

**Date: 20080408**

**Docket: IMM-1509-08**

**Citation: 2008 FC 435**

**Montréal, Quebec, the 8th day of April 2008**

**Present: the Honourable Mr. Justice Pinard**

**BETWEEN:**

**ANTHONY SOMIAN**

**Applicant**

**and**

**MINISTER OF PUBLIC SAFETY AND  
EMERGENCY PREPAREDNESS**

**Respondent**

**REASONS FOR ORDER AND ORDER**

[1] After hearing counsel for the parties and reviewing the evidence, I am not satisfied that there is a serious question dealing both with the inadequacies of the reasons given by member Ladouceur and the unreasonableness of his decision. On the contrary, it seems to me that Mr. Ladouceur gave clear, or at least implicit, reasons to justify stricter conditions than those imposed by member Dubé in an earlier decision. It should be noted that the decision in question was based on an assessment of facts to which great deference should be shown and that the reasonableness of the decision must be

assessed in accordance with the risk of flight by the applicant and the danger the latter represented to the public.

[2] Accordingly, in the circumstances not only did the applicant fail to establish the existence of a serious question, he did not succeed, in view of the danger he poses to public safety, his high risk of committing another offence, the seriousness of the offences he has committed and the severity of the penalty imposed on him, in showing that the balance of convenience was in his favour.

[3] Accordingly, the stay requested is denied. However, if there is a significant change in the circumstances it will of course be open to the applicant to appeal again.

**ORDER**

The applicant's motion is accordingly dismissed.

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"Yvon Pinard"

Judge

Certified true translation

Brian McCordick, Translator

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-1509-08

**STYLE OF CAUSE:** ANTHONY SOMIAN v. MINISTER OF PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** April 7, 2008

**REASONS FOR ORDER  
AND ORDER BY:** THE HONOURABLE MR. JUSTICE PINARD

**DATED:** April 8, 2008

**APPEARANCES:**

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Lisa Maziade FOR THE RESPONDENT

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