COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *Campbell v. The Bloom Group,* 2023 BCCA 84

Date: 20230221
Docket: CA48535

Between:

Ellen Campbell

Petitioner

And

The Bloom Group

Respondent

And

The Residential Tenancy Branch

Respondent

Corrected Judgment: The cover page was corrected on March 1, 2023.

Before: The Honourable Madam Justice Newbury
The Honourable Mr. Justice Hunter
The Honourable Mr. Justice Voith

On appeal from: An order of the Supreme Court of British Columbia, dated August 22, 2022 (*Campbell v. Residential Tenancy Branch*, 2022 BCSC 1733, Vancouver Docket S218854).

Counsel for the Appellant:	N.J. Muirhead J. Gray
Counsel for the Respondent, The Bloom Group:	B. Morley A.L. Colpitts
Place and Date of Hearing:	Vancouver, British Columbia January 23, 2023
Place and Date of Judgment:	Vancouver, British Columbia February 21, 2023

Written Reasons by:
The Honourable Mr. Justice Voith

Concurred in by:
The Honourable Madam Justice Newbury
The Honourable Mr. Justice Hunter

Summary:

The appellant appeals an order dismissing her petition for judicial review. The petition concerned a Notice to End Tenancy issued to the appellant by her landlord following numerous complaints from other tenants regarding her allegedly abusive and discriminatory behavior at the residence. At a Residential Tenancy Branch hearing, the arbitrator denied the appellant's request for an adjournment, in part because she said she had a hearing impairment. In the process of making wider adverse credibility findings against the appellant, the arbitrator expressed scepticism about whether her adjournment request was genuinely necessary or merely a delay tactic. On appeal, the appellant submitted these comments made the arbitrator's decision patently unreasonable or procedurally unfair.

HELD: Appeal dismissed.

At no point did the arbitrator make conclusory adverse credibility findings on the basis of the adjournment request itself. Rather, those findings were based on the parties' submissions and evidence as a whole. It was open to the arbitrator to consider whether the adjournment application was an effort to delay the proceedings, and it was not, in the context of this case, patently unreasonable or procedurally unfair for him to conclude this was the case.

Reasons for Judgment of the Honourable Mr. Justice Voith:

[1] The appellant, Ms. Campbell, appeals an order dismissing her petition for judicial review. The petition arose from her earlier application to the Residential Tenancy Branch (the "RTB") seeking to cancel the Notice to End Tenancy she had received from her landlord, the respondent, The Bloom Group. That notice was delivered because the respondent had received numerous documented complaints from other tenants reporting verbally abusive and discriminatory behaviour by the appellant.

[2] The RTB hearing was held by teleconference. At that hearing, Ms. Campbell sought an adjournment on various grounds including that she had a hearing impairment that impacted her ability to communicate over a telephone. The arbitrator who conducted the hearing did not grant the adjournment and expressed scepticism about the truthfulness and reliability of the appellant's submissions on the adjournment application. He thereafter viewed a number of video tapes that captured the appellant's interactions with other tenants, concluded that the

appellant's explanation of the events depicted on the videos was not credible and dismissed the appellant's Application for Dispute Resolution without leave to re-apply.

[3] The appellant now contends the arbitrator's decision was either patently unreasonable, or that he breached the principles of procedural fairness as a result of the credibility findings he made arising from the adjournment application. For the reasons that follow, I would dismiss the appeal.

General Background

[4] On November 1, 2016, the appellant entered into a residential tenancy agreement with the respondent, a not-for-profit housing service provider. On April 27, 2021 the respondent served the appellant with a one-month notice to end the tenancy agreement. In the notice, the respondent indicated that the grounds for terminating the tenancy agreement included that the appellant had "significantly interfered or unreasonably disturbed another occupant or the landlord", and "seriously jeopardized the health or safety or lawful right of another occupant or the landlord". Under the heading "Details of the Event(s)" the respondent indicated it had received 17 documented complaints from other tenants reporting verbally abusive and discriminatory behaviour by the appellant.

[5] On May 3, 2021, the appellant applied to the RTB for a Dispute Resolution proceeding pursuant to s. 47 of the *Residential Tenancy Act,* S.B.C. 2002, c.78 seeking to cancel the notice to end tenancy. On September 7, 2021, the matter was heard by teleconference before the arbitrator. The appellant attended the hearing with a lay advocate.

