

COURT OF APPEAL FOR ONTARIO

B E T W E E N :

**KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO,
SHAWN ARNOLD, CASSANDRA JORDAN, JULIA LAUZON, AMMY LEWIS,
ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL,
SHERRI OGDEN, JAHMAL PIERRE, and LINSLEY GREAVES**

Appellants

- and -

CITY OF HAMILTON

Respondent

- and -

ATTORNEY GENERAL OF ONTARIO

Intervener

**MOTION RECORD OF THE MOVING PARTY/PROPOSED INTERVENER,
CANADIAN CIVIL LIBERTIES ASSOCIATION**

November 14, 2025

GOLDBLATT PARTNERS LLP

20 Dundas Street W., Suite 1039
Toronto, ON M5G 2C2

Tina Q Yang (LSO# 60010N)

Tel: 416-979-6972

Email: tyang@goldblattpartners.com

Naomi Greckol-Herlich (LSO# 64405D)

Tel: 416-979-4648

Email: ngreckolherlich@goldblattpartners.com

Lawyers for the Proposed Intervener,
Canadian Liberties Association

TO:

CIRCLE BARRISTERS

325 Front St. W., Suite 200
Toronto, ON M5V 2Y1

Sujit Choudhry, LSO# 45011E

Tel: 416-436-3679

Email: sujit.choudhry@circlebarristers.com

MISSISSAUGA COMMUNITY LEGAL SERVICES

130 Dundas St. E., Suite 504
Mississauga ON L5A 3V8

Sharon Crowe, LSO# 47108R

Tel: 905-896-2052 ext. 20

Email: sharon.crowe@mcls.clcj.ca

ROSS & MCBRIDE LLP

1 King St. W., 10th Floor
Hamilton, ON L8P 1A4

Wade Poziomka, LSO# 59696T

Tel: 905-572-5824

Email: wpoziomka@rossmcbride.com

Lawyers for the Appellants,

Kristen Heegsma, Darrin Marchand, Gord Smyth, Mario Muscato,

Shawn Arnold, Cassandra Jordan, Julia Lauzon, Ammy Lewis, Ashley Macdonald,

Corey Monahan, Misty Marshall, Sherri Ogden, Jahmal Pierre and Linsley Greaves

AND TO: **GOWLING WLG (CANADA) LLP**
1 Main St. W.
Hamilton, ON L8P 4Z5

Bevin Shores, LSO# 56161F
Tel: 905-540-2468
Email: bevin.shores@gowlingwlg.com

Jordan Diacur, LSO# 65860E
Tel: 905-540-2500
Email: jordan.diacur@gowlingwlg.com

Jennifer King, LSO# 54325R
Tel: 905-549-2468
Email: jennifer.king@gowlingwlg.com

Lawyers for the Respondent, City of Hamilton

AND TO: **MINISTRY OF THE ATTORNEY GENERAL**
Constitutional Law Branch
4th Floor, McMurtry-Scott Building
720 Bay Street, Toronto, ON M7A 2S9

Andrea Boleiro, LSO# 60034I
Tel: (416) 551-6263
Email: andrea.boleiro@ontario.ca

Lawyer for the Intervener, Attorney General of Ontario

COURT OF APPEAL FOR ONTARIO

B E T W E E N :

**KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO,
SHAWN ARNOLD, CASSANDRA JORDAN, JULIA LAUZON, AMMY LEWIS,
ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL,
SHERRI OGDEN, JAHMAL PIERRE, and LINSLEY GREAVES**

Appellants

- and -

CITY OF HAMILTON

Respondent

- and -

ATTORNEY GENERAL OF ONTARIO

Intervener

INDEX

TAB	DOCUMENT	PAGE
1.	Notice of Motion dated November 14, 2025	1
2.	Affidavit of Harini Sivalingam dated November 13, 2025	8
A	Exhibit “A”: CCLA Global List of Litigation & Interventions	18
3.	Draft Factum of the Proposed Intervener, Canadian Civil Liberties Association	53

Court File No. COA-25-CV-0166

COURT OF APPEAL FOR ONTARIO

B E T W E E N :

**KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO,
SHAWN ARNOLD, CASSANDRA JORDAN, JULIA LAUZON, AMMY LEWIS,
ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL,
SHERRI OGDEN, JAHMAL PIERRE, and LINSLEY GREAVES**

Appellants

- and -

CITY OF HAMILTON

Respondent

- and -

ATTORNEY GENERAL OF ONTARIO

Intervener

**NOTICE OF MOTION OF THE MOVING PARTY/PROPOSED INTERVENER,
CANADIAN CIVIL LIBERTIES ASSOCIATION**

TAKE NOTICE THAT the Canadian Civil Liberties Association (“CCLA”) will make a motion to the Court, on December 12, 2025, at 10 a.m., or as soon after that time as the motion can be heard.

PROPOSED METHOD OF HEARING: By video conference.

THE MOTION IS FOR:

1. An order granting the CCLA leave to intervene in this appeal as a friend of the court, pursuant to Rule 13.02 of the *Rules of Civil Procedure*, on the following terms:

- a. the CCLA shall be permitted to file a factum not to exceed 12 pages in length in this appeal, to be filed on a future date as the Court directs;
 - b. the CCLA shall be permitted to present oral argument of no more than 15 minutes at the hearing of the appeal;
 - c. the CCLA will not seek, nor will they be subject to, any award of costs, including the costs of the motion for leave to intervene; and
2. Such further and other relief as counsel may request and this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

1. Pursuant to Rules 13.02 and 13.03(2) of the *Rules of Civil Procedure*, the CCLA seeks leave to intervene in this appeal to assist this Court by way of argument, in addressing the role and effect of international human rights instruments in the analysis of the scope and content of the protections afforded by s. 7 of the *Charter* in the context of state-enforced removal of shelter;
2. This appeal will have broad jurisprudential value for numerous other cases in which litigants have challenged the *Charter* compliance of by-laws, policies and actions regarding the forced clearing of encampment dwellings and the forced eviction of encampment residents;
3. This appeal engages s. 7 of the *Canadian Charter of Human Rights and Freedoms* (“*Charter*”) and is likely to have an impact beyond the interests of the immediate parties;
4. If granted intervener status, the CCLA can provide the Court with distinct and beneficial submissions on these issues, namely:

- a. the international legal obligations by which Canada is bound in the *International Covenant on Economic, Social and Cultural Rights* and the *Universal Declaration on Human Rights* require recognition of the dignity and autonomy of unhoused individuals;
 - b. the application and effect of international legal instruments in interpreting the meaning and scope of the rights to liberty and security of the person under s. 7 of the *Charter*;
 - c. these international legal obligations are not only persuasive, but have been incorporated into Canadian domestic law through the *National Housing Strategy Act*, S.C. 2019, c. 29, s. 313;
5. The CCLA has been the leading advocate on matters concerning civil liberties in Canada since 1964. As part of its mandate, the CCLA is committed to promoting respect for, and observance of, fundamental human rights and civil liberties in Canada, and to maintaining a free and democratic society in Canada;
6. The expertise of the CCLA, as the national voice on the protection of fundamental human rights, has resulted in it frequently being granted leave to intervene in proceedings involving similar issues before this Honourable Court, as well as numerous other courts and tribunals. In particular, the CCLA's intervention in *A.M.R.I v. K.E.R.*, has been said to be of great assistance before this Honourable Court.¹ The CCLA has been involved in numerous cases concerning the interaction of different statutes, international legal instruments, the balancing of competing interests, and persons' right to life liberty and security of the person as enshrined in s. 7 of the *Charter*;

¹ *A.M.R.I v K.E.R.*, 2001 ONCA 417 at para 8.

7. If granted leave to intervene, the CCLA intends to advance submissions on the following issues:
 - a. Canada's international legal obligations require that the dignity and autonomy of encampment residents be recognized and that no one be deprived of shelter through state-forced eviction;
 - b. any interpretation of the meaning and scope of the rights protected under s. 7 of the *Charter* must give life to these international legal instruments, and also accord with Canada's own domestic law as reflected in the *National Housing Strategy Act*, S.C. 2019, c. 29, s. 313;
8. If permitted to intervene, the CCLA will bring an important and distinct perspective to the Court, which will complement and supplement, rather than duplicate, the submissions of the parties;
9. The CCLA will not seek to supplement the record nor will the CCLA's participation prejudice any party or increase the expenses or costs of any other parties;
10. The CCLA intends its submissions to be brief and focused on the specific issues summarized above and further developed in its factum included in this Motion Record; and
11. Such further grounds as counsel may advise and this Honourable Court deem just.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- i. The affidavit of Harini Sivalingam, sworn November 13, 2025;
- ii. The factum filed in support of this motion,
- iii. The draft factum of the proposed intervener, as directed by this Honourable Court; and

- iv. Such further materials as counsel may advise and this Honourable Court may permit.

November 14, 2025

GOLDBLATT PARTNERS LLP

20 Dundas Street W., Suite 1039
Toronto, ON M5G 2C2

Tina Q Yang (LSO# 60010N)

Tel: 416-979-6972

Email: tyang@goldblattpartners.com

Naomi Greckol-Herlich (LSO# 64405D)

Tel: 416-979-4648

Email: ngreckolherlich@goldblattpartners.com

Lawyers for the Proposed Intervener,
Canadian Liberties Association

TO:

CIRCLE BARRISTERS

325 Front St. W., Suite 200
Toronto, ON M5V 2Y1

Sujit Choudhry, LSO# 45011E

Tel: 416-436-3679

Email: sujit.choudhry@circlebarristers.com

MISSISSAUGA COMMUNITY LEGAL SERVICES

130 Dundas St. E., Suite 504
Mississauga ON L5A 3V8

Sharon Crowe, LSO# 47108R

Tel: 905-896-2052 ext. 20

Email: sharon.crowe@mcls.clcj.ca

ROSS & MCBRIDE LLP

1 King St. W., 10th Floor
Hamilton, ON L8P 1A4

Wade Poziomka, LSO# 59696T

Tel: 905-572-5824

Email: wpoziomka@rossmcbride.com

Lawyers for the Appellants,
Kristen Heegsma, Darrin Marchand, Gord Smyth, Mario Muscato,
Shawn Arnold, Cassandra Jordan, Julia Lauzon, Ammy Lewis, Ashley Macdonald,
Corey Monahan, Misty Marshall, Sherri Ogden, Jahmal Pierre and Linsley Greaves

AND TO: **GOWLING WLG (CANADA) LLP**
1 Main St. W.
Hamilton, ON L8P 4Z5

Bevin Shores, LSO# 56161F
Tel: 905-540-2468
Email: bevin.shores@gowlingwlg.com

Jordan Diacur, LSO# 65860E
Tel: 905-540-2500
Email: jordan.diacur@gowlingwlg.com

Jennifer King, LSO# 54325R
Tel: 905-549-2468
Email: jennifer.king@gowlingwlg.com

Lawyers for the Respondent, City of Hamilton

AND TO: **MINISTRY OF THE ATTORNEY GENERAL**
Constitutional Law Branch
4th Floor, McMurtry-Scott Building
720 Bay Street, Toronto, ON M7A 2S9

Andrea Boleiro, LSO# 60034I
Tel: (416) 551-6263
Email: andrea.boleiro@ontario.ca

Lawyer for the Intervener, Attorney General of Ontario

HEEGSMA, et al
Appellants

-and-

CITY OF HAMILTON
Respondent

Court File No. COA-25-CV-0166

COURT OF APPEAL FOR ONTARIO

**NOTICE OF MOTION OF THE
MOVING PARTY/PROPOSED INTERVENER,
CANADIAN CIVIL LIBERTIES ASSOCIATION**

GOLDBLATT PARTNERS LLP
20 Dundas Street W., Suite 1039
Toronto, ON M5G 2C2

Tina Q Yang (LSO# 60010N)

Tel: 416-979-6972

Email: tyang@goldblattpartners.com

Naomi Greckol-Herlich (LSO# 64405D)

Tel: 416-979-4648

Email: ngreckolherlich@goldblattpartners.com

Lawyers for the Proposed Intervener,
Canadian Liberties Association

Court File No. COA-25-CV-0166

COURT OF APPEAL FOR ONTARIO

B E T W E E N :

**KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO,
SHAWN ARNOLD, CASSANDRA JORDAN, JULIA LAUZON, AMMY LEWIS,
ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL,
SHERRI OGDEN, JAHMAL PIERRE, and LINSLEY GREAVES**

Appellants

- and -

CITY OF HAMILTON

Respondent

- and -

ATTORNEY GENERAL OF ONTARIO

Intervener

**AFFIDAVIT OF HARINI SIVALINGAM
(Motion for leave to intervene, Canadian Civil Liberties Association)**

I, **Harini Sivalingam**, of the City of Markham, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am the Director, Equality Program, of the Canadian Civil Liberties Association (the “CCLA”). As such, I have personal knowledge of the matters to which I depose in this affidavit, or have received the information from others, in which case I identify the source of my information and I believe the information to be true.

2. As Director of the CCLA’s Equality Program, I oversee and execute advocacy strategies to support marginalized groups whose rights to full equality have not been realized. My work

includes monitoring significant equality issues and egregious rights violations across Canada, strategizing on litigation interventions, public outreach and education, and engagement with policymakers and stakeholders on issues concerning equality.

3. The CCLA seeks leave to intervene in this application—which concerns the constitutionality of municipal practices that had the effect of evicting unhoused encampment residents from public spaces—particularly with respect to the Appellants’ claim in respect of their s. 7 *Canadian Charter of Rights and Freedoms* (“*Charter*”) rights to liberty and security of the person. As a result of its expertise, special knowledge and perspective regarding civil liberties and fundamental freedoms, I believe that the CCLA can assist this Honourable Court in this Application.

The Canadian Civil Liberties Association

4. Founded in 1964, the CCLA is a national, non-profit, independent, nongovernmental organization dedicated to promoting respect for and observance of fundamental human rights and civil liberties in Canada. The CCLA’s work, which includes research, advocacy, public education, and engagement, aims to defend and ensure the protection and full exercise of those rights and liberties. The CCLA has thousands of supporters drawn from all walks of life in communities across Canada. A wide variety of persons, occupations, and interests are represented among our supporters.

5. The CCLA was constituted to actively defend and promote the recognition of fundamental human rights and freedoms, including those enshrined in the *Charter*, and to extend and foster the observance of those rights.

6. The CCLA's role necessarily includes holding government accountable and seeking to ensure that the rule of law is upheld. The CCLA fulfills this mission in several forums including the media, courts, provincial legislatures and Parliament, as well as through public engagement and education. In every issue on which the CCLA advocates, we direct our attention to the breadth of rights and freedoms, and the critical reconciliation between civil liberties and the competing public and private interests that are involved.

7. As set out in further detail below, the CCLA is actively engaged in the defence of fundamental rights and freedoms as an advocate of the recognition and enforcement of the fundamental human rights and liberties of marginalized individuals and groups, as well as an important contributor to the discourse on the fundamental freedoms enshrined in s. 7 specifically.

The CCLA's Knowledge and Expertise Relevant to the Issues in this Case

8. As further detailed below, the CCLA proposes to focus its intervention on the issue of the state-enforced deprivation of shelter of unhoused encampment residents which in some circumstances can be a violation of the fundamental rights to liberty and security of the person, as guaranteed by s. 7 of the *Charter* and Canada's international obligations.

9. The CCLA's experience affords it a distinct awareness and understanding of many aspects of civil liberties, having defended the rights of individuals on many occasions, both prior to, and under, the *Charter*.

10. The CCLA has been involved in the litigation of many important developments in the areas of constitutional & *Charter* rights, government accountability, and the rule of law. It has frequently been granted Intervenor status before courts and tribunals across Canada to present oral and written

argument on a variety of constitutional issues. A list of the over 360 cases in which the CCLA has been granted Intervenor status is attached hereto and marked as **Exhibit “A”**.

11. The CCLA’s contribution to the development of the law in relation to fundamental rights and freedoms and the *Charter* has been recognized by the courts on numerous occasions. For example, in *Batty v City of Toronto*, 2011 ONSC 6862, Brown J. (as he then was) commended the balanced assistance provided by the CCLA in a case dealing with reconciling competing public interests, stating: “Let me say that I appreciate the assistance which counsel for the CCLA provided to me during the hearing. The CCLA acted as a true friend of the court.”¹

12. In *Tadros v Peel Regional Police Service*, O’Connor ACJO affirmed that the CCLA “has substantial experience in promoting and defending the civil liberties of Canadians”.²

13. More specifically, the CCLA has a long track record of contributing to the jurisprudence on s. 7 of the *Charter*, including by intervening in cases before courts at various levels. By granting the CCLA leave to intervene in a significant number of important cases, those courts have acknowledged the CCLA’s special perspective and expertise on this issue. Section 7 cases in which the CCLA has intervened include:

- a. *R. v Malmo-Levine*, *R. v Clay*, *R. v Caine*, 2003 SCC 74, in which one of the issues was whether the criminal prohibition against the possession of marijuana violates s. 7 of the *Charter*;

¹ *Batty v City of Toronto*, [2011 ONSC 6862](#) at para 22.

² *Tadros v Peel Regional Police Service*, [2008 ONCA 775](#) at para 3.

