

Federal Court of Appeal



Cour d'appel fédérale

Date: 20130506

Docket: A-348-12

Citation: 2013 FCA 124

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

BETWEEN:

GORDON PARGELEN

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Montréal, Quebec, on May 6, 2013.

Judgment delivered from the bench at Montréal, Quebec, on May 6, 2013.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the bench at Montréal, Quebec, on May 6, 2013)

NADON J.A.

[1] This is an appeal from a decision by Justice Harrington of the Federal Court, 2012 FC 921, in which he dismissed the application for judicial review filed by the appellant against a decision of the Parole Board of Canada imposing conditions on the appellant in the context of a long-term supervision order under section 134.1 of the *Corrections and Conditional Release Act*, S.C. 1992, c. 20.

[2] We are of the view that the issues raised by the appellant are moot. Furthermore, we are not persuaded, in light of the Supreme Court of Canada's decision in *Borowski v. Canada (Attorney General)*, [1989] 1 S.C.R. 342, that it would be in the interests of justice to hear the appeal and decide the issues raised.

[3] There are two reasons we are convinced that this appeal should not be heard. First, the highly specific nature of the conditions imposed on the basis of the appellant's evolving circumstances means that a decision in this case would be unlikely to be useful in other contexts.

[4] Moreover, there is nothing that enables us to conclude that the appellant could not have been heard in due course had he stated the urgency of his case, as he is allowed to do under the *Federal Courts Rules*.

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

"M. Nadon"

J.A.

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-348-12

(APPEAL FROM AN ORDER BY THE HONOURABLE JUSTICE HARRINGTON OF THE FEDERAL COURT DATED JULY 20, 2012, DOCKET NO. T-2078-11)

STYLE OF CAUSE: Gordon Pargelen v.
Attorney General of Canada

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: May 6, 2013

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

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

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Michelle Lavergne

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