Court File No.: CV-15-532810

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N :

THE CORPORATION OF THE CANADIAN CIVIL LIBERTIES ASSOCIATION, CANADIAN JOURNALISTS FOR FREE EXPRESSION, SUKANYA PILLAY, AND TOM HENHEFFER

Applicants

- and -

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

Respondent

APPLICATION UNDER Rule 14.05(3) of the *Rules of Civil Procedure* and the *Canadian Charter of Rights and Freedoms*, ss. 1, 2, 6, 7, 8, 24, *Constitution Act, 1982*, s. 52 and *Constitution Act, 1867*, preamble

---

NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicants. The claim made by the applicants appears on the following page.

THIS APPLICATION will come on for a hearing on a date to be fixed, at 10:00 a.m., at 393 University Avenue, Toronto, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or,

where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date: July 21, 2015 Issued by:

Local Registrar

393 University Avenue, 10th Floor
Toronto, ON M5G 1E6

TO: THE ATTORNEY GENERAL OF CANADA
Department of Justice
The Exchange Tower
130 King Street West, Suite 3400
Toronto, ON M5X 1K6

APPLICATION

I. THE APPLICANTS MAKE APPLICATION FOR:

(a) A declaration that the following sections of S.C. 2015, c. C-20, An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts, which received Royal Assent on June 18, 2015 and is now law (**"Anti-terrorism Act, 2015"**), violate the sections of the Canadian Charter of Rights and Freedoms ("Charter") enumerated below, as well as the preamble to the Constitution Act, 1867, in a manner that cannot be saved under section 1 of the Charter:

(i) Those parts of section 42 of the *Anti-terrorism Act, 2015*, enacting sections 12.1(3) and 21.1 of the *Canadian Security Intelligence Service Act*, violate section 7 of the *Charter* in a manner that cannot be saved by section 1, and violate the principles of judicial independence and impartiality and the separation of powers established by the preamble to the *Constitution Act, 1867*;

(ii) Section 57 of the *Anti-terrorism Act, 2015*, amending section 83(1) of the *Immigration and Refugee Protection Act* ("*IRPA*"), and

section 59 enacting section 85.4(1) of the *IRPA* violate section 7 of the *Charter* in a manner that cannot be saved by section 1;

(iii) Those parts of section 16 of the *Anti-terrorism Act, 2015*, enacting section 83.221 of the *Criminal Code*, violate sections 2 and 7 of the *Charter* in a manner that cannot be saved by section 1, as does section 83.222(8) to the extent it includes the words "advocates or promotes the commission of terrorism offences in general – other than an offence under subsection 83.221(1)";

(iv) Those parts of section 11 of the *Anti-terrorism Act, 2015*, enacting sections 8, 16(4)-(6) and 20(1) and (3) of the *Secure Air Travel Act*, violate sections 6 and 7 of the *Charter* in a manner that cannot be saved by section 1; and

(v) Those parts of section 2 of the *Anti-terrorism Act, 2015*, enacting sections 2, 5 and 6 of the *Security of Canada Information Sharing Act*, violate sections 2, 7 and 8 of the *Charter* in a manner that cannot be saved by section 1.

(b) A declaration that the impugned provisions of the *Anti-terrorism Act, 2015* are unconstitutional and of no force and effect;

(c) Their costs of this Application; and

(d) Such further and other relief as counsel may advise and this Honourable Court may permit.

II. THE GROUNDS FOR THE APPLICATION ARE:

A. Applicants

1. Corporation Of The CCLA

1. The Applicant Corporation of the Canadian Civil Liberties Association ("CCLA") is a non-profit corporation established in 1985, pursuant to the laws of Canada. The objects of the applicant CCLA are to promote respect for and observance of fundamental human rights and civil liberties, and to defend, extend and foster the recognition of these rights and liberties. The objects of the applicant CCLA, are identical to the Canadian Civil Liberties Association, which is a national, non-profit, non-partisan, independent, non-governmental organization constituted in 1964, to protect and promote respect for and observance of fundamental human rights and civil liberties.

2. Canadian Journalists For Free Expression

2. The Applicant Canadian Journalists For Free Expression ("CJFE") is a national non-profit organization constituted in 1981 to protect and promote respect for and observance of free expression in Canada and internationally. The CJFE's membership comprises Canadian journalists and other advocates for free expression, including lawyers, teachers, students and others from various backgrounds and interests.

