

Federal Court



Cour fédérale

Date: 20260410

Docket: T-3796-25

Citation: 2026 FC 480

Toronto, Ontario, April 10, 2026

PRESENT: The Honourable Justice Battista

BETWEEN:

MARIE PIA FAZIO

Plaintiff

and

ALTUS BUSINESS CONSULTANTS LIMITED
SPARKROCK INCORPORATED, SPARKROCK LIMITED
SPARKROCK EDSEMBLI INCORPORATED
SPARKROCK CANADA INCORPORATED
SPARKROCK U.S. INCORPORATED (FORMERLY KNOWN
AS ALTUS BUSINESS CONSULTANTS AMERICA INC,)
EMBER INVESTMENTS INCORPORATED
IONIC PARTNERS LIMITED LIABILITY COMPANY

Defendants

JUDGMENT AND REASONS

I. Overview

[1] Marie Pia Fazio is a self-represented litigant appealing the Order of Associate Judge Trent Horne dated March 16, 2026.

[2] A.J. Horne's Order caused Ms. Fazio's Statement of Claim (Claim) to be removed from the Court file pursuant to Rule 74 of the *Federal Courts Rules*, SOR/98-106 [the *Rules*]. The Claim alleged misconduct against the Defendants, who are Ms. Fazio's former employers, and other third parties. A.J. Horne concluded that the Claim presented no viable matter within the jurisdiction of the Federal Court.

[3] For the following reasons, no error was made in A.J. Horne's decision and the motion appealing the Order is dismissed.

II. The Plaintiff's Claims

[4] Ms. Fazio asserts that she experienced reprisals and harassment from the Defendants and others because she is a whistleblower who has exposed an international modern slavery network operating in Norway, Sweden and Canada. Her claims include:

- having experienced intimate partner violence and eviction by her former partner, as well as unemployment, kidnapping and torture;
- being targeted and abused by the Defendants as well as the Canada Revenue Agency, Toronto-Dominion Bank, and all other Sparkrock companies;
- being conspired against and abused by Federal Court Registry staff and Justices of this Court;

- being prejudiced by the Defendants for their alleged non-compliance with the *Rules*, such as late filing.

[5] Ms. Fazio’s allegations are clearly of high importance to her. However, the question before this Court is whether A.J. Horne erred in determining that the Claim did not disclose any cause of action within the Court’s jurisdiction and should be removed from the Court file pursuant to Rule 74 of the *Rules*.

[6] A.J. Horne’s Order described the following “core allegations” made by Ms. Fazio: “a) wrongful termination and reprisal; b) harassment and workplace misconduct; c) payroll irregularities and corporate identity shifts; d) misappropriation of intellectual property; and e) systemic misconduct [related to] payroll, banking and federal reporting systems.”

III. Standard of review

[7] The applicable standard of review for the appeal of a decision by an Associate Judge is that such decisions “should only be interfered with when [they are] are incorrect in law or are based on a palpable and overriding error in regard to the facts” (*Hospira Healthcare Corporation v Kennedy Institute of Rheumatology*, 2016 FCA 215 at paras 64). This reflects the appellate standard of review set out in *Housen v Nikolaisen*, 2002 SCC 33 (See e.g. *Fatema v Higa*, 2026 FCA 43 at para 4).

IV. Analysis

[8] Ms. Fazio asserts that the threshold for Rule 74 decisions is high, rarely used, and that A.J. Horne erred by failing to consider proportionality.

[9] In fact, A.J. Horne correctly identified that while Rule 74 may be infrequently used, it is an important tool that allows this Court to ensure that scarce judicial resources are not devoted to claims that have no prospect of success or are abusive proceedings (See e.g. *Raji v Schwartz*, 2024 FC 1779 at para 39; *Wu v Canada (Judicial Council)*, 2025 FC 866 at paras 42, 44-45; *French v Canada (Attorney General)*, 2025 FC 551 at paras 39-43).

