

# KING'S BENCH FOR SASKATCHEWAN

Date: 2023 09 19  
Docket: KBG-RG-01978-2023  
Judicial Centre: Regina

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BETWEEN:

UR PRIDE CENTRE FOR SEXUALITY  
AND GENDER DIVERSITY

APPLICANT

- and -

GOVERNMENT OF SASKATCHEWAN AS REPRESENTED BY THE MINISTER OF EDUCATION, CONSEIL DES ÉCOLES FRANSAKOISES, CHINOOK SCHOOL DIVISION, CHRIST THE TEACHER CATHOLIC SCHOOL, CREIGHTON SCHOOL DIVISION NO. 111, GOOD SPIRIT SCHOOL DIVISION, GREATER SASKATOON CATHOLIC SCHOOLS, HOLY FAMILY ROMAN CATHOLICS SEPARATE SCHOOL DIVISION #140, HOLY TRINITY CATHOLIC SCHOOLS, HORIZON SCHOOL DIVISION, ILE-A-LA CROSSE SCHOOL DIVISION NO. 112, LIGHT OF CHRIST CATHOLIC SCHOOLS, LIVING SKY SCHOOL DIVISION NO. 202, LLOYDMINSTER CATHOLIC SCHOOL DIVISION, LLOYDMINSTER PUBLIC SCHOOL DIVISION, NORTH EAST SCHOOL DIVISION, NORTHERN LIGHTS SCHOOL DIVISION NO. 113, NORTHWEST SCHOOL DIVISION #203, PRAIRIE SOUTH SCHOOL DIVISION, PRAIRIE SPIRIT SCHOOL DIVISION, PRAIRIE VALLEY SCHOOL DIVISION, PRINCE ALBERT CATHOLIC SCHOOL DIVISION, REGINA CATHOLIC SCHOOLS, REGINA PUBLIC SCHOOLS, SASKATCHEWAN RIVERS SCHOOL DIVISION, SASKATOON PUBLIC SCHOOL, SOUTH EAST CORNERSTONE PUBLIC SCHOOL DIVISION #209, AND SUN WEST SCHOOL DIVISION

RESPONDENTS

**Counsel:**

Adam Goldenberg, Ljiljana Stanić, Eric Freeman	
Bennett Jensen and Sean Sinclair	for the applicant
Mitchell McAdam, K.C. and Katherine Roy	for the Government of Saskatchewan
No one appearing	for the 27 named School Boards
Lief Jensen and Dan LeBlanc	for proposed intervenor, Canadian Civil Liberties Association
Andre F. Memauri	for proposed interveners, Gender Dysphoria Alliance and Parents for Choice in Education
Morgan Camley	for proposed intervenor, LEAF Women's Legal Education & Action Fund
Pierre E. Hawkins	for proposed intervenor, John Howard Society of Saskatchewan

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JUDGMENT  
September 19, 2023

MEGAW J.

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**INTRODUCTION**

[1] This decision concerns the applications for intervenor status in this action brought by five distinct parties as follows:

- (a) Gender Dysphoria Alliance [GDA];
- (b) Parents for Choice in Education;
- (c) Canadian Civil Liberties Association [CCLA];
- (d) Women's Legal Education and Action Fund [LEAF]; and
- (e) John Howard Society of Saskatchewan [John Howard Society].

[2] On September 15, 2023, materials were faxed to the office of the local registrar by an entity named Our Duty Canada Group. The materials indicated this group sought intervenor status in the proceedings, but the documents were completely unreadable and appeared to have been submitted by an individual, non-lawyer, named Karin Litzcke. The Local Registrar requested this individual re-fax the material in a readable form. That was done on Sunday, September 17, 2023 and was retrieved by the deputy Local Registrar and forwarded to me at approximately 8:00 p.m. that evening. The materials have not been served on the parties to this action.

[3] The materials include a document entitled “Application to intervene by Our Duty Canada Group”, together with a document entitled “Form 6-4: Request for abridged notice period by Our Duty Canada Group.” The requestor seeks additional time to retain counsel, prepare affidavit materials, and file anything else that is required to be filed on this application.