- b. *Canada (Attorney General) v PHS Community Services Society*, 2011 SCC 44, concerning a safe (drug) injection site, and the constitutionality of certain criminal provisions in relation to users and staff of the site;
- c. *Canada (Attorney General) v Bedford*, 2012 ONCA 186, concerning the constitutionality of certain prostitution-related offences;
- d. *R. v Khawaja*, 2012 SCC 69 and *Sriskandarajah v United States of America*, 2012 SCC 70, which together considered whether the definition of “terrorist activity” introduced by the *Anti-Terrorism Act, 2001*, amending the Criminal Code, infringed the *Charter*;
- e. *R. v Mernagh*, 2013 ONCA 67, concerning the constitutionality of medical marijuana regulations;
- f. *France v Diab*, 2014 ONCA 374, regarding whether an extradition judge must engage in a limited weighing of evidence to assess the sufficiency of evidence for committal to extradition and whether a failure to do so would violate s. 7 of the *Charter*;
- g. *PS v Ontario*, 2014 ONCA 900, concerning detention under mental health law and the scope of *Charter* protection afforded to a person with a hearing impairment and linguistic needs, in a situation of compound rights violations;
- h. *Figueiras v Toronto (Police Services Board)*, 2015 ONCA 208, regarding whether a roving police “stop and search” checkpoint targeting apparent protesters during the G20 Summit violated ss. 2 and 7 of the *Charter*;

- i. *Carter v Canada (Attorney General)*, 2015 SCC 5, concerning the constitutionality of the *Criminal Code* prohibition on assisted suicide in light of the rights protected under ss. 7 and 15 of the *Charter*;
- j. *Canada (Attorney General) v Federation of Law Societies of Canada*, 2015 SCC 7, concerning the impact of provisions of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, and associated regulations, on solicitor-client privilege and whether these provisions unjustifiably violate s. 7 of the *Charter*;
- k. *R. v Smith*, 2015 SCC 34, concerning the constitutionality of the *Marijuana Medical Access Regulations* and whether the limitation in the regulations restricting legal possession to only dried marijuana unreasonably infringes s. 7 *Charter* rights;
- l. *Ontario (Attorney General) v Bogaerts*, 2019 ONCA 876, concerning private organizations with delegated law enforcement powers that engage s. 8 of the *Charter*, and the importance of transparency and accountability as fundamental legal principles under s. 7;
- m. *Ontario (Attorney General) v G*, 2020 SCC 38, concerning whether inclusion on a sex offender registry is contrary to ss. 7 and 15 of the *Charter* for persons found not criminally responsible by reason of mental disorder and absolutely discharged by a Review Board (CCLA also intervened before the Ontario Court of Appeal: *G. v Ontario (Attorney General)*, 2019 ONCA 264);
- n. *AC and JF v Alberta*, 2021 ABCA 24, concerning the test for an injunction against government action or legislation, in the context of a constitutional challenge against the government's retroactive change to lower the age eligibility for Alberta's

Support Financial Assistance Program for young people who had been raised in government care;

- o. *Francis v Ontario*, 2021 ONCA 197, concerning the scope of the Crown's liability in tort under the *Crown Liability and Proceedings Act* in a class action regarding the placement of inmates with serious mental illness in solitary confinement, and;
 - p. *R. v Ndhlovu*, 2022 SCC 38, regarding the constitutionality of mandatory lifetime registration pursuant to the *Sex Offender Information Registration Act* for individuals convicted of more than one designated offence;
 - q. *R. v Brown*, 2022 SCC 18, regarding whether s. 33.1 of the *Criminal Code* – which blocks the defence of automatism for general intent crimes designated therein – violates ss. 7 and 11(d) of the *Charter*; and
 - r. *R. v Sharma*, 2022 SCC 39, regarding the constitutionality of several *Criminal Code* provisions that remove the availability of conditional sentences for certain offences.
14. The CCLA has also participated as a party in pivotal cases dealing with s. 7 issues, including:
- a. *Canadian Civil Liberties Association v Toronto Police Service*, 2010 ONSC 3525 and 2010 ONSC 3698, concerning whether the use of Long Range Acoustic Devices by police services during the G20 Summit violated Regulation 926 of the *Police Services Act* and ss. 2 and 7 of the *Charter*; and
 - b. *Corporation of the Canadian Civil Liberties Association v Attorney General (Canada)*, 2019 ONCA 243, and *Corporation of the Canadian Civil Liberties Association v Her Majesty the Queen*, 2017 ONSC 7491, an application and appeal regarding the constitutionality of provisions of the *Corrections and Conditional*

Release Act which authorize “administrative segregation” in Canadian correctional institutions.

The CCLA has an interest in this appeal

15. The CCLA has a genuine and substantial interest in this appeal, which falls directly within the CCLA’s mandate and expertise to promote and defend rights and freedoms.

16. The CCLA is interested in the present appeal because of its significance to the development of s. 7 jurisprudence, specifically with respect to circumstances in which the state-enforced deprivation of shelter is a violation of the fundamental human rights to liberty and security of the person, which are protected both by the *Charter*, and by multiple international conventions to which Canada is a state party.

17. The CCLA is concerned with ensuring the recognition and protection of the fundamental s. 7 rights of marginalized individuals and groups, such as unhoused encampment residents. The CCLA has engaged and/or intervened in the following recent cases addressing encampments set up by unhoused individuals or that engages protest rights in public parks, and the operation of municipal shelters during the COVID-19 pandemic:

- a. *The Corporation of the City of Kingston v Doe, et al.*, 2023 ONSC 6662, concerning whether eviction of encampment residents at a city owned park violates their *Charter* rights;
- b. *Batty v City of Toronto*, 2011 ONSC 6862, a case relating to an encampment set up in a municipal park as part of a protest; and,

- c. *Sanctuary et al. v Toronto (City) et al.*, 2020 ONSC 6207, which was litigation relating to the constitutionality of the conduct of the City of Toronto regarding the operation of its shelters during the COVID-19 pandemic.

18. The CCLA has also been granted leave to intervene in *The Regional Municipality of Waterloo v Persons Unknown and to be Ascertained*, CV-25-00000750-0000, an application brought by the Regional Municipality of Waterloo seeking a declaration that its by-law, which grants the power to evict encampment residents, is *Charter*-compliant.

19. Given our mandate and experience, I believe that the CCLA has a direct and substantial interest in this appeal, as well as a valuable contribution to make.

Assistance to be provided by the CCLA

20. I believe that the CCLA's submissions in this appeal will be helpful to the Court and will provide a perspective unique from that of the parties because the CCLA's interest is directed towards the public interests at stake and the broader implications of the scope of the rights guaranteed under s. 7 of the *Charter*,

21. The CCLA's submissions will be distinctively grounded in the CCLA's mandate to promote and protect fundamental rights and liberties and its extensive experience in addressing issues similar to those raised by this appeal. As discussed above, the CCLA has decades of experience assisting the courts with the development of s. 7 rights and with respect to the interpretation of the *Charter* as a whole.

22. If granted leave to intervene, the CCLA's submissions will not expand the issues already raised in the appeal, will not file any additional evidence or add to the appeal record, and will not unreasonably delay or lengthen the hearing of the Application. The CCLA will also work with the parties and other intervenors to avoid duplicative submissions and to ensure an efficient presentation of each intervenor's position to the Court.

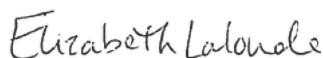
23. Consistent with the accepted role of intervenor before the Court, the CCLA will take no position on securing a particular result on this appeal.

Costs

24. If granted leave to intervene, the CCLA will not seek costs of its participation in the appeal. It respectfully requests that none be awarded against it on this motion or on the appeal.

AFFIRMED remotely via videoconference by Harini Sivalingam, stated as being located in the City of Ottawa, in the Province of Ontario, before me at the City of Toronto, Province of Ontario, on November 13, 2025, in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.


HARINI SIVALINGAM



A Commissioner for taking Affidavits

Elizabeth Anne Lalonde, a Commissioner, etc., Province of Ontario, for Goldblatt Partners LLP, Barristers and Solicitors.
 Expires September 5, 2027.

This is **Exhibit “A”** referred to in the
Affidavit of Harini Sivalingam affirmed remotely
before me this 13th day of November 2025
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.

Elizabeth Lalonde

A Commissioner for taking affidavits etc., or as may be

Exhibit A – CCLA Litigation

CCLA Interventions

Cases in which the CCLA has been granted intervener status include those listed chronologically below:

1. *R. v. Morgentaler*, [1976] 1 S.C.R. 616, where the general issue was whether the necessity defence was applicable to a charge of procuring an unlawful abortion under the *Criminal Code* (the CCLA intervened in the Supreme Court of Canada);
2. *Nova Scotia (Board of Censors) v. McNeil*, [1976] 2 S.C.R. 265, in which the issue was whether a taxpayer has standing to challenge legislation concerning censorship of films (the CCLA intervened in the Supreme Court of Canada);
3. *R. v. Miller*, [1977] 2 S.C.R. 680, in which one of the issues was whether the death penalty under the *Criminal Code* constituted cruel and unusual punishment under the *Canadian Bill of Rights* (the CCLA intervened in the Supreme Court of Canada);
4. *Nova Scotia (Board of Censors) v. McNeil*, [1978] 2 S.C.R. 662, in which the issues were whether statutory provisions and regulations authorizing the Board of Censors to regulate and control the film industry in the province were *intra vires* the provincial legislature and whether they violated fundamental freedoms, including freedom of speech (the CCLA intervened in the Supreme Court of Canada);
5. *Reference re Legislative Privilege* (1978), 18 O.R. (2d) 529 (C.A.), in which the issue was whether a member of the legislature has a privilege allowing him or her to refuse to disclose the source or content of confidential communications by informants when testifying at a criminal trial (the CCLA intervened in the Ontario Court of Appeal);
6. *R. v. Saxell* (1980), 33 O.R. (2d) 78 (C.A.), in which one of the issues was whether the provision in the *Criminal Code* for the detention of an accused acquitted by reason of insanity violated guarantees in the *Canadian Bill of Rights*, including the guarantee of due process and the protection against arbitrary detention and imprisonment (the CCLA intervened in the Ontario Court of Appeal);
7. *Nova Scotia (Attorney General) v. MacIntyre*, [1982] 1 S.C.R. 175, in which the issue was whether a journalist is entitled to inspect search warrants and the information used to obtain them (the CCLA intervened in the Supreme Court of Canada);
8. *Re Fraser and Treasury Board (Department of National Revenue)* (1982), 5 L.A.C. (3d) 193 (P.S.S.R.B.), in which the issue was whether termination of a civil servant for publicly criticizing government policy violated freedom of expression (the CCLA intervened before the Public Service Staff Relations Board);
9. *R. v. Dowson*, [1983] 2 S.C.R. 144, and *R. v. Buchbinder*, [1983] 2 S.C.R. 159, in which the issue was whether the Attorney General could order a stay of proceedings under s. 508 of the *Criminal Code* after a private information has been received but before the Justice of the Peace has completed an inquiry (the CCLA intervened in *R. v. Dowson* before the Ontario Court of Appeal and the Supreme Court of Canada, and in *R. v. Buchbinder* before the Supreme Court of Canada);

10. *R. v. Oakes* (1983), 40 O.R. (2d) 660, in which the issue was whether the reverse onus clause in s. 8 of the *Narcotic Control Act* violated an accused's right to be presumed innocent under the *Charter* (the CCLA intervened in the Court of Appeal);
11. *Re Ontario Film & Video Appreciation Society and Ontario Board of Censors* (1984), 45 O.R. (2d) 80 (C.A.), in which the issue was whether a provincial law permitting a board to censor films violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Divisional Court and the Ontario Court of Appeal);
12. *R. v. Rao* (1984), 46 O.R. (2d) 80 (C.A.), in which the issue was whether a provision under the *Narcotic Control Act* permitting warrantless searches violated the *Charter's* guarantee of protection against unreasonable search and seizure (the CCLA intervened in the Ontario Court of Appeal);
13. *Re Klein and Law Society of Upper Canada; Re Dvorak and Law Society of Upper Canada* (1985), 16 D.L.R. (4th) 489 (Div. Ct.), in which the issue was whether the Law Society's prohibitions respecting fees advertising and communications with the media violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Divisional Court);
14. *Canadian Newspapers Co. Ltd. v. Attorney-General of Canada* (1986), 55 O. R. (2d) 737 (H.C.), in which the issue was whether the provision in the *Criminal Code* limiting newspapers' rights to publish certain information respecting search warrants violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario High Court of Justice);
15. *R. v. J.M.G.* (1986), 56 O.R. (2d) 705 (C.A.), in which the issue was whether a school principal's seizure of drugs from a student's sock violated the *Charter's* protection from unreasonable search and seizure (the CCLA intervened in the Ontario Court of Appeal);
16. *Re Ontario Film & Video Appreciation Society and Ontario Film Review Board* (1986), 57 O.R. (2d) 339 (Div. Ct.), in which the issue was whether actions taken by a film censorship board violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Divisional Court);
17. *R. v. Swain* (1986), 53 O.R. (2d) 609 (C.A.), in which some of the issues were whether the provision in the *Criminal Code* for the detention of an accused acquitted by reason of insanity violated ss. 7, 9, 12 or 15(1) of the *Charter* (the CCLA intervened in the Court of Appeal);
18. *Reference Re Bill 30, an Act to amend the Education Act (Ont.)*, [1987] 1 S.C.R. 1148, in which the issues were whether Bill 30, which provided for full funding for Roman Catholic separate high schools, violated the *Charter's* guarantees of freedom of conscience and religion and equality rights (the CCLA intervened in the Ontario Court of Appeal and the Supreme Court of Canada);
19. *Zylberberg v. Sudbury Board of Education (Director)* (1988), 65 O.R. (2d) 641 (C.A.), in which the issue was whether an Ontario regulation which provided for religious exercises in public schools violated the *Charter's* guarantee of freedom of conscience and religion (the CCLA intervened in the Ontario Divisional Court and the Ontario Court of Appeal);
20. *Tremblay v. Daigle*, [1989] 2 S.C.R. 530, in which the issue was whether a man who impregnated a woman could obtain an injunction prohibiting the woman from having an abortion (the CCLA intervened in the Supreme Court of Canada);

21. *Canada (Human Rights Commission) v. Taylor*, [1990] 3 S.C.R. 892, in which one of the issues was whether a provision in the *Canada Human Rights Act* that prohibited telephone communication of hate messages offended the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
22. *R. v. Keegstra*, [1990] 3 S.C.R. 697, in which the issue was whether the *Criminal Code* provision which made it an offence to willfully promote hatred against an identifiable group constitutes a violation of the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
23. *Lavigne v. Ontario Public Service Employees Union*, [1991] 2 S.C.R. 211, in which the issues were whether the use for certain political purposes of union dues paid by nonmembers pursuant to an agency shop or Rand formula violated the *Charter* guarantees of freedom of expression and association (the CCLA intervened in the Supreme Court of Canada);
24. *R. v. Seaboyer*, [1991] 2 S.C.R. 577, in which one of the issues was whether the rape shield provisions of the *Criminal Code* violated the *Charter* guarantee of a fair trial (the CCLA intervened in the Ontario Court of Appeal and the Supreme Court of Canada of Canada);
25. *R. v. Butler*, [1992] 1 S.C.R. 452, in which the issue was whether the obscenity provisions in s. 163 of the *Criminal Code* violate the *Charter* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
26. *J.H. v. Hastings (County)*, [1992] O.J. No. 1695 (Ont. Gen. Div.), in which the issue was whether disclosure to municipal councilors of a list of social assistance recipients violated the protection of privacy under the *Municipal Freedom of Information and Protection of Privacy Act* (the CCLA intervened in the Ontario Court – General Division);
27. *R. v. Zundel*, [1992] 2 S.C.R. 731, in which the issue was whether s. 177 of the *Criminal Code* prohibiting spreading false news violated the *Charter* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
28. *Ontario Human Rights Commission v. Four Star Variety* (October 22, 1993) (Ont. Bd. of Inquiry), in which the issues were whether convenience stores displaying and selling certain magazines discriminated against women on the basis of their sex contrary to the *Ontario Human Rights Code* and if the Board of Inquiry's dealing with the obscenity issue intruded on the *Charter* guarantee of freedom of expression (the CCLA intervened before the Board of Inquiry);
29. *Ramsden v. Peterborough (City)*, [1993] 2 S.C.R. 1084, in which the issue was whether a municipal by-law banning posters on public property violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Court of Appeal and the Supreme Court of Canada);
30. *Hill v. Church of Scientology of Toronto*, [1995] 2 S.C.R. 1130, in which the issues were: (1) whether the common law of defamation should be developed in a manner consistent with freedom of expression; (2) whether the common law test for determining liability for defamation disproportionately restricts freedom of expression; and (3) whether the current law respecting non-pecuniary and punitive damages disproportionately restricts freedom of expression and whether limits on jury discretion and damages should be imposed (the CCLA intervened in the Supreme Court of Canada);

31. *Ontario (Attorney General) v. Langer* (1995), 123 D.L.R. (4th) 289 (Ont. Gen. Div.), in which the issue was the constitutionality of ss. 163.1 and 164 of the *Criminal Code* relating to child pornography (the CCLA intervened in the Ontario General Division);
32. *Adler v. Ontario*, [1996] 3 S.C.R. 609, in which the issues were whether Ontario not funding of Jewish and certain Christian day schools violated the *Charter's* guarantees of freedom of conscience and religion and of equality without discrimination based on religion (the CCLA intervened in the Ontario General Division, the Ontario Court of Appeal, and the Supreme Court of Canada);
33. *Al Yamani v. Canada (Solicitor General) (TD.)*, [1996] 1 F.C. 174 (T.D.), in which some of the issues were whether the provision in the *Immigration Act* regarding the deportation of permanent residents on the basis of membership in a class of organizations violated principles of fundamental justice contrary to s. 7 of the *Charter* or the *Charter* guarantees of freedom of association and expression (the CCLA intervened in the Federal Court Trial Division);
34. *R. v. Gill* (1996), 29 O.R. (3d) 250 (Ont. Gen. Div.), in which the issue was whether s. 301 of the *Criminal Code*, which creates an offence of publishing a defamatory libel, constitutes a violation of the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Court – General Division);
35. *Ross v. New Brunswick School District No. 15*, [1996] 1 S.C.R. 825, in which some of the issues were whether a teacher, who had been subject to discipline for making discriminatory anti-Semitic statements while off duty, could defend his conduct, at least in part, on freedom of religion (the CCLA intervened in the Supreme Court of Canada);
36. *R. v. Stillman*, [1997] 1 S.C.R. 607, in which the issue was the explication of the circumstances, including police conduct, that would bring the administration of justice into disrepute within the meaning of s. 24(2) of the *Charter* if unconstitutionally obtained evidence were to be admitted into a proceeding (the CCLA intervened in the Supreme Court of Canada);
37. *Winnipeg Child and Family Services (Northwest Area) v. D.F.G.*, [1997] 3 S.C.R. 925, in which the issue was whether the law should permit the state to interfere with the privacy, dignity, and liberty of a pregnant woman where her actions may expose the fetus to serious injury (the CCLA intervened in the Supreme Court of Canada);
38. *R. v. Lucas*, [1998] 1 S.C.R. 439, in which the issue was whether s. 300 of the *Criminal Code*, which creates the offence of publishing a defamatory libel, constitutes a violation of the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
39. *Thomson Newspapers Co. (c.o.b. Globe and Mail) v. Canada (Attorney General)*, [1998] 1 S.C.R. 877, in which the issue was whether s. 322.1 of the *Canada Elections Act*, which prohibits the publication of public opinion polls during the last 72 hours of a federal election campaign, constitutes a violation of the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
40. *Daly v. Ontario (Attorney General)* (1999), 44 O.R. (3d) 349 (C.A.), in which the issue was the extent to which Ontario's constitutionally protected Catholic separate school boards must adhere to the restrictions on employment discrimination contained in the *Ontario Human Rights Code* (the CCLA intervened in the Ontario General Division and the Ontario Court of Appeal);

