

Federal Court of Appeal



Cour d'appel fédérale

Date: 20210528

Docket: A-380-19

Citation: 2021 FCA 104

**CORAM: WEBB J.A.
LASKIN J.A.
RIVOALEN J.A.**

BETWEEN:

BRIAN DOYLE

Appellant

and

**ATTORNEY GENERAL OF CANADA and
NATIONAL ENERGY BOARD**

Respondents

Heard by online video conference hosted by the registry on May 28, 2021.
Judgment delivered from the Bench at Ottawa, Ontario, on May 28, 2021.

REASONS FOR JUDGMENT OF THE COURT BY:

WEBB J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Ottawa, Ontario, on May 28, 2021).

WEBB J.A.

[1] Brian Doyle filed a notice of appeal purporting to be an appeal from an Order of Justice Annis “delivered orally on 18th September 2019”. In the appeal book filed in this matter, there is no specific reference to the “Order”. Volume 3 of the appeal book includes the transcript of the hearing before Justice Annis. Although the index for the appeal book indicates that the date for

the hearing was September 18, 2019, according to the transcript the hearing was held on Friday, September 13, 2019.

[2] At the conclusion of the hearing, at page 82 of the transcript, Justice Annis stated:

[...] And I'll issue the decision next week, on Monday. But it'll be - - the appeal will be dismissed, and the costs were settled amongst the parties, in a very generous fashion because they don't have to do any of this. [...]

[3] At page 83 of the transcript, he further indicated:

Justice Annis: I think we're done here so I'm just indicating that the matter will be dismissed and there will be - - the costs were settled on the basis that a - - that the redacted - - that the confidential materials will be rendered public subject to the five elements of redaction which are there so far, which will be the personal record identifier, the SIN, the chequing account number and the account for - - the account number, in other words, with Bell, I assume. Is it Bell; is that who it's with?

Mr. Doyle: Telus.

Justice St-Louis [*sic*]: Telus. With Telus for the mobile and home phones. And if there's any issue with respect to those being redacted, you'll let me know within - - by Friday; can you do that? I don't think there will be. And that's how the order will go and I'll be set to provide some short reasons, but they will be very short.

[4] The parties confirmed that the order that Justice Annis indicated would be issued, was never issued.

[5] Section 27 of the *Federal Courts Act*, R.S.C. 1985, c. F-7, limits the rights of appeal to only certain decisions of the Federal Court:

27 (1) An appeal lies to the Federal Court of Appeal from any of the following decisions of the Federal Court:

- (a) a final judgment;
- (b) a judgment on a question of law determined before trial;
- (c) an interlocutory judgment; or
- (d) a determination on a reference made by a federal board, commission or other tribunal or the Attorney General of Canada.

27 (1) Il peut être interjeté appel, devant la Cour d'appel fédérale, des décisions suivantes de la Cour fédérale :

- a) jugement définitif;
- b) jugement sur une question de droit rendu avant l'instruction;
- c) jugement interlocutoire;
- d) jugement sur un renvoi d'un office fédéral ou du procureur général du Canada.

[6] In this matter, no judgment was issued by the Federal Court. As a result, there is no judgment that can be the subject of the notice of appeal as filed by Brian Doyle and this notice of appeal is a nullity.

[7] This appeal will be quashed, without costs.

“Wyman W. Webb”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-380-19

STYLE OF CAUSE: BRIAN DOYLE v. ATTORNEY
GENERAL OF CANADA and
NATIONAL ENERGY BOARD

PLACE OF HEARING: HEARD BY ONLINE VIDEO
CONFERENCE HOSTED BY
THE REGISTRY

DATE OF HEARING: MAY 28, 2021

**REASONS FOR JUDGMENT OF THE COURT
BY:** WEBB J.A.
LASKIN J.A.
RIVOALEN J.A.

DELIVERED FROM THE BENCH BY: WEBB J.A.

APPEARANCES:

Brian Doyle ON HIS OWN BEHALF

Matthew Chao FOR THE RESPONDENTS

SOLICITORS OF RECORD:

Nathalie G. Drouin FOR THE RESPONDENTS
Deputy Attorney General of Canada