3. The core purpose of CJFE as an organization is to defend the rights of journalists and to contribute to the development of media freedom throughout the world. CJFE

recognizes these rights are not confined to journalists, and it strongly supports and defends the broader objectives of free expression in Canada and abroad. CJFE's representation of the interests of journalists specifically includes involvement in promoting freedom of expression and of the press, freedom from unreasonable state intrusion and digital surveillance, and access to information and open government. It also includes providing commentary and analysis regarding legislation, government policy, and operations in these areas, including on Bill C-51.

3. Sukanya Pillay

4. The Applicant Sukanya Pillay is the Executive Director and General Counsel of the Canadian Civil Liberties Association and formerly the Director of its National Security Program. A lawyer of the Bar of Ontario, Ms. Pillay has expertise in civil liberties and national security. In her role as Executive Director and General Counsel, Ms. Pillay directs all aspects of the Association's advocacy, policy, and public engagement strategy to further advance its demonstrated track-record of protecting rights, liberty, and justice for all persons in Canada. Ms. Pillay has written and spoken extensively on the implications of Bill C-51 for the fundamental human rights and civil liberties of individuals in Canada, including presenting submissions before Parliament and the Senate. In her role as General Counsel, Ms. Pillay has led the Association's litigation strategy in interventions on national security issues.

4. Tom Henheffer

5. The Applicant Tom Henheffer is the Executive Director of CJFE. An experienced journalist, Mr. Henheffer has worked for Maclean's Magazine, the Toronto Star and

other publications in Canada. He has reported on a wide array of topics including business and energy development, protest movements in Canada, and environmental and climate change science. In his role as Executive Director of CJFE, Mr. Henheffer has published and spoken widely on Bill C-51 and its implications for free speech and privacy rights. He has addressed public gatherings in various cities in Canada, and met with and written to Members of Parliament and the Senate regarding the detrimental impact Bill C-51 on the expressive rights of journalists and individuals in Canada. His writings on Bill C-51 have been published in the Review of Free Expression in Canada, the Huffington Post, and the Tyee, among other publications.

B. Standing

6. The Applicants have historically fought against threats to fundamental rights and freedoms and civil liberties. The CCLA and CJFE have been granted intervenor status in courts at all levels across Canada. The CCLA has also litigated issues in its own right.

7. The Applicants meet the test for public interest standing set out in *Minister of Justice of Canada v. Borowski*, [1981] 2 SCR 575; as refined in *Downtown Eastside Sex Workers United Against Violence Society v. Canada,* [2012] 2 SCR 524 ("*Downtown Eastside*"); and affirmed in *Manitoba Metis Federation Inc. v. Canada (Attorney General)*, [2013] 1 SCR 623. Namely, in *Downtown Eastside,* the Supreme Court of Canada held that three factors must be weighed in determining whether to grant public interest standing to a party:

(a) Whether the case raises a serious justiciable issue;

(b) Whether the party bringing the application has a real stake or a genuine interest in its outcome; and

(c) Whether having regard to a number of factors, the proposed application is a reasonable and effective means to bring the case to court.

8. This application concerns the *Charter* rights to life, liberty, and security of the person; the principles of fundamental justice; fundamental freedoms, including free expression and association; privacy rights; and mobility rights of persons in Canada affected by the *Anti-terrorism Act, 2015*, and engages principles of judicial independence and impartiality and the separation of powers established by the preamble to the *Constitution Act, 1867*. These are serious and justiciable issues.

9. The Applicants have a real and continuing interest in the welfare of those who may be the subject of CSIS warrants; of those who may be subject to Security Certificates pursuant to the *IRPA*; of those whose legitimate speech and association may be captured by the advocating and promoting terrorism offences of the *Criminal Code*; and of those who may be subject to listing and mobility restrictions pursuant to the *SATA*; and in protecting these persons' rights and liberties. Furthermore, the Applicants have a real and continuing interest in the constitutionality of warrant processes relating to CSIS; of internet deletion provisions introduced into the *Criminal Code*; and of listing processes in the *SATA*.