41. *R. v. Mills*, [1999] 3 S.C.R. 668, in which the central issue was the appropriate balance to be struck between the rights of the accused and the rights of complainants and witnesses with respect to the production of medical and therapeutic records (the CCLA intervened in the Supreme Court of Canada);
42. *Moumdjian v. Canada (Security Intelligence Review Committee)*, [1999] 4 F.C. 624, in which one of the issues was the constitutionality of *Immigration Act* provisions which impacted on the freedom of association (the CCLA intervened in the Federal Court of Appeal);
43. *United Food and Commercial Workers, Local 1518 (U.F.C.W.) v. KMart Canada Ltd.*, [1999] 2 S.C.R. 1083, and *Allsco Building Products Ltd. v. United Food and Commercial Workers International Union, Local 1288 P.*, [1999] 2 S.C.R. 1136, in which the issue was whether leafleting by striking employees at non-struck workplaces is constitutionally protected expression (the CCLA intervened in the Supreme Court of Canada);
44. *R. v. Budreo* (2000), 46 O.R. (3d) 481 (C.A.), in which the issue was whether the provision in s. 810.1 of the *Criminal Code*, which permits a court to impose recognizance on a person likely to commit sexual offences against a child, violates s. 7 of the *Charter* (the CCLA intervened in the Ontario Court of Appeal);
45. *Martin Entrop and Imperial Oil Ltd* (2000), 50 O.R. (3d) 18 (C.A.), in which one of the issues was the legality of an employer testing employees' urine for drug use (the CCLA intervened in the Ontario General Division and the Ontario Court of Appeal);
46. *Little Sisters Book and Art Emporium v. Canada (Attorney General)*, [2000] 2 S.C.R. 1120, in which one of the issues was whether certain provisions of Canada's customs legislation which permit customs officers to seize and detain allegedly obscene material at the border unreasonably infringe on the right to freedom of expression (the CCLA intervened in the Supreme Court of Canada);
47. *Toronto Police Association v. Toronto Police Services Board and David J. Boothby* (Ont. Div. Ct. Court, File No. 58/2000), in which the issue was the propriety of police fundraising and political activities, and the validity of a by-law and order issued by the Toronto Police Services Board and the Chief of Police, respectively, regarding police conduct (the matter settled prior to the hearing);
48. *R. v. Latimer*, [2001] 1 S.C.R. 3, in which one of the issues was whether the *Criminal Code* provision for a mandatory minimum sentence of life imprisonment for second degree murder constitutes cruel and unusual punishment under s. 12 of the *Charter* (the CCLA intervened in the Supreme Court of Canada);
49. *R. v. Banks* (2001), 55 O.R. (3d) 374 (O.C.J.) and 2007 ONCA 19 (docket no. C43259) in which one of the issues was whether provisions of the Ontario *Safe Streets Act* prohibiting certain forms of soliciting violate s. 2(b) of the *Charter* (the CCLA intervened before the Ontario Court of Justice, the Ontario Superior Court of Justice and the Ontario Court of Appeal);
50. *R. v. Golden*, [2001] 3 S.C.R. 679, in which one of the issues was whether a strip search of the accused conducted as an incident to arrest violated s. 8 of the *Charter* (the CCLA intervened in the Supreme Court of Canada);

51. *R. v. Sharpe*, [2001] 1 S.C.R. 45, in which the issue was whether the *Criminal Code* prohibition of the possession of child pornography is an unreasonable infringement on the right to freedom of expression under the *Charter* (the CCLA intervened in the Supreme Court of Canada);
52. *Trinity Western University v. British Columbia College of Teachers*, [2001] 1 S. C. R. 772, in which the CCLA supported a private university's claim to be accredited for certification of its graduates as teachers eligible to teach in the public school system, despite the fact that the university's religiously-based code of conduct likely excluded gays and lesbians (the CCLA intervened in the Supreme Court of Canada);
53. *Ross v. New Brunswick Teachers' Association* (2001), 201 D.L.R. (4th) 75 (N.B.C.A.), in which one of the issues was the extent to which the values underlying the common law tort of defamation must give way to the *Charter* values underlying freedom of expression, especially where a claimant who asserts the former at the expense of the latter freely enters the public arena (the CCLA intervened in the New Brunswick Court of Appeal);
54. *Ontario (Human Rights Commission) v. Brillinger*, [2002] O.J. No. 2375 (Div. Ct.), in which the issue concerned the balance to be struck between freedom of religion and the right to equality (the CCLA intervened in the Ontario Superior Court of Justice);
55. *Chamberlain v. The Board of Trustees of School District #36 (Surrey)*, [2002] 4 S.C.R. 710, which involved the balancing of freedom of religion and equality rights in the context of a public school board's approval of books for a school curriculum (the CCLA intervened in the Supreme Court of Canada);
56. *Falkiner v. Ontario (Ministry of Community and Social Services)* (2002), 59 O.R. (3d) 481 (C.A.), in which the issues were the extent to which regulations made under the *Family Benefits Act* and the *General Welfare Assistance Act* amending the definition of "spouse" in relation to benefit entitlement (1) constituted discrimination under s. 15(1) of the *Charter*, and (2) set the stage for unwarranted government intrusion into the personal and private circumstances of affected recipients (the CCLA intervened before SARB, the Ontario Divisional Court, the Ontario Superior Court of Justice, and the Ontario Court of Appeal);
57. *Retail, Wholesale and Department Store Union, Local 558 v. Pepsi-Cola Canada Beverages (West) Ltd.*, [2002] 1 S.C.R. 156, in which the issue concerned the extent to which the common law regarding secondary picketing should be modified in light of *Charter* values (the CCLA intervened in the Supreme Court of Canada);
58. *Lafferty v. Parizeau* (SCC File No. 30103), [2003] S.C.C.A. No. 555 (leave granted but settled before hearing), which examined the application of *Charter* freedom of expression values to defamation and the defense of fair comment (the CCLA intervened in the Supreme Court of Canada, but the matter settled prior to hearing);
59. *R. v. Malmo-Levine, R. v. Clay, R. v. Caine*, [2003] S.C.J. No. 79, in which one of the issues was whether the criminal prohibition against the possession of marijuana violates s. 7 of the *Charter* (the CCLA intervened in the Supreme Court of Canada);
60. *Odhayji Estate v. Woodhouse*, [2003] 3 S.C.R. 263, which examined the appropriate scope of both the tort of abuse of public office and the tort of negligent supervision of the police, and the appropriate legal principles to be applied when addressing the issues of costs orders against

private individuals of modest means who are engaged in public interest litigation (the CCLA intervened in the Supreme Court of Canada);

61. *La Congrégation des témoins de Jéhovah de St-Jérôme Lafontaine, et al. v. Municipalité du village de Lafontaine, et al.*, [2004] 2 S.C.R. 650, which examined the constitutionality of a municipal zoning decision that limited the location of building places of religious worship (the CCLA intervened in the Supreme Court of Canada);
62. *R. v. Glad Day Bookshop Inc.*, [2004] O.J No. 1766 (Ont. Sup. Ct. Jus.), in which one of the issues was the constitutionality of the statutory regime requiring prior approval and allowing the prior restraint of films (the CCLA intervened in the Ontario Superior Court of Justice);
63. *In the matter of an application under § 83.28 of the Criminal Code*, [2004] 2 S.C.R. 248, which questioned *inter alia* the constitutionality of investigative hearings and the over breadth of certain provisions of the Anti-Terrorism Act (the CCLA intervened in the Supreme Court of Canada);
64. *In the Matter of a Reference by the Government in Council Concerning the Proposal for an Act Respecting Certain Aspects of Legal Capacity for Marriage for Civil Purposes*, [2004] 3 S.C.R. 698, which examined the equality and religious freedom aspects of proposed changes to the marriage legislation (the CCLA intervened in the Supreme Court of Canada);
65. *R v. Mann*, [2004] 3 S.C.R. 59, which examined whether the police have the authority at common law to detain and search a person in the absence of either a warrant or reasonable and probable grounds to believe an offence has been committed (the CCLA intervened in the Supreme Court of Canada);
66. *R v. Tessling*, [2004] 3 S.C.R. 432, which examined the constitutionality of the police conducting warrantless searches of private dwelling houses using infrared technology during the course of criminal investigations (the CCLA intervened in the Supreme Court of Canada);
67. *Genex Communications Inc. v. Attorney General of Canada*, [2005] F.C.J. No. 1440 (F.C.A.), which examined the application of the *Charter's* guarantee of freedom of expression to a decision by the CRTC to refuse to renew a radio station license (the CCLA intervened in the Federal Court of Appeal);
68. *R. v. Hamilton*, [2005] S.C.J. No. 48, which examined the scope of the offence of counseling the commission of a crime (the CCLA intervened in the Supreme Court of Canada);
69. *R. v. Déry*, [2006] 2 S.C.R. 669, which examined whether the *Criminal Code* contains the offence of "attempted conspiracy" (the CCLA intervened in the Supreme Court of Canada);
70. *Montague v. Page* (2006), 79 O.R. (3d) 515 (Ont. S.C.J.), which concerned the application of the *Charter's* guarantee of freedom of expression to the question of whether municipalities are allowed to file defamation suits against residents (CCLA intervened in the Ontario Superior Court of Justice);
71. *Multani v. Commission Scolaire Marguerite-Bourgeoys*, [2006] 1 S.C.R. 256, which concerned whether the *Charter's* guarantee of freedom of religion allows a student to wear a kirpan in school (the CCLA intervened in the Supreme Court of Canada);

72. *O'Neill v. Attorney General of Canada*, [2006] O.J. No. 4189 (Ont. S.C.J.), which concerned the interaction of national security and *Charter* rights (the CCLA intervened in the Ontario Superior Court of Justice);
73. *Owens v. Saskatchewan Human Rights Commission* (2006), 267 D.L.R. (4th) 733 (Sask.C.A.), which concerned the application of the *Charter's* guarantees of freedom of religion and expression to a provincial statute banning hateful speech (the CCLA intervened in the Saskatchewan Court of Appeal);
74. *Charkaoui et al. v. Canada (Citizenship and Immigration)*, [2007] 1 S.C.R. 350, which examined, *inter alia*, the constitutionality of certain "security certificate" provisions of the *Immigration and Refugee Protection Act* (the CCLA intervened in the Supreme Court of Canada);
75. *R. v. Bryan*, [2007] 1 S.C.R. 527, which examined the constitutionality of provisions of the *Elections Act* which penalize dissemination of election results from eastern Canada before polls are closed in the West (the CCLA intervened in the Supreme Court of Canada);
76. *R. v. Clayton*, 2007 SCC 32, concerning the scope of the police power to establish a roadblock and to stop and search vehicles and passengers (the CCLA intervened in the Supreme Court of Canada);
77. *Hill v. Hamilton-Wentworth Regional Police Services Board*, 2007 SCC 41, concerning the issue of whether police officers can be held liable in tort for a negligently conducted investigation (the CCLA intervened in the Supreme Court of Canada);
78. *Bruker v. Marcovitz*, 2007 SCC 54, which examined the extent to which civil courts can enforce a civil obligation to perform a religious divorce (the CCLA intervened in the Supreme Court of Canada);
79. *Lund v. Boissin AND The Concerned Christian Coalition Inc.* (2006), CarswellAlta 2060 (AHRCC), which examined the extent to which Alberta human rights law can limit a homophobic letter to the editor (the CCLA intervened before the Alberta Human Rights and Citizen Commission);
80. *Whatcott v. Assn. Of Licensed Practical Nurses (Saskatchewan)*, 2008 SKCA 6, concerning the freedom of expression of an off-duty nurse who picketed a Planned Parenthood facility - whether he should be subject to disciplinary action by the professional association of nurses for this activity (the CCLA intervened in the Saskatchewan Court of Appeal);
81. *R. v. Kang-Brown*, 2008 SCC 18, and *R. v. A.M.*, 2008 SCC 19, concerning the constitutionality of using dogs to conduct random warrantless inspections of high school students (the CCLA intervened in the Supreme Court of Canada);
82. *Michael Esty Ferguson v. Her Majesty the Queen*, 2008 SCC 6, which concerned the constitutional challenge of a law requiring mandatory minimum sentences (the CCLA intervened in the Supreme Court of Canada);
83. *Elmasry and Habib v. Roger's Publishing and MacQueen* (No. 4), 2008 BCHRT 378, concerning the extent to which a British Columbia human rights law can limit the freedom of expression of a news magazine that had published offensive material about Muslims (the CCLA intervened before the British Columbia Human Rights Tribunal);

84. *Amnesty International Canada v. Canada (Minister of National Defence)*, 2008 FCA 401, concerning the extraterritorial application of the *Charter*, and specifically its application to Canadian Forces in Afghanistan and the transfer of detainees under Canadian control to Afghan authorities (the CCLA intervened in the Federal Court of Appeal);
85. *WIC Radio Ltd., et al. v. Kari Simpson*, 2008 SCC 40, concerning the appropriate balance to be struck in the law of defamation when one person's expression of opinion may have harmed the reputation of another (the CCLA intervened in the Supreme Court of Canada);
86. *Toronto Police Services Board v. (Ontario) Information and Privacy Commissioner*, 2009 ONCA 20 regarding freedom of information and the extent to which the public's right to access electronic data requires that the institution render such data in retrievable form (the CCLA intervened in the Ontario Court of Appeal);
87. *R. v. Patrick*, 2009 SCC 17, concerning the constitutionality of police conducting warrantless searches of household garbage located on private property (the CCLA intervened in the Supreme Court of Canada);
88. *Robin Chatterjee v. Attorney General of Ontario*, 2009 SCC 19, concerning the constitutionality of the civil forfeiture powers contained in Ontario's *Civil Remedies Act, 2001* (the CCLA intervened in the Supreme Court of Canada);
89. *R. v. Suberu*, 2009 SCC 33, concerning the constitutional right to counsel in the context of investigative detentions (the CCLA intervened in the Supreme Court of Canada);
90. *R. v. Grant*, 2009 SCC 32, concerning the appropriate legal test for the exclusion of evidence under s. 24(2) of the *Charter* (the CCLA intervened in the Supreme Court of Canada);
91. *R. v. Harrison*, 2009 SCC 34, concerning the appropriate application of s. 24(2) of the *Charter* in cases where police have engaged in "blatant" and "flagrant" *Charter* violations (the CCLA intervened in the Supreme Court of Canada);
92. *Alberta v. Hutterian Brethren of Wilson Colony*, 2009 SCC 37, concerning whether a provincial law requiring that all driver's licenses include a photograph of the license holder violates the freedom of religion of persons seeking an exemption from being photographed for religious reasons (the CCLA intervened in the Supreme Court of Canada);
93. *R. v. Breeden*, 2009 BCCA 463, concerning whether the constitutional right to freedom of expression applies in certain public and publicly accessible spaces (the CCLA intervened before the British Columbia Court of Appeal);
94. *R. v. Chehil* [2009] N.S.J. No. 515, concerning the permissibility of warrantless searches of airline passenger information by police (the CCLA intervened at the Nova Scotia Court of Appeal);
95. *Matthew Miazga v. The Estate of Dennis Kvello, et al.*, 2009 SCC 51, concerning the appropriate legal test for the tort of malicious prosecution (the CCLA intervened at the Supreme Court of Canada);
96. *Johanne Desbiens, et al. v. Wal-Mart Canada Corporation*, 2009 SCC 55, and *Gaétan Plourde v. Wal-Mart Canada Corporation*, 2009 SCC 54, concerning the interpretation of the Quebec

Labour Code and the impact of the freedom of association guarantees contained in the *Canadian Charter* and the *Quebec Charter* (the CCLA intervened in the Supreme Court of Canada);

97. *Stephen Boissain and the Concerned Christian Coalition Inc. v. Darren Lund*, 2009 ABQB 592, which will examine the extent to which Alberta human rights law can limit a homophobic letter to the editor (the CCLA intervened before the Queen’s Bench of Alberta);
98. *Quan v. Cusson*, 2009 SCC 62, raising the novel question of a public interest responsible journalism defence, as well as the traditional defence of qualified privilege, in the setting of defamation law and its relationship to freedom of the press (the CCLA intervened in the Supreme Court of Canada);
99. *Peter Grant v. Torstar Corp.*, 2009 SCC 61, concerning the creation and operation of a public interest responsible journalism defence (the CCLA intervened in the Supreme Court of Canada);
100. *Whitcombe and Wilson v. Manderson*, December 18 2009, Ontario Superior Court of Justice File No. 31/09, concerning a Rule 21 motion to dismiss a defamation lawsuit being funded by a municipality (the CCLA intervened in the Ontario Superior Court of Justice);
101. *Karas v. Canada (Minister of Justice)*, (SCC File No. 32500) concerning the appropriateness of extraditing a fugitive to face the possibility of a death penalty without assurances that the death penalty will not be applied (the CCLA was granted leave to intervene at the Supreme Court of Canada but the case was dismissed as moot prior to the hearing);
102. *Prime Minister of Canada, et al. v. Omar Ahmed Khadr*, 2010 SCC 3, concerning *Charter* obligations to Canadian citizens detained abroad and the appropriateness of *Charter* remedies in respect to matters affecting the conduct of foreign relations (the CCLA intervened in the Supreme Court of Canada);
103. *R. v. Nasogaluak*, 2010 SCC 6, concerning the availability of sentence reductions as a remedy for violations of constitutional rights (the CCLA intervened in the Supreme Court of Canada);
104. *Whitcott v. Saskatchewan (Human Rights Tribunal)*, 2010 SKCA 26, concerning the extent to which a Saskatchewan human rights law can limit the expression of a man distributing anti-homosexual flyers (the CCLA intervened in the Saskatchewan Court of Appeal);
105. *Leblanc et al. c. Rawdon (Municipalite de)* (Quebec Court of Appeal File No. 500-09-019915-099) concerning the ability of a municipality to sue for defamation, the proper test for an interlocutory injunction in a defamation case, and the impact of “anti-SLAPP” legislation (the CCLA intervened at the Quebec Court of Appeal);
106. *Warman v. Fournier et al.*, 2010 ONSC 2126, concerning the appropriate legal test when a litigant in a defamation action is attempting to identify previously-anonymous internet commentators (the CCLA intervened at the Ontario Superior Court of Justice);
107. *R. v. National Post*, 2010 SCC 16, concerning the relationship between journalist-source privilege, freedom of the press under s. 2b, and search warrant and assistance orders targeting the media (the CCLA intervened in the Supreme Court of Canada);

