



Date: 20260409

Docket: T-3847-25

Ottawa, Ontario, April 9, 2026

PRESENT: Mr. Associate Judge Shannon
Case Management Judge

BETWEEN:

PATRICK LINDSAY BLAIR

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

ORDER AND REASONS

[1] The Applicant, a Canadian Ranger in the Canadian Armed Forces (CAF), seeks disclosure of extensive sets of documents pursuant to Rules 317 and 318 of the *Federal Courts Rules*, SOR/98-106 [*Rules*]. His document requests are set out in his notice of application and attached as an annex below. The Respondent objects to requests (b) through (y), claiming that it has already transmitted the full certified tribunal record (CTR) that was before the decision maker whose decision is the subject of judicial review in these proceedings.

[2] There are two issues before the Court: 1) whether the CTR as transmitted on December 12, 2025, includes complete versions of documents that were before the decision maker at the

time the decision under review was taken; and 2) whether the Applicant is entitled to receive additional documents that were not before the decision maker, based on reasonable apprehension of bias claims and alleged breaches of procedural fairness.

[3] For the reasons that follow, the motion is allowed in part.

I. The Relevant Law

[4] Rule 317 permits a party to request material relevant to their application for judicial review that is in the possession of the tribunal whose order is the subject of the application:

317(1) A party may request material relevant to an application that is in the possession of a tribunal whose order is the subject of the application and not in the possession of the party by serving on the tribunal and filing a written request, identifying the material requested.

317(1) Toute partie peut demander la transmission des documents ou des éléments matériels pertinents quant à la demande, qu'elle n'a pas mais qui sont en la possession de l'office fédéral dont l'ordonnance fait l'objet de la demande, en signifiant à l'office une requête à cet effet puis en la déposant. La requête précise les documents ou les éléments matériels demandés.

[5] The “tribunal” in question in this proceeding is the Final Authority of the Canadian Forces Grievance Authority (Final Authority), who issued the decision under review on September 17, 2025.

[6] Rule 317 is a “limited purpose tool to obtain an administrator’s record on a judicial review” (*Canada (Health) v Preventous Collaborative Health*, 2022 FCA 153 at para 10). The general rule is that the tribunal (here, the Final Authority) must produce only the material that was before it when it made its decision in order to ensure “that the reviewing court has access to

the same record and information as did the original decision-maker” (*China Mobile Communications Group Co, Ltd v Canada (Attorney General)*, 2023 FCA 202 [*China Mobile*] at para 38).

[7] Accordingly, documents that were before the Final Authority and that are relevant to the application must be disclosed under Rules 317 and 318. Relevant materials are those that are responsive to the grounds and relief as set out in the notice of application (*China Mobile* at para 40; *Canada (Attorney General) v Iris Technologies Inc*, 2021 FCA 244 [*Iris Technologies*] at para 40). Material will be considered relevant if it is able to affect the Court’s decision regarding the impugned decision under review (*Canada (Human Rights Commission) v Pathak (CA)*, [1995] 2 FC 455, 1995 CanLII 3591 at p 460, as cited by *Iris Technologies* at para 37).

[8] When it is alleged that the “tribunal” that made the decision under review displayed a reasonable apprehension of bias or breached the procedural fairness rights of the applicant, the scope of materials subject to disclosure under Rules 317 and 318 may be broader. This increased scope ensures that the Court will have the evidence necessary for the disposition of these claims (*Jewish National Fund of Canada Inc v Canada (National Revenue)*, 2025 FCA 114 at para 13). Accordingly, in this case, if the Applicant’s notice of application alleges that the Final Authority displayed a reasonable apprehension of bias or breached the Applicant’s procedural fairness rights, documents relevant to such allegations must be disclosed (*Ron W Cameron Charitable Foundation v Canada (National Revenue)*, 2023 FCA 175 [*Ron W Cameron*] at para 26).

