

FEDERAL COURT

Between

**CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY
GILTACA, LAURENCE KNOWLES, RYAN STEACY, MACCABEE
DEFENSE INC., WOLVERINE SUPPLIES LTD. and MAGNUM
MACHINE LTD.**

Applicants

and

ATTORNEY GENERAL OF CANADA

Respondent

MOTION RECORD OF THE APPLICANTS (APPLICANTS ON THE MOTION)

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II.

Court File No. T-577-20

FEDERAL COURT

BETWEEN:

CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY GILTACA,
LAURENCE KNOWLES, RYAN STEACY, MACCABEE DEFENSE INC.,
WOLVERINE SUPPLIES LTD. and MAGNUM MACHINE LTD.

Applicants

and

ATTORNEY GENERAL OF CANADA

Respondent

NOTICE OF MOTION**(Rules 369 and 317 Notice of Motion to Produce Records and Materials)**

TAKE NOTICE THAT the Applicants, Canadian Coalition for Firearm Rights, Rodney Giltaca, Laurence Knowles, Ryan Steacy, Maccabee Defense Inc., Wolverine Supplies Ltd. and Magnum Machine Ltd. (the **Applicants**), will make a motion to the Court in writing under Rule 369 of the *Federal Courts Rules*, SOR/98-106 (the **Rules**) in respect of its request made under Rule 317 on May 26, 2020 (the **Rule 317 Request**, as further defined below).

THE MOTION IS FOR:

An order requiring disclosure, pursuant to Rule 317 of the *Rules*, for materials, records, and documents, that are not in the possession of the Applicants, but are known to be in the possession of the Attorney General of Canada (**AGC**), as the representative of the Governor General in Council (**GIC**) and the Royal Canadian Mounted Police (**RCMP**) in this proceeding (collectively referred to as the **Respondent**).

Specifically, the Applicants seek:

- (a) An Order dismissing the objections made by the Respondent on September 11, 2020 under Rule 318(2) (the **Rule 318 Objection**, as more particularly defined below);
- (b) An Order pursuant to Rule 318(4) requiring the Respondent to provide certified copies of the documents requested by the Applicants in their Rule 317 Request, as more particularly defined below and as more narrowly defined for the purposes of this Motion;
- (c) Alternatively, an Order requiring the Respondent to provide certified copies to the Court of any of the relevant and material documents within their possession subject to the Rule 317 Request for which they have claimed privilege or confidentiality, in order to determine:
 - (i) whether the records are subject to any privilege or confidentiality as claimed; and if so,
 - (ii) whether the public interest in disclosure of these records outweighs the public interest in maintaining its privilege;
- (d) Costs of this Motion; and
- (e) Such further and other relief as Counsel for the Applicants may advise and this Honourable Court may permit.

THE GROUNDS FOR THE MOTION ARE:

1. The Applicants repeat and adopt all allegations of fact in the Notice of Application filed on May 26, 2020 (the **Application**).
2. The Application is for Judicial Review; and is a constitutional and quasi-constitutional *vires* challenge to the *Regulations Amending 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 (the **Regulation**) made by Order in Council P.C. 2020-298, May 1, 2020 (the **Order in Council**, including the Regulatory Impact Analysis Statement, Canada Gazette, Part II, Vol. 154, No. 3).
3. The Application is also a judicial review application of certain *ad hoc* decisions made by the RCMP, including through the Specialized Firearms Supports Services Unit (**SFSS**) and the Firearms Reference Table (**FRT**), as described in the Application.
4. At paragraph 186 of the Application, the Applicants issued the Rule 317 Request seeking materials that are not in the possession of the Applicants but are known to be in the possession of the Respondent.
5. In this Motion, the Applicants narrow their Rule 317 Request to certified copies of all records, research, analysis, policy papers, briefing reports, studies, proposals, presentations, reports, memos, opinions, advice, letters, emails and any other communications that were prepared, commissioned, considered or received by the Respondent in relation to:

- (a) The public engagement referenced on page 59 of the Order in Council on the issue of banning handguns and assault-style firearms that took place between October 2018 and February 2019, including but in no way limited to:
- (i) All records which evidence the potential for a run on the market, as referenced on pages 59 and 63 of the Order in Council.
 - (ii) The results and all discussion, research, analysis, policy papers, briefing reports, studies or reports generated in part or in whole from the roundtables held in Vancouver, Montreal, Toronto, and Moncton, and any other Canadian municipalities, as referenced on page 59 of the Order in Council.
 - (iii) The results and all discussion, research, analysis, policy papers, briefing reports, studies or reports generated in part or in whole from the online questionnaire referenced on page 59 of the Order in Council.
 - (iv) All 36 written submissions, as referenced on page 59 of the Order in Council.
 - (v) All consultations in bilateral meetings with 92 stakeholders, as referenced on page 59 of the Order in Council.
 - (vi) All participants in the public engagement, as referenced on page 59 of the Order in Council, who expressed their views that a ban on assault-style firearms is either (a) needed, or (b) not needed, in order to protect public safety.
 - (vii) All engagements and consultations with Indigenous groups, as referenced on page 59 of the Order in Council.
 - (viii) All records which evidence the possibility that firearms may be diverted to illegal markets, as referenced on page 60 of the Order in Council.
- (b) The regulatory analysis referenced on page 60 of the Order in Council, including but in no way limited to the information and evidence which informed:

- (i) The costs associated with implementing the prospective buy-back program and grandfathering regime, as referenced on page 60 of the Order in Council.
 - (ii) The considered impacts on approximately 2.2 million individual firearms license holders in Canada that are affected by the Order in Council, Regulation, and *Amnesty Order*, as referenced on page 60 of the Order in Council.
 - (iii) The considered impacts and costs of the Order in Council, Regulation, and *Amnesty Order*, as referenced on page 62 of the Order in Council, on:
 - (1) The hunting industry in Canada;
 - (2) The sport shooting industry in Canada; and
 - (3) Other private businesses in Canada including businesses that manufactured or sold the firearms restricted by the Regulation.
 - (iv) The 'one-for-one' rule, as referenced on page 62 of the Order in Council.
 - (v) The Government of Canada's decision not to give advance notice under the World Trade Organization's Technical Barriers to Trade Agreement, as referenced on page 62 of the Order in Council.
 - (vi) The fact that Indigenous persons are victims of homicides involving firearms at a much higher rate than the Canadian population and that this figure appears to be increasing, as referenced on page 63 of the Order in Council.
- (c) The rationale for the Regulation, as referenced on page 63 of the Order in Council, including but in no way limited to:
- (i) The Government of Canada's objective to ban assault-style firearms as referenced on page 63 of the Order in Council.

- (ii) The Government of Canada's objective to reduce the risk of diversion to illegal markets for criminal use, and evidence of how the Regulation would achieve that objective, as referenced on page 63 of the Order in Council.
 - (iii) The conclusion that the prohibited firearms are tactical and/or military-style firearms and are not reasonable for hunting or sport shooting, as referenced on page 64 of the Order in Council.
- (d) Implementation, compliance and enforcement, and service standards, as referenced on page 65 of the Order in Council, including but in no way limited to:
- (i) The proposed or anticipated amount of compensation to be offered per firearm listed in the Regulation, and who may qualify for this compensation, as referenced on page 65 of the Order in Council.
 - (ii) Interactions with affected owners regarding the Regulation and compliance with the Regulation, including any script or directions provided to public officials, firearms officers, the Registrar or Chief Firearms Officer (as appointed under the *Firearms Act*, SC 1995, c 39), the RCMP, or other law enforcement agencies for communications with affected owners, as referenced on page 65 of the Order in Council.
 - (iii) The basis for the addition of makes and models of firearms to the list of prohibited firearms in the near future, including any correspondence or directions provided to firearms officers, the Registrar or Chief Firearms Officer (as appointed under the *Firearms Act*, SC 1995, c 39 (the *Firearms Act*)), the RCMP or other law enforcement agencies, as referenced on page 65 of the Order in Council.
 - (iv) Decisions made since May 1, 2020 by the RCMP, including the Specialized Firearm Support Services, and the reasons for those decisions, in relation to the Regulation; specifically, the decisions regarding the re-designation of approximately 600 firearms where the RCMP have unilaterally changed the

classification or determination of the firearm on the basis of “variants”, “modified versions”, bore sizes or energy at discharge of firearms not listed in the Regulation, and all FRT entries and reports in connection with same.

(as more narrowly defined above, the **Rule 317 Request**)

6. On September 11, 2020, the AGC responded to the Rule 317 Request that was made on May 26, 2020. The Respondent stated that:

- (a) It objects, pursuant to Rule 318(2), to the scope of the Rule 317 Request;
- (b) The only tribunal whose order is the subject of the Application is the GIC, and the only material that is relevant pursuant to Rule 317 is the record that was before the GIC in making the Order in Council; and
- (c) All other documents requested are not relevant for the record of this tribunal decision under review.

7. The AGC also enclosed a letter from the Privy Council Office, which:

- (a) Stated that, “[i]n this matter, it is the decision of the Governor in Council P.C. 2020-298 that is the subject of the application”;
- (b) Enclosed a certified copy “of the following material before the Governor in Council when making the Order in Council”, which consisted solely of the Order in Council with the annexed Regulation and no supporting records or documentation whatsoever; and

- (c) Stated that “[t]he other material before the Governor in Council concerning Order in Council... is a confidence of the Queen’s Privy Council for Canada, which cannot be disclosed because of its confidentiality”.

(the **Rule 318 Objection**)

8. In short, the Rule 318 Objection states that everything other than the Order in Council itself is a confidence of the Queen’s Privy Council for Canada (the **Cabinet Privilege Objection**).

9. The AGC failed or refused to provide any response on behalf of, or by the RCMP, notwithstanding the fact that throughout the Application, but paragraphs 48, 49 and 186(g)(iv) in particular, expressly challenges the decisions of the RCMP to re-designate what was at the time of the request an estimated 255 firearms and devices as prohibited (which number continues to grow and is now estimated at 600 firearms pursuant to the FRT supplemental materials posted on the Canadian Firearms Program, RCMP website) (the **RCMP Decisions**).

10. Pursuant to Rule 317, the Respondent must produce all material which is “relevant to an application”, “in the possession of the administrative decision-maker,” and not in the possession of the Applicants. All three criteria are met in the Rule 317 Request, triggering the obligation for the Respondent to transmit the material requested therein.

11. As noted in the Rule 317 Request, the materials are expressly referenced by the GIC in the Regulatory Impact Analysis Statement that accompanied the Order in Council when it was published in the Canada Gazette, Part II, Vol. 154, No. 3. Those materials are therefore relevant and were before the GIC at the time of making the decision that is under review. Those materials are also not in the possession of the Applicants. The blanket Cabinet Privilege Objection made by

the Privy Council Office does not apply to the materials requested by the Applicants in the Rule 317 Request. None of the requested materials constitute a confidence of the Queen's Privy Council. To the extent that there is any real issue about whether any of the materials may reveal the substance of cabinet deliberations and cabinet confidences, the Applicants respectfully request that those materials be provided to this Honourable Court to be inspected for the purposes of determining the objection.

12. In addition, and as noted in the Application and the Rule 317 Request, the RCMP have re-designated firearms on their own impetus, pursuant to their own internal schemes and mechanisms, which have legal repercussions for firearms owners. These re-designations are challenged in the Application and the Applicants are entitled to a response to the Rule 317 Request with respect to those decisions and re-designations.

CONCLUSION

13. The response provided by the AGC is not in compliance with Rule 318(1) and is an improper use of Rule 318(2). The Applicants submit that the deficient response - providing only the Order in Council itself with the annexed Regulation - is an improper attempt to shield the decision of the GIC and the RCMP Decisions from judicial review.

14. Absent a proper objection, the Respondent must produce the materials in the Rule 317 Request, as they are relevant, and they are in the possession of the Respondent but not the Applicants. No proper objection has been made.

15. In the alternative, the Respondent must provide certified copies to the Court of any of the relevant and material documents within their possession subject to the Rule 317 Request for a determination on privilege.

16. The Applicants respectfully request that the relief sought in this Notice of Motion be granted.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) Affidavit of Wyatt Singer, sworn October 1, 2020;
- (b) Affidavit of Rick Timmins, sworn September 30, 2020;
- (c) Pleadings and correspondence filed on the Court Record; and
- (d) Such other and further materials as counsel may advise and this Honourable Court may permit.

Dated: October 2 2020



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FORM 80A - Rule 80

AFFIDAVIT

Court File No. T-577-20

FEDERAL COURT

BETWEEN:

CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY GILTACA, LAURENCE
KNOWLES, RYAN STEACY, MACCABEE DEFENSE INC., WOLVERINE SUPPLIES
LTD., AND MAGNUM MACHINE LTD.

Applicants

and

ATTORNEY GENERAL OF CANADA

Respondent

APPLICATION UNDER sections 18 and 18.1 of the *Federal Courts Act*, RSC 1985, c F-7.

AFFIDAVIT

I, Wyatt Singer, of the Town of Okotoks, in the Province of Alberta, SWEAR THAT:

1. I am an owner and co-founder of Maccabee Defense Inc. (**Maccabee**). I have personal knowledge of the facts sworn to in this Affidavit, except where I have stated facts based on information, in which case I believe the information to be true. Maccabee is an Applicant to the Application in Court File No T-577-20 (the **Application**).
2. Maccabee is an Alberta-based manufacturer and retailer of a single firearm, the SLR-Multi Rifle (**SLR-Multi**). Maccabee was founded by my wife, Shaina Singer, and me in 2015.
3. The Application is a judicial review application and *Charter* 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 (the **Regulation**) and the *Order Declaring an Amnesty Period (2020)*, SOR/2020-97 (the **Amnesty Order**). The Application is also a judicial review application of certain *ad hoc* things done by the Royal

Canadian Mounted Police (**RCMP**), including through the Specialized Firearms Supports Services Unit (**RCMP SFSS**) and the Firearms Reference Table (**FRT**), as described in the Application. I adopt the defined terms in that Application for the purposes of my Affidavit.

4. I swear this Affidavit in support of the Applicants' response to the Respondent's objection to the production of certain records requested by the Applicants pursuant to Rule 317 of the *Federal Courts Rules*.
5. I have stated details regarding my personal background and the history of Maccabee in my previous affidavit for the Injunction Application on this Court File Number, sworn on August 21, 2020 and filed on September 11, 2020 (the **Singer Injunction Affidavit**). I adopt those details for the purposes of this Affidavit.

The Judicial Review Application

6. The Application was filed on May 26, 2020 and included, at paragraph 186, a request for material pursuant to Rule 317 of the *Federal Courts Rules*, SOR/98-106 (the **Rules**).
7. In the Application, the Applicants requested materials that are not in the possession of the Applicants, but, to my knowledge, are in the possession of the Attorney General of Canada (the **AGC**), as the representative of the Governor in Council (the **GIC**) and the RCMP (collectively, the **Respondent**), and such materials were before either the GIC or the RCMP at the time of making their respective decisions (collectively, the **Rule 317 Request**). Attached as **Exhibit "A"** to my Affidavit is a copy of the Rule 317 Request, which is an excerpt from the Application, specifically paragraph 186 which lists the requested records and makes specific reference to page numbers from the Order in Council and Regulatory Impact Analysis Statement.
8. Among other things, the Applicants requested materials specifically referenced in the Regulatory Impact Analysis Statement published in the *Canada Gazette Part II, Vol. 154*, May 1, 2020 (**Regulatory Impact Analysis Statement**). Attached as **Exhibit "B"** to my Affidavit is a copy of the Regulatory Impact Analysis Statement.

9. On September 11, 2020, the AGC provided its response to the Rule 317 Request, which included a letter from the Privy Council Office (the **Rule 318 Objection**). Attached as **Exhibit “C”** to my Affidavit is a copy of the Rule 318 Objection, which includes the letter from the Privy Council Office.

GIC Producible Records

10. The Order in Council and Regulatory Impact Analysis Statement refer to several documents (the **GIC Producible Records**) which relate to the Application. I believe that the records enumerated in the Rule 317 Request are in the possession of the Respondent, because those records are specifically referenced in the Regulatory Impact Analysis Statement that accompanied the Order in Council as noted in the Rule 317 Request, which also notes the corresponding page numbers in my Exhibit “A”.
11. I am not in possession of the GIC Producible Records.

RCMP SFSS Producible Records

12. In addition to the GIC Producible Records, the Rule 317 Request makes reference to records in connection with “decisions made since May 1, 2020 by the SFSS and RCMP” with respect to the re-designation of firearms that are not listed in the Regulation but are now listed as prohibited in the FRT. The Rule 317 Requests specifically requests disclosure of the implementation, compliance and enforcement, and service standards, including the RCMP SFSS re-designation decisions, the FRT entries and reports related to these re-designations.
13. With respect to the RCMP SFSS FRT re-designations, I believe that a number of records should exist which relate to the Application and are in the possession of the Respondent, including research, analysis, studies, presentations, photos, Technical Data Packages, work notes, inspection files, Inspection Reports from both before and after the re-designation, FRT Reports from both before and after the re-designation, letters, emails and other communications that were prepared, commissioned, considered, or received by the Respondent in relation to all re-designation decisions made since May 1, 2020 by the RCMP SFSS which are ostensibly related to the Regulation, including all changes to the

classification, designation or determination of variants or modified versions of firearms listed in the Regulation, and all FRT entries and reports in connection with same (collectively, the **RCMP SFSS Producible Records**).

14. I am not in possession of the RCMP SFSS Producible Records.
15. My belief that the RCMP SFSS Producible Records are in the possession of the Respondent is a result of my personal experience from designing a new firearm for the Canadian market, and having it classified and listed on the FRT by the RCMP SFSS.
16. Through my work with Maccabee, I designed and manufactured the SLR-Multi. In order to sell the SLR-Multi, I first had to submit it for initial classification by the RCMP SFSS. As far as I am aware, there is no other way to bring a new firearm to the Canadian market besides having it first assessed and classified by the RCMP and obtaining an FRT designation entry for the firearm.
in *sm* *semi-automatic* *sm*
17. As stated in an RCMP statement prepared by a senior policy analyst, the RCMP are responsible for “providing technical expertise to determine the classification of firearms for registration purposes [and t]o aid in this process, the RCMP created the Firearms Reference Table (FRT)”. From my experience, the RCMP seem to determine the legal classification of firearms and make designation and re-designation decisions. Attached as **Exhibit “D”** to my Affidavit is the RCMP statement prepared by a senior policy analyst. Attached as **Exhibit “E”** is a news article from the National Post which also shows that the RCMP have made legal determinations on firearms since May 1, 2020 and work closely with the Public Safety Minister’s office in doing so. Considering the RCMP’s role, I would expect records and communications to be available in relation to these re-designation decisions.
18. Based on my experience in designing the SLR-Multi, I am familiar with a document which the RCMP SFSS rely on to make firearm designations, which is published by the RCMP SFSS and entitled *Protocol for Firearms Classification Determinations for Businesses* (the **Protocol Document**). The Protocol Document sets out the process followed by the RCMP SFSS to determine the classification of a firearm on the FRT when requested to do so by a

licensed business. This is the process I followed when I submitted the SLR-Multi for classification. Attached as **Exhibit “F”** to my Affidavit as is a copy of the Protocol Document.

19. In addition, the Protocol Document shows that at least two documents are recorded for every RCMP SFSS designation decision:
 - (a) The Technical Data Package (created and submitted by the manufacturer or importer); and
 - (b) The FRT Record (created by the RCMP SFSS).
20. Along with the Protocol Document, I understand that the RCMP also use a checklist to make designation decisions regarding firearms before making entries or changing the FRT. This document is entitled the *Inspection Checklist* and shows that for every firearm inspection conducted by the RCMP, the Inspector is required to produce “work notes” which include “findings” and a “conclusion”. The *Inspection Checklist* also implies the creation of an “inspection file”. Attached as **Exhibit “G”** to my Affidavit is a copy of a blank *Inspection Checklist*, which was obtained through an access to information request to the RCMP.
21. Further, it has been my experience that a third document entitled an *Inspection Report* is often created by the RCMP SFSS during designation decisions which explains in detail the reasons for the classification decision. I understand that the RCMP may produce this *Inspection Report* upon request.
22. For example, in the process of designing the SLR-Multi and having it classified and approved by the RCMP for manufacture and sale in Canada, the RCMP created an *Inspection Report* and an FRT Report which was provided to me when the RCMP classified the SLR-Multi as a non-restricted firearm. Attached as **Exhibit “H”** to my Affidavit is a copy of the SLR-Multi *Inspection Report* and its FRT Report, both dated November 3, 2017, which designates the SLR-Multi as a non-restricted firearm.
23. The SLR-Multi is not listed or otherwise enumerated in the Regulation. It is a completely unique design, manufactured in whole at Maccabee’s facility, and it is not derived from

any firearm listed in the Regulation. It is not a variant of a firearm listed in the Regulation. Further, the SLR-Multi does not have a bore diameter of 20mm or greater, nor can the SLR-Multi, under usual operation of the firearm, discharge a projectile with a muzzle energy greater than 10,000 joules. The SLR-Multi remains the same firearm as it was when it was first designated as a non-restricted firearm.

24. Nevertheless, at some point after May 1, 2020, the RCMP SFSS modified the FRT by re-designating the SLR-Multi as a prohibited firearm. Attached as **Exhibit “I”** to my Affidavit is a copy of the FRT Report dated June 7, 2020 which purports to designate the SLR-Multi as a prohibited firearm. I did not receive any notice and I have never received any explanation in relation to this re-designation.
25. The RCMP SFSS originally classified the SLR-Multi as a non-restricted firearm. The SLR-Multi does not trace its lineage to any prohibited firearm enumerated in the Regulation. The SLR-Multi was then re-designated by the RCMP on their own impetus, purportedly, as I understand it, as a variant of the AR-10/AR-15/M16/M4 family of rifles. To date, I have received no explanation for this irreconcilable change in designation. There have been no design or specification changes to the SLR-Multi since it was first inspected by the RCMP SFSS prior to the Regulation.
26. The RCMP SFSS did not consult with Maccabee before re-designating the SLR-Multi. It is my experience that records would have been produced with this, and any other (re)designation decision by the RCMP SFSS. No records have been disclosed to me which relate to the re-designation of the SLR-Multi.
27. I am aware that Armalytics.ca has identified more than 300 firearms that have been re-designated as prohibited on the FRT since the Regulation was made on May 1, 2020. Attached as **Exhibit “J”** to my Affidavit is a copy of the Armalytics.ca list of firearms which have purportedly been re-designated by the RCMP SFSS as “prohibited” in the FRT but were not specifically listed in the Regulation.
28. I am aware that the RCMP has published a supplemental list of “prohibited” firearms on the FRT since the Regulation was passed, which lists more than 600 firearms which have

purportedly been re-designated by the RCMP SFSS as “prohibited” in the FRT, but were not specifically listed in the Regulation. Attached as **Exhibit “K”** to my Affidavit is a copy of the table of contents to the supplemental list published by the RCMP.

The First Case Management Meeting

29. On July 29, 2020, I attended the first case management meeting held in this proceeding by telephone conference (the **First Case Management Meeting**). I have also reviewed an audio recording obtained from the Federal Court of the First Case Management meeting.
30. I recall that counsel for the Applicants, Ms. Warner, Mr. Loberg, and counsel for other applicants in other proceedings, Mr. Friedman, Mr. Burlew, and Mr. Bouchelev, all raised concerns at the First Case Management Meeting that two months had already passed since requests for materials pursuant to Rule 317 had been served on the AGC, yet the Respondent had not provided a response.
31. Counsel for the Respondent, Mr. Kerry Boyd, stated that the reason for the Respondent’s delay was that the Respondent was facing five separate requests under Rule 317 and was attempting to coordinate with colleagues to compile and review the requested records before the GIC and other departments, including the RCMP, and was in the process of preparing fulsome responses.
32. Mr. Boyd said that the Respondent was willing to agree to a timetable for a fulsome response and that, in the interim, the Respondent would provide relevant records in its possession in response to the Rule 317 Request as and when those documents became available.
33. Mr. Boyd also said that the Respondent had “certainly” commenced their search for specific records and that the delay was also due, in part, to the COVID-19 pandemic and the fact that the summer months had made it difficult to respond, as many members of the Respondent’s staff were away on vacation. As such, the Respondent requested an extension and thanked the collective applicants for their patience and understanding. It was agreed that the Respondent would provide materials requested as they became available and would, in any event, make a complete response by September 11, 2020.

34. I understand from my counsel that the only response received from the AGC was on September 11, 2020 where the AGC refused to disclose any requested material except for the Regulation and Order in Council.
35. I swear this Affidavit in support of the Notice of Motion to compel the AGC to provide a proper and fulsome response to the Rule 317 Request.

SWORN BEFORE ME at the City of
Calgary, in the Province of Alberta, this
1ST day of October, 2020.



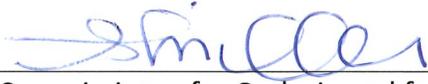
A Commissioner for Oaths in and for the
Province of Alberta

Lawyer - no expiry



Wyatt Singer

This is **Exhibit "A"** referred to in the Affidavit of Wyatt Singer, sworn before me on October 1, 2020.



A Commissioner for Oaths in and for the
Province of Alberta

Lawyer - No expiry

D. Rule 317: Request for Material from the Tribunal

186. Pursuant to Rule 317 of the *Federal Courts Rules*, the Applicants request from the Attorney General of Canada and the Governor in Council to send a certified copy of the following materials that are not in the possession of the Applicants, but are in the possession of the Attorney General of Canada, the Governor in Council, the RCMP and departments of the Government of Canada, collectively referred to as the **Government of Canada**, to the Applicants and the Registry.

All records, including but in no way limited to research, analysis, policy papers, briefing reports, studies, proposals, presentations, reports, memos, opinions, advice, letters, emails and any other communications that were prepared, commissioned, considered or received by the Government of Canada in relation to:

- a. The Order in Council.
- b. The Regulation.
- c. The *Amnesty Order*.
- d. The public engagement referenced on page 59 of the Order in Council on the issue of banning handguns and assault-style firearms that took place between October 2018 and February 2019, including but in no way limited to:
 - i. The use, and the effects of the use of handguns and assault-style firearms in Canada.

- ii. The potential for a run on the market, as referenced on pages 59 and 63 of the Order in Council.
 - iii. Roundtables held in Vancouver, Montreal, Toronto, and Moncton, and any other Canadian municipalities, as referenced on page 59 of the Order in Council.
 - iv. The results and all discussion, research, analysis, policy papers, briefing reports, studies or reports generated in part or in whole from the online questionnaire referenced on page 59 of the Order in Council.
 - v. All 36 written submissions, and any further written submissions whether formal or informal, as referenced on page 59 of the Order in Council.
 - vi. All consultations in bilateral meetings with 92 stakeholders, as referenced on page 59 of the Order in Council, and any further stakeholders whether formal or informal.
 - vii. All participants in the public engagement, as referenced on page 59 of the Order in Council, who expressed their views that a ban on assault-style firearms is either (a) needed, or (b) not needed, in order to protect public safety.
 - viii. All engagements and consultations by the Government of Canada with Indigenous groups in Canada regarding the Order in Council, Regulation, and *Amnesty Order*.
 - ix. The possibility that firearms may be diverted to illegal markets, as referenced on page 60 of the Order in Council.
- e. The regulatory analysis referenced on page 60 of the Order in Council, including but in no way limited to:
- i. The costs associated with implementing a buy-back program and grandfathering regime, as referenced on page 60 of the Order in Council.

- ii. The impacts on approximately 2.2 million individual firearms license holders in Canada that are affected by the Order in Council, Regulation, and *Amnesty Order*.
- iii. The impacts and costs of the Order in Council, Regulation, and *Amnesty Order* on:
 - 1. The hunting industry in Canada.
 - 2. The sport shooting industry in Canada.
 - 3. Other private businesses in Canada including businesses that manufactured or sold the firearms restricted by the Regulation.
- iv. The 'one-for-one' rule, as referenced on page 62 of the Order in Council.
- v. The Government of Canada's decision not to give advance notice under the World Trade Organization's Technical Barriers to Trade Agreement, as referenced on page 62 of the Order in Council.
- vi. The fact that Indigenous persons are victims of homicides involving firearms at a much higher rate than the Canadian population and that this figure appears to be increasing, as referenced on page 63 of the Order in Council.
- f. The rationale for the Regulation, as referenced on page 63 of the Order in Council, including but in no way limited to:
 - i. The Government of Canada's objective to ban assault-style firearms and reduce the risk of diversion to illegal markets for criminal use, as referenced on page 63 of the Order in Council.
 - ii. The conclusion that the prohibited firearms are tactical and/or military-style firearms and are not reasonable for hunting or sport shooting, as referenced on page 64 of the Order in Council.

- g. Implementation, compliance and enforcement, and service standards, as referenced on page 65 of the Order in Council, including but in no way limited to:
- i. The amount of compensation to be offered per firearm listed in the Regulation, as referenced on page 65 of the Order in Council.
 - ii. Interactions with affected owners regarding the Regulation and compliance with the Regulation as referenced on page 65 of the Order in Council, including any script or directions provided to public officials or firearms officers for communications with affected owners.
 - iii. The addition of makes and models of firearms to the list of prohibited firearms in the near future, as referenced on page 65 of the Order in Council.
 - iv. Decisions made since May 1, 2020 by the SFSS and RCMP in relation to the Regulation, including at least 255 changes to the classification or determination of variants or modified versions of firearms listed in the Regulation, and all Firearms Reference Tables and Reports in connection with same.
- h. All records that were put before Parliament or any Parliamentary committee which concerned the Order in Council, Regulation, and the *Amnesty Order*.
- i. All correspondence, letters, emails, and any other communications related to the Order in Council, Regulation, and the *Amnesty Order* between the Government of Canada and:
- i. The municipalities of Canada.
 - ii. The Provinces and Territories of Canada, including the Chief Firearms Officer of each Province and Territory.
 - iii. The elected or appointed representatives of First Nations and Indigenous people of Canada.

- iv. Crown Indigenous and Northern Affairs Canada.
- v. Global Affairs Canada.
- vi. The Department of Justice.
- vii. The RCMP, including the SFSS.
- viii. The Privy Council Office.
- ix. The Governor General in Council.
- x. The Prime Minister of Canada.

This is **Exhibit "B"** referred to in the Affidavit of Wyatt Singer, sworn before me on October 1, 2020.



A Commissioner for Oaths in and for the
Province of Alberta

lawyer - no expiry

Coming into Force

8 These Regulations come into force on the day on which they are made.

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Regulations or the Order.)

Issues

Canada has experienced mass shootings in rural and urban areas such as in Nova Scotia, city of Québec, Montréal, and Toronto. Whether at home or abroad, the deadliest mass shootings are commonly perpetrated with assault-style firearms. These events, and concerns about the inherent deadliness of assault-style firearms used in them, have led to increasing public demand for measures to address gun violence and mass shootings in Canada.

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 (Regulations) amend the Regulations that classify firearms (Classification Regulations) to prescribe certain firearms as prohibited firearms. The Regulations prohibit approximately 1 500 models of assault-style firearms, including current and future variants. The Regulations also prescribe the upper receivers of M16, AR-10, AR-15 and M4 pattern firearms to be prohibited devices.

The Regulations address gun violence and the threat to public safety by assault-style firearms. The Government of Canada recognizes that their inherent deadliness makes them unsuitable for civilian use and a serious threat to public safety given the degree to which they can increase the severity of mass shootings.

The Order Declaring an Amnesty Period (2020) (the Amnesty Order) accompanies the Regulations to protect individuals, who were in lawful possession of one or more of the newly prohibited firearms or prohibited devices on the day the Regulations came into force, from criminal liability for unlawful possession for the purpose of allowing individuals to come into compliance with the law.

Entrée en vigueur

8 Le présent règlement entre en vigueur à la date de sa prise.

RÉSUMÉ DE L'ÉTUDE D'IMPACT DE LA RÉGLEMENTATION

(Le présent résumé ne fait pas partie du Règlement ni du Décret.)

Enjeux

Le Canada a connu des fusillades de masse dans les régions rurales et urbaines comme la Nouvelle-Écosse, la ville de Québec, Montréal et Toronto. Que ce soit au Canada ou à l'étranger, les fusillades de masse les plus meurtrières sont souvent perpétrées au moyen d'armes à feu de style arme d'assaut. Ces événements, et les préoccupations au sujet du caractère mortel inhérent des armes à feu de style arme d'assaut alors utilisées, ont amené le public à réclamer de plus en plus de mesures pour lutter contre la violence commise avec des armes à feu et les fusillades de masse au Canada.

Le Règlement modifiant le Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés ou à autorisation restreinte (le Règlement) modifie le Règlement sur la classification des armes à feu (Règlement sur la classification) afin de prévoir que certaines armes à feu sont des armes à feu prohibées. Le Règlement interdit approximativement 1 500 modèles d'armes à feu de style d'assaut, y compris des variantes actuelles et futures. Le Règlement prescrit également que les carcasses supérieures des armes à feu de type M16, AR-10, AR-15 et M4 sont des dispositifs prohibés.

Le Règlement vise à lutter contre la violence commise avec des armes à feu et la menace à la sécurité publique que représentent les armes à feu de style arme d'assaut. Le gouvernement du Canada reconnaît que leur caractère mortel inhérent fait que de telles armes ne conviennent pas à une utilisation civile et présentent une grave menace pour la sécurité publique compte tenu du degré auquel de telles armes peuvent accroître la gravité des fusillades de masse.

Le Décret fixant une période d'amnistie (2020) (le Décret d'amnistie) accompagne le Règlement et confère aux personnes qui étaient en possession légale d'une ou de plusieurs armes à feu nouvellement prohibées ou dispositifs prohibés au moment de l'entrée en vigueur du Règlement une immunité en matière de droit pénal pour la possession illégale de telles armes en vue de permettre aux particuliers de se conformer avec la loi.

During the amnesty period, the Government intends to implement a buy-back program to compensate affected owners for the value of their firearms after they are delivered to a police officer; however, until a buy-back program is offered, affected owners will not be eligible for compensation. An option to participate in a grandfathering regime would also be made available for affected owners. Further public communications on the buy-back program and the grandfathering regime will follow later.

The Regulations and the Amnesty Order come into force on the day they are made. The Amnesty Order expires on April 30, 2022.

Background

Canada has experienced mass shootings in rural and urban areas such as in Nova Scotia, city of Québec, Montréal and Toronto. Whether at home or abroad, the deadliest mass shootings are commonly perpetrated with assault-style firearms. Given these events, the growing concern for public safety, the increasing public demand for measures to address gun violence and mass shootings and, in particular, the concern resulting from the inherent deadliness of assault-style firearms that are not suitable for civilian use, these firearms must be prohibited in Canada.

Assault-style firearms are not suitable for hunting or sport shooting purposes given the inherent danger that they pose to public safety. The newly prescribed firearms are primarily designed for military or paramilitary purposes with the capability of injuring, immobilizing or killing humans in large numbers within a short period of time given the basic characteristics they possess, such as a tactical or military design and capability of holding a quickly reloadable large-capacity magazine. While some of these newly prohibited firearms were previously used by individuals for hunting or sporting purposes, it is the view of the Government that those firearms are unreasonable and disproportionate for such purposes. The significant risk that these firearms pose to the public's safety outweighs any justification for their continued use and availability within Canada given that numerous types of firearms remain available for lawful ownership for hunting or sport shooting purposes.

Pendant la période d'amnistie, le gouvernement a l'intention de mettre en œuvre un programme de rachat pour indemniser les propriétaires touchés pour la valeur de leurs armes à feu qu'ils auront remises à un agent de police; cependant, jusqu'à l'établissement d'un programme de rachat, les propriétaires touchés ne seront pas admissibles à une indemnisation. Une option permettant de participer à un régime de maintien des droits acquis serait aussi offerte aux propriétaires touchés. D'autres communications publiques sur le programme de rachat et le régime de maintien des droits acquis suivront.

Le Règlement et le Décret d'amnistie entrent en vigueur le jour où ils seront pris. Le Décret d'amnistie prend fin le 30 avril 2022.

Contexte

Le Canada a connu des fusillades de masse dans les régions rurales et urbaines comme la Nouvelle-Écosse, la ville de Québec, Montréal et Toronto. Que ce soit au Canada ou à l'étranger, les fusillades de masse les plus meurtrières sont souvent perpétrées au moyen d'armes à feu de style arme d'assaut. Compte tenu de ces événements, la préoccupation grandissante à l'égard de la sécurité publique et du fait que le public réclame de plus en plus de mesures visant à lutter contre la violence commise avec des armes à feu et les fusillades de masse, et tout particulièrement de la préoccupation liée au caractère mortel inhérent de ces armes à feu de style arme d'assaut qui ne conviennent pas à une utilisation civile, ces armes à feu doivent être classifiées comme des armes à feu prohibées au Canada.

Les armes à feu de style arme d'assaut ne conviennent pas pour la chasse ou le tir sportif compte tenu du danger inhérent qu'elles présentent pour la sécurité du public. Les armes à feu nouvellement prohibées sont principalement conçues à des fins militaires ou paramilitaires et ont la capacité de causer des blessures, d'immobiliser ou de tuer des humains en grand nombre dans un court laps de temps compte tenu des caractéristiques de base qu'elles possèdent, comme une conception tactique ou militaire et la capacité de contenir un chargeur grande capacité rapidement rechargeable. Bien que certaines de ces armes à feu nouvellement prohibées aient déjà été utilisées par des particuliers pour la chasse ou le sport, le gouvernement est d'avis que l'utilisation de ces armes à feu est déraisonnable et disproportionnée à de telles fins. Le risque important que ces armes à feu posent pour la sécurité du public l'emporte sur toute justification relative à leur utilisation et à leur disponibilité continue au Canada étant donné qu'il continue d'être possible d'avoir la possession légale de nombreux types d'armes à feu à des fins de chasse ou de tir sportif.

The Classification Regulations prescribe firearms as prohibited, restricted or nonrestricted, and also include variants and certain modified versions of the listed firearms.

Pursuant to subsections 84(1) and 117.15(1) of the *Criminal Code*, the Governor in Council (GIC) has the authority to prescribe a firearm or a device to be prohibited in accordance with the definitions of “prohibited firearm” and “prohibited device.”

Pursuant to section 117.14 of the *Criminal Code*, the GIC is also authorized to declare an amnesty period when a firearm or device is prohibited for the purpose of permitting affected owners to come into compliance with the law.

Objective

The prescribing of firearms as prohibited is intended to limit the access to firearms that are characterized by their design and their capability of inflicting significant harm to Canadians. The Regulations address a growing public concern regarding the safety risk posed by assault-style firearms and their suitability for civilian use. The amendments to the Classification Regulations are intended to reduce the number and availability of assault-style firearms and other firearms that exceed safe civilian use in Canada, and to reduce the possibility of these firearms being diverted to the illegal market. Many of the known variants or modified versions of the approximately 1 500 firearms are also specifically prescribed to be prohibited firearms. The Regulations apply to all variants of the principal model, current or future, whether they are expressly listed or not.

Description

The Regulations have been amended to prescribe as prohibited approximately 1 500 models of firearms. Of those, nine principal models of assault-style firearms are prohibited as they (1) have semi-automatic action with sustained rapid-fire capability (tactical/military design with large magazine capacity), (2) are of modern design, and (3) are present in large volumes in the Canadian market.

The Regulations prescribe the firearms set out below as “prohibited firearms” and also specifically prescribe the known variants of the principal models:

- M16, AR-10, and AR-15 rifles and M4 carbine;
- Ruger Mini-14 rifle;
- US Rifle M14;
- Vz58 rifle;

Le Règlement sur la classification prévoit que les armes à feu sont prohibées, à autorisation restreinte ou sans restriction, et comprend également des variantes et certaines versions modifiées des armes à feu énumérées.

En vertu des paragraphes 84(1) et 117.15(1) du *Code criminel*, le gouverneur en conseil (GC) a le pouvoir de prescrire qu’une arme à feu ou un dispositif est prohibé conformément aux définitions d’« arme à feu prohibée » ou de « dispositif prohibé ».

En vertu de l’article 117.14 du *Code criminel*, le GC est autorisé à fixer une période d’amnistie à l’égard d’une arme à feu ou d’un dispositif prohibés afin de permettre aux propriétaires touchés de se conformer à la loi.

Objectif

La prohibition d’armes à feu vise à limiter l’accès à des armes à feu qui se caractérisent par leur conception et leur capacité à causer d’importants dommages aux Canadiens. Le Règlement répond à une préoccupation croissante du public relativement au risque pour la sécurité que posent les armes à feu de style arme d’assaut et à leur utilisation à des fins civiles. Les modifications du Règlement sur la classification visent à réduire le nombre et la disponibilité des armes à feu de style arme d’assaut et d’autres armes à feu qui ne conviennent pas à une utilisation civile au Canada et à réduire la possibilité de détournement de ces armes à feu vers le marché illicite. Il est aussi expressément prévu que constituent des armes à feu prohibées un grand nombre des variantes connues ou des versions modifiées d’approximativement 1 500 armes à feu. Le Règlement s’applique à toutes les variantes du modèle principal, actuelles ou futures, qu’elles soient expressément énumérées ou non.

Description

Le Règlement a été modifié pour prévoir que sont prohibés approximativement 1 500 modèles d’armes à feu. De ce nombre, neuf modèles principaux d’armes à feu de style arme d’assaut sont prohibés puisqu’ils (1) ont une action semi-automatique avec une capacité de tir rapide soutenu (conception tactique/militaire avec un chargeur grande capacité), (2) sont de conception moderne, et (3) se retrouvent en grand nombre sur le marché canadien.

Le Règlement prévoit que les armes à feu décrites ci-après sont des « armes à feu prohibées », ainsi que les variantes connues des principaux modèles:

- fusils M16, AR-10, AR-15 et carabine M4;
- fusil Ruger Mini-14;
- fusil américain M14;
- fusil Vz58;

- Robinson Armament XCR rifle;
- CZ Scorpion EVO 3 carbines and pistols;
- Beretta Cx4 Storm carbine;
- SIG Sauer SIG MCX and SIG Sauer SIG MPX carbine and pistol; and
- Swiss Arms Classic Green and Four Seasons series (as specified in former Bill C-71: *An Act to amend certain Acts and Regulations in relation to firearms*).

Also included are two new categories of firearms that exceed safe civilian use. These are characterized by the following physical attributes: a 20 mm bore or greater (e.g. grenade launcher) and the capacity to discharge a projectile with a muzzle energy greater than 10 000 joules (e.g. a .50 calibre BMG). These weapons are primarily designed to produce mass human casualties or cause significant property damage at long ranges, and the potential power of these weapons exceeds safe or legitimate civilian use.

Previous classification of the newly prohibited firearm models

	Principal model	Previous classification
1	M16, AR-10, and AR-15 rifles and M4 carbine (which represent one family of firearms commonly known as the AR Platform)	Mostly restricted, some non-restricted
2	Ruger Mini-14 rifle	Mostly non-restricted, some restricted
3	Vz58 rifle	Mostly non-restricted, some restricted
4	US Rifle M14	Non-restricted
5	Beretta Cx4 Storm carbine	Restricted and non-restricted
6	Robinson Armament XCR rifle	Mostly non-restricted, some restricted
7	CZ Scorpion EVO 3 carbine and pistol	Restricted and non-restricted
8	SIG Sauer SIG MCX and SIG Sauer SIG MPX carbines and pistols	Restricted and non-restricted
9	Swiss Arms Classic Green and Four Seasons series rifles	Non-restricted and restricted

- fusil Robinson Armament XCR;
- carabines et pistolets CZ Scorpion EVO 3;
- carabine Beretta Cx4 Storm;
- carabine et pistolet SIG Sauer SIG MCX et SIG Sauer SIG MPX;
- séries Swiss Arms Classic Green et Four Seasons (tel qu'il est précisé dans l'ancien projet de loi C-71, *Loi modifiant certaines lois et un règlement relatifs aux armes à feu*).

Sont également incluses deux nouvelles catégories d'armes à feu qui ne conviennent pas à une utilisation civile. Elles ont les caractéristiques suivantes: une âme de 20 mm ou plus (par ex. un lance-grenades) et ayant la capacité de décharger un projectile avec une énergie initiale de plus de 10 000 joules (par ex. un BMG de calibre 0,50). Ces armes à feu sont principalement conçues pour causer des pertes humaines massives ou des dommages matériels importants à grande distance, et la puissance potentielle de ces armes excède celle d'une utilisation civile sécuritaire ou légitime.

Classification antérieure des armes à feu nouvellement prohibées

	Modèle principal	Classement précédent
1	M16, AR-10, et AR-15 fusils et carabine M4 (qui représentent une famille d'armes à feu communément appelée plate-forme AR)	Principalement à autorisation restreinte, certains sans restriction
2	Fusil Mini-14	Principalement sans restriction, certains à autorisation restreinte
3	Fusil Vz58	Principalement sans restriction, certains à autorisation restreinte
4	Fusil américain M14	Sans restriction
5	Carabine Beretta Cx4 Storm	À autorisation restreinte et sans restriction
6	Fusil Robinson Armament XCR	Principalement sans restriction, certains à autorisation restreinte
7	Carabine et pistolet CZ Scorpion EVO 3	À autorisation restreinte et sans restriction
8	Carabines et pistolets SIG Sauer SIG MCX et SIG Sauer SIG MPX	À autorisation restreinte et sans restriction
9	Carabines séries Swiss Arms Classic Green et Four Seasons	À autorisation restreinte et à autorisation restreinte

Previous classification of the newly prohibited firearm categories

	Category	Previous
1	Firearms with 20 mm bore or greater	Non-restricted, a few restricted
2	Firearms capable of discharging a projectile with a muzzle energy greater than 10 000 joules	Non-restricted

While devices exclusively designed for disrupting explosives (also known as “bomb disruptors”) would technically have the attributes of the newly prohibited categories, they have an important function in defusing hazardous explosive devices. Recognizing Canada’s international commitment to global peace and security, these devices are excluded from the prescribed list to permit their export under the *Export and Import Permits Act*.

The Regulations also prescribe the upper receivers of M16, AR-10, AR-15 and M4 pattern firearms to be prohibited devices in order to ensure that these firearms cannot easily be used with illicitly manufactured or acquired lower receivers. The M16, AR-10, AR-15 and M4 firearms are modular firearms consisting of the lower receiver assembly, which is the component bearing the serial number and subject to registration that is now prohibited; and the upper receiver assembly, which is the pressure bearing component and has not previously been regulated. An owner could possess two or more upper receiver assemblies which can be mounted and dismounted on a lower receiver assembly according to the needs of the occasion. If upper receivers are not also prohibited, there is a significant public safety risk that the upper receiver assemblies would be mated with an illegal lower receiver (i.e. smuggled, made from a receiver blank, or manufactured by 3D printing to supply the illegal market) thus creating unmarked, untraceable M16, AR-10, AR-15 or M4 firearms, commonly known as “ghost guns.” Prohibiting the upper receiver of these rifles will reduce the quantities in circulation and render it much more difficult to illicitly fabricate working firearms.

The Amnesty Order has been made to protect affected individuals who (1) were in legal possession of a newly prohibited firearm or prohibited device at the time the Regulations came into force, and, (2) continue to hold a valid licence during the amnesty period, from criminal liability for unlawful possession of a prohibited firearm in order to afford the individuals with time to dispose of the

Classification précédente des catégories d’armes à feu nouvellement interdites

	Catégorie	Précédent
1	Armes à feu ayant une âme de 20 mm ou plus	À autorisation restreinte et sans restriction, certaines à autorisation restreinte
2	Armes à feu pouvant tirer un projectile avec une énergie initiale de plus de 10 000 joules	Sans restriction

Bien que les dispositifs exclusivement conçus pour désamorcer les explosifs (aussi connus sous le nom de « désamorçeurs de bombes ») aient techniquement les caractéristiques des catégories nouvellement interdites, ils ont une fonction importante dans le désamorçage des dispositifs explosifs dangereux. Compte tenu de l’engagement international du Canada envers la paix et la sécurité mondiales, ces dispositifs sont exclus de la liste réglementaire pour en permettre l’exportation en vertu de la *Loi sur les licences d’exportation et d’importation*.

Le Règlement prévoit aussi que les carcasses supérieures des armes à feu des modèles M16, AR-10, AR-15 et M4 sont des dispositifs prohibés afin de veiller à ce que ces armes à feu ne puissent être facilement utilisées avec des carcasses inférieures fabriquées ou acquises illicitement. Les armes à feu des modèles M16, AR-10, AR-15 et M4 sont des armes à feu modulaires composées de l’assemblage de la carcasse inférieure, qui est la composante portant le numéro de série et faisant l’objet de l’enregistrement, qui sont maintenant prohibées; l’assemblage de la carcasse supérieure, lequel est le composant sous pression, n’avait pas été réglementé auparavant. Un propriétaire peut posséder deux ou plusieurs assemblages de carcasse supérieure qui peuvent être montés et démontés sur un assemblage de carcasse inférieure selon les besoins. Si les carcasses supérieures ne sont pas aussi des dispositifs prohibés, sur le plan de la sécurité publique, il est fort risqué que des assemblages de carcasse supérieure soient couplés à une carcasse inférieure illégale (c.-à-d. passées en contrebande, fabriquées à partir d’une carcasse inachevée, ou fabriquées par impression 3d pour approvisionner le marché illicite), créant ainsi des armes à feu des modèles M16, AR-10, AR-15 ou M4, non marquées et intraquables, communément appelées « armes à feu fantômes ». Le fait de prohiber la carcasse supérieure de ces fusils réduira les quantités en circulation et rendra beaucoup plus difficile la fabrication illicite d’armes à feu qui fonctionnent.

Le Décret d’amnistie a été pris afin de conférer aux personnes qui (1) étaient en possession légale d’une arme à feu nouvellement prohibée ou d’un dispositif prohibé au moment de l’entrée en vigueur du Règlement, et (2) continuent d’être titulaires d’un permis valide pendant la période d’amnistie, une immunité en matière pénale pour la possession illégale d’armes à feu prohibées afin de

firearms. Disposal can include: having the firearm deactivated by an approved business; delivering the firearm or device to a police officer; legally exporting the firearm; and, if a business, returning the firearm or device to the manufacturer. Other permitted activities during the amnesty period are to transport the firearm for any of the above purposes and to use the newly prohibited firearm, if previously non-restricted, to hunt for the purposes of sustenance or to exercise a right recognized and affirmed by section 35 of the *Constitution Act, 1982* (the Constitution). Individuals are no longer allowed to import the firearms listed in the Regulations. Affected owners will no longer be permitted to sell to individuals within Canada or use the prohibited firearms, and no transportation will be permitted except for the purposes described above. The firearms will have to be kept securely stored in accordance with the legal storage requirements for the classification of the specified firearms prior to their prohibition.

Individuals may transport the firearms one time to return home with the firearm if it was not at the owner's residence at the time the prohibition came into force, or, if not the owner and in possession of the firearm on the day the prohibition came into force, return the firearm to its owner.

The amnesty period begins on the date of coming into force of the Amnesty Order and expires on April 30, 2022. Upon the expiration of the Amnesty Order, individuals who are in possession of a prohibited firearm or prohibited device could be prosecuted for unlawful possession.

The Government intends to implement a buy-back program, which would allow affected owners to declare their intent to deliver their firearms to a police officer. The buy-back would compensate affected owners for the value of their firearms after they are delivered to a police officer. An option to participate in a grandfathering regime would also be made available for affected owners.

While an individual may dispose of a firearm by deactivating it, legally exporting it or delivering it to a police officer prior to the implementation of the buy-back program, compensation will not be available until the buy-back program is in effect. An individual should not deliver a firearm to a police station without first making arrangements with a police officer for a safe and scheduled delivery or pick up.

permettre aux particuliers d'en disposer. La disposition peut comprendre la neutralisation de l'arme à feu par une entreprise autorisée, la remise de l'arme à feu ou du dispositif à un agent de police, l'exportation légale de l'arme à feu; et, dans le cas d'une entreprise, le fait de retourner le dispositif ou l'arme à feu au fabricant. Les autres activités autorisées pendant la période d'amnistie sont le transport de l'arme à feu à l'une des fins susmentionnées et l'utilisation de l'arme à feu nouvellement prohibée, s'il s'agissait auparavant d'une arme à feu à autorisation non restreinte, pour chasser à des fins de subsistance ou pour exercer un droit reconnu et confirmé par l'article 35 de la *Loi constitutionnelle canadienne de 1982* (la Constitution). Les particuliers ne sont plus autorisés à importer les armes à feu énumérées dans le Règlement. Les propriétaires touchés ne seront pas autorisés à vendre ces armes à feu à des particuliers au Canada ou à utiliser les armes à feu prohibées, et aucun transport n'en sera permis, sauf aux fins décrites ci-dessus. Les armes à feu devront être entreposées de façon sécuritaire en conformité avec les exigences légales d'entreposage selon la classification des armes à feu en question avant que celles-ci ne deviennent des armes à feu prohibées.

Les particuliers peuvent transporter les armes à feu une fois pour rentrer chez eux avec l'arme à feu si celle-ci ne se trouvait pas à la résidence du propriétaire le jour où l'arme à feu est devenue prohibée, ou, lorsque ce n'est pas le propriétaire qui a la possession de l'arme à feu le jour où l'arme à feu devient prohibée, pour la retourner à son propriétaire.

La période d'amnistie commence à la date d'entrée en vigueur du Décret d'amnistie et prend fin le 30 avril 2022. À l'expiration de ce décret, les particuliers qui sont en possession d'une arme à feu prohibée ou d'un dispositif prohibé pourraient faire l'objet d'une poursuite pour possession illégale.

Le gouvernement a l'intention de mettre en œuvre un programme de rachat qui permettrait aux propriétaires touchés de déclarer leur intention de remettre leur arme à feu à un agent de police. Ce programme permettrait d'indemniser les propriétaires touchés pour la valeur de leurs armes à feu une fois que celles-ci auront été remises à un agent de police. Une option de participation à un régime de maintien des droits acquis serait également offerte aux propriétaires touchés.

Un particulier peut disposer d'une arme à feu en procédant à une neutralisation de l'arme à feu, en l'exportant légalement, ou en en faisant la remise à un agent de police avant la mise en œuvre du programme de rachat; toutefois, aucune indemnisation ne sera versée jusqu'à la prise d'effet du programme d'achat. Un particulier ne devrait pas remettre une arme à feu à un poste de police sans prendre tout d'abord des dispositions avec un agent de la police pour que la livraison ou la collecte se fasse de façon sécuritaire et au moment convenu.

Regulatory development*Consultation*

Extensive public engagement on the issue of banning handguns and assault-style firearms, led by the then Minister of Border Security and Organized Crime Reduction, took place between October 2018 and February 2019 with the provinces and territories, municipalities, Indigenous groups, law enforcement, community organizations, and industry. The intent of this engagement was to hear from a wide range of stakeholders, which included those both in support of and in opposition to limiting access to firearms. The engagement process included a series of eight in-person roundtables, an online questionnaire, a written submission process, and bilateral meetings with a range of stakeholders. The roundtables were held in four cities across the country (Vancouver, Montréal, Toronto, and Moncton), and 77 stakeholders participated in these sessions. In addition, 134 917 online questionnaires were received, as well as 36 written submissions, and 92 stakeholders were consulted in the bilateral meetings.

Many participants expressed their views that a ban on assault-style firearms was needed in order to protect public safety. As a result of the clear need for immediate action to implement the ban on the prescribed prohibited firearms, and to avoid a potential run on the market, no additional consultations with the public, the provinces and territories, or Indigenous groups were contemplated prior to the effective date of the amendment to the Classification Regulations.

Given the possibility of criminal liability associated with possessing a prohibited firearm, the Government has moved to implement the Amnesty Order expeditiously and, as a result, no consultations have been undertaken relative to this Order.

Modern treaty obligations and Indigenous engagement and consultation

The Amnesty Order permits the use of any of the newly prohibited firearms, if previously non-restricted, to hunt for the purposes of sustenance or to exercise a right recognized and affirmed by section 35 of the Constitution. From fall 2018 to spring 2019, the Government held extensive engagement with Indigenous groups, provinces and territories, municipalities, law enforcement agencies, academics, victim groups and other key stakeholders on limiting access to assault-style firearms and handguns. Recognizing that some Indigenous and sustenance hunters could be using previously non-restricted firearms for their hunting and may be unable to replace these firearms immediately,

Élaboration de la réglementation*Consultation*

Entre octobre 2018 et février 2019, le ministre de la Sécurité frontalière et de la Réduction du crime organisé de l'époque a mené une vaste consultation publique sur la question de la prohibition des armes de poing et des armes à feu de style arme d'assaut auprès des provinces et territoires, des municipalités, des groupes autochtones, des forces de l'ordre, des organismes communautaires et de l'industrie. Ce processus de consultation visait à connaître les points de vue d'un vaste éventail d'intervenants, autant de ceux qui appuyaient la restriction de l'accès aux armes à feu que de ceux qui s'y opposaient. Dans le cadre de ce processus, il y a eu une série de huit tables rondes en personne, un questionnaire en ligne, présentation de mémoires et tenue de réunions bilatérales avec un éventail d'intervenants. Les tables rondes ont été tenues dans quatre villes à travers le Canada (Vancouver, Montréal, Toronto et Moncton), et 77 intervenants ont participé à ces séances. De plus, 134 917 questionnaires en ligne et 36 mémoires ont été reçus; 92 intervenants ont été consultés dans le cadre de réunions bilatérales.

De nombreux participants étaient d'avis qu'il était nécessaire de prohiber les fusils d'assaut pour protéger la sécurité publique. Compte tenu de la nécessité évidente de prendre des mesures immédiates pour mettre en œuvre la prohibition des armes à feu visées, et pour éviter une possible ruée sur ce marché, aucune autre consultation du public, des provinces, des territoires ou des groupes autochtones n'a été envisagée avant la date d'entrée en vigueur de la modification au Règlement sur la classification.

Compte tenu de la possibilité qu'il y ait une responsabilité associée à la possession d'une arme à feu prohibée, le gouvernement a pris des mesures pour mettre en œuvre rapidement le Décret d'amnistie et il n'y a donc pas eu de consultations au sujet de ce décret et de ce fait, aucune consultation n'a été faite au sujet de ce décret.

Obligations relatives aux traités modernes et consultation et mobilisation des Autochtones

Le Décret d'amnistie permet l'utilisation de toute arme à feu nouvellement prohibée, qui était auparavant une arme à feu sans restriction, pour chasser à des fins de subsistance ou pour exercer un droit reconnu et confirmé par l'article 35 de la Constitution. De l'automne 2018 au printemps 2019, le gouvernement a tenu de vastes consultations auprès de groupes autochtones, des provinces et des territoires, des municipalités, d'organismes chargés de l'application de la loi, de théoriciens, de groupes d'aide aux victimes et d'autres intervenants clés relativement à la question de la restriction de l'accès aux armes à feu de style arme d'assaut et aux armes de poing. Cependant,

the Amnesty Order includes provisions for the limited use of these firearms for such purposes. Following the publication of the Regulations, the Government will continue to engage with Indigenous groups to assess whether the prohibition of these firearms has a continued impact on the right to hunt affirmed by section 35 of the Constitution.

Instrument choice

Given that the Regulations specifically prescribe firearms as prohibited, restricted and non-restricted in Canada, amendments to the Regulations are required to change the current listing of any firearms. The identified firearms will be legally reclassified as prohibited to reduce the number and availability of assault-style firearms and firearms that exceed safe civilian use in Canadian markets and to reduce the possibility of these firearms being diverted to illegal markets. No non-regulatory options were considered.

Regulatory analysis

Benefits and costs

The costs associated with implementing a buy-back program and grandfathering regime have not yet been finalized. Figures reflect estimates of the portion of projected costs associated with compensation of owners, and are determined by estimates of the number of firearms implicated. Further, given the uncertain number of impacted non-restricted firearms and the program complexity, there may be additional costs.

There are 2.2 million individual firearms licence holders in Canada. It is unknown how many exactly will be affected by the prohibition; however, there are approximately 90 000 restricted firearms that would be affected; and an unknown number of non-restricted firearms (due to the fact that non-restricted firearms do not need to be registered in accordance with the *Firearms Act*). The implicated firearms represent some of the most prevalent firearms within the Canadian market that are of modern design, have semi-automatic action with sustained rapid-fire capability and which are able to receive a quickly reloadable, large capacity magazine. The majority of affected owners of the currently restricted firearms reside in Alberta, British Columbia or Ontario. The regional

afin d'atténuer le risque que certains chasseurs autochtones et chasseurs de subsistance puissent utiliser pour la chasse exclusivement une arme à feu nouvellement prohibée, mais auparavant une arme à feu sans restriction, et au regard du fait qu'il n'y a pas eu d'avis préalable relatif à la prohibition établie, ces chasseurs pourraient ne pas être en mesure de remplacer immédiatement les armes nouvellement prohibées; le Décret d'amnistie prévoit donc l'utilisation limitée de ces armes à feu à ces fins. Après la publication du Règlement, le gouvernement continuera de consulter les groupes autochtones en vue d'évaluer si la prohibition relative à ces armes à feu a une incidence continue sur les droits de chasse, tel qu'il est garanti par l'article 35 de la Constitution.

Choix de l'instrument

Puisque le Règlement prévoit spécifiquement qu'il y a au Canada des armes à feu prohibées, des armes à autorisation restreinte et des armes à feu sans restriction, il faut modifier le règlement pour changer la liste actuelle des armes à feu. Les armes à feu visées seront légalement reclassifiées en tant qu'armes prohibées afin de réduire le nombre et la disponibilité d'armes à feu de style arme d'assaut et des armes à feu qui ne conviennent pas à une utilisation civile sur les marchés canadiens, et de diminuer la possibilité que ces armes à feu soient détournées vers des marchés illicites. Aucune option de nature non réglementaire n'a été examinée.

Analyse de la réglementation

Avantages et coûts

Les coûts associés à la mise en œuvre d'un programme de rachat et à un régime de maintien des droits acquis n'ont pas encore été finalisés. Les chiffres reflètent les estimations de la portion des coûts projetés associés à l'indemnisation des propriétaires et sont déterminés par des estimations du nombre d'armes à feu en cause. Par ailleurs, compte tenu du nombre incertain d'armes à feu sans restriction touchées et de la complexité du programme, il pourrait y avoir des dépassements de coûts.

Il y a 2,2 millions de titulaires de permis d'armes à feu au Canada. On ne sait pas exactement combien de ceux-ci seront touchés par la prohibition; cependant, il y a approximativement entre 90 000 armes à feu à autorisation restreinte qui seraient visées, de même qu'un nombre inconnu d'armes à feu sans restriction qui le seraient également (puisque les armes à feu sans restriction n'ont pas besoin d'être enregistrées en vertu de la *Loi sur les armes à feu*). Les armes à feu visées représentent la majorité des armes à feu sur le marché canadien qui sont de conception moderne, ont une action semi-automatique avec une capacité de tir rapide soutenu et une capacité de contenir un chargeur grande capacité rapidement rechargeable. La majorité des propriétaires d'armes à feu à autorisation

breakdown for affected owners of the currently non-restricted firearms is unknown because these firearms are not registered.

A Conference Board of Canada report on *The Economic Footprint of Angling, Hunting, Trapping and Sport Shooting in Canada* published in September 2019, found that an estimated 1.4 million Canadians participate in legal sport shooting. These sport shooters may find themselves temporarily unable to participate in the sport if their primary means of participating is with a newly prohibited firearm. Sport shooters may already possess or may purchase other firearms suitable for sport shooting, and if they turn in their prohibited firearm during the buy-back program, would receive compensation. Sport shooting contributed an estimated \$1.8 billion to Canada's Gross Domestic Product (GDP) in 2018, as well as \$868 million in labour income, and supports about 14 555 full-time equivalent jobs. These figures may be affected in the short term by the prohibition on certain firearms, but these impacts may be mitigated by increases in purchases of new firearms that are not being prohibited.

In addition, 1.3 million Canadians participate in legal hunting. These owners may also be affected if they have been using a newly prohibited firearm that was previously nonrestricted. If they have been using such a firearm for sustenance hunting or to exercise a right affirmed in section 35 of the Constitution, they may continue to use their firearm for the same purpose, until the end of the amnesty period. Hunting contributes an estimated \$4.1 billion to Canada's GDP as well as \$2 billion in labour income, and supports about 33 313 full-time equivalent jobs.

The 2018 Commissioner of Firearms Report states that there are 4 442 licenced firearms businesses, of which 2 004 are for ammunition only, not including carriers and museums. Firearms business licences are issued to businesses, museums or organizations that manufacture, sell, possess, handle, display or store firearms or ammunition. The number of small businesses included in these figures is unknown, but likely comprises a large majority. Some of these businesses may see in the short term a decrease in profits as a result of the prohibition. These impacts may be mitigated by the buy-back program and the ability to return prohibited firearms to their manufacturer, and potentially by purchases of new firearms to replace those being prohibited.

restreinte touchés actuellement réside en Alberta, en Colombie-Britannique ou en Ontario. On ne connaît actuellement pas la ventilation régionale des propriétaires touchés des armes à feu actuellement sans restriction puisque celles-ci ne sont pas enregistrées.

Selon un rapport du Conference Board of Canada intitulé « The Economic Footprint of Angling, Hunting, Trapping and Sport Shooting in Canada, » publié en septembre 2019, il y a approximativement 1,4 million de Canadiens qui font du tir sportif légal. Ces tireurs sportifs pourraient se trouver temporairement dans l'impossibilité de participer au sport s'ils utilisent principalement une arme à feu nouvellement prohibée. Des tireurs sportifs peuvent déjà être en possession d'armes à feu convenant au tir sportif, ou pourraient en acheter, et seront indemnisés s'ils remettent leurs armes à feu prohibées dans le cadre du programme de rachat. Le tir sportif a contribué à hauteur de 1,8 milliard de dollars au produit intérieur brut (PIB) en 2018, de 868 millions de dollars en revenu du travail, et soutient environ 14 555 emplois équivalents temps plein. Ces chiffres risquent d'être touchés à court terme par la prohibition de certaines armes à feu; cependant, ces répercussions pourraient être atténuées par une augmentation de l'achat de nouvelles armes à feu qui ne sont pas prohibées.

Par ailleurs, 1,3 million de Canadiens participent à la chasse légale. Ces propriétaires pourraient également être touchés s'ils utilisent une arme à feu nouvellement prohibée qui, auparavant, était une arme à feu sans restriction. S'ils utilisaient une telle arme à feu pour la chasse de subsistance ou l'exercice d'un droit garanti par l'article 35 de la Constitution, ils pourront continuer d'utiliser leur arme à feu à cette fin, jusqu'à la fin de la période d'amnistie. La chasse contribue à hauteur de 4,1 milliards de dollars au PIB du Canada, et de deux milliards de dollars en revenu du travail, et appuie environ 33 313 emplois équivalents temps plein.

Selon le Rapport du commissaire aux armes à feu de 2018, il y avait 4 442 entreprises d'armes à feu titulaires d'un permis; de ce nombre, 2 004 étaient titulaires d'un permis de vente de munitions seulement, sans compter les transporteurs et les musées. Les permis d'armes à feu pour entreprise sont délivrés aux entreprises, aux musées ou aux organismes qui fabriquent, vendent, possèdent, manient, exposent ou entreposent des armes à feu ou des munitions. Le nombre de petites entreprises inclus dans ces chiffres est inconnu, mais en compose vraisemblablement la grande majorité. Certaines de ces entreprises pourraient connaître à court terme une diminution de profits à la suite de la prohibition. Ces répercussions pourraient être atténuées d'une part, par le programme de rachat qui offre aux propriétaires la possibilité de retourner aux fabricants les armes à feu prohibées, et d'autre part, peut-être aussi par les achats de nouvelles armes à feu en remplacement des armes prohibées.

Small business lens

While small businesses may assume some compliance costs arising from these Regulations, the costs are extremely difficult to assess as the inventory held by private businesses is unknown. Some costs may include lost interest from the inability to sell this inventory for a profit and possible restocking fees if the business chooses to return the affected firearms in their inventory to their foreign supplier for reimbursement. Firearms that cannot be exported may be eligible for the buy-back program.

It is likely that businesses selling newly prohibited firearms would experience a reduction in sales and as a result may reduce staff or cease operations. Some businesses may choose to switch to a new product line to replace those firearms. A Conference Board of Canada study completed in September 2019 determined that sport shooting and hunting contribute \$5.9 billion to Canada's GDP, as well as \$2.9 billion in labour income. The sport shooting and hunting industries also support approximately 48 000 jobs.

One-for-one rule

The one-for-one rule does not apply to these Regulations as there will be no incremental change in administrative burden to business. The Regulations do not introduce new administrative requirements for businesses.

Regulatory cooperation and alignment

As a member of the World Trade Organization (WTO) Canada must comply with different notification obligations before making regulations that could have an impact on trade. These notifications are in addition to Canada's general obligations not to impose prohibitions on the importation or exportation of goods and not to treat some nations more favourably than others unless justified. Specifically, under the WTO's Technical Barriers to Trade (TBT) Agreement, Canada must give notification of proposed regulations within a reasonable time. A WTO member may not be required to follow the normal notification periods under the TBT Agreement under certain circumstances, including urgent circumstances regarding safety, health, environmental protection or national security. The Government of Canada has taken the position that the prohibition of these firearms is a matter of public safety and security therefore Canada has not given the advance notification as required by the WTO. In addition, Canada has not given advance notice in an effort to avoiding

Lentille des petites entreprises

Les petites entreprises pourraient avoir à assumer certains coûts découlant du Règlement; toutefois, il est extrêmement difficile d'en prévoir les coûts, car on ne connaît pas l'inventaire détenu par des entreprises privées. Certains coûts pourraient inclure des pertes pécuniaires liées aux frais d'intérêt attribuables à l'impossibilité de vendre à profit cet inventaire, ainsi que des frais de réapprovisionnement possibles si l'entreprise choisit de retourner les armes à feu visées dans son inventaire à son fournisseur étranger pour remboursement. Les armes à feu qui ne peuvent être exportées pourraient être admissibles au programme de rachat.

Il est probable que les entreprises qui vendent des armes à feu nouvellement prohibées connaissent une baisse de ventes, et que, de ce fait, puissent réduire leur personnel ou cesser leurs activités. Certaines entreprises pourraient choisir d'adopter une nouvelle gamme de produits en remplacement de ces armes à feu. Selon une étude du Conference Board of Canada, terminée en septembre 2019, le tir sportif et la chasse contribuent à hauteur de 5,9 milliards de dollars au PIB du Canada, et de 2,9 milliards de dollars en revenu du travail. Les industries du tir sportif et de la chasse soutiennent également approximativement 48 000 emplois.

Règle du « un pour un »

La règle du « un pour un » ne s'applique pas à ce Règlement proposé, car il n'y a pas de changement supplémentaire sur le fardeau administratif des entreprises. Le Règlement ne prévoit pas de nouvelles exigences administratives pour les entreprises.

Coopération et harmonisation en matière de réglementation

En tant que membre de l'Organisation mondiale du commerce (OMC), le Canada doit se conformer à différentes obligations de notification avant de prendre des règlements susceptibles d'avoir une incidence sur le commerce. Ces notifications viennent s'ajouter aux obligations générales qu'a le Canada de ne pas imposer de prohibitions relatives à l'importation ou à l'exportation de marchandises, et de ne pas traiter certains pays plus favorablement que d'autres, à moins que de telles mesures soient justifiées. Tout particulièrement, en vertu de l'Accord sur les Obstacles techniques au Commerce (AOTC) de l'OMC, le Canada est tenu de donner notification d'un règlement projeté, dans un délai raisonnable. Un membre de l'OMC n'est pas tenu de respecter les délais normaux de notification en vertu de l'AOTC dans certaines circonstances, notamment si des problèmes urgents de sécurité, de santé, de protection de l'environnement ou de sécurité nationale se posent. Le gouvernement du Canada est d'avis que la prohibition de ces armes à feu est une question de sécurité

creating a potential run on the market before it is frozen by the prohibition.

Strategic environmental assessment

There will be low environmental impacts resulting from the buy-back program and the subsequent disposal/destruction of prohibited firearms.

Gender-based analysis plus (GBA+)

Measures to limit access to firearms are expected to have different impacts on certain populations in Canada, such as males, who are the largest group of firearms owners, and youth, who are overrepresented as perpetrators of firearm-related crime. These measures would benefit both males and females, as about two-thirds of victims of gun violence are male; however, according to Statistics Canada approximately 85% of police-reported victims in 2016 of intimate partner violence incidents involving a firearm were women.

Measures to reduce access to firearms are expected to have a higher impact on western provinces, which experience firearm-related crimes at a higher rate compared to the rest of Canada.

Indigenous persons are victims of homicides involving firearms at a much higher rate than the Canadian population and this figure appears to be increasing. The total number of Indigenous victims of firearms-related homicides rose from 10.4% in 2014 to 13.5% in 2016.

Rationale

The Regulations address gun violence and the threat to public safety by assault-style firearms. The Government of Canada recognizes that their inherent deadliness makes them unsuitable for civilian use and a serious threat to public safety given the degree to which they can increase the severity of mass shootings.

Prescribing these firearms as prohibited supports the Government's objective to ban assault-style firearms and to reduce the risk of diversion to illegal markets for criminal use. The prescribed list represents the most prevalent assault-style firearms in the Canadian market. The list prohibits assault-style firearms within the Canadian market that have semi-automatic action with sustained rapid-fire capability, including the AR-15 and its variants or

et de sûreté publiques, par conséquent, le Canada n'a pas donné la notification préalable requise par l'OMC. De plus, le Canada n'a pas donné de préavis afin d'éviter de créer une fuite potentielle sur le marché avant qu'elle ne soit gelée par la prohibition.

Évaluation environnementale stratégique

Il y aura de faibles impacts environnementaux résultant du programme de rachat et de l'élimination / destruction subséquente des armes à feu prohibées.

Analyse comparative entre les sexes plus (ACS+)

Les mesures visant à réduire l'accès aux armes à feu devraient avoir des répercussions différentes sur certains groupes au Canada, comme les hommes, qui constituent le groupe le plus important de propriétaires d'armes à feu au Canada, et les jeunes, qui sont surreprésentés parmi les auteurs de crimes liés aux armes à feu. Ces mesures profiteraient à la fois aux hommes et aux femmes, car environ les deux tiers des victimes de violence armée sont des hommes; toutefois, selon Statistique Canada, en 2016, approximativement 85 % des victimes de violence entre partenaires intimes, impliquant une arme, étaient des femmes.

Les mesures visant à réduire l'accès aux armes à feu devraient avoir une plus grande incidence dans les provinces de l'ouest, où les crimes liés aux armes à feu sont plus fréquents que dans le reste du Canada.

Les Autochtones sont victimes d'homicides liés aux armes à feu dans une proportion beaucoup plus élevée que la population canadienne, et ce chiffre semble augmenter. Le nombre total de victimes autochtones d'homicides liés aux armes à feu est passé de 10,4 % en 2014 à 13,5 % en 2016.

Justification

Le Règlement vise à lutter contre la violence commise au moyen d'armes à feu et la menace à la sécurité publique que présentent les armes à feu de style arme d'assaut. Le gouvernement du Canada reconnaît que le caractère mortel inhérent de telles armes fait qu'elles ne conviennent pas à une utilisation civile et qu'elles présentent une menace grave pour la sécurité publique compte tenu du degré auquel elles peuvent accroître la gravité des fusillades de masse.

La prohibition de ces armes à feu appuie l'objectif qu'a le gouvernement de prohiber les armes à feu de style arme d'assaut et de réduire le risque de détournement de ces armes vers les marchés illégaux à des fins criminelles. La liste établie représente les armes à feu de style arme d'assaut les plus répandues sur le marché canadien. La liste établit comme armes à feu prohibées les armes à feu de style arme d'assaut sur le marché canadien, qui ont une

modified versions thereof. Any firearm having a 20 mm bore or greater (e.g. grenade launchers) or a capability of discharging a projectile with a muzzle energy above 10 000 joules (e.g. .50 calibre sniper rifles) will also be prohibited.

Prohibiting additional firearms and providing an amnesty for the disposal of prevalent assault-style firearms and other firearms exceeding safe civilian use will respond directly to a key and growing public safety concern that these firearms are not suitable for civilian use as they can and have been used in mass shootings in Canada and internationally. The addition of the newly prohibited firearms to the Classification Regulations aligns with the Government's mandate to ban assault-style firearms and reduce the risk of diversion of firearms to the illegal market.

The prohibited firearms are tactical and/or military-style firearms and are not reasonable for hunting or sport shooting. Individuals may have used some of the listed firearms for hunting purposes on the basis that they were previously classified as non-restricted firearms. In addition, some of the listed firearms may have been used by individuals for sport shooting on the basis that they have been classified as restricted or non-restricted. However, the fact that these firearms are sometimes used for hunting or sport shooting does not supersede the fact that they were built with the intent to be used by the military and are capable of killing a large number of people in a short period of time. Due to the public safety concerns posed by these firearms, they are not reasonable for use in Canada for hunting or sport shooting purposes.

The Regulations also prescribe the upper receivers of M16, AR-10, AR-15 and M4 pattern firearms to be prohibited devices in order to ensure that these firearms cannot easily be used with illicitly manufactured or acquired lower receivers. The M16, AR-10, AR-15 and M4 firearms are modular firearms consisting of the lower receiver assembly, which is the component bearing the serial number and subject to registration and that is now prohibited; and the upper receiver assembly, which is the pressure-bearing component and has not previously been regulated. An owner could possess two or more upper receiver assemblies, which can be mounted and dismounted on a lower receiver assembly according to the needs of the occasion. If upper receivers were not also prohibited, there would be an important public safety risk that the

action semi-automatique avec capacité de tir rapide soutenu, y compris le AR-15 et les armes à feu du même modèle qui comportent des variantes ou qui ont subi des modifications. Seront également prohibées les armes à feu ayant une âme de 20 mm ou plus (par ex. lance-grenades) ou pouvant tirer un projectile avec une énergie initiale de plus de 10 000 joules (par ex. un fusil de tireur d'élite de calibre 0,50).

La prohibition d'armes à feu additionnelles et l'amnistie prévue pour la disposition des armes à feu de style arme d'assaut répandues et autres armes à feu excédant une utilisation civile sécuritaire permettront de répondre directement à une préoccupation importante et grandissante en matière de sécurité publique, à savoir que ces armes à feu ne conviennent pas à une utilisation civile puisqu'elles peuvent être utilisées, et l'ont été, dans des fusillades de masse au Canada et à l'étranger. L'adjonction d'armes à feu nouvelles prohibées au Règlement sur la classification s'inscrit dans la foulée du mandat qu'a le gouvernement de prohiber les armes à feu de style arme d'assaut et de réduire le risque de détournement des armes à feu vers le marché illégal.

Les armes à feu prohibées sont des armes à feu de style tactique et/ou militaire et ne conviennent pas pour la chasse ou le tir sportif. Il se peut que des particuliers aient utilisé certaines des armes énumérées à des fins de chasse puisqu'elles étaient auparavant classées comme armes à feu sans restriction. De plus, certaines des armes à feu énumérées peuvent avoir été utilisées par des particuliers à des fins de tir sportif du fait qu'elles étaient classées comme armes à feu à autorisation restreinte ou armes à feu sans restriction. Toutefois, le fait que ces armes à feu soient parfois utilisées à des fins de chasse ou de tir sportif ne remplace pas celui qu'elles ont été construites dans l'intention d'être utilisées par des militaires, et qu'elles ont la capacité de tuer un grand nombre de personnes en un court laps de temps. En raison des problèmes de sécurité publique que posent ces armes à feu, il ne convient pas de les utiliser au Canada à des fins de chasse ou de tir sportif.

Le Règlement prévoit aussi que les carcasses supérieures des armes à feu des modèles M16, AR-10, AR-15 et M4 sont des dispositifs prohibés afin de veiller à ce que ces armes à feu ne puissent être facilement utilisées avec des carcasses inférieures fabriquées ou acquises illicitement. Les armes à feu des modèles M16, AR-10, AR-15 et M4 sont des armes à feu modulaires composées de l'assemblage de la carcasse inférieure, qui est la composante portant le numéro de série faisant l'objet de l'enregistrement, qui est maintenant prohibée; l'assemblage de la carcasse supérieure, la composante sous pression, n'avait pas été réglementé auparavant. Un propriétaire peut posséder deux ou plusieurs assemblages de carcasse supérieure qui peuvent être montés et démontés sur un assemblage de carcasse inférieure selon les besoins. Si les carcasses supérieures

upper receiver assemblies would be mated with an illegal lower receiver (i.e. smuggled, made from a receiver blank, or manufactured by 3D printing to supply the illegal market) thus creating unmarked untraceable M16, AR-10, AR-15 or M4 firearms, commonly known as “ghost guns.” Prohibiting the upper receiver of these rifles will reduce the quantities in circulation and render it much more difficult to illicitly fabricate working firearms.

The Amnesty Order encourages compliance with the law and seeks to protect lawful firearms owners who acted in good faith when they acquired the firearms before the coming into force of Regulations and the Amnesty Order. It provides affected owners with a reasonable amount of time to divest themselves of the firearms by any of the means set out in the Amnesty Order. The Government intends to implement a buy-back program which would allow affected owners to declare their intent to participate in the program in order to be eligible for compensation once the owner turns in the firearm. A grandfathering regime would also be made available for owners of the newly prohibited firearms.

Implementation, compliance and enforcement, and service standards

The disposal of the prescribed prohibited firearms is dependent on voluntary compliance by affected owners and businesses. Calculation of the compliance rate will be complicated by the lack of information about non-restricted firearms and their owners; the compliance rate for non-restricted firearms will be based on the number of owners who declare themselves to be in possession of one or more affected firearms. The amount of compensation being offered per firearm may also affect the level of compliance. Communications are in place emphasizing the obligation on affected owners to comply with the new prohibitions, and further public communications on the compensation program will follow in the near future.

There is also a risk that affected firearms owners may elect to replace their firearms with models unaffected by the ban, causing a market displacement. This risk may be mitigated by adding additional makes and models to the list of prohibited firearms in the future.

The amendment to the Classification Regulations and the Amnesty Order come into force on the day on which they are made. The Amnesty Order will expire on April 30, 2022.

ne sont pas aussi des dispositifs prohibés, il existerait un important risque pour la sécurité publique du fait que des assemblages de carcasse supérieure seraient couplés à une carcasse inférieure illégale (c.-à-d. passées en contrebande, fabriquées à partir d'une carcasse inachevée, ou fabriquées par impression 3d pour approvisionner le marché illicite), créant ainsi des armes à feu des modèles M16, AR-10, AR-15 ou M4, non marquées et intraquables, communément appelées « armes fantômes ». Le fait de prévoir que la carcasse supérieure constitue un dispositif prohibé permettra d'en réduire les quantités en circulation et de rendre beaucoup plus difficile la fabrication illicite d'armes à feu qui fonctionnent.

Le Décret d'amnistie encourage le respect de la loi et vise à protéger les propriétaires légitimes d'armes à feu qui ont agi de bonne foi lors de l'acquisition des armes à feu avant l'entrée en vigueur du Règlement et du Décret d'amnistie. Il vise à conférer aux propriétaires touchés un délai raisonnable pour se départir de leurs armes à feu par l'un des moyens énumérés dans le Décret. Le gouvernement a l'intention de mettre en œuvre un programme de rachat qui permettrait aux propriétaires touchés de déclarer leur intention de participer au programme afin d'être admissibles à une indemnisation une fois que le propriétaire aura remis l'arme à feu. Un régime de maintien des droits acquis sera également offert aux propriétaires des nouvelles armes à feu nouvellement prohibées.

Mise en œuvre, conformité et application, et normes de service

La disposition des armes à feu prohibées visées dépend de l'observation volontaire par les propriétaires et les entreprises touchés. Le calcul du taux de conformité sera compliqué par le manque d'information sur les armes à feu sans restriction et leurs propriétaires; le taux de conformité pour les armes à feu sans restriction sera fondé sur le nombre de propriétaires qui se déclarent en possession d'une ou de plusieurs des armes à feu visées. Le montant de l'indemnisation offert par arme à feu pourrait aussi avoir une incidence sur le niveau de conformité. Il y a des communications en place qui font ressortir l'obligation que les propriétaires touchés ont de se conformer aux nouvelles prohibitions, et il y aura sous peu d'autres communications publiques sur le programme d'indemnisation.

Il existe également un risque que les propriétaires touchés d'armes à feu puissent choisir de remplacer ces armes par des modèles non visés par la prohibition, ce qui pourrait causer une perturbation des échanges commerciaux. Ce risque pourrait être atténué par l'adjonction dans le futur de marques et de modèles additionnels à la liste des armes à feu prohibées.

La modification du Règlement sur la classification et le Décret d'amnistie entrent en vigueur à la date où ils seront pris. Le Décret d'amnistie prend fin le 30 avril 2022. Ceux

Those who remain in possession of these firearms or devices at the end of the amnesty period could be subject to criminal liability for unlawful possession.

Contact

By mail:

Public Safety Canada
269 Laurier Avenue West
Ottawa, Ontario
K1A 0P8

General enquiries:

Telephone: 1-800-731-4000
Fax: 613-825-0297
Email: ps.firearms-armesafeu.sp@canada.ca

qui restent en possession de ces armes à feu ou dispositifs à la fin de la période d'amnistie pourraient être passibles de poursuites pénales pour possession illégale.

Personne-ressource

Par courrier :

Sécurité publique Canada
269, avenue Laurier Ouest
Ottawa (Ontario)
K1A 0P8

Renseignements généraux :

Téléphone : 1-800-731-4000
Télécopieur : 613-825-0297
Courriel : ps.firearms-armesafeu.sp@canada.ca

Registration
SOR/2020-97 May 1, 2020

CRIMINAL CODE

P.C. 2020-299 May 1, 2020

Her Excellency the Governor General in Council, on the recommendation of the Minister of Justice, pursuant to subsection 117.14(1)^a of the *Criminal Code*^b, makes the annexed *Order Declaring an Amnesty Period (2020)*.

Order Declaring an Amnesty Period (2020)

Definitions

1 The following definitions apply in this Order.

specified device means a prohibited device referred to in item 4 of Part 4 of the schedule to the *Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted*. (*dispositif visé*)

specified firearm means a prohibited firearm referred to in any of paragraphs 83(a) to (p) or any of items 87 to 96 of Part 1 of the schedule to the *Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted*. (*arme à feu visée*)

Amnesty

2 (1) The amnesty period set out in subsection (3) is declared under section 117.14 of the *Criminal Code* for

(a) a person who,

(i) on the day on which this Order comes into force, owns or possesses a specified firearm and holds a licence that was issued under the *Firearms Act*,

(ii) at any time during the amnesty period, is in possession of the specified firearm,

(iii) during the amnesty period, continues to hold the licence while in possession of the specified firearm, and

(iv) if the specified firearm was, on the day before the day on which this Order comes into force, a

Enregistrement
DORS/2020-97 Le 1^{er} mai 2020

CODE CRIMINEL

C.P. 2020-299 Le 1^{er} mai 2020

Sur recommandation du ministre de la Justice et en vertu du paragraphe 117.14(1)^a du *Code criminel*^b, Son Excellence la Gouverneure générale en conseil prend le *Décret fixant une période d'amnistie (2020)*, ci-après.

