

See also: Parole

PRACTICE

PROTHONOTARIES

Appeal from Prothonotary's order striking applicant's notice of application for judicial review of Parole Board of Canada (Board) decision revoking previously suspended day parole — Applicant incarcerated offender — Commencing application for *habeas corpus* in Alberta Court of Queen's Bench, application for judicial review in respect of Board's decision — Court of Queen's Bench finding Board's decision reasonable, procedurally fair — Respondents filing motion to strike application as abuse of process — Prothonotary finding application attempt to relitigate legality of Board's decision already determined by Court of Queen's Bench — Applicant submitting Prothonotary not having jurisdiction to issue judgement in matter relating to his liberty — Interpreted broadly *Federal Courts Rules*, SOR/98-106, r. 50(1)(f) ousting Prothonotary's jurisdiction on motion to strike application to review decision revoking parole — Relating to applicant's liberty because if application failing then applicant remaining in custody — Alberta *habeas corpus* application, present application similar — Accordingly, Prothonotary lacking jurisdiction to consider respondents' motion to strike application for judicial review as abuse of process — Jurisdiction to strike application as abuse of process to be exercised sparingly — Doctrine of abuse of process particularly applied where litigant attempting to relitigate issue or matter already determined — Here, applicant challenging very decision that he challenged by way of *habeas corpus* in Alberta — Not situation where relitigation enhancing, rather than impeaching, integrity of judicial system — Motion to strike application as abuse of process granted — Application dismissed.

LATHAM V. CANADA (T-1921-18, 2020 FC 239, Zinn J., reasons for order dated February 12, 2020, 8 pp.)