10. The CCLA's and CJFE's genuine interests in the issues raised in this application are directly connected to their respective organizational mandates. Ms. Pillay and Mr.

Henheffer, in their respective roles with the CCLA and CJFE, have a genuine interest in the issues raised in this application as they directly affect the civil liberties and human rights of individuals in Canada, many of whom are members of the CCLA and CJFE. As a journalist, Mr. Henheffer is also directly affected by the impugned legislation as his speech will be chilled by the broad reach of many of the provisions being challenged.

11. The Applicants have developed substantial expertise in relation to the issues raised in this application, through their advocacy, public education, and research, including specifically on Bill C-51.

12. The CCLA and the CJFE, with their significant memberships, have the resources to ensure that this application is litigated effectively, and in the interests of all those who could be subject to the impugned provisions.

13. The CCLA and CJFE have made vital contributions to jurisprudence on the intersections of constitutional rights and national security, law enforcement and intelligence-gathering by the state, by intervening in cases before courts at many levels. In addition, the Applicants have made many presentations to government, legislative committees, boards, and public inquiries on issues of fundamental rights and freedoms and their intersection with state and public interest in national security. The CCLA and Ms. Pillay have presented testimony before the House of Commons and the Senate committees studying the law in question, Bill C-51. The CJFE and Mr. Henheffer have written to and spoken with members of Parliament regarding the prejudicial effects of Bill C-51 on journalists and free expression.

14. From a practical and pragmatic point of view, and in light of the particular nature of this challenge, this application is a reasonable and effective means to bring a case of public importance before this Honourable Court. It would be difficult, if not impossible, for individuals whose rights are affected by the impugned provisions to litigate a broad-based, comprehensive *Charter* challenge to the *Anti-terrorism Act, 2015*. In many instances, individuals may not even know that their rights were violated or to what degree, given that the impugned provisions will violate *Charter* rights in secret. In many instances, judicial review of unlawful state action will be illusory.

15. Accordingly, it would be an efficient and worthwhile use of this Honourable Court's scarce judicial resources to hear and decide this application.

C. *Anti-terrorism Act, 2015*

16. The *Anti-terrorism Act, 2015* is complex omnibus legislation that significantly alters the security laws in Canada. The Act creates expansive new state powers and *Criminal Code* offences, some tied to terrorism and others related to broad concepts of national security, without any commensurate increase in legal safeguards, and in violation of the Canadian Constitution.

1. *CSIS Act* Amendments

17. Part 4 of the *Anti-terrorism Act, 2015* amends the *Canadian Security Intelligence Act* ("*CSIS Act*") to provide for a new Federal Court judicial warrant process that pre-authorizes CSIS to take measures that violate Canadian law and the constitutional rights of individuals. This warrant application occurs *in camera*, on an *ex parte* basis,

with no adversarial challenge, with no prospect of appeal, and with no requirement that the actions taken by CSIS be disclosed after the passage of time to the individual targeted. The Act does not provide for the appointment of a special advocate or an *amicus curiae* to represent the interests of the individual whose *Charter* rights are at stake. It constitutes an extraordinary inversion of the traditional role of the judiciary and the principles of fundamental justice by asking the judiciary, and not Parliament, to authorize limits on *Charter* rights as opposed to protecting such rights and preventing their violation. Sections 12.1(3) and 21.1 of the amended *CSIS Act* violate the liberty and security of person rights guaranteed under section 7 of the *Charter* in a manner that is not in accordance with the principles of fundamental justice, and cannot be saved by section 1. They furthermore violate the principles of judicial independence and impartiality and the separation of powers established by the preamble to the *Constitution Act, 1867*.

2. *Immigration and Refugee Protection Act* Amendments

18. Part 5 of the *Anti-terrorism Act, 2015* amends the *Immigration and Refugee Protection Act* ("*IRPA*") to permit the Minister of Public Safety and Emergency Preparedness, under sections 83(1) and 85.4(1) of the *IRPA*, to withhold information, including information relevant to the government's case in a security certificate proceeding, from a special advocate appointed to protect the interests of the individual who is the subject of the proceeding. Prior to the amendment, special advocates received all information in the government's possession relating to the individual's case. These amendments violate section 7 of the *Charter* by imperilling the life, liberty and

security of the person interests of the individual in a manner that does not accord with the principles of fundamental justice; and the amendments prevent the special advocates from serving their constitutionally required roles in accordance with the Supreme Court of Canada's holdings in the cases of *Charkaoui v. Canada (Citizenship and Immigration)*, [2007] 1 SCR 350 and *Canada (Citizenship and Immigration) v. Harkat*, [2014] 2 SCR 33.

