

Federal Court of Appeal



Cour d'appel fédérale

Date: 20121119

Docket: A-60-12

Citation: 2012 FCA 302

**CORAM: NOËL J.A.
MAINVILLE J.A.
WEBB J.A.**

BETWEEN:

KARL WILSON

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Halifax, Nova Scotia, on November 19, 2012.

Judgment delivered from the Bench at Halifax, Nova Scotia, on November 19, 2012.

REASONS FOR JUDGMENT OF THE COURT BY:

NOËL J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Halifax, Nova Scotia, on November 19, 2012)

NOËL J.A.

[1] This is an appeal following a judicial review application before the Federal Court wherein Mactavish J. (the Federal Court judge) concluded that the decision of Assistant Commissioner Ian McCowan denying Karl Wilson's (the appellant's) third level grievance was reasonable. Through this appeal, the appellant seeks an order removing from his institutional file certain information including a police report which, according to him, had an impact when he was denied parole.

[2] In our view, the appeal cannot succeed.

[3] As the Federal Court judge noted in her reasons, the difficulty confronting the appellant is his failure to follow the appropriate procedure. Indeed, instead of challenging his parole officer's decision through the grievance process (reasons, para. 4), the appellant opted to file a further grievance joining two distinct complaints, one related to a reduction in pay and the other to the failure to convey proper information to community residential centres (reasons, paras. 5 and 8). Significantly, he requested that the two be combined as they both involved allegations of harassment and discrimination.

[4] It is clear that the appellant would have had his concern addressed more efficiently, had he followed the appropriate procedure.

[5] We should add that although the appellant asserts as given that the police report which he wants to expunge from his file would have been removed but for the delays which he encountered, this should not be taken as a given as it is far from clear that this report should be removed from his file.

[6] The appeal is dismissed.

"Marc Noël"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-60-12

APPEAL FROM A JUDGMENT JUDGMENT OF THE HONOURABLE MADAM JUSTICE MACTAVISH DATED JANUARY 16, 2012, DOCKET NO. T-1147-11.

STYLE OF CAUSE: KARL WILSON AND ATTORNEY
GENERAL OF CANADA

PLACE OF HEARING: Halifax, Nova Scotia

DATE OF HEARING: November 19, 2012

REASONS FOR JUDGMENT OF THE COURT BY: Noël, Mainville, Webb JJ.A.

DELIVERED FROM THE BENCH BY: Noël J.A.

APPEARANCES:

Robert M. Gregan FOR THE APPELLANT

Sarah Drodge FOR THE RESPONDENT

SOLICITORS OF RECORD:

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