

BUTTAR V. WORKERS COMPENSATION APPEAL TRIBUNAL

Decision Summary

Court	B.C. Supreme Court
Citation	2009 BCSC 129
Result	Preliminary Objection to WCAT Standing Dismissed
Judge	Madam Justice Ker
Date of Judgment	January 13, 2009
WCAT Decision(s) Reviewed	WCAT-2008-00792

Keywords:

Standing of WCAT on judicial review

The Court considered a preliminary objection by the Petitioners with respect to the standing of the Workers' Compensation Appeal Tribunal's (WCAT) in a judicial review proceeding of a WCAT decision.

The Court dismissed the preliminary objection. The Court concluded that WCAT had standing to address the statutory and policy framework of the Workers' Compensation scheme, the standard of review applicable in this case, and to review the record to demonstrate that WCAT did not lose jurisdiction by rendering a patently unreasonable decision. The Court noted that WCAT has standing to make all these arguments, and in doing so does not exceed the role an administrative tribunal is permitted to take in a judicial review of its own decision.