Federal Court Cour fédérale

Date: 20180705

Dockets: T-1-17
T-2-17
IMM-2611-17
IMM-2612-17

Citation: 2018 FC 692

Ottawa, Ontario, July 5, 2018

PRESENT: The Honourable Madam Justice Strickland

BETWEEN:

FOREFRONT PLACEMENT LTD.

Applicant

and

THE MINISTER OF EMPLOYMENT AND SOCIAL DEVELOPMENT

Respondent

ORDER AND REASONS

[1] This is a motion brought by the Applicant, Forefront Placement Ltd. ("Forefront"), pursuant to Rule 51 of the *Federal Courts Rules*, SOR/98-106 ("Rules"). It is an appeal of a Prothonotary's Order dated December 19, 2017, which dismissed Forefront's motions brought in IMM-2611-17 and IMM-2612-17, seeking an order permitting Mr. Timothy Leahy to appear in those matters as counsel of record, and struck Forefront's underlying applications for leave and

judicial review in IMM-2611-17 and IMM-2612-17, as well as two related applications for judicial review, T-1-17 and T-2-17, without leave to amend.

Procedural Background

[2] To address this appeal, it is necessary to first set out the most salient portions of the considerable procedural history of these matters.

The T-1-17 and T-2-17 applications

[3] Forefront first commenced an application for judicial review, bearing the file number T-1-17, by notice of application filed January 3, 2016. This application, brought under s 41 of the *Privacy Act*, RSC, 1985, c P-21, described the challenged decision as a December 13, 2016 decision of the Minister of Employment and Social Development ("Minister") to "retain the $1,000 cost-recovery, Labour Market Impact Analysis ("LMIA") application fee". The notice of application sought, amongst other things, a declaration that the LMIA fee, payable under s 315.2(1) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 ("IRP Regulations"), violated s 19(2) of the *Financial Administration Act*, RSC, 1985, c F-11 ("*Financial Administration Act*").

[4] On the same date, Forefront also commenced a second application for judicial review, bearing the file number T-2-17. The decision challenged therein was described as the December 13, 2016 decision of the Minister "not to cease violating the *Constitution Act, 1867* and the *Charter* with respect to temporary foreign workers, resident in Canada, and their

(potential) Canadian employers". The application was stated to have been brought pursuant to the *Constitution Acts, 1867* and *1982*, and sought various declarations, including that the Minister's regulation of the labour of non-nationals residing in Canada be declared unconstitutional and that the limiting of temporary foreign workers to 10% of an employer's workforce breached s 15 of the *Charter*.

[5] Both notices of application in T-1-17 and T-2-17 were accompanied by a letter from Mr. Leahy requesting that he be authorized to represent Forefront on the basis that he was its director, and that he was qualified to appear in the Federal Court as counsel by virtue of an authorization by the Ontario Court of Appeal.

Forefront's Rule 120 motion in T-1-17, Direction issued in T-2-17

[6] Later that month, on January 24, 2017, Forefront filed a motion in T-1-17, seeking an order, among other things, confirming that Mr. Leahy was authorized to appear as counsel of record before this Court and the Federal Court of Appeal, or alternatively, authorizing him to represent Forefront by virtue of his being its sole director and shareholder, as may be permitted by Rule 120 of the Rules.

[7] Also on January 24, 2017, the Respondent filed a letter in T-2-17, seeking a direction confirming that Mr. Leahy was prohibited from representing Forefront in that application. The Respondent enclosed a copy of the decision in *Law Society of Upper Canada v Leahy*, 2015 ONLSTH 53 (CanLII) ("*Leahy*"), in which the Law Society of Upper Canada (now the Law Society of Ontario) determined that Mr. Leahy was ungovernable and revoked his licence to

practice law in Ontario, effective December 10, 2014. The Respondent also noted that *Leahy* had been relied on in the Federal Court by Justice Gleeson in T-2256-16, a matter in which Mr. Leahy had attempted to appear as counsel for an individual applicant. In an Order dated January 16, 2017, Justice Gleeson had directed that T-2256-16 be held in abeyance until the applicant advised the Court of his intention to act in person or to appoint a solicitor in accordance with Rule 119 of the Rules.

[8] As a result of the Respondent's letter, Prothonotary Aalto issued a Direction dated January 26, 2017 in T-2-17, directing Forefront to either appoint a solicitor within 30 days or bring a motion seeking leave to have a non-lawyer represent it. Forefront did neither in that proceeding.

[9] Forefront's Rule 120 motion in T-1-17 was heard by Justice Southcott on February 7, 2017. By Order and Reasons dated February 14, 2017, *Forefront Placement Ltd v The Minister of Employment and Social Development*, 2017 FC 183, Justice Southcott dismissed Forefront's motion.

[10] Before Justice Southcott, Forefront argued that Mr. Leahy had been issued a certificate by the Registrar of the Court of Appeal for Ontario and the Ontario Court of Justice in 1991 ("1991 Certificate"), certifying that he had been duly sworn in and enrolled as a solicitor of those Courts, and that there was no evidence that this authority had been rescinded or vacated, and that s 11 of the *Federal Courts Act*, RSC 1985, c F-7 ("*Federal Courts Act*"), which sets out the entitlement of solicitors to practice in the Federal Courts, does not require membership in a

provincial bar society. Justice Southcott found that s 11 of the *Federal Courts Act* defined the categories of persons entitled to practice in the Federal Courts in relation to status in a province, with regulation in those provinces being conducted through provincial bar societies. As to the 1991 Certificate, it significantly predated the decision of the Law Society revoking Mr. Leahy's licence.

[11] With respect to Forefront's alternative argument, made under Rule 120, Justice Southcott found that Forefront had not provided sufficient evidence of its financial inability to retain counsel, and had therefore not demonstrated the special circumstances required by the Rule.

[12] On February 21, 2017, Forefront filed a notice of appeal in the Federal Court of Appeal (A-58-17), seeking to have Justice Southcott's Order set aside.

[13] On April 7, 2017 Justice Dawson directed the Registry of the Federal Court of Appeal to advise Forefront that it was required to either be represented by a solicitor or to bring a motion in writing pursuant to Rule 120. Accordingly, on April 12, 2017, Forefront filed a motion in writing in A-58-17 seeking, among other things, an order allowing Mr. Leahy to represent it under Rule 120. By interim Order, dated May 9, 2017, Justice Gauthier allowed Forefront's motion in part, granting it permission to be represented by Mr. Leahy in the appeal. Justice Gauthier's Order stated:

> UPON considering that these are special circumstances to allow Mr. Leahy to represent Forefront in this appeal. More particularly, the order that is the subject of this appeal is one dismissing Forefront's request to be represented by Mr. Leahy in a judicial application before the Federal Court;

> UPON noting that the question before me is quite distinct from the one before the Federal Court and that my order should not in any way be construed as impacting on the merits of this appeal.

