

Federal Court of Appeal



Cour d'appel fédérale

Date: 20131203

Docket: A-225-13

Citation: 2013 FCA 278

**CORAM: PELLETIER J.A.
DAWSON J.A.
TRUDEL J.A.**

BETWEEN:

SUB-LIEUTENANT J.H. HARRIS

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Ottawa, Ontario, on December 3, 2013.

Judgment delivered from the Bench at Ottawa, Ontario, on December 3, 2013.

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 December 3, 2013).

PELLETIER J.A.

[1] This is an appeal from the decision of Madam Justice Gagné of the Federal Court, reported at 2013 FC 571, dismissing the appellant's application for judicial review of the Chief of Defence Staff dismissal her grievance.

[2] The Federal Court judge held that the appropriate standard of review was reasonableness. Notwithstanding the parties agreement that the standard of review before us was palpable and overriding error, the Supreme Court's decision in *Dr. Q v. College of Physician and Surgeons of British Columbia*, 2003 SCC 19, [2003] 1 SCR 226 establishes that our task is to determine if the application judge identified the correct standard of review and whether he or she applied it correctly to the facts.

[3] We agree with the Federal Court judge that the proper standard of review is reasonableness. Having regard to the whole of the record, we are unable to identify any error in the Federal Court judge's application of that standard of review to the facts. As a result, the appeal will be dismissed with costs.

"J.D. Denis Pelletier"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-225-13

STYLE OF CAUSE: SUB-LIEUTENANT J.H. HARRIS v.
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: DECEMBER 3, 2013

REASONS FOR JUDGMENT OF THE COURT BY: PELLETIER J.A.
DAWSON J.A.
TRUDEL J.A.

DELIVERED FROM THE BENCH BY:
PELLETIER J.A.

APPEARANCES:

Joshua M. Juneau FOR THE APPELLANT
SUB-LIEUTENANT J.H. HARRIS

Hélène Robertson FOR THE RESPONDENT
ATTORNEY GENERAL OF
CANADA

SOLICITORS OF RECORD:

Michel Drapeau Law Office FOR THE APPELLANT
Ottawa, Ontario SUB-LIEUTENANT J.H. HARRIS

William F. Pentney FOR THE RESPONDENT
Deputy Attorney General of Canada ATTORNEY GENERAL OF
CANADA

