

COURT OF APPEAL FOR ONTARIO

The Honourable Justice J. C. MacPherson

) THURSDAY, THE 30th
) DAY OF
) AUGUST, 2018
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IN THE MATTER OF A REFERENCE to the Court of Appeal pursuant to section 8 of the *Courts of Justice Act*, RSO 1990, c. C.34, by Order-in-Council 1014/2018 respecting the constitutionality of the *Greenhouse Gas Pollution Pricing Act*, Part 5 of the *Budget Implementation Act, No. 1*, SC 2018, c. 12

ORDER

THIS MOTION brought by the Attorney General of Ontario for directions regarding the conduct of this reference was heard on August 14, 21, and 28, 2018 by teleconference.

ON READING the Motion Record of the Attorney General of Ontario and hearing the submissions of Counsel for the Attorney General of Ontario and Counsel for the Attorney General of Canada;

1. **IT IS ORDERED** that the Attorney General of Canada shall be a party to the reference;
2. **IT IS ORDERED** that a copy of this Order and a hyperlink to a copy of Order in Council 1014/2018 shall be posted on the website of the Government of Ontario (news.ontario.ca) from September 7, 2018 to November 30, 2018;

3. **IT IS ORDERED** that the Attorney General of Ontario shall give notice of this reference to all provincial and territorial Attorneys General by serving a copy of this Order on them by September 7, 2018;

4. **IT IS ORDERED** that any provincial or territorial Attorney General may intervene as of right in this reference by serving notice of their intention to intervene on the Attorney General of Ontario and the Attorney General of Canada and filing their notice with the Court by December 21, 2018. The notice shall set out the Attorney General's address for service. The address for service on the Attorney General of Ontario and on the Attorney General of Canada shall be:

Attorney General of Ontario
Constitutional Law Branch
Civil Law Division
720 Bay Street, 4th Floor
Toronto, ON M7A 2S9
Fax: (416) 326-4015
Email: joshua.hunter@ontario.ca

Attorney General of Canada
Department of Justice Canada
Prairie Regional Office (Winnipeg)
301 – 310 Broadway
Winnipeg, MB R3C 0S6
Fax: (204) 984-8495
Email: sharlene.telles-langdon@justice.gc.ca

5. **IT IS ORDERED** that if any Attorney General who files a notice of intention to intervene as of right wishes to file a record, they must seek leave of the Court by serving a Notice of Motion, supporting affidavit, and draft record, as well as an electronic copy of all materials, by December 21, 2018;

6. **IT IS ORDERED** that a party seeking leave to intervene in this reference shall serve a motion for leave to intervene on the Attorney General of Ontario and on the Attorney General of Canada and file the motion with the Court by December 21, 2018. The motion for leave shall contain a notice of motion, supporting affidavit, motion record and factum, not to exceed 5 pages. These documents should comply with the requirements set out in Rule 37 of the Ontario *Rules of Civil Procedure*. An electronic copy of the material must be filed at the same time.

7. **IT IS ORDERED** that any motions for leave to intervene and any motions by an Attorney General for leave to file a record shall be heard on January 15, 2019, at Osgoode Hall, 130 Queen Street West, Toronto;

8. **IT IS ORDERED** that the Attorney General of Ontario shall serve the Attorney General of Canada and file a statement of particulars of the arguments she intends to advance regarding why the *Greenhouse Gas Pollution Pricing Act* is unconstitutional by September 14, 2018;
9. **IT IS ORDERED** that the Attorney General of Ontario shall serve and file five copies of her record, and factum, not to exceed forty (40) pages, as well as an electronic copy of the record and factum by November 30, 2018;
10. **IT IS ORDERED** that the Attorney General of Canada shall serve and file five copies of her record, and factum, not to exceed forty (40) pages, as well as an electronic copy of the record and factum by February 15, 2019;
11. **IT IS ORDERED** that the Attorney General of Ontario and the Attorney General of Canada shall file a joint book of authorities by February 22, 2019;
12. **IT IS ORDERED** that the Attorney General of each province and territory that filed their notice of intention to participate as an intervener shall serve and file five copies of their record, book of authorities, and factum, not to exceed twenty (20) pages, as well as an electronic copy of the record, factum, and book of authorities by February 27, 2019;
13. **IT IS ORDERED** that all other interveners shall serve and file five copies of their factum, not to exceed ten (10) pages, as well as an electronic copy of the factum by February 27, 2019;
14. **IT IS ORDERED** that the Attorney General of Ontario and the Attorney General of Canada complete cross-examinations, if any, by March 30, 2019;
15. **IT IS ORDERED** that the Attorney General of Ontario and the Attorney General of Canada shall serve and file five copies of the reply factum, if any, not to exceed twenty (20) pages, as well as an electronic copy of their reply factum, by April 8, 2019;

16. **IT IS ORDERED** that the hearing of the reference shall take place from April 15-18, 2019.

August 30, 2018

J.C. MacPherson J.A.

Justice J. C. MacPherson

ENTERED AT / INSCRIPT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

AUG 30 2018

PER / PAR: *ST*

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Court of Appeal File No.:
C65807 / M49500

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Proceedings commenced at Toronto

ORDER

**THE ATTORNEY GENERAL
OF ONTARIO**

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