[9] It must be noted, however, that Rule 317 is not akin to discovery in a civil action: it is more limited in scope (*Ron W Cameron* at para 48; *Tsleil-Waututh Nation v Canada (Attorney General)*, 2017 FCA 128 [*Tsleil-Waututh Nation*] at para 115). Rule 317 cannot be used in hopes

of finding relevant material to support otherwise unsubstantiated grounds of judicial review. In other words, fishing expeditions are not permitted (*Maax Bath Inc v Almag Aluminum Inc*, 2009 FCA 204 at para 15; *Canadian National Railway Company v Canada (Transportation Agency)*, 2023 FCA 245 at para 15; *Tsleil-Waututh Nation* at paras 106-108).

II. Analysis

[10] As noted above, there are two issues before me: 1) does the CTR that was transmitted on December 12, 2025, include complete versions of all documents that were before the Final Authority when it made its decision on September 17, 2025; and 2) should the Court, relying on Rules 317 and 318, compel the Respondent to produce the additional documents requested by the Applicant based on claims of bias and breaches of procedural fairness rights. I will address both issues in turn.

A. *Documents that were before the Final Authority when the September 17, 2025 decision was made*

[11] Rule 317 requires that the “tribunal” that issued the decision under review (here, the Final Authority) disclose all relevant documents that were in its possession when the decision was made. Except in relation to claims of bias or procedural fairness (which will be addressed below), the Applicant is not entitled to documents other than those that are both relevant and were “in the possession” of the Final Authority at the time it made its decision (*Right to Life Association of Toronto and Area v Canada (Employment, Workforce and Labour)*, 2019 CanLII 9189 (FC) at paras 17-21).

[12] On December 12, 2025, the Final Authority transmitted its CTR to the Applicant and to the Court. The CTR is accompanied by a certification, signed by Mr. Gordon Prieur, Senior

Policy Advisor at Canadian Forces Grievance Authority, certifying that the documents included in the CTR “are true copies of all the materials that were in the possession of the tribunal, whose decision to dispose of the Applicant’s grievance dated 3 February 2021 is at issue in the current application for judicial review”.

[13] By way of his submissions on this motion, the Applicant asserts that the CTR, as transmitted on December 12, 2025, is inadequate. Specifically, he claims incomplete disclosure in relation to his document requests (l), (m), (o), (p) and (q) (as listed in his notice of application at pages 168-171).

[14] Regarding document requests (l), (m), (o) and (p), the dispute between the parties centres on redactions that appear in the CTR at pages 0697-0698. This document appears to be an email and its attachment. The attachment is entitled “Statement Dated 17 September 2020”. Significant portions of the attachment are redacted. The Applicant contests these redactions and seeks unredacted versions of the emails at page 0697 and of the “Statement”.

[15] In its submissions on the motion, Respondent’s counsel asserts that the “unredacted documents were not in the CTR and were not before the Final Authority”. This argument is significant because, as noted above, the Applicant is not entitled to documents other than those that are both relevant and were “in the possession” of the Final Authority at the time it made its decision (*Right to Life Association of Toronto and Area v Canada (Employment, Workforce and Labour)*, 2019 CanLII 9189 (FC) at paras 17-21). By extension, if the Final Authority did not have access to the information under the redactions, the Applicant is not entitled to disclosure of that information.

[16] However, the certification accompanying the CTR does not support the Respondent's assertion. Rather, the certification enumerates approximately 360 redacted pages in the CTR, where the redactions allegedly cover irrelevant personal information: "An objection pursuant to Rule 318(2) of the *Federal Courts Rules* is made to protect personal information that is clearly irrelevant to the issues in this application, which has been severed." Pages 0697-0698 are not among the pages listed in the certification.

[17] In fact, the certification does not provide any information regarding the redactions in CTR pages 0697-0698. More specifically, the certification does not confirm that only the redacted versions of documents at CTR pages 0697-0698 were before the Final Authority when it rendered its decision in this case.