108. *Toronto Star Newspapers Ltd. v. Canada*, 2010 SCC 21, concerning the constitutionality of mandatory publication bans regarding bail hearing proceedings when requested by the accused (the CCLA intervened in the Supreme Court of Canada);
109. *Smith v. Mahoney* (U.S. Circuit Court of Appeals for the Ninth Circuit, Court File No. 94-99003) concerning the constitutionality of carrying out a death sentence on an inmate who has spent 27 years living under strict conditions of confinement on death row (the CCLA intervened in the U.S. Circuit Court of Appeals for the Ninth Circuit);
110. *R. v. Cornell*, 2010 SCC 31, concerning whether the manner in which police conduct a search, in particular an unannounced ‘hard entry’, constitutes a violation of s. 8 (the CCLA intervened in the Supreme Court of Canada);
111. *City of Vancouver, et al v. Alan Cameron Ward, et al.*, 2010 SCC 27, concerning whether an award of damages for the breach of a *Charter* right can be made in the absence of bad faith, an abuse of power or tortious conduct (the CCLA intervened in the Supreme Court of Canada);
112. *R. v. Sinclair*, 2010 SCC 35, *R. v. McCrimmon*, 2010 SCC 36, and *R. v. Willier*, 2010 SCC 37, concerning the scope of the constitutional right to counsel in the context of a custodial interrogation (the CCLA intervened in the Supreme Court of Canada);
113. *R. v. N.S. et al.*, 2010 ONCA 670, concerning the balancing of freedom of religion and conscience and fair trial rights, where a sexual assault complainant is a religious Muslim woman and the accused has requested that she be required to remove the veil before testifying (the CCLA intervened at the Ontario Court of Appeal);
114. *The Toronto Coalition to Stop the War et al. v. The Minister of Public Safety and Emergency Preparedness and the Minister of Citizenship and Immigration Canada*, 2010 FC 957, concerning the freedom of association and freedom of expression implications of a preliminary assessment by the government that a British Member of Parliament who was invited to speak in Canada was inadmissible because the government claimed he had engaged in terrorism and was a member of a terrorist organization (the CCLA intervened in the Federal Court);
115. *Globe and Mail, a division of CTVglobemedia Publishing Inc. v. Attorney General of Canada, et al*, 2010 SCC 41, concerning the disclosure of confidential journalistic sources in the civil litigation context, and the constitutionality of a publication ban (the CCLA intervened in the Supreme Court of Canada);
116. *R. v. Gomboc*, 2010 SCC 55, concerning the constitutionality of police conducting warrantless searches of private dwelling houses using real-time electricity meters (the CCLA intervened in the Supreme Court of Canada);
117. *Tiberiu Gavrilă v. Minister of Justice*, 2010 SCC 57, concerning the interaction between the Immigration and Refugee Protection Act and the Extradition Act and whether a refugee can be surrendered for extradition to a home country (the CCLA intervened in the Supreme Court of Canada);
118. *Reference re Marriage Commissioners Appointed Under the Marriage Act, 1995 S.S. 1995, c. M-4.1*, 2011 SKCA 3, concerning the constitutionality of proposed amendments to the *Marriage Act* that would allow marriage commissioners to refuse to perform civil marriages

where doing so would conflict with commissioners' religious beliefs (the CCLA intervened at the Court of Appeal for Saskatchewan);

119. *Canadian Broadcasting Corporation et al. v. The Attorney General of Quebec et al.*, 2011 SCC 2, and *Canadian Broadcasting Corporation v. Her Majesty the Queen and Stéphan Dufour*, 2011 SCC 3 concerning the constitutional protection of freedom of the press in courthouses and the constitutionality of certain rules and directives restricting the activities of the press and the broadcasting of court proceedings (the CCLA intervened in the Supreme Court of Canada);
120. *R. v. Caron*, 2011 SCC 5, concerning the availability of advance cost orders in criminal and quasi-criminal litigation that raises broad reaching public interest issues (the CCLA intervened in the Supreme Court of Canada);
121. *R. v. Ahmad*, 2011 SCC 6, concerning the constitutionality of ss. 38 to 38.16 of the Canada Evidence Act, R.S.C. 1985 (the CCLA intervened in the Supreme Court of Canada);
122. *Farès Bou Malhab v. Diffusion Métromédia CMR inc., et al.*, 2011 SCC 9, concerning statements made by a radio host, and examining the scope and nature of defamation under Quebec civil law in the context of the freedom of expression guarantees found in the Quebec and Canadian Charters (the CCLA intervened in the Supreme Court of Canada);
123. *Ontario (Attorney General) v. Fraser*, 2011 SCC 20, concerning the exclusion of agricultural workers from Ontario's *Labour Relations Act* and whether the labour scheme put in place for these workers violated freedom of association under the *Canadian Charter* (the CCLA intervened in the Supreme Court of Canada);
124. *R. v. K.M.* 2011 ONCA 252, concerning the constitutionality of taking DNA samples from young offenders on a mandatory or reverse onus basis (the CCLA intervened in the Ontario Court of Appeal);
125. *Issassi v. Rosenzweig*, 2011 ONCA 302, concerning a 13 year old girl from Mexico who had been granted refugee status in Canada because of allegations that her mother had sexually abused her, and the subsequent return of that youth to her mother in Mexico, by a judge who did not conduct a risk assessment (the CCLA intervened at the Ontario Court of Appeal);
126. *Attorney General of Canada et al. v. Mavi et al.*, 2011 SCC 30, considering whether there is a need for procedural fairness in the federal immigration sponsorship regime (the CCLA intervened in the Supreme Court of Canada);
127. *Canada (Information Commissioner) v. Canada (Minister of National Defence)*, 2011 SCC 25, cases concerning whether Minister's offices, including the Prime Minister's Office, are considered "government institutions" for the purposes of the federal *Access to Information Act* (the CCLA intervened in the Supreme Court of Canada);
128. *Toussaint v. Attorney General of Canada*, 2011 FCA 213, concerning whether a person living in Canada with precarious immigration status has the right to life-saving healthcare (the CCLA intervened in the Federal Court of Appeal);
129. *Phyllis Morris v. Richard Johnson, et al.*, 2011 ONSC 3996, concerning a motion for production and disclosure brought by a public official and plaintiff in a defamation action in

order to get identifying information about anonymous bloggers (the CCLA intervened on the motion at the Ontario Superior Court of Justice);

130. *Canada (Attorney General) v. PHS Community Services Society*, 2011 SCC 44, concerning a safe (drug) injection site, and the constitutionality of certain criminal provisions in relation to users and staff of the site (the CCLA intervened in the Supreme Court of Canada);
131. *Crookes v. Newton*, 2011 SCC 47, concerning whether a hyperlink constitutes “publication” for the purposes of the law of defamation (the CCLA intervened in the Supreme Court of Canada);
132. *R. v. Katigbak*, 2011 SCC 48, considering the scope of the statutory defences to possession of child pornography (the CCLA intervened in the Supreme Court of Canada);
133. *R. v. Barros*, 2011 SCC 51, considering the scope of the informer privilege and whether it extends to prohibit independent investigation by the defence which may unearth the identity of a police informer (the CCLA intervened in the Supreme Court of Canada);
134. *Batty v. City of Toronto*, 2011 ONSC 6862, concerning the constitutionality of municipal bylaws prohibiting the erection of structures and overnight presence in public parks as applied to a protest (the CCLA intervened at the Ontario Superior Court of Justice);
135. *S.L. v. Commission scolaire des Chênes*, 2012 SCC 7, concerning parents seeking to have their children exempt from participating in Quebec’s Ethics and Religious Culture curriculum on the basis of their freedom of religion concerns (the CCLA intervened before the Supreme Court of Canada);
136. *Doré v. Barreau du Québec*, 2012 SCC 12, concerning the jurisdiction of a provincial law society to discipline members for comments critical of the judiciary (the CCLA intervened before the Supreme Court of Canada);
137. *R. v. Ipeelee*, 2012 SCC 13, concerning the application of s. 718.2(e) of the *Criminal Code* and *Gladue* principles when sentencing an Aboriginal offender of a breach of long-term supervision orders (the CCLA intervened before the Supreme Court of Canada);
138. *Canada (Attorney General) v. Bedford*, 2012 ONCA 186, concerning the constitutionality of certain prostitution-related offences (the CCLA intervened at the Ontario Court of Appeal);
139. *R. v. Tse*, 2012 SCC 16, concerning the constitutionality of the “warrantless wiretap” provisions in the *Criminal Code* (the CCLA intervened before the Supreme Court of Canada);
140. *Éditions Écosociété Inc. v. Banro Corp.*, 2012 SCC 18, concerning the appropriate test for jurisdiction and *forum non conveniens* in a multi-jurisdictional defamation lawsuit and the implications of these jurisdictional issues on freedom of expression (the CCLA intervened before the Supreme Court of Canada);
141. *Peel (Police) v. Ontario (Special Investigations Unit)*, 2012 ONCA 292, concerning the jurisdiction of Ontario’s Special Investigations Unit to investigate potentially criminal conduct committed by a police officer who has retired since the time of the incident (the CCLA intervened before the Ontario Superior Court of Justice and the Ontario Court of Appeal);

142. *Pridgen v. University of Calgary*, 2012 ABCA 139, which considers whether a university can discipline students for online speech and whether the *Canadian Charter of Rights and Freedoms* applies to disciplinary proceedings at a university (the CCLA intervened before the Alberta Court of Appeal);
143. *J.N. v. Durham Regional Police Service*, 2012 ONCA 428, concerning the retention of non-conviction disposition records by police services (the CCLA intervened in the Ontario Court of Appeal; CCLA also intervened before the Ontario Superior Court of Justice, *J.N. v. Durham Regional Police Service*, 2011 ONSC 2892);
144. *Opitz v. Wrzesnewskyj*, 2012 SCC 55, concerning the proper interpretation of the *Canada Elections Act* in the context of elections contested based on “irregularities,” and in light of s. 3 of the *Charter* (CCLA intervened before the Supreme Court of Canada);
145. *Canada (Human Rights Commission) v. Warman*, 2012 FC 1162, concerning the constitutionality of the hate speech prohibitions in the *Canadian Human Rights Act* (the CCLA intervened in the Federal Court of Canada);
146. *R. v. Cuttell*, 2012 ONCA 661 and *R. v. Ward*, 2012 ONCA 660, concerning the permissibility of warrantless searches of internet users’ identifying customer information (the CCLA intervened at the Ontario Court of Appeal);
147. *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45, concerning the issue of the appropriate test for granting standing in a public interest case (CCLA intervened before the Supreme Court of Canada);
148. *R. v. Cole*, 2012 SCC 53, examining an employee’s reasonable expectation of privacy in employer-issued computers and the application of s. 8 to police investigations at an individual’s workplace (CCLA intervened before the Supreme Court of Canada);
149. *R. v. Prokofiew*, 2012 SCC 49, concerning the inferences that could be made from accused person’s decision not to testify (CCLA intervened before the Supreme Court of Canada);
150. *A.B. v. Bragg Communications Inc.*, 2012 SCC 46, concerning the proper balance between the transparency of court proceedings and the privacy of complainants (CCLA intervened before the Supreme Court of Canada);
151. *Lund v. Boissain*, 2012 ABCA 300, which considers the extent to which Alberta human rights law can limit a homophobic letter to the editor (the CCLA intervened before the Alberta Court of Appeal);
152. *R. v. Khawaja*, 2012 SCC 69 and *Sriskandarajah v. United States of America*, 2012 SCC 70 which together considered whether the definition of “terrorist activity” introduced by the Anti-Terrorism Act 2001, amending the Criminal Code, infringe the Charter (CCLA intervened before the Supreme Court of Canada);
153. *R. v. NS*, 2012 SCC 72, concerning the balancing of freedom of religion and conscience and fair trial rights, where a sexual assault complainant is a religious Muslim woman and the accused has requested that she be required to remove the veil before testifying (the CCLA intervened before the Supreme Court of Canada);

154. *R. v. Davey*, 2012 SCC 75, *R. v. Emms*, 2012 SCC 74 and *R. v. Yumnu*, 2012 SCC 73, concerning the Crown's vetting of prospective jurors prior to jury selection and the failure to disclose information to defence counsel (CCLA intervened before the Supreme Court of Canada);
155. *R. v. Manning*, 2013 SCC 1, concerning the proper interpretation of a criminal forfeiture provision, and whether courts may consider the impact of such forfeiture on offenders, their dependents, and affected others (CCLA intervened before the Supreme Court of Canada);
156. *Saskatchewan Human Rights Commission v. William Whatcott*, 2013 SCC 11, concerning the constitutionality and interpretation of the hate speech provisions of the Saskatchewan Human Rights Code and the extent to which that law can limit the expression of a man distributing anti-homosexual flyers (CCLA intervened before the Supreme Court of Canada);
157. *R. v. Mernagh*, 2013 ONCA 67, concerning the constitutionality of medical marijuana regulations (CCLA intervened before the Ontario Court of Appeal);
158. *Tigchelaar Berry Farms v. Espinoza*, 2013 ONSC 1506, concerning temporary migrant workers who, following their termination, were immediately removed from Canada by their employers pursuant to a government-mandated employment contract (CCLA intervened before the Ontario Superior Court);
159. *R. v. TELUS Communications Co.*, 2013 SCC 16, concerning the interpretation of the interception provisions of the *Criminal Code* and whether the authorizations in a General Warrant and Assistance Order are sufficient to require a cell phone company to forward copies of all incoming and outgoing text messages to the police;
160. *R. v. Pham*, 2013 SCC 15, concerning whether the demands of proportionality in sentencing require that the individual accused's circumstances be taken into account to include a collateral consequence, such as deportation;
161. *Canadian Human Rights Commission v. Canada (Attorney General)*, 2013 FCA 75, in which the court considered whether an allegation that the Government of Canada has engaged in prohibited discrimination by under-funding child welfare services for on-reserve First Nations children, in order to succeed, requires a comparison to a similarly situated group;
162. *Penner v. Niagara (Regional Police Service Board)*, 2013 SCC 19, concerning the use of issue estoppel in the context of civil claims against the police;
163. *R. v. Saskatchewan Federation of Labour*, 2013 SKCA 43, concerning essential services legislation and the freedom to strike;
164. *R. v. Welsh*, 2013 ONCA 190, concerning the constitutionality of an undercover police officer posing as a religious or spiritual figure in order to elicit information from a suspect;
165. *Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Ltd.*, 2013 SCC 34, concerning employee privacy and the reasonableness of randomized alcohol testing in the workplace;

166. *RC v. District School Board of Niagara*, 2013 HRTO 1382, concerning the policy and practice of distribution of non-instructional religious material within the school board system and whether it is discriminatory on the basis of creed;
167. *Divito v. Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 47, concerning the government's refusal to permit Canadians detained abroad to serve the remainder of their sentence in Canada and the application of s. 6 of the *Charter* (the CCLA also intervened at the Federal Court of Appeal, 2011 FCA 39);
168. *R. v. Chehil*, 2013 SCC 49, and *R. v. Mackenzie*, 2013 SCC 50, concerning the "reasonable suspicion" standard and the right to be free from unreasonable search and seizure;
169. *Ezokola v. Minister of Immigration and Citizenship*, 2013 SCC 40, concerning application of the exclusion clause 1(F)(a) of the 1951 UN Refugee Convention, as incorporated in the IRPA, and the proper test for complicity in war crimes and crimes against humanity. The case considers an individual who has been denied refugee status because he was employed by the government of the Democratic Republic of Congo at a time that international crimes were committed by the State;
170. *Reva Landau v. Ontario (Attorney General)*, 2013 ONSC 6152, concerning the constitutionality of the current funding of Ontario's Catholic schools;
171. *R. v. Vu*, 2013 SCC 60, concerning the scope of police authority to search computers and other personal electronic devices found within a place for which a warrant to search has been issued;
172. *Alberta (Information and Privacy Commissioner) v. United Food and Commercial Workers, Local 401*, 2013 SCC 62, concerning the constitutionality of Alberta's *Personal Information Protection Act* in light of its impact on a union's freedom of expression in respect of activities on a picket line;
173. *Faysal v. General Dynamics Land Systems Canada* (Ontario Human Rights Tribunal File No. 2009-03006-I), concerning the application by a Canadian employer of the US *International Traffic in Arms Regulations*, and whether such application constitutes discrimination, contrary to the Ontario *Human Rights Code*, the *Charter of Rights and Freedoms*, and Canadian legal obligations pursuant to international human rights law (matter settled before a hearing);
174. *Wood v. Schaeffer*, 2013 SCC 71, concerning the scope of public interest standing and the interpretation of certain Regulations governing investigations conducted by Ontario's Special Investigations Unit (the CCLA also intervened at the Ontario Court of Appeal, 2011 ONCA 716);
175. *Bernard v. Canada (Attorney General)*, 2014 SCC 13, concerning an employer sharing the contact information of a Rand employee with a union and whether this violates rights to privacy and the freedom not to associate;
176. *John Doe v. Ontario (Finance)*, 2014 SCC 36, concerning an exception in Ontario's *Freedom of Information and Protection of Privacy Act* for advice and recommendations to a Minister;
177. *Mission Institution v. Khela*, 2014 SCC 24, concerning the scope of *habeas corpus*, the disclosure obligations on a correctional institution when they conduct an involuntary transfer, and the remedies that are available pursuant to a habeas application;

178. *R. v. Summers*, 2014 SCC 26, concerning the presumption of innocence and the interpretation of “circumstance[s]” that may justify granting enhanced credit for pre-trial custody under s. 719(3.1) of the *Criminal Code*;
179. *Canada (Citizenship and Immigration) v. Harkat*, 2014 SCC 37, concerning the constitutionality of Canada’s “security certificate” regime, particularly the restrictions on communications between a Named Person and the Special Advocate;
180. *France v. Diab*, 2014 ONCA 374, regarding whether an extradition judge must engage in a limited weighing of evidence to assess the sufficiency of evidence for committal to extradition and whether a failure to do so would violate s. 7 of the *Charter*;
181. *R. v. Spencer*, 2014 SCC 43, concerning the permissibility of warrantless searches of internet users’ identifying customer information;
182. *R. v. Taylor*, 2014 SCC 50, concerning the right to counsel and whether intentional police reliance on medical procedures to gather evidence without implementing the right to counsel violates s. 8 of the *Charter*;
183. *R. v. Hart*, 2014 SCC 52, concerning the constitutionality and admissibility of a confession obtained through a “Mr. Big” police operation;
184. *Febles v. Canada (Citizenship and Immigration)*, 2014 SCC 68, concerning whether a court must consider an individual’s rehabilitation when seeking to exclude a refugee from Canada for “serious prior criminality”;
185. *Kazemi Estate v. Islamic Republic of Iran*, 2014 SCC 62, concerning the application of the *Charter* to the *State Immunity Act* and whether it denies state immunity for acts committed by foreign governments when such acts result in violations of international law prohibitions against torture (the CCLA also intervened at the Quebec Court of Appeal, 2012 QCCA 1449);
186. *Wakeling v. United States of America*, 2014 SCC 72, regarding the constitutionality of sections of the *Criminal Code* and the *Privacy Act* that allow for the substance of wiretaps to be disclosed to foreign law enforcement actors;
187. *R. v. Fearon*, 2014 SCC 77, concerning the scope of the police power to search incident to arrest and whether it extends to a warrantless search of personal electronic devices (the CCLA also intervened at the Ontario Court of Appeal, 2013 ONCA 106);
188. *PS v. Ontario*, 2014 ONCA 900, concerning detention under mental health law and the scope of *Charter* protection afforded to a person with a hearing impairment and linguistic needs, in a situation of compound rights violations;
189. *Mounted Police Association of Ontario v. Canada (Attorney General)*, 2015 SCC 1, concerning the constitutionality of the labour relations regime for members of the Royal Canadian Mounted Police;
190. *Carter v. Canada (Attorney General)*, 2015 SCC 5, concerning the constitutionality of the *Criminal Code* prohibition on assisted suicide in light of the rights protected under ss. 7 and 15 of the *Charter*;

