

Federal Court



Cour fédérale

Date: 20200501

Docket: IMM-6509-18

Citation: 2020 FC 577

Ottawa, Ontario, May 1, 2020

PRESENT: The Honourable Madam Justice Elliott

BETWEEN:

JIMEI GUO

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] This is an application for judicial review of a decision made by the Refugee Appeal Division [RAD] dated September 28, 2018 in which it dismissed the Applicant's appeal and found that the Applicant was not a Convention refugee or a person in need of protection [Decision].

[2] For the reasons that follow, this application is dismissed.

II. Background Facts

[3] The Applicant, Jimei Guo, is a citizen of China. Prior to coming to Canada, the Applicant lived in China with her husband and two children.

[4] The Applicant states that she and her husband had their first child before they were married, and that the authorities required them to pay a 300 RMB fine for having a child out of wedlock. The Applicant was then made to choose between being sterilized and having an IUD inserted. The Applicant chose the IUD. She was then required to attend regular checkups.

[5] The Applicant began having health complications and had the IUD removed by a private doctor in September 2008. In December 2008, the private doctor performed a checkup and confirmed that the Applicant was pregnant with her second child.

[6] The Applicant did not attend her December 2008 IUD checkup, since she was afraid of being arrested and forced to have an abortion. The Applicant instead went to hide at her cousin's house. The family planning authorities went to the Applicant's house, and the Applicant's husband told them that the Applicant was working in another city.

[7] On June 20, 2009, the Applicant gave birth to her second child. The hospital reported the Applicant to the family planning authorities, since the Applicant did not have a permit to give birth. The family planning authorities told the Applicant that she could not have any more children, and that either she or her husband was required to be sterilized.

[8] On July 15, 2009, the family planning authorities gave the Applicant and her husband a sterilization notice. It required that one of them report for sterilization on July 20 or pay a 250,000 RMB fine. Instead of reporting, the Applicant and her husband went into hiding at a friend's house.

[9] On July 21, 2009, the family planning authorities went to the Applicant's home and questioned her parents. The authorities stated that the Applicant and her husband were required to report at the hospital the following day. They did not go to the hospital. They remained in hiding.

[10] For the next five years, the Applicant and her husband attempted to leave China with the help of smugglers. The Applicant stated that each of the smugglers was either arrested or became ill. On June 6, 2014, a smuggler was able to obtain a Canadian visitor visa for the Applicant.

[11] The Applicant left China on June 26, 2014. Her husband and children stayed behind, and her husband remained in hiding.

[12] The Applicant made her refugee claim on July 11, 2014.

A. *Refugee Protection Division Decision*

[13] On September 12, 2017, the Refugee Protection Division [RPD] found that the Applicant would not face a serious possibility of persecution or a risk of torture, cruel and unusual treatment or punishment, or a personalized risk to her life if returned to China. The RPD found that the Applicant lacked overall credibility, and that her supporting documents were unreliable.

B. *Decision Under Review*

[14] The RAD stated that it would apply the standard of correctness for questions of fact, law, and mixed fact and law, to its review of the RPD decision as set out in *Canada (Citizenship and Immigration) v Huruglica*, 2016 FCA 93 [*Huruglica*]. The RAD recognized that it may apply a modified standard of reasonableness for findings on the credibility of oral testimony, where the RPD enjoyed a meaningful advantage.

[15] The RAD confirmed the RPD's decision and found that the Applicant was neither a Convention refugee nor a person in need of protection.

[16] The RAD refused to admit the Applicant's new evidence about how her personal documents were obtained and shipped from China, a letter and an affidavit which post-dated the RPD decision. The RAD concluded that this issue had already been canvassed at the hearing and that the Applicant could have submitted such evidence before the RPD or after the hearing, but failed to do so.

[17] The RAD found that the RPD did not err in making a negative credibility finding based on the fact that the Applicant possessed two Resident Identification Cards [RICs]. The RAD found that one of the RICs was genuine, considering that it must have been used to obtain the Applicant's passport.

[18] The RAD found that, in relation to the Applicant's RIC and passport, the documentary evidence was inconsistent with Applicant's testimony that she remained in hiding while other people obtained these documents. The RAD found that the Applicant applied for her RIC and

passport in person during the time that she was allegedly in hiding. The RAD found on a balance of probabilities that the Applicant was not in hiding from 2009 to 2014.

