

Court File No.: A-218-14

FEDERAL COURT OF APPEAL**BETWEEN:****GABOR LUKACS**

Applicant

and

CANADIAN TRANSPORTATION AGENCY

Respondent

**MEMORANDUM OF FACT AND LAW
OF THE RESPONDENT
CANADIAN TRANSPORTATION AGENCY**

PART I - STATEMENT OF FACTS

1. On February 14, 2014, Gabor Lukacs (the Applicant), sent an e-mail to the Respondent, the Canadian Transportation Agency (the Agency) with the subject line "Request to view file No. M4120-3/13-05726 pursuant to section 2(b) of the Charter".

Affidavit of Gabor Lukacs, sworn
April 25, 2014, Exhibit "A"
Applicant's Record, Volume 1, Tab 2

2. The Applicant's request was treated by the Agency as an informal request for information even though the request of the Applicant was referred by him as a request under subsection 2(b) of the *Canadian Charter of Rights and Freedoms* (the *Charter*).

Patrice Bellerose cross-examination on Affidavit filed on July 29, 2014 with the Agency's Motion to quash Applicant's Record, Volume 1, Tab 3, Tr. 176:24-25 and Tr. 177:1-21

3. Accordingly, in accordance with the *Privacy Act*, R.S.C., 1985, c. P-21, all personal information was removed from all 121 pages related to the request.

Patrice Bellerose cross-examination on Affidavit filed on July 29, 2014 with the Agency's Motion to quash Applicant's Record, Volume 1, Tab 3, Tr. 182:1-21, and Tr. 193:21-25

4. On March 19, 2014, Ms. Patrice Bellerose, Manager of Records Services and Access to Information and Privacy in the Records Services & ATIP Division of the Information Services Directorate in the Corporate Management Branch of the Agency sent an email to the Applicant with copies of records in response to his "request to view file 4120-3/13-05726".

Affidavit of Gabor Lukacs, sworn
April 25, 2014, Exhibit "I"
Tab 2 of the Applicant's Record, Volume 1

5. On March 24, 2014, the Applicant sent an e-mail to the Agency asking that he be provided with unredacted "copies of all documents in File No. M4120-3/13-05726 with respect to which no confidentiality order was made by a Member of the Agency".

Affidavit of Gabor Lukacs, sworn
April 25, 2014, Exhibit "J"
Applicant's Record, Volume 1, Tab 2

6. On March 26, 2014, Mr. Geoffrey C. Hare, Chair and Chief Executive Officer of the Agency, wrote to the Applicant to inform him that the Agency is a government institution listed in the schedule of the *Privacy Act*, and that although Agency case files are available to the public for consultation in accordance with the open court principle, personal information contained in the files such as an individual's home address, personal email address, personal phone number, date of birth, financial details, social insurance number, driver's license number, or credit card or passport details, is not available for consultation.

Affidavit of Gabor Lukacs, sworn
April 25, 2014, Exhibit "K"
Applicant's Record, Volume 1, Tab 2

7. On April 22, 2014, the Applicant served the Agency with the within Application for Judicial Review.

PART II – ISSUES

8. The issues to be determined by this Honourable Court in the within application are:
- a) Whether subsection 2(b) of the *Charter* protects access to information and, if so, in what circumstances?
 - b) Whether the Applicant has met the three-part inquiry test which would engage a protection under subsection 2(b) of the *Charter*?
 - c) Whether this Honourable Court should strike parts of Patrice Bellerose's Affidavit sworn on May 23, 2014?

PART III – SUBMISSIONS

Overview

The Agency

Agency as an adjudicator

9. The Agency is an independent, quasi-judicial tribunal and economic regulator. It makes decisions and determinations on a wide range of matters involving extraprovincial bus for accessibility purposes, air, rail, and marine modes of transportation under the authority of Parliament.

Applicant's Record, Volume 1, at page 199, para. 4

10. One of the key tools the Agency uses in carrying out its mandate as an adjudicator is the *Canadian Transportation Agency Rules (Dispute Proceedings and Certain Rules Applicable to All Proceedings)* (the Dispute Adjudication Rules) which came into effect on June 4, 2014 and replaced the General Rules.

Applicant's Record, Volume 1, at page 247

11. There is nothing in the *Canada Transportation Act* or in the Dispute Adjudication Rules which provides that the *Privacy Act* does not apply to the proceedings of the Agency. The Applicant has provided no evidence to the contrary.

