

CANADA  
PROVINCE DE QUÉBEC  
DISTRICT DE MONTRÉAL

N°. 500-17-129903-244

COUR SUPÉRIEURE  
(Chambre civile)

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**MCGILL UNIVERSITY**

et

**THE ROYAL INSTITUTION FOR THE  
ADVANCEMENT OF LEARNING**

Demandereses

c.

**ASSOCIATION MCGILLIENNE DES  
PROFESSEUR. E. S DE DROIT (AMPD) /  
ASSOCIATION OF MCGILL PROFESSORS  
OF LAW (AMPL)**

et

**STUDENTS' SOCIETY OF MCGILL  
UNIVERSITY (SSMU)**

et

**PALESTINIENS ET JUIFS UNIS (PAJU)**

et

**INDEPENDENT JEWISH VOICES**

et

**JOHN DOE**

et

**JANE DOE**

Défendeurs

et

**ASSOCIATION CANADIENNE DES LIBERTÉS  
CIVILES**, un organisme à but non lucratif, dont  
le siège social est situé au 400-124 Merton  
Street à Toronto, Ontario, M4S 2Z2

Intervenante

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**ACTE D'INTERVENTION À TITRE AMICAL**  
(Article 187 C.p.c.)

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**À L'UN DES HONORABLES JUGES DE LA COUR SUPÉRIEURE, SIÉGEANT DANS ET POUR LE DISTRICT DE MONTRÉAL, L'INTERVENANTE EXPOSE CE QUI SUIT :**

**INTRODUCTION**

1. L'Association canadienne des libertés civiles (Canadian Civil Liberties Association en anglais, ci-après l'« ACLC ») demande d'intervenir à titre amical dans le cadre des présentes procédures, lesquelles soulèvent des questions d'intérêt public et de droit constitutionnel fondamentales qui dépassent largement les intérêts privés des parties au dossier.
2. Dans cette affaire, la Cour devra déterminer s'il est constitutionnellement justifiable d'émettre des ordonnances d'injonction interlocutoire et/ou permanente limitant la libre expression et la réunion pacifique sur un campus universitaire.
3. Ces questions complexes, requérant des réponses nuancées, sont au cœur des connaissances et de l'expertise dont dispose l'ACLC en matière de droits fondamentaux et de libertés civiles.
4. Tel que plus amplement détaillé ci-après, l'ACLC entend soumettre à cette Cour que le haut degré de protection constitutionnelle accordé à l'activité expressive et au droit de se réunir et de manifester pacifiquement — particulièrement dans le cadre du rôle unique joué par les universités en tant que sites où la dissidence et les débats sont encouragés — requiert des tribunaux qu'ils fassent preuve d'une grande retenue avant d'émettre quelque injonction entravant l'exercice de ces droits constitutionnels.
5. L'ACLC demande l'autorisation d'intervenir dans toutes les étapes du litige, y compris dans le cadre du débat à venir sur la demande d'injonction interlocutoire.
6. L'ACLC soumet que son intervention devrait être autorisée par la Cour considérant l'importance des questions en jeu, l'intérêt public et l'utilité de l'apport de l'ACLC au débat.
7. Dans le cadre de son intervention proposée, l'ACLC se gardera de se prononcer sur les faits du litige. L'ACLC ne prendra également pas position sur l'issue du débat que cette Cour devra trancher.

**CONTEXTE PROCÉDURAL**

8. Les demanderesses ont déposé une *Judicial Application Originating a Proceeding for the Issuance of Provisional, Interlocutory and Permanent Injunction Orders* désignant « John Doe » et « Jane Doe » comme défendeurs le 10 mai 2024 (la « Demande »).
9. Entre autres conclusions recherchées, la Demande vise à obtenir une ordonnance pour démanteler un campement localisé sur les terrains de l'Université McGill dans le

cadre d'un mouvement de protestation étudiant et pour interdire toute manifestation qui viole les politiques internes des demanderessees.

10. L'audience de la demande d'injonction provisoire a eu lieu le 13 mai 2024 devant l'honorable juge Marc St-Pierre j.c.s. Dans le cadre de ce débat, les demanderessees ont accepté de reconnaître comme défenderesses les associations qui se sont présentées en salle d'audience le matin de la présentation de l'injonction pour la contester.
11. Une avocate de l'ACLC était présente en tant qu'observatrice à l'audience et sa présence a été signalée à la Cour, tel que noté dans le procès-verbal de la Cour. Un autre avocat de l'ACLC a assisté à l'ensemble de l'audience via le lien Teams.
12. Le 15 mai 2024, l'honorable juge St-Pierre a rejeté la demande d'injonction provisoire, statuant que le critère d'urgence n'était pas rempli, notamment puisque les demanderessees ne pouvaient faire état d'aucun incident sérieux ou violent depuis le début du campement le 27 avril 2024.
13. Dans son jugement, le juge a reconnu que le critère de l'apparence de droit soulève des questions complexes quant à la confrontation entre le droit à la jouissance de la propriété et le droit constitutionnellement garanti à la liberté d'expression lorsque cette expression prend la forme d'une occupation pacifique.
14. Le juge a aussi reconnu que l'issue de cette tension pourrait être déterminante dans l'identification d'un droit clair en vertu de l'article 511 C.p.c.
15. Le juge n'a toutefois pas fait état du droit constitutionnellement garanti qu'est la liberté de réunion pacifique, lequel est pourtant tout autant central en l'espèce.
16. L'ACLC entend soumettre que la nécessité constitutionnelle de protéger la liberté d'expression *et* de réunion pacifique a des implications directes non seulement sur l'existence d'un droit clair ou d'une apparence de droit, mais également sur les critères du préjudice irréparable et de la balance des inconvénients.

### **L'intérêt et l'expertise de l'ACLC**

17. L'ACLC a été fondée en 1964 et opère en tant qu'organisme sans but lucratif constitué en vertu de la *Loi canadienne sur les organisations à but non lucratif*. Le profil corporatif de l'organisme est produit comme **pièce IN-1**.
18. L'organisation se consacre à l'avancement des droits fondamentaux de la personne, des libertés civiles et des libertés démocratiques de toutes les personnes au Canada.

Elle compte des milliers de partisans de toutes les régions du pays, y compris du Québec, et de tous les horizons.

19. L'ACLCL accomplit sa mission de cinq façons principales :

- i. En agissant dans des litiges stratégiques, en créant et en maintenant des partenariats avec des cabinets d'avocats de premier plan et des avocats travaillant bénévolement pour protéger et défendre les libertés civiles et droits fondamentaux devant les tribunaux ;
- ii. En participant à des initiatives d'engagement civique en faisant des commentaires dans la presse, en comparaisant devant des comités parlementaires et des audiences législatives, en présentant des mémoires aux organismes municipaux (y compris ceux qui s'occupent du maintien de l'ordre) et en participant à des enquêtes publiques ;
- iii. En surveillant les développements juridiques à tous les niveaux des tribunaux et des gouvernements ;
- iv. En s'engageant dans des efforts de recherche originale aux côtés de la communauté universitaire sur des questions liées à sa mission et à son mandat ; et
- v. En maintenant un programme d'éducation à grande échelle qui offre des ateliers gratuits, des séminaires et des sessions en classe sur les libertés civiles et les droits de la personne aux étudiants de tous les niveaux et aux enseignants en formation.

20. L'ACLCL intervient dans la présente affaire afin de :

- i. Défendre les intérêts de toutes les personnes au Canada dans la protection et la promotion des libertés fondamentales ;
- ii. Partager son expertise reconnue et sa perspective distincte sur des questions juridiques d'importance fondamentale liées aux droits protégés par la *Charte canadienne des droits et libertés* (la « *Charte canadienne* ») et la *Charte des droits et libertés de la personne* (la « *Charte québécoise* ») — incluant la liberté d'expression et la liberté de réunion pacifique — ainsi qu'aux pouvoirs prévus par la loi et la *common law* en matière d'injonction et de protection de l'ordre public ; et
- iii. Présenter un point de vue non-partisan, fondé sur des principes émanant de la jurisprudence pan-canadienne, qui diffère des points de vue des parties et des autres intervenants potentiels.

