

Date: 20080221

Docket: T-562-07

Citation: 2008 FC 239

Montréal, Quebec, February 21, 2008

Present: The Honourable Mr. Justice Martineau

BETWEEN:

PATRICK SOUSA ANDRADE

Applicant

and

**MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

REASONS FOR ORDER AND ORDER

[1] The applicant, Patrick Sousa Andrade, challenges the legality of a decision (the ministerial decision) by Jason Proceviat, delegate of the Minister of Public Safety and Emergency Preparedness (the Minister), dated December 27, 2006, confirming the final forfeiture of unreported currency (CAN \$41,880.25) seized at the Montréal-Trudeau International Airport on July 25, 2005. The delegate's decision was made under section 29 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, S.C. 2000, c. 17 (the Act).

[2] For ease of reference, the relevant provisions of the Act are set out in the Appendix. The object of the Act is to implement specific measures to detect and deter money laundering and the financing of terrorist activities. The provisions dealing with the “Reporting of Currency and Monetary Instruments” are found in Part 2 of the Act. These provisions have been analyzed by the Court in a multitude of cases on the issue: *Tourki v. Canada*, [2007] F.C.J. No. 685 (QL), 2007 FCA 186, affirming (2006), 285 F.T.R. 291 (*Tourki*); *Dokaj v. Canada*, [2005] F.C.J. No. 1783 (QL), 2005 FC 1437 (*Dokaj*); *Thérancé v. Canada*, [2007] F.C.J. No. 178 (QL), 2007 FC 136 (*Thérancé*); *Sellathurai v. Canada*, [2007] F.C.J. No. 280 (QL), 2007 FC 208 (*Sellathurai*); *Dag v. Canada*, [2007] F.C.J. No. 591 (QL), 2007 FC 427 (*Dag*); *Yusufov v. Canada*, [2007] F.C.J. No. 615 (QL), 2007 FC 453 (*Yusufov*); *Ondre v. Canada*, 2007 FC 454 (*Ondre*); *Hamam v. Canada*, [2007] F.C.J. No. 940 (QL), 2007 FC 691 (*Hamam*); *Tourki v. Canada*, [2007] F.C.J. No. 995 (QL), 2007 FC 746 (*Tourki 2*); *Majeed v. Canada*, 2007 FC 1082 (*Majeed*); *Lyew v. Minister of Public Safety*, 2007 FC 1117; *Nguyen v. Canada (Minister of Public Safety and Emergency Preparedness)*, [2007] F.C.J. No. 1718 (QL), 2007 FC 1286; and *Dupre v. Canada (Minister of Public Safety and Emergency Preparedness)*, [2007] F.C.J. No. 1521 (QL), 2007 FC 1177.

[3] The facts are not in dispute and can be summarized as follows.

[4] On December 30, 2005, the applicant returned to Canada via the Montréal-Trudeau International Airport after a 38-day business trip in Italy. On his customs declaration card, he indicated that he was not bringing in currency or monetary instruments totalling CAN \$10,000 or

more. While the customs officer was inspecting the first piece of luggage, the applicant admitted that he had forgotten to declare a bottle of wine on his customs declaration card and that he had undergone a full body search at customs in the past. The officer then screened the applicant's luggage with an ionic screening device (called an "ion scan") used to detect traces of illegal substances. The device did, in fact, detect high traces of cocaine. The applicant scanned himself with the ion scan, which revealed traces of cocaine on the front of one of the shoes he was wearing. The officer then found money in the sole of one of the applicant's shoes. It contained 25,000 euros (approximately CAN \$35,000). The officer asked the applicant why he had not declared the currency, and he replied that it was too large an amount to declare. The officer found evidence of electronic transfers of funds in the applicant's wallet. Pursuant to subsection 18(1) of the Act, the officer seized a total of CAN \$41,880.25 (the money seized) as forfeit based on a violation of section 12(1) of the Act.

[5] In a letter dated January 30, 2006, counsel for the applicant requested a decision of the Minister under section 25 of the Act. Counsel requested that the money seized be returned since it was not proceeds of crime and was not intended to finance terrorist activities; the applicant was not paying attention when he filled out his customs declaration card; and this was a good faith oversight by the applicant.

