

**Date: 20070606**

**Docket: T-1301-06**

**Citation: 2007 FC 605**

[ENGLISH TRANSLATION]

**Montréal, Quebec, June 6, 2007**

**PRESENT: Richard Morneau, Esq., Prothonotary**

**In the matter of the *Canada Labour Code*,  
R.S.C. (1985), c. L-2 as amended.**

**And in the matter of an order on dismissal  
made by arbitrator Jean-Paul Boily on August 19, 2005,  
under subsection 242(4) of the *Canada Labour Code*,  
R.S.C (1985), c. L-2 as amended and  
regarding Mr. Gilles Gagnon, 1218 Richard Street  
Blainville, QC J7C 3H7 and Transport Car-Fré Ltée,  
233 Albert-Mondou Street, St-Eustache, QC J7R 7A7**

**And in the matter of filing said order with the Federal Court  
under subsection 244(1) of the *Canada Labour Code*.**

**REASONS FOR ORDER AND ORDER**

[1] **WHEREAS** the adverse party, Transport Car-Fré Ltée, both in this docket and in T-1302-06, requested by means of letters dated May 23, 2007, that its objection to a real property seizure

that was carried out on March 19, 2007 (Transport Car-Fré's objection) be handled in writing, in accordance with Rule 369 of the *Federal Courts Rules*;

[2] **WHEREAS** the Court is of the view that this review approach may be retained, and that in that respect, the reply record submitted by Transport Car-Fré on May 23, 2007, is hereby accepted for filing;

[3] **WHEREAS** in adjudging Transport Car-Fré's objection on the merits, the Court finds that the arbitration award dated August 19, 2005 (the arbitration award), is fully enforceable and that Transport Car-Fré's objection is in reality a disguised appeal or application for judicial review of the arbitration award, and that such means cannot be admitted, given the final judgment by this Court on January 9, 2007.

[4] **WHEREAS** article 596 of the *Code of Civil Procedure* cannot be applied in the case at hand to defeat the seizure carried out on March 19, 2007.

[5] **AFTER** reading and analyzing the various motion records filed by the parties.

**THE COURT ORDERS AS FOLLOWS:**

- It dismisses the objection by Transport Car-Fré Ltée.

- The Reasons for Order and Order in this docket also apply, *mutadis mutandis*, in docket T-1302-06, and a copy of said Reasons and Order will also be placed therein.
  
- The garnisher is entitled to a set of costs for both dockets.

**“Richard Morneau”**

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Prothonotary

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** T-1301-06

**STYLE OF CAUSE:** In the matter of the *Canada Labour Code*, et al  
regarding:  
TRANSPORT CAR-FRÉ LTÉE  
Adverse Claimant  
and  
GILLES GAGNON  
partie saisissante

**WRITTEN MOTION REVIEWED AT MONTRÉAL WITHOUT APPEARANCE OF THE PARTIES**

**REASONS FOR ORDER** PROTHONOTARY MORNEAU

**DATED:** June 6, 2007

**WRITTEN SUBMISSIONS:**

Pierre-Louis Trudeau FOR THE ADVERSE CLAIMANT

Gilles Brunet FOR THE GARNISHER

**SOLICITORS OF RECORD:**

Le Cabinet d'Avocats Civilis S.A. FOR THE ADVERSE CLAIMANT  
Laval, Quebec

Brunet & Robillard Avocats, s.e.n.c. FOR THE GARNISHER  
Laval, Quebec