21. L'un des principaux objectifs de l'ACLCL est la promotion et la protection juridique des libertés fondamentales contre toute invasion déraisonnable par l'autorité de l'État. Les droits de s'exprimer et de se réunir de manière pacifique comptent parmi les garanties

les plus sacrées dans notre société démocratique. Par conséquent, le présent litige met en jeu certains des principes les plus fondamentaux qui concernent l'ACLC et son mandat principal.

22. L'ACLC a été impliquée dans plusieurs des affaires de libertés civiles les plus importantes de l'histoire du droit canadien, tant antérieures à la *Charte canadienne* que suivant son entrée en vigueur.
23. Au cours des 50 dernières années, l'ACLC a ainsi développé un intérêt et une expertise considérables au sujet de questions qui sont au cœur du présent dossier, notamment :
  - i. Les libertés fondamentales, telles que notamment garanties par l'article 2 de la *Charte canadienne*, incluant la liberté de conscience et de religion; la liberté de pensée, de croyance, d'opinion et d'expression; la liberté de réunion pacifique et la liberté d'association;
  - ii. L'étendue et les limites des pouvoirs de la Cour d'ordonner des mesures et des remèdes susceptibles de limiter ces libertés fondamentales en vertu de la loi et de la *common law*;
  - iii. L'étendue et les limites des pouvoirs de la police, en vertu de la loi et de la *common law*, en matière d'injonction et la protection de l'ordre public.
24. L'organisme a agi comme partie ou intervenante dans plus de trois cents dossiers depuis sa création, comme démontré par la pièce **IN-2A** au soutien de la déclaration sous serment d'Anaïs Bussièrès McNicoll, Directrice du programme des libertés fondamentales et Directrice par intérim du programme de protection de la vie privée, de technologie et de surveillance de l'ACLC (pièce **IN-2**).
25. Plusieurs de ces affaires sont directement liées à la liberté d'expression et à la liberté de réunion pacifique et/ou liées à la constitutionnalité d'une ordonnance d'injonction limitant les droits garantis par la *Charte canadienne*. Par exemple :
  - i. *Canadian Frontline Nurses c. Canada (Procureur général)*, 2024 CF 42 (en appel), concernant la décision du gouverneur en conseil de déclarer un état d'urgence pour mettre un terme aux manifestations perturbatrices qui ont eu lieu à Ottawa en 2022 ;
  - ii. *40 Days for Life v. Dietrich*, 2023 ONSC 5879 (en appel), concernant une injonction interlocutoire visant à empêcher un individu de participer à des activités politiques et de s'exprimer en ligne (l'ACLC est également intervenante en appel: 2023 ONCA 379) ;
  - iii. *The Corporation of the City of Kingston v Doe, et al*, 2023 ONSC 6662, concernant la question de savoir si l'expulsion des résidents d'un campement dans un parc appartenant à la ville viole leurs droits constitutionnels;

- iv. *Nova Scotia (Attorney General) v. Freedom Nova Scotia*, 2021 NSSC 217, concernant une injonction *ex parte quia timet* obtenue par le gouvernement de la Nouvelle-Écosse interdisant une manifestation pendant la pandémie ;
- v. *Fleming c. Ontario*, 2019 CSC 45, concernant l'existence d'un pouvoir accessoire en *common law* de procéder à une arrestation pour une violation appréhendée de la paix et l'impact de l'existence d'un tel pouvoir sur le droit de manifester pacifiquement ;
- vi. *Jean-François Morasse c. Gabriel Nadeau-Dubois*, 2016 CSC 44, concernant l'appel d'une condamnation pour outrage au tribunal à l'encontre d'un individu ayant fait des déclarations publiques sur la légitimité de certaines activités de manifestation (l'ACLC est également intervenue devant la Cour d'appel du Québec, 2015 QCCA 78) ;
- vii. *Figueiras c. Toronto (Police Services Board)*, 2015 ONCA 208, concernant la question de savoir si un poste de contrôle itinérant de la police « arrêt et fouille » ciblant des manifestants apparents pendant le Sommet du G20 a violé les articles 2 et 7 de la *Charte* ;
- viii. *Alberta (Information and Privacy Commissioner) c. Travailleurs et travailleuses unis de l'alimentation et du commerce, section locale 401*, 2013 CSC 62, concernant la constitutionnalité d'une loi sur la protection à la vie privée en Alberta à la lumière de son impact sur les activités d'un syndicat sur une ligne de piquetage ;
- ix. *Batty v. City of Toronto*, 2011 ONSC 6862, concernant la constitutionnalité de règlements municipaux interdisant l'érection de structures et la présence dans les parcs publics pendant la nuit, dans le cadre d'une manifestation;
- x. *Canadian Civil Liberties Association v. Toronto Police Service*, 2010 ONSC 3525, concernant l'utilisation de certaines technologies policières pour décourager des manifestations lors du G20 à Toronto ;
- xi. *R. v. Breeden*, 2009 BCCA 463, concernant la question de savoir si le droit constitutionnel à la liberté d'expression s'applique dans certains espaces publics et accessibles au public ;
- xii. *Whatcott c. Assn. Of Licensed Practical Nurses (Saskatchewan)*, 2008 SKCA 6, concernant la liberté d'expression d'un infirmier qui avait fait du piquetage devant des locaux de Planned Parenthood ;
- xiii. *T.U.A.C., section locale 1518, c. KMart Canada Ltd.*, [1999] 2 RCS 1083 et *Allsco Building Products Ltd. c. T.U.A.C., section locale 1288P*, 1999 CanLII 651 (CSC), [1999] 2 RCS 1136, concernant la question de savoir si la distribution de tracts par des employés en grève sur des lieux de travail où il n'y a pas de grève est de l'expression protégée par la *Charte*;

26. La contribution de l'ACLC au développement du droit en matière de libertés civiles a été reconnue à maintes reprises par les tribunaux. Par exemple, dans l'affaire *Tadros v. Peel Regional Police Service* (2008 ONCA 775, par. 3), le juge en chef adjoint O'Connor de la Cour d'appel de l'Ontario a noté que l'ACLC :

... has substantial experience in promoting and defending the civil liberties of Canadians and in examining the boundaries of acceptable police conduct.

27. Dans l'affaire *Prud'homme c. Rawdon (Municipalité de)*, 2009 QCCA 2046, où il était question de la liberté d'expression garantie par la *Charte canadienne*, la Cour d'appel du Québec a déclaré, au soutien de sa décision autorisant l'intervention de l'ACLC :

[17] À la simple lecture de la requête de CCLA, et en particulier au paragr. 5, a), b) c) d), je suis convaincu que son intervention sera vraisemblablement utile, à propos et donc opportune. Autrement dit, elle ne saurait être qualifiée d'inopportune, c'est-à-dire déplacée ou malvenue.

[18] Pour conclure les avantages de l'intervention de la CCLA dépasse[nt] largement les inconvénients potentiels, tant avec la qualité de l'intervenant que sur le volet intérêt public des questions à trancher, vu l'encadrement auquel est astreinte son intervention et celle des autres intervenants.

28. Dans la décision récente *Canadian Frontline Nurses c. Canada (Procureur général)*, 2024 CF 42 (présentement en appel), la Cour fédérale a souligné l'impact crucial de la contribution de l'ACLC sur son analyse :

[370] Au début de l'instance, même si je n'avais encore statué sur aucune des quatre demandes, j'étais porté à conclure que la décision de recourir à la Loi était raisonnable. [...]

