Federal Court Cour fédérale

Date: 20170505

Dockets: T-1101-13
T-145-15

Citation: 2017 FC 453

Ottawa, Ontario, May 5, 2017

PRESENT: The Honourable Madam Justice Mactavish

Docket: T-1101-13

BETWEEN:

GARY SAUVE

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

and

MONECO SOBECO

Party to Action

Docket: T-145-15

AND BETWEEN:

GARY SAUVE

Applicant

and

ATTORNEY GENERAL OF CANADA,
HER MAJESTY THE QUEEN
IN RIGHT OF CANADA

Respondents

and

MONECO SOBECO

Party-to-Action

JUDGMENT AND REASONS

[1] Gary Sauvé is a former member of the Royal Canadian Mounted Police, who was dismissed from the RCMP following his conviction on two counts of criminal harassment.

[2] Mr. Sauvé has brought two applications for judicial review in which he seeks to challenge several decisions relating to his dismissal. The two applications were heard together, and there was considerable overlap in the submissions of the parties with respect to each application. Indeed, Mr. Sauvé filed the same memorandum of fact and law in relation to each application. As a consequence, I will address both applications in one decision.

[3] In Application T-145-15, Mr. Sauvé seeks judicial review of a January 27, 2005 decision of an Assistant Commissioner of the RCMP suspending payment of his salary and benefits pending a disciplinary inquiry into his conduct. The Assistant Commissioner concluded that it would be inappropriate to continue paying Mr. Sauvé from public funds, as a result of the disregard that he had shown for his role as a police officer coupled with his "total lack of integrity as a member of the RCMP".

[4] I understand that in Application T-145-15, Mr. Sauvé also seeks to challenge a March 19, 2014 decision refusing to grant him an extension of time in which to appeal the March 26, 2010 decision dismissing him from the RCMP.

[5] In Application T-1101-13, Mr. Sauvé seeks judicial review of the decision of an RCMP Adjudication Board dismissing him from the RCMP. This application also seeks judicial review of an April 5, 2013 letter from a different Assistant Commissioner of the RCMP to Mr. Sauvé's former counsel. This letter advised that Mr. Sauvé was out of time to pursue an internal grievance with respect to the January 27, 2005 decision to suspend payment of his salary and benefits. Counsel was further advised that having failed to pursue an internal grievance regarding his dismissal, Mr. Sauvé could not have the dismissal decision reviewed by the Commissioner of the RCMP.

[6] Rule 302 of the *Federal Courts Rules*, SOR/98-106 provides that unless the Court orders otherwise, applications for judicial review are to be limited to a single order in respect of which relief is sought. Given that both parties appeared at the hearing prepared to deal with both of the matters raised by each of Mr. Sauvé's applications, I will exercise my discretion to waive the requirement that Mr. Sauvé commence two separate applications for judicial review in each case.

However, for the reasons that follow, I have concluded that both of Mr. Sauvé's applications for judicial review should be dismissed.

I. Application T-145-15 - The January 27, 2005 Decision to Suspend Mr. Sauvé's Pay and Benefits

[7] As a result of his having been charged with several criminal offenses, disciplinary proceedings were commenced against Mr. Sauvé in late 2004. Although he was initially suspended from his position with pay, an Assistant Commissioner of the RCMP subsequently determined in a January 27, 2005 decision that the nature of Mr. Sauvé's misconduct was such that he should be suspended without pay and benefits.

[8] Mr. Sauvé contends that he was not made aware that consideration was being given to the suspension of his pay and benefits. However, it is evident from the Assistant Commissioner's January 27, 2005 decision that Mr. Sauvé was in fact provided with an opportunity to make submissions on the question of whether his pay should be suspended, and that he availed himself of that opportunity. Indeed, the Assistant Commissioner's decision makes specific reference to arguments that had been raised by Mr. Sauvé with respect to the question of whether his pay and benefits should be suspended pending his disciplinary hearing

[9] Mr. Sauvé also says that he was not made aware of the Assistant Commissioner's decision to suspend payment of his salary and benefits at the time that the decision was made. He acknowledged at the hearing, however, that he was aware in 2005 that he was no longer being paid by the RCMP. In these circumstances, I am satisfied that Mr. Sauvé was aware of the Assistant Commissioner's decision at or around the time that it was made.

