

Date: 20080507

Docket: A-394-07

Citation: 2008 FCA 176

**CORAM: LINDEN J.A.
NOËL J.A.
RYER J.A.**

BETWEEN:

**LUIS MATA ALDANA
and DIANA GALLEGO OCAMPO**

Appellants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

Heard at Toronto, Ontario, on May 7, 2008.

Judgment delivered from the Bench at Toronto, Ontario, on May 7, 2008.

REASONS FOR JUDGMENT OF THE COURT BY:

NOËL J.A.

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Toronto, Ontario, on May 7, 2008)

NOËL J.A.

[1] In the absence of a certified question, this Court is without jurisdiction to hear the appeal. In particular, it has not been shown that Dawson J. (the “applications judge”) declined to exercise her jurisdiction (*Subhaschandran v. Canada (Solicitor General)*, [2005] F.C.J. No. 107 (QL) (F.C.A.); *Lazareva v. Canada (Minister of Citizenship and Immigration)*, 2005 FCA 181).

[2] Although counsel for the appellant raised a number of arguments in support of his contention that the applications judge refused to exercise her jurisdiction, only one needs be addressed.

[3] Counsel contends that the applications judge refused to exercise jurisdiction by granting the main relief sought without dealing with the ancillary issues that were set out in his application for leave. However, an order granting leave to commence an application does not entitle the successful party to have the Federal Court deal with each and every issue raised in support of the leave when disposing of the judicial review application. What is in issue once leave is granted is the validity of the decision with respect to which leave is granted. Having concluded that the decision under review should be set aside for the reasons that she gave, the applications judge had no obligation to go any further. No refusal to exercise jurisdiction has been established in this case.

[4] The appeal will be dismissed with costs.

“Marc Noël”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-394-07

**(APPEAL FROM AN ORDER OF THE HONOURABLE MADAM JUSTICE DAWSON
DATED AUGUST 14, 2007, IN FEDERAL COURT FILE NO. IMM-602-07.)**

STYLE OF CAUSE: LUIS MATA ALDANA AND
DIANA GALLEGO OCAMPO v.
THE MINISTER OF
CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: May 7, 2008

REASONS FOR JUDGMENT OF THE COURT BY: (LINDEN, NOËL, RYER J.J.A.)

DELIVERED FROM THE BENCH BY: NOËL J.A.

APPEARANCES:

Rocco Galati FOR THE APPELLANTS

Lorne McClenaghan FOR THE RESPONDENT

SOLICITORS OF RECORD:

Rocco Galati Law Firm
Professional Corporation
Toronto, Ontario FOR THE APPELLANTS

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