

Federal Court of Appeal



Cour d'appel fédérale

Date: 20180417

Docket: A-245-17

Citation: 2018 FCA 79

[ENGLISH TRANSLATION]

**CORAM: NADON J.A.
BOIVIN J.A.
DE MONTIGNY J.A.**

BETWEEN:

RICHARD CHAMPAGNE

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Montreal, Quebec, on April 17, 2018.

Judgment delivered from the bench at Montreal, Quebec, on April 17, 2018.

REASONS FOR JUDGMENT OF THE COURT BY:

BOIVIN J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the bench at Montreal, Quebec, on April 17, 2018.)

BOIVIN J.A.

[1] Despite the able arguments of Ms. Asselin, we are all of the view that it was reasonable for the Appeal Division of the Social Security Tribunal to make the finding it did after its reading of subsection 36(9) of the *Employment Insurance Regulations* (SOR/96-332), (*Dunsmuir v. New Brunswick*, 2008 SCC 9, [2008] 1 S.C.R. 190). In fact, the subsection does not provide that it must be the employer that terminates the employment that must necessarily pay compensation.

The source of the payment is not relevant for the purposes of subsection 36(9) of the Regulations. It suffices that the compensation was paid “by reason of a lay-off”. It was also reasonable for the Appeal Division to find, by relying on the pronouncements of this Court—specifically *Canada (A.G.) v. Savarie*, [1996] F.C.J. No. 1270; *Brulotte v. Canada (A.G.)*, 2009 FCA 149; *Canada (A.G.) v. Roch*, 2003 FCA 356—that the purpose of employment insurance is to compensate an unemployed person for his or her loss of employment. In this case, it was when he was laid off from Aveos, on March 20, 2012, that the applicant really became unemployed and that the compensation became “payable” within the meaning of subsection 36(9) of the Regulations.

[2] The application for judicial review will therefore be dismissed. The respondent did not request costs and no costs will be awarded.

“Richard Boivin”

J.A.

Certified true translation
Janine Anderson, Revisor

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-245-17

STYLE OF CAUSE: RICHARD CHAMPAGNE v.
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: MONTREAL, QUEBEC

DATE OF HEARING: APRIL 17, 2018

REASONS FOR JUDGMENT OF THE COURT BY: NADON J.A.
BOIVIN J.A.
DE MONTIGNY J.A.

DELIVERED FROM THE BENCH BY: BOIVIN J.A.

APPEARANCES:

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Claude Provencher

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Stéphanie Yung-Hing

FOR THE RESPONDENT

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FOR THE RESPONDENT