

Federal Court



Cour fédérale

Date: 20160624

Docket: T-1596-15

Citation: 2016 FC 722

Ottawa, Ontario, June 24, 2016

PRESENT: THE CHIEF JUSTICE

BETWEEN:

JANETTE YUEN SHAN WU

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

JUDGMENT AND REASONS

[1] There are some situations in which the security of the travelling public takes precedence over the interests of a person in retaining his or her employment. This is so even where the person may have taken considerable steps to distance himself or herself from the source of the risk to the travelling public.

[2] The factual matrix underpinning this Application is a demonstration of one such situation.

[3] The Applicant, Ms. Wu, lost her security clearance and then her job after certain facts came to light regarding her previous marriage to a Full Patch member of the Hells Angels and regarding their ongoing contact in relation to their two children.

[4] In this proceeding, Ms. Wu seeks an order setting aside the decision to cancel that security clearance (the “**Decision**”), on the grounds that the Decision was both unreasonable and procedurally unfair.

[5] For the reasons that follow, I have concluded that the Decision was neither unreasonable nor procedurally fair. Accordingly, this Application will be dismissed.

I. Background

[6] Ms. Wu commenced employment with Airport Terminal Services (“**ATS**”) at the Vancouver International Airport (“**VIA**”) in 2008. At that time, she obtained the requisite security clearance and her Restricted Area Identity Card (“**RAIC**”), which was effective for a five year period. In 2013, she applied for and was granted a new RAIC.

[7] In January 2015, Ms. Wu received a letter from the Chief, Security Screening Programs at Transport Canada (“**TC**”), informing her that her security clearance was being reviewed as a result of certain information that TC had received from the RCMP, in the form of a Law Enforcement Record Check (“**LERC**”) report.

[8] Among other things, that letter from TC informed Ms. Wu that TC had learned the following facts:

- i. her former spouse is a Full Patch member of the Hells Angels (OMG) East End Chapter, Kelowna, BC (“**Hells Angels**”);
- ii. police records indicate that this individual has had “gang affiliation” since 2002 and has a criminal record with no convictions that includes eight charges, with the most serious being Assault (2 counts), Assault with a Weapon, Assault Causing Bodily Harm, Uttering Threats (3 counts) and Possession of a Scheduled Substance; and
- iii. this individual continues to be a close associate of Ms. Wu.

[9] In addition, the letter from TC suggested that the Transportation Security Clearance Advisory Body (the “**Advisory Body**”) would be convened to formulate a recommendation to the Minister of Transport (the “**Minister**”) concerning Ms. Wu’s security clearance. The letter concluded by encouraging Ms. Wu to provide any information or explanation, including with respect to any extenuating circumstances, within 20 days.

[10] After Ms. Wu provided information to TC, and was subsequently afforded an additional opportunity to provide further information, the Advisory Body recommended cancelling her security clearance based on the LERC report. Among other things, the Advisory Body stated that Ms. Wu did not provide sufficient information to dispel its concerns.

[11] Prior to that recommendation being made by the Advisory Body, TC declined Ms. Wu's request for an in-person meeting, "if necessary".

II. Relevant Legislation

[12] The legislative regime pertaining to transportation security clearances at airports is established by the *Aeronautics Act*, RSC 1985, c A-2 (the "Act") and the *Canadian Aviation Security Regulations, 2012*, SOR/2011-318 (the "Regulations").

[13] Section 4.8 of the Act states: "The Minister may, for the purposes of the Act, grant or refuse to grant a security clearance to any person or suspend or cancel a security clearance."

[14] Pursuant to section 165 of the Regulations, a person must not enter or remain in a restricted area of an aerodrome (i.e., an airport) unless the person has been issued an RAIC or is in possession of another document of entitlement for the restricted area.

[15] Pursuant to section 146 of the Regulations, the operator of an aerodrome must not issue a RAIC to a person unless the person, among other things, has a security clearance.

[16] In exercising the discretion conferred by section 4.8 of the Act, the Minister relies on the policy set forth in the Transportation Security Clearance Program ("TSCP").

[17] In section I.1 of the TSCP, its aim is stated to be “the prevention of unlawful acts of interference with civil aviation by the granting of clearances to persons who meet the standards set out in this Program.” The TSCP is further discussed in these reasons below.