Agency as a "government institution"

12. The Agency is a “government institution” and, as such, is governed by the *Privacy Act* as well as the *Access to Information Act*, R.S.C., 1985, c. A-1. For the purpose of the *Privacy Act* and the *Access to Information Act*, the Chair of the Agency is the head of the government institution.

Section 3 of the *Privacy Act*, R.S.C., 1985, c. P-21
Respondent's Record, Volume 1, Appendix A

Section 3 of the *Access to Information Act*, R.S.C. 1985, c. A-1
Respondent's Record, Volume 1, Appendix A

13. The Agency as a government institution collects, in accordance with section 4 of the *Privacy Act*, personal information that relates directly to its activities.

Section 4 of the *Privacy Act*, R.S.C., 1985, c. P-21
Respondent's Record, Volume 1, Appendix A

14. The Agency, as a government institution, looks at each request to access Agency records on a case-by-case basis. When doing so, the Agency must determine whether any of the exemptions provided for in the *Privacy Act* apply, in order to determine what information can be released to the public. This is done both for formal and informal requests.

Affidavit of Patrice Bellerose sworn on May 23, 2014, at para. 7
Respondent's Record, Volume 1, Tab 1

Privacy Act

15. The *Privacy Act* assigns overall responsibility to the President of the Treasury Board (as

the designated Minister) for the government-wide administration of that legislation.

Affidavit of Patrice Bellerose sworn on May 23, 2014, at para. 4.
Respondent's Record, Volume 1, Tab 1

16. Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be used by the government institution except (a) for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose; or (b) for a purpose for which the information may be disclosed to the institution under subsection 8(2).

Section 7 of the *Privacy Act*, R.S.C., 1985, c. P-21
Respondent's Record, Volume 1, Appendix A

17. Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the government institution.

Section 8(1) of the *Privacy Act*, R.S.C., 1985, c. P-21
Respondent's Record, Volume 1, Appendix A

18. Unless the consent of the individual concerned is specifically granted, one of the paragraphs in subsection 8(2) of the *Privacy Act* must be invoked to justify the disclosure.

AB v. Canada (Minister of Citizenship and Immigration),
[2002] F.C.J. No. 610, at para. 60
Respondent's Record, Volume 2, Appendix B, Tab 1

19. Subsection 8(2) of the *Privacy Act* enumerates thirteen situations where otherwise personal information may be disclosed.

Subsection 8(2) of the *Privacy Act*, R.S.C., 1985, c. P-21
Respondent's Record, Volume 1, Appendix A

20. In accordance with section 10 of the *Privacy Act*, all personal information collected by the Agency related to its activities is included in personal information banks.

Section 10 of the *Privacy Act*, R.S.C., 1985, c. P-21
Respondent's Record, Volume 1, Appendix A

21. Section 71 of the *Privacy Act* provides that the President of the Treasury Board Secretariat, as the designated minister, is responsible for the creation of personal information banks. Subsection 71(4) provides that only the designated minister can provide approval for modification of existing personal information banks.

Section 71 of the *Privacy Act*, R.S.C., 1985, c. P-21
Respondent's Record, Volume 1, Appendix A

22. The Supreme Court of Canada has recognized the quasi-constitutional status of the *Privacy Act*. The Supreme Court of Canada noted that the protection of privacy is a fundamental value in a modern and democratic society.

Dagg v. Canada (Minister of Finance), [1997] 2 S.C.R. 403,
at para. 65, 66
Respondent's Record, Volume 2, Appendix B, Tab 4

Standard of Review

23. The standard of review applicable in regards to a refusal by the head of the institution to disclose personal information is correctness. The standard of review for constitutional questions is also correctness.

Dunsmuir v. New Brunswick, [2008] 1 S.C.R. 190
Applicant's Record, Volume 2, Appendix B, Tab 5

Nault v. Canada (Public Works and Government Services), 2011 F.C.A.
263, at para. 19
Respondent's Record, Volume 2, Appendix B, Tab 8

Whether s. 2(b) of the Charter protects access to information and, if so, in what circumstances

24. The landmark case in regards to access to information to government documents and section 2(b) of the *Charter* was decided by the Supreme Court of Canada in 2010 in *Ontario (Public Safety and Security) v. Criminal Lawyers' Association* (Public Safety and Security of Ontario case).

25. The facts of the *Public Safety and Security of Ontario* case relate to a request made by the Criminal Lawyers' Association (CLA) under the Ontario *Freedom of Information and Protection of Privacy Act*, (FIPPA) to the Minister of the Solicitor General and Correctional Services (the Minister) for disclosure of records relating to an investigation done by the Ontario Provincial Police. The Minister refused to disclose the records at issue, claiming several exemptions under FIPPA. On review, the Assistant Information and Privacy Commissioner held that the impugned

records qualified for exemption under a number of sections of FIPPA.

