

Federal Court



Cour fédérale

Date: 20160608

Docket: IMM-747-16

Citation: 2016 FC 644

Ottawa, Ontario, June 8, 2016

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

LEVAN TSITELASHVILI

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant is not permitted to relitigate a matter that has been before the Court, wherein the matter has been decided.

[2] The Court had already dismissed the application for leave and judicial review.

[3] An abuse of process implicates the inherent authority of the Court by its very jurisdiction. It is incumbent for the Court to prevent such abuse of procedure that would bring the administration of justice itself into disrepute (*Toronto (City) v Canadian Union of Public Employees (C.U.P.E.), Local 79*, 2003 SCC 63 at para 37).

[4] An abuse of process is a disrespect to the Court and a disservice to the administration of justice that such encumbers: Justice Michael L. Phelan, in IMM-5612-15, granted the Respondent's motion to dismiss the application for leave, on January 27, 2016.

[5] Yet, a second application for leave and judicial review was filed by the Applicant in regard to the same Refugee Appeal Division decision, in complete disregard of the decision of Justice Phelan of this Court.

[6] That is but an abuse of the administration of justice which is unacceptable.

[7] Thus, for all the above reasons, the Court duly strikes the application for leave and judicial review.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for leave and judicial review be struck.

"Michel M.J. Shore"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-747-16

STYLE OF CAUSE: LEVAN TSITELASHVILI v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

**APPLICATION FOR LEAVE AND JUDICIAL REVIEW CONSIDERED AT OTTAWA,
ONTARIO**

JUDGMENT AND REASONS: SHORE J.

DATED: JUNE 8, 2016

WRITTEN REPRESENTATIONS:

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Meva Motwani FOR THE RESPONDENT

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