[6] At the outset of the hearing, the appellant requested an adjournment on several bases. One of them was that she had a hearing impairment causing her to have difficulty communicating over the phone.

[7] In written reasons dated September 9, 2021, the arbitrator dismissed the appellant's application and granted an Order of Possession to the respondent. In

those reasons he expressed scepticism about the “credibility and reliability” of the appellant’s grounds for seeking the adjournment. It is those statements that ground the present appeal.

[8] On September 20, 2021 the appellant’s application for reconsideration was dismissed by another RTB arbitrator. On October 15, 2021 the appellant filed a petition for judicial review. A judge in chambers granted an interim stay of the Order of Possession, pending the hearing of the judicial review.

[9] The petition was heard on August 22, 2022, and dismissed the same day. That petition raised numerous issues, none of which are contested in this appeal. Though the appellant accepts she did not explicitly raise the issues she now advances, she contends that she did raise the issue of the arbitrator’s reliance on her adjournment request in ultimately concluding that she lacked credibility. In any event, the respondent does not oppose the appellant’s right to raise the issues on appeal.

Grounds of Appeal

[10] The appellant contends the arbitrator erred:

i) “by making a patently unreasonable decision as a result of the credibility findings he made arising from the adjournment application”; and

ii) “by breaching the principles of natural justice and procedural fairness by the credibility findings he made arising from the adjournment application”.

Standard of Review

[11] The parties agree on the relevant principles concerning the standard of review. On appeal from a judicial review decision, the Court effectively steps into the shoes of the judge below: *Agraira v. Canada (Minister of Public Safety and Emergency Preparedness)*, 2013 SCC 36 at para. 46. Unless the chambers judge

was called upon to make an original finding of fact, the focus of the appeal is on the original administrative decision, rather than the reasons for judgment of the chambers judge on judicial review: *Crook v. British Columbia (Director of Child, Family and Community Service),* 2020 BCCA 192 at para. 35; *1193652 B.C. Ltd. v. New Westminster (City),* 2021 BCCA 176 at para. 41.

[12] On judicial review from a decision of the RTB, and by operation of s. 84.1 of the *Residential Tenancy Act*, s. 58(2)(a) of the *Administrative Tribunals Act,* S.B.C. 2004, c. 45 provides that an arbitrator's findings of fact or law or exercise of discretion cannot be interfered with unless they are patently unreasonable.

[13] A patently unreasonable decision has been described as "clearly irrational", "evidently not in accordance with reason", or "so flawed that no amount of curial deference can justify letting it stand": *Beach Place Ventures Ltd. v. Employment Standards Tribunal,* 2022 BCCA 147 at para.17, quoting from *Law Society of New Brunswick v. Ryan,* 2003 SCC 20 at para. 52.

[14] Where procedural fairness is invoked, s. 58(2)(b) of the *Administrative Tribunals Act* provides that all "questions about the application of common law rules of natural justice and procedural fairness must be decided having regard to whether, in all of the circumstances, the Tribunal acted fairly".

The Arbitrator's Reasons

[15] At the outset of the hearing, the appellant sought an adjournment on three grounds. First, she claimed she had not received the landlord's documentary and video evidence until August 28, 2021 and had not had sufficient time to review these materials.

[16] Second, she stated she had a hearing impairment which caused her difficulty in communicating over the phone. She advised the arbitrator she had recently seen an audiologist and was waiting for a report. She expressed that she had ongoing concerns with her hearing deficiency and had problems when people spoke quickly. Finally, she submitted she required an adjournment because she needed more time

to collect evidence and submit a more detailed response to the landlord's allegations.

[17] The landlord opposed the adjournment request arguing it was a "delay tactic".

[18] The arbitrator addressed each of the grounds the appellant relied on in her adjournment application. He found the respondent's evidence had been received in accordance with the prescribed time frames of the RTB's Rules of Procedure. He also said "it was apparent that the Tenant had viewed these videos prior to and during the hearing" and accordingly he was satisfied she had had "ample opportunity to respond to these videos in question".

