

Federal Court



Cour fédérale

Date: 20250520

Docket: T-954-25

Citation: 2025 FC 907

Ottawa, Ontario, May 20, 2025

PRESENT: Justice Andrew D. Little

BETWEEN:

BRANDON WAYNE WILLIAM YOUNG

Plaintiff

and

HIS MAJESTY THE KING

Defendant

ORDER AND REASONS

[1] The defendant has filed a motion in writing to strike out the statement of claim filed on March 21, 2025, without leave to amend. The statement of claim seeks a declaration of the self-represented plaintiff's "absolute, fundamental rights".

[2] The motion will be granted in part. To summarize, the Court's principal function is to resolve legal disputes. A statement of claim must tell the defendant and the Court what the dispute between the parties is about. A statement of claim must sufficiently define the legal and

factual issues. It must have sufficient material facts in it to show that there is a specific dispute to resolve, and what that dispute is. Those facts, which the Court assumes are true just for this kind of motion, must support a legal cause of action against the defendant. To seek a declaration of rights, the statement of claim must show that there is a live dispute or controversy between the parties.

[3] If a statement of claim does not contain one or more legal causes of action, and sufficient material facts to support the legal claim(s), the Court may strike out that statement of claim.

[4] In this case, the statement of claim does not meet those requirements. It does not tell the defendant or the Court what the dispute is about. It pleads no material facts showing what legal dispute exists with the defendant, which might allow the Court to make a declaration of the plaintiff's rights. The pleading does not define the legal and factual issues that the plaintiff seeks to raise. The statement of claim also does not show any live dispute or controversy between the parties.

[5] While the statement of claim must be struck out, the plaintiff will have an opportunity to file a revised statement of claim to meet these requirements.

A. *The Statement of Claim*

[6] The statement of claim states that the plaintiff is a natural human being born in Halifax. It pleads excerpts from:

- a) the *International Covenant on Civil and Political Rights*, Can T.S. 1976 No. 47;
- b) the *International Covenant on Economic, Social and Cultural Rights*, Can. T.S. 1976 No. 46;
- c) the *Universal Declaration of Human Rights*, G.A. Res. 217 A (III), U.N. Doc. A/810, at 71 (1948);
- d) the *Canadian Charter of Rights and Freedoms* (the “Charter”)

[7] The statement of claim refers to commentary by the United Nations Human Rights Committee concerning Article 18 of the *International Covenant on Civil and Political Rights*. It refers to the Supreme Court’s decision in *Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)*, [1990] 1 SCR 425, and sets out a passage concerning section 7 of the *Charter* (quoted in *Thomson Newspapers from Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 SCR 927, at p. 1004).

[8] The statement of claim pleads a distinction between the rights of individuals and rights and powers of artificial persons as creatures of the state. The pleading refers to the alleged nature of an individual’s rights in relation to the state.

[9] Under the heading “Relief Sought”, the statement of claim states:

The plaintiff therefore claims as follows:

- (a) My understanding of the Crown Liability and Proceedings Act, 22.1 is that the court shall not, as against the Crown, grant an

injunction or make an order for specific performance may make an order declaratory of the rights of the parties.

(b) Therefore, I seek an order declaratory of my absolute, fundamental rights.

B. *Legal Principles applicable to this motion*

[10] Rule 221(1)(a) of the *Federal Courts Rules*, SOR/98-106 provides that on motion, the Court may order that a pleading be struck out, with or without leave to amend, on the ground that it discloses no reasonable cause of action. The Court may also order that the action be dismissed.

[11] The test applicable on a motion to strike under Rule 221(1)(a) is whether it is plain and obvious, assuming the facts pleaded are true, that the claim has no reasonable prospect of success: *McMillan v Canada*, 2024 FCA 199, at para 74. As Justice Southcott recently summarized in *Dugas v. Canada (Attorney General)*, 2025 FC 842, at paragraph 23:

... The plaintiff must plead, in summary form but with sufficient detail, the constituent elements of each cause of action or legal ground raised. The pleading must tell the defendant who, when, where, how and what gave rise to its liability (*Mancuso v Canada (National Health and Welfare)*, 2015 FCA 227 ... at paras 16–20, leave to appeal to SCC refused, 36889 (23 June 2016); *McMillan* at paras 63, 66–67). However, pleadings should be read generously such that inadequacies in the claim that are merely the result of drafting deficiencies should be accommodated (*McMillan* at para 76).