[10] Although the record suggests that Mr. Sauvé grieved the Assistant Commissioner's January 27, 2005 decision suspending his pay and benefits at the first level of the RCMP's internal grievance process, he is adamant that he did not do so. It is not necessary to resolve this question, however. While there may be some dispute as to whether Mr. Sauvé grieved the Assistant Commissioner's decision at the first level of the RCMP's grievance process, there is no dispute about the fact that he did not take his grievance to the second level of the grievance process. Mr. Sauvé has not provided a satisfactory explanation for his failure to do so.

[11] Consequently, Mr. Sauvé failed to exhaust the internal remedies that were available to him through the RCMP's internal grievance process before coming to this Court seeking judicial review. Moreover, his application for judicial review was commenced almost a decade after the January 27, 2005 decision was made, and Mr. Sauvé has not established that he had a continuing intention to pursue the application, nor has he provided a reasonable explanation for his delay in doing so. Mr. Sauvé has also failed to demonstrate that there is any merit to his application: *Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.), [1999] F.C.J. No. 846.

[12] Mr. Sauvé has further failed to satisfy me that it is in the interests of justice that he be granted an extension of time to seek judicial review of the January 27, 2005 decision suspending his pay and benefits: *Grewal v. Canada (Minister of Employment and Immigration*), [1985] 2 F.C. 263 (F.C.A.), [1985] F.C.J. No. 144.

[13] As a result, Application for Judicial Review T-145-15 is dismissed insofar as it relates to the Assistant Commissioner's January 27, 2005 decision to suspend Mr. Sauvé's pay and benefits.

II. Application T-1101-13 – The April 5, 2013 Letter Regarding an Extension of Time to Grieve the January 27, 2005 Decision to Suspend Mr. Sauvé's Pay and Benefits

[14] Application for Judicial Review T-1101-13 appears to be primarily directed at the March 26, 2010 decision of an RCMP Adjudication Board dismissing him from the RCMP. However, as was noted in the introduction to these reasons, Application T-1101-13 also seeks judicial review of an April 5, 2013 letter from an Assistant Commissioner of the RCMP to Mr. Sauvé's former counsel advising that Mr. Sauvé was out of time to pursue an internal grievance with respect to the January 27, 2005 decision to suspend payment of his salary and benefits.

[15] In the aftermath of Mr. Sauvé's suspension and ultimate dismissal from the RCMP, he commenced numerous proceedings in this Court. Several awards of costs were made against him, and most remain unpaid. This led the respondent to bring a motion for security for costs in several proceedings, including Application T-1101-13. This motion was granted by Chief Justice Crampton in a decision dated January 31, 2014: *Sauvé v. Canada*, 2014 FC 119, 462 F.T.R. 1, aff'd 2015 FCA 59.

[16] In his reasons, Chief Justice Crampton discussed the April 5, 2013 letter advising that Mr. Sauvé was out of time to pursue an internal grievance with respect to the decision to suspend payment of his salary and benefits. He noted that he had "some doubt" as to whether the April 5, 2013 letter constituted an "administrative action susceptible to judicial review under section 18.1(1) of the *Federal Courts Act*, R.S.C. 1985, c. F-7, as amended". He observed that the letter "simply described the legal effect of Mr. Sauvé's failure to present his grievance to Level II within the prescribed time limit". The letter "did not convey any position that affected Mr. Sauvé's legal rights, imposed any legal obligations, or caused him prejudice": all quotes from

para. 30, citing *Air Canada v Toronto Port Authority et al*, 2011 FCA 347, at paras 21-42, [2011] F.C.J. No. 1725.

