

Federal Court of Appeal File No.: A-327-23

Federal Court File No.: T-577-20

FEDERAL COURT OF APPEAL

BETWEEN:

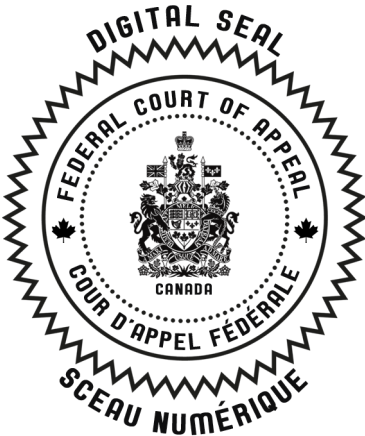
**CANADIAN COALITION FOR FIREARM RIGHTS,
RODNEY GILTACA, RYAN STEACY,
MACCABEE DEFENSE INC.,
AND WOLVERINE SUPPLIES LTD.**

Appellants

- and -

ATTORNEY GENERAL OF CANADA

Respondent



NOTICE OF APPEAL

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Appellants. The relief claimed by the Appellants appears below.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the Appellants. The Appellants request that this appeal be heard at Ottawa, Ontario or otherwise directed pursuant to the Federal Court of Appeal Consolidated Practice Direction of June 1, 2023.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting

for you must prepare a notice of appearance in Form 341A prescribed by the *Federal Courts Rules*, SOR/98-106 (“*Federal Courts Rules*”), and serve it on the Appellants’ solicitor or, if the Appellants are self-represented, on the Appellants, WITHIN 10 DAYS after being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341B prescribed by the *Federal Courts Rules* instead of serving and filing a notice of appearance.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

November 29, 2023

Issued by: Elizabeth Rabouin

(Registry Officer)

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AND COURTESY COPIES TO:

Counsel in related matters T-569-20, T-581-20, T-677-20, T-735-20, and T-905-20

APPEAL

THE APPELLANTS APPEAL to the Federal Court of Appeal from the judgment of The Honourable Justice C. M. Kane (the “**Hearing Judge**”), of the Federal Court of Canada, file No. T-577-20, dated October 30, 2023, by which the Federal Court dismissed the application for judicial review and constitutional challenge of the Appellants dated May 26, 2020 (the “**Application**”). The Federal Court did not order costs in the Application.

The Application sought, *inter alia*, judicial review and constitutional challenge of the *Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted, or Non-Restricted*, SOR/2020-96, which amended Canada’s firearm laws criminalizing certain types of firearms (and related devices). These amending regulations took effect on May 1, 2020, through the Governor in Council’s Order in Council P.C. 2020-298 (collectively, the “**Regulations**”).

THE APPELLANTS ASK this Honourable Court to:

1. Allow the appeal and set aside the decision of the Hearing Judge pursuant to s.52(b)(i) of the *Federal Courts Act*, RSC 1985, c F-7, and grant judgment to the Appellants as applied for in the Application, being a finding and declaration that:
 - a. The Regulations are *ultra vires* the *Criminal Code*, RSC 1985, c C-46 (the “**Criminal Code**”) and should be quashed, as the firearms listed in the Regulations are reasonable for use in Canada for hunting or sporting purposes;
 - b. The Regulations, specifically but not limited to the use of the word “variant”, are unconstitutionally vague, infringe on section 7 of the *Canadian Charter of*

Rights and Freedoms, Part I of the Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11 (the “Charter”), and cannot be saved by section 1 thereof, and therefore are of no force and effect; and

- c. The Regulations are inconsistent with section 1(a) of the *Canadian Bill of Rights*, SC 1960, c 44 (the “*Bill of Rights*”) insofar as the Regulations deprive firearm owners of their right to enjoyment of property without due process of law and without procedural fairness;
2. Award the Appellants the costs of this appeal pursuant to Rule 400(1) of the *Federal Courts Rules*; and
3. Such further or other relief as counsel may advise and as this Honourable Court deems just.

THE GROUNDS OF APPEAL are as follows:

1. The Federal Court erred in law by finding the Regulations *intra vires* its enabling provision, namely s.117.15(2) of the *Criminal Code*;
2. The Federal Court made an error of mixed fact and law by failing to draw an adverse inference against the Respondent for their lack of disclosure of the relevant materials that were before the Governor in Council while making the Regulations;
3. The Federal Court erred by finding the Regulations were not overly broad and vague, particularly with reference to section 7 of *Charter*;
4. The Federal Court erred by finding that the Regulations were compliant with the *Bill of Rights*; to the contrary, the Regulations deprive firearm owners of their right to enjoyment of property without due process of law and without procedural fairness; and

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

AUTHORITIES INTENDED to be relied upon:

1. *Federal Courts Act*, RSC 1985, c F-7.
2. *Federal Courts Rules*, SOR/98-106.
3. *Criminal Code*, RSC, 1985, c C-46.
4. *The Constitution Act*, 1982, Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.
5. *Canadian Bill of Rights*, SC 1960, c 44.
6. *Canada Evidence Act*, RSC, 1985, c C-5.
7. *Firearms Act*, SC 1995, c 39.
8. *Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted*, SOR/98-462.
9. *Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted, or Non-Restricted*, SOR/2020-96.

Date: November 28, 2023



Michael Loberg

I HEREBY CERTIFY that the above document is a true copy of the original filed in the Federal Court of Appeal. /

JE CERTIFIE que le document ci-dessus est une copie conforme à l'original déposé au dossier de la Cour d'appel fédérale.

Filing date / Date de dépôt November 29, 2023

Dated / Fait le November 29, 2023

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