

NOVA SCOTIA COURT OF APPEAL

Citation: *Olumide v. Nova Scotia (Human Rights Commission)*, 2019 NSCA 95

Date: 20191204

Docket: CA 490899

Registry: Halifax

Between:

Ade Olumide

Appellant

v.

Nova Scotia Human Rights Commission,
Her Majesty the Queen in Right of Nova Scotia,
Her Majesty the Queen in Right of Canada

Respondents

Judge: Farrar, J.A.

Motion Heard: December 4, 2019, in Halifax, Nova Scotia in Chambers

Held: Motion for Date and Directions dismissed with costs to the Nova Scotia Human Rights Commission in the amount of \$500 payable forthwith and in any event of the cause.

Counsel: Appellant (not appearing)
Kendrick Douglas, for the respondent Human Rights Commission (not appearing)
Edward A. Gores, Q.C., for the respondent Her Majesty the Queen in Right of Nova Scotia (not appearing)
Melissa Chan, for the respondent Her Majesty the Queen in Right of Canada (not appearing)

Decision:

Background

[1] On August 9, 2019, the appellant filed a Notice of Appeal from the decision of Justice Darlene Jamieson dated July 15, 2019. In that decision (reported as 2019 NSSC 223), Justice Jamieson declared Mr. Olumide to be a vexatious litigant and dismissed his claim for Judicial Review against the Nova Scotia Human Rights Commission.

[2] In his Notice of Appeal, which spans 29 pages, Mr. Olumide purports to give notice of a constitutional question to both the Queen in Right of Nova Scotia and the Queen in Right of Canada. It is unclear what the proposed constitutional question may be. The Attorney General of Nova Scotia and the Attorney General of Canada did not participate in the proceeding below.

[3] Subsequent to filing the Notice of Appeal Mr. Olumide attempted to file a number of other motions including:

- Fresh Evidence Application re: mental illness, arrest, five years' imprisonment, home seizure dated August 27, 2019;
- Motion for Leave to transcribe partial transcript, November 18, 2019;
- Urgent Motion re Constitutional Question to Nova Scotia Court of Appeal, Chief Justice Michael J. Wood dated November 19, 2019;
- Supplementary Rule 90.35(1)(e) "in writing" Motion record re: urgent motion Constitutional Question to Nova Scotia Court of Appeal, Chief Justice Michael J. Wood dated December 2, 2019.

[4] In addition to the motions, Mr. Olumide has filed what he titles "Appeal Book (Re Nova Scotia Elections Act/Parliament of Canada Act) and Appeal Book (Re: Halifax Examiner/Halifax Chronicle Herald).

[5] Mr. Olumide has also sent numerous emails and submissions to the Registrar and Deputy Registrar of the Court of Appeal which can only be described as threatening and abusive. His correspondence is unresponsive to assistance and directions which the Registrar and Deputy Registrar were attempting to give him to properly proceed with the appeal.

[6] On September 6, 2019, Mr. Olumide filed his Notice for Date and Directions which was returnable in telephone Chambers on December 4, 2019.

[7] On December 3, 2019, Mr. Olumide advised the Court that he would not be proceeding with the December 4 Motion for Date and Directions until the Motion, which he says is pending before the Chief Justice, has been heard.

[8] There is no motion properly before the Chief Justice.

[9] Mr. Olumide is a serial litigant filing numerous actions across Canada at all levels of Court. Mr. Olumide's Canadian litigation record is referenced in Justice Jamieson's decision where she cites the Alberta Court of Queen's Bench decision in *Olumide v. Alberta (Human Rights Commission)*, 2019 ABQB 186:

[71] Justice Thomas in *Olumide v. Alberta (Human Rights Commission)*, *supra*, provided an overview of Mr. Olumide's Canadian litigation record, which he described as "extraordinary":

C. Olumide's Litigation Record

33 Here we encounter something extraordinary. The AHRC submitted that Olumide is conducting parallel litigation in each province in relation to his elections-related claims. Mr. Olumide confirmed that. But that admission only hints at this man's misuse of Canadian courts and tribunals.

34 The Federal Courts dockets reveals that between 2013 and 2017, Olumide initiated 16 proceedings in the Federal Court, and then 18 appeals to the Federal Court of Appeal. Those proceedings include lawsuits that target the courts themselves:

**Ade Olumide v Conservative Fund Canada, Canadian Judicial Council, and Federal Court of Canada*, Ottawa T-1458-16 (FC).

