

Federal Court



Cour fédérale

Date: 20260128

Docket: IMM-10134-24

Citation: 2026 FC 124

Toronto, Ontario, January 28, 2026

PRESENT: The Honourable Madam Justice Furlanetto

BETWEEN:

HUANRONG ZHANG

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] This is an application for judicial review of a June 11, 2024 decision [Decision] of a Visa Officer [Officer] refusing the Applicant's application for a Temporary Resident Visa on the basis that it does not comply with the *Immigration and Refugee Protection Act*, SC 2001, c 27, and section 179 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227. The Officer was not satisfied the Applicant had sufficient assets to support the stated purpose for her travel, nor were they satisfied that the purpose of the visit was consistent with a temporary stay.

[2] The Respondent concedes the Decision was unreasonable in that it did not engage with the evidence and lacks sufficient details to support its findings. The Officer failed to engage with evidence that contradicted the Officer's conclusions contrary to their obligations: *Thavaratnam v Canada (Citizenship and Immigration)*, 2022 FC 967 at para 19, citing to *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC) at para 17. These conclusions included that: a) the purpose of the visit was not consistent with a temporary stay; b) the proposed 4-week visit was not a reasonable expense; c) the Applicant did not have sufficient funds to support the visit; and d) the Applicant did not have sufficient establishment and ties to her home country to motivate her return. The Respondent agrees the Decision should therefore be set aside and remitted back to a different Officer for redetermination in view of these errors.

[3] In addition to this remedy, the Applicant requests costs for this application in the amount of \$5,000. The Applicant asserts that costs are justified in the circumstances as the Respondent unnecessarily prolonged the proceeding by taking no steps to settle the proceeding until the last moment. The Applicant notes that the Decision is a redetermination that arose from the settlement of an earlier Federal Court proceeding relating to a refusal on the application.

[4] In connection with the costs issue, each party sought to file additional evidence in the way of settlement correspondence. Upon considering Rule 422 of the *Federal Courts Rules*, SOR/98-106, and noting the parties' consent to this evidence being filed so that the Court has the history of correspondence between the parties relating to settlement, at the hearing of the application the Court accepted both the Yvonne Yue affidavit and the Mangjie Chang affidavit into evidence.

[5] Pursuant to Rule 22 of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22 no costs are to be awarded to, or payable by, any party in respect of an application for judicial review unless there are special reasons. The threshold for establishing special reasons is high and must be assessed in the context of the particular circumstances of each case: *Angara v Canada (Citizenship and Immigration)*, 2021 FC 376 at para 55. It involves instances where one party has acted in a manner that may be characterized as unfair, oppressive, improper or actuated in bad faith, or conduct that unnecessarily or unreasonably prolonged the proceedings: *Almuhtadi v Canada (Minister of Citizenship and Immigration)*, 2021 FC 712 at para 56; *Taghiyeva v Canada (Minister of Citizenship and Immigration)*, 2019 FC 1262 at paras 17-23; *Singh v Canada (Minister of Citizenship and Immigration)*, 2022 FC 1643 [Singh] at para 45; *Issa v Canada (Minister of Citizenship and Immigration)*, 2025 FC 1971 at paras 3-7.

[6] Special reasons do not arise simply because the Minister challenges an application for judicial review of a decision and then later agrees to settle the application, nor must such special reasons arise if a matter is sent back for redetermination more than once: *Owie v Canada (Citizenship and Immigration)*, 2024 FC 1808 at para 15; *Singh* at para 46. There must be something more. Indeed, this Court has held at least in certain cases that errors on the part of a visa officer, absent bad faith, would not constitute special reasons for costs: see *Zheng v Canada (Minister of Citizenship and Immigration)*, 2003 FCT 54 at para 14; *Ge v Canada (Citizenship and Immigration)*, 2017 FC 594 at para 40.

[7] In this case, the Applicant's claim that the errors were clear and that the Respondent refused to settle the matter sooner than it allegedly should have does not amount to special reasons to award costs. Nor does the mere fact this this is a redetermination decision.

[8] The Respondent was entitled to defend the judicial review and to wait to see the certified tribunal record and for leave to be granted before it considered settlement. Here, the Respondent counsel reached out to Applicant's counsel shortly after the file was assigned to her for review. Thereafter a series of settlement correspondence was exchanged. The Respondent was not obliged to accept an offer that it viewed as fettering the officer's discretion on redetermination. I do not consider the Respondent to have acted in bad faith nor to have grossly prolonged the proceedings. In my view, there is no justification for costs.

[9] The application is accordingly allowed but the request for costs is dismissed.

JUDGMENT IN IMM-10134-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is allowed.
2. The June 11, 2024 decision is set aside, and the matter is remitted back to be redetermined by a different officer in consideration of the errors noted in paragraph 2 herein and with allowance for the Applicant to make additional submissions in support of her application.
3. No question of general importance is certified.
4. No costs are awarded.

"Angela Furlanetto"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-10134-24

STYLE OF CAUSE: HUANRONG ZHANG v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JANUARY 21, 2026

JUDGMENT AND REASONS: FURLANETTO J.

DATED: JANUARY 28, 2026

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