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

Citation : Steed v. Alpine Canada Alpin, 2026 CASDRC 12

NO: SDRCC 26-0807
(ORDINARY TRIBUNAL)
DATE: 2026-03-05

WILLIAM STEED
(Claimant)

AND

ALPINE CANADA ALPIN
(Respondent)

Before:

Brian Conway (Arbitrator)

Appearances and attendees:

For the Claimant:	Self-represented
For the Respondent:	Jeff Thompson

DECISION

I. BACKGROUND

1. This is a team selection case.

2. On February 17, 2026, Alpine Canada Alpin (the Respondent and referred to herein as "ACA") wrote to William Steed (the "Claimant") stating that he had not been selected to represent Canada at the 2026 World Junior Championships:

> "As you are aware, ACA has been undergoing a process for selecting athletes to represent Canada at the 2026 World Junior Championships. Unfortunately, based on your performances to date and how that aligns with the Nomination Criteria that we have in place for this project, you were not selected."

3. The SDRCC was created on March 19, 2003, through the *Physical Activity and Sport Act S.C. 2003, c.* 2.

4. Under the Act, the SDRCC has exclusive jurisdiction to, among other things, provide the sport community with a national alternative dispute resolution service for sport disputes.

5. On February 19, 2026, I accepted the mandate to be the Arbitrator in this matter pursuant to Section 5.3 of the Canadian Sport Dispute Resolution Code ("the Code").

6. On February 20, 2026, a preliminary conference call was held between the Claimant and ACA (collectively "the Parties"), myself and representatives of the SDRCC to establish a schedule of proceedings.

7. During the preliminary conference call, the Parties stated that they wished to have the Arbitration conducted via both written and oral submissions and I agreed to proceed in that manner.

8. The Parties agreed the internal appeal process had been exhausted, to accept the jurisdiction of the SDRCC in this matter and that the Arbitration was a hearing *de novo.* No challenge to my appointment was made by the Parties.

9. After the preliminary conference call but before attending the Arbitration, the Parties attended a Resolution Facilitation session. During the Resolution Facilitation session the Parties agreed to the following:

> "SDRCC 26-0807 NOTES FROM RESOLUTION FACILITATION REGARDING QUESTION FOR ARBITRATOR TO ADDRESS

In Resolution Facilitation on February 22, 2026, the Parties agreed on a specific question for the arbitrator to address as related to the Complainant's non selection to the 2026 World Junior Ski Championships.

Was Alpine Canada's World Junior Championship nomination criteria appropriately established? Referencing "2026 FIS Alpine World Junior Ski Championships Nomination Criteria.":

"Section 6.1. Athletes born in 2005

6.1.1 – A World Junior Ranking of top 15 in speed (DH and or SG) or a WJR of top 30 in either GS or SL.

6.1.2 – Nor Am ranking of:

- Men - top 15 in speed (DH and or SG) or top 30 in either GS or SL
- Women - top 5 in speed (DH and or SG) or top 30 in either GS or SL

Specifically, Is Alpine Canada's World Junior selection rationale for not filling all four of its allocated nation quota spots for each World Junior event reasonable, to achieve long term performance goals?"

10. At the Arbitration, oral evidence was provided by the Parties.

11. I have reviewed and considered all of the written materials and oral evidence submitted by the Parties although I will refer to only some of same in this Decision.

II. POSITION OF THE CLAIMANT

17. In the present case and to his credit, the Claimant acknowledged that "I have not met the hard criteria for this year's World Juniors team".

18. The Claimant's position may be summarized as follows :

1. "it seems wrong to send one athlete to compete in my discipline when our nation has four spots in the SL discipline"; and
2. the criteria for selection were too restrictive/difficult in light of "how much deeper the fields are getting and how much harder this criteria was... to meet compared to for athletes three to four years ago".

