

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

- and –

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

**MOTION RECORD OF THE PROPOSED INTERVENOR
THE CANADIAN CIVIL LIBERTIES ASSOCIATION**

July 15, 2025

Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. W., Suite 1200
Toronto, Ontario M5V 3B1

Kristen Allen LSO#: 62789C
Tel: (416) 969-3502
Email: kallen@upfhlaw.ca

Simone Truemner-Caron LSO# 82968M
Tel: (416) 642-4504
Email: struemnercaron@upfhlaw.ca

Lawyers for the Proposed Intervenor
The Canadian Civil Liberties Association

TO: **Paliare Roland Rosenberg Rothstein LLP**
155 Weelington Street West, 35th Floor
Toronto ON M5V 3H1
Tel: (416) 646-4300

Gordon Capern LSO#: 32169H
Tel: (416) 646-4311
Email: gordon.capern@paliareroland.com

Andrew Lokan LSO#: 31629Q
Tel: (416) 646-4324
Email: andrew.lokan@paliareroland.com

Kartiga Thavaraj LSO#: 75291D
Tel: (416) 646-6317
Email: kartiga.thavaraj@paliareroland.com

Greta Hoaken LSO#: 87903I
Tel: (416) 646-6357
Email: greta.hoaken@paliareroland.com

Lawyers for the Applicant,
The Regional Municipality of Waterloo

AND TO: **Waterloo Region Community Legal Services**
450 Frederick Street, Unit 101
Kitchener ON N2H 2P5

Ashley Schuitema LSO#: 68257G
Tel: (519) 743-0254 ext. 17
Email: ashley.schuitema@wrcls.clcj.ca

Joanna Mullen LSO#: 64535V
Tel: (519) 743-0254 ext. 15
Email: joanna.mullen@wrcls.clcj.ca

Shannon K. Down LSO#: 43894D
Email: shannonkdown@gmail.com

Lawyers for the Respondents

AND TO: **Swadron Associates**
115 Berkeley Street
Toronto ON M5A 2W8

Jen Danch LSO#:745201
Tel: (416) 362-1234
Email: jdanch@swadron.com

Karen A. Steward LSO#: 587580
Barrister & Solicitor
Tel: (416) 270-0929
Email: karenannesteward@yahoo.ca

Perez, Procope, Leinveer LLP
55 University Avenue, Suite 1100
Toronto ON M5J 2H7

Mercedes Perez LSO#: 48381L
Tel: (416) 320-1914
Email: mperez@pbplawyers.com

Amicus Curiae

TABLE OF CONTENTS

<i>Tab</i>	<i>Description</i>	<i>Page No.</i>
1	Notice of Motion of the Proposed Intervenor, the Canadian Civil Liberties Association	1
2	Affidavit of Harini Sivalingham dated July 14, 2025	10
A	Exhibit “A”: Canadian Civil Liberties Association Global List of Litigation and Interventions	21
3	Draft Order	55
4	Factum	58

TAB 1

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

- and -

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

**NOTICE OF MOTION OF THE PROPOSED INTERVENOR,
THE CANADIAN CIVIL LIBERTIES ASSOCIATION**

The proposed intervenor, the Canadian Civil Liberties Association (the “CCLA”), will make a motion to a Judge of the Waterloo Region Courthouse, 85 Frederick Street, Kitchener, ON N2H 0A7, on August 15, 2025, in accordance with the Court’s Endorsement dated June 12, 2025.

PROPOSED METHOD OF HEARING: The Motion is to be heard

[X] In writing as an opposed motion under subrule 37.12.1(4);

THIS MOTION IS FOR

- a) An order that the Canadian Civil Liberties Association (“CCLA”) be granted leave to intervene in this application as a friend of the Court under Rule 13.02 of the *Rules of Civil Procedure*;

- b) An order that the CCLA be permitted to file a factum of up to 20 pages and make oral submissions on the application not exceeding 20 minutes;
- c) An order that no costs will be awarded against the CCLA relating to the application or this motion to intervene, nor shall the CCLA be awarded costs for the motion or proposed intervention;
- d) Such further and other relief as counsel may advise or this Honourable Court deem just.

THE GROUNDS FOR THE MOTION ARE

- e) The Applicant, the Regional Municipality of Waterloo (the “Region”), has brought an application seeking *inter alia*, a declaration that By-law Number 25-021, *respecting the Use of 100 Victoria Street North* (the “By-law”), is compliant with the *Canadian Charter of Rights and Freedoms* (the “Charter”).
- f) The Respondents to the Application are individuals experiencing homelessness and living in the encampment at 100 Victoria Street North (the “encampment”) represented by the Waterloo Region Community Legal Services. They take the position that the By-law violates sections 7 and 15 of the *Charter* and that such violations cannot be justified under section 1 of the *Charter*.
- g) The Court has appointed *Amicus Curiae* to represent certain encampment residents who are incapable of instructing their own counsel due to mental health or addiction barriers.

- h) The By-law at issue provides a range of designated personnel with the power to evict encampment residents as of November 30, 2025, as well as the immediate powers to (i) evict, or refuse entry to, anyone the Region deems to not to be a resident as of April 16, 2025 (including those providing supplies and services to residents) and to (ii) authorize the removal of any person who engages in broadly-defined “prohibited activities”.
- i) The By-Law and the Application raise significant issues of public importance regarding the deprivation of shelter as a violation of sections 7 and 15 of the *Charter*.
- j) The Application engages with the fundamental rights and freedoms of some of the most vulnerable and marginalized members of society. The issues raised in this Application transcend the immediate interests of the parties and the existing jurisprudence addressing deprivations of shelter under sections 7 and 15 of the *Charter*.
- k) The CCLA is a national, non-profit, non-governmental organization dedicated to the furtherance of civil liberties across Canada;
- l) The CCLA’s mandate is to defend, extend and foster the recognition of civil liberties through advocacy inside and outside of the courts in Canada;
- m) The CCLA is an experienced intervenor with a demonstrated record of expertise in civil liberties. The CCLA has been involved as an intervenor in the litigation of many important developments in the areas of the *Charter* and other constitutional rights, government accountability, and the rule of law.

