Federal Court  Cour fédérale

Date: 20171025

Docket: T-604-16

Citation: 2017 FC 949

Ottawa, Ontario, October 25, 2017

PRESENT: Case Management Judge Mandy Aylen

BETWEEN:

DONALD BEST

Applicant

and

THE ATTORNEY GENERAL OF CANADA and THE HONOURABLE MR. JUSTICE J. BRYAN SHAUGHNESSY

Respondents

ORDER AND REASONS

[1] Julian Fantino is a member of the Queen's Privy Council for Canada, former Member of Parliament of Canada, former Commissioner of the Ontario Provincial Police, former Chief of Police of the Municipality of Metropolitan Toronto, former Commissioner of Emergency Management for Ontario, and former Chief of Police of the London, Ontario Police Force. Mr. Fantino has brought this motion for an order, pursuant to Rule 109 of the *Federal Courts Rules*, granting him leave to intervene in this application and for directions.

[2] The Respondents, Attorney General of Canada and the Honourable Mr. Justice Shaughnessy, oppose the relief sought by Mr. Fantino. The Applicant supports the motion to intervene, but only if Mr. Fantino is not granted leave to file any evidence and the terms of the intervention do not result in any delay in the hearing of the application or modification of the issues raised in the application.

[3] The issues for determination on this motion are: (i) whether leave should be granted to Mr. Fantino to intervene; and (ii) if leave should be granted, the terms upon which Mr. Fantino should be permitted to intervene.

[4] For the reasons that follow, Mr. Fantino's motion is dismissed. I find that Mr. Fantino has not demonstrated how his participation will assist the Court's determination of a factual or legal issue related to this application for judicial review.

Background

[5] By way of background, the Applicant, Donald Best, was involved in a series of motions before Justice Shaughnessy in respect of the jurisdiction of the Ontario Superior Court of Justice to hear an action brought by a corporation controlled by the Applicant in Ontario. In the course of that proceeding, Justice Shaughnessy ultimately found the Applicant to be in contempt and a warrant of committal was signed by Justice Shaughnessy, which imposed upon the Applicant a jail sentence of three months.

[6] On January 5, 2016, the Applicant brought a complaint against Justice Shaughnessy to the Canadian Judicial Council [CJC]. In the complaint, the Applicant alleged that:

A. Justice Shaughnessy secretly created a new and changed warrant of committal that stated “no remission”, which had the effect of changing the sentence imposed on the Applicant;

B. Justice Shaughnessy improperly excluded the Applicant, a self-represented litigant, from the process of reviewing the order and warrant of committal; and

C. Justice Shaughnessy improperly ordered that he was to have no further involvement in the Applicant’s case.

[7] Upon receipt of the Applicant’s complaint, the CJC engaged in step one of its six-step complaint investigation process. Pursuant to step one, the Executive Director [ED] of the CJC conducted an initial screening of the complaint to determine whether it warranted further consideration. By letter dated January 28, 2016, the ED of the CJC advised the Applicant that the CJC would be taking no further action in relation to the complaint. Specifically, the CJC advised:

> The mandate of the Canadian Judicial Council (Council) was previously explained to you in a letter sent by the Council and which related to a complaint you had filed against the same judge and the same court matter.
>
> In your correspondence to the Council, you allege that Justice Shaughnessy secretly created and substituted a new and changed Warrant of Committal that illegally denied you statutory remission and secretly increased your jail time by a month, that Justice Shaughnessy ordered your exclusion from the normal court process and, that Justice Shaughnessy ordered that your case was never to be brought before him again.
>
> As also previously explained to you in previous correspondence, the Council is not a court. Given the principle of independence of the judiciary, the Council’s complaints process is not concerned with judicial decision-making or the exercise of judicial discretion. Your allegations concern the judicial decision-making process and

> not conduct. In your correspondence, you make various demands related to how you want the complaint process to unfold. The early process of screening complaints is governed by the *Canadian Judicial Council Procedures for the Review of Complaints or Allegations About Federally Appointed Judges* (the "*Review Procedures*"). Under the Review Procedures, my duties as Executive Director include the initial review of complaints. Once I complete this review, I must decide whether or not the matter warrants further consideration by Council. This complaint process does not and will not vary on demand.
>
> I have carefully considered your complaint and conclude that it does not involve misconduct. Accordingly, I will be taking no further action.

