

Federal Court of Appeal



Cour d'appel fédérale

Date: 20160613

Docket: A-425-15

Citation: 2016 FCA 177

**CORAM: NADON J.A.
DAWSON J.A.
WEBB J.A.**

BETWEEN:

JOSEPHAKIS CHARALAMBOUS

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Vancouver, British Columbia, on June 13, 2016.
Judgment delivered from the Bench at Vancouver, British Columbia, on June 13, 2016.

REASONS FOR JUDGMENT OF THE COURT BY:

DAWSON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Vancouver, British Columbia, on June 13, 2016).

DAWSON J.A.

[1] For reasons cited as 2015 FC 1045, the Federal Court dismissed an application for judicial review of a decision of the Acting Senior Deputy Commissioner (“Commissioner”) of the Correctional Service of Canada denying a final level grievance brought by Josephakis Charalambous. Mr. Charalambous had requested that pursuant to section 24 of the *Corrections and Conditional Release Act*, S.C. 1992, c.20 any reference to sexual misconduct on his part or

to the existence of sexual components to his index offence or to Mr. Charalambous being a sex offender be removed from his file and his correctional plan. The sole issue before the Federal Court was whether the Commissioner made a reviewable error by failing to make the requested correction.

[2] This is an appeal from the judgment of the Federal Court.

[3] We are all of the view that the appeal should be dismissed, substantially for the reasons given by the Federal Court.

[4] More particularly, at paragraph 15 of the reasons the Federal Court found that the Correctional “Service has accurately reported the primary facts, acknowledging that none of the charges of a sexual nature have led to conviction, and that the applicant takes issue not with the Service’s statement of the primary facts but rather with the Service’s inferences that he is a sexual offender and that there was a sexual component to his offending”.

[5] The Federal Court went on to find that the Commissioner did not act unreasonably in noting that information drawn from comments made by the trial judge, reports prepared by the Royal Canadian Mounted Police and a record of charges that had been stayed were relevant pieces of information that should be considered in the administration of the appellant’s sentence. The Federal Court also found that the Commissioner did not act unreasonably in concluding that references to sexual misconduct were relevant and would not be altered or removed from the appellant’s file.

[6] We are unable to detect any error that vitiates these findings, and these findings were dispositive of the application for judicial review.

[7] It follows that the appeal will be dismissed with costs.

"Eleanor R. Dawson"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-425-15
**(APPEAL FROM A JUDGMENT OF THE HONOURABLE MR. JUSTICE
MARTINEAU OF THE FEDERAL COURT, DATED SEPTEMBER 3, 2015, NO.
T-2412-14)**

STYLE OF CAUSE: JOSEPHAKIS CHARALAMBOUS
v. ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: VANCOUVER, BRITISH
COLUMBIA

DATE OF HEARING: JUNE 13, 2016

REASONS FOR JUDGMENT OF THE COURT BY: NADON J.A.
DAWSON J.A.
WEBB J.A.

DELIVERED FROM THE BENCH BY: DAWSON J.A.

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