

Federal Court of Appeal



Cour d'appel fédérale

Date: 20140214

Docket: A-211-13

Citation: 2014 FCA 38

**CORAM: NOËL J.A.
MAINVILLE J.A.
WEBB J.A.**

BETWEEN:

ION A. BEZA

Appellant

and

**JOHN BAIRD, CANADIAN MINISTER
OF FOREIGN AFFAIRS**

Respondent

Heard at Vancouver, British Columbia, on February 10, 2014.

Judgment delivered at Vancouver, British Columbia, on February 14, 2014.

REASONS FOR JUDGMENT BY :

MAINVILLE J.A.

CONCURRED BY :

**NOËL J.A.
WEBB J.A.**

Federal Court of Appeal



Cour d'appel fédérale

Date: 20140214

Docket: A-211-13

Citation: 2014 FCA 38

**CORAM: NOËL J.A.
MAINVILLE J.A.
WEBB J.A.**

BETWEEN:

ION A. BEZA

Appellant

and

**JOHN BAIRD, CANADIAN MINISTER
OF FOREIGN AFFAIRS**

Respondent

REASONS FOR JUDGMENT

MAINVILLE J.A.

[1] This is an appeal from an order of Manson J. which dismissed the appellant's statement of claim seeking damages from the Minister of Foreign Affairs ("Minister") for failure to provide appropriate consular services when he was detained by American Immigration authorities for exceeding his authorized stay in the United States of America ("United States").

[2] After being deported from the United States to Canada, the appellant commenced an action in the Federal Court seeking monetary compensation against the Minister for notably failing to prevent his deportation and failing to advance money to him so that he could remove himself voluntarily from the United States.

[3] Without deciding whether, in appropriate circumstances, the failure to provide consular services could support a claim for damages against the federal Crown, the appellant's statement of claim in this case discloses no cause of action. As found by Mason J. at para. 2 of his order, the appellant's statement of claim fails to raise any material fact to support the alleged rights or obligations asserted against the Minister. I can identify no error with this finding.

[4] The appeal should consequently be dismissed. There should be no order as to costs in this appeal.

"Robert M. Mainville"

J.A.

"I agree
Marc Noël J.A."

"I agree
Wyman W. Webb J.A."

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-211-13

(APPEAL FROM AN ORDER OF THE HONOURABLE MR. JUSTICE MANSON OF THE FEDERAL COURT DATED MAY 2, 2013, DOCKET NO. T-376-13.)

STYLE OF CAUSE: ION A. BEZA v. JOHN BAIRD,
CANADIAN MINISTER OF
FOREIGN AFFAIRS

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: FEBRUARY 10, 2014

REASONS FOR JUDGMENT BY: MAINVILLE J.A.

CONCURRED IN BY: NOËL J.A.
WEBB J.A.

DATED: FEBRUARY 14, 2014

APPEARANCES:

Ion A. Beza ON HIS OWN BEHALF

Oliver Pulleyblank FOR THE RESPONDENT

SOLICITORS OF RECORD:

William F. Pentney FOR THE RESPONDENT
Deputy Attorney General of Canada
Ottawa, Ontario