The Respondent's strike motions in T-1-17 and T-2-17

[14] Meanwhile, on May 23, 2017, while the appeal in A-58-17 was pending, the Respondent filed two identical motions in writing pursuant to Rule 369, seeking an order striking out T-1-17 and T-2-17 on the basis that Forefront lacked standing to bring the applications or, alternatively, that the applications should have been commenced as applications for leave and judicial review under s 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 ("IRPA").

[15] Mr. Leahy filed Forefront's responding materials on May 29, 2017, arguing in both matters that the Respondent's strike motions were vexatious and an abuse of process, and that they ought to be dismissed on the basis that the doctrines of laches and issue estoppel barred the Respondent from challenging Forefront's standing, or, alternatively, that Forefront had direct or public interest standing, and, there was no legal basis to forcibly require Forefront's applications to proceed under the IRPA.

[16] The Respondent filed its replies on June 1, 2017, in which it argued, in part, that Forefront's responding materials should be struck as they had been prepared and filed by Mr. Leahy who could not act as counsel.

[17] On June 2, 2017, Forefront attempted to file motions in T-1-17 and T-2-17 seeking an order compelling the Respondent to produce certain materials. The Respondent filed letters

dated June 5, 2017 in T-1-17 and T-2-17, seeking a direction that Forefront's motions not be accepted for filing, given Prothonotary Aalto's Direction of January 6, 2017 in T-2-17, and Justice Southcott's Order of February 14, 2017 in T-1-17. The next day, Prothonotary Milczynski directed orally in T-1-17 and T-2-17 that the motion materials not be accepted for filing, as Mr. Leahy was not entitled to represent Forefront in the proceedings.

The IMM-2611-17 and IMM-2612-17 applications

[18] On June 12, 2017, Forefront attempted to file two applications for leave and judicial review, bearing the file numbers IMM-2611-17 and IMM-2612-17, brought under s 72(1) of the IRPA and seeking the same relief as in T-1-17 and T-2-17, respectively. Along with these applications, Forefront filed a letter asking that the materials be filed and advising the Court of its intention to bring motions under Rule 120. By oral direction on that day, Prothonotary Milczynski directed that the materials be accepted for filing.

[19] On June 14, 2017, Forefront filed identical motions under Rule 120 in each of IMM-2611-17 and IMM-2612-17, seeking, among other things, an order confirming that Mr. Leahy was authorized to appear as counsel in the Federal Court, or an order otherwise authorizing him to represent Forefront. Forefront argued that Mr. Leahy was authorized to appear as counsel in the Federal Court pursuant to the 1991 Certificate and s 11 of the *Federal Courts Act*, or on the basis of Rule 120 and Justice Gauthier's Order of May 9, 2017 in A-58-17. The Rule 120 motions in IMM-2611-17 and IMM-2612-17 were made returnable on June 20, 2017, but were subsequently adjourned to and heard on July 4, 2017 before Prothonotary Aalto.

[20] Following the hearing, Prothonotary Aalto ordered, on July 5, 2017, that Forefront's Rule 120 motions in IMM-2611-17 and IMM-2612-17, and the Respondent's strike motions in T-1-17 and T-2-17, be held in abeyance pending the outcome of the appeal in A-58-17, and that thereafter a case conference would be held to determine the next steps for all four motions.

The Federal Court of Appeal's dismissal of Forefront's appeal

[21] Forefront's appeal of Justice Southcott's Order, which refused Forefront's Rule 120 motion in T-1-17, was heard by the Federal Court of Appeal on September 21, 2017, and Judgment was delivered from the bench (*Forefront Placement Ltd v Canada (Employment and Social Development)*, 2017 FCA 196 ("*Forefront 2017*"). In its decision, the Federal Court of Appeal noted that, by virtue of Justice Gauthier's interlocutory Order, Mr. Leahy had been granted leave to represent Forefront in the appeal (*Forefront 2017* at para 1).

[22] The Court of Appeal then considered whether T-1-17 was properly characterized, pursuant to s 72 of the IRPA, as a "matter – a decision, determination or order made, a measure taken or a question raised – under the Act", noting that "the Act" in s 72 includes a regulation. The Court of Appeal found that, in T-1-17, Forefront sought to resist or reduce the payment of a $1,000 fee payable under s 315.2 of the IRP Regulations, alleging that s 315.2 conflicts with s 19(2) of the *Financial Administration Act*. The Court of Appeal concluded that T-1-17 was a matter or question raised under the IRPA.

[23] The Court of Appeal dismissed Forefront's argument that the *Financial Administration Act*, and not the IRP Regulations, was really the matter before the Court. Instead, the Court of

Appeal held that the *Financial Administration Act* was only a ground invoked by Forefront in a matter or question that, in substance, concerned the avoidance or reduction of the obligation to pay the fee under s 315.2 of the IRP Regulations.

[24] Thus, Forefront's appeal was barred by s 72(2)(e) of the IRPA, which prohibits appeals from interlocutory orders, with the result that the Court of Appeal therefore lacked jurisdiction to entertain it. Forefront's appeal was accordingly dismissed with costs.

Forefront's motion to amend the notice of application in T-1-17

[25] On September 25, 2017, a few days after the Court of Appeal's dismissal of its appeal, Forefront sought to file a notice of motion in T-1-17 seeking leave to amend its notice of application in response to the Court of Appeal's decision. That same day, Forefront also wrote to the Federal Court Registry, advising that it wished to have its motion for leave to amend in T-1-17 heard with the "other motions", and asserting that Mr. Leahy could act as counsel for Forefront in "any Federal Court proceeding" by virtue of Justice Gauthier's interlocutory Order. Forefront also requested that the pending motions in T-1-17, T-2-17, IMM-2611-17, and IMM-2612-17 be scheduled for a hearing.