[371] Mon opinion préliminaire quant au caractère raisonnable de la décision aurait pu prévaloir à la suite de l'audience, en raison de l'excellent travail des avocats du procureur général du Canada, si je n'avais pas pris le temps d'analyser soigneusement la preuve et les observations, particulièrement celles de l'ACLC et de la CCF. Leur participation à l'instance confirme le bien-fondé d'entendre les parties qui défendent l'intérêt public, surtout lorsqu'il s'agit de présenter des arguments juridiques éclairés. La présente instance ne se serait peut-être pas déroulée de la même manière sans ces organisations, car les parties qui défendaient des intérêts privés n'étaient pas aussi habiles pour ce qui était de présenter des éléments de preuve et des arguments à l'appui de leurs demandes.

[nos soulignements]

29. Enfin, dans l'affaire *Luamba c. Procureur général du Québec*, 2022 QCCS 3866 (présentement en appel), qui concerne le pouvoir policier de procéder à des contrôles routiers arbitraires et dans laquelle les deux avocats soussignés ont participé chaque jour d'un procès de six semaines au nom de l'ACLC en tant qu'intervenante conservatoire, l'honorable juge Yergeau a salué la contribution de toutes les parties dans les termes suivants :

[859] Avant de conclure, le Tribunal tient à exprimer ses remerciements aux plaideurs, avocats, avocates, stagiaires et étudiants(es), recherchistes qui n'ont pas ménagé leur peine pour mener ce dossier à terme. La complexité de l'affaire et la brève période de temps qui s'est écoulée entre le dépôt de la demande et le début du procès dans une

affaire de cette nature leur ont demandé non seulement de mettre les bouchées doubles mais surtout de se concentrer sur l'essentiel et de collaborer entre eux pour aplanir bien des difficultés. La qualité de leurs interrogatoires comme de leurs arguments, leur haut niveau de préparation, leur courtoisie et leur volonté de mettre leur talent au service de la justice se doivent d'être soulignés haut et fort.

[860] Mais au moment de signer ce qui est son dernier jugement avant sa retraite obligatoire, on pardonnera au soussigné d'ajouter ce commentaire. Des procès de l'ampleur de celui qui s'est déroulé dans ce dossier, le nombre et la complexité des questions débattues et la délicatesse avec laquelle le profilage racial doit être abordé commandent la présence d'avocats conscients de leurs responsabilités non seulement envers leurs clients mais envers la société en général. Mener ce travail à terme dans l'harmonie est un acte de civilisation. Sans des avocats de qualité de part et d'autre, un tel procès est impossible, tout simplement impossible. Le Tribunal est reconnaissant à tous et toutes d'avoir si bien représenté ceux et celles dont ils avaient le mandat de défendre le point de vue.

30. En bref, en plus d'avoir l'intérêt juridique requis pour agir à titre d'intervenante amicale, l'ACLIC dispose de l'expertise nécessaire pour offrir un éclairage spécifique, essentiel et nouveau sur les questions en litige.

### **La position de l'ACLIC dans le présent dossier**

31. Si la Cour accorde le statut d'intervenante amicale à l'ACLIC, ses représentations porteront notamment sur les éléments suivants :

- i. Un campement pacifique établi dans le cadre d'une manifestation sur un campus universitaire constitue à la fois une « activité expressive » non-violente et une « réunion pacifique » au sens de la jurisprudence et bénéficie donc d'une protection *prima facie* en vertu des articles 2(b) et 2(c) de la *Charte canadienne* et de l'article 3 de la *Charte québécoise* ;
- ii. En raison du statut constitutionnel de la *Charte canadienne* et quasi-constitutionnel de la *Charte québécoise*, une contravention aux droits garantis par celles-ci qui ne peut être justifiée dans une société libre et démocratique doit être invalidée. Les tribunaux sont eux aussi tenus de respecter et de se conformer aux *Chartes canadienne* et *québécoise* dans l'exercice de leur compétence. Par conséquent, le fait qu'une activité expressive ou qu'une réunion pacifique puisse, à première vue, sembler contrevenir à une règle interne d'une université, à un règlement municipal ou même à un texte législatif n'est pas nécessairement déterminant en ce qui concerne la légalité ultime de pareille activité ou réunion ;
- iii. Au surplus, le droit à la libre jouissance des biens invoqué par les demanderesse doit être interprété à la lumière de la mission particulière des universités et la nature unique des campus universitaires, qui sont des lieux historiques de dissidence et de réunion pacifique. Ces lieux, qui



sont librement accessibles aux étudiants ainsi qu'au grand public, permettent à la communauté de se rassembler pour échanger des idées, débattre et prendre position sur des questions d'ordre politique, intellectuel, artistique et moral. À cet égard, l'ACLC sera notamment en mesure d'éclairer la Cour sur l'état du droit en dehors du Québec quant au rôle particulier que jouent les campus universitaires en matière de libre expression et de réunion pacifique ;

- iv. Ces considérations sont pertinentes à l'analyse de la Cour aux trois étapes du test pour l'obtention d'une injonction interlocutoire, c'est-à-dire au stade de l'évaluation de l'existence d'un droit clair ou d'une apparence de droit, à l'identification d'un préjudice sérieux ou irréparable et lors de l'analyse de la balance des inconvénients ;
- v. Quelque limite imposée par les tribunaux à la liberté d'expression ou au droit de se réunir de manière pacifique sur un campus universitaire doit répondre à un objectif réel et urgent, être aussi minime que possible, et n'être imposée que lorsque toutes les alternatives raisonnables auront été écartées ;
- vi. La poursuite d'un objectif préventif n'est pas une considération appropriée afin de déterminer la nécessité d'une injonction et déroge aux garanties offertes par les *Chartes canadienne et québécoise* ;
- vii. Toute ordonnance d'injonction doit être exécutoire, claire et sans ambiguïté pour les personnes visées, étant donné le risque pour une personne en violation d'une telle ordonnance d'être poursuivie pour outrage au tribunal. Ce principe est encore plus important dans les cas où une injonction aurait pour effet de limiter des droits constitutionnels et pourrait s'appliquer à des parties inconnues, qui n'ont donc pas eu la chance d'être entendues par la Cour avant le jugement en question ;
- viii. L'émission d'une injonction n'autorise pas une partie privée à députer les forces de police locales à son service et à sa convenance. À tout événement, l'intervention de la police pour faire respecter une injonction limitant la liberté d'expression ou le droit de se réunir doit être une mesure de dernier recours.

### **Les modalités de l'intervention de l'ACLC**

32. L'ACLC entend intervenir sans retarder le dossier.
33. L'ACLC s'engage à se concerter avec les autres parties afin d'éviter les redondances et l'inefficacité.
34. L'ACLC se soumettra aux modalités d'intervention que la Cour pourrait ordonner.

### **La position des parties concernant l'intervention de l'ACLC**

35. Les avocats de l'ACLC ont contacté les autres parties au dossier pour connaître leur position sur son intervention :
  - i. Les demanderesses, McGill University et the Royal Institution for the Advancement of Learning, ne s'opposent pas à l'intervention;
  - ii. Les défenderesses Association McGillienne des Professeur.e.s de droit (AMPD) et Palestiens et Juifs unis (PAJU) ne s'opposent pas à l'intervention;
  - iii. Les défenderesses Students' Society of McGill University et Independent Jewish Voices n'ont pas encore pris position.

### **PAR CES MOTIFS, PLAISE AU TRIBUNAL :**

**ACCUEILLIR** l'acte d'intervention de l'intervenante ;

**ATTRIBUER** à l'Association canadienne des libertés civiles le statut d'intervenante à titre amical ;

**AUTORISER** l'Association canadienne des libertés civiles à être entendue lors de l'audition au fond et à chaque étape du présent dossier selon les modalités jugées appropriées par la Cour ;

**LE TOUT** sans frais.

Montréal, le 23 mai 2024

*Trudel Johnston & Lespérance*

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**TRUDEL JOHNSTON & LESPÉRANCE**  
AVOCATS DE L'INTERVENANTE

M<sup>e</sup> Bruce W. Johnston

M<sup>e</sup> Lex Gill

750, Côte de la Place d'Armes, bureau 90

Montréal (Québec) H2Y 2X8

Tél. : 514 871-8385

Télec. : 514 871-8800

bruce@tjl.quebec

lex@tjl.quebec

Notre dossier : 1469-3

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**AVIS DE PRÉSENTATION CIVILE  
(SALLE 2.16)**

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## 1. PRÉSENTATION DE LA DEMANDE

**PRENEZ AVIS** que le présent *Acte d'intervention à titre amical*, sera présentée en division de pratique de la Chambre civile de la Cour supérieure, **le 31 mai 2024**, à 9 heures, **en salle 2.16** du palais de justice de Montréal, situé au 1 Rue Notre-Dame Est, Montréal, ou aussitôt que le conseil pourra être entendu.

