

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20160126**

**Docket: A-136-15**

**Citation: 2016 FCA 24**

**CORAM: NOËL C.J.  
GAUTHIER J.A.  
WEBB J.A.**

**BETWEEN:**

**ATTORNEY GENERAL OF CANADA**

**Applicant**

**and**

**4PLAN CONSULTING INC.**

**Respondent**

Heard at Ottawa, Ontario, on January 26, 2016.  
Judgment delivered from the Bench at Ottawa, Ontario, on January 26, 2016.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**NOËL C.J.**

**Federal Court of Appeal**



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**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Ottawa, Ontario, on January 26, 2016).**

**NOËL C.J.**

[1] This is an application for judicial review by the Attorney General of Canada (Attorney General) directed against a decision of the Canadian International Trade Tribunal (the Tribunal) (PR-2014-030) wherein it was determined that the complaint brought by 4Plan Consulting Inc. (4Plan) against a procurement process was in part valid and ordered that 4Plan be compensated.

[2] The Attorney General originally took issue with both the finding that the complaint was in part valid and the remedy awarded. The attack relating to the remedy was not pursued during the hearing. As to the remaining issue, the case law establishes and the parties agree that reasonableness is the standard against which the finding that the complaint was, in part valid, must be addressed.

[3] Applying this standard we can find no reviewable error in the reasons advanced by the tribunal for upholding the complaint with respect to all the projects but one. It suffices to say that the arguments put forward by the Attorney General either fail to address the actual grounds on which the tribunal's decision was rendered or misconstrue the tribunal's reasons.

[4] The application for judicial review will be dismissed with costs.

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"Marc Noël"  
Chief Justice

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-136-15

**STYLE OF CAUSE:** ATTORNEY GENERAL OF  
CANADA v. 4PLAN  
CONSULTING INC.

**PLACE OF HEARING:** Ottawa, Ontario

**DATE OF HEARING:** JANUARY 26, 2016

**REASONS FOR JUDGMENT OF THE COURT BY:** NOËL C.J.  
GAUTHIER J.A.  
WEBB J.A.

**DELIVERED FROM THE BENCH BY:** NOËL C.J.

**APPEARANCES:**

Ms. Talitha A. Nabbali FOR THE APPLICANT

Mr. Benjamin Mills FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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Ottawa, Ontario