[6] On March 1, 2006, Sonya Bisson, an adjudicator for the Canada Border Services Agency (the Agency) sent a “Notice of Reasons for Action” to the applicant, in which she stated:

[TRANSLATION]

I would like to explain to you that even if it was merely an oversight on your part, failing to declare this amount clearly constitutes an offence under subsection 12(3) of the [Act]. In addition, the indicia collected by the customs officers seem to support the forfeiture of unreported currency.

...

Ms. Bisson’s letter invited the applicant to provide additional information or documents.

[7] After receiving the letter dated March 1, 2006, counsel for the applicant sent a letter to the Agency dated May 25, 2006, confirming that the money in euros [TRANSLATION] “was given to Mr. Andrade by Ms. Marisa Carroccia, of Ciampino, Rome, to invest in real estate with Mr. Andrade’s company, 9158-1884 Québec Inc. . . .” A copy of a page of a bank statement of Marisa Carroccia and an excerpt of a file from the CIDREQ Entreprise Registrar for 9158-1884 Québec Inc. (the evidence under subsection 26(2) of the Act) were enclosed with the letter.

[8] On September 4, 2006, Johanne Cayer, an adjudicator for the Agency, reviewed the file and the evidence submitted by the applicant. She concluded as follows:

[TRANSLATION]

I found that there were a large number of indicia and that, when looked at as a whole, they support the theory that this currency was imported illegally and therefore level 4, forfeiture, was warranted.

[9] On October 5, 2006, the Minister's delegate confirmed the adjudicator's analysis. The ministerial decision was contained in a letter dated December 27, 2006: [TRANSLATION] "[a]fter reviewing all the circumstances of the case, I have concluded that, under section 27 of the [Act], there was a contravention of the [Act] or its regulations regarding currency and monetary instruments." He also found under section 29 of the Act that the amount of \$41,809.63 should be forfeited and that the enforcement measure was justified.

[10] Pursuant to section 30 of the Act, the applicant brings this application for judicial review today under subsection 18.1(1) of the *Federal Courts Act*, R.S.C. 1985, c. F-7. In his written memorandum, the applicant alleges first that [TRANSLATION] "the decision relies on an ion screening with a high reading, but no screening report was provided; furthermore, the screening is incomplete evidence and does not in any way prove beyond a reasonable doubt that drugs were present." Second, the ministerial decision refers to documents as [TRANSLATION] "not credible", without providing details of the particular documents referred to. Third, according to the applicant, the ministerial decision is contradictory. Fourth, the reasons for the ministerial decision are inadequate. Last, the Minister erred in rendering his decision: he must be convinced beyond a reasonable doubt that the money is proceeds of crime, and clearly the decision does not reflect that. At the hearing, the applicant's new counsel relied on the written representations of his former counsel and attempted to convince the Court that the ministerial decision in question was not reasonable. Essentially, the Minister's suspicions were not reasonable because there was no connection between the traces of cocaine on the applicant and his luggage, and the applicant's

failure to report the currency that was seized. Therefore, the money should be returned to the applicant who will nonetheless have to pay a penalty.

[11] There appears to be some debate as to the appropriate standard of review of a decision under section 29 of the Act. Whether the standard applied is patent unreasonableness or reasonableness simpliciter, I come to the same conclusion, i.e., to dismiss this application. It is clear in this case that the Minister could rely on objective indicators that the money seized was the proceeds of crime. Since “reasonable grounds to suspect” is a lower threshold than “reasonable grounds to believe”, I am of the view that the Minister’s decision is not patently unreasonable and that it can also withstand a thorough analysis. I also reject any suggestion by the applicant that there was any breach whatsoever of the principles of procedural fairness (which is reviewable against the standard of correctness).

[12] First, in *Thérancé*, at para. 21, this Court noted that “the question at issue is whether the forfeiture of currency was based on reasonable suspicions about the currency’s criminal origins.” The positive results of an ion scan may justify a finding of reasonable suspicions about the criminal origins of money that has been seized. This is the first time that the applicant has disputed the validity of the results of four different ion scans. Given that the applicant did not request the reports of the test results until today, I am not satisfied that there is an error warranting this Court’s intervention.

[13] Second, the applicant submitted only two explanatory documents to the Agency: (1) the request for a review dated January 30, 2006; and (2) the letter dated May 25, 2006, enclosing the evidence under subsection 26(2) of the Act. In my view, the Minister's decision that these two documents were [TRANSLATION] "not very credible" is not unreasonable (see *Ondre*, at paragraph 53).

[14] Third, the argument that the ministerial decision is contradictory is also unfounded, and it suffices that I rely on the respondent's arguments in his written memorandum.