191. *Canada (Attorney General) v. Federation of Law Societies of Canada*, 2015 SCC 7, concerning the impact of provisions of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, and associated regulations, on solicitor-client privilege and whether these provisions unjustifiably violate s. 7 of the *Charter*;
192. *Baglow v. Smith*, 2015 ONSC 1175, concerning the fair comment defence and the approach to defamation cases where the allegedly defamatory publication takes place within the “blogosphere”;
193. *Loyola High School v. Quebec (Attorney General)*, 2015 SCC 12, concerning whether a private religious high school should be exempted from the requirement to teach Quebec’s Ethics and Religious Culture curriculum and whether the failure to grant an exemption violates the institution’s freedom of religion;
194. *Figueiras v. Toronto (Police Services Board)*, 2015 ONCA 208, regarding whether a roving police “stop and search” checkpoint targeting apparent protesters during the G20 Summit violated ss. 2 and 7 of the *Charter*;
195. *R. v. Nur*, 2015 SCC 15, concerning the constitutionality of various provisions of the *Criminal Code* which impose mandatory minimum sentences for the possession of a prohibited firearm (the CCLA also intervened at the Ontario Court of Appeal, 2013 ONCA 677, and at the Ontario Superior Court of Justice, 2011 ONSC 4874);
196. *Mouvement laïque québécois v. Saguenay (City)*, 2015 SCC 16, concerning whether the rights to equality or to freedom of religion as protected under the Quebec *Charter of human rights and freedoms* are violated when a prayer is recited at the outset of a municipal council meeting;
197. *Henry v. British Columbia (Attorney General)*, 2015 SCC 24, regarding the availability of *Charter* remedies for non-disclosure of evidence at trial and whether claimants should be required to prove prosecutorial malice in the *Charter* claim;
198. *Bowden Institution v. Khadr*, 2015 SCC 26, regarding the proper interpretation of the *International Transfer of Offenders Act* as applied to the sentence received by a Canadian citizen sentenced in the United States and whether the sentence should be served in a provincial correctional facility;
199. *R. v. St-Cloud*, 2015 SCC 27, regarding the interpretation of the power to deny bail because detention is necessary to maintain confidence in the administration of justice;
200. *R. v. Barabash*, 2015 SCC 29, considering the scope of the private use exception to making and possessing child pornography;
201. *R. v. Smith*, 2015 SCC 34, concerning the constitutionality of the *Marijuana Medical Access Regulations* and whether the limitation in the *Regulations* restricting legal possession to only dried marijuana unreasonably infringes s. 7 *Charter* rights;
202. *Equustek Solutions Inc. v. Google Inc.*, 2015 BCCA 265, concerning the validity of an order of the BC Supreme Court that requires a global internet search service to delete certain websites from its search results worldwide;

203. *Taylor-Baptiste v. Ontario Public Service Employees Union*, 2015 ONCA 495, concerning the role of the *Charter of Rights and Freedoms* in the interpretation of the *Ontario Human Rights Code* by the Human Rights Tribunal of Ontario, and in particular how the *Charter* protection of freedom of expression impacts on the Code's protections (the CCLA also intervened before the Ontario Superior Court of Justice, 2014 ONSC 2169);
204. *Frank v. Canada (Attorney General)*, 2015 ONCA 536, concerning the constitutionality of provisions of the *Canada Elections Act* that preclude Canadian citizens who have resided outside of the country for more than five years from voting in federal elections;
205. *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Bombardier Inc. (Bombardier Aerospace Training Center)*, 2015 SCC 39, concerning the application of the *Quebec Charter* to a Canadian company's refusal to train a Pakistan-born Canadian pilot because he was refused clearance under a US program requiring security checks for foreigners;
206. *Disciplinary Hearings of Superintendent David Mark Fenton*, Toronto Police Service Disciplinary Tribunal decision dated 25 August 2015, regarding whether the mass arrest of hundreds of individuals at two locations during the G20 Summit constituted a violation of ss. 2 and 9 of the *Charter* and whether the officer's conduct amounted to misconduct under the *Police Services Act*;
207. *R. v. Appulonappa*, 2015 SCC 59, and *B010 v. Canada (Citizenship and Immigration)*, 2015 SCC 58, concerning the constitutionality of criminal and immigration sanctions imposed on those who provide assistance to refugee claimants as "human smugglers" (CCLA also intervened in *R. v. Appulonappa* before the BC Court of Appeal, 2014 BCCA 163);
208. *Schmidt v. Attorney General of Canada*, 2016 FC 269, concerning the proper interpretation of statutory provisions requiring the Minister of Justice to report to Parliament on the constitutionality of proposed legislation;
209. *Good v. Toronto (Police Services Board)*, 2016 ONCA 250, regarding the certification of a class action arising from alleged police misconduct during the 2010 G20 Summit;
210. *Villeneuve c. Montréal (Ville de)*, 2016 QCCS 2888, concerning the constitutionality of a City of Montreal by-law that prohibits the holding of gatherings and marches without informing the police of the itinerary and location and prohibiting individuals participating in such gatherings from covering their faces without valid justification;
211. *Trinity Western University v. Law Society of Upper Canada*, 2016 ONCA 518, considering the Law Society of Upper Canada's decision not to accredit the proposed law school at Trinity Western University, and whether the decision strikes an appropriate balance between freedom of religion and equality;
212. *Thompson v. Ontario (AG)*, 2016 ONCA 676, concerning a constitutional challenge to schemes in Ontario's *Mental Health Act* that permit involuntary detention and coerced medical treatment for individuals who are not a danger to themselves or others;
213. *R. v. Donnelly* and *R. v. Gowdy*, 2016 ONCA 988 and 2016 ONCA 989, concerning the availability of a sentence reduction remedy under s. 24(1) of the *Charter* and whether such a remedy allows courts to reduce an offender's sentence below the statutory mandatory minimum;

214. *Jean-François Morasse v. Gabriel Nadeau-Dubois*, 2016 SCC 44, concerning an appeal of a contempt conviction in respect of an individual who made public statements about the legitimacy of certain protest activities (CCLA also intervened before the Quebec Court of Appeal, 2015 QCCA 78);
215. *Ernst v. Energy Resources Conservation Board*, 2017 SCC 1, concerning the availability of a *Charter* remedy where a statute has a general immunity clause;
216. *BC Freedom of Information and Privacy Association v. Attorney General of British Columbia*, 2017 SCC 6, concerning the constitutionality of provisions of the *British Columbia Election Act* requiring registration of third party advertisers without a threshold spending limit;
217. *R. v. Saikaley*, 2017 ONCA 374, concerning the proper interpretation of the *Customs Act* in relation to the warrantless search of cell phones (or other electronic devices) of anyone entering Canada;
218. *Bingley v. Her Majesty the Queen*, 2017 SCC 12, regarding whether a *Mohan voir dire* is required to determine the admissibility of testimony from a Drug Recognition Expert;
219. *R. v. Peers*, 2017 SCC 13, concerning whether the word punishment in s. 11(f) of the *Charter* is restricted to imprisonment or other punishments that engaged the accused's liberty interests;
220. *R. v. Tinker*, 2017 ONCA 552, concerning whether a mandatory victim surcharge violates ss. 7 and 12 of the *Charter*;
221. *Quebec (Director of Criminal and Penal Prosecutions) v. Jodoin*, 2017 SCC 26, concerning the imposition of personal costs against a criminal lawyer on the basis of his conduct in the representation of his clients;
222. *R. v. Antic*, 2017 SCC 27, concerning the *Criminal Code* restriction on cash bails and the right of an accused to the least restrictive form of bail;
223. *Deborah Louise Douez v. Facebook, Inc.*, 2017 SCC 33, regarding the need to modify the "strong cause" test in forum selection cases where constitutional or *quasi*-constitutional rights are engaged in contracts of adhesion;
224. *Google Inc. v. Equustek Solutions Inc., et al.*, 2017 SCC 33, concerning the validity of an order of the BC Supreme Court that requires a global internet search service to delete certain websites from its search results worldwide (the CCLA also intervened before the British Columbia Court of Appeal, 2015 BCCA 265);
225. *Nour Marakah v. Her Majesty the Queen*, 2017 SCC 59, regarding whether the sender of a text message has a reasonable expectation of privacy in the message once it is accessible on a recipient's cell phone;
226. *Tristin Jones v. Her Majesty*, 2017 SCC 60, companion case to *Marakah*, regarding whether the standing test in an informational privacy case should be clarified in the context of evolving technologies;

227. *Cooperstock v. United Airlines* (Federal Court of Appeal File No. A-262-17), concerning whether an attempted parody website critical of a corporation constitutes a copyright or trademark violation (CCLA was granted leave to intervene but the matter settled prior to a hearing);
228. *Schmidt v. Attorney General of Canada*, 2018 FCA 55, concerning the proper interpretation of statutory provisions requiring the Minister of Justice to report to Parliament on the constitutionality of proposed legislation (the CCLA also intervened before the Federal Court, 2016 FC 269);
229. *R v. Wong*, 2018 SCC 25, concerning an accused's request to withdraw a guilty plea after finding the applicant was uninformed of significant collateral consequences of the plea;
230. *Groia v. Law Society of Upper Canada*, 2018 SCC 27, concerning a finding of professional misconduct made against a lawyer on the basis of incivility and the question of when such a finding impacts freedom of expression (the CCLA also intervened before the Law Society Appeal Panel, 2013 ONLSAP 41, the Divisional Court, 2015 ONSC 686, and the Court of Appeal, 2016 ONCA 471);
231. *Trinity Western University v. Law Society of Upper Canada*, 2018 SCC 33, considering the Law Society of Upper Canada's decision not to accredit the proposed law school at Trinity Western University, and whether the decision strikes an appropriate balance between freedom of religion and equality (the CCLA also intervened before the Ontario Court of Appeal, 2016 ONCA 518);
232. *Stewart v. Toronto Police Services Board*, 2018 ONSC 2785, concerning the constitutionality of establishing a police perimeter around a public park and requiring a search of bags and belongings as a condition of entry;
233. *Re: Interim Prohibitory Orders issued against Leroy St. Germaine, Lawrence Victor St. Germaine and James Sears dated May 26, 2016*, Board of Review proceedings under the *Canada Post Corporation Act*, considering the constitutionality of a ministerial decision to prohibit access to Canada Post for individuals alleged to be committing an offence;
234. *Abdi v Canada*, 2018 FC 733, concerning whether *Charter* rights and values may be considered in admissibility proceedings against a non-citizen who had been a Crown ward;
235. *R v Boudreault*, 2018 SCC 58, concerning whether a mandatory victim surcharge violates s. 12 of the *Charter*;
236. *R v Vice Media Canada Inc*, 2018 SCC 53, considering when a journalist can be compelled to reveal communications with a source for the purpose of assisting a police investigation and whether the police record underlying the production order should be subject to a sealing order or a publication ban (the CCLA also intervened before the Ontario Court of Appeal, 2017 ONCA 231);
237. *Frank v. Canada (Attorney General)*, 2019 SCC 1 concerning the constitutionality of provisions of the *Canada Elections Act* that preclude Canadian citizens who have resided outside of the country for more than five years from voting in federal elections;
238. *Spencer Dean Bird v. Her Majesty the Queen*, 2019 SCC 7, concerning the role of *Charter* considerations when applying the doctrine of collateral attack;

239. *R v. Jarvis*, 2019 SCC 10, concerning whether surreptitious visual recordings of students were made in circumstances that give rise to a reasonable expectation of privacy;
240. *R v. Corey Lee James Myers*, 2019 SCC 18, concerning the proper approach to be taken in respect of a 90-day bail review;
241. *Mills v. Her Majesty the Queen*, 2019 SCC 22, concerning whether an accused had a reasonable expectation of privacy in electronic communications to an undercover police officer;
242. *Minister of Public Safety and Emergency Preparedness, et al. v. Tusif Ur Rehman Chhina*, 2019 SCC 29, concerning whether a *habeas corpus* proceeding should be available to individuals held in immigration detention;
243. *Gregory Allen v. Her Majesty the Queen in right of Ontario as represented by the Minister of Community Safety and Correctional Services* (Ontario Human Rights Tribunal File No 2016-25116-I) concerning the use of solitary confinement on persons with physical disabilities (this matter settled prior to hearing);
244. *Mitchell v. Jackman* (Supreme Court of Newfoundland and Labrador, Court of Appeal File No. 2017 01H 0089), concerning the constitutionality of provisions of the Newfoundland *Elections Act* which allow for special ballot voting prior to an election writ being dropped (CCLA also intervened in the Newfoundland and Labrador Trial Division (General) 2017 NLTD(G) 150; the Court of Appeal dismissed the appeal as moot);
245. *R. v. Culotta*, 2018 SCC 57, concerning whether the right to counsel requires immediate access to a phone and the internet, and whether blood samples should be excluded under s. 24(2) of the *Charter* when the samples are taken for strictly medical purposes rather than police purposes;
246. *R. v. Le*, 2019 SCC 34, concerning whether a detention and search in a private backyard of a racialized individual violated an accused's ss. 8 and 9 rights;
247. *R. v. Penunsi*, 2019 SCC 39, concerning whether the judicial interim release provisions contained in s. 515 of the Criminal Code apply to s. 810 peace bond proceedings, and whether s. 810.2(2) of the *Criminal Code* empowers a judge to issue an arrest warrant in order to cause a defendant to a s. 810.2 information to appear.
248. *Christian Medical and Dental Society et al. v. College of Physicians and Surgeons of Ontario*, 2019 ONCA 393, concerning the constitutionality of policies requiring physicians who conscientiously object to a medical practice to nevertheless provide an effective referral and urgent care to patients seeking care (CCLA also intervened in the Superior Court, 2018 ONSC 579);
249. *R v. Passera*, 2019 ONCA 527, considering whether it is cruel and unusual punishment to compel an offender who is detained prior to trial to spend more time in custody than other similarly situated offenders prior to becoming eligible for parole or early release;
250. *Marie-Maude Denis v. Marc-Yvan Côté*, 2019 SCC 44, concerning the interpretation and application of the *Journalistic Sources Protection Act* and the changes it made to the *Canada Evidence Act* concerning the treatment of journalistic sources in court proceedings;

251. *Fleming v. Ontario*, 2019 SCC 45, concerning the ancillary common law powers of police officers in the context of an arrest for an apprehended breach of the peace, and the impact of the exercise of that power on the right to freedom of expression and peaceful protest;
252. *R. v. Rafilovich*, 2019 SCC 51, concerning whether a fine in lieu of forfeiture should be imposed in respect of proceeds of crime seized by the police but returned by order of the court to the accused to pay for defence counsel;
253. *Kosoian v. Société de transport de Montréal, et al.*, 2019 SCC 59, concerning whether a pictogram can create an infraction and the circumstances in which an individual must identify themselves to police;
254. *Ontario (Attorney General) v. Bogaerts*, 2019 ONCA 876, concerning private organizations with delegated law enforcement powers that engage s. 8 of the *Charter*, and the importance of transparency and accountability as fundamental legal principles under s. 7;
255. *C.M. v. York Regional Police*, 2019 ONSC 7220, concerning the procedural fairness of the police vulnerable sector check process;
256. *Stewart v. Toronto Police Services Board*, 2020 ONCA 255, concerning the constitutionality of establishing a police perimeter around a public park and requiring a search of bags and belongings as a condition of entry;
257. *R. v. Sullivan*, 2020 ONCA 333, concerning the constitutionality of s. 33.1 of the Criminal Code which ousts the common law defence of automatism for certain offences when induced by voluntary intoxication;
258. *Leroux v. Ontario*, 2020 ONSC 1994, concerning the impact of the *Crown Liability and Proceedings Act* on a certification motion previously granted by the Court;
259. *R. v. Zora*, 2020 SCC 14, concerning the *mens rea* for the offence of failing to comply with a condition of undertaking or recognizance;
260. *British Columbia (Attorney General) v. Provincial Court Judges' Association of British Columbia*, 2020 SCC 20 and *Nova Scotia (Attorney General) v. Judges of the Provincial Court and Family Court of Nova Scotia*, 2020 SCC 21, considering whether Cabinet documents should be protected from disclosure in the judicial review of judicial compensation or whether they should be exempted on the basis of public interest immunity;
261. *1704604 Ontario Limited v. Pointes Protection Association, et al.*, 2020 SCC 22 and *Maia Bent, et al. v. Howard Platnick, et al.*, 2020 SCC 23, concerning the appropriate approach to applying the criteria for dismissal set out in ss. 137.1 to 137.5 in Ontario's Courts of Justice Act (i.e. the proper interpretation of Ontario's anti-SLAPP provisions);
262. *Attorney General of Quebec, et al. v. 9147-0732 Québec inc.*, 2020 SCC 32, considering whether corporations should (or should not) have a right to be free from cruel and unusual treatment under s. 12 of the *Charter*;
263. *Ontario (Attorney General) v. G*, 2020 SCC 38, concerning whether inclusion on a sex offender registry is contrary to ss. 7 and 15 of the *Charter* for persons found not criminally responsible by

