

Federal Court  
of Appeal



Cour d'appel  
fédérale

**Date: May 17, 2011**

**Docket: A-230-10**

**Citation: 2011 FCA 170**

**CORAM: BLAIS C.J.  
SHARLOW J.A.  
LAYDEN-STEVENSON J.A.**

**BETWEEN:**

**ISABELLE ARCAND**

**Appellant**

**and**

**ABIWIN CO-OPERATIVE INC.**

**Respondent**

Heard at Ottawa, Ontario, on May 17, 2011.

Judgment delivered from the Bench at Ottawa, Ontario, on May 17, 2011.

REASONS FOR JUDGMENT OF THE COURT BY:

LAYDEN-STEVENSON J.A.

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**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Ottawa, Ontario, on May 17, 2011)**

**LAYDEN-STEVENSON J.A.**

[1] This is an appeal from the judgment of Justice O'Keefe of the Federal Court (2010 FC 529) dismissing the appellant's application under section 14 of the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5.

[2] Despite the able and articulate submissions of Ms. Arcand, we are of the view that the appeal must be dismissed. The judge identified the correct legal principles and applied them to interpret the parties' settlement agreement in the context of the underlying facts. It is not the

function of an appellate court to determine the weight to be assigned to the evidence. Although Justice O’Keefe did not accept the appellant’s evidence, he did not ignore it. We see no error of law or principle, or any palpable or overriding error of fact in the judge’s analysis. There is nothing that warrants our intervention.

[3] Consequently, the appeal will be dismissed.

“Carolyn Layden-Stevenson”

J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-230-10

**STYLE OF CAUSE:** ARCAND v ABIWIN CO-  
OPERATIVE INC.

**PLACE OF HEARING:** Ottawa, Ontario

**DATE OF HEARING:** May 17, 2011

**REASONS FOR JUDGMENT OF THE COURT BY:** BLAIS C.J., SHARLOW and  
LAYDEN-STEVENSON J.J.A.

**DELIVERED FROM THE BENCH BY:** LAYDEN-STEVENSON J.A.

**APPEARANCES:**

Self-Represented FOR THE APPELLANT

Marc Charron FOR THE RESPONDENT  
Lisanne McCullough

**SOLICITORS OF RECORD:**

FOR THE APPELLANT

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