



Department of Justice
Canada

Ministère de la Justice
Canada

Civil Litigation Section
Litigation Branch
Department of Justice Canada
50 O'Connor Street, Room 500
Ottawa, Ontario
K1A 0H8

Telephone: (613) 670-6290
Fax: (613) 954-1920
Email: Christopher.rupar@justice.gc.ca

BY EMAIL

August 19, 2019

Our File Number: 10704167

Judicial Compensation and Benefits Commission
C/O Louise Meagher
Executive Director
99 Metcalfe Street, 8th Floor
Ottawa, Ontario K1A 1E3

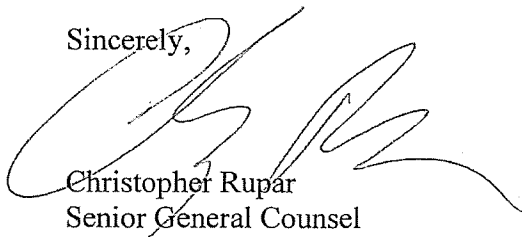
Dear Ms. Meagher:

Re: QUADRENNIAL COMMISSION 2015-16

Please bring this letter to the attention of the members of the Commission. We write in response to the Canadian Superior Court Judges Association's letter dated August 15, 2019 regarding repayment of a judge's mandatory 7% pension contributions that, under the proposed amendments, would be suspended upon a recommendation for removal from the Canadian Judicial Council.

We agree with the Association's proposal on this issue. Indeed, the intention has always been to structure the proposed provision so as to require all pension contributions to be paid if the judge resumes sitting. Various options could achieve this result, including requiring contributions to continue during the suspension, suspending them but requiring them to be made up if reinstated, or giving the judge the option. The Minister's initial submission was drafted so as to preserve flexibility as to the precise operation of the mechanism. The intention to avoid the situation raised by counsel for the Association is implicit in the core principle of putting a judge who sees a recommendation for their removal rejected or overturned by a court, back in the same position they would have been in if the recommendation had never been made.

Sincerely,



Christopher Rupar
Senior General Counsel

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