

I. INTRODUCTION

It is trite to say that administrative tribunals are required to conduct hearings in accordance with the principles of natural justice and the requirements of procedural fairness. However, while the principles of natural justice remain relatively static, the requirements of procedural fairness can be variable, depending on the nature of the tribunal, the issue being determined, and the statutory framework. One of the variable elements of procedural fairness is the obligation to provide reasons. The following discussion traces the evolution of the requirement to provide reasons and the content of that obligation, with reference to the rationales for providing reasons and a brief summary of the considerations involved in challenging decisions based on inadequate reasons.

II. THE REQUIREMENT TO PROVIDE REASONS

The Reasons for Reasons

As early as 1978 the Supreme Court of Canada noted the desirability of reasons:

“The law reports are replete with cases affirming the desirability if not the legal obligation at common law of giving reasons for decisions. This obligation is a salutary one. It reduces to a considerable degree the chances of arbitrary or capricious decisions, reinforces public confidence in the judgment and fairness of administrative tribunals, and affords parties to administrative proceedings an opportunity to assess the question of appeal...”¹ (cites omitted)

As revealed in this quotation, one of the foremost justifications for the provision of reasons is the simple principle that individuals have a right to understand why a particular decision has been made. Administrative proceedings are becoming more and more common in today’s society and often, the matters being decided are of significant import to the parties affected. Reasons provide an effective reassurance that the decision maker has considered the submissions of the parties, allowing the parties to be confident that regardless of the end result, their position has been heard and understood.² An individual

¹ *Re Northwestern Utilities Ltd. et al, and City of Edmonton*, [1979] 1 S.C.R. 684 at p. 706.

² *Baker v. Canada (Minster of Citizenship and Immigration)*, [1999] 2 S.C.R. 817 at para. 39.