

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20220927**

**Docket: A-268-20**

**Citation: 2022 FCA 161**

**CORAM: STRATAS J.A.  
RIVOALEN J.A.  
LOCKE J.A.**

**BETWEEN:**

**SAJJAD ASGHAR**

**Appellant**

**and**

**ROGERS COMMUNICATIONS INC.**

**Respondent**

Heard at Toronto, Ontario, on September 27, 2022.  
Judgment delivered from the Bench at Toronto, Ontario, on September 27, 2022.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**STRATAS J.A.**

Federal Court of Appeal



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BETWEEN:

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and

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**REASONS FOR JUDGMENT OF THE COURT**  
(Delivered from the Bench at Toronto, Ontario, on September 27, 2022).

**STRATAS J.A.**

[1] The appellant appeals from the October 2, 2020 judgment of the Federal Court (*per* Diner J.): 2020 FC 951. The Federal Court dismissed the appellant's application for judicial review of the decision of the Canadian Human Rights Commission dated July 12, 2019. The Commission

dismissed the appellant's complaint of discrimination on the ground that the complaint was frivolous.

[2] Like the Federal Court, we see no reason to interfere with the Commission's decision. The Federal Court properly chose the standard of review of reasonableness. It properly found that the Commission's decision was reasonable.

[3] During argument, we put key portions of the Federal Court's reasons to the appellant and he was not able to persuade us that the Federal Court erred. Based on the record before this Court, we substantially agree with the reasons of the Federal Court on the issue of reasonableness.

[4] We also see no ground to interfere with the Federal Court's disposition of other issues in the case raised by the appellant, such as procedural fairness. Again, on these points, we substantially agree with the reasons of the Federal Court.

[5] We categorically reject the allegation of bias the appellant has made in his memorandum of fact and law against the Federal Court: there is no evidence at all to support such a serious allegation.

[6] We note the appellant's unfounded, intemperate allegations against the Federal Court and the Commission in his memorandum of fact and law and the appellant's litigation history, summarized in the Respondent's Memorandum of Fact and Law at para. 38. We warn the

appellant that this sort of conduct can trigger a vexatious litigant application under s. 40 of the *Federal Courts Act*, R.S.C. 1985, c. F-7.

[7] Therefore, we will dismiss the appeal. Having heard submissions on costs, costs will follow the event. We will award costs in the fixed, all-inclusive amount of \$5,000. The amount is elevated beyond the usual amount to reflect the intemperate nature of the appellant's memorandum of fact and law in this case, despite the warning delivered to the appellant by the Federal Court.

“David Stratas”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-268-20

**APPEAL FROM A JUDGMENT OF THE HONOURABLE MR. JUSTICE DINER OF THE FEDERAL COURT DATED OCTOBER 2, 2020, IN DOCKET NO. T-1288-19.**

**STYLE OF CAUSE:** SAJJAD ASGHAR v. ROGERS COMMUNICATIONS INC.

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** SEPTEMBER 27, 2022

**REASONS FOR JUDGMENT OF THE COURT BY:** STRATAS J.A.  
RIVOALEN J.A.  
LOCKE J.A.

**DELIVERED FROM THE BENCH BY:** STRATAS J.A.

**APPEARANCES:**

Sajjad Asghar FOR THE APPELLANT (ON HIS OWN BEHALF)

Howard Levitt FOR THE RESPONDENT  
Alexis Lemajic

**SOLICITORS OF RECORD:**

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