

Date: 20080423

Docket: IMM-3838-07

Citation: 2008 FC 529

Toronto, Ontario, April 23, 2008

PRESENT: The Honourable Mr. Justice Beaudry

BETWEEN:

TREVOR NICHOLAS EVANS

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] This is an application for judicial review of a decision of Refugee Protection Division of the Immigration and Refugee Board (the Board), pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the Act), in which the Board found that the applicant, Mr. Trevor Nicholas Evans, is neither a Convention refugee nor a person in need of protection.

[2] On April 22, 2008 (hearing date) the Court received a letter from the applicant's lawyer.

The content of that letter is as follows:

"We would like to inform you that we tried to contact our Client many times and he did not respond back to us. We do not have any

idea about Mr. Evans whereabouts, therefore in the absence of our Client we are unable to receive any instructions from our Client to proceed with this hearing.

In light of the above we request you to please remove my name as counsel for this file. I am sorry to bring this notice at the last moment but I have no choice without the instruction of my client I cannot proceed any further."

[3] The Court grants Mr. Winchie's request, his name shall be removed as counsel in the file.

[4] The applicant's application for judicial review is dismissed. In any event, the Court analyzed and considered the applicant's written submissions and fails to see any grounds upon which it can review the Board's decision. The applicant seeks a re-evaluation of the facts, which is not the role of this Court.

JUDGMENT

THIS COURT ORDERS AND ADJUDGES that the application is dismissed.

“Michel Beaudry”

Judge

FEDERAL COURT

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: IMM-3838-07

STYLE OF CAUSE: TREVOR NICHOLAS EVANS
and THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: April 22, 2008

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

DATED: April 23, 2008

APPEARANCES:

Stephen Winchie FOR THE APPLICANT

Jennifer Dagsvik FOR THE RESPONDENT

SOLICITORS OF RECORD:

Law Offices of Stephen L. Winchie FOR THE APPLICANT
Toronto, Ontario

John H. Sims, Q.C. FOR THE RESPONDENT
Deputy Attorney General of Canada
Toronto, Ontario