SPORT DISPUTE RESOLUTION CENTRE OF CANADA (SDRCC)
CENTRE DE RÈGLEMENT DES DIFFERÉNDS SPORTIFS DU CANADA (CRDSC)

Citation: Bibic v. Cycling Canada Cyclisme, 2025 CASDRC 36

NO. SDRCC 25-0786
(ORDINARY TRIBUNAL)
DATE OF DECISION: 2025-10-02

DYLAN BIBIC
(Claimant)

AND

CYCLING CANADA CYCLISME (CCC)
(Respondent)

AND

CHRIS ERNST
MATHIAS GUILLEMETTE
(Affected Parties)

DECISION WITH REASONS

PARTIES AND REPRESENTATIVES

For the Claimant:	Dylan Bibic (Claimant) Sally Bibic (Parent) Amanda Fowler (counsel) Dr. Emir Crowne (counsel)
For the Respondent:	Scott Kelly (CCC) Chris Westwood (CCC) Adam Klevinas (Counsel)
For the Affected Party Chis Ernst:	Self-represented
Arbitrator:	Prof. Praveen Sandhu, FCIArb

PROCEDURAL BACKGROUND

1. On 12 August 2025 the Claimant filed a Request with the Sport Dispute Resolution Centre of Canada (SDRCC) for dispute resolution by arbitration, with Cycling Canada Cyclisme named as the Respondent and one affected party.

2. On 18 August 2025, the Respondent filed its Answer form with the SDRCC and identified a second affected party.

3. On 19 August 2025, the Claimant and the Respondent attended an Administrative Conference with a SDRCC Case Manager.

Preliminary Matters and Procedural Orders

4. On 27 August 2025, the Claimant and the Respondent attended a Preliminary Meeting with the Arbitrator. The Respondent raised an objection regarding reference to a 2024 Abuse-Free Sport Complaint, and requested that this objection be determined before the two affected parties are invited to participate in this proceeding.

    a. A timeline for all procedural steps was agreed upon, including a timeline for submissions from the Claimant and Respondent concerning reference to the 2024 Abuse-Free Sport Complaint proceeding.

    b. The Parties agreed to proceed by documentary review with a one-hour hearing on 11 September 2025 at 2:00pm ET for any questions from the Arbitrator.

5. On 2 September 2025 the Respondent provided a two-page written submission of its objection.

6. On 3 September 2025 the Claimant provided a one-page written submission of his response to the objection.

7. On 4 September 2025 Procedural Order No. 1 (PO1) was issued regarding reference to the 2024 Abuse-Free Sport Complaint.

8. On 4 September 2025 the Respondent provided an email submission seeking clarification of paragraphs 16 and 17 of Procedural Order No.1.

9. The Claimant was provided with an opportunity to respond by 8:00pm ET on September 5, 2025 (PO2). The Claimant provided no response submission, and it was not required.

10. On 6 September 2025 Procedural Order No. 3 (PO3) was issued clarifying paragraphs 16 and 17 of Procedural Order No.1.

11. On 7 September 2025 at 11:02am ET, Counsel for the Claimant provided an email, submission C-27, seeking to submit as evidence a 96-page Investigation Report prepared by an Independent Investigator relating to the 2024 Abuse-Free Sport Complaint.

12. On 8 September 2025 at 3:57pm ET, the Respondent provided its email response, submission R-08, stating, *inter alia,* that the matter of documents relating to the 2024 Abuse-Free Sport Complaint was already determined by PO1.

13. On 9 September 2025 Procedural Order No. 4 (PO4) was issued excluding the Investigation Report from this proceeding.

14. The Claimant objected to Exhibits 1, 3, 5, and 7-10 of R-11, stating, *inter alia*, that same should have been provided by August 29, 2025.

