

THE SIGNIFICANCE OF THE RUNKLE DECISION

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Regarding *Runkle*, per the Alberta Court of Queen's Bench, the Provincial Court in Alberta can no longer accept the specious arguments that the Crown has [regrettably successfully] been advancing, *i.e.*, that granting of any sort of ATT [in this case] - even if it has little or no relation to the ATT previously enjoyed by the restricted firearms holder - is not a refusal. The Crown's argument then goes further: since no refusal, no jurisdiction in the Prov Ct Judge's hands to review the decision pursuant to which an ATT has been renewed, albeit in a truncated or reduced fashion. *Runkle* has blown this approach out of the water.

From the *Runkle* decision: [36] *I agree with Kaufman J that the refusal to grant an unconditional licence is a refusal to grant a licence and I apply that reasoning to the case at bar. The refusal to grant an authorization to take the firearms to gunsmiths and verifiers is reviewable in a reference before the provincial judge, as is the refusal to remove conditions in an authorization. To me it makes no difference whether we are dealing with locations under s 19, or conditions under s 58 of the Act.*

The Provincial Court of Alberta therefore does have the jurisdiction to review the decision of the CFO in circumstances like these.

See: *Runkle v. Alberta [CFO]* 2015 ABQB at:

<https://www.canlii.org/en/ab/abqb/doc/2015/2015abqb216/2015abqb216.html>

N.B. The decision of Judge Kaufman referred to above is from Manitoba Court of Queen's Bench, 2004.