19. The violations of section 7 do not constitute reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society under section 1 of the *Charter*.

3. *Secure Air Travel Act* enactment

20. Part 2 of the *Anti-terrorism Act, 2015* enacts the *Secure Air Travel Act* ("*SATA*"), which codifies the power of the Minister of Public Safety and Emergency Preparedness to deny individuals air travel by placing them on a "no-fly list". Section 8 of the *SATA* authorizes the Minister to add anyone to the no-fly list on mere suspicion ("reasonable grounds to suspect") that he or she will "engage or attempt to engage in an act that would threaten transportation security" or will "travel by air for the purpose of committing an act of [terrorism]." Once placed on the no-fly list, it is very difficult for the individual to remove their name from the list. There is no due process, no fundamental justice, and no natural justice under the scheme. The *SATA* does not require the Minister to provide reasons to the individual for their no-fly designation.

21. The individual has only a narrow right to appeal the Minister's decision to the

Federal Court and the procedure is burdensome and complex. Pursuant to section 16(4) of the Act, the individual has the burden of demonstrating not simply that the Minister was 'wrong' in placing their name on the no-fly list, but that the Minister acted 'unreasonably' in doing so. At any time during the proceeding, the Minister can ask the Court to hold part of the hearing *in camera* and *ex parte*, pursuant to section 16(6) of the *SATA*. The individual and his or her counsel, are excluded from the courtroom and the submissions and evidence are presented in secret. The Act does not provide for the appointment of a special advocate or *amicus curiae* to protect the interests of the individual in the secret hearing.

22. The processes pursuant to the *SATA* impair the mobility interests of individuals placed on the no-fly list in violation of section 6 of the *Charter* and violate the liberty and security of the person interests protected by section 7 in a manner that does not accord with the principles of fundamental justice.

23. The impugned provisions violate sections 6 and 7 in a manner that cannot be saved by section 1 of the *Charter*.

4. *Criminal Code* Amendments Advocating or Promoting Terrorism Offences

24. Part 3 of the *Anti-terrorism Act, 2015*, amends the *Criminal Code* by adding section 83.221, which provides that:

> 83.221(1) Every person who, **by communicating statements, knowingly advocates or promotes the commission of terrorism offences in general** – other than an offence under this section – **while knowing that any of those offences will be committed or being reckless as to whether any of those**

> **offences may be committed**, as a result of such communication, is guilty of an indictable offence and is liable to imprisonment for a term of not more than five years. [Emphasis added.]

25. The phrase "terrorism offences in general" in the impugned provision is not defined in the *Criminal Code* and is unconstitutionally vague and imprecise, in violation of section 7 of the *Charter*. The impugned provision does not provide fair notice to citizens of the consequence of their speech or conduct. Nor does it sufficiently limit state agents charged with enforcing the provision. As such, the prohibited speech and conduct are neither fixed nor knowable by citizens in advance.

26. The impugned offence is furthermore unconstitutionally overbroad and in violation of sections 2 and 7 of the *Charter*. The impugned offence:

(a) Criminalizes constitutionally protected speech and other expressive activities.

(b) Captures an overly broad and imprecise range of communications, including words spoken, written, or recorded electronically, gestures, signs or other visible representations.

(c) Captures statements made in private, unlike the hate speech offence under s. 319(2) of the *Criminal Code*.

(d) Captures an overly vague, broad and imprecise range of "terrorism offences in general", which criminalizes speech and conduct above and beyond the fourteen existing terrorism offences and any other indictable offence committed to benefit, or in association with, a terrorist group.

(e) Captures persons who have not made the criminalized statements, but who have merely aided or assisted the person making the criminalized statements (for example persons, including journalists, who publish statements by others that advocate or promote terrorism).

(f) Requires only a low threshold of "knowingly" and "recklessly" as opposed to "wilfully" advocating or promoting terrorism.

