

Federal Court of Appeal



Cour d'appel fédérale

Date: 20220601

Docket: A-68-22

Citation: 2022 FCA 98

**CORAM: LOCKE J.A.
MACTAVISH J.A.
ROUSSEL J.A.**

BETWEEN:

**GARY DAVID BROWN, A.K.A. GARY
DAVID ROBERT BROWN**

Appellant

and

**SOCIAL BENEFITS TRIBUNAL ONTARIO (“SBTO”),
THE MINISTRY OF THE ATTORNEY GENERAL OF
ONTARIO (“MAG”), LEGAL AID ONTARIO (“LAO”)
AND THE CITY OF TORONTO (“TORONTO”), ALL
PAST AND PRESENT ASSIGNS AND AGENTS
THEREOF AND ALL HEIRS AND SUCCESSORS OF
SAME**

Respondents

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on June 1, 2022.

REASONS FOR ORDER BY:

LOCKE J.A.

CONCURRED IN BY:

**MACTAVISH J.A.
ROUSSEL J.A.**

Federal Court of Appeal



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AND THE CITY OF TORONTO (“TORONTO”), ALL
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Respondents

REASONS FOR ORDER

LOCKE J.A.

[1] The respondent City of Toronto moves for summary dismissal of the present appeal, with costs. None of the other parties has responded to the present motion.

[2] The subject of the present appeal is an Order of the Federal Court (*per* Justice Elizabeth Walker) dated March 2, 2022 in Court File No. 22-T-7, which dismissed the appellant's motion for an extension of time to commence an application for judicial review. The proposed judicial review concerned a decision of a provincial tribunal, the Social Benefits Tribunal of Ontario, whose decisions are reviewable by the Ontario Divisional Court. In its Order, the Federal Court (i) considered whether the proposed application had some merit, (ii) concluded that it did not, and (iii) dismissed the motion on that basis. Specifically, the Federal Court concluded that it did not have jurisdiction to review a decision of a provincial administrative tribunal.

[3] This Court may quash or summarily dismiss an appeal where there is such a manifest lack of substance that it is clearly bound to fail: *Martinez v. Canada (Communications Security Establishment)*, 2019 FCA 282. This is the case here. The Federal Court was clearly correct to conclude that it did not have jurisdiction. Moreover, it was correct to dismiss the appellant's motion on that basis. The appeal is clearly bound to fail.

[4] I would grant the present motion and I would dismiss the present appeal, with costs to the respondent City of Toronto.

"George R. Locke"

J.A.

"I agree.

Anne L. Mactavish J.A."

"I agree.

Sylvie E. Roussel J.A."

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:

A-68-22

STYLE OF CAUSE:

GARY DAVID BROWN, A.K.A.
GARY DAVID ROBERT BROWN
v. SOCIAL BENEFITS
TRIBUNAL ONTARIO (“SBTO”),
THE MINISTRY OF THE
ATTORNEY GENERAL OF
ONTARIO (“MAG”), LEGAL AID
ONTARIO (“LAO”) AND THE
CITY OF TORONTO
 (“TORONTO”), ALL PAST AND
PRESENT ASSIGNS AND
AGENTS THEREOF AND ALL
HEIRS AND SUCCESSORS OF
SAME

MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES

REASONS FOR ORDER BY:

LOCKE J.A.

CONCURRED IN BY:

MACTAVISH J.A.
ROUSSEL J.A.

DATED:

JUNE 1, 2022

WRITTEN REPRESENTATIONS BY:

Rali Anguelova

FOR THE RESPONDENT
THE CITY OF TORONTO

SOLICITORS OF RECORD:

Ministry of the Attorney General
Toronto, Ontario

FOR THE RESPONDENT

Legal Aid Ontario
Toronto, Ontario

City Solicitor's Office
Toronto, Ontario

THE MINISTRY OF THE
ATTORNEY GENERAL OF
ONTARIO
FOR THE RESPONDENT
LEGAL AID ONTARIO

FOR THE RESPONDENT
THE CITY OF TORONTO