- n) The CCLA is well-positioned to provide a useful and distinct perspective on the issues the parties have raised on this Application. The CCLA has participated as an intervenor in 360+ constitutional and civil liberties cases, including dozens which specifically relate to the right to life, liberty and security of person under section 7 or equality under section 15 of the *Charter*. It has made useful contributions as an intervenor in two of the most recent applications addressing state deprivations of shelter under sections 7 and 15 of the *Charter*.
- o) The CCLA offers a distinct perspective from the parties or *amicus curiae*. Unlike the parties, the CCLA's interest in this application is directed towards the general public interests at stake and the broader implications the application may have on the scope of the rights guaranteed under sections 7 and 15 of the *Charter*.
- p) If granted leave to intervene, the CCLA proposes to make submissions on three discrete jurisprudential issues raised by this application. Specifically, the CCLA seeks to address:
 - i. The scope of the section 7 protections to life, liberty and security of person in the context of deprivations of shelter, including the role that Canada's international obligations should play in defining the scope of the right;
 - ii. The role that consultation with affected individuals (or lack therefore) should play when considering proportionality or balancing of interests under sections 7 and 1 of the *Charter*; and

- iii. The standard and framework for assessing evidence and drawing inferences about the disproportionate impact on marginalized groups like women or gender-diverse individuals residing in the encampment under section 15 of the *Charter*.
- q) The CCLA's intervention will cause no prejudice. The CCLA will take the record as it finds it and will abide by all time tables, hearing dates, and directions already set by the Court. The CCLA will coordinate with the parties or other proposed intervenors to avoid duplication.
- r) The CCLA will not seek any costs in the proposed intervention and requests that no costs be ordered against it;
- s) Rules 1.04, 13.02 and 37 of the *Rules of Civil Procedure*; and
- t) Such further and other grounds as counsel may advise and this Honourable Court may permit;

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

- a) The Affidavit of Harini Sivalingam, affirmed July 14, 2025;
- b) Such further and other evidence as counsel may advise and this Honourable Court may permit.

July 15, 2025

Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. W., Suite 1200
Toronto, Ontario M5V 3B1

Kristen Allen LSO#: 62789C
Tel: (416) 969-3502
Email: kallen@upfhlaw.ca

Simone Truemner-Caron LSO# 82968M
Tel: (416) 642-4504
Email: struemnercaron@upfhlaw.ca

Lawyers for the Proposed Intervenor
The Canadian Civil Liberties Association

TO: **Paliare Roland Rosenberg Rothstein LLP**
 155 Weelington Street West, 35th Floor
 Toronto ON M5V 3H1
 Tel: (416) 646-4300

Gordon Capern LSO#: 32169H
 Tel: (416) 646-4311
 Email: gordon.capern@paliareroland.com

Andrew Lokan LSO#: 31629Q
 Tel: (416) 646-4324
 Email: andrew.lokan@paliareroland.com

Kartiga Thavaraj LSO#: 75291D
 Tel: (416) 646-6317
 Email: kartiga.thavaraj@paliareroland.com

Greta Hoaken LSO#: 87903I
 Tel: (416) 646-6357
 Email: greta.hoaken@paliareroland.com

Lawyers for the Applicant,
 The Regional Municipality of Waterloo

AND TO: **Waterloo Region Community Legal Services**
 450 Frederick Street, Unit 101
 Kitchener ON N2H 2P5

Ashley Schuitema LSO#: 68257G
 Tel: (519) 743-0254 ext. 17
 Email: ashley.schuitema@wrcls.clcj.ca

Joanna Mullen LSO#: 64535V
 Tel: (519) 743-0254 ext. 15
 Email: joanna.mullen@wrcls.clcj.ca

Shannon K. Down LSO#: 43894D
 Email: shannonkdown@gmail.com

Lawyers for the Respondents

AND TO: **Swadron Associates**
 115 Berkeley Street
 Toronto ON M5A 2W8

Jen Danch LSO#: 74520I
 Tel: (416) 362-1234

Email: jdanch@swadron.com

Karen A. Steward LSO#: 58758O
Barrister & Solicitor
Tel: (416) 270-0929
Email: karenannesteward@yahoo.ca

Perez, Procope, Leinveer LLP
55 University Avenue, Suite 1100
Toronto ON M5J 2H7

Mercedes Perez LSO#: 48381L
Tel: (416) 320-1914
Email: mperez@pbplawyers.com

Amicus Curiae

*THE REGIONAL MUNICIPALITY OF
WATERLOO*
Applicant

and

*PERSONS UNKNOWN AND TO BE
ASCERTAINED*
Respondents

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Waterloo Region

**NOTICE OF MOTION OF THE PROPOSED
INTERVENOR
THE CANADIAN CIVIL LIBERTIES
ASSOCIATION**

Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. W., Suite 1200
Toronto, Ontario M5V 3B1

Kristen Allen LSO#: 62789C
Tel: (416) 969-3502
Email: kallen@upfhlaw.ca

Simone Truemner-Caron LSO# 82968M
Tel: (416) 642-4504
Email: struemnercaron@upfhlaw.ca

Lawyers for the Proposed Intervenor
The Canadian Civil Liberties Association

TAB 2

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

- and –

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

AFFIDAVIT OF HARINI SIVALINGAM

I, HARINI SIVALINGAM, of the City of Toronto, in the Province of Ontario, **MAKE OATH
AND SAY:**

1. I am the Director, Equality Program, of the Canadian Civil Liberties Association (the “CCLA”), and as such have knowledge of the matters to which I depose in this Affidavit, or, where I refer to information I have received from others, 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 violations across Canada, strategizing on litigation interventions, public outreach, and education, and engagement with policymakers on issues concerning equality.

3. The CCLA seeks leave to intervene in the application brought by the Regional Municipality of Waterloo (the “Region”) seeking, *inter alia*, a declaration that By-law Number 25-021, *respecting the Use of 100 Victoria Street North* (the “By-law”), is compliant with the *Charter of Rights and Freedoms*, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.) 1982 c. 11 (the “*Charter*”).
4. I have reviewed the Application, as well as the Notice of Constitutional Question filed by the Region. As described further below, I believe the CCLA would contribute unique expertise and perspectives to the issues raised in the herein Application, and therefore its intervention would be of assistance to this Honourable Court.

A. *The CCLA*

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

7. Our 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.
8. As set out in further detail below, the CCLA has repeatedly engaged in the defence of fundamental rights and freedoms in hundreds of Canadian legal proceedings. The CCLA is a well-regarded advocate of the recognition and enforcement of the fundamental human rights and liberties of marginalized individuals and group. Relevant specifically to this Application, the CCLA is an important contributor to the discourse on the fundamental freedoms codified in sections 7 and 15 of the *Charter*.

B. The CCLA's Knowledge and Expertise Regarding Civil Liberties

9. The CCLA has been involved in the litigation of many important developments in the areas of the *Charter* and other constitutional rights, government accountability, and the rule of law. The CCLA has frequently been granted intervener status before courts and tribunals across Canada to present oral and written argument on a variety of constitutional issues. A list of the 360+ cases in which the CCLA has been granted intervener status or party status is attached as **Exhibit "A"** to this affidavit.
10. The CCLA's valuable 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](#), the court commended the balanced assistance provided by the CCLA in a case dealing with reconciling competing public interests. Brown J. [as he then was], at para 22 of his reasons, stated: “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 Likewise, in *Tadros v. Peel Regional Police Service*, [2008 ONCA 775](#), former Ontario Associate Chief Justice O’Connor commented at paragraph 3 that the CCLA “has substantial experience in promoting and defending the civil liberties of Canadians”.