[8] On April 14, 2016, the Applicant commenced this application seeking a review of the decision of the ED of the CJC, as reflected in his letter dated January 28, 2016, dismissing the Applicant's complaint. In his Notice of Application, the Applicant seeks various forms of relief, including an order in the nature of *certiorari* quashing the decision of the ED of the CJC and an order in the nature of *mandamus* returning the matter to the CJC and requiring the CJC to investigate or to refer the matter to a committee for consideration on the merits of the complaint in accordance with any directions and declarations granted by the Court.

[9] The application is now ready to be heard. The final application record was served and filed on April 28, 2017 and by Order dated June 27, 2017, the hearing of this application has been scheduled for two days commencing on November 20, 2017.

[10] The issues for determination on the application for judicial review, as framed by the Applicant in his written representations, are as follows:

A. Can judicial decision-making constitute judicial misconduct?

B. Does the complaint disclose judicial misconduct?

C. The summary dismissal process followed by the Executive Director of the CJC:

i. Is unlawful?

ii. If lawful, is the reliance on the Review Procedure as law unconstitutional:

1. In that the Review Procedure is not itself law?

2. In that the Review Procedure is unconstitutional insofar as:

- It purportedly defines "conduct" as excluding judicial decision-making which is unconstitutionally vague, arbitrary and/or overbroad?

- It allows for the summary dismissal of complaints based on the "public interest" which is unconstitutionally vague, arbitrary and/or overbroad?

iii. If lawful, is the exercise of discretion unreasonable, unlawful or unconstitutional in that:

1. The exercise of discretion was unlawful or unreasonable?

2. The conduct of the judge was unconstitutional in that it violated the unwritten Constitutional Principles of the Rule of Law, Judicial Independence and/or the specific rights flowing from these principles, and/or violated ss. 7, 9 and/or 11(d) of the *Charter*, and as a result, the summary dismissal of the complaint as unconstitutional?

3. The summary dismissal was jurisdictional error as a fettering of discretion?

D. Are remedies in the nature of declarations, *certiorari, mandamus* and/or *quo warranto* available and appropriate?

[11] The Respondents characterize the issues to be determined on the application more narrowly, focusing primarily on whether the decision of the ED of the CJC was reasonable and secondarily, they address the constitutional arguments raised by the Applicant.

[12] On his motion to intervene, Mr. Fantino asserts that, on this application, no one speaks for mainstream Canadians who believe in and rely on fairness, transparency and impartiality not only within the judicial system but also within the CJC. Mr. Fantino asserts that he can assist the Court in the determination of this application given his background, experience and life in service to the public.

[13] In support of his motion, Mr. Fantino has filed a 33-page affidavit with 104 exhibits. He states that he has reviewed the evidence and submissions filed by the parties on this application, as well as the transcripts of the court hearings that are addressed in this application and the evidence that was filed before Justice Shaughnessy. Mr. Fantino asserts that his proposed participation will assist the Court in its consideration of five areas:

A. Justice Shaughnessy's and the CJC's dealings with unrepresented litigants;

B. Police involvement and interference leading up to and during the proceedings before Justice Shaughnessy and after the commencement of this application for judicial review;

C. Secret or backroom proceedings that occurred on May 3, 2012;

D. Improper evidence; and

E. Extrajudicial activity.

[14] In his affidavit, Mr. Fantino particularizes how his participation will assist in relation to each of these issues. Specifically:

A. Mr. Fantino asserts that he can assist the Court to address the concern of unrepresented persons making complaints to the CJC. He asserts that "the lack of assistance and guidance for the complainant adds a layer of mystery and lack of transparency to an already oblique arrangement where it appears that one person, Mr. Sabourin, whose credentials are not known, is the filter for all information that is assessed…Other tribunals which are in place to serve the public in specialized [sic] benefit from the assistance of fully trained assessors who can assist the aggrieved person and be certain that the full import of the complaint is fairly presented…My experience and body of knowledge will assist the Court in identifying and expanding upon the events that have yet to be explored and are not presently available to the Court (Note that this type of investigation needs a well trained investigator with insight and skill to deal with the public who mainly cannot be expected to understand the detailed mandate under which Judges operate)" (paras 141-142).

B. Mr. Fantino states that "I can assist the Court in assessing the Review Procedures that apparently caused CJC Executive Director Norman Sabourin to arbitrarily reject complaints without providing reasons. To my mind Canadians are entitled to understand and access the CJC complaint process with confidence and ease…I can assist the Court because I have been closely involved with tribunals that have been designed and implemented to protect the Canadian public and provide public

accountability to important government and societal processes…At the very least Canadians are entitled to be informed of what facts were assessed, what evidence was reviewed and how they factored into the CJC's ultimate decision. Canadians have a right to be able to know the standards by which the CJC and therefore the judges, operate" (paras 28, 30-31).

