



**Manitoba Law
Reform Commission**

**ADMINISTRATIVE LAW IN MANITOBA:
A PROPOSED STATUTE FOR JUDICIAL
REVIEW**

CONSULTATION PAPER

March 2026

Administrative Law in Manitoba: A Proposed Statute for Judicial Review

Consultation Paper

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EXECUTIVE SUMMARY

Administrative law is the law that governs the administration of power delegated to various actors by legislation. It affects vast swaths of citizens' interactions with government in Manitoba, given the extraordinary scope of powers delegated to administrative decision-makers by statute. Supervision of administrative decision-makers by the courts is essential to protecting the rule of law.¹ At the same time, a posture of respect and deference to the decision-makers is necessary to reflect the choice of legislatures to delegate decision-making authority to administrative decision-makers.² This choice of legislatures is justified for several reasons, notably the efficiency of administrative decision-making and the expertise of administrative decision-makers.³ These and other issues in administrative law affect individuals' lives and the functioning of the justice system in myriad ways.

Unlike many other Canadian jurisdictions, however, there is no statute governing the judicial review of administrative decisions in Manitoba.

This consultation paper proposes what such a statute could look like in Manitoba. This statute builds on best practices and the *status quo* regarding judicial review in Canada. In particular, it seeks to build on practices from the Federal Courts, Ontario, and British Columbia. Such a statute in Manitoba could be “one-stop, shopping” for judges, lawyers, and litigants (including self-represented litigants) to guide judicial review, in the vein of other jurisdictions. It would also provide some stability to administrative law, where the common law has been a “never-ending construction site” for decades⁴ despite improvements in recent years.⁵

This consultation paper is intended as a first draft that prompts discussion of the benefits of codification in this area of the law by addressing 12 questions, in turn giving rise to many statutory provisions. The questions are noted below with brief answers *in italics*:

1. In which Court should an application for judicial review be brought?

The King's Bench.

2. What constitutes the record on judicial review or statutory appeal?

¹ See, e.g., *Crevier v AG (Québec) et al*, [1981] 2 SCR 220 [“Crevier”]; *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [“Vavilov”].

² *Vavilov*, *ibid*; see also David Dyzenhaus, “The Politics of Deference: Judicial Review and Democracy” in Michael Taggart, ed, *The Province of Administrative Law* (Oxford: Hart, 1997).

³ See, e.g., Joanne Murray, “Remedial Discretion in the Vavilov Era and the Theoretical Foundations of Judicial Review” (2025) 63:1 Alta L Rev 1 at 3. After *Vavilov*, *supra* note 1, expertise is no longer a reason to select the standard of review, but it is still relevant to holding that a particular decision is reasonable.

⁴ David Stratas, “The Canadian Law of Judicial Review: A Plea for Doctrinal Coherence and Consistency” (2016) 42:1 Queen's LJ 27 at 29.

⁵ See the stability noted by Paul Warchuk in “Simplification or Semantics? Evaluating Vavilov's Impact on Standard of Review” (2025) 63:1 Alta L Rev 1.

The record before the decision-maker, with constrained opportunities to supplement.

3. The timeline for a judicial review to be heard?

The application must be brought in 30 days, and it must be heard within six months.

4. What is the role played by the tribunal and government in a judicial review proceeding and what should be the rules surrounding responding parties and service?

The government is to be served with the notice of application for judicial review. It may participate and is to act as respondent if a more suitable respondent cannot be found. The tribunal can move to intervene, but this is to be granted only rarely. It can act as respondent if no other respondent (including the Attorney General) can be found.

5. Whether there should be leave requirements for the judicial review of certain decisions of certain tribunals or all tribunals?

No.

6. Should a court be entitled to grant interim orders in a judicial review proceeding?

Yes, but exceptionally.

7. Should leave be required to appeal a King's Bench decision to the Court of Appeal?

Yes.

8. Does the filing of an application for judicial review stay the tribunal's decision?

Yes, though a party can move to lift the stay.

9. Should the standards of review be standardized to some degree?

Yes, but this should mostly codify the existing law

10. Should the grounds upon which a party can bring an application for judicial review be standardized to some degree?

Yes, but this should mostly codify the existing law.

11. What remedies can be granted?

Apart from interlocutory relief, all prerogative writs can be granted, as well as declaratory relief. Remedies are not entitlements. Exceptionally, mandamus or prohibition can be

ordered, or the court can make the decision for the administrator. However, quashing coupled with remittance is to be the default remedy.

12. What is the ambit of the Act?

It should have very wide application in line with the Federal Courts Act⁶

This consultation paper does not address the dozens of other statutes that prescribe specific routes and practices on judicial review or statutory appeal. In fact, the statute proposed by this consultation paper does not address statutory appeals at all. In principle, the legislature should be able to depart from the default rules recommended in this consultation paper. Those with experience/expertise before administrative bodies with alternative routes of judicial review or statutory appeal prescribed should be able to make submissions on whether that administrative decision-maker warrants particular rules. Rather, the recommendations in this consultation paper should serve as “default” procedural rules for common law applications for judicial review.

However, these recommendations should prompt discussion about whether those other statutes should be amended. Accordingly, it is recommended that the release of this consultation paper and the call for comments on the answers to the aforementioned questions be supplemented with a call for those affected by these specific statutes to comment on whether the particular practices prescribed by these statutes are warranted.

This consultation paper begins with an introduction to first principles of administrative law. It then introduces the proposed statute and discusses the twelve questions. A brief section then considers the unifying features of the proposed default rules prescribed in the statute, prompting discussion of whether statutes that prescribe alternative processes should be amended. Appendices address the history and ambit of administrative law, and experience across the country, which the substantive provisions of this consultation paper build upon.

⁶ RSC, 1985, c F-7 [“Federal Courts Act”].

CHAPTER 1: ADMINISTRATIVE LAW AND THE BENEFITS OF CODIFICATION

Administrative law acts as a check on the power of the state. It involves oversight of decisions made by Ministers, officials, and administrative tribunals who are granted authority by the state to make them. These administrative bodies are seen as tools that the government uses to carry out its tasks. Administrative law helps regulate the relationship between the government and citizens, protecting individual rights and interests. It does this by ensuring that government agencies and decision-makers stay within the limits set by the law, perform their assigned tasks effectively, and provides remedies when decisions go beyond their authority or abuse the legislative scheme. Judicial review is the primary tool through which administrative law achieves these goals.

Put very simply, judicial review is the courts' review of the decisions of administrative tribunals "to ensure that administrative bodies remain within their competence, and [...] act in accordance with fundamental constitutional principles."⁷ These powers are generally exercised through the issuance of prerogative remedies⁸ and other private law remedies, including injunctions and declarations.⁹ Reviewing these decisions involves a delicate balancing act by the judiciary, which must oversee the exercise of delegated responsibilities while also recognizing that the legislature has deliberately assigned the decision-making function to the administrative decision-maker.¹⁰ To address this tension, courts generally presume that impugned decisions of administrative tribunals should be treated deferentially, meaning that courts should not interfere with them.¹¹ However, as the "guardians of the rule of law," there will be circumstances where courts must interfere, and in those cases, courts will scrutinize administrative decisions with varying degrees of intensity, depending on a variety of factors.¹² These differing degrees of scrutiny have come to be known as the "standards of review,"¹³ an administrative law concept which has taken on a life of its own, and which will be explored in depth in the proposed statute.¹⁴

The focus of the current report will be on the procedure governing judicial review. Currently, in Manitoba, there is no single statute or code that provides rules governing a party's application for judicial review of a tribunal decision, nor any rules directing the reviewing

⁷ Guy Régimbald, *Canadian Administrative Law*, 3d ed (Toronto, ON: LexisNexis, 2021) at 441.

⁸ These remedies are derived from the "prerogative powers of the monarch and were originally exercised through the issuance of writs in the name of the Crown." The five most commonly used prerogative remedies today are (1) *certiorari*, for cases of jurisdictional error or error of law; (2) *mandamus*, used to compel performance; (3) prohibition, used to prevent proceedings or orders from being made; (4) *habeas corpus*, used to force authorities to produce an individual held in detention; and (5) *quo warranto*, used to challenge the assumption of a public office. See *ibid* at 582-583.

⁹ *Ibid* at 570.

¹⁰ *Vavilov*, *supra* note 1 at para 30.

¹¹ Régimbald, *supra* note 7 at 441.

¹² *Ibid* at 442.

¹³ Since its inception, the standard of review framework has included various standards. The evolution of the standard of review framework is explored in Appendix A.

¹⁴ Régimbald, *supra* note 7 at 442.

court to specifically consider tribunal decisions, apart from one provision in the *Court of King's Bench Rules*. This lack of guidance has created some uncertainty with respect to certain issues explored in this paper. Other jurisdictions in Canada have taken various approaches within legislation to provide procedural direction on judicial review and statutory appeal.

There are advantages to codification. Codification provides stability in the law, which has often been lacking in administrative law. Codification further provides all litigants, including self-represented litigants, a single source to consult.

There are, to be sure, disadvantages of codification. Codification can result in rigidity in the law, especially when precise rules are prescribed that are likely to be overinclusive and/or underinclusive vis-à-vis purpose.¹⁵ Moreover, much of administrative law is discretionary, and for good reason.¹⁶ Codification risks undermining this.

It is also ultimately suggested that the disadvantages of codification can be addressed by permissive as opposed to mandatory language in the proposed statute¹⁷ as well as incorporating features of the common law that work well. In other words, it is possible to obtain the advantages of codification while mitigating the disadvantages.

¹⁵ This is a concern about “rules” as opposed to “standards” in law more generally: see Cass R Sunstein, “Problems with Rules” (1995) 83(4) Cal L Rev 953.

¹⁶ Abella and Karakatsanis JJ criticized a move to a “formalistic” conception of administrative law in *Vavilov*, *supra* note 1 at 253.

¹⁷ See Ruth Sullivan, *The Construction of Statutes*, 7th ed (Toronto: LexisNexis Canada Inc, 2022), § 4.05.

Court for Application for Judicial Review

1 “Unless another Act prescribes otherwise, an application for judicial review of a Manitoba administrative decision-maker shall be made in the Court of King’s Bench (the ‘court’) by filing a notice of application for judicial review and serving it in accordance with this Act and the *Court of King’s Bench Rules*.

Record on an Application for Judicial Review

2(1) The record on an application for judicial review shall consist of the record that was before the administrative decision-maker, which the administrative decision-maker must compile. The compiled record shall include but not necessarily be limited to:

- (a) any application, complaint, reference or other document, if any, by which the proceeding was commenced;
- (b) the notice of any hearing;
- (c) any interlocutory orders made by the administrative decision-maker;
- (d) all documentary evidence filed with the administrative decision-maker, subject to any limitation expressly imposed by any other statute on the extent to or the purposes for which any such documents may be used in evidence in any proceeding;
- (e) the transcript, if any, of the oral evidence given at the hearing; and
- (f) the decision of the administrative decision-maker and the reasons therefore, where reasons have been given.

2(2): If the administrative decision-maker is unable or unwilling to prepare the record referred to in s 2(1), the Attorney General of Manitoba shall do so.

2(3): A party to an application for judicial review may, on motion, seek to excise portions of the record if they were improperly included in the record, or add to the record if portions were improperly excluded despite having been before the administrative decision-maker, considering the court’s role as a judicial review court.

2(4): A party to an application for judicial review may, on motion, seek to introduce evidence not before the administrative decision-maker, if it is in the interests of justice to ensure that the court can fulfil its duties as a judicial review court, for reasons such as:

- (a) The legal inability of the administrative decision-maker to receive the evidence;
- (b) The need to highlight the absence of evidence before the administrative decision-maker on a particular point;

- (c) Demonstrating a breach of natural justice not apparent on the face of the record; or
- (d) The need to give general background that would have been known to the parties and to the administrative decision-maker, but not the court.

2(5): The court shall not permit evidence to be introduced to the record before it pursuant to s 2(4)(b) if, with reasonable diligence, it could have been tendered before the administrative decision-maker.

Timelines on an Application for Judicial Review

3(1) An application for judicial review in respect of a decision or an order of a Manitoba administrative decision-maker shall be made within 30 days after the time the decision or order was first communicated by the Manitoba administrative decision-maker to the office of the Deputy Minister of Justice of Manitoba or to the party directly affected by it, or within any further time that a judge of the court may fix or allow before or after the end of those 30 days.

3(2) All respondents on an application for judicial review must be served with the notice of application for judicial review within 7 days of it being issued by the court.

3(3) All respondents who wish to participate in the hearing of the application for judicial review must file a notice of appearance within 30 days of being served with the application for judicial review.

3(4) The record referred to in section 2 must be filed within 30 days after the notice for application for judicial review is served on the Attorney General of Manitoba.

3(5) An applicant for judicial review must file a factum supporting its application for judicial review within 60 days of filing its notice of application and provide proof of service upon the responding parties.

3(6) A responding party to an application for judicial review must file its factum resisting the application for judicial review within 30 days of being served with the applicant's factum.

3(7) Unless the court orders otherwise, an application for judicial review must be heard within six months of the application for judicial review being filed.

3(8) Failure to comply with s 3(7) is an irregularity that does not result in the application for judicial review becoming a nullity. Parties may seek an expedited hearing to ensure compliance with s 3(7) to the extent possible.

Parties on an Application for Judicial Review

4 (1) Subject to subsection (2), an applicant in an application for judicial review shall name as a respondent every person

(a) directly affected by the order sought in the application, other than an administrative decision-maker in respect of which the application is brought; or

(b) required to be named as a party under another law.

(2) Where in an application for judicial review there are no persons that can be named under subsection (1), the applicant shall name the Attorney General of Manitoba as the respondent.

(3) Despite subsections (1) and (2), the Attorney General of Manitoba shall be served with a notice of application for judicial review within 7 days of it being issued by the court, and has the right to make submissions on an application for judicial review.

(4) On a motion by the Attorney General of Manitoba, where the Court is satisfied that the Attorney General is unable or unwilling to act as a respondent after having been named under subsection (2), the Court may substitute another person or body, including the administrative decision-maker in respect of which the application is made, as a respondent in the place of the Attorney General of Manitoba.

(5) On a motion by the administrative decision-maker in respect of which an application for judicial review has been made, the Court may grant said administrative decision-maker such procedural rights as is necessary to fulfil the court's role as a court of judicial review, bearing in mind that the administrative decision-maker is not to defend its impugned decision except in accordance with subsection (4).

Interim relief on an Application for Judicial Review

5(1) The Court may grant interim relief on an application for judicial review in the same manner it may grant such relief pursuant to the *Court of King's Bench Rules*.

5(2) In exercising its discretion to grant interim relief pursuant to s 5(1), the Court shall bear in mind the importance of judicial review being a summary procedure. If reasonably possible, motions in an application for judicial review should be heard in conjunction with the hearing on the merits of the application for judicial review.

Appeal with Leave to Court of Appeal

6(1) A final decision in an application commenced under s 1 may be appealed to the Court of Appeal, with leave, in accordance with *The Court of Appeal Act* and *Court of Appeal Rules*.

6(2) In deciding to grant leave to appeal pursuant to s 6(1), the Court of Appeal shall consider:

- a) the importance of finality;
- b) the merits of the prospective appeal; and
- c) most importantly, whether the proposed appeal raises issues of law such that a second review of the initial decision of the administrative decision-maker is warranted.

OR

6(2) In deciding to grant leave to appeal pursuant to s 7, the Court of Appeal shall consider:

- (a) the merit in the proposed appeal; and
- (b) the importance of the issues raised in the appeal.

Stay Pending Application for Judicial Review

7 After an application for judicial review is commenced under s 1, the administrative decision which is the subject of the application for judicial review is stayed, though the court may, on motion, lift that stay in the interests of justice.

Standard of Review

8(1) Subject to subsections 8(2) and 8(3), in an application for judicial review under this Act, the administrative decision is to be reviewed on a standard of review of reasonableness.

8(2) Notwithstanding subsection 8(1), the following questions of law in an application for judicial review are to be reviewed on a standard of correctness:

- a. questions of law of central importance to the legal system;
- b. questions of constitutional law, including challenges to the constitutionality of a statute or exercises of statutory discretion alleged to be inconsistent with the *Constitution Act, 1867* and *Constitution Act, 1982*;
- c. questions of law where first-instance decision-making authority is shared between the administrative decision-maker and the court, the Manitoba Provincial Court, or the Manitoba Court of Appeal; and

d. disputes over which administrative decision-maker has jurisdiction to adjudicate a matter.

8(3) Notwithstanding subsection 8(1), if an administrative decision is challenged for failure to comply with natural justice, the Court is to decide *de novo* whether the administrative decision-maker complied with natural justice.

8(4) For clarity, if another Act prescribes a different standard of review in an application for judicial review other than those prescribed under this Act, the other Act prevails to the extent that there is inconsistency with this Act.

Grounds for Judicial Review

9(1) An administrative decision may be set aside on an application for judicial review brought under this Act, because:

- (a) The decision fails to comply with principles of natural justice;
- (b) The decision is reviewable on a standard of review of correctness pursuant to s 8(2)(b) of this Act and, in the court's view, the administrative decision-maker incorrectly decided a question of law to be reviewed on a correctness standard; or
- (c) The decision is otherwise unreasonable.

9(2) An unreasonable decision pursuant to s 9(1)(c) is one that is not justifiable based on the facts and the law, considering:

- (a) its internal logic;
- (b) statutory language and principles of statutory interpretation;
- (c) submissions of the parties;
- (d) impacts on the parties;
- (e) evidence before the administrative decision-maker;
- (f) past decisions of the administrative decision-maker; and
- (g) any other relevant factor to the justifiability of the decision.

9(3) A Court shall not set aside an administrative decision pursuant to ss 9(1)(c) and 9(2) if it is clear that the administrative decision would have been the same even if the error identified in ss 9(1)(c) and 9(2) had not occurred.

Remedies on Judicial Review

10(1) Subject to ss 10(2), 10(3), 10(4), 10(6), and 10(7), if the Court sets aside an administrative decision under s 9, it shall issue the writ of *certiorari*, quash the administrative decision, and remit the matter for reconsideration by the decision-maker.

10(2) The Court may grant an order of *mandamus*, prohibition, otherwise compel an administrative decision-maker to perform a particular act, and/or make a decision that the administrative decision-maker ought to have made if:

- (a) upon remittance, the administrative decision-maker would have no reasonable discretion, in light of the facts and the law, to do anything other than the court orders under this section; or
- (b) the matter is of sufficient urgency such that the court is of the view that access to justice requires an order under this subsection, notwithstanding the institutional design choice of the Legislative Assembly of Manitoba to assign decision-making authority to the administrative decision-maker.

10(3) The Court may grant declaratory relief on an application for judicial review, including in circumstances if the remedies in ss 10(1) and 10(2) are not practical.

10(4) The Court may decline to set aside an administrative decision, even if it is permitted to do so under this Act, for any reason permitted at common law.

10(5) Damages are not an appropriate remedy on an application for judicial review.

10(6) An application for judicial review may be brought in conjunction with a claim for which damages would be an appropriate remedy, assuming the claims are appropriate to be tried together in accordance with the *Court of King's Bench Rules*.

10(7) Nothing in this section affects the ability of any person to bring an application in the court seeking the writ of *habeas corpus*.

Scope of this Act

11(1) This Act governs all applications for judicial review brought against an administrative decision, as defined in this Act.

11(2) "administrative decision" means a decision made by any body, person or persons having, exercising or purporting to exercise jurisdiction or powers conferred by or under an Act of the Legislative Assembly of Manitoba or by or under an order made under a prerogative of the Crown, other than the Manitoba Provincial Court.

11(3) "administrative decision-maker" is any body, person or persons having, exercising or purporting to exercise jurisdiction or powers to make an administrative decision.

11(4) To the extent that there is inconsistency between this Act and another Act governing an administrative decision-maker, the other Act prevails.

CHAPTER 3: THE BENEFITS AND TWELVE KEY CHARACTERISTICS OF A PROPOSED STATUTE

Various questions were raised for consideration by the Commission in the preparation of this report. It is suggested that these can be consolidated and/or expanded into 12 specific issues that are analyzed hereafter.

1. In which Court should an application for judicial review be brought?

RECOMMENDATION:

The Court of King's Bench

RECOMMENDED STATUTORY LANGUAGE:

1 Unless another Act prescribes otherwise, an application for judicial review of a Manitoba administrative decision-maker shall be made in the Court of King's Bench (the 'court') by filing a notice of application for judicial review and serving it in accordance with this Act and the *Court of King's Bench Rules*.

RATIONALE:

To some extent, this provision is not necessary. It is accepted that the superior courts of the provinces have jurisdiction to hear applications for judicial review, unless another statute prescribes otherwise.¹⁸ However, in an effort to make the statute a comprehensive guide for judicial review in Manitoba, it is proposed that this be made explicit. General rules of service pursuant to the *Court of King's Bench Act* apply, but, as will be addressed below, service must be much more prompt than usual to ensure that the ambitious timelines can be maintained.

While Ontario has a specialized court for judicial review in the Divisional Court, this requires three judges to hear every application. It also requires institutional costs. These seem disproportionate to the benefits of such a court.¹⁹ Accordingly, judicial review should proceed in the superior court—as it does in the other eight provinces.

¹⁸ See *Crevier*, *supra* note 1.

¹⁹ See Gerard J Kennedy, "Wither the Divisional Court? Looking at the Past, Analyzing the Present, and Querying the Future of Ontario's Intermediate Appellate Court" 53:1 (2021) Ottawa L Rev 93.

2. What constitutes the record on judicial review or statutory appeal?

RECOMMENDATION:

The record before the reviewing court should be the same as the record before the initial decision-maker, with the possibility to bring a motion to supplement the record. The administrative decision-maker should be under a statutory obligation to assemble a record.

RECOMMENDED STATUTORY LANGUAGE:

2(1) The record on an application for judicial review shall consist of the record that was before the administrative decision-maker, which the administrative decision-maker must compile. The compiled record shall include but not necessarily be limited to:

- (a) any application, complaint, reference or other document, if any, by which the proceeding was commenced;
- (b) the notice of any hearing;
- (c) any interlocutory orders made by the administrative decision-maker;
- (d) all documentary evidence filed with the administrative decision-maker, subject to any limitation expressly imposed by any other statute on the extent to or the purposes for which any such documents may be used in evidence in any proceeding;
- (e) the transcript, if any, of the oral evidence given at the hearing; and
- (f) the decision of the administrative decision-maker and the reasons therefore, where reasons have been given.

2(2): If the administrative decision-maker is unable or unwilling to prepare the record referred to in s 2(1), the Attorney General of Manitoba shall do so.

2(3): A party to an application for judicial review may, on motion, seek to excise portions of the record if they were improperly included in the record, or add to the record if portions were improperly excluded despite having been before the administrative decision-maker, considering the court's role as a judicial review court.

2(4): A party to an application for judicial review may, on motion, seek to introduce evidence not before the administrative decision-maker, if it is in the interests of justice to ensure that the court can fulfil its duties as a judicial review court, for reasons such as:

- (a) The legal inability of the administrative decision-maker to receive the evidence;
- (b) The need to highlight the absence of evidence before the administrative decision-maker on a particular point;
- (c) Demonstrating a breach of natural justice not apparent on the face of the record; or

- (d) The need to give general background that would have been known to the parties and to the administrative decision-maker, but not the court.

2(5): The court shall not permit evidence to be introduced to the record before it pursuant to s 2(4)(b) if, with reasonable diligence, it could have been tendered before the administrative decision-maker.

RATIONALE:

Section 2(1) builds on language in Ontario’s *Statutory Powers Procedure Act*, which obliges administrative decision-makers to create records.²⁰ Not only is this likely to facilitate better decision-making by the administrator, it is also likely to make assembling the record on judicial review easier. This also clarifies what is statutorily “the record”, which is not defined in Manitoba, unlike other provinces. This has led to disputes in the case law, such as *Kalo v Winnipeg (City of)*.²¹

The provisions as a whole clarify that a judicial review court is a **review** court—it is not to do the administrator’s job for it.²² Moreover, there is a presumption that the administrative decision is to be the final decision. In other words, much like on appeals,²³ courts are not to give a party a “second trial”. Section 2(2) is a “fallback” provision, obliging the Crown to compile the record if it otherwise will not be compiled. This is analogous to criminal proceedings where the Crown compiles the record.

Section 2(3) gives parties the ability to challenge the record. It is not recommended that the reasons for challenging be codified. That would likely be definitionally underinclusive. Other cues in the statute indicate and underscore the importance of a judicial review court. These implicitly impugn improper uses of judicial review procedure. It is clear, however, that the only way to add to the record with information not before the initial decision-maker is section 2(4). Section 2(3) is designed for where the compilation has been under- or overinclusive.

Section 2(4) gives the explicit ability to supplement the record. This section builds on exceptions recognized in the case law²⁴ for when new evidence before an administrative

²⁰ RSO 1990, c S22 [“SPPA”], s 20.

²¹ 2019 MBCA 46.

²² See, e.g., *Albu v The University of British Columbia*, 2015 BCCA 41.

²³ *Palmer v The Queen* (1979), [1980] 1 SCR 759 [“Palmer”].

²⁴ *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 [“AUCC”].

decision-maker is appropriate. These exceptions recognize that there are instances where the lack of evidence before the first-instance decision-maker is not the fault of an aggrieved party. The first exception in s 2(4)(a) recognizes that, if there is a statutory or other legal prohibition on receiving certain types of evidence, but that evidence could nonetheless impugn the decision, the reviewing court must receive the evidence.²⁵ The word “legal” should clarify that this is not meant to address instances where the reason that the evidence was not before the administrative decision-maker is because a party was unaware of the evidence; rather, there must be a statutory or other legal prohibition. In a similar vein, if the absence of evidence needs to be highlighted, it can be done. The ability to demonstrate a breach of natural justice also reflects the fact that the inadequacy of some participatory rights (think of a lack of notice²⁶) may not be apparent on the record.

