

Federal Court



Cour fédérale

Date: 20090520

Docket: T-1274-08

Citation: 2009 FC 522

Ottawa, Ontario, May 20, 2009

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

RAY BURZYNSKI

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] This is an application for judicial review of a decision of an Adjudicator respecting a grievance dealing with a collective agreement between the Canadian International Development Agency and the Public Service Alliance of Canada. That agreement has expired.

[2] The grievance was argued on the basis of agreed facts and documents, no factual findings are at issue here. The Applicant's Counsel submitted that the standard of review applicable to

the decision is reasonableness, the Respondent in its Memorandum agrees. The Applicant's Counsel at the hearing withdrew any argument relating to an issue of "pyramiding" as that issue was not argued before the Adjudicator.

[3] I have reviewed the decision of the Adjudicator, read the Memoranda of Argument filed by both parties and heard the Applicant's Counsel in oral argument. The Applicant's argument is the same as issued before the Adjudicator. I find that the Adjudicator's determination was within the bounds of reasonableness as established by the Supreme Court of Canada in *Dunsmuir v. New Brunswick*, [2008] 1 S.C.R. 190. That decision, given the expertise of the Adjudicator in matters such as this, must be given deference.

[4] Accordingly I will dismiss this application with costs to the Respondent which the parties have agreed should be fixed in the sum of \$3,500.00

JUDGMENT

For the Reasons herein:

THIS COURT ADJUDGES that:

1. The application is dismissed;
2. The Respondent is awarded costs in the sum of \$3,500.00

"Roger T. Hughes"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-1274-08

STYLE OF CAUSE: **ATTORNEY GENERAL OF CANADA v.
RAY BURZYNSKI**

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: May 20, 2009

**REASONS FOR JUDGMENT
AND JUDGMENT:** Hughes, J.

DATED: May 20, 2009

APPEARANCES:

Mr. Martin Desmeules

FOR THE APPLICANT
ATTORNEY GENERAL OF CANADA

Mr. Andrew Raven
Mr. Sandy Donaldson

FOR THE RESPONDENT
RAY BURZYNSKI

SOLICITORS OF RECORD:

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FOR THE RESPONDENT
RAY BURZYNSKI