

Federal Court of Appeal



Cour d'appel fédérale

Date: 20140114

Docket: A-162-13

Citation: 2014 FCA 5

**CORAM: PELLETIER J.A.
DAWSON J.A.
STRATAS J.A.**

Docket: A-162-13

BETWEEN:

DEAN FONTAINE

Appellant

and

THE ASSEMBLY OF FIRST NATIONS

Respondent

Heard at Winnipeg, Manitoba, on January 14, 2014.

Judgment delivered from the Bench at Winnipeg, Manitoba, on January 14, 2014.

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 Winnipeg, Manitoba, on January 14, 2014).

DAWSON J.A.

[1] This is an appeal from a judgment of the Federal Court. For reasons reported as 2013 FC 352, [2013] F.C.J. No. 369, a Judge of the Federal Court dismissed an application for judicial review brought by Mr. Fontaine in respect of a decision of an adjudicator made under the *Canada Labour Code*, R.S.C. 1985, c. L-2.

[2] The Judge, in careful and comprehensive reasons, selected the correct standard of review to be applied to the adjudicator's decision: reasonableness. We see no error in the application of that standard by the Judge. Particularly, we see no error in the Judge's finding that the adjudicator did not reach an unreasonable conclusion when he found no actual offer of permanent employment was extended to Mr. Fontaine.

[3] Accordingly, the appeal will be dismissed with costs.

"Eleanor R. Dawson"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-162-13

**APPEAL FROM A JUDGMENT OF THE FEDERAL COURT DATED APRIL 8, 2013,
DOCKET NO. T-1234-12**

DOCKET: A-162-13

STYLE OF CAUSE: DEAN FONTAINE v. THE
ASSEMBLY OF FIRST NATIONS

PLACE OF HEARING: WINNIPEG, MANITOBA

DATE OF HEARING: JANUARY 14, 2014

REASONS FOR JUDGMENT OF THE COURT BY: PELLETIER J.A.
DAWSON J.A.
STRATAS J.A.

DELIVERED FROM THE BENCH BY:
DAWSON J.A.

APPEARANCES:

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