

Federal Court of Appeal



Cour d'appel fédérale

Date: 20151214

Docket: A-482-14

Citation: 2015 FCA 285

[ENGLISH TRANSLATION]

**CORAM: NADON J.A.
TRUDEL J.A.
SCOTT J.A.**

BETWEEN:

**LES ENTREPRISES A.B. RIMOUSKI INC.
ALDÈGE BANVILLE**

Appellants

and

HER MAJESTY THE QUEEN

Respondent

Heard at Québec, Quebec, on December 14, 2015.

Judgment delivered from the Bench at Québec, Quebec, on December 14, 2015.

**REASONS FOR JUDGMENT OF THE
COURT:**

NADON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Québec, Quebec, on December 14, 2015.)

NADON J.A.

[1] We have not been persuaded that the intervention of this Court is warranted.

[2] There can be no doubt, as the Quebec Court of Appeal stated in *Aldège Banville c. Procureur général du Canada* (file No. 200-09-005638-066), dated October 16, 2006, that the

doctrine of *res judicata* applies to the relief sought by the appellants in their motion to, *inter alia*, set aside the judgment of Justice Denault of the Federal Court, dated October 9, 1998.

[3] In our opinion, Justice Martineau made no error in finding that the requirements of subsection 399(2) of the *Federal Courts Rules*, SOR/98-106, had not been met in this case.

[4] In addition, the appellants' argument that the Judge erred in not ordering an oral hearing is, in our opinion, without merit.

[5] In any event, and with respect for the appellants, we are satisfied that their motion, having given rise to this appeal, is bound to fail. In the light of the evidence, we cannot see how it could possibly succeed.

[6] For these reasons, the appeal will be dismissed with costs.

“M Nadon”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-482-14
STYLE OF CAUSE: LES ENTREPRISES A.B.
RIMOUSKI INC., ALDÈGE
BANVILLE v. HER MAJESTY
THE QUEEN

PLACE OF HEARING: QUÉBEC, QUEBEC

DATE OF HEARING: DECEMBER 14, 2015

REASONS FOR JUDGMENT OF THE COURT BY: NADON J.A.
TRUDEL J.A.
SCOTT J.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

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HER MAJESTY THE QUEEN

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