- reason of mental disorder and absolutely discharged by a Review Board (CCLA also intervened before the Ontario Court of Appeal);
264. *Children's Aid Society of Toronto v. O.O & J.A.G.-L.* (Ontario SCJ File No. FS-20-16365), concerning the suspension of parental access to a child in care as a result of the COVID-19 pandemic and the proper evidentiary threshold that must be met before eliminating parental access;
 265. *AC and JF v Alberta*, 2021 ABCA 24, concerning the test for an injunction against government action or legislation, in the context of a constitutional challenge against the government's retroactive change to Alberta's Support Financial Assistance Program for young people who had been raised in government care. The change lowered the age eligibility for this program;
 266. *Leroux v. Ontario*, 2021 ONSC 2269, considering whether the *Crown Liability and Proceedings Act* alters the common law of Crown immunity, whether the legislation improperly usurps the core jurisdiction of the superior courts, and the impact of the legislation on a previously certified class proceeding;
 267. *Francis v. Ontario*, 2021 ONCA 197, concerning a class action regarding the placement of inmates with serious mental illness in solitary confinement, and the scope of the Crown's liability in tort under the *Crown Liability and Proceedings Act*;
 268. *Ethiopian Orthodox Tewahedo Church of Canada St. Mary Cathedral v. Aga*, 2021 SCC 22, concerning when a civil court can intervene in a dispute about membership within a voluntary religious association;
 269. *Sherman Estate v. Donovan*, 2021 SCC 25, considering the relationship between privacy interests in an estate administration matter and the open courts principle;
 270. *Grabher v. Nova Scotia (Registrar of Motor Vehicles)*, 2021 NSCA 63, concerning the discretion granted to the Registrar of Motor Vehicles to refuse and rescind certain personalized license plates and whether the statutory grant of that discretion is consistent with freedom of expression;
 271. *Toronto (City) v. Ontario (Attorney General)*, 2021 SCC 34, considering whether changes to electoral boundaries and the number of wards in a municipality once the election campaign was already underway violated freedom of expression under the *Charter*;
 272. *Ward v. Quebec (Commission des droits de la personne et des droits de la jeunesse)*, 2021 SCC 43, addressing a claim of discrimination brought against a comedian for statements made and disseminated during a stand-up comedy routine, and the impact of the protection of freedom of expression on that claim;
 273. *R. v. Morris*, 2021 ONCA 680, concerning how systemic discrimination and background factors ought to inform the sentencing of Black offenders;
 274. *R. v. Parranto*, 2021 SCC 46 regarding the use of starting points in the criminal sentencing process;
 275. *Working Families Ontario v. Ontario*, 2021 ONSC 4076, considering the constitutionality of third-party spending restrictions in a pre-writ period in Ontario's *Election Finances Act*; and

- Working Families Coalition (Canada) Inc. v. Ontario*, 2021 ONSC 7697/2023 ONCA 139/2025 SCC 5, considering the same provisions after the invocation of the notwithstanding clause;
276. *Turner v. Death Investigation Council et al.*, 2021 ONSC 6625, a motion to seal parts of the record of proceedings in a judicial review of a matter determined by the Death Investigation Oversight Council;
 277. *R. v. Stairs*, 2022 SCC 11, addressing the constitutionality of warrantless searches of individuals' homes incident to arrest;
 278. *Catholic Children's Aid Society of Toronto and SKS and Office of the Children's Lawyer v. Minister of Public Safety and Emergency Preparedness* (Ontario Court of Appeal C69908, C69910, C69919), concerning the need for a principled legal test to govern decisions regarding third party disclosures;
 279. *Alford v. Canada*, 2022 ONSC 2911 and 2024 ONCA 306, regarding the constitutionality of section 12 of the *Act to establish the National Security and Intelligence Committee of Parliamentarians and to make consequential amendments to certain Acts* on the basis that the *Act* impliedly amends the *Constitution* by attempting to create an exception to the principle of parliamentary privilege (leave to appeal to the Supreme Court of Canada granted, Court File No. 41336).
 280. *R v. Brown*, 2022 SCC 18, regarding the constitutionality of s. 33.1 of the *Criminal Code*;
 281. *R. v. Sullivan*, 2022 SCC 19, regarding the impact of a superior court's declaration under s. 52(1) of the *Constitution Act, 1982*;
 282. *R. v. Bissonnette*, 2022 SCC 23, regarding the constitutionality of the *Criminal Code* provision allowing a judge to add one 25-year period before eligibility for parole for each first degree murder conviction;
 283. *British Columbia (Attorney General) v. Council of Canadians with Disabilities*, 2022 SCC 27, concerning the test for public interest standing;
 284. *R. v. Lafrance*, 2022 SCC 32, regarding the constitutionality of warrantless searches of dwellings incident to arrest;
 285. *R. v. Ndhlovu*, 2022 SCC 37, regarding the constitutionality of mandatory lifetime registration pursuant to the *Sex Offender Information Registration Act* for individuals convicted of more than one designated offence;
 286. *R v. Tessier*, 2022 SCC 35, regarding the interaction between the common law confessions rule and the lack of a police caution prior to questioning;
 287. *R. v. Sharma*, 2022 SCC 39, regarding the constitutionality of several *Criminal Code* provisions that remove the availability of conditional sentences for certain offences;
 288. *R. v. Haniffa*, 2002 SCC 46, *R. v. Dare*, 2022 SCC 47, *R. v. Jaffer*, 2022 SCC 45, and *R. V. Ramelson*, 2022 SCC 44, concerning privacy rights on the internet as relating to the entrapment doctrine;

289. *Toussaint v. Canada (Attorney General)*, 2022 ONSC 4747, in which the government of Canada has brought a motion to strike a claim brought by a woman seeking compensation for the failure to provide her with coverage for health care treatment under the Interim Federal Health Program;
290. *Bowman v. Ontario*, 2022 ONCA 477, an appeal of a decision not to certify a class action related to Ontario's cancellation of its basic income pilot project;
291. *James Andrew Beaver v. Her Majesty the Queen*, 2022 SCC 54, regarding whether police attempts at a "fresh start" can insulate evidence from admissibility consideration pursuant to s. 24(2) of the *Charter*;
292. *R v. Hills*, 2023 SCC 2 and *R. v. Hilbach*, 2023 SCC 3, regarding the appropriate approach to examining the constitutionality of mandatory minimum sentences under s. 12 of the *Charter*;
293. *R v. McGregor*, 2023 SCC 4, regarding the extraterritorial application of the *Charter* protection from unreasonable search and seizure;
294. *R. v. McColman*, 2023 SCC 8, concerning the authority of police officers to conduct a random sobriety stop in a private driveway;
295. *R. v. Haevischer and Johnson*, 2023 SCC 11, regarding the standard that needs to be applied when the Crown applies to have an abuse of process *Charter* challenge summarily dismissed;
296. *Canadian Council for Refugees, et al. v. Minister of Citizenship and Immigration, et al.*, 2023 SCC 17, regarding the constitutionality of the Safe Third Country Agreement, and in particular the evidentiary burden applicable to *Charter* claims, the consequences of government claims of privilege, and the implications of these issues for access to justice;
297. *British Columbia (Minister of Public Safety) v. Latham et al.* and *British Columbia (Minister of Public Safety) v. Rosewell et al.*, concerning whether an emergency within the context of the provincial *Emergency Protection Act* includes a temporal limit;
298. *Glen Hansman v. Barry Neufeld*, 2023 SCC 14, regarding the application of the "fair comment" defence to defamation, the British Columbia *Protection of Public Participation Act*, and the need to ensure defamation law does not unduly "chill" expressive activity on matters of public importance;
299. *R. v. Kahsai*, 2023 SCC 20, on whether a trial judge's failure to appoint *amicus curiae* with a sufficient adversarial mandate for an unrepresented accused resulted in a miscarriage of justice and the appropriate role of *amicus curiae* in such cases;
300. *Peterson v. College of Psychologists of Ontario*, 2023 ONSC 4685, challenging the legality of a professional regulator's use of a remedial program to censure the Applicant for his free expression (leave to appeal to the Supreme Court of Canada denied, SCC File No. 41168);
301. *Canadian Alliance for Sex Work Law Reform et al. v. Attorney General of Canada*, 2023 ONSC 5197, concerning the constitutionality of *Criminal Code* provisions related to sex work;
302. *The Corporation of the City of Kingston v Doe, et al*, 2023 ONSC 6662, concerning whether eviction of encampment residents at a city owned park violates their *Charter* rights;

303. *Attorney General for Ontario v. Information and Privacy Commissioner of Ontario and Canadian Broadcasting Corporation*, 2024 SCC 4, regarding openness and transparency of provincial Cabinet mandate letters;
304. *Andrei Bykovets v. His Majesty the King*, 2024 SCC 6, regarding whether there is a reasonable expectation of privacy in IP addresses justifying the need for a warrant;
305. *Fair Change Community Legal Clinic v. Ontario*, 2024 ONSC 1895, challenging the constitutionality of certain provisions of Ontario's *Safe Streets Act*;
306. *Société des casinos du Québec inc., et al. v. Association des cadres de la Société des casinos du Québec, et al.*, 2024 SCC 13, concerning whether the exclusion of managers from the definition of "employee" in the Quebec Labour Code infringes freedom of association as guaranteed by s. 2(d) of the *Canadian Charter of Rights and Freedoms* and s. 3 of the *Quebec Charter of human rights and freedoms*.
307. *R. v. Edwards*, 2024 SCC 15, regarding whether a military tribunal presided by judge who is member of Canadian Armed Forces is intrinsically incompatible with the right to be tried by independent and impartial tribunal guaranteed by s. 11(d) of *Charter*;
308. *Jama v. The Speaker*, 2024 ONSC 1264, on judicial review of the censure decision taken by the Ontario Legislative Assembly on Sarah Jama (leave to appeal to the ONCA denied, court file no. COA-24-OM-0169);
309. *Choudry et al. v. Peel Police Services Board et al.*, 2024 ONSC 2474, concerning the open court principle in the context of the police seeking anonymization orders in civil litigation against officer defendants allegedly involved in serious misconduct;
310. *CBC et al. v. R. et al.*, 2024 SCC 21, regarding whether an *in camera* court proceeding, without a record or public knowledge of the existence of the proceeding, contravenes the open court principle protected by s. 2(b) of the *Charter*;
311. *York Region District School Board v. Elementary Teachers' Federation of Ontario*, 2024 SCC 22, regarding the importance of content neutrality when analyzing whether a reasonable expectation of privacy exists;
312. *University of Toronto v. John Doe et al*, 2024 ONSC 3755, seeking an interlocutory injunction ordering the dismantlement of the encampment erected on university campus as part of a student protest movement.
313. *Attorney General of Canada v. Joseph Power*, 2024 SCC 26, regarding whether the Crown may be held liable in damages under s. 24(2) of the *Charter* for Parliament enacting legislation that is later declared unconstitutional;
314. *R. v. Pike*, 2024 ONCA 608, on the legal standard to authorize the search of an electronic device at the border and whether s. 99(1)(a) of the *Customs Act* authorizing searches on a good faith standard is compliant with s. 8 of the *Charter*;
315. *Wright v. Yukon (Director of Public Safety and Investigations)*, 2024 YKSC 41, regarding the constitutionality of s. 3 of the *Safer Communities and Neighbourhood Act*;

316. *D'Arthenay v. Ontario Provincial Police*, 2024 ONSC 4773, on the duty of procedural fairness owed for police complaints adjudicated under the *Ontario Police Services Act*;
317. *Khorsand v. Toronto Police Service Board*, 2024 ONCA 597, concerning whether a Toronto Police Service employment background check can be subject to judicial review (the CCLA intervened before the Divisional Court of Ontario and the Court of Appeal for Ontario);
318. *SD v. District School Board of Niagara* (HRT0 File No 2018-33873-1, 2018-3405-1, and 2019-34025) concerning whether a public school's strong affiliation with a religiously based Spiritual Life Centre demonstrates a pattern of discrimination on the basis of creed and/or ancestry and ethnic origin;
319. *Jacob v. Attorney General of Canada*, 2024 ONCA 648, a challenge to the \$5000 minimum income threshold for eligibility for various COVID benefits on the basis that it discriminates against workers with disabilities;
320. *McGill University v. Association McGillienne des Professeur.e.s. de droit (AMPD) / Association of McGill Professors of Law (AMPL)* (Quebec S.C. File No. 500-17-129903-244), on an application for provisional, interlocutory and permanent injunction ordering the dismantlement of the encampment erected on university campus as part of a student protest movement (discontinued);
321. *Brooke Dietrich et al. v. 40 Days for Life*, 2024 ONCA 599, on an appeal of an injunction order granted to prevent an individual from engaging in online activism/protest activities;
322. *R. v. Archambault*, 2024 SCC 35, concerning whether federal legislation that limits the availability of preliminary inquiries is prospective or retrospective in application;
323. *R. v. Campbell*, 2024 SCC 42, regarding s. 8 of the *Charter* and the reasonable expectation of privacy in a text message exchange where the police impersonate one party;
324. *Commission des droits de la personne et des droits de la jeunesse v. Directrice de la protection de la jeunesse du CISSS de la Montérégie-Est*, 2024 SCC 43, on the courts' powers to grant systemic remedies when the rights of vulnerable persons are infringed;
325. *Mathur et al. v Ontario*, 2024 ONCA 762, on whether legislation setting greenhouse gas emission reduction targets is subject to *Charter* scrutiny;
326. *John Howard Society of Saskatchewan v Saskatchewan (Attorney General)*, 2025 SCC 6, on whether regulations requiring a lower balance of probabilities standard of proof violates s 7 rights of inmates charged with disciplinary offenses in a provincial correctional facilities;
327. *OHIP v. K.S.*, 2025 ONCA 306, on whether an interpretation of Regulations that would deny funding for gender affirming care violates Charter values of security of the person and equality;
328. *R. v. J.W.*, 2025 SCC 16, on whether anticipated time for an offender with a mental illness or disability to complete rehabilitative programming can be considered when determining the length of their sentence;
329. *R. v. Bouvette*, 2025 SCC 18, on the scope of appellate courts' remedial discretion under s. 686(2) of the Criminal Code to enter an acquittal when there has been a miscarriage of justice.

- 330. *Pepa v Canada (Minister of Citizenship and Immigration)*, 2025 SCC 21, on whether a permanent resident visa holder loses their right to a statutory appeal due to administrative delays outside of their control;
- 331. *Kirby v Wood*, 2025 ONCA 601, concerning the rights of a minor child who has been granted refugee status who is ordered to be returned to their habitual residence under a Hauge Convention application;
- 332. *Saskatchewan (Minister of Education) v UR Pride Centre for Sexuality and Gender Diversity*, 2025 SKCA 74, on whether a provincial policy requiring schools to seek consent of parents for name changes and pronoun use of students under the age of 16 violates the rights of gender diverse students under the *Charter*.
- 333. *R. v. I.M.*, 2025 SCC 23, on the legal standard and test to sentence a young offender as an adult under s. 72 of the *Youth Criminal Justice Act*;
- 334. *R v Kloubakov* 2025 SCC 25, on whether some provisions of the *Protection of Victims of Exploitation and Communities Act* on material benefit and procurement infringe on s. 7 rights in a way that is not in accordance with the principles of fundamental justice;
- 335. *R. v. Wilson*, 2025 SCC 32, on whether the police have the power to arrest an individual for an offence where the individual is statutorily exempt from being charged or convicted, in this case s. 4.1(2) of the *Controlled Drugs and Substances Act*;
- 336. *R. v. Senneville*, 2025 SCC 33, on the legal test the assess the gross disproportionality of a mandatory minimum sentence under s. 12 of the *Charter*;

CCLA Interventions – Hearing or Decision Pending

- 337. *Dorsey v. Attorney General of Canada* (SCC File No. 41132), regarding whether the state’s transfer of a prisoner in confinement to conditions more restrictive than the least restrictive option available triggers *habeus corpus* review (the CCLA intervened before the Court of Appeal for Ontario and the Supreme Court of Canada);
- 338. *Slepcsik v Minister of Public Safety and Emergency Preparedness et al.* (FC File No IMM-5466-23 and IMM-5481-23), on an application for judicial review that the automatic loss of permanent residence following cessation determinations under *IRPA* is contrary to sections 2(d), 7, 12, and 15 of the *Charter*;
- 339. *R. v. Singer* (SCC File No. 41090), on the scope of the “implied licence to knock”, and whether this doctrine allows the police to enter a private driveway without a warrant to further an investigation and gather evidence;
- 340. *Ontario v. Animal Justice* (ONCA File No. COA-24-CV-0553), on the constitutionality of a provincial regulation limiting the investigative work of undercover journalists and whistleblowers on livestock farms;
- 341. *R. v. Fox* (SCC File No. 41215), on the application of the innocence at stake exemption to solicitor-client privilege where the accused person is a lawyer;

342. *R. v. B.F.* (SCC File No. 41420), on the legal distinction between the offences of attempted murder and aiding suicide under the *Criminal Code*, including the role of causation;
343. *Chief of the Edmonton Police Service v. John McKee* (SCC File No. 41110), on the scope of police misconduct information that must be disclosed to an accused person;
344. *R. v. Carignan* (SCC File No. 41186), on whether a peace officer's failure to comply with s. 495(2) of the *Criminal Code*, which establishes when a peace officer can make a warrantless arrest, may be challenged under s. 9 of the *Charter*;
345. *Attorney General of Quebec v. Kanyinda* (SCC File No. 41210), on whether regulations which deny worker permit holders residing in Quebec access to subsidized childcare services is contrary to s. 15 of the *Charter* on the basis of sex, and/or immigration status;
346. *Knauff v Human Rights Tribunal of Ontario and Ontario (Minister of Natural Resources and Forestry)* (ONCA File No. COA-25-OM 0074), on considerations in that should be taken into account in applying the test for leave to appeal of a decision from the Divisional Court;
347. *O'Neill et al v British Columbia et al*, (BCSC File No. S-244011), concerning whether faith-based hospitals can invoke independent freedom of religion protections to refuse providing medical assistance in dying;
348. *Lalande v Attorney General of Quebec* (2025 QCCS 2078), concerning the constitutionality of a legislature's decision to suspend the usual statutory redistricting process and to freeze the electoral map until after the next elections (appeal pending);
349. *Heather v City of Calgary*, (ABCA File No. 230479073S1) concerning the constitutionality of a municipal bylaw prohibiting offensive speech and protest near communal spaces;
350. *Regional Municipality of Waterloo v Persons Unknown*, (ONSC File No: CV-25-00000750), concerning whether a site-specific by-law enforcing eviction of encampment residents violates ss 7 and 15 of the *Charter*.

