

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Claim No. CV 2017-00827

BETWEEN

RBC FINANCIAL (CARIBBEAN) LIMITED

*Claimant*

AND

THE REGISTRATION, RECOGNITION  
AND CERTIFICATION BOARD

*Respondent*

THE BANKING, INSURANCE AND  
GENERAL WORKERS' UNION

*Interested Party*

Before The Honourable Madam Justice Margaret Y. Mohammed

Dated the 5<sup>th</sup> February 2018

**APPEARANCES:**

Mr. Christopher Sieuchan Attorney at law for the Claimant.

Ms. Nisi Simmons Attorney at law for Respondent.

Ms. Gitanjali Gopeesingh Attorney at Law for Interested Party.

## REASONS

1. I have decided to order the Interested Party to pay the Claimant's costs of the proceedings incurred in relation to the Interested Party, to be assessed in default of agreement.
2. I have arrived at this decision since the Interested Party applied to be joined as a party to the proceedings at the first case management conference on the 17<sup>th</sup> May 2017. After the Interested Party was joined it was not a mere observer but it participated fully in the matter. It filed evidence through the affidavit of Vincent Cabrera which was material in these proceedings, since for the first time it disclosed matters in respect of which the Claimant had been seeking disclosure throughout the Certification Application. The material also disclosed discrepancies in the evidence of the Respondent's witness Mr. Martin which were subsequently re-visited in Mr. Martin's supplemental witness statement.
3. The Interested Party also filed full written submissions and made oral submissions at the hearing in these proceedings. In the submissions, the Interested Party set out a full defence of its practices and the decisions made by the Respondent.
4. In my opinion the evidence filed by the Interested Party and its submissions in support added to the work required of the Claimant in addressing them, in particular with respect to the issues of waiver and unreasonableness/irrationality.

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**Margaret Y Mohammed**  
**Judge**