

Federal Court



Cour fédérale

Date: 20250508

Docket: T-1787-24

Citation: 2025 FC 839

Ottawa, Ontario, May 8, 2025

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

KANIZ FATEMA

**Plaintiff/
Moving Party**

and

JUSTIN TRUDEAU (HONOURABLE PRIME MINISTER OF CANADA)

**Defendant/
Responding Party**

ORDER

[1] On April 25, 2025, the Plaintiff and Moving Party filed a Motion Record for a motion in writing pursuant to Rule 369 of the *Federal Courts Rules*, SOR/98-106 (the *Rules*), for an Order:

- 1) Granting an extension of time for her to file a Motion Record under Rule 51;
- 2) Granting her judgment in the amount of \$ 100,000;
- 3) Costs;

- 4) An order for the Department of Justice to initiate/coordinate an investigation for the police report, 21-222140 of the Durham Regional Police Service, Ontario;
- 5) An order for the Department of Justice to initiate/coordinate an investigation about Jacob D'Rozario, resident of Ajax, Ontario, Calgary Police File, CA23336945 and CA23200246, Durham Regional police file 21-11744;
- 6) An order for the Department of Justice to initiate/coordinate a process to enact a unified Federal Residential Tenancy Act for across Canada because the provincial governments discriminatory Residential Tenancy Acts are unfair, unequal and only serve the purposes of the stronger lobbies, and because affordable housing is under the jurisdiction of the Crown.
- 7) An order for the Department Justice to initiate/coordinate a process to enact tough laws to eliminate Violence Against Women in Canada; and,
- 8) To arrange to provide the copies of all the materials in her action bearing docket number T-1787-24 to the honorable Prime Minister Justin Trudeau.

[2] It appears from the Court file that a solicitor at the Department of Justice was served with an electronic copy of the Plaintiff's April 25, 2025, motion record on April 25, 2025. It also

appears from the Court file that no responding record has been filed within the 10 days provided for the service and filing of a responding record on a motion in writing pursuant to Rule 369(2) of the *Rules*. No request for an extension of time for the service and filing of a responding record has been received by the Court.

[3] The Court will therefore consider and dispose of the Plaintiff's motion without evidence or submissions from the Defendant.

I. **Preliminary Matters**

[4] The Federal Court is a statutory court and has the jurisdiction granted to it by Parliament pursuant to the *Federal Courts Act*, RSC 1985, c F-7. Its role is to resolve disputes that are within its jurisdiction, interpret the law and defend the Constitution. As such, it is completely separate in authority and function from all other participants in the justice system (*The Queen v. Beauregard*, 1986 CanLII 24 (SCC), [1986] 2 SCR 56, at paras 30 and 31). It can only act within the confines of section 101 of the *Constitution Act* and the confines of its statutory power (*Windsor (City) v. Canadian Transit Co.*, 2016 SCC 54, at paras 14 to 16, 33 to 35).

[5] The relief sought by the Plaintiff at paragraphs 4 and 5 of her Notice of Motion is not relief that is within this Court's jurisdiction to grant. This Court's statutory jurisdiction is set out at sections 17 to 26 of the *Federal Courts Act* as well as in other statutes that may grant it powers in connection with specific matters. As was succinctly summarized by Madam Justice Kane in *Theaker v. Canada (Justice)*, 2018 FC 662 at para 49, this Court does not have any jurisdiction to investigate any alleged criminal activity or to order that an investigation be conducted. The

Plaintiff's motion is therefore dismissed within respect to the relief sought at paragraphs 4 and 5 of her Notice of Motion.

[6] The same result follows with respect to the relief sought by the Plaintiff at paragraphs 6 and 7 of her Notice of Motion as the relief sought is resolved by the separation of powers in Canada. The judiciary and this Court interpret the law, apply the law and resolve legal disputes while the legislature enacts legislation. The Executive proposes laws, administers and implements policy (Halsbury's Laws of Canada, Constitutional Law: Charter of Rights; Constitutional Law; Division of Powers, First Edition, at HCL-47 "Separation of Powers" (2019 reissue); Guy Régimbald and Dwight Newman, *The Law of the Canadian Constitution*, 2nd Ed (Toronto: LexisNexis Canada, 2017) at section 3.133, page 106; *Fraser v Public Service Staff Relations Board*, 1985 CanLII 14 (SCC), [1985] 2 SCR 455, at pages 469-470; *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, 2003 SCC 62 (CanLII), [2003] 3 SCR 3 at para 34; *RJR-MacDonald Inc. v. Canada (Attorney General)*, 1995 CanLII 64 (SCC), [1995] 3 SCR 199, at para 136). This Court has no jurisdiction or authority to order the initiation or coordination of a process to enact a unified Federal Residential Tenancy Act to apply across Canada or to enact laws intended to eliminate gender-based violence. The Plaintiff's motion is therefore dismissed within respect to the relief sought at paragraphs 6 and 7 of her Notice of Motion.

