

**Date: 20081023**

**Docket: A-539-07**

**Citation: 2008 FCA 325**

**CORAM: NOËL J.A.  
NADON J.A.  
TRUDEL J.A.**

**BETWEEN:**

**ARTHUR MOORE**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Montreal, Quebec, on October 23, 2008.

Judgment delivered from the Bench at Montreal, Quebec, on October 23, 2008.

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

**NADON J.A.**

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**REASONS FOR JUDGMENT OF THE COURT**

**(Delivered from the Bench at Montreal, Quebec, on October 23, 2008)**

**NADON J.A.**

[1] This is an appeal from a judgment of Martineau J. of the Federal Court, 2007 FC 1127, dated October 31, 2007. The judge dismissed the appellant's application for judicial review of a decision made on November 8, 2007, by the Department of Veterans Affairs ("Veterans Affairs") refusing to reimburse travel expenses incurred by the appellant in relation to medical treatment offered at St. Mary's Hospital ("St. Mary's") in Montreal.

[2] The learned Judge concluded that Veterans Affairs' decision that the nearest appropriate treatment centre to the appellant's residence was the Centre hospitalier régional de Lanaudière, situated in Joliette, Quebec (the "Joliette Hospital") was not unreasonable. Regretfully, we have not been persuaded that in so concluding, the learned Judge made any error which would allow us to intervene.

[3] While recognizing that St. Mary's is no doubt, from the appellant's perspective, the most appropriate treatment centre, it must be emphasized that sub-paragraph 7(1)(a)(i) of the *Veterans Health Care Regulations* (the "Regulations") provides in unambiguous terms that a veteran is entitled to the reimbursement of his travel expenses not to the most appropriate treatment centre, but to "the appropriate treatment centre nearest to his residence". In this regard, it should be noted that paragraph 7(1)(a) of the Regulations, in contrast to sub-paragraph 7(1)(a)(i), provides for the "most convenient" means of transport to take the veteran to the nearest appropriate treatment centre.

[4] On the record before us, there is no evidence supporting the view that the Joliette Hospital is not an appropriate treatment centre within the meaning of the Regulations. It is certainly the nearest to the appellant's residence. In particular, no evidence was offered to show that the medical care offered at the Joliette Hospital is inferior to that offered at St. Mary's or that it is inadequate, considering the appellant's medical condition.

[5] With respect to the appellant's submissions that his language rights under the *Charter of Rights* and the *Official Languages Act* are engaged or violated, we agree with the Judge's

conclusion that the record does not support these contentions and that they are not well founded in law.

[6] Although we would not go as far as the Judge in saying “there is ample evidence” that the appellant can receive medical services in both French and English at the Joliette Hospital, the record is to the effect that the Joliette Hospital is under a legal obligation to provide medical services in both official languages and that the appellant’s experience at that hospital shows that even though the language situation is not perfect, the doctor who treated him did so in the English language to his satisfaction.

[7] For these reasons, the appeal will be dismissed. However, since counsel for the respondent advised us at the hearing that he was not insisting on his costs, none shall be awarded.

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“M. Nadon”

J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-539-07

**(APPEAL FROM AN ORDER OF THE FEDERAL COURT, DATED OCTOBER 31, 2007,  
IN COURT FILE T-2177-06)**

**STYLE OF CAUSE:** ARTHUR MOORE v. ATTORNEY  
GENERAL OF CANADA

**PLACE OF HEARING:** Montreal, Quebec

**DATE OF HEARING:** October 23, 2008

**REASONS FOR JUDGMENT OF THE COURT BY:** Noël, Nadon, Trudel JJ.A.

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

**APPEARANCES:**

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