Finally, the need for “background” also reflects that in certain specialized fields, there might be common knowledge that would not be known to the court. While this exception to the prohibition of supplementing the record must be treated with care,²⁷ it is still a legitimate exception to essentially include information that should have been included in “the record” but was not. This is in the vein of Mark Mancini’s scholarship, as he has argued for an exception to the general ability to supplement the record “where the [...] evidence is (1) known to the parties, (2) the evidence should have made it into the record but did not, and (3) the evidence is potentially dispositive of the application for judicial review.”²⁸ This addresses the issue that arose in *Tsleil-Waututh Nation v Canada (Attorney General)*.²⁹

The preambular words to s 2(4) demonstrate that the four illustrations are not exhaustive of instances where supplementary evidence may be permitted. However, the illustrations will constrain the ability to supplement the record due to the principle of statutory interpretation that specific illustrations in a statutory list inform the meaning of more general provisions.³⁰

Section 2(5) clarifies that parties are still expected to be diligent at the first instance decision-maker, and that an application for judicial review is not another chance to do what it should have done before the administrative decision-maker. This restriction on the ability

²⁵ *Tsleil-Waututh Nation v Canada (Attorney General)*, 2017 FCA 102.

²⁶ See, e.g., *Bernard v Canada (Attorney General)*, 2010 FCA 40.

²⁷ *AUCC*, *supra* note 24.

²⁸ Mark P Mancini, “A Theory of Information in the Canadian Law of Judicial Review: Record Rules in a Post-Vavilov World” (2020) 53:2 UBC L Rev 415 at 420.

²⁹ 2018 FCA 153.

³⁰ See Philip Bryden, *et al*, *Public Law: Cases, Commentary, and Materials*, 5th ed (Toronto: Emond Montgomery, 2025) at 472-473.

to tender new evidence before the judicial review court is consistent with practice on appeals.³¹

3. The timeline for a judicial review to be heard?

RECOMMENDATION

The application for judicial review must be brought within 30 days of the decision. The Court must then schedule a hearing within six months.

RECOMMENDED STATUTORY LANGUAGE

3(1) An application for judicial review in respect of a decision or an order of a Manitoba administrative decision-maker shall be made within 30 days after the time the decision or order was first communicated by the Manitoba administrative decision-maker to the office of the Deputy Minister of Justice of Manitoba or to the party directly affected by it, or within any further time that a judge of the court may fix or allow before or after the end of those 30 days.

3(2) All respondents on an application for judicial review must be served with the notice of application for judicial review within 7 days of it being issued by the court.

3(3) All respondents who wish to participate in the hearing of the application for judicial review must file a notice of appearance within 30 days of being served with the application for judicial review.

3(4) The record referred to in section 2 must be filed within 30 days after the notice for application for judicial review is served on the Attorney General of Manitoba.

3(5) An applicant for judicial review must file a factum supporting its application for judicial review within 60 days of filing its notice of application and provide proof of service upon the responding parties.

3(6) A responding party to an application for judicial review must file its factum resisting the application for judicial review within 30 days of being served with the applicant's factum.

³¹ *Palmer, supra note 23.*

3(7) Unless the court orders otherwise, an application for judicial review must be heard within six months of the application for judicial review being filed.

3(8) Failure to comply with s 3(7) is an irregularity that does not result in the application for judicial review becoming a nullity. Parties may seek an expedited hearing to ensure compliance with s 3(7) to the extent possible.

RATIONALE

Section 3(1) builds on language in the *Federal Courts Act*,³² which has, by all accounts, led to a prompt process for judicial review of federal government action.³³ The subsections, taken together, help ensure the prompt progression of applications for judicial review. All sections taken together also ensure that judicial review is a summary process. Not only does this prevent delay in the justice system, but it also helps guarantee the finality of administrative decisions, which is presumed to be a good, given the legislature's choice to assign decision-making authority to the administrative decision-maker.³⁴ While a six month hearing may appear ambitious, given the relatively prompt speed at which Manitoba courts operate, it will help prevent a culture of complacency and delay.³⁵ It also builds on Federal Court practice.³⁶ The court can, of course, order otherwise, either *sua sponte* or at the request of a party. This may be appropriate if, for instance, intervenors become involved. (Intervenors are not mentioned in this statute, but rules regarding intervention would apply to applications for judicial review, as requests for interlocutory relief under the *Court of King's Bench Rules* will apply to applications for judicial review.) The need for a court order, however, underscores that this is to be exceptional.

This section is very much in accordance with decisions such as *Delwar v Beausejour (Town of)*, which have held that it is appropriate to penalize parties who delay bringing applications for judicial review in the absence of a compelling reason.³⁷ This provision renders the kinds of considerations that the Manitoba Court of Appeal needed to grapple with in that case moot.

Section 3(2) is necessary to modify the *Court of King's Bench Rules* regarding service to achieve the ambitious timeline.

³² *Supra* note 6, s 18.1.

³³ Gerard J Kennedy, "The Federal Courts Advantage in Civil Procedure" (2024) 102 Can Bar Rev 1.

³⁴ *Vavilov*, *supra* note 1.

³⁵ Sometimes "rules" are necessary in this regard, as has occurred in the criminal law context after *R v Jordan*, 2016 SCC 27.

³⁶ Kennedy, *supra* note 33.

³⁷ 2025 MBCA 84.

Section 3(4) ensures that the record is assembled promptly, to ensure that the ambitious timeframe is achievable.

Section 3(8) recognizes that parties are not to be prejudiced in case the hearing does not occur within the prescribed timeframe. There may be reasons this occurs beyond the parties' control, and we wish to avoid any arguments that somehow render the entire process null.

4. The role played by the tribunal and government in a judicial review proceeding and what should be the rules surrounding responding parties and service

RECOMMENDATION

The Attorney General of Manitoba shall have a right to appear in an application for judicial review, as well as the right to commence an application for judicial review. He is not obliged to participate in an application for judicial review. An administrative decision-maker is not to generally have a right of appearance on the application for judicial review for reasons of efficiency, finality, and avoid the body "bootstrapping" its opinion. But it can become involved in exceptional circumstances.

RECOMMENDED STATUTORY LANGUAGE:

Parties on an Application for Judicial Review

4 (1) Subject to subsection (2), an applicant in an application for judicial review shall name as a respondent every person

(a) directly affected by the order sought in the application, other than an administrative decision-maker in respect of which the application is brought;
or

(b) required to be named as a party under another law.

(2) Where in an application for judicial review there are no persons that can be named under subsection (1), the applicant shall name the Attorney General of Manitoba as the respondent.

(3) Despite subsections (1) and (2), the Attorney General of Manitoba shall be served with a notice of application for judicial review within 7 days of it being issued by the court, and has the right to make submissions on an application for judicial review.

(4) On a motion by the Attorney General of Manitoba, where the Court is satisfied that the Attorney General is unable or unwilling to act as a

respondent after having been named under subsection (2), the Court may substitute another person or body, including the administrative decision-maker in respect of which the application is made, as a respondent in the place of the Attorney General of Manitoba.

(5) On a motion by the administrative decision-maker in respect of which an application for judicial review has been made, the Court may grant said administrative decision-maker such procedural rights as is necessary to fulfil the court's role as a court of judicial review, bearing in mind that the administrative decision-maker is not to defend its impugned decision except in accordance with subsection (4).

RATIONALE

This language builds on the *Federal Courts Act*.³⁸ The adversarial system is essential to our system of adjudication.³⁹ This requires ensuring that applications for judicial review have respondents—ideally, the most affected parties inclined to defend the impugned administrative decision. Moreover, the Attorney General has a unique role in protecting the rule of law and defending the legality of government action.⁴⁰ Administrative bodies can also have unique insight into the functions of their day-to-day operations to indicate what the record may mean to a non-learned observer.⁴¹ At the same time, administrative bodies are not to “bootstrap” their decisions, as noted in *Ontario (Energy Board) v Ontario Power Generation Inc*⁴² and *Vavilov*.⁴³ This provision seeks to balance these considerations.

In the Federal Court, the Attorney General of Canada is the “default” respondent in an application for judicial review if no other respondent can be found. This provision is, in large part, based on the *Federal Courts Rules*,⁴⁴ reflecting this fact. The requirement to serve the Attorney General, and provide him with participatory rights, also reflects the government's unique role to defend its institutional design choices and the rule of law.⁴⁵ Of course, in many applications for judicial review, the Attorney General has no interest. Accordingly, mandatory service may seem unnecessary. However, we want our procedural law

³⁸ *Supra* note 6, s 18.1.

³⁹ *Ontario (Energy Board) v Ontario Power Generation Inc*, 2015 SCC 44 [“OEB”].

⁴⁰ See, e.g., Andrew Flavelle Martin, *Legal Ethics and the Attorney General: A Canadian Analysis* (Toronto: University of Toronto Press, 2025); Adam M Dodek, “Lawyering at the Intersection of Public Law and Legal Ethics: Government Lawyers as Custodians of the Rule of Law” (2010) 33:1 Dal LJ 1.

⁴¹ See, e.g., *CAIMAW v Paccar of Canada Ltd*, [1989] 2 SCR 983 [“CAIMAW”].

⁴² *Supra* note 39 at paras 63-64.

⁴³ *Supra* note 1 at para 98.

⁴⁴ SOR/98-106, Rule 303 [“*Federal Courts Rules*”].

⁴⁵ *Supra* note 40.

reasonably understandable, so this firm “rule”⁴⁶ has few downsides, especially considering the relatively modest number of applications for judicial review brought every year in the King’s Bench.

The provision allows (and, in some cases, presumptively obliges), the Attorney General to defend the impugned decision. More generally, however, the Attorney General can speak to the legislature’s institutional design choices—which constitute the “polar star” of judicial review.⁴⁷

With respect to the administrative decision-maker itself, it is not to “buttress” or “bootstrap” its decisions.⁴⁸ However, there are occasions where no other entity is willing to defend the administrative decision. Accordingly, allowing the administrative decision-maker to fulfil this role in that narrow circumstance is appropriate to protect the adversarial system of litigation.⁴⁹ There may be other times where the administrative decision-maker’s views are helpful to understand background logistics of the operation of an administrative decision-maker—this may be the case to demonstrate the context in which an alleged breach of procedural fairness occurred.⁵⁰ Granted, it can be a fine line between “providing context” and “buttressing reasons”. That does not mean, however, that there is no line. By and large, the appropriateness of an administrative decision-maker’s interventions on judicial review are questionable—especially as disputes over standard of review decrease.⁵¹ Accordingly, it is recommended that the administrative decision-maker be allowed to participate—but only on motion, and quintessentially when there would otherwise be no respondent. Mandatory service to the administrative decision-maker does not appear to be necessary.

5. Whether there should be leave requirements for the judicial review of certain decisions of certain tribunals or all tribunals?

RECOMMENDATION

No, though particular statutes could impose a leave requirement.

⁴⁶ Reflecting the balance between flexible “standards” to fulfill a law’s purposes and firmer “rules” to provide predictability: see Sunstein, *supra* note 15.

⁴⁷ *Vavilov*, *supra* note 1 at para 33, citing *CUPE v Ontario (Minister of Labour)*, 2003 SCC 29 at para 149.

⁴⁸ *OEB*, *supra* note 39 at paras 63-64.

⁴⁹ This is contemplated in the *Federal Courts Rules*, *supra* note 44, Rule 303(3).

⁵⁰ Paul Daly, “A Principled Stand on Tribunal Participation in Judicial Review: *Ontario Energy Board v Ontario Power Generation Inc*, 2015 SCC 44” *Administrative Law Matters* (25 September 2015), online: <[url=https://www.administrativelawmatters.com/blog/2015/09/25/a-principled-stand-on-tribunal-participation-in-judicial-review-ontario-energy-board-v-ontario-power-generation-inc-2015-scc-44/](https://www.administrativelawmatters.com/blog/2015/09/25/a-principled-stand-on-tribunal-participation-in-judicial-review-ontario-energy-board-v-ontario-power-generation-inc-2015-scc-44/)>.

⁵¹ This was previously an accepted reason to allow the tribunal to make submissions: *CAIMAW*, *supra* note 41. But disputes over the standard of review are decreasing: see Warchuk, *supra* note 5.

RATIONALE

The common law right to judicial review is essential to safeguard the rule of law and ensure that administrative decision-makers stay within the ambit of their statutory authority. It is not to be removed as a matter of course—insofar as this is even permissible.⁵² Moreover, there appears to be no evidence that applications for judicial review are being routinely abused by litigants. Insofar as there is a concern that a particular application for judicial review is a piece of abusive litigation (e.g., to delay matters or impede government policy), said instances can be resolved by motions in individual cases (see below discussion of “interim orders”). Moreover, individual vexatious litigants can be subject to vexatious litigant orders.⁵³

If there is concern that an application for judicial review would be particularly problematic vis-à-vis a particular type of administrative decision-maker—one thinks of an ethics commissioner⁵⁴—a statute can restrict the ability to judicially review that administrative decision-maker or impose a leave requirement. However, it is neither necessary nor desirable to make such a restriction a matter of course.

6. Should a court be entitled to grant interim orders in a judicial review proceeding?

RECOMMENDATION

Yes, in the way any court could give interim relief.

RECOMMENDED STATUTORY LANGUAGE:

Interim relief on an Application for Judicial Review

5(1) The Court may grant interim relief on an application for judicial review in the same manner it may grant such relief pursuant to the *Court of King’s Bench Rules*.

5(2) In exercising its discretion to grant interim relief pursuant to s 5(1), the Court shall bear in mind the importance of judicial review being a summary procedure. If reasonably possible, motions in an application for judicial review should be heard in conjunction with the hearing on the merits of the application for judicial review.

RATIONALE

⁵² This will be addressed by the Supreme Court in the appeal from *Democracy Watch v Canada (Attorney General)*, 2024 FCA 158 [“*Democracy Watch*”].

⁵³ See, e.g., *College of Registered Nurses of Manitoba v Hancock*, 2026 MBCA 15.

⁵⁴ The issue in *ibid*.

This section does not build upon another jurisdiction’s statutory language, but reflects the fact that applications for judicial review are meant to be summary procedures where interlocutory motions are discouraged.⁵⁵ At the same time, a complete prohibition on granting interlocutory relief would be inappropriate. For instance, whether or not administrative decisions subject to applications for judicial review are automatically stayed pending disposition of the judicial review, there will be cases where the opposite should occur and a court must retain discretion to order as much on an interlocutory motion. Intervention motions should also be permissible.⁵⁶ There will be instances where the application for judicial review is an abuse of process and must be dismissed.⁵⁷ Moreover, when new evidence is proposed to be admitted, a motion will have to be brought to admit or strike the evidence. Accordingly, it is recommended that interlocutory relief be permitted—but a strong warning should appear in the statute essentially discouraging delay tactics. If possible, interlocutory relief should be sought in conjunction with the hearing on the merits—this accords with Federal Court practice, particularly for evidentiary disputes.⁵⁸

“Interim relief” is broad enough language to include injunctive relief, which is well-accepted as a remedy in civil litigation⁵⁹ and administrative law,⁶⁰ including in aid of an administrative process.⁶¹

7. Should leave be required to appeal a King’s Bench decision to the Court of Appeal?

RECOMMENDATION

Yes

⁵⁵ This is the case for motions to strike: see, e.g., *Ab Hassle v Canada (Minister of National Health and Welfare)* (2000), 195 FTR 23 (TD).

⁵⁶ For instance, the Attorney General of Alberta intervened in *Canadian Frontline Nurses v Canada (Attorney General)*, 2024 FC 42, aff’d, 2026 FCA 6.

⁵⁷ This will admittedly be exceptional: *David Bull Laboratories (Canada) Inc v Pharmacia Inc* (1994), [1995] 1 FC 588 (FCA) at 600; *Canada v JP Morgan Asset Management*, 2013 FCA 250 at para 47; *Pokue v Innu Nation*, 2014 FC 325 at para 11.

⁵⁸ See, e.g., *Viiv Healthcare Company v Gilead Sciences Canada, Inc*, 2021 FCA 122.

⁵⁹ Janet Walker, et al, *Civil Litigation*, 2d ed (Toronto: Irwin University of Toronto Press, 2026) at 191-198.

⁶⁰ Gerald Heckman, et al, *Administrative Law: Cases and Materials*, 8th ed (Toronto: Emond Montgomery, 2022) at 880-881.

⁶¹ *Brotherhood of Maintenance of Way Employees Canadian Pacific System Federation v Canadian Pacific Ltd*, [1996] 2 SCR 495.

RECOMMENDED STATUTORY LANGUAGE

6(1) A final decision in an application commenced under s 1 may be appealed to the Court of Appeal, with leave, in accordance with *The Court of Appeal Act* and *Court of Appeal Rules*.

6(2) In deciding to grant leave to appeal pursuant to s 6(1), the Court of Appeal shall consider:

- a) the importance of finality;
- b) the merits of the prospective appeal; and
- c) most importantly, whether the proposed appeal raises issues of law such that a second review of the initial decision of the administrative decision-maker is warranted.

OR

6(2) In deciding to grant leave to appeal pursuant to s 7, the Court of Appeal shall consider:

- (c) the merit in the proposed appeal; and
- (d) the importance of the issues raised in the appeal.

RATIONALE

This section does not build upon another jurisdiction’s statutory language, though 6(2) does take some inspiration from Ontario’s *Rules of Civil Procedure*.⁶² While there is a common law right to judicial review that should be interfered with only with good cause, there is no common law right to appeal.⁶³ While the purposes of appeals include ensuring consistent application of settled law and rectifying injustices,⁶⁴ the initial application for judicial review already provides that vis-à-vis the original decision-maker, who is, after all, the entity in which the legislature has entrusted the decision. Accordingly, a “second review” seems unwarranted as a matter of course.

Section 6(2) emphasizes that the primary role of the Court of Appeal in this regard is jurisprudential—not error correction or correcting injustices. Having said that, it is also worded sufficiently broadly to recognize that there may be sufficiently meritorious

⁶² RRO 1990, Reg 194, Rule 62.02(4). This language aims to synthesize the Ontario rules and case law.

⁶³ See, e.g., John Sopinka, Mark A Gelowitz & W David Rankin, *The Conduct of an Appeal*, 5th ed at § 1.1.

⁶⁴ See, e.g., *Housen v Nikolaisen*, 2002 SCC 33 at para 9.

prospective appeals that warrant error correction. This is to be balanced against the importance of finality.

This leave requirement accords with Ontario practice⁶⁵ and appears warranted to conserve judicial resources.

The alternative section 6(2) builds upon Manitoba precedent on the standard for leave to appeal interlocutory orders.⁶⁶ Cases such as *Knight v Daraden Investments Ltd* build upon what both factors mean. This should be seriously considered, given the Manitoba legal profession's familiarity with this standard. At the same time, there is a qualitative difference between an interlocutory appeal—which addresses collateral matters within a hearing on the merits⁶⁷—and an appeal of a hearing on the merits, such as an appeal to the Court of Appeal of a King's Bench decision. To be sure, this can cut both ways on whether the appeal is warranted. The judicial review reflects a matter's merits, while the interlocutory appeal does not. However, the judicial review is itself a review of a first-instance decision. Having a second review on the merits is, to some extent, like an appeal to the Supreme Court of Canada—which is why the proposed section 6(2) implicitly asks for questions of law to be raised as much as disputes over the facts. It must be remembered that appeals are not an intrinsic good or logical corollary to good decision-making⁶⁸—so rationing access to them is not unreasonable.

8. Does the filing of an application for judicial review stay the tribunal's decision?

RECOMMENDATION

Yes

RECOMMENDED STATUTORY LANGUAGE

7 After an application for judicial review is commenced under s 1, the administrative decision which is the subject of the application for judicial

⁶⁵ *Courts of Justice Act*, RSO 1990, c C-43, s 6(1)(a).

⁶⁶ *Knight v Daraden Investments Ltd et al*, 2022 MBCA 69.

⁶⁷ *Hendrickson v Kallio*, [1932] OR 675 (CA) at 678.

⁶⁸ Daniel Jutras, "The Narrowing Scope of Appellate Review: Has the Pendulum Swung Too Far?" (2007) 32 Manitoba LJ 61.

review is stayed, though the court may, on motion, lift that stay in the interests of justice.

RATIONALE

This section is not based on another jurisdiction's statutory language.

It is generally prudent to preserve the *status quo* pending the completion of litigation.⁶⁹ This is why other jurisdictions subject administrative decisions to a stay pending judicial review.⁷⁰ Moreover, other proposed amendments described in this consultation paper emphasize how an application for judicial review is meant to be a summary procedure, mitigating concerns about delay. There are, of course, bad faith attempts to bring an application for judicial review whose **only** purpose is to obtain a stay and delay the imposition of the judgment. However, these can be addressed by a motion to lift the stay if the merits of the judicial review are extremely weak and/or there is urgency to implement the administrative decision.

9. Should the standards of review be standardized to some degree?

RECOMMENDATION:

Yes, but at a very high level.

RECOMMENDED STATUTORY LANGUAGE

8(1) Subject to subsections 8(2) and 8(3), in an application for judicial review under this Act, the administrative decision is to be reviewed on a standard of review of reasonableness.

8(2) Notwithstanding subsection 8(1), the following questions of law in an application for judicial review are to be reviewed on a standard of correctness:

- a. questions of law of central importance to the legal system;
- b. questions of constitutional law, including challenges to the constitutionality of a statute or exercises of statutory discretion alleged to be inconsistent with the *Constitution Act, 1867* and *Constitution Act, 1982*;

⁶⁹ This underlines the law of injunctions: see *RJR – MacDonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311.

⁷⁰ *SPPA*, *supra* note 20, s 25(1).

- c. questions of law where first-instance decision-making authority is shared between the administrative decision-maker and the court, the Manitoba Provincial Court, or the Manitoba Court of Appeal; and
- d. disputes over which administrative decision-maker has jurisdiction to adjudicate a matter.

8(3) Notwithstanding subsection 8(1), if an administrative decision is challenged for failure to comply with natural justice, the Court is to decide *de novo* whether the administrative decision-maker complied with natural justice.

8(4) For clarity, if another Act prescribes a different standard of review in an application for judicial review other than those prescribed under this Act, the other Act prevails to the extent that there is inconsistency with this Act.

RATIONALE

Though this section takes inspiration from British Columbia’s *Administrative Tribunals Act*,⁷¹ it is largely based on the *Vavilov* decision, which has reduced disputes over the standard of review of administrative decisions. While an argument could be made for a presumption of correctness review on questions of law, which could have been rebutted by statutory indicia that the legislature intended for a different standard to apply,⁷² it seems prudent not to disrupt the *status quo*. While codification is not necessary (this may be one of the least necessary provisions proposed in this consultation paper), there continue to be disputes over the standard of review,⁷³ so codifying this issue may be prudent.

Mostly, this provision enshrines the workable *Vavilov* framework, subject to the additional category of correctness review identified in *Society of Composers*.⁷⁴ It must be remembered that statutory appeals are not the subject of this consultation paper, so that category that departs from the presumption of reasonableness in *Vavilov* is not relevant to this analysis.

The category of “constitutional questions” could be subject to controversy given the controversial status of *Doré v Barreau du Québec*, which appeared to be affirmed in *Commission scolaire francophone des Territoires du Nord-Ouest v Northwest Territories*

⁷¹ SBC 2004, c 45, ss 58-59.

⁷² Gerard Kennedy, “Vavilov at 5: Professor Gerard Kennedy” *Sunday Evening Administrative Review* (30 November 2024), online: <https://sear.substack.com/p/vavilov-at-5-professor-gerard-kennedy?utm_source=post-email-title&publication_id=402190&post_id=152307817&utm_campaign=email-post-title&isFreemail=true&r=f11f4&triedRedirect=true>.

⁷³ See, e.g., *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21; *Society of Composers, Authors and Music Publishers of Canada v Entertainment Software Association*, 2022 SCC 30 [“*Society of Composers*”].

⁷⁴ *Ibid.*

(*Education, Culture and Employment*),⁷⁵ only to be downplayed in *York Region District School Board v Elementary Teachers' Federation of Ontario*.⁷⁶ Recently, the Government of Alberta attempted to restrict *Doré's* ambit in the *Regulated Professions Neutrality Act*.⁷⁷ While *Doré* can be criticized, the Commission does not recommend trying to legislate it away. It is uncertain that it would be permissible to prescribe to a court how to engage in constitutional review.⁷⁸ In any event, this would likely be a source of significant controversy that could derail passing the statute. The courts will ultimately need to determine whether “constitutional questions” in the statute can supersede *Doré* in the same way that they are struggling with the ambit of the “constitutional questions” category post-*Vavilov*. This statute does not propose to solve that controversy, but nor does it contribute to it. What would appear undeniable from context, however, is that “constitutional review” is to attract a correctness standard as per *Vavilov*. This would capture, at the very least, all analyses of the constitutionality of a statute, as well as particular applications of a statute that raise concerns about federalism, Aboriginal rights, or other structural constitutional law issues from either the *Constitution Act, 1867* or the *Constitution Act, 1982*. The Commission recommends leaving it for judicial interpretation as to whether it affects individual instances of administrative discretion affecting *Charter* rights—the subject matter of *Doré*.

There is a temptation to define “questions of law of central importance to the legal system”, which is the least clear of the *Vavilov* exceptions to reasonableness review. However, doing so in a statute would become convoluted—the fact is that this phrase has a well-known meaning in the case law.⁷⁹

Section 8(3) recognizes that the language of “standard of review” is ill-suited to natural justice review, as recognized by British Columbia’s *Administrative Tribunal Act*⁸⁰ and significant case law and scholarship.⁸¹ While some case law suggests that the standard of review for such matters must be correctness,⁸² this sits uneasily with decisions such as *Baker*, which imply a level of deference to administrators.⁸³ The language of “*de novo*” review

⁷⁵ 2023 SCC 31.

