

CANADA / JUDGMENT

Canus v. Canada (Attorney General)

2024 FC 2023

COURT

Federal Court

DECIDED

12 December 2024

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Canus v. Canada (Attorney General) Court (s) Database Federal Court Decisions Date 2024-12-12 Neutral citation 2024 FC 2023 File numbers T-781-24 Decision Content Date: 20241212 Docket: T-781-24 Citation: 2024 FC 2023 Toronto, Ontario, December 12, 2024 PRESENT: The Honourable Mr. Justice Ahmed BETWEEN: DYSON CANUS Applicant and ATTORNEY GENERAL OF CANADA Respondent JUDGMENT AND REASONS (Delivered orally from the bench on December 12, 2024, and subject to stylistic, editorial, and syntax edits, as well as reference to jurisprudence and legal citations)

- [1] The Applicant seeks a writ of mandamus ordering the Minister of Citizenship and Immigration (the “Minister”) to render a decision on his application for a Canadian passport, which was submitted on November 10, 2023.
- [2] The sole issue in this application is whether the Applicant has met the test for mandamus. I find that he has not.
- [3] As a preliminary matter, I agree with the Respondent that the style of cause should be amended to identify the Attorney General of Canada as the proper Respondent, rather than Passport Canada. The style of cause is amended effective immediately, pursuant to Rule 303(2) of the Federal Courts Rules, SOR/98-106.
- [4] To meet the test for mandamus, the Applicant must demonstrate that the Minister owes him a legal duty and that the Minister has refused to perform that duty (*Apotex Inc v Canada (Attorney General)* (CA), [1994] 1 FC 742, 162 NR 177 at 766-767). In this case, there is no evidence to demonstrate that the Minister refused to perform the duty owed, namely, the processing of the Applicant’s passport application.
- [5] The Applicant’s passport application is currently in progress. During the verification process, an IRCC Investigator found facial recognition matches and change of name documents linking the Applicant to individuals with the initials SJ, XZ, and SXZ. This caused the Investigator to have “reason to believe that [the Applicant] may have provided false or misleading information” in his passport application. In May 2024, the Investigator sent the Applicant a letter outlining their concerns and requesting an explanation. The Applicant submits that he responded. However, there is no evidence before me of his response. There

is also no evidence that he responded to the Investigator's attempts to contact him in June, October, and November 2024. I therefore cannot find that the Minister has refused to provide a decision.

- [6] During the hearing, the Applicant alleged that he responded to the Investigator's inquiries and provided the information requested by IRCC. He gestured to a physical print of an email sent to him by the Investigator. The Respondent indicated that this email did not reach the Applicant, as he had failed to update his contact information with IRCC. I have no reason to doubt the Applicant's claims. However, there is nothing before me on the record to support his allegations.
- [7] Consequently, I must find that there has been no unreasonable delay in this matter. According to the record, the Respondent has provided a "satisfactory justification" (*Conille v Canada (Minister of Citizenship and Immigration) (TD)*, [1999] 2 FC 33, 159 FTR 215 at para 23 ("*Conille*"). The delay in this case has not "been longer than the nature of the process required" (*Conille* at para 23).
- [8] For these reasons, I find that the test for mandamus has not been met. This application for judicial review is dismissed. JUDGMENT in T-781-24 THIS COURT'S JUDGMENT is that: The style of cause is amended to identify the Attorney General of Canada as the Respondent effective immediately. This application for judicial review is dismissed. "Shirzad A." Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: T-781-24 STYLE OF CAUSE: DYSON CANUS v ATTORNEY GENERAL OF CANADA PLACE OF HEARING: by videoconference DATE OF HEARING: DECEMBER 12, 2024 JUDGMENT and reasons: AHMED J. DATED: December 12, 2024 APPEARANCES: Dyson Canus (on his own behalf) For The Applicant Judith Boer For The Respondent SOLICITORS OF RECORD: Attorney General of Canada Toronto, Ontario For The Respondent

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Prepared on 29 October 2026 · Esheria