

Federal Court of Appeal



Cour d'appel fédérale

Date: 20170921

Docket: A-58-17

Citation: 2017 FCA 196

**CORAM: NADON J.A.
STRATAS J.A.
WEBB J.A.**

BETWEEN:

FOREFRONT PLACEMENT LTD.

Appellant

and

**THE MINISTER OF EMPLOYMENT AND
SOCIAL DEVELOPMENT**

Respondent

Heard at Toronto, Ontario, on September 21, 2017.
Judgment delivered from the Bench at Toronto, Ontario, on September 21, 2017.

REASONS FOR JUDGMENT OF THE COURT BY:

STRATAS J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Toronto, Ontario, on September 21, 2017).

STRATAS J.A.

[1] Forefront Placement Ltd. appeals from the order dated February 14, 2017 of the Federal Court (*per* Southcott J.). On an interlocutory basis, the Federal Court ordered, among other

things, that Mr. Leahy, a disbarred lawyer, could not represent Forefront in the application before it.

[2] Forefront appeals this interlocutory ruling to this Court. By interlocutory order of this Court dated May 9, 2017, Mr. Leahy was granted leave to represent Forefront in this appeal hearing. Left for this Court at the hearing of the appeal was whether Mr. Leahy is permitted to act as counsel under section 11 of the *Federal Courts Act*, R.S.C. 1985, c. F-7.

[3] The respondent, among other things, submits that this appeal is barred as an interlocutory matter arising under the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27: see para. 72(2)(e).

[4] The first step is to characterize Forefront's application in the Federal Court and to assess whether, in the words of section 72 of the Act, it is a "matter — a decision, determination or order made, a measure taken or a question raised — under the Act." If so, then this is an interlocutory matter arising under the Act and so an appeal is barred.

[5] I note that the reference to "the Act" in section 72 includes a regulation: see subsection 2(2) of the *Immigration and Refugee Protection Act*.

[6] In its application in the Federal Court, Forefront seeks to resist or reduce the payment of a \$1,000 fee under section 315.2 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227. It alleges that this provision in the Regulations conflicts with a provision in an

Act, namely subsection 19(2) of the *Financial Administration Act*, R.S.C. 1985, c. F-11 and, thus, is invalid.

[7] In our view, this falls within the bar in section 72 of the *Immigration and Refugee Protection Act*. It is a matter or question raised under the Act.

[8] Forefront urges that the *Financial Administration Act* is the matter before us. We disagree. Subsection 19(2) of the *Financial Administration Act* is only a ground invoked in a matter or question that, in substance, concerns the avoidance or reduction of the obligation to pay the fee under section 315.2 of the *Immigration and Refugee Protection Regulations*.

[9] Accordingly, for the foregoing reasons, this Court lacks jurisdiction to entertain this appeal. Therefore, we will dismiss the appeal with costs.

"David Stratas"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-58-17

**APPEAL FROM AN ORDER OF THE HONOURABLE MR. JUSTICE SOUTHCOTT
DATED FEBRUARY 14, 2017, DOCKET NO. T-1-17**

STYLE OF CAUSE: FOREFRONT PLACEMENT LTD.
v. THE MINISTER OF
EMPLOYMENT AND SOCIAL
DEVELOPMENT

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: SEPTEMBER 21, 2017

REASONS FOR JUDGMENT OF THE COURT BY: NADON J.A.
STRATAS J.A.
WEBB J.A.

DELIVERED FROM THE BENCH BY: STRATAS J.A.

APPEARANCES:

Timothy E. Leahy FOR THE APPELLANT

John Loncar FOR THE RESPONDENT

SOLICITORS OF RECORD:

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