



[2022] 1 F.C.R. D-7

PRACTICE

DISMISSAL OF PROCEEDINGS

Undue Delay

Related Subjects: Practice—Case Management—Status Review

Notice of status review requiring applicant to serve, file representations stating reasons why underlying proceeding should not be dismissed for delay — In response to notice, applicant submitted very brief written representations — Applicant's affidavit evidence not relating to issues to be determined on status review — On status review, Court must be satisfied that reasons provided for delay in moving proceeding forward justified, that measures proposed by party in default to move case forward appropriate — Applicant offering only financial problems as explanation for delay — This explanation wholly inadequate to account for substantial period of delay — Fact applicant self-represented not giving him any additional rights or special exemption because of his lack of knowledge or legal skill — Applicant made conscious decision to ignore this proceeding — If applicant prevented from taking any step required by *Federal Courts Rules*, SOR/98-106, Part 5 for financial or other reasons, incumbent on him to request extension of time in timely manner — Court having to balance competing values of timely justice, right to hearing on merits — While system of civil justice favouring determination of disputes on their merits, circumstances existing where integrity of administration of justice best served by requiring party to comply with Rules in order to obtain relief sought — Feeble explanation provided by applicant not excusing six month period of delay in proceeding — Application dismissed.

HICKS V. CANADA (ROYAL MOUNTED POLICE) (T-515-21, 2021 FC 1183, Lafrenière J., reasons for order dated November 4, 2021, 5 pp.)