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Our File: 10960772
Notre dossier:

February 7, 2020

Roger Bilodeau, Q.C.
Registrar
Supreme Court of Canada
301 Wellington Street
Ottawa, ON K1A 0J1

Dear Mr. Bilodeau:

**Re: HOCIUNG, Radu v. CANADA (Public Safety and Emergency Preparedness)
Supreme Court of Canada file: 39018**

I am counsel at the Department of Justice Canada and I represent the Respondent, the Minister of Public Safety and Emergency Preparedness, in the above-noted matter. I write in response to the Applicant's Application for Leave to Appeal, dated September 30, 2019. The Applicant seeks leave to appeal two decisions of the Federal Court of Appeal, both dated August 7, 2019. Please accept this letter as the Crown's response to the application, pursuant to Rule 27(1) and (2) of the *Rules of the Supreme Court of Canada*, SOR/2002-156.

Proceedings Below

The Applicant, who was self-represented in all lower-court proceedings, brought a statutory appeal by way of action in the Federal Court with respect to an enforcement action by the Canada Border Services Agency. The action was dismissed following a motion for summary judgment, by way of judgment of Justice Gleeson dated March 15, 2018. At the same time, Justice Gleeson filed an order dated March 15, 2018 dismissing the Applicant's motion to amend his statement of claim. On August 7, 2019, the Federal Court of Appeal (Gauthier J.A., Webb and Rivoalen JJ.A. concurring) granted the Applicant's appeals of the judgment and order, in part, and dismissed other parts of those appeals.

No Matter of Public Importance

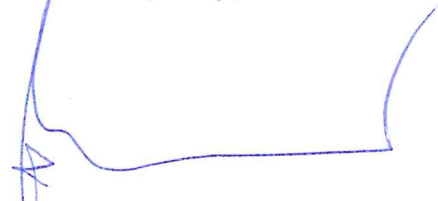
While the Applicant raises a number of issues in his Application for Leave to Appeal, the sole issue is whether the decisions of the Federal Court of Appeal are "patently unjust", as the Applicant puts it.

Leave to appeal should not be granted. The Applicant's appeals were granted in part and dismissed in part on the basis of well-established jurisprudence. Both Justice Gleeson and the Court of Appeal correctly found that collector coins are classified as goods for the purposes of the reporting requirements in the *Customs Act*, R.S.C., 1985, c. 1 (2nd Supp.). The Court of Appeal also correctly held that the cause of action based on alleged threats of violence could not be dismissed on summary judgment because of

the need for oral testimony and an opportunity for the trial judge to assess credibility. The Applicant's proposed appeal does not raise any issues of public importance. In fact, the issues raised by the Applicant are limited to findings of fact in the context of settled law.

The Crown submits that this is not a matter that is of sufficient public importance or significance, either in fact or issue of law, which would satisfy the section 40(1) requirements of the *Supreme Court Act* and require the consideration of this Court.

Yours very truly,



Eric Peterson
Crown Counsel
National Litigation Sector
EP/dr

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Applicant acting in person