

COURT OF APPEAL FOR ONTARIO

B E T W E E N :

ONTARIO PLACE PROTECTORS

Appellant

- and -

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO and
ATTORNEY GENERAL FOR ONTARIO**

Respondents

NOTICE OF APPEAL

The appellant, Ontario Place Protectors, appeals to the Court of Appeal from the decision of the Superior Court of Justice, located at 361 University Avenue, Toronto, ON, dated July 26, 2024,

THE APPELLANT ASKS:

1. For a declaration that (a) s. 17 of the *Rebuilding Ontario Place Act, 2023*, S.O. 2023, c. 25, Sched. 21 (the "ROPA") is of no force and effect as it breaches section 96 of the *Constitution Act, 1867*, and (b) ss. 9, 10, 11 and 17 of the ROPA should be declared a breach of public trust;
2. If necessary, a stay and/or injunction prohibiting the respondents from further implementing the ROPA;
3. The appellant's costs on a substantial indemnity basis; and
4. Such further and other relief as counsel may advise and this Honourable Court may permit.

THE GROUNDS FOR THE APPEAL ARE:

5. The Superior Court of Justice erred in law:
 - (i) by misinterpreting and/or misapplying the law regarding standing in this matter;

- (ii) by misinterpreting and/or misapplying the law regarding statutory interpretation in relation to s. 17 of the ROPA;
- (iii) by misinterpreting and/or misapplying the law regarding s. 96 of the *Constitution Act, 1867* in relation to s. 17 of the ROPA;
- (iv) by misinterpreting and/or misapplying the law regarding the doctrine of public trust in relation to ss. 9, 10, 11 and 17 of the ROPA;
- (v) by misinterpreting and/or misapplying the law regarding the granting of a stay in relation to the foregoing;

6. Rule 61 of the *Rules of Civil Procedure*; and

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

THE BASIS OF THE APPELLATE COURT’S JURISDICTION IS:

8. Subsection 6(1)(b) of the *Courts of Justice Act*; and

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

August 8, 2024

ERIC K. GILLESPIE
PROFESSIONAL CORPORATION
Barristers & Solicitors
2000-393 University Avenue
Toronto, ON M5G 1E6

Eric K. Gillespie (LSO#: 37815P)
egillespie@gillespielaw.ca
Tel: (416) 703-6362
Fax: (416) 907-9147

Counsel for the Appellant

TO: **REGISTRAR**
Court of Appeal for Ontario
130 Queen Street West
Toronto, ON M5H 2N5

AND TO: **ATTORNEY GENERAL OF ONTARIO**
Crown Law Office – Civil
720 Bay Street, 8th Floor
Toronto, Ontario M5G 2K1
Tel: 437-770-6626

Zachary Green (LSO# 48066K)
zachary.green@ontario.ca

Hera Evans (LSO # 66269Q)
hera.evans@ontario.ca

Counsel for the Respondents

ONTARIO PLACE PROTECTORS - and **HIS MAJESTY THE KING IN**
- **RIGHT OF ONTARIO and**
ATTORNEY GENERAL OF
ONTARIO

Court of Appeal File No.:
Court File No.: CV-24-00719861-0000

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Proceeding Commenced at Toronto

NOTICE OF APPEAL

ERIC K. GILLESPIE
PROFESSIONAL CORPORATION
Barristers & Solicitors
2000-393 University Avenue
Toronto, Ontario M5G 1E6

Eric K. Gillespie (LSO#37815P)
Tel: (416) 703-6362
Fax: (416) 907-9147
Email: egillespie@gillespielaw.ca

Counsel for the Appellant