

Federal Court of Appeal



Cour d'appel fédérale

Date: 20250624

**Dockets: A-118-21
A-202-21**

Citation: 2025 FCA 123

**CORAM: STRATAS J.A.
ROUSSEL J.A.
BIRINGER J.A.**

Docket: A-118-21

BETWEEN:

HESAMEDDIN ABBASPOUR TAZEHKAND

Appellant

and

BANK OF CANADA

Respondent

Docket: A-202-21

BETWEEN:

HESAMEDDIN ABBASPOUR TAZEHKAND

Appellant

and

BANK OF CANADA

Respondent

Heard at Ottawa, Ontario, on June 24, 2025.

Judgment delivered from the Bench at Ottawa, Ontario, on June 24, 2025.

REASONS FOR JUDGMENT OF THE COURT BY:

BIRINGER J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Ottawa, Ontario, on June 24, 2025).

BIRINGER J.A.

[1] The background to these appeals starts with a complaint by the appellant before the Canadian Human Rights Commission regarding his application for employment at the Bank of Canada. The Commission dismissed the complaint, and the appellant sought judicial review of the Commission's decision.

[2] The Federal Court dismissed the application for judicial review and awarded \$2500 in costs (all-inclusive) to the Bank: 2020 FC 1193 (Judicial Review Decision and Costs Order). The appellant appealed the Federal Court's decision, and this Court dismissed the appeal: 2023 FCA 208.

[3] The appeals now before us are of two decisions of the Federal Court relating to the Costs Order. One is a decision on the appellant's motion for reconsideration of a Federal Court enforcement order (Enforcement Order): 2021 FC 327 (Reconsideration Decision). The Enforcement Order allowed the Bank to seize and sell the appellant's property to satisfy the Costs Order and additional costs of that motion.

[4] On the reconsideration motion, the appellant argued that enforcement was premature, given a pending appeal of the Judicial Review Decision. The Federal Court rejected this

argument, and left the substance of the Enforcement Order intact. The Federal Court also refused the appellant's request to file a responding affidavit.

[5] The other appeal before us is of a decision of the Federal Court dismissing the Bank's motion requesting that the appellant post security for costs, including those in the Costs Order: 2021 FC 738 (Security for Costs Order).

[6] The standards from *Housen v. Nikolaisen*, 2002 SCC 33 [*Housen*] apply. Questions of law are reviewable on a standard of correctness, whereas questions of fact or mixed fact and law are reviewable on a standard of palpable and overriding error unless there is an extricable question of law, which is reviewable for correctness.

[7] The appellant has not persuaded us that the Federal Court erred in either decision.

[8] Rule 397(1) of the *Federal Courts Rules*, S.O.R./98-106 limits the grounds on which a decision may be reconsidered to where (a) the order does not accord with any reasons given for it; or (b) a matter that should have been dealt with has been overlooked or accidentally omitted. The Federal Court concluded that the appellant had not raised any such grounds.

[9] The Federal Court considered and rejected the appellant's arguments that the Enforcement Order was premature and that the Bank had made "false statements" about the appellant's lack of responsiveness to a demand for payment. The Federal Court concluded that the Costs Order was enforceable notwithstanding an appeal, and that any misstatements of fact

by the Bank regarding exchanges of correspondence with the appellant were of no consequence to the motion for reconsideration.

[10] The appellant repeats these arguments on appeal, which we reject. First, in making these arguments, the appellant seeks to challenge the Enforcement Order, which is not before us. The appellant does not point to an error in the Federal Court’s conclusion that there was no basis for it to reconsider the Enforcement Order. Second, the appellant’s prematurity argument has no merit. The Costs Order was enforceable notwithstanding an appeal: Rule 392(2); *Wilson v. Meeches*, 2023 FCA 233 at paras. 23-24; *Halford v. Seed Hawk Inc.*, 2004 FC 1259 at paras. 36-37. Third, any arguments about prematurity were rendered moot when this Court dismissed the appeal of the Judicial Review Decision. We also find no error in the Federal Court’s refusal to allow the appellant to file a responding affidavit.

[11] On appeal from the Security for Costs Order, the appellant again raises the concern with “false statements” made by the Bank. The Federal Court noted that there had been emails between the parties, but this was ultimately of no consequence as the Federal Court decided not to grant an order requiring the appellant to post security for costs. In reality, the appellant, successful below, appeals against the Federal Court’s reasons, not its order. Appeals lie only from orders and judgments, not reasons: *Northback Holdings Corporation v. Canada (Environment and Climate Change)*, 2025 FCA 31 at para. 3; *Zoghbi v. Air Canada*, 2024 FCA 123 at para. 76.

[12] The appellant also submits that the Federal Court did not consider the material before it. There is a presumption that a judge has considered all of the filed material and the appellant has not convinced us that the presumption is rebutted: *Housen* at para. 46.

[13] As he did before this hearing, the appellant submits that the Court did not give him enough time for oral argument and thereby committed procedural unfairness. We disagree. The appellant, as an unrepresented litigant, was assigned the standard amount of time for oral argument for appeals of this type. In his oral argument, he covered the major points. We have considered the appellant's oral argument along with his memorandum of fact and law and we are satisfied he has received a full and fair hearing.

[14] Accordingly, we will dismiss both appeals with costs.

“Monica Biringer”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKETS: A-118-21
A-202-21

STYLE OF CAUSE: HESAMEDDIN ABBASPOUR
TAZEHKAND v. BANK OF
CANADA

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: JUNE 24, 2025

**REASONS FOR JUDGMENT OF THE COURT
BY:** STRATAS J.A.
ROUSSEL J.A.
BIRINGER J.A.

DELIVERED FROM THE BENCH BY: BIRINGER J.A.

APPEARANCES:

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