⁷⁶ 2024 SCC 22.

⁷⁷ SA 2025, c R-13.3

⁷⁸ Andy Yu, “The Administrative Law of Section 33 of the Charter” (2025) 70(2) McGill LJ 291.

⁷⁹ Described in *Vavilov*, *supra* note 1 at paras 58-62.

⁸⁰ SBC 2004, c 45.

⁸¹ Gerard J Kennedy & Lauren J Wihak, “Procedural Fairness as *De Novo* Review, or, Why the ‘Standard of Review’ Terminology Does Not Fit for Procedural Fairness” (2024) 37:2 Journal of Administrative Law and Practice 123; *Canadian Pacific Railway Co v Canada (Attorney General)*, 2018 FCA 69.

⁸² See, e.g., the discussion of Rochester J (as she then was) in *Adekola v Canada (Citizenship and Immigration)*, 2022 FC 630 at para 15, noted by Mark P Mancini in “Issue #40: May 8, 2022” *The Sunday Evening Administrative Law* (8 May 2022), online: <url=https://sear.substack.com/p/issue-40-may-8-2022>.

⁸³ See, e.g., *Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 [“*Baker*”] at para 27.

reflects that the decision regarding natural justice ultimately rests with the court—but it can consider the administrative decision-maker’s views in this regard.⁸⁴ Codifying common law grounds of natural justice review is not recommended—it would become unwieldy and the common law in this regard by all accounts works well, unlike substantive review.

Finally, s 8(4) recognizes that the legislature may prescribe a different standard of review—consistent with *Vavilov* and legislative supremacy.

10. Should the grounds upon which a party can bring an application for judicial review be standardized to some degree?

RECOMMENDATION:

Yes, but at a very high level, noting the two primary ways that administrative decisions can be challenged, for breaches of natural justice and for substantive illegality.

RECOMMENDED STATUTORY LANGUAGE

9(1) An administrative decision may be set aside on an application for judicial review brought under this Act, because:

- (a) The decision fails to comply with principles of natural justice;
- (b) The decision is reviewable on a standard of review of correctness pursuant to s 8(2)(b) of this Act and, in the court’s view, the administrative decision-maker incorrectly decided a question of law to be reviewed on a correctness standard; or
- (c) The decision is otherwise unreasonable.

9(2) An unreasonable decision pursuant to s 9(1)(c) is one that is not justifiable based on the facts and the law, considering:

- (a) its internal logic;
- (b) statutory language and principles of statutory interpretation;
- (c) submissions of the parties;
- (d) impacts on the parties;
- (e) evidence before the administrative decision-maker;
- (f) past decisions of the administrative decision-maker; and
- (g) any other relevant factor to the justifiability of the decision.

⁸⁴ Kennedy & Wihak, *supra* note 81.

9(3) A Court shall not set aside an administrative decision pursuant to ss 9(1)(c) and 9(2) if it is clear that the administrative decision would have been the same even if the error identified in ss 9(1)(c) and 9(2) had not occurred.

RATIONALE:

This section is largely based on attempts to codify case law. Section 9(1) aims to codify *Baker* and *Vavilov* as ways to set aside administrative decisions, with s 9(1)(a) noting natural justice reasons to do so. The language of “natural justice” is proposed to be used instead of the more common “procedural fairness” because natural justice is more legally precise.⁸⁵ Section 9(1)(b) notes that the court has the role to substitute its opinion for that of the decision-maker if the standard of review on substance is correctness. Section 9(1)(c) notes that an administrative decision may be set aside for unreasonableness, with s 9(2) identifying hallmarks of unreasonableness.⁸⁶ Section 9(2)(g) recognizes that hallmarks of (un)reasonableness are not exhaustive.⁸⁷ Nonetheless, appearing in a list with recognized factors illustrates that this general category is to be related to the enumerated categories.⁸⁸

This section seeks to codify the grounds to set aside an administrative decision, in language that is legally specific enough for precision, but still understandable by a layperson.

Section 9(3) seeks to codify that a decision is not unreasonable merely due to a minor flaw in the reasoning process. The language of “shall not” indicates that, if it is clear that the result would have been the same but for the minor flaw, the application for judicial review is not to be allowed.⁸⁹ As addressed below, discretion not to grant judicial review remains even for errors that are not so minor, or where the result is not certain. However, the fact that certain types of decisions cannot be set aside prevents a “line-by-line treasure hunt for error” that disrupts administrative decision-makers and encourages litigation.⁹⁰

It must be remembered that grounds for review are different than standards of review. Grounds of review relate to the reasons to set aside an administrative decision. Standard of review refers to the intensity of the review.

⁸⁵ In *Baker*, *supra* note 83, L’Heureux-Dubé J implied that “procedural fairness” referred to only the *audi alteram partem* “half” of natural justice review, rather than the *nemo iudex in causa sua* half.

⁸⁶ See the majority decision in *Vavilov*, *supra* note 1.

⁸⁷ *Vavilov*, *ibid* at para 106.

⁸⁸ Bryden, *et al*, *supra* note 30 at 472-473.

⁸⁹ *Vavilov*, *supra* note 1 at para 100.

⁹⁰ Criticized by Abella and Karakatsanis JJ in *Vavilov*, *ibid* at para 284, citing *Communications, Energy and Paperworkers Union of Canada, Local 30 v Irving Pulp & Paper, Ltd*, [2013] 2 SCR 458 at para 54.

11. What remedies can be granted?

RECOMMENDATION:

The prerogative writs and ancillary relief can be granted at the conclusion of an application for judicial review, in addition to the interlocutory relief mentioned above.

RECOMMENDED STATUTORY LANGUAGE:

10(1) Subject to ss 10(2), 10(3), 10(4), 10(6), and 10(7), if the Court sets aside an administrative decision under s 9, it shall issue the writ of *certiorari*, quash the administrative decision, and remit the matter for reconsideration by the decision-maker.

10(2) The Court may grant an order of *mandamus*, prohibition, otherwise compel an administrative decision-maker to perform a particular act, and/or make a decision that the administrative decision-maker ought to have made if:

- (a) upon remittance, the administrative decision-maker would have no reasonable discretion, in light of the facts and the law, to do anything other than the court orders under this section; or
- (b) the matter is of sufficient urgency such that the court is of the view that access to justice requires an order under this subsection, notwithstanding the institutional design choice of the Legislative Assembly of Manitoba to assign decision-making authority to the administrative decision-maker.

10(3) The Court may grant declaratory relief on an application for judicial review, including in circumstances if the remedies in ss 10(1) and 10(2) are not practical.

10(4) The Court may decline to set aside an administrative decision, even if it is permitted to do so under this Act, for any reason permitted at common law.

10(5) Damages are not an appropriate remedy on an application for judicial review.

10(6) An application for judicial review may be brought in conjunction with a claim for which damages would be an appropriate remedy, assuming the claims are appropriate to be tried together in accordance with the *Court of King's Bench Rules*.

10(7) Nothing in this section affects the ability of any person to bring an application in the court seeking the writ of *habeas corpus*.

RATIONALE:

This enshrines the default remedy in a judicial review—that of *certiorari* (or “quashing”) coupled by remittance. *Certiorari* is a legal term of art, so it is recommended for inclusion. The section has some inspiration in the *Federal Courts Act*,⁹¹ but is largely novel. However, “quashing” and “remit it for reconsideration” hopefully explain this to a lay audience. It is appropriate that this be the default remedy in administrative law given the choice of the legislature to assign decision-making authority to the administrator.

At the same time, s 10(2) recognizes that there are exceptional circumstances where the court ought to make the decision instead of the decision-maker.⁹² The proposed recommendations are based on *Vavilov* recognizing particular reasons for this. The first codification relates to when the result may be inevitable such that the court should make the decision itself or otherwise mandate that the administrator do so. This accords with the common law writ of *mandamus*⁹³ or, its opposite, prohibition, which prevents an administrative actor from proceeding in a particular matter.⁹⁴ Second, there may be unique circumstances where urgency is so great that the court ought to make the decision. This is often viewed through an access to justice lens.⁹⁵ This too must be a remedy the court is reluctant to order, given that the Legislative Assembly has given decision-making authority to the other entity, which is why courts are admonished to bear this in mind.⁹⁶

Section 10(3) codifies the ability of a court to grant declaratory relief on an application for judicial review. Nothing in the language of the section alters the law surrounding when declaratory relief is appropriate.⁹⁷ The latter half of the subsection clarifies that this may be particularly appropriate if other remedies—notably, *certiorari*—would be impractical. This would be the case if quashing the administrative decision would create a legal vacuum or otherwise undermine the rule of law.⁹⁸ But neither are these the only circumstances in which to grant judicial review.

Further, s 10(4) reflects the fact that judicial review is discretionary. There are a whole host of reasons that it may not be granted, including:

- a) an alternative remedy;⁹⁹

⁹¹ *Supra* note 6, s 18

⁹² *Vavilov*, *ibid* at para 142.

⁹³ See Heckman, *et al*, *supra* note 60 at 816ff.

⁹⁴ See, e.g., *Ex p Mason* (1925), [1926] 3 DLR 104 (Que KB).

⁹⁵ *Vavilov*, *supra* note 1 at para 140.

⁹⁶ *Ibid* at para 138.

⁹⁷ See, e.g., *SA v Metro Vancouver Housing Corp*, 2019 SCC 4.

⁹⁸ This occurred more dramatically vis-à-vis legislation in *Re Manitoba Language Rights*, [1985] 1 SCR 721.

⁹⁹ See *Democracy Watch*, *supra* note 52.

- b) the need to follow internal administrative processes;¹⁰⁰ and
- c) a party's unclean hands in coming to the court.¹⁰¹

This is not exhaustive, which is why the common law is integrated into the statute rather than exhaustive reasons for declining to grant judicial review: attempting to exhaust the reasons would definitionally be underinclusive.

Despite some case law suggesting that damages may be appropriate on applications for judicial review,¹⁰² it is generally accepted that unlawful government action does not warrant damages unless an independent cause of action is present, such as a tort or a claim for *Charter* damages.¹⁰³ The subsection clarifies the ability to bring such actions simultaneously in the interests of judicial efficiency, implicitly incorporating the civil procedure doctrine of joinder to clarify what is appropriate to be tried together.¹⁰⁴

Finally, s 10(7) is included out of an abundance of caution. The writ of *habeas corpus* is technically an administrative law remedy,¹⁰⁵ even if it is often conceived as a criminal procedure matter, and one with protection under s 10(c) of the *Charter*. It should be unaffected by this statute.

12. What is the ambit of the Act?

RECOMMENDATION

The Act's ambit should be defined very broadly to capture all administrative decisions. "Administrative decision" and "administrative decision-maker" must be defined.

RECOMMENDED STATUTORY LANGUAGE

11(1) This Act governs all applications for judicial review brought against an administrative decision, as defined in this Act.

11(2) "administrative decision" means a decision made by any body, person or persons having, exercising or purporting to exercise jurisdiction or powers conferred by or under an Act of the Legislative Assembly of Manitoba or by or under an order made under a prerogative of the Crown, other than the Manitoba Provincial Court.

¹⁰⁰ See *Harelkin v University of Regina*, [1979] 2 SCR 561.

¹⁰¹ See the discussion in, e.g., *Canada (Minister of Citizenship and Immigration) v Thanabalasingham*, 2006 FCA 14.

¹⁰² This was a controversy in *Paradis Honey Ltd v Canada (Attorney General)*, 2015 FCA 89.

¹⁰³ See *Vancouver (City) v Ward*, 2010 SCC 27.

¹⁰⁴ See *Walker, et al, supra* note 59 at 115ff.

¹⁰⁵ *Heckman, et al, supra* note 60 at 816.

11(3) “administrative decision-maker” is any body, person or persons having, exercising or purporting to exercise jurisdiction or powers to make an administrative decision.

11(4) To the extent that there is inconsistency between this Act and another Act governing an administrative decision-maker, the other Act prevails.

RATIONALE:

Much like the *Federal Courts Act*, which is the basis of s 11(2) in particular and does not exhaustively define federal administrative tribunals, it is recommended that a very broad definition be granted rather than a list of administrative tribunals which definitionally will be underinclusive. This certainly includes the Lieutenant-Governor-in-Council and cabinet ministers. While pragmatic considerations can occasionally warrant particular deference to such administrative decision-makers, they remain administrative decision-makers. Any different form that judicial review of their decisions takes is therefore one of degree rather than one of kind. The Supreme Court underscored this in *Auer v Auer*.¹⁰⁶ This provision thus accords with the common law and first principles of administrative law, which respect the legislature’s institutional design choices.¹⁰⁷ If the legislature has delegated administrative decision-making authority to a political body or actor, it does so on particular terms, and the courts must ensure the legality of these decisions. The definition excludes courts, which are not part of the executive branch of government and which have judicial independence.

¹⁰⁶ 2024 SCC 36.

¹⁰⁷ *Vavilov*, *supra* note 1.

CHAPTER 4: WHAT SHOULD BE DONE WITH STATUTORY APPEALS OR OTHER STATUTORY ROUTES?

As noted above, this consultation paper addresses applications for judicial review that are not regulated by another statute. Particular statutes may well have good reasons for prescribing processes different from those prescribed in this draft statute, including statutory appeals.

Reasons to depart from default rules could include the desirability of:

- reviewing judges having a particular expertise—for instance, in criminal law, if the review takes place in the Manitoba Provincial Court;
- imposing appellate standards of review for fact (in which case the review is more deferential¹⁰⁸) or law (in which case the review is less deferential¹⁰⁹);
- having an appellate panel in the Court of Appeal, given the advantages of multiple judges, despite the inefficient use of judicial resources; and/or
- ensuring that the matter proceeds directly to the Court of Appeal so that there is no further right of appeal (unless the Supreme Court of Canada grants leave to appeal).

These are not exhaustive.

As noted, reviewing each statute which prescribes appellate or review procedure was not feasible, given the time constraints involved in preparing this consultation paper, to say nothing about the lack of expertise regarding the particular statutes or fields in which alternative routes of review are prescribed. Nonetheless, it would seem highly plausible that several of the statutes have prescribed alternative routes of review without the thoughtful consideration that would warrant a departure from the default rules of judicial review.

In particular, insofar as previous statutory appeals were directed to the Court of Appeal for reasons of finality, it should be queried whether a leave requirement to appeal King's Bench judicial review decisions will fulfil that role and lead to a better use of judicial resources.

It is accordingly proposed that consultation with the public and profession should ask about whether these alternative review routes are warranted or if such legislation could be amended or repealed.

¹⁰⁸ See *Canada v South Yukon Forest Corporation*, 2012 FCA 165.

¹⁰⁹ *Vavilov*, *supra* note 1 at para 37.

Appendix A: A Brief History of Judicial Review in Canada

Administrative law and judicial review are ever-evolving areas of Canadian Law with functions that are said to “have been part of our legal system since time immemorial.”¹¹⁰ The Honourable Justice Malcolm Rowe of the Supreme Court of Canada argues that, at least in theory, the legal system has consistently provided tools for the protection of individuals against the unlawful activities of public officials and inferior tribunals since the days of Anglo-Saxon England.¹¹¹ During that time, the monarch could protect individuals against the unlawful activities of local assemblies¹¹² and various local courts¹¹³ by intervening in cases of “default[s] of justice.”¹¹⁴ Over the following 1,000 some odd years, as the monarch’s power waned, and as Parliament’s supremacy was established, the administrative recourse of judicial review evolved to meet the new realities of a changing British government and society¹¹⁵, which would be greatly impacted by the enactment of the *British North America Act, 1867* (“BNA”), and the Confederation of Canada.

With the enactment of the *BNA* (later renamed the *Constitution Act, 1867*), the legislative power of Canada’s new government was divided between the federal parliament and provincial legislatures, “creating a system of dual federalism.”¹¹⁶ The federal government would be responsible for matters falling under s 91 of the *BNA*, such as banking, marriage and divorce, and the Criminal Law, while the provinces would govern matters falling under s 92 of the Act, like provincial property and civil rights, among other things.¹¹⁷ Accordingly, in the early days of Canada’s confederacy, the concept of judicial review emerged mainly as an exercise of “federalism and separation of powers umpiring” by the Judicial Committee of the Privy Council (“JCPC”), Canada’s highest court at that time.¹¹⁸ Hearing all appeals from

¹¹⁰ The Honourable Justice Malcolm Rowe & Michael Collins, “The History of Administrative Law” (2021) 34:1 Can J Admin L & Pra. 87 at 88 (ProQuest).

¹¹¹ *Ibid* at 89.

¹¹² Justice Rowe and Michael Collins explain that in pre-Conquest England, local assemblies, who served both judicial and administrative functions, were responsible for most of the work of government. Functions of these assemblies included resolving legal disputes, preserving “the memory of land ownership”, and operating public services. See *ibid* at 89-90.

¹¹³ Justice Rowe and Michael Collins explain that by the 11th century, the shire court, or county court, was the highest local court, “attended by local suitors and presided over by the bishop and a royal officer, the ealdorman or sheriff.” Each shire was also divided into hundreds, which had their own courts, and additionally, fortified market towns known as “burhs or boroughs” maintained their own courts as well. In addition, some lords and clerics were also known to have held private courts. Justice Rowe and Collins explain further that all of these courts were presided over by the “assembled suitors” who acted as judges, determining “which party must prove its case and what type of oath or ordeal was required.” See *ibid* at 90-91.

¹¹⁴ *Ibid* at 89-95.

¹¹⁵ *Ibid* at 88.

¹¹⁶ Steven Gow Calabresi, *The History and Growth of Judicial Review, Volume 1: The G-20 Common Law Countries and Israel* (Oxford: Oxford University Press, 2021) at 196.

¹¹⁷ *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, ss, 91, 92, reprinted in RSC 1985.

¹¹⁸ *Ibid* at 195.

Canada's highest provincial courts in London, England, the JCPC "had the last word on all federalism cases in Canada [...] strongly favor[ing] provincial power over national power."¹¹⁹ This tendency has been viewed by some as attempts by the JCPC to preserve a "fading elite British hegemon" following Canada's confederacy, which ultimately proved to be unsuccessful.¹²⁰

However, as time went on, Canada grew to be a more independent nation, with the creation of the Supreme Court in 1875, the cessation of appeals to the JCPC in 1949, and ultimately, the adoption of the *Canadian Charter of Rights and Freedoms* and the end of the United Kingdom's sovereignty over Canada in 1982.¹²¹ With these changes came a shift from federalism and separation of powers umpiring to a system of judicial review more focused on the protection of individual rights under the *Charter*. These changes were also accompanied by a greater need to delegate governmental responsibilities, and thus, a need for administrative agencies and tribunals that could administer various public schemes on the state's behalf.¹²² What resulted was a "landscape occupied by thousands of administrative systems covering virtually all areas of human endeavor and social concern, from labour to human rights, from workers' compensation to mental health, from land use to the environment."¹²³ In this sense, administrative law and judicial review have been described as "a response to the rise of the regulatory state in the 20th century."¹²⁴ This rise brought with it both a heightened concern for individual rights and freedoms, and a corresponding need for legal oversight of the administrative systems and decision makers in whose hands those rights and freedoms were increasingly being placed.

This legal oversight was intended to ensure that administrative tribunals "remain true to their fundamental mandates, both procedurally and substantively," and that they "administer justice in conformity to the fundamental tenets of the rule of law."¹²⁵ The rule of law was first described by English constitutional lawyer and Professor Albert Venn Dicey in the late 19th century as "the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power", which "excludes the existence of arbitrariness, or prerogative, or even of wide discretionary authority on the part of the government."¹²⁶ This rule holds that "governmental powers, or any authority delegated by the government, must be executed

¹¹⁹ *Ibid* at 196.

¹²⁰ *Ibid* at 188.

¹²¹ *Ibid* at 183.

¹²² The Right Honourable Justice Beverley McLachlin, "Administrative Law is Not for Sissies": Finding a Path Through the Thicket" (2016) 29:2 Can J Admin L & Prac 127 at 128 (ProQuest).

¹²³ *Ibid*.

¹²⁴ *Ibid*.

¹²⁵ The Right Honourable Justice Beverley McLachlin, "Administrative Tribunals and the Courts: An Evolutionary Relationship" (Remarks delivered at the 6th Annual Conference of the Council of Canadian Administrative Tribunals, Toronto, Ontario, 27 May 2013) [unpublished], online: <<https://scc-csc.gc.ca/about-apropos/judges-juges/list-liste/beverley-mclachlin/sd-2013-05-27/>>.

¹²⁶ Albert Venn Dicey, *Introduction to the Law of the Constitution*, 10th ed (London: MacMillan, 1965) at 202.

according to the law, either directly or indirectly permitted by an Act of Parliament or of a legislature.”¹²⁷ Further, it directs that limits be set on discretionary powers afforded to government actors in order to prevent abuses of discretion and arbitrary administrative action.¹²⁸ To fulfill these mandates and maintain the rule of law, the courts were required to develop a framework of control which would ultimately come to be known as judicial review.

To be sure, the institutional design choice of the legislature to assign a matter to a court must mean something. In the 1970s in particular, many courts came to questionable determinations that decisions of specialized tribunals were beyond the tribunals’ “jurisdiction”.¹²⁹ Beginning with 1979’s *CUPE* case, the Supreme Court held that a “standard of review” of “patent unreasonableness” should be applied to judicial review on most matters, indicating a posture of deference.¹³⁰ This has proven challenging for courts to apply, with the framework being fundamentally realtered in *Southam*,¹³¹ *Pushpanathan*,¹³² *Dunsmuir*,¹³³ and, finally, *Vavilov*.¹³⁴ Clarifying this relationship between the judicial review courts and the administrative state is a purpose of this consultation paper.

¹²⁷ Régimbald, *supra* note 7 at 4.

¹²⁸ *Ibid.*

¹²⁹ HW Arthurs, “Protection against Judicial Review” (1983), 43 R du B 277.

¹³⁰ *Canadian Union of Public Employees, Local 963 v New Brunswick Liquor Corp*, [1979] 2 SCR 227.

¹³¹ *Canada (Director of Investigation and Research) v Southam Inc*, [1997] 1 SCR 748.

¹³² *Pushpanathan v Canada (Minister of Citizenship and Immigration)*, [1998] 1 SCR 982.

¹³³ *Dunsmuir v New Brunswick*, 2008 SCC 9.

¹³⁴ *Supra* note 1.

Appendix B: Case List

Ab Hassle v Canada (Minister of National Health and Welfare) (2000), 195 FTR 23 (TD)

Adekola v Canada (Citizenship and Immigration), 2022 FC 630

Albu v The University of British Columbia, 2015 BCCA 41

Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright), 2012 FCA 22

Baker v Canada (Minister of Citizenship and Immigration), [1999] 2 SCR 817

Bernard v Canada (Attorney General), 2010 FCA 40

Brotherhood of Maintenance of Way Employees Canadian Pacific System Federation v Canadian Pacific Ltd, [1996] 2 SCR 495

CAIMAW v Paccar of Canada Ltd, [1989] 2 SCR 983

Canada v JP Morgan Asset Management, 2013 FCA 250

Canada v South Yukon Forest Corporation, 2012 FCA 165

Canada (Director of Investigation and Research) v Southam Inc, [1997] 1 SCR 748

Canada (Minister of Citizenship and Immigration) v Thanabalasingham, 2006 FCA 14

Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65

Canadian Frontline Nurses v Canada (Attorney General), 2024 FC 42, aff'd, 2026 FCA 6

Canadian Pacific Railway Co v Canada (Attorney General), 2018 FCA 69

Canadian Union of Public Employees, Local 963 v New Brunswick Liquor Corp, [1979] 2 SCR 227

College of Registered Nurses of Manitoba v Hancock, 2026 MBCA 15

Commission scolaire francophone des Territoires du Nord-Ouest v Northwest Territories (Education, Culture and Employment), 2023 SCC 31

Communications, Energy and Paperworkers Union of Canada, Local 30 v Irving Pulp & Paper, Ltd, [2013] 2 SCR 458

Crevier v AG (Québec) et al, [1981] 2 SCR 220

CUPE v Ontario (Minister of Labour), 2003 SCC 29

David Bull Laboratories (Canada) Inc v Pharmacia Inc (1994), [1995] 1 FC 588 (FCA)

Delwar v Beausejour (Town of), 2025 MBCA 84

Democracy Watch v Canada (Attorney General), 2024 FCA 158

Dunsmuir v New Brunswick, 2008 SCC 9

Ex p Mason (1925), [1926] 3 DLR 104 (Que KB)

Harelkin v University of Regina, [1979] 2 SCR 561

Hendrickson v Kallio, [1932] OR 675 (CA)

Housen v Nikolaisen, 2002 SCC 33

Kalo v Winnipeg (City of), 2019 MBCA 46

Knight v Daraden Investments Ltd et al, 2022 MBCA 69

Mason v Canada (Citizenship and Immigration), 2023 SCC 21

Ontario (Energy Board) v Ontario Power Generation Inc, 2015 SCC 44

Palmer v The Queen (1979), [1980] 1 SCR 759

Paradis Honey Ltd v Canada (Attorney General), 2015 FCA 89

Pokue v Innu Nation, 2014 FC 325

Pushpanathan v Canada (Minister of Citizenship and Immigration), [1998] 1 SCR 982

R v Jordan, 2016 SCC 27

Re Manitoba Language Rights, [1985] 1 SCR 721

RJR – MacDonald Inc v Canada (Attorney General), [1994] 1 SCR 311

SA v Metro Vancouver Housing Corp, 2019 SCC 4

Society of Composers, Authors and Music Publishers of Canada v Entertainment Software Association, 2022 SCC 30

Tsleil-Waututh Nation v Canada (Attorney General), 2017 FCA 102

Tsleil-Waututh Nation v Canada (Attorney General), 2018 FCA 153

Vancouver (City) v Ward, 2010 SCC 27

Viiv Healthcare Company v Gilead Sciences Canada, Inc, 2021 FCA 122

York Region District School Board v Elementary Teachers' Federation of Ontario, 2024 SCC
22

Appendix C: Tribunal Inventory

The tribunal inventory found in the “**Appendix**” includes any administrative tribunal, board, commission, agency, or other quasi-judicial body authorized by provincial legislation to make adjudicative decisions. A sizeable number of tribunals or types of tribunals are listed in this inventory. A type of tribunal is accorded a single listing in the inventory, and that single entry may encompass multiple bodies that exercise quasi-judicial power, such as the Manitoba Farm Products Marketing Council, which follows the same procedural framework established by the [Farm Products Marketing Act](#). This inventory is not necessarily exhaustive, but was prepared for the Manitoba Law Reform Commission in November 2025.

