Federal Court  Cour fédérale

**Date: 20130412**

**Docket: T-1157-12**

**Citation: 2013 FC 370**

**Ottawa, Ontario, April 12, 2013**

**PRESENT: The Honourable Madam Justice Strickland**

**BETWEEN:**

**AYELETE KOROLOVE**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

## REASONS FOR JUDGMENT AND JUDGMENT

[1] This is an appeal by Ayelete Korolove (Applicant) of the May 8, 2012 decision of citizenship judge Philip Gaynor (Citizenship Judge) denying her application for citizenship. The denial is on the grounds that the Applicant did not satisfy the residency requirement of subsection 5 (1)(c) of the *Citizenship Act*, RSC 1985, c C-29 (Act). This appeal is brought pursuant to subsection 14(5) of the Act and in accordance with section 18.1 of the *Federal Courts Act*, RSC 1985 c F-7 and Rule 300(c) of the *Federal Courts Rules*, SOR/98-106.

Background

[2] The Applicant is a Kazakh-born Israeli citizen. She arrived in Canada on March 17, 2003 and filed a refugee claim which was denied in June of 2004. Her application for judicial review of that decision was dismissed on November 26, 2006.

[3] The Applicant married in August 2004 and her then-husband sponsored her for permanent residency. They had a daughter who was born in Toronto on June 12, 2005. The Applicant became a permanent resident of Canada on December 6, 2006. She applied for Canadian citizenship on May 26, 2009. On July 4, 2011, she wrote and passed the Citizenship test and submitted a Residence Questionnaire, as requested.

[4] On August 19, 2011, a citizenship officer referred the Applicant's citizenship application to the Citizenship Judge to assess the Applicant's residence and credibility (referral letter). In the referral letter, the officer notes that the relevant four-year period is May 26, 2005 to May 26, 2009. The letter also notes that on May 22, 2007 the Applicant's (Israeli) passport was reported stolen and that as a result, the period from "26May 05 to May/07" could not be reviewed. The officer states that an Integrated Customs Enforcement System (ICES) report "may be able to provide missing information". The referral letter contained notations concerning a review of the Applicant's passport and travel document, including "No stamps back into Canada between 23jan08 - 30jan08 and 10feb08 to 12april 08.may have possible another 67 days out".

[5] The Applicant's citizenship hearing was held on September 9, 2011. At the conclusion of the hearing, she was asked to provide additional specified supporting documentation to permit the

Citizenship Judge to assess her residency. She provided the following documentation on October 7, 2011:

- Provincial health care history from OHIP between January 1, 2005 and December 31, 2009;
- Agreements of purchase and sale for houses owned by the Applicant;
- Letters from editors/presidents of two Canadian publications to which the Applicant has contributed;
- Notices of Assessment for tax years 2004-10;
- ICES traveller report for the period January 1, 2005 and December 31, 2009.

[6] The Citizenship Judge refused the Applicant's citizenship application on May 9, 2012 on the basis that she did not meet the subsection 5(1)(c) residency requirements (Decision). The Decision is under review in the present case.

Decision Under Review

[7] The Decision summarizes the documentary and oral evidence before the Citizenship Judge. It states, amongst other things:

> 3. The relevant period to meet the residence requirement, in your case, is from December 06, 2006 to May 26, 2009 an accumulated total of 1,181 days.
>
> 4. On your application, you declared 96 days of absences from Canada, during the relevant period. After further review, I determined that you were absent from Canada for at least 171 days. This calculation (1,181-171) leaves you with a physical presence in Canada of 1,010 days.

[8] The Citizenship Judge goes on to state that the issue is whether the Applicant satisfies the residence requirement under paragraph 5(1)(c) of the Act. In deciding this, he states that he has adopted the physical presence test set out in *Pourghasemi(Re)*, [1993] FCJ No 232, 62 FTR 122 (TD), which requires citizenship applicants to establish that they have been physically present in Canada for 1,095 days during the relevant four year period. The Citizenship Judge concludes:

> In your case, after reviewing all of the documentation on file, I am not satisfied that you have met the residence requirements of the Act. You have not submitted sufficient information covering the period between 2006 and 2007. You were absent from Canada for 171 days, during the period under review. Consequently, you are (1,095-1,010) 85 days short of the minimum required 1,095 days as per the Act.