[7] The same result follows with respect to the relief sought at paragraph 8 of the Plaintiff's Notice of Motion. The service of documents upon other parties in an action is the responsibility

of the parties themselves pursuant to Rules 126 to 141 of the *Rules*. The Plaintiff's motion is therefore dismissed within respect to the relief sought at paragraph 8 of her Notice of Motion.

[8] The Plaintiff's request for judgment and damages must also be dismissed as there is no motion for default judgment or otherwise before the Court and the Plaintiff's Statement of Claim has not been included her motion material contrary to Rule 364(2)(f) of the *Rules*. There is no basis upon which judgment may be granted.

[9] With these preliminary matters considered and disposed of, I may now consider the Plaintiff's motion pursuant to Rule 51 of the *Rules*.

II. **Extension of Time to Appeal from an Associate Judge's Order**

[10] The Plaintiff seeks an Order extending the time for her to serve and file her appeal from Madam Associate Judge Ring's Order made on December 6, 2024, pursuant to Rule 74 of the *Rules* to remove a motion record filed by the Plaintiff from the Court file.

[11] Rule 51(1) of the *Rules* provides that an order of an associate judge may be appealed by way of motion made to a judge of the Federal Court. Rule 51(2) provides that the notice of the motion for the appeal shall be served and filed within 10 days after the day on which the order under appeal was made.

[12] The 10-day period during which the Plaintiff could have served and filed her notice of motion to appeal the Associate Judge's order expired on December 16, 2024. She is clearly out

of time to proceed unless she obtains an order pursuant to Rule 8 of the *Rules* extending the time for her to serve and file her Notice of Motion to appeal.

[13] Our jurisprudence establishes that a party seeking an extension of time to complete any step prescribed by the *Rules* must show that granting the sought extension of time is in the interests of justice (*Canada (Attorney General) v. Larkman*, 2012 FCA 204 (CanLII) at para 62; *Grewal v. Canada (Minister of Employment & Immigration)*, 1985 CanLII 5550 (FCA), [1985] 2 F.C. 263 (C.A.)). The relevant circumstances to establish this include whether: (1) the party had a continuing intention to pursue the matter, which commenced before the relevant time limit expired; (2) there is a reasonable explanation for the delay; (3) there is some merit to the party's application; and (4) there is no prejudice to the opposite party (*Greenblue Urban North America Inc. v. Deeproot Green Infrastructure, LLC.*, 2024 FCA 19, at para 6; *Rafique v. Canada (National Revenue)* 2023 FCA 112, 2023 A.C.W.S. 2239 at paras. 2-3; *Canada (Attorney General) v. Hennelly*, 1999 CanLII 8190 (FCA), [1999] F.C.J. No. 846, 224 N.R. 399 at para. 3).

[14] The Plaintiff has not led any evidence on this motion that establishes:

- 1) her continuing intention to pursue an appeal from the Associate Judge's December 6, 2024, Order;
- 2) any explanation for the delay of more than 4 months in moving to appeal the December 6, 2024, Order,
- 3) that there is any merit to her intended appeal; or,

4) whether there is any prejudice that would be suffered by the Defendant if the extension of time was to be granted.

[15] It is therefore not in the interests of justice to extend the time for the Plaintiff to appeal from Associate Judge Ring's December 6, 2024, Order (*Clinique Gascon Inc. v Canada*, 2023 FC 1757, at para 37).

[16] The Plaintiff's motion is therefore dismissed, without costs.

THIS COURT ORDERS that:

1. The Plaintiff's motion is dismissed, without costs.

"Benoit M. Duchesne"
Judge