

**Date: 20080311**

**Docket: A-12-07**

**Citation: 2008 FCA 93**

**CORAM: LÉTOURNEAU J.A.  
NADON J.A.  
SHARLOW J.A.**

**BETWEEN:**

**INTERNATIONAL ASSOCIATION OF MACHINISTS  
AND AEROSPACE WORKERS AND INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS, DISTRICT LODGE 140**

**Applicants**

**and**

**AIR CANADA, ACTS LIMITED PARTNERSHIP,  
AC CARGO LIMITED PARTNERSHIP, AND ACGHS LIMITED PARTNERSHIP**

**Respondents**

Heard at Toronto, Ontario, on March 11, 2008.

Judgment delivered from the bench at Toronto, Ontario, on March 11, 2008.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**LÉTOURNEAU J.A.**

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AC CARGO LIMITED PARTNERSHIP, AND ACGHS LIMITED PARTNERSHIP**

**Respondents**

**REASONS FOR JUDGMENT OF THE COURT**

(Delivered from the Bench at Toronto, Ontario, on March 11, 2008)

**LÉTOURNEAU J.A.**

[1] We are of the view that this application for judicial review should be dismissed for mootness. We are aware of the parties' keen interest in the question of the jurisdiction of the Canada Industrial Relations Board in this matter, but any decision we would render on that point would have little precedential value because the decision would necessarily be limited to the facts of the case, which are highly unusual.

[2] The application for judicial review will be dismissed with costs.

“Gilles Létourneau”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-12-07

**(AN APPLICATION FOR JUDICIAL REVIEW OF A DECISION RENDERED BY THE CANADIAN INDUSTRIAL RELATIONS BOARD, DATED MAY 18, 2007, FROM FEDERAL COURT FILE NO. T-1016-07.)**

**STYLE OF CAUSE:** INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS AND INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, DISTRICT LODGE 140 v. AIR CANADA, ACTS LIMITED PARTNERSHIP, AC CARGO LIMITED PARTNERSHIP, AND ACGHS LIMITED PARTNERSHIP

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MARCH 11, 2008

**REASONS FOR JUDGMENT OF THE COURT BY:** (LÉTOURNEAU, NADON & SHARLOW J.J.A.)

**DELIVERED FROM THE BENCH BY:** LÉTOURNEAU J.A.

**APPEARANCES:**

Ian Roland FOR THE APPLICANTS

Fred Headon  
Rachelle Henderson FOR THE RESPONDENTS

**SOLICITORS OF RECORD:**

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Toronto, Ontario FOR THE APPLICANTS

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Dorval, Quebec FOR THE RESPONDENTS