

Federal Court of Appeal



CANADA

Cour d'appel fédérale

Date: 20110209

Docket: A-216-10

Citation: 2011 FCA 52

**CORAM: NOËL J.A.
EVANS J.A.
SHARLOW J.A.**

BETWEEN:

RIDGEVIEW RESTAURANT LIMITED

Appellant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

and

STEVE GIBSON

Respondent

Heard at Toronto, Ontario, on February 9, 2011.

Judgment delivered from the Bench at Toronto, Ontario, on February 9, 2011.

REASONS FOR JUDGMENT OF THE COURT BY:

SHARLOW J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Toronto, Ontario, on February 9, 2011)

SHARLOW J.A.

[1] Ridgeview Restaurant Limited is appealing the judgment of Justice Mactavish (2010 FC

506) granting the Crown's motion to strike Ridgeview's application for judicial review for want of standing. We agree that Ridgeview lacks standing.

[2] We would add only that Mr. Gibson's permit does not and does not purport to authorize him

to use marihuana in any manner that is contrary to the *Liquor Licence Act of Ontario*, R.S.O.

1990, c. L. 19, or to engage in any criminal activity, including trafficking marihuana contrary to the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19.

[3] The appeal will be dismissed with costs.

“K. Sharlow”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-216-10

**(APPEAL FROM THE JUDGMENT OF THE HONOURABLE MADAM JUSTICE
MACTAVISH OF THE FEDERAL COURT DATED MAY 10, 2010, DOCKET NO.
T-561-09)**

STYLE OF CAUSE: RIDGEVIEW RESTAURANT LIMITED v. THE
ATTORNEY GENERAL OF CANADA and STEVE
GIBSON

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: February 9, 2011

**REASONS FOR JUDGMENT OF
THE COURT BY:** (NOËL, EVANS & SHARLOW JJ.A.)

**DELIVERED FROM THE
BENCH BY:** SHARLOW J.A.

APPEARANCES:

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James Hunter

FOR THE APPELLANT

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James Gorham

FOR THE RESPONDENT
THE ATTORNEY GENERAL OF
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FOR THE RESPONDENT
THE ATTORNEY GENERAL OF
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