

CANADA / JUDGMENT

Patel v. Alberta Advantage Immigration Program

2026 FC 302

COURT

Federal Court

DECIDED

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Patel v. Alberta Advantage Immigration Program

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T-3970-25, T-4040-25

Decision Content

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Dockets: T-4040-25

T-3970-25

Citation: 2026 FC 302

Vancouver, British Columbia, March 4, 2026

PRESENT: Madam Associate Judge Catherine A. Coughlan

BETWEEN:

Docket: T-4040-25

OM SANJAYKUMAR PATEL

Applicant

and

ALBERTA ADVANTAGE IMMIGRATION PROGRAM

Respondent

AND BETWEEN:

Docket: T-3970-25

RAMANDEEP KAUR

Applicant

and

ALBERTA ADVANTAGE IMMIGRATION PROGRAM

Respondent

JUDGMENT AND REASONS

I. Overview [1] The Respondent, Alberta Advantage Immigration Program [AAIP], brings motions pursuant to Rule 369 of the Federal Courts Rules, SOR/98-106 [Rules] to strike two judicial review applications [Applications] on the basis that this Court has no jurisdiction to entertain the Applications. The motions are brought in Court File No. T-4040-25 [Patel Application], brought by Om Sanjaykumar Patel [Patel], and Court File No. T-3970-25 [Kaur Application], brought by Ramandeep Kaur [Kaur]. AAIP also seeks an Order pursuant to Rule 105 to have the two motions determined together.

- [2] AAIP made decisions to revoke Patel's and Kaur's nominations under its program [respectively, the Patel Decision and the Kaur Decision]. Both Patel and Kaur seek judicial review of the respective Decisions on the basis that they are unreasonable and procedurally unfair.
- [3] AAIP argues that its decisions are not subject to this Court's jurisdiction because the AAIP is not a "federal board, commission or tribunal" within the meaning of section 2 of the Federal Courts Act, RSC 1985, c F-7 [FCA].
- [4] For the reasons set out below, I am satisfied that the two motions should be heard together and that the Applications should be struck without leave to amend. The AAIP is not a "federal board, commission or other tribunal" within the meaning of section 2 of the FCA. Accordingly, it is plain and obvious that this Court lacks jurisdiction under section 18 of the FCA to hear either Application.

II. Background A. The AAIP [5] The Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA] establishes provincial nominee programs [PNPs or PNP] as one avenue through which non-Canadians can gain permanent residence [PR] status, applications for which are determined by Immigration, Refugees and Citizenship Canada [IRCC]: IRPA at sections 8 and 10.1 The AAIP was established pursuant to the Agreement for Canada-Alberta Cooperation on Immigration [the ACACI], as between Canada's Minister of Citizenship and Immigration and Alberta's Minister of Employment, Immigration and Industry. The ACACI defines the respective roles and responsibilities of Canada and Alberta relating to Immigrants and Temporary Residents wishing to reside in Alberta.

- [6] Under the ACACI, the Canadian government is responsible for establishing general immigration policies in consultation with Alberta. Alberta is responsible for developing its PNP stream, the AAIP, in accordance with its immigration needs. Alberta is further responsible for "the assessment of provincial nominees". Further, section 4.2.3 of the ACACI provides that "Canada will respect the nomination decision of Alberta insofar as nominations do not contravene admissibility criteria as outlined [under the IRPA]."
- [7] Alberta's Minister of Jobs, Economy, Trade and Immigration [the Alberta Minister] is responsible for and has the statutory authority to administer Alberta's immigration programs under the Government Organization Act, RSA 2000, c G-10 [GOA]. The AAIP is administered by Government of Alberta employees appointed under the Public Service Act, RSA 2000, c P-42, and who work in the Department of Jobs, Economy, Trade and Immigration, a department created under the GOA.
- [8] Successful nominees under the AAIP become "Provincial Nominees" and can use their nomination to apply for PR status with IRCC. However, the fact of being a Provincial Nominee through the AAIP does not guarantee a successful PR application.

