

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20130416**

**Docket: A-442-11**

**Citation: 2013 FCA 105**

**CORAM: NADON J.A.  
SHARLOW J.A.  
WEBB J.A.**

**BETWEEN:**

**PETER COLLINS**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Ottawa, Ontario, on April 16, 2013.

Judgment delivered from the Bench at Ottawa, Ontario, on April 16, 2013.

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

**NADON J.A.**

Federal Court of Appeal



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**REASONS FOR JUDGMENT OF THE COURT**  
(Delivered from the Bench at Ottawa, Ontario, on April 16, 2013)

**NADON J.A.**

[1] This is an appeal from a decision dated October 17, 2011 of Near J. of the Federal Court (as he then was) 2011 FC 1168 which allowed the Attorney General of Canada's judicial review application of a decision of the Canadian Human Rights Tribunal (Tribunal) dated December 17, 2010 and reported at 2010 CHRT 33. By its decision, the tribunal ordered compensation to the appellant, Mr. Collins, a federal inmate, for the failure of Corrections Services Canada to accommodate his disability.

[2] We all agree that the judge erred in allowing the Attorney General's judicial review application. Although he correctly identified the proper standard of review, i.e. reasonableness, the Judge failed to apply that standard and proceeded on a standard of correctness.

[3] As a result, he reviewed the evidence and made his own assessment thereof which led to his conclusion that the tribunal had erred in awarding Mr. Collins \$7,000 in compensation under paragraph 53(2)e) of the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6 (the Act) and \$2,500 under subsection 53(3).

[4] In our view, there was no basis justifying the Judge's intervention. More particularly, we are satisfied that there was sufficient evidence for the Tribunal to conclude as it did and we have not been persuaded that the Tribunal's decision regarding compensation under paragraph 53(2)e) and subsection 53(3) of the Act is unreasonable.

[5] The appeal will therefore be allowed with costs, the judgment of the Federal Court will be set aside and rendering the judgment which ought to have been rendered by the Judge, the application for judicial review will be dismissed with costs.

“M. Nadon”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-442-11

**(APPEAL FROM AN ORDER OF THE HONOURABLE DAVID G. NEAR DATED  
OCTOBER 17, 2011, DOCKET NO. T-72-11**

**STYLE OF CAUSE:** Peter M. Collins v. Attorney General  
of Canada

**PLACE OF HEARING:** Ottawa, Ontario

**DATE OF HEARING:** April 16, 2013

**REASONS FOR JUDGMENT OF THE COURT BY:** NADON, SHARLOW AND WEBB  
J.J.A.

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

**APPEARANCES:**

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FOR THE APPELLANT

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FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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