

Federal Court



Cour fédérale

Date: 20260423

Docket: IMM-19561-24

Citation: 2026 FC 544

Vancouver, British Columbia, April 23, 2026

PRESENT: Mr. Justice Gascon

BETWEEN:

BIKRAMJIT SINGH

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The applicant, Bikramjit Singh, seeks judicial review of a decision rendered on September 23, 2024 [Decision] by a visa officer [Officer] of Immigration, Refugees and Citizenship Canada [IRCC] refusing his application for a spousal open work permit [OWP]

under the International Mobility Program [IMP], filed pursuant to subparagraph 205(c)(ii) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR].

[2] The Officer found that Mr. Singh provided insufficient information to demonstrate his spouse's current employment status in Canada. Mr. Singh contests the reasonableness of the Decision, notably on the basis that the Officer acted without regard to the evidence on the record and that the Decision is not appropriately justified nor intelligible considering that evidence.

[3] For the following reasons, Mr. Singh's application for judicial review will be granted. I find that the Decision is not reasonable as it ignored compelling evidence presented to the Officer and is not adequately justified. Moreover, it is not intelligible and flies in the face of basic common sense. The Court's intervention is warranted.

II. Background

A. *The legislative framework*

[4] An immigration officer granting a temporary resident visa must generally be satisfied that an applicant meets the requirements of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] and the IRPR (subsection 11(1) of the IRPA; section 179 of the IRPR). There are numerous classes under which applicants can come to Canada as temporary residents, including economic immigration based on Canadian interests (section 205 of the IRPR). Notably, a work permit may be issued to a foreign national who intends to perform work designated by the

Respondent, the Minister of Citizenship and Immigration [Minister], on the basis that “limited access to the Canadian labour market is necessary for reasons of public policy relating to the competitiveness of Canada’s academic institutions or economy” (paragraph 205(c)(ii) of the IRPR). Applicants intending to perform such work are not required to obtain the usual Labour Market Impact Assessment [LMIA] prior to their work permit application but rather apply through the IMP.

[5] Because one of IRPA’s objectives is the reunification of families (paragraph 3(1)(d) of the IRPA), one stream of OWP allows family members of foreign nationals authorized to work in high-skilled occupations — meaning an occupation falling under training, education, experience, and responsibilities [TEER] categories 0, 1, 2 or 3 — to accompany or join them in Canada. This is commonly referred to as a “C-41” accompanying OWP in reference to the Minister’s administrative codes for LMIA exemptions.

[6] Mr. Singh’s application for a spousal OWP falls into that category.

[7] The Minister has published publicly available guidelines for officers assessing C-41 OWP applications [Guidelines]. While these administrative guidelines are not legally binding on officers, they may assist decision makers in exercising their discretion. As such, they may be “useful in indicating what constitutes a reasonable interpretation” of the applicable laws by the decision maker and thus assist reviewing courts in assessing the reasonableness of a visa officer’s decision (*Kanthasamy v Canada (Citizenship and Immigration)*, 2015 SCC 61 at para 32; see also *Pepa v Canada (Citizenship and Immigration)*, 2025 SCC 21 at para 110 [*Pepa*]).

[8] Here, the Guidelines indicate that an applicant must provide evidence that the principal foreign national — in this case, Mr. Singh's spouse — is or will be employed in Canada in an occupation falling under TEER categories 0, 1, 2 or 3. Examples of acceptable evidence include a job contract, a letter from an employer indicating the TEER category and job duties, or a business plan. However, because administrative guidelines cannot add to the statutory or regulatory requirements, this list of documents is not required *per se* nor is it exhaustive.

B. *Factual background*

[9] Mr. Singh is a citizen of India. His spouse, Ms. Ramandeep Kaur, currently holds a closed work permit in Canada, valid from October 2023 to October 2026, after her employer obtained a LMIA for her current position. Ms. Kaur is an administrative officer for a company located in Richmond, British Columbia [Employer]. As indicated on the Employer's LMIA, this position corresponds to a profession under the National Occupational Classification [NOC] no. 13100. It is not disputed that Ms. Kaur's occupation is a high-skilled position that corresponds to a qualifying TEER category, allowing her spouse, Mr. Singh, to apply for a C-41 OWP.

