

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20220201**

**Docket: A-252-18**

**Citation: 2022 FCA 15**

**CORAM: WEBB J.A.  
LASKIN J.A.  
LEBLANC J.A.**

**BETWEEN:**

**TREVOR THOMAS LANGEVIN**

**Appellant**

**and**

**AIR CANADA**

**Respondent**

Heard by online video conference hosted by the registry on December 14, 2021.

Judgment delivered at Ottawa, Ontario, on February 1, 2022.

**REASONS FOR JUDGMENT BY:**

**WEBB J.A.**

**CONCURRED IN BY:**

**LASKIN J.A.  
LEBLANC J.A.**

**Federal Court of Appeal**



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**BETWEEN:**

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**Respondent**

**REASONS FOR JUDGMENT**

**WEBB J.A.**

[1] Mr. Langevin filed a complaint with the Canadian Human Rights Commission (the Commission) against his former employer, Air Canada. By letter dated July 14, 2017, the Commission declined to deal with this complaint. Since Mr. Langevin did not file, within 30 days of the date of the Commission's decision, an application for judicial review of this

decision, Mr. Langevin filed an application with the Federal Court requesting an extension of time for him to file an application for judicial review of the Commission's decision.

[2] The Federal Court (*per* Justice Gagné), by the Order dated May 31, 2018 (the Dismissal Order), dismissed Mr. Langevin's application for an extension of time to submit an application for judicial review of the decision of the Commission. Mr. Langevin then brought a motion requesting reconsideration of the Dismissal Order. Justice Gagné, by her Order dated July 24, 2018 (Docket: 18-T-29) (the Reconsideration Order), dismissed Mr. Langevin's motion for reconsideration of the Dismissal Order. The Reconsideration Order is the order that is the subject of this appeal, as this is the order identified by Mr. Langevin in his notice of appeal as the order that he is appealing.

[3] Mr. Langevin raised a number of issues in his memorandum of fact and law and during the hearing of this appeal related to several incidents that occurred while he was employed by Air Canada, the termination of his employment by Air Canada, his complaint against his union, and his inability to obtain legal counsel to represent him.

[4] Mr. Langevin, in Part 2 of his memorandum of fact and law – "Points of the Issues", addresses in detail several of his concerns under the following headings:

- Faults of the Company and Union
- Faults of the Arbitration
- Faults of the Canadian Human Rights Commission
- Faults of the Canada Industrial Relations Board

[5] Mr. Langevin also submitted a notice of constitutional question related to subsection 15(1) of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c. 11. Mr. Langevin submitted that this constitutional question related to his inability to obtain legal services from “Pro Bono Services”.

[6] However, in this appeal, this Court does not have the power to address any of these alleged faults or the denial by “Pro Bono Services” of his request for legal assistance. The only powers granted to this Court, in the case of an appeal from the Federal Court, are set out in paragraph 52(b) of the *Federal Courts Act*, R.S.C. 1985, c. F-7:

<p><b>52</b> The Federal Court of Appeal may</p> <p style="text-align: center;">...</p> <p>(b) in the case of an appeal from the Federal Court,</p> <p style="padding-left: 20px;">(i) dismiss the appeal or give the judgment and award the process or other proceedings that the Federal Court should have given or awarded,</p> <p style="padding-left: 20px;">(ii) in its discretion, order a new trial if the ends of justice seem to require it, or</p> <p style="padding-left: 20px;">(iii) make a declaration as to the conclusions that the Federal Court should have reached on the issues decided by it and refer the matter back for a continuance of the trial on the issues that remain to be determined in light of that declaration</p>	<p><b>52</b> La Cour d’appel fédérale peut :</p> <p style="text-align: center;">[...]</p> <p>b) dans le cas d’un appel d’une décision de la Cour fédérale :</p> <p style="padding-left: 20px;">(i) soit rejeter l’appel ou rendre le jugement que la Cour fédérale aurait dû rendre et prendre toutes mesures d’exécution ou autres que celle-ci aurait dû prendre,</p> <p style="padding-left: 20px;">(ii) soit, à son appréciation, ordonner un nouveau procès, si l’intérêt de la justice paraît l’exiger,</p> <p style="padding-left: 20px;">(iii) soit énoncer, dans une déclaration, les conclusions auxquelles la Cour fédérale aurait dû arriver sur les points qu’elle a tranchés et lui renvoyer l’affaire pour poursuite de l’instruction, à la lumière de cette déclaration, sur les points en suspens;</p>
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[7] This is an appeal from the Reconsideration Order. The Reconsideration Order dismissed Mr. Langevin's motion for reconsideration of the Dismissal Order. This Court has only the following options – dismiss Mr. Langevin's appeal, or allow his appeal and either refer the matter back to the Federal Court to reconsider his motion or grant his motion for reconsideration of the Dismissal Order. This Court can only allow this appeal if the Federal Court Judge erred in denying Mr. Langevin's request for reconsideration.

