

Federal Court



Cour fédérale

Date: 20170419

Docket: T-58-17

Citation: 2017 FC 372

Ottawa, Ontario, April 19, 2017

PRESENT: The Honourable Mr. Justice Locke

BETWEEN:

RONALD BRUCE

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

JUDGMENT AND REASONS

[1] The respondent moves for an order:

1. Amending the style of cause;
2. Allowing this application for judicial review;
3. Remitting the matter back to a different member of the Social Security Tribunal – Appeal Division for redetermination of the application for leave to appeal; and,
4. That the parties bear their own costs.

[2] The respondent's motion is accompanied by a description of errors it acknowledges were committed by the Social Security Tribunal – Appeal Division (SST-AD) in its decision.

[3] The applicant opposes the respondent's motion and requests that the Court order production of a certified copy of certain documents in the possession of the SST-AD. The applicant argues that remitting this matter back to the SST-AD for redetermination would be an inefficient use of Government resources, and that the applicant's request for the return of Canada Pension Plan benefits should be addressed by the Court. The applicant also argues that the respondent is in breach of Rule 318 of the *Federal Courts Rules*, SOR/98-106, which compels production of documents in the possession of the tribunal within 20 days of a request.

[4] The respondent replies that if the present application is heard as the applicant requests, and he is successful, the remedy is to send the matter back for re-determination. The respondent argues that it simply seeks to provide that same remedy earlier. The respondent also notes that it is the tribunal that is responsible for production of documents under Rule 318, and so the respondent is not in breach of this rule.

[5] I am entirely in agreement with the respondent and substantially for the reasons it has argued. Moreover, production of documents under Rule 318 is unnecessary since the underlying application is hereby granted.

JUDGMENT

THIS COURT'S JUDGMENT is that:

1. The style of cause is amended to reflect the correct respondent, the Attorney General of Canada;
2. This application for judicial review is allowed;
3. The matter is remitted to a different member of the Social Security Tribunal – Appeal Division for redetermination of the Application for Leave to Appeal; and,
4. No costs are awarded.

“George R. Locke”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-58-17

STYLE OF CAUSE: RONALD BRUCE v ATTORNEY GENERAL OF
CANADA

**MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO
RULE 369 OF THE *FEDERAL COURTS RULES***

JUDGMENT AND REASONS: LOCKE J.

DATED: APRIL 19, 2017

APPEARANCES:

Ronald Bruce

FOR THE APPLICANT
(ON HIS OWN BEHALF)

Jennifer Hockey

FOR THE RESPONDENT

SOLICITORS OF RECORD:

William F. Pentney
Deputy Attorney General of Canada
Gatineau, Quebec

FOR THE RESPONDENT