

Federal Court



Cour fédérale

Date: 20260409

Docket: T-1467-25

Citation: 2026 FC 468

Toronto, Ontario, April 9, 2026

PRESENT: Madam Justice Whyte Nowak

BETWEEN:

GCMR CONTRACTING INC

Applicant

and

**MNP LTD
BRUNO PIETRO OLIVIERO
GEORGE NESBITT**

Respondents

JUDGMENT AND REASONS

[1] The Applicant, GCMR Contracting Inc. [Applicant], seeks judicial review of a decision of the Insolvency Trustee, MNP Ltd., dated April 1, 2025, disallowing the Applicant's creditor's claim [the Decision] pursuant to subsection 135(2) of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 [Act].

[2] In advance of the hearing of this matter, I asked the parties to be prepared to address whether the Federal Court has jurisdiction to consider this matter. At the hearing, counsel for the Applicant conceded that his client, who at the time was acting as a self-represented litigant, had sought judicial review in the wrong court. I agree. Subsection 183(1) of the *Act* lists the courts that have jurisdiction over bankruptcy matters, all of which are provincial courts. In these circumstances, subsection 17(6) of the *Federal Courts Act*, RSC 1985, c F-7, is determinative and the Federal Court has no jurisdiction to entertain judicial review of the Decision.

[3] Only one of the named respondents, George Nesbitt, provided written representations on this application. He is entitled to his costs thrown away, which his counsel advised are \$3,600 based on a calculation under Tariff B of the *Federal Courts Rules*, SOR/98-106. I agree that Mr. Nesbitt should have his costs, particularly since his counsel raised the issue of jurisdiction and the Applicant had ample opportunity in advance of the hearing to make the concession on jurisdiction to avoid the unnecessary waste of time and resources associated with the hearing which was scheduled for four hours.

[4] As this Court lacks jurisdiction to judicially review the Decision, this application is dismissed with costs to the respondent, George Nesbitt.

JUDGMENT in T-1467-25

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and
2. Costs are awarded to the Respondent George Nesbitt in the fixed amount of \$3,600 payable forthwith.

"Allyson Whyte Nowak"
Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1467-25

STYLE OF CAUSE: GCMR CONTRACTING INC v MNP LTD, BRUNO PIETRO OLIVIERO, GEORGE NESBITT

PLACE OF HEARING: HELD BY WAY OF ZOOM VIDEOCONFERENCE

DATE OF HEARING: APRIL 8, 2026

JUDGMENT AND REASONS: WHYTE NOWAK J.

DATED: APRIL 9, 2026

APPEARANCES:

François Kasenda Kabemba	FOR THE APPLICANT
Frederic Lachance	FOR THE RESPONDENT (MNP LTD)
Bruno Pietro Oliviero	FOR THE RESPONDENT (ON HIS OWN BEHALF)
Jonathan P.M. Collings	FOR THE RESPONDENT (GEORGE NESBITT)

SOLICITORS OF RECORD:

Cabinet François K. Law Office Barrister and Solicitor Ottawa, Ontario	FOR THE APPLICANT
Howard Kelford & Dubois LLP Barrister and Solicitor Carleton Place, Ontario	FOR THE RESPONDENT (GEORGE NESBITT)