Court of King's Bench of Alberta

Citation: ATB Financial v Dimsdale Auto Parts Ltd, 2024 ABKB 143

Date: 20240313
Docket: 2303 10871
Registry: Edmonton

Between:

ATB Financial

Plaintiff

- and -

Dimsdale Auto Parts Ltd and Elliot James Edward McDavid

Defendants

- and -

Edward Jay Robin Belanger

Interfering Unauthorized Third Party

Memorandum of Decision
of the
Associate Chief Justice
D.B. Nixon

I. Introduction

[1] On June 16, 2023, ATB Financial [ATB] initiated in the Alberta Court of King's Bench a foreclosure action [*Foreclosure Action*] in relation to a mortgaged business property near Grande Prairie, initially owned by Dimsdale Auto Parts Ltd [Dimsdale]. Elliot James Edward McDavid [Mr. McDavid] is the owner of Dimsdale, and personally guaranteed the mortgage. This decision does not directly relate to the parties to this litigation, or the foreclosure proceeding, but rather that an interfering third party who calls himself "minister" Edward Jay Robin Belanger [Belanger] has inserted himself into this proceeding. As will subsequently become apparent, Alberta jurisprudence and academic investigation has rejected that Belanger operates as a legitimate religious personality, so I will not use the title "minister" with Belanger. Since Belanger rejects being addressed as "Mr. Belanger", because that is a dead thing title, I only refer to Belanger by his last name.

[2] Belanger calls himself an "*amicus*". However, Belanger is not a lawyer, but, instead, is a self-declared religious figure and authority who has a long and dismal record in Canadian courts. Belanger is the inventor and central actor behind a fake church, the "Church of the Ecumenical Redemption International" [CERI]. Belanger invented CERI circa 2000 after courts did not accept his claims of religious and legal authority as a "Reformed Druid".

[3] Belanger is a "guru", a person who promotes "Organized Pseudolegal Commercial Arguments" ["OPCA"], a category of not-law concepts identified by Associate Chief Justice Rooke in the frequently referenced ***Meads v Meads***, 2012 ABQB 571 [***Meads***] decision. In fact, Belanger, his personal activities, and CERI are documented and directly dismissed in ***Meads*** at paras 134-39, 183-88, so this Court is well acquainted with Belanger and his operations.

[4] Belanger, like other OPCA gurus, claims to have secret techniques and concealed legal knowledge that Belanger purports will provide extraordinary benefits and immunities. Belanger says that he and his fellow "ministers" (always uncapitalized) are strict King James Bible literalists. Any Canadian law that does not conform to the 1611 version of the King James Bible cannot bind or affect them because that Bible is a supraconstitutional authority via the UK monarch's Coronation Oath. Belanger and CERI interpret the purported King James Bible supraconstitutional authority in sometimes very unusual ways. For example, Belanger and his fellow "ministers" claim they are exempt from motor vehicle regulations (e.g., motor vehicle licence plates, registration, insurance) and vehicle use legislation (e.g., *Traffic Safety Act*, RSA 2000, c T-6; *Criminal Code*, RSC 1985, c C-46) because any such limit would interfere with their "ministerial duties". CERI "ministers" instead operate "Ecclesiastical Pursuit Chariots" that are protected and exempt religious vehicles: ***Meads*** at para 186. Unsurprisingly, Canadian courts uniformly reject all such CERI claims, e.g., ***Meads***, ***Potvin (Re)***, 2018 ABQB 652 [***Potvin #1***]; ***CP (Re)***, 2019 ABQB 310 [***CP #1***].

[5] Unfortunately, that has not stopped Belanger from continuing to advance his false not-law schemes, with the result that those who follow his instructions experience negative outcomes, usually made much worse by Belanger's involvement. Belanger and CERI "ministers" also have a sizable record of initiating legally false and abusive *Criminal Code* ss 504, 507.1 private informations and filing spurious court lawsuits and applications that retaliate against court, law enforcement, and government actors, including decision-makers of the Alberta Court of King's Bench.

[6] Belanger has no legal basis to participate in the *Foreclosure Action*. He is not a party. He is prohibited from acting as a litigation representative pursuant to the *Legal Profession Act*, RSA 2000, c L-8, since Belanger is not a lawyer. Similarly, an "*amicus curiae*" is a court-appointed lawyer who acts as "a friend to the court". Belanger is neither a lawyer, not the Court's friend.

[7] However, the issue with Belanger's court and litigation participation goes far deeper. Belanger is an individual who victimizes his customers and clientele, and who wastes court resources. Belanger knows perfectly well that none of his not-law claims work.

[8] Belanger has been found guilty and incarcerated for criminal activity, despite his claim he is exempt from Canadian criminal law. Belanger's customers and clientele have lost their homes, been incarcerated, penalized, been prohibited from access to their children, among other negative consequences. These are all reasons why Belanger has no place in the Alberta Court of King's Bench system, or being involved in any litigation before the Alberta Court of King's Bench.