[10] In February 2024, Mr. Singh filed his first work permit application for a spousal OWP, but his application was refused by IRCC in May 2024. No application for leave and judicial review of that decision was filed.

[11] In July 2024, Mr. Singh submitted a new work permit application for a spousal OWP. With respect to his spouse's employment in Canada, his application contained:

- Counsel’s submissions, detailing how Mr. Singh is eligible for a spousal OWP;
- An affidavit of Ms. Kaur, dated July 9, 2024, explaining her current position, including her NOC no. 13100;
- Ms. Kaur’s closed work permit for her current position, valid until October 4, 2026;
- The Employer’s LMIA, dated August 11, 2023, for Ms. Kaur’s current position, indicating the NOC no. 13100;
- An employment verification letter for Ms. Kaur, dated June 25, 2024, written by her Employer and indicating her start date (October 21, 2023), her schedule, her wage, and her position in NOC no. 13100, and listing her duties and responsibilities;
- Pay stubs in the name of Ms. Kaur issued by her Employer, from October 21, 2023 to February 9, 2024, and then from April 6 to June 14, 2024;
- A notice of assessment issued to Ms. Kaur on March 28, 2024 by the Canada Revenue Agency [CRA] for the fiscal year 2023;
- Ms. Kaur’s T4 statement of remuneration paid for the fiscal year 2023, issued by her Employer on the required CRA form; and
- A certificate of Ms. Kaur’s bank accounts balance issued by the ScotiaBank, dated June 27, 2024, which also contains her employment details.

C. *The Decision*

[12] On September 23, 2024, the Officer refused Mr. Singh’s application for a spousal OWP pursuant to subparagraph 205(c)(ii) of the IRPR, indicating that they were not satisfied that he had provided sufficient information to demonstrate his spouse’s current employment status.

[13] As is often the case for work permit applications, the Decision itself is brief and adds up to only a few lines. However, the Global Case Management System [GCMS] notes taken by the Officer — which form part of the Decision — provide further light on the analysis conducted and on the grounds for refusing Mr. Singh's application. In this case, the Officer's notes are also brief and simply state the following:

Application reviewed. Applicant has applied for an open work permit under the IMP and intends to join their spouse in Canada. In order to be eligible for an open work permit, applicants must provide evidence that they are the dependent of a work permit holder who has an employment in a qualifying TEER. While I note the inviter's work permit, letter of employment and pay stubs are provided, no bank statement showing salary deposits from the employer was provided to corroborate the employment information. Applicant has provided spouse's letter from bank stating balance in accounts. Therefore, the applicant does not qualify under the IMP as they provided insufficient information to demonstrate that their spouse's employment is in a qualifying TEER. Refused as per R205(c)(ii).

[14] The GCMS notes make it abundantly clear that the Officer's sole concern with respect to Mr. Singh's OWP application was the insufficiency of the information provided to demonstrate his spouse's employment in a qualifying TEER.

D. *The standard of review*

[15] The Supreme Court of Canada's landmark decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] established a presumption that reasonableness is the applicable standard in judicial reviews of the merits of administrative decisions (*Pepa* at para 35; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at

para 7 [*Mason*]), unless the circumstances lend themselves to the application of one of the recognized exceptions to this presumption (*Canadian Society of Authors, Composers and Music Publishers v Entertainment Software Association*, 2022 SCC 30 at para 28; *Vavilov* at paras 33–64, 69–72).

[16] The parties and I agree that the standard of reasonableness applies to decisions about work permits such as the Decision at issue in this judicial review (*Mohammed v Canada (Citizenship and Immigration)*, 2025 FC 1933 at para 13; *Salkhan v Canada (Citizenship and Immigration)*, 2025 FC 1746 at para 11 [*Salkhan*]; *Lin v Canada (Citizenship and Immigration)*, 2023 FC 209 at para 13 [*Lin*]; *He v Canada (Citizenship and Immigration)*, 2021 FC 1027 at para 14 [*He*]; *Sharma v Canada (Citizenship and Immigration)*, 2020 FC 381 at para 10; *Rehman v Canada (Citizenship and Immigration)*, 2015 FC 1021 at paras 7, 13).

