

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

Citation: Barakhtina v. Skate Canada, 2026 CASDRC 11

No: SDRCC 26-0805
ORDINARY TRIBUNAL
DATE: 2026-03-03

VICTORIA BARAKHTINA
(CLAIMANT)

AND

SKATE CANADA
(RESPONDENT)

AND

MEGAN WOODLEY
(AFFECTED PARTY)

Submissions:

Joey Russell	On behalf of the Claimant
Adam Klevinas (Counsel)	On behalf of the Respondent
Sandeep Joshi (Counsel)	On behalf of the Affected Party

Before:

Carol Roberts, Arbitrator

REASONED DECISION

1. On February 9, 2026, I was selected by the parties as a Mediator/ Arbitrator under Section 5.3 (b) of the Canadian Sport Dispute Resolution Code (the "Code") to hear Victoria Barakhtina's appeal of a decision of Skate Canada ("SC").

2. The proceedings were conducted on an expedited basis due to a March 1, 2026 deadline for the successful athlete to travel to Estonia.
3. Following an unsuccessful mediation on February 19, 2026, the parties made written submissions. Skate Canada also provided a February 20, 2026 witness statement from Debra Armstrong, the Chief Executive Officer. On February 23, 2026, after reviewing the evidence and submissions, I issued my decision to deny the Athlete's appeal, with reasons to follow. These are my reasons.

BACKGROUND

4. SC is the national governing body for figure skating in Canada. SC is responsible for selecting athletes to represent Canada in international figure skating competitions.
5. Ms. Barakhtina (the "Athlete") is a Russian citizen with a Russian passport. Megan Woodley (the "Affected Party") is a Canadian citizen with a Canadian passport. Both the Athlete and the Affected Party are Junior level skaters who compete for Canada.
6. The 2026 ISU World Junior Figure Skating Championships (the "Championships") are being held in Tallinn Estonia from March 3-8, 2026. According to the International Skating Union ("ISU") rules, Canada is entitled to one entry.
7. At a qualifying Championships in November 2025, the Athlete's coach, Joey Russell, had a discussion with SC's NextGen Director, Andre Bourgeois, about the necessity of the Athlete obtaining a visa to travel to Estonia if she was selected to represent Canada at the Championships.
8. Ms. Armstrong stated that athlete visas are generally obtained with the assistance of the event organizing committee. However, in the Athlete's case, a visa would only have facilitated entry to Estonia, and as there are no direct flights from Canada to Estonia, SC's athletes would need to transit through another country. As a Russian passport holder, the Athlete is subject to restrictions that do not apply to athletes holding Canadian passports.
9. According to Ms. Armstrong, Mr. Russell informed Mr. Bourgeois that the Athlete would apply for a Schengen visa, and that the visa processing time would be approximately three weeks.
10. A Schengen visa authorizes the holder to travel within the Schengen area for short periods of time for tourism or business. Estonia is a Schengen member country.
11. Even when issued, a Schengen visa does not override Estonia's discretionary border control decisions.
12. SC's High-Performance Development Committee ("HPDC") met on January 10 and 11, 2026 to conduct nomination and selection meetings.
13. On January 11, 2026, Mr. Bourgeois informed the Athlete that she had been conditionally named to represent Canada at the Championships:

Based on our understanding, you will need a Schengen visa to enter Estonia. The High-Performance Development Committee has decided that your nomination

to the ... Championships is conditional upon receipt of a copy of the visa by **midnight EST, 2 February 2026.** (emphasis in original)

14. On the same day, SC informed the Affected Party that she had been named as a substitute for the Championships and that the selected athlete was required to meet a condition by February 2, 2026. If the Athlete did not meet the condition, the Affected Party was told that she would be selected to represent Canada at the Championships.
15. Ms. Armstrong said that the selection was conditional on the Athlete obtaining a visa by February 2, 2026 because the deadline for SC to enter its representative at the Championships was February 3, 2026. The February 2, 2026 date was also consistent with the expected visa processing time communicated by Mr. Russell. Ms. Armstrong said that the HPDC also considered the deadline necessary and appropriate to avoid any prejudice to the Affected Party.
16. Ms. Armstrong reviewed and ratified the HPDC's recommendation.
17. There is no dispute that the Athlete did not raise any objections or concerns about the condition.
18. On January 30, 2026, the Athlete's coach, Joey Russell, notified Mr. Bourgeois that the Athlete's visa was "being processed and would be issued forthwith" but perhaps not before February 2, 2026, and sought an extension of time to fulfil the visa condition. Mr. Russell was asked to put the request in writing, and later that day, Mr. Russell wrote the HPDC requesting an extension of "a few additional days to receive the visa confirmation."
19. According to Ms. Armstrong, SC contacted the members of the HPDC on February 2, 2026 about the extension request. Due to the short timeline, SC did not receive all members' views in a timely basis. Of those who provided a response, (5) a majority (3) were not in favour of granting an extension. One member agreed with the majority but sought clarification on certain issues and ultimately did not cast a vote either for or against. The two remaining members of the HPDC did not respond by the deadline. Ms. Armstrong stated that, as the CEO with ultimate authority for selection decisions, she considered the views of the HPDC members who responded. She ultimately agreed with the majority given that the visa condition was recorded in the minutes, that it had been clearly communicated in advance, and that the Affected Party had already been informed that if the Athlete failed to satisfy the condition, the Affected Party would be named as Canada's entry for the Championships.
20. On February 3, 2026, SC informed both Mr. Russell and the Athlete that an extension would not be granted. That same day, Mr. Bourgeois wrote to the Athlete informing her that because she had not provided a copy of her Schengen visa by February 2, 2026, the condition for her nomination had not been met and that she would be named as a substitute.
21. The Affected Party was notified of her selection and advised that her travel arrangements would be made as soon as possible. The Affected Party has been registered as Canada's entry to the Championships and the Athlete remains the named substitute.