[19] With respect to the submission that the appellant's hearing impairment supported the adjournment, the arbitrator observed the appellant had not provided "any medical documentation to corroborate any hearing impairment". He said further:

> ... I find it important to note that the Tenant exhibited no difficulties or delays in answering questions directed at her as her responses were immediate and forthright. In fact, the Tenant often interjected, without being addressed directly, when another party was speaking, which demonstrated that she exhibited no issues following the participants during the hearing. Furthermore, she acknowledged that she owns a device that she has used as a cell phone for the last few years, and she has no special accessory or attachment that is required to aid her with any hearing impairment. As well, at points during the hearing, she could be heard whispering to [her lay advocate] and it would seem reasonable to me that if she had difficulty hearing a person on the phone, communicating over hushed tones would be equally, if not more challenging.

[20] The arbitrator noted that he had told the appellant to advise him "if she believed that she had some concerns with hearing submissions during the hearing" so that the submissions could be repeated. He confirmed "there was no point during the 95-minute teleconference where the Tenant or [lay advocate] raised any concerns about a matter that may have gone unheard or was misunderstood".

[21] The arbitrator, in the context of the adjournment application, said:

> … when taking these observations above into consideration, and given that the Tenant advised on her own accord that a reason she requested an adjournment was to have more time to build her defence, I find [this causes]

> me to be dubious of the truthfulness and reliability of the Tenant's submissions on the whole. This clearly appeared to be an effort to delay the proceeding.

[22] After describing the oral and documentary evidence of the parties, as well as the contents of several videos, he said that "given the contradictory testimony and positions of the parties, I must also turn to a determination of credibility". He continued:

> I have considered the parties' testimonies, their content and demeanour, as well as whether it is consistent with how reasonable person would behave under circumstances similar to this tenancy. I note that as determined above, the Tenant's credibility was already in doubt from the outset of the hearing. Furthermore, when providing testimony, the Tenant was either vague or seemingly confused about the details in her responses to the Landlord's allegations.
>
> Moreover, I viewed some videos during the hearing simultaneously with the Tenant, and her descriptions of her actions depicted in the lobby and lounge videos, were inconsistent with what appeared to be her actual actions in those videos.

[23] The arbitrator then reviewed each of the videos before him, as well as the appellant's explanations for what had taken place in the videos, in some detail. In each instance he found that he did not accept the appellant's evidence. For example, in relation to one video the arbitrator said:

> In my view, the actions by the Tenant are unquestionably intentional, unnecessary, and a deliberate attempt to antagonize these people who were more likely than not in the lobby even before the Tenant arrived. I find that the Tenant's behaviour depicted in this video is consistent with the Landlord's documentary evidence that supports why the Notice was served.
>
> [Emphasis added.]

[24] Following his review of each video, and his findings in relation to the specific video, he summarized his conclusions:

> Based on my assessment of these videos, plus the video where the Tenant acknowledge[s] that she threatened a resident with being put in a "body bag", I am satisfied that the Tenant has purposefully engaged in a clear, consistent pattern of aggressive, profane, hostile, belligerent, unacceptable, increasingly threatening, and wholly inexcusable behaviour. I find that the Tenant's portrayal of her interactions is either fabricated or her perception of her interactions is skewed. As I am satisfied that the Tenant's inappropriate and

> malicious actions are more consistent with the Landlord's evidence, I find that I prefer the Landlord's evidence on the whole.
>
> [Emphasis added.]

Analysis

[25] The arbitrator denied the appellant's adjournment request and found the appellant was able to fully participate in the hearing. These findings are not challenged. The appellant argues, however, that the adjournment request played a "crucial role" in the arbitrator's assessment of her credibility. She argues this was fundamentally wrong, whether assessed from the point of view of patent unreasonableness or procedural fairness.

a) The arbitrator's use of the adjournment request in his assessment of credibility was patently unreasonable

[26] The appellant argues there was no evidence arising from the adjournment application that could impugn her credibility. She says such evidence did not "provide a rational basis for finding [the appellant] lacked credibility". There are several difficulties with these submissions.

[27] First, it is inaccurate to suggest that the arbitrator made any adverse credibility finding arising out of the adjournment application in either portion of his reasons that the appellant relies on. When the arbitrator first addressed this issue he commented that the various grounds for an adjournment raised by the appellant caused him to be "dubious of the truthfulness and reliability of the Tenant's submissions". Later he confirmed that he considered "the Tenant's credibility was already in doubt from the outset of the hearing" as a result of the positions she had advanced in the adjournment application.

