

Public Servants  
Disclosure Protection  
Tribunal Canada



Tribunal de la protection  
des fonctionnaires  
divulgateurs du Canada

**Citation: Charbel El-Helou v. Courts Administration Service, Power, Delage 2011 PSDPT 8**

**Tribunal File No. T-2011-01**

**Date: 20110610**

**Ottawa, Ontario, June 10, 2011**

**The Honourable Mr. Justice Martineau, Chairperson  
Public Servants Disclosure Protection Tribunal**

**BETWEEN:**

**CHARBEL EL-HELOU**  
Complainant

**-and-**

**COURT ADMINISTRATION SERVICE**  
**and**  
**DAVID POWER**  
**and**  
**ÉRIC DELAGE**  
Respondent(s)

**EXEMPTION AND SCHEDULING ORDER**

**UPON** an application made by the Public Sector Integrity Commissioner (the  
Commissioner) pursuant to subsection 20.4(1) of the Public Servants Disclosure Protection Act,

SC 2005, c 46 (the Act) to the Public Servants Disclosure Protection Tribunal (the Tribunal) for a determination of whether or not a reprisal was taken against the complainant;

**CONSIDERING** that pursuant to Rules 29 and following of the Public Servants Disclosure Protection Tribunal Rules of Procedure, published in the Canada Gazette Part I on May 21, 2011 (the interim Rules), the Tribunal may hold a pre-hearing conference to resolve any procedural or evidentiary matters related to the proceedings;

**CONSIDERING** that pursuant to Rule 3 of the interim Rules the Tribunal may dispense with compliance with a Rule, if so doing so advances the aims set out in Rule 2;

**CONSIDERING** that there are a number of pending motions before the Tribunal and that the parties' counsels have indicated at a pre-trial conference held on June 9, 2011 that they wish to make a number of other motions;

**CONSIDERING** that the respondents notably question the jurisdiction of the Tribunal to enquire into the allegations of wrong-doing not retained by the Commissioner while the complainant submits that the Tribunal has jurisdiction to hear and decide same because they are part of the original complaint of reprisal made to the Commissioner;

**CONSIDERING** that all motions related to the scope and extent of the jurisdiction of the Tribunal and the capacity of its present members to decide the application made by the Commissioner should be made forthwith;

**CONSIDERING** that there are other important evidentiary matters that the respondents wish to raise preliminary to the Tribunal;

**CONSIDERING** that given the potential complexity and nature of the issues that may be raised and in an effort to minimize the need for adjournments, timelines in the interim Rules should be varied, in order to permit the parties to file motions and responses;

**HAVING** heard the oral submissions of the counsels representing the Commissioner, the complainant and the respondents and reviewed the draft consent interim order submitted by them;

**THE TRIBUNAL ORDERS that:**

1. The timelines set out in Rules 20 to 23 of the interim Rules, relating to the filing of statements of particulars and replies thereto, are hereby suspended for all parties, until further ordered; and
2. The parties shall comply with the following schedule:
  - a. All motions must be filed by the parties by July 15th, 2011;
  - b. All responses to motions must be filed by the parties by July 29th, 2011; and
3. The Tribunal may rescind, amend or vary this order at any time for cause upon the initiative of the Tribunal or on motion.

Luc Martineau

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Chairperson