

Federal Court



Cour fédérale

**Date: 20111216**

**Docket: IMM-2128-11**

**Citation: 2011 FC 1492**

**Ottawa, Ontario, December 16, 2011**

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

**BETWEEN:**

**NOLY DELA ROSA MERCADO  
CRISTINA TOLENTINO MERCADO  
NORMAN CHRISTOPHER TOLENTINO  
MERCADO  
NATHANIEL TOLENTINO MERCADO**

**Applicants**

**and**

**MINISTER OF PUBLIC SAFETY AND  
EMERGENCY PREPAREDNESS**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] The applicants seek judicial review in respect of an April 1, 2011 decision by an enforcement officer of the Canada Border Services Agency (CBSA), refusing to defer removal of the applicants, then scheduled for April 7, 2011. The removal order was subsequently stayed by a judge of this Court.

[2] The removal order is spent and there is no other order extant. There are no factors which warrant the exercise of discretion in favour of hearing this application: *Borowski v Canada (Attorney General)*, [1989] 1 SCR 342.

[3] The application for judicial review is dismissed.

[4] There is no question for certification.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the application for judicial review be and is hereby dismissed. No question for certification has been proposed and none arises.

"Donald J. Rennie"

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Judge

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

**DOCKET:** IMM-2128-11

**STYLE OF CAUSE:** NOLY DELA ROSA MERCADO, CRISTINA  
TOLENTINO MERCADO, NORMAN  
CHRISTOPHER TOLENTINO MERCADO,  
NATHANIEL TOLENTINO MERCADO v.  
MINISTER OF PUBLIC SAFETY AND  
EMERGENCY PREPAREDNESS

**PLACE OF HEARING:** Toronto

**DATE OF HEARING:** December 8, 2011

**REASONS FOR JUDGMENT  
AND JUDGMENT:** RENNIE J.

**DATED:** December 16, 2011

**APPEARANCES:**

Mr. Dov Maierovitz FOR THE APPLICANTS

Ms. Margherita Braccio FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Gertler, Etienne LLP FOR THE APPLICANTS  
Toronto, Ontario

Myles J. Kirvan, FOR THE RESPONDENT  
Deputy Attorney General of Canada  
Toronto, Ontario