

# In the Court of Appeal of Alberta

**Citation:** Sejnowski v Polish Hall, 2026 ABCA 13

**Date:** 20260116  
**Docket:** 2503-0149AC  
**Registry:** Edmonton

**Between:**

**Tadeusz Sejnowski**

Applicant

- and -

**Polish Hall and Polish Canadian Society**

Respondents

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**Reasons for Decision of  
The Honourable Justice Kevin Feehan**

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Application to Rescind Case Management Officer's Administrative Direction

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**I. Overview**

[1] Tadeusz Sejnowski applies to have the Court rescind directions of a Case Management Officer instructing him to discontinue his appeal because the Court of Appeal did not have jurisdiction to consider the appeal.

[2] The application is dismissed on both procedural and substantive grounds.

**II. Background**

[3] Mr Sejnowski is a member of the Polish Canadian Society. The Polish Canadian Society, the Polish Veterans Society, and the Polish Combatants' Association in Canada Inc, Edmonton, Branch No 6, own and operate the Polish Hall through a joint venture agreement. Mr Sejnowski commenced an action against the Polish Hall and Polish Canadian Society, alleging shortfalls related to governance and financial reporting requirements. The action was stayed pursuant to the *Arbitration Act*, RSA 2000, c-4, because the joint venture agreement contained a mandatory arbitration provision: *Sejnowski v Polish Hall*, 2025 ABKB 419, paras 1-3.

[4] The parties entered into an arbitration agreement dated February 14, 2024 and proceeded with arbitration. The arbitration award was released on July 26, 2024. Mr Sejnowski sought leave to appeal the arbitration award to the Court of King's Bench pursuant to s 44 of the *Arbitration Act*, which requires a party to seek permission of the Court to appeal an arbitration award on a question of law. The chambers judge declined to grant permission to appeal on any of the proposed grounds.

[5] Mr Sejnowski submitted a notice of appeal to this Court on August 11, 2025. On that day, a Case Management Officer advised the "Court of Appeal has no jurisdiction to hear this appeal, and your only option is to discontinue it." She directed Mr Sejnowski to the discontinuance of appeal template on the Court's website, and informed him she would ask Registry to refund the filing fee for the notice of appeal if he submitted the discontinuance by August 15, 2025. He did not do so. Instead, he brought this rescission application on December 11, 2025.

**III. Analysis**

[6] Section 14(2) of the *Court of Appeal Act*, RSA 2000, c C-30 and r 14.36 of *Alberta Rules of Court*, Alta Reg 124/2010, confer broad powers upon a case management officer to manage the matters and business before this Court. Any person affected by an administrative direction of a case management officer can apply to a judge of this Court within one month of the date of the

administrative decision to have the direction rescinded, confirmed, amended, or enforced: r 14.36(3).

[7] This application is out of time as it was not brought on or before September 11, 2025. There is no persuasive explanation for why it was not brought for a further three months, nor is there an application to extend time to bring this application. As a result, this Court has no authority or jurisdiction to hear this application and the determination of the Case Management Officer remains as directed.

[8] However, to forestall this matter from being returned to this Court first on an application to extend time to file, and then to rescind the direction of the Case Management Officer, we address the application on its merits.

[9] If the decision had been brought on time and the application was properly before the Court, the presiding judge would consider the question determined by the Case Management Officer directly and make an independent decision: *Kainaiwa/Blood Tribe v Alberta (Minister of Energy)*, 2020 ABCA 387, para 21; *Bruneau v Quinn*, 2024 ABCA 108, para 3; *Ubah v The Association of Professional Engineers and Geoscientists of Alberta Appeal Board*, 2025 ABCA 81, para 8. A reviewing justice should carefully consider the direction and the reasons for the direction, but it is not owed deference in the traditional sense: *Tallcree First Nation v Rath & Company and Rath*, 2021 ABCA 360, para 41; *Ubah*, para 8.

[10] Mr Sejnowski submits the Case Management Officer exceeded her jurisdiction, and he was deprived of procedural fairness. He claims he was denied his statutory right, pursuant to s 44(2) of the *Arbitration Act*, to appeal the chambers decision dismissing his application for permission to appeal the arbitration award.

[11] Section 44(2) of the *Arbitration Act* allows a party to apply for permission to appeal on a question of law regarding an arbitration award to the “court”. Section 1(c)(ii) of the *Arbitration Act* defines “court” as the Court of King’s Bench. There is no statutory right to appeal an arbitration award to this Court.

[12] Section 48 of the *Arbitration Act* contemplates a further appeal to this Court of a decision of a Court of King’s Bench judge made pursuant to s 44. However, this Court has consistently held that the denial of permission to appeal an arbitration award pursuant to s 44(2) of the *Arbitration Act* is final; it is not a decision that can be appealed pursuant to s 48: *Sherwin-Williams Company v Walls Alive (Edmonton) Ltd*, 2003 ABCA 191, paras 1, 11, 12, 17 Alta LR (4th) 35; *719491 Alberta Inc v Canada Life Assurance Company*, 2021 ABCA 419, paras 68-70, 74; *Schafer v Schafer*, 2022 ABCA 358, paras 20, 21. This Court does not have jurisdiction to consider an appeal of the refusal to grant permission to appeal an arbitrator’s award under s 44(2).

[13] The Case Management Officer did not exceed the jurisdiction bestowed on her by s 14 of the *Court of Appeal Act* and r 14.36(1) of the *Rules*. She was correct to inform Mr Sejnowski of

case law that, as I have independently determined, was fatal to his appeal. In addition, the Case Management Officer did not breach procedural fairness in her communication to Mr Sejnowski. Rather, she provided a fair and reasonable option for Mr Sejnowski to discontinue the appeal without incurring additional expense.

#### **IV. Conclusion**

[14] In conclusion, the application to rescind the Case Management Officer's direction is dismissed for both procedural and substantive reasons. If Mr Sejnowski now follows the direction of the Case Management Officer to discontinue the appeal by January 30, 2026, his \$600 filing fee will be repaid to him. If he does not file a discontinuance on or before that date, the filing fee will not be repaid to him, and his appeal will eventually be struck.

[15] Rule 9.4(2) is invoked, and the Court will prepare the resulting order.

Application heard on January 15, 2026

Reasons filed at Edmonton, Alberta  
this 16th day of January, 2026

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Feehan J.A.

**Appearances:**

Applicant T. Sejnowski

A. Nanda  
for the Respondents