

Federal Court



Cour fédérale

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Nombre de pages (incluant cette page) : 3**SUBJECT / OBJET :**

Court File No. / N° du dossier de la Cour: IMM-10645-12

Between / entre: IKROM AHMEDOV v. MPSEP

Enclosed is a true copy of the Order issued today in this matter by the Honourable Mr. Justice Mosley

COMMENTS / REMARQUES :

Please call to confirm receipt.

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Federal Court



Cour fédérale

Date: 20121019

Docket: IMM-10645-12

Ottawa, Ontario, October 19, 2012

PRESENT: The Honourable Mr. Justice Mosley

BETWEEN:

IKROM AHMEDOV

Applicant

and

**THE MINISTER OF PUBLIC SAFETY
AND
EMERGENCY PREPAREDNESS**

Respondent

ORDER

UPON A MOTION on behalf of the applicant for an order staying the execution of the removal order issued against the applicant currently scheduled for Tuesday, October 23, 2012;

AND UPON reading the material before the Court and hearing the representations of counsel for the parties by teleconference;

AND UPON considering the conjunctive tripartite test applied by the Federal Court of Appeal to stays of deportation in *Toth v. Canada (Minister of Employment and Immigration)*

(1988), 86 N.R. 302 (F.C.A.), namely that there is a serious issue to be tried, that the applicant would suffer irreparable harm if removed to his country of origin and that the balance of convenience lies in his favour;

THIS COURT ORDERS that the motion is granted and the removal of the applicant is stayed pending the determination of the underlying application for leave and if leave is granted, of the application for judicial review.

“Richard G. Mosley”

Judge