

Court File No. T-1392-23

FEDERAL COURT

PETER TAIT

and

MIKE DUHEME,
COMMISSIONER OF THE ROYAL CANADIAN MOUNTED POLICE and the
ATTORNEY GENERAL OF CANADA and MINISTER OF PUBLIC SAFETY
and TREASURY BOARD OF CANADA

Respondents

F I L E D	FEDERAL COURT COUR FÉDÉRALE	D É P O S É
	JUL - 6 2023	
	FRANK FEDORAK	
VANCOUVER, BC		

NOTICE OF APPLICATION

TO THE RESPONDENT:

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 701 W Georgia St, Vancouver, BC.

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.

July 6, 2023

Issued by:
(Registry Officer)



FRANK FEDORAK
REGISTRY OFFICER
AGENT DU GREFFE

Address of local office: Pacific Centre
P.O. Box 10065 701
West Georgia Street
Vancouver, BC V7Y 1B6

TO: Attorney General of Canada
Department of Justice Canada
900 - 840 Howe Street
Vancouver
British Columbia V6Z 2S9

Commissioner Mike Duheme
Commissioner of the Royal Canadian Mounted Police
Department of Justice Canada
900 - 840 Howe Street
Vancouver, BC V6Z 2S9

Minister of Public Safety
Department of Justice Canada
900 - 840 Howe Street
Vancouver
British Columbia V6Z 2S9

Treasury Board of Canada
Department of Justice Canada
900 - 840 Howe Street
Vancouver
British Columbia V6Z 2S9

APPLICATION

This is an application brought under section 18.1 of the *Federal Courts Act*, R.S.C. 1985, c. F-7, for judicial review of an apparent decision of the Richmond Royal Canadian Mounted Police (RCMP) Detachment (the “Richmond Detachment”), to revoke the Applicant’s Top Secret security clearance, which was communicated to the Applicant by City of Richmond employees on or about March 14, 2023.

The Applicant makes application for:

- 1) An order quashing any decision of the Richmond Detachment to revoke and/or cancel the Applicant’s Top Secret security clearance;
- 2) An order in the nature of *mandamus*, to enforce the performance of the procedural steps required by the RCMP leading up to and including any decision to revoke or to consider revoking the Applicant’s Top Secret security clearance;
- 3) Costs of this application; and
- 4) Such further and other relief as the Court deems to be just and appropriate.

The grounds for the application are:

- 1) The Applicant held security clearance, as that term is defined by the Treasury Board’s *Standard on Security Screening* (the “*Standard*”), made pursuant to section 7 the *Financial Administration Act*, R.S.C., 1985, c. F-11.
- 2) Specifically, the Applicant has held Top Secret security clearance since on or about October 2006.
- 3) The *Standard* imposes certain requirements and obligations on those agencies and departments which are subject to its provisions. These requirements include procedural steps that must be followed when an applicable agency or department is considering revoking the security clearance of an individual, and which must be met following any decision to revoke an individual’s security clearance.
- 4) Among other requirements, the *Standard* establishes that deputy heads are accountable for rendering decisions to revoke or suspend an individual’s security clearance, and that such decision-making authority is non-delegable.

- 5) The RCMP is subject to the requirements imposed by the *Standard*.
- 6) The Applicant worked for the City of Richmond, as a Criminal Intelligence Analyst Supervisor, working out of the Richmond Detachment, between on or about June 2020 to March 2023.
- 7) The RCMP failed to inform the Applicant of any concerns or adverse information that it held prior to the apparent revocation of his security clearance, as required by the *Standard*.
- 8) The RCMP failed to conduct a security interview with the Applicant prior to its apparent decision to revoke his security clearance, as required by the *Standard*.
- 9) The RCMP failed to provide the Applicant with an opportunity to respond to any adverse information or concerns it may have prior to its apparent decision to revoke his security clearance, as required by the *Standard*.
- 10) The RCMP, and more specifically the appropriate deputy head, failed to directly communicate their decision to revoke the Applicant's security clearance to him in writing, failed to provide the Applicant with any reasons or information on which they based their apparent decision, and failed to inform the Applicant of his rights to redress, all as required by the *Standard*.
- 11) The RCMP failed to provide procedural fairness to the Applicant in the process leading up to and including its apparent decision to revoke and/or cancel his security clearance.
- 12) Such other grounds that counsel may advise.

This application will be supported by the following material:

- 1) Affidavit of Peter Tait, dated July 6, 2023;
- 2) Affidavit of Michelle Pagliuso, dated June 30, 2023;
- 3) Such other material as counsel may advise and this Court may allow.

The Applicant requests the Respondent to send a certified copy of the following material that is not in the possession of the Applicant but is in the possession of the Respondents to the Applicant and to the Registry:

1. All materials in control or possession of the Respondents that relate to the Applicant's security clearance and the RCMP's purported decision to revoke and/or cancel his security clearance.

July 6, 2023



Tamara Ramusovic and Scott C. Garoupa
Moore Edgar Lyster
200 – 375 Water Street
Vancouver, BC V6B 0M9
Telephone: (604) 689-4457
Facsimile: (604) 689-4467
Email: tamararamusovic@mooreedgarlyster.com
scottgaroupa@mooreedgarlyster.com