



Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

ONTARIO PLACE PROTECTORS

Applicant

- and -

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

Respondents

NOTICE OF APPLICATION

TO THE RESPONDENT(S):

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

THIS APPLICATION will come on for a hearing:

- In person
- By telephone conference
- By video conference

at the following location: Toronto Superior Court via ZOOM 330 University Ave., Toronto, ON M5G 1R7 on a day to be set by the registrar.

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 **MAY 7, 2024**

Issued by..... Lisa McAllister-Lawson Digitally signed by Lisa McAllister-Lawson
Date: 2024.05.08 13:21:13 -0400

Local registrar

Address of
court office: Superior Court of Justice
330 University Avenue 8th FLOOR
Toronto, ON M5G 1R7

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

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Counsel for the Respondents

APPLICATION

1. THE APPLICANT MAKES APPLICATION FOR:

- (a) A declaration that the New Deal for Toronto Act, 2023, S.O. 2023, c. 25 - Bill 154 (the “Act”) is of no force and effect;
- (b) If necessary, a stay and/or injunction prohibiting the respondents from further implementing the Act;
- (c) The applicant’s costs of this application on a substantial indemnity basis; and
- (d) Such further and other relief as counsel may advise and this Honourable Court may permit.

2. THE GROUNDS FOR THE APPLICATION ARE:

- (a) The Act purports to eliminate the requirement for compliance with numerous statutory and regulatory requirements;
- (b) The Act further purports to eliminate virtually all claims and/or challenges that could be brought regarding the Act;
- (c) The Act does not comport with the rule of law;
- (d) The Act breaches the principles of public trust;
- (e) The Act does not comport with the rules of natural justice and procedural fairness;
- (f) More specifically, this application does not challenge the administration of the Act but its constitutionality. Just as for citizen, governments are subject to the rule of law. When governments exceeded their authority, court intervention is both appropriate and necessary;
- (g) Section 52 of the *Constitution Act, 1982*, provides:

52 (1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect;

- (h) The Act is clearly unconstitutional. It offends the division of powers set out in sections 91 to 95 of the *Constitution Act, 1982*. Section 17 of the Act purports to limit matters of federal jurisdiction including matters regulated (for example) under the Canadian Criminal Code, and the *Fisheries Act*, R.S.C. 1985, c. F-14 etc.;
- (i) The Act further offends section 96 of the *Constitution Act, 1982*, by not allowing Ontario's courts the freedom to perform their adjudicative roles without interference or to apply the law to cases brought before them;
- (j) The Act further offends the principles of public trust as emerging in other Province's Appellate Courts and the Supreme Court of Canada;
- (k) Consequently, the Act should be declared unlawful and of no force and effect;
- (l) In addition, there are serious issues to be tried, the Act will cause irreparable harm, and the balance of convenience and justice of the case favours granting a stay or injunction; and
- (m) Such further and other grounds as counsel may advise and this Honourable Court may permit.

3. THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE HEARING OF THE APPLICATION:

- (a) The Affidavits filed by the applicant; and
- (b) Such further and other material as counsel may advise and this Honourable Court may permit.

~~April 15, 2024~~ LM
MAY 7th, 2024

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

Court File No.:

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SUPERIOR COURT OF JUSTICE

Proceeding Commenced at Toronto

NOTICE OF APPLICATION

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