B. The Patel Application [9] Patel applied for a nomination under the Rural Renewal Stream of the AAIP on November 3, 2023, after having received an endorsement letter from the City of Wetaskiwin [Wetaskiwin], Alberta, identifying Patel as a successful candidate to work as a cleaner for Safai Maintenance Inc. [Safai].

- [10] On August 15, 2025, the AAIP issued a refusal decision on the basis that it was not satisfied that Patel met the requirement of having a bona fide job offer; in particular, that employment with Safai could reasonably be expected to result in continuous paid and full-time work for a minimum of 12 months, as required under the AAIP.
- [11] After submitting a reconsideration request through their appointed representative, Arun Anand [Anand], Patel successfully obtained confirmation of nomination under the AAIP on October 22, 2024. Patel then applied to IRCC for PR status.
- [12] On July 7, 2025, the AAIP wrote to Patel requesting an explanation as to why a required letter of support had not been submitted in the 11 months following their nomination being granted. After receiving Patel's explanation, on September 17, 2025, the AAIP issued the

Patel Decision, withdrawing Patel's nomination because Patel failed to demonstrate a bona fide job offer and intention to live and work in Wetaskiwin. The AAIP wrote: "your nomination has been withdrawn and we have notified Immigration, Refugees and Citizenship Canada (IRCC)."

[13] The Patel Application, filed on October 15, 2025, seeks judicial review of the Patel Decision on the basis that it was unreasonable, procedurally unfair, and that AAIP failed to consider material evidence. Patel seeks an Order quashing the Patel Decision and remitting it back to the AAIP for reconsideration.

C. The Kaur Application [14] Kaur also applied for a nomination under the Rural Renewal Stream of the AAIP on February 21, 2024, after having received an endorsement letter from Wetaskiwin identifying Kaur as a successful candidate to work for Safai as an office administration assistant.

[15] On March 20, 2025, Kaur obtained a nomination from AAIP. On May 23, 2025, Kaur applied for a work permit with IRCC. On June 5, 2025, IRCC refused Kaur's application being unsatisfied that Kaur's employment offer from Safai was genuine and that Kaur would leave Canada at the end of her stay.

[16] On July 7, 2025, AAIP wrote to Kaur advising that they had conducted a site visit to Safai and found no presence of operational capacity that would indicate a need for the position of office administrative assistant. Kaur was given an opportunity to respond, which she did. On September 9, 2025, AAIP issued a refusal Decision on the basis that it was not satisfied that Kaur met the requirement of having a bona fide job offer nor that Safai had a genuine need for an office administrative assistant.

[17] On October 9, 2025, Kaur filed an application for judicial review of the Decision on the basis that it was unreasonable, procedurally unfair, and that the AAIP failed to consider material evidence. Kaur seeks, inter alia, an Order quashing the Kaur Decision and remitting it back to AAIP for reconsideration.

III. Issues [18] The issues to be decided on these motions are:

Should these motions be heard together pursuant to Rule 105 of the Rules?

Are the affidavits filed by the parties in support of these motions admissible?

Should the Patel Application be struck?

Should the Kaur Application be struck?

Should the Applications be heard together?

[19] Rule 105 provides for the consolidation of proceedings. It reads:

Consolidation of proceedings

105 The Court may order, in respect of two or more proceedings,

- (a) that they be consolidated, heard together or heard one immediately after the other;
- (b) that one proceeding be stayed until another proceeding is determined; or
- (c) that one of the proceedings be asserted as a counterclaim or cross-appeal in another proceeding.

Réunion d'instances

105 La Cour peut ordonner, à l'égard de deux ou plusieurs instances :

- a) qu'elles soient réunies, instruites conjointement ou instruites successivement;
- b) qu'il soit sursis à une instance jusqu'à ce qu'une décision soit rendue à l'égard d'une autre instance;
- c) que l'une d'elles fasse l'objet d'une demande reconventionnelle ou d'un appel incident dans une autre instance.

