court policy document.
25. In my view, that policy document may be helpful as general guidance, but it is not itself the law and is not sufficiently precise as it relates to this proceeding.

VOLUME #4: JUNE 3 DOJ EMAIL, RULE 7 CONSENT, NOTICE OF APPEARANCE ET AL (READ TODAY BY THE APPLICANT IN REVIEWING ALL DOCUMENTATION FOR AFFIDAVIT AND ADDITIONAL SUBMISSIONS RELATING TO FRAUD, ISSUE ESTOPPPEL, ABUSE OF PROCESS AND INTEGRITY CONCERNS INVOLVING THAT OF JUSTICE WHYTE NOWAK

26. On **June 3, 2026**, I received an email from **Ms. Alaina Lam**, Legal Assistant, Litigation, Extradition & Advisory Division, Department of Justice Canada, Ontario Regional Office. The email enclosed three documents: (a) a cover letter from counsel for the Attorney General of Canada ("AGC"); (b) a **Rule 7 Consent to Extension of Time**; and (c) a **Notice of Appearance** signed by counsel for the AGC.

A true copy of the June 3, 2026 email and its attachments is attached hereto as **Exhibit "A"**.

20. In the June 3 cover letter, counsel for the AGC expressly stated that the AGC was "in receipt of your Notice of

22. The **Notice of Appearance**, signed June 3, 2026, confirms that the Respondents intended to appear in respect of this Application and treated the Application as properly commenced, properly served, and properly before the Court.

23. I verily believe that the documents described above help explain why the Respondents have remained silent in this regard.

24. It is my view that the Respondents have not demonstrated grounds entitling them to leave to file a Form 305 at a later date.

VOLUME #5: RULE 318 DEADLINE

25. Irrespective of the Respondents' failure, as I understand it, to file a Notice of Appearance within 10 days of service, I verily believe that the RCMP, as the tribunal for the purposes of the Rule 317 request, remained bound by **Rule 318** of the Federal Courts Rules.

26. I state that counsel for the Respondents was, to my knowledge and belief, on the scene as of June 3, 2026, and admitted service of the Respondents on the date on which they were served with electronic and hard copies of the relevant documents.

27. Accordingly, I verily believe that the Respondents and the tribunal were aware of the **20-day requirement under Rule 318** to either object to the Rule 317 request or transmit the certified tribunal record, and that the applicable deadline was **June 8, 2026**, being the Monday of the following week.

VOLUME #6: COUNSEL LOCATION AND DOCUMENT DELIVERY

28. I also note that two lawyers who, to my knowledge, are not counsel of record and do not have addresses for service in this proceeding, appear from the Law Society of Ontario directory to be located at **120 Adelaide Street West, Suite 400**.

31. It is unclear to me why counsel for the Respondents did not become engaged until Wednesday, June 3, 2026.
32. I do not speculate as to the reason for that timing, but I state that the delay and the surrounding chronology are matters I consider relevant to the procedural issues now before the Court.

VOLUME #7: JULY 2 DIRECTION

33. I am also challenging what I say is a **void ab initio** document or disposition of Justice Whyte Nowak dated **July 2, 2026**.
34. I note that Justice Whyte Nowak did not, in that document, refer to the June 24, 2026, document issued or made by Associate Judge Crinson.
35. It is unclear to me whether the absence of any such reference was accidental or deliberate.
36. However, I verily believe that the June 24, 2026 document ought to have been contained in the court file at the relevant time.
37. I verily believe that this fresh evidence constitutes grounds explaining why the Respondents did not seek to appeal the relevant order under Rule 51.
38. In particular, I believe the Respondents knew, or ought to have known, that they had no proper grounds to do so and that they would not be approaching the Court with clean hands.
39. I further believe that the Respondents knew, or ought to have known, that they were required to seek leave, including in light of the Rule 7 consent aspect referred to in the materials.
40. I have objected and continue to object to Justice Whyte Nowak being involved in this Proceeding on grounds of conflict, abuse of process, lack of independence and lack of impartiality. To the extent that I will need to particularize the same, I will do so under seal to respect various forms of privilege and confidentiality of others. However, the focus will be on her longstanding career with Ogilvy Renault later merged with Norton Roses Fullbright LLP.

interpretation. Certain individuals named in the style of cause, including Mr. Ball and Mr. Brisson, were named due to their delegated roles, statutory responsibilities, and the relief sought against them in relation to the underlying matters. In any event, this issue is now moot in light of the Respondents' acceptance of service and their subsequent conduct.

41. I further note that Mr. Norris did **not** seek any consent relating to parties or the style of cause. The only consent he sought was a **Rule 7 consent to file the Respondents' Notice of Appearance**. This confirms that the Respondents treated the Application as properly commenced, properly served, and properly before the Court.
42. I also note that Mr. Norris instructed me to "cease communications with Assistant Commissioner Matt Peggs," but did **not** state that Mr. Peggs was uninvolved in the matters underlying this proceeding. I verily believe that this omission constitutes a tacit acknowledgment that Mr. Peggs, as Regional Commander, was involved in the underlying matters and that the Respondents were aware of the issues raised in the Application.

VOLUME #9: RULE 134 ACCEPTANCE OF SERVICE

43. The June 3, 2026 cover letter from Mr. Norris constitutes an **acceptance of service under Rule 134** of the Federal Courts Rules. The letter is signed, dated, and expressly acknowledges receipt of the Notice of Application and confirms that "service upon the AGC [was] effected May 19, 2026."
44. Pursuant to Rule 134(d), an acceptance of service signed and dated by a party's solicitor constitutes **proof of service**. Accordingly, the June 3, 2026 letter is independent proof that service was properly effected and acknowledged, and that the Respondents were aware of the Application and the Rule 305 deadline.
45. I verily believe that this Rule 134 acceptance of service contradicts the July 2, 2026 Direction's conclusion that the Application was "not properly filed" due to alleged deficiencies in proof of service. The Respondents' own solicitor expressly confirmed service, thereby perfecting service and eliminating any alleged defect.

VOLUME #10: DISCOVERY OF EXHIBIT "A" TODAY

47. Exhibit "A" is six pages excluding the Exhibit "A" itself.

48. Upon reading Exhibit "A" for the first time, I was **astonished** to discover that the Respondents expressly admitted service effected on May 19, 2026, acknowledged receipt of the Application, and apparently attempted to file a Notice of Appearance. This admission is directly relevant to the procedural issues addressed in the Directions dated June 24 and July 2, 2026.

49. In my follow up submission by way of written representations, I provide legal analysis as to what constitutes an Order under the Federal Courts Rules along with issue estoppel et al.

50. I can provide **independent evidence** of the time at which I accessed and read Exhibit "A," including email metadata, system logs, and device timestamps, should the Court require confirmation of when I first became aware of these documents.

VOLUME #11: INTEGRITY OF THE RECORD

49. I make this affidavit to bring this fresh evidence to the forefront, to clarify the procedural record, and to assist the Court in understanding the chronology and context of the Directions issued June 24 and July 2, 2026.

50. I verily believe that the Respondents' acceptance of service under Rule 134 by one Mr. Jake Norris on a date with what I believe to be his signature, their attempt to file a Notice of Appearance, and their request for a Rule 7 extension materially affect the procedural posture of this proceeding.

51. While I have an intellectual dispute in light of the facts and the admission by Mr. Norris that the Respondents were served (so effected according to him on their behalf) on May 19, 2026, and their failure to file and serve Notices of Appearances within 10 days of May 19, 2026, which based on that admission by Mr. Norris (solicitor) with a date and signature would have required the filing of Notices of Appearances by May 29, 2026, which was a Friday.

52. I hereby reproduce for purposes of authenticity and security of the maker of the affidavit true copies of my

b. My Ontario driver's license (valid from 2024); and

c. My birth certificate from British Columbia.

Ontario

Driver's Licence
Permis de conduire

ON
CANADA

1,2 NAME/ NOM
MCLEAN,
KEVIN,ALEXANDER

8 410-775 KING ST W
TORONTO, ON, M5V 2K3

4d NUMBER/ NUMÉRO M1651 - 43318 - 30325

4a ISS/ DÉL. 2024/06/26

4b EXP/ EXP. 2029/03/25

5 DD/ RÉF. IC7664935

16 HGT/ HAUT. 188 cm

15 SEX/ SEXE M

9 CLASS/ CATÉG. G

M1651-43318-30325

1983/03/25

PASSPORT
PASSEPORT

CANADA

Type/Type
P

Issuing Country/Pays émetteur
CAN

Passport No./N° de passeport
AS384004

Surname/Nom
MCLEAN

Given names/Prénoms
KEVIN ALEXANDER

Nationality/Nationalité
CANADIAN/CANADIENNE

Date of birth/Date de naissance
25 MAR /MARS 83

Sex/Sexe
M

Place of birth/Lieu de naissance
VANCOUVER CAN

Date of issue/Date de délivrance
19 JUNE/JUIN 23

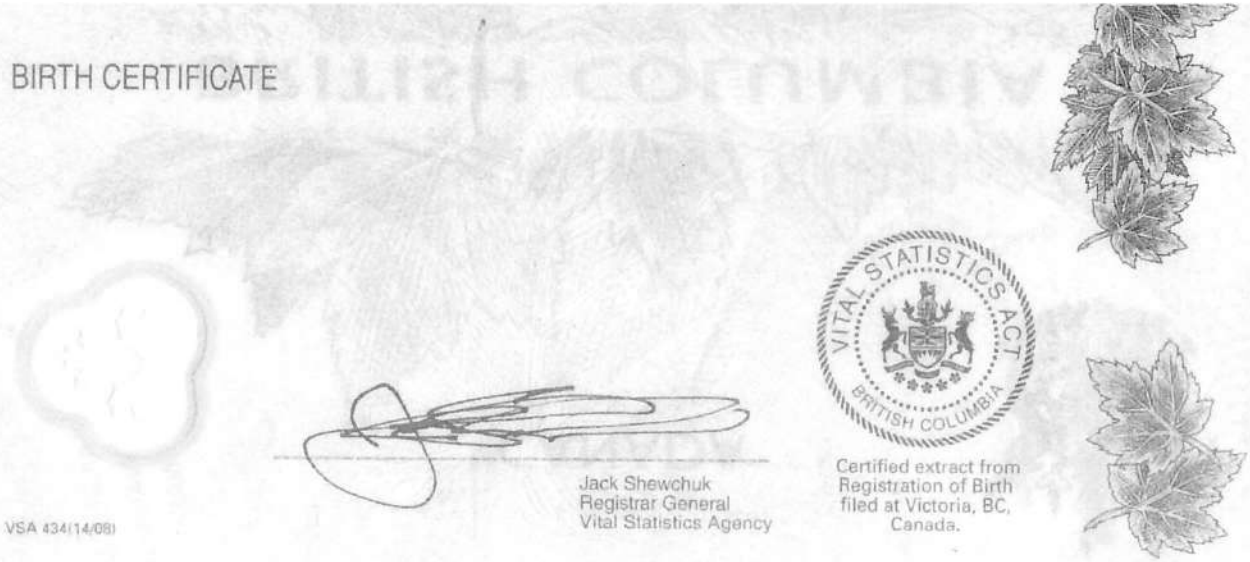
Date of expiry/Date d'expiration
19 JUNE/JUIN 33

Issuing Authority/Autorité de délivrance
TORONTO

P<CANMCLEAN<<KEVIN<ALEXANDER<<<<<<<<<<<<<<<<<<<<

AS384004<7CAN8303257M3306194<<<<<<<<<<<<<<<<08

BIRTH CERTIFICATE



Jack Shewchuk
Registrar General
Vital Statistics Agency

VITAL STATISTICS ACT
BRITISH COLUMBIA

Certified extract from
Registration of Birth
filed at Victoria, BC,
Canada.

VSA 434(14/08)

Surname	MCLEAN
Given Name(s)	KEVIN ALEXANDER
Date of Birth	MAR 25, 1983
Sex	MALE
Place of Birth	VANCOUVER
Registration Number	1983-59-018443
Date of Registration	JUL 04, 1983
Date of Issue	OCT 18, 2016
Name of Parent	MCLEAN, JUDY LILI ANNE
Birthplace of Parent	BRITISH COLUMBIA, CANADA
Name of Parent	NUGENT, JOHN ALLEN
Birthplace of Parent	ONTARIO, CANADA

B C 0 1 2 0 4 9 3 2

604

BIRTH
CERTIFICATE
BRITISH COLUMBIA
CANADA

53. I make this affidavit for no improper purpose.

SWORN BEFORE ME at the City of Toronto, Province of Ontario, this 11th day of July, 2026.

Commissioner for Taking Affidavits

Mr. Kevin A. McLean (BA, JD, CIM)

Narainsamy Naid Appasawmy
Licensed Paralegal & Notary Public
in and for the Province of Ontario.
My commission is of unlimited duration.
No legal advice given.

Mr. Narainsamy Naid Appasawmy
307 - 2045 Dufferin Street
York, ON M6E 3R4
Phone (647) 409-5442
info@kumar-the-paralegal.com

This is Exhibit "A" referred to in the Affidavit of Mr. Kevin A. McLean (BA, JD, CIM) sworn (or affirmed) before me at Toronto, ON this 10th day of July 20 26.

A Commissioner/Notary Public for the Province of Ontario

This is Exhibit A referred to in the affidavit (or statutory declaration) of Kevin A. McLean sworn (or affirmed or declared) before me this 11 day of July, 20 26

A Notary Public in and for the Province of Ontario

Narainsamy Naid Appasawmy
Licensed Paralegal & Notary Public
in and for the Province of Ontario.
My commission is of unlimited duration.
No legal advice given.

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

McLean v Royal Canadian Mounted Police et al. – Court File No.: T-2448-26

1 message

Lam, Alaina (she her elle la) <Alaina.Lam@justice.gc.ca> Wed, Jun 3, 2026 at 3:44 PM
To: "mclean@searchandseizure.ca" <mclean@searchandseizure.ca>
Cc: "Norris, Jake (he him il lui)" <Jake.Norris@justice.gc.ca>

Good afternoon,

Please see the attached documents: a letter to your attention, Respondent's Notice of Appearance, and Rule 7 Consent, which is served upon you pursuant to the *Federal Courts Rules*.

Kind regards,

Alaina Lam

Legal Assistant / Adjointe juridique

Litigation, Extradition & Advisory Division / la Division du contentieux, de l'extradition et du service consultatif

Ontario Regional Office / Bureau régional de l'Ontario

National Litigation Sector / Secteur national du contentieux

Department of Justice Canada / Ministère de la Justice Canada

Alaina.Lam@justice.gc.ca / T: 437-295-5093

Department of Justice Canada | Ministère de la Justice Canada

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Consent - Rule 7 (T-2448-26).docx
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Department of Justice Canada
Ontario Regional Office
National Litigation Sector
120 Adelaide Street West
Toronto, ON M5H 1T1

Ministère de la Justice Canada
Bureau régional de l'Ontario
Secteur national du contentieux
120, rue Adelaide ouest
Toronto (Ontario) M5H 1T1

Telephone/Téléphone: (416) 347-6823
Fax /Télécopieur: (416) 453-5750
Email/Courriel: jake.norris@justice.gc.ca

Via Email: mclean@searchandseizure.ca

June 3, 2026

Kevin McLean
68 Abell Street
Toronto, ON M6J 0B1

Dear Mr. McLean,

Re: ***Kevin Alexander McLean v Royal Canadian Mounted Police et al.*** **–**
Court File No.: T-2448-26

I am counsel for the Attorney General of Canada ("AGC") in the above-noted proceeding, representing the Royal Canadian Mounted Police ("RCMP"). Please direct all correspondence to me and cease communications with Assistant Commissioner, Matt Peggs, and/or other represented parties within this proceeding.

Please be advised that I am not in a position to provide you with any legal advice. Should you require assistance in navigating this process, you may wish to consider retaining legal counsel. The Law Society of Ontario (www.lso.ca) and Legal Aid Ontario (www.legalaid.on.ca) may offer resources to assist you should you seek legal representation.

The AGC is in receipt of your Notice of Application dated May 15, 2026 (service upon the AGC effected May 19, 2026). Please find enclosed the AGC's Notice of Appearance and Rule 7 Consent to Extension of Time for filing. If you agree to this extension of time, please return a signed copy which I shall file with the Court.

In your Notice of Application, you have named the RCMP et al. as the tribunal in respect of which the application is brought. It is contrary to Rule 303(1) of the *Federal Courts Rules* to have named them as respondents. To regularize the proceeding, I also ask that you take steps to amend the style of cause in the Notice of Application to reflect the AGC as the proper respondent, pursuant to Rule 303(2) of the *Federal Courts Rules.*

Sincerely,

T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN ALEXANDER MCLEAN

Applicant

and

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

Respondents

CONSENT TO AN EXTENSION OF TIME
(Rule 7)

Pursuant to Rule 7 of the *Federal Courts Rules*, the parties hereby consent to an extension of time until June 3, 2026 for service of the Respondent's Notice of Appearance, pursuant to Rule 305 of the *Federal Courts Rules*.

Dated June 3, 2026

ATTORNEY GENERAL OF CANADA

Ontario Regional Office
National Litigation Sector
120 Adelaide Street West, Suite 400
Toronto, ON M5H 1T1

Per: Jake Norris, LSO# 89466J
Telephone: 416-347-6823

Dated June __, 2026

KEVIN MCLEAN

68 Abell Street
Toronto, ON M6J 0B1
Email: mclean@searchandseizure.ca

Applicant in-person

T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A MCLEAN

Applicant

and

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

Respondents

NOTICE OF APPEARANCE

The Attorney General of Canada, improperly named as the Royal Canadian Mounted Police et al., intends to appear in respect of this application.

June 3, 2026

ATTORNEY GENERAL OF CANADA
Department of Justice
Ontario Regional Office
120 Adelaide Street West
Suite 400
Toronto, Ontario
M5H 1T1
Fax: (416) 954-8982

Per: **Jake Norris**
LSO #89466J
Tel: (416) 347-6823
E-mail: Jake.Norris@justice.gc.ca

TO: **FEDERAL COURT**
180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

AND TO: **KEVIN MCLEAN**
68 Abell Street
Toronto, ON M6J 0B1
mclean@searchandseizure.ca

Applicant in-person

Date: July 13, 2026

Classification: Urgent, Private and Confidential

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Sending Method: Via Fax

TO:

The Honourable Gabrielle St-Hilaire

Chief Justice of the Tax Court of Canada

200 Kent Street, Ottawa, Ontario K1A 0M1

The Honourable Yves de Montigny

Chief Justice of the Federal Court of Appeal

90 Sparks Street, Ottawa, Ontario K1A 0H9

The Honourable Martine St. Louis

Acting Chief Justice of the Federal Court of Canada

90 Sparks Street, Ottawa, Ontario K1A 0H9

SUBJECT I: URGENT NOTIFICATION OF INSTITUTIONAL FRAUD: THE UNAUTHORIZED MISAPPROPRIATION OF THE NATIONAL COAT OF ARMS AND TAX COURT OF CANADA HERALDRY WITHIN A FABRICATED FEDERAL COURT (TRIAL DIVISION) INSTRUMENT
SUBJECT II: THE DISCOVERY OF A SYNTHETIC PROCEDURAL DIRECTIVE MANUFACTURED FROM A CLONED CANADA REVENUE AGENCY PROCEEDING (T-4313-25), THE CONTRAVENTION OF THE TRADEMARKS ACT, AND THE UTILIZATION OF COMPROMISED REGISTRY PERSONNEL
SUBJECT III: THE CLANDESTINE COLLUSION OF JUNIOR DEPARTMENT OF JUSTICE COUNSEL AND THE CONSEQUENT SUBVERSION OF THE ADJUDICATIVE APPARATUS

Dear Chief Justices:

Part I: Introduction and the Invocation of Supervisory Appellate Jurisdiction

1. Correspondence is hereby initiated *ex necessitate legis* (from the necessity of the law) to urgently alert the apex supervisory authorities of the federal appellate, tax, and trial jurisdictions to a catastrophic, systemic breach of institutional integrity. It is submitted that this breach encompasses the overt, malicious fabrication of a judicial instrument and the flagrant misappropriation of protected state heraldry, striking directly at the foundational constitutional architecture of the federal judiciary.
2. The preservation of public confidence in the administration of justice is entirely predicated upon the unimpeachable authenticity of the instruments issued under the sovereign authority of the courts. When the

internal mechanisms designed to safeguard this authenticity are ostensibly bypassed, subverted, or hijacked by external actors, a constitutional crisis of the highest magnitude is precipitated. Such a crisis demands immediate, uncompromising, and non-delegable intervention by the chief judicial officers, whose paramount duty is the rigorous defense of the institution's procedural sanctity.

3. It is advanced that a purportedly binding procedural instrument, ostensibly issued on July 2, 2026, within the Federal Court proceeding designated as T-2448-26, and attributed to Justice Allyson Whyte Nowak (the "**Purported Direction**"), constitutes a synthetic forgery of the most egregious nature. This document is definitively not a product of the organic, secure adjudicative processes native to the Federal Court. Rather, it represents a manufactured nullity injected into the active docket through clandestine and wholly unauthorized avenues.
4. The Purported Direction operates as an impermissible, horizontal collateral attack upon the prior, authentic, and statutorily compliant directions promulgated by Associate Judge Cotter on May 20, 2026, and Associate Judge Crinson on June 24, 2026. This unprompted, motion-less usurpation of appellate authority fundamentally violates the sacrosanct principle of judicial comity, eviscerates the procedural certainty demanded by the *Rule of Law*, and violently offends the doctrine of *res judicata*. It is an axiomatic principle of Canadian jurisprudence that orders issued by coordinate judicial officers cannot be laterally overturned absent the formal invocation of a statutory appellate mechanism.
5. The authority to vary or countermand a judicial directive is strictly bounded by the formal appellate mechanisms prescribed by statute, specifically the initiation of an appeal under *Rule 51* or a motion to vary under *Rule 399* of the *Federal Courts Rules*, SOR/98-106. It emphatically does not encompass the *sua sponte* obliteration of settled docket trajectories by jurists of coordinate jurisdiction operating *in vacuo*. Such unilateral, motion-less actions completely strip the litigation of its adversarial character, plunging the proceeding into administrative anarchy and actively depriving litigants of the constitutional right to procedural fairness and the guarantee of an effective remedy.
6. More egregiously, it is submitted that the instrument was meticulously manufactured through the unauthorized cloning of an antecedent 2025 proceeding directly implicating the Canada Revenue Agency (the "**CRA**") and the Attorney General of Canada. This synthetic genesis culminated in the catastrophic, unauthorized superimposition of the National Coat of Arms, thereby rendering the instrument an absolute nullity, existing strictly *void ab initio*. The resulting document functions not as an exercise of lawful judicial power, but as a simulated directive designed explicitly to bypass the established adjudicative stalemate.

Part II: The Forensic Extraction of the Cloned Proceeding and the Metadata Nexus

7. An exhaustive forensic interrogation of the digital metadata embedded within the Purported Direction has definitively shattered any residual presumption of judicial authenticity. The underlying cryptographic footprint

exposes the clandestine utilization of third-party, commercial post-production manipulation software, specifically identified within the digital architecture and structural properties as PDF-XChange Editor.

8. This definitive software signature establishes incontrovertibly that the instrument was not generated natively within the secure, automated, and strictly monitored infrastructure of the Courts Administration Service (the "**CAS**"). The CAS intranet infrastructure is rigidly engineered to deploy standardized Microsoft Word macro-enabled templates that organically compile textual and structural data into finalized, secure vector formats. The utilization of commercial post-production software—a platform designed expressly to execute retroactive alterations, optical character recognition extractions, and watermark insertions upon locked documents—is entirely antithetical to secure federal judicial drafting protocols.
9. Unlike native CAS documents, which organically inherit the standardized macro-templates, bilingual text headers, and verified author credentials of the registry intranet (such as those flawlessly exhibited in the antecedent directives of the Associate Judges), the Purported Direction is entirely devoid of legitimate administrative provenance. It lacks the foundational digital artifacts and the chronological template inheritance signatures that uniformly characterize authentic, organically generated federal judicial instruments.
10. Embedded immutably within the foundational properties of this manipulated file is the specific, unaltered metadata title: "T-4313-25 direction.docx". This internal file identifier bears absolutely no jurisdictional, temporal, or factual nexus to the active 2026 proceeding, operating strictly under Court File No. T-2448-26, against which the Purported Direction was maliciously deployed. The survival of this metadata artifact demonstrates the incomplete and reckless sanitization efforts undertaken by the external actor during the post-production synthesis.
11. The extraction of the comprehensive Recorded Entry Information corresponding to this metadata artifact reveals a devastating structural and chronological nexus. It is definitively established that the proceeding designated under the file nomenclature T-4313-25 (the "**Cloned Proceeding**") constitutes a Section 18.1 Application for Judicial Review initiated on October 21, 2025.
12. The official docket of the Cloned Proceeding explicitly confirms the identities of the respondents as the Attorney General of Canada and the CRA. The mathematical probability of an active 2026 Federal Court (Trial Division) file containing the embedded cryptographic identifier of a 2025 CRA dispute by mere administrative inadvertence or clerical anomaly is absolute zero. Such a profound deviation from the structural reality of the docket cannot be dismissed as a typographical error; it is definitive proof of documentary cloning.
13. This metadata artifact functions as an incontrovertible cryptographic breadcrumb, definitively proving that a preexisting executive branch litigation template was hijacked, digitally sanitized of its original textual contents, and repurposed to synthesize the Purported Direction. The digital remnants of the Cloned Proceeding fundamentally destroy any presumption that the Purported Direction was authored as an original, authentic

instrument, exposing it instead as a synthetically assembled, retroactively altered fabrication designed to circumvent the secure registry environment. 618

Part III: The Misappropriation of Institutional Heraldry, Constitutional Demarcations, and Trademark Contravention

14. The synthetic genesis of the Purported Direction is rendered absolute by a profound and fatal heraldic anomaly prominently displayed upon the face of the document. This anomaly decisively unmasks the external actor's profound ignorance regarding the strict constitutional demarcations governing judicial insignia, the separation of powers, and the precise logographics mandated by the Canadian Heraldic Authority.
15. The Trial Division of the Federal Court of Canada operates strictly utilizing its designated 2008 Coat of Arms (specifically featuring the winged sea-caribou, a balance issuing from a coronet of maple leaves, and the motto *Equity, Droit, Admiralty*) or, alternatively, a standardized, bilingual text-based registry header devoid of ceremonial crests. This bespoke heraldry is purposefully designed to separate the trial-level mandate visually and constitutionally from the executive branch and the appellate tribunals, preserving the absolute independence of the judiciary from the Crown's administrative ministries.
16. Conversely, the Purported Direction features a low-resolution, synthetically grafted iteration of the National Coat of Arms of Canada. It is a matter of strict constitutional and administrative orthodoxy that the National Coat of Arms—featuring the lion, the unicorn, and the motto *A Mari Usque Ad Mare*—is the precise, authorized institutional logographic identifier utilized exclusively by the Tax Court of Canada, the Federal Court of Appeal, and the executive branch of the federal government.
17. The Trial Division of the Federal Court emphatically does not wield this sovereign appellate insignia. Furthermore, the visual identity of the executive branch is strictly governed by the Treasury Board's Federal Identity Program (the "**FIP**"), which regulates the use of the "C A N A D A" typography. The independent judiciary is constitutionally barred from amalgamating its operational headers with executive branch FIP artifacts, as such an integration irreparably compromises the visual representation of judicial independence. The presence of the FIP watermark upon the Purported Direction further solidifies its fraudulent origins.
18. As matters involving the CRA routinely interface directly with the Tax Court of Canada and rely heavily upon Department of Justice tax-litigation templates formally bearing this specific appellate and executive heraldry (the National Coat of Arms), the advanced syllogism is inescapable. It is a self-evident conclusion that an external actor, possessing intimate access to the Attorney General of Canada’s tax litigation apparatus, recklessly cloned a template originating from the Cloned Proceeding.
19. In their haste to synthesize a procedural rejection within the T-2448-26 proceeding, this external actor deleted the specific Tax Court typography, synthetically inserted the words "Federal Court / Cour fédérale", but catastrophically failed to sanitize the document of the Tax Court's grand heraldry. The psychological architecture of this fabrication betrays a tactical decision to commit a "halfway house" forgery—synthesizing an incongruous,

approximate emblem to execute severe jurisdictional overreach without committing a perfect replication of the genuine instrument, thereby ostensibly mitigating the offensiveness of an outright duplication while relying on the intimidation factor of the grand heraldry to command obedience.

20. Furthermore, the external actor entirely neglected to scrub the underlying file identifier before exporting the fabrication via the aforementioned post-production manipulation software. This simultaneous convergence of a cloned, antecedent file identifier (T-4313-25) and a synthetically grafted, unauthorized crest conclusively proves active, multi-layered digital fabrication. It is an insurmountable forensic reality that a genuine CAS template from 2026 would not inherently contain a 2025 CRA file number, nor would it contain the specialized crest of the Tax Court.
21. Applying the venerable equitable maxim formulated by Herbert Broom, *Res ipsa loquitur* (the thing speaks for itself), alongside the corollary *Ex ungue leonem* (from the claw, the lion), this convergence definitively unmasks the forgery. The equitable maxim *Culpa lata dolo aequiparatur* (gross negligence is equivalent to intentional wrong) is strictly engaged; the heraldic error independently proves the forgery, establishing a deliberate *mens rea* (guilty mind) to deceive the court and the applicant through the illicit projection of sovereign authority.
22. A document assembled through such reckless synthetic synthesis, utterly lacking the native verification of the secure judicial intranet and bearing the misappropriated insignia of the executive branch and appellate tribunals, is fatally stripped of its coercive judicial authority. The maxim *Nemo dat quod non habet* (no one gives what they do not have) operates to prevent an entity from conferring legitimate legal authority through an instrument that fundamentally misappropriates the intellectual property it relies upon for its visual legitimacy.
23. The unauthorized commercial superimposition of the National Coat of Arms upon a fabricated document transcends mere procedural error; it constitutes a direct, actionable contravention of paragraph 9(1)(e) and paragraph 9(1)(n.1) of the *Trademarks Act*, RSC 1985, c T-13. The National Coat of Arms is rigorously protected against unauthorized reproduction, adaptation, or appropriation to prevent the dilution of institutional trust and to ensure that the sovereign's heraldry is not weaponized in the pursuit of fraudulent administrative actions.
24. This unauthorized digital adaptation strictly violates the parameters of Crown copyright as shielded by Article 6ter of the *Paris Convention for the Protection of Industrial Property*, which mandates the strict prohibition of the unauthorized use of state armorial bearings across international and domestic jurisdictions. An instrument generated through the explicit contravention of federal statutes and international copyright treaties cannot, under any legal fiction, command the coercive authority of the Crown. It is entirely vitiated of any juridical force and exists strictly as an illicit reproduction.

Part IV: The Jurisdictional and Procedural Dichotomy: Tax Court of Canada Rules Versus Federal Courts Rules

25. The profound jurisdictional chasm separating the Tax Court of Canada from the Federal Court of Canada is further punctuated by their entirely distinct, mutually exclusive procedural architectures. The misappropriation of

heraldry is compounded exponentially by the fundamental procedural incompatibilities inherent in the cloned template.

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26. It is strictly observed that the Tax Court of Canada operates exclusively pursuant to its own bespoke procedural codification, specifically the *Tax Court of Canada Rules (General Procedure)*, SOR/90-688a. This specialized framework is explicitly and narrowly calibrated for the adjudication of complex tax assessment appeals, excise tax disputes, and revenue-related litigation. It is governed by its own distinct timelines, service protocols, evidentiary standards, and mechanisms for interlocutory relief that bear no structural resemblance to prerogative writs.
27. Conversely, the Federal Court of Canada and the Federal Court of Appeal are governed exhaustively by the *Federal Courts Rules*, SOR/98-106. This entirely distinct legislative framework rigidly dictates the procedural parameters for a separate ambit of substantive law, encompassing section 18.1 applications for judicial review, complex intellectual property litigation, maritime law, and immigration proceedings. The mechanics of case management, the default of respondents, and the perfection of service are fundamentally distinct under this codification.
28. The synthesis of an instrument bearing the heraldic insignia of a specialized tax tribunal within a federal judicial review application constitutes a catastrophic procedural paradox. The utilization of a template fundamentally rooted within the *Tax Court of Canada Rules (General Procedure)* to execute a purported dismissal within a framework governed strictly by the *Federal Courts Rules* represents an irremediable jurisdictional collision. It operates to functionally misapply the structural logic of a tax appeal onto a prerogative application.
29. An administrative rejection purportedly issued under the guise of the *Federal Courts Rules*, yet structurally reliant upon the DNA of a tax assessment appeal template, is procedurally bankrupt. It highlights the external actor's complete disregard for the substantive differences between an action for tax assessment variance and an application for prerogative relief against a federal board, commission, or other tribunal. The substantive requirements for service, the consequences of default, and the mechanisms for written adjudication cannot be conflated across these distinct jurisdictional boundaries.
30. The equitable maxim *Ignorantia juris non excusat* (ignorance of the law excuses not) is forcefully engaged; the external actor's fundamental failure to recognize the absolute segregation of these procedural codes definitively exposes the instrument as an incompetent forgery, completely devoid of authentic judicial *animus*. The document is an amalgamation of irreconcilable legal frameworks, rendering it functionally inoperable, logically incoherent, and legally void *ab initio*.