15. On 11 September 2025 Procedural Order No. 5 (PO5) was issued confirming that Exhibit R-11 is accepted as evidence.

Substantive Submissions and Decision

16. On 5 September 2025, the Claimant provided written submissions, C-20, and various exhibits.

17. On 9 September 2025, the Affected Party Chis Ernst submitted an Intervention Form, submission AP-01.

18. On 10 September 2025, the Respondent provided written submissions, R-10, and various exhibits, collectively in R-11.

19. On 11 September 2025 at 2:00pm ET, the Parties and representatives attended a videoconference with the Arbitrator. Each Party was allotted a brief time to make submissions and the balance of time was used for questions from the Arbitrator.

20. The Claimant sought leave to submit the final Sur-Reply submission and leave was granted.

21. On 12 September 2025, the Claimant provided a Sur-Reply, C-30.

22. On 15 September 2025 the Parties were provided with my short decision in which I substituted my decision for the decision in dispute. I am now providing my reasons for that decision.

23. I have considered all of the written submissions, arguments, responses provided to questions from me and evidence from each of the Parties. I will refer to these items in my Reasons only to the extent needed and may summarize rather than set out in detail.

INTRODUCTION

24. There is no question that all Parties in this proceeding and all decision makers involved in the Respondent's process are undertaking important and complex work. Collectively, their shared highest goal is to achieve results for Canada and I am confident the Parties will find a constructive and positive way to move forward.

CONTENTIONS OF THE PARTIES

25. The Claimant says this appeal is not about whether the Respondent published its selection criteria for the 2025 World Championship Omnium event, rather about how the criteria were established.[1]

26. The Claimant says the onus is on the Respondent to prove the criteria were appropriately established.[2] Only the criteria for one discipline, Omnium, were altered to exclude 2024 results and no explanation was provided for this change. The change resulted in the Claimants 2024 achievements being excluded from consideration in selecting the athlete for the Omnium event.[3] The 2024 results were considered for every other discipline.[4]

27. The Claimant submits this approach was unprecedented and was a "last minute change."[5]

28. The Claimant submits that since as early as March 2024, the Respondent was aware of the Claimant's decision to focus on road racing in 2025.[6]

29. On May 20, 2025 the Claimant filed a safe sport complaint with the Canadian Centre for Ethics in Sport against certain persons who were directly involved in decision-

[1] Claimant Submission C-20, at page 2.
[2] Claimant Submission C-20, at page 2 and section 6.11 of the *Canadian Sport Dispute Resolution Code*.
[3] Claimant Submission C-20, at page 5.
[4] Claimant Submission C-20, at page 7 and C-05 to C-07.
[5] Claimant Submission C-20, at page 7
[6] Videoconference, 11 September 2025, Sally Bibic (parent of Claimant), in response to question from Arbitrator.

making for establishing the selection criteria for the Omnium event and other disciplines.[7]

30. On 16 December 2024 the Respondent requested confirmation of the Claimant's decision to focus on road racing in 2025. The Respondent published a draft of the new selection criteria later that same day, that track racing results in 2025 for specific events would be considered.[8] The Claimant asked the Respondent for the reason why only 2025 track results would be considered in selecting an athlete for the Omnium spot.[9]

31. The Claimant submits that he ought to be the athlete selected based on the jurisprudence, bias and the Respondents failure to properly establish selection criteria.[10]

32. The Respondent focused its submissions on its initial burden of proof under section 6.11 of the Canadian Sport Dispute Resolution Code (the "Code"), being the issue of whether the selection criteria were appropriately established and, if that is demonstrated, then the Claimant's appeal must be dismissed.[11]

33. The process, briefly, is that national team coaches draft the selection criteria for review, the draft is circulated for feedback and then a final version is published.[12]

34. The Respondent submits that Claimant was selected to compete in two other cycling disciplines and nominated as the alternate in a third discipline, which he accepted on 11 August 2025. The Claimant was not selected for the Omnium event and filed the current appeal on 12 August 2025.[13]

35. The Respondent submits that a sports organization "can't predict results" when it sets criteria, that the head coach cannot be excluded from the process, that the *Vavilov, infra,* test is satisfied, and this case has "very similar circumstances" to the *Jones, infra*, case.[14]

36. The Respondent submits that consideration of 2025 results only is a "change from previous selection criteria" that "arose as a result of post-Olympic Games

