

Federal Court



Cour fédérale

**Date: 20210721**

**Docket: IMM-4723-21**

**Citation: 2021 FC 777**

**Ottawa, Ontario, July 21, 2021**

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

**BETWEEN:**

**GYORGY FULOP  
ZSUZSANNA FULOPNE CZIBOR**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**ORDER AND REASONS**

[1] Consideration has been given to the entire background of this motion for a stay of removal, scheduled for the end of this week.

[2] Further to analysis, the Court is in agreement with the counsel of the Applicants' arguments as per the significant health reasons of severe disability, as outlined in a specific, detailed medical health report, due to a work accident in Canada on an oil stack in Alberta; that

accident and subsequent surgeries for that accident have disabled the principal Applicant permanently, to a most significant degree; and has put the principal Applicant's family's (including minor children) livelihood at grave risk.

[3] It is duly noted that this serious accident occurred in Canada in a work-related accident. The situation arose due to an inflicted grave work accident, permanently, seriously disabling the principal Applicant. The principal Applicant's work was for an Alberta company that helps supply Canadian needs.

[4] The Applicants have satisfied all three conjunctive criteria of the *Toth* test (*Toth v Canada (Minister of Employment and Immigration)*, [1988] FCJ No 587 (FCA)).

[5] This Court orders that the motion for a stay of removal be granted until final determination of the Applicants' presently pending judicial review.

**ORDER in IMM-4723-21**

**THIS COURT ORDERS** that the motion for a stay of removal be granted until final determination of the Applicants' presently pending judicial review.

"Michel M.J. Shore"

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Judge

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

**DOCKET:** IMM-4723-21

**STYLE OF CAUSE:** GYORGY FULOP AND ZSUZSANNA FULOPNE  
CZIBOR v THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** HELD BY TELECONFERENCE

**DATE OF HEARING:** JULY 21, 2021

**ORDER AND REASONS:** SHORE J.

**DATED:** JULY 21, 2021

**APPEARANCES:**

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David Shiroky FOR THE RESPONDENT

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