

Federal Court



Cour fédérale

Date: 20251110

Docket: IMM-12969-24

Citation: 2025 FC 1804

Toronto, Ontario, November 10, 2025

PRESENT: The Honourable Mr. Justice A. Grant

BETWEEN:

MEHAKDEEP SINGH MAAN

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

JUDGMENT AND REASONS

I. OVERVIEW

[1] The Applicant, Mehakdeep Singh Maan, seeks judicial review of a Canada Border Services Agency [CBSA] decision to issue an exclusion order against him. This matter was heard together with a separate application brought by Mr. Maan related to his sponsored application for permanent residence, which was rejected on the basis that his marriage was entered into primarily for immigration purposes: see Court File Number IMM-13914-24.

[2] This matter proceeded on the basis of the written record only, as counsel for the Applicant, who had already been granted an earlier adjournment, did not appear on the scheduled hearing date.

[3] For the reasons that follow, I believe that this application should be dismissed.

II. BACKGROUND

A. *Facts*

[4] The Applicant, a citizen of India, came to Canada in December 2016, on a student visa that was issued on December 1, 2016, and was valid until November 30, 2018.

[5] The Applicant enrolled in the Electrical Engineering Technician program at Sheridan College but withdrew after eight months. The Applicant submits that he withdrew for “personal reasons,” while the Respondent notes that he failed most of his courses and was on academic suspension as of spring 2017.

[6] A renewed study permit appears to have been issued to the Applicant on November 15, 2018, which was valid until September 30, 2020. The Applicant reports that he attempted alternative educational programs, but due to stress in his personal life and the impact of COVID-19, he was not able to complete his studies.

[7] In 2021 and 2022, the Applicant was charged with several crimes. All the charges were subsequently dropped, except for a charge of conspiracy to commit an offense, which remains pending.

[8] On September 30, 2020, apparently after the close of business hours for that day, the Applicant's representative submitted a request to extend his stay in Canada so that he could defend his criminal charges and because he could not travel home to India due to the COVID-19 pandemic. Immigration, Refugees and Citizenship Canada [IRCC] confirmed that it had received the application as of October 1, 2020.

[9] On May 3, 2021, the Applicant received a letter from IRCC requesting his education transcripts in order to process his application. As noted by the Respondent, there is no evidence that the Applicant responded to this request.

[10] On May 18, 2022, IRCC refused the Applicant's application to remain in Canada as a visitor. The grounds for the refusal were that the Applicant's status as a temporary resident had expired and he had not submitted an application for an extension of his temporary resident status on or before the expiry of the authorized period. The Applicant does not appear to have sought judicial review of this decision.

[11] The Applicant attended an interview with CBSA regarding his status in Canada on September 27, 2023. In a statutory declaration provided by the CBSA Enforcement Officer who conducted the interview, the Applicant stated that he had "remained in Canada continuously

since arrival” and “failed to obtain any further extensions to his temporary resident status in Canada.”

[12] On December 15, 2023, an officer issued an inadmissibility report in respect of the Applicant, pursuant to section 44 of the *Immigration and Refugee Protection Act* [IRPA]. In the section 44 report, the officer expressed the opinion that the Applicant was inadmissible to Canada pursuant to subsection 41(a) of the IRPA, essentially because there were reasonable grounds to believe that the Applicant had failed to comply with the Act. Once again, the Applicant does not appear to have challenged this decision.

[13] On July 5, 2024, a Minister’s Delegate issued an exclusion order based on the previous section 44 report. It is this decision that the Applicant now challenges.

III. ISSUES and STANDARD OF REVIEW

[14] The Applicant argues that the decision under review is unreasonable and that it was arrived at in a procedurally unfair manner. On the first issue, the standard of review is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 23 [Vavilov]. On the second issue, the standard is akin to the correctness standard: *Canadian Pacific Railway Company v Canada (Transportation Agency)*, 2021 FCA 69.

IV. ANALYSIS

A. *Preliminary Issue: Style of Cause*

[15] This matter is a judicial review of an exclusion order, which relates to the enforcement of the IRPA. As such, the Respondent points out that the Minister of Public Safety and Emergency Preparedness should be listed as the Respondent, and not the Minister of Citizenship and Immigration. I agree and will provide with this decision an order that the style of cause be amended accordingly.

B. *Preliminary Issue: Application for Leave and Judicial Review*

[16] Counsel for the Applicant appears to have misunderstood the decision that the Applicant sought to challenge. In the originating Notice of Application, the decision under review is described as follows:

The decision from the Immigration, Refugees and Citizenship Canada, which was rendered on July 5th, 2024, and which was communicated to the Applicant on July 5th, 2024. The Member issued a Report under Subsection 44(1) of the Immigration and Refugee Protection Act.

