

Federal Court



Cour fédérale

**Date: 20110513**

**Docket: T-1981-09**

**Citation: 2011 FC 551**

**Vancouver, British Columbia, May 13, 2011**

**PRESENT: Roger R. Lafrenière, Esquire  
Case Management Judge**

**BETWEEN:**

**DENIS BRUNET**

**Plaintiff**

**and**

**CANADA REVENUE AGENCY**

**Defendant**

**REASONS FOR ORDER AND ORDER**

[1] Orders of the Court are meant to be respected, and complied with. Further, directions issued by the Court should not be treated lightly. A party that ignores orders or directions of the Court does so at its own peril.

[2] By way of background, the Plaintiff filed his Statement of Claim on November 26, 2009. The pleading alleges that the Canada Revenue Agency (CRA) breached an agreement that would allow the Plaintiff to make monthly payments of \$500.00 pending submissions of tax returns

by H&R Block. According to the Plaintiff, the CRA breached the agreement by withdrawing \$34,283.90 from his assets. In his prayer for relief, the Plaintiff seeks an order for the return of the monies withdrawn by the CRA, resumption of the monthly payments of \$500.00, and damages in the amount of \$5000.00. On January 7, 2010, the Defendant filed a Statement of Defence denying each and every allegation made in the Statement of Claim.

[3] Upon 360 days having elapsed since the issuance of the Statement of Claim and no requisition for a pre-trial conference having been filed, the Chief Justice issued an Order on January 31, 2011, designating the action as a specially managed proceeding. The Plaintiff was ordered to serve and file a proposed timetable for the completion of the steps necessary to advance the proceeding in an expeditious manner within 20 days.

[4] There is no record of any proposed timetable being filed by the Plaintiff in response to the Order of the Chief Justice dated January 31, 2011. The Plaintiff submitted instead a letter addressed to my attention dated February 14, 2011 (without any subject line or court file number) which reads as follows:

As per the attached, I am awaiting for a court appointment at end of February beginning of March.  
I am requesting you recuse yourself from these proceedings due to the past decisions.

[5] On February 25, 2011, the following Directions were issued to the parties:

By letter dated February 14, 2011, the Plaintiff states that he is awaiting a "court appointment". He also requests that I recuse myself from the proceedings "due to past decisions". There is no record of any court appointment being requisitioned by either party in this file. In addition, the Plaintiff has failed to serve and file a proposed timetable within 20 days as required by the Order of the Chief Justice dated January 31, 2011. The Plaintiff is directed to either comply with the Order of the Chief Justice dated January 31, 2011 or requisition a case management conference no later than March 15, 2011, failing which a status review will be conducted pursuant to Rule 385(2) of the

*Federal Courts Rules.* Any requisition for a case management conference shall be made by letter and include an agenda for the case management conference, the position of the parties regarding each agenda item, the estimated duration of the conference, and mutual dates of availability and contact information of the Plaintiff and counsel for the Defendant. The Plaintiff's request for recusal is denied.

[6] The Plaintiff did not comply with the Court's Directions and simply repeated his request that I recuse myself from this file. No evidence of bias has been offered in support of the recusal request.

[7] By Order dated March 22, 2011, the Plaintiff was required to show cause by April 18, 2011 why the action should not be dismissed for delay (Show Cause Order). A certified copy of the Show Cause Order was sent to the Plaintiff by ordinary mail at the Plaintiff's address for service in Surrey, British Columbia, as reflected in the Statement of Claim. A certified copy of the Order was also forwarded to the Plaintiff, along with a similar Order issued in Court File No. T-2138-09, to a Vancouver address that had been provided by the Plaintiff in T-2138-09.

[8] The envelope addressed to the Plaintiff's Surrey address was returned to the Registry unopened bearing the following notation: "Moved, has left no forwarding address". It appears, however, that the Show Cause Order issued in this proceeding was received by the Plaintiff at his Vancouver address since he returned the certified copy of the show cause Order in T-2138-09 to the Registry with the following notation: "As per attached, I have requested many times !! a case management conference but to no avail."

[9] There is no record of any written representations being filed by the Plaintiff in response to the Show Cause Order.

[10] The fact that the Plaintiff is self-represented does not give him any additional rights or special dispensation because of his lack of knowledge or legal skill. As Mr. Justice James Hugessen stated in *Eric Scheuneman v Her Majesty the Queen*, 2003 FCT 37, “if [a party] insists upon representing himself, he must play by the same rules as everyone else.”

[11] In any event, the Order of the Chief Justice dated January 31, 2011 was unambiguous. There is no indication that the Plaintiff misunderstood what was required of him. Rather, it appears that he consciously chose to ignore the Order without regard for the potential consequences.

[12] Court Orders are mandatory and are not mere suggestions of the Court. If litigants were able to get away with such cavalier disregard of a court order, the objective of case management, and indeed the orderly administration of justice as a whole, would be seriously undermined.

[13] The Plaintiff has failed to take any concrete steps to move the proceeding forward for well over one year. He has also repeatedly refused to comply with decisions of this Court without valid excuse. In addition, he has obstinately refused to copy the Defendant’s solicitor of record with correspondence addressed to the Court. Finally, there is no indication that the Plaintiff would be prepared to abide with any decision made by this Court in the event the action is allowed to continue.

[14] I recognize that the draconian remedy of dismissal of an action should be invoked only as a last resort. However, the Plaintiff's tenacious unwillingness to yield to the Court's authority cannot be tolerated or condoned.

[15] In the circumstances, I conclude that the action should be dismissed.

**ORDER**

**THIS COURT ORDERS that** the action is dismissed.

“Roger R. Lafrenière”  
\_\_\_\_\_  
Case Management Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** T-1981-09

**STYLE OF CAUSE:** DENIS BRUNET v. CANADA REVENUE AGENCY

**MATTER CONSIDERED AT:** Vancouver, British Columbia

**REASONS FOR ORDER  
AND ORDER:** LAFRENIÈRE P.

**DATED:** May 13, 2011

**WRITTEN REPRESENTATIONS:**

N/A FOR THE PLAINTIFF

N/A FOR THE DEFENDANT

**SOLICITOR OF RECORD:**

N/A THE PLAINTIFF

N/A FOR THE DEFENDANT