Décret fixant une période d'amnistie (2020)

Définitions

1 Les définitions qui suivent s'appliquent au présent décret.

arme à feu visée Arme à feu prohibée visée par l'un ou l'autre des alinéas 83a) à p) ou l'un ou l'autre des articles 87 à 96 de la partie 1 de l'annexe du *Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés ou à autorisation restreinte*. (*specified firearm*)

dispositif visé Dispositif prohibé visé à l'article 4 de la partie 4 de l'annexe du *Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés ou à autorisation restreinte*. (*specified device*)

Amnistie

2 (1) La période d'amnistie prévue au paragraphe (3) est déclarée en vertu de l'article 117.14 du *Code criminel* en faveur de la personne qui :

a) soit, à la fois :

(i) est, à la date d'entrée en vigueur du présent décret, propriétaire d'une arme à feu visée et titulaire d'un permis délivré en vertu de la *Loi sur les armes à feu* ou en possession d'une arme à feu visée et titulaire d'un tel permis,

(ii) est, au cours de la période d'amnistie, en possession de l'arme à feu visée,

(iii) demeure, au cours de la période d'amnistie, titulaire du permis pendant qu'elle est en possession de l'arme à feu visée,

^a S.C. 1995, c. 39, s. 139

^b R.S., c. C-46

^a L.C. 1995, ch. 39, art. 139

^b L.R., ch. C-46

restricted firearm, held on the day before the day on which this Order comes into force, a registration certificate for the specified firearm that was issued under the *Firearms Act*; or

(b) a person who,

(i) owns or possesses a specified device on the day on which this Order comes into force, and

(ii) at any time during the amnesty period, is in possession of the specified device.

Purpose

(2) The purpose of the amnesty period is to permit the person to

(a) deactivate the specified firearm so that it is no longer a firearm or deactivate the specified device so that it is no longer a prohibited device;

(b) deliver the specified firearm or specified device to a police officer for destruction or other disposal;

(c) if the person is not the owner of the specified firearm or specified device, deliver it to its owner;

(d) export the specified firearm or specified device in accordance with all applicable legal requirements, including the legal requirements of the country to which it is exported;

(e) if the person is a *business*, as defined in subsection 2(1) of the *Firearms Act*, return the specified firearm or specified device to the manufacturer;

(f) transport the specified firearm or specified device by vehicle, for the purpose of doing any of the things described in paragraphs (a) to (e), by a route that, in all the circumstances, is reasonably direct, as long as, during transportation,

(i) in the case of a firearm, it is unloaded and no ammunition is present in the vehicle,

(ii) the firearm or device is in the trunk of the vehicle or, if there is no trunk, the firearm or device is not visible from outside the vehicle, and

(iii) the vehicle is not left unattended;

(g) before doing any of the things described in paragraphs (a) to (f), store the specified firearm in accordance with section 5 or 6 of the *Storage, Display, Transportation and Handling of Firearms by Individuals Regulations* according to the classification of the firearm on the day before the day on which it became a prohibited firearm;

(iv) était, le jour précédant la date d'entrée en vigueur du présent décret, titulaire du certificat d'enregistrement, délivré en vertu de la *Loi sur les armes à feu*, de l'arme à feu visée, si celle-ci était, ce jour-là, une arme à feu à autorisation restreinte;

b) soit, à la fois :

(i) est, à la date d'entrée en vigueur du présent décret, propriétaire d'un dispositif visé ou en possession d'un dispositif visé,

(ii) est, au cours de la période d'amnistie, en possession du dispositif visé.

Objectifs

(2) La période d'amnistie est déclarée afin de permettre à la personne :

a) de neutraliser l'arme à feu visée de manière à ce qu'elle ne soit plus une arme à feu ou de neutraliser le dispositif visé de façon à ce qu'il ne soit plus un dispositif prohibé;

b) de remettre à un officier de police l'arme à feu visée ou le dispositif visé pour qu'il en soit disposé par destruction ou autrement;

c) de remettre l'arme à feu visée ou le dispositif visé à son propriétaire, si la personne n'en est pas le propriétaire;

d) d'exporter l'arme à feu visée ou le dispositif visé conformément aux exigences légales applicables, y compris celles du pays d'exportation;

e) si la personne est une *entreprise* au sens du paragraphe 2(1) de la *Loi sur les armes à feu*, de retourner l'arme à feu visée ou le dispositif visé au fabricant;

f) de transporter, afin de faire toute chose visée à l'un des alinéas a) à e), l'arme à feu visée ou le dispositif visé dans un véhicule selon un itinéraire qu'il est raisonnable, dans toutes les circonstances, de considérer comme direct, si les conditions ci-après sont remplies lors du transport :

(i) dans le cas d'une arme à feu, elle n'est pas chargée et il n'y a aucune munition dans le véhicule,

(ii) l'arme à feu ou le dispositif est dans le coffre du véhicule ou, si le véhicule n'est pas muni d'un coffre, l'arme à feu ou le dispositif n'est pas visible de l'extérieur du véhicule,

(iii) le véhicule n'est pas laissé sans surveillance;

g) d'entreposer l'arme à feu visée conformément aux articles 5 ou 6 du *Règlement sur l'entreposage, l'exposition, le transport et le maniement des armes à feu*

(h) transport the specified firearm by vehicle, for the purpose of doing the thing described in paragraph (g), by a route that, in all the circumstances, is reasonably direct, as long as, during transportation,

(i) the firearm is unloaded and no ammunition is present in the vehicle,

(ii) the firearm is in the trunk of the vehicle or, if there is no trunk, the firearm is not visible from outside the vehicle, and

(iii) the vehicle is not left unattended;

(i) if the specified firearm was, on the day before the day on which this Order comes into force, a non-restricted firearm, use it to hunt in the exercise of a right recognized and affirmed by section 35 of the *Constitution Act, 1982* or to sustain the person or their family — until they are able to obtain another firearm for that use — and, for that purpose, transport the firearm in accordance with section 10 of the *Storage, Display, Transportation and Handling of Firearms by Individuals Regulations*; and

(j) possess the specified firearm or specified device before doing any of the things described in paragraphs (a) to (i).

Amnesty period

(3) The amnesty period begins on the day on which this Order comes into force and ends on April 30, 2022.

Coming into force

3 This Order comes into force on the day on which it is made.

N.B. The Regulatory Impact Analysis Statement for this Order appears at page 53, following SOR/2020-96.

par des particuliers, selon la classification de l'arme à feu visée le jour précédant la date à laquelle elle est devenue une arme à feu prohibée, avant de faire toute chose visée à l'un des alinéas a) à f);

h) de transporter, afin de faire la chose visée à l'alinéa g), l'arme à feu visée dans un véhicule selon un itinéraire qu'il est raisonnable, dans toutes les circonstances, de considérer comme direct, si les conditions ci-après sont remplies lors du transport :

(i) l'arme à feu n'est pas chargée et il n'y a aucune munition dans le véhicule,

(ii) l'arme à feu est dans le coffre du véhicule ou, si le véhicule n'est pas muni d'un coffre, l'arme à feu n'est pas visible de l'extérieur du véhicule,

(iii) le véhicule n'est pas laissé sans surveillance;

i) si l'arme à feu visée était, le jour précédant la date d'entrée en vigueur du présent décret, une arme à feu sans restriction, de l'utiliser pour la chasse dans le cadre de l'exercice de droits reconnus et confirmés par l'article 35 de la *Loi constitutionnelle de 1982* ou pour la chasse afin de subvenir à ses besoins ou à ceux de sa famille, et ce, jusqu'à ce que la personne puisse obtenir une autre arme à feu pour cette utilisation ainsi que, en vue de cette utilisation, de la transporter conformément à l'article 10 du *Règlement sur l'entreposage, l'exposition, le transport et le maniement des armes à feu par des particuliers*;

j) d'être en possession de l'arme à feu visée ou du dispositif visé avant de faire toute chose visée à l'un des alinéas a) à i).

Période d'amnistie

(3) La période d'amnistie commence à la date d'entrée en vigueur du présent décret et se termine le 30 avril 2022.

Entrée en vigueur

3 Le présent décret entre en vigueur à la date de sa prise.

N.B. Le résumé de l'étude d'impact de la réglementation de ce décret se trouve à la page 53, à la suite du DORS/2020-96.

This is **Exhibit "C"** referred to in the Affidavit of Wyatt Singer, sworn before me on October 1, 2020.



A handwritten signature in blue ink, appearing to read "J. Miller", written over a horizontal line.

A Commissioner for Oaths in and for the
Province of Alberta

Lawyer - No expiry



Department of Justice
Canada

Ministère de la Justice
Canada

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Our File Number: LEX-500020683

September 11, 2020

Federal Court of Canada
Canadian Occidental Tower
3rd Floor, 635 – 8th Avenue S.W.
Calgary, Alberta
T2P 3M3

Dear Registrar/Administrator:

Re: CCFR et al v AGC – T-577-20
Rule 317 Certified Tribunal Record and Rule 318(2) Objection

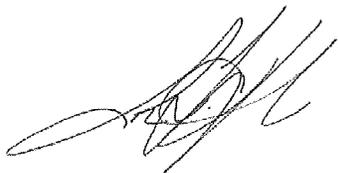
The respondent objects, pursuant to Rule 318(2) of the *Federal Courts Rules*, to the scope of the Rule 317 request in paragraph 186 of the Notice of Application in the above-captioned application. Rule 317 allows for a request for “material relevant to an application that is in the possession of a tribunal whose order is the subject of the application”.

In this case, the tribunal whose order is the subject of the application is the Governor in Council and the order that is the subject of the application is the Order in Council (PC 2020-298) making 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.

In light of the above, the only material that is relevant pursuant to Rule 317, is the record that was before the Governor in Council in making Order in Council PC 2020-298. All other documents requested are not relevant for the record of this tribunal decision under review.

We also attach, on behalf of the tribunal, the Governor in Council, a letter from the Privy Council Office providing, pursuant to Rule 318, a response to the applicant's request under Rule 317.

Yours truly,



Bruce Hughson
Senior General Counsel
Department of Justice Canada
Prairie Region

Encls.

cc: **Laura Warner**
Jensen Shawa Solomon Duguid Hawkes LLP
Via Email warnerl@jssbarristers.ca

Michael A. Loberg
Loberg Law
Via Email mloberg@loberg-law.com

Counsel for the Applicants, CCFR et al



Government of Canada
Privy Council Office

Gouvernement du Canada
Bureau du Conseil privé

Ottawa, Canada
K1A 0A3

September 10, 2020

Federal Court
Canadian Occidental Tower
3rd Floor, 365 8th Avenue SW
Calgary Alberta
T2P 3M3

Dear Registrar/Administrator:

**Re: Response to a request under *Federal Courts Rules*, Rule 317
*Canadian Coalition for Firearm Rights, Rodney Giltaca, Laurence
Ryan Steacy, MacCabee Defense Inc., Wolverine Supplies Ltd., and
Magnum Machine Ltd. v Attorney General of Canada and Canada
(Royal Canadian Mounted Police)*
Court file no. T-577-20**

This letter is filed in response to the request pursuant to Rule 317 of the *Federal Courts Rules* made by the applicants in the above noted matter, as part of their judicial review of the decision to make 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* by Order in Council P.C. 2020-298 of May 1, 2020.

In their Notice of Application filed on May 26, 2020, the applicants request a "certified copy of the following materials that are not in the possession of the Applicants, but are in the possession of the Attorney General of Canada, the Governor in Council, the RCMP and departments of the Government of Canada, collectively referred to as the Government of Canada, to the Applicants and the Registry.

All records, including but in no way limited to research, analysis, policy papers, briefing reports, studies, proposals, presentations, reports, memos, opinions, advice, letters, emails and any other communications that were prepared, commissioned, considered or received by the Government of Canada in relation to:

- a. The Order in Council.
- b. The Regulation.
- c. The *Amnesty Order*.
- d. The public engagement referenced on page 59 of the Order in Council on the issue of banning handguns and assault-style firearms that took place

between October 2018 and February 2019, including but in no way limited to:

- i. The use, and the effects of the use of handguns and assault-style firearms in Canada.
 - ii. The potential for a run on the market, as referenced on page 59 and 63 of the Order in Council.
 - iii. Roundtables held in Vancouver, Montreal, Toronto, and Moncton, and any other Canadian municipalities, as referenced on page 59 of the Order in Council.
 - iv. The results and all discussion, research, analysis, policy papers, briefing reports, studies or reports generated in part or in whole from the online questionnaire referenced on page 59 of the Order in Council.
 - v. All 36 written submissions, and any further written submissions whether formal or informal, as referenced on page 59 of the Order in Council.
 - vi. All consultations in bilateral meetings with 92 stakeholders, as referenced on page 59 of the Order in Council, and any further stakeholders whether formal or informal.
 - vii. All participants in the public engagement, as referenced on page 59 of the Order in Council, who expressed their views that a ban on assault-style firearms in either (a) needed, or (b) not needed, in order to protect public safety.
 - viii. All engagements and consultations by the Government of Canada with Indigenous groups in Canada regarding the Order in Council, Regulation, and *Amnesty Order*.
 - ix. The possibility that firearms may be diverted to illegal markets, as referenced on page 60 of the Order in Council.
- e. The regulatory analysis referenced on page 60 of the Order in Council, including but in no way limited to:
- i. The costs associated with implementing a buy-back program and grandfathering regime, as referenced on page 60 of the Order in Council.
 - ii. The impacts on approximately 2.2 million individual firearms license holders in Canada that are affected by the Order in Council, Regulation, and *Amnesty Order*.
 - iii. The impacts and costs of the Order in Council, Regulation, and *Amnesty Order* on:
 1. The hunting industry in Canada.
 2. The sport shooting industry in Canada.
 3. Other private businesses in Canada including businesses that manufactured or sold firearms restricted by Regulation.

- iv. The 'one-for-one' rule, as referenced on page 62 of the Order in Council.
 - v. The Government of Canada's decision not to give advance notice under the World Trade Organization's Technical Barriers to Trade Agreement, as referenced on page 62 of the Order in Council.
 - vi. The fact that Indigenous persons are victims of homicides involving firearms at a much higher rate than the Canadian population and that this figure appears to be increasing, as referenced on page 63 of the Order in Council.
- f. The rationale for the Regulation, as referenced on page 63 of the Order in Council, including but in no way limited to:
- i. The Government of Canada's objective to ban assault-style firearms and reduce the risk of diversion to illegal markets for criminal use, as referenced on page 63 of the Order in Council.
 - ii. The conclusion that the prohibited firearms are tactical and/or military-style firearms and are not reasonable for hunting or sport shooting, as referenced on page 64 of the Order in Council.
- g. Implementation, compliance and enforcement, and service standards, as referenced on page 65 of the Order in Council, including but in no way limited to:
- i. The amount of compensation to be offered per firearm listed in the Regulation, as referenced on page 65 of the Order in Council.
 - ii. Interactions with affected owners regarding the Regulation and compliance with the Regulation as referenced on page 65 of the Order in Council, including any script or directions provided to public officials or firearms officers for communications with affected owners.
 - iii. The addition of makes and models of firearms to the list of prohibited firearms in the near future, as referenced on page 65 of the Order in Council.
 - iv. Decisions made since May 1, 2020 by the SFSS and RCMP in relation to the Regulation, including at least 255 changes to the classifications or determination of variants or modified versions of firearms listed in the Regulation, and all Firearms Reference Tables and Reports in connection with same.

- h. All records that were put before Parliament or any Parliamentary committee which concerned the Order in Council, Regulation, and the *Amnesty Order*.
- i. All correspondence, letters, emails, and any other communications related to the Order in Council, Regulation, and the *Amnesty Order* between the Government of Canada and:
 - i. The municipalities of Canada.
 - ii. The Provinces and Territories of Canada, including the Chief Firearms Officer of each Province and Territory.
 - iii. The elected or appointed representatives of First Nations and Indigenous people of Canada.
 - iv. Crown Indigenous and Northern Affairs Canada.
 - v. Global Affairs Canada.
 - vi. The Department of Justice.
 - vii. The RCMP, including the SFSS.
 - viii. The Privy Council Office.
 - ix. The Governor General in Council.
 - x. The Prime Minister of Canada."

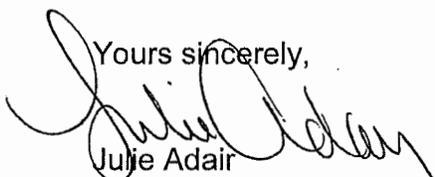
Rule 317 of the *Federal Courts Rules* permits an applicant to request "material relevant to an application that is in the possession of a tribunal whose order is the subject of the application". In this matter, it is the decision of the Governor in Council P.C. 2020-298 that is the subject of the application.

As required by Rule 318 of the *Federal Courts Rules*, please find enclosed a certified copy, in English and in French, of the following material before the Governor in Council when making the Order in Council:

- Order in Council P.C. 2020-298 of May 1, 2020 including the annexed Regulations to the Order in Council.

The other material before the Governor in Council concerning Order in Council P.C. 2020-298 making 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* is a confidence of the Queen's Privy Council for Canada, which cannot be disclosed because of its confidentiality.

Yours sincerely,



Julie Adair
Assistant Clerk of the Privy Council

Attachment

c.c.: Kerry Boyd
Department of Justice
300, 10423-101 Street
Edmonton, Alberta
T5H 0E7

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CANADA
PRIVY COUNCIL - CONSEIL PRIVÉ

P.C. 2020-298
May 1, 2020

Whereas the Governor in Council is not of the opinion that any thing prescribed to be a prohibited firearm or a prohibited device, in the Annexed Regulations, is reasonable for use in Canada for hunting or sporting purposes;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Justice, pursuant to the definitions "non-restricted firearm", "prohibited device", "prohibited firearm" and "restricted firearm" in subsection 84(1) of the *Criminal Code* and to subsection 117.15(1) of that Act, makes the annexed *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*.

CERTIFIED TO BE A TRUE COPY—COPIE CERTIFIÉE CONFORME

A handwritten signature in black ink, appearing to read "Jan G...".

CLERK OF THE PRIVY COUNCIL—GREFFIER DU CONSEIL PRIVÉ



CANADA
PRIVY COUNCIL • CONSEIL PRIVÉ

C.P. 2020-298
1^{er} mai 2020

Attendu que la gouverneure en conseil n'est pas d'avis que toute chose désignée comme arme à feu prohibée ou dispositif prohibé dans le règlement ci-après peut raisonnablement être utilisée au Canada pour la chasse ou le sport,

À ces causes, sur recommandation du ministre de la Justice et en vertu des définitions de « arme à feu à autorisation restreinte », « arme à feu prohibée », « arme à feu sans restriction » et « dispositif prohibé » au paragraphe 84(1) du *Code criminel* et du paragraphe 117.15(1) de cette loi, Son Excellence la Gouverneure générale en conseil prend le *Règlement modifiant le Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction, ci-après.*

CERTIFIED TO BE A TRUE COPY—COPIE CERTIFIÉE CONFORME

CLERK OF THE PRIVY COUNCIL—GREFFIER DU CONSEIL PRIVÉ

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

Amendments

1 The title of 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*¹ is replaced by the following:

Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted

2 Sections 3.1 to 3.2 of the Regulations are repealed.

3 (1) Item 83 of Part 1 of the schedule to the Regulations is replaced by the following:

83 The firearms of the designs commonly known as the SG-550 rifle and SG-551 carbine, and any variants or modified versions of them, including the SAN Swiss Arms

- (a)** Aestas;
- (b)** Autumnus;
- (c)** Black Special;
- (d)** Black Special Carbine;
- (e)** Black Special CQB;
- (f)** Black Special Target;
- (g)** Blue Star;
- (h)** Classic Green;
- (i)** Classic Green Carbine;

¹ SOR/98-462; SOR/2015-213, s. 1

Règlement modifiant le Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction

Modifications

1 Le titre du *Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction*¹ est remplacé par ce qui suit :

Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés ou à autorisation restreinte

2 Les articles 3.1 et 3.2 du même règlement sont abrogés.

3 (1) L'article 83 de la partie 1 de l'annexe du même règlement est remplacé par ce qui suit :

83 Les armes à feu des modèles communément appelés fusil SG-550 et carabine SG-551, ainsi que les armes à feu des mêmes modèles qui comportent des variantes ou qui ont subi des modifications, y compris les armes à feu SAN Swiss Arms suivantes :

- a)** Aestas;
- b)** Autumnus;
- c)** Black Special;
- d)** Black Special Carbine;
- e)** Black Special CQB;
- f)** Black Special Target;
- g)** Blue Star;
- h)** Classic Green;

¹ DORS/98-462; DORS/2015-213, art. 1

- (j) Classic Green CQB;
- (k) Classic Green Sniper;
- (l) Heavy Metal;
- (m) Hiemis;
- (n) Red Devil;
- (o) Swiss Arms Edition; and
- (p) Ver.

(2) Part 1 of the schedule to the Regulations is amended by adding the following after item 86:

Other

87 The firearms of the designs commonly known as the M16, AR-10 and AR-15 rifles and the M4 carbine, and any variants or modified versions of them — other than one referred to in item 47, 49 or 50 of this Part — including the

- (a) 2 Vets Arms 2VA-10;
- (b) 2 Vets Arms 2VA-15;
- (c) Accuracy Systems A-15 Custom Edition LR Tech Tactical;
- (d) Adams Arms AA15;
- (e) Adams Arms AASF-308;
- (f) Adams Arms Multical;
- (g) ADC ADC234;
- (h) ADC ADC253;
- (i) Adcor Defense A556 Elite GI;
- (j) Adcor Defense ADC15;
- (k) Adcor Defense B.E.A.R.;
- (l) Adcor Defense Elite;
- (m) Addax Tactical ADDAX-ZK;
- (n) Addax Tactical AT-15;
- (o) AdeQ Firearms L-Tac;

- i) Classic Green Carbine;
- j) Classic Green CQB;
- k) Classic Green Sniper;
- l) Heavy Metal;
- m) Hiemis;
- n) Red Devil;
- o) Swiss Arms Edition;
- p) Ver.

(2) La partie 1 de l'annexe du même règlement est modifiée par adjonction, après l'article 86, de ce qui suit :

Autres

87 Les armes à feu des modèles communément appelés fusils M16, AR-10 et AR-15 et carabine M4, ainsi que les armes à feu des mêmes modèles qui comportent des variantes ou qui ont subi des modifications, à l'exception de celles visées aux articles 47, 49 ou 50 de la présente partie, mais y compris les armes à feu suivantes :

- a) 2 Vets Arms 2VA-10;
- b) 2 Vets Arms 2VA-15;
- c) Accuracy Systems A-15 Custom Edition LR Tech Tactical;
- d) Adams Arms AA15;
- e) Adams Arms AASF-308;
- f) Adams Arms Multical;
- g) ADC ADC234;
- h) ADC ADC253;
- i) Adcor Defense A556 Elite GI;
- j) Adcor Defense ADC15;
- k) Adcor Defense B.E.A.R.;
- l) Adcor Defense Elite;
- m) Addax Tactical ADDAX-ZK;
- n) Addax Tactical AT-15;

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- (p) AdeQ Firearms Paladin;
- (q) AdeQ Firearms Venator;
- (r) Advanced Armament Corporation MPW;
- (s) Advanced Armaments Incorporated M15;
- (t) Aero Precision A15;
- (u) Aero Precision AP15;
- (v) Aero Precision G15 Ghost Gun;
- (w) Aero Precision H15;
- (x) Aero Precision M4 Carbine;
- (y) Aero Precision M4E1;
- (z) Aero Precision M5;
- (z.001) Aero Precision M16A4;
- (z.002) Aero Precision Pistol;
- (z.003) Aero Precision P-15 PEW;
- (z.004) Aero Precision STS15;
- (z.005) Aero Precision X15;
- (z.006) Airtronic DMR;
- (z.007) Alamo Tactical AT-15;
- (z.008) Alberta Tactical Rifle AT15;
- (z.009) Alexander Arms AAR15;
- (z.01) Alexander Arms AAR15 Beowulf;
- (z.011) Alexander Arms AAR15 Beowulf Overwatch;
- (z.012) Alexander Arms AAR15 Genghis;
- (z.013) Alexander Arms AAR15 Grendel;
- (z.014) Alexander Arms AAR15 Grendel Overwatch;
- (z.015) Alexander Arms AAR17;
- (z.016) Alien Armory UFO-10;
- (z.017) Ambush Firearms A11;
- (z.018) Ameetec Arms AM-15 General;
- (z.019) Ameetec Arms AM-15 Modular;
- o) AdeQ Firearms L-Tac;
- p) AdeQ Firearms Paladin;
- q) AdeQ Firearms Venator;
- r) Advanced Armament Corporation MPW;
- s) Advanced Armaments Incorporated M15;
- t) Aero Precision A15;
- u) Aero Precision AP15;
- v) Aero Precision G15 Ghost Gun;
- w) Aero Precision H15;
- x) Aero Precision M4 Carbine;
- y) Aero Precision M4E1;
- z) Aero Precision M5;
- z.001) Aero Precision M16A4;
- z.002) Aero Precision Pistol;
- z.003) Aero Precision P-15 PEW;
- z.004) Aero Precision STS15;
- z.005) Aero Precision X15;
- z.006) Airtronic DMR;
- z.007) Alamo Tactical AT-15;
- z.008) Alberta Tactical Rifle AT15;
- z.009) Alexander Arms AAR15;
- z.01) Alexander Arms AAR15 Beowulf;
- z.011) Alexander Arms AAR15 Beowulf Overwatch;
- z.012) Alexander Arms AAR15 Genghis;
- z.013) Alexander Arms AAR15 Grendel;
- z.014) Alexander Arms AAR15 Grendel Overwatch;
- z.015) Alexander Arms AAR17;
- z.016) Alien Armory UFO-10;
- z.017) Ambush Firearms A11;
- z.018) Ameetec Arms AM-15 General;
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- (z.02)** Ameetec Arms AM-15 M4 Tactical Master;
 - (z.021)** Ameetec Arms AM-15 Standard Tactical;
 - (z.022)** Ameetec Arms AM-15 Standard Varmint;
 - (z.023)** Ameetec Arms AM-15 Tactical Predator;
 - (z.024)** Ameetec Arms AM-15 Varmint Master;
 - (z.025)** Ameetec Arms AM-15 9MM;
 - (z.026)** Ameetec Arms WM-15;
 - (z.027)** America Remembers Colt AR15A2 Match HBar Vietnam Commemorative;
 - (z.028)** American Defense Manufacturing UICH;
 - (z.029)** American Defense Manufacturing UIC 10A;
 - (z.03)** American Historical Foundation Colt AR15A2 Sporter Match HBar Vietnam Tribute Special Edition;
 - (z.031)** American Historical Foundation Colt AR15A2 Sporter Target Operation Desert Storm Commemorative;
 - (z.032)** American Precision Arms A15;
 - (z.033)** American Spirit Arms ASA15;
 - (z.034)** American Spirit Arms ASA15 Pistol;
 - (z.035)** American Spirit Arms ASA308;
 - (z.036)** American Spirit Arms Canadian Carbine;
 - (z.037)** American Tactical Imports AT-15;
 - (z.038)** American Tactical Imports ATI-15;
 - (z.039)** American Tactical Imports MilSport;
 - (z.04)** American Tactical Imports MilSport Canadian;
 - (z.041)** American Tactical Imports Omni;
 - (z.042)** American Tactical Imports Omni Hybrid;
 - (z.043)** American Tactical Imports Omni Hybrid Pistol;
 - (z.044)** American Tactical Imports T14;
 - (z.045)** Anderson Manufacturing AM-10;
 - (z.046)** Anderson Manufacturing AM-15;
- z.019)** Ameetec Arms AM-15 Modular;
 - z.02)** Ameetec Arms AM-15 M4 Tactical Master;
 - z.021)** Ameetec Arms AM-15 Standard Tactical;
 - z.022)** Ameetec Arms AM-15 Standard Varmint;
 - z.023)** Ameetec Arms AM-15 Tactical Predator;
 - z.024)** Ameetec Arms AM-15 Varmint Master;
 - z.025)** Ameetec Arms AM-15 9MM;
 - z.026)** Ameetec Arms WM-15;
 - z.027)** America Remembers Colt AR15A2 Match HBar Vietnam Commemorative;
 - z.028)** American Defense Manufacturing UICH;
 - z.029)** American Defense Manufacturing UIC 10A;
 - z.03)** American Historical Foundation Colt AR15A2 Sporter Match HBar Vietnam Tribute Special Edition;
 - z.031)** American Historical Foundation Colt AR15A2 Sporter Target Operation Desert Storm Commemorative;
 - z.032)** American Precision Arms A15;
 - z.033)** American Spirit Arms ASA15;
 - z.034)** American Spirit Arms ASA15 Pistol;
 - z.035)** American Spirit Arms ASA308;
 - z.036)** American Spirit Arms Canadian Carbine;
 - z.037)** American Tactical Imports AT-15;
 - z.038)** American Tactical Imports ATI-15;
 - z.039)** American Tactical Imports MilSport;
 - z.04)** American Tactical Imports MilSport Canadian;
 - z.041)** American Tactical Imports Omni;
 - z.042)** American Tactical Imports Omni Hybrid;
 - z.043)** American Tactical Imports Omni Hybrid Pistol;
 - z.044)** American Tactical Imports T14;
 - z.045)** Anderson Manufacturing AM-10;
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- (z.047) Angstadt Arms JACK9;
(z.048) Anvil Arms AA15;
(z.049) Area 53 El Capitan;
(z.05) Area 53 El Jefe;
(z.051) Ares Defense Systems Ares-15;
(z.052) Ares Defense Systems Ares-15 MCR;
(z.053) Ares Defense Systems Ares-15 MCR Sub-Carbine;
(z.054) Ares Defense Systems SCR;
(z.055) AR Five Seven AR15;
(z.056) AR Five Seven AR57 LEM;
(z.057) AR Five Seven AR57A1 PDW;
(z.058) Armalite AR-10A;
(z.059) Armalite AR-10A2;
(z.06) Armalite AR-10A4;
(z.061) Armalite AR-10B;
(z.062) Armalite AR-10 KLM;
(z.063) Armalite AR-10 Magnum;
(z.064) Armalite AR-10NM;
(z.065) Armalite AR-10T;
(z.066) Armalite AR-102 Sporter;
(z.067) Armalite M4C Carbine;
(z.068) Armalite M15;
(z.069) Armalite M15A2;
(z.07) Armalite M15A4;
(z.071) Armalite M15A4 T;
(z.072) Armalite M15 Pistol;
(z.073) Armalite SPR Mod 1;
(z.074) Armalite SPR Mod 2;
(z.075) Armalite SPR Mod 2A;
- z.046) Anderson Manufacturing AM-15;
z.047) Angstadt Arms JACK9;
z.048) Anvil Arms AA15;
z.049) Area 53 El Capitan;
z.05) Area 53 El Jefe;
z.051) Ares Defense Systems Ares-15;
z.052) Ares Defense Systems Ares-15 MCR;
z.053) Ares Defense Systems Ares-15 MCR Sub-Carbine;
z.054) Ares Defense Systems SCR;
z.055) AR Five Seven AR15;
z.056) AR Five Seven AR57 LEM;
z.057) AR Five Seven AR57A1 PDW;
z.058) Armalite AR-10A;
z.059) Armalite AR-10A2;
z.06) Armalite AR-10A4;
z.061) Armalite AR-10B;
z.062) Armalite AR-10 KLM;
z.063) Armalite AR-10 Magnum;
z.064) Armalite AR-10NM;
z.065) Armalite AR-10T;
z.066) Armalite AR-102 Sporter;
z.067) Armalite M4C Carbine;
z.068) Armalite M15;
z.069) Armalite M15A2;
z.07) Armalite M15A4;
z.071) Armalite M15A4 T;
z.072) Armalite M15 Pistol;
z.073) Armalite SPR Mod 1;
z.074) Armalite SPR Mod 2;
-

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- (z.076) Armalite AR-10 Pistol;
(z.077) Armi Jager AP15;
(z.078) Armi Jager AP74;
(z.079) Armitage International BR-15-A6S;
(z.08) Armscorp AC-15;
(z.081) Arms East N8S;
(z.082) Armtech X;
(z.083) Ascend Armory A15;
(z.084) AR15 Chatterbox CB-15;
(z.085) AR15.Com ARFCOM;
(z.086) AR15.Com AR15.Com;
(z.087) AXTS AX556;
(z.088) Badrock Tactical BR10;
(z.089) Badrock Tactical BR15;
(z.09) Bartlett Enterprises 1202009;
(z.091) Barrett Firearms M468;
(z.092) Barrett Firearms REC7;
(z.093) Barrett Firearms REC10;
(z.094) Battle Arms Development BAD-PDW;
(z.095) Battle Arms Development BAD-15;
(z.096) Battle Arms Development BAD556-LW;
(z.097) Battle Rifle Company BR15;
(z.098) Battle Rifle Company BR16;
(z.099) Battle Rifle Company BR308;
(z.1) BCI Defense SQS-15;
(z.101) BCM Rifle Company BCM4;
(z.102) BCM Rifle Company M4A1;
(z.103) Bean Firearms BFC-15A;
(z.104) Bear Creek Arsenal BCA15;
(z.105) Black Creek Labs BCL15;
z.075) Armalite SPR Mod 2A;
z.076) Armalite AR-10 Pistol;
z.077) Armi Jager AP15;
z.078) Armi Jager AP74;
z.079) Armitage International BR-15-A6S;
z.08) Armscorp AC-15;
z.081) Arms East N8S;
z.082) Armtech X;
z.083) Ascend Armory A15;
z.084) AR15 Chatterbox CB-15;
z.085) AR15.Com ARFCOM;
z.086) AR15.Com AR15.Com;
z.087) AXTS AX556;
z.088) Badrock Tactical BR10;
z.089) Badrock Tactical BR15;
z.09) Bartlett Enterprises 1202009;
z.091) Barrett Firearms M468;
z.092) Barrett Firearms REC7;
z.093) Barrett Firearms REC10;
z.094) Battle Arms Development BAD-PDW;
z.095) Battle Arms Development BAD-15;
z.096) Battle Arms Development BAD556-LW;
z.097) Battle Rifle Company BR15;
z.098) Battle Rifle Company BR16;
z.099) Battle Rifle Company BR308;
z.1) BCI Defense SQS-15;
z.101) BCM Rifle Company BCM4;
z.102) BCM Rifle Company M4A1;
z.103) Bean Firearms BFC-15A;
z.104) Bear Creek Arsenal BCA15;
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- | | |
|-------------------------------------------------------|------------------------------------------------------|
| (z.106) Black Creek Labs BCL102; | z.105) Black Creek Labs BCL15; |
| (z.107) Black Creek Labs BCL102B; | z.106) Black Creek Labs BCL102; |
| (z.108) Black Dawn BDR-15; | z.107) Black Creek Labs BCL102B; |
| (z.109) Black Forge BF15; | z.108) Black Dawn BDR-15; |
| (z.11) Blackheart International BHI-15; | z.109) Black Forge BF15; |
| (z.111) Black Leaf Industries BL10; | z.11) Blackheart International BHI-15; |
| (z.112) Black Leaf Industries BL10B Prototype; | z.111) Black Leaf Industries BL10; |
| (z.113) Black Leaf Industries BL15; | z.112) Black Leaf Industries BL10B Prototype; |
| (z.114) Black Rain Ordnance Fallout 10; | z.113) Black Leaf Industries BL15; |
| (z.115) Black Rain Ordnance Fallout 15; | z.114) Black Rain Ordnance Fallout 10; |
| (z.116) Black Rain Ordnance SPEC15; | z.115) Black Rain Ordnance Fallout 15; |
| (z.117) Black Rifle Company BRC15B; | z.116) Black Rain Ordnance SPEC15; |
| (z.118) Blackwater BW-15; | z.117) Black Rifle Company BRC15B; |
| (z.119) Black Weapons Armory BWA-15; | z.118) Blackwater BW-15; |
| (z.12) Blue Line BL-15LE1; | z.119) Black Weapons Armory BWA-15; |
| (z.121) Boberg CDH-15; | z.12) Blue Line BL-15LE1; |
| (z.122) Bohica M16SA; | z.121) Boberg CDH-15; |
| (z.123) BPM BP15; | z.122) Bohica M16SA; |
| (z.124) BPM CQB-10; | z.123) BPM BP15; |
| (z.125) BPM LR-10; | z.124) BPM CQB-10; |
| (z.126) Breda B4; | z.125) BPM LR-10; |
| (z.127) Brownell's BRN-16A1; | z.126) Breda B4; |
| (z.128) Brownell's BRN-601; | z.127) Brownell's BRN-16A1; |
| (z.129) Brownell's XBRN16E1; | z.128) Brownell's BRN-601; |
| (z.13) Bushmaster Carbon 15; | z.129) Brownell's XBRN16E1; |
| (z.131) Bushmaster XM15E2S; | z.13) Bushmaster Carbon 15; |
| (z.132) Bushmaster XM15E2S Law Enforcement; | z.131) Bushmaster XM15E2S; |
| (z.133) Bushmaster XM15E2S M4; | z.132) Bushmaster XM15E2S Law Enforcement; |
| (z.134) Bushmaster XM15E2S M4GP; | z.133) Bushmaster XM15E2S M4; |
| (z.135) Bushmaster XM15E2S Predator; | z.134) Bushmaster XM15E2S M4GP; |
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- (z.136) Bushmaster XM15E2S Varminter;
- (z.137) Bushmaster XM15E2S 450 Bushmaster;
- (z.138) Bushmaster XM15E2S DCM Competition Rifle;
- (z.139) Bushmaster Bushmaster 308;
- (z.14) Bushmaster BAR-10;
- (z.141) Bushmaster XM15E2S V Match;
- (z.142) Bushmaster BR-308;
- (z.143) C3 Defense C3-15;
- (z.144) Cadex AR15 Karpat SPVM;
- (z.145) Cadex CDX-10;
- (z.146) Cadex CDX-15;
- (z.147) Calguns AR15;
- (z.148) Canstar Arms AR 338 Lapua;
- (z.149) Cavalry Arms CAV-15;
- (z.15) Cavalry Arms CAV-15 MARK 2;
- (z.151) Cavalry Arms CAV-15 Rifleman;
- (z.152) Centurion Arms C4;
- (z.153) Centurion Tactical CT-15;
- (z.154) Century Arms C15A1 Sporter;
- (z.155) Century Arms C15 Sporter;
- (z.156) Century International Arms Centurion 15 Sporter;
- (z.157) Charles Daly Defense CDD-15;
- (z.158) Chiappa Firearms M Four-22;
- (z.159) Chiappa Firearms M Four-22 Pistol;
- (z.16) Chirstensen Arms Carbon CA-10 DMR;
- (z.161) Christensen Arms Carbon CA-10 G2;
- (z.162) Christensen Arms Carbon CA-10 Recon;
- (z.163) Christensen Arms Carbon CA-15;
- (z.164) Christensen Arms Carbon CA-15 Predator;
- (z.135) Bushmaster XM15E2S Predator;
- (z.136) Bushmaster XM15E2S Varminter;
- (z.137) Bushmaster XM15E2S 450 Bushmaster;
- (z.138) Bushmaster XM15E2S DCM Competition Rifle;
- (z.139) Bushmaster Bushmaster 308;
- (z.14) Bushmaster BAR-10;
- (z.141) Bushmaster XM15E2S V Match;
- (z.142) Bushmaster BR-308;
- (z.143) C3 Defense C3-15;
- (z.144) Cadex AR15 Karpat SPVM;
- (z.145) Cadex CDX-10;
- (z.146) Cadex CDX-15;
- (z.147) Calguns AR15;
- (z.148) Canstar Arms AR 338 Lapua;
- (z.149) Cavalry Arms CAV-15;
- (z.15) Cavalry Arms CAV-15 MARK 2;
- (z.151) Cavalry Arms CAV-15 Rifleman;
- (z.152) Centurion Arms C4;
- (z.153) Centurion Tactical CT-15;
- (z.154) Century Arms C15A1 Sporter;
- (z.155) Century Arms C15 Sporter;
- (z.156) Century International Arms Centurion 15 Sporter;
- (z.157) Charles Daly Defense CDD-15;
- (z.158) Chiappa Firearms M Four-22;
- (z.159) Chiappa Firearms M Four-22 Pistol;
- (z.16) Chirstensen Arms Carbon CA-10 DMR;
- (z.161) Christensen Arms Carbon CA-10 G2;
- (z.162) Christensen Arms Carbon CA-10 Recon;
- (z.163) Christensen Arms Carbon CA-15;
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| (z.165) Christensen Arms Carbon CA-15 Recon; | z.164) Christensen Arms Carbon CA-15 Predator; |
| (z.166) Christensen Arms Carbon CA TAC 10; | z.165) Christensen Arms Carbon CA-15 Recon; |
| (z.167) Clark Custom Guns Gator; | z.166) Christensen Arms Carbon CA TAC 10; |
| (z.168) CLE MR15; | z.167) Clark Custom Guns Gator; |
| (z.169) CMMG Mod4SA; | z.168) CLE MR15; |
| (z.17) CMMG MK3; | z.169) CMMG Mod4SA; |
| (z.171) CMMG MK-4; | z.17) CMMG MK3; |
| (z.172) CMMG MK-5; | z.171) CMMG MK-4; |
| (z.173) CMMG MK-8; | z.172) CMMG MK-5; |
| (z.174) CMMG MK-9; | z.173) CMMG MK-8; |
| (z.175) CMMG MKG-45; | z.174) CMMG MK-9; |
| (z.176) CMMG MKW-15; | z.175) CMMG MKG-45; |
| (z.177) CMT LT-15; | z.176) CMMG MKW-15; |
| (z.178) Cobalt Kinetics BAMF; | z.177) CMT LT-15; |
| (z.179) Cobalt Kinetics CARS; | z.178) Cobalt Kinetics BAMF; |
| (z.18) Cobb MCR; | z.179) Cobalt Kinetics CARS; |
| (z.181) Cobb MCR 30-06 SPRG 100th Anniversary Commemorative; | z.18) Cobb MCR; |
| (z.182) Colt AR15A2 Sporter 2; | z.181) Cobb MCR 30-06 SPRG 100th Anniversary Commemorative; |
| (z.183) Colt AR15; | z.182) Colt AR15A2 Sporter 2; |
| (z.184) Colt AR15 SP1; | z.183) Colt AR15; |
| (z.185) Colt AR15A2 Match Target Lightweight; | z.184) Colt AR15 SP1; |
| (z.186) Colt AR15A2 Government; | z.185) Colt AR15A2 Match Target Lightweight; |
| (z.187) Colt AR15A2 Sporter Delta HBar; | z.186) Colt AR15A2 Government; |
| (z.188) Colt AR15A2 Government Carbine; | z.187) Colt AR15A2 Sporter Delta HBar; |
| (z.189) Colt AR15A2 Sporter Competition HBar; | z.188) Colt AR15A2 Government Carbine; |
| (z.19) Colt AR15A2 Match Target HBar; | z.189) Colt AR15A2 Sporter Competition HBar; |
| (z.191) Colt AR15A2; | z.19) Colt AR15A2 Match Target HBar; |
| (z.192) Colt AR15A2 Sporter HBar; | z.191) Colt AR15A2; |
| (z.193) Colt AR15 Match HBar; | z.192) Colt AR15A2 Sporter HBar; |
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- (z.194)** Colt AR15 Sporter;
 - (z.195)** Colt M4 Carbine Match Target;
 - (z.196)** Colt AR15A2 Match Target Target Model;
 - (z.197)** Colt AR15A3 Tactical Carbine;
 - (z.198)** Colt AR15A3 Match Target Competition HBar;
 - (z.199)** Colt AR15A2 Sporter Match Target Competition HBar 2;
 - (z.2)** Colt AR15 Sporter Lightweight;
 - (z.201)** Colt AR15A2 Sporter Match Target Lightweight;
 - (z.202)** Colt AR15A2 Sporter Target;
 - (z.203)** Colt AR15A2 Government Target;
 - (z.204)** Colt AR15A2 Sporter Match Target HBar;
 - (z.205)** Colt AR15A2 Sporter Match Delta HBar;
 - (z.206)** Colt AR15A2 Match Delta HBar;
 - (z.207)** Colt AR15A2 Sporter Match Target Competition HBar;
 - (z.208)** Colt AR15A2 Sporter Competition HBar Range Selected;
 - (z.209)** Colt AR15A2 Match Target Competition HBar 2;
 - (z.21)** Colt CAR15A3 HBar Elite;
 - (z.211)** Colt AR15 9MM Carbine;
 - (z.212)** Colt AR15A2 Carbine;
 - (z.213)** Colt AR15A2 Sporter Match HBar;
 - (z.214)** Colt Colts Law Enforcement Carbine;
 - (z.215)** Colt C7CT;
 - (z.216)** Colt C7A1;
 - (z.217)** Colt C7A2;
 - (z.218)** Colt IUR;
 - (z.219)** Colt M4 Carbine Sporter;
 - (z.22)** Colt Modular Carbine;
- z.193)** Colt AR15 Match HBar;
 - z.194)** Colt AR15 Sporter;
 - z.195)** Colt M4 Carbine Match Target;
 - z.196)** Colt AR15A2 Match Target Target Model;
 - z.197)** Colt AR15A3 Tactical Carbine;
 - z.198)** Colt AR15A3 Match Target Competition HBar;
 - z.199)** Colt AR15A2 Sporter Match Target Competition HBar 2;
 - z.2)** Colt AR15 Sporter Lightweight;
 - z.201)** Colt AR15A2 Sporter Match Target Lightweight;
 - z.202)** Colt AR15A2 Sporter Target;
 - z.203)** Colt AR15A2 Government Target;
 - z.204)** Colt AR15A2 Sporter Match Target HBar;
 - z.205)** Colt AR15A2 Sporter Match Delta HBar;
 - z.206)** Colt AR15A2 Match Delta HBar;
 - z.207)** Colt AR15A2 Sporter Match Target Competition HBar;
 - z.208)** Colt AR15A2 Sporter Competition HBar Range Selected;
 - z.209)** Colt AR15A2 Match Target Competition HBar 2;
 - z.21)** Colt CAR15A3 HBar Elite;
 - z.211)** Colt AR15 9MM Carbine;
 - z.212)** Colt AR15A2 Carbine;
 - z.213)** Colt AR15A2 Sporter Match HBar;
 - z.214)** Colt Colts Law Enforcement Carbine;
 - z.215)** Colt C7CT;
 - z.216)** Colt C7A1;
 - z.217)** Colt C7A2;
 - z.218)** Colt IUR;
 - z.219)** Colt M4 Carbine Sporter;
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- (z.221) Colt M4A1 Carbine;
(z.222) Colt M4 Carbine;
(z.223) Colt SA15.7;
(z.224) Colt SA20;
(z.225) Colt AR-15A4;
(z.226) Colt AR15A4 Lightweight LE Carbine;
(z.227) Colt AR15 M16A1;
(z.228) Colt AR15 Target Model;
(z.229) Colt M4LE;
(z.23) Colt M4 Light Carbine;
(z.231) Colt M16 Rifle;
(z.232) Colt M16 SPR;
(z.233) Colt M16A2;
(z.234) Colt AR15A2 Sporter Carbine;
(z.235) Colt M16A2 Carbine;
(z.236) Colt SMG;
(z.237) Colt Competition CCR Competition;
(z.238) Colt Competition CSR Sporting;
(z.239) Combat Shooters BMF;
(z.24) Conquest Arms CA-15;
(z.241) Core Core-15;
(z.242) Cross Machine Tool UHP-15;
(z.243) Cross Machine Tool UHP15A;
(z.244) Cross Machine Tool UHP15H;
(z.245) Cross Machine Tool UHP15-PDW;
(z.246) Cross Machine Tool UHP15SSA;
(z.247) Cross Machine Tool UHP-10;
(z.248) Dalphon BFD;
(z.249) Dane Armory DAR-15;
(z.25) Daniel Defense DD-15;
- z.22) Colt Modular Carbine;
z.221) Colt M4A1 Carbine;
z.222) Colt M4 Carbine;
z.223) Colt SA15.7;
z.224) Colt SA20;
z.225) Colt AR-15A4;
z.226) Colt AR15A4 Lightweight LE Carbine;
z.227) Colt AR15 M16A1;
z.228) Colt AR15 Target Model;
z.229) Colt M4LE;
z.23) Colt M4 Light Carbine;
z.231) Colt M16 Rifle;
z.232) Colt M16 SPR;
z.233) Colt M16A2;
z.234) Colt AR15A2 Sporter Carbine;
z.235) Colt M16A2 Carbine;
z.236) Colt SMG;
z.237) Colt Competition CCR Competition;
z.238) Colt Competition CSR Sporting;
z.239) Combat Shooters BMF;
z.24) Conquest Arms CA-15;
z.241) Core Core-15;
z.242) Cross Machine Tool UHP-15;
z.243) Cross Machine Tool UHP15A;
z.244) Cross Machine Tool UHP15H;
z.245) Cross Machine Tool UHP15-PDW;
z.246) Cross Machine Tool UHP15SSA;
z.247) Cross Machine Tool UHP-10;
z.248) Dalphon BFD;
z.249) Dane Armory DAR-15;
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- (z.251) Daniel Defense M4 Carbine;
- (z.252) Daniel Defense DD MK762;
- (z.253) Daniel Defense DDM4;
- (z.254) Daniel Defense DD5;
- (z.255) Daniel Defense M4 Carbine Pistol;
- (z.256) Dark Storm Industries DS-15;
- (z.257) Defiance DMK22;
- (z.258) Defiance Machine XG14;
- (z.259) Delaware Machinery AR15;
- (z.26) Delphi Tactical Delphi-15;
- (z.261) Dennys Guns DG-AR16;
- (z.262) Desert Ordnance XM4 Rifle;
- (z.263) Detroit Gun Works DGW15;
- (z.264) Devil Dog Arms DDA-15B;
- (z.265) Devil Dog Arms DDA-10B;
- (z.266) Dez Arms DTA-10;
- (z.267) Diamondback Firearms DB-10;
- (z.268) Diamondback Firearms DB-15;
- (z.269) Diemaco Rifle C10;
- (z.27) Diemaco Rifle Experimental 84;
- (z.271) Dlask Arms AR15 Type;
- (z.272) Dlask Arms DAR701;
- (z.273) Dlask Arms DAR701 Canada 150 Birthday;
- (z.274) Dlask Arms PAC-5;
- (z.275) Dominion Arms DA556;
- (z.276) Double Star Star-15;
- (z.277) Double Star Star-15 Carbine;
- (z.278) Double Star Star-15 Super Match Rifle;
- (z.279) Double Star Star-15 CritterSlayer;
- (z.28) Double Star Star-15 Expedition Rifle;
- z.25) Daniel Defense DD-15;
- z.251) Daniel Defense M4 Carbine;
- z.252) Daniel Defense DD MK762;
- z.253) Daniel Defense DDM4;
- z.254) Daniel Defense DD5;
- z.255) Daniel Defense M4 Carbine Pistol;
- z.256) Dark Storm Industries DS-15;
- z.257) Defiance DMK22;
- z.258) Defiance Machine XG14;
- z.259) Delaware Machinery AR15;
- z.26) Delphi Tactical Delphi-15;
- z.261) Dennys Guns DG-AR16;
- z.262) Desert Ordnance XM4 Rifle;
- z.263) Detroit Gun Works DGW15;
- z.264) Devil Dog Arms DDA-15B;
- z.265) Devil Dog Arms DDA-10B;
- z.266) Dez Arms DTA-10;
- z.267) Diamondback Firearms DB-10;
- z.268) Diamondback Firearms DB-15;
- z.269) Diemaco Rifle C10;
- z.27) Diemaco Rifle Experimental 84;
- z.271) Dlask Arms AR15 Type;
- z.272) Dlask Arms DAR701;
- z.273) Dlask Arms DAR701 Canada 150 Birthday;
- z.274) Dlask Arms PAC-5;
- z.275) Dominion Arms DA556;
- z.276) Double Star Star-15;
- z.277) Double Star Star-15 Carbine;
- z.278) Double Star Star-15 Super Match Rifle;
- z.279) Double Star Star-15 CritterSlayer;
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- (z.281) Double Star Star-15 Dissipator;
(z.282) Double Star Star-15 Target Rifle;
(z.283) Double Star Star-15 Lightweight Tactical;
(z.284) Double Star Star-15 Pistol;
(z.285) Double Star Star-10B;
(z.286) Dow FAL-15;
(z.287) DPMS A-15;
(z.288) DPMS A-15 Panther Bull;
(z.289) DPMS A-15 Panther Bull Twenty-Four;
(z.29) DPMS A-15 Panther Bull Twenty-Four Special;
(z.291) DPMS A-15 Panther Bull Twenty-Four Super;
(z.292) DPMS A-15 Panther Bulldog;
(z.293) DPMS A-15 Panther Bull Sixteen;
(z.294) DPMS A-15 Panther Bull SST Sixteen;
(z.295) DPMS A-15 Panther Bull Classic;
(z.296) DPMS A-15 Panther Prairie;
(z.297) DPMS A-15 Panther Arctic;
(z.298) DPMS A-15 Panther Classic;
(z.299) DPMS A-15 Panther DCM;
(z.3) DPMS A-15 Panther Southpaw;
(z.301) DPMS A-15 Panther Classic Sixteen;
(z.302) DPMS A-15 Panther Kitty Kat;
(z.303) DPMS A-15 Panther Carbine;
(z.304) DPMS A-15 Panther Race Gun;
(z.305) DPMS A-15 Panther Tactical;
(z.306) DPMS A-15 Panther Classic Lo-Pro;
(z.307) DPMS LR-308 Panther;
(z.308) DPMS A-15 Panther Carbine M-4;
(z.309) DPMS A-15 Panther Lite;
(z.31) DPMS A-15 Panther Tuber;
- (z.28) Double Star Star-15 Expedition Rifle;
(z.281) Double Star Star-15 Dissipator;
(z.282) Double Star Star-15 Target Rifle;
(z.283) Double Star Star-15 Lightweight Tactical;
(z.284) Double Star Star-15 Pistol;
(z.285) Double Star Star-10B;
(z.286) Dow FAL-15;
(z.287) DPMS A-15;
(z.288) DPMS A-15 Panther Bull;
(z.289) DPMS A-15 Panther Bull Twenty-Four;
(z.29) DPMS A-15 Panther Bull Twenty-Four Special;
(z.291) DPMS A-15 Panther Bull Twenty-Four Super;
(z.292) DPMS A-15 Panther Bulldog;
(z.293) DPMS A-15 Panther Bull Sixteen;
(z.294) DPMS A-15 Panther Bull SST Sixteen;
(z.295) DPMS A-15 Panther Bull Classic;
(z.296) DPMS A-15 Panther Prairie;
(z.297) DPMS A-15 Panther Arctic;
(z.298) DPMS A-15 Panther Classic;
(z.299) DPMS A-15 Panther DCM;
(z.3) DPMS A-15 Panther Southpaw;
(z.301) DPMS A-15 Panther Classic Sixteen;
(z.302) DPMS A-15 Panther Kitty Kat;
(z.303) DPMS A-15 Panther Carbine;
(z.304) DPMS A-15 Panther Race Gun;
(z.305) DPMS A-15 Panther Tactical;
(z.306) DPMS A-15 Panther Classic Lo-Pro;
(z.307) DPMS LR-308 Panther;
(z.308) DPMS A-15 Panther Carbine M-4;
(z.309) DPMS A-15 Panther Lite;
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|----------------------------------------------------|---------------------------------------------------|
| (z.311) DPMS LR-300 Panther; | z.31) DPMS A-15 Panther Tuber; |
| (z.312) DPMS A-15 Panther 20th Anniversary; | z.311) DPMS LR-300 Panther; |
| (z.313) DPMS LR-243 Panther; | z.312) DPMS A-15 Panther 20th Anniversary; |
| (z.314) DPMS LR-260 Panther; | z.313) DPMS LR-243 Panther; |
| (z.315) DPMS LR-204 Panther; | z.314) DPMS LR-260 Panther; |
| (z.316) DPMS LR-30S Panther; | z.315) DPMS LR-204 Panther; |
| (z.317) DPMS A-15 Panther Pardus; | z.316) DPMS LR-30S Panther; |
| (z.318) DPMS LR-338 Panther; | z.317) DPMS A-15 Panther Pardus; |
| (z.319) DPMS LR-6.5 Panther; | z.318) DPMS LR-338 Panther; |
| (z.32) DPMS A-15 Panther Sportical; | z.319) DPMS LR-6.5 Panther; |
| (z.321) DPMS A-15 Panther The Agency; | z.32) DPMS A-15 Panther Sportical; |
| (z.322) DPMS A-15 Panther CSAT; | z.321) DPMS A-15 Panther The Agency; |
| (z.323) DPMS A-15 Panther LBR Carbine; | z.322) DPMS A-15 Panther CSAT; |
| (z.324) DPMS A-15 Panther Hunter; | z.323) DPMS A-15 Panther LBR Carbine; |
| (z.325) DPMS A-15 Panther 300 Blackout; | z.324) DPMS A-15 Panther Hunter; |
| (z.326) DPMS LR-G2 Panther; | z.325) DPMS A-15 Panther 300 Blackout; |
| (z.327) DPMS A-15 Panther VRS Single Shot; | z.326) DPMS LR-G2 Panther; |
| (z.328) DPMS A-15 Panther Pump Rifle; | z.327) DPMS A-15 Panther VRS Single Shot; |
| (z.329) DPMS A-15 Panther 22; | z.328) DPMS A-15 Panther Pump Rifle; |
| (z.33) DPMS A-15 Panther VAS Single Shot; | z.329) DPMS A-15 Panther 22; |
| (z.331) DPMS A-150 Panther; | z.33) DPMS A-15 Panther VAS Single Shot; |
| (z.332) DPMS G2; | z.331) DPMS A-150 Panther; |
| (z.333) DRD Paratus; | z.332) DPMS G2; |
| (z.334) DRD M762; | z.333) DRD Paratus; |
| (z.335) DRD CDR-15; | z.334) DRD M762; |
| (z.336) DRD Kivaari; | z.335) DRD CDR-15; |
| (z.337) DRD D8; | z.336) DRD Kivaari; |
| (z.338) DSA Incorporated ZM4; | z.337) DRD D8; |
| (z.339) DTI DTI-15; | z.338) DSA Incorporated ZM4; |
| (z.34) Dynamic Arms Research (DAR) DAR-10; | z.339) DTI DTI-15; |
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- (z.341) Dynamic Arms Research (DAR) DAR-15;
(z.342) E3 Arms Omega-15;
(z.343) Eagle Arms Division of Armalite AR-10;
(z.344) Eagle Arms Division of Armalite Eagle-15;
(z.345) Eagle Arms Division of Armalite M15;
(z.346) Eagle Arms Division of Armalite M15A2;
(z.347) Eagle Arms Division of Armalite M15A3;
(z.348) Eagle Arms Division of Armalite M15P;
(z.349) Eagle Arms Incorporated EA-15;
(z.35) EDs Tactical Armory 2A;
(z.351) Elite Machining GRX15;
(z.352) Emtan EM-15;
(z.353) Enfield Rifle Company MERC415;
(z.354) EP Armory AR15/M16 Type;
(z.355) Essential Arms Company J15;
(z.356) Essential Arms Company J15F;
(z.357) Essential Arms Company J15-2;
(z.358) F&D Defense FD308;
(z.359) F-1 Firearms BDR-10 CA;
(z.36) F-1 Firearms BDR-10-3G CA;
(z.361) F-1 Firearms BDR-15 CA;
(z.362) F-1 Firearms BDR-15-3G CA;
(z.363) F-1 Firearms FDR-15 CA;
(z.364) F-1 Firearms UDR-15-3G;
(z.365) Falkor Defense FD-15A;
(z.366) Faxon Firearms ARAK-21 XRS;
(z.367) Ferfrans SOACR;
(z.368) Fightlite Industries MCR;
(z.369) Firebird Precision Firearms FPX-15;
(z.37) FMK AR-1 Patriot;
- (z.34) Dynamic Arms Research (DAR) DAR-10;
(z.341) Dynamic Arms Research (DAR) DAR-15;
(z.342) E3 Arms Omega-15;
(z.343) Eagle Arms Division of Armalite AR-10;
(z.344) Eagle Arms Division of Armalite Eagle-15;
(z.345) Eagle Arms Division of Armalite M15;
(z.346) Eagle Arms Division of Armalite M15A2;
(z.347) Eagle Arms Division of Armalite M15A3;
(z.348) Eagle Arms Division of Armalite M15P;
(z.349) Eagle Arms Incorporated EA-15;
(z.35) EDs Tactical Armory 2A;
(z.351) Elite Machining GRX15;
(z.352) Emtan EM-15;
(z.353) Enfield Rifle Company MERC415;
(z.354) EP Armory AR15/M16 Type;
(z.355) Essential Arms Company J15;
(z.356) Essential Arms Company J15F;
(z.357) Essential Arms Company J15-2;
(z.358) F&D Defense FD308;
(z.359) F-1 Firearms BDR-10 CA;
(z.36) F-1 Firearms BDR-10-3G CA;
(z.361) F-1 Firearms BDR-15 CA;
(z.362) F-1 Firearms BDR-15-3G CA;
(z.363) F-1 Firearms FDR-15 CA;
(z.364) F-1 Firearms UDR-15-3G;
(z.365) Falkor Defense FD-15A;
(z.366) Faxon Firearms ARAK-21 XRS;
(z.367) Ferfrans SOACR;
(z.368) Fightlite Industries MCR;
(z.369) Firebird Precision Firearms FPX-15;
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(z.371) FMK AR1 Extreme;	z.37) FMK AR-1 Patriot;
(z.372) FN FNX-01;	z.371) FMK AR1 Extreme;
(z.373) FN FN15;	z.372) FN FNX-01;
(z.374) FN FN15 Carbine;	z.373) FN FN15;
(z.375) FN FN15 Rifle;	z.374) FN FN15 Carbine;
(z.376) Fortis Manufacturing FM15;	z.375) FN FN15 Rifle;
(z.377) Frankford Arsenal XM-177E2;	z.376) Fortis Manufacturing FM15;
(z.378) Franklin Armory F17-L;	z.377) Frankford Arsenal XM-177E2;
(z.379) Franklin Armory F17-V4;	z.378) Franklin Armory F17-L;
(z.38) Franklin Armory HSC-15;	z.379) Franklin Armory F17-V4;
(z.381) Franklin Armory Libertas;	z.38) Franklin Armory HSC-15;
(z.382) Fulton Armory FAR-15;	z.381) Franklin Armory Libertas;
(z.383) Fulton Armory FAR-308;	z.382) Fulton Armory FAR-15;
(z.384) GA Precision GAP-10;	z.383) Fulton Armory FAR-308;
(z.385) GA Precision GAP-10 G2;	z.384) GA Precision GAP-10;
(z.386) Gilboa Shorty 7;	z.385) GA Precision GAP-10 G2;
(z.387) Gilboa Commando 11.5;	z.386) Gilboa Shorty 7;
(z.388) Gilboa SMG;	z.387) Gilboa Commando 11.5;
(z.389) Gilboa M-43;	z.388) Gilboa SMG;
(z.39) Gilboa Carabine 14.5;	z.389) Gilboa M-43;
(z.391) Gilboa DMR;	z.39) Gilboa Carabine 14.5;
(z.392) Gilboa Snake;	z.391) Gilboa DMR;
(z.393) GPI Manufacturing SLR15;	z.392) Gilboa Snake;
(z.394) Grande Armeria Camuna (GAC) GAC-15;	z.393) GPI Manufacturing SLR15;
(z.395) Grey Ghost Precision GGP-SBL;	z.394) Grande Armeria Camuna (GAC) GAC-15;
(z.396) Grey Ghost Precision GGP-S Grim;	z.395) Grey Ghost Precision GGP-SBL;
(z.397) Grey Ghost Precision GGP-S Heavy;	z.396) Grey Ghost Precision GGP-S Grim;
(z.398) Grey Ghost Precision GGP-SLF;	z.397) Grey Ghost Precision GGP-S Heavy;
(z.399) Grey Ghost Precision GGP-S Light;	z.398) Grey Ghost Precision GGP-SLF;
(z.4) Grey Ghost Precision Specter Light;	z.399) Grey Ghost Precision GGP-S Light;

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- (z.401) GT Virtual Concepts GT15;
(z.402) GTO Core-15;
(z.403) GTO Hard Core 15;
(z.404) Gun Room Company Noreen Bad News;
(z.405) Gunwerks WY15;
(z.406) Haenel CR223;
(z.407) Haenel CR308;
(z.408) Hayes Custom Guns H15;
(z.409) Head Down HD-15;
(z.41) Heckler & Koch HK416D;
(z.411) Heckler & Koch HK417;
(z.412) Heckler & Koch HKM4C;
(z.413) Heckler & Koch MR;
(z.414) Heckler & Koch MR223;
(z.415) Heckler & Koch MR308;
(z.416) Heckler & Koch MR556A1;
(z.417) Heckler & Koch MR762A1;
(z.418) Hera Arms HLS;
(z.419) Hera Arms HCL;
(z.42) Hera Arms HCL9M;
(z.421) Hesse Arms HAR15A2;
(z.422) Hesse Arms HAR15A2 Bull Gun;
(z.423) Hesse Arms HAR15A2 National Match;
(z.424) Hesse Arms HAR15A2 Standard;
(z.425) Hesse Arms HAR25;
(z.426) Hesse Arms Omega Match;
(z.427) High Standard HSA-15;
(z.428) High Standard HSA-15 Crusader;
(z.429) High Standard HSA-15 Enforcer;
(z.43) High Standard HSA-15 Enforcer 300;
- z.4) Grey Ghost Precision Specter Light;
z.401) GT Virtual Concepts GT15;
z.402) GTO Core-15;
z.403) GTO Hard Core 15;
z.404) Gun Room Company Noreen Bad News;
z.405) Gunwerks WY15;
z.406) Haenel CR223;
z.407) Haenel CR308;
z.408) Hayes Custom Guns H15;
z.409) Head Down HD-15;
z.41) Heckler & Koch HK416D;
z.411) Heckler & Koch HK417;
z.412) Heckler & Koch HKM4C;
z.413) Heckler & Koch MR;
z.414) Heckler & Koch MR223;
z.415) Heckler & Koch MR308;
z.416) Heckler & Koch MR556A1;
z.417) Heckler & Koch MR762A1;
z.418) Hera Arms HLS;
z.419) Hera Arms HCL;
z.42) Hera Arms HCL9M;
z.421) Hesse Arms HAR15A2;
z.422) Hesse Arms HAR15A2 Bull Gun;
z.423) Hesse Arms HAR15A2 National Match;
z.424) Hesse Arms HAR15A2 Standard;
z.425) Hesse Arms HAR25;
z.426) Hesse Arms Omega Match;
z.427) High Standard HSA-15;
z.428) High Standard HSA-15 Crusader;
z.429) High Standard HSA-15 Enforcer;
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- (z.431) Hogan Manufacturing H-308;
(z.432) Hogan Manufacturing H223;
(z.433) Hogan Manufacturing H-415;
(z.434) Hogan Manufacturing H-416;
(z.435) Holland Gunworks HGW15;
(z.436) Hughes Precision HR-15F;
(z.437) Huldra MARK 4;
(z.438) Imperial Defence Services M16A3;
(z.439) Interarms ISA-15;
(z.44) Inter Ordnance IO-G9;
(z.441) Intrepid Tactical Solutions RAS-12;
(z.442) Iron City Rifle Works IC-9;
(z.443) Iron City Rifle Works IC-15;
(z.444) Iron Ridge Arms IRA-10D;
(z.445) Irunguns Anarchy;
(z.446) ISSC PAR223 Delta;
(z.447) Jager AP74;
(z.448) Jard J15;
(z.449) JC Weaponry JC Weaponry;
(z.45) JD Machine PR3;
(z.451) Jesse James Firearms Unlimited M4 Carbine;
(z.452) Joe Firearms JOE-15;
(z.453) JP Enterprises JP-15 Match;
(z.454) JP Enterprises JP-15;
(z.455) JP Enterprises JP-15 IPSC Limited Class;
(z.456) JP Enterprises JP-15 NRA Match;
(z.457) JP Enterprises JP-15 Tactical/SOF;
(z.458) JP Enterprises AR-10;
(z.459) JP Enterprises Edge Grade 3;
(z.46) JP Enterprises CTR-02;
- z.43) High Standard HSA-15 Enforcer 300;
z.431) Hogan Manufacturing H-308;
z.432) Hogan Manufacturing H223;
z.433) Hogan Manufacturing H-415;
z.434) Hogan Manufacturing H-416;
z.435) Holland Gunworks HGW15;
z.436) Hughes Precision HR-15F;
z.437) Huldra MARK 4;
z.438) Imperial Defence Services M16A3;
z.439) Interarms ISA-15;
z.44) Inter Ordnance IO-G9;
z.441) Intrepid Tactical Solutions RAS-12;
z.442) Iron City Rifle Works IC-9;
z.443) Iron City Rifle Works IC-15;
z.444) Iron Ridge Arms IRA-10D;
z.445) Irunguns Anarchy;
z.446) ISSC PAR223 Delta;
z.447) Jager AP74;
z.448) Jard J15;
z.449) JC Weaponry JC Weaponry;
z.45) JD Machine PR3;
z.451) Jesse James Firearms Unlimited M4 Carbine;
z.452) Joe Firearms JOE-15;
z.453) JP Enterprises JP-15 Match;
z.454) JP Enterprises JP-15;
z.455) JP Enterprises JP-15 IPSC Limited Class;
z.456) JP Enterprises JP-15 NRA Match;
z.457) JP Enterprises JP-15 Tactical/SOF;
z.458) JP Enterprises AR-10;
z.459) JP Enterprises Edge Grade 3;
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|-----------------------------------------------------|----------------------------------------------------|
| (z.461) JP Enterprises LRP-07; | z.46) JP Enterprises CTR-02; |
| (z.462) JP Enterprises SCR-11; | z.461) JP Enterprises LRP-07; |
| (z.463) JP Enterprises JPE-15; | z.462) JP Enterprises SCR-11; |
| (z.464) JP Enterprises MBRG-13; | z.463) JP Enterprises JPE-15; |
| (z.465) JP Enterprises GMR15; | z.464) JP Enterprises MBRG-13; |
| (z.466) Juggernaut Tactical JT-10; | z.465) JP Enterprises GMR15; |
| (z.467) Juggernaut Tactical JT-15; | z.466) Juggernaut Tactical JT-10; |
| (z.468) Kaiser Defense Calguns.Net; | z.467) Juggernaut Tactical JT-15; |
| (z.469) Kaiser Defense KR5; | z.468) Kaiser Defense Calguns.Net; |
| (z.47) Kaiser Military Technologies KR7; | z.469) Kaiser Defense KR5; |
| (z.471) KE Arms KE-15; | z.47) Kaiser Military Technologies KR7; |
| (z.472) Kiss Tactical KISS-15; | z.471) KE Arms KE-15; |
| (z.473) Kiss Tactical K-15SE; | z.472) Kiss Tactical KISS-15; |
| (z.474) Knights Manufacturing Company SR-15; | z.473) Kiss Tactical K-15SE; |
| (z.475) Kodiak Defence JTF2 Silver Edition; | z.474) Knights Manufacturing Company SR-15; |
| (z.476) Kodiak Defence KD9; | z.475) Kodiak Defence JTF2 Silver Edition; |
| (z.477) Kodiak Defence KD15; | z.476) Kodiak Defence KD9; |
| (z.478) Kodiak Defence Kodiak-15; | z.477) Kodiak Defence KD15; |
| (z.479) Kodiak Defence Kodiak-39; | z.478) Kodiak Defence Kodiak-15; |
| (z.48) Lancer Systems LP L15; | z.479) Kodiak Defence Kodiak-39; |
| (z.481) Lancer Systems LP L30; | z.48) Lancer Systems LP L15; |
| (z.482) Lantac LA-N15; | z.481) Lancer Systems LP L30; |
| (z.483) Lantac LA-R15; | z.482) Lantac LA-N15; |
| (z.484) Lantac LA-SF15; | z.483) Lantac LA-R15; |
| (z.485) Lantac MK-4; | z.484) Lantac LA-SF15; |
| (z.486) LAR Manufacturing Grizzly-15; | z.485) Lantac MK-4; |
| (z.487) LAR Manufacturing AA15; | z.486) LAR Manufacturing Grizzly-15; |
| (z.488) LAR Manufacturing SK15; | z.487) LAR Manufacturing AA15; |
| (z.489) LaRue Tactical LT-15; | z.488) LAR Manufacturing SK15; |
| (z.49) LaRue Tactical LT-762; | z.489) LaRue Tactical LT-15; |
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- (z.491)** Lauer Custom Weaponry LCW15;
(z.492) Lead Star LSA9;
(z.493) LEI LM7;
(z.494) Leitner-Wise Rifle LW15-7.82;
(z.495) Leitner-Wise Rifle LW15-22;
(z.496) Leitner-Wise Rifle LW15-499;
(z.497) Les Baer Custom Ultimate AR;
(z.498) Les Baer Custom Ultimate;
(z.499) Les Baer Custom Match;
(z.5) Les Baer Custom Match AR;
(z.501) Les Baer Custom Thunder Ranch Special;
(z.502) Les Baer Custom Monolith SWAT;
(z.503) Les Baer Custom AR IPSC Action;
(z.504) Les Baer Custom AR Super Match;
(z.505) LMT Defender 2000;
(z.506) LMT L129A1;
(z.507) LMT LM308MWS;
(z.508) LMT MARS LS;
(z.509) Loki Weapon Systems LWSF;
(z.51) Lone Wolf R & D LWD-AR9G;
(z.511) Lone Wolf R & D LWD-AR9G Pistol;
(z.512) LRB Arms M15SA;
(z.513) Luvo BL-15LE;
(z.514) Luvo BL-15LE1;
(z.515) Luvo LA-15;
(z.516) LWRC SABR;
(z.517) LWRC REPR;
(z.518) LWRC Six8;
(z.519) LWRC CSASS;
(z.52) LWRC REPR MARK 2;
- z.49)** LaRue Tactical LT-762;
z.491) Lauer Custom Weaponry LCW15;
z.492) Lead Star LSA9;
z.493) LEI LM7;
z.494) Leitner-Wise Rifle LW15-7.82;
z.495) Leitner-Wise Rifle LW15-22;
z.496) Leitner-Wise Rifle LW15-499;
z.497) Les Baer Custom Ultimate AR;
z.498) Les Baer Custom Ultimate;
z.499) Les Baer Custom Match;
z.5) Les Baer Custom Match AR;
z.501) Les Baer Custom Thunder Ranch Special;
z.502) Les Baer Custom Monolith SWAT;
z.503) Les Baer Custom AR IPSC Action;
z.504) Les Baer Custom AR Super Match;
z.505) LMT Defender 2000;
z.506) LMT L129A1;
z.507) LMT LM308MWS;
z.508) LMT MARS LS;
z.509) Loki Weapon Systems LWSF;
z.51) Lone Wolf R & D LWD-AR9G;
z.511) Lone Wolf R & D LWD-AR9G Pistol;
z.512) LRB Arms M15SA;
z.513) Luvo BL-15LE;
z.514) Luvo BL-15LE1;
z.515) Luvo LA-15;
z.516) LWRC SABR;
z.517) LWRC REPR;
z.518) LWRC Six8;
z.519) LWRC CSASS;
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- (z.521) LWRC 224 Valkyrie;
(z.522) LWRC M6IC;
(z.523) LWRC M6/M6A2;
(z.524) M2 M16C;
(z.525) M2 M16SP;
(z.526) M2 M16X;
(z.527) M2 M4N;
(z.528) M2 Patrol;
(z.529) M2 M16Z1;
(z.53) MAG Tactical Systems MG-G4;
(z.531) Magpul Armament MPLA;
(z.532) Manta Machining PA15;
(z.533) Manta Machining JH 308-F2;
(z.534) Matrix Aerospace MA-15;
(z.535) Matrix Aerospace M-762;
(z.536) Matrix Aerospace M762-D;
(z.537) Maxim Firearms B7075;
(z.538) McDuffee Arms MAR15;
(z.539) McDuffee Arms MLR308;
(z.54) McKay Enterprises RM16A2;
(z.541) Mega Arms MEGA MA-Ten;
(z.542) Mega Arms GTR-3H;
(z.543) Mega Machine Shop MEGA MMS;
(z.544) Mega Machine Shop MEGA Gator;
(z.545) Mega Machine Shop MEGA GTR-3H;
(z.546) Mega Machine Shop MEGA GTR-3S;
(z.547) Mega Machine Shop MEGA GTR-MA-Ten;
(z.548) Mega Machine Shop MEGA MG-XTR;
(z.549) MG Arms K-Yote;
(z.55) MG Arms Taranis Light;
- z.52) LWRC REPR MARK 2;
z.521) LWRC 224 Valkyrie;
z.522) LWRC M6IC;
z.523) LWRC M6/M6A2;
z.524) M2 M16C;
z.525) M2 M16SP;
z.526) M2 M16X;
z.527) M2 M4N;
z.528) M2 Patrol;
z.529) M2 M16Z1;
z.53) MAG Tactical Systems MG-G4;
z.531) Magpul Armament MPLA;
z.532) Manta Machining PA15;
z.533) Manta Machining JH 308-F2;
z.534) Matrix Aerospace MA-15;
z.535) Matrix Aerospace M-762;
z.536) Matrix Aerospace M762-D;
z.537) Maxim Firearms B7075;
z.538) McDuffee Arms MAR15;
z.539) McDuffee Arms MLR308;
z.54) McKay Enterprises RM16A2;
z.541) Mega Arms MEGA MA-Ten;
z.542) Mega Arms GTR-3H;
z.543) Mega Machine Shop MEGA MMS;
z.544) Mega Machine Shop MEGA Gator;
z.545) Mega Machine Shop MEGA GTR-3H;
z.546) Mega Machine Shop MEGA GTR-3S;
z.547) Mega Machine Shop MEGA GTR-MA-Ten;
z.548) Mega Machine Shop MEGA MG-XTR;
z.549) MG Arms K-Yote;
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- (z.551) MGI Marck 15;
(z.552) MGO Zombie;
(z.553) Midwest Industries MI-15F;
(z.554) Miller Precision Arms MPA300 Guardian;
(z.555) Miller Precision Arms MPA556;
(z.556) Miller Precision Arms MPA762;
(z.557) Miller Precision Arms MPA762;
(z.558) Mil-Sport AR15;
(z.559) Mil-Sport AR15 Pistol;
(z.56) Mitchell Arms CAR15/22;
(z.561) Mitchell Arms M16/22;
(z.562) Mitchell Arms M16A1/22;
(z.563) Mitchell Arms M16A3/22;
(z.564) MKE KNT-76;
(z.565) MMC Armory MA-15;
(z.566) MOLOT Vepr-15;
(z.567) Moores Machine Company MMC M4;
(z.568) Mossberg MMR Tactical;
(z.569) Mossberg MMR Hunter;
(z.57) Motiuk Manufacturing MRC-15;
(z.571) MVB Industries MVB-15F;
(z.572) Nemesis Arms 11X10;
(z.573) NEMO Battle Light;
(z.574) NEMO Omen;
(z.575) NEMO Battle Light 1.0;
(z.576) New Frontier Armory C9;
(z.577) New Frontier Armory G-15;
(z.578) New Frontier Armory LW-15;
(z.579) Next Generation Arms MFR;
(z.58) Next Generation Arms MP168 SPC;
- z.55) MG Arms Taranis Light;
z.551) MGI Marck 15;
z.552) MGO Zombie;
z.553) Midwest Industries MI-15F;
z.554) Miller Precision Arms MPA300 Guardian;
z.555) Miller Precision Arms MPA556;
z.556) Miller Precision Arms MPA762;
z.557) Miller Precision Arms MPA762;
z.558) Mil-Sport AR15;
z.559) Mil-Sport AR15 Pistol;
z.56) Mitchell Arms CAR15/22;
z.561) Mitchell Arms M16/22;
z.562) Mitchell Arms M16A1/22;
z.563) Mitchell Arms M16A3/22;
z.564) MKE KNT-76;
z.565) MMC Armory MA-15;
z.566) MOLOT Vepr-15;
z.567) Moores Machine Company MMC M4;
z.568) Mossberg MMR Tactical;
z.569) Mossberg MMR Hunter;
z.57) Motiuk Manufacturing MRC-15;
z.571) MVB Industries MVB-15F;
z.572) Nemesis Arms 11X10;
z.573) NEMO Battle Light;
z.574) NEMO Omen;
z.575) NEMO Battle Light 1.0;
z.576) New Frontier Armory C9;
z.577) New Frontier Armory G-15;
z.578) New Frontier Armory LW-15;
z.579) Next Generation Arms MFR;
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- (z.581) Next Level Armament NLX556;
(z.582) NoDak Spud NDS-16A1;
(z.583) NoDak Spud NDS-16A2;
(z.584) NoDak Spud NDS-601;
(z.585) NoDak Spud NDS-635;
(z.586) NoDak Spud NDS-XM16E1;
(z.587) Nord Arms NA-308;
(z.588) Nordic Components NC-PCC;
(z.589) Noreen Firearms Noreen Bad News;
(z.59) Noreen Firearms Noreen BN36;
(z.591) Noreen Firearms Noreen BN308;
(z.592) Norinco 311-3;
(z.593) Norinco Type CQ 311;
(z.594) Norinco Type CQ 311-1;
(z.595) Norinco Type CQ Semi-Automatic Rifle;
(z.596) Norinco Type CQ-A Semi-Automatic Rifle;
(z.597) Norinco Type CQ-A-1 Semi-Automatic Rifle;
(z.598) North Eastern Arms NEA-15;
(z.599) North Eastern Arms NEA-15 Pistol;
(z.6) North Eastern Arms NEA-25;
(z.601) North Eastern Arms NEA102;
(z.602) Northtech Defense NT15S;
(z.603) Noveske N4;
(z.604) Noveske N6;
(z.605) Noveske Varmageddon AR;
(z.606) Oberland Arms OA10;
(z.607) Oberland Arms OA15;
(z.608) Olympic Arms PCR;
(z.609) Olympic Arms MFR;
(z.61) Olympic Arms K3B;
- z.58) Next Generation Arms MP168 SPC;
z.581) Next Level Armament NLX556;
z.582) NoDak Spud NDS-16A1;
z.583) NoDak Spud NDS-16A2;
z.584) NoDak Spud NDS-601;
z.585) NoDak Spud NDS-635;
z.586) NoDak Spud NDS-XM16E1;
z.587) Nord Arms NA-308;
z.588) Nordic Components NC-PCC;
z.589) Noreen Firearms Noreen Bad News;
z.59) Noreen Firearms Noreen BN36;
z.591) Noreen Firearms Noreen BN308;
z.592) Norinco 311-3;
z.593) Norinco Type CQ 311;
z.594) Norinco Type CQ 311-1;
z.595) Norinco Type CQ Semi-Automatic Rifle;
z.596) Norinco Type CQ-A Semi-Automatic Rifle;
z.597) Norinco Type CQ-A-1 Semi-Automatic Rifle;
z.598) North Eastern Arms NEA-15;
z.599) North Eastern Arms NEA-15 Pistol;
z.6) North Eastern Arms NEA-25;
z.601) North Eastern Arms NEA102;
z.602) Northtech Defense NT15S;
z.603) Noveske N4;
z.604) Noveske N6;
z.605) Noveske Varmageddon AR;
z.606) Oberland Arms OA10;
z.607) Oberland Arms OA15;
z.608) Olympic Arms PCR;
z.609) Olympic Arms MFR;
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| (z.611) Olympic Arms K40GL; | z.61) Olympic Arms K3B; |
| (z.612) Olympic Arms K9GL; | z.611) Olympic Arms K40GL; |
| (z.613) Olympic Arms LTF; | z.612) Olympic Arms K9GL; |
| (z.614) Olympic Arms Plinker Plus; | z.613) Olympic Arms LTF; |
| (z.615) Olympic Arms UM1P Ultramatch; | z.614) Olympic Arms Plinker Plus; |
| (z.616) Olympic Arms UMAR; | z.615) Olympic Arms UM1P Ultramatch; |
| (z.617) Olympic Arms MPR 308-15; | z.616) Olympic Arms UMAR; |
| (z.618) Olympic Arms CAR15 AR; | z.617) Olympic Arms MPR 308-15; |
| (z.619) Olympic Arms CAR97; | z.618) Olympic Arms CAR15 AR; |
| (z.62) Olympic Arms UM1 Ultramatch; | z.619) Olympic Arms CAR97; |
| (z.621) Olympic Arms ML1 Multimatch; | z.62) Olympic Arms UM1 Ultramatch; |
| (z.622) Olympic Arms ML2 Multimatch; | z.621) Olympic Arms ML1 Multimatch; |
| (z.623) Olympic Arms K4B; | z.622) Olympic Arms ML2 Multimatch; |
| (z.624) Olympic Arms Bill of Rights Bicentennial Commemorative; | z.623) Olympic Arms K4B; |
| (z.625) Olympic Arms SM1 Servicematch; | z.624) Olympic Arms Bill of Rights Bicentennial Commemorative; |
| (z.626) Olympic Arms Titanium; | z.625) Olympic Arms SM1 Servicematch; |
| (z.627) Olympic Arms Plinker; | z.626) Olympic Arms Titanium; |
| (z.628) Olympic Arms FAR-15; | z.627) Olympic Arms Plinker; |
| (z.629) Olympic Arms K8; | z.628) Olympic Arms FAR-15; |
| (z.63) Olympic Arms MQ356; | z.629) Olympic Arms K8; |
| (z.631) Olympic Arms Vietnam Limited Edition Commemorative; | z.63) Olympic Arms MQ356; |
| (z.632) Olympic Arms SM1P Servicematch; | z.631) Olympic Arms Vietnam Limited Edition Commemorative; |
| (z.633) Olympic Arms K22 Rimfire Target Match; | z.632) Olympic Arms SM1P Servicematch; |
| (z.634) Palmetto Armory BH15A1; | z.633) Olympic Arms K22 Rimfire Target Match; |
| (z.635) Palmetto State Armory GX-9; | z.634) Palmetto Armory BH15A1; |
| (z.636) Palmetto State Armory PA-10; | z.635) Palmetto State Armory GX-9; |
| (z.637) Palmetto State Armory PA-15; | z.636) Palmetto State Armory PA-10; |
| (z.638) Palmetto State Armory PX9; | z.637) Palmetto State Armory PA-15; |
| (z.639) Palmetto State Armory PX-10; | z.638) Palmetto State Armory PX9; |
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- (z.64) Patriot Defense Arms PDA-15;
(z.641) Performance Engineering SOT-15;
(z.642) Phase 5 Tactical P5T15;
(z.643) Phase 5 Tactical Atlas One;
(z.644) Plumcrazy Firearms C15;
(z.645) POF CMR;
(z.646) POF P-15;
(z.647) POF P300;
(z.648) POF P308;
(z.649) POF P415;
(z.65) POF P416;
(z.651) Poly Technologies Type CQ-A Semi-Automatic Rifle;
(z.652) Precision Firearms PF15;
(z.653) Precision Firearms PF-X08;
(z.654) PWA AR15 Commando;
(z.655) PWA Commando;
(z.656) PWS MARK 1;
(z.657) PWS MARK 2;
(z.658) PWS MARK 1 Modern Musket;
(z.659) PWS PCC9;
(z.66) PWS MARK 1 Pistol;
(z.661) PWS MARK 1 Modern Musket Pistol;
(z.662) PWS MARK 1 Mod 2-M;
(z.663) Q Honey Badger;
(z.664) Quartercircle10 GSF Pistol;
(z.665) Quentin Defense QD-15;
(z.666) Quentin Defense SBR;
(z.667) Quentin Defense ZRT;
(z.668) Radian 1;
(z.639) Palmetto State Armory PX-10;
(z.64) Patriot Defense Arms PDA-15;
(z.641) Performance Engineering SOT-15;
(z.642) Phase 5 Tactical P5T15;
(z.643) Phase 5 Tactical Atlas One;
(z.644) Plumcrazy Firearms C15;
(z.645) POF CMR;
(z.646) POF P-15;
(z.647) POF P300;
(z.648) POF P308;
(z.649) POF P415;
(z.65) POF P416;
(z.651) Poly Technologies Type CQ-A Semi-Automatic Rifle;
(z.652) Precision Firearms PF15;
(z.653) Precision Firearms PF-X08;
(z.654) PWA AR15 Commando;
(z.655) PWA Commando;
(z.656) PWS MARK 1;
(z.657) PWS MARK 2;
(z.658) PWS MARK 1 Modern Musket;
(z.659) PWS PCC9;
(z.66) PWS MARK 1 Pistol;
(z.661) PWS MARK 1 Modern Musket Pistol;
(z.662) PWS MARK 1 Mod 2-M;
(z.663) Q Honey Badger;
(z.664) Quartercircle10 GSF Pistol;
(z.665) Quentin Defense QD-15;
(z.666) Quentin Defense SBR;
(z.667) Quentin Defense ZRT;
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- (z.669) Radical Firearms RF-15;
(z.67) Radical Firearms RM-15;
(z.671) Radical Firearms RMR-10;
(z.672) Rainier Arms Overthrow;
(z.673) Rainier Arms RB-15;
(z.674) Rainier Arms RB308;
(z.675) Rainier Arms RM-15;
(z.676) Rat Worx M-7;
(z.677) Red River Tactical RRT-TAC15;
(z.678) Red Stag Technologies Red Stag;
(z.679) Remington R15 VTR;
(z.68) Remington LRP-07;
(z.681) Remington R4;
(z.682) Remington R25;
(z.683) Remington R25 G2;
(z.684) Revolution Armory AR-410;
(z.685) RGM Incorporated Marksman;
(z.686) RGuns TRR15;
(z.687) Rhino Arms RA-4;
(z.688) Rhino Arms RA-4R;
(z.689) Rise Armament Ripper;
(z.69) RND Edge;
(z.691) Rock Island Armory M15A1;
(z.692) Rock Island Armory XM15;
(z.693) Rock Island Armory XM15E2;
(z.694) Rock River Arms LAR-15;
(z.695) Rock River Arms LAR-15 Law Enforcement;
(z.696) Rock River Arms LAR-15 Varmint;
(z.697) Rock River Arms LAR-15/9MM;
(z.698) Rock River Arms LAR-15 Pistol;
- z.668) Radian 1;
z.669) Radical Firearms RF-15;
z.67) Radical Firearms RM-15;
z.671) Radical Firearms RMR-10;
z.672) Rainier Arms Overthrow;
z.673) Rainier Arms RB-15;
z.674) Rainier Arms RB308;
z.675) Rainier Arms RM-15;
z.676) Rat Worx M-7;
z.677) Red River Tactical RRT-TAC15;
z.678) Red Stag Technologies Red Stag;
z.679) Remington R15 VTR;
z.68) Remington LRP-07;
z.681) Remington R4;
z.682) Remington R25;
z.683) Remington R25 G2;
z.684) Revolution Armory AR-410;
z.685) RGM Incorporated Marksman;
z.686) RGuns TRR15;
z.687) Rhino Arms RA-4;
z.688) Rhino Arms RA-4R;
z.689) Rise Armament Ripper;
z.69) RND Edge;
z.691) Rock Island Armory M15A1;
z.692) Rock Island Armory XM15;
z.693) Rock Island Armory XM15E2;
z.694) Rock River Arms LAR-15;
z.695) Rock River Arms LAR-15 Law Enforcement;
z.696) Rock River Arms LAR-15 Varmint;
z.697) Rock River Arms LAR-15/9MM;
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| (z.699) Rock River Arms LAR-15 Elite; | (z.698) Rock River Arms LAR-15 Pistol; |
| (z.7) Rock River Arms LAR-15 Coyote; | (z.699) Rock River Arms LAR-15 Elite; |
| (z.701) Rock River Arms LAR-15 Predator Pursuit; | (z.7) Rock River Arms LAR-15 Coyote; |
| (z.702) Rock River Arms LAR-458; | (z.701) Rock River Arms LAR-15 Predator Pursuit; |
| (z.703) Rock River Arms LAR-6.8; | (z.702) Rock River Arms LAR-458; |
| (z.704) Rock River Arms LAR-8; | (z.703) Rock River Arms LAR-6.8; |
| (z.705) Rock River Arms LAR-15 ATH; | (z.704) Rock River Arms LAR-8; |
| (z.706) Rock River Arms LAR-15 Operator; | (z.705) Rock River Arms LAR-15 ATH; |
| (z.707) Rock River Arms LAR-8 Operator; | (z.706) Rock River Arms LAR-15 Operator; |
| (z.708) Rock River Arms LAR-47; | (z.707) Rock River Arms LAR-8 Operator; |
| (z.709) Rock River Arms LAR-15LH; | (z.708) Rock River Arms LAR-47; |
| (z.71) Rock River Arms LAR-15 Hunter; | (z.709) Rock River Arms LAR-15LH; |
| (z.711) Rock River Arms LAR-15 Fred Eichler Series; | (z.71) Rock River Arms LAR-15 Hunter; |
| (z.712) Rock River Arms LAR-15 R3 Competition; | (z.711) Rock River Arms LAR-15 Fred Eichler Series; |
| (z.713) Rock River Arms LAR-15 Texas; | (z.712) Rock River Arms LAR-15 R3 Competition; |
| (z.714) Rock River Arms LAR-15 Tactical; | (z.713) Rock River Arms LAR-15 Texas; |
| (z.715) Rock River Arms LAR-15 Government; | (z.714) Rock River Arms LAR-15 Tactical; |
| (z.716) Rock River Arms LAR-15 TASC; | (z.715) Rock River Arms LAR-15 Government; |
| (z.717) Rock River Arms LAR-15 National Match; | (z.716) Rock River Arms LAR-15 TASC; |
| (z.718) Rock River Arms LAR-15 DEA; | (z.717) Rock River Arms LAR-15 National Match; |
| (z.719) Rock River Arms LAR-9; | (z.718) Rock River Arms LAR-15 DEA; |
| (z.72) Rock River Arms LAR-9 Pistol; | (z.719) Rock River Arms LAR-9; |
| (z.721) Rock River Arms LAR-40; | (z.72) Rock River Arms LAR-9 Pistol; |
| (z.722) Rock River Arms LAR-PDS; | (z.721) Rock River Arms LAR-40; |
| (z.723) Rock River Arms LAR-40 Pistol; | (z.722) Rock River Arms LAR-PDS; |
| (z.724) Rock River Arms LAR-6; | (z.723) Rock River Arms LAR-40 Pistol; |
| (z.725) Rock River Arms LAR-8M; | (z.724) Rock River Arms LAR-6; |
| (z.726) Rock River Arms LAR-10; | (z.725) Rock River Arms LAR-8M; |
| (z.727) Rocky Point Guns LE15; | (z.726) Rock River Arms LAR-10; |
| (z.728) Roggio RA15; | (z.727) Rocky Point Guns LE15; |
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- (z.729) Royal Arms Rak15;
(z.73) Ruger SR556;
(z.731) Ruger SR556 VT;
(z.732) Ruger AR556;
(z.733) S&J Hardware SJ-15;
(z.734) Sabatti SAR;
(z.735) Sabertooth Defence M4;
(z.736) Sabre Defence Industries SR-15;
(z.737) Sabre Defence Industries XR10;
(z.738) Sabre Defence Industries XR15;
(z.739) Safir T12;
(z.74) Safir T14;
(z.741) Salient Arms International GRY;
(z.742) Salient Arms International SAI-T2;
(z.743) Savage MSR-10;
(z.744) Savage MSR-15;
(z.745) Schmeisser AR15;
(z.746) Schmeisser MR-BA19;
(z.747) Seekins Precision NX15;
(z.748) Seekins Precision SBA15;
(z.749) Seekins Precision SP15;
(z.75) Seekins Precision SP223;
(z.751) Seekins Precision SPX;
(z.752) Sendra Corp M15A1;
(z.753) Sendra Corp XM15E2;
(z.754) SFRC SFRC-15;
(z.755) SGW AR15;
(z.756) SGW AR15A1;
(z.757) SGW AR15A2;
(z.758) SGW CAR15;
z.728) Roggio RA15;
z.729) Royal Arms Rak15;
z.73) Ruger SR556;
z.731) Ruger SR556 VT;
z.732) Ruger AR556;
z.733) S&J Hardware SJ-15;
z.734) Sabatti SAR;
z.735) Sabertooth Defence M4;
z.736) Sabre Defence Industries SR-15;
z.737) Sabre Defence Industries XR10;
z.738) Sabre Defence Industries XR15;
z.739) Safir T12;
z.74) Safir T14;
z.741) Salient Arms International GRY;
z.742) Salient Arms International SAI-T2;
z.743) Savage MSR-10;
z.744) Savage MSR-15;
z.745) Schmeisser AR15;
z.746) Schmeisser MR-BA19;
z.747) Seekins Precision NX15;
z.748) Seekins Precision SBA15;
z.749) Seekins Precision SP15;
z.75) Seekins Precision SP223;
z.751) Seekins Precision SPX;
z.752) Sendra Corp M15A1;
z.753) Sendra Corp XM15E2;
z.754) SFRC SFRC-15;
z.755) SGW AR15;
z.756) SGW AR15A1;
z.757) SGW AR15A2;
z.758) SGW CAR15;
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(z.759) SGW CAR15 AR;	z.758) SGW CAR15;
(z.76) SGW K3B;	z.759) SGW CAR15 AR;
(z.761) SGW Ultra Match Rifle;	z.76) SGW K3B;
(z.762) SGW XM15A1;	z.761) SGW Ultra Match Rifle;
(z.763) Sharps Bros The Jack;	z.762) SGW XM15A1;
(z.764) Sharps Bros Warthog;	z.763) Sharps Bros The Jack;
(z.765) Sharps Rifle Company Sharps 15;	z.764) Sharps Bros Warthog;
(z.766) ShoeLess Ventures FAB10;	z.765) Sharps Rifle Company Sharps 15;
(z.767) Shooting Edge OA15;	z.766) ShoeLess Ventures FAB10;
(z.768) SI Defense SI AR-15;	z.767) Shooting Edge OA15;
(z.769) SI Defense SI-D;	z.768) SI Defense SI AR-15;
(z.77) SI Defense SI-HK;	z.769) SI Defense SI-D;
(z.771) SI Defense SI-C;	z.77) SI Defense SI-HK;
(z.772) SIG Sauer SIG 516;	z.771) SI Defense SI-C;
(z.773) SIG Sauer SIG 716;	z.772) SIG Sauer SIG 516;
(z.774) SIG Sauer SIG M400;	z.773) SIG Sauer SIG 716;
(z.775) SIG Sauer SIG M400 Elite;	z.774) SIG Sauer SIG M400;
(z.776) Six Sigma Arms P18-32;	z.775) SIG Sauer SIG M400 Elite;
(z.777) Smith & Wesson M&P 15T;	z.776) Six Sigma Arms P18-32;
(z.778) Smith & Wesson M&P 15;	z.777) Smith & Wesson M&P 15T;
(z.779) Smith & Wesson M&P 15-22;	z.778) Smith & Wesson M&P 15;
(z.78) Smith & Wesson M&P 15FT;	z.779) Smith & Wesson M&P 15-22;
(z.781) Smith & Wesson M&P 15-22PC;	z.78) Smith & Wesson M&P 15FT;
(z.782) Smith & Wesson M&P 15 Magpul;	z.781) Smith & Wesson M&P 15-22PC;
(z.783) Smith & Wesson M&P 10;	z.782) Smith & Wesson M&P 15 Magpul;
(z.784) Smith & Wesson M&P 15A;	z.783) Smith & Wesson M&P 10;
(z.785) Smith & Wesson M&P 15PC;	z.784) Smith & Wesson M&P 15A;
(z.786) Smith & Wesson M&P 15OR;	z.785) Smith & Wesson M&P 15PC;
(z.787) Smith & Wesson M&P 15PS;	z.786) Smith & Wesson M&P 15OR;
(z.788) Smith & Wesson M&P 10 Creedmoor;	z.787) Smith & Wesson M&P 15PS;