Part V: The Deployment of Phantom Registry Personnel and the Criminality Nexus

31. Exacerbating the profound jurisdictional overreach and the heraldic forgery is the highly irregular transmittal of the Purported Direction. The instrument was disseminated by one Ms. Maya-Jo Blake-Janniere, an entity

operating completely outside the secure, automated transmission protocols routinely utilized by the authentic Associate Judges to issue valid directives, thereby fracturing the institutional chain of custody.

32. The binding, organically authored directives of the authentic jurists were transmitted via the secure, generic routing infrastructure of the Court (specifically, the CAS-SATJ DECISIONS server gateway), completely omitting personalized registry officer nomenclature. This secure protocol ensures impartiality and shields the registry from direct adversarial interference. In inexplicable contrast, the Purported Direction involved direct, asymmetric communication referencing this specific individual, precipitating an immediate and highly personalized out-of-band response from the Respondents' counsel, thereby bypassing the formalized, docketed adversarial structures.
33. A rigorous, exhaustive audit of the officially published employment rosters and credentialing directories for the CAS reveals that this individual is a "phantom" registry officer. This entity is entirely absent from contemporary public federal employment registries, possessing no verifiable institutional standing to execute administrative functions within the Toronto Local Office. The deployment of unverified, off-docket administrative actors to unilaterally intercept, delay, and adjudicate substantive filings introduces a catastrophic fracture in the administration of justice.
34. This clandestine deployment vitiates the presumption of institutional regularity and manifests a profound structural bias, effectively utilizing the registry as an unconstitutional shield for defaulting adversarial parties. The registry must operate as a neutral, ministerial conduit; it is strictly prohibited from interjecting itself into proceedings to resurrect defaulting respondents or to synthesize rejections based upon unauthorized, asymmetric communications.
35. Furthermore, publicly accessible, open-source journalistic archives definitively identify an individual bearing the exact, highly unique hyphenated appellation—Maya-Jo Blake-Janniere of Oshawa, Ontario—as a primary target indicted on numerous egregious criminal charges in May 2021. These multi-jurisdictional indictments, executed by the Ontario Provincial Police and regional forces, encompass severe weapons offenses, wholesale cocaine trafficking syndicates, and the possession of property obtained by crime.
36. The utilization of a purported registry officer's identity inextricably tied to profound, organized criminal malfeasance to unilaterally execute coercive administrative functions represents a terrifying compromise of the judicial supply chain. It engages the doctrine of *Similar Fact Evidence*, mirroring prior instances where compromised, fictitious, or criminally tainted identities were deployed to manufacture judicial instruments that systematically deprive litigants of liberty and access to justice. The integration of such identities into the court's administrative workflow demands an immediate, uncompromising security audit.
37. The maxim *Ex turpi causa non oritur actio* (from a dishonourable cause an action does not arise) is absolute in its application herein. An instrument bearing the signature block of an individual linked to multi-jurisdictional narcotics syndicates and prohibited firearms cannot be elevated to the status of a binding judicial directive. The

strict liability of the CAS to rigorously vet its personnel has ostensibly failed, and the resulting contaminated document, born of a profoundly dishonourable administrative process, must be unceremoniously struck from the record as a functional nullity.

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Part VI: The Clandestine Subversion and Collusion of Junior Counsel

38. The synthesis of the aforementioned forensic and heraldic anomalies mandates a rigorous examination of the adversarial actors operating under the auspices of the Attorney General of Canada, specifically unmasking the motivations and machinations precipitating this documentary fabrication. The fiduciary duties imposed upon Crown counsel, acting as Ministers of Justice, strictly prohibit the subversion of court processes, the utilization of out-of-band communications, or the synthesis of fraudulent instruments to secure an administrative or tactical advantage over an unrepresented litigant.
39. It is observed that Mr. Jake Norris, a legal practitioner of mere two years' standing at the bar, holds himself out as counsel to His Majesty the King in Right of Canada as represented by the Minister of National Revenue. Concurrently, it is documented that Mr. Tyler Alviano, possessing a similarly brief tenure of sixteen months within the Department of Justice following a transition from criminal defense practice, is expressly embedded within the Tax Law Services Division of the Ontario Regional Office.
40. Crucially, the evidentiary record confirms that Mr. Alviano served as explicit counsel of record for the Attorney General of Canada within the antecedent Cloned Proceeding (T-4313-25). This definitive link between the junior counsel operating within the tax litigation apparatus and the specific, cloned proceeding utilized to synthesize the forgery cannot be dismissed as mere coincidence; it establishes the precise conduit through which the template was acquired.
41. A profound and unassailable legal syllogism is thereby crystallized. It is posited that Mr. Norris, aggrieved by the procedurally devastating, binding directives promulgated by Associate Judge Crinson—which definitively established the respondents' absolute statutory default, confirmed the perfection of service, and directed the matter to proceed strictly in writing—leveraged his internal integration within the tax litigation apparatus to maliciously circumvent the adjudicative stalemate. Faced with a procedural impossibility under the lawful rules, an extra-judicial remedy was engineered.
42. It is advanced that a clandestine collusion was effectuated wherein Mr. Alviano, possessing unfettered access to the Tax Law Services Division repositories, provided the antecedent template from the Cloned Proceeding (T-4313-25). This foundational document intrinsically bore the Tax Court of Canada's heraldic crest (the National Coat of Arms) and the executive branch typography, reflecting the standard operational templates utilized for CRA disputes.
43. Subsequently, a manufactured rejection was drafted utilizing post-production commercial software (PDF-XChange Editor), designed specifically to mimic judicial verbiage while bypassing the secure, native Court registries and the mandatory macro-templates. This synthetic instrument was then funnelled through the

unverified, compromised registry operative, Ms. Maya-Jo Blake-Janniere, ultimately securing the endorsement of Justice Whyte Nowak through means that entirely circumvented the transparency of the public docket.

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44. The participation of a presiding jurist in ratifying a document replete with such profound heraldic, statutory, and logistical fabrications—expressly bypassing the mandatory formalized motion requirements of *Rule 399* to vary an order—renders the resulting instrument an absolute nullity, functioning entirely *ultra vires*. The overarching mandate of the Attorney General to uphold the *Rule of Law* has been deeply subverted by junior counsel engaging in the illicit manufacturing of procedural directives, transforming the adversarial process into an exercise in administrative subterfuge.

Part VII: Final Declarations of Nullity and the Imperative for Institutional Intervention

45. The actions delineated herein transcend mere procedural irregularities; they constitute the deliberate, malicious manufacture of a judicial instrument executed completely absent lawful jurisdiction. A direct contravention of a statutory design, involving the integration of an illegitimate state seal, the unauthorized usurpation of appellate heraldry, the cryptographic manipulation of metadata, and the deployment of compromised personnel, operates as an irremediable jurisdictional defect that completely strips the document of any *prima facie* validity.
46. The structural anomalies embedded within the Purported Direction systematically deprive it of any legal authority. An instrument forged from the remnants of an unrelated tax proceeding, adorned with misappropriated trademarks, governed by the wrong procedural codification, and transmitted by personnel linked to criminal syndicates, represents a profound affront to the dignity of the Court. It is an instrument designed to deceive, obstruct, and unlawfully dictate the trajectory of a federal proceeding.
47. The general jurisprudential presumption *omnia praesumuntur rite et solemniter esse acta* (all acts are presumed to have been done rightly and regularly) is entirely obliterated by the factual matrix advanced herein. This presumption exists strictly to shield customary administrative functions from frivolous challenges; it cannot survive when explicit, verifiable fabrications are evident upon the face of the document. Such acts of fabrication, executed through commercial software and heraldic misappropriation, are strictly *ipso facto* void.
48. The equitable maxim *Fraus omnia corrumpit* (fraud vitiates everything) is strictly engaged. A document assembled through such reckless synthetic synthesis, completely lacking the active, native verification of the presiding jurist within the secure intranet, and predicated upon the suppression of valid antecedent orders, is fatally stripped of its adjudicative authority. The fraud permeates the entirety of the instrument, rendering it incapable of conferring any legitimate legal consequence.
49. Consequently, it remains a self-evident conclusion that the Purported Direction is an absolute nullity, existing strictly *void ab initio*. The doctrine of *coram non judice* (before a judge not having jurisdiction) dictates that acts performed under these circumstances, completely devoid of statutory, inherent, or invoked appellate authority, are entirely devoid of legal effect. They cannot be retroactively ratified, cured, or acknowledged as binding procedural steps; they must simply be ignored as legal impossibilities.

50. It is respectfully submitted that the integrity of the judicial record, the rigid protection of the sovereign's heraldry against commercial or unauthorized exploitation, and the preservation of the *Rule of Law* demand the immediate, uncompromising attention of the apex supervisory authorities of the federal courts. The constitutional guarantee of an effective remedy is fatally abrogated when the judicial supply chain is compromised by external manipulation and clandestine interjections.
51. It is strictly incumbent upon the Chief Justices, exercising their non-delegable duties, to definitively unmask this forgery, assert ultimate supervisory jurisdiction over the compromised docket, and forcefully restore the *status quo ante*. The localized administrative infrastructure in Toronto, having demonstrated a profound inability or unwillingness to verify its own impugned documents, to maintain secure rosters, or to prevent asymmetric communications, must be permanently bypassed to insulate the proceeding from further contamination.
52. The absolute expungement of the Purported Direction from the official court file, the Record of Proceeding, and all associated adjudicative repositories is demanded *ex debito justitiae* (as a matter of right), alongside the immediate, permanent transfer of the underlying proceeding to the Ottawa Principal Office to preserve the remaining vestiges of judicial integrity.

Part VIII: The Formal Preservation of the Asymmetric Communications Ledger and the Evidentiary Transmission Record

53. To comprehensively establish the evidentiary baseline corresponding to the asymmetric communications traversing the registry, and to permanently memorialize the subsequent notices provided to the involved parties, the complete, chronological transmission ledger is formally reproduced herein.
54. It is strictly mandated that this sequential transmission history, detailing the interventions, the unilateral registry actions, and the explicit identification of the involved junior counsel and their respective files, be integrated into the substantive adjudicative record:

> **EMAIL 1: ORIGINATING TRANSMISSION**
>
> **From:** CAS-SATJ DECISIONS cas-satj-decisions@cas-satj.gc.ca
>
> **Sent:** Thursday, Jul 2, 2026 at 1:01 PM
>
> **To:** mclean@searchandseizure.ca; nick.continelli@justice.gc.ca; jake.norris@justice.gc.ca
>
> **Cc:** R369_Toronto R369_Toronto2@cas-satj.gc.ca
>
> **Subject:** T-2448-26 Kevin Alexander McLean v. Royal Canadian Mounted Police
>
> Good day, / Bonjour,
>
> Please find attached a true copy of the following document(s): Direction(s) Rendered by the Court Allyson Whyte Nowak Judge/Juge Dated 2026-07-02.
>
> ...
>
> Thank you,
>
> Maya-Jo Blake-Janniere

Registry Officer

Courts Administration Service – Toronto Local Office

EMAIL 2: RESPONDENT'S ASYMMETRIC ACKNOWLEDGMENT

From: Norris, Jake (he him il lui) Jake.Norris@justice.gc.ca

Sent: Thursday, Jul 2, 2026 at 2:51 PM

To: CAS-SATJ DECISIONS cas-satj-decisions@cas-satj.gc.ca, mclean@searchandseizure.ca, Continelli, Nick Nick.Continelli@justice.gc.ca

Cc: R369_Toronto R369_Toronto2@cas-satj.gc.ca

Good afternoon,

Receipt confirmed on behalf of the Respondent.

Kind regards,

Jake Norris

(he/him/il/lui)

Counsel | Avocat

National Litigation Sector | Department of Justice Canada

EMAIL 3: APPLICANT'S URGENT REBUTTAL

From: Mr. Kevin Alexander McLean mclean@searchandseizure.ca

Sent: Sunday, Jul 12, 2026 at 8:31 PM

To: Boudreau, David David.Boudreau@cas-satj.gc.ca, Bakalakis, Christos Christos.Bakalakis@cas-satj.gc.ca

Cc: CAS-SATJ DECISIONS cas-satj-decisions@cas-satj.gc.ca, Continelli, Nick Nick.Continelli@justice.gc.ca, R369_Toronto R369_Toronto2@cas-satj.gc.ca, jake.norris@justice.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

Part I: Introduction and Imperative Inquiries

1. Correspondence is hereby initiated concerning the aforementioned subjects.
2. A critical examination has been conducted regarding the instrument circulated on July 2, 2026, which is ostensibly a direction rendered by Justice Allyson Whyte Nowak and transmitted by Ms. Maya-Jo Blake-Janniere, an official within the Federal Court Registry (the "Purported Direction").
   (Applicant's full submission detailed the logographic discrepancies, the PDF-XChange metadata, the Maya-Jo Blake-Janniere criminal indictments nexus, and demanded immediate expungement of the nullity).

EMAIL 4: APPLICANT'S AFFIDAVIT TRANSMISSION

From: Mr. Kevin Alexander McLean mclean@searchandseizure.ca

Sent: Sunday, Jul 12, 2026 at 6:55 PM

To: Boudreau, David David.Boudreau@cas-satj.gc.ca, Bakalakis, Christos Christos.Bakalakis@cas-satj.gc.ca

Cc: CAS-SATJ DECISIONS cas-satj-decisions@cas-satj.gc.ca, Continelli, Nick Nick.Continelli@justice.gc.ca, R369_Toronto R369_Toronto2@cas-satj.gc.ca, jake.norris@justice.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

I apologize as I did not attach the filed affidavit of yesterday. Please see attached. Thank you.

$$Attachment: Affidavit #1 - McLean v. RCMP et al - Applicant - MCLEAN - Kevin - 11-July-2026-FILED.pdf$$

EMAIL 5: DISCOVERY OF THE CLONED TAX COURT NEXUS

From: Mr. Kevin Alexander McLean mclean@searchandseizure.ca

Sent: Monday, Jul 13, 2026 at 3:26 PM

To: Boudreau, David David.Boudreau@cas-satj.gc.ca, Bakalakis, Christos Christos.Bakalakis@cas-satj.gc.ca

Cc: CAS-SATJ DECISIONS cas-satj-decisions@cas-satj.gc.ca, Continelli, Nick Nick.Continelli@justice.gc.ca, R369_Toronto R369_Toronto2@cas-satj.gc.ca, jake.norris@justice.gc.ca, sam.alviano@justice.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

...

An exhaustive interrogation of the publicly accessible Recorded Entry Information infrastructure has yielded incontrovertible and devastating evidentiary particulars regarding the proceeding designated under the file nomenclature T-4313-25 (the "Cloned Proceeding").

(Applicant explicitly identified the Canada Revenue Agency and the Attorney General of Canada as respondents in T-4313-25, establishing the origin of the Tax Court's National Coat of Arms within the forged document).

EMAIL 6: CORRECTION OF JUNIOR COUNSEL IDENTITY AND COMMERCIAL LIST DISCLOSURE

From: Mr. Kevin Alexander McLean mclean@searchandseizure.ca

Sent: Monday, Jul 13, 2026 at 5:57 PM

To: Boudreau, David David.Boudreau@cas-satj.gc.ca, Bakalakis, Christos Christos.Bakalakis@cas-satj.gc.ca

Cc: CAS-SATJ DECISIONS cas-satj-decisions@cas-satj.gc.ca, Continelli, Nick Nick.Continelli@justice.gc.ca, R369_Toronto R369_Toronto2@cas-satj.gc.ca, jake.norris@justice.gc.ca, tyler.alviano@justice.gc.ca

Dear Sirs/Mesdames:

Please accept my apologies. I previously included the name "Sam Alviano" when the reference should have been to Tyler Alviano. I have therefore removed the name Sam Alviano and have included Tyler Alviano by email only.

I also note that Mr. Jake Norris appears to have experience in the tax field, including by acting as counsel in Court File No. CV-25-00752340-00CL before the Ontario Superior Court of Justice (Commercial List)... He is identified as counsel to His Majesty the King in Right of Canada, as represented by the Minister of National Revenue.

... If costs are sought, I will provide notice to the relevant persons so that they may have an opportunity to respond to any request for costs against them in their personal capacities.

In light of the circumstances, it is not just unlikely but impossible that I can receive a fair hearing in Toronto. Accordingly, all future filings will be made in Ottawa...

EMAIL 7: NOTIFICATION OF ALTERNATE COUNSEL

From: Mr. Kevin Alexander McLean mclean@searchandseizure.ca

Sent: Monday, Jul 13, 2026 at 6:00 PM

To: Boudreau, David David.Boudreau@cas-satj.gc.ca, Bakalakis, Christos Christos.Bakalakis@cas-satj.gc.ca

Cc: CAS-SATJ DECISIONS cas-satj-decisions@cas-satj.gc.ca, Continelli, Nick Nick.Continelli@justice.gc.ca, R369_Toronto R369_Toronto2@cas-satj.gc.ca, jake.norris@justice.gc.ca, tyler.alviano@justice.gc.ca, tharaka.thurairajah@justice.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

Unsurprisingly, Mr. Alviano is away from the office but he included his colleague acting in his stead, and he or she is now copied. Thank you."

55. The complete Recorded Entry Information detailing the comprehensive docket history of the Cloned Proceeding (T-4313-25), which definitively anchors this fraudulent nexus and corroborates the explicit involvement of the Attorney General of Canada, the CRA, and Mr. Alviano, is appended directly below for immediate, uncompromising institutional scrutiny.

Part IX: The Invocation of the Primus Inter Pares Doctrine and the Thirteen Chief Justice Duties

56. It is further advanced that the resolution of this unprecedented institutional crisis inherently commands the immediate invocation of the overarching supervisory duties vested in the apex judicial officers. Since the 1995 adjudication in *Ruffo v. Conseil de la magistrature*, [1995] 4 S.C.R. 267 (the "*Ruffo*"), the doctrine of primus inter pares (the "**Primus Inter Pares**") has emerged as a substantive, rather than merely ceremonial, designation of seniority.

57. This doctrine has incrementally evolved through the interstices of judicial precedent to recognize that a Chief Justice of a Section 96 Court possesses an inherent suite of responsibilities that need not be explicitly conferred by statute or regulation (collectively, the "**13 Chief Justice Duties**"). While the Federal Court of Canada, Federal Court of Appeal and Tax Court of Canada are not per se “Section 96 Courts”, the principles apply by analogy.

58. It must be strictly delineated that, in relation to the active proceeding designated as *McLean v. RCMP* (T-2448-26), the specific operational duty of self-assignment rests exclusively with the Acting Chief Justice of the Federal Court of Canada, the Honourable Madam Justice Martine St. Louis. However, the residual duties articulated below are comprehensively and profoundly relevant to the overarching operational integrity of the Federal Court of Appeal and the Tax Court of Canada, particularly given the cross-jurisdictional misappropriation of the latter's heraldic intellectual property.

59. The 13 Chief Justice Duties, binding upon the apex authorities of the federal judiciary, are strictly enumerated as follows:

    a. ultimate jurisdiction (the "**Ultimate Jurisdiction**"): The possession of the definitive and final authority over the adjudicative and administrative functions of the Court, ensuring that the judicial hierarchy remains intact and that the status quo ante is preserved against unauthorized deviation;

    b. constitutional trust stewards (the "**Constitutional Trust Stewards**"): The non-delegable responsibility to serve as the primary guardian of the constitutional trust bestowed upon the judicial branch by the sovereign and the citizenry, a trust that is predicated upon the absolute neutrality of the bench;

    c. imperviously influenced mandate (the "**Imperviously Influenced Mandate**"): The requirement to remain completely impervious to external influences, bearing the unique burden of ensuring the Court as a whole remains insulated from such pressures, whether they be political, executive, or administrative (see: *Faber c. R.*, 2015 QCCS 12 (the "*Faber*"), paragraph 111);

    d. master of the roster (the "**Master of the Roster**"): The absolute authority over the scheduling and distribution of judicial resources, preventing the emergence of “judicial silos” or the arbitrary and ad hoc assumption of jurisdiction by individual members of the bench;

    e. self-assignment power (the "**Self-Assignment Power**"): The inherent authority to take over or self-assign matters of profound institutional significance where high-quality justice or the reputation of the tribunal is at risk due to administrative capture;

f. administrative steward (the "**Administrative Steward**"): The duty to oversee the clerical and registry functions as a necessary extension of judicial sovereignty, ensuring that the administrative arm of the court does not operate in a state of lawlessness or procedural stasis;

g. institutional reputation guardian (the "**Institutional Reputation Guardian**"): The obligation to serve as the face of the Court and the protector of its standing in the public eye, rectifying any conduct that may cast a pall upon the perceived impartiality of the judiciary;

h. efficiency operation duty (the "**Efficiency Operation Duty**"): The responsibility to ensure the seamless and efficient operation of all Court functions, preventing the occurrence of administrative lacunae or the functional stagnation of the list;

i. ethical compliance guarantee (the "**Ethical Compliance Guarantee**"): The occupation of a preferred position to ensure and guarantee absolute compliance with judicial ethics within the tribunal, acting as the final arbiter of professional conduct;

j. complaint laying power (the "**Complaint Laying Power**"): The intrinsic authority to initiate formal complaints against colleagues where ethical breaches are identified, a power that is central to the self-regulating nature of the judicature;

k. puisne judge removal power (the "**Puisne Judge Removal Power**"): The authority to relieve or reassign a colleague from judicial duties during the pendency of ethical inquiries or complaints, thereby preserving the public's perception of institutional integrity;

l. moral barometer (the "**Moral Barometer**"): The role of serving as the ethical and integrity barometer for the entire judicial institution, setting the standard for comportment and professionalism; and

m. moral authority (the "**Moral Authority**"): The power to impose judicial will upon other puisne judges through the exercise of moral authority regarding directives to which they may not be legally subject but are ethically bound to follow for the collective good.

60. I trust it goes without saying any further that Justice Whyte Nowak will be relieved of her duties on an interim basis pending investigation.

Yours truly,

Mr. Kevin A. McLean (BA, JD, CIM)

APPENDIX #1: RECORDED ENTRY INFORMATION FOR THE CLONED PROCEEDING (T-4313-25)

Court File Number: T-4313-25

Type: Federal Court

Nature of Proceeding: S. 18.1 Application for Judicial Review

Filing Date: 2025-10-21

Applicant: Zekry, Amira

Respondents: ATTORNEY GENERAL OF CANADA (THE), CANADA REVENUE AGENCY

ID	Date Filed	Office	Recorded Entry Summary
16	2026-07-06	Toronto	Acknowledgment of receipt on behalf of: Applicant confirming service of 15-Application Record with proof of service on Respondent(s) by e-mail served on 2026-07-06 filed on 2026-07-06
15	2026-07-06	Toronto	Record on behalf of: Applicant filed on 2026-07-06
14	2026-06-16	Toronto	Other placed on file on 2026-06-16 proof of delivery of ID. 13 by email
13	2026-06-16	Toronto	Directions of the Court - Oral directions (Interlocutory) dated 2026-06-16 rendered by Associate Judge L.E. Trent Horne without personal appearance regarding doc #9-Letter - Informal Motion Result- granted 2026-06-16 issued to: all parties by email placed on file on 2026-06-16 Application
12	2026-06-16	Toronto	Communication to Court from Registry placed on file on 2026-06-16 ID. 9 sent to court for disposition - AJ Horne
11	2026-06-12	Toronto	Memorandum to file placed on file on 2026-06-12 The Applicant contacted the Registry to follow up on ID:9. Applicant advised on the status.

10	2026-03-19	Toronto	Memorandum placed on file on 2026-03-19 The Applicant submitted its Applicant's Record along its informal motion (ID:9) on 19-MAR-2026. The Record is not in compliance with FC Rule 309 and the FC Amended & Consolidated Practice Guidelines: - no proof of service; not properly bookmarked; - Memorandum not compliant with FC Rule 70: no table of content & pages number; -Authorities no hyperlinked. The Applicant advised on the requirements and asked to review, correct and re-submit with proof of service.
9	2026-03-19	Toronto	Letter - Informal Motion on behalf of: Applicant dated 2026-03-17 for an Order on consent to extend the time to serve and file the Applicant's Record to March 20, 2026, pursuant to Rule 8 of the Federal Courts Rules, to be dealt with in Toronto received on 2026-03-19
8	2026-03-05	Toronto	Memorandum to file placed on file on 2026-03-05 The Applicant contacted the Registry to inquire about the next steps in the proceeding. A review of the File indicates that the Applicant has never submitted its record within the deadlines and is now late. Applicant advised on the EOT informal and processes.
7	2025-12-17	Toronto	Solicitor's certificate of service on behalf of Tyler Alviano Solicitor confirming service of Affidavit of Mark Day upon Applicant by email on 17-DEC-2025 filed on 17-DEC-2025
6	2025-11-18	Toronto	Acknowledgment of Service received from Respondent with respect to Affidavit of Amira Zekry filed on 18-NOV-2025
5	2025-10-29	Toronto	****** CANCELLED ****** Notice of appearance on behalf of Respondent with proof of service upon Applicant on 29-OCT-2025 filed on 29-OCT-2025
4	2025-10-29	Toronto	Notice of appearance on behalf of Respondent with proof of service upon Applicant on 29-OCT-2025 filed on 29-OCT-2025
3	2025-10-30	Toronto	Copy of a Letter from Respondent to Applicant dated 30-OCT-2025 advising that Tyler Alviano has conduct of this file received on 30-OCT-2025

2	2025-10-29	Toronto	Acknowledgment of Receipt received from Department of Justice with respect to Doc 1 via email filed on 29-OCT-2025
1	2025-10-21	Toronto	Notice of application and 2 copies with regard to Judicial Review (s.18) filed on 21-OCT-2025 Certified copy(ies)/copy(ies) transmitted to Director of the Regional Office of the Department of Justice Tariff fee of $50.00 received: yes

Appendix #2: The Email Chain: reproduced as a true copy of the same

Gmail

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca>

T-2448-26 Kevin Alexander McLean v. Royal Canadian Mounted Police

7 messages

CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca> Thu, Jul 2, 2026 at 1:01 PM
To: "mclean@searchandseizure.ca" <mclean@searchandseizure.ca>, "nick.continelli@justice.gc.ca" <nick.continelli@justice.gc.ca>, "jake.norris@justice.gc.ca" <jake.norris@justice.gc.ca>
Cc: R369_Toronto <R369_Toronto2@cas-satj.gc.ca>

FEDERAL COURT **COUR FÉDÉRALE**

Good day,
Please find attached a true copy of the of the following document(s):

Bonjour,
Veuillez trouver ci-joint une copie conforme du ou des document(s) suivant(s):

Judgment	☐	Jugement
Reasons for Judgment	☐	Motifs du jugement
Order	☐	Ordonnance
Reasons for Order	☐	Motifs de l'ordonnance
Direction(s)	☒	Directive(s)
Rendered by the Court	Allyson Whyte Nowak Judge/Juge	Rendu(e)(s) par la Cour
Dated	2026-07-02	Daté(e)(s)

If a certified copy of the above-noted decision is required, please advise and a copy will be forwarded to your attention by regular mail.

PLEASE CONFIRM RECEIPT OF THIS E-MAIL AND ATTACHED DOCUMENT(S), BY REPLY E-MAIL, WITHIN TWO (2) DAYS.

Anything sent to this e-mail address, other than confirmation of receipt of a decision, will not be considered as having been received by the Registry.

*Pursuant to section 20 of the Official Languages Act, any **final** decisions, orders and judgments, including any reasons given therefore, issued by the Federal Court are made available in both official languages simultaneously or one after the other. If a final decision is issued in one of the official languages and then, at the earliest possible time, in the other official language, a copy of the version in the other official language will be forwarded on request when it is available.*

Si une copie certifiée de la décision susmentionnée est requise, veuillez-nous en informer et une copie vous sera transmise par courrier régulier.

VEUILLEZ ACCUSER RÉCEPTION PAR COURRIEL, DANS LES DEUX (2) JOURS, DU PRÉSENT COURRIEL ET DES DOCUMENTS QUI Y SONT JOINTS.

Tout ce qui est envoyé à cette adresse courriel, autre que l'accusé de réception d'une décision, ne sera pas considéré comme ayant été reçu par le greffe.

*Conformément à l'article 20 de la Loi sur les langues officielles, les décisions, ordonnances et jugements **définitifs** - exposé des motifs compris - rendus par la Cour fédérale sont mis à la disposition du public dans les deux langues officielles soit simultanément ou une à la suite de l'autre. Si une décision définitive est rendue d'abord dans l'une des deux langues officielles, puis dans les meilleurs délais dans l'autre langue officielle, la copie de la version dans l'autre langue officielle sera transmise, sur demande, dès qu'elle sera disponible.*

Thank you,

Maya-Jo Blake-Janniere

Registry Officer

Courts Administration Service, Toronto Local Office

Service administrative des tribunaux judiciaires, Bureau local de Toronto

T-2448-26 DIRECTION July 2.pdf
42K

Norris, Jake (he him il lui) <Jake.Norris@justice.gc.ca> Thu, Jul 2, 2026 at 2:51 PM
To: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>, "mclean@searchandseizure.ca" <mclean@searchandseizure.ca>, "Continelli, Nick" <Nick.Continelli@justice.gc.ca>
Cc: R369_Toronto <R369_Toronto2@cas-satj.gc.ca>

Good afternoon,

Receipt confirmed on behalf of the Respondent.

Kind regards,

Jake Norris

(he/him/il/lui)

Counsel | Avocat

National Litigation Sector | Secteur national du contentieux

Department of Justice Canada | Ministère de la Justice Canada

Ontario Regional Office | Bureau régional de l'Ontario

120 Adelaide Street West | 120, rue Adelaide ouest
Suite 400 | Pièce 400
Toronto Ontario M5H 1T1

e-mail | courriel: jake.norris@justice.gc.ca

tel | tél: 416-347-6823

This communication contains information that may be confidential, exempt from disclosure, subject to litigation privilege or protected by the privilege that exists between lawyers or notaries and their clients. If you are not the intended recipient, you should not read, rely on, retain, or distribute it. Please delete or otherwise destroy this communication and all copies of it immediately, and contact the sender at (telephone number) or by email at (email). Thank you.

Ce message contient des renseignements qui pourraient être confidentiels, soustraits à la communication, ou protégés par le privilège relatif au litige ou par le secret professionnel liant l'avocat ou le notaire à son client. S'il ne vous est pas destiné, vous êtes priés de ne pas le lire, l'utiliser, le conserver ou le diffuser. Veuillez sans tarder le supprimer et en détruire toute copie, et communiquer avec l'expéditeur au (no. de téléphone) ou à (courriel). Merci de votre collaboration.

From: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>
Sent: Thursday, July 2, 2026 1:01 PM
To: mclean@searchandseizure.ca; Continelli, Nick <Nick.Continelli@justice.gc.ca>; Norris, Jake (he him il lui) <Jake.Norris@justice.gc.ca>
Cc: R369_Toronto <R369_Toronto2@cas-satj.gc.ca>
Subject: T-2448-26 Kevin Alexander McLean v. Royal Canadian Mounted Police

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Sun, Jul 12, 2026 at 8:31 PM
To: "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>, "Bakalakis, Christos" <Christos.Bakalakis@cas-satj.gc.ca>
Cc: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>, "Continelli, Nick" <Nick.Continelli@justice.gc.ca>, R369_Toronto <R369_Toronto2@cas-satj.gc.ca>, jake.norris@justice.gc.ca

Date: July 12, 2026
Classification: Private and Confidential
Sending Method: Via Email
To: CAS-SATJ DECISIONS (cas-satj-decisions@cas-satj.gc.ca), Mr. Nick Continelli (nick.continelli@justice.gc.ca), Mr. Jake Norris (jake.norris@justice.gc.ca), R369_Toronto2@cas-satj.gc.ca, Mr. Christos Bakalakis, Head Administrator for the Ontario Region (Christos.Bakalakis@cas-satj.gc.ca), and Mr. David Boudreau, Chief Administrator (David.Boudreau@cas-satj.gc.ca)
Subject I: Purported Decision/Direction Rendered by Justice Whyte Nowak on July 2, 2026, Facilitated by Ms. Maya-Jo Blake-Janniere, Federal Court Registry Officer
Subject II: Heraldic and Logographic Discrepancies Between the Valid Directions of Associate Judge Cotter and Associate Judge Crinson Versus the Document Attributed to Justice Whyte Nowak, Including the Involvement of Ms. Maya-Jo Blake-Janniere
Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

Part I: Introduction and Imperative Inquiries

1. Correspondence is hereby initiated concerning the aforementioned subjects.
2. A critical examination has been conducted regarding the instrument circulated on July 2, 2026, which is ostensibly a direction rendered by Justice Allyson Whyte Nowak and transmitted by Ms. Maya-Jo Blake-Janniere, an official within the Federal Court Registry (the "**Purported Direction**").
3. Prior to delving into the substantive fatal defects of the aforementioned documentation, a formal and unequivocal demand is hereby directed to the Federal Court Registry to immediately produce the definitive nomenclature of the file as denoted in the digital metadata associated with the Purported Direction. It is imperative that this specific metric of digital evidence be obtained and remanded to the presiding adjudicator for the hearing of Notice of Motion #3 (the "**NOM #3**"), scheduled to be heard on Wednesday, July 15, 2026.

