

Federal Court of Appeal



Cour d'appel fédérale

Date: 20160208

Docket: A-576-14

Citation: 2016 FCA 43

**CORAM: NOËL C.J.
SCOTT J.A.
DE MONTIGNY J.A.**

BETWEEN:

MICHEAL SWIFT

Appellant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

Heard at Montréal, Quebec, on February 8, 2016.

Judgment delivered from the Bench at Montréal, Quebec, on February 8, 2016.

REASONS FOR JUDGMENT OF THE COURT BY:

SCOTT J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Montréal, Quebec, on February 8, 2016.)

SCOTT J.A.

[1] Despite the detailed presentation by the appellant's counsel, to the effect that Madam Justice Bédard (the Judge) made several errors when she dismissed his application for judicial review of a decision rendered on February 26, 2014 by an independent chairperson elected under the *Corrections and Conditional Release Regulations*, SOR/92-620, we have not been convinced.

[2] The independent chairperson found the appellant guilty of a serious offence when he triggered the emergency alarm in his cell without a valid reason. We are not satisfied that our intervention is warranted because the Judge correctly identified the applicable standards of review and did not err in applying them when she concluded that the independent chairperson conducted his investigation in a fair and reasonable manner.

[3] Nor is our intervention warranted as to costs.

[4] The appeal will, therefore, be dismissed with costs.

«A.F. Scott»

J.A.

Translation

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-576-14

STYLE OF CAUSE: MICHEAL SWIFT v. THE
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: FEBRUARY 8, 2016

REASONS FOR JUDGMENT BY: NOËL C.J.
SCOTT J.A.
DE MONTIGNY J.A.

DELIVERED FROM THE BENCH BY: SCOTT J.A.

APPEARANCES:

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SOLICITORS OF RECORD:

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