

Federal Court of Appeal



Cour d'appel fédérale

Date: 20250502

Docket: A-134-23

Citation: 2025 FCA 91

**CORAM: STRATAS J.A.
LASKIN J.A.
MONAGHAN J.A.**

BETWEEN:

JOHN MCLAUGHLIN

Appellant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

Heard at Toronto, Ontario, on May 1, 2025.
Judgment delivered at Ottawa, Ontario, on May 2, 2025.

REASONS FOR JUDGMENT BY:

MONAGHAN J.A.

CONCURRED IN BY:

**STRATAS J.A.
LASKIN J.A.**

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REASONS FOR JUDGMENT

MONAGHAN J.A.

[1] Before the Federal Court, John McLaughlin sought judicial review of a letter from the Acting Assistant Deputy Minister of Public Services and Procurement Canada. The Attorney General of Canada brought a motion to strike the application, submitting the letter was not a decision or matter that could properly be the subject of judicial review. Associate Judge Horne of

the Federal Court agreed and struck the application: *McLaughlin v. Canada (Attorney General)*, 2022 FC 1466.

[2] In a single motion before the Federal Court, Mr. McLaughlin sought to appeal that order and an extension of time to do so. The Federal Court dismissed the motion, concluding that Mr. McLaughlin did not meet the test for an extension of time and that nothing in the Associate Judge's decision warranted intervention: *McLaughlin v. Canada (Attorney General)*, 2023 FC 359 (*per* Ahmed J.).

[3] Mr. McLaughlin appeals that decision but identifies no reviewable error in the Federal Court's decision denying him an extension of time. In saying this, I accept that Mr. McLaughlin inadvertently filed an appeal from the Associate Judge's order in this Court, and this Court ordered the file transferred to the Federal Court. However, because the filing in this Court was made after the ten-day period to appeal the Associate Judge's order expired, Mr. McLaughlin required an extension of time to appeal that order: *Federal Courts Rules*, S.O.R./98-106, R. 51(2). I see no error in the Federal Court's decision to deny it. That is sufficient to dismiss the appeal.

[4] That said, I also see no reviewable error in the Federal Court's conclusion that the Associate Judge did not err in striking the application for judicial review. While the Federal Court's reasons on this issue are not lengthy, read in light of the record, including the Associate Judge's reasons, they are sufficient. The Federal Court describes the Associate Judge's reasons before concluding that he "properly considered the record, applied the appropriate legal

principles, and conducted a thorough assessment of the grounds for striking the application for judicial review”; the Federal Court characterized the Associate Judge’s conclusion as “justified”: Federal Court reasons at paras. 12-23, 33. I agree.

[5] For these reasons, I would dismiss the appeal.

[6] Having considered the parties’ submissions on costs, I would award the respondent costs of the appeal in the amount of \$3,000. For clarity, this does not include any costs separately awarded in interlocutory orders this Court made in this appeal.

“K.A. Siobhan Monaghan”

J.A.

“I agree.
David Stratas J.A.”

“I agree.
J. B. Laskin J.A.”

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-134-23

STYLE OF CAUSE: JOHN MCLAUGHLIN v. THE
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MAY 1, 2025

REASONS FOR JUDGMENT BY: MONAGHAN J.A.

CONCURRED IN BY: STRATAS J.A.
LASKIN J.A.

DATED: MAY 2, 2025

APPEARANCES:

John McLaughlin FOR THE APPELLANT
ON HIS OWN BEHALF

Aman Owais FOR THE RESPONDENT

SOLICITORS OF RECORD:

Shalene Curtis-Micallef FOR THE RESPONDENT
Deputy Attorney General of Canada