[7] Claimant Submission C-20, at page 7 and Abuse-Free Sport Complaint referenced above.
[8] Claimant Submission C-20, at page 8 and C-15 to C-18.
[9] C-18, Email dated 18 December 2025, at page 2.
[10] Claimant Submission C-20, at page 12.
[11] Respondent Submission, R-10, paragraphs 2 and 3.
[12] Respondent Submission, R-10, paragraph 7.
[13] Respondent Submission, R-10, at paragraphs 21 and 22.
[14] Videoconference, 11 September 2025, Respondent Counsel Submission.

discussions" and to open opportunities for developing riders, the same approach was uniformly applied to both the men and women for this discipline[15] and, the development focused approach reflected the fact that 2025 is not an Olympic qualification year.[16]

37. The above, however, the Claimant says, is a submission from counsel for the Respondent and not evidence based upon which a decision could be reached in this arbitration.[17]

38. Both parties made submissions on the standard of review being reasonableness, not correctness, as a deferential standard recognizing decisions that draw on expertise and experience.[18] The Claimant submits that, since a 2019 Supreme Court of Canada decision, the law is that not only the outcome, rather both the outcome and the chain of decision-making must be reasonable.[19] Further, that the 2022 decision of Arbitrator Brunet shows the "landscape has changed."[20]

ANALYSIS:

Applicable Law

39. The Code states at section 6.11 that:

> **Onus of Proof in Team Selection and Carding Disputes**
>
> If an athlete is a Claimant in a team selection or carding dispute, the onus will be on the Respondent to demonstrate that the criteria were appropriately established and that the disputed decision was made in accordance with such criteria. Once that has been established, the onus shall be on the Claimant to demonstrate that the Claimant should have been selected or nominated to carding in accordance with the approved criteria. Each onus shall be determined on a balance of probabilities.

---

[15] Respondent Submission, R-10, at paragraphs 14 and 15.
[16] Respondent Submission, R-10, at paragraph 15.
[17] Videoconference, 11 September 2025, Claimant Counsel Submission, regarding paragraphs 2-22 of Respondent Submission R-11.
[18] Respondent Submission R-10, at paragraphs 62 and 63, *Canada (Minister of Citizenship and Immigration) v. Vavilov,* 2019 SCC 65, at paragraphs 51-53.
[19] Videoconference, 11 September 2025, Claimant Counsel Submission, state of law pre-*Vavilov* and post-*Vavilov*.
[20] Videoconference, 11 September 2025, Claimant Counsel Submission, state of law pre-*Vavilov* and post-*Vavilov*.

40. The Code states at section 6.12(a) that:

> **Scope of Panel's Review**
>
> (a) The Panel, once appointed, shall have full power to review the facts and apply the law. In particular, the Panel may substitute its decision for the decision that gave rise to the dispute or may substitute such measures and grant such remedies or relief that the Panel deems just and equitable in the circumstances.
>
> (b) The Panel shall have the full power to conduct a hearing *de novo*. The hearing must be *de novo* where:
>
> (i) the SO did not conduct its internal appeal process or denied the Claimant a right of appeal without having heard the case on its merits; or
>
> (ii) the Panel determines that errors occurred such that the internal appeal policy was not followed or there was a breach of natural justice.
>
> (c) In a team selection or carding dispute, no deference need be given by the Panel to any discretion exercised by the Person whose decision is being appealed, unless the Party seeking such deference can demonstrate that Person's relevant expertise.

