

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20211217**

**Docket: A-139-21**

**Citation: 2021 FCA 242**

[ENGLISH TRANSLATION]

**CORAM: DE MONTIGNY J.A.  
GLEASON J.A.  
LOCKE J.A.**

**BETWEEN:**

**PAUL FONTAINE**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard by online videoconference hosted by the registry on December 16, 2021.

Judgment delivered at Ottawa, Ontario, on December 17, 2021.

**REASONS FOR JUDGMENT BY:**

**LOCKE J.A.**

**CONCURRED IN BY:**

**DE MONTIGNY J.A.  
GLEASON J.A.**

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**ATTORNEY GENERAL OF CANADA**

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**REASONS FOR JUDGMENT**

**LOCKE J.A.**

[1] The appellant, Paul Fontaine, is serving a sentence of imprisonment at Drummondville Institution for several crimes committed at the behest and for the benefit of the Hells Angels. In 2015, Mr. Fontaine requested that Donnacona Institution (where he was incarcerated at the time) recognize the termination of his affiliation with the Hells Angels.

[2] On January 17, 2019, Sébastien Pilon, Warden of Drummondville Institution (where the appellant has been imprisoned since that time), decided to endorse the security analyst's recommendation to continue the appellant's affiliation with the Hells Angels.

[3] Mr. Fontaine applied for judicial review of that decision, but the Federal Court (2021 FC 309, Associate Chief Justice Jocelyne Gagné) dismissed that application. The current appeal seeks to set aside the Federal Court's decision.

[4] Having considered the arguments that the parties included in their respective memorandums, as well as those submitted before us orally, I determine that the appeal should be dismissed.

[5] The parties agree, and I am of the same opinion, that the standard of review to be applied by the Federal Court was reasonableness. I am of the view that the Federal Court was right in finding that the decision made by the Warden of Drummondville Institution was reasonable. I agree with the reasons of the Federal Court.

[6] The appellant alleged that the information used to assess his case was inaccurate in several ways. However, the evidence in the record does not provide a basis for this contention. This evidence reasonably supported the said assessment.

[7] In addition, the appellant objected to the consideration of the precedents of other offenders who returned to the Hells Angels after disaffiliating from them while in prison.

However, the appellant has not persuaded me that it was unreasonable to consider those precedents.

[8] The appellant also objected to criteria that were considered in his assessment but that were not requested initially. Despite Mr. Tabah’s spirited arguments that it was neither reasonable nor fair to add unexpressed criteria, I do not see in the security analysis any example of a criterion that was unreasonable or whose consideration was unfair.

[9] I would dismiss the appeal, with costs in the amount of \$400.

“George R. Locke”

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J.A.

“I agree.  
Yves de Montigny J.A.”

“I agree.  
Mary J. L. Gleason J.A.”

Certified true translation  
Melissa Paquette, Jurilinguist

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-139-21

**STYLE OF CAUSE:** PAUL FONTAINE v. ATTORNEY  
GENERAL OF CANADA

**PLACE OF HEARING:** BY ONLINE  
VIDEOCONFERENCE

**DATE OF HEARING:** DECEMBER 16, 2021

**REASONS FOR JUDGMENT BY:** LOCKE J.A.

**CONCURRED IN BY:** DE MONTIGNY J.A.  
GLEASON J.A.

**DATED:** DECEMBER 17, 2021

**APPEARANCES:**

Pierre Tabah FOR THE APPELLANT

Claudia Gagnon FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

LABELLE, CÔTÉ, TABAH AND ASSOCIATES FOR THE APPELLANT  
Saint-Jérôme, Quebec

A. François Daigle FOR THE RESPONDENT  
Deputy Attorney General of Canada