

Federal Court



Cour fédérale

Date: 20230405

Docket: IMM-1367-22

Citation: 2023 FC 486

Toronto, Ontario, April 5, 2023

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

YUKI TANAKA

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Ms. Yuki Tanaka (the “Applicant”) seeks judicial review of the decision of an Immigration Officer, refusing her application for a Family Violence Temporary Resident Permit as permitted by section 24 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27.

[2] The Applicant raises issues of procedural fairness, largely based upon deficiencies in the Certified Tribunal Record (the “CTR”), and the overall reasonableness of the decision.

[3] Issues of procedural fairness are reviewable upon the standard of correctness; see the decision in *Canada (Minister of Citizenship and Immigration) v. Khosa*, [2009] 1 S.C.R. 339 (S.C.C.). The merits of the decision are reviewable upon the standard of reasonableness; see the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653 (S.C.C.).

[4] I am satisfied that the deficiencies in the CTR amount to a breach of procedural fairness, following the decision in *Parveen v. Canada (Minister of Citizenship and Immigration)* (1999), 168 F.T.R. 103. This is a sufficient basis upon which to allow this application for judicial review and it is unnecessary for me to address the other arguments raised by the Applicant.

JUDGMENT in IMM-1367-22

THIS COURT'S JUDGMENT is that the application for judicial review is allowed, the decision of the Immigration Officer is set aside and the matter is remitted to another Immigration Officer for redetermination. There is no question for certification.

“E. Heneghan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1367-22

STYLE OF CAUSE: YUKI TANAKA v. THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: APRIL 5, 2023

REASONS AND JUDGMENT: HENEGHAN J.

DATED: April 5, 2023

APPEARANCES:

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