

COURT OF APPEAL FOR ONTARIO

B E T W E E N :

TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT

Applicants
(Appellants)

- and -

LAW SOCIETY OF UPPER CANADA

Respondent
(Respondent)

- and -

**CHRISTIAN LEGAL FELLOWSHIP, EVANGELICAL FELLOWSHIP CANADA AND
CHRISTIAN HIGHER EDUCATION CANADA, JUSTICE CENTRE FOR
CONSTITUTIONAL FREEDOMS, OUT ON BAY STREET AND OUTLAWS, THE
ADVOCATES' SOCIETY, CRIMINAL LAWYERS' ASSOCIATION (ONTARIO), THE
CANADIAN CIVIL LIBERTIES ASSOCIATION, LAWYERS' RIGHTS WATCH
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PART I - OVERVIEW

1. On April 24, 2014, the Law Society of Upper Canada (“LSUC”) refused to accredit Trinity Western University’s (“TWU”) proposed school of law. In so doing, the LSUC reasonably took into account that lesbian, gay, bisexual, transgender/transsexual and queer (“LGBTQ”) persons cannot attend TWU without experiencing discrimination. The LSUC correctly concluded that it would not be in the public interest to accredit TWU, given the barriers to access for LGBTQ persons created by the Community Covenant, which requires LGBTQ students to “bury a crucial component of their very identity, by forsaking any form of intimacy with those persons with whom they would wish to form a relationship”.¹

PART II - THE FACTS

2. Out On Bay Street is a non-profit organization that facilitates the professional development of LGBTQ students as they transition through school to career, and seeks to build a national professional network within the LGBTQ community. The organization primarily serves the community of LGBTQ students at law schools and business schools. The OUTlaws are LGBTQ student groups from various law schools across Canada, with a long tradition of advancing the interests of LGBTQ law students through mentoring, advocacy and information-sharing, socializing in queer-friendly atmospheres, and working towards making law schools and legal education more inclusive for LGBTQ individuals. Both groups have attempted to ensure at each stage of these proceedings that the voices of their members be heard, through written submissions to the Federation of Law Societies of Canada, and to Convocation.²

3. Out On Bay Street and the OUTlaws adopt the facts as presented by the LSUC.

¹ *Trinity Western University v. Law Society of Upper Canada*, 2015 ONSC 4250 at ¶113 [*TWU v. LSUC*], **Appeal Book** [“AB”], **Tab 4**, p. 49.

² Submissions to FLSC and Convocation, **Respondent’s Compendium, Tab 25** (see disc Tabs 14-16, 59, 124, 233).

PART III -ISSUES AND THE LAW

7. Out On Bay Street and the OUTlaws support and adopt the submissions of the LSUC, and address: (1) the fundamental shift in equality rights for LGBTQ persons since *BCCT* was decided; (2) the impact of the Covenant on LGBTQ persons; and (3) the duty of the LSUC to maintain public confidence in the profession's commitment to equality and non-discrimination.

A. **The Sea Change in Equality Rights for LGBTQ Persons: A Fundamental Shift in the Parameters of the Debate since *BCCT***

8. The LSUC correctly concluded that it was not bound by the Supreme Court of Canada's 2001 ruling in *British Columbia College of Teachers v. Trinity Western University* ("*BCCT*"). The issues in the two cases are not "identical",³ and moreover, the sea change in equality rights for LGBTQ persons since 2001 has fundamentally shifted the parameters of the debate.⁴

9. Legal precedents may be revisited where: (1) a new legal issue has been raised; or (2) there has been a change in the circumstances or evidence that "fundamentally shifts the parameters of the debate".⁵ On this basis, the majority of the Court in *Saskatchewan Federation of Labour* concluded that it could depart from its 1987 holding that there was no "right to strike" under s. 2(d) "[g]iven the fundamental shift in the scope of s. 2(d)" from a period of "general reluctance" to the "adoption of a generous and purposive approach to the guarantee".⁶ While this shift in s. 2(d)'s scope has focused on the rights of workers to collectively bargain and strike, the evolution of equality rights since 2001 has been far more expansive, occurring across every facet of life for LGBTQ persons and fundamentally changing their position in Canadian society.

³ Appellants' Factum, ¶74. The Divisional Court disagreed with the Appellants and held that *BCCT* was distinguishable: *TWU v. LSUC*, *supra* at ¶¶59-72, AB, Tab 4, p. 35-39.; see also Respondent's Factum, ¶¶ 63-67.

⁴ See *TWU v. LSUC*, *supra* at ¶70, AB, Tab 4, p. 38.

⁵ *Bedford v. Canada (AG)*, 2013 SCC 72, [2013] 3 S.C.R. 1101 at ¶42, JBOA, Tab 23.

⁶ *Saskatchewan Federation of Labour v. Saskatchewan*, 2015 SCC 4, [2015] 1 S.C.R. 245 at ¶¶27-32, JBOA, Tab 136.

