



Ontario
Civil Liberties
Association

"The OCLA takes a vigorous and highly principled approach to defending free speech rights, which is an approach that is sorely needed in Canada today."

—John Carpay,
President,
Justice Centre for
Constitutional Freedoms

"I am very pleased to learn of the Ontario Civil Liberties Association, and wish it the greatest success in its work, which could not be more timely and urgent as elementary civil rights, including freedom of speech, are under attack in much of the world, not excluding the more free and democratic societies."

—Noam Chomsky,
Institute Professor, MIT

"Freedom of expression is our most fundamental and most precious freedom. It has been under attack in Canada for years. The Ontario Civil Liberties Association has taken a position on freedom of expression that is both courageous and principled. The OCLA now stands alone and its position should be supported by all Canadians who cherish democracy and freedom."

—Robert Martin,
Professor of Law,
Emeritus,
Western University

ocla.ca

March 4, 2013

By registered mail

Right Honourable Beverley McLachlin, P.C., Chief Justice of Canada
Supreme Court of Canada
301 Wellington Street
Ottawa, Ontario K1A 0J1

Your Honour:

The Ontario Civil Liberties Association is an organization formed to defend civil liberties at a time when fundamental freedoms are subjected to a real and palpable systemic erosion in all spheres of social life. We oppose institutional decisions that remove from the individual his or her personal liberty or exclude the individual from participation in the democratic functions of society.

We are writing to bring to your attention serious concerns about the conduct of the Registrar of the Supreme Court of Canada toward self-represented litigants, which deprives unrepresented parties from access to the Court.

It has come to our attention that in a number of cases involving unrepresented parties, the Registrar usurped the jurisdiction of the Court, and has taken it upon himself to rule on the merits of matters that the *Supreme Court Act* and the *Rules* explicitly require to be placed before a panel of the Court or a judge of the Court. A common feature of these cases is that the Registrar returned all documents to the unrepresented party, and thus the incidents left little or no trace in the Court's public records.

We pause here to note that we are aware of the Registrar's powers to refuse documents that do not meet the requirements of the *Rules*. In the cases that attracted our attention, however, the Registrar's reasons for returning the documents were related to the underlying substantive legal issues, and not the lack of compliance with any specific rule of the Court.

Our concerns are based entirely on the principles of the rule of law and access to justice: Since Parliament chose to entrust panels of at least three judges of the Court with determining leave applications, the Registrar ought not interfere with the access of unrepresented parties to the Court based on his opinions on the merits of their cases or the jurisdiction of the Court.



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We are particularly concerned by the Registrar shielding his own decision from review by not placing a motion pursuant to *Rule 78* before a judge of the Court, but rather returning the motion record to the unrepresented party. Even if the Registrar is correct in stating that *Rule 78* "is not applicable," it was inappropriate for him to get involved with a matter seeking to review his own decision, and it creates an apprehension of bias.

In light of your strong commitment to the issue of access to justice, we trust that you find these examples as disconcerting as we do. We ask that you launch an investigation into the Registrar's conduct, and make a public statement that you have done so, thereby reaffirming your known commitment to access.

Sincerely yours,

Joseph Hickey
Executive Director
Ontario Civil Liberties Association (OCLA) <http://www.ocla.ca>
613-252-6148 (c)
joseph.hickey@ocla.ca

Enclosed:

1. Letter of Supreme Court Registrar to Mr. Robert Allan Stark, October 23, 2012
2. Letter of Supreme Court Registrar to Mr. Denis Rancourt, January 25, 2013
3. Letter of Supreme Court Registrar to Mr. Denis Rancourt, February 22, 2013

Cc: Canadian Judicial Council
Cc: made public



October 23, 2012

Robert Allan Stark
#4 2924
Vancouver, B.C.
V5K 4X8

Dear Mr. Stark,

I write in response to your letter dated September 26, 2012. The matter has been referred to me for reply.

I regret to inform you that this Court is not empowered to assist in this matter. The Supreme Court of Canada has jurisdiction under section 40 of the *Supreme Court Act* to hear appeals from any final or other judgment of the Federal Court of Appeal or of the highest court of final resort in a province, or a judge thereof. As it does not appear that you have such a judgment, your matter is not within the jurisdiction of this Court. Therefore, I am returning your documents.

I also suggest that you may wish to contact a lawyer because he/she would be in the best position to advise you on the rights and remedies available to you, as may be the case.

Yours truly,


Suzanne Sarrazin
Registrar

Encl.



January 25, 2013

Denis Rancourt


Dear Mr. Rancourt:

Re: *Denis Rancourt v. Joanne St-Lewis, et al.*

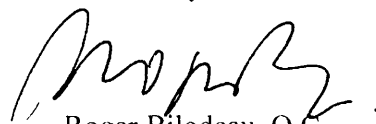
This is to acknowledge receipt of your application for leave to appeal received on January 7, 2013, and your letters dated January 14 and 15, 2013.

I have reviewed your material and the letters dated January 10 and 14, 2013 filed by Mr. Richard G. Dearden and the letter dated January 14, 2013, filed by Mr. Peter K. Doody. I note that the Supreme Court of Canada has jurisdiction under section 40 of the *Supreme Court Act* to hear appeals from any final or other judgment of the Federal Court of Appeal or of the highest court of final resort in a province, or a judge thereof. As it appears that you may have further recourse, any proceedings before the Supreme Court of Canada may be premature. I am therefore returning your documents to you.

I also suggest that you contact the Divisional Court who would be in the best position to advise you on the rights and remedies available to you, as the case may be.

If you have any questions, please do not hesitate to get in touch with the Registry Branch at (613) 996-8666.

Yours truly,


Roger Bilodeau, Q.C.
Registrar

Encl.

cc: Mr. Richard Dearden
Mr. Peter Doody



February 22, 2013

Denis Rancourt

[REDACTED]
[REDACTED]
[REDACTED]

RE: *Denis Rancourt v. Joanne St. Lewis, et al.*

Dear Mr. Rancourt,

I hereby acknowledge receipt of 3 copies of your document entitled "*Motion to the Judge*" (*Pursuant to Rule 78 of the Rules of the Supreme Court of Canada*) received on February 13, 2013.

I regret to inform you that section 78 of the *Rules of the Supreme Court of Canada* is not applicable and as stated in my letter dated January 25, 2013, your appeal documents cannot be accepted for filing.

Accordingly, I am returning your documents. Should you continue to attempt to file these same documents, they will again be returned to you.

You may also wish to consult a lawyer. He or she would be in a position to advise you of any possible other steps, as may be the case.

If you have any additional questions, please call the Registry Branch at 613-996-8666 or 1-888-551-1185.

Yours truly,

Roger Bilodeau, Q.C.
Registrar

Encl.

cc: Mr. Richard Dearden
Mr. Peter Doody

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SERVED COPY
SIGNIFICATION

File number: _____

IN THE SUPREME COURT OF CANADA
(ON REVIEW OF A DECISION/ORDER OF THE REGISTRAR)

BETWEEN:

Denis Rancourt

Applicant
(Defendant)

and

Joanne St. Lewis

Respondent
(Plaintiff)

and

University of Ottawa

Respondent
(Intervening Party)

MOTION TO A JUDGE
FILED BY THE APPLICANT, DENIS RANCOURT (SELF-REPRESENTED)
(Pursuant Rule 78 of the Rules of the Supreme Court of Canada)

Denis Rancourt, Applicant, Self-Represented

Email: denis.rancourt@gmail.com

Counsel for the Respondent (Plaintiff)

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