11. The CCLA possesses a distinct awareness and understanding of many aspects of civil liberties, having argued for and defended the rights and freedoms guaranteed under the *Charter* in Court on many occasions.
12. More specifically, the CCLA has a long track record of contributing to the jurisprudence on section 7 of the *Charter*, including by intervening in cases before courts at all 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*;
- 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 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 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;
 - o. *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*;
 - 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.
- 13. The CCLA has also participated as a party in pivotal cases dealing with section 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 (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*; 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.
- 14. Specifically addressing section 7 and 15 rights in the context of the deprivation of shelter, CCLA intervened in *Kingston v. Doe*, 2023 ONSC 6662. Justice Carter made multiple references to CCLA's submissions in the reasons, which supports that CCLA's

intervention was of assistance to the Court. CCLA also intervened in the following cases that address the *Charter* and deprivations of shelter and/or encampment issues:

- a. *Wright v Yukon (Government of)*, 2024 YKSC 41, which considered the constitutionality of r [s. 3\(2\)](#) of the [Safer Communities and Neighbourhoods Act](#), SY 2006, which grant the power to evict for community safety on short notice, under sections 7 and 15 of the *Charter*;
- b. *Batty v. City of Toronto*, 2011 ONSC 6862, which considered the constitutionality of an encampment set up in a municipal park as part of a protest movement; and
- c. *Sanctuary et al. v. Toronto (City) et al.*, 2020 ONSC 6207, which related to the constitutionality of the conduct of the City of Toronto regarding the operation of its shelters during the COVID-19 pandemic.

C. The CCLA's Interest in the Issues Arising in this Appeal

- 15. The CCLA is interested in the present appeal because of its significance to the development of section 7 jurisprudence, specifically with respect to the deprivation of the shelter as a violation of the fundamental human right to life, liberty, and security of the person, which is protected both by the *Charter* and by multiple international conventions of which Canada is a state party.
- 16. The CCLA also has an interest in jurisprudence that considers the scope of the section 15 equality right for marginalized groups in relation to access to government programs and services (such as shelter services).

D. Overview of the CCLA's Proposed Submissions

- 17. A detailed outline of the CCLAs proposed submissions can be found at paragraphs 25 to 34 of its factum.

18. To provide an overview, if granted leave to intervene, the CCLA proposes to make submissions on the broader jurisprudential issues raised by this application. Specifically, the CCLA seeks to address:
- a) The scope of the section 7 protections to life, liberty and security of person in the context of deprivations of shelter, including the role that Canada's international obligations that have been implemented into domestic law through the National Housing Strategy Act, should play in defining the scope of the right;
 - b) The role that consultation with affected individuals (or lack therefore) should play when considering proportionality or balancing of interests and the deprivations of shelter under sections 7 and 1 of the *Charter*;
 - c) The standard and framework for assessing evidence and drawing inferences about the disproportionate impact on marginalized groups like women residing in the encampment under section 15 of the *Charter*.
19. Related to these issues, if granted leave to intervene and the issue is raised by the parties, the CCLA can also offer a useful perspective on the issue of positive and negative obligations in the context of the fundamental right to shelter under the *Charter* and at international law. The CCLA intervened in a number of recent cases addressing the issue of positive and negative rights under the *Charter*, including:
- a. *City of Toronto v. Attorney General of Ontario*, [2021 SCC 34](#) a freedom of expression case that addresses and applies *Baier*; *Société des casinos du Québec inc., et al. v. Association des cadres de la Société des casinos du Québec, et al.*⁴ reserved in April 2023, a freedom of association case in the labour context

- b. *Bowman v. Ontario*, [2022 ONCA 477](#), a section 7 class action centered on a basic income program in Ontario;
- c. *Toussaint v. Canada (Attorney General)*, [2023 ONCA 117](#), a section 7 and 15 case dealing with access to healthcare for people in Canada with precarious immigration status; and
- d. *Mathur v. Ontario*, [2024 ONCA 762](#), addressing the sections 7 and 15 constitutionality of the greenhouse gas emission reduction target and plan enacted by the Ontario government (“Ontario”) under climate change legislation.

E. Assistance to be Provided by the CCLA

20. I believe that the CCLA’s submissions in this Application will be helpful to the Court and will provide a perspective unique from that of the parties. The CCLA’s submissions will be distinctively grounded in the CCLA’s mandate to promote and protect fundamental rights and liberties. Unlike the parties, the CCLA’s interest in this application is directed towards the general public interest at stake and the broader implications of the scope of the rights guaranteed under sections 7 and 15 of the *Charter*. The CCLA has a broad supporter base that come from all walks of life, across all Canadian provinces.
21. The CCLA is well-positioned to provide a useful intervention given its extensive experience in addressing issues similar to those raised by this Application. The CCLA has decades of experience assisting the courts with the development of section 7 and 15 rights and with respect to the interpretation of the *Charter* as a whole.
22. The CCLA’s proposed intervention does not raise any concerns that have traditionally led this Court to refuse intervention. The CCLA does not intend to expand the issues or evidence in this Application beyond those raised by the existing parties. The CCLA understands that the role of an intervenor is to offer distinct perspective on the issues raised by the party and make its submissions with this obligation in mind. The CCLA will not file

any additional evidence or add to the Application record and will not delay or lengthen the hearing of the Application.

23. If granted leave to intervene, the CCLA will comply with any deadlines set by this Court, including with respect to the filing of its written submissions. Counsel for the CCLA will also consult with any other interveners who may be granted leave to intervene in order to avoid duplication of the anticipated written and oral arguments.
24. The CCLA therefore respectfully requests that it be granted leave to intervene in this Application, with the right to file a factum of up to 20 pages and to present oral arguments of up to 20 minutes, or such time as the Court deems appropriate.
25. The CCLA seeks no costs in the proposed intervention or application and asks that no costs be awarded against it.

SWORN remotely by Harini Sivalingam of the City of Toronto, in the Province of Ontario, the 11th day of July 2025, in accordance with O'Reg 431/20, Administering Oath and Declaration Remotely.