(g) Does not require an actual terrorist purpose, unlike other terrorism offences under the *Criminal Code*.

(h) Requires only a low threshold of *possibility* (i.e., "may") that the accused's communication result in the commission of a terrorism offence, as opposed to requiring the demonstration of a *probability* that it will result in of the commission of a terrorism offence.

(i) Requires only a low threshold of "recklessness" as opposed to "knowledge" that a terrorism offence "may be committed as a result" of the communication.

(j) Does not include reasonable statutory defences that would remove from the offence's reach conduct that a free and democratic society could not reasonably penalize, including but not limited to:

(i) legitimate purposes for expression related to justice and education, as is found in s. 319(2) of the *Criminal Code*;

(ii) good faith opinion on a religious subject or an opinion based on a belief in a religious text, as is found in s. 163.1(6) of the *Criminal Code*;

(iii) exemption of expression of religious political and ideological belief and opinion, as is found in s. 83.01(1.1) of the *Criminal Code*; and

(iv) public interest defence, as is found in s. 319(3)(b) of the *Criminal Code*.

27. The impugned provision has a chilling effect on freedom of expression and association, even if no prosecution is ever brought. Persons will prefer to remain silent rather than risk the perils of prosecution, especially since the offence can reach even those who do not have a terrorist purpose and there is no statutory defence. Moreover, because it is a new terrorism offence, and terrorism offences are subject to especially broad wiretap authorizations under Part VI of the *Criminal Code*, it will subject more people to more surveillance for their speech, and not their physical conduct. This, too, will inhibit expression in an unconstitutional manner.

28. As a consequence, the provision is overly broad, arbitrary and has consequences that are grossly disproportionate to the government's objective. The violations of sections 2 and 7 of the *Charter* do not constitute reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society under section 1.

29. Related sections 83.222 and 83.223 of the *Criminal Code* allow for judicial orders to seize and delete "terrorist propaganda", defined as "any writing, sign, visible representation or audio recording that advocates or promotes the commission of terrorism offences in general – other than an offence under subsection 83.221(1) – or counsel the commission of a terrorism offence".

30. As with section 83.221, the phrase "terrorism offences in general" is not defined in the *Criminal Code* and is both vague and overbroad.

31. Freedom of expression includes not only the right to speak, write and express oneself, but also the rights of individuals in Canada to hear, read and listen. The censorship provisions have a chilling effect on freedom of expression and will result in censorship and the seizure or deletion of content that may pose no genuine threat to Canada's safety. The provisions violate section 2(b) of the *Charter* and are not a reasonable limit under section 1.

5. *Security of Canada Information Sharing Act*

32. The *Security of Canada Information Sharing Act* ("*SCISA*") authorizes information sharing between Government of Canada institutions on any "activity that undermines the security of Canada". This term is defined in section 2 of the *SCISA*, but in a manner that is both vast and uncertain, especially when read in association with the operative parts of the Act, and in particular sections 5 and 6.

33. The information subject to sharing under the new Act implicates section 7 of the

Charter as a result of the prejudicial impact information sharing may have on the liberty and security of the person interests of individuals. The Act violates section 7 because the concept of "activity that undermines the security of Canada" is unconstitutionally vague. That vagueness may be deployed entirely by the executive branch of government, without any serious prospect anyone outside of that branch will know how it is being applied. This is because a person will not know that information about, or related to them, has been shared, and will have no opportunity to bring a court proceeding in which the Act might then be interpreted. Even assuming an individual has sufficient knowledge of government actions to bring a complaint, no specialized national security review body has jurisdiction to review the vast majority of the agencies that the Act empowers to share information. Even the three existing review bodies – for CSIS, the Communications Security Establishment and the RCMP – and the Privacy Commissioner have no powers to compel the government to follow specific interpretations of the law. In sum, the Act accords the executive branch of government sweeping and unchecked power to construe a vague definition of "activity that undermines the security of Canada" in secret.

34. The scope of information-sharing that the *SCISA* authorizes as a "security" matter will chill expression and association rights guaranteed by section 2 of the *Charter*, not least because no person is able to determine (or challenge in any meaningful way) how their activities and conduct have been or might be construed by the state as "undermining the security of Canada". They will not know how information pertaining to their activities and conduct might then be shared and used. The prospect

of invasive state archiving and information sharing about an individual's activities under the overbroad and vague concept of "threat to the security of Canada" will deter legitimate expression and association.