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- (z.789) Smith & Wesson M&P 15i;
(z.79) SMOS SM-15;
(z.791) SMOS Rogue-15;
(z.792) SMOS Rogue-50;
(z.793) Sniper Central SI-C;
(z.794) SNS Industries Max 15;
(z.795) SNS Industries LFT-15;
(z.796) SNS Industries NO-15;
(z.797) SNS Industries Max 15 Pistol;
(z.798) Socom Firearms Corporation Recon AR15;
(z.799) Socom Manufacturing BR-15-A6S;
(z.8) Spartan Precision SP15;
(z.801) Special Ops Tactical SO15;
(z.802) Spike's Tactical ST-15;
(z.803) Spike's Tactical SL-15;
(z.804) Spike's Tactical ST-22;
(z.805) Spike's Tactical CJ15;
(z.806) Spike's Tactical Hellbreaker;
(z.807) Spike's Tactical Warthog;
(z.808) Spike's Tactical The Jack;
(z.809) Spike's Tactical Spartan;
(z.81) Spike's Tactical Jack 10;
(z.811) Spirit Gun Manufacturing Company SGM9;
(z.812) Springfield Armory Saint;
(z.813) STAG Arms STAG-6L;
(z.814) STAG Arms STAG-6.8;
(z.815) STAG Arms STAG-9;
(z.816) STAG Arms STAG-10;
(z.817) STAG Arms STAG-10S;
(z.818) STAG Arms STAG-15;
z.788) Smith & Wesson M&P 10 Creedmoor;
z.789) Smith & Wesson M&P 15i;
z.79) SMOS SM-15;
z.791) SMOS Rogue-15;
z.792) SMOS Rogue-50;
z.793) Sniper Central SI-C;
z.794) SNS Industries Max 15;
z.795) SNS Industries LFT-15;
z.796) SNS Industries NO-15;
z.797) SNS Industries Max 15 Pistol;
z.798) Socom Firearms Corporation Recon AR15;
z.799) Socom Manufacturing BR-15-A6S;
z.8) Spartan Precision SP15;
z.801) Special Ops Tactical SO15;
z.802) Spike's Tactical ST-15;
z.803) Spike's Tactical SL-15;
z.804) Spike's Tactical ST-22;
z.805) Spike's Tactical CJ15;
z.806) Spike's Tactical Hellbreaker;
z.807) Spike's Tactical Warthog;
z.808) Spike's Tactical The Jack;
z.809) Spike's Tactical Spartan;
z.81) Spike's Tactical Jack 10;
z.811) Spirit Gun Manufacturing Company SGM9;
z.812) Springfield Armory Saint;
z.813) STAG Arms STAG-6L;
z.814) STAG Arms STAG-6.8;
z.815) STAG Arms STAG-9;
z.816) STAG Arms STAG-10;
z.817) STAG Arms STAG-10S;
z.818) STAG Arms STAG-15;
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- (z.819)** STAG Arms STAG-223;
 - (z.82)** Sterling Arms SAI 102;
 - (z.821)** STI International AR15 Custom Rifle;
 - (z.822)** Stillers Precision Firearms Predator XT;
 - (z.823)** Stoner SR-25;
 - (z.824)** Stoner SR-15;
 - (z.825)** Stoner MARK 11 Model 0;
 - (z.826)** Stoner M110;
 - (z.827)** Stoner XM110;
 - (z.828)** Stoner MARK 11 Model 1;
 - (z.829)** Sun Devil SD15;
 - (z.83)** Sun Devil SD308;
 - (z.831)** Superior Arms S-15;
 - (z.832)** Surplus Ammo & Arms LOW15;
 - (z.833)** Surplus Ammo & Arms LOW16;
 - (z.834)** Surplus Ammo & Arms SA15;
 - (z.835)** SWAT Firearms SF-15;
 - (z.836)** SWORD International MARK 15 Model 0;
 - (z.837)** SWORD International MARK 16 Model 0;
 - (z.838)** SWORD International MARK 17 Model 0;
 - (z.839)** SWORD International MARK 18 Model 0;
 - (z.84)** SWORD International MARK 18 Model 0 Mjol-nir;
 - (z.841)** Tactical Armz TA-15;
 - (z.842)** Tactical Innovations T-15;
 - (z.843)** Tactical Innovations T-15BDX;
 - (z.844)** Tactical Machining TM-15;
 - (z.845)** Tactical Machining TM308;
 - (z.846)** Tactical Machining TSG-15;
 - (z.847)** Tactical Rifles Government;
 - z.818)** STAG Arms STAG-15;
 - z.819)** STAG Arms STAG-223;
 - z.82)** Sterling Arms SAI 102;
 - z.821)** STI International AR15 Custom Rifle;
 - z.822)** Stillers Precision Firearms Predator XT;
 - z.823)** Stoner SR-25;
 - z.824)** Stoner SR-15;
 - z.825)** Stoner MARK 11 Model 0;
 - z.826)** Stoner M110;
 - z.827)** Stoner XM110;
 - z.828)** Stoner MARK 11 Model 1;
 - z.829)** Sun Devil SD15;
 - z.83)** Sun Devil SD308;
 - z.831)** Superior Arms S-15;
 - z.832)** Surplus Ammo & Arms LOW15;
 - z.833)** Surplus Ammo & Arms LOW16;
 - z.834)** Surplus Ammo & Arms SA15;
 - z.835)** SWAT Firearms SF-15;
 - z.836)** SWORD International MARK 15 Model 0;
 - z.837)** SWORD International MARK 16 Model 0;
 - z.838)** SWORD International MARK 17 Model 0;
 - z.839)** SWORD International MARK 18 Model 0;
 - z.84)** SWORD International MARK 18 Model 0 Mjol-nir;
 - z.841)** Tactical Armz TA-15;
 - z.842)** Tactical Innovations T-15;
 - z.843)** Tactical Innovations T-15BDX;
 - z.844)** Tactical Machining TM-15;
 - z.845)** Tactical Machining TM308;
 - z.846)** Tactical Machining TSG-15;
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- (z.848) Tactical Rifles Tactical M4C;
(z.849) Tactical Rifles Tactical SPG;
(z.85) Tactical Rifles Tactical SVR;
(z.851) Talon Arms TA-15;
(z.852) Taran Tactical TR-1;
(z.853) Tech Designs AR-15;
(z.854) Territorial Gunsmiths SLR15;
(z.855) Thor TR15 Carbine;
(z.856) Tippmann Arms M4-22;
(z.857) Titusville Armory TA-15;
(z.858) TKS Engineering AR15HD;
(z.859) TNW SGP15;
(z.86) Tom Sawyer M4-Z1;
(z.861) Tom Sawyer Jolly Roger;
(z.862) Trojan Firearms PRO9V1;
(z.863) Trojan Firearms TFA-PCC9G;
(z.864) Trojan Firearms ULV1;
(z.865) Troy Defense Troy 102;
(z.866) Troy Defense Troy Carbine;
(z.867) Troy Defense Troy M4A1 Carbine;
(z.868) Troy Defense Troy M4A1 SOCC;
(z.869) Troy Defense Troy M7A1 CQB;
(z.87) Troy Defense Troy M7A1 PDW Carbine;
(z.871) Troy Defense Troy M16A2 Mogadishu;
(z.872) Troy Defense Troy Northern Guard;
(z.873) Troy Industries Troy CQB-SPC;
(z.874) True North Arms TNA-15;
(z.875) Turnbull Manufacturing TAR-15;
(z.876) Turnbull Manufacturing TAR-10;
(z.877) Umbrella Corporation AR15;
- (z.847) Tactical Rifles Government;
(z.848) Tactical Rifles Tactical M4C;
(z.849) Tactical Rifles Tactical SPG;
(z.85) Tactical Rifles Tactical SVR;
(z.851) Talon Arms TA-15;
(z.852) Taran Tactical TR-1;
(z.853) Tech Designs AR-15;
(z.854) Territorial Gunsmiths SLR15;
(z.855) Thor TR15 Carbine;
(z.856) Tippmann Arms M4-22;
(z.857) Titusville Armory TA-15;
(z.858) TKS Engineering AR15HD;
(z.859) TNW SGP15;
(z.86) Tom Sawyer M4-Z1;
(z.861) Tom Sawyer Jolly Roger;
(z.862) Trojan Firearms PRO9V1;
(z.863) Trojan Firearms TFA-PCC9G;
(z.864) Trojan Firearms ULV1;
(z.865) Troy Defense Troy 102;
(z.866) Troy Defense Troy Carbine;
(z.867) Troy Defense Troy M4A1 Carbine;
(z.868) Troy Defense Troy M4A1 SOCC;
(z.869) Troy Defense Troy M7A1 CQB;
(z.87) Troy Defense Troy M7A1 PDW Carbine;
(z.871) Troy Defense Troy M16A2 Mogadishu;
(z.872) Troy Defense Troy Northern Guard;
(z.873) Troy Industries Troy CQB-SPC;
(z.874) True North Arms TNA-15;
(z.875) Turnbull Manufacturing TAR-15;
(z.876) Turnbull Manufacturing TAR-10;
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(z.878) Umlaut Industries U4;
(z.879) Unik Alpha;
(z.88) United Defense S7;
(z.881) US Arms Patriot 15;
(z.882) US Autoweapons USM4;
(z.883) US Firearms Academy BB-16;
(z.884) USA Tactical Firearms USA-15;
(z.885) UT Arms GEN-1AR;
(z.886) Utas XTR-12;
(z.887) V Seven Weapons GI Seven;
(z.888) VC Defense VC-15;
(z.889) Vidalia Police Supply VPS-15;
(z.89) VM Hy-Tech VM15;
(z.891) Vulcan Armament V15;
(z.892) Web Arms WA-15;
(z.893) Wilson Combat AR15 UT;
(z.894) Wilson Combat AR15 TPR;
(z.895) Wilson Combat AR15 M4;
(z.896) Wilson Combat AR15 TL;
(z.897) Wilson Combat AR15 SM;
(z.898) Wilson Combat AR15 SS;
(z.899) Wilson Combat AR15;
(z.9) Wilson Combat AR-10;
(z.901) Wilson Combat AR9G;
(z.902) Wilson Tactical WT-15;
(z.903) Windham Weaponry MCS;
(z.904) Windham Weaponry WW-15;
(z.905) Windham Weaponry WW-308;
(z.906) Windham Weaponry WW-CF;
(z.907) WMA WMA-15;

(z.877) Umbrella Corporation AR15;
(z.878) Umlaut Industries U4;
(z.879) Unik Alpha;
(z.88) United Defense S7;
(z.881) US Arms Patriot 15;
(z.882) US Autoweapons USM4;
(z.883) US Firearms Academy BB-16;
(z.884) USA Tactical Firearms USA-15;
(z.885) UT Arms GEN-1AR;
(z.886) Utas XTR-12;
(z.887) V Seven Weapons GI Seven;
(z.888) VC Defense VC-15;
(z.889) Vidalia Police Supply VPS-15;
(z.89) VM Hy-Tech VM15;
(z.891) Vulcan Armament V15;
(z.892) Web Arms WA-15;
(z.893) Wilson Combat AR15 UT;
(z.894) Wilson Combat AR15 TPR;
(z.895) Wilson Combat AR15 M4;
(z.896) Wilson Combat AR15 TL;
(z.897) Wilson Combat AR15 SM;
(z.898) Wilson Combat AR15 SS;
(z.899) Wilson Combat AR15;
(z.9) Wilson Combat AR-10;
(z.901) Wilson Combat AR9G;
(z.902) Wilson Tactical WT-15;
(z.903) Windham Weaponry MCS;
(z.904) Windham Weaponry WW-15;
(z.905) Windham Weaponry WW-308;
(z.906) Windham Weaponry WW-CF;

- (z.908)** Wolverine Tactical Firearms WAR-15;
- (z.909)** Wolverine Tactical Firearms WT-15;
- (z.91)** Xtreme Gun XG15;
- (z.911)** Xtreme Machining XR15;
- (z.912)** YHM 57;
- (z.913)** YHM YHM-15;
- (z.914)** ZEV Technologies Mega-LF;
- (z.915)** ZEV Technologies Mega-TR15;
- (z.916)** ZEV Technologies ZEV-BL;
- (z.917)** ZEV Technologies ZEV-FL;
- (z.918)** ZM Weapons LR300ML;
- (z.919)** ZM Weapons LR300SR; and
- (z.92)** Zombie Defense Z-4.

88 The firearm of the design commonly known as the Ruger Mini-14 rifle, and any variant or modified version of it, including the

- (a)** Clark Custom Guns Ruger Mini-14;
- (b)** Ruger Mini-14 GB;
- (c)** Ruger Mini-14 Ranch Rifle;
- (d)** Ruger Mini-14 Ranch Rifle Deluxe;
- (e)** Ruger Mini-14 Ranch Rifle LE;
- (f)** Ruger Mini-14 Ranch Rifle LET;
- (g)** Ruger Mini-14 Ranch Rifle NRA Edition;
- (h)** Ruger Mini-14 Ranch Target Rifle; and
- (i)** Ruger Mini Thirty.

89 The firearm of the design commonly known as the US Rifle, M14, and any variant or modified version of it, including the

- (a)** American Historical Foundation Federal Ordnance M14 US Rifle Vietnam War Commemorative;
- (b)** Armscorp US Rifle M14;

- z.907)** WMA WMA-15;
- z.908)** Wolverine Tactical Firearms WAR-15;
- z.909)** Wolverine Tactical Firearms WT-15;
- z.91)** Xtreme Gun XG15;
- z.911)** Xtreme Machining XR15;
- z.912)** YHM 57;
- z.913)** YHM YHM-15;
- z.914)** ZEV Technologies Mega-LF;
- z.915)** ZEV Technologies Mega-TR15;
- z.916)** ZEV Technologies ZEV-BL;
- z.917)** ZEV Technologies ZEV-FL;
- z.918)** ZM Weapons LR300ML;
- z.919)** ZM Weapons LR300SR;
- z.92)** Zombie Defense Z-4.

88 L'arme à feu du modèle communément appelé fusil Ruger Mini-14, ainsi que l'arme à feu du même modèle qui comporte des variantes ou qui a subi des modifications, y compris les armes à feu suivantes :

- a)** Clark Custom Guns Ruger Mini-14;
- b)** Ruger Mini-14 GB;
- c)** Ruger Mini-14 Ranch Rifle;
- d)** Ruger Mini-14 Ranch Rifle Deluxe;
- e)** Ruger Mini-14 Ranch Rifle LE;
- f)** Ruger Mini-14 Ranch Rifle LET;
- g)** Ruger Mini-14 Ranch Rifle NRA Edition;
- h)** Ruger Mini-14 Ranch Target Rifle;
- i)** Ruger Mini Thirty.

89 L'arme à feu du modèle communément appelé fusil US Rifle, M14, ainsi que l'arme à feu du même modèle qui comporte des variantes ou qui a subi des modifications, y compris les armes à feu suivantes :

- a)** American Historical Foundation Federal Ordnance M14 US Rifle Vietnam War Commemorative;

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- (c) Armscorp US Rifle M14 National Match;
(d) AR Sales MARK 4;
(e) Bula Defense Systems M14;
(f) Dominion Arms Socom 18;
(g) Entreprise Arms US Rifle M14A2;
(h) Federal Ordnance M14SA US Rifle;
(i) Fulton Armory M14;
(j) Hesse Arms M14H Brush;
(k) Hesse Arms M14H;
(l) James River Armory M14;
(m) La France Specialties M14K;
(n) LRB Arms M14SA US Rifle;
(o) LRB Arms M25;
(p) McMillan M1A;
(q) McMillan M3A;
(r) MK Specialties M14A1 Semi-Automatic;
(s) Norinco M14 Semi-Automatic;
(t) Norinco 305;
(u) Norinco CSLR27;
(v) Norinco CSLR28;
(w) Norinco M305;
(x) Norinco 305A;
(y) Norinco M305C;
(z) Norinco M305D;
(z.01) Poly Technologies M14 Semi-Automatic;
(z.02) Poly Technologies M305;
(z.03) Rockola US Rifle M14F;
(z.04) Smith Enterprises US Rifle M14 National Match;
(z.05) Smith Enterprises US Rifle M14;
- b) Armscorp US Rifle M14;
c) Armscorp US Rifle M14 National Match;
d) AR Sales MARK 4;
e) Bula Defense Systems M14;
f) Dominion Arms Socom 18;
g) Entreprise Arms US Rifle M14A2;
h) Federal Ordnance M14SA US Rifle;
i) Fulton Armory M14;
j) Hesse Arms M14H Brush;
k) Hesse Arms M14H;
l) James River Armory M14;
m) La France Specialties M14K;
n) LRB Arms M14SA US Rifle;
o) LRB Arms M25;
p) McMillan M1A;
q) McMillan M3A;
r) MK Specialties M14A1 Semi-Automatic;
s) Norinco M14 Semi-Automatic;
t) Norinco 305;
u) Norinco CSLR27;
v) Norinco CSLR28;
w) Norinco M305;
x) Norinco 305A;
y) Norinco M305C;
z) Norinco M305D;
z.01) Poly Technologies M14 Semi-Automatic;
z.02) Poly Technologies M305;
z.03) Rockola US Rifle M14F;
z.04) Smith Enterprises US Rifle M14 National Match;
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(z.06) Springfield Armory US Rifle M1A-A1 Bush Rifle;

(z.07) Springfield Armory US Rifle M1A-A1 Scout Rifle;

(z.08) Springfield Armory US Rifle M21;

(z.09) Springfield Armory US Rifle M1A National Match;

(z.1) Springfield Armory US Rifle M1A Super Match;

(z.11) Springfield Armory US Rifle M1A;

(z.12) Springfield Armory US Rifle M25;

(z.13) Springfield Armory US Rifle M1A SOCOM 16;

(z.14) Springfield Armory US Rifle M1A SOCOM 2;

(z.15) Springfield Armory US Rifle M1A NRA Camp Perry National Matches 100th Anniversary;

(z.16) Springfield Armory US Rifle M1A Loaded; and

(z.17) Springfield Armory US Rifle M1A Scout Squad.

90 The firearm of the design commonly known as the Vz58 rifle, and any variant or modified version of it, including the

(a) Century Arms VZ2008 Sporter;

(b) CZ CZ958 2P;

(c) CZ CZ958 2V;

(d) CZ CZ958 Hunter P;

(e) CZ CZH2003 Sport;

(f) CZ CZ858 Tactical-2 P;

(g) CZ CZ858 Tactical-2 V;

(h) CZ CZ858 Tactical-4 P;

(i) CZ CZ858 Tactical-4 V;

(j) CZ CZ858 Tactical-2 P Spartan Limited Edition;

(k) Czech Small Arms SA VZ58 Canadian Sporter 7.62;

(l) Czech Small Arms SA VZ58 Sporter 5.56;

(m) Czech Small Arms SA VZ58 Sporter 7.62;

z.05) Smith Enterprises US Rifle M14;

z.06) Springfield Armory US Rifle M1A-A1 Bush Rifle;

z.07) Springfield Armory US Rifle M1A-A1 Scout Rifle;

z.08) Springfield Armory US Rifle M21;

z.09) Springfield Armory US Rifle M1A National Match;

z.1) Springfield Armory US Rifle M1A Super Match;

z.11) Springfield Armory US Rifle M1A;

z.12) Springfield Armory US Rifle M25;

z.13) Springfield Armory US Rifle M1A SOCOM 16;

z.14) Springfield Armory US Rifle M1A SOCOM 2;

z.15) Springfield Armory US Rifle M1A NRA Camp Perry National Matches 100th Anniversary;

z.16) Springfield Armory US Rifle M1A Loaded;

z.17) Springfield Armory US Rifle M1A Scout Squad.

90 L'arme à feu du modèle communément appelé fusil Vz58, ainsi que l'arme à feu du même modèle qui comporte des variantes ou qui a subi des modifications, y compris les armes à feu suivantes :

a) Century Arms VZ2008 Sporter;

b) CZ CZ958 2P;

c) CZ CZ958 2V;

d) CZ CZ958 Hunter P;

e) CZ CZH2003 Sport;

f) CZ CZ858 Tactical-2 P;

g) CZ CZ858 Tactical-2 V;

h) CZ CZ858 Tactical-4 P;

i) CZ CZ858 Tactical-4 V;

j) CZ CZ858 Tactical-2 P Spartan Limited Edition;

k) Czech Small Arms SA VZ58 Canadian Sporter 7.62;

l) Czech Small Arms SA VZ58 Sporter 5.56;

- (n)** Czech Small Arms SA VZ58 Sporter 222 REM;
- (o)** Czech Small Arms SA VZ58 Sporter 223 REM;
- (p)** D-Technik SA VZ58 Sporter 7.62;
- (q)** Gazela Gazela 58;
- (r)** Grand Power SA VZ58 Sporter 7.62;
- (s)** Kodiak Defence WR762;
- (t)** Ohio Ordnance Works VZ2000;
- (u)** Petr Novohradsky FSN-01;
- (v)** Petr Novohradsky FSN-01K;
- (w)** PPK KSK;
- (x)** PPK KSK Hunter;
- (y)** Rock Island Armory WR762USA;
- (z)** West Rifle WR762; and
- (z.1)** Zelanysport Gazela 58.

91 The firearm of the design commonly known as the Robinson Armament XCR rifle, and any variant or modified version of it, including the Robinson Armament

- (a)** XCR-L;
- (b)** XCR-L Micro Pistol;
- (c)** XCR-M; and
- (d)** XCR-M Micro Pistol.

92 The firearms of the designs commonly known as the CZ Scorpion EVO 3 carbine and CZ Scorpion EVO 3 pistol, and any variants or modified versions of them, including the CZ

- (a)** CZ Scorpion EVO 3 S1 Carbine;
- (b)** CZ Scorpion EVO 3 S1 Pistol; and
- (c)** CZ Scorpion EVO 3 S2 Pistol Micro.

- m)** Czech Small Arms SA VZ58 Sporter 7.62;
- n)** Czech Small Arms SA VZ58 Sporter 222 REM;
- o)** Czech Small Arms SA VZ58 Sporter 223 REM;
- p)** D-Technik SA VZ58 Sporter 7.62;
- q)** Gazela Gazela 58;
- r)** Grand Power SA VZ58 Sporter 7.62;
- s)** Kodiak Defence WR762;
- t)** Ohio Ordnance Works VZ2000;
- u)** Petr Novohradsky FSN-01;
- v)** Petr Novohradsky FSN-01K;
- w)** PPK KSK;
- x)** PPK KSK Hunter;
- y)** Rock Island Armory WR762USA;
- z)** West Rifle WR762;
- z.1)** Zelanysport Gazela 58.

91 L'arme à feu du modèle communément appelé fusil Robinson Armament XCR, ainsi que l'arme à feu du même modèle qui comporte des variantes ou qui a subi des modifications, y compris les armes à feu Robinson Armament suivantes :

- a)** XCR-L;
- b)** XCR-L Micro Pistol;
- c)** XCR-M;
- d)** XCR-M Micro Pistol.

92 Les armes à feu des modèles communément appelés carabine CZ Scorpion EVO 3 et pistolet CZ Scorpion EVO 3, ainsi que les armes à feu des mêmes modèles qui comportent des variantes ou qui ont subi des modifications, y compris les armes à feu CZ suivantes :

- a)** CZ Scorpion EVO 3 S1 Carbine;
- b)** CZ Scorpion EVO 3 S1 Pistol;
- c)** CZ Scorpion EVO 3 S2 Pistol Micro.

93 The firearm of the design commonly known as the Beretta Cx4 Storm carbine, and any variant or modified version of it.

94 The firearms of the designs commonly known as the SIG Sauer SIG MCX carbine, SIG Sauer SIG MCX pistol, SIG Sauer SIG MPX carbine and SIG Sauer SIG MPX pistol, and any variants or modified versions of them, including the SIG Sauer

- (a)** SIG MCX Rattler; and
- (b)** SIG MCX Rattler Pistol.

95 Any firearm with a bore diameter of 20 mm or greater — other than one designed exclusively for the purpose of neutralizing explosive devices — including the

- (a)** Aerotek NTW;
- (b)** Airtronic M203;
- (c)** Alpimex APK 20;
- (d)** Amtec Less-Lethal Systems (ALS) 40MM Launcher;
- (e)** Anzio Ironworks Anzio 20;
- (f)** Argentine Mortar FMK2 81MM;
- (g)** Argentine Mortar FMK2 120MM;
- (h)** Argentine Mortar FMK1 60MM;
- (i)** Argentine Mortar FMK2 60MM;
- (j)** Argentine Mortar FMK3 60MM;
- (k)** Armsan BA 40;
- (l)** Armscor Stopper;
- (m)** Arsenal UGGL-M1;
- (n)** Arsenal UBGL;
- (o)** Arsenal MSGL;
- (p)** Astra Arms SL203;
- (q)** Astra Arms GL203;
- (r)** Austrian Mortar C6 60MM;
- (s)** Austrian Mortar M6 60MM;

93 L'arme à feu du modèle communément appelé carabine Beretta Cx4 Storm, ainsi que l'arme à feu du même modèle qui comporte des variantes ou qui a subi des modifications.

94 Les armes à feu des modèles communément appelés carabine SIG Sauer SIG MCX, pistolet SIG Sauer SIG MCX, carabine SIG Sauer SIG MPX et pistolet SIG Sauer SIG MPX, ainsi que les armes à feu des mêmes modèles qui comportent des variantes ou qui ont subi des modifications, y compris les armes à feu SIG Sauer suivantes :

- a)** SIG MCX Rattler;
- b)** SIG MCX Rattler Pistol.

95 Toute arme à feu ayant une âme dont le calibre est de 20 mm ou plus, à l'exception de celle conçue exclusivement pour neutraliser des dispositifs explosifs, mais y compris les armes à feu suivantes :

- a)** Aerotek NTW;
- b)** Airtronic M203;
- c)** Alpimex APK 20;
- d)** Amtec Less-Lethal Systems (ALS) 40MM Launcher;
- e)** Anzio Ironworks Anzio 20;
- f)** Argentine Mortar FMK2 81MM;
- g)** Argentine Mortar FMK2 120MM;
- h)** Argentine Mortar FMK1 60MM;
- i)** Argentine Mortar FMK2 60MM;
- j)** Argentine Mortar FMK3 60MM;
- k)** Armsan BA 40;
- l)** Armscor Stopper;
- m)** Arsenal UGGL-M1;
- n)** Arsenal UBGL;
- o)** Arsenal MSGL;
- p)** Astra Arms SL203;
- q)** Astra Arms GL203;
- r)** Austrian Mortar C6 60MM;

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- (t) Austrian Mortar M8 81MM;
- (u) Austrian Mortar M12 120MM;
- (v) Bates & Dittus UBL-37;
- (w) Bates & Dittus ExD-37;
- (x) Bates & Dittus TBL-37;
- (y) Bates & Dittus SML-37 Pistol;
- (z) Beretta GLX160;
- (z.001) British Mortar ML-3 Inch;
- (z.002) British Mortar ML-4.2 Inch;
- (z.003) Brugger & Thomet GL06;
- (z.004) Bulgarian Mortar M60 60MM;
- (z.005) Bulgarian Mortar M81 81MM;
- (z.006) Bulgarian Mortar M82 82MM;
- (z.007) Chilean Mortar Commando;
- (z.008) Chilean Mortar M57 81MM;
- (z.009) China Lake EX-41;
- (z.01) Chinese Mortar Type 53;
- (z.011) Cobray 37MM Launcher;
- (z.012) Colt Eagle;
- (z.013) Colt M203;
- (z.014) Colt M79;
- (z.015) Corner Blast PGL A1;
- (z.016) CQ Type CQ 40MM;
- (z.017) Croatian Service RT-20;
- (z.018) CZ CZ805 G1;
- (z.019) Czech Weapons SAG 30;
- (z.02) Czech Weapons CZW 40;
- (z.021) Czechoslovakian Mortar VZ52;
- (z.022) Daewoo K201;
- (z.023) Defense Technology L8;
- s) Austrian Mortar M6 60MM;
- t) Austrian Mortar M8 81MM;
- u) Austrian Mortar M12 120MM;
- v) Bates & Dittus UBL-37;
- w) Bates & Dittus ExD-37;
- x) Bates & Dittus TBL-37;
- y) Bates & Dittus SML-37 Pistol;
- z) Beretta GLX160;
- z.001) British Mortar ML-3 Inch;
- z.002) British Mortar ML-4.2 Inch;
- z.003) Brugger & Thomet GL06;
- z.004) Bulgarian Mortar M60 60MM;
- z.005) Bulgarian Mortar M81 81MM;
- z.006) Bulgarian Mortar M82 82MM;
- z.007) Chilean Mortar Commando;
- z.008) Chilean Mortar M57 81MM;
- z.009) China Lake EX-41;
- z.01) Chinese Mortar Type 53;
- z.011) Cobray 37MM Launcher;
- z.012) Colt Eagle;
- z.013) Colt M203;
- z.014) Colt M79;
- z.015) Corner Blast PGL A1;
- z.016) CQ Type CQ 40MM;
- z.017) Croatian Service RT-20;
- z.018) CZ CZ805 G1;
- z.019) Czech Weapons SAG 30;
- z.02) Czech Weapons CZW 40;
- z.021) Czechoslovakian Mortar VZ52;
- z.022) Daewoo K201;
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| (z.024) Defense Technology 40MM Launcher; | z.023) Defense Technology L8; |
| (z.025) Defense Technology 37MM Gas Gun; | z.024) Defense Technology 40MM Launcher; |
| (z.026) Defense Technology 37MM Gas Gun Pistol; | z.025) Defense Technology 37MM Gas Gun; |
| (z.027) Defense Technology 1375 Multi-Launcher; | z.026) Defense Technology 37MM Gas Gun Pistol; |
| (z.028) Degtyarev ASVK; | z.027) Defense Technology 1375 Multi-Launcher; |
| (z.029) Denel NTW 20HS; | z.028) Degtyarev ASVK; |
| (z.03) Denel PAW-20; | z.029) Denel NTW 20HS; |
| (z.031) Denel NTW; | z.03) Denel PAW-20; |
| (z.032) Dezamet GSBO-40; | z.031) Denel NTW; |
| (z.033) Dezamet GPBO-40; | z.032) Dezamet GSBO-40; |
| (z.034) Diemaco M203A1; | z.033) Dezamet GPBO-40; |
| (z.035) Diemaco Eagle; | z.034) Diemaco M203A1; |
| (z.036) DPMS A-15 37MM Launcher; | z.035) Diemaco Eagle; |
| (z.037) DSA 40MM Launcher; | z.036) DPMS A-15 37MM Launcher; |
| (z.038) DSA Incorporated M203; | z.037) DSA 40MM Launcher; |
| (z.039) Elite Machining ELM-40; | z.038) DSA Incorporated M203; |
| (z.04) ERE Systems M203 ERE Elite Launcher; | z.039) Elite Machining ELM-40; |
| (z.041) Et Cetera 37MM Launcher; | z.04) ERE Systems M203 ERE Elite Launcher; |
| (z.042) Exotic Firearms Nemesis-SL; | z.041) Et Cetera 37MM Launcher; |
| (z.043) Federal Laboratories 201Z; | z.042) Exotic Firearms Nemesis-SL; |
| (z.044) Federal Laboratories 203A; | z.043) Federal Laboratories 201Z; |
| (z.045) Federal Laboratories Federal Gas Riot Gun; | z.044) Federal Laboratories 203A; |
| (z.046) Floro International 40MM Launcher; | z.045) Federal Laboratories Federal Gas Riot Gun; |
| (z.047) Floro International M400; | z.046) Floro International 40MM Launcher; |
| (z.048) Floro International M203; | z.047) Floro International M400; |
| (z.049) FN EGLM; | z.048) Floro International M203; |
| (z.05) FN MARK 13 Model 0; | z.049) FN EGLM; |
| (z.051) FN FN40GL; | z.05) FN MARK 13 Model 0; |
| (z.052) German Anti-Tank Rifle GrB39; | z.051) FN FN40GL; |
| (z.053) German Anti-Tank Rifle M41; | z.052) German Anti-Tank Rifle GrB39; |
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- (z.054) German Anti-Tank Rifle PzB38;
(z.055) German Anti-Tank Rifle PzB39;
(z.056) German Anti-Tank Rifle PzB41;
(z.057) German Mortar 1934 Granatwerfer;
(z.058) German Mortar Kurzer Granatewerfer 42;
(z.059) Greek Mortar C6 60MM;
(z.06) Greek Mortar E44 81MM;
(z.061) Greek Mortar E56 120MM;
(z.062) Heckler & Koch HKMZP1;
(z.063) Heckler & Koch HK69A1 Granatpistole;
(z.064) Heckler & Koch HKAG-G36;
(z.065) Heckler & Koch HKAG-C;
(z.066) Heckler & Koch HKXM320;
(z.067) Heckler & Koch HKAG-HK416;
(z.068) Heckler & Koch HKAG 36;
(z.069) Heckler & Koch HKGLM;
(z.07) Heckler & Koch HKAG-M16A4;
(z.071) Heckler & Koch HKAG-M4;
(z.072) Heckler & Koch HKM320;
(z.073) Heckler & Koch HKM320 A1;
(z.074) Heckler & Koch HK168E1;
(z.075) Heckler & Koch HK79;
(z.076) Heckler & Koch HK269;
(z.077) Heckler & Koch HK169;
(z.078) Helenius RK20;
(z.079) Helenius RK99 MARK 2;
(z.08) Hotchkiss 1934 Canon SAH;
(z.081) IOF Ugra;
(z.082) IOF UBGL;
(z.083) IOF Vidhwansak;
- z.053) German Anti-Tank Rifle M41;
z.054) German Anti-Tank Rifle PzB38;
z.055) German Anti-Tank Rifle PzB39;
z.056) German Anti-Tank Rifle PzB41;
z.057) German Mortar 1934 Granatwerfer;
z.058) German Mortar Kurzer Granatewerfer 42;
z.059) Greek Mortar C6 60MM;
z.06) Greek Mortar E44 81MM;
z.061) Greek Mortar E56 120MM;
z.062) Heckler & Koch HKMZP1;
z.063) Heckler & Koch HK69A1 Granatpistole;
z.064) Heckler & Koch HKAG-G36;
z.065) Heckler & Koch HKAG-C;
z.066) Heckler & Koch HKXM320;
z.067) Heckler & Koch HKAG-HK416;
z.068) Heckler & Koch HKAG 36;
z.069) Heckler & Koch HKGLM;
z.07) Heckler & Koch HKAG-M16A4;
z.071) Heckler & Koch HKAG-M4;
z.072) Heckler & Koch HKM320;
z.073) Heckler & Koch HKM320 A1;
z.074) Heckler & Koch HK168E1;
z.075) Heckler & Koch HK79;
z.076) Heckler & Koch HK269;
z.077) Heckler & Koch HK169;
z.078) Helenius RK20;
z.079) Helenius RK99 MARK 2;
z.08) Hotchkiss 1934 Canon SAH;
z.081) IOF Ugra;
z.082) IOF UBGL;
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- (z.084) Israeli Mortar C03;
(z.085) Italian Mortar Otobreda 81MM;
(z.086) IWI UBGL;
(z.087) Japanese Anti-Tank Rifle Type 97;
(z.088) Knights Armament Company M203;
(z.089) Lahti 39;
(z.09) Lake Erie Chemical Company Tru-Flite;
(z.091) Lamperd L40SL;
(z.092) LEI M203-PR;
(z.093) LMT M203;
(z.094) LMT M2032003 FMT;
(z.095) LMT 37MM Launcher;
(z.096) LMT 40MM Launcher;
(z.097) Luvo M203;
(z.098) Maadi UBGL;
(z.099) Manville Manville Gas Gun;
(z.1) Metallic Limited RBG-1;
(z.101) Metallic Limited RBG-6;
(z.102) Milkor Stopper;
(z.103) Milkor MGL MARK 1;
(z.104) Milkor M79;
(z.105) Milkor MRGL;
(z.106) Milkor USA MGL-140 M32;
(z.107) Milkor USA MGL-140;
(z.108) Milkor USA MGL-105;
(z.109) Milkor USA MGL-AV140;
(z.11) Missile Launcher 9K111 Fagot;
(z.111) Missile Launcher 9K310 Igla-1;
(z.112) Missile Launcher 9K32 Strela-2;
(z.113) Missile Launcher 9K34 Strela-3;
- (z.083) IOF Vidhwansak;
(z.084) Israeli Mortar C03;
(z.085) Italian Mortar Otobreda 81MM;
(z.086) IWI UBGL;
(z.087) Japanese Anti-Tank Rifle Type 97;
(z.088) Knights Armament Company M203;
(z.089) Lahti 39;
(z.09) Lake Erie Chemical Company Tru-Flite;
(z.091) Lamperd L40SL;
(z.092) LEI M203-PR;
(z.093) LMT M203;
(z.094) LMT M2032003 FMT;
(z.095) LMT 37MM Launcher;
(z.096) LMT 40MM Launcher;
(z.097) Luvo M203;
(z.098) Maadi UBGL;
(z.099) Manville Manville Gas Gun;
(z.1) Metallic Limited RBG-1;
(z.101) Metallic Limited RBG-6;
(z.102) Milkor Stopper;
(z.103) Milkor MGL MARK 1;
(z.104) Milkor M79;
(z.105) Milkor MRGL;
(z.106) Milkor USA MGL-140 M32;
(z.107) Milkor USA MGL-140;
(z.108) Milkor USA MGL-105;
(z.109) Milkor USA MGL-AV140;
(z.11) Missile Launcher 9K111 Fagot;
(z.111) Missile Launcher 9K310 Igla-1;
(z.112) Missile Launcher 9K32 Strela-2;
(z.113) Missile Launcher 9K34 Strela-2;
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| (z.114) Missile Launcher 9K38 Igla; | z.113) Missile Launcher 9K34 Strela-3; |
| (z.115) Missile Launcher BGM-71 TOW; | z.114) Missile Launcher 9K38 Igla; |
| (z.116) Missile Launcher Eryx; | z.115) Missile Launcher BGM-71 TOW; |
| (z.117) Missile Launcher FGM-148 Javelin; | z.116) Missile Launcher Eryx; |
| (z.118) Missile Launcher FIM-43 Redeye; | z.117) Missile Launcher FGM-148 Javelin; |
| (z.119) Missile Launcher FIM-92 Stinger; | z.118) Missile Launcher FIM-43 Redeye; |
| (z.12) Missile Launcher HN-5; | z.119) Missile Launcher FIM-92 Stinger; |
| (z.121) Missile Launcher Ingwe; | z.12) Missile Launcher HN-5; |
| (z.122) Missile Launcher M47 Dragon; | z.121) Missile Launcher Ingwe; |
| (z.123) Missile Launcher MILAN; | z.122) Missile Launcher M47 Dragon; |
| (z.124) Missile Launcher Saegheh; | z.123) Missile Launcher MILAN; |
| (z.125) Missile Launcher Starstreak; | z.124) Missile Launcher Saegheh; |
| (z.126) Missile Launcher Toophan; | z.125) Missile Launcher Starstreak; |
| (z.127) Missile Launcher Type 79; | z.126) Missile Launcher Toophan; |
| (z.128) MKE T40; | z.127) Missile Launcher Type 79; |
| (z.129) MKE Grenade Launcher; | z.128) MKE T40; |
| (z.13) Oerlikon SSG 32; | z.129) MKE Grenade Launcher; |
| (z.131) Oerlikon SSG 36; | z.13) Oerlikon SSG 32; |
| (z.132) Ordnance Group TAC79; | z.131) Oerlikon SSG 36; |
| (z.133) Ordnance Group TAC-D; | z.132) Ordnance Group TAC79; |
| (z.134) Penn Arms L140; | z.133) Ordnance Group TAC-D; |
| (z.135) Penn Arms H140; | z.134) Penn Arms L140; |
| (z.136) Penn Arms P540; | z.135) Penn Arms H140; |
| (z.137) Penn Arms L640; | z.136) Penn Arms P540; |
| (z.138) Penn Arms P837; | z.137) Penn Arms L640; |
| (z.139) Penn Arms L837; | z.138) Penn Arms P837; |
| (z.14) Penn Arms L137; | z.139) Penn Arms L837; |
| (z.141) Penn Arms AML1-37; | z.14) Penn Arms L137; |
| (z.142) Penn Arms HL; | z.141) Penn Arms AML1-37; |
| (z.143) Penn Arms HG; | z.142) Penn Arms HL; |
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| (z.144) Penn Arms L8; | z.143) Penn Arms HG; |
| (z.145) Penn Arms L6; | z.144) Penn Arms L8; |
| (z.146) Penn Arms L1; | z.145) Penn Arms L6; |
| (z.147) Penn Arms GL1; | z.146) Penn Arms L1; |
| (z.148) Penn Arms PGL65; | z.147) Penn Arms GL1; |
| (z.149) Penn Arms GL6; | z.148) Penn Arms PGL65; |
| (z.15) Penn Arms GL65; | z.149) Penn Arms GL6; |
| (z.151) Penn Arms PL8; | z.15) Penn Arms GL65; |
| (z.152) Penn Arms TL1; | z.151) Penn Arms PL8; |
| (z.153) Penn Arms TL8; | z.152) Penn Arms TL1; |
| (z.154) Penn Arms TGL1; | z.153) Penn Arms TL8; |
| (z.155) Penn Arms TGL6; | z.154) Penn Arms TGL1; |
| (z.156) Pindad SPG-1; | z.155) Penn Arms TGL6; |
| (z.157) PMP NTW; | z.156) Pindad SPG-1; |
| (z.158) Polish Grenade Launcher Wz74; | z.157) PMP NTW; |
| (z.159) Polish Grenade Launcher Wz83; | z.158) Polish Grenade Launcher Wz74; |
| (z.16) Portuguese Mortar M965; | z.159) Polish Grenade Launcher Wz83; |
| (z.161) Portuguese Mortar M937; | z.16) Portuguese Mortar M965; |
| (z.162) Recoilless Rifle AT4; | z.161) Portuguese Mortar M937; |
| (z.163) Recoilless Rifle B-10; | z.162) Recoilless Rifle AT4; |
| (z.164) Recoilless Rifle FMK1 105MM; | z.163) Recoilless Rifle B-10; |
| (z.165) Recoilless Rifle Folgore; | z.164) Recoilless Rifle FMK1 105MM; |
| (z.166) Recoilless Rifle M136 AT4; | z.165) Recoilless Rifle Folgore; |
| (z.167) Recoilless Rifle M18A1; | z.166) Recoilless Rifle M136 AT4; |
| (z.168) Recoilless Rifle M40A1; | z.167) Recoilless Rifle M18A1; |
| (z.169) Recoilless Rifle M60; | z.168) Recoilless Rifle M40A1; |
| (z.17) Recoilless Rifle M60A; | z.169) Recoilless Rifle M60; |
| (z.171) Recoilless Rifle M65; | z.17) Recoilless Rifle M60A; |
| (z.172) Recoilless Rifle Pansarskott M68 Miniman; | z.171) Recoilless Rifle M65; |
| (z.173) Recoilless Rifle RGW 60; | z.172) Recoilless Rifle Pansarskott M68 Miniman; |
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- (z.174) Recoilless Rifle RGW 90;
- (z.175) Recoilless Rifle SPG-9;
- (z.176) Recoilless Rifle Type 36 M18A1 Recoilless Rifle Copy;
- (z.177) Recoilless Rifle Type 65;
- (z.178) Recoilless Rifle Type 78;
- (z.179) Rippel Effect XRGL40;
- (z.18) Rippel Effect LL40;
- (z.181) RM Equipment M203PI;
- (z.182) Rocket Launcher P27;
- (z.183) Rocket Launcher RPG-27 Tavolga;
- (z.184) Rocket Launcher ALAC;
- (z.185) Rocket Launcher MARA;
- (z.186) Rocket Launcher Shipon;
- (z.187) Rocket Launcher RPG-22 Netto;
- (z.188) Rocket Launcher MARK 153 SMAW;
- (z.189) Rocket Launcher B-300;
- (z.19) Rocket Launcher RPG-26 Aglen;
- (z.191) Rocket Launcher RPG-76;
- (z.192) Rocket Launcher RPG-7;
- (z.193) Rocket Launcher M1;
- (z.194) Rocket Launcher M1A1;
- (z.195) Rocket Launcher M9;
- (z.196) Rocket Launcher RPG-75;
- (z.197) Rocket Launcher LRAC89-F1;
- (z.198) Rocket Launcher RPG-16 Udar;
- (z.199) Rocket Launcher RPG-7B;
- (z.2) Rocket Launcher RL100 Blindicide;
- (z.201) Rocket Launcher M141 SMAW-D;
- (z.202) Rocket Launcher MARK 777 RPG;
- z.173) Recoilless Rifle RGW 60;
- z.174) Recoilless Rifle RGW 90;
- z.175) Recoilless Rifle SPG-9;
- z.176) Recoilless Rifle Type 36 M18A1 Recoilless Rifle Copy;
- z.177) Recoilless Rifle Type 65;
- z.178) Recoilless Rifle Type 78;
- z.179) Rippel Effect XRGL40;
- z.18) Rippel Effect LL40;
- z.181) RM Equipment M203PI;
- z.182) Rocket Launcher P27;
- z.183) Rocket Launcher RPG-27 Tavolga;
- z.184) Rocket Launcher ALAC;
- z.185) Rocket Launcher MARA;
- z.186) Rocket Launcher Shipon;
- z.187) Rocket Launcher RPG-22 Netto;
- z.188) Rocket Launcher MARK 153 SMAW;
- z.189) Rocket Launcher B-300;
- z.19) Rocket Launcher RPG-26 Aglen;
- z.191) Rocket Launcher RPG-76;
- z.192) Rocket Launcher RPG-7;
- z.193) Rocket Launcher M1;
- z.194) Rocket Launcher M1A1;
- z.195) Rocket Launcher M9;
- z.196) Rocket Launcher RPG-75;
- z.197) Rocket Launcher LRAC89-F1;
- z.198) Rocket Launcher RPG-16 Udar;
- z.199) Rocket Launcher RPG-7B;
- z.2) Rocket Launcher RL100 Blindicide;
- z.201) Rocket Launcher M141 SMAW-D;
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- (z.203) Rocket Launcher ATGL RPG;
(z.204) Rocket Launcher Type 69 RPG;
(z.205) Rocket Launcher Type 56 RPG;
(z.206) Rocket Launcher RPG-2;
(z.207) Rocket Launcher Cobra RPG;
(z.208) Rocket Launcher Panzerfaust 3;
(z.209) Rocket Launcher APILAS;
(z.21) Rocket Launcher Wasp;
(z.211) Rocket Launcher Bunkerfaust;
(z.212) Rocket Launcher Type 2004 RPG;
(z.213) Rocket Launcher PF98;
(z.214) Rocket Launcher RPG-28 Klyukva;
(z.215) Rocket Launcher RPG-29 Vampir;
(z.216) Rocket Launcher FT5;
(z.217) Rocket Launcher C90;
(z.218) Rocket Launcher M20B1;
(z.219) Rocket Launcher M72;
(z.22) Romarm AG-40;
(z.221) Russian Artillery M1942 Anti-Tank Gun;
(z.222) Russian Mortar M1937;
(z.223) Russian Service DP-64;
(z.224) Sabre Defence Industries XR40;
(z.225) Sabre Defence Industries XR37;
(z.226) Sage ML40 MARK 1;
(z.227) Sage Ace 37MM Launcher;
(z.228) Sage Ace 40MM Launcher;
(z.229) Sage Deuce 37MM Launcher;
(z.23) Sage Deuce 40MM Launcher;
(z.231) Schermuly 38MM Multi-Purpose Gun;
(z.232) Singapore Technologies Kinetics 40GL;
- (z.202) Rocket Launcher MARK 777 RPG;
(z.203) Rocket Launcher ATGL RPG;
(z.204) Rocket Launcher Type 69 RPG;
(z.205) Rocket Launcher Type 56 RPG;
(z.206) Rocket Launcher RPG-2;
(z.207) Rocket Launcher Cobra RPG;
(z.208) Rocket Launcher Panzerfaust 3;
(z.209) Rocket Launcher APILAS;
(z.21) Rocket Launcher Wasp;
(z.211) Rocket Launcher Bunkerfaust;
(z.212) Rocket Launcher Type 2004 RPG;
(z.213) Rocket Launcher PF98;
(z.214) Rocket Launcher RPG-28 Klyukva;
(z.215) Rocket Launcher RPG-29 Vampir;
(z.216) Rocket Launcher FT5;
(z.217) Rocket Launcher C90;
(z.218) Rocket Launcher M20B1;
(z.219) Rocket Launcher M72;
(z.22) Romarm AG-40;
(z.221) Russian Artillery M1942 Anti-Tank Gun;
(z.222) Russian Mortar M1937;
(z.223) Russian Service DP-64;
(z.224) Sabre Defence Industries XR40;
(z.225) Sabre Defence Industries XR37;
(z.226) Sage ML40 MARK 1;
(z.227) Sage Ace 37MM Launcher;
(z.228) Sage Ace 40MM Launcher;
(z.229) Sage Deuce 37MM Launcher;
(z.23) Sage Deuce 40MM Launcher;
(z.231) Schermuly 38MM Multi-Purpose Gun;
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| (z.233) Smith & Wesson 210/276; | z.232) Singapore Technologies Kinetics 40GL; |
| (z.234) Smith & Wesson 276; | z.233) Smith & Wesson 210/276; |
| (z.235) Solothurn S18-100; | z.234) Smith & Wesson 276; |
| (z.236) Solothurn S18-1000; | z.235) Solothurn S18-100; |
| (z.237) Spike's Tactical 37MM Launcher STZ Havoc; | z.236) Solothurn S18-1000; |
| (z.238) Swiss Anti Tank Rifle Tankbusche 41; | z.237) Spike's Tactical 37MM Launcher STZ Havoc; |
| (z.239) Swiss Arms GL5040; | z.238) Swiss Anti Tank Rifle Tankbusche 41; |
| (z.24) Swiss Arms GL5140; | z.239) Swiss Arms GL5040; |
| (z.241) Swiss Arms GLG40; | z.24) Swiss Arms GL5140; |
| (z.242) Taiwanese Grenade Launcher T85; | z.241) Swiss Arms GLG40; |
| (z.243) Tarnow RGP-40; | z.242) Taiwanese Grenade Launcher T85; |
| (z.244) Tarnow GP40; | z.243) Tarnow RGP-40; |
| (z.245) Tarnow GS40; | z.244) Tarnow GP40; |
| (z.246) Truvelo SR20; | z.245) Tarnow GS40; |
| (z.247) Truvelo HSR 20; | z.246) Truvelo SR20; |
| (z.248) Truvelo CMS 20; | z.247) Truvelo HSR 20; |
| (z.249) US Mortar M2; | z.248) Truvelo CMS 20; |
| (z.25) US Mortar M1; | z.249) US Mortar M2; |
| (z.251) US Mortar XM224E3; | z.25) US Mortar M1; |
| (z.252) US Ordnance M6 37MM Gun; | z.251) US Mortar XM224E3; |
| (z.253) US Recoilless M18; and | z.252) US Ordnance M6 37MM Gun; |
| (z.254) US Recoilless M20. | z.253) US Recoilless M18; |
| | z.254) US Recoilless M20. |

96 Any firearm capable of discharging a projectile with a muzzle energy greater than 10,000 joules — other than one referred to in item 12, 13, 14, 20, 22 or 30 of this Part or one designed exclusively for the purpose of neutralizing explosive devices — including the

- (a)** AAO 2000;
- (b)** Accuracy International AW50;
- (c)** Accuracy International AS50;
- (d)** Accuracy International AX;

96 Toute arme à feu pouvant tirer un projectile avec une énergie initiale de plus de 10 000 joules, à l'exception de celle visée aux articles 12, 13, 14, 20, 22 ou 30 de la présente partie et de celle conçue exclusivement pour neutraliser des dispositifs explosifs, mais y compris les armes à feu suivantes :

- a)** AAO 2000;
- b)** Accuracy International AW50;
- c)** Accuracy International AS50;

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| (e) Accuracy International AX50; | (d) Accuracy International AX; |
| (f) Alberta Tactical Rifle Big Bertha; | (e) Accuracy International AX50; |
| (g) Alberta Tactical Rifle ATSHL Prototype; | (f) Alberta Tactical Rifle Big Bertha; |
| (h) Alberta Tactical Rifle ATSHL; | (g) Alberta Tactical Rifle ATSHL Prototype; |
| (i) Alberta Tactical Rifle AT50; | (h) Alberta Tactical Rifle ATSHL; |
| (j) Allied Armament Browning M2 Heavy Barrel; | (i) Alberta Tactical Rifle AT50; |
| (k) Allied Armament Browning M3 Aircraft; | (j) Allied Armament Browning M2 Heavy Barrel; |
| (l) Alpimex APK 12.7; | (k) Allied Armament Browning M3 Aircraft; |
| (m) American Tactical Imports Omni Hybrid; | (l) Alpimex APK 12.7; |
| (n) AMP DSR 50; | (m) American Tactical Imports Omni Hybrid; |
| (o) AMSD OM 50 Nemesis; | (n) AMP DSR 50; |
| (p) Anzio Ironworks Anzio 50 CM1; | (o) AMSD OM 50 Nemesis; |
| (q) Anzio Ironworks Anzio 50 Lightweight; | (p) Anzio Ironworks Anzio 50 CM1; |
| (r) Anzio Ironworks Anzio SS; | (q) Anzio Ironworks Anzio 50 Lightweight; |
| (s) Anzio Ironworks Anzio 50; | (r) Anzio Ironworks Anzio SS; |
| (t) Anzio Ironworks Anzio 14.5; | (s) Anzio Ironworks Anzio 50; |
| (u) Armalite AR-50; | (t) Anzio Ironworks Anzio 14.5; |
| (v) Armalite AR-50A1; | (u) Armalite AR-50; |
| (w) Armtech BM50; | (v) Armalite AR-50A1; |
| (x) Azerbaijani Sniper Rifle Istiglal IST 12.7; | (w) Armtech BM50; |
| (y) Azerbaijani Sniper Rifle Istiglal IST 14.5; | (x) Azerbaijani Sniper Rifle Istiglal IST 12.7; |
| (z) Ballard SB500; | (y) Azerbaijani Sniper Rifle Istiglal IST 14.5; |
| (z.001) Barnard GP; | (z) Ballard SB500; |
| (z.002) Barrett Firearms 99; | (z.001) Barnard GP; |
| (z.003) BAT Machine EX; | (z.002) Barrett Firearms 99; |
| (z.004) BCM Europearms Extreme; | (z.003) BAT Machine EX; |
| (z.005) BCM Europearms MAAR Extreme; | (z.004) BCM Europearms Extreme; |
| (z.006) BCM Europearms STD Extreme; | (z.005) BCM Europearms MAAR Extreme; |
| (z.007) Bluegrass Armory Viper XL; | (z.006) BCM Europearms STD Extreme; |
| (z.008) Boys MARK 1*; | (z.007) Bluegrass Armory Viper XL; |
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(z.009) Boys MARK 1;	z.008) Boys MARK 1*;
(z.01) Bushmaster BA50;	z.009) Boys MARK 1;
(z.011) Cadex CDX-50 Tremor;	z.01) Bushmaster BA50;
(z.012) Canstar Arms CS 50;	z.011) Cadex CDX-50 Tremor;
(z.013) Canstar Arms CS1 Prototype;	z.012) Canstar Arms CS 50;
(z.014) Canstar Arms CS2 Prototype;	z.013) Canstar Arms CS1 Prototype;
(z.015) Canstar Arms CS 50-2;	z.014) Canstar Arms CS2 Prototype;
(z.016) Caracal CS50;	z.015) Canstar Arms CS 50-2;
(z.017) China South Industries Group AMR-2;	z.016) Caracal CS50;
(z.018) China South Industries Group LR2A;	z.017) China South Industries Group AMR-2;
(z.019) Christensen Arms Carbon One Ranger;	z.018) China South Industries Group LR2A;
(z.02) Christensen Arms Carbon One Conquest;	z.019) Christensen Arms Carbon One Ranger;
(z.021) Christensen Arms Carbon Ranger;	z.02) Christensen Arms Carbon One Conquest;
(z.022) Cobb FA50;	z.021) Christensen Arms Carbon Ranger;
(z.023) Cobb FA50(T);	z.022) Cobb FA50;
(z.024) Cobb BA50;	z.023) Cobb FA50(T);
(z.025) Croatian Service MACS M3;	z.024) Cobb BA50;
(z.026) Croatian Service MACS M4;	z.025) Croatian Service MACS M3;
(z.027) Czech Weapons CZW 127;	z.026) Croatian Service MACS M4;
(z.028) Defence Industries Organization AM-50;	z.027) Czech Weapons CZW 127;
(z.029) Degtyarev ASVK;	z.028) Defence Industries Organization AM-50;
(z.03) Denel NTW;	z.029) Degtyarev ASVK;
(z.031) Desert Tactical Arms HTI;	z.03) Denel NTW;
(z.032) Desert Tech HTI;	z.031) Desert Tactical Arms HTI;
(z.033) DPMS A-15;	z.032) Desert Tech HTI;
(z.034) DPMS A-15 Panther VRS Single Shot;	z.033) DPMS A-15;
(z.035) EAA M93 Black Arrow;	z.034) DPMS A-15 Panther VRS Single Shot;
(z.036) East Ridge/State Arms Gun Company Big Bertha;	z.035) EAA M93 Black Arrow;
(z.037) EDM Arms XM-107 Windrunner;	z.036) East Ridge/State Arms Gun Company Big Bertha;

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- (z.038) EDM Arms SA-01 Windrunner;
(z.039) EDM Arms 96 Windrunner;
(z.04) Elite Machining Elite 50;
(z.041) Essential Arms Company J15;
(z.042) Essential Arms Company J15F;
(z.043) Evolution USA Phantom 3;
(z.044) FN Hecate 2;
(z.045) FN Nemesis;
(z.046) Fortmeier, Heinrich 2001;
(z.047) Fortmeier, Heinrich 2002;
(z.048) Gepard GM6 Lynx;
(z.049) German Anti-Tank Rifle PzB42;
(z.05) Gun Room Company Noreen ULR;
(z.051) Hagelberg FH50;
(z.052) Halo Arms HA50 FTR;
(z.053) Halo Arms HA50 LRR;
(z.054) Helenius RK97;
(z.055) Helenius RK99;
(z.056) Helenius RK99 MARK 1;
(z.057) IOF Vidhwansak;
(z.058) Jard J50;
(z.059) Jard J51;
(z.06) JRS 510;
(z.061) Karta Tool Frenchy 1 Prototype;
(z.062) Kovrov SVN-98;
(z.063) LAR Manufacturing Grizzly Big Boar;
(z.064) LAR Manufacturing Grizzly T-50;
(z.065) McBros 50 BMG Benchrest;
(z.066) McBros 50 BMG Sporter;
(z.067) McBros 50 BMG Tactical;
- (z.037) EDM Arms XM-107 Windrunner;
(z.038) EDM Arms SA-01 Windrunner;
(z.039) EDM Arms 96 Windrunner;
(z.04) Elite Machining Elite 50;
(z.041) Essential Arms Company J15;
(z.042) Essential Arms Company J15F;
(z.043) Evolution USA Phantom 3;
(z.044) FN Hecate 2;
(z.045) FN Nemesis;
(z.046) Fortmeier, Heinrich 2001;
(z.047) Fortmeier, Heinrich 2002;
(z.048) Gepard GM6 Lynx;
(z.049) German Anti-Tank Rifle PzB42;
(z.05) Gun Room Company Noreen ULR;
(z.051) Hagelberg FH50;
(z.052) Halo Arms HA50 FTR;
(z.053) Halo Arms HA50 LRR;
(z.054) Helenius RK97;
(z.055) Helenius RK99;
(z.056) Helenius RK99 MARK 1;
(z.057) IOF Vidhwansak;
(z.058) Jard J50;
(z.059) Jard J51;
(z.06) JRS 510;
(z.061) Karta Tool Frenchy 1 Prototype;
(z.062) Kovrov SVN-98;
(z.063) LAR Manufacturing Grizzly Big Boar;
(z.064) LAR Manufacturing Grizzly T-50;
(z.065) McBros 50 BMG Benchrest;
(z.066) McBros 50 BMG Sporter;
(z.067) McBros 50 BMG Tactical;
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- (z.068) McMillan 50 BMG Benchrest;
(z.069) McMillan Brothers 50 BMG Benchrest;
(z.07) McMillan Brothers 50 BMG Sporter;
(z.071) McMillan Brothers 50 BMG Tactical;
(z.072) McMillan Brothers TAC-50;
(z.073) McMillan TAC-50;
(z.074) McMillan TAC-416;
(z.075) MG Arms Behemoth;
(z.076) Mitchells Mausers M93 Black Arrow Target;
(z.077) Modulo Masterpiece Wizard Extreme Long Range Match;
(z.078) Noreen Firearms Noreen ULR;
(z.079) Noreen Firearms Noreen ULR Extreme;
(z.08) Norinco JS 05;
(z.081) Norinco CSLR5;
(z.082) Northwest Imports Browning M2 Heavy Barrel;
(z.083) Odessa Patriot 50;
(z.084) Omni Windrunner;
(z.085) PGM Precision Hecate 2;
(z.086) Phase 5 Tactical P5T15;
(z.087) Pietsch P B 50 Canadian;
(z.088) PMP NTW;
(z.089) Poly Technologies M99;
(z.09) Poly Technologies M99B;
(z.091) Prairie Gun Works LRT3REP;
(z.092) Prairie Gun Works LRT3SS;
(z.093) Prairie Gun Works LRT50;
(z.094) RAD M650 SLAMR;
(z.095) RAD M614;
(z.096) Ramo 600;
- z.067) McBros 50 BMG Tactical;
z.068) McMillan 50 BMG Benchrest;
z.069) McMillan Brothers 50 BMG Benchrest;
z.07) McMillan Brothers 50 BMG Sporter;
z.071) McMillan Brothers 50 BMG Tactical;
z.072) McMillan Brothers TAC-50;
z.073) McMillan TAC-50;
z.074) McMillan TAC-416;
z.075) MG Arms Behemoth;
z.076) Mitchells Mausers M93 Black Arrow Target;
z.077) Modulo Masterpiece Wizard Extreme Long Range Match;
z.078) Noreen Firearms Noreen ULR;
z.079) Noreen Firearms Noreen ULR Extreme;
z.08) Norinco JS 05;
z.081) Norinco CSLR5;
z.082) Northwest Imports Browning M2 Heavy Barrel;
z.083) Odessa Patriot 50;
z.084) Omni Windrunner;
z.085) PGM Precision Hecate 2;
z.086) Phase 5 Tactical P5T15;
z.087) Pietsch P B 50 Canadian;
z.088) PMP NTW;
z.089) Poly Technologies M99;
z.09) Poly Technologies M99B;
z.091) Prairie Gun Works LRT3REP;
z.092) Prairie Gun Works LRT3SS;
z.093) Prairie Gun Works LRT50;
z.094) RAD M650 SLAMR;
z.095) RAD M614;
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| (z.097) Ramo 650; | z.096) Ramo 600; |
| (z.098) Rib Mountain Arms 92; | z.097) Ramo 650; |
| (z.099) Robar RC-50; | z.098) Rib Mountain Arms 92; |
| (z.1) RPA Quadlock; | z.099) Robar RC-50; |
| (z.101) RPA Rangemaster 50; | z.1) RPA Quadlock; |
| (z.102) Russian Anti-Tank Rifle PTRS41; | z.101) RPA Rangemaster 50; |
| (z.103) Russian Anti-Tank Rifle PTRD41; | z.102) Russian Anti-Tank Rifle PTRS41; |
| (z.104) Russian Anti-Tank Rifle PTRR39; | z.103) Russian Anti-Tank Rifle PTRD41; |
| (z.105) Russian Anti-Tank Rifle PTRSh; | z.104) Russian Anti-Tank Rifle PTRR39; |
| (z.106) Safety Harbor Firearms SHF/R50; | z.105) Russian Anti-Tank Rifle PTRSh; |
| (z.107) Safety Harbor Firearms Ultra Mag 50; | z.106) Safety Harbor Firearms SHF/R50; |
| (z.108) Safety Harbor Firearms SHF/S50; | z.107) Safety Harbor Firearms Ultra Mag 50; |
| (z.109) Saxonia Big Valve M2; | z.108) Safety Harbor Firearms SHF/S50; |
| (z.11) Semtex Single Shot Pistol; | z.109) Saxonia Big Valve M2; |
| (z.111) Serbu BFG-50; | z.11) Semtex Single Shot Pistol; |
| (z.112) Serbu BFG-50A; | z.111) Serbu BFG-50; |
| (z.113) Serbu RN-50; | z.112) Serbu BFG-50A; |
| (z.114) Sero GM6 Lynx; | z.113) Serbu RN-50; |
| (z.115) SIG Sauer SIG 50; | z.114) Sero GM6 Lynx; |
| (z.116) SMOS Rogue-50; | z.115) SIG Sauer SIG 50; |
| (z.117) SMOS Rogue-SS; | z.116) SMOS Rogue-50; |
| (z.118) Spider Firearms Ferret 50; | z.117) SMOS Rogue-SS; |
| (z.119) St George Arms Leader 50 A1; | z.118) Spider Firearms Ferret 50; |
| (z.12) State Arms Gun Company Rebel; | z.119) St George Arms Leader 50 A1; |
| (z.121) State Arms Gun Company Mosquito; | z.12) State Arms Gun Company Rebel; |
| (z.122) State Arms Gun Company Shorty; | z.121) State Arms Gun Company Mosquito; |
| (z.123) State Arms Gun Company Competitor 2000; | z.122) State Arms Gun Company Shorty; |
| (z.124) Steyr-Mannlicher HS50; | z.123) State Arms Gun Company Competitor 2000; |
| (z.125) Steyr-Mannlicher HS50M1; | z.124) Steyr-Mannlicher HS50; |
| (z.126) Steyr-Mannlicher HS460; | z.125) Steyr-Mannlicher HS50M1; |
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(z.127) Stoner SR-50;
 (z.128) Swiss Arms SAN511;
 (z.129) Tactical Machining TM-SS;
 (z.13) Tarnow WKW;
 (z.131) Tasko 7ET3;
 (z.132) Tech Designs Kodiak;
 (z.133) Thompson Machine ARSSL;
 (z.134) Thor Global Defense Group M96 Windrunner Series;
 (z.135) TNW Browning M2 Heavy Barrel;
 (z.136) Triple Action Thunder 50;
 (z.137) Truvelo CMS 12.7;
 (z.138) Truvelo CMS 14.5;
 (z.139) Truvelo SR50;
 (z.14) Ursus Firearms Kodiak;
 (z.141) Valkyrie Arms Browning M2 Heavy Barrel;
 (z.142) VM Hy-Tech VM50;
 (z.143) Vulcan Armament V50SS;
 (z.144) Watsons Weapons 50;
 (z.145) Zastava M93;
 (z.146) Zastava Arms M93 Black Arrow;
 (z.147) Zastava Europe M93;
 (z.148) ZVI OP96; and
 (z.149) ZVI OP99.

4 Item 2 of Part 2 of the schedule to the Regulations is repealed.

5 Part 2.1 of the schedule to the Regulations is repealed.

6 Part 4 of the schedule to the Regulations is amended by adding the following after item 3:

z.126) Steyr-Mannlicher HS460;
z.127) Stoner SR-50;
z.128) Swiss Arms SAN511;
z.129) Tactical Machining TM-SS;
z.13) Tarnow WKW;
z.131) Tasko 7ET3;
z.132) Tech Designs Kodiak;
z.133) Thompson Machine ARSSL;
z.134) Thor Global Defense Group M96 Windrunner Series;
z.135) TNW Browning M2 Heavy Barrel;
z.136) Triple Action Thunder 50;
z.137) Truvelo CMS 12.7;
z.138) Truvelo CMS 14.5;
z.139) Truvelo SR50;
z.14) Ursus Firearms Kodiak;
z.141) Valkyrie Arms Browning M2 Heavy Barrel;
z.142) VM Hy-Tech VM50;
z.143) Vulcan Armament V50SS;
z.144) Watsons Weapons 50;
z.145) Zastava M93;
z.146) Zastava Arms M93 Black Arrow;
z.147) Zastava Europe M93;
z.148) ZVI OP96;
z.149) ZVI OP99.

4 L'article 2 de la partie 2 de l'annexe du même règlement est abrogé.

5 La partie 2.1 de l'annexe du même règlement est abrogée.

6 La partie 4 de l'annexe du même règlement est modifiée par adjonction, après l'article 3, de ce qui suit :

Other

4 The upper receiver of any firearm referred to in item 87 of Part 1 of this schedule.

Application Prior to Publication

7 For the purposes of paragraph 11(2)(a) of the *Statutory Instruments Act*, these Regulations apply according to their terms before they are published in the *Canada Gazette*.

Coming into Force

8 These Regulations come into force on the day on which they are made.

Autres

4 Toute carcasse supérieure d'une arme à feu visée à l'article 87 de la partie 1 de la présente annexe.

Antériorité de la prise d'effet

7 Pour l'application de l'alinéa 11(2)a) de la *Loi sur les textes réglementaires*, le présent règlement prend effet avant sa publication dans la *Gazette du Canada*.

Entrée en vigueur

8 Le présent règlement entre en vigueur à la date de sa prise.

This is **Exhibit "D"** referred to in the Affidavit of Wyatt Singer, sworn before me on October 1, 2020.



A handwritten signature in blue ink, appearing to read "Smith", written over a horizontal line.

A Commissioner for Oaths in and for the
Province of Alberta

Lawyer - No Expiry

FIREARMS CLASSIFICATION

Background:

On June 6, 2018, an article was published on ipolitics that discusses the three year Amnesty Order made on March 20, 2018, under the *Criminal Code* (the Code), to protect owners who purchased Swiss Arms Four Seasons and Classic Green Sniper rifles in good faith. Upon introduction of Bill C-71, it became known that these firearms had in fact been determined to be prohibited by the Canadian Firearms Program (CFP).

The Order Declaring an Amnesty Period (2018) SOR/2018-46:

Firearms fall into three legal categories: non-restricted (ordinary hunting rifles and shot guns), restricted (most handguns and certain long guns prescribed as restricted), and prohibited (certain handguns, full and converted automatics and other firearms prescribed as prohibited).

Part III of the Code and 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* (the Regulations) establish the legal framework governing the classification of firearms in Canada. Firearms are classified as prohibited or restricted either by way of definition in the Code or through the Regulations. The Regulations list specific models of firearms (e.g. AK-47 rifle, Beretta BM 59, M16) as restricted or prohibited, and include "variants and modified versions" of those named models (e.g. any version of the Beretta BM 59 is prohibited). The term "variant" is employed as a means to capture future firearms that differ (e.g. barrel length, cartridge size) from those specifically listed in the Regulations, but are generally the same make and type. Firearms that are not restricted or prohibited are, by default, legally classified as non-restricted.

The RCMP Canadian Firearms Program (CFP) is responsible for the administration of the *Firearms Act* and for providing technical expertise to determine the classification of firearms for registration purposes. To aid in this process, the RCMP created the Firearms Reference Table (FRT), an administrative web-based database that contains determinations regarding the classification of all known firearms in the global market.

Occasionally, it comes to the CFP's attention that a previously unknown firearm has been imported into Canada before the CFP has had an opportunity to examine and determine the legal classification of the firearm. There may be firearms owners who acquired these firearms with the belief that they have the ability to lawfully possess them in Canada. However, on occasion, the firearm may be determined to be a prohibited firearm according to the definitions set out in the Code and or as variants or modified versions of a listed prohibited firearm in the Regulations. Subject to very few exceptions, it is illegal in Canada for individuals to possess prohibited firearms and, as a result, in such cases, the affected firearms owner could be subject to criminal liability for unlawful possession of a prohibited firearm.

Resulting from a technical analysis by the CFP, the Swiss Arms Four Seasons Series and the Classic Green Sniper rifle are determined to be variants of an existing firearm currently classified as prohibited (the Sturmgewehr SG-550 rifle), therefore by extension classifying these variants as prohibited firearms.

The objective of the Amnesty Order is to temporarily protect businesses and individuals who have acquired prohibited weapons while acting in good faith from criminal prosecution while the Government implements measures to address continued possession and use, and to limit circulation of those prohibited firearms.

The Amnesty Order will be in effect until February 28, 2021. Persons who hold a firearms licence and are in continuous possession, prior to and up until the Amnesty Order is signed, of a SAN Swiss Arms Model Classic Green Sniper rifle, a SAN Swiss Arms Model Ver rifle, a SAN Swiss Arms Model Aestas rifle, a SAN Swiss Arms Model Autumnus rifle or a SAN Swiss Arms Model Hiemis rifle, will be protected from criminal prosecution for possessing them until such time as new measures are in place to authorize the lawful possession of these firearms.

The Order will permit the affected persons to

- possess the firearm;
- deliver the firearm to a peace officer, firearms officer or chief firearms officer;
- sell or give the firearm to a business — including a museum — authorized to acquire and possess prohibited firearms; or
- transport the firearm for the purposes of delivering, selling, or giving it as provided for in the Order.

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This is **Exhibit "E"** referred to in the Affidavit of Wyatt Singer, sworn before me on October 1, 2020.



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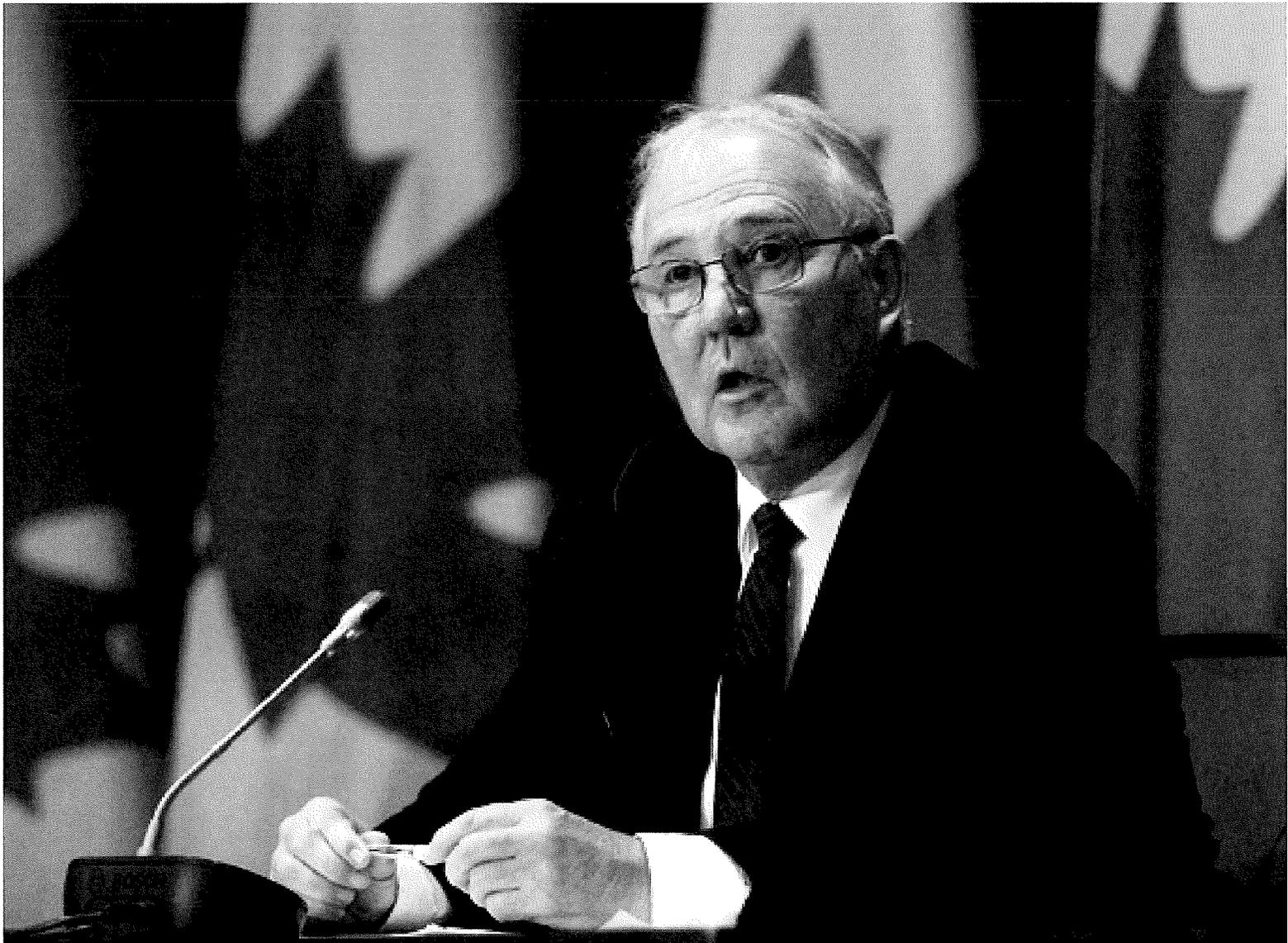
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Liberal gun ban quietly expanded, potentially putting owners unknowingly on wrong side of the law

A spokesperson for Bill Blair said the government is 'considering options' for how it can make the list of banned firearms more available and transparent

Jesse Snyder

Jun 03, 2020 • Last Updated 3 months ago • 5 minute read



A spokesperson for Blair said the government is “considering options” for how it can make the list of banned firearms more available and transparent for firearms owners, retailers and manufacturers.