[18] Accordingly, I will order the Respondent to file an amended CTR. The amended CTR must either include the documents at CTR pages 0697-0698 in an unredacted form or a certification that affirms that these documents appear exactly as they did when they were in the possession of the Final Authority at the time the decision under review was rendered.

[19] Regarding document request (q), the Applicant has provided insufficient information to adjudicate his request. In his submissions on reply, the Applicant states: "This document is in the CTR, but is excessively redacted and should have been included in the CTR complete and unredacted." The Applicant has failed to specify where in the CTR the responsive document appears. The CTR is 1,263 pages in length, and the Court is unable to determine the document to which the Applicant is referring. The Court therefore dismisses the Applicant's request in relation to document request (q).

[20] Finally, to the extent that document requests (l), (m), (o), (p) and (q) also seek documents that were not in the possession the Final Authority when it rendered its decision, such requests are included in the analysis below.

B. *Additional documents requested based on procedural fairness and bias claims*

[21] As set out above, an applicant may be entitled to more extensive disclosure under Rule 317 where an allegation of a reasonable apprehension of bias or a breach of procedural fairness is made (*Ron W Cameron* at para 26). Even where just allegations are raised, the Court retains “full discretion over whether or not to order the transmission of requested material” (*Gagliano v Canada (Commission of Inquiry into the Sponsorship Program and Advertising Activities)*, 2006 FC 720 [*Gagliano*] at para 51, appeal dismissed at 2007 FCA 131).

[22] Such bias or procedural fairness allegations must be made in relation to the tribunal that made the administrative decision under review (here, the Final Authority) (*Gagliano* at para 50). Allegations of procedural fairness breaches or bias by the original decision maker (here, LCol L.A. Meades, who issued the Recorded Warning on December 8, 2020) do not justify additional disclosure. Only bias or procedural fairness allegations leveled specifically at the Final Authority will justify an expanded scope of disclosure under Rule 317.

[23] Furthermore, the documents requested must be relevant to specific bias or procedural fairness claims that are set out in the notice of application (*Gagliano* at para 52). The text of the notice of application is therefore of central importance.

[24] In this case, the Applicant’s notice of application is a 169 single-spaced page document. Despite the requirement in Rule 301(e) that a notice of application include a “complete and

concise statement of the grounds intended to be argued” [emphasis added], the Applicant’s grounds of review span 280 densely worded paragraphs. The notice of application is both difficult to follow and hard to understand.

[25] In his submissions on this motion, the Applicant has not pinpointed any specific ground of review or paragraph in his notice of application that alleges a breach of his procedural fairness rights by the Final Authority or a reasonable apprehension of bias on the part of the Final Authority.

[26] It is the Respondent, rather than the Applicant, who notes that at paragraph 277 of the notice of application, the Applicant claims that the Final Authority’s decision was excessively delayed and not delivered in a timely fashion. However, on this motion, the Applicant has not argued that any of his document requests are specifically relevant to the issue of timeliness and delay by the Final Authority. On their face, none of document requests (b) to (y) provide any indication of their relevance to this specific procedural fairness issue.

[27] Therefore, I am not persuaded that the documents requested via document requests (b) to (y), which were not before the Final Authority when it made its decision, are relevant to the Applicant’s procedural fairness claims as they are found in his notice of application. Disclosure of documents from document requests (b) to (y) is not justified on grounds of procedural fairness.

[28] Regarding allegations of a reasonable apprehension of bias on the part of the Final Authority, the Court cannot find any such allegation in relation to the Final Authority anywhere in the Applicant’s notice of application. Moreover, in his submissions on the motion, the Applicant has not identified any such allegation in the notice of application. Accordingly,

disclosure of documents from document requests (b) to (y) is not justified on grounds of a reasonable apprehension of bias, as no such ground of review has been identified in the notice of application.