[9] The Citizenship Judge adds that he has decided not to exercise his discretion pursuant to subsection 15(1) of the Act to make a favourable recommendation for a discretionary grant of citizenship, as provided for under subsection 5(4) of the Act.

Issues

[10] I would phrase the issues as follows:

i) What is the applicable standard of review?

ii) Did the Citizenship Judge reasonably conclude that the Applicant did not meet the residency requirements?

iii) Was the Citizenship Judge required to also conduct a qualitative analysis?

Analysis

*i) Standard of Review*

[11] The Supreme Court in *Dunsmuir v New Brunswick*, 2008 SCC 9, [2008] 1 SCR 190 at paras 34, 45 [*Dunsmuir*] held that there are two standards of review: reasonableness for questions of

mixed fact and law and correctness for questions of law. Reasonableness is a deferential standard concerned mostly with the existence of justification, transparency and intelligibility within the decision making process, but also with whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law (para 47). Where previous jurisprudence has satisfactorily determined the appropriate standard of review applicable to a particular issue, that standard may be adopted by a subsequent reviewing court (paras 57, 62).

[12] In this instance, the jurisprudence has established that a citizenship judge's determination of whether a citizenship applicant meets the residency requirements is a question of mixed fact and law reviewable on the reasonableness standard. Accordingly, that standard is applicable to the second issue (*Zhou v Canada (Minister of Citizenship and Immigration)*, 2013 FC 19, [2013] FCJ No 37 at para 13; *Burch v Canada (Minister of Citizenship and Immigration)*, 2011 FC 1389, [2011] FCJ No 1695 at para 30; *Pourzand v Canada (Minister of Citizenship and Immigration)*, 2008 FC 395, [2008] FCJ No 485 at para 19; *Rizvi v Canada (Minister of Citizenship and Immigration)*, 2005 FC 1641, [2005] FCJ No 2029 at para 5).

[13] The issue of whether the Citizenship Judge applied the right residency test is a question of law. As such, the Citizenship Judge's selection of the applicable residency test is reviewable on the standard of correctness (*Gosh v Canada (Minister of Citizenship and Immigration)*, 2013 FC 282, [2013] FCJ No 313 at paras 14-18; *Burch*, above, at para 3l; *El Ocla v (Minister of Citizenship and Immigration)*, 2011 FC 533, [2011] FCJ No 667 at paras 12, 13, 19; *Lin v Canada (Minister of Citizenship and Immigration)*, 2002 FCT 346, [2002] FCJ No 492 at para 9).

*ii) Reasonableness of the Decision*

a) Relevant Residency Period

[14] The Decision states that the relevant period to meet the residence requirement in the Applicant's case is from December 6, 2006 to May 26, 2009, an accumulated total of 1,181 days.

[15] The Applicant submits that the Citizenship Judge erred in determining that the relevant residency period was from December 6, 2006 (date at which the Applicant became a permanent resident) to May 26, 2009 (date of her citizenship application). Subsection 5(1)(c) of the Act requires that an applicant, within the four years (1,460 days) immediately preceding the date of their application, accumulate at least three years (1,095 days) of residence in Canada calculated as set out in subsections 5(1)(c)(i) and (ii). As such, the correct period in this case should have been calculated from May 26, 2005 to May 26, 2009, as noted in the referral letter.

[16] According to the Applicant, this error results in an additional 560 days, reduced by half pursuant to subparagraph 5(1)(c)(i) of the Act, as she was without status between May 26, 2005 and December 6, 2006. As such, the Citizenship Judge's calculation of 1,010 days should be increased by 280, totalling 1,290 days of physical presence in Canada. The Applicant submits that the Citizenship Judge made "an error of law on the face of the record", which warrants the Decision being set aside.

[17] The Applicant acknowledges that despite this error, the Citizenship Judge did conclude that the Applicant had accumulated 1,181 days, which could suggest that he examined the appropriate four-year period.

[18] The Respondent concedes that the Citizenship Judge mistakenly stated that the relevant four-year period began on December 6, 2006, but stresses that this was merely a clerical error. This is evidenced by the fact that the Citizenship Judge "correctly concluded" that the number of eligible days for residency was 1,181, which represents the appropriate four-year period, May 26, 2005 to May 26, 2009. The Respondent generated a table included in its written submissions to illustrate this, calculating the total to be 1,181.5 days.