[17] In fact, the report provided under subsection 44(1) in this matter was completed and received by the Applicant on December 15, 2023. The Application for Leave in this matter was not filed until July 2024. Therefore, if the Applicant sought to review the subsection 44(1) report, he missed the applicable filing deadline and did not seek an extension of time.

[18] It seems, however, that the decision that the Applicant actually wishes to challenge is the proceeding conducted under subsection 44(2) of the IRPA, which resulted in the exclusion order against the Applicant. This decision was issued on July 5, 2024. While I will proceed on the basis that it is the exclusion order that the Applicant wishes to challenge, counsel's error in identifying the proper decision could, on its own, have resulted in the dismissal of this application.

C. *The Decision Was Reasonable*

[19] It is simply indisputable in this matter that the Applicant has not complied with the conditions imposed by the visa he had been granted to come to Canada. First of all, he appears to have left his program of study (having been put on academic probation) and has not actively pursued any course or program of study for significant periods of time. This is contrary to subsection 220.1(1) of the *Immigration and Refugee Protection Regulations* [IRPR] and to subsection 29(2) of the IRPA, which was cited by the officer.

[20] Second, while Mr. Maan eventually submitted an application to extend his status as a visitor, he appears to have submitted this application after (if by only a few hours) his study permit had expired, and in any event, he was not enrolled in a program of study when he submitted this application.

[21] While it would have been preferable for the Delegate to have acknowledged that the Applicant did in fact submit an application to extend his stay, the bottom line is that this application had been refused over a year before the issuance of the decision under review here,

and the Applicant had not sought judicial review or any other remedy from that refusal. Simply put, there would have been no reasonable basis on which the Delegate *could* have determined that the Applicant had complied with the terms of his visa. As such, the decision to issue the exclusion order was the only reasonable outcome in this case.

D. *The Process Was Fair*

[22] The Applicant also argues that the Delegate violated principles of procedural fairness by not providing him with a procedural fairness letter. There is no merit to this argument.

[23] In considering whether to issue the exclusion order, the Minister's Delegate convened an interview with the Applicant on July 5, 2024. The Applicant appears to have been accompanied by his legal counsel at this interview. From the notes taken at the interview, the Applicant was asked questions and was provided with an opportunity to contest the allegations set out in the section 44(1) report. The Applicant explained in this interview that he had submitted a request for an extension of time, but this application was refused. Little else appears to have been communicated to the Delegate, despite the opportunity to make submissions. In the circumstances, I see no basis for the allegation that the process leading up to the issuance of the exclusion order was unfair. On the contrary, the Applicant was provided with *more* than a procedural fairness letter; he was granted an interview with full participatory rights.

V. COSTS

[24] The hearing into this judicial review, and its companion judicial review in Court file number IMM-13914-24, were initially scheduled to be heard on August 19, 2025. However,

counsel for the Applicant – Mr. Rajvinder Singh Grewal – brought a motion to adjourn that hearing to a later date. The reason provided for the adjournment at that time was that Mr. Grewal had a “family obligation.” Counsel for the Respondent did not consent to the motion, but did not oppose it, noting it to be a “request for a one-time adjournment.” As a result, the hearings into these matters were re-scheduled for October 21, 2025.

[25] Mr. Grewal did not appear for the scheduled hearings on October 21, 2025. Instead, he sent an articling student, who advised that he was not there to argue the merits of the cases but to seek another adjournment because counsel had a dental procedure and would not be able to attend. This was despite the fact that Mr. Grewal had confirmed just a few days before the hearings, on October 17, 2025, that he would be attending them.

[26] Counsel for the Respondent opposed the articling student’s request for a further adjournment and disclosed that Mr. Grewal also confirmed to her that he would appear on the scheduled hearing date. Later, however, Mr. Grewal got back in touch with Respondent’s counsel to advise them of the dental procedure. At some point, Mr. Grewal also indicated that he would send an agent to act on his behalf. However, on October 20, 2025 (the day before the hearing) this agent advised counsel for the Respondent that he also would not be attending these matters, as he had a conflict. None of this was communicated to the Court until Mr. Grewal’s non-appearance on the scheduled hearing date.

[27] As a result of the above, I determined that this matter would be determined on the basis of the written record only. Pursuant to subsection 404(2) of the *Federal Courts Rules*, SOR/98-106 [Rules]. I also solicited submissions from the parties on the question of costs, and whether,

given the largely unexplained absence of counsel for the Applicant, an award of costs may be appropriate, as against counsel for the Applicant personally. I further instructed counsel for the Applicant to provide a copy of my direction to the Applicant personally, and to provide written confirmation to the Court that it had been received by the Applicant.

