

Federal Court



Cour fédérale

Date: 20250604

Docket: T-1774-24

Citation: 2025 FC 1007

Ottawa, Ontario, June 4, 2025

PRESENT: The Honourable Madam Justice Kane

BETWEEN:

BAHAA M. IZZ

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

ORDER AND REASONS

[1] On April 29, 2025, the Court issued a Notice of Status Review to the Applicant, Mr. Bahaa M. Izz [Mr. Izz], based on the fact that more than 180 days had elapsed since the Notice of Application for Judicial Review [Notice of Application] was filed and despite Mr. Izz's motions, correspondence to the Court and the Court's Directions, Mr. Izz has not taken the required steps, in accordance with the *Federal Courts Rules*, SOR/98-106 [the Rules] to advance his Application for Judicial Review [the Application].

[2] In the Notice of Status Review, the Court explained that it had issued several Directions since August 2024 directing the parties to provide their availability for and to attend Case Management Conferences in order for Mr. Izz to clarify the allegations in the Notice of Application and to establish a timetable for the next steps. The Court noted that Mr. Izz had repeatedly refused to attend any Case Management Conference. The Court also noted that it had issued Orders and Directions clearly stating that Mr. Izz bears the onus of establishing his allegations as set out in his Notice of Application and that the next step was for him to file an Application Record.

[3] The Court further noted that Mr. Izz continues to frequently correspond with the Court, including to: raise evolving and confusing allegations; seek to dictate the process; demand that the Respondent provide him with evidence he believes exists in order for him to establish the very allegations which he bears the burden of establishing; and, advise the Court that he will pursue other remedies, appeals and complaints. However, Mr. Izz has not taken the required steps in accordance with the Rules to advance his Application.

[4] Since the issuance of the Notice of Status Review, Mr. Izz has continued to correspond with the Court and with the Office of the Chief Justice and has made several additional allegations about the Court and judges of this Court. Mr. Izz has issued ultimatums regarding the complaints he will pursue if the Court does not agree with him.

I. The Jurisprudence on Status Review

[5] Upon receipt of a Notice of Status Review, the party in default, in this case Mr. Izz, is required to respond and answer two questions: (1) is there justification for the failure to move the case forward, and (2) what measures does the party in default propose to take to move the case forward (*St. Hilaire v Canada (Attorney General)* 2020 FCA 87 at para 4 [*St. Hilaire*], *Lui v Matrikon Inc*, 2010 FCA 329 at para 2, citing *Baroud v Canada (Minister of Citizenship and Immigration)*, 1998 160 FTR 91 (TD), 1998 CanLII 8819 (FC) [*Baroud*]).

[6] In *Baroud*, the Court explained at para 5:

The two questions are clearly inter-related in that if there is a good excuse for the case not having progressed more quickly, the Court is not likely to be very exigent in requiring an action plan from the plaintiff. On the other hand, if no good reason is advanced to justify the delay, the plaintiff should be prepared to demonstrate that he recognizes that he has a responsibility to the Court to move his action along. Mere declarations of good intent and of the desire to proceed are clearly not enough. Likewise, the fact that the defendant may have been lax and may not have fulfilled all his procedural obligations is largely irrelevant: primary responsibility for the carriage of a case normally rests with a plaintiff and at a status review the Court will look to him for explanations.

II. Background

[7] On July 15, 2024, Mr. Izz filed the Notice of Application, which states that it is filed pursuant to subsection 24(1) of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK), 1982*, c 11 [the *Charter*]. Mr. Izz alleges that “threat reduction measures” were taken against him, which he reported to the police; that the release of information he requested through the Access to

Information and Privacy process was obstructed; and, that alternative measures pursuant to the *Criminal Code*, RSC 1985, c C-46, were taken against him without his consent. Although no details of these allegations are provided, Mr. Izz claims that these alleged actions have deprived him of his *Charter* rights, which he describes as including “enjoying his legitimate rights in pursuing [sic] and advancing lawful causes by his side (e.g. continuing his graduate education, having personal enrichment, capitalizing on his achievements, enjoying his well being and advancing and improving his life quality on almost all levels and aspect [sic], immigrating to Canada, becoming a Canadian citizen and enjoy [sic] democratic rights)”. Mr. Izz does not articulate with any specificity how his rights were infringed or by whom; he states that the relief he seeks will be “specified in separate judicial motions that can provide relevant details regarding their justifications and connections to the rights of the Applicant as per the Charter”.