[10] Regarding the question of proportionality, A.J. Horne was alive to the consequences of the claim's removal from the Court file and conducted a comprehensive review of the applicable law. He properly found that the issues identified in Ms. Fazio's Claim either did not disclose a cause of action (See e.g. *Oleynik v Canada (Attorney General)*, 2014 FC 896 at para 5), or was not within this Court's jurisdiction as set out in the test in *ITO-International Terminal Operators Ltd v Miida Electronics Inc*, [1986] 1 SCR 752 [*ITO*].

[11] Ms. Fazio alleges that because material facts are in dispute it was improper for her Claim to have been "prematurely" removed. However, this argument ignores the fundamental hurdle that employment matters with private entities are not within the jurisdiction of the Federal Court (see e.g. *Rowe v National Arts Centre Corporation*, 2023 FC 1347 at paras 16-17). This allegation was correctly assessed by A.J. Horne who made no error in determining that the Federal Court is not the proper venue for the employment matters raised in the Claim.

[12] Ms. Fazio alleges that this Court has jurisdiction over the matters in her Claim, contrary to the findings of A.J. Horne and in accordance with the *ITO* test. She claims that various governing federal statutes and matters of federal concern are at issue, including the *Copyright Act*, RSC 1985, c C-42 [*Copyright Act*]; the *Competition Act*, RSC 1985, c C-34 [*Competition Act*]; the *Patent Act*, RSC 1985, c P-4; the *Trademarks Act*, RSC 1985, c T-13; the *Canada Labour Code*, RSC 1985, c L-2 [*Canada Labour Code*]; and the *Canadian Human Rights Act*, RSC 1985, c H-6 [*Canadian Human Rights Act*]. She also asserts breaches of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK), 1982, c 11* [the *Charter*] as well as international law instruments including the *Universal Declaration of Human Rights*, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No. 13, UN Doc A/810 (1948) 71 [*Universal Declaration*], and broadly the “Conventions” of the International Labour Organization [*ILO*].

[13] Ms. Fazio generally refers to these legal instruments but does not describe specific breaches of any specific provisions within them.

[14] A.J. Horne acknowledged that Ms. Fazio advanced an intellectual property dispute, which she also asserts in this appeal. However, there continues to be fundamental material defects in the intellectual property claim that render it non-actionable. As noted by A.J. Horne, Ms. Fazio has not provided any list of works that are in issue, or any material facts, as required by pleadings for copyright infringement (*Fox Restaurant Concepts LLC v 43 North Restaurant Group Inc.*, 2022 FC 1149 at para 32). She has also failed to identify any specific invention or trademark, and this renders any specific claim under patent or trademark law non-actionable.

[15] Finally, Ms. Fazio has not provided any arguments disputing A.J. Horne's determination that subsection 13(3) of the *Copyright Act* is fatal to any claim of copyright infringement, because the Defendants are presumed to be copyright owners of Ms. Fazio's work during her employment.

[16] As for the *Canada Labour Code* and the *Canadian Human Rights Act*, Ms. Fazio has failed to establish why either would apply. First, Ms. Fazio failed to mention the *Canada Labour Code* in her submissions before A.J. Horne and in her Claim. More specifically, however, the *Canada Labour Code* applies to specific federal works, undertakings and businesses, or other entities engaging in matters exclusively within statutory jurisdiction and powers of the Federal Government as specified in the *Code* (*Canada Labour Code*, ss 2, 4, 123, 167, 268). Nothing indicates that the Defendants fall within this category of entities governed by the *Code*.

[17] Ms. Fazio alleges that the Defendants are federally incorporated, multinational and complex as an organization, and accordingly the matter must fall under federal jurisdiction. However, a defendant's status as federally incorporated, multinational or complex does not, on its own, grant this Court jurisdiction where none is granted by federal legislation (*Katz v Bank of Nova Scotia*, 2009 FC 328 at para 14).

