

**Date: 20071128**

**Docket: A-455-07**

**Citation: 2007 FCA 378**

[ENGLISH TRANSLATION]

**Present: Létourneau J.A.**

**BETWEEN:**

**BUREAU D'ÉTUDES STRATÉGIQUES ET TECHNIQUES  
EN ÉCONOMIQUES (BESTE)**

**Applicant**

**and**

**THE ATTORNEY GENERAL OF CANADA**

**Respondent**

Written motion decided without appearance of the parties

Order delivered at Ottawa, Ontario, on November 28, 2007.

**REASONS FOR ORDER:**

**LÉTOURNEAU J.A.**

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**REASONS FOR ORDER**

**LÉTOURNEAU J.A.**

[1] Jean-Marc Bergevin is submitting a motion through which he requests permission to represent himself under Rule 119 of the *Federal Courts Rules*. However, according to Rule 119, it is not necessary for an individual who wishes to act alone to obtain the Court's leave to do so. Still, the individual must be a party to the proceedings.

[2] The difficulty in this case is that Mr. Bergevin was the complainant before the Canadian International Trade Tribunal, but the Tribunal, at paragraph 1 of the summary of its reasons,

designates the Bureau d'Études Stratégiques et Techniques en Économiques (BESTE) (the Bureau) as the complainant. However, the complainant, Mr. Bergevin, is not the applicant in this application for judicial review.

[3] Having reviewed the allegations in Mr. Bergevin's motion, it is my understanding that he is the owner and operator of the abovementioned Bureau, which is the company registered with the Quebec enterprise register under the *Act respecting the legal publicity of sole proprietorships, partnerships and legal persons*, R.S.Q., c. P-45.

[4] The applicant's status in this application for judicial review is governed by Rule 120. It stipulates that an unincorporated association, to which the description of the Bureau made by Mr. Bergevin seems to correspond, must be represented by counsel unless the Court—due to special circumstances—authorizes it to be represented by one of its directors, associates or members, as the case may be.

[5] Counsel for the respondent does not object to Mr. Bergevin's motion insofar as the Court will make any orders issued in this case personal to him, including the one concerning costs. Furthermore, they point out that the applicant did not commence an action against the right respondent and request that appropriate corrections be made at the same time to avoid additional proceedings. The Canadian International Development Agency (CIDA) should have been the designated respondent rather than the Attorney General of Canada.

[6] In short, it seems as if neither of them is the right person in this procedure for judicial review involving an applicant and a respondent according to the parties' claim. As a start, it could have hardly gone more awry.

[7] Unless Mr. Bergevin can be substituted for the current applicant, which is not up to me to decide in this motion, Mr. Bergevin's motion to represent the Bureau will be dismissed. I do not believe that it would be timely and in the interests of justice and the smooth and efficient unfolding of the procedures that a case of this magnitude proceed without legal representation.

[8] As for the request made by counsel for the respondents to have the CIDA designated as the respondent, I believe that it is justified and that change can be made regardless of the imbroglio that surrounds the applicant's status. The order that stems from these reasons will indicate the necessary changes.

“Gilles Létourneau”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-455-07

**STYLE OF CAUSE:** BUREAU D'ÉTUDES STRATÉGIQUES ET  
TECHNIQUES EN ÉCONOMIQUES (BESTE)  
v. THE ATTORNEY GENERAL OF CANADA

**WRITTEN MOTION DECIDED WITHOUT APPEARANCE OF THE PARTIES**

**REASONS FOR ORDER:** LÉTOURNEAU J.A.

**DATED:** November 28, 2007

**WRITTEN REPRESENTATIONS:**

Jean-Marc Bergevin

FOR THE APPLICANT

Bernard Letarte

FOR THE RESPONDENT

Andréane Joannette-Laflamme

**SOLICITORS OF RECORD:**

Sainte-Foy, Quebec

FOR THE APPLICANT

John H. Sims, Q.C.

FOR THE RESPONDENT

Deputy Attorney General of Canada