41. In *Beauleau v. Canada Snowboard*[21], Arbitrator Brunet decided appeals by five athletes and, given the urgency, the parties agreed to proceed by way of documentary review. Arbitrator Brunet found himself in an exceptional situation which led him to substitute his decision in part to that of the Respondent.[22] The standard of review is reasonableness, which is "not a line by line treasure hunt for error. However, the reviewing court must be able to trace the decision-maker's reasoning without encountering any fatal flaws in its overarching logic, and must be satisfied that there is [a] line of analysis…that could reasonably lead the tribunal from the evidence

[21] *Beaulieu et al v. Canada Snowboard*, SDRCC 22-0544/45/46/48/49, 7 February 2022.
[22] *Beaulieu et al v. Canada Snowboard*, SDRCC 22-0544/45/46/48/49, 7 February 2022, at paragraph 5.

before it to the conclusion at which it arrived"[23] [emphasis added], with deference to administrative bodies.[24]

42. The *Beaulieu v. Canada Snowboard,* appeals were about the application rather than establishment of selection criteria. Arbitrator Brunet found the Respondent's explanation was "too vague", that "a meaningful explanation is required" and that "good faith is not enough". Where subjectivity is involved, there is "a duty to explain to the athlete, and then to the arbitrator, how they came to reach this decision....a convincing and meaningful explanation should be provided."[25]

43. Faced with the dilemma of either sending the selection decision back to the Respondent for reconsideration or nominating athletes himself, Arbitrator Brunet decided that, while exceptional, he made the decision to nominate four athletes because of time constraints, available quotas and the incomprehension of the Respondent applying its selection criteria.[26]

44. Unable to "coherently follow the reasoning", "[g]iven the time constraints and the unreasonable decision initially taken by the Respondent", [27] finding the selection committee meetings "mostly telegraphic..and...short of capturing meaningful discussions" or the "rationale behind the decision", [28] Arbitrator Brunet found that substituting his own decision was necessary "to avoid further inequity and error." [29]

45. In *Island and Dax* v. *Equine Canada*, two paralympic athletes appealed a decision after the selection committee added an addendum to the selection agreement just days before the nominations for the 2004 Athens Games.[30] The Respondent Equine Canada submitted intervening events meant clarification was required. However, Arbitrator Sanderson, QC, upheld the complaints of the athletes.[31]

46. Arbitrator Sanderson, QC, emphasized that "Designing a selection criteria that is fair and seen to be fair can be a difficult task...The process in which the athletes are

[23] *Beaulieu et al v. Canada Snowboard*, SDRCC 22-0544/45/46/48/49, 7 February 2022, at paragraph 56 and *Vavilov, infra,* at paragraph 102.
[24] *Beaulieu et al v. Canada Snowboard*, SDRCC 22-0544/45/46/48/49, 7 February 2022, at paragraph 57.
[25] *Beaulieu et al v. Canada Snowboard*, SDRCC 22-0544/45/46/48/49, 7 February 2022, at paragraphs 69-70.
[26] *Beaulieu et al v. Canada Snowboard*, SDRCC 22-0544/45/46/48/49, 7 February 2022, at paragraphs 71-72.
[27] *Beaulieu et al v. Canada Snowboard*, SDRCC 22-0544/45/46/48/49, 7 February 2022, at paragraph 83.
[28] *Beaulieu et al v. Canada Snowboard*, SDRCC 22-0544/45/46/48/49, 7 February 2022, at paragraph 86.
[29] *Beaulieu et al v. Canada Snowboard*, SDRCC 22-0544/45/46/48/49, 7 February 2022, at paragraph 89.
[30] *Island and Adam v. Equine Canda*, SDRCC 04-0008, 18 June 2004, at paragraph 1.
[31] *Island and Adam v. Equine Canda*, SDRCC 04-0008, 18 June 2004, at paragraphs 4-12.

competing for selection must have integrity; it must be built on procedural fairness as the foundation." [32]

47. While he found there was no bad faith, he concluded there was not procedural fairness. The late addendum "undercut the credibility of the selection process by expanding the criteria against which the athletes would be measured, less than four days before ethe athletes named to be nominated to the team were announced."[33]

48. Arbitrator Sanderson, QC, noted flaws in timing. Given that availability of funding was knowing in late February or early March, there was no reason to wait until May 2004 to add the addendum. The timing meant the athletes had no time to react or respond. The minutes showed the committee also considered factors not in the agreement or the addendum.[34]

