

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Srochenski v. Workers' Compensation
Appeal Tribunal,*
2010 BCSC 79

Date: 20100121
Docket: 0423431
Registry: Prince George

Re: The decision of the Workers' Compensation Appeal Tribunal, WCAT-2004-05166-RB, dated September 30, 2004 and the application for review under the *Judicial Review Procedure Act* by Stephen Srochenski

Between:

Stephen Srochenski

Petitioner

And

Workers' Compensation Appeal Tribunal

Respondent

- and -

Docket: 0526268
Registry: Prince George

Re: The decision of the Workers' Compensation Appeal Tribunal, WCAT-2005-05864, dated November 2, 2005 and the application for review under the *Judicial Review Procedure Act* by Stephen Srochenski

Between:

Stephen Srochenski

Petitioner

And:

Workers' Compensation Appeal Tribunal

Respondent

- and -

Docket: 0729502
Registry: Prince George

Re: The decision of the Workers' Compensation Appeal Tribunal, WCAT-2007-00502, dated February 12, 2007 and the application for review under the *Judicial Review Procedure Act* by Stephen Srochenski

Between:

Stephen Srochenski

Petitioner

And:

Workers' Compensation Appeal Tribunal

Respondent

Before: The Honourable Mr. Justice Meiklem

On appeal from: Decisions of the Workers' Compensation Appeal Tribunal, dated September 30, 2004, November 2, 2005 and February 12, 2007 (WCAT-2004-05166-RB, WCAT-2005-05864 and WCAT-2007-00502)

Addendum and Supplementary Reasons for Judgment

Counsel for the Petitioner:

O. Hui

Counsel for the Respondent:

V.A. Pylypchuk

Place and Date of Hearing:

Prince George, B.C.
August 27 & 28, 2009

Place and Date of Judgment:

Prince George, B.C.
January 21, 2010

[1] These reasons are supplemental to my reasons for judgment released in this matter on November 2, 2009. My original reasons dismissed two of three petitions brought to set aside three separate Workers' Compensation Appeal Tribunal ("WCAT") decisions. In those reasons, I granted the relief sought in one of three petitions and quashed the third WCAT decision and remitted certain questions to the WCAT for reconsideration. One of the questions remitted was "When did the strain issue resolve or plateau?"

[2] I intended that issue to be reconsidered notwithstanding that the question was addressed, to some extent, in the context of the wage loss claim which was dealt with in the first WCAT decision. It was my view, in accordance with the submissions of counsel for WCAT at the hearing of the petitions, that the issues dealt with in the first two WCAT decisions were moot because the third WCAT decision dealt with all the issues. However, I have received a joint submission to the effect that, with the third WCAT decision quashed, the decision of the first WCAT tribunal could be construed as fettering the jurisdiction of a subsequent tribunal, or viewed as a contradictory finding if not quashed.

[3] To avoid any such construction or conflict, I accede to the joint submission of counsel for the petitioner and counsel for WCAT, and amend my reasons as follows:

a) Para. 68 of my original reasons is amended to read:

For these reasons and in view of my disposition of the third WCAT decision, I do not consider it necessary to review the first and second WCAT decisions.

b) The following words are to be added to para. 106 of my original reasons:

That aspect of the first WCAT decision which addresses any of the questions remitted to WCAT for reconsideration is set aside. The first petition is dismissed in all other respects. The second petition is dismissed in its entirety.

"I.C. Meiklem J."

MEIKLEM J.