**Ade Olumide v Federal Court of Appeal*, Ottawa T-1534-16 (FC).

**Ade Olumide v Supreme Court of Canada, Federal Court, & Conservative Fund of Canada*, Ottawa T-1640-16 (FC).

35 He has also sued multiple Attorneys General:

Ade Olumide v Attorney General of Canada, Minister of National Revenue, Attorney General of Manitoba, Attorney General of Nova Scotia, Attorney General of Saskatchewan, Attorney General of Yukon, Attorney General of New Brunswick, Attorney General of Nunavut, Attorney General of Alberta, Attorney General of British Columbia, Her Majesty the Queen, Ottawa T-1049-16 (FC), appealed Ottawa A-294-16 (FCA).

36 This flood of litigation continued until Olumide was made subject to court access restrictions by vexatious litigant orders in Federal Court (*Olumide v Canada*, 2016 FC 1106) and the Federal Court of Appeal (*Canada v Olumide*, 2017 FCA 42, 277 ACWS (3d) 50).

37 More evidence of Olumide's extraordinary litigation activity is that he has filed no less than 18 Supreme Court of Canada leave applications. Every application was dismissed. These too hint at the scope and range of Olumide's litigation:

**Ade Olumide v Her Majesty the Queen in Right of Canada* (1 May 2014), Ottawa 35743 (SCC), challenging (30 January 2014), Ottawa 14-A-5 (FCA). Costs were awarded against Olumide. This appears to be a tax related matter.

**Ade Olumide v Her Majesty the Queen in Right of Canada* (19 May 2016), Ottawa 36859 (SCC), challenging 2015 FCA 270. Costs were awarded against Olumide. Repeated reconsiderations were rejected. On June 12, 2018 Moldaver J found conduct of this proceeding was vexatious and ordered the Registrar to discard any further documents submitted in relation to this matter.

**Ade Olumide v Her Majesty the Queen in Right of Canada* (19 May 2016), Ottawa 36860 (SCC), challenging 2016 FCA 10. Costs were awarded against Olumide.

**Ade Olumide v Conservative Party of Canada* (19 May 2016), Ottawa 36861 (SCC), challenging (15 November 2015), Ottawa A-301-15 (FCA). Costs were awarded against Olumide.

**Ade Olumide v Her Majesty the Queen in Right of the Province of Ontario* (19 May 2016), Ottawa 36879 (SCC), challenging 2015 ONCA 651.

**Ade Olumide v Her Majesty the Queen in Right of Canada* (6 October 2016), Ottawa 37105 (SCC), challenging 2016 FCA 171. Costs were awarded against Olumide. Reconsideration was rejected. On June 12, 2018 Moldaver J found conduct of this proceeding was vexatious and ordered the Registrar to discard any further documents submitted in relation to this matter.

**Ade Olumide v Conservative Party of Canada* (27 April 2017), Ottawa 37246 (SCC), challenging 2016 ONCA 314. Reconsideration was rejected. On June 12, 2018 Moldaver J found conduct of this proceeding was vexatious and ordered the Registrar to discard any further documents submitted in relation to this matter.

**Ade Olumide v Her Majesty the Queen in Right of Canada* (9 November 2017), Ottawa 37600 (SCC), challenging (3 January 2017), Ottawa A-201-16 (FCA). Application for a post-decision reconsideration and a constitutional question was rejected. On June 12, 2018 Moldaver J found conduct of this proceeding was

vexatious and ordered the Registrar to discard any further documents submitted in relation to this matter. In this action Olumide sued Canada, the Attorney General of Canada, Commissioner of Canada Elections, Alliance of the North, Animal Alliance Environment Voters Party of Canada, Bloc Québécois, Canada Party, Canadian Action Party, Christian Heritage Party of Canada, Communist Party of Canada, Conservative Party of Canada, Democratic Advancement Party of Canada, Forces et Démocratie, Green Party of Canada, Liberal Party of Canada, Libertarian Party of Canada, Marijuana Party, Marxist-Leninist Party of Canada, New Democratic Party, Party for Accountability, Competency and Transparency, Pirate Party of Canada, Progressive Canadian Party, Rhinoceros Party, Seniors Party of Canada, The Bridge Party of Canada, United Party of Canada, First Peoples National Party of Canada, Natural Law Party of Canada, Newfoundland and Labrador First Party, People's Political Power Party of Canada, Work Less Party, and Western Block Party.

**Ade Olumide v Her Majesty the Queen in Right of Canada* (9 November 2017), Ottawa 37602 (SCC), challenging (12 December 2016), (Ottawa) A-294-16 (FCA). Application for a post-decision reconsideration and a constitutional question was rejected. On June 12, 2018 Moldaver J found conduct of this proceeding was vexatious and ordered the Registrar to discard any further documents submitted in relation to this matter. This is the action where Olumide sued numerous Attorneys General.