Harini Sivalingam



A Commissioner for taking Affidavits (or as may be)

Kristen Allen LSO#: 62789C

This is Exhibit "A" referred to in
The Affidavit of Harini Sivalingam
Sworn this 14th day of July, 2025



A Commissioner for Taking Affidavits, etc.
Kristen Allen LSO#: 62789C

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);
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. *Whatcott 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 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 Coté*, 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;

CCLA Interventions – Hearing or Decision Pending

331. *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);
332. *UR Pride v Government of Saskatchewan, et al.* (SKCA File No. CACV 4329), 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* (the CCLA intervened before the Court of Kings Bench);
333. *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*;
334. *R v Kloubakov* (SCC File No. 41017), 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. I.M.* (SCC File No. 40868), on the legal standard and test to sentence a young offender as an adult under s. 72 of the *Youth Criminal Justice Act*;
336. *R. v. Wilson* (SCC File No. 40990), 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*;
337. *R. v. Senneville* (SCC File No. 40882), on the legal test the assess the gross disproportionality of a mandatory minimum sentence under s. 12 of the *Charter*;
338. *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;
339. *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;
340. *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;
341. *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;
342. *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;

343. *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*;
344. *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;
345. *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;
346. *Kirby v Wood* (ONCA File No. COA-25-CV-0516), 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;
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;

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

350. *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;
351. *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*;
352. *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;
353. *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*;

354. *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;
355. *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);
356. *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;
357. *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);
358. *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);
359. *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;
360. *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 pending);
361. *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);
362. *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;

363. *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);
364. *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);
365. *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;
366. *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);
367. *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)
368. *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);
369. *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;
370. *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;
371. *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);

372. *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.
373. *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.

*THE REGIONAL MUNICIPALITY OF
WATERLOO*
Applicant

and

*PERSONS UNKNOWN AND TO BE
ASCERTAINED*
Respondents

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Waterloo Region

**AFFIDAVIT OF HARINI SIVALINGAM
JULY 14 2025**

Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. W., Suite 1200
Toronto, Ontario M5V 3B1

Kristen Allen LSO#: 62789C
Tel: (416) 969-3502
Email: kallen@upfhlaw.ca

Simone Truemner-Caron LSO# 82968M
Tel: (416) 642-4504
Email: struemnercaron@upfhlaw.ca

Lawyers for the Proposed Intervenor
The Canadian Civil Liberties Association

TAB 3

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONORABLE), THE
)	
JUSTICE)	DAY OF, 2025

B E T W E E N :

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

- and -

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

ORDER

THIS MOTION, made by the Proposed Intervenor, the Canadian Civil Liberties Association (“CCLA”), for an order granting CCLA leave to intervene in the herein application, was heard in writing by the Court on August 15, 2025.

ON READING the Notice of Motion, Affidavit of Harini Sivalingham and Factum of the CCLA and the materials of the responding parties,

1. THIS COURT ORDERS that the CCLA is granted leave to intervene in this application as a friend of the Court;
2. THIS COURT ORDERS that the CCLA may file a factum of up to 20 pages and make oral submissions on the application not to exceed 20 minutes;

3. THIS COURT ORDERS that the CCLA shall not be awarded, nor shall it be made subject to, any order for costs in the application or related to the intervention; and
4. THIS COURT ORDERS that there shall be no costs for this motion.

(Signature of judge, officer or registrar)

*THE REGIONAL MUNICIPALITY OF
WATERLOO*
Applicant

and

*PERSONS UNKNOWN AND TO BE
ASCERTAINED*
Respondents

Court File No.: CV-25-00000750-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Waterloo Region

ORDER

Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. W., Suite 1200
Toronto, Ontario M5V 3B1

Kristen Allen LSO#: 62789C
Tel: (416) 969-3502
Email: kallen@upfhlaw.ca

Simone Truemner-Caron LSO# 82968M
Tel: (416) 642-4504
Email: struemnercaron@upfhlaw.ca

Lawyers for the Proposed Intervenor
The Canadian Civil Liberties Association

TAB 4

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

- and –

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

**FACTUM OF THE PROPOSED INTERVENOR
THE CANADIAN CIVIL LIBERTIES ASSOCIATION**

July 15, 2025

Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. W., Suite 1200
Toronto, Ontario M5V 3B1

Kristen Allen LSO#: 62789C
Tel: (416) 969-3502
Email: kallen@upfhlaw.ca

Simone Truemner-Caron LSO# 82968M
Tel: (416) 642-4504
Email: struemnercaron@upfhlaw.ca

Lawyers for the Proposed Intervenor
The Canadian Civil Liberties Association

TO: **Paliare Roland Rosenberg Rothstein LLP**
 155 Weelington Street West, 35th Floor
 Toronto ON M5V 3H1
 Tel: (416) 646-4300

Gordon Capern LSO#: 32169H
 Tel: (416) 646-4311
 Email: gordon.capern@paliareroland.com

Andrew Lokan LSO#: 31629Q
 Tel: (416) 646-4324
 Email: andrew.lokan@paliareroland.com

Kartiga Thavaraj LSO#: 75291D
 Tel: (416) 646-6317
 Email: kartiga.thavaraj@paliareroland.com

Greta Hoaken LSO#: 87903I
 Tel: (416) 646-6357
 Email: greta.hoaken@paliareroland.com

Lawyers for the Applicant,
 The Regional Municipality of Waterloo

AND TO: **Waterloo Region Community Legal Services**
 450 Frederick Street, Unit 101
 Kitchener ON N2H 2P5

Ashley Schuitema LSO#: 68257G
 Tel: (519) 743-0254 ext. 17
 Email: ashley.schuitema@wrcls.clcj.ca

Joanna Mullen LSO#: 64535V
 Tel: (519) 743-0254 ext. 15
 Email: joanna.mullen@wrcls.clcj.ca

Shannon K. Down LSO#: 43894D
 Email: shannonkdown@gmail.com

Lawyers for the Respondents

AND TO: **Swadron Associates**
115 Berkeley Street
Toronto ON M5A 2W8

Jen Danch LSO#:745201
Tel: (416) 362-1234
Email: jdanch@swadron.com

Karen A. Steward LSO#: 587580
Barrister & Solicitor
Tel: (416) 270-0929
Email: karenannesteward@yahoo.ca

Perez, Procope, Leinveer LLP
55 University Avenue, Suite 1100
Toronto ON M5J 2H7

Mercedes Perez LSO#: 48381L
Tel: (416) 320-1914
Email: mperez@pbplawyers.com

Amicus Curiae

TABLE OF CONTENTS

PART I – INTRODUCTION	1
PART II – FACTS	2
PART III – STATEMENT OF ISSUES AND LAW	3
The Test for Leave to Intervene	3
The CCLA Has Special Expertise and an Interest in the Issues Raised	4
The CCLA Offers a Distinct Perspective from the Parties	6
The CCLA Will Make a Useful Contribution	7
The CCLA’s Intervention Will Not Cause Prejudice	11
PART IV – ORDERS REQUESTED	12
SCHEDULE “A”	i
Jurisprudence	i
International Sources	ii
SCHEDULE “B”	iii

PART I – INTRODUCTION

1. The CCLA brings this motion for leave to intervene as a friend of the Court in an application brought by the Regional Municipality of Waterloo (the “Region”) seeking, *inter alia*, a declaration that By-law Number 25-021, *respecting the Use of 100 Victoria Street North* (the “By-law”), is compliant with the *Canadian Charter of Rights and Freedoms* (the “Charter”).

