

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20151019**

**Docket: A-301-15**

**Citation: 2015 FCA 218**

**CORAM: TRUDEL J.A.  
BOIVIN J.A.  
DE MONTIGNY J.A.**

**BETWEEN:**

**ADE OLUMIDE**

**Appellant**

**and**

**CONSERVATIVE PARTY OF CANADA**

**Respondent**

Heard at Ottawa, Ontario, on October 13, 2015.

Judgment delivered at Ottawa, Ontario, on October 19, 2015.

**REASONS FOR JUDGMENT BY:**

**TRUDEL J.A.**

**CONCURRED IN BY:**

**BOIVIN J.A.  
DE MONTIGNY J.A.**

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**Respondent**

**REASONS FOR JUDGMENT**

**TRUDEL J.A.**

[1] Mr. Olumide appeals from a decision of Mr. Justice Barnes of the Federal Court finding that the Federal Court lacks jurisdiction to hear his application because the respondent, the Conservative Party of Canada, is not a federal board, commission, or other tribunal within the meaning of section 18 of the *Federal Courts Act*, R.S.C. 1985, c. F-7.

[2] The appellant sought to be a candidate for the Conservative Party of Canada (the Party) in the 2015 Federal Election in the riding of Kanata-Carleton. His candidacy was rejected by the Party, and that decision was upheld during the Party's internal appeal process. He then applied to the Federal Court for judicial review, alleging bias and violations of procedural fairness.

[3] The appellant is self-represented before this Court, as he was before the Federal Court. His submissions raise many arguments that are entirely unrelated to the question of whether the Federal Court is empowered to hear his application, or indeed to the merits of his application. For our purposes, it suffices to examine the jurisdiction issue as it is dispositive of this appeal.

[4] In the appellant's notice of appeal, the only ground that appears to address the question of jurisdiction in any way is stated as follows:

**Response to Jurisdiction Request for direction:** was misleading to a self-represented litigant, if the direction was based on an opinion that the Court not members should decide who their representative should be, this is inconsistent with s3 Charter Rights, s2.1.4 / 8.6.2 / s2.1.6 Constitution of Conservative Party, Federal Court rule 3 just disposition on merit, Charter and Canadian Bill of Rights against Cruel and Unusual Victimization of a Victim Principle of Fundamental Justice (sic throughout).

(Notice of appeal, at paragraph 9) II.)

[5] The appellant states in his Memorandum of Fact and Law that the Federal Court has jurisdiction to review political parties' decision to refuse candidates because political parties derive that power from the *Canada Elections Act*, S.C. 2000, c. 9 (appellant's Memorandum of Fact and Law, at page 7).

[6] I am unable to find any further explanation to this assertion in the appellant's submissions, nor any other attempt to address the Federal Court's determination that it lacked jurisdiction to hear the application.

[7] I agree with the respondent's characterization of the *Canada Elections Act*, and in particular that the eligibility requirements for candidates under the Act do not render parties' selection of their candidates a statutorily delegated exercise (respondent's Memorandum of Fact and Law, at paragraph 35).

[8] The appellant has provided no sound reason to interfere with the Federal Court's conclusion that the respondent, as a private association, is not a federal board, commission, or other tribunal. As did the Federal Court before me, I conclude that neither the Federal Court nor the Federal Court of Appeal has jurisdiction to hear this matter. The same reasoning applies to the constitutional question raised by the appellant in his recently revised Notice of Constitutional Question (dated September 22, 2015).

[9] This said, I must comment about some of the appellant's arguments made at the hearing of this appeal. During his oral submissions, Mr. Olumide, for the first time, stated that race and ethnicity were at the root of his case. He added that the Office of the Prime Minister played a role in the treatment of his application to run as a candidate for the Party. He presented a vague theory of premeditation whereby both the respondent and governmental actors would have created a plan allowing him to run for the nomination "as long as he did not win".

[10] I have carefully reviewed the record. There is not an iota of evidence substantiating these serious allegations but for one email written by the appellant himself to the executive director of the Party (Appeal Book, volume 1, at page 36). At the hearing of this appeal, the appellant could not point to any relevant material supporting his discrimination allegation or his theory of a premeditated plot to reject his candidacy.

[11] Finally, I also note that as stated by the Federal Court, the appellant is, “not necessarily without remedy”. Indeed, Mr. Olumide has commenced in the Ontario Superior Court of Justice an action in damages against the Conservative Party of Canada and other defendants seeking 4.8 million dollars under various heads of damages.

[12] In the end, this appeal cannot succeed. Consequently, I propose to dismiss it with costs assessed in the mid-range of column IV and payable forthwith.

"Johanne Trudel"

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J.A.

“RB”

“YdM”

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-301-15  
**STYLE OF CAUSE:** ADE OLUMIDE v.  
CONSERVATIVE PARTY OF  
CANADA

**PLACE OF HEARING:** OTTAWA, ONTARIO

**DATE OF HEARING:** OCTOBER 13, 2015

**REASONS FOR JUDGMENT BY:** TRUDEL J.A.

**CONCURRED IN BY:** BOIVIN J.A.  
DE MONTIGNY J.A.

**DATED:** 20151019

**APPEARANCES:**

Ade Olumide ON HIS OWN BEHALF

Paul D'Angelo CONSERVATIVE PARTY OF  
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