

Federal Court of Appeal



CANADA

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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**REASONS FOR JUDGMENT OF THE COURT**  
**(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.

“Marc Noël”

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J.A.

**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