[19] I agree with the Respondent that the Citizenship Judge's statement in the Decision that the relevant residency period began on December 6, 2006 is a clerical error – albeit an unfortunate one. In this case, had the Citizenship Judge conducted his calculation of the accumulated eligible days using December 6, 2006 as the starting date of the relevant residency period, then this would have resulted in a total of 901 days. Thus, because 1,181 days could have been arrived at if the Citizenship Judge had utilized May 25, 2005 as the starting date of the residency period, it could be inferred that the correct residency period was utilized in the Decision.

[20] As to the impact of this error, the Applicant points to Justice Teitelbaum's decision in *Islam v Canada (Minister of Citizenship and Immigration)*, 2009 FC 10, [2009] FCJ No 14 at para 22 [*Islam*], as an example of a decision of this particular Citizenship Judge being quashed on similar grounds:

> [22] […] First, the Judge failed to assess any days' residency for the period before the Applicant became a permanent resident but within the four-year assessment period. While the Respondent submits that this would not have made a difference to the determination, it is nevertheless contrary to the provisions of subparagraph 5(1)(c)(i) of the *Act* and is thus an error of law that must be corrected.

[21] In my view, the present case can be distinguished from *Islam*, above, because it does not appear that the Citizenship Judge "failed to assess" the Applicant's presence in Canada before she became a permanent resident. This is evidenced by the fact that the Citizenship Judge arrived at a total of 1,181 days. For that reason, I do not believe that the mis-stated residency period starting date, or clerical error, constitutes an error of law requiring intervention by this Court. Nor do I believe that it constitutes an error on the face of the record that alone warrants such intervention.

[22] That said, here the Citizenship Judge gave no indication as to how he arrived at his conclusion that the Applicant had accumulated 1,181 eligible days, nor did he explain why this differed from the Applicant's calculation of 1,134 eligible days as contained in her citizenship application. This raises the question of the adequacy of the Citizenship Judge's reasons, discussed below.

b) Adequacy of Reasons

[23] In her application for citizenship, the Applicant calculated that during the relevant period she had been absent from Canada for 96 days. Taking those absences into account, she then calculated that she had been in Canada for 1,134 days during the relevant residency period. This exceeded the required 1,095 days.

[24] In his Decision, the Citizenship Judge acknowledged that the Applicant had declared 96 days of absence from Canada but stated that, after further review, he determined that she had been absent for "at least 171 days". Given this, on his calculation (1,181-171) she had a physical

presence in Canada of 1,010 days, being 85 days short of the required 1,095 days. He also stated that the Applicant had not submitted sufficient information covering the period between 2006 and 2007.

[25] The Applicant submits that the Citizenship Judge gave inadequate reasons for his conclusion that she had been absent "for at least 171 days" and that it is impossible to understand how he arrived at his calculation. In that regard, the Applicant refers to C*anada (Minister of Citizenship and Immigration) v Baron*, 2011 FC 480, [2011] FCJ No 735 at paras 17-18, where Justice Bédard set aside a citizenship judge's decision because his reasons were not adequate and were unclear. Justice Bédard was, therefore, not in a position to determine whether the decision fell within a range of possible, acceptable outcomes.

[26] The Applicant submits that in the present case, the Citizenship Judge was required to give adequate reasons for rejecting the Applicant's evidence that she met the residency requirements. In particular, how he arrived at his conclusion that she was absent from Canada for at least 171 days, and, his determination that insufficient information was provided for the period 2006-2007 given that her ICES traveller history demonstrates that she did not leave Canada between January 1, 2005 and October 17, 2007. Moreover, her OHIP report shows regular medical assessments between January 1, 2005 and December 31, 2009.

[27] The Applicant also suggests that the Citizenship Judge "blindly adopted" the citizenship officer's assessment that the Applicant was possibly absent for an additional 67 days. Had he examined her OHIP and ICES records, he would have seen that she was present in Canada during

the potentially problematic periods. His failure to do so led him to make erroneous findings of fact and violated his duty to examine all available documentary evidence (*Canada (Minister of Citizenship and Immigration) v Jreige*, [1999] FCJ No 1469, 175 FTR 250 at paras 20-22; *Bogdanovich v Canada (Minister of Citizenship and Immigration)*, 2002 FCT 181, [2002] FCJ No 241 at para 11). This is particularly concerning as the discrepancy in numbers is of material importance to the outcome of the Decision.

