

Federal Court of Appeal



Cour d'appel fédérale

Date: 20141210

Docket: A-218-14

Ottawa, Ontario, December 10, 2014

Present: STRATAS J.A.

BETWEEN:

DR. GÁBOR LUKÁCS

Applicant

and

CANADIAN TRANSPORTATION AGENCY

Respondent

ORDER

WHEREAS the Privacy Commissioner of Canada has moved for leave to intervene in this application;

AND WHEREAS the applicant moves for dismissal of the Privacy Commissioner's motion arising from its conduct during the applicant's cross-examination of the affiant on behalf of the Privacy Commissioner;

AND WHEREAS this Court has reviewed the parties' evidence and submissions on both motions;

AND WHEREAS the Registry seeks direction on whether the respondent's record, presented late to the Registry, can be filed;

AND WHEREAS this Court has set out the basis for its decision on all these matters in reasons released contemporaneously with this Order;

THIS COURT ORDERS that:

1. The Privacy Commissioner is added to this application as a party intervener and the style of cause is amended to reflect that fact, on the following terms:
 - (a) The Privacy Commissioner may serve and file a memorandum of fact and law; the Privacy Commissioner shall only address the issues of interpretation and application of the *Privacy Act* insofar as they relate to the Court's assessment as to whether the Agency's decision should be set aside;
 - (b) The memorandum of fact and law of the Privacy Commissioner shall be no more than fifteen pages and shall be served and filed no later than twenty days following this Order;
 - (c) The applicant may serve and file a memorandum of no more than fifteen pages only in response to the intervener's submissions, no later than twenty days following the serving of the Privacy Commissioner's memorandum of fact and law;
 - (d) The Privacy Commissioner shall not add to the evidentiary record. The Privacy Commissioner shall not seek costs, nor shall it have costs awarded against it.

2. The Privacy Commissioner shall have the right to make oral submissions at the hearing of the application on the subject-matter described in paragraph 1(a) above, for no more than twenty minutes. The panel hearing the application may amend this as it sees fit.
3. The applicant's motion is dismissed.
4. There shall be no costs awarded on the motions.
5. The respondent's record shall be accepted for filing as of the day it was presented to the Registry.

"David Stratas"

J.A.