[28] Counsel for the Applicant did provide written confirmation that the Applicant had received a copy of my direction, but did not make any submissions on the question of costs. In the absence of any submissions from counsel for the Applicant, the Respondent also declined to make submissions on the costs issue.

[29] The *Rules* provide the Court with a broad discretion to order costs. Subsection 400(1) of the *Rules* states:

400 (1) The Court shall have full discretionary power over the amount and allocation of costs and the determination of by whom they are to be paid.

[30] The *Rules* also contemplate the awarding of costs against a solicitor personally in certain situations. Section 404 of the *Rules* provides the following:

404 (1) Where costs in a proceeding are incurred improperly or without reasonable cause or are wasted by undue delay or other misconduct or default, the Court may make an order against any solicitor whom it considers to be responsible, whether personally or through a servant or agent,

(a) directing the solicitor personally pay the costs of a party to the proceeding; or

(b) disallowing the costs between the solicitor and the solicitor's client.

(2) No order under subsection (1) shall be made against a solicitor unless the solicitor has been given an opportunity to be heard.

(3) The Court may order that notice of an order against a solicitor made under subsection (1) be given to the solicitor's client in a manner specified by the Court.

[31] Despite the Court's broad discretion, awards of costs are not typically provided in immigration cases because of section 22 of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, which provides that:

No costs shall be awarded to or payable by any party in respect of an application for leave, an application for judicial review or an appeal under these Rules unless the Court, for special reasons, so orders.

[32] The question, then, is whether this is a case in which "special reasons" arise.

[33] To paraphrase a famous quote, success in life is largely about "showing up." Showing up is also perhaps the most basic and fundamental responsibility a lawyer has in providing competent legal representation for one's clients. Merely showing up is not, of course, sufficient on its own, but it is the *sine qua non* of effective legal representation. In this case, Mr. Grewal not only failed to appear on the scheduled date (having already been granted an earlier adjournment), but he also failed to communicate anything to the Court prior to the morning of the hearing. On the contrary, his only communication to the Court came some four days prior to the hearing when he indicated that he *would* appear.

[34] In these circumstances, I am satisfied that Mr. Grewal's failure to appear at the scheduled hearings, together with his total lack of communication with the Court until the morning of the hearing, amounts to special reasons for the awarding of costs in this matter, and for those costs to be paid by Mr. Grewal personally. The actions of counsel for the Applicant wasted considerable

resources on the part of both the Respondent and the Court. More importantly, counsel's failure to appear also demonstrates startlingly poor representation for his client. Moreover, his failure to provide a prompt explanation for his absence and his failure to provide any submissions when given the opportunity suggests that there was essentially no justification for it.

[35] As such, I have determined that this is precisely the kind of situation contemplated by subsection 404(1) of the *Rules*. I shall therefore award costs in the amount of \$750 in this proceeding and \$750 in the parallel proceeding in Court file number IMM-13914-24, for a global total of \$1,500 payable forthwith to the Respondent by Mr. Rajvinder Singh Grewal personally. Pursuant to subsection 404(3) of the *Rules*, I will also order that Mr. Grewal provide a copy of this decision, including this costs order, to his client.

VI. CONCLUSIONS

[36] As a result of the above, this application for judicial review will be dismissed. For the special reasons set out above, I also award costs in the all-inclusive amount of \$750 to the Respondent, to be paid by counsel for the Applicant personally.

JUDGMENT in IMM-12969-24

THIS COURT'S JUDGMENT is that:

1. The Style of Cause is amended to list the Minister of Public Safety and Emergency Preparedness as the Respondent.
2. The Application for judicial review is dismissed.
3. There is no question for certification.
4. Counsel for the Applicant – Mr. Rajvinder Singh Grewal – shall personally pay costs in the amount of \$750 to the Respondent, forthwith.
5. Counsel for the Applicant – Mr. Rajvinder Singh Grewal – shall provide a copy of this decision, including the above costs order, to the Applicant, Mr. Mehakdeep Singh Maan.

"Angus G. Grant"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-12969-24

STYLE OF CAUSE: MEHAKDEEP SINGH MAAN v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: WRITTEN SUBMISSIONS ONLY

JUDGMENT AND REASONS: GRANT J.

DATED: NOVEMBER 10, 2025

WRITTEN SUBMISSIONS BY:

Rajvinder Singh Grewal	FOR THE APPLICANT
Kareena Wilding	FOR THE RESPONDENT

SOLICITORS OF RECORD:

RSG Law Barrister and Solicitor Mississauga, Ontario	FOR THE APPLICANT
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