49. Arbitrator Sanderson, QC held that simply declaring the complaints upheld would be of little value, the athletes deserved more.[35] The timing and form of the addendum cast doubt on the integrity and credibility of the selection process. He voided the addendum,[36] overturned the selection committee's decision and directed the selection committee to review the selection decision that was made without regard to an addendum.[37]

50. In *Remi Beaulieu* v. *Speed Skating Canada*, SDRCC 13-0199, Arbitrator Mew noted the Selection Policy was limited to eight athletes, with additions only in "exceptional situations."[38] Normally, judgment is for the High Performance Track Committee.[39] However, in light of his finding of a conflict of interest[40], and despite "the general reluctance of arbitrators to impose their personal judgment in matters of team selection",[41] he was concerned reconsideration by the relevant committee would lead to the same result and the Claimant would feel that he was treated unfairly.[42]

---

[32] *Island and Adam v. Equine Canda*, SDRCC 04-0008, 18 June 2004, at paragraph 14.
[33] *Island and Adam v. Equine Canda*, SDRCC 04-0008, 18 June 2004, at paragraph 15.
[34] *Island and Adam v. Equine Canda*, SDRCC 04-0008, 18 June 2004, at paragraph 16.
[35] *Island and Adam v. Equine Canda*, SDRCC 04-0008, 18 June 2004, at paragraph 17.
[36] *Island and Adam v. Equine Canda*, SDRCC 04-0008, 18 June 2004, at paragraph 18.
[37] *Island and Adam v. Equine Canda*, SDRCC 04-0008, 18 June 2004, at paragraph 12.
[38] *Remi Beaulieu* v. *Speed Skating Canada*, SDRCC 13-0199, 2 July 2013, at paragraph 88.
[39] *Remi Beaulieu* v. *Speed Skating Canada*, SDRCC 13-0199, 2 July 2013, at paragraph 90.
[40] *Remi Beaulieu* v. *Speed Skating Canada*, SDRCC 13-0199, 2 July 2013, at paragraph 91.
[41] *Remi Beaulieu* v. *Speed Skating Canada*, SDRCC 13-0199, 2 July 2013, at paragraph 92.
[42] *Remi Beaulieu* v. *Speed Skating Canada*, SDRCC 13-0199, 2 July 2013, at paragraph 93.

51. The Claimant's appeal in *Remi Beaulieu* was allowed and Arbitrator Mew directed the Claimant be granted a place on the Men's Senior Team.[43]

52. In *Jones v. Rowing Canada Aviron,* one of the issues was the establishment of selection criteria. The Arbitrator Roberts reasoned that, analogous to human rights matters, the person alleging retaliation has the burden of demonstrating the conduct is related to a complaint filed and that, in the case before her, the athlete presented "no evidence" the nomination procedure was established in retaliation.[44]

53. The athlete, and if requested an Arbitrator, must be able to follow the logic of decision-makers. This, in my view, applies equally to establishing and applying selection criteria. While the Respondent is certainly in the best position to establish selection criteria and has a process in place, without some line of reasoning in the evidence, a decision can seem arbitrary. This, in turn, opens the door to review and the powers of an arbitrator under the Code, including overturning, returning for reconsideration or substituting a selection decision.

Facts & Application of Law

54. The Claimant personally earned Canada's quota spot for the Omnium discipline in the 2025 World Championships, meaning the spot was secured through the Claimant's individual points and ranking, which included the Claimant's 2024 achievements.

55. The Claimant's 2024 results included: champion of the 2024 UCI Champions League (winning against the world's top-ranked riders), a bronze medal in the 2024 World Championships (a podium finish) and, 3 Nations Cup gold medals in 2024 (with Omnium among them).[45]

56. Apart from the 2024 results, the Claimant's other achievements include being the first Canadian male to win a rainbow jersey in men's endurance, as the 2022 World Champion in Scratch at the age of 19.[46]

57. As of 1 September 2025, the Claimant's ranking is 7th in the world in Men's Track Endurance Cycling.[47]

---

[43] *Remi Beaulieu* v. *Speed Skating Canada*, SDRCC 13-0199, 2 July 2013, at paragraph 95.
[44] *Jones v. Rowing Canada Aviron,* SDRCC 24-0711, 23 April 2024, at paragraphs 53 and 54.
[45] Claimant Submission C-20, at page 6.
[46] Claimant Submission C-20, at page 6.
[47] C-25, UCI Individual Rankings, 1 September 2025.