III. POSITION OF THE RESPONDENT

18. In the present case, the Respondent took the following positions:

    1. "Alpine Canada's objective (as identified within the nomination guidelines) for participating in the World Junior Championships is to achieve top 10 results and podium success. The performance criteria as outlined within the nomination guidelines is designed to achieve these objectives. These are not arbitrary markers but are markers that are based on the type of performance that is necessary to have success at the World Juniors based on the analysis of past podium and top 10 finishers at this event";

    2. The Claimant as an athlete born in 2005, needed (and failed) to achieve one of the following 2026 [Fédération Internationale de Ski] FIS Alpine World Junior Ski Championships Nomination Criteria to qualify for the World Juniors:

        6.1.1 – A World Junior Ranking [WJR] of top 15 in speed ([Downhill] DH and or [Super G] SG) or a WJR of top 30 in either [Giant Slalom] GS or [Slalom] SL.

        6.1.2 – Nor Am ranking of:
        - top 15 in speed (DH and or SG) or top 30 in either GS or SL.

IV. THE CANADIAN SPORT DISPUTE RESOLUTION CODE

19. Section 6.11 of the Code states that in team selection disputes, it is up to the Respondent to demonstrate that the criteria were properly established and that the contested decision was made in accordance with these criteria. Once this has been established, it is then up to the Claimant to demonstrate that they should have been selected.

    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.

20. The applicable standard of review is that of reasonableness, not correctness.

21. The Supreme Court of Canada's decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov (2019 SCC 65)* does not change this standard of review.

22. In *Vavilov*, the Court held that a reasonableness review is a robust form of review in which the reasons of the decision maker must demonstrate that he or she has considered the facts and governing scheme relevant to the decision as well as any past practices.

23. While deference is owed to the experience and expertise of sporting authorities, a National Sport Organization must nevertheless follow its own rules when making carding or team

selection decisions. Where a sport organization has made a decision that is not in accordance with its own rules, that decision cannot be found to be reasonable or to fall within a range of possible outcomes, and the Tribunal has the power to correct such errors. (See *Kraayeveld v. Taekwondo Canada*, SDRCC 15-0253; *Larue v. Bowls Canada Boulingrin*, SDRCC 15-0255 and *Carruthers v. Speed Skating Canada*, SDRCC 16-0309).

24. Arbitrator Poulin discussed the standard of review for an SDRCC arbitrator in *Boisvert-Lacroix and Graham v. Speed Skating Canada*, SDRCC 21-0523/24.

> **The standard of review**
>
> [27] The standard of review for an SDRCC arbitrator is the reasonableness standard, as Arbitrator Pound stated in *Larue*, [1] citing the leading case of *Dunsmuir v. New Brunswick* [2].
>
> [28] More recently, in 2019, the Supreme Court clarified the approach to judicial review in *Vavilov*,[3] where it considers, among other things, the applicable standard of review and the concept of *reasonableness* in relation to decision-making.
>
> [29] The Court held that the reasonableness standard applies in most cases, including situations where a decision-maker is interpreting its own enabling statute.[4] The Court noted that, despite the goal of intervening minimally and only where truly necessary to "safeguard the legality, rationality and fairness of the administrative process", the reasonableness standard remains a robust standard of review.[5]
>
> [30] In the following terms, the Supreme Court emphasizes that it is important that administrative decisions have justification:
>
> > [15] In conducting a reasonableness review, a court must consider the outcome of the administrative decision in light of its underlying rationale in order to ensure that the decision as a whole is transparent, intelligible and justified. [...][6]
>
> [31] On the basis of the reasonableness standard, the Court specifies:
>
> > [85] Developing an understanding of the reasoning that led to the administrative decision enables a reviewing court to assess whether the decision as a whole is reasonable. As we will explain in greater detail below, a reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker. The reasonableness standard requires that a reviewing court defer to such a decision.
> >
> > [86] Attention to the decision maker s reasons is part of how courts demonstrate respect for the decision-making process: see *Dunsmuir*, at paras. 47-49. In *Dunsmuir*, this

