
**JUDICIAL REVIEW
OF
ADMINISTRATIVE
ACTION IN CANADA**

BROWN AND EVANS

10.1 A party to a proceeding may, at an oral or electronic hearing,

- (a) call and examine witnesses and present evidence and submissions; ...

However, unlike the *SPPA*, Alberta's *Administrative Procedures and Jurisdiction Act*⁵¹² does not confer the right to make submissions only at an "in-person" oral hearing before the decision-maker. Rather, it provides:

4. Before an authority, in the exercise of a statutory power, refuses the application of or makes a decision or order adversely affecting the rights of a party, the authority...

(c) shall give the party an adequate opportunity of making representations by way of argument to the authority...

6. Where by this Part a party is entitled to make representations to an authority with respect to the exercise of a statutory power, the authority is not by this Part required to afford an opportunity to the party

- (a) to make oral representations....

if the authority affords the party an opportunity to make representations adequately in writing, but nothing in this Part deprives a party of a right conferred by any other Act to make oral representations or to be represented by counsel.

Section 35 of British Columbia's *Administrative Tribunals Act*⁵¹³ provides that in an application or interim or preliminary matter, a tribunal hold any combination of written, electronic and oral hearings, and in an electronic or oral hearing, a party may call and examine witnesses, present evidence and submissions, and conduct cross-examination as "reasonably required by the tribunal for a full and fair disclosure of all matters relevant to the issues in the application."⁵¹⁴

⁵¹² *Administrative Procedures and Jurisdiction Act*, R.S.A. 2000, c. A-3, ss. 4 and 6 (App. Alta. 4), cons'd in *Lone Pine (Committee) v. Alberta (Natural Resources Conservation Board)* (2005), 380 A.R. 378 (Alta. C.A.).

⁵¹³ *Administrative Tribunals Act*, S.B.C. 2004, c. 45, s. 35 (App. BC. 8).

⁵¹⁴ *Administrative Tribunals Act*, S.B.C. 2004, c. 45, s. 38 (App. BC. 8).

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10:9300 Inadequate Opportunity to Make Submissions

A denial of the right to make *any* submissions,⁵¹⁵ or a denial of the right of reply,⁵¹⁶ will result in a breach of the duty of procedural fairness. As well, a denial of the right to make submissions on one aspect of the case will result in a breach,⁵¹⁷ as will barring additional

⁵¹⁵ *Suresh v. Canada (Minister of Citizenship and Immigration)*, 2002 SCC 1; *Co-Operative Housing Federation of Canada v. York (Regional Municipality)* (2009), 89 Admin. L.R. (4th) 305 (Ont. Div. Ct.) (sale of co-operative by municipality); *Alook v. Bigstone Cree Nation* (2007), 71 Admin. L.R. (4th) 70 (FC) (Band council election appeal); *Edmonton Police Assn. v. Edmonton (City)* (2007), 283 D.L.R. (4th) 695 (Alta. C.A.); *Doward v. Nova Scotia (Workers' Compensation Appeals Tribunal)* (1997), 147 D.L.R. (4th) 62 (NSCA); see also *Gerus v. Canada (Attorney General)* (2008), 337 F.T.R. 256 (FC) (agency rules mandated right to make submissions); *Mavi v. Canada (Attorney General)*, 2009 ONCA 794 (opportunity to make submissions necessary before government attempts to enforce sponsorship default provision) at para. 149; *Pelletier v. Canada (Attorney General)* (2005), 41 Admin. L.R. (4th) 247 (FC) (right to answer compromised), aff'd 2007 FCA 6; *Samson Indian Band v. Samson Indian Band (Election Appeal Board)* (2006), 352 N.R. 119 (FCA); *Westwood Congregation of Jehovah's Witnesses v. Coquillam (City)* (2006), 272 D.L.R. (4th) 675 (BCSC) (passage of bylaw affecting congregation); *MPL Communications Inc. v. Canada (Attorney General)* (2005), 33 Admin. L.R. (4th) 192 (FC); *I.B.E.W., Local 2330 v. G.J. Cahill & Co. (1979) Ltd.* (2004), 696 A.P.R. 115 (Nfld. & Lab. C.A.) (union prevented from calling evidence); *Mah v. Manitoba (Department of Natural Resources, Parks and Natural Areas Br.)*, [2003] 5 W.W.R. 648 (Man. Q.B.); *Mushka v. Candle Lake (Resort Village)*, [2003] 11 W.W.R. 328 (Sask. Q.B.) (resolutions quashed because property owners given no notice or right to make submissions); *Whitton v. Canada (Attorney General)*, [2002] 4 F.C. 126 (FCA). See also *Cardinal v. Kent Institution*, [1985] 2 S.C.R. 643; *Mount Sinai Hospital Center v. Quebec (Minister of Health and Social Services)* (2001), 200 D.L.R. (4th) 193 (SCC) (*per* Binnie J.); *R. v. Gustavson* (2005), 249 D.L.R. (4th) 598 (BCCA) (practice on *habeas corpus* applications with respect to unrepresented litigants offends *audi alteram partem* rule).