22. On February 4, 2026, the Athlete notified SC that she had received her visa, which had been issued on February 2, 2026. A copy of that visa was provided to SC on February 5, 2026.
23. On February 5, 2026, the athlete wrote to SC's Board of Directors appealing the decision not to grant her request for an extension of time to meet the visa deadline.
24. The parties agreed to proceed directly to the SDRCC for resolution of this matter in accordance with SC's Appeal policy.

Position of the Parties

25. The Athlete's initial complaint challenged SC's January 11, 2026 decision to impose conditions on her nomination as well as its subsequent refusal to grant an extension of time to meet that condition. When the Affected Party raised the argument that the Athlete was out of time to challenge the January 11, 2026 decision, the Athlete subsequently clarified that the appeal was of SC's February 3, 2026 decision to deny her an extension of time to meet the condition.
26. The Selection Criteria provide that appeals from nomination decisions must be brought within seven days. I have not addressed the question of whether the Athlete's appeal is time barred given that the Athlete appears to concede that SC had the authority to impose general conditions on selection. However, to avoid any confusion or misunderstanding, I have addressed both issues raised by the Athlete since she continued to advance arguments relating to SC's imposition of the condition of her selection.
27. The Athlete argues that SC's refusal to grant an extension to the February 2, 2026 "visa in-hand" deadline was unreasonable, disproportionate and procedurally unfair.
28. The Athlete says that, for ISU Championships, a member Federation may substitute an entered athlete with an alternate up to one hour before the first draw of the event, and that because roster flexibility remained available after February 2, 2026 SC was not compelled to impose a visa-in-hand requirement on that date.
29. The Athlete argues that the extension sought was for a short period of time, and SC's decision to refuse it was an unduly rigid exercise of discretion given the severity of the consequences. Further, the Athlete contends that SC had available mechanisms to preserve both operational readiness and fairness, including maintaining a substitute entry and exercising monitoring, while awaiting delivery of the visa. The Athlete says that the ISU regulations permit substitutions of skaters in certain circumstances up to shortly before competition, and that the Selection Criteria also permits monitoring and replacement of athletes until February 13, 2026. She contends that she could have remained nominated as the primary entry while the Affected Party remained the substitute pending final confirmation.
30. The Athlete also argues that while SC now contends that entry to Estonia may be a problem for Russian passport holders even with a Schengen visa, that information

was not before SC when the February 3, 2026 decision was made and cannot be used to retrospectively justify the denial of the extension request.

31. SC contends that the imposition of a visa condition, and the subsequent decision that the deadline for satisfying the visa condition should not be extended, was in accordance with the criteria and was both fair and reasonable in the circumstances.
32. The Affected Party argues that the selection process was properly communicated and applied. She argues that the Athlete failed to challenge her conditional selection, including the visa-by-deadline condition, within the prescribed appeal deadline. The Affected Party seeks to have the appeal dismissed, and SC's decision confirmed.

ANALYSIS AND DECISION

33. SC has the initial burden of establishing that the selection decision was made in accordance with the Nomination Criteria. If that burden is satisfied, the onus then shifts to the Athlete to demonstrate, on a balance of probabilities, that the selection decision was not made in accordance with the Nomination Criteria, or that the decision was otherwise wrong, objectively unreasonable or biased. (*Code s. 6.11*)
34. I am not persuaded that the Athlete has discharged that burden.

The Nomination Procedures

35. According to SC's Selection Criteria for the Championships, the HPDC has the responsibility for nominating the selection of athletes to represent Canada to the CEO.
36. The CEO is responsible for ratifying the final selection to ensure that the selection criteria were adhered to and that the decisions were made in an objective and impartial manner.

Did the HPDC have the power to impose conditions on selection decisions?

