

**IN THE MATTER OF THE PUBLIC SERVANTS DISCLOSURE PROTECTION  
TRIBUNAL APPLICATION BY THE PUBLIC SECTOR INTEGRITY COMMISSIONER  
OF CANADA**

**FILE NO. T-2014-01**

**DAVID JOY  
COMPLAINANT**

**- AND -**

**BLUE WATER BRIDGE  
CANADA RESPONDENT**

**AND IN THE MATTER OF**

**FILE NO. T-2014-02**

**CATHY  
GARDINER  
COMPLAINANT**

**- AND -**

**BLUE WATER BRIDGE  
CANADA RESPONDENT**

**AND IN THE MATTER OF:**

**FILE NO. T-2014-03**

**STAN  
KOROSEC  
COMPLAINANT**

**- AND -**

**BLUE WATER BRIDGE  
CANADA RESPONDENT**

**MOTION TO WITHDRAW COMPLAINTS T-2014-01, T-2014-02 AND T-2014-03**

**MADE PURSUANT TO RULE 17  
PUBLIC SERVANTS DISCLOSURE PROTECTION TRIBUNAL RULES  
OF PROCEDURE, SOR/2011-170**

October 10, 2014

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Counsel for the Complainants David Joy, Stan Korosec and Cathy Gardiner

**TAKE NOTICE THAT the Public Sector Integrity Commissioner of Canada (the Commissioner) will, on consent, make a motion to the Tribunal on Friday, October 10, 2014 for the following:**

- 1) an Order accepting the withdrawal of these applications.

**AND TAKE NOTICE THAT** the grounds for the motion are as follows:

1. The Commissioner is an independent Agent of Parliament. He derives his powers to receive, investigate and otherwise deal with disclosures of wrongdoing and complaints of reprisal from the Public Servants Disclosure Protection Act, S.C. 2005, c. 46 (the Act or PSDPA).
2. The Commissioner's role in reprisal complaints is, inter alia, to assess, whether he has reasonable grounds to make a referral to the Public Servants Disclosure Protection Tribunal (Tribunal) for a determination as to whether reprisal was taken against a public servant.
3. Pursuant to subsection 21.6(2) of the Act, the Commissioner must, in proceedings before the Tribunal, adopt the position that, in his opinion, is in the public interest having regard to the nature of the complaint.
4. The Commissioner recognizes that although these Applications were made by him, the issues before the Tribunal also concern the private interests of each of the Complainants.
5. While the Commissioner recognizes the public interest in protecting public servants who make disclosures, or participate in investigations into wrongdoings, there is also a public interest in allowing parties to resolve issues in dispute as to bring finality and certainty in their affairs.
6. The Complainants and the Respondent, each through their counsel, entered into voluntary discussions to resolve the issues in dispute and an agreement has been reached between the Respondent and each of the Complainants on October 9, 2014. The Complainants, both through counsel and in person, have advised the Commissioner's Counsel of their desire to see these matters withdrawn from the current proceedings before the Tribunal.
7. The Commissioner has reviewed the terms of the agreements and has determined that they have been entered into freely on the advice of counsel, that the terms are fair and reasonable and that it brings all of the issues before the Tribunal to a conclusion. The Commissioner is a signatory to these agreements and he is satisfied that the public interest is met.

All of which is respectfully submitted, this 10<sup>th</sup> day of October, 2014.

(signed)

Brian Radford, Counsel for the Commissioner

**Granted**

Sarnia, 10 October 2014

(signed)

Sean Harrington, Tribunal Member