[15] Fourth, the applicant submits that the Minister breached his duty of procedural fairness because he did not give adequate reasons for his decision. I begin by noting that the Minister has no legal obligation to give reasons for a decision under section 29 of the Act, whereas he must provide reasons for decisions made under section 27 of the Act. Moreover, in para. 29 of *Tourki*, the Federal Court of Appeal stated: "The Act does not require that the Minister give reasons for the decision, nor does it state the basis on which the Minister decides. No doubt, however, the Minister has before him the reasons recorded by the officer who exercised the powers provided for in subsection 18(1). The Minister also has the evidence offered by the person from whom currency or monetary instruments were seized under subsection 26(2)." In this case, I find that the reasons provided by the Minister (particularly in the eighth paragraph of the decision) are adequate.

[16] Last, the applicant submits that the Minister must be convinced beyond a reasonable doubt that the money seized constitutes proceeds of crime. This argument is also without merit (see *Tourki*

at paras. 43-44). The issue is whether there are reasonable grounds to suspect that the money itself is proceeds of crime, not whether the person who failed to declare it has committed a crime (*Dag*, at para. 30). The evidence establishing that there are “reasonable grounds to suspect” need not be irrefutable but must quite simply be credible and objective (see *Tourki 2*).

[17] In conclusion, I am satisfied that the evidence considered by the Minister’s delegate supports his finding that there were reasonable grounds to suspect that the currency seized was proceeds of crime, even though the ministerial decision does not use those words. The reasons for the ministerial decision must not be read in isolation, but in the context of the documents on which the decision was based and, particularly in this case, on the Notice of Reasons for Action and the adjudicator’s recommendation.

[18] Accordingly, the application for judicial review is dismissed with costs.

ORDER

THE COURT ORDERS that the application for judicial review is dismissed with costs.

“Luc Martineau”

Judge

Certified true translation
Mary Jo Egan, LLB

APPENDIX I

***PROCEEDS OF CRIME (MONEY LAUNDERING) AND
TERRORIST FINANCING ACT,
S.C. 2000, c. 7***

Relevant Provisions

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. The object of this Act is | 3. La présente loi a pour objet: |
| (a) to implement specific measures to detect and deter money laundering and the financing of terrorist activities and to facilitate the investigation and prosecution of money laundering offences and terrorist activity financing offences, including | a) de mettre en œuvre des mesures visant à détecter et décourager le recyclage des produits de la criminalité et le financement des activités terroristes et à faciliter les enquêtes et les poursuites relatives aux infractions de recyclage des produits de la criminalité et aux infractions de financement des activités terroristes, notamment: |
| (i) establishing record keeping and client identification requirements for financial services providers and other persons or entities that engage in businesses, professions or activities that are susceptible to being used for money laundering or the financing of terrorist activities, | (i) imposer des obligations de tenue de documents et d'identification des clients aux fournisseurs de services financiers et autres personnes ou entités qui se livrent à l'exploitation d'une entreprise ou à l'exercice d'une profession ou d'activités susceptibles d'être utilisées pour le recyclage des produits de la criminalité ou pour le financement des activités terroristes, |
| (ii) requiring the reporting of suspicious | (ii) établir un régime de déclaration obligatoire |

financial transactions and of cross-border movements of currency and monetary instruments, and

des opérations financières douteuses et des mouvements transfrontaliers d'espèces et d'effets,

(iii) establishing an agency that is responsible for dealing with reported and other information;

(iii) constituer un organisme chargé de l'examen de renseignements, notamment ceux portés à son attention en application du sous-alinéa (ii);

(b) to respond to the threat posed by organized crime by providing law enforcement officials with the information they need to deprive criminals of the proceeds of their criminal activities, while ensuring that appropriate safeguards are put in place to protect the privacy of persons with respect to personal information about themselves; and

b) de combattre le crime organisé en fournissant aux responsables de l'application de la loi les renseignements leur permettant de priver les criminels du produit de leurs activités illicites, tout en assurant la mise en place des garanties nécessaires à la protection de la vie privée des personnes à l'égard des renseignements personnels les concernant;

(c) to assist in fulfilling Canada's international commitments to participate in the fight against transnational crime, particularly money laundering, and the fight against terrorist activity.

c) d'aider le Canada à remplir ses engagements internationaux dans la lutte contre le crime transnational, particulièrement le recyclage des produits de la criminalité, et la lutte contre les activités terroristes.