## 2. COMMENT PARTICIPER À L'APPEL DU RÔLE DE PRATIQUE

a) **en personne** en salle 2.16 ;

b) **par l'outil Teams** : en cliquant sur le lien permanent de connexion de la salle 2.16 disponible sur le site de la Cour supérieure du Québec<sup>1</sup>

Vous devrez alors inscrire votre nom et cliquez sur « Rejoindre maintenant ». Afin de faciliter le déroulement et l'identification des participants, nous vous invitons à inscrire votre nom de la façon suivante :

Les avocats : Me Prénom, Nom (le nom de la partie représentée)

Les parties non représentées par avocat : Prénom, Nom (précisez : demandeur, défendeur ou autre)

Pour les personnes qui assistent à une audience publique : la mention peut se limiter à inscrire public.

c) **par téléphone** :

Canada (Numéro gratuit) : (833) 450-1741

Canada, Québec (Numéro payant) : +1 581-319 2194

ID de conférence : 470 980 973#

d) **par vidéoconférence** : [teams@teams.justice.gouv.qc.ca](mailto:teams@teams.justice.gouv.qc.ca)

ID de la conférence VTC : 1197347661

## 3. DÉFAUT DE PARTICIPER À L'APPEL DU RÔLE DE PRATIQUE

**PRENEZ AVIS** qu'à défaut par vous de participer à l'appel du rôle, un jugement par défaut pourrait être rendu contre vous, sans autre avis ni délai.

### 4. OBLIGATIONS

#### 4.1 La collaboration

<sup>1</sup> Les Liens TEAMS pour rejoindre les salles du Palais de justice de Montréal en matière commerciale, civile et familiale sont publiés sous la rubrique Audiences virtuelles disponible sur le site Internet de la Cour supérieure à l'adresse suivante :

[https://coursuperieuredunquebec.ca/fileadmin/cour-superieure/Audiences\\_virtuelles\\_Montreal/Montreal\\_Codes\\_Teams\\_CS\\_Chambres\\_commerciale\\_civile\\_et\\_de\\_la\\_famille.pdf](https://coursuperieuredunquebec.ca/fileadmin/cour-superieure/Audiences_virtuelles_Montreal/Montreal_Codes_Teams_CS_Chambres_commerciale_civile_et_de_la_famille.pdf).

**PRENEZ AVIS** que vous avez l'obligation de coopérer avec l'autre partie, notamment en vous informant mutuellement, en tout temps, des faits et des éléments susceptibles de favoriser un débat loyal et en vous assurant de préserver les éléments de preuve pertinents (*Code de procédure civile*, art. 20).

4.2 Mode de prévention et de règlement des différends

**PRENEZ AVIS** que vous devez, avant de vous adresser au Tribunal, considérer le recours aux modes privés de prévention et de règlement de votre différend qui sont, entre autres, la négociation, la médiation ou l'arbitrage, pour lesquels les parties font appel à l'assistance d'un tiers (*Code de procédure civile*, art. 2).

**VEUILLEZ AGIR EN CONSÉQUENCE.**

Montréal, le 23 mai 2024



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**TRUDEL JOHNSTON & LESPÉRANCE**  
AVOCATS DE L'INTERVENANTE

M<sup>e</sup> Bruce W. Johnston  
M<sup>e</sup> Lex Gill  
750, Côte de la Place d'Armes, bureau 90  
Montréal (Québec) H2Y 2X8  
Tél. : 514 871-8385  
Télec. : 514 871-8800  
bruce@tjl.quebec  
lex@tjl.quebec

**CANADA**

**PROVINCE DE QUÉBEC  
DISTRICT DE MONTRÉAL**

**N°. 500-17-129903-244**

**COUR SUPÉRIEURE**  
(Chambre civile)

---

**MCGILL UNIVERSITY**

et

**THE ROYAL INSTITUTION FOR THE  
ADVANCEMENT OF LEARNING**

Demandereses

c.

**ASSOCIATION MCGILLIENNE DES  
PROFESSEUR. E. S DE DROIT (AMPD) /  
ASSOCIATION OF MCGILL PROFESSORS  
OF LAW (AMPL)**

et

**STUDENTS' SOCIETY OF MCGILL  
UNIVERSITY (SSMU)**

et

**PALESTINIENS ET JUIFS UNIS (PAJU)**

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CIVILES**, un organisme à but non lucratif, dont  
le siège social est situé au 400-124 Merton  
Street à Toronto, dans la province de  
l'Ontario, M4S 2Z2

Intervenante

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## **LISTE DES PIÈCES**

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**Pièce IN-1 :** Profil corporatif de Corporations Canada — 1078269-6, *The Canadian Civil Liberties Association*, à jour en date du 21 mai 2024;

**Pièce IN-2 :** Déclaration sous serment d'Anaïs Bussières McNicoll, Directrice du programme des libertés fondamentales et directrice par intérim du programme de protection de la vie privée, de technologie et de surveillance (Association canadienne des libertés civiles);

**Pièce IN-2A :** Liste des causes dans lesquelles l'ACLC a agi à titre d'intervenant et à titre de partie.

**Pièce IN-3 :** Déclaration sous serment de Lex Gill, avocate de l'intervenante.

Montréal, le 23 mai 2024

*Trudel Johnston & Lespérance*

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**TRUDEL JOHNSTON & LESPÉRANCE**  
AVOCATS DE L'INTERVENANTE

M<sup>e</sup> Bruce W. Johnston

M<sup>e</sup> Lex Gill

750, Côte de la Place d'Armes, bureau 90

Montréal (Québec) H2Y 2X8

Tél. : 514 871-8385

Télec. : 514 871-8800

bruce@tjl.quebec

lex@tjl.quebec

Notre dossier : 1469-3





## Federal Corporation Information - 1078269-6

**⚠** Beware of scams and other suspicious activities. See [Corporations Canada's alerts](#).

### **i** Note

This information is available to the public in accordance with legislation (see [Public disclosure of corporate information](#)).

Order copies of corporate documents

[Order a Corporate Profile](#) [[View PDF Sample](#)] [[View HTML Sample](#)].  
[Find existing extra-provincial registrations of this corporation on Canada's](#)

<b>Corporation Number</b>	1078269-6
<b>Business Number (BN)</b>	754802288RC0001
<b>Corporate Name</b>	The Canadian Civil Liberties Association
<b>Status</b>	Active
<b>Governing Legislation</b>	<i>Canada Not-for-profit Corporations Act - 2018-05-14</i>

[Business registries](#) **i**

## Registered Office Address

124 Merton Street  
 Suite 400  
 Toronto ON M4S 2Z2  
 Canada

### **i** Note

Active NFP Act corporations are required to [update this information](#). Changes are only legally effective when filed with Corporations Canada. A [corporation key](#) is required. If you are not authorized to update this information, you can either contact the corporation or contact [Corporations Canada](#). We will inform the corporation of its [reporting obligations](#).

