

Court File Number: A-192-21

FEDERAL COURT OF APPEAL

BETWEEN:

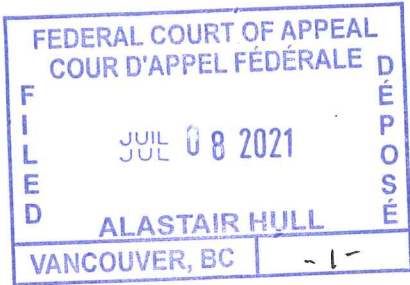
ANDREW NICHOLAS HOKHOLD

Appellant

- and -

ATTORNEY GENERAL OF CANADA

Respondent



NOTICE OF APPEAL

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears on the following page.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at (place where Federal Court of Appeal (or Federal Court) ordinarily sits).

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341 prescribed by the Federal Courts Rules and serve it on the appellant's solicitor, or where the appellant is self-represented, on the appellant, **WITHIN 10 DAYS** of being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341 prescribed by the Federal Courts Rules instead of serving and filing a notice of appearance.

Copies of the Federal Courts Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: July 8, 2021

Issued by: **ORIGINAL SIGNED BY
ALASTAIR HULL
A SIGNÉ L'ORIGINAL**

Address of local office: 701 West Georgia Street, Vancouver, British Columbia, V7Y

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Courts Administration Service

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APPEAL

THE APPELLANT APPEALS to the Federal Court of Appeal from the order of the Honourable Mr. Justice Barnes dated June 8, 2021 by which the Federal Court dismissed the Appellant's application for judicial review in Court File Number T-521-19 (the "Judgement") and ordered the Appellant to pay the costs of the Respondent in the amount of \$3,000.00.

THE APPELLANT ASKS that the appeal be allowed, the Judgment set aside and:

1. That the present case be remitted back to the Federal Court of Canada to be decided on merits; and,
2. That the parties be ordered to bear their own costs or, in the alternative, nominal costs be awarded to the Appellant; or in the alternative,
3. the Court direct the following:
 - a. DECLARE NIL AND INVALID the decision of Mr. Norman Sabourin, Executive Director and Senior General Counsel of the CJC under the CJC's *Review Procedures* Sections 4 and 5 to dismiss the Applicant's complaint against the Honourable Mr. Justice Patrice Abrioux.
 - b. MAKE any other order and/or issue a mandamus granting relief to the Applicants that preserves the rights of the Applicant which may include that:
 - i. the CJC commence an investigative inquiry under Section 63 of the *Judges Act* (R.S.C., 1985, c. J-1) (*Judges Act*):

Legal Framework

Inquiries

63 (1) *The Council shall, at the request of the Minister or the attorney general of a province, commence an inquiry as to whether a judge of a superior court should be removed from office for any of the reasons set out in paragraphs 65(2)(a) to (d).*

Investigations

(2) *The Council may investigate any complaint or allegation made in respect of a judge of a superior court.*

Inquiry Committee

(3) *The Council may, for the purpose of conducting an inquiry or investigation under this section, designate one or more of its members who, together with such members, if any, of the bar of a province, having at least ten years standing, as may be designated by the Minister, shall constitute an Inquiry Committee.*

Powers of Council or Inquiry Committee

(4) *The Council or an Inquiry Committee in making an inquiry or investigation under this section shall be deemed to be a superior court and shall have*

(a) *power to summon before it any person or witness and to require him or her to give evidence on oath, orally or in writing or on solemn affirmation if the person or witness is entitled to affirm in civil matters, and to produce such documents and evidence as it deems requisite to the full investigation of the matter into which it is inquiring; and*

(b) *the same power to enforce the attendance of any person or witness and to compel the person or witness to give evidence as is vested in any superior court of the province in which the inquiry or investigation is being conducted.*

...

Inquiries may be public or private

(6) *An inquiry or investigation under this section may be held in public or in private, unless the Minister requires that it be held in public.*

- c. the CJC provide a recommendation under Section 65 of the *Judges Act* (R.S.C., 1985, c. J-1) (*Judges Act*):
- i. ***Recommendation to Minister***

65(2) *Where, in the opinion of the Council, the judge in respect of whom an inquiry or investigation has been made has become incapacitated or disabled from the due execution of the office of judge by reason of*

(a) *age or infirmity,*

(b) *having been guilty of misconduct,*

(c) *having failed in the due execution of that office, or*

(d) *having been placed, by his or her conduct or otherwise, in a position incompatible with the due execution of that office,*

the Council, in its report to the Minister under subsection (1), may recommend that the judge be removed from office.

4. **AN ORDER** for costs for the Appellant.

THE GROUNDS OF APPEAL are as follows:

1. The inference drawing process utilized by the Application Judge was palpably in error, and as such, the Application Judge made palpable and overriding errors in

coming to factual conclusions based on accepted facts;

2. The Application Judge made 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 before the Application Judge under Section 18.1 of the *Federal Courts Act* R.S.C., 1985, c. F-7, and Rules 301, 317, 318 to the *Federal Courts Rules*;
3. The Application Judge made palpable and overriding errors by erroneously applying the standard of reasonableness as the standard that must be relied upon 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*;
4. The Application Judge made palpable and overriding errors in erroneous presumptions that the Canadian Judicial Council was acting in good faith; and,
5. Such further and other grounds that may be advised and this Honourable Court may permit.

July 8, 2021



Andrew Nicholas Hokhold, Appellant


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SOR/2004-283, ss. 35 and 38

I HEREBY CERTIFY that the above document is a true copy of the original issued out of / filed in the Court on the _____

day of JUL 08 2021 A.D. 20____

Dated this JUL 08 2021 day of _____ 20____



ALASTAIR HULL
REGISTRY OFFICER
AGENT DU GREFFE