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See also: *Practice*

AIR LAW

Judicial review of respondent Minister of Transport's decision refusing to issue or amend Canadian aviation document (CAD) because applicant failed Line Operational Evaluation (LOE) in June 2018 to renew his qualifications as Airbus A320 pilot — Applicant successfully undertook other LOE in July 2018 thereby maintaining his qualifications — Transportation Appeal Tribunal of Canada (TATC) found in September 2019 that termination of LOE not justified, that refusal notice should not have been issued — Referred matter back to respondent for reconsideration — Respondent on reconsideration found failing grade appropriate, maintained original refusal to issue or amend CAD based on failure of June 2018 LOE — Minister arguing present application moot — Whether application moot; if so, whether Court should exercise its discretion to nonetheless hear application on its merits — Present matter moot — Applicant completed successful LOE before expiration of last successful LOE — Therefore obtaining necessary CAD to allow him to continue flying as A320 captain without interruption — Not demonstrated herein that decision from Court regarding prior unsuccessful LOE having any practical effect on applicant's rights or reputation — Not appropriate case to exercise discretion herein to hear moot application for judicial review — Respondent's decision at issue reviewable by TATC under *Aeronautics Act*, R.S.C., 1985, c. A-2, s. 6.72 — As general rule, Court declining to hear application for judicial review where applicant having adequate alternative remedy, including through pursuit of administrative process such as administrative appeal or review — Here, central issues raised involved, *inter alia*, role of respondent on reconsideration, interplay between TATC review decision and respondent's authority on reconsideration — Availability of review by TATC relevant factor speaking against hearing this moot application on its merits — Parties concerned that review by TATC of reconsideration decision might end up in repetitive loop of disagreement given TATC's power to refer back for reconsideration, respondent's power to reconsider — This alone not meaning that discretion should be exercised to hear judicial review when review by TATC available — Whether respondent set out adequate grounds to depart from TATC's decision with respect to applicant's LOE is something that should be addressed by TATC — Application dismissed.

DINAN V. CANADA (TRANSPORT) (T-621-21, 2022 FC 106, McHaffie J., reasons for judgment dated January 31, 2022, 20 pp.)