

Date: 20070601

Docket: IMM-2218-07

Ottawa, Ontario, June 1, 2007

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

DAWUD BASCOMBE

Applicant

and

**MINISTER OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Respondent

ORDER

UPON having heard the parties by telephone conference in the late afternoon of Friday, June 1, 2007, the Court duly specifies;

WHEREAS the Respondent was served at 3:00 p.m. this afternoon (Friday, June 1, 2007) with an application to stay the removal of the Applicant to Grenada scheduled for Monday, June 4, 2007 at 8:00 a.m.;

RECOGNIZING that the Applicant was advised of his removal date in person and in writing on May 17, 2007; and consequently, the Applicant had over two weeks to bring this application to the attention of the Court, yet this motion was not served until this afternoon. No reasonable justification has been provided for this delay, further to discussion with both parties;

ACKNOWLEDGING that the Applicant has a serious criminal conviction in Canada, a fact that has been entirely omitted from the Applicant's submissions, the Applicant has not come to the Court with clean hands;

FURTHERMORE, ACKNOWLEDGING, during a telephone conference with both parties, that there is no underlying decision that is subject to judicial review in this stay motion;

RECOGNIZING, that the Court agrees with the Respondent that the *Matadeen v. Canada (Minister of Citizenship and Immigration)* (F.C.T.D.), June 22, 2000, (IMM-3164-00), decision applies wherein Justice Yvon Pinard stated:

Indeed, "last minute" motions for stays force the respondent to respond without adequate preparation, do not facilitate the work of this Court, and are not in the interest of justice; a stay is an extraordinary procedure, which deserves thorough and thoughtful consideration.

ACKNOWLEDGING that Justice Pinard's decision has been followed by this Court in a number of other cases, most recently in *Kulbir Singh v. Canada (Minister of Citizenship and Immigration)*, January 30, 2003, (IMM-530-03), and *Varadi v. Canada (Minister of Citizenship and Immigration)* (F.C.T.D.) June 23, 2003, (IMM-4705-03);

DULY NOTING that decisions in the same vein were rendered in *IDOWU v. Canada (Minister of Citizenship and Immigration)*, (IMM 3558-00); *Owusua v. Canada (Minister of Citizenship and Immigration)*, (IMM-2583-00); *Korogodova v. Canada (Minister of Citizenship and Immigration)*, (F.C.T.D.), January 29, 2001, (IMM-376); *Vaccarino v. Canada (Minister of Citizenship and Immigration)* [1992] F.C.J. No. 518 (QL);

THIS COURT CONCLUDES that it will not entertain this last minute application as it would not be in the interests of justice.

THIS COURT ORDERS that the matter not be entertained by the Court as it would not be in the interests of justice as the Applicant has not come to the Court with clean hands.

“Michel M.J. Shore”

Judge