

Federal Court



Cour fédérale

**Date: 20260409**

**Docket: T-955-25**

**Citation: 2026 FC 465**

**Ottawa, Ontario, April 9, 2026**

**PRESENT: Mr. Justice Sébastien Grammond**

**BETWEEN:**

**MUNCHANG CHOI**

**Applicant**

**and**

**THE ATTORNEY GENERAL OF CANADA**

**Respondent**

**ORDER AND REASONS**

[1] The Attorney General brings a motion to strike Mr. Choi's application for judicial review. I am granting this motion and striking the application, because Mr. Choi has not exhausted the remedies provided by statute, nor did he show that these remedies are inadequate.

## I. Background

[2] On January 9, 2025, Mr. Choi attended a Royal Canadian Mounted Police [RCMP] detachment in North Vancouver. He asked an officer to sign legal documents that appeared to be related to a civil lawsuit. The officer refused to do so and asked him to leave. During the interaction, Mr. Choi stated that he would call 9-1-1. The officer told him that he would arrest him if he did so, because it is a criminal offence to call 9-1-1 without valid reason. Mr. Choi did not call 9-1-1 and eventually left.

[3] The next day, Mr. Choi filed a complaint with the Civilian Review and Complaints Commission of the RCMP [the Commission]. Pursuant to the *Royal Canadian Mounted Police Act*, RSC 1985, c R-10 [the Act], this complaint was initially investigated by the RCMP itself.

[4] By a letter dated March 11, 2025, the Superintendent in charge of the North Vancouver detachment dismissed Mr. Choi's complaint [the Report]. This letter was delivered to Mr. Choi on March 17, 2025. In a nutshell, the Superintendent found that RCMP officers have no duty to sign or receive documents related to a civil dispute and that the officer was justified to warn Mr. Choi that he would be arrested if he made an unjustified 9-1-1 call.

[5] The next day, March 18, 2025, Mr. Choi filed an application for judicial review in this Court. On the same day, he also wrote to the Commission to request a review of the Report.

[6] The Attorney General brought a motion to strike the application because Mr. Choi did not exhaust his administrative remedies. After Mr. Choi filed his responding motion record, an associate judge of the Court directed that the motion to strike would be decided by the judge deciding the application brought by Mr. Choi's former employer to declare him a vexatious litigant. By a judgment issued concurrently with the present order, I am allowing that application: *Lloyd's Register Canada Ltd v Choi*, 2026 FC 464.

## II. Analysis

[7] I am granting the Attorney General's motion to strike, because Mr. Choi has not exhausted his administrative remedies and did not show that these remedies would be inadequate.

### A. *The Need to Exhaust Administrative Remedies*

[8] Judicial review is a discretionary remedy. It is usually not available where there is an adequate alternative remedy: *Strickland v Canada (Attorney General)*, 2015 SCC 37 at paragraphs 40–45, [2015] 2 SCR 713; *Cogeco Communications Inc v Canada (Attorney General)*, 2026 FC 10 at paragraphs 36–42 [*Cogeco*]. More specifically, litigants must exhaust administrative appeals or reviews provided by statute before turning to judicial review: *Harelkin v University of Regina*, [1979] 2 SCR 561.

[9] Where a litigant brings an application for judicial review before exhausting administrative remedies, the Court may strike the application on a preliminary motion: *Yatar v TD Insurance Meloche Monnex*, 2024 SCC 8 at paragraph 54; *Cogeco* at paragraphs 43–45.

B. *The Complaint Process in the Act*

[10] Part VII of the Act creates a process for the review of complaints pertaining to the RCMP. Section 45.6 provides that such complaints must first be investigated by “the Force” – that is, the RCMP – except in certain circumstances that are not relevant to the present case. Section 45.64 provides that once the investigation is completed, the RCMP shall provide the complainant with a report of its findings and corrective actions. In this case, a report pursuant to section 45.64 was communicated to Mr. Choi on March 17, 2025.

[11] Once the RCMP has completed the initial investigation, the Act gives the complainant a right to require the Commission to review the RCMP’s findings:

**45.7 (1)** A complainant who is not satisfied with a decision under section 45.61 or a report under section 45.64 may, within 60 days after being notified of the decision or receiving the report, refer the complaint in writing to the Commission for review.

**45.7 (1)** Le plaignant qui n’est pas satisfait de la décision rendue en vertu de l’article 45.61 ou du rapport visé à l’article 45.64 peut, dans les soixante jours suivant la réception de l’avis de la décision ou du rapport, renvoyer sa plainte pour révision par demande écrite à la Commission.

