

Federal Court



Cour fédérale

Date: 20090116

Docket: IMM-180-09

Toronto, Ontario, January 16, 2009

PRESENT: The Honourable Madam Justice Hansen

BETWEEN:

OLEKSANDR ANTHONOVYH MIKHNO

Applicant

and

**THE MINISTER FOR PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

ORDER

UPON the Applicant's motion for a stay of his removal pending resolution of the within
application for leave and judicial review;

AND UPON the Applicant's motion to amend the style of cause by substituting the Minister for Public Safety and Emergency Preparedness for the Minister of Citizenship and Immigration as the Respondent.;

AND UPON reading the Motion Records filed by the parties;

AND UPON hearing the submissions of counsel;

AND UPON directing myself that the Applicant must satisfy the Court that: 1) there is a serious issue to be tried; 2) the Applicant would suffer irreparable harm if the relief sought is not granted; and 3) the balance of convenience weighs in favour of the granting of the relief sought (*Toth v. Canada (Minister of Employment and Immigration)* (1988), 86 N.R. 302 (F.C.A.));

AND UPON the Applicant having satisfied the Court that there is a serious issue to be tried in the underlying application for leave and judicial review; that he will suffer irreparable harm if the stay is not granted; and that the balance of convenience weighs in his favour;

THIS COURT ORDERS that:

1. The style of cause is amended by substituting the Minister for Public Safety and Emergency Preparedness for the Minister of Citizenship and Immigration as Respondent.

2. The removal of the Applicant is stayed until the earlier of a decision in the spousal sponsorship application that is currently outstanding or a final determination has been made in the within application for leave and judicial review.

"Dolores M. Hansen"

Judge

Federal Court



CANADA

Cour fédérale

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FROM / EXPÉDITEUR : Rule 369 Team	DATE : April 21, 2009
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SUBJECT / OBJET : Court file # IMM-180-09COMMENTS / REMARQUES : RE: motion in writing filed on: April 15, 2009

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Federal Court



Cour fédérale

Date: 20090421

Docket: IMM-180-09

Toronto, Ontario, April 21, 2009

PRESENT: The Honourable Mr. Justice Campbell

BETWEEN:

OLEKSANDR ANTONOVYH MIKINO

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

ORDER

UPON considering the written submissions in this motion brought by the Respondent for an order for judgment setting aside the decision of Enforcement Officer K. Kuffner, dated January 13, 2009, refusing to defer the Applicant's removal of Ukraine which was scheduled for January 18, 2009;

THIS COURT ORDERS that:

1. The application for judicial review is granted and the decision of the Officer dated January 13, 2009, is set aside;

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2. The Respondent may set a new date for the removal of the Applicant. If the Applicant brings a request to defer this removal it will be determined by a different officer.
3. There shall be no costs awarded.

"Douglas R. Campbell"
Judge