

Federal Court of Appeal



Cour d'appel fédérale

Date: 20130717

Docket: A-149-13

Citation: 2013 FCA 184

Present: PELLETIER J.A.

BETWEEN:

**GEORGES POTVIN
MARJOLAINE CREVIER
JASON POTVIN**

Appellants

and

ATTORNEY GENERAL OF CANADA

Respondent

Motion dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on July 17, 2013.

REASONS FOR ORDER BY:

PELLETIER J.A.

Federal Court of Appeal



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REASONS FOR ORDER

PELLETIER J.A.

[1] This is an appeal from a decision of the Honourable Justice Roy of the Federal Court dismissing the application for an extension of time to file an application for judicial review of a decision by an administrator appointed under the *Farm Debt Mediation Act*, S.C. 1997, c. 21 (the Administrator).

[2] However, the parties have been unable to take the very first step required for the appeal to be heard, namely, to reach an agreement as to the contents of the appeal book. The appellants, who are not represented by counsel, are unable to distinguish this preliminary proceeding from a hearing on the merits of their complaint against the Administrator. Accordingly, they reject the opinion of counsel for the Attorney General of Canada that the appeal book must contain “only such documents, exhibits and transcripts as are required to dispose of the issues on appeal”: see Rule 343 of the *Federal Courts Rules*, SOR/98-106. The appeal, in this case, is from a decision to refuse to extend the time limit to file an application for judicial review. Moreover, the courts have consistently held that only documents that were before the trial judge may be included in the appeal book: see *Shire Canada Inc. v. Apotex Inc.*, 2011 FCA 10.

[3] The parties prepared proposed agreements as to the contents of the appeal book. That of the appellants goes far beyond the limits imposed by Rule 343 and the case law: see the Motion Record at page 5. The respondent’s is preferable: see the Respondent’s Record at pages 37 to 41, despite the inclusion of the parties’ written submissions and the case law. The former are not relevant because they do not constitute evidence, and the latter are included in the Book of Authorities.

[4] Given that the parties have failed to agree, the Court will decide the issue by rendering an order determining the contents of the appeal book.

“J.D. Denis Pelletier”

J.A.

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-149-13

STYLE OF CAUSE: GEORGES POTVIN ET AL v. ATTORNEY GENERAL
OF CANADA

MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES

REASONS FOR ORDER BY: PELLETTIER J.A.

DATED: JULY 17, 2013

WRITTEN REPRESENTATIONS BY:

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Jason Potvin
Marjolaine Crevier

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On their own behalf

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FOR THE RESPONDENT

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