

FEDERAL COURT

Court File No.
T-1911-23

BETWEEN

RON MAYERS

- and -

ATTORNEY GENERAL OF CANADA

Respondent

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F I L E D	FEDERAL COURT COUR FÉDÉRALE Applicant 13-SEPT-2023 Ingrid Sherling Ottawa, ONT	D E P O S E
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NOTICE OF APPLICATION
(Rule 301)

TO THE RESPONDENT:

A **PROCEEDING HAS BEEN COMMENCED** by the applicant. The relief claimed by the applicant appears on the following pages.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard in Ottawa, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documentation in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the *Federal Court Rules, 1998* and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, **WITHIN 10 DAYS** after being served with this notice of application.

Copies of the *Federal Court Rules, 1998*, 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 613-922-4238) or at any local office.

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

Dated this 12th day of September 2023.

Issued by: _____
(Registry Officer)

Address of
Local office: _____

**TO: ATTORNEY GENERAL OF CANADA
 DEPARTMENT OF JUSTICE
 500-50 O'Connor Street
 Ottawa, Ontario
 K1A 0H8**

Copies of the *Federal Court Rules, 1998*, 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 613-922-4238) or at any local office.

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

Dated this 10th day of September 2023.

Issued by: Ingrid Sherling
(Registry Officer)

Address of Local office: 90 Elgin Street, Ottawa, ON, K1A 0H9

**TO: ATTORNEY GENERAL OF CANADA
DEPARTMENT OF JUSTICE
500-50 O'Connor Street
Ottawa, Ontario
K1A 0H8**

FEDERAL COURT

BETWEEN:

RON MAYERS

Applicant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

APPLICATION

This is an application for judicial review of a decision of the Appeal Division of the Parole Board of Canada affirming a decision of the Parole Board of Canada to conduct a parole hearing of the applicant in his absence. Specifically, the decision of the Appeal Division dated January 8, 2023, affirming the board's decision dated July 6, 2022.

The applicant makes application for:

1. An Order in the nature of *certiorari* quashing the decision of the Appeal Division of the Parole Board of Canada; and
2. An Order directing that the Parole Board of Canada convene a parole hearing for the applicant before a differently constituted panel; and
3. An Order for costs of this application.

The grounds for the application are:

1. That the applicant is a 41-year-old federal offender serving an indeterminate sentence at Warkworth Institution imposed upon his conviction for a number of criminal offences including Sexual Assault with a Weapon, Forcible Confinement, Robbery with Violence, Fail to Comply x 2, Assault with a Weapon x2, Assault, and Carry Concealed Weapon. The applicant's time in custody has not been without incident. However, his institutional behaviour did improve and by 2015 he was

transferred from maximum-security to medium security. On July 6, 2022, his case was considered by the Parole Board of Canada, and he was denied parole.

2. That the applicant was unprepared to proceed with that July 2022 hearing and, accordingly, he submitted a request to postpone that hearing. A few days before that hearing, he was provided with a form to sign to request a postponement of his hearing. He reviewed that form prior to signing it and he noticed it was prepared for a 6-month postponement. The applicant has been advised and verily believes that many requests for postponements are for a 60-day postponement. That is what the requested, a 60-day postponement. He did not sign that request for a 6-month postponement. The applicant did not attend his hearing because he was not asked to attend, he was locked in a cell and he had thought it was postponed.

3. That once the applicant was advised that his hearing proceeded in his absence, he contacted the Queen's Prison Law Clinic (QCLP), and he obtained the assistance of Law Student Roshan Thevarajah. Mr. Thevarajah assisted by writing to the board and explaining that the applicant still wanted a parole hearing.

4. That the applicant continued to correspond with the QCLP, and he received correspondence dated August 18, 2022, in which they confirmed that the applicant had submitted an appeal to the Appeal Division of the Parole Board of Canada and that they could no longer assist me.

5. That the applicant felt he was unfairly being denied a parole hearing. He contacted the Correctional Investigator and complained. He received correspondence dated December 19, 2022, in which the Correctional Investigator confirmed that they could not assist him.

6. That the applicant had appealed that initial decision of the Parole Board of Canada to the Appeal Division of the Parole Board of Canada. He received a response to that appeal in a written decision dated January 12, 2023. A review of that decision confirms that he wanted a 2-month (60 day) postponement and not a 6-month postponement.

7. As the applicant did have counsel at his hearing, I was under the impression that they actually were able to make submissions and confirm that postponement.


8. Such further and other grounds as Counsel may advise and This Honourable Court permit.

This application will be supported by the following material:

1. The affidavit of the applicant;
2. Such further and other material as counsel may advise and This Honourable Court may permit.

The applicant requests that the Correctional Service of Canada send a certified copy of the record to the Registry and to the solicitor for the applicant including a copy of the transcript of the hearing in question.

Dated at Kingston, Ontario, this 12th day of September 2023.



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COUNSEL FOR THE APPLICANT