

IMM-834-97

MONTRÉAL, QUEBEC, THIS 16th DAY OF APRIL 1997

**PRESENT:** THE HONOURABLE MR. JUSTICE LUTFY

**BETWEEN:** THEODORE TRUSEWICZ,  
BERNADETTE MERTUS,  
DIDIER TRUSEWICZ,  
ALEXANDRE TRUSEWICZ,  
AURORE TRUSEWICZ,

Applicants,

**AND:**

MINISTER OF CITIZENSHIP  
AND IMMIGRATION,

Respondent.

Notice of motion seeking an order staying execution of the removal orders against the applicants until final judgment is rendered in file nos. IMM-832-97 and IMM-834-97 and for leave to strike out the words [TRANSLATION] "Originating Notice of Motion" in the originating document.

**(Section 18.2 of the *Federal Court Act* and  
Rule 319 of the *Federal Court Rules*)**

**ORDER**

The application for an order staying execution of the removal order is dismissed.

\_\_\_\_\_  
Allan Lutfy  
Judge

Certified true translation

C. Delon, LL.L.

**BETWEEN:**

THEODORE TRUSEWICZ,  
BERNADETTE MERTUS,  
DIDIER TRUSEWICZ,  
ALEXANDRE TRUSEWICZ,  
AURORE TRUSEWICZ,

Applicants,

**AND:**

MINISTER OF CITIZENSHIP  
AND IMMIGRATION,

Respondent.

**REASONS FOR ORDER**

**LUTFY J.**

The tests that are to be applied in an application for an order staying execution of a removal order are set out in *Toth v. Canada (M.E.I.)* (1988), 86 N.R. 302.

Even if the Court were to assume that there was a serious issue to be tried, and I express no opinion on this point, I find that the applicant has not established irreparable harm.

The applicants arrived in Canada on October 31, 1996, a few days after they had paid the processing and landing fees but before they were informed of a decision concerning their application. They have not yet completed the transaction relating to the acquisition of the business in Quebec. The children of the Trusewicz family are currently students in Quebec.

The fact that the applicants may suffer economic and social inconvenience does not amount to irreparable harm. (See *Kerratt v. M.E.I.* (1992), 53 F.T.R. 93; *Sora v. M.E.I.*, IMM-2220-93 (January 14, 1993); *Sanchez v. M.E.I.*, IMM-2884-95 (December 8, 1995); and *Khan v. M.E.I.* (1992), 58 F.T.R. 98.)

Accordingly, the application for an order staying execution of the removal order is dismissed.

Montréal, Quebec  
April 16, 1997

Allan Lutfy

Judge

Certified true translation

C. Delon, LL.L.

---

FEDERAL COURT  
TRIAL DIVISION

---

IMM-834-97

BETWEEN:

**THEODORE TRUSEWICZ ET AL.,**

Applicants,

AND:

**MINISTER OF CITIZENSHIP AND IMMIGRATION,**

Respondent.

---

REASONS FOR ORDER

---

**FEDERAL COURT**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**COURT FILE NO:** IMM-834-97

**STYLE OF CAUSE:** THEODORE TRUSEWICZ ET  
AL.

**AND:** Applicants,

**SHIP AND IMMIGRATION,**

**Respondent.**

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** April 14, 1997

**REASONS FOR ORDER OF LUTFY J.**

**DATED:** April 16, 1997

**APPEARANCES:**

Sylvain Lepage for the applicants

Jocelyne Murphy for the respondent

**SOLICITORS OF RECORD:**

GRONDIN, POUDRIER, BERNIER  
Québec, Quebec for the applicants

George Thomson  
Deputy Attorney General  
of Canada  
Ottawa, Ontario for the respondent

