Federal Court of Appeal | Cour d'appel fédérale

Date: 20260430

Docket: A-63-24

Ottawa, Ontario, April 30, 2026

Present: **LOCKE J.A.**
LEBLANC J.A.
WALKER J.A.

BETWEEN:

DALE ARNOLD

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

ORDER

UPON motion by the appellant pursuant to Rule 397 of the *Federal Courts Rules*, S.O.R./98-106, seeking reconsideration of this Court's decision dated February 25, 2026 (2026 FCA 41, the Original Decision) dismissing his application for judicial review;

AND UPON reviewing (i) the appellant's motion record, (ii) the respondent's responding motion record, and (iii) the appellant's reply brief;

AND WHEREAS Rule 369.2 provides that all motions brought in this Court shall be decided on the basis of written representations, unless otherwise ordered by this Court;

AND WHEREAS the appellant alludes to a "hearing" in his notice of motion but does not request an oral hearing as contemplated in Rule 369.2(2);

AND WHEREAS the Court is able to decide the motion for reconsideration on the basis of the written materials and without an oral hearing;

AND WHEREAS Rule 397(1) contemplates reconsideration on the following grounds: (i) the order does not accord with any reasons given for it, or (ii) a matter that should have been dealt with has been overlooked or accidentally omitted; aside from these situations, this Court is not empowered to reconsider its judgment or its reasons;

AND WHEREAS the appellant does not argue that the order does not accord with any reasons given for it;

AND WHEREAS, having considered the points raised in the appellant's submissions, the Court is not convinced that any matter that should have been dealt with in the Original Decision was overlooked or accidentally omitted, and the Court's silence on certain of the appellant's submissions leading up to the Original Decision should not be understood as indicating that they were overlooked or accidentally omitted;

AND WHEREAS most of the appellant's arguments in the present motion reargue issues that were argued and considered in the context of the Original Decision, effectively seeking a different conclusion, which is not the purpose of a motion for reconsideration;

AND WHEREAS other submissions by the appellant on the present motion seek reasons (or better reasons) for this Court's conclusions, which likewise is not the purpose of a motion for reconsideration;

AND WHEREAS the Court concludes that the motion for reconsideration should be dismissed;

THIS COURT ORDERS that the motion for reconsideration is dismissed.

"George R. Locke"
J.A.

"I agree.
René LeBlanc J.A."

"I agree.
Elizabeth Walker J.A."