

Davis v. Workers' Compensation Appeal Tribunal

Decision Summary

Court	B.C. Court of Appeal
Citation	2013 BCCA 418
Result	Appeal Dismissed
Judges	Mr. Justice Frankel Mr. Justice Groberman Madam Justice MacKenzie
Date of Judgment	September 23, 2013
WCAT Decision Reviewed	WCAT-2012-00656

Keywords

Appeal – Judicial review – Standard of review – Patently unreasonable

Appeal – Judicial review – Supervisory jurisdiction of the courts

Summary:

The Workers' Compensation Appeal Tribunal (WCAT) issued a decision finding that Ms. Davis's permanent low back condition was not caused by the cumulative effect of several workplace injuries or her workplace activities. In dismissing Ms. Davis's petition for judicial review, the chambers judge found that there was ample evidence upon which WCAT could reach the conclusion it did. Ms. Davis appealed, claiming a constitutional right to have her entitlement to workers' compensation determined by a court. The Court of Appeal dismissed the appeal, observing that the supervisory jurisdiction of the superior courts over tribunals is limited to "intervening where a tribunal has embarked on decision-making that is outside of its statutory mandate, or reached a conclusion in a manner that transcends the limits of curial deference". The Court confirmed that as the decision reached by WCAT was within its exclusive jurisdiction and was not unreasonable, it must stand.