

Federal Court



Cour fédérale

Date: 20201221

Docket: T-525-20

Citation: 2020 FC 1177

Vancouver, British Columbia, December 21, 2020

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

JAMES LESLIE GERARD STEEVES

Plaintiff

and

THE PROVINCE OF BRITISH COLUMBIA

Defendant

ORDER AND REASONS

[1] By a Statement of Claim issued out of the Federal Court on April 30, 2020, Mr. James Steeves (the “Plaintiff”) advanced a “claim” against the Province of British Columbia (the “Defendant”) in connection with the James and Paola Family Trust.

[2] The Plaintiff describes himself as “Sui Juris” (*sic*) and the Trustee, Beneficiary and equitable title holder of the James and Paola Family Trust. He seeks the following relief:

1. The Provinces and States shall adhere to the James and Paola Steeves Family Trust Indenture.
2. The Province of British Columbia will pay for all costs and Damages caused by the Province of British Columbia for the Crimes they have committed against the James and Paola Steeves Family Trust, its Trustees and Beneficiaries.
3. The Province of British Columbia will allow registration of the Private Passenger vehicles of the James and Paola Steeves Family Trust and its Beneficiaries with the use of the Financial Responsibility Cards issued by the James and Paola Steeves Family Trust.
4. The Province of British Columbia will return any funds which have been extorted from the James and Paola Steeves Family Trust, its Trustee or Beneficiaries from any court filings which have been created without the consent of the James and Paola Steeves Family Trust, its Trustee and Beneficiaries.
5. The Provinces and States will adhere to the United Nations Conventions as they apply to the James and Paola Steeves Family Trust, Trustee and Beneficiaries.
6. The Provinces and States will allow the James and Paola Steeves Family Trust to use and deposit their Lawful Securities into the James and Paola Steeves Family Trust Securities Accounts and or Bank accounts.
7. The James and Paola Steeves Family Trust, Trustees and Beneficiaries have never committed a Crime and will be treated as such. Any cases which have been reported to the Public will be vacated immediately.

[3] The Plaintiff filed an affidavit of service on May 11, 2020 deposing that he had served the Defendant with a copy of the Statement of Claim on May 11, 2020.

[4] By a Notice of Motion dated June 9, 2020, submitted for consideration without personal appearance pursuant to Rule 369 of the *Federal Courts Rules*, S.O.R./98-106 (the "Rules"), the

Defendant seeks an Order striking the Statement of Claim and dismissing the action, on the grounds that the matter is not within the jurisdiction of the Federal Court, pursuant to Rule 208(d) and otherwise, the Statement of Claim discloses no reasonable cause of action, pursuant to Rule 221(1)(a).

[5] The Defendant's Motion record, including written submissions, was served upon the Plaintiff by mail on June 18, 2020, according to the affidavit of Kim Wickens, sworn on June 18, 2020, and recorded in the Court file.

[6] In a Motion Record dated June 19, 2020 and filed on June 23, 2020, the Plaintiff responded to the Defendant's Motion. His Motion Record included his affidavit, sworn on June 19, 2020, and Written Representations. In those Written Representations, the Plaintiff argued that in moving to strike his Statement of Claim, the Defendant is attempting to "evade the Rule of Law".

[7] Rule 221(1)(a) of the Rules provides as follows:

Striking Out Pleadings

Motion to strike

221 (1) On motion, the Court may, at any time, order that a pleading, or anything contained therein, be struck out, with or without leave to amend, on the ground that it

(a) discloses no reasonable cause of action or defence, as the case may be,

Radiation d'actes de procédure

Requête en radiation

221 (1) À tout moment, la Cour peut, sur requête, ordonner la radiation de tout ou partie d'un acte de procédure, avec ou sans autorisation de le modifier, au motif, selon le cas:

a) qu'il ne révèle aucune cause d'action ou de défense valable;

[8] In a motion to strike on the grounds that the Statement of Claim discloses no reasonable cause of action, pursuant to Rule 221(1)(a) of the Rules, no evidence can be submitted; see Rule 221(2). The Court is to accept that the allegations that are capable of being proven, are true; see *Hunt v. Carey Canada Inc.*, [1990] 2 S.C.R. 959. That principle does not apply to allegations based on speculation and assumptions; see *Operation Dismantle Inc. v. The Queen (1985)*, 18 D.L.R. (4th) 481 (S.C.C.) at pages 486-487 and 490-491.

[9] Upon considering the arguments put forward by the Defendant, I agree that the Statement of Claim discloses no cause of action that is justiciable in the Federal Court.

[10] The Federal Court enjoys no jurisdiction over the Defendant. This Court is a statutory Court, created pursuant to section 101 of the *The Constitution Act, 1867* (UK), 30 & 31 Victoria, c. 3. Its jurisdiction is limited to the matters set out in the *Federal Courts Act*, R.S.C. 1985, c. F-7.

