

Federal Court of Appeal



Cour d'appel fédérale

Date: 20121002

Docket: A-55-12

Citation: 2012 FCA 249

**CORAM: BLAIS C.J.
NADON J.A.
STRATAS J.A.**

BETWEEN:

CHIEF PENSIONS ADVOCATE

Appellant

and

VETERANS REVIEW AND APPEAL BOARD

Respondent

Heard at Ottawa, Ontario, on October 2, 2012.

Judgment delivered from the Bench at Ottawa, Ontario, on October 2, 2012.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Ottawa, Ontario, on October 2, 2012)

NADON J.A.

[1] In view of the Supreme Court of Canada's decision in *Halifax (Regional Municipality) v. Nova Scotia (Human Rights Commission)*, 2012 SCC 10, [2012] 1 S.C.R. 364, our decision in *The President of the Canada Border Services Agency and the Attorney General of Canada v. C.B. Powell Ltd.*, 2010 FCA 61, February 23, 2010, and that of the Ontario Court of Appeal in *Oleg Volochay v. College of Massage Therapists of Ontario*, 2012 ONCA 541, August 20, 2012, we see no basis to interfere with the decision of Mactavish J. dismissing the appellant's judicial review application on the ground that it was premature.

[2] In the end, the process should follow its regular course, and upon completion thereof, the appellant will no doubt have the opportunity, if not satisfied with the result, of challenging by way of a judicial review application the Veterans Review and Appeal Board's decision, and of raising the issue which it says should be decided now.

[3] For these reasons, the appeal will be dismissed with costs.

“M. Nadon”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-55-12

STYLE OF CAUSE: CHIEF PENSIONS ADVOCATE v.
VETERANS REVIEW AND
APPEAL BOARD

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: October 2, 2012

REASONS FOR JUDGMENT OF THE COURT BY: BLAIS C.J., NADON and STRATAS
J.J.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

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FOR THE RESPONDENT

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FOR THE RESPONDENT