Federal Court Cour fédérale

Date: 20260210

Docket: T-3726-25

Citation: 2026 FC 194

Ottawa, Ontario, February 10, 2026

PRESENT: The Honourable Mr. Justice Ahmed

BETWEEN:

MARIE PIA FAZIO

Plaintiff

and

TORONTO-DOMINION BANK

Defendant

ORDER AND REASONS

I. Overview

[1] The Plaintiff, Marie Pia Fazio, seeks reconsideration of an order dated December 16, 2025, striking her statement of claim without leave to amend (the "Order"). The Plaintiff brings this motion pursuant to Rule 397 of the *Federal Courts Rules*, SOR/98-106 (the "*Rules*").

[2] The Plaintiff submits, amongst other matters, that the Order overlooked her alleged complaint to the Privacy Commissioner invoking the *Personal Information Protection and Electronic Documents Act*, SC 2000, c 5 (the "PIPEDA").

[3] I find the Plaintiff's submissions are meritless. For the reasons that follow, this motion for reconsideration is dismissed.

II. Background

[4] Because there continues to be some misunderstanding of the settled matters in these proceedings, I find it useful to set out clearly the matters that have already been finally determined.

[5] On September 26, 2025, the Plaintiff filed a statement of claim at this Court raising several allegations against the Defendant relating to the parties' banking relationship.

[6] On November 5, 2025, the Defendant filed its notice of intent to respond. There can be no question that the Court allowed this notice to be filed.

[7] On November 20, 2025, after the Plaintiff filed an *ex parte* motion for default judgement due to the Defendant's late filing, the Defendant filed a motion to strike.

[8] It is a well settled fact that this Court deemed it more efficient to address the Defendant's motion to strike before the Plaintiff's motion for default judgement.

[9] Based on this motion to strike, on December 16, 2026, the Order struck the Plaintiff's statement of claim without leave to amend.

[10] On January 14, 2026, after receiving an extension of time, the Plaintiff brought this motion for reconsideration.

III. Analysis

[11] Rule 397 of the *Rules* limits the grounds for reconsideration to allegations that the order does not accord with the reasons given for it or a matter that the Court should have dealt with was overlooked or accidentally omitted. These are very narrow grounds and do not allow for reconsideration based on new facts or arguments (*Chaudry v Canada (Attorney General)*, 2025 FCA 86 at para 4). Rule 397 also does not allow the moving party to relitigate the same arguments (*Sharma v Canada (Revenue Agency)*, 2020 FCA 203 at para 3). Considering these limited grounds for reconsideration, I find that the Plaintiff's arguments in this motion are not viable grounds for reconsideration.

[12] The Plaintiff's submissions cover a wide range of issues that were already addressed in the Order. For example, the Defendant's late filing and the decision to proceed with the motion to strike prior to the Plaintiff's motion for default judgement. These are not grounds for reconsideration; the Court has already considered these arguments and addressed them in directions from Associate Judge Milczynski and in the Order. A motion for reconsideration is not the place to re-argue previous findings.

[13] The Plaintiff also claims that the Court collapses her arguments regarding federal statutes into one, indivisible ground for jurisdiction. This is also not a ground for reconsideration, as it is a new argument and each one of the Plaintiff's previous grounds for jurisdiction were addressed in the Order.

[14] As another ground for reconsideration, the Plaintiff submits that it is in the interests of justice to alter the Order and account for the Plaintiff's situation as a self-represented litigant facing alleged hardship.

[15] While I acknowledge the Plaintiff's statements regarding hardship she has faced, this is not a ground for reconsideration outlined in Rule 397 of the *Rules*. I recognize that the Plaintiff is a self-represented litigant, and that while some latitude may be given with respect to procedure, neither the Court nor the Registry can provide a plaintiff with advice, or step into the role of the litigant to rectify the substantive legal deficiencies that the Order identified in the Plaintiff's statement of claim (*Davis v Canada (Royal Canadian Mounted Police)*, 2024 FCA 115).

[16] The only fact that the Plaintiff submits the Court overlooked was her alleged complaint to the Privacy Commissioner. In the Order, this Court stated that the "Plaintiff has not pleaded that she submitted a complaint to the Privacy Commissioner" (at para 27). Contrary to this statement, the Plaintiff submits that she did complain to the Privacy Commissioner in a letter dated August 12, 2025, which was included in the motion record for the Plaintiff's motion for default judgement.

[17] However, this is also not a ground for reconsideration. The August 12, 2025 letter was not properly before this Court during the motion to strike. Pursuant to Rule 365(2)(e) of the *Rules*, the Plaintiff was required to provide all documents that were necessary for the purposes of the motion in her response to the motion to strike if they were not already provided by the Defendant in its motion record. Neither the Defendant's motion record nor the Plaintiff's response to the motion to strike contained this letter.

[18] A motion for reconsideration is not a means to allow the moving party to validate or complete her plea (*Bell Helicopter Textron Canada Limitée v Eurocopter*, 2013 FCA 261 at para 15). This Court has explicitly stated that it is neither the Court's nor the Registry's role to retrieve documents from the Court file for consideration as evidence or otherwise on a motion; rather, all documents relied upon must be included in the specific motion materials (*Tehrankari v Canada*, 2022 CanLII 109756 at paras 8-9 (FC); *Sorribes v Canadian Broadcasting Corporation*, 2023 FC 978 at para 5). It was insufficient for the Plaintiff to have provided the August 12, 2025 letter in her previous *ex parte* motion for default judgement to bring this letter before the Court in the motion to strike proceedings or, indeed, in these proceedings.