[20] Subsections (a) through (c) above reflect different forms of consolidation. One example of “partial” or “quasi” consolidation is where an order is made for a joint or simultaneous hearing: *Apotex Inc v Bayer Inc*, 2020 FCA 86 at paras 102, 114.

[21] Although there is no formula or test under Rule 105, this Court has set out several relevant factors to be considered. Factors weighing in favour of consolidation include common parties, issues, facts, and remedies. Prejudice to one or more parties weighs against ordering consolidation. The overarching policy objectives of Rule 105 are “the avoidance of a multiplicity of proceedings and the promotion of expeditious and inexpensive determination of those proceedings”: *Sanofi-Aventis Canada Inc v Novopharm Limited*, 2009 FC 1285 at paras 8-9, 11.

[22] I am satisfied that it is appropriate to hear AAIP's motions together for the limited purposes of these motions. Both Applications involve the same Respondent and the same surrounding circumstances giving rise to the underlying judicial reviews. Importantly, the issue of this Court's jurisdiction is the principal issue before the Court on both motions. It is noteworthy, as well, that the Applicants filed identical arguments on that point. In my view, that is dispositive of the issue.

A. Are the Affidavits Admissible? [23] As a rule, affidavits are not admissible in support of motions to strike applications for judicial review: *Canada (National Revenue) v JP Morgan Asset Management (Canada) Inc*, 2013 FCA 250 at para 51 [JP Morgan]. One exception is where the affidavit evidence appends documents that are incorporated by reference into the notice of application: *JP Morgan* at para 54.

- [24] With respect to the issue of jurisdiction, the Federal Court of Appeal has observed that in their notices of application, applicants should plead the reasons why the Court has jurisdiction. As Justice Stratas cautions, the Court's jurisdiction is statutory, and the Court must have jurisdiction to entertain the application: JP Morgan at para 63.
- [25] That caution notwithstanding, neither Patel nor Kaur plead the basis of the Court's jurisdiction in their Applications. However, both filed affidavits in their respective motion records. Similarly, AAIP filed two nearly identical affidavits sworn by Michael Payette on November 27, 2025 [the Payette Affidavits], in support of their motions.
- [26] I am satisfied that the Applicants' affidavits are admissible for the purposes of these motions. The affidavits primarily attach and reference documents that are referred to in their underlying Applications, including their respective correspondence with AAIP leading up to the withdrawal of their nominations. Their admissibility aside, I note that these affidavits are of limited relevance to the jurisdictional issue before the Court and serve principally to provide background and context to the Applications.
- [27] By contrast, the Payette Affidavits are not admissible on these motions. They do not append documents incorporated by reference into the Applications, nor has AAIP made submissions as to any other bases for their admissibility. That conclusion, however, has little practical effect on the disposition of these motions. The Payette Affidavits consist almost entirely of background law and statutory provisions that are publicly accessible and for which no evidence is required.

IV. Applicable Legal Principles [28] There is no explicit provision in the Rules for striking out notices of application. However, it is well established that this Court has plenary jurisdiction to strike a notice of application to restrain the misuse or abuse of the Court's processes: JP Morgan at para 48.

- [29] The threshold for striking an application is high. The moving party must demonstrate that the application contains an obvious, fatal flaw striking at the root of this Court's power to entertain the application, such that the application is "bereft of any possibility of success": JP Morgan at paras 47-48; David Bull Laboratories (Canada) Inc v Pharmacia Inc, 1994 CanLII 3529 at 600 (FCA); Lagacé v Canada (Attorney General), 2026 FC 74 at para 13 [Lagacé].
- [30] A lack of jurisdiction is one example of a fatal defect: Lagacé at para 13; Kaquitts v Council of the Chiniki First Nation, 2019 FC 498 at para 10 (CanLII); Ochapowace First Nation v Canada (Attorney General), 2007 FC 920 at para 57.
- [31] On a motion to strike, the Court must read the application "holistically and practically without fastening onto matters of form" to gain "a realistic appreciation' of the application's 'essential character': JP Morgan at para 50. Further, the Court is directed to look beyond the words used in the application: Canada (Attorney General) v Iris Technologies Inc, 2022 FCA 101 at para 3.

