

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20190225**

**Docket: A-262-18**

**Citation: 2019 FCA 38**

**CORAM: GAUTHIER J.A.  
STRATAS J.A.  
RENNIE J.A.**

**BETWEEN:**

**IGOR STUKANOV**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Toronto, Ontario, on February 25, 2019.  
Judgment delivered from the Bench at Toronto, Ontario, on February 25, 2019.

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

**STRATAS J.A.**

**Federal Court of Appeal**



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**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Toronto, Ontario, on February 25, 2019).**

**STRATAS J.A.**

[1] Igor Stukanov appeals from the judgment dated August 24, 2018 of the Federal Court (*per* Ahmed J.): 2018 FC 854. The Federal Court dismissed Mr. Stukanov's application for judicial review of a decision of the Canadian Human Rights Commission.

[2] The Commission dismissed Mr. Stukanov's complaint that the Canadian Intellectual Property Office discriminated against him. It found that the complaint was "frivolous" within the meaning of para. 41(1)(d) of the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6.

[3] In its reasons for judgment on Mr. Stukanov's judicial review, the Federal Court found that the Commission did not deny Mr. Stukanov procedural fairness when it dismissed his complaint. Further, it found the dismissal to be substantively reasonable.

[4] We see no ground to interfere with the judgment of the Federal Court. The Federal Court properly selected reasonableness as the standard of review and, in reasons with which we substantially agree (at paras. 19-20), found the Commission's decision to be reasonable. We also agree with the Federal Court (at para. 17) that there is no ground to interfere on the basis of procedural fairness.

[5] In his memorandum of fact and law, Mr. Stukanov alleges that the Federal Court was biased. In our view it was not; it merely rejected his submissions on its view of the facts and the law.

[6] Mr. Stukanov raises a number of grounds that do not appear to have been raised before the Federal Court and that do not appear in his notice of appeal. The law is clear that we do not need to deal with these new issues: *Alberta (Information and Privacy Commissioner) v. Alberta Teachers' Association*, 2011 SCC 61, [2011] 3 S.C.R. 654. But we will deal with some of them

in the interest of providing Mr. Stukanov with the fullest explanation why we must dismiss his appeal.

[7] Mr. Stukanov takes issue with the fact that the Commission expressed its decision in a letter signed by a Registry official at the Commission. We see no issue with this; there is no ground to doubt that the Commission did decide the matter for the reasons expressed in the letter.

[8] Also in argument before us, Mr. Stukanov submits that the reasons for the Commission's decision were inadequate. We disagree. The reasons for the Commission's decision can be understood from the record placed before it, particularly the investigator's report: *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708.

[9] Finally, Mr. Stukanov challenges the investigator's factual findings, the quality of the investigation and the link between the impugned conduct of the Canadian Intellectual Property Office and discrimination and submits that the Federal Court did not scrutinize these matters closely enough. We are not persuaded that there is any merit to these submissions, particularly given the deference we must show on such matters on reasonableness review: *Dunsmuir v. New Brunswick*, 2008 SCC 9, [2008] 1 S.C.R. 190 at para. 47. We are also not persuaded that the Commission committed legal error on any of these matters.

[10] Therefore, we will dismiss the appeal with costs to the respondent fixed at \$500, all inclusive.

"David Stratas"

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-262-18

**APPEAL FROM A JUDGMENT OF THE HONOURABLE MR. JUSTICE AHMED  
DATED AUGUST 24, 2018, DOCKET NO. T-1968-17**

**STYLE OF CAUSE:** IGOR STUKANOV v. ATTORNEY  
GENERAL OF CANADA

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** FEBRUARY 25, 2019

**REASONS FOR JUDGMENT OF THE COURT BY:** GAUTHIER J.A.  
STRATAS J.A.  
RENNIE J.A.

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

**APPEARANCES:**

Igor Stukanov ON HIS OWN BEHALF

Nicole Walton FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Nathalie G. Drouin FOR THE RESPONDENT  
Deputy Attorney General of Canada