

Federal Court



Cour fédérale

Date: 20110526

Docket: IMM-3499-11

Ottawa, Ontario, May 26, 2011

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

GABOR ATTILA BODI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

ORDER

SUBSEQUENT to reading the documents of both parties in respect of the Motion for a stay of removal;

HAVING HEARD both parties in this regard;

HAVING CONSIDERED AND APPLIED the tri-partite test set out in *Toth v Canada* (Minister of Employment and Immigration)(1988), 86 N.R. 302 (FCA);

HAVING CONSIDERED the circumstances on the grounds alleged in this Motion and the facts alleged in the Affidavit of the Applicant;

AND RECOGNIZING that this is an exceptional case, a case unto itself of a minor child, an Applicant, who has removed himself from his family with whom he came to Canada (letters of support on his behalf demonstrate that he is indeed attending high school in Canada, resides separately in a family home and environment, other than his own, and volunteers with the Salvation Army, all according to the evidence in the file).

THE COURT ORDERS that:

1. The Applicant's motion be granted;
2. The execution of the removal order against the Applicant be stayed until final disposition of the Federal Court file number IMM-3499-11.

“Michel M.J. Shore”

Judge