

Federal Court
of Appeal



Cour d'appel
fédérale

Date: 20100630

Docket: 10-A-18

Citation: 2010 FCA 175

Present: NOËL J.A.

BETWEEN:

**DON IRVINE, DARREN KING, RHONDA KING,
KARI LAFOND, DON POOYAK and PHYLLIS LENNIE**

Applicants

and

THE ATTORNEY GENERAL OF CANADA

Respondent

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on June 30, 2010.

REASONS FOR ORDER BY:

NOËL J.A.

Federal Court
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REASONS FOR ORDER

NOËL J.A.

[1] The applicants bring an application pursuant to Rule 369 of the *Federal Courts Rules*, SOR/98-106 (the Rules), seeking an extension of time to commence applications for judicial review of the January 9, 2009 and November 25, 2009 decisions of the Honourable R.J. Marin, Umpire.

[2] Each of the applicants were appellants before the Umpire, the appeal by Don Irvine being considered as the lead appeal (the lead applicant).

[3] By a previous application before this Court, A-94-09, the lead applicant sought judicial review of the January 9, 2009 Umpire decision. This application was dismissed on October 29, 2009 to allow the lead applicant to pursue an application to have the January 9, 2009 decision reconsidered by the Umpire on the basis of new facts, pursuant to section 120 of the *Employment Insurance Act*, S.C. 1996, c. 23 (section 120). The application for reconsideration was dismissed by the Umpire on November 25, 2009.

[4] The applicants now request an extension of time to commence an application for judicial review of both the Umpire's original January 9, 2009 decision and the November 25, 2009 section 120 decision.

[5] As noted, the application for judicial review of the original Umpire decision was dismissed by this Court. It follows that the only Umpire decision that can be judicially reviewed at this time is the Umpire reconsideration decision of November 25, 2009.

[6] The respondent resists the application for an extension of time to judicially review the decision of November 25, 2009 on the basis that the applicant has not disclosed an arguable case.

[7] I am not satisfied that the application for an extension of time can be dismissed on this basis at this stage. Accordingly the applicants will be granted an extension of time until July 30, 2010 to

file fresh applications for judicial review in their respective names directed against the decision of November 25, 2009 only.

“Marc Noël”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: 10-A-18

STYLE OF CAUSE: DON IRVINE, DARREN KING,
RHONDA KING, KARI LAFOND,
DON POOYAK and PHYLLIS
LENNIE v. THE ATTORNEY
GENERAL OF CANADA

MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES

REASONS FOR ORDER BY: Noël J.A.

DATED: June 30, 2010

WRITTEN REPRESENTATIONS BY:

Don Irvine

SELF-REPRESENTED

François Choquette

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Myles J. Kirvan
Deputy Attorney General of Canada

FOR THE RESPONDENT