

**Date: 20080916**

**Docket: A-585-07**

**Citation: 2008 FCA 268**

**CORAM: DÉCARY J.A.  
BLAIS J.A.  
RYER J.A.**

**BETWEEN:**

**ROBERT ANDREW MCBRIDE**

**Appellant**

**and**

**MINISTER OF DEFENCE**

**Respondent**

Heard at Vancouver, British Columbia, on September 16, 2008.

Judgment delivered from the Bench at Vancouver, British Columbia, on September 16, 2008.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**DÉCARY J.A.**

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**REASONS FOR JUDGMENT OF THE COURT**

**(Delivered from the Bench at Vancouver, British Columbia, on September 16, 2008)**

**DÉCARY J.A.**

[1] Mr. McBride was released from the Canadian Forces on June 12, 2007.

[2] On June 19, 2007, Mr. McBride sought an interim injunction restraining the Canadian Forces from releasing him pending the resolution of what he refers to as his Grievance Procedure.

[3] On December 14, 2007, Barnes J. denied the interim injunction.

[4] On December 24, 2007, the appellant initiated an appeal to this Court in which he seeks an order restraining the Canadian Forces from releasing him prior to the expiry of his term of service, i.e. prior to May 1, 2008.

[5] Clearly, no order restraining the Canadian Forces from releasing Mr. McBride could have been made by Barnes J. once Mr. McBride had been released, as was the case on June 12, 2007. Furthermore, insofar as this appeal is concerned, it appears that Mr. McBride was compulsorily released from the Canadian Forces at the expiry of his term of service on May 1, 2008, i.e. some four months ago.

[6] In the circumstances, this appeal is moot. Whether or not the release on June 12, 2007 was legal is an entirely different question that is not before the Court in this appeal. No valid reason was advanced by Mr. McBride which would lead the Court to hear the appeal despite its mootness.

[7] The appeal will be dismissed with costs payable to the respondent assessed at \$500.

"Robert Décary"

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-585-07

**STYLE OF CAUSE:** ROBERT ANDREW MCBRIDE V.  
MINISTER OF DEFENCE

**PLACE OF HEARING:** Vancouver, British Columbia

**DATE OF HEARING:** September 16, 2008

**REASONS FOR JUDGMENT OF THE COURT BY:** DÉCARY J.A.  
BLAIS J.A.  
RYER J.A.

**DELIVERED FROM THE BENCH BY:** DÉCARY J.A.

**APPEARANCES:**

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Robert Danay FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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Barrister & Solicitor

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