

Federal Court
of Appeal



Cour d'appel
fédérale

Date: 20100319

Docket: A-21-10

Citation: 2010 FCA 76

Present: NOËL J.A.

BETWEEN:

PUBLIC SERVICE ALLIANCE OF CANADA

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

and

HALIFAX CITADEL REGIMENTAL ASSOCIATION

Respondent

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on March 19, 2010.

REASONS FOR ORDER BY:

NOËL J.A.

Federal Court
of Appeal



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NOËL J.A.

[1] The applicant brings an application to stay the proceedings before this Court pending the resolution of a related matter before the Federal Court.

[2] Section 50(1) of the *Federal Courts Act*, R.S.C. 1985, c. F-7, provides this Court with the discretion to stay proceedings in any cause or matter:

50. (1) ...

(a) on the ground that the claim is being proceeded with in another court or jurisdiction; or

(b) where for any other reason it is in the interest of justice that the proceedings be stayed.

50. (1) [...]

a) au motif que la demande est en instance devant un autre tribunal;

b) lorsque, pour quelque autre raison, l'intérêt de la justice l'exige.

[3] In this case, the related proceedings are between different parties and arise from different provisions of the *Federal Courts Act*. As such, the claim being proceeded with in the Federal Court is not the same as the one pending before this Court. The issue therefore is whether the applicant has established that it is the interest of justice that the matter before this Court be stayed pursuant to paragraph (b) above.

[4] In this respect, the applicant contends that “It is in the interest of justice to hold the present matter in abeyance in order to prevent simultaneous review of the same decision in two forums and to allow all issues to be addressed in the most efficient manner.” (Memorandum of the applicant, para. 1).

[5] It is apparent that a determination of the matter pending before this Court will bind the Federal Court and settle the question of whether the applicant was deprived of procedural fairness as well as the question of jurisdiction. While the applicant asserts that there are other issues before the Federal Court which cannot be resolved by this Court (Memorandum in Reply, para. 6), it remains

that the above questions, which are at the core of both proceedings, will be resolved in a definitive fashion, if the matter is allowed to proceed before this Court.

[6] In my view, it has not been established that greater judicial efficiency will result from the issuance of a stay.

[7] The application will be dismissed with costs in favour of each respondent.

“Marc Noël”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:

A-21-20

STYLE OF CAUSE:

Public Service Alliance of Canada
and Attorney General of Canada and
Halifax Citadel Regimental
Association

MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES

REASONS FOR ORDER BY:

Noël J.A.

DATED:

March 19, 2010

WRITTEN REPRESENTATIONS BY:

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