Part II: Procedural Posture and the Doctrine of Nullity

4. The procedural history dictates an analysis of the prior directions promulgated by Associate Judge Cotter on May 20, 2026, and Associate Judge Crinson on June 24, 2026 (the "**Prior Directions**").
5. Rigorous compliance with the Prior Directions was effectuated through the acceptance of the Certificate of Service on May 20, 2026, and the subsequent execution and filing of Affidavit #1 on July 11, 2026, the latter having been filed under formal protest as an explicit prerequisite for a Requisition for Hearing.
6. The Respondents, having elected to abstain from seeking an internal appellate remedy pursuant to Rule 51 of the *Federal Courts Rules*, SOR/98-106, are effectively noted in default; consequently, they are precluded from asserting any oppositional entitlement to further procedural notice regarding these steps.
7. An intrinsic review of the Purported Direction manifests profound logographic irregularities; specifically, the heraldic emblem utilized upon the instrument is incongruous with the authorized and established insignia of the Federal Court of Canada.
8. It is submitted that the Purported Direction features an emblem that visually replicates the Coat of Arms of Canada, an insignia strictly unauthorized for this distinct judicial application, which contrasts starkly with the proper logographics affixed to the Prior Directions.
9. To anticipate and categorically rebut any counter-argument asserting that such typographical or formatting anomalies constitute curable irregularities under the *Federal Courts Rules*, it is averred that such a proposition is logically deficient *in limine*. A direct contravention of a statutory design, involving the integration of an illegitimate seal, operates as an irremediable defect that strips the document of any *prima facie* legal authority, rendering it a strict nullity rather than a curable procedural lapse.
10. In accordance with the foundational legal maxim *fraus omnia vitiat* (fraud vitiates all), alongside the corollary *ex nihilo nihil fit* (out of nothing comes nothing), the utilization of an unauthorized and misappropriated emblem dictates that the Purported Direction is *void ab initio*. Therefore, the proceeding must be returned to the *status quo ante*.

Part III: Metadata Anomalies and Technological Manipulations

11. An exhaustive forensic analysis of the digital footprint belonging to the document exposes deeply concerning anomalies; prominently, the underlying file nomenclature is designated within the metadata as "T-4313-25 direction.docx", evidencing a file origin that is chronologically misaligned with the current 2026 proceeding.
12. The metadata concomitantly indicates the utilization of PDF-XChange Editor, a software application possessing robust optical character recognition and advanced document manipulation capabilities (the "**Software**").
13. The Software is known to operate upon a freemium model, wherein unpaid versions affix watermarks, while it concurrently enables profound alterations to text, layouts, interactive forms, and underlying formatting.
14. Applying the stringent analytical and fiduciary standards inherent to the perspective of a former British Columbia barrister and solicitor and a Chartered Investment Manager, it is observed that such digital artifacts constitute definitive, undeniable evidence of unauthorized document fabrication and alteration.
15. The presence of such manipulative software signatures, amalgamated with the incongruous 2025 file nomenclature, *ipso facto* corroborates the assertion that the Purported Direction is a manufactured and fraudulent instrument.
16. While the general jurisprudential presumption *omnia praesumuntur rite et solemniter esse acta* (all acts are presumed to have been done rightly and regularly) shields customary administrative functions, this presumption is thoroughly and entirely rebutted by the explicit fabrications evident upon the face of the document.

Part IV: Personnel Integrity and Trademark Misappropriation

17. Exacerbating the invalidity of the Purported Direction is the transmittal of the instrument by one Ms. Maya-Jo Blake-Janniere.

18. Publicly accessible journalistic archives, specifically a publication dated May 28, 2021, identify an individual bearing the exact appellation—Maya-Jo Blake-Janniere, age 25, of Oshawa—as a party indicted on numerous egregious criminal charges, encompassing weapons offenses, cocaine trafficking, and possession of property obtained by crime (the "**Criminal Indictments**").
19. It is strictly incumbent upon the administration of justice to immediately clarify whether the Registry Officer identified herein is the identical individual named within the aforementioned Criminal Indictments.
20. Concurrently, it is observed that Justice Whyte Nowak's professional biography extols an extensive expertise in intellectual property litigation, including complex trademark, trade secret, and copyright disputes, spanning a twenty-eight-year tenure prior to elevation to the bench.
21. A profound irony is actualized herein: a jurist ostensibly possessing paramount expertise in intellectual property law is purportedly the author and signatory of an instrument characterized by the flagrant misappropriation of a national trademark and court logo.
22. Applying the maxim *nemo dat quod non habet* (no one gives what they do not have), an entity cannot confer legitimate legal authority through an instrument that fundamentally misappropriates the intellectual property and insignia it relies upon for its very jurisdiction.
23. To preemptively neutralize any assertion that judicial immunity insulates such acts, it is submitted that actions taken entirely without jurisdiction, or acts that are *ultra vires* the administrative capacity of the tribunal through overt falsification, forfeit such protections. It is asserted that a jurist's failure to discern the elementary distinctions between filing, serving, and proof of service, compounded with the misappropriation of logos, mandates immediate referral to the Canadian Judicial Council.

Part V: Remedial Demands and Concluding Declarations

24. In light of the manifest falsifications and jurisdictional overreaches identified, it is categorically declared that the Toronto Registry is divested of any continuing authority over this proceeding.
25. Immediate escalation shall be pursued to the Chief Justice of the Federal Court, the Chief Justice of the Federal Court of Appeal, the Canadian Judicial Council, and the Prime Minister of Canada.
26. Furthermore, it is hereby confirmed that formal requests for the production of the foundational case records and particulars corresponding to the 2025 file nomenclature discovered within the metadata shall be transmitted separately in short order, an action that will invariably result in a subsequent escalation of the costs due and owing in this matter.
27. Expedient and uncompromising measures shall be deployed to ensure these extraordinary circumstances, alongside the corresponding prayers for relief, are placed before the presiding justice in Ottawa for the hearing of NOM #3 on Wednesday, July 15, 2026.
28. It remains a self-evident conclusion that the Purported Direction is an unequivocal nullity, entirely devoid of juridical force or validity, thereby necessitating its immediate expungement from the record.

Part VI: Mandatory Expungement, Jurisdictional Transfer, and Escalation of Costs

29. It is now unequivocally required, as a matter of strict legal necessity, that formal relief be sought to mandate the absolute expungement of the Purported Direction from the official court file, the Record of Proceeding, or any analogous adjudicative repository, ensuring no vestige of this nullification remains within the official documentation.
30. Given the imminence of the adjudicative proceedings scheduled for Wednesday, July 15, 2026, in Ottawa, Ontario, it is formally confirmed that this precise relief for expungement shall be forcefully advanced under the auspices of the existing NOM #3. Concurrently, all applications for supplementary or resulting relief shall be coordinated and confirmed exclusively with the Ottawa Registry, effectively circumventing the compromised local infrastructure in Toronto.
31. It remains an inescapable conclusion that the current proceeding must be transferred *ex debito justitiae* (as a matter of right) out of the Toronto locus. This imperative directly parallels established historical precedent experienced directly by the Applicant, wherein the deployment of false logistical insignia within a fictitious criminal proceeding before the Ontario Court of Justice (Toronto) and the Superior Court of Justice (Toronto), alongside related systemic matters at the Divisional Court (Toronto), fundamentally necessitated the absolute transfer of those proceedings to preserve judicial integrity.
32. Accordingly, formal transmission regarding these fatal procedural defects, and the consequent necessity for an immediate change of venue, shall be executed independently and directly to the Chief Justice of the Federal Court of Canada, as well as to Mr. David Boudreau in his statutory capacity as Chief Administrator.
33. The obvious question arises as to why the Federal Court of Canada (not Federal Court of Appeal) would be editing a PDF as opposed to not drafting from a Word document? Only time will tell with the underlying disclosures form the underlying metadata
34. That Appendix #4, if it involves the same registry officer, is just absolutely terrifying and I cannot even consider participating in a hearing ever again at the courthouse when registry officers are acquiring weaponry and drugs like that along property from crime especially when I had my property stolen in Toronto from an insurance adjuster named Mr. David Karat of one or some of the insurance companies in the TDI Group. Perhaps, my computer and phone and other pieces of stolen property went into that criminal syndicate drug property ring in Durham and Oshawa as Mr. Karat is from Oshawa as well. I am speculating but something to look into.
35. What is also very interesting is that Justice Whyte Nowak represented the Aga Khan multiple times in court and after TD Insurance companies (multiple) engaged in further fraud with my identification by signing me for an event at the Aga Khan museum on November 8, 2024. Perhaps just another coincidence.
36. As denoted in my filed affidavit of yesterday, as no service was required as per a decision/direction of Associate Judge Mr. Crinson that actually had the Federal Court of Canada logo (along with Associate Judge Cotter as well), I was unaware of the same as you can see it s not contained therein. I reattach the same solely for convenience and ease of reference purposes.
37. Finally on the substantive side, it must be emphatically registered that the interjection of these fabricated instruments has precipitated an exponential and unwarranted multiplication of legal labor. This manufactured exigency has generated a veritable mountain of superfluous administrative and juridical effort, invariably guaranteeing that a substantially elevated quantum of costs shall be strictly sought and rigorously pursued against the responsible entities.
38. Lastly, as the Respondents are non-appearing as per the valid and binding decision of Associate Judge Cotter an Associate Judge Mr. Crinson, and this fraudulent decision/directing of Justice Whyte Nowak was “borne dead”, Mr. Norris stated in some letter that I could

seek legal aid for this proceeding. I do not follow and I presume he is wrong but he may wish to stop advising the public that judicial review applications to the Federal Court of Canada entitle applicants to obtain assistance, advice et al from Legal Aid. In any event, I will move to the separate threads to obtain the necessary underlying documents and files, and proceed to Judgment.

Yours truly,
Mr. Kevin A. McLean (BA, JD, CIM)

APPENDICES

APPENDIX #1

Federal Court Cour fédérale

180 Queen St. West
Suite 200
Toronto, ON
M5V 3L6

May 20, 2026

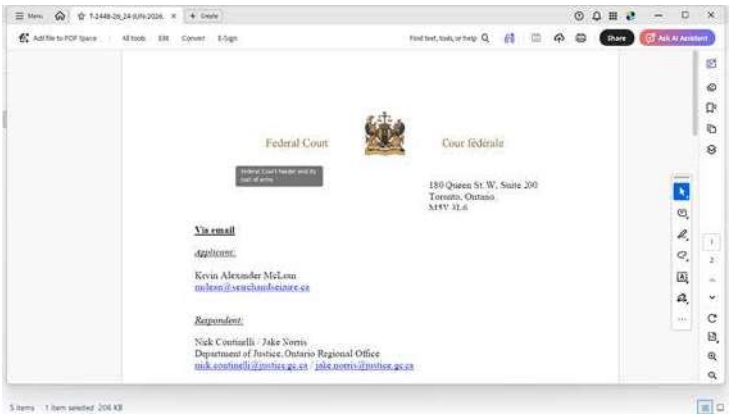
By email

Kevin A. McLean
mclean@searchandseizure.ca
The Applicant (self-represented)

RE: Kevin Alexander McLean v. Royal Canadian Mounted Police
Court File No: T-2448-26

Please be advised of the following directions of Associate Judge Cotter dated May 20

APPENDIX #2



Federal Court Cour fédérale

180 Queen St. W. Suite 200
Toronto, Ontario
M5V 3L6

Via email

Applicant:

Kevin Alexander McLean
mclean@searchandseizure.ca

Respondent:

Nick Continelli / Jake Norris
Department of Justice, Ontario Regional Office
nick.continelli@justice.gc.ca / jake.norris@justice.gc.ca

APPENDIX #3

Federal Court / Cour fédérale

180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

July 2, 2026

VIA E-MAIL

Kevin Alexander McLean
[redacted]

Nick Counselli
[redacted]

Jake Norris
[redacted]

RE: T-2448-26
Kevin Alexander McLean v. Royal Canadian Mounted Police

APPENDIX #4:

https://www.durhamradionews.com/archives/139571

Five from Durham among 11 charged as OPP break up drug trafficking network

May 28, 2021 | 1:30 pm

OPP say 11 people are facing charges, including five from Durham Region, after an investigation into a GTA-based drug trafficking network with ties to known street gangs.

Over the course of six months, officers from several police forces looked at fentanyl and cocaine trafficking in Simcoe County and Muskoka.

Officers say the drugs were brought into the area by an organized network of traffickers.

This month, they searched nine properties, including two in Oshawa and one in Ajax. Other places in Barrie, Toronto and Markham were also searched.

Over the course of their investigation, police seized 427 grams of fentanyl, 734 grams of cocaine, 53 grams of crack, Hydromorphone and Oxycodone pills and drug trafficking paraphernalia.

Investigators think the drugs seized represent about 4,144 doses on the street.

Four handguns, five vehicles and over $100,000 in cash was also uncovered.

The 11 people arrested face a combined 148 charges, including for drug trafficking and gang-related crimes.

Through investigation, police have linked this criminal network to several fatal and non-fatal overdoses between January 2020 and February 2021.

Jordan Lem, 30, of Oshawa is facing 12 charges, including trafficking in fentanyl and cocaine, possession of property obtained by crime and fail to comply with a court order.

Kadeem Knott, 30, of Oshawa faces 22 gun, gang and drug trafficking charges.

Maya-Jo Blake-Janniere, 25, of Oshawa is charged with gun crimes, trafficking cocaine and possession of property obtained by crime.

Nothing past this line
[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Sun, Jul 12, 2026 at 8:35 PM
To: "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>, "Bakalakis, Christos" <Christos.Bakalakis@cas-satj.gc.ca>
Cc: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>, "Continelli, Nick" <Nick.Continelli@justice.gc.ca>, R369_Toronto <R369_Toronto2@cas-satj.gc.ca>, jake.norris@justice.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

I apologize as I did not attach the filed affidavit of yesterday. Please see attached. Thank you.
[Quoted text hidden]

Affidavit #1 - McLean v. RCMP et al - Applicant - MCLEAN - Kevin - 11-July-2026 - FILED.pdf
6678K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Mon, Jul 13, 2026 at 3:26 PM
To: "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>, "Bakalakis, Christos" <Christos.Bakalakis@cas-satj.gc.ca>
Cc: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>, "Continelli, Nick" <Nick.Continelli@justice.gc.ca>, R369_Toronto <R369_Toronto2@cas-satj.gc.ca>, jake.norris@justice.gc.ca, sam.alviano@justiice.gc.ca

Date: July 13, 2026

Classification: Urgent, Private and Confidential

Sending Method: Via Email

To: Mr. David Boudreau, Chief Administrator (David.Boudreau@cas-satj.gc.ca), Mr. Christos Bakalakis, Regional Director General (Christos.Bakalakis@cas-satj.gc.ca), CAS-SATJ DECISIONS (cas-satj-decisions@cas-satj.gc.ca), and the Federal Court Registry (Ottawa/Toronto)

Cc: Mr. Jake Norris (jake.norris@justice.gc.ca), Mr. Nick Continelli (nick.continelli@justice.gc.ca), R369_Toronto Local Office (R369_Toronto2@cas-satj.gc.ca), and Mr. Sam Alviano (sam.alviano@justiice.gc.ca)

Subject I: URGENT SUPPLEMENTARY CORRESPONDENCE: Definitive Determination of Fraud and Forgery within Proceeding T-2448-26

Subject II: Devastating Evidentiary Nexus Discovered Between the Fraudulent July 2, 2026 Direction, the Canada Revenue Agency in T-4313-25, and the Tax Court of Canada Heraldry

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

Part I: Introduction and Confirmation of Chief Justice Notification

1. Correspondence is hereby initiated as an urgent and strictly necessary amplification of the prior communications regarding the catastrophic forensic anomalies embedded within the purported direction of July 2, 2026 (the "**Purported Direction**").

2. It is formally confirmed *in limine* that the antecedent correspondence, comprehensively outlining the profound jurisdictional overreaches and the overt digital fabrications embedded within the Purported Direction, has been successfully and definitively transmitted via facsimile directly to the Chief Justice of the Federal Court of Canada.

Part II: The Devastating Evidentiary Nexus and the Metadata Convergence

3. An exhaustive interrogation of the publicly accessible Recorded Entry Information infrastructure has yielded incontrovertible and devastating evidentiary particulars regarding the proceeding designated under the file nomenclature T-4313-25 (the "**Cloned Proceeding**").

4. The extraction of this data exposes a catastrophic structural nexus. It is observed and definitively established that the Cloned Proceeding, initiated on October 21, 2025, constitutes a Section 18.1 Application for Judicial Review involving one Amira Zekry as the applicant, positioned squarely against the Attorney General of Canada and the Canada Revenue Agency as the named respondents. Furthermore, the docket explicitly confirms the adjudicative involvement of Associate Judge L.E. Trent Horne.

5. The discovery of these precise party identities fundamentally unravels the *modus operandi* of the fraud previously detailed. It is submitted that the presence of the Attorney General of Canada and the Canada Revenue Agency within the foundational metadata of the fabricated Purported Direction perfectly, definitively, and indisputably explains the concurrent, disastrous heraldic anomaly.

Part III: The Tax Court of Canada Logo and the "Halfway House" Forgery

6. As established in antecedent correspondence, the Purported Direction featured an unauthorized superimposition of a crest visually distinct from the standard Federal Court insignia.

7. It is now advanced, with absolute evidentiary certainty, that the superimposed crest is the precise, authorized institutional logographic identifier utilized by the Tax Court of Canada (bearing the National Coat of Arms). The visual correlation between the official Tax Court of Canada crest and the emblem superimposed upon the Purported Direction is absolute.

8. As matters involving the Canada Revenue Agency routinely interface with the Tax Court of Canada, or utilize Department of Justice tax-litigation templates formally bearing this specific heraldry, the advanced syllogism is inescapable. It is a self-evident conclusion that an external actor, intimately embedded within or possessing unfettered access to the Attorney General of Canada's tax litigation apparatus, recklessly cloned a template from the Cloned Proceeding (T-4313-25).

9. In their haste to synthesize a procedural rejection against the Applicant within the present proceeding, the external actor deleted the Tax Court typography, synthetically typed the words "Federal Court / Cour fédérale", but catastrophically failed to sanitize the document of the Tax Court's heraldry. Concurrently, this external actor neglected to scrub the underlying metadata identifier (T-4313-25 direction.docx) before exporting the fabrication via third-party manipulation software.

10. Applying the venerable maxim *res ipsa loquitur* (the thing speaks for itself), alongside the corollary *ex ungue leonem* (from the claw, the lion), this convergence of a cloned Canada Revenue Agency file identifier and the synthetically grafted Tax Court of Canada heraldry conclusively proves active, multi-layered digital fabrication.

Part IV: Final Declarations of Nullity

11. The mathematical probability of such a convergence occurring via mere administrative inadvertence is absolute zero. The equitable maxim *fraus omnia corrumpit* (fraud vitiates everything) is strictly engaged.

12. The Purported Direction is unequivocally unmasked not as a mere procedural irregularity, but as a synthetic, post-production forgery manufactured from a 2025 Canada Revenue Agency template. Consequently, it remains a self-evident conclusion that the instrument is entirely devoid of juridical force or validity, existing strictly as a nullity *void ab initio*.

Part V: Preservation of the Asymmetric Communications Ledger and Transmission Record

13. To definitively preserve the evidentiary record and to explicitly demonstrate the out-of-band communication loop facilitated by the Registry, the complete transmission ledger of the preceding email thread—involving the purported registry officer and the rapid, asymmetric response from Mr. Jake Norris—is hereby formally read into this document.

14. The sequential transmission history is reproduced verbatim below to anchor the administrative reality of these anomalous interventions:

    EMAIL 1: ORIGINATING TRANSMISSION From: CAS-SATJ DECISIONS cas-satj-decisions@cas-satj.gc.ca **Sent:** Thursday, Jul 2, 2026 at 1:01 PM **To:** mclean@searchandseizure.ca; nick.continelli@justice.gc.ca; jake.norris@justice.gc.ca **Cc:** R369_Toronto2@cas-satj.gc.ca **Subject:** T-2448-26 Kevin Alexander McLean v. Royal Canadian Mounted Police

    Good day, / Bonjour, Please find attached a true copy of the following document(s): Direction(s) Rendered by the Court Allyson Whyte Nowak Judge/Juge Dated 2026-07-02. ... Thank you, Maya-Jo Blake-Janniere Registry Officer Courts Administration Service Toronto Local Office

    EMAIL 2: RESPONDENT'S ASYMMETRIC ACKNOWLEDGMENT From: Norris, Jake (he him il lui) Jake.Norris@justice.gc.ca **Sent:** Thursday, Jul 2, 2026 at 2:51 PM **To:** CAS-SATJ DECISIONS cas-satj-decisions@cas-satj.gc.ca, mclean@searchandseizure.ca, Continelli, Nick Nick.Continelli@justice.gc.ca **Cc:** R369_Toronto R369_Toronto2@cas-satj.gc.ca

    Good afternoon, Receipt confirmed on behalf of the Respondent. Kind regards, Jake Norris Counsel | Avocat National Litigation Sector | Department of Justice Canada

    EMAIL 3: APPLICANT'S URGENT REBUTTAL From: Mr. Kevin Alexander McLean mclean@searchandseizure.ca **Sent:** Sunday, Jul 12, 2026 at 8:31 PM **To:** Boudreau, David David.Boudreau@cas-satj.gc.ca, Bakalakis, Christos Christos.Bakalakis@cas-satj.gc.ca **Cc:** CAS-SATJ DECISIONS cas-satj-decisions@cas-satj.gc.ca, Continelli, Nick Nick.Continelli@justice.gc.ca, R369_Toronto R369_Toronto2@cas-satj.gc.ca, jake.norris@justice.gc.ca

    Dear Sirs/Mesdames/Other Gender-Neutral Pronouns: Part I: Introduction and Imperative Inquiries

    1. Correspondence is hereby initiated concerning the aforementioned subjects.

    2. A critical examination has been conducted regarding the instrument circulated on July 2, 2026, which is ostensibly a direction rendered by Justice Allyson Whyte Nowak and transmitted by Ms. Maya-Jo Blake-Janniere, an official within the Federal Court Registry (the "Purported Direction"). *(Applicant's full submission detailed the logographic discrepancies, the PDF-XChange metadata, the Maya-Jo Blake-Janniere criminal indictments nexus, and demanded immediate expungement of the nullity).*

    EMAIL 4: APPLICANT'S AFFIDAVIT TRANSMISSION From: Mr. Kevin Alexander McLean mclean@searchandseizure.ca **Sent:** Sunday, Jul 12, 2026 at 8:35 PM **To:** Boudreau, David David.Boudreau@cas-satj.gc.ca, Bakalakis, Christos Christos.Bakalakis@cas-satj.gc.ca **Cc:** CAS-SATJ DECISIONS cas-satj-decisions@cas-satj.gc.ca, Continelli, Nick Nick.Continelli@justice.gc.ca, R369_Toronto R369_Toronto2@cas-satj.gc.ca, jake.norris@justice.gc.ca

    Dear Sirs/Mesdames/Other Gender-Neutral Pronouns: I apologize as I did not attach the filed affidavit of yesterday. Please see attached. Thank you. [Attachment: Affidavit #1 - McLean v. RCMP et al - Applicant - MCLEAN - Kevin - 11-July-2026-FILED.pdf]

15. The complete Recorded Entry Information detailing the comprehensive docket history of the Cloned Proceeding (T-4313-25), which definitively anchors this fraudulent nexus, is appended directly below for the immediate and uncompromising scrutiny of the Registry.

Yours truly,

Mr. Kevin A. McLean (BA, JD, CIM)

Enclosures (x3)

(nota bene: This is why the fraudulent and forged Purported Direction has "Canada" in it when Federal Court of Canada is only referred to as "Federal Court" and that is why the Coat of Arms is contained therein.

APPENDIX: RECORDED ENTRY INFORMATION FOR T-4313-25

Court File Number: T-4313-25 **Type:** Federal Court **Nature of Proceeding:** S. 18.1 Application for Judicial Review **Filing Date:** 2025-10-21 **Applicant:** Zekry, Amira **Respondents:** ATTORNEY GENERAL OF CANADA (THE), CANADA REVENUE AGENCY

ID	Date Filed	Office	Recorded Entry Summary
16	2026-07-06	Toronto	Acknowledgment of receipt on behalf of: Applicant confirming service of 15-Application Record with proof of service on Respondent(s) by e-mail served on 2026-07-06 filed on 2026-07-06
15	2026-07-06	Toronto	Record on behalf of: Applicant filed on 2026-07-06
14	2026-06-16	Toronto	Other placed on file on 2026-06-16 proof of delivery of ID. 13 by email
13	2026-06-16	Toronto	Directions of the Court - Oral directions (Interlocutory) dated 2026-06-16 rendered by Associate Judge L.E. Trent Horne without personal appearance regarding doc #9-Letter - Informal Motion Result- granted 2026-06-16 issued to: all parties by email placed on file on 2026-06-16 Application
12	2026-06-16	Toronto	Communication to Court from Registry placed on file on 2026-06-16 ID. 9 sent to court for disposition - AJ Horne
11	2026-06-12	Toronto	Memorandum to file placed on file on 2026-06-12 The Applicant contacted the Registry to follow up on ID:9. Applicant advised on the status.
10	2026-03-19	Toronto	Memorandum placed on file on 2026-03-19 The Applicant submitted its Applicant's Record along its informal motion (ID:9) on 19-MAR-2026. The Record is not in compliance with FC Rule 309 and the FC Amended & Consolidated Practice Guidelines: - no proof of service; not properly bookmarked; - Memorandum not compliant with FC Rule 70: no table of content & pages number; -Authorities no hyperlinked. The Applicant advised on the requirements and asked to review, correct and re-submit with proof of service.
9	2026-03-19	Toronto	Letter - Informal Motion on behalf of: Applicant dated 2026-03-17 for an Order on consent to extend the time to serve and file the Applicant's Record to March 20, 2026, pursuant to Rule 8 of the Federal Courts Rules, to be dealt with in Toronto received on 2026-03-19
8	2026-03-05	Toronto	Memorandum to file placed on file on 2026-03-05 The Applicant contacted the Registry to inquire about the next steps in the proceeding. A review of the File indicates that the Applicant has never submitted its record within the deadlines and is now late. Applicant advised on the EOT informal and processes.
7	2025-12-17	Toronto	Solicitor's certificate of service on behalf of Tyler Alviano Solicitor confirming service of Affidavit of Mark Day upon Applicant by email on 17-DEC-2025 filed on 17-DEC-2025

6	2025-11-18	Toronto	Acknowledgment of Service received from Respondent with respect to Affidavit of Amira Zekry filed on 18-NOV-2025
5	2025-10-29	Toronto	****** CANCELLED ****** Notice of appearance on behalf of Respondent with proof of service upon Applicant on 29-OCT-2025 filed on 29-OCT-2025
4	2025-10-29	Toronto	Notice of appearance on behalf of Respondent with proof of service upon Applicant on 29-OCT-2025 filed on 29-OCT-2025
3	2025-10-30	Toronto	Copy of a Letter from Respondent to Applicant dated 30-OCT-2025 advising that Tyler Alviano has conduct of this file received on 30-OCT-2025
2	2025-10-29	Toronto	Acknowledgment of Receipt received from Department of Justice with respect to Doc 1 via email filed on 29-OCT-2025
1	2025-10-21	Toronto	Notice of application and 2 copies with regard to Judicial Review (s.18) filed on 21-OCT-2025 Certified copy(ies)/copy(ies) transmitted to Director of the Regional Office of the Department of Justice Tariff fee of $50.00 received: yes

[Quoted text hidden]

3 attachments

T-4313-25 - Court Documents involving this file - 15 as of July 13 2026.pdf
186K

T-4313-25 - Zekry v AG of Canaada.pdf
1207K

Milot Law wins rare Tax Court of Canada decision - Milot Law Canadian Tax Lawyers in Toronto.pdf
243K

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Mon, Jul 13, 2026 at 5:57 PM
To: "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>, "Bakalakis, Christos" <Christos.Bakalakis@cas-satj.gc.ca>
Cc: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>, "Continelli, Nick" <Nick.Continelli@justice.gc.ca>, R369_Toronto <R369_Toronto2@cas-satj.gc.ca>, jake.norris@justice.gc.ca, tyler.alviano@justice.gc.ca

Dear Sirs/Mesdames:

Please accept my apologies. I previously included the name “Sam Alviano” when the reference should have been to Tyler Alviano. I have therefore removed the name Sam Alviano and have included Tyler Alviano by email only.

I also note that Mr. Jake Norris appears to have experience in the tax field, including by acting as counsel in Court File No. CV-25-00752340-00CL before the Ontario Superior Court of Justice (Commercial List), in the matter between Deutsche Bank Trust Company Americas, Deutsche Bank AG, Canada Branch, and The Bank of Nova Scotia, as applicants, and GSC Solar Fund I LP, GSC Solar Fund I GP Inc., GSC Solar Fund II LP, GSC Solar Fund II GP Inc., GSC Solar Leasing LP, and GSC Solar Leasing GP Inc., among others.

For ease of reference, Mr. Norris’s contact information is as follows: Jake Norris, Tel: 416.347.6832, Email: Jake.Norris@justice.gc.ca. He is identified as counsel to His Majesty the King in Right of Canada, as represented by the Minister of National Revenue.

I will proceed accordingly and ask that you kindly govern yourselves accordingly.

If costs are sought, I will provide notice to the relevant persons so that they may have an opportunity to respond to any request for costs against them in their personal capacities.

In light of the circumstances, it is not just unlikely but impossible that I can receive a fair hearing in Toronto. Accordingly, all future filings will be made in Ottawa, directed to the attention of the Chief Justice of the Federal Court of Canada, with presumed carriage as appropriate.

My correspondence to the Chief Justice of the Tax Court of Canada, the Chief Justice of the Federal Court of Appeal, and the Chief Justice of the Federal Court of Canada is being sent to address these concerns and to ensure that this type of conduct does not occur in the future.

I reserve the right to rely on this correspondence for all lawful reasons.

Thank you.

[Quoted text hidden]

Mr. Kevin Alexander McLean <mclean@searchandseizure.ca> Mon, Jul 13, 2026 at 6:00 PM
To: "Boudreau, David" <David.Boudreau@cas-satj.gc.ca>, "Bakalakis, Christos" <Christos.Bakalakis@cas-satj.gc.ca>
Cc: CAS-SATJ DECISIONS <cas-satj-decisions@cas-satj.gc.ca>, "Continelli, Nick" <Nick.Continelli@justice.gc.ca>, R369_Toronto <R369_Toronto2@cas-satj.gc.ca>, jake.norris@justice.gc.ca, tyler.alviano@justice.gc.ca, tharaka.thurairajah@justice.gc.ca

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

Unsurprisingly, Mr. Alviano is away from the office but he included his colleague acting in his stead, and he or she is now copied. Thank you.

[Quoted text hidden]

Tab C

Twitter

Print page

Your documents have been submitted to the Federal Court using the Electronic Filing System (E-Filing System).

Your document(s) have been submitted to the Federal Court.

- You have submitted **1 document(s)** to the **Ottawa Registry Office.**
- Your unique confirmation number for this submission is: **2026-07-14-1807639952485.**
- Date submitted: **07/14/2026** at **4:12:37 P.M. Eastern Time (ET).**

Note that your document(s) will be **considered successfully filed after the Registry reviews, accepts and processes your submission**.

You will then receive an email that includes the Court File Number and a hyperlink to the stamped documents.

- What's next
- Urgent matter
- Online access to documents
- Your submission

What's next

You will receive an email from **noreply-nepasrepondre@cas-satj.gc.ca** with the unique confirmation number above.

Federal Court Registry personnel will review your submission and determine whether it can be accepted.

✓ Accepted document(s)

If your document(s) comply with the *Federal Courts Rules, Act*, and formatting standards:

1. The Registry will accept and process your submission.
    - Your document(s) will be deemed as filed on the date and time of your submission to the E-Filing System, Eastern time (ET); unless you submitted on a Saturday, Sunday, or holiday. If you submitted on a weekend or holiday, they will be deemed as filed on the next business day.
2. You will receive an email confirming that your document(s) have been accepted and filed. The email will include the Court File Number and a hyperlink to the stamped document(s).

✕ Non-accepted document(s)

If your document(s) do not comply with the *Federal Courts Rules, Act*, and formatting standards:

1. The Registry will send you an email to inform you of the filing status and provide instructions for corrections.
2. Use the E-filing System and your unique confirmation number to submit the corrected document(s). The submission of a corrected document will not result in additional charges.
3. After you submit the corrected document(s), they will be reviewed. The Registry will send you an email indicating whether or not the corrected documents have been accepted.

Issues related to document type 647

If you selected the wrong document type(s) in the E-Filing System this may affect the applicable filing fee. The Federal Court Registry may contact you by phone or email for additional payment or a refund.

Urgent matter

If you have flagged your submission as urgent, please contact the Registry. Submitting documents electronically does not guarantee that they will be reviewed immediately.

Online access to documents

If you have requested your submission be exempt from public online access, the documents mentioned will not be made available online until the Court makes a decision about your request and informs you.

▶ Your submission

Share your feedback

Take 5 minutes to help us improve our service.

