

COURT OF APPEAL FOR ONTARIO

CITATION: Taylor v. Workplace Safety & Insurance Board, 2018 ONCA 771

DATE: 20180921

DOCKET: C65144

Rouleau, Benotto and Miller JJ.A.

BETWEEN

Paul Taylor

Applicant/Appellant

and

Workplace Safety & Insurance Board – WSIB

and

Workplace Safety & Insurance Appeals Tribunal -WSIAT

Respondents/Respondents

Paul Taylor, acting in person

Jean-Denis Belec, Workplace Safety and Insurance Board

Michael Fenrick, Workplace Safety & Insurance Appeals Tribunal

Heard: September 13, 2018

On appeal from the order of Justice Cynthia Petersen of the Superior Court of Justice, dated March 20, 2018.

REASONS FOR DECISION

[1] The appellant appeals the dismissal of his application for judicial review brought against the Workplace Safety and Insurance Board (the “WSIB”) and the Workplace Safety and Insurance Appeals Tribunal (the “WSIAT”). The application related to WSIB’s: 1) denial of reimbursement for non-prescription pain medication, 2) cessation of coverage for reimbursement of prescription medication, and 3) denial of benefits for certain dates in 1998.

[2] Although the appellant had commenced an internal appeal, he also applied to a single judge of the Superior Court of Justice under s. 6(2) of the *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1, on the basis of urgency, for relief including an order of mandamus compelling the WSIB and WSIAT to hold oral appeal hearings within a specific time frame.

[3] The application judge determined there was no urgency as required by s. 6(2) and dismissed the application. She further determined that the application was in any event premature as the appellant had not exhausted the administrative appeal process within the WSIB, or commenced an appeal to the WSIAT.

[4] The appellant argues that the application judge erred in relying on WSIB’s policy that it is incumbent on the claimant to provide medical reports and in concluding that WSIB acted reasonably in requesting updated medical information.

[5] We reject these grounds of appeal and agree with the application judge’s analysis. There is no basis to interfere with the application judge’s finding that, by

giving three months' notice to the appellant of the need for updated information, WSIB acted reasonably to ensure that the requested information is submitted. The appellant has not identified any legal error that would permit appellate intervention.

[6] At the outset of the hearing, Mr. Taylor brought a motion for an order permitting him to live-stream the hearing of the appeal via a Facebook page. Although he filed a motion in advance of the hearing, we did not receive any of the supporting materials before the hearing. We nevertheless heard the motion and dismissed it. The recording of proceedings in the courtroom is an issue governed by practice directives established after broad consultation. It would be inappropriate to depart from, or supplement, the existing directives in these circumstances and we declined to do so.

DISPOSITION

[7] The motion for leave to live stream the hearing of the appeal is denied. The appeal is dismissed. Costs are awarded to each of the respondents in the amount of \$750 each (for a total of \$1,500), inclusive of disbursements and HST.

“Paul Rouleau J.A.”

“M.L. Benotto J.A.”

“B.W. Miller J.A.”