V. Submissions of the Parties A. AAIP's Submissions [32] AAIP submits that this Court's judicial review jurisdiction is exceptional. Pursuant to section 2 of the FCA, a body is only subject to this Court's review if it is a "federal board, commission or other tribunal". Bodies "constituted or established by or under the law of a province" are expressly excluded from that definition. AAIP relies on this Court's decision in *Signature Pointe Development Inc v Canada* (Innovation, Science and Economic Development), 2024 CanLII 47365 (FC) [Signature Pointe] for the proposition that even if a provincially enacted body exercises jurisdiction or powers conferred under federal legislation, that does not render the body a "federal board, commission or other tribunal".

[33] AAIP submits that it is not a "federal board, commission or other tribunal" because it is a provincially established program, created and administered by the Alberta Minister. The Alberta Minister's statutory authority to administer immigration programs flows from provincial legislation, including the GOA and the Promoting Job Creation and Diversification Act, SA 2016, c P-26.3. AAIP further argues that both Decisions state that "[d]ecisions on Alberta Advantage Immigration Program applications are at the sole discretion of the Province of Alberta." As a provincial program, AAIP argues that it falls under the exception to this Court's jurisdiction in section 2 of the FCA, being a body "constituted or established by or under a law of a province".

[34] Relying on *Signature Pointe*, AAIP submits that the mere fact that Canada recognizes Alberta's authority to establish and administer PNPs through ACACI does not "transform those programs into federal decision-making bodies." AAIP distinguishes *Signature Pointe* from other Federal Court decisions such as *Liu v Canada* (Citizenship and Immigration), 2025 FC 1253 [Liu] and *Asif v Canada* (Citizenship and Immigration), 2025 FC 1326 [Asif], where this Court judicially reviewed IRCC decisions issued following provincial nominations. AAIP submits that unlike this case, the decision under review in those cases was that of the IRCC, which is no doubt a "federal board, commission or other tribunal".

B. Applicants' Submissions [35] The Applicants submit that this Court has jurisdiction over the Applications because AAIP operates "within an integrated federal-provincial immigration scheme, where provincial nominations are an essential part of the federal permanent residence system." They submit that when AAIP withdrew its nominations, it notified IRCC, thereby directly affecting their PR applications. They further submit that their respective AAIP Decisions "[are] an integral part of the administration of federal immigration law" and are determinative of their status and rights within the federal immigration process.

[36] The Applicants argue that the definition of "federal board, commission or other tribunal" should be interpreted functionally, rather than solely focused on whether an entity is created by provincial or federal statute. They submit that this Court has jurisdiction over a decision by a provincial entity if that decision "is an essential component of a federal statutory scheme and directly affects an individual's position in that scheme". Failure to do so, they argue, risks fragmenting the immigration scheme, "risking inconsistent standards", and leaving individuals "without effective federal oversight of decisions that are decisive to

... federal permanent residence applications.”

[37] Accordingly, the Applicants conclude that where AAIP communicates nomination decisions to IRCC that directly affect federal immigration processing, those decisions ought to be reviewable in this Court. Or, in the alternative, they submit that this is a novel jurisdictional issue that should not be determined on a motion to strike.

VI. Analysis [38] The test for this Court’s jurisdiction is well settled. As set out in *ITO-Int’l Terminal Operators v Miida Electronics*, 1986 CanLII 91 at 766 (SCC) [ITO], there are three requirements:

There must be a statutory grant of jurisdiction by the federal Parliament.

There must be an existing body of federal law which is essential to the disposition of the case and which nourishes the statutory grant of jurisdiction.

The law on which the case is based must be “a law of Canada” as the phrase is used in s. 101 of the Constitution Act, 1867.

