IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *M.H. v. Legal Services Society of British Columbia,*
2018 BCSC 195

Date: 20180209
Docket: S173145
Registry: Vancouver

Between:

M.H.

Petitioner

And

Legal Services Society of British Columbia

Respondent

Before: The Honourable Madam Justice H. Holmes

Reasons for Judgment

Counsel for the Petitioner:	Kate Feeney Erin C. Pritchard
Counsel for the Respondent:	Brent B. Olthuis Trevor Bant
Place and Dates of Hearing:	Vancouver, B.C. August 8 and 10, 2017
Place and Date of Judgment:	Vancouver, B.C. February 9, 2018

INTRODUCTION

[1] M.H. seeks judicial review of a decision of the Legal Services Society of British Columbia denying her application for legal aid representation in her family law case against her child's father, G.M., about parenting arrangements and child support.

[2] M.H. submits that the Provincial Supervisor, who made the decision under review, fettered her discretion by binding herself to an unwritten standard requiring a risk of physical harm, when the Society's written policy (its IPP) allowed for coverage in a broader range of situations of family violence. M.H. also submits that the process that led to the decision was unfair because the Provincial Supervisor pre-judged the case without considering evidence of psychological or emotional harm that supported the application, notably an audio-recording of a telephone conversation in which G.M. inflicted a tirade of verbal abuse on M.H. She submits that the process was unfair also because the intake worker (who first denied coverage in a decision that the Provincial Supervisor then reviewed) did not identify the basis for initial refusal, thus preventing M.H. from addressing the perceived deficiency in the review.

[3] In the alternative, M.H. submits that the Provincial Supervisor's interpretation of the IPP was unreasonable because it failed to consider that a risk of harm or violence includes a risk of emotional harm, as is now well-settled in the jurisprudence relating to the same concept in the *Family Law Act*, and because the Provincial Supervisor's brief reasons failed to disclose the basis for the decision.

[4] The Society recognizes that M.H.'s concerns about the issues in her family law proceeding and about representing herself are genuine and not to be minimized. However, the Society submits that it was not unreasonable, on the information available at the time, to conclude that G.M.'s conduct did not create a risk of harm or violence within the meaning of the IPP, and that the fair allocation of the Society's scarce resources required that M.H.'s application be denied. The Society submits that the Provincial Supervisor's reasons, while brief, were adequate in all the

circumstances, including that the Society receives nearly 30,000 applications each year. The Society denies procedural unfairness, and submits that M.H.'s position that the Provincial Supervisor fettered her discretion is, in its substance, a complaint that the decision was unreasonable.

[5] I agree with the Society. Before explaining why, I will first outline some of the background facts that form part of the record.

BACKGROUND

[6] M.H. and G.M. dated casually from about 2007 until 2011, when the child was an infant. The child is now seven years old. Each of M.H. and G.M. also have older daughters from previous relationships.

[7] According to M.H., she has been the primary caregiver since the child's birth. M.H. contends that G.M. showed little interest in parenting until, in 2016, M.H. started proceedings in the Provincial Court of British Columbia for child support after G.M. stopped paying the support he had been paying since 2012; M.H. contends that the amount G.M. paid until 2012 was less than the amount indicated by the *Child Support Guidelines*. In G.M.'s response in the family law proceedings, he seeks orders for guardianship, shared parental responsibilities, and equal parenting time.

[8] A family case conference held on March 8, 2017 in the Provincial Court at Surrey, B.C., led to an interim consent order about guardianship, parental responsibilities, and the child's primary residence, but did not deal with parenting time. A hearing about parenting time and retroactive child support was scheduled for March 29, 2017, but was adjourned.

[9] In the family law proceedings, M.H. contends that G.M. has serious anger and control issues, and that he is psychologically, emotionally, and verbally abusive in a way that causes or will cause harm to the child. She refers to specific incidents in which issues relating to parenting time with the child have triggered anger in G.M.,

or have led to abuse in the form of efforts to control and punish M.H. and to maintain a power imbalance.

