

Federal Court



Cour fédérale

**Date: 20130521**

**Docket: T-120-13**

**Citation: 2013 FC 528**

**Vancouver, British Columbia, May 21, 2013**

**PRESENT: The Honourable Madam Justice Simpson**

**BETWEEN:**

**RANJIT GILL**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

**REASONS FOR ORDER AND ORDER**

[1] This application is for judicial review of a decision of the Appeal Division of the Parole Board of Canada regarding a decision made following a Parole Board of Canada (the Board) hearing held on August 7, 2012 (the Application).

[2] The Applicant moved on May 15, 2013, to have material added to his Application Record (the Motion). The Respondent's response to the Motion was filed on May 17, 2013, and the Applicant's reply submissions were received on May 21, 2013.

[3] The Application is scheduled to be heard on May 23, 2013.

[4] The material the Applicant seeks to add is of two kinds:

Item 1: A transcript of a Board hearing held in September 2011 (the First Hearing)

Item 2: A transcript of the Board hearing of August 7, 2012 (the Second Hearing) which is  
the subject of this Application

[5] The Applicant submits that Item 1 discloses that, at the First Hearing, the Board knew that the Applicant had diabetes. The Applicant says that the Board in the Second Hearing therefore had a duty to investigate and consider that fact. The Applicant says that without Item 1 it cannot effectively argue this issue at the hearing of the Application.

[6] The Applicant submits that he requires Item 2 to avoid having to play the CD recording aloud when the Application is heard.

[7] Regarding Item 1, the Respondent says that, if a transcript is ordered, the Application will have to be adjourned as it is unlikely that a transcript can be ready in two days. The Respondent also says that Item 1 was not before the Board which made the decision at issue in this Application and that, in any event, the Board is not bound by its prior decisions.

[8] Regarding Item 2, the Respondent says that it is too late to order a transcript because it will delay the hearing of the Application.

[9] The Respondent also notes that the Applicant has had CDs of both hearings since August 2012 and could have had the transcriptions prepared in a timely way particularly since it has been aware since February 2013 that they were not included in the Certified Tribunal Record for this Application.

Conclusions

[10] Regarding Item 1, the Board's decision which is the subject of this Application makes it clear that, during the Second Hearing, the Board was made aware that the Applicant suffered from a medical condition with symptoms that might mirror alcohol use. This means that the Court does not need Item 1 as a foundation for the Applicant's submissions about a duty to investigate.

[11] Regarding Item 2, the Court will listen to a recording if necessary.

**ORDER**

**THIS COURT ORDERS that:**

- i) The Motion is dismissed.
- ii) The Respondent is to have its costs of this Motion in any event of the cause.

“Sandra J. Simpson”

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** T-120-13

**STYLE OF CAUSE:** RANJIT GILL  
v ATTORNEY GENERAL OF CANADA

**MOTION IN WRITING CONSIDERED AT VANCOUVER, BRITISH COLUMBIA  
PURSUANT TO RULE 369**

**REASONS FOR ORDER  
AND ORDER:** SIMPSON J.

**DATED:** May 21, 2013

**WRITTEN REPRESENTATIONS:**

Donna M. Turko FOR THE APPLICANT

Sarah-Dawn Norris FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Turko & Company FOR THE APPLICANT  
Vancouver, BC

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