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Court File No. T-1127-24

Federal Court

F I L E D	FEDERAL COURT COUR FÉDÉRALE	D É P O S É
	MAY 13 2024 NATALIE WONG	
VANCOUVER, BC		4

BETWEEN:

CHRISTOPHER JAMES HUGHES

Plaintiff

AND

HIS MAJESTY THE KING

Defendant

STATEMENT OF CLAIM

TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the [Federal Courts Rules](#), serve it on the plaintiff's solicitor or, if the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court

WITHIN 30 DAYS after the day on which this statement of claim is served on you, if you are served in Canada or the United States; or

WITHIN 60 DAYS after the day on which this statement of claim is served on you, if you are served outside Canada and the United States.

TEN ADDITIONAL DAYS are provided for the filing and service of the statement of defence if you or a solicitor acting for you serves and files a notice of intention to respond in Form 204.1 prescribed by the [Federal Courts Rules](#).

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 DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Issued by:
(*Registry Officer*)

Address of local office: Federal Court
 701 W Georgia St
 Vancouver BC
 V8Y 1G5

TO: Department of Justice
 900-840 Howe Street
 Vancouver BC
 V6Z 2S9

Facts

Background

1. The Plaintiff had three discrimination complaints against the Federal Crown upheld by the Canadian Human Rights Tribunal in October 11, 2012, July 9, 2014 and May 29, 2019.
2. A Tribunal remedy order of June 1, 2018 was ignored by the Crown and the Crown failed to file for a Stay of Execution. The Crown was required to immediately implement the award.
3. The Canadian Human Rights Act was tabled in 1977 and included this in the Introduction:

“For the purpose of enforcement, an order of the Tribunal may be made an order of the Federal Court of Canada, enforceable by contempt of court sanctions....”
4. In 1993 the Federal Court confirmed that the Crown must obey Tribunal awards and promptly pay the arbitral award in the absence of a Stay of Execution.
Canada v Thwaites 1993 canlii 16524
5. The Thwaites case was unreported and uncited. It only posted to Canlii sometime in 2021.
6. The Plaintiff was unaware of *Thwaites* from 2018 to August 2021.
7. In 2008 the Department of Justice sought a Stay of Execution against a Tribunal award in favour of Ali Tahmourpour; on his Enforcement file T-768-08 by motion dated January 28 2009.
8. The Treasury Board of Canada and the Receiver General on Public Accounts of Canada both confirm that Tribunal Awards and Labour Relation Board Awards are not subject to the Crown Liabilities and Proceeding Act and are paid out once a copy of the arbitral award is received.
9. The Department of Justice would have knowledge of bullet 4, 7 and 8.

10. The Plaintiff opened an Enforcement file July 7, 2018, file number T-1315-18 to enforce the Transport Canada Remedy order of June 1 2018.
11. While the Crown refused to implement the Plaintiff's award the Crown implemented the award of Martin Nadeau with four years back pay. 2018 CRTESPF 28
12. The pay action request for Mr. Nadeau was sent May 2, 2018 nineteen days after the decision. The pay action request included a copy of the decision of the Labour Board per Treasury Board policy.
13. The Department of Justice blocked 6 attempts by the Plaintiff to enforce the award by making fraudulent misrepresentations to the Court that Tribunal awards are subject to the Crown Liabilities and Proceedings Act and that a Rule 474 Certificate of Judgment was needed.
14. The Department of Justice did not disclose the Thwaites case law to the Court or the Plaintiff and withheld the Treasury Board and Receiver General information from the Court and from the Plaintiff.
15. With the proper case law and Treasury Board Policies the Court would have ordered compliance with the June 1, 2018 Remedy Order on October 17, 2018.
16. Prior to mediation the Plaintiff informed the Crown that he would file a motion to quash the six decisions obtained by fraud.
17. The Plaintiff also began contempt proceedings against a Federal Minister by a Motion dated December 29 2020.
18. This motion was rejected for filing due to a Style of Cause issue.
19. The Crown, instead of agreeing to a consent order to quash the decisions, asked the AGC for consent to label the Plaintiff a vexatious litigant under Section 40 of the Federal Court Act on File Number T-1315-18, the Enforcement file.

20. The consent to file an application under Section 40 was approved by the Deputy Attorney General on January 14, 2021 when there were no active motions on Enforcement File T-1315-18.
21. The Plaintiff was unable to use *Thwaites*, in August 2021, to file a motion to quash the six fraudulently obtained decisions of the Court because of the Section 40 application.
22. The filing of the Section 40 and obtained consent was for an improper purpose, namely to block the quashing of the six fraudulent decisions and to block a contempt of court charge against a Federal Minister. This is an abuse of process.
23. This collateral attack against the Tribunal Order; the contempt motion and the Plaintiff's right to enforce the remedy order has never been successfully used in Canada.
24. The Attorney General of Canada was in a conflict of interest as the Crown's refusal to obey the Tribunal award could attract charges under Section 59 and 60 of the CHRA and those charges must be approved by the AGC.
25. The Plaintiff attended mediation May 13, 2022 without the ability to file a motion to quash the 6 fraudulent decisions, being improperly labeled a vexatious litigant, being unemployed and heavily indebted.