II. Belanger's Involvement in the *Foreclosure Action*

[9] Belanger was almost immediately involved in the mortgage dispute. On June 21, 2023, Mr. McDavid sent an email to ATB the reads:

> hi
>
> here is a video from my pastor, please listen and reply according.
>
> Thanks
>
> elliot mcdavid
>
> https://youtu.be/RDTIqOAsYjM

[10] This email and video is consistent with Belanger's standard practice of "Noticing" targets with foisted unilateral demands that purport to end disputes in his customer's favour: ***Meads*** at paras 136-37.

[11] Belanger's first direct participation in the *Foreclosure Action* occurred during a January 8, 2024 Chambers appearance before Applications Judge Birkett where ATB sought summary judgment and a redemption order. At this point Belanger self-identified as "... minister Edward Jay [Robin], and I appear here in the nature of amicus curiae ...". As previously noted, Belanger is neither qualified to be, nor appointed as, an *amicus curiae*, so this self-proclaimed title is false. Belanger then continued:

> I'm appearing here as this man's minister. He's a recent convert to Christianity. And upon hearing his heartfelt plea to me and the notice of a force majeure and, obviously, on a frustrated contract, we're asking for a court of inherent jurisdiction on adjournment so we can review this matter as a forensic audit seems to be necessary of this account because there's some impropriety of the figures my parishioner has record of.
>
> And, also, there's a record with ATB that I think it was about 2 years ago he was told to stop making payments by an ATB officer. And there would be a record on file. We've called ATB, and they evidently said all phone calls are, by default, recorded. So they've got a copy of that phone call.

> He was also told by the manager of his branch that during the time period -- there was a default time period that he had -- that there would be no interest charged on that account. He then finds out that that was a lie. That's also a matter of record with ATB.
>
> So I believe this would go to a court of inherent jurisdiction, where not only the audit and the consideration of the force majeure frustrated contract brought on by the COVID fiasco, which, of course, put him in a frustrated position as it did millions of Canadians, and that this could be more of a proper honourable review so as to bring his newfound faith into the Court's purview so they can examine so as to give him fair justice and not bring the court's reputation into disrepute.

[12] As is obvious from this excerpt, Belanger is acting as Mr. McDavid's litigation representative, though Belanger is not a lawyer. That is in breach of the *Legal Profession Act* and illegal. Subsequently Mr. McDavid personally makes statements to the Court and answers questions from the Applications Judge. During these exchanges Belanger continues to participate, guiding and directing Mr. McDavid's statements.

[13] Next, Belanger advances claims that Mr. McDavid cannot be charged interest because of his "conversion to Christ", the stereotypic CERI King James Bible as supraconstitutional authority claim. Belanger explains that he has previously acted for other CERI members and forced banks to not pursue debt interest owed by his "ministers" - now Mr. McDavid should receive the same benefit:

> Because of the nature of his recent conversion to Christ, it has come to his attention that usury is a violation of his faith.
>
> Now, previous, in 2012, with ATB I myself went into the manager of ATB, downtown Edmonton, not too -- about two blocks from here, and we spoke to the manager, and we told the manager that the woman Barb Shadow (phonetic) and Dieter Shadow (phonetic), that I was speaking for on that -- on that day had recently taken up their faith in Christ and can no longer commit to usury, and she would like the usury she had paid to apply to the principal so she could continue paying the account and cancel the auction that had been put in place. All of their farm property had been put up for surety, and the auction was set for Monday.
>
> We were there on the Friday, and the bank, upon hearing this, the bank manager, turned to my parishioner Barbara and asked her, Is this true that you've just taken up your faith, and you can't pay usury anymore? And she said, Yes. She picked up the phone, phoned the lawyer for the bank, and said: We've got a settlement arranged here. I'd like you to cancel the auction and arrange to meet Barbara Shadow in the courthouse on Monday to sign the papers. And she said: I've cancelled this arrangement for you in lieu of the fact she's just taken up her faith. I 1 respect that, and I hope I've helped you today. Is there anything else I can do for you? And we said, No, thank you very much, and we left.
>
> The auction was cancelled. She continued paying the principal. And this is what my parishioner would like to do. He would like to do exactly the same thing as this precedential event that took place in 2012 with ATB. It was a settlement outside of court ... And in consideration of his faith ... This is why I've come to

> the court seeking a court of higher jurisdiction, inherent in the belief ... As of his faith, he really can't commit to the usury anymore. He's quite sincere ...
>
> [Emphasis added.]

As illustrated in the last paragraph, Belanger is directly acting as a litigation participant in this proceeding, he, *personally*, comes to the Court.

[14] I also take judicial notice that this narrative - that all one needs to do to not pay interest on loans is to engage a bank or lender and declare one's "... faith in Christ and can no longer commit usury ..." - is extremely unlikely to reflect whatever happened in 2012 with the farm owners. This extraordinary claim requires extraordinary proof (***VWW v Wasylyshen***, 2013 ABQB 327 at para 52, leave refused 2014 ABCA 121), since what Belanger is claiming would result in large-scale disruptions to Canada's financial apparatus and institutions. And even if the described event did occur, that ATB gifted farm owners probably many thousands of dollars in payments legally due under contract, that is irrelevant to whether Mr. McDavid, in a completely separate contract, has the right to demand a court enforce what would effectively be a gift by ATB, based on no legitimate legal precedent or authority.