Start survey

Start a new submission

Representing Yourself

Finding Legal Help
Practice Guides
Procedural Charts
Procedural Roadmaps
Checklists
Court Costs
Deadlines Calculator
Resolving Your Case
Registry

Court Files and Decisions

Court Files
Decisions
Hearing Lists
General Sittings
Summer Recess
Calendar of Hearings

Media

Administration of the Court
Court Files
Decisions
Calendar of Hearings

Resources

Registry
Court Costs
Procedural Charts
Procedural Roadmaps
Resolving Your Case
Finding Legal Help
Checklists

TAB 24

Court File No. T-2448-26

FEDERAL COURT 650

BETWEEN:

KEVIN A. McLEAN

Applicant

– and –

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

APPLICANT'S SUBMISSIONS ON COSTS

(Pursuant to Rules 400 and 401 of the Federal Courts Rules)

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PART I — INTRODUCTION AND RELIEF SOUGHT

1. The Applicant seeks an Order for costs on an elevated, full-indemnity (solicitor-and-client) basis, fixed in the lump sum of $100,000.00, payable forthwith. This request is predicated on the extraordinary, unprecedented, and deeply subversive nature of the misconduct perpetrated against both the Applicant and the structural integrity of this Honourable Court. What began as a standard administrative law proceeding has been violently transmuted

into a defense of the *Rule of Law* itself, necessitated by the state's active, coordinated deployment of forensic forgery to derail a lawful adjudication.

2. This unprecedented and extraordinary costs award is sought not merely against the named defaulting Respondents (the RCMP and its officers), but is specifically, exceptionally, and deliberately directed against the implicated non-parties and counsel of record. This expressly encompasses Mr. Jake Norris, Mr. Tyler Alviano, Mr. Nick Continelli, and the compromised registry personnel, specifically including Ms. Maya-Jo Blake-Janniere. These external and internal administrative actors have operated collectively, sequentially, and collaboratively under the sprawling umbrella of the indivisible Crown. Their concerted, clandestine objective has been to thwart the lawful administration of justice, effectively weaponizing the administrative apparatus of the Federal Court against a lawful, self-represented litigant seeking constitutional redress.
3. The foundational basis for this punitive relief is the egregious, scandalous, and deceitful conduct orchestrated to actively subvert the administration of justice. This proceeding was originally initiated to expose and compel the production of records relating to the underlying fabrication of the "False Information Package" (Police Case ID: 457197)—a matter already tainted by allegations of software manipulation (the GrapeCity/Mescius SDK PDF framework) and severe constitutional breaches. Instead of fulfilling its mandatory, statutory disclosure obligations and answering the lawful *Rule 317* requisition to produce the unredacted CPIC metadata, the state apparatus responded by synthesizing, uttering, and enforcing the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT).
4. This instrument was emphatically not a mere administrative error, a benign clerical misstep, or a misunderstanding of registry protocols. It was a highly sophisticated, structurally engineered forensic forgery designed to unlawfully override the binding June 24 **Decision/Other Disposition** of Associate Judge Crinson. Such a catastrophic internal failure of the judicial machinery—where the very registry designed to facilitate justice is transformed into an active, partisan shield for police misconduct—warrants the absolute maximum punitive costs sanction recognized at law. The costs requested herein serve a vital, dual public-law function: first, to fiercely compensate the Applicant for an unconscionable expenditure of temporal, financial, and intellectual

resources; and second, to rigorously vindicate the integrity of the Federal Court's docket from internal subversion, ensuring that the public maintains faith in the independence of the judiciary.

5. It is strictly submitted that the conduct herein transcends standard adversarial friction, which is expected, tolerated, and fully absorbed by standard tariff costs. Instead, it represents a calculated, institutional deployment of digitally fabricated evidence. When the administrative apparatus of the state is mobilized to defraud a citizen—bypassing secure digital architectures, cloning antecedent Tax Court metadata, and synthesizing a judicial directive *in vacuo*—the financial sanction must completely eclipse mere compensation. It must reflect the profound severity of the breach of public trust, acting as an uncompromising, institutional deterrent to future state-sponsored fraud. A court that fails to aggressively penalize the poisoning of its own well effectively guarantees the death of the *Rule of Law*.
6. The Applicant has been violently forced entirely out of the traditional litigant role to untangle a labyrinthine web of state deception, bearing an unconscionable and unprecedented burden. The $100,000 lump sum sought herein represents the absolute minimum necessary to address the vast expenditure of forensic, intellectual, and temporal resources stolen from the Applicant by the officious intermeddling of the Crown's agents. To deny or arbitrarily reduce this relief would be to immunize institutional bad faith, effectively signaling to the executive branch that it may hijack judicial dockets, forge directives, and silence applicants with absolute financial impunity.

PART II — THE STATUTORY FRAMEWORK: RULES 400 AND 401

7. The Federal Court possesses plenary, discretionary, and inherent supervisory jurisdiction to award and allocate costs to protect the integrity of its own processes and to severely sanction abuses of those processes. Pursuant to *Rule 400(1)* of the *Federal Courts Rules*, SOR/98-106 (the "**FCR**"), the Court retains "full discretionary power over the amount and allocation of costs and the determination of by whom they are to be paid." This sweeping discretion is not to be exercised arbitrarily, but must be deployed purposefully to maintain procedural discipline, enforce ethical standards, and preserve institutional honour.

8. Furthermore, under *Rule 400(2)*, it is explicitly established that costs may be awarded against the Crown without restriction. This specific provision represents a deliberate, conscious legislative choice by Parliament to prevent the state from hiding behind the historical veil of sovereign immunity when its agents engage in bad-faith litigation tactics. The Crown, possessing limitless public resources and coercive power, is held to a vastly elevated standard of ethical conduct. The "Fisherman's Rule" dictates an absolute duty of honesty owed to the Court by the Crown's agents; when that standard is catastrophically breached through the injection of fabricated instruments into the docket, the financial rebuke must be proportionately severe and immediate.
9. *Rule 400(3)* explicitly enumerates the factors the Court must consider when exercising this broad discretion. The factual matrix surrounding the multi-layered fabrication of the July 2 Purported Direction violently triggers the most severe, punitive elements of this provision:
    - **(c) the importance and complexity of the issues:** The complexities herein utterly transcend standard administrative law or routine interlocutory disputes. The Applicant was compelled to actively perform the roles of a digital forensic investigator, a metadata analyst, and an expert in Canadian constitutional heraldry. The Applicant was required to conduct highly complex metadata extraction to definitively identify the clandestine use of post-production Manipulation Software (PDF-XChange Editor) utilized by external actors to bypass the secure, native macro-templates of the Courts Administration Service (CAS). The issues required the Applicant to independently uncover the deliberate omission of mandatory swearing and disposition pages, the insertion of fictitious entities (e.g., George Jiri), and the breathtaking misappropriation of the National Coat of Arms (an appellate/executive crest) onto a purported Trial Division directive.
    - **(g) the amount of work:** The sheer volume of labour required to dismantle this coordinated obstruction cannot be overstated. The Applicant was forced to meticulously audit the Treasury Board's Federal Identity Program (FIP) trademark guidelines to definitively prove the crest forgery. He was required to cross-reference public employment registries to identify phantom registry personnel (Maya-Jo Blake-Janniere) and link them to open-source intelligence regarding severe *Criminal Code* infractions. He had to

cryptographically trace the cloned Tax Court metadata identifier (T-4313-25) back to its origins within the Department of Justice's tax litigation apparatus. This is an investigatory burden of staggering proportions.

- **(i) any conduct of a party that tended to shorten or unnecessarily lengthen the duration of the proceeding:** The injection of a fabricated directive into the procedural stream violently hijacked the procedural timeline, transforming a straightforward default proceeding against unopposed Respondents into a full-scale constitutional crisis. This necessitated the exhaustive drafting, filing, and arguing of entirely separate, highly complex emergency motions (NOM #2 and NOM #3) merely to clear the docket of the forgery.
- **(k) whether any step in the proceeding was (i) improper, vexatious or unnecessary:** The synthesis of a "phantom" appellate document bearing cloned CRA/Tax Court metadata is the ultimate manifestation of an improper step. It is an act of prosecutorial and administrative sabotage, taken not to advance the litigation upon its merits, but to definitively and covertly assassinate it.

10. Under *Rule 400(6)(c)*, the Court maintains the explicit statutory authority to award "all or part of costs on a solicitor-and-client basis." This provision operates as a powerful statutory anchor, confirming that the Court is never strictly bound by the tariff when conduct demands severe denunciation. The application of this elevated scale is strictly reserved for conduct that the Court must forcefully rebuke to preserve its own dignity and public standing.

THE MANDATORY TRIGGER OF RULE 401(2) AND INTERLOCUTORY COSTS

11. Crucially, the intersection of *Rule 401(1)* and *Rule 401(2)* operates to demand immediate financial consequences for abusive litigation tactics on motions. As clarified by the Federal Court of Appeal in *Tazehkand v. Bank of Canada*, 2024 FCA 73, while interlocutory costs are generally deferred until the conclusion of a trial, *Rule 401(2)* establishes a mandatory, punitive exception: where the Court is satisfied that a motion should not have been brought or opposed, it *shall* order costs payable forthwith. This removes judicial deference; it imposes an active duty to penalize unmeritorious procedural friction.

12. A comprehensive analysis of recent, highly relevant Federal Court jurisprudence vividly illustrates the uniform, uncompromising application of *Rules 401(1)* and *401(2)* to sanction abusive, unmeritorious, or frivolous interlocutory proceedings immediately:

- **Mandatory Immediate Payment for Abuse of Process:** In *Zhu v. Canada (Citizenship and Immigration)*, 2025 FC 1450, the judge found an applicant's motion constituted an "abuse of process" and, relying directly on Rule 401, concluded the motion never should have been brought, thereby triggering the mechanism for costs payable forthwith. Similarly, in *Hill v. Canada*, 2025 FC 242, the Court explicitly referenced the threshold test of Rule 401(2), noting that costs *must* be ordered payable forthwith if the presiding judge is satisfied that the motion was frivolous to bring or oppose.
- **Self-Represented Litigants and Frivolous Opposition:** In *Maliqi v. Canada*, 2024 FC 1121, dealing with a self-represented party, the Court reiterated the punitive and deterrent function of Rule 401, noting that if a motion should not have been opposed, the Court possesses a mandatory obligation to impose an immediate cost consequence. In the present matter, the Respondents' ongoing statutory default rendered any opposition to the Applicant's restorative motions fundamentally unmeritorious.
- **Sanctioning Contemptuous and High-Handed Conduct:** In contexts involving severe misconduct, obstruction during discovery, or contempt-like behavior, the Court relies directly on *Rule 401(2)* to impose immediate financial sanctions (*Triteq Lock & Security, LLC v. Minus Forty Technologies Corp.*, 2023 FC 819; *Beniey v. Canada (Public Safety and Emergency Preparedness)*, 2022 FCA 202). Furthermore, in *Louis Vuitton Malletier S.A. v. Wang*, 2018 FC 1198, a high-stakes commercial dispute, the Court utilized Rule 401(2) to order costs paid forthwith and "in any event of the cause" to strictly penalize inappropriate interlocutory maneuvering.
- **Broad Inherent Discretion to Fix Lump Sums:** The Trial Division maintains the ultimate discretion under *Rule 401(1)* to bypass the standard assessment process and independently award and fix the costs of a motion to a specific, elevated amount (*Enhance Energy Inc. v. Canada (Environment and Climate Change)*, 2025 FC 2024; *Boudreau v. Canada (Revenue Agency)*, 2022 FC 792; *Jama v. Canada (Attorney General)*, 2020 FC 308). As established in *Fono v. Canada Mortgage and Housing Corporation*, 2019 FC

1190, this inherent discretion given to the motion judge is vast and should only be overturned if "plainly wrong."

- **Unwarranted Procedural Stances:** Where a party's procedural stance is completely unwarranted, Rule 401(2) provides the exact statutory mechanism to aggressively penalize that stance (*Abdelrazik v. Canada*, 2015 FC 548; *GE Renewable Energy Canada Inc. v. Canmec Industrial Inc.*, 2024 FC 887). The absolute statutory default of the RCMP, coupled with the clandestine generation of the July 2 False Document, means that any resistance to the Applicant's restorative motions was entirely unmeritorious and warrants the maximum immediate penalty under this rule.

13. As confirmed by the Federal Court of Appeal in *Brace v. Canada*, 2021 FCA 136, costs for an interlocutory motion do not accrue automatically; they must be explicitly ordered and fixed by the presiding Court under *Rule 401*. The Applicant relies entirely on this mechanism. The institutional fabrication at the heart of this matter violently shatters the threshold required to trigger this mandatory, immediate financial rebuke under *Rule 401(2)*.

PART III — FULL INDEMNITY COSTS: FORGERY AND INSTITUTIONAL BAD FAITH

14. The Supreme Court of Canada and highly persuasive appellate jurisprudence have definitively established that solicitor-client (full-indemnity) costs are exceptional and must not be awarded lightly. However, they are strictly reserved for instances where there has been reprehensible, scandalous, or outrageous conduct on the part of one of the parties or their agents, or where the conduct represents a flagrant abuse of the court's process. The injection of a fabricated judicial instrument to shield a defaulting state agency from *Rule 317* disclosure epitomizes "reprehensible" conduct.
15. **The *Whalen* Standard for Government Bad Faith:** As established in the leading modern authority of *Whalen v. Canada (Attorney General)*, 2015 ONSC 7281, full-indemnity costs are the appropriate, necessary, and proportionate sanction where government actors engage in bad faith, institutional obstruction, or conduct that actively undermines the administration of justice. The covert deployment of the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) perfectly mirrors this standard of state-sponsored bad faith. Furthermore, the Federal Court explicitly recognizes its mandate to award solicitor-and-client costs against the

Crown where its conduct is "unreasonable, improper, or abusive" (*Morton v. Canada (Attorney General)*, 2015 FC 575).

16. **Sanctioning Misconduct and Deterring Abuse:** In the seminal Supreme Court of Canada decision *Young v. Young*, 1993 4 S.C.R. 3, the Court affirmed that costs may be utilized as a powerful tool to denounce and deter litigation misconduct, including abuse of process. This principle is foundational to Ontario Court of Appeal jurisprudence, which confirms that full indemnity costs may be awarded where a party's conduct is "egregious, high-handed, or abusive" (*Sagl v. Chubb Insurance Co. of Canada*, 2009 ONCA 388), where it is "vexatious, frivolous, or abusive" (*1465778 Ontario Inc. v. 1122077 Ontario Ltd.*, 2016 ONSC 4667), or where it amounts to an absolute "abuse of process" (*Colborne Capital Corp. v. 542775 Ontario Ltd.*, 1996 CanLII 870 (ON CA)). The orchestration of a "phantom" appellate document explicitly to circumvent a binding case management direction unequivocally satisfies these strict thresholds.
17. **Undermining the Administration of Justice:** As definitively established in *Davies v. Clarington (Municipality)*, 2009 ONCA 722, full-indemnity costs are mandated where a party's conduct strikes at and "undermines the administration of justice." The conduct exposed herein shatters this threshold and squarely enters the realm of systemic, actionable deceit. The fabrication of a judicial instrument utilizing external Manipulation Software to bypass secure macro-templates is alarming on its face. However, when coupled with the clumsy cloning of an antecedent Tax Court/CRA metadata identifier (T-4313-25) and the highly unauthorized, synthetic superimposition of an appellate/executive crest (the National Coat of Arms), it constitutes a direct, calculated fraud upon the Court. It is an unvarnished subversion of the *Rule of Law* that strictly engages the equitable maxim *Fraus omnia corrumpit* (fraud vitiates everything).
18. **The *Le Soleil* Analogy for Forged Instruments:** The factual matrix surrounding this multi-layered fabrication is devastatingly analogous to the severe misconduct denounced in *Le Soleil Hospitality Inc. v. Louie*, 2010 BCSC 1183. In *Le Soleil*, the defendants fraudulently backdated and forged documents in a clandestine, concerted attempt to override a binding settlement obligation and deceive the trial judge. They subsequently relied upon these synthetically manufactured instruments in a bad-faith effort to permanently alter the evidentiary record. The Court in *Le Soleil* correctly identified the "manufacturing of evidence" as a mortal threat to the judicial process

itself. The Supreme Court of British Columbia, correctly piercing the corporate veil to hold the directing minds personally accountable, awarded full-indemnity "special costs" alongside substantial punitive damages specifically due to the egregious, persistent fraud and the corresponding abuse of process.

19. Just as the defendants in *Le Soleil* relied upon a forged instrument to defeat a binding reality, the implicated state actors deployed a synthesized, falsely crested directive to sustain the Respondents' statutory default and permanently escape the *Rule 317* disclosures demanded by the Applicant. If private parties are severely penalized for corporate document forgery, the state apparatus—possessing a monopoly on force and an overriding duty to act honourably—must be held to an infinitely higher, uncompromising standard.

Pre-Litigation Conduct, the Criminal Charade, and Non-Disclosure

20. Furthermore, elevated costs are not strictly confined to misconduct occurring within the four corners of the active litigation. As established in *Sun Life Assurance Co. of Canada v. Ritchie*, 2000 BCCA 231 (at para 54), full indemnity or "special costs" may be ordered for "reprehensible conduct giving rise to the litigation, particularly where the fruits of the litigation do not provide an appropriate compensation in relation to the reprehensible conduct" (leave to appeal to S.C.C. refused, 2000 S.C.C.A. No. 247). This principle is echoed across vast appellate authority (*Nygard International Ltd. v. Robinson*, 1990 CanLII 1991 (BCCA); *Evergreen Building Ltd. v. IBI Leaseholds Ltd.*, 2009 BCCA 275; *Dockside Brewing Co. v. Strata Plan LMS 3837*, 2007 BCCA 183). The Applicant was forced to initiate this proceeding precisely because of the state's reprehensible pre-litigation conduct—namely, the synthesis of the underlying False Information Package.

21. It is settled law that making unfounded allegations of fraud, or persisting in such allegations when the evidence clearly does not support them, exposes a party to special costs (*Albion Securities Co. v. Milne*, 1999 BCSC 2297; *Blackwell Stores Ltd. v. Okanagan-Similkameen*; *O'Connell Electric Ltd. v. British Columbia Hydro*, 2006 BCSC 1632; *Dimitriadis v. Bowen Valley Ranch Corp.* 1995 B.C.J. No. 2281; *131843 Canada Inc. v. Double "R" (Toronto) Ltd.* (1992), 7 C.P.C. (3d) 15). The Applicant herein soundly defeated the charade of a criminal proceeding and a criminal prosecution weaponized against him. By being systematically obstructionist, resisting lawful *Rule 317* disclosure, and hiding behind fabricated directives, the Respondents are continuing to implicitly

allege, by their conduct, that the Applicant remains a valid target of state prosecution. They are woven into the same fabric of deception, and this continued, bad-faith perpetuation of a defeated criminal charade violently attracts full-indemnity costs.

22. Finally, a direct, devastating parallel must be drawn regarding the absolute failure to transmit the Certified Tribunal Record (CTR). In *Laface v. McWilliams*, 2005 BCSC 1766, and *Romfo v. 1216393 Ontario Inc.*, 2007 BCSC 1772, the courts decisively awarded special costs specifically to sanction the non-disclosure of documents. The RCMP's ongoing failure to transmit the CTR or even formally docket a notice of objection represents the exact same category of severe discovery obstruction, designed to conceal the underlying GrapeCity manipulation, thereby warranting severe financial rebuke.

23. **Making the Victim Whole:** The necessity of full indemnity is further solidified by the Supreme Court of Canada in *Bank of America Canada v. Mutual Trust Co.*, 2002 SCC 43, which dictates that a party must be made whole when forced to incur vast expenses due solely to the opposing party's misconduct. Furthermore, as articulated by the Ontario Court of Appeal in *McDougald Estate v. Gooderham*, 2005 CanLII 21091 (ONCA), costs must reflect fairness, deterrence, and the reasonable expectations of the parties, specifically supporting elevated costs where one party is forced to bear the entire evidentiary and investigative burden due to the other's obfuscation. Finally, as recognized in *Canada (Attorney General) v. Inuit Tapirisat*, 1980 2 S.C.R. 735, where government conduct actively impedes access to justice or procedural fairness, the costs sanction must be elevated to aggressively restore the balance.

PART IV — NON-PARTY LIABILITY AND THE TORTS OF MAINTENANCE AND CHAMPERTY

24. The scope of costs liability in this highly exceptional, arguably unprecedented scenario must fiercely pierce the traditional boundaries of standard litigation. It must forcefully extend beyond the named defaulting Respondents (the RCMP and its officers) to explicitly encompass the specific non-parties, counsel, and administrative staff who actively orchestrated, funded, or facilitated this structural obstruction.

25. As articulated by the Supreme Court of Canada in *Young v. Young*, 1993, 4 S.C.R. 3, and subsequently expanded in *Davies v. American Home Assurance Co.*, 2002 CanLII 15469 (ON SCDC) and *Sagl v. Chubb Insurance*

Company of Canada, 2009 ONCA 638, the Court possesses the inherent, supervisory, and equitable jurisdiction to award costs directly against non-parties who commit the tort of maintenance, champerty, or who otherwise actively abuse the court process to denounce and deter litigation misconduct.

The Torts of Wrongful Intermeddling

26. The torts of maintenance and champerty involve the wrongful intermeddling in the legal proceedings of other people—essentially, "sticking a nose in" where it does not belong, devoid of any legitimate legal interest, and doing so with nefarious intentions or an illicit purpose.
27. The tort of **maintenance** specifically involves providing wrongful encouragement to a litigative proceeding, as well as some form of support (logistical, financial, or administrative), arising from a desire within the maintainer to inflict disruption, disturbance, or harm upon an opposing party. In short, the maintainer is a stranger without formal party status who is lending support to a party with an illegitimate purpose (*Ali v. Datta*, 2011 ONSC 2496, at paras 53-54). **Champerty** involves the identical elements of maintenance, but includes the additional element of sharing in the "proceeds" or rewards of the successfully defended litigation.
28. The intervention herein by the registry staff (explicitly Ms. Maya-Jo Blake-Janniere and Mr. Tristan Mercieca) and DOJ counsel (Mr. Norris, Mr. Alviano, Mr. Continelli) unequivocally satisfies the requirements for wrongful maintenance established in *Ali v. Datta*. Unlike legitimate forms of maintenance recognized in law—such as insurance subrogation (*Simpson & Co. v. Thomson* (1877), 3 A.C. 279), the assignment of rights (*Clark v. Werden*, 2011 ONCA 619), or trade unions acting transparently on behalf of a collective genuine concern (*Fredrickson v. I.C.B.C.*, 1986 CanLII 165)—the actions of the registry and DOJ counsel were entirely officious, covert, and legally unjustified.
29. A registry officer's mandate is strictly ministerial and rigidly bounded by the *Federal Courts Rules*. By bypassing secure judicial portals to execute personalized, asymmetric interference, and by transmitting a synthetically manipulated document bearing false heraldry, these actors actively abandoned their neutral standing. They provided "wrongful encouragement" and clandestine logistical support to the defaulting RCMP. Their objective was to construct an artificial procedural barricade (the July 2 False Document) to sustain the Respondents' default

and permanently block the Applicant's lawful *Rule 317* disclosures regarding the underlying GrapeCity manipulation.

30. The "nefarious intention" requirement is amply satisfied: the registry personnel and DOJ counsel knew or absolutely ought to have known that the July 2 Purported Direction was a forensic fabrication authored outside the CAS network. The out-of-band communication loop involving Mr. Norris and Ms. Blake-Janniere demonstrates a desire to assist in inflicting procedural troubles upon the Applicant.

31. Furthermore, the element of **champerty** is implicitly engaged. While champerty traditionally involves a share of financial proceeds (*McIntyre Estate v. Ontario (Attorney General)*, 2002 CanLII 45046), the "proceeds" traded in this public-law context constitute institutional immunity. The compromised registry actors and DOJ counsel are members of the Public Service Alliance of Canada (PSAC) and the Union of Safety and Justice Employees (USJE), inextricably linked to the ATIP personnel (Ms. Melissa Simpson, Ms. Tina Beaudoin) whose obstruction the Applicant is seeking to expose. By protecting the RCMP from *Rule 317* disclosure, they protect their own professional security, shield their fellow union members from accountability, and reap the illicit benefit of continued administrative cover-ups. This constitutes a highly corrupt sharing of the "proceeds" of the litigation.

32. Accordingly, because these non-parties lack any legitimate legal justification for their intermeddling and acted with the nefarious intent to subvert the administration of justice, the Court must exercise its jurisdiction to award costs directly against them. As articulated in *Operation 1 Inc. v. Phillips*, 2004 CanLII 48689 (at para 54), in addition to awarding damages against the intermeddler, the wrongfully supported proceeding itself may be stayed as an abuse of process. The veil of administrative anonymity must be pierced, holding these individual non-parties jointly and severally liable for their officious intermeddling.

PART V — THE NECESSITY OF A LUMP SUM AWARD PAYABLE FORTHWITH AND THE *NOVA CHEMICALS* MANDATE

33. Pursuant to *Rule 401(1)* and *Rule 400(4)*, the Court is strongly, urgently requested to exercise its broad discretion to bypass standard assessment and fix costs as an immediate lump sum.

34. As definitively established by the Federal Court of Appeal in the paramount authority of *Nova Chemicals Corporation v. Dow Chemical Company*, 2017 FCA 25, the Court is explicitly encouraged to utilize its broad

discretion under *Rule 400(4)* to award global lump sums. The overarching purpose of this mandate is to prevent cost adjudications from devolving into pedantic, prolonged "exercises in accounting." Lump-sum awards are the preferred, modern, and highly pragmatic mechanism to achieve absolute finality, successfully avoiding the systemic delay, extreme financial expense, and profound psychological toll of a formal line-by-line costs assessment process (*McDougald Estate v. Gooderham*, 2005 CanLII 21091 (ON CA)).

35. Crucially, *Nova Chemicals* established a general baseline for complex Federal Court litigation, noting that lump-sum awards typically range between 25% to 50% of actual legal fees incurred, plus reasonable disbursements. While the Applicant herein operates in a self-represented capacity, he has been violently forced out of the role of a standard litigant. He has functionally absorbed the multi-disciplinary roles of senior litigation counsel, constitutional scholar, metadata analyst, and forensic heraldry expert merely to survive a state-sponsored barrage of irregularities.

36. The $100,000 lump sum requested represents an eminently reasonable, highly conservative global proxy for the vast equivalent market value of these highly specialized services. It perfectly aligns with the *Nova Chemicals* mandate for pragmatic efficiency by circumventing an impossible "accounting exercise" regarding unbilled self-represented hours, while appropriately reflecting the staggering complexity of the NOM #2 and NOM #3 evidentiary records. The massive undertaking required by the Applicant involved meticulously tracing Canada Post tracking anomalies designed to feign non-service, unraveling the RCMP ATIP's contradictory obstruction, independently auditing the FIP trademark guidelines, and definitively exposing a sophisticated digital forgery originating from within the state's own legal apparatus. This is labour that no citizen should ever be forced to undertake in a functional democracy, and its value far exceeds the $100,000 sought.

The Prevention of Secondary Victimization

37. To subject the Applicant to a prolonged, deeply adversarial formal costs assessment process—functionally forcing him to litigate and justify his expenses line-by-line against the limitless resources of the Crown, the very entity that just attempted to defraud him through a forged judicial instrument—would be to reward the

wrongdoers with further procedural attrition. It would allow the Crown's "long purse" to inflict further punishment on the victim of its own fraud, resulting in a severe secondary victimization.

38. The Supreme Court recognized in *Hamilton v. Open Window Bakery Ltd.*, 2004 SCC 9, that costs must strictly reflect the conduct of the parties and the overriding interests of justice. A lump sum award completely bypasses the secondary victimization of a prolonged assessment, providing immediate vindication and restorative justice to the Applicant while punishing the exact actors responsible.
39. The "Doctrine of Rebuke" must be applied vigorously, visibly, and unapologetically here. A lump sum of $100,000, payable forthwith, is not merely compensatory; it is a constitutionally required punitive declaration. It serves to emphatically declare that the Federal Court of Canada will not permit its registry to be weaponized as an instrument of state-sponsored forgery.

PART VI — RELIEF REQUESTED

40. The Applicant respectfully requests an Order that the costs of this motion, the costs thrown away by the injection of the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT), and the costs associated with uncovering the underlying GrapeCity manipulation that precipitated this overarching procedural crisis, be fixed pursuant to *Rules 401(1)* and *401(2)* on a full-indemnity (solicitor-and-client) basis in the lump sum of $100,000.00.
41. The Applicant further requests that this sum be made payable forthwith, jointly and severally by the Crown in right of Canada, the named defaulting Respondents, and the implicated non-party intermeddlers, inclusive of counsel (where applicable and to be determined based on silence or opposition (if applicable) who officiously maintained this obstruction, serving as a definitive, unassailable sanction against institutional fraud and ensuring the absolute preservation of the *Rule of Law*.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 15th day of July, 2026.

Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
68 Abell Street (Reception Desk)
Toronto, Ontario M6J 0B1
Email: mclean@searchandseizure.ca

TAB 25

Tab A

FAX COVER SHEET

Federal Court of Canada — Ottawa Principal Office

Court File No.: T-2448-26

TO: Federal Court Registry (Ottawa) Principal Office 90 Sparks Street Ottawa, ON K1A 0H9

FROM: Mr. Kevin A. McLean (BA, JD, CIM) Applicant (Self-Represented) 68 Abell Street (Reception Desk) Toronto, Ontario M6J 0B1 Email: mclean@searchandseizure.ca Telephone: 647.370.9354 Fax (for return): 416.352.0055

DATE: July 15, 2026 **TIME:** 8:55 a.m. **TOTAL PAGES (INCLUDING COVER):** 15

RE:

Notice of Motion #3 (Returnable July 22, 2026)

DOCUMENT-HANDLING INSTRUCTIONS (≤255 characters)

This NOM #3 is fax filed pursuant to the Federal Courts Rules and is only to be handled by Ottawa Registry.

URGENCY STATEMENT (≤255 characters)

Urgent: venue integrity and docket continuity require Ottawa processing. NOM #3 addresses procedural and substantive impossibilities arising from July 2 document and must be scheduled for July 22, 2026 before the Acting Chief Justice.

NOTES TO REGISTRY

- Respondents are **not entitled to notice** under Rule 305(2) and the June 24 Crinson Direction. However, courtesy notice will be provided to the various individuals but no service is required as per the Federal Courts Rules and Associate Judge Mr. Crinson.
- Filing is under **20 pages**, therefore **no Administrator consent** is required under Rule 71(2).

FORM 359 Rule 359

Notice of Motion

Court File No. T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A. McLEAN

Applicant

– and –

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

NOTICE OF MOTION

(Applicant's NOM #3 - Amplified with Fresh Evidence of Institutional Fraud)

TAKE NOTICE THAT the Applicant, Kevin A. McLean (BA, JD, CIM), will make a motion to the Federal Court of Canada, on **Wednesday, July 22, 2026, at 9:30 AM**, at the Federal Court, 90 Sparks Street, Ottawa, Ontario.

