

Federal Court of Appeal



Cour d'appel fédérale

Date: 20250917

Docket: A-235-24

Citation: 2025 FCA 168

**CORAM: STRATAS J.A.
MONAGHAN J.A.
GOYETTE J.A.**

BETWEEN:

RICHARD FEARING

Applicant

and

**GARDAWORLD CASH SERVICES CANADA
CORPORATION**

Respondent

Heard at Toronto, Ontario, on September 17, 2025.

Judgment delivered from the Bench at Toronto, Ontario, on September 17, 2025.

REASONS FOR JUDGMENT OF THE COURT BY:

STRATAS J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Toronto, Ontario, on September 17, 2025).

STRATAS J.A.

[1] Mr. Fearing seeks to quash the Board's decision on June 18, 2024 (2024 CIRB LD 5375). The Board upheld a decision of a Labour Affairs Officer. That Officer found that Mr. Fearing's complaint for the non-payment of certain wages, made under subsection 251.01(1) of the

Canada Labour Code, R.S.C. 1985, c. L-2, was outside the six-month limitation period set out in paragraph 251.01(2)(a) of the *Code*.

[2] In this case, the Board had to make just one factual finding: the date of Mr. Fearing's complaint. With that finding, it could apply the six-month statutory limitation period and decide whether Mr. Fearing's complaint was timely.

[3] The Board did exactly that. It found that Mr. Fearing did not make the complaint about unpaid wages for the period of April 8, 2019 to April 17, 2019 until August 22, 2020, well beyond the six-month statutory limitation period in paragraph 251.01(2)(a) of the *Code*. Mr. Fearing's complaint was not timely.

[4] The Board also found, reasonably, that there was no statutory basis on which the Board could have extended the limitation period for Mr. Fearing to make the complaint. The clear and unambiguous text of subsection 251.01(3) of the *Code* confirms that no extension of time was available on these facts.

[5] Mr. Fearing submits that the Board should have granted an extension of time for his wage complaint because it was an ongoing violation of the collective agreement or could have been part of a civil action. His submission is without merit. Under subsection 251.01(3) of the *Code*, the Board had no power to extend the time for Mr. Fearing to make a subsection 251.01(1) complaint on those grounds.

[6] Overall, the Board identified and applied the relevant statutory provisions, reviewed the evidence before it, considered Mr. Fearing's arguments, and rendered a decision that was substantiated, rational, logical and supported by the evidence.

[7] The Board considered this matter without an oral hearing. It had the power to do so under section 16.1 of the *Code* and, given the simplicity of this case, it was justified in doing so. Reviewing this record, we see no other procedural grounds for interfering with the Board's decision. Mr. Fearing was aware of the case to meet and had a full opportunity to meet it.

[8] In oral argument, Mr. Fearing submits that his complaint was not a wage complaint under the *Code* but rather was a complaint against a training practice of the employer. This is at odds with the information he provided to the Board on his complaint form and what he wrote in paragraph 8 of his memorandum of fact and law. In our view, it was open to the Board to characterize his complaint as a wage complaint under the *Code*, one subject to the six-month statutory limitation period in paragraph 251.01(2)(a) of the *Code*. That characterization was reasonable.

[9] Overall, for the reasons set out above, the Board's decision was reasonable.

[10] Therefore, we will dismiss the application with costs.

"David Stratas"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-235-24
STYLE OF CAUSE:	RICHARD FEARING v. GARDAWORLD CASH SERVICES CANADA CORPORATION
PLACE OF HEARING:	TORONTO, ONTARIO
DATE OF HEARING:	SEPTEMBER 17, 2025
REASONS FOR JUDGMENT OF THE COURT BY:	STRATAS J.A. MONAGHAN J.A. GOYETTE J.A.
DELIVERED FROM THE BENCH BY:	STRATAS J.A.

APPEARANCES:

Richard Fearing	FOR THE APPLICANT (UNREPRESENTED) (BY VIDEOCONFERENCE)
Gerald Griffiths	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Little LLP Toronto, Ontario	FOR THE RESPONDENT
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