

Federal Court of Appeal



Cour d'appel fédérale

Date: 20121107

Docket: A-402-11

Citation: 2012 FCA 285

**CORAM: NADON J.A.
GAUTHIER J.A.
TRUDEL J.A.**

BETWEEN:

ROBERT TREMBLAY

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

Heard at Montreal, Quebec, on November 7, 2012.

Judgment delivered from the bench at Montreal, Quebec, on November 7, 2012.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the bench at Montreal, Quebec, on November 7, 2012)

NADON J.A.

[1] In this application for judicial review, the applicant is asking us to overturn the decision of Umpire Marin (CUB 75282A), in which he set aside a decision of the Board of Referees dated December 23, 2009.

[2] Having reviewed the applicant's memorandum of fact and law (the applicant having decided not to appear at his judicial review hearing) and the respondent's written and oral

submissions, we are not persuaded that the Umpire committed an error warranting our intervention. Accordingly, the application for judicial review will be dismissed with costs.

[3] In concluding, we consider it important to note that it was not open to the Umpire to require of the claimant, as he did, that he provide a copy of the transcript of the proceedings before the Board of Referees.

“M. Nadon”

J.A.

Certified true translation,
Erich Klein

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-402-11

STYLE OF CAUSE: ROBERT TREMBLAY v. A.G.C.

PLACE OF HEARING: Montreal, Quebec

DATE OF HEARING: November 7, 2012

REASONS FOR JUDGMENT OF THE COURT BY: NADON, GAUTHIER and
TRUDEL J.J.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

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FOR THE RESPONDENT

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