

*Federal Court of Appeal*



*Cour d'appel fédérale*

**Date: 20140514**

**Docket: A-378-13**

**Citation: 2014 FCA 128**

**CORAM: NOËL J.A.  
MAINVILLE J.A.  
SCOTT J.A.**

**BETWEEN:**

**YACINE AGNAOU**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Montréal, Quebec, on May 14, 2014.

Judgment delivered from the Bench at Montréal, Quebec, on May 14, 2014.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**NOËL 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 14, 2014)

**NOËL J.A.**

[1] This is an appeal against an interlocutory decision of the Federal Court whereby Justice Annis denied the request for material filed by Mr. Agnaou (the appellant) under rule 317 of the *Federal Courts Rules*, SOR/98-106 (the Rules), and dismissed the application for leave to

serve an additional affidavit in support of said material and for an extension of time with regard to his application for judicial review.

[2] The appeal must fail. In our opinion, the application for judicial review underlying this matter does not support the submissions of the appellant is submitting with respect to his request to obtain material and file additional evidence.

[3] Although the notice of request does indeed refer to [TRANSLATION] “interference” by senior management of the Public Service Commission (the Commission) in the investigation process and similar conduct (Appeal Book, Vol. I at p. 19), the same cannot be said of the application for judicial review, which simply refers to a [TRANSLATION] “lack of care” by the Commission in regard to the appellant (Appeal Book, Vol. I at p. 267). The grounds for judicial review primarily concern the leniency of the sanction imposed, which, according to the appellant, is attributable to the troubles he had with the Commission in relation to other matters, and in that context, the words [TRANSLATION] “lack of care” make perfect sense (Appeal Book, Vol. I at pp. 267, 272 to 276, 283, 284, 288 and 289).

[4] The enlargement of the scope application for judicial review that the applicant apparently assumed he could achieve in drafting his notice of request cannot be effected by osmosis. Only a formal amendment, with leave of the Court, could have allowed the appellant to raise matters that he now says are relevant.

[5] Upon examination of the materials requested by the appellant under either rule 312 or rule 317, Justice Annis concluded that they were not relevant, having regard to the allegations in the application as drafted, and the appellant did not persuade us that the judge erred in deciding as he did.

[6] The appeal will therefore be dismissed, with costs assessed by the Court at \$1,500.

“Marc Noël”

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J.A.

Certified true translation  
François Brunet, Revisor

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-378-13

**(APPEAL FROM AN ORDER OF THE HONOURABLE JUSTICE ANNIS OF THE  
FEDERAL COURT OF CANADA, DATED NOVEMBER 12, 2013, DOCKET  
NO. T-825-13.)**

**STYLE OF CAUSE:** YACINE AGNAOU v.  
ATTORNEY GENERAL OF  
CANADA

**PLACE OF HEARING:** MONTRÉAL, QUEBEC

**DATE OF HEARING:** MAY 14, 2014

**REASONS FOR JUDGMENT OF THE COURT BY:** NOËL J.A.  
MAINVILLE J.A.  
SCOTT J.A.

**DELIVERED FROM THE BENCH BY:** NOËL J.A.

**APPEARANCES:**

Yacine Agnaou FOR THE APPELLANT  
(self-represented)

Marie-Josée Montreuil FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

William F. Pentney FOR THE RESPONDENT  
Deputy Attorney General of Canada