

Federal Court of Appeal



Cour d'appel fédérale

Date: 20230515

Docket: A-245-22

Citation: 2023 FCA 103

**CORAM: RENNIE J.A.
LASKIN J.A.
MONAGHAN J.A.**

BETWEEN:

TARIQ RANA

Applicant

and

TEAMSTERS LOCAL UNION NO. 938

Respondent

Heard at Toronto, Ontario, on May 15, 2023.
Judgment delivered from the Bench at Toronto, Ontario, on May 15, 2023.

REASONS FOR JUDGMENT OF THE COURT BY:

MONAGHAN J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Toronto, Ontario, on May 15, 2023).

MONAGHAN J.A.

[1] The applicant, Mr. Rana, seeks judicial review of a decision of the Canadian Industrial Relations Board (2022 CIRB LD 4846) dismissing his application to the Board for reconsideration of an earlier reconsideration decision. That earlier decision dealt with Mr. Rana's application for reconsideration of a 2019 Board decision (2019 CIRB LD 4112). That 2019

decision dismissed Mr. Rana's complaint that the respondent union breached its duty of fair representation under section 37 of the *Canada Labour Code*, R.S.C. 1985, c. L-2.

[2] Mr. Rana's first application for reconsideration, made in 2019, was dismissed by the Board (2019 CIRB LD 4231) and his application for judicial review of that decision was dismissed by this Court (2020 FCA 190). The Supreme Court of Canada dismissed Mr. Rana's application for leave to appeal: 39510 (1 April 2021).

[3] Undaunted, in March 2022, Mr. Rana made an application to the Board for reconsideration of the earlier reconsideration decision, asserting he had obtained relevant information during the assessment of costs proceeding in this Court that followed his unsuccessful judicial review application.

[4] The Board determined that Mr. Rana's second reconsideration application was not timely made and Mr. Rana neither demonstrated due diligence nor provided any explanation for his delay. On that basis the Board dismissed his application. Nonetheless, the Board went on to explain in detail why, even if Mr. Rana's application had been timely, the Board would not have reconsidered its 2019 decision.

[5] Before us, Mr. Rana takes no issue with the Board's determination that his second reconsideration application was not timely made. Rather, he submits the Board erred because it did not invite the union to respond to the evidence he submitted. This, he submits, is contrary to the principles of natural justice and procedural fairness.

[6] There is no merit to Mr. Rana's submission. The Board concluded that the second reconsideration application was not timely made and chose not to exercise its discretion to extend the time. We see no error in the Board's exercise of its discretion.

[7] As he has done on prior occasions, in this application Mr. Rana attempts to challenge the Board's prior decisions and the *bona fides* of the Board and its members towards his complaints and applications. Mr. Rana's allegations of this nature have been addressed and rejected, both by the Board and this Court, in prior proceedings stemming from the 2019 Board decision. We reiterate that they are completely unfounded. The fact that the Board does not accept Mr. Rana's arguments or his version of the facts does not constitute bad faith.

[8] We will dismiss the application with costs.

"K.A. Siobhan Monaghan"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

APPLICATION FOR JUDICIAL REVIEW OF THE CANADA INDUSTRIAL RELATIONS BOARD'S (THE BOARD) LETTER DECISION 2022 CIRB LD 4846 (THE DECISION) DATED OCTOBER 27, 2022

DOCKET: A-245-22

STYLE OF CAUSE: TARIQ RANA v. TEAMSTERS
LOCAL UNION NO. 938

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: MAY 15, 2023

REASONS FOR JUDGMENT OF THE COURT BY: RENNIE J.A.
LASKIN J.A.
MONAGHAN J.A.

DELIVERED FROM THE BENCH BY: MONAGHAN J.A.

APPEARANCES:

Tariq Rana FOR THE APPLICANT
ON HIS OWN BEHALF

Nora Parker FOR THE RESPONDENT

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