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7/14/2021 9. Backdrop to the Standard of Review Analysis - NCA Exam Reviewer

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9. Backdrop to the Standard of Review Analysis

Q 9-01: What factors determines a body's amenability to judicial review in Federal Courts?

Answer: 27 On this, I agree with the respondents' submissions and the Federal Court judge's holding **in issuing the bulletins and in engaging in the conduct described in the bulletins, the Toronto Port Authority did nothing to trigger rights on the part of Air Canada to bring a judicial review.**

28 The jurisprudence recognizes many situations where, by its nature or substance, an administrative body's conduct does not trigger rights to bring a judicial review.

29 One such situation is **where the conduct attacked in an application for judicial review fails to affect legal rights, impose legal obligations, or cause prejudicial effects** *Jrving Shipbuilding Inc v Canada (Attorney General)*, 2009 FCA 114, [2010] 2 F.C.R. 483, *Democracy Watch v Conflict of Interest and Ethics Commission*, 2009 FCA 15, (2009), 86 Admin. L.R. (4th) 149.

30 The decided cases offer many illustrations of this situation: e.g., *1099065 Ontario Inc v Canada (Minister of Public Safety and Emergency Preparedness)*, 2008 FCA 47, 375 N.R. 368 (**an official's letter proposing dates for a meeting**); *Philippe v Canada (Librarian and Archivist)*, 2006 FC 1378, [2007] 4 F.C.R. 11 (**a courtesy letter written in reply to an application for reconsideration**); *Rothmans, Benson & Hedges Inc v Minister of National Revenue*, [1998] 2 C.T.C. 176, 148 F.T.R. 3 (T.D.) (**an advance ruling that constitutes nothing more than a non-binding opinion**).

x x x

60 In determining the **public-private issue**, all of the circumstances must be weighed: *Cairns v Farm Credit Corp.* [1992] 2 F.C. 115 (T.D.); *Jackson v Canada (Attorney General)* (1997), 141 F.T.R. 1 (T.D.) There are a number of relevant factors relevant to the determination whether a matter is coloured with a public element, flavour or character sufficient to bring it within the purview of public law. Whether or not any one factor or a combination of particular factors tips the balance and makes a matter "public" depends on the facts of the case and the overall

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Nutanix NCA Exam Syllabus Topics:

Topic	Details
Topic 1	<ul style="list-style-type: none"> Describe Life Cycle Management: Life Cycle Management (LCM) software and firmware are discussed in this topic.
Topic 2	<ul style="list-style-type: none"> Describe Storage Concepts: It explains the features and architecture of Nutanix storage. Moreover, the topic discusses the difference between replication and redundancy factors.
Topic 3	<ul style="list-style-type: none"> Describe Nutanix Solutions: Concepts of Nutanix architecture are discussed in this topic. It also focuses on identifying Nutanix products by use case.

- Explain Virtual Infrastructure Administration: Identification of VM, network, and node configuration is discussed in this topic. The topic also explains the image service and VM operations.

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Nutanix Certified Associate v6.5 Sample Questions (Q41-Q46):

NEW QUESTION # 41

An administrator is conducting updates in a Nutanix cluster and is being prompted for handling non-migratable VMs. Which VM type is non-migratable?

- A. Memory Overcommitted
- B. VMs without NGT
- C. VMs marked as an Agent
- D. VMs O VMs with attached Volume Groups

Answer: D

NEW QUESTION # 42

What minimum number of clusters must be registered to Prism Central to open a support case from the UI?

- A. 0
- B. 1
- C. 2
- D. 3

Answer: B

NEW QUESTION # 43

On a newly-deployed AHV cluster, what is the default virtual switch (vs0) uplink bond type?

- A. Balance-TCP
- B. No Uplink Bond
- C. Balance-SLB
- D. Active-Backup

Answer: D

NEW QUESTION # 44

Shared storage for Windows Server Failover Clustering (WSFC) is a use case for which Nutanix Unified Storage solution?

- A. Volumes
- B. Files
- C. RF2
- D. FT1

Answer: A

