

Date: 20080331

Docket: A-135-07

Citation: 2008 FCA 110

**CORAM: SEXTON J.A.
SHARLOW J.A.
PELLETIER J.A.**

BETWEEN:

CANADIAN NATIONAL RAILWAY COMPANY

Applicant

and

**UNITED TRANSPORTATION UNION GENERAL
CHAIRPERSON MR. REX A. BEATTY,
MR. BRYAN BOECHLER, MR. RAYMOND LABEL
and MS. SYLVIE LEBLANC and the
UNITED TRANSPORTATION UNION**

Respondents

Heard at Toronto, Ontario, on March 31, 2008.

Judgment delivered from the Bench at Toronto, Ontario, on March 31, 2008.

REASONS FOR JUDGMENT OF THE COURT BY:

SEXTON J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Toronto, Ontario, on March 31, 2008)

SEXTON J.A.

[1] At the commencement of this hearing, counsel for the respondents, the General Chairpersons, moved that this application be dismissed as moot. The applicant Canadian National Railway Company and the respondent United Transportation Union opposed the motion. They agreed that the application is moot but they argued that it should nevertheless be heard because it

raises an important question of law relating to the validity of a strike notice that may recur but, because of time constraints, may be elusive of judicial review.

[2] On the factual record before the Court, the issues raised by Canadian National Railway Company and the United Transportation Union would not necessarily be settled if this application were heard. For that reason, the application will be dismissed as moot.

[3] As this motion was raised with the Court for the first time at the opening of the hearing, no costs will be awarded.

"J. Edgar Sexton"

J.A.

COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-135-07

STYLE OF CAUSE: CANADIAN NATIONAL
RAILWAY COMPANY v.
UNITED TRANSPORTATION
UNION GENERAL
CHAIRPERSON MR. REX A.
BEATTY, MR. BRYAN
BOECHLER, MR. RAYMOND
LEBEL and MS. SYLVIE
LEBLANC and the UNITED
TRANSPORTATION UNION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 31, 2008

REASONS FOR JUDGMENT OF THE COURT BY: SEXTON, SHARLOW, PELLETIER
J.J.A.

DELIVERED FROM THE BENCH BY: SEXTON J.A.

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GENERAL CHAIRPERSONS

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FOR THE APPLICANT

FOR THE RESPONDENTS
UNITED TRANSPORTATION
UNION

FOR THE RESPONDENTS UNITED
TRANSPORTATION UNION
GENERAL CHAIRPERSONS