[26] On September 26, 2017, the Respondent filed a letter seeking a direction that Forefront's motion for leave to amend in T-1-17 not be accepted for filing as, given the decision of the Federal Court of Appeal in A-58-17, Justice Southcott's decision was binding. The Respondent also sought direction on how the four pending applications, T-1-17, T-2-17, IMM-2611-17, and IMM-2612-17, which had been held in abeyance pending the Federal Court of Appeal's

decision, were now to be addressed. Later that day, Prothonotary Aalto directed that Forefront's motion for leave to amend in T-1-17 be spoken to at General Sittings, along with the Respondent's letter of September 26, 2017. In response, on the same date, Forefront wrote to the Federal Court Registry indicating that the motion for leave to amend in T-1-17 should be converted to a motion in writing under Rule 369, attaching an amended notice of motion in that regard. Forefront's motion materials were then filed on September 27, 2017.

[27] The Respondent filed its responding materials to Forefront's motion for leave to amend in T-1-17 on October 5, 2017, including an affidavit of Anna Thompson, Legal Assistant at the Department of Justice, attaching as an exhibit a transcription of part of the hearing of Forefront's appeal before the Federal Court of Appeal that took place on September 21, 2017. Forefront filed its reply on October 10, 2017.

Disposition of Forefront's Rule 120 motions in IMM-2611-17 and IMM-2612-17

[28] On October 16, 2017, the Respondent's motions to strike in T-1-17 and T-2-17 (brought under Rule 369), and Forefront's motion for leave to amend in T-1-17 (converted to a Rule 369 motion), were sent for disposition as motions in writing. However, on October 18, 2017, Justice Campbell issued an Order in T-1-17 and T-2-17 as follows:

> GIVEN the complexity of the present motions, they are to be determined on oral argument at a time agreed to between the parties.

[29] On November 21, 2017, the office of the Chief Justice directed as follows in T-1-17 and T-2-17:

> The Court has evaluated the total duration required for both matters and has indicated that 2 hours is sufficient. As such, the parties are to make their motion returnable at a general sitting of their choice.

[30] On November 14, 2017, Forefront's Rule 120 motions in IMM-2611-17 and IMM-2612-17 were sent for disposition. In the communication to the Court from the Registry, the Rule 120 motions in IMM-2611-17 and IMM-2612-17 were referred to as motions brought under Rule 369.

[31] By Order dated December 19, 2017 issued in IMM-2611-17 and IMM-2612-17, Prothonotary Aalto dismissed Forefront's Rule 120 motions and found that Mr. Leahy could not represent Forefront in those proceedings or in T-2-17. Additionally, the Prothonotary struck out the underlying applications for leave and judicial review in IMM-2611-17 and IMM-2612-17, as well as the related applications in T-1-17 and T-2-17, with costs and without leave to amend.

[32] Prothonotary Aalto's Order of December 19, 2017 is the subject of this appeal.

Order Under Appeal

[33] The Prothonotary described the remedies sought by Forefront, as well as the Order of Justice Southcott, the interlocutory Order of Justice Gauthier, and the Judgment of the Federal Court of Appeal in A-58-17. The Prothonotary noted that Forefront's Rule 120 motions in IMM-2611-17 and IMM-2612-17 engaged the same issue that had been before Justice Southcott namely, whether Mr. Leahy may represent Forefront as counsel. The Prothonotary also stated that the Court had "sought input from the parties as to the manner in which these motions were to

be dealt with" and had been "advised that all of the issues could be dealt with in writing pursuant to Rule 369".

[34] The Prothonotary found that the issue of whether Mr. Leahy can represent Forefront in matters before this Court had been finally and decisively determined by Justice Southcott's Order and the subsequent dismissal of the appeal thereof. The Prothonotary went on to note the "disrespectful arguments, innuendo of wrong doing, and editorial commentary" of Mr. Leahy, which were dismissive of members of the Court, counsel for the Department of Justice, and others. The Prothonotary stated that these remarks were an affront to the integrity of the Court and its members and verged on being contemptuous. The Prothonotary cited a number of examples from Forefront's written submissions prepared by Mr. Leahy. The Prothonotary stated that whether Mr. Leahy liked it or not, Justice Southcott's decision was a final and binding authority upon Mr. Leahy and Forefront. Given this finding, the Prothonotary concluded that the balance of the relief sought by Forefront could not be granted.

[35] Further, the Prothonotary observed that IMM-2611-17 and IMM-2612-17 mirrored, in large part, T-1-17 and T-2-17. The Prothonotary noted that, on January 6, 2017 the Court had directed in T-2-17 that Forefront appoint a solicitor of record within 30 days or bring a motion for leave to represent Forefront. This was not done. In T-1-17, Forefront had brought a Rule 120 motion, which was dealt with by Justice Southcott as described above. The Prothonotary concluded that all four applications should be struck on the grounds that there was no solicitor of record, IMM-2611-17 and IMM-2612-17 were duplicative of T-1-17 and T-2-17

and were therefore an abuse of process, and for the many reasons raised by the Respondent, which the Prothonotary did not specify but with which he indicated that he agreed.

Forefront's Motion Appealing the Prothonotary's Order

[36] In its notice of motion, brought pursuant to Rule 51, Forefront seeks an order that Prothonotary Aalto's Order of December 19, 2017 be set aside and the matters be remitted to be heard orally by a Judge, as ordered by Justice Campbell on October 18, 2017 in T-1-17 and T-2-17 and directed by the office of the Chief Justice on November 21, 2017.

Issues

[37] Forefront submits that the issues are:

> (1) Whether the Prothonotary erred, and exceeded his jurisdiction, in overriding the Order of Justice Campbell, dated October 18, 2017, that an oral hearing be held in T-1-17 and T-2-17, and, without notice, disposing of the motions, including the IMM files, in writing;
>
> (2) Whether the Prothonotary's decision is in breach of natural justice and fundamental justice, given that counsel had already been retained, was coming on record, and arranging a return date with Respondent's counsel and the Court; and
>
> (3) Whether the tenor, tone, and timing of the Prothonotary's decision exhibit a reasonable apprehension of bias.

[38] The Respondent addresses these issues, but adds the following issues:

> (1) Whether T-1-17 and T-2-17 should be struck, as the decisions being challenged in those applications are matters or decisions arising under IRPA, and therefore should have been commenced by way of an application for leave and judicial review;

(2) Whether Forefront lacks standing to bring this appeal; and

(3) Whether the portions of this appeal that deal with whether Mr. Leahy can represent Forefront have been rendered moot by the fact that Forefront has now retained counsel.

