

Federal Court of Appeal



Cour d'appel fédérale

Date: 20130930

Docket: A-113-12

Citation: 2013 FCA 230

**CORAM: BLAIS C.J.
DAWSON J.A.
O'REILLY J.A. (*ex officio*)**

BETWEEN:

TONY OYENUGA

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Edmonton, Alberta, on September 30, 2013.

Judgment delivered from the Bench at Edmonton, Alberta, on September 30, 2013.

REASONS FOR JUDGMENT OF THE COURT BY:

DAWSON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Edmonton, Alberta, on September 30, 2013)

DAWSON J.A.

[1] This is an application for judicial review of a decision of the Chief Umpire (CUB 78761).

The Chief Umpire dismissed a request made by Mr. Oyenuga, the applicant, for an extension of time to appeal from a decision of the Board of Referees. In the view of the Chief Umpire, there were no special circumstances to warrant an extension of the appeal period and so the appeal was dismissed on the basis that it had been brought out of time.

[2] In his written materials and oral submissions the applicant raised errors he said were made by the Board of Referees. However, on this application the applicant is required to show a reviewable error on the part of the Chief Umpire. To do so he must show that the Chief Umpire improperly exercised his discretion to deny the extension of time. An improper exercise of discretion occurs when an Umpire gives insufficient weight to relevant factors, proceeds on a wrong principle of law, erroneously misapprehends the facts, or where an obvious injustice would result (*Apotex v. Canada (Governor in Council)* 2007 FCA 374, 370 N.R. 336, at paragraph 15).

[3] Because the applicant has not asserted any error on the part of the Chief Umpire, this application will be dismissed.

[4] In the circumstances no costs are awarded.

"Eleanor R. Dawson"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-113-12

STYLE OF CAUSE: TONY OYENUGA v. ATTORNEY
GENERAL OF CANADA

PLACE OF HEARING: EDMONTON, ALBERTA

DATE OF HEARING: SEPTEMBER 30, 2013

REASONS FOR JUDGMENT OF THE COURT BY: BLAIS C.J.
DAWSON J.A.
O'REILLY J.A. (*ex officio*)

DELIVERED FROM THE BENCH BY:
DAWSON J.A.

APPEARANCES:

Tony Oyenuga APPLICANT
(ON HIS OWN BEHALF)

Mary Softley FOR THE RESPONDENT

SOLICITORS OF RECORD:

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