III. Decision under Review

[18] In August 2015, after reviewing Ms. Wu’s file, including the information provided by her and the recommendation of the Advisory Body, the Director General, Aviation Security at TC, Ms. Brenda Hensler-Hobbs, informed Ms. Wu that the Minister had cancelled her security clearance.

[19] After briefly stating the facts summarized at paragraph 27 below, Ms. Hensler-Hobbs concluded that she had reason to believe, on a balance of probabilities, that Ms. Wu may be prone or induced to commit an act, or to assist or abet an individual to commit an act, that may unlawfully interfere with civil aviation.

IV. Issues

[20] Ms. Wu has raised the following two issues in this application:

- i. Was the Decision reasonable?
- ii. Was the Decision made in a procedurally unfair manner?

V. **Standard of Review**

[21] It is common ground between the parties that the standard of review applicable to the first issue raised on this Application is reasonableness, and that the issue of whether the Decision was made in a procedurally unfair manner is reviewable on a standard of correctness.

[22] I agree.

[23] Although there appears to be some debate within the Federal Court of Appeal as to whether questions of procedural fairness must always be reviewed on a standard of correctness, the controlling authorities continue to hold that such questions must be reviewed on that standard, with some deference being given to the decision-maker's choice of procedure (*Henri v Canada (Attorney General)*, 2016 FCA 38 (“**Henri**”) at para 16; *Walsh v Canada (Attorney General)*, 2016 FCA 157 at para 9; *Forest Ethics Advocacy Association v Canada (National Energy Board)*, 2014 FCA 245 at para 81).

VI. **Analysis**

A. *Was the Decision unreasonable?*

[24] Ms. Wu submits that the Decision was unreasonable for reasons that can be grouped into the following three categories: (i) the Minister failed to take various matters into consideration or to give them adequate weight; (ii) there is no evidence to support certain findings reached by the

Minister; and (iii) there is nothing to suggest that the information she provided was considered in the course of the Decision.

(1) Alleged failure to consider various matters

[25] Ms. Wu maintains that the Minister failed to take into consideration or give adequate weight to a number of relevant matters in reaching the Decision, namely: the fact that her ongoing relationship with her ex-spouse is not voluntary, but is pursuant to a court order concerning the custody of their children; the fact that she contacted the police on two occasions when he allegedly threatened her; the steps she took to distance herself from her him after discovering his involvement with the Hells Angels; her good performance during her many years of employment with ATS; and her current marriage to a Deputy Sheriff who lives and works in Washington State.

[26] In my view, the absence of any discussion of these matters in the Decision does not render the Decision unreasonable. In brief, none of them is so fundamentally at odds with the factual findings that were expressed or with the ultimate conclusion reached as to have required being specifically addressed in the Decision. That conclusion was that Ms. Wu may be prone or induced to commit an act, or may assist or abet an individual to commit an act, that may unlawfully interfere with civil aviation. Even if the matters identified above were individually or collectively viewed in a light most favourable to Ms. Wu, the matters in question do not go to the heart of, or even significantly undermine, the basis for that conclusion. It was therefore reasonably open to the Minister's delegate, Ms. Hensler-Hobbs, to choose not to deal with those matters (*Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, [1998] FCJ No 1425, at paras 16-17 ("**Cepeda-Gutierrez**"); *Newfoundland and Labrador Nurses' Union v*

Newfoundland and Labrador (Treasury Board), 2011 SCC 62, [2011] 3 SCR 708, at para 16 (“**Newfoundland Nurses**”).

[27] The conclusion reached by the Minister’s delegate was based on four principal grounds, namely:

- i. Ms. Wu has ongoing interactions with her ex-spouse, who is a Full Patch member of the Hells Angels, as a result of their joint-custody agreement involving their two young children;
- ii. her ex-spouse has associated himself with gangs since “as early as 2002,” four years prior to the end of their marriage;
- iii. in the latter part of their marriage, she was aware that her ex-spouse was pursuing membership with the Hells Angels, and it is reasonable to believe that she was aware of his involvement in the criminal lifestyle years before their eventual separation – which raises serious apprehensions related to her judgment; and
- iv. the Hells Angels are known to use intimidation, violence and manipulation to achieve their criminal goals, Ms. Wu’s ex-spouse has clearly used these tactics historically with her and others, and he may therefore use these tactics again in the future against her to achieve the goals of the Hells Angels, given her access to the restricted area of the VIA.

[28] Ms. Wu does not take issue with the statements that the Hells Angels are known to use intimidation, violence and manipulation to achieve their criminal goals; and that her spouse has clearly used such tactics with her in the past.