[39] In my view, the issues can be framed as follows:

(1) Whether Forefront lacks standing to bring this appeal;

(2) Whether the Prothonotary erred in dismissing Forefront's Rule 120 motions in IMM-2611-17 and IMM-2612-17;

(3) Whether the Prothonotary's Order contradicted Justice Campbell's Order;

(4) Whether the Prothonotary erred by striking IMM-2611-17, IMM-2612-17, T-1-7, and T-2-17; and

(5) Whether the Prothonotary's Order demonstrates a reasonable apprehension of bias.

Standard of Review

[40] Forefront makes no submissions on the standard of review to be applied on an appeal, brought pursuant to Rule 51 of the *Federal Courts Act*, of a discretionary decision of a Prothonotary. The Respondent submits, and I agree, that the standard of review is correctness for questions of law and those of mixed fact and law, where there is an extricable legal principle at issue, while for questions of fact, the standard of review is palpable and overriding error (*Hospira Healthcare Corporation v Kennedy Institute of Rheumatology*, 2016 FCA 215 at para 66; *Housen v Nikolaisen*, 2002 SCC 33 at paras 19 to 37 ("*Housen*"); *Bard Peripheral Vascular Inc v WL Gore & Associates Inc*, 2017 FC 585 at para 10). A palpable and overriding error is one which is obvious and apparent, the effect of which is to vitiate the integrity of the reasons (*Maximova v Canada (Attorney General)*, 2017 FCA 230 at para 5).

[41] Here, Forefront asserts that the Prothonotary exceeded his jurisdiction, breached natural and fundamental justice, and that his Order evidences a reasonable apprehension of bias. Such issues are reviewable on a standard of correctness (see *Pembina County Water Resource District v Manitoba (Government)*, 2017 FCA 92 at para 35, citing *Housen* at para 8; *Coombs v Canada (Attorney General)*, 2014 FCA 222 at para 12 ("*Coombs*")).

Issue 1: Does Forefront lack standing to bring this appeal?

[42] The Respondent argues that Forefront lacks standing to bring this appeal, relying on the arguments made in its written submissions in its strike motions in T-1-17 and T-2-17. Those motions were supported by the affidavit of Donna Blois, Director, Integrity Policy and Program Intelligence Division, Temporary Foreign Worker ("TFW") Program, Skills and Employment Branch, Employment and Social Development Canada, affirmed on May 19, 2017 ("Blois Affidavit").

[43] The Blois Affidavit provides general background to the TFW Program, which operates under the authority of the IRPA and the IRP Regulations, including an overview of the process for employers to make application for an LMIA. The Blois Affidavit also states that a search of the Department of Employment and Social Development ("ESD") database indicates that, although Forefront has filed applications for LMIAs as a third party representative on behalf of prospective employers in Canada, Forefront has never applied to ESD for an LMIA on its own behalf.

[44] The Respondent submits that, to be directly affected by a decision within the meaning of s 18.1(1) of the *Federal Courts Act*, the decision must have affected the legal rights of, imposed legal obligations on, or directly prejudicially affected the concerned entity (*Canwest MediaWorks Inc v Canada (Health)*, 2007 FC 752 at para 13, aff'd 2008 FCA 207). As Forefront's interest in the litigation is merely commercial, it is therefore insufficient to ground direct standing. The Respondent also contends that Forefront does not meet the test for public interest standing as articulated in *Downtown Eastside Sex Workers United Against Violence Society v Canada (Attorney General)*, 2012 SCC 45.

[45] In my view, the Respondent's arguments speak only to the issue of whether Forefront has standing to pursue, as an applicant, its underlying applications for judicial review in IMM-2611-17, IMM-2612-17, T-1-17 and T-2-17 – not whether it has standing to *appeal* the Prothonotary's Order, which struck those applications. In other words, none of the arguments made by the Respondent truly challenge Forefront's standing as an *appellant*. In that regard, I note that the issues on appeal are concerned with alleged errors arising from that Order, not with how Forefront was affected by the decisions challenged in the underlying applications. Further, in *Ontario Assn of Architects v Assn of Architectural Technologists of Ontario*, 2002 FCA 218, the Federal Court of Appeal noted the "normal principle that a person who was neither a party to nor an intervener in the proceedings below has no standing to exercise a statutory right of appeal" (at para 42). Conversely then, this would suggest that a person who *was* a party to the proceeding below normally has standing to appeal. As an applicant, Forefront is a party under Rule 2, whose applications were struck by the Prothonotary's Order, and who therefore has standing to bring a motion under Rule 51 of the Rules.

[46] That said, because I have found below that this appeal should be granted, in part, as the Prothonotary erred in striking out the applications, I agree with the Respondent that the issue of Forefront's standing is very much a live one to be addressed therein.

Issue 2: Did the Prothonotary err by dismissing Forefront's Rule 120 motions in IMM-2611-17 and IMM-2612-17?

[47] In its Rule 120 motions in IMM-2611-17 and IMM-2612-17, Forefront put forward the same arguments that were dismissed by Justice Southcott in its Rule 120 motion in T-1-17. However, it also added the argument that Justice Gauthier's interlocutory Order, which permitted Mr. Leahy to represent Forefront in the Federal Court of Appeal, permitted him to act as Forefront's counsel of record in any proceeding in the Federal Courts.

[48] This latter argument was addressed by the Prothonotary, who found that Justice Gauthier's Order only granted leave to Mr. Leahy on very limited terms, to represent Forefront in the appeal before the Federal Court of Appeal. The Prothonotary did not err in that regard. First, although Forefront's motion to the Court of Appeal requested nineteen forms of relief, including a declaration that Mr. Leahy was authorized to appear in the Federal Courts as counsel of record by virtue of the 1991 Certificate, Justice Gauthier's Order was specifically limited to only the first form of relief sought: "an order permitting the motion the appellant served on 5 April 2017 to proceed with Timothy E. Leahy acting as the appellant's counsel". Further, Justice Gauthier expressly found that there were special circumstances permitting Mr. Leahy to represent Forefront *in that appeal*, and that her Order in no way impacted on the merits of the appeal.