[28] The arbitrator did not, however, make any adverse finding of credibility on account of the issues that arose during the adjournment application. The word "dubious" simply means "hesitating or doubtful": *Concise Oxford English Dictionary*, (11th ed. revised, Oxford University Press). Synonyms for the word "dubious" include "uncertain, unsure, hesitant, undecided, unresolved, sceptical, suspicious"; *Oxford*

Canadian Thesaurus, Oxford University Press. At most, the arbitrator was either unsure, sceptical or "in doubt" of the "truthfulness and reliability" of the various submissions made on behalf of the appellant during the adjournment application.

[29] Conversely, in dealing with each of the various videos he had viewed, the arbitrator invariably made express "findings" of fact that were adverse to the appellant. This is apparent in the portions of his reasons I have quoted and underlined, and elsewhere in his reasons.

[30] The question then becomes whether the arbitrator's uncertainty or scepticism of the appellant's "truthfulness and reliability", based on the submissions and evidence before him on the adjournment application, was patently unreasonable. Can it be said that this uncertainty was clearly irrational or not in accordance with reason? This leads to the second difficulty with the appellant's submission.

[31] The respondent had argued that the appellant's request for an adjournment was not made in good faith but rather was a "delay tactic". The appellant accepts it was appropriate for the arbitrator to address that submission.

[32] The arbitrator relied on a number of facts and circumstances to ground his scepticism or uncertainty. First, the appellant had argued she had insufficient time to review the respondent's evidence and was "not prepared to respond" to the videos she received.

[33] The arbitrator concluded the respondent's evidence had been delivered in accordance with prescribed requirements. He also concluded "it was apparent that the Tenant had viewed these videos prior to and during the hearing" and he was "satisfied that the Tenant had ample opportunity to respond to the videos in question".

[34] The appellant accepts these conclusions were open to the arbitrator. The fact that the arbitrator found the appellant had "ample time to respond", in circumstances where she had asserted she lacked the time to prepare, could properly cause the

arbitrator to be sceptical of the appellant's submissions. Certainly, such scepticism would not be irrational.

[35] Next, the arbitrator noted the appellant had failed to provide any medical evidence "corroborating that she suffered from a hearing condition that would preclude her from using the phone". Whether the absence of a medical note can properly cause a factfinder to be sceptical that an applicant has an impairment or disability, is likely a question of context. There will be some instances where the absence of such medical evidence simply means there is no objective support for the position being advanced by the applicant.

[36] There will, however, be other instances where the absence of such evidence, likely in combination with other circumstances, can reasonably cause a decision-maker to question the applicant's candour. In this case, the appellant's failure to provide a medical note in support of the adjournment was but one of several factors the arbitrator considered. The arbitrator's reliance on that failure as a basis to be sceptical of the appellant's reliability or credibility and in the circumstances of the application before him, was not clearly irrational.

[37] Next, the appellant had asserted that her hearing impairment "cause[d her] to experience difficulty communicating over the phone" and that she had "problems when people talk quickly". The arbitrator's interactions with the appellant during the adjournment application and the hearing itself were inconsistent with these assertions. He concluded the appellant exhibited "no difficulties or delays in answering questions directed at her" and that her responses were "immediate". The appellant again accepts these findings were open to the arbitrator. Relying on these observations or conclusions, which were inconsistent with the appellant's submissions, as a basis to question her reliability or credibility, was not clearly irrational.

[38] The arbitrator also referred to the fact that he had asked the appellant and her lay advocate to advise him if at any time she had difficulty hearing the submissions being made. He noted that neither the appellant nor her advocate expressed any

such concern during the hearing. The appellant argues these observations did not provide a rational basis for the arbitrator to be suspicious of her credibility. She accepts, however, that it was appropriate in principle for the arbitrator to look to her behaviour during the hearing to weigh the submission that she experienced difficulty communicating over the phone. She also accepts that it was open to him, in concept, to use that same evidence to weigh her credibility and reliability. In my view, it was not clearly irrational for the arbitrator to be uncertain of the appellant's candour or reliability in circumstances where she expressed that she experienced difficulty communicating over the phone and thereafter exhibited no such apparent difficulty.

[39] Although I have dealt with the various submissions and pieces of evidence before the arbitrator individually, he did not arrive at his conclusions in this way. Instead, his conclusion that he was "dubious" or "in doubt" of the appellant's "credibility or reliability" following her submissions on the adjournment application were based on those submissions and that evidence as a whole. In my view, that conclusion was not patently unreasonable.