[19] The RAD also found the RPD did not err in concluding that the Applicant's husband was not in hiding. The RAD's finding was based in part on its earlier finding that the Applicant was not in hiding as she had alleged. The RAD agreed with the RPD that the Applicant's husband's actions showed a lack of fear of the authorities – he chose to get a new residence and employment in the area where he was allegedly being sought. The RAD also noted that the documentary evidence showed that males do not, in general, face a risk of forcible sterilization. The RAD agreed with the RPD that it was not reasonable or plausible for the Applicant's husband to reside in the same area where he was wanted by authorities and consider that area a place of hiding.

[20] The RAD found that the RPD erred by failing to assess the Applicant's personal documents. Despite the fact that these documents came in an envelope from a third party in Taiwan, they should have been assessed. The RAD independently assessed the documents and found that the documents had numerous problems.

[21] The RAD found that the Applicant's Birth Control Service Card, Fine Receipt, Outpatient Medical Record Booklet, and Sterilization Notice were fraudulent. The RAD also noted issues with the Applicant's other supporting documents. The RAD found that the Outpatient Medical Record Booklet was inconsistent with the Applicant's testimony about the pelvic infections, and found that the Applicant's explanation for the inconsistency did not match with the documentary evidence about how these records are kept.

[22] The RAD found that the School Verification Letters were inconsistent with the Applicant's evidence and were not probative in establishing that the second child had to attend a private school because he was not registered in the *hukou*. The RAD found that the supporting letters from the Applicant's family and friends were not sufficient to overcome the credibility findings about her being in hiding, because the letters were inconsistent with the information she had provided in her Schedule A form. The RAD also found that the letter from the Applicant's mother about the inability to register the second child in school was not persuasive. The RAD preferred the objective documentary evidence which showed that Fujian province had delinked fines to *hukou* registration.

[23] Given the credibility concerns and the prevalence of fraudulent documents in China, the RAD concluded that the documents were not probative in establishing the Applicant's claim that she would be sterilized if returned to China.

[24] The RAD found that while coercive birth control measures continue to occur in China, there was not a sufficient evidentiary basis to establish the Applicant's claim that she would be subjected to those measures, based on the negative credibility findings.

[25] The RAD considered that the Applicant testified that she was able to pay two smugglers large sums of money to come to Canada and to pay for her children to attend private school. The RAD found it was not credible that the Applicant did not have the funds to pay the family planning fine, as she alleged.

[26] The RAD reviewed the documentary evidence and noted that the standard penalty for family planning violations is a fine, referred to as a "social compensation fee". The RAD relied

on the decision in *Chen v Canada (Minister of Citizenship and Immigration)*, 2015 FC 225 for the principle that the social compensation fee charged to families that have more than one child is not persecution within the meaning of the Refugee Convention.

[27] The RAD also noted that Fujian province, where the Applicant lived, has one of the least coercive family planning regimes in China, and concluded that as a parent of two children, there was insufficient evidence to establish that the Applicant would be subjected to forced sterilization in China.

[28] The RAD dismissed the appeal, concluding that there was not a serious possibility that the Applicant would be persecuted if she returned to China, nor would she be subjected personally, on a balance of probabilities, to a risk to life, a risk of cruel and unusual treatment or punishment, or a danger of torture.

III. **Issues**

[29] The Applicant raises five issues on this judicial review.

[30] The Applicant argues that the RAD breached the duty of procedural fairness by raising new issues without providing her with an opportunity to respond.

[31] The Applicant argues that the RAD also made errors which rendered the decision unreasonable. The Applicant alleges that the RAD erred in: (1) dismissing the Applicant's new evidence; (2) improperly assessing the Applicant's credibility; (3) improperly assessing the Applicant's documentary evidence; and, (4) it erred in the assessment of the Applicant's risk in China.

[32] The Applicant did not pursue the new evidence issue as the documents were considered.

IV. **Standard of Review**

[33] Issues of procedural fairness and natural justice involve a duty to act fairly. A reviewing Court is required to determine whether the process followed by the decision-maker achieved the level of fairness required by the circumstances of the matter and whether the decision was the result of a fair process: *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 [CPR] at paragraph 54.