“We continue to work with the RCMP to ensure that the public Firearms Reference Table is updated as quickly and as thoroughly as possible to reflect changes that were brought in that day,” Mary-Liz Power said in a written statement.

Their discretion is wide-ranging

Blair defended the sweeping prohibition in early May, after some confusion emerged over whether some 10 and 12-gauge shotguns could be included in the ban, due to a provision that outlaws any firearm with a bore diameter greater than 20 millimetres.

Blair tweeted on May 5 that those claims were “absolutely incorrect” but did not update the terminology in the regulations. The RCMP later posted guidelines on its website that seemed to suggest shotgun bores would not be measured in a way that would outlaw them.

The RCMP’s updated list, however, does outlaw a number of four-gauge shotguns under the 20mm provision, including the Webley & Scott Wild Fowl Gun, a bird hunting firearm; the single-shot Duck Gun made by W.W. Greener, an English manufacturer; and the obscure Russian-made TOZ, among others. A number of other 12-gauge semi-automatic shotguns are now prohibited under the new FRT.

Ottawa’s May 1 regulations banned eleven types of firearms, which initially encapsulated roughly 1,500 types gun variants. The regulations broadly outlawed “assault-style firearms,” which many observers called an arbitrary distinction.

STORY CONTINUES BELOW



Prime Minister Justin Trudeau justified the ban by saying it targets firearms designed to “kill the largest number of people in the shortest amount of time.” Recent updates to the ban include some Western-style single-shot shotguns that need to be loaded one at a time, as well as high-calibre rifles used for the explicit purpose of killing a single target at long range.

Alison de Groot, managing director of the CSAAA, said the vague provisions within the Liberal regulations act as a catch-all that could constantly keep firearms owners in the dark about the legal status of their guns. Ottawa has declined to provide details as to when the FRT update could be complete.

“It’s at their discretion, which means we have no assurances, either as businesses or firearms owners, about what is allowed,” she said. “Because their discretion is wide-ranging.”

She said the retroactive additions point to the hasty assembly of the regulations. The CSAAA has been calling on Ottawa to compensate retailers and distributors by up to \$1.1 billion, after the ban left small businesses sitting on massive piles of inventory that can no longer be sold. Sales in many stores have ground to a halt as owners struggle to navigate daily changes to the prohibition list.

“I’ve never seen anything like this, in any country,” said Wes Winkel, owner of Ontario-based Ellwood Epps Sporting Goods.

The federal government’s gun ban regulations broadly outlawed “assault-style firearms,” which many observers called an arbitrary distinction.
PHOTO BY JONATHAN HAYWARD/THE CANADIAN PRESS/FILE

Winkel says 22 per cent of his inventory is now unsellable due to the Liberal ban, and new additions to the prohibition list have only deepened the confusion. The Turkish-made F12 Typhoon shotgun, for example, is now considered illegal under the recent updates, while the nearly identical Derya MK12 made by the same company remains non-restricted.

“We’re at a point now where it’s become so nonsensical that we’ve just started to pull inventory,” Winkel said.

In a letter to Blair last week, the Ontario Federation of Anglers and Hunters (OFAH) warned that illegal firearms “could have been used, transported, transferred or even attempted to be imported” due to the late classification of hundreds of rifle variants.

“The fact that the government is still determining what firearms are prohibited many weeks after the amended regulations came into force is a sure signal that these changes were not given the necessary time and scrutiny required for regulatory development of this magnitude,” the letter said.

Retailers will also be forced to cover storage costs for illegally imported firearms held by the Canada Border Services Agency (CBSA), even if those purchases were made legally in early May, but later deemed prohibited.

We’re at a point now where it’s become so nonsensical

The OFAH also decried the decision by the Liberal government to publish the Order in Council at a time when Parliament was operating on a limited basis, and when the general public was focussed on the COVID-19 pandemic.

“An Order in Council (OIC) may be a legal instrument to prescribe prohibitions, but it does not exempt the Government of Canada from the due diligence and rigor of the robust regulatory process that Canadians deserve,” the letter said.

Blair has said the Liberal government is crafting a buy back program for firearms deemed illegal under the new regulations, but has yet to provide details on the policy. Blair also said his government is looking to introduce a handgun ban when Parliament resumes, the enforcement of which would likely be left up to municipalities.

Gun advocates say the Liberal ban penalizes law-abiding citizens, while ignoring criminals who obtain their firearms illegally, and are responsible for much of the gun violence in Canada. People who support the ban say it will lower violence levels across the board by making guns less accessible to the public.

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TRENDING

THIS WEEK IN FLYERS



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Public Safety Minister Bill Blair. PHOTO BY ADRIAN WYLD/THE CANADIAN PRESS/FILE

TRENDING

- 1 **John Ivison: It's becoming impossible to tell Liberals and New Democrats apart, and the implications are unsettling**
 with Video

- 2 **Teacher says his tattoos and surgically blackened eyes cost him his kindergarten job**
 with Video

- 3 **American could face prison time in Thailand for posting irate TripAdvisor review**

- 4 **'Will you shut up, man?', 'Nothing smart about you': Insults fly in first Trump-Biden debate**
 with Video

- 5 **Daily horoscope for Wednesday, September 30, 2020**

OTTAWA — The RCMP has quietly outlawed hundreds of rifles and shotguns over the past month, adding to the list of 1,500 firearms already banned by the Liberal government on May 1.

The list has been expanded without public notifications from either the RCMP or the federal government, raising concerns among gun sellers and owners that they could have unknowingly bought, sold or transported illegal firearms in recent weeks. The recently banned firearms have all been deemed illegal retroactively, as of May 1.



Why 500K sharks may need to die for a COVID-19 vaccine

The new list also includes a number of single-shot and semi-automatic shotguns, and at least one Russian-made pump-action, despite repeated claims by Public Safety Minister Bill Blair that Ottawa's sweeping ban would not include guns used for bird hunting.

MORE ON THIS TOPIC



Liberal assault-style gun ban challenged by rights group in federal court

STORY CONTINUES BELOW

The RCMP did not respond to questions about how many firearms it has added retroactively to its Firearms Reference Table (FRT) since the beginning of May. The FRT serves as the official reference for what firearms are illegal under Canadian law. The RCMP designates firearms as legal or illegal based on its interpretation of Ottawa's regulations, which were updated on May 1 in an effort to ban military platform rifles like the AR-15 and AR-10.

A data set compiled by the Canadian Sporting Arms and Ammunition Association (CSAAA), shared with the National Post, suggests that at least 320 rifles and shotguns have been added to the original list of 1,500. The National Post independently verified 200 of the firearms included in the list, all of which appear in the updated FRT, but not in Ottawa's initial Order in Council.

This is **Exhibit "F"** referred to in the Affidavit of Wyatt Singer, sworn before me on October 1, 2020.

S. Miller

A Commissioner for Oaths in and for the
Province of Alberta

Lawyer - no expiring



Protocol for Firearms Classification Determinations for Businesses

Overview

This protocol outlines the process which will be followed by Specialized Firearms Support Services (SFSS) to determine the classification of a firearm and make the necessary Firearms Reference Table (FRT) entry when requested by a licenced business.

References

1. SFSS Standard Operating Procedures, Version 8.0, December, 2011.
2. FRT Standards and Editing Procedures, Version IV, July, 2004.

Scope

This protocol governs all valid requests for a classification determination by SFSS. Best efforts will be made to complete determinations without requiring a physical inspection of the firearm, noting that physical inspection will be necessary in complex cases or for firearms which are derived from full automatic designs.

For a request to be valid under this protocol it must meet all the following conditions:

1. The request for a classification determination must be for the purpose of selling firearms.
2. The request must be made in writing (electronic or hardcopy).
3. The originator of the request must be a business or individual appropriately licenced under the Firearms Act.
4. The item for which a classification determination is requested must qualify as a firearm per the definition of "firearm" in Section 2 of the Criminal Code.
5. The requestor must provide a technical data package with detail sufficient to clearly identify the firearm for which a classification determination is requested, the classification anticipated, and a comprehensive rationale which supports that classification.
6. The requestor must provide a sample firearm where it is established that other means are not likely to produce a conclusive result.

Submitting a Request

Requests may be sent in writing or by e-mail to the following address:

For requests concerning routine barrel length and/or calibre change, or antique status issues	For all other matters and all requests where a specimen will be been submitted
RCMP National Headquarters Specialized Firearms Support Services (SFSS) Firearms Technical Unit-L 73 Leikin Drive, Mail Stop #6 Ottawa, ON K1A 0R2	RCMP National Headquarters Specialized Firearms Support Services (SFSS) Firearms Collection Custodian 73 Leikin Dr. NPS Ident Building, Suite 504 (Suite B-28) Ottawa, ON K1A 0R2
firearmident@rcmp-grc.gc.ca	frt-traf@rcmp-grc.gc.ca

Protocol for Firearms Classification Determinations for Businesses

If a request is made electronically, the supporting files must be in a commonly used format (.doc, .pdf, .txt, .jpg etc.) No proprietary formats may be used without prior authorization.

Firearms may not be shipped without prior authorization. Specific shipping instruction will be provided.

SFSS will act as the end user for International Import Certificates (IIC) if required, but only with prior authorization.

Processing a Request

The requestor is expected to provide a technical data package which includes a description of the firearm, the classification outcome anticipated, and a comprehensive rationale supporting the proposed classification. The technical data package will be evaluated by SFSS and when determined to be complete, the classification determination request will be placed in the work queue and will follow the prescribed timelines. SFSS will conduct independent research, perform a physical inspection if required, and arrive at a classification determination for the firearm in question within the prescribed timelines.

If the request for a classification determination was made by telephone or other informal means the client will be advised whether the request falls within the parameters of this protocol and if so, the client will be advised by e-mail or regular mail how to make a formal request and what information must be submitted.

If a formal request for a classification determination is received which is missing necessary information, the client will be advised by e-mail or regular mail describing what information is required and that the request cannot be processed until the information is received.

The client will be advised by e-mail or regular mail once all the required information has been received that the classification determination request is in the work queue and will follow the prescribed timelines. The client will also be advised that unexpected developments during the analysis of the technical data package supplied may result in a request for additional information.

Dormant Requests

A classification determination may become dormant because the requestor has not provided a complete technical data package or has not responded to supplementary questions arising from the evaluation of the data package, or has not supplied a sample firearm where required.

If a request becomes dormant longer than 180 business days, SFSS will close the file. If circumstances change, a new inspection file can be opened.

Protocol for Firearms Classification Determinations for Businesses

Physical Inspections

Physical inspection of a firearm for the purpose of creating or assigning an FRT record is mandatory for firearms which are derived from full automatic designs. Exceptions may be made if a similar firearm has already been inspected and SFSS is familiar with the design, in which case photographs supplemented with technical data may suffice.

Physical inspections will be required for other types of firearms when no other effective and reliable means can be identified to resolve a classification determination. Sample firearms must be functional and complete.

Submission of a firearm to SFSS for determination of classification will automatically grant permission for use of photographs of the firearm in the FRT. A permission form will be included in the instructions for submission of a firearm for physical inspection.

The CFP will be responsible for the acquisition of additional firearm exemplars necessary to conclude a classification determination, subject to budgetary constraints.

Timelines

The chart below identifies the service standard for various transactions. Note however, resources available to process business inspections are subject to reallocation to meet operational police requirements. Thus the specified timelines may not be achievable due to environmental circumstances.

Milestone	Response Time (business days)	Action
Acknowledgement of informal request	5 days	E-mail response including technical data package requirements
Evaluation of formal request and technical data package (repeated until the data package is complete)	5 days	E-mail response accepting the technical data package and addition of the request to the work queue; or identifying missing information that must be supplied by the requestor
Review of unconcluded requests following formal acceptance or previous review (repeated every 120 days)	120 days	Letter sent to the requestor by regular mail or scanned attachment to e-mail outlining the reason for the delay and requesting any additional information necessary to conclude the classification determination
Response by requestor for additional information	120 days	The classification request is dormant pending the response from the requestor; the lapsed time does not contribute to the totals for the 120 day review
Provision of sample or test firearm by requestor	90 days	The classification request is dormant pending the arrival of the sample from the requestor; the

Protocol for Firearms Classification Determinations for Businesses

		lapsed time does not contribute to the totals for the 120 day review
Appeal of classification determination	60 days	Requestor submits a rationale and any additional information to support a different classification outcome
Response to an appeal	60 days	Letter sent to the requestor by regular mail or scanned attachment to e-mail concerning the outcome of the appeal, with reasons
Acquisition of additional firearm exemplars by the CFP	90 days	The classification request is dormant pending the arrival of the exemplar; the lapsed time does not contribute to the totals for the 120 day review

Appeals

The business may appeal a decision in writing within 60 days which must include a rationale for why the SFSS classification determination is believed to be incorrect, what alternative is proposed, and any technical information necessary to support the position of the appellant. The SFSS reviewer will have access to the original research plus any new information provided by the appellant, and may conduct further independent research as needed.

Issuance of the FRT Number

The FRT record number for the firearm to which the classification determination applies may be an existing number (if a suitable record exists), a new child record for an existing FRT parent record, or an entirely new parent and child FRT record.

Please note that from time to time FRT records may be edited for clarity and format, addition of new information, or correction of errors or omissions.

Transition

Requests for a classification determination and sample firearms received for inspection prior to the implementation of this protocol will be undertaken in the spirit of this protocol with adaptations as necessary. Requestors may resubmit under the new system if desired.

Protocol for Firearms Classification Determinations for Businesses

Technical Data Package

The technical data package is expected to include the information specified for each category as applicable. Multiple categories may apply simultaneously (example: the firearm is derived from a full automatic design and potentially a variant of a prescribed firearm). Where available, the data package would include a copy of the owner's manual, the manufacturer's product catalog, other assessments of the firearm (such as an ATF letter), and a copy of the verifier's statement. Additional relevant information may be supplied. Furthermore, the data package must specify the classification outcome sought and a comprehensive rationale for that classification.

1. Variants of Full Automatic Firearms
 - A general description of the firearm and its operating characteristics
 - A list of differences between the full automatic version and the sample version, particularly as it applies to the frame or receiver
 - A list of full automatic mechanism components, if any, which are used in the sample firearm
 - Specify the steps taken to prevent installation of the full automatic mechanism or any of its components in the sample firearm
 - Specify the steps taken to prevent easy modification of the sample firearm to fire in a full automatic manner

2. Variants of Firearms named in the Criminal Code Regulations
 - A general description of the firearm
 - Specify whether the firearm is an independent design, or if derived from a specific firearm, which firearm
 - Provide design details sufficient to establish whether or not the sample firearm is a variant or modified version of a prescribed firearm

3. Barrel length Changes
 - If the barrel is commercially manufactured as a finished product, provide hard copy or a scan of the manufacturer's catalog or similar advertising describing the barrel
 - If the barrel is custom finished from a commercially manufactured barrel blank, provide hard copy or a scan of the manufacturer's catalog or similar advertising describing the barrel blank
 - If the barrel is custom manufactured as a finished product, provide an overview of the details of manufacture, in particular whether the barrel was made from raw stock or from a barrel salvaged from some other firearm
 - Provide the details concerning the calibre and length of the finished barrel
 - Indicate the endpoints on the barrel on which the length is based

Protocol for Firearms Classification Determinations for Businesses

- Indicate whether the chamber end of the barrel extends to the rear of the breech face or whether any accessories are attached to the muzzle.
 - If the barrel length is within 2 mm of a critical length (105 mm for handguns; 457 mm and 470 mm for rifles and shotguns), include a photograph of the barrel length measurement. For example, a photograph of a handgun barrel between the jaws of calipers showing the measurement.
4. Calibre Changes
- If the barrel is commercially manufactured as a finished product, provide hard copy or a scan of the manufacturer's catalog or similar advertising describing the barrel
 - If the barrel is custom finished from a commercially manufactured barrel blank, provide hard copy or a scan of the manufacturer's catalog or similar advertising describing the barrel blank
 - If the barrel is custom manufactured as a finished product, provide an overview of the details of manufacture, in particular whether the barrel was made from raw stock or from a barrel salvaged from some other firearm
 - Provide the details concerning the calibre and length of the finished barrel
 - Provide a photograph of the calibre data stamp on the barrel
5. Antique Firearms
- A general description of the firearm and where known, the make, model and manufacturer information, calibre, and date of manufacture.
 - Provide detailed photographs of the firearm with clear close up images of all markings and logos including but not limited to make, model, manufacturer, calibre, dates, proof marks, patents, inspection marks, and serial number.
 - Describe any modifications made to the firearm, if known, since original manufacture
6. Miscellaneous Firearms Classification
- This includes the determination of whether a firearm is a handgun or not, which component or components serve as the receiver or frame of a firearm, whether a low velocity or low energy device qualifies as a firearm, and other miscellaneous issues
 - Due to the diverse nature of possible issues, the data package should include a thorough description of the firearm including photographs and manufacturer's specifications, plus technical information specific to the purpose of the request for a classification determination.

This is **Exhibit "G"** referred to in the Affidavit of Wyatt Singer, sworn before me on October 1, 2020.



A Commissioner for Oaths in and for the
Province of Alberta

Lawyer - no expiring



INSPECTION CHECKLIST

INSPECTION REQUESTED		DATE & Initial
Initiator	Send "Request for physical Inspection" to client	
Initiator	E-mail to Inspection Group, attn. File Manager, with Make, Model and client information	
File Manager	Open file (Make & Model sufficient at this point)	

FIREARM ARRIVES		DATE & Initial
Custodian	Send e-mail to Inspection Group, cc: Initiator (when applicable) attn. File Manager, confirming contents of shipment, including the following – Use initiators original email request when available: <ul style="list-style-type: none"> • Full description of the firearm and accompanying accessories • Serial number when present • With or without a magazine, indicate how many • Condition of the packaging and content on arrival • Province (if known) • Purpose of inspection (if known) • FIN # (indicate if newly generated) 	
Custodian	Add to PWS if required	
File Manager	Add file to the Summary List of Inspection	
File Manager	<i>3.2.3 and 3.3.1 SOP</i> Notify client or FTU-L Initiator of receipt of shipment. If appropriate, request permission from owner to have images added to FRT.	
Inspector	Inspect firearm for required purpose	
Inspector	<i>3.4.1 and 3.5.1 SOP</i> Produce Work Notes including the following: <ul style="list-style-type: none"> • Date of inspection • Description of item being inspected, including S/N when present • Purpose of inspection • Individuals involved in the inspection • Inspection details – what was done, procedure followed • Findings • Conclusion 	
Photographer	Produce 2 copies of all images on CD/DVD (labeled by File #), one to be include in inspection file and one to be kept as the backup	
Inspector	<i>3.5.1 SOP</i> Place research, correspondence, written notes, copy of final FRT record (if involved) and print photos in inspection file	
Inspector	<i>3.5.2 SOP</i> When firearm is involved, update or create FRT record based on inspection findings, add inspection file # to References	
Inspector	To bring file to File Manager, File Manager brings to Chief Firearms Technologist	
Chief Firearms Technologist	<i>3.4.1 SOP</i> Review Work Notes. Author and Reviewer both sign the report. For inspection generated by a formal request, produce an Inspection Report on RCMP letterhead	
Inspector	<i>3.5.2 SOP</i> Where a new FRT record is involved, place (staple) research notes, copy of final FRT record and printed photos in corresponding hanging file	
Chief Firearms Technologist	<i>3.4.2 SOP</i> Notify client, cc: Inspection Group and Initiator (when applicable) of the outcome, confirm the return mailing address and PAIN information.	
Chief Firearms Technologist	<i>3.4.2 SOP</i> Bring signed file to File Manager	
File Manager	Update the file on the Summary List of Inspection	

File Manager	Verify the overall file	
FIREARM RETURNED		DATE & Initial
File Manager	3.6.1 SOP Send e-mail to Inspection Group, attn. custodian, cc: Initiator (when applicable), indicating the firearm is to be returned and provide the return mailing address -Using string of email from initial request	
Custodian	Transfer firearm in PWS	
Custodian	3.6.2 SOP Arrange firearm to be sent back and send e-mail to the Client or FTU-L Initiator cc: Inspection Group, the shipment date, the name of the carrier and the tracking number of the parcel	
File Manager	Print the tracking number activities and signature of the recipient	
File Manager	Update the file on the Summary List of Inspection	
File Manager	File the inspection file	

Inspection Group:

Custodian
 Chief Firearms Technologist
 Mgr. Quality Control Analyst
 File Manager
 Inspector
 Cc: Quality Control Analyst

FTU-L Initiator:

Senior Firearms Technician
 Cc: Firearm Technician

This is **Exhibit "H"** referred to in the Affidavit of Wyatt Singer, sworn before me on October 1, 2020.

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A Commissioner for Oaths in and for the
Province of Alberta

Lawyer - no expiry





November 3, 2017

RCMP: GFC-2000-7-1-181822

Inspection of Maccabee Defense, SLR-Multi Serial Number: AB02170002 Report

Purpose

The purpose of this inspection was to determine the legal classification of the subject firearm.

Findings

1. The SLR-Multi is a newly manufactured and purpose-built receiver that is designed for semi-automatic fire only.
2. The SLR-Multi has a two part receiver/frame. When disassembled, the lower receiver portion is considered to be the receiver/frame for regulatory purposes.
3. The SLR-Multi receiver can meet the definition of a "non-restricted" firearm or a "restricted" firearm, depending on the barrel length and overall length of the firearm when the receiver is combined with various stocks and/or barrel lengths.
4. As received, the SLR-Multi is a semi-automatic rifle that discharges centrefire ammunition, has a barrel length that is over 470 mm and an overall length above 660mm with the stock in the compressed position.

Conclusions

As received at Specialized Firearms Support Services Section, the Maccabee Defense, SLR-Multi, serial number AB02170002, semi-automatic rifle meets the legal classification of a "non-restricted" firearm.

The firearm may be found at FRT # 181822.


 Bruce Macdonald
 Firearms Technician
 Specialized Firearms Support Services
 Firearms Investigative & Enforcement Services Directorate
 RCMP – CFP
 Specialized Policing Services

2017-11-03



FRT Report

Network Version 3.18.0

Firearm Reference No.: 181822

Date: 2017/11/03

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Summary

Make: Maccabee Defense
Model: SLR-MULTI
Manufacturer: Maccabee Defense
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA
Serial Numbering: Numbered
Legal Classification: Non-Restricted

Calibre, Shots and Barrel Length

Firearm Ref. No.	Calibre	Shots	Barrel (mm)	Legal Classification Legal Authority	Level	Barrel Type Code
181822 - 1	223 REM	5	473	Non-Restricted CC 2 "firearm"	Manufacturer Specifications and Commercial Customization	

Notes

Make - "MACCABEE DEFENSE INC" is marked on the right side of the firearm underneath the accessory rail and on the left side of the receiver/frame directly under the magazine release lever.
 - the make may be marked as the acronym "MDI".

Model - introduced in 2017.
 - "SLR-MULTI" is marked on the left side of the receiver/frame.
 - "SLR-MULTI" main features are the use of a T-Slot assembly Interface reminiscent of the prototype AR-10A serial number XN03, a removable trigger housing and compatibility with many AR-15 components.
 - features include: threaded muzzle for flash hider/muzzle brake; may have adjustable, folding or optical sights; round, stainless steel barrel; gas block that may be adjustable, free floating handguard, accessory rail flat top upper receiver; ambidextrous cocking handle; synthetic pistol grip and collapsible, standard or custom rifle buttstock; various colour finishes.
 - overall length with a 473mm (18.63") barrel is 875mm (34.45") with the stock collapsed and 955mm (37 5/8") with the stock extended.

Manufacturer - "MACCABEE DEFENSE INC." is marked on the right side of the magazine housing of the receiver/frame and on the left side of the firearm.
 - the make may be marked as the acronym "MDI".

Action - gas operated.

Calibre - ".223 Wylde" calibre is marked on the barrel of this firearm. This designation is not the calibre of the firearm but a description of the chamber dimensions.
 - the Wylde chamber is identical to the NATO STANAG chamber with a longer freebore to accommodate .224 inches (5.6MM) diameter commercial projectiles up to 80grs (5.18gm) mass.



FRT Report

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Shots - detachable box magazine

Serial Number - serial number is marked on the left side of the receiver/frame directly under the Make and Model.
- serial number of a referenced example consisted of a two letter prefix (AB) and eight numbers.

Canadian Law Comments - this firearm design is derived from an amalgamation of several different firearm designs and does not trace its design lineage directly or uniquely to a "prohibited" or a "restricted" firearm found in the Regulations appended to the Criminal Code.

Cross-References

No Data Retrieved

Also Known As/Product Code

Maccabee Defense Model Multi

Maccabee Defense Model MULTI SLR

Maccabee Defense Model MULTI-SLR

Maccabee Defense Model SLR

Maccabee Defense Model SLR MULTI

Maccabee Defense Multi

Maccabee Defense MULTI SLR

Maccabee Defense MULTI-SLR

Maccabee Defense SLR

Maccabee Defense SLR MULTI

MDI Model Multi

MDI Model MULTI SLR

MDI Model MULTI-SLR

MDI Model SLR

MDI Model SLR MULTI

MDI Model SLR-MULTI

MDI Multi

MDI MULTI SLR

MDI MULTI-SLR

MDI SLR

MDI SLR MULTI



FRT Report

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- MDI SLR-MULTI
- Model Multi
- Model MULTI SLR
- Model MULTI-SLR
- Model SLR
- Model SLR MULTI
- Multi
- MULTI SLR
- MULTI-SLR
- SLR
- SLR MULTI

Year Dates

No Data Retrieved

Importer

No Data Retrieved

This is **Exhibit "I"** referred to in the Affidavit of Wyatt Singer, sworn before me on October 1, 2020.

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A Commissioner for Oaths in and for the
Province of Alberta

Lawyer - no expiry



**FRT Report**

webFRT v2.11

Firearm Reference No.: 181822

Date: 07/06/2020

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Summary

Make: Maccabee Defense
Model: SLR-MULTI
Manufacturer: Maccabee Defense
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA
Serial Numbering: See Note
Legal Classification: Prohibited

Calibre, Shots and Barrel Length

Firearm Ref No.	Calibre	Shots	Barrel (mm)	Legal Classification Legal Authority	Level	Barrel Type Code
181822 - 2	204 RUGER	5	473	Prohibited PFR, Part 1, para. 87	Manufacturer Specifications and Commercial Customization	
181822 - 1	223 REM	5	473	Prohibited PFR, Part 1, para. 87	Manufacturer Specifications and Commercial Customization	
181822 - 7	224 VALKYRIE	5	473	Prohibited PFR, Part 1, para. 87	Manufacturer Specifications and Commercial Customization	
181822 - 3	300 AAC BLACKOUT	5	473	Prohibited PFR, Part 1, para. 87	Manufacturer Specifications and Commercial Customization	
181822 - 5	458 SOCOM	5	473	Prohibited PFR, Part 1, para. 87	Manufacturer Specifications and Commercial Customization	
181822 - 6	6.5MM GRENDEL	5	473	Prohibited PFR, Part 1, para. 87	Manufacturer Specifications and Commercial Customization	
181822 - 4	7.62X39 RUSSIAN	5	473	Prohibited PFR, Part 1, para. 87	Manufacturer Specifications and Commercial Customization	

Notes

Make - "MACCABEE DEFENSE INC" is marked on the right side of the firearm underneath the accessory rail and on the left side of the receiver/frame directly under the magazine release lever.
 - the make may be marked as the acronym "MDI".


FRT Report

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Firearm Reference No.: 181822
Date: 07/06/2020
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Model	<ul style="list-style-type: none"> - introduced in 2017. - "SLR-MULTI" is marked on the left side of the receiver/frame. - "SLR-MULTI" main features are the use of a T-Slot assembly interface reminiscent of the prototype AR-10A serial number XN03 locked by a captive take down screw or pin, a removable trigger housing and compatibility with many AR-15 components. - features include: threaded muzzle for flash hider/muzzle brake; may have adjustable, folding or optical sights; round, stainless steel barrel; gas block that may be adjustable, free floating handguard, accessory rail flat top upper receiver; ambidextrous cocking handle; right hand only or ambidextrous bolt catch, synthetic pistol grip and collapsible, standard or custom rifle buttstock; various colour finishes. - overall length with a 473mm (18.63") barrel is 875mm (34.45") with the stock collapsed and 955mm (37 5/8") with the stock extended.
Manufacturer	<ul style="list-style-type: none"> - "MACCABEE DEFENSE INC." is marked on the right side of the magazine housing of the receiver/frame and on the left side of the firearm. - the make may be marked as the acronym "MDI".
Action	<ul style="list-style-type: none"> - gas operated.
Serial Number	<ul style="list-style-type: none"> - serial number is marked on the left side of the receiver/frame directly under the Make and Model. - serial number of a referenced example consisted of a two letter prefix (AB) and eight numbers. - serial number of production models may consist of a two letter prefix and seven or eight numbers.
Calibre	<ul style="list-style-type: none"> - ".223 Wylde" calibre is marked on the barrel of this firearm. This designation is not the calibre of the firearm but a description of the chamber dimensions. - the Wylde chamber is identical to the NATO STANAG chamber with a longer freebore to accommodate .224 inches (5.6MM) diameter commercial projectiles up to 80grs (5.18gm) mass.
Shots	<ul style="list-style-type: none"> - detachable box magazine

Cross-References

No Data Retrieved

Also Known As/Product Code

MDI MULTI SLR
 MDI MULTI-SLR
 MDI Model MULTI SLR
 MDI Model MULTI-SLR
 MDI Model Multi
 MDI Model SLR
 MDI Model SLR MULTI
 MDI Model SLR-MULTI
 MDI Multi
 MDI SLR
 MDI SLR MULTI
 MDI SLR-MULTI
 MULTI SLR
 MULTI-SLR

**FRT Report**

webFRT v2.11

Firearm Reference No.: 181822

Date: 07/06/2020

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Maccabee Defense MULTI SLR
Maccabee Defense MULTI-SLR
Maccabee Defense Model MULTI SLR
Maccabee Defense Model MULTI-SLR
Maccabee Defense Model Multi
Maccabee Defense Model SLR
Maccabee Defense Model SLR MULTI
Maccabee Defense Multi
Maccabee Defense SLR
Maccabee Defense SLR MULTI
Model MULTI SLR
Model MULTI-SLR
Model Multi
Model SLR
Model SLR MULTI
Multi
SLR
SLR MULTI

Year Dates

No Data Retrieved

Importer

No Data Retrieved



Title: PFR, Part 1, para. 87

Description:

87. The firearms of the designs commonly known as the M16, AR-10 and AR-15 rifles and the M4 carbine, and any variants or modified versions of them - other than one referred to in item 47, 49 or 50 of this Part.

This is **Exhibit "J"** referred to in the Affidavit of Wyatt Singer, sworn before me on October 1, 2020.

S. M. Oden

A Commissioner for Oaths in and for the
Province of Alberta

Lawyer - no expiry

Table: Firearms in the public Firearms Reference Table that cite amendments made in SOR/2020-96 as a legal authority for being Prohibited but are not explicitly named in SOR/2020-96.

* Denoted by the corresponding paragraph number in Part 1 of SOR/98-462.

** Release date of the public FRT version where a given firearm's Prohibited by OIC status was first available to the public.

*** Definition of values: NR – Non-Restricted, R – Restricted, P – Prohibited.

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
1891	Ruger	XGI	Rifle	Semi-Automatic	88	2020-05-07	243 WIN, 308 WIN	NR
3018	Weatherby	MARK V Deluxe	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
3036	Weatherby	MARK V Europa	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
3074	Weatherby	MARK V Euromark	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
3079	Weatherby	MARK V Deluxe	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
3080	Weatherby	MARK V Lazermark	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
4586	Dumoulin, Ernest	Continental 1	Rifle	Multi-Barrel	96	2020-05-07	460 WBY MAG	NR
4628	Dumoulin, Henri & Fils	Imperial Magnum Sovereign	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
4632	Dumoulin, Henri & Fils	Imperial Magnum Grand Luxe	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
4633	Dumoulin, Henri & Fils	Imperial Magnum	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
4638	Kimber	89 African	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
4929	Heym	Express	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
4929	Heym	Express	Rifle	Bolt Action	96	2020-06-16	600 NITRO EXPRESS	NR
15837	Modulo Masterpiece	Wizard Snap Long Range Match	Rifle	Single-Shot	96	2020-05-07	408 CHEYENNE TACTICAL	
22629	SIG	Stgw90PE	Rifle	Semi-Automatic	83	2020-02-21	5.56MM NATO	P
25204	Spendal	Double Rifle	Rifle	Multi-Barrel	96	2020-06-16	700 NITRO EXPRESS	NR

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
25626	Palmetto State Armory	KS47	Rifle	Semi-Automatic	87	2020-05-07	7.62X39 RUSSIAN	R
25822	Palmetto State Armory	PA-15 Pistol	Handgun	Semi-Automatic	87	2020-05-07	300 AAC BLACKOUT, 5.56MM NATO, 7.62X39 RUSSIAN, 9MM LUGER	R
27754	Webley & Scott	Wild Fowl Gun	Shotgun	Multi-Barrel	95	2020-05-28	4 GA	NR
28167	Purdey	Double Barrel Rifle	Rifle	Multi-Barrel	96	2020-06-16	600 NITRO EXPRESS	NR
29567	Mauser	1908 Brazilian Rifle	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
29836	McMillan	Talon Safari	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
29852	Harris Gunworks	Talon Safari	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
29900	Weatherby	MARK V Euromark	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
29914	Weatherby	MARK V Lazermark	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
30129	Weatherby	MARK V Crown Custom	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
30130	Weatherby	MARK V Safari Custom	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
30152	Weatherby	Classic MARK 1	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
30162	Weatherby	Classic MARK 2	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
32475	Weatherby	MARK V Custom	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
32477	Weatherby	MARK V Custom	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
32514	Weatherby	MARK V Safari Custom	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
32516	Weatherby	MARK V Safari Custom	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
33643	84 Gun	Classic	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
33645	84 Gun	Lobo	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
33647	84 Gun	Pennsylvania	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
34192	Ruger	No 1	Rifle	Single-Shot	96	2020-05-07	460 WBY MAG	NR
35211	Weatherby	MARK V	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
35213	Weatherby	MARK V	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
39531	Weatherby	MARK V Deluxe	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
48505	Diemaco	R7	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
49088	Professional Ordnance	Carbon 15	Rifle	Semi-Automatic	87	2020-05-07	223 REM, 5.56MM NATO	R
49092	Professional Ordnance	Carbon 15 Pistol	Handgun	Semi-Automatic	87	2020-05-07	223 REM	R
52260	Demas	Azur	Rifle	Multi-Barrel	96	2020-06-16	600 NITRO EXPRESS	NR
56936	Greener, WW	Duck Gun	Shotgun	Single-Shot	95	2020-05-28	4 GA	NR
57438	Prairie Gun Works	LRT2REP	Rifle	Bolt Action	96	2020-05-07	375 CT WILDCAT, 408 CHEYENNE TACTICAL, 416 CT WILDCAT	NR
57439	Prairie Gun Works	LRT2SS	Rifle	Single-Shot	96	2020-05-07	375 CT WILDCAT, 408 CHEYENNE TACTICAL, 416 CT WILDCAT	NR
57697	Prairie Gun Works	M18 Ti	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
57898	Westley Richards	Single Under-Lever Rifle	Rifle	Single-Shot	96	2020-06-16	600 X 3"	NR
58397	Grant, Stephen & Sons	Double Barrel Rifle	Rifle	Multi-Barrel	96	2020-06-16	600 NITRO EXPRESS	NR

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
60238	FAMARS	Venus Express	Rifle	Multi-Barrel	96	2020-06-16	600 NITRO EXPRESS	NR
60256	FAMARS	Africa Express	Rifle	Multi-Barrel	96	2020-06-16	600 NITRO EXPRESS	NR
60604	Zanardini	Oxford 407SL Express	Rifle	Multi-Barrel	96	2020-06-16	600 NITRO EXPRESS	NR
60617	Zanardini	Oxford 403SL Express	Rifle	Multi-Barrel	96	2020-06-16	600 NITRO EXPRESS	NR
60657	Zanardini	Bristol 409 Express	Rifle	Multi-Barrel	96	2020-06-16	600 NITRO EXPRESS, 700 NITRO EXPRESS	NR
67425	Unknown	Side By Side	Shotgun	Multi-Barrel	95	2020-05-28	4 GA	NR
68107	Mauser	Sporter	Rifle	Bolt Action	96	2020-05-07	375 CT WILDCAT	NR
68525	Boswell, Charles	Side By Side	Shotgun	Multi-Barrel	95	2020-05-28	4 GA	NR
72015	Unknown	Single Barrel	Shotgun	Single-Shot	95	2020-05-28	4 GA, 4 GA PERCUSSION	NR
82751	Westley Richards	Single Barrel	Shotgun	Single-Shot	95	2020-05-28	4 GA	NR
83771	Unknown	Sporter	Rifle	Single-Shot	96	2020-05-07	50, 50 BMG	NR
86838	Szecsei & Fuchs	SSS	Rifle	Other	96	2020-06-16	700 SSS	NR
88076	Olympic Arms	K23B	Rifle	Semi-Automatic	87	2020-05-07	223 REM, 40 S&W, 45 AUTO, 9MM LUGER	R
109095	Horsley, Thomas	Side By Side	Shotgun	Multi-Barrel	95	2020-05-28	4 GA	NR
117197	Homemade	Single Shot Rifle	Rifle	Single-Shot	96	2020-05-07	50 BMG	NR
117396	Bate, G	Side By Side	Shotgun	Multi-Barrel	95	2020-05-28	4 GA	NR
117595	Weatherby	MARK V DGR	Rifle	Bolt Action	96	2020-05-07	460 WB/MAG	NR
117772	Olympic Arms	KPM LE	Rifle	Semi-Automatic	87	2020-05-07	40 S&W, 9MM LUGER	R
118380	Prairie Gun Works	Timberwolf Tactical	Rifle	Bolt Action	96	2020-05-07	408 CHEYENNE TACTICAL	NR

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
118557	Nesika	M	Rifle	Single-Shot	96	2020-05-07	460 WBY MAG	NR
118558	Nesika	M	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
119327	Dlask Arms	DAP601	Handgun	Semi-Automatic	87	2020-05-07	9MM LUGER	R
120064	Schuerman Arms	SA40	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
120096	Voere	2002XXL	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
120313	Pfeifer Waffen	Zeliska	Handgun	Revolver	96	2020-06-16	600 NITRO EXPRESS	R
120316	Homemade	AR15	Rifle	Semi-Automatic	87	2020-05-07	223 REM, 308 WIN	R
120647	MAG	GS97	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
121746	CheyTac	M100 Intervention	Rifle	Bolt Action	96	2020-05-07	408 CHEYENNE TACTICAL	NR
121748	CheyTac	M200 Intervention	Rifle	Bolt Action	96	2020-05-07	408 CHEYENNE TACTICAL	NR
121752	CheyTac	M300 Shiloh	Rifle	Bolt Action	96	2020-05-07	408 CHEYENNE TACTICAL	
121753	CheyTac	M400 Shiloh	Rifle	Bolt Action	96	2020-05-07	408 CHEYENNE TACTICAL	
121754	CheyTac	CheyTac	Rifle	Single-Shot	96	2020-05-07	408 CHEYENNE TACTICAL	NR
122289	Searcy, B	Double Barrel Rifle	Rifle	Multi-Barrel	96	2020-06-16	700 NITRO EXPRESS	NR
122359	Diemaco	C7CT	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
122360	Diemaco	C8CT	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
122799	Bushmaster	Carbon 15 Pistol	Handgun	Semi-Automatic	87	2020-05-07	223 REM, 5.56MM NATO, 9MM NATO	R

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
123161	Cavalry Arms	CAV-15 Trooper	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
123162	Cavalry Arms	CAV-15 Scout	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
123420	CZ	CZ550 Safari Classic Magnum	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
123661	Heym	88B/SS Jumbo	Rifle	Multi-Barrel	96	2020-06-16	600 NITRO EXPRESS	NR
123803	CheyTac	M400	Rifle	Semi-Automatic	96	2020-05-07	408 CHEYENNE TACTICAL	NR
124641	Ligamec	Ultralite50	Rifle	Single-Shot	96	2020-05-07	50 BMG	
124643	Ligamec	USA50	Rifle	Semi-Automatic	96	2020-05-07	50 BMG	
124649	Medwell & Perrett	Double Barrel Rifle	Rifle	Multi-Barrel	96	2020-06-16	600 NITRO EXPRESS	NR
125015	Diemaco	CQB	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
125338	SIGARMS	SIG 556	Rifle	Semi-Automatic	83	2020-02-21	5.56MM NATO	P
125377	CheyTac	M310	Rifle	Single-Shot	96	2020-05-07	408 CHEYENNE TACTICAL	NR
125378	CheyTac	M310	Rifle	Bolt Action	96	2020-05-07	408 CHEYENNE TACTICAL	NR
125570	Global Tactical	GTAR15	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
125607	Diemaco	C8A2	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
125655	Colt	CQB	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
125657	Colt	C8CT	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
125660	Colt	C8A1	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
125661	Colt	C8A2	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
125672	Colt	SFW	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
126166	Remington	XM110	Rifle	Semi-Automatic	87	2020-05-07	7.62MM NATO	R
126363	TOZ	TOZ-123-01	Shotgun	Pump Action	95	2020-05-28	4 GA	NR
126415	Leitner-Wise Rifle	LW15-5.56CP	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
126420	Leitner-Wise Rifle	LW15-5.56SFODA	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
126476	Cloud Mountain	502 Thunder Sabre	Rifle	Semi-Automatic	87	2020-05-07	502 THUNDER SABRE	R
126478	Cloud Mountain	502 Big Bore Canyon	Rifle	Semi-Automatic	87	2020-05-07	502 THUNDER SABRE	R
126479	Cloud Mountain	502 Thunder Boss	Rifle	Semi-Automatic	87	2020-05-07	502 THUNDER SABRE	R
126747	Bushmaster	Carbon 15 Top Loading	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
126813	Prechtl, Gottfried	Mauser 98 Safari	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
126927	Diemaco	C8CT Copy	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
127591	Olympic Arms	K30R	Rifle	Semi-Automatic	87	2020-05-07	7.62X39 RUSSIAN	R
127592	Olympic Arms	K68	Rifle	Semi-Automatic	87	2020-05-07	6.8MM SPC	R
127602	Olympic Arms	K7 Eliminator	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
127790	SIG	SG552 SP	Rifle	Semi-Automatic	83	2020-02-21	223 REM	P

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
127846	Imperial Defence Services	MG4A5	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
127847	Imperial Defence Services	MG4A6	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
128270	Socom Firearms Corporation	Leonidas AR10	Rifle	Semi-Automatic	87	2020-05-07	307 WIN, 308 WIN, 7.62MM NATO	R
128272	Socom Firearms Corporation	Stubby ARC	Rifle	Semi-Automatic	87	2020-05-07	223 REM, 9MM LUGER, 9X21 IMI	R
128273	Socom Firearms Corporation	Diplomat	Rifle	Semi-Automatic	87	2020-05-07	223 REM, 5.56MM NATO	R
128287	Cavalry Arms	CAV-15A	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
128468	CheyTac	M200	Rifle	Bolt Action	96	2020-05-07	408 CHEYENNE TACTICAL	NR
128653	ZM Weapons	LR300AXLT	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
128667	SOG Armory	SOG Tactical	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
128692	Olympic Arms	ACB	Rifle	Semi-Automatic	87	2020-05-07	40 S&W	R
128736	SIG Sauer	P556	Handgun	Semi-Automatic	83	2020-02-21	5.56MM NATO	P
128807	EDM Arms	408 XM Series	Rifle	Bolt Action	96	2020-05-07	408 CHEYENNE TACTICAL	NR
128897	Lawton Machine	8500	Rifle	Single-Shot	96	2020-05-07	408 CHEYENNE TACTICAL	NR
129147	SIG Sauer	SIG 522	Rifle	Semi-Automatic	83	2020-02-21	22 LR	P
129152	Knights Armament Company	PDW	Commercial Version	Semi-Automatic	87	2020-05-07	6X35 TSWG	R

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
129426	R&C Armoury	AR15	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
129450	Lawton Machine	8000	Rifle	Bolt Action	96	2020-05-07	408 CHEYENNE TACTICAL	NR
130085	Unknown	AR15	Handgun	Semi-Automatic	87	2020-05-07	223 REM	R
130106	LWRC	M6/M6A3	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO, 6.8MM SPC	R
130122	LWRC	M6	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO, 6.8MM SPC	R
130350	Homemade	Black Powder Mortar	Mortar	Single-Shot	95	2020-05-07	3" MORTAR	NR
130417	China Xinshidai	Type CQ-A-1 Semi-Automatic Rifle	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
130443	Smith & Wesson	M&P 15R	Rifle	Semi-Automatic	87	2020-05-07	5.45X39 RUSSIAN	R
130447	Smith & Wesson	M&P 15VTAC	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
130451	Smith & Wesson	M&P 15X	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
130509	Barnard	P Chey	Rifle	Single-Shot	96	2020-05-07	408 CHEYENNE TACTICAL	NR
130627	Les Baer Custom	Police Special	Rifle	Semi-Automatic	87	2020-05-07	223 REM, 264 LBC-AR, 5.56MM NATO, 6X45	R
130829	Astra Arms	STG4	Rifle	Semi-Automatic	87	2020-05-07	223 REM, 5.56MM NATO	R
130869	Spike's Tactical	SLP-15 Pistol	Handgun	Semi-Automatic	87	2020-05-07	22 LR, 223 REM	R

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
131107	Stillers Precision Firearms	TAC408	Rifle	Bolt Action	96	2020-05-07	408 CHEYENNE TACTICAL	NR
131168	Stillers Precision Firearms	TAC408	Rifle	Single-Shot	96	2020-05-07	408 CHEYENNE TACTICAL	NR
131409	Homemade	AR-10 Copy	Rifle	Semi-Automatic	87	2020-05-07	308 WIN, 7.62MM NATO	R
131462	EAA	SAB92SF	Rifle	Multi-Barrel	96	2020-06-16	600 NITRO EXPRESS	NR
131494	LWRC	M6/M6A2 Pistol	Handgun	Semi-Automatic	87	2020-05-28	5.56MM NATO, 6.8MM SPC	
132171	SIG Sauer	SIG 522 Pistol	Handgun	Semi-Automatic	83	2020-02-21	22 LR	P
132450	Akdal	MKA 1919	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
132638	Bushmaster	LR-308	Rifle	Semi-Automatic	87	2020-05-07	308 WIN	R
133105	Thor Global Defense Group	408 XM Series	Rifle	Bolt Action	96	2020-05-07	408 CHEYENNE TACTICAL	NR
133396	Mossberg	702 Plinkster Tactical 22	Rifle	Semi-Automatic	87	2020-05-28	22 LR	NR
133417	Thor	TR15 Carbine	Rifle	Semi-Automatic	87	2020-05-28	5.56MM NATO	
133643	Mega Machine Shop	MEGA Pistol	Handgun	Semi-Automatic	87	2020-05-28	5.56MM NATO	
133756	Olympic Arms	K74	Rifle	Semi-Automatic	87	2020-05-07	5.45X39 RUSSIAN	R
133868	SIG Sauer	SIG 22SCM	Rifle	Semi-Automatic	83	2020-02-21	22 LR	P
133870	SIG Sauer	SIG 556	Rifle	Semi-Automatic	83	2020-02-21	5.56MM NATO	P
134296	Wells & Wells	Mauser Magnum Sporter	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
134481	Rock River Arms	LAR-PPS	Handgun	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
134637	Physics Applications	Universal Receiver	Other	Single-Shot	95	2020-05-07	20X102	NR
135377	Smith & Wesson	M&P 15TS	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
135550	Montana Rifle	1999 DGR	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
136602	Vltor Weapon Systems	VR	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO, 50 BOWWOLF, 7.62X39 RUSSIAN	R
136698	Mossberg	715T Tactical 22	Rifle	Semi-Automatic	87	2020-05-28	22 LR	NR, P
137416	Tomahawk	2010	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
137657	Proarms Armory	Par MARK 3	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
138116	SIG Sauer	SIG 556R	Rifle	Semi-Automatic	83	2020-02-21	7.62X39 RUSSIAN	P
138859	Mega Arms	MEGA GTR-3S	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
139842	Heckler & Koch	G28	Rifle	Semi-Automatic	87	2020-05-07	7.62MM NATO	R
139846	SIG Sauer	SIG 556xi	Rifle	Full Automatic	83	2020-02-21	5.56MM NATO	P
141379	Derya Arms	MK12	Shotgun	Semi-Automatic	87	2020-06-16	12 GA X 3"	NR
142062	Micor Defense	Leader 50	Rifle	Semi-Automatic	96	2020-05-07	50 BMG	
142063	Micor Defense	Leader 416	Rifle	Semi-Automatic	96	2020-05-07	416 BARRETT	
142124	Akdal	MKA 1919	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
142275	Alpharms	07SA	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
142624	Sterling Cross Defence Systems	Wartak Reaper MARK 1	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
144539	RGuns	TRR15 Pistol	Handgun	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
144624	Battle Rifle Company	BR4	Rifle	Semi-Automatic	87	2020-05-07	300 AAC BLACKOUT, 5.56MM NATO, 6.8MM SPC	R
144782	Franklin Armory	SE-SSP	Handgun	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
145119	Vigilance Rifles	VR1	Rifle	Semi-Automatic	96	2020-05-07	375 CHEYENNE TACTICAL, 408 CHEYENNE TACTICAL	
145170	Akdal	TAC-12	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
145288	Bora Arms	BR99	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
145724	Ruger	SR762	Rifle	Semi-Automatic	87	2020-05-07	308 WIN, 7.62MM NATO	R
146190	Alberta Tactical Rifle	Modern Hunter Prototype	Rifle	Semi-Automatic	87	2020-05-28	308 WIN	NR
146625	Mossberg	715P	Handgun	Semi-Automatic	87	2020-05-28	22 LR	R
147046	Alpharms	15SA	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
147181	Phase 5 Tactical	Atlas One Pistol	Handgun	Semi-Automatic	87	2020-05-28	5.56MM NATO	

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
147182	Phase 5 Tactical	P5T15 CQC Pistol	Handgun	Semi-Automatic	87	2020-05-28	5.56MM NATO	
147273	Colt	C8 CSC SCC	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
147524	Bushmaster	XM15E2S Pistol	Handgun	Semi-Automatic	87	2020-05-07	223 REM, 5.56MM NATO	R
147565	Battle Rifle Company	BR4	Handgun	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
147583	Troy Defense	Troy Proctor Carbine	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
147605	Troy Defense	Troy Rifle	Rifle	Semi-Automatic	87	2020-05-07	7.62MM NATO	R
147623	Core	Core-30	Rifle	Semi-Automatic	87	2020-05-07	308 WIN	R
147633	Troy Defense	Troy M7A1 Carbine	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
147706	Mossberg	715P Duck Commander	Handgun	Semi-Automatic	87	2020-05-28	22 LR	R
147718	Mossberg	715T Tactical 22 Duck Commander	Rifle	Semi-Automatic	87	2020-05-28	22 LR	NR
148323	Homemade	BA15	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
149826	Alberta Tactical Rifle	Modern Hunter	Rifle	Semi-Automatic	87	2020-05-28	243 WIN, 260 REM, 308 WIN, 338 FEDERAL, 6.5MM CREEDMOOR, 7MM-08 REM	NR
150026	CheyTac	M300 Intervention	Rifle	Bolt Action	96	2020-05-07	375 CHEYENNE TACTICAL, 408 CHEYENNE TACTICAL	NR

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
150046	CheyTac	M300	Rifle	Bolt Action	96	2020-05-07	375 CHEYENNE TACTICAL, 408 CHEYENNE TACTICAL	NR
150466	American Historical Foundation	Bushmaster XM15E2S Carbine United States Airborne Commemorative	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
151333	War Sport	LVOA	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
152106	CMMG	MK-47	Rifle	Semi-Automatic	87	2020-05-07	7.62X39 RUSSIAN	R
152326	Black Rain Ordnance	Fallout 15 NRA Rifle	Rifle	Semi-Automatic	87	2020-05-28	223 REM	
152346	Black Rain Ordnance	Fallout 15 Pistol	Handgun	Semi-Automatic	87	2020-05-07	223 REM	
152786	CMMG	MK-4 Pistol	Handgun	Semi-Automatic	87	2020-05-07	300 AAC BLACKOUT	
152986	Double Star	Star-15 C3	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
152988	Double Star	Star-15 3GR	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
152989	Double Star	Star-15 Midnight Dragon	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
152990	Double Star	Star-15 Patrol Rifle	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
153787	Kral	KRX	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
153906	LWRC	M6IC PSD Pistol	Handgun	Semi-Automatic	87	2020-05-07	5.56MM NATO	

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
153909	LWRC	M6.8 PSD Pistol	Handgun	Semi-Automatic	87	2020-05-28	6.8MM SPC	
153968	Montana Rifle	1999 SCR-SS	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
154686	Specialized Tactical Systems	SX3 Zombie Slayer Limited Edition	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
154726	Specialized Tactical Systems	SX3	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
154814	Troy Defense	Troy M5	Rifle	Semi-Automatic	87	2020-05-07	9MM LUGER	R
156869	Devil Dog Arms	DDA-15BS	Rifle	Semi-Automatic	87	2020-05-07	300 AAC BLACKOUT, 5.56MM NATO	R
156886	War Sport	LVOA Pistol	Handgun	Semi-Automatic	87	2020-05-07	223 REM	R
157447	Grey Ghost Precision	Specter Heavy	Rifle	Semi-Automatic	87	2020-05-07	308 WIN	R
157548	Husan & Eksen	MKA 1919 Match	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
157852	War Sport	GPR	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
158186	Homemade	DF15	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
158626	MKA Arms	MKA 1919	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
158929	Quartercircle10	GLF	Rifle	Semi-Automatic	87	2020-05-07	10MM AUTO, 45 AUTO	R
159566	Angstadt Arms	AA-0940	Rifle	Semi-Automatic	87	2020-05-07	9MM LUGER	R
160006	Manufacture Francaise d'Armes & Cycles de St Etienne	Cannon Breech Punt Gun	Shotgun	Single-Shot	95	2020-05-07	37MM RIMMED	

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
160166	CMMG	MK3 Pistol	Handgun	Semi-Automatic	87	2020-05-07	7.62MM NATO	R
160248	Coronado Arms	CA-15	Rifle	Semi-Automatic	87	2020-05-28	5.56MM NATO, 6.8MM SPC	
160426	Diamondback Firearms	DB-308	Rifle	Semi-Automatic	87	2020-05-28	308 WIN	
160874	Grande Armeria Camuna (GAC)	Thunder	Rifle	Bolt Action	96	2020-05-07	375 CHEYENNE TACTICAL, 408 CHEYENNE TACTICAL	NR
160875	Grande Armeria Camuna (GAC)	Big One	Rifle	Single-Shot	96	2020-05-07	375 CHEYENNE TACTICAL, 408 CHEYENNE TACTICAL	NR
161267	Noreen Firearms	BN408	Rifle	Semi-Automatic	96	2020-05-07	408 CHEYENNE TACTICAL	
161767	CQ	Type CQ-A Semi-Automatic Rifle	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
161966	Savminter Enterprises	Victor	Rifle	Semi-Automatic	89	2020-05-07	308 WIN	NR
162446	Alberta Tactical Rifle	Modern Varmint	Rifle	Semi-Automatic	87	2020-05-28	5.56MM NATO, 6.5MM GRENDL	NR
162566	Homemade	Lebel R1	Rifle	Semi-Automatic	87	2020-05-07	223 REM	R
163207	Fulton Armory	M21	Rifle	Semi-Automatic	89	2020-05-07	7.62MM NATO	NR
163346	Cadex	CDX-40 Shadow	Rifle	Bolt Action	96	2020-05-07	375 CHEYENNE TACTICAL, 408 CHEYENNE TACTICAL	NR

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
163926	Pardus	SD	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
164268	Derya Arms	VR90	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
164286	Uzkon	BR99	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
164328	Tomahawk	G7	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
164330	Tomahawk	G9	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
164331	Tomahawk	SA22	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
164335	Tomahawk	SA15	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
164336	Tomahawk	SO2	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
164366	Tomahawk	PA22	Shotgun	Pump Action	87	2020-05-28	12 GA X 3"	NR
164383	Tomahawk	SAG33	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
164662	Palmetto State Armory	PA-X9	Rifle	Semi-Automatic	87	2020-05-07	9MM LUGER	R
165247	CMMG	MK-47 Pistol	Handgun	Semi-Automatic	87	2020-05-07	7.62X39 RUSSIAN	R
165322	Palmetto State Armory	PA-X9 Pistol	Handgun	Semi-Automatic	87	2020-05-07	9MM LUGER	
166442	Norinco	305B	Rifle	Semi-Automatic	89	2020-05-07	223 REM	NR
166443	Norinco	NR-401 Semi-Auto Rifle	Rifle	Semi-Automatic	87	2020-05-07	7.62X39 RUSSIAN	R
166822	Adler	Adler B210	Shotgun	Bolt Action	87	2020-05-28	12 GA X 3"	NR

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
166825	Albert Arms	ALR	Rifle	Semi-Automatic	87	2020-05-28	338 LAPUA MAG	
166942	Berika	TA1950	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
167042	Warrior	Warrior Tactical Shotgun	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
167043	Berika	TS1950	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
169003	Uzkon	TR199	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
169222	Tresna Defense	Tresna JAG9G	Rifle	Semi-Automatic	87	2020-05-07	9MM LUGER	R
169442	Tresna Defense	Tresna JAG9G	Handgun	Semi-Automatic	87	2020-05-07	9MM LUGER	R
169783	Bula Defense Systems	XM21	Rifle	Semi-Automatic	89	2020-05-07	308 WIN, 7.62MM NATO	NR, R
170342	Axor	MF-2	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR, R
170742	S F Armory	RDR-MK1	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
170762	Axor	MF-1	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR, R
170843	F-1 Firearms	BDR-15-3G CA Pistol	Handgun	Semi-Automatic	87	2020-05-07	300 AAC BLACKOUT, 5.56MM NATO	R
170844	F-1 Firearms	BDR-15 CA Pistol	Handgun	Semi-Automatic	87	2020-05-07	300 AAC BLACKOUT, 5.56MM NATO	R
172502	Radical Firearms	RFS-15 Pistol	Handgun	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
174702	2A Armament	Aethon	Rifle	Semi-Automatic	87	2020-05-28	5.56MM NATO	

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
174943	Billet Rifle Systems (BRS)	BRS-47	Rifle	Semi-Automatic	87	2020-05-07	7.62X39 RUSSIAN	R
175091	Civilian Force Arms	CFA-15	Rifle	Semi-Automatic	87	2020-05-28	223 REM	
175204	Dez Arms	BR4-15	Rifle	Semi-Automatic	87	2020-05-28	223 REM	
175222	Dez Arms	TA-15	Rifle	Semi-Automatic	87	2020-05-28	223 REM	
175224	Fort Discovery	Expedition	Rifle	Semi-Automatic	87	2020-05-28	223 REM	
175324	Grey Ghost Precision	Cornerstone	Rifle	Semi-Automatic	87	2020-06-25	5.56MM NATO	
176607	GAC Rifles	Thunder	Rifle	Bolt Action	96	2020-05-07	375 CHEYENNE TACTICAL, 408 CHEYENNE TACTICAL	NR
176608	GAC Rifles	Big One	Rifle	Single-Shot	96	2020-05-07	375 CHEYENNE TACTICAL, 408 CHEYENNE TACTICAL	NR
176624	Typhoon Defence	F12 Typhoon	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	NR
178024	Black Leaf Industries	BL9	Handgun	Semi-Automatic	87	2020-05-07	9MM LUGER	R
178102	Troy Defense	Troy Rifle M10A1	Rifle	Semi-Automatic	87	2020-05-07	7.62MM NATO	R
179042	Ranger	XT3 Tactical	Shotgun	Semi-Automatic	87	2020-05-28	410 GA X 3"	NR
179645	DTI	DT10	Rifle	Semi-Automatic	87	2020-05-07	7.62MM NATO	R
179963	Black Creek Labs	BCL15 Pistol	Handgun	Semi-Automatic	87	2020-05-07	300 AAC BLACKOUT, 5.56MM	R

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
							NATO, 7.62X39 RUSSIAN	
180002	Spike's Tactical	Meanstreak	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
181623	DRD	Aptus	Rifle	Semi-Automatic	87	2020-05-07	223 REM, 300 AAC BLACKOUT	
181822	Maccabee Defense	SLR-MULTI	Rifle	Semi-Automatic	87	2020-05-28	204 RUGER, 223 REM, 224 VALKYRIE, 300 AAC BLACKOUT, 458 SOCOM, 6.5MM GRENDL, 7.62X39 RUSSIAN	NR
182802	Lobaev Arms	SVLK-14S	Rifle	Single-Shot	96	2020-05-07	408 CHEYENNE TACTICAL	NR
182882	Lobaev Arms	DXL-4	Rifle	Bolt Action	96	2020-05-07	375 CHEYENNE TACTICAL, 408 CHEYENNE TACTICAL	NR
183962	Falkor Defense	FD-30A	Rifle	Semi-Automatic	87	2020-05-07	300 WIN MAG	NR
184942	Colt	C8 IUR RCMP	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
185082	Smith & Wesson	M&P 15 Competition	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
185642	Alien Armory	AA9G	Rifle	Semi-Automatic	87	2020-05-28	9MM LUGER	
185682	Alien Armory	AAB-15	Rifle	Semi-Automatic	87	2020-05-28	5.56MM NATO	

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
185702	American Defense Manufacturing	UIC-9	Rifle	Semi-Automatic	87	2020-05-28	9MM LUGER	
185828	Bula Defense Systems	M21 DMR	Rifle	Semi-Automatic	89	2020-05-07	308 WIN, 7.62MM NATO	NR
185882	Caracal	CAR 816 A2	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
185923	Caracal	CAR 814 A2	Rifle	Semi-Automatic	87	2020-05-07	5.56MM NATO	R
186042	Christensen Arms	Carbon CA-15 G2	Rifle	Semi-Automatic	87	2020-05-28	5.56MM NATO	
186482	Radical Firearms	RF-15 Pistol	Handgun	Semi-Automatic	87	2020-05-07	300 AAC BLACKOUT, 5.56MM NATO	R
187342	Canuck	Havoc	Shotgun	Pump Action	87	2020-05-28	12 GA X 3", 20 GA X 3"	NR
187442	MKA Arms	MKA 1919PA	Shotgun	Pump Action	87	2020-05-28	12 GA X 3", 20 GA X 3"	
187582	MKA Arms	MKA 1919	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	
187983	Eternal	FX12	Shotgun	Semi-Automatic	87	2020-05-07	12 GA X 3"	NR, R
188284	MBX	Pro Series PCC	Rifle	Semi-Automatic	87	2020-05-07	9MM LUGER	R
188822	Ashbury Precision Ordnance	VX	Rifle	Bolt Action	96	2020-05-07	375 CHEYENNE TACTICAL, 408 CHEYENNE TACTICAL	NR
189362	Big Horn Armory	AR500	Rifle	Semi-Automatic	87	2020-05-28	500 AUTO MAX	
189742	Springfield Armory	Saint Pistol	Handgun	Semi-Automatic	87	2020-05-07	223 REM, 300 AAC BLACKOUT, 5.56MM NATO	R

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
189925	CK Arms	CKAR-9	Rifle	Semi-Automatic	87	2020-05-07	9MM LUGER	R
190322	Glarner Waffen	SPC-A2	Rifle	Semi-Automatic	87	2020-05-28	9MM LUGER	
191282	Windham Weaponry	WW-PS	Handgun	Semi-Automatic	87	2020-05-07	223 REM, 300 AAC BLACKOUT, 450 BUSHMASTER, 7.62X39 RUSSIAN	R
193146	Dasan	DAR10	Rifle	Semi-Automatic	87	2020-05-28	7.62MM NATO	
193662	Sharps Bros	Hellbreaker	Rifle	Semi-Automatic	87	2020-05-07	223 REM, 300 AAC BLACKOUT, 5.56MM NATO	R
194565	Voere	X3	Rifle	Bolt Action	96	2020-05-07	408 CHEYENNE TACTICAL	NR
194622	Alberta Tactical Rifle	Modern Sporter	Rifle	Semi-Automatic	87	2020-05-28	22 LR, 5.56MM NATO	NR
194802	Derya Arms	VR60	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	
194805	Stoner	SR-30 SBR	Rifle	Semi-Automatic	87	2020-05-07	300 AAC BLACKOUT	R
195057	TriStar	KRX	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	
195357	Concari	Steinbock	Rifle	Bolt Action	96	2020-05-07	460 WBY MAG	NR
195372	Concari	Royal	Rifle	Multi-Barrel	96	2020-05-07	460 WBY MAG	NR
195379	Concari	04	Rifle	Single-Shot	96	2020-06-16	600 NITRO EXPRESS	NR
195518	KE Arms	KE-9	Rifle	Semi-Automatic	87	2020-05-07	40 S&W, 9MM LUGER	R

FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
195889	FN	FN15 Pistol	Handgun	Semi-Automatic	87	2020-05-07	300 AAC BLACKOUT, 5.56MM NATO	R
195943	Live Free Armory	LF-10	Rifle	Semi-Automatic	87	2020-05-28	308 WIN	
195954	Unknown	M305	Rifle	Semi-Automatic	89	2020-05-07	7.62MM NATO	NR
196082	Springfield Armory	Saint Victor	Rifle	Semi-Automatic	87	2020-05-07	308 WIN	
196186	Palmetto State Armory	KS-47G2	Handgun	Semi-Automatic	87	2020-05-07	7.62X39 RUSSIAN	
196207	Radian	AX556	Rifle	Semi-Automatic	87	2020-05-07	22 LR	
196219	Landor Arms	LND-109	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	
196221	Landor Arms	LND-106	Shotgun	Semi-Automatic	87	2020-05-28	12 GA X 3"	
196232	Q	Honey Badger	Handgun	Semi-Automatic	87	2020-06-16	300 AAC BLACKOUT	
196233	Q	Sugar Weasel	Handgun	Semi-Automatic	87	2020-06-16	300 AAC BLACKOUT	
189307	Best Arms	BA612	Shotgun	Semi-Automatic	87	2020-08-31	12 GA x 3"	Non-restricted
189308	Best Arms	BA12	Shotgun	Semi-Automatic	87	2020-08-31	12 GA x 3"	Non-restricted
189306	Best Arms	BA712	Shotgun	Semi-Automatic	87	2020-08-31	12 GA x 3"	Non-restricted
189305	Best Arms	BA812	Shotgun	Semi-Automatic	87	2020-08-31	12 GA x 3"	Non-restricted
77171	Casartelli Carlo	Africa	Rifle	Bolt Action	96	2020-08-31	460 WBY MAG	Non-restricted
196335	Colt Canada	C20	Rifle	Semi-Automatic	87	2020-08-31	7.62mm NATO	Non-restricted

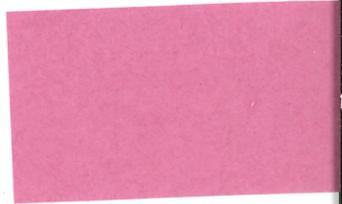
FRN	Make	Model	Type	Action	Legal Authority *	Prohibited Date (Public FRT) **	Affected Calibres	Pre-OIC Legal Classifications ***
123028	Harris & McMillan	Talon Safari	Rifle	Bolt Action	96	2020-08-31	460 WBY MAG	Non-restricted
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18369	United Defense	S5	Rifle	Semi-Automatic	87	2020-08-31	5.56MM NATO	
147264	Voere	XXL	Rifle	Bolt Action	96	2020-08-31	460 WBY MAG	Non-restricted
26237	Olympic Arms	CAR40	Rifle	Semi-Automatic	87	2020-08-31	40 S&W	

This is **Exhibit "K"** referred to in the Affidavit of Wyatt Singer, sworn before me on October 1, 2020.

Smiller

A Commissioner for Oaths in and for the
Province of Alberta

Lawyer - no expiring



The following list includes all Firearms Reference Table (FRT) records in existence as of May 1, 2020, affected by the May 1, 2020 Order in Council making 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). This list was created to assist firearms owners in identifying those firearms they may have possessed on May 1st, 2020, affected by the Order in Council. Should any additional variants be identified, this list will be updated.

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Hotchkiss 131714 1934 Canon SAH Hotchkiss	420
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Husan & Eksen 157548 MKA 1919 Match Husan & Eksen	421
IOF 143353 Vidhwansak Indian Ordnance Factory Tiruchirapalli (OFT)	422

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ISSC 182542 PAR223 Delta International Sport and Security Consulting (ISSC)	422
IWI 194724 UBGL Israel Weapon Industries (IWI)	422
Imperial Defence Services 127845 M16A3 Imperial Defence Services (IDS)	422
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Interarms 140920 ISA-15 High Standard Manufacturing/Firearms International (fi)	423
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Iron Ridge Arms 142065 IRA-10D Iron Ridge Arms (IRA)	424
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Israeli Mortar 131836 C03 Soltam	424
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JP Enterprises 48230 JP-15 Match JP Enterprises (JPE)	425
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Knights Armament Company 128854 M203 Lewis Machine & Tool (LMT)	443
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LaRue Tactical 129432 LT-15 LaRue Tactical	468
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Lamperd 146179 L40SL Lamperd	470
Lancer Systems LP 141739 L15 Lancer Systems LP	470
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MG Arms 171302 K-Yote MG Arms	489
MGI 128962 Marck 15 MG Industries (MGI)	492
MGO 143421 Zombie Mega Machine Shop (MMS)	494
MK Specialties 119826 M14A1 Semi-Automatic MK Specialties	494
MKA Arms 158626 MKA 1919 Husan & Eksen	494
MKE 148691 T40 Makina ve Kimya Endustrisi (MKE)	496
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Manville 35922 Manville Gas Gun Manville Manufacturing Corporation	500
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NEMO 143559 Battle Light New Evolution Military Ordnance (NEMO).....	523
Nemesis Arms 194204 11X10 Nemesis Arms.....	523
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Next Level Armament 171562 NLX556 Next Level Armament.....	528
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Nord Arms 194366 NA-308 Nord Arms.....	530
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Ohio Ordnance Works 121314 VZ2000 Ohio Ordnance Works (OOW)	554
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Ordnance Group 183422 TAC79 Ordnance Group	570
PGM Precision 127829 Hecate 2 PGM Precision	570
PMP 126678 NTW Pretoria Metal Pressings (PMP)	570
POF 126191 P415 Patriot Ordnance Factory (POF)	570
PPK 141520 KSK Zbrojovka Holice	576
PWA 24385 Commando Pac West Arms (PWA)	577
PWS 133398 MARK 1 Primary Weapons Systems (PWS)	578
Palmetto Armory 21304 BH15A1 Palmetto Armory/Schuetzen Gun Works (SGW)	583
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Quentin Defense 141524 QD-15 Quentin Defense	615
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Radical Firearms 172502 RFS-15 Pistol Radical Firearms	619
Rainier Arms 143579 RM-15 Rainier Arms	625
Ramo 124412 600 Ramo	627
Ranger 179042 XT3 Tactical Ranger Silah	627
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Red River Tactical 129505 RRT-TAC15 Red River Tactical	630
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Rocky Point Guns 133451 LE15 Rocky Point Guns	686
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Russian Artillery 129055 M1942 Anti-Tank Gun Russian State Arsenal, Perm	696
Russian Mortar 127903 M1937 Russian State Arsenals	696
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S F Armory 170742 RDR-MK1 S F Armory	696
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SI Defense 129507 SI AR-15 Sonju Industrial	704
SIG Sauer 130995 SIG 516 SIG Sauer Incorporated	706
SMOS 129517 Rogue-50 Stubborn Mule Outdoor Supply (SMOS)	715
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SOG Armory 128667 SOG Tactical Double Star Corporation	719
STI International 129751 AR15 Custom Rifle STI International	719
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Sabatti 18539 SAR Sabatti	721
Sabertooth Defence 128693 M4 Sabertooth Defence	721
Sabre Defence Industries 120443 XR15 Sabre Defence Industries (SDI)	721
Safety Harbor Firearms 126220 SHF/R50 Safety Harbor Firearms	728
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Saxonia 124739 Big Valve M2 Saxonia	736
Schermuly 134124 38mm Multi-Purpose Gun Pains-Wessex	736
Schmeisser 134596 AR15 Schmeisser GmbH	736
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Swiss Anti Tank Rifle 145158 Tankbusche 41 Swiss State Arsenals.....	794
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Sword International 141538 MARK 15 Model 0 Sword International.....	797
Szecsei & Fuchs 86838 SSS Szecsei & Fuchs.....	799
TKS Engineering 144080 AR15HD TKS Engineering.....	799
TNW 64203 Browning M2 Heavy Barrel Technetwork (TNW).....	799
TOZ 126363 TOZ-123-01 Tulsy Oruzheiny Zavod (TOZ).....	800
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Tippmann Arms 179182 M4-22 Tippmann Arms.....	810
Titusville Armory 125588 TA-15 Titusville Armory.....	810
Tom Sawyer 144089 M4-Z1 Tom Sawyer Manufacturing.....	810
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Unknown 67425 Side By Side	827
Ursus Firearms 193342 Kodiak International Firearms	828
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V Seven Weapons 166166 GI Seven V Seven Weapons	829
VC Defense 144560 VC-15 VC Defense	831
VM Hy-Tech 122070 VM50 VM Hy-Tech	831
Valkyrie Arms 122278 Browning M2 Heavy Barrel Valkyrie Arms	833
Vidalia Police Supply 141530 VPS-15 Vidalia Police Supply	833
Vigilance Rifles 145119 VR1 Vigilance Rifles	834
Vltor Weapon Systems 136602 VR Vltor Weapon Systems	834
Voere 120096 2002XXL Voere	835
Vulcan Armament 126505 V15 Vulcan Armament	835
WMA 144546 WMA-15 Working Man's Armory (WMA)	836
War Sport 151333 LVOA War Sport	837
Warrior 167042 Warrior Tactical Shotgun Oz Zumrut	838
Watsons Weapons 128702 50 Watsons Weapons	838
Weatherby 3018 MARK V Deluxe Sauer & Sohn (S&S)	838
Web Arms 125562 WA-15 Web Arms	840
Webley & Scott 27754 Wild Fowl Gun Webley & Scott	841
Wells & Wells 134296 Mauser Magnum Sporter Wells, Fred	841
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Westley Richards 57898 Single Under-Lever Rifle Westley Richards & Company	842
Wilson Combat 90495 AR15 UT Wilson Combat	842
Wilson Tactical 125584 WT-15 Wilson Tactical	854
Windham Weaponry 138396 WW-15 Windham Weaponry Incorporated (WWI)	854
Wolverine Tactical Firearms 144659 WT-15 Rdl Machine	857
Xtreme Gun 195909 XG15 Xtreme Gun (XG)	858
Xtreme Machining 133658 XR15 Xtreme Machining	860
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ZM Weapons 31325 LR300SR ZM Weapons	864
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Zanardini 60604 Oxford 407SL Express Zanardini	864
Zastava 122947 M93 Zavodi Crvena Zastava	866
Zastava Arms 126849 M93 Black Arrow Zastava Arms	866
Zastava Europe 45344 M93 Advanced Weapons Technologies (AWT)	866
Zelanysport 143120 Gazela 58 Zelanysport	866
Zombie Defense 150386 Z-4 Zombie Defense	866

FORM 80A - Rule 80

AFFIDAVIT

Court File No. T-577-20

FEDERAL COURT

BETWEEN:

CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY GILTACA, LAURENCE
KNOWLES, RYAN STEACY, MACCABEE DEFENSE INC., WOLVERINE SUPPLIES
LTD., AND MAGNUM MACHINE LTD.

Applicants

and

ATTORNEY GENERAL OF CANADA

Respondents

APPLICATION UNDER sections 18 and 18.1 of the *Federal Courts Act*, RSC 1985, c F-7.

AFFIDAVIT

I, Rick Timmins, of the City of Calgary, in the Province of Alberta, SWEAR THAT:

1. I am the founder and owner of Magnum Machine Ltd. (**Magnum**), also known as Alberta Tactical Rifle Supply.
2. Magnum is an Applicant to the Application in Court File No T-577-20 (the **Application**). I have personal knowledge of the facts sworn to in this Affidavit, except where I have stated facts that are based on information I have received, and in those cases I believe the information to be true.
3. The Application is a judicial review application and *Charter* 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 (the **Regulation**) and the *Order Declaring an Amnesty Period (2020)*, SOR/2020-97 (the **Amnesty Order**). The Application is also a judicial review application of certain *ad hoc* things done by the Royal

Canadian Mounted Police (**RCMP**), including through the Specialized Firearms Supports Services Unit (**RCMP SFSS**) and the Firearms Reference Table (**FRT**), as described in the Application. I adopt the defined terms in that Application for the purposes of my Affidavit.

4. I swear this Affidavit in support of the Applicants' response to the Respondent's objection to the production of certain records requested by the Applicants pursuant to Rule 317 of the *Federal Courts Rules*.
5. I have stated details regarding my personal background and the history of Magnum in my previous affidavit for the Injunction Application on this Court File Number, sworn on September 10, 2020 and filed on September 11, 2020 (the **Timmins Injunction Affidavit**). I adopt those details for the purposes of this Affidavit.

The Judicial Review Application

6. The Application was filed on May 26, 2020 and included, at paragraph 186, a request for material pursuant to Rule 317 of the Federal Courts Rules, SOR/98-106 (the **Rules**).
7. In the Application, at paragraph 186, the Applicants requested materials that are not in the possession of the Applicants, but, to my knowledge, are in the possession of the Attorney General of Canada (the **AGC**), as the representative of the Governor in Council (the **GIC**) and the RCMP (collectively, the **Respondent**), and such materials were before either the GIC or the RCMP at the time of making their respective decisions (collectively, the **Rule 317 Request**).
8. On September 11, 2020, the AGC provided its response to the Rule 317 Request, which included a letter from the Privy Council Office (the **Rule 318 Objection**).

GIC Producible Records

9. The Order in Council and Regulatory Impact Analysis Statement refers to several documents (the **GIC Producible Records**) which relate to the Application. I believe that the records enumerated in the Rule 317 Request are in the possession of the Respondent, because those records are specifically referenced in the Regulatory Impact Analysis

Statement that accompanied the Order in Council as noted in the Rule 317 Request, which also notes corresponding page numbers.

10. I am not in possession of the GIC Producible Records.

RCMP SFSS Producible Records

11. In addition to the GIC Producible Records, the Rule 317 Request makes reference to records in connection to “decisions made since May 1, 2020 by the SFSS and RCMP” with respect to the re-designation of firearms that are not listed in the Regulation but are now listed as prohibited in the FRT. The Rule 317 Requests specifically request disclosure of the implementation, compliance and enforcement, and service standards, including the RCMP SFSS re-designation decisions, the FRT entries and reports related to these re-designations.
12. With respect to the RCMP SFSS FRT re-designations, I believe that a number of records should exist which relate to the Application and are in the possession of the Respondent, including research, analysis, studies, presentations, photos, Technical Data Packages, work notes, inspection files, Inspection Reports from both before and after the re-designation, FRT Reports from both before and after the re-designation, letters, emails and other communications that were prepared, commissioned, considered, or received by the Respondent in relation to all re-designation decisions made since May 1, 2020 by the RCMP SFSS which are ostensibly related to the Regulation, including all changes to the classification, designation or determination of variants or modified versions of firearms listed in the Regulation, and all FRT entries and reports in connection with same (collectively, the **RCMP SFSS Producible Records**).
13. I am not in possession of the RCMP SFSS Producible Records.
14. My belief that the RCMP SFSS Producible Records are in the possession of the Respondent is a result of my personal experience from designing new firearms for the Canadian market, and having them classified and listed on the FRT by the RCMP SFSS.

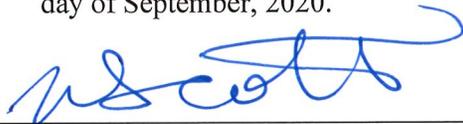
15. Through my work with Magnum, I have designed three firearms and submitted them for classification by the RCMP SFSS: the Modern Hunter, the Modern Varmint, and the Modern Sporter (the **Modern Rifles**). To sell the Modern Rifles, I first had to submit them for initial classification by the RCMP SFSS. As far as I am aware, there is no other way to bring a new firearm to the Canadian market besides having it first assessed and classified by the RCMP and obtaining an FRT designation entry for the firearm.
16. As stated in an RCMP statement prepared by a senior policy analyst, the RCMP are responsible for “providing technical expertise to determine the classification of firearms for registration purposes [and t]o aid in this process, the RCMP created the Firearms Reference Table (FRT)”. From my experience, the RCMP seem to determine the legal classification of firearms and make designation and re-designation decisions. Attached as **Exhibit “A”** to my Affidavit is the RCMP statement prepared by a senior policy analyst. Attached as **Exhibit “B”** is a news article from the National Post which also shows that the RCMP make legal determinations on firearms and work closely with the Public Safety Minister’s office in doing so.
17. Based on my experience in designing the Modern Rifles, I am familiar with a document which the RCMP SFSS rely on to make firearm designations, which is published by the RCMP SFSS and entitled *Protocol for Firearms Classification Determinations for Businesses* (the **Protocol Document**). The Protocol Document sets out the process followed by the RCMP SFSS to determine the classification of a firearm on the FRT when requested to do so by a licensed business. This is the process I followed when I submitted the Modern Rifles for classification. Attached as **Exhibit “C”** to my Affidavit as is a copy of the Protocol Document.
18. In addition, the Protocol Document shows that at least two documents are created for every RCMP SFSS designation decision:
 - (a) The Technical Data Package (created and submitted by the manufacturer or importer); and
 - (b) The FRT Record (created by the RCMP SFSS).

19. Along with the Protocol Document, I understand that the RCMP also use a checklist to make designation decisions regarding firearms before making entries or changing the FRT. This document is entitled the *Inspection Checklist* and shows that for every firearm inspection conducted by the RCMP, the Inspector is required to produce “work notes” which include “findings” and a “conclusion”. The *Inspection Checklist* also implies the creation of an “inspection file”. Attached as **Exhibit “D”** to my Affidavit is a copy of a blank *Inspection Checklist*, which was obtained through an access to information request to the RCMP.
20. Further, it has been my experience that a third document entitled an *Inspection Report* is often created by the RCMP SFSS during designation decisions which explains in detail the reasons for the classification decision. I understand that the RCMP may produce this *Inspection Report* upon request.
21. For example, in the process of designing the Modern Hunter and having it classified and approved by the RCMP for manufacture and sale in Canada, the RCMP created an *Inspection Report* and an FRT Report which was provided to me when the RCMP classified the Modern Hunter as a non-restricted firearm. Attached as **Exhibit “E”** to my Affidavit is a copy of the Modern Hunter *Inspection Report* and its FRT Report dated July 19, 2017, which designates the Modern Hunter as a non-restricted firearm.
22. Attached as **Exhibit “F”** to my Affidavit is a copy of an FRT Report dated July 19, 2017, which designates the Modern Varmint as a non-restricted firearm.
23. Attached as **Exhibit “G”** to my Affidavit is a copy of the Modern Sporter *Inspection Report* and its FRT Report dated October 4, 2018, which designates the Modern Sporter as a non-restricted firearm.

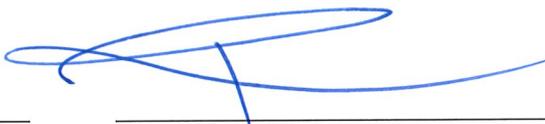
24. The Modern Rifles are not listed or otherwise enumerated in the Regulation. They are of a unique design and are not derived from any firearm listed in the Regulation. They are not variants of a firearm listed in the Regulation. Further, none of the Modern Rifles have a bore diameter of 20mm or greater, and none are capable of discharging a projectile with a muzzle energy greater than of 10,000 joules. The Modern Rifles remain the same firearms as when they were each first designated as non-restricted firearms.
25. Nevertheless, at some point after May 1, 2020, the RCMP SFSS modified the FRT by re-designating the Modern Rifles as prohibited firearms.
26. Attached as **Exhibit "H"** to my Affidavit is an FRT Report dated May 15, 2020 which purports to re-designate the Modern Hunter as a prohibited firearm.
27. Attached as **Exhibit "I"** to my Affidavit is an FRT Report dated May 15, 2020 which purports to re-designate the Modern Varmint as a prohibited firearm.
28. Attached hereto and marked as **Exhibit "J"** is an FRT Report dated June 11, 2020 which purports to re-designate the Modern Sporter as a prohibited firearm.
29. I did not receive any notice and I have never received any explanation in relation to these re-designations.
30. The RCMP SFSS originally classified the Modern Rifles as non-restricted firearms. The Modern Rifles do not trace their lineage to any prohibited firearm enumerated in the Regulation. The Modern Rifles were then re-designated by the RCMP on their own impetus, purportedly, as I understand it, as variants of the AR-10/AR-15/M16/M4 family of rifles. To date, I have received no explanation for this irreconcilable change in designation. There have been no design or specification changes to the Modern Rifles since they were first inspected by the RCMP SFSS prior to the Regulation.

31. The RCMP SFSS did not consult with Magnum before re-designating the Modern Rifles. It is my experience that records would have been produced with these, and any other (re)designation decisions by the RCMP SFSS. No records have been disclosed to me which relate to the re-designation of the Modern Rifles.
32. I swear this Affidavit in support of the Notice of Motion to compel the AGC to provide a proper and fulsome response to the Rule 317 Request.

SWORN BEFORE ME at the City of
Calgary, in the Province of Alberta, this
day of September, 2020.



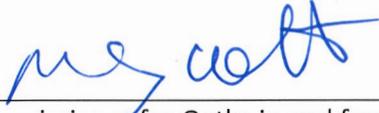
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Rick Timmins

Matthew Scott
Student-at-Law

This is **Exhibit "A"** referred to in the Affidavit of Rick Timmins, sworn before me on September 30, 2020.



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Matthew Scott
Student-at-Law

FIREARMS CLASSIFICATION

Background:

On June 6, 2018, an article was published on ipolitics that discusses the three year Amnesty Order made on March 20, 2018, under the *Criminal Code* (the Code), to protect owners who purchased Swiss Arms Four Seasons and Classic Green Sniper rifles in good faith. Upon introduction of Bill C-71, it became known that these firearms had in fact been determined to be prohibited by the Canadian Firearms Program (CFP).

The Order Declaring an Amnesty Period (2018) SOR/2018-46:

Firearms fall into three legal categories: non-restricted (ordinary hunting rifles and shot guns), restricted (most handguns and certain long guns prescribed as restricted), and prohibited (certain handguns, full and converted automatics and other firearms prescribed as prohibited).

