

Federal Court



Cour fédérale

**Date: 20150716**

**Docket: IMM-2445-14**

**Citation: 2015 FC 818**

**Ottawa, Ontario, July 16, 2015**

**PRESENT: The Honourable Mr. Justice Zinn**

**BETWEEN:**

**PAKEERATHAN THAMOTHARAMPILLAI**

**Applicant**

**and**

**THE MINISTER OF PUBLIC SAFETY AND  
EMERGENCY PREPAREDNESS**

**Respondent**

**AMENDED JUDGMENT AND REASONS**

[1] This is an application for judicial review of a decision of an enforcement officer refusing to defer the removal of the applicant to Sri Lanka.

[2] On April 9, 2014, the court granted the applicant a stay of the removal order made against him, then scheduled for execution on April 12, 2014, on the basis that he had raised a serious

issue as to whether the removal could legally be done prior to him having a fresh pre-removal risk assessment [PRRA].

[3] By letter dated June 11, 2015, the respondent advised the applicant and the court that Canada Border Services Agency has decided to defer removal until the applicant's PRRA application of April 2014, has been determined. This decision provides the applicant with the remedy he is seeking in this application; accordingly, this application is moot as there is no live controversy between the parties. The court has turned its mind as to whether, notwithstanding the mootness of the application, it ought to exercise its discretion to hear the matter: *Borowski v Canada (Attorney General)*, [1989] 1 S.C.R. 342 and finds that there is no compelling reason to do so. Accordingly, this application must be dismissed.

[4] The court wishes to address comments made in the applicant's materials that were disparaging of the conduct of counsel for the respondent. There was nothing in the record reviewed by the court that would suggest that there is any foundation to the comments made. They are without merit. They are hurtful to the barrister to whom they were directed, and are harmful to the legal profession as whole.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the application is dismissed as moot.

"Russel W. Zinn"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-2445-14

**STYLE OF CAUSE:** PAKEERATHAN THAMOTHARAMPILLAI v THE  
MINISTER OF PUBLIC SAFETY AND  
EMERGENCY PREPAREDNESS

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JUNE 29, 2015

**AMENDED JUDGMENT AND**  
**REASONS:** ZINN J.

**DATED:** JULY 16, 2015

**APPEARANCES:**

Barbara Jackman FOR THE APPLICANT

Bradley Bechard FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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