

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20130429**

**Docket: A-70-13**

**Citation: 2013 FCA 115**

**Present: STRATAS J.A.**

**BETWEEN:**

**JASVIR KAUR SAHOTA**

**Appellant**

**and**

**CANADA BORDER SERVICES AGENCY,  
and ATTORNEY GENERAL OF CANADA**

**Respondent**

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on April 29, 2013.

**REASONS FOR ORDER BY:**

**STRATAS J.A.**

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20130429**

**Docket: A-70-13**

**Citation: 2013 FCA 115**

**Present: STRATAS J.A.**

**BETWEEN:**

**JASVIR KAUR SAHOTA**

**Appellant**

**and**

**CANADA BORDER SERVICES AGENCY,  
and ATTORNEY GENERAL OF CANADA**

**Respondent**

**REASONS FOR ORDER**

**STRATAS J.A.**

[1] The appellant moves for an order determining the content of the appeal book.

[2] The parties agree on the content, save one document: the written representations the appellant placed before the Federal Court.

[3] The parties agree that rule 343(2) of the *Federal Courts Rules* requires that parties include in an appeal book “only such documents, exhibits and transcripts as are required to dispose of the issues on appeal.” Are the appellant’s written submissions required to dispose of the issues on appeal?

[4] In this Court, the issues on appeal are defined by the notice of appeal. Therefore, the question whether the appellant’s written submissions should be included in the appeal book resolves itself down into whether they are relevant to the issues defined in the notice of appeal.

[5] There may be a case where the written submissions are required to dispose of an issue on appeal. For example, an appellant might allege in the notice of appeal that the court failed to consider a specific submission as set out in the written submissions, and, in the circumstances, this constituted a failure of natural justice. In that case, the written submissions might well be needed to dispose of the issues on appeal.

[6] The appellant submits that the written representations must be placed before this Court so this Court can understand what issues were before the Federal Court when it dismissed the appellant’s action on January 25, 2013.

[7] Exactly why it is necessary for this Court to know what issues were before the Federal Court is unknown. The appellant has not described the written submissions in any detail. Nor has he placed them before the Court. This makes it difficult for the Court to assess the appellant’s submission.

[8] In any event, the submission must fail. The notice of appeal does not contain a ground that would require the appellant's written submissions to be placed before the Court. The notice of appeal raises issues of fact-finding, the legal meaning of "release" under the *Customs Act*, R.S.C. 1985, c. 1, and the application of that legal meaning to the facts of the case. The written submissions are unnecessary to dispose of these issues.

[9] Therefore, the motion shall be dismissed with costs.

"David Stratas"

---

J.A.

Federal Court of Appeal



Cour d'appel fédérale

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:**

A-70-13

**STYLE OF CAUSE:**

Jasvir Kaur Sahota v. Canada Border  
Services Agency and Attorney  
General of Canada

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

**REASONS FOR ORDER BY:**

Stratas J.A.

**DATED:**

April 29, 2013

**WRITTEN REPRESENTATIONS BY:**

Rajinder Sahota

FOR THE APPELLANT

Cindy Mah

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Sahota Barristers and Solicitors  
Victoria, British Columbia

FOR THE APPELLANT

William F. Pentney  
Deputy Attorney General of Canada

FOR THE RESPONDENT