[34] In *CPR*, the Federal Court of Appeal looked at whether a standard of review analysis is appropriate when addressing questions of procedural fairness. It determined that, although the terminology was awkward, and strictly speaking no standard of review is applied, the review is best reflected in the correctness standard: *CPR* at paragraph 54.

[35] In any assessment of whether there has been a breach of procedural fairness, no deference is owed to the decision-maker. The question is whether the applicant knew the case to be met and had a full and fair chance to respond: *CPR* at paragraph 56. This is the standard that will apply to the first issue.

[36] The remaining issues will be reviewed on the reasonableness standard. The Federal Court of Appeal has established that reasonableness is the standard of review to be applied by this Court to a decision of the RAD: *Huruglica* at paragraphs 30 and 35.

[37] A decision is reasonable if the decision-making process is justified, transparent and intelligible resulting in a determination that falls within the range of possible, acceptable

outcomes which are defensible on the facts and law: *Dunsmuir v New Brunswick*, 2008 SCC 9 at paragraph 47 [*Dunsmuir*].

[38] A high degree of deference is owed by this Court when the impugned findings being challenged relate to the credibility and plausibility of a refugee claimant's story, given that the RPD and the RAD have expertise in that regard and considering their role as the trier of fact: *Vall v Canada (Citizenship and Immigration)*, 2019 FC 1057 [*Vall*] at paragraph 15.

[39] Recently, the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] extensively reviewed the law of judicial review of administrative decisions. The Supreme Court confirmed that judicial review of an administrative decision is presumed to be on the standard of reasonableness subject to certain exceptions which do not apply on these facts: *Vavilov* at paragraph 23.

[40] Citing *Dunsmuir*, it was also confirmed in *Vavilov* that a reasonable decision is one that displays justification, transparency and intelligibility with a focus on the decision actually made, including the justification for it: *Vavilov* at paragraph 15.

[41] As this application, other than the procedural fairness issue, was argued on the basis that the standard of review is reasonableness, I find it is not necessary to receive further submissions from the parties. The result in this matter would be the same under the pre-*Vavilov* framework established in *Dunsmuir* and its progeny.

V. Analysis

[42] The Applicant challenges the vast majority of the findings made by the RAD.

A. *The RAD did not breach the duty of procedural fairness to the Applicant*

[43] The RAD found that the RPD erred when it failed to consider and analyze personal documents submitted by the Applicant because of the way that they had been delivered. The Applicant says that the RAD made new findings and raised two new issues when it conducted its own assessment of that documentary evidence: (1) the genuineness of her passport and (2) the plausibility of her exit from China using a smuggler.

[44] A new issue is one that was not already considered by the RPD or, it may be one that is raised by an applicant in their submissions to the RAD.

[45] Further to the two issues now raised by the Applicant, she says that the RPD made no findings on either such issue. She says she should have been given an opportunity to make submissions on these issues because they affected the overall decision made by the RAD.

[46] The Respondent points out that these two issues were considered by the RPD. The panel accepted the validity of the Applicant's passport to verify her identity. In addition, the RPD pointed to various gaps in the testimony of the Applicant where she said she had lost her original RIC and had used one supplied by the smuggler to apply for her Canadian visa. The RPD described her testimony as involving "the lack of a plausible explanation". Ultimately, given the lack of a plausible explanation by the Applicant for having two different RICs, the RPD drew a negative inference as to the overall credibility of the Applicant.

[47] The RAD accepted the genuineness of the passport; it contained security features, including embedded identity information and was used to leave China without problems.

[48] When the RAD did its own assessment of whether the Applicant had been hiding throughout her time in China, before she left for Canada, the genuineness of her passport became an important factor. The fact that the passport was genuine was never the issue. The passport was a critical piece of evidence in the analysis of whether the Applicant had actually been in hiding as she had stated.

[49] Unless it admits new evidence on appeal, the RAD is required under the legislation to make *de novo* determinations on the basis of the existing record. To that end, the RAD considers the evidence in the record and applies it as it determines appropriate. Evidence may be found to support multiple issues. Applying existing evidence, in this case being the genuineness of the passport, is not restricted to any particular issue.