## Directors

**Minimum** 3

**Maximum** 19

Jonathan Lissus  
 124 Merton Street  
 Suite 400  
 Toronto ON M4S 2Z2  
 Canada

Larry Baldachin  
 124 Merton Street  
 Suite 400  
 Toronto ON M4S 2Z2  
 Canada

-----  
124 Merton Street  
Toronto ON M4S 2Z2  
Canada

Julianna Greenspan  
124 Merton Street  
Suite 400  
Toronto ON M4S 2Z2  
Canada

Ron Ness  
124 Merton Street  
Suite 400  
Toronto ON M4S 2Z2  
Canada

Nader Hasan  
124 Merton Street  
Suite 400  
Toronto ON M4S 2Z2  
Canada

John D. McCamus  
124 Merton Street  
Suite 400  
Toronto ON M4S 2Z2  
Canada

Kevin Stanton  
124 Merton Street  
Toronto ON M4S 2Z2  
Canada

Simron Singh  
124 Merton Street  
Suite 400  
Toronto ON M4S 2Z2  
Canada

Andrew Lokan  
124 Merton Street  
Suite 400  
Toronto ON M4S 2Z2  
Canada

Anil Kapoor  
124 Merton Street  
Suite 400  
Toronto ON M4S 2Z2  
Canada

Steven Sofer  
124 Merton Street  
Suite 400  
Toronto ON M4S 2Z2  
Canada

Audrey Boctor  
124 Merton Street  
Suite 400  
Toronto ON M4S 2Z2  
Canada

Nancy E Cooper

124 Merton Street  
Suite 400  
Toronto ON M4S 2Z2  
Canada

Joe Freedman  
124 Merton Street  
Suite 400  
Toronto ON M4S 2Z2  
Canada

Patricia Jackson  
124 Merton Street  
Suite 400  
Toronto ON M4S 2Z2  
Canada

### **Note**

Active NFP Act corporations are required to [update director information](#) (names, addresses, etc.) within 15 days of any change. A [corporation key](#) is required. If you are not authorized to update this information, you can either contact the corporation or contact [Corporations Canada](#). We will inform the corporation of its [reporting obligations](#).

## Annual Filings

<b>Anniversary Date (MM-DD)</b>	05-14
<b>Date of Last Annual Meeting</b>	2023-04-24
<b>Annual Filing Period (MM-DD)</b>	05-14 to 07-13
<b>Type of Corporation</b>	Soliciting
<b>Status of Annual Filings</b>	2024 - Due to be filed 2023 - Filed 2022 - Filed

## Corporate History

### Corporate Name History

2018-05-14 to Present      The Canadian Civil Liberties Association

### Certificates and Filings

<b>Certificate of Incorporation</b>	2018-05-14
<b>By-laws</b>	Received on 2019-02-22
<b>Certificate of Amendment</b> *	2019-10-29      Amendment details: Number of directors
<b>Certificate of Amendment</b> *	2020-06-04      Amendment details: Number of directors
<b>Financial statements</b>	As of 2022-12-31
<b>Financial statements</b>	As of 2021-12-31
<b>Financial statements</b>	As of 2019-12-31
<b>Financial statements</b>	As of 2020-12-31

\* Amendment details are only available for amendments effected after 2010-03-20. Some certificates issued prior to 2000 may not be listed.  
For more information, [contact Corporations Canada](#).

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**Date Modified:**

2024-05-06

**CANADA**

**PROVINCE DE QUÉBEC  
DISTRICT DE MONTRÉAL**

**N°. 500-17-129903-244**

**COUR SUPÉRIEURE  
(Chambre civile)**

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**MCGILL UNIVERSITY**

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c.

**ASSOCIATION MCGILLIENNE DES  
PROFESSEUR. E. S DE DROIT (AMPD) /  
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et

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**PALESTINIENS ET JUIFS UNIS (PAJU)**

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**INDEPENDENT JEWISH VOICES**

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Défendeurs

et

**ASSOCIATION CANADIENNE DES LIBERTÉS  
CIVILES**, un organisme à but non lucratif, dont  
le siège social est situé au 400-124 Merton  
Street à Toronto, dans la province de  
l'Ontario, M4S 2Z2

Intervenante

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**DÉCLARATION SOUS SERMENT D'ANAÏS BUSSIÈRES McNICOLL (IN-2)**

Le 23 mai 2024

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Je soussignée, Anaïs Bussières McNicoll, de la ville de Montréal, dans la province de Québec, affirme solennellement ce qui suit :

1. Je suis la Directrice du programme des libertés fondamentales et Directrice par intérim du programme de protection de la vie privée, de technologie et de surveillance de l'Association canadienne des libertés civiles ;
2. Je suis membre du Barreau du Québec ;
3. J'ai lu la *Judicial Application Originating a Proceeding for the Issuance of Provisional, Interlocutory and Permanent Injunction Orders* déposée par les demanderesse le 10 mai 2024 dans le dossier 500-17-129903-244 ;
4. J'ai lu le jugement de l'honorable juge Marc St-Pierre rejetant la demande d'injonction provisoire des demanderesse, rendu le 15 mai 2024 ;
5. J'ai lu l'*Acte d'intervention* de l'Association canadienne des libertés civiles exposant le but et les motifs de son intervention proposée et confirme que tous les faits mentionnés aux paragraphes 17-30 sont vrais. Lorsque je n'ai pas de connaissance personnelle des faits mentionnés, je les crois véridiques ;
6. Je crois que l'ACLC sera en mesure d'éclairer la Cour en apportant ses connaissances, son expertise et son point de vue sur les droits fondamentaux et les libertés civiles aux questions soulevées par cette affaire, et que son intervention est opportune, considérant l'importance des questions en litige, au regard notamment de l'intérêt public, et l'utilité de l'apport de l'ACLC au débat ;
7. Une liste et une description des nombreux dossiers dans lesquels l'ACLC a été impliquée en tant que partie ou intervenante est jointe à la pièce **IN-2A** (en anglais).

ET J'AI SIGNÉ à Montréal  
ce 23 mai 2024

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M<sup>e</sup> Anaïs Bussières McNicoll

Déclaré sous serment par moyen technologique  
ce 23 mai 2024

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Commissaire à l'assermentation  
pour le Québec



## CCLA Litigation

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

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

- received but before the Justice of the Peace has completed an inquiry (the CCLA intervened in *R. v. Dowson* before the Ontario Court of Appeal and the Supreme Court of Canada, and in *R. v. Buchbinder* before the Supreme Court of Canada);
10. *R. v. Oakes* (1983), 40 O.R. (2d) 660, in which the issue was whether the reverse onus clause in s. 8 of the *Narcotic Control Act* violated an accused's right to be presumed innocent under the *Charter* (the CCLA intervened in the Court of Appeal);
  11. *Re Ontario Film & Video Appreciation Society and Ontario Board of Censors* (1984), 45 O.R. (2d) 80 (C.A.), in which the issue was whether a provincial law permitting a board to censor films violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Divisional Court and the Ontario Court of Appeal);
  12. *R. v. Rao* (1984), 46 O.R. (2d) 80 (C.A.), in which the issue was whether a provision under the *Narcotic Control Act* permitting warrantless searches violated the *Charter's* guarantee of protection against unreasonable search and seizure (the CCLA intervened in the Ontario Court of Appeal);
  13. *Re Klein and Law Society of Upper Canada; Re Dvorak and Law Society of Upper Canada* (1985), 16 D.L.R. (4th) 489 (Div. Ct.), in which the issue was whether the Law Society's prohibitions respecting fees advertising and communications with the media violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Divisional Court);
  14. *Canadian Newspapers Co. Ltd. v. Attorney-General of Canada* (1986), 55 O. R. (2d) 737 (H.C.), in which the issue was whether the provision in the *Criminal Code* limiting newspapers' rights to publish certain information respecting search warrants violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario High Court of Justice);
  15. *R. v. J.M.G.* (1986), 56 O.R. (2d) 705 (C.A.), in which the issue was whether a school principal's seizure of drugs from a student's sock violated the *Charter's* protection from unreasonable search and seizure (the CCLA intervened in the Ontario Court of Appeal);
  16. *Re Ontario Film & Video Appreciation Society and Ontario Film Review Board* (1986), 57 O.R. (2d) 339 (Div. Ct.), in which the issue was whether actions taken by a film censorship board violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Divisional Court);
  17. *R. v. Swain* (1986), 53 O.R. (2d) 609 (C.A.), in which some of the issues were whether the provision in the *Criminal Code* for the detention of an accused acquitted by reason of insanity violated ss. 7, 9, 12 or 15(1) of the *Charter* (the CCLA intervened in the Court of Appeal);



