F ederal Court of A ppeal



Cour d'appel fédérale

Date: 20101115

Docket: A-168-10

Citation: 2010 FCA 308

CORAM: NOËL J.A.

PELLETIER J.A. MAINVILLE J.A.

BETWEEN:

LUCIEN ROGER KHODEIR

Appellant

and

GOVERNOR-IN-COUNCIL

Respondent

Heard at Toronto, Ontario, on November 15, 2010.

Judgment delivered from the Bench at Toronto, Ontario, on November 15, 2010.

REASONS FOR JUDGMENT OF THE COURT BY:

NOËL J.A.

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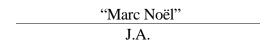
Respondent

<u>REASONS FOR JUDGMENT OF THE COURT</u> (Delivered from the Bench at Toronto, Ontario, on November 15, 2010)

NOËL J.A.

- [1] We are of the view that the appeal should be dismissed.
- [2] With respect to the alleged bias, the mere fact that a motion Judge has dismissed a proceeding brought by a party does not give rise to a reasonable apprehension of bias when the same Judge is called upon to dispose of a further proceeding involving the same party.

- [3] Although brief, the reasons of the Application Judge which are contained in the speaking order that he gave, are clear. He concluded to the Applicant's notice of Application is in substance the same as that in T-1832-09 which was dismissed earlier. As such, he held that it ought to be struck out as being an abuse of the process of the Court. We can detect no error in this regard.
- [4] The appeal will be dismissed with costs which we fix at \$2,000.00.



FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-168-10

(APPEAL FROM A JUDGMENT OF THE HONOURABLE MR. JUSTICE HUGHES DATED APRIL 21, 2010 IN FEDERAL COURT FILE, DOCKET NO. T-276-10).

STYLE OF CAUSE: LUCIEN ROGER KHODEIR v.

GOVERNOR-IN-COUNCIL

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: NOVEMBER 15, 2010

REASONS FOR JUDGMENT OF THE COURT BY: (NOËL, PELLETIER &

MAINVILLE JJ.A.)

DELIVERED FROM THE BENCH BY: NOËL J.A.

APPEARANCES:

LUCIEN ROGER KHODEIR FOR THE APPELLANT (ON HIS

OWN BEHALF)

SHELLEY C. QUINN FOR THE RESPONDENT

SOLICITORS OF RECORD:

N/A FOR THE APPELLANT

MYLES J. KIRVAN FOR THE RESPONDENT

DEPUTY ATTORNEY GENERAL OF CANADA

TORONTO, ONTARIO