

Federal Court of Appeal



Cour d'appel fédérale

Date: 20200128

**Dockets: A-142-19
A-143-19**

Citation: 2020 FCA 28

**CORAM: PELLETIER J.A.
GLEASON J.A.
LASKIN J.A.**

BETWEEN:

DEMOCRACY WATCH

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Ottawa, Ontario, on January 28, 2020.

Judgment delivered from the Bench at Ottawa, Ontario, on January 28, 2020.

REASONS FOR JUDGMENT OF THE COURT BY:

PELLETIER J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Ottawa, Ontario, on January 28, 2020)

PELLETIER J.A.

[1] Despite counsel's best efforts, we are all of the view that this appeal should be dismissed.

[2] At issue is a question of statutory interpretation, albeit implicit. The presumptive standard of review is reasonableness: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at para. 16.

[3] The appellant has a view as to what the statute requires. The Governor in Council has another. Reasonableness contemplates precisely this possibility. We have not been persuaded that the Governor in Council's view is unreasonable.

[4] This is not to say that the Governor in Council's view in this case will be reasonable in every case but it was reasonable in this case.

[5] As for the argument that the Governor in Council was biased, the nature of the scheme makes such a situation inevitable: *Ocean Port Hotel Ltd. v. British Columbia (General Manager, Liquor Control and Licensing Branch)*, 2001 SCC 52, [2001] 2 S.C.R. 781 at para. 22.

[6] The appeal will be dismissed. The parties are given three days to make submissions on costs, failing which the Court will assess costs in its discretion.

“J.D. Denis Pelletier”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKETS: A-142-19
A-143-19

STYLE OF CAUSE: DEMOCRACY WATCH v.
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: JANUARY 28, 2020

REASONS FOR JUDGMENT OF THE COURT BY: PELLETIER J.A.
GLEASON J.A.
LASKIN J.A.

DELIVERED FROM THE BENCH BY: PELLETIER J.A.

APPEARANCES:

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