What information is included?

The inventory identifies the following information:

- Name of tribunal
- Its governing legislation
- Who is the original decision-maker in the process?
- What internal reviews/appeals are available and to which body/tribunal?
- Is an external appeal to a court available?
- Is the appeal limited to restricted grounds?
- What other special features affect access to the courts? (for example: leave, privative clause).

Many characteristics of this inventory would be rendered moot should the statute in the body of this consultation paper be adopted. Others, however, may not be. Given that part of this consultation process concerns whether these alternative routes of review are appropriate, this should remain part of the review process.

At this time, it is not recommended to “cluster” particular types of tribunals into procedural codes, as is seen, for example, in [Tribunals Ontario](#). Manitoba is home to more than 60 of these bodies, which is a significant number, but not overwhelming. Accordingly, it is recommended that there be public consultation about the extent, if any, that they warrant departures from “default” rules of judicial review procedure.

APPENDIX C - TRIBUNAL INVENTORY

S/N	Tribunal	Governing Legislation	Original Decision-Maker (ODM)	Internal Reviews/Appeals	External Appeals	Restricted Grounds?	Other Special Features?
1	Adult Abuse Registry Committee	Adult Abuse Registry Act, CCSM c A4	<p>The Adult Abuse Registry Committee/Panel is the ODM</p> <p>s 11(a) & (b) with the responsibilities to: a. to review reports of abuse or neglect of a specified adult that are received from designated officers;</p> <p>(b) to perform any other duties assigned to it by the responsible minister.</p> <p>s 21(1) After reviewing the information referred to in section 20, the committee must</p> <p>(a) form an opinion as to whether the person abused or neglected the specified adult, as reported by the designated officer;</p> <p>(b) form an opinion as to whether the name of the person responsible for the abuse or neglect, and prescribed particulars of the abuse or neglect, should be entered in the registry; and</p> <p>(c) report its opinions</p> <p>(i) to the person who is suspected of abusing or neglecting the specified adult, if the person was given an opportunity to provide</p>	<p>No internal review mechanism.</p> <p>A person who intends to object the decision of the Committee to enter his or her name in the registry based on their report must file a notice of application for hearing at the King's Bench Court. See s 27</p>	<p>The external appeal lies with the Court.</p> <p>The following applies to the hearing with respect to the notice of application filed in the Court under section 27:</p> <p>(a) the designated officer has the burden of proof on the balance of probabilities;</p> <p>(b) all parties may be represented by counsel and must, subject to clauses (c) and (d), be given full opportunity to present evidence and to examine and cross-examine witnesses;</p> <p>(c) the Court is not bound by the rules of evidence in relation to the evidence of the specified adult alleged to have been abused or neglected by the applicant, and may receive the specified adult's evidence</p>	N/A	N/A

APPENDIX C -TRIBUNAL INVENTORY

			<p>information under section 19, and</p> <p>(ii) to the designated officer who referred the matter to the committee.</p>		<p>(i) through hearsay,</p> <p>(ii) by way of a recording,</p> <p>(iii) by way of a written statement, or</p> <p>(iv) in any other form or manner that it considers advisable;</p> <p>(d) where satisfied that giving evidence would be harmful or injurious to the personal well-being of a specified adult alleged to have been abused or neglected by the applicant and where it would not be contrary to the public interest in the administration of justice, the Court may, by order, direct that the specified adult not be compelled to give evidence. See s 30(1)</p>		
2	Animal Care Appeal Board	The Animal Care Act, CCSM c A84	<p>The Appeal Board is the ODM</p> <p>33.3 The appeal Board has these responsibilities:</p> <p>(a) to hear and decide appeals under this Act;</p> <p>(b) to perform any other duties assigned to it by the minister.</p>	<p>The Appeal Board</p> <p>Appeal by owner of commercial animal</p> <p>15(1) The owner of a commercial animal that has been seized under subsection 9(1) or</p>	<p>No appeal, decision is final.</p> <p>Filing an appeal</p> <p>33.6(1): A person who has a right to appeal a decision or order to the appeal Board under this Act may commence an appeal by filing a notice of appeal with the Board.</p>	N/A	N/A

APPENDIX C -TRIBUNAL INVENTORY

				<p>taken into custody under section 10.5 may request the appeal Board to order the animal's return by filing a notice of appeal with the appeal Board.</p> <p>33(1) A person whose application for a licence is refused, whose licence is suspended or cancelled, or whose licence is subject to a term or condition, may appeal the refusal, suspension or cancellation, or the term or condition by filing a notice of appeal with the appeal Board within 30 days after the person is notified of the refusal, suspension or cancellation, or the term or condition.</p>	<p>Order final and binding.</p> <p>33.16(3): An order of the appeal Board is final and binding on the person appealing and the director and is not subject to appeal.</p>		
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APPENDIX C -TRIBUNAL INVENTORY

3	<p>Appeal Tribunal (Manitoba Agricultural Services Corporation) (previously Agricultural Crown Lands Appeals Board)</p>	<p>The Crop Insurance Act, RSM 1987, c C310</p> <p>The Manitoba Agricultural Services Corporation Act, CCSM c A25</p>	<p>The Board is the ODM</p> <p>The Board will hear appeals related to crop insurance and appeals related to leases, use permits and work permits of agricultural Crown lands.</p> <p><i>21(1) of the Crop Insurance Act</i></p> <p>The Lieutenant Governor in Council may, by order in Council, constitute an appeal tribunal to hear and decide appeals made under section 6 and under subsection 7(6).</p> <p><i>38 of The Manitoba Agricultural Services Corporation Act:</i> The appeal tribunal, which was established under The Crop Insurance Act, is continued under this Act.</p>	<p>Responsibilities of appeal tribunal</p> <p>40 The appeal tribunal must</p> <p>(a) hear and decide appeals under section 44; and</p> <p>(b) hear and decide other appeals assigned to it by this Act, by another Act or by the regulations under another Act.</p> <p>Decision final and binding.</p> <p>43: A decision of the appeal tribunal in an appeal in which the corporation is a party is final and binding on the person appealing and the corporation and is not subject to appeal.</p> <p>Establishment of ministerial appeal committees</p> <p>48(1): The minister may, from time to time, establish one or</p>	<p>No appeal, decision is final.</p> <p>48(1) The minister may, from time to time, establish one or more ministerial appeal committees to hear and determine disputes respecting programs under this Act, other than matters to be heard and determined by the appeal tribunal under section 40.</p> <p>Decision final and binding</p> <p>48(5): A decision of a ministerial appeal committee is final and binding on the person appealing and the corporation and is not subject to appeal.</p>	N/A	N/A
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				more ministerial appeal committees to hear and determine disputes respecting programs under this Act, other than matters to be heard and determined by the appeal tribunal under section 40.			
4	Apprenticeship and Certification Appeal Board	The Apprenticeship and Certification Act, CCSM c A110	The Apprenticeship Certification Board is the ODM	<p>The minister.</p> <p>41(1): A person aggrieved by any of the following decisions of the executive director may, within 30 days after receiving written notice of the decision, appeal it by filing a notice of appeal with the minister:</p> <p>(a) the refusal to issue a certificate of qualification or an occupational certificate to the person;</p> <p>(b) the refusal to permit the person to take an examination in a designated trade</p>	<p>Decision is final</p> <p>41(11) The decision of the appeal Board is final and binding.</p> <p>However, appeal of compliance order or administrative penalty can be made to Manitoba Labour Board</p> <p>38(1): Within 14 days after receiving a notice under subsection 36(6) or 37(5), the person named in a compliance order or required to pay an administrative penalty may appeal the matter to The Manitoba Labour Board (the "labour Board") by sending</p>	N/A	N/A

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				<p>or designated occupation;</p> <p>(c) the refusal to recognize or approve a training program or education program under section 16;</p> <p>(d) the refusal to permit the person to attempt to qualify for a certificate of qualification without apprenticeship training;</p> <p>(e) the suspension or cancellation of the person's certificate of qualification under section 20;</p> <p>(f) the refusal to register an apprenticeship agreement under section 22 to which the person is a party;</p> <p>(g) the refusal to grant the person advanced standing under subsection 22(4);</p> <p>(h) the suspension or cancellation of the registration of an apprenticeship</p>	<p>the labour Board a notice of the appeal.</p>		
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				<p>agreement to which the person is a party under subsection 22(5);</p> <p>(i) the refusal to issue an exemption to the person under section 27;</p> <p>(j) the refusal to issue a temporary permit to the person under section 29;</p> <p>(k) any other decision specified in the regulations.</p> <p>The Appeal Board</p> <p>6(1) & 6(2) of Appeals Procedure Regulation, MR 34/2013: 6(1): The appeal Board must begin the hearing at the date, time and place set out in the notice given under subsection 41(5) of the Act.</p> <p>6(2): The appeal Board may confirm a decision made by the executive director without holding a hearing if the appeal Board is of the opinion the</p>			
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				appeal is frivolous, vexatious, or does not comply with the requirements of section 4.			
5	Assiniboine Community College Board of Governors	The Colleges Act, CCSM c C150.1	The Board is the ODM s 16	<p>Duties of the board.</p> <p>A board shall</p> <p>(f). prepare and maintain full and accurate records of its proceedings, transactions and finances;</p> <p>General powers of the minister</p> <p>4(1) The minister may</p> <p>(e) appoint a person or a committee to review and evaluate any college program or service or any other matter relating to the development, content or delivery of a college program or service;</p> <p>(f) appoint a person or a committee to review and report on the mandate of</p>	No external appeal mechanism.	N/A	N/A

APPENDIX C - TRIBUNAL INVENTORY

				a college or any other matter bearing on a college or this Act;					
6	Automobile Injury Compensation Appeal Commission (AICAC)	The Manitoba Public Insurance Corporation Act, CCSM c P215	<p>Automobile Injury Compensation Appeal Commission is the ODM</p> <p>175 The Automobile Injury Compensation Appeal Commission is established as a specialist tribunal to hear appeals under this Part.</p>	<p>The Commission.</p> <p>175: The Automobile Injury Compensation Appeal Commission is established as a specialist tribunal to hear appeals under this Part.</p> <p>No appeal of decision under section 137.1</p> <p>175.1: A decision by the corporation about any matter under section 137.1 may not be appealed by the claimant to the commission.</p>	The Court of appeal.	184(2): The commission shall as soon as reasonably practicable give a copy of its decision to the appellant and the corporation and advise them of their right to apply to The Court of Appeal for leave to appeal on a question of jurisdiction or law.	Question of jurisdiction or law.	s 184(2)	N/A
7	Board of Reference (Education and Advanced Learning)	The Public Schools Act, CCSM c P250	<p>The Board of Reference is the ODM</p> <p>8(1) The Lieutenant Governor in Council may establish a Board of reference consisting of such number of persons as the Lieutenant Governor in Council may determine, which shall have jurisdiction as designated in the order creating it and as may otherwise be conferred upon it under this Act and the regulations.</p>	<p>The Board of reference.</p> <p>Appeal against action of school Board 58(1)</p> <p>Where 10 or more voters of a school division or school district aggrieved by the action of a school Board</p>	The King's Bench Court.	250(1): Any voter of a school division or school district may appeal as provided in this section from the finding or award of a field representative to a judge of the Court of King's Bench.	Grounds of appeal.	250(3): The appeal shall set out the grounds of appeal.	

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				<p>under subsection 57(1) or by the failure of the school Board to take action within three months next following the making of a request under subsection 57(1) the voters may in writing appeal to the minister against the action, or the failure or refusal to act of the school Board and the minister may refer the matter to the Board of reference.</p> <p>58(2): Where under subsection (1) the minister refers the matter to the Board of reference, he shall send a copy of the request to the Board of reference and to the school division or school district and the Board of reference shall act thereon as provided in section 9.</p>			
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8	Certificate Review Committee (Education and Advanced Learning)	The Education Administration Act, RSM 1987, c E10	<p>The Certificate Review Committee through the designated Commissioner is the ODM</p> <p>Commissioner's rules of practice and procedure 8.6(1) In accordance with the regulations, the commissioner may make rules respecting practice and procedure in relation to</p> <p>(a) the just and timely resolution of a matter raised in a complaint or report;</p> <p>(b) investigations initiated by the commissioner under subsection 8.14(2); and</p> <p>(c) hearings before a panel.</p>	<p>Manitoba Association of Parent Councils (MAPC)</p> <p>Or</p> <p>Commissioner</p> <p>Minister may refer matter to MAPC</p> <p>4.2 The minister may refer to MAPC a matter relating to parent involvement in schools. MAPC is to consider the matter and report to the minister its findings or recommendations</p> <p>Final and binding decisions</p> <p>8.7(1) Decisions of the commissioner and of a panel are final and binding, subject to the right to appeal in section 8.35.</p>	<p>Appeal to Court</p> <p>8.35(1) The investigated teacher or the commissioner may appeal a finding of the panel under subsection 8.29(1) or an order made under section 8.30 to the Court.</p> <p>Powers of Court on appeal</p> <p>8.35(3) On hearing the appeal, the Court may</p> <p>(a) dismiss the appeal;</p> <p>(b) make any finding or order that in its opinion ought to have been made; or</p> <p>(c) refer the matter back to a panel for further consideration in accordance with any direction of the Court.</p>	N/A	N/A
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9	Child Care Qualifications and Training Committee	<i>The Community Child Care Standards Act, CCSM c.C158</i>	<p>The Provincial Director is the ODM</p> <p>Appointment of provincial director</p> <p>5(1) A Director of Child Care must be appointed under Part 3 of The Public Service Act.</p>	<p>Investigation by provincial director</p> <p>6(1) The provincial director may at all reasonable times and upon producing proper identification enter any licensed facility or any premises that the provincial director on reasonable and probable grounds believes is being used as a child care centre or a child care home to inspect the facility or premises, the services provided and the books of account and other records related to the facility or premises.</p> <p>Appeal Board.</p> <p>Method of appeal</p> <p>20(6) Any appeal under this section may be made by filing a written notice of appeal</p>	No external appeal mechanism.	N/A	N/A
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APPENDIX C - TRIBUNAL INVENTORY

				<p>with the appeal Board.</p> <p>Appeal</p> <p>30(4) An applicant who is dissatisfied with a decision under subsection (3) may appeal the decision by filing a written notice of appeal with the appeal Board.</p> <p>Termination of disability allowance</p> <p>31(9) The board may terminate a disability allowance when</p> <p>(a) in the case of an allowance being paid to a person with a partial disability who has not reached the age of 55 years or, having reached that age, continues to be an employee,</p> <p>(i) the person is no longer entitled to long term disability benefits</p>			
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				<p>referred to in subsection (2), or</p> <p>(ii) the board determines, based on one or more medical reports, that the person no longer has a qualifying disability; and</p> <p>(b) in the case of an allowance being paid to a person with a total disability,</p> <p>(i) the board determines, based on one or more medical reports, that the person no longer has a qualifying disability,</p> <p>(ii) the person has not reached the age of 60 years, and</p> <p>(iii) the person has not reached the age of 55 years or, having reached that age, has not reached the age at which his or her</p>			
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APPENDIX C -TRIBUNAL INVENTORY

				age and service total 80 years.			
10	Civil Service Superannuation Board of Manitoba	The Civil Service Superannuation Act, CCSM c C120	The Board is the ODM	<p>No internal appeal mechanism per se.</p> <p>Determination of disability</p> <p>31(5) A determination by the board as to whether a person has a qualifying disability, and whether a qualifying disability is a total disability or a partial disability, is final subject only to a redetermination by the board under subsection (7) or (9).</p> <p>Adjustment because of change in disability</p> <p>31(7) The board may from time to</p>	No external appeal mechanism.		

APPENDIX C -TRIBUNAL INVENTORY

				<p>time review the disability of a person receiving a disability allowance and</p> <p>(a) if it determines that the recipient no longer has a total disability but has a permanent partial disability, reduce the monthly allowance to the amount that would be payable monthly if subsection 28(6) had applied when the allowance was granted;</p> <p>(b) if it determines that the recipient's disability, previously determined to be a partial disability, was a permanent total disability as at the commencement date, increase the allowance retroactively to the commencement date, to the amount that</p>			
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APPENDIX C -TRIBUNAL INVENTORY

				<p>would be payable monthly if subsection 28(6) had not applied when the allowance was granted; or</p> <p>(c) if it determines that the recipient's disability has become a permanent total disability, increase the allowance, effective as of the first month after making that determination, to the amount that would be payable monthly if subsection 28(6) had not applied when the allowance was granted.</p>			
11	College of Audiologists and Speech-Language Pathologists of Manitoba	<i>The Regulated Health Professions Act, SM 2009, c 15</i>	The Council is the ODM	<p>Complaints Investigation Committee</p> <p>Or Panel</p> <p>93(1) A Council must establish a complaints</p>	<p>Notice of appeal</p> <p>130(2) An investigated member may appeal a decision by filing, within 10 days after receiving notice from the college under clause (1)(a), a</p>	N/A	N/A

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				<p>investigation committee.</p> <p>See also s 102(1) regarding the decision of complaints investigation committee.</p> <p>Appeal by complainant to Council</p> <p>108(1) The complainant may appeal to the Council any decision made by the complaints investigation committee under clause 102(1)(b), (f) or (g).</p>	<p>notice of appeal with the Court.</p> <p>Decision of the Court</p> <p>130(4) After hearing an appeal under this section, the Court may confirm, reverse or vary the college's decision to make the information available to the public.</p> <p>Appeal to Court of Appeal</p> <p>131(1) The investigated member or the college may appeal the following decisions of a panel to the Court of Appeal: (a) a decision that no further action is to be taken under subsection 124(1); (b) a finding made under subsection 124(2); (c) an order made under section 126 or 127.</p> <p>Powers of Court on appeal</p> <p>132(1) Upon hearing the appeal, the Court of Appeal may</p>		
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APPENDIX C -TRIBUNAL INVENTORY

					<p>(a) dismiss the appeal;</p> <p>(b) make any finding or order that in its opinion ought to have been made; or</p> <p>(c) refer the matter back to a panel for further consideration in accordance with any direction of the Court.</p>		
12	College of Dietitians of Manitoba	The Registered Dietitians Act, CCSM c R39	The Council is the ODM s.8	<p>Board of Assessors</p> <p>s.8 In accordance with the by-laws, the Council shall appoint a Board of Assessors to consider and decide on applications for registration under section 9.</p> <p>Appeal to Council</p> <p>11(1) A person whose application for registration as a registered dietitian or graduate dietitian is not approved by the Board of Assessors or whose application is approved subject to conditions may</p>	<p>Appeal to Court</p> <p>12(1) A person whose application for registration as a registered dietitian or graduate dietitian is refused by the Council, or whose application is approved subject to conditions, may appeal the decision to the Court by filing a notice of appeal within 30 days after receiving notice of the Council's decision under subsection 11(9).</p> <p>Powers of court on appeal</p> <p>12(4) On hearing an appeal, the court may</p> <p>(a) make any decision that in its</p>	N/A	N/A

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				<p>appeal the Board's decision to the Council.</p> <p>Appeal by complainant to Council</p> <p>26(1) When the complaints committee makes a decision under clause 21(1)(b), (c) or (f), the complainant may appeal the decision to the Council.</p>	<p>opinion should have been made; or</p> <p>(b) refer the matter back to the council for further consideration in accordance with any direction of the court.</p>		
13	College of Medical Laboratory Technologists of Manitoba (CMLTM)	The Medical Laboratory Technologists Act, CCSM c M100	The Council is the ODM	<p>The following can carryout appeal:</p> <p>Board of Assessors</p> <p>Or</p> <p>Complaints Committee</p> <p>Or</p> <p>Inquiry Committee</p> <p>Board of Assessors</p> <p>8 In accordance with the by-laws, the Council shall appoint a Board of Assessors to consider and</p>	<p>The Courts</p> <p>Appeal to Court</p> <p>12(1) A person whose application for registration as a medical laboratory technologist is refused by the Council, or whose application is approved subject to conditions, may appeal the decision to the Court by filing a notice of appeal within 30 days after receiving notice of the Council's decision under subsection 11(7).</p>	N/A	N/A

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				<p>decide on applications for registration under section 9.</p> <p>Complaints committee</p> <p>17(1) The Council shall appoint a complaints committee consisting of</p> <p>(a) a member of the college who is to be the chair of the committee;</p> <p>(b) one or more other members of the college; and</p> <p>(c) one or more persons from the roster established under subsection 6(4) who are appointed by the Council as public representatives of the committee.</p> <p>Appeal to Council</p> <p>11(1) A person whose application for registration as a medical laboratory technologist is not approved by the Board of Assessors or whose application is approved subject to conditions may</p>	<p>Powers of Court on appeal</p> <p>12(2) On hearing an appeal, the Court may</p> <p>(a) make any decision that in its opinion should have been made; or</p> <p>(b) refer the matter back to the Council for further consideration in accordance with any direction of the Court.</p> <p>Appeal to Court of Appeal</p> <p>46(1) A member in respect of whom a finding or order is made by the panel under section 41, 42 or 43 may appeal the finding to the Court of Appeal.</p> <p>Powers of Court on appeal</p> <p>47 On hearing the appeal, the Court of Appeal may</p> <p>(a) make any finding or order that in its opinion ought to have been made;</p> <p>(b) quash, vary or confirm the decision of the panel or any part of it; or</p> <p>(c) refer the matter back to the panel for further</p>		
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				<p>appeal the Board's decision to the Council.</p> <p>Appeal by complainant to Council</p> <p>26(1) When the complaints committee makes a decision under clause 21(1)(b), (c) or (f), the complainant may appeal the decision to the Council.</p> <p>Selection of panel</p> <p>32(1) Within 30 days after a matter is referred to the inquiry committee, the chair shall select a panel from among the members of the inquiry committee to hold a hearing.</p>	<p>consideration in accordance with any direction of the Court.</p>		
14	College of Midwives of Manitoba	The Midwifery Act, CCSM c M125	The Council is the ODM	<p>Complaints committee</p> <p>18 The Council shall, in accordance with the by-laws, appoint a complaints committee consisting of</p>	<p>Appeal to Court</p> <p>15(1) A person whose application for registration as a midwife is refused by the Council or whose application is approved subject to conditions may</p>	N/A	N/A

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				<p>(a) one member of the Council who is a midwife; (b) one member of the Council who is a public representative; and (c) one member of the college who is not a member of the Council.</p> <p>Board of Assessors</p> <p>11 The Council shall, in accordance with the by-laws, appoint a Board of Assessors to consider and decide on applications for registration under section 12.</p> <p>Appeal to Council</p> <p>14(1) A person whose application for registration as a midwife is not approved by the Board of Assessors or whose application is approved subject to conditions may, by notice in writing within 30 days after receiving a notice of refusal,</p>	<p>appeal the decision to the Court by filing a notice of appeal within 30 days after the date on which the applicant is notified of the refusal or conditions.</p> <p>Powers of Court on appeal</p> <p>15(2) The Court on hearing an appeal may</p> <p>(a) make any decision that in its opinion should have been made; or</p> <p>(b) refer the matter back to the Council for further consideration in accordance with any direction of the Court.</p> <p>Appeal to Court of Appeal</p> <p>47(1) An investigated person in respect of whom a finding or order is made by the inquiry</p>	
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				<p>appeal the decision of the Board of Assessors to the Council, specifying the reasons for the appeal.</p>	<p>committee under section 42, 43 or 44 may appeal the finding or order to The Court of Appeal.</p> <p>Powers of Court on appeal</p> <p>48 The Court of Appeal on hearing the appeal may</p> <p>(a) make any finding or order that in its opinion ought to have been made;</p> <p>(b) quash, vary or confirm the decision of the inquiry committee or any part of it; or</p> <p>(c) refer the matter back to the inquiry committee for further consideration in accordance with any direction of the Court.</p>		
15	College of Occupational Therapists of Manitoba (COTM)	The Occupational Therapists Act, CCSM c. Q5	The Council is the ODM	Board of Assessors Or Investigation Committees Or Council	The Court Appeal to Court 12(1) A person whose application	N/A	N/A

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				<p>Board of Assessors</p> <p>8 In accordance with the by-laws, the Council shall appoint a Board of Assessors to consider and decide on applications for registration under section 9.</p> <p>Investigation committee</p> <p>17(1) The Council shall appoint an investigation committee consisting of</p> <p>(a) an occupational therapist who is a member of the college, who is to be the chair;</p> <p>(b) one or more other members of the college; and</p> <p>(c) one or more persons from the roster established under subsection</p>	<p>for registration as an occupational therapist is refused by the Council, or whose application is approved subject to conditions, may appeal the decision to the Court by filing a notice of appeal within 30 days after receiving notice of the Council's decision under subsection 11(9).</p> <p>Powers of Court on appeal</p> <p>12(4) On hearing an appeal, the Court may</p> <p>(a) make any decision that in its opinion should have been made; or</p> <p>(b) refer the matter back to the Council for further consideration in accordance with any direction of the Court.</p> <p>Appeal to Court of Appeal</p>		
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APPENDIX C -TRIBUNAL INVENTORY

