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CASE SUMMARY: FEDERAL COURT RULES DECISION TO REVOKE PILOT'S SECURITY CLEARANCE AT MONTREAL AIRPORT OVER "LIFE-THREATENING" ONLINE THREATS WAS REASONABLE

**Administrative law – Judicial review – Decisions reviewed – Transportation Agency
– Professional governance and discipline – Procedural requirements and fairness –
Standard of review – Reasonableness; Professions – Pilots**

Varadi v. Canada (Attorney General)

Federal Court dismissed pilot's application for judicial review of Transport Canada's decision to cancel and revoke his transportation security clearance due to safety concerns arising out of life-threatening emails he had sent several years prior.

[2017] F.C.J. No. 130

2017 FC 155

Federal Court

February 8, 2017

D. Gascon J.

Varadi, a civil pilot, had his transportation security clearance (TSC) revoked and canceled in 2015 after Transport Canada had become aware through a report by the RCMP that he had previously sent life-threatening emails to various organizations throughout 2007 to 2013. Varadi applied for judicial review of this decision, arguing it was unreasonable, that he had a legitimate expectation that Transport Canada would not cancel his TSC as it had been recently renewed in 2014, and that he did not receive procedural fairness as he was denied a fair opportunity to respond to the concerns.

The Court found the decision to revoke and cancel Varadi's TSC was reasonable and that he was treated fairly given his entitlement to procedural fairness in this context (when an existing security clearance is being revoked) was on the lower end of the spectrum. Regarding Varadi's claim about legitimate expectations, the Court noted that not only was Transport Canada not made aware of the emails until after it received the RCMP report in 2015, it would also be contrary to the aim of the TSC program, which is to ensure security while preventing unlawful acts of interference with civil aviation, to accept that events that took place before the last TSC renewal, but that were unknown at that time, should not be considered by Transport Canada. In the result, the Court dismissed Varadi's application.

This case was digested by [Kara Hill](#) of Harper Grey LLP. If you would like to discuss this case further, please feel free to contact her directly at khill@harpergrey.com or review her biography at <https://www.harpergrey.com/>.