⁵¹⁶ E.g. *Pyramid Corp. v. I.B.E.W., Local 529* (2001), 34 Admin. L.R. (3d) 54 (Sask. Q.B.); *C.W. Casino World Ltd. v. British Columbia* (1997), 30 B.C.L.R. (3d) 186 (BCCA); *Goyal v. Canada (Minister of Employment & Immigration)* (1992), 4 Admin. L.R. (2d) 159 (FCA); see also *Siu v. Royal Bank of Canada* (2005), 283 F.T.R. 101 (FC) (refusal to permit re-examination of rebuttal witness was denial of natural justice); *Loomis Armored Car Service Ltd., Re* (1963), 42 D.L.R. (2d) 49 (BCSC); *Cypress Disposal Ltd. v. S.E.I.U., Local 244* (1975), 50 D.L.R. (3d) 150 (BCCA); *McCready v. Ontario* (1993), 61 O.A.C. 286 (Ont. Div. Ct.); *Robert Brothers Farming Ltd. v. Alberta (Minister of Agriculture, Food & Rural Development)* (1994), 156 A.R. 235 (Alta. Q.B.).

⁵¹⁷ E.g. *Religious Hospitaliers of St. Joseph of Hotel Dieu Hospital of Kingston v. O.P.S.E.U.*, [2009] O.J. No. 4629 (Ont. Div. Ct.) (interest arbitration award of retroactive increase to former employees, without opportunity to make submissions, violated natural justice); *Garcia v. Canada (Minister of Citizenship and Immigration)* (2008), 75 Imm. L.R. (3d) 23 (FC) at para. 9; *Williams v. Holywell Properties*, 2009 BCSC 1742 at para. 28; *Canada Post Corp. v. Pollard* (2008), 382 N.R. 173 (FCA); *Le Chateau Exploration Ltd. v. Nova Scotia (Attorney General)* (2007), 268 N.S.R. (2d) 250 (NSSC) (no right to make submissions concerning British claim to ownership of sunken warships); *Plante v. Canada (Attorney General)* (2007), 325 F.T.R. 19 (FC); *Canadian Pacific Railway Co. v. Woollard* (2006), 303 F.T.R. 134 (FC), aff'd 2008 FCA 43; *Ag Pro Grain Management Services Ltd.*

submissions following the introduction of additional evidence.⁵¹⁸ As well, where a tribunal indicates the grounds upon which it wants submissions but decides on another ground, that too will be a breach of the duty of fairness.⁵¹⁹ As well, not disclosing the factors considered relevant in making a decision,⁵²⁰ precluding a party from completing its

v. Lacombe (County) (2006), 402 A.R. 199 (Alta. Q.B.); *Wong v. College of Traditional Chinese Medicine Practitioners and Acupuncturists of B.C.* (2005), 260 D.L.R. (4th) 329 (BCCA); *Yildiz v. Canada (Minister of Citizenship and Immigration)* (2004), 21 Admin. L.R. (4th) 51 (FC) (applicant told he could only continue with hearing if satisfactory explanation given for certain discrepancies); *Sivamoorthy v. Canada (Minister of Citizenship and Immigration)* (2003), 231 F.T.R. 208 (FCTD) (applicant led to believe issue of her identity not contentious; refusal of claim on this basis compelled new hearing); *Thompson v. Ontario (Labour Relations Board)* (2003), 171 O.A.C. 13 (Ont. Div. Ct.) (application dismissed for delay; applicant not allowed to address issue); *Veres v. Canada (Minister of Citizenship and Immigration)*, [2001] 2 F.C. 124 (FCTD); *Das v. Joint Medical Professional Review Committee* (2002), 228 Sask. R. 51 (Sask. Q.B.) (physician denied right to present own statistical analysis to rebut charges); see also *Baxandall v. Canada (Attorney General)* (1996), 206 N.R. 296 (FCA), where written submissions on an issue were inadvertently not brought to the adjudicator's attention, foll'd *Armstrong v. British Columbia (Provincial Court Judge)* (2004), 23 Admin. L.R. (4th) 318 (BCSC).