[17] Where the applicable standard of review is reasonableness, the role of a reviewing court is to examine the reasons given by the administrative decision maker and to determine whether the decision is based on “an internally coherent and rational chain of analysis” and is “justified in relation to the facts and law that constrain the decision maker” (*Pepa* at para 46; *Mason* at para 64; *Vavilov* at para 85). The reviewing court must therefore ask whether the “decision bears the hallmarks of reasonableness—justification, transparency and intelligibility” (*Vavilov* at para 99, citing notably *Dunsmuir v New Brunswick*, 2008 SCC 9 at paras 47, 74).

[18] Such a review must include a rigorous evaluation of administrative decisions. However, as part of its analysis of the reasonableness of a decision, the reviewing court must take a

“reasons first” approach and begin its inquiry by examining the reasons provided with “respectful attention,” seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion (*Pepa* at paras 46–47; *Mason* at paras 58, 60; *Vavilov* at para 84). The reviewing court must adopt an attitude of restraint and intervene “only where it is truly necessary to do so in order to safeguard the legality, rationality and fairness of the administrative process” (*Vavilov* at para 13).

[19] The standard of reasonableness is rooted in the principle of judicial restraint and deference, and it requires reviewing courts to show respect for the distinct role that the legislature has chosen to give to administrative decision makers, more particularly on findings of fact and the weighing of evidence (*Mason* at para 57; *Vavilov* at paras 13, 24, 46, 75). Absent exceptional circumstances, a reviewing court will not interfere with an administrative decision maker’s factual findings (*Vavilov* at paras 125–126, citing *Canada (Canadian Human Rights Commission) v Canada (Attorney General)*, 2018 SCC 31 at para 55; *Doyle v Canada (Attorney General)*, 2021 FCA 237 at para 3).

[20] The onus is on the party challenging the decision to prove that it is unreasonable. Flaws must be more than superficial for the reviewing court to overturn an administrative decision. The court must be satisfied that there are “sufficiently serious shortcomings” (*Vavilov* at para 100).

III. Analysis

A. *Preliminary matter*

[21] As a preliminary matter, I observe that counsel for both Mr. Singh and for the Minister included in their respective memorandum hyperlinks referring to government websites and to the Guidelines, indirectly presenting to the Court additional evidence through their written submissions. As I indicated at the hearing, this is improper, as all evidence — including relevant policies, administrative guidelines, or instructional documents — should be filed in their entirety and as exhibits to a supporting affidavit. Although this was cited in a different context, I am of the view that the principle enunciated by Justice Nicholas McHaffie in *Brown v Canada (Citizenship and Immigration)*, 2025 FC 1943 at paragraph 41 applies equally here:

[41] Importantly, however, a hyperlink—whether in the CTR or in a party’s materials—does not make the linked document part of the record of this Court on judicial review. Leaving aside obvious concerns about broken links and updated or modified documents, the Court is not responsible for, and is arguably precluded from, seeking out copies of documents from sources beyond the record, including from the NDP issued by the IRB. It is essential for accuracy, efficiency, and fairness that the Court and the parties know precisely the scope and extent of the record on the application for judicial review, including the contents of the documents being relied on. Unless the Court orders otherwise, parties should not treat a document that is merely listed and/or hyperlinked but not reproduced as being part of the record on an application for judicial review.

[22] Moreover, it is well recognized that a court may only take judicial notice of facts that are either “(1) so notorious or generally accepted as not to be the subject of debate among reasonable

persons; or (2) capable of immediate and accurate demonstration by resort to readily accessible sources of indisputable accuracy” (*R v Le*, 2019 SCC 34 at para 84, citing *R v Find*, 2001 SCC 32 at para 48). The Federal Court of Appeal has also established that courts cannot “normally” take judicial notice of policies, administrative guidelines, or instructional documents (*Leahy v Canada (Citizenship and Immigration)*, 2012 FCA 227 at para 143). If such policies, instructional documents, or administrative guidelines are relevant to an application, they need to be treated similarly to other facts and will normally have to be identified and appended to a supporting affidavit for the Court to consider them.