[28] The Applicant also states that she could not have left Canada between May 26, 2005 and December 6, 2006, for the following reasons:

- In May 2005, she was in her last month of pregnancy;
- Her 'In-Canada Spouse Sponsorship' was still being processed;
- She was subject to an enforceable removal order (due to the rejection of her refugee claim). Thus, had she left Canada, she would not have been able to re-enter or become a permanent resident;
- The ICES traveller history report would have contained the appropriate record; it does not.

[29] The Applicant submits that there is no evidence that she was absent from Canada prior to December 6, 2006, that the Citizenship Judge ignored or overlooked the ICES report and, as such, that his conclusion that she did not submit sufficient information regarding her presence in Canada in 2006 is an "uncorroborated assertion, which amounts to a reviewable error." The Applicant refers to *Nguyen v Canada (Minister of Citizenship and Immigration)*, 2009 FC 1244, [2009] FCJ No 1694, where the same Citizenship Judge's decision was quashed due to his failure to determine the applicant's residency despite her having submitted satisfactory documentation.

[30] The Respondent submits that the Citizenship Judge reasonably determined that, of her 1,181 eligible days, the Applicant was absent from Canada for "at least 171 days" and therefore failed to meet the residency requirement. In that regard, the Respondent conducted a review of the Applicant's travel history. Based on that review, the Respondent generated and included in its written submissions a second detailed table which, the Respondent submits, demonstrates that the Citizenship Judge made a reasonable determination concerning the Applicant's absences from Canada as, by the Respondent's calculation, she was absent at least 180 days.

[31] The Respondent also stresses that the onus was on the Applicant to establish her residency. She engaged in extensive travel during the relevant period and, even by her estimate (96 days of absence), she still falls short of the 1,095 day requirement (1,181 – 96 = 1,085).

[32] The Respondent further submits that it was open to the Citizenship Judge to conclude that the Applicant did not provide sufficient evidence of her residence given the types of evidence that she could have submitted in support of her application. Instead she provided only one utility bill and no phone, cable or internet records; failed to provide the inner pages of her daughter's passport (which would clarify her travel history); provided bank records that did not show regular use; failed to provide details of her Canadian business or examples of the writing she did for the Canadian publications.

[33] The Respondent also points out that although the Applicant's daughter was born in June 2005, she was not registered in Ontario until January 2006 and there are no medical records for

the daughter during this period. As such, the fact that the Applicant had a baby in 2005 does not prove that she resided in Canada from that time onwards. Additionally, the medical records are of limited evidentiary value because they only show that the Applicant was in Canada for single days at a time, including appointments on the same day she re-entered Canada after travelling. The record also shows that the Applicant allegedly received medical services in Canada when her passport indicates that she was in the United States.

[34] The Respondent concludes that, in any event, adequacy of reasons is not stand-alone ground of review, the Judge's decision must be read as whole (*Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 SCR 708 at paras 14-15 [*Newfoundland Nurses*]; *Baig v Canada (Minister of Citizenship and Immigration)*, 2012 FC 858, [2012] FCJ No 963 at para 10).

[35] It is correct that in *Newfoundland Nurses*, above, the Supreme Court of Canada discussed *Dunsmuir*, above, and stated that it did not stand for the proposition that the "adequacy" of reasons is a stand-alone basis for quashing a decision. Rather, a reviewing court is to conduct a more "organic exercise", in which the reasons for a decision under review must be read together with the outcome and serve the purpose of showing whether the result falls within the range of possible acceptable outcomes (para 14). In other words, 'adequacy of reasons' forms part of the broader reasonableness analysis.

[36] The Supreme Court went on to state that "courts should not substitute their own reasons, but they may, if they find it necessary, look to the record for the purpose of assessing the reasonableness of the outcome" (para 15).

[37] The Court in *Newfoundland Nurses*, above, also referenced Professor David Dyzenhaus' view that "'[r]easonable' means here that the reasons do in fact or in principle support the conclusion reached. That is, even if the reasons in fact given do not seem wholly adequate to support the decision, the court must first seek to supplement them before it seeks to subvert them"(para 12, citing David Dyzenhaus, "The Politics of Deference: Judicial Review and Democracy", in Michael Taggart, ed, *The Province of Administrative Law* (Oxford: Hart Publishing, 1997) at 304).

[38] In this case, both parties point to a multitude of alleged deficiencies in the other's evidence or reasoning. For example, the Applicant states that the Citizenship Judge failed to look at the ICES and OHIP reports, which would have addressed the alleged 'gaps' pointed out in the referral letter. The Respondent, on the other hand, points to alleged inconsistencies in the Applicant's medical reports and suggests that her medical visits only account for 14 days in 2007.