⁵¹⁸ *Fernandez v. Canada (Minister of Citizenship and Immigration)*, 2009 FC 192 (applicant not called for continuation of hearing); *Canada (Minister of Citizenship and Immigration) v. Stankov* (2006), 60 Admin. L.R. (4th) 215 (FC); *Keefe v. Edmonton (City)* (2002), 2 Admin. L.R. (4th) 230 (Alta. Q.B.), aff'd (2005), 29 Admin. L.R. (4th) 245 (Alta. C.A.); *L.I.U. v. Int. Assn. of Bridge, Structural and Ornamental Ironworkers* (1999), 565 A.P.R. 313 (NBQB), appeal dismissed for mootness (2001), 617 A.P.R. 246 (NBCA); *Law Society (Manitoba) v. Crump* (1982), 14 Man. R. (2d) 405 (Man. C.A.); *Montreal (City) v. Canada (National Transportation Agency)* (1991), 139 N.R. 176 (FCA); *Happy Penny Donut Palace v. Manitoba* (1984), 30 Man. R. (2d) 238 (Man. Q.B.), rev'd on other grounds [1985] 3 W.W.R. 274 (Man. C.A.); *I.A.M., Lodge 2309 v. Canada (Labour Relations Board)* (1988), 33 Admin. L.R. 227 (FCA), leave to appeal to SCC ref'd (1989), 103 N.R. 317(n).

⁵¹⁹ *Tembec Enterprises Inc. v. U.S.W.A., Council 1-1000* (2009), 254 O.A.C. 347 (Ont. Div. Ct.) at para. 43; *Overwaita Food Group LP v. Bates* (2006), 49 Admin. L.R. (4th) 206 (BCSC); see also *Bagri v. British Columbia (Workewrs' Compensation Board)*, 2009 BCSC 1262 at para. 61; *Bowater Mersey Paper Co. v. C.E.P., Local 141* (2009), 282 N.S.R. (2d) 20 (NSSC) at paras. 26ff, rev'd on grounds new issue was covered by grievance, and employer could have made submissions thereon 2010 NSCA 19; *Certified General Accountants Assn. of Ontario v. Appeal Tribunal of the Certified General Accountants Assn. of Ontario* (2007), 230 O.A.C. 212 (Ont. Div. Ct.); *Kazi v. Canada (Minister of Citizenship and Immigration)*, [2004] 1 F.C.R. 161 (FC) (change in Regulations not made known to applicants); *Martin v. Prince Edward Island (Workers' Compensation Board)* (2000), 586 A.P.R. 277 (PEISC); *Velauthar v. Canada (Minister of Employment and Immigration)* (1992), 141 N.R. 239 (FCA); *Myers v. Windsor (Town)* (2003), 680 A.P.R. 106 (NSCA); *McNeil v. Nova Scotia (Workers' Compensation Board)* (2001), 189 N.S.R. (2d) 310 (NSCA); *McCarthy v. Nova Scotia (Workers' Compensation Appeals Tribunal)* (2001), 9 C.C.E.L. (3d) 28 (NSCA); *Moose Jaw (City) v. Lloyd Construction Ltd.* (1998), 172 Sask. R. 316 (Sask. C.A.). *Compare Dang v. Canada (Minister of Citizenship and Immigration)*, [2000] F.C.J. No. 1187 (FCTD) (breach of natural justice did not affect ultimate decision).

⁵²⁰ *Island Timberlands LP v. Canada (Minister of Foreign Affairs)*, 2008 FC 1380; *Nova Scotia (Director of Assessment) v. Knickle* (2007), 260 N.S.R. (2d) 49 (NSCA); *Girard*

submissions,⁵²¹ constantly interrupting a party,⁵²² making a decision before submissions are heard,⁵²³ announcing the decision before submissions are complete,⁵²⁴ compelling only one party to make written

