

Date: 20090304

Docket: IMM-3889-08

Citation: 2009 FC 237

Ottawa, Ontario, March 4, 2009

PRESENT: The Honourable Mr. Justice Kelen

BETWEEN:

REY ERWIN REQUIDAN

Applicant

and

**THE MINISTER OF
CITIZENSHIP AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] This is an application for judicial review of a decision by a visa officer, dated July 10, 2008, refusing the applicant's application for permanent residence in Canada as a member of the Skilled Worker Class.

FACTS

[2] The applicant is a citizen of the Philippines. He was residing with his family in Dubai, United Arab Emirates, prior to his arrival in Canada. The applicant arrived in Canada on a temporary resident visa in May 2006 and was joined temporarily by his wife in October 2006. The

applicant states that they visited with family friends and high school friends. The applicant's sister is a permanent resident in Canada.

[3] The applicant made an application to extend his authorization to stay in Canada, and his visitor status was subsequently extended until December 31, 2007. The applicant states that during the visit, he and his wife began thinking about remaining in Canada on a permanent basis. The applicant became acquainted with Ms. Fern Chan, the owner of Dave Young Fruit Market, and obtained a job offer as a retail supervisor at this establishment. He submitted an application for permanent residence as a member of the Federal Skilled Worker Category to the Canadian Embassy in Makati City, Philippines, on April 18, 2007.

[4] The applicant's application was refused on the basis that he did not have the requisite points to qualify for admission to Canada in the skilled worker category.

Decision under review

[5] Based on his application, the applicant was assessed as having 64 points in total. The decision, at page 9 of the Application Record, states:

You have obtained insufficient points to qualify for immigration to Canada, the minimum requirement being 67 points...Following an examination of your application, I am not satisfied that you meet the requirements of the Act and the regulations for the reasons explained above. I am therefore refusing your application.

[6] The applicant does not dispute the assessment of points. The applicant then requested substituted evaluation under Regulation 76(3) of the *Immigration and Refugee Protection*

Regulations (IRPR). Regulation 76(3) allows a visa officer to substitute their evaluation of the likelihood of the skilled worker to become economically established in Canada for the criteria if they determine that the number of points awarded is not a sufficient indicator of the skilled worker's abilities.

[7] At p. 13 of the Application Record, the visa officer states in the CAIPS notes:

I have reviewed counsels request to consider substituted evaluation in this case. The submission restates facts already known to the officer such as the Arranged Employment Officer that was addressed with the applicant in an interview. It was considered at that time that the job offer and the skills and experience of Mr. Requidan were not matched, (*sic*) the fact that Mr. Requidan has a close family member in Canada. It should be noted that Mr. Requidan was assessed the maximum points for both these criteria. The point system is to determine, in this officers understanding, the settlement ability of any applicant. The fact that Mr. Requidan missed the selection by 3 points on initial assessment is not considered positive or negative. It does however give an indication of his settlement ability. The only factor that has not been awarded any points is the fact that Mr. Requidan spent nearly 1 year in Canada on a visitor record.

I am satisfied that the points awarded are reflective of Mr. Requidan's settlement ability. He does not pass selection.

[8] The applicant submits that the officer gave inadequate consideration to the factors supporting his request for substituted evaluation and seeks judicial review on this basis.

RELEVANT LEGISLATION

[9] Regulation 76(3) and 76(4) of the *IRPR* provide:

Circumstances for officer's substituted evaluation

(3) Whether or not the skilled worker has been awarded the minimum number of required points referred to in subsection (2), an officer may substitute for the criteria set out in paragraph (1)(a) their evaluation of the likelihood of the ability of the skilled worker to become economically established in Canada if the number of points awarded is not a sufficient indicator of whether the skilled worker may become economically established in Canada.

Concurrence

(4) An evaluation made under subsection (3) requires the concurrence of a second officer.

Substitution de l'appréciation de l'agent à la grille

(3) Si le nombre de points obtenu par un travailleur qualifié — que celui-ci obtienne ou non le nombre minimum de points visé au paragraphe (2) — ne reflète pas l'aptitude de ce travailleur qualifié à réussir son établissement économique au Canada, l'agent peut substituer son appréciation aux critères prévus à l'alinéa (1)a).

Confirmation

(4) Toute décision de l'agent au titre du paragraphe (3) doit être confirmée par un autre agent.

