

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20180131**

**Docket: A-217-17**

**Citation: 2018 FCA 29**

**CORAM: WEBB J.A.  
GLEASON J.A.  
LASKIN J.A.**

**BETWEEN:**

**BRIAN HARRIS**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Toronto, Ontario, on January 31, 2018.  
Judgment delivered from the Bench at Toronto, Ontario, on January 31, 2018.

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

**GLEASON J.A.**

Federal Court of Appeal



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**BETWEEN:**

**BRIAN HARRIS**

**Appellant**

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**ATTORNEY GENERAL OF CANADA**

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**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Toronto, Ontario, on January 31, 2018).**

**GLEASON J.A.**

[1] Mr. Harris appeals from the order of the Federal Court (per Manson, J) in *Harris v. Attorney General (Canada)*, T-1340-16, dated July 5, 2017, dismissing his motion to extend the time to file an appeal from an earlier order made by the Prothonotary. That order had been made approximately six months earlier and struck Mr. Harris' application for judicial review because it was bereft of any chance of success. The Prothonotary also noted that the application was

unintelligible and confusing (Order of Prothonotary Kevin R. Aalto, T-1340-16, dated December 6, 2016).

[2] The Federal Court applied the correct test for assessing whether the extension should be granted and made no error warranting intervention in applying that test to Mr. Harris' extension request. Based on the evidence filed, it was certainly open to the Federal Court to have concluded that Mr. Harris had provided an insufficient explanation of the reasons for the delay, that he had failed to show that his application had some prospect of success and that the other criteria for granting the extension had not been met.

[3] Thus, this appeal must be dismissed with costs fixed in the all-inclusive amount of \$250.00.

“Mary J.L. Gleason”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-217-17

**STYLE OF CAUSE:** BRIAN HARRIS v. ATTORNEY  
GENERAL OF CANADA

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** JANUARY 31, 2018

**REASONS FOR JUDGMENT OF THE COURT BY:** WEBB J.A.  
GLEASON J.A.  
LASKIN J.A.

**DELIVERED FROM THE BENCH BY:** GLEASON J.A.

**APPEARANCES:**

Brian Harris FOR THE APPELLANT  
(SELF-REPRESENTED)

Heather Thompson FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Nathalie G. Drouin FOR THE RESPONDENT  
Deputy Attorney General of Canada