Part III of the Code and 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* (the Regulations) establish the legal framework governing the classification of firearms in Canada. Firearms are classified as prohibited or restricted either by way of definition in the Code or through the Regulations. The Regulations list specific models of firearms (e.g. AK-47 rifle, Beretta BM 59, M16) as restricted or prohibited, and include "variants and modified versions" of those named models (e.g. any version of the Beretta BM 59 is prohibited). The term "variant" is employed as a means to capture future firearms that differ (e.g. barrel length, cartridge size) from those specifically listed in the Regulations, but are generally the same make and type. Firearms that are not restricted or prohibited are, by default, legally classified as non-restricted.

The RCMP Canadian Firearms Program (CFP) is responsible for the administration of the *Firearms Act* and for providing technical expertise to determine the classification of firearms for registration purposes. To aid in this process, the RCMP created the Firearms Reference Table (FRT), an administrative web-based database that contains determinations regarding the classification of all known firearms in the global market.

Occasionally, it comes to the CFP's attention that a previously unknown firearm has been imported into Canada before the CFP has had an opportunity to examine and determine the legal classification of the firearm. There may be firearms owners who acquired these firearms with the belief that they have the ability to lawfully possess them in Canada. However, on occasion, the firearm may be determined to be a prohibited firearm according to the definitions set out in the Code and or as variants or modified versions of a listed prohibited firearm in the Regulations. Subject to very few exceptions, it is illegal in Canada for individuals to possess prohibited firearms and, as a result, in such cases, the affected firearms owner could be subject to criminal liability for unlawful possession of a prohibited firearm.

Resulting from a technical analysis by the CFP, the Swiss Arms Four Seasons Series and the Classic Green Sniper rifle are determined to be variants of an existing firearm currently classified as prohibited (the Sturmgewehr SG-550 rifle), therefore by extension classifying these variants as prohibited firearms.

The objective of the Amnesty Order is to temporarily protect businesses and individuals who have acquired prohibited weapons while acting in good faith from criminal prosecution while the Government implements measures to address continued possession and use, and to limit circulation of those prohibited firearms.

The Amnesty Order will be in effect until February 28, 2021. Persons who hold a firearms licence and are in continuous possession, prior to and up until the Amnesty Order is signed, of a SAN Swiss Arms Model Classic Green Sniper rifle, a SAN Swiss Arms Model Ver rifle, a SAN Swiss Arms Model Aestas rifle, a SAN Swiss Arms Model Autumnus rifle or a SAN Swiss Arms Model Hiemis rifle, will be protected from criminal prosecution for possessing them until such time as new measures are in place to authorize the lawful possession of these firearms.

The Order will permit the affected persons to

- possess the firearm;
- deliver the firearm to a peace officer, firearms officer or chief firearms officer;
- sell or give the firearm to a business — including a museum — authorized to acquire and possess prohibited firearms; or
- transport the firearm for the purposes of delivering, selling, or giving it as provided for in the Order.

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This is **Exhibit "B"** referred to in the Affidavit of Rick Timmins, sworn before me on September 30, 2020.



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Matthew Scott
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COVID-19

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Liberal gun ban quietly expanded, potentially putting owners unknowingly on wrong side of the law

A spokesperson for Bill Blair said the government is 'considering options' for how it can make the list of banned firearms more available and transparent

Jesse Snyder

Jun 03, 2020 • Last Updated 3 months ago • 5 minute read



A spokesperson for Blair said the government is “considering options” for how it can make the list of banned firearms more available and transparent for firearms owners, retailers and manufacturers.

“We continue to work with the RCMP to ensure that the public Firearms Reference Table is updated as quickly and as thoroughly as possible to reflect changes that were brought in that day,” Mary-Liz Power said in a written statement.



Their discretion is wide-ranging

Blair defended the sweeping prohibition in early May, after some confusion emerged over whether some 10 and 12-gauge shotguns could be included in the ban, due to a provision that outlaws any firearm with a bore diameter greater than 20 millimetres.

Blair tweeted on May 5 that those claims were “absolutely incorrect” but did not update the terminology in the regulations. The RCMP later posted guidelines on its website that seemed to suggest shotgun bores would not be measured in a way that would outlaw them.

The RCMP’s updated list, however, does outlaw a number of four-gauge shotguns under the 20mm provision, including the Webley & Scott Wild Fowl Gun, a bird hunting firearm; the single-shot Duck Gun made by W.W. Greener, an English manufacturer; and the obscure Russian-made TOZ, among others. A number of other 12-gauge semi-automatic shotguns are now prohibited under the new FRT.

Ottawa’s May 1 regulations banned eleven types of firearms, which initially encapsulated roughly 1,500 types gun variants. The regulations broadly outlawed “assault-style firearms,” which many observers called an arbitrary distinction.

STORY CONTINUES BELOW



Prime Minister Justin Trudeau justified the ban by saying it targets firearms designed to “kill the largest number of people in the shortest amount of time.” Recent updates to the ban include some Western-style single-shot shotguns that need to be loaded one at a time, as well as high-calibre rifles used for the explicit purpose of killing a single target at long range.

Alison de Groot, managing director of the CSAAA, said the vague provisions within the Liberal regulations act as a catch-all that could constantly keep firearms owners in the dark about the legal status of their guns. Ottawa has declined to provide details as to when the FRT update could be complete.

“It’s at their discretion, which means we have no assurances, either as businesses or firearms owners, about what is allowed,” she said. “Because their discretion is wide-ranging.”

She said the retroactive additions point to the hasty assembly of the regulations. The CSAAA has been calling on Ottawa to compensate retailers and distributors by up to \$1.1 billion, after the ban left small businesses sitting on massive piles of inventory that can no longer be sold. Sales in many stores have ground to a halt as owners struggle to navigate daily changes to the prohibition list.

“I’ve never seen anything like this, in any country,” said Wes Winkel, owner of Ontario-based Ellwood Epps Sporting Goods.



The federal government’s gun ban regulations broadly outlawed “assault-style firearms,” which many observers called an arbitrary distinction.
PHOTO BY JONATHAN HAYWARD/THE CANADIAN PRESS/FILE

Winkel says 22 per cent of his inventory is now unsellable due to the Liberal ban, and new additions to the prohibition list have only deepened the confusion. The Turkish-made F12 Typhoon shotgun, for example, is now considered illegal under the recent updates, while the nearly identical Derya MK12 made by the same company remains non-restricted.

“We’re at a point now where it’s become so nonsensical that we’ve just started to pull inventory,” Winkel said.

In a letter to Blair last week, the Ontario Federation of Anglers and Hunters (OFAH) warned that illegal firearms “could have been used, transported, transferred or even attempted to be imported” due to the late classification of hundreds of rifle variants.

“The fact that the government is still determining what firearms are prohibited many weeks after the amended regulations came into force is a sure signal that these changes were not given the necessary time and scrutiny required for regulatory development of this magnitude,” the letter said.

Retailers will also be forced to cover storage costs for illegally imported firearms held by the Canada Border Services Agency (CBSA), even if those purchases were made legally in early May, but later deemed prohibited.

We’re at a point now where it’s become so nonsensical

The OFAH also decried the decision by the Liberal government to publish the Order in Council at a time when Parliament was operating on a limited basis, and when the general public was focussed on the COVID-19 pandemic.

“An Order in Council (OIC) may be a legal instrument to prescribe prohibitions, but it does not exempt the Government of Canada from the due diligence and rigor of the robust regulatory process that Canadians deserve,” the letter said.

Blair has said the Liberal government is crafting a buy back program for firearms deemed illegal under the new regulations, but has yet to provide details on the policy. Blair also said his government is looking to introduce a handgun ban when Parliament resumes, the enforcement of which would likely be left up to municipalities.

Gun advocates say the Liberal ban penalizes law-abiding citizens, while ignoring criminals who obtain their firearms illegally, and are responsible for much of the gun violence in Canada. People who support the ban say it will lower violence levels across the board by making guns less accessible to the public.

• Email: jsnyder@postmedia.com / Twitter: [jesse_snyder](https://twitter.com/jesse_snyder)



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TRENDING

THIS WEEK IN FLYERS



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Public Safety Minister Bill Blair. PHOTO BY ADRIAN WYLD/THE CANADIAN PRESS/FILE

TRENDING

1 John Ivison: It's becoming impossible to tell Liberals and New Democrats apart, and the implications are unsettling

with Video

2 Teacher says his tattoos and surgically blackened eyes cost him his kindergarten job

with Video

3 American could face prison time in Thailand for posting irate TripAdvisor review

4 'Will you shut up, man?', 'Nothing smart about you': Insults fly in first Trump-Biden debate

with Video

5 Daily horoscope for Wednesday, September 30, 2020

OTTAWA — The RCMP has quietly outlawed hundreds of rifles and shotguns over the past month, adding to the list of 1,500 firearms already banned by the Liberal government on May 1.

The list has been expanded without public notifications from either the RCMP or the federal government, raising concerns among gun sellers and owners that they could have unknowingly bought, sold or transported illegal firearms in recent weeks. The recently banned firearms have all been deemed illegal retroactively, as of May 1.

NP
EXPLAINED

Why 500K sharks may need to die for a COVID-19 vaccine

The new list also includes a number of single-shot and semi-automatic shotguns, and at least one Russian-made pump-action, despite repeated claims by Public Safety Minister Bill Blair that Ottawa's sweeping ban would not include guns used for bird hunting.

MORE ON THIS TOPIC



Liberal assault-style gun ban challenged by rights group in federal court

STORY CONTINUES BELOW

The RCMP did not respond to questions about how many firearms it has added retroactively to its Firearms Reference Table (FRT) since the beginning of May. The FRT serves as the official reference for what firearms are illegal under Canadian law. The RCMP designates firearms as legal or illegal based on its interpretation of Ottawa's regulations, which were updated on May 1 in an effort to ban military platform rifles like the AR-15 and AR-10.

A data set compiled by the Canadian Sporting Arms and Ammunition Association (CSAAA), shared with the National Post, suggests that at least 320 rifles and shotguns have been added to the original list of 1,500. The National Post independently verified 200 of the firearms included in the list, all of which appear in the updated FRT, but not in Ottawa's initial Order in Council.

This is **Exhibit "C"** referred to in the Affidavit of Rick Timmins, sworn before me on September 30, 2020.



A Commissioner for Oaths in and for the
Province of Alberta

Matthew Scott
Student-at-Law

Protocol for Firearms Classification Determinations for Businesses

Overview

This protocol outlines the process which will be followed by Specialized Firearms Support Services (SFSS) to determine the classification of a firearm and make the necessary Firearms Reference Table (FRT) entry when requested by a licenced business.

References

1. SFSS Standard Operating Procedures, Version 8.0, December, 2011.
2. FRT Standards and Editing Procedures, Version IV, July, 2004.

Scope

This protocol governs all valid requests for a classification determination by SFSS. Best efforts will be made to complete determinations without requiring a physical inspection of the firearm, noting that physical inspection will be necessary in complex cases or for firearms which are derived from full automatic designs.

For a request to be valid under this protocol it must meet all the following conditions:

1. The request for a classification determination must be for the purpose of selling firearms.
2. The request must be made in writing (electronic or hardcopy).
3. The originator of the request must be a business or individual appropriately licenced under the Firearms Act.
4. The item for which a classification determination is requested must qualify as a firearm per the definition of "firearm" in Section 2 of the Criminal Code.
5. The requestor must provide a technical data package with detail sufficient to clearly identify the firearm for which a classification determination is requested, the classification anticipated, and a comprehensive rationale which supports that classification.
6. The requestor must provide a sample firearm where it is established that other means are not likely to produce a conclusive result.

Submitting a Request

Requests may be sent in writing or by e-mail to the following address:

For requests concerning routine barrel length and/or calibre change, or antique status issues	For all other matters and all requests where a specimen will be been submitted
RCMP National Headquarters Specialized Firearms Support Services (SFSS) Firearms Technical Unit-L 73 Leikin Drive, Mail Stop #6 Ottawa, ON K1A 0R2 firearmident@rcmp-grc.gc.ca	RCMP National Headquarters Specialized Firearms Support Services (SFSS) Firearms Collection Custodian 73 Leikin Dr. NPS Ident Building, Suite 504 (Suite B-28) Ottawa, ON K1A 0R2 ftr-traf@rcmp-grc.gc.ca

Protocol for Firearms Classification Determinations for Businesses

If a request is made electronically, the supporting files must be in a commonly used format (.doc, .pdf, .txt, .jpg etc.) No proprietary formats may be used without prior authorization.

Firearms may not be shipped without prior authorization. Specific shipping instruction will be provided.

SFSS will act as the end user for International Import Certificates (IIC) if required, but only with prior authorization.

Processing a Request

The requestor is expected to provide a technical data package which includes a description of the firearm, the classification outcome anticipated, and a comprehensive rationale supporting the proposed classification. The technical data package will be evaluated by SFSS and when determined to be complete, the classification determination request will be placed in the work queue and will follow the prescribed timelines. SFSS will conduct independent research, perform a physical inspection if required, and arrive at a classification determination for the firearm in question within the prescribed timelines.

If the request for a classification determination was made by telephone or other informal means the client will be advised whether the request falls within the parameters of this protocol and if so, the client will be advised by e-mail or regular mail how to make a formal request and what information must be submitted.

If a formal request for a classification determination is received which is missing necessary information, the client will be advised by e-mail or regular mail describing what information is required and that the request cannot be processed until the information is received.

The client will be advised by e-mail or regular mail once all the required information has been received that the classification determination request is in the work queue and will follow the prescribed timelines. The client will also be advised that unexpected developments during the analysis of the technical data package supplied may result in a request for additional information.

Dormant Requests

A classification determination may become dormant because the requestor has not provided a complete technical data package or has not responded to supplementary questions arising from the evaluation of the data package, or has not supplied a sample firearm where required.

If a request becomes dormant longer than 180 business days, SFSS will close the file. If circumstances change, a new inspection file can be opened.

Protocol for Firearms Classification Determinations for Businesses

Physical Inspections

Physical inspection of a firearm for the purpose of creating or assigning an FRT record is mandatory for firearms which are derived from full automatic designs. Exceptions may be made if a similar firearm has already been inspected and SFSS is familiar with the design, in which case photographs supplemented with technical data may suffice.

Physical inspections will be required for other types of firearms when no other effective and reliable means can be identified to resolve a classification determination. Sample firearms must be functional and complete.

Submission of a firearm to SFSS for determination of classification will automatically grant permission for use of photographs of the firearm in the FRT. A permission form will be included in the instructions for submission of a firearm for physical inspection.

The CFP will be responsible for the acquisition of additional firearm exemplars necessary to conclude a classification determination, subject to budgetary constraints.

Timelines

The chart below identifies the service standard for various transactions. Note however, resources available to process business inspections are subject to reallocation to meet operational police requirements. Thus the specified timelines may not be achievable due to environmental circumstances.

Milestone	Response Time (business days)	Action
Acknowledgement of informal request	5 days	E-mail response including technical data package requirements
Evaluation of formal request and technical data package (repeated until the data package is complete)	5 days	E-mail response accepting the technical data package and addition of the request to the work queue; or identifying missing information that must be supplied by the requestor
Review of unconcluded requests following formal acceptance or previous review (repeated every 120 days)	120 days	Letter sent to the requestor by regular mail or scanned attachment to e-mail outlining the reason for the delay and requesting any additional information necessary to conclude the classification determination
Response by requestor for additional information	120 days	The classification request is dormant pending the response from the requestor; the lapsed time does not contribute to the totals for the 120 day review
Provision of sample or test firearm by requestor	90 days	The classification request is dormant pending the arrival of the sample from the requestor; the

Protocol for Firearms Classification Determinations for Businesses

		lapsed time does not contribute to the totals for the 120 day review
Appeal of classification determination	60 days	Requestor submits a rationale and any additional information to support a different classification outcome
Response to an appeal	60 days	Letter sent to the requestor by regular mail or scanned attachment to e-mail concerning the outcome of the appeal, with reasons
Acquisition of additional firearm exemplars by the CFP	90 days	The classification request is dormant pending the arrival of the exemplar; the lapsed time does not contribute to the totals for the 120 day review

Appeals

The business may appeal a decision in writing within 60 days which must include a rationale for why the SFSS classification determination is believed to be incorrect, what alternative is proposed, and any technical information necessary to support the position of the appellant. The SFSS reviewer will have access to the original research plus any new information provided by the appellant, and may conduct further independent research as needed.

Issuance of the FRT Number

The FRT record number for the firearm to which the classification determination applies may be an existing number (if a suitable record exists), a new child record for an existing FRT parent record, or an entirely new parent and child FRT record.

Please note that from time to time FRT records may be edited for clarity and format, addition of new information, or correction of errors or omissions.

Transition

Requests for a classification determination and sample firearms received for inspection prior to the implementation of this protocol will be undertaken in the spirit of this protocol with adaptations as necessary. Requestors may resubmit under the new system if desired.

Protocol for Firearms Classification Determinations for Businesses

Technical Data Package

The technical data package is expected to include the information specified for each category as applicable. Multiple categories may apply simultaneously (example: the firearm is derived from a full automatic design and potentially a variant of a prescribed firearm). Where available, the data package would include a copy of the owner's manual, the manufacturer's product catalog, other assessments of the firearm (such as an ATF letter), and a copy of the verifier's statement. Additional relevant information may be supplied. Furthermore, the data package must specify the classification outcome sought and a comprehensive rationale for that classification.

1. Variants of Full Automatic Firearms
 - A general description of the firearm and its operating characteristics
 - A list of differences between the full automatic version and the sample version, particularly as it applies to the frame or receiver
 - A list of full automatic mechanism components, if any, which are used in the sample firearm
 - Specify the steps taken to prevent installation of the full automatic mechanism or any of its components in the sample firearm
 - Specify the steps taken to prevent easy modification of the sample firearm to fire in a full automatic manner

2. Variants of Firearms named in the Criminal Code Regulations
 - A general description of the firearm
 - Specify whether the firearm is an independent design, or if derived from a specific firearm, which firearm
 - Provide design details sufficient to establish whether or not the sample firearm is a variant or modified version of a prescribed firearm

3. Barrel length Changes
 - If the barrel is commercially manufactured as a finished product, provide hard copy or a scan of the manufacturer's catalog or similar advertising describing the barrel
 - If the barrel is custom finished from a commercially manufactured barrel blank, provide hard copy or a scan of the manufacturer's catalog or similar advertising describing the barrel blank
 - If the barrel is custom manufactured as a finished product, provide an overview of the details of manufacture, in particular whether the barrel was made from raw stock or from a barrel salvaged from some other firearm
 - Provide the details concerning the calibre and length of the finished barrel
 - Indicate the endpoints on the barrel on which the length is based

Protocol for Firearms Classification Determinations for Businesses

- Indicate whether the chamber end of the barrel extends to the rear of the breech face or whether any accessories are attached to the muzzle.
 - If the barrel length is within 2 mm of a critical length (105 mm for handguns; 457 mm and 470 mm for rifles and shotguns), include a photograph of the barrel length measurement. For example, a photograph of a handgun barrel between the jaws of calipers showing the measurement.
4. Calibre Changes
- If the barrel is commercially manufactured as a finished product, provide hard copy or a scan of the manufacturer's catalog or similar advertising describing the barrel
 - If the barrel is custom finished from a commercially manufactured barrel blank, provide hard copy or a scan of the manufacturer's catalog or similar advertising describing the barrel blank
 - If the barrel is custom manufactured as a finished product, provide an overview of the details of manufacture, in particular whether the barrel was made from raw stock or from a barrel salvaged from some other firearm
 - Provide the details concerning the calibre and length of the finished barrel
 - Provide a photograph of the calibre data stamp on the barrel
5. Antique Firearms
- A general description of the firearm and where known, the make, model and manufacturer information, calibre, and date of manufacture.
 - Provide detailed photographs of the firearm with clear close up images of all markings and logos including but not limited to make, model, manufacturer, calibre, dates, proof marks, patents, inspection marks, and serial number.
 - Describe any modifications made to the firearm, if known, since original manufacture
6. Miscellaneous Firearms Classification
- This includes the determination of whether a firearm is a handgun or not, which component or components serve as the receiver or frame of a firearm, whether a low velocity or low energy device qualifies as a firearm, and other miscellaneous issues
 - Due to the diverse nature of possible issues, the data package should include a thorough description of the firearm including photographs and manufacturer's specifications, plus technical information specific to the purpose of the request for a classification determination.

This is **Exhibit "D"** referred to in the Affidavit of Rick Timmins, sworn before me on September 30, 2020.



A Commissioner for Oaths in and for the
Province of Alberta

Matthew Scott
Student-at-Law

INSPECTION CHECKLIST

INSPECTION REQUESTED		DATE & Initial
Initiator	Send "Request for physical Inspection" to client	
Initiator	E-mail to Inspection Group, attn. File Manager, with Make, Model and client information	
File Manager	Open file (Make & Model sufficient at this point)	

FIREARM ARRIVES		DATE & Initial
Custodian	Send e-mail to Inspection Group, cc: Initiator (when applicable) attn. File Manager, confirming contents of shipment, including the following – Use initiators original email request when available: <ul style="list-style-type: none"> • Full description of the firearm and accompanying accessories • Serial number when present • With or without a magazine, indicate how many • Condition of the packaging and content on arrival • Province (if known) • Purpose of inspection (if known) • FIN # (indicate if newly generated) 	
Custodian	Add to PWS if required	
File Manager	Add file to the Summary List of Inspection	
File Manager	3.2.3 and 3.3.1 SOP Notify client or FTU-L Initiator of receipt of shipment. If appropriate, request permission from owner to have images added to FRT.	
Inspector	Inspect firearm for required purpose	
Inspector	3.4.1 and 3.5.1 SOP Produce Work Notes including the following: <ul style="list-style-type: none"> • Date of inspection • Description of item being inspected, including S/N when present • Purpose of inspection • Individuals involved in the inspection • Inspection details – what was done, procedure followed • Findings • Conclusion 	
Photographer	Produce 2 copies of all images on CD/DVD (labeled by File #), one to be include in inspection file and one to be kept as the backup	
Inspector	3.5.1 SOP Place research, correspondence, written notes, copy of final FRT record (if involved) and print photos in inspection file	
Inspector	3.5.2 SOP When firearm is involved, update or create FRT record based on inspection findings, add inspection file # to References	
Inspector	To bring file to File Manager, File Manager brings to Chief Firearms Technologist	
Chief Firearms Technologist	3.4.1 SOP Review Work Notes. Author and Reviewer both sign the report. For inspection generated by a formal request, produce an Inspection Report on RCMP letterhead	
Inspector	3.5.2 SOP Where a new FRT record is involved, place (staple) research notes, copy of final FRT record and printed photos in corresponding hanging file	
Chief Firearms Technologist	3.4.2 SOP Notify client, cc: Inspection Group and Initiator (when applicable) of the outcome, confirm the return mailing address and PAIN information.	
Chief Firearms Technologist	3.4.2 SOP Bring signed file to File Manager	
File Manager	Update the file on the Summary List of Inspection	

File Manager	Verify the overall file	
FIREARM RETURNED		DATE & Initial
File Manager	3.6.1 SOP Send e-mail to Inspection Group, attn. custodian, cc: Initiator (when applicable), indicating the firearm is to be returned and provide the return mailing address -Using string of email from initial request	
Custodian	Transfer firearm in PWS	
Custodian	3.6.2 SOP Arrange firearm to be sent back and send e-mail to the Client or FTU-L Initiator cc: Inspection Group, the shipment date, the name of the carrier and the tracking number of the parcel	
File Manager	Print the tracking number activities and signature of the recipient	
File Manager	Update the file on the Summary List of Inspection	
File Manager	File the inspection file	

Inspection Group:

Custodian
 Chief Firearms Technologist
 Mgr. Quality Control Analyst
 File Manager
 Inspector
 Cc: Quality Control Analyst

FTU-L Initiator:

Senior Firearms Technician
 Cc: Firearm Technician

This is **Exhibit "E"** referred to in the Affidavit of Rick Timmins, sworn before me on September 30, 2020.



A Commissioner for Oaths in and for the
Province of Alberta

Matthew Scott
Student-at-Law



FRT Report

Network Version 3.18.0

Firearm Reference No.: 149826

Date: 2017/07/19

Page: 1 / 13

Summary

Make: Alberta Tactical Rifle
Model: Modern Hunter
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA
Serial Numbering: See Note
Legal Classification: Non-Restricted

Calibre, Shots and Barrel Length

Firearm Ref. No.	Calibre	Shots	Barrel (mm)	Legal Classification Legal Authority	Level	Barrel Type Code
149826 - 2	243 WIN	5	473	Non-Restricted CC 2 "firearm"	Manufacturer Specifications and Commercial Customization	
149826 - 3	260 REM	5	473	Non-Restricted CC 2 "firearm"	Manufacturer Specifications and Commercial Customization	
149826 - 4	308 WIN	5	473	Non-Restricted CC 2 "firearm"	Manufacturer Specifications and Commercial Customization	
149826 - 1	308 WIN	5	560	Non-Restricted CC 2 "firearm"	Manufacturer Specifications and Commercial Customization	
149826 - 5	338 FEDERAL	5	473	Non-Restricted CC 2 "firearm"	Manufacturer Specifications and Commercial Customization	
149826 - 6	6.5MM CREEDMOOR	5	473	Non-Restricted CC 2 "firearm"	Manufacturer Specifications and Commercial Customization	
149826 - 7	7MM-08 REM	5	473	Non-Restricted CC 2 "firearm"	Manufacturer Specifications and Commercial Customization	

Notes

Make - "ALBERTA TACTICAL RIFLE", "MODEL Modern Hunter", "CALGARY, ALBERTA", "outline of a Maple leaf" and "CANADA" was observed marked on the right side of the magazine housing of the receiver/frame.



FRT Report

Network Version 3.18.0

Firearm Reference No.: 149826

Date: 2017/07/19

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Model

- introduced in 2015.
- this firearm is a production version of the ATRS, Model, Modern Hunter firearm.
- the ATRS Modern Hunter uses a Timney AR-10 self-contained drop in trigger unit with single hammer pin mounting system.
- the trigger well in the lower receiver is machined to fit mil-spec AR-10, 15 trigger and hammer parts, however this particular firearm receiver has a self-contained trigger mechanism which mounts on the hammer axis pin, there is no trigger pin hole in the receiver.
- the ATRS, Model - Modern Hunter upper receiver does not have a cut for an automatic sear, and has a different system for mounting upper to lower receivers than either the AR-10 or AR-15 Rifles.
- overall length of firearm butt collapsed 980mm.
- overall length of firearm butt extended 1080mm.

Manufacturer

- Alberta Tactical Rifle/Alberta Tactical Rifle Supply is located in Calgary, Alberta, Canada.
- Alberta Tactical Rifle/Alberta Tactical Rifle Supply is a Division of Magnum Machine Limited.
- Alberta Tactical Rifle/Alberta Tactical Rifle Supply specializes in custom precision rifle manufacture, upgrades and modifications.

Action

- gas operated.

Calibre

- 308 WIN 1:10 and "ATRS" may be found marked on the barrel.

Shots

- detachable box magazine.
- the magazine well of the ATR Modern Hunter is of an early (first generation) AR-10 design, and will accept early AR-10 magazines and the Stoner SR-25 magazine.
- late model AR-10 magazines do not fit and function in this firearm.

Serial Number

- serial number rationalization as follows: - the ATRS prefix is an abbreviation of the manufacturer's brand name, Alberta Tactical Rifle Supply; followed by 2 digits - indicating the year of manufacture, followed by the Roman alphabet letters "MH" denoting the model - "Modern Hunter"; with the final six (6) numbers being the firearm's unique serial number within the Modern Hunter series production.
- serial number was observed marked on the right side of the magazine housing of the lower receiver/frame.
- observed serial number consisted of a four letter prefix followed by a series of letters and numbers.

Canadian Law Comments

- this firearm design is derived from an amalgamation of several different firearm designs and does not trace its design lineage directly or uniquely to a "prohibited" or a "restricted" firearm found in the Regulations appended to the Criminal Code.

Other Markings

- the trade name "Alberta Tactical Rifle" may be found marked upon the left side of the upper receiver.
- a stylized maple leaf and the word CANADA may be found marked on the right side of the upper receiver to the rear of the ejection opening.

Cross-References

Firearm Ref. No.	Make	Model	Manufacturer	Type	Action
146190	Alberta Tactical Rifle	Modern Hunter Prototype	Alberta Tactical Rifle	Rifle	Semi-Automatic

Also Known As/Product Code

- ATRS MH
- MH



FRT Report

Network Version 3.18.0

Firearm Reference No.: 149826

Date: 2017/07/19

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Year Dates

No Data Retrieved

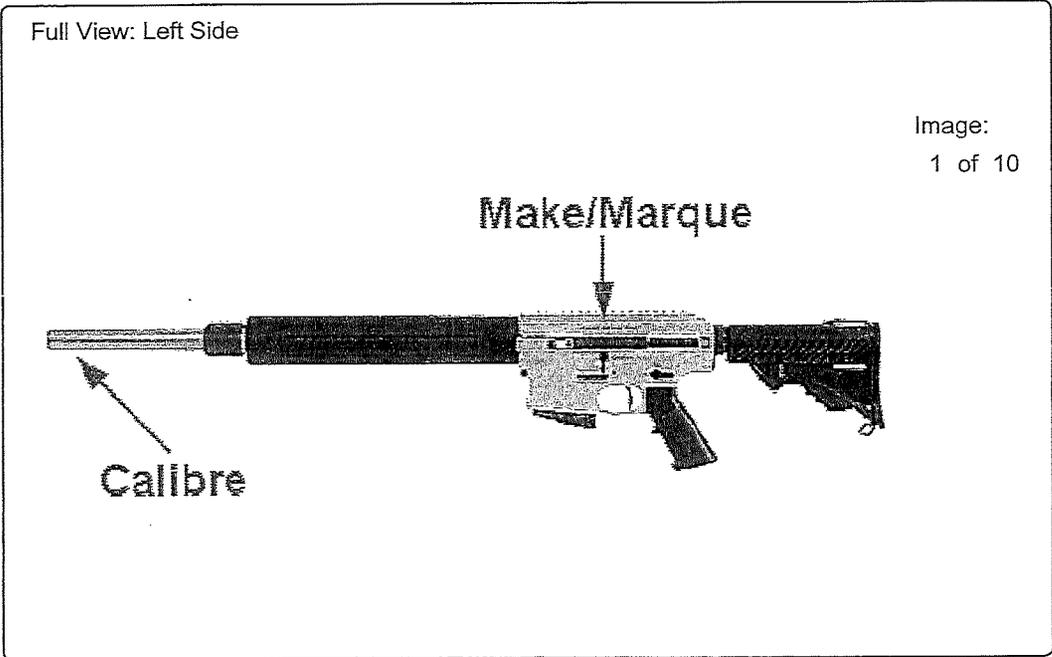
Importer

No Data Retrieved



Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Hunter
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA



**FRT Report**

Network Version 3.18.0

Firearm Reference No.: 149826

Date: 2017/07/19

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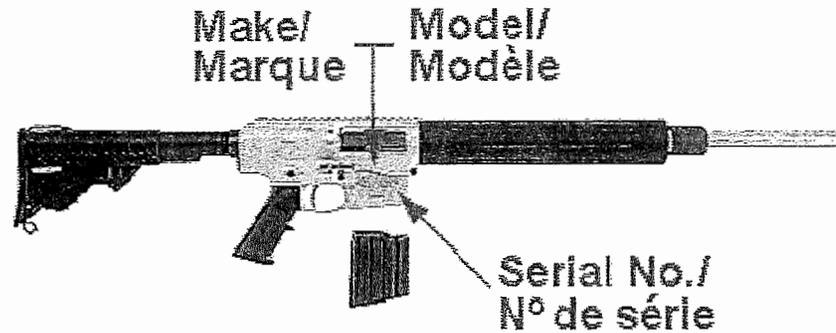
Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Hunter
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA

Full View: Right Side

Image:

2 of 10



**FRT Report**

Network Version 3.18.0

Firearm Reference No.: 149826

Date: 2017/07/19

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Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Hunter
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA

Close-up #1: Left Side

Image:
3 of 10

**FRT Report**

Network Version 3.18.0

Firearm Reference No.: 149826

Date: 2017/07/19

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Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Hunter
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA

Close-up #2: Left Side

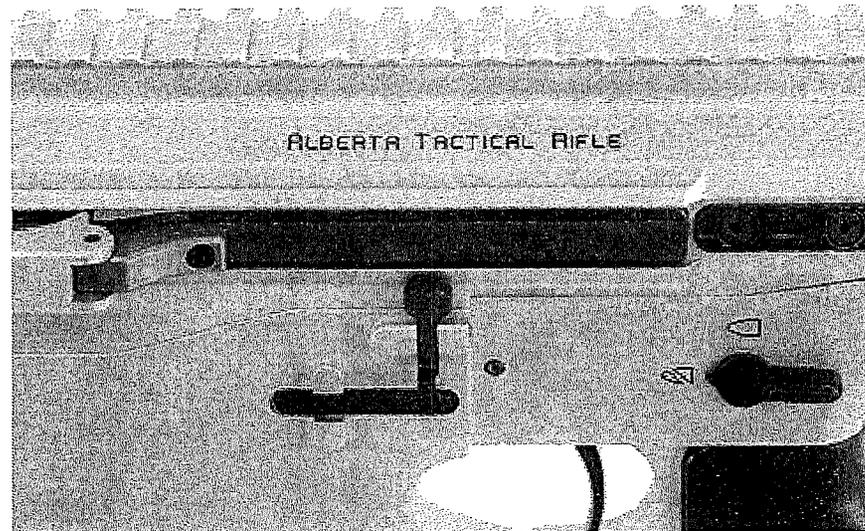


Image:

4 of 10

**FRT Report**

Network Version 3.18.0

Firearm Reference No.: 149826

Date: 2017/07/19

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Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Hunter
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA

Close-up #1: Right Side

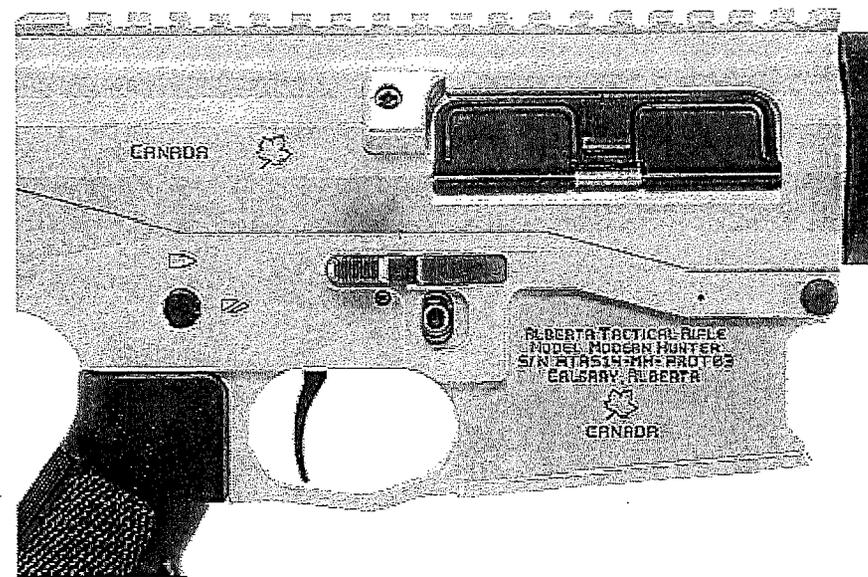


Image:

5 of 10

**FRT Report**

Network Version 3.18.0

Firearm Reference No.: 149826

Date: 2017/07/19

Page: 9 / 13

Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Hunter
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA

Close-up #2: Right Side

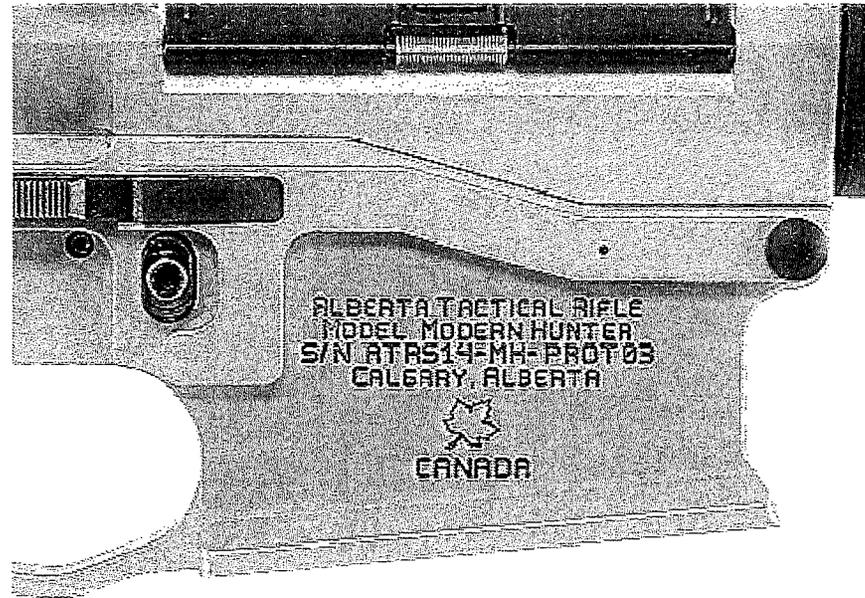


Image:

6 of 10

**FRT Report**

Network Version 3.18.0

Firearm Reference No.: 149826

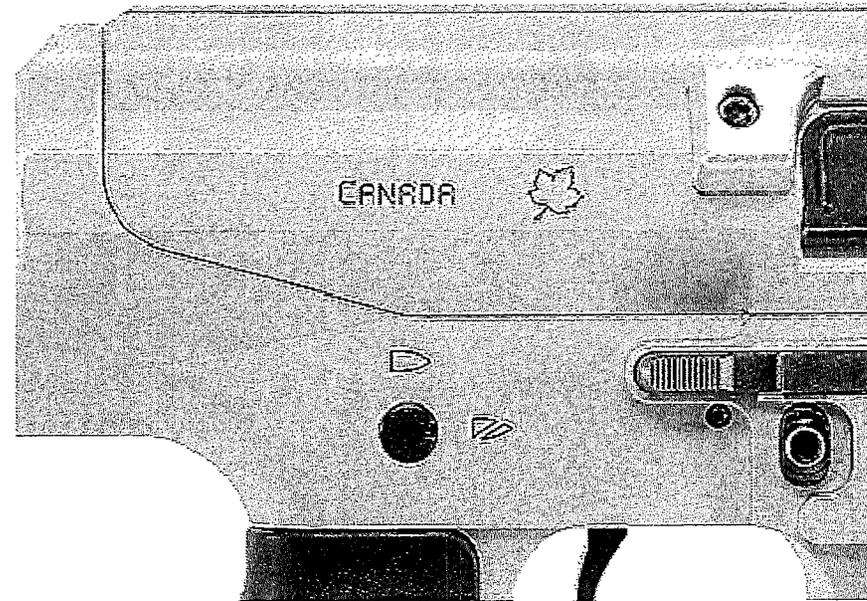
Date: 2017/07/19

Page: 10 / 13

Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Hunter
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA

Close-up #3: Right Side

Image:
7 of 10

**FRT Report**

Network Version 3.18.0

Firearm Reference No.: 149826

Date: 2017/07/19

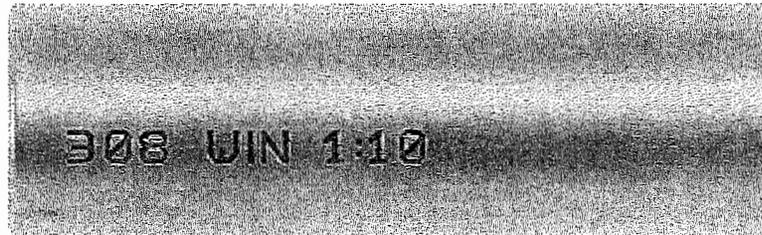
Page: 11 / 13

Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Hunter
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA

Close-up #1: Bottom

Image:
8 of 10



**FRT Report**

Network Version 3.18.0

Firearm Reference No.: 149826

Date: 2017/07/19

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Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Hunter
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA

Close-up #2: Bottom

Image:

9 of 10



**FRT Report**

Network Version 3.18.0

Firearm Reference No.: 149826

Date: 2017/07/19

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Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Hunter
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA

Close-up #1: Top

Image:
10 of 10

**INSPECTION REPORT
ALBERTA TACTICAL RIFLE
MODEL MODERN HUNTER
SERIAL NUMBER - ATRS14-MH-PROT03
CASE NUMBER GFC-2000-7-1-149826**

2015-01-08

SUBJECT AND PURPOSE OF INSPECTION

Alberta Tactical Rifle, Model - Modern Hunter, S/N ATRS14-MH-PROT03.

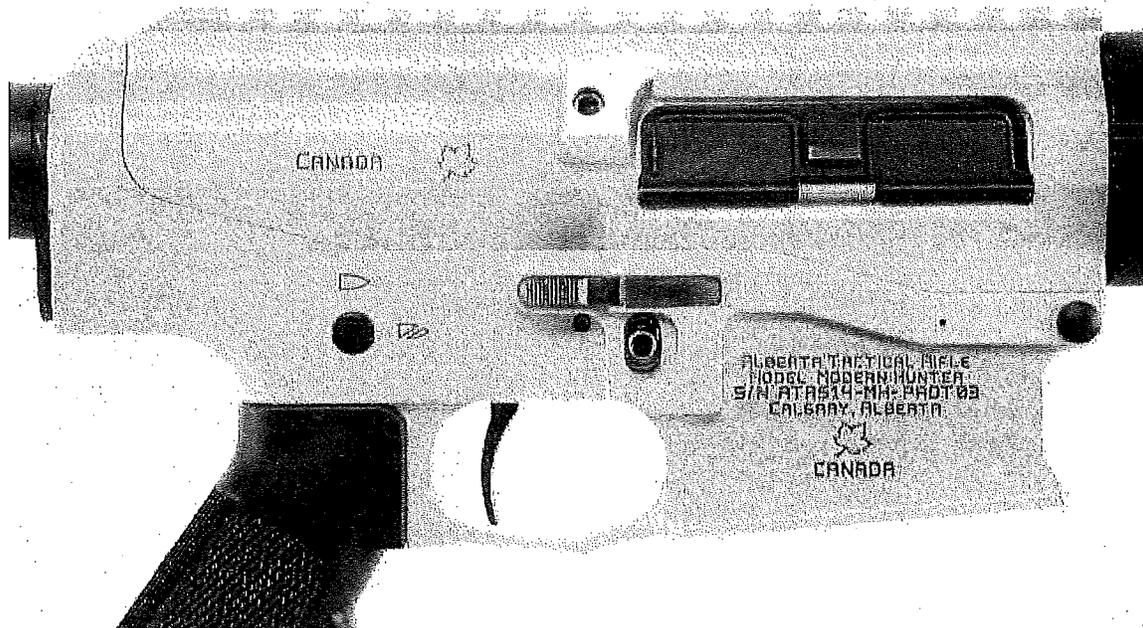


FIG -1

1. Specialized Firearms Support Services (SFSS) requested an inspection to determine the legal classification of the production model of the subject firearm.

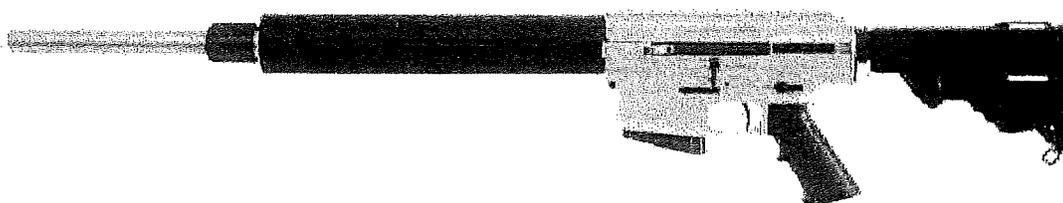


FIG -2 - Alberta Tactical Rifle, Model - Modern Hunter, S/N ATRS14-MH-PROT03

DESCRIPTION

The firearm as received at Specialized Firearms Support Services Section:

Make: Alberta Tactical Rifle
Manufacturer: Alberta Tactical Rifle
Model: Modern Hunter
Caliber: 308Win
Barrel length: 368mm
S/N: ATRS14-MH-PROT03
FRT # 149826
Fin : N/A
Certificate : N/A

SCHEDULE

2. On 2014-10-27, Specialized Firearms Support Services (SFSS) received a production version of the Modern Hunter Model firearm from Rick Timmins of Alberta Tactical Rifle, on 2014-12-11 a formal examination commenced and was completed 2015-01-08, images were taken during the 2014-12-11 to 2015-01-08 time period.

FINDINGS

1. The Alberta Tactical Rifle, Model Modern Hunter Rifle undergoing inspection has a purpose built semi-automatic rifle receiver/frame. This receiver has been machined in accordance with US BATF requirements for similar Armalite style firearms; the rear portion of the trigger well is narrowed (.6220in-15.79mm) so an automatic sear cannot be installed, as shown in **Fig -2**.

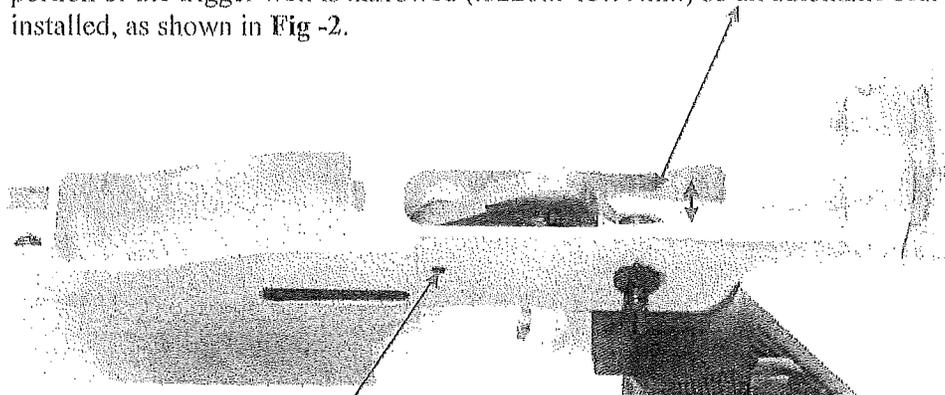


Fig -2

2. The ATR Modern Hunter uses a Timney, AR-10 self-contained drop in trigger unit with single hammer pin mounting system. The trigger well is machined to fit mil-spec AR-10, trigger and hammer parts, (as this particular mechanism has a self-contained trigger there is no trigger pin hole in the receiver) as shown in **Fig -2**.

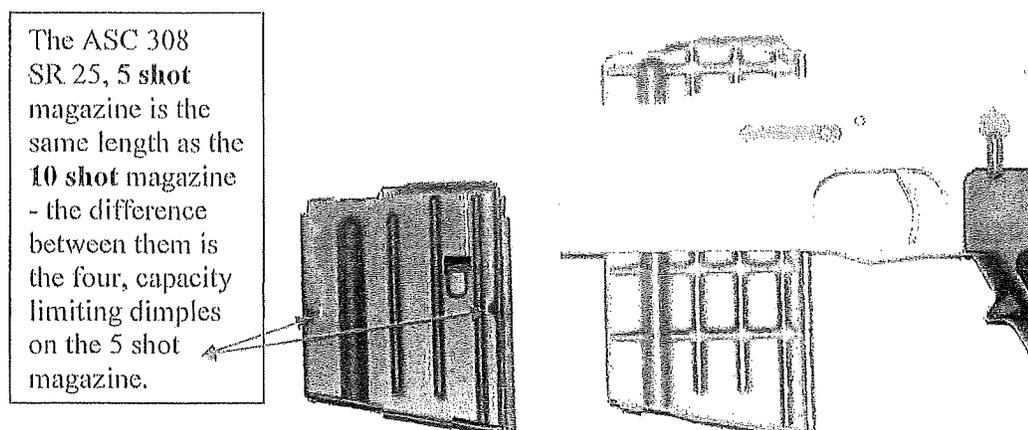


Fig -3 ASC, 308 cal (SR 25), 5 shots (first generation) AR-10 cartridge magazine

3. The magazine well of the ATR Modern Hunter is of an early (first generation) AR-10 design, and will fit early AR-10 magazines and the Stoner SR-25 magazine. Late model AR-10 magazines do not fit.
4. The ATR Modern Hunter arrived at SFSS equipped with a 5 shot, ASC 308 (SR 25), 5 shot magazine as shown on the left of **Fig -3**.



Impact-res polymer for



Fig -4 Bushmaster model - ACR

Fig -5 ATR model, Modern Hunter

5. The receiver/trigger mechanism housing group of an Alberta Tactical Rifle, Model, Modern Hunter resembles that of a Bushmaster ACR as shown in Figs -4 & -5.



Fig -6 Bushmaster, model ACR



Late model AR-10 (top)
 Early model AR-10 (center)
 Alberta Tactical Rifle, Model Modern Hunter (bottom).
 The Alberta Tactical Rifle, Model - Modern Hunter design has some features of the early model AR-10 (magazine) and some features of the late model AR-10 (magazine release, pistol grip, selector, hammer pin location and recoil buffer system). The ATR, - Modern Hunter receiver (trigger mechanism housing) will not mount to an AR-10 upper receiver.

Fig -7

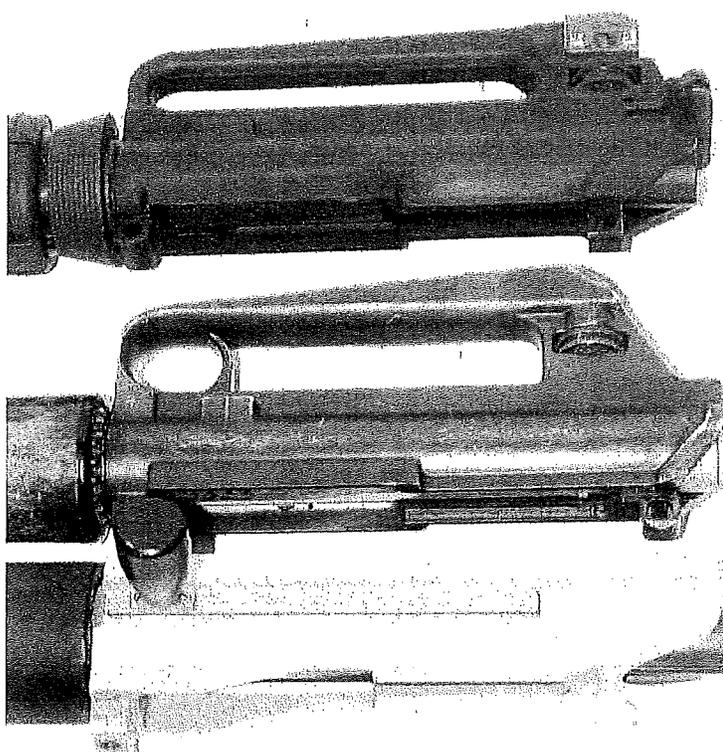


Fig -8

Late model AR-10 (top)

Early model AR-10 (center)

ATR, Modern Hunter
(bottom)

The Alberta Tactical Rifle Model Modern Hunter has some features of the early model AR-10 (gas system) and some features of the late model AR-10 like the (Bolt, carrier and firing pin assembly).

The ATR Modern Hunter is not a hinged receiver design and does not have mounting pins.

The ATR Modern Hunter upper receiver will not mount to an AR-10 lower receiver.

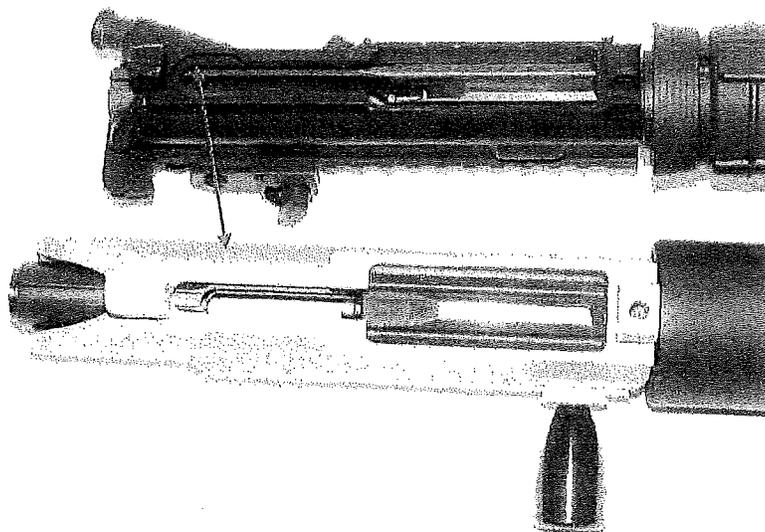


Fig -9

- As shown in Fig -2, the ATR, Model - Modern Hunter upper receiver does not have a cut for an automatic sear, (as seen on the AR 15 upper receiver above) and has a different mounting system for the upper receiver to the lower receiver / frame than either the AR-10 or AR-15 Rifles. (Fig -9)

CONCLUSION

1. As received at Specialized Firearms Support Services Section, the Make - Alberta Tactical Rifle, Model - Modern Hunter, serial number ATRS14-MH-PROT03 contains the receiver / frame of a semi-automatic firearm. Further, this firearm design is derived from an amalgamation of several different firearm designs and does not trace its design lineage directly or uniquely to a "prohibited" or a "restricted" firearm found in the Regulations appended to the Criminal Code.
2. As inspected by RCMP - Specialized Firearms Support Services Section, The Alberta Tactical Rifle, Model - Modern Hunter Rifle is a non-restricted firearm which may be found at FRT # 149826.

2015-01-08**REPORT REVIEWED BY**

**William Etter
Chief Firearms Technologist
Specialized Firearms Support Services
Firearms Investigative & Enforcement Services Directorate
RCMP - CFP
Specialized Policing Services**

This is **Exhibit "F"** referred to in the Affidavit of Rick Timmins, sworn before me on September 30, 2020.



A Commissioner for Oaths in and for the
Province of Alberta

Matthew Scott
Student-at-Law



FRT Report

Network Version 3.18.0

Firearm Reference No.: 162446

Date: 2017/07/19

Page: 1 / 7

Summary

Make: Alberta Tactical Rifle
Model: Modern Varmint
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA
Serial Numbering: See Note
Legal Classification: Non-Restricted

Calibre, Shots and Barrel Length

Firearm Ref. No.	Calibre	Shots	Barrel (mm)	Legal Classification Legal Authority	Level	Barrel Type Code
162446 - 1	5.56MM NATO	5	480	Non-Restricted CC 2 "firearm"	Manufacturer Specifications and Commercial Customization	
162446 - 2	6.5MM GRENDL	5	508	Non-Restricted CC 2 "firearm"	Manufacturer Specifications and Commercial Customization	

Notes

- Make** - the make "ALBERTA TACTICAL RIFLE" was observed on a referenced example, marked on the right side of the magazine housing of the receiver/frame and on the left side of the firearm.
- Model**
- introduced in 2015.
 - model designation "MODEL MODERN VARMINT" was observed marked on the right side of the magazine housing of the receiver/frame.
 - features include: 5.56mm Wylde (long freebore) Chamber; free floating, round, stainless steel, heavy barrel; round alloy forend; no sights; integral sight rail on upper receiver; folding charging handle located on the left side of the upper receiver; magazine mounted in front of the trigger guard; pistol grip; two position safety located on the left side of the frame/receiver above the pistol grip; collapsible stock.
 - the sample receiver had an unfinished bead blasted alloy silver finish.
 - the ATRS Modern Varmint accepts most AR-15 parts and accessories.
 - the ATRS Modern Varmint uses a Timney AR-15 self-contained drop in trigger unit with single hammer pin mounting system. The rear of the trigger unit is retained by a screw that is accessed by removing the pistol grip.
 - the trigger well in the lower receiver is machined to fit mil-spec AR-15 trigger and hammer parts, however this particular firearm receiver has a self-contained trigger mechanism which mounts on the hammer axis pin, there is no trigger pin hole in the receiver.
 - the ATRS, Model - Modern Varmint upper receiver does not have a cut for an automatic sear, and has a different system for mounting upper to lower receivers than either the AR-10 or AR-15 Rifles.
 - overall length of firearm butt collapsed 859mm.
 - overall length of firearm butt extended 955mm.



FRT Report

Network Version 3.18.0

Firearm Reference No.: 162446

Date: 2017/07/19

Page: 2 / 7

Manufacturer	- the make "ALBERTA TACTICAL RIFLE" was observed on a referenced example, marked on the right side of the magazine housing of the receiver/frame and on the left side of the firearm.
Action	- gas operated
Calibre	- ".223 Wylde" calibre is marked on the barrel of this firearm. This designation is not the calibre of the firearm but a description of the chamber dimensions. - the Wylde chamber is identical to the NATO STANAG chamber with a longer freebore to accommodate .224 inches (5.6MM) diameter commercial projectiles up to 80grs (5.18gm) mass. The rifling twist is 1 turn in 9 inches (1 turn in 229mm) to stabilize projectiles with a greater mass than 55 grs without incurring the pressure spike of engaging a long projectile bearing surface at full rifling depth.
Shots	- detachable box magazine. - firearm designed to utilize AR15/M16 STANAG "type" cartridge magazines.
Serial Number	- serial number rationalization as follows: - the ATRS prefix is an abbreviation of the manufacturer's brand name, Alberta Tactical Rifle Supply; followed by 2 digits - indicating the year of manufacture, followed by the Roman alphabet letters "MV" denoting the model - "Modern Varmint"; with the final six (6) digits being the firearm's unique serial number within the Modern Varmint series production. - serial number was observed marked on the right side of the magazine housing of the lower receiver/frame. - observed serial number consisted of a four letter prefix followed by a series of letters and numbers.
Canadian Law Comments	- this firearm design is derived from an amalgamation of several different firearm designs and does not trace its design lineage directly or uniquely to a "prohibited" or a "restricted" firearm found in the Regulations appended to the Criminal Code.
Other Markings	- the trade name "Alberta Tactical Rifle" may be found marked upon the left side of the upper receiver. - a stylized maple leaf and the word CANADA may be found marked on the right side of the upper receiver to the rear of the ejection opening.

Cross-References

Firearm Ref. No.	Make	Model	Manufacturer	Type	Action
149826	Alberta Tactical Rifle	Modern Hunter	Alberta Tactical Rifle	Rifle	Semi-Automatic

Also Known As/Product Code

- ATR Model Modern Varmint
- ATR Modern Varmint
- ATRS Model Modern Varmint
- ATRS Modern Varmint
- Model Modern Varmint

Year Dates

No Data Retrieved

Importer

No Data Retrieved



FRT Report

Network Version 3.18.0

Firearm Reference No.: 162446

Date: 2017/07/19

Page: 3 / 7

Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Varmint
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA



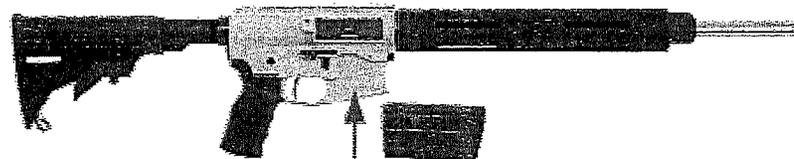


Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Varmint
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA

Full View: Right Side

Image:
2 of 5



Manuf./ Model/
Fabr. | Modèle
Serial No./
N° de série

**FRT Report**

Network Version 3.18.0

Firearm Reference No.: 162446

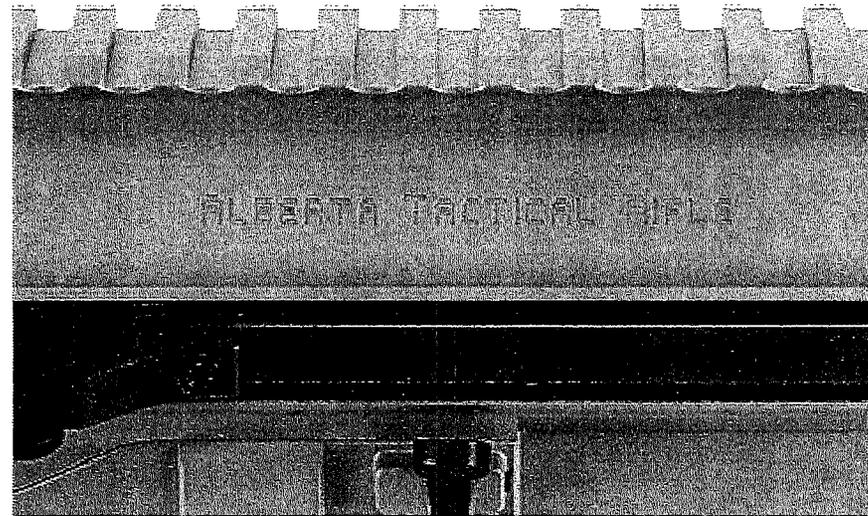
Date: 2017/07/19

Page: 5 / 7

Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Varmint
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA

Close-up: Left Side

Image:
3 of 5

**FRT Report**

Network Version 3.18.0

Firearm Reference No.: 162446

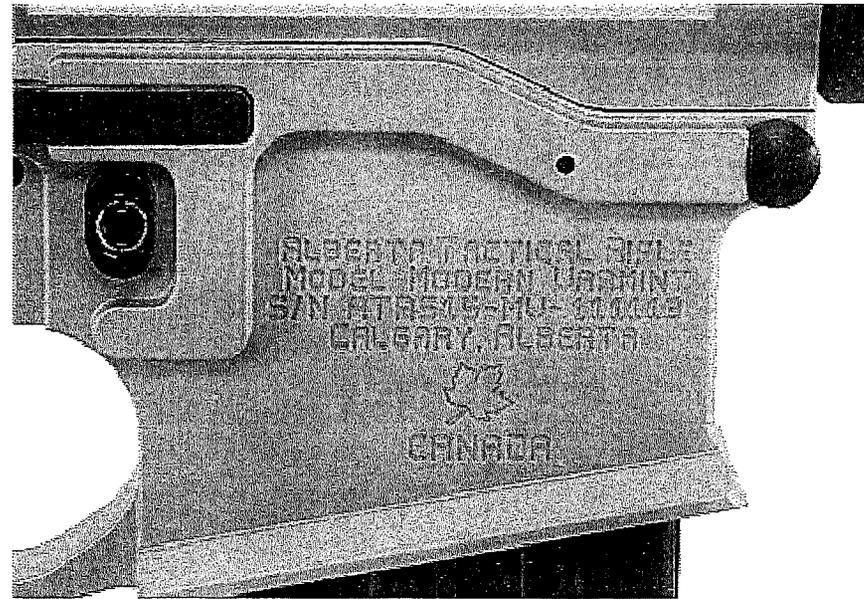
Date: 2017/07/19

Page: 6 / 7

Firearm Details - Image

Make: Alberta Tactical Rifle
Model: Modern Varmint
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA

Close-up #1: Right Side

Image:
4 of 5

**FRT Report**

Network Version 3.18.0

Firearm Reference No.: 162446

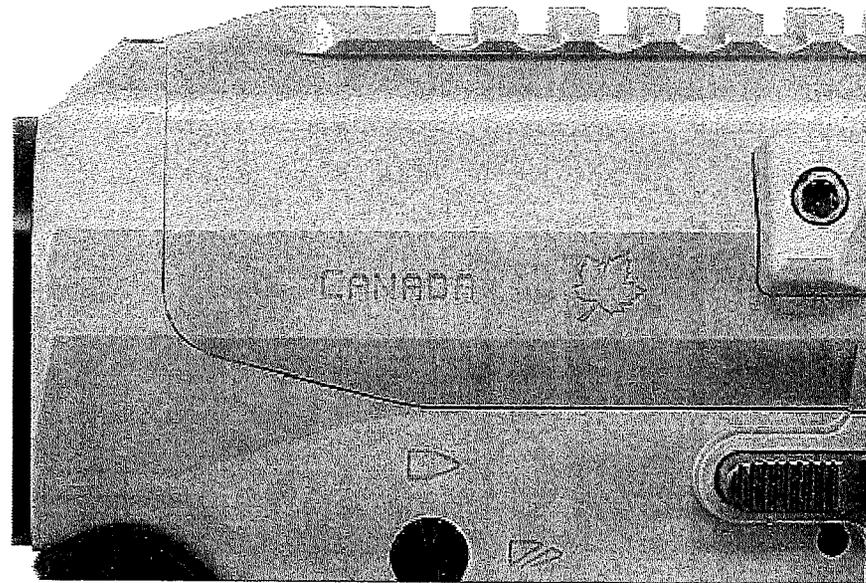
Date: 2017/07/19

Page: 7 / 7

Firearm Details - Image

Make:	Alberta Tactical Rifle
Model:	Modern Varmint
Manufacturer:	Alberta Tactical Rifle
Level:	Manufacturer Specifications and Commercial Customization
Type:	Rifle
Action:	Semi-Automatic
Country of Manufacturer:	CANADA

Close-up #2: Right Side

Image:
5 of 5

This is **Exhibit "G"** referred to in the Affidavit of Rick Timmins, sworn before me on September 30, 2020.



A Commissioner for Oaths in and for the
Province of Alberta

Matthew Scott
Student-at-Law


FRT Report

Network Version 3.18.0

Firearm Reference No.: 194622

Date: 2018/10/04

Page: 1 / 3

Summary

Make: Alberta Tactical Rifle
Model: Modern Sporter
Manufacturer: Alberta Tactical Rifle
Level: Manufacturer Specifications and Commercial Customization
Type: Rifle
Action: Semi-Automatic
Country of Manufacturer: CANADA
Serial Numbering: See Note
Legal Classification: Non-Restricted

Calibre, Shots and Barrel Length

Firearm Ref. No.	Calibre	Shots	Barrel (mm)	Legal Classification Legal Authority	Level	Barrel Type Code
194622 - 1	5.56MM NATO	5	480	Non-Restricted CC 2 "firearm"	Manufacturer Specifications and Commercial Customization	

Notes

Make - the make "ALBERTA TACTICAL RIFLE" was observed on a referenced example, marked on the right side of the magazine housing of the receiver/frame and on the left side of the firearm.

Model - Introduced in 2018.
 - model designation "MODEL MODERN SPORTER" was observed marked on the right side of the magazine housing of the receiver/frame.
 - features include: 5.56mm Wylde (long freebore) Chamber; free floating, round, stainless steel, heavy barrel; round alloy forend; no sights; integral sight rail on upper receiver; AR type charging handle located on top of the upper receiver; magazine mounted in front of the trigger guard; pistol grip; two position safety located on the left side of the frame/receiver above the pistol grip; collapsible stock.
 - the sample firearm had an anodised matte black finish.
 - the ATRS Modern Sporter accepts most AR-15 parts and accessories.
 - the ATRS Modern Sporter can use any compatible AR-15 trigger mechanism.
 - the trigger well in the lower receiver is machined to fit mil-spec AR-15 trigger and hammer parts.
 - the ATRS, Model - Modern Sporter upper receiver does not have a cut for an automatic sear, and has a different system for mounting upper to lower receivers than either the AR-10 or AR-15 Rifles.
 - overall length of observed firearm butt collapsed 865mm.
 - overall length of observed firearm butt extended 960mm.

Manufacturer - the make "ALBERTA TACTICAL RIFLE" was observed on a referenced example, marked on the right side of the magazine housing of the receiver/frame and on the left side of the firearm.

Action - gas operated



FRT Report

Network Version 3.18.0

Firearm Reference No.: 194622

Date: 2018/10/04

Page: 2 / 3

Calibre	- ".223 Wylde" is marked on the barrel of this firearm. This designation is not the calibre of the firearm but a description of the chamber lead dimensions. - the Wylde chamber is identical to the NATO STANAG chamber with a longer freebore to accommodate .224 inches (5.6MM) diameter commercial projectiles up to 80grs (5.18gm) mass. The rifling twist is 1 turn in 9 inches (1 turn in 229mm) to stabilize projectiles with a greater mass than 55 grs without incurring the pressure spike of engaging a long projectile bearing surface at full rifling depth.
Shots	- detachable box magazine. - firearm designed to utilize AR15/M16 STANAG "type" cartridge magazines.
Serial Number	- serial number rationalization as follows: - the ATRS prefix is an abbreviation of the manufacturer's brand name, Alberta Tactical Rifle Supply; followed by 2 digits - indicating the year of manufacture, followed by the Roman alphabet letters "MS" denoting the model - "Modern Sporter"; with the final six (6) digits being the firearm's unique serial number within the Modern Sporter series production. - serial number was observed marked on the right side of the magazine housing of the lower receiver/frame. - observed serial number consisted of a four letter prefix followed by a series of letters and numbers.
Canadian Law Comments	- the ATRS, Model - Modern Sporter upper receiver does not have a cut for an automatic sear, and has a different system for mounting upper to lower receivers than either the AR-10 or AR-15 Rifles. - as received at Specialized Firearms Support Services Section, the Make - Alberta Tactical Rifle, Model - Modern Sporter, serial number ATRS18-MS-000009 contains the receiver / frame of a semi-automatic firearm. Further, this firearm design is derived from an amalgamation of several different firearm designs and does not trace its design lineage directly or uniquely to a "prohibited" or a "restricted" firearm found in the Regulations appended to the Criminal Code.

Cross-References

Firearm Ref. No.	Make	Model	Manufacturer	Type	Action
149828	Alberta Tactical Rifle	Modern Hunter	Alberta Tactical Rifle	Rifle	Semi-Automatic
162446	Alberta Tactical Rifle	Modern Varmint	Alberta Tactical Rifle	Rifle	Semi-Automatic

Also Known As/Product Code

ATR MODEL MODERN SPORTER
 ATR MODERN SPORTER
 ATRS MODEL MODERN SPORTER
 ATRS MODERN SPORTER
 MODEL MODERN SPORTER

Year Dates

No Data Retrieved

Importer

No Data Retrieved



FRT Report
Network Version 3.18.0

Firearm Reference No.: 194622

Date: 2018/10/04
Page: 3 / 3



INSPECTION REPORT

CASE NUMBER: GFC-2000-7-1-194622

Alberta Tactical Rifle Supply, Model Modern Sporter

S/N: ATRS18-MS-000009

2018-10-04



**Fig. 1 – Alberta Tactical Rifle Supply, Model Modern Sporter,
Serial Number ATRS18-MS-000009**

SUBJECT AND PURPOSE OF INSPECTION

The subject of this inspection is an Alberta Tactical Rifle, Model Modern Sporter, Serial Number ATRS18-MS-000009. The ATRS Modern Sporter rifle is a centrefire, gas operated, air cooled, detachable box magazine fed, semi-automatic rifle that fires from a closed bolt.



DESCRIPTION

The receiver bears the markings:

“ALBERTA TACTICAL RIFLE”

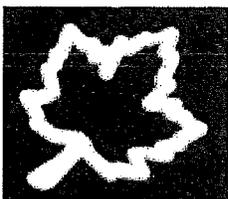
“MODEL MODERN SPORTER”

“S/N ATRS18-MS-000009”

“CALGARY ALBERTA”

“CANADA”

The Receiver also bears a maple leaf emblem – as follows:



Make:	Alberta Tactical Rifle
Manufacturer:	Alberta Tactical Rifle Supply
Model:	Modern Sporter
Calibre:	Accepts both 5.56mm NATO and .223 Remington Cartridges (Wylde Chamber – long leade)
Barrel length:	480 MM
Overall Length:	960 MM (stock extended), 865 MM (stock collapsed)
S/N:	ATRS18-MS-000009
FRT #:	194622



SCHEDULE

On 2018-04-14 Specialized Firearms Support Services (SFSS) received an Alberta Tactical Rifle Model Modern Sporter manufactured by Alberta Tactical Rifle, Serial Number ATRS18-MS-000009. On 2018-09-18 a formal examination commenced and was completed on 2018-10-04. Inspection images were taken on 2018-09-18.

CONDITION OF RECEIPT

As received by, RCMP - Specialized Firearms Support Services (SFSS) the Alberta Tactical Rifle Modern Sporter, serial number ATRS18-MS-000009:

- a) arrived at SFSS in an aluminium transit case;
- b) did not come with a magazine; and,
- c) was received with areas with cosmetic damage on the firearm's finish.

PURPOSE OF INSPECTION

The purpose of this inspection was to determine the legal classification of the sample ATRS Modern Sporter Rifle, S/N ATRS18-MS-000009. This firearm appears to be a more cost effective version of the two previous Alberta Tactical Rifles, the ATRS, Modern Hunter and the ATRS, Modern Varmint. The ATRS Modern Sporter is specifically designed to make use of some of the commonly available modular components of the "AR Family of Firearms" to save the cost of producing, the equivalent proprietary ATRS components. The purpose of the inspection is to determine whether the "improved" version of the ATRS rifle product (the ATRS Modern Sporter Rifle) is a variant or modified version of an M-16 / AR-15 firearm.

CONCLUSIONS

1. The ATRS Modern Sporter, Serial Number ATRS18-MS-000009 incorporates design features from several different firearm designs (such as the Armalite AR-10) and is not a variant of any firearm found named in the Regulations appended to the Criminal Code PART III, Section 84 to be "prohibited.
2. The Alberta Tactical Rifle Model Modern Sporter is of the same basic design of the ATRS Model Modern Varmint Rifle, with slight modifications to make it more compatible with readily available cost effective AR-15 parts. There is an obvious similarity to the ATRS Model Modern Varmint and ATRS Modern Hunter, both of which are non-restricted firearms.



3. The Modern Sporter is not a variant or modified version of any firearm found named in the Regulations appended to the Criminal Code PART III, Section 84 to be “restricted”. The ATRS Modern Sporter Rifle has a barrel in excess of 470 mm in length and an over-all length in excess of 660 mm. The ATRS Modern Sporter Rifle as a newly manufactured, center-fire semi-automatic rifle having a barrel length of 480 mm and an overall length of 865mm with butt collapsed, falls into the **Non-Restricted** legal class.
4. The ATRS Modern Sporter Rifle, Serial Number ATRS18-MS-000009 can be found at FRT # 194622.

REPORT RELEASED BY

2018-10-04

A handwritten signature in black ink, appearing to read 'F.A. William ETTER', is written over a horizontal line.

**F.A. William ETTER
Chief Firearms Technologist
Specialized Firearms Support Services
Firearms Investigative & Enforcement Services Directorate
RCMP – CFP – Specialized Policing Services**

This is **Exhibit "H"** referred to in the Affidavit of Rick Timmins, sworn before me on September 30, 2020.



A Commissioner for Oaths in and for the
Province of Alberta

Matthew Scott
Student-at-Law



FRT Report

FRT 1.0.0 - 2019-11-28

Report Layout Version 1.0

Firearm Reference Number: 149826

Printed Date: 2020-05-15

Page: 1 / 14

Last Updated Date: 2020-05-15

Summary

Make: Alberta Tactical Rifle
 Model: Modern Hunter
 Manufacturer: Alberta Tactical Rifle
 Country of Manufacturer: Canada
 Type: Rifle
 Action: Semi-Automatic
 Legal Classification: Prohibited
 (Frame or Receiver Only)
 Category: Manufacturer Specifications and Commercial Customization

Calibre, Shots and Barrel Lengths

Sub-FRN	Calibre	Shots	Barrel Length (mm)	Legal Classification by Legal Authorities	Barrel Type	Prohibited Devices	Category
149826-2	243 WIN	5	473	Prohibited • PFR, Part 1, para. 87			Manufacturer Specifications and Commercial Customization
149826-3	260 REM	5	473	Prohibited • PFR, Part 1, para. 87			Manufacturer Specifications and Commercial Customization
149826-4	308 WIN	5	473	Prohibited • PFR, Part 1, para. 87			Manufacturer Specifications and Commercial Customization
149826-1	308 WIN	5	580	Prohibited • PFR, Part 1, para. 87			Manufacturer Specifications and Commercial Customization
149826-5	338 FEDERAL	5	473	Prohibited • PFR, Part 1, para. 87			Manufacturer Specifications and Commercial Customization
149826-6	6.5MM CREEDMOOR	5	473	Prohibited • PFR, Part 1, para. 87			Manufacturer Specifications and Commercial Customization
149826-8	6.5MM CREEDMOOR	5	506	Prohibited • PFR, Part 1, para. 87			Non-Commercial Customization
149826-7	7MM-08 REM	5	473	Non-Restricted • CC 2 "Firearm"			Manufacturer Specifications and Commercial Customization

Firearms Reference Table, Specialized Policing Services, Royal Canadian Mounted Police. FRT Version 1.0, January 2020. All rights reserved, RCMP, 1998-2020.

09
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FRT Report
 FRT 1.0.0 - 2019-11-25
 Report Layout Version 1.0

Firearm Reference Number: 149826

Printed Date: 2020-05-15

Page: 2 / 14

Last Updated Date: 2020-05-15

Features Chart

No data

Importers

No data

Also Known As/Product Code

ATRS MH
 MH

Cross References

FRN	Make	Model	Manufacturer	Type	Action
146190	Alberta Tactical Rifle	Modern Hunter Prototype	Alberta Tactical Rifle	Rifle	Semi-Automatic
162446	Alberta Tactical Rifle	Modern Varmint	Alberta Tactical Rifle	Rifle	Semi-Automatic
194622	Alberta Tactical Rifle	Modern Sporter	Alberta Tactical Rifle	Rifle	Semi-Automatic

Year Date

No data

Notes

Firearms Reference Table, Specialized Policing Services, Royal Canadian Mounted Police. FRT Version 1.0, January 2020. All rights reserved, RCMP, 1998-2020.

006
 906



FRT Report

FRT 1.0.0 - 2019-11-25

Report Layout Version 1.0

Firearm Reference Number: 149826

Printed Date: 2020-05-15

Page: 3 / 14

Last Updated Date: 2020-05-15

Action

- gas operated.

Calibre

- 308 WIN 1:10 and "ATRS" may be found marked on the barrel.

Marks

- "ALBERTA TACTICAL RIFLE", "MODEL Modern Hunter", "CALGARY, ALBERTA", "outline of a maple leaf" and "CANADA" was observed marked on the right side of the magazine housing of the receiver/frame.

Manufacturer

- Alberta Tactical Rifle/Alberta Tactical Rifle Supply is located in Calgary, Alberta, Canada.
 - Alberta Tactical Rifle/Alberta Tactical Rifle Supply is a Division of Magnum Machine Limited.
 - Alberta Tactical Rifle/Alberta Tactical Rifle Supply specializes in custom precision rifle manufacture, upgrades and modifications.

Model

- introduced in 2015.
 - this firearm is a production version of the ATRS, Model, Modern Hunter firearm.
 - the ATRS Modern Hunter uses a Timney AR-10 self-contained drop in trigger unit with single hammer pin mounting system.
 - the trigger well in the lower receiver is machined to fit mil-spec AR-10, 15 trigger and hammer parts, however this particular firearm receiver has a self-contained trigger mechanism which mounts on the hammer axis pin, there is no trigger pin hole in the receiver.
 - the ATRS, Model - Modern Hunter upper receiver does not have a cut for an automatic sear, and has a different system for mounting upper to lower receivers than either the AR-10 or AR-15 Rifles.
 - overall length of firearm butt collapsed 980mm.
 - overall length of firearm butt extended 1080mm.

Other Markings

- the trade name "Alberta Tactical Rifle" may be found marked upon the left side of the upper receiver.
 - a stylized maple leaf and the word CANADA may be found marked on the right side of the upper receiver to the rear of the ejection opening.



FRT Report

FRT 1.0.0 - 2019-11-25

Report Layout Version 1.0

Firearm Reference Number: 143826

Printed Date: 2020-05-15

Page: 4 / 14

Last Updated Date: 2020-05-15

Shots

- detachable box magazine.
- the magazine well of the ATR Modern Hunter is of an early (first generation) AR-10 design, and will accept early AR-10 magazines and the Stoner SR-25 magazine.
- late model AR-10 magazines do not fit and function in this firearm.

Serial Number Comments

- serial number rationalization as follows: - the ATRS prefix is an abbreviation of the manufacturer's brand name, Alberta Tactical Rifle Supply; followed by 2 digits - indicating the year of manufacture, followed by the Roman alphabet letters "MH" denoting the model - "Modern Hunter"; with the final six (6) numbers being the firearm's unique serial number within the Modern Hunter series production.
- serial number was observed marked on the right side of the magazine housing of the lower receiver/frame.
- observed serial number consisted of a four letter prefix followed by a series of letters and numbers.

Images



FRT Report
FRT 1.0.0 - 2019-11-25
Report Layout Version 1.0

Firearm Reference Number: 149826

Printed Date: 2020-05-15

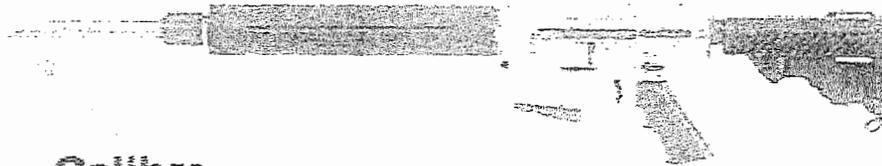
Page: 5 / 14

Last Updated Date: 2020-05-15

Image: 1 of 10

Image Description: Full View: Left Side

Make/Model



Calibre

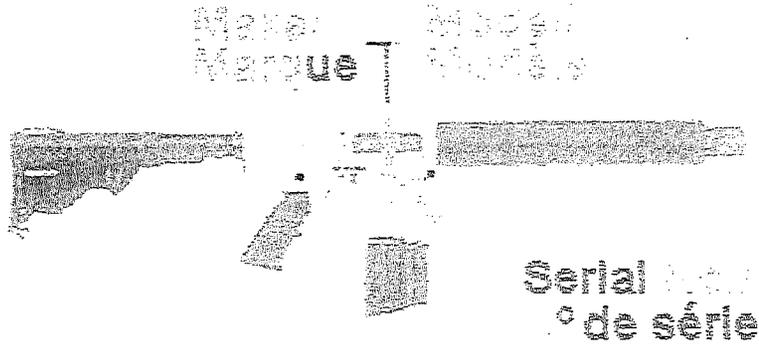


FRT Report
FRT 1.0.0 - 2019-11-25
Report Layout Version 1.0

Firearm Reference Number: 149826

Printed Date: 2020-05-15
Page: 6 / 14
Last Updated Date: 2020-05-15

Image: 2 of 10
Image Description: Full View: Right Side



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FRT Report
FRT 1.0.0 - 2019-11-25
Report Layout Version 1.0

Firearm Reference Number: 149826

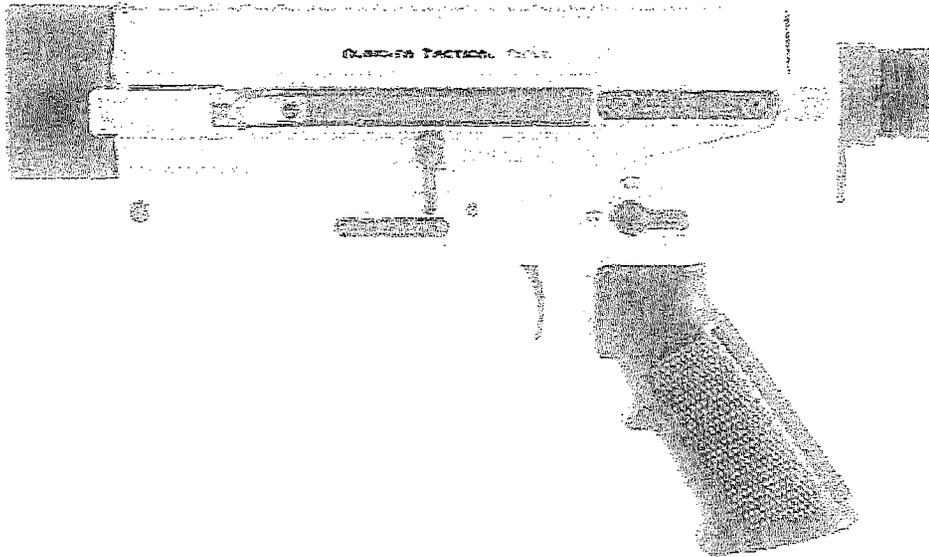
Printed Date: 2020-05-15

Page: 7 / 14

Last Updated Date: 2020-05-15

Image: 3 of 19

Image Description: Close-up #1: Left Side





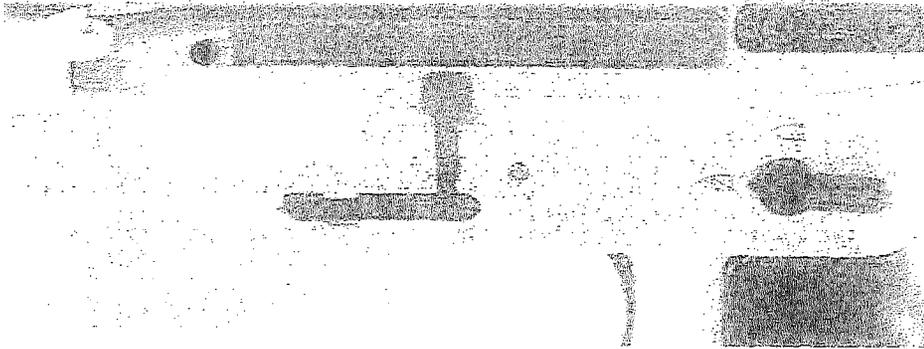
FRT Report
FRT 1.0.0 - 2019-11-25
Report Layout Version 1.0

Firearm Reference Number: 149826

Printed Date: 2020-05-15
Page: 8 / 14
Last Updated Date: 2020-05-15

Image: 4 of 10
Image Description: Close-up #2: Left Side

ALBERTA FACTICAL TABLE





FRT Report
FRT 1.0.0 - 2019-11-25
Report Layout Version 1.0

Firearm Reference Number: 149826

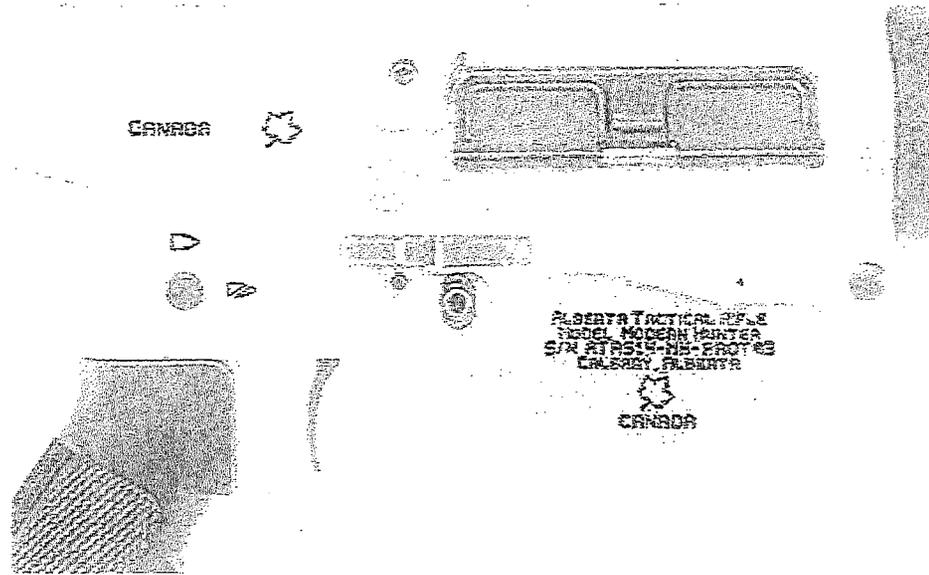
Printed Date: 2020-05-15

Page: 9 / 14

Last Updated Date: 2020-05-15

Image: 5 of 10

Image Description: Close-up #1: Right Side





FRT Report

FRT 1.0.0 - 2015-11-25

Report Layout Version 1.0

Firearm Reference Number: 149225

Printed Date: 2020-05-15

Page: 10 / 14

Last Updated Date: 2020-05-15

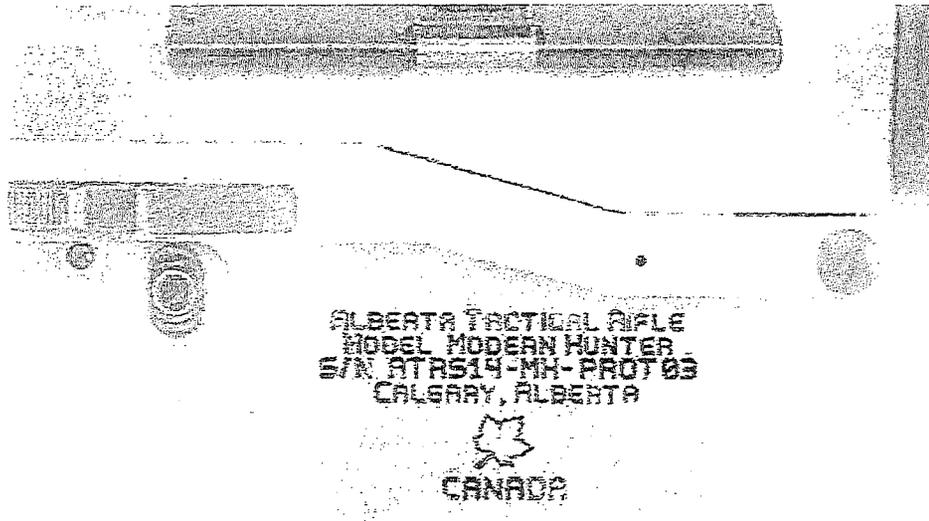


Image: 6 of 10

Image Description: Close-up #2: Right Side



FRT Report

FRT 1.0.0 - 2019-11-25

Report Layout Version 1.0

Firearm Reference Number: 149826

Printed Date: 2020-05-15

Page: 11 / 14

Last Updated Date: 2020-05-15

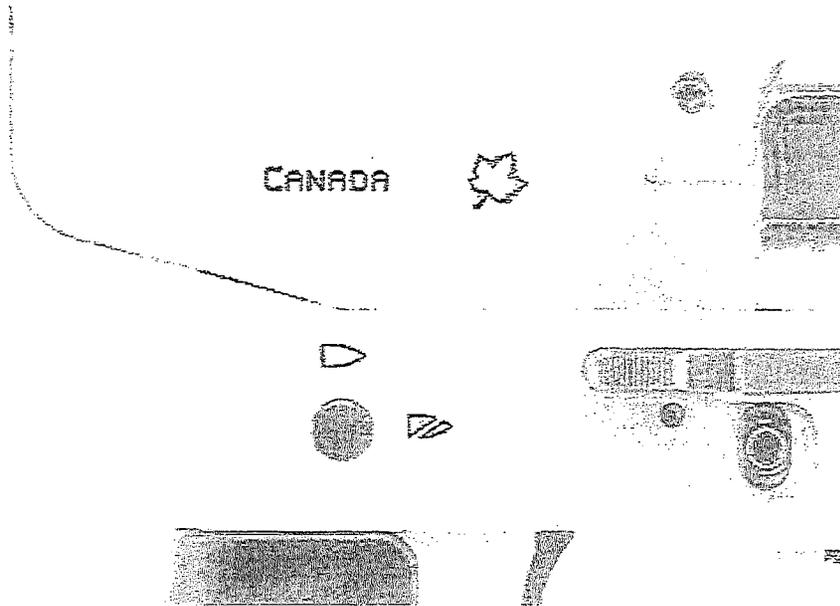


Image: 7 of 18

Image Description: Close-up #3: Right Side



FRT Report
FRT 1.0.0 - 2019-11-25
Report Layout Version 1.0

Firearm Reference Number: 149826

Printed Date: 2020-05-15

Page: 12 / 14

Last Updated Date: 2020-05-15

Image: 3 of 10

Image Description: Close-up #1: Bottom





FRT Report

FRT 1.0.0 - 2019-11-25

Report Layout Version 1.0

Firearm Reference Number: 149826

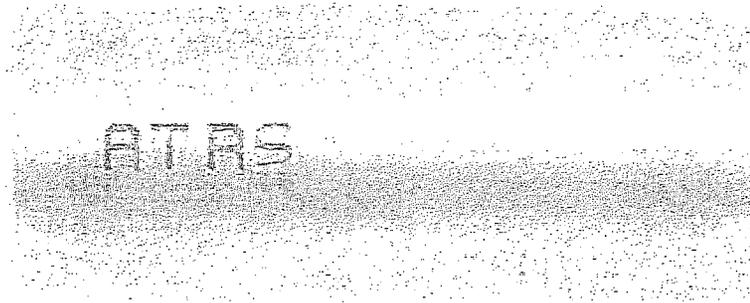
Printed Date: 2020-05-15

Page: 13 / 14

Last Updated Date: 2020-05-15

Image: 9 of 19

Image Description: Close-up #2: Bottom



027

Firearms Reference Table, Specialized Policing Services, Royal Canadian Mounted Police, FRT Version 1.0, January 2020. All rights reserved, RCMP 1998-2020.