[15] Next, Belanger explicitly lays out standard CERI claims that the King James Bible is a supraconstitutional authority:

> His biblical term I think precedents ... any legal formation of what usury is. The Bible is very specific. I have all of the scriptures here that he is not to commit to usury. Now, the Bible can't be superseded, and his faith and belief is respected. We have a defender of the faith Christian monarchy. ... So how I would suggest the Court would do this: First of all, to recognize his faith and beliefs as prime. If he has an act of self determination, which you were to ... what I'm believing here is international covenants take precedent in this matter over all, and I would hope that the Court would recognize that international law, in recognizing his faith and beliefs, are written in the preamble to the Emergencies Act of Canada, the International Covenant on Civil and Political Rights. ... the inherent jurisdiction of the international covenants supersedes all Provincial Courts.

[16] In the subsequent exchanges again, Belanger is obviously operating as Mr. McDavid's litigation representative, arguing what procedures should be followed, and claiming that the Supreme Court of Canada decisions of ***Roncarelli v Duplessis***, 1959 CanLII 50 (SCC), [1959] SCR 121 and ***Syndicat Northcrest v Amselem***, 2004 SCC 47 mean "Contracts are void if they violate your faith." Ultimately, the January 8, 2024 proceeding is adjourned to a later date, and as the appearance ends once again Belanger operates as a legal representative of Mr. McDavid, arguing on when the next hearing should be scheduled, what negotiations and/or discussions Belanger would conduct with the lender, and debating with the Court the significance of this Chambers appearance.

[17] Now Belanger claims there are no legitimate lawyers in Alberta, because of allegedly defective oaths:

> ... what we're hoping in that 30 days is, recognizing this man, without legal counsel as of his Christian faith and beliefs, it requires him to get an oath-valid lawyer. It's unfortunate that the discovery is that there is no oath-valid lawyer in

> Alberta. They're all violating the Federal Oaths of Allegiance Act without a doubt and for a surety.
>
> And so because of that, of his faith and beliefs, he can't go and obtain a lawyer that doesn't have a valid oath. So he's very -- in a very much compromised position because the whole Law Society of Alberta is operating with this invalid oath in violation of the Federal Oaths of Allegiance Act and in clarity.

[18] The *Foreclosure Action* was then adjourned until March 27, 2024.

[19] Subsequently, on January 29, 2024, "minister Elliot [McDavid]" wrote counsel for ATB, stating:

> I am sorry I did not respond but I am now, and I am hoping you acknowledge your duty to respect the revised order and the law precedence provided indicating the need for the prerogative writ of Mandamus. I do hope you realize the discomfort this has brought upon us, and as recognizing your duty to acknowledge the offer to settle the account minus the usury will bring no hardship or damage.

[20] Presumably, this "writ of Mandamus" is a demand that the Court force ATB to gift Mr. McDavid payments that were "usury". That was followed by what appears to be a revision to the draft order prepared by Counsel for ATB in relation to the January 8, 2024 hearing:

> **IT IS HEREBY ORDERED AND DECLARED:**
>
> **RE:PAGE 2 OF THE ORDER**
>
> Upon hearing that the faith and beliefs in Christ of the respondents in the King James Bible ,and specifically, in not submitting to Usury, (as is the old testament of the 1611 King James directive followed by Islam) is being jeopardised by reliance upon a secular mortgage contract of a financial assumptive nature that is,as of the respondents new found faith, in breach of the respondents ability to perform. In the courts duty to be in acknowledgment of the purview and purpose of the Alberta Frustrated contracts Act it is in the nature of offering an honorable remedy to the religious frustration the respondents' have found themselves in that the court must acknowledge the decision of the Supreme Court of Canada in the Northcrest Syndicat V Amselem decision of 2004 and does herein grant a preogative writ of mandamus as outlined herein in remedy, and must recognise the right of Self Determination as noted in the first article of the International covenant on Civil and Political Rights as ratified law in Canada's Emergencies Act as is binding upon the court.
>
> I object to the draft order and particulars are as follows .We require of the court to produce a order in the nature of a prerogative writ of mandamus with the duty entailed upon all service providers and applicants in this matter , of an emergent faith based nature, to take note of and be so demanded by, to respect the precedent of secular statutory provision in code such as 176, 180 and 423 of the Criminal Code of Canada as supported by the Frustrated Contracts Act of Alberta and acknowledged stare decicis of the 2004 Supreme Court of Canada ruling in Syndicat Northcrest V Moise and Gladys Amselem. Syndicat Northcrest v Amselem Collection Supreme Court Judgements. Date 2004-06-30. Neutral