[10] Regulations 82 and 83 set out the criteria a visa officer must consider in awarding points under the “arranged employment” and “adaptability” categories:

Definition — arranged employment

82. (1) In this section, “arranged employment” means an offer of indeterminate employment in Canada.

Arranged employment (10 points)

(2) Ten points shall be awarded to a skilled worker for arranged employment in Canada in an occupation that is listed in Skill Type 0 Management Occupations or Skill Level A or B of the *National Occupational Classification* matrix if they are able to perform and are

Définition : emploi réservé

82. (1) Pour l'application du présent article, constitue un emploi réservé toute offre d'emploi au Canada à durée indéterminée.

Emploi réservé (10 points)

(2) Dix points sont attribués au travailleur qualifié pour un emploi réservé appartenant aux genre de compétence 0 Gestion ou niveaux de compétences A ou B de la matrice de la *Classification nationale des professions*, s'il

likely to accept and carry out the employment and

(a) the skilled worker is in Canada and holds a work permit and

(i) there has been a determination by an officer under section 203 that the performance of the employment by the skilled worker would be likely to result in a neutral or positive effect on the labour market in Canada,

(ii) the skilled worker is currently working in that employment,

(iii) the work permit is valid at the time an application is made by the skilled worker for a permanent resident visa as well as at the time the permanent resident visa, if any, is issued to the skilled worker, and

(iv) the employer has made an offer to employ the skilled worker on an indeterminate basis once the permanent resident visa is issued to the skilled worker;

(b) the skilled worker is in Canada and holds a work permit referred to in paragraph 204(a) or 205(a) or subparagraph 205(c)(ii) and the circumstances referred to in subparagraphs (a)(ii) to (iv) apply;

(c) the skilled worker does not intend to work in Canada before being issued a permanent resident visa and does not hold a work permit and

est en mesure d'exercer les fonctions de l'emploi et s'il est vraisemblable qu'il acceptera de les exercer, et que l'un des alinéas suivants s'applique :

a) le travailleur qualifié se trouve au Canada, il est titulaire d'un permis de travail et les conditions suivantes sont réunies :

(i) l'agent a conclu, au titre de l'article 203, que l'exécution du travail par le travailleur qualifié est susceptible d'entraîner des effets positifs ou neutres sur le marché du travail canadien,

(ii) le travailleur qualifié occupe actuellement cet emploi réservé,

(iii) le permis de travail est valide au moment de la présentation de la demande de visa de résident permanent et au moment de la délivrance du visa de résident permanent, le cas échéant,

(iv) l'employeur a présenté au travailleur qualifié une offre d'emploi d'une durée indéterminée sous réserve de la délivrance du visa de résident permanent;

b) le travailleur qualifié se trouve au Canada, il est titulaire du permis de travail visé aux alinéas 204a) ou 205a) ou au sous-alinéa 205c)(ii) et les conditions visées aux sous-alinéas a)(ii) à (iv) sont réunies;

c) le travailleur qualifié n'a pas l'intention de travailler au Canada avant qu'un visa de résident permanent ne lui soit octroyé, il n'est pas titulaire d'un permis de travail et

(i) the employer has made an offer to employ the skilled worker on an indeterminate basis once the permanent resident visa is issued to the skilled worker, and

(ii) an officer has approved that offer of employment based on an opinion provided to the officer by the Department of Human Resources Development at the request of the employer or an officer that

(A) the offer of employment is genuine,

(B) the employment is not part-time or seasonal employment, and

(C) the wages offered to the skilled worker are consistent with the prevailing wage rate for the occupation and the working conditions meet generally accepted Canadian standards; or

(d) the skilled worker holds a work permit and

(i) the circumstances referred to in subparagraphs (a)(i) to (iv) and paragraph (b) do not apply, and

(ii) the circumstances referred to in subparagraphs (c)(i) and (ii) apply.

SOR/2004-167, s. 30.

