

In the Court of Appeal of Alberta

Citation: Shodunke v Mercredi (Estate), 2026 ABCA 243

Date: 20260720

Docket: 2603-0086AC

Registry: Edmonton

Between:

Chief Olufemi Shodunke

Applicant

- and -

**The Estate of Connie Mercredi, Donald Gorman,
and Alberta Human Rights Commission**

Respondents

- and -

Minister of Justice of Alberta

Intervenor

**Reasons for Decision of
The Honourable Justice Kevin Feehan**

Application for Permission to Appeal to a Panel

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[1] Chief Olufemi Shodunke seeks permission to appeal to a panel of this Court from my decision of June 17, 2026: 2026 ABCA 196, pursuant to r 14.5(1)(a) of the *Alberta Rules of Court*, AR 124/2010. Permission to appeal a decision of a single appeal judge must be sought from the same judge who made the decision that is to be appealed: r 14.5(2).

[2] In his earlier application, Chief Shodunke sought an extension of time to appeal a decision of a chambers judge on judicial review dated January 14, 2026. He was required to file a notice of appeal of that decision on or before Monday, February 16, 2026, r 14.8(2)(a)(iii), but did not do so until April 16, 2026.

[3] The background facts to Chief Shodunke’s proposed appeal are set out in the earlier decision at paragraphs 3-7. His complaint at the Alberta Human Rights Commission was that his landlords had discriminated against him. The Director of the Commission initially reviewed the complaint under s 21 of the *Act*, dismissing it as having no reasonable prospect of success, s 21(1)(a)(iii). Upon appeal of that dismissal, pursuant to s 26 of the *Act*, the Acting Chief of the Commission reviewed the record and agreed that the complaint should have been dismissed. The Acting Chief determined that the complaint was “an abuse of process”, frivolous and vexatious.

[4] In addition to dismissing Chief Shodunke’s complaint, the Acting Chief declared him a vexatious complainant under the Commission bylaws, bylaws 5.1 and 20.4(w), and ***Prassad v Canada (Minister of Employment and Immigration)***, [1989] 1 SCR 560, 568, 569, 57 DLR (4th) 663. He did so after reviewing the history of 23 human rights complaints in Ontario, reflecting “multiple applications, bare or bald assertions without supporting evidence, and/or lengthy irrelevant submissions”. The Acting Chief said that after coming to Alberta, Chief Shodunke had attempted to file 48 human rights complaints, none of which had been successful in establishing discrimination, and several of which were the subject of judicial reviews and appeals, none of which were successful. He noted that Chief Shodunke had outstanding unpaid costs awards from these matters, totaling \$36,000.

[5] The decision of the Acting Chief was examined by the chambers judge on judicial review. She found that all decisions of the Acting Chief were “reasonable”, “fair and measured”, and there was no evidence of bad faith.

[6] Considering the proposed appeal of the decision of the chambers judge, I set out the legal principles that govern requests for extension of time to appeal, established in ***Cairns v Cairns***, [1931] 4 DLR 819, 826-827, [1931] 3 WWR 335 (AB SCAD), repeated many times in this jurisdiction.

[7] I determined that Chief Shodunke's application for extension of time to appeal failed on all grounds. He had not proven he had an intention to appeal before the appeal date. He had no adequate explanation for delay, his claim of incapacity was not supported by any cogent medical evidence, and the Commission was prejudiced by the delay to appeal. I determined that the proposed appeal of Chief Shodunke had no merit. It had been dismissed as an abuse of process, frivolous and vexatious, and as having no reasonable prospect of success by the Director and Acting Chief, which was affirmed by the chambers judge. I found that Chief Shodunke's allegations were unsupported, did not clearly identify any discrete, reviewable error arising from the decision under appeal, and was merely comprised of general allegations, broad disagreement with the outcome, and attempts to re-argue the underlying facts.

[8] There is no reason why this matter should proceed to be heard by a panel of three judges of this Court. The application is dismissed.

[9] Rule 9.4(2) is invoked, and the Court will prepare the resulting order.

Written submissions filed on July 14, 2026

Reasons filed at Edmonton, Alberta
this 20th day of July, 2026

Feehan J.A.

Appearances:

Applicant Chief O. Shodunke

A.G. Vinni (no written submissions)
for the Respondents, Estate of C. Mercredi and D. Gorman

M.L. Luhtanen (no written submissions)
S. Ahmed (no written submissions)
for the Respondent, Alberta Human Rights Commission

B. Frape (no written submissions)
for the Intervenor, Minister of Justice of Alberta