> citation [2004] 2 SCR 551.Case number 29252,29253.This prerogative writ in the nature of mandamus serves both parties well in such exigent and emergent circumstances in saving the honor of the court harmless. This order in the nature of a prerogative writ of mandamus will be of a intent and purpose to focus and engage the duty of the court in recognition of the original jurisdiction purview of 180 of the criminal code to impress upon the representatives of ATB their obligation in international law such as the first article of the ICCPR as noted ratified law located in Canadas Emergencies Act supplemented by article 3,17 and 18 and as watched over by article 27 of the Vienna Convention as noted in page 410 of the Supreme Court Judgments , Date 1981-09-28 ,Report [1981] 2 SCR 392. It will also honorably serve to emphasize the duty of ATB applicant to ensure the obligation of honoring the order outlining the equitable offer to settle the full principle of the debt. This honorable offer by the aid of this prerogative writ will serve to save the faith harmless, and is inclusive of also deducting all the usury or interest charged since the inception of the original account with ATB, is accepted so as to remedy all claims and save the newly established faith of Elliot Mc David harmless. This is qualified and is indeed a proviso of equity observable in respect of the remedy obeying 180 of the criminal code offers. this order will be acknowledging the principle of an accepted fact that a contract cannot be held to interfere with the free exercise and the liberty to take up a faith , namely Christian adhering to scriptural tenant of not committing to usury, Exodus 22;25, the basic rule regarding interest is ‘If thou lend money to any of my people that is poor by thee, thou shalt not be to him as a usurer, neither shalt thou lay upon him usury ‘ will be honorably remedial and offering no hardship upon the principle applicant on behalf of ATB in acknowledging that the same thing was done with Barbara and Dieter Schadow from Wildwood Alberta with ATB in the late fall of 2012. Supreme Court case Zingre vs The Queen et al. Collection Supreme Court Judgements Date 1981-09-28 Report [1981] 2 SCR 392. We require the issuance of this order and do so consent to the nature and cause it is offered in lieu of the damages and incontrovertible harm that may be seen upon the reputation of the court if it may be denied.
>
> Sincerely,
>
> minister Elliot [McDavid]
>
> [Sic. Emphasis in original.]

[21] At this point counsel for ATB contacted Applications Judge Birkett to reject that these documents reflected the result of the January 8, 2024 appearance, and had led to any valid legal processes. Instead, counsel for ATB argued that Belanger and Mr. McDavid were advancing OPCA concepts, and that Belanger should not be involved in the *Foreclosure Action*. Applications Judge Birkett then referred the Court’s response to Belanger to myself as the Administrative Justice for the Alberta Court of King’s Bench responsible for management of abusive litigation and litigants.

III. Belanger's Litigation and Dispute Record

[22] Belanger has a record of abusive litigation activity and abuse of court processes that dates back to the early 2000s, and perhaps earlier. Pseudolaw subject expert Donald J Netolitzky has conducted a detailed peer-reviewed examination of Belanger and CERI, investigating the antecedents, purported beliefs, pseudolaw theories, and litigation by Belanger and his affiliates: Donald J Netolitzky, "Jesus Built My Strawman: The Church of the Ecumenical Redemption International and "minister" Edward Jay Robin Belanger" (2023) 6 International Journal of Coercion, Abuse, and Manipulation, DOI: 10.54208/1000/0006/004, online (pdf): *ResearchGate* <www.researchgate.net/publication/370057527_Jesus_Built_My_Strawman_The_Church_of_the_Ecumenical_Redemption_International_and_minister_Edward_Jay_Robin_Belanger>. Netolitzky identified multiple examples of problematic activity by Belanger that are relevant to his suitability to be a court participant, and that includes:

- Belanger threatening to kill law enforcement and others after Belanger claimed he owned religious title on a residence: Netolitzky at III(B).
- Attempts by Belanger to seize control as an "*amicus curiae*" of a divorce matter involving an 80-year-old man who was institutionalized for diminished capacity after having suffered multiple strokes: Netolitzky at IV(A). Belanger frequently claims to act as some kind of legal representative in other people's litigation: Netolitzky at IV(C).
- Attempting to conduct civil litigation processes against hundreds of Alberta Justices, including all justices of the Alberta Court of King's Bench: Netolitzky at IV(B).
- Conducting and/or directing collateral attacks and retaliatory litigation against court personnel and justices (Netolitzky at IV(C), IV(G)(1), IV(G)(3), IV(H)), and appearing as a purported expert in law (Netolitzky at IV(F)).
- Supporting legal immunity and release of a serial child sex offender subject to Long-Term Offender status: Netolitzky at IV(I). The release sought was the offender would be supervised by Belanger, personally.

[23] Netolitzky concludes that Belanger and his clientele represent the most litigious OPCA population in Canada, on a per-capita basis. The dominant characteristic of this population is using litigation and pseudolaw to attempt to inflict harm on perceived enemies: Netolitzky at V(A).