[17] In her February 6, 2013 letter to the Commissioner of the RCMP, counsel for Mr. Sauvé sought the Commissioner's assistance in allowing Mr. Sauvé to have his grievance heard concerning the suspension of his pay and benefits. Counsel stated that Mr. Sauvé had been precluded from pursuing a grievance by "time limits". Read generously, counsel's letter could thus arguably be interpreted as a request for an extension of time, and the Assistant Commissioner's April 5, 2013 response could similarly be construed as a refusal to extend the relevant time limit.

[18] However, even if I accept that the Assistant Commissioner's April 5, 2013 letter constitutes a decision that is amenable to judicial review, the fact is that Mr. Sauvé failed to commence his application for judicial review of the Assistant Commissioner's "decision" in a timely manner. There is no suggestion that there was any delay in Mr. Sauvé receiving the Assistant Commissioner's letter, yet he did not commence this application for judicial review until June 21, 2013 – well beyond the 30 day limit for the commencement of judicial review proceedings.

[19] Once again, Mr. Sauvé has not established that he satisfies the *Hennelly* factors. That is, he has not shown that he had a continuing intention to pursue this application to the extent that it relates to the April 5, 2013 letter. Mr. Sauvé has also failed to provide a reasonable explanation for his delay in doing so, nor has he established that there is any merit to his application: *Hennelly*, above at para. 3. I have, moreover, not been persuaded that the interests of justice require that an extension of time be granted: *Grewal*, above.

[20] As a result, Mr. Sauvé's Application T-1101-13 is dismissed to the extent that it seeks to review the Assistant Commissioner's April 5, 2013 letter.

III. T-1101-13 – The March 26, 2010 Decision to Dismiss Mr. Sauvé from the RCMP

[21] As noted above, Application T-1101-13 also seeks judicial review of the decision of an RCMP Adjudication Board dismissing Mr. Sauvé from the RCMP. This decision was rendered orally on January 28, 2010. A written version of the decision is dated March 26, 2010.

[22] Mr. Sauvé asserts that the 2010 decision dismissing him from the RCMP should be set aside as he was never made aware of the hearing date, and thus had no opportunity to participate in the disciplinary process. He further asserts that he was not provided with documentary disclosure regarding the case against him, with the result that he was not aware of the case that he had to meet. Finally, he argues that the disciplinary hearing was a nullity, as it took place more than a year after the events giving rise to the disciplinary action, contrary to the provisions of subsection 43(8) of the *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10. (now subsection 41(2) of the *RCMP Act*).

[23] I do not accept Mr. Sauvé's submissions. It is evident from the decision of the Adjudication Board that Mr. Sauvé was served with notice of the hearing, but that he elected not to attend. Indeed, Mr. Sauvé's own lawyer acknowledged as much in her February 6, 2013 letter to Commissioner Paulson.

[24] It is also evident from the decision of the Adjudication Board that Mr. Sauvé repeatedly refused to accept service of documents, including disclosure documents, when the RCMP

endeavoured to serve them on him. Having refused to accept service of the documents, it ill behooves Mr. Sauvé to now complain about lack of disclosure.

[25] There is also a dispute as to when Mr. Sauvé became aware of the Adjudication Board's decision to dismiss him from the RCMP. Mr. Sauvé's evidence on this question has not been consistent. He stated in a December 27, 2013 affidavit that he first became aware that his employment with the RCMP had been terminated on August 11, 2011. However he stated before me that he became aware of his dismissal at some point in 2010.

[26] Given the inconsistencies in Mr. Sauvé's evidence on this point, I prefer the evidence contained in the affidavit of service of Serge Côté dated April 13, 2010, in which Mr. Côté certified that he served Mr. Sauvé with a copy of the Adjudication Board's decision on the morning of April 8, 2010.

