

SPORT DISPUTE RESOLUTION CENTRE OF CANADA (SDRCC)
CENTRE DE RÉGLEMENT DES DIFFÉRENDS SPORTIF DU CANADA (CRDSC)

Citation : Laframboise v. Canada Snowboard, 2026 CASDRC 6

File No: SDRCC 26-0797
Ordinary Tribunal
Date of Decision: 2026-02-09

NICOLAS LAFRAMBOISE
(Claimant)

AND

CANADA SNOWBOARD (CS)
(Respondent)

AND

TRUTH SMITH
(Affected Party)

Before: J.J. McIntyre (Sole Arbitrator)

Representative for the Claimant: Christian Laframboise

Representative for the Respondent: Tyler Ashbee
High Performance Park and Pipe Director

REASONS FOR DECISION

1. This is a team selection dispute in the alpine sport of snowboarding in the Park and Pipe disciplines of Big Air and Slopestyle. On January 23, 2026 I rendered a short decision dismissing the Claimant's arbitration appeal with fuller reasons to follow. These are those reasons.
2. The Claimant is an athlete in the above disciplines of the sport. He contested the decision of the Respondent to exercise its discretion in the nomination of alternate athletes in the sport for the Canadian Olympic Team (the Team) to compete at the upcoming 2026 Winter Olympics taking place in Milan and Cortina, Italy (OWG). The Claimant was named as the second alternate and the Affected Party the first alternate for the Team. The chances of either alternate being called upon to compete in the OWG is low. My short decision said their chances were very low. However a Team member crashed in a Big Air training

run on February 4, 2026 and will no longer be able to compete in that event at the OWG although that athlete still hopes to compete in Slopestyle.

3. The matter came on for hearing on January 21, 2026. The Claimant mostly represented himself. The Respondent was represented by its High Performance Park and Pipe Director. The Affected Party did not participate in the arbitration or respond to the Claimant's Request for Arbitration.
4. The decision in dispute was that of the Respondent choosing to nominate the Affected Party over the Claimant as first alternate for the Team despite the Claimant having a superior ranking based on section 8.2.2 of the CS Internal Nomination Procedures (INP) for the OWG. That section provides:

Method 'B' for Park and Pipe Disciplines:

The prioritized rankings of Method 'A' and 'B' will determine the ranking order in which eligible athletes are nominated for available quota within their specific discipline. The 'CS Quota Allocation' process outlined in Section 8.3, below, applies only to distributing quota across the other disciplines. For further clarification, the 'CS Quota Allocation' will not change the ranking order of eligible athletes within their own discipline as determined by the Method 'A' and 'B' rankings. The 'CS Quota Allocation' will only determine the quota allocation to those eligible athletes across the other disciplines until the maximum gender, discipline or team size is exhausted or until there are no further athletes who have the required performances at eligible competitions within the designated 'CS Olympic Qualification Period'.

To be eligible for the ranking process in Method 'B' - Athletes must achieve a minimum of one single (1) result that falls within the Top Third (1/3) of the field at an eligible competition during the 'CS Olympic Qualification Period' for Park and Pipe (July 1, 2024, to January 5, 2026), at a 700 WSPL point or higher event.

A Top Third (1/3) of the field placement is not rounded to the nearest whole number....DNFs and DSQs are counted towards the field depth total as those competitors started in the event; however DNS does not count towards the field depth totals.

All Park and Pipe eligible athletes will be ranked according to FIS [International Ski and Snowboard Federation] declared gender and discipline. The rankings for Method 'B' will be based on the athlete's highest points earned at eligible events with 700 WSPL points or higher, using WSPL ranking period from January 5, 2025, to January 5, 2026.

Slopestyle (SBS) and Big Air (BA)

*The **Slopestyle and Big Air** ranking list will use the WSPL 52 week ranking as of January 5, 2026. The ranking of all eligible athletes will*

be based on their best three (3) Slopestyle and best (3) Big Air results from the 700 WSPL point or higher events within the 52-week period. Sixty percent (60%) of the total points from Slopestyle and (40%) of the total points from Big Air will be used to determine the rank of the athletes as per the equation below:

(Total of the best 3 Slopestyle points *0.6) + (Total of the best 3 Big Air points * 0.4) = Riders Points for Ranking

In the event of a tie on the ranking list the athlete with the next best single result at an eligible event based on WSPL points in Slopestyle will be used until the tie is broken.

...

5. The Respondent says it exercised its discretion under section 8.4 of the INP to nominate athletes in an order other than on the basis of section 8.2.2. That section provides:

8.4 General Considerations for All Disciplines

...