58. The athlete selected for the Omnium discipline ranked 135th.

Bias

59. It would be rare for an athlete to have direct evidence of personal bias. In many cases, therefore, the evidence would be circumstantial. One piece of circumstantial evidence would rarely suffice. However, the items of circumstantial or indirect evidence may accumulate and, at some point, collectively tip the balance of probabilities and make a perception of bias reasonable. In this case, the perception of bias is reasonable in the circumstances.

60. In the present case, the items of circumstantial evidence of bias include:

    a. The selection criteria only for the Omnium event were narrowed by excluding 2024 results from consideration.

    b. The person with significant input in establishing the selection criteria was also the person named in the 2024 Abuse-Free Sport complaint.

    c. This same person named in the 2024 Abuse-Free Sport complaint was also the coach of the Affected Party who was selected for the Omnium event.

    d. Timing.

        i. The Respondent confirmed the Claimant's plans to focus on road racing in 2025 on 16 December 2024 and, later that same day, the Respondent published the draft selection criteria which stated, *inter alia,* only track racing results for 2025 would be considered for the Omnium event.[48]

        ii. The Respondent submits that selection criteria were considered after the 2024 Paris Summer Olympics.

            1. However, the first draft of the selection criteria was circulated to athletes months later, on 16 December 2024, without any explanation for the delay; and

            2. There was no evidence, such as meeting minutes or other notes, documenting considerations following the Paris Olympics.[49]

[48] C-18, Email dated 18 December 2024 from Respondent, at page 3.

[49] There were email communications, including from emails 4-20 November 2024, R-11, Exhibit 1, and email exchanges in December 2024, which I address later in these Reasons.

61. For clarity, this is not a finding of actual bias, rather that, on a balance of probabilities, a perception of bias is reasonable based on the accumulated impact of the circumstantial evidence. The Respondent's evidence and submissions included the stated rationale for the selection criteria and the process by which the selection criteria were drafted and finalized, including circulating drafts for feedback, which I discuss below.

62. On this basis, the Respondent has failed to discharge its onus under section 6.11 of the Code to demonstrate the criteria were appropriately established.

Development Focus & Draft Criteria Feedback

63. The Respondent submits the criteria were not influenced by bias, made in retaliation for the Claimant's 2024 Abuse-Free Sport complaint, or any conflict of interest. [50]

64. The Respondent maintains the criteria reflected the post-Olympic focus on athlete development; The stated rationale.

65. The Respondent's internal email communications of 4-20 November 2024 confirm the program was 'development' focused.[51] However, while other disciplines considered both 2024 and 2025 results in the selection criteria, the Omnium selection criteria alone excluded the 2024 results.

66. On reviewing the totality of the evidence, I was unable to identify a line of reasoning linking the development focus and the selection criteria for the Omnium event. In other words, how excluding 2024 results links to the stated rationale of development focus.

67. No meeting minutes or notes were produced showing when or why the decision was made to treat the Omnium differently, or how excluding 2024 results was consistent with the stated development rationale.

68. When the Claimant inquired as to the reasoning why the change was made and requested it be removed so he could participate in the World Championships for Canada, he was advised the criteria were published in draft from and that the Respondent was asking for feedback "exactly like what you just sent us." [52]

[50] Respondent Submission, R-10, at paragraphs 2 and 3.
[51] R-11, Exhibit 1, Emails 4-20 November 2024, at pages 2-19.
[52] C-18, Email dated 18 December 2024 from Claimant to Respondent, at page 2.

