

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20191217**

**Docket: A-420-18**

**Citation: 2019 FCA 315**

[ENGLISH TRANSLATION]

**CORAM: BOIVIN J.A.  
GLEASON J.A.  
RIVOALEN J.A.**

**BETWEEN:**

**CECILIA CONSTANTINESCU**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Montreal, Quebec, on December 17, 2019.

Judgment delivered at Montreal, Quebec, on December 17, 2019.

REASONS FOR JUDGMENT BY:

GLEASON J.A.

CONCURRED IN BY:

BOIVIN J.A.  
RIVOALEN J.A.

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**REASONS FOR JUDGMENT**

**GLEASON J.A.**

[1] The appellant appeals from the Order of the Federal Court (*per*, Lafrenière J.) issued November 22, 2018 in docket T-1571-18, striking out the applicant's notice of application for judicial review by reason of prematurity. In the application, the applicant sought to set aside an interlocutory decision of the Canadian Human Rights Tribunal in which the Tribunal determined

that the Correctional Service of Canada had fulfilled its disclosure obligations following disclosure requests made by the applicant.

[2] I am of the view that the Federal Court committed no error in the Order as it is well-settled that, barring exceptional circumstances, an applicant cannot seek judicial review of an interlocutory decision of an administrative tribunal before that tribunal has rendered its final decision (see, for example, *C.B. Powell Limited v. Canada (Border Services Agency)*, 2010 FCA 61, [2011] 2 F.C.R. 332, at paragraph 31 and *Agnaou v. Canada (Attorney General)*, 2019 FCA 264 ([*Agnaou*])).

[3] There are no exceptional circumstances in this case. As Justice Locke recently stated in *Agnaou* at paragraph 6:

[TRANSLATION]

[T]he importance of document disclosure is indeed a good reason not to intervene before the Tribunal has rendered a decision on the merits of the complaint. The issues of the relevance and the importance of the documents sought by the applicant (and even of their existence) are better addressed in the context of an application for judicial review of the final decision of the Tribunal. [underlined in original]

[4] I am also of the opinion that the Federal Court did not commit an error in awarding costs.

[5] I would therefore dismiss this appeal with costs.

“Mary J.L. Gleason”

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J.A.

“I agree.

Richard Boivin J.A.”

“I agree.

Marianne Rivoalen J.A.”

**FEDERAL COURT OF APPEAL**

**SOLICITORS OF RECORD**

**DOCKET:** A-420-18

**STYLE OF CAUSE:** CECILIA CONSTANTINESCU v.  
ATTORNEY GENERAL OF  
CANADA

**PLACE OF HEARING:** MONTREAL, QUEBEC

**DATE OF HEARING:** DECEMBER 17, 2019

**REASONS FOR JUDGMENT BY:** GLEASON J.A.

**CONCURRED IN BY:** BOIVIN J.A.  
RIVOALEN J.A.

**DATED:** DECEMBER 17, 2019

**APPEARANCES:**

Cecilia Constantinescu FOR THE APPELLANT  
(Self-represented)

Paul Deschênes FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Nathalie G. Drouin FOR THE RESPONDENT  
Deputy Attorney General of Canada