[39] The first prong of the ITO test is at issue in this case. Patel and Kaur seek judicial review under section 18 of the FCA. Section 18(1) reads:

Extraordinary remedies, federal tribunals

18 (1) Subject to section 28, the Federal Court has exclusive original jurisdiction

- (a) to issue an injunction, writ of certiorari, writ of prohibition, writ of mandamus or writ of quo warranto, or grant declaratory relief, against any federal board, commission or other tribunal; and
- (b) to hear and determine any application or other proceeding for relief in the nature of relief contemplated by paragraph (a), including any proceeding brought against the Attorney General of Canada, to obtain relief against a federal board, commission or other tribunal.

Recours extraordinaires : offices fédéraux

18 (1) Sous réserve de l’article 28, la Cour fédérale a compétence exclusive, en première instance, pour :

- a) décerner une injonction, un bref de certiorari, de mandamus, de prohibition ou de quo warranto, ou pour rendre un jugement déclaratoire contre tout office fédéral;
- b) connaître de toute demande de réparation de la nature visée par l’alinéa a), et notamment de toute procédure engagée contre le procureur général du Canada afin d’obtenir réparation de la part d’un office fédéral.

[40] Section 18 confers jurisdiction upon this Court to hear and determine judicial reviews in respect of a “federal board, commission or other tribunal”. This phrase is defined in section 2(1) of the FCA, the relevant portion of which reads:

federal board, commission or other tribunal means any body, person or persons having, exercising or purporting to exercise jurisdiction or powers conferred by or under an Act of Parliament or by or under an order made under a prerogative of the Crown, other than the Tax Court of Canada or any of its judges or associate judges, any such body constituted or established by or under a law of a province or any such person or persons appointed under or in accordance with a law of a province or under section 96 of the Constitution Act, 1867;

[Emphasis added.]

office fédéral Conseil, bureau, commission ou autre organisme, ou personne ou groupe de personnes, ayant, exerçant ou censé exercer une compétence ou des pouvoirs prévus par une loi fédérale ou par une ordonnance prise en vertu d'une prérogative royale, à l'exclusion de la Cour canadienne de l'impôt et ses juges et juges adjoints, d'un organisme constitué sous le régime d'une loi provinciale ou d'une personne ou d'un groupe de personnes nommées aux termes d'une loi provinciale ou de l'article 96 de la Loi constitutionnelle de 1867.

[Je souligne.]

[41] There is no doubt that the “essential nature” of both the Patel Application and the Kaur Application is a request for judicial review of AAIP Decisions. The Applications both explicitly identify AAIP as the decision-maker and describe the nature of the decision as the withdrawal of a nomination under that program. The principal relief sought on both Applications is an Order quashing AAIP Decisions. Further, AAIP is the only named Respondent in both Applications.

[42] I am satisfied that AAIP is not a “federal board, commission or tribunal” within the meaning of the FCA. Alberta legislation makes the Alberta Minister “responsible for programs and services of the Government of Alberta relating to immigration to Alberta”: GOA, Schedule 3, section 1(1).

[43] Further, section 4.2.3 of the ACACI, provides as follows:

4.2.3 Alberta will be responsible for the assessment of provincial nominees, as outlined in Annex A. In exercising this responsibility, Alberta will develop Provincial Nominee Program streams as appropriate to meet Alberta’s immigration needs. Canada will respect the nomination decision of Alberta insofar as nominations do not contravene admissibility criteria as outlined under IRPA, the criteria for the Provincial Nominee Class set out in the Regulations under IRPA or any successor Act, and the eligibility criteria as set out by the Province. The processing and admission to Canada of provincial nominee candidates nominated by Alberta will be completed as expeditiously as possible with a view to achieving targets that have been integrated into Canada’s annual delivery plan.

[Emphasis added.]