The CCLA has also litigated significant civil liberties issues as a party in the following cases and inquests:

351. *Canadian Civil Liberties Association v. Ontario (Minister of Education)* (1990), 71 OR (2d) 341 (CA), reversing (1988), 64 OR (2d) 577 (Div Ct), concerning whether a program of mandatory religious education in public schools violated the *Charter*'s guarantee of freedom of religion;
352. *Canada (Canadian Human Rights Commission) v. Toronto-Dominion Bank (re Canadian Civil Liberties Association)*, [1996] 112 FTR 127, affirmed [1998] 4 FC 205 (CA), concerning whether an employer's policy requiring employees to submit to a urine drug test was discriminatory under the *Canadian Human Rights Act*;
353. *Corporation of the Canadian Civil Liberties Association v. Ontario (Civilian Commission on Police Services)* (2002), 61 OR (3d) 649 (CA), concerning the proper evidentiary standard to be applied under the *Ontario Police Services Act* when the Civilian Commission on Police Services considers the issue of hearings into civilian complaints of police misconduct;

354. *Canadian Civil Liberties Association v. Toronto Police Service*, 2010 ONSC 3525 and 2010 ONSC 3698, concerning whether the use of Long Range Acoustic Devices (LRADs) by the Toronto Police Service and the Ontario Provincial Police during the G20 Summit in June 2010 violated Regulation 926 of the *Police Services Act* and ss. 2 and 7 of the *Charter*;
355. *Inquest into the Death of Ashley Smith* (Office of the Chief Coroner) (Ontario) 2013, concerning the death of a young woman with mental health issues, who died by her own hand while in prison, under the watch of correctional officers;
356. *Corporation of the Canadian Civil Liberties Association and Christopher Parsons v. Attorney General (Canada)* (Ontario Superior Court File No. CV-14-504139), an application regarding the proper interpretation of certain provisions of the federal *Personal Information Protection and Electronic Documents Act* which have been used to facilitate warrantless access to internet subscriber information (application ongoing);
357. *Corporation of the Canadian Civil Liberties Association v. Attorney General (Canada)*, 2019 ONCA 243; and *Corporation of the Canadian Civil Liberties Association v. Her Majesty the Queen*, 2017 ONSC 7491, an application and appeal regarding the constitutionality of provisions of the *Corrections and Conditional Release Act* which authorize “administrative segregation” in Canadian correctional institutions;
358. *Corporation of the Canadian Civil Liberties Association et al. v. Attorney General (Canada)* (Ontario Superior Court File No. CV-15-532810), an application concerning the constitutionality of provisions of various pieces of legislation as a result of the *Anti-Terrorism Act, 2015* (application ongoing);
359. *National Council of Canadian Muslims (NCCM) c. Attorney General of Québec*, 2018 QCCS 2766; and *National Council of Canadian Muslims (NCCM) c. Attorney General of Quebec*, 2017 QCCS, an application by the National Council of Canadian Muslims, Marie-Michelle Lacoste and Corporation of the Canadian Civil Liberties Association challenging the validity of a provision banning face coverings in giving or receiving public services and an application for an order staying the operation of this provision (the application on the merits did not proceed);
360. *Becky McFarlane, in her personal capacity and as litigation guardian for LM, and The Corporation of the Canadian Civil Liberties Association v. Minister of Education (Ontario)*, 2019 ONSC 1308, concerning whether the removal of sections of Ontario’s health and physical education curriculum violates the equality rights of LGBTQ+ students and parents;
361. *Hak v. Attorney General of Quebec*, 2021 QCCS 1466; *Hak c. Procureure générale du Québec*, 2019 QCCA 2145; *Hak v. Attorney General of Quebec*, 2019 QCCS 2989, and *Hak v Attorney General of Quebec*, 2024 QCCA 254, an application by Ichrak Nourel Hak, the National Council of Canadian Muslims (NCCM) and the Corporation of the Canadian Civil Liberties Association to challenge the validity of provisions banning religious symbols in certain professions in the public sector, and an application for an order staying the operation of these provisions (appeal to the SCC pending);
362. *Corporation of the Canadian Civil Liberties Association and Lester Brown v. Toronto Waterfront Revitalization Corporation et al.* (Ontario Superior Court of Justice File No. 211/19), concerning whether Sidewalk Labs’ smart city project is *ultra vires* and whether it violates ss. 2(c), 2(d), 7, and 8 of the *Charter of Rights and Freedoms* (without costs abandonment filed when Sidewalk Labs ended the project);

363. *CCLA v. Attorney General of Ontario*, 2020 ONSC 4838, concerning the constitutionality of Ontario's *Federal Carbon Tax Transparency Act*, which compels gas retailers to post an anti-carbon tax notice on all gas pumps or face fines;
364. *Sanctuary et al v. Toronto (City) et al.*, 2020 ONSC 6207, a challenge by Sanctuary Ministries of Toronto, Aboriginal Legal Services, Advocacy Centre for Tenants Ontario, Black Legal Action Centre, Canadian Civil Liberties Association and HIV & AIDS Legal Clinic Ontario concerning the constitutionality of the Toronto Shelter Standards and 24-Hour Respite Site Standards, and of the conduct of the City in the operation of its shelters and failure to develop and implement a COVID-19 mitigation plan, on the basis that these do not comply with public health dictates regarding physical distancing during the COVID-19 pandemic (ongoing);
365. *Taylor v. Newfoundland and Labrador*, 2020 NLSC 125/2023 NLCA 22, claiming that the Special Measures Order put in place by the province's Chief Medical Officer of Health that prohibits some Canadian citizens and permanent residents from visiting the province is *ultra vires* provincial jurisdiction and that it violates ss. 6 and 7 of the *Charter* and cannot be saved by s. 1, and arguing that new enforcement provisions under the *Public Health Protection and Promotion Act* unjustifiably infringe ss. 7, 8 and 9 of the *Charter* (awaiting the Supreme Court of Canada's decision on the merits, SCC File No. 40952);
366. *Attorney General of Nova Scotia v. Freedom Nova Scotia et al.* (SCNS – Hfx No.: 506040), in which CCLA was granted public interest standing to seek a rehearing of an *ex parte quia timet* injunction obtained by the government of Nova Scotia that prohibited protests and the promotion of “illegal public gatherings” during the COVID-19 pandemic; after the application for a rehearing was dismissed on the grounds of mootness, CCLA appealed the initial decision granting the injunction;
367. *Canadian Civil Liberties Association v. Province of New Brunswick* (Court File No. FC-9-21), challenging the constitutionality of a provincial regulation that excludes abortions (except in approved hospitals) from provincial healthcare coverage (discontinued);
368. *Luamba c. Procureur général du Québec*, 2022 QCCS 3866, and 2024 QCCA 1387, concerning the power of the police to carry out roadside checks without suspicion (CCLA has conservatory intervenor status)(leave to appeal to the Supreme Court of Canada granted, Court File No. 41605)
369. *Canadian Civil Liberties Association v. Attorney General of Canada*, 2024 FC 42, challenging the legality of the government's use of the federal *Emergencies Act* and the constitutionality of some of the orders passed pursuant to the *Act* (awaiting the Federal Court of Appeal's decision, Court File No. A-73-24);
370. *Canadian Civil Liberties Association and Vanessa v. Ontario* (Court File No. CV-22-00682873-0000) challenging the constitutionality of the legislative provisions authorizing strip searches in Ontario's provincial jails, correctional centres, detention centres and treatment centres;
371. *A.B. et al. v Attorney General of Quebec et al.* (Court File No. 500-17-125266-232) challenging the constitutionality of a provincial decree that prohibits religious practices, such as “overt prayers or similar practices” in public schools;
372. *Canadian Civil Liberties Association v New Brunswick (Minister of Education and Early Childhood Development)* (Court File No. FM-76-23) a legal challenge of revisions to Policy 713

that restrict the rights of Trans and gender diverse students to use their chosen names and pronouns in schools (discontinued);

373. *Inquest into the Death of Terry Baker* (Office of the Chief Coroner) (Ontario) 2023, concerning the death of a young woman with mental health issues, who was found unresponsive in her prison cell while under segregation under the custody of Correctional Service Canada.
374. *Canadian Civil Liberties Association v Corporation of the City of Vaughan* (Court File No. CV-25-00002327-0000) challenging the constitutionality of the municipal bylaw prohibiting offensive or disruptive, yet peaceful, protests near various types of community gathering places.

HEEGSMA, et al
Appellants

-and-

CITY OF HAMILTON
Respondent

Court File No. COA-25-CV-0166

COURT OF APPEAL FOR ONTARIO	
AFFIDAVIT OF HARINI SIVALINGAM (Motion for leave to intervene, Canadian Civil Liberties Association)	
GOLDBLATT PARTNERS LLP 20 Dundas Street W., Suite 1039 Toronto, ON M5G 2C2	
Tina Q Yang (LSO# 60010N) Tel: 416-979-6972 Email: tyang@goldblattpartners.com	
Naomi Greckol-Herlich (LSO# 64405D) Tel: 416-979-4648 Email: ngreckolherlich@goldblattpartners.com	
Lawyers for the Proposed Intervenor, Canadian Liberties Association	

Court File No. COA-25-CV-0166

COURT OF APPEAL FOR ONTARIO

B E T W E E N :

**KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO,
SHAWN ARNOLD, CASSANDRA JORDAN, JULIA LAUZON, AMMY LEWIS,
ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL,
SHERRI OGDEN, JAHMAL PIERRE, and LINSLEY GREAVES**

Appellants

- and -

CITY OF HAMILTON

Respondent

- and -

ATTORNEY GENERAL OF ONTARIO

Intervener

**DRAFT FACTUM OF THE MOVING PARTY/PROPOSED INTERVENER,
CANADIAN CIVIL LIBERTIES ASSOCIATION**

November 14, 2025

GOLDBLATT PARTNERS LLP

20 Dundas Street W., Suite 1039
Toronto, ON M5G 2C2

Tina Q Yang (LSO# 60010N)

Tel: 416-979-6972

Email: tyang@goldblattpartners.com

Naomi Greckol-Herlich (LSO# 64405D)

Tel: 416-979-4648

Email: ngreckolherlich@goldblattpartners.com

Lawyers for the Proposed Intervener,
Canadian Liberties Association

TO:

CIRCLE BARRISTERS

325 Front St. W., Suite 200
Toronto, ON M5V 2Y1

Sujit Choudhry, LSO# 45011E

Tel: 416-436-3679

Email: sujit.choudhry@circlebarristers.com

MISSISSAUGA COMMUNITY LEGAL SERVICES

130 Dundas St. E., Suite 504
Mississauga ON L5A 3V8

Sharon Crowe, LSO# 47108R

Tel: 905-896-2052 ext. 20

Email: sharon.crowe@mcls.clcj.ca

ROSS & MCBRIDE LLP

1 King St. W., 10th Floor
Hamilton, ON L8P 1A4

Wade Poziomka, LSO# 59696T

Tel: 905-572-5824

Email: wpoziomka@rossmcbride.com

Lawyers for the Appellants,

Kristen Heegsma, Darrin Marchand, Gord Smyth, Mario Muscato,
Shawn Arnold, Cassandra Jordan, Julia Lauzon, Ammy Lewis, Ashley Macdonald,
Corey Monahan, Misty Marshall, Sherri Ogden, Jahmal Pierre and Linsley Greaves

AND TO: **GOWLING WLG (CANADA) LLP**
1 Main St. W.
Hamilton, ON L8P 4Z5

Bevin Shores, LSO# 56161F
Tel: 905-540-2468
Email: bevin.shores@gowlingwlg.com

Jordan Diacur, LSO# 65860E
Tel: 905-540-2500
Email: jordan.diacur@gowlingwlg.com

Jennifer King, LSO# 54325R
Tel: 905-549-2468
Email: jennifer.king@gowlingwlg.com

Lawyers for the Respondent, City of Hamilton

AND TO: **MINISTRY OF THE ATTORNEY GENERAL**
Constitutional Law Branch
4th Floor, McMurtry-Scott Building
720 Bay Street, Toronto, ON M7A 2S9

Andrea Boleiro, LSO# 60034I
Tel: (416) 551-6263
Email: andrea.boleiro@ontario.ca

Lawyer for the Intervener, Attorney General of Ontario

Table of Contents

	Page
PART I – OVERVIEW	1
PART II – FACTS	1
PART III – ISSUES AND THE LAW	3
(a) International law influences the interpretation of Charter rights	3
(b) International law protects the autonomy and dignity of residents in temporary encampments	6
(c) Other courts have recognized the effect of international law in respect of the right to housing	8
(d) The <i>National Housing Strategy Act</i>	9
(e) Contextualizing the prohibition on forced evictions of unhoused people	11
SCHEDULE “A”	13
SCHEDULE “B”	15

PART I – OVERVIEW

1. The Canadian Civil Liberties Association (“CCLA”) intervenes as a friend of the court to make submissions in respect of the s. 7 *Canadian Charter of Rights of Freedoms* (“*Charter*”) issues before this Court on this appeal. Specifically, the CCLA submits that a purposive analysis of the s. 7 *Charter* rights to liberty and security of the person must consider the autonomy and dignity of unhoused encampment residents, such as the Appellants, as informed by relevant international human rights standards.

2. Canadian courts have previously considered and applied international instruments to aid in the interpretation of the meaning and scope of rights under s. 7 of the *Charter* and the principles of fundamental justice in the context of forced evictions such as those experienced by the Appellants. The CCLA submits that this Court ought to do the same explicitly, particularly in light of the passage of the *National Housing Strategy Act*, [S.C. 2019, c. 29, s. 313](#), in which Canada specifically codified its existing international legal obligations with respect to the right to shelter into domestic law.

PART II – FACTS

3. The CCLA accepts the facts as summarized by the parties.

4. The Appellants seek to overturn the decision of Ramsay J. affirming the constitutionality of municipal practices by which the Respondent City of Hamilton effected evictions of many unhoused people from the City’s public spaces between August 2021 and August 2023. The Appellants had sought a declaration that these by-law enforcement actions infringed upon the Appellants’ s. 7 *Charter* rights to liberty and security of the person and their s. 15 *Charter* equality

rights, giving rise to a corresponding entitlement to compensatory damages pursuant to s. 24(1) of the *Charter*.

5. The application called for the application judge to weigh the appropriate balance between the civil liberties of unhoused encampment residents and the competing interests inherent in the regulation of public space. The application judge concluded, *inter alia*, that the Appellants' s. 7 rights were not engaged by the Respondent's enforcement of its by-laws because any harms the Appellants suffered were attributable to their homelessness and not to the actions of the Respondent. The applicant judge did not consider the scope of the s. 7 *Charter* rights to liberty and security of the person in light of international law.

6. The unhoused individuals who resided in the municipal encampments at issue represent some of the most vulnerable and marginalized members of our society.¹ As was demonstrated by the evidence in the underlying application, members of marginalized groups are disproportionately represented in municipal encampments, including women, Indigenous peoples, racialized individuals, people who identify as 2SLGBTQIA+, and persons with mental health illness and disabilities, including substance users.² Members of such groups face unique vulnerabilities that can be exacerbated by evictions and/or dispossession, and their consequent ability to access shelter spaces can be further compromised by those same vulnerabilities.³

¹ *Victoria (City) v Adams*, 2009 BCCA 563 at para 75.

² Affidavit of Kaitlin Schwan sworn June 13, 2022 ["Schwan Affidavit"], at Exhibit C, *The State of Women's Housing Need & Homelessness in Canada: Literature Review*, "Key Finding 6: Indigenous women, girls, and gender diverse peoples experience the most egregious housing conditions throughout Canada and remain the most underserved in both the VAW and homelessness sectors," Appellant's Appeal Book and Compendium ["ABC"] Volume 9, at Page 143, "Chapter 6: Child Welfare," ABC Volume 9, at page 214; Affidavit of Ameil Joseph sworn June 14, 2022 at paras 4 -13, ABC Volume 8 at pp. 849-853; Affidavit of Stephen Gaetz sworn June 14, 2022 at paras 21-22, ABC Volume 8, page 18.

³ For description of the unique vulnerabilities of the marginalized groups and consequent challenges accessing shelter spaces, see Schwan Affidavit, at paras 5-32, ABC Volume 9, pp 8-20; Affidavit of Olivia Mancini sworn October 4, 2021, at paras 7-8, 10, 15 and 17, ABC Volume 6, pp 148-149, 151-152; Affidavit of Medora Uppal, sworn July 17,

PART III – ISSUES AND THE LAW

7. The CCLA submits that, in determining whether state-enforced removal of shelter is constitutional, a purposive analysis of s. 7 of the *Charter* must consider the autonomy and dignity of unhoused encampment residents, and that such consideration must be informed by relevant international human rights standards.

8. International human rights law conceives of the right not to be deprived of shelter as involving more than the physical or emotional well-being of encampment residents; crucially, it also conceives of shelter in public spaces as an exercise of autonomy in the face of limited choices resulting from sustained and serious human rights violations against unhoused community members.

9. An analysis that recognizes and considers the effect of state actions on the autonomy and dignity of unhoused people is the only interpretation of s. 7 that is consistent with the principles set out in international human rights law – principles that were previously adopted into domestic law by ratification of the relevant international instruments and have now been explicitly codified into domestic law.

(a) International law influences the interpretation of Charter rights

10. Courts possess a well-established ability to consider international legal sources in delineating the breadth and content of *Charter* rights. As set out below, while the *force* of international legal instruments are indexed to the instruments' status under domestic Canadian

2023, at paras 9-58, ABC Volume 7, pp 8-16; Appellant's Appeal Book and Compendium, Affidavit of Dr. Kate Hayman at paras 7, 10, 11, 12, 16-17, ABC Volume 8, pp 555-556, 558-559, 565-566.

law, an interpretation of *Charter* rights that excludes consideration the effect of international human rights law risks falling into error.

11. Specifically, the principle of conformity demands that the provisions of the *Charter* are interpreted to provide protection *at least* as great as that afforded by the provisions of Canada's international legal obligations and commitments.⁴ As it is the *Charter* that gives life to Canada's binding commitments to international human rights law—as contained in the international legal instruments and conventions to which Canada is a party—an assessment of the obligations to which Canada has bound itself via international instruments is a determinative factor in *Charter* interpretation.⁵ Failure to inquire whether the principle of conformity is satisfied by any interpretation of *Charter* rights risks reaching a judicial conclusion that fails to uphold international obligations by which Canada is bound.

12. Additionally, international human rights law sources, even if non-binding, can be a relevant and persuasive interpretive tool to confirm a court's *Charter* analysis.⁶ The Supreme Court has repeatedly relied on international human rights law, including commentary from United Nations experts on the international obligations of states, to inform its interpretation of *Charter* rights as such international legal sources may provide illustrations of how norms engaged in the *Charter* analysis are understood and interpreted around the world.⁷

⁴ *Quebec (Attorney General) v 9147-0732 Québec inc*, 2020 SCC 32 at para 31-32; *Ktunaxa Nation v British Columbia (Forests, Lands and Natural Resource Operations)*, 2017 SCC 54 at para 65; *India v Badesha*, 2017 SCC 44 at para 38; *Divito v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 47 at para 25.

⁵ *Reference re Public Service Employee Relations Act (Alberta)*, [1987] 1 SCR 313 at para 59; *Quebec (Attorney General) v 9147-0732 Québec inc*, 2020 SCC 32 at para 31.

⁶ *Quebec (Attorney General) v 9147-0732 Québec inc*, 2020 SCC 32 at paras 36-44.

⁷ *Reference re Public Service Employee Relations Act (Alta.)*, [1987] 1 SCR 313 at paras 57-60; *Health Services and Support - Facilities Subsector Bargaining Assn. v British Columbia*, 2007 SCC 27, at paras 69-79; *Saskatchewan Federation of Labour v Saskatchewan*, 2015 SCC 4, at paras 62-74; *Ktunaxa Nation v British Columbia (Forests, Lands and Natural Resource Operations)*, 2017 SCC 54 at paras 64-67; *Quebec (Attorney General) v 9147-0732 Québec inc*, 2020 SCC 32 at paras 19-47.