Ontario (Public Safety and Security) v. Criminal Lawyers' Association, [2010] 1 S.C.R. 815
Respondent's Record, Volume 2, Appendix B, Tab 9

26. The Supreme Court of Canada made it clear that, contrary to the Applicant's submissions, section 2(b) of the *Charter* does not guarantee access to all documents in government hands. More specifically, "section 2(b) of the *Charter* guarantees freedom of expression, not access to information. Access is a derivative right which may arise where it is a necessary precondition of meaningful expression on the functioning of government."

Ontario (Public Safety and Security) v. Criminal Lawyers' Association, [2010] 1 S.C.R. 815, at para. 30
Respondent's Record, Volume 2, Appendix B, Tab 9

27. The scope of the s. 2(b) of the *Charter* protection "includes a right to access to documents only where access is necessary to permit meaningful discussion on a matter of public importance, subject to privileges and functional constraints."

Ontario (Public Safety and Security) v. Criminal Lawyers' Association, [2010] 1 SCR. 815, at para. 31
Respondent's Record, Volume 2, Appendix B, Tab 9

28. Contrary to what the Applicant submits, there is no general constitutional right of access to documents in government hands because not every demand for access furthers the section 2(b) *Charter* purpose. The relevant section 2(b) *Charter* purpose is usually the furtherance of

discussion on matters of public importance.

Ontario (Public Safety and Security) v. Criminal Lawyers' Association, [2010] 1 S.C.R. 815, at paras. 34, 35
Respondent's Record, Volume 2, Appendix B, Tab 9

29. The open-court principle is “inextricably tied to the rights guaranteed by s. 2(b)” because it “permits the public to discuss and put forward opinions and criticisms of court practices and proceedings”. However, some information in the hands of a government institution is entitled to protection in order to prevent the impairment of that very principle and promote good governance. It must be shown by the Applicant that without the desired access to the redacted personal information, meaningful public discussion and criticism on matters of public interest would be substantially impeded.

Ontario (Public Safety and Security) v. Criminal Lawyers' Association, [2010] 1 S.C.R. 815, at para.1 and paras. 36, 37
Respondent's Record, Volume 2, Appendix B, Tab 9

Canada (Information Commissioner) v. Canada (Minister of National Defence) [2011] 2 S.C.R. 306 at para. 15
Respondent's Record, Volume 2, Appendix B, Tab 2

30. The Supreme Court of Canada noted that “[d]etermining whether s. 2(b) of the *Charter* requires access to documents in government hands in a particular case is essentially a question of how far s. 2(b) protection extends. A question arises as to how the issue should be approached.” The Supreme Court of Canada indicated that the question of access to government information is best approached by building on the methodology set out in *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927 (Irwin Toy Ltd.).

Ontario (Public Safety and Security) v. Criminal Lawyers' Association, [2010] 1 SCR. 815, at para. 31
Respondent's Record, Volume 2, Appendix B, Tab 9

31. The *Irwin Toy Ltd.* framework involves three inquiries: (1) Does the activity in question have expressive content, thereby bringing it within the reach of s. 2(b) of the *Charter*? (2) Is there something in the method or location of that expression that would remove that protection? (3) If the activity is protected, does the state action infringe that protection, either in purpose or effect?

Ontario (Public Safety and Security) v. Criminal Lawyers' Association, [2010] 1 SCR. 815, at para. 32
Respondent's Record, Volume 2, Appendix B, Tab 9

Irwin Toy Ltd. v. Quebec (Attorney General), [1989] 1 S.C.R. 927
Respondent's Record, Volume 2, Appendix B, Tab 5

32. The *Irwin Toy Ltd.* framework describes the circumstances under which section 2(b) of the *Charter* guarantees access to documents in government hands.

33. Subsection 3(a) of the *Privacy Act* defines "government institution" as any department or ministry of state of the Government of Canada, or any body or office, listed in the schedule. The *Privacy Act* does not make any distinction between a government institution acting as a quasi-judicial tribunal and any other government institution. Therefore, even documents filed with a quasi-judicial tribunal such as the Agency are documents in government hands.