The Settlement

26. The Plaintiff and the Defendant signed a settlement agreement May 13, 2022.
27. The minutes of settlement contain provisions that are illegal.
28. The consideration paid by Canada demonstrates the Plaintiff was not a vexatious litigant and that the Plaintiff had valid, founded claims.
29. The settlement provided a financial payment for the Plaintiff to withdraw quasi criminal proceedings and complaints.
30. The Defendant forced the Plaintiff to withdraw quasi criminal files, investigations, privacy requests and an access to information request by withholding the settlement funds.

31. The consideration paid was agreed upon to be non-taxable damages in the presence of representatives of Canada Revenue Agency.
32. The Plaintiff was unable to apply for jobs with Canada from May 13 2022 to present because of a blacklisting clause in the settlement contrary to section 14 and 59 of the Canadian Human Rights Act.
33. The Settlement was used to block the Plaintiff from pursuing contempt of court charges against two Federal Ministers; an investigation request to CRA over the \$100 00 in tax deductions that were not remitted to the CRA; the failure of Canada to remit pension deductions to the pension fund, the EI deductions to the EI fund and the Plaintiff's intention to quash six decisions of the Courts due to fraudulent representations by the Department of Justice.
34. Department of Justice lawyer Liz McDonald confirmed the February 2019 payment, based on the Tribunal order, was taxable, pensionable and insurable by making all the deductions, complying with section 46 of the EI Act and acknowledging a further tax gross up payment may be needed.
35. The Eaton and Van Elslande cases in the Tax Court of Canada (affirmed by the Federal Court of Appeal) show that Tribunal awards for lost wages are taxable, pensionable and insurable. *Eaton v The Queen 2007 TCC 555 and Van Elslande v The Queen 2007 TCC 370*
36. The Plaintiff completed the legal aspects of the settlement by withdrawing all active files by May 19, 2022.
37. The Defendant did not pay the consideration until June 13, 2022.
38. The Remedy Order of the Tribunal from June 1 2018 and made an Order of the Federal Court July 7, 2018 is still active and was never quashed by consent of the parties. The Order "continues to speak".
39. The Court registry mislabeled File T-1315-18 as a Application for Judicial Review when it is a "Copy of Decision". A discontinuance cannot be filed on an Enforcement file

Relief Sought

40. The plaintiff therefore claims against His Majesty the King as follows:

- A) An Order that Canada Revenue Agency is estoppel and unable to review the consideration paid and an Order to strike bullet 16 from the Minutes of Settlement because the parties had agreed the consideration paid was non-taxable damages.
- B) An Order that the portions of the settlement that relate to quasi criminal proceedings, appeals, motions, complaints, investigations along with the vexatious litigant proceedings be removed from the Minutes of Settlement
- C) An Order for pre and post judgment interest on the consideration paid from June 1 2018 to May 13 2022 and May 13 2022 to June 16 2022.
- D) In the alternate to C interest paid from May 19, 2022 to June 13, 2022.
- E) An Order that the clauses preventing the Plaintiff from working for Canada (bullets 7 and 8 of the MOS) be struck from the Minutes of Settlement, and damages of \$200 000 be awarded
- F) An Order that Canada pay the pension deductions into the Plaintiff's CPP pension to correct his Record of Earnings per the outstanding Court Order dated July 7, 2018 and per Section 97 (2) (b) of the CPP statute
- G) An Order that Canada pay the tax and EI deductions from February 2019 to Canada Revenue Agency and issue appropriate tax forms
- H) An Order that Canada breached the settlement when CRA asked the Plaintiff for \$17 000 in CERB/ CRB repayments from 2019 after the Settlement date and damages of \$50 000 for this breach
- I) An Order that CRA is estoppel from pursuing the \$17 000 in CERB/CRB payments due to the settlement

- J) An Order that Canada issue the Letter from bullet 14 of the Settlement in proper format (that the consideration paid was all damages) and that the Crown breached this portion of the Settlement

- K) An Order that Canada disclose all information leading to the consent of the Attorney General of Canada for Transport Canada to apply for a Section 40 application under the Federal Court Act approved January 14, 2021 by Lynn Lovett

- L) An Order that Canada pay the \$5850 withheld February 2019 to the Receiver General per Section 46 of the EI Act

- M) An Order for costs

- N) An Order for pre and post judgment interest

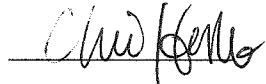
- O) An Order for punitive damages of \$100 000

41. The Plaintiff relies on the Canadian Human Rights Act, the Criminal Code of Canada, the Income Tax Act, the Financial Administration Act, the CPP and EI Act and contract law.

42. The plaintiff proposes that this action be tried at Victoria, BC.

43. The action is not a simplified action.

Dated at Victoria BC the 12th day of May, 2024



CHRISTOPHER JAMES HUGHES

Plaintiff
176 Sims Ave
Victoria BC
V8Z1K