

**Date: 20080220**

**Docket: A-125-07**

**Citation: 2008 FCA 68**

**CORAM: DESJARDINS J.A.  
NOËL J.A.  
TRUDEL J.A.**

**BETWEEN:**

**GREATER MONCTON INTERNATIONAL AIRPORT AUTHORITY**

**Applicant**

**and**

**PUBLIC SERVICE ALLIANCE OF CANADA, a body corporate  
CANADIAN CORPS OF COMMISSIONAIRES NB & PEI DIVISION, INC.,  
a body corporate**

**Respondents**

Heard at Fredericton, New Brunswick, on February 20, 2008.

Judgment delivered from the Bench at Fredericton, New Brunswick, on February 20, 2008.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**TRUDEL J.A.**

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**REASONS FOR JUDGMENT OF THE COURT**

**(Delivered from the Bench at Fredericton, New Brunswick, on February 20, 2008)**

**TRUDEL J.A.**

[1] We find that this application is premature. In reaching this decision we are supported by recent jurisprudence which suggests that the judicial review of interlocutory decisions should only be undertaken in the most exceptional of circumstances (*Fairmont Hotels Inc. v. Director Corporations Canada*, 2007 FC 95, at paragraphs 9-10; *Prince Rupert Grain Ltd. v. Grain Workers' Union, Local 333*, 2005 FCA 401, at paragraph 2; *Canada (Attorney General) v. Brar*,

2007 FC 1268 at paragraph 29). To this end, the Courts highlight several compelling policy reasons which militate in favour of such a determination including the risk of the fragmentation of the process as well as the likelihood that such intervention will lead to additional costs and delays. A more basic concern is that such litigation may become unnecessary in light of the Board's ultimate decision in this matter.

[2] The fact that an issue may relate to a tribunal's jurisdiction does not automatically justify immediate judicial review.

[3] Consequently, the application will be dismissed on the ground that the applicant has failed to show exceptional circumstances warranting this Court's intervention before the Board completes its hearing on the merits and the stay granted on April 5, 2007 will, accordingly, be lifted.

[4] Costs in favour of Public Service Alliance of Canada. No costs in favour of the Canadian Corps of Commissionaires, NB & PEI Division, Inc.

"Johanne Trudel"

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-125-07

**STYLE OF CAUSE:** GREATER MONCTON  
INTERNATIONAL AIRPORT  
AUTHORITY v. PUBLIC SERVICE  
ALLIANCE OF CANADA, a body  
corporate  
CANADIAN CORPS OF  
COMMISSIONAIRES NB & PEI  
DIVISION, INC.,  
a body corporate

**PLACE OF HEARING:** Fredericton, NB

**DATE OF HEARING:** February 20, 2008

**REASONS FOR JUDGMENT OF THE COURT BY:** TRUDEL J.A.

**DELIVERED FROM THE BENCH BY:** TRUDEL J.A.

**APPEARANCES:**

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APPLICANT

Mr. Andrew Raven FOR THE RESPONDENT PSAC

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