...

[...]

12. (1) Every person or entity referred to in subsection (3) shall report to an officer, in

12. (1) Les personnes ou entités visées au paragraphe (3) sont tenues de déclarer à l'agent,

accordance with the regulations, the importation or exportation of currency or monetary instruments of a value equal to or greater than the prescribed amount.

...

(3) Currency or monetary instruments shall be reported under subsection (1)

(a) in the case of currency or monetary instruments in the actual possession of a person arriving in or departing from Canada, or that form part of their baggage if they and their baggage are being carried on board the same conveyance, by that person or, in prescribed circumstances, by the person in charge of the conveyance;

...

15. (1) An officer may search

(a) any person who has arrived in Canada, within a reasonable time after their arrival in Canada,

...

if the officer suspects on reasonable grounds that the person has secreted on or about their person currency or monetary instruments that are of a value equal to or greater than the amount prescribed for the purpose of subsection 12(1) and that have not been reported in accordance with that

conformément aux règlements, l'importation ou l'exportation des espèces ou effets d'une valeur égale ou supérieure au montant réglementaire.

[...]

(3) Le déclarant est, selon le cas:

a) la personne ayant en sa possession effective ou parmi ses bagages les espèces ou effets se trouvant à bord du moyen de transport par lequel elle arrive au Canada ou quitte le pays ou la personne qui, dans les circonstances réglementaires, est responsable du moyen de transport;

[...]

15. (1) S'il la soupçonne, pour des motifs raisonnables, de dissimuler sur elle ou près d'elle des espèces ou des effets d'une valeur égale ou supérieure au montant réglementaire prévu pour l'application du paragraphe 12(1) et qui n'ont pas été déclarés en conformité avec ce paragraphe, l'agent peut fouiller:

a) toute personne entrée au Canada, dans un délai justifiable suivant son arrivée;

[...]

subsection.

...

18. (1) If an officer believes on reasonable grounds that subsection 12(1) has been contravened, the officer may seize as forfeit the currency or monetary instruments.

(2) The officer shall, on payment of a penalty in the prescribed amount, return the seized currency or monetary instruments to the individual from whom they were seized or to the lawful owner unless the officer has reasonable grounds to suspect that the currency or monetary instruments are proceeds of crime within the meaning of subsection 462.3(1) of the Criminal Code or funds for use in the financing of terrorist activities.

(3) An officer who seizes currency or monetary instruments under subsection (1) shall

(a) if they were not imported or exported as mail, give the person from whom they were seized written notice of the seizure and of the right to review and appeal set out in sections 25 and 30;

(b) if they were imported or exported as mail and the address of the exporter is known, give the exporter

18. (1) S'il a des motifs raisonnables de croire qu'il y a eu contravention au paragraphe 12(1), l'agent peut saisir à titre de confiscation les espèces ou effets.

(2) Sur réception du paiement de la pénalité réglementaire, l'agent restitue au saisi ou au propriétaire légitime les espèces ou effets saisis sauf s'il soupçonne, pour des motifs raisonnables, qu'il s'agit de produits de la criminalité au sens du paragraphe 462.3(1) du Code criminel ou de fonds destinés au financement des activités terroristes.

(3) L'agent qui procède à la saisie-confiscation prévue au paragraphe (1):

a) donne au saisi, dans le cas où les espèces ou effets sont importés ou exportés autrement que par courrier, un avis écrit de la saisie et du droit de révision et d'appel établi aux articles 25 et 30;

b) donne à l'exportateur, dans le cas où les espèces ou effets sont importés ou exportés par courrier et son

written notice of the seizure and of the right to review and appeal set out in sections 25 and 30; and

adresse est connue, un avis écrit de la saisie et du droit de révision et d'appel établi aux articles 25 et 30;

(c) take the measures that are reasonable in the circumstances to give notice of the seizure to any person whom the officer believes on reasonable grounds is entitled to make an application under section 32 in respect of the currency or monetary instruments.

c) prend les mesures convenables, eu égard aux circonstances, pour aviser de la saisie toute personne dont il croit, pour des motifs raisonnables, qu'elle est recevable à présenter, à l'égard des espèces ou effets saisis, la requête visée à l'article 32.

[...]

...

19. An officer may call on other persons to assist the officer in exercising any power of search, seizure or retention that the officer is authorized under this Part to exercise, and any person so called on is authorized to exercise the power.