2. The By-law at issue provides a range of designated personnel with the power to evict encampment residents as of November 30, 2025, as well as the immediate powers to (i) evict, or refuse entry to, anyone the Region deems to not to be a resident as of April 16, 2025 (including those providing supplies and services to residents) and to (ii) authorize the removal of any person who engages in broadly-defined “prohibited activities”.

3. This Application raises significant issues of public importance regarding the deprivation of shelter as a violation of sections 7 and 15 of the *Charter*. The need for shelter is fundamental to survival and engages the inherent dignity and autonomy of all people. The issues raised in this application transcend the immediate interests of the parties, engage with the fundamental rights and freedoms of the most vulnerable and marginalized members of the community, and require the existing *Charter* jurisprudence to be applied in a novel legal context.

4. The CCLA is well-positioned to provide a useful and distinct perspective on the issues that the parties have raised. The CCLA has recognized expertise in the fundamental freedoms protected by the *Charter*. Over the last five decades, it has intervened in 360+ legal proceedings raising *Charter* issues across all levels of court in Canada. It has specifically intervened in dozens of cases

addressing the scope of section 7 and 15 rights, including in two recent cases addressing state deprivations of shelter affecting marginalized groups.¹

5. If granted leave to intervene, the CCLA proposes to make submissions on three discrete jurisprudential issues:

- a) The scope of the section 7 protections to life, liberty and security of person in the context of deprivations of shelter, including the role that Canada's international obligations should play in defining the scope of the right;
- b) The role that consultation with affected individuals (or lack therefore) should play when considering proportionality or balancing of interests and the deprivations of shelter under sections 7 and 1 of the *Charter*;
- c) The standard and framework for assessing evidence and drawing inferences about the disproportionate impact on marginalized groups like women or gender diverse people residing in the encampment under section 15 of the *Charter*.

6. Granting CCLA's intervention will cause no prejudice to the parties. The CCLA has a long track record of offering a distinct perspective as an intervenor, without raising new issues or supplementing the record. If granted leave to intervene, the CCLA will not seek to delay the hearing and will abide by all deadlines or limitations set by the Court.

PART II – FACTS

7. The CCLA will take the record as it is and will not seek to supplement the facts.

¹ *Kingston v Doe*, 2023 ONSC 6662 [[Kingston](#)]; *Wright v Yukon (Government of)*, 2024 YKSC 41 [[Wright](#)].

PART III – STATEMENT OF ISSUES AND LAW

8. The only issue on this motion is whether the CCLA should be granted leave to intervene as a friend of the Court under Rule 13.02 of the *Rules of Civil Procedure*.²

The Test for Leave to Intervene

9. Rule 13.02 provides the Court with discretion to grant any person leave to intervene as a friend of the court. The test for intervention under Rule 13.02 is well-established. It was set out by Dubin C.J.O for the Ontario Court of Appeal in *Peel*:

Although much has been written as to the proper matters to be considered in determining whether an application for intervention should be granted, in the end, in my opinion, the matters to be considered are the nature of the case, the issues which arise and the likelihood of the applicant being able to make a useful contribution to the resolution of the appeal without causing injustice to the immediate parties.³ [emphasis added]

10. The “nature of the case” is an important factor under the *Peel* test. Where the litigation at issue is a private dispute, the standard to be met by the proposed intervener is more stringently applied. In contrast, in constitutional litigation – including *Charter* cases – the nature of the case will weigh in favour of granting leave to intervene.⁴ In this context, the standards for intervention are more relaxed.

11. This Application concerns an issue that is wholly public, namely the use of public municipal spaces by marginalized and vulnerable groups. As stated by the Court of Appeal for

² *Rules of Civil Procedure*, RRO 1990, Reg 194 [[Rules](#)] s 13.02.

³ *Peel (Regional Municipality) v Great Atlantic & Pacific Co. of Canada Ltd*, 1990 CanLII 6886 (ONCA) [[Peel](#)] at para. 6. Although *Peel* involved an appeal, the test also applies to interventions at first instance: see *A.P. v. L.K.*, 2020 ONSC 2520 [[A.P.](#)] at [para 35](#).

⁴ *Jones v Tsige*, 2011 CanLII 99894 (ONCA) [[Jones](#)] at [para 23](#); *Kastner v Health Professions Appeal and Review Board*, 2022 ONSC 5553 [[Kastner](#)] at [para 36](#).

British Columbia in *Adams*, a 2009 encampment case, such issues concern and have implications for all Canadians:

[4] [...] The constitutional context applies the most lofty of guaranteed human rights – the rights to life, liberty and security of the person – to the needs of some of the most vulnerable members of our society for one of the most basic of human needs, shelter. Thus, though the trial judge’s decision in this case is narrow in scope, it takes on wide meaning and implications for all.⁵

12. The Court of Appeal has held that, in *Charter* cases specifically, a proposed intervenor under Rule 13.02 typically must establish at least one of the following three criteria to satisfy the useful contribution requirement:

- (a) a real, substantial and identifiable interest in the subject matter of the proceedings;
- (b) an important perspective distinct from the immediate parties; or
- (c) that it is a well-recognized group with special expertise and a broadly identifiable membership base.⁶

13. As submitted below, CCLA’s intervention in this Application meets each of these criteria.

The CCLA Has Special Expertise and an Interest in the Issues Raised

14. 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 mandate is to defend, extend and foster the recognition of civil liberties through advocacy inside and outside of the courts in Canada.⁷

⁵ *Victoria (City) v. Adams*, 2009 BCCA 563 [[Adams](#)] at [para 4](#).

⁶ *Bedford v. Canada (Attorney General)*, 2009 ONCA 669 (CanLII) [[Bedford](#)] at [para 2](#).

⁷ Affidavit of Harini Sivalingam [[Sivalingam Affidavit](#)] at para 6.

