

Court File #: **A-239-22**

id#1

FEDERAL COURT OF APPEAL

BETWEEN:

WENDY SIN MING HO

<b>FEDERAL COURT OF APPEAL</b>		<b>D E P O S E</b>
<b>COUR D'APPEL FÉDÉRALE</b>		
<b>F I L E D</b>	14 Nov-2022	
Sherri Ally		
<b>TORONTO, ON</b>		<b>-1-</b>

Appellant/Plaintiff

and

HIS MAJESTY OF KING IN RIGHT OF CANADA

Respondent/Defendant

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**NOTICE OF APPEAL OF THE PLAINTIFF/MOVING PARTY**

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14<sup>th</sup> November 2022

**Wendy Sin Ming Ho**  
 1195 Shagbark Crescent,  
 Mississauga,  
 Ontario L5C 3N6  
 Tel.: (905) 275-2842  
 e-mail: [wensm2ho@gmail.com](mailto:wensm2ho@gmail.com)

(Self-represented Appellant/Plaintiff)

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears on the following page.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by

the appellant. The appellant requests that this appeal be heard at 180 Queen St. West, Suite 200, Toronto, Ontario.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341 prescribed by the Federal Courts Rules and serve it on the appellant's solicitor, or where the appellant is self-represented, on the appellant, WITHIN 10 DAYS of being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341 prescribed by the Federal Courts Rules instead of serving and filing a notice of appearance.

Copies of the Federal Courts Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

14<sup>th</sup> November 2022

Issued by:     *Sherri Ally*    

Address of local office: 180 Queen St. W.  
Suite 200, 2/F1.  
Toronto, Ontario  
M5V 3L6

**TO:****The Administrator**

Federal Court of Appeal  
180 Queen Street West, Suite 200  
Toronto, On. M5V 3L6

**AND TO:****Attorney General of Canada**

(On Behalf of the Prime Minister of Canada, PM Justine Trudeau,  
and the Royal Canadian Military Police)

Department of Justice Canada  
Ontario Regional Office  
120 Adelaide Street West, Suite #400  
Toronto, Ontario, M5H 1T1

**MP Bill Blair**

2263 Kingston Road,  
Scarborough, Ontario  
M1N 1T8

**Commissioner Brenda Lucki**

RCMP National Headquarters  
Headquarters Building  
73 Leikin Drive  
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Counsel for the Respondent/Defendant

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FEDERAL COURT OF APPEAL

BETWEEN:

WENDY SIN MING HO

Appellant/Plaintiff

and

HIS MAJESTY OF KING IN RIGHT OF CANADA

Respondent/Defendant

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**NOTICE OF APPEAL**

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14<sup>th</sup> November 2022

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(Self-represented Appellant/Plaintiff)

## APPEAL

I, THE APPELLANT, **Wendy Sin Ming Ho** appeals to the Federal Court of Appeal from the Federal Court of Canada for the Order of Judge B. Richard Bell dated 4<sup>th</sup> November 2022 on the appeal to judgment under Prothonotary (Associate Judge) Molgat dated 30<sup>th</sup> June 2022 and Prothonotary (Associate Judge) Horne dated 12<sup>th</sup> August 2022 with the file# T-1080-22. The judgment under Judge Bell noted his dissatisfactions for my appeal from Order of Associate Judge Horne as follows:

- (1) not including the two judgments from prothonotaries;
- (2) require four-part test for seeking an extension of time though appellant had health reasons.
- (3) insufficient evidence explaining the delay.

The judgment under Judge Bell noted his dissatisfactions for my appeal from Order of Associate Judge Molgat because she made no error on my request for fee waiver related to no merit to the underlying claim.

The judgment under Judge Bell insisted no merit in the claim related to ‘no cause of action’ in the pleadings. The order dismissed my appeal and awarded the defendant with cost. I had exhausted my seeking legal assistance under eligible criteria to the Probono Legal Office of Ontario (PBLO), but was refused. I experienced threats from perpetrators not to disclose anything or I would not be defended in the hospital litigation with self-responsible indemnities for the plaintiff’s claim. Around mid-August 2020, I realized my right and was ready to report to police about the felony, from which I could seek protection and legal rights through the crime report. The police refused to provide a crime report number to me or my providing of written narration of report. The series of misconduct and negligence from the perpetrators, judicial

personnel and parliamentary officials caused me at risk of fabricated second-degree murder. Thus, I became sick. Since the felony incident happened in 2000 that compounded me to become permanent disabled without ability for back to work.

**Party in the first instance adverse in interest to the appellant:**

- (i) Commissioner of Royal Canadian Military Force (RCMP), Ms. Brenda Lucki;
- (ii) Public Safety and Emergency Preparedness, Mr. Bill Blair responsible for Royal Canada Military Police (RCMP);
- (iii) Prime Minister, Justin Trudeau.

