

Federal Court of Appeal



Cour d'appel fédérale

Date: 20161019

Docket: A-395-15

Citation: 2016 FCA 255

**CORAM: NADON J.A.
TRUDEL J.A.
SCOTT J.A.**

BETWEEN:

VLASTA STUBICAR

Appellant

and

**DEPUTY PRIME MINISTER and MINISTER
OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS**

Respondents

Heard at Ottawa, Ontario, on October 19, 2016.
Judgment delivered from the Bench at Ottawa, Ontario, on October 19, 2016.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Ottawa, Ontario, on October 19, 2016).

NADON J.A.

[1] We have not been persuaded that there is any basis to interfere with the Federal Court's order of August 31, 2015 which ordered the appellant to post security for the respondents' costs in the amount of \$5,000.

[2] We cannot agree with the appellant's submission that by reason of the *Access to Information Act*, R.S.C. 1985, c. A-1 (the Act), and in particular by reason of sections 45 and 53 thereof, that Rule 416 of the *Federal Court Rules*, SOR/98-106 does not apply to proceedings commenced under sections 41, 42 or 44 of the Act. To the contrary, on our understanding of the provisions at issue, there can be no doubt that Rule 416 applies to proceedings commenced under the Act.

[3] The appeal will therefore be dismissed with costs which shall be fixed at \$2,000 inclusive of disbursements and taxes.

"M Nadon"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-395-15

(APPEAL FROM AN ORDER OF THE HONOURABLE MR. JUSTICE ANNIS OF THE FEDERAL COURT DATED AUGUST 31, 2015, DOCKET NO. T-1028-15)

STYLE OF CAUSE: VLASTA STUBICAR v. DEPUTY
PRIME MINISTER AND
MINISTER OF PUBLIC SAFETY
AND EMERGENCY
PREPAREDNESS

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: OCTOBER 19, 2016

REASONS FOR JUDGMENT OF THE COURT BY: NADON J.A.
TRUDEL J.A.
SCOTT J.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

Vlasta Stubicar FOR THE APPELLANT (SELF
REPRESENTED)

Kirk Shannon FOR THE RESPONDENTS

SOLICITORS OF RECORD:

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