[8] In response to correspondence from Mr. Izz, the Court has issued many Directions, several of which explain that the Court determines motions and applications in accordance with the relevant statutory provisions and the Rules, and that generally, an applicant bears the burden of establishing their allegations.

[9] The Court’s Directions have also attempted to curtail Mr. Izz’s ongoing, persistent correspondence with the Court, the Registry, and the Office of the Chief Justice, yet it continues.

[10] On January 6, 2025, the Court dismissed Mr. Izz’s motion which sought to compel the Respondent to disclose, by way of an affidavit, a “Measures and Allegations report as per the description, terms and conditions of the Appendix A”. The Court’s Order notes that the proposed

Appendix A was created by Mr. Izz and appears to be based on Mr. Izz's speculation that certain measures have been taken against him. Mr. Izz had argued that the Respondent was required to file an affidavit and exhibits, and that the Respondent had breached Rule 307 by not doing so. Mr. Izz also sought to dictate the contents of the Respondent's affidavit.

[11] The Court found that Rule 307 establishes the timeline for the filing of a respondent's affidavits and exhibits but does not impose any obligation on a respondent to do so, and accordingly, the Respondent was not required to file an affidavit and exhibits in response to the Application.

[12] Mr. Izz subsequently filed a second motion seeking reconsideration of the Court's January 6, 2025, Order dismissing his motion to compel the Respondent to file an affidavit.

[13] By Order dated February 7, 2025, the Court dismissed the second motion finding that a motion for reconsideration is not the mechanism to dispute the Court's decision, but rather an appeal could be pursued.

[14] The Court stated, "Mr. Izz clearly wants this Court to reverse its Order; he wants the Court to compel the Respondent to file an affidavit. Mr. Izz does not take "no" for an answer, as he repeatedly demonstrates in his correspondence with the Court. The Court has clearly refused to compel the Respondent to file an affidavit and has provided its reasons. This motion is a disguised attempt at an appeal; however, the Court does not sit in appeal of its own orders".

[15] The Court added that in the event that Mr. Izz did not pursue an appeal, the next step would be for Mr. Izz to file his Application Record.

[16] The Court also noted, among other things, that Mr. Izz's applications (referring to this Application and his now discontinued application in T-1088-24) and his motions lacked clarity and that many of his allegations and arguments were incomprehensible. The Court added that its attempts to convene Case Management Conferences to permit Mr. Izz to clarify his allegations and set out the next steps to move the Application forward had been ignored and/or rejected by Mr. Izz. Instead, Mr. Izz sought to dictate a different procedure.

[17] The Court directed "that any further Motions or Applications by Mr. Izz that are in the proper format and are in accordance with the Rules and that raise justiciable issues will be accepted for filing only with leave of the Court; and that the Office of the Chief Justice will not respond to any further correspondence by Mr. Izz, as Mr. Izz has been previously advised".

III. Submissions on Status Review

[18] In his submissions, Mr. Izz describes his relocation to Canada and his attempt to obtain a visa to enter the United States, among other information, which does not appear to be related to his Notice of Application and/or which is based on Mr. Izz's misunderstanding about the jurisdiction of this Court. He alleges that "authorities in Canada have continuously prevented the Applicant from obtaining key information related to his case". Mr. Izz refers to other things that are not concepts known to this Court including that "martial judges" have issued "judicial authorization against him...", that foreign states have caused "national defence measures against

him through state actors”, and that the Court should order “fact inspection and discovery”.

Mr. Izz submits that his Application should continue in accordance with his desired plan because there are political aspects and foreign entities involved; false allegations have been made against him (without indicating who has made the false allegations or what these allegations are); “there are indicators of judicial authorization against the Applicant (including by this Judge)”;

“ATIP disclosures does not always reflect facts that take place on grounds”; civil rights and judicial integrity are at issue; and, that dismissing his Application will “harm the public and international trust in the Canadian Courts”. Mr. Izz states that “when the Applicant receives disclosure from the Respondent as part of facts inspection and discovery then he may only highlight the issues that concerns him” [*sic*].

