

A-369-97

CORAM: STRAYER J.A.  
DENAULT J.A.  
DESJARDINS J.A.

B E T W E E N:

THE FRIENDS OF THE WEST COUNTRY ASSOCIATION

Respondent  
(Applicant)

– and –

MINISTER OF FISHERIES AND OCEANS  
DIRECTOR, MARINE PROGRAMS, CANADIAN COAST GUARD

Appellants  
(Respondents)

HEARD at Ottawa, Ontario, Friday October 17, 1997

JUDGMENT rendered from the Bench at Ottawa, Ontario on October 17, 1997

REASONS FOR JUDGMENT BY:

STRAYER J.A.

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REASONS FOR JUDGMENT  
(Delivered from the Bench at Ottawa, Ontario  
on Friday, October 17, 1997)

STRAYER J.A.

We are all of the view that this appeal must be dismissed for mootness. In the order appealed from the learned motions judge ordered the production by the appellants of a wide range of documents. A stay of that order pending appeal was refused by this Court. The appellants have provided all or most of the documents required by the order and the respondent here confirms that it is now seeking no further production. In the circumstances any decision we might make would not affect the access of the respondent to the material or its use by one means or another.

While counsel for the appellants urged us to decide some general principles for the application of Rule 1612 in the judicial review of decisions related to the *Canadian Environmental Assessment Act*, we are not persuaded that we could

make any such general determination as would be useful in other cases involving other facts.

In dismissing the appeal we take no position on the correctness of the decision under appeal. Further, our decision should not be taken to affect the right or obligation of the motions judge who hears the judicial review to determine which decisions are subject to review and which documents are relevant for the review of those decisions.

J.A.