C. Mr. Fantino stated that "there is disturbing evidence, some strong and apparently irrefutable, and some circumstantial, that in four groups of incidents in the civil case and even during the present Judicial Review, police resources and personnel were (or appear to have been) improperly retained, used and coopted to assist one side of a private civil dispute in the Ontario courts". These incidents involved OPP Detective Sergeant James Arthur Van Allen in October 2009 to January 2010, Durham Regional Police in December 2009, Peel Regional Police in January 2010 and the Durham Regional Police in 2016 (paras 24, 44-48).

D. Mr. Fantino states that "there is also evidence of involvement by other police forces before the finding of contempt by the court and later who have been involved in this civil court matter. Some of it with the apparent intent of using the investigation results to influence, impact or derail this Judicial Review" (para 26).

E. Mr. Fantino asserts that Detective Sergeant Van Allen violated his oath of office, Justice Shaughnessy should not have accepted Detective Sergeant Van Allen's evidence, Justice Shaughnessy improperly refused to allow Sergeant Van Allen to be cross-examined, counsel for the Crown's behaviour was disrespectful and scandalous, Justice Shaughnessy improperly relied on false statements of the

prosecuting lawyers regarding service of motion materials on the Applicant, and Justice Shaughnessy improperly "rebuffed" the Applicant for attempting to argue that the Durham Police had performed an undocumented investigation against the Applicant (paras 54, 62, 68, 71, 76, 83). Mr Fantino asserts that the CJC should have investigated all of these issues to determine why Justice Shaughnessy "did not react appropriately". He asserts that "all of this creates even more of a concern about what went on behind the scenes that may have influenced the Judge even more than the Van Allen affidavit and the false evidence placed before the court by the lawyers" (para 85, 89). Mr. Fantino states that he can assist the Court in "determining the truth about what appears to be significant abuses of police resources to improperly influence the justice system in the civil case and perhaps even in this Judicial Review" (para 27).

F. Mr. Fantino states that the Durham Regional Police commenced an improper investigation of the Applicant following the filing of this application for judicial review. Mr. Fantino states that "for the sake of efficiency and if it will assist the Court or the CJC I would work with counsel and the Court to retain an independent expert to investigate" this conduct of the Durham Regional Police (paras 112-121).

G. Mr. Fantino stated that "the factum of Justice Shaughnessy argues that there is no evidence to support Best's allegations in the complaint of 'abuse of office, bad faith or analogous conduct'. In fact, Mr. Best disagreed and sent a number of documents and court exhibits to the CJC which argue otherwise. There is no record that the CJC acknowledged or assessed this evidence and court documents and no

understanding of why they were or were not part of the process whereby the complaints were dismissed…The CJC reports show that it did not investigate or comment about a number of factors that might very well have altered the outcome of the complaint procedure. If I am permitted to intervene I will expand further" (paras 40, 42).

H. Mr. Fantino states that "my belief is that there are records and other evidence which have not been identified or reviewed by the CJC. This case is a rare opportunity. It presents a matrix of thorough, incontrovertible professional evidence of activities that took place out of the view of Canadians and that, in my opinion, needs to be investigated by the CJC…Based on my experience, I can comment as to where I believe the records are or should be located and how to obtain them" (paras 9-10).

I. Mr. Fantino asserts that he can be of assistance to the Court as he has reviewed various documents to "find areas that Mr. Best did not report to the CJC but raise concerns that the Judge may not have been acting judicially and further investigation is required" (para 144).

J. Mr. Fantino asserts that his background can be helpful to the Court to "assess the Judge's behaviour in the context of the actions of the Judge and especially behind the scenes events that were not known and/or evaluated by the CJC" (written representations, para 77).

K. Mr. Fantino asserts that his study of the court records and transcripts revealed serious questions about the validity of the procedures that resulted in the Applicant's conviction, stating that Justice Shaughnessy improperly delegated his judicial power to the prosecuting lawyers in order to interfere with and impact legal proceedings in other countries. He asserts that the CJC needs to look into why Justice Shaughnessy did not exercise judicial control (paras 14, 16, 97).