[19] Mr. Izz again alleges that the Respondent was required to produce documents to him and that “the failure of the Respondent to meet its obligations... by facilitating cost effective facts inspection and discovery reduced the ability of the Applicant to litigate efficiently...”.

[20] Mr. Izz submits that his plan for advancing his Application requires the Respondent to:

... facilitate facts inspection and discovery disclosure in a judicial proceeding (not through ATIP) by providing [him] with the following:

All the authorized prejudices, interventions, decisions (judicial, quasi judicial or executive) that were made by Canadian or allied countries about the Applicant. All the justification of authorized interventions (including but not restricted to, claiming being an informer or insider by allied entities). And the exact involved entities and everything that the Applicant was, or has been, investigated or suspected or accused with by Canadian authorities or their allies. All the details about the alternative to detention measures of the CBSA against him.

[21] Mr. Izz proposes two options: first, that he file an informal motion to amend his Notice of Application or to seek summary judgment to obtain the records he wants; and second, to wait until he can generate some income to permit him to obtain legal representation. He also seeks his costs in this Status Review against the Respondent, arguing that the Respondent sought the review and caused the delay.

[22] The Respondent submits that the Application should be dismissed because Mr. Izz has not provided a reasonable explanation for his delay or a reasonable plan to move his Application forward. The Respondent notes that Mr. Izz has failed to correct his deficient process despite extensive direction from this Court.

[23] The Respondent notes that the Court has issued 16 Directions since the filing of the Notice of Application, Mr. Izz has sent over 33 letters to the Court (of which the Respondent is aware) and that Mr. Izz has failed to attend Case Management Conferences.

[24] The Respondent notes that the information Mr. Izz has included in his submissions in response to the Notice of Status Review continues to make unfounded allegations without specificity and refers to his immigration history (which is new information, the relevance of which is not apparent), yet fails to advance a plan to proceed with his Application. The Respondent further submits that Mr. Izz continues to make the same demands that the Respondent produce documents, which the Court has clearly stated is an issue for the Court to determine.

[25] In Mr. Izz's reply to the Respondent's submissions, he seeks to blame the Respondent for making false allegations about him (of which there is absolutely no evidence to support) and for delaying his Application, again arguing that the Respondent failed to file an affidavit in the required time period to produce documents that Mr. Izz assumes exist and are held by the Respondent. Mr. Izz also alleges that the Respondent has practiced "a vexatious attitude" and has obstructed justice, which has resulted in a miscarriage of justice and discrimination. Mr. Izz makes other allegations that are not responsive to the issue on this Status Review.

IV. Mr. Izz's Plan to Advance his Application is Rejected

[26] Mr. Izz has not established a satisfactory justification for failing to move his Application forward since he filed his Notice of Application in July 2024. Mr. Izz's proposed plan for the next steps do not address the need to file an Application Record, which would be the only next step. Mr. Izz's submissions and proposals show, as in the past, that he does not accept the Court's Orders and Directions. Moreover, Mr. Izz's Notice of Application, motions, correspondence, and current submissions add bits of unconnected information (much of which is confusing and incomprehensible), mischaracterize and misunderstand legal concepts, and refer to matters that are not known to this Court.

[27] Mr. Izz's ultimatums indicating that he will pursue other recourse, including complaints about the Court and its judges to other authorities, do not distract this Court from addressing the current issue, which is whether Mr. Izz has provided a justification for his failure to advance his Application and whether he has a realistic plan to do so. As noted in *Baroud*, declarations of intent and desire to proceed are not enough.

[28] Mr. Izz has not satisfied the Court that he has a reasonable explanation for not taking the required procedural steps to pursue his Application. Mr. Izz blames the Respondent and the Court for the delay and for his inability to file an Application Record. He fails to acknowledge that the Court's Orders and Directions, as described above, have attempted to seek clarity about his allegations and have clearly advised him that the Respondent is not required to produce the documents he believes exist, even if relevant documents could be identified, in order for Mr. Izz to establish his allegations. He also fails to accept that, as he has been advised, he bears the onus of providing sufficient evidence to support his allegations in accordance with the law and the Rules.