[10] M.H. applied for legal aid in mid-March 2017 by calling the Society's intake line and speaking with the intake worker to whom I referred briefly in the introduction to these reasons. As I will discuss in more detail later, M.H. gave the intake worker information about the history and status of the parenting arrangements and the family law proceeding, and detailed her concerns about G.M.'s anger and control issues and their effect on the child.

[11] As I have mentioned and will also discuss later, M.H. asked the intake worker to listen to a recording of a December 8, 2016 telephone conversation, in which G.M. directed a tirade of abuse toward M.H. The intake worker declined to do so.

[12] M.H. deposes that the intake worker told her, in the telephone conversation, that her application would be denied because she did not meet the coverage requirements. By letter of March 15, 2017, sent to M.H. by email, the intake worker confirmed that M.H.'s request for legal aid coverage was refused because her "situation does not qualify".

[13] As the letter advised she could do, M.H. then asked the Provincial Supervisor to review the refusal. In her request, she explained at some length that she viewed her situation as eligible for coverage because the child would be at risk of emotional harm if G.M. were to be granted additional parenting time.

[14] The Provincial Supervisor confirmed the initial decision to refuse M.H.'s application. The substance of her brief letter, dated March 23, 2017, read as follows:

> The Legal Services Society (LSS) has extremely limited resources and we must apply our policies consistently to all clients and we cannot provide everyone with a lawyer. Although you may be financially eligible for legal aid, the type of legal problem you face is not covered by Legal Services Society.
>
> You did not submit any new information with your request for a review that shows that you are eligible for legal aid. Although you have concerns about

> your child's emotional well-being, that does not meet our emergency criteria in terms of safety issues.
>
> Based on the information that you gave us we find that our policies and procedures were applied correctly and we confirm the decision to refuse your legal aid application.

[15] The Provincial Supervisor's decision is the decision now under review.

ISSUES

[16] The parties' positions give rise to the following main issues:

1. whether the Provincial Supervisor fettered her discretion by binding herself to an unwritten standard requiring a risk of physical harm;
2. whether the process that led to the Provincial Supervisor's decision was unfair because:

    (a) the intake worker refused to listen to the recording of G.M. speaking abusively to M.H.; or

    (b) the intake worker's reasons did not adequately disclose the basis for denying coverage; and
3. whether the Provincial Supervisor's interpretation of the IPP was unreasonable.

[17] I note also that M.H. objects on various grounds to the admission of substantial portions of the affidavit of the Society's Director of Public Legal Information and Applications. M.H. submits that portions of the affidavit that purport to explain, justify, opine about, or supplement the basis for the decision under review are irrelevant and therefore inadmissible. At first blush, this objection appears to have merit. However, it is unnecessary to determine, and I prefer not to do so because of the potential ramifications of a ruling for other cases of judicial review and the relatively scant attention the objection received in the hearing. This judicial review may be determined without regard to the impugned portions of the affidavit, and that is the course I will follow.

[18] After briefly addressing the standards of review that apply in the consideration of these issues, I will discuss the issues in turn.

THE STANDARDS OF REVIEW

[19] The parties agree that the *Administrative Tribunals Act* does not apply to the Society, and that, for the substantive errors alleged, the standard of review is the common law standard that asks whether the decision was reasonable.

[20] The parties agree also that for alleged procedural unfairness, including the fettering of the decision-maker's discretion, the standard of review asks whether the approach taken was correct.

[21] With those standards of review in mind, I turn now to the issues for determination.

ANALYSIS

1. Did the Provincial Supervisor Fetter Her Discretion?

[22] As I have noted, the fettering of discretion is an issue of procedural fairness, an area in which the court owes the administrative decision-maker no deference. The standard of review asks whether the decision was correct: *Trinity Western University v. The Law Society of British Columbia*, 2015 BCSC 2326 at paras. 97-99, aff'd 2016 BCCA 423, leave to appeal granted [2016] S.C.C.A. No. 510.

