

IN THE SUPREME COURT OF THE YUKON TERRITORY

Citation: *Hatton v. YWCHSB*, 2005 YKSC 43

Date: 20050711
Docket: S.C. No. 05-A0001
Registry: Whitehorse

**IN THE MATTER OF *THE WORKERS' COMPENSATION ACT*
R.S.Y. 2002, c. 231
and
IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW
IN RESPECT OF CERTAIN ERRORS OF THE
WORKERS' COMPENSATION HEALTH AND SAFETY BOARD**

by

**MICHAEL HATTON AND THE WORKERS' ADVOCATE
ON BEHALF OF MICHAEL HATTON**

Petitioners

Before: Mr. Justice R.S.K. Wong

Appearances:
Richard A. Buchan
Bruce L. Willis, Q.C.

For the Petitioners
For the Respondents

**MEMORANDUM OF JUDGMENT
DELIVERED FROM THE BENCH**

[1] WONG J. (Oral): Well, I think, basically, having ruled that it is premature, if he comes back without having exhausted the remedy outlined under the *The Workers' Compensation Act*, R.S.Y. 2002, c.231, he may be struck with a ruling that has already been ruled here on that limited issue.

[2] I am only giving him the option that if he goes through the remedy and is dissatisfied with the result, then by amending his petition he can argue his other points that he has developed here today.

[3] I have just made the ruling that it is premature at this time in order to complete the record.

[4] MR. BUCHAN: Thank you, My Lord.

[5] THE COURT: But it is primarily on that basis. So, if I dismiss his application as being premature, at this point his remedy, basically, is to go either to the Workers' Compensation and go through his application for the annuity or he can go to the Court of Appeal for dismissing it. But if I leave it open, which I left him the option that he has requested, to adjourn it generally, he can come back but it is going to be on the basis of having gone through the required procedure with the Workers' Compensation.

[6] MR. BUCHAN: Thank you, My Lord.

[7] THE COURT: On that basis the matter is adjourned generally. The matter of costs of today will follow the final result of this cause.

[8] MR. BUCHAN: Actually, My Lord, we already have an agreement as noted on the record that the parties bear their own costs. It's our normal practice in that respect.

[9] THE COURT: All right.

WONG J.

