

Date: 20101105

Docket: A-337-10

Citation: 2010 FCA 297

Present: NADON J.A.

BETWEEN:

PAUL ANDREWS

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on November 5, 2010.

REASONS FOR ORDER BY:

NADON J.A.

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REASONS FOR ORDER

NADON J.A.

[1] The applicant's motion will be dismissed.

[2] First, I am unable to understand the exact nature of the remedy sought by the applicant.

Second, if I make a number of assumptions, it appears that the applicant is asking this Court to give directions binding on the Pension Appeals Board. Rules 53 and 54 of the *Federal Courts Rules*, on which the applicant relies for his motion, certainly cannot authorize such directions.

[3] Rules 53 and 54 provide as follows:

53. (1) In making an order under these **53.** (1) La Cour peut assortir toute

Rules, the Court may impose such conditions and give such directions as it considers just.

(2) Where these Rules provide that the Court may make an order of a specified nature, the Court may make any other order that it considers just.

Motion for directions

54. A person may at any time bring a motion for directions concerning the procedure to be followed under these Rules.

ordonnance qu'elle rend en vertu des présentes règles des conditions et des directives qu'elle juge équitables.

Ordonnances équitables

(2) La Cour peut, dans les cas où les présentes règles lui permettent de rendre une ordonnance particulière, rendre toute autre ordonnance qu'elle juge équitable.

54. Une personne peut présenter une requête à tout moment en vue d'obtenir des directives sur la procédure à suivre dans le cadre des présentes règles.

[4] Thus, on their clear wording, the rules allow the Court to give directions with regard to the procedure to be followed before the Court during the course of an appeal or a judicial review application. There can be no doubt whatsoever that the rules do not contemplate the issuance of a direction of the type apparently sought by the applicant in his motion.

[5] For these reasons, the motion will be dismissed with costs.

“M. Nadon”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-337-10

STYLE OF CAUSE: PAUL ANDREWS v. A.G.C.

MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES

REASONS FOR ORDER BY: NADON J.A.

DATED: November 5, 2010

WRITTEN REPRESENTATIONS BY:

Paul Andrews

APPELLANT ON HIS OWN
BEHALF

Christine Langill

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Myles J. Kirvin
Deputy Attorney General of Canada

FOR THE RESPONDENT