Image: 10 of 10
Image Description: Close-up #: Top

Printed Date: 2020-05-13
Page: 14 / 14
Last Updated Date: 2020-05-13

Firearm Reference Number: 149826

FRT Report
FRT 1.0.0 - 2019-11-26
Report Layout Version 1.0

This is **Exhibit "I"** referred to in the Affidavit of Rick Timmins, sworn before me on September 30, 2020.



A Commissioner for Oaths in and for the
Province of Alberta

Matthew Scott
Student-at-Law



FRT Report

FRT 1.0.0 - 2019-11-25
Report Layout Version 1.0

Firearm Reference Number: 162446

Printed Date: 2020-05-15
Page: 1 / 9
Last Updated Date: 2020-05-15

Summary

Make: Alberta Tactical Rifle
 Model: Modern Varmint
 Manufacturer: Alberta Tactical Rifle
 Country of Manufacturer: Canada
 Type: Rifle
 Action: Semi-Automatic
 Legal Classification: Prohibited
 (Frame or Receiver Only)
 Category: Manufacturer Specifications and Commercial Customization

Calibre, Shots and Barrel Lengths

Sub-FRN	Calibre	Shots	Barrel Length (mm)	Legal Classification by Legal Authorities	Barrel Type	Prohibited Devices	Category
162446-1	5.56MM NATO	5	480	Prohibited • PFR, Part 1, para. 87			Manufacturer Specifications and Commercial Customization
162446-2	6.5MM GRENDEL	6	508	Prohibited • PFR, Part 1, para. 87			Manufacturer Specifications and Commercial Customization

Features Chart

No data

Importers

No data

Firearms Reference Table, Specialized Policing Services, Royal Canadian Mounted Police. FRT Version 1.0, January 2020. All rights reserved, RCMP, 1998-2020.



FRT Report

FRT 1.0.0 - 2019-11-25

Report Layout Version 1.0

Firearm Reference Number: 162446

Printed Date: 2020-05-15

Page: 2 / 9

Last Updated Date: 2020-05-15

Also Known As/Product Code

ATR Model Modern Varmint
 ATR Modern Varmint
 ATRS Model Modern Varmint
 ATRS Modern Varmint
 Model Modern Varmint

Cross References

FRN	Make	Model	Manufacturer	Type	Action
149826	Alberta Tactical Rifle	Modern Hunter	Alberta Tactical Rifle	Rifle	Semi-Automatic
194622	Alberta Tactical Rifle	Modern Sporter	Alberta Tactical Rifle	Rifle	Semi-Automatic

Year Date

No data

Notes

Action

- gas operated





FRT Report

FRT 1.0.0 - 2019-11-22

Report Layout Version 1.0

Firearm Reference Number 152445

Printed Date: 2020-05-15

Page: 3 / 5

Last Updated Date: 2020-05-15

Calibre

-.223 Vytide® calibre is marked on the barrel of this firearm. This designation is not the calibre of the firearm but a designation of the chamber dimensions. The Vytide chamber is identical to the NATO STRYKER chamber with a longer膛膛 to accommodate .224 inches (5.69mm) diameter commercial projectiles up to 60grs (5.18gm) mass. The rifling twist is 1 turn in 9 inches (1 turn in 229mm) to stabilize projectiles with a greater mass than 55 grs without incurring the pressure spikes of engaging a long projectile bearing surface at full rifling depth.

Make

- the make "ALBERTA TACTICAL RIFLE" was observed on a referenced example, marked on the right side of the magazine housing of the receiver/frame and on the left side of the firearm.

Manufacturer

- the make "ALBERTA TACTICAL RIFLE" was observed on a referenced example, marked on the right side of the magazine housing of the receiver/frame and on the left side of the firearm.

Model

- introduced in 2015 "MODEL MODERN VARMINT" was observed marked on the right side of the magazine housing of the receiver/frame. Features include a 3.5mm Vytide (long threads) chamber, free floating, round, stainless steel, heavy barrel, round alloy forward, no sights, integral sight, rail on upper receiver, folding charging handle located on the left side of the upper receiver; pistol grip, two position safety located on the left side of the frame/receiver above the pistol grip, collapsible stock. - the sample receiver had an unfinished bead blasted alloy silver finish. - the ATRS Modern Varmint accepts most AR-15 parts and accessories. - the ATRS Modern Varmint uses a T-Rex AR-15 self-contained drop in trigger unit with single hammer pin mounting system. The rear of the trigger unit is retained by a screw that is accessed by removing the pistol grip. - the trigger well in the lower receiver is machined to fit mil-spec AR-15 trigger and hammer parts, however this particular firearm receiver has a self-contained trigger mechanism which mounts on the hammer axis pin, there is no trigger pin hole in the receiver. - the ATRS Model Varmint upper receiver does not have a cut for an automatic sear, and has a different system for mounting upper to lower receivers than either the AR-10 or AR-15 rifles. - overall length of firearm but collapsed action. - overall length of firearm with extended action.

Other Markings

- the trade name "Alberta Tactical Rifle" may be found marked upon the left side of the upper receiver. - a stylized maple leaf and the word CANADA may be found marked on the right side of the upper receiver.



FRT Report

FRT 1.0.0 - 2019-11-25

Report Layout Version 1.0

Firearm Reference Number: 162446

Printed Date: 2020-05-15

Page: 4 / 9

Last Updated Date: 2020-05-15

Shots

- detachable box magazine.
- firearm designed to utilize AR15/M16 STANAG "type" cartridge magazines.

Serial Number Comments

- serial number rationalization as follows: - the ATFS prefix is an abbreviation of the manufacturer's brand name, Alberta Tactical Rifle Supply, followed by 2 digits indicating the year of manufacture, followed by the Roman alphabet letters "MV" denoting the model - "Modern Varmint", with the final six (6) digits being the firearm's unique serial number within the Modern Varmint series production.
- serial number was observed marked on the right side of the magazine housing of the lower receiver/frame.
- observed serial number consisted of a four letter prefix followed by a series of letters and numbers.

Images

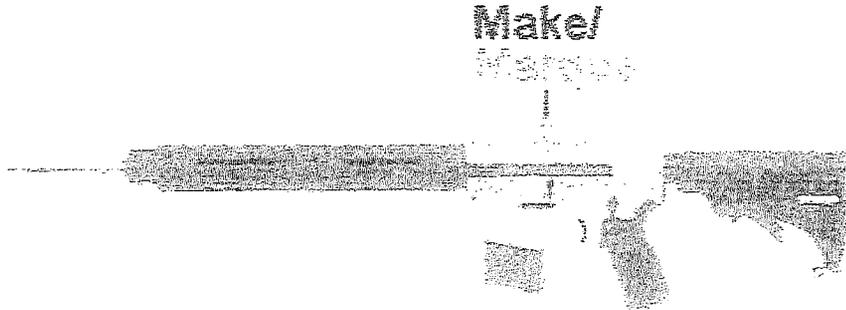


FRT Report
FRT 1.0.0 - 2019-11-28
Report Layout Version 1.0

Firearm Reference Number: 162446

Printed Date: 2020-05-15
Page: 5 / 9
Last Updated Date: 2020-05-15

Image: 1 of 5
Image Description: Full View: Left Side



003

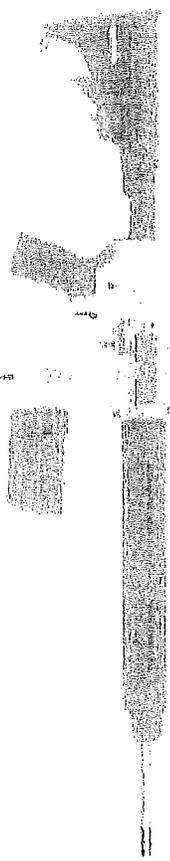


FRT Report
FRT 1.0.0 - 2019-11-25
Report Layout Version 1.0

Firesarm Reference Number: 152445

Printed Date: 2020-05-15
Page: 8 / 9
Last Updated Date: 2020-05-15

Images: 2 of 5
Image Description: Full View: Right Side



Manuf. Model
Fabr. Modèle
Serial No.1
No de série

Firesarm Reference Table, Specialized Policing Services, Royal Canadian Mounted Police, FRT Version 1.0, January 2020. All rights reserved, RCMP, 1999-2020.

084

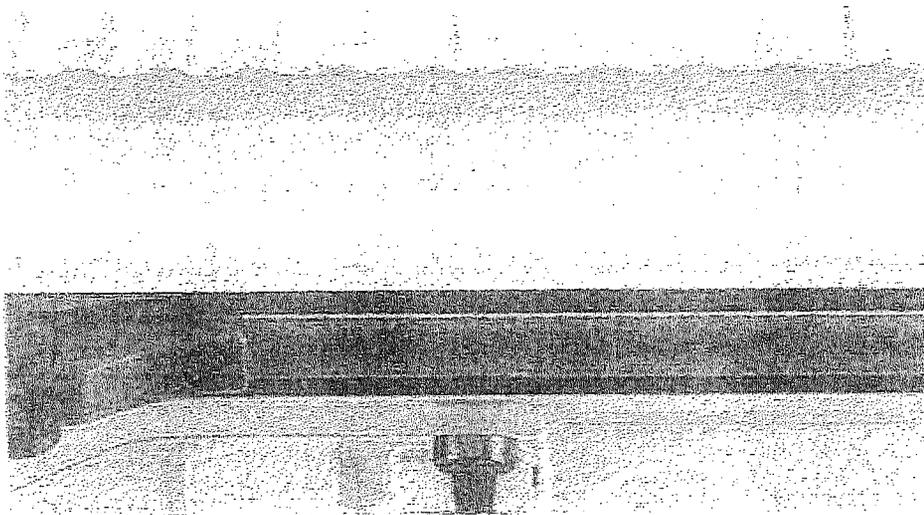


FRT Report
FRT 1.0.0 - 2019-11-25
Report Layout Version 1.0

Firearm Reference Number: 162446

Printed Date: 2020-05-15
Page: 7 / 9
Last Updated Date: 2020-05-15

Image: 3 of 5
Image Description: Close-up: Left Side





FRT Report
FRT 1.0.0 - 2019-11-26
Report Layout Version 1.0

Firearm Reference Number: 162446

Printed Date: 2020-05-15
Page: 8 / 9
Last Updated Date: 2020-05-15

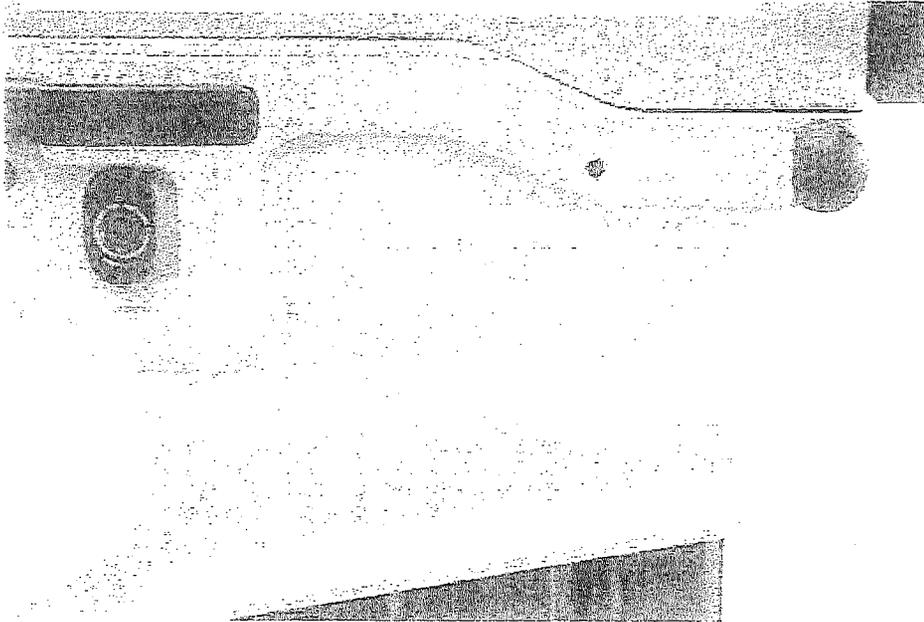


Image: 4 of 5
Image Description: Close-up #1: Right Side

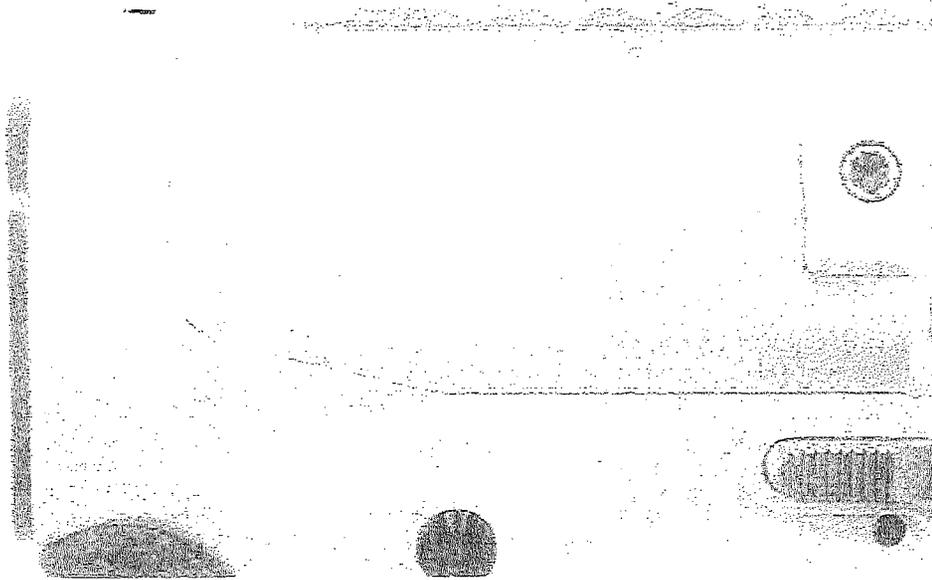


FRT Report
FRT 1.0.0 - 2019-11-25
Report Layout Version 1.0

Firearm Reference Number: 162446

Printed Date: 2020-05-15
Page: 9 / 9
Last Updated Date: 2020-05-15

Image: 5 of 5
Image Description: Close-up #2: Right Side



037

This is **Exhibit "J"** referred to in the Affidavit of Rick Timmins, sworn before me on September 30, 2020.



A Commissioner for Oaths in and for the
Province of Alberta

Matthew Scott
Student-at-Law



FRT Report

FRT 1.0.0 - 2019-11-25

Report Layout Version 1.0

Firearm Reference Number: 194622

Printed Date: 2020-06-11

Page: 1 / 4

Last Updated Date: 2020-05-19

Summary

Make: Alberta Tactical Rifle
Model: Modern Sporter
Manufacturer: Alberta Tactical Rifle
Country of Manufacturer: Canada
Type: Rifle
Action: Semi-Automatic
Legal Classification: Prohibited
 (Frame or Receiver Only)
Category: Manufacturer Specifications and Commercial Customization

Calibre, Shots and Barrel Lengths

Sub-FRN	Calibre	Shots	Barrel Length (mm)	Legal Classification Legal Authorities	Barrel Type	Prohibited Devices	Category
194622-4	22 LR	5	305	Prohibited • PFR, Part 1, para. 87			Manufacturer Specifications and Commercial Customization
194622-3	22 LR	5	356	Prohibited • PFR, Part 1, para. 87			Manufacturer Specifications and Commercial Customization
194622-2	22 LR	5	406	Prohibited • PFR, Part 1, para. 87			Manufacturer Specifications and Commercial Customization
194622-1	3.56MM NATO	5	480	Prohibited • PFR, Part 1, para. 87			Manufacturer Specifications and Commercial Customization

Features Chart

No data



FRT Report
FRT 1.0.0 - 2019-11-25
Report Layout Version 1.0

Firearm Reference Number: 194622

Printed Date: 2020-06-11
Page: 2 / 4
Last Updated Date: 2020-05-19

Importers

No data

Also Known As/Product Code

ATR MODEL MODERN SPORTER
ATR MODERN SPORTER
ATRS MODEL MODERN SPORTER
ATRS MODERN SPORTER
MODEL MODERN SPORTER

Cross References

FRN	Make	Model	Manufacturer	Type	Action
149826	Alberta Tactical Rifle	Modern Hunter	Alberta Tactical Rifle	Rifle	Semi-Automatic
182446	Alberta Tactical Rifle	Modern Varmint	Alberta Tactical Rifle	Rifle	Semi-Automatic

Year Date

No data

Notes

Action

- gas operated



FRT Report

FRT 1.0.0 - 2019-11-25

Report Layout Version 1.0

Firearm Reference Number: 194622

Printed Date: 2020-06-11

Page: 3 / 4

Last Updated Date: 2020-05-19

Calibre

- ".223 Wylde" is marked on the barrel of this firearm. This designation is not the calibre of the firearm but a description of the chamber lead dimensions.
 - the Wylde chamber is identical to the NATO STANAG chamber with a longer freebore to accommodate .224 inches (5.6MM) diameter commercial projectiles up to 80grs (5.18gm) mass. The rifling twist is 1 turn in 9 inches (1 turn in 229mm) to stabilize projectiles with a greater mass than 55 grs without incurring the pressure spike of engaging a long projectile bearing surface at full rifling depth.

Make

- the make "ALBERTA TACTICAL RIFLE" was observed on a referenced example, marked on the right side of the magazine housing of the receiver/frame and on the left side of the firearm.

Manufacturer

- the make "ALBERTA TACTICAL RIFLE" was observed on a referenced example, marked on the right side of the magazine housing of the receiver/frame and on the left side of the firearm.

Model

- introduced in 2018.
 - model designation "MODEL MODERN SPORTER" was observed marked on the right side of the magazine housing of the receiver/frame.
 - features include: 5.56mm Wylde (long freebore) Chamber; free floating, round, stainless steel, heavy barrel; round alloy forend; no sights; integral sight rail on upper receiver; AR type charging handle located on top of the upper receiver; magazine mounted in front of the trigger guard; pistol grip; two position safety located on the left side of the frame/receiver above the pistol grip; collapsible stock.
 - the sample firearm had an anodised matte black finish.
 - the ATRS Modern Sporter accepts most AR-15 parts and accessories.
 - the ATRS Modern Sporter can use any compatible AR-15 trigger mechanism.
 - the trigger well in the lower receiver is machined to fit mil-spec AR-15 trigger and hammer parts.
 - the ATRS, Model - Modern Sporter upper receiver does not have a cut for an automatic sear, and has a different system for mounting upper to lower receivers than either the AR-10 or AR-15 Rifles.
 - overall length of observed firearm butt collapsed 865mm.
 - overall length of observed firearm butt extended 960mm.
 - overall length with a 406mm (16") barrel with collapsed stock is 775mm (30.5").
 - overall length with a 356mm (14") barrel with collapsed stock is 724mm (28.5").
 - overall length with a 305mm (12") barrel with collapsed stock is 673mm (26.5").

Shots

- detachable box magazine.
 - firearm designed to utilize AR15/M16 STANAG "type" cartridge magazines.



FRT Report

FRT 1.0.0 - 2019-11-25

Report Layout Version 1.0

Firearm Reference Number: 194622

Printed Date: 2020-06-11

Page: 4 / 4

Last Updated Date: 2020-05-19

Serial Number Comments

- serial number rationalization as follows: - the ATRS prefix is an abbreviation of the manufacturer's brand name, Alberta Tactical Rifle Supply; followed by 2 digits - indicating the year of manufacture, followed by the Roman alphabet letters "MS" denoting the model - "Modem Sporter"; with the final six (6) digits being the firearm's unique serial number within the Modem Sporter series production.
- serial number was observed marked on the right side of the magazine housing of the lower receiver/frame.
- observed serial number consisted of a four letter prefix followed by a series of letters and numbers.

Images

No data

Court File No. T-577-20

FEDERAL COURT

BETWEEN:

CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY GILTACA,
LAURENCE KNOWLES, RYAN STEACY, MACCABEE DEFENSE INC.,
WOLVERINE SUPPLIES LTD., AND MAGNUM MACHINE LTD.

Applicants (Applicants on Motion)

and

ATTORNEY GENERAL OF CANADA

Respondent (Respondent on Motion)

WRITTEN REPRESENTATIONS OF THE APPLICANTS

**(APPLICANTS ON THE MOTION), CANADIAN COALITION
FOR FIREARM RIGHTS, RODNEY GILTACA, LAURENCE
KNOWLES, RYAN STEACY, MACCABEE DEFENSE INC.,
WOLVERINE SUPPLIES LTD., AND MAGNUM MACHINE LTD.**

(Rules 369, 317, and 318 Notice of Motion to Produce Records and Materials)

INTRODUCTION

1. The response provided by the Attorney General of Canada (**AGC**) on September 11, 2020 (the **Rule 318 Objection**, as more particularly defined below) is not in compliance with Rule 318(1) and is an improper use of Rule 318(2). The Applicants submit that the deficient response is an improper attempt to shield the decisions of the Governor in Council (**GIC**) and Royal Canadian Mounted Police (**RCMP**) from judicial review.

2. The Applicants repeat and adopt all allegations of fact in the Notice of Application filed on May 26, 2020 (the **Application**).

3. Absent a proper objection, the Respondent must produce the materials in the Applicants' request made in paragraph 186 of the Application (**Rule 317 Request**), as they are relevant, they are in the possession of the Respondent, and they are not in the possession of the Applicants. No proper objection has been made that can or should preclude the production of these materials.

PART I - STATEMENT OF FACTS

(a) General Overview of the Application

4. The Application is a judicial review application and Charter 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 (the **Regulation**) made by Order in Council P.C. 2020-298, May 1, 2020 (the **Order in Council**), including the Regulatory Impact Analysis Statement, Canada Gazette, Part II, Vol. 154, No. 3) dated May 1, 2020 (the **Regulatory Impact Analysis Statement**) and the *Order Declaring an Amnesty Period (2020)*, SOR/2020-97 (the **Amnesty Order**) (collectively, the **GIC Decision**).

5. The Application is also a judicial review application of certain *ad hoc* decisions made by the RCMP, including through the Specialized Firearms Support Services Unit (**SFSS**) and the Firearms Reference Table (**FRT**), since May 1, 2020 in re-designating any firearm, weapon, prohibited device, prohibited ammunition, explosive substance or component or part as prohibited or restricted within the FRT (the **RCMP Decisions**).

6. The Application, including paragraphs 48 and 49 in particular, expressly challenges each of the RCMP Decisions to re-designate what was then an estimated 255 firearms and devices as prohibited (which number continues to grow)¹, apparently on the impugned basis that those items are variants of the firearms and devices set out in the Regulation, or purportedly exceed the new bore and joule limitations set out in the Regulation.²

7. The GIC Decision and every one of the RCMP Decisions are integral to the Application for judicial review, making both the GIC and RCMP the “tribunal” or “administrative decision maker” for the purposes of the Application, Rules 317 and 318 of the *Federal Courts Rules*, SOR/98-106 (the *Rules*),³ and the *Federal Courts Act*, RSC 1985, c F-7, (the *Federal Courts Act*).⁴

(b) **General Overview of the Rule 317 Request**

8. This Motion is for an order requiring disclosure, pursuant to Rule 317 of the *Rules*, of materials, records, and documents that are not in the possession of the Applicants,⁵ but are known to be in the possession of the AGC⁶ as the representative of the GIC and the RCMP in this proceeding (collectively referred to as the **Respondent**).

¹ Affidavit of Wyatt Singer, sworn on October 1, 2020 at para 28 and Exhibit “K” [Singer Affidavit].

² Notice of Application on Court File No T-577-20 at paras 48-49 [Application].

³ *Federal Courts Rules*, SOR/98-106, r 317 and 318 [*Rules*] [**TAB A**].

⁴ *Federal Courts Act*, RSC 1985, c F-7, s 2(1) [*FC Act*] [**TAB B**].

⁵ Singer Affidavit at paras 11 and 14; Affidavit of Rick Timmins, sworn on September 30, 2020 at paras 10 and 13 [Timmins Affidavit].

⁶ Singer Affidavit at paras 10, 13, 18-21; Timmins Affidavit at paras 9, 12, 14-20.

9. In this Motion, the Applicants restate the Rule 317 Request for certain described materials.⁷

10. Pursuant to Rule 318(1), within 20 days after service of a request under Rule 317 (in this instance, on or before June 21, 2020), the tribunal or administrative decision maker receiving a Rule 317 request is required to transmit:⁸

(a) a certified copy of the requested material to the Registry and to the party making the request; or

(b) an appropriate objection to provide such material under Rule 318(2).

11. At the first case management meeting held on July 29, 2020 (the **First Case Management Meeting**), the Rule 317 Request was discussed. At this time, counsel for the Applicants, Ms. Warner, and counsel for other applicants in other proceedings, Mr. Friedman, Mr. Burlew, and Mr. Bouchelev, all raised concerns that two months had already passed since requests for materials pursuant to Rule 317 had been served on the AGC, yet the Respondent had not provided a response.⁹

12. Counsel for the Respondent, Mr. Kerry Boyd (**Mr. Boyd**), stated that the reason for the Respondent's delay was that the Respondent was facing five separate requests under Rule 317 and was attempting to coordinate with colleagues to compile and review

⁷ Singer Affidavit at Exhibit A.

⁸ *Rules* at r 318(1) and 318(2).

⁹ Singer Affidavit at para 30.

the requested records before the GIC and other departments, including the RCMP, and was in the process of preparing fulsome responses.¹⁰

13. Mr. Boyd expressly stated that the Respondent was willing to agree to a timetable for a fulsome response and that, in the interim, the Respondent would provide relevant records in its possession in response to the Rule 317 Request as and when those documents became available¹¹ (**Rolling Disclosure**).

14. Mr. Boyd further represented that the Respondent had commenced their search for specific records and that the delay was also due, in part, to the COVID-19 pandemic and the fact that the summer months had made it difficult to respond, as many members of the Respondent's staff were away on vacation. As such, the Respondent requested an extension and thanked the collective applicants for their patience and understanding. It was agreed that the Respondent would provide Rolling Disclosure as documents became available and would, in any event, make a complete response by September 11, 2020.¹²

15. Pursuant to paragraph 4(a) of the Order of Associate Chief Justice Gagné dated August 27, 2020 (the **Procedural Order**), the Respondent was ordered to provide responses to the Rule 317 Request “as responses bec[a]me available by or before September 11, 2020”¹³ (the **Procedural Deadline**). In all, the Respondent had almost four months to compile the required records under the Rule 317 Request for which the *Rules* typically provide only 20 days (the **Procedural Extension**).

¹⁰ Singer Affidavit at para 31.

¹¹ Singer Affidavit at para 32.

¹² Singer Affidavit at para 33.

¹³ Order of the Associate Chief Justice Gagné dated August 27, 2020 on Court File No T-577-20 at para 4(a) [Procedural Order].

16. Contrary to the representation given by the Respondent that it would provide the Rolling Disclosure of responses to the Rule 317 Request as each document or record was located or identified, the Respondent failed to provide a single record from the date of the First Case Management Meeting until the Procedural Deadline.¹⁴

17. On the Procedural Deadline, the AGC responded to the Rule 317 Request that was first made on May 26, 2020. The Respondent stated that:

- (a) It objects, pursuant to Rule 318(2), to the scope of the Rule 317 Request;
- (b) The only tribunal whose order is the subject of the Application is the GIC, and the only material that is relevant pursuant to Rule 317 is the record that was before the GIC in making the Order in Council; and
- (c) All other documents requested are not relevant for the record of this tribunal decision under review.

18. The AGC also enclosed a letter from the Privy Council Office, which:

- (a) stated that, “[i]n this matter, it is the decision of the Governor in Council P.C. 2020-298 that is the subject of the application”;
- (b) enclosed a certified copy “of the following material before the Governor in Council when making the Order in Council”, which consisted solely of the Order in Council with the annexed Regulation; and

¹⁴ Singer Affidavit at paras 9, 34 and Exhibit “C”.

(c) stated that “[t]he other material before the Governor in Council concerning Order in Council... is a confidence of the Queen’s Privy Council for Canada, which cannot be disclosed because of its confidentiality”,

(collectively, paragraphs 17 and 18 make up the **Rule 318 Objection**).¹⁵

19. The Rule 318 Objection essentially states that everything other than the Order in Council itself is a confidence of the Queen’s Privy Council for Canada (the **Cabinet Privilege Objection**).¹⁶

20. The AGC failed or refused to provide any response on behalf of or by the RCMP for the materials supporting the RCMP’s Decisions, notwithstanding the fact that the Rule 317 Request specifically requested materials related to the RCMP Decisions at para 186(g)(iv) and throughout the Application there are express challenges to each of the RCMP Decisions to re-designate what was at the time of the request an estimated 255 firearms and devices as prohibited (which number continues to grow and is now estimated at 600 firearms pursuant to the FRT supplemental materials posted on the Canadian Firearms Program, RCMP website).¹⁷

21. While the AGC may object to disclose any document on behalf of the Respondent under Rule 318(2) of the *Rules*, as outlined therein, the tribunal, decision maker, or party objecting (in this instance, the AGC on behalf of the GIC and RCMP

¹⁵ Singer Affidavit at Exhibit “C”.

¹⁶ Singer Affidavit at Exhibit “C”.

¹⁷ Singer Affidavit at para 28.

respectively) must inform all parties and the Administrator, in writing, of the reasons for the objection.¹⁸ In this instance the Respondent's Rule 318 Objection only provides a blanket response with no particulars as to any of the specific requests meticulously outlined in the Rule 317 Request or any distinct response from the RCMP.

22. In addition, contrary to the express representation of the Respondent to provide a Rolling Disclosure of the responses to the Rule 317 Request,¹⁹ and the Court ordered requirement to provide a fulsome response to the Rule 317 Request on or before September 11, 2020,²⁰ the Respondent provided only the Order in Council itself (a document which was in the Respondent's possession since, at least, May 1, 2020 and certainly as of the date of service of the Applicants' Rule 317 Request on May 26, 2020). The Respondent took a total of 108 days to produce this single record.

PART II - ISSUES

23. The issues for this Honourable Court to determine in this motion are:
- (a) Are the records and documents referenced in the Applicants' Rule 317 Request, (a) relevant to the underlying Application for judicial review, (b) in the possession of the Respondent, and (c) not in the possession of the Applicants, so that they are producible in accordance with Rule 317?
 - (b) Are the justifications provided by the Respondent in their Rule 318 Objection, and the Cabinet Privilege Objection claimed therein, a valid

¹⁸ *Rules* at r 318(2).

¹⁹ Singer Affidavit at para 32.

²⁰ Procedural Order at para 4(a).

ground of objection to refuse to produce the material in the Rule 317 Request?

- (c) Is the nature of the Rule 318 Objection contrary to the underlying principles of the *Rules*?

PART III - STATEMENT OF SUBMISSIONS

24. The material accessible under Rule 317(1) is that which is: (a) relevant to an application; (b) in the possession of the administrative decision maker whose decision is the subject of the application; and (c) not in the possession of the party filing the written request.²¹

25. The records and documents in the Rule 317 Request are relevant and material to the underlying Application, are known to be in the possession of the administrative decision makers (i.e., the GIC and RCMP), are not in the possession of the Applicants, and are not protected by any common law principles of deliberative secrecy or privilege. The Respondent should therefore be required to produce the records pursuant to the Applicants' Rule 317 Request unless a valid objection can be raised, supported, and substantiated.

(a) The Importance of Disclosure Under Rules 317 and 318

26. As a starting point, Rules 317 and 318 are integral to the judicial review process and serve an important purpose in ensuring that parties have access to documents relied

²¹ *Rules* at Rule 317(1); *Right to Life Association of Toronto and Area v Canada (Employment, Workforce and Labour)*, 2019 CanLII 9189 (FC) at para 17 [*Right to Life*] [**TAB C**], citing *Habitations Îlot St-jacques Inc v Canada (AGC)*, 2017 FC 147 at para 4.

on by government decision makers, and in preventing government actions from being effectively immune from challenge.²² An inadequate record fails to meet the objectives of judicial review.

27. As expressly noted by Justice Stratas in *Canadian Copyright Licensing Agency*:²³

Rule 317 reflects the reality today that the permissible grounds for judicial review are broader than they once were. It entitles the requesting party to receive everything that was before the decision-maker at the time it made its decision and that the applicant does not have in its possession...This allows parties “to effectively pursue their rights to challenge administrative decisions from a reasonableness perspective” and “have the reviewing court [that is engaged in reasonableness review] consider the evidence presented to the tribunal in question”: *Hartwig v. Saskatchewan (Commission of Inquiry)*, 2007 SKCA 74, 284 D.L.R. (4th) 268 at paragraph 24 (commenting on a rule similar to Rule 317).

This excerpt from *Hartwig* recognizes the relationship between the record before the reviewing court and the reviewing court’s ability to review what the administrative decision-maker has done. If the reviewing court does not have evidence of what the administrative decision-maker has relied upon, the reviewing court may not be able to detect reviewable error. In other words, an inadequate evidentiary record before the reviewing court can immunize the administrative decision-maker from review on certain grounds. [*emphasis added*]

²² *Canadian Copyright Licensing Agency (Access Copyright) v. Alberta*, 2015 FCA 268 at paras 10-16 [CCLA] [TAB D], *Slansky v Canada (AGC)*, 2013 FCA 199 at paras 276, 313 and 314 (dissenting reasons, but the majority was not opposed on this point) [Slansky] [TAB E].

²³ CCLA, *ibid* at paras 13-14; *Slansky, ibid* at para 276.

28. The Order in Council as provided by the Respondent in their Rule 318 Objection does not form any part of the record of what the GIC and RCMP have relied upon in making the GIC Decision and RCMP Decisions; rather, the Order in Council is, in essence, the GIC Decision itself and cannot form the basis for its own existence. The Respondent's disclosure of only the Order in Council in response to the Rule 317 Request is therefore circular.

29. The "disclosure" of the Order in Council as the only producible record related to the GIC Decision and RCMP Decisions falls short of the Respondent's obligations under Rules 317 and 318, and unjustly "immunize[s those decisions] from review."²⁴

30. The Rule 318 Objection has left this reviewing Court with no evidence of what each administrative decision maker relied on in making the impugned decisions. Such information is crucial to this Court's ability to complete a judicial review, as the Court must be able to consider both "the decision maker's reasoning process *and* the outcome" (emphasis added).²⁵ Without disclosure of the materials that were before the decision maker, the reasoning process cannot be reviewed for its reasonableness or lack thereof. The Supreme Court of Canada has instructed that "the existence of justification, transparency and intelligibility within the decision-making process" is essential to judicial review.²⁶

31. Further, the Respondent has ignored the distinction between the GIC Decision (i.e., the Order in Council) and the RCMP Decisions (i.e., each subsequent *ad hoc*

²⁴ *CCLA*, *ibid* at paras 13-14; *Slansky*, *ibid* at para 276.

²⁵ *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 83-87 [*Vavilov*] [TAB F].

²⁶ *Vavilov*, *ibid* at para 86.

decision made by the RCMP through the SFSS and FRT), as described in the Application. The Order in Council and the RCMP Decisions are distinct and both are the subject of the within Application for judicial review and the subject of the Rule 317 Request. The Applicants are entitled to fulsome responses and disclosures related to both the Order in Council *and* the RCMP Decisions.

32. The Rule 318 Objection undermines the entire judicial review process and negates any value or purpose behind Rules 317 and 318. Such an objection is undemocratic, contrary to the rule of law and brings the administration of justice into disrepute.

(b) **The Rule 317 Request is relevant to the underlying Judicial Review Application**

33. Relevance is defined by the grounds of review in the Notice of Application. As emphasized by Justice Stratas in *Tsleil-Waututh Nation v Canada (AGC)*, citing the Federal Court of Appeal in *Canada (Human Rights Commission) v. Pathak*, 1995 CanLII 3591 (FCA), [1995] 2 F.C. 455 at page 460 (CA):²⁷

A document is relevant to an application for judicial review if it may affect the decision that the Court will make on the application. As the decision of the Court will deal only with the grounds of review invoked by the [applicant], the relevance of the documents requested must necessarily be determined in relation to the grounds of review set forth

²⁷ *Tsleil-Waututh Nation v Canada (Attorney General)*, 2017 FCA 128 at para 109 [TWN] [TAB G]; citing *Canada (Human Rights Commission) v Pathak*, 1995 CanLII 3591 (FCA), [1995] 2 FC 455 at 460.

in the originating notice of Application and the affidavit filed by the [applicant].

34. Stated in another way:²⁸

Documents are “relevant” for the purposes of Rule 317 if they may have affected the decision of the administrative decision-maker, or if it may affect the decision that this Court will make on the application for judicial review.

The relevance of documents requested is to be determined in relation to the grounds of review set forth in the notice of application and the affidavits filed.

35. It is important to note that the Respondent has not sufficiently challenged the relevance of the requested records within the Rule 317 Request but has instead opted to dispute its production obligations on the grounds of privilege and confidentiality. As stated in the letter from the Privy Council provided in response the Rule 318 Objection:

The other material before the Governor in Council concerning Order in Council PC 2020-298 making the [Regulation] is a confidence of the Queen’s Privy Council for Canada, which cannot be disclosed because of its confidentiality.

36. Inherent in this letter from the Privy Council is the acknowledgement by the Respondent that the records and documents requested in the Rule 317 Request are relevant to the Application (the **PC’s Relevance Acknowledgement**). The statement in the cover letter from the AGC, which enclosed the Privy Council’s letter, makes the assertion that “all other documents requested are not relevant for the record of this

²⁸ *Right to Life*, *supra* note 21 at paras 19-20.

tribunal decision”. Such an assertion is unsupported and a bald allegation with no basis for its conclusion. Therefore, the Rule 318 Objection is based exclusively on the allegation that the requested records are not producible under the common law doctrine of Cabinet Confidentiality.²⁹

37. The PC’s Relevance Acknowledgement is correct, and the Applicants submit that each of the requested documents is relevant to the Application and producible as such materials “may affect the decision that the Court will make on the application”.

(i) **The GIC Producible Records**

38. The Order in Council and Regulatory Impact Analysis Statement refer to several documents (the **GIC Producible Records**) which relate to the Application. These records are known to be in the possession of the Respondent, because those records are specifically referenced in the Regulatory Impact Analysis Statement that accompanied the Order in Council as noted in the Rule 317 Request, which also notes the corresponding page numbers.³⁰

39. Each enumerated request for the GIC Producible Records was specifically based on the Order in Council and Regulatory Impact Analysis Statement and the grounds of the Application with specific references to, among others, the public engagement,³¹ regulatory analysis,³² rationale,³³ implementation, compliance and enforcement, and

²⁹ Singer Affidavit at Exhibit “C”.

³⁰ Singer Affidavit at para 10 and Exhibit “A”.

³¹ Application at para 186(d); Order in Council at pages 59-63.

³² Application at para 186(e); Order in Council at pages 60-63.

³³ Application at para 186(f); Order in Council at pages 63-64.

service standards,³⁴ expressly referenced by the GIC itself in enacting the Order in Council and as enumerated in the Application.³⁵

40. Each of the enumerated requests are rooted in the Order in Council, Regulatory Impact Analysis Statement, and the Application itself.

41. For example, the Regulatory Impact Analysis Statement purports to comment on and explain the Regulation with respect to the “suitability for civilian use” of the firearms enumerated in the Regulation, and their “variants” (however that term may be defined). Section 117.15(2) of the *Criminal Code of Canada* states that a firearm may not be prescribed as prohibited where it is “reasonable for use in Canada for hunting or sporting purposes” (the **Necessary Opinion**). The question of whether any of the firearms which have been prohibited since May 1, 2020, by either the GIC Decision or the RCMP Decision, are “reasonable for use in Canada for hunting or sporting purposes” may be answered in part by the materials and records which were specifically requested in the Applicant’s Rule 317 Request. This is a key aspect of the Application.

42. If the GIC has made the Necessary Opinion, as is required of them in the *Criminal Code of Canada*, this reviewing Court must be able to bring itself to comfort about the reasonableness of the opinion formed and be able to complete a robust review of that decision pursuant to *Vavilov* (as cited above). In other words, the tribunal should

³⁴ Application at para 186(g); Singer Affidavit at Exhibit “B”.

³⁵ Application at para 186.

send up the “entire record” and that record should be before the superior court so that the Court may “be better informed” to do a fulsome, robust review.³⁶

(i) **RCMP SFSS Producible Records**

43. In addition to the GIC Producible Records, the Rule 317 Request makes specific reference to records in connection with “decisions made since May 1, 2020 by the SFSS and RCMP” with respect to the re-designation of firearms that are not listed in the Regulation but are now listed as prohibited in the FRT.³⁷

44. The Rule 317 Request specifically requests disclosure of the implementation, compliance and enforcement, and service standards, including the RCMP SFSS re-designation decisions, the FRT entries and reports related to these re-designations.³⁸

45. With respect to the RCMP SFSS re-designations, the Respondent is in possession of relevant documents including research, analysis, studies, presentations, photos, Technical Data Packages, work notes, inspection files, Inspection Reports from both before and after the re-designation, FRT Reports from both before and after the re-designation, letters, emails and other communications that were prepared, commissioned, considered, or received by the Respondent in relation to all re-designation decisions which are ostensibly related to the Regulation, including all changes to the classification, designation or determination of variants or modified

³⁶ *Brewer v Fraser Milner Casgrain LLP*, 2008 ABCA 160 at paras 18-19 [TAB H].

³⁷ Singer Affidavit at para 12 and Exhibit “A”; Application at para 186(g)(iv).

³⁸ Singer Affidavit at Exhibit “A”; Application at para 186(g)(iv).

versions of firearms listed in the Regulation, and all FRT entries and reports in connection with same (collectively, the **RCMP SFSS Producible Records**).³⁹

46. There is no reasonable basis to assert that the RCMP SFSS Producible Records are not relevant to the Application. Further, there is no reason to believe these records should be protected by Cabinet Privilege. As alleged in the Application, the re-designation decisions are *ad hoc*⁴⁰ and without notice.⁴¹ The purported authority of the RCMP SFSS to re-designate firearms and the interpretation of variant by the RCMP SFSS have been impugned by the Application.⁴² The records requested in the Rule 317 Request are therefore relevant to this judicial review challenge of the RCMP Decisions. Again, without proper disclosure, this Court is unable to do a fulsome, robust review of those decisions.

(c) The Documents within the Rule 317 Request are in the Possession of the Administrative Decision Maker (i.e., the GIC and RCMP)

47. Rules 317 and 318 require the Respondent to provide a certified copy of the material which is “in its possession” and which the decision maker used in its hearing, deliberations, or decision within 20 days and in any event “without delay”.⁴³

³⁹ Singer Affidavit at para 13, 16-28, and Exhibits “D”, “E”, “F”, “G”, “H”, “I”, “J”, “K” and “L”; Timmins Affidavit at paras 11-31 and Exhibits “A”, “B”, “C”, “D”, “E”, “F”, “G”, “H”, “I”, and “J”.

⁴⁰ Application at para 123

⁴¹ Application at paras 19 and 28; Singer Affidavit at para 24; Timmins Affidavit at paras 29, 30.

⁴² Application at paras 43, 47, 49, 62, 78, 80-82, 115-121, 125.

⁴³ *TWN*, *supra* note 27 at paras 113-114.

48. As summarized by the Federal Court of Appeal in *Tsleil-Waututh Nation v Canada (AGC)*:⁴⁴

This standard has been repeatedly applied by this Court. In *Quebec Port Terminals Inc. v. Canada Labour Relations Board (1994)*, 164 N.R. 60 at page 66, this Court stated:

The obligation which is imposed on the tribunal by rules 1612 and 1613 [now Rules 317 and 318] is “without delay” to “provide” or “forward” a “certified copy” of “material” which is “in its possession” and which is “specified”. In my view, this presumes that it is material which already exists at the time when the request to obtain the material is made, which the tribunal used in its hearing, deliberations or decision, which is part of its record and of which it is in a [position] to provide a certified copy.

49. The Respondent has not denied that the documents requested in the Rule 317 Request are in its respective possession; rather, the Respondent has only stated that these documents are subject to the Cabinet Privilege Objection.

50. Inherent to the Cabinet Privilege Objection is also the acknowledgement from the Respondent that these records are in their possession but will not be produced because of the Respondent’s claim that the documents are subject to privilege (the **Respondent’s Possession Acknowledgement**).

⁴⁴ *TWN*, *ibid* at paras 113-114.

51. The Respondent's Possession Acknowledgement is correct - each of the requested documents expressly enumerated within the Rule 317 Request can be shown to be in the Respondent's possession.⁴⁵

52. As the Rule 317 Request was derived from the specific representations made by the GIC within the Regulatory Impact Analysis Statement that accompanied the Order in Council itself, it is reasonable and logical to conclude that the GIC would have the GIC Producing Records in its possession.

53. Moreover, the specific representations made by the Respondent in the First Case Management Meeting would suggest that these records and documents were "certainly"⁴⁶ under review by the Respondent during the time period between the service of the Rule 317 Request and the provision of the Rule 318 Objection on September 11, 2020 and no such other objection has been raised by the Respondent. It is therefore reasonable and logical to conclude that the records are in the Respondent's possession.⁴⁷

54. Notwithstanding the foregoing, even if the Respondent were to assert that the records and documents requested in the Rule 317 Request were not in the possession of the GIC or RCMP (which they have not), such an assertion would not, in and of itself, absolve the Respondent from providing all, or at the very least some, of these records.

55. An exception exists to the rule that only the records before the administrative decision maker are producible under Rule 317. Where it is alleged that the decision

⁴⁵ Singer Affidavit at para 11-13, 16-28, Exhibits "B" "D", "E", "F", "G", "H", "I", "J" and "K"; Timmins Affidavit at paras 11-31 and Exhibits "A", "B", "C" "D", "E", "F", "G", "H", "I", and "J".

⁴⁶ Singer Affidavit at para 33.

⁴⁷ Singer Affidavit at paras 29-33.

maker has breached procedural fairness, or where there is an allegation of a reasonable apprehension of bias on the part of the decision maker, records which are relevant but were not before the decision maker are still producible.⁴⁸

56. To the extent that the materials requested were not before the GIC or the RCMP when making their respective decisions, the requested materials are still relevant and producible. Further, any correspondence or direction by the GIC to the RCMP is also producible on this basis for being relevant and in the possession of the Respondent.

57. As noted by Justice Teitelbaum in *Gagliano v Canada (Commission of Inquiry into the Sponsorship Program and Advertising Activities - Gomery Commission)*, 2006 FC 720, 293 FTR 108:⁴⁹

It is trite law that in general only materials that were available to the decision-maker at the time of rendering a decision are considered relevant for the purposes of Rule 317. However, the jurisprudence also carves out exceptions to this rule. The Commission's own written representations indicate that, "An exception exists where it is alleged that the federal board breached procedural fairness or committed jurisdictional error": *David Sgayias et al., Federal Practice*, (Toronto: Thomson, 2005) at 695, reproduced in the Commission's Memorandum of Fact and Law (Chrétien, T-2118-05) at para. 24. The above comment is clearly supported by jurisprudence which indicates that materials beyond those before the decision-maker may be considered relevant where it is alleged that the decision-maker breached procedural fairness.

⁴⁸ *Right to Life*, *supra* note 21 at para 21, citing *Gagliano v Canada (Commission of Inquiry into the Sponsorship Program and Advertising Activities)*, 2006 FC 720 at para 50 [*Gagliano*] [TAB I], appeal dismissed at 2007 FCA 131.

⁴⁹ *Gagliano*, *ibid* at para 50, see generally paras 48-52.

or where there is an allegation of a reasonable apprehension of bias on the part of the decision-maker...[emphasis added]

58. The Application has expressly raised both a breach of procedural fairness and an allegation of a reasonable apprehension of bias on the part of the Respondent. The Application expressly states, *inter alia*: “To the extent that its conduct impacts the rights and interests of known or identifiable individuals or groups, the GIC and any purported sub-delegate are under a duty to be fair...[and have] a duty to make decisions that are free from actual or apprehended bias and to allow impacted individuals to be heard.”⁵⁰ The Application alleges, *inter alia*, that “the passing of the Regulation and the subsequent conduct of the RCMP have not been made in good faith and are tainted by a reasonable apprehension of bias”⁵¹ and further, that “the GIC’s apparent sub-delegation and the related conduct and decisions of the RCMP SFSS are contrary to the principles of procedural fairness and natural justice”⁵².

59. When determining if there is a reasonable apprehension of bias, the test is whether an informed person, viewing the matter realistically and practically, and having thought the matter through, would conclude that it is more likely than not that the decision maker, whether consciously or unconsciously, would not decide fairly.⁵³

60. The GIC in the Regulatory Impact Analysis Statement that accompanied the Order in Council has made the manifest representation of the Respondent’s “objective

⁵⁰ Application at para 78.

⁵¹ Application at para 126.

⁵² Application at para 130, see also paras 46, 49.

⁵³ *Weywaykum Indian Band v Canada*, 2003 SCC 45 at para 60, citing *Committee for Justice and Liberty v National Energy Board* at 394 [not reproduced].

to ban assault-style fire-arms.”⁵⁴ There is an air of reality to the allegation that the GIC and RCMP SFSS have not decided fairly and have made decisions with political motivation.

61. The Application alleges a breach of procedural fairness and natural justice, contrary to legitimate expectations of the Applicants, and alleges a reasonable apprehension of bias on the part of the RCMP. It further impugns the any delegation of criminal law authority to the RCMP SFSS that is purported to occur through the Regulation and the use of the word variant.⁵⁵

62. A reasonable apprehension of bias is exemplified by the absence of processes and procedures since May 1, 2020. Such processes and procedures were previously required by the RCMP SFSS to designate a newly designed and manufactured firearm (such as Maccabee’s SLR-Multi or Magnum’s Modern series of rifles), but the RCMP SFSS arguably did not follow same processes and procedures when determining whether such firearm was a variant of a firearm enumerated in the Regulation.⁵⁶ The processes and procedures previously required gave rise to rights and expectations which were unfairly violated by the re-designation decisions by the RCMP SFSS which have been *ad hoc* and without notice.

63. The promulgation of the Regulation by the executive branch of government, without consultation or notice, is further contrary to the legitimate expectations’

⁵⁴ Singer Affidavit at Exhibit “B”.

⁵⁵ Application at paras 115-121.

⁵⁶ Singer Affidavit at paras 18-24; Timmins Affidavit at paras 12-31.

doctrine, which is specifically alleged in the Application.⁵⁷ These allegations are reasonable and are not superficial or vexatious.

64. Accordingly, notwithstanding the Respondent's Possession Acknowledgement and the absence of any contrary argument as to whether the materials were before either Respondent, the Applicants submit that the requested records should still be ordered to be produced because they are relevant and the Applicants have alleged a breach of procedural fairness and a reasonable apprehension of bias which is supported by appropriate evidence.⁵⁸

(d) **The Respondent Rule 318 Objection is Not a Valid Objection**

65. The Respondent makes no reference to any statutory protections in their Rule 318 Objection but seemingly attempts to evoke the common law doctrine of the Confidence of the Queen's Privy Council for Canada or, as it is more commonly referred to, "**Cabinet Confidentiality**" in their Rule 318 Objection.

66. At common law, Cabinet Confidentiality is a type of protection that must be determined by the Court, and the Respondent cannot unilaterally refuse to produce records on such a claim.⁵⁹ While there are general principles in favour of protecting Cabinet Confidentiality at common law, confidentiality alone does not provide a basis to refuse the disclosure of documents entirely; rather, it provides a basis for the

⁵⁷ Application at para 125.

⁵⁸ Singer Affidavit at paras 10, 18-24; Timmins Affidavit at paras 12-31.

⁵⁹ *Alberta Wilderness Association v Canada (Attorney General of Canada)*, 2013 FCA 190 at para 45 [Alberta Wilderness] [TAB J].

Respondent to raise a claim for immunity, which in turn becomes the subject of greater scrutiny by the Court.⁶⁰

67. As stated by the Federal Court of Appeal in *Alberta Wilderness Assn. v Canada (AGC)*:⁶¹

It is important to recognize that there is a distinction between confidentiality and immunity from having to produce a document or a communication for the purposes of litigation. While confidentiality is a necessary element of a privileged communication, confidentiality alone does not confer privilege or immunity. In this context, the fact that cabinet deliberations are confidential means that a claim of immunity can be advanced. [*emphasis added*]

68. In the seminal case of *Carey v. Ontario*, the Supreme Court of Canada addressed the distinction between a claim for privilege and immunity at common law.⁶² In *Carey*, the Supreme Court of Canada unanimously noted that the absolute entitlement to privilege that Cabinet documents once held has become increasingly eroded.⁶³ At common law, crown immunity is to be determined by the Court rather than by the government. As noted by LA Forest J:

I am, therefore, of the view that the documents to be produced should be inspected by the trial judge to determine whether, on balancing the competing interests already described, they should be produced.⁶⁴

⁶⁰ *Alberta Wilderness, ibid* at para 45.

⁶¹ *Alberta Wilderness, ibid* at para 45.

⁶² *Carey v Ontario*, [1986] 2 SCR 637 [*Carey*] [TAB K].

⁶³ *Carey, ibid* at para 50.

⁶⁴ *Carey, ibid* at para 108.

69. With respect to the “competing interests”, the Supreme Court of Canada added:⁶⁵

To these considerations, and they are not all, one must, of course, add the importance of producing the documents in the interests of the administration of justice. On the latter question, such issues as the importance of the case and the need or desirability of producing the documents to ensure that it can be adequately and fairly presented are factors to be placed in the balance. [*emphasis added*]

70. The common law principles elucidated by the Supreme Court of Canada in *Carey* have been referenced by the Federal Court of Appeal in *Singh v. Canada (AGC)*⁶⁶ and *Alberta Wilderness*.⁶⁷ In *Singh*, the process was described as follows:⁶⁸

... in the face of such a claim to a Cabinet confidence, modern case law would permit a judge to examine the document to see if the claim is well-founded and if so, whether the public interest in its disclosure would outweigh the public interest in its continuing secrecy. (It does not, it should be emphasized, guarantee disclosure of such documents but leaves that decision to the Court).

71. This was reiterated in *Alberta Wilderness*:

... If a claim of Crown immunity were made, the Court would be entitled to demand that the material in respect of which the claim was made be produced so that it could examine it and decide whether the public interest in disclosure was more substantial than the public interest in maintaining the privilege.⁶⁹

⁶⁵ *Carey*, *ibid* at paras 79.

⁶⁶ *Singh v Canada (Attorney General)*, [2000] 3 FC 185 (FC AD) [*Singh*] [TAB L].

⁶⁷ *Alberta Wilderness*, *supra* note 59 at para 42.

⁶⁸ *Singh*, *supra* note 66 at para 20.

⁶⁹ *Alberta Wilderness*, *supra* note 59 at para 42.

72. As such, the Respondent's Rule 318 Objection does not preclude the documents from being produced entirely, but rather the Respondent should provide the records to this Honourable Court to then make a determination as to whether the impugned materials are in fact protected by immunity or be produced for the Applicants under the balancing test described in *Carey*.

(e) The Nature of the Respondent's Rule 318 Objection is Contrary to the Underlying Principles of the Rules

73. The Respondent is obligated by Rules 317 and 318 to provide the requested material in their possession without delay⁷⁰ or to provide a valid objection for each document refused under Rule 318 (also without delay).⁷¹ The time allotted under the *Rules* for either the provision of the records under Rule 317 or a refusal under Rule 318 is "within 20 days after service of a request under rule 317"⁷² (in this instance, the disclosure or response was initially due on or before June 21, 2020 and in any event, no later than the agreed date of September 11, 2020).

74. Additionally, Courts have referenced section 18.4(1) of the *Federal Courts Act*,⁷³ and Rule 3 relating to promptness and the orderly progression of judicial review Applications.⁷⁴

⁷⁰ *Rules*, *supra* note 3, r 317; *TWN*, *supra* note 26 at paras 113-114.

⁷¹ *Rules*, *ibid*, r 318(2).

⁷² Application at para 186; *Rules*, r 318(1) and 318(2).

⁷³ *FC Act*, *supra* note 4, s 18.4.

⁷⁴ *TWN*, *supra* note 27 at para 108; See also: *Access Information Agency Inc v Canada (Attorney General)*, 2007 FCA 224 at para 21 [not reproduced].

75. It was only under the express representations of the Respondent at the First Case Management Meeting that a fulsome response to the Rule 317 Request would be forthcoming to the Applicants,⁷⁵ the representation that the reason for any delay was occasioned by summer holidays and the COVID-19 pandemic,⁷⁶ and the representation that the Respondent's ongoing and thorough collection, review, and provision of the requested records therein, that the Applicants consented to an extension of the Rule 317 requirements within the Procedural Order.⁷⁷ The Applicants have now been prejudiced by many more months' delay, all for the purpose of the Respondent to:

- (a) Disclose one record which was published publicly at the same time as the Regulation;
- (b) Refuse to disclose further records under the impugned Rule 318 Objection with respect to the Regulation and the GIC; and
- (c) Fail or refuse to respond to the Rule 317 Request with respect to the RCMP Decisions.

76. The Respondent could have, at any instance before the Procedural Deadline of September 11, 2020, provided their Rule 318 Objection to the Applicants, if that was their intention, but chose to delay its provision until the last possible date. The nature of the Respondent's Rule 318 Objection and delay in its provision is contrary to section 18.4(1) of the *Federal Courts Act*, and Rule 3 relating to promptness and the orderly

⁷⁵ Singer Affidavit at paras 31-32.

⁷⁶ Singer Affidavit at para 33.

⁷⁷ Procedural Order at para 4(a); Singer Affidavit at para 34.

progression of judicial review Applications, and it brings the administration of Justice into disrepute.

77. There is significant public importance related to the Application. The Canadian public is interested in the outcome of this judicial review and, pursuant to the challenges regarding section 35 of the *Constitution Act, 1982*, the honour of the Crown is at stake. Justice must be done and seen to be done in accordance with the rule of law.

PART IV - STATEMENT OF THE ORDER SOUGHT

78. Specifically, the Applicants seek:

- (a) An Order dismissing the Rule 318 Objection made by the Respondent on September 11, 2020 under Rule 318(2);
- (b) An Order pursuant to Rule 318(4) requiring the Respondent to provide certified copies of the documents requested by the Applicants in their Rule 317 Request;
- (c) Alternatively, an Order requiring the Respondent to provide certified copies to the Court of any of the relevant and material documents within their possession that were the subject of the Rule 317 Request for which they have claimed privilege or confidentiality in order to determine:
 - (i) whether the records are subject to any privilege or confidentiality as claimed; and if so,
 - (ii) whether the public interest in the disclosure of these records outweighs the public interest in maintaining its privilege;

- (d) Costs of this Motion; and
- (e) Such further and other relief as Counsel for the Applicants may advise and this Honourable Court may permit.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 2nd day of October, 2020.



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PART V - LIST OF AUTHORITIES**All authorities reproduced in part.**

- A. *Federal Courts Rules*, SOR/98-106
- B. *Federal Courts Act*, RSC 1985, c F-7
- C. *Right to Life Association of Toronto and Area v Canada (Employment, Workforce and Labour)*, 2019 CanLII 9189 (FC)
- D. *Canadian Copyright Licensing Agency (Access Copyright) v Alberta*, 2015 FCA 268
- E. *Slanksy v Canada (Attorney General)*, 2013 FCA 199
- F. *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65
- G. *Tsleil-Waututh Nation v Canada (AGC)*, 2017 FCA 128
- H. *Brewer v Fraser Milner Casgrain LLP*, 2008 ABCA 160
- I. *Gagliano v Canada (Commission of Inquiry into the Sponsorship Program and Advertising Activities)*, 2006 FC 720
- J. *Alberta Wilderness Assn. v Canada (AGC)*, 2013 FCA 190
- K. *Carey v Ontario*, [1986] 2 SCR 637
- L. *Singh v Canada (AGC)*, [2000] 3 FC 185 (FC AD)



CANADA

CONSOLIDATION

CODIFICATION

Federal Courts Rules

Règles des Cours fédérales

SOR/98-106

DORS/98-106

Current to September 22, 2020

À jour au 22 septembre 2020

Last amended on June 17, 2019

Dernière modification le 17 juin 2019

OFFICIAL STATUS OF CONSOLIDATIONS

Subsections 31(1) and (3) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Published consolidation is evidence

31 (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

...

Inconsistencies in regulations

(3) In the event of an inconsistency between a consolidated regulation published by the Minister under this Act and the original regulation or a subsequent amendment as registered by the Clerk of the Privy Council under the *Statutory Instruments Act*, the original regulation or amendment prevails to the extent of the inconsistency.

LAYOUT

The notes that appeared in the left or right margins are now in boldface text directly above the provisions to which they relate. They form no part of the enactment, but are inserted for convenience of reference only.

NOTE

This consolidation is current to September 22, 2020. The last amendments came into force on June 17, 2019. Any amendments that were not in force as of September 22, 2020 are set out at the end of this document under the heading "Amendments Not in Force".

CARACTÈRE OFFICIEL DES CODIFICATIONS

Les paragraphes 31(1) et (3) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1^{er} juin 2009, prévoient ce qui suit :

Codifications comme élément de preuve

31 (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

[...]

Incompatibilité — règlements

(3) Les dispositions du règlement d'origine avec ses modifications subséquentes enregistrées par le greffier du Conseil privé en vertu de la *Loi sur les textes réglementaires* l'emportent sur les dispositions incompatibles du règlement codifié publié par le ministre en vertu de la présente loi.

MISE EN PAGE

Les notes apparaissant auparavant dans les marges de droite ou de gauche se retrouvent maintenant en caractères gras juste au-dessus de la disposition à laquelle elles se rattachent. Elles ne font pas partie du texte, n'y figurant qu'à titre de repère ou d'information.

NOTE

Cette codification est à jour au 22 septembre 2020. Les dernières modifications sont entrées en vigueur le 17 juin 2019. Toutes modifications qui n'étaient pas en vigueur au 22 septembre 2020 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

	Material in the Possession of a Tribunal		Obtention de documents en la possession d'un office fédéral
317	Material from tribunal	317	Matériel en la possession de l'office fédéral
318	Material to be transmitted	318	Documents à transmettre
319	Return of material	319	Documents retournés
	References from a Tribunal		Renvois d'un office fédéral
320	Definition of reference	320	Définition
321	Notice of application on reference	321	Contenu de l'avis de demande
322	Directions on reference	322	Directives
323	Notice of intention to become party	323	Avis d'intention de devenir partie à l'instance
	Commercial Arbitrations		Règles d'arbitrage commercial
324	Notice of application	324	Avis de demande
	Divorce Proceedings		Procédures en divorce
325	Procedure of province to apply	325	Dispositions applicables
	Foreign Judgments and Arbitral Awards		Jugements étrangers et sentences arbitrales
326	Definitions	326	Définitions
327	Form of application	327	Forme de la demande
328	Ex parte application	328	Demande ex parte
329	Affidavit	329	Affidavit
330	Other evidence	330	Autres éléments de preuve
331	Amounts in Canadian currency	331	Conversion en monnaie canadienne
332	Interest	332	Intérêts courus
333	Service of order for registration	333	Traduction de l'avis d'enregistrement
334	Execution	334	Délai d'exécution
	PART 5.1		PARTIE 5.1
	Class Proceedings		Recours collectif
	Application		Champ d'application
334.1	Application	334.1	Champ d'application
334.11	Applicability of rules for actions and applications	334.11	Applicabilité des règles relatives aux actions et aux demandes
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334.12	By class member	334.12	Par un membre du groupe
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334.15	Time of service and filing	334.15	Signification et dépôt

Exceptions to General Procedure

Ex parte proceedings

316.1 Despite rules 304, 306, 309 and 314, for a proceeding referred to in paragraph 300(b) that is brought *ex parte*,

(a) the notice of application, the applicant's record, affidavits and documentary exhibits and the requisition for hearing are not required to be served; and

(b) the applicant's record and the requisition for hearing must be filed at the time the notice of application is filed.

SOR/2013-18, s. 10.

Summary application under *Income Tax Act*

316.2 (1) Except for rule 359, the procedures set out in Part 7 apply, with any modifications that are required, to a summary application brought under section 231.7 of the *Income Tax Act*.

Commencing the application

(2) The application shall be commenced by a notice of summary application in Form 316.2.

SOR/2013-18, s. 10.

Material in the Possession of a Tribunal

Material from tribunal

317 (1) A party may request material relevant to an application that is in the possession of a tribunal whose order is the subject of the application and not in the possession of the party by serving on the tribunal and filing a written request, identifying the material requested.

Request in notice of application

(2) An applicant may include a request under subsection (1) in its notice of application.

Service of request

(3) If an applicant does not include a request under subsection (1) in its notice of application, the applicant shall serve the request on the other parties.

SOR/2002-417, s. 19; SOR/2006-219, s. 11(F).

Exceptions aux règles générales de procédure

Instances présentées *ex parte*

316.1 Malgré les règles 304, 306, 309 et 314, s'agissant d'instances visées à l'alinéa 300b) qui sont présentées *ex parte* :

a) l'avis de demande, le dossier du demandeur, les affidavits et pièces documentaires du demandeur et la demande d'audience n'ont pas à être signifiés;

b) le dossier du demandeur et la demande d'audience doivent être déposés au moment du dépôt de l'avis de demande.

DORS/2013-18, art. 10.

Demande sommaire en vertu de la *Loi de l'impôt sur le revenu*

316.2 (1) À l'exception de la règle 359, la procédure établie à la partie 7 s'applique, avec les modifications nécessaires, à la demande sommaire présentée en vertu de l'article 231.7 de la *Loi de l'impôt sur le revenu*.

Introduction de la demande

(2) La demande est introduite par un avis de demande sommaire établi selon la formule 316.2.

DORS/2013-18, art. 10.

Obtention de documents en la possession d'un office fédéral

Matériel en la possession de l'office fédéral

317 (1) Toute partie peut demander la transmission des documents ou des éléments matériels pertinents quant à la demande, qu'elle n'a pas mais qui sont en la possession de l'office fédéral dont l'ordonnance fait l'objet de la demande, en signifiant à l'office une requête à cet effet puis en la déposant. La requête précise les documents ou les éléments matériels demandés.

Demande incluse dans l'avis de demande

(2) Un demandeur peut inclure sa demande de transmission de documents dans son avis de demande.

Signification de la demande de transmission

(3) Si le demandeur n'inclut pas sa demande de transmission de documents dans son avis de demande, il est tenu de signifier cette demande aux autres parties.

DORS/2002-417, art. 19; DORS/2006-219, art. 11(F).

Material to be transmitted

318 (1) Within 20 days after service of a request under rule 317, the tribunal shall transmit

- (a) a certified copy of the requested material to the Registry and to the party making the request; or
- (b) where the material cannot be reproduced, the original material to the Registry.

Objection by tribunal

(2) Where a tribunal or party objects to a request under rule 317, the tribunal or the party shall inform all parties and the Administrator, in writing, of the reasons for the objection.

Directions as to procedure

(3) The Court may give directions to the parties and to a tribunal as to the procedure for making submissions with respect to an objection under subsection (2).

Order

(4) The Court may, after hearing submissions with respect to an objection under subsection (2), order that a certified copy, or the original, of all or part of the material requested be forwarded to the Registry.

Return of material

319 Unless the Court directs otherwise, after an application has been heard, the Administrator shall return to a tribunal any original material received from it under rule 318.

References from a Tribunal

Definition of *reference*

320 (1) In rules 321 to 323, *reference* means a reference to the Court made by a tribunal or by the Attorney General of Canada under section 18.3 of the Act.

Procedures on applications apply

(2) Subject to rules 321 to 323, rules 309 to 311 apply to references.

Notice of application on reference

321 A notice of application in respect of a reference shall set out

- (a) the name of the court to which the application is addressed;

Documents à transmettre

318 (1) Dans les 20 jours suivant la signification de la demande de transmission visée à la règle 317, l'office fédéral transmet :

- a) au greffe et à la partie qui en a fait la demande une copie certifiée conforme des documents en cause;
- b) au greffe les documents qui ne se prêtent pas à la reproduction et les éléments matériels en cause.

Opposition de l'office fédéral

(2) Si l'office fédéral ou une partie s'opposent à la demande de transmission, ils informent par écrit toutes les parties et l'administrateur des motifs de leur opposition.

Directives de la Cour

(3) La Cour peut donner aux parties et à l'office fédéral des directives sur la façon de procéder pour présenter des observations au sujet d'une opposition à la demande de transmission.

Ordonnance

(4) La Cour peut, après avoir entendu les observations sur l'opposition, ordonner qu'une copie certifiée conforme ou l'original des documents ou que les éléments matériels soient transmis, en totalité ou en partie, au greffe.

Documents retournés

319 Sauf directives contraires de la Cour, après l'audition de la demande, l'administrateur retourne à l'office fédéral les originaux reçus aux termes de la règle 318.

Renvois d'un office fédéral

Définition

320 (1) Dans les règles 321 à 323, *renvoi* s'entend d'un renvoi fait à la Cour par un office fédéral ou le procureur général du Canada en vertu de l'article 18.3 de la Loi.

Application d'autres dispositions

(2) Sous réserve des règles 321 à 323, les règles 309 à 311 s'appliquent aux renvois.

Contenu de l'avis de demande

321 L'avis de demande concernant un renvoi contient les renseignements suivants :

- a) le nom de la cour à laquelle la demande est adressée;



CANADA

CONSOLIDATION

CODIFICATION

Federal Courts Act

Loi sur les Cours fédérales

R.S.C., 1985, c. F-7

L.R.C. (1985), ch. F-7

Current to September 22, 2020

À jour au 22 septembre 2020

Last amended on August 28, 2019

Dernière modification le 28 août 2019

OFFICIAL STATUS OF CONSOLIDATIONS

Subsections 31(1) and (2) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Published consolidation is evidence

31 (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

Inconsistencies in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

LAYOUT

The notes that appeared in the left or right margins are now in boldface text directly above the provisions to which they relate. They form no part of the enactment, but are inserted for convenience of reference only.

NOTE

This consolidation is current to September 22, 2020. The last amendments came into force on August 28, 2019. Any amendments that were not in force as of September 22, 2020 are set out at the end of this document under the heading “Amendments Not in Force”.

CARACTÈRE OFFICIEL DES CODIFICATIONS

Les paragraphes 31(1) et (2) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1^{er} juin 2009, prévoient ce qui suit :

Codifications comme élément de preuve

31 (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Incompatibilité – lois

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la *Loi sur la publication des lois* l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

MISE EN PAGE

Les notes apparaissant auparavant dans les marges de droite ou de gauche se retrouvent maintenant en caractères gras juste au-dessus de la disposition à laquelle elles se rattachent. Elles ne font pas partie du texte, n'y figurant qu'à titre de repère ou d'information.

NOTE

Cette codification est à jour au 22 septembre 2020. Les dernières modifications sont entrées en vigueur le 28 août 2019. Toutes modifications qui n'étaient pas en vigueur au 22 septembre 2020 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

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federal board, commission or other tribunal means any body, person or persons having, exercising or purporting to exercise jurisdiction or powers conferred by or under an Act of Parliament or by or under an order made pursuant to a prerogative of the Crown, other than the Tax Court of Canada or any of its judges, any such body constituted or established by or under a law of a province or any such person or persons appointed under or in accordance with a law of a province or under section 96 of the *Constitution Act, 1867*; (*office fédéral*)

Federal Court of Appeal [Repealed, 2002, c. 8, s. 15]

final judgment means any judgment or other decision that determines in whole or in part any substantive right of any of the parties in controversy in any judicial proceeding; (*jugement définitif*)

judge [Repealed, 2002, c. 8, s. 15]

practice and procedure includes evidence relating to matters of practice and procedure; (*pratique et procédure*)

property means property of any kind, whether real or personal or corporeal or incorporeal, and, without restricting the generality of the foregoing, includes a right of any kind, a share or a chose in action; (*biens*)

Registry means a registry established by the Chief Administrator of the Courts Administration Service pursuant to the *Courts Administration Service Act* for the purposes of this Act; (*greffe*)

relief includes every species of relief, whether by way of damages, payment of money, injunction, declaration, restitution of an incorporeal right, return of land or chattels or otherwise; (*réparation*)

Rules means provisions of law and rules and orders made under section 46; (*règles*)

ship means any vessel or craft designed, used or capable of being used solely or partly for navigation, without regard to method or lack of propulsion, and includes

(a) a ship in the process of construction from the time that it is capable of floating, and

(b) a ship that has been stranded, wrecked or sunk and any part of a ship that has broken up. (*navire*)

Supreme Court [Repealed, 1990, c. 8, s. 1]

Trial Division [Repealed, 2002, c. 8, s. 15]

de l'Échiquier du Canada, en sa qualité de juridiction de l'Amirauté, aux termes de la *Loi sur l'Amirauté*, chapitre A-1 des Statuts révisés du Canada de 1970, ou de toute autre loi, ou qui en aurait relevé si ce tribunal avait eu, en cette qualité, compétence illimitée en matière maritime et d'amirauté. (*Canadian maritime law*)

greffe Greffe établi, pour l'application de la présente loi, par l'administrateur en chef du Service administratif des tribunaux judiciaires aux termes de la *Loi sur le Service administratif des tribunaux judiciaires*. (*Registry*)

juge [Abrogée, 2002, ch. 8, art. 15]

juge en chef [Abrogée, 2002, ch. 8, art. 15]

juge en chef adjoint [Abrogée, 2002, ch. 8, art. 15]

jugement définitif Jugement ou autre décision qui statue au fond, en tout ou en partie, sur un droit d'une ou plusieurs des parties à une instance. (*final judgment*)

navire Bâtiment ou embarcation conçus, utilisés ou utilisables, exclusivement ou non, pour la navigation, indépendamment de leur mode de propulsion ou de l'absence de propulsion. Y sont assimilés les navires en construction à partir du moment où ils peuvent flotter, les navires échoués ou coulés ainsi que les épaves et toute partie d'un navire qui s'est brisé. (*ship*)

office fédéral Conseil, bureau, commission ou autre organisme, ou personne ou groupe de personnes, ayant, exerçant ou censé exercer une compétence ou des pouvoirs prévus par une loi fédérale ou par une ordonnance prise en vertu d'une prérogative royale, à l'exclusion de la Cour canadienne de l'impôt et ses juges, d'un organisme constitué sous le régime d'une loi provinciale ou d'une personne ou d'un groupe de personnes nommées aux termes d'une loi provinciale ou de l'article 96 de la *Loi constitutionnelle de 1867*. (*federal board, commission or other tribunal*)

pratique et procédure Pratique et procédure, y compris en matière de preuve. (*practice and procedure*)

règles Dispositions de droit, règles et ordonnances établies en vertu de l'article 46. (*Rules*)

réparation Toute forme de réparation en justice, notamment par voie de dommages-intérêts, de compensation pécuniaire, d'injonction, de déclaration, de restitution de droit incorporel, de bien meuble ou immeuble. (*relief*)

Section de première instance [Abrogée, 2002, ch. 8, art. 15]

Reference by federal tribunal

18.3 (1) A federal board, commission or other tribunal may at any stage of its proceedings refer any question or issue of law, of jurisdiction or of practice and procedure to the Federal Court for hearing and determination.

Reference by Attorney General of Canada

(2) The Attorney General of Canada may, at any stage of the proceedings of a federal board, commission or other tribunal, other than a service tribunal within the meaning of the *National Defence Act*, refer any question or issue of the constitutional validity, applicability or operability of an Act of Parliament or of regulations made under an Act of Parliament to the Federal Court for hearing and determination.

1990, c. 8, s. 5; 2002, c. 8, s. 28.

Hearings in summary way

18.4 (1) Subject to subsection (2), an application or reference to the Federal Court under any of sections 18.1 to 18.3 shall be heard and determined without delay and in a summary way.

Exception

(2) The Federal Court may, if it considers it appropriate, direct that an application for judicial review be treated and proceeded with as an action.

1990, c. 8, s. 5; 2002, c. 8, s. 28.

Exception to sections 18 and 18.1

18.5 Despite sections 18 and 18.1, if an Act of Parliament expressly provides for an appeal to the Federal Court, the Federal Court of Appeal, the Supreme Court of Canada, the Court Martial Appeal Court, the Tax Court of Canada, the Governor in Council or the Treasury Board from a decision or an order of a federal board, commission or other tribunal made by or in the course of proceedings before that board, commission or tribunal, that decision or order is not, to the extent that it may be so appealed, subject to review or to be restrained, prohibited, removed, set aside or otherwise dealt with, except in accordance with that Act.

1990, c. 8, s. 5; 2002, c. 8, s. 28.

Intergovernmental disputes

19 If the legislature of a province has passed an Act agreeing that the Federal Court, the Federal Court of Canada or the Exchequer Court of Canada has jurisdiction in cases of controversies between Canada and that province, or between that province and any other province or provinces that have passed a like Act, the Federal Court has jurisdiction to determine the controversies.

R.S., 1985, c. F-7, s. 19; 2002, c. 8, s. 28.

Renvoi d'un office fédéral

18.3 (1) Les offices fédéraux peuvent, à tout stade de leurs procédures, renvoyer devant la Cour fédérale pour audition et jugement toute question de droit, de compétence ou de pratique et procédure.

Renvoi du procureur général

(2) Le procureur général du Canada peut, à tout stade des procédures d'un office fédéral, sauf s'il s'agit d'un tribunal militaire au sens de la *Loi sur la défense nationale*, renvoyer devant la Cour fédérale pour audition et jugement toute question portant sur la validité, l'applicabilité ou l'effet, sur le plan constitutionnel, d'une loi fédérale ou de ses textes d'application.

1990, ch. 8, art. 5; 2002, ch. 8, art. 28.

Procédure sommaire d'audition

18.4 (1) Sous réserve du paragraphe (2), la Cour fédérale statue à bref délai et selon une procédure sommaire sur les demandes et les renvois qui lui sont présentés dans le cadre des articles 18.1 à 18.3.

Exception

(2) Elle peut, si elle l'estime indiqué, ordonner qu'une demande de contrôle judiciaire soit instruite comme s'il s'agissait d'une action.

1990, ch. 8, art. 5; 2002, ch. 8, art. 28.

Dérogation aux art. 18 et 18.1

18.5 Par dérogation aux articles 18 et 18.1, lorsqu'une loi fédérale prévoit expressément qu'il peut être interjeté appel, devant la Cour fédérale, la Cour d'appel fédérale, la Cour suprême du Canada, la Cour d'appel de la cour martiale, la Cour canadienne de l'impôt, le gouverneur en conseil ou le Conseil du Trésor, d'une décision ou d'une ordonnance d'un office fédéral, rendue à tout stade des procédures, cette décision ou cette ordonnance ne peut, dans la mesure où elle est susceptible d'un tel appel, faire l'objet de contrôle, de restriction, de prohibition, d'évocation, d'annulation ni d'aucune autre intervention, sauf en conformité avec cette loi.

1990, ch. 8, art. 5; 2002, ch. 8, art. 28.

Différends entre gouvernements

19 Lorsqu'une loi d'une province reconnaît sa compétence en l'espèce, — qu'elle y soit désignée sous le nom de Cour fédérale, Cour fédérale du Canada ou Cour de l'Échiquier du Canada — la Cour fédérale est compétente pour juger les cas de litige entre le Canada et cette province ou entre cette province et une ou plusieurs autres provinces ayant adopté une loi semblable.

L.R. (1985), ch. F-7, art. 19; 2002, ch. 8, art. 28.

Federal Court



Cour fédérale

Date: 20190131

Docket: T-8-18

Vancouver, British Columbia, January 31, 2019

PRESENT: Case Management Judge Kathleen M. Ring

BETWEEN:

**RIGHT TO LIFE ASSOCIATION OF
TORONTO AND AREA, BLAISE ALLEYNE
AND MATTHEW BATTISTA**

Applicants

and

**CANADA (MINISTER OF EMPLOYMENT,
WORKFORCE, AND LABOUR)**

Respondent

and

**ACTION CANADA FOR SEXUAL
HEALTH AND RIGHTS
AND BRITISH COLUMBIA CIVIL
LIBERTIES ASSOCIATION**

Interveners

ORDER

I. Overview

[1] On this motion, the Applicants seek an order pursuant to Rules 317 and 318 of the *Federal Courts Rules* [Rules] compelling the Respondent to produce further documents relating to the Applicants' Rule 317 request in their Notice of Application, as well as

[15] The Respondent opposes the motion on the basis that the Applicants seek production beyond what is permitted under Rule 317, and that some of the documents sought are protected by solicitor-client privilege.

III. Issues

[16] There are two primary issues on this motion:

- (a) Are additional documents producible under Rule 317?
- (b) Are some of the documents protected from disclosure by solicitor-client privilege?

IV. Analysis

A. Are Additional Documents Producing under Rule 317?

(i) Applicable Legal Principles

[17] The only material that is accessible under Rule 317 is that which is “relevant to an application” and is “in the possession” of the administrative decision-maker. Both criteria must be met to trigger the obligation to transmit the material: *Habitations Îlot St-jacques Inc v Canada (Attorney General)*, 2017 FC 147 at para 4.

[18] Turning to the first requirement, the material accessible pursuant to Rule 317 must be actually relevant. Material that “could be relevant in the hopes of later establishing relevance” does not fall within Rule 317: *Access Information Agency Inc v Canada (Attorney General)*, 2007 FCA 224, 66 Admin LR (4th) 83 at para 21 [*Access Information Agency*].

[19] Documents are “relevant” for the purposes of Rule 317 if they may have affected the decision of the administrative decision-maker, or if it may affect the decision that this Court will make on the application for judicial review: *Maax Bath Inc v Almag Aluminum Inc*, 2009 FCA 204 at para 9 [*Maax Bath*].

[20] The relevance of the documents requested is to be determined in relation to the grounds of review set forth in the notice of application and the affidavits filed: *Canada (Human Rights Commission) v Pathak*, [1995] 2 FC 455 at page 460 (CA); *Tsleil-Waututh* at para 109.

[21] The general rule is that only materials that were available to the decision-maker at the time of rendering a decision are considered relevant for the purposes of Rule 317. However, there are exceptions to this rule. Documents in addition to those that were before the decision-maker may be considered relevant and subject to disclosure where there is an allegation of a breach of procedural fairness or an allegation of a reasonable apprehension of bias: *Gagliano v Canada (Commission of Inquiry into the Sponsorship Program and Advertising Activities)*, 2006 FC 720 at para 50 [*Gagliano #1*], appeal dismissed at 2007 FCA 131; *Humane Society of Canada Foundation v Canada (National Revenue)*, 2018 FCA 66 at paras 5 and 6 [*Humane Society*].

[22] To succeed in obtaining disclosure of material that was not before the decision-maker when he made the decision, the applicant must satisfy a two-part test laid out in *Canada (Public Sector Integrity Commissioner) v Canada (Attorney General)*, 2014 FCA 270 at para 4 [*Public Sector*].

