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F I L E D	FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE November 07, 2023 07 novembre 2023 Michael Kowalchuk	D É P Ô S É
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FEDERAL COURT OF APPEAL

BETWEEN:

CASCADE AEROSPACE INC.

APPLICANT

- and -

UNIFOR

RESPONDENT

NOTICE OF APPLICATION

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED by the Applicant. The relief claimed by the Applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the Applicant. The Applicant requests that this application be heard at Vancouver, British Columbia.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a Notice of Appearance in Form 305 prescribed by the Federal Court Rules, 1998 and serve it on the Applicant's solicitor, or where the Applicant is self-represented, on the Applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the Federal Court Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

November ____, 2023

Issued by:

Registry Officer

Address of local office:

1801 Hollis Street, 17th Floor
Suite 1720
Halifax, Nova Scotia
B3J 3N4

TO: Unifor
 New Westminster Office
 326-12th Street, 2nd Floor
 New Westminster, BC V3M 4H6

Attention: Simon Lau, National Representative

AND TO: The Attorney General of Canada

APPLICATION

This is an application for judicial review in respect of an order of the Canada Industrial Relations Board (“**Board**”), dated October 16, 2023 (11867-U).

The Applicant makes application pursuant to section 28(1)(h) of the *Federal Courts Act* for an Order quashing or setting aside the Board’s order.

The grounds for the application are:

1. In light of the Supreme Court of Canada’s decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, the Order of the Board is unreasonable because:
 - (a) the Board’s reasons fail to explain how it reached its conclusion as to the proper interpretation of s. 38 of the *Canada Industrial Relations Board Regulations, 2012*, SOR/2001-520; and,
 - (b) the Board’s reasons fail to meaningfully address the Applicant’s submissions.

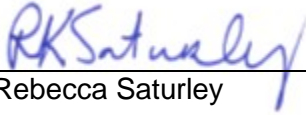
This application will be supported by the following material:

1. Affidavit of Kate Hopfner, to be sworn.

The Applicant requests the Board to send a certified copy of the following material that is not in the possession of the Applicant but is in the possession of the Board, to the Applicant and to the Registry:

1. A copy of the record that was before the Board.

Dated: November 7, 2023



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