

RCMP

Judicial review applications of decision to initiate conduct board hearing against applicant (T-1197-16) and of decision to extend prescribed time for initiating such hearing (T-891-16) — Applicant, civilian member (CM) of Royal Canadian Mounted Police (RCMP) — Conduct measures imposed on applicant by conduct authority for violations of RCMP Code of Conduct relating to sexual assault and harassment — Review authority subsequently determining, in accordance with *Royal Canadian Mounted Police Act*, R.S.C., 1985, c R-10, s. 41(1), that conduct measures imposed disproportionate to nature, circumstances of contraventions, that conduct board hearing required — However, that decision made after expiry of prescription period set out in Act, s. 41(2), which imposes prescription period of one year during which decision to initiate a conduct board hearing may be made — Delegated decision maker for Commissioner on applications for extensions granting extension of time to initiate inquiry under Act, s. 47.4(1) — Principal issues herein whether application in T-891-16 premature; whether decision to grant extension of time statute-barred ; whether review authority fettering discretion; whether decision to initiate conduct board hearing reasonable — Act, s. 47.4(1) silent on whether extension can be granted after prescribed period — Following careful review of legislative history, Court satisfied that limitation period in Act, s. 41(2) can be extended by Commissioner under Act, s. 47.4(1) after expiry of prescribed year — Thus, as application for extension not time-barred, application in T-891-16 premature — Evidence not establishing that review authority's decision fettered — Rather, evidence demonstrating that decision result of independent analysis — Finally, review authority's decision to initiate conduct board hearing reasonable — Review authority's reasons, while brief, sufficient to understand why tribunal made its decision and to determine whether the decision fell within the range of acceptable outcomes — Applications dismissed.

CALANDRINI V. CANADA (ATTORNEY GENERAL) (T-891-16, T-1197-16, 2018 FC 52, Mosley J., judgment dated January 19, 2018, 57 pp)