15. The CCLA is a well-known advocate for the fundamental human rights and liberties of marginalized individuals and group. The CCLA has a broad membership-base with thousands of supporters from all walks of life in communities across Canada.⁸

16. The CCLA is an experienced intervenor with a demonstrated record of expertise in civil liberties. The CCLA has been involved in the litigation of many important developments in the areas of the *Charter* and other constitutional rights, government accountability, and the rule of law. Over the last five decades, the CCLA has intervened or acted as a party in 360+ cases raising constitutional rights or fundamental freedoms at all levels of court.⁹

17. The CCLA's valuable contributions as an intervenor defending and promoting civil liberties have been recognized by the courts on numerous occasions. For example, in *Batty*, the court commended the balanced assistance provided by the CCLA in a case dealing with reconciling competing public interests. Brown J. [as he then was] stated: "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."¹⁰ Likewise, in *Tadros*, former Ontario Associate Chief Justice O'Connor commented that the CCLA "has substantial experience in promoting and defending the civil liberties of Canadians".¹¹

18. Relevant specifically to this Application, the CCLA has a long track record of contributing to the jurisprudence on section 7 of the *Charter* through interventions, including in landmark

⁸ Sivalingam Affidavit, *supra* note 7 at para 6.

⁹ Sivalingam Affidavit, *supra* note 7 at para 9.

¹⁰ *Batty v. City of Toronto*, 2011 ONSC 6862 [*Batty*] at para 22.

¹¹ *Tadros v. Peel Regional Police Service*, 2008 ONCA 775 [*Tadros*] at para 3.

Supreme Court of Canada cases.¹² A more encompassing list of recent and significant section 7 cases in which the CCLA has intervened is found in Ms. Sivalingam's Affidavit.¹³

19. Recently, the CCLA intervened in *Kingston*,¹⁴ which specifically addressed the deprivation of shelter through encampment evictions and section 7 and 15 of the *Charter*. Justice Carter made multiple references to CCLA's submissions in his reasons, suggesting that CCLA's intervention was of assistance to the Court. CCLA also intervened in *Wright*,¹⁵ a recent case that considered sections 7 and 15 of the *Charter* in the context of a legislative power to evict for community safety on short notice.¹⁶

20. The CCLA has also made helpful contributions as an intervenor on many cases addressing equality rights and section 15 of the *Charter*. Exhibit A to Ms. Sivalingam's Affidavit lists many cases in which CCLA intervened which addressed section 15 of the *Charter*, including *Carter*,¹⁷ *Trinity Western*,¹⁸ and *Sharma*.¹⁹

The CCLA Offers a Distinct Perspective from the Parties

21. The CCLA possesses a specialized and distinct understanding of many aspects of civil liberties, having argued for and defended the rights and freedoms guaranteed under the *Charter* in Court on many occasions and in many different contexts.

¹² *R v Malmo-Levine*, 2003 SCC 74 [[Malmo](#)]; *Canada (Attorney General) v PHS Community Services Society*, 2011 SCC 44 [[PHS](#)]; and *Carter v Canada (Attorney General)*, 2015 SCC 5 [[Carter](#)].

¹³ Sivalingam Affidavit, *supra* note 7 at para 12.

¹⁴ *Kingston*, *supra* note 1.

¹⁵ *Wright*, *supra* note 1.

¹⁶ The CCLA has also intervened in other cases addressing shelter or encampment rights: *Batty*, which considered the constitutionality of an encampment set up in a municipal park as part of a protest movement and *Sanctuary et al. v. Toronto (City) et al.*, 2020 ONSC 6207 [[Sanctuary](#)], which related to the constitutionality of the conduct of the City of Toronto regarding the operation of its shelters during the COVID-19 pandemic.

¹⁷ *Carter*, *supra* note 12

¹⁸ *Trinity Western University v. Law Society of Upper Canada*, 2018 SCC 33 [[Trinity Western](#)].

¹⁹ *R. v. Sharma*, 2022 SCC 39 [[Sharma](#)].

22. Unlike the parties, the CCLA's interest in this application is directed towards the broader public interests at stake and the implications that this application may have on the scope of the rights guaranteed under sections 7 and 15 of the *Charter*.²⁰

23. Specifically, the CCLA has immense experience assisting Courts with grappling with how the *Charter* reconciles competing public interests in advancing civil liberties. As explained by Ms. Sivalingam, "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."²¹

24. The CCLA's perspective is distinct from that of the Respondents and *Amicus Curiae* who are exclusively representing individuals experiencing homelessness who are living in the encampment (many of whom are members of equity-seeking and/or marginalized groups). In contrast, a wide variety of persons, occupations, and interests are represented among CCLA's membership.²² The CCLA's submissions will be distinctively grounded in the CCLA's mandate to promote and protect fundamental rights and liberties from a broader public interest perspective.

The CCLA Will Make a Useful Contribution

25. The CCLA's proposed submissions would also make a useful contribution to this matter.

26. If granted leave to intervene, the CCLA proposes to make submissions on three discrete jurisprudential issues raised by this application. Specifically, the CCLA seeks to address:

²⁰ Sivalingam Affidavit, *supra* note 7 at para 20.

²¹ Sivalingam Affidavit, *supra* note 7 at para 7.

²² Sivalingam Affidavit, *supra* note 7 at para 6.

- a) The scope of the section 7 protections to life, liberty and security of person in the context of deprivations of shelter, including the role that Canada's international obligations play in defining the scope of the right;
- b) The role that consultation with affected individuals (or lack therefore) should play when considering proportionality or balancing of interests under sections 7 and 1 of the *Charter*;
- c) The standard and framework for assessing evidence and drawing inferences about the disproportionate impact on marginalized groups like women residing in the encampment under section 15 of the *Charter*.

27. First, the CCLA seeks to address the scope of the section 7 rights to life, liberty and security of person which the Court will apply in this application.

28. If granted leave to intervene, the CCLA would submit that the inherent dignity and autonomy of unhoused individuals must be central to the section 7 analysis. The full recognition of the inherent dignity of unhoused individuals requires respecting the individual's autonomy and agency relating to their sheltering needs.²³

29. More specifically, with reference to the existing jurisprudence, the CCLA would argue that whether a shelter space is truly "adequate" or "safe" must be considered from the perspective of those living in the encampment, which requires engaging with their personal history and

²³ This approach builds on *The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained*, 2023 ONSC 670 [[Waterloo](#)], where Valente J. explicitly rejected the argument that it was sufficient to show there was capacity in the shelter system to accommodate the residents of the encampment in question. He pointed to the "fluctuating and variable capacity of the system based on the Region's own numbers" ([at para 94](#)). Further, he found that shelter spaces cannot be considered "low barrier" nor can they be considered "accessible to the individuals they are meant to serve" if the spaces are impractical ([at para 93](#)). "Impractical" spaces include those which (i) do not accommodate couples, (ii) are unable to provide required services, (iii) impose rules that cannot be followed due to addictions, or (iv) cannot accommodate mental or physical disability ([at para 93](#)).