4.2.3 L'Alberta se charge d'évaluer les candidats de la province, ainsi qu'il est prévu à l'annexe A. Pour s'acquitter de cette responsabilité, l'Alberta établit, au titre de son programme des candidats de la province, des volets qui répondent à ses besoins en matière d'immigration. Le Canada respecte la décision de l'Alberta en matière de désignation dans la mesure où celle-ci ne contrevient pas aux conditions d'admissibilité énoncées dans la LIPR, à celles prévues pour la catégorie des candidats des provinces dans le règlement d'application de la LIPR ou de toute nouvelle loi, ainsi qu'aux conditions d'admissibilité établies par l'Alberta. Les candidats de la province désignés par l'Alberta sont traités et admis au Canada le plus rapidement possible, de manière à respecter les cibles incorporées dans le plan d'immigration annuel du Canada.

[Je souligne.]

- [44] Section 4.2.3 is clear that Alberta is responsible for establishing PNP streams such as AAIP, and that Alberta is responsible for assessing provincial nominees. Canada is mandated to respect Alberta's nomination decisions so long as they do not contravene the IRPA.
- [45] Neither Patel nor Kaur appears to contest that AAIP is a provincially constituted program. The Applicants simply take the position that since AAIP nominations can impact decisions of the IRCC on PR applications, that is a sufficient nexus to bring AAIP into the realm of a "federal board, commission or other tribunal". They submit that if the AAIP is not subject to this Court's jurisdiction, this leaves the Applicants "without effective federal oversight of decisions that are decisive to [their] federal permanent residence applications." Neither of the Applicants advanced any authority in support of their position that an otherwise provincial body can take on the character of a "federal board, commission or other tribunal" by virtue of engaging with federal law or federal matters.
- [46] I am satisfied that the case advanced by the AAIP, Signature Pointe, expressly concludes the opposite. In Signature Pointe, the applicant sought judicial review of a decision of the City of Calgary. Associate Judge Ring held that since Calgary is a municipality established under and subject to the legislative control of the Province of Alberta, it falls under the express exclusion for bodies constituted or established by or under a law of a province in section 2 of the FCA: Signature Pointe at paras 38-41.
- [47] Associate Judge Ring further held that even where a provincially constituted body exercises powers conferred under federal legislation, this does not transform that body into a "federal board, commission or other tribunal" (para 45). The relevant portion of Associate Judge Ring's reasons are reproduced below:
- [39] Rogers and Canada submit that this Court lacks jurisdiction to entertain the application for judicial review of the City's Decision because the City is not a "federal board, commission or other tribunal".
- [40] I agree. Sections 18 and 18.1 of the Federal Courts Act grant exclusive original jurisdiction to the Federal Court to hear and determine any application or other proceeding for relief against a "federal board, commission or other tribunal", as defined in section 2 of the Act.

Parliament has, in very clear terms, created an exclusion in the definition of “federal board, commission or other tribunal” for “any body constituted or established by or under a law of a province”: 9037-9694 Quebec Inc. c. Canada (Procureur Général), 2002 FCT 849 at para 25 [9037-9694 Quebec Inc.].

- [41] Municipalities are the creation of and subject to the legislative control of the provincial legislatures, pursuant to the power vested in the provinces to make laws in relation to “Municipal Institutions in the Province” under section 92(8) of the Constitution Act, 1867: Regional Municipality of Peel v. Mackenzie et al., 1982 CanLII 53 (SCC), [1982] 2 SCR 9 at page 22. In this case, as the City is a municipal entity which is constituted or established by or under provincial legislation, it is plainly not a “federal board, commission or other tribunal”.

[...]

- [45] I disagree. It is settled law that bodies constituted or established by or under a law of a province are excluded from the definition of “federal board, commission or other tribunal”, even though they may exercise jurisdiction or powers conferred under an Act of Parliament. The test is not to determine if the alleged tribunal exercises federal powers, but to decide if such tribunal is constituted or established pursuant to a provincial enactment: 9037-9694 Quebec Inc. at para 25; CP Express & Transport Ltd v Motor Carrier Comm 1985 CanLII 5564 (FC), [1986], 1 FC 59 at page 69.

[Emphasis added.]