[50] The RAD also noted that the Applicant left China using her passport and provided no evidence that a smuggler helped her leave the country. That observation was made in the context of a discussion as to why the Applicant would have two RICs. It was not a new issue; it did not ground any other findings made by the RAD.

[51] As the Applicant argued at the hearing of this matter, there may be a fine line between an obvious issue and one that is raised after the fact. I do not disagree with that general sentiment.

[52] It is my view that, in this instance there is no such line. There is only the fresh application of existing evidence by the RAD as part of the fulfilment of its statutory duty when sitting in appeal from a decision made by the RPD.

[53] I am not convinced that any new issue was raised. Nor do I find that the Applicant has shown they did not know the case to be met. In the result, the allegation of procedural fairness has not been made out on the evidence.

B. *The RAD did not improperly assess the credibility of the Applicant*

[54] The Applicant submits that the RAD erred in assessing her credibility in relation to the two RICs she possessed and in relation to the question of whether her husband was in hiding.

(1) The two RICs and the Passport

[55] Aspects of this issue have already been discussed under the procedural fairness issue. The RPD found gaps in testimony of the Applicant who said she had lost her original RIC. She said that she received another one from her husband's friend, who told her it was a genuine RIC. She also said that she had used a different one, supplied by the smuggler, to apply for her Canadian visa.

[56] When the RAD considered the two RICs it found the RPD did not err in making a negative credibility inference due to there being two RICs. The RAD noted that, in order to obtain a RIC, the documentary evidence indicated Chinese citizens must apply in person to the PSB. At that time their photograph would be taken.

[57] The Applicant submits that when the RAD went on to assess the biometric passport, including the procedure for obtaining it, the RAD failed to cite the part of the documentary evidence in which it found that detailed information. According to the Applicant, this omission

means the RAD did not meet the requirements of transparency, justification and intelligibility. No jurisprudence was cited in support of this submission.

[58] I do not agree. The reasonableness standard of review does not engage in a line-by-line treasure hunt for errors; the decision should be approached as an organic whole:

Communications, Energy and Paperworkers Union of Canada, Local 30 v Irving Pulp & Paper, Ltd, 2013 SCC 34 at paragraph 54.

[59] The Applicant is saying that the reasons are not adequate. Mr. Justice Rennie, when a member of this Court, addressed what makes reasons adequate:

[6] The standard of review applicable to the adequacy of reasons is that of reasonableness. To meet that standard the reasons must communicate, with minimal cogency, the rationale for the findings and conclusions. The reasons must be transparent, meaning that the factual and legal analysis which underlies the conclusion or result must be apparent. This does not require that all arguments, jurisprudence and evidence be referenced but it does mean that the reasons, when read as whole and in the context of the record, demonstrate the reasonableness of the decision:

Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board), 2011 SCC 62.

Lin v Canada (Citizenship and Immigration), 2012 FC 39 at paragraph 6.

[60] Considering the matter in context, as an organic whole, I find that the omission in one paragraph of the Decision to pinpoint the documentary evidence considered as part of the biometric passport discussion does not persuade this Court that the Decision failed to meet the standard of reasonableness.

[61] The RAD found the Applicant's RIC and her passport were both genuine as a result of which it was found that she was not in hiding because she would have had to appear in person to obtain each document. The RAD made negative credibility findings against the Applicant on that basis.

[62] The Applicant next submits that because fraudulent documents are readily available in China and in particular, in Fujian, the finding by the RAD that the RIC was accepted as a genuine document by Chinese authorities when it issued her passport means the RAD dismissed the Applicant's testimony about the RIC and did not consider the availability of fraudulent documents.

[63] The RAD did not dismiss the Applicant's testimony about the RIC. The RAD clearly set out the Applicant's evidence that she had lost her RIC and her testimony that the one obtained by her husband's friend was probably genuine. Ultimately, the RAD agreed that the RIC was genuine.

[64] The Applicant simply disagrees with the conclusion drawn by the RAD that since she had to appear in person to obtain the RIC and the Passport she could not have remained in hiding the whole time. That conclusion is the rational and logical outcome based on the Applicant's testimony and the issuance of her passport. It is trite to say that it is not within the power of this Court to second-guess the fact-finding by the RAD or to reweigh the evidence.