[29] The fact that Ms. Wu's ongoing interaction with her ex-spouse may not be voluntary, and may be limited by the terms of their custody agreement, does not negate or contradict the fact that he will continue to have regular and ongoing opportunities to intimidate her and to attempt to induce her in the manner described in the Decision. The explicit concern identified in the Decision was that Ms. Wu's ex-spouse may use the same tactics that he has used against her in the past, to achieve the goals of the Hells Angels. It is implicit in the Decision that this risk was considered to arise, at least in part, due to the opportunities that would be afforded to Ms. Wu's ex-spouse as a result of their ongoing communications, regardless of whether they happen to be voluntary or pursuant to a custody order. A second basis that supported the Minister's concern in this regard was the evidence of the intimidating manner in which Ms. Wu's spouse has behaved towards her in the past, which is discussed further below.

[30] Turning to the reports that Ms. Wu made to the police when her ex-spouse allegedly threatened her, she asserts that this evidence demonstrates that she will contact law enforcement authorities if he were to ever threaten her again, particularly if he were to do so to facilitate the aims of the Hells Angels.

[31] However, it is readily apparent from the certified record that was before the Minister that Ms. Wu has been threatened or intimidated by her ex-spouse on more than just the two occasions that she reported to the police. In particular, in an affidavit filed by her in her custody proceeding before the Supreme Court of British Columbia, she stated that: she has "felt bullied and abused by" her ex-spouse and his new spouse; she wanted very limited communication with him "due to his intimidation tactics and verbal abuse;" she does not want him to know where she works or

what she does because she is “concerned that he will harass [her or her] work colleagues and friends;” she feels “extremely harassed by” him; and does not want him to have her phone number because she is “concerned about his harassment.” Given this evidence, it was not unreasonable for the Minister to refrain from referring to the two instances in which Ms. Wu did in fact contact the police in respect of her ex-spouse’s behaviour towards her. Notwithstanding those two instances, the fact remains that her spouse has a significant history of threatening and intimidating behaviour towards her, he will have ongoing opportunities to continue to behave in that manner towards her, and she herself is concerned about this.

[32] Regarding the steps that she took to distance herself from her ex-spouse, Ms. Wu maintains that she ended their relationship when she became aware of his involvement with the Hells Angels.

[33] The evidence on this point was simply the following passage from an e-mail that she sent to TC:

It was during the latter part of our marriage I found out [that my ex-spouse] was pursuing the [Hells Angels]. I protested this decision with great disgust and conveyed my disapproval. [He] understood my distaste but chose to become a Full Patch Member. It was shortly after my daughter was born that I left the relationship for the best interest of my children and myself.

[34] During the hearing of this Application, Ms. Wu’s counsel conceded that this passage does not in fact make it clear that she left her ex-spouse immediately upon learning of his involvement with the Hells Angels, or relatively soon thereafter. It is entirely possible that she remained with him for a period of time. Unfortunately, the evidentiary record is unclear on this point.

[35] Ms. Wu had the opportunity to provide clear and unequivocal evidence to support her position in this regard. She failed to do so. In this context, and considering that the burden was on her to demonstrate that she was not in fact a “close associate” of her ex-spouse, it was not unreasonable for the Minister’s delegate to choose not to explicitly deal with the steps that she took to distance herself from her ex-spouse after discovering his involvement with the Hells Angels. This is particularly so given the ongoing contact that she has with her ex-spouse, his history of intimidating her, and his continued involvement with the Hells Angels.

[36] In any event, those steps did not go to the basis for the conclusion reached by the Minister’s delegate, to the effect that it was reasonable to believe that Ms. Wu had known about her ex-husband’s criminal lifestyle years before their eventual separation, and that this raised serious apprehensions related to her judgment. Those steps also did not go to the basis for the ultimate conclusion that the Minister’s delegate had reason to believe, on a balance of probabilities, that Ms. Wu may be prone or induced to commit an act, or assist or abet an individual to commit an act, that may unlawfully interfere with civil aviation.

[37] Concerning Ms. Wu’s employment record, the fact that she may have had a good history of performance with ATS during her many years of employment is not particularly relevant to the assessment that the Minister had to make. That assessment was whether Ms. Wu might be prone or induced in the manner described in the Decision, if intimidated, manipulated or threatened by her ex-spouse in a new way that involves her workplace, in the future. In the absence of any evidence that Ms. Wu has successfully resisted attempts in the past by her ex-spouse to use her access to the restricted area for illegitimate reasons, her good past

performance record during a period when his intimidation tactics did not involve her work has little bearing on that assessment.

