

Date: 20081113

Docket: A-33-08

Citation: 2008 FCA 353

**CORAM: NOËL J.A.
BLAIS J.A.
PELLETIER J.A.**

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

Appellant

and

PRISM HELICOPTERS LIMITED

Respondent

and

TRANSPORTATION APPEAL TRIBUNAL OF CANADA

Intervener

Heard at Ottawa, Ontario, on November 13, 2008.

Judgment delivered from the Bench at Ottawa, Ontario, on November 13, 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 Ottawa, Ontario, on November 13, 2008.)

NOËL J.A.

[1] This is an appeal from the decision of Federal Court upholding a decision of the Transportation Appeal Tribunal of Canada (the Tribunal), wherein it held that it had jurisdiction to review a decision of the Minister of Transport to cancel an exemption issued pursuant of the *Aeronautics Act*, R.S., 1985, c. A-2

[2] The exception which forms the subject matter of the proceedings before the Tribunal has lapsed thereby rendering the present appeal moot. The respondent has filed no factum and is not represented in the appeal before us. Neither the appellant nor the intervener can confirm that the respondent has a continuing interest in these proceedings. The intervener Tribunal is left to defend on its own the decision *a quo*, a situation that is highly unusual.

[3] In the circumstance, we are not persuaded that we should exercise our discretion to entertain the appeal despite its mootness.

[4] The appeal is accordingly dismissed, no costs are awarded.

“Marc Noël”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-33-08

**(APPEAL FROM A JUDGMENT OF THE DEPUTY JUDGE FRÉNETTE OF THE
FEDERAL COURT DATED DECEMBER 20, 2007, NO. T-693-07.)**

STYLE OF CAUSE: The Attorney General of Canada
and Prism Helicopters Limited
and Transportation Appeal
Tribunal of Canada

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: November 13, 2008

REASONS FOR JUDGMENT OF THE COURT BY: Noël, Blais, Pelletier JJ.A.

DELIVERED FROM THE BENCH BY: Noël J.A.

APPEARANCES:

Gregory Tzemenakis
Alexandre D. Kaufman

FOR THE APPELLANT

Jack Hughes

FOR THE INTERVENER

SOLICITORS OF RECORD:

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FOR THE APPELLANT

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FOR THE INTERVENER