

Federal Court



Cour fédérale

Ottawa, February 20, 2024 – Chief Justice Paul Crampton of the Federal Court issued a decision today in file T-165-24:

REBEL NEWS NETWORK LTD. and EZRA LEVANT
v.
DAVID LAMETTI and THE ATTORNEY GENERAL OF CANADA

Summary: The Court dismissed the Applicants’ Motion for interlocutory injunctive relief pending the determination of their underlying application for judicial review (the “**Application**”). In their Motion, the Applicants requested, among other things, an Order requiring the Honourable David Lametti (“**HDL**”) to reinstitute and/or reactivate his X account (the “**X Account**,” formerly “Twitter Account”), and to preserve a range of data and records related to the X Account.

Background: During his time as a Member of Parliament and Minister of Justice and Attorney General of Canada, HDL maintained the X Account and used it to communicate with the public.

On or about January 25, 2024, the Applicants discovered that the X Account had been deactivated. They filed their underlying Application and this Motion two days later.

In their Application, the Applicants assert that, by deactivating his X Account, HDL prevented them and other X users “from viewing, replying, reposting, or using the Community Notes feature on any and all posts previously made on that X Account.” They add that this (i) hindered public access to government information, (ii) suppressed “crucial voices in public debate on posts that can no longer be interacted with, shared, or commented on,” and thereby (iii) breached their rights under subsection 2(b) and section 3 of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK), 1982, c 11* (the “*Charter*”).

By January 29, 2024, HDL had reactivated his X Account. He then offered an undertaking (the “**Undertaking**”) to, among other things, transfer the entirety of the X Account archive to Library and Archives Canada within 10 days of the hearing of this Motion, which took place on February 13, 2024. Following that hearing, he expanded the Undertaking to include a commitment not to deactivate his X Account until a judgment is made on the merits of the Applicants’ underlying Application.

Determination: The Court dismissed the Motion after finding that the Applicants failed to satisfy the test to obtain the requested injunctive relief. This is because they did not meet the second prong of that test, which requires a demonstration of irreparable harm. Having regard to the reactivation

of the X Account and the Undertaking, the Applicants were unable to establish irreparable harm with clear and non-speculative evidence. More specifically, the Applicants failed to demonstrate, on a balance of probabilities, that any data, information or other material associated with the X Account would be destroyed or otherwise rendered inaccessible to them if the requested injunctive relief they requested was not granted. This was fatal to their Motion.

The underlying Application remains to be determined. In that Application, the relief requested by Applicants includes a Declaration that HDL violated the Applicants' rights under subsection 2(b) and section 3 of the *Charter* by deactivating his X Account. The Applicants also request an Order to preserve the archive of the X Account and certain other communications and records relating to HDL's service as the Minister of Justice and Attorney General of Canada.

The decision is posted on the [News Bulletins](#) page of the Federal Court website.