

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
  
ASSOCIATE CHIEF JUSTICE  
MARROCCO

) Tuesday, THE  
)  
) 6<sup>th</sup> DAY OF February, 2018  
)

BETWEEN:

THE CORPORATIONS OF THE CANADIAN CIVIL  
LIBERTIES ASSOCIATION

Applicant

and

HER MAJESTY THE QUEEN AS REPRESENTED BY  
THE ATTORNEY GENERAL OF CANADA

Respondent



**ORDER**

THIS APPLICATION, made by the Canadian Civil Liberties Association, for a declaration that ss. 31 to 37 of the *Corrections and Conditional Release Act*, S.C. 1992, c. 20 (the "Act"), violate ss. 7, 11(h) and 12 of the *Charter of Rights and Freedoms*, was heard on September 11, 13, 14 and 15, 2017.

ON READING the Notice of Application, the Application Records of the Parties, the Facta of the Parties, the Briefs of Authorities of the Parties, the Transcript Brief of the Applicant, the Exhibit Brief of the Applicant, the Brief of Respondent Productions on Refusals, the Compendia of the Parties, and on hearing the submission of counsel:

1. THIS COURT DECLARES that ss. 31 to 37 of the Act contravene s. 7 of the *Charter* and these provisions are not saved by s. 1 of the *Charter*.
2. THIS COURT ORDERS that ss. 31 to 37 of the Act are of no force or effect.

3. THIS COURT ORDERS that the declaration of invalidity set out in paragraph 2, above, is suspended for 12 months from December 18, 2017.
4. THIS COURT ORDERS that the Applicant is not entitled to a remedy under s. 24(1) of the *Charter*.
5. THIS COURT ORDERS that the Application for a declaration that ss. 31 to 37 of the Act contravene s. 11(h) of the *Charter* is dismissed.
6. THIS COURT ORDERS that the Application for a declaration that ss. 31 to 37 of the Act contravene s. 12 of the *Charter* is dismissed.
7. THIS COURT ORDERS that the Application for a declaration that the administration of ss. 31 to 37 of the Act contravene ss. 7, 11(h), and 12 of the *Charter* is dismissed.
8. THIS COURT ORDERS that there will be no costs of the Application.

  
(Signature of Judge)

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

FEB 08 2018

PER / PAR:



The Corporations of the Canadian Civil  
Liberties Association et al  
Applicant

Her Majesty the Queen as Represented by  
the Attorney General of Canada  
Respondent

Court File No.: CV-15-520661

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at TORONTO

**ORDER**

LAX O'SULLIVAN LISUS GOTTLIEB LLP  
Suite 2750, 145 King Street West  
Toronto ON M5H 1J8

Jonathan C. Lius LSUC#: 32952H  
Tel: (416) 598-7873

jlius@counsel-toronto.com

Larissa C. Moscu LSUC#: 62928W

Tel: (416) 360-3018

lmoscu@counsel-toronto.com

Fahad Siddiqui LSUC#: 67001A

Tel: 416 645 3786

fsiddiqui@counsel-toronto.com

MCCARTHY TETRAULT LLP  
Suite 5300, 66 Wellington Street West  
Toronto, ON M5K 1E6

H. Michael Rosenberg LSUC#: 58140U

Tel: (416) 601-7831

mrosenberg@mccarthy.ca

Charlotte-Anne Malischewski LSUC#: 69687F

Tel: (416) 601-8420

cmalischewski@mccarthy.ca

Lawyers for the Applicant,  
The Canadian Civil Liberties Association