[24] As previously indicated, prior to founding CERI, Belanger purported to be a "Reformed Druid", and claimed typical pseudolaw benefits such as immunity from Canadian law where that law conflicted with his Druidic belief: Netolitzky at III(B). Belanger's history of illegal activities includes drug production and trafficking, and weapons offences (***Unrau #2*** at 196, Netolitzky at III(B), V(D)). Belanger not only purports to be immune from legal obligations, but also takes advantage of social benefits, for example demanding Assured Income for the Severely Handicapped support: Netolitzky at III(C).

[25] Belanger uses claimed religious status as a "hot button" tactic (Netolitzky at III(B)), though this Court has repeatedly rejected that so-called CERI religious beliefs are genuine (e.g., ***CP #1*** at paras 33-34; ***CP (Re)***, 2019 ABQB 388 at para 14 [***CP #2***]; ***Potvin #1***). Netolitzky at III(C) reviews the behaviour of Belanger and his followers, the purported theological basis of CERI's scheme, and concludes:

> Together, these observations imply that CERI's members, including Belanger, are not honest when they frame pseudolaw as purportedly sincere and honest religious beliefs. Succinctly, CERI is a fake church. This situation is not unprecedented in the pseudolaw world, particularly as a mechanism to evade income tax (e.g., *In re Universal Life Church, Inc.*, 128 F. 3d 1294, Court of Appeals, 9th Circuit 1997). The reason why CERI robes itself as a Christian institution is patently obvious. No-one took Belanger and his fellow "Reformed Druids" seriously, so Belanger and his followers have adopted a more plausible religious mask: as fanatical King James Bible literalists. ...
>
> ... Despite its name, CERI is not a religious community or organization, but, instead, CERI is a litigation entity. CERI is not a *religious* cult. CERI is a *legal* cult, organized around one person--Belanger--and that *pretends* to be a religion because of the special privileged, if not taboo, status religious belief has in Canadian law and popular society.
>
> [Netolitzky at III(C), IV, emphasis in original.]

[26] I accept this Court's and the academic evaluation that Belanger, CERI, and CERI members are not engaged in genuine religious belief. As Netolitzky (IV(E), IV(H)), Rooke ACJ (***Potvin #1*** at paras 121-134; ***Potvin (Re)***, 2019 ABQB 785 at paras 22-28) and Thomas J (***CP #2*** at paras 14-15) have observed, supposedly profound beliefs such as that legitimate legal activities represent "necrophilia and necromancy" are nothing more than flags of convenience, and are discarded "like so many used napkins". Justice Thomas in ***CP #2*** at para 14 concluded demands by a CERI litigant that "... must be accommodated as religious belief are no more substantive than claims that a pasta colander is religious headgear ...".

IV. Control of Belanger as an Abusive Unauthorized Pseudolaw Representative

[27] Based on Belanger's history and his more recent activities, I conclude that steps should be taken to control and restrict Belanger's activities before the Alberta Court of King's Bench. Belanger is not a lawyer, so he is prohibited from representing persons before the Alberta Court of King's Bench: *Legal Profession Act*, RSA 2000, c L-8, s 106. As identified above, Belanger was obviously engaged in the unauthorized practice of law at the January 8, 2024 appearance. That is a first reason why Belanger should be subject to control.

[28] Second, Belanger's claim to be an "*amicus curiae*" is false. An *amicus curiae* is a court-appointed or designated lawyer who is "a friend of the court" and assists in court proceedings: ***R v Kahsai***, 2023 SCC 20. An *amicus curiae* is a lawyer. Belanger has no legal training or professional certification. Furthermore, Belanger identified himself as representing Mr. McDavid, which is not the role of an *amicus*. In any case, Belanger is no "friend of the court", but instead has launched and guided litigation that attacks Canadian court processes. He is a "saboteur of the court", who rejects the application of Canadian law and legal procedure, whenever and wherever he chooses. When Belanger does not get his way, he sues and attempts to initiate criminal proceedings.

[29] As reviewed above, at the January 8, 2024 hearing Belanger was obviously advancing long discounted CERI concepts:

1. A claim that the UK monarch's Coronation Oath sworn on the 1611 King James Bible to be the "Defender of the Faith" is a kind of contract that means the 1611 King James Bible is a supraconstitutional authority that overrides all legal rules, legislation, and obligations. Instead, Canadian courts uniformly reject the Coronation Oath as legally meaningless: ***R v Crischuk***, 2007 BCPC 470 at paras 10-11; ***R v Lindsay***, 2011 BCCA 99 at para 31, leave to appeal to SCC refused, 34331 (6 October 2011); ***Claeys v Her Majesty***, 2013 MBQB 313 at paras 10-11, 28; ***R v Anderson***, 2014 BCSC 2002 at para 27; ***Law Society of British Columbia v Crischuk***, 2017 BCSC 531 at paras 25, 28, 30-32; ***Potvin #1*** at paras 105-106; ***Guibord v National Bank of Canada***, 2022 ONSC 1801; ***Rothweiler v Payette***, 2018 ABQB 399 at paras 61-65; ***CP #1*** at para 28; ***AVI v MHVB***, 2020 ABQB 489 at paras 92-95.