18. *Reference Re Bill 30, an Act to amend the Education Act (Ont.)*, [1987] 1 S.C.R. 1148, in which the issues were whether Bill 30, which provided for full funding for Roman Catholic separate high schools, violated the *Charter's* guarantees of freedom of conscience and religion and equality rights (the CCLA intervened in the Ontario Court of Appeal and the Supreme Court of Canada);
19. *Zylberberg v. Sudbury Board of Education (Director)* (1988), 65 O.R. (2d) 641 (C.A.), in which the issue was whether an Ontario regulation which provided for religious exercises in public schools violated the *Charter's* guarantee of freedom of conscience and religion (the CCLA intervened in the Ontario Divisional Court and the Ontario Court of Appeal);
20. *Tremblay v. Daigle*, [1989] 2 S.C.R. 530, in which the issue was whether a man who impregnated a woman could obtain an injunction prohibiting the woman from having an abortion (the CCLA intervened in the Supreme Court of Canada);
21. *Canada (Human Rights Commission) v. Taylor*, [1990] 3 S.C.R. 892, in which one of the issues was whether a provision in the *Canada Human Rights Act* that prohibited telephone communication of hate messages offended the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
22. *R. v. Keegstra*, [1990] 3 S.C.R. 697, in which the issue was whether the *Criminal Code* provision which made it an offence to willfully promote hatred against an identifiable group constitutes a violation of the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
23. *Lavigne v. Ontario Public Service Employees Union*, [1991] 2 S.C.R. 211, in which the issues were whether the use for certain political purposes of union dues paid by nonmembers pursuant to an agency shop or Rand formula violated the *Charter* guarantees of freedom of expression and association (the CCLA intervened in the Supreme Court of Canada);
24. *R. v. Seaboyer*, [1991] 2 S.C.R. 577, in which one of the issues was whether the rape shield provisions of the *Criminal Code* violated the *Charter* guarantee of a fair trial (the CCLA intervened in the Ontario Court of Appeal and the Supreme Court of Canada of Canada);
25. *R. v. Butler*, [1992] 1 S.C.R. 452, in which the issue was whether the obscenity provisions in s. 163 of the *Criminal Code* violate the *Charter* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
26. *J.H. v. Hastings (County)*, [1992] O.J. No. 1695 (Ont. Gen. Div.), in which the issue was whether disclosure to municipal councilors of a list of social assistance recipients violated the protection of privacy under the *Municipal Freedom of Information and Protection of Privacy Act* (the CCLA intervened in the Ontario Court – General Division);

27. *R. v. Zundel*, [1992] 2 S.C.R. 731, in which the issue was whether s. 177 of the *Criminal Code* prohibiting spreading false news violated the *Charter* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
28. *Ontario Human Rights Commission v. Four Star Variety* (October 22, 1993) (Ont. Bd. of Inquiry), in which the issues were whether convenience stores displaying and selling certain magazines discriminated against women on the basis of their sex contrary to the Ontario *Human Rights Code* and if the Board of Inquiry's dealing with the obscenity issue intruded on the *Charter* guarantee of freedom of expression (the CCLA intervened before the Board of Inquiry);
29. *Ramsden v. Peterborough (City)*, [1993] 2 S.C.R. 1084, in which the issue was whether a municipal by-law banning posters on public property violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Court of Appeal and the Supreme Court of Canada);
30. *Hill v. Church of Scientology of Toronto*, [1995] 2 S.C.R. 1130, in which the issues were: (1) whether the common law of defamation should be developed in a manner consistent with freedom of expression; (2) whether the common law test for determining liability for defamation disproportionately restricts freedom of expression; and (3) whether the current law respecting non-pecuniary and punitive damages disproportionately restricts freedom of expression and whether limits on jury discretion and damages should be imposed (the CCLA intervened in the Supreme Court of Canada);
31. *Ontario (Attorney General) v. Langer* (1995), 123 D.L.R. (4th) 289 (Ont. Gen. Div.), in which the issue was the constitutionality of ss. 163.1 and 164 of the *Criminal Code* relating to child pornography (the CCLA intervened in the Ontario General Division);
32. *Adler v. Ontario*, [1996] 3 S.C.R. 609, in which the issues were whether Ontario not funding of Jewish and certain Christian day schools violated the *Charter's* guarantees of freedom of conscience and religion and of equality without discrimination based on religion (the CCLA intervened in the Ontario General Division, the Ontario Court of Appeal, and the Supreme Court of Canada);
33. *Al Yamani v. Canada (Solicitor General) (TD.)*, [1996] 1 F.C. 174 (T.D.), in which some of the issues were whether the provision in the *Immigration Act* regarding the deportation of permanent residents on the basis of membership in a class of organizations violated principles of fundamental justice contrary to s. 7 of the *Charter* or the *Charter* guarantees of freedom of association and expression (the CCLA intervened in the Federal Court Trial Division);
34. *R. v. Gill* (1996), 29 O.R. (3d) 250 (Ont. Gen. Div.), in which the issue was whether s. 301 of the *Criminal Code*, which creates an offence of publishing a defamatory libel, constitutes a violation of the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Court – General Division);

35. *Ross v. New Brunswick School District No. 15*, [1996] 1 S.C.R. 825, in which some of the issues were whether a teacher, who had been subject to discipline for making discriminatory anti-Semitic statements while off duty, could defend his conduct, at least in part, on freedom of religion (the CCLA intervened in the Supreme Court of Canada);
36. *R. v. Stillman*, [1997] 1 S.C.R. 607, in which the issue was the explication of the circumstances, including police conduct, that would bring the administration of justice into disrepute within the meaning of s. 24(2) of the *Charter* if unconstitutionally obtained evidence were to be admitted into a proceeding (the CCLA intervened in the Supreme Court of Canada);
37. *Winnipeg Child and Family Services (Northwest Area) v. D.F.G.*, [1997] 3 S.C.R. 925, in which the issue was whether the law should permit the state to interfere with the privacy, dignity, and liberty of a pregnant woman where her actions may expose the fetus to serious injury (the CCLA intervened in the Supreme Court of Canada);
38. *R. v. Lucas*, [1998] 1 S.C.R. 439, in which the issue was whether s. 300 of the *Criminal Code*, which creates the offence of publishing a defamatory libel, constitutes a violation of the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
39. *Thomson Newspapers Co. (c.o.b. Globe and Mail) v. Canada (Attorney General)*, [1998] 1 S.C.R. 877, in which the issue was whether s. 322.1 of the *Canada Elections Act*, which prohibits the publication of public opinion polls during the last 72 hours of a federal election campaign, constitutes a violation of the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
40. *Daly v. Ontario (Attorney General)* (1999), 44 O.R. (3d) 349 (C.A.), in which the issue was the extent to which Ontario's constitutionally protected Catholic separate school boards must adhere to the restrictions on employment discrimination contained in the *Ontario Human Rights Code* (the CCLA intervened in the Ontario General Division and the Ontario Court of Appeal);
41. *R. v. Mills*, [1999] 3 S.C.R. 668, in which the central issue was the appropriate balance to be struck between the rights of the accused and the rights of complainants and witnesses with respect to the production of medical and therapeutic records (the CCLA intervened in the Supreme Court of Canada);
42. *Moumdjian v. Canada (Security Intelligence Review Committee)*, [1999] 4 F.C. 624, in which one of the issues was the constitutionality of *Immigration Act* provisions which impacted on the freedom of association (the CCLA intervened in the Federal Court of Appeal);
43. *United Food and Commercial Workers, Local 1518 (U.F.C.W.) v. KMart Canada Ltd.*, [1999] 2 S.C.R. 1083, and *Allsco Building Products Ltd. v. United Food and*

