

Federal Court



Cour fédérale

**Date: 20240813**

**Docket: T-1088-24**

**Citation: 2024 FC 1258**

**Ottawa, Ontario, August 13, 2024**

**PRESENT: The Honourable Madam Justice Kane**

**BETWEEN:**

**BAHAA M. IZZ**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

**ORDER**

[1] The Applicant, Bahaa M. Izz [Mr. Izz], brings this motion, dated August 2, 2024, in writing pursuant to Rule 369 of the *Federal Courts Rules*. Mr. Izz seeks an order staying this proceeding, which is an Application for Judicial Review of the decision of the Information Commissioner pursuant to the *Access to Information Act*, RSC 1985, c-A-1 [the Application]. Mr. Izz has also brought several motions in the context of the Application and has written several letters to the Court.

[2] The Application and the motions filed in the context of the Application describe Mr. Izz's concerns about conduct that he believes has affected him. As the Court has noted in oral directions pursuant to its case management role, some of the motions are confusing and lack clarity.

[3] On July 15, 2024, Mr. Izz filed a new Notice of Application [T-1774-24] pursuant to subsection 24(1) of the *Canadian Charter of Rights and Freedoms*, seeking the enforcement of his *Charter* rights, which he alleges have been infringed, and seeking an appropriate remedy [the *Charter* Application].

[4] The *Charter* Application does not provide details of the rights that Mr. Izz alleges have been infringed; however, the Notice of Application reveals the same or similar concerns that Mr. Izz has described in T-1088-24.

[5] Mr. Izz now requests that T-1088-24 be stayed, pursuant to Rule 105 (b) of the *Federal Courts Rules*, until his *Charter* Application is finally determined.

[6] The Respondent does not take any position on the within motion. The Respondent notes, however, that other issues will need to be addressed at future Case Management Conferences if the Application proceeds, including that the Application may be premature.

[7] The Court finds that T-1088-24 should be stayed pending the disposition of the *Charter* Application [T-1774-24]). The *Charter* Application appears to seek a remedy for the same

concerns, now framed as violations of *Charter* rights. As Mr. Izz notes in his submission, the outcome in T-1774-24 may result in discontinuing or narrowing the issues in T-1088-24.

[8] The Court finds that all documents filed in T-1088-24 shall remain in the Designated Registry. The similarity of the allegations in T-1774-24 requires that all documents filed and to be filed in T-1774-23 also be retained in the Designated Registry.

[9] The Court also notes that Mr. Izz has corresponded with the Court commenting on how his proceedings should be assigned by the Chief Justice, objecting to the issuance of Oral Directions, opposing his attendance at Case Management Conferences [CMC] and suggesting that CMCs are proposed as an alternative to determining his motions. To clarify, a CMC is not the determination of any motion or application, but rather is for the purpose of, among other things, establishing timelines, the sequence that motions will be determined, and, where appropriate, clarifying the issues. Oral Directions are not orders or decisions on the merits of an application or motion, but rather direct the next steps in the proceedings. The assignment of judges is entirely within the discretion of the Chief Justice.

[10] The Court further notes that it will not accept or view YouTube videos in *lieu* of written submissions or attendance at the hearings of motions or applications, in person or virtually.

**THIS COURT ORDERS that**

1. The Application for Judicial Review and all related motions in T-1088-24 are stayed pending the determination of the Application for Judicial Review in T-1774-24.
2. All proceedings in T-1088-24 are Designated Proceedings and all documents will be retained in the Designated Registry.
3. All proceedings in T-1774-24 are Designated Proceedings, given the similarity of the allegations and all documents shall be filed and retained in the Designated Registry.
4. No costs are ordered.

"Catherine M. Kane"  
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Judge