Adaptability (10 points)

83. (1) A maximum of 10 points for adaptability shall be awarded to a skilled

les conditions suivantes sont réunies :

(i) l'employeur a présenté au travailleur qualifié une offre d'emploi d'une durée indéterminée sous réserve de la délivrance du visa de résident permanent,

(ii) un agent a approuvé cette offre sur le fondement d'un avis émis par le ministère du Développement des ressources humaines, à la demande de l'employeur, à sa demande ou à celle d'un autre agent, où il est affirmé que :

(A) l'offre d'emploi est véritable,

(B) l'emploi n'est pas saisonnier ou à temps partiel,

(C) la rémunération offerte au travailleur qualifié est conforme au taux de rémunération en vigueur pour la profession et les conditions de l'emploi satisfont aux normes canadiennes généralement acceptées;

d) le travailleur qualifié est titulaire d'un permis de travail et, à la fois :

(i) les conditions visées aux sous-alinéas a)(i) à (iv) et à l'alinéa b) ne sont pas remplies,

(ii) les conditions visées aux sous-alinéas c)(i) et (ii) sont réunies.

DORS/2004-167, art. 30.

Capacité d'adaptation (10 points)

worker on the basis of any combination of the following elements:

(a) for the educational credentials of the skilled worker's accompanying spouse or accompanying common-law partner, 3, 4 or 5 points determined in accordance with subsection (2);

(b) for any previous period of study in Canada by the skilled worker or the skilled worker's spouse or common-law partner, 5 points;

(c) for any previous period of work in Canada by the skilled worker or the skilled worker's spouse or common-law partner, 5 points;

(d) for being related to a person living in Canada who is described in subsection (5), 5 points; and

(e) for being awarded points for arranged employment in Canada under subsection 82(2), 5 points.

Educational credentials of spouse or common-law partner

(2) For the purposes of paragraph (1)(a), an officer shall evaluate the educational credentials of a skilled worker's accompanying spouse or accompanying common-law partner as if the spouse or common-law partner were a skilled worker, and shall award points to the skilled worker as follows:

(a) for a spouse or common-law partner who would be awarded 25 points, 5 points;

83. (1) Un maximum de 10 points d'appréciation sont attribués au travailleur qualifié au titre de la capacité d'adaptation pour toute combinaison des éléments ci-après, selon le nombre indiqué :

a) pour les diplômes de l'époux ou du conjoint de fait, 3, 4 ou 5 points conformément au paragraphe (2);

b) pour des études antérieures faites par le travailleur qualifié ou son époux ou conjoint de fait au Canada, 5 points;

c) pour du travail antérieur effectué par le travailleur qualifié ou son époux ou conjoint de fait au Canada, 5 points;

d) pour la présence au Canada de l'une ou l'autre des personnes visées au paragraphe (5), 5 points;

e) pour avoir obtenu des points pour un emploi réservé au Canada en vertu du paragraphe 82(2), 5 points.

Études de l'époux ou du conjoint de fait

(2) Pour l'application de l'alinéa (1)a), l'agent évalue les diplômes de l'époux ou du conjoint de fait qui accompagne le travailleur qualifié comme s'il s'agissait du travailleur qualifié et lui attribue des points selon la grille suivante :

a) dans le cas où l'époux ou le conjoint de fait obtiendrait 25 points, 5 points;

b) dans le cas où l'époux ou le conjoint de fait obtiendrait 20 ou 22 points, 4 points;

(b) for a spouse or common-law partner who would be awarded 20 or 22 points, 4 points; and

(c) for a spouse or common-law partner who would be awarded 12 or 15 points, 3 points.

Previous study in Canada

(3) For the purposes of paragraph (1)(b), a skilled worker shall be awarded 5 points if the skilled worker or their accompanying spouse or accompanying common-law partner, by the age of 17 or older, completed a program of full-time study of at least two years' duration at a post-secondary institution in Canada under a study permit, whether or not they obtained an educational credential for completing that program.

Previous work in Canada

(4) For the purposes of paragraph (1)(c), a skilled worker shall be awarded 5 points if they or their accompanying spouse or accompanying common-law partner engaged in at least one year of full-time work in Canada under a work permit.

Family relationships in Canada

(5) For the purposes of paragraph (1)(d), a skilled worker shall be awarded 5 points if

(a) the skilled worker or the skilled worker's accompanying spouse or accompanying common-law partner is related by blood, marriage, common-law partnership or adoption to a person who is a Canadian citizen or permanent resident

c) dans le cas où l'époux ou le conjoint de fait obtiendrait 12 ou 15 points, 3 points.

