

BY EMAIL

May 13, 2014

Roger Bilodeau, Q.C.
Registrar
Supreme Court of Canada
301 Wellington St.
Ottawa, ON K1A 0J1

Dear Maître Bilodeau, Q.C.:

**Re: Sheldon Taypotat, et al v. Louis Taypotat
SCC File No.: 35518**

Please consider this letter as the Response of the Appellant to the Motion for Intervention served and filed by Canada Without Poverty and The Charter Committee on Poverty Issues (“CWP”).

The Appellants ask that the Motion for Intervention be dismissed. The proposed submissions of CWP go beyond the scope of the issues on appeal and are not supported by the evidentiary record.

The decision of the Federal Court focused on whether education was an enumerated analogous ground. Justice Yves de Montigny stated at para. 60:

[T]here is no mention of race or age related criteria in paragraphs 9.03(c) and 10.01(d), and those sections do not discriminate, either directly or indirectly, on the basis of these characteristics. In the absence of any evidence to the contrary, it cannot be said that the educational level requirement is a proxy for these characteristics or that it perpetuates a stereotype or a disadvantage of a particular group of persons.

The Federal Court of Appeal went beyond education as a ground and focused on age and “Aboriginality-residence”. Para. 45 states:

[E]ven if education was excluded as an analogous ground of discrimination, the education requirement at issue nonetheless creates a distinction resulting in discrimination on the enumerated ground of age, which the appellant has specifically raised, and with the analogous ground of Aboriginality-residence recognized in *Corbiere*.

From the decisions below, it is clear that the issue is whether the *Election Act* discriminates on an enumerated s. 15 *Charter* ground (i.e. age) or an analogous ground (i.e. Aboriginality-residence).

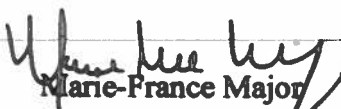
To allow CWP to intervene would therefore be to raise a new set of issues, contrary to the jurisprudence of this Court: *Reference re Goods and Services Tax*, [1992] 2 S.C.R. 445 at 487.

The present appeal does not have any kind of factual basis upon which to enable proper consideration of whether “social condition” should be recognized as an analogous ground protected by s. 15. It is not at issue in this appeal and the record does not support the finding of a new analogous ground based on economic or social conditions.

The Appellants therefore respectfully ask that the motion to intervene of CWP be dismissed, without costs.

Yours truly,

Supreme Advocacy LLP

Per: 
Marie-France Major
Ottawa Agent for Counsel for the Appellants