

Federal Court of Appeal		Cour d'appel fédérale
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**Date: 20100113**

**Docket: 09-A-40**

**Citation: 2010 FCA 10**

**Present: NADON J.A.**

**BETWEEN:**

**SERGE DOMPIERRE**

**Applicant**

**and**

**DAUBOIS – COMPANY  
DIRECTOR OF HUMAN RESOURCES**

**Respondent**

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on January 13, 2010.

**REASONS FOR ORDER BY:**

**NADON J.A.**

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**REASONS FOR ORDER**

**NADON J.A.**

[1] The applicant, Serge Dompierre, has applied to the Court for an extension of time to file an application for judicial review of a decision by Umpire Marin, dated October 12, 2009 (CUB 73274).

[2] In *Alain Laurendeau v. The Attorney General of Canada*, 2003 FCA 445, my colleague Justice Pelletier dismissed a similar motion for the following reasons:

[1] The applicant is asking for an extension of time to file an application for judicial review of a decision by an umpire under the Employment Insurance Act, dated July 14, 2000.

[2] The jurisprudence is consistent: when a party moves for an extension of time, a valid explanation must be provided to justify the delay - the entire period of the delay - in filing an application for judicial review. Secondly, the moving party must persuade the Court that there are reasonable grounds to believe that the application for judicial review is well-founded. See *Tarsen Singh Grewal v. Minister of Employment and Immigration*, [1985] 2 F.C. 263 (F.C.A.).

[3] The moving party's explanation for the delay in filing his application for judicial review is insufficient because it does not offer any explanation as to why, over a three-year period, he was content not to do anything to advance his appeal. This is not explained by the fact that he was still waiting for additional information from the assistant registrar at the Office of the Umpire.

[4] What is still more important for the purposes of his motion, however, is the absence of any reason that would suggest that his application for judicial review is well-founded. He has not put forward any grounds that would warrant the intervention of this Court in the matter of the Umpire's refusal to grant his application to amend under section 120 of the *Employment Insurance Act*.

[5] For these reasons, the application for an extension of time is dismissed with costs.

[3] In this case, the moving party has not raised any argument that persuades me that his application for judicial review might succeed. Accordingly, his application for an extension of time is dismissed.

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“M. Nadon”

J.A.

**FEDERAL COURT OF APPEAL**

**SOLICITORS OF RECORD**

**DOCKET:** 09-A-40

**STYLE OF CAUSE:** SERGE DOMPIERRE v.  
DAUBOIS – COMPANY,  
DIRECTOR OF HUMAN  
RESOURCES

**MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES**

**REASONS FOR ORDER BY:** NADON J.A.

**DATED:** January 13, 2010

**WRITTEN REPRESENTATIONS BY:**

Serge Dompierre

REPRESENTING HIMSELF

Pauline Leroux

FOR THE ATTORNEY GENERAL  
OF CANADA