[27] I am aware that a friend of Mr. Sauvé's named Brian Kelly has also provided an affidavit disputing that Mr. Côté served Mr. Sauvé with a copy of the Adjudication Board's decision on April 8, 2010. Mr. Kelly's affidavit state that he was with Mr. Sauvé at the Federal Court that morning, that Mr. Côté approached Mr. Sauvé, that Mr. Sauvé refused to talk to Mr. Côté, and that Mr. Côté then said something to Mr. Sauvé that Mr. Kelly did not hear. Given that Mr. Kelly did not hear what Mr. Côté said to Mr. Sauvé, I again prefer the evidence of Mr. Côté to that of Mr. Kelly on the issue of service.

[28] There are two reasons that Mr. Sauvé's application for judicial review of the 2010 dismissal decision cannot succeed. The first is his failure to exhaust the internal appeal process

available to him under the provisions of the *RCMP Act*. The second is Mr. Sauvé's failure to satisfy the time limit for the commencement of this application for judicial review.

[29] Dealing first with the issue of adequate alternate remedy, if Mr. Sauvé was dissatisfied with the decision to dismiss him from the RCMP, he had an avenue of appeal open to him under section 45.11 of the *RCMP Act*. This provides that persons found to have contravened a provision of the RCMP's Code of Conduct can appeal that finding to the Commissioner of the RCMP. In accordance with the version of the *RCMP Act* that was in effect at the time in question, any such appeal had to have been brought within 14 days of the date on which the decision was served on Mr. Sauvé.

[30] Mr. Sauvé elected not to pursue the remedy that was available to him under *RCMP Act*, and he has not provided a satisfactory explanation as to why such an appeal would not constitute an adequate alternate remedy to judicial review. Moreover, the fact that Mr. Sauvé is now out of time to pursue an internal appeal to the Commissioner of the RCMP does not render the remedy inadequate. Indeed, as Justice Evans noted in *Lazar v. Canada (Attorney General)* (1999), 168 F.T.R. 11, [1999] F.C.J. No. 553 "[i]t would surely be anomalous if, by the simple expedient of failing to appeal in time, an applicant were able to avoid having to use a statutory right of appeal before invoking the Court's supervisory jurisdiction": at para. 18.

[31] Rather than seek judicial review of the Board's decision dismissing him from the RCMP, Mr. Sauvé elected instead to commence an action for damages. That action was struck out by Order of Prothonotary Tabib dated January 16, 2013. Mr. Sauvé states that he was informed by Prothonotary Tabib that he had to seek relief with respect to employment matters by way of

judicial review. He did not do so, however, until some six months later, when he filed Application T-1101-13 on June 21, 2013.

[32] Thus, even if Mr. Sauvé was entitled to come directly to the Federal Court for a review of the dismissal decision, he failed to do so in a timely fashion, given that the dismissal decision was made in 2010 and Application T-1101-13 was not commenced until June 21, 2013. Moreover, as will be discussed in the next section of these reasons, Mr. Sauvé has also failed to show that an extension of time to appeal the dismissal decision should be granted.

IV. T-145-15 - The March 19, 2014 Decision Refusing an Extension of Time to Appeal the Dismissal Decision

[33] Although not specifically identified as a decision being challenged in either T-145-15 or T-1103-13, the parties also made submissions with respect to a March 19, 2014 letter from Superintendent John A. MacDonald refusing to grant Mr. Sauvé an extension of time in which to appeal the March 26, 2010 decision dismissing him from the RCMP. The March 19, 2014 letter was written in response to a February 4, 2014 letter from Mr. Sauvé's former counsel requesting an extension of time to allow Mr. Sauvé to appeal the dismissal decision.