**Ade Olumide v Conservative Party of Canada* (9 November 2017), Ottawa 37603 (SCC), challenging (16 January 2017), Ottawa A-313-16 (FCA). Application for a post-decision reconsideration and a constitutional question was rejected. On June 12, 2018 Moldaver J found conduct of this proceeding was vexatious and ordered the Registrar to discard any further documents submitted in relation to this matter.

**Ade Olumide v Her Majesty the Queen in Right of Canada* (9 November 2017), Ottawa 37604 (SCC), challenging (16 January 2017), Ottawa 16-A-38 (FCA). Application for a post-decision reconsideration and a constitutional question was rejected. On June 12, 2018 Moldaver J found conduct of this proceeding was vexatious and ordered the Registrar to discard any further documents submitted in relation to this matter.

**Ade Olumide v Her Majesty the Queen in Right of Canada* (9 November 2017), Ottawa 37605 (SCC), challenging (16 January 2017), (Ottawa) A-164-16 (FCA). Application for a post-decision reconsideration and a constitutional question was rejected. On June 12, 2018 Moldaver J found conduct of this proceeding was vexatious and ordered the Registrar to discard any further documents submitted in relation to this matter.

**Ade Olumide v Canadian Judicial Council* (9 November 2017), Ottawa 37660 (SCC), challenging (16 January 2017), Ottawa A-367-16 (FCA). Application for a post-decision reconsideration and a constitutional question was rejected. On June 12, 2018 Moldaver J found conduct of this proceeding was vexatious and ordered the Registrar to discard any further documents submitted in relation to this matter. This is one of the actions where Olumide sued the Federal Court.

**Ade Olumide v Her Majesty the Queen in Right of Ontario as represented by the Attorney General of Ontario* (23 November 2017), Ottawa 37672 (SCC), challenging 2016 ONCA 941. Application for a post-decision reconsideration and a constitutional question was rejected. On June 12, 2018 Moldaver J found conduct of this proceeding was vexatious and ordered the Registrar to discard any further documents submitted in relation to this matter.

**Ade Olumide v Supreme Court of Canada* (14 December 2017), Ottawa 37761 (SCC). The Court dismissed the leave application for want of jurisdiction. Application for a post-decision reconsideration and a constitutional question was rejected. On June 12, 2018 Moldaver J found conduct of this proceeding was vexatious and ordered the Registrar to discard any further documents submitted in relation to this matter.

**Ade Olumide v Federal Court of Appeal* (23 November 2017), Ottawa 37763 (SCC). The Court dismissed the leave application for want of jurisdiction. Application for a post-decision reconsideration and a constitutional question was rejected. On June 12, 2018 Moldaver J found conduct of this proceeding was vexatious and ordered the Registrar to discard any further documents submitted in relation to this matter.

**Ade Olumide v Conseil de la Magistrature* (5 April 2018), Ottawa 37884 (SCC). The Court dismissed the leave application for want of jurisdiction. Reconsideration was rejected. Olumide was challenging 2017 QCCA 1343, which concluded Quebec courts had no jurisdiction to re-try Olumide's original 2013 GST complaint.

38 But there is more. *Olumide v British Columbia (Attorney General)*, 2017 BCSC 1214 reports the Court terminating Olumide's attempt to initiate five criminal prosecution proceedings, which were stayed as incomprehensible proceedings, frivolous, and vexatious: para.. 3. Associate Chief Justice Cullen concluded at para.. 6:

... there is not even a remote prospect that the application, if allowed to proceed, would encounter success. To allow the application to proceed would waste the court's time and the taxpayer's money, and would hinder the court from attending to matters legitimately before it and entitled to be heard and decided in a timely way.

39 The British Columbia Court of Appeal then summarily dismissed Olumide's appeal as frivolous and vexatious: *Olumide v British Columbia (Attorney General)*, 2017 BCCA 286.

40 The British Columbia decisions appear to involve litigation parallel to what led to the Gates J and 2017 Alberta Court of Appeal vexatious litigant orders.

41 On January 11, 2019, the Prince Edward Island Supreme Court struck out an action which appears to be the same or very similar to what Mr. Olumide filed against the AHRC: *Olumide v PEI Human Rights Commission*, 2019 PESC 1.

42 Eight reported decisions from the Quebec Courts show Olumide suing:

*Alleging that the Quebec Superior Court of Justice and Canada were committing criminal offenses: *Olumide c Attorney General of Quebec*, 2017 QCCS 1865, aff'd 2017 QCCA 1267; *Olumide c Conseil de la magistrature du Québec*, 2017 QCCS 623, aff'd 2017 QCCA 1343; *Olumide c Director of Criminal and Penal Prosecutions*, 2017 QCCA 1561. The foundation for this litigation is apparently Olumide's 2013 GST complaint.

