

Cour d'appel
fédérale



Federal Court
of Appeal

Date: 20110125

Docket: A-114-10

Citation: 2011 FCA 27

**CORAM: NADON J.A.
PELLETIER J.A.
MAINVILLE J.A.**

BETWEEN:

XXXX

Appellant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

Heard at Vancouver, British Columbia, on January 25, 2011.

Judgment delivered from the Bench at Vancouver, British Columbia, on January 25, 2011.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Vancouver, British Columbia, on January 25, 2011)

NADON J.A.

[1] We are all agreed that the appeal before us is now moot by reason of the subsequent order of the Immigration Division of the Immigration and Refugee Protection Board dated January 18, 2010 which ordered the release of the Appellant on agreed terms and conditions.

[2] Consequently, there is no live issue remaining.

[3] As to whether or not we should exercise our discretion to hear the appeal, notwithstanding mootness, we conclude that in the circumstances we should not do so. Counsel for the Appellant has informed us that there are cases pending which raise issues similar to those before us in this appeal and which will likely come to this Court for determination.

[4] We have also taken into consideration, in concluding that we ought not to hear this appeal, the fact that the parties failed to inform Barnes J. that the Appellant had been released on January 18, 2010, i.e. two weeks prior to the learned judge's decision of February 2, 2010. Thus, in the circumstances, the matter was already moot when Barnes J. rendered his decision.

[5] We are now asked to pronounce ourselves in a matter which is doubly moot. In our view, this does not advance judicial economy, one of the principles which underlie the doctrine of mootness.

[6] The appeal will therefore be dismissed but without costs.

“Marc Nadon”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-114-10

STYLE OF CAUSE: XXXX v. THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: Vancouver, British Columbia

DATE OF HEARING: January 25, 2011

**REASONS FOR JUDGMENT
OF THE COURT BY:** NADON J.A.
PELLETIER J.A.
MAINVILLE J.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

Douglas Cannon FOR THE APPELLANT
Larry W. O. Smeets

Banafsheh Sokhansanj FOR THE RESPONDENT

SOLICITORS OF RECORD:

Elgin Cannon & Associates FOR THE APPELLANT
Smeets Law Offices
Vancouver, British Columbia

Myles J. Kirvan FOR THE RESPONDENT
Deputy Attorney General of Canada