

**Date: 20070813**

**Docket: A-583-06**

**Citation: 2007 FCA 266**

[ENGLISH TRANSLATION]

**Present: Pelletier J.A.**

**BETWEEN:**

**DIMITRIOS PAPADOPOULOS**

**Applicant**

**and**

**COMMUNICATION, ENERGY AND PAPERWORKS UNION OF CANADA  
and CORUS ENTERTAINMENT INC**

**Respondents**

Written motion decided without appearance of the parties

Order delivered at Ottawa, Ontario, on August 13, 2007.

**REASONS FOR ORDER:**

**PELLETIER J.A.**

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**REASONS FOR ORDER**

**PELLETIER J.A.**

[1] This controversy regarding the documents that must or must not appear in the applicant's record is caused by some confusion regarding the requirements of the *Federal Courts Rules*.

[2] The applicant filed an application for judicial review of the decision by the Canada Industrial Relations Board. Applications for judicial review are subject to part V of the *Federal Courts Rules*. Part IV of the Rules does not apply to applications for judicial review. See section

169 of the Rules. There is therefore no need to file an affidavit of documents pursuant to Rule 222, which seems to have been the applicant's intention when he filed his affidavit.

[3] In the context of an application for judicial review, the function of the applicant's affidavit is to put forward the record as it existed before the Court whose decision is in issue. To enable the applicant to prepare his record, Rule 317 allows the applicant to request the transmission of materials that are in the Court's possession. The Court complies with this request by transmitting the requested materials to the Court Registry and the parties under Rule 318.

[4] In this case, there is a debate over which documents were in the Tribunal Record. It is useless for the parties to be bent on exchanging motions, answers, retorts and counter-retorts when there is probably a simple solution to the problem.

[5] The applicant merely has to ask the Canada Industrial Relations Board to forward its complete and certified record to the Court Registry pursuant to Rule 318. The issue of knowing which documents were before the Court will therefore be permanently settled.

[6] To ensure that the Tribunal Record does not contain multiple copies of the same documents, or copies of documents that were not before the Board, the parties' affidavits and the applicant's record will be returned to them. The applicant will ask the Canada Industrial Relations Board to forward its certified record to the Court and the applicant. The applicant will then prepare a new affidavit that will submit the Board's record as certified by the Board before the Court. The

respondent will then file its affidavit, which will not contain any documents that do not appear in the Board's certified record.

[7] It goes without saying that the applicant's application for a direction allowing him to file a response to the respondent's motion record is dismissed.

“J.D. Denis Pelletier”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-583-06

**STYLE OF CAUSE:**

**DIMITRIOS PAPADOPOULOS**

**Applicant**

**and**

**COMMUNICATION, ENERGY AND PAPERWORKS UNION OF CANADA  
and CORUS ENTERTAINMENT INC.**

**Respondents**

**WRITTEN MOTION DECIDED WITHOUT APPEARANCE OF THE PARTIES**

**REASONS FOR ORDER:** PELLETIER J.A.

**DATED:** August 13, 2007

**WRITTEN REPRESENTATIONS:**

Dimitrios Papadopoulos

Applicant  
on his own behalf

Michael Cohen

For the Respondent  
Communication, Energy and  
Paperworks Union of Canada

**SOLICITORS OF RECORD:**

Dimitrios Papadopoulos  
Laval, Quebec

Applicant  
on his own behalf

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Montréal, Quebec

For the Respondent  
Communication, Energy and  
Paperworks Union of Canada