19. L'agent peut requérir main-forte pour se faire assister dans l'exercice des pouvoirs de fouille, de rétention ou de saisie que lui confère la présente partie. Toute personne ainsi requise est autorisée à exercer ces pouvoirs.

19.1 If an officer decides to exercise powers under subsection 18(1), the officer shall record in writing reasons for the decision.

19.1 L'agent qui décide d'exercer les attributions conférées par le paragraphe 18(1) est tenu de consigner par écrit les motifs à l'appui de sa décision.

[...]

...

22. (1) An officer who retains currency or monetary instruments forfeited under subsection 14(5) shall send the currency or monetary instruments to the Minister of Public Works and Government Services.

22. (1) En cas de confiscation aux termes du paragraphe 14(5) des espèces ou effets retenus, l'agent les remet au ministre des Travaux publics et des Services gouvernementaux.

[...]

...

23. Subject to subsection 18(2) and sections 25 to 31, currency or monetary instruments seized as forfeit under subsection 18(1) are forfeited to Her Majesty in right of Canada from the time of the contravention of subsection 12(1) in respect of which they were seized, and no act or proceeding after the forfeiture is necessary to effect the forfeiture.

24. The forfeiture of currency or monetary instruments seized under this Part is final and is not subject to review or to be set aside or otherwise dealt with except to the extent and in the manner provided by sections 24.1 and 25.

...

25. A person from whom currency or monetary instruments were seized under section 18, or the lawful owner of the currency or monetary instruments, may within 90 days after the date of the seizure request a decision of the Minister as to whether subsection 12(1) was contravened, by giving notice in writing to the officer who seized the currency or monetary instruments or to an officer at the customs office closest to the place where the seizure took place.

23. Sous réserve du paragraphe 18(2) et des articles 25 à 31, les espèces ou effets saisis en application du paragraphe 18(1) sont confisqués au profit de Sa Majesté du chef du Canada à compter de la contravention au paragraphe 12(1) qui a motivé la saisie. La confiscation produit dès lors son plein effet et n'est assujettie à aucune autre formalité.

24. La saisie-confiscation d'espèces ou d'effets effectuée en vertu de la présente partie est définitive et n'est susceptible de révision, de rejet ou de toute autre forme d'intervention que dans la mesure et selon les modalités prévues aux articles 24.1 et 25.

[...]

25. La personne entre les mains de qui ont été saisis des espèces ou effets en vertu de l'article 18 ou leur propriétaire légitime peut, dans les quatre-vingt-dix jours suivant la saisie, demander au ministre de décider s'il y a eu contravention au paragraphe 12(1) en donnant un avis écrit à l'agent qui les a saisis ou à un agent du bureau de douane le plus proche du lieu de la saisie.

26. (1) If a decision of the Minister is requested under section 25, the President shall without delay serve on the person who requested it written notice of the circumstances of the seizure in respect of which the decision is requested.

(2) The person on whom a notice is served under subsection (1) may, within 30 days after the notice is served, furnish any evidence in the matter that they desire to furnish.

27. (1) Within 90 days after the expiry of the period referred to in subsection 26(2), the Minister shall decide whether subsection 12(1) was contravened.

(2) If charges are laid with respect to a money laundering offence or a terrorist activity financing offence in respect of the currency or monetary instruments seized, the Minister may defer making a decision but shall make it in any case no later than 30 days after the conclusion of all court proceedings in respect of those charges.

(3) The Minister shall, without delay after making a decision, serve on the person who requested it a written notice of the decision together with the reasons for it.

26. (1) Le président signifie sans délai par écrit à la personne qui a présenté la demande visée à l'article 25 un avis exposant les circonstances de la saisie à l'origine de la demande.

(2) The applicant dispose de trente jours à compter de la signification de l'avis pour produire tous moyens de preuve à l'appui de ses prétentions.

27. (1) Dans les quatre-vingt-dix jours qui suivent l'expiration du délai mentionné au paragraphe 26(2), le ministre décide s'il y a eu contravention au paragraphe 12(1).

(2) Dans le cas où des poursuites pour infraction de recyclage des produits de la criminalité ou pour infraction de financement des activités terroristes ont été intentées relativement aux espèces ou effets saisis, le ministre peut reporter la décision, mais celle-ci doit être prise dans les trente jours suivant l'issue des poursuites.