				<p>6(4) who are appointed by the Council as public representatives of the committee.</p> <p>Appeal to Council</p> <p>11(1) A person whose application for registration as an occupational therapist is not approved by the Board of Assessors or whose application is approved subject to conditions may appeal the Board's decision to the Council.</p> <p>Appeal by complainant to Council</p> <p>26(1) When the investigation committee makes a decision under clause 21(1)(b), (c) or (f), the complainant may appeal the decision to the Council.</p>	<p>46(1) A member in respect of whom a finding or order is made by the panel under section 41, 42 or 43 may appeal the finding or order to the Court of Appeal.</p> <p>Powers of Court on appeal</p> <p>47 On hearing the appeal, the Court of Appeal may</p> <p>(a) make any finding or order that in its opinion ought to have been made;</p> <p>(b) quash, vary or confirm the decision of the panel or any part of it; or</p> <p>(c) refer the matter back to the panel for further consideration in accordance with any direction of the Court.</p>		
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16	College of Pharmacist of Manitoba	The Pharmaceutical Act, CCSM c P60	The Council is the ODM s 6	<p>The Council Or Complaints Committee Appeal to Council</p> <p>21(1) A person whose application for</p> <ul style="list-style-type: none"> (a) registration as a pharmacist; (b) registration on the conditional register of pharmacists; (c) a pharmacist licence; (d) registration as a student; or (e) registration as an intern; <p>is not approved, or is approved subject to conditions, may appeal the decision to the Council.</p> <p>Complaints committee</p> <p>30(1) The Council must appoint a complaints committee consisting of</p>	<p>The Court(s) Appeal to Court</p> <p>22(1) A person who made an appeal under section 21 may appeal the decision of the Council to the Court by</p> <ul style="list-style-type: none"> (a) filing a notice of application in the Court; and (b) serving a copy of the notice of application on the college; <p>within 30 days after receiving notice of the Council's decision under subsection 21(7).</p> <p>Powers of Court on appeal</p> <p>22(5) On hearing an appeal, the Court may</p>	N/A	N/A

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				<p>(a) a member of the college who is to be the chair of the committee; and (b) other members of the college and public representatives appointed from time to time.</p>	<p>(a) set aside, vary or confirm the decision; (b) make any decision that in its opinion should have been made; or (c) refer the matter back to the Council for further consideration in accordance with any direction of the Court.</p> <p>Appeal to Court of Appeal</p> <p>59(1) An investigated person in respect of whom a finding or order is made by the panel under section 54, 55 or 56 may appeal the finding or order to the Court of Appeal.</p> <p>Powers of Court on appeal</p> <p>60 On hearing the appeal, the Court of Appeal may</p> <p>(a) make any finding or order that in its</p>		
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					<p>opinion ought to have been made;</p> <p>(b) quash, vary or confirm the decision of the panel or any part of it; or</p> <p>(c) refer the matter back to the panel for further consideration in accordance with any direction of the Court.</p>		
17	College of Registered Psychiatric Nurses of Manitoba	<i>The Regulated Health Professions Act, SM 2009, c 15 (RHPA)</i>	The Council is the ODM	<p>The Council</p> <p>Appeal to Council</p> <p>38(1) A person whose application for registration is not approved, or whose application is approved subject to conditions, may appeal the decision to the Council.</p> <p>Appeal to Council</p> <p>60(7) A corporation that is refused a permit</p>	<p>The Courts</p> <p>Appeal to Court</p> <p>39(1) An applicant may appeal the decision of the Council to the Court by filing a notice of appeal within 30 days after receiving notice of the Council's decision under subsection 38(10).</p> <p>Powers of Court on appeal</p> <p>39(2) Upon hearing an appeal, the Court may</p>	N/A	N/A

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				<p>or renewal of a permit under subsection (5), or whose permit is issued or renewed subject to conditions, may appeal the registrar's decision to the Council.</p> <p>Decision of appeal panel</p> <p>108(6) A decision or action of an appeal panel is a decision or action of the Council.</p> <p>Power on appeal</p> <p>109(1) On an appeal, the panel must</p> <p>(a) dismiss the appeal;</p> <p>(b) make any decision that in its opinion ought to have been made by the complaints investigation committee; or</p> <p>(c) refer the matter back to the</p>	<p>(a) dismiss the appeal;</p> <p>(b) make any decision that in its opinion should have been made; or</p> <p>(c) refer the matter back to the Council for further consideration in accordance with any direction of the Court.</p> <p>Appeal</p> <p>49(2) A member whose registration or certificate of practice or both are cancelled under this section may appeal the cancellation to the Court, in which case section 39 applies with the necessary changes.</p> <p>Appeal to Court</p> <p>60(10) A corporation may appeal the decision of the Council to the Court by filing a notice of appeal within 30 days after receiving notice of the</p>		
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APPENDIX C -TRIBUNAL INVENTORY

				<p>complaints investigation committee for further investigation or consideration in accordance with any direction that the panel may give.</p> <p>Appeal of suspension or conditions</p> <p>110(3) An investigated member whose registration or certificate of practice is suspended or has conditions placed on it under subsection (1) may, by giving notice in writing to the registrar, appeal the suspension or imposition of conditions to the Council.</p> <p>Powers on appeal</p> <p>110(6) On an appeal under this section, the</p>	<p>Council's decision under subsection (9). Subsection 67(3) applies to an appeal under this subsection.</p> <p>Appeal to Court</p> <p>67(2) A health profession corporation may appeal the decision of the Council to the Court by filing a notice of appeal within 30 days after receiving notice of the Council's decision.</p> <p>Powers of Court on appeal</p> <p>67(3) Upon hearing an appeal, the Court may</p> <p>(a) dismiss the appeal;</p> <p>(b) make any decision that in its opinion should have been made; or</p> <p>(c) refer the matter back to the Council for further consideration in</p>		
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APPENDIX C -TRIBUNAL INVENTORY

				<p>Council must decide whether the suspension or conditions are to be quashed, varied or confirmed, and may make an order as to any costs that may arise from its decision.</p> <p>Panel may hear appeal</p> <p>38(4) The Council may delegate its power to hear and decide an appeal to a panel of the Council. The panel is to consist of three or more Council members, at least 1/3 of whom must be public representatives.</p>	<p>accordance with any direction of the Court.</p> <p>Decision of the Court</p> <p>130(4) After hearing an appeal under this section, the Court may confirm, reverse or vary the college's decision to make the information available to the public.</p> <p>Appeal to Court of Appeal</p> <p>131(1) The investigated member or the college may appeal the following decisions of a panel to the Court of Appeal:</p> <p>(a) a decision that no further action is to be taken under subsection 124(1);</p> <p>(b) a finding made under subsection 124(2);</p>		
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APPENDIX C -TRIBUNAL INVENTORY

					<p>(c) an order made under section 126 or 127.</p> <p>Powers of Court on appeal</p> <p>132(1) Upon hearing the appeal, the Court of Appeal may</p> <p>(a) dismiss the appeal;</p> <p>(b) make any finding or order that in its opinion ought to have been made; or</p> <p>(c) refer the matter back to a panel for further consideration in accordance with any direction of the Court.</p>		
18	Combative Sports Commission (formerly Manitoba Boxing Commission)	The Combative Sports Act, CCSM c C150.3	The Chairperson s 5(1)	The Commission Investigation and hearing 9(1) The commission may investigate and hold a hearing on any matter relating to professional or designated amateur combative sports.	The Court Appeal 21(1) A person whose application for a licence or event permit is refused under section 17 or against whom an order is made under subsection 20(1)	N/A	N/A

APPENDIX C -TRIBUNAL INVENTORY

					<p>may appeal the refusal or order to the Court by filing a notice of application in the Court within 30 days after being notified of the refusal or given a copy of the order.</p> <p>Decision on appeal</p> <p>21(3) On an appeal, the Court may</p> <p>(a) confirm the refusal of the licence or event permit or direct that the licence or event permit be issued;</p> <p>(b) confirm, vary or quash an order; or</p> <p>(c) refer a matter back to the commission for further consideration in accordance with any direction of the Court.</p>		
19	Commissioner of Adults Living with an Intellectual Disability (CALIDO)	The Adults Living with an Intellectual Disability Act, CCSM c A6.1	The Commissioner is the ODM s.30	Hearing panel roster 34(1) The Lieutenant Governor in	Appeal from decision of commissioner 147(1) An appeal to the court may be	Appeal with leave of court 147(3) In addition to those persons specified in subsection	N/A

APPENDIX C -TRIBUNAL INVENTORY

				<p>Council shall appoint at least 20 persons to be on a roster to act as members of hearing panels.</p> <p>Hearing panel to make recommendations</p> <p><u>35(2)</u> A hearing panel shall hold a hearing for the purpose of making recommendations to the commissioner, in accordance with this Act, with regard to the application.</p> <p>Recommendations by hearing panel</p> <p><u>43</u> At the conclusion of a hearing, the hearing panel shall make written recommendations to the commissioner, with reasons, with regard to the matters referred by the commissioner to the hearing panel.</p>	<p>made by a person referred to in subsection (2) from a decision of the commissioner made under this Part, other than a decision</p> <p>(a) under subsection 50(3) or 85(3) to proceed to consider an application;</p> <p>(a.1) under section 51.1, 51.2, 86.1 or 86.2 as to whether or not to refer an application or part of an application to a hearing panel; or</p> <p>(b) [repealed] SM 2025, c 11, s 1;</p> <p>(c) under subsection 133(1), 134(1), 141(1) or 141(2) as to whether or not to refer a matter to a hearing panel.</p>	<p>(2), any person with leave of the court may appeal a decision of the commissioner referred to in subsection (1) to the court.</p>	
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APPENDIX C - TRIBUNAL INVENTORY

20	Disaster Assistance Appeal Board	The Emergency Measures Act, CCSM c E80	The Board is the ODM The Emergency Measures Act provides an appeal process for claimants who feel they have not received all the assistance to which they are entitled from the Disaster Financial Assistance program. The first stage of this process involves an internal review, and the second stage is an appeal to the Manitoba Disaster Assistance Appeal Board.	Disaster Assistance Appeal Board 17(1) The Lieutenant Governor in Council shall appoint a Board to be known as the Disaster Assistance Appeal Board consisting of three or more persons. 17(6) A claimant may appeal a decision of the Manitoba Emergency Management Organization respecting claims for specific losses or expenses for disaster assistance to the Disaster Assistance Appeal Board.	No external appeal. Disaster assistance is gratuitous 16.1(2) Any disaster assistance granted under this Act is gratuitous and, subject to subsection 17(6), is not subject to appeal or review in any Court of law. No further appeal 17(8) A decision of the Disaster Assistance Appeal Board under clause (7)(c) is not subject to appeal or review in any Court of law.	N/A	N/A
21	Dispute Resolution Review Committee (Education and Advanced Learning)	The Public Schools Act, CCSM c P250	The Board of Reference is the ODM See Ss. 8(1) & 9(5)	Minister or Adjudicator Appeal to minister re admissions 21.17 Either a parent or the francophone school Board may ask the minister to review a decision of the Board as to the parent's	Appeal to Court 42.4(2) A parent or a pupil who has attained the age of majority may appeal a school Board's decision to refuse access to a pupil file by filing an application with the Court within 30 days after being notified of the refusal of access.	Procedure on appeal 42.4(3) The Court may, during the course of the proceedings, (a) order the school Board to produce to the Court any pupil file in the school Board's possession or control; and (b) take such measures as the Court	N/A

APPENDIX C -TRIBUNAL INVENTORY

				<p>entitlement under subsection 21.15(1) or (4) to have his or her child attend a program provided by the Board, and the minister shall appoint a person or persons to make a final determination as to entitlement.</p> <p>Appeal to adjudicator</p> <p>35.3(1) In accordance with the regulations, a trustee who is sanctioned under item 2 or 3 of subsection 35.2(1) may appeal to a single adjudicator appointed by the minister.</p> <p>Power of adjudicator</p> <p>35.3(3) An adjudicator who hears an appeal under this section may vary or set aside the sanction imposed on a trustee, as the adjudicator sees fit.</p> <p>Award is final</p>		<p>considers appropriate to protect the confidentiality of records, including holding a hearing or a portion of a hearing in private or in the absence of the applicant.</p>	
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APPENDIX C -TRIBUNAL INVENTORY

				<p>9(7) An award of the Board of reference is final and has effect in accordance with its terms. But this subsection does not preclude an application to the Court of King's Bench for judicial review respecting the award.</p>			
22	Education and Early Childhood Learning-New Public Registry and Independent Commission	The Education Administration Amendment Act (Teacher Certification and Professional Conduct)	The Commissioner of Certification is the ODM See s 8 generally.	<p>Final and binding decisions</p> <p>8.7(1) Decisions of the commissioner and of a panel are final and binding, subject to the right to appeal in section 8.35.</p> <p>Complaints</p> <p>8.9 Any person may make a written complaint to the commissioner that alleges</p> <p>(a) professional misconduct by a teacher; or</p> <p>(b) that a teacher has been or is incompetent to carry out the professional responsibilities of a teacher.</p>	<p>Appeal to court</p> <p>8.35(1) The investigated teacher or the commissioner may appeal a finding of the panel under subsection 8.29(1) or an order made under section 8.30 to the court.</p> <p>Powers of court on appeal</p> <p>8.35(3) On hearing the appeal, the court may</p> <p>(a) dismiss the appeal;</p> <p>(b) make any finding or order that in its opinion ought to have been made; or</p> <p>(c) refer the matter back to a panel for further consideration in accordance with any</p>	<p>How to appeal</p> <p>8.35(2) An appeal may be commenced by filing a notice of appeal within 30 days after the decision of the panel is given to the investigated teacher. If the investigated teacher appeals, the teacher must promptly give a copy of the notice to the commissioner.</p>	<p>Court order</p> <p>8.15(2) The commissioner may apply to the court for an order directing a person to comply with the commissioner's requirement.</p>

APPENDIX C -TRIBUNAL INVENTORY

				<p>Decision not to take further action</p> <p>8.12(1) The commissioner may decide not to take further action on one or more of the matters raised in a complaint or report if the commissioner determines that any of the following apply:</p> <p>(a) the matter is not within the jurisdiction of the commissioner or a panel;</p> <p>(b) the matter is frivolous, vexatious or trivial or gives rise to an abuse of process;</p> <p>(c) the complaint or report was made in bad faith or filed for an improper purpose or motive;</p> <p>(d) there is no reasonable prospect the complaint or report will result in an adverse finding by a panel;</p> <p>(e) it is not in the public interest to</p>	direction of the court.		
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APPENDIX C -TRIBUNAL INVENTORY

				<p>take further action;</p> <p>(f) the matter has not been pursued in a timely manner.</p> <p>Findings after hearing</p> <p>8.29(1) After a hearing, a panel may make any of the following findings:</p> <p>(a) dismiss the referral;</p> <p>(b) determine that the investigated teacher has been or is guilty of professional misconduct;</p> <p>(c) determine that the investigated teacher has been or is incompetent to carry out the professional responsibilities of a teacher;</p> <p>(d) determine that the investigated teacher does not have the capacity to carry out the professional responsibilities of a teacher because of a physical or mental disability;</p>			
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APPENDIX C -TRIBUNAL INVENTORY

				(e) make any other report to the commissioner that the panel considers appropriate.			
23	Flood Appeals Commission	The Water Resources Administration Act, RSM 1987, c.W70	The Minister is the ODM See Ss 10.1 , 17.1 , & 19	<p>Disaster Appeal Board</p> <p>12.4(1) A person whose application for compensation is partly or wholly refused or who disagrees with any part of a determination, assessment or evaluation under subsection 12.2(2) may appeal to the Disaster Assistance Appeal Board appointed under The Emergency Measures Act.</p> <p>Appeal</p> <p>23(4) The award of the arbitrators is subject to appeal.</p> <p>No arbitration where minister</p>	<p>Arbitration</p> <p>23(1) Where a person has a claim that is not subject to The Expropriation Act arising out of, or connected with, the execution or non-execution of any work in respect of water control works, or arising out of or connected with, the fulfilment or on account of deductions made for the non-execution and non-fulfilment, of any contract in respect of any water control works made and entered into with the minister or with any other person duly authorized to enter into it, either in the name of His Majesty or in any other manner whatsoever, the person may give notice in writing of</p>	<p>Application for leave to appeal.</p> <p>12.4(3) An application for leave to appeal must</p> <p>(a) state the grounds of the appeal; and</p> <p>(b) be made within 30 days after the date of the decision sought to be appealed, or within such further time as the judge under special circumstances allows.</p> <p>Notice of the application must be served on the government in accordance with section 11 of The Proceedings Against the Crown Act.</p> <p>Government to provide compensation</p>	N/A

APPENDIX C -TRIBUNAL INVENTORY

				<p>has power to decide</p> <p>23(5) No arbitration shall be allowed in any case where, by the terms of the contract under which the claim arises, it is provided that the determination of any matters of difference arising out of, or connected with, the same shall be made by the minister.</p>	<p>his claim to the minister, stating the particulars thereof and how it has arisen; and the minister may at any time within 60 days after receiving the notice, tender an amount that he considers a just satisfaction of the claim, together with notice that, unless the sum so tendered is accepted within ten days after the making of the tender, the claim may be submitted to arbitration.</p> <p>Appeal to Court of Appeal</p> <p>12.4(2) A decision of the Disaster Assistance Appeal Board under subsection (1) may be appealed upon a question of law to The Court of Appeal with leave granted by a judge of that Court.</p>	<p>12.5 When a person is awarded compensation because of a determination under subsection 12.2(2) or an appeal decision under section 12.4, the government must provide the person with compensation in the amount awarded, subject to any applicable provisions of the regulations.</p>	
24	Funeral Board of Manitoba	There are three legislations governing the operation of the board. i.e. <i>The Funeral Directors and Embalmers Act</i> , CCSM c F195, <i>The Cemeteries Act</i> , RSM 1987, c C30, and	The Director is the ODM	<p>Disciplinary actions by director</p> <p>12(1) The director may, for any prescribed cause, (a) in respect of the holder of a licence or permit,</p>	<p>Appeal</p> <p>12(5) Any person who has been issued a reprimand or ordered to pay a monetary penalty or whose certificate of qualification has been revoked or</p>	N/A	N/A

APPENDIX C -TRIBUNAL INVENTORY

		<p><i>The Prearranged Funeral Services Act, RSM 1987, c F200</i></p>		<p>do one or more of the following: (i) cancel the holder's licence or permit, (ii) suspend the holder's licence or permit, (iii) issue a reprimand to the holder, (iv) order the holder to pay to the government a monetary penalty of not more than \$10,000; or (b) in respect of the holder of a certificate of qualification, revoke the certificate.</p> <p>Hearing</p> <p>12(3) Before taking an action under subsection (1), the director must notify the holder in writing that the director intends to take the action. The director must also provide the director's reasons for doing so and give the holder an opportunity to present evidence and make representations to the director at a hearing.</p>	<p>whose permit or licence has been suspended or cancelled under this Act may, within 30 days after receipt of notice in writing of the decision of the director, apply to a judge of the Court of King's Bench; and the judge may review the decision of the director, and may make such orders, and give such directions, as the judge considers proper, and the decision is final.</p> <p>13(2) Subsection 12(5) applies with such changes as the circumstances require in a case where, under subsection (1), the director has refused to grant a certificate of qualification, licence or permit to a person applying therefor.</p>		
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APPENDIX C -TRIBUNAL INVENTORY

				<p>Written decision</p> <p>12(3.3) Within 60 days after a hearing is completed, the director must</p> <p>(a) make a written decision on the matter, consisting of a statement of the decision made and the reasons for it; and</p> <p>(b) give a copy of the decision to the holder.</p> <p>Content of decision</p> <p>12(3.4) In making a decision, the director may do the following:</p> <p>(a) in respect of a holder of a licence or permit,</p> <p>(i) take any of the actions under clause (1)(a), and</p> <p>(ii) impose conditions on the holder's licence or permit for the period determined by the director;</p> <p>(b) in respect of a holder of a certificate of qualification, revoke the certificate.</p> <p>Effect of director's decision</p>			
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APPENDIX C -TRIBUNAL INVENTORY

				12(3.5) A decision of the director takes effect on the date that a copy of the decision is given to the holder, or on the date specified in the decision, whichever is later.			
25	Hearing Aid Board	The Hearing Aid Act, CCSM c H38	The Director is the ODM s 6(1)	<p>Reference to board</p> <p>7(2) Where it appears to the director or it is brought to his or her attention that there may have been a failure to comply with the requirements of competence or conduct prescribed by the board, the director shall refer the matter to the board for consideration and such action as may be deemed appropriate to correct the failure.</p> <p>Review of complaint by board</p> <p>8(1) Upon review of any complaint referred to it by the director, the board may, in its</p>	<p>Appeal</p> <p>10(1) An appeal lies from any decision or order of the board or the director to a judge of the Court of King's Bench.</p> <p>Trial de novo</p> <p>10(2) The hearing of an appeal under subsection (1) shall be a trial de novo.</p>	N/A	N/A

APPENDIX C -TRIBUNAL INVENTORY

				<p>discretion after investigation and hearing such evidence as the parties may wish to present to the board</p> <p>(a) dismiss the complaint; or</p> <p>(b) reprimand the person against whom the complaint was made; or</p> <p>(c) suspend the certification of the person against whom the complaint was made for such period as the board thinks fit; or</p> <p>(d) cancel the certification of the person against whom the complaint was made; and</p> <p>if delivery of a hearing aid was made within the preceding three months, and the board determines that the hearing aid is inadequate or for any reason fails to perform in accordance with the reasonable expectations of</p>			
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APPENDIX C -TRIBUNAL INVENTORY

				<p>the buyer that are based on the judgment or recommendation or promise of the hearing aid dealer, the board may</p> <p>(e) require the hearing aid dealer to make such adjustment as the board considers fair and equitable; or</p> <p>(f) cancel the transaction whereby the hearing aid was acquired by the buyer and require the hearing aid dealer to make full restitution of all moneys paid and other consideration given by the buyer less an allowance to the dealer not exceeding \$25.</p>			
26	Housing Cooperative Appeal Tribunal Or Cooperative Housing Appeal Tribunal	The Cooperatives Act, CCSM c.C223	The Appeal Tribunal is the ODM	<p>Appeal Tribunal</p> <p>279(2) A member of a housing cooperative to whom a notice has been given by the cooperative to occupy an alternate housing unit may appeal the decision in the same manner as that provided for</p>	<p>Appeal of final order</p> <p>372 An appeal lies to The Court of Appeal from any order made by the Court under this Act.</p> <p>Transitional — appeal to Court of Appeal</p>	<p>Summary application to Court</p> <p>371 Where this Act provides for an application to the Court, the application may be made in a summary manner by petition or originating notice of motion or otherwise, as the rules of the Court may provide, and subject to</p>	N/A

APPENDIX C -TRIBUNAL INVENTORY

				<p>appeals of decisions to terminate the membership of a member of the cooperative.</p> <p>Appeal tribunal hearing</p> <p>280(4) An appeal tribunal convened under subsection (3) to hear an appeal respecting the termination of a person's membership in a housing cooperative</p> <p>(a) must proceed to hear the appeal at the time and place determined by the Superintendent.</p> <p>(b) must, as far as practicable, follow the prescribed procedures for appeals under this section;</p> <p>(c) must permit the person and the cooperative to be heard and to be represented by counsel or agents;</p> <p>(d) may confirm, vary or set aside the special resolution of the</p>	<p>282(3.1) Subsection 282(3), as it read immediately before the coming into force of this subsection, continues to apply to a decision made before the coming into force of this subsection.</p>	<p>any order of the Court respecting notice to interested parties or costs or any other matter the Court thinks fit.</p> <p>Appeal from Registrar's decision</p> <p>378(1) A person who feels aggrieved by a decision of the Registrar to do any of the following things may apply to the Court for an order, including an order requiring the Registrar to change or revoke the decision:</p> <p>(a) refusal to file in the form submitted any articles or other documents required by this Act to be sent to the Registrar;</p> <p>(b) giving a name, changing or revoking a name or the refusal to reserve, accept, change or revoke a name under this Act;</p> <p>(c) refusal to grant an exemption that may be granted under this Act or the regulations;</p> <p>(d) refusal to issue a certificate of discontinuance;</p> <p>(e) issuing, or refusing to issue, a certificate of</p>
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APPENDIX C -TRIBUNAL INVENTORY

				<p>directors of the cooperative terminating the person's membership in the cooperative; and</p> <p>(e) must, within 12 days after completing the appeal hearing, excluding Saturdays and holidays, render a decision in the appeal and notify the Superintendent, the person and the cooperative of the decision.</p> <p>No further appeal</p> <p>280(5) A decision of an appeal tribunal in respect of an appeal respecting the termination of a person's membership in a housing cooperative is not subject to any further appeal.</p>		<p>revival or a decision in respect of the terms for revival imposed by the Registrar;</p> <p>(f) dissolving a cooperative under section 345.</p>	
27	Insurance Agents and Adjusters Licensing Appeal Board	The Insurance Act, CCSM c 140	The appeal Board is the ODM 389.2(1) There is hereby established an appeal Board which shall be known as: "The Insurance Agents' and Adjusters' Licensing Appeal Board"	Lieutenant Governor in Council Or The Minister	Appeal to Court 113(9) Any person affected by an order made by the minister under subsection (8) may appeal the order to the Court by way of	N/A	N/A

APPENDIX C -TRIBUNAL INVENTORY

				<p>Appeal to the Lieutenant Governor in Council</p> <p>12(3) If the superintendent withholds approval of the matter, the applicant may appeal from the superintendent's decision to the Lieutenant Governor in Council. The decision of the Lieutenant Governor in Council about the appeal is final.</p> <p>14 An applicant for an insurer's licence may appeal to the Lieutenant Governor in Council if the superintendent refuses to issue the licence.</p> <p>Appeal to minister</p> <p>113(8) Any person affected by an order made by the superintendent under this section may appeal the order to the minister who may confirm, vary, or</p>	<p>originating notice of motion and the Court may after hearing the matter de novo confirm, vary or quash the order of the minister.</p>		
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APPENDIX C - TRIBUNAL INVENTORY