[23] To recap, M.H. submits that, in restricting eligibility to situations of risk to physical safety, the Provincial Supervisor must have relied on an unwritten standard, thus fettering the discretion that the IPP gave her.

[24] The parties agree that the IPP represents the exercise of discretion by the Society as an institution, under the governing statutory framework, and that the IPP functions as a comprehensive guide for Society staff. This staff includes the intake worker who made the initial decision and the Provincial Supervisor who made the decision under review. The parties also agree that the Provincial Supervisor was required to base her decision on the IPP.

[25] Before examining the relevant portions of the IPP, I will outline the statutory framework which creates the Society and confers its powers, because that framework casts light on the range of policies and considerations the Society must take into account in fulfilling its mandate.

[26] The Society's objects are set out in s. 9(1) of the *The Legal Services Society Act*, S.B.C. 2002, c. 30, and include the following:

> 9 (1) The objects of the society are,
>
> (a) subject to section 10 (3), to assist individuals to resolve their legal problems and facilitate their access to justice,
>
> (b) subject to section 10 (3), to establish and administer an effective and efficient system for providing legal aid to individuals in British Columbia, …

[27] The principles by which the Society is to be guided appear in s. 9(2):

> 9 (2) The society is to be guided by the following principles:
>
> (a) the society is to give priority to identifying and assessing the legal needs of low-income individuals in British Columbia;
>
> (b) the society is to consider the perspectives of both justice system service providers and the general public;
>
> (c) the society is to coordinate legal aid with other aspects of the justice system and with community services;
>
> (d) the society is to be flexible and innovative in the manner in which it carries out its objects.

[28] Subsection 10(1) grants broad powers to the Society, including the power to establish priorities for legal coverage and policies to determine when it will be provided:

> 10 (1) For the purposes of its objects, the society has, subject to subsections (2) and (3), all the powers and capacity of an individual and, without limiting this, may
>
> (a) establish priorities for the types of legal matters and classes of persons for which it will provide legal aid,
>
> (b) establish policies for the kinds of legal aid to be provided in different types of legal matters,
>
> …

> (d) determine who is and who is not eligible for legal aid based on any criteria that the society considers appropriate, …

[29] However, the Society's powers are subject to specific limits described in s. 10(3). The Society must act in accordance with the *Act*, the regulations, and the Memorandum of Understanding with the Attorney General (that is required by s. 21), and must act within the budget approved by the Attorney General:

> 10 (3) The society must not engage in an activity unless
>
> (a) it does so without using any of the funding provided to it by the government, or
>
> (b) it does so in accordance with this Act, the regulations and the memorandum of understanding referred to in section 21 and money for that activity is available within the budget approved by the Attorney General under section 18.

[30] The Memorandum of Understanding, negotiated in accordance with s. 21, lists certain services that the Society will provide, to the maximum of its budget and within its capacity to deliver. Among those services are the following for family law cases:

> 9. The Society will provide the following Provincially Funded Services, to the maximum amount set out in the Approved Budget in each fiscal year and within the Society's capacity to deliver those services. The services listed below are indicative of the type of Legal Aid services the Society provides and are not indicative of relative priority.
>
> …
>
> b. Service: Representation of Eligible Individuals in family law matters where a court order is required to ensure the safety or security of an individual. Such services may include, but are not limited to:
>
> i. Representation by a lawyer where the client's safety or the safety of her or his children is at risk; the client has been denied access, contact or parenting time to her or his children on an ongoing basis; or there is a risk that a child will be permanently removed from the province.
>
> ii. Attendance/Participation in alternative dispute resolution matters, appeals, applications for judicial review, and other matters as the Society deems appropriate.
>
> …

f. Service: Continued representation of Eligible Individuals who have been provided with representation pursuant to paragraph (b) in matters where further proceedings are required to ensure the safety or security of an individual. Such services may include, but are not limited to:

i. Representation in cases involving:

1. significant contested issues involving sexual, mental, or physical abuse of the client or the client's children;
2. the opposing party is using the justice system to continue a pattern of abuse;
3. there is significant risk of the client being alienated from his/her children;
4. the client or children may be left at physical or psychological risk if coverage of the case is discontinued;
5. resolution of family issues will have a significant positive impact on the relationship between the client and his/her child or the environment in which the child lives.

