

Federal Court of Appeal



Cour d'appel fédérale

Date: 20151027

Docket: A-41-15

Citation: 2015 FCA 230

**CORAM: NADON J.A.
TRUDEL J.A.
SCOTT J.A.**

BETWEEN:

RICHARD TIMM

Appellant

and

HER MAJESTY THE QUEEN

Respondent

Heard at Montréal, Quebec, on October 27, 2015.

Judgment delivered from the Bench at Montréal, Quebec, on October 27, 2015.

**REASONS FOR JUDGMENT OF THE
COURT BY:**

TRUDEL J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Montréal, Quebec, on October 27, 2015.)

TRUDEL J.A.

[1] Litigants are entitled to coherent reasons that allow them to understand why they have won or lost their case, especially when it comes to an order allowing a motion for summary judgment dismissing an action without the plaintiff being accorded a hearing.

[2] Here, the Federal Court judge issued an order with reasons in the form of a preamble (a speaking order) from which it is impossible to tell why he dismissed the appellant's action (Docket No. T-1445-13).

[3] We sympathize with the appellant's argument that a reasonable person who is well-informed of the facts of the case could, upon objective review of these facts, fear that the judge hearing the motion was biased or, at the very least, that the appellant's judicial history led the judge to form an opinion too quickly.

[4] This argument specifically refers to the second and third paragraphs of page 2 of the order under appeal, where the judge began by describing the appellant's judicial history, even though this description was quite unnecessary for the disposal of the motion.

[5] Having said that, we do not have to decide this issue given that we agree that the inadequacy of the reasons given by the Federal Court is sufficient to dispose of this appeal.

[6] Consequently, the appeal will be allowed with costs, the decision of the Federal Court dated January 2, 2015, will be set aside, and the matter will be referred back to the Chief Justice of the Federal Court so that the motion can be redetermined by another judge of this court.

“Johanne Trudel”

J.A.

TRANSLATION

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-41-15

STYLE OF CAUSE: RICHARD TIMM v. HER
MAJESTY THE QUEEN

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: OCTOBER 27, 2015

REASONS FOR JUDGMENT OF THE COURT BY: NADON J.A.
TRUDEL J.A.
SCOTT J.A.

DELIVERED FROM THE BENCH BY: TRUDEL J.A.

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