

Date: 20070525

Docket: A-139-07

Citation: 2007 FCA 202

[ENGLISH TRANSLATION]

Present: Pelletier J.A.

BETWEEN:

**OBERDEE BELLEFLEUR OP
CLINIQUE DENTAIRE O. BELLEFLEUR
(EMPLOYER)**

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

Written motion decided without appearance of the parties

Order delivered at Ottawa, Ontario, on May 25, 2007.

REASONS FOR ORDER:

PELLETIER J.A.

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REASONS FOR ORDER

PELLETIER J.A.

[1] Though the registry officer informed him that his affidavit does not comply with the *Federal Courts Rules* (the Rules), the applicant insists that it be filed. The respondent's counsel wrote to the Court to complain that the applicant's affidavit deals with facts of which the applicant does not have a personal knowledge and that the affidavit goes beyond the facts to deal with the applicant's argument. He follows this up by asking the Court to convert the applicant's affidavit into the applicant's record, who consented to this conversion. We are told that the administration of justice would be improved as a result.

[2] However, it is not clear that the fact of “converting” a defective affidavit into the applicant’s record contributes either directly or indirectly to improving the administration of justice. The registry officer brought to the applicant’s attention the fact that his affidavit was deficient because the exhibits that support his claims had to be included, identified, and sworn. In other words, through his affidavit, the applicant had to put forward the record upon which the umpire based his or her judgment. This defect is still present, whether the document in issue is considered an affidavit or the applicant’s record. Likewise, using assertions of facts that were not in evidence before the umpire to supplement the record does not promote the administration of justice in any way.

[3] The applicant’s affidavit must be returned to him so that he can comply with the Rules, in particular Rules 80(3), 81, and 306. The applicant has the right to represent himself, but this does not absolve him from complying with the Rules.

“J.D. Denis Pelletier”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-139-07

STYLE OF CAUSE: *OBERDEE BELLEFLEUR OP
CLINIQUE DENTAIRE O.
BELLEFLEUR (EMPLOYER) and
THE ATTORNEY GENERAL OF
CANADA*

WRITTEN MOTIONS DECIDED WITHOUT APPEARANCE OF THE PARTIES

REASONS FOR ORDER: PELLETIER J.A.

DATED: May 25, 2007

WRITTEN REPRESENTATIONS:

Oberdee Bellefleur REPRESENTING HIMSELF
Antoine Lippé FOR THE RESPONDENT

SOLICITORS OF RECORD:

John H. Sims, Q.C. FOR THE RESPONDENT
Deputy Attorney General of Canada