[23] The approach will, however, be more nuanced and more flexible when the facts or administrative guidelines at issue are not disputed by the parties. For example, in *Canadian Broadcasting League v Canada (Canadian Radio-Television and Telecommunications Commission)*, [1983] 1 FC 182, 1982 CanLII 5204 (FCA) [*Canadian Broadcasting League*], aff’d [1985] 1 SCR 174, 1985 CanLII 63 (SCC), the Federal Court of Appeal took judicial notice of a policy of the Canadian Radio-Television and Telecommunications Commission that was not disputed by the parties (*Canadian Broadcasting League* at p 190, para 17).

[24] Here, both parties referred to the IRCC’s Guidelines, which are directly relevant to Mr. Singh’s OWP application and the present application for judicial review. As these Guidelines and their contents are not contested nor the subject of any debate between the parties, I am satisfied that I can take judicial notice of them for the purpose of this application.

[25] However, I will ignore the additional evidence referred to in the parties' written submissions through hyperlinks.

B. *The Decision is unreasonable*

[26] Mr. Singh submits that the Officer's findings regarding the insufficiency of information to demonstrate his spouse's employment in a qualifying TEER are unreasonable. Mr. Singh argues that the Officer disregarded relevant evidence and erroneously based their Decision solely on the fact that no bank statements showing salary deposits from Ms. Kaur's Employer were provided. In addition, says Mr. Singh, there is no explanation or justification from the Officer as to why bank statements could establish the employment of his spouse in a qualifying TEER, whereas other evidence on record was insufficient to do so.

[27] I agree. I find that the Decision fails the reasonableness test on at least three levels. First, the Decision is untenable in light of the evidence before the Officer and the relevant factual constraints that bear on it. Second, the Officer's reasoning process lacks justification and internal rationality. Third, the Decision is not intelligible.

[28] I acknowledge that the onus is on permit and visa applicants to put together applications that are convincing, to anticipate adverse inferences contained in their evidence and address them, and to demonstrate that they have a right to enter Canada (*Salkhan* at para 31). I am also cognizant that written reasons given by an administrative body must not be assessed against a standard of perfection (*Vavilov* at para 91). Taking into account the context in which a decision

on a temporary resident visa application such as a work permit is rendered (*Vavilov* at para 94), I agree that, in those cases, the obligation to give reasons for a decision is minimal due to constraints of practical efficiency (*Lin* at para 21; see also *Salkhan* at para 33).

[29] However, the reasons provided must still “allow the reviewing court to understand why the tribunal made its decision and permit it to determine whether the conclusion is within the range of acceptable outcomes” (*Newfoundland and Labrador Nurses’ Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62 at para 16). In other words, while reasons need not be comprehensive or perfect, they need to be comprehensible so that the Court is “able to understand why the decision was made” (*Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 at para 32; see also *Salkhan* at para 33; *Lin* at para 22).

[30] In the case at hand, the GCMS notes do not provide a rational justification for the refusal of Mr. Singh’s OWP application, and I am unable to “connect the dots on the page” (*Vavilov* at para 97).

(1) The Decision overlooked evidence

[31] Mr. Singh provided particularized evidence in support of his application to demonstrate that his spouse was currently employed in a qualifying position, as listed in paragraph [11] of these reasons. While most of this evidence was acknowledged by the Officer in the GCMS notes, the Officer based their Decision solely on the absence of bank statements. Indeed, the GCMS

notes clearly indicate that the mere absence of bank statements showing salary deposits constitutes the entire basis for the Officer's refusal.

[32] However, such bank statements are not required *per se* by the IRPA nor the IRPR, or even by the Guidelines. While an immigration officer has broad discretion to assess and weigh evidence when considering a work permit application, that discretion is not unlimited in scope. It is coupled with a duty to consider the relevant circumstances and submissions provided by an applicant, and to demonstrate a clear reasoning process. Here, the Officer did not explain why such bank statements were required, nor why these were the only documents able to establish that Ms. Kaur is currently employed in a qualifying position, nor why the other documents adduced by Mr. Singh were not sufficient to establish the same.