[1] Larue v. Bowls Canada Boulingrin, SDRCC 15-0255.
[2] Dunsmuir v. New Brunswick, [2008] 1 S.C.R. 190; to the same effect, see the decision of Arbitrator Roberts in Fergusson v. Equestrian Canada, SDRCC 20-0455.
[3] Canada (Minister of Citizenship and Immigration) v. Vavilov 2019 SCC 65.
[4] Canada (Minister of Citizenship and Immigration) v. Vavilov, supra note 3 at para. 7.
[5] Canada (Minister of Citizenship and Immigration) v. Vavilov, supra note 3 at para. 13.
[6] Canada (Minister of Citizenship and Immigration) v. Vavilov, supra note 3.

Court explicitly stated that the court conducting a reasonableness review is concerned with the "qualities that make a decision reasonable, referring both to the process of articulating the reasons and to outcomes": para. 47. Reasonableness, according to *Dunsmuir*, "is concerned mostly with the existence of justification, transparency and intelligibility within the decision-making process", as well as "with whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law": *ibid*. In short, it is not enough for the outcome of a decision to be *justifiable*. Where reasons for a decision are required, the decision must also be *justified*, by way of those reasons, by the decision maker to those to whom the decision applies. While some outcomes may be so at odds with the legal and factual context that they could never be supported by intelligible and rational reasoning, an otherwise reasonable outcome also cannot stand if it was reached on an improper basis. [emphasis added]

[32] The Court continues by specifying the appropriate method for analysing a provision:

> [117] A court interpreting a statutory provision does so by applying the "modern principle of statutory interpretation, that is, that the words of a statute must be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament": [...]Parliament and the provincial legislatures have also provided guidance by way of statutory rules that explicitly govern the interpretation of statutes and regulations: see, e.g., *Interpretation Act*, R.S.C. 1985, c. I-21.
>
> [118] This Court has adopted the "modern principle" as the proper approach to statutory interpretation, because legislative intent can be understood only by reading the language chosen by the legislature in light of the purpose of the provision and the entire relevant context: Sullivan, at pp. 7-8. Those who draft and enact statutes expect that questions about their meaning will be resolved by an analysis that has regard to the text, context and purpose, regardless of whether the entity tasked with interpreting the law is a court or an administrative decision maker. An approach to reasonableness review that respects legislative intent must therefore assume that those who interpret the law whether courts or administrative decision makers - will do so in a manner consistent with this principle of interpretation.
> [...]
> [120] But whatever form the interpretive exercise takes, the merits of an administrative decision maker's interpretation of a statutory provision must be consistent with the text, context and purpose of the provision. In this sense, the usual principles of statutory interpretation apply equally when an administrative decision maker interprets a provision. Where, for example, the words used are "precise and unequivocal", their ordinary meaning will usually play a more significant role in the interpretive exercise: *Canada Trustco Mortgage Co. v. Canada*, 2005 SCC 54, [2005] 2 S.C.R. 601, at para. 10. Where the meaning of a statutory provision is disputed in administrative proceedings, the decision maker must demonstrate in its reasons that it was alive to these essential elements.
>
> [121] The administrative decision maker's task is to interpret the contested provision in a manner consistent with the text, context and purpose, applying its particular insight

into the statutory scheme at issue. It cannot adopt an interpretation it knows to be inferior - albeit plausible - merely because the interpretation in question appears to be available and is expedient. The decision maker's responsibility is to discern meaning and legislative intent, not to "reverse-engineer" a desired outcome.

