

Applicant,

Respondent.

Order made at Montréal  
on Tuesday, January 14, 1997

HUGESSEN J.A.

CORAM:                   **HUGESSEN J.A.**  
                              **DÉCARY J.A.**  
                              **CHEVALIER D.J.**

BETWEEN:

ATTORNEY GENERAL OF CANADA,

Applicant,

AND:

131853 CANADA INC.,

Respondent.

**REASONS FOR ORDER**  
(Delivered from the bench at Montréal  
on Tuesday, January 14, 1997)

**HUGESSEN J.A.**

It is established that the applicant’s application record was served outside the time set by Rule 1606(1)(b). In response to the respondent’s application to dismiss, the applicant did not file an application for an extension of time. Counsel for the applicant sought to make an oral application for such an extension at the hearing, but in our view such an application cannot be entertained where no affidavit has been filed explaining the reasons for the delay and the chance that the application for judicial review will be successful. That being the case, the application for judicial review must be dismissed on the ground that it was brought improperly.

James K. Hugessen  
J.A.

Certified true translation

A. Poirier

---

FEDERAL COURT OF APPEAL

---

A-549-96

BETWEEN:

**ATTORNEY GENERAL OF CANADA,**

Applicant,

AND:

**131853 CANADA INC.,**

Respondent.

---

REASONS FOR ORDER

---

**FEDERAL COURT OF APPEAL**  
**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**COURT FILE NO.:** A-549-96

**STYLE OF CAUSE:** ATTORNEY GENERAL OF CANADA,  
Applicant,  
**AND:**  
131853 CANADA INC.,  
Respondent.

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** January 14, 1997

**REASONS FOR ORDER OF THE COURT (THE HONOURABLE MR. JUSTICE HUGESSEN, THE HONOURABLE MR. JUSTICE DÉCARY AND THE HONOURABLE DEPUTY JUSTICE CHEVALIER)**

**DELIVERED FROM THE BENCH BY:** the Honourable Mr. Justice Hugessen

**Dated:** January 14, 1997

**APPEARANCES:**

Paul Plourde	for the Applicant
Martin Fortier	for the Respondent

**SOLICITORS OF RECORD:**

George Thomson Deputy Attorney General of Canada Ottawa, Ontario	for the Applicant
Dagenais et Associés Montréal, Quebec	for the Respondent