				<p>quash the order of the superintendent.</p> <p>Hearings by panels of the appeal Board</p> <p>389.2(6) A licensing appeal shall be heard by a panel of three or five members of the appeal Board, constituted as set out in subsection (7).</p>			
28	Judicial Council/Masters Associate Judge Judicial Council	The Court of King's Bench Act, CCSM c C280	<p>The Judicial Inquiry Board is the ODM</p> <p>s 11.22(1)</p>	<p>Judicial Inquiry Board</p> <p>11.22(1) The Judicial Inquiry Board established under section 32 of The Provincial Court Act shall, in addition to its duties under that Act, also investigate complaints alleging misconduct by associate judges or incapacity of associate judges and conduct proceedings before the Associate Judges Judicial Council when charges are laid.</p> <p>Decision of board</p>	<p>Appeal to Court of Appeal</p> <p>11.26(1) The associate judge against whom a decision was made or the board may, on a question of law, appeal to The Court of Appeal a decision of the council under the following provisions:</p> <p>(a) clause 11.25(3)(b) (dispositions by council);</p> <p>(b) clause 11.25(3)(c) (costs);</p> <p>(c) clause 11.25(3)(f) (costs if resigns or retires).</p>	N/A	N/A

APPENDIX C -TRIBUNAL INVENTORY

				<p>11.23(3) After considering the complaint, the board may</p> <p>(a) resolve the complaint, if it obtains the written agreement of the complainant and the associate judge;</p> <p>(b) decide that no further action is required with respect to the complaint; or</p> <p>(c) formulate a charge of misconduct or incapacity against the associate judge, stating the grounds for the charge.</p> <p>Board's decision final</p> <p>11.23(3.2) The decision of the board under subsection (3) is final and no appeal lies from it.</p> <p>Adjudication by council</p> <p>11.25(1) When a charge against an associate judge is</p>	<p>Appeals to Court of Appeal</p> <p>89 Unless an Act provides otherwise, an order made by the court and the verdict of a jury may be appealed, in whole or in part, if permitted under sections 25.1 and 25.2 of The Court of Appeal Act.</p>		
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APPENDIX C -TRIBUNAL INVENTORY

				<p>laid before the council under subsection 11.23(4), the council shall hold a hearing to adjudicate the charge in accordance with this Part.</p> <p>Appeal to Court of Appeal</p> <p>11.26(1) The associate judge against whom a decision was made or the board may, on a question of law, appeal to The Court of Appeal a decision of the council under the following provisions:</p> <p>(a) clause 11.25(3)(b) (dispositions by council);</p> <p>(b) clause 11.25(3)(c) (costs);</p> <p>(c) clause 11.25(3)(f) (costs if resigns or retires).</p>			
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APPENDIX C - TRIBUNAL INVENTORY

29	Judicial Inquiry Board	<i>The Provincial Court Act</i> , CCSM cC275	The Chief Judge is the ODM Ss 30 & 31	<p>Chief Judge may investigate on own initiative</p> <p>30 In addition to investigating a complaint received under subsection 28(1), the Chief Judge may, on his or her own initiative, investigate any matter respecting misconduct by a judge or the incapacity of a judge that comes to his or her attention, and the matter shall be dealt with in the same manner as a complaint is dealt with under this Part.</p> <p>Complaints referred directly to board</p> <p>31(2) Despite subsection (1), the Chief Judge shall refer a complaint to the board if</p> <p>(a) the complaint alleges that a judge has committed an indictable offence; or</p> <p>(b) in the opinion of the Chief Judge,</p>	<p>Appeal to Court of Appeal</p> <p>39.6(1) The judge against whom a decision was made or the board may, on a question of law, appeal a decision of the council under section 39.1, or subsection 39.2(1), 39.5(1) or 39.7(4) to The Court of Appeal.</p> <p>Powers of Court on appeal</p> <p>39.6(3) The Court of Appeal on hearing the appeal may</p> <p>(a) make any decision that in its opinion ought to have been made; and</p> <p>(b) order that all or any part of any pay not paid to a judge because of a suspension or retirement be paid to the judge.</p>	N/A	<p>Complaints to Chief Justice</p> <p>39.7(1) If a complaint is made</p> <p>(a) about the Chief Judge; or</p> <p>(b) about another judge while a complaint about the Chief Judge is outstanding;</p> <p>the Chief Justice of the King's Bench shall deal with the complaint and shall perform the duties and exercise the powers that the Chief Judge would otherwise perform and exercise with respect to a complaint under this Part.</p> <p>Suspension of Chief Judge during investigation</p> <p>39.7(2) If the board lays a charge against the Chief Judge before the council, the Chief Justice of the King's Bench may, in addition to exercising the powers under subsection 36(1),</p>
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				<p>the alleged misconduct by the judge may amount to conduct prejudicial to the administration of justice that brings the judicial office into disrepute.</p> <p>Judicial Inquiry Board</p> <p>32(1) The Judicial Inquiry Board is established to perform the following functions:</p> <p>(a) to investigate complaints under this Part alleging misconduct or incapacity of judges, and to conduct proceedings before the council when charges are laid;</p> <p>(b) to investigate complaints under Part VI alleging misconduct or incapacity of judicial justices of the peace, and to conduct proceedings before a Court of King's Bench judge when charges are laid;</p>			<p>suspend the Chief Judge as Chief Judge</p> <p>(a) with pay; or</p> <p>(b) without pay, if in the opinion of the Chief Justice, the alleged misconduct may amount to conduct prejudicial to the administration of justice that brings the judicial office into disrepute;</p> <p>until the council makes a decision with respect to the charge.</p> <p>Appeal of suspension</p> <p>39.7(3) If the Chief Judge is suspended under clause (2)(b), he or she may appeal the suspension to The Court of Appeal and subsections 36(3) and (4) apply, with necessary modifications.</p>
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				<p>(c) to investigate complaints under The Court of King's Bench Act alleging misconduct or incapacity of associate judges, and to conduct proceedings before the Associate Judges Judicial Council when charges are laid.</p> <p>Adjudication by council</p> <p>39(1) When a charge against a judge is laid before the council under subsection 35(2), the council shall hold a hearing to adjudicate the charge in accordance with this Part.</p>			
30	Land Value Appraisal Commission	The Land Acquisition Act, CCSM c L40	The Land Value Appraisal Commission is the ODM	<p>Panel</p> <p>Decision of panel</p> <p>13(9) A decision of a panel of the commission at which a quorum is present is a decision of the commission.</p>	<p>Court of Appeal</p> <p>The Commission's expropriation compensation decisions are binding on both the expropriating authority and landowner(s). Decisions on matters of fact and law are appealable to the Court of Appeal. The Commission's Land</p>	N/A	<p>Rules of procedure</p> <p>13(12) The commission may make rules governing its procedure.</p>

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					Acquisition Act decisions are binding on the acquiring authority but no on the landowner(s).		
31	Law Enforcement Review Agency	The Law Enforcement Review Act, CCSM c L75	The Commissioner is the ODM 7.2(1)	<p>Investigation by Commissioner</p> <p>7.2(1) The Commissioner may conduct an investigation into the conduct of an extra-provincial police officer in Manitoba if the Commissioner considers it appropriate. Section 12 applies to such an investigation, with necessary changes.</p> <p>12(1) Upon receiving a complaint, the Commissioner shall forthwith cause the complaint to be investigated and for this purpose, the Commissioner has all the powers of Commissioners under Part V of The Manitoba Evidence Act.</p> <p>No record of informal resolution</p>	<p>Application to provincial judge</p> <p>13(2) Where the Commissioner has declined to take further action on a complaint under subsection (1), the complainant may, within 30 days after the sending of the notice to the complainant under subsection (1.1), apply to the Commissioner to have the decision reviewed by a provincial judge.</p> <p>Referral to provincial judge</p> <p>16(5) If the respondent does not concur with the recommendation of the Commissioner, the Commissioner shall refer the complaint to a provincial judge for a hearing on the question of the penalty to be imposed against the respondent.</p>	<p>Statement of facts and recommended penalty</p> <p>16(6) Where the Commissioner refers a complaint to a provincial judge under subsection (5), the Commissioner shall prepare and forward to the provincial judge a written statement of</p> <p>(a) the facts which constitute the subject matter of the complaint; and</p> <p>(b) the penalty or penalties recommended by the Commissioner under subsection (1);</p> <p>and the Commissioner shall provide the respondent with a copy of the statement.</p>	<p>Referral for review</p> <p>7.4(1) The Commissioner may refer a complaint against an extra-provincial police officer for review by a provincial judge, if the Commissioner believes that the complaint involves a matter of significant public interest.</p>

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				<p>15(3) Where the complaint is resolved informally, no penalty shall be imposed against the respondent and no record of either the complaint or the informal resolution thereof shall be entered on the service record of the respondent.</p>	<p>Review by Court of King's Bench</p> <p>18(3) A decision of the Commissioner to grant or refuse access to material referred to in subsection (2) is reviewable on application to the Court of King's Bench.</p> <p>Appeal</p> <p>31(1) An appeal from a decision of a provincial judge lies to the Court of King's Bench upon any question involving the jurisdiction of the provincial judge or upon any question of law alone.</p>		
32	Law Society of Manitoba (Discipline Committee)	<p>The Law Society Act, RSM 1987, c L100</p> <p>The Legal Profession Act, CCSM c L107</p>	<p>The Discipline Committee is the ODM</p> <p>s 70</p>	<p>Hearings in camera.</p> <p>49(10) Subject to subsection (11) an inquiry held under this section shall be held in camera.</p> <p>Hearings opened to members.</p> <p>49(11) Where the member into whose conduct or competence an inquiry is being made under this</p>	<p>Appeal to Court of Appeal.</p> <p>54(1)</p> <p>A barrister, solicitor, or student, who has been disbarred, suspended, or struck off the rolls or books of the society, or reprimanded or fined, or ordered to refrain from practising in certain areas of the law or had his practising certificate made subject to terms and conditions, by the</p>	<p>Permitted disclosure</p> <p>69(2) Despite subsection (1),</p> <p>(a) details of the complaint, information obtained through the investigation of the complaint and records of the proceedings and decisions of the committee may be disclosed for the purpose of a hearing on a charge related to the complaint and any appeal from the decision made at that hearing;</p>	<p>Reinstatement.</p> <p>55</p> <p>The governing body, upon such grounds as it may deem sufficient, and upon such terms if any, as it may deem proper, may reinstate</p> <p>(a) as a barrister a person who has been disbarred;</p> <p>(b) as a solicitor a person whose name has been</p>

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				<p>section requests that the inquiry be open to members, the inquiry shall be open to members.</p> <p>General power to make rules</p> <p>4(5) In addition to any specific power or requirement to make rules under this Act, the benchers may make rules to manage the society's affairs, pursue its purpose and carry out its duties.</p>	<p>governing body, or whose application for the restoration of rights and privileges has been refused, may appeal from the act of the governing body to The Court of Appeal within 30 days from the date thereof; and the court, upon the hearing of the appeal, may make such order relating thereto, and as to costs, as to the court may seem meet.</p>	<p>Appeal of interim suspension</p> <p>75(1) A member whose right to practise law in Manitoba is suspended under section 68 may appeal the suspension to a judge of the Court of King's Bench.</p> <p>Further appeal</p> <p>75(3) If the appeal is denied, the member may appeal the decision of the Court of King's Bench to The Court of Appeal within 30 days after being served with a copy of decision.</p> <p>Appeal to Court of Appeal</p> <p>76(1) Subject to subsection (2), any of the following decisions may be appealed to The Court of Appeal:</p> <p>(a) a decision under section 72 to do any of the following:</p> <p>(i) to disbar, expel or suspend a member,</p> <p>(ii) to revoke or suspend the permit of a law corporation,</p>	<p>struck off the rolls of solicitors; and</p> <p>(c) a student whose name has been struck off the books of the society.</p>
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						<p>(iii) to reprimand a member,</p> <p>(iv) to order a member to pay a fine or costs,</p> <p>(v) to impose restrictions or conditions on a member's practice of law;</p> <p>(b) a decision to refuse to issue a practising certificate, or a practising certificate free of conditions;</p> <p>(c) a decision under subsection 73(1) or (2).</p> <p>Appeal by society to Court of Appeal</p> <p>76(2) The society may appeal to The Court of Appeal any decision of the discipline committee, a panel of the committee or a single committee member, but only on a question of law.</p>	
33	Licence Suspension Appeal Board/Medical Review Committee	<p>The Highway Traffic Act, CCSM c H60</p> <p>The Drivers and Vehicles Act, CCSM c D104</p>	<p>The Licence Suspension Appeal Board is the ODM.</p> <p>278(1) There is hereby established a Board which shall be known as: "The Licence Suspension Appeal Board"</p>	<p>Appeal Board</p> <p>Powers and duties</p> <p>278(8) The appeal Board has powers and duties conferred or imposed on it by section 279 or</p>	No external appeal.	N/A	N/A

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				<p>279.3 or another provision of this Act, by a provision of The Drivers and Vehicles Act or another Act, or by a regulation made under this Act, The Drivers and Vehicles Act or another Act.</p> <p>Appeal to appeal Board</p> <p>279(1) Subject to subsection (3), a person may appeal to the appeal Board</p> <p>(a) if any of the following has been refused, suspended or cancelled under this Act:</p> <p>(i) the person's application for a driver's licence or to register a motor vehicle, trailer or off-road vehicle,</p> <p>(ii) the person's driver's licence or right to hold a driver's licence,</p> <p>(iii) the registration of a motor vehicle or off-road vehicle registered in the person's name,</p>			
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				<p>(iv) an exemption, privilege or benefit under section 4.3;</p> <p>(b) if the person has been disqualified under this Act from driving a motor vehicle or operating an off-road vehicle under any provision of this Act; or</p> <p>(c) if the person is a novice driver and the registrar has extended the time that he or she must spend in any licensing stage or has extended, varied or added to the conditions or restrictions of his or her novice driver's licence.</p> <p>312.2(11) An operator who is dissatisfied with any of the following decisions may appeal the decision to the appeal Board under subsection 322.1(5):</p> <p>(a) a decision to refuse to issue the operator a safety fitness certificate or to suspend or</p>			
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				<p>revoke their certificate;</p> <p>(b) a decision respecting the safety fitness rating assigned to the operator.</p> <p>Appeal to appeal Board</p> <p>322.1(5) An operator may appeal any of the following decisions of a director to the appeal Board within 30 days after the decision is made:</p> <p>(a) assigning the operator a safety fitness rating under subsection 312.2(5);</p> <p>(b) refusing to issue a safety fitness certificate under subsection 312.2(7);</p> <p>(c) suspending or revoking a safety fitness certificate under subsection 312.2(8);</p> <p>(d) taking action under subsection (3).</p>			
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				<p>Appeal Board's powers on appeal</p> <p>322.1(6) After hearing the appeal, the appeal Board may confirm the director's decision, quash the decision or vary it in any manner the appeal Board considers appropriate.</p>			
34	Liquor and Gaming Authority of Manitoba	The Liquor, Gaming and Cannabis Control Act, CCSM c.L153	<p>The Board is the ODM.</p> <p>While the Board is responsible for governance and strategic direction, it also conducts quasi-judicial appeal hearings on matters pertaining to the regulation of liquor and gaming in Manitoba.</p>	<p>The Appeal Board</p> <p>Decisions and orders that may be appealed</p> <p>135(1) The following decisions and orders of the executive director may be appealed to the Board:</p> <p>(a) a decision not to issue or renew a licence, permit or approval;</p> <p>(b) a decision to impose a term or condition on a licence, permit or approval, or to vary or rescind such a term or condition;</p> <p>(c) a decision to issue a liquor</p>	<p>Appeal to court</p> <p>140(1) A party to an appeal may appeal the decision of the board to the Court of King's Bench on any question involving the board's jurisdiction or on a point of law, by filing a notice of appeal with the court.</p> <p>Powers of court on appeal</p> <p>140(3) Upon hearing an appeal, the court may</p> <p>(a) rescind, vary or confirm the decision of the board; or</p> <p>(b) refer the matter back to the board for further consideration in accordance with any</p>	<p>How to appeal</p> <p>135(3) An appeal must be made by filing a written notice of appeal with the authority within 21 days after the person receives notice of the decision or order. The notice of the appeal must specify the grounds for the appeal.</p>	N/A

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				<p>service licence or retail beer vendor licence, after the issuance of the licence was objected to in accordance with subsection 105(5);</p> <p>(d) an order under section 69 (prohibited place order);</p> <p>(e) an order under subsection 96(6) (patron dispute order);</p> <p>(f) an order under subsection 116(5) (gaming integrity deficiency order);</p> <p>(g) a compliance order made under section 128.</p> <p>Decision final</p> <p>139(4) Except as provided in section 140, the decision of the board on an appeal is final.</p>	direction of the court.		
35	Manitoba Association of Optometrists	The Optometry Act, CCSM c Q70	The Council is the ODM s.7(2)	<p>Suspending or cancelling permit</p> <p>17.7(1) Subject to subsection (2), the council may suspend or cancel a professional</p>	<p>Appeal to court</p> <p>17.10(1) A professional corporation may appeal the decision of the council to the court by filing a notice of appeal</p>	<p>Commencement of appeal</p> <p>18.17(2) An appeal shall be commenced</p> <p>(a) by filing a notice of appeal stating the reasons for the appeal</p>	

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				<p>corporation's permit if</p> <p>(a) the corporation ceases to meet any of the requirements of eligibility for a permit set out or referred to in subsection 17.2(1);</p> <p>(b) the corporation contravenes any provision of this Act or the regulations or by-laws of the association or any condition on the corporation's permit; or</p> <p>(c) a registered member, in the course of providing an optometric service on behalf of the corporation, does or fails to do anything as a result of which the member's registration is suspended or cancelled.</p> <p>Referral to complaints committee</p> <p>18.1(3) The registrar shall refer a complaint made</p>	<p>within 30 days after receiving notice of the council's decision.</p> <p>Powers of court on appeal</p> <p>17.10(2) Upon hearing an appeal, the court may</p> <p>(a) dismiss the appeal;</p> <p>(b) make any decision that in its opinion should have been made; or</p> <p>(c) refer the matter back to the council for further consideration in accordance with any direction of the court.</p> <p>Appeal to court</p> <p>18.17(1) An investigated member may appeal an order made by the discipline committee to the court.</p> <p>Powers of court on appeal</p> <p>18.17(4) On hearing the appeal, the court may make any order it considers just.</p>	<p>and including an undertaking to provide the court with a transcript of the oral evidence given before the discipline committee; and</p> <p>(b) by giving a copy of the notice of appeal to the registrar;</p> <p>within 30 days from the date on which the order of the discipline committee is served on the investigated member.</p>	
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				<p>under this section to the complaints committee.</p> <p>Decision of complaints committee</p> <p>18.3(1) On conclusion of a preliminary investigation, the complaints committee may</p> <p>(a) direct that no further action be taken;</p> <p>(b) issue a formal written caution to the investigated member censuring the member's conduct; or</p> <p>(c) direct that the matter be referred in whole or in part to the discipline committee.</p> <p>Appeals committee</p> <p>18.4(1) The council shall, in accordance with the by-laws, appoint an appeals committee consisting of three persons, two of whom are</p>			
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				<p>registered members and one of whom is a lay person appointed from the roster of persons appointed under subsection 18.6(2).</p> <p>Appeal by complainant to appeals committee</p> <p>18.4(3) A complainant who receives notification under subsection 18.3(2) directing that no further action be taken in connection with the complaint may, by notice in writing mailed within 30 days of the date of notification, appeal that direction to the appeals committee.</p> <p>Power on appeal</p> <p>18.4(4) On an appeal under subsection (3), the appeals committee shall do one or more of the following:</p>			
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				<p>(a) make any decision that in its opinion ought to have been made by the complaints committee;</p> <p>(b) quash, vary or confirm the decision of the complaints committee;</p> <p>(c) refer the matter back to the complaints committee for further consideration in accordance with any direction that the appeals committee may make.</p>			
36	Manitoba Association of Registered Respiratory Therapists (MARRT)	The Registered Respiratory Therapists Act, RSM 1987, c R115	The Board is the ODM s. 3(1).	<p>The Board of directors</p> <p>Appeal upon refusal of registration.</p> <p>10(4)</p> <p>An applicant refused registration or the entry of his name in the appropriate roster by the registrar may, by written notice, appeal that decision to the Board of directors which shall consider the</p>	Appeal to Court of King's Bench.	N/A	N/A
					45(1)		
					Any person whose registration has been revoked or suspended or whose registration has been continued subject to conditions imposed by the discipline committee or the Board and any person who has been refused admission to the association or the entry of his name on a roster may appeal from the decision of		

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				<p>appeal within 30 days of the receipt of the notice and upon making its decision shall forthwith report that decision in writing to the applicant.</p> <p>Appeal to discipline committee. 35 Where the decision taken by the investigation chairman is to direct that no further action be taken with respect to a complaint, the complainant may not later than 15 days after the receipt of a notice to that effect appeal that decision to the discipline committee by filing a notice of appeal with the executive director or the registrar sent by registered or certified mail or served personally.</p>	<p>the discipline committee or the Board including any order as to costs to a judge of the Court of King's Bench at any time within 30 days of the date of the order or decision appealed against, or within such further time as a judge of the Court of King's Bench may allow.</p>		
37	Manitoba Clean Environment Commission	The Environment Act, CCSM c E125	The Minister is the ODM s27(1)	<p>Investigation into environmental matters</p> <p>6(3) The commission may on its own volition conduct an</p>	<p>Appeal of minister's decision</p> <p>28(1) A person who is affected by a decision of the minister made under section 10, 11 or 12</p>	N/A	<p>Judge may restore licence</p> <p>34 Where a judge suspends or revokes a licence, or permit in accordance with</p>