[122] It can happen that an administrative decision maker, in interpreting a statutory provision, fails entirely to consider a pertinent aspect of its text, context or purpose. Where such an omission is a minor aspect of the interpretive context, it is not likely to undermine the decision as a whole. It is well established that decision makers are not required "to explicitly address all possible shades of meaning" of a given provision: *Construction Labour Relations v. Driver Iron Inc.*, 2012 SCC 65, [2012] 3 S.C.R. 405, at para. 3. Just like judges, administrative decision makers may find it unnecessary to dwell on each and every signal of statutory intent in their reasons. In many cases, it may be necessary to touch upon only the most salient aspects of the text, context or purpose. If, however, it is clear that the administrative decision maker may well, had it considered a key element of a statutory provision's text, context or purpose, have arrived at a different result, its failure to consider that element would be indefensible, and unreasonable in the circumstances. Like other aspects of reasonableness review, omissions are not stand-alone grounds for judicial intervention: the key question is whether the omitted aspect of the analysis causes the reviewing court to lose confidence in the outcome reached by the decision maker. [emphasis added]

[33] In principle, if a selection decision is justified, then in accordance with the teachings of our country s highest court,[7] an arbitrator should rarely interfere with such a decision, provided the Respondent followed its own rules, as Arbitrator Mew states in *Bastille v. Speed Skating Canada*.[8]

V. DOCUMENTS

25. ACA supplied a document titled "2026 FIS ALPINE WORLD JUNIOR SKI CHAMPIONSHIPS NOMINATION CRITERIA" (hereinafter referred to as the "Nomination Document"). It is dated as being effective on November 1st, 2025. The relevant portions are reproduced here:

> **"1.0 INTRODUCTION**
>
> 1.1 This document outlines the criteria and process of Alpine Canada Alpin ("ACA") to nominate athletes as members of the 2026 FIS Alpine World Junior Ski Championships team (the "Team")
> 1.2 The Nomination Guidelines shall be interpreted and applied in accordance with the principles of procedural fairness and natural justice.

[7] Canada (Minister of Citizenship and Immigration) v. Vavilov, supra note 3.
[8] Bastille v. Speed Skating Canada, SDRCC 13-0209.

2.0 OBJECTIVES

2.1 The Canadian objectives at the 2026 FIS Alpine World Junior Ski Championships are:

I. To achieve Top 10 results and Podium success for Canada: and,

II. To provide experience and international exposure to Canadian athletes identified as high-performance development level athletes and those that have future potential as medalists at the elite level.

5.0 ELIGIBILITY

5.1 In order to be eligible for nomination to the Team, an Athlete must:

5.1.5. Be born between 2005 and 2009 ("junior age athletes") for both male and female.

5.1.6 Men must have a top 475 world rank in at least two events (GS, SL, SG, DH) or a top 250 WR in speed (DH or SG) or tech (SL or GS).

5.1.7 Must compete in four (4) NorAm starts in the 2025/26 season prior to the selection date (February 16th, 2026). Athletes intending to race the speed events must have at least one (1) start in a NorAm speed event (DH or SG). This requirement for eligibility is waved should an athlete be competing on Europa Cup and or World Cup with some consistency and if the schedule is clear, there will be an expectation that athletes are competing in the NAC event

6.0 CRITERIA

The following steps for selection shall be followed (in order) for each gender until such time as either the quota is filled, or the Selection Committee deems the quality of athletes coming into consideration have not demonstrated performances worthy of nomination as per the objective of this project (the data used for consideration to selection will be directly from the 17th FIS list).

6.1 Athletes born in 2005

6.1.1 - A WJR of top 15 in speed (DH and or SG) or a WJR of top 30 in either GS or SL

6.1.2 - Nor Am ranking of:

- Men - top 15 in speed (DH and or SG) or top 30 in either GS or SL

6.2 Athletes born 2006-2007

6.2.1 - Any athlete achieving standards outlined in 6.1

6.2.2 - Athletes achieving a ranking of top 30 WRBA and younger and a top 35 Nor Am finish

If quota remains after applying 6.1 and 6.2, then 6.3 of the criteria CAN be utilized if the Committee ascertains that said athlete has demonstrated, through race performances at the following events (Copper Mtn NorAm, Beaver Creek/Vail

NorAm. Tremblant/St Sauveur NorAmWhiteface/Bromont NorAm) a STRONG case for future potential;

6.3 Athletes born in 2008-2009

6.3.1 Any athlete achieving standards outlined in 6.1

6.3.2 Athletes achieving a ranking of top 5 WRBA and younger

If after applying the above set of criteria, quota spots remain unused, ACA is not required to fill its quota as its intent is to remain true to the objective of the project.