[38] Similarly, the mere fact that Ms. Wu is now married to a Deputy Sheriff who has devoted 22 years of his life to law enforcement also had little bearing on that assessment.

[39] In conclusion, for the reasons set forth above, it was reasonably open to the Minister's delegate to refrain from specifically addressing the various matters discussed above, which Ms. Wu submits ought to have been addressed in the Decision.

(2) The alleged absence of evidence supporting the Decision

[40] Ms. Wu submits that the Decision was not supported by the evidence. In particular, she states that there was no evidence to support the conclusion that she was aware of her ex-spouse's involvement in a criminal lifestyle years before their eventual separation. In addition she asserts that there was no evidence to support the statement that her ex-spouse had used intimidation, violence and manipulation tactics against others (apart from her) in the past. She further maintains that there was no evidence to support the conclusion that her ex-spouse, whose past threatening behaviour had been confined to their family relationship, would extend that behaviour to her place of employment.

[41] I disagree.

[42] With respect to her awareness of her ex-spouse's involvement in a criminal lifestyle, the Minister's delegate stated the following in the Decision:

I also note that the applicant's ex-husband had been associating himself with gangs as early as 2002, four (4) years prior to the end of her marriage to him. I further note that in the later part of that marriage, the applicant states that she was aware that her ex-husband was pursuing membership with the Hells Angels. I note that it is reasonable to believe that the applicant was aware of her ex-husband's involvement in the criminal lifestyle years before their eventual separation, which raised serious apprehensions related to the applicant's judgment.

[43] The information provided in the first sentence in the quote immediately above came from the LERC report, and from Ms. Wu's response to the initial letter she received from TC, in which she stated that she separated from her ex-spouse on June 1, 2006. Specifically, the LERC report stated that the police had identified Ms. Wu's ex-spouse as being a Full Patch member of the Hells Angels and that police records indicated gang affiliation by him since 2002. This information, together with the other information from the LERC report that is summarized at paragraph 8 above, was shared with Ms. Wu in the initial letter that TC sent to her to advise her that her security clearance was being reviewed. The information contained in the second sentence of the quote came from Ms. Wu herself.

[44] In the absence of any further information from Ms. Wu regarding what she knew and when, one is simply left to draw inferences based on common sense and common experience. In my view, it was entirely reasonable for the Minister's delegate to state that it was reasonable to believe that the applicant was aware of her ex-husband's involvement in the criminal lifestyle years before their eventual separation. This was a very plausible inference to be drawn from the

factual matrix at hand (*Thep-Outhainthany v Canada (Attorney General)*, 2013 FC 59 (“*Thep-Outhainthany*”) at para 26).

[45] Ms. Wu was specifically invited, in the initial letter sent by TC, to provide additional information, “outlining the circumstances surrounding the above noted incidents *and association*, as well as to provide *any other relevant information or explanation, including any extenuating circumstances*” (emphasis added). She failed to do so. She also failed to avail herself of a second opportunity to do so, which was communicated to her orally on April 7, 2015.

[46] The burden was not on the Minister to further justify the very plausible inference to be drawn from the information available. It was on Ms. Wu to provide any additional information that might eliminate the basis for any concerns regarding her association with her ex-spouse and what she knew about his involvement in a criminal lifestyle, prior to their separation (*Lorenzen v Canada (Minister of Transport)*, 2014 FC 273, at paras 51-52). While I acknowledge that the initial letter she received from TC did not elaborate on what it meant by “gang affiliation,” the implication was very clear that TC was concerned about her ex-spouse’s criminal lifestyle dating back to 2002.

[47] The fact that it was not clear from that letter or the LERC report whether the various charges they mentioned were laid prior to when Ms. Wu separated from her ex-spouse does not negate the fact that she was informed that police records indicated gang affiliation by him since 2002. Unfortunately for Ms. Wu, she failed to avail herself of her opportunity to explain what she knew about that gang affiliation and when she knew it.

[48] Contrary to Ms. Wu's submissions, in the absence of any specific evidence from her, beyond what is reproduced at paragraph 33 above, I do not see the Decision as impugning in any way her credibility on the issue of what she knew about her ex-spouse's involvement in a criminal lifestyle prior to their separation.

