

SPORT DISPUTE RESOLUTION CENTRE OF CANADA

No. SDRCC 24-0747

BRITISH COLUMBIA LACROSSE ASSOCIATION (BCLA)

Claimant

and

LACROSSE CANADA (LC)

Respondent

Attendances:

For BCLA:	Paul Dal Monte Ron McQuarrie
For LC:	Terry Rayner Shawn Williams
For the SDRCC:	Marie-Claude Asselin Rachel Leblanc Bazinet
Arbitrator:	Richard W. Pound KC

REASONED DECISION

1. This appeal by BCLA was filed on an urgent basis some three hours prior to the third game of the 2024 Mann Cup (the Event), a best of seven games competition in box lacrosse. The contestants in the Event are two teams, one from Ontario and one from British Columbia.
2. I was appointed as Arbitrator in this matter from the rotating list of arbitrators maintained by the SDRCC. No objection was taken to my appointment.
3. At issue is the eligibility for the Event of two players entered by BCLA.

4. The current system in Canadian lacrosse includes, *inter alia*, rules relating to the levels of permissible substitutions of players, of which there are three: Tier 1: no substitutions permitted, Tier 2: a maximum of three substitutions permitted and Tier 3: unlimited substitutions that can extend to the fielding of all-star teams.
5. It is common ground that until recently the BC Team was subject to Tier 1 rules. The applicable rules were amended, effective in 2024, to classify BC as a Tier 2 association for SrA National Championships, which include the Event. The amendments to the policies were made by the various provincial and/or territorial lacrosse associations (the Box Lacrosse Sector) by a majority, with only Ontario voting against the change.
6. It seems that the Event has its own rules and is organized based on a separate contract in which the contracting parties are the Ontario and BC associations, such that at least some of the LC rules do not apply to it, even though it is regarded as a Canadian championship in the discipline of box lacrosse. LC nevertheless approved the contract.
7. During the course of oral submissions, parties were asked whether the Ontario Lacrosse Association was to be invited as an Affected Party, as defined in the Canadian Sport Dispute Resolution Code. Both parties agreed that it was not necessary.
8. Sometime between the rule change voted by the Box Lacrosse Sector and the beginning of the Event, the amendments to the Tier rules were referred to the LC Board of Directors for approval.
9. In the matter of such approvals, the LC Board of Directors has the right to refuse to approve amendments of this nature, but approval may be refused on three grounds only: financial, safety, and a reputational category affecting the image of the game of lacrosse.
10. The LC Board of Directors overturned the rule changes adopted by the Box Lacrosse Sector. No issue of either financial or safety considerations was raised as justification for such decision.
11. In the absence of a written record of the Board of Directors' decision and its reasons, the image of the game of lacrosse was raised in argument by the representatives of LC, but not, in my respectful opinion, with any cogent evidence to support a finding that a change in the status of the provincial and/or territorial clubs or associations would cause any adverse impact on the reputational integrity of the game of lacrosse.
12. I find, therefore, that none of the relevant considerations permitting the LC Board of Directors to withhold approval of the changes were established.
13. For reasons that were not entirely apparent in the evidence before me, the LC Board of Directors did not process or did not finish its consideration of the Tier change decision,

but it deemed two of the players named to the BCLA team ineligible to compete in the Event. As a practical matter, this had the effect of rejecting the decision regarding the change to Tier 2 status adopted by the Box Lacrosse Sector, but without justifying why such rejection was appropriate.

14. Despite some of the procedural lapses on both sides, it seems to me that the balance of probabilities and the balance of convenience in this matter favor the Claimant. I hereby confirm my verbal conclusion, expressed at the conclusion of the combined administrative meeting and hearing on 9 September 2024, that the two players whose participation had been denied in the first two games be deemed eligible for the remainder of the Event.
15. I thank the representatives of the Claimant and Respondent for their responsible and constructive representations under the applicable time constraints.

MONTREAL, this 13th day of September 2024



Richard W. Pound, K.C.
Arbitrator