[49] I would also note that the Affidavit of Anna Thompson, Legal Assistant, filed by the Respondent in response to Forefront's motion for leave to amend in T-1-17, attached as an exhibit a portion of a transcription of the proceeding before the Federal Court of Appeal in A-58-17. This included the following exchange at the end of the hearing:

> L: May I ask a question? Because Prothonotary Alto is waiting for disposition because of pending motions, below. I interpret the reasons that Justice Stratus read, to me, that I may represent Forefront Placement as a director.
>
> B: Does not say that. It dismisses the appeal for jurisdictional reasons.
>
> L: Given that issue it is completely up in the air. Prothonotary Alto is looking for some kind of direction.
>
> B: The Appeal is dismissed and therefore the judgment of this Federal Court stands. As far as I understand it, the appeal is dismissed because we have no jurisdiction. So Mr. Justice Southcott's decision stands, he has determined that you cannot represent the company.
>
> L: But Justice Gauthier said I may represent the company.
>
> B: Before our Court…
>
> B: Only for this limited purpose…
>
> …
>
> [Spelling as in original.]

[50] Given the wording of Justice Gauthier's Order, and the transcription of the Federal Court of Appeal hearing excerpted above, it is difficult to see how Forefront's arguments in the Rule 120 motions in IMM-2611-17 and IMM-2612-17 – namely, that Justice Gauthier's Order authorized Mr. Leahy to represent Forefront in the Federal Court – had any legal or factual foundation.

[51] Further, I agree with the Respondent that a dispute once judged with finality is not subject to relitigation. The preconditions to the doctrine of issue estoppel are (a) that the same question has been decided, (b) that the decision which is said to create the estoppel was final, and (c) that the parties were the same persons as the parties to the proceedings in which the estoppel is raised (see *Danyluk v Ainsworth Technologies Inc*, 2001 SCC 44 at para 25; *Timm v Canada*, 2014 FCA 8 at para 22 ("*Timm*")). The preconditions were met in this matter and there is no reason to refuse to apply the doctrine (*Timm* at para 24).

[52] In light of the above, the Respondent submits in this appeal that the Prothonotary correctly found that Mr. Leahy could not represent Forefront, as the Prothonotary was bound by the Order of Justice Southcott in that regard. As a result, the Respondent asks that that portion of the Prothonotary's Order not be disturbed on appeal.

[53] Indeed, in its written submissions filed in support of this appeal, Forefront does not challenge the Prothonotary's conclusion that the issue raised in Forefront's Rule 120 motions in IMM-2611-17 and IMM-2612-17 – namely, Mr. Leahy's ability to represent Forefront as counsel – was the same issue that had been previously and finally determined by Justice Southcott on Forefront's Rule 120 motion in T-1-17. When appearing before me on this appeal, Forefront had retained counsel, Mr. Rocco Galati, who expressly conceded in oral submissions that Justice Gauthier's Order pertained only to A-58-17 and did not grant Mr. Leahy authority to represent Forefront before this Court.

[54] However, because it is possible that Mr. Galati will not always represent Forefront, I want to make it very clear that the Prothonotary made no error in law in concluding, with respect to Forefront's Rule 120 motions in IMM-2611-17 and IMM-2612-17, that he was bound by the Order of Justice Southcott and, therefore, that Mr. Leahy could not – and cannot – represent Forefront. On this point I note that I do not agree with the Respondent's submission, referencing *Borowski v Canada (Attorney General)*, [1989] 1 SCR 342, that the portion of Prothonotary Aalto's Order dealing with whether Mr. Leahy can represent Forefront is now moot, as Forefront has now retained Mr. Galati as counsel. This issue has not been rendered moot. Rather, it has been finally decided in the negative.

[55] This leads to the question of whether the Prothonotary erred by making this finding without hearing oral submissions of the parties. Forefront's Rule 120 motions in IMM-2611-17 and IMM-2612-17 were not brought in writing. At a hearing held before Prothonotary Aalto on July 4, 2017, the Rule 120 motions were adjourned pending the disposition of Forefront's appeal in T-1-17. Forefront now takes the position in this appeal that the Rule 120 motions in IMM-2611-17 and IMM-2612-17 were to be disposed of only after a further oral hearing.

[56] In his Order, the Prothonotary stated that input from the parties as to the manner in which the motions were to be dealt with by the Court had been sought and the Court had been advised that all of the issues could be dealt with in writing pursuant to Rule 369. I note that Justice Campbell's October 18, 2017 Order, which held that certain motions were to be heard orally, pertained only to the Respondent's motions to strike in T-1-17 and T-2-17 and Forefront's motion for leave to amend its notice of application in T-1-17. Similarly, the office of the Chief

Justice's subsequent Direction of November 22, 2017 pertained only to the motions in T-1-17 and T-2-17. Thus, neither Justice Campbell's Order nor the Direction of the Chief Justice's office had any application to the hearing of the Rule 120 motions in IMM-2611-17 and IMM-2612-17.

[57] Forefront has put no affidavit or other evidence before me that challenges the Prothonotary's statement that the Rule 120 motions in IMM-2611-17 and IMM-2612-17 could be disposed of in writing. When appearing before me, Forefront argued that because the Prothonotary referred to input from the "parties", this could not have included any communication from Forefront as it was not yet represented. In my view, this position is without merit as the Rule 120 motions before the Prothonotary were filed by Mr. Leahy and sought to permit him to represent Forefront. Further, in the materials before me it appears that all filings and communications prior to the Prothonotary's Order were made by Mr. Leahy and that the Registry responded to him.

[58] That said, the Court files contain a letter from Forefront dated September 25, 2017, filed in IMM-2611-17, IMM-2612-17, T-1-17, and T-2-17, requesting that the "pending motions be scheduled for a hearing". There is no correspondence or other communications in the record or indicated in the Court's docket converting or agreeing to convert the Rule 120 motions into motions under Rule 369. Accordingly, based on the record before me, the Prothonotary appears to have been mistaken in his understanding that the Rule 120 motions in IMM-2611-17 and IMM-2612-17 could by agreement of the parties be disposed of in writing.

[59] However, the Prothonotary's mistake of fact is without consequence insofar as his Order finds that Mr. Leahy is unable to represent Forefront. This is because, although it resulted in a breach of procedural fairness, such breaches may be disregarded where the outcome of a case is legally inevitable (*Canada (Attorney General v McBain*, 2017 FCA 204 at para 10, citing *Mobil Oil Canada Ltd v Canada-Newfoundland (Offshore Petroleum Board)*, [1994] 1 SCR 202 at 227-228). As discussed above, at the hearing of this appeal Forefront conceded that Justice Southcott's Order is binding, that Justice Gauthier's interlocutory Order has no application, and that Mr. Leahy cannot represent Forefront in the Federal Courts.