[15] Mr. Fantino also offers a number of additional suggested areas for investigation by the CJC. By way of examples, he states:

A. "The prosecution and eventual imprisonment of Mr. Best was being carried out in the name of a purported client that did not exist. The CJC should investigate how this off-shore non-person received substantial funds in court costs which raises questions about possible money laundering and currency control violations" (para 17).

B. The Applicant's conviction for contempt was based on evidence "which has now been shown to have been unlawful, in breach of privacy laws and false". He asserts that the CJC failed to investigate why Justice Shaughnessy accepted this evidence (para 101-111).

C. "There was powerful evidence that the process that led to Mr. Best's conviction for contempt and prison sentence included back room investigations by Court police officers that may or may not have influenced the Judge and the CJC decided that it was not necessary to look into this. The fact that the Judge rejected it summarily

and refused to listen to it or take it into consideration is something that the CJC and the entire administration of Justice needs to assess now" (para 91).

[16] Mr. Fantino's Notice of Motion does not set out the terms of his proposed intervention. During a case management conference on October 12, 2017, I raised with his counsel the fact that Rule 107(2) requires that the Notice of Motion include a description of how Mr. Fantino wishes to participate in the proceeding. On October 19, 2017, the Court received a draft order from Mr. Fantino outlining the terms of his proposed intervention. Mr. Fantino seeks the following orders:

A. An order that Mr. Fantino shall be entitled to serve and file an affidavit that includes documents that are directly or indirectly referred to in his affidavit sworn September 28, 2017 as well as any other documents that are already available in the Court file for the *Nelson Barbados v Cox et al* Superior Court action including the Zagar affidavit, and all transcripts of court proceedings and examinations, and any other documents which have subsequently been filed in the Court;

B. An order that Mr. Fantino be entitled to serve and file transcripts of any recorded conversations that are relevant along with the recordings of those conversations, and any information related to the investigations by the RCMP, OPP, Durham Regional Police, Peel Police or any other police force;

C. An order that digital recordings be delivered on CD-ROMS in .wav and mp3 format;

D. An order that Mr. Fantino may deliver a factum that is not longer than 30 pages;

E. An order that Mr. Fantino shall be entitled to make oral submissions during the hearing of the application for a maximum of one hour and an additional one half hour reply;

F. An order that Mr. Fantino shall not be entitled to seek costs of the application nor shall he be required to pay costs; and

G. An order that Mr. Fantino shall be entitled to appeal.

[17] Mr. Fantino has not provided the Court with a draft of the affidavit that he would seek to file in accordance with his draft order, nor a copy of the additional evidence he would seek to file pursuant to the draft order. However, at the hearing of the motion, Mr. Fantino suggested that he would be content to file the affidavit that he filed in support of this motion on the underlying judicial review. In his view, his participation in accordance with the terms of the draft order will not result in the delay of the hearing of the application.

Analysis

[18] Pursuant to Rule 109(1) of the *Federal Courts Rules*, the Court may, on motion, grant leave to any person to intervene in a proceeding. Rule 109(2)(b) provides that any person seeking leave to intervene shall include in his notice of motion a description of "how the proposed intervener wishes to participate in the proceeding and how that participation will assist the determination of a factual or legal issue related to the proceeding". In *Canada (Attorney General) v Pictou Landing First Nation*, 2014 FCA 21 [*Pictou Landing*], Justice Stratas held that if a proposed intervener has not complied with the specific procedural requirements in Rule 109(2), the Court cannot adequately assess the remaining consideration and should deny

intervener status (see also *Sport Maska Inc v. Bauer Hockey Corp*, 2016 FCA 44 at para 39 [*Bauer*]).

[19] The factors to be considered on an intervention motion pursuant to Rule 109 were recently confirmed by the Federal Court of Appeal in *Tsleil-Waututh Nation v Canada (Attorney General)*, 2017 FCA 102 [*Tsleil-Waututh Nation*]. They remain those factors as set out in *Rothmans, Benson & Hedges Inc v Canada (AG), [1990] 1 FC 84, 29 FTR 272 (TD), aff'd [1990] 1 FC 90, 103 NR 391 (CA)* [*Rothmans*]. The factors are as follows:

(a) Is the proposed intervener directly affected by the outcome?

(b) Does there exist a justiciable issue and a veritable public interest?

(c) Is there an apparent lack of any other reasonable or efficient means to submit the question to the Court?

(d) Is the position of the proposed intervener adequately defended by one of the parties to the case?