[33] The Officer manifestly turned a blind eye to evidence contrary to their conclusions, without any reasonable explanation. A decision maker cannot ignore evidence directly contradicting a key element relied upon to reach its conclusion (*Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, [1998] FCJ No 1425 (QL), 1998 CanLII 8667 (FC) at paras 16–17 [*Cepeda-Gutierrez*]). Moreover, “the more important the evidence that is not mentioned specifically and analyzed in the [decision maker]’s reasons, the more willing a court may be to infer from the silence that the [decision maker] made an erroneous finding of fact ‘without regard to the evidence’” (*Cepeda-Gutierrez* at para 17). In this case, the Officer’s key factual finding on a central point is at odds with critical evidence that runs counter to the Officer’s conclusion, something which has been described by the Federal Court of Appeal as a “badge of unreasonableness” (*Delios v Canada (Attorney General)*, 2015 FCA 117 at para 27).

[34] The Minister contends that it was open for the Officer to want corroborative evidence with respect to the spouse's salaries, and that Mr. Singh failed to provide information establishing that Ms. Kaur's salary was being actually transferred from the Employer to her bank account. I am not persuaded by this argument. The issue here is the employment status of Ms. Kaur. I fail to see, as rightly pointed out by counsel for Mr. Singh, how the missing bank statements, in themselves, could serve to show the existence of an employer-employee relationship or establish Ms. Kaur's employment status. As explained earlier, the Officer did not offer any rationale or explanation as to why such corroborative evidence was needed and why the other adduced evidence was not sufficient in that respect.

[35] To support her position, the Minister relies on Justice Simon Fothergill's decision in *Shams v Canada (Citizenship and Immigration)*, 2023 FC 1300 at paragraphs 18–19 [*Shams*]. The case is easily distinguishable, as demonstrated by counsel for Mr. Singh at the hearing. First, the issue at hand in *Shams* was an intra-company transferee work permit application, which is assessed under a different legal framework than a C-41 OWP. Second, the applicant in *Shams* solely provided, in support of his application, a certificate of employment which did not even specify whether this was a full-time position. Third, no pay stubs from the employer were provided, and the bank statements did not demonstrate regular monthly deposits corresponding to the salary claimed in the certificate of employment. The sources of the deposits were thus not identified. It is in that context — readily different from Mr. Singh's — that the Court found that the officer at hand reasonably concluded that insufficient information had been provided to establish a continuous and relevant employer/employee relationship.

(2) The Decision lacks justification

[36] I also agree with Mr. Singh that the Decision is unreasonable because it lacks justification. The reasons, when read in conjunction with the record, do not make it possible to understand the Officer's reasoning and logic on the critical issue at stake. The Officer did not offer any explanation on their weighing of the evidence and on their reasons for preferring the missing bank statements to the evidence on the record to assess Ms. Kaur's employment status.

[37] I agree with the Minister that extensive reasons are not required for visa officers' decisions to be reasonable, given the large volume of decisions they are issuing daily (*Nimely v Canada (Citizenship and Immigration)*, 2020 FC 282 at para 7). In addition, visa officers are certainly entitled to considerable deference given the level of expertise they bring to these matters. However, while the duty to provide reasons is minimal in the context of temporary visa applications and brief ones are often reasonable, the particular nature of this decision-making process does not relieve the visa officers of the obligation to provide transparent, justified, and intelligible reasons as per *Vavilov* (*He* at para 20). It is crucial for an applicant to "understand the basis on which their application has been refused" (*He* at para 18). In the case of Mr. Singh, I am persuaded that the reasons fall well short of providing an adequate justification for the Decision.

[38] This absence of justification relates to the very heart of the Decision and amounts to a sufficiently serious shortcoming to render it unreasonable (*Vavilov* at para 100; *Moradbeigi v Canada (Citizenship and Immigration)*, 2023 FC 1209 at para 16). In other words, my review of

the Officer's reasoning (or absence thereof) causes me "to lose confidence in the outcome reached" by the decision maker (*Vavilov* at para 122).