Final team selection on February 16th, 2026

7.0 COACHES DISCRETION

7.1 The Selection Committee will have the ability to use 1 quota spot (per. gender) to be used solely on the outcome of the NorAm Cup events that have taken place up to the date of selection. These 2 spots (1 per. gender) will be assigned based on the above stated criteria UNLESS there is unanimous support by the Selection Committee that, based on an athletes *exceptional performance* at the above noted NorAm's, they have earned discretionary consideration.

7.1.1 Exceptional performance is defined as a minimum of a top 15 finish in either GS/SL or a top 10 DH/SG (men)/top 5 DH/SG (women) in the NorAm's that have taken place up to the date of selection AND a demonstrated ability, through results, in the current season, to be competitive with athletes who have already attained selection as per. 6.0 of the criteria within their YOB or older.

9.0 NOMINATION/SELECTION PROCESS

9.1 The WJSC Selection Committee shall conduct the nomination rank list meeting on February 16th , 2026 by teleconference using the 17th FIS points list.
9.2 The sole mandate of the WJSC Selection Committee is to nominate athletes most capable of achieving success based on the defined criteria.
9.3 Nominations will be forwarded to the ACA President & CEO for final ratification.
9.4 In the event of a dispute relating to the allocation of quota, the SVP Sport Development and or High-Performance Director, ACA shall exercise discretion and this determination shall be final and binding on all athletes.
9.5 The SVP Sport Development and or the High-Performance Director, ACA within twenty-four (24 hours) of final ratification, will notify by phone or email, those athletes who were nominated to the WJSC team."

VI ANALYSIS AND DECISION

26. Since the appeal was brought by the athlete, the initial onus of proof falls on ACA, as stated in Section 6.11 of the Code to demonstrate that "the criteria were appropriately established and that the disputed decision was made in accordance with such criteria".

27. The evidence before me was that the criteria established by ACA for selecting which athletes would go to the World Juniors was clearly set out under heading "6.0 CRITERIA" in the Nomination Document.

28. Before proceeding any further, it is important to specify the role of arbitrators called upon to consider an appeal from a selection decision. In this regard, I cite with approval what Arbitrator Pound stated in *Larue*.[9]

> In the present case, there are three considerations that should guide me. The first is that, absent cogent evidence of error, I should adopt a deferential assumption that the Team Selection Committee, composed, as it was, of experienced experts in bowls, knows its business. Second, my role as Arbitrator is not to re-write ACAB's High Performance policy or its team selection criteria with any view of "improving" either, or to substitute my personal view of what they could or ought to contain. The operating consideration is that ACAB knows the sport of bowls better than any arbitrator. Third, my role is simply to determine whether the outcome of the team selection process was made in accordance with the selection criteria and whether that outcome falls within a range of possible, reasonable, outcomes defensible in light of the facts and the team selection criteria (i.e., the applicable "law" in this matter). [emphasis added]

29. Therefore, in the present case, I must identify the World Juniors selection criteria and, as needed, interpret the World Juniors selection criteria to determine what they are. It is not my role to rewrite them, improve upon them or make them clearer. Nor is it my role to substitute my opinion in order to determine what the selection criteria should have been.

30. In my opinion, the selection criteria in paragraph "6.0 CRITERIA" of the Nomination Document are clear and unambiguous.

