

Federal Court of Appeal



Cour d'appel fédérale

Date: 20180116

Docket: A-108-17

Citation: 2018 FCA 13

[ENGLISH TRANSLATION]

**CORAM: GAUTHIER J.A.
BOIVIN J.A.
DE MONTIGNY J.A.**

BETWEEN:

**JEAN PIERRE MARTIN SIBOMANA
JEANNETTE MUKASINE
CHANTAL UWIDUHAYE
RUTIGUNGA HERVÉ SIBOMANA
ITUZE LOIC SIBOMANA
ISHEMA TRACY SIBOMANA**

Appellants

and

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA
MINISTER OF CITIZENSHIP AND IMMIGRATION
MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS
OFFICER FRANÇOIS JOBIDON
OFFICER ÉMÉLIE AUDET
CIC-BUFFALO VISA OFFICER N.M. EGAN
BELGIAN AMBASSADOR RAUL DELCORDE
BELGIAN CONSUL HUBERT ROISIN
BELGIAN POLICE OFFICER PATRICK STEVENS**

Respondents

Hearing held at Montréal, Quebec, on January 16, 2018.

Judgment delivered from the Bench at Montréal, Quebec, on January 16, 2018.

REASONS FOR JUDGMENT OF THE COURT BY:

BOIVIN J.A.

Federal Court of Appeal



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Respondents

REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Montréal, Quebec, on January 16, 2018.)

BOIVIN J.A.

[1] The only issue before Annis J. of the Federal Court was whether or not there would be a continuance of proceeding. In his March 22, 2017, order, Annis J. dismissed the appellants' motion to lift the stay in the context of their action for damages. Yet, that same stay was then lifted in another decision dated June 28, 2017, by Martineau J. The appellants therefore got the continuance of proceeding that they were seeking. This appeal of Annis J.'s order has therefore become moot.

[2] However, we have not been persuaded by the arguments raised by the appellants to exercise our discretion to hear the appeal on the merits (*Borowski v. Canada (Attorney General)*, [1989] 1 S.C.R. 342).

[3] Therefore, the appeal should be dismissed. Given the appellants' disrespectful statements about respondents' counsel in their Memorandum of Fact and Law, ignoring Gascon J.'s warning in his order dated August 17, 2017, costs are fixed in the amount of \$500, all inclusive.

"Richard Boivin"

J.A.

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-108-17

STYLE OF CAUSE: JEAN PIERRE MARTIN
SIBOMANA, JEANNETTE
MUKASINE, CHANTAL
UWIDUHAYE, RUTIGUNGA
HERVÉ SIBOMANA, ITUZE LOIC
SIBOMANA, ISHEMA TRACY
SIBOMANA v. HER MAJESTY
THE QUEEN IN RIGHT OF
CANADA, MINISTER OF
CITIZENSHIP AND
IMMIGRATION, MINISTER OF
PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS,
OFFICER FRANÇOIS JOBIDON,
OFFICER ÉMELIE AUDET, CIC-
BUFFALO VISA OFFICER
N.M. EGAN, BELGIAN
AMBASSADOR
RAOUL DELCORDE, BELGIAN
CONSUL HUBERT ROISIN,
BELGIAN POLICE OFFICER
PATRICK STEVENS

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: JANUARY 16, 2018

REASONS FOR JUDGMENT BY: GAUTHIER J.A.
BOIVIN J.A.
DE MONTIGNY J.A.

DELIVERED FROM THE BENCH BY: BOIVIN J.A.

APPEARANCES:

Jean-Pierre Martin Sibomana FOR THE APPELLANTS
Self-represented

Daniel Latulippe

FOR THE RESPONDENTS

SOLICITORS OF RECORD:

Nathalie G. Drouin
Deputy Attorney General of Canada

FOR THE RESPONDENTS