

Federal Court



Cour fédérale

Date: 20250130

Docket: T-2872-24

Toronto, Ontario, January 30, 2025

**PRESENT:** The Honourable Justice Battista

**BETWEEN:**

**MARY ISAAC**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

**ORDER**

**UPON MOTION** for an order: 1) staying the enforcement and execution of the decision of the Senior Assistant Deputy Minister of Indigenous Services Canada dated January 21, 2025, that upheld the decision to discontinue in-home and transportation funding currently in place for the Applicant and her children; 2) an order for the continuation of current funding provided to the Applicant until a decision is rendered on the Application for Judicial Review; 3) an order relieving the Applicant from compliance with Rule 373(2) of the *Federal Courts Rules*, SOR/98-106 [Rules]; and 4) costs of the motion;

**AND UPON** considering the parties' written and oral submissions;

**AND UPON** being satisfied that the Applicant has met the tripartite test to obtain injunctive relief described in *RJR-MacDonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311, 1994 CanLII 117 (SCC) [*RJR*];

**AND UPON** being satisfied that the Applicant has demonstrated a “strong *prima facie* case” (*R v Canadian Broadcasting Corp*, 2018 SCC 5 at paras 15-17) regarding the decision’s justification in light of the requirements of substantive justice, the decision’s interpretation of a “gap” in services precluding the application of Jordan’s Principle, and the requirements of procedural fairness;

**AND UPON** being satisfied that irreparable harm in the nature of removal of necessary caregiving and risk of physical safety for the Applicant’s children will result if the relief is not granted (*Letnes v Canada (Attorney General)*, 2020 FC 636 at para 50; *Bent v Canada (Public Safety and Emergency Preparedness)*, 2023 CanLII 115888 (FC) at para 11);

**AND UPON** being satisfied that the balance of convenience favours the Applicant because the Applicant will suffer greater harm if the relief is denied than the Respondent will suffer if the relief is granted (*RJR* at 342);

**THIS COURT ORDERS that:**

1. The decision of the Senior Assistant Deputy Minister of Indigenous Services Canada dated January 21, 2025, is stayed pending the disposition of the underlying Application for Judicial Review;
2. The current funding provided to the Applicant for in-home and transportation supports is continued until a decision on the Application for Judicial Review is rendered;
3. The Applicant is relieved from compliance with Rule 373(2) of the Rules;
4. Costs of the motion are payable to the Applicant with the amount to be determined by the Case Management Judge.

“Michael Battista”

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Judge