[60] Here, even if an oral hearing had been held, there was simply no prospect of success in the circumstances. Therefore, I uphold those portions of the Prothonotary's Order which dismiss Forefront's Rule 120 motions in IMM-2611-17 and IMM-2612-17. However, as will be discussed below, the lack of an oral hearing did otherwise impact Forefront as it was not afforded an opportunity to address the dismissal of the applications.

Issue 3: Did the Prothonotary's Order contradict Justice Campbell's Order?

[61] Forefront argues in this appeal that the Prothonotary's Order contradicted Justice Campbell's Order, and thereby exceeded the Prothonotary's jurisdiction. As set out in my summary above, Justice Campbell's Order held that the Respondent's strike motions in T-1-17 and T-2-17, and Forefront's motion to amend in T-1-17 (which were all brought or converted to motions in writing under Rule 369) were to be heard orally. Pursuant to Rule 50(1)(g), a Prothonotary may not hear a motion to set side or vary an order of a Judge, except in connection with Rule 385 concerning case management. I note that, in the matters

before me, there was no motion seeking to vary Justice Campbell's Order and the four applications were not under case management.

[62] However, I do not agree that the Prothonotary contradicted Justice Campbell's Order. That Order pertained only to the three motions before Justice Campbell – the Respondent's strike motions in T-1-17 and T-2-17 and Forefront's motion for leave to amend in T-1-17. Further, the three motions in T-1-17 and T-2-17 that were subject to Justice Campbell's Order were not before the Prothonotary for disposition and were not addressed or disposed of by him in his Order. Rather, the Prothonotary's Order disposed of the two Rule 120 motions in IMM-2611-17 and IMM-2612-17 and, as a result of his findings on those motions, struck IMM-2611-17, IMM-2612-17, T-1-17, and T-2-17 on the basis of the lack of a solicitor of record and abuse of process.

[63] In my view, in these circumstances, the Prothonotary's Order did not overrule or vary Justice Campbell's Order. Rather, the Prothonotary's Order striking the applications had the result of rendering the oral hearing of the three motions in T-1-17 and T-2-17 unnecessary. Accordingly, the Prothonotary did not err in law by exceeding his jurisdiction or breach procedural fairness by "overriding" the Order of Justice Campbell.

Issue 4: Did the Prothonotary err by striking out IMM-2611-17, IMM-2612-17, T-1-17, and T-2-17 without leave to amend?

[64] Forefront submits that, in striking the four applications, the Prothonotary exceeded his jurisdiction and erred in law. First, Forefront argues that striking the applications was unfair as,

shortly prior to the Prothonotary's Order being issued, Forefront had retained counsel, Mr. Galati, who was in the process of scheduling the hearing of the motions in T-1-17 and T-2-17 and was "poised to get on record". Forefront next submits that the Prothonotary had, in any event, no jurisdiction to strike the applications. Finally, Forefront argues that the Prothonotary erred by striking the applications in the absence of oral argument on the motions.

Fairness of issuing the Order when counsel was "poised to get on record"

[65] The Federal Court of Appeal rendered its decision in A-58-17, dismissing Forefront's appeal from Justice Southcott's Order in T-1-17, on September 21, 2017. The Prothonotary's Order now under appeal was issued three months later, on December 19, 2017. Forefront submits in this appeal that "shortly prior to" the Prothonotary's Order, it had retained counsel who was in the process of scheduling the motions in T-1-17 and T-2-17 and "poised to get on record" upon obtaining a mutually convenient date.

[66] Forefront relies on the affidavit of Samantha Coomara, student-at law, employed by Rocco Galati Law Firm Professional Corporation ("Coomara Affidavit"). The Coomara Affidavit states that "just a few weeks prior to Prothonotary's ruling of December 19th, 2017, Forefront had made arrangements to have Mr. Galati represent it on all four matters, given the motions pending" [sic]. However, the Coomara Affidavit does not state when Mr. Galati was actually retained. When appearing before me, Mr. Galati indicated that he agreed to be retained around December 6, 2017, but that no notice that he was solicitor of record was filed at that time.

[67] The Coomara Affidavit also states that, on or about December 7 or 8, 2017, Mr. Galati contacted counsel for the Respondent and the Court Registry to indicate he was "coming on board" and would go on record shortly, upon the fixing of a date for the motions to be heard. In that regard, attached as an exhibit to the Coomara Affidavit is a copy of correspondence which Ms. Coomara described as having been made "in response to Mr. Galati's calls to Respondent's counsel and the Court". This is a one-sentence letter, dated December 13, 2017 from counsel for the Respondent to Mr. Galati, indicating that the former would be available to argue the motions in T-1-17 and T-2-17 on the dates set out. The letter is not copied to the Court.

[68] Given the foregoing, Mr. Galati may well have been retained on or about December 6, 2017, but there is no evidence before me of the date of such a retainer. There is also no evidence to suggest that, prior to making his Order, the Prothonotary had any knowledge that Forefront had retained and instructed counsel to represent it in some or all of the motions and underlying applications. And, as pointed out by the Respondent, there is nothing in the Court's docket indicating that, when the Prothonotary made his Order, the retention of Mr. Galati was pending. The Respondent also submits that the general rule is that an appeal from the order of a Prothonotary is to be decided on the basis of the material that was before the Prothonotary (*Shaw v Canada*, 2010 FC 577 at para 8). In this case, there was no evidence before the Prothonotary that Mr. Galati was or was intended to be counsel of record.

[69] In my view, in these circumstances, the mere fact that the Prothonotary's Order was rendered at a time when Forefront was in the process of retaining counsel does not amount to a

breach of procedural fairness or of natural or fundamental justice. Nor, as discussed further below, does it establish a reasonable apprehension of bias.

Jurisdiction to strike the applications

[70] In Forefront's written submissions, it took the position that the Prothonotary erred in dismissing the applications. In its written submissions, the Respondent, relying on *TMR Energy Ltd v Ukraine*, 2005 FCA 28, took the position that the Prothonotary had no jurisdiction to dismiss any of the applications for judicial review.

[71] Having reviewed the submissions of the parties prior to the hearing of this appeal, by Direction dated May 18, 2018, I requested that the parties be prepared to speak to *Pfizer Canada Inc v Canada (Health)*, 2007 FC 452 (aff'd 2007 FC 649) and subsequent decisions such as *Abi-Mansour v Canada (Passport)*, 2015 FC 363 (aff'd 2016 FCA 5) and *Coombs v Canada (Attorney General)*, 2014 FC 232 (aff'd 2014 FCA 222, leave to appeal ref'd 2015 CarswellNat 694 (WL Can)), with respect to a Prothonotary's jurisdiction to finally dispose of an application where doing so is the necessary consequence of, or corollary to, a motion properly before the Prothonotary.