(e) Are the interests of justice better served by the intervention of the proposed third party?

(f) Can the Court hear and decide the cause on the merits without the proposed intervener?

[20] A number of the parties have cited the Federal Court of Appeal's decision in *Pictou Landing*, which proposed a tweaking and reformulation of the factors noted above. However, the

Federal Court of Appeal confirmed in *Tsleil-Waututh Nation* that *Rothmans* and *Pictou Landing* are sufficiently similar so no departure from *Rothmans* is warranted. However, the *Pictou Landing* factors can be considered under the flexible "interests of justice" factor in *Rothmans* (see *Tsleil-Waututh Nation*, *supra* at para 32). A consideration of the "interests of justice" factor also includes a consideration of Rule 3, as some motions to intervene will be too late and will disrupt the orderly progress of a proceeding (see *Pictou Landing*, *supra*, para 10). Overall, the criteria for allowing or not allowing an intervention remain flexible (see *Bauer*, *supra* at para 42).

[21] In considering the factors listed above, the Court also has to consider the language of Rule 109, which provides that the proposed intervention will "assist the determination of a factual or legal issue related to the proceeding" – that is, the issues raised in the existing application for judicial review. In that regard, an applicant for intervention cannot make new legal arguments that are foreclosed by the evidentiary record. As was stated by Justice Stratas in *Canada (Attorney General) v Canadian Doctors for Refugee Care*, 2015 FCA 34, "notices of application for judicial review… serve to define the issues in a proceeding. Existing parties build their evidence and submissions around those carefully defined issues. An outsider seeking admission to the proceedings as an intervener has to take those issues as it finds them, not transform them or add to them. Thus, under Rule 109(2)(b) a proposed intervener must show its potential contribution to the advancement of the issues on the table, not how it will change the issues on the table".

[22] The Federal Court of Appeal has also clearly stated that acting under the guise of having a different perspective, an intervener cannot adduce fresh evidence or make submissions that are

in reality fresh evidence. An intervener cannot transform the proceeding into something different, for example, by raising issues foreign to the application before the Court. A proposed intervener must rely on the same evidence in the record that others are relying upon and focus on how they can assist the Court's determination of the existing proceedings (see *Tsleil-Waututh Nation*, *supra* at para 48).

[23] I have considered the evidence filed by Mr. Fantino, the submissions made by the parties and the proposed intervener, the notice of application and the written representations made by the parties on the underlying application for judicial review. Having weighed the various criteria and principles detailed in *Rothmans, Tsleil-Waututh Nation* and *Pictou Landing*, I am not satisfied that Mr. Fantino's participation in this proceeding as an intervener would bring further, different and valuable insights and perspectives that will assist the Court in determining any factual or legal issues raised on the application.

[24] I find that Mr. Fantino is seeking to transform the application by raising issues that are not raised by the Applicant in the notice of application or in any of the written submissions filed by the parties. Neither the complaint to the CJC nor the application before the Court raise issues regarding potential police misconduct or other policing issues, concerns regarding the treatment of unrepresented litigants before the CJC, Justice Shaughnessy's reliance on what Mr. Fantino characterizes as improper evidence or extrajudicial activity (as that term is used by Mr. Fantino). As is clear from the issues addressed by the parties in their written representations in support of the application for judicial review, the Court will not be considering any of the issues Mr. Fantino seeks to address. As such, I fail to see how Mr. Fantino's participation will be of any assistance to the Court in determining this application.

[25] Mr. Fantino and the Applicant assert that he can assist the Court in making its determination of whether bad faith is required for a judicial decision to constitute conduct, which is a position that has been taken by Justice Shaughnessy. The Applicant takes the position that the judicial review does not depend on any allegation of bad faith. The dismissal of the complaint was based on the assertion that judicial decision-making was not conduct that could be judicial misconduct and that there was no judicial misconduct. The Applicant asserts that given that he has taken the view that bad faith is not a relevant consideration on this judicial review, Mr. Fantino's participation is required in order to provide an opposing view to Justice Shaughnessy on this issue. I reject this argument. The Applicant can adequately provide the opposing view on the bad faith issue by way of his submissions at the hearing.

[26] Moreover, I note that Mr. Fantino's motion materials only speak to his ability to assist the Court with context – that is, setting out for the Court some of the things that he says occurred behind the scenes and during Justice Shaughnessy's court proceedings that may have improperly influenced his decision-making. Mr. Fantino has not requested to speak to the legal issue of whether bad faith is required.