[31] M.H. submits that nothing in the *Legal Services Society Act*, the Memorandum of Understanding, or the IPP limits eligibility for coverage to cases where a risk of harm or violence is to physical safety. As I have said, she submits that if the Provincial Supervisor relied on a restriction found outside the IPP to restrict the meaning of "harm or violence" to physical harm or violence, she fettered the discretion the IPP gave her.

[32] In support of this submission, M.H. notes that the *Legal Services Society Act* directs the Society (in various of the provisions referred to above) to work within the framework of the justice system to facilitate access to justice for low-income individuals. She notes that the *Family Law Act*, which is central to the family justice system, includes a broad concept of family violence that encompasses psychological and emotional abuse in addition to physical abuse. She submits that, in the context of the *Family Law Act*, it is well-settled that "family violence" is not limited to physical violence, but includes, for example, demeaning and derogatory comments: *C.L.M. v. M.J.S.*, 2017 BCSC 799 at paras. 343, 360-365. M.H. notes, furthermore, that the factors which the IPP lists as potentially relevant in the assessment of risk of harm

or violence are nearly identical to those included within the *Family Law Act*'s concept of family violence, with only punctuation or formatting differences.

[33] M.H. takes no objection to the following portion of the affidavit of the Society's Director of Public Legal Information and Applications, which makes clear that the Society gives priority to physical safety in determining eligibility for coverage:

> 25. Psychological and emotional abuse factor in almost every family breakdown, to varying extents. LSS' funding limitations mean we cannot provide coverage in all such cases and instead, we focus our resources to protect physical safety. We provide context in the IPP so that intake staff can make coverage decisions in the most serious cases of emotional or psychological abuse, as those may be indicators or precursors to physical violence. Examples of such serious emotional and psychological abuse that may be taken into account for coverage purposes, are: intimidation, harassment, coercion, threats against people, pets or property, restrictions on financial or personal autonomy, stalking, intentional damage to property, or in the case of a child, exposure to violence. The discretionary exception review policy was often used to provide coverage in less severe cases of emotional or psychological abuse when budget was available and other exception review criteria were met prior to the [Executive Management Committee] decision in January, 2017.

[34] In my view, the language of the IPP allows Society decision-makers to give such priority.

[35] The IPP does not mandate coverage or exclusively establish entitlement to coverage for certain applicants or in certain circumstances. Rather, it sets out criteria that may make a person eligible to be funded from a limited pool of resources. In this sense, the IPP guides determinations of where individual applications fall on a spectrum of cases, those involving the most serious risks having the highest priority for coverage.

[36] The language in the portion of the IPP on which M.H. relies signals this approach by using the word "may", regarding eligibility, in introducing the concept of risk of harm or violence as a potential basis for coverage (under the heading "Family Coverage – General Family Guidelines"):

> An applicant <u>may</u> be eligible for legal representation . . . if the client or their children are at risk of harm or violence.
>
> [Emphasis added.]