v. Canada (Customs and Revenue Agency) (2005), 62 Admin. L.R. (4th) 111 (FC); *N. (R.) (Litigation Guardian of) v. Ontario (Minister of Community, Family and Children's Services)* (2004), 70 O.R. (3d) 420 (Ont. Div. Ct.); *Lapointe v. Canada (Treasury Board)* (2004), 14 Admin. L.R. (4th) 304 (FC); *Pimentel v. Canada (Minister of Citizenship and Immigration)* (2004), 20 Admin. L.R. (4th) 65 (FC) ("fairness letter" must disclose case to be met); *Buchmann v. Saskatchewan (Milk Control Board)* (2002), 226 Sask. R. 17 (Sask. Q.B.); *Sandringham Place Inc. v. Ontario (Human Rights Commission)* (2001), 202 D.L.R. (4th) 301 (Ont. Div. Ct.); *Wang v. Canada (Minister of Citizenship and Immigration)* (2001), 199 F.T.R. 302 (FCTD). See also *May v. Ferndale Institution* (2005), 261 D.L.R. (4th) 541 (SCC) (prison transfer scoring matrix). Compare *Jang v. Canada (Minister of Citizenship and Immigration)* (2001), 278 N.R. 172 (FCA), foll'd *Khan v. Canada (Minister of Citizenship and Immigration)* (2001), 208 D.L.R. (4th) 265 (FCA). And see topic 10:9100, *ante*.

⁵²¹ E.g. *Wang v. Canada (Minister of Citizenship and Immigration)* (2007), 312 F.T.R. 312 (FC) (expert evidence wrongly refused); *Makani v. Canada (Minister of Citizenship and Immigration)* (2005), 35 Admin. L.R. (4th) 257 (FC); *N.A.P.E. v. Newfoundland (Treasury Board)* (1999), 43 C.C.E.L. (2d) 159 (Nfld. S.C.); *Spence v. York (City)* (1985), 10 Admin. L.R. 241 (Ont. H.C.J.). See also *Ganitano v. Metro Vancouver Housing Corp.*, 2009 BCSC 787 (technical problems interfered with right to hear and be heard); *Sandor v. Canada (Minister of Citizenship and Immigration)* (2004), 266 F.T.R. 311 (FC) (one side allowed to cross-examine before examination-in-chief completed).

⁵²² *Reginald v. Canada (Minister of Citizenship and Immigration)* (2002), 41 Admin. L.R. (3d) 316 (FCTD); *Langlois v. Canada (Attorney General)* (2004), 29 Admin. L.R. (4th) 1 (FC); *Manpel v. Greenwin Property Management* (2005), 200 O.A.C. 301 (Ont. Div. Ct.), suppl. reasons [2005] O.J. No. 5077; *Mazouni v. Canada (Minister of Citizenship and Immigration)* (2003), 9 Admin. L.R. (4th) 286 (FC); *Vlad v. Canada (Minister of Citizenship and Immigration)* (2004), 12 Admin. L.R. (4th) 150 (FC); *Del Castillo v. Canada (Minister of Employment and Immigration)* (1994), 79 F.T.R. 207 (FCTD).

⁵²³ *Construction & Specialized Workers' Union, Local 1611 v. B.C. (Labour Relations Board)*, 2009 BCSC 701 at para. 142; *McClennan v. Canada (Minister of National Defence)* (1998), 150 F.T.R. 96 (FCTD). See also *MBNA Canada Bank v. Canada (Financial Consumer Agency)* (2004), 26 Admin. L.R. (4th) 122 (FCA) (reasons for decision appended to notice of violation); *Xu v. Canada (Minister of Citizenship and Immigration)* (1999), 172 F.T.R. 294 (FCTD) (preparation of letter of rejection before interview manifested fettering of discretion).

⁵²⁴ *Sheferaw v. Canada (Minister of Citizenship and Immigration)*, 2009 FC 246; *Agastra v. Canada (Minister of Citizenship and Immigration)* (1999), 179 F.T.R. 316 (FCTD); *Li v. Canada (Minister of Citizenship and Immigration)* (2006), 299 F.T.R. 305 (FC) (decision rendered before applicant given opportunity to present further evidence); *Langroudi v. Canada (Minister of Citizenship and Immigration)* (2000), 192 F.T.R. 152 (FCTD); *Gill v. Canada (Minister of Citizenship and Immigration)* (1999), 163 F.T.R. 317 (FCTD); *Ladney v. Moore (Township)* (1984), 46 O.R. (2d) 586 (Ont. Div. Ct.). See also *Lagueux v. Canada (Chief of the Defence Staff)* (2005), 41 Admin. L.R. (4th) 159 (FC) (decision to order counselling had already been made when submissions requested); *Seiffert v. Canada (Minister of Citizenship and Immigration)* (2005), 277 F.T.R. 253 (FC) (at hearing under *Citizenship Act*, judge indicated at outset that negative decision already made); *Li v. Canada (Minister of Citizenship and Immigration)* (1998), 155 F.T.R. 102

submissions,⁵²⁵ providing inadequate time to make submissions following dissemination of a report,⁵²⁶ receiving confidential information but not giving a party an opportunity to make submissions respecting it,⁵²⁷ concocting a theory but not disclosing it to an applicant in order that he or she may respond,⁵²⁸ considering a written submission which restates oral submissions without providing an opportunity to other parties to know the submission's contents and to respond,⁵²⁹ or, without

(FCTD).