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

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

60. *Odhavji 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. Boissoin 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 Boissoin 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 be made in the absence of bad faith, an abuse of power or tortious conduct (the CCLA intervened in the Supreme Court of Canada);
112. *R. v. Sinclair*, 2010 SCC 35, *R. v. McCrimmon*, 2010 SCC 36, and *R. v. Willier*, 2010 SCC 37, concerning the scope of the constitutional right to counsel in the context of a custodial interrogation (the CCLA intervened in the Supreme Court of Canada);
113. *R. v. N.S. et al.*, 2010 ONCA 670, concerning the balancing of freedom of religion and conscience and fair trial rights, where a sexual assault complainant is a religious Muslim woman and the accused has requested that she be required to remove the veil before testifying (the CCLA intervened at the Ontario Court of Appeal);
114. *The Toronto Coalition to Stop the War et al. v. The Minister of Public Safety and Emergency Preparedness and the Minister of Citizenship and Immigration Canada*, 2010 FC 957, concerning the freedom of association and freedom of expression implications of a preliminary assessment by the government that a British Member of Parliament who was invited to speak in Canada was inadmissible because the government claimed he had engaged in terrorism and was a member of a terrorist organization (the CCLA intervened in the Federal Court);
115. *Globe and Mail, a division of CTVglobemedia Publishing Inc. v. Attorney General of Canada, et al*, 2010 SCC 41, concerning the disclosure of confidential journalistic sources in the civil litigation context, and the constitutionality of a publication ban (the CCLA intervened in the Supreme Court of Canada);
116. *R. v. Gomboc*, 2010 SCC 55, concerning the constitutionality of police conducting warrantless searches of private dwelling houses using real-time electricity meters (the CCLA intervened in the Supreme Court of Canada);
117. *Tiberiu Gavrilă v. Minister of Justice*, 2010 SCC 57, concerning the interaction between the Immigration and Refugee Protection Act and the Extradition Act and whether a refugee can be surrendered for extradition to a home country (the CCLA intervened in the Supreme Court of Canada);

118. *Reference re Marriage Commissioners Appointed Under the Marriage Act, 1995 S.S. 1995, c. M-4.1*, 2011 SKCA 3, concerning the constitutionality of proposed amendments to the *Marriage Act* that would allow marriage commissioners to refuse to perform civil marriages where doing so would conflict with commissioners' religious beliefs (the CCLA intervened at the Court of Appeal for Saskatchewan);
119. *Canadian Broadcasting Corporation et al. v. The Attorney General of Quebec et al.*, 2011 SCC 2, and *Canadian Broadcasting Corporation v. Her Majesty the Queen and Stéphan Dufour*, 2011 SCC 3 concerning the constitutional protection of freedom of the press in courthouses and the constitutionality of certain rules and directives restricting the activities of the press and the broadcasting of court proceedings (the CCLA intervened in the Supreme Court of Canada);
120. *R. v. Caron*, 2011 SCC 5, concerning the availability of advance cost orders in criminal and quasi-criminal litigation that raises broad reaching public interest issues (the CCLA intervened in the Supreme Court of Canada);
121. *R. v. Ahmad*, 2011 SCC 6, concerning the constitutionality of ss. 38 to 38.16 of the Canada Evidence Act, R.S.C. 1985 (the CCLA intervened in the Supreme Court of Canada);
122. *Farès Bou Malhab v. Diffusion Métromédia CMR inc., et al.*, 2011 SCC 9, concerning statements made by a radio host, and examining the scope and nature of defamation under Quebec civil law in the context of the freedom of expression guarantees found in the Quebec and Canadian Charters (the CCLA intervened in the Supreme Court of Canada);
123. *Ontario (Attorney General) v. Fraser*, 2011 SCC 20, concerning the exclusion of agricultural workers from Ontario's *Labour Relations Act* and whether the labour scheme put in place for these workers violated freedom of association under the *Canadian Charter* (the CCLA intervened in the Supreme Court of Canada);
124. *R. v. K.M.* 2011 ONCA 252, concerning the constitutionality of taking DNA samples from young offenders on a mandatory or reverse onus basis (the CCLA intervened in the Ontario Court of Appeal);
125. *Issassi v. Rosenzweig*, 2011 ONCA 302, concerning a 13 year old girl from Mexico who had been granted refugee status in Canada because of allegations that her mother had sexually abused her, and the subsequent return of that youth to her mother in Mexico, by a judge who did not conduct a risk assessment (the CCLA intervened at the Ontario Court of Appeal);
126. *Attorney General of Canada et al. v. Mavi et al.*, 2011 SCC 30, considering whether there is a need for procedural fairness in the federal immigration sponsorship regime (the CCLA intervened in the Supreme Court of Canada);
127. *Canada (Information Commissioner) v. Canada (Minister of National Defence)*, 2011 SCC 25, cases concerning whether Minister's offices, including the Prime

- Minister's Office, are considered "government institutions" for the purposes of the federal *Access to Information Act* (the CCLA intervened in the Supreme Court of Canada);
128. *Toussaint v. Attorney General of Canada*, 2011 FCA 213, concerning whether a person living in Canada with precarious immigration status has the right to life-saving healthcare (the CCLA intervened in the Federal Court of Appeal);
  129. *Phyllis Morris v. Richard Johnson, et al.*, 2011 ONSC 3996, concerning a motion for production and disclosure brought by a public official and plaintiff in a defamation action in order to get identifying information about anonymous bloggers (the CCLA intervened on the motion at the Ontario Superior Court of Justice);
  130. *Canada (Attorney General) v. PHS Community Services Society*, 2011 SCC 44, concerning a safe (drug) injection site, and the constitutionality of certain criminal provisions in relation to users and staff of the site (the CCLA intervened in the Supreme Court of Canada);
  131. *Crookes v. Newton*, 2011 SCC 47, concerning whether a hyperlink constitutes "publication" for the purposes of the law of defamation (the CCLA intervened in the Supreme Court of Canada);
  132. *R. v. Katigbak*, 2011 SCC 48, considering the scope of the statutory defences to possession of child pornography (the CCLA intervened in the Supreme Court of Canada);
  133. *R. v. Barros*, 2011 SCC 51, considering the scope of the informer privilege and whether it extends to prohibit independent investigation by the defence which may unearth the identity of a police informer (the CCLA intervened in the Supreme Court of Canada);
  134. *Batty v. City of Toronto*, 2011 ONSC 6862, concerning the constitutionality of municipal bylaws prohibiting the erection of structures and overnight presence in public parks as applied to a protest (the CCLA intervened at the Ontario Superior Court of Justice);
  135. *S.L. v. Commission scolaire des Chênes*, 2012 SCC 7, concerning parents seeking to have their children exempt from participating in Quebec's Ethics and Religious Culture curriculum on the basis of their freedom of religion concerns (the CCLA intervened before the Supreme Court of Canada);
  136. *Doré v. Barreau du Québec*, 2012 SCC 12, concerning the jurisdiction of a provincial law society to discipline members for comments critical of the judiciary (the CCLA intervened before the Supreme Court of Canada);
  137. *R. v. Ipeelee*, 2012 SCC 13, concerning the application of s. 718.2(e) of the *Criminal Code* and *Gladue* principles when sentencing an Aboriginal offender of a