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				<p>investigation into any environmental matter, except a matter involving the gathering of evidence to determine whether or not a specific proponent is complying with the provisions of this Act and the regulations, and advise and make recommendations thereon to the minister.</p> <p>Specific duties of Commission</p> <p>6(5) When requested by the minister, the commission must do one or more of the following in accordance with any terms of reference specified by the minister:</p> <p>(a) provide advice and recommendations to the minister;</p> <p>(b) conduct public meetings or hearings and provide advice and recommendations to the minister;</p>	<p>in relation to a proposal or a decision made under subsection 14(2) may file an appeal in writing with the minister. The appeal must set out the reasons for the appeal and must be filed within 30 days after the date of the decision.</p> <p>Appeal to Lieutenant Governor in Council</p> <p>28(1.1) The minister must refer the appeal to the Lieutenant Governor in Council.</p> <p>Disposition of appeal</p> <p>28(2) When an appeal is referred to the Lieutenant Governor in Council, it may, on such considerations as it deems advisable,</p> <p>(a) in the case of an appeal of the minister's decision not to request a public meeting or hearing on a proposal, request the commission to hold a public meeting or hearing on the proposal;</p>	<p>section 33, the judge or the minister shall restore the licence, or permit upon receipt of satisfactory evidence that the condition or situation giving rise to the offence has been rectified.</p>
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				<p>(c) conduct investigations into specific environmental concerns and report back to the minister;</p> <p>(d) act as a mediator between two or more parties to an environmental dispute and report back to the minister.</p> <p>Appeals from environment officer</p> <p>26(1) Except as may be otherwise provided in this Act, any person who is affected by any order, instruction or permit of an environment officer may, within 14 days from the date of issuance of the order, instruction or permit, in writing appeal therefrom to the director.</p> <p>Action by director on appeal</p> <p>26(2) Where an appeal is made to the director under</p>	<p>(b) refer the matter back to the minister for reconsideration;</p> <p>(c) make any decision that in its opinion ought to have been made by the minister; or</p> <p>(d) quash or vary the decision under appeal, or dismiss the appeal.</p>		
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				<p>subsection (1), the director shall within 15 days after the receipt of the appeal affirm, rescind or amend the decision appealed and shall notify the appellant of the disposition of the appeal within seven days from the date of the decision of the director.</p> <p>Appeal to minister</p> <p>27(1) Except as may be otherwise provided in this Act, any person who is affected by</p> <p>(a) the issuance of a licence or a permit by the director; or</p> <p>(b) the refusal by the director to issue a licence or permit; or</p> <p>(c) any decision, order, instruction, or directive of the director; or</p> <p>(d) the imposition of limits, terms and conditions in a licence or permit</p>			
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				<p>issued by the director; or</p> <p>(e) the disposition of an appeal under section 26;</p> <p>may file an appeal in writing with the minister that includes the reasons for the appeal and any facts relative thereto, within the following periods:</p> <p>(f) in the case of a decision, issuance, refusal, order, instruction or directive or the imposition of limits, terms and conditions or the disposition of the appeal, within 30 days of the date thereof; and</p> <p>(g) in the case of a licence that sets out a limit, term or condition that is to take effect on or be imposed at a future date and specifies that an appeal is to be taken within a specified period, within the period so specified.</p>			
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				<p>Disposition of appeal by minister</p> <p>27(2) Where an appeal is made to the minister pursuant to subsection (1), the minister may, on such considerations as the minister deems advisable,</p> <p>(a) in the case of an appeal of the director's decision not to recommend a public meeting or hearing on a proposal, request the commission to hold a public meeting or hearing on the proposal;</p> <p>(b) refer the matter back to the director for reconsideration;</p> <p>(c) make any decision that in his or her opinion ought to have been made by the director; or</p> <p>(d) quash or vary the decision under appeal, or dismiss the appeal.</p>			
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38	Manitoba Chiropractors Association	The Chiropractic Act, RSM 1987, c C100	<p>The Board is the ODM</p> <p>The Manitoba Chiropractors Association (MCA) serves as a professional regulatory organization; however, it appears not to be functioning as a formal administrative tribunal or a quasi-judicial body in the usual way.</p>	<p>Appeal.</p> <p>31(3)</p> <p>Where a person is refused a licence under subsection (2), that person may within 30 days from the date of the refusal appeal to the Board; and the Board after considering the appeal may</p> <p>(a) allow the appeal and direct the registrar to issue the licence; or</p> <p>(b) dismiss the appeal; or</p> <p>(c) direct the registrar to issue the licence subject to such terms, conditions and limitations as the Board may order.</p>	<p>The Court.</p> <p>Appeal from order of Board.</p> <p>50(1)</p> <p>Any person who considers himself aggrieved by an order or decision of the Board relating to</p> <p>(a) a refusal or alteration of registration; or</p> <p>(b) a suspension of licence to practise; or</p> <p>(c) a direction pursuant to clause 40(a); or</p> <p>(d) a requirement pursuant to subsection 29(3); or</p> <p>(e) an inquiry; or</p> <p>(f) restoration of membership; or</p> <p>(g) issue or re-issue of a licence to a member ;</p> <p>may appeal from the order or decision to a judge of the Court at any time within two months from the date of the order or decision.</p>	<p>Method of commencing appeals.</p> <p>50(3)</p> <p>An appeal shall be made by originating notice of motion returnable before a judge of the Court and shall be founded upon the record of proceedings and reports relating thereto and the order or decision of the Board in the matter, certified by the registrar.</p>	N/A
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39	Manitoba Criminal Code Review Board	Criminal Code, RSC 1985, c C46	<p>The Criminal Code Review Board is the ODM</p> <p>ss. 672.39 to 672.44 of the Criminal Code of Canada.</p>	<p>672.38 (1) A Review Board shall be established or designated for each province to make or review dispositions concerning any accused in respect of whom a verdict of not criminally responsible by reason of mental disorder or unfit to stand trial is rendered and shall consist of not fewer than five members appointed by the lieutenant governor in Council of the province.</p>	<p>The Court of Appeal</p> <p>Notice of appeal to be given to Court or Review Board</p> <p>672.74 (1) The clerk of the Court of appeal, on receiving notice of an appeal against a disposition or placement decision, shall notify the Court or Review Board that made the disposition.</p> <p>Transmission of records to Court of appeal</p> <p>(2) On receipt of notification under subsection (1), the Court or Review Board shall transmit to the Court of appeal, before the time that the appeal is to be heard or within any time that the Court of appeal or a judge of that Court may direct,</p> <p>(a) a copy of the disposition or placement decision;</p> <p>(b) all exhibits filed with the Court or Review Board or a copy of them; and</p> <p>(c) all other material in its possession</p>	N/A	N/A
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					respecting the hearing.		
40	Manitoba Farm Industry Board (previously Manitoba Farm Mediation Board, Manitoba Farmlands Ownership Board, Farm Machinery Board, Farm Practices Protection Board)	<p>The Family Farm Protection Act, CCSM c F15</p> <p>The Farm Lands Ownership Act, CCSM c F35</p> <p>The Farm Machinery & Equipment Act, CCSM c F40</p> <p>The Farm Practices Protection Act, CCSM cF45</p>	The Board is the ODM 6.1(1) The Manitoba Farm Industry Board, established under The Family Farm Protection Act, is continued under this Act	<p>Report to minister</p> <p>8(5) Where the Board has conducted a hearing, it shall submit a report of its findings, comments and recommendations to the minister.</p> <p>Conclusiveness</p> <p>9(2) Subject to subsection 16(1), any order of the Board under subsection (1) is conclusive for all purposes of this Act other than for the purposes of section 15.</p> <p>Review of orders</p> <p>9(3) The Board may review, rescind, change, alter or vary any decision or order made by it.</p>	<p>The Court of King's Bench</p> <p>Appeal 16(1) Any person affected by any order of the Board, other than an order under subsection 3(3) which order is final and binding and from which no appeal may be taken, may appeal the order within 30 days of the date thereof, to a judge of the Court of King's Bench who, upon hearing the appeal, may make such order as to the judge seems just.</p>	<p>Determination of contravention</p> <p>9(1) Where there are reasonable grounds for so doing, and upon prior notice to all persons affected, and after having given any of such persons who so requests a reasonable opportunity to be heard, the Board may, by order, determine that an interest in farm land has been or is taken, acquired, received or held in contravention of this Act.</p> <p>Service of notice</p> <p>16(2) The appeal shall be by notice of motion and a copy thereof shall be served upon the Board and upon such other persons as may be ordered by the judge, not less than 10 days before the day on which the motion is returnable.</p> <p>Stay of operation of certain decisions</p>	<p>Exemptions granted by the Board</p> <p>3(3) The Board may on application or on its own initiative, subject to any regulations and to such terms and conditions as it may impose, by order, and pursuant to and in accordance with the exemption guidelines established by regulation, exempt a person, class of persons, farm land, class of farm land, interest in farm land or class of interest in farm land, from all or any part of this Act.</p>

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						16(3) The taking of an appeal under subsection (1) does not stay the operation of the order appealed against; but a judge of the Court of King's Bench may, upon an appeal of the order, stay the operation thereof and may prescribe terms and conditions to which the stay may be subject.	
41	<p>Manitoba Farm Products Marketing Council</p> <p>List of producer Boards that function as quasi-judicial tribunals within agriculture:</p> <ul style="list-style-type: none"> • Dairy Farmers of Manitoba • Keystone Potato Producers Association • Manitoba Beekeepers Association • Manitoba Chicken Procedures • Manitoba Egg Farmers • Manitoba Pork Council • Manitoba Turkey Producers • Peak of the Market 	The Farm Products Marketing Act, CCSM c.F47	The Board is the ODM	<p>Appeal to Manitoba Council</p> <p>19(1) Any person affected by a regulation, order or decision made by a Board or commission may appeal to the Manitoba Council, but only if the person has first asked the Board or commission to review the matter and the Board or commission has refused to grant the relief requested.</p> <p>Decision on the appeal</p> <p>21(1) After a hearing, the Manitoba Council may, by order,</p>	<p>There is no external appeal mechanism per se. However, the Council or the Board can do this regarding</p> <p>Court order:</p> <p>27(1) If the Manitoba Council or a Board or commission is of the opinion that a person is not complying with this Act or a regulation or order made under this Act, the Council, Board or commission may apply to the Court of King's Bench for an order directing that person to comply.</p> <p>Powers of Court</p> <p>27(3) On hearing an application, the Court may do one or</p>	<p>Notice of appeal</p> <p>19(2) An appeal must be commenced by a written notice given to the Manitoba Council within 60 days after the regulation, order or decision is made, or within any longer period that the Council considers appropriate.</p>	N/A

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				<p>(a) dismiss the appeal; or</p> <p>(b) direct the Board or commission to repeal or rescind the regulation, order or decision about which the appeal was made, either fully or partly, to the extent the Council considers appropriate.</p>	<p>more of the following:</p> <p>(a) direct a person to comply with the Act, regulation or order;</p> <p>(b) direct a person to cease carrying out any action that does not comply;</p> <p>(c) give any direction it considers necessary in order to ensure compliance;</p> <p>(d) make the order subject to any terms or conditions the Court considers appropriate.</p>		
42	Manitoba Health Appeal Board	<p>The Health Services Insurance Act, CCSM c H35</p> <p>Manitoba Health Appeal Board Regulation, MR 175/2008</p>	<p>The Manitoba Health Appeal Board is the ODM</p> <p>9(1) The Manitoba Health Appeal Board is established consisting of not less than five members appointed by the Lieutenant Governor in Council.</p>	<p>Appeal to the Board</p> <p>10(1) An appeal may be made to the Board by a person</p> <p>(a) who has been refused registration as an insured person under this Act or the regulations;</p> <p>(b) who has been denied entitlement to a benefit under this Act or the regulations;</p> <p>(c) who has been refused an approval to operate a</p>	<p>Appeal to Court of Appeal</p> <p>84.4(1) An investigated medical practitioner or the minister may appeal to the Court of Appeal a finding or an order, or both, made by the formal inquiry committee.</p> <p>Powers of Court on appeal</p> <p>84.4(4) The Court of Appeal on hearing an appeal may</p> <p>(a) make any decision or order that in its opinion</p>	N/A	N/A

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				laboratory or a specimen collection centre, on whose approval conditions have been imposed, or whose approval has been revoked under subsection 127(1); (d) who has been refused a licence to operate a personal care home under section 118.2 or whose licence to operate a personal care home has been suspended, cancelled or not renewed under that section; or (e) prescribed by the regulations as being entitled to appeal to the Board.	should have been made; (b) quash, vary or confirm the order of the formal inquiry committee or any part of it; or (c) refer the matter back to the formal inquiry committee for further consideration in accordance with any direction of the Court.		
43	Manitoba Horse Racing Commission	The Horse Racing Commission Act Now transferred to Liquor, Gaming and Cannabis Authority of Manitoba in 2022	The Executive Director ODM s. 10(1)	Panel to hear appeal 137(1) The chair of the Board must designate any three or more Board members to sit as a panel to hear an appeal. Decisions and orders that may be appealed 135(1) The following	Appeal to Court 140(1) A party to an appeal may appeal the decision of the Board to the Court of King's Bench on any question involving the Board's jurisdiction or on a point of law, by filing a notice of appeal with the Court.	N/A	N/A

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				<p>decisions and orders of the executive director may be appealed to the Board:</p> <p>(a) a decision not to issue or renew a licence, permit or approval;</p> <p>(b) a decision to impose a term or condition on a licence, permit or approval, or to vary or rescind such a term or condition;</p> <p>(c) a decision to issue a liquor service licence or retail beer vendor licence, after the issuance of the licence was objected to in accordance with subsection 105(5);</p> <p>(d) an order under section 69 (prohibited place order);</p> <p>(e) an order under subsection 96(6) (patron dispute order);</p> <p>(f) an order under subsection 116(5) (gaming integrity deficiency order);</p>			
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				<p>(g) a compliance order made under section 128.</p> <p>Decision final</p> <p>139(4) Except as provided in section 140, the decision of the Board on an appeal is final.</p>			
44	Manitoba Human Rights Commission-Adjudicators	The Human Rights Code, CCSM c H175	The Adjudicator is the ODM	<p>Application for review by Commission</p> <p>30.1(1) A complainant may apply to the Commission for a review of a decision made by the executive director</p> <p>(a) to terminate proceedings after a settlement offer is made, under section 24.3;</p> <p>(b) to dismiss a complaint or part of a complaint without an investigation, under subsection 26(2);</p> <p>(c) to dismiss a complaint or part of a complaint after an investigation,</p>	<p>Where order under review</p> <p>48(2) Where an application for review has been filed under section 50 in respect of an order made by an adjudicator under clause 43(2)(b), (c) or (d), the order is not enforceable under subsection (1) until the Court has rendered its judgment on the review, but the Court may grant interim enforcement of the order on such terms and conditions as the Court considers appropriate.</p> <p>Application for judicial review 50(1)</p> <p>Any party to an adjudication may apply to the Court</p>	<p>Grounds for judicial review:</p> <p>50(1)</p> <p>Any party to an adjudication may apply to the Court for a review of any decision or order made by the adjudicator with respect to the adjudication, solely on the ground that</p> <p>(a) the adjudicator committed an error of jurisdiction with respect to the adjudication; or</p> <p>(b) there was a breach of the principle of natural justice or the principle of fairness in the course of the adjudication; or</p> <p>(c) there is an error of law on the face of the record of the proceedings in respect of which the decision</p>	N/A

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				<p>under subsection 29(1); or</p> <p>(d) to terminate proceedings without an adjudication or prosecution, under subsection 29(3).</p> <p>Finality of adjudication</p> <p>49 Subject to section 50, every decision and order made by an adjudicator is final and binding on the parties to the adjudication.</p>	<p>for a review of any decision or order made by the adjudicator with respect to the adjudication, solely on the ground that</p> <p>(a) the adjudicator committed an error of jurisdiction with respect to the adjudication; or</p> <p>(b) there was a breach of the principle of natural justice or the principle of fairness in the course of the adjudication; or</p> <p>(c) there is an error of law on the face of the record of the proceedings in respect of which the decision or order under review was made.</p>	<p>or order under review was made.</p>	
45	Manitoba Human Rights Commission – Board of Commissioners	The Human Rights Code, CCSM c H175	The Board of Commissioners are the ODM	<p>Adjudication Panel</p> <p>s 8(1)</p> <p>Finality of adjudication</p> <p>49 Subject to section 50, every decision and order made by an adjudicator is final and binding on the parties to the adjudication.</p>	<p>Where order under review</p> <p>48(2) Where an application for review has been filed under section 50 in respect of an order made by an adjudicator under clause 43(2)(b), (c) or (d), the order is not enforceable under subsection (1) until the Court has</p>	<p>Grounds for judicial review:</p> <p>50(1)</p> <p>Any party to an adjudication may apply to the Court for a review of any decision or order made by the adjudicator with respect to the adjudication, solely on the ground that</p>	N/A

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					<p>rendered its judgment on the review, but the Court may grant interim enforcement of the order on such terms and conditions as the Court considers appropriate.</p> <p>Application for judicial review</p> <p><u>50(1)</u> Any party to an adjudication may apply to the Court for a review of any decision or order made by the adjudicator with respect to the adjudication, solely on the ground that</p> <p>(a) the adjudicator committed an error of jurisdiction with respect to the adjudication; or</p> <p>(b) there was a breach of the principle of natural justice or the principle of fairness in the course of the adjudication; or</p> <p>(c) there is an error of law on the face of the record of the proceedings in respect of which the decision or order</p>	<p>(a) the adjudicator committed an error of jurisdiction with respect to the adjudication; or</p> <p>(b) there was a breach of the principle of natural justice or the principle of fairness in the course of the adjudication; or</p> <p>(c) there is an error of law on the face of the record of the proceedings in respect of which the decision or order was made.</p>	
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					under review was made.		
46	Manitoba Labor Board	The Labour Relations Act, CCSM c L10	The Board is the ODM s 142(1)	<p>Board review</p> <p>143(3) The Board or a panel of the Board may</p> <p>(a) review and vary or rescind any decision, order, direction, declaration or ruling that it or another panel has made; and</p> <p>(b) rehear a matter that it has heard or that another panel has heard.</p>	<p>Reference to Court of Appeal</p> <p>143(4) Where the Board or any panel of the Board considers it to be in the interests of the efficient administration of this Act or the promotion of harmonious employer-employee relations, the Board or panel may refer any question of law before it for final determination by the Court of Appeal, and the Court shall hear the question within six months of the date of the reference and render a decision as soon as reasonably practicable.</p> <p>Deemed final decision</p> <p>143(7) For purposes of subsection (6), a decision which the Board or a panel of the Board has decided not to review, or has failed</p>	<p>Judicial review on constitutional grounds</p> <p>143(5) The constitutional jurisdiction of the Board or any panel of the Board may be reviewed by any Court of competent jurisdiction.</p> <p>Judicial review of final decision</p> <p>143(6) Notwithstanding any other Act, a final decision, order, direction, declaration or ruling, but not a procedural, interim or any other decision, order, direction, declaration or ruling, of the Board or a panel of the Board may be reviewed by a Court of competent jurisdiction solely by reason that the Board or the panel failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction, if</p>	<p>No judicial review during proceeding</p> <p>143(2) Except as provided in subsections (5) and (6), no decision, order, direction, declaration or ruling of the Board or any panel of the Board shall be questioned or reviewed in any Court and no order shall be made or process entered or proceedings taken in any Court whether by way of injunction, declaratory judgment, stay, certiorari, mandamus, prohibition, quo warranto or otherwise to question, review, prohibit or restrain the Board or panel or any of its proceedings.</p>

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					to review within the 90 day period referred to in clause (6)(a), shall be deemed to be a final decision of the Board or panel.	(a) the applicant for review has first requested the Board or the panel, as the case may be, to review its decision under subsection (3), and the Board or the panel has decided not to undertake a review, or has undertaken a review and rendered a decision thereon, or has failed to dispose finally of the request to review within 90 days after the date on which it was made; (b) the Board has been served with notice of the application and has been made a party to the proceeding; and (c) no more than 30 days have elapsed from, as the case may be, the decision by the Board or panel not to undertake a review, or the date of the decision rendered by the Board or panel on the review, or the expiration of the 90 day period referred to in clause (a).	
47	Manitoba Milk Prices Review Commission	The Milk Prices Review Act, RSM 1987 c.M130	The Commission is the ODM s. 3(1)(d)	Application for review 3(8) Any person who is dissatisfied with	Appeal to the Manitoba Council. 4(1) A producer or the producer Board or any person aggrieved by an	Appeal procedure 4(3) On the date, time and place so fixed, the Manitoba Council shall consider the appeal and the parties to the	N/A

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				<p>(a) a cost of production formula established under subsection (2); or</p> <p>(b) a pricing system established under subsection (4);</p> <p>may apply to the commission in writing for a review of the formula or the pricing system, and the establishment of a new formula or pricing system, as the case may be.</p>	<p>order made under section 3, may appeal the order to the Manitoba Council by a notice in writing served on the Council within 30 days from the date of the order that is the subject of the appeal.</p> <p>Action by Manitoba Council</p> <p><u>4(6)</u> Upon completion of the consideration of an appeal made under subsection (1), the Manitoba Council shall, by order, within five days of the completion thereof,</p> <p>(a) dismiss the appeal and confirm the order appealed against; or</p> <p>(b) grant the appeal in whole or in part and require the commission to make such further order as the Manitoba Council considers just and reasonable; and the disposition of the appeal by the <u>Manitoba Council is final and binding and is not subject to any further appeal in any Court of law.</u></p>	<p>appeal have a right to be present at the hearing, to make presentations and to be represented by counsel; and the Manitoba Council is not bound by the rules of evidence in conducting a hearing of an appeal.</p>	
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48	Manitoba Naturopathic Association	The Naturopathic Act, CCSM c N80	The Board is the ODM s 6(1)	There is no internal appeal mechanism.	Right of appeal. 8(1) Any person whose application for registration has been refused, or whose registration has been cancelled or suspended, may, at any time within one month from the date of the decision or order of the Board, appeal from the decision or order of the Board to a judge of the Court of Queen's Bench (now Court of King's Bench). Disposal of appeal. 8(3) The judge shall deal with the appeal in a summary manner, and his <u>decision is final</u> ; and the costs of the appeal are in the discretion of the judge.	N/A	Act may be pleaded in bar. 7 No action shall be brought against the Board or against any member of the Board for anything done in good faith under this Act and within the powers of the Board, notwithstanding any want of form in the proceedings.
49	Manitoba Pension Commission	The Pension Benefits Act, CCSM c P32	The Commission is the ODM s 10(1)	Objection to refusal to register, etc. 35(1) Where the commission refuses to accept for registration a pension plan filed for registration under this Act, or cancels a certificate of	Appeal to Court of Appeal 36(1) Where an administrator has served a notice of objection under section 33 or 35, he may appeal to the Court of Appeal, (a) within 90 days after the	N/A	N/A

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				<p>registration, the administrator may, within 60 days of the day of mailing of a notification of refusal or cancellation of registration, serve on the commission a notice of objection in duplicate in the prescribed form, setting out the reasons for the objection and all relevant facts.</p> <p>Review on objection</p> <p>35(3) Upon receipt of a notice of objection, the commission shall with all due despatch reconsider its opinion, and vary or confirm its opinion, and it shall thereupon notify the administrator of its actions by registered mail.</p>	<p>commission has confirmed or varied its opinion; or</p> <p>(b) after 90 days and before 180 days have elapsed after service of the notice of objection and the commission has not notified the administrator that it has confirmed or varied its opinion.</p> <p>Disposal of appeal</p> <p>36(5) The Court of Appeal may dispose of an appeal under this section by dismissing it, by referring the matters in issue back to the commission for reconsideration, or by allowing the appeal.</p> <p>Effect of decision</p> <p>36(6) Where the Court of Appeal allows an appeal under this section, the commission shall accept the pension plan for registration or reinstatement in accordance with the direction of the Court, which may include conditions precedent to qualification for</p>		
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					registration or reinstatement of the pension plan imposed upon the appellant.		
50	Manitoba Public Insurance – Rates Appeal Board	The Manitoba Public Insurance Corporation Act, CCSM c P215	The Board is the ODM	<p>Appeal of additional driver premium</p> <p>65(4) The applicant for a driver's certificate may appeal his or her additional driver premium to the Rates Appeal Board, but only on the following grounds:</p> <p>(a) that the additional driver premium is unduly harsh;</p> <p>(b) that the additional driver premium was assessed on an incorrect record of input factors, other than at-fault claims.</p> <p>Hearing of appeal and powers of the board</p> <p>65(9) In hearing the appeal, the Rates Appeal Board shall consider the evidence and</p>	<p>Exclusive jurisdiction</p> <p>65(13) The Rates Appeal Board has exclusive jurisdiction to hear and determine all appeals respecting additional driver premiums, and the decision of the Rates Appeal Board shall be final and there is no appeal from that decision.</p> <p>No appeal of adjusted additional driver premium</p> <p>65.1(2) The applicant may not appeal the adjusted additional driver premium that he or she is required to pay by clause (1)(b).</p>	<p>How to make an appeal</p> <p>65(5) To appeal under subsection (4), the applicant must</p> <p>(a) file with the corporation</p> <p>(i) a written notice of appeal in the form required by the corporation, and</p> <p>(ii) his or her application for the driver's certificate in respect of which the additional driver premium was assessed; and</p> <p>(b) pay to the corporation</p> <p>(i) the base driver premium for the driver's certificate and an appeal fee of \$10., and</p> <p>(ii) if the appeal is under clause (4)(b), the portion of the additional driver premium that does not relate to the input</p>	N/A

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				<p>material submitted by the appellant and the corporation, and in its decision it may,</p> <p>(a) if the appeal is under clause (4)(a), confirm, reduce or cancel the additional driver premium; and</p> <p>(b) if the appeal is under clause (4)(b), confirm the record of input factors or order the corporation to remove from the applicant's driver safety record an input factor that it finds was incorrectly recorded.</p> <p>Decision of board</p> <p>65(10) The decision of the Rates Appeal Board shall be transmitted by the board to the corporation and the applicant, and binds the corporation and the applicant.</p>		factors that are the subject of the appeal.	
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51	Manitoba Securities Commission	<p>The Securities Act, RSM 1988, c S50</p> <p>The Commodity Futures Act, CCSM c C152</p> <p>The Mortgage Brokers Act, CCSM c M210</p>	<p>The Director is the ODM</p> <p>s 22(4)</p>	<p>Review of Director's action</p> <p>29(1) Any person or company affected by a direction, decision, order or ruling of the Director given or made under this Act or any other Act of the Legislature may, within 30 days after the direction, decision, order or ruling is made, apply to the commission for a review. On receiving the application, the commission must conduct a hearing.</p> <p>Power on review</p> <p>29(2) Upon a hearing and review, the commission may by order confirm, quash, or vary, the direction, decision, order or ruling under review, or make such other direction, decision, order or ruling as the commission deems proper.</p>	<p>Appeal to the Court of King's Bench under <i>The Mortgage Brokers Act</i>, CCSM c M210</p> <p>Application to court by person affected</p> <p>35(4) Any person affected by a direction given under subsection (1), whether named therein or not, if in doubt as to the application of the direction in respect of any funds, securities or moneys, or in the case of a claim being made against the funds, securities or moneys, may apply to the Court of King's Bench, which may direct the disposition of the funds, securities or moneys and may make such order as to costs as may seem just.</p> <p>Appeal under <i>The Real Estate Services Act</i>, CCSM c R21</p> <p>Application to Court of King's Bench re claim to trust money</p> <p>43(1) A person who claims to be entitled</p>	<p>Leave to appeal</p> <p>30(1.1) An appeal under subsection (1) may be made only with leave obtained from a judge of The Court of Appeal.</p> <p>Submission of question of law</p> <p>31(1) Where, in the course of the administration of this Act or of any other Act of the Legislature administered by the commission, or of the exercise of any powers conferred upon the commission by this or any other Act of the Legislature, any question of law arises which, in the opinion of the commission, ought to be determined by a Court, the commission may apply by notice of motion to a judge of the Court of King's Bench to have the question determined.</p>	<p>Commission party to appeal</p> <p>30(5) The commission is a party to any appeal taken under this section, and is entitled to be heard, by counsel or otherwise, upon the appeal.</p> <p>Commission may make further direction</p> <p>30(7) Notwithstanding an order of the Court under this section, the commission may make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances, and every such direction, decision, order or ruling is subject to this section.</p> <p>Privative Clause under <i>The Commodity Futures Act</i>, CCSM c C152:</p> <p>Registering commission</p>
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APPENDIX C -TRIBUNAL INVENTORY