Études antérieures au Canada

(3) Pour l'application de l'alinéa (1)b), le travailleur qualifié obtient 5 points si, à la date de son dix-septième anniversaire ou par la suite, lui ou, dans le cas où il l'accompagne, son époux ou conjoint de fait a complété avec succès un programme au titre d'un permis d'études — que ce programme ait été couronné ou non par un diplôme — qui a nécessité au moins deux ans d'études à temps plein dans un établissement d'enseignement postsecondaire au Canada.

Travail antérieur au Canada

(4) Pour l'application de l'alinéa (1)c), le travailleur qualifié obtient 5 points si lui ou, dans le cas où il l'accompagne, son époux ou conjoint de fait a travaillé à temps plein au Canada pendant au moins un an au titre d'un permis de travail.

Parenté au Canada

(5) Pour l'application de l'alinéa (1)d), le travailleur qualifié obtient 5 points dans les cas suivants :

a) l'une des personnes ci-après qui est un citoyen canadien ou un résident permanent et qui vit au Canada lui est unie par les liens du sang ou de l'adoption ou par mariage ou union de fait ou, dans le cas où il l'accompagne, est ainsi unie à son époux ou conjoint de fait :

(i) l'un de leurs parents,

living in Canada and who is

(i) their father or mother,

(ii) the father or mother of their father or mother,

(iii) their child,

(iv) a child of their child,

(v) a child of their father or mother,

(vi) a child of the father or mother of their father or mother, other than their father or mother, or

(vii) a child of the child of their father or mother; or

(ii) l'un des parents de leurs parents,

(iii) leur enfant,

(iv) un enfant de leur enfant,

(v) un enfant de l'un de leurs parents,

(vi) un enfant de l'un des parents de l'un de leurs parents, autre que l'un de leurs parents,

(vii) un enfant de l'enfant de l'un de leurs parents;

b) son époux ou conjoint de fait ne l'accompagne pas et est citoyen canadien ou un résident permanent qui vit au Canada.

(b) the skilled worker has a spouse or common-law partner who is not accompanying the skilled worker and is a Canadian citizen or permanent resident living in Canada.

ISSUES

[11] The applicant raises three issues in his application:

1. Did the officer err in law by failing to seek the concurring evaluation of a second officer when assessing the applicant's case on the basis of substituted evaluation?
2. Did the officer err in law by weighing the relevance of the Accompanying Spouse's Offer of Employment under the Arranged Employment and Adaptability Factors of the points assessment for Federal Skilled Workers?
3. Did the Officer err in his assessment of substituted evaluation by failing to take into account relevant facts and the totality of the applicant's circumstances?

STANDARD OF REVIEW

[12] The standard of review for a discretionary decision of an immigration officer relating to a permanent residence visa under the federal skilled worker class is one of reasonableness: *Wang v. MCI*, 2008 FC 798, 168 A.C.W.S. (3d) 381, per Justice Beaudry at paragraphs 10-12.

[13] In order for a decision to be reasonable, the Court will consider "the existence of justification, transparency and intelligibility within the decision-making process" and "whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law." *Dunsmuir v. New Brunswick* [2008] S.C.J. No. 9, 2008 SCC 9 at paragraph 47.

[14] To the extent that the applicant has raised questions of law, they will be reviewed on a standard of correctness.

ANALYSIS

Issue No. 1: Did the officer err in law by failing to seek the concurring evaluation of a second officer when assessing the applicant's case on the basis of substituted evaluation?

[15] The applicant submits that the officer erred in law in failing to seek a concurring evaluation by a second officer for the substituted evaluation as provided in Regulation 76(4). According to the applicant, the officer must seek a concurring evaluation before rendering a decision, and the concurring evaluation must be sought whether or not the officer's own decision is a positive one.

[16] The respondents submit that the law is already established in regard to this issue. In *Hou v. MCI*, 2005 FC 1586, 144 A.C.W.S. (3d) 329, Justice O'Keefe held at paragraph 24:

The applicant submitted that the officer erred by failing to exercise the jurisdiction of her office by not obtaining the concurrence of a second officer. Subsection 76(3) of the Regulations provides that an officer may substitute for the criteria set out in paragraph 76(1)(a) "the officer's evaluation of the likelihood of the ability of the skilled worker to become economically established in Canada if the number of points awarded is not a sufficient indicator of whether the skilled worker may become economically established in Canada." It is only when the officer selects this alternative that the concurrence of a second officer is required by subsection 76(4) of the Regulations. In the present case, the officer specifically stated, "I am of the opinion that the point total is a sufficient indicator of your ability to become economically established in Canada." The officer made no error in this respect.

