

Federal Court of Appeal



Cour d'appel fédérale

Date: 20130610

Docket: A-434-12

Citation: 2013 FCA 152

**CORAM: PELLETIER J.A.
TRUDEL J.A.
MAINVILLE J.A.**

BETWEEN:

IVAN DACKO

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Edmonton, Alberta, on June 10, 2013.

Judgment delivered from the Bench at Edmonton, Alberta, on June 10, 2013.

REASONS FOR JUDGMENT OF THE COURT BY:

TRUDEL J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Edmonton, Alberta, on June 10, 2013)

TRUDEL J.A.

[1] The respondent concedes that the Umpire made a reviewable error in failing to address the evidence and additional information submitted by the applicant in a letter dated April 2, 2012. We agree with this submission and are all of the view that this matter should be sent back for redetermination.

[2] As a result, the application for judicial review will be allowed without costs, the decision of the Umpire will be set aside and the matter will be returned to the Umpire-in-Chief or his designate to be determined again taking into consideration the parties' evidence and submissions, including the applicant's letter dated April 2, 2012 and its attachments.

"Johanne Trudel"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-434-12

STYLE OF CAUSE: Ivan Dacko v.
Attorney General of Canada

PLACE OF HEARING: Edmonton, Alberta

DATE OF HEARING: June 10, 2013

REASONS FOR JUDGMENT OF THE COURT BY: (PELLETIER, TRUDEL,
MAINVILLE J.J.A.)

DELIVERED FROM THE BENCH BY: TRUDEL J.A.

APPEARANCES:

Ivan Dacko FOR THE APPLICANT

Mary Softely FOR THE RESPONDENT

SOLICITORS OF RECORD:

William F. Pentney FOR THE RESPONDENT
Deputy Attorney General of Canada