Subsection 3(a) of the *Privacy Act*, R.S.C., 1985, c. P-21
Respondent's Record, Volume 1, Appendix A

Whether the Applicant meets the three-part inquiry test, as established in *Irwin Toy*, which would engage a protection under section 2(b) of the *Charter*

34. The Applicant has the burden of establishing that the three-part inquiries or /circumstances framework developed in *Irwin Toy Ltd.* are met.

First Inquiry: Does the activity in question have expressive content, thereby bringing it within the reach of section 2(b)?

35. For the first inquiry, the Applicant had to establish that the denial of access to the personal information in the documents he received from the Agency, effectively precludes meaningful commentary or, more particularly, that his demand for access to the redacted personal information furthers the purposes of s. 2(b) of the *Charter*.

Ontario (Public Safety and Security) v. Criminal Lawyers' Association, [2010] 1 S.C.R. 815, at paras.33, 34
Respondent's Record, Volume 2, Appendix B, Tab 9

Irwin Toy Ltd. v. Quebec (Attorney General), [1989] 1 S.C.R. 927, at paras. 40-42
Respondent's Record, Volume 2, Appendix B, Tab 5

36. The Applicant has not established and, in fact, has not argued that not having access to the redacted personal information contained in the documents he received from the Agency effectively precluded meaningful commentary or that meaningful public discussion and criticism on matters of public interest would be substantially impeded. The Agency submits that the Applicant has therefore failed the first inquiry.

Second Inquiry: Is there something in the method or location of that expression that would remove that protection?

37. The personal information found in the documents sought is protected by the *Privacy Act*. Therefore, even if the Applicant had established a *prima facie* case for the production of the unredacted documents in question, the Applicant's claim would have been defeated by the very factor that removes a s. 2 (b) *Charter* protection, i.e., the documents sought are protected by the *Privacy Act*. The Agency submits that the Applicant has therefore failed the second inquiry.

Ontario (Public Safety and Security) v. Criminal Lawyers' Association, [2010] 1 S.C.R. 815, at paras.38, 39
Respondent's Record, Volume 2, Appendix B, Tab 9

Third Inquiry: If the activity is protected, does the state action infringe that protection, either in purpose or effect?

38. The Applicant has not established, nor argued, (1) that the activity, i.e., denial of access to the personal information, is protected by subsection 2(b) of the *Charter*; and (2) that even if the activity was protected, that the Agency's action, i.e., the redaction of personal information, infringed that protection. The Agency submits that Applicant has therefore failed the third inquiry.

Irwin Toy Ltd. v. Quebec (Attorney General), [1989] 1 S.C.R. 927, at paras. 47-53
Respondent's Record, Volume 2, Appendix B, Tab 5

39. The Agency submits that the Applicant has not established that he meets inquiry one, inquiry two and inquiry three as developed by the Supreme Court of Canada in *Irwin Toy Ltd.*

and that, as a result, the protection found under subsection 2(b) of the *Charter* is not engaged.

Other Arguments of the Applicant

Paragraphs 8(2)(a), (b) and (m) of the *Privacy Act*

40. Paragraph 8(2)(a) of the *Privacy Act* provides that personal information may be disclosed provided that the purpose of the disclosure is the same as the purpose for which the personal information was obtained. The Agency submits that the Applicant's argument that the purpose for disclosing personal information to a person making a request for access to government documents is the same as the purpose for which the personal information was obtained, in particular, to adjudicate on complaints filed with the Agency, is unsupported.

41. The Applicant submits that disclosure is allowed in accordance with paragraph 8(2)(b) of the *Privacy Act* which provides that personal information may be disclosed for any purpose in accordance with any Act of Parliament or any regulation made thereunder that authorizes its disclosure. However, the Applicant does not refer to any such Act of Parliament or any regulation as none exists. The Agency submits that the argument of the Applicant is therefore unsupported.

42. The Applicant submits that paragraph 8(2)(m) of the *Privacy Act* should apply because there is an overwhelming public interest in the transparency of the Agency's proceedings through openness and public access because of the role of the Agency as a quasi-judicial tribunal. The

Agency submits that if every quasi-judicial tribunal had to disclose personal information just because it is a quasi-judicial tribunal, the legislator would have drafted paragraph 8(2)(m) of the *Privacy Act* with an imperative "shall" as opposed to a permissive "may".

43. In support of his argument that the disclosure is permitted because of subparagraphs 8(2)(a), (b), and (m) of the *Privacy Act*, the Applicant refers to the case of *El-Helou v Courts Administration Service*, 2012 CanLII 30713 (CA PSDPT), a decision of the Public Servants Disclosure Protection Tribunal (PSDPT). As noted in that decision, the purpose of the *Public Servants Disclosure Protection Act* is to maintain and enhance public confidence in the integrity of public servants and as such, it requires the PSDPT to conduct a proceeding that is transparent in nature.

