

*Federal Court of Appeal*



*Cour d'appel fédérale*

**Date: 20160208**

**Docket: A-116-15**

**Citation: 2016 FCA 41**

**CORAM: NOËL C.J.  
SCOTT J.A.  
DE MONTIGNY J.A.**

**BETWEEN:**

**JEAN-MARC POULIN DE COURVAL  
ACTING AS BANKRUPTCY TRUSTEE FOR  
ERGÜN BOULOD**

**Appellant**

**and**

**MINISTER OF PUBLIC SAFETY  
AND EMERGENCY PREPAREDNESS**

**Respondent**

Heard at Montréal, Quebec on February 8, 2016.

Judgment delivered from the bench at Montréal, Quebec, on February 8, 2016.

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

**NOËL C.J.**

Federal Court of Appeal



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BETWEEN:

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**REASONS FOR JUDGMENT OF THE COURT**  
(Delivered from the bench at Montréal, Quebec, on February 8, 2016.)

**NOËL C.J.**

[1] This is an appeal from a decision rendered by Justice Bédard, a member of the Federal Court (2015 FC 186) at the time, dismissing the motion for judicial review initially presented by Ergün Bouloud (the bankrupt) and subsequently pursued by Jean-Marc Poulin de Courval, acting as Mr. Bouloud's bankruptcy trustee (the trustee), of a decision rendered by the Minister of

Public Safety and Emergency Preparedness (the Minister), disallowing the refund of the currency seized as forfeit under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, S.C. 2000, c. 17 (the Act).

[2] Given the principle propounded by this Court in *Sellathurai v. Canada (Minister of Public Safety and Emergency Preparedness)*, 2008 FCA 255, [2008] F.C.J. No. 1267 at paragraph 50, as confirmed and applied in *Canada (Minister of Public Safety and Emergency Preparedness) v. Huang*, 2014 FCA 228, [2014] F.C.J. No. 1010 at paragraphs 22, 55 and 59, our intervention is not warranted.

[3] As stated in these cases, the Ministers' discretion under section 29 is limited. The only question which arises under this provision is whether the evidence submitted regarding the forfeited currency satisfactorily shows that it does not represent the proceeds of crime. The trustee, by replacing the bankrupt in this proceeding, could not claim greater rights and was therefore subject to the same restrictions.

[4] The *bona fide* owner of forfeited property is, however, not left unprotected, as the remedy provided for under section 32 ultimately allows the Superior Court to order restitution of the forfeited property, provided that the claimant's *bona fide* interest as owner is shown.

[5] The appeal will be dismissed with costs.

“Marc Noël”

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Chief Justice

**FEDERAL COURT OF APPEAL**

**SOLICITORS OF RECORD**

**DOCKET:** A-116-15

**STYLE OF CAUSE:** JEAN-MARC POULIN DE  
COURVAL ACTING AS  
BANKRUPTCY TRUSTEE FOR  
ERGÜN BOULLOUD v. MINISTER  
OF PUBLIC SAFETY AND  
EMERGENCY PREPAREDNESS

**PLACE OF HEARING:** MONTRÉAL, QUEBEC

**DATE OF HEARING:** FEBRUARY 8, 2016

**REASONS FOR JUDGMENT OF THE COURT BY:** NOËL C.J.  
SCOTT J.A.  
DE MONTIGNY J.A.

**DELIVERED FROM THE BENCH BY:** NOËL C.J.

**APPEARANCES:**

Jean-Philippe Gervais FOR THE APPELLANT

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