[12] In this case, Mr. Choi availed himself of the review process set forth in section 45.7 but did not wait for its conclusion before filing an application for judicial review. In fact, he

launched both processes simultaneously. This contravenes the rule requiring the exhaustion of administrative remedies. Hence, Mr. Choi's application for judicial review is liable to be struck, unless he is able to claim an exception to the rule.

C. *Is There an Exception to the Rule?*

[13] Mr. Choi submits that his application should nevertheless be allowed to proceed because he was "procedurally unable to access the internal appeal process under s. 45.7(1) of the *RCMP Act* due to mental health disability, repeated institutional obstruction, lack of procedural fairness, and absence of accommodations." I am unable to agree with Mr. Choi.

[14] I begin with his assertion that the RCMP or the Commission mishandled his prior complaints and acted "with bias and lack of independence." The only evidence Mr. Choi provided in this regard is what appears to be a complaint he made in 2024 in respect of an access to information request. He did not provide the investigation report nor any other information that would allow me to assess his contention that the investigator or the Commission was biased. Allegations of partiality and bias are serious and should never be made lightly: *Arthur v Canada (Attorney General)*, 2001 FCA 223 at paragraph 8. The mere fact that Mr. Choi is unsatisfied with the outcome does not establish bias or lack of independence. His allegation that he has "no reasonable prospect of receiving a fair and impartial hearing" from the Commission is entirely unwarranted.

[15] I now turn to Mr. Choi's assertion that the Commission's review process is inaccessible or does not accommodate his disability. In his affidavit, he writes:

The Final Report did not clearly explain the appeal procedure. The language was vague and, given my mental health limitations, difficult to interpret without legal assistance.

My mental health condition severely impairs my executive functioning and ability to process formal procedures under stress. Facing a strict 60-day timeline while experiencing anxiety, depression, and cognitive limitations rendered the internal appeal effectively inaccessible to me.

[16] These assertions are belied by the facts. The day after receiving the Report, Mr. Choi filed a four-page request to the Commission to review the matter, as well as a notice of application for judicial review. This shows that despite the alleged vagueness of the information regarding a review by the Commission, Mr. Choi knew exactly what to do. Most importantly, this also shows that Mr. Choi was quickly able to overcome any alleged barriers related to his mental health condition.

[17] Moreover, Mr. Choi's assertion that the Commission "has failed to offer accessible procedures, disability-based accommodation, or trauma-informed processes" is entirely devoid of substance. He does not say what procedures, accommodations or processes the Commission should have offered, nor does he identify any shortcoming of the existing procedures.

[18] Mr. Choi also contends that the RCMP and the Commission are in breach of the *Accessible Canada Act*, the *Canadian Human Rights Act* and section 15 of the *Canadian Charter of Rights and Freedoms*. But again, no particulars are offered.

[19] Hence, Mr. Choi has not put forward any credible basis allowing me to question the adequacy of a review by the Commission. The circumstances do not justify an exception to the rule requiring the exhaustion of administrative remedies.

[20] Accordingly, Mr. Choi's application for judicial review must be struck.

[21] As the defect affecting the application is not one that can be cured by amendment, the application will be struck without leave to amend.

### III. Disposition

[22] For the foregoing reasons, Mr. Choi's application for judicial review will be struck without leave to amend.

[23] The Attorney General is seeking its costs. In my view, a costs award in the amount of \$500 is just and appropriate in the circumstances.

**ORDER in file T-955-25**

**THIS COURT ORDERS that:**

1. The style of cause is amended to substitute the Attorney General of Canada for the Civilian Review and Complaints Commission for the RCMP as the respondent.
2. The application for judicial review is struck without leave to amend.
3. The applicant is ordered to pay the sum of \$500 in costs, inclusive of disbursements and taxes, to the respondent.

"Sébastien Grammond"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-955-25

**STYLE OF CAUSE:** MUNCHANG CHOI v THE ATTORNEY GENERAL OF  
CANADA

**MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO  
RULE 369 OF THE *FEDERAL COURTS RULES***

**ORDER AND REASONS:** GRAMMOND J.

**DATED:** APRIL 9, 2026

**APPEARANCES:**

Munchang Choi (self-represented)

FOR THE APPLICANT

Rupinder Gosal

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Attorney General of Canada  
Ottawa, Ontario

FOR THE RESPONDENT