[37] The same permissive use of the word “may” is used in setting out the factors which may be relevant in the assessment of harm or violence. This list of factors includes some forms of psychological or emotional abuse:

> **Risk of harm or violence**
>
> The following factors may be relevant when assessing risk of harm or violence:
>
> - physical abuse of a family member (includes forced confinement and deprivation of the necessities of life, but not the use of reasonable force to protect oneself or others from harm)
> - sexual abuse of a family member
> - attempts to physically or sexually abuse a family member
> - psychological or emotional abuse of a family member, which includes:
>   - intimidation, harassment, coercion, or threats, including threats against other people, pets, or property
>   - unreasonable restrictions on or denial of a family member’s financial or personal autonomy
>   - stalking or following a family member
>   - intentional damage to property
> - in the case of a child, direct or indirect exposure to family violence

[38] These are the same factors that, as included in the *Family Law Act*, have been interpreted to include various forms of emotional abuse.

[39] However, in the IPP the factors must be read in their context, which includes, in the section headed “Who’s Covered”, a strong emphasis on physical safety as a basis for potential coverage (again using “may”), and which stresses that other circumstances to support coverage must be exceptional:

> An applicant, with or without children, <u>may</u> be eligible for legal aid if their <u>physical safety</u> is at risk, <u>or in other exceptional circumstances</u>.
>
> [Emphasis added.]

[40] Furthermore, the IPP must be read in light of the *Legal Services Society Act* and the Memorandum of Understanding. As was seen in the brief review of excerpts above, these confine the Society to activities within its budget. No such budgetary

context constrains the interpretation of the provisions in the *Family Law Act* concerning family violence.

[41] I am unable to agree that the Provincial Supervisor fettered her discretion by relying on an unwritten and inaccessible standard or restriction outside the IPP.

[42] M.H.'s position on this issue is at its heart an attack on the reasonableness of the Provincial Supervisor's decision, which is to be considered according to the reasonableness standard of review, to be discussed later.

2(a) Was the Process Unfair because of the Failure to Listen to the Recording?

[43] M.H. submits that the process was unfair because neither the intake worker nor the Provincial Supervisor listened to the audio-recording of a telephone call in which G.M. demonstrated his problems with anger and control that were of great concern to M.H.

[44] M.H. deposes that the telephone call took place in the following circumstances:

> 11. . . . On December 8, 2016, [G.M.] agreed to take [the child] to a dance class during his parenting time. Normally, I take [the child] to dance even when it is [G.M.]'s parenting time because he plays hockey on the same night. However, [G.M.] told me that he was not going to play hockey that night so that he could take [the child] to dance. [The child] was thrilled that her dad was going to watch her class.
>
> 12. During [the child's] dance class, I got a phone call from another dance mom, telling me that [G.M.]'s then 17 year old daughter had taken [the child] to dance instead. This not only went against what [G.M.] and I had discussed earlier, but also went against our agreement that his daughters were not allowed to drive [the child] places because they are new drivers. I therefore went to [the child]'s dance class and picked her up. [G.M.] went into a rage about my "interference", which I recorded.

[45] The audio-recording was played during the judicial review. G.M. indeed delivers a stream of rage punctuated by obscenities, barely pausing when M.H. interrupts him or speaks over his voice. At face value, the audio-recording supports

M.H.'s position that G.M. responds with extreme anger to what he evidently perceives as her interference with the parenting arrangement.

[46] However, the intake worker (and the Provincial Supervisor who read the intake worker's notes, during her review) were not deprived of information about M.H.'s concerns. M.H.'s own evidence makes clear that she took care to explain the extent and effects of G.M.'s anger and control problems to the intake worker, although she was not satisfied with how the intake worker appeared to react:

> 25. In mid-March 2017, I applied for legal aid over the phone by calling the [Society's] intake line. During the call, I had a negative experience with the intake worker. She seems rushed, abrupt and dismissive of my experiences and concerns. I recall discussing with the intake worker topics including but not limited to:
>
> a. The history of the parenting arrangements with [the child].
>
> b. The history of the court proceeding and information about the upcoming hearing.
>
> c. My concerns about representing myself at the hearing, where so much will be at stake.
>
> d. [G.M.]'s history of anger and control issues toward me, including the situation described above in paragraphs 11 and 12. I told the intake worker that I had a recording of [G.M.] from that incident (Exhibit "A" to this affidavit). When I asked the intake worker whether I could play the recording for her, she said no.
>
> e. The 2013 incident where [G.M.] was so angry that he became physical with me and our daughters called the police. The intake worker responded by asking whether [G.M.] had been arrested. I said no and got the impression that the intake worker did not take the incident seriously as a result.
>
> f. My concerns about the impact of [G.M.]'s anger and control issues on [the child]. The intake worker asked me whether MCFD had ever investigated [G.M.]'s parenting of [the child]. I said no and got the impression that the intake worker did not take these concerns seriously as a result.
>
> g. My concerns about [the child] not having a bedroom at [G.M.]'s home and having to sleep in his linen closet or on a couch in his girlfriend's home.

[47] The intake worker thus had M.H.'s own description of G.M.'s problems with anger and control. It was not necessary for her to witness them in action. To have done so would have added nothing to the basis on which the intake worker made her decision, or, accordingly, to the basis for the Provincial Supervisor's decision.

[48] I cannot agree that the process was unfair because the intake worker declined to listen to the audio-recording.

2(b) Was the Process Unfair because the Intake Worker Did Not Give the Basis for Refusing Coverage?

[49] M.H. submits that the intake worker's failure to indicate the basis for refusing her application prevented her from addressing the perceived deficiency in the eligibility review by the Provincial Supervisor, and made the process unfair in that review.

[50] The intake worker's letter confirming that M.H.'s application had been refused was indeed brief. The substance of the decision to deny coverage was indicated only by a mark against the box next to the words, "Your situation does not qualify". Read in isolation, this short sentence says nothing about the basis for the conclusion that M.H.'s situation did not qualify for coverage.

[51] However, the sentence had a context. It appeared, in what is evidently a standard form, as one of five bases on which an application may be refused:

> **Legal Aid Representation Services — Refused**
>
> The Legal Services Society (LSS) cannot provide a lawyer for everyone.
> We are refusing your application because (see the reason ticked below):
>
> ☐ You do not qualify financially.
>
> ☐ You did not provide enough information about your income and assets.
>
> ☒ Your situation does not qualify.
>
> ☐ Your situation does not qualify under exception review.
>
> ☐ Legal representation is not available for your issue. LSS cannot review this refusal.

[52] There were obvious inferences to be drawn from the fact that the third box was marked, and the first, second, and fifth boxes were not. The fourth box was clearly inapplicable as M.H.'s application was not an exception review (a process which, I am told, had become unavailable by the time of M.H.'s application).

[53] That the first and second boxes were not marked indicated that the refusal of M.H.'s application was not because of her financial situation or any failure to provide sufficient information about it. That the fifth box was not marked indicated that the refusal was not because coverage was unavailable for family law cases. The obvious inference, therefore, from the mark against the third box alone, was that M.H.'s application was refused because of the particular nature of her family law case.

[54] It is also clear from M.H.'s request for review of the intake worker's decision that M.H. had a general understanding of why her application had been refused. M.H. began by noting that the refusal letter told her that her situation did not qualify, and she asked for a reconsideration because "it does fall under legal aid coverage, as my child is at risk if my ex-partner were to get additional parenting time". She went on to explain that the child would be at risk of emotional harm:

> The key issue is that I need a lawyer to support me as I seek an initial parenting order regarding parenting time, child support, guardianship, at the trial in March. I need this parenting order because my 6 year old daughter [name] is at risk of emotional harm from her father, and I need a lawyer because I face a serious barrier to self-representation.

After outlining the bases on which she feared that parenting time with G.M. would cause emotional harm to the child, M.H. summarized her position on this point as follows:

> All these seemingly small pieces affect my daughter. [G.M.]'s inconsistency and inability to commit or follow-through will impact her emotionally, as well as affect her trust in both her father and in myself, because it will appear as if I lied to her when I set her expectations. This emotional harm cannot be dismissed.