2. Canadian courts have consistently rejected that the Bible, or some other form of God's Law, has supraconstitutional authority, e.g. ***R v Simon***, 2003 ABQB 358 at paras 2, 4, 15; ***Meads*** at paras 276-285; ***R v Dornn***, 2012 MBCA 85; ***Dvoryadkina v Badalov aka Contant Blessings***, 2013 ONSC 6067 at paras 19-22, 25-27; ***Fidler v Burns Lake (Village)***, 2013 BCSC 921 at paras 58-60; ***R v Tyskerud***, 2013 BCPC 27 at paras 32-35; ***Girard v The Queen***, 2014 TCC 107 at para 23 [***Girard***]; ***MacDonald v First National Financial GP Corp***, 2013 NSCA 60 at para 41; ***McCartie v Canada (National Revenue)***, 2015 FC 222 at para 19; ***R v Ainsworth***, 2015 ONCJ 98 at paras 3-6; ***Servus Credit Union Ltd v Parlee***, 2015 ABQB 700 at para 41; ***Taha v Government of PEI***, 2018 PECA 18 at paras 16-17, leave to appeal to SCC refused, 38997 (2 April 2020); ***Taha v National Bank of Canada***, 2018 PESC 29 at paras 38-42; ***Potvin #1*** at paras 105-109; ***Gauvreau v Lebouthillier***, 2021 ABQB 172 at paras 25-29, late appeal dismissed 2021 ABCA 130 [***Gauvreau***]; ***Davidson v Alberta Health Services***, 2021 ABQB 886 at paras 21-23, action struck out as abusive 2021 ABQB 942; ***Docken v Anderson***, 2023 ABKB 313 at para 28.

   The Supreme Court of Canada in ***Mouvement laïque québécois v Saguenay (City)***, 2015 SCC 16 at paras 144-149 ruled that the *Canadian Charter of Rights and Freedoms*, s 7, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11 preamble reference to the "supremacy of god" is essentially meaningless:

   > ... the reference to the supremacy of God does not limit the scope of freedom of conscience and religion and does not have the effect of granting a privileged status to theistic religious practices. Contrary to what the respondents suggest, I do not believe that the preamble can be used to interpret this freedom in this way.

   See also ***Gauvreau***.

3. Canadian courts reject OPCA claims that international human rights treaties, such as the *International Covenant on Civil and Political Rights* have supraconstitutional status, either directly, or as automatically incorporated into the *Canadian Charter of Rights and Freedoms*: ***O'Brien v Murchland***, 2013 ONSC 4576; ***Girard*** at para 11; ***Crossroads-DMD Mortgage Investment Corporation v***

Gauthier, 2015 ABQB 703 at paras 86-89; ***Pearce v Canada***, 2016 FC 475 at para 29; ***Doell v British Columbia (Minister of Public Safety and Solicitor General)***, 2016 BCSC 1181 at paras 12, 16; ***Pomerleau v Canada (Revenue Agency)***, 2017 ABQB 123 at paras 97-127; ***Canadian Imperial Bank of Commerce v McDougald***, 2017 ABQB 124 at paras 39-43; ***R v White***, 2017 BCPC 380 at para 21; ***Howard v Attorney General of Canada***, 2018 ONSC 785 at para 13, aff'd 2019 ONCA 351; ***d'Abadie v Her Majesty the Queen***, 2018 ABQB 298 at paras 49-55; ***Knutson (Re)***, 2018 ABQB 858; ***Scotia Mortgage Corporation v Landry***, 2018 ABQB 951 at paras 42-43 [***Landry***]; ***CP #1*** at paras 23-24; ***CP #2*** at para 10, ***Lemay v Steele***, 2019 ABQB 429; ***Williams v Payette***, 2019 FC 800; ***Osadchuk v Canada***, 2023 FCA 82 at para 2; ***Kibalian v Canada***, 2024 FC 141.

4. Oaths sworn by officers, judges, and professionals are in some sense defective, or must be produced on demand. These oath-related arguments are stereotypic OPCA demands that have no legal effect: ***Meads*** at paras 287-290. I further note that Belanger's claim that there are no lawyers in Alberta because "... [t]hey're all violating the Federal Oaths of Allegiance Act ..." cannot be correct. Certification of lawyers and operation of the legal profession is a provincial jurisdiction (*Legal Professions Act*), and in Alberta the "official oath" for "... a person ... being admitted to a profession or calling ..." is set by *Oaths of Office Act*, RSA 2000, c O-1 s 2, not federal legislation.

[30] This Court has a broad and flexible inherent jurisdiction to control its processes, so that the Court may operate effectively to achieve its functions: ***R v Cunningham***, 2010 SCC 10 at para 10; I H Jacob, "The Inherent Jurisdiction of the Court" (1970) 23 Curr Legal Probs 23 at 27-28. That inherent jurisdiction includes the authority to remove lawyers, where appropriate: ***MacDonald Estate v Martin***, [1990] 3 SCR 1235 at 1245. That same authority applies to non-lawyer representatives and agents. The law in Canada is clear that a court does not merely have the authority to restrict and control who acts as a legal representative of any type, but, further, that the court has a positive obligation to ensure persons appearing before the court are "... properly represented ...", and "... to maintain the rule of law and the integrity of the court generally ...": ***R v Dick***, 2002 BCCA 27 at para 7 [***Dick***].