'Canada Snowboard Nomination Committee' also reserves the right to assign quota or nominate athletes in an order other than that indicated by Section 8.3 'CS Quota Allocation' or Section 8 'Nomination Process', specifically Method 'A' and 8.2 Method 'B' (...8.2.2 - Park and Pipe) above. In such cases, Canada Snowboard must state in writing the reasons for its decisions. These reasons must reflect the performance objectives of Canada Snowboard as presented in this INP document and follow the High Performance Program General Policies available here: <https://www.canadasnowboard.ca/files/HPP-General Policies.pdf>

6. **CS's decision** was communicated in writing on January 12, 2026. The reasons given were **based on the ineligibility of the Claimant to compete in Slopestyle competition at the OWG and concerns regarding the competition readiness of the Claimant following his return to sport after injury.**
7. The Claimant, believing that a decision had to be made by January 22, 2026 (the date for the nomination of athletes to the Canadian Olympic Committee (COC)), filed his appeal directly to the SDRCC on January 13, 2026. The Respondent clarified that as the appeal concerns alternate athletes for the Team the timeline for nominating the same was actually February 5, 2026. Nevertheless the Respondent accepted the jurisdiction of the SDRCC to decide this matter on an expedited basis.

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8. Section 6.11 of the April 1, 2025 Canadian Sport Dispute Resolution Code (the “Code”) provides:

6.11 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.

9. Thus the onus is on the Respondent to demonstrate that the criteria for team selection were appropriately established and that the disputed decision was made in accordance with such criteria. The onus is on a balance of probabilities which simply means is it more likely than not.

10. Section 6.12 of the Code provides for the scope of the Panel’s review. Of relevance in this appeal are the following subsections:

(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.

...

(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.

11. The team selection criteria for the OWG Team are set out in the April 29, 2024 INP and posted on the Respondent’s website (the “Criteria”). There is no issue that the Criteria were appropriately established and communicated to all the athletes in the sport and that the Claimant was familiar with the same.

12. The INP sets out that it is the Canada Snowboard Nomination Committee (CSNC) that nominates a prioritized list of athletes to the COC. The CSNC consists of the High Performance Directors for Speed and for Park and Pipe in consultation with the National Team Coaches for the respective disciplines. There was no evidence adduced in writing or in the arbitration hearing regarding the expertise of the CSNC who made the decision being appealed. Consequently while the Respondent claimed that I should pay deference to the decision of the CSNC, should I have found it appropriate to do so, I am at liberty under subsection 6.12(c) of the Code to substitute my decision for that of the CSNC.

13. Section 4 of the INP states that results from the OWG have an impact on funding from governmental and non-governmental sources for direct athlete funding and financial support for CS's high performance operations. Consequently, **CS's primary performance objective at the 2026 OWG is to support athletes who have demonstrated an ability and potential to win Olympic medals at these games. CS's secondary objective is to support athletes to make finals (moving from qualification to finals) of the field in their respective discipline.**
14. The Claimant suffered a knee injury requiring surgery on October 8, 2024. Thus, he missed most of the qualification period for OWG Team nomination as set out in section 8.2.2 of the INP. However, under section 10.2 of the INP, the Claimant was able to use his results from prior years to preserve his ranking equity. Section 10.2 of the INP provides:

10.2 Slopestyle / Big Air (SBS / BA), AND HALFPIPE (HP)

It may occur that an athlete is unable, by reason of a health-related curtailment of activities, to participate in at least three (3) eligible competitions during the WSPL 52 week ranking period of Method 'B' January 5, 2025, to January 5, 2026, that the athlete would have ordinarily been invited by Canada Snowboard to participate. In such circumstance the athlete's ranking in Method 'B' will be determined by using their discipline specific frozen points from the time of health curtailment (average of their best three results at 700 WSPL point or above events) and include the same number of competition results in the athlete's ranking (SBS /BA or HP only) as are missed through the health-related curtailment of activities, with the following limitations:

...

b. If an athlete's points are unfrozen before being able to compete in three (3) SBS and three (3) BA events..., the previous average of their three best frozen results associated with the rider would be used to complete the athlete's full ranking of three (3) SBS and (3) BA results for nomination.

c. Only events of a similar field quality and field size will be considered in the average frozen points All results calculated from their frozen points must be from FIS World Cups, FIS World Championships or 700 and above WSPL point events from January 5th, 2024, to January 5th, 2025.

d. Results will only be considered for eligible competitions missed between January 5th, 2025, and January 5th, 2026.

15. The Claimant's Return to Snow (RTS) training and participation in eligible competitions took place in the fall, 2025. At the World Cup Secret Garden Big Air event in China on November 28, 2025 the Claimant on his second run performing the same trick as on his first run, suffered an ankle injury. His first run result was good enough to make the finals. However, his ankle injury prevented him from actually competing in those finals. He received a DNS and was accorded 10th

place at that competition. This result, was still a top 1/3 finish and was good enough to meet the FIS qualification requirements to compete in Big Air at the OWG.

