

Date: 20090210

Docket: A-568-08

Citation: 2009 FCA 40

**CORAM: NOËL J.A.
NADON J.A.
PELLETIER J.A.**

BETWEEN:

**JARET CARDINAL, RONALD WILLIER, RUSSELL WILLIER
and SUCKER CREEK FIRST NATION #150A**

Appellants

and

GEORGE PRINCE AND PAULETTE CAMPIOU

Respondents

Heard at Edmonton, Alberta, on February 10, 2009.

Judgment delivered from the Bench at Edmonton, Alberta, on February 10, 2009.

REASONS FOR JUDGMENT OF THE COURT BY:

PELLETIER, J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Edmonton, Alberta, on February 10, 2009)

PELLETIER J.A.:

[1] Despite the determined argument of counsel, we are not persuaded that Mr. Justice Kelen erred in his interpretation of the Customary Band Election Regulations of the Sucker Creek First Nation.

[2] While the provisions of section 15 are not free from doubt, the interpretations adopted by Justice Kelen gives them a coherent meaning and, in our view, is correct.

[3] As for the argument that the Court ought not to have entertained the application for judicial review because the Respondents had an adequate alternate remedy, we note that the procedure under the Regulations would require councillors against whom allegations had not been proven to run for re-election in order to retain their posts. The remedy for re-instatement is not available under Regulation. We see no error in Justice Kelen's decision on this point.

[4] In light of our conclusions on these issues, it is not necessary to deal with the issue of procedural fairness.

[5] The appeal will be dismissed with costs.

“Denis Pelletier”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-568-08

APPEAL FROM A REASONS FOR JUDGMENT AND JUDGMENT OF JUSTICE KELEN DATED NOVEMBER 14, 2008, DOCKET NO.: T-1307-08

STYLE OF CAUSE: **JARET CARDINAL ET AL. v. GEORGE PRINCE ET AL.**

PLACE OF HEARING: Edmonton, Alberta

DATE OF HEARING: February 10, 2009

REASONS FOR JUDGMENT OF THE COURT BY: NOËL, NADON, PELLETIER, J.J.A.

DELIVERED FROM THE BENCH BY: PELLETIER J.A.

APPEARANCES:

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APPLICANT

Thomas Owen FOR THE RESPONDENT

SOLICITORS OF RECORD:

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APPLICANT

Owen Law FOR THE RESPONDENT