

Date: 20081127

Docket: A-223-08

Citation: 2008 FCA 379

**CORAM: LINDEN J.A.
RYER J.A.
TRUDEL J.A.**

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

**DAVIS PONTIAC BUICK GMC (MEDICINE HAT) LTD. and
MURRAY CHEVROLET CADILLAC MEDICINE HAT**

Respondents

Heard at Calgary, Alberta, on November 27, 2008.

Judgment delivered from the Bench at Calgary, Alberta, on November 27, 2008.

REASONS FOR JUDGMENT OF THE COURT BY:

RYER J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Calgary, Alberta on November 27, 2008)

RYER J.A.

[1] This is an application for judicial review of a decision of the Canadian International Trade Tribunal in relation to a complaint made by Davis Pontiac Buick GMC (Medicine Hat) Limited

(“Davis”).The complaint relates to a contract for the supply, services and maintenance of military vehicles that was awarded to Murray Chevrolet Cadillac (Medicine Hat) Ltd.

[2] In this application, the Attorney General contests the decision of the Tribunal with respect to the merits of the complaint.

[3] In view of the decision that we have rendered in Court file A-102-08, in which we found that the Tribunal lacked jurisdiction to hear the complaint, it follows that the decision of the Tribunal in relation to the merits of the complaint must be set aside.

[4] Accordingly, the application for judicial review will be allowed without costs and the decision of the Tribunal will be set aside.

“C. Michael Ryer”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-223-08

STYLE OF CAUSE: Attorney General of Canada
v. Davis Pontiac Buick GMC
(Medicine Hat) Ltd. and Murray
Chevrolet Cadillac Medicine Hat

PLACE OF HEARING: Calgary, Alberta

DATE OF HEARING: November 27, 2008

REASONS FOR JUDGMENT OF THE COURT BY: (LINDEN RYER TRUDEL J.J.A.)

DELIVERED FROM THE BENCH BY: RYER J.A.

APPEARANCES:

David M. Attwater FOR THE APPLICANT

Kent R. Anderson, Q.C. FOR THE RESPONDENT
Davis Pontiac Buick GMC
(Medicine Hat) Ltd.

No Appearance FOR THE RESPONDENT
Murray Chevrolet Cadillac Medicine
Hat

SOLICITORS OF RECORD:

John H. Sims, Q.C.
Deputy Attorney General of Canada

Miller Thomson LLP
Calgary, Alberta

No Appearance

FOR THE APPLICANT

FOR THE RESPONDENT
Davis Pontiac Buick GMC

FOR THE RESPONDENT
Murray Chevrolet Cadillac Medicine
Hat