⁵²⁵ *Mazouni v. Canada (Minister of Citizenship and Immigration)* (2003), 9 Admin. L.R. (4th) 286 (FC).

⁵²⁶ *Baker v. Burin School Board District No. 7* (1999), 178 D.L.R. (4th) 155 (Nfld. S.C.). See also *VIA Rail Canada Inc. v. Canada (Transportation Agency)* (2005), 251 D.L.R. (4th) 418 (FCA), rev'd on basis no procedural unfairness; party was author of own misfortune 2007 SCC 15; *Chalal v. Canada (Minister of Citizenship and Immigration)* (2003), 232 F.T.R. 36 (FCTD),

⁵²⁷ *R. v. United Kingdom (Secretary of State), Ex. p. Doody* (1993), 243 N.R. 87 (H.L.); see also *Liu v. Canada (Minister of Citizenship and Immigration)* (2008), 76 Imm. L.R. (3d) 261 (FC); *Ng v. Canada (Attorney General)* (2008), 338 F.T.R. 298 (FC) at para. 36; *Heynen v. Yukon Territory* (2007), 77 Admin. L.R. (4th) 89 (Yuk. Terr. S.C.), rev'd on other grounds 2008 YKCA 14; *Ross v. Canada (Indian and Northern Affairs)* (2007), 68 Admin. L.R. (4th) 60 (FC); *D'Souza v. Canada (Minister of Citizenship and Immigration)* (2008), 321 F.T.R. 315 (FC) (poison pen letter); *John Doe v. Canada (Attorney General)* (2006), 43 Admin. L.R. (4th) 115 (FC) (termination of witness protection program); *Sierra Fox Inc. v. Canada (Minister of Transport)* (2007), 308 F.T.R. 219 (FC); *Brideau v. New Brunswick (Minister of Family and Community Services)* (2007), 62 Admin. L.R. (4th) 163 (NBQB), aff'd [2007] N.B.J. No. 492 (NBCA); *Kniazeva v. Canada (Minister of Citizenship and Immigration)* (2006), 288 F.T.R. 282 (FC); *Moore v. Canada (Attorney General)* (2005), 22 Admin. L.R. (4th) 216 (FC); *Viviers v. Canada (Minister of Citizenship and Immigration)* (2003), 238 F.T.R. 312 (FCTD); *Preston Sound v. Swan River Nation* (2003), 5 Admin. L.R. (4th) 124 (FC); *Al-Bakkal v. de Vries* (2003), 176 Man. R. (2d) 127 (Man. Q.B.) (allegations that student had cheated); *Orijji v. Canada (Attorney General)*, [2003] 2 F.C. 423 (FCTD); *Moran v. Canada (Industry)* (2001), 11 C.C.E.L. (3d) 205 (FCTD); *Bakchiev v. Canada (Minister of Citizenship and Immigration)* (2000), 196 F.T.R. 306 (FCTD); *Cristobal v. Canada (Minister of Citizenship and Immigration)* (2000), 198 F.T.R. 135 (FCTD); *Haghighi v. Canada (Minister of Citizenship and Immigration)*, [2000] F.C.J. No. 854 (FCA); *Do v. Canada (Minister of Citizenship and Immigration)* (2001), 199 F.T.R. 247 (FCTD) and cases cited therein ("danger to the public" opinions). See also *Charkaoui v. Canada (Citizenship and Immigration)*, 2008 SCC 38 (security certificate); *Charkaoui v. Canada (Citizenship and Immigration)*, 2007 SCC 9 (security certificate); *Chiau v. Canada (Minister of Citizenship and Immigration)*, [1998] 2 F.C. 642 (FCTD), aff'd (2000), 265 N.R. 121 (FCA); *Enterprises Ami Ltée v. C.J.A., Local 1023* (1976), 71 D.L.R. (3d) 318 (NBCA); *Trinh v. Acadie-Bathurst Health Authority* (2005), 287 N.B.R. (2d) 150 (NBQB) (interviews with witnesses and taking of evidence took place in absence of petitioner), as well as topic 10:5470, ante.