[18] Similarly, the *Canadian Human Rights Act* applies to private sector corporations but only employers and service providers that are federally regulated such as airlines and banks (*Parkdale Community Legal Services v Canada*, 2025 FC 912, at para 15) [emphasis added]. The Defendants are not a private entities engaging in a federally regulated industry.

[19] Provincial courts are vested with significant exclusive jurisdiction and competence in many matters outside the jurisdiction of the Federal Court. Similarly, provincial human rights, labour and employment legislation are robust. Nationwide activity by an actor does not, on its own, confer jurisdiction on the Federal Court.

[20] In addition, even assuming there was subject matter jurisdiction, Ms. Fazio has not made a proper complaint in the relevant tribunals established under the *Canada Labour Code* and the *Canadian Human Rights Act*. Her failure to do so is essentially a request for this Court to bypass the Canadian Human Rights Commission, the Canadian Human Rights Tribunal and the Canada Industrial Relations Board. It is an indirect request for this Court to recognize a private common law claim premised on these statutory instruments, which the Court cannot do. A.J. Horne appropriately recognized that alleged breaches of a statute are not torts and do not create any actionable tortious claims (See e.g. *Asghar v Canada*, 2020 FC 1136 at para 19).

[21] Moving to the competition law allegations, the only basis for Ms. Fazio's assertions under the *Competition Act* is the fact that the Defendants engage in competition and cross-border corporate conduct. However, this mere assertion does not disclose any actionable cause of action or breach of the *Competition Act*.

[22] There are many reasons why Ms. Fazio's *Charter* assertions fail. First, Ms. Fazio does not identify any specific *Charter* right that was breached. Second, A.J. Horne correctly noted that the Federal Court does not have jurisdiction over all *Charter* claims. *Charter* protection concerns government conduct offending the *Charter* and the Defendants are private entities not acting on

the behalf of government, nor acting pursuant to a government statute. The *Charter* does not govern the conduct of private actors, including corporations, acting independently of government.

[23] Finally, A.J. Horne was correct to note that the *Universal Declaration* does not form part of Canadian domestic law and cannot be relied on to assert substantive rights alone (*Canada (Minister of National Revenue) v MacIver*, 2002 FCT 877 at para 15). The same principle applies to the broadly asserted “Conventions” of the ILO, which were not argued before A.J. Horne nor in the Claim.

V. Conclusion

[24] A.J. Horne made no error in law, nor any palpable and overriding errors in his factual assessment of Ms. Fazio’s claim. There is no basis to overturn his decision to remove Ms. Fazio’s Claim from the Court file and this motion appealing A.J. Horne’s Order is dismissed.

JUDGMENT in T-3796-25

THIS COURT'S JUDGMENT is that:

1. The Plaintiff's appeal from Associate Judge Horne's order dated March 16, 2026, is dismissed.
2. There is no order regarding costs.

"Michael Battista"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-3796-25

STYLE OF CAUSE: MARIE PIA FAZIO v ALTUS BUSINESS CONSULTANTS LIMITED, SPARKROCK INCORPORATED, SPARKROCK LIMITED, SPARKROCK EDSEMBLI INCORPORATED, SPARKROCK CANADA INCORPORATED, SPARKROCK U.S. INCORPORATED (FORMELY KNOWN AS ALTUS BUSINESS CONSULTANTS AMERICA INC.), EMBER INVESTEMENTS INCORPORATED, IONIC PARTNERS LIMITED LIABILITY COMPANY

PLACE OF HEARING: HELD BY WAY OF ZOOM VIDEOCONFERENCE

DATE OF HEARING: APRIL 7, 2026

JUDGMENT AND REASONS: BATTISTA J.

DATED: APRIL 10, 2026

APPEARANCES:

Marie Pia Fazio	FOR THE PLAINTIFF (ON HER OWN BEHALF)
D. Jared Brown	FOR THE DEFENDANTS

SOLICITORS OF RECORD:

Brown Litigation Barrister and Solicitor Toronto, Ontario	FOR THE DEFENDANTS
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