

Federal Court



Cour fédérale

Date: 20120206

Docket: IMM-3095-11

Citation: 2012 FC 160

[UNREVISED ENGLISH CERTIFIED TRANSLATION]

Montréal, Quebec, February 6, 2012

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

**MINISTER OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Applicant

and

EMMANUEL DUROSEAU

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

(Delivered from the bench at Montréal, Quebec, on February 6, 2012)

[1] This is a decision with regard to the applicant's motion for an extension of time to file a supplementary memorandum.

[2] This motion follows circumstances described by the applicant, and is opposed by the respondent.

[3] Following an analysis of both parties' arguments, the Court rules as follows.

[4] In his judgment in *Huot v Canada (Minister of Citizenship and Immigration)*, 2010 FC 973, Justice Yvon Pinard set out the criteria for allowing an application for an extension of time.

[5] The applicant must satisfy the Court:

- a) that he or she had a continuing intention to pursue the application for judicial review;
- b) that the application for judicial review deserves consideration;
- c) that there is a reasonable explanation for the delay; and
- d) that the extension of time will not prejudice the respondent.

[6] The first two criteria have been met, namely, there was a continuing intention to pursue the application for judicial review and the application deserves consideration. This has been established by the fact that Justice Bédard allowed the Minister to file his application for judicial review with the Court.

[7] According to the applicant's arguments, a supplementary memorandum is needed to better highlight the relevant errors of law that may have been committed by the court in question. These errors of law were not mentioned in the previous memorandum.

JUDGMENT

For all these reasons, **THE COURT:**

GRANTS the applicant's motion for an extension of time;

DECLARES that the service and filing of the applicant's supplementary memorandum on January 30, 2012 is valid;

ALLOWS the respondent to serve and file a supplementary memorandum in response to the applicant's supplementary memorandum (given the circumstances of the respondent's counsel) on or before March 11, 2012.

“Michel M.J. Shore”

Judge

Certified true translation
Sebastian Desbarats, Translator

FEDERAL COURT
SOLICITORS OF RECORD

DOCKETS: IMM-3095-11

STYLE OF CAUSE: THE MINISTER OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS and
EMMANUEL DUROSEAU

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: February 6, 2012

**REASONS FOR JUDGMENT
AND JUDGMENT:** SHORE J.

**DELIVERED FROM THE
BENCH ON:** February 6, 2012

APPEARANCES:

Catherine Brisebois FOR THE APPLICANT

Stéphanie Valois FOR THE RESPONDENT

SOLICITORS OF RECORD:

Myles J. Kirvan FOR THE APPLICANT
Deputy Attorney General of Canada
Montréal, Quebec

Stéphanie Valois FOR THE RESPONDENT
Montréal, Quebec