2015 CAF 268, 2015 FCA 268
Federal Court of Appeal

Canadian Copyright Licensing Agency v. Alberta

2015 CarswellNat 6247, 2015 CarswellNat 9256, 2015 CAF 268, 2015 FCA 268,
[2015] F.C.J. No. 1397, 260 A.C.W.S. (3d) 206, 392 D.L.R. (4th) 563, 479 N.R. 345

**The Canadian Copyright Licensing Agency (Operating as Access Copyright),
Applicant and Her Majesty the Queen in Right of the Province of Alberta, Her
Majesty the Queen in Right of the Province of Manitoba, The Province of New
Brunswick, Her Majesty in Right of Newfoundland and Labrador, Her Majesty the
Queen in Right of the Province of Nova Scotia, The Government of Nunavut, Her
Majesty the Queen in Right of the Province of Prince Edward Island, Her Majesty
the Queen in Right of the Province of Saskatchewan, Government of Yukon and
Her Majesty the Queen in Right of the Province of British Columbia, Respondents**

David Stratas J.A.

Judgment: November 26, 2015

Docket: A-293-15

Counsel: Wanda Noel, J. Aidan O'Neil, Ariel Thomas, for Respondents
Bruce M. Greet, for Respondent, Her Majesty the Queen in Right of the Province of British Columbia
Jessica Zagar, for Applicant

David Stratas J.A.:

A. Introduction and the basic facts giving rise to this motion

1 Access Copyright has brought an application for judicial review in this Court. It seeks to quash the decision dated May 22, 2015 of the Copyright Board. The respondents have now brought a motion seeking the removal of certain material Access Copyright has included in its application record.

2 At the outset, some brief description of the material in issue is necessary.

3 In its notice of application, Access Copyright included a request under Rule 317 that the Board supply it with "material relevant to [the] application that is in the possession of [the Board]...and not in [Access Copyright's] possession." In response to the Rule 317 request, the Board informed the parties that it did not have in its possession any relevant material not already in the possession of the applicant.

4 The motion before this Court concerns how Access Copyright dealt with the material that was before the Board and in its possession, *i.e.*, the material that it did not obtain under Rule 317. Access Copyright simply placed that material into its application record. It was not under an affidavit describing the provenance of the material.

5 The respondents move to strike this material from the applicant's record. They say that the documents should have been supplied under affidavit. For the reasons below, I agree with the respondents.

6 The failure to place the documents under affidavit sounds like a technical deficiency of no moment. As I shall explain, it is not — in some instances, that failure can cause procedural unfairness, and it offends a basic principle concerning the admissibility of evidence.

B. Analysis

(1) *The applicable principles*

7 At the root of this motion is a question: on a judicial review, how does one bring the materials that were before the administrative decision-maker before the reviewing court?

8 The frequency with which this question comes before the Federal Courts shows that many do not know the answer. There is little case law on point, perhaps because we regard the relevant rules as being clear. Indeed, the rules are clear but they are intricate and interrelated and, in some cases, stand against a common law backdrop. Now is the time to provide some more general guidance.

9 As is the case with every procedural question in the Federal Courts system, the starting point must be the *Federal Courts Rules*.

10 We begin with Rule 317, the rule that Access Copyright invoked in its notice of application. Rule 317 permits a party to obtain certain material from the administrative decision-maker. The administrative decision-maker responds in accordance with Rule 318.

11 Rule 317 stands against a common law backdrop. Over six decades ago, the writ of *certiorari* — the writ used to quash decisions of an administrative decision-maker — was available in the case of an error on the face of the record. That sort of error was quite limited and in no way bears relation to the concept of unreasonableness as we know it today. As a result, the material before the administrative decision-maker that could be placed before the reviewing court was extremely limited: *R. v. Northumberland Compensation Appeal Tribunal* (1951), [1952] 1 K.B. 338 (Eng. C.A.) at pages 351-52.

12 *Northumberland* stood for the proposition that the particular evidence before the administrative decision-maker was not to be produced to the reviewing court. But since *Northumberland*, the availability of *certiorari* has dramatically expanded and with that expansion has come the need for more materials to be placed before the reviewing court. Today, *certiorari* is available for substantive unreasonableness of the sort contemplated in *New Brunswick (Board of Management) v. Dunsmuir*, 2008 SCC 9, [2008] 1 S.C.R. 190 (S.C.C.). Review of that nature may require the reviewing court to have before it large portions of the material or even all of the material the administrative decision-maker considered in making its decision.

13 Rule 317 reflects the reality today that the permissible grounds for judicial review are broader than they once were. It entitles the requesting party to receive everything that was before the decision-maker at the time it made its decision and that the applicant does not have in its possession: *Access Information Agency Inc. v. Canada (Procureur général)*, 2007 FCA 224, 66 Admin. L.R. (4th) 83 (F.C.A.) at paragraph 7. This allows parties "to effectively pursue their rights to challenge administrative decisions from a reasonableness perspective" and "have the reviewing court [that is engaged in reasonableness review] consider the evidence presented to the tribunal in question": *Hartwig v. Saskatchewan (Commissioner of Inquiry)*, 2007 SKCA 74, 284 D.L.R. (4th) 268 (Sask. C.A.) at paragraph 24 (commenting on a rule similar to Rule 317).

14 This excerpt from *Hartwig* recognizes the relationship between the record before the reviewing court and the reviewing court's ability to review what the administrative decision-maker has done. If the reviewing court does not have evidence of what the administrative decision-maker has relied upon, the reviewing court may not be able to detect reviewable error. In other words, an inadequate evidentiary record before the reviewing court can immunize the administrative decision-maker from review on certain grounds. See *Slansky v. Canada (Attorney General)*, 2013 FCA 199, 364 D.L.R. (4th) 112 (F.C.A.) at paragraph 276 (dissenting reasons, but not opposed on this point).

15 Rule 317 can fulfil another purpose that is less lofty but still important. Parties before the administrative decision-maker will often have in their possession all of the material the administrative decision-maker considered in making its decision. But not always. And sometimes parties may be unsure whether they do. Sometimes they wish to confirm exactly what the

administrative decision-maker actually considered in making its decision. Rule 317 of the *Federal Courts Rules* provides a means by which parties can achieve those ends.

16 The administrative decision-maker responds to a Rule 317 request by following Rule 318. Under that Rule, it delivers to the requester the material that was before the decision-maker (and that the applicant does not have in its possession) at the time the decision at issue was made. Under Rule 318, the administrative decision-maker can also object to disclosure, for example on the basis of public interest privilege or legal professional privilege: see *Slansky*, above at paragraphs 277-283 on the issue of how to litigate a Rule 318 objection involving confidential material.

17 Materials produced by the administrative decision-maker in response to a Rule 317 request can simply be placed in the applicant's record or the respondent's record: see Rule 309(2)(e.1) and Rule 310(2)(c.1). When that is done, the material is in the evidentiary record before the reviewing court and may be used by the parties and the court. No affidavit is necessary.

18 For completeness, I should note two other things. First, the portions of any transcript of oral evidence before a tribunal may also be filed in the applicant's or respondent's record without an affidavit: see Rule 309(2)(f) and Rule 310(2)(d). Second, Rule 318 provides that in addition to delivering the material to the party that made the request under Rule 317, the administrative decision-maker must also "transmit" a certified copy of the material to the reviewing court. Note that the Rule uses the word "transmit," not "file." The material is not formally before the reviewing court in the sense of being a part of the reviewing court's evidentiary record: *Canada (Attorney General) v. Lacey*, 2008 FCA 242 (F.C.A.). Instead, the Registry is given the material in order to authenticate that materials contained in an application record under Rule 309(2)(e.1) or Rule 310(2)(c.1) are indeed those supplied by the administrative decision-maker: *Canada (Attorney General) v. Canadian North Inc.*, 2007 FCA 42 (F.C.A.) at paragraph 11.

19 I turn now to material that the party has in its possession and that was before the administrative decision-maker at the time it made the decision in issue. This material is potentially relevant to the judicial review, but is not produced by a decision-maker in response to a Rule 317 request. Rules 309 and 310 do not permit this material to be filed into the applicant's record or the respondent's record. Thus, the parties must take affirmative steps to place that material before the reviewing court.

20 Here, we must look at Rules 306-310. But before doing so, we must appreciate that those rules sit alongside a fundamental general principle: facts must be proven by admissible evidence. There are exceptions to this, such as the availability of judicial notice, the presence of legislative provisions speaking to the issue, and an agreed statement of facts (including an agreement that certain documents shall be admissible). Putting those exceptions aside, documents by themselves, not introduced by an affidavit authenticating them, are not admissible evidence. Documents simply stuffed into an application record are not admissible.

21 Under Rule 306 and Rule 307, applicants and respondents, respectively, can serve upon each other an affidavit that appends the material. Parenthetically, for completeness, I note that material that was *not* before the administrative decision-maker can *potentially* be placed before the reviewing court by way of affidavit. However, there are restrictions and admissibility requirements unique to judicial review proceedings that must be obeyed: see, e.g., *Bernard v. Canada Revenue Agency*, 2015 FCA 263 (F.C.A.) and cases referred to therein.

22 Under Rules 306 and 307, parties need not include all of the material that was before the administrative decision-maker. To save costs and to simplify the record, they need only include the material necessary for their application. So under Rule 306, an applicant may serve an affidavit appending only some of the material. In response, a respondent might regard other parts of the material as being necessary. That respondent may use Rule 307 to serve an affidavit appending additional material. See generally *Canadian North*, above at paragraphs 3-5.

23 Cross-examinations may be conducted on the affidavits: Rule 308. Why might cross-examinations be necessary? Sometimes there is uncertainty about whether certain material appended to the affidavits was in fact before the administrative decision-maker at the time it made its decision. The parties are entitled to test each other's positions on that. Down the road, a reviewing court might have to determine the content of the evidentiary record before proceeding further, and in some cases it may be assisted by the cross-examinations.

24 Any affidavits under Rules 306-307 are placed in the applicant's record or the respondent's record: see Rule 309(2)(d) and Rule 310(2)(b). Cross-examination transcripts are also to be included: see Rule 309(2)(e) and Rule 310(2)(c).

(2) Applying the principles to this case

25 In this case, Access Copyright simply included in its application record material it had in its possession that it says was before the Board at the time it made its decision. It did not introduce the material by way of an affidavit.

26 The foregoing analysis shows that this was an error. Access Copyright should have served an affidavit explaining that the material was before the Board when it made its decision, appending the relevant material to that affidavit. After receiving that affidavit, the respondents might have exercised their right to cross-examine. As explained in paragraph 23, above, the right to cross-examine can be important in some circumstances. In this case, I cannot tell whether or not the respondents would have exercised their right to cross-examine. The fact they might have underscores the need for Access Copyright to have served an affidavit. Finally, following any cross-examinations, Access Copyright should have included the affidavit (with exhibits) and any cross-examination transcripts in its application record: see Rule 309(2)(d) and Rule 309(2)(e).

27 I am satisfied that Access Copyright's error was an innocent one. The candid and professional affidavit of senior counsel shows that Access Copyright had good intentions and was looking for a fast, easy way to place the material before the Court. Unfortunately, the way Access Copyright went forward offended the Rules, ran contrary to the general rule that facts before the reviewing court must be proven by evidence, and might have worked procedural unfairness.

28 The *Federal Courts Rules* can accommodate good intentions that give rise to creative and practical solutions that simplify things. At the outset of this matter, Access Copyright and the respondents could have discussed the evidentiary record needed by the Court and could have agreed on a list of material to be placed in that record. Then, by informal letter before at or the same time as the filing of the application record, Access Copyright could have requested, on consent, an order allowing for the agreement and the material covered by it to be placed into the application record without an affidavit: see paragraph 20 above regarding agreed statements of fact.

29 Given that Access Copyright mistakenly included materials in its application record, what should now happen?

30 The respondents say that they have suffered "irredeemable prejudice" from this "egregious" irregularity. They say that they have served an affidavit responding to Access Copyright's affidavit without realizing that Access Copyright intended to include many more documents into the application record. As will be seen below, this minor irregularity can be easily fixed.

31 On the issue of remedy, the respondents' primary position is basically "too bad, so sad": Access Copyright should be barred from including in the application record an affidavit appending the materials, regardless of how relevant the materials might be to the Court's determination of the judicial review.

32 This is remedial overreach. Rule 3 requires us to apply the rules to secure a just determination on the merits, not to punish a party that has made a mistake — here, a relatively benign one — that can be fixed.

33 To that end, this Court will order the following:

(a) Within ten days of the Court's order, the materials mistakenly included in Access Copyright's application record (to be detailed in this Court's order) should be removed from that record and Access Copyright's memorandum of fact and law, drafted on the basis of the improper record, should be removed from the record or the court file, as the case may be;

(b) Within twenty days of this Court's order, in accordance with Rule 306, Access Copyright may serve an affidavit appending materials it says were before the Board and in its possession, including the materials mistakenly included in Access Copyright's application record;

(c) In accordance with Rule 307, the respondents may serve affidavits responding to the affidavit served under (b);

- (d) In accordance with Rule 308, cross-examinations may take place concerning the affidavits served under (b) and (c);
- (e) The time limits for (c) and (d) are those set out in Rules 307 and 308;
- (f) Within the time specified under Rule 309, Access Copyright shall prepare a supplementary application record containing the materials specified under Rule 309 that do not appear in its corrected application record; also at that time, Access Copyright shall file its memorandum of fact and law;
- (g) The respondents (comprised of two separately-represented groups) shall file their records and memoranda of fact and law in accordance with Rule 310; for clarity, those records should include all of the respondent's affidavits, whether filed in response to Access Copyright's new affidavit or filed in response to Access Copyright's original application record;
- (h) Time thereafter shall run in accordance with the *Federal Court Rules*.

34 This motion was about a minor, fixable mistake. As long as humans are involved in litigating cases, no matter how much they try to prevent mistakes, mistakes like this will sometimes happen, even by excellent counsel. Happily, most procedural mistakes, like the one in this case, do not seriously implicate clients' rights. Mistakes of this sort should be nothing more than a minor inconvenience during the drive to the ultimate destination — a judicial determination on the merits that to all is proper and fair.

35 But here, the parties pulled over to the side of the road and stopped to fight, forgetting the destination. After Access Copyright made its mistake, the respondents wrote, pointing out the mistake. Despite the clarity of the relevant rules, Access Copyright dug in its heels, maintaining its position rather than reassessing it. In reaction to that, the respondents brought their motion. But they too showed inflexibility, forcefully asserting their position that Access Copyright should be prevented in the judicial review from using any of the material it improperly included in its application record, whether or not it was needed by the Court. In counter-reaction to that, Access Copyright brought a counter-motion — one that in the end is unnecessary for this Court to determine — proposing a lesser, more practical remedy. In that counter-motion, it laudably advanced submissions showing an awareness of its mistake. But that changed nothing: everyone has remained stuck on the side of the road.

36 All have acted in good faith, representing their clients' interests vigorously, advocating their positions with characteristic excellence. But here initial intransigence begat a motion with remedial overreach, and remedial overreach begat a counter-motion. Forgotten was the destination: this Court, as a practical problem-solver, simply wants to determine the judicial review properly and fairly on the merits, using a proper and fair evidentiary record. The focus should have been on a fix, not a fight.

37 An order shall issue in accordance with these reasons. There shall be no order for costs.

Motion granted.

2013 CAF 199, 2013 FCA 199
Federal Court of Appeal

Slansky v. Canada (Attorney General)

2013 CarswellNat 3338, 2013 CarswellNat 6951, 2013 CAF 199, 2013 FCA 199, [2013] F.C.J. No. 996, 235 A.C.W.S. (3d) 350, 364 D.L.R. (4th) 112, 449 N.R. 28, 60 Admin. L.R. (5th) 211

Paul Slansky, Appellant and Attorney General of Canada, Her Majesty the Queen, Respondents and Canadian Judicial Council, Intervener

John M. Evans, David Stratias, Robert M. Mainville JJ.A.

Heard: April 16, 2013
Judgment: September 9, 2013
Docket: A-497-11

Proceedings: affirming *Slansky v. Canada (Attorney General)* (2011), 402 F.T.R. 230 (Eng.), 2011 CF 944, 2011 CarswellNat 6049, 2011 CarswellNat 5277, 344 D.L.R. (4th) 541, 2011 FC 1467 (F.C.); reversing *Slansky v. Canada (Attorney General)* (2011), 2011 CarswellNat 6438, 2011 CF 476, 388 F.T.R. 217 (Eng.), 2011 CarswellNat 1231, 2011 FC 476 (F.C.)

Counsel: Rocco Galati, for Appellant
James Gorham, for Respondent
Paul Cavalluzzo, Adrienne Telford, for Intervener

John M. Evans J.A.:

A. Introduction

1 The Canadian Judicial Council (CJC) has a statutory responsibility to investigate complaints of misconduct made against federally appointed judges. This may result in a recommendation to the Minister of Justice that a judge has become unable to perform judicial duties by virtue of misconduct, and should be removed from office. The CJC's disciplinary function is delicate: it engages issues of judicial independence and accountability, and of confidentiality and transparency. Consideration of these issues must be driven by the public interest in the administration of justice in both its broadest and more specific senses.

2 This case raises an important issue about the CJC's investigative process. If a complainant applies for judicial review of a decision by the Chairperson of the Judicial Conduct Committee (Chairperson) to dismiss a complaint against a judge, must the CJC disclose a confidential report prepared by outside counsel to assist the Chairperson in considering the complaint?

3 In August 2004, Paul Slansky, a Toronto criminal lawyer, complained to the CJC about the conduct of Justice Robert Thompson (Judge), an Ontario Superior Court Judge. He alleged that the Judge had been guilty of serious misconduct during a long and difficult first-degree murder trial before a jury, in which Mr Slansky was representing the accused.

4 The Chairperson, Chief Justice Scott of Manitoba, dismissed the complaint and closed the file without referring it to an Inquiry Committee (hearing panel) of the CJC. In making this decision, the Chairperson relied on a report from counsel, Professor Martin Friedland, whom he had retained to make further inquiries into Mr Slansky's allegations.

5 Mr Slansky brought an application for judicial review of the Chairperson's decision to dismiss his complaint and not to refer it to a hearing panel. Although Professor Friedland's report had been taken into account by the Chairperson in making this decision, the CJC refused to disclose it as part of the tribunal record requested by Mr Slansky pursuant to rule 317 of the

defensibility, deferring to its assessments. Instead, it is considering what evidence should be before it when it determines the judicial review. The reviewing court is to apply its own standards and evaluate the evidence filed before it on the motion, not defer to the Council's view.

275 Turning to the applicable Rules, Rule 317 allows a party to request material from a tribunal relevant to the application for judicial review. The requesting party is entitled to be sent everything that was before the decision-maker (and that the applicant does not have in its possession) at the time the decision at issue was made: *Access Information Agency Inc. c. Canada (Procureur général)*, 2007 FCA 224 (F.C.A.) at paragraph 7; *1185740 Ontario Ltd. v. Minister of National Revenue*, [1999] F.C.J. No. 1432 (Fed. C.A.). Put another way,

In order to effectively pursue their rights to challenge administrative decisions from a reasonableness perspective, the applicants in judicial review proceedings must be entitled to have the reviewing court consider the evidence presented to the tribunal in question.

(*Hartwig v. Saskatchewan (Commissioner of Inquiry)*, 2007 SKCA 74, 284 D.L.R. (4th) 268 (Sask. C.A.) at paragraph 24.)

276 This passage recognizes the relationship between the record before the reviewing court and the reviewing court's ability to review what the tribunal has done. If the reviewing court does not have evidence of what the tribunal has done or relied upon, the reviewing court may not be able to detect reversible error on the part of the tribunal. In other words, an inadequate evidentiary record before the reviewing court can immunize the tribunal from review on certain grounds.

277 Rule 318 requires the tribunal to produce this material to the requesting party and to the Registry unless the tribunal objects to disclosure and the Court upholds this objection. Two legitimate grounds of objection are solicitor-client privilege and public interest privilege.

278 Viewed in isolation, Rules 317 and 318 can work an injustice. There may be cases where an administrative decision-maker based its decision on material over which there may be substantial confidentiality interests. As a result, under Rule 318, a valid objection may lie against the applicant getting the material. Similarly, a valid objection may lie against the Registry, and thus, any member of the public on request, getting the material. If access to the material is denied, the material will never be placed before the reviewing court. As a result, some or all of the decision may be immunized from review — the concern expressed in *Hartwig*.

279 But Rules 317 and 318 do not sit in isolation. Rules 151 and 152 allow for material before the reviewing court to be sealed where well-established confidentiality interests outweigh the substantial public interest in openness: *Sierra Club of Canada v. Canada (Minister of Finance)*, 2002 SCC 41, [2002] 2 S.C.R. 522 (S.C.C.). Further, under Rule 53, terms can be attached to any order. Finally, there are plenary powers in the area of supervision of tribunals: *Canada (Human Rights Commission) v. Canadian Liberty Net*, [1998] 1 S.C.R. 626 (S.C.C.) at paragraphs 35-38; *Ministre du Revenu national c. Derakhshani*, 2009 FCA 190 (F.C.A.) at paragraphs 10-11; *Minister of National Revenue v. RBC Life Insurance Co.*, 2013 FCA 50 (F.C.A.) at paragraphs 35-36.

280 In my view, the interaction of these Rules and powers gives the court considerable remedial flexibility. On a Rule 318 motion, in cases where the strict *Sierra Club* test for sealing is met, the Court can do more than just uphold or reject the administrative decision-maker's objection to disclosure of the material that was before it. Among other things, the Court can order that the requesting party and the Registry receive the material with suitable deletions to respect confidentiality, and the reviewing court receive the original, unedited version of the material so it can meaningfully review the administrative decision.

281 Where sealing orders are warranted under the strict *Sierra Club* test, they can come in all shapes and sizes, limited only by the creativity and imagination of counsel and courts. They can be tailored to meet the exact needs of each case: see, for example, the creative and detailed sealing order made in *Health Services & Support-Facilities Subsector Bargaining Assn. v. British Columbia*, 2002 BCSC 1509, 8 B.C.L.R. (4th) 281 (B.C. S.C. [In Chambers]).

282 This sort of remedial flexibility is useful in reconciling confidentiality interests against the need for meaningful review of decisions. In some cases, valid reasons against allowing the Registry (and, thus, the public) access to the material may exist, but no such reasons may exist against the applicant or the Court. In other cases, valid reasons may exist against allowing the Registry and the applicant access, but not against the Court. It depends on the evidence placed before the Court.

283 Therefore, in my view, where, as here, a Court is faced with a motion under Rule 318, it should keep front of mind the remedial flexibility it has. It should make an order that allows for necessary protection of confidentiality interests but meaningful review of administrative action. This principle governs my approach in this case.

(2) An exception to disclosure: public interest privilege

284 One recognized ground of objection under Rule 318 is public interest privilege, namely where including a document in the judicial review record "would interfere with the public interest": *Carey v. Ontario*, [1986] 2 S.C.R. 637 (S.C.C.) at pages 670-671. In assessing the existence of this privilege, the Court must balance the confidentiality interests at stake against the need for the document to be included in the judicial review record.

285 The latter concern — the needs of the administration of justice — deserves significant weight in the balancing. Public interest privilege should not become a shield used to repel judicial scrutiny of decisions that lack legality or are unreasonable: *Carey*, *supra*, at page 673. It is often said that the secrecy afforded by the privilege is needed so that government institutions can function effectively. But sometimes including the document in the judicial review record is necessary for the same reason — courts need to vet an administrative decision to ensure the decision-maker functioned properly.

286 Sometimes a charge of misbehaviour by a governmental institution justifies disclosure. Put another way, "the course of justice must not be unnecessarily impeded by claims to secrecy": *Sankey v. Whitlam* (1978), 21 A.L.R. 505 (Australia H.C.) at pages 532 and 534 (H.C.), approved in *Carey*, *supra* at pages 664-65. As Lord Scarman asked in *Burmah Oil Co. v. Bank of England*, [1979] 3 All E.R. 700 (U.K. H.L.) at page 733 (H.L.), "[W]hat is so important about secret government that it must be protected even at the price of injustice in our courts?"

287 Accordingly, where upholding the privilege might cause injustice in the judicial review, only a strong interest in confidentiality, well-established in the evidence, will suffice: *Carey*, *supra* at pages 653-654, 668, 671 and 673.

(3) Assessing the arguments in favour of public interest privilege

288 In this case, a public administrative decision-maker, the Council, has made a public decision under a statutory power. Specifically, Chief Justice Scott made the decision for the Council. The Council claims public interest privilege over a largely factual investigative report that it relied upon in making the decision under review. As a result, it says that the Federal Court judge reviewing the Council's decision cannot see it.

289 At the outset, one might wonder how the public interest might be hurt if, in addition to Chief Justice Scott, a Federal Court judge sitting in review also sees the Friedland Report. This question assumes greater urgency when one recognizes that the Law Society of Upper Canada and the Attorney General of Ontario have also seen the Friedland Report. And in this matter — Mr. Slansky's motion to have the Friedland Report included in the judicial review record — the Prothonotary, the Federal Court judge, and the judges on this panel of the Court have all seen the Friedland Report. In my view, the Council must demonstrate a strong interest in confidentiality, well-established in the evidence, that explains why the Federal Court judge reviewing the Council's decision cannot see it when so many others have already seen it.

290 This, the Council has not done.

291 The Council urges that if its claim of public interest privilege is rejected, serious consequences will follow. In his affidavit, Mr. Sabourin deposes that the Council needs to obtain "candid and reliable" information. Some will feel "vulnerable to the adverse opinions of the judge" or other court staff if they speak and their words become known. The judge might well have significant privacy interests over the information, such as "medical conditions, family situations, or a judge's state of mind

during the deliberative or decision-making process." No further light is shed on these matters. As the Prothonotary, the fact-finder in this motion, observed at paragraph 36 of her reasons, the evidence offered by the Council is general, unparticularized and, to some extent, speculative.

292 When considering evidence of this sort, we must follow the Supreme Court's decision in *Carey*. There, the Supreme Court considered general, unparticularized evidence claiming that, without confidentiality, candour in Cabinet discussions would suffer, injuring policy formulation and the public interest. Consistent with its view that claims of public interest privilege can only be founded upon strong confidentiality interests well-established in the evidence, the Supreme Court found the evidence wanting. In its view, the party seeking to justify the withholding of a document needed in court proceedings must file evidence that is "as helpful as possible," providing "as much detail as the nature of the subject matter [will] allow": *Carey, supra* at page 654; see also, e.g., *Burmah Oil Co., supra*. It added that high quality evidence matters even more where, as here, the party is "not a wholly detached observer of events": *Burmah Oil Co., supra* at page 720.

293 In *Carey*, the Supreme Court did not stop there. Before it were confidential Cabinet deliberations. Nevertheless, it scorned the idea that the need for candour, by itself, can justify withholding a document needed in court proceedings.

294 It observed that it is "very easy to exaggerate [the] importance" of candour arguments (at page 657). It also observed that candour arguments have "received heavy battering in the courts"; indeed, they have been dismissed as being of "doubtful validity," "grotesque," and an "old fallacy": *ibid.* at pages 657-70, citing *Conway v. Rimmer*, [1968] A.C. 910 (U.K. H.L.) at page 957, *Glasgow Corporation v. Central Land Board*, 1956 S.C. (H.L.) 1 at page 20, *Gaming Board for Great Britain v. Rogers*, [1973] A.C. 388 (U.K. H.L.) at page 413, *Burmah Oil Co., supra* at page 724, and *Sankey, supra*.

295 Turning to the Council's assertion that judges and others have privacy interests deserving of protection, in some cases this is undoubtedly so. In Mr. Slansky's complaint to the Council, he recognized that in the "early stages of any investigation, assurances of confidentiality may be necessary to obtain information." It is true that Professor Friedland interviewed certain witnesses, assuring them their confidentiality would be respected. With more particularity in the evidence, one might share the Council's concern that absent privacy protection, as a general matter people will be reluctant to cooperate and the Council's summary screening process will be impeded. But all of these concerns can be addressed in any judicial review proceeding, if necessary, by sealing sensitive information from the public, the other side, or both.

296 Denying the reviewing court access to the information, however, overshoots the mark. As we shall see, there is a strong public interest in courts reviewing exercises of public power regardless of the sensitivities involved. With the help of sealing orders in appropriate cases, the public interest in reviewing exercises of public power can be vindicated with no effect on privacy interests or the Council's summary screening procedure.

297 The sorts of confidentiality concerns raised by the Council also exist in the case of other professionals whose conduct is scrutinized by disciplinary bodies. Doctors, engineers, lawyers, architects and teachers also have privacy concerns and their colleagues may well be reluctant to speak without assurances of confidentiality. But courts review the decisions of these disciplinary bodies with the benefit of all of the confidential and sensitive material before them, protected, when necessary, by a sealing order. Why should a court reviewing the decisions of the Council be any different?

298 The Council also raises the principle of judicial independence in support of its privilege claim — an argument rejected by the Court below (at paragraph 78 of its reasons). Mr. Sabourin deposes as follows (at paragraph 24):

...judicial independence may be threatened if Council cannot give assurances of confidentiality about information provided by a judge regarding a judge's state of mind during the deliberative or decision-making process.

299 Again, this is asserted, not demonstrated or explained with particularity. The Council has not demonstrated that any parts of the Friedland Report contain elements of deliberative secrecy as that term is understood in the jurisprudence: *MacKeigan v. Hickman*, [1989] 2 S.C.R. 796 (S.C.C.). If there were such elements and if the *Sierra Club* test were met, again, a sealing order would suffice. But here, Mr. Slansky's complaint very much focused upon the judge's demeanour and conduct in open court. In any event, the legitimate sphere of deliberative secrecy in the context of judicial discipline proceedings is relatively

narrow: see Charles Gardner Geyh, "Rescuing Judicial Accountability from the Realm of Political Rhetoric," 56 Case Western Reserve L.R. 911 (2006) at pages 922-35.

300 But, in any event, I do not see the causal link between: (i) disclosure under seal to the reviewing court of a largely factual report relied upon by the Council in its decision; and (ii) injury to judicial independence. Under a stringent sealing order, only the judge reviewing the Council's decision will see the report. That judge, as a beneficiary of judicial independence, will appreciate its importance.

301 Indeed, as I shall demonstrate later, withholding the Friedland Report from the reviewing court will likely injure judicial independence.

302 Finally, I note that all of the concerns asserted by the Council, described above, relate to Council investigations generally, not this particular investigation. If public interest privilege applies to a report like the Friedland Report, it will apply to all such reports in the future. Thus, the Council is asserting that an entire class of documents — investigation reports — should be privileged. Such class privileges should not be lightly expanded because, cast as they are in absolute terms, they "run the risk of occasional injustice": *Gruenke*, *supra* at page 296; *M. (A.) v. Ryan*, [1997] 1 S.C.R. 157 (S.C.C.) at paragraph 32. The "modern Canadian trend" is "to accord privilege only where necessary, on a case-by-case basis, and on as limited a basis as possible": *Bryant et al.*, *supra* at page 911. As the Supreme Court said in *Carey* (at page 655), "a claim that a document should not be disclosed on the ground that it belongs to a certain class has little chance of success."

303 In summary, in order to succeed in its claim of public interest privilege, the Council had to demonstrate an interest in confidentiality, well-established in the evidence, one that justifies withholding a document that a reviewing court would normally get to see. In my view, as the Prothonotary found (at paragraph 36 of her reasons), the Council has failed to do this and so its claim for public interest privilege must fail.

304 For completeness, however, and to address the submissions made by the parties and my colleagues' views on this point, I wish to address the needs of the administration of justice in this case. They are substantial.

(4) *The needs of the administration of justice*

305 To recap, Mr. Slansky raises two grounds in his application for judicial review: the Council's investigation of the facts was inadequate and its decision is unreasonable because the facts placed before the Council do not sustain the decision. No one has suggested he cannot assert these grounds.

306 The Federal Court judge (at paragraph 84 of his reasons) and my colleagues say that the Council's decision letter gives enough to Mr. Slansky for him to make out his case. I disagree.

307 Mr. Slansky is not obligated to take the statements made and the information given in the Council's decision letter at face value. By challenging the reasonableness of the decision and the adequacy of the investigation, he asserts that the statements made and the information given in the decision letter are unsustainable.

308 Without the Friedland Report — the main source of facts for the Council's decision — how can Mr. Slansky argue the decision is not supported by the facts placed before the Council? And without the Friedland Report — the only investigation in the case — how can Mr. Slansky argue the investigation was inadequate?

309 Further, under Rule 318, Mr. Slansky is entitled to everything relied upon by the Council in making its decision, unless the Council can establish a valid objection. No case stands for the proposition that "the applicant has enough to make out the argument" is a valid objection under Rule 318. I would add that a prothonotary or judge acting on a motion under Rule 318 should not engage in weighing evidence and assessing whether litigants have "enough." Litigants should get everything to which they are entitled.

310 In this case, however, the most serious harm to the administration of justice is the reviewing court's inability to have access to the material the Council relied upon in making its decision.

311 If the Council's public interest claim is upheld, the reviewing court will not see the Friedland Report. As a result, the reviewing court will be unaware of facts (if any) identified in the Report that go against the Council's decision. It will be unaware of the facts learned by Professor Friedland and why, based on those facts, he considered it unnecessary to pursue other sources of information in his investigation. As a result, the reviewing court will not be able to assess the grounds of review Mr. Slansky asserts. In the words of the Prothonotary (at paragraph 38 of her reasons), disclosure of the Friedland Report is necessary "to ensure that the application for judicial review can be conducted in a meaningful way."

312 By not providing the Friedland Report to the reviewing court, to some extent the Council is shielding its decision from review. That may well not be its intention, but that is certainly the effect.

313 This is no mere trifle. Immunizing part of the Council's decision offends the principle that all holders of public power should be accountable for their exercises of power.

314 This principle finds voice in many areas of our law:

- *Review is constitutionally guaranteed.* As a matter of constitutional law, courts must be able to review the decisions of administrative decision-makers for defensibility and acceptability on the facts and the law: *New Brunswick (Board of Management) v. Dunsmuir*, 2008 SCC 9, [2008] 1 S.C.R. 190 (S.C.C.) at paragraphs 27-31.
- *Federal Courts have a plenary power to supervise administrative decision-makers.* This power can even survive legislative attempts to oust it: *Canadian Liberty Net*, *supra* at paragraphs 35-38; *Derakhshani*, *supra* at paragraphs 10-11; *Minister of National Revenue v. RBC Life Insurance Co.*, 2013 FCA 50 (F.C.A.) at paragraphs 35-36.
- *Privative clauses are read down.* Parliament, wielding its constitutional power to make laws, sometimes tries to block the courts from reviewing administrators' decisions. Nevertheless, the courts can review administrators' decisions, albeit with appropriate deference: *Dunsmuir*, *supra* at paragraph 31; *British Columbia (Minister of Finance) v. Woodward Estate* (1972), [1973] S.C.R. 120 (S.C.C.) at page 127; *Syndicat national des employés de la commission scolaire régionale de l'Outaouais v. U.E.S., local 298*, [1988] 2 S.C.R. 1048 (S.C.C.) at page 1090; *Crevier v. Quebec (Attorney General)*, [1981] 2 S.C.R. 220 (S.C.C.) at pages 237-38.
- *Exercises of public power cannot be immunized from challenge.* On occasion, those who are not personally or directly affected in a significant way nevertheless are permitted to challenge the exercise of a public power. The paramount concern, consistently mentioned in the case law, is that exercises of public powers cannot be immune from review: *Downtown Eastside Sex Workers United Against Violence Society v. Canada (Attorney General)*, 2012 SCC 45, [2012] 2 S.C.R. 524 (S.C.C.) at paragraphs 31-34; *Canadian Council of Churches v. R.*, [1992] 1 S.C.R. 236 (S.C.C.) at page 256; *Finlay v. Canada (Minister of Finance)*, [1986] 2 S.C.R. 607 (S.C.C.) at page 631; *Hy & Zel's Inc. v. Ontario (Attorney General)*, [1993] 3 S.C.R. 675 (S.C.C.) at page 692; *Harris v. R.*, [2000] 4 F.C. 37 (Fed. C.A.). In the words of Laskin J. (as he then was), "it would be strange and, indeed, alarming, if there was no way in which a question of alleged excess of legislative power, a matter traditionally within the scope of the judicial process, could be made the subject of adjudication": *Thorson v. Canada (Attorney General) (No. 2)* (1974), [1975] 1 S.C.R. 138 (S.C.C.) at page 145.
- *Deliberative secrecy can sometimes be overridden.* Administrative decision-makers' deliberations are usually highly confidential. But, in appropriate cases, that confidentiality must give way so that the reviewing court can engage in meaningful review: *I.B.E.W., Local 894 v. Ellis-Don Ltd.*, 2001 SCC 4, [2001] 1 S.C.R. 221 (S.C.C.).
- *Administrative decision-makers' attempts to immunize themselves from review are forbidden.* A statutory body subject to judicial review cannot immunize itself or its process by arriving at decisions on considerations that are not revealed by the record it files with the court: *Payne v. Ontario (Human Rights Commission)* (2000), 192 D.L.R. (4th) 315 (Ont. C.A.) at paragraph 161.

2019 SCC 65, 2019 CSC 65
 Supreme Court of Canada

Canada (Minister of Citizenship and Immigration) v. Vavilov

2019 CarswellNat 7883, 2019 CarswellNat 7884, 2019 SCC 65, 2019 CSC 65, [2019] S.C.J. No. 65, 312 A.C.W.S. (3d) 460, 441 D.L.R. (4th) 1, 59 Admin. L.R. (6th) 1, 69 Imm. L.R. (4th) 1, EYB 2019-335761

Minister of Citizenship and Immigration (Appellant) and Alexander Vavilov (Respondent) and Attorney General of Ontario, Attorney General of Quebec, Attorney General of British Columbia, Attorney General of Saskatchewan, Canadian Council for Refugees, Advocacy Centre for Tenants Ontario - Tenant Duty Counsel Program, Ontario Securities Commission, British Columbia Securities Commission, Alberta Securities Commission, Ecojustice Canada Society, Workplace Safety and Insurance Appeals Tribunal (Ontario), Workers' Compensation Appeals Tribunal (Northwest Territories and Nunavut), Workers' Compensation Appeals Tribunal (Nova Scotia), Appeals Commission for Alberta Workers' Compensation, Workers' Compensation Appeals Tribunal (New Brunswick), British Columbia International Commercial Arbitration Centre Foundation, Council of Canadian Administrative Tribunals, National Academy of Arbitrators, Ontario Labour-Management Arbitrators' Association, Conférence des arbitres du Québec, Canadian Labour Congress, National Association of Pharmacy Regulatory Authorities, Queen's Prison Law Clinic, Advocates for the Rule of Law, Parkdale Community Legal Services, Cambridge Comparative Administrative Law Forum, Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic, Canadian Bar Association, Canadian Association of Refugee Lawyers, Community & Legal Aid Services Programme, Association québécoise des avocats et avocates en droit de l'immigration and First Nations Child & Family Caring Society of Canada (Interveners)

Wagner C.J.C., Abella, Moldaver, Karakatsanis, Gascon, Côté, Brown, Rowe, Martin JJ.

Heard: December 4-6, 2018

Judgment: December 19, 2019

Docket: 37748

Proceedings: affirming *Vavilov v. Canada (Citizenship and Immigration)* (2017), 2017 CAF 132, 2017 CarswellNat 9490, 2017 CarswellNat 2791, 2017 FCA 132, [2018] 3 F.C.R. 75, 30 Admin. L.R. (6th) 1, [2017] F.C.J. No. 638, 52 Imm. L.R. (4th) 1, David Stratas J.A., Mary J.L. Gleason J.A., Wyman W. Webb J.A. (F.C.A.); reversing *Vavilov v. Canada (Minister of Citizenship and Immigration)* (2015), [2016] F.C.R. 39, 38 Imm. L.R. (4th) 110, 2015 FC 960, 2015 CarswellNat 3740, 2015 CarswellNat 4747, 2015 CF 960, B. Richard Bell J. (F.C.)

Counsel: Marianne Zoric, for Appellant

Hadayt Nazami, Barbara Jackman, Sujith Xavier, for Respondent

Sara Blake, Judie Im, for Intervener, Attorney General of Ontario

Stéphane Rochette, for Intervener, Attorney General of Quebec

J. Gareth Morley, Katie Hamilton, for Intervener, Attorney General of British Columbia

Kyle McCreary, Johnna Van Parys, for Intervener, Attorney General of Saskatchewan

Jamie Liew, for Intervener, Canadian Council for Refugees

Karen Andrews, for Intervener, Advocacy Centre, for Tenants Ontario - Tenant Duty Counsel Program

82 Reasonableness review aims to give effect to the legislature's intent to leave certain decisions with an administrative body while fulfilling the constitutional role of judicial review to ensure that exercises of state power are subject to the rule of law: see *Dunsmuir*, at paras. 27-28 and 48; *Catalyst Paper Corp. v. North Cowichan (District)*, 2012 SCC 2, [2012] 1 S.C.R. 5 (S.C.C.), at para. 10; *R. v. Campbell*, [1997] 3 S.C.R. 3 (S.C.C.), at para. 10.

83 It follows that the focus of reasonableness review must be on the decision actually made by the decision maker, including both the decision maker's reasoning process and the outcome. The role of courts in these circumstances is to *review*, and they are, at least as a general rule, to refrain from deciding the issue themselves. Accordingly, a court applying the reasonableness standard does not ask what decision it would have made in place of that of the administrative decision maker, attempt to ascertain the "range" of possible conclusions that would have been open to the decision maker, conduct a *de novo* analysis or seek to determine the "correct" solution to the problem. The Federal Court of Appeal noted in *Delios v. Canada (Attorney General)*, 2015 FCA 117, 472 N.R. 171 (F.C.A.), that, "as reviewing judges, we do not make our own yardstick and then use that yardstick to measure what the administrator did": at para. 28; see also *Ryan*, at paras. 50-51. Instead, the reviewing court must consider only whether the decision made by the administrative decision maker — including both the rationale for the decision and the outcome to which it led — was unreasonable.

84 As explained above, where the administrative decision maker has provided written reasons, those reasons are the means by which the decision maker communicates the rationale for its decision. A principled approach to reasonableness review is one which puts those reasons first. A reviewing court must begin its inquiry into the reasonableness of a decision by examining the reasons provided with "respectful attention" and seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion: see *Dunsmuir*, at para. 48, quoting D. Dyzenhaus, "The Politics of Deference: Judicial Review and Democracy", in M. Taggart, ed., *The Province of Administrative Law* (1997), 279, at p. 286.

85 Developing an understanding of the reasoning that led to the administrative decision enables a reviewing court to assess whether the decision as a whole is reasonable. As we will explain in greater detail below, a reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker. The reasonableness standard requires that a reviewing court defer to such a decision.

86 Attention to the decision maker's reasons is part of how courts demonstrate respect for the decision-making process: see *Dunsmuir*, at paras. 47-49. In *Dunsmuir*, this Court explicitly stated that the court conducting a reasonableness review is concerned with "the qualities that make a decision reasonable, referring both to the process of articulating the reasons and to outcomes": para. 47. Reasonableness, according to *Dunsmuir*, "is concerned mostly with the existence of justification, transparency and intelligibility within the decision-making process", as well as "with whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law": *ibid*. In short, it is not enough for the outcome of a decision to be *justifiable*. Where reasons for a decision are required, the decision must also be *justified*, by way of those reasons, by the decision maker to those to whom the decision applies. While some outcomes may be so at odds with the legal and factual context that they could never be supported by intelligible and rational reasoning, an otherwise reasonable outcome also cannot stand if it was reached on an improper basis.

87 This Court's jurisprudence since *Dunsmuir* should not be understood as having shifted the focus of reasonableness review away from a concern with the reasoning process and toward a nearly exclusive focus on the *outcome* of the administrative decision under review. Indeed, that a court conducting a reasonableness review properly considers both the outcome of the decision and the reasoning process that led to that outcome was recently reaffirmed in *Delta Air Lines Inc. v. Lukács*, 2018 SCC 2, [2018] 1 S.C.R. 6 (S.C.C.), at para. 12. In that case, although the outcome of the decision at issue may not have been unreasonable in the circumstances, the decision was set aside because the outcome had been arrived at on the basis of an unreasonable chain of analysis. This approach is consistent with the direction in *Dunsmuir* that judicial review is concerned with *both* outcome *and* process. To accept otherwise would undermine, rather than demonstrate respect toward, the institutional role of the administrative decision maker.

C. Reasonableness Is a Single Standard That Accounts for Context

2017 CAF 128, 2017 FCA 128
Federal Court of Appeal

Tsleil-Waututh Nation v. Canada (Attorney General)

2017 CarswellNat 2708, 2017 CarswellNat 6822, 2017 CAF 128,
2017 FCA 128, [2017] F.C.J. No. 601, 280 A.C.W.S. (3d) 228

TSLEIL-WAUTUTH NATION, CITY OF VANCOUVER, CITY OF BURNABY, THE SQUAMISH NATION (also known as the SQUAMISH INDIAN BAND), XÀLEK/SEKYÚ SIÝ AM, CHIEF IAN CAMPBELL on his own behalf and on behalf of all members of the Squamish Nation, COLDWATER INDIAN BAND, CHIEF LEE SPAHAN in his capacity as Chief of the Coldwater Band on behalf of all members of the Coldwater Band, MUSQUEAM INDIAN BAND, AITCHELITZ, SKOWKALE, SHXWHÁ:Y VILLAGE, SOOWAHLIE, SQUIALA FIRST NATION, TZEACHTEN, YAKWEAKWIOOSE, SKWAH, KWAW-KWAW-APILT, CHIEF DAVID JIMMIE on his own behalf and on behalf of all members of the TS'ELXWÉYEQW TRIBE, UPPER NICOLA BAND, CHIEF RON IGNACE and CHIEF FRED SEYMOUR on their own behalf and on behalf of all other members of the STK'EMLUPSEMC TE SECWEPEMC of the SECWEPEMC NATION, RAINCOAST CONSERVATION FOUNDATION and LIVING OCEANS SOCIETY (Applicants) and ATTORNEY GENERAL OF CANADA, NATIONAL ENERGY BOARD and TRANS MOUNTAIN PIPELINE ULC (Respondents) and ATTORNEY GENERAL OF ALBERTA (Intervener)

David Stratas J.A.

Heard: June 16, 2017

Judgment: June 16, 2017

Docket: A-78-17, A-217-16, A-218-16, A-223-16, A-224-16, A-225-16, A-232-16,
A-68-17, A-73-17, A-74-17, A-75-17, A-76-17, A-77-17, A-84-17, A-86-17

Counsel: Scott A. Smith (written), Paul Seaman (written), for Applicant, Tsleil-Waututh Nation

F. Matthew Kirchner (written), Emma K. Hume (written), for Applicants, Squamish Nation (Also known as the Squamish Indian Band), Xàlek/Sekyú Siý Am, Chief Ian Campbell on his own behalf and on behalf of all members of the Squamish Nation, Coldwater Indian Band and Chief Lee Spahan in his capacity as Chief of the Coldwater Band on behalf of all members of the Coldwater Band

Crystal Reeves (written), for Applicant, Upper Nicola Band

Jana McLean (written), for Applicants, Aitchelitz, Skowkale, Shxqhá:y Village Soowahlie, Squiala First Nation, Tzeachten, Yakweakwioose, Skwah, Kwaw-Kwaw-Apilt and Chief David Jimmie on his own behalf and on behalf of all members of the Ts'elxwéyeqw Tribe

Sarah D. Hansen (written), Megan E. Young (written), for Applicant, Chief Fred Seymour on their own behalf and on behalf of all other members of the Stk'emlupsemc Te Secwepemc of the Secwepemc Nation

Cheryl Sharvit (written), for Applicants, Musqueam Indian Band

Jan Brongers (written), for Respondent, Attorney General of Canada

Maureen Killoran, Q.C. (written), for Respondent, Trans Mountain Pipeline ULC

David Stratas J.A.:

104 As well, a judicial review may be treated and proceeded with as an action, thereby allowing for discovery and live witnesses: sections 18.4(2) and 28(2) of the *Federal Courts Act*. However, the situations where this is allowed are most rare: see, e.g., the requirements set out in *Assoc. des Crabiers Acadiens Inc. c. Canada (Procureur général)*, 2009 FCA 357, 402 N.R. 123 (F.C.A.).

105 Finally, rather than taking the foregoing steps to obtain exceptional evidence, the parties can agree to facts and submit them to the reviewing court. However, caution must be exercised: the reviewing court must always respect the fact that the administrative decision-maker has been designated under the administrative regime as the exclusive decider of the merits.

(g) *The limits of a request under Rule 317*

106 Rule 317 plays a limited role. As mentioned above, it allows applicants to obtain from the administrative decision-maker "material relevant to an application that is in the possession of [the decision-maker]...and not in [their] possession."

107 Rule 317 means what it says. The only material accessible under Rule 317 is that which is "relevant to an application" and is "in the possession" of the administrative decision-maker, not others. Rule 318(1) shows us that the material under Rule 317 must come from the administrative decision-maker, not others.

108 The material must be actually relevant. Material that "could be relevant in the hopes of later establishing relevance" does not fall within Rule 317: *Access Information Agency Inc. c. Canada (Procureur général)*, 2007 FCA 224, 66 Admin. L.R. (4th) 83 (F.C.A.) at para. 21. The principles canvassed above — particularly those in section 18.4(1) of the *Federal Courts Act* and Rule 3 of the *Federal Courts Rules* relating to promptness and the orderly progression of judicial reviews — discourage fishing expeditions.

109 Relevance is defined by the grounds of review in the notice of application:

A document is relevant to an application for judicial review if it may affect the decision that the Court will make on the application. As the decision of the Court will deal only with the grounds of review invoked by the respondent, the relevance of the documents requested must necessarily be determined in relation to the grounds of review set forth in the originating notice of motion and the affidavit filed by the respondent.

(*Pathak v. Canada (Human Rights Commission)*, [1995] 2 F.C. 455 (Fed. C.A.) at page 460.)

110 The grounds of review are to be read in order to obtain "a realistic appreciation" of their "essential character" by reading them holistically and practically without fastening onto matters of form: *JP Morgan Asset Management (Canada) Inc. v. Minister of National Revenue*, 2013 FCA 250, [2014] 2 F.C.R. 557 (F.C.A.) at paras. 50 and 102; *Canadian National Railway v. Emerson Milling Inc.*, 2017 FCA 79 (F.C.A.) at para. 29.

111 It is evident from the text of Rule 317 that it cannot be used to obtain material that is in the possession of others.

112 It is often said in the case law that Rule 317 is restricted to the actual material the administrative decision-maker had before it when making the decision and nothing more: *Pathak*, above; *1185740 Ontario Ltd. v. Minister of National Revenue*, [1998] 3 C.T.C. 215, 150 F.T.R. 60 (Fed. T.D.).

113 This standard has been repeatedly applied by this Court. In *Quebec Ports Terminals Inc. v. Canada (Labour Relations Board)* (1993), 164 N.R. 60 (Fed. C.A.) at page 66, this Court stated:

The obligation which is imposed on the tribunal by rules 1612 and 1613 [now Rules 317 and 318] is "without delay" to "provide" or "forward" a "certified copy" of "material" which is "in its possession" and which is "specified". In my view, this presumes that it is material which already exists at the time when the request to obtain the material is made, which the tribunal used in its hearing, deliberations or decision, which is part of its record and of which it is in a [position] to provide a certified copy.

114 In cases where some other government entity has information and supplied some of it to the administrative decision-maker, again only the information that was actually before the administrative decision-maker is obtainable under Rule 317:

This surely has reference to "material" that was before the federal board, commission or other tribunal whose decision is the subject of an application for judicial review pursuant to section 18.1 of the [*Federal Courts Act*] and not to the contents of a Minister's file where no decision of his [or her] is the subject of the judicial review.

(*Eli Lilly & Co. v. Nu-Pharm Inc.* (1996), [1997] 1 F.C. 3 (Fed. C.A.) at pages 28-29.) To the same effect, see *Canadian Arctic Resources Committee Inc. v. Diavik Diamond Mines Inc.* (2000), 35 C.E.L.R. (N.S.) 1, 183 F.T.R. 267 (Fed. T.D.) at para. 27:

To engage in such a review of all of the documents that were before the Responsible Authorities would in effect be a challenge to the comprehensiveness of the Comprehensive Study Report and indeed of the underlying science relied upon by the Responsible Authorities and of their expertise. This goes far beyond the judicial review of a Minister's decision which was based upon a report arising out of many months investigation by the Responsible Authorities.

115 Rule 317 does not in any way "serve the same purpose as documentary discovery in an action": *Access Information Agency Inc. c. Canada (Procureur général)*, 2007 FCA 224, 66 Admin. L.R. (4th) 83 (F.C.A.) at para. 17; *Atlantic Prudence Fund Corp. v. Canada (Minister of Citizenship & Immigration)*, [2000] F.C.J. No. 1156 (Fed. T.D.) at para. 11.

116 As a result of the foregoing, it is hard to see Rule 317 being used to obtain exceptional evidence. The only circumstance I can imagine is where the exceptional evidence happens to be in the possession of the administrative decision-maker — quite rare, I suspect.

117 The Tsleil-Waututh Nation submits that materials other than those before the administrative decision-maker may be considered relevant and producible under Rule 317 where it is alleged the decision-maker breached procedural fairness. Perhaps underneath this is a confusion of concepts of admissibility — exceptional evidence can sometimes be adduced to demonstrate procedural unfairness — with the substantive requirements of Rule 317. These must be kept apart. Not everything that is admissible can be obtained under Rule 317. For one thing, this submission overlooks the point, developed above, that the materials must be in the possession of the administrative decision-maker.

118 In support of this submission, the Tsleil-Waututh Nation cites the Federal Court decisions in *Canadian National Railway v. Louis Dreyfus Commodities Ltd.*, 2016 FC 101 (F.C.) and *Gagliano v. Gomery*, 2006 FC 720 (F.C.). In *Dreyfus*, the Federal Court suggests that materials that should have been before the administrative decision-maker are producible under Rule 317. In support of this, the Federal Court cites *Access Information Agency*, above and *Gagliano*, above. *Access Information Agency* nowhere says that materials that should have been before the administrative decision-maker are producible under Rule 317. And *Gagliano* is best construed as the rare case where exceptional evidence was admissible and happened to be in the possession of the administrative decision-maker.

119 Both *Dreyfus* and this particular submission of the Tsleil-Waututh Nation underscore the need to keep analytically separate different concepts such as obtaining evidence, placing the evidence before the Court, the admissibility of evidence, the requirements for particular tools (e.g., Rule 317), and how courts go about reasonableness review.

(6) Analysis of the Rule 317 request in this case

(a) Procedures followed concerning Rule 317 in this case

120 The Tsleil-Waututh Nation placed its Rule 317 request in its application for judicial review.

121 Under Rule 318(1), the Attorney General was to have responded to the request within twenty days.

122 The Attorney General did not do so. And the Tsleil-Waututh Nation did not register a protest against the Attorney General's inaction for approximately two months.

2008 ABCA 160

Alberta Court of Appeal

Brewer v. Fraser Milner Casgrain LLP

2008 CarswellAlta 554, 2008 ABCA 160, [2008] 6 W.W.R. 597, [2008] A.W.L.D. 2403, [2008] A.W.L.D. 2424, [2008] A.W.L.D. 2455, [2008] A.J. No. 460, 166 A.C.W.S. (3d) 292, 292 D.L.R. (4th) 750, 424 W.A.C. 188, 432 A.R. 188, 52 C.P.C. (6th) 221, 63 C.H.R.R. D/294, 75 Admin. L.R. (4th) 1, 90 Alta. L.R. (4th) 201

**Janice Brewer (Respondent / Applicant) and Fraser Milner Casgrain LLP
&/or FMC Services Limited Partnership and the Chief Commissioner of the
Alberta Human Rights and Citizenship Commission (Appellants / Respondents)**

J. Côté, C. Conrad, M. Paperny JJ.A.

Heard: February 8, 2008

Judgment: May 1, 2008 *

Docket: Edmonton Appeal 0603-0184-AC, 0603-0221-AC

Counsel: J.R. Carpenter, J.R. Kolmes for Respondent

K.C. Verville for Appellant, Fraser Milner Casgrain LLP

A.S. Dean, A.M. Chak for Appellant, Chief Commissioner of the Alberta Human Rights and Citizenship Commission

J. Côté J.A.:

A. The Issue

1 The issue here is whether, and to what extent, a tribunal created by statute can appeal from a superior court's judicial review quashing that tribunal's decision.

2 We heard this as a preliminary issue. It only emerged fully during oral argument of the substantive appeal, so we adjourned the appeal and received further written argument on the right to appeal, from the Chief Commissioner and the complainant, Ms. Brewer. (Fraser Milner understandably saw no need to participate in this issue, having its own independent appeal on foot.)

B. Facts

3 Ms. Brewer complained to the Alberta Human Rights and Citizenship Commission that her employer, Fraser Milner Casgrain, had insufficiently accommodated her health condition. Ultimately, the Chief Commissioner of that Commission issued a decision agreeing with the report of a Commission investigator. Both concluded that Ms. Brewer had neither cooperated sufficiently with her employer, nor sufficiently proved her case. The Chief Commissioner therefore dismissed her case at this preliminary stage, did not send it on to a formal hearing before a Human Rights panel, and did not appoint such a panel.

4 Ms. Brewer applied to the Court of Queen's Bench by judicial review and got an order quashing the order of the Chief Commissioner: [2006 ABQB 258](#) (Alta. Q.B.). As noted, Fraser Milner has appealed to the Court of Appeal: Appeal # 0603-0184-AC. No one contests their right to appeal.

5 However, the Chief Commissioner has also filed a separate notice of appeal, #0603-0221-AC. He filed a factum styled in both appeals (with both appeal numbers), which argues the merits of the case. Ms. Brewer's counsel denies the Commission's right to appeal. This judgment is about that.

6 When this topic first arose, counsel for the Chief Commissioner said that he would move in the alternative for leave to intervene. But on reflection, he declines to do so, and stakes all on a right to appeal fully.

C. Silent Precedents

7 Admittedly the *Human Rights, Citizenship and Multiculturalism Act* contains no right to appeal. A few statutes give other tribunals the right to appeal (see Part F), so the Legislature knows how to do that when it wants to.

8 One argument of the Chief Commissioner is that he has appealed judicial review decisions to this Court in recent years, no one has objected to his doing so, and this Court has heard those appeals. (The respondent's argument counts three such previous appeals, only one involving jurisdiction.)

9 However, admittedly this Court has not discussed whether the Chief Commissioner had the right or power to do that, and courts most often do not raise issues of their own motion.

10 Many cases hold that a previous case (especially at the same court level) which merely assumes a legal proposition not argued, at best is very weak authority for that proposition. See *Clark v. Canadian National Railway*, [1988] 2 S.C.R. 680, 700-01, 89 N.R. 81, 54 D.L.R. (4th) 679 (S.C.C.), 694; and other cases cited in 3 Stevenson & Côté, *Civil Procedure Encyclopedia*, Chapter 66, Parts K.2 and K.6 (2003). That is doubly so when the legal proposition is jurisdiction (for an appeal), as jurisdiction cannot be conferred by consent.

11 I find Alberta's Rules of Court, the *Court of Appeal Act*, and the *Judicature Act* silent or extremely vague about whether the Chief Commissioner can appeal here, or even whether he is a party in the Court of Queen's Bench. The Chief Commissioner relies on *Young v. College of Teachers (British Columbia)*, 2001 BCCA 164, 150 B.C.A.C. 228 (B.C. C.A.). It was not a case on judicial review. In one or two sentences the British Columbia Court of Appeal just said (para. 15) that the plain ordinary language of s. 6(1)(a) of a British Columbia statute gave an appeal. But the section did not say by whom, and the Court of Appeal did not discuss that. That is a clear *non sequitur*. Some Acts are not a complete Code; they are just silent on some topics. Little is to be gained by staring at those tea leaves.

12 So one must resort to case law.

D. History and Basic Theory

13 There are decisions of the Supreme Court of Canada on point (which I discuss in Part H below.) However, merely citing them would not suffice as reasons here, for several reasons. First, the Chief Commissioner's other main argument is simplistic. It says that he was named as a respondent in the Court of Queen's Bench, and so is a full party and can appeal anything. Second, the scope of any appeal by the Chief Commissioner is a separate question, and has been seriously disputed in this case from the outset. It deserves some answer. Third, in recent years this Court has received a number of factums from counsel for various statutory tribunals which discussed the merits of those appeals (though often those counsel did not argue merits orally). The profession in Alberta needs guidance.

14 I will begin with some common law and history, to answer the Chief Commissioner's argument about the style of cause. I will now show that that is a mere form, a historical accident.

15 Alberta's present Rules of Court replace the former notice of motion for *certiorari* with an originating notice for judicial review to quash (R. 753.03, passed in 1987). Before that, the Rules had expressly replaced the old writ of *certiorari* with that notice of motion for *certiorari* (1914, R. 824).

16 However, those two Rules amendments merely altered the forms and the precise document to commence proceedings. Neither they, nor any statute, creates or created any cause of action or right to quash. That is still governed by the common law (as modified by fairly recent case law). These 20th century changes in procedure have no effect on the rights of any of the persons involved. See *R. v. Titchmarsh* (1914), 22 D.L.R. 272, 32 O.L.R. 569 (Ont. C.A.); cf. *McEwen, Re*, [1941] 1 W.W.R.

129 (Man. C.A.), 140-41, affd. [1941] S.C.R. 542 (S.C.C.); cf. *R. v. Batchelor* (1977), [1978] 2 S.C.R. 988, 18 N.R. 416 (S.C.C.) (paras. 42-46). So the substantive law on quashing by judicial review is the common law on quashing by *certiorari* (with certain modern modifications).

17 What was the common-law writ of *certiorari*?

18 The word *certiorari* is just Latin for "to be better informed". For centuries the writ of *certiorari* issuing from a superior court, was virtually the only way that justices of the peace and other tribunals (other than superior courts) received any form of review or control. English substantive rights often flowed from writs and their procedure.

19 The key feature of *certiorari* was a command by the monarch to the Justices of Peace or other tribunal to give up the case to, and send their entire record to, the superior court. Once thus "better informed", the superior court could either quash the decision of the tribunal, or send the record back and tell the inferior tribunal to proceed. See *R. v. Titchmarsh, supra*, at 277-78; de Smith, *Judicial Review of Admin. Action* 373-76, 388-89 (2d ed. 1968). (Recent editions of de Smith are briefer.) Where judicial review is sought to quash the decision below, Alberta Rules still order the tribunal to send up the record: Rr. 753.12 and 753.13.

20 Since the Chief Commissioner here puts weight on the style of cause used in the Court of Queen's Bench, we must examine the common-law practice as to parties.

21 The authoritative text was Chitty's *Forms of Proceedings in the King's Bench Division*. It is consistent from the 11th edition of 1879 through the 14th edition of 1912. Its wording for the writ of *certiorari* is as follows:

GEORGE THE FIFTH by the Grace of God, . . . to the judge of the county court of _____, holden at _____, greeting:

We, willing for certain causes to be certified of a plaint levied in our court before you . . . command you that you send to us forthwith at the King's Bench Division of our High Court of Justice the said plaint aforesaid, with all things touching the same . . . that we may further cause to be done thereupon what of right we shall see fit to be done.

Witness _____, Lord High Chancellor of Great Britain . . .

22 See also Parker L.J., 11 *Hals. Laws* 124-25 (para. 230) (3d ed. 1955). The writ of *certiorari* has no style of cause in the modern sense. If one wanted to draw up a Queen's Bench style of cause for the originating notice here, based on the common law, it would read as follows:

Her Majesty the Queen, at the relation of Janice Brewer

Applicant

— and —

The Chief Commissioner of the Alberta Human Rights and Citizenship Commission

Respondent

Doubtless Messrs. Fraser Milner could then move and get themselves added as a second respondent. It is customary in Alberta to skip Her Majesty as the nominal applicant and merely name the relator (Brewer) as the applicant. (Rules 739(3) and 753.09 are vague and ambiguous on the parties to judicial review.)

23 The critical point is that the common law writ (or the notice of motion or originating notice which replaces it) names the statutory tribunal in order to get that tribunal's file. The tribunal is not a party in the traditional sense. Indeed after service of the writ (or notice of motion), the tribunal below gives up its file and loses jurisdiction over the case: *R. v. Batchelor, supra*. In Canada the tribunal rarely if ever pays costs, even if its decision is quashed.

2006 FC 720, 2006 CF 720

Federal Court

Gagliano v. Gomery

2006 CarswellNat 1606, 2006 CarswellNat 1682, 2006 FC 720, 2006 CF 720, [2006] F.C.J. No. 917, 293 F.T.R. 108 (Eng.), 49 Admin. L.R. (4th) 261

The Honourable Alfonso Gagliano, (Applicant) and The Honourable John H. Gomery, in his Quality as Ex-Commissioner of the Commission of Inquiry into the Sponsorship Program and Advertising Activities The Attorney General of Canada, (Respondents)

The Right Honourable Jean Chrétien, (Applicant) and The Honourable John H. Gomery, in his Quality as Ex-Commissioner of the Commission of Inquiry into the Sponsorship Program and Advertising Activities The Attorney General of Canada, (Respondents)

Mr Jean Pelletier, (Applicant) and The Honourable John H. Gomery, in his Quality as Ex-Commissioner of the Commission of Inquiry into the Sponsorship Program and Advertising Activities The Attorney General of Canada, (Respondents)

M.M. Teitelbaum J.

Heard: May 5, 12, 2006

Judgment: June 9, 2006

Docket: T-2086-05, T-2118-05, T-2121-05

Counsel: P.A. Fournier for Alfonso Gagliano

P. Doody for Jean Chrétien

G. Pratte for Jean Pelletier

R. Langlois, Marie-Geneviève Masson for John H. Gomery

B. Saunders, A. Lespérance, P. Guay for Attorney General of Canada

M.M. Teitelbaum J.:**I. Background**

1 The applicants, the Right Honourable Jean Chrétien (Chrétien), the Honourable Alfonso Gagliano (Gagliano), and Mr. Jean Pelletier (Pelletier) separately applied for judicial review to quash the Phase I Report of the Commission of Inquiry into the Sponsorship Program and Advertising Activities (the Commission). Each applicant has requested various materials from the Commission under Rule 317 of the *Federal Courts Rules*. The Commission transmitted copies of certain materials that were in its possession and to which it did not object to providing to the parties. However, the Commission objected to the production of certain other materials requested by each applicant. In its view these other requested materials were not relevant, and it informed the parties in writing of the reasons for its objection as required under Rule 318(2). Chrétien, Gagliano and Pelletier presently bring separate motions under Rule 318 of the *Federal Courts Rules* for Orders that the Commission provide certified copies of the material they requested that the Commission has not transmitted to them and that the Commission has in its possession.

2 The applicants filed their motions separately, but on the parties' request, the Court heard their motions together. As the applicants' motions raise substantially similar issues, the Court presently provides one set of reasons that apply equally to all three motions.

43 The Commission claims that the applicants cannot invoke procedural fairness solely as a means of attempting to have access to documents that otherwise would not be made available to them.

C. Phase II Materials

44 The e-mails and submissions received in response to the Commissioner's roundtable sessions were part of Phase II of the Commission's mandate, and it is alleged that they were not connected to Phase I. It is submitted that these materials were not considered by the Commissioner in writing his Phase I Report, and copies of these materials were therefore properly denied to the applicants.

45 The Commission claims that the Phase II consultations were part of a separate process that was designed to assess whether the system in place "allows for the determination of who is answerable for a given action or decision".

Commission's Memorandum of Fact and Law (Chrétien, T-2118-05) at para. 44.

46 The Commission maintains that the applicant will either succeed or fail in demonstrating that the Commissioner could not have made his comment related to the concentration of power in the Prime Minister's Office ("PMO") based on the evidence submitted during Phase I of the Commission's mandate. It claims that the analysis does not need to consider materials from the Phase II roundtables or the previous writings of Professor Savoie. The Commission argues that since the Commissioner's reference to power in the PMO was the only grounds upon which Chrétien justified his request to have access to materials relating to the roundtables and the public submissions, he has failed to demonstrate that the Court should depart from the general rule that only documents that were before the Commissioner when he wrote his report must be produced.

47 The Commission claims that the applicants' allegations that the Commissioner made erroneous findings of fact, and that their procedural rights were breached can be determined by reference solely to evidence in the public file. It is also argued that although the applicants allege bias on the part of the Commission, they fail to demonstrate a real and identifiable bias.

VIII. Analysis

48 The starting point in determining whether copies of the requested materials should be provided is *Pathak*, above. It has been described as a "leading case in the interpretation of Rule 317": *Ecology Action Centre Society v. Canada (Attorney General)*, [2001] F.C.J. No. 1588, 2001 FCT 1164 (Fed. T.D.), at para. 6; See *Canadian Arctic Resources Committee Inc. v. Diavik Diamond Mines Inc.*, 35 C.E.L.R. (N.S.) 1, 183 F.T.R. 267, [2000] F.C.J. No. 910 (Fed. T.D.), at para. 30.

49 According to *Pathak*, above, and subsequent jurisprudence, documents are relevant for the purposes of Rule 317 if they may affect the decision that the reviewing court will make. The relevance of requested materials is determined by having regard to the notice of application, the grounds of review invoked by the applicant, and the nature of judicial review.

50 It is trite law that in general only materials that were available to the decision-maker at the time of rendering a decision are considered relevant for the purposes of Rule 317. However, the jurisprudence also carves out exceptions to this rule. The Commission's own written representations indicate that, "An exception exists where it is alleged that the federal board breached procedural fairness or committed jurisdictional error": David Sgayias et al., *Federal Practice*, (Toronto: Thomson, 2005) at 695, reproduced in the Commission's Memorandum of Fact and Law (Chrétien, T-2118-05) at para. 24. The above comment is clearly supported by jurisprudence which indicates that materials beyond those before the decision-maker may be considered relevant where it is alleged that the decision-maker breached procedural fairness, or where there is an allegation of a reasonable apprehension of bias on the part of the decision-maker: *Deh Cho First Nations*, above; *Friends of the West*, above; *Telus*, above; *Lindo*, above.

51 The applicants raise grounds of review that fall within the exceptions that permit the transmission of materials beyond those that were before the decision-maker. However, the Court is not required to provide the applicants with the requested materials merely because they raise issues of procedural fairness. Rule 318(3) states that a Court "may" order that "all or part

of the material requested be forwarded to the Registry" [emphasis added]. The wording is permissive, but leaves the Court with full discretion over whether or not to order the transmission of requested materials.

52 It is the Court's view that when a party alleges a breach of procedural fairness, the Court still determines relevancy of the requested materials by reference to the applicant's notice of application, the grounds of review invoked by the applicant, and the nature of judicial review as directed by *Pathak*, above.

A. List of subjects posted on the Internet

53 Gagliano seeks transmission of a copy of a list of subjects that were to be examined by the Commission during its consultations. The requested list was allegedly posted on the Commission's website but was later removed from the site. The Court has not received an adequate explanation as to how this material could be relevant. Gagliano wishes to view the materials that were formerly posted online to determine whether they provide further grounds for his allegations of reasonable apprehension of bias on the part of the Commissioner and breaches of procedural fairness. However, under Rule 317 of the *Federal Courts Rules*, relevancy must be established by the applicant to demonstrate that he is entitled to them. Documents requested under Rule 317 are not transmitted first so that a party may then determine whether they are relevant. The Rule has been crafted in this fashion to avoid rewarding applicants for engaging in improper fishing expeditions.

54 The applicant has requested these particular materials without providing any evidence whatsoever as to their relevancy. The assertion that the web materials *may be* relevant is pure speculation. Since the Court has not received an adequate explanation as to the relevancy of materials that were posted and later removed from the Commission's website, the Court is not prepared to order that the Commission transmit them to Gagliano.

B. Materials from Phase II

55 The applicants seek a variety of materials from Phase II of the Commission, including documents presented at the Commission's roundtables, a summary of discussions held during the roundtables, and copies of e-mails in response to the Commissioner's Invitation to Canadians. The applicants note that the Phase II consultations began before the Commissioner had completed Phase I of his report. The complaint is that the Commissioner may have heard matters in private hearings in Phase II that addressed issues that were within the sole purview of Phase I of the Commission. They are concerned that elements from the Phase II consultations may have influenced the Commissioner and may have made their way back into the Phase I decision. The applicants argue that materials found in Phase II are relevant since they will support the claim that Phase I findings were made without regard to the evidence. It is also argued that the Commissioner sought information during Phase II that fell entirely within the realm of Phase I, and that it was unfair for the Commissioner to have heard these arguments during Phase II without providing the applicants an opportunity to respond.

56 The applicants principally relied on two arguments to show how Phase II materials are relevant to the judicial review of Phase I. The first argument, which was presented by Chrétien, is that during the Phase II consultations, the general public was invited to comment on matters which, in Chrétien's view, fell strictly within the boundaries of Phase I. The second claim is that the Phase I Report contains findings and statements which allegedly demonstrates that the views of Professor Savoie, other participants in the Phase II roundtables, and the general public made their way into the Phase I Report.

57 Chrétien claims that the public was invited to provide additional materials during Phase II that went to the Commission's fact-finding role which should have fallen exclusively within Phase I of the Commission. He bases this claim on a passage from the Commissioner's Invitation to Canadians:

[T]he extent to which we can still identify individuals, whether at the political and administrative levels, who are responsible, answerable and accountable for the development and management of the sponsorship initiatives or advertising activities, or, more generally, of government programs.

The applicant argued that this passage reveals that the Commissioner was still engaged in fact-finding exercises during Phase II.

2013 CAF 190, 2013 FCA 190
Federal Court of Appeal

Alberta Wilderness Assn. v. Canada (Attorney General)

2013 CarswellNat 2792, 2013 CarswellNat 6947, 2013 CAF 190, 2013 FCA 190,
229 A.C.W.S. (3d) 874, 362 D.L.R. (4th) 145, 447 N.R. 369, 76 C.E.L.R. (3d) 1

**Alberta Wilderness Association, Western Canada Wilderness Committee,
Nature Saskatchewan and Grasslands Naturalists, Appellants and Attorney
General of Canada and the Minister of the Environment, Respondents**

J.D. Denis Pelletier, Johanne Gauthier, Robert M. Mainville JJ.A.

Heard: March 19, 2013

Judgment: August 1, 2013*

Docket: A-322-12

Counsel: Sean Nixon, Melissa Gorrie, for Appellants
Angela Fritze, for Respondent

J.D. Denis Pelletier J.A.:

Introduction

1 This is an appeal from an interlocutory order made by Scott J. (the Motion Judge) in the context of an application brought by Alberta Wilderness Association, Western Canada Wilderness Committee, Nature Saskatchewan, and Grasslands Naturalists (collectively, the appellants) seeking the Court's assistance in relation to an emergency order pursuant to section 80 of the *Species at Risk Act*, S.C. 2002, c. 29 (the Act) and an amendment to the Recovery Strategy for the Greater Sage-grouse (the Recovery Strategy). As I understand it, the Notice of Application was drafted so as to request an order of *mandamus* if no recommendation for an emergency order has been made or for a judicial review of the decision declining to recommend the making of an emergency order, if such a decision has, in fact, been made. The problems inherent in this type of all purpose pleading have only been made worse by the Minister of the Environment's (the Minister) position that he is under no obligation to say if a decision has been made or, if a decision has been made, what it is. At this point, the Notice of Application is stalled on an issue of document production which, on the view I take of this case, is premature and unnecessary.

Facts and Procedural History

2 According to the appellants, the Sage-grouse is an endangered species whose Canadian habitat is limited to small areas in south-eastern Alberta and south-western Saskatchewan. Its current range is approximately 6% of its historic range. Between 1988 and 2006, the total Canadian population of Sage-grouse declined 88%. As of 2010, there were approximately 42 male Sage-grouse remaining in Saskatchewan at two active breeding grounds while, as of 2011, there were approximately 13 males remaining in Alberta out of a total Alberta population of 30 birds.

3 The appellants say that the primary reason for the decline in the Sage-grouse population is the on-going loss or degradation of their habitat through oil and gas development, overgrazing, and cultivation.

4 As of February 2012, the appellants estimated that Sage-grouse would no longer be found in Alberta within a year, and would no longer be found in Canada within 10 years, unless steps were taken to protect the existing birds and their habitat.

5 Section 80 of the Act provides as follows:

38 Since the premise underlying an application for an order of *mandamus* is that a decision has not been made, Rule 317, reproduced below, does not, on its face, apply:

317. (1) A party may request material relevant to an application that is in the possession of a tribunal *whose order is the subject of the application* and not in the possession of the party by serving on the tribunal and filing a written request, identifying the material requested.

[my emphasis]

317. (1) Toute partie peut demander la transmission des documents ou des éléments matériels pertinents quant à la demande, qu'elle n'a pas mais qui sont en la possession de l'office fédéral *dont l'ordonnance fait l'objet de la demande*, en signifiant à l'office une requête à cet effet puis en la déposant. La requête précise les documents ou les éléments matériels demandés.

[Je souligne]

39 The jurisprudence of the Federal Court is to the effect that where no decision has been made by a decision-maker, there is no order which can be the subject of an application. As a result, Rule 317 does not apply to in those circumstances: see *Gaudes v. Canada (Attorney General)*, 2005 FC 351, [2005] F.C.J. No. 434 (F.C.), at paragraph 16, *Western Canada Wilderness Committee v. Canada (Minister of the Environment)*, 2006 FC 786, [2006] F.C.J. No. 1006 (F.C.) (*Western Wilderness*) at paragraph 8. Quite apart from the argument based on statutory interpretation, the decision reached by the Federal Court judges is eminently sensible in that, in the context of *mandamus*, the legality of the decision is not in issue. Only the failure to make the decision is. On that question, the documents before the decision-maker are irrelevant, except for certain narrow exceptions which are not material here: see *Western Wilderness* at paragraph 8.

40 As a result, the appellants' Rule 317 request with respect to their application for orders of *mandamus* was not well founded. That said, the Rule 317 request remains in effect with respect to the other orders requested in the Notice of Application, as presently drafted.

41 It is useful, at this stage, to clarify what is not in issue. The Clerk of the Privy Council has filed a Certificate under section 39 of the *Canada Evidence Act*, claiming that the information contained in two documents described in the Annex to the Certificate is confidences of the Queen's Privy Council for Canada and thus exempt from disclosure. The appellants do not contest this: see Appellants' Memorandum of Fact and Law, at paragraph 27. On the other hand, the appellants say that the Certification and Objection is not a valid certificate pursuant to section 39 of the *Canada Evidence Act*. The respondents do not disagree: see the Respondents' Memorandum of Fact and Law at paragraph 27.

42 The respondents have not argued that the common law of Crown immunity or sections 37-38 of the *Canada Evidence Act* apply. If a claim of Crown immunity were made, the Court would be entitled to demand that the material in respect of which the claim was made be produced so that it could examine it and decide whether the public interest in disclosure was more substantial than the public interest in maintaining the privilege: see *Carey v. Ontario*, [1986] 2 S.C.R. 637, [1986] S.C.J. No. 74 (S.C.C.).

43 The substance of the respondents' position appears to be that because Cabinet deliberations are confidential, any information which is associated with such deliberations is, by that fact, confidential. Their position is reflected in the following statement taken from the Certification and Objection:

Therefore, because Cabinet decision making process is engaged in the decision to issue an emergency order, at this stage of the process in this case, it is not possible to reveal whether the Minister has made or will make a recommendation to the Governor in Council for an emergency order to be issued.

Certification and Objection, A.B., page 45.

44 This statement can be read as a claim of cabinet confidence or as a claim that the demand for information is premature since the final decision has not been made. That ambiguity is resolved in the Respondents' Memorandum of Fact and Law:

26. The Respondents' Certification and Objection was a *bona fide* reply to the Appellants' request for material under Rule 317 of the FCR [Federal Courts Rules]. The Certification and Objection explained that the Cabinet decision-making process is protected by a rule of confidentiality.

45 It is important to recognize that there is a distinction between confidentiality and immunity from having to produce a document or a communication for the purposes of litigation. While confidentiality is a necessary element of a privileged communication, confidentiality alone does not confer privilege or immunity. In this context, the fact that cabinet deliberations are confidential means that a claim of immunity can be advanced. However, the means for making such a claim are limited. The respondents can either make a claim of crown immunity at common law or pursuant to sections 37-39 of the *Canada Evidence Act*. My reading of the respondents' Memorandum of Fact and Law indicates that their claim for immunity is based solely on section 39 of the *Canada Evidence Act*.

46 The weakness of the argument that section 39 of the *Canada Evidence Act*, even in the absence of an appropriate certificate, nevertheless protects all proceedings with respect to an emergency order is evident from section 80 itself, reproduced below again for ease of reference:

80. (1) The Governor in Council may, on the recommendation of the competent minister, make an emergency order to provide for the protection of a listed wildlife species.

(2) The competent minister must make the recommendation if he or she is of the opinion that the species faces imminent threats to its survival or recovery.

(3) Before making a recommendation, the competent minister must consult every other competent minister.

80. (1) Sur recommandation du ministre compétent, le gouverneur en conseil peut prendre un décret d'urgence visant la protection d'une espèce sauvage inscrite.

(2) Le ministre compétent est tenu de faire la recommandation s'il estime que l'espèce est exposée à des menaces imminentes pour sa survie ou son rétablissement.

(3) Avant de faire la recommandation, il consulte tout autre ministre compétent.

47 Section 80 leaves open the possibility that the Minister may not, on the evidence before him, be satisfied that a species faces an imminent threat to its survival or recovery. In that case, the Minister can decide that no recommendation for an emergency order should be made to Cabinet. As a result, no recommendation will be made to cabinet. In that case, the Minister's decision not to make a recommendation does not come within the terms of section 39 of the *Canada Evidence Act* as a matter "that [is] brought before, or [is] proposed to be brought before, Council", or otherwise. As pointed out in *Babcock*, one of the criteria for the issuance of a valid certificate pursuant to section 39 is that "the information must fall within the categories described in section 39(2)": see *Babcock*, at paragraph 24.

48 If the position asserted by the respondents is correct, it would have the effect of sheltering from review every refusal to make a recommendation for an emergency order. This cannot be so. The Minister's discretion to decline to make a recommendation to Cabinet must be exercised within the legal framework provided by the legislation. The authority for that proposition is at least as old as the seminal case of *Roncarelli v. Duplessis*, [1959] S.C.R. 121 (S.C.C.), at page 140:

In public regulation of this sort there is no such thing as absolute and untrammelled "discretion", that is that action can be taken on any ground or for any reason that can be suggested to the mind of the administrator; no legislative Act can, without express language, be taken to contemplate an unlimited arbitrary power exercisable for any purpose, however capricious or irrelevant, regardless of the nature or purpose of the statute. Fraud and corruption in the Commission may not be mentioned in such statutes but they are always implied as exceptions. "Discretion" necessarily implies good faith in discharging public duty; there is always a perspective within which a statute is intended to operate; and any clear departure from its lines or objects is just as objectionable as fraud or corruption.

1986 CarswellOnt 472
Supreme Court of Canada

Carey v. Ontario

1986 CarswellOnt 1011, 1986 CarswellOnt 472, [1986] 2 S.C.R. 637, [1986] S.C.J. No. 74, 14 C.P.C. (2d) 10, 1 W.C.B. (2d) 25, 20 O.A.C. 81, 22 Admin. L.R. 236, 30 C.C.C. (3d) 498, 35 D.L.R. (4th) 161, 58 O.R. (2d) 352n, 72 N.R. 81, J.E. 87-79, EYB 1986-67591

CAREY v. THE QUEEN IN RIGHT OF ONTARIO

Beetz, McIntyre, Chouinard, Lamer, Wilson, Le Dain and La Forest JJ.

Heard: October 2, 1986
Judgment: December 18, 1986
Docket: No. 18060

Counsel: *J.L. McDougall*, Q.C. and *Robert L. Armstrong*, for appellant
T.H. Wickett, Q.C., for respondents

The judgment of the Court was delivered by *La Forest J.*:

- 1 This case involves a conflict between the public interest that a person who asserts a legal claim be afforded access to all information relevant to prove that claim, and the public interest against disclosure of confidential communications of the executive branch of government.
- 2 The immediate issue is whether the appellant Carey is entitled to compel production in an action against the Crown in right of Ontario and the other respondents of Cabinet documents in the possession of the executive government of the province which, he contends, would support his claim. In Ontario, this issue falls to be decided under common law.
- 3 The plaintiff's claim arises against the following background.

Factual Background

- 4 The Minaki Lodge is a tourist resort complex of some note located on the Winnipeg river a few miles north of Kenora and Lake of the Woods. In the early 1960s, Carey became associated with the controlling group then operating the lodge as a shareholder. There is dispute among the parties about the financial health of the lodge during the late 1960s, but no one questions that the tourist industry in the area was adversely affected when mercury contamination was discovered in the adjoining river system. As a result the lodge, which had operated only in the summer months, did not open in the summer of 1971 and was not scheduled to open for the summer of 1972.
- 5 By the fall of 1971, the Government of Ontario had become concerned about the damage resulting to the economy of northwestern Ontario from the closing of the lodge and took steps to keep it operating. Its dealing with Carey in attempting to effect this purpose is what gave rise to this action.
- 6 Carey alleges that in the fall of 1971, the Government offered to make good all losses of the operators through forgiveable or interest-free loans if the lodge was reopened. The Government, however, denies such an offer formed part of the loan assistance it was willing to extend. Carey further alleges that he accepted the alleged offer and, in reliance on it, acquired control of the lodge from his associates and reopened it in the summer of 1972. What is more, he adds, he kept it open at the Government's encouragement during the whole of the following winter and thereby incurred considerable losses for which the Government did not fully reimburse him. He claims he then advised the Government the lodge would be closed for the winter of 1973-74

48 The same approach was adopted in later cases of which I mention only a few. In the *Glasgow Corp.* case, *supra*, at p. 20, Lord Radcliffe made the same point more colourfully by saying he would have supposed Crown servants were "made of sterner stuff". From my experience, he would not be disappointed. And I suspect Cabinet Ministers would be incensed at the suggestion that their officials were made of sterner stuff than themselves. In 1973, Lord Salmon in *Rogers v. Home Secretary*, [1973] A.C. 388 at 413, [1972] 2 All E.R. 1057 (H.L.), described the candour argument as "the old fallacy". More recently in *Burmah Oil Co. v. Bank of England*, *supra*, at p. 724 [All E.R.], Lord Keith of Kinkel characterized the argument as "grotesque".

49 In both the *Gagnon* and *Conway* cases, however, Cabinet documents were looked upon in a different light than lower level official documents, and in the latter case the Law Lords dealt with the issue at some length. Most of them looked at these, we saw, as requiring a similar degree of protection as documents relating to national security and diplomatic relations. Production of Cabinet correspondence, they asserted, would never be ordered. For them this was simply obvious. Given the general attitude at the time, this is not surprising. The best explanation is that of Lord Reid. For him it was not candour but the political repercussions that might result if Cabinet minutes and the like were disclosed before such time as they were of historical interest only. He put it this way at p. 952 [[1968] A.C.]:

I do not doubt that there are certain classes of documents which ought not to be disclosed whatever their content may be. Virtually everyone agrees that Cabinet minutes and the like ought not to be disclosed until such time as they are only of historical interest. But I do not think that many people would give as the reason that premature disclosure would prevent candour in the Cabinet. To my mind the most important reason is that such disclosure would create or fan ill-informed or captious public or political criticism. The business of government is difficult enough as it is, and no government could contemplate with equanimity the inner workings of the government machine being exposed to the gaze of those ready to criticise without adequate knowledge of the background and perhaps with some axe to grind. And that must, in my view, also apply to all documents concerned with policy making within departments including, it may be, minutes and the like by quite junior officials and correspondence with outside bodies. Further it may be that deliberations about a particular case require protection as much as deliberations about policy. I do not think that it is possible to limit such documents by any definition.

While some of these remarks may seem somewhat dated, I would agree that the business of government is sufficiently difficult that those charged with the responsibility for running the country should not be put in a position where they might be subject to harassment making Cabinet government unmanageable. What I would quarrel with is the absolute character of the protection accorded their deliberations or policy formulation without regard to subject matter, to whether they are contemporary or no longer of public interest, or to the importance of their revelation for the purpose of litigation. Subsequent cases have addressed these issues.

