

Franzke v. Workers' Compensation Appeal Tribunal

Decision Summary

Court	B.C. Court of Appeal
Citation	Oral Reasons for Judgment
Result	Application Denied
Judge	Madam Justice Neilson
Date of Judgment	February 15, 2012
BCSC Decision	2011 BCSC 1145
WCAT Decision(s) Reviewed	WCAT-2008-00281 WCAT-2009-02191

Keywords:

Request for order to extend time to file and serve notice of appeal

Summary:

The applicant sought an order extending the time for filing and serving her notice of appeal pursuant to s. 10(1) of the *Court of Appeal Act*. The applicant wanted to appeal the decision of a chambers judge who, on judicial review, upheld decisions of the Workers' Compensation Appeal Tribunal (WCAT). WCAT had found the applicant's action against the respondents, Northern Industrial Carriers and Bradley Flowers, arising from a motor vehicle accident, was barred by s. 10 of the *Workers Compensation Act* as the applicant was a worker at the time of the accident and her injuries arose out of and in the course of her employment. The Court dismissed the application finding that none of the proposed grounds of appeal had sufficient merit to meet the test required for an extension of time.