

Dockets: 2010-3247(CPP)
2010-3248(EI)

BETWEEN:

NORTH SHORE FOOTWEAR LTD.,

Appellant,

and

THE MINISTER OF NATIONAL REVENUE,

Respondent.

Appeal called for hearing on April 11, 2011 at Edmonton, Alberta
Before: The Honourable Justice Judith Woods

Appearances:

For the Appellant: No one appeared
Counsel for the Respondent: Robert Neilson

JUDGMENT

The appeal under the *Employment Insurance Act* and the *Canada Pension Plan* in respect of decisions of the Minister of National Revenue that Dawn Taylor was engaged in insurable and pensionable employment during the period from July 1 to August 28, 2009 is dismissed, and the decisions are confirmed.

The Registry is directed to send this judgment to the appellant at the address provided by its former counsel, and also to send a copy of the judgment to the former counsel.

Signed at Edmonton, Alberta this 12th day of April 2011.

“J. M. Woods”

Woods J.

Citation: 2011 TCC 210
Date: 20110412
Dockets: 2010-3247(CPP)
2010-3248(EI)

BETWEEN:

NORTH SHORE FOOTWEAR LTD.,

Appellant,

and

THE MINISTER OF NATIONAL REVENUE,

Respondent.

REASONS FOR JUDGMENT

Woods J.

[1] An appeal was called for hearing respecting decisions of the Minister of National Revenue under the *Employment Insurance Act* and the *Canada Pension Plan*. The Minister concluded that Dawn Taylor was engaged in insurable and pensionable employment with the appellant, North Shore Footwear Ltd., during the period from July 1 to August 28, 2009.

[2] Until recently, the appellant had been represented by counsel, Michael Furman. Mr. Furman attended at Court on the morning of the hearing to advise that he had not spoken to the appellant for some time and that he was not able to proceed as he did not have instructions.

[3] Mr. Furman's contact at the appellant was its principal, Allan Bodker. Mr. Furman's assistant had set up appointments with Mr. Bodker in connection with the appeal but these appointments were not kept. The most recent appointment was a couple of weeks ago. Mr. Furman indicated that he had also sent correspondence to Mr. Bodker and he believes that Mr. Bodker is likely aware of this scheduled hearing. Mr. Bodker did not attend Court.

[4] Mr. Furman requested that he be allowed to withdraw as counsel. The request was granted.

[5] At this juncture, the respondent made a motion to have the appeal dismissed for want of prosecution. Counsel submitted that it would be inappropriate to grant an adjournment because the respondent had two witnesses present in Court and one of these had traveled to Edmonton from Calgary.

[6] It is appropriate in my view to dismiss the appeals for want of prosecution. An appellant should be prepared to proceed with the appeal on the date scheduled for the hearing: *Rupolo v The Queen*, 2010 FCA 289. No reason was given for the appellant's failure to do so.

[7] The appeal under the *Employment Insurance Act* and the *Canada Pension Plan* will be dismissed, and the decisions of the Minister that Dawn Taylor was engaged in insurable and pensionable employment with the appellant during the period from July 1 to August 28, 2009 will be confirmed.

[8] Finally, I would note that if the appellant has a reasonable explanation for its failure to prosecute the appeals in a timely fashion, it may be possible to make application to have this decision set aside under the Court's inherent jurisdiction: *Farrow v The Queen*, 2003 TCC 885.

Signed at Edmonton, Alberta this 12th day of April 2011.

“J. M. Woods”

Woods J.

CITATION: 2011 TCC 210

COURT FILE NOS.: 2010-3247(CPP)
2010-3248(EI)

STYLE OF CAUSE: NORTH SHORE FOOTWEAR LTD. and
THE MINISTER OF NATIONAL
REVENUE

PLACE OF HEARING: Edmonton, Alberta

DATE OF HEARING: April 11, 2011

REASONS FOR JUDGMENT BY: Hon. J.M. Woods

DATE OF JUDGMENT: April 12, 2011

APPEARANCES:

For the Appellant: No one appeared

Counsel for the Respondent: Robert Neilson

COUNSEL OF RECORD:

For the Appellant:

Name: N/A

Firm:

For the Respondent: Myles J. Kirvan
Deputy Attorney General of Canada
Ottawa, Canada