

Federal Court
of Appeal



Cour d'appel
fédérale

Date: 20100907

Docket: A-423-09

Citation: 2010 FCA 222

**CORAM: BLAIS C.J.
NOËL J.A.
TRUDEL J.A.**

BETWEEN:

THU-CUC LAM

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Hearing held at Ottawa, Ontario, on September 7, 2010.

Judgment delivered from the Bench at Ottawa, Ontario, on September 7, 2010.

REASONS FOR JUDGEMENT OF THE COURT BY:

NOËL J.A.

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Ottawa, Ontario, on September 7, 2010)

NOËL J.A.

[1] We are of the view that the judge of the Federal Court, having found that the adjudicator had failed to allow the parties to make submissions on the issue of the appropriate remedy, had to refer the case back to the adjudicator for redetermination.

[2] It is therefore appropriate to allow the appeal, to set aside the decision of the Federal Court and to order that the matter be referred back to the same adjudicator for redetermination of the issue of the appropriate remedy.

[3] The appellant is entitled to her costs before this Court and at trial.

“Marc Noël”

J.A.

Certified true translation
Michael Palles

FEDERAL COURT OF APPEAL

SOLLICITORS OF RECORD

DOCKET: A-423-09

**(APPEAL FROM A JUDGEMENT OF THE HONOURABLE MR. JUSTICE
MARTINEAU OF THE FEDERAL COURT DATED SEPTEMBER 16, 2009, DOCKET
NO. T-1350-08.)**

STYLE OF CAUSE: THU-CUC LAM and ATTORNEY
GENERAL OF CANADA

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: September 7, 2010

REASONS FOR JUDGMENT OF THE COURT BY: BLAIS C.J., NOËL J.A., TRUDEL
J.A.

DELIVERED FROM THE BENCH BY: NOËL J.A.

APPEARANCES:

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Stéphan Bertrand FOR THE RESPONDENT

SOLLICITORS OF RECORD:

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