El-Helou v Courts Administration Service, 2012 CanLII 30713
(CA PSDPT), at para. 70
Applicant's Record, Volume 2, Appendix B, Tab 6

44. On the other hand, the purpose of the *Canada Transportation Act*, through the National Transportation Policy, is to ensure a competitive, economic and efficient national transportation system that meets the highest practicable safety and security standards and contributes to a sustainable environment and makes the best use of all modes of transportation at the lowest total cost to serve the needs of its users, advance the well-being of Canadians and enable competitiveness and economic growth in both urban and rural areas throughout Canada.

Canada Transportation Act (as amended), S.C. 1996, c. 10, s. 5
Respondent's Record, Volume 1, Appendix A

45. The purpose of the PSDPT and the Agency and their respective enabling legislation are clearly different and, in that sense, the decision of the PSDPT in *El-Helou* can be distinguished. The Agency submits that the arguments of the Applicant regarding paragraphs 8(2)(a), (b), and (m) of the *Privacy Act* should be dismissed.

Subsection 69(2) of the *Privacy Act*

46. Contrary to the Applicant's position, the personal information of each applicant is put in a personal information bank. Accordingly, the personal information provided by each applicant is not information that is publicly available.

47. There is nothing in the *Privacy Act* supporting the argument of the Applicant that the Agency has the right to disclose personal information except in cases where the government institution, acting as an adjudicator, rules that certain documents filed for the purpose of a dispute proceeding were subject to a confidentiality order. Furthermore, the Applicant has provided no evidence to the contrary. The Agency submits that this argument of the Applicant should be rejected.

48. If a quasi-judicial tribunal, such as the Agency, applying the open court principle had a right to disclose personal information collected in its adjudication cases, just because of the application of that principle, there would be a provision in the *Privacy Act* to that effect.

Preliminary Objection of the Applicant: Affidavit

49. The Applicant is asking that the Honourable Court strike out or disregard the portions of the May 23, 2014 Affidavit of Ms. Patrice Bellerose on the basis that it contain arguments or legal conclusions, or an attempt to introduce legal opinions in the guise of evidence.

50. The Court may strike out all or part of an affidavit where prejudice is demonstrated.

Canadian Tire Corp. Ltd. v. P.S. Partsource Inc.,
2001 FCA 8, at para.18
Respondent's Record, Volume 2, Appendix B, Tab 3

51. Courts have made it clear that in order to determine whether the facts deposed to are within the affiant's personal knowledge or are based on information and belief, regard may be had to the affiant's office or qualifications and whether it is probable that a person holding such office or qualifications would be aware of the particular facts.

Smith, Kline & French Laboratories Ltd v. Novopharm Ltd.
53, N.R. 68 (Fed.C.A.), at page 6
Respondent's Record, Volume 2, Appendix B, Tab 10

52. Ms. Bellerose is the Manager for the Access to Information and Privacy Section of the Agency and, as such, has extensive knowledge of the *Access to Information Act* and the *Privacy Act*.

Affidavit of Patrice Bellerose sworn on May 23, 2014, at para. 1.
Respondent's Record, Volume 1, Tab 1

53. Much of what is objected to by the Applicant in the affidavit tendered by the Agency can be said to constitute legislative facts because their purpose is to lend context to the claim. Legislative facts demonstrate the purpose and the background of the legislation, including its social, economic, and cultural context, and are subject to less stringent evidentiary requirements.

Native Council of Nova Scotia v. Canada (A.G.)
[2011] F.C.J. No. 19, at paras. 23, 25
Respondent's Record, Volume 2, Appendix B, Tab 7

54. The Applicant raises an argument concerning his freedom of expression right as per subsection 2(b) of the *Charter* and, among other things, the limitations put on that right by the *Privacy Act*. The Supreme Court of Canada has indicated that "[d]ecisions on issues such as freedom of expression must be carefully considered as they will profoundly affect the lives of Canadians and all residents of Canada. Because of the importance and impact that these decisions may have in the future, the careful preparation and presentation of a factual basis in most Charter cases is necessary. "

MacKay v. Manitoba, [1989] 2 S.C.R. 357, at para. 8
Respondent's Record, Volume 2, Appendix B, Tab 6

55. The Supreme Court of Canada also noted that "Charter decisions should not and must not be made in a factual vacuum. ... The presentation of facts is not, ..., a mere technicality; rather, it is essential to a proper consideration of Charter issues. A respondent cannot, by simply consenting to dispense with the factual background, require or expect a court to deal with an issue such as this in a factual void. Charter decisions cannot be based upon the unsupported

hypotheses of an enthusiastic applicant."

