SHORES JARDINE LLP

BREAKING CASE LAW

Construction Labour Relations v. Driver Iron Inc.

This Issue

Adequacy of Reasons

Construction Labour Relations v. Driver Iron Inc., 2012 SCC 65

Another judgment from the Supreme Court of Canada on the adequacy of reasons from an administrative tribunal. It is very brief and to the point. The Supreme Court has again emphasized that administrative tribunals do not need to prepare exhaustive reasons to fulfill the duty to provide reasons for a decision. The entire decision of the Court is quoted below:

[1] Construction Labour Relations - An Alberta Association appeals from a judgment of the Alberta Court of Appeal that allowed an appeal from a judgment dismissing an application for judicial review. In so doing, the Court of Appeal quashed a decision of the Alberta Labour Relations Board and remitted to the Board complaints alleging breaches of the *Labour Relations Code*, R.S.A. 2000, c. L-1, that the Board had allowed in part in a decision dated January 8, 2009.

[2] The appeal is well founded. The Board considered the relevant provisions of the *Code* and the facts presented to it by the parties. Its interpretation of the *Code* and its conclusions were reasonable. Its decision was entitled to deference. The Court of Appeal had no valid grounds to review and quash the decision. The court focused on an assertion that the Board had failed to give proper consideration to the interplay between ss. 176(1)(b) and 178 of the *Code* and to the different meanings that could be ascribed to these provisions and to s. 176(2).

[3] The Board did not have to explicitly address all possible shades of meaning of these provisions. This Court has strongly emphasized that administrative tribunals do not have to consider and comment upon every issue raised by the parties in their reasons. For reviewing courts, the issue remains whether the decision, viewed as a whole in the context of the record, is reasonable (*Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708).

[4] For these reasons, the appeal is allowed, the judgment of the Alberta Court of Appeal is set aside and the judgment of the Court of Queen's Bench is restored, with costs to the appellant.

Suite 2250
10104 – 103 Avenue
Edmonton, Alberta
T5J 0H8

Tel 780.448.9275
Fax 780.423.0163
shoresjardine.com