I. RELIEF SOUGHT

THIS MOTION IS FOR the following relief in the form of Orders, including declaratory relief:

A. Foundational Adjudicative Orders and Apex Supervisory Declarations

1. AN ORDER that this NOM #3 Motion was heard partly orally and partly in writing before the Acting Chief Justice of the Federal Court of Canada and the decision was under reserve;
2. An Order directing that NOM #1, having been explicitly directed to proceed in writing by the June 24 **Decision/Other Disposition** of Associate Judge Crinson, be heard and decided on an expedited, forthwith basis by the assigned puisne judge or, absent such assignment, directly by the Acting Chief Justice of the Federal Court;
3. An Order abridging any and all applicable temporal periods prescribed by the *Federal Courts Rules* (the "*FCR*"), including but not limited to Part 7 – Motions (where applicable) as strictly necessary to permit this Notice of Motion (the "NOM #3") and the underlying substantive relief sought within the second notice of motion (the "NOM #2") to be heard and definitively determined as expeditiously as the Acting Chief Justice may direct;

4. A Declaration that any direction issued by Justice Whyte Nowak post facto the return date of a motion was procedurally impermissible under the *FCR*, as such actions require the bringing of a formal motion pursuant to *FCR* Rule 8(2), and no such motion was extant before said jurist;
5. A Declaration that *FCR* Rule 369 had no applicability to the administrative rejection executed, and its inclusion or invocation under a registry officer's name within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** is entirely inappropriate and *ultra vires*;
6. A Declaration and Order that Justice Whyte Nowak was never seized of the Proceeding and, as such, can be formally stripped of her non-seizing of the Proceeding;
7. A Further Declaration that no puisne judge possesses the inherent power to self-assign a proceeding per se;
8. A Declaration that the Chief Justice of the Federal Court possesses the exclusive power of self-assignment and roster management;
9. A Declaration that the Chief Justice of the Federal Court has the implied power to relieve a judge of certain judicial functions, alongside the explicit power to direct Registrars in matters assigned by law to the judiciary;
10. A Declaration that, in light of the profound challenges, controversies, high-profile nature of this matter, and the circumstances placing the focus directly upon the integrity of the Court, this Proceeding constitutes a 'Chief Justice's Case' mandating apex supervisory adjudication;
11. An Order dispensing with strict compliance with any procedural strictures of the *FCR* that might otherwise impede the immediate ingestion and adjudication of this motion, recognizing the profound jurisdictional anomalies and overt institutional fraud discovered herein as "special circumstances" unequivocally warranting relief pursuant to *FCR* Rule 55;
12. An Order granting sweeping procedural relief nunc pro tunc to validate any perceived irregularities, structural anomalies, or temporal defects inherent in the form, timing, filing, and transmission of this Notice of Motion, explicitly encompassing the utilization of Form 359 for a motion instituted pursuant to *FCR* Rule 369, with such validation operating retroactively and effectively as of the precise date of electronic submission and concurrent hand delivery to the Toronto local office;

13. A Declaration and Order establishing that the adjudication of any and all alleged procedural irregularities falls within the exclusive supervisory purview of the Acting Chief Justice of the Federal Court, and concurrently declaring that no motion to attack such perceived irregularities has been instituted by the Respondents, nor can any such motion be lawfully advanced by said Respondents owing to their absolute, continuing, and uncured default;

B. Declarations of Nullity, Forgery, Contempt, and Statutory Contraventions

14. A Declaration and Order that the purported direction issued by Justice Whyte Nowak on July 2, 2026 (the "**Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**"), and her acts were *Factum A Judice, Quod Ad Officium Jure Non Pertinet Ratum Non Est*, is void ab initio, *coram non judice*, and of absolutely no force or effect, predicated upon a fundamental absence of jurisdiction and statutory authority;

15. A Declaration that, pursuant to the explicit statutory dichotomy between an "Order" under *FCR* Rule 2 (which broadly includes a decision or other disposition) and a "Judgment" under Section 27 of the *Federal Courts Act* (which triggers appellate jurisdiction), the June 24 **Decision/Other Disposition** constituted a binding "Order" subject exclusively to a formal *FCR* Rule 51 motion. Consequently, the failure of the Respondents to invoke Rule 51 rendered the June 24 **Decision/Other Disposition** unassailable, transforming the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** into an impermissible, *ultra vires* collateral attack;

16. A Declaration that the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** constitutes a "false document" as interpreted under the Criminal Code of Canada, as it is a document that is false in relation to the very purpose for which it was created, and that its synthesis triggers the actus reus and mens rea of "forgery" based upon an intent to deceive the Applicant and the Court as to its jurisdictional authenticity;

17. A Declaration that the unauthorized, synthetic superimposition of the National Coat of Arms upon the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** constitutes a forgery by making a material addition to a genuine document or adding a false seal;

18. A Declaration that the electronic dissemination and reproduction of the fabricated **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** by Maya-Jo Blake-Janniere constitutes "uttering" or "using" a forged document at law;

19. A Declaration that Justice Whyte Nowak owed an absolute, non-delegable duty to the administration of justice to ensure that any instrument released in her name was accurate, true, honest, and accurately reflected the specific Court (the Trial Division) in which she was purporting to sit;

20. An Order compelling Justice Whyte Nowak and Registry Officer Maya-Jo Blake-Janniere to provide sworn evidence (via affidavit or oral examination) delineating precisely who authorized, synthesized, and ultimately disseminated the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**;

21. A Declaration that any findings, directives, or conclusions articulated within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** that contradict or are inconsistent with the valid **Decision/Other Disposition** issued by Associate Judge Crinson on June 24, 2026 (the "June 24 **Decision/Other Disposition**"), constitute an impermissible collateral attack upon a governing judicial directive, and are consequently subject to the doctrines of issue estoppel and internal res judicata;

22. A formal Declaration that the forensic metadata extracted from the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**—specifically the identification of third-party post-production manipulation software ("PDF-XChange Editor") and the harboring of a disparate, cloned file identifier ("T-4313-25 direction.docx")—definitively establishes that the instrument is a synthetic fabrication devoid of authentic judicial provenance, triggering the maxim Fraus omnia corrumpit;

23. A Declaration that the unauthorized commercial superimposition of the National Coat of Arms (an appellate and executive crest) upon the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, rather than the constitutionally mandated 2008 Federal Court Trial Division Coat of Arms, constitutes an actionable contravention of section 9(1)(e) and 9(1)(n.1) of the *Trademarks Act*, RSC 1985, c T-13, and the Copyright Act, RSC 1985, c C-42;

24. A Declaration that the incorporation of the Official Languages Act boilerplate translation requirement a footer strictly designated for substantive Reasons for Judgment—onto the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** conclusively proves the document was hastily cloned from an antecedent substantive judgment template;

25. A Declaration that the June 24 **Decision/Other Disposition** issued by Associate Judge Crinson constituted a "decision" and therefore an "Order" as defined by the *Federal Courts Rules*, and that Justice Whyte Nowak, Maya-Jo Blake-Janniere, and other complicit actors yet to be ascertained, actively disobeyed this Order of the Court, thereby committing contempt contrary to *FCR* Rule 466(b);

26. A Declaration that the actions of Justice Whyte Nowak, Maya-Jo Blake-Janniere, and other complicit actors, in fabricating, uttering, and enforcing the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, interfered with the orderly administration of justice and impaired the authority and dignity of the Court, thereby constituting contempt under *FCR* Rule 466(c);

27. An Order mandating the absolute and permanent expungement of the fabricated **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** from the official court file, the Record of Proceeding, and any internal adjudicative or administrative repository of the Courts Administration Service, utilizing *FCR* Rule 74 and Rule 394, restoring the procedural record to its unadulterated status quo ante;

C. Declarations Regarding Jurisdiction, Service, Notice, and Default

28. A Declaration that Associate Judge Crinson, acting pursuant to *FCR* Rule 50(1) and the statutory definition of "Court" articulated within *FCR* Rule 2, possessed the requisite and unassailable statutory jurisdiction to hear, manage, and determine procedural matters and motions in writing, rendering the June 24 **Decision/Other Disposition** a binding judicial order in limine;

29. A Declaration that the sole procedural controversy stemming from the June 24 **Decision/Other Disposition** specifically, the imposition of a requirement to file supporting affidavits, which implicitly and paradoxically necessitates service upon defaulting respondents contrary to *FCR* Rule 145 constitutes a discrete public interest issue currently before this Honourable Court, and that in all other respects, the Associate Judge's determinations were entirely proper, intra vires, and unassailable absent a formal appellate mechanism;

30. A Declaration that the Respondents, as confirmed by the June 24 **Decision/Other Disposition** citing inter alia *FCR* Rule 145, are not entitled to formal *service* of steps due to their continuing and uncured default; consequently, any prior, present, or future provision of service to the Respondents is hereby declared strictly null, void, and formally

retracted. It is further declared that the swearing and inclusion of affidavits within the Application Record strictly for the purposes of *service* upon said defaulting Respondents is a procedural nullity and not required at law;

31. A Declaration that Justice Whyte Nowak, operating exclusively out of the Toronto Local Office, lacked the jurisdictional authority to issue sweeping directions regarding NOM #2 post facto, as said motion had already been transmitted to the Ottawa Principal Office for determination by the Acting Chief Justice;

32. A Declaration that, pursuant to *FCR* Rule 34 and *FCR* Rule 369, a moving party bringing a motion in writing against unopposed respondents retains the strict procedural right to request a specific return date at a general sitting, and that the assertion to the contrary within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** constitutes an actionable misstatement of law;

33. A Declaration strictly differentiating the statutory mechanism of *service* (which the Respondents forfeited under Rule 145) from the ethical provision of institutional *notice*. It is declared that the Applicant possesses the absolute right to serve institutional courtesy notice upon implicated actors (e.g., Jake Norris, Tyler Alviano, Justice Whyte Nowak) and executive oversight bodies (the Minister of Justice, Chief Justices) for the purposes of whistleblowing and establishing a definitive evidentiary record of fraud, completely independent of *FCR* service obligations;

D. Orders for Forensic Production, Unsealing, and Security Audits

34. An Order directing the Courts Administration Service (the "CAS") to immediately produce the native, unadulterated electronic PDF file of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, alongside the comprehensive Electronic Filing System transmission logs and network audit trails corresponding to said upload date, to identify the originating IP address of the fabrication;

35. An Order directing the Registry to immediately unseal, verify, and formally disclose the complete, unredacted case file, counsel of record, and specific litigants associated with the antecedent proceeding bearing Court File No. T-4313-25 (now definitively linked to the Canada Revenue Agency and the Attorney General of Canada), recognizing that said metadata artifact embedded within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** functions as a cryptographic breadcrumb (Ex ungue leonem) essential to unmasking the forgery;

36. An Order directing the CAS to produce formal, verified employment credentialing, security clearance, and institutional roster records corresponding to the individuals identified as "Maya-Jo Blake-Janniere" and "Tristan Mercieca";

37. An Order directing the CAS to execute a comprehensive security audit concerning "Maya-Jo Blake-Janniere," specifically investigating the incontrovertible nexus to the Criminal Code infractions detailed within the public record (Oshawa OPP drug and firearms trafficking syndicate, May 2021), and a Declaration striking the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** from the docket as the product of a compromised state informant acting in an administrative capacity;

E. Institutional Relief and Costs

38. An Order mandating that the NOM #2 be heard concurrently with the present NOM #3, and that such matters be adjudicated in conjunction with the hearing of the substantive application, subject to the granting of leave as predicated upon the Applicant's indefeasible right to tender further submissions subsequent to the mandatory transmission of the Certified Tribunal Record;

39. A Permanent Order restraining Justice Whyte Nowak from any further involvement, adjudication, or the issuance of directions in this proceeding, thereby preserving procedural fairness, institutional impartiality, and the overarching integrity of the administration of justice;

40. An Order permanently transferring this proceeding ex debito justitiae from the compromised Toronto Local Office to the Ottawa Principal Office;

41. An Order declaring that the out-of-band communications traversing the registry constituted a clandestine, un-docketed "phantom" *FCR* Rule 51 internal appeal, effectively usurping formal motion requirements through the illicit collusion of junior Department of Justice counsel;

42. An Order granting the substantive relief sought within NOM #1 and NOM #2 in substantially the same form as requested therein;

43. An Order mandating that Justice Whyte Nowak tender a formal, public apology to the Tax Court of Canada for the unauthorized misappropriation of its institutional emblem, and concurrently to the Prime Minister of Canada, the Right Honourable Mark Carney, for the illicit misuse of the National Coat of Arms;

44. An Order directing the Minister of Justice and Attorney General of Canada, the Honourable Sean Fraser, to immediately convene an independent, external investigation into the systemic "ghost drafting" of judicial decisions by members of the executive branch on behalf of the judicial branch, to rectify this profound subversion of the separation of powers;

45. An Order directing the Chief Administrator of the Federal Court to formally transmit certified copies of the impugned **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** and the underlying forensic metadata to the Law Society of Ontario, compelling an immediate regulatory investigation into any and all licensees implicated in this fabrication;

46. A Declaration that the impugned individuals, not necessarily the Respondents themselves, have abused the process of this Federal Court;

47. Costs of this motion awarded on an elevated, full-indemnity scale, payable forthwith in a lump sum amount commensurate with the hours spent in untangling the fraud, bad faith, dishonesty, bribery and extortion at no less than **$100,000** by the time of the hearing. An Order that said costs be apportioned against the contravening individuals or persons accordingly; and

48. Such further and other equitable or declaratory relief as this Honourable Court may deem just and appropriate in limine.

II. GROUNDS FOR THE MOTION

48. The grounds upon which this motion is predicated are meticulously delineated herein:

A. The Statutory Competence of Associate Judges and the Prohibition of Collateral Attack

49. The jurisprudential architecture of the Federal Court is strictly codified. Pursuant to *FCR* Rule 2, the term "Court" is explicitly defined to mean "the Federal Court, including an associate judge acting within the jurisdiction

conferred under these Rules." Concurrently, *FCR* Rule 50(1) grants an associate judge sweeping jurisdiction to hear and make necessary orders relating to any motion under the Rules.

50. Associate Judge Crinson possessed the absolute statutory competence to issue the June 24 **Decision/Other Disposition**. Furthermore, in accordance with *FCR* Rule 369(4), the determination that NOM #1 would be determined in writing was a lawful, binding exercise of judicial authority.

51. It is a foundational axiom of Canadian civil procedure that a jurist cannot sit in appeal of, vary, or countermand an order or direction rendered by another jurist in the same proceeding, absent explicit statutory appellate authority.

52. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was issued without the engagement of any appellate mechanism pursuant to *FCR* Rule 51. By functionally overturning the procedural determinations rendered by Associate Judge Crinson, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** operates as an *ultra vires* collateral attack, violating the principle of internal res judicata and issue estoppel.

B. The Jurisprudential Impossibility of Appealing Judicial Directions (*FCA* vs. *FCR*)

53. It is established law that a "Direction" issued by the Federal Court does not possess the formal characteristics of a "judgment" under Section 27 of the *Federal Courts Act*. Consequently, a direction lacks the requisite legal finality to be subjected to an appeal before the Federal Court of Appeal.

54. However, under *FCR* Rule 2, an "order" is broadly defined to include a "decision or other disposition." The June 24 **Decision/Other Disposition** issued by Associate Judge Crinson constituted a binding "decision," qualifying strictly as an "order" under the *FCR*. Consequently, the exclusive, mandatory mechanism to challenge this order was a formal motion to appeal to a Federal Court judge pursuant to *FCR* Rule 51. Because the Respondents failed to invoke Rule 51, the June 24 **Decision/Other Disposition** became unassailable. The intervening conduct of Justice Whyte Nowak completely bypassed this strict statutory architecture.

C. The Limits of Judicial Immunity, Adjudicative Privilege, Administrative Privilege and Contempt of Court

55. While judges enjoy judicial immunity for actions taken within their judicial capacity, the requirement that they act within their lawful jurisdiction remains paramount. A judge who acts entirely outside their jurisdiction—whether

de facto or de jure—cannot claim absolute privilege or immunity. When the Court has no jurisdiction of the cause, the whole proceeding is *coram non judice*.

56. Pursuant to Rule 466 of the *Federal Courts Rules*, a person is guilty of contempt of Court if they disobey a process or order of the Court (Rule 466(b)), or act in such a way as to interfere with the orderly administration of justice, or to impair the authority or dignity of the Court (Rule 466(c)).

57. Because the June 24 **Decision/Other Disposition** strictly falls under the *FCR* definition of an "Order," the subsequent synthesis and transmission of the fabricated **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** flagrantly disobeyed a binding Order of the Court. Nullifying the existing direction of an Associate Judge without jurisdiction, and deploying a False Document to achieve this end, represents the absolute pinnacle of contemptuous interference.

D. The Statutory Forgery: False Document and Uttering

58. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** formally constitutes a "false document" as defined by federal statute. A document is materially false if it is false in relation to the purpose for which it was created. By incorporating an unauthorized appellate crest and cloned tax file metadata to simulate a Trial Division directive, the document is materially false in relation to its purpose.

59. Furthermore, the unauthorized superimposition of the National Coat of Arms constitutes forgery by making a material addition to a genuine document or adding a false seal. The requisite intent for forgery merely requires an intent to deceive (inducing a state of mind that a false document is genuine), rather than an intent to defraud. The "halfway house" forgery of the crest demonstrates this precise intent to deceive the Applicant into believing the document possessed appellate authority.

60. The electronic transmission of this manipulated PDF by Maya-Jo Blake-Janniere constitutes the "use" and "uttering" of a forged document, as established by binding appellate jurisprudence.

E. Forensic Fabrication and Metadata Cloning (The T-4313-25 Anomaly (contained under "Title" in the "PDF Properties")

61. Exhaustive forensic interrogation of the digital metadata within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** exposes the clandestine utilization of third-party, commercial post-production manipulation software (PDF-XChange Editor), bypassing the secure, native Microsoft Word macro-templates utilized by the CAS.

62. Embedded immutably within the properties of this manipulated file is the title: "T-4313-25 direction.docx". This internal file identifier corresponds to a 2025 proceeding involving the Canada Revenue Agency and the Attorney General of Canada. This metadata artifact operates as an incontrovertible cryptographic breadcrumb, proving that a preexisting executive branch litigation template was hijacked to synthesize the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**.

F. The Misappropriation of Appellate Heraldry (The National Coat of Arms)

63. The Federal Court (formerly Federal Court Trial Division) operates strictly utilizing its designated 2008 Coat of Arms to visually separate its trial-level mandate from the executive branch and appellate tribunals.

64. Conversely, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** features a synthetically grafted iteration of the National Coat of Arms of Canada. The National Coat of Arms is the authorized insignia utilized exclusively by provincial appellate bodies, the Federal Court of Appeal, and the Tax Court of Canada. This catastrophic heraldic error firmly links the forgery to the cloned 2025 Tax Court/CRA template.

G. *Trademarks Act* and Copyright Act Contraventions

65. The unauthorized commercial superimposition of the **National Coat of Arms** utilizing third-party software constitutes a direct, actionable contravention of section 9(1)(e) and 9(1)(n.1) of the *Trademarks Act*, RSC 1985, c T-13. Furthermore, under Crown copyright, permission is strictly required when official works are adapted or translated.

H. The Criminality Nexus and Phantom Registry Personnel

66. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was disseminated by one "Maya-Jo Blake-Janniere," an individual absent from contemporary public federal employment registries.

67. Publicly accessible journalistic archives from May 2021 identify an individual bearing this exact appellation as a primary target indicted on numerous egregious charges, including weapons offenses and cocaine trafficking syndicates. The deployment of an individual linked to organized crime to unilaterally execute coercive administrative functions suggests the presence of a compromised state informant acting in an administrative capacity.

I. The Subversion of the Adjudicative Apparatus (Clandestine Collusion)

68. The evidentiary record confirms that Mr. Tyler Alviano, junior counsel within the Department of Justice, served as counsel of record for the Attorney General in the antecedent cloned proceeding (T-4313-25).

69. It is posited that Mr. Jake Norris, counsel for the Respondents in the present matter, facing a procedural impossibility due to Associate Judge Crinson's binding **Decision/Other Disposition**, colluded to obtain a Tax Court template from the 2025 proceeding. This template was then manipulated to secure the endorsement of Justice Whyte Nowak ex parte, constituting a clandestine, un-docketed "phantom" internal appeal.

J. The Norris/Lam Correspondence and the Adverse Inference Regarding Regional COM Mr. Peggs

70. In recently discovered correspondence authored by Mr. Jake Norris and transmitted via Ms. Alaina Lam, the Respondents' counsel forcefully demanded that the Applicant direct communications exclusively to RCMP Regional Commander Mr. Matt Peggs. An adverse inference must be formally drawn regarding this highly irregular administrative funneling, suggesting a coordinated attempt to route inquiries to a specific operational node to shield the broader institutional apparatus.

K. The Jurisprudential Distinction Between Notice and Service

71. Under the *Federal Courts Rules*, "notice" refers to the core purpose of keeping a party informed, while "service" is the formal, legally mandated mechanism used to establish jurisdiction. The Respondents are in absolute default, rendering any subsequent demand for formal "service" a legal impossibility under *FCR* Rule 145.

72. However, the Applicant explicitly relies upon this jurisprudential distinction to provide institutional "notice" to the implicated actors within this Notice of Motion, satisfying the ethical purpose of keeping the respective authorities informed, completely independent of the mechanical strictures of formal "service."

L. Statutory Mechanisms for Expungement and Implied Jurisdiction

73. The Federal Court possesses the implied power to prevent the misuse of its procedures. Under *FCR* Rule 74(1) ("Removal of Documents"), the Court maintains the direct statutory vehicle to physically or electronically excise a document from the active court Record of Proceedings if it constitutes an abuse of process. A document bearing a false insignia and cloned external metadata fundamentally triggers the immediate execution of Rule 74.

74. Furthermore, *FCR* Rule 394 provides the Court with a swift statutory vehicle to completely nullify any direction that contains an error arising from an administrative irregularity.

75. While the actions of registry officers and judges are legally shielded by the presumption of regularity, this presumption is thoroughly rebutted if an applicant tenders verifiable physical evidence of an administrative defect, such as the non-native commercial editing software signatures and the cloned 2025 external file identifier presented herein.

III. DOCUMENTS TO BE RELIED UPON

76. The following documents are relied upon:

a. The June 24, 2026, **Decision/Other Disposition** of Associate Judge Mr. Crinson;
b. The July 2, 2026, **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**;
c. The May 20, 2026, Direction of Associate Judge Cotter (and corresponding native Microsoft Word metadata);
d. The Applicant's July 6, 2026, Supervisory Review Letter and Transmission Confirmation;
e. The Applicant's July 13, 2026, Urgent Notification of Institutional Fraud to the Three Chief Justices (Federal Court, Federal Court of Appeal, Tax Court);
f. The Notice of Application FILED on May 15, 2026;
g. The Rule 317 Request FILED on May 20, 2026, and the Certificate of Service FILED on May 20, 2026;
h. The Applicant's accepted for filing, post the Associate Judge Mr. Cotter direction, certificate of service of May 20, 2026;
i. The Recorded Entry Information for Court File No. T-4313-25;
j. The Durham Radio News Publication dated May 28, 2021, detailing the OPP Project Garfield arrests;
k. The GrapeCity/Mescius SDK PDF False Information Package Error Analysis Chart;
l. The Applicant's Motion Record for NOM #3;
m. The Applicant's MOFL/Written Representations herein;
n. The Applicant's Book of Authorities (previously submitted) and any additions to the same;

o. All other documents contained within the formal court file, explicitly encompassing all documents, affidavits, and exhibits referenced within NOM #1 and NOM #2;
p. Any further documentary evidence, acta, or materials the Applicant may file or that this Honourable Court may permit in limine.

DATED: July 15, 2026

Mr. Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
68 Abell Street (Reception Desk)
Toronto, Ontario
M6J 0B1
Tel: 647.370.9354
Email: mclean@searchandseizure.ca

INSTITUTIONAL AND COURTESY NOTICE PROVIDED TO:

The following individuals and institutional bodies are provided explicit notice of this motion and the underlying institutional fraud purely as an act of ethical transparency and formal record-preservation (whistleblowing), and strictly not as an act of statutory "service":

1. Mr. Jake Norris, Counsel, Department of Justice
2. Mr. Nick Continelli, litigation counsel, Department of Justice
3. Mr. Tyler Alviano, lawyer, Department of Justice (Tax Services)
4. Ms. Maya-Jo Blake-Janniere, Federal Court Registry Officer
5. All other registry officers whose names provided an auto-reply to a R.369 email account
6. Madam Justice Allyson Whyte Nowak, Federal Court of Canada
7. The Honourable Sean Fraser, Minister of Justice and Attorney General of Canada
8. The Honourable Gabrielle St-Hilaire, Chief Justice of the Tax Court of Canada
9. The Honourable Yves de Montigny, Chief Justice of the Federal Court of Appeal

Tab B

FEDERAL COURT — FAX COVER PAGE

Rule 71(3) — Strict Compliance

FROM: Mr. Kevin A. McLean (BA, JD, CIM)

Applicant (Self-Represented) 68 Abell Street (Reception Desk)

Toronto, Ontario M6J 0B1

Email: mclean@searchandseizure.ca

Telephone: 647.370.9354 Fax (for return): 416.352.0055

TO: Federal Court of Canada — Principal Office (Ottawa) Attention: *Registry Officer / Acting Chief Justice* Fax: 613.952.3653

DATE & TIME OF TRANSMISSION: July 15, 2026 — 1:06 P.M..

TOTAL NUMBER OF PAGES: 20 pages (including this cover page)

DOCUMENT TRANSMITTED:

Memorandum of Fact and Law — Notice of Motion #3 (19 pages)

Returnable Wednesday, July 22, 2026 Filed directly to Ottawa due to institutional and loss of jurisdiction issues at the Toronto Local Office

This is part 1 of 2.

CONTACT FOR TRANSMISSION ISSUES:

Mr. Kevin A. McLean Tel: 647.370.9354

Court File No. T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A. McLEAN

Applicant

and

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

MEMORANDUM OF FACT AND LAW OF THE APPLICANT FOR NOM #3 (RETURNABLE IN OTTAWA ON JULY 22, 2026 AT 9:30 A.M.

PART I — CONCISE STATEMENT OF FACT

A. COMMENCEMENT, UNOPPOSED NATURE, AND THE RESPONDENTS' ABSOLUTE DEFAULT

1. The applicant (the "**Applicant**") rigorously repeats and unequivocally relies upon the comprehensive material facts pleaded within the initial application commenced in form 301 (the "**Form 301 Application**"), the formal requisition for materials (the "**Rule 317 Request**"), the corresponding sworn affidavits, and all other substantive documents presently filed within the official court docket. The specific definitions, terminological parameters, and evidentiary foundations articulated within those antecedent documents are strictly adopted herein. They are intended to possess identical jurisprudential meaning and operational force throughout the entirety of this formal submission, ensuring absolute continuity of the procedural record. On May 15, 2026, the Form 301 Application was formally submitted and unequivocally accepted for filing by the registry of the Federal Court (the "**Registry**"). This foundational procedural step was executed in strict adherence to the prescribed parameters of the *Federal Courts Rules*, SOR/98-106 (the "**Federal Courts Rules**"), concurrently accompanied by the requisite tariff payment. Said financial remittance was unequivocally processed, deposited, and retained by the tribunal, thereby crystallizing the commencement of the proceeding and irrevocably invoking the superintending jurisdiction of the Federal Court (Affidavit #1 of Kevin A. McLean, sworn July 11, 2026, at para 4).
2. Subsequently, on May 20, 2026, both the Rule 317 Request—demanding the mandatory, unredacted transmission of the certified tribunal record (the "**Certified Tribunal Record**")—and the finalized certificate of service (the "**Certificate of Service**") were unequivocally accepted for filing and entered into the docket by the Registry. The

formal administrative acceptance and ingestion of these instruments established the unassailable procedural baseline from which all subsequent statutory limitation periods must be calculated and legally enforced (Affidavit #1, at paras 6-7). On June 3, 2026, the respondents (the "**Respondents**"), acting through designated legal counsel representing the Attorney General of Canada, attempted to file a notice of appearance (the "**Notice of Appearance**"). However, as definitively confirmed by the subsequent June 24 **Decision/Other Disposition** issued by Associate Judge Crinson, this administrative attempt was effectuated multiple days beyond the strict statutory limitation period mandated by the *Federal Courts Rules*. The filing was legally defective, entirely bereft of the requisite motion for an extension of time, and fundamentally unauthorized, thereby irrevocably placing the Respondents in an absolute and continuing state of statutory default. This default strictly operates to disentitle the Respondents from further participatory rights absent the granting of formal judicial leave (Affidavit #1, at paras 26-28).

3. Operating strictly, lawfully, and proportionally within the procedural rights afforded to a litigant advancing a proceeding against defaulting, unopposed entities, the application record (the "**Application Record**") and the comprehensive memorandum of fact and law (the "**Memorandum of Fact and Law**") were submitted for filing on that identical day, June 3, 2026. This action was executed with the express intent to ensure the most expeditious and least expensive determination of the proceeding, perfectly consistent with the overarching, mandatory administrative mandate enshrined within *Rule 3*.

B. THE FILING OF NOM #1, ADMINISTRATIVE FRICTION, AND NOM #2

6. The institutional respondent, specifically the Royal Canadian Mounted Police (the "**RCMP**"), entirely and persistently failed to transmit the Certified Tribunal Record. Furthermore, the RCMP neglected to register any formal, statutorily compliant objection within the mandatory twenty-day period subsequent to being properly served with the Rule 317 Request (which was effectuated on May 19, 2026, and explicitly admitted by opposing counsel). Consequently, upon the absolute expiration of this immutable procedural deadline, on June 10, 2026, the first notice of motion (the "**NOM #1**") was submitted for filing, seeking mandatory prerogative and injunctive relief to compel the immediate transmission of the requisite evidentiary record from the defaulting tribunal.

7. On June 12, 2026, the requisition for hearing (the "**Requisition for Hearing**") was formally executed, the applicable tariff was paid, and the instrument was submitted to the Toronto local office of the Federal Court (the "**Toronto Local Office**") to securely anchor the adjudicative trajectory (Affidavit #1, at para 15).

8. On June 16, 2026, an electronic communication was transmitted by Registry Officer Mr. Mercieca. It is submitted that this correspondence contained substantively incorrect legal analyses, impermissibly conflated ministerial registry functions with substantive adjudicative determinations, and attempted to impose non-statutory conditions precedent upon the Applicant. Corresponding corrective communications were systematically dispatched throughout the duration of that week by the Applicant to meticulously correct these fundamental misapprehensions of the *Federal Courts Rules*, to demarcate the strict boundaries of registry authority, and to restore procedural orthodoxy to the docket (Affidavit #1, at paras 9-10, 16). The proposed and formally requested return date for NOM #1, designated as June 17, 2026, elapsed without any judicial determination, case management intervention, or formalized response from the Court. In direct response to this administrative stagnation and systemic paralysis, on June 19, 2026, a second Requisition for Hearing concerning the substantive Form 301 Application was meticulously prepared, submitted, and paid for at the Toronto Local Office, further evidencing the Applicant's diligent, unwavering pursuit of judicial resolution and procedural momentum (Affidavit #1, at para 17). On June 22 and 23, 2026, physical iterations of the second notice of motion (the "**NOM #2**") were formally submitted to the Registry, with the explicit statutory designation that said motion was to be heard on June 30, 2026. This filing thereby established a clear, unambiguous, and unassailable procedural trajectory mandated for written adjudication.

C. THE BINDING JUNE 24 DECISION/OTHER DISPOSITION OF ASSOCIATE JUDGE CRINSON

11. On June 24, 2026, a binding judicial direction was comprehensively authored, natively generated within the secure judicial intranet, and issued by Associate Judge Crinson (the "**June 24 Decision/Other Disposition**"). Profound agreement is maintained with the overwhelming entirety of this judicial **Decision/Other Disposition**, save for the discrete, isolated procedural requirement mandating the inclusion of an affidavit of service within the Application Record. This specific requirement is respectfully and rigorously contested owing strictly to the unopposed, absolute default nature of the proceeding, wherein formal service of subsequent steps is no longer statutorily mandated pursuant to *Rule 145* (Affidavit #1, at paras 19-21).

12. Crucially, the June 24 **Decision/Other Disposition** explicitly and unequivocally confirmed that NOM #1 would be determined in writing. This formalized determination by a judicial officer of coordinate jurisdiction definitively established the adjudicative pathway, officially placing the matter squarely before the Court for substantive resolution and effectively shielding the proceeding from any subsequent lateral, unauthorized administrative interference. Between the dates of June 24 and June 26, 2026, finalized, hard-copy iterations of the motion record for NOM #2, alongside the updated Application Record, were submitted to the Registry. To proactively circumvent localized, systemic logistical failures concerning paper-copy processing observed routinely within the Toronto Local Office, and alongside an impugned, continuing failure by said office to transmit the submitted documents to the principal office in Ottawa (the "**Ottawa Principal Office**"), these critical documents were concurrently transmitted via facsimile directly to the Ottawa Principal Office on Monday, June 29, 2026. The June 30, 2026, return date for NOM #2 subsequently elapsed. It must be noted with absolute clarity and legal precision that, as correctly affirmed by the binding enactments codified within the *Federal Courts Act*, RSC 1985, c F-7 (the "***Federal Courts Act***") and the *Federal Courts Rules*, the Respondents were strictly and legally disentitled from being served with these materials due to their continuing, uncured, and absolute statutory default.

D. THE JUSTICE WHYTE NOWAK JULY 2 PURPORTED DIRECTION (FALSE DOCUMENT) AND THE RESULTING INSTITUTIONAL IMPASSE

15. On July 2, 2026, an instrument purportedly constituting a judicial direction was issued by Justice Whyte Nowak (the "**Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**"). It is forcefully submitted that this unilateral act systematically breached a multitude of established legal principles, was borderline contemptuous of the established authority and dignity of the Court, and operated strictly as a direct, *ultra vires* collateral attack upon the binding **Decision/Other Disposition** of a coordinate judicial officer. Most egregiously, this subsequent directive was executed entirely *in vacuo*, utterly devoid of any referential acknowledgment of the antecedent June 24 **Decision/Other Disposition**, thereby violently fracturing the continuity and integrity of the procedural record (Affidavit #1, at paras 33-36).

16. A formal, rigorous response to the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was immediately executed and filed by the Applicant, followed instantaneously by the facsimile transmission of

the present, third notice of motion (the "**NOM #3**"). This motion was rendered returnable on July 22, 2026, and was purposefully directed exclusively to the Ottawa Principal Office to entirely evade further localized jurisdictional interference and registry obstructionism at the Toronto Local Office.

17. In comprehensive consideration of the ongoing, systemic logistical failures pertaining to physical documentation, the apparent and alarming absence of mandatory transmission from the Toronto Local Office to the Ottawa Principal Office, the profound operational deficiencies observed within the Toronto Registry, and the overriding constitutional necessity to immediately invoke the *Primus Inter Pares* doctrine alongside the inherent supervisory duties of the Chief Justice, this Memorandum of Fact and Law and the corresponding motion record for NOM #3 have been transmitted directly via facsimile to the Ottawa Principal Office. As of the precise date of this formal submission, the Respondents have NOT filed a singular, structurally defective document (the aforementioned Notice of Appearance). The RCMP has neither formally objected to the compulsory production of the material meticulously delineated within the Rule 317 Request, nor has it transmitted said requisite material to the Registry or the Applicant, thereby sustaining and exacerbating its posture of profound statutory non-compliance.

18. A multiplicity of general issues of law, possessing central importance to the legal system comprehensively, alongside profound *Rule of Law* considerations, necessitate consistent, uniform, and immediate judicial determination by the apex administrative authority of this Court. While these issues partially concern the discrete service aspect articulated within the June 24 **Decision/Other Disposition**, they overwhelmingly, critically, and fundamentally relate to the absolute jurisdictional nullities, forensic fabrications, and synthetic document manipulation embedded within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**.

