

Federal Court of Appeal



Cour d'appel fédérale

Date: 20250923

Docket: A-372-24

Citation: 2025 FCA 171

**CORAM: GLEASON J.A.
ROUSSEL J.A.
WALKER J.A.**

BETWEEN:

MICHAEL MOREAU

Appellant

and

THUNDER BAY PORT AUTHORITY

Respondent

Heard at Ottawa, Ontario, on September 23, 2025.
Judgment delivered from the Bench at Ottawa, Ontario, on September 23, 2025.

REASONS FOR JUDGMENT OF THE COURT BY:

WALKER J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Ottawa, Ontario, on September 23, 2025).

WALKER J.A.

[1] The appellant, Mr. Moreau, appeals an order of the Federal Court dated November 7, 2024 (2024 FC 1783, *per* Fothergill J.), dismissing Mr. Moreau's motion pursuant to Rule 97(b) of the *Federal Courts Rules*, S.O.R./98-106. The motion was brought in the course of an application by Mr. Moreau under section 77 of the *Official Languages Act*, R.S.C., 1985, c. 31

(4th Supp) (*OLA*) in which he asserted that the respondent had breached section 91 of the *OLA* by determining that the Chief Executive Officer (CEO) position did not require a language profile or was English essential.

[2] In his motion, Mr. Moreau sought an order compelling the respondent's affiant, the CEO, to answer a series of written questions on cross-examination of his affidavit about which position in the organization was responsible in emergencies.

[3] The affiant had already answered a question about his own responsibilities in emergencies. As the application concerned the language requirements for the affiant's position, the unanswered questions were irrelevant, as the Federal Court found.

[4] While this is sufficient to dispose of this appeal, we would add that we see no error in the test applied by the Federal Court to determine the proper scope of a cross-examination in an application under the *OLA*, nor do we see any reviewable error in the Federal Court's costs award.

[5] This appeal is therefore dismissed with costs fixed in the amount of \$1,500 plus disbursements.

"Elizabeth Walker"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:

A-372-24

STYLE OF CAUSE:

MICHAEL MOREAU v.
THUNDER BAY PORT
AUTHORITY

PLACE OF HEARING:

OTTAWA, ONTARIO

DATE OF HEARING:

SEPTEMBER 23, 2025

**REASONS FOR JUDGMENT OF THE COURT
BY:**

GLEASON J.A.
ROUSSEL J.A.
WALKER J.A.

DELIVERED FROM THE BENCH BY:

WALKER J.A.

APPEARANCES:

Michael Moreau

FOR THE APPELLANT
ON HIS OWN BEHALF

Jordan Lester

FOR THE RESPONDENT

SOLICITORS OF RECORD:

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FOR THE RESPONDENT