[17] The applicant submits that *Hou* can be distinguished from the current case for a number of reasons.

[18] With respect, although there are differences between the *Hou* case and the case at bar, the paragraph cited above in relation to Regulation 76(4) is precisely on point. The Regulations are quite clear that the concurring opinion must be sought only if the officer decides to substitute his own evaluation in lieu of the points assessment. By definition, this means a concurring opinion is only necessary when the decision is positive, because the officer would only substitute his own evaluation where he or she feels that the points awarded to the applicant do not sufficiently reflect the applicant's abilities.

Issue No. 2: Did the officer err in law by weighing the relevance of the Accompanying Spouse's Offer of Employment under the Arranged Employment and Adaptability Factors of the points assessment for Federal Skilled Workers?

[19] The applicant's spouse was offered employment as a cashier at the same establishment where the applicant was offered his position. In the visa officer's affidavit, the officer states at paragraph 5:

I awarded the applicant full points both in the adaptability and in the arranged employment categories. The job offers of the applicant and his spouse go directly to these categories for which the applicant was given full credit.

[20] The officer's affidavit evidence that he considered the accompanying spouse's employment under the adaptability and arranged employment factors is clearly wrong. The applicant states that the accompanying spouse's offer of employment was not known to the officer until after he had conducted his points assessment and invited the applicant to make a request for substituted evaluation. Thus, the officer could not have taken it into account in awarding the maximum points in these categories, and the officer's statement in this regard is clearly wrong.

[21] However, the Court finds that this mis-statement in the affidavit is not a material error. The visa officer awarded the applicant maximum points in the adaptability and arranged employment categories anyway. The officer obviously considered that the spouse's employment offer was not a sufficient basis for a substituted evaluation.

Issue No. 3: Did the Officer err in his assessment of substituted evaluation by failing to take into account relevant facts and the totality of the applicant's circumstances?

[22] The applicant submits that the visa officer failed to adequately consider a number of factors in failing to substitute his evaluation for the points assessed. The applicant submits that these factors include:

1. the employment offers secured by the applicant and his spouse;
2. the relocation and successful integration of the applicant and his spouse in Dubai;
3. the applicant's stay in Canada from July 2006 to December 2007, during which time he explored opportunities for his family and secured employment offers for himself and his spouse;
4. the support of the applicant's sister, a permanent resident in Canada; and
5. the applicant's completion of fourteen years of full-time study, including five years towards his diploma. The applicant states that he was deprived of 15 points on the basis of a technicality which resulted in him not obtaining his diploma.

[23] The respondent states that there is no requirement for written reasons in refusing a request for substituted evaluation. In *Poblano v. Canada (MCI)*, 2005 FC 1167, 142 A.C.W.S. (3d) 146, Justice von Finckenstein held at paragraph 7:

7 As for written reasons, while they are always desirable, there is no requirement for them. See *Behnam v. Canada (Minister of Citizenship and Immigration)*, [2003] F.C.J. No. 798 at paragraph 6: The officer merely has to inform the applicant that she considered the request for substitution of evaluation. That was done in this case.

See also: *Singh v. Canada (MCI)*, 2008 FC 58, 164 A.C.W.S. (3d) 681, per Justice Mactavish at paragraph 33.

[24] Thus, the respondent submits that the reasons given in the CAIPS notes are clear, reasonable and sufficient given the lack of a requirement for reasons. The visa officer addressed the applicant's employment offer, his sister in Canada, and his stay in Canada in the CAIPS notes. I agree that these reasons are adequate for demonstrating the rationale for the discretionary decision of the visa officer.

[25] With respect to the applicant's education, the visa officer states in his affidavit:

The applicant was awarded five points in the education category, which reflects the fact that he completed high school. He did not complete his diploma at the Philippine Merchant Marine School. It is significant to the education requirement that the Applicant did not complete his diploma. To receive points for education at the Bachelor's degree level, an Applicant must have completed the required fourteen years of education and received his degree. I do not consider the fact that the Applicant did not complete his diploma to be a technicality.

[26] The applicant did not receive his diploma because he did not complete the Reserves Officers Training Corps at the Philippine Merchant Marine School. This was a requirement to receive his diploma, and it was open to the visa officer to find that this was not a situation in which substituted evaluation was appropriate because of this incomplete post-secondary education.

