

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20130426**

**Docket: A-85-13**

**Citation: 2013 FCA 113**

**Present: NADON J.A.**

**BETWEEN:**

**1443900 ONT. INC.**

**Appellant**

**and**

**HER MAJESTY THE QUEEN**

**Respondent**

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on April 26, 2013.

**REASONS FOR ORDER BY:**

**NADON J.A.**

Federal Court of Appeal



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**REASONS FOR ORDER**

**NADON J.A.**

[1] The appellant company seeks an Order allowing it, pursuant to Rule 120 of the *Federal Courts Rules*, to be represented by an officer, partner or member as the case may be.

[2] Unfortunately, there is no basis for me to grant such a motion.

[3] This Court's case law is clear to the effect that in order to succeed under Rule 120 a corporation must, *inter alia*, demonstrate that it cannot afford to pay for a lawyer. (See our decisions in *El Mocambo Rocks Inc. v. Society of Composers, Authors and Music Publishers of Canada (SOCAN)*, 2012 FCA 98 at para. 3; *S. A.R. Group Relocation Inc. and Susan A. Ryan Real Estate*

*Ltd. v. AGC*, 2002 FCA 99 at para. 2 and *TPG Technology Consulting Ltd. v. Her Majesty the Queen*, 2011 FCA 345 at para. 9). There being no evidence adduced by the applicant on the point, I have no choice but to dismiss its motion.

“M. Nadon”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-85-13

**STYLE OF CAUSE:** 1443900 ONT. INC. v. HER  
MAJESTY THE QUEEN

**MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES**

**REASONS FOR ORDER BY:** NADON J.A.

**DATED:** April 26, 2013

**WRITTEN REPRESENTATIONS BY:**

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FOR THE RESPONDENT

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