[29] Mr. Izz's proposed plan again demands that the Court order the Respondent to "facilitate facts inspection and discovery", which the Court interprets as seeking the very same information that the Court has addressed in its previous Orders and Directions, for which the Respondent is not required to provide and for which the Court's determination, in the context of Mr. Izz's Application, is required.

[30] In *St. Hilaire*, the Federal Court of Appeal conducted a status review and dismissed the application for judicial review, finding that the applicant failed to meet the requirements established in the jurisprudence. The Court of Appeal noted that the applicant had sought to blame the respondent for delay and had been previously advised by the Court that he was not entitled to the information he sought. The Court of Appeal stated at paras 5-6:

[5] As the applicant, Mr. St. Hilaire bears the burden of moving this case forward: *Cotirta v. Missinippi Airways*, 2012 FC 1262, 45 Admin. L.R. (5th) 255 at para. 15, 2012 FC 1262, aff'd 2013 FCA 280. While he did respond to the Notice of Status

Review, Mr. St. Hilaire has not provided a satisfactory explanation to justify his delay in pursuing this matter. His “explanation” for the delay essentially consists of a series of allegations with respect to the alleged “evasive action” on the part of the respondent in failing to produce witnesses for examination.

[6] Nor has Mr. St. Hilaire provided a proposed timetable for the completion of the steps necessary to advance the proceeding in an expeditious manner. Rather, he submits that “[i]n order to advance the Proceedings and arrive at a timely, truthful disposition of this action, immediate direction by the Court to the Respondent for all information currently being evaded or omitted for any reason”. With respect, this is an unsatisfactory response, particularly in light of the fact that Mr. St. Hilaire has already been told by this Court that he is not entitled to the information that he seeks.

[31] This Court reaches the same conclusion, noting the similarities in the considerations; Mr. Izz has failed to provide a satisfactory explanation for the delay and has failed to provide a reasonable plan or timetable for the completion of the next steps in his application.

[32] Mr. Izz’s proposal to amend his Notice of Application and seek summary judgment does not make sense.

[33] Mr. Izz’s proposal to earn income in order to retain legal representation is the only feasible option but does not save this Application. Legal representation would assist Mr. Izz in identifying whether he has any legal options to challenge identifiable decisions that have affected him that could be the subject of an application for judicial review or other action.

[34] The Court acknowledges that Mr. Izz is a self-represented litigant and that navigating the judicial system is challenging. However, the Court and the Court’s Registry have attempted to

provide direction to Mr. Izz regarding the proper procedure. As noted, Mr. Izz has refused to attend scheduled Case Management Conferences, which would have been an informal way to seek clarification of his Application. Further case management would be futile. Mr. Izz has also either rejected the Court's Orders or does not fully understand them. Mr. Izz requires further guidance, ideally by way of legal representation, to assist him in pursuing any valid claims he may have, either related to the alleged breach of his *Charter* rights or with respect to particular decisions that he can identify and has grounds to challenge.

[35] In the event that Mr. Izz obtains legal representation and seeks to pursue a Notice of Application that sets out sufficient grounds for the relief he seeks, identifies justiciable issues and complies with the Rules, he may seek to pursue a new application or action in the future. The current Application is dismissed.

ORDER in T-1774-24

THIS COURT ORDERS that:

1. The Application for Judicial Review is dismissed.
2. No costs are ordered.

"Catherine M. Kane"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1774-24

STYLE OF CAUSE: BAHAA M. IZZ v THE ATTORNEY GENERAL OF
CANADA

**WRITTEN REPRESENTATIONS CONSIDERED AT OTTAWA, ONTARIO
PURSUANT TO RULE 380 OF THE *FEDERAL COURTS RULES***

REASONS FOR ORDER AND ORDER: KANE J.

DATED: JUNE 4, 2025

WRITTEN REPRESENTATIONS BY:

Bahaa M. Izz ON HIS OWN BEHALF

Alexandra Scott FOR THE RESPONDENT

SOLICITORS OF RECORD:

None FOR THE APPLICANT

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Vancouver, British Columbia