

Notice of Appeal

FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE	
FILED	March 7, 2022
	I Laviolette-Duval
OTTAWA, ON	1

Date: 20220307

BETWEEN:

KEVIN HAYNES

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 below.

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 341A prescribed by the [Federal Courts Rules](#) and serve it on the appellant's solicitor or, if the appellant is self-represented, on the appellant, WITHIN 10 DAYS after 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 341B 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.

March 7, 2022

Issued by: *(Registry Officer)*
LavoletteDuval, Isabelle
Digitally signed by LavoletteDuval, Isabelle
DN: cn=LavoletteDuval, Isabelle,
o=CA, ou=CAS-SATJ,
email=lavolette-duval@cas-satj.gc.ca
Date: 2022.03.07 15:30:27 -0500
Isabelle
Address of local office:

TO: Department of Justice Canada
Labour and Employment Law Group
Treasury Board Secretariat Legal Services
219 Laurier Avenue West, 6th floor
Ottawa, Ontario
K1A 0R5

Appeal

THE APPELLANT APPEALS to the Federal Court of Appeal (*or Federal Court*) from the order of *The Honourable Mr. Justice Fothergill* dated March 3, 2022 by which the decision denied the Appellant court costs.

THE APPELLANT ASKS that court costs be awarded to the Appellant.

THE GROUNDS OF APPEAL are as follows:

1. The court refused to award the Appellant court costs even though the Appellant won his court case.
2. The Appellant provided the court with sufficient information to support an award of costs.
3. The Appellant has sufficient evidence to support costs.
4. The Appellant wrote a letter to the court as a response to the Respondent's draft order and therefore the Appellant was unaware that he needed to provide legal receipts to the Court along with his letter.
 - a. The Court refused to render a decision contingent on the Appellant providing evidence of court costs.
 - b. The Court at no point inquired to determine whether the Appellant had evidence to support his request for legal costs.
5. The Respondent did not provide an information and evidence with regards to their legal costs when they asked for legal costs in their motion response. But yet the Court required the Appellant to do that with his request for legal costs.
6. The Court made an error in judgement overlooking the matter of costs once the Appellant made the Court aware that he had incurred legal costs.

Federal Court Rules (SOR/98-106) - Rule 397.b

a matter that should have been dealt with was overlooked or accidentally omitted;

7. The Court made an error in judgement overlooking the fact that the Appellant paid legal fees for a Federal Court Judicial Review.

Federal Court Rules (SOR/98-106) - Rule 397.b

a matter that should have been dealt with was overlooked or accidentally omitted;

Barriers

8. The Court failed to ensure that they removed barriers for the Appellant (self-represented with disabilities) and instead created a barrier by dismissing costs based on a lack of evidence.

a. The Appellant did not know the court required evidence of his legal costs to be included when he wrote the letter of response.

b. The Court did not inform the Appellant to provide evidence of legal costs in order to support an award of legal costs.

c. The Court had no leniency towards the Appellant, a self-representing Appellant with multiple disabilities, in dealing with the matters of court costs.

d. The Court denied the Appellant an opportunity to respond to the Respondent's draft order before rendering a decision.

Accessible Canada Act (Accessible Canada Act (S.C. 2019, c. 10)

Section 6 states:

This Act is to be carried out in recognition of, and in accordance with, the following principles:

(a) all persons must be treated with dignity regardless of their disabilities;

(c) all persons must have barrier-free access to full and equal participation in society, regardless of their disabilities;

(e) laws, policies, programs, services and structures must take into account the disabilities of persons, the different ways that persons interact with their environments and the multiple and intersecting forms of marginalization and discrimination faced by persons;

(March 07, 2022)



(Signature of solicitor or appellant)

Kevin Haynes

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[SOR/2021-151, s. 24](#)