⁵²⁸ *Udutola v. Canada (Minister of Citizenship and Immigration)* (2008), 77 Imm. L.R. (3d) 207 (FC).

⁵²⁹ E.g. *C.E.P., Local 76 v. British Columbia (Power Engineers etc. Safety Appeal Board)* (2002), 97 B.C.L.R. (3d) 11 (BCCA).

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notice, rejecting a joint submission and imposing a more serious sanction.⁵³⁰ Indeed, in one case it was held that there was an obligation on the part of the tribunal to ensure that a visually-impaired party had assistance in order properly to present his case.⁵³¹

Applying this principle, courts have normally found that there has been a breach of the duty of fairness where no opportunity was granted to make submissions as to penalty or remedy, after a finding of guilt or liability,⁵³² even where the “sentencing” body was different from the one that found the individual guilty, and was empowered only to make a recommendation.⁵³³

10:9400 Permissible Limitations on the Making of Submissions

As with other aspects of the hearing such as cross-examination and legal representation, control over the making of submissions is within the discretion of the decision-maker. Accordingly, as long as the discretion is exercised in a way that is consistent with the duty of procedural fairness or, where applicable, the principles of fundamental justice, a reviewing court will not interfere.⁵³⁴

⁵³⁰ *College of Physicians & Surgeons (Ontario) v. Petrie* (1989), 37 Admin. L.R. 119 (Ont. Div. Ct.). See also *Rault v. Law Society of Saskatchewan* (2009), 331 Sask. R. 160 (Sask. C.A.). Compare *Moreau-Bérubé v. New Brunswick (Judicial Council)*, 2002 SCC 11 (panel had no express authority to make recommendation on sanction).

⁵³¹ *Matthews v. Board of Directors of Physiotherapy (Ontario)* (1990), 40 O.A.C. 60 (Ont. Div. Ct.).

⁵³² *Great Blue Heron Charity Casino v. Seguin* (2008), 299 D.L.R. (4th) 548 (Ont. Div. Ct.); *Yukon v. McBee*, 2009 YKSC 73 at para. 45; *Brown v. Canada (National Capital Commission)* (2008), 330 F.T.R. 108 (FC); *Sternberg v. Ontario Racing Commission* (2008), 92 O.R. (3d) 257 (Ont. Div. Ct.); *Great Blue Heron Charity Casino v. Seguin* (2008), 299 D.L.R. (4th) 548 (Ont. Div. Ct.); *Igbinosun v. Law Society of Upper Canada* (2008), 239 O.A.C. 178 (Ont. Div. Ct.), aff'd 2009 ONCA 484; *Cusack v. Nova Scotia (Superintendent of Insurance)* (2000), 573 A.P.R. 136 (NSSC); *Green v. Canada (Treasury Board)* (1999), 180 F.T.R. 96 (FCTD); *Halifax (Regional Municipality) Police Services v. Wilms* (1999), 177 N.S.R. (2d) 320 (NSSC); *Matthews v. Canada (Attorney General)* (1997), 139 F.T.R. 293 (FCTD); *Doman v. British Columbia (Superintendent of Brokers)* (1998), 9 Admin. L.R. (3d) 200 (BCCA); *Canadian Imperial Bank of Commerce v. Boisvert*, [1986] 2 F.C. 431 (FCA), leave to appeal to SCC ref'd (1986), 72 N.R. 367(n); *Cymbalisy v. Chiropractors' Assn. (Saskatchewan)* (1985), 39 Sask. R. 103 (Sask. Q.B.); *Achtem v. Law Society (Alberta)* (1981), 126 D.L.R. (3d) 364 (Alta. C.A.); *Sowemimo v. College of Physicians & Surgeons (Manitoba)* (1996), 40 Admin. L.R. (2d) 212 (Man. Q.B.).

⁵³³ *Munro, Re* (1993), 105 D.L.R. (4th) 342 (Sask. C.A.).

⁵³⁴ E.g. *A.T.U., Local 113 v. Ontario Labour Relations Board* (2007), 233 O.A.C. 14 (Ont. Div. Ct.); *Berg v. British Columbia (Police Complaint Commissioner)* (2006), 268 D.L.R. (4th) 467 (BCCA) (permissible limitations on complainants' rights), leave to appeal