[40] There is a further difficulty with the appellant's submissions. The reasons of a judge or other adjudicator are to be assessed applying a functional and contextual approach. This means those reasons are to be considered in their entirety and in context: *R. v. G.F.,* 2021 SCC 20 at para. 69; *R. v. Albashir*, 2023 BCCA 6 at para. 35. Individual sentences should not be isolated and minutely inspected without regard to the full judgment: *R. v. Morrissey* (1995) 77 C.C.C. (3d) 193 (Ont. C.A.) at para. 28. So too, on judicial review, the reasons of an adjudicator are not to be parsed but rather are to be read as a whole: *Kenyon v. British Columbia (Superintendent of Motor Vehicles),* 2015 BCCA 485 at paras. 53 and 54.

[41] The appellant relies primarily on the arbitrator's statement that the "Tenant's credibility was already in doubt from the outset" and says this indicates the arbitrator's overall view of the evidence was improperly coloured by an unreasonable credibility analysis grounded in his refusal of the adjournment. I have indicated that,

in my view, it was open to the arbitrator to conclude that the appellant's adjournment application was "an effort to delay" and to be sceptical of the submissions she made on that application. Even if that were not so, focusing solely on this single line in the arbitrator's decision obscures the important context around it.

[42] In the sentence which precedes the statement the appellant relies on, the arbitrator said that he had also "considered the parties' testimonies, their content and demeanour, as well as whether it is consistent with how a reasonable person would behave under circumstances similar to this tenancy". In the same paragraph, he said he had also considered that the appellant, when providing testimony, "was either vague or seemingly confused about the details in her responses to the Landlord's allegations".

[43] Thereafter, the arbitrator addressed each of the videos before him, as well as the appellant's submissions in relation to those videos and he made numerous specific adverse findings of credibility against the appellant. The sentence the appellant focuses on is but a single sentence in a credibility analysis that is several pages long.

[44] It was this detailed review that caused the arbitrator to find the appellant had purposefully engaged in inexcusable behaviour in her interactions with other residents depicted in the videos. More importantly, it was this comprehensive review that caused the arbitrator to find that the "Tenant's portrayal of her interactions is either fabricated or her perceptions of her interactions is skewed", that the Tenant's actions were "more consistent with the Landlord's evidence" and that he preferred "the Landlord's evidence on the whole". The concern the appellant focuses on finds no place in the arbitrator's ultimate conclusions on credibility.

[45] In my view there is no merit to this first ground of appeal.

The arbitrator's use of the adjournment request in his credibility analysis was procedurally unfair

[46] The appellant argues it is unjust for a person's request for an accommodation due to disability to play a role in an adjudicator's assessment of that person's credibility, even if it can be said with the benefit of hindsight that the accommodation was unnecessary.

[47] The appellant's effort to recast her submission from a patent unreasonableness analysis to a fairness analysis does not advance her position. Nor was this aspect of her appeal developed in any meaningful way in either her factum or her oral submissions.

[48] The foundation of procedural fairness is the principal of *audi alteram partem*: to hear the other side, or let the other side be heard: *LLA v. AB*, [1995] 4 SCR 536 at para. 27; *Telecommunications Workers Union v. Canada (Radio- television and Telecommunications Commission)*, [1995] 2 SCR 781 at para. 29. This encompasses both the right to be heard, and the right to an unbiased decision-maker: *Baker v. Canada (Minister of Citizenship and Immigration),* [1999] 2 SCR 817 at para. 45. Fairness is a concept fundamentally concerned with appropriate procedures, rather than the guarantee of particular outcomes: *Baker* at para. 21. With respect to participatory rights, the key question for a reviewing court is "whether, considering all the circumstances, those whose interests were affected had a meaningful opportunity to present their case fully and fairly": *Baker* at para. 30. In the absence of a statutory instruction, a tribunal's decision can be set aside for procedural unfairness only if it resulted in a manifest unfairness, or actual prejudice, to the applicant's right to be heard: S. Blake, *Administrative Law in Canada*, 7th ed. (LexisNexis Canada Inc., 2022) at 8.09.

