

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20131114**

**Docket: A-58-13**

**Citation: 2013 FCA 266**

**CORAM: BLAIS C.J.  
PELLETIER J.A.  
MAINVILLE J.A.**

**BETWEEN:**

**CHANTAL RENAUD**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Hearing held at Ottawa, Ontario, on November 6, 2013.

Judgment delivered at Ottawa, Ontario, on November 14, 2013.

**REASONS FOR JUDGMENT BY:**

**BLAIS C.J.**

**CONCURRED IN BY:**

**PELLETIER J.A.  
MAINVILLE J.A.**

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**BETWEEN:**

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**ATTORNEY GENERAL OF CANADA**

**Respondent**

**REASONS FOR JUDGMENT**

**BLAIS C.J.**

[1] The appellant, who is representing herself, filed two applications for judicial review of decisions rendered by the Privacy Commissioner following two complaints of harassment. The two files were consolidated and the judgment that follows will dispose of both applications for judicial review.

[2] The cases were the subject of discovery during which the parties had the opportunity to submit all the evidence that was available in relation to the allegations.

[3] Justice Gagné of the Federal Court carefully considered the evidence and found that the decisions relating to the two grievances were well-founded and consequently dismissed the application for judicial review in both files (T-1111-10 and T-669-11).

[4] In her decision, the judge also considered the matter of the existence of minor procedural irregularities in the investigation, but found that the Commissioner had taken the necessary steps to remedy them. With regard to procedural fairness, it has been held in the case law that an unfair hearing could render a decision invalid, regardless of the possible outcome of the dispute (*Gale v. Canada (Treasury Board)*, 2004 FCA. 13, at para. 12; and *Université du Québec à Trois-Rivières v. Larocque*, [1993] 1 S.C.R. 471, at p. 493).

[5] However, there is an important exception to this principle: where a particular decision on the merits was inevitable, it is possible to uphold the decision in spite of everything; see in this regard *Mobil Oil Canada Ltd. v. Canada-Newfoundland Offshore Petroleum Board*, [1994] 1 S.C.R. 202 at pp. 228, 229. Justice Gagné found, upon analysis, that this exception applied to the facts in this case.

[6] We agree with the findings of the trial judge.

[7] Indeed, following a long investigation, a preliminary report was prepared and submitted to the appellant, who was able to respond not only in writing but also during a hearing before the

Commissioner. The procedural irregularities, which were minor when all is said and done, were amply dealt with by the steps taken by the Commissioner and the decision made on the merits was in any event inevitable.

[8] As a result, the appellant failed to satisfy us that the person responsible for the investigation, the Commissioner or even the trial judge committed an error that could justify this Court's intervention.

[9] The appeal will therefore be dismissed with costs.

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"Pierre Blais"  
Chief Justice

"I agree.

J.D. Denis Pelletier J.A."

"I agree.

Robert M. Mainville J.A."

Certified true translation

Erich Klein

**FEDERAL COURT OF APPEAL**

**SOLICITORS OF RECORD**

**APPEAL FROM A JUDGMENT OF THE HONOURABLE MADAM JUSTICE GAGNÉ  
OF THE FEDERAL COURT OF JANUARY 11, 2013, FILE NUMBERS T-1111-10 AND  
T-669-11.**

**DOCKET:** A-58-13

**STYLE OF CAUSE:** CHANTAL RENAUD v.  
ATTORNEY GENERAL OF  
CANADA

**PLACE OF HEARING:** OTTAWA, ONTARIO

**DATE OF HEARING:** NOVEMBER 6, 2013

**REASONS FOR JUDGMENT:** BLAIS C.J.

**CONCURRED IN BY:**  
MAINVILLE J.A.

**DATED:** NOVEMBER 14, 2013

**APPEARANCES:**

Chantal Renaud FOR THE APPELLANT  
(Self-represented)

Martin Desmeules FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

William F. Pentney FOR THE RESPONDENT  
Deputy Attorney General of Canada