[11] It is recognized that “jurisdiction” includes jurisdiction over the party, as well as the cause of action advanced. I refer to the decision in *Greeley v. Ship Tami Joan*, (1996), 113 F.T.R. 66 (F.C.T.D.) at paragraph 19 where the Court said the following:

[19] In addition, Mr. Justice Jackett for the Court of Appeal, in determining whether an action could be maintained against Her Majesty in Right of Newfoundland, stated in **Canadian Javelin Ltd. v. R.**, [1978] 1 F.C. 408; 77 D.L.R.(3d) 317 (F.C.A.):

“In my view, it is clear law that the Crown cannot be impleaded in a court in respect of a claim against the Crown except where statutory jurisdiction has been conferred on the court to entertain claims against the Crown of a class in which the particular claim falls. ...

“Reading the **Federal Court Act** as a whole and s. 23 in particular, I am satisfied that that statute is not so framed as to confer jurisdiction in respect of a claim by an individual or a corporation against Her Majesty in right of Newfoundland. This, in my view, flows from the rule of interpretation in s. 16 of the **Interpretation Act** read with the definition of ‘Her Majesty’ in s. 28 thereof. Those provisions read:

‘16. No enactment is binding on Her Majesty or affects Her Majesty or Her Majesty’s rights or prerogatives in any manner, except only as therein mentioned or referred to.

‘28. In every enactment

“‘Her Majesty’, ‘His Majesty’, ‘the Queen’, ‘the King’ or ‘the Crown’ means the Sovereign of the United Kingdom, Canada and Her other Realms and Territories, and Head of the Commonwealth;’

“It is worthy of note that, where the **Federal Court Act** contemplates conferring jurisdiction in claims against Her Majesty, it does so (e.g. s. 17(1)) by express reference to claims against the ‘Crown’, which is defined for purposes of the **Federal Court Act**, by s. 2 thereof as ‘Her Majesty in right of Canada’. ...”

Similarly, it was found that the Federal Court did not have jurisdiction over an action brought against Her Majesty in right of a Province in **Avant Inc. et al. v. Ontario**, [1986] 2 F.C. 91; 1 F.T.R. 270 (T.D.) and **Trainor Surveys (1974) Ltd. v. New Brunswick et al.**, [1990] 2 F.C. 168; 35 F.T.R. 228 (T.D.).

[12] In the absence of jurisdiction, the Statement of Claim should be struck and the action dismissed.

[13] The Statement of Claim is also improper since it fails to plead any material facts that disclose a cause of action against the Defendant. I refer to paragraphs 3 and 9 of the Statement of Claim which provide as follows:

3. The Province of British Columbia knows the trustee and Beneficiaries of The James and Paola Steeves Family Trust are Stateless but refuse to adhere to the conventions, See R. vs Steeves. The Province and its courts have committed Extorsion, Coercion, Fraud and Racketeering onto The James and Paola Steeves Family Trust, its Trustees and Beneficiaries, So much so that one of the Trustees has resigned. The Province of British Columbia has attempted to force the James and Paola Steeves Family Trust, its Beneficiaries and Trustees to sign contracts via coercion, extortion, Fraud and Racketeering. The James and Paola Steeves Family Trust, its Trustee and Beneficiaries are non-residents and not obligated to Canada or any State or Province. Per the mentioned conventions, The James and Paola Steeves Family Trust, its Trustee and Beneficiaries are Domiciliaries and not residents of Canada.

...

9. The Province of British Columbia and its courts will not adhere to the James and Paola Steeves Family Trust Indenture and is therefore in Breach of Trust.

[14] No material facts have been pleaded to support these allegations. The statements are conclusory.

[15] Finally, I note the submissions on behalf of the Defendant that the correct name of “The Province of British Columbia” is “Her Majesty the Queen in right of the Province of British Columbia”. Were the matter to proceed, it would be necessary to amend the style of cause.

[16] In the result, the motion is granted, the Statement of Claim is struck out and the action is dismissed.

[17] The Defendant seeks costs in the amount of \$1000.00.

[18] In the exercise of my discretion pursuant to Rule 400(1) of the Rules, I award costs to the Defendant in the amount of \$750.00, inclusive of fees, disbursements and GST.

ORDER in T-525-20

THIS COURT'S ORDER is that the Motion is granted. The statement of Claim is struck out and the action is dismissed with costs to the Defendant in the amount of \$750.00 inclusive of fees, disbursements and GST.

"E. Heneghan"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-525-20

STYLE OF CAUSE: JAMES LESLIE GERARD STEEVES v. THE
PROVINCE OF BRITISH COLUMBIA

**MOTION IN WRITING CONSIDERED AT VANCOUVER, BRITISH COLUMBIA
PURSUANT TO RULE 369 OF THE *FEDERAL COURTS RULES***

ORDER AND REASONS: HENEGHAN J.

DATED: DECEMBER 21, 2020

APPEARANCES:

James Leslie Gerard Steeves

THE PLAINTIFF ON HIS OWN BEHALF

Fernando de Lima

FOR THE DEFENDANT

SOLICITORS OF RECORD:

Attorney General of British
Columbia
Victoria British Columbia

FOR THE DEFENDANT