Date:	20101	105
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**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.

Date: 20101105

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#### **REASONS FOR ORDER**

#### NADON J.A.

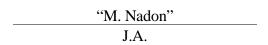
- [1] The applicant's motion will be dismissed.
- [2] First, I am unable to understand the exact nature of the remedy sought by the applicant. Second, if I make a number of assumptions, it appears that the applicant is asking this Court to give directions binding on the Pension Appeals Board. Rules 53 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.



# **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 FOR THE RESPONDENT

Deputy Attorney General of Canada