[39] As noted above, as a part of its written submissions, the Respondent conducted a review of the Applicant's travel history. Based on that review, the Respondent generated a detailed table which it submits demonstrates that the Citizenship Judge made a reasonable determination concerning the Applicant's absences from Canada because, by the Respondent's calculation, she was absent at least 180 days.

[40] The problem, however, is that the Citizenship Judge's reasons give absolutely no indication as to how he arrived at "at least 171 days" when determining the Applicant's absences from Canada. Although his conclusion may be supported by the record, as the Respondent has sought to demonstrate by its own calculations intended to demonstrate the reasonableness of the Decision, in my view it was the Citizenship Judge's role, not the Respondent's nor this Court's, to explain the Decision (*Singh v Canada (Minister of Citizenship and Immigration)*, 2008 FC 673, [2008] FCJ No 864 at para 18 [*Singh*]).

[41] In *Dunsmuir*, above, the Supreme Court stated that reasonableness "is concerned mostly with the existence of justification, transparency and intelligibility within the decision-making process" (para 47). Here, because the Citizenship Judge fails to give any explanation as to how he arrived at his conclusion that the Applicant had an accumulated total of 1,181 eligible days and was absent for at least 171 days, the Decision is not justified, transparent and intelligible. In the absence of such reasons, they cannot be read together with the outcome to determine if the result is, or is not, within the range of acceptable outcomes. Which, in this case, means whether the number of eligible days was more than 1,095, and therefore that the residency requirement has been met and the Decision is unreasonable, or whether the number of days is less than 1,095, in which case the requirement has not been met and the Decision is reasonable.

[42] The Supreme Court in *Newfoundland Nurses*, above, cautioned that while reviewing courts should seek to supplement a decision-maker's reasons, they should not substitute their own reasons for those of the decision-maker (para 15).

[43] This principle was recently rearticulated by Justice Martineau in *Szabo v Canada (Minister of Citizenship and Immigration)*, 2012 FC 1422, [2012] FCJ No 1524 at para 11 [*Szabo*], where he stated:

> [11] […] I do not believe that to "supplement" the tribunal's reasons, as suggested by *Newfoundland Nurses*, above, means that the reviewing court must substitute itself to the tribunal and determine on its own motion, after an analysis of the evidence on record, whether or not it is in the "interests of justice" to allow or dismiss an application for reinstatement. While the Supreme Court of Canada "has strongly emphasized that administrative tribunals do not have to consider and comment upon every issue raised by the parties in their reasons", on the other hand, before this Court, "the issue remains whether the decision, viewed as a whole in the context of the record, is reasonable", as stated by the Supreme Court in *Construction Labour Relations v Driver Iron Inc*, 2012 SCC 65 at para 3. […]

[44] The Supreme Court's recent decision in *Canada (Attorney General) v Kane*, 2012 SCC 64, [2012] SCJ No 64 at para 9 [*Kane*], also cautioned reviewing courts against undertaking their own assessment of the record and attributing a justification to the decision-maker:

> [9] […] the Tribunal made no finding as to what the employer's "principal justification" may have been. Respectfully, the majority of the Federal Court of Appeal erred by effectively undertaking its own assessment of the record and attributing to the employer a "principal justification" for its decision that the Tribunal did not find. It was not appropriate for the Federal Court of Appeal, on a judicial review, to intervene in the Tribunal's decision to this extent.

[45] In my view, the Respondent in the present case is essentially asking the Court to undertake its own assessment of the record and, to paraphrase *Kane*, attribute a justification to the Citizenship Judge. The Respondent's submissions require the Court to examine the record with a fine-tooth comb, pull out the relevant dates, undertake its own calculation of the Applicant's absences and

assume that this constitutes the justification underlying the Citizenship Judge's conclusion. This is precisely the exercise undertaken by the Respondent in its written submissions.

[46] In my view, such 'reverse-engineering' of the Citizenship Judge's Decision crosses the line between supplementing and substituting reasons. Since this goes against the principles set out in *Newfoundland Nurses*, *Szabo*, *Kane* and *Singh*, all above, I believe the Court should refrain from adopting the Respondent's speculation as to the Citizenship Judge's rationale.