membership in a marginalized or equity-seeking group. The analysis must address whether certain encampment residents may not use overnight shelters due to historical, intergenerational, or personal trauma, disability, gender, or other factors unique to their lived experiences or identifies as members of marginalized groups. This requires consideration of the intersection of multiple identities or characteristics relating to equity-seeking groups that may affect whether a particular space truly is safe, adequate and accessible for a particular person.²⁴

30. Related to these arguments on the scope of section 7, the CCLA would address the role that Canada's international obligations should play in considering state deprivations of shelter. International human rights standards can assist in delineating the breadth and content of *Charter* rights.²⁵ Canada is party to both binding and non-binding international instruments that recognize the right to shelter as a fundamental right inherent to security and dignity,²⁶ including Article 11.1 of the *International Covenant on Economic, Social and Cultural Rights* (the "Covenant").²⁷ The Office of the High Commissioner for Human Rights (the "OHCHR") has stated that the human right to adequate housing, derived from the right to an adequate standard of living, "is of central

²⁴ Further, the CCLA would submit that the section 7 analysis must consider the impact of the impugned By-law on all aspects of shelter connected to security and dignity, including (i) safety and privacy during sleep and rest, but also (ii) access to stability and community (iii) the ability to safely store belongings (including survival items) and (iv) the psychological impacts of the uncertainty and transience of temporary shelter alternatives.

²⁵ See *Quebec (Attorney General) v 9147-0732*, 2020 SCC 32 [[Quebec](#)] at [paras 31-34, 36](#). There is also a presumption of conformity with binding international instruments when interpreting the *Charter*.

²⁶ *Universal Declaration of Human Rights*, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No. 13, UN Doc A/810 (1948) 71 [[UDHR](#)] arts 1 and 25(1), which provide that "[a]ll human beings are born free and equal in dignity and rights", guarantees the "right to a standard of living adequate for ... health and well-being", including housing. See also the *International Convention on the Elimination of All Forms of Racial Discrimination*, Can.T.S. 1970, No. 28 [[ICERD](#)] art 5(e)(iii), *Convention on the Elimination of All Forms of Discrimination against Women*, Can.T.S. 1982 No. 31 [[CEDAW](#)] art 14 (2), *Convention on the Rights of the Child*, Can. T.S. 1992 No. 3 [[CRC](#)] art 27(3), *Declaration on Social Progress and Development*, 11 December 1969, General Assembly resolution 2542 (XXIV) [[DSDP](#)] art 10, *Vancouver Declaration on Human Settlements* section III art 8, 1976 (*Report of Habitat: United Nations Conference on Human Settlements* (United Nations publication, Sales No. E.76.IV.7 and corrigendum, chap. I) [[VDHS](#)], *Declaration on the Right to Development*, GA Res 41/128 [[DRD](#)] art 8(1), and *ILO Recommendation Concerning Workers' Housing*, 1961 (No. 115) [[RCWH](#)].

²⁷ *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 U.N.T.S. 3, Can. T.S. 1976 No. 46, 6 I.L.M. 360 [[ICESCR](#)] art 11.1.

importance for the enjoyment of all economic, social and cultural rights” and that forced evictions are “*prima facie* incompatible with the requirements of the Covenant.”²⁸

31. Some of these international obligations have been implemented into domestic law through Canada’s 2019 *National Housing Strategy Act* (the “*Act*”)²⁹, which commits to the progressive realization of the right to adequate housing as recognized in the Covenant.³⁰

32. These international commitments, and how they have been incorporated domestically and interpreted by international bodies, are important considerations in how this Court should interpret the scope of section 7 in the context of this case.³¹ International instruments on the rights and vulnerabilities of unhoused individuals can, for example, illuminate the harms to dignity, autonomy and well-being that flow from state-enforced evictions of encampment residents.

33. Secondly, drawing on the broader *Charter* jurisprudence, the CCLA will submit that Courts must rigorously scrutinize government claims of consultation where they are advanced to justify a *Charter* infringement under sections 7 and 1. The jurisprudence addressing other *Charter* rights cautions that *pro forma* consultation about an impugned law should not be treated as a ‘pass’ to justify a *Charter* infringement.³² Consultation should not have the effect of curing a law that is overbroad or grossly disproportionate. The focus of these principles of fundamental justice is on the impact of the impugned law on the right-seeker.

²⁸ [CESCR General Comment No 4](#) at para 18.

²⁹ *National Housing Strategy Act*, S.C. 2019, c. 29, s. 313 23 [[Act](#)].

³⁰ *National Housing Strategy Act*, S.C. 2019, c. 29, s. 313 23 [[Act](#)] s 4.

³¹ There is a presumption of conformity with binding international instruments when interpreting the *Charter*. See [Quebec](#) at [paras 31-34](#).

³² See *Ontario English Catholic Teachers Association v. Ontario (Attorney General)*, 2024 ONCA 101 [[OECTA](#)] at [paras 120-123](#), where the Court of Appeal distinguished between “meaningful” consultation and *pro forma* type consultations Ontario provided in relation to wage restraint legislation that was found to violate section 2(d) of the *Charter*. See also *British Columbia Teachers’ Federation v. British Columbia*, 2015 BCCA 184 [[BCTF](#)] at [para 291](#).

34. The By-law at issue in this case has been enacted after this Court's ruling in *Waterloo*, which held that prohibiting encampment residents from erecting temporary shelter on this site was unconstitutional.³³ The CCLA will submit that a failure to meaningfully consult with those living in the encampment and other community stakeholders is a relevant factor to the proportionality analyses under ss. 7 and 1. The jurisprudence supports that meaningful consultation in this context requires a collaborative process that respects the autonomy and self-determination of encampment residents, which are core components of human dignity. This is especially the case when alternative sheltering arrangements are at issue.

35. Finally, relating to section 15 of the *Charter*, the CCLA would make brief submissions on the standard and framework for assessing evidence and drawing inferences about the disproportionate impact of the impugned By-law on marginalized groups like women and gender diverse people residing in the encampment. The CCLA would submit that *Sharma*³⁴ must not be interpreted or applied in a manner that elevates the burden on right-seekers just because their equality claim is anchored in the disproportionate impact of a state action or inaction.

The CCLA's Intervention Will Not Cause Prejudice

36. The CCLA's intervention will not cause prejudice to the parties. There is no basis to conclude that CCLA's intervention would delay or lengthen this Application. If granted leave to intervene, the CCLA will not raise new issues or supplement the record. It will abide by any timetable already set. The CCLA will also work proactively and cooperatively with the other parties and / or intervenors to avoid duplication of submissions.

³³ *Waterloo*, *supra* note 23.

³⁴ *Sharma*, *supra* note 19.

37. The CCLA appreciates the need for intervenors to be of assistance to the Court and to not unfairly burden the immediate parties with their participation. The CCLA will not seek costs and asks that no costs be awarded against it.