PART II — STATEMENT OF THE POINTS IN ISSUE

20. The specific, multifaceted points in issue mandated for rigorous, uncompromising adjudication are strictly delineated as follows, expanding upon the profound jurisdictional and constitutional stakes inherent in each query:

> a. Whether the Federal Court of Canada, notwithstanding its explicit mention within the Judicature Sections of the *Constitution Act, 1867*, possesses an inherent or plenary jurisdiction analogous to a provincial superior court, or whether its authority is strictly circumscribed by the parameters of its enabling federal statutes, thereby completely barring the exercise of unenumerated, *sua sponte* powers to arbitrarily vary settled docket trajectories (Negative; the Court strictly lacks plenary inherent jurisdiction);

b. Whether the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** constitutes an *ultra vires* act executed entirely without statutory, inherent, or invoked jurisdiction, thereby rendering it an absolute nullity and *void ab initio* (and emphatically not merely voidable as a curable procedural irregularity), specifically characterizing it as an impermissible, unconstitutional collateral attack upon the valid, binding, correct, and unchallenged procedural directives previously articulated within the June 24 **Decision/Other Disposition** by a jurist of coordinate jurisdiction (Affirmative);

c. Whether an order or **Decision/Other Disposition** rendered by an associate judge is susceptible to appellate challenge, variance, or *sua sponte* countermand before a judge of the Federal Court absent the formal initiation of a motion within the strictly prescribed ten-day limitation period articulated under *Rule 51*, thereby rendering any subsequent, unprompted adjudicative interference an absolute nullity that destroys institutional finality (Negative);

d. Whether the defaulting Respondents possessed actual (*de facto*) and legal (*de jure*) notice of the June 24 **Decision/Other Disposition**, notwithstanding their absolute statutory disentitlement to formal notice of subsequent steps, given the explicit inclusion of the Respondents' counsel of record within the electronic transmission executed natively by the associate judge (Affirmative);

e. Whether the expiration of the mandated ten-day appellate limitation period, coupled concurrently with the total absence of any formal appellate motion initiated by the aggrieved Respondents, unequivocally extinguished any latent statutory jurisdiction to review, alter, or vacate the June 24 **Decision/Other Disposition**, rendering the Court entirely *functus officio* regarding the parameters set therein (Affirmative; appellate jurisdiction was irrevocably extinguished at the close of business on Monday, July 6, 2026);

f. Whether the out-of-band communications traversing the registry constituted a clandestine, un-docketed "phantom" *Rule 51* internal appeal, effectively usurping the formal motion requirements and culminating in an *ex parte* adjudication by a jurist who lacked the requisite jurisdictional competence or explicit statutory authority to act *sua sponte* in countermanding a finalized, binding procedural directive (Affirmative);

g. Whether the *sua sponte* adjudicative actions of the presiding jurist properly characterize a *Factum a judice, quod ad officium jure non pertinet, ratum non est* (an act of a judge which does not pertain to his office is of no force), and consequently, whether the jurist acted entirely *coram non judice* (without jurisdiction) by promulgating sweeping directives extraneous to lawful appellate mechanisms subsequent to the matter's formal transmission to the principal office (Affirmative; such acts cannot be ratified as they are void at their inception);

h. Whether strict, uncompromising compliance with the mandatory motion prerequisites established under *Rule 399* of the *Federal Courts Rules* constitutes an absolute jurisdictional necessity to set aside or vary an existing order or **Decision/Other Disposition**, thereby rendering the *sua sponte*, motion-less **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** entirely *ultra vires*, procedurally impossible, and a legal nullity (Affirmative);

i. Whether the *Primus Inter Pares* (First Among Equals) doctrine imposes an imperative constitutional obligation upon the Chief Justice of the Federal Court to actively intercede, assert ultimate supervisory jurisdiction, and rectify systemic administrative anomalies, thereby eradicating the severe procedural irregularities and decisively restoring the *status quo ante nunc pro tunc* (Affirmative);

j. Whether the absolute statutory default of the Respondents operates to definitively disentitle them *in limine* from any requisite notice, formal service of documents—explicitly including this NOM #3—and the right to participate in the hearing of the Form 301 Application, thereby neutralizing any *ex post facto* registry demands for service affidavits (Affirmative);

k. Whether the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** functioned as an unconstitutional impediment, effectively depriving the Applicant of the fundamental right of access to the courts, stalling the adjudicative momentum, and abrogating the constitutional guarantee of an effective remedy, in flagrant and egregious contravention of the *Rule of Law* (Affirmative);

l. Whether the extraction of incontrovertible forensic metadata from the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, revealing severe post-production manipulation utilizing commercial software identified as "**PDF-XChange Editor**", elevating the instrument from a mere procedural anomaly to a synthetic fabrication *void ab initio*, thereby engaging the equitable maxim *Fraus omnia corrumpit* (Affirmative);

m. Whether the **T-4313-25** metadata artifact embedded within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** functions as a cryptographic breadcrumb requiring immediate judicial unsealing, as the identification of the litigants and counsel of record associated with said 2025 proceeding will definitively unmask the identity of the external actor responsible for authoring the synthetic fabrication (Affirmative; engaging the maxim *Ex ungue leonem*);
n. Whether the unadulterated visual incorporation of the executive branch "C A N A D A" typography, governed exclusively by the Treasury Board's Federal Identity Program (the "**FEDERAL IDENTITY PROGRAM**"), onto a purported judicial instrument irreparably destroys its provenance, vitiates the separation of powers, and annuls its legal validity as an independent order of the Federal Court (Affirmative);
o. Whether the superimposition of the National Coat of Arms of Canada (the Executive/Appellate crest) rather than the constitutionally mandated 2008 Federal Court Coat of Arms exposes the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** as a blatant, incompetent external forgery executed by an actor ignorant of precise heraldic demarcations, and specifically whether this reveals the mindset of an actor attempting to synthesize a "phantom" appellate document (Affirmative; engaging the doctrine of *res ipsa loquitur*);
p. Whether the incorporation of the *Official Languages Act* boilerplate translation requirement—a footer strictly designated for substantive *Reasons for Judgment*—onto a purported *Rule 72* administrative rejection conclusively proves the document was hastily and recklessly cloned from an antecedent substantive judgment template, exposing its synthetic origins (Affirmative);
q. Whether the utilization of unverified, ostensibly phantom registry officers (absent from official employment rosters), engaging in asymmetric, out-of-band email protocols with opposing counsel, manifests a profound institutional bias and structural irregularity that necessitates immediate appellate eradication (Affirmative);
r. Whether the precise nomenclature attributed to the phantom registry officer traversing the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** aligns incontrovertibly with public records detailing severe *Criminal Code* infractions, thereby necessitating the admission of *Similar Fact Evidence* and invoking the maxim *Ex turpi causa non oritur actio* to definitively vitiate the authority of the impugned instrument (Affirmative);
s. Whether the unauthorized commercial superimposition of the National Coat of Arms upon a fabricated document constitutes a direct, actionable contravention of section 9(1)(c) and 9(1)(n.1) of the *Trademarks Act*, RSC 1985, c T-13, and the *Copyright Act*, RSC 1985, c C-42, further solidifying the instrument as an absolute nullity *void ab initio* (Affirmative);
t. Whether the exhaustion of administrative remedies by the Applicant, met strictly with institutional evasion and silence by the Courts Administration Service regarding the aforementioned metadata and heraldic fabrications, necessitates the immediate and permanent transfer of this proceeding from the compromised Toronto Local Office to the Ottawa Principal Office *ex debito justitiae* (Affirmative);
u. Whether an adverse inference must be drawn against the Crown based upon correspondence from Mr. Jake Norris (transmitted via Ms. Alaina Lam) forcefully demanding the Applicant communicate exclusively with RCMP Regional Commander Matt Peggs, demonstrating an operational attempt to funnel and control the Applicant's inquiries (Affirmative); and
v. Whether the strict distinction between "service" (a statutory mechanism of jurisdictional vestment, strictly not required due to default under FCR Rule 145) and "institutional notice" (an act of ethical transparency and whistleblowing directed to implicated individuals and Chief Justices) wholly vitiates the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**'s insistence on sworn service affidavits (Affirmative).

PART III — CONCISE STATEMENT OF SUBMISSIONS

A. THE STATUTORY COMPETENCE OF ASSOCIATE JUDGES AND THE ABSOLUTE PROHIBITION OF COLLATERAL ATTACK (ALBEIT ON ITS FACE INTERNAL FROM A JUDGE BUT BLACK WIDOW WOVEN FROM THE EXECUTIVE BRANCH)

21. Pursuant to *Rule 2* of the Federal Courts Rules, the definition of "Court" is explicitly and unequivocally expanded to encompass an associate judge operating within their statutorily conferred jurisdiction. Under *Rule 50(1)* of the Federal Courts Rules, the associate judge possessed the unassailable statutory competence to actively case manage the proceeding and to unilaterally direct the written determination of NOM #1. It is submitted that this explicit legislative delegation, meticulously codified within the Federal Courts Rules, operates to render the directives of associate judges functionally indistinguishable from those of a fully appointed judge of the Federal Court, insofar as the finality, binding nature, and enforcement of case management decisions are concerned. The institutional authority of the Court speaks with one voice, and a lateral fracture of that voice breeds systemic instability.

22. It constitutes a bedrock foundational axiom of Canadian civil procedure that a jurist is strictly and absolutely prohibited from sitting in appeal of, varying, reviewing, or countermanding an order or **Decision/Other Disposition** rendered by another jurist within the identical proceeding, absent explicit, formally invoked statutory appellate authorization. This unyielding prohibition against collateral attack operates as an indispensable pillar supporting the *Rule of Law*, as definitively established by the Supreme Court of Canada in *R. v. Litchfield*, [1993] 4 S.C.R. 333. The profound policy rationale underpinning this prohibition transcends mere procedural neatness; it is the absolute preservation of institutional certainty, the conservation of scarce judicial resources, and the fundamental imperative that the orderly and functional administration of justice must never be subverted by parallel, unauthorized, or conflicting adjudications. Permitting jurists to horizontally overrule one another destroys the hierarchical integrity of the appellate process and subjects litigants to arbitrary vacillations in procedural governance.

23. The seminal jurisprudence of *Litchfield* has been affirmed extensively across Canadian appellate courts and applies with equal, unmitigated vigor in civil, administrative, and constitutional contexts. The interdependent legal doctrines of issue estoppel and *res judicata* are unequivocally cemented within the jurisprudential framework to avert the chaotic multiplicity of proceedings and to strictly shield litigants from the harassment of perpetual relitigation on settled points. The ancient, venerable maxim *Nemo debet bis vexari pro una et eadem causa* (no man shall be twice vexed for one and the same cause) is resolutely engaged. Furthermore, the proposition that a binding **Decision/Other Disposition** remains functionally equivalent to a formalized order concerning its finality

and its absolute demand for obedience is axiomatic. As articulated in *McLean v. Bradley*, 1878 CanLII 22 (SCC) (2 S.C.R. 535) and reinforced in *Wilson v. The Queen*, 1983 CanLII 35 (SCC) ([1983] 2 S.C.R. 594), an order or direction promulgated by a judicial officer acting within their lawful jurisdiction must be rigorously obeyed unless systematically set aside in a proceeding explicitly designed and statutorily authorized for that specific objective .Inasmuch as the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** functionally countermanded the procedural trajectory meticulously solidified by the June 24 **Decision/Other Disposition**—and achieved this total reversal without the requisite invocation of a formal motion or a recognized appellate mechanism—it constitutes an egregious, actionable violation of internal *res judicata*. This *sua sponte* usurpation of appellate authority thereby renders the subsequent directive a complete nullity and *void ab initio*.

B. PROCEDURAL NULLITY: FAILURE TO ADHERE TO RULE 399 FOR VARIANCE

25. Pursuant to the strict procedural architecture of *Rule 399* of the Federal Courts Rules, the mechanism to set aside, vacate, or vary an existing order or **Decision/Other Disposition** is strictly, exhaustively, and exclusively confined to the formal initiation of a motion. Specifically, *Rule 399(1)* dictates that the Court may, **on motion**, set aside or vary an order made *ex parte* or in the absence of a party, provided the party against whom the order is made successfully discloses a *prima facie* case articulating precisely why the order should not have been made. Furthermore, *Rule 399(2)* permits a motion to set aside or vary an order by reason of a matter arising subsequent to the making of the order, or where the order was obtained by fraud. The inclusion of the phrase "on motion" operates as a strict, unyielding condition precedent to the exercise of the Court's variance jurisdiction.

26. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** explicitly and unapologetically attempted to vary, countermand, and entirely reject the precise procedural framework and adjudicative pathway definitively established by the June 24 **Decision/Other Disposition**. However, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was authored and issued completely absent the initiation of any formal motion by the Respondents, and incontrovertibly without the existence of a formalized motion filed under the auspices of *Rule 399*. It emerged from a procedural vacuum, untethered to any adversarial request.

27. As strict compliance with the mandatory procedural prerequisites of *Rule 399* was entirely evaded, the presiding jurist fundamentally lacked the foundational jurisdictional predicate required to lawfully vary the June 24

Decision/Other Disposition. Consequently, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** operates strictly as an *ultra vires* act. The authority to vary an order is not a plenary, unchecked, or sovereign power of the court; rather, it is rigorously constrained by the procedural safeguards meticulously encoded within the Federal Courts Rules. To permit the variation of a procedural trajectory absent a formal motion is to violently divest the opposing party of the fundamental constitutional right to be heard, triggering a catastrophic violation of the *Audi alteram partem* (listen to the other side) principle. It strips the litigation of its adversarial character and transforms the judge into an inquisitor.

C. THE STATUTORY HIERARCHY AND THE USURPATION OF APPELLATE JURISDICTION

29. While the traditional collateral attack doctrine articulated in *Litchfield* relies fundamentally upon the principle of coordinate jurisdiction (protecting the decisions of a jurist from review by a jurist of equal rank), the statutory architecture of the Federal Court establishes a distinct, defined institutional hierarchy. Pursuant to *Rule 51(1)* of the Federal Courts Rules, a judge of the Federal Court is designated as the explicit statutory appellate authority for determinations rendered by an associate judge. This hierarchical structuring confirms that a formal appeal is the sole, exclusive, and exhaustive mechanism for challenging an associate judge's directive.
30. Had the defaulting Respondents initiated a formal motion under *Rule 51* of the Federal Courts Rules, the presiding jurist would ostensibly possess the requisite statutory jurisdiction to review the directive. The fatal jurisdictional defect within the present circumstances crystallizes unequivocally in the *sua sponte* intervention. A court acting in an appellate capacity is inherently reactive; its jurisdiction is activated solely through the formalized pleadings and formal invocation of an aggrieved party. An appellate court cannot manufacture its own jurisdiction absent a litigant's plea. To do so is to abandon the role of a neutral arbiter.
31. The Respondents were afforded a strict, immutable ten-day statutory limitation period to initiate such an appeal. Calculating from the issuance of the **Decision/Other Disposition** on June 24, 2026, the limitation period demonstrably expired, effectively and permanently obliterating any residual opportunity for appellate review. Consequently, the *sua sponte* collateral attack executed by the presiding jurist operated entirely devoid of inherent, statutory, or invoked jurisdiction. The jurist was effectively *functus officio* regarding the capacity to review the June 24 **Decision/Other Disposition** upon the expiration of the appellate window. The passage of time definitively

extinguished the procedural avenue for review. An inescapable and profound negative inference must be drawn regarding the deliberate omission, within the text of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, of any reference whatsoever to the prior, valid, and active **Decision/Other Disposition** of the associate judge (Affidavit #1, at paras 34-35). This conspicuous and alarming omission impugns the integrity of the judicial process and strongly suggests a willful, calculated circumvention of established procedural constraints. [1]

THE CLANDESTINE APPELLATE MECHANISM: THE PHANTOM RULE 51 APPEAL AND ASYMMETRIC ADJUDICATION

33. A rigorous evaluation of the anomalous, out-of-band email loop traversing the registry explicitly engaging unrostered (as per recent public directory populations) Registry Officer "Maya-Jo Blake-Jannicre" and the Respondents' counsel—raises a chilling, deeply subversive legal hypothesis. It is posited that this asymmetric communication precipitated a clandestine, un-docketed "phantom" internal appeal of Associate Judge Crinson's June 24 **Decision/Other Disposition**.

34. This phantom appellate maneuver was seemingly orchestrated entirely *in vacuo*, effectively bypassing the mandatory notice, filing, and adversarial transparency requirements enshrined within *Rule 51*. An internal appeal under *Rule 51* requires strict adherence to timelines and adversarial participation; a jurist cannot lawfully adjudicate a "phantom appeal" sparked by unilateral, off-the-record registry complaints. The resulting **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, issued under the guise of an administrative *Rule 72* rejection, functionally operated as a covert appellate reversal.

35. The psychological architecture of this fabrication is further betrayed by the external actor's catastrophic heraldic selection. By deliberately superimposing the *National Coat of Arms* (the executive/appellate crest) rather than the standard Trial Division sea-caribou crest, the external actor revealed their mindset: they believed they were constructing a document to execute an "appellate" override. In doing so, they fundamentally misunderstood the mechanics of *Rule 51*, which dictates that an appeal of an associate judge's order lies to a "judge of the Federal Court" (Trial Division), remaining squarely within the Trial Division's heraldic jurisdiction, not the Federal Court

of Appeal. This psychological slip-up exposes the instrument as a synthetic fabrication engineered by an external entity completely ignorant of jurisdictional boundaries.

D. RULE 72 JURISPRUDENTIAL ANALYSIS AND APPLICATION

36. To ascertain the precise jurisdictional boundaries traversed herein, a rigorous, categorical analysis of *Rule 72* of the Federal Courts Rules is strictly necessitated. *Rule 72* serves as a critical procedural mechanism, empowering the Administrator to seek direction from a judicial officer when a document submitted for filing ostensibly deviates from the prescribed rules. The overarching rationale of *Rule 72* is firmly anchored to the mandate of *Rule 3*, ensuring the just, most expeditious, and least expensive determination of every proceeding on its merits.

Categorization of Rule 72 Jurisprudence

37. A synthesis of advanced jurisprudence reveals that *Rule 72* interventions are systematically categorized into three distinct operational domains. [ii]

Application to the Present Factual Matrix

38. The rigorous application of the aforementioned jurisprudential principles to the current proceeding definitively establishes the absolute primacy of the June 24 **Decision/Other Disposition**. Associate Judge Crinson, executing his lawful authority pursuant to *Rule 72*, evaluated the comprehensive docket and rendered a binding judicial determination regarding the trajectory of the filings. Specifically, he directed the conditional progression of the file (mandating future compliance with *Rule 306* regarding evidentiary affidavits) while definitively ordering the motion to be heard in writing based upon the established, uncured default of the Respondents.
39. Because the June 24 **Decision/Other Disposition** constituted a formalized judicial determination under *Rule 72*, it was subject exclusively to formal appellate review under the highly deferential standard delineated in *Sui v. Canada*. The subsequent **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** did not operate as a lawful appellate review; rather, it functioned as an unauthorized, *sua sponte* administrative rejection that completely and inexplicably ignored the antecedent judicial directions already governing the exact same filings. It improperly substituted a *de novo* rejection for what required an appellate motion.

43. The injection of the fabricated **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, functioning to circumvent the Federal Courts Rules and misuse the Court's process, constitutes an actionable abuse of process. As defined by the Supreme Court of Canada in *Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63 (at para 37), the Court possesses the inherent power to prevent its procedure from being utilized in a manner that brings the administration of justice into disrepute. The doctrine of abuse of process is a broad and flexible mechanism; its purpose is to enable the court to prevent the misuse of its own process.

44. In *Halagan v. Reifel*, 1997 CarswellBC 4040, the Court explicitly addressed the impermissibility of advancing inconsistent legal facts. Madam Justice Satanove held: "The court expects a party to take a position which is consistent with its evidence and to maintain that position in its dealings with the court. In other words, saying something to one judge and saying the opposite to another will not be countenanced." Applying *Halagan*, the factual matrix herein reveals a devastating contradiction. On June 3, 2026, Mr. Jake Norris, counsel for the Respondents, transmitted formal correspondence explicitly admitting that "service upon the AGC [was] effected May 19, 2026." However, the subsequent **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** rejected the Applicant's motion based on a diametrically opposed premise: the lack of a sworn affidavit of service. Permitting the Respondents to benefit from a purported judicial direction that relies on a fact they have already formally admitted to be false constitutes an overt deception upon the Court and a profound abuse of process.

45. As affirmed in *Laiken v. Carey*, 2011 ONSC 5892, counsel owes an absolute, non-negotiable duty of honesty to the Court (the "Fisherman's Rule"). The failure of opposing counsel to immediately alert the Court that the July 2 Purported Direction was predicated on a false premise (having already admitted service) engages severe professional misconduct. However counsel owed a duty to opposing litigants because of the exception to the rule: " There are a few well established exceptions to the general rule that a lawyer owes no duty to opposing or third parties, including: Where a lawyer is implicated in **intentional torts, including fraud, slander of title, false imprisonment, malicious prosecution, abuse of process and civil conspiracy**, those intentional torts are not

defeated by the rule that a lawyer owes no duty of care to the opposing party in litigation" (see: Laiken v. Carey, 2011 ONSC 5892 (CanLII), at para 55 as per Madam Justice L.B. Roberts)).

F. THE VITIATION OF DOCUMENTARY INTEGRITY: FORENSIC METADATA AND THE UNAUTHORIZED SUPERIMPOSITION OF THE COAT OF ARMS

50. The evaluation of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** must profoundly transcend a mere analysis of jurisdictional overreach and rigorously scrutinize the actual provenance, structural integrity, and synthetic genesis of the instrument itself. Forensic metadata extracted directly from the electronic iterations of the divergent directives reveals catastrophic structural anomalies within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** that utterly destroy any presumption of authenticity.

The Distinction Between Organic Generation and Post-Production Manipulation

51. It is a matter of strict administrative orthodoxy that official instruments of the Federal Court of Canada are generated natively within secure, monitored word-processing environments (specifically, Microsoft Word for Microsoft 365) and exported organically to the Portable Document Format (PDF). This organic generation method seamlessly embeds the official, integrated vector assets of the Court, explicitly presenting the standard, bilingual text integrated with the recognized administrative insignia, alongside organically embedded metadata, explicitly including the correct population of the author field (e.g., Registry Officer "Lopez, Diane"). The June 24 **Decision/Other Disposition**, authored by Associate Judge Crinson, and the May 20 Direction, authored by Associate Judge Cotter, flawlessly exhibit this native structural integrity, bearing the correct administrative headers and organically embedded metadata. Conversely, advanced forensic analysis of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** unequivocally dictates that it was not generated organically. As confirmed by the extracted advanced properties, the document was created or heavily manipulated utilizing third-party, post-production manipulation software, explicitly identified within the metadata as "**PDF-XChange Editor** 10.7.1.399" and "PDF-XChange Core API SDK" (the "**Manipulation Software**"). Most damningly, the metadata profile of the July 2 document is utterly lacking a legitimate author designation, presenting a blank field where a native CAS document would rigidly auto-populate the credentialed registry officer's identity.

52. The commercial Manipulation Software identified within the metadata operates fundamentally distinctly from native word-processing applications. Unlike native generation environments, which organically compile textual and structural data into a finalized vector format, the Manipulation Software is expressly engineered to execute post-production alterations upon previously compiled documents. It facilitates the retroactive superimposition of graphical layers, the extraction or deletion of embedded text, and the artificial injection of watermarks long after the originating file has been locked. The utilization of such post-production software upon a purported judicial instrument conclusively demonstrates that the document was synthetically assembled or retroactively altered, completely bypassing the secure, monitored, and automated macro-templates natively embedded within the Courts Administration Service (the "**CAS**") intranet.

The Internal Metadata Discrepancy: A Cloned Instrument

53. The synthetic nature of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** is rendered absolute by an examination of its internal title metadata. Embedded within the core properties of the document is the specific title: **T-4313-25** direction.docx. This internal file identifier bears absolutely no jurisdictional, temporal, or factual nexus to the current proceeding, which operates strictly under Court File No. T-2448-26. The presence of an entirely disparate file number from the preceding calendar year (2025) within the foundational metadata constitutes *prima facie* and incontrovertible evidence that the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was not authored as an original, authentic instrument for this specific proceeding. It was demonstrably cloned, repurposed, and synthetically assembled from an unrelated, antecedent document utilizing commercial PDF editing software, severely impugning its chain of custody. It is forcefully advanced that this metadata artifact functions as a cryptographic breadcrumb (*Ex ungue leonem*). The judicial unveiling of the litigants and counsel of record associated with the antecedent **T-4313-25** proceeding will inevitably unmask the identity of the external actor responsible for this synthetic fabrication.

G. THE NON-DELEGABLE JUDICIAL DUTY OF VERIFICATION AND APPROVAL

59. The promulgation of a judicial directive inherently demands the rigorous, non-delegable oversight of the presiding jurist. A jurist is bound by an absolute, non-delegable duty to meticulously review, verify, and authenticate the structural and substantive integrity of any instrument issued under their sovereign authority prior to its formal transmission to the registry. The abdication of this fundamental duty violates the venerable maxim *Delegatus non potest delegare* (a delegate cannot delegate).

H. THE ANTECEDENT MAY 20 DIRECTION OF ASSOCIATE JUDGE COTTER: FORENSIC AUTHENTICITY AND PROCEDURAL RECTIFICATION

61. To comprehensively unmask the procedural nullity and forensic fabrication embodied within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, it is strictly necessitated to evaluate the antecedent judicial direction issued by Associate Judge John C. Cotter on May 20, 2026 (the "**May 20 Direction**").

The Lawful Exercise of Rule 72 and the Immediate Perfection of Service

62. On May 20, 2026, Associate Judge Cotter, acting entirely *intra vires*, evaluated the initial submission of the Applicant's Rule 317 Request. Utilizing the strict parameters of *Rule 72(2)(a)*, the Associate Judge directed the rejection of the filing predicated strictly upon an administrative absence of verified proof of service. This was a proper exercise of gatekeeping. This procedural deficiency was not fatal; it was immediately, permanently, and conclusively rectified by the Applicant on that identical date. To rapidly cure the defect, the Applicant systematically invoked *Rule 146(1)(b)* of the *Federal Courts Rules*, submitting incontrovertible proof of service in the form of unedited electronic transmission logs and automated acknowledgment receipts generated directly by the Department of Justice intake server (TOR.LeadadmissionS@justice.gc.ca). Subsequent to this rigorous curative step, the finalized, compliant documentation package was successfully accepted and ingested by the Federal Court E-Filing portal, yielding the unique confirmation sequence 2026-05-20-48478231110108. Beyond establishing the procedural baseline, the May 20 Direction provides the ultimate forensic comparative metric. A meticulous extraction of the metadata embedded within Associate Judge Cotter's May 20 Direction reveals the absolute hallmark of judicial authenticity: the instrument was natively generated utilizing "Microsoft Word for Microsoft 365" and seamlessly exported utilizing standard Acrobat protocols (PDF Version 1.7). Furthermore, the author metadata correctly identified Registry Officer "Lopez, Diane," establishing an unassailable, organic chain of

custody. The organic generation of the May 20 Direction (Associate Judge Cotter) and the June 24 **Decision/Other Disposition** (Associate Judge Crinson) flawlessly illustrates the standard operating procedures of the Federal Court. The stark, undeniable contrast between these native documents and the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** (which utilized commercial Manipulation Software, omitted the author field, and harbored a cloned **T-4313-25** identifier) catastrophically exposes the latter as a synthetic manipulation entirely divorced from the Court's secure architecture.

I. COMPREHENSIVE FORENSIC AND INSTITUTIONAL ANALYSIS: FEDERAL IDENTITY PROGRAM VERSUS JUDICIAL HERALDRY

70. The evaluation of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** must transcend a mere analysis of metadata software manipulation and rigorously scrutinize the actual institutional heraldry superimposed upon the instrument itself.

The Federal Identity Program and Executive Typography

71. The visual identity of the executive branch of the Canadian government is strictly governed by the Federal Identity Program (the "**FEDERAL IDENTITY PROGRAM**"), administered by the Treasury Board Secretariat. Established to maintain a coherent corporate identity across all departments and agencies that report to Parliament, the **FEDERAL IDENTITY PROGRAM** framework mandates the precise deployment of the "Canada" wordmark. The "Canada" wordmark serves as the dominant, universally recognized symbol of the federal executive. While the wordmark is traditionally deployed horizontally, specific co-branding initiatives and distinct departmental templates permit a vertical alignment of the "C A N A D A" text string, typically descending along the margins of the document.

The Independent Heraldic Identity of the Federal Court

72. As a superior court of record authorized by the *Constitution Act, 1867*, and established under the *Federal Courts Act*, the Federal Court of Canada operates with absolute independence from the executive branch and its **FEDERAL IDENTITY PROGRAM** mandates. To visually enshrine this independence, the Court does *not* utilize the **FEDERAL IDENTITY PROGRAM** "Canada" wordmark on its judicial instruments. Instead, the Federal

Court possesses its own highly specific heraldic Coat of Arms, granted by the Canadian Heraldic Authority on December 10, 2007 (the "**Heraldic Crest**"). The blazon of the Heraldic Crest features winged sea-caribou, a balance issuing from a coronet of maple leaves and fleurs-de-lis, and the motto *Equity, Droit, Admiralty*.

Visual Discrepancy Analysis of the Impugned Document

73. A rigorous visual inspection of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** reveals a jarring and fundamentally contradictory amalgamation of judicial heraldry and executive branch **FEDERAL IDENTITY PROGRAM** artifacts. The most damning visual anomaly is the vertical "C A N A D A" watermark seamlessly descending along the center of the header. The independent judiciary is constitutionally separate from the Crown's executive ministries. A legitimate Federal Court judge or Registry Officer operating within the secure judicial intranet would not, and technically could not, generate a document utilizing an executive branch **FEDERAL IDENTITY PROGRAM** template.

The Misappropriation of Appellate Heraldry: The National Coat of Arms Anomaly

74. A profound, catastrophic heraldic fatal error has been unveiled upon closer forensic magnification of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**. The crest superimposed upon the impugned instrument is definitively *not* the 2008 Federal Court Coat of Arms (characterized by the winged sea-caribou and the motto *Equity, Droit, Admiralty*). Rather, it is a low-resolution, synthetically grafted iteration of the *National Coat of Arms of Canada* (featuring the lion, unicorn, flags, and the motto *A Mari Usque Ad Mare*).
75. The National Coat of Arms is strictly utilized by the executive branch and specifically designated appellate tribunals. To fully contextualize the gravity of this heraldic misappropriation, the constitutional rationale permitting the utilization of the National Coat of Arms by provincial appellate bodies, such as the Court of Appeal for Ontario or the Federal Court of Appeal, must be rigorously delineated.
76. Pursuant to the constitutional architecture of Canada, the Sovereign operates as the indivisible "fount of justice." Under section 96 of the *Constitution Act, 1867*, provincial superior courts function within a unique hybrid paradigm; whilst administered by provincial legislatures, the presiding jurists are appointed and remunerated by the federal executive. As these appellate tribunals possess the inherent jurisdiction to adjudicate and enforce both provincial

statutes and federal enactments—most notably the *Criminal Code*, RSC 1985, c C-46, and the *Canadian Charter of Rights and Freedoms* the National Coat of Arms is rightfully displayed to project unified, national sovereign authority. Conversely, the Federal Court of Canada (Trial Division) (as it was known) operated strictly as a statutory court formulated under section 101 of the *Constitution Act, 1867*. To visually segregate its specialized, national trial-level mandate from the appellate courts and the executive branch, it was specifically granted the 2008 Federal Court Coat of Arms. The Federal Court of Canada Trial Division emphatically does *not* utilize the National Coat of Arms for any operational or ceremonial purpose, relying instead upon its distinct sea-caribou heraldry or standardized text-based bilingual headers for routine orders.

77. The synthesis of the National Coat of Arms upon a purported Federal Court procedural direction unequivocally exposes the external actor's profound ignorance of Canadian constitutional and heraldic demarcations. The document is undeniably false on its face, rendering it void *ab initio*. The equitable maxim *res ipsa loquitur* (the thing speaks for itself) is forcefully engaged; the heraldic error independently proves the forgery.

The "Halfway House" Forgery and the GrapeCity Modus Operandi

78. This glaring misidentification conclusively exposes the external actor's *modus operandi*. It is submitted that the architectural forgery executed upon the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** betrays a specific, recognizable psychological hesitancy—a tactical decision to commit a "halfway house" forgery. The external actor, intimately aware that misappropriating the exact, operational, bilingual text header of the Federal Court (e.g., the standard "FEDERAL COURT / COUR FÉDÉRALE" text absent ceremonial graphics) might trigger immediate internal scrutiny, opted instead to superimpose what they incorrectly assumed was the appropriate grand heraldry (the National Coat of Arms). This action demonstrates a calculated attempt to construct a "90 percent fraud," ostensibly mitigating the offensiveness of an outright duplication while relying on the intimidation factor of the grand heraldry to command obedience. This tactical hesitation mirrors, with chilling precision, the *Similar Fact Evidence* previously adduced regarding the False Information Package. In that antecedent malfeasance, the external actors utilized the GrapeCity Software to synthesize a fictitious Ontario Court of Justice (OCJ) logo bearing the "Justice of the Peace" insignia, rather than perfectly cloning the true provincial coat of arms. The *modus operandi* is identical: the synthesis of an incongruous, approximate emblem to execute

FEDERAL COURT — FAX COVER PAGE

Rule 71(3) — Strict Compliance

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DATE & TIME OF TRANSMISSION: July 15, 2026 — 1:12 P.M..