MacKay v. Manitoba, [1989] 2 S.C.R. 357, at para. 9
Respondent's Record, Volume , Appendix B, Tab 6

56. The Agency submits that the Applicant not agreeing with the facts as set out in the Affidavit of Ms. Patrice Bellerose because they do not support his position before this Honorable Court does not mean that these facts are arguments or legal conclusions, as alleged.

57. The Applicant did not cross-examine Patrice Bellerose on her affidavit dated May 23, 2014, filed by the Agency for the purpose of its motion record.

58. The Applicant did not contest the statement of Patrice Bellerose that the Agency redacts personal information as per the *Privacy Act*, as a requirement.

Patrice Bellerose cross-examination on Affidavit filed
on July 29, 2014 with the Agency's Motion to quash
Applicant's Record, Volume 1, Tab 3, Tr. 182:9-21,
Tr. 194:9-25 and Tr. 195,196

59. The Applicant did not contest the fact that his request was treated by the Agency as an informal request for information even though the request of the Applicant was referred to by him as a request under subsection 2(b) of the *Charter*.

Patrice Bellerose cross-examination on Affidavit filed
on July 29, 2014 with the Agency's Motion to quash
Applicant's Record, Volume 1, Tab 3, Tr. 176:24-25,
Tr. 177-1-21, Tr. 182:1-21, and Tr. 193:21-25

60. The Agency submits that this Honorable Court should dismiss the Applicant's motion to strike parts of the Affidavit of Patrice Bellerose.

Costs

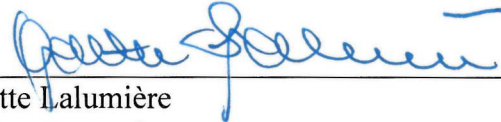
61. The Agency submits that, as a "government institution" included in the schedule of both the *Privacy Act* and the *Access to Information Act*, the head of the Agency has the obligation when dealing with requests to access documents in its possession, even if these requests are treated informally, to refuse to disclose personal information. In doing so, the Agency is simply fulfilling its responsibilities under the *Privacy Act*. For that reason, the Agency submits that costs should not be awarded against the Agency.

62. The Agency is not seeking any costs.

PART IV - ORDER SOUGHT

63. The Agency requests this Honorable Court dismiss the Application for Judicial Review by the Applicant.

ALL OF WHICH IS RESPECTFULLY SUBMITTED. Dated at the City of Gatineau, in the Province of Quebec, this 13th day of November, 2014.



Odette Lalumière
Senior Counsel
Canadian Transportation Agency

PART V - LIST OF AUTHORITIES

Appendix A: Statutes and Regulations

Access to Information Act, R.S.C., 1985, c. A-1, s. 3

Canada Transportation Act, S.C. 1996, c. 10, s. 5

Privacy Act, R.S.C., 1985, c. P-21, s. 3, 4, 7, 8, 10, 69, 71

Appendix B: Authorities

AB v. Canada (Minister of Citizenship and Immigration), [2002] F.C.J. No. 610

Canada (Information Commissioner) v. Canada (Minister of National Defence) [2011] 2 S.C.R. 306

Canadian Tire Corp. Ltd. v. P.S. Partsource Inc., 2001 FCA 8

Dagg v. Canada (Minister of Finance), [1997] 2 S.C.R. 403

Dunsmuir v. New Brunswick, [2008] 1 S.C.R. 190 (Applicant's Record, Vol. 2, App. B, Tab 5)

El-Helou v Courts Administration Service, 2012 CanLII 30713 (CA PSDPT) (Applicant's Record, Vol. 2, App. B, Tab 6)

Irwin Toy Ltd. v. Quebec (Attorney General), [1989] 1 S.C.R. 927

MacKay v. Manitoba, [1989] 2 S.C.R. 357

Native Council of Nova Scotia v. Canada (A.G.) [2011] F.C.J. No. 19

Nault v. Canada (Public Works and Government Services), 2011, F.C.A. 263

Ontario (Public Safety and Security) v. Criminal Lawyers' Association, [2010] 1 S.C.R. 815

Smith, Kline & French Laboratories Ltd v. Novopharm Ltd. 53, N.R. 68 (Fed.C.A.)