[34] The March 19, 2014 letter was evidently the subject of discussion in a September 8, 2016 case management conference held before Prothonotary Tabib in T-145-15. The respondents at least understood from that discussion that the parties were in agreement that the decision being challenged in T-145-15 was in fact the one contained in Superintendent MacDonald's March 19, 2014 letter and I do not understand Mr. Sauvé to dispute this.

[35] The February 4, 2014 request for an extension of time appears to have been prompted by Chief Justice Crampton's January 31, 2014 decision in which he observed that Mr. Sauvé had

failed to exhaust his internal remedies with respect to the dismissal decision, and that he had failed to seek an extension of time for filing his appeal pursuant to section 45.14 of the *RCMP Act*: *Sauvé v. Attorney General of Canada*, 2014 FC 119 at para. 33.

[36] In her February 4, 2014 letter, counsel for Mr. Sauvé stated that "Mr. Sauvé was unaware of the [dismissal] decision for some time following the issuance of the written decision", although she does not specify when it was that Mr. Sauvé allegedly became aware of the dismissal decision. Counsel further states that Mr. Sauvé intended on appealing the dismissal decision, "but failed to follow the statutory appeal process outlined in Part IV of the *RCMP Act*". Counsel stated that Mr. Sauvé had been pursuing an appeal of the dismissal decision through judicial review in this Court, but that Chief Justice Crampton had noted in his January 31, 2014 decision that Mr. Sauvé had not yet exhausted his available remedies. Counsel went on to state "[i]n light of these comments by the Chief Justice, Mr. Sauvé requests an extension of time to file his appeal of the [dismissal decision]".

[37] As noted above, by letter dated March 19, 2014, Superintendent MacDonald refused to grant Mr. Sauvé an extension of time to appeal the dismissal decision to the Commissioner of the RCMP. In coming to this decision, Superintendent MacDonald noted that an appeal of a dismissal decision had to have been brought within 14 days from the later of the date on which the decision is rendered or served on the party appealing, and the date that the appealing party receives the transcript of the hearing, if one is requested under s. 45.14 of the *RCMP Act*. Given that Mr. Sauvé had not requested a transcript of the disciplinary hearing in 2010, he had had until April 22, 2010 to institute an appeal of the dismissal decision, based upon the date on which he was served with the decision.

[38] Superintendent MacDonald noted that pursuant to paragraph 47.4(1) of the *RCMP Act*, he had the authority to extend the time for an appeal to be brought where he was satisfied that "the circumstances justify an extension". In considering whether he should exercise his discretion in Mr. Sauvé's favour, Superintendent MacDonald had regard to the four factors identified in *Canada (Attorney General) v. Pentney*, 2008 FC 96, [2008] F.C.J. No. 116. These factors are essentially the same as the *Hennelly* factors discussed earlier in these reasons.

[39] Superintendent MacDonald found that four years had passed between the time that Mr. Sauvé was served with the dismissal decision and his request for an extension of time, and that Mr. Sauvé had not shown that he had a continuing intention to appeal the Board's decision. Superintendent MacDonald further noted that Mr. Sauvé "has actively availed himself of various legal recourses, yet he did not exercise his right to appeal the board's decision pursuant to Part IV of the Act". Superintendent MacDonald went on to find that "[t]his strongly suggests that Mr. Sauvé made the choice to pursue legal proceedings, including claims in damages, before the Federal Court, rather than follow the process prescribed by the Act to appeal the board's decision to the Commissioner, which could not entail an award in damages".

[40] Superintendent MacDonald also observed that even if the commencement of Application T-1101-13 showed an intention to appeal the dismissal decision, it did not demonstrate an intention that was "continuing" during the three years between the Board's decision and the commencement of Mr. Sauvé's application for judicial review.