[39] In sum, the Officer's reasons do not reflect the full evidentiary record and do not explain why, given the rest of the evidence supporting Mr. Singh's application, the absence of his spouse's bank statements was determinative. Nothing allows Mr. Singh, or this Court, to understand why the lack of bank statements could have outweighed the remaining evidence on Ms. Kaur's qualifying employment.

(3) The Decision is unintelligible

[40] Finally, the Decision is based on a profoundly irrational chain of analysis and is not intelligible. In fact, it hurts the most elementary common sense just as much as it hurts the standard of reasonableness.

[41] In their GCMS notes, the Officer acknowledges that, in order to be eligible for an OWP, "applicants must provide evidence that they are the dependent of a work permit holder who has an employment in a qualifying TEER." The issue was therefore to determine Ms. Kaur's employment status in a qualifying TEER. Here, it is not disputed that Ms. Kaur's work falls within a qualifying TEER, as she is employed in a NOC 13100 position. In addition, Mr. Singh notably provided his spouse's work permit, the Employer's LMIA, a letter from the Employer, pay stubs, a Notice of assessment from the CRA, and a T4 statement. This evidence goes to the very essence of Ms. Kaur's employment status as it addresses her job title, her job description

(including the NOC), and her list of duties and responsibilities. It also confirms, repeatedly, that Ms. Kaur is employed by her Employer and is effectively remunerated for her work. I underline that a T4 statement of remuneration paid could not have been issued if Ms. Kaur was not paid by the Employer for her work. In the same vein, the bank account number on Ms. Kaur's pay stubs for direct deposits matches one of the account numbers on her certificate of bank accounts balance.

[42] To be unable to conclude, based on such evidence, that Mr. Singh's spouse is in fact employed in a qualifying TEER is an affront to the facts, defies logic, and is fundamentally unintelligible. The extensive evidence adduced by Mr. Singh shows, without a doubt, that Ms. Kaur was effectively employed and remunerated for an occupation falling in the qualifying TEER category. Adding the bank statements showing salary deposits from the Employer, that the Officer said were necessary to corroborate the employment information, is entirely useless for the Officer's determination and would serve no real purpose. Or, if there was some kind of hidden purpose for such a requirement, the Officer should have provided a rationale for it. They have not done so.

[43] In my view, the evidence on the record can only lead to one inevitable and inescapable conclusion: Ms. Kaur has the required employment status and Mr. Singh's spousal OWP should have been granted.

IV. Conclusion

[44] For these reasons, Mr. Singh's application for judicial review is allowed. The Decision is manifestly unreasonable in light of the relevant factual and legal constraints that bore on the Officer, more specifically the evidence provided by Mr. Singh in support of his spousal OWP application. The Decision is set aside and Mr. Singh's spousal OWP is remitted to a different officer for redetermination in accordance with the present reasons. Given the time elapsed and the inherent prejudice suffered by Mr. Singh, and the clarity of the evidence on the record, such redetermination shall be rapidly conducted and terminated by IRCC within 30 days of this Judgment. It goes without saying that, in this redetermination process, Mr. Singh shall be given a full and fair opportunity to present his updated evidence and his case as needed.

[45] There are no questions of general importance to be certified.

JUDGMENT in IMM-19561-24

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is granted, without costs.
2. The September 23, 2024 decision of the visa officer refusing the Applicant's application for a spousal open work permit under the International Mobility Program is set aside.
3. The matter is referred back to Immigration, Refugees and Citizenship Canada [IRCC] for redetermination on the merits by a different visa officer, in accordance with these reasons.
4. Such redetermination shall be completed by IRCC within 30 days of the date of this Judgment.
5. There is no question of general importance to be certified.

"Denis Gascon"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-19561-24

STYLE OF CAUSE: BIKRAMJIT SINGH V THE MINISTER OF
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PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: APRIL 22, 2026

JUDGMENT AND REASONS: GASCON J.

DATED: APRIL 23, 2026

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