[4] In open court, I declined to grant this application for an extension of time to retain counsel and file materials in support of its intervenor application, without prejudice to this entity’s ability to apply anew with proper materials in hand. The application now before the court does not include the necessary evidentiary base to provide any factual support for the application to extend the time period for filing. In addition, the materials have not been served upon the parties to this action. See in this regard, *Roberts v Roberts*, 2014 SKQB 80 per Turcotte J.

[5] I make no comment on the merits of any potential intervenor application by this entity. Rather, I will address any such application, if and when, it is substantively before the court.

[6] It may be that another intervenor will apply for status in this action. Counsel practising in Calgary, Alberta appeared today to alert the court that she may be retained by an unknown entity who may determine to seek status in this action. I make no comment on any such potential application and will consider it, if and when, any such application is made.

[7] For completeness of the record I note that the school divisions have previously indicated, through counsel, that they take no position in these matters and did not seek to advance any argument in this regard.

[8] I have determined to grant intervenor status to all five of the applicants.

[9] My reasons follow.

## **BACKGROUND**

[10] On August 22, 2023, the Government of Saskatchewan through the Ministry of Education introduced to all of the individual school divisions and the Conseil des Écoles Fransaskoises, a policy entitled “Use of Preferred First Name and Pronouns by Students.” That policy requires parental or guardian consent when a student under the age of 16 requests that their “preferred name, gender identity, and/or gender expression be used...” [Policy].

[11] The applicant, UR Pride, has applied by way of originating application for a declaration that the Policy is in violation of s. 7 and 15(1) of the *Canadian Charter of Rights and Freedoms* [Charter] and cannot be justified pursuant to s. 1 of the Charter. The applicant then seeks a declaration pursuant to s. 52(1) of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982*, (UK), 1982, c 11 that the Policy is of no force and effect. The applicant further seeks an interlocutory injunction

enjoining the school divisions from implementing the Policy until the matter has been finally determined.

[12] The first two described entities have filed a joint application for intervenor status but are prepared to act alone if one or the other is not able to obtain such status in these proceedings. The five intervenor applications contain affidavit material explaining their organization and its connection to the matters in issue in this litigation. They have also all filed briefs in support of an order granting them status to participate. A description of each applicant follows.

#### **Gender Dysphoria Alliance [GDA]**

[13] This is a relatively recently formed group seeking to bring awareness to concerns regarding gender dysphoria. Its members appear to advocate for their concerns regarding the presentation of gender dysphoria in society generally. The GDA seeks to endorse positions being advanced in support of the continued adoption of the Policy in this regard. Specifically, the GDA supports the role of parents as decision maker for their children and a parent's right to be informed of matters regarding their children. It also supports the position that other adults and peers may have influence on children and those children's interests are best protected through the involvement of their parents.

[14] There is no indication that this organization has either sought or been granted intervenor status previously in any litigation, whether constitutional or otherwise. There is similarly no indication in the materials that this organization has a particular expertise in advancing arguments with respect to *Charter* issues. Finally, it may reasonably be concluded that the position to be advanced by this organization will align reasonably closely with the position to be advanced by the Government.

### **Parents for Choice in Education**

[15] This organization appears to have been in existence for 11 years. It seeks to bring awareness to the role that parents play with respect to their children including in the area of education and the moral upbringing of those children. The use of the word “moral” appears in this organization’s materials and is not specifically defined. In this litigation, they seek to advance submissions concerning the primary role that parents have in the lives of their children and that parents should not be excluded from receiving information concerning their children.

[16] This organization indicates it has been a party to litigation involving a challenge to a proposed Alberta legislation. That litigation has been concluded by subsequent events concerning the Government of Alberta. This organization has apparently not participated or been granted intervenor status in any litigation, again whether constitutional or otherwise. As with the first organization, there is no indication that this group has any particular expertise in *Charter* related issues. As well, it would appear the position to be advanced here also aligns with the position to be advanced by the Government.

[17] When queried on what different perspective these two organizations would bring to the discussions on the *Charter* issues, counsel was not in a position to explain what that might be.

### **John Howard Society of Saskatchewan [John Howard Society]**

[18] This organization is involved in providing housing and supported living for youths, including gender diverse youth. It carries on this work through an association with the Ministry of Social Services. It asserts that it has direct involvement with youth who are experiencing difficulties, including those gender diverse youth.