[49] Turning to the statement in the Decision that her ex-spouse had used intimidation, violence and manipulation tactics against others (in addition to her) in the past, Ms. Wu submits that this appears to have been based entirely on her ex-spouse's police record, which did not include any convictions. She notes that her ex-spouse has never been convicted of anything and therefore nothing has ever been proven in court. She adds that the usefulness of a criminal charge without even the most basic summary of the underlying allegations is minimal at best.

[50] I disagree.

[51] Section 4.8 of the Act confers broad discretion upon the Minister to suspend or cancel a security clearance (*Li v Canada (Minister of Transport)*, 2016 FC 206, at para 14 ("Li")). That broad discretion attracts significant deference. In exercising that discretion, the Minister is guided by the TSCP, the objective of which is to prevent the uncontrolled entry into a restricted area of a listed airport by any individual who, among other things, the Minister *reasonably believes, on a balance of probabilities, may* be prone or induced to commit an act, or to assist or abet any person to commit an act, that *may* unlawfully interfere with civil aviation. In my view, this is another way of stating that the Minister must have reasonable grounds for such belief, and the evidence for those grounds must be demonstrated on a balance of probabilities. In any event,

the Minister is not required to believe that a risk is more probable than not to occur. The applicable risk threshold is much lower (*Kaczor v Canada (Minister of Transport)*, 2015 FC 698 at para 32 (“*Kaczor*”).

[52] This interpretation is also supported by section II.29(2) of the TSCP, which provides that where information is made available that *raises doubts* as to the appropriateness of the holder of a security clearance retaining that clearance, the Director, Security Screening Programs may suspend the holder’s security clearance upon notice to that person and to the operator of the aerodrome in question. Such doubts can reasonably arise based on evidence of the character or propensity of the holder of a security certificate, or of a person with whom that certificate holder has a close relationship (*Kaczor*, above, at para 30).

[53] Within the foregoing forward-looking statutory and policy framework, the Minister may suspend or cancel a security clearance for a range of purposes that include the promotion of aviation security (*Kaczor*, above, at para 29). In this context, the security interests of the general public take precedence over the interests of a security clearance holder in retaining that clearance and, indeed his or her employment in a restricted area of an airport. Stated differently, the Minister is entitled to err on the side of public safety (*Brown v Canada (Attorney General)*, 2014 FC 1081 (“*Brown*”) at para 71).

[54] Moreover, access to the restricted area of an airport is a privilege, not a right (*Thep-Outhainthany*, above, at para 17).

[55] In exercising the broad discretion conferred by the Act and contemplated by the TSCP, the Minister may take into account any factor that the Minister considers relevant, including

police records that list charges for criminal offences that did not result in convictions (*Kaczor*, above, at para 30; *Brown*, above, at paras 68-71; *Thep-Outhainthany*, above, at paras 19-20. See also *Canada (Minister of Transport, Infrastructure and Communities) v Jagjit Singh Farwaha*, 2014 FCA 56 at paras 97-99). This is so irrespective of whether the person charged is the person whose security certificate is cancelled or is a third party with whom the holder of the security certificate is closely associated (*Brown*, above, at paras 70-74; *Kaczor*, above, at para 30). Indeed, the Minister may also rely solely on evidence of a current or past relationship with gangs, such as the Hells Angels (*Kaczor*, above, at para 33; *Li*, above, at para 15).

[56] Considering the foregoing, I am satisfied that the police record of Ms. Wu's spouse did in fact provide a reasonable evidentiary basis for the Minister's delegate to reasonably believe, on a balance of probabilities, that he had used intimidation, violence and manipulation tactics historically with third parties, outside of his relationship with Ms. Wu. This is so, notwithstanding that the various charges listed in that record appear to have been stayed, and, in any event, did not result in any convictions. I note in passing that this fact was explicitly recognized in the Advisory Body's Record of Discussion, which forms part of the decision record on this application (*Mitchell v Canada (Attorney General)*, 2015 FC 1117 at para 28).

[57] The police record provided such a reasonable basis because the charges in question included several charges for violence related offences and for uttering threats. For the purposes of the Act and the TSCP, this is sound evidence that Ms. Wu's ex-spouse has used intimidation, violence and manipulation tactics historically with third parties, outside of his relationship with Ms. Wu.