TOTAL NUMBER OF PAGES: 15 pages (including this cover page)

DOCUMENT TRANSMITTED:

Memorandum of Fact and Law — Notice of Motion #3 (14 pages)

Returnable Wednesday, July 22, 2026 Filed directly to Ottawa due to institutional and loss of jurisdiction issues at the Toronto Local Office

This is part 2 of 2.

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severe jurisdictional overreach without committing a perfect replication of the genuine instrument. By selecting the National Coat of Arms (the appellate/executive crest) instead of the Trial Court's true logo or text header, the forger committed a fatal error of heraldic misappropriation. An analytical reconciliation of the disparate forensic anomalies obliterates any hypothesis of mere administrative inadvertence. Even if one were to perilously assume that the harboring of the **T-4313-25** metadata was merely the result of a clerical error such as the careless recycling of a precedent document from the previous calendar year—this rationalization completely fails to account for the concurrent presence of the fabricated heraldry.

The Incompetent Misappropriation of Judicative Boilerplate: The Official Languages Act Anomaly

79. A terminal structural contradiction is embedded within the final footer of the impugned **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**. The document concludes with a highly specific, standardized disclaimer: *"Pursuant to section 20 of the Official Languages Act all decisions, orders and judgments, including any reasons given therefor, issued by the Court are issued in both official languages. In the event that such documents are issued in the first instance in only one of the official languages, a copy of the version in the other official language will be forwarded on request when it is available."* This boilerplate translation disclaimer is strictly, institutionally reserved for formal *Reasons for Judgment* or substantive adjudicative *Orders* that dispose of merits on the docket. It is emphatically *not* appended to routine administrative registry rejections issued under *Rule 72*.The presence of this *Reasons for Judgment* footer upon a purported *Rule 72* administrative rejection constitutes a catastrophic structural incongruity. It provides *prima facie* evidence that the external actor hastily cloned an antecedent substantive judgment template (corroborating the **T-4313-25** direction.docx metadata artifact) and recklessly failed to sanitize the document of its adjudicative footer during the post-production synthesis via the Manipulation Software.

J. DIGITAL PROVENANCE: THE COURTS ADMINISTRATION SERVICE METADATA ARCHITECTURE AND THE 2006 TEMPLATE ANOMALY

98. To further establish the synthetic nature of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, one must rigorously interrogate the cryptographic and chronological fingerprints of the Courts Administration Service (the "**CAS**") intranet. Following its inception in 2003, the CAS engaged in a multi-year

technological modernization initiative to standardize registry workflows. By 2006, the CAS had developed and deployed a suite of standardized Microsoft Word macro-enabled templates across its secure intranet. A well-documented technical idiosyncrasy of the Microsoft Word ecosystem specifically when utilizing the native "Save As PDF" functionality—involves the handling of the CreationDate metadata field. When a new document is instantiated from a legacy template, the resulting PDF file frequently inherits the original creation date of the underlying template, rather than recording the date the specific document was authored. This specific software behavior provides an invaluable, unintended cryptographic signature for authentic CAS documents. An examination of the metadata for the undisputed, authentic direction issued by Associate Judge Cotter on May 20, 2026, reveals that the document was "Created" in 2006, despite being modified and exported in 2026. Similarly, the authentic **Decision/Other Disposition** issued by Associate Judge Crinson on June 24, 2026, exhibits the identical 2006 chronological anomaly. The appearance of the year "2006" in the creation metadata of documents issued in 2026 is definitive proof of their origin within the CAS IT environment. It signifies that the registry officers utilized the official, locked CAS templates authored during the 2006 modernization rollout. Conversely, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** completely lacks this 2006 template inheritance. Its metadata confirms it was created on July 2, 2026, utilizing the external Manipulation Software, proving mathematically that it was generated from scratch or from a non-CAS template, completely bypassing the secure registry workflow. This constitutes objective, verifiable evidence that the document did not organically originate from the Federal Court Registry.

K. THE TAX COURT HERALDRY NEXUS: SYNTHESIZING THE METADATA AND THE COAT OF ARMS FORGERY

107. The synthetic provenance of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** is conclusively proven through the synthesis of its embedded metadata identifier (**T-4313-25**) and its catastrophic heraldic anomaly (the *National Coat of Arms*). It is respectfully submitted that this convergence unravels the precise *modus operandi* of the external fabrication.

108. An examination of the foundational particulars of the antecedent proceeding bearing Court File No. **T-4313-25** reveals that the respondents within said 2025 proceeding were the Attorney General of Canada and the Canada

Revenue Agency (the "**CRA**"). As formally recognized within the institutional branding of the Tax Court of Canada, the Tax Court explicitly utilizes the *National Coat of Arms* (the identical crest superimposed upon the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**) as its official institutional insignia, visually distinguishing its specialized revenue mandate from the Trial Division of the Federal Court.

109. The advanced syllogism is inescapable. The external actor, intimately embedded within or possessing unfettered access to the Department of Justice / Attorney General of Canada tax litigation apparatus, cloned a document template from the antecedent **T-4313-25** CRA proceeding. Because matters involving the CRA routinely interface with the Tax Court of Canada, or utilize DOJ tax-litigation templates formally bearing the *National Coat of Arms*, the cloned document inherently carried this executive/appellate crest. In their haste to synthesize a procedural rejection against the Applicant within the present T-2448-26 proceeding, the external actor superimposed the text of the *Federal Court* but catastrophically failed to sanitize the document of the Tax Court/Executive heraldry. They simultaneously neglected to update the underlying Word document title property before exporting it via the external Manipulation Software. This critical convergence perfectly marries the internal **T-4313-25** direction.docx metadata identifier with the external *National Coat of Arms* visual anomaly, establishing the fraudulent genesis of the document beyond a reasonable doubt and rendering it an absolute nullity *ab initio*.

L. PROCEDURAL IMPOSSIBILITY: PERFECTED SERVICE AND THE VIOLATION OF JUDICIAL COMITY

111. Beyond the metadata fabrications, the substantive legal text of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** presents an equally profound set of procedural contradictions that vitiate its legitimacy. The primary justification advanced in the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** for rejecting the Applicant's motion is an alleged failure to prove service, demanding a sworn affidavit. However, under *Rule 146(1)(b)* of the Federal Courts Rules, proof of service may be definitively established by "a written admission of service by the person served or the person's solicitor." Moreover, as the merits need not be addressed because the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** is fraud on its face (with some irony) to the False Information Package under the Criminal Code from September 2024.

112. On June 24, 2026, Associate Judge Crinson issued a formal **Decision/Other Disposition** managing this exact docket, explicitly ruling that further service was not required and granting a 30-day extension for any outstanding affidavits. Just eight days later, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** completely ignored Associate Judge Crinson's binding directives, arriving at diametrically opposed conclusions. In the absence of a *Rule 51* appeal by the Respondents, Justice Whyte Nowak lacked the jurisdictional authority to spontaneously override the valid case management directives of an Associate Judge. This horizontal fracture violates judicial comity. The Applicant complied under protest on a technical point of law.

M. THE SUBSTANTIVE MOTIVE: SYSTEMIC VULNERABILITIES AND RULE 317 PRODUCTION

118. To understand the potential motives behind the injection of a highly irregular document into the court file, one must examine the underlying substantive dispute. The Applicant alleges that a "False Information Package" was generated through the unauthorized manipulation of a CPIC "WANT record" utilizing software vulnerabilities in the GrapeCity/Mescius SDK PDF framework. The Applicant's *Rule 317* request seeks the production of raw forensic mainframe ledger records and cryptographic audit trails residing within the CPIC database. If the *Rule 317* request is enforced, the RCMP will be legally compelled to produce the unredacted CPIC metadata, potentially exposing the unauthorized manipulation of a criminal information package (a fraud upon the court). In this context, the sudden appearance of the highly irregular **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**—which abruptly rejects the Applicant's procedural motions based on fabricated heraldry, falsified metadata, and false premises regarding service—can be viewed as a desperate attempt to derail the proceeding before the *Rule 318* production deadline can be enforced. The stakes involve systemic institutional accountability.

O. CONSTITUTIONAL RIGHT TO ACCESS TO JUSTICE AND THE RULE OF LAW

123. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** transcends mere procedural error; it functions as a formidable, unconstitutional barrier to the courts. Universal access to the courts is a foundational component of the *Rule of Law*, containing both indispensable procedural and substantive elements (*Uhrik v. Terrigno*, 2024 ABCA 383, at para 10). The Supreme Court of Canada established definitively in *Trial*

Lawyers Association of British Columbia v. British Columbia (Attorney General), 2014 SCC 59 (at paras 32 and 40), bolstered subsequently by *Ontario (Attorney General) v. $25,610 in Canadian Currency*, 2017 ONCA 251 (at para 1), that measures actively preventing citizens from bringing legitimate issues to the courts strike directly at the core of section 96 of the *Constitution Act, 1867*. The emphasis is strictly placed on "measures that prevent."[iii]

Q. PERFECTED SERVICE, RULE 134(D), AND THE EXTINGUISHMENT OF PROCEDURAL DEFECTS

130. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**'s conclusion that the Form 301 Application was "not properly **filed**" due to an allegedly unsworn affidavit of service is legally and factually bankrupt. She has conflated the distinctions between "filed" versus "issued", "filed" versus "served" and "filed" versus "proof of service". As documented within the fresh evidence adduced, counsel for the Attorney General of Canada, Mr. Jake Norris, transmitted formal correspondence on June 3, 2026, explicitly acknowledging receipt of the Form 301 Application and confirming that "service upon the AGC was effected May 19, 2026" (Affidavit #1, at paras 26, 43-44). Furthermore, a formalized *Rule 7* Consent to Extension of Time, executed and signed by said counsel, was concurrently provided to the Applicant. Pursuant to the strict text of *Rule 134(d)* of the Federal Courts Rules, an acceptance of service signed and dated by a party's solicitor constitutes absolute, irrebuttable proof of service. The written acknowledgment by the Respondents' solicitor operates to definitively perfect service, thereby irrevocably curing any latent defect in the antecedent affidavit.

S. ABSOLUTE DEFAULT AND THE NULLITY OF NOTICE REQUIREMENTS

137. The Respondents are in absolute, uncured default. Pursuant to the explicit wording of *Rules 145* and *308*, they are completely disentitled to notice of any further step in the proceeding. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**'s insistence on the filing of supporting affidavits strictly to effectuate service upon defaulting parties paradoxically demands a legal impossibility and directly contravenes both the binding June 24 **Decision/Other Disposition** and the relevant enactments. Pursuant to *Rule 74(2)* of the Federal Courts Rules, the Court may only order a document removed under *Rule 74(1)* if "all interested parties have been given an opportunity to make submissions." However, because the Respondents are in a state of absolute, uncured default, they have legally forfeited their participatory rights. As explicitly defined under *Rule 2* and applied via *Rules 145* and *308*, defaulting respondents are disentitled to notice of steps, service of documents, or the right

to be heard prior to judgment being granted against them. Consequently, the Respondents are legally precluded from challenging the expungement, and the Court is strictly unburdened from affording them an "opportunity to make submissions" under *Rule 74(2)*. The Court possesses the ***absolute jurisdiction to immediately and permanently expunge*** the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** upon the Applicant's unopposed submissions.

T. THE PHANTOM ROSTER ANOMALY, ASYMMETRIC TRANSMISSION PROTOCOLS, AND INSTITUTIONAL BIAS

140. A rigorous audit of the officially published employment rosters and credentialing directories corresponding to the Courts Administration Service (the "**CAS**") for the Toronto Local Office reveals a conspicuous, unprecedented anomaly. The specific identities attributed to the administrative personnel effectuating these irregular interventions—specifically, "Maya-Jo Blake-Janniere" and "Tristan Mercieca"—are demonstrably absent from the contemporary, official public registries. The deployment of unverified, ostensibly phantom administrative actors to unilaterally intercept, delay, and adjudicate substantive filings introduces a catastrophic fracture in the chain of custody. It is forcefully submitted that the utilization of undocumented personnel to execute coercive administrative functions vitiates the presumption of institutional regularity, engaging the equitable maxim *Nemo potest esse simul actor et judex* (no one can be at once suitor and judge), as the registry ostensibly operated as an active shield for the defaulting Respondents. Furthermore, the administrative interventions executed by the aforementioned Mr. Mercieca operated in direct contravention of the mandatory referral mechanism enshrined within *Rule 72*. By unilaterally imposing non-statutory conditions precedent without immediate escalation to a judicial officer, the registry officer assumed an adversarial, gatekeeping posture that functionally shielded the defaulting Respondents. Given that the counsel for the Respondents operates under the auspices of the Attorney General of Canada, this spontaneous administrative rescue by federal registry personnel crystallizes a profound reasonable apprehension of institutional bias, effectively treating the registry as an extension of the Respondent's defensive apparatus. The forensic disparity between the authentic and the impugned directives is further exposed by an analysis of their respective transmission protocols. The legally binding, organically authored directives of Associate Judge Cotter and Associate Judge Crinson were transmitted via the secure, automated, and generic

routing infrastructure of the Court (specifically, the CAS-SATJ DECISIONS server gateway), completely omitting any personalized registry officer email nomenclature. The jurisprudential voice of these authentic directions clearly reflects the intellectual *animus* of the erudite Associate Judges. In stark, inexplicable contrast, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** involved anomalous, direct communication referencing "Maya-Jo Blake-Janniere," which precipitated an immediate, asymmetric, and highly personalized response from the Respondents' counsel, Mr. Norris. This uncharacteristic celerity and direct engagement by opposing counsel with a specific, registry officer—where absolute silence was maintained regarding the authentic, secure judicial transmissions authored by the Associate Judges—irrefutably suggests the existence of an out-of-band communication loop entirely divorced from the secure, automated architecture of the Federal Court. This asymmetric access to the docket demands immediate supervisory eradication.

U. THE CRIMINALITY NEXUS AND THE ADMISSIBILITY OF SIMILAR FACT EVIDENCE CONCERNING PHANTOM REGISTRY PERSONNEL

144. It is respectfully submitted that the catastrophic breakdown of institutional integrity observed herein transcends the boundaries of mere administrative bias or phantom credentialing. The precise nomenclature affixed to the impugned instrument—specifically identifying "Maya-Jo Blake-Janniere" as the purported registry author—necessitates profound judicial scrutiny in light of verifiable, open-source intelligence revealing severe *Criminal Code* infractions. A rigorous examination of the public record, explicitly corroborated by regional media publications (Durham Radio News, May 28, 2021), incontrovertibly links an individual bearing the identical, highly unique hyphenated appellation of "Maya-Jo Blake-Janniere" to severe, multi-jurisdictional criminal syndicates. The documented infractions encompass the trafficking of controlled substances (cocaine), the possession of property obtained by crime, and egregious firearms-related offences. The corresponding evidentiary exhibits validating these assertions have been formally adduced within the updated motion record (see: Tab 18).

145. The emergence of this criminal nexus fundamentally obliterates any residual presumption of administrative regularity regarding the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**. The utilization of a purported registry officer's identity—an identity inextricably tied to profound criminal malfeasance

involving the proceeds of crime—directly mirrors the underlying *Similar Fact Evidence* previously pleaded concerning the synthesis of the False Information Package.

V. THE STATUTORY AND TRADEMARK PROTECTION OF HERALDIC EMBLEMS: THE PROHIBITION OF UNAUTHORIZED MISAPPROPRIATION

149. It is rigorously advanced that the unauthorized incorporation of the National Coat of Arms onto the impugned **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** transcends mere visual or procedural irregularity and constitutes a direct, actionable contravention of the *Trademarks Act*, RSC 1985, c T-13 (the "***Trademarks Act***"). Pursuant to the strictures administered by the Treasury Board of Canada Secretariat (the "**TBS**"), the National Coat of Arms is strictly reserved for the Government of Canada, its official representatives, the Canadian monarch, and explicitly authorized institutions such as the courts. This visual insignia is the ultimate representation of sovereign authority, and its commercial or unauthorized appropriation is explicitly prohibited to prevent the dilution of institutional trust .Furthermore, it is a foundational constitutional and heraldic axiom that the royal arms are inherently personal to the sovereign; consequently, they cannot be used without the King's explicit consent. The National Coat of Arms of Canada, precisely as originally designed in 1921 and subsequently revised in 1957 and 1994, is rigorously protected under both the *Trademarks Act* and the *Copyright Act*, RSC 1985, c C-42 (the "**Copyright Act**"), and absolutely cannot be used, reproduced, or appropriated without formal authorization.

150. Section 9(1)(e) of the *Trademarks Act* expressly dictates that no person shall adopt in connection with a business, as a trademark or otherwise, any mark consisting of, or so nearly resembling as to be likely to be mistaken for, the arms, crest, or flag adopted and used at any time by Canada. Concurrently, officially granted heraldic emblems—such as the 2008 Federal Court Coat of Arms—are rigidly shielded under paragraph 9(1)(n.1) of the *Trademarks Act* and are governed exclusively by the Canadian Heraldic Authority. It is a matter of strict federal enforcement that marks and designs bearing similarity to these official symbols are pursued aggressively as actionable manifestations of copyright or trademark infringement. Beyond trademark prohibitions, the unyielding strictures of Crown copyright are inextricably engaged. Under Crown copyright protocols, formal permission is invariably required when an official work is being revised, adapted, synthesized, or translated, irrespective of whether the purpose of the reproduction is purportedly for personal or public non-commercial distribution. The

synthetic superimposition of the National Coat of Arms utilizing commercial, third-party post-production software (specifically, **PDF-XChange Editor**) by an external actor effectively misappropriates the sovereign identity of the state to effectuate an unauthorized *sua sponte* interference. Such an act usurps the visual authority of the Crown to lend a veneer of coercive legitimacy to a fabricated document, simultaneously violating the Crown's copyright through the unauthorized digital adaptation of the crest. The gravity of protecting state emblems from unauthorized reproduction is further emphasized by Canada's adherence to international obligations, specifically Article 6ter of the *Paris Convention for the Protection of Industrial Property*, which mandates the strict prohibition of the unauthorized use of state armorial bearings.

W. FRAUD, BRIBERY, EXTORTION, AND SPECIAL CAUSES OF NULLITY

164. Fraud, dishonesty, bad faith, extortion, and bribery form a special category of causes of nullity, which transcends all others. As classically articulated by Lord Denning in *Lazarus Estates Ltd. v. Beasley*, [1956] 1 Q.B. 702 at p. 712: "Fraud unravels everything. The Court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved, it vitiates judgments, contracts and all transactions whatsoever…"It is trite law that "fraud on the court" by any person, respondent, or litigant, constitutes a strict "nullity" because fraud, bribery, dishonesty, and extortion are special causes of common law nullities that transcend all others. When proven, they set aside and unravel all previous steps and actions up to the time of the fraud (*Landreville v. Town of Boucherville*, [1978] 2 S.C.R. 801). Furthermore, in *Enbridge Gas Distribution Inc. v. Marinaccio*, 2012 ONCA 701 (the "**Bribery Test**"), the Court of Appeal for Ontario articulated the standard for civil bribery and secret commissions.

Y. THE CROWN IS INDIVISIBLE AND THE PSAC/USJE UNION NEXUS

169. Following the jurisprudential standard articulated in *Benedict v. Ontario*, it is a foundational constitutional axiom that "The Crown is indivisible." Malfeasance perpetrated by distinct agents, ministries, or administrative bodies operating under the Crown's umbrella cannot be artificially compartmentalized to shield the broader institutional apparatus from accountability. A direct, incontrovertible nexus to the underlying corruption has been identified operating systematically within the administrative framework. The compromised actors are explicitly bound as employees operating under the auspices of the Public Service Alliance of Canada (PSAC) and the Union

of Safety and Justice Employees (USJE). This explicitly encompasses: Ms. Maya-Jo Blake-Janniere (implicated directly within the Federal Court Registry infrastructure regarding the synthesis of the False Document);Mr. Jeff Ball and Mr. Stephane Brisson; and All other implicated officials involved in the *Privacy Act* and *Access to Information Act* (ATIA) obstructivism, explicitly including Ms. Melissa Simpson, Mr. Curtis Mathew (ATIA #2), and Ms. Tina Beaudoin (ATIA #1) (see; NOM #2 Motion Record with her deceit that a document was from the Office of Primary Interest when it was from Maggie von zur-Muehlen, a newly employed administrative type individual (out of a successful career in the restaurant industry). The concerted, coordinated obstruction executed by these interconnected unionized employees operating under the indivisible Crown demonstrates a systemic, institutionalized effort to frustrate the Applicant's fundamental rights, engaging severe liability that demands immediate appellate-level scrutiny and comprehensive remedies.

Z. THE DISTINCTION BETWEEN ADJUDICATIVE AND ADMINISTRATIVE PRIVILEGE

174. To preemptively neutralize any attempt by the Registry or the presiding jurists to shield their actions behind the veil of judicial immunity, a rigorous legal distinction must be drawn between "Adjudicative Privilege" and "Administrative Privilege." In Canadian law, **Adjudicative Privilege** (also defined as "Deliberative Privilege") strictly protects the internal deliberations and communications of adjudicative bodies regarding the substantive merits of a case. This absolute privilege prevents the disclosure of personal notes and draft memos to ensure the sanctity of the decision-making process. Conversely, **Administrative Privilege** (dovetailing with "Administrative Immunity") protects the administrative functions of the judiciary, such as the assignment of cases or the operation of the registry. Crucially, as established by the Supreme Court of Canada in *MacKeigan*, this administrative privilege is **not absolute** and can be overridden if there is a compelling, valid reason to review the administration of justice. In *MacKeigan*, the Supreme Court recognized this fundamental dichotomy, with dissenting justices noting: "The privilege as to the administration of the courts, however, is not of the same fundamental importance and is qualified in nature. It is an adjunct to the adjudicative privilege."

BB. THE COMPROMISED LOCAL INFRASTRUCTURE AND THE IMPERATIVE FOR JURISDICTIONAL TRANSFER

181. Given the profound, unrefuted irregularities originating exclusively from the Toronto Local Office—specifically, the deployment of phantom registry officers entirely absent from the official roster, the existence of an asymmetric, out-of-band communication loop with the Respondents, and the ingestion of a synthetically fabricated judicial direction—it is forcefully asserted that the localized administrative infrastructure is irreparably compromised. The institutional evasion characterizing the response to the Applicant's Formal Demands and *Rule 26* Requisition solidifies this conclusion. A localized registry that fails to investigate the systemic manipulation of its own docket cannot reasonably be entrusted with the continued administration of the proceeding. Consequently, the Applicant asserts *ex debito justitiae* (as a matter of right) that the Toronto Local Office is structurally divested of the capacity to guarantee a fair, impartial, and unadulterated administrative process. The proceeding must be immediately, formally, and permanently transferred to the Ottawa Principal Office. It is for this precise reason that the Applicant's request for a Supervisory Review regarding the fabricated **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** has been transmitted directly and exclusively to the Acting Chief Justice at the Ottawa Principal Office, thereby completely bypassing the compromised localized friction and ensuring that the *Rule of Law* is protected at the highest institutional level.

PART IV — CONCISE STATEMENT OF THE ORDER SOUGHT

185. The Applicant respectfully requests the Orders and Declarations in the NOM #3 of July 15, 2026[iv], including any relief in a draft order.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 15th day of July, 2026.

Mr. Kevin A. McLean (BA, JD, CIM)
Applicant, Self-Represented
68 Abell Street (Reception Desk) Toronto, Ontario M6J 0B1
Email: mclean@searchandseizure.ca

PART V — LIST OF AUTHORITIES

1. *Trademarks Act*, RSC 1985, c T-13
2. *Copyright Act*, RSC 1985, c C-42
3. *R. v. Litchfield*, [1993] 4 S.C.R. 333
4. *McLean v. Bradley*, 1878 CanLII 22 (SCC) (2 S.C.R. 535)
5. *Prefontaine v. Gosman*, 2000 ABQB 870 (citing *R. v. Germain*, 1984, (Alta.))
6. *Valente v. The Queen*, [1985] 2 S.C.R. 673
7. *Beauregard v. Canada*, [1986] 2 S.C.R. 56
8. *Ruffo v. Conseil de la magistrature*, [1995] 4 S.C.R. 267
9. *Taylor v. Clemson* (1844), 11 Cl. & Fin. 610, 8 E.R. 1233 (H.L.)
10. *Trial Lawyers Association of British Columbia v. British Columbia (Attorney General)*, 2014 SCC 59
11. *Ontario (Attorney General) v. $25,610 in Canadian Currency*, 2017 ONCA 251
12. *Uhrik v. Terrigno*, 2024 ABCA 383
13. *Timm v. Canada*, 2019 FC 238
14. *Larouche v. Court of Queen's Bench of Alberta*, 2015 ABQB 25
15. *The Queen v. Beauregard*, 1986 CanLII 24 (SCC)
16. *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65
17. *Yatar v. TD Insurance Meloche Monnex*, 2024 SCC 8
18. *Hospira Healthcare Corp. v. Kennedy Institute of Rheumatology*, 2016 FCA 215
19. *Ismailzada v. Ontario (Attorney General)*, 2026 CanLII 30027 (FC)
20. *Okogun v. Canada (Citizenship and Immigration)*, 2026 FC 723 (CanLII)
21. *Sabok Sir v. Canada*, 2021 FC 82 (CanLII)
22. *Sui v. Canada (Attorney General)*, 2025 CanLII 3564 (FC)
23. *Lazarus Estates Ltd. v. Beasley*, [1956] 1 Q.B. 702
24. *Landreville v. Town of Boucherville*, [1978] 2 S.C.R. 801
25. *Enbridge Gas Distribution Inc. v. Marinaccio*, 2012 ONCA 701
26. *Benedict v. Ontario*, 2000 CanLII 22616 (ON CA)
27. *Grossman v. Toronto General Hospital*, 1983 CanLII 1898 (ON SC)
28. *MacKeigan v. Hickman*, [1989] 2 S.C.R. 796

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[i] It is an established equitable principle that Suppressio veri, expressio falsi (the suppression of truth is equivalent to the expression of falsehood); the active suppression of the existence of the June 24 Decision/Other Disposition within the text of the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) vitiates its legitimacy entirely, rendering it an instrument of obfuscation rather than a genuine exercise of adjudication.

[ii] i. Rejection of Filings (Enforcement of Procedural Integrity): The Court possesses the absolute authority to reject documents that are fundamentally non-compliant or prejudicial. As demonstrated in Ismailzada v. Ontario (Attorney General), 2026 CanLII 30027 (FC), and Okogun v. Canada (Citizenship and Immigration), 2026 FC 723 (CanLII), the Court will strictly reject irregular materials to prevent the record from being compromised by documents lacking legal standing or proper service (see also: Aydin v. Canada, 2025 FC 359; Lunn v. Canada, 2023 CanLII 2720). This mechanism protects the docket from frivolous or abusive pleadings.

ii. Judicial Direction and Conditional Acceptance (Pragmatism in Litigation): Reflecting a profound jurisprudential preference for substantive justice over rigid formalism, the Court frequently utilizes Rule 72 to facilitate conditional acceptance. As evidenced in Sabok Sir v. Canada, 2021 FC 82 (CanLII), and E.S. v. Canada (Attorney General), 2017 FC 1127 (CanLII), the judiciary acts as a steward, guiding litigants toward compliance rather than erecting absolute barriers. Rule 72 is similarly invoked to address procedural ambiguities, as seen in George v. Heiltsuk First Nation, 2022 FC 1786 (CanLII), and Laquerre v. Canada, 2024 FCA 31 (CanLII).

iii. Procedural Context, Standards of Review, and Inherent Authority: A critical distinction exists between ministerial acts and judicial determinations. When the Registry refers a matter to an Associate Judge under Rule 72, the resulting determination carries the full, unmitigated weight of a judicial decision. Accordingly, appellate review of such decisions is subjected to a highly deferential standard, typically "palpable and overriding error," as affirmed in Sui v. Canada (Attorney General), 2025 CanLII 3564 (FC). Furthermore, jurisprudence establishes that Rule 72

provides directions regarding the internal mechanics of filing, which are structurally distinct from formal orders that adjudicate the substantive merits of the parties (see: Shamattawa First Nation v. Thomas, 2021 FC 1142 (CanLII); Fabrikant v. Canada, 2018 FCA 171 (CanLII)).

[iii] Access to justice sits at an "untouchable constitutional level" (Larouche v. Court of Queen's Bench of Alberta, 2015 ABQB 25, at para 25). The right to an effective remedy is essential; without it, the Rule of Law is supplanted by a rule of individuals arbitrarily and capriciously deciding who shall have access to justice. Furthermore, there exists a strict, unyielding prohibition against the interference with the mere pursuit of a legal remedy (Timm v. Canada, 2019 FC 238).

Courts act as the ultimate defenders of the Constitution and must remain completely separate in authority, independence, and function from all other participants, particularly the executive branch (The Queen v. Beauregard, 1986 CanLII 24 (SCC)). The Applicant maintains an indefeasible, constitutionally protected right to a hearing of the substantive Form 301 Application, and the underlying right to a determination not necessarily a guarantee of success, but an absolute guarantee of a determination on the merits. Consistent with Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65 and Yatar v. TD Insurance Meloche Monnex, 2024 SCC 8, general questions of law of central importance to the legal system require consistency, transparency, and a final, determinate answer from the judiciary.

[iv] a. A Declaration that none of the Respondents served and filed a motion to challenge the Decision/Other Disposition of Associate Judge Crinson of June 24, 2026, pursuant to Rule 51 of the Federal Courts Rules, should they have wished to have done so;

b. A Declaration that the Respondents had notice of the Associate Judge Crinson June 24, 2026, Decision/Other Disposition;

c. A Declaration that the acts of Justice Whyte Nowak constitute Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est, and that her conduct and the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) are coram non judice, an impermissible collateral attack upon the June 24 Decision/Other Disposition, and void ab initio.

d. A formal declaration that the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) was issued ultra vires, absent the mandatory motion required under Rule 399 of the Federal Courts Rules, rendering the purported variance of the June 24 Decision/Other Disposition a procedural nullity.

e. A formal declaration that the forensic metadata extracted from the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT), demonstrating post-production manipulation via the Manipulation Software, the unauthorized superimposition of the National Coat of Arms (appellate/executive crest) rather than the authentic 2008 Federal Court Coat of Arms, the visual integration of executive branch "C A N A D A" typography governed by the Federal Identity Program, and the harboring of a disparate file identifier (T-4313-25 direction.docx), definitively establishes that the instrument is a synthetic fabrication devoid of authentic judicial provenance, triggering the maxim Fraus omnia corrumpit.

f. An Order directing the Courts Administration Service (the "CAS") to immediately produce the native, unadulterated electronic PDF file of the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT), alongside the comprehensive Electronic Filing System transmission logs and audit trails corresponding to said upload date, for immediate forensic authentication.

f.1. An Order directing the Registry to immediately unseal, verify, and formally disclose the counsel of record and the specific litigants associated with the antecedent proceeding bearing Court File No. T-4313-25, recognizing that said metadata artifact embedded within the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) functions as a cryptographic breadcrumb requiring immediate judicial unmasking.

f.2. An Order directing the Courts Administration Service (the "CAS") to produce formal, verified employment credentialing and institutional roster records corresponding to the individuals identified as "Maya-Jo Blake-Janniere" and "Tristan Mereicca," to definitively ascertain their jurisdictional standing and structural authorization to execute administrative duties within the Toronto Local Office.

f.3. An Order directing the Courts Administration Service (the "CAS") to execute a comprehensive security and identity verification audit concerning the individual operating under the nomenclature "Maya-Jo Blake-Janniere," specifically investigating any nexus to the Criminal Code infractions detailed within the public record, and a corresponding Declaration striking the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) from the docket should such a nexus be authenticated.

f.4. A Declaration that the unauthorized commercial superimposition of the National Coat of Arms upon the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) constitutes an actionable contravention of section 9(1)(e) and 9(1)(n.1) of the Trademarks Act, RSC 1985, c T-13, and Article 6ter of the Paris Convention, rendering the instrument an absolute nullity void ab initio.

g. A Declaration pursuant to Rule 255 regarding the admission of service by the Respondents as evidenced in the June 3 correspondence authored by Mr. Jake Norris, definitively extinguishing any procedural necessity for further sworn affidavits of service.

h. A Declaration that the Applicant was deprived of access to justice and access to the courts by the Justice Whyte Nowak purported direction.

i. An Order restoring the Applicant's right to a hearing of the Form 301 Application and confirming his underlying right to a determination on the merits, consistent with the binding law of Canada as per Vavilov and Yatar.

j. An Order and Declaration that there was, and is, no legal requirement for the Applicant to obey any of the directives contained within the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT), on account of a strict lack of jurisdiction to engage in providing the verbiage contained therein.

k. An Order granting the substantive relief sought within NOM #1 and NOM #2 in substantially the same form as requested therein.

l. An Order abridging all time limits under the Federal Courts Rules and validating all of the Applicant's filings and procedural steps nunc pro tunc pursuant to Rule 55.

m. A Declaration that the Respondents are in absolute, uncured default and are explicitly disentitled to notice of any step, rendering any requirement for service affidavits a legal nullity.

n. A Declaration that Associate Judge Crinson operated entirely intra vires under Rule 50(1) and Rule 72, making the June 24 Decision/Other Disposition binding in limine, but for the one source of contention and objection raised by the Applicant relating to any requirement to file "affidavits" for an Application Record, which is necessarily tied to "service", with Respondents who were not entitled, as found by Associate Judge Crinson.

o. An Order placing this motion and NOM #2 before the Acting Chief Justice for immediate determination under the Primus Inter Pares doctrine.

p. An Order confirming that while the Applicant was and is available to speak to the matter orally on the scheduled return date, the Chief Justice of the Federal Court heard the motion in writing in the interests of justice and in accordance with the General Principles under the Federal Courts Rules.

q. An Order directing the Registry to return the $50.00 tariff fees paid by the Applicant for each Requisition for Hearing submitted to the Toronto Local Office on June 12 and June 19, 2026, and confirming the formal acceptance of the Requisition for Hearing submitted to the Ottawa Principal Office in late June 2026.

r. An Order that the Applicant is entitled to have his Form 301 Application heard in writing, encompassing the provision of a final comprehensive Memorandum of Fact and Law spanning the entirety of issues in the proceeding up to a length of 40 pages (double spaced, 30 lines per page). Furthermore, that the Form 301 Application was heard on July 25, 2026, with the Applicant required to submit all final documents by July 23, 2026, via email to the Chief Judicial Administrator in Ottawa and via the Federal Court Portal.

s. An Order explicitly restraining the Federal Court Registry from forwarding, mailing, or otherwise providing notice of any procedural steps, filings, or directions to the Respondents, in strict accordance with their disentitlement under Rules 145 and 308.

t. An Order directing the Federal Court Registry to immediately provide written notice to the Applicant via email the moment the Respondent RCMP transmits the Certified Tribunal Record to the Court, should it attempt to cure its ongoing default.

u. An Order declaring that should the RCMP fail to transmit the Certified Tribunal Record within a timeframe established by the Court, the substantive Form 301 Application shall proceed exclusively upon the comprehensive evidentiary record adduced by the Applicant, without prejudice to the Applicant.

v. An Order permanently enjoining the Toronto Local Office Registry from processing or characterizing this proceeding as an "Application for Leave," confirming its strict status as an unopposed Application for Judicial Review.

w. An Order exempting the Applicant from any requirements to produce or file physical paper copies of the Application Record or any further materials for the duration of the proceeding, permitting the use of the Federal Court Portal and electronic transmission as the exclusive and sufficient mode of filing.

x. A Permanent Order restraining Justice Whyte Nowak from further administration or adjudication in this proceeding.

y. The relief in NOM #1 is granted with costs to the Applicant payable forthwith.

z. The relief in NOM #2 is granted with costs to the Applicant payable forthwith.

aa. The hearing of this Form 301 Application shall be heard in writing on July 24, 2026, and the Applicant shall file a comprehensive Application Record along with a comprehensive Memorandum of Fact and Law incorporating the Certified Tribunal Record by no later than July 23, 2026, at 2:00 p.m.

