

CORAM: THE HONOURABLE MR. JUSTICE STONE  
THE HONOURABLE MADAME JUSTICE DESJARDINS  
THE HONOURABLE MR. JUSTICE MCDONALD

Between:

THE ATTORNEY GENERAL OF CANADA

Applicant

- and -

BARRY WIECZOREK

Respondent

**REASONS FOR JUDGMENT OF THE COURT**

(Delivered from the Bench at Vancouver, British Columbia,  
on Monday, September 29, 1997)

**STONE, J.A.**

While we agree with counsel for the applicant that this is, indeed, a borderline case, we have not been persuaded on the basis of the particular record here before us, including that which was before the Board of Referees, that the Umpire erred in her decision of July 17, 1997. We arrive at this conclusion despite the able argument of counsel for the applicant.

The application will therefore be dismissed.

(Sgd.) "A.J. Stone"

J.A.

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**COURT NO.: A-734-96**

**STYLE OF CAUSE: THE ATTORNEY GENERAL OF CANADA**

**- and -**

**BARRY WIECZOREK**

**PLACE OF HEARING: Vancouver, BC**

**DATE OF HEARING: September 29, 1997**

**REASONS FOR JUDGMENT OF THE COURT BY: STONE, J.A.**

**CONCURRED IN BY: DESJARDINS, J.A.  
MCDONALD, J.A.**

**DATED: September 29, 1997**

**APPEARANCES:**

**Ms. Laura Wanamaker for Applicant**

**Mr. Barry Wiczorek for Respondent**

**SOLICITORS OF RECORD:**

**George Thomson for Applicant  
Deputy Attorney General of Canada**