[8] The issue in this appeal is not whether the Federal Court Judge erred in denying Mr. Langevin's application for extension of time. The Dismissal Order, which denied his application for an extension of time, is not the order that is under appeal. The only issue is whether an error was made in denying his motion for reconsideration of the Dismissal Order.

[9] Rule 397(1) of the *Federal Courts Rules*, S.O.R./98-106 limits the grounds on which the Federal Court may reconsider an order:

(a) the order does not accord with any reasons given for it; or

a) l'ordonnance ne concorde pas avec les motifs qui, le cas échéant, ont été donnés pour la justifier;

(b) a matter that should have been dealt with has been overlooked or accidentally omitted;

b) une question qui aurait dû être traitée a été oubliée ou omise involontairement.

[10] Mr. Langevin, in his memorandum of fact and law, devoted several pages to his allegation of the faults of the company, the union, the arbitration, the Canadian Human Rights Commission, and the Canada Industrial Relations Board. There is, however, no section in his

memorandum addressing what Mr. Langevin is alleging are the faults of the Federal Court Judge in rendering the Reconsideration Order.

[11] In the Reconsideration Order, the Federal Court Judge noted that Mr. Langevin's "motion for reconsideration only speaks to the substantive elements for which he is seeking judicial review, without raising any matter that would have been overlooked or accidentally omitted by the Court".

[12] There is no indication that Mr. Langevin, in his submissions to the Federal Court related to his reconsideration motion, argued that the Dismissal Order did not accord with the reasons given for that order. The only other basis upon which the Federal Court Judge could have reconsidered the Dismissal Order was if any matter was overlooked or accidentally omitted.

[13] Mr. Langevin, in his argument, referred to certain facts that he submitted should have been considered by the Federal Court Judge as a reasonable explanation for his delay in bringing his motion for an extension of time. However, Mr. Langevin did not establish that these facts were raised in either his motion for an extension of time or in his motion for reconsideration.

[14] Mr. Langevin has not established that the Federal Court Judge made any error in noting, in the Reconsideration Order, that he did not raise any matter that was overlooked or accidentally omitted by the Federal Court Judge in issuing the Dismissal Order. Therefore, he did not establish that he provided any basis upon which the Dismissal Order could have been reconsidered. The Federal Court Judge did not err in dismissing his motion for reconsideration.

[15] As the only issue in this appeal is whether the Federal Court Judge erred in issuing the Reconsideration Order, I would dismiss this appeal, without costs.

“Wyman W. Webb”

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J.A.

“I agree

J.B. Laskin J.A.”

“I agree

René LeBlanc J.A.”

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-252-18

**STYLE OF CAUSE:** TREVOR THOMAS LANGEVIN  
v. AIR CANADA

**PLACE OF HEARING:** HEARD BY ONLINE VIDEO  
CONFERENCE HOSTED BY  
THE REGISTRY

**DATE OF HEARING:** DECEMBER 14, 2021

**REASONS FOR JUDGMENT BY:** WEBB J.A.

**CONCURRED IN BY:** LASKIN J.A.  
LEBLANC J.A.

**DATED:** FEBRUARY 1, 2022

**APPEARANCES:**

Trevor Thomas Langevin ON HIS OWN BEHALF

Éric Beaulieu FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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Dorval, Quebec