



A-247-96

CORAM: THE HONOURABLE MR. JUSTICE HUGESSEN
THE HONOURABLE MR. JUSTICE DÉCARY
THE HONOURABLE DEPUTY JUSTICE CHEVALIER

BETWEEN: ROBERT THIBAUT,

Applicant

- AND -

CANADA EMPLOYMENT AND IMMIGRATION
COMMISSION,

Respondent

REASONS FOR JUDGMENT OF THE COURT

(Pronounced at the hearing in Québec
Thursday, May 1, 1997.)

HUGESSEN J.A.

The applicant contends that because, as a business operator, he held an insurable employment, the Commission could not apply subsection 43(1) of the Regulations to his case to except him from receipt of benefits. This argument is untenable. Insurability of employment is, of course, an essential term of eligibility, but it is not a guarantee thereof. If the decision of this Court in *Venditelli*¹ is capable of bearing such an interpretation (which we doubt), it should not be followed.

¹ *Attorney General of Canada v. Louis Venditelli* (unreported), June 1, 1982, File A-800-81, CUB 7015.

The applicant's other submissions bear exclusively on the findings of fact by the board of referees and do not call for our intervention.

The application for judicial review will be dismissed.

James K. Hugessen

J.A.

Certified true translation


Christiane Delon

Federal Court of Appeal

Court File No. A-247-96

BETWEEN:

ROBERT THIBAUT,

Applicant

- and -

**CANADA EMPLOYMENT AND IMMIGRATION
COMMISSION,**

Respondent

REASONS FOR JUDGMENT OF THE COURT

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

FILE NO. A-247-96

STYLE: ROBERT THIBAUT,
- and -
CANADA EMPLOYMENT AND IMMIGRATION
COMMISSION.

Applicant
Respondent

PLACE OF HEARING: Québec

**REASONS FOR JUDGMENT
OF THE COURT BY:** Hugessen J.A.
Décary J.A.
Chevalier, D.J.A.

DATED: May 1, 1997

APPEARANCES:

Louis Riverin/Patrick Simard For the applicant
Sylvie Martin For the respondent

SOLICITORS OF RECORD:

JOLI-COEUR, LACASSE, LEMIEUX,
SIMARD, ST-PIERRE
2600 boul. Laurier
Bureau 960
Ste-Foy, Quebec
G1V 4W2 For the applicant

DEPARTMENT OF JUSTICE
Complexe Guy-Favreau
200 boul. René-Lévesque Ouest
Tour Est, 5e étage
Montréal, Quebec
H2Z 1X4 For the respondent