III. Costs

[29] In the exercise of my discretion, each party shall bear its own costs of this motion.

ORDER in T-3847-25

THIS COURT ORDERS that:

1. The Applicant’s motion in relation to document requests (l), (m), (o) and (p) is granted in part. By no later than April 30, 2026, the Respondent shall file an amended certified tribunal record (CTR) with the redactions at pages 0697-0698 lifted or that is accompanied by a certification confirming that all documents in the CTR are produced in an identical form to those that were in the possession of the Final Authority when it rendered the decision under review.
2. The Applicant’s motion in relation to all other Rule 317 document disclosure requests set out in his notice of application, is dismissed.
3. By no later than May 1, 2026, the parties shall confer and shall provide the Court with a jointly proposed schedule for next steps in this proceeding.
4. Each party shall bear its own costs of this motion.

“Kirk G. Shannon”

Case Management Judge

ANNEX A

Document requests set out in the Applicant's notice of application (pp 168-171):

- (a) The Certified Tribunal Record of all material considered by the Final Authority in rendering their decision.
- (b) Canada Border Services Agency reporting of, and RCMP Police Reporting and Occurrence System (PROS), and any other reporting of, the alleged incident where Canadian Ranger Kirk Riese attempted crossing of the Canada and USA border with firearms at Abbotsford BC on or about January-February 2019.
- (c) The complete unredacted La Ronge RCMP Detachment file # 20181881892 relating to the 21 December 2018 firearms threat complaint made by Canadian Ranger Kirk Riese (allegedly under tasking/orders from 4CRPG Acting Officer Commanding Michael Gilliard 17-18 December 2018) and all of the related RCMP communications with anyone with the 4th Canadian Ranger Patrol Group and/or Canadian Armed Forces.
- (d) The 11 June 2019 first alleged Notice of Intent to Release letter (which may have included a medical release 3B) sent to CR Kirk Riese (that was rescinded in the second Notice of Intent to Release letter sent to CR Kirk Riese on 19 June 2019 by Acting Commanding Officer Maj Geoff Robinson which allegedly indirectly targets CR Kirk Riese at Canadian Rangers Sgt Jim Searson, CR Tammy Cook-Searson, and 2IC MCPL Lindsay Blair).
- (e) The 01 August 2019 complete and unredacted two emails CR Kirk Riese sent to DND/CAF Ombudsman Robert Howard with subjects: 'was concerned about Lindsay

2IC' and 'again I did everything' along with any attachments, relating to 20-21 December 2018 firearms threat complaint to the RCMP.

- (f) The complete and unredacted representations and supporting statement documents (including related emails) from all of the 4CRPG Chain of Command and Headquarters staff relating to the 27 November 2020 Remedial Measure delivered to CR Blair, including from: LCol Russ Meades, DCO Maj Shawna Boyechko, GSM James Vogl, and Ranger Instructor Mike McCauley, as well as from then La Ronge Patrol Commander Jim Searson.
- (g) The complete and unredacted military grievance MG202820 submitted by CR Kirk Riese on or about 24 January 2019, that was submitted to 4CRPG Commanding Officer LCol Russ Meades, later submitted to DND/CAF Ombudsman Robert Howard, and which MG202820 specifically names Lindsay Blair in the grievance.
- (h) The complete and unredacted 21 August 2020 at 3:42 PM email RI Mike McCauley sent to Sgt Searson re: Election Points.
- (i) The complete and unredacted 14 September 10:12 AM email from PAO Lt Natasha Tersigni to DCO Maj Shawna Boyechko re: social media posts.
- (j) The complete and unredacted 15 September 2020 email from 4CRPG CSM James Vogl to 4CRPG HQ QMSI MWO Gord Cutting with subject Statement CSM Vogl.pdf
- (k) The complete and unredacted 15 September 2020 Statement CSM Vogl.pdf

