

Federal Court of Appeal



Cour d'appel fédérale

Date: 20120919

Docket: A-71-12

Citation: 2012 FCA 241

**CORAM: NADON J.A.
DAWSON J.A.
STRATAS J.A.**

BETWEEN:

JOUNG-KWANG LEE

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

and

**FUTURE BAKERY LIMITED
AND BORYS WRZESNEWSKYJ**

Respondents

Heard at Toronto, Ontario, on September 19, 2012.

Judgment delivered from the Bench at Toronto, Ontario, on September 19, 2012.

REASONS FOR JUDGMENT OF THE COURT BY:

STRATAS J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Toronto, Ontario, on September 19, 2012)

STRATAS J.A.

[1] The applicant has applied for judicial review in response to a decision of the Umpire on December 2, 2011. The Umpire dismissed the applicant's appeal from the Board of Referees' decision. The Board of Referees dismissed the applicant's claim for employment insurance benefits.

[2] In this Court, the applicant does not seek to set aside the Umpire's decision. Instead, in his notice of application, the applicant seeks damages and statutory employment amounts against his former employer concerning the termination of his employment. In his memorandum of fact and law, the applicant claims additional relief against his former employer and others, but, again, it is only monetary in nature.

[3] Monetary relief is not available on judicial review in our Court: *Federal Courts Act*, R.S.C. 1985, c. F-7, sections 18 and 18.1. The monetary relief the applicant seeks is normally sought in the Ontario Superior Court of Justice.

[4] For that reason alone, this application must be dismissed.

[5] Some statements in the applicant's notice of application, supporting affidavit and memorandum of fact and law seem to address some of the events that form the basis of the decision of the Umpire. To the extent that these can be construed, very generously, as an attack on the Umpire's factual findings and his overall decision, we see no reviewable error.

[6] Therefore, the application will be dismissed. The Attorney General, the only respondent appearing, does not seek his costs, and so none shall be awarded.

[7] In closing, we wish to express our appreciation for the assistance given to the Court and to the applicant by Ms. Sadian Campbell, counsel for the Attorney General.

"David Stratas"

J.A.

Federal Court of Appeal



Cour d'appel fédérale

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:

A-71-12

AN APPLICATION FOR JUDICIAL REVIEW FROM THE DECISION OF THE BOARD OF REFEREES DATED SEPTEMBER 8, 2010

STYLE OF CAUSE:

Joung-Kwang Lee v. Attorney General of Canada and Future Bakery Limited and Borys Wrzesnewskyj

PLACE OF HEARING:

Toronto, Ontario

DATE OF HEARING:

September 19, 2012

REASONS FOR JUDGMENT OF THE COURT BY:

Nadon, Dawson, Stratas JJ.A.

DELIVERED FROM THE BENCH BY:

Stratas J.A.

APPEARANCES:

Joung-Kwang Lee

ON HIS OWN BEHALF

Sadian Campbell

FOR THE RESPONDENT, Attorney General of Canada

SOLICITORS OF RECORD:

N/A

FOR THE APPLICANT (Self-represented)

Kuretzky Vassos Henderson LLP
Toronto, Ontario

FOR THE RESPONDENTS,
Future Bakery Limited and Borys
Wrzesnewskyj

Myles J. Kirvan
Deputy Attorney General of Canada

FOR THE RESPONDENT
Attorney General of Canada