

Federal Court
of Appeal



Cour d'appel
fédérale

Date: 20100421

Docket: A-282-09

Citation: 2010 FCA 107

**CORAM: PELLETTIER J.A.
DAWSON J.A.
STRATAS J.A.**

BETWEEN:

**GARY SAUVE
STEPHANE SAUVE**

Appellants

and

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA,
Honourable Gordon O'Connor, Minister of National Revenue,
Canada Revenue Agency, Sylvain Trottier,
Royal Canadian Mounted Police (RCMP), Yves Bacon (RCMP),
RCMP Vets Net, Frank Richter, Anne Roland**

Respondents

Heard at Ottawa, Ontario, on April 20, 2010.

Judgment delivered at Ottawa, Ontario, on April 21, 2010.

REASONS FOR JUDGMENT BY:

STRATAS J.A.

CONCURRED IN BY:

**PELLETIER J.A.
DAWSON J.A.**

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REASONS FOR JUDGMENT

STRATAS J.A.

[1] Mr. Sauve appeals from two orders issued on June 12, 2009 by Justice Hansen of the Federal Court. One order dismissed Mr. Sauve's motion for the appointment of a litigation guardian and counsel for his minor son, Stephane Sauve. The second order dismissed his motion for a stay of an RCMP disciplinary hearing and for other relief.

[2] After Justice Hanson made those orders, a further development took place. This development affects a portion of the appeal. On July 29, 2009, in response to a motion brought by the respondents, the Federal Court (*per* Prothonotary Tabib) ordered, among other things, that Stephane Sauve be struck from the proceeding as a party plaintiff and that his action be dismissed. The appellants did not appeal that order. That order is now final. As a result, Stephane Sauve is no longer in the proceeding.

[3] Since Stephane Sauve is no longer in the proceeding, there is no longer any need for the appointment of a litigation guardian and counsel for him. Therefore, the appeal of the order seeking appointment of a litigation guardian and counsel should be dismissed.

[4] In the case of the dismissal of the appellants' motion for the appointment of a stay and other relief, I see no reviewable error on the part of the court below. I would add that it appears that the disciplinary hearing has already been held, and so a stay would serve no useful purpose.

[5] Finally, the evidence contained in the affidavit of Mr. Sauve, filed at the hearing of the motions in Federal Court, does not establish any basis for granting any of the relief sought in both of the motions.

[6] Therefore, I would dismiss the appeal from both motions, with costs.

"David Stratas"

J.A.

"I agree
J.D. Denis Pelletier J.A."

"I agree
Eleanor R. Dawson J.A."

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-282-09

APPEAL FROM TWO ORDERS OF JUSTICE HANSEN DATED JUNE 12, 2009

STYLE OF CAUSE: Gary Sauve, Stephane Sauve v. Her Majesty The Queen in Right of Canada, Honourable Gordon O'Connor, Minister of National Revenue, Canada Revenue Agency, Sylvain Trottier, Royal Canadian Mounted Police (RCMP), Yves Bacon (RCMP), RCMP Vets Net, Frank Richter, Anne Roland

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: April 20, 2010

REASONS FOR JUDGMENT BY: Stratas J.A.

CONCURRED IN BY: Pelletier J.A.
Dawson J.A.

DATED: April 21, 2010

APPEARANCES:

Gary Sauve

ON HIS OWN BEHALF

Agnieszka Zagorska
Deric Mackenzie-Feder

FOR THE RESPONDENT, Her Majesty The Queen in Right of Canada

SOLICITORS OF RECORD:

Myles J. Kirvan
Deputy Attorney General of Canada

FOR THE RESPONDENT, Her Majesty The Queen in Right of Canada