[31] Anyone who uses OPCA concepts abuses the Court: ***Unrau #2*** at para 180. In my view, a person who endorses and/or applies OPCA schemes is not an appropriate litigation representative: ***Dick***; ***Gauthier v Starr***, 2016 ABQB 213, leave denied 2018 ABCA 14; ***Shannon v The Queen***, 2016 TCC 255; ***Landry***; ***R v Ciciarelli***, 2019 ONSC 6719; ***AVI v MHVB***, 2020 ABQB 489; ***Manulife Bank of Canada v Thomas***, 2023 ABKB 564; ***World Energy GH2 Inc v Ryan***, 2023 NLSC 109; ***Mukagasigwa v Nkusi***, 2023 ABKB 423, leave to appeal refused 2023 ABCA 272. That is a further reason why Belanger should be prohibited from participating in litigation in which he is not a party.

[32] Belanger's highly problematic activity warrants an additional step that Belanger is physically excluded from Alberta Court buildings, except when Belanger is authorized to do so by court order, or he is personally appearing in Court. This admittedly unusual step (reviewed in ***Unrau #2*** at paras 838-846) is warranted because Belanger has a record of disruptive, interfering, threatening, and illegal behaviour that occurs inside court facilities and/or involves court and litigation actors, including:

- Belanger targets the judiciary and court personnel with *Criminal Code* ss 504, 507.1 private informations and spurious civil proceedings: ***Meads*** at paras 139, 188; Netolitzky at III, IV(B), IV(G)(1), IV(H).
- Belanger and his followers have entered into Alberta court facilities to disrupt operations, that required the Sheriffs to intervene and eject Belanger and other "ministers". Belanger then attempted to file criminal charges against the Sheriffs: ***Meads*** at para 139; Netolitzky at III.
- On other instances Belanger and his followers engaged in-court misconduct required the Sheriffs to intervene and remove these individuals by force: ***Meads*** at para 260; Netolitzky III(B).
- Belanger without legitimate authority has on multiple occasions attempted while in courtrooms to interfere with proceedings as an unauthorized person without legal basis: Netolitzky at IV(A).
- Belanger is known to clandestinely record court proceedings from the gallery, then publish those video recordings on the Internet.

[33] Aggravating these factors is that Belanger simply rejects Canadian law and criminal prohibitions apply to him. Belanger says he can therefore do whatever he wants. Belanger's lengthy record of illegal and criminal conduct supports that Belanger's means exactly what he says, though Netolitzky concludes that Belanger's illegal activity is based on greed, rather than ideology: Netolitzky at V(D).

[34] In addition, Belanger has a lengthy record of sending this and other Canadian courts inappropriate communications, and claiming to file unorthodox demands and documents that Belanger says have a binding effect, and entitle Belanger (and/or his followers) to take steps to have court workers and decision makers arrested, prosecuted, and fined: ***Meads***; Netolitzky.

[35] Courts of inherent jurisdiction have a broad authority to structure communications and interactions with persons so as to protect their operations and personnel, reviewed in ***JSG (Re)***, 2021 ABQB 555 at paras 8-13. *Occupational Health and Safety Act*, RSA 2000, c O-2.1, s 3(1)(b) requires this Court take reasonable and practical steps to prevent workplace harassment and bullying. In light of Belanger's well-established pattern of abusive, threatening, and bullying communications, and Belanger's simple rejection of court authority and processes, I conclude that any communications, materials, and candidate filings from Belanger should be subject to a preliminary review by an Administrative Justice of the Alberta Court of King's Bench.

[36] Based on the facts before me and my analysis of the law, I Order as follows.

1. Edward Jay Robin Belanger shall only communicate with the Alberta Court of King's Bench using the name "Edward Jay Robin Belanger", and not using initials, an alternative name structure, or a pseudonym.

2. Edward Jay Robin Belanger is prohibited from:

   (i) providing legal advice, preparing documents intended to be filed in Court for any person other than himself, and filing or otherwise communicating with the Alberta Court of King's Bench, except on his own behalf; and

(ii) acting as an agent, *amicus curiae*, next friend, McKenzie friend (from ***McKenzie v McKenzie***, [1970] 3 All ER 1034 (UK CA) and *Alberta Rules of Court*, Alta Reg 124/2010, ss 2.22-2.23), or any other form of representation in proceedings, before the Alberta Court of King's Bench.

3. For clarity, Edward Jay Robin Belanger is entirely prohibited from any further participation in any sense in the *ATB Financial v Dimsdale Auto Parts Ltd and Elliot James Edward McDavid*, Court of King's Bench Action No. 2303 10871 proceeding.

4. The Clerks of the Alberta Court of King's Bench shall refuse to accept or file any documents or other materials from Edward Jay Robin Belanger, unless Edward Jay Robin Belanger is a named party in the action in question.