13. Finally, the Supreme Court has emphasized that international human rights covenants, *ratified by Canada or not*, that pre-date the *Charter* can illuminate the framing of enumerated rights and protections because they constituted “the best models of rights protection” in existence at the time of the *Charter*’s drafting and can be presumed to have informed its origins.⁸ In other words, regardless of Canada’s status vis-à-vis older international instruments, “it is entirely proper and relevant” to consider the relevant concepts as important historical context when determining the scope of a *Charter* right.⁹

14. While non-binding instruments do not trigger the “presumption of concordance” that attaches to binding international legal instruments, this is not a rejection of the tradition of purposive interpretation, firmly entrenched in Canadian *Charter* jurisprudence.¹⁰ Rather, the purposive interpretation of the *Charter* must commence with a careful reading of the text. Such a starting point is not antithetical to purposive analysis, but is, in fact, in keeping with established *Charter* jurisprudence. Further, this analysis does not exclude consideration of the historical origins of *Charter* rights, or consideration of international or comparative law.¹¹

15. International human rights instruments that recognize adequate shelter as a fundamental right, which would include international covenants ratified by Canada, interpretive comments by UN committees, and commitments made at UN conferences, can thus properly inform the scope and content of s. 7 as well as a court’s understanding of the principles of fundamental justice.¹² Here, international human rights instruments can specifically support and confirm this Court’s

⁸ *Quebec (Attorney General) v 9147-0732 Québec inc*, [2020 SCC 32](#) at [para 41](#); *Reference Re Public Service Employee Relations Act (Alta.)*, [\[1987\] 1 SCR 313](#) at [para 57](#).

⁹ *Quebec (Attorney General) v 9147-0732 Québec inc*, [2020 SCC 32](#) at [para 41](#).

¹⁰ See e.g. *R v Advance Cutting & Coring Ltd*, [2001 SCC 70](#) at [para 12](#), and cases cited therein.

¹¹ *Quebec (Attorney General) v 9147-0732 Québec inc*, [2020 SCC 32](#) at [para 16](#).

¹² *Victoria (City) v Adams*, [2008 BCSC 1363](#) at [paras 85-100](#), *aff’d* *Victoria (City) v Adams*, [2009 BCCA 563](#) at [paras 33-35](#).

findings about the autonomy and dignity of encampment residents as protected s. 7 interests in the context of state-enforced removal of shelter.

(b) International law protects the autonomy and dignity of residents in temporary encampments

16. The autonomy and dignity of encampment residents must be a fundamental consideration, given the liberal and purposive lens through which the *Charter* is to be interpreted.¹³ Within Canadian jurisprudence, autonomy and dignity are most immediately reflected in the s. 7 concept of liberty, which protects a sphere of personal autonomy involving inherently private choices going to the core of what it means to enjoy individual dignity and independence.¹⁴ Canada is a signatory to several human rights instruments that recognize adequate shelter as a fundamental right for the preservation of autonomy and dignity.

17. Giving effect to such inalienable dignity within the right to shelter means interpreting it as “the right to live somewhere in security, peace and dignity” rather than within the narrow sense of shelter as merely a roof over one’s head.¹⁵

18. The International Covenant on Economic, Social and Cultural Rights (the “ICESCR”) expressly situates the right to establish an adequate standard of living, including sheltering, within the inherent dignity of the human person.¹⁶ As both an international legal instrument to which

¹³ *Doucet-Boudreau v Nova Scotia (Minister of Education)*, 2003 SCC 62 at para 23; *Figueroa v Canada (Attorney General)*, 2003 SCC 37 at para 20; *Eldridge v British Columbia (Attorney General)*, [1997] 3 SCR 624 at para 53; *R. v Big M Drug Mart Ltd.*, [1985] 1 SCR 295 at paras 116-117.

¹⁴ *Association of Justice Counsel Appellant v Attorney General of Canada Respondent*, 2017 SCC 55 at paras 49-52; *R. v Malmo-Levine*, 2003 SCC 74 at para 85; *Blencoe v British Columbia (Human Rights Commission)*, 2000 SCC 44 at para 49; *Godbout v Longueuil (City)*, [1997] 3 SCR 844 at paras 66-67.

¹⁵ Applicant’s Motion Record, Affidavit of Leilani Farha sworn June 15, 2022, Exhibit B, “CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11(1) of the Covenant,” adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on December 1991, at para 7 [Affidavit of Leilani Farha].

¹⁶ ICESCR, 19 December 1966, 993 U.N.T.S. 3 (entered into force 3 January 1976); UDHR, UNGA, 3rd Sess, UN Doc A/810 (1948).

Canada is bound as a state party, and an instrument which was enacted prior to the *Charter*, the ICESCR sets out the minimum level of protection which Canadians must be afforded under the *Charter*.¹⁷ At Article 11.1, the ICESCR declares:

The State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The State Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent. (emphasis added)¹⁸

19. In 1991, the Committee on Economic, Social, and Cultural Rights issued General Comment #4, which specifically identified “legal security of tenure” as a necessary element of “adequate housing” as guaranteed under the ICESCR, and that “legal security of tenure” requires a “degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.”¹⁹ Additionally, General Comment #4 plainly declares that forced evictions are incompatible with the requirements of the Covenant.²⁰

20. The *Declaration of Human Rights*, GA Res. 217(III), UN GAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948) 71 (“UDHR”), also expressly recognizes the right to adequate shelter as a fundamental right. Article 25(1) reads:²¹

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of

¹⁷ *Quebec (Attorney General) v 9147-0732 Québec inc*, 2020 SCC 32 at para 41.

¹⁸ ICESCR, 19 December 1966, 993 U.N.T.S. 3 (entered into force 3 January 1976); UDHR, UNGA, 3rd Sess, UN Doc A/810 (1948) at Article 11.1.

¹⁹ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), E/1992/23, 13 December 1991, [accessed 10 November 2025] [“General Comment #4”] at para 8a.

²⁰ See *General Comment #4* at para 18 which reads: “In this regard, the Committee considers that instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law.”

²¹ Universal Declaration of Human Rights, GA Rs. 217(III), U.N. GAOR, (3d) Sess., Supp. No. 13, U.N. Doc. A/810 (1948) 71, at Article 25(1).

unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (emphasis added)

Additional passages of the UDHR and ICESCR explicitly endorse a broad, generous conception of the rights contained within and the obligations of parties to work to achieve those rights.²²

21. Although the UDHR is a declaration and not an agreement to which Canada is formally a party through ratification, Canada has committed to supporting the principles outlined within the UDHR. In addition, the UDHR is an instrument which pre-dates the *Charter*, it sets out a “common standard of achievement for all people and all nations”, and it is recognized as persuasive in Canadian law.²³

22. State action that violates the autonomy and dignity of unhoused persons, and that fails to meet the minimum level of protection set out in these binding international instruments, is therefore not compliant with a fully realized formulation of the s. 7 right to liberty.

(c) Other courts have recognized the effect of international law in respect of the right to housing

23. Courts in British Columbia have previously recognized that forced evictions of encampment residents may contravene the protections of s. 7, and that the scope and content of the protections afforded by s. 7 of the *Charter* in respect of forced evictions must be informed by reference to Canada’s international legal obligations.²⁴

²² See discussion in *Victoria (City) v Adams*, [2008 BCSC 1363](#) at [paras 86, 88](#), aff’d *Victoria (City) v Adams*, [2009 BCCA 563](#) at [paras 33-35](#).

²³ *Quebec (Attorney General) v 9147-0732 Québec inc.*, [2020 SCC 32](#) at [para 30](#), quoting Dickson J. in *Reference re Public Service Employee Relations Act (Alberta)*, [\[1987\] 1 SCR 313](#) at [para 57](#). See also *Victoria (City) v Adams*, [2009 BCCA 563](#) at [paras 33-35](#).

²⁴ *Victoria (City) v Adams*, [2008 BCSC 1363](#) at [paras 85-100](#); affirmed in *Victoria (City) v Adams*, [2009 BCCA 563](#) at [paras 33-35](#).

24. In *Victoria (City) v. Adams*, the British Columbia Court of Appeal specifically endorsed Ross J.'s consideration and application of international instruments to aid in the interpretation of the meaning and scope of rights under s. 7 of the Charter and the principles of fundamental justice.²⁵ In her reasons, Ross J. had considered and applied Article 25(1) of the *Declaration of Human Rights*, and Article 11.1 of the *International Covenant on Economic, Social and Cultural Rights*, to reach the conclusion that the forced eviction of encampment residents constituted a violation of the residents' s. 7 rights which was unjustified by s. 1.

25. In assessing Ross J.'s consideration of international legal instruments in her analysis, the British Columbia Court of Appeal concluded, pointedly:²⁶

There is no issue raised on the appeal with respect to the trial judge's reference to international instruments as an aid to interpreting the Charter. Nor could there be. The use of international instruments to aid in the interpretation of the meaning and scope of rights under the Charter, and in particular the rights protected under s. 7 and the principles of fundamental justice, is well-established in Canadian jurisprudence.

(d) The *National Housing Strategy Act*

26. At the time that *Adams* was decided (and affirmed), the British Columbia courts concluded that the various international instruments should inform the interpretation of the *Charter*, particularly the scope and content of s. 7, despite not forming part of the domestic law of Canada.²⁷ That is no longer the case.

27. In 2019, with the passage of the *National Housing Strategy Act*, S.C. 2019, c. 29, s. 313, Canada specifically codified its existing international legal obligations with respect to the right

²⁵ *Victoria (City) v Adams*, [2009 BCCA 563](#) at [para 35](#).

²⁶ *Victoria (City) v Adams*, [2009 BCCA 563](#) at [para 35](#).

²⁷ *Victoria (City) v Adams*, [2008 BCSC 1363](#) at [para 100](#).

to shelter into domestic law. Although the obligations which flow from the UDHR and the ICESCR are clear with respect to Canada's duty at international law to respect the right to housing, the unambiguous wording of the *NHSA* leaves no room to suggest that this duty does not also flow from domestic legal instruments. The *NHSA* at Sections 4(a) and 4(b) reads:²⁸

Declaration

4. It is declared to be the housing policy of the Government of Canada to

(a) recognize that the right to adequate housing is a fundamental human right affirmed in international law;

(b) recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities; [...]

28. The *NHSA* also established the office of the Federal Housing Advocate. In keeping with its statutory mandate, and in recognition of the significant rise in encampment residents across the country, the Federal Housing Advocate undertook a systemic review of encampments in Canada. In the Final Report, the Advocate called on the federal government to act immediately to establish a new National Encampments Response Plan, for all levels of government to work together to support municipalities, and, *inter alia*, to *end the forced evictions of encampments altogether*.²⁹

29. The recommendation of the Advocate to end forced evictions of encampment residents was an explicit recognition that forced encampment evictions make people more unsafe and expose them to greater risk of harm and violence, and that forced evictions by the state –

²⁸ *National Housing Strategy Act*, [S.C. 2019, c. 29, s. 313](#), s 4.

²⁹ The Office of the Federal Housing Advocate, 2024. [Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments – Final Report](#); Ottawa: Office of the Federal Housing Advocate, pp 3-5.

particularly those on public lands – are a violation of s. 7 rights as contained in the *Charter* and at international law.³⁰

(e) Contextualizing the prohibition on forced evictions of unhoused people

30. To the extent that Canada’s international and domestic legal obligations afford encampment residents protection against forced eviction, this protection ought properly to be understood as a reprieve against any actions of the state that have the effect of depriving encampment residents of what little shelter or protection they might possess. The law affords these individuals the right to be free of deprivation at the hands of the state, other than in accordance with s. 7 and s. 1 of the *Charter*.

31. The CCLA makes no submission on the questions of whether Canada’s international legal obligations require any universal minimum standard of housing and the applicability to the Appellant’s claims. However, to the extent that any suggestion is made that the CCLA’s position is merely a “positive right” wolf dressed in the clothes of a “negative right” sheep, the CCLA notes that this argument was proffered in *Adams*, and was summarily rejected: the BC Court of Appeal upheld Ross J.’s finding in this regard, confirming that, although the finding of deprivation in contravention of s. 7 and s. 1 was predicated on the city’s insufficient shelter resources, this was not sufficient to transform the residents’ claim that they had suffered deprivation at the hands of the state into a claim of a positive right to city-run shelter.³¹

³⁰ The Office of the Federal Housing Advocate, 2024. [Upholding dignity and human rights: the Federal Housing Advocate’s review of homeless encampments – Final Report](#); Ottawa: Office of the Federal Housing Advocate, p 3.

³¹ *Victoria (City) v Adams*, [2009 BCCA 563](#) at [paras 90-97](#).

PART IV – ORDER SOUGHT

32. The CCLA takes no position on the outcome of this appeal. The CCLA submits that, on a principled basis, a purposive analysis of the s. 7 *Charter* rights to liberty and security of unhoused persons must include consideration of individual autonomy and dignity, as informed by relevant international human rights standards and set out above.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 14th day of November, 2025.

November 14, 2025

Tina Q Yang & Naomi Greckol-Herlich
GOLDBLATT PARTNERS LLP
20 Dundas Street W., Suite 1039
Toronto, ON M5G 2C2
416-977-6070

Lawyers for the Proposed Intervener,
Canadian Civil Liberties Association

SCHEDULE “A”

TAB	DOCUMENT	PINPOINTS
JURISPRUDENCE		
1.	<i>Association of Justice Counsel Appellant v Attorney General of Canada Respondent</i> , 2017 SCC 55	49-52
2.	<i>Blencoe v British Columbia (Human Rights Commission)</i> , 2000 SCC 44	49
3.	<i>Divito v Canada (Public Safety and Emergency Preparedness)</i> , 2013 SCC 47	25
4.	<i>Doucet-Boudreau v Nova Scotia (Minister of Education)</i> , 2003 SCC 62	23
5.	<i>Eldridge v British Columbia (Attorney General)</i> , [1997] 3 SCR 624	53
6.	<i>Figueroa v Canada (Attorney General)</i> , 2003 SCC 37	20
7.	<i>Godbout v Longueuil (City)</i> , [1997] 3 SCR 844	66-67
8.	<i>Health Services and Support - Facilities Subsector Bargaining Assn. v British Columbia</i> , 2007 SCC 27	69-79
9.	<i>India v Badesha</i> , 2017 SCC 44 , SCR	38
10.	<i>Ktunaxa Nation v British Columbia (Forests, Lands and Natural Resource Operations)</i> , 2017 SCC 54	64-67
11.	<i>Quebec (Attorney General) v 9147-0732 Québec inc.</i> , 2020 SCC 32	16, 19-47
12.	<i>R v Advance Cutting & Coring Ltd.</i> , 2001 SCC 70	12
13.	<i>R. v Big M Drug Mart Ltd.</i> , [1985] 1 SCR 295	116-117
14.	<i>R. v Malmo-Levine</i> , 2003 SCC 74	85
15.	<i>Reference re Public Service Employee Relations Act (Alberta)</i> , [1987] 1 SCR 313	57-60
16.	<i>Saskatchewan Federation of Labour v Saskatchewan</i> , 2015 SCC 4	62-74

TAB	DOCUMENT	PINPOINTS
17.	<i>Victoria (City) v Adams</i> , 2008 BCSC 1363	85-100
18.	<i>Victoria (City) v Adams</i> , 2009 BCCA 563	33-35, 75, 90-97
LEGAL INSTRUMENTS		
19.	<i>International Covenant on Economic, Social and Cultural Right</i> , ICESCR , 19 December 1966, 993 U.N.T.S. 3 (entered into force 3 January 1976)	Art. 11.1
20.	Universal Declaration of Human Rights, GA Rs. 217(III), U.N. GAOR, (3d) Sess., Supp. No. 13, U.N. Doc. A/810 (1948) 71	Art. 25(1)
SECONDARY SOURCES		
21.	The Office of the Federal Housing Advocate, 2024. Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments – Final Report ; Ottawa: Office of the Federal Housing Advocate	Page 3-5
22.	UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), E/1992/23, 13 December 1991 , [accessed 10 November 2025]	Paras 8a, 18

I certify that I am satisfied as to the authenticity of every authority.

Note: Under the Rules of Civil Procedure, an authority or other document or record that is published on a government website or otherwise by a government printer, in a scholarly journal or by a commercial publisher of research on the subject of the report is presumed to be authentic, absent evidence to the contrary (rule 4.06.1(2.2)).

Date: _____

SCHEDULE “B”

Canadian Charter of Rights and Freedoms

Legal Rights

Rights and freedoms in Canada

1 The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Life, liberty and security of person

7 Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Equality Rights

Equality before and under law and equal protection and benefit of law

15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative action programs

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability

Enforcement

Enforcement of guaranteed rights and freedoms

24 (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

National Housing Strategy Act, S.C. 2019, c. 29, s. 313

Housing Policy Declaration

Declaration

4 It is declared to be the housing policy of the Government of Canada to

- (a) recognize that the right to adequate housing is a fundamental human right affirmed in international law;
- (b) recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities;
- (c) support improved housing outcomes for the people of Canada; and
- (d) further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.

HEEGSMA, et al
Appellants

-and-

CITY OF HAMILTON
Respondent

Court File No. COA-25-CV-0166

COURT OF APPEAL FOR ONTARIO

**DRAFT FACTUM OF THE
MOVING PARTY/PROPOSED INTERVENER,
CANADIAN CIVIL LIBERTIES ASSOCIATION**

GOLDBLATT PARTNERS LLP
20 Dundas Street W., Suite 1039
Toronto, ON M5G 2C2

Tina Q Yang (LSO# 60010N)

Tel: 416-979-6972

Email: tyang@goldblattpartners.com

Naomi Greckol-Herlich (LSO# 64405D)

Tel: 416-979-4648

Email: ngreckolherlich@goldblattpartners.com

Lawyers for the Proposed Intervener,
Canadian Liberties Association

HEEGSMA, et al
Appellants

-and-

CITY OF HAMILTON
Respondent

Court File No. COA-25-CV-0166

COURT OF APPEAL FOR ONTARIO

**MOTION RECORD OF THE
MOVING PARTY/PROPOSED INTERVENER,
CANADIAN CIVIL LIBERTIES ASSOCIATION**

GOLDBLATT PARTNERS LLP
20 Dundas Street W., Suite 1039
Toronto, ON M5G 2C2

Tina Q Yang (LSO# 60010N)
Tel: 416-979-6972
Email: tyang@goldblattpartners.com

Naomi Greckol-Herlich (LSO# 64405D)
Tel: 416-979-4648
Email: ngreckolherlich@goldblattpartners.com

Lawyers for the Proposed Intervener,
Canadian Liberties Association