

SUPREME COURT OF YUKON

Citation: *Government of Yukon (Minister of Justice) v. Hanna*, 2012 YKSC 83

Date: 20120717
Docket S.C. No.: 12-A0037
Registry: Whitehorse

BETWEEN:

GOVERNMENT OF YUKON (MINISTER OF JUSTICE)

Petitioner

AND:

JAMES CLIFFORD HANNA

Respondent

Before: Mr. Justice R.S. Veale

Appearances:

Philippa Lawson
No one appearing for the Respondent

Appearing for the Petitioner

REASONS FOR JUDGMENT DELIVERED FROM THE BENCH

[1] VEALE J. (Oral): This is an application by the Registrar of Notaries pursuant to s. 7 of the *Notaries Act*, R.S.Y. 2002, c. 158 as amended by S.Y. 2010, c. 4. For the benefit of the record, I will read that. Section 7 states:

The Supreme Court has full power and authority on application by the registrar or any person aggrieved, in a summary manner, to inquire into the professional conduct or any alleged incompetence, negligence, or fraud of a notary public, and may, for cause shown order that a notary public be struck off the roll of notaries public, or be suspended from practising for a period named in the order or make any order that is just.

So, the application is that James Clifford Hanna be struck from the roll of Notaries Public.

[2] As I have indicated, I have read the petition filed by the applicant Government of Yukon. I have read the affidavit filed by the Registrar of Notaries Public, Darcy Nundahl, and I have read the response affidavit of James Clifford Hanna, the Notary Public.

[3] Mr. Hanna was sworn in as a Notary Public on June 3, 2010, and his appointment expires on June 3, 2015. I am satisfied that Mr. Hanna should be struck from the roll of Notaries Public and his appointment as a Notary Public terminated immediately, based on the affidavit evidence both of the Registrar of Notaries Public and Mr. Hanna himself.

[4] The affidavit of Mr. Nundahl, the Registrar of Notaries Public, has several attachments to it. One is a complaint dated May 3, 2012, received from a Daniel D. Peterson, Barrister and Solicitor in Calgary, Alberta. That letter contains several documents which I quite frankly cannot describe because they defy the normal description that one would have in a court. The first one is called "Notary's Affidavit of Service." It is not an affidavit of service, but it is a document signed by James C. Hanna as Notary Public on April 21, 2012. It is neither an affidavit of service nor the swearing of an affidavit of service, so I am not clear what the intent was, but it attaches to it a notice of default.

[5] Then, he has a document entitled "Verification" which is purported to be in the Province of Alberta where he purports to verify documents of Dan and Laura Bird. There are two concerns, of course, one would have with this; the first is that Mr. Hanna has no

authority whatsoever to verify any documents in the Province of Alberta. And, of course, as a Notary Public in the Yukon, he has no authority whatsoever to swear any documents by a person that is not physically present in front of him and certainly not by a person that is located in another jurisdiction.

[6] The second document, Exhibit D to Mr. Nundahl's affidavit, is a document that purports to be an Affidavit of Service and the heading is "Mike Nixon, Minister of Justice, Attorney General of Yukon," and then it says, "The documents and sundry papers pertaining to James Clifford Hanna as follows: Notice of Revocation of Power of Attorney," and so forth. He then signs it as James Clifford Hanna. Now, interestingly, that document does not purport to be a document signed as a Notary Public, but it is a document that would demonstrate a profound misunderstanding of documents. He includes in that a Notice of Revocation of Power of Attorney. The Notice of Revocation of Power of Attorney is affirmed by him and of course he is the person that is claiming to be revoking a power of attorney. A very strange document indeed.

[7] The third document is entitled "Fee Schedule" and he is giving notice to the Honourable Robert Nicholson, the Minister of Justice and Attorney General of Canada dated May 3, 2012, of his fee schedule:

...for any transgressions by peace officers, government officials, agents or justice system participants against me as follows:

- If questioned, interrogated or in any way detained, harassed or otherwise regulated; One Thousand Dollars (\$1,000) per hour or portion thereof.

Secondly:

- If handcuffed, transported, incarcerated or subjected to any adjudication process without express written and notarized consent from me; Fifty Thousand Dollars (\$50,000) flat fee and then Two Thousand Dollars (\$2,000) per hour...

This one, apparently, is sworn by another Notary Public, but it is a very strange fee schedule and the jurat indicates a complete incompetence and understanding of the role of a Notary Public.

[8] The crowning point of incompetency with respect to Mr. Hanna is the affidavit that he filed on July 3, 2012. The affidavit itself is understandable and in affidavit form, but he signs the affidavit as deponent on June 29, 2002 [sic] and then he affirms his own affidavit on July 3, 2012. That, to my mind, aside from the admissions he made about the previous documentation, that documentation on its own is sufficient to revoke the appointment and have James Clifford Hanna removed from the role of Notaries Public, and I so order.

[9] I did not note that the Crown was seeking costs. Were you seeking costs?

[10] MS. LAWSON: No, we're not, Your Honour.

VEALE J.