(3) Le ministre signifie sans délai par écrit à la personne qui a fait la demande un avis de la décision, motifs à l'appui.

28. If the Minister decides that subsection 12(1) was not contravened, the Minister of Public Works and Government Services shall, on being informed of the Minister's decision, return the penalty that was paid, or the currency or monetary instruments or an amount of money equal to their value at the time of the seizure, as the case may be.

29. (1) If the Minister decides that subsection 12(1) was contravened, the Minister may, subject to the terms and conditions that the Minister may determine,

(a) decide that the currency or monetary instruments or, subject to subsection (2), an amount of money equal to their value on the day the Minister of Public Works and Government Services is informed of the decision, be returned, on payment of a penalty in the prescribed amount or without penalty;

(b) decide that any penalty or portion of any penalty that was paid under subsection 18(2) be remitted; or

(c) subject to any order made under section 33 or 34, confirm that the currency or monetary instruments are forfeited to Her Majesty in right of Canada.

28. Si le ministre décide qu'il n'y a pas eu de contravention au paragraphe 12(1), le ministre des Travaux publics et des Services gouvernementaux, dès qu'il est informé de la décision du ministre, restitue la valeur de la pénalité réglementaire, les espèces ou effets ou la valeur de ceux-ci au moment de la saisie, selon le cas.

29. (1) S'il décide qu'il y a eu contravention au paragraphe 12(1), le ministre peut, aux conditions qu'il fixe:

a) soit restituer les espèces ou effets ou, sous réserve du paragraphe (2), la valeur de ceux-ci à la date où le ministre des Travaux publics et des Services gouvernementaux est informé de la décision, sur réception de la pénalité réglementaire ou sans pénalité;

b) soit restituer tout ou partie de la pénalité versée en application du paragraphe 18(2);

c) soit confirmer la confiscation des espèces ou effets au profit de Sa Majesté du chef du Canada, sous réserve de toute

ordonnance rendue en application des articles 33 ou 34.

The Minister of Public Works and Government Services shall give effect to a decision of the Minister under paragraph (a) or (b) on being informed of it.

Le ministre des Travaux publics et des Services gouvernementaux, dès qu'il en est informé, prend les mesures nécessaires à l'application des alinéas a) ou b).

(2) The total amount paid under paragraph (1)(a) shall, if the currency or monetary instruments were sold or otherwise disposed of under the *Seized Property Management Act*, not exceed the proceeds of the sale or disposition, if any, less any costs incurred by Her Majesty in respect of the currency or monetary instruments.

(2) En cas de vente ou autre forme d'aliénation des espèces ou effets en vertu de la *Loi sur l'administration des biens saisis*, le montant de la somme versée en vertu de l'alinéa (1)a) ne peut être supérieur au produit éventuel de la vente ou de l'aliénation, duquel sont soustraits les frais afférents exposés par Sa Majesté; à défaut de produit de l'aliénation, aucun paiement n'est effectué.

30. (1) A person who requests a decision of the Minister under section 27 may, within 90 days after being notified of the decision, appeal the decision by way of an action in the Federal Court in which the person is the plaintiff and the Minister is the defendant.

30. (1) La personne qui a demandé que soit rendue une décision en vertu de l'article 27 peut, dans les quatre-vingt-dix jours suivant la communication de cette décision, en appeler par voie d'action à la Cour fédérale à titre de demandeur, le ministre étant le défendeur.

(2) The *Federal Courts Act* and the rules made under that Act that apply to ordinary actions apply to actions instituted under subsection (1) except as varied by special rules made in respect of such actions.

(2) La *Loi sur les Cours fédérales* et les règles prises aux termes de cette loi applicables aux actions ordinaires s'appliquent aux actions intentées en vertu du paragraphe (1), avec les

adaptations nécessaires
occasionnées par les règles
propres à ces actions.

(3) The Minister of Public
Works and Government
Services shall give effect to the
decision of the Court on being
informed of it.
...

(3) Le ministre des Travaux
publics et des Services
gouvernementaux, dès qu'il en
a été informé, prend les mesures
nécessaires pour donner effet à
la décision de la Cour.
[...]

SOLICITORS OF RECORD

DOCKET: T-562-07

STYLE OF CAUSE: **PATRICK SOUSA ANDRADE
and
MINISTER OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: February 19, 2008

**REASONS FOR ORDER AND
ORDER BY:** MR. JUSTICE MARTINEAU

DATED: February 21, 2008

APPEARANCES:

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