

Federal Court of Appeal



Cour d'appel fédérale

**Date: 20130115**

**Docket: A-168-12**

**Citation: 2013 FCA 8**

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

**BETWEEN:**

**STEPHAN CLICHE**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Hearing held at Montreal, Quebec, on January 15, 2013.

Judgment delivered from the bench at Montreal, Quebec, on January 15, 2013.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**PELLETIER J.A.**

Federal Court of Appeal



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**REASONS FOR JUDGMENT OF THE COURT**  
(Delivered from the bench at Montreal, Quebec, on January 15, 2013)

**PELLETIER J.A.**

[1] In our view, Justice de Montigny correctly identified the applicable test in paragraph 22 of his reasons.

[2] We are unable to find any error in his application of the test to the facts in this case.

[3] The appeal will therefore be dismissed.

“J.D. Denis Pelletier”

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J.A.

Certified true translation  
Erich Klein

**FEDERAL COURT OF APPEAL**

**SOLICITORS OF RECORD**

**DOCKET:** A-168-12

**(APPEAL FROM A JUDGMENT OF JUSTICE DE MONTIGNY OF THE FEDERAL COURT DATED MAY 10, 2012, DOCKET NO. T-711-11)**

**STYLE OF CAUSE:** Stephan Cliche v.  
Attorney General of Canada

**PLACE OF HEARING:** Montreal, Quebec

**DATE OF HEARING:** January 15, 2013

**REASONS FOR JUDGMENT OF THE COURT BY:** NOËL J.A.  
PELLETIER J.A.  
MAINVILLE J.A.

**DELIVERED FROM THE BENCH BY:** PELLETIER J.A.

**APPEARANCES:**

Stephan Cliche

SELF-REPRESENTED

Antoine Lippé

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

William F. Pentney  
Deputy Attorney General of Canada

FOR THE RESPONDENT