

Cour d'appel
fédérale



CANADA

Federal Court
of Appeal

Date: 20090528

Docket: A-551-08

Citation: 2009 FCA 179

**CORAM: DESJARDINS J.A.
NOËL J.A.
BLAIS J.A.**

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

Appellant

and

**ÉRIC VANDAL
JACQUES ST-PIERRE
JOËL TURBIS
PHILIPPE GOSSELIN**

Respondents

Hearing held at Montréal, Quebec, on May 28, 2009.

Judgment delivered from the Bench at Montréal, Quebec, on May 28, 2009.

REASONS FOR JUDGMENT OF THE COURT BY:

DESJARDINS J.A.

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Montréal, Quebec, on May 28, 2009)

DESJARDINS J.A.

[1] The appeals officer, appointed under section 145.1 of the *Canada Labour Code*, R.S.C., 1985, c. L-2, has now rendered his final decision, which is the subject of an application for judicial review in the Federal Court. Accordingly, the appeal before this Court of the decision of the trial judge (*Canada v. Vandal*, 2008 FC 1116, M. Lagacé D.J.), who dismissed as premature

the application for judicial review of the interlocutory decision of the appeals officer on his jurisdiction to hear the matter, has become moot.

[2] The parties acknowledged that, in challenging the final decision, they could present all the arguments that they intended to submit to this Court, such that, aside from the time factor, they would suffer no prejudice.

[3] In these circumstances, it is best that the issues be addressed in the context of the final decision.

[4] The appeal will therefore be dismissed with costs.

“Alice Desjardins”

J.A.

Certified true translation
Tu-Quynh Trinh

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-551-08

**(APPEAL OF A DECISION OF THE HONOURABLE MAURICE E. LAGACÉ,
DEPUTY JUDGE OF THE FEDERAL COURT, DATED OCTOBER 7, 2008,
DOCKET NUMBER T-2110-07).**

STYLE OF CAUSE: HER MAJESTY THE
QUEEN IN RIGHT OF
CANADA v. ÉRIC
VANDAL ET AL

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: May 28, 2009

REASONS FOR JUDGMENT OF THE COURT BY: DESJARDINS J.A.
NOËL J.A.
BLAIS J.A.

DELIVERED FROM THE BENCH BY: DESJARDINS J.A.

APPEARANCES:

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