[47] The only way to understand the Citizenship Judge's reasons as to the applicable number of eligible residency days and the number of days during which the Applicant was absent from Canada is to effectively conduct a *de novo* examination of the record. Further, the calculation of these days – accurately or inaccurately – is of material importance and is determinative of the Applicant's citizenship application. Accordingly, and for the reasons set out above, I do not believe that the reasons meet the transparency, justification and intelligibility requirement set out in *Dunsmuir*. The Decision is thus unreasonable.

iii) *Qualitative Analysis*

[48] Given my above finding above, it is not necessary to address this issue.

[49] A final matter to be addressed is the Applicant's request to file additional evidence in the form of an affidavit and attached documents that she described as business records. The Applicant submitted that this did not constitute new evidence, as it would serve to assist the Court in

understanding the relevant dates, and that it was admissible under the *Canada Evidence Act*, RSC 1985, c C-5.

[50] In *Chaudhry v Canada (Minister of Citizenship and Immigration)*, 2011 FC 179, [2011] FCJ No 355 at paras 21-22 [*Chaudhry*], this Court held:

> [21] In his submissions, the Applicant presented new documentary evidence to this Court. The Respondent is arguing that such evidence cannot be considered. The issue of a *de novo* appeal in citizenship cases has been addressed in *Canada (Minister of Citizenship and Immigration) v Wang*, 2009 FC 1290, 360 FTR 1, where Justice Mandamin stated at paragraphs 23 and 24 that:
>
> > In *Canada (Minister of Citizenship and Immigration) v. Hung*, [1998] F.C.J. No. 1927, Justice Rouleau wrote at paragraph 8, "Under the new Rules, citizenship appeals are no longer trials *de novo*, but instead are now to proceed by way of application based on the record before the Citizenship judge: no longer may new evidence be submitted before this Court".
> >
> > Accordingly, I will not consider the new evidence introduced by Minister's affiant concerning Ms. Wang's prior citizenship applications.
>
> [22] I fully agree with the Respondent that the evidence submitted to this Court by the Applicant should not be taken into account.

[51] This reasoning has been confirmed in subsequent cases, where this Court has referred to *Wang* (cited in *Chaudhry*, above) and held that citizenship appeals are to be decided on the basis of the record that was before the citizenship judge (*Hao v Canada (Minister of Citizenship and Immigration)*, 2011 FC 46, [2011] FCJ No 143 at para 2; *Sotade v Canada (Minister of Citizenship and Immigration)*, 2011 FC 301, [2011] FCJ No 383 at para 2; *El-Khader v. Canada (Minister of*

*Citizenship and Immigration)*, 2011 FC 328, [2011] FCJ No 426 at para 2; *Ye v Canada (Minister of Citizenship and Immigration)*, 2011 FC 1337, [2011] FCJ No 1639 at para 3; *Canada (Minister of Citizenship and Immigration) v Willoughby*, 2012 FC 489, [2012] FCJ No 626 at para 3).

[52] Further, as a general rule, new evidence that was not before the decision-maker will only be admissible where a breach of natural justice or procedural fairness is alleged, that is not the case here (*Saifee v Canada (Minister of Citizenship and Immigration)*, 2010 FC 589, [2010] FCJ No 693 at para 28).

[53] Accordingly, I have not considered the additional evidence sought to be adduced by the Applicant.

## JUDGMENT

**THIS COURT'S JUDGMENT is that** the appeal is allowed and the matter is returned for a new hearing by a different citizenship judge.

"Cecily Y. Strickland"
Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

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|---|---|
| **DOCKET:** | T-1157-12 |
| **STYLE OF CAUSE:** | AYELETE KOROLOVE v MCI |
| **PLACE OF HEARING:** | Toronto |
| **DATE OF HEARING:** | February 28, 2013 |
| **REASONS FOR JUDGMENT AND JUDGMENT BY:** | STRICKLAND J. |
| **DATED:** | April 12, 2013 |

**APPEARANCES:**

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|---|---|
| Nikolay Chsherbinin | FOR THE APPLICANT |
| Ildiko Erdei | FOR THE RESPONDENT |

**SOLICITORS OF RECORD:**

| | |
|---|---|
| Nikolay Chsherbinin<br>Toronto, Ontario | FOR THE APPLICANT |
| William F. Pentney<br>Deputy Attorney General of Canada<br>Toronto, Ontario | FOR THE RESPONDENT |