[58] In any event, I find that the Decision, when read as a whole and in light of all of the evidence that was before the Minister's delegate, was reasonable, regardless of whether the police record provided a reasonable basis for the particular statement that Ms. Wu's spouse had used intimidation, violence and manipulation tactics historically with third parties, outside his relationship with Ms. Wu. This is because the particular concern identified in the Decision was that Ms. Wu's ex-spouse may use such tactics *against her* to achieve the goals of the Hells Angels, given her access to the restricted area of the VIA. There was ample evidence in the record that he had in fact done so.

[59] With respect to the conclusion that Ms. Wu's ex-spouse might extend his past tactics of intimidation and threats to her workplace, Ms. Wu asserts that it was unreasonable for the Minister's delegate to assume that behaviour which occurred in the context of a domestic relationship would be extended to her employment. She adds that there was no evidence to suggest the likelihood of this occurring.

[60] However, there *was* such evidence, namely, the information contained in the affidavit that she filed in her custody proceedings. As discussed at paragraph 31 above, Ms. Wu stated in that affidavit, which she provided to TC, that she does not want her ex-spouse to know where she works or what she does, because she was "concerned that he will harass [her or her] work colleagues and friends."

[61] In any event, I am satisfied that it was reasonable for the Minister's delegate to infer from the fact that Ms. Wu's ex-spouse had engaged in intimidation and manipulation tactics with her

in the past, albeit in the context of their domestic relationship, that there was a risk that he might use these tactics in the future, to further objectives of the Hells Angels in the restricted area of the VIA.

[62] In summary, for the reasons set forth above, I am satisfied that there was sufficient evidence to support the conclusions set forth in the Decision, including with respect to the matters discussed above.

(3) Alleged failure to consider the materials submitted

[63] Finally, Ms. Wu submits that there was no evidence to suggest that the materials she provided were considered by the Minister's delegate in reaching the Decision.

[64] In support of this position, Ms. Wu repeats arguments that have been addressed elsewhere in these reasons and need not be revisited.

[65] In further support of her position on this point, Ms. Wu relies on *Ho v Canada (Attorney General)*, 2013 FC 865. However that case is distinguishable on the basis that the applicant had provided information that went to the heart of the concerns expressed by the Minister's delegate, but was not addressed in the decision to cancel the applicant's transportation security clearance. There was no such information provided by Ms. Wu in this case.

(4) Conclusion regarding the reasonableness of the Decision

[66] For all of the reasons set forth in sections VI.A.(1) – (3) above, I am satisfied that the Decision was not unreasonable. Indeed, it fell well within “a range of possible, acceptable outcomes which are defensible in respect of the facts and law” and was appropriately justified, transparent and intelligible (*Dunsmuir v New Brunswick*, 2008 SCC 9, [2008] 1 SCR 190, at para 47).

[67] Contrary to Ms. Wu’s assertion, the Decision does indeed explain *why* it was made, and permits this Court to determine whether it fell within the range of acceptable outcomes (*Newfoundland Nurses*, above, at para 16).

B. Was the Decision procedurally unfair?

[68] Ms. Wu submits that she was denied procedural fairness because the Decision was made without due regard to the material.

[69] However, making a decision without due regard for the material on the record is a distinct ground of review from procedural fairness, and that ground of review is reviewable on a standard of reasonableness (*Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12, at paras 45-46).

[70] Unless there are no reasons at all, the adequacy of reasons provided in a decision is a matter that is reviewable on a standard of reasonableness (*Newfoundland Nurses*, above, at paras 20-22). For the reasons that I have given, the Decision was reasonable.

The procedural fairness to which Ms. Wu was entitled consisted of the right to be informed of the reason why her security clearance was being reviewed and the right to have an opportunity to make submissions prior to any adverse decision being made (*Doan v The Attorney General of Canada*, 2016 FC 138, at para 17; *Kaczor*, above, at paras 8-9). She was accorded, and she availed herself of, those rights. She was not entitled to the additional right to make representations in person.

VII. Conclusion

[71] For the reasons set forth above, Ms. Wu's application is dismissed.

[72] There will be no order as to costs.

[73] The Respondent's request that the style of cause be amended to reflect that the proper respondent is the Attorney General of Canada, and not the "Minister of Transport," is granted.

JUDGMENT

THIS COURT'S JUDGMENT is that this application is dismissed.

"Paul S. Crampton"

Chief Justice

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1596-15

STYLE OF CAUSE: JANETTE YUEN SHAN WU v THE ATTORNEY
GENERAL OF CANADA

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