- (l) The complete and unredacted 17 September 2020 email from 4CRPG Ranger Instructor Mike McCauley to CSM James Vogl with attachment Statement McCauley.pdf
- (m) The complete and unredacted 17 September 2020 Statement McCauley.pdf
- (n) All of the September 2020 emails by RI Mike McCauley discussing Kenn Borek Air, complete and unredacted.
- (o) The complete and unredacted 17 September 2020 email from RI Mike McCauley to 4CRPG QMSI Gord Cutting, discussing see attached for my statement on this summer's events, and all included attachments.
- (p) The complete and unredacted 18 September 2020 email RI Mike McCauley forwards to CSM James Vogl and any attachments.
- (q) The complete and unredacted 18 September 2020 6:08 PM email from LCol Russ Meades to Maj Shawna Boyechko, which copies GSM Dave Shultz, and MWO Gord Cutting, which includes "RM."
- (r) The complete and unredacted 30 November 2020 12:29 PM email from Chief Clerk and Company Harassment Advisor WO Dawn Rivard email to CSM James Vogl with subject Bullying, discussing CR Blair and CR Neil MacAuley, including discussing the allegations of CR Blair contacting former employers of CR Neil MacAuley.
- (s) The complete and unredacted 17 September 2020 email from Ranger Instructor Mike McCauley (to 4CRPG HQ) stating that on 28 August 2020 he received a phone call from

CR Neil MacAuley that CR Blair was allegedly reaching out to his former employer Kenn Borek Air.

- (t) The complete and unredacted alleged August-September 2020 investigation, mentioned by RI Mike McCauley in relation to the 28 August 2020 call from CR Neil MacAuley, to confirm the former CR MacAuley employer Kenn Borek Air allegations against CR Blair, and all related 4CRPG communications and discussions of such, especially noting any discussion of administrative actions, disciplinary actions or Remedial Measure against CR Blair.
- (u) From the 6 October 2020, Department of National Defence (DND) Tiger Team Investigation by Maj Lori Payne into 4CRPG the complete and unredacted final Report, including the interviews, recordings, transcripts and notes from: i) Patrol Commander Sergeant Jim Searson, ii) from Canadian Ranger Tammy Cook-Searson, iii) from CR Neil MacAuley, and iii) from CR Lindsay Blair
- (v) The complete and unredacted 8 October 2020 email from 4CRPG Adjutant Capt Krysta Savola to LCol Russ Meades discussing CR Lindsay Blair.
- (w) The complete and unredacted 23 March 2021 DCO Maj Shawna Boyechko email to Adjutant Capt Krysta Savola discussing that she found the original email that allegedly prompted the Remedial Measure of 27 November 2020 against CR Blair.
- (x) From November 2022, the 6th Intelligence Company Summary Investigation by MWO Chris Thombs with all complete and unredacted drafts and working versions of the Report, including the interviews, recordings, transcripts and notes from: i) Patrol

Commander Sergeant Jim Searson, ii) from Canadian Ranger Tammy Cook-Searson, iii) from CR Neil MacAuley, and iii) from CR Lindsay Blair.

- (y) The complete and unredacted 26 August 2025 excessively redacted ATIP from CAF P-2021-04582 (which was filed four years earlier on 17 January 2022), which requested all communications and documents relating the CR Neil MacAuley social media posting issues being addressed and then communicated to CR Blair.

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-3847-25

STYLE OF CAUSE: PATRICK LINDSAY BLAIR v ATTORNEY
GENERAL OF CANADA

**MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO
RULE 369 OF THE *FEDERAL COURTS RULES***

ORDER AND REASONS: ASSOCIATE JUDGE SHANNON

DATED: APRIL 9, 2026

WRITTEN REPRESENTATIONS BY:

Patrick Lindsay Blair

FOR THE APPLICANT
ON HIS OWN BEHALF

Julian Nahachewsky

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Attorney General of Canada
Saskatoon, Saskatchewan

FOR THE RESPONDENT