69. The Claimant provided feedback on December 18, 2024 and the Respondent submits that it responded by "providing a rational for the approach taken in the Policy regarding the results to be considered, and also offering to discuss."[53]

70. With respect to "providing a rationale for the approach taken",[54] the Respondent's 18 December 2024 email states, in part:

> "The **intent of limiting the dates** for worlds selection **was to look at who is performing best in 2025**; it **wasn't intended to remove from consideration someone who was performing well in 2024**, and it certainly **isn't intended to punish someone who is racing on the road**....So **we're open to looking at the wording and making some appropriate adjustments.** We'll be publishing the next draft of the criteria in January once we have collected all feedback and have a bit more info from the UCI...**The challenge we have is most of the Omnium points you earned in 2024 will expire** before the qualification deadline, so we need to make sure we maximize our points scoring chances in the next 10 months." [55] [emphasis added]

71. With respect, this "rationale" is circular. It simply restates the criteria rather than explaining the reasoning behind the decision. In other words, it defines the outcome (exclude 2024 results) as the reason for the outcome. The statement that it was not "intended" to punish does not alter its effect. The practical consequence was to discount significant 2024 achievements of the Claimant, creating a gap in the record which, without explanation, is arbitrary.

72. Although the Respondent states its' intention of "being open to looking at the wording", the draft criteria circulated 16 December 2024 were finalized by the Respondent on 8 January 2025 and the selection criteria for the Omnium event retained the exclusion of 2024 results.

73. The Respondent submits that the selection criteria for the Omnium event apply equally to both men and women. However, the Claimant demonstrated that the practical effect on him was uniquely harsh. Further, while consistency is important,

[53] Respondent Submission, R-10, at paragraph 10.
[54] Respondent Submission, R-10, at paragraph 10.
[55] C-18, Email dated 18 December 2024 from Respondent, at page 3.

being equally unfair to both men and women does not discharge the Respondent's burden under section 6.11 of the Code.

74. Although the Respondent said the exclusion was not "intended to punish" athletes who devoted time to road racing in 2025, the effect is nonetheless to discount significant achievements and create an arbitrary gap in the evidentiary record. The reasoning provided is superficial and fails to provide a credible justification for disregarding world-class results achieved in 2024.

75. The absence of a real line of analysis or meaningful explanation linking the criteria to the development focus erodes the credibility and integrity of the process.

76. While an arbitrator is not in a position to second-guess technical expertise, some line of reasoning must be present. While it could be the Respondent had an internal line of reasoning, this was not shown in the evidence before me in this proceeding.

77. Without some line of reasoning, the exclusion of 2024 results lacks a principled foundation and cannot be sustained as a fair or objective basis for team selection. It could be that the Respondent made the decision in good faith. However, the jurisprudence establishes that, even when a decision is made in good faith, there is still a "duty to explain".

78. Based on the nature of my findings which, again, are made on a balance of probabilities, this was one of the rare instances which warranted intervention and substituting a decision was appropriate.

Costs

79. The Respondent requested an opportunity to make further submissions on costs, should they be requested by the Claimant.[56]

80. On 22 September 2025, the Claimant stated he wished to reserve his right to seek costs against the Respondent pending the release of these reasons.[57]

81. Unless the parties agree otherwise, both parties may make initial costs submissions by 4:00pm ET on 8 October 2025 and both parties may make responsive costs submissions by 4:00pm ET on 15 October 2025.

[56] Respondent Submission, R-10, at paragraph 72.
[57] C-31, Email from Counsel, 22 September 2025 – Right to seek costs

CONCLUSION

82. I find the Respondent has not discharged, on a balance of probabilities, its onus under section 6.11 of the Code to demonstrate that the selection criteria were appropriately established.

83. After careful consideration of the jurisprudence, submissions, evidence and my findings, I determined that this was one of the rare cases which warranted intervention. It was just and equitable to substitute my decision for the decision in dispute.

84. The Respondent is to name the Claimant Dylan Bibic as the athlete to represent Canada in the Omnium event at the 2025 UCI Track World Championships in Santiago, Chile.

85. Once again, I thank all parties for their submissions and assistance in this matter.

Signed in Vancouver, this 2nd day of October 2025.

_____

Praveen Sandhu, Arbitrator