(2) The husband was not in hiding

[65] The Applicant submits that the RAD used the finding that she was not credible in saying that she was in hiding to turn around and find that her husband was not in hiding.

[66] While the RAD did refer to the RPD's finding that the Applicant had not been hiding, it went on to consider as well that she had testified her husband acquired his own residence and was working for a friend in Fuqing city. The RAD noted that the residence and job were within the husband's own *hukou* area, creating an enhanced risk of him being discovered by the officials there. In addition, the RAD noted that generally males did not face a real risk of forcible sterilization.

[67] After considering those factors the RAD reasonably found that it agreed with the RPD that it was not reasonable or plausible that the Applicant's husband would remain in the same locality where he is wanted by authorities and then consider that to be hiding.

[68] The Applicant has not met her onus to show that this finding was unreasonable. It is reasonably based on the very evidence she provided and which the RAD accepted as true.

C. *The RAD properly assessed the personal documentary evidence of the Applicant*

[69] The RAD agreed with the Applicant that the RPD should have assessed her personal documents. It therefore conducted an independent assessment of the documents.

[70] As set out earlier in the description of the Decision under Background Facts, the RAD found a number of problems with each of the various documents.

[71] Rather than repeat the details of the RAD's various findings, only the Applicant's arguments as to how the RAD erred will be assessed.

[72] With respect to the IUD booklet, the Fine Receipt, the IUD Insertion Verification, the Outpatient Medical Record Booklet, the Sterilization Notice, the Verification Letters, and the letter from the Applicant's mother, the Applicant submits that the RAD carried out a minor assessment of each document, and essentially found that some of the documents were fraudulent, while others were not genuine on the basis of previous findings of fraud or were not sufficient to overcome its previous credibility findings.

[73] The Applicant submits that the RAD erroneously relied on its previous credibility findings to colour its analysis of this evidence.

[74] The Respondent submits that the RAD's assessment of these documents was reasonable because it made findings in clear and unmistakable terms and treated the evidence fairly.

[75] The RAD reviewed the personal documents from paragraph 27 to paragraph 34 of the Decision. In each instance it identified and detailed significant problems or inconsistencies.

[76] For example the IUD Booklet did not contain information about the fine imposed at the birth of the first child or any information about the birth of the second child, of which the authorities were aware. Nor did it contain reference to the health issues caused by the IUD. The RAD reasonably considered that lack of information to show, on a balance of probabilities, that the booklet was not genuine.

[77] Since the fine was not recorded in the IUD booklet, the RAD reasonably found that it was probable that the fine receipt was also not genuine.

[78] As indicated above, the medical and IUD documents are interrelated. The IUD booklet, the fine receipt and the sterilization notice all deal with the same topic. Mandatory or even expected information that is missing from one such document will probably affect the legitimacy of a related document.

[79] The Outpatient Medical Record Booklet does not mention the pelvic infections caused by the IUD. It was reasonable for the RAD to reject the Applicant's explanation that she went to a different hospital given that the person, not the hospital, keeps the booklet. In addition, as IUD insertion occurs at a hospital but was not found in the medical record booklet, it was inconsistent with the documentary evidence and could not be relied upon.

[80] The School Verification Letters do not state in the body or on the face of them that they were from private schools. They did not establish that the second child had to attend a private school because he had not been registered in the *hukou*. The content of the letters was also contrary to the information the Applicant gave in her statement at the port of entry.

[81] The Verification Letters provided from family members and friends were found by the RAD not sufficient to overcome the credibility findings about being in hiding in the assessment of the other personal documents. The RAD also noted that in her claim forms the Applicant said she had lived at the *hukou* address from 2006 until she left China in 2014. That information was inconsistent with the letters she had provided.

[82] Finally, with respect to the letter from the Applicant's mother which was provided to corroborate that the Applicant's second child could not be entered into the *hukou* until sterilization took place, the RAD reasonably found that it was not the Applicant's mother but the

husband's parents who had actually gone to the family planning office. It was reasonable for the RAD not to place weight on information that was not acquired directly by the mother.

[83] The RAD determined that the various concerns, together with the country condition documents, caused it to place little weight on the Applicant's mother's letter. Before doing so, the RAD reviewed the documentary evidence that showed the de-linking of fines and *hukou* registration in Fujian.