PART IV – ORDERS REQUESTED

38. The CCLA seeks an order(s) that it:

- a) be granted leave to intervene in this application as a friend of the Court under Rule 13.02 of the *Rules of Civil Procedure*;
- b) is permitted to file a factum of up to 20 pages and make oral submissions on the application not exceeding 20 minutes; and
- c) that no costs will be awarded against the CCLA, and the CCLA shall seek no costs, relating to the application or this motion to intervene.

ALL OF WHICH IS RESPECTFULLY SUBMITTED



Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. W., Suite 1200
Toronto, Ontario M5V 3B1

Kristen Allen LSO#: 62789C
Tel: (416) 969-3502
Email: kallen@upfhlaw.ca

Simone Truemner-Caron LSO# 82968M
Tel: (416) 642-4504
Email: struemnercaron@upfhlaw.ca

SCHEDULE “A”

AUTHORITIES

Jurisprudence

1. *Kingston v Doe*, 2023 ONSC 6662 [[Kingston](#)].
2. *Wright v Yukon (Government of)*, 2024 YKSC 41 [[Wright](#)].
3. *Peel (Regional Municipality) v Great Atlantic & Pacific Co. of Canada Ltd*, 1990 CanLII 6886 (ONCA) [[Peel](#)].
4. *A.P. v L.K.*, 2020 ONSC 2520 [[A.P.](#)].
5. *Jones v Tsigie*, 2011 CanLII 99894 (ONCA) [[Jones](#)].
6. *Kastner v Health Professions Appeal and Review Board*, 2022 ONSC 5553 [[Kastner](#)].
7. *Victoria (City) v Adams*, 2009 BCCA 563 [[Adams](#)].
8. *Bedford v Canada (Attorney General)*, 2009 ONCA 669 (CanLII) [[Bedford](#)].
9. *Batty v City of Toronto*, 2011 ONSC 6862 [[Batty](#)].
10. *Tadros v Peel Regional Police Service*, 2008 ONCA 775 [[Tadros](#)].
11. *R v Malmo-Levine*, 2003 SCC 74 [[Malmo](#)].
12. *Canada (Attorney General) v PHS Community Services Society*, 2011 SCC 44 [[PHS](#)].
13. *Carter v Canada (Attorney General)*, 2015 SCC 5 [[Carter](#)].
14. *Sanctuary et al. v Toronto (City) et al.*, 2020 ONSC 6207 [[Sanctuary](#)].
15. *Trinity Western University v Law Society of Upper Canada*, 2018 SCC 33 [[Trinity Western](#)].
16. *R v Sharma*, 2022 SCC 39 [[Sharma](#)].
17. *The Regional Municipality of Waterloo v Persons Unknown and to be Ascertained*, 2023 ONSC 670 [[Waterloo](#)].
18. *Quebec (Attorney General) v 9147-0732*, 2020 SCC 32 [[Quebec](#)].
19. *Ontario English Catholic Teachers Association v Ontario (Attorney General)*, 2024 ONCA 101 [[OECTA](#)].
20. *British Columbia Teachers’ Federation v British Columbia*, 2015 BCCA 184 [[BCTF](#)].

International Sources

1. *Universal Declaration of Human Rights*, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No. 13, UN Doc A/810 (1948) 71 [[UDHR](#)]
2. *International Convention on the Elimination of All Forms of Racial Discrimination*, Can.T.S. 1970, No. 28 [[ICERD](#)].
3. *Convention on the Elimination of All Forms of Discrimination against Women*, Can.T.S. 1982 No. 31 [[CEDAW](#)].
4. *Convention on the Rights of the Child*, Can. T.S. 1992 No. 3 [[CRC](#)].
5. *Declaration on Social Progress and Development*, 11 December 1969, General Assembly resolution 2542 (XXIV) [[DSPD](#)].
6. *Vancouver Declaration on Human Settlements* section III art 8, 1976 (*Report of Habitat: United Nations Conference on Human Settlements* (United Nations publication, Sales No. E.76.I V7 and corrigendum, chap. I) [[VDHS](#)].
7. *Declaration on the Right to Development*, GA Res 41/128 [[DRD](#)].
8. *ILO Recommendation Concerning Workers' Housing*, 1961 (No. 115) [[RCWH](#)].
9. *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 U.N.T.S. 3, Can. T.S. 1976 No. 46, 6 I.L.M. 360 [[ICESCR](#)].
10. *CESCR, General Comment No. 4 (1991) on the Right to Adequate Housing*, E/1992/23 [[CESCR General Comment No 4](#)].

SCHEDULE “B”

Legislation

1. [*Rules of Civil Procedure, RRO 1990, Reg 194*](#), Rule 13.02

Leave to Intervene as Friend of the Court

13.02 Any person may, with leave of a judge or at the invitation of the presiding judge or associate judge, and without becoming a party to the proceeding, intervene as a friend of the court for the purpose of rendering assistance to the court by way of argument. R.R.O. 1990, Reg. 194, r. 13.02; O. Reg. 186/10, s. 1; O. Reg. 711/20, s. 7; O. Reg. 383/21, s. 15.

2. [*National Housing Strategy Act, S.C. 2019, c. 29, s. 313 2, s. 4*](#)

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.

*THE REGIONAL MUNICIPALITY OF
WATERLOO*
Applicant

and

*PERSONS UNKNOWN AND TO BE
ASCERTAINED*
Respondents

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Waterloo Region

**FACTUM OF THE PROPOSED INTERVENOR
THE CANADIAN CIVIL LIBERTIES
ASSOCIATION**

Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. W., Suite 1200
Toronto, Ontario M5V 3B1

Kristen Allen LSO#: 62789C
Tel: (416) 969-3502
Email: kallen@upfhlaw.ca

Simone Truemner-Caron LSO# 82968M
Tel: (416) 642-4504
Email: struemnercaron@upfhlaw.ca

Lawyers for the Proposed Intervenor
The Canadian Civil Liberties Association

*THE REGIONAL MUNICIPALITY OF
WATERLOO*
Applicant

and

*PERSONS UNKNOWN AND TO BE
ASCERTAINED*
Respondent

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Waterloo Region

**MOTION RECORD OF THE PROPOSED
INTERVENOR
THE CANADIAN CIVIL LIBERTIES
ASSOCIATION**

Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. W., Suite 1200
Toronto, Ontario M5V 3B1

Kristen Allen LSO#: 62789C
Tel: (416) 969-3502
Email: kallen@upfhlaw.ca

Simone Truemner-Caron LSO# 82968M
Tel: (416) 642-4504
Email: struemnercaron@upfhlaw.ca

Lawyers for the Proposed Intervenor
The Canadian Civil Liberties Association