

Cour d'appel
fédérale



CANADA

Federal Court
of Appeal

Date: 20090526

Docket: A-233-08

Citation: 2009 FCA 172

**CORAM: DÉCARY J.A.
NOËL J.A.
BLAIS J.A.**

BETWEEN:

ROSAIRE LEJEUNE

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Hearing held at Montréal, Quebec, on May 26, 2009.

Judgment delivered from the Bench at Montréal, Quebec, on May 26, 2009.

REASONS FOR JUDGMENT OF THE COURT BY:

BLAIS J.A.

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Montréal, Quebec, on May 26, 2009)

BLAIS J.A.

[1] The issue in this case comes down to whether the applicant's false representations were made knowingly.

[2] The Commission imposed penalties and issued a notice of violation upon discovering further to an investigation that the applicant had failed to declare his business earnings, thereby making false representations.

[3] The Umpire was right to set aside the decision of the Board of Referees, which had found that the applicant had not made false representations.

[4] Once it is established that the applicant made representations he knew to be false, penalties are applicable. See *Turgeon v. Canada (Employment and Immigration Commission)*, [1997] F.C.J. No. 167 (F.C.A.) (QL).

[5] The applicant has failed to satisfy us that the Umpire erred in his judgment. The application for judicial review will be dismissed with costs.

“Pierre Blais”

J.A.

Certified true translation
Tu-Quynh Trinh

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-233-08

**(JUDICIAL REVIEW OF A DECISION OF UMPIRE GUY COULARD DATED
OCTOBER 26, 2007, FILE NO. CUB 69312).**

STYLE OF CAUSE: ROSAIRE LEJEUNE v.
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: May 26, 2009

REASONS FOR JUDGMENT OF THE COURT BY: DÉCARY J.A.
NOËL J.A.
BLAIS J.A.

DELIVERED FROM THE BENCH BY: BLAIS J.A.

APPEARANCES:

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Liliane Bruneau

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