The Decline of Absolute Protection

50 The idea that Cabinet documents should be absolutely protected from disclosure has in recent years shown considerable signs of erosion. This development began in the United States in the famous case of *United States v. Nixon*, 418 U.S. 683, 94 S. Ct. 3090, 41 Ed. 2d 1039 (U.S. D.C., 1974), where a subpoena was directed to the former President of that country to produce tape recordings and documents relating to certain conversations and meetings between him and others. The President, claiming executive privilege, filed a motion to have the subpoena quashed, but the Supreme Court of the United States, affirming the Courts below, rejected the President's claim.

51 While there are important differences between the governmental structure of the United States and that of this country, the underlying values concerned are much the same. Consistent with the law in this country, the Court observed that, while it would accord great deference to presidential views, the judiciary, not the President, was the final arbiter of a claim of privilege. In doing this, a Court was bound to weigh the conflicting interests.

Justice Wilson concluded, indicated that "it is the role of the courts, not the administration to determine whether disclosure of documents would be injurious to the public interest" (p. 704). The same principle applied to oral evidence.

77 In rejecting Mr. Smallwood's claim to immunity on the basis of the doctrine of collective Cabinet responsibility, Madame Justice Wilson underlined that in *A.G. v. Jonathan Cape Ltd.*, supra, Lord Widgery had made it clear that there was a time limit on the application of the doctrine. Indeed after a careful examination of the case, she concluded that [p. 707, S.C.R.]:

... the onus would be on Mr. Smallwood to establish that the public interest in joint cabinet responsibility would be prejudiced by any particular disclosure he was being asked to make. Any blanket claim to immunity on this basis must, in my view, also fail.

Later, at p. 708, she added:

His immunity in that regard is relative only and must wait upon the content of the proposed examination. Mr. Smallwood cannot be the arbiter of his own immunity. This is for the courts. The application in this respect was therefore premature.

Summary and Application of the Principles

78 The foregoing authorities, and particularly, the *Smallwood* case, are in my view, determinative of many of the issues in this case. That case determines that Cabinet documents like other evidence must be disclosed unless such disclosure would interfere with the public interest. The fact that such documents concern the decision-making process at the highest level of government cannot, however, be ignored. Courts must proceed with caution in having them produced. But the level of the decision-making process concerned is only one of many variables to be taken into account. The nature of the policy concerned and the particular contents of the documents are, I would have thought, even more important. So far as the protection of the decision-making process is concerned, too, the time when a document or information is to be revealed is an extremely important factor. Revelations of Cabinet discussion and planning at the developmental stage or other circumstances when there is keen public interest in the subject matter might seriously inhibit the proper functioning of Cabinet government, but this can scarcely be the case when low level policy that has long become of little public interest is involved.

79 To these considerations, and they are not all, one must, of course, add the importance of producing the documents in the interests of the administration of justice. On the latter question, such issues as the importance of the case and the need or desirability of producing the documents to ensure that it can be adequately and fairly presented are factors to be placed in the balance. In doing this, it is well to remember that only the particular facts relating to the case are revealed. This is not a serious departure from the general regime of secrecy that surrounds high level government decisions.

80 I would repeat that no claim is made here on the basis of the nature of the policy discussed in the documents. If the certificate had particularized that their divulgence should be withheld on the ground, for example, that they relate or would affect such matters as national security or diplomatic relations, that would be another matter. If the certificate was properly framed, the Court might in such a case well agree their being withheld even without inspection; see in this context *Goguen v. Gibson*, supra. For such issues, it is often unwise even for members of the judiciary to be aware of their contents, and the period in which they should remain secret may be very long.

81 In the present case, however, we are dealing with a claim based solely on the fact that the documents concerned are of a class whose revelation might interfere with the proper functioning of the public service. It is difficult to see how a claim could be based on the policy or contents of the documents. We are merely dealing with a transaction concerning a tourist lodge in northern Ontario. The development of a tourist policy undoubtedly is of some importance, but it is hardly world-shaking. Apart from this, are we really dealing with the formulation of policy on a broad basis, or are we simply concerned with a transaction made in the implementation of that policy? Such a distinction was accepted by a majority of the House of Lords in *Burmah Oil* in relation to far more sensitive policy issues, i.e. major financial and economic policies of the nation. Policy and implementation may well be intertwined but a Court is empowered to reveal only so much of the relevant documents as it feels it is necessary or expedient to do following an inspection.

way the confidentiality which might deserve protection. And in that situation I think it would be wrong to put aside such a direct and practical means of resolving the difficulty. Indeed if it were to happen the primary responsibility of the Courts to provide informed and just answers would often depend on processes of sheer speculation, leaving the Judge himself grasping at air. That cannot be sensible nor is it necessary when by the simple act of judicial reconnaissance a reasonably confident decision could be given one way or the other.

See also Richardson J., especially at pp. 301-02 and McMullin J., especially at pp. 307-08. These Judges make it clear, in McMullin J.'s words at p. 308, that:

... once the documents are admitted to relate to the case, as they are here, they should be available for inspection unless there is some reason shown why in the interests of public policy that course should not be followed. And the onus of establishing that they should not be produced for inspection must lie on the party which seeks a departure from the general rule.

108 I am, therefore, of the view that the documents to be produced should be inspected by the trial Judge to determine whether, on balancing the competing interests already described, they should be produced.

Conclusion

109 For these reasons, I would allow the appeal with costs throughout and I would also set aside the order of the Honourable Mr. Justice Catzman dated July 9, 1982, quashing the subpoena duces tecum directed to Dr. E.E. Stewart.

Appeal allowed.

2000 CarswellNat 26

Federal Court of Canada — Appeal Division

Singh v. Canada (Attorney General)

2000 CarswellNat 1752, 2000 CarswellNat 26, [2000] 3 F.C. 185, [2000] F.C.J. No. 4, [2000] S.C.C.A. No. 92, 183 D.L.R. (4th) 458, 20 Admin. L.R. (3d) 168, 251 N.R. 318, 94 A.C.W.S. (3d) 269

Alissa Westergard-Thorpe, Annette Muttray, Jamie Doucette, Mark Brooks, Denis Porter, Deke Samchok and Craig Elton Jones, Appellants and The Attorney General of Canada, Her Majesty the Queen in Right of Canada, Respondents

Craig Elton Jones, Jonathan Oppenheim, Jamie Doucette, Deke Samchok, Denis Porter and Annette Muttray, Appellants and Her Majesty the Queen, The Minister of Justice and The Attorney General of Canada, Respondents

Strayer, Robertson, McDonald J.J.A.

Heard: November 22, 1999

Judgment: January 14, 2000 *

Docket: A-426-99

Proceedings: affirming [1999] F.C.J. No. 1056, 67 C.R.R. (2d) 81 (Federal Court of Canada — Appeal Division)

Counsel: *Mr. Joseph J. Arvay*, for Appellants.

Mr. I.G. Whitehall and *Mr. Simon Fothergill*, for Defendants.

Ms. Barbara L. Fisher, for Intervenor.

The judgment of the court was delivered by *Strayer J.A.*:

Introduction

1 This is an appeal from a decision of McKeown J. in which he dismissed the appellants' action for a declaration that section 39 of the *Canada Evidence Act*¹ is unconstitutional.

Facts

2 In November, 1997 an Asian Pacific Economic Cooperation Conference ("APEC Conference") was held in Vancouver, attended by heads of government of Pacific rim countries. The appellants, among others, were involved in demonstrations on the occasion of travel around Vancouver by the respective heads of government. Subsequently approximately 52 complainants, including the appellants, filed complaints with the Royal Canadian Mounted Police Public Complaints Commission (the "Commission") alleging various forms of misconduct by personnel of the Royal Canadian Mounted Police (the "RCMP").

3 The Commission is established under the *Royal Canadian Mounted Police Act*.² The nature of its jurisdiction may be seen in section 45.35 which reads in part as follows:

45.35(1) Any member of the public having a complaint concerning the conduct, in the performance of any duty or function under this Act, of any member or other person appointed or employed under the authority of this Act may, whether or not that member of the public is affected by the subject-matter of the complaint, make the complaint to

(a) the Commission

18 This Court has recognized the validity of a predecessor of section 39 and rejected attacks on it based on the *Charter of Rights* and the *Canadian Bill of Rights*. Chief Justice Iacobucci (as he then was) said that such a provision

is principally aimed at the protection of Cabinet candour in its discussions and Cabinet solidarity, and comes well within the exceptions to stating one's case that have been recognized.

He thus held that it did not represent an impermissible limitation to a "fair hearing".¹⁹

19 Therefore the principle seems well established that such legislation is clearly within the legislative power of Parliament and the exercise of its supremacy, absent any clear constitutional limitation to the contrary.

20 The appellants argue, however, that such legislation is contrary to the common law and therefore somehow implicitly unconstitutional. It is true that the provision in question is not the same as current common law on this subject: in the face of such a claim to a Cabinet confidence, modern case law would permit a judge to examine the document to see if the claim is well-founded and if so, whether the public interest in its disclosure would outweigh the public interest in its continuing secrecy. (It does not, it should be emphasized, guarantee disclosure of such documents but leaves that decision to the Court). But even in *Carey v. Ontario* where the Supreme Court held this to be the law, absent legislation, La Forest J. writing for the Court qualified his concern about an absolute claim to immunity as follows:

... I would agree that the business of government is sufficiently difficult that those charged with the responsibility for running the country should not be put in a position where they might be subject to harassment making Cabinet government unmanageable. What I would quarrel with is the absolute character of the protection accorded their deliberations or policy formulation without regard to subject matter, to whether they are contemporary or no longer of public interest, or to the importance of their revelation for the purpose of litigation. Subsequent cases have addressed these issues.²⁰

Thus he contemplated the possibility that legislation might limit the absolute privilege to certain kinds of documents or for certain time periods only (as does section 39 of the *Canada Evidence Act*) and he recognized elsewhere that it is for Parliament to define the extent of the privilege if it so chooses.²¹ Most recently the Supreme Court in *R. v. Mills*²² has confirmed that legislation cannot be presumed unconstitutional simply because it alters the common law.

21 The rationale for legislation of this type is obvious. I need not add to the literature on the importance, to our system of government, of secrecy of Cabinet deliberations. This legislation, of course, gives an absolute assurance to members of Cabinet and their advisors that the classes of documents specified in section 39 will not even be subject to review by a judge for confidentiality, and therefore it puts beyond doubt the continued secrecy of the document.

22 It is in any event an oversimplification to characterize this legislation as a drastic impairment of common law rights. In fact the common law, until revised by the House of Lords in 1968²³ was more restrictive of disclosure: the House of Lords in *Duncan v. Cammell, Laird & Co.*²⁴ held that an affidavit of a minister stating that disclosure of documents would be injurious to the public interest would be accepted by the courts as conclusive without examination of the documents themselves. While the House of Lords seemingly reversed itself in 1968 in *Conway v. Rimmer* by holding that the Court could examine documents which were the subject of a minister's claim for immunity, a majority were of the view that Cabinet documents as a class should not be disclosed.²⁵ There was no limitation suggested, for example, as to how old the document could be before the Executive was unable to claim the privilege. At about this time the predecessor legislation to section 39 was first enacted in Canada. While it applied the principles of *Conway v. Rimmer* to most documents it provided absolute immunity without examination by the Court for documents whose disclosure was claimed to be injurious to international relations, national defence or security, or to federal provincial relations or constituting a confidence of the Queen's Privy Council. In 1982 that position was modified so as to limit the absolute claim for non-disclosure, without examination by the Court, to confidences of the Queen's Privy Council. In mitigation of the denial of a right of review by the Court, however, for the first time there was a statutory definition adopted of "a confidence of the Queen's Privy Council for Canada", and, again for the first time, a time limit was placed on the continuation of

Court File No. T-577-20**FEDERAL COURT**

ASSOCIATION FOR FIREARM RIGHTS, RODNEY GILTACA, LAURENCE
 RYAN STEACY, MACCABEE DEFENSE INC., WOLVERINE SUPPLIES
 LTD., AND MAGNUM MACHINE LTD.

Applicants

and

ATTORNEY GENERAL OF CANADA and CANADA (ROYAL CANADIAN MOUNTED
 POLICE)

Respondents

APPLICATION UNDER sections 18 and 18.1 of the *Federal Courts Act*, RSC 1985, c F-7.

NOTICE OF APPLICATION

TO THE RESPONDENTS: THE ATTORNEY GENERAL OF CANADA and CANADA
 (ROYAL CANADIAN MOUNTED POLICE)

A PROCEEDING HAS BEEN COMMENCED by the Applicants. The relief claimed by
 the Applicants appears on the following pages.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the
 Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested
 by the Applicants. The Applicants request that this application be heard at the Federal Court, 635
 8 Avenue SW, Calgary, Alberta.

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 a solicitor acting for you
 must file a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it
 on the Applicants' solicitor WITHIN 10 DAYS after being served with this notice of application.

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 APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

**ORIGINAL SIGNED BY
KINNERY NAIK
A SIGNÉ L'ORIGINAL**

Date MAY 26 2020

Issued by _____
(Registry Officer)

Address of local office: Canadian Occidental Tower
3rd Floor, 635 8th Avenue SW
Calgary AB T2P 3M3

TO: Attorney General of Canada

AND TO: Canada (Royal Canadian Mounted Police)

I HEREBY CERTIFY that the above document is a true copy of the original filed in the Court on / and dated

MAY 26 2020

[Signature]

KINNERY NAIK / REGISTRY OFFICER

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I. THE PARTIES

A. The Canadian Coalition for Firearm Rights

1. The Applicant, the Canadian Coalition for Firearm Rights (**CCFR**), is a federally incorporated not-for-profit corporation, which acts as the public relations and education branch of the Canadian firearms community. CCFR membership is composed of individual Canadians, corporations, and industry organizations. The CCFR currently has a membership in excess of 28,300 which continues to grow daily.
2. The objects of the CCFR are to provide a voice for Canadian firearm owners and provide education to the public about the reasonable use and ownership of firearms. The CCFR achieves these objectives through:
 - (a) informing and educating the public about current firearms laws and regulations and their impact on Canadian society;
 - (b) providing provincial and federal Government entities with accurate information about firearm issues;
 - (c) providing information to media and government about policies and regulations including impacts on Canadian society;
 - (d) developing and sharing internal policies and best practices for members; and
 - (e) promoting rights in Canada as they apply to the defence of person and property rights.

The CCFR has a long-standing interest in matters pertaining to the regulation of firearms in Canada.

3. The CCFR has sufficient interest to be granted public interest standing in this Application challenging the *Regulations Amending 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 (**Regulation**). Specifically:

- (a) The validity and the constitutionality of the Regulation is a serious issue.
- (b) The CCFR is directly affected by the Regulation and the CCFR has a genuine interest in whether the Regulation is *intra vires* the *Criminal Code*, RSC 1985, c C-46 (*Criminal Code*) and whether it is constitutionally valid.
- (c) The CCFR has a demonstrated, serious and genuine interest in challenging the lawfulness, validity and constitutionality of the Regulation. Given the CCFR's position and role in the firearms community, it has standing, or it is appropriate to grant the CCFR standing, to challenge the lawfulness, validity and constitutionality of the Regulation.
- (d) If the CCFR is not granted standing in this Application to challenge the validity and constitutionality of the Regulation, there will be no other reasonable or effective way to fully argue these issues before the Court.

B. Rodney Giltaca

4. The Applicant Rodney Giltaca (**Mr. Giltaca**) is an individual who resides in Chilliwack, British Columbia. Mr. Giltaca is the sole director and shareholder of Civil Advantage Management Inc., which he incorporated in British Columbia in 2015. Civil Advantage is one of the most recognizable firearm training businesses in Canada. Mr. Giltaca is a founder of and the current Chief Executive Officer and Executive Director of the CCFR.
5. Mr. Giltaca is a licensed firearms owner and Canadian Firearm Safety Course Instructor in good standing with the Royal Canadian Mounted Police (**RCMP**) Canadian Firearms Program. He currently owns a number of non-restricted, restricted, and newly prohibited firearms, including several AR-15s (lower and upper receivers) which are now prohibited by the Regulation. Following the enactment of the Regulation, Mr. Giltaca purchased a SLR Coyote rifle to replace his newly prohibited AR-15s. The SLR Coyote has a receiver set called the SLR-Multi. The SLR-Multi is not listed in the Regulation. The SLR-Multi

was also not listed as prohibited by the RCMP on date of purchase. During transport of the SLR-Multi to Mr. Giltaca, the RCMP re-classified it to be prohibited.

6. Mr. Giltaca has suffered, and anticipates he will continue to suffer, significant business losses as a result of the Regulation. Specifically, he expects a 50% reduction in restricted firearm courses. He has also lost the use of high-end, quality firearms which he relied on for business and recreational purposes. Mr. Giltaca was also about to produce the third season of Canada Downrange, a Canadian television production on sport shooting. Season 3 will no longer proceed due to the impact that the Regulation has had on the firearm industry and sport shooting, further impairing Mr. Giltaca's financial interests. The impacts of the Regulation on Mr. Giltaca's identity and way of life are profound.

C. Laurence Knowles

7. The Applicant Laurence Knowles (**Mr. Knowles**) is an individual who resides in Old Massett, Haida Gwaii, British Columbia. Mr. Knowles is a Status Indian under the *Indian Act*, RSC 1985, c I-5, as amended, and a member of the Haida Nation.
8. Mr. Knowles uses firearms, including some that are now prohibited under the Regulation (**Prohibited Items**, as defined below), for hunting purposes that are protected by section 35 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK), 1982, c 11 (Constitution Act, 1982)*. Mr. Knowles currently owns four Prohibited Items, which he purchased at significant expense for particular and specialized hunting, trapping and wildlife management activities within the traditional Haida Nation territory. These activities provide for a significant portion of Mr. Knowles' food, and having the proper equipment, including the Prohibited Items, often means the difference between eating or not. Mr. Knowles' hunting also sustains his family and community.

D. Ryan Steacy

9. The Applicant Ryan Steacy (**Mr. Steacy**) is an individual who resides in Mission, British Columbia. Mr. Steacy served in the Canadian military from 1995 to 2015 when he retired as a corporal. Mr. Steacy is an accomplished competitive sport shooter. He also worked in the film industry handling firearms until 2017. He is now the Technical Director for

International Barrels Inc., a company in Chilliwack, BC, that manufactures precision barrels, including for the newly prohibited AR-15.

10. Mr. Steacy primarily competes in Service Rifle. Mr. Steacy has competed in and won numerous provincial, national, international and armed forces competitions, including:
 - (a) The Queen Mary Match at Bisley, England, where Mr. Steacy competed against the top shooters from 15 other countries and won the prestigious competition. He also received a gold medal in recognition of his outstanding individual shooting performance.
 - (b) Six-time national champion of the Dominion of Canada Rifle Association (**DCRA**) Service Rifle competition. He holds the record for the highest score ever shot and has the most consecutive championships. Mr. Steacy is one of only seven shooters in the DCRA hall of fame. The DCRA was founded in 1868 and incorporated by an Act of Parliament 63-64 Victoria Chapter 99, assented to July 7, 1900, to promote and encourage the training of marksmanship throughout Canada.
 - (c) Seventeen-time provincial champion in British Columbia Rifle Association Service Rifle competition.
 - (d) Member of the Canadian Forces Combat Shooting Team for many years, which includes the top 16 shooters across all armed forces in Canada. While on the Team he competed in well-known competitions in Arkansas and Australia against shooters from across the world.
11. The Service Rifle competition was designed for the use of accurate semi-automatic firearms, including most notably the AR-15. Mr. Steacy, and all other Canadian competitors, require certain Prohibited Items to train for and compete in Service Rifle competitions. Without the use of Prohibited Items, Mr. Steacy and all other Canadian competitors are effectively precluded from competing in Service Rifle in Canada and internationally, because the Regulation prohibits the ownership and use of the necessary equipment.

12. Among other things, Mr. Steacy intended to compete in the Camp Perry, US National Championships, but he can no longer do that because the Regulation prohibits him from owning and using the necessary equipment. The Regulation also precludes the DCRA Service Rifle competition in Canada, for which Mr. Steacy was training to become a seven-time champion this year.
13. Mr. Giltaca, Mr. Knowles, and Mr. Steacy are referred to as the **Individual Applicants**.

E. Maccabee Defense Inc.

14. The Applicant Maccabee Defense Inc. (**Maccabee**) is an Alberta company, based in Okotoks. Maccabee is owned by Wyatt Singer and Shaina Singer.
15. Maccabee was first incorporated in 2015 for the specific purpose of designing a semi-automatic firearm, the SLR-Multi Rifle, which would be safe, used for hunting and sporting, and classified as non-restricted (**SLR-Multi**).
16. The SLR-Multi is not a derivative or a variant of, and does not have any direct lineage to, any pre-existing firearm. The SLR-Multi was designed solely for hunting and sporting applications.
17. In 2017, Maccabee submitted a physical model and technical specifications for the SLR-Multi to the RCMP for review, approval and classification. In November 2017, the Maccabee SLR-Multi received approval by the RCMP and was registered and classified by the RCMP Specialized Firearms Support Services (**RCMP SFSS**) as a non-restricted firearm on the Firearms Reference Table (**FRT**). Since 2017, Maccabee has been manufacturing and selling the SLR-Multi as a non-restricted firearm either directly or through certified dealers. To date, Maccabee has sold approximately 1600 SLR-Multi Rifles.
18. The SLR-Multi is not listed as a Prohibited Item in the Regulation and, as of May 1, 2020, it remained classified on the FRT as a non-restricted firearm. However, on May 15, 2020, Mr. Singer received emails and text messages from clients and friends advising that the SLR-Multi had been re-classified on the FRT as prohibited.

19. To date, Maccabee has not been notified by the RCMP SFSS or anyone at the RCMP that the SLR-Multi has been re-classified, nor has it been advised which Prohibited Item the SLR-Multi is purportedly a variant of.
20. The SLR-Multi is the only product Maccabee has in production and for sale. It composes 100% of its inventory and its sales. Maccabee will lose its entire business and sales as a result of the SLR-Multi's re-classification as prohibited.

F. Wolverine Supplies Ltd.

21. The Applicant Wolverine Supplies Ltd. (**Wolverine**) is a prominent Canadian retailer and distributor of firearms. Wolverine is a Manitoba company, based in the Assiniboine Valley of Manitoba. Wolverine employs 20 people, in a rural community with limited employment opportunities given the location.
22. Wolverine sells firearms for the purposes of recreational shooting, competitive shooting, and big game hunting. Wolverine is the exclusive distributor for over 12 major firearm, accessory, and optic manufacturers, including Accuracy International Ltd., Barrett, Robinson Armament, and Daniel Defense.
23. Matthew Hipwell is the President and Secretary of Wolverine. Wolverine is a family business that was started in 1989 by John and Pat Hipwell, Matthew's parents, in their home. Over the years the business has grown and is now recognized and relied upon by people across Canada as a leader in the industry.
24. On May 1, 2020, the Order in Council was introduced to Wolverine and all Canadians through the media. Wolverine and other businesses were left guessing as to the implementation and timelines involved. Wolverine received official notification at 3:22 p.m. in the afternoon by a generic e-mail sent to their "Sales" inbox. This e-mail was not addressed to the attention of anyone. The e-mail stated that the Order in Council had been made, however no details were provided.
25. On May 22, 2020, Wolverine received a letter from the Canadian Firearms Program of the RCMP entitled "Announcement of Firearms Prohibition". This generic letter contained

basic information about the Regulation, but no information specific to Wolverine and no information about compliance with the Regulation. Apart from this generic letter, Wolverine received no notice or information about the Regulation from any government authority about how the Order in Council would impact pending transfers, prohibitions, export of inventory, grand-fathering and buy back intentions. Wolverine has submitted several requests for updates but has yet to receive a response.

26. The business of Wolverine has been significantly diminished by a reduction of approximately 40% in sales. The very existence of Wolverine as a business is threatened by the Regulation. Among other things, at least six of Wolverine's product lines, including two of their top five lines, are newly prohibited:
 - (a) The AR-15 class of firearms manufactured by Daniel Defense. This is Wolverine's top product line. It is designed for recreational sport shooting, including 3-gun and Service Rifle competitions.
 - (b) The Robinson Armaments XCR Rifle product line, which is widely used by hunters and sport shooters across Canada and is also one of the most popular firearms for varmint control that is prominent in rural Canada.
 - (c) Barrett REC 7 and REC 10 product lines (which are AR-15 variants), and .50 calibre long range rifles (capable of firing a projectile with more than 10,000 joules of energy). The REC 7 and REC 10 are designed for recreational sport shooting, including 3-gun and Service Rifle competitions. The .50 calibre rifles are used by long range shooters, including in the King of the Two-Mile shooting competition.
27. Since the Order in Council, other firearms sold by Wolverine have been re-classified in the FRT as variants of Prohibited Items listed in the Regulation. Wolverine only became aware of these re-classifications through others in the industry and by checking the FRT.
28. For example, on May 6, 2020 the RCMP SFSS changed the classification of the Angstadt Arms model of firearms from "restricted" to "prohibited". This model was not named in the Order in Council, but arbitrarily changed by the RCMP SFSS without any notification

to Wolverine. Wolverine only came to learn of this change on May 12, 2020, as it was updating a customer about the product line.

29. To date, Wolverine has not been notified that several of its product lines have been re-classified in the FRT or of any changes by the RCMP SFSS or otherwise since May 1, 2020.
30. As a result of the vague definitions in the Regulation, and the ongoing classifications made by the RCMP SFSS without any notice to Wolverine or other members of the public, Wolverine is currently operating in a climate of severe uncertainty. A product that was legal today could be prohibited tomorrow, without any notice. This puts Wolverine and its employees and customers at significant risk of criminal liability, without even knowing it.

G. Magnum Machine Ltd.

31. The Applicant Magnum Machine Ltd. (**Magnum**), also known as Alberta Tactical Rifle, is a Canadian manufacturer of firearms. Magnum is an Alberta company, based in Calgary.
32. Richard Timmins is the President and owner of Magnum. Magnum is a family business that Richard started in his home in 1997. In 2008, the business moved into a 7,000 square foot facility that employs 10 people.
33. Two of Magnum's seven product lines are newly prohibited by the Regulation:
 - (a) The ATSHL. This is a lower component that is combined to a modular upper initially intended for an AR-15. It is most suited for hunting and target shooting.
 - (b) The AT-15. This is a customized version of the AR-15. The AT-15 is most suited for 3-gun competitions and sport and target shooting.
34. The prefix "AT" is a reference to Alberta Tactical. Included on the list of Prohibited Items in the Regulation is "AT-50". While this appears to be a reference to a product manufactured by Magnum, it is an error because there is no firearm named "AT-50".
35. After May 1, 2020, three more of Magnum's product lines have been classified as prohibited as a result of FRT changes made by the RCMP SFSS on or about May 15, 2020:

- (a) The Modern Hunter. This semi-automatic hunting rifle is not a variant of any other design. It was designed by, and is proprietary to, Magnum. As the name suggests, the Modern Hunter is most suited for big game hunting.
 - (b) The Modern Varmint. This product is similar to the Modern Hunter but scaled down by 25% and most suited for pest control. The ammunition is less expensive and more readily available. As the name suggests, the Modern Varmint is most suited for long-range varmint control.
 - (c) The Modern Sporter. This product is similar to the Modern Varmint, but more customizable by the consumer. This is by far the most popular and successful product line for Magnum. As the name suggests, the Modern Sporter is most suited for sport shooting.
36. On May 15, 2020, one of Magnum’s suppliers notified Magnum that the Modern Hunter, Modern Varmint, and Modern Sporter had been re-classified in the FRT. The explanation notes for the re-classification are redacted. To date, Magnum has received no explanation for the re-classification.
37. Magnum received no notice from the RCMP or any government authority about the Regulation or the re-classifications. On May 22, 2020, Magnum received the same generic “Announcement of Firearms Prohibition” as Wolverine, which contained basic information about the Regulation, but no information specific to Magnum and no information about compliance with the Regulation.
38. The Regulation and the ostensibly related re-classifications have effectively eliminated the business of Magnum, as five of its seven products are now classified as prohibited. The family owners of Magnum have no alternative source of income or expertise. Their livelihoods and retirements depend entirely on their ability to manufacture and sell the newly prohibited items. All of this was taken away from them without any notice from any government authority whatsoever.

H. The Attorney General

39. The Respondents are Her Majesty the Queen (in right of Canada), as represented by the Attorney General of Canada on behalf of the Governor General in Council (**GIC**) and the RCMP.

I. RCMP Specialized Firearms Support Services Unit

40. The RCMP SFSS is a department within the Canada Firearms Centre of the RCMP. The RCMP SFSS purports to classify firearms as non-restricted, restricted, or prohibited. The decisions of the RCMP SFSS are inputted into an administrative document called the FRT. The FRT is not a public document and can only be accessed by law enforcement and other licensed individuals including manufacturers and retailers of firearms.
41. The FRT is the resource that law enforcement uses to determine whether a gun owner is in contravention of the *Criminal Code* with regard to restricted and prohibited firearms. The FRT is continually updated by the RCMP SFSS. On average, 8,000 new firearms records are added to the FRT each year.
42. Since May 1, 2020, the RCMP SFSS has re-classified the Prohibited Items enumerated in the Regulation from their prior classification in the FRT of non-restricted or restricted, to prohibited. In addition, the RCMP SFSS has been identifying purported variants of the Prohibited Items listed in the Regulation and re-classifying those as prohibited.
43. The RCMP SFSS is not authorized by the *Criminal Code*, or otherwise, to classify firearms as restricted or prohibited. Rather, that power is delegated solely to the GIC, pursuant to the constraints detailed below.

II. THE GROUNDS FOR THE APPLICATION

A. Introduction

44. On May 1, 2020, Prime Minister Justin Trudeau announced immediate amendments to Canada's gun laws which criminalize the use of certain types of firearms and related devices. The change was effected through the Regulation, made by the GIC through Order in Council P.C. 2020-298.

45. Regulations made by an Order in Council are done through the Executive branch of the Government, not the Legislative branch. As such, the Regulation was not subject to the process that proposed legislation receives, including Parliamentary debate and readings in the House of Commons and the Senate.
46. This is an Application for Judicial Review; and is a constitutional and quasi-constitutional *vires* challenge in relation to the Regulation in respect of the *Constitution Act, 1867*, 30 & 31 Vict, c 3, reprinted in RSC 1985, Appendix II, No 5 (***Constitution Act, 1867***), the *Constitution Act, 1982*, and the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11 (***Charter***), and on the bases that:
- (a) The Regulation has been created and promulgated in a manner, means and in a form which is incorrect, unreasonable, an impermissible sub-delegation of authority, tainted by preconceived notions and consideration of extraneous and irrelevant factors, lacking in natural justice, and otherwise *ultra vires* the enabling statute, the *Criminal Code* and, or in the alternative, the *Constitution Act, 1867*;
 - (b) The Regulation breaches the rights afforded to the Applicants by section 7 of the *Charter* and section 35 of the *Constitution Act, 1982*; and
 - (c) The Regulation is inconsistent with and contrary to the *Canadian Bill of Rights*, SC 1960, c 44 (***Bill of Rights***).
47. In addition to criminalizing a specific enumerated list of firearms and devices, the Regulation also purports to include “variants or modified versions” of those firearms. The phrase “variant or modified versions” is undefined and nondescript, creating the risk of attracting exposure to criminal liability, arrest and detention for persons who have no ability to ascertain which firearms may fit within that classification, all as determined by the RCMP SFSS without notice to the public.
48. Since May 1, 2020, the RCMP SFSS has re-classified an estimated additional 255 firearms and devices as prohibited, apparently on the basis that those items are variants of the

firearms and devices set out in the Regulation. This number of re-classified items continues to grow.

49. This Application challenges the lawfulness of those re-classifications on the bases that:
- (a) The RCMP SFSS does not have the authority to classify or re-classify firearms as prohibited or restricted, and their classification of firearms as prohibited is incorrect, impermissible, lacking in natural justice, and otherwise *ultra vires* the enabling statute, the *Criminal Code* and, or in the alternative, the *Constitution Act, 1867*;
 - (b) If the RCMP SFSS does have the authority to classify or re-classify firearms as prohibited or restricted, which is denied, the current and previous exercise of that authority is inconsistent with the enabling legislation, the Regulation, and is in any event irrational, capricious and contrary to existing law;
 - (c) The RCMP SFSS' re-classification of firearms as prohibited or restricted breaches the rights afforded to the Applicants by section 7 of the *Charter* and section 35 of the *Constitution Act, 1982*; and
 - (d) The RCMP's re-classification of firearms as prohibited or restricted is inconsistent with and contrary to the *Bill of Rights*.

B. The *Criminal Code* and the Hunting and Sporting Restriction

50. Part III of the *Criminal Code* creates the criminal laws relating to Firearms and Other Weapons.
51. A number of offences under Part III are indictable offences, leaving individuals liable to imprisonment, and sometimes on a strict liability basis for mere possession. For example, section 91 of the *Criminal Code* makes it an indictable offence, liable to imprisonment for a term not exceeding five years, to possess a prohibited or restricted firearm without a licence and registration certificate for it.

52. Section 84(1) of the *Criminal Code* defines certain items which fall within three categories of firearms: non-restricted, prohibited, and restricted. The definitions of both restricted and prohibited firearms allow for certain firearms to be prescribed.
53. The GIC may make regulations prescribing categories of firearms according to the definitions of restricted and prohibited items. Section 117.15(1) of the *Criminal Code* provides:

Regulations

(1) Subject to subsection (2), the Governor in Council may make regulations prescribing anything that by this Part is to be or may be prescribed.

54. That regulation-making authority is expressly restricted by a fundamental constraint on the types of items that may be prohibited. Section 117.15(2) provides:

Restriction

(2) In making regulations, the Governor in Council may not prescribe any thing to be a prohibited firearm ... [or] a prohibited device... if, in the opinion of the Governor in Council, the thing to be prescribed is reasonable for use in Canada for hunting or sporting purposes.

55. In authorizing the GIC to prescribe certain items, Parliament expressly provided that nothing can be prescribed as prohibited or restricted if, in the opinion of the GIC (the **Necessary Opinion**) it is reasonable for use in Canada for hunting or sporting purposes (the **Hunting and Sporting Restriction**).

C. Content of the Regulation

56. The Regulation significantly expands the list of prohibited firearms. These newly prohibited items attract prohibitions and criminal penalties associated with their use, ownership, sale or possession.

57. Generally, the Regulation has added approximately 1,500 additional firearms to the prohibited list and includes specific variants of firearms which were previously classified as either non-restricted or restricted, including:
- (a) Firearms of the designs commonly known as the SG-550 rifle and SG-551 carbine, and any variants or modified versions of them, including the SAN Swiss Arms firearms particularized in the Regulation;
 - (b) Firearms of the designs commonly known as the M16, AR-10, and AR-15 rifles, and the M4 carbine, and any other variants or modified versions of them, including those particularized in the Regulation;
 - (c) Firearms of the design commonly known as the Ruger Mini-14 rifle, and any variant or modified version of it, including those particularized in the Regulation;
 - (d) Firearms of the design commonly known as the US Rifle M14, and any variant or modified version of it, including those particularized in the Regulation;
 - (e) Firearms of the design commonly known as the Vz58 rifle, and any variant or modified version of it, including those particularized in the Regulation;
 - (f) Firearms of the design commonly known as the Robinson Armament XCR rifle, and any variant or modified version of it, including those particularized in the Regulation;
 - (g) Firearms of the designs commonly known as the CZ Scorpion EVO 3 carbine and CZ Scorpion EVO 3 pistol, and any variants or modified versions of them, including those particularized in the Regulation;
 - (h) Firearms of the design commonly known as the Beretta Cx4 Storm carbine, and any variant or modified version of it;
 - (i) Firearms of the designs commonly known as the SIG Sauer SIG MCX carbine, SIG Sauer SIG MCX pistol, SIG Sauer SIG MPX carbine and SIG Sauer SIG MPX

pistol, and any variants or modified versions of them, including those particularized in the Regulation;

- (j) Any firearm with a bore diameter of 20mm or greater, including those particularized in the Regulation; and
- (k) Any firearm capable of discharging a projectile with a muzzle energy greater than 10,000 joules, including those particularized in the Regulation.

The Regulation also prescribes the upper receivers of M16, AR-10, AR-15 and M4 pattern firearms as prohibited devices. Collectively the firearms and devices now classified as prohibited as a result of the Regulation are referred to as the **Prohibited Items** and individually as a **Prohibited Item**.

- 58. The Regulation also purports to include unknown “variants and modified versions” of the Prohibited Items.
- 59. The Prohibited Items have been traditionally used and regulated for sport shooting and hunting. As a result of the Regulation, anyone in possession of a Prohibited Item must immediately cease using it, subject to certain limited exceptions described below. A prior lawful owner of a Prohibited Item is now subject to all of the associated penalties stipulated in the *Criminal Code*, including imprisonment and prohibition orders.
- 60. The Regulation significantly impacts hundreds of thousands of Canadians, including (1) lawful owners of the Prohibited Items, (2) retailers, training facilities, and target and shooting ranges, (3) manufacturers, (4) sport shooters, and (5) hunters.
- 61. These affected individuals and businesses have been deprived of their rights, including liberty, security of their person and property.
- 62. Further, anyone in possession of a firearm or device that the RCMP SFSS unilaterally deems to be a variant of a Prohibited Item, whether or not that act of deeming is promulgated or capable of being known by the public, must immediately cease using it, subject to certain limited exceptions, or become subject to all of the associated penalties stipulated in the *Criminal Code*, including imprisonment and prohibition orders.

D. The Amnesty Order

63. Section 117.14 of the *Criminal Code* provides:

Amnesty period

117.14 (1) The Governor in Council may, by order, declare for any purpose referred to in subsection (2) any period as an amnesty period with respect to any weapon, prohibited device, prohibited ammunition, explosive substance or component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm.

Purposes of amnesty period

(2) An order made under subsection (1) may declare an amnesty period for the purpose of

(a) permitting any person in possession of any thing to which the order relates to do anything provided in the order, including, without restricting the generality of the foregoing, delivering the thing to a peace officer, a firearms officer or a chief firearms officer, registering it, destroying it or otherwise disposing of it...

64. The Regulation was accompanied by the *Order Declaring an Amnesty Period* (SOR 2020-97) (***Amnesty Order***).
65. The *Amnesty Order* allows for the continued legal possession of the Prohibited Items by a legal owner for the limited purpose of coming into compliance with the Regulation through disposal of the firearm (deactivation, delivery to a police officer, legal export, return by a business to the manufacturer, or transportation for those limited purposes). The amnesty period expires April 30, 2022.
66. The *Amnesty Order* also allows for the continued use of a Prohibited Item, which was previously classified as non-restricted, for hunting in the exercise of a right recognized and

affirmed by section 35 of the *Constitution Act, 1982* or to sustain the person or their family, until they are able to obtain another firearm for those purposes.

67. In short, the Regulation immediately criminalizes the use of the Prohibited Items, except for disposal or hunting by Indigenous persons or sustenance hunters (until they can replace the Prohibited Items).

III. THE PARAMETERS THAT CONSTRAIN THE EXERCISE OF AUTHORITY

68. A delegate may only act within the parameters of the authority conferred to it. There are fundamental constraints that apply to the GIC's enactment of the Regulation and any related sub-delegation, which the GIC has violated.

A. Division of Powers

69. The GIC is constrained by the division of powers in sections 91 and 92 of the *Constitution Act, 1867*. Parliament has exclusive legislative authority over the criminal law. To be valid, the Regulation must have a valid criminal law purpose and be backed by a criminal prohibition and penalty.
70. The GIC is not authorized to regulate firearms as items of property. Rather, its authority is inherently limited to addressing those aspects of gun control which relate to danger or harm of the type governed by the criminal law and the need to reduce misuse within the scope of the criminal law.
71. Any subordinate legislation passed under section 117.15(1) of the *Criminal Code* must be fundamentally criminal, not regulatory or in the nature of property and civil rights. The GIC is only empowered to prescribe prohibitions that independently serve the purpose of public safety of the type governed by the criminal law and the GIC may not confer undue discretion on an official charged with implementing such regulations.
72. The regulation of firearms that are reasonable for use for hunting and sporting purposes falls within the authority of the Provinces to make laws in relation to property and civil rights. To the extent that any federal law purports to regulate items that are reasonable for hunting and sport, it becomes colourable and contrary to the *Constitution Act, 1867*.

B. The Requirement to be Reasonable

73. The GIC does not have free rein in interpreting the scope of its regulation-making authority. Rather, the Regulation has to be: (i) tenable in light of the relevant factual and legal constraints; and (ii) based on internally coherent reasoning.

(i) Relevant Constraints

74. In enacting regulations, the GIC is constrained by the governing statutory scheme, the principles of statutory interpretation, the relevant information before it, its past practices, and the potential impact of the Regulation on the individuals to whom it would apply.
75. The limits on the criminal law power, and the Hunting and Sporting Restriction in particular, operate as constraints on the GIC's authority. The GIC is required to take those constraints seriously and apply them rigorously. It is not free to amend, expand, or re-write the Hunting and Sporting Restriction or colourably encroach on provincial authority over property and civil rights.

(ii) Reasoning Process

76. The GIC is also prohibited from enacting regulations based on irrational or illogical reasoning. The GIC's mandate to form the Necessary Opinion does not give rise to an absolute or untrammelled discretion, or one that is contrary to actual fact. Rather, the Necessary Opinion has to be reached in accordance with the purposes for which it was given, and it can only be reached by the GIC and can not be fettered.
77. Further, in forming the Necessary Opinion, the GIC is not entitled to simply repeat the applicable statutory language, state a peremptory conclusion, rely on irrelevant or extraneous factors, engage in circular reasoning, or reverse engineer a desired outcomes of the GIC, the RCMP SFSS, the Minister of Public Safety, the Prime Minister, a political party, a special interest group, or anyone else. Rather, the GIC's interpretation of what constitutes an item that is reasonable for use in hunting and sporting has to be consistent with common law principles of statutory interpretation.

C. The Requirement to be Fair

78. To the extent that its conduct impacts the rights and interests of known or identifiable individuals or groups, the GIC and any purported sub-delegate are under a duty to be fair. The more important or the greater the impact a given delegated decision has, the more stringent are the procedural protections required to ensure fairness. The legitimate expectations of affected individuals are relevant. In making decisions that impact known or identifiable individuals or groups, the GIC and any purported sub-delegate has a duty to make decisions that are free from actual or apprehended bias and to allow impacted individuals to be heard.

D. The Requirement to be Constitutional

79. The GIC is constrained by the *Charter*, the *Constitution Act, 1982*, and the *Bill of Rights*. The GIC cannot:
- (a) Deprive any individual of their rights to liberty or security, except in accordance with the principles of fundamental justice;
 - (b) Deprive any individual of their rights to enjoyment of property, except by due process of law; or
 - (c) Unreasonably infringe upon rights which are protected by section 35(1) of the *Constitution Act, 1982*.

E. Limits on Sub-Delegation

80. The only legislated process by which a firearm can be prescribed as restricted or prohibited is by sections 84(1) and 117.15 of the *Criminal Code*. No other source of authority to define and prescribe these classifications exists.
81. Section 117.15 of the *Criminal Code* vests the authority to prescribe firearms solely to the GIC and requires the GIC to prescribe based on its formation of the Necessary Opinion, and the exercise of its judgment over a matter that is regulatory in nature. The GIC is not authorized to delegate the authority to reach the Necessary Opinion or prescribe firearms

to anyone else, including a senior official or office of civilians with the RCMP or otherwise. The authority to prescribe firearms by the GIC is not a delegable power.

82. In the alternative, to the extent the GIC had any authority to sub-delegate the formation of the Necessary Opinion and the prescription of firearms, which is denied, the exercise of that sub-delegated authority would remain constrained by: (i) the division of powers; (ii) the Hunting and Sporting Restriction; (iii) the requirements of administrative validity including the need to be reasonable and fair; (iv) the *Charter*; (v) the *Constitution Act, 1982*; and (vi) the *Bill of Rights*.

IV. THE APPLICATION FOR JUDICIAL REVIEW

83. The Regulation and any related sub-delegation are *ultra Vires* the *Criminal Code* or the *Constitution Act, 1982* and are otherwise unlawful and unreasonable for the following reasons.

A. Internally Inconsistent Reasoning

84. The GIC's logic is internally inconsistent.
85. In the Regulation, the GIC gave lip service to the Necessary Opinion. Conversely, the *Amnesty Order* provides that Indigenous peoples may continue to use the Prohibited Items to hunt in the exercise of a section 35 constitutional right and any individual may continue to use the Prohibited Items to hunt to sustain the person or their family (**Permitted Hunting**).
86. Permitted Hunting is not materially different from any other kind of hunting. The Permitted Hunting carve-out reflects the GIC's opinion that the Prohibited Items are reasonable for use for hunting by some people but not by others. That is not an opinion that was open to the GIC. The Prohibited Items are either reasonable for use for hunting and sporting or they are not. There is no evidence cited (and none could be cited) to support the opinion that the same item used for the same purpose is reasonable when done by one Canadian but unreasonable when done by another. The Regulation may distinguish between classes of persons only where that is authorized by the *Criminal Code*, expressly or by necessary implication. Together, the Regulation and *Amnesty Order* create distinctions between

types of hunters. Those distinctions are not necessary to the proper functioning of the scheme of the *Criminal Code*, much less connected to that scheme in any rational way.

87. Further, the GIC implemented the Regulation “expeditiously” and without any notice. The GIC did not engage in any additional regulatory consultations specific to the Regulation or comply with World Trade Organization notification requirements. The GIC cited the use of the less transparent and time-consuming regulatory process as a justifiable means to reduce the possibility of newly prohibited firearms being diverted to illegal markets.
88. This process and reasoning claims urgency. That urgency is contradicted in other aspects of the GIC’s process and reasoning, such as the *Amnesty Order* and the suggested grandfathering provision.

B. Extraneous Considerations and Circular Logic

89. While the GIC recognized that the Prohibited Items have been historically used for hunting and sporting, it purportedly formed the opinion that they are no longer reasonable for those purposes because they are inherently dangerous. This assertion does not withstand a reasoned analysis.
90. Every firearm used for hunting and sporting may be abused, as is the case with endless other items possessed by Canadians such as knives and motor vehicles.
91. The GIC’s regulation-making authority is necessarily limited to only those items that are not reasonable for hunting or sporting purposes. The fact that an item can be used for something else is an improper and irrelevant consideration in terms of the scope of the delegation.
92. It is intrinsic to firearms that are reasonable for hunting and sporting that they pose certain inherent dangers. Firearms are, by definition in the *Criminal Code*, weapons that are capable of causing serious bodily injury or death to a person. It is irrational and circular to form the opinion that hunting and sporting firearms are no longer reasonable for those purposes on the basis of characteristics that have always been integral to those items.

C. Not Supported by Evidence

(i) The Prohibited Items are Reasonable for Hunting and Sport Shooting

93. The preamble to the Regulation states the Necessary Opinion:

Whereas the Governor in Council is not of the opinion that anything prescribed to be a prohibited firearm or a prohibited device, in the Annexed Regulations, is reasonable for use in Canada for hunting or sporting purposes...

94. That opinion is unsupported by evidence and otherwise unreasonable.

95. Contrary to the preamble of the Regulation, in the Regulatory Impact Analysis Statement (**Impact Statement**) issued with the Regulation, the GIC expressly recognized that the Prohibited Items “are sometimes used for hunting or sport shooting”.

96. The Impact Statement also contains statistics on the anticipated impact on Canadian Gross Domestic Product (**GDP**), labour income and employment in both the hunting and fishing industries.

97. The Prohibited Items that were previously characterized as restricted firearms were most often used for sport shooting and have been regulated for that purpose. As the GIC noted, sport shooting contributed nearly \$2 billion to Canada’s GDP in 2018, and \$868 million in labour income. Before the Regulation, it supported over 14,000 full-time equivalent jobs.

98. In addition, 1.3 million Canadians participate in legal hunting. Before the Regulation, hunting contributed an estimated \$4.1 billion to Canada’s GDP and \$2 billion in labour income and supports about 33,313 full-time equivalent jobs.

99. Plainly, the Prohibited Items have been, until now, used in hunting or sporting. The characteristics, design, and purpose of the Prohibited Items did not materially change before May 1, 2020, nor did the manner in which those items were used for hunting or sport shooting.

100. It is unreasonable for the GIC to declare that the Prohibited Items are no longer reasonable for their long-recognized uses. In the alternative, that opinion constitutes a re-writing or amendment of the Hunting and Sporting Restriction. That Restriction is contained in the enabling statute and its amendment is beyond the authority of the GIC.

(ii) Fully Automatic Weapons are Already Prohibited in Canada

101. In justifying the Regulation, the GIC repeatedly described the Prohibited Items as “assault-style” firearms primarily designed for military purposes.

102. “Assault-style” is not a readily recognized term and is not a prescribed category of firearm under the *Criminal Code* or associated regulations. In the firearms industry the term “assault-style” firearm is equated with a fully automatic firearm, which is predominantly what militaries use. In response to an access to information request made in 2018, the RCMP stated that “[t]he term “assault rifle” is used to describe a... full automatic capable... intermediate calibre carbine size firearm”.

103. None of the Prohibited Items are fully automatic. Fully automatic firearms have been prohibited in Canada for many years.

(iii) High Capacity Weapons are Already Prohibited in Canada

104. The GIC also justified the Regulation on the basis that the Prohibited Items have “large magazine capacity”.

105. In fact, many of the Prohibited Items use a detachable magazine and, therefore, do not have an inherent ammunition capacity.

106. Further, unlike other countries, where magazine capacity for comparable firearms is 25 or 30 rounds, Canada has for many years regulated magazine capacity at a maximum of five rounds.

(iv) Not all Semi-Automatic Firearms are Prohibited

107. The GIC further stated that the purpose of the Regulation is to prohibit the use of firearms which possess semi-automatic action. The Prohibited Items include a number of semi-

automatic firearms, but other semi-automatic firearms currently in Canada are not the subject of the Regulation, are not prohibited, and can still be legally used.

(v) The Regulation Will Not Enhance Public Safety

108. The GIC cited mass shootings as the primary basis upon which the Regulation was urgently required, because such shootings “are commonly perpetrated with assault-style firearms”.
109. This statement is unsubstantiated in fact and is intended to sensationalize.
110. Generally speaking, mass shootings in Canada have been perpetrated by the unlawful use of items that are not included in the list of Prohibited Items. The Prohibited Items, when owned by licensed individuals and subject to regulation, do not pose a material threat to Canadian society. The Prohibited Items are already subject to strict and robust regulations. Among other things, the owners of the Prohibited Items, such as the Individual Applicants, are subject to a stringent licensing regime which includes a criminal record check every 24 hours.
111. The Regulation is arbitrary as there is no persuasive evidence that re-classification of the Prohibited Items will achieve the desired purpose of decreasing mass shootings or otherwise increasing public safety. Rather, the Regulation is most likely to create an increase in illegal importing, and thus unregistered and untraceable firearms.
112. Contrasted against that arbitrariness and those negative consequences is the fact that, owned and operated legally, the Prohibited Items are a source of livelihood, identity, and expression for sport shooters and a source of sustenance for hunters. The use and enjoyment of the Prohibited Items for those previously authorized and reasonable purposes contribute materially to the Canadian economy.
113. The Regulation threatens the viability of hundreds of businesses, a material part of Canada’s GDP, and the liberty and security of hundreds of thousands of law-abiding Canadians. It was enacted without notice and without legislative transparency. It was passed in this extraordinary way, despite the lack of any real emergency that would warrant such immediate executive action.

114. In summary, there is not a reasonable line of analysis that could lead the GIC from the available evidence to the opinion it reached that the Prohibited Items are not reasonable for use in hunting or sport.

D. The Regulation Constitutes Impermissible Sub-Delegation

115. Parliament delegated the regulatory authority to prescribe firearms to the GIC. The definitions of “restricted firearms” and “prohibited firearms” are found in section 84(1) of the *Criminal Code* and are prescribed by the GIC only in accordance with section 117.15, subject to the GIC forming the Necessary Opinion about the Hunting and Sporting Restriction. It is only the GIC that is authorized to prescribe firearms and required to form the Necessary Opinion.
116. There is no further authority in the *Criminal Code* or elsewhere for the GIC to regulate the classification of firearms.
117. Any purported sub-delegation by the GIC under section 117.15 of the *Criminal Code* is *ultra vires*.
118. In the alternative, if the GIC was entitled to sub-delegate at all, it could do so only expressly and within the bounds of the authority granted to it.
119. Any sub-delegation to the RCMP SFSS is not apparent on the face of the Regulation and can only be inferred from the GIC’s use of the terms “variant or modified version”.
120. The words “variant” and “modified version” are open to discretionary interpretation. In sub-delegating its authority in this manner, the GIC conferred undue discretion on the RCMP SFSS, the exercise of which creates impermissible and unfair criminal liability for honest, otherwise law-abiding Canadians.
121. In the alternative, the RCMP’s manner of exercising that discretion has been unlawful. Since May 1, 2020, the RCMP SFSS has re-classified an estimated 255 firearms from non-restricted or restricted, to prohibited. These newly prohibited firearms are not enumerated in the Regulation and therefore appear to be items that the RCMP SFSS has concluded are variants or modified versions of items specifically listed in the Regulation. The RCMP

SFSS did not, and was not authorized to, form the Necessary Opinion before purporting to prescribe those firearms as prohibited and, therefore, acted in excess of any properly delegated authority. Further, they failed to tell the owners of the affected firearms of their actions, despite the criminal law consequences of possessing these newly prohibited firearms.

E. The Regulation and the Ostensibly Related Re-Classifications are Unfair

122. The re-classification of a firearm from non-restricted or restricted to prohibited is quasi-judicial in nature. It impacts the rights and interests of identifiable people or groups of people. Classification decisions inputted into the FRT are used by law enforcement agencies to enforce offences under Part III of the *Criminal Code*. They engage liberty and security of the person, in addition to property and financial interests. The RCMP SFSS' conduct therefore squarely engages the duty to act fairly, including the obligation to act without bias, and to provide impacted persons with notice and the right to be heard.
123. Contrary to those obligations, RCMP SFSS re-classification decisions are made without notice or transparency. The FRT is changed *ad hoc* and any changes are not published to the public at large. Any re-classifications done by the RCMP SFSS since May 1, 2020 are unfair and therefore *ultra vires* and invalid.
124. Those re-classifications also offend the doctrine of legitimate expectations. The Applicants, based on past practices, held a legitimate expectation of receiving a benefit or entitlement, and those expectations have been defeated by conduct of public officials.
125. The Regulation and the subsequent conduct of the RCMP SFSS in re-classifying purported variants of Prohibited Items extinguishes entitlement to the use and ownership of the Prohibited Items previously enjoyed by the Applicants and other Canadians. The Regulation, promulgated by the executive without consultation or notice, and the arbitrary and surreptitious re-classification by the RCMP SFSS, are contrary to the legitimate expectations doctrine.

126. Further, or in the alternative, the passing of the Regulation and the subsequent conduct of the RCMP have not been made in good faith and are tainted by a reasonable apprehension of bias.
127. The RCMP SFSS has re-classified certain firearms contrary to their prior technical conclusions and opinions.
128. Many firearms that have been re-classified by the RCMP SFSS as prohibited are substantially similar to non-restricted firearms. Firearms with essentially the same function, ammunition, magazines, firing rate and effective range are therefore simultaneously prohibited and non-restricted firearms.

F. Conclusion Regarding Administrative Invalidity

129. The Regulation is unreasonable and therefore *ultra vires* the *Criminal Code* and, or in the alternative, a colourable attempt to regulate property and civil rights.
130. Further, the GIC's apparent sub-delegation and the related conduct and decisions of the RCMP SFSS are contrary to the principles of procedural fairness and natural justice.

V. THE CONSTITUTIONAL CHALLENGE

A. Unjustifiable Infringement of Section 7 of the *Charter*: Right to Life, Liberty and Security of the Person

131. The Regulation and the conduct of the RCMP SFSS are also contrary to section 7 of the *Charter* as they unduly impair the rights of liberty and security of the person and are contrary to the principles of fundamental justice.
132. Section 7 of the *Charter* guarantees that:

7 Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

(i) Infringement of Section 7 of the *Charter*

133. The Regulation and any ostensibly related re-classifications engage criminal penalties for those who use, own, possess, or sell the Prohibited Items. The criminal penalties include arrest, imprisonment and firearm prohibition orders, invoking the section 7 right to liberty.
134. The right to security of the person is also infringed by the Regulation, because it creates a state-imposed prohibition on the use of the Prohibited Items even when they are relied upon for hunting for sustenance or protection from wildlife. The Regulation will cause a loss of liberty and security for individuals, especially for rural or northern Canadians, and Canadians who rely on hunting with Prohibited Items for sustenance and to protect against wildlife, such as Mr. Knowles.
135. The Individual Applicants are deprived of their section 7 rights to life, liberty, and security of the person by state action as a result of the existence and operation of the Regulation.
136. This deprivation is more than trivial. Through the Regulation and re-classifications, the GIC and RCMP SFSS have restricted Canadians from owning, possessing, using, transporting, or selling the Prohibited Items and have subjected them to the possibility of criminal sanction, including imprisonment and prohibition orders. The Regulation and re-classifications create serious harmful effects that negatively impact liberty and security of the person.

(ii) Principles of Fundamental Justice

137. Section 7 *Charter* rights can only be infringed in accordance with the principles of fundamental justice. The principles of fundamental justice require that the impugned legislation not be grossly disproportionate, arbitrary, or overly broad.
138. The Regulation does not accord with those principles of fundamental justice. In particular:
- (a) There is no rational connection between the infringement of rights and what the Regulation seeks to achieve, demonstrating that the Regulation is arbitrary and overbroad; and

- (b) The deprivation of rights is grossly disproportionate to the objective of the Regulation.
139. The effect of the Regulation undermines the GIC's stated objective of decreasing gun violence and mass shootings. Gun violence and mass shootings are not perpetrated by lawful, registered firearm owners; rather, they are generally perpetrated by illegal possession and use of firearms which are illegally acquired from other countries, illegally possessed by an unlicensed individual, or through the use of firearms which are not the Prohibited Items.
140. The detrimental impacts to the liberty rights of legal gun owners are grossly disproportionate to any negligible gains to the public.
141. The Regulation makes more firearms illegal, unregistered, and untraceable. The Regulation violates basic norms because there is no connection between its effect and its stated objective, and its effect is therefore unnecessary.
142. Instead of achieving any of the rationales expounded by the GIC, the Regulation has instantly subjected many thousands of law-abiding Canadians to the uncertain threat of criminal sanction. Until the Regulation was made, these individuals lawfully owned and used the Prohibited Items for legitimate purposes such as hunting or sporting. These individuals will be criminalized, unless and until they take positive, mandated actions imposed by the Regulation.
143. Nothing has changed with respect to the Prohibited Items in terms of construction, functionality, or otherwise. The Prohibited Items therefore continue to be reasonable for use in hunting and sporting, as they were considered to be prior to the Regulation. The re-classification of the Prohibited Items is arbitrary and overly broad.
144. Further, the Regulation purports to prohibit:
- (a) Any variants or modified versions of the Prohibited Items;
- (b) “[A]ny firearms with a bore diameter of 20 mm or greater”; and

- (c) “[A]ny firearm capable of discharging a projectile with a muzzle energy greater than 10,000 joules”.
145. The GIC did not provide any definition or guidance regarding the words “variant or modified versions”. It did not specify whether bore diameter should be measured before or after the choke. Many 10- and 12-gauge shotguns that are reasonable for and ubiquitously used for hunting would be prohibited under the Regulation if the bore diameter is measured after the choke. Similarly, many firearms that are reasonable for use in hunting and sport and ubiquitously used for those purposes are capable of discharging a projectile with a muzzle energy greater than 10,000 joules even if they are not used in that way in practice. Further, an ordinary firearm owner will not have the tools to measure joules at discharge.
146. For all of these reasons, the Regulation is devoid of specificity and void for vagueness. The Applicants and others cannot know which firearms are captured under the Regulation.
147. Similarly, the re-classification decisions by the RCMP SFSS are being made without notice, transparency, principle or consistency, rendering it impossible for gun owners to know in advance whether they are complying with the *Criminal Code*.
148. If that conduct by the RCMP SFSS comports with the GIC’s intended scope of sub-delegation, then the sub-delegation itself offends the vagueness doctrine as it sub-delegates extensive discretion that allows for the impermissible arbitrary imposition of criminal sanctions.
149. In the alternative, if the GIC’s sub-delegation was intended to be properly constrained then the RCMP SFSS’ exercise of that authority has been in excess of its powers.
150. Further, it is unclear whether the *Amnesty Order* applies to the firearms re-classified by the RCMP SFSS after May 1, 2020.
151. The effects of the Regulation and the re-classifications by the RCMP SFSS are vague, disproportionate, arbitrary, and overly broad, and not in accordance with the principles of fundamental justice. They infringe on the section 7 *Charter* rights of the individual Applicants and thousands of other Canadians.

(iii) The Infringement Is Not Justified Under Section 1: Oakes Test

152. Section 1 of the *Charter* provides:

1 The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

153. The state's infringement of section 7 cannot be justified under section 1.

154. The Regulation has not been implemented and the RCMP SFSS re-classifications have not been made in response to any exceptional conditions or extraordinary situations (such as war or epidemic) and therefore a breach of the principles of fundamental justice cannot be justified.

155. Further, the deleterious and negative impacts of the Regulation and ostensibly related re-classifications on section 7 rights are not proportional to the minimal or non-existent benefits that the Regulation may have.

156. The Regulation is not in the public interest. The benefits of sport shooting and hunting are significant, contributing to the well-being and sustenance of Canadians, and many billions of dollars to the Canadian economy.

157. The Regulation is not a rational means to pursue the stated objective. There is no evidence to show that the legal possession of the Prohibited Items has resulted in illegal use, gun violence, or mass shootings.

158. The Regulation does not cause minimal impairment to the rights of the Applicants. There are alternative measures that can achieve the purpose and that would be more appropriate, such as laws, provisions, and increased regulations targeted at the illegal sale and smuggling of guns into Canada.

159. Further, the deleterious and negative impacts of the RCMP SFSS re-classifications on section 7 rights are not proportional to the minimal or non-existent benefits that they may

have. The re-classifications are not in the public interest, nor are they rational or minimally impairing of the Applicants' rights.

160. The Regulation and ostensibly related re-classification decisions violate section 7 of the *Charter* and are not justified under section 1.

B. Contravention of Section 35(1) of the *Constitution Act, 1982*

161. Section 35(1) of the *Constitution Act, 1982* provides:

35(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

162. Hunting and trapping have been consistently recognized as protected aboriginal rights. In issuing the *Amnesty Order*, the GIC acknowledged that Prohibited Items may be used in activities protected by section 35(1) of the *Constitution Act, 1982*.

163. Mr. Knowles' hunting, trapping and wildlife management activities occur within the traditional territories of the Haida Nation. Any legislative action infringing upon Mr. Knowles' rights to engage in these activities must be justified by the Crown as reasonable, as not imposing undue hardship, and as not interfering with Mr. Knowles' preferred means of exercising these rights.

164. Mr. Knowles uses the Prohibited Items for specialized purposes. Firearms of the type newly prohibited by the Regulation are not simply a luxury; their specialized uses are vital to the exercise of Mr. Knowles' rights, including, but not limited to:

- (a) When seal hunting from a canoe, it is extremely important to be able to take multiple shots in quick succession. A failure to do so can result in the loss of the prey and cause critical damage to the animal, resulting in protracted, inhumane suffering for the animal and a waste of scarce food resources.
- (b) When hunting on land, protection from bears is of critical importance. Many bears are conditioned to approach the sound of a gunshot as a reliable way to find food. A quick multi-shot, semi-automatic rifle is thus important to both complete the kill

in a timely fashion, and to protect the hunter from the bear itself. A bolt-action rifle is unsuited to this task as multiple warning shots in quick succession are often needed to deter the bear.

- (c) There are no natural predators of certain wildlife populations in Haida Gwaii, including raccoons and deer. This can result in overpopulation of these species, and damage to the delicate ecosystem of this area. Semi-automatic rifles such as the newly Prohibited Items used by Mr. Knowles are ideal for controlling populations of these species.

(collectively, the **Specialized Activities**).

- 165. The Specialized Activities comprise a significant proportion of the sustenance and food security of Mr. Knowles, his family, and his community. By way of example, the salmon run, which typically forms a sizeable portion of the diet of the Haida Nation, is very small in 2020, and has been the subject of fishing restrictions in order to maintain and protect salmon populations. Mr. Knowles and others in the Haida Nation, and other similarly situated First Nations, will have to replace this significant source of sustenance with increased hunting activities.
- 166. The Regulation and *Amnesty Order* unjustifiably interfere with Mr. Knowles' rights, including with the Specialized Activities, in that they:
 - (a) Are unreasonable;
 - (b) Impose undue hardship;
 - (c) Deny Mr. Knowles his preferred means of exercising his constitutionally protected rights;
 - (d) Infringe on Mr. Knowles' Aboriginal rights more than is necessary to achieve their objective; and
 - (e) Have not been the product of sufficient consultation, or any consultation at all, between the Crown and Aboriginal peoples.

167. The Regulation and *Amnesty Order* are therefore an unjustifiable infringement of Mr. Knowles' Aboriginal rights protected by section 35 of the *Constitution Act, 1982*, and are of no force and effect to the extent of the infringement.
168. The GIC has, through the *Amnesty Order*, acknowledged that the Regulation will have the effect of infringing upon Aboriginal peoples' rights to hunt and trap with the use of the Prohibited Items. However, the *Amnesty Order* is not sufficient to discharge the Crown's obligation to enact legislation consistent with section 35(1) of the *Constitution Act, 1982*, its fiduciary duties to Aboriginal peoples, and to uphold the honour of the Crown. The GIC may not avoid compliance with its obligations by merely promising to engage in consultation in the future.
169. The *Amnesty Order* states that it applies to constitutionally recognized and affirmed Aboriginal rights that involve the use of Prohibited Items. Whether activities constitute rights recognized and affirmed by section 35 of the *Constitution Act, 1982* is complex and legalistic, and laypeople cannot be expected to interpret it. It is vague and unclear whether all of Mr. Knowles' Specialized Activities would attract the protection of the *Amnesty Order*, thereby exposing Mr. Knowles to potential criminal liability in exercising his Aboriginal rights.
170. Further, the *Amnesty Order* applies only until Mr. Knowles is able to obtain another firearm, and it ends on April 30, 2022. At either point, Mr. Knowles' Aboriginal rights will be infringed. All the *Amnesty Order* can do is merely delay the inevitable infringement.
171. The Regulation and *Amnesty Order* constitute an unjustifiable infringement of section 35(1) of the *Constitution Act, 1982*.

C. **Contravention of the *Bill of Rights***

172. The *Bill of Rights* has among its objects the affirmation of the dignity and worth of the human person and the position of the family in Canadian society, and the respect for spiritual values and the rule of law. It is paramount to other federal legislation and regulations and is quasi-constitutional in nature. The *Criminal Code* and the Regulation must be construed and applied as not to abrogate, abridge or infringe, or to authorize the

abrogation, abridgment or infringement, of the rights and freedoms recognized and declared in the *Bill of Rights*.

173. Section 1(a) of the *Bill of Rights* provides:

1 It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination and by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

(a) The right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law...

(i) The Regulation and Ostensibly Related Re-Classifications Are Inconsistent With and Contrary to the *Bill of Rights*

174. The Regulation and the ostensibly related re-classification of firearms unduly impair the Applicants' rights to enjoyment of property under section 1(a) of the *Bill of Rights*, because these state actions restrict the Applicants' economic interests and property rights vested in the Prohibited Items.

175. The Applicants are all owners of the Prohibited Items. They have at all times adhered to and conformed with the applicable licensing and regulatory regime. In compliance with those regulations and licensing requirements, they established their professions and livelihoods, which are contingent upon their ability to legally own, use, and possess the Prohibited Items.

176. The effects of the Regulation and the ostensibly related re-classifications are severe violations of their property rights. The Applicants are no longer able to own or enjoy the Prohibited Items or continue with their professions and their livelihoods and have had their property expropriated without compensation.

(ii) The Regulation Was Not Enacted in Accordance with Due Process

177. The Regulation was not made by due process of law. Among other things:
- (a) The Regulation was enacted by Executive action and therefore was not subject to the legislative controls customarily applied to the introduction of new law. As a result, Canadians did not receive the benefit of multiple readings or parliamentary debates and scrutiny.
 - (b) The seizure and forfeiture of the Prohibited Items will occur without individualized hearings or tribunals.
 - (c) The GIC has enacted the Regulation in an overly broad manner, without due consideration of the property rights of the owners of Prohibited Items.
 - (d) The GIC implemented the Regulation “expeditiously” and without any notice whatsoever.
 - (e) The Regulation deprives the Prohibited Item owners of their property without appropriate compensation.
 - (f) There was no, or insufficient, stakeholder engagement or consultation prior to the enactment of the Regulation.
178. The Regulation was effected without any due process whatsoever and is therefore contrary to section 1(a) of the *Bill of Rights*.

(iii) The Re-Classification by the RCMP SFSS Was Not Completed in Accordance with Due Process

179. The RCMP SFSS re-classification of certain firearms from non-restricted or restricted, to prohibited, cannot be challenged by internal review or appeal. Under section 74 of the *Firearms Act*, other delegated and discretionary authority has a process for challenge and appeal. No right of reference has been afforded with respect to the re-classifications by the RCMP SFSS.

180. The Applicants have suffered a deprivation of property without any notice, opportunity to be heard, explanation, or accountability. The deprivation of property by the RCMP SFSS was therefore undertaken without due process of law and contrary to section 1(a) of the *Bill of Rights*.

VI. RELIEF REQUESTED

A. Relief

181. The Applicants respectfully request:
- (a) An order in the nature of a declaration that the Regulation is invalid, unlawful and *ultra vires* the *Criminal Code* and, or in the alternative, the *Constitution Act, 1867*, and is of no force and effect.
 - (b) An order in the nature of *certiorari* quashing the Regulation.
 - (c) An order in the nature of prohibition instructing the GIC that it is prohibited from delegating the authority to:
 - (i) Prescribe firearms as restricted or prohibited under section 117.15(1) of the *Criminal Code*, including as variants or modified versions of specifically restricted or prohibited items; or
 - (ii) Form the opinion that a firearm is or is not reasonable for use for hunting or sporting purposes.
 - (d) An order in the nature of a declaration that no one other than the GIC, including the RCMP SFSS, has any authority to:
 - (i) Prescribe firearms as restricted or prohibited;
 - (ii) Form an opinion about the reasonableness of firearms for use in Canada for hunting or sporting purposes; or

- (iii) Classify a firearm as restricted or prohibited in the FRT or otherwise on the basis that it is a variant of or otherwise related to an item listed in any regulation made by the GIC under section 117.15(1) of the *Criminal Code*.
- (e) An order in the nature of a declaration that the Prohibited Items are reasonable for use in Canada for hunting or sporting purposes or, in the alternative, that a subset of the Prohibited Items as proven during the hearing of this Application are reasonable for use in Canada for hunting or sporting purposes, and that the firearms so declared, and all variants and modified versions of them are classified as non-restricted for all purposes.
- (f) An order and declaration under section 52 of the *Constitution Act*, 1982, that:
 - (i) The Regulation and the ostensibly related re-classifications unjustifiably infringe on section 7 of the *Charter*, and are, to that extent, of no force and effect; and
 - (ii) The Regulation and the ostensibly related re-classifications unjustifiably infringe on section 35 of the *Constitution Act*, 1982 and are, to that extent, of no force and effect.
- (g) Further, or in the alternative, such remedy or remedies under section 24(1) of the *Charter* that this Honourable Court considers appropriate and just in the circumstances, including declarations that:
 - (i) The Regulation and the ostensibly related re-classifications by the RCMP SFSS are void for vagueness;
 - (ii) The GIC is prohibited from delegating the authority to:
 - (A) Prescribe firearms as restricted or prohibited under section 117.15(1) of the *Criminal Code*, including as variants or modified versions of specifically restricted or prohibited items; or

- (B) Form an opinion about the reasonableness of firearms for use in Canada for hunting or sporting purposes;
 - (C) Classify a firearm as restricted or prohibited in the FRT or otherwise on the basis that it is a variant of or otherwise related to an item listed in any regulation made by the GIC under section 117.15(1) of the *Criminal Code*;
- (iii) The Prohibited Items are reasonable for use in Canada for hunting or sporting purposes or, in the alternative, that a subset of the Prohibited Items as proven during the hearing of this Application are reasonable for use in Canada for hunting or sporting purposes, and that the firearms so declared, and all variants and modified versions of them, are classified as non-restricted for all purposes; and
- (iv) An order for:
- (A) An interlocutory injunction staying the legal effect of the Regulation pending the final determination of this Application; and
 - (B) An order for a permanent injunction staying the legal effect of the Regulation.
- (h) An order in the nature of a declaration that the Regulation is inconsistent with and contrary to the *Bill of Rights* and is of no effect and is inoperative;
- (i) An order in the nature of a declaration that any re-classifications of firearms carried out by the RCMP SFSS under the Regulation are inconsistent with and contrary to the *Bill of Rights* and are of no effect and inoperative;
- (j) Pursuant to Rule 373 of the *Federal Courts Rules*, SOR/98-106 (***Federal Courts Rules***) and section 18.2 of the *Federal Courts Act*, RSC 1985, c F-7, an order for an interlocutory injunction staying the legal effect of the Regulation pending the final determination of this Application;

- (k) An order for a permanent injunction staying the legal effect of the Regulation to issue concurrently with the remainder of the relief sought herein;
- (l) The Costs of this Application; and
- (m) Such further and other relief as counsel may request and this Honourable Court may permit.

182. The Applicants rely on the following legislation, regulations and enactments:

- (a) *The Federal Courts Act*, RSC, 1985, c F-7;
- (b) *The Federal Courts Rules*, SOR/98-106;
- (c) *The Criminal Code*, RSC 1985, c C-46;
- (d) *Regulations Amending 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;
- (e) *The Order Declaring an Amnesty Period* (SOR 2020-97);
- (f) *The Canadian Bill of Rights*, SC 1960, c 44;
- (g) *The Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11;
- (h) *The Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, Appendix II, No 5, ss 91 and 92;
- (i) *The Firearms Act*, SC 1995, c 39; and
- (j) Such further and other authorities and legislation as counsel may advise and this Honourable Court may accept.

183. This Application will be supported by:
- (a) The following Affidavits, to be filed:
 - (i) Rodney Giltaca;
 - (ii) Laurence Knowles;
 - (iii) Ryan Steacy;
 - (iv) Wyatt Singer;
 - (v) Shaina Singer;
 - (vi) Matthew Hipwell;
 - (vii) Richard Timmins; and
 - (viii) Other affidavit evidence, including affidavits from experts and fact witnesses, to be filed.
 - (b) The return, consisting of all records before the GIC at the time of making the Regulation.
 - (c) Such further and other materials as counsel may advise and this Honourable Court may accept.

B. Rule 8: Motion for Extension

184. The Applicants apply to the Court for an extension of time to file and serve their supporting Affidavits and documentary exhibits pursuant to Rule 8 of the *Federal Courts Rules*, for the following reasons:
- (a) Pursuant to Rule 306 of the *Federal Courts Rules*, the Applicant shall serve its supporting Affidavits and documentary exhibits within 30 days of filing its Notice of Application;

- (b) The matters raised in this Application are of national importance, are complex, and require significant factual and expert evidence. Accordingly, additional time is required to prepare the necessary Affidavits;
- (c) The Applicant has issued but is yet to receive a response to access to information requests, pursuant to the *Access to Information Act*, RSC, 1985 c A-1, to obtain information necessary for this Application;
- (d) The COVID-19 pandemic has created and will continue to create obstacles to the Applicants in preparing all of the Affidavit and documentary evidence they intend to rely upon;
- (e) The Applicants fully intend to pursue this Application;
- (f) The Application has merit;
- (g) There will be no prejudice to the Respondent as a result of the delay; and
- (h) An extension of time is required to allow the Applicants to present their case and provide this Honourable Court with all relevant evidence and full argument.

C. Rule 384: Motion For this Application to be Continued as a Specially Managed Proceeding

185. The Applicants also apply to the Court for this Application to be continued as a Specially Managed Proceeding pursuant to Rule 384 of the *Federal Rules of Court*, for the following reasons:

- (a) The issues raised in this Application are of national importance, are complex, and will require significant factual and expert evidence by all parties;
- (b) Cross-examinations will be extensive and will be impacted as a result of COVID-19 social distancing requirements;
- (c) The COVID-19 pandemic creates logistical and practical problems for all of the parties in proceeding with their cases in an expedited fashion;

- (d) There may be interlocutory applications with respect to both evidentiary and procedural issues, which will impact the progression of the Application; and
- (e) Special management of this Application and a scheduling and timing order governing all steps to take place in the advancement of this proceeding will facilitate the expeditious resolution of interlocutory issues and the overall progress of this Application.

D. Rule 317: Request for Material from the Tribunal

186. Pursuant to Rule 317 of the *Federal Courts Rules*, the Applicants request from the Attorney General of Canada and the Governor in Council to send a certified copy of the following materials that are not in the possession of the Applicants, but are in the possession of the Attorney General of Canada, the Governor in Council, the RCMP and departments of the Government of Canada, collectively referred to as the **Government of Canada**, to the Applicants and the Registry.

All records, including but in no way limited to research, analysis, policy papers, briefing reports, studies, proposals, presentations, reports, memos, opinions, advice, letters, emails and any other communications that were prepared, commissioned, considered or received by the Government of Canada in relation to:

- a. The Order in Council.
- b. The Regulation.
- c. The *Amnesty Order*.
- d. The public engagement referenced on page 59 of the Order in Council on the issue of banning handguns and assault-style firearms that took place between October 2018 and February 2019, including but in no way limited to:
 - i. The use, and the effects of the use of handguns and assault-style firearms in Canada.

- ii. The potential for a run on the market, as referenced on pages 59 and 63 of the Order in Council.
 - iii. Roundtables held in Vancouver, Montreal, Toronto, and Moncton, and any other Canadian municipalities, as referenced on page 59 of the Order in Council.
 - iv. The results and all discussion, research, analysis, policy papers, briefing reports, studies or reports generated in part or in whole from the online questionnaire referenced on page 59 of the Order in Council.
 - v. All 36 written submissions, and any further written submissions whether formal or informal, as referenced on page 59 of the Order in Council.
 - vi. All consultations in bilateral meetings with 92 stakeholders, as referenced on page 59 of the Order in Council, and any further stakeholders whether formal or informal.
 - vii. All participants in the public engagement, as referenced on page 59 of the Order in Council, who expressed their views that a ban on assault-style firearms is either (a) needed, or (b) not needed, in order to protect public safety.
 - viii. All engagements and consultations by the Government of Canada with Indigenous groups in Canada regarding the Order in Council, Regulation, and *Amnesty Order*.
 - ix. The possibility that firearms may be diverted to illegal markets, as referenced on page 60 of the Order in Council.
- e. The regulatory analysis referenced on page 60 of the Order in Council, including but in no way limited to:
- i. The costs associated with implementing a buy-back program and grandfathering regime, as referenced on page 60 of the Order in Council.

- ii. The impacts on approximately 2.2 million individual firearms license holders in Canada that are affected by the Order in Council, Regulation, and *Amnesty Order*.
- iii. The impacts and costs of the Order in Council, Regulation, and *Amnesty Order* on:
 - 1. The hunting industry in Canada.
 - 2. The sport shooting industry in Canada.
 - 3. Other private businesses in Canada including businesses that manufactured or sold the firearms restricted by the Regulation.
- iv. The ‘one-for-one’ rule, as referenced on page 62 of the Order in Council.
- v. The Government of Canada’s decision not to give advance notice under the World Trade Organization’s Technical Barriers to Trade Agreement, as referenced on page 62 of the Order in Council.
- vi. The fact that Indigenous persons are victims of homicides involving firearms at a much higher rate than the Canadian population and that this figure appears to be increasing, as referenced on page 63 of the Order in Council.
- f. The rationale for the Regulation, as referenced on page 63 of the Order in Council, including but in no way limited to:
 - i. The Government of Canada's objective to ban assault-style firearms and reduce the risk of diversion to illegal markets for criminal use, as referenced on page 63 of the Order in Council.
 - ii. The conclusion that the prohibited firearms are tactical and/or military-style firearms and are not reasonable for hunting or sport shooting, as referenced on page 64 of the Order in Council.

- g. Implementation, compliance and enforcement, and service standards, as referenced on page 65 of the Order in Council, including but in no way limited to:
- i. The amount of compensation to be offered per firearm listed in the Regulation, as referenced on page 65 of the Order in Council.
 - ii. Interactions with affected owners regarding the Regulation and compliance with the Regulation as referenced on page 65 of the Order in Council, including any script or directions provided to public officials or firearms officers for communications with affected owners.
 - iii. The addition of makes and models of firearms to the list of prohibited firearms in the near future, as referenced on page 65 of the Order in Council.
 - iv. Decisions made since May 1, 2020 by the SFSS and RCMP in relation to the Regulation, including at least 255 changes to the classification or determination of variants or modified versions of firearms listed in the Regulation, and all Firearms Reference Tables and Reports in connection with same.
- h. All records that were put before Parliament or any Parliamentary committee which concerned the Order in Council, Regulation, and the *Amnesty Order*.
- i. All correspondence, letters, emails, and any other communications related to the Order in Council, Regulation, and the *Amnesty Order* between the Government of Canada and:
- i. The municipalities of Canada.
 - ii. The Provinces and Territories of Canada, including the Chief Firearms Officer of each Province and Territory.
 - iii. The elected or appointed representatives of First Nations and Indigenous people of Canada.

- iv. Crown Indigenous and Northern Affairs Canada.
- v. Global Affairs Canada.
- vi. The Department of Justice.
- vii. The RCMP, including the SFSS.
- viii. The Privy Council Office.
- ix. The Governor General in Council.
- x. The Prime Minister of Canada.

Dated: May 26, 2020 at Calgary, Alberta



Laura Warner

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Federal Court



Cour fédérale

Date: 20200827

Dockets: T-569-20
 T-577-20
 T-581-20
 T-677-20
 T-735-20
 T-905-20

Ottawa, Ontario, August 27, 2020

PRESENT: The Associate Chief Justice Gagné

Docket: T-569-20

BETWEEN:

**CASSANDRA PARKER and K.K.S. TACTICAL
 SUPPLIES LTD.**

Applicants

and

**ATTORNEY GENERAL OF CANADA,
 THE ROYAL CANADIAN MOUNTED POLICE
 and THE REGISTRAR OF FIREARMS**

Respondents

Docket T-577-20

BETWEEN:

**CANADIAN COALITION FOR FIREARM
 RIGHTS, RODNEY GILTACA,
 LAURENCE KNOWLES, RYAN STEACY,
 MACCABEE DEFENSE INC.,
 WOLVERINE SUPPLIES LTD., and
 MAGNUM MACHINE LTD.**

Applicants

and

**ATTORNEY GENERAL OF CANADA and CANADA
 (ROYAL CANADIAN MOUNTED POLICE)**

Respondents

BETWEEN:

Docket T-581-20

JOHN PETER HIPWELL

Applicant

and

**ATTORNEY GENERAL OF CANADA,
THE ROYAL CANADIAN MOUNTED POLICE
and THE REGISTRAR OF FIREARMS**

Respondents

BETWEEN:

Docket T-677-20

**MICHAEL JOHN DOHERTY, NILS ROBERT EK,
RICHARD WILLIAM ROBERT DELVE,
CHRISTIAN RYDICH BRUHN,
PHILIP ALEXANDER MCBRIDE,
LINDSAY DAVID JAMIESON,
DAVID CAMERON MAYHEW,
MARK ROY NICHOL and PETER CRAIG MINUK**

Applicants

and

**THE ATTORNEY GENERAL OF CANADA and
ROYAL CANADIAN MOUNTED POLICE**

Respondents

BETWEEN:

Docket T-735-20

**CHRISTINE GENEROUX, JOHN PEROCCHIO
and VINCENT PEROCCHIO**

Applicants

and

**HER MAJESTY THE QUEEN IN RIGHT OF
CANADA, THE MINISTER OF JUSTICE and
ATTORNEY GENERAL OF CANADA and
THE ROYAL CANADIAN MOUNTED POLICE**

Respondents

Docket T-905-20

BETWEEN:

**JENNIFER EICHENBERG, DAVID BOT,
LEONARD WALKER,
BURLINGTON RIFLE AND REVOLVER CLUB,
MONTREAL FIREARMS RECREATION CENTRE, INC.,
O'DELL ENGINEERING LTD.**

Applicants**and****ATTORNEY GENERAL OF CANADA****Respondent****ORDER**

UPON reviewing the consent draft order from all the parties to these proceedings;

AND UPON noting that, in order to make good use of judicial resources and secure a just, expeditious and economical resolution of these matters, the parties are committed to working towards the goal of a common hearing, by adhering to a joint timetable and identifying commonality between these six Applications for judicial review;

THIS COURT ORDERS that:

1. Documents may be served and filed by the parties by email to the counsel of record or self-represented parties in the proceeding in which they are to be filed;
2. The same affiant who files an affidavit for the hearing of the Application in more than one Application shall be made available to be cross-examined only once during the same time by opposing counsel or self-represented parties in those Applications. The cross-examination evidence of any such affiant shall be

admissible only in the Applications in which the affiant filed an affidavit for purposes permitted by the *Federal Courts Rules*, SOR/98-106;

3. Counsel and self-represented litigants retain the right to cross-examine an affiant more than once who files an affidavit in more than one interlocutory proceeding or an affiant who files an affidavit in an interlocutory proceeding (such as a motion or injunction) and an affidavit for the hearing of the Application;
4. The following timelines shall apply in respect of the Applicants' Rule 317 requests:
 - a. The respondent Attorney General of Canada (AGC) shall respond to any Rule 317 request in its respective proceedings by September 11, 2020, including any objections under Rule 318(2), as responses become available by or before September 11, 2020;
 - b. The Applicants in each of the proceedings may file written submissions, or if the Court deems appropriate, a notice of motion with supporting affidavit(s), in response to any objections by October 2, 2020;
 - c. A case management conference is to take place on October 6, 2020, at 1:00 PM, in order for the Court to consider the procedural steps necessary for dealing with any Rule 317 issue raised by the Applicants in step (b) above, and for the Court to issue a timeline for the expeditious hearing of the issue;
 - d. Unless the Court decides, these issues, if any, shall be determined based on written submissions;

5. The following timelines shall apply concerning the Applicants' motions for an interlocutory injunction:
 - a. Those Applicants seeking an interlocutory injunction shall serve and file their notice of motion and affidavit(s) including any expert affidavit(s) by September 11, 2020;
 - b. The Respondent AGC shall serve and file any responding affidavit(s) including any expert affidavit(s) by October 2, 2020;
 - c. Any cross-examinations on affidavits shall be completed by October 23, 2020;
 - d. The motion records of the moving party(ies) to be served and filed by November 13, 2020;
 - e. The motion records of the responding party to be served and filed by December 11, 2020;
 - f. The hearing of the motions for an interlocutory injunction will be held on January 18, 2021, at 9:30 AM, via a Zoom videoconference or, if the parties so request at least 30 days before the hearing date, in person at a venue to be agreed upon by the Court and parties;
6. This Order represents a partial schedule for the conduct of the Applications and may be supplemented with new or further timelines by Direction of the Case Management Judge at any time;
7. The timelines in this Order may be amended by consent of all parties with approval by the Case Management Judge, or by further Order of the Court; and
8. There shall be no costs associated with this Order.

“Jocelyne Gagné”
Associate Chief Justice