					<p>to money and earned interest held by the commission under section 42 and disagrees with the commission's decision</p> <p>(a) to refuse to pay all or some of it to the person; or</p> <p>(b) to pay some or all of it to another person;</p> <p>may apply to the Court of King's Bench for a decision regarding the person's entitlement to the money and earned interest within 30 days after becoming aware of the commission's decision.</p> <p>Court may make appropriate order</p> <p>43(2) On an application under subsection (1), the court may make any order it considers appropriate in the circumstances.</p> <p>Appeal to The Court of Appeal</p> <p>30(1) A person or company affected by a direction, decision, order or</p>	<p>order in Court of King's Bench</p> <p>62.1 If the commission has made an order authorized by this Act or the regulations after a hearing, the order may be registered in the Court of King's Bench and, once registered, may be enforced as if it were a judgment of that court.</p>
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					ruling of the commission given or made under this Act or under any other Act of the Legislature may appeal to The Court of Appeal.		
52	Mental Health Review Board	The Mental Health Act, CCSM c M110	The Review Board is the ODM Ss 30(1) & 49(1)	<p>Application to review Board by patient</p> <p>31(1) If a person authorized to make treatment decisions on a patient's behalf under subsection 28(1) makes a decision that is contrary to wishes the patient expressed in a health care directive, the patient may apply to the review Board for an order requiring his or her attending physician and the facility to comply with those wishes in administering treatment.</p>	<p>Notice of order and right to appeal</p> <p>56(2) The review Board shall give the patient and other parties a copy of its order and inform them of their right to appeal it to the Court.</p> <p>Appeal to Court</p> <p>59(1) A party to an application before the review Board may appeal an order of the review Board to the Court on a question of law or fact or both.</p> <p>Powers of Court on appeal</p> <p>59(3) On hearing an appeal, the Court may</p> <p>(a) make any order that in its opinion ought to have been made;</p> <p>(b) quash, vary or confirm the order of the review Board;</p>	<p>Applications</p> <p>50(1) The following applications may be made to the review Board:</p> <p>(a) an application by a patient to cancel an involuntary admission certificate filed under section 18 or a renewal certificate filed under section 21;</p> <p>(b) an application by a patient to review a physician's opinion under section 27 that the patient is not mentally competent to make treatment decisions;</p> <p>(c) an application by a patient under section 31 for an order requiring his or her attending physician and the facility to comply with wishes the patient expressed in a health care directive when administering treatment;</p>	<p>Second opinion</p> <p>55(2) For the purpose of a hearing, the review Board may arrange for the patient to be examined by a second psychiatrist.</p> <p>Appeal heard in private</p> <p>59(4) An appeal under this section shall be heard in private unless the Court directs otherwise.</p>

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					<p>(c) refer the matter back to the review Board for further consideration in accordance with any direction of the Court.</p>	<p>(d) an application by a patient to review a physician's opinion under section 40 that the patient is not competent to manage property;</p> <p>(e) an application by a patient to review the extension of a leave certificate under section 46;</p> <p>(f) an application by a patient to review the cancellation of a leave certificate under section 48;</p> <p>(g) an application by a physician under section 30 for an order authorizing specified treatment to be given to a patient;</p> <p>(h) an application by a medical director under section 34 for an order permitting all or part of a patient's clinical record to be withheld from the patient.</p>	
53	Mining Board	The Mines and Minerals Act, CCSM c M162	The Board is the ODM s 29(2)	Board order 29(12) For purposes of this Act, the Board shall render a written decision under subsection (10) or (11) as an order of the Board or shall, when rendering a written	Appeal of Board order 35(1) An order of the Board may be appealed to the Court of King's Bench upon the grounds that the Board	Grounds for appeal: 35(1) An order of the Board may be appealed to the Court of King's Bench upon the grounds that the Board (a) failed to observe a principle of natural justice;	Minister may request hearing 29(6) If the minister so requests, the Board must hold a hearing to determine a question, dispute, matter or claim

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				<p>decision under subsection (10) or (11), issue an order setting out the essentials of the decision of the Board.</p> <p>Board order final</p> <p>32 Subject to subsection 35(1), an order of the Board on a matter within its jurisdiction is final and binding unless varied by the Board.</p>	<p>(a) failed to observe a principle of natural justice;</p> <p>(b) acted beyond or refused to exercise its jurisdiction; or</p> <p>(c) made an error of law.</p>	<p>(b) acted beyond or refused to exercise its jurisdiction; or</p> <p>(c) made an error of law.</p>	<p>arising under this Act.</p>
54	Municipal Board	The Municipal Act, CCSM c M225	The Municipal Board is the ODM s.39(1)	<p>Review by Municipal Board</p> <p>89(1) If requested in writing by at least 25 voters of the municipality, The Municipal Board may review a by-law that divides a municipality into wards and establishes ward boundaries or a by-law that eliminates wards or changes the number of wards or the ward boundaries.</p>	<p>Power on review</p> <p>89(3) If on a review The Municipal Board is not satisfied that the by-law is appropriate, the Board may</p> <p>(a) refer the by-law back to the council for further consideration; or</p> <p>(b) require the council to amend the by-law as directed by the Board.</p> <p>Appeal</p> <p>96(1) The decision of a Court under section 95 may be appealed to The Court of Appeal.</p>	N/A	<p>Reinstatement</p> <p>96(3) If, on the final determination of the appeal, the disqualification is set aside, The Court of Appeal may reinstate the person as a member of the council for any unexpired portion of the term of office for which he or she was elected and require any person who has been elected to fill the balance of that term to vacate the office.</p>

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							<p>No reinstatement if term has expired</p> <p>96(4) If, on the final determination of the appeal, the disqualification is set aside but the term of office for which the person was elected has expired, the person must not be reinstated but is eligible to be elected at the next election in the municipality if otherwise qualified.</p>
55	Manitoba Public Utilities Board	The Public Utilities Board Act, RSM 1987, c P280	The Board is the ODM s 44(1)	<p>Power to order partial or other relief.</p> <p>44(1) Upon any application to it, the Board may make an order granting the whole or part only of the application or may grant such further or other relief in addition to or in substitution for that applied for, as fully and in all respects as if the application had been for such partial, further or other relief.</p>	<p>Grounds of appeal.</p> <p>58(1) An appeal lies from any final order or decision of the Board to The Court of Appeal upon</p> <p>(a) any question involving the jurisdiction of the Board; or</p> <p>(b) any point of law; or</p> <p>(c) any facts expressly found by the Board relating to a matter before the Board.</p>	<p>Leave to appeal.</p> <p>58(2) The appeal shall be taken only</p> <p>(a) by leave to appeal obtained from a judge of The Court of Appeal;</p> <p>(b) within one month after the making of the order or decision sought to be appealed from, or within such further time as the judge under special circumstances shall allow; and</p> <p>(c) after notice to the other parties stating the grounds of appeal.</p>	<p>Board to have powers of Court of Queen's Bench in certain matters.</p> <p>24(4) The Board, except as herein otherwise provided, as respects the attendance and examination of witnesses, the amendment of proceedings, the production and inspection of documents, the enforcement of its orders, the payment of costs, and all other</p>

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				<p>Review of orders.</p> <p>44(2) The Board may require a re-hearing of an application before making any decision thereon.</p> <p>Finality of orders.</p> <p>54 Subject only to the right of appeal for which provision is hereinafter made, and to subsection 44(3), every decision or order of the Board is final.</p>			<p>matters necessary or proper for the due exercise of its powers, or otherwise for carrying any of its powers into effect, has all such powers, rights, and privileges as are vested in the Court of Queen's Bench or a judge thereof.</p> <p>Hearings by single member.</p> <p>31(1) A single member may hear an application, petition, matter, or complaint, over which the Board has jurisdiction under this or any other Act of the Legislature; and after the hearing, the member shall report thereon fully to the Board; and the Board may thereupon deal with the application, petition, matter, or complaint, as if the hearing had been before the full Board.</p> <p>Interim orders ex parte.</p>
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							<p>45 The Board may, if the special circumstances of any case so require, make an interim ex parte order authorizing, requiring, or forbidding, anything to be done that the Board would be empowered on application, petition, notice, and hearing to authorize, require, or forbid; but no such order shall be made for any longer time than the Board deems necessary to enable the matter to be heard and determined, on such application, petition, notice or hearing.</p>
56	Office of the Commissioner for Adults Living with an Intellectual Disability Hearing Panel	<p>The Adults Living with an Intellectual Disability Act, CCSM c A6.1</p>	<p>The Executive Director is the ODM</p> <p>s.7</p>	<p>Decision by executive director</p> <p>15.1 When there is a dispute about a matter referred to in clause 16(1)(a) or (b), the executive director shall</p> <p>(a) make their decision in writing</p>	<p>Appeal to the Court of King's Bench</p> <p>Appeal from decision of commissioner</p> <p>147(1) An appeal to the Court may be made by a person referred to in subsection (2) from a decision of the commissioner made under this Part, other than a decision</p>	<p>Appeal with leave of Court</p> <p>147(3) In addition to those persons specified in subsection (2), any person with leave of the Court may appeal a decision of the commissioner referred to in subsection (1) to the Court.</p>	N/A

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				<p>and include reasons; and</p> <p>(b) advise each person referred to in subsection 16(2) of the right to appeal the decision to the appeal Board.</p> <p>Appeal to the Appeal Board</p> <p>16(2) An appeal to the appeal Board may be made by</p> <p>(a) the person for whom support services are requested; or</p> <p>(b) the person's substitute decision maker or committee.</p>	<p>(a) under subsection 50(3) or 85(3) to proceed to consider an application;</p> <p>(a.1) under section 51.1, 51.2, 86.1 or 86.2 as to whether or not to refer an application or part of an application to a hearing panel; or</p> <p>(b) [repealed] SM 2025, c 11, s 1;</p> <p>(c) under subsection 133(1), 134(1), 141(1) or 141(2) as to whether or not to refer a matter to a hearing panel.</p> <p>Powers of Court on appeal</p> <p>156(1) Except for an appeal referred to in subsection (2), the Court may</p> <p>(a) set aside, vary or confirm the decision of the commissioner; or</p> <p>(b) make any decision that in its opinion the commissioner could have made.</p>		
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57	Office of the Manitoba Fairness Commissioner	The Fair Registration Practices in Regulated Professions Act, CCSM c F12	The Director is the ODM s 14(1) & (2)	<p>Internal review or appeal</p> <p>7(1) A regulated profession must provide an internal review of, or appeal from, its registration decisions within a reasonable time.</p> <p>Review of registration practices</p> <p>15(1) In accordance with the regulations, every regulated profession must undertake a review of its registration practices at times specified by the director to ensure that they comply with the Fair Registration Practices Code, and must file a report on the results with the director by the dates specified by the director.</p> <p>Review by director</p> <p>15.1(1) The director may, on the director's own initiative, review the registration</p>	No external appeal mechanism	N/A	N/A
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				practices and any proposed changes to the registration practices of regulated professions — including their use of third parties to assess qualifications of applicants — for the purpose of determining compliance with the requirements of this Act.			
58	Residential Tenancies Commission	The Residential Tenancies Act, CCSM c.R119	The Residential Tenancies Commission is the ODM <u>145(1)</u> The Residential Tenancies Commission is established as a specialist tribunal to hear appeals from decisions and orders of the director under this Act, including applications requesting leave of the commission to hear certain appeals.	Appeal to the Commission <u>161(1)</u> Except if leave to appeal is required under subsection 160.2(1), or as otherwise provided in this Act or any other Act, any person directly affected by a decision or order of the director may appeal the decision or order to the commission. Powers of commission on appeal <u>170(1)</u> After holding a hearing with respect to an appeal, the commission may	Reference to Court of Appeal <u>174(1)</u> The commission may, of its own motion or on the application of a party to an appeal, state a case in writing for the opinion of the Court of Appeal on a question of law or jurisdiction. Decision to apply to Court <u>180(5.1)</u> A decision of the director under clause (4)(a) to make application to the Court is final and not subject to appeal.	N/A	N/A

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				<p>(a) confirm, vary or rescind the decision or order of the director; or</p> <p>(b) make any decision or order that the director could have made.</p> <p>Appeal to commission</p> <p>181(1) If the director decides under clause 180(4)(a) not to make application to the Court, any person or local authority entitled under clause 180(4)(b) to receive notice of the director's decision may appeal the decision by filing a notice of appeal in writing with the commission within 14 days after receiving the notice, or within such further time as the commission permits</p>			
59	Resource Tourism Appeals Committee	The Resource Tourism Operators Act, CCSM c R119.5	The Administrator is the ODM 2(1) The minister shall appoint a person from within the department through which this Act is administered as	<p>Appeal committee</p> <p>Decision on appeal</p>	<p>The Court of King's Bench</p> <p>Decision final</p> <p>19(3) The appeal committee's decision is final. This</p>	N/A	<p>Appeal committee procedure</p> <p>17(5) The appeal committee may establish its own</p>

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			Administrator of Resource Tourism.	<p>19(1) After a hearing, the appeal committee may</p> <p>(a) quash, vary or confirm the decision under appeal; or</p> <p>(b) substitute any decision that could have been made in the first instance.</p>	subsection does not preclude an application to the Court of King's Bench for judicial review.		rules of practice and procedure.
60	Social Services Appeal Board	The Social Services Appeal Board Act, CCSM c S167	The Appeal Board is the ODM s 8	<p>Appeal to appeal Board</p> <p>13(5) A person may appeal the following decisions of the licensing authority to the appeal Board:</p> <p>(a) the licensing authority's refusal to grant or renew a letter of approval or licence;</p> <p>(b) the licensing authority's issuance of a provisional letter of approval or a provisional licence;</p> <p>(c) the licensing authority's cancellation or suspension of a</p>	No external appeal mechanism.	N/A	The Social Services Appeal Board ensures that decisions made by the Department of Families are fair and equitable. The committee hears appeals for adoption agency licensing, child care facility licensing, child care licensing and subsidies, child care qualifications certifications, income assistance, Rent Assist, 55 Plus, the Manitoba Prenatal Benefit, residential care facility licensing and Community Living disability Services. The committee reports

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				letter of approval or licence.			to the Minister on any matter referred to it, including matters that may be prescribed by the Lieutenant Governor in Council.
61	Surface Rights Board	The Surface Rights Act, SM 1987-88, c 62	<p>The Surface Rights Board is the ODM</p> <p>See sections 6 and 10 respectively for the establishment of the Board and their powers.</p>	<p>Powers of Board following hearing</p> <p>25(4) On the date fixed under subsection (1) for a hearing, the parties involved are entitled to appear before the Board and to be represented by counsel; and the Board may, after consideration of all the evidence adduced before it at the hearing, issue an order</p> <p>(a) granting part or all of the order applied for;</p> <p>(b) refusing part or all of the order applied for;</p> <p>(c) fixing the compensation to be paid by an operator;</p> <p>(d) awarding interest at a rate established by the regulations;</p>	<p>The Court of Appeal</p> <p>Leave to appeal</p> <p>48(4) An appeal shall be brought only</p> <p>(a) by leave of a judge of the Court of Appeal;</p> <p>(b) within one month after the making of the Board order being appealed or within such greater period as the judge granting leave may consider appropriate in the circumstances of each case; and</p> <p>(c) after notice to the other party and the Board stating the grounds of appeal.</p>	<p>Grounds of appeal</p> <p>48(1) An order of the Board may be appealed to the Court of Appeal upon the grounds that the Board</p> <p>(a) failed to observe a principle of natural justice;</p> <p>(b) acted beyond or refused to exercise its jurisdiction; or</p> <p>(c) made any other error of law.</p>	N/A

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				<p>(e) where rights are granted, specifying those rights in detail, including the location of the access to a site, together with a full description or a plan of the land involved in the order; or</p> <p>(f) prescribing the terms and conditions that go with the order.</p> <p>Board orders final</p> <p>48(2) An order of the Board, insofar as, and to the extent that, it grants a right of entry to an operator or determines an amount of compensation, is final and not subject to appeal except in accordance with subsection (1).</p>			
62	Veterinary Services Commission	The Veterinary Services Act, CCSM c V50	<p>The Commission is the ODM.</p> <p>15 The commission has the powers, and shall discharge the duties, for which provision is made herein and in the regulations; and shall discharge such other duties as may be required of it by the minister.</p>	<p>Appeal</p> <p>21.2(1) A Board, a member of a Board or a veterinarian may appeal a determination or decision of the commission by</p>	No external appeal mechanism.	N/A	N/A

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				<p>filing a notice of appeal with the minister within 30 days after the Board or veterinarian is notified of the determination or decision.</p> <p>Appeal Board</p> <p>21.2(2) Within 30 days after a notice of appeal is filed, the minister shall appoint an appeal Board consisting of not fewer than three and not more than five persons to hear the appeal.</p> <p>Decision</p> <p>21.2(6) On concluding the appeal, the appeal Board may</p> <p>(a) confirm the determination or decision of the commission; or</p> <p>(b) make any other determination or decision the commission could have made, subject to any terms and conditions that the appeal Board</p>			
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				considers appropriate.			
63	Workers Compensation Appeal Commission	The Workers Compensation Act, CCSM c W200 Appeal Commission Rules of Procedure	<p>The Board of Directors is the ODM</p> <p>s 60.1(1)</p>	<p>Appeal Commission</p> <p>60.2(1) There is hereby established an appeal commission, to be known as the Appeal Commission, to be appointed by the Lieutenant Governor in Council on the recommendation of the minister, and consisting of</p> <p>(a) one or more appeal commissioners representative of the interests of workers;</p> <p>(b) one or more appeal commissioners representative of the interests of employers; and</p> <p>(c) one or more appeal commissioners representative of the public interest, one of whom shall</p>	<p>No External Appeal.</p> <p>Finality of decision</p> <p>60.10(3) A decision of the Chief Appeal Commissioner under this section is final and conclusive.</p>	N/A	<p>The WCB Appeal Commission previews file documentation on cases referred by the Chief Appeal Commissioner prior to the panel convening. Participates as a member of a tripartite panel either in a review meeting of the panel or through attendance at hearings as a panel member.</p>

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				<p>be designated as Chief Appeal Commissioner.</p> <p>Jurisdiction of appeal commission</p> <p>60.8(1) Subject to section 60.9, the appeal commission has exclusive jurisdiction to examine, inquire into, hear and determine all matters and questions arising under this Part in respect of</p> <p>(a) appeals under subsection 60.1(5);</p> <p>(b) determinations under subsection 60(5);</p> <p>(b.1) appeals of administrative penalties under section 109.7;</p> <p>(c) any matter referred to it by the Board of Directors.</p> <p>Rehearing of appeal</p> <p>60.9(1) If the Board of Directors considers that the</p>			
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				<p>appeal commission has not, in making a decision, properly applied this Act, the regulations or a Board policy, it may, in writing,</p> <p>(a) stay the decision; and</p> <p>(b) refer the matter back to the appeal commission to be reheard by a panel of three commissioners who did not participate in the decision.</p> <p>Not a further level of appeal</p> <p>60.9(2) This section does not establish a further level of appeal.</p> <p>However, the Board may make policies re review</p> <p>60.9(3) The Board of Directors may make policies to define the circumstances under which it will review decisions of the appeal commission.</p>			
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				<p>Reconsideration by appeal commission</p> <p>60.10(1) A person who is directly interested in a decision of the appeal commission may apply to the Chief Appeal Commissioner for an order directing reconsideration of the decision on the ground that new evidence has arisen or has been discovered since the hearing.</p>			
64	Workers Compensation Board – Board of Directors	The Workers Compensation Act, CCSM c W200	<p>The Board of Directors is the ODM</p> <p>s60.1(1)</p>	<p>Appeal Commission</p> <p>60.2(1) There is hereby established an appeal commission, to be known as the Appeal Commission, to be appointed by the Lieutenant Governor in Council on the recommendation of the minister, and consisting of</p> <p>(a) one or more appeal commissioners representative of</p>	<p>No External Appeal.</p> <p>Finality of decision</p> <p>60.10(3) A decision of the Chief Appeal Commissioner under this section is final and conclusive.</p>	N/A	N/A

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				<p>the interests of workers;</p> <p>(b) one or more appeal commissioners representative of the interests of employers; and</p> <p>(c) one or more appeal commissioners representative of the public interest, one of whom shall be designated as Chief Appeal Commissioner.</p> <p>Jurisdiction of appeal commission</p> <p>60.8(1) Subject to section 60.9, the appeal commission has exclusive jurisdiction to examine, inquire into, hear and determine all matters and questions arising under this Part in respect of</p> <p>(a) appeals under subsection 60.1(5);</p> <p>(b) determinations under subsection 60(5);</p>			
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				<p>(b.1) appeals of administrative penalties under section 109.7;</p> <p>(c) any matter referred to it by the Board of Directors.</p> <p>Rehearing of appeal</p> <p>60.9(1) If the Board of Directors considers that the appeal commission has not, in making a decision, properly applied this Act, the regulations or a Board policy, it may, in writing,</p> <p>(a) stay the decision; and</p> <p>(b) refer the matter back to the appeal commission to be reheard by a panel of three commissioners who did not participate in the decision.</p> <p>Not a further level of appeal</p> <p>60.9(2) This section does not establish a further level of appeal.</p>			
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				<p>However, the Board may make policies re review</p> <p>60.9(3) The Board of Directors may make policies to define the circumstances under which it will review decisions of the appeal commission.</p> <p>Reconsideration by appeal commission</p> <p>60.10(1) A person who is directly interested in a decision of the appeal commission may apply to the Chief Appeal Commissioner for an order directing reconsideration of the decision on the ground that new evidence has arisen or has been discovered since the hearing.</p>			
65	Tax Appeals Commission	The Tax Appeals Commission Act, CCSM c T3	The Chief Commissioner is the ODM s 4(1)	<p>Powers of commission</p> <p>6(1) The commission may with respect to a matter assigned to it</p>	No external appeal mechanism	N/A	N/A

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				<p>(a) in its discretion make such investigation and inquiry as it considers appropriate;</p> <p>(b) by notice require any person or the government to give evidence or to produce documents in evidence or, if a document is stored in electronic form, a copy of the document, within such time, not less than 10 days, as is specified in the notice; and</p> <p>(c) require any evidence before it to be given under oath or affirmation.</p> <p>Panel</p> <p>9 The chief commissioner may authorize one member to sit as a panel with respect to a matter assigned to the commission and to exercise the powers and perform the duties of the commission with respect to</p>			
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				that matter and the decision of the member so authorized is a decision of the commission.			
66	Université De saint-Boniface board of Governors	<i>The Université de Saint-Boniface Act, CCSM c U50</i>	The Board is the ODM	<p>Powers of the board</p> <p>13(2) Without limiting subsection (1), the board may</p> <p>(e) establish rules and procedures for the conduct of its own proceedings, including establishing standing and other committees and determining when and in what manner meetings of the board and standing committees may be held, and fixing a quorum;</p> <p>Powers of the senate</p> <p>23(2) Without limiting subsection (1), the senate may</p> <p>(j) hear and determine any appeals by students concerning their</p>	No external appeal mechanism.	N/A	N/A

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				<p>academic standing that the senate considers appropriate;</p> <p>(k) consider and make recommendations to the board about any other matter that the senate considers appropriate for achieving the purposes of the university.</p>			
67	University College of The North Governing Council	The University College of the North Act, CCSM c U55	<p>The Governing Council is the ODM</p> <p>s 10(1.1)</p>	<p>By-laws — general</p> <p>11(2) The Governing Council may make by-laws respecting the calling of its meetings and regulating the conduct of business at them, and generally, regulating the conduct of its business and affairs.</p>	No external appeal mechanism mentioned in the Act	N/A	<p>Powers of Learning Council</p> <p>14(3) Without limiting subsection (1), the Learning Council may (c) make rules and establish procedures for appeals by students on admissions and academic matters, and to establish a final appeal tribunal for these appeals;</p>
68	University of Manitoba Board of Governors	The University of Manitoba Act, CCSM c U60	Board of Governors is the ODM	<p>Powers of board</p> <p>16(1) The board may exercise in the name of, and on behalf of, the university, and as the act and deed of the university, any or all of the</p>	No external appeal mechanism mentioned in the Act.	N/A	N/A

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				<p>powers, authorities and privileges, by this Act or any other Act conferred on the university as a body corporate; and, without in any manner limiting its full power and authority, the board may</p> <p>(d) exercise disciplinary jurisdiction over the students of the university, with power to fine, suspend or expel;</p> <p>(h) hear appeals from any decision of any officer, body or organization, of or in the university, by any person affected thereby, and decide finally upon all matters of university policy; and</p> <p>Plenary power without recommendation</p> <p>17 Where the power is given to the senate, or to any other body or person, to make recommendations to the board in</p>			
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				<p>relation to any matter, the board may, of its own motion and without any recommendation, exercise its plenary powers in relation to the matter.</p> <p>Powers of senate</p> <p>34(1) The senate has general charge of all matters of an academic character; and, without restricting the generality of the foregoing, the senate shall</p> <p>(v) hear and determine appeals from the decisions of the faculty or school councils, upon applications, requests or petitions by students or others;</p>			
69	University of Winnipeg Board of Regents	The University of Winnipeg Act, CCSM c.U70	The Board of Regents is the ODM s 12(1)	<p>Powers of the senate</p> <p>24(2) Without limiting subsection (1), the senate may</p> <p>(h) hear and determine any appeals by students</p>	No external appeal mechanism mentioned in the Act	N/A	N/A

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				<p>concerning their academic standing that the senate considers appropriate;</p> <p>Appeals</p> <p>15(1) The board may, on the application of any interested party, hear an appeal from a decision of an officer or body appointed, elected or established by the university.</p> <p>Exception</p> <p>15(2) Subsection (1) does not apply to the decisions of an autonomous organization or group merely because some or all of its members are staff or students of the university.</p> <p>No application to the senate</p> <p>15(3) Subsection (1) does not permit the board to hear an appeal from a decision of the senate relating to a matter specifically</p>			
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				assigned to the senate by this Act.			
70	Canadian Mennonite University Board of Governors	The Canadian Mennonite University Act, CCSM c C10	The Board of Governors is the ODM s 10(1)	<p>Powers of board</p> <p>10(1) The board may exercise in the name of, and on behalf of, the corporation any or all of the powers, authorities and privileges conferred by this or any other Act on the corporation as a body corporate and, without limiting the generality of the foregoing, the board may</p> <p>(d) exercise disciplinary jurisdiction over the students of the corporation, with power to suspend or expel for cause;</p> <p>Appeals</p> <p>11(1) The board may, on the application of any interested party, hear an appeal from a decision of an officer or body appointed,</p>	No external appeal mechanism mentioned in the Act.	N/A	N/A

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				<p>elected or established by the corporation.</p> <p>Exception</p> <p>11(2) Subsection (1) does not permit the board to hear an appeal from a decision of the senate relating to a matter specifically assigned to the senate by this Act.</p>			
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