- [48] In my view, Signature Pointe represents the correct interpretation of the exclusion created in section 2 of the FCA of “any body constituted or established under a law of a province”. AAIP is plainly a provincial program, created and administered by Alberta officials pursuant to provincial authority, and its decisions are taken in the sole discretion of the province. The fact that an AAIP nomination may facilitate or be an avenue for a subsequent federal PR application does not alter the character of AAIP as a provincial body. Indeed, the IRCC retains sole authority to make decisions on PR applications. Nor does intergovernmental cooperation between Canada and Alberta under the ACACI transform a provincially constituted program into a federal one.
- [49] It is noteworthy that neither Applicant cited any jurisprudential support for their position. There are, however, a number of judicial review decisions from the provincial superior courts involving PNP decisions, including decisions to withdraw nominations under those programs: Afifi v British Columbia (Minister of Jobs, Tourism and Skills Training), 2020 BCSC 1449; Wang v The Ministry of Citizenship and Immigration of Ontario, 2020 ONSC 6058; Sukhadia v Saskatchewan (Ministry of the Economy), 2025 SKKB 100; Sekhon v Minister of Education and Training, 2018 MBQB 99.

[50] It must be recalled that this is not a situation in which the IRCC has issued a PR decision following an AAIP nomination and it is the IRCC's decision being reviewed. Unlike cases such as Liu and Asif, neither of the Applicants is challenging a decision of the IRCC. If that were the case, this Court could, of course, assume jurisdiction.

[51] This Court's jurisdiction is confined to matters for which jurisdiction has been conferred by statute. Its jurisdiction is "not constitutionally protected" in the same manner as superior courts, and it can therefore only act within the "confines of its statutory powers": Windsor (City) v Canadian Transit Co, 2016 SCC 54 at para 33. To accede to the Applicants' position would require the Court to disregard the clear exclusion set out in section 2 of the FCA and to assume jurisdiction where Parliament has expressly withheld it. In my view, the Applicants seek a result that is not available in this Court.

[52] Accordingly, both Applications must be struck. Since the defects are jurisdictional in nature, they cannot be cured by amendment and thus leave to amend will not be permitted: Rowe v National Arts Centre Corporation, 2023 FC 1347 at para 17 (CanLII).

VII. Costs [53] The AAIP seeks its costs on the motion. I see no reason to depart from the general rule that costs follow the event: Coldwater First Nations v Canada (Indian and Northern Affairs), 2016 FC 816 at paras 7, 9, 16. The AAIP shall therefore be awarded its costs of \$500.00, inclusive of taxes and disbursements, payable in equal sum by the Applicants.

JUDGMENT in T-4040-25 and T-3970-25

THIS COURT'S JUDGMENT is that:

The motions are granted.

The Applications for judicial review are struck without leave to amend.

Costs are fixed at \$500.00, inclusive of taxes and disbursements, payable in equal sum by the Applicants.

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"Catherine A. Coughlan"

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Associate Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:

T-4040-25

STYLE OF CAUSE:

OM SANJAYKUMAR PATEL v ALBERTA ADVANTAGE IMMIGRATION PROGRAM

AND DOCKET:

t-3970-25

STYLE OF CAUSE:

RAMANDEEP KAUR v ALBERTA ADVANTAGE IMMIGRATION PROGRAM

MOTION IN WRITING CONSIDERED AT VANCOUVER, BRITISH COLUMBIA PURSUANT TO RULE
369 OF THE FEDERAL COURTS RULES

Judgment AND REASONS:

COUGHLAN a.J.

DATED:

MARCH 4, 2026

WRITTEN REPRESENTATIONS BY:

Om Sanjaykumar Patel

FOR THE APPLICANT

(SELF-REPRESENTED)

Ramandeep Kaur

FOR THE APPLICANT

(SELF-REPRESENTED)

Alicia York

Peter Buijs

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Alberta Justice

Legal Services Division

Edmonton, Alberta

FOR THE RESPONDENT

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