

Federal Court



Cour fédérale

Date: 20160218

Docket: T-1548-14

Citation: 2016 FC 226

BETWEEN:

**BRADLEY HUNT
DUSTAN WELCH-HUNT**

Plaintiffs

and

**HER MAJESTY THE QUEEN IN RIGHT OF
CANADA**

Defendant

REASONS FOR ORDER

PHELAN J.

[1] In the course of 2014 Mr. Hunt engaged in increasingly insulting, abusive and offensive language in dealing with staff of the Registry Offices of this Court.

[2] As a consequence, this Court issued, on June 26, 2014, an Order, the operative part of which provided:

1. Mr. Hunt is to cease and desist in communicating or describing the Court and Registry staff in terms as above or

similar terms and to cease and desist all abusive, insulting and offensive communication with the Court, whether in writing, orally or in any other manner;

[3] On July 14, 2014, due to Mr. Hunt continuing this offensive conduct, the Court issued a further Order as follows:

1. Until otherwise ordered by this Court, Mr. Bradley Hunt is to communicate with the Court and CAS staff in writing only. There are to be no oral communications of any type.
2. Mr. Bradley Hunt is to attend at Court in Toronto at 0930 on Thursday, July 31, 2014, to consider his communications issues with the Court and CAS staff.

[4] At the hearing of July 31, 2014, Mr. Hunt was warned that he was bordering on contempt and that he could face a term in jail if he continued.

[5] Matters went dormant for almost a year but began to ramp up in the summer of 2015.

[6] As admitted, Mr. Hunt made numerous calls to Registry Office staff in Ottawa. Although the Toronto Office had the principal contact with Mr. Hunt, no evidence from that office was put before the Court. Those calls were persistent (up to 25 calls in a single day), insulting and offensive.

[7] The Defendant brought contempt proceedings with respect to that July-August 2015 conduct.

[8] Mr. Bradley Hunt is a “lay litigant” and his action is related to the medical marihuana litigation generally. His action was stayed pending a determination of the constitutionality of the current medical marihuana regime. Actions by approximately 275 other lay litigants dealing with challenges to that regime have likewise been stayed.

[9] Mr. Hunt was extremely unhappy with his action being stayed and he took out his frustrations on Registry Office staff. As his recently appointed counsel, Mr. Marchetti, described it – Mr. Hunt could not differentiate the Court and/or judge (myself) from the Registry Office staff. He saw everything as a collusive effort by all to undermine his interests.

[10] The contempt proceedings having been commenced, it was the Court’s view (not necessarily shared by Mr. Hunt) that he needed counsel, that he was at risk of going to jail and that he was not able to conduct these proceedings as would be in his best interests. Discussions of a Rowbotham Order arose because Ontario Legal Aid at first declined to pay for counsel.

[11] Ultimately, Legal Aid did agree to pay for counsel and Mr. Marchetti was prepared to act. It is worth noting that the Court appreciates Mr. Marchetti’s involvement – he brought order to a situation that was becoming increasingly chaotic.

[12] While every person has a right to represent themselves, it is a right that should not always be exercised. Mr. Hunt’s conduct, not only offensive in word and tone, absorbed increasing amounts of court administration and court time. To paraphrase a former Chief Justice - “you are entitled to your day in court but you are not entitled to someone else’s day as well”.

[13] As misguided as Mr. Hunt's view of his situation was, his conduct was deliberate. He knew he was breaching a court order. He knew or ought to have known that his words and tone were not only offensive but they upset those staff who received the insults.

[14] This is a serious matter. It might well have led to jail time as well as a substantial fine had it not been resolved as the Court orders. The goals of rehabilitation and deterrence are encapsulated in the order to undertake anger management counselling. Successful completion and absence of repeat behaviour will purge the contempt. Circumstances may develop that invite revisiting the Orders against Mr. Hunt.

[15] Therefore, this Court will grant the Order, largely upon consent, attached to these Reasons.

"Michael L. Phelan"

Judge

Ottawa, Ontario
February 18, 2016

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1548-14

STYLE OF CAUSE: BRADLEY HUNT, DUSTAN WELCH-HUNT v HER
MAJESTY THE QUEEN IN RIGHT OF CANADA

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: FEBRUARY 17, 2016

REASONS FOR ORDER: PHELAN J.

DATED: FEBRUARY 18, 2016

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