

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20180529**

**Docket: A-238-17**

**Citation: 2018 FCA 100**

**CORAM: NEAR J.A.  
GLEASON J.A.  
LASKIN J.A.**

**BETWEEN:**

**DONNA CAMERON**

**Applicant**

**and**

**THE ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Toronto, Ontario, on May 28, 2018.

Judgment delivered at Toronto, Ontario, on May 29, 2018.

**REASONS FOR JUDGMENT BY:**

**GLEASON J.A.**

**CONCURRED IN BY:**

**NEAR J.A.  
LASKIN J.A.**

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Respondent

**REASONS FOR JUDGMENT**

**GLEASON J.A.**

[1] In this application for judicial review, Ms. Cameron seeks to set aside the July 31, 2017 decision of the Appeal Division of the Social Security Tribunal (SST-AD) in *D. C. v. Canada Employment Insurance Commission*, 2017 SSTADEI 286, denying her appeal from the earlier decision of the General Division of the Social Security Tribunal (the SST-GD or the General Division), issued February 3, 2017. In that decision, the SST-GD found that Ms. Cameron was

not entitled to receive employment insurance (EI) benefits as she left her employment without just cause because there were reasonable alternatives open to her that she ought to have taken before resigning.

[2] Under the *Department of Employment and Social Development Act*, S.C. 2005, c.34, s.58, (the DESDA), the SST-AD was empowered to set the SST-GD's decision aside only if it found the latter to have failed to observe a principle of natural justice, erred in law or based its decision on an erroneous finding of fact made in a perverse or capricious manner without regard to the material before it. The SST-AD held that none of the forgoing could be said of the decision of the General Division, which correctly stated the applicable law and made defensible factual findings that needed to be accorded deference. The SST-AD noted that it possibly could have decided the case differently, but held that this was not a sufficient basis for it to intervene under section 58 of the DESDA.

[3] In a somewhat similar fashion, this Court cannot set aside the decision of the SST-AD unless it is unreasonable, that being the applicable standard of review as was held in *Hurtubise v. Canada (Attorney General)*, 2016 FCA 147 and *Quadir v. Canada (Attorney General)*, 2018 FCA 21 (*Quadir*). Thus, the question is not whether Ms. Cameron ought to have received EI benefits but, rather, whether the SST-AD's decision regarding its inability to set aside the General Division's decision was reasonable.

[4] In my view, the decision of the SST-AD is reasonable because it was not open to it to intervene in light of section 58 of the DESDA.

[5] Ms. Cameron made essentially the same arguments to the SST-AD as she advances before us, namely that she ought to have been afforded EI benefits because she had just cause to have left her employment - either because she was a victim of sex-based harassment that is systemic in her industry or because she had a reasonable assurance of other employment in the immediate future as the business manager of her union advised that a position would be made available through the hiring hall provisions in the collective agreement following her resignation.

[6] These arguments seek to have this Court re-decide her case on the merits. However, that is not our role. Nor is it the role of the SST-AD. As this Court held in *Quadir*, a disagreement with the application of settled principles to the facts of a case does not afford the SST-AD the basis for intervention. As Ms. Cameron's arguments raise a disagreement with the application of settled principles to the facts of her case, it was reasonable for the SST-AD to have dismissed her appeal.

[7] I would therefore dismiss this application for judicial review, without costs, none having been sought by the respondent.

"Mary J.L. Gleason"

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J.A.

"I agree  
D. G. Near J.A."

"I agree  
J.B. Laskin J.A."

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-238-17

**STYLE OF CAUSE:** DONNA CAMERON v. THE  
ATTORNEY GENERAL OF  
CANADA

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MAY 28, 2018

**REASONS FOR JUDGMENT BY:** GLEASON J.A.

**CONCURRED IN BY:** NEAR J.A.  
LASKIN J.A.

**DATED:** MAY 29, 2018

**APPEARANCES:**

Donna Cameron FOR THE APPLICANT  
(SELF-REPRESENTED)

Sylvie Doire FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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Deputy Attorney General of Canada