[41] Superintendent MacDonald observed that Mr. Sauvé had been served with the Board's decision on April 8, 2010, and that he had not provided a reasonable explanation for the delay in commencing judicial review proceedings. He noted that counsel's assertion that Mr. Sauvé "was

unaware of the decision for some time following the issuance of the written decision" and counsel's observation that Mr. Sauvé's medical benefits had not been discontinued until 2011. Superintendent MacDonald stated that this perhaps insinuated that Mr. Sauvé did not realize the Board had rendered a decision until the discontinuation of his medical benefits. While Superintendent MacDonald found the date of discontinuation of Mr. Sauvé's benefits to be irrelevant, he went on to note that even if Mr. Sauvé had not been aware of the decision dismissing him from the RCMP until 2011, he had failed to provide an explanation for the delay in commencing his application for judicial review from 2011 until 2014.

[42] Superintendent MacDonald also observed that counsel had not identified any grounds on which an appeal might succeed, with the result that Mr. Sauvé had failed to show that his appeal had any merit.

[43] In the circumstances, Superintendent MacDonald was satisfied that even if an extension of time would not cause any prejudice to the RCMP, this factor was outweighed by the others, which overwhelmingly militated against granting an extension of time.

[44] Noting the need for finality to RCMP disciplinary proceedings, Superintendent MacDonald concluded that even if he were to accept that Mr. Sauvé had a continuing intention to appeal, the lack of a reasonable explanation for the lengthy delay and his failure to demonstrate the merit of the potential appeal weighed strongly against the granting of an extension of time. He further found that "[j]ustice would not be done between the parties if this appeal were allowed to proceed after all this time, in the absence of valid justification for the lengthy delay or the demonstration of an arguable case on appeal".

[45] Before addressing the merits of Mr. Sauvé's challenge to Superintendent MacDonald's decision, I would first observe that Mr. Sauvé has not pursued his application for judicial review of this decision in a timely fashion. Superintendent MacDonald's decision is dated March 19, 2014, and there is nothing before me suggesting that Mr. Sauvé was not made aware of that decision shortly thereafter. Mr. Sauvé further admits at paragraph 42 of his October 26, 2016 affidavit that Superintendent MacDonald's decision was a final one.

[46] Rather than seek timely judicial review of Superintendent MacDonald's March 29, 2014 decision, however, it appears from Mr. Sauvé's October 28, 2016 affidavit that Mr. Sauvé's counsel instead sought to have Superintendent MacDonald reconsider his decision. This request was refused by Superintendent MacDonald in a decision dated July 29, 2014.

[47] The March 19, 2014 letter was delivered after the commencement of Application T-1101-13, so that application clearly was not intended to challenge Superintendent MacDonald's decision. To the extent that Mr. Sauvé intended to challenge this decision through Application T-145-15, this application was not commenced until February 2, 2015 – nearly a year after Superintendent MacDonald's first decision (and more than six months after his decision refusing to reconsider his March 29, 2014 decision). Application for judicial review T-145-15 is thus clearly out of time, and Mr. Sauvé has not provided a reasonable explanation for his delay in seek a review of Superintendent MacDonald's March 29, 2014 decision, nor has he demonstrated a continuing intention to pursue this matter that would entitle him to an extension of time to proceed with this case. On this basis alone, Application T-145-15 should be dismissed to the extent that it was directed at Superintendent MacDonald's March 29, 2014 decision.

[48] Mr. Sauvé has also failed to demonstrate that there is any merit to his challenge to Superintendent MacDonald's March 19, 2014 decision refusing him an extension of time to appeal the dismissal decision or the refusal to reconsider that decision.

[49] A decision to grant or refuse an extension of time is a discretionary one, and should therefore be reviewed on the standard of reasonableness: *Elhatton v. Canada (Attorney General)*, 2013 FC 71, [2013] F.C.J. No. 58 at para. 29 (citing *Gill v. Canada (Attorney General)*, 2007 FCA 305, [2007] F.C.J. No. 1241).

