

Federal Court of Appeal



Cour d'appel fédérale

Date: 20181003

Docket: A-117-17

Citation: 2018 FCA 179

[ENGLISH TRANSLATION]

**CORAM: GAUTHIER J.A.
BOIVIN J.A.
DE MONTIGNY J.A.**

BETWEEN:

RICHARD TIMM

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Montréal, Quebec, on October 3, 2018.

Judgment delivered from the Bench at Montréal, Quebec, on October 3, 2018.

REASONS FOR JUDGMENT OF THE COURT BY:

BOIVIN J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Montréal, Quebec, on October 3, 2018).

BOIVIN J.A.

[1] The appellant, Richard Timm, is challenging before this Court the decision rendered by Justice Martineau of the Federal Court (the Federal Court judge) on March 1, 2017. The Federal Court judge dismissed the application for judicial review of the third level grievance decision dated November 27, 2014 rendered by Lori MacDonald, Acting Senior Deputy Commissioner at La Macaza Institution (the Deputy Commissioner).

[2] The Federal Court judge in this case chose the correct standard of review, that is, the standard of review of reasonableness, and properly applied it (*Agraira v. Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36, [2013] 2 S.C.R. 559).

[3] More particularly, we are of the view that the analysis of the Deputy Commissioner's decision, which upheld in part the applicant's grievances, is transparent and intelligible and falls within a range of possible, acceptable outcomes, which are defensible in respect of the facts and the law (*Dunsmuir v. New Brunswick*, 2008 SCC 9, [2008] 1 S.C.R. 190).

[4] In light of the applicable standard, the Federal Court judge did not err in finding, first, that the Deputy Commissioner's decision included appropriate corrective action regarding the document intake process and, second, that there was no basis for reviewing the Deputy Commissioner's decision with respect to the issue of harassment or discrimination because there was insufficient evidence (Reasons, para. 12).

[5] Lastly, contrary to the appellant's claim that the Federal Court judge provided inadequate reasons, we are instead of the opinion that the Federal Court judge took into consideration in his reasons the applicant's arguments and the evidence adduced by the applicant.

[6] The appeal is therefore dismissed without costs.

"Richard Boivin"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-117-17

STYLE OF CAUSE: RICHARD TIMM v. ATTORNEY
GENERAL OF CANADA

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: OCTOBER 3, 2018

**REASONS FOR JUDGMENT OF THE COURT
BY:** GAUTHIER J.A.
BOIVIN J.A.
DE MONTIGNY J.A.

DELIVERED FROM THE BENCH BY: BOIVIN J.A.

APPEARANCES:

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Stéphane Arcelin FOR THE RESPONDENT

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