

Public Servants
Disclosure Protection
Tribunal Canada



Tribunal de la protection
des fonctionnaires
divulgateurs du Canada

Citation: Lambert v. Health Canada, 2013 PSDPT 2

Tribunal File No. T-2012-01

Date: 20130328

Ottawa, Ontario, March 28, 2013

**The Honourable Luc Martineau, Chairperson
Public Servants Disclosure Protection Tribunal**

BETWEEN:

GÉRARD LAMBERT
Complainant

-and-

**OFFICE OF THE PUBLIC SECTOR
INTEGRITY COMMISSIONER**
Commissioner

and

HEALTH CANADA
Employer

FINAL ORDER ON CONSENT SUMMARILY DISMISSING THE APPLICATION

UPON MOTION an application made to the Tribunal by the Public Sector Integrity Commissioner [Commissioner] pursuant to subsection 20.4(1) of the *Public Servants Disclosure*

Protection Act, SC, 2005, c 46 [Act], on March 29, 2012, for a determination of whether or not a reprisal was taken against the complainant [application];

UPON a request made in writing by the employer to summarily dismiss the application on consent of all parties;

UPON considering that the Tribunal is master of its own proceedings and has such rule-making power in accordance with section 21 of the Act, which dictates expeditious and informal hearings in accordance with natural justice;

UPON considering that a hearing was scheduled to hear the application from April 15 to April 19, 2013;

UPON considering that, on March 25, 2013, the Commissioner received an executed copy of a settlement agreement between the complainant and the employer;

UPON considering that the Commissioner has advised the Tribunal on March 26, 2013, of this settlement agreement;

UPON considering that the Commissioner has advised that, in the settlement agreement, the complainant agrees “that the application before the Tribunal be permanently withdrawn or dismissed”;

UPON considering that the Commissioner informed the Tribunal on March 26, 2013 that the complainant and the Commissioner consent to the dismissal of the application in this matter;

UPON considering that it is in the best interests of justice and the parties that the scheduled hearing from April 15 to April 19, 2013, be cancelled, and that the request to summarily dismiss the application be granted;

THE TRIBUNAL ORDERS that:

1. The hearing scheduled from April 15 to April 19, 2013 is cancelled;
2. The application is dismissed and the file is closed accordingly.

“Luc Martineau”

Chairperson