16. The Claimant did not compete in any Slopestyle eligible competitions during the CS Olympic Qualification Period. With the benefit of using section 10.2 of the INP which provided an average for his frozen Slopestyle results from 2023 - 2024 prior to his October 2024 injury and his one Big Air result from November 2025, the Claimant's Method 'B' Ranking points totaled 829.954. The Affected Party's ranking points, all accumulated during the CS Olympic Qualification Period, amounted to 819.458 points. The Affected Party qualified for finals competition in FIS World Cup events three times during the FIS qualification period, including most recently the Snowmass 2026 event held in Aspen, Colorado.
17. The FIS had a different qualification period to compete in the Slopestyle event at the OWG. Their qualification period ran until January 19, 2026. Following his ankle injury the Claimant had opportunities to compete in January 2026 at two FIS events: Snowmass and the Switzerland World Cup in Laax, Switzerland. The Claimant did not do so, based in part, on medical advice.
18. By failing to compete in either of the January FIS events, the Claimant failed to meet the FIS qualification requirements for the Slopestyle event at the OWG. Consequently, if called upon as an alternate to compete at the OWG, the Claimant would only be able to compete in the Big Air event and would be ineligible to compete in the Slopestyle event. The impact of this would be that an athlete from Australia would be allocated the competition spot in Slopestyle and would remove Canada's competitive advantage to field 4 men in the Slopestyle event at the OWG.
19. The failure of the Claimant to compete in the FIS events in January 2026 supports the CSNC belief that the Claimant was still in a recovery phase for his latest injury. Based on the Claimant's ineligibility to compete in Slopestyle at the OWG and the Claimant still recovering from injury the CSNC exercised its discretion to reverse the order of ranking following the calculations of relative points for the Claimant and the Affected Party. The nomination of the Affected Party over the Claimant was believed by the CSNC as meeting the secondary objective of the INP, i.e. supporting athletes to make competition finals. **I am satisfied on a balance of probabilities that the CSNC did make their decision in accordance with the established Criteria and exercised its discretion under section 10.4 of the INP.**
20. The Respondent having met its onus, the burden then switched to the Claimant to demonstrate that the exercise of discretion was inappropriately exercised. Historically, the Claimant has had more podium finishes than the Affected Party. Thus he believes he meets the primary objective of the INP as being more likely

to win an Olympic medal even if it is in only one event. I note however that those podium results relied on by the Claimant are dated. More recent results prior to his knee injury did not result in the Claimant achieving podium placements.

21. Further, the Claimant testified that he was misled by an error in ranking published by CS in December 2025 that had himself ranked below the Affected Party. He therefor initially accepted his designation as ranking below the Affected Party and was working towards a complete recovery from his ankle injury by sometime in March 2026. In essence he took it easy in his recovery and went home over Christmas instead of returning to Whistler to train. The Claimant says that had he known the correct ranking he would have been more aggressive in his recovery and would have been competition ready. No one can say what would have happened only what did happen.
22. The Claimant was informed by his coaches on January 11, 2026 that by missing the Laax World Cup, under FIS eligibility rules he would not be eligible for the Slopestyle event at the OWG. When so informed the registration for the Laax event had already closed. The Claimant is responsible for knowing the rules of his own sport. It was not up to his coaches to keep him informed and aware of the consequences of his actions. On the same date, January 11, 2026 the Claimant was informed orally of CS's decision regarding the ranking of alternates for the Team and the reasons for such ranking. At that stage, there was nothing the Claimant could do about his eligibility for the Slopestyle event at the OWG. However, believing that he could still be competition ready in Big Air, the Claimant got more serious about his training and RTS.
23. As of the hearing of the appeal the Claimant had 4 days of RTS training. All of these dates were after being informed orally and in writing of CS's decision regarding the ranking of alternates for the Team. During the hearing, the Claimant was asked about his progression and how he sees himself as being competition ready. I heard that in RTS training there is a progression from blue line (beginner) to grey line to black line (elite level) for the jumps. After 4 days RTS the Claimant was at the grey line. Ideally there would be 8 - 16 sessions (each lasting one day) at the grey line and 8 - 16 sessions on the black line before being competition ready. While the Claimant has a subjective belief in his ability to be ready, there was no medical evidence nor evidence from any of his coaches that this was a realistic outcome.
24. At the time of its decision the CSNC believed that the Claimant was still recovering from his injury and could not be competition ready. All of the evidence supports that understanding. For that reason, as well as the ineligibility of the Claimant to compete in Slopestyle at the OWG the CSNC exercised its discretion and changed the ranking of the athletes as alternates for the Team. The Claimant did not establish on a balance of probabilities that the decision of the CSNC on ranking of alternates was unreasonable and their discretion

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inappropriately exercised such that the Claimant should have received a final ranking above that of the Affected Party. Consequently, I dismissed the Claimant's appeal.

Dated this 9th day of February, 2026

J.J. McIntyre