

Federal Court  
of Appeal



Cour d'appel  
fédérale

**Date: 20110714**

**Docket: A-181-11**

**Citation: 2011 FCA 225**

**Present: NOËL J.A.**

**BETWEEN:**

**ADRIEN DAMBANA SUNGU**

**Appellant**

**and**

**THE MINISTER OF PUBLIC SAFETY AND  
EMERGENCY PREPAREDNESS**

**Respondent**

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on July 14, 2011.

**REASONS FOR ORDER BY:**

**NOËL J.A.**

Federal Court  
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**REASONS FOR ORDER**

**NOËL J.A.**

[1] The respondent moves to quash the appeal on the basis that it has become moot and that there is no basis upon which this Court should nevertheless exercise its discretion to hear it. The appellant concedes that the appeal is moot but argues that this case is one of a category of cases that recurs frequently and is evasive of review. As such, the appellant submits that this Court shall exercise its discretion to hear it.

[2] After having considered the motion's material, I have concluded that the question whether this appeal should be heard despite its mootness should be addressed by the panel scheduled to hear

the appeal which will have the benefit of the parties' respective submissions on the substantive issue.

[3] An order is issued accordingly.

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“Marc Noël”

J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-181-11

**STYLE OF CAUSE:** ADRIEN DAMBANA SUNGU and  
THE MINISTER OF PUBLIC  
SAFETY AND EMERGENCY  
PREPAREDNESS

**MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES**

**REASONS FOR ORDER BY:** NOËL J.A.

**DATED:** July 14, 2011

**WRITTEN REPRESENTATIONS BY:**

Aviva Basman

FOR THE APPELLANT

Sharon Stewart Guthrie

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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FOR THE APPELLANT

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FOR THE RESPONDENT