

Federal Court



Cour fédérale

**Date: 20160622**

**Docket: 16-T-17**

**Citation: 2016 FC 701**

**Ottawa, Ontario, June 22, 2016**

**PRESENT: The Honourable Madam Justice McDonald**

**BETWEEN:**

**ALEXANDRE PAPOUCHINE**

**Applicant**

**and**

**CANADIAN HUMAN RIGHTS COMMISSION;  
CANADA (ATTORNEY GENERAL)**

**Respondents**

**JUDGMENT AND REASONS**

[1] The Applicant, Alexandre Papouchine, moves for an order for “approval” or leave to bring separate applications for judicial review of two Canadian Human Rights Commission (CHRC) complaint files. The Applicant also seeks an extension of time. The Applicant is self-represented.

[2] The Applicant complained to the CHRC that its “employees and/or officials were catastrophically negligent in duty to follow procedural fairness and were ignorant to reasonable

requests of Complainant to fix issues of breaches of procedural fairness”. These complaints against the CHRC were in relation to the CHRC’s treatment of other complaints made by the Applicant.

[3] By letter dated September 21, 2015, the Applicant was advised that his complaint against the CHRC could not be accepted because the matters raised did not constitute a discriminatory practice under the *Canadian Human Rights Act*, RSC, 1985, c H-6, and any link to one of the prohibited grounds of discrimination was insufficiently demonstrated.

[4] Following this letter, there was further correspondence between the Applicant and the CHRC. By letter dated on April 1, 2016, the CHRC informed the Applicant that the processing of his separate complaint against the Canada Revenue Agency (CRA) is unrelated to his attempts file a complaint against the CHRC. In a separate letter, the Applicant was invited to resubmit a complaint form in respect of allegations of discriminations against the CRA.

[5] The Applicant now seeks “approval” to commence an application for judicial review of CHRC files #20150808 and #20150809. While the record is not entirely clear about the nature of these files, it seems they relate to the Applicant’s complaints against the CHRC. The Applicant characterizes the April 1, 2016 letter as the date of decision, and seeks leave to apply for judicial review in relation to these files effective to that date.

[6] First, the Applicant is not required to seek leave to apply for judicial review. The proper procedure is for the Applicant to bring a notice of application for judicial review under subsection 18.1(1) of the *Federal Courts Act*, RSC, 1985, c F-7, within the timelines specified.

[7] Second, and notwithstanding this, the April 1, 2016 letter is not a reviewable decision in respect of his complaints against the CHRC. In *Carvajal v Canada (Minister of Employment and Immigration)* (1994), 82 FTR 241, this Court noted that a mere informational letter, much like the April 1, 2016 letter here, is not subject to judicial review. Rather, the Applicant's complaints against the CHRC were addressed in the decision letter dated September 21, 2015. The Applicant is out of time in respect of this decision.

[8] Third, even if this motion is characterized as a request for an extension of time to apply for judicial review, the Applicant has not established that there is a justifiable reason to grant an extension of time: *Neis (c.o.b. as Brookside Transport) v Baksa*, 2002 FCA 230 at para 2.

[9] While the Applicant appears to be frustrated with the CHRC, he must nonetheless await a decision from the CHRC as to whether it will agree to his request to reopen files 20150808 and 20150809. The April 1, 2016 letters cannot be considered reviewable decisions in respect of files 20150808 and 20150809.

[10] I therefore dismiss the Applicant's motion without costs.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the Applicant's motion is dismissed, without costs.

"Ann Marie McDonald"

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** 16-T-17

**STYLE OF CAUSE:** ALEXANDRE PAPOUCHINE v CANADIAN HUMAN RIGHTS COMMISSION; CANADA (ATTORNEY GENERAL)

**PLACE OF HEARING:** TORONTO, ONTARIO (IN PERSON) AND OTTAWA, ONTARIO (VIA VIDEOCONFERENCE)

**DATE OF HEARING:** MAY 24, 2016

**JUDGMENT AND REASONS:** MCDONALD J.

**DATED:** JUNE 22, 2016

**APPEARANCES:**

Alexandre Papouchine

FOR THE APPLICANT  
(ON HIS OWN BEHALF)

Daniel Poulin

FOR THE RESPONDENT  
CANADIAN HUMAN RIGHTS COMMISSION

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