[50] Mr. Sauvé must, therefore, demonstrate that Superintendent MacDonald's March 29, 2014 decision refusing him an extension of time to appeal the 2010 dismissal decision lacked justification, transparency and intelligibility, and that the decision was, moreover, outside the range of possible acceptable outcomes which are defensible in light of the facts and the law: *Dunsmuir v. New Brunswick*, 2008 SCC 9 at para. 47, [2008] 1 S.C.R. 190.

[51] Mr. Sauvé's counsel did not provide Superintendent MacDonald with any information as to the possible merits of any appeal that Mr. Sauvé might bring with respect to the dismissal decision. Consequently, Superintendent MacDonald's finding that Mr. Sauvé had failed to demonstrate an arguable case on appeal was entirely reasonable in light of the record before him.

[52] Citing the decision of the Federal Court of Appeal in *Thériault v. Royal Canadian Mounted Police*, [2006] 4 F.C.R. 69, [2006] F.C.J. No. 169, Mr. Sauvé submitted before me that the RCMP was statute-barred from holding a disciplinary hearing by virtue of subsection 43(8) of the *RCMP Act*, which, at the relevant time, provided that "[n]o hearing may be initiated by an

appropriate officer under this section in respect of an alleged contravention of the Code of Conduct by a member after the expiration of one year from the time the contravention …".

[53] Mr. Sauvé sought an order staying the disciplinary proceedings against him on this basis. By Order dated June 12, 2009, Justice Hansen dismissed Mr. Sauvé's motion, stating that in the event that a disciplinary hearing was subsequently held, Mr. Sauvé could raise his objection before the Adjudication Board. The disciplinary hearing was held in 2010, and, as was noted earlier, Mr. Sauvé elected not to attend the hearing. Consequently it appears that his objection was never raised before the Adjudication Board.

[54] However, even if I were to accept Mr. Sauvé's contention that the disciplinary proceedings against him were out of time, that argument was not put before Superintendent MacDonald before he made his March 29, 2014 decision. It cannot thus be said that Superintendent MacDonald's finding that Mr. Sauvé had failed to demonstrate that he had an arguable case was unreasonable. Nor has Mr. Sauvé persuaded me that there was anything unreasonable about Superintendent MacDonald's conclusion that Mr. Sauvé had not demonstrated a continuing intention to appeal the dismissal decision or provided a reasonable explanation for his delay.

[55] In these circumstances, Mr. Sauvé has failed to establish that Superintendent MacDonald's March 29, 2014 decision refusing to grant him an extension of time to pursue his appeal of the dismissal decision was unreasonable. Application T-145-15 is therefore dismissed.

JUDGMENT IN T-1101-13 AND T-145-15

THIS COURT'S JUDGMENT is that Applications for judicial review T-1101-13 and T-145-15 are both dismissed, with costs to the respondent fixed in the amount of $2,500 for each application, inclusive of disbursements. A copy of this Judgment shall be placed on each file.

"Anne L. Mactavish"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKETS:	T-1101-13 AND T-145-15
DOCKET:	T-1101-13
STYLE OF CAUSE:	GARY SAUVE v ATTORNEY GENERAL OF CANADA AND MONECO SOBECO
AND DOCKET:	T-145-15
STYLE OF CAUSE:	GARY SAUVE v ATTORNEY GENERAL OF CANADA, HER MAJESTY THE QUEEN IN RIGHT OF CANADA AND MONECO SOBECO
PLACE OF HEARING:	OTTAWA, ONTARIO
DATE OF HEARING:	APRIL 19, 2017
JUDGMENT AND REASONS:	MACTAVISH J.
DATED:	MAY 5, 2017

APPEARANCES:

Gary Sauve	FOR THE APPLICANT (ON HIS OWN BEHALF)
Abigail Martinez	FOR THE RESPONDENTS
No one appearing	FOR THE PARTY-TO-ACTION

SOLICITORS OF RECORD:

William F. Pentney Deputy Attorney General of Canada Ottawa, Ontario	FOR THE RESPONDENTS