*Alleging racism in relation to Quebec election legislation because the Conservative Party of Canada had rejected Olumide as a political candidate: *Olumide c Ménard*, 2018 QCCS 4666, amendments refused 201CCA 110.

All of these actions were dismissed as abusive.

43 There are 18 reported Ontario court and tribunal decision which involve Olumide.

*A judicial review of uncertain subject matter against Ontario and a transit initiative: *Olumide v Metrolinx*, 2014 ONSC 374, costs awarded 2014 ONSC 3475.

*A judicial review to force disclosure of information concerning the City of Ottawa transit system "Presto Card" payment system: *Olumide v Ottawa (City)*, 2014 ONCA 703.

*Re-litigation of the previous two transit-related actions: *Olumide v Ontario*, 2015 ONCA 651; *Ontario v Ade Olumide*, 2016 ONSC 6198.

*Another lawsuit against the city of Ottawa where the litigation subject is not obvious: *Olumide v Ottawa (City)*, 2015 ONCA 271.

*Appeals to reverse the Crown's decision to stay Olumide's criminal actions against Premier Kathleen Wynn and another individual: *R v Olumide*, 2014 ONCA 712; *R v Olumide*, 2015 ONCA 18.

*Parallel duplicate litigation to Olumide's lawsuit against the Conservative Party of Canada in Federal Court: *Olumide v Conservative Party of Canada*, 2015 ONSC 5989, aff'd 2016 ONCA 314.

*Litigation involving the Ontario Attorney General where the litigation subject is not obvious: *Olumide v Ontario (Attorney General)*, 2016 ONCA 941.

*An action to declare that the provision of the *Criminal Code* which permits the Crown to stay private *Criminal Code*, ss 504, 507.1 informations is unconstitutional: *Olumide v Her Majesty the Queen in Right of Ontario*, 2017 ONSC 1201.

*Human rights complaints against the Ottawa Police Service, Ottawa, Ontario, all three Ontario courts (*Olumide v Ottawa Police Services Board*, 2017 HRTO 1624), and a news service (*Olumide v iPolitics*, 2018 HRTO 924, reconsideration denied 2018 HRTO 1217). Olumide was also declared a vexatious litigant by the Board: *Olumide v Ottawa (City)*, 2018 HRTO 1591.

44 Most recently Olumide, now a vexatious litigant and subject to court access restrictions, applied to sue Thompson Reuters Canada and iPolitics for defamation when they published court decisions that related to him. Leave was denied: *Olumide v Thompson Reuters*, 2019 ONSC 997.

45 I think it likely that what I have uncovered and surveyed are the proverbial tail bones of a much greater skeleton. While I do not rely upon that inference for the steps I am about to take, I simply make that observation to warn the reader that the waste and damage which Olumide has caused is probably far, far greater than what this review has identified.

[10] To say this is extraordinary is an understatement. Mr. Olumide seeks to continue his abuse of the legal system in Nova Scotia by his Notice of Appeal and various motions.

[11] Unfortunately, our Rules do not allow a Court of Appeal, on its own motion, to dismiss an appeal as being frivolous or vexatious. However, that does not mean that we have to stand by and waste the Court's time and resources responding to Mr. Olumide's antics. As a result of Mr. Olumide's failure to attend the telephone Chambers motion on December 4, 2019, I dismiss that motion with costs to the

Human Rights Commission in the amount of \$500 payable forthwith and in any event of the cause.

[12] If Mr. Olumide wishes to file a new Motion for Date and Directions he may do so, however, he must do so in regular Chambers and appear in person for the motion. It is apparent from his correspondence and filings that he does not appreciate how to perfect an appeal. Attempts by the Registrar and the Deputy Registrar to provide guidance to him have gone unheeded and have been met with inappropriate responses. The only way to properly deal with the Motion for Date and Directions is to have him appear in person before a judge of this Court.

[13] He will not be allowed to file a Motion for Date and Directions until such time as he has paid the costs I have awarded to the Human Rights Commission. Further, the Registrar will not accept any further filings from Mr. Olumide until such time as he has made a proper Motion for Date and Directions and appeared in person in Court here in Nova Scotia for the hearing of the motion.

Conclusion

[14] The Motion for Date and Directions is dismissed with costs to the Human Rights Commission of Nova Scotia in the amount of \$500 payable forthwith and in any event of the cause.

Farrar, J.A.