

Federal Court of Appeal



Cour d'appel fédérale

Date: 20121119

Docket: A-95-12

Citation: 2012 FCA 304

**CORAM: BLAIS C.J.
NADON J.A.
TRUDEL J.A.**

BETWEEN:

ANNIE MCCARTIE

Appellant

and

**THE MINISTER OF NATIONAL REVENUE
(ATTORNEY GENERAL OF CANADA)**

Respondent

Heard at Vancouver, British Columbia, on November 19, 2012.

Judgment delivered from the Bench at Vancouver, British Columbia, on November 19, 2012.

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 November 19, 2012)

NADON J.A.

[1] Mrs. McCartie, the appellant, is appealing the decision of Noël J. (“the Judge”) of the Federal Court, dated March 15, 2012, wherein he refused to grant her an extension of time to file her Application Record. More particularly, the Judge found that the appellant had not provided a reasonable explanation for the lengthy delay for the filing of her Application Record. He further found that she had not shown a continuous intention to proceed with her application. Lastly, but not

the least, the Judge was of the view that the appellant's judicial review application was without merit.

[2] We see no basis to disagree with the Judge's conclusions. Consequently, we have not been persuaded that he made a reviewable error which would allow us to intervene.

[3] Before us, the appellant raised *Charter* issues and made a number of submissions based on these issues. Unfortunately for her, her submissions do not detract us from our view that the Judge was correct in concluding that her judicial review application was bound to fail.

[4] For these reasons, the appeal will be dismissed with costs.

"M. Nadon"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-95-12

STYLE OF CAUSE: ANNIE McCARTIE v. M.N.R.
(A.G.C.)

PLACE OF HEARING: Vancouver, British Columbia

DATE OF HEARING: November 19, 2012

REASONS FOR JUDGMENT OF THE COURT BY: BLAIS C.J., NADON J.A. and
TRUDEL J.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

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Colin McCartie

David Everett FOR THE RESPONDENT
Max Matas

SOLICITORS OF RECORD:

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