



[2021] 4 F.C.R. D-13

## RCMP

Judicial review seeking declarations that respondent RCMP Commissioner breached her duty under *Royal Canadian Mounted Police Act*, R.S.C., 1985, c. R-10, s. 45.76(2), that delay to respond to interim report (Interim Report) of Civilian Review and Complaints Commission for the Royal Canadian Mounted Police (CRCC) infringing *Canadian Charter of Rights and Freedoms*, s. 2(b) — Applicant submitting complaint in February 2014 to Commission for Public Complaints against the RCMP (CPC) (predecessor of CRCC) alleging that RCMP members had illegally spied on Indigenous, climate advocates opposed to Northern Gateway pipeline — CRCC completing Interim Report in June 2017, sending it to RCMP Commissioner for written response — Applicant, CRCC unsuccessfully urging Commissioner to respond to Interim Report — Memorandum of Understanding (MOU) signed between CRCC, RCMP Commissioner in 2019 creating six-month target for respondent's responses — RCMP Commissioner responding to Interim Report in November 2020, after present application commenced — Main issues whether dispute moot; whether Commissioner breached her duty to respond to Interim Report "as soon as feasible" — Issue not turning on whether matter moot but on whether discretion should be exercised to nonetheless rule on two remaining remedies sought in application — Rationing of scarce judicial resources weighing heavily in favour of disposing of remaining issues raised by present application — Without judicial intervention, situation will repeat itself — In public interest to have police oversight institution that functions properly, for Court to provide interpretation of s. 45.76(2) — Sufficient adversarial context in present case to issue declarations sought — Three-and-a-half year delay not reasonable interpretation of words "as soon as feasible" in s. 45.76(2) — Imprudent to allow Commissioner to under-resource Directorate, claim that lengthy delays due to volume of interim reports, insufficient resources — Words "as soon as feasible" requiring institution to arrange its resources such that it can discharge its obligations "quickly and efficiently" — Narrower interpretation of "as soon as feasible" that indicates sense of urgency favoured herein — Six-month deadline reasonable interpretation of requirement imposed on RCMP Commissioner — Application allowed in part.

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION V. ROYAL CANADIAN MOUNTED POLICE (T-1347-20, 2021 FC 1475, Gagné A.C.J., reasons for judgment dated December 29, 2021, 20 pp.)