

Federal Court of Appeal



Cour d'appel fédérale

Date: 20151130

Docket: A-152-15

Citation: 2015 FCA 274

**CORAM: STRATAS J.A.
RYER J.A.
GLEASON J.A.**

BETWEEN:

JACQUELINE MAUNDER

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

Heard at Toronto, Ontario, on November 30, 2015.
Judgment delivered from the Bench at Toronto, Ontario, on November 30, 2015.

REASONS FOR JUDGMENT OF THE COURT BY:

STRATAS J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Toronto, Ontario, on November 30, 2015).

STRATAS J.A.

[1] This is an application for judicial review from the decision dated February 24, 2015 of the Social Security Tribunal – Appeal Division (Appeal no. AD-14-620).

[2] The parties agree that the application should be allowed and the matter remitted to the Appeal Division for redetermination. The Appeal Division refused Ms. Maunder's representative

the opportunity she requested to respond to the submissions filed by the Minister of Employment and Social Development Canada. It made its decision on the written record without notice and before Ms. Maunder's representative had received the Minister's submissions.

[3] In our view, the remaining issues in the judicial review are moot. In particular, it is unnecessary for us to consider the issue of the standard of review to be applied by the Appeal Division to decisions of the General Division. This Court's decision in *Canada (Attorney General) v. Jean*, 2015 FCA 242 will assist the Appeal Division in its decision, as might other pending applications and appeals in this Court.

[4] Therefore, we will allow the application for judicial review and refer this matter back to the Appeal Division for redetermination by a different member after receipt of all necessary submissions. The respondent does not seek her costs and so none shall be awarded.

[5] In light of the substantial delay to date, we would strongly encourage the Appeal Division to conduct this redetermination as soon as practicable.

"David Stratas"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-152-15

APPEAL FROM A DECISION OF THE SOCIAL SECURITY TRIBUNAL – APPEAL DIVISION, DATED FEBRUARY 24, 2015, APPEAL NUMBER AD-14-620

STYLE OF CAUSE: JACQUELINE MAUNDER v. THE
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: NOVEMBER 30, 2015

REASONS FOR JUDGMENT OF THE COURT BY: STRATAS J.A.
RYER J.A.
GLEASON J.A.

DELIVERED FROM THE BENCH BY: STRATAS J.A.

APPEARANCES:

Alexandra Victoros FOR THE APPLICANT
Bozena Kordasiewicz

Vanessa Luna FOR THE RESPONDENT

SOLICITORS OF RECORD:

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