

Federal Court of Appeal



Cour d'appel fédérale

Date: 20190123

Docket: A-42-18

Citation: 2019 FCA 13

[ENGLISH TRANSLATION]

**CORAM: GAUTHIER J.A.
BOIVIN J.A.
GLEASON J.A.**

BETWEEN:

**THE INNU COUNCIL OF PESSAMIT, RENÉ
SIMON, ÉRIC CANAPÉ, GÉRALD HERVIEUX,
DIANE RIVERIN, JEAN-NOËL RIVERIN,
RAYMOND ROUSSELOT, MARIELLE
VACHON**

Appellants

and

JÉRÔME BACON ST-ONGE

Respondent

Heard at Québec, Quebec, on January 23, 2019.

Judgment delivered from the Bench at Québec, Quebec, on January 23, 2019.

REASONS FOR JUDGMENT OF THE
COURT BY:

GLEASON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Québec, Quebec, on January 23, 2019.)

GLEASON J.A.

[1] We are of the opinion that this appeal must fail.

[2] In this case, the reasonableness standard applies.

[3] Like Justice St-Louis of the Federal Court, we conclude that the resolution of the Innu Council of Pessamit must be set aside and that the 2015 Code cannot validly govern the election held on August 17, 2016. Further, even if we accepted the appellants' argument that the Council was entitled to amend the 2015 Code by way of resolution, despite the adoption of Chapter 9 of the 1994 Code codifying the Band's custom, such amendment could not be made, as the appellants admit, without broad consensus within the Band. Despite the eloquent oral submissions of counsel for the appellants, we do not believe, that, in the instant case based on the evidence in the record, the Council could reasonably conclude that the adoption of the 2015 Code reflected such consensus.

[4] The appeal will therefore be dismissed, with costs, set at the mid-point of column III since this case does not justify costs on a solicitor-and-client basis or on a higher scale than usual.

“Mary J.L. Gleason”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-42-18

STYLE OF CAUSE: THE INNU COUNCIL OF
PESSAMIT, RENÉ SIMON, ÉRIC
CANAPÉ, GÉRALD HERVIEUX,
DIANE RIVERIN, JEAN-NOËL
RIVERIN, RAYMOND
ROUSSELOT, MARIELLE
VACHON v. JÉRÔME BACON
ST-ONGE

PLACE OF HEARING: QUÉBEC, QUEBEC

DATE OF HEARING: JANUARY 23, 2019

**REASONS FOR JUDGMENT OF THE COURT
BY:** GAUTHIER J.A.
BOIVIN J.A.
GLEASON J.A.

DELIVERED FROM THE BENCH BY: GLEASON J.A.

APPEARANCES:

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