37. There is no dispute that HPDC nominated the Athlete as Canada's representative at the Championships on the condition that she have a valid visa by February 2, 2026. The nomination on that condition was ratified by Ms. Armstrong.
38. Not only did the Athlete not object or respond to the condition at the time, but she confirmed that she does not dispute SC's general authority to impose conditions.
39. The Selection Criteria provides that the HPDC, in consultation with SC's management, has the discretion to exercise its selection decision "with regard to the relative weight and priority of the Selection Criteria as well as other relevant factors deemed appropriate in their decision-making process." In addition, the HPDC has the power to consider "other relevant criteria deemed appropriate for selection."
40. Discretionary decisions must be made in good faith and for a proper purpose. Decision makers must act reasonably and impartially and consider only relevant considerations and ignore irrelevant ones. (see, for example, *Maple Lodge Farms v. Government of Canada*, 1982 CanLII 24 (SCC). Deference must be given to the person exercising the discretion unless and until it is determined that that person has exercised the discretion in a manner contrary to law.

41. I find that the Selection Criteria affords the HPDC the discretion to establish conditions on nominations. I also find that the specific condition it imposed - that the Athlete have a valid visa by February 2, 2026 - was made in good faith, for a proper purpose and that it was relevant to the selection decision.
42. If the Athlete was unable to enter Estonia, SC risked the possibility that it would not have had a representative at the Championships. Under the ISU point system, the results of a country's athletes at one Championship determines the number of entries the country will have at the following Championships.
43. The condition as well as the deadline for meeting that condition were based both on the Athlete's information that a visa would be processed in three weeks as well as a February 3, 2026 entry deadline for the Championships. In other words, the deadline was not arbitrary- it was based on the Championship's registration requirements as well as on information the Athlete communicated to SC.
44. I also note that the Selection Criteria provides that selected athletes must demonstrate readiness through an on-ice monitoring session beginning February 2, 2026.
Was the HPDC's decision not to extend the deadline procedurally unfair, disproportionate or unreasonable?
45. The Athlete contends that SC's February 3, 2026 decision not to grant the extension was unreasonable. She says that she was actively working to satisfy the condition and had no reason to doubt that the condition could be met within standard processing timelines.
46. The Athlete argues that historically, where SC has intended visa compliance to be determinative, it has expressly included such a requirement. She contends that the absence of such language created a reasonable expectation that ordinary administrative flexibility would apply.
47. SC says that it has, in the past, required athletes travelling to Four Continent Championships in China to obtain visas because all Canadian passport holders required visas to enter that country, but denies any historical practice making selection decisions conditional on obtaining a visa.
48. There is no evidence of historical practice which the Athlete can rely on in support of her argument. Her circumstances are novel and SC had not previously had to deal with Russian passport holders and related travel restrictions.
49. After receiving the Athlete's request to extend the February 2, 2026 deadline to an unspecified date, the HPDC met to consider the request. It recommended that the extension be denied. The reasons of the HPDC are not before me. However, the reasons for the CEO's decision to accept the HPDC's recommendation are. They were that the Affected Party had already been notified that she had been selected for the Championships because the selected Athlete had not met the conditions; and because the Athlete had not met the February 2, 2026 deadline.

50. The decision to deny the extension request is a discretionary one and subject to the same guidelines set out above in paragraph 39.
51. The reasons Ms. Armstrong identified for denying the extension request were not arbitrary. There is also no evidence the decision to deny the extension request was made in bad faith or for an improper purpose.
52. It is well established SDRCC jurisprudence (see, for example, *Palmer v. Athletics Canada* (SDRCC 08-0080) that the standard of review of decisions of national sport organizations is one of reasonableness, not correctness, and that arbitrators should only interfere with a sport organization's decision when the decision has been demonstrated to be so "manifestly wrong" that it would be unjust to let it stand.
53. I am unable to find that the SC's decision was manifestly wrong.
54. The reasonableness standard is supported and enhanced by the Supreme Court of Canada's decision in *Canada (Minister of Citizenship and Immigration v. Vavilov* (2019 SCC 65)), which determined that a decision will be unreasonable where "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency, and is it justified in the context of the applicable factual and legal constraints." (para. 102)
55. The Court also held that a decision may be unreasonable if it is not "justified in relation to the constellation of law and facts that are relevant to the decision" (para. 105).
56. I am not persuaded that the decision not to extend the February 2, 2026 deadline lacked justification, intelligibility or transparency. While I accept that SC could have granted the extension, nominated the Athlete and substituted the Affected Party up to several hours before the competition had the Athlete been unable to enter Estonia, as contended by the Athlete, that is not the decision it made.
57. While I might not have decided to deny the extension request, I find that SC's decision was justified, rational, transparent and reasonable. I decline to interfere with the decision.
58. I accept that the Athlete is a talented and promising athlete. I wish her well in her skating career and look forward to her contribution to the success of Canada's national skating teams.

CONCLUSION

59. The appeal is dismissed.

DATED: March 3, 2026, Vancouver, British Columbia

Carol Roberts, Arbitrator