[27] The respondent submits that substituted evaluation under Regulation 76(3) is an exceptional discretion that requires that the officer is convinced that the point system does not adequately reflect the applicant's ability to settle in Canada. The respondent cites *Esguerra v. Canada (MCI)* 2008 FC 413, 166 A.C.W.S. (3d) 358, wherein Mr. Justice de Montigny held at paragraphs 16-19:

16 The discretion under subsection 76(3) of the *IRPR* is clearly exceptional and applies only in cases where the points awarded are not a sufficient indicator of whether the skilled worker will become economically established. The fact that the applicant or even this court would have weighed the factors differently is not a sufficient ground for judicial review....

18 It was not unreasonable for the visa officer to conclude that the points reflected the applicant's ability to establish himself economically in Canada... his credentials, financial establishment and professional experience have all been taken into account, and I may add that he appears to have been quite favorably evaluated especially with respect to his professional experience. As to the fact that he has family in Canada, I do not think that it is sufficient to displace the score he received on the point system.

19 In summary, I believe the visa officer could reasonably come to the conclusion that this was not an exceptional situation that warranted a substituted evaluation. There was simply not enough evidence tending to demonstrate that the points obtained were not a fair reflection of the applicant's ability to become economically established...

[28] Similarly, in this case, the officer clearly stated that he believed the points assessed were reflective of the applicant's ability. The officer indicated that he had read the applicant's submissions for substituted evaluation but had determined that it was not warranted in this case. The officer was not required to address each factor separately.

[29] I agree that the discretion under subsection 76 (3) of the *IRPR* is "clearly exceptional". It is to be applied by the visa officer whenever a skilled worker is awarded a number of points which approximate the 67 points required to qualify as a skilled worker immigrant and the visa officer is of the view that the number of points awarded is not a sufficient indicator of whether the skilled worker will become economically established in Canada. Canada needs skilled workers and the visa

officers in the field are in the best position to identify these skilled workers, particularly in trades where Canada is in short supply.

[30] Notwithstanding the able argument of the applicant, the visa officer's decision was reasonably open to him even if the visa officer did not consider, at least according to the CAIPS notes, the following factors:

- (i) that the applicant's spouse has a job offer as a cashier at the Dave Young Food Market;
- (ii) that the applicant and his wife have already shown that they can relocate and successfully integrate into a different country, namely United Arab Emirates; and
- (iii) the applicant has four or five years of post-secondary education before dropping out of his degree program.

The visa officer had already considered that the applicant's sister was a permanent resident in Canada, that the Applicant had an offer of employment, and that the applicant had spent time in Canada as a visitor.

[31] The applicant's counsel referred me to *Choi v. Canada (MCI)*, 2008 [F.C.J. No. 734] where I found in paragraph 18:

...In the Court's view, it was unreasonable for the visa officer not to give this letter some weight as a sufficient indicator of the applicant's ability to perform his job to the satisfaction of the principal of the school. This was a factor that the visa officer did not consider in deciding whether to substitute his evaluation for the likelihood of the applicant becoming economically established in Canada...

In the case at bar, there is no such clearly unreasonable factor which the visa officer did not consider and which if the visa officer had considered, would be compelling in demonstrating that the applicant would likely become economically established in Canada. I am satisfied that the visa officer's conclusion was reasonably open to the visa officer, namely that the points awarded give an accurate indication of the applicant's "settlement ability".

[31] For these reasons, this application for judicial review is dismissed.

[32] Neither party proposed a question for certification. The Court agrees that this application does not raise a serious important issue which ought to be certified on appeal.

JUDGMENT

THIS COURT ORDERS AND ADJUDGES that:

This application for judicial review is dismissed.

“Michael A. Kelen”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3889-08

STYLE OF CAUSE: REY ERWIN REQUIDAN v. MCI

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: February 17, 2009

**REASONS FOR JUDGMENT
AND JUDGMENT:** KELEN J.

DATED: March 4, 2009

APPEARANCES:

Stephen W. Green FOR THE APPLICANT

Alison Engel-Yan FOR THE RESPONDENT

SOLICITORS OF RECORD:

Stephen W. Green FOR THE APPLICANT
Green and Spiegel, LLP

John H. Sims, Q.C. FOR THE RESPONDENT
Deputy Attorney General of Canada