

**Date: 20071010**

**Docket: A-488-06**

**Citation: 2007 FCA 318**

**CORAM: RICHARD C.J.  
SEXTON J.A.  
SHARLOW J.A.**

**BETWEEN:**

**I.M.P. GROUP LIMITED**

**Appellant**

**and**

**THE MINISTER OF PUBLIC WORKS AND GOVERNMENT SERVICES,  
CASCADE AEROSPACE INC. and SPAR AEROSPACE LIMITED**

**Respondents**

Heard at Ottawa, Ontario, on October 10, 2007.

Judgment delivered from the Bench at Ottawa, Ontario, on October 10, 2007.

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

**SHARLOW J.A.**

**Date: 20071010**

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CASCADE AEROSPACE INC. and SPAR AEROSPACE LIMITED**

**Respondents**

**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Ottawa, Ontario, on October 10, 2007)**

**SHARLOW J.A.**

[1] The appellant I.M.P. Group Limited was an unsuccessful bidder for a contract for the supply of airframe maintenance and support services for the Canadian Armed Forces' fleet of CC-130 Hercules Aircraft. The Minister of Public Works and Government Services awarded the contract to Cascade Aerospace Inc.

[2] I.M.P. Group Limited applied to the Federal Court for judicial review of the Minister's decision. The issue in the Federal Court was whether Cascade Aerospace Inc. met a specific mandatory requirement, namely that it had "been in the aircraft maintenance/R&O business for a minimum of 5 years in the past 8". Justice Harrington dismissed the application for judicial review on the basis that the Minister had correctly interpreted that mandatory requirement (2006 FC 1223).

[3] We agree with Justice Harrington's disposition of the application for judicial review, substantially for the reasons he gave. However, unlike Justice Harrington, we have concluded that the decision of this Court in *Canada (Minister of Public Works and Government Services) v. MaxSys Professionals & Solutions Inc.*, 2003 FCA 214, supports the Minister's decision. Although the facts in that case were not the same as the facts in this case, the principle is essentially the same.

[4] The appeal will be dismissed. Costs will be payable by I.M.P. Group Limited to the Minister and to Cascade Aerospace Inc.

"K. Sharlow"

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:**

A-488-06

**(APPEAL FROM A JUDGMENT OF MR. JUSTICE HARRINGTON DATED OCTOBER 13, 2006, DOCKET NO. T-2093-05)**

**STYLE OF CAUSE:**

I.M.P. GROUP LIMITED  
and  
THE MINISTER OF PUBLIC  
WORKS AND GOVERNMENT  
SERVICES, CASCADE  
AEROSPACE INC. and SPAR  
AEROSPACE LTD.

**PLACE OF HEARING:**

Ottawa, Ontario

**DATE OF HEARING:**

October 10, 2007

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

RICHARD C.J., SEXTON &  
SHARLOW J.J.A.

**DELIVERED FROM THE BENCH BY:**

SHARLOW J.A.

**APPEARANCES:**

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P Ngo

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MINISTER OF PUBLIC WORKS  
AND GOVERNMENT SERVICES

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M. Gardner

FOR THE RESPONDENT,  
CASCADE AEROSPACE INC.

R. Wagner  
P. Conlin

FOR THE RESPONDENT, SPAR  
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