[12] Facts pleaded in a statement of claim are assumed to be true on a motion to strike out the claim, unless they are manifestly incapable of being proven: *Atlantic Lottery Corp. Inc. v. Babstock*, 2020 SCC 19, [2020] 2 SCR 420, at para 87.

[13] A statement of claim may be struck out for failure to allege sufficient material facts, including in cases involving the *Charter*: *Michel v. Canada (Attorney General)*, 2025 FCA 58, at para 70; *Brink v. Canada*, 2024 FCA 43, at para 59.

[14] The Federal Court of Appeal explained the pleadings principles in *Michel*:

[69] Rule 174 of the *Federal Courts Rules* provides that “[e]very pleading shall contain a concise statement of the material facts on which the party relies”. Rule 181(1) further requires that pleadings “contain particulars of every allegation contained therein”. Compliance with these requirements is essential for trial fairness and the orderly management of proceedings before the Federal Court. As this Court noted in *Mancuso* [2015 FCA 227] at paragraphs 16–17:

It is fundamental to the trial process that a plaintiff plead material facts in sufficient detail to support the claim and relief sought. As the judge noted “pleadings play an important role in providing notice and defining the issues to be tried and that the Court and opposing parties cannot be left to speculate as to how the facts might be variously arranged to support various causes of action.”

The latter part of this requirement – sufficient material facts – is the foundation of a proper pleading. If a court allowed parties to plead bald allegations of fact, or mere conclusory statements of law, the pleadings would fail to perform their role in identifying the issues. The proper pleading of a statement of claim is necessary for a defendant to prepare a statement of defence. Material facts frame the discovery process and allow counsel to advise their clients, to prepare their case and to map a trial strategy. Importantly, the pleadings establish the parameters of relevancy of evidence at discovery and trial.

[15] In addition, a court will only grant a declaration if it will have practical utility, that is, if it will settle a “live controversy” between the parties: *Iris Technologies Inc. v. Canada*, 2024 SCC

24, at para 58 (affirming 2022 FCA 101; see esp. at para 18); *Daniels v. Canada (Indian Affairs and Northern Development)*, 2016 SCC 12, [2016] 1 SCR 99, at para 11; *Right to Life Association of Toronto v. Canada (Attorney General)*, 2022 FCA 220, at paras 13-14.

C. *The Court's conclusion on this motion*

[16] It is plain and obvious that the statement of claim discloses no reasonable cause of action. There are no facts pleaded that identify any legal dispute between these two parties that may be determined by this Court. Has the defendant taken some action that has affected the plaintiff's rights or freedoms? What precisely is that conduct? What specific rights did the defendant violate? Who did it and what role did they occupy with the defendant? What was the context – how did it all happen? When? These are some of the factual questions that are unanswered in this statement of claim.

[17] While the requirement is not to plead all facts – only material facts – in this case the statement of claim falls well short. It pleads almost no facts at all, and certainly no material facts supporting a legal cause of action for a declaration of rights. The statement of claim is devoid of any factual details to support a cause of action or any live dispute or controversy between the parties: see *Amos v. Canada*, 2017 FCA 213, at para 36.

[18] Although the defendant raised arguments under other paragraphs of Rule 221(1), there is no need to consider whether they might also support a decision to strike out the statement of claim.

[19] The defendant asked that the statement of claim be struck without leave to amend and that the Court dismiss the action. I decline to do so on this motion. In my view, the plaintiff should be permitted another opportunity to tell the defendant and the Court what the live legal dispute is with the defendant (assuming there is one), what material facts are relied upon, and otherwise to meet the pleadings requirements of the *Federal Courts Rules*. The plaintiff may do so within 45 days of this order, but it is not required.

[20] Accordingly, the defendant's motion is granted in part. There will be no costs order.

ORDER IN T-954-25

1. The statement of claim dated March 21, 2025, is struck out.
2. The plaintiff is permitted, but is not required, to file an amended statement of claim within 45 days of this order, in accordance with the Reasons.
3. There is no costs order.

"Andrew D. Little"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-954-25

STYLE OF CAUSE: BRANDON WAYNE WILLIAM YOUNG v HIS
MAJESTY THE KING

**MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO
RULE 369 OF THE *FEDERAL COURTS RULES***

REASONS FOR ORDER AND ORDER: A.D. LITTLE J.

DATED: MAY 20, 2025

SOLICITORS OF RECORD:

Brandon Wayne William Young

SELF-REPRESENTED

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FOR THE RESPONDENT