- breach of long-term supervision orders (the CCLA intervened before the Supreme Court of Canada);
138. *Canada (Attorney General) v. Bedford*, 2012 ONCA 186, concerning the constitutionality of certain prostitution-related offences (the CCLA intervened at the Ontario Court of Appeal);
  139. *R. v. Tse*, 2012 SCC 16, concerning the constitutionality of the Criminal Code's "warrantless wiretap" provisions (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. Boissoin*, 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. 2009-03006-1), 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, considering the same provisions after the invocation of the notwithstanding clause (CCLA is currently intervening before the Supreme Court of Canada (S.C.C. no. 40725));
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, 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, and
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. *Luamba c. Procureur général du Québec*, 2022 QCCS 3866, concerning the power of the police to carry out roadside checks without suspicion (CCLA had conservatory intervenor status and was recognized and a Respondent on Appeal);
286. *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;
287. *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;
288. *R. v. Sharma*, 2022 SCC 39, regarding the constitutionality of several *Criminal Code* provisions that remove the availability of conditional sentences for certain offences;
289. *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;
290. *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;
291. *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;
292. *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*;
293. *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*;
294. *R v. McGregor*, 2023 SCC 4, regarding the extraterritorial application of the *Charter* protection from unreasonable search and seizure;
295. *Khorsand v. Toronto Police Service Board*, 2023 ONSC 1270, concerning whether a Toronto Police Service employment background check can be subject to judicial review;
296. *R. v. McColman*, 2023 SCC 8, concerning the authority of police officers to conduct a random sobriety stop in a private driveway;
297. *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;

298. *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;
299. *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;
300. *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;
301. *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;
302. *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.
303. *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;
304. *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.
305. *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;
306. *Andrei Bykovets v. His Majesty the King*, 2024 SCC 6, regarding whether there is a reasonable expectation of privacy in IP addresses;
307. *Fair Change Community Legal Clinic v. Ontario*, 2024 ONSC 1895, challenging the constitutionality of certain provisions of Ontario’s *Safe Streets Act*.
308. *Societe des casinos du Quebec inc., et al. v. Association des cadres de la Societe des casinos due Quebec, 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*;

## CCLA Interventions – Hearing or Decision Pending

309. *Brooke Dietrich et al. v. 40 Days for Life* (ON Div Ct File: DC-22-128), appealing an injunction order granted to prevent an individual from engaging in online activism/protest activities;
310. *Wright v. Yukon (Director of Public Safety and Investigations)* (S.C. No. 20-A0113), regarding the constitutionality of s. 3 of the Safer Communities and Neighbourhood Act;
311. *York Region District School Board v. Elementary Teachers' Federation of Ontario* (SCC File No. 40360), regarding content neutrality in analysis of private communications;
312. *Dorsey v. Attorney General of Canada* (ONCA File No. C70956), 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;
313. *Proulx et al. v. R* (SCC File No. 39822), 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*;
314. *Attorney General of Canada v. Joseph Power* (SCC File No. 40241), 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;
315. *CBC et al. v. R. et al.* (SCC File No. 40371), 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*;
316. *UR Pride v Government of Saskatchewan, et al.* (KBG-RG-01978-2023) 2024 SKKB 23, 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*;
317. *R. v. Archambault* (SCC File No. 40428), concerning whether federal legislation that limits the availability of preliminary inquiries is prospective or retrospective in application;
318. *R. v. Campbell* (SCC File No. 40465), regarding s. 8 of the *Charter* and the reasonable expectation of privacy in a text message exchange where the police impersonate one party;
319. *Choudry et al. v. Peel Police Services Board et al.* (ONSC File No. CV-22-00682804-0000), 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;
320. *R. v. Pike* (ONCA File No. C70656), on the legal standard to authorize a search of an electronic device at the border;
  321. *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* (SCC File No. 40602), on the courts' powers to grant systemic remedies when the rights of vulnerable persons are infringed;
  322. *Jacob v. Attorney General of Canada* (ONCA File No CV-0838), a challenge to the \$5000 minimum income threshold for eligibility for various COVID benefits on the basis that it discriminates against workers with disabilities;
  323. *Gnanapragasam et al v Minister of Public Safety and Emergency Preparedness et al.* (FC File No IMM-8432-22), 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*;
  324. *D'Arthenay v. Ontario Provincial Police* (ONSC File No. DC-23-00001401-00JR), on the duty of procedural fairness owed for police complaints adjudicated under the *Ontario Police Services Act*.

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

325. *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;
326. *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*;
327. *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;
328. *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*;

329. *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;
330. *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);
331. *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;
332. *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);
333. *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);
334. *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;
335. *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);
336. *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);
337. *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;
  338. *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);
  339. *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* (leave to appeal has been granted by the Supreme Court of Canada, S.C.C. no. 40952);
  340. *Nova Scotia (Attorney General) v. Freedom Nova Scotia*, 2021 NSSC 217, 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;
  341. *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;
  342. *Canadian Civil Liberties Association v. Attorney General of Canada* (Court File No. T-316-22), 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*;
  343. *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;

344. *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;
345. *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.
346. *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.

# 500-17-129903-244 - McGill c. John et Jane Doe et al - Demande d'intervention de l'ACLC

Final Audit Report

2024-05-23

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CANADA

PROVINCE DE QUÉBEC  
DISTRICT DE MONTRÉAL

N°. 500-17-129903-244

**COUR SUPÉRIEURE**  
(Chambre civile)

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**MCGILL UNIVERSITY**

et

**THE ROYAL INSTITUTION FOR THE  
ADVANCEMENT OF LEARNING**

Demandereses

c.

**ASSOCIATION MCGILLIENNE DES  
PROFESSEUR. E. S DE DROIT (AMPD) /  
ASSOCIATION OF MCGILL PROFESSORS  
OF LAW (AMPL)**

et

**STUDENTS' SOCIETY OF MCGILL  
UNIVERSITY (SSMU)**

et

**PALESTINIENS ET JUIFS UNIS (PAJU)**

et

**INDEPENDENT JEWISH VOICES**

et

**JOHN DOE**

et

**JANE DOE**

Défendeurs

et

**ASSOCIATION CANADIENNE DES LIBERTÉS  
CIVILES**, un organisme à but non lucratif, dont  
le siège social est situé au 400-124 Merton  
Street à Toronto, dans la province de  
l'Ontario, M4S 2Z2

Intervenante

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**DÉCLARATION SOUS SERMENT DE LEX GILL (IN-3)**

Le 23 mai 2024

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Je, soussignée, Lex (Alexandra) Gill, ayant mon domicile professionnel au 750 Côte de la Place d'Armes, bureau 90, dans la ville de Montréal, district judiciaire de Montréal, province de Québec H2Y 2X8, étant dûment assermentée, déclare ce qui suit :

1. Je suis l'une des avocats de l'intervenante dans le dossier susmentionné ;
2. Je déclare que tous les faits mentionnés dans cette demande sont vrais ;
3. Lorsque je n'ai pas de connaissance personnelle des faits allégués, je les crois véridiques.

ET J'AI SIGNÉ à Montréal  
ce 23 mai 2024



Lex Gill (May 23, 2024 15:27 EDT)

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M<sup>e</sup> Lex Gill

Déclaré devant moi  
ce 23 mai 2024



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Commissaire à l'assermentation  
pour le Québec











# Pour signature

Final Audit Report

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DISTRICT DE MONTRÉAL  
COUR SUPÉRIEURE  
(Chambre civile)

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Demandereses

c.

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et

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et

**PALESTINIENS ET JUIFS UNIS (PAJU)**

et

**INDEPENDENT JEWISH VOICES**

et

**JOHN DOE**

et

**JANE DOE**

Défendeurs

et

**ASSOCIATION CANADIENNE DES LIBERTÉS CIVILES**, un  
organisme à but non lucratif, dont le siège social est situé au  
400-124 Merton Street à Toronto, Ontario, M4S 2Z2

Intervenante

Notre dossier: 1469-3

BT-1415

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**ACTE D'INTERVENTION À TITRE AMICAL  
ET PIÈCES IN-1 À IN-3  
(Article 187 C.p.c.)**

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**ORIGINAL**

Nom des avocats :

M<sup>e</sup> Bruce W. Johnston  
M<sup>e</sup> Lex Gill

**TRUDEL, JOHNSTON & LESPÉRANCE, INC.**

750, côte de la Place-d'Armes, bureau 90

Montréal (Québec) H2Y 2X8

Tél : (514) 871-8385

Fax : (514) 871-8800

[bruce@tjl.quebec](mailto:bruce@tjl.quebec)

[lex@tjl.quebec](mailto:lex@tjl.quebec)