

Federal Court of Appeal



Cour d'appel fédérale

Date: 20231005

Docket: A-192-21

Citation: 2023 FCA 203

**CORAM: STRATAS J.A.
LASKIN J.A.
ROUSSEL J.A.**

BETWEEN:

ANDREW NICHOLAS HOKHOLD

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard by online video conference hosted by the Registry on October 5, 2023.

Judgment delivered from the Bench at Vancouver, British Columbia, on October 5, 2023.

REASONS FOR JUDGMENT OF THE COURT BY:

LASKIN J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Vancouver, British Columbia, on October 5, 2023).

LASKIN J.A.

[1] Dr. Hokhold appeals from a judgment of the Federal Court (2021 FC 558, Barnes J.). In its judgment, the Federal Court dismissed an application by Dr. Hokhold for judicial review of a screening decision of the Canadian Judicial Council, made by its executive director. In that decision, the CJC found Dr. Hokhold's complaint of judicial misconduct against

Justice Patrice Abrioux, then of the Supreme Court of British Columbia, to be an abuse of process, and dismissed the complaint.

[2] The complaint is one of a series of complaints brought by Dr. Hokhold to the CJC against judges who have ruled against him. These complaints have all been dismissed. They have all been found to involve judicial decision-making rather than judicial conduct and, therefore, to be outside the mandate of the CJC.

[3] In an appeal from the judgment in an application for judicial review, the question for the appellate court to decide is whether the court below identified the appropriate standard of review and applied it correctly: *Northern Regional Health Authority v. Horrocks*, 2021 SCC 42 at para. 10. In this case, the Federal Court correctly identified reasonableness as the appropriate standard of review: *Duhamel v. Canada (Attorney General)*, 2022 FCA 219 at para. 19. Accordingly, to succeed in his application, Dr. Hokhold had to show that the CJC's decision was unreasonable: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at para. 100.

[4] In his memorandum of fact and law, Dr. Hokhold describes the issues he raises on appeal as follows:

1. Did [the Federal Court] err by making presumptions that the CJC was acting in good faith when [it] made the screening decision [and two other decisions dismissing complaints by Dr. Hokhold]?
2. Was the inference-drawing process utilized by [the Federal Court] palpable in error [sic] and, as such, [did the Federal Court make] palpable

and overriding errors in coming to factual conclusions based on accepted facts?

3. Did [the Federal Court] erred [sic] by making palpable and overriding errors of mixed fact and law in the application of the legal standard to the facts and evidence before the Tribunal and which formed part of the judicial review [...]?
4. Did [the Federal Court] erred [sic] by making palpable and overriding errors by erroneously applying the standard of reasonableness as the standard that must be relied on given the subject matter before the tribunal and the violation of the Appellant's Section 7 rights as per Section 7 of the Constitution Act, 1982.

[5] We have considered these questions, in light of the record and as supplemented by Dr. Hokhold in oral argument. We note that much of his written and oral submissions relate to the conduct of a judge other than Justice Abrioux. We are all of the view that each of the questions must be answered in the negative. It follows that Dr. Hokhold has failed to show that the CJC's decision was unreasonable. The appeal will be dismissed with costs.

"J.B. Laskin"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

**APPEAL FROM THE ORDER OF THE HONOURABLE MR. JUSTICE BARNES
DATED JUNE 8, 2021, DOCKET NO. T-521-19**

DOCKET: A-192-21

STYLE OF CAUSE: ANDREW NICHOLAS
HOKHOLD v. ATTORNEY
GENERAL OF CANADA

PLACE OF HEARING: Vancouver, British Columbia

DATE OF HEARING: OCTOBER 5, 2023

**REASONS FOR JUDGMENT OF THE COURT
BY:** STRATAS J.A.
LASKIN J.A.
ROUSSEL J.A.

DELIVERED FROM THE BENCH BY: LASKIN J.A.

APPEARANCES:

Andrew Nicholas Hokhold FOR THE APPELLANT
ON HIS OWN BEHALF

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SOLICITORS OF RECORD:

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