[84] The Applicant's allegation that the RAD did not review the personal supporting documents and carried out only a minor assessment of each while relying on previous credibility findings is not borne out in the extensive reasons provided by the RAD. It was reasonable for the RAD to prefer the country condition documentation, particularly about the relatively easy access to fraudulent documents in China, as pointed out by the Applicant herself.

[85] Once again, considering the Decision as an organic whole, I am not persuaded that the RAD made any error in making the findings it did, nor did the Applicant meet her onus to show the Decision is unreasonable with respect to the personal supporting documentation.

D. *The RAD properly assessed the risk to the Applicant in China*

[86] The Applicant says that she fears that she would be subjected to coercive birth control measures in China. She argues that the RAD ignored the documentary evidence that if she does not pay the outstanding fine she may face measures ranging from forced abortion to sterilization, detention and confiscation or destroying of property.

[87] The RAD did not ignore that documentary evidence or the Applicant's submissions about the possible consequences which it itemized in the Decision. The RAD did not disagree with the evidence, it simply found that based on the evidence the Applicant had provided she had not established, on a balance of probabilities, that she was wanted for sterilization in China.

[88] The Applicant argues that she is not in a position to pay the fine and that it was wrong for the RAD to use her choices to spend money on a smuggler against her. The RAD noted that the Applicant's evidence was that she and her husband chose not to pay the fine. The RAD pointed out that there were other choices available to the Applicant, such as paying the fine in installments, which would not restrict access to benefits like schools or other social services.

[89] The documentary evidence states that the implementation of family-planning laws varies by province and locality, both through local regulations and actual enforcement. On the evidentiary record, it was reasonable for the RAD to conclude that, while there is a previous history of some coercive actions in Fujian, there is no recent information regarding forced sterilization in Fuqing city, where the Applicant is from and her husband currently lives. The one incident identified in the documentary evidence happened in 2012 in Xianyou County, not Fuqing. The last incident reported in Fujian was six years ago and there is no recent evidence that there have been forced sterilization since that time.

[90] Given the lack of probative, corroborating personal documentation, the credibility concerns noted in the Decision and the objective documentary evidence, it was reasonable for the RAD to find that there was not a serious possibility that the Applicant would be subjected to forced sterilization or other similar mistreatment, should she return to China.

VI. **Conclusion**

[91] The RAD has expertise in assessing the very kind of evidence put forward by the Applicant. Contrary to the arguments by the Applicant, the RAD did not simply make one or two negative credibility findings and then leverage them to make a number of other negative findings. The RAD provided detailed reasons for its findings with reference to the Applicant's testimony and the documentary evidence as well as the country condition documents.

[92] The Supreme Court warns in *Vavilov* that “[b]efore a decision can be set aside [on the basis that it is unreasonable], the reviewing court must be satisfied that there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency”: at paragraph 100.

[93] For the reasons set out above I am not satisfied that there are such sufficiently serious shortcomings. The Decision is detailed. It is grounded in the evidence and the law. It shows how and why the RAD came to the conclusions that it did.

[94] The reasons provided by the RAD contain an internally coherent and rational chain of analysis that is justified in relation to the facts and law. That being the case, the application of reasonableness review requires the reviewing Court to defer to the decision under review: *Vavilov* at paragraph 85.

[95] The application is dismissed, without costs.

[96] There is no serious question of general importance for certification.

JUDGMENT in IMM-6509-18

THIS COURT'S JUDGMENT is that:

1. The Application is dismissed.
2. There is no serious question of general importance for certification.
3. No costs.

"E. Susan Elliott"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6509-18

STYLE OF CAUSE: JIMEI GUO v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JULY 24, 2019

JUDGMENT AND REASONS: ELLIOTT J.

DATED: MAY 1, 2020

APPEARANCES:

ADAM WAWRKIEWICZ FOR THE APPLICANT

SUZANNE M. BRUCE FOR THE RESPONDENT

SOLICITORS OF RECORD:

Lewis & Associates FOR THE APPLICANT
Barristers and Solicitors
Toronto, Ontario

Attorney General of Canada FOR THE RESPONDENT
Toronto, Ontario