[49] In this case, I have already noted that the appellant does not question the arbitrator's refusal to grant her an adjournment, nor does she contend that her hearing impairment affected her ability to participate fully at the RTB hearing. It is

therefore not clear what aspect of procedural fairness is engaged by the issue she raises.

[50] To the extent issues of procedural fairness are engaged, I return to my earlier comments. The appellant's request for an adjournment application was based on different factors including that she had a hearing impairment. The arbitrator did not accept the various grounds for an adjournment that were raised by the appellant. Nor did he accept, for different reasons, that she required an adjournment on the basis of her hearing impairment. He expressed uncertainty about her "credibility and reliability" on the basis of these various factors in combination.

[51] A litigant who asserts they have a physical disability is not insulated from having that assertion challenged or tested by another party. Nor is there any principled impediment to an adjudicator addressing and then ruling on that challenge. There is nothing inherently "unfair" in finding that a party who alleges they have a disability has not been forthright in making that assertion. In this case, the question of whether the appellant advanced her hearing impairment in good faith, or alternatively as a "delay tactic", was squarely in issue. For the various reasons the arbitrator described, and that I have explained, the arbitrator was "dubious of the truthfulness and reliability" of the appellant's submissions. I do not consider that he acted unfairly in arriving at that conclusion and I would not accede to this ground of appeal.

[52] I believe, however, that judges and other adjudicators should, depending on the circumstances, be cautious about allowing an adverse credibility finding to be influenced by a request for a disability-related accommodation. Some such determinations may be or may appear to be tainted by assumptions or generalizations about the types of accommodations individuals with diverse disabilities do and do not need to comfortably participate in the legal process. As the Supreme Court of Canada explained in *R v. R.D.S.,* [1997] 3 S.C.R. 484:

> 130 When making findings of credibility it is obviously preferable for a judge to avoid making any comment that might suggest that the determination of credibility is based on generalizations rather than on the

> specific demonstrations of truthfulness or untrustworthiness that have come from the particular witness during the trial. It is true that judges do not have to remain passive, or to divest themselves of all their experience which assists them in their judicial fact finding. … Yet judges have wide authority and their public utterances are closely scrutinized. Neither the parties nor the informed and reasonable observer should be led to believe by the comments of the judge that decisions are indeed being made based on generalizations.

[53] In some cases, for example in a personal injury case, a judge will often be required to address a plaintiff's claims of physical difficulty or disability directly. The judge will often have expert evidence to assist with that exercise.

[54] In other cases, as in this case, such evidence may not be available and, furthermore, conclusory findings about an individual's disability may not be necessary to determine the issues. Having decided not to grant the appellant an adjournment and having concluded there were multiple other bases upon which to disbelieve her evidence on the substantive issues raised, there was really no need for the arbitrator to express scepticism about the appellant's submission that she required an adjournment due to her hearing impairment.

[55] The appellant analogised to instances where a litigant requests an interpreter to increase their confidence during court proceedings. She relied on *Kim v. Khaw*, 2014 BCSC 2221 where Justice Sharma said at para. 114:

> The comfort of one's native language, even when English is understood, is surely a factor for many witnesses who testify via an interpreter. That comfort would be seriously eroded if, without reasonable justification, a court were to take into account a witness' preference for interpretation when weighing their evidence or assessing their credibility. It is my view that the use of an interpreter, on its own, is irrelevant to the issue of credibility. To find otherwise could unfairly prejudice participants in the trial process who used interpreters and could undermine public confidence in the trial process. In my view, there must be some evidence, or a reasonable inference that can be drawn from evidence, that the witness' use of the interpreter was not necessary for them to fairly participate in the trial, but rather was a deliberate intent to gain some advantage.

[56] I agree with these comments. For most litigants a courtroom is an unknown and daunting environment. For many non-English speaking witnesses, an interpreter may not be "necessary" but may nevertheless provide a level of comfort. So too, for

example, a person with a hearing impairment may require some accommodation to abate the concern that their impairment will interfere with their ability to respond to questions or otherwise participate in the process. In both cases, decision-makers should be wary about impugning, or appearing to impugn, the credibility of the person on the basis of the accommodation sought.

Disposition

[57] In my view, the appeal should be dismissed.

"The Honourable Mr. Justice Voith"

I AGREE:

"The Honourable Madam Justice Newbury"

I AGREE:

"The Honourable Mr. Justice Hunter"