[27] Mr. Fantino has described his proposed intervention as providing a contextual road map to the Court of events leading up to the alleged conduct of Justice Shaughnessy that formed the basis of the Applicant's complaint to the CJC. His contextual roadmap has been developed based not only on the certified tribunal record before this Court, but also on Mr. Fantino's review of other documents and transcripts from the Ontario proceedings.

[28] All of the parties to this application, including the Applicant, object to Mr. Fantino being granted leave to file any evidence on this application. I agree with the parties that Mr. Fantino

should not be permitted to file any evidence, particularly given the timing of his motion to intervene only one month before hearing of the application. Permitting him to file evidence would inevitably result in the loss of the current hearing date. In any event, as none of the proposed evidence that he seeks to file was before the CJC when it made the decision under review, I am not satisfied that the evidence is relevant to this application.

[29] In the absence of any contextual evidence from Mr. Fantino in the form of an affidavit, I further question how Mr. Fantino can be of assistance to the Court in the determination of the issues raised in this application. He is not proposing to offer a different legal perspective from that provided by the existing parties. Rather, his proposed participation is solely context-driven. Even if I had found that he sought to provide context in relation to issues that are relevant to this application, I fail to see how that could be of any assistance to the Court in the absence of an affidavit.

[30] Mr. Fantino asserts that his participation will assist the Court as none of the existing parties speak for "mainstream Canadians who believe in and rely on fairness, transparency and impartiality not only within the judicial system but also within the CJC". I reject this assertion. One of the recognized roles of the Attorney General of Canada is that of the guardian of the public interest. Accordingly, Mr. Fantino's participation is not required in order to provide a voice to, or protect the interests of, the Canadian public.

[31] Mr. Fantino and the Applicant assert that Mr. Fantino can be of assistance to the Court in crafting an appropriate remedy on the application and in particular, in providing guidance to the Court on the appropriate directions to be given to the CJC should the matter be remitted back to

the CJC for re-consideration. In his materials, Mr. Fantino points to a number of areas that he asserts the CJC should be mandated to investigate.

[32] I find that Mr. Fantino's participation in the crafting of remedies (assuming any remedies are granted) will not be of assistance to the Court. The Applicant is more than capable of providing submissions to the Court on the appropriate remedy, including specific directions, if any, to be given to the CJC. In that regard, I note that no specific directions are sought by the Applicant in his written representations. Rather, a number of declarations are sought and even if given in the form of a direction, rather than a declaration, none of the declarations relate to any of the issues raised by Mr. Fantino. Moreover, it is not the role of the Court to tie the hands of the CJC in conducting any re-consideration of its decision in the manner suggested by Mr. Fantino.

[33] Accordingly, I am not satisfied that Mr. Fantino has met the test for intervention and his motion is therefore dismissed.

Costs

[34] In the circumstances, I decline to exercise my discretion to make an award of costs on this motion.

ORDER IN T-604-16

THIS COURT ORDERS that:

1. The motion is dismissed.

2. There shall be no order as to costs.

"Mandy Aylen"

Case Management Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	T-604-16
STYLE OF CAUSE:	DONALD BEST v ATTORNEY GENERAL OF CANADA AND THE HONOURABLE MR. JUSTICE J. BRYAN SHUAGHNESSY
PLACE OF HEARING:	OTTAWA, ONTARIO
DATE OF HEARING:	OCTOBER 20, 2017
ORDER AND REASONS:	AYLEN P.
DATED:	OCTOBER 25, 2017

APPEARANCES:

Paul Slansky	FOR THE APPLICANT
Peter Wardle	FOR THE RESPONDENT (THE HONOURABLE MR. JUSTICE J. BRYAN SHAUGHNESSY)
Victor J. Paolone	FOR THE RESPONDENT (ATTORNEY GENERAL OF CANADA)
K. W. McKenzie	FOR THE PROPOSED INTERVENER (JULIAN FANTINO)

SOLICITORS OF RECORD:

Slansky Law Professional Corp. Toronto, Ontario	FOR THE APPLICANT
Wardle Daley Berstein Bieber LLP Toronto, Ontario	FOR THE RESPONDENT (THE HONOURABLE MR. JUSTICE J. BRYAN SHUAGHNESSY)

The Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT (ATTORNEY GENERAL OF CANADA)
KWM Law Professional Corporation Barristers and Solicitors Orillia, Ontario	FOR THE PROPOSED INTERVENER (JULIAN FANTINO)