31. ACA gave evidence as to how the selection criteria are arrived at - a group of provincial high performance directors, national team coaches and high performance directors meet annually to discuss the selection criteria. This process begins in September and the selection criteria are posted on the ACA website in early November.

32. ACA having satisfied me on a balance of probabilities that the selection criteria were appropriately established and that the disputed decision was made in accordance with such selection criteria, the burden then shifted to the Claimant to demonstrate that the Claimant should have been selected in accordance with the approved criteria.

33. As the Claimant acknowledged that he had not met the criteria, no further analysis was necessary on this point.

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[9] Larue v. Bowls Canada Boulingrin, supra note 1 at page 12.

34. I heard some evidence regarding paragraph "2.0 OBJECTIVES" in the Nomination Document. According to that evidence, paragraph 2.1 sub I only applies to athletes born in 2005 and paragraph 2.1 sub II only applies to athletes born in 2006-2007. Those paragraphs are set out again here for ease of reference:

> **"2.0 OBJECTIVES**
>
> "2.1 The Canadian objectives at the 2026 FIS Alpine World Junior Ski Championships are:
> I. To achieve Top 10 results and Podium success for Canada: and,
> II. To provide experience and international exposure to Canadian athletes identified as high-performance development level athletes and those that have future potential as medalists at the elite level."

35. As candidly acknowledged by ACA at the Arbitration, the age-specific objectives in 2.1.I and 2.1.II were a bit 'foggy' and could be more clearly identified. ACA is encouraged to make it clear which objectives are intended for which age athletes.

36. One last point - the Parties agreed to submit the following question arising out of their Resolution Facilitation session:

> "*Specifically, Is Alpine Canada's World Junior selection rationale for not filling all four of its allocated nation quota spots for each World Junior event reasonable, to achieve long term performance goals?*"

37. Clearly this question was posed with the objectives in paragraph 2.0 of the Nomination Documentation in mind.

38. The *objectives* set out in paragraph "2.0 OBJECTIVES" of the Nomination Document are laudable. However, the *objectives* should *not* to be confused with the *selection criteria* set out in paragraph "6.0 CRITERIA" of the Nomination Document. The issue before me was whether the Claimant had met the (appropriately established and reasonably applied) selection criteria - not whether those selection criteria would result in achieving the objectives of ACA.

39. As Arbitrator Roberts in paragraph 39 of *Weaver v. Nordiq Canada* (SDRCC 20-0481) said (referencing Arbitrator Pound in *Palmer v. Athletics Canada* (SDRCC 08-0080)):

> "Arbitrator Pound determined that the standard of review of decisions of national sports organizations is that of reasonableness, not correctness. In doing so, he concluded that arbitrators will be willing to interfere with a sport organization's decision in relation to that sport
>
> > [...] only when it has been shown to their satisfaction that the impugned decision has been so tainted or is so manifestly wrong that it would be unjust to let it stand.
>
> Provided that a National Sport Organization's (NSO) decision falls within a range of possible, acceptable outcomes that are defensible in light of the Selection Criteria <u>*and the facts*</u>, the Tribunal will not interfere with the decision. (see *O'Neill and Canoe Kayak Canada* (SDRCC 19-0415)." [Emphasis added]

40. On a balance of probabilities, I am satisfied that ACA's decision falls within a range of possible, acceptable outcomes that are defensible in light of the Selection Criteria and the facts.

VII. SUMMARY

45. I have found, on a balance of probabilities, that:

    a) ACA appropriately established selection criteria for selecting athletes to represent Canada at the 2026 World Junior Championships and that the disputed decision was made in accordance with such selection criteria; and

    b) The Claimant failed to establish that the impugned selection decision was so tainted or is so manifestly wrong that it would be unjust to let it stand.

46. I wish to thank the Parties for presenting this matter to me in a professional and collegial manner.

DATED: March 05, 2026, Calgary, Alberta

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Brian Conway, Arbitrator