[19] Despite the Plaintiff's improper reliance on a document that was not and is not properly before this Court, the Order did not overlook the Plaintiff's allegations under PIPEDA. The Order clearly states that "only after receiving the Commissioner's report may a complainant apply to this Court for a hearing". Even considering the August 12, 2025 letter, the Order specified that a report from the Privacy Commissioner was required under subsections 11(1) and 14(1) of the PIPEDA. The Plaintiff did not provide or reference any such report in the motion to

strike proceedings. Consequently, there are no grounds for reconsideration based on the Plaintiff's submissions regarding PIPEDA.

[20] In the alternative, the Plaintiff submits that the Order should be modified to allow the Plaintiff to cure the defect in her statement of claim by pleading her complaint to the Privacy Commissioner. I note that the Order refused to grant leave to amend and that this refusal reflects the reasons within the Order in accordance with Rule 397(1) of the *Rules*. As discussed previously, there was no fact that was overlooked or omitted in the Court's analysis of the Plaintiff's submissions regarding PIPEDA. Accordingly, curing the plaintiff's defective statement of claim is not a ground for reconsideration.

[21] Additionally, as the Order noted at paragraph 26, this Court's jurisdiction regarding PIPEDA is restricted to reviewing the report from the Privacy Commissioner. Consequently, even if the Plaintiff were to take the steps proposed, such as filing a formal complaint with the Privacy Commissioner and receiving a report and then, if necessary, applying for judicial review, it would entirely change the nature of these proceedings. It would seek to change the matter from an action to an application and vary the parties to the proceeding. In short, it would be an entirely different matter than the one filed by the Plaintiff on September 26, 2025.

[22] I therefore conclude that there are no grounds to reconsider the Order or any part of it. The Plaintiff's arguments amount to a request to reconsider the same arguments or allow new evidence to be considered, which would not have made a difference to the Order's outcome in any event. I understand that the Plaintiff alleges she has faced hardship, but it is beyond the Court's role to address such allegations in this proceeding.

IV. Behaviour Towards this Court's Registry Staff

[23] Separate and apart from determining that there are no grounds for reconsideration, I also find it necessary to clarify the role of the Registry given the behaviour that has come to the Court's attention in this matter. Specifically, since receiving the Order, the Plaintiff has come regularly to the Registry and attempted to lodge numerous letters with abusive language against our Registry staff claiming procedural unfairness related to the Order and my decision not to hold a hearing for this motion for reconsideration.

[24] Importantly, I must emphasize that the Registry and its staff play no role in decisions as to whether to schedule a hearing and the outcome of any direction, order, or judgement. In this regard, the Registry staff fulfilled the whole of their responsibility by communicating to the Plaintiff the directions and orders from the Court.

[25] In the interest of further explaining the responsibilities of the Registry, I note that the Registry staff's role is set out on the Federal Court's website. As described in *Soderstrom v Canada (Attorney General)*, 2011 FC 575 at paragraphs 19-22, this information includes details as to what the Registry staff can and cannot do to assist litigants. It specifies that the Registry may explain how the Court works, answer general questions regarding the Federal Court practices and procedures, amongst other filing procedures. The website also clearly states that the Registry cannot give litigants legal advice, put litigants in contact with a Judge or Associate Judge, predict what the Court may decide, or assist litigants in understanding the orders or decisions of the Court.

[26] Of course, the Plaintiff has every right to bring an appeal against this Court's orders, which she has already done regarding the Order. But no party, regardless of their personal history or circumstances, has a right to threaten or use abusive language towards our Court's dedicated and hard-working Registry staff.

[27] Considering that the Plaintiff's statement of claim has been struck and the lack of grounds for reconsideration, I find the following orders necessary to bring the Plaintiff's litigation before this Court to a full and complete end.

ORDER in T-3726-25

THIS COURT ORDERS that:

1. The Plaintiff's motion for reconsideration of the Order issued on December 16, 2025, is dismissed, without costs.

2. The Registry shall close file no. T-3726-25.

3. The Registry shall not receive, accept, or file any further documents from the parties in file no. T-3726-25, subject any order or direction of the Court.

4. The Registry shall not respond to any further request or communication from the Plaintiff regarding file no. T-3726-25, whether such request or communication is made by email or any other form of written communication, by telephone or any other form of verbal communication, or in person.

"Shirzad A."
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	T-3726-25
STYLE OF CAUSE:	MARIE PIA FAZIO v TORONTO-DOMINION BANK

MOTION PURSUANT TO RULE 397 OF THE *FEDERAL COURTS RULES*

ORDER AND REASONS:	AHMED J.
DATED:	FEBRUARY 10, 2026

WRITTEN SUBMISSIONS:

Marie Pia Fazio (On her own behalf)	FOR THE PLAINTIFF
Christine Lonsdale Sabih Ottawa	FOR THE DEFENDANT

SOLICITORS OF RECORD:

McCarthy Tétrault LLP Barristers and Solicitors Toronto, Ontario	FOR THE DEFENDANT