

Federal Court



Cour fédérale

Date: 20100308

Docket: T-283-10

Citation: 2010 FC 266

Toronto, Ontario, March 8, 2010

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

SEYMOUR GARFIELD GREY

Plaintiff

and

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

Defendant

REASONS FOR ORDER AND ORDER

[1] Before me at this time is an application by the Plaintiff Seymour Garfield Grey for a stay of the execution of a deportation Order requiring Mr. Grey to be removed from Canada to England on March 23, 2010;

[2] Mr. Grey appeared and argued the matter before me on his own behalf, Her Majesty was represented by Counsel;

[3] The law requires that a Court examine three matters in considering whether to stay a deportation order:

- a. *Serious Issue*: has the applicant, such as Mr. Grey, raised a serious issue as to why he should not be deported;
- b. *Irreparable Harm*: has the applicant, such as Mr. Grey, demonstrated that he will suffer irreparable harm if he were to be deported;
- c. *Balance of Convenience*: taking the concerns of both parties into consideration, if there is a serious issue and if irreparable harm has been shown is there an overriding reason that favours one party or the other.

[4] In considering whether a *serious issue* has been raised, Mr. Grey argues that he has commenced this action and that the action raises serious matters particularly as to the welfare of children who have immigrated to Canada at an early age. He submits that he should remain in Canada so that the action can be heard at trial. Counsel for Her Majesty submits that the action is very similar to one brought earlier by Mr. Grey, T-1470-09 and was struck out without leave to amend. Counsel further argues that, in any event, the present action is frivolous, claims matters beyond the jurisdiction of this Court and sets out no clear basis for the relief claimed.

[5] At this point I am not asked to strike out the Statement of Claim; I only have to consider whether it raises a serious issue. I have no doubts as to the genuineness of Mr. Grey's concerns

however the Statement of Claim does not raise what the Courts describe as a justifiable issue within the jurisdiction of this Court. It is drafted in an almost unintelligible manner and claims no relief that this Court is capable of giving. No “serious issue” has been raised.

[6] As to *irreparable harm*, Mr. Grey has filed a letter purporting to be from a bookkeeper stating that he owns a business which has eleven employees. The law is clear that simply because a person owns a business in Canada and must either sell it or deal with it from abroad does not constitute irreparable harm. I find that no irreparable harm has been demonstrated.

[7] Given my findings as to serious issue and irreparable harm I shall turn to the balance of convenience. I find that the balance of convenience favours the Crown in the enforcement of Canada’s immigration laws.

ORDER

FOR THE REASONS GIVEN:

THIS COURT ORDERS that:

1. The motion for a stay is dismissed;
2. The Crown is entitled to costs to be assessed at Column III.

“Roger T. Hughes”

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-283-10

STYLE OF CAUSE: SEYMOUR GARFIELD GREY v.
HER MAJESTY THE QUEEN IN RIGHT OF
CANADA

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: March 8, 2010

**REASONS FOR JUDGMENT
AND JUDGMENT:** HUGHES J.

DATED: March 8, 2010

APPEARANCES:

Seymour Garfield Grey FOR THE PLAINTIFF
(SELF-REPRESENTED)

Michael Butterfield FOR THE DEFENDANT

SOLICITORS OF RECORD:

N/A FOR THE PLAINTIFF
(SELF-REPRESENTED)

John H. Sims, Q.C. FOR THE DEFENDANT
Deputy Attorney General of Canada
Toronto, Ontario