To the extent that the Respondent RCMP fails to transmit the Certified Tribunal Record by July 17, 2026, to the Registry and the Applicant, the Applicant will be at liberty to bring an ex parte without notice motion for Anton Piller Order relief from the RCMP CPIC and any other relief of similar nature.

The Applicant will also be at liberty to seek all of his costs including investigative costs regarding the same.

The Applicant will be at liberty to seek relief in the nature of contempt as well under Rules 467 and 468 et al under the Federal Courts Rules.

bb. Any further relief that is just and equitable.

cc. Any further relief that is within the Equitable Jurisdiction of the Federal Court of Canada.

dd. Any further relief that gives effect to the above that is consistent with the Rule of Law, the General Principle of the Federal Courts Rules, compliance with Rule 318 of the Federal Courts Rules, access to justice, Charter values, the RCMP Act, the Privacy Act, the ATIA, duties of good faith, fiduciary duties, equitable obligations et al.

ee. Costs on a full-indemnity scale, payable forthwith.

Tab C

FEDERAL COURT — FAX COVER PAGE

Rule 71(3) — Strict Compliance

FROM:
Mr. Kevin A. McLean (BA, JD, CIM) Applicant (Self-Represented) 68 Abell Street (Reception Desk) Toronto, Ontario M6J 0B1 Email: mclean@searchandseizure.ca Telephone: 647.370.9354 Fax (for return): 416.352.0055
TO:
Federal Court of Canada — Principal Office (Ottawa) Attention: *Registry Officer / Acting Chief Justice* Fax: 613.952.3653
DATE & TIME OF TRANSMISSION: July 15, 2026 — 3:20 PM (EDT)
TOTAL NUMBER OF PAGES: 16 pages (including this cover page)

DOCUMENT TRANSMITTED:

Costs Submissions
Returnable Wednesday, July 15, 2026
Filed directly to Ottawa due to institutional and loss of jurisdiction issues at the Toronto Local Office et al

TO BE HANDLED BY OTTAWA ONLY

NO SERVICE REQUIRED AS PER THE DECISION OF Associate Judge Mr. Crinson of June 24, 2026.

CONTACT FOR TRANSMISSION ISSUES:

Mr. Kevin A. McLean Tel: 647.370.9354

Court File No. T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A. McLEAN

Applicant

and

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

APPLICANT'S SUBMISSIONS ON COSTS

(Pursuant to Rules 400 and 401 of the Federal Courts Rules)

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PART I — INTRODUCTION AND RELIEF SOUGHT

1. The Applicant seeks an Order for costs on an elevated, full-indemnity (solicitor-and-client) basis, fixed in the lump sum of $100,000.00, payable forthwith. This request is predicated on the extraordinary, unprecedented, and deeply subversive nature of the misconduct perpetrated against both the Applicant and the structural integrity of this Honourable Court. What began as a standard administrative law proceeding has been violently transmuted

into a defense of the *Rule of Law* itself, necessitated by the state's active, coordinated deployment of forensic forgery to derail a lawful adjudication.

2. This unprecedented and extraordinary costs award is sought not merely against the named defaulting Respondents (the RCMP and its officers), but is specifically, exceptionally, and deliberately directed against the implicated non-parties and counsel of record. This expressly encompasses Mr. Jake Norris, Mr. Tyler Alviano, Mr. Nick Continelli, and the compromised registry personnel, specifically including Ms. Maya-Jo Blake-Janniere. These external and internal administrative actors have operated collectively, sequentially, and collaboratively under the sprawling umbrella of the indivisible Crown. Their concerted, clandestine objective has been to thwart the lawful administration of justice, effectively weaponizing the administrative apparatus of the Federal Court against a lawful, self-represented litigant seeking constitutional redress.
3. The foundational basis for this punitive relief is the egregious, scandalous, and deceitful conduct orchestrated to actively subvert the administration of justice. This proceeding was originally initiated to expose and compel the production of records relating to the underlying fabrication of the "False Information Package" (Police Case ID: 457197) a matter already tainted by allegations of software manipulation (the GrapeCity/Mescius SDK PDF framework) and severe constitutional breaches. Instead of fulfilling its mandatory, statutory disclosure obligations and answering the lawful *Rule 317* requisition to produce the unredacted CPIC metadata, the state apparatus responded by synthesizing, uttering, and enforcing the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT).
4. This instrument was emphatically not a mere administrative error, a benign clerical misstep, or a misunderstanding of registry protocols. It was a highly sophisticated, structurally engineered forensic forgery designed to unlawfully override the binding June 24 **Decision/Other Disposition** of Associate Judge Crinson. Such a catastrophic internal failure of the judicial machinery where the very registry designed to facilitate justice is transformed into an active, partisan shield for police misconduct—warrants the absolute maximum punitive costs sanction recognized at law. The costs requested herein serve a vital, dual public-law function: first, to fiercely compensate the Applicant for an unconscionable expenditure of temporal, financial, and intellectual

resources; and second, to rigorously vindicate the integrity of the Federal Court's docket from internal subversion, ensuring that the public maintains faith in the independence of the judiciary.

5. It is strictly submitted that the conduct herein transcends standard adversarial friction, which is expected, tolerated, and fully absorbed by standard tariff costs. Instead, it represents a calculated, institutional deployment of digitally fabricated evidence. When the administrative apparatus of the state is mobilized to defraud a citizen bypassing secure digital architectures, cloning antecedent Tax Court metadata, and synthesizing a judicial directive *in vacuo*—the financial sanction must completely eclipse mere compensation. It must reflect the profound severity of the breach of public trust, acting as an uncompromising, institutional deterrent to future state-sponsored fraud. A court that fails to aggressively penalize the poisoning of its own well effectively guarantees the death of the *Rule of Law*.
6. The Applicant has been violently forced entirely out of the traditional litigant role to untangle a labyrinthine web of state deception, bearing an unconscionable and unprecedented burden. The $100,000 lump sum sought herein represents the absolute minimum necessary to address the vast expenditure of forensic, intellectual, and temporal resources stolen from the Applicant by the officious intermeddling of the Crown's agents. To deny or arbitrarily reduce this relief would be to immunize institutional bad faith, effectively signaling to the executive branch that it may hijack judicial dockets, forge directives, and silence applicants with absolute financial impunity.

PART II — THE STATUTORY FRAMEWORK: RULES 400 AND 401

7. The Federal Court possesses plenary, discretionary, and inherent supervisory jurisdiction to award and allocate costs to protect the integrity of its own processes and to severely sanction abuses of those processes. Pursuant to *Rule 400(1)* of the *Federal Courts Rules*, SOR/98-106 (the "**FCR**"), the Court retains "full discretionary power over the amount and allocation of costs and the determination of by whom they are to be paid." This sweeping discretion is not to be exercised arbitrarily, but must be deployed purposefully to maintain procedural discipline, enforce ethical standards, and preserve institutional honour.

8. Furthermore, under *Rule 400(2)*, it is explicitly established that costs may be awarded against the Crown without restriction. This specific provision represents a deliberate, conscious legislative choice by Parliament to prevent the state from hiding behind the historical veil of sovereign immunity when its agents engage in bad-faith litigation tactics. The Crown, possessing limitless public resources and coercive power, is held to a vastly elevated standard of ethical conduct. The "Fisherman's Rule" dictates an absolute duty of honesty owed to the Court by the Crown's agents; when that standard is catastrophically breached through the injection of fabricated instruments into the docket, the financial rebuke must be proportionately severe and immediate.

9. *Rule 400(3)* explicitly enumerates the factors the Court must consider when exercising this broad discretion. The factual matrix surrounding the multi-layered fabrication of the July 2 Purported Direction violently triggers the most severe, punitive elements of this provision:

    - **(c) the importance and complexity of the issues:** The complexities herein utterly transcend standard administrative law or routine interlocutory disputes. The Applicant was compelled to actively perform the roles of a digital forensic investigator, a metadata analyst, and an expert in Canadian constitutional heraldry. The Applicant was required to conduct highly complex metadata extraction to definitively identify the clandestine use of post-production Manipulation Software (PDF-XChange Editor) utilized by external actors to bypass the secure, native macro-templates of the Courts Administration Service (CAS). The issues required the Applicant to independently uncover the deliberate omission of mandatory swearing and disposition pages, the insertion of fictitious entities (e.g., George Jiri), and the breathtaking misappropriation of the National Coat of Arms (an appellate/executive crest) onto a purported Trial Division directive.
    - **(g) the amount of work:** The sheer volume of labour required to dismantle this coordinated obstruction cannot be overstated. The Applicant was forced to meticulously audit the Treasury Board's Federal Identity Program (FIP) trademark guidelines to definitively prove the crest forgery. He was required to cross-reference public employment registries to identify phantom registry personnel (Maya-Jo Blake-Janniere) and link them to open-source intelligence regarding severe *Criminal Code* infractions. He had to

cryptographically trace the cloned Tax Court metadata identifier (T-4313-25) back to its origins within the Department of Justice's tax litigation apparatus. This is an investigatory burden of staggering proportions.

- **(i) any conduct of a party that tended to shorten or unnecessarily lengthen the duration of the proceeding:** The injection of a fabricated directive into the procedural stream violently hijacked the procedural timeline, transforming a straightforward default proceeding against unopposed Respondents into a full-scale constitutional crisis. This necessitated the exhaustive drafting, filing, and arguing of entirely separate, highly complex emergency motions (NOM #2 and NOM #3) merely to clear the docket of the forgery.
- **(k) whether any step in the proceeding was (i) improper, vexatious or unnecessary:** The synthesis of a "phantom" appellate document bearing cloned CRA/Tax Court metadata is the ultimate manifestation of an improper step. It is an act of prosecutorial and administrative sabotage, taken not to advance the litigation upon its merits, but to definitively and covertly assassinate it.

10. Under *Rule 400(6)(c)*, the Court maintains the explicit statutory authority to award "all or part of costs on a solicitor-and-client basis." This provision operates as a powerful statutory anchor, confirming that the Court is never strictly bound by the tariff when conduct demands severe denunciation. The application of this elevated scale is strictly reserved for conduct that the Court must forcefully rebuke to preserve its own dignity and public standing.

THE MANDATORY TRIGGER OF RULE 401(2) AND INTERLOCUTORY COSTS

11. Crucially, the intersection of *Rule 401(1)* and *Rule 401(2)* operates to demand immediate financial consequences for abusive litigation tactics on motions. As clarified by the Federal Court of Appeal in *Tazehkand v. Bank of Canada*, 2024 FCA 73, while interlocutory costs are generally deferred until the conclusion of a trial, *Rule 401(2)* establishes a mandatory, punitive exception: where the Court is satisfied that a motion should not have been brought or opposed, it *shall* order costs payable forthwith. This removes judicial deference; it imposes an active duty to penalize unmeritorious procedural friction.

12. A comprehensive analysis of recent, highly relevant Federal Court jurisprudence vividly illustrates the uniform, uncompromising application of *Rules 401(1)* and *401(2)* to sanction abusive, unmeritorious, or frivolous interlocutory proceedings immediately:

- **Mandatory Immediate Payment for Abuse of Process:** In *Zhu v. Canada (Citizenship and Immigration)*, 2025 FC 1450, the judge found an applicant's motion constituted an "abuse of process" and, relying directly on Rule 401, concluded the motion never should have been brought, thereby triggering the mechanism for costs payable forthwith. Similarly, in *Hill v. Canada*, 2025 FC 242, the Court explicitly referenced the threshold test of Rule 401(2), noting that costs *must* be ordered payable forthwith if the presiding judge is satisfied that the motion was frivolous to bring or oppose.
- **Self-Represented Litigants and Frivolous Opposition:** In *Maliqi v. Canada*, 2024 FC 1121, dealing with a self-represented party, the Court reiterated the punitive and deterrent function of Rule 401, noting that if a motion should not have been opposed, the Court possesses a mandatory obligation to impose an immediate cost consequence. In the present matter, the Respondents' ongoing statutory default rendered any opposition to the Applicant's restorative motions fundamentally unmeritorious.
- **Sanctioning Contemptuous and High-Handed Conduct:** In contexts involving severe misconduct, obstruction during discovery, or contempt-like behavior, the Court relies directly on *Rule 401(2)* to impose immediate financial sanctions (*Triteq Lock & Security, LLC v. Minus Forty Technologies Corp.*, 2023 FC 819; *Beniey v. Canada (Public Safety and Emergency Preparedness)*, 2022 FCA 202). Furthermore, in *Louis Vuitton Malletier S.A. v. Wang*, 2018 FC 1198, a high-stakes commercial dispute, the Court utilized Rule 401(2) to order costs paid forthwith and "in any event of the cause" to strictly penalize inappropriate interlocutory maneuvering.
- **Broad Inherent Discretion to Fix Lump Sums:** The Trial Division maintains the ultimate discretion under *Rule 401(1)* to bypass the standard assessment process and independently award and fix the costs of a motion to a specific, elevated amount (*Enhance Energy Inc. v. Canada (Environment and Climate Change)*, 2025 FC 2024; *Boudreau v. Canada (Revenue Agency)*, 2022 FC 792; *Jama v. Canada (Attorney General)*, 2020 FC 308). As established in *Fono v. Canada Mortgage and Housing Corporation*, 2019 FC

1190, this inherent discretion given to the motion judge is vast and should only be overturned if "plainly wrong."

- **Unwarranted Procedural Stances:** Where a party's procedural stance is completely unwarranted, Rule 401(2) provides the exact statutory mechanism to aggressively penalize that stance (*Abdelrazik v. Canada*, 2015 FC 548; *GE Renewable Energy Canada Inc. v. Canmec Industrial Inc.*, 2024 FC 887). The absolute statutory default of the RCMP, coupled with the clandestine generation of the July 2 False Document, means that any resistance to the Applicant's restorative motions was entirely unmeritorious and warrants the maximum immediate penalty under this rule.

13. As confirmed by the Federal Court of Appeal in *Brace v. Canada*, 2021 FCA 136, costs for an interlocutory motion do not accrue automatically; they must be explicitly ordered and fixed by the presiding Court under *Rule 401*. The Applicant relies entirely on this mechanism. The institutional fabrication at the heart of this matter violently shatters the threshold required to trigger this mandatory, immediate financial rebuke under *Rule 401(2)*.

PART III — FULL INDEMNITY COSTS: FORGERY AND INSTITUTIONAL BAD FAITH

14. The Supreme Court of Canada and highly persuasive appellate jurisprudence have definitively established that solicitor-client (full-indemnity) costs are exceptional and must not be awarded lightly. However, they are strictly reserved for instances where there has been reprehensible, scandalous, or outrageous conduct on the part of one of the parties or their agents, or where the conduct represents a flagrant abuse of the court's process. The injection of a fabricated judicial instrument to shield a defaulting state agency from *Rule 317* disclosure epitomizes "reprehensible" conduct.

15. **The *Whalen* Standard for Government Bad Faith:** As established in the leading modern authority of *Whalen v. Canada (Attorney General)*, 2015 ONSC 7281, full-indemnity costs are the appropriate, necessary, and proportionate sanction where government actors engage in bad faith, institutional obstruction, or conduct that actively undermines the administration of justice. The covert deployment of the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) perfectly mirrors this standard of state-sponsored bad faith. Furthermore, the Federal Court explicitly recognizes its mandate to award solicitor-and-client costs against the

Crown where its conduct is "unreasonable, improper, or abusive" (*Morton v. Canada (Attorney General)*, 2015 FC 575).

16. **Sanctioning Misconduct and Deterring Abuse:** In the seminal Supreme Court of Canada decision *Young v. Young*, 1993 4 S.C.R. 3, the Court affirmed that costs may be utilized as a powerful tool to denounce and deter litigation misconduct, including abuse of process. This principle is foundational to Ontario Court of Appeal jurisprudence, which confirms that full indemnity costs may be awarded where a party's conduct is "egregious, high-handed, or abusive" (*Sagl v. Chubb Insurance Co. of Canada*, 2009 ONCA 388), where it is "vexatious, frivolous, or abusive" (*1465778 Ontario Inc. v. 1122077 Ontario Ltd.*, 2016 ONSC 4667), or where it amounts to an absolute "abuse of process" (*Colborne Capital Corp. v. 542775 Ontario Ltd.*, 1996 CanLII 870 (ON CA)). The orchestration of a "phantom" appellate document explicitly to circumvent a binding case management direction unequivocally satisfies these strict thresholds.

17. **Undermining the Administration of Justice:** As definitively established in *Davies v. Clarington (Municipality)*, 2009 ONCA 722, full-indemnity costs are mandated where a party's conduct strikes at and "undermines the administration of justice." The conduct exposed herein shatters this threshold and squarely enters the realm of systemic, actionable deceit. The fabrication of a judicial instrument utilizing external Manipulation Software to bypass secure macro-templates is alarming on its face. However, when coupled with the clumsy cloning of an antecedent Tax Court/CRA metadata identifier (T-4313-25) and the highly unauthorized, synthetic superimposition of an appellate/executive crest (the National Coat of Arms), it constitutes a direct, calculated fraud upon the Court. It is an unvarnished subversion of the *Rule of Law* that strictly engages the equitable maxim *Fraus omnia corrumpit* (fraud vitiates everything).

18. **The *Le Soleil* Analogy for Forged Instruments:** The factual matrix surrounding this multi-layered fabrication is devastatingly analogous to the severe misconduct denounced in *Le Soleil Hospitality Inc. v. Louie*, 2010 BCSC 1183. In *Le Soleil*, the defendants fraudulently backdated and forged documents in a clandestine, concerted attempt to override a binding settlement obligation and deceive the trial judge. They subsequently relied upon these synthetically manufactured instruments in a bad-faith effort to permanently alter the evidentiary record. The Court in *Le Soleil* correctly identified the "manufacturing of evidence" as a mortal threat to the judicial process

itself. The Supreme Court of British Columbia, correctly piercing the corporate veil to hold the directing minds personally accountable, awarded full-indemnity "special costs" alongside substantial punitive damages specifically due to the egregious, persistent fraud and the corresponding abuse of process.

19. Just as the defendants in *Le Soleil* relied upon a forged instrument to defeat a binding reality, the implicated state actors deployed a synthesized, falsely created directive to sustain the Respondents' statutory default and permanently escape the *Rule 317* disclosures demanded by the Applicant. If private parties are severely penalized for corporate document forgery, the state apparatus—possessing a monopoly on force and an overriding duty to act honourably—must be held to an infinitely higher, uncompromising standard.

Pre Litigation Conduct, the Criminal Charade, and Non Disclosure

20. Furthermore, elevated costs are not strictly confined to misconduct occurring within the four corners of the active litigation. As established in *Sun Life Assurance Co. of Canada v. Ritchie*, 2000 BCCA 231 (at para 54), full indemnity or "special costs" may be ordered for "reprehensible conduct giving rise to the litigation, particularly where the fruits of the litigation do not provide an appropriate compensation in relation to the reprehensible conduct" (leave to appeal to S.C.C. refused, 2000 S.C.C.A. No. 247). This principle is echoed across vast appellate authority (*Nygard International Ltd. v. Robinson*, 1990 CanLII 1991 (BCCA); *Evergreen Building Ltd. v. IBI Leaseholds Ltd.*, 2009 BCCA 275; *Dockside Brewing Co. v. Strata Plan LMS 3837*, 2007 BCCA 183). The Applicant was forced to initiate this proceeding precisely because of the state's reprehensible pre-litigation conduct—namely, the synthesis of the underlying False Information Package.

21. It is settled law that making unfounded allegations of fraud, or persisting in such allegations when the evidence clearly does not support them, exposes a party to special costs (*Albion Securities Co. v. Milne*, 1999 BCSC 2297; *Blackwell Stores Ltd. v. Okanagan-Similkameen*; *O'Connell Electric Ltd. v. British Columbia Hydro*, 2006 BCSC 1632; *Dimitriadis v. Bowen Valley Ranch Corp.* 1995 B.C.J. No. 2281; *131843 Canada Inc. v. Double "R" (Toronto) Ltd.* (1992), 7 C.P.C. (3d) 15). The Applicant herein soundly defeated the charade of a criminal proceeding and a criminal prosecution weaponized against him. By being systematically obstructionist, resisting lawful *Rule 317* disclosure, and hiding behind fabricated directives, the Respondents are continuing to implicitly

allege, by their conduct, that the Applicant remains a valid target of state prosecution. They are woven into the same fabric of deception, and this continued, bad-faith perpetuation of a defeated criminal charade violently attracts full-indemnity costs.

22. Finally, a direct, devastating parallel must be drawn regarding the absolute failure to transmit the Certified Tribunal Record (CTR). In *Laface v. McWilliams*, 2005 BCSC 1766, and *Romfo v. 1216393 Ontario Inc.*, 2007 BCSC 1772, the courts decisively awarded special costs specifically to sanction the non-disclosure of documents. The RCMP's ongoing failure to transmit the CTR or even formally docket a notice of objection represents the exact same category of severe discovery obstruction, designed to conceal the underlying GrapeCity manipulation, thereby warranting severe financial rebuke.

23. **Making the Victim Whole:** The necessity of full indemnity is further solidified by the Supreme Court of Canada in *Bank of America Canada v. Mutual Trust Co.*, 2002 SCC 43, which dictates that a party must be made whole when forced to incur vast expenses due solely to the opposing party's misconduct. Furthermore, as articulated by the Ontario Court of Appeal in *McDougald Estate v. Gooderham*, 2005 CanLII 21091 (ONCA), costs must reflect fairness, deterrence, and the reasonable expectations of the parties, specifically supporting elevated costs where one party is forced to bear the entire evidentiary and investigative burden due to the other's obfuscation. Finally, as recognized in *Canada (Attorney General) v. Inuit Tapirisat*, 1980 2 S.C.R. 735, where government conduct actively impedes access to justice or procedural fairness, the costs sanction must be elevated to aggressively restore the balance.

PART IV — NON-PARTY LIABILITY AND THE TORTS OF MAINTENANCE AND CHAMPERTY

24. The scope of costs liability in this highly exceptional, arguably unprecedented scenario must fiercely pierce the traditional boundaries of standard litigation. It must forcefully extend beyond the named defaulting Respondents (the RCMP and its officers) to explicitly encompass the specific non-parties, counsel, and administrative staff who actively orchestrated, funded, or facilitated this structural obstruction.

25. As articulated by the Supreme Court of Canada in *Young v. Young*, 1993, 4 S.C.R. 3, and subsequently expanded in *Davies v. American Home Assurance Co.*, 2002 CanLII 15469 (ON SCDC) and *Sagl v. Chubb Insurance*

Company of Canada, 2009 ONCA 638, the Court possesses the inherent, supervisory, and equitable jurisdiction to award costs directly against non-parties who commit the tort of maintenance, champerty, or who otherwise actively abuse the court process to denounce and deter litigation misconduct.

The Torts of Wrongful Intermeddling

26. The torts of maintenance and champerty involve the wrongful intermeddling in the legal proceedings of other people—essentially, "sticking a nose in" where it does not belong, devoid of any legitimate legal interest, and doing so with nefarious intentions or an illicit purpose.

27. The tort of **maintenance** specifically involves providing wrongful encouragement to a litigative proceeding, as well as some form of support (logistical, financial, or administrative), arising from a desire within the maintainer to inflict disruption, disturbance, or harm upon an opposing party. In short, the maintainer is a stranger without formal party status who is lending support to a party with an illegitimate purpose (*Ali v. Datta*, 2011 ONSC 2496, at paras 53-54). **Champerty** involves the identical elements of maintenance, but includes the additional element of sharing in the "proceeds" or rewards of the successfully defended litigation.

28. The intervention herein by the registry staff (explicitly Ms. Maya-Jo Blake-Janniere and Mr. Tristan Mercieca) and DOJ counsel (Mr. Norris, Mr. Alviano, Mr. Continelli) unequivocally satisfies the requirements for wrongful maintenance established in *Ali v. Datta*. Unlike legitimate forms of maintenance recognized in law—such as insurance subrogation (*Simpson & Co. v. Thomson* (1877), 3 A.C. 279), the assignment of rights (*Clark v. Werden*, 2011 ONCA 619), or trade unions acting transparently on behalf of a collective genuine concern (*Fredrickson v. I.C.B.C.*, 1986 CanLII 165)—the actions of the registry and DOJ counsel were entirely officious, covert, and legally unjustified.

29. A registry officer's mandate is strictly ministerial and rigidly bounded by the *Federal Courts Rules*. By bypassing secure judicial portals to execute personalized, asymmetric interference, and by transmitting a synthetically manipulated document bearing false heraldry, these actors actively abandoned their neutral standing. They provided "wrongful encouragement" and clandestine logistical support to the defaulting RCMP. Their objective was to construct an artificial procedural barricade (the July 2 False Document) to sustain the Respondents' default

and permanently block the Applicant's lawful *Rule 317* disclosures regarding the underlying GrapeCity manipulation.

30. The "nefarious intention" requirement is amply satisfied: the registry personnel and DOJ counsel knew or absolutely ought to have known that the July 2 Purported Direction was a forensic fabrication authored outside the CAS network. The out-of-band communication loop involving Mr. Norris and Ms. Blake-Janniere demonstrates a desire to assist in inflicting procedural troubles upon the Applicant.

31. Furthermore, the element of **champerty** is implicitly engaged. While champerty traditionally involves a share of financial proceeds (*McIntyre Estate v. Ontario (Attorney General)*, 2002 CanLII 45046), the "proceeds" traded in this public-law context constitute institutional immunity. The compromised registry actors and DOJ counsel are members of the Public Service Alliance of Canada (PSAC) and the Union of Safety and Justice Employees (USJE), inextricably linked to the ATIP personnel (Ms. Melissa Simpson, Ms. Tina Beaudoin) whose obstruction the Applicant is seeking to expose. By protecting the RCMP from *Rule 317* disclosure, they protect their own professional security, shield their fellow union members from accountability, and reap the illicit benefit of continued administrative cover-ups. This constitutes a highly corrupt sharing of the "proceeds" of the litigation.

32. Accordingly, because these non-parties lack any legitimate legal justification for their intermeddling and acted with the nefarious intent to subvert the administration of justice, the Court must exercise its jurisdiction to award costs directly against them. As articulated in *Operation 1 Inc. v. Phillips*, 2004 CanLII 48689 (at para 54), in addition to awarding damages against the intermeddler, the wrongfully supported proceeding itself may be stayed as an abuse of process. The veil of administrative anonymity must be pierced, holding these individual non-parties jointly and severally liable for their officious intermeddling.

PART V — THE NECESSITY OF A LUMP SUM AWARD PAYABLE FORTHWITH AND THE *NOVA CHEMICALS* MANDATE

33. Pursuant to *Rule 401(1)* and *Rule 400(4)*, the Court is strongly, urgently requested to exercise its broad discretion to bypass standard assessment and fix costs as an immediate lump sum.

34. As definitively established by the Federal Court of Appeal in the paramount authority of *Nova Chemicals Corporation v. Dow Chemical Company*, 2017 FCA 25, the Court is explicitly encouraged to utilize its broad

discretion under *Rule 400(4)* to award global lump sums. The overarching purpose of this mandate is to prevent cost adjudications from devolving into pedantic, prolonged "exercises in accounting." Lump-sum awards are the preferred, modern, and highly pragmatic mechanism to achieve absolute finality, successfully avoiding the systemic delay, extreme financial expense, and profound psychological toll of a formal line-by-line costs assessment process (*McDougald Estate v. Gooderham*, 2005 CanLII 21091 (ON CA)).

35. Crucially, *Nova Chemicals* established a general baseline for complex Federal Court litigation, noting that lump-sum awards typically range between 25% to 50% of actual legal fees incurred, plus reasonable disbursements. While the Applicant herein operates in a self-represented capacity, he has been violently forced out of the role of a standard litigant. He has functionally absorbed the multi-disciplinary roles of senior litigation counsel, constitutional scholar, metadata analyst, and forensic heraldry expert merely to survive a state-sponsored barrage of irregularities.

36. The $100,000 lump sum requested represents an eminently reasonable, highly conservative global proxy for the vast equivalent market value of these highly specialized services. It perfectly aligns with the *Nova Chemicals* mandate for pragmatic efficiency by circumventing an impossible "accounting exercise" regarding unbilled self-represented hours, while appropriately reflecting the staggering complexity of the NOM #2 and NOM #3 evidentiary records. The massive undertaking required by the Applicant involved meticulously tracing Canada Post tracking anomalies designed to feign non-service, unraveling the RCMP ATIP's contradictory obstruction, independently auditing the FIP trademark guidelines, and definitively exposing a sophisticated digital forgery originating from within the state's own legal apparatus. This is labour that no citizen should ever be forced to undertake in a functional democracy, and its value far exceeds the $100,000 sought.

The Prevention of Secondary Victimization

37. To subject the Applicant to a prolonged, deeply adversarial formal costs assessment process functionally forcing him to litigate and justify his expenses line-by-line against the limitless resources of the Crown, the very entity that just attempted to defraud him through a forged judicial instrument—would be to reward the

wrongdoers with further procedural attrition. It would allow the Crown's "long purse" to inflict further punishment on the victim of its own fraud, resulting in a severe secondary victimization.

38. The Supreme Court recognized in *Hamilton v. Open Window Bakery Ltd.*, 2004 SCC 9, that costs must strictly reflect the conduct of the parties and the overriding interests of justice. A lump sum award completely bypasses the secondary victimization of a prolonged assessment, providing immediate vindication and restorative justice to the Applicant while punishing the exact actors responsible.

39. The "Doctrine of Rebuke" must be applied vigorously, visibly, and unapologetically here. A lump sum of $100,000, payable forthwith, is not merely compensatory; it is a constitutionally required punitive declaration. It serves to emphatically declare that the Federal Court of Canada will not permit its registry to be weaponized as an instrument of state-sponsored forgery.

PART VI — RELIEF REQUESTED

40. The Applicant respectfully requests an Order that the costs of this motion, the costs thrown away by the injection of the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT), and the costs associated with uncovering the underlying GrapeCity manipulation that precipitated this overarching procedural crisis, be fixed pursuant to *Rules 401(1)* and *401(2)* on a full-indemnity (solicitor-and-client) basis in the lump sum of $100,000.00.

41. The Applicant further requests that this sum be made payable forthwith, jointly and severally by the Crown in right of Canada, the named defaulting Respondents, and the implicated non-party intermeddlers, inclusive of counsel (where applicable and to be determined based on silence or opposition (if applicable) who officiously maintained this obstruction, serving as a definitive, unassailable sanction against institutional fraud and ensuring the absolute preservation of the *Rule of Law*.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 15th day of July, 2026.

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