

COURT OF APPEAL

CANADA
PROVINCE OF QUEBEC
MONTREAL SEAT

No.: 500-09-700358-252
(550-17-013440-241)

MINUTES OF HEARING

DATE: June 13, 2025

CORAM: THE HONOURABLE

MARK SCHRAGER, J.A.
STEPHEN W. HAMILTON, J.A.
MICHEL BEAUPRÉ, J.A.

APPELLANT	
ÉRIC D'ARGY	ABSENT AND UNREPRESENTED
RESPONDENT	COUNSEL
ATTORNEY GENERAL OF CANADA	Mtre CHARLOTTE DUPUIS Mtre MARTIN LEBLANC (<i>Department of Justice Canada</i>) Absent

DESCRIPTION: **Application to dismiss an appeal** (art. 365 C.p.c.).

Clerk at the hearing: Ariane Simard-Trudel

Courtroom: Pierre-Basile-Mignault

HEARING

9:32 Commencement of the hearing.

Continuation of the hearing held on June 9, 2025. The parties were excused from appearing in Court.

BY THE COURT: Judgment – see page 3.

Conclusion of the hearing.

Ariane Simard-Trudel, Clerk at the hearing

JUDGMENT

[1] The Appellant was a member of the Canadian Armed Forces from 2005 until 2012. He was medically released on February 5, 2012.

[2] Since his release, he has received various disability benefits, support services and treatment benefits provided for under the *Veterans Health Care Regulations*¹ and the *Veterans Well-Being Act*² for two conditions related to his military service, namely cervical disc disease and delusional disorder.

[3] On May 9, 2024, the Appellant instituted an action for injunctive relief and damages against the Attorney General of Canada, which he modified on August 14, 2024. He alleges that he was the victim of misconduct by Veteran Affairs Canada and the Bureau of Pension Advocate. He alleges that certain benefits to which he was entitled were delayed or refused. He also alleges that he had been badly treated and advised and that he was the victim of 10 years of “terrorism and intimidation”.

[4] He seeks orders that Veteran Affairs Canada pay him certain benefits and allow him to receive medical care for his conditions at his preferred location. He also seeks financial compensation of \$500,000 per year since 2014 for psychological and physical harm and suffering.

[5] The Attorney General presented an application to dismiss the action, alleging that the Superior Court had no jurisdiction, that the claims are barred by Section 9 of the *Crown Liability and Proceedings Act*³ and that all claims from 2014 are barred by prescription.

[6] On February 27, 2025, the honourable Marie-Josée Bédard of the Superior Court granted the application and dismissed the action.⁴ She agreed with all three arguments put forward by the Respondent.

[7] The Appellant appealed from this judgment. The Respondent makes an application to dismiss the appeal on the basis that it is abusive and has no reasonable chance of success.

[8] The Appellant, who is not represented, was authorized to plead in writing. In his written argument, he recognizes that the Superior Court does not have jurisdiction over any claim for benefits and abandons those claims, limiting his action to the damages

¹ SOR/90-594.

² S.C. 2005, c. 21.

³ R.S.C., c. C-50.

⁴ *D'Argy c. Procureur général du Canada*, 2025 QCCS 536.

caused by the improper cancellation of his rehabilitation program in 2014. He alleges that the ensuing loss of income and an intimidation scheme forced him to sell his house in Alberta and move back to Quebec, resulting in a deterioration of his mental stability, all of which led to his divorce in 2015 and traumatized his children.

[9] Assuming, without deciding, that the Superior Court has jurisdiction over this claim for damages and that it is not precluded by the *Crown Liability and Proceedings Act*, we are left with the issue of prescription. The events occurred in 2014, and the three-year prescription period expired in 2017. The action was not instituted until 2024. There is no allegation in the Appellant's modified proceeding of any facts that would suspend prescription. The Appellant recognizes that he failed to provide any facts to the judge to justify why prescription should be "waived" or "revoked". The judge therefore did not make any error in concluding that the action was prescribed.

[10] The Appellant now refers in his written argument to Article 2904 C.C.Q., whereby prescription is suspended when it is impossible in fact for a party to act sooner. He now produces in appeal, without seeking permission to produce fresh evidence, a medical report from 2014 in which he is diagnosed as suffering from paranoid delusions, and a medical report from 2017 in which he asked the doctor to reverse the 2014 diagnosis. Even if the Court allowed the Appellant to produce this evidence, it would not be sufficient to conclude that it was impossible in fact for the Appellant to act from 2014 until 2021.

[11] The appeal therefore has no reasonable chance of success and should be dismissed at this preliminary stage. It is not necessary or appropriate to declare it abusive.

FOR THESE REASONS, THE COURT:

[12] **GRANTS** the Application to dismiss the appeal;

[13] **DISMISSES** the appeal;

[14] **THE WHOLE**, without legal costs, given the circumstances.

MARK SCHRAGER, J.A.

STEPHEN W. HAMILTON, J.A.

MICHEL BEAUPRÉ, J.A.