5. Edward Jay Robin Belanger is prohibited from entering any Courthouse in Alberta, except if he is authorized to do so by court order, or is personally appearing in Court.

6. For greater clarity, paragraph 5 applies to all appearances by Edward Jay Robin Belanger, including criminal proceedings.

7. Edward Jay Robin Belanger may only communicate with the Alberta Court of King's Bench in relation to any matter before the Alberta Court of King's Bench or other subject:

(i) by registered mail, addressed to the Chief Justice of the Alberta Court of King's Bench, an Associate Chief Justice of the Alberta Court of King's Bench, or his or her designate;

(ii) by a person authorized under the *Legal Profession Act*, RSA 2000, c L-8 to act as a representative in the Alberta Court of King's Bench; or

(iii) if authorized to do so by an Order of the Alberta Court of King's Bench.

[37] I also note to Belanger that any document that Belanger sends to this Court that includes formal defects as set in the January 21, 2019 "Revised Master Order for Organized Pseudolegal Commercial Arguments ("OPCA") Documents" of Moreau CJ (as she then was) (see ***Babb v Parrish & Heimbecker Limited***, 2019 ABQB 687) will be rejected.

IV. Conclusion

[38] Belanger is prohibited from any participation in Alberta Court of King's Bench proceedings, except where he, personally, is a named party. Belanger is prohibited from entering Alberta Courthouses, except where he is appearing before a court. Belanger is subject to communications restrictions so that Belanger may only communicate with the Alberta Court of King's Bench via registered mail, a lawyer, or as authorized by court Order.

[39] The Court shall prepare the Order giving effect to this Memorandum of Decision. Mr. McDavid and Belanger's approval of that Order is dispensed with, pursuant to the *Rule* 9.4(2)(c) of the *Alberta Rules of Court*. This Memorandum of Decision and the corresponding Order shall be served upon Mr. McDavid and Belanger by email to the addresses used by Mr. McDavid in his correspondence this matter (dimsdaleauto@yahoo.com) and Belanger in his irregular

correspondence to the Court (owlmon@gmail.com). In light of Belanger's illegal practice of law, I direct a copy of this decision and order is provided to the Law Society of Alberta.

[40] Although s 23.1 of the *Judicature Act*, RSA 2000, c J-2 granted this Court the authority to initiate *Judicature Act* ss 23-23.1 processes on its own motion, in ***Jonsson v Lymer***, 2020 ABCA 167 at para 48, the Court of Appeal "read down" that authority and ruled the Alberta Court of King's Bench must invite parties to file a *Judicature Act* ss 23-23.1 application when faced by a persistent abusive litigant whose litigation misconduct is not suitable for case management: e.g., ***Dmyterko v Nissan Canada Inc***, 2021 ABQB 286; ***Feeney v TD General Insurance Company***, 2021 ABQB 604; ***Wu v Canada (Attorney General)***, 2021 ABQB 749; ***Sun v Allwest Insurance Services Ltd***, 2022 ABQB 18; ***Anderson (Re)***, 2022 ABQB 35; ***Richardson v MacDonald***, 2022 ABQB 317; ***Christofi v Newcombe***, 2022 ABQB 429; ***Wolf v Oasis Mobile Home Park***, 2022 ABQB 529; ***Weidenfeld v Alberta (Minister for Seniors and Housing)***, 2022 ABKB 688, aff'd 2023 ABCA 353.

[41] In light of Belanger's established pattern of repeated and persistent abusive litigation and disruption of court processes, I invite ATB to initiate a *Judicature Act* ss 23-23.1 application to impose court access restrictions on Belanger. I request that ATB indicate whether it will pursue a *Judicature Act* ss 23-23.1 application in relation to Belanger by April 19, 2024.

[42] I very strongly recommend Mr. McDavid read the case law and other publications cited in this Memorandum of Decision. Most of these judgments may be accessed from the CanLII website (www.canlii.org) at no cost. If Mr. McDavid has any questions, he should consult with an accredited lawyer. I caution Mr. McDavid that if he continues to employ pseudolaw tactics in Alberta Court of King's Bench litigation then Mr. McDavid can anticipate negative outcomes, including elevated costs, court-imposed penalties, and potentially litigation and litigant management steps.

[43] Belanger will likely disagree with this result. Mindful of the ***Pintea v Johns***, 2017 SCC 23 instruction that Canadian judges shall provide information on litigation alternatives to persons not represented by lawyers, if Belanger seeks to challenge steps imposed in this Memorandum of Decision, then the appropriate remedy is with the Alberta Court of Appeal.

Dated at the City of Edmonton, Alberta this 13th day of March, 2024.

D.B. Nixon
A.C.J.C.K.B.A.

Appearances:

Susy Trace
Miller Thomsom LLP
for the Plaintiff ATB Financial

Elliot James Edward McDavid
Self-represented Litigant

Edward Jay Robin Belanger
Interfering and unauthorized purported *amicus curiae* representative.