[72] After considering these authorities, and when appearing before me, Forefront and the Respondent agreed that the Prothonotary did have jurisdiction, in principle, to strike T-1-17 and T-2-17. However, Forefront submitted that the Prothonotary still lacked jurisdiction to strike IMM-2611-17 and IMM-2612-17.

[73] Forefront advanced this latter position on the basis of s 72(1) and s 72(2)(d) of the IRPA, which state that:

Application for judicial review	**Demande d’autorisation**
72 (1) Judicial review by the Federal Court with respect to any matter — a decision, determination or order made, a measure taken or a question raised — under this Act is, subject to section 86.1, commenced by making an application for leave to the Court.	**72 (1)** Le contrôle judiciaire par la Cour fédérale de toute mesure — décision, ordonnance, question ou affaire — prise dans le cadre de la présente loi est, sous réserve de l’article 86.1, subordonné au dépôt d’une demande d’autorisation.
Application	**Application**
(2) The following provisions govern an application under subsection (1):	**(2)** Les dispositions suivantes s’appliquent à la demande d’autorisation :
…	…
(d) a judge of the Court shall dispose of the application without delay and in a summary way and, unless a judge of the Court directs otherwise, without personal appearance…	**d)** il est statué sur la demande à bref délai et selon la procédure sommaire et, sauf autorisation d’un juge de la Cour, sans comparution en personne…

[74] According to Forefront, s 72(2)(d) of the IRPA serves to oust the jurisdiction of Prothonotaries otherwise arising pursuant to Rule 50(1) of the Rules (also see s 12(3) of the *Federal Courts Act*). Specifically, Rule 50(1)(a) states that a Prothonotary may hear, and may make necessary orders relating to, any motion under the Rules other than a motion “in respect of which [the] Rules or an Act of Parliament has expressly conferred jurisdiction on a judge”.

[75] The Respondent agreed with this position at the hearing of the appeal, but noted that the question of whether a Prothonotary may finally dispose of an application for judicial review on an immigration matter where doing so is the necessary consequence of, or corollary to, a motion properly before the Prothonotary, has not yet been addressed by the jurisprudence. No case law was cited by either of the parties, nor was any argument of substance made on this question of jurisdiction.

[76] In the absence of any case law or analysis on this issue by the parties, I am reluctant to, and do not make, any finding in that regard. It is unnecessary for me to do so for the disposition of Forefront's appeal as I have concluded that the Prothonotary's Order, insofar as it strikes IMM-2611-17, IMM-2612-17, T-1-17, and T-2-17, must be set aside on another basis, namely a breach of procedural fairness, as further addressed below.

Fairness of striking the applications without an oral hearing

[77] The Prothonotary struck IMM-2611-17 and IMM-2612-17 because of a lack of solicitor of record and because the applications were duplicative of T-1-17 and T-2-17 and, therefore, an abuse of process. The Prothonotary struck T-1-17 and T-2-17 because of a lack of solicitor of record, noting that Forefront had failed to appoint a solicitor in T-2-17 notwithstanding the Court's earlier Direction of January 6, 2017, and Justice Southcott's Order in T-1-17 precluding Mr. Leahy from representing Forefront.

[78] Based on the record before me, I have concluded above that the Prothonotary made an error of fact in finding that the motions before him, on consent of the parties, could be dealt with

in writing. A breach of procedural fairness was occasioned as a result. However, unlike the Prothonotary's dismissal of the substance of the Rule 120 motions in IMM-2611-17 and IMM-2612-17, the other relief ordered – namely, the striking of all four applications without leave to amend – was not, in my view, legally inevitable. In its responding materials in the Rule 120 motions in IMM-2611-17 and IMM-2612-17, the Respondent made submissions on the duplicative nature of the four applications and specifically requested that IMM-2611-17 and IMM-2612-17 be dismissed. Whether or not to grant this relief, as well as its scope, was a matter that was within the Court's discretion, but it was not, legally speaking, a given. Moreover, T-1-17 and T-2-17 were not before the Prothonotary.

[79] Therefore, in these circumstances, I find that the Prothonotary erred in law by striking the four applications without an oral hearing.

[80] Finally, I note the Respondent's argument that T-1-17 and T-2-17 should be struck as those applications are matters or decisions arising under the IRPA. While this argument may very well have merit, given the decision of the Federal Court of Appeal in *Forefront 2017*, it was not the Prothonotary's basis for striking those applications, and so it would be improper to address this on appeal.

Issue 5: Does the Prothonotary's Order raise a reasonable apprehension of bias?

[81] Forefront submits that the "timing, tone, and tenor" of Prothonotary Aalto's Order raises a reasonable apprehension of bias (*Committee for Justice and Liberty et al v National Energy Board et al*, [1978] 1 SCR 369 at pp 394-395 ("*Committee for Justice*"); *R v S (RD),* [1997] 3

SCR 484 at para 31 ("*RDS*")). In particular, Forefront takes issue with the Prothonotary's comments concerning the offensive nature of Mr. Leahy's submissions to this Court. At the hearing of this appeal, Forefront's counsel submitted that, although the Prothonotary's comments may have been justified, given the content of Forefront's submissions, they nonetheless raise a reasonable apprehension of bias. Forefront submitted that this is particularly so, as one of the examples cited by the Prothonotary as being disrespectful and an affront to the integrity of the Court, included a comment made by Mr. Leahy about the Prothonotary himself. This, it was submitted, meant that the matter might be perceived as personal. Further, Forefront contended that the Prothonotary's observations were unnecessary, as there was no longer an issue before the Prothonotary as to Mr. Leahy's ability to appear on behalf of Forefront, and that the tone was injudicious.

[82] In *RDS*, the Supreme Court of Canada stated that the test for a reasonable apprehension of bias is that set out by Justice de Grandpré, in dissenting reasons, in *Committee for Justice.* There, Justice de Grandpré stated that the apprehension of bias must be a reasonable one, held by reasonable and right-minded persons, applying themselves to the question and obtaining thereon the required information. The test is "what would an informed person, viewing the matter realistically and practically – and having thought the matter through – conclude… Would he think that it is more likely than not that [the decision-maker], whether consciously or unconsciously, would not decide fairly". Further, the grounds for a reasonable apprehension of bias must be substantial, and the test is not applied utilizing the "very sensitive or scrupulous conscience" (*Committee for Justice* at p 394; *RDS* at para 31).

