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Court File No.

FEDERAL COURT

Between:

CHRISTOPHER ANDREW ANTHONY WILLIAMS

Applicant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

APPLICATION UNDER S. 18.1 OF THE *FEDERAL COURTS ACT*, RSC 1985, C. F-7

NOTICE OF APPLICATION

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Applicant. The relief claimed by the Applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the Applicant. The Applicant requests that this application be heard at Ottawa, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date:

Issued by:

(Registry Officer)

Address of local office:
Courts Administration Service
Thomas D'Arcy McGee Building
90 Sparks Street, Main Floor
Ottawa, ON
K1A 0H9

TO: **Respondent,**
Attorney General of Canada
Office of the Deputy Attorney General of Canada
294 Wellington Street
Ottawa, ON K1A 0H8

APPLICATION

This is an application for judicial review in respect of a decision by the delegate of the Commissioner of the Royal Canadian Mounted Police (RCMP), Sandra Weyand (the “Adjudicator”) pursuant to s. 37(c) of the *Commissioner’s Standing Orders (Grievances and Appeals)*, SOR/2014-289, in which the Adjudicator dismissed the Applicant’s appeal of denied representation as moot in accordance with subsection 47(2) of the *Commissioner’s Standing Orders (Grievance and Appeals)*. The decision of the Adjudicator is dated July 14, 2023, was served on the Applicant by email on July 17, 2023 and was received on July 20, 2023.

THE APPLICANT MAKES APPLICATION FOR:

1. An order setting aside the decision of the Adjudicator, and remitting the Applicant’s underlying appeal to the RCMP for redetermination;
2. Costs of this application; and
3. Such further and other relief as the Applicant may request or this Honourable Court may deem just.

THE GROUNDS FOR THE APPLICATION ARE:

Background

1. The Applicant served for the RCMP for approximately 23 years, from February 26, 1996, until his medical discharge on February 6, 2019. He served in Saskatchewan (F Division), Alberta (K Division), and British Columbia (E Division), in both general duty policing and specialist units.
2. On April 27, 2018, the RCMP initiated a process under the *Commissioner’s Standing Orders (Employment Requirements)* to medically discharge the Applicant. A preliminary recommendation to discharge was presented on September 7, 2018. A recommendation to discharge was made on October 22, 2018. The Applicant was served with a notice of intent to discharge a member on October 25, 2018.
3. On February 6, 2019, a record of decision was issued under s. 6(a) of the *Commissioner’s Standing Orders (Employment Requirements)* and s. 20.2(1)(g) of the *Royal Canadian Mounted Police Act*, medically discharging the Applicant

from the RCMP on the basis that he was unfit for any duties within the RCMP with no prognosis of a return to work.

4. On February 12, 2019, the Applicant filed an appeal of his medical discharge pursuant to subsection 37(c) of the *Commissioner's Standing Orders (Grievances and Appeals)*.
5. On January 4, 2021, Sergeant R.L. requested permission from his line officer to represent the Appellant in the appeal of his medical discharge. On January 6, 2021, the Respondent denied the request, citing Sergeant R.L.'s lack of security clearance and his being away from work for unspecified reasons.
6. On January 7, 2021, the Appellant submitted his *Statement of Appeal* pursuant to subsection 10(1) of the *Commissioner's Standing Orders (General Administration)*, SOR/2014-293 [CSO (*General Administration*)], which provides for the appeal of a decision to deprive a member of the opportunity to be represented by another member in accordance with the *Commissioner's Standing Orders (Grievances and Appeals)*, SOR/2014-289 [CSO (*Grievances and Appeals*)].
7. On July 19, 2021, an RCMP adjudicator rendered a decision with respect to the denied representation in favour of the Applicant and thereby directed that the matter be remitted for a new decision. The matter was remitted at the direction of Sergeant R.L.'s line officer to another RCMP officer for a new decision. This decision was the same as the impugned decision of Sergeant R.L.'s line officer whose subsequent appeal gave rise to this application.
8. With respect to the related administrative discharge, a final decision made by the Commissioner dated December 16, 2022, where the Applicant's appeal of his medical discharge was dismissed.
9. On July 14, 2023, since the Applicant's parallel appeal was dismissed on December 16, 2022, an RCMP appeal adjudicator determined that the appeal of the Applicant's non-representation was effectively moot.

THE APPLICANT RELIES ON:

1. *Royal Canadian Mounted Police Act* (R.S.C., 1985, c. R-10);
2. *Royal Canadian Mounted Police Regulations*, 1988 (SOR/88-361);

3. *Commissioner's Standing Orders (Grievances and Appeals)*, SOR/2014-289;
4. *Commissioner's Standing Orders (General Administration)*, SOR/2014-293;
5. *Federal Courts Act* (R.S.C., 1985, c. F-7);
6. *Federal Courts Rules* (SOR/98-106); and
7. Such further and other grounds as this Honourable Court might allow.

GROUNDS FOR JUDICIAL REVIEW:

1. The Statutory Designate erred in fact and law by determining that the Applicant's appeal was moot;
2. The Respondent, having acknowledged that the decision giving rise to this application was related to the medical discharge of the Applicant, erred in fact and law by declining to consolidate the underlying appeal with the appeal of the Applicant's medical discharge as afforded by the *CSO – G&A*;
3. The Statutory Designate, having acknowledged that the underlying appeal took an excessive amount of time, erred in fact and law by declining to exercise her discretion to decide the merits of the underlying appeal;
4. The Respondent lacked the authority to deny the representation of the Applicant, therefore the decision of the Statutory Designate was *ultra vires*; and
5. The Statutory Designate based her decision on erroneous findings of fact and therefore her decision was made in a perverse or capricious manner or without regard for the material before her.

THIS APPLICATION WILL BE SUPPORTED BY THE FOLLOWING MATERIAL:

1. The Certified Tribunal Record; and
2. Such other material as the Applicant may advise and the Court may permit.

Date: August 17, 2023

Chris Williams

Christopher A. A. Williams
Applicant

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