I, THE APPELLANT ASK that:

**A. RELIEF SOUGHT:**

1. THE APPELLANT, Wendy Sin Ming Ho seeks:
  - (a) A grant of a copy on request documents to the Court on law enforcement on the indictable offence under *Criminal Code Act 1995 [linked]*, and fresh evidence on harassment and the crime.
  - (b) An extension of timeline for trial;
  - (c) An order to rescind the moving party/defendant's awarded costs in the motion dated 12<sup>th</sup> August 2022 and 4<sup>th</sup> November 2022;
  - (d) A declaration that the defendant, referred to as the Crown was in breach of contractual, constitutional, statutory, and common law duties to me;
  - (e) A declaration that the appeal of the plaintiff involves constitutional validity that the Crown have breached the Canadian Charter of Rights and Freedoms, ('Charter') Part I of *Constitution Act, 1982* being schedule B to the Canada Act 1982, c. 11 especially

- with respect to s. 7, s. 15, s. 24 (1), (2) *[linked]* and Part VII, s. 52 of the Act *[linked]*;
- (f) A declaration on Notice of Constitutional Question for the Attorney General of Canada to intervene the validity of Federal Court Rules, s.357 for the Supreme Court Act, s. 37.1, s. 39 *[linked]*; and the Shared Services Canada Act, s.6 *[linked]*;
- (g) A declaration that no delay for the appeal caused from the intended conspiracy of delay from the judicial personnel;
- (h) A declaration that the Crown have violated the limitation period on litigation possess exemption under Limitation Act 2002, c. 24, Sched. B, s. 7 *[linked]*;
- (i) A declaration that the Crown is liable for the damages caused by its breach of contractual constitutional, statutory, and common law duties;
- (j) Permission to submit motion record for the ‘Fresh as Amended Statement of Claim’;
- (k) An order to grant Appeals in forma *pauperis*;
- (l) Cost of this action;
- (m) And such and other relief as this Honorable Court may deem just.

## **B. GROUNDS OF APPEAL**

2. His Majesty the King in Right of Canada (hereinafter ‘the Crown’) being constitutionally responsible for the governmental executive, the Prime Minister (PM) Justin Trudeau. The PM appointed the Minister of Public Safety and Emergency Preparedness, Mr. Bill Blair responsible for Royal Canada Military Police (RCMP) under Constitution Acts to serve the public.
3. The delegation of power from Parliament to the federal Crown on bearing the responsibilities of representatives for Canadians are with Crown liability.

4. The wrongdoings of the Crown's assigned authorities had infringed the rights to security, equal and legal justice guaranteed by the *Canadian Charter of Rights and Freedoms*. It is unconstitutional upon judicial prejudice to dismiss the pleading about indictable offence, for which is barred from the *Federal Courts Rules*, SOR/98-106, r. 174 to r. 181 **[linked]**. The rule restricts plaintiffs to plead in a brief narration that gives room for defendant to strike for lack of details to respond aiming the advantage of the employer of the defendant's counsel, the Crown.
5. Under *Federal Courts Rules*, SOR/98-106, r. 75(2)(c) **[linked]**, an opportunity for preparation necessary to meet amended allegations.
6. The Commissioner of RCMP refused to file a case on indictable offence, for which fails its responsibility to protect. The court refused to grant a declaration to investigate a felony violated Canadians' right to apply to a court of competent jurisdiction for appropriate and just in the circumstances.
7. Neglect tort is under the Law of Tort, for which is a reasonable cause of action.
8. People with disability is protected under law with equal rights.
9. Under *Constitution Act 1982*, Part VII, s. 52 **[linked]**, noted that any rule of law is inconsistent with the Constitution is of no force or effect.
10. The enforcement of Constitution Acts guarantee protection to people who abide by the laws, and maintain justice in Canada.
11. Unreasonable delay in court, the refusal of eligible criteria for requesting Probono legal service from Probono Legal Office of Ontario (PBLO), and intentional misinformation directed from court registry create great impacts on denying justice.

12. Notice of Constitutional Question would provide intervention on unaccountable practice under the Department of Justice Act R.S.C., 1985, c. J-2.
13. The Appellant has an arguable case;
14. There is no prejudice to the respondent, His Majesty the King in Right of Canada.

### **C. REQUEST DOCUMENTS**

I, the appellant had disclosed defendant's indictable offence to the Workplace Safety and Insurance Appeal Tribunal (WSIAT), but no further action taken for the appeal but with dismissal. I request:

15. WSIAT to send a certified copy of the following material that is not in the possession of the appellant but is in the possession of the WSIAT to the Appellant and to the Registry.

The details on the request document are as follow:

- a. WSIAT File No.: **06-0141**;
- b. WSIAT File Name: **Ho, Wendy**;
- c. Request the details of the decision on the appeal hearing;
- d. Request the corresponding addendum #3 prepared on 7<sup>th</sup> July 2011, and addendum #4 prepared on 4<sup>th</sup> October 2011, and addendum #5 for decision from the board to adjourn the appeal hearing;
- e. Date of WSIAT Reconvened Appeal Hearing: 6<sup>th</sup> February 2012;
- f. Place of Reconvened Appeal Hearing:  
505 University Ave. 7/FI., Toronto, On. M5G 2P2  
Tel.: (416) 314-8800
- g. Name of Panel: Rosemarie McCutcheon,  
Brian Wheeler,  
Angela Grande;  
Interpreter: Verna Chong

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Date: 14<sup>th</sup> November 2022



Signed: \_\_\_\_\_

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**TO:**

**The Administrator**

Federal Court of Appeal  
180 Queen Street West, Suite 200  
Toronto, On. M5V 3L6

**AND TO:**

**Attorney General of Canada**

(On Behalf of the Prime Minister of Canada, PM Justine Trudeau,  
and the Royal Canadian Military Police)

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