35. This concern is amplified by the fact that most information sharing activity conducted under the Act will take place in secret, and further, is subject to insufficient review. No specialized national security review body reviews the vast majority of the agencies that the Act empowers to share information. The three existing review bodies for CSIS; Communications Security Establishment and the RCMP cannot themselves share confidential information with each other or the Privacy Commissioner in a manner that allows them to conduct joint, coordinated reviews. They are also prohibited from following the thread of information sharing outside of the specific agencies they are charged with reviewing. As such, they do not know what happens when information is shared beyond their respective agencies. The Privacy Commissioner has an "all of government" remit but is not equipped for reviewing national security information-sharing, and at any rate has a mandate over personal information that is too limiting in an era of "big data" information processing.

36. For all of these reasons, individuals will have no means by which to become aware of or know whether information about their activities is being shared, which in turn deprives them of both recourse and remedy, in the event that information exempted from the scope of the Act is illegally shared. As per the Supreme Court of Canada's decision in *R. v. Morgentaler*, [1988] 1 SCR 30, no defence should be illusory, or so difficult to attain that it is practically illusory.

37. The information sharing also clearly implicates information protected by section 8 of the *Charter* within the meaning *R. v. Wakeling*, [2014] 3 SCR 549. It permits a form of disclosure of this information that is unreasonable, within the meaning of section 8, given the absence of sufficient review and independent checks and balances on this sharing.

38. These violations are not saved by section 1 of the *Charter*.

D. Statutory Provisions

39. *Canadian Charter of Rights and Freedoms*, including ss. 1, 2, 6, 7, 8, 24;

40. *Constitution Act, 1982*, s. 52;

41. *Constitution Act, 1867*, preamble

42. *Rules of Civil Procedure*, Rule 14; and

43. Such further and other grounds as counsel may advise and this Honourable Court may permit.

III. THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Application:

(a) The affidavit of Sukanya Pillay;

(b) The affidavit of Tom Henheffer;

(c) The affidavit of Gordon Cameron;

(d) The affidavit of Robert Cribb;

(e) Such further and other documentary evidence as counsel shall advise and this Honourable Court may permit.

DATE: July 21, 2015

CAVALLUZZO SHILTON McINTYRE CORNISH LLP
Barristers & Solicitors
474 Bathurst Street, Suite 300
Toronto, ON M5T 2S6

Paul J. J. Cavalluzzo, LSUC # 13446V
Adrienne Telford, LSUC # 56169T
Tel: 416-964-1115
Fax: 416-964-5895

pcavalluzzo@cavalluzzo.com
atelford@cavalluzzo.com

KAPOOR BARRISTERS
235 King Street East, 2nd Floor
Toronto, ON M5A 1J9

Anil Kapoor, LSUC # 28490I
Lindsay Trevelyan, LSUC # 60640E
Tel: (416) 363-2700
Fax: (416) 363-2787

akk@kapoorbarristers.com
let@ kapoorbarristers.com

Lawyers for the Applicants

THE CORPORATION OF THE CANADIAN CIVIL LIBERTIES ASSOCIATION, et al.
Applicants

and

HER MAJESTY THE QUEEN IN RIGHT OF CANADA AS REPRESENTED BY THE ATTORNEY GENERAL OF CANADA
Respondent

Court File No.: CV-15-532810

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceedings commenced at Toronto

NOTICE OF APPLICATION

CAVALLUZZO SHILTON McINTYRE CORNISH LLP
474 Bathurst Street, Suite 300
Toronto, ON M5T 2S6

Paul J. J. Cavalluzzo, LSUC # 13446V
Adrienne Telford, LSUC # 56169T
Tel: 416-964-1115
Fax: 416-964-5895

KAPOOR BARRISTERS
235 King Street East, 2nd Floor
Toronto, ON M5A 1J9

Anil Kapoor, LSUC # 28490I
Lindsay Trevelyan, LSUC # 60640E
Tel: (416) 363-2700
Fax: (416) 363-2787

Lawyers for the Applicants