[83] The party asserting bias must meet a high threshold, as an allegation of real or perceived apprehension of bias calls into question not only the integrity of the judge, but the entire administration of justice. They are serious allegations and should not be made lightly. They require more than an allegation based on a passing comment in a decision, and they must be accompanied by cogent evidence. There is also a strong presumption that the Federal Court will carry out its duties with integrity and impartiality (see *RDS* at paras 113-114, 117; *Zhu v Canada (Citizenship and Immigration)*, 2013 FC 1139 at paras 1-2 ("*Zhu*"); *Blank v Canada (Justice)*, 2017 FCA 234 at para 3; *Badawy v Waldemar*, 2016 FCA 162 at para 6).

[84] I am not persuaded that Forefront has established that the Prothonotary's reasons demonstrate a reasonable apprehension of bias. Such an allegation cannot be founded on mere suspicion, pure conjecture, insinuations or impressions of an applicant or his counsel (*Zhu* at para 2, citing *Arthur v Canada (Attorney General)*, 2001 FCA 223 at para 8). Nor can the Prothonotary's comments demonstrate an apprehension of bias "on their face", as Forefront suggests.

[85] I note first that, implicit in Forefront's argument that the timing of the Prothonotary's Order demonstrates bias, is the suggestion that the Order was a deliberate circumvention of Forefront's procedural rights. There is no evidence to support this. As I have found above, the Prothonotary found, albeit mistakenly, that the issues before him could be disposed of in writing, and there is no evidence that the intended retaining of counsel by Forefront was ever communicated to the Prothonotary.

[86] As to Forefront's argument, made in oral submissions before me, that there was no need for the Prothonotary's comments because there was no longer an issue before the Prothonotary as to Mr. Leahy's ability to represent Forefront, this too is without merit. The Rule 120 motions in IMM-2611-17 and IMM-2612-17 were before the Prothonotary, and were before him because Mr. Leahy did not accept as binding the decisions of the Federal Court of Appeal and Justice Southcott concerning his inability to represent Forefront as counsel.

[87] And, having reviewed the underlying applications in IMM-2611-17, IMM-2612-17, T-1-17, and T-2-17, as well as all of the motions and Forefront's arguments made in support of same, and all its correspondence to the Court, it is very clear that the Prothonotary's comment that Mr. Leahy submissions were "disrespectful, contained innuendo of wrongdoing, and editorial comment dismissive of members of the Court, counsel for the Department of Justice and others", and "an affront to the integrity of the Courts and its members and verge on the contemptuous", was factually accurate. Indeed, perhaps understated. While the Prothonotary set out six examples to demonstrate the basis for his comment, the submissions of Mr. Leahy are rife with many more similarly unfounded allegations concerning members of this Court and others. In my view, Mr. Leahy's conduct attracted censure and it was not inappropriate for the Prothonotary to raise and address the concern. Nor does doing so, or the fact that one of the examples cited concerned the Prothonotary, suffice to meet the test of establishing a reasonable apprehension of bias (see *Coombs* at paras 14-15).

[88] Indeed, as noted by the Respondent, this is not the first time that this Court has commented upon Mr. Leahy's use of inflammatory and disrespectful language, and Mr. Leahy has

previously submitted an affidavit which included "intemperate and unprofessional comments about the Court and government officials" in which Mr. Leahy repeatedly stated, without any supporting evidence, that Canadian officials had lied and that several judges of this Court had acted improperly (see *Li v Canada (Citizenship and Immigration)*, 2013 FC 178 at para 2).

Conclusion

[89] In conclusion, the Prothonotary did not err by dismissing the Rule 120 motions in IMM-2611-17 and IMM-2612-17. The Prothonotary's Order did not contradict the Order of Justice Campbell nor has Forefront established that the Prothonotary's Order demonstrated a reasonable apprehension of bias. However, the Prothonotary did err in fact by finding that the Rule 120 motions in IMM-2611-17 and IMM-2612-17 could be disposed of in writing. While this resulted in a breach of procedural fairness, this was of no consequence insofar as the Prothonotary's Order held that Mr. Leahy cannot represent Forefront in the Federal Courts, as that outcome was legally inevitable. However, this was not the case with respect to the striking of IMM-2611-17, IMM-2612-17, T-1-17, and T-2-17. Accordingly, the dismissal of the relief sought by Forefront in the Rule 120 motions in IMM-2611-17 and IMM-2612-17 is upheld. The portion of the Prothonotary's Order striking out the applications in IMM-2611-17, IMM-2612-17, T-1-17 and T-2-17 will be set aside. In the result, the motions in T-1-17 and T-2-17 – namely, the Respondent's strike motions and Forefront's motion for leave to amend – will be heard as ordered by Justice Campbell and directed by the office of the Chief Justice.

[90] Finally, I note that, while I have found that IMM-2611-17 and IMM-2612-17 should not have been struck out because they were bought pursuant to the IRPA, Forefront is still, pursuant

to s 72(1) of the IRPA, required to obtain leave of this Court before its applications can be heard.

ORDER IN T-1-17, T-2-17, IMM-2611-17 and IMM-2612-17

THIS COURT ORDERS that

1. That portion of the Prothonotary's Order dismissing the relief sought by Forefront in its Rule 120 motions in IMM-2611-17 and IMM-2612-17 is upheld;
2. That portion of the Prothonotary's Order stating, for further clarity, that Mr. Leahy may not represent Forefront in IMM-2611-17, IMM-2612-17, or T-2-17, is upheld;
3. That portion of the Prothonotary's Order striking out IMM-2611-17, IMM-2612-17, T-1-17 and T-2-17 is set aside;
4. The Respondent's motions to strike in T-1-17 and T-2-17 and Forefront's motion seeking leave to amend in T-1-17 shall be heard orally as ordered by Justice Campbell in the manner directed by the office of the Chief Justice;
5. Costs of this appeal shall follow the disposition of the applications.

"Cecily Y. Strickland"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKETS:	T-1-17, T-2-17, IMM-2611-17, IMM-2612-17
STYLE OF CAUSE:	FOREFRONT PLACEMENT LTD. v THE MINISTER OF EMPLOYMENT AND SOCIAL DEVELOPMENT
PLACE OF HEARING:	TORONTO, ONTARIO
DATE OF HEARING:	MAY 23, 2018
ORDER AND REASONS:	STRICKLAND J.
DATED:	JULY 5, 2018

APPEARANCES:

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