[55] The other main branch of M.H.'s submission, in her request for a reconsideration, related to the barriers she faced in representing herself. However, there is no suggestion, in M.H.'s evidence or submissions in this judicial review, that she thought the intake worker may have refused coverage because M.H. did not need legal representation. Rather, M.H. evidently understood that her application had been refused for reasons relating to the nature or degree of the perceived risk

to the child (associated with the issues in the family law proceeding). After referring to the intake worker's letter refusing coverage, M.H. deposes as follows:

> Due to the intake worker's reaction to my disclosures about [G.M.]'s anger and abuse, I understood that those experiences were not relevant to my eligibility for legal aid because there was a lack of involvement by the police and MCFD. I also lost confidence in the significance of those disclosures because I thought I was in a serious situation and the intake worker did not seem to agree. I already find talking about [G.M.]'s anger and abuse difficult, painful, and embarrassing. The intake worker's reaction reinforced those feelings.

[56] M.H. thus evidently understood that her application had been refused because the risk of harm or violence was not viewed as serious enough to warrant coverage. In her submission on the eligibility review, she addressed precisely that risk, and did so in detail.

[57] I am unable to conclude that the process in the eligibility review was unfair because the intake worker gave insufficient reasons.

3. Was the Interpretation of the IPP Reasonable?

[58] M.H. submits, in the alternative, that the Provincial Supervisor's interpretation of "risk of harm or violence" in the IPP was unreasonable because it was arbitrary and inflexible, and it failed to take account of the broad scope of "family violence", described by identical factors as I have noted, in the *Family Law Act*.

[59] As I have noted, the parties agree that the applicable standard of review asks whether the decision was reasonable. This is a deferential standard of review, concerned with "the existence of justification, transparency and intelligibility within the decision-making process". It asks "whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law": *Dunsmuir v. New Brunswick*, 2008 SCC 9 at para. 47.

[60] While the parties agree that inadequate reasons are not, of themselves, a basis for quashing a decision, inadequacy may bear on whether the decision is reasonable. The reasons, read together with the outcome, will help show whether the result falls within a range of possible outcomes: *Newfoundland and Labrador*

Nurses' Union v. Newfoundland and Labrador (Treasury Board), 2011 SCC 62 at para. 14.

[61] M.H. submits that the intake worker's letter did no more than state a conclusion. She submits that the Provincial Supervisor's decision essentially restated that conclusion, and failed to address M.H.'s specific concerns or to explain the reasoning process that led the Provincial Supervisor to refuse coverage despite those concerns. She submits that the reasons do not disclose, for example, whether the Provincial Supervisor refused the application because she interpreted "risk of harm or violence" to mean risk of physical harm, or, rather, because she determined (contrary to M.H.'s position) that G.M.'s conduct did not amount to psychological or emotional abuse.

[62] I am unable to agree. This was not a situation, such as in *Lloyd v. Canada (Revenue Agency)*, 2016 FCA 115, where reasons were silent on a critical issue and, using the metaphor from *Komolafe v. Canada (Citizenship and Immigration)*, 2013 FC 431 at para. 11, made no dots on the page for the reviewing court to connect. In my view, the Provincial Supervisor's brief reasons adequately explained the basis for refusing M.H.'s application by making plain that it was because the concerns were for the child's emotional well-being, and not about physical safety.

[63] The demands of a decision-maker's reasons vary with the context in which the decision was given: *Newfoundland and Labrador Nurses' Union* at paras. 16-18. This decision was given in a context that demanded of the Society the efficacious disposition of this application, along with tens of thousands of others annually.

[64] Here, the "dots" in the Provincial Supervisor's decision clearly pin-pointed the basis on which the decision was made. As discussed above, this basis for the decision was within the range of possible, acceptable outcomes given how the "risk of harm or violence" is interpreted under the IPP and in the budgetary context of the Society.

ORDER

[65] The petition is dismissed.

"The Honourable Madam Justice H. Holmes"