

Organized Pseudo Commercial Arguments - Sas Ansari

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Organized Pseudo Commercial Arguments

Dove v Canada, [2016 FCA 231](#)

This is not a tax case. However, tax cases have similar encounters with such arguments and persons, as described in *Meads v. Meads*, [2012 ABQB 571](#), at para 1:

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This Court has developed a new awareness and understanding of a category of vexatious litigant. As we shall see, while there is often a lack of homogeneity, and some individuals or groups have no name or special identity, they (by their own admission or by descriptions given by others) often fall into the following descriptions: Detaxers; Freemen or Freemen-on-the-Land; Sovereign Men or Sovereign Citizens; Church of the Ecumenical Redemption International (CERI); Moorish Law; and other labels - there is no closed list. In the absence of a better moniker, I have collectively labelled them as Organized Pseudolegal Commercial Argument litigants ["OPCA litigants"], to functionally define them collectively for what they literally are. These persons employ a collection of techniques and arguments promoted and sold by 'gurus' (as hereafter defined) to disrupt court operations and to attempt to frustrate the legal rights of governments, corporations, and individuals.

The Appellant was contending a Federal Court decision dismissing his five claims. The FCTD stated that none of the statements of claim raise a cause of action and, therefore, have no reasonable prospect of success.

The FCA noted that this was not a case of "Organized Pseudo Commercial Arguments" (a category of vexatious litigants) advanced by the claimant - *Meads v. Meads*, [2012 ABQB 571](#), but commented:

[3] The legal propositions which Mr. Dove puts forward are incoherent and

devoid of any legal meaning. They are the legal equivalent of Noam Chomsky's famous phrase: "Colorless green ideas sleep furiously." Each word in the sentence can be given a discrete meaning but the sentence constructed from those words is devoid of intelligible content. So it is with Mr. Dove's claim. Mr. Dove has assembled words, phrases, and concepts which have some meaning in the context in which they are originally found but have none whatsoever in the use which he has made of them.

....

[5] Mr. Dove and his co-litigants should know that, while they are entitled to be heard, they are not entitled to blame their lack of success on the bad faith and corruption of the judges who hear and decide their cases and on collusion between the lawyers who represent the Crown and the judges and prothonotaries who have heard their cases. Such allegations have consequences and if Mr. Dove continues in his present vein, he will have to deal with those consequences: see *Abi-Mansour v. Canada (Department of Aboriginal Affairs)*, [2014 FCA 272](#)

In [Abi-Mansour](#), the Federal Court of Appeal made the following comments in regards to allegations that could result in loss of confidence in the judicial system:

[12] Allegations of judicial bias cannot be allowed to go unchallenged as they attack one of the pillars of the judicial system, namely the principle that judges are impartial as between the parties who appear before them. The failure to challenge and denounce such allegations may be seen in certain circles as an implicit admission of their truth. This in turn encourages others to make them until they become common currency among those who have a limited perspective on the judicial system. The result is a loss of confidence in the judicial system in some quarters, an issue which must be taken seriously in a society committed to the rule of law.

[13] In *Coombs v. Canada (Attorney General)*, [2014 FCA 222 \(CanLII\)](#) at paragraph 14, this Court characterized repeated allegations of bias as attacks on the "integrity of the entire administration of justice." In *McMeekin v. Minister of Human Resources and Skills Development*, [2011 FCA 165 \(CanLII\)](#), at para. 32, Sharlow J.A. stated that unsupported allegations of improper conduct constituted an abuse of process. Such conduct comes within the ambit of the doctrine of abuse of process which, as the Supreme Court of Canada observed in *Toronto (City) v. C.U.P.E., Local 79*, [2003 SCC 63 \(CanLII\)](#) at paragraph 43 focuses on "the integrity of the adjudicative functions of courts."

[14] I am therefore of the view that Mr. Abi-Mansour's repeated unsupported allegations of bias are an abuse of process. Persons who invoke the court's assistance

in its capacity as an independent arbiter of disputes and who then repeatedly allege bias when the court's decisions do not meet their expectations are not using the judicial system in good faith. The Court is entitled to decline to lend its assistance to such litigants.

[15] Going forward, Mr. Abi-Mansour should know that unsubstantiated allegations of bias expose him to the dismissal of his proceedings as an abuse of process, either at the request of the opposing party or on the Court's own motion. He should govern himself accordingly.

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