10. In 2001, legal protections for LGBTQ persons were embryonic. The Supreme Court of Canada had only recently concluded in *Egan* that sexual orientation was an analogous ground of discrimination.⁷ While this was a watershed moment, it did not mean that centuries of history of discrimination were suddenly undone, or that LGBTQ persons experienced true equality in Canadian society. LGBTQ persons remained second-class citizens under the law, notwithstanding the Court's recognition that they were deserving of protection.

11. As many of the Benchers noted during Convocation, *BCCT* “smacks of another era”.⁸ The majority in *BCCT* concluded that TWU's admissions policy⁹ did not amount to discrimination notwithstanding that “a homosexual student would not be tempted to apply” and that homosexual students could only sign TWU's admissions policy at “considerable personal cost”,¹⁰ because TWU may hold discriminatory beliefs but cannot act on them.¹¹ This conclusion no longer withstands scrutiny. TWU's admissions policy is a *code of conduct* that demands that LGBTQ persons change an immutable aspect of their identity, and obliges TWU members to report and discipline LGBTQ persons for any breaches of the code related to their sexuality. The requirements of the code of conduct constitute active discrimination towards LGBTQ persons.

12. Unlike the majority, L'Heureux-Dubé J. recognized in her prescient ruling that TWU's admissions policy was itself evidence of discriminatory conduct.¹² Moreover, when confronting

⁷ *Egan v. Canada*, [1995] 2 S.C.R. 513 at ¶5, **JBOA, Tab 44**.

⁸ See, e.g. Convocation Transcript, April 10, 2014 (Schabas), **Exhibit Book, Vol. 5, Tab 19 at p. 2177, ll. 11-12**.

⁹ In 2001, the admissions policy at TWU was known as the “Community Standards Agreement”, and was apparently the equivalent of the Community Covenant: *TWU v. LSUC*, *supra* at ¶61, n. 5, **AB, Tab 4, p. 36**. In *BCCT*, the SCC did not even advert to whether the admissions policy carried with it the risk of expulsion for non-compliance; today, that real risk is made abundantly clear by the Student Handbook: **Exhibit Book, Vol. 1, Tab 1M, p. 88**.

¹⁰ *Trinity Western University v. College of Teachers (British Columbia)*, 2001 SCC 31 at ¶25, *per* Bastarache and Iacobucci JJ [*BCCT*], **JBOA, Tab 9**.

¹¹ *Ibid* at ¶36, **JBOA, Tab 9**.

¹² *Ibid* at ¶72, *per* L'Heureux-Dubé J., dissenting, **JBOA, Tab 9**.

TWU's "hate the sin, love the sinner" practices, L'Heureux-Dubé J. rejected "the idea that it is possible to condemn a practice so central to the identity of a protected and vulnerable minority without thereby discriminating against its members and affronting their human dignity and personhood".¹³ It took *twelve years* for the Court to adopt her pivotal conclusion,¹⁴ despite the advancements in equality rights for LGBTQ persons during that period.

13. Since 2001, rights for LGBTQ persons have been characterized by the adoption of a generous and purposive approach to the equality guarantee.¹⁵ Most obviously, in 2004 same-sex couples won the legal right to marry – a crucial recognition of equality.¹⁶ Several other decisions have repaired subtle and overt forms of discrimination experienced by the LGBTQ community:

- The right to include the names of both same-sex parents on a newborn's Statement of Live Birth [2006];¹⁷
- All parents of a child in LGBTQ families may be declared that child's parents under the *Children's Law Reform Act* [2007];¹⁸
- Religious organizations may not discriminate against LGBTQ employees when the employee's sexual orientation is not a *bona fide* occupational requirement [2010];¹⁹
- Public marriage commissioners cannot refuse to marry same-sex couples because of their religious beliefs [2011];²⁰
- Transsexual people may change their sex designation on birth certificates without having had "transsexual surgery" [2012];²¹ and
- Condemning same-sex sexual conduct is an attack on sexual orientation/identity [2013].²²

¹³ *Ibid* at ¶69, **JBOA, Tab 9**.

¹⁴ *Saskatchewan (Human Rights Commission) v. Whatcott*, 2013 SCC 11, [*Whatcott*], **JBOA, Tab 61**.

¹⁵ The approach to substantive equality under s. 15 has also greatly changed since 2001: see, e.g. *Québec v. A.*, 2013 SCC 5 at ¶¶332-347, **JBOA, Tab 47**.

¹⁶ *Reference re Same-Sex Marriage*, 2004 SCC 79, [2004] 3 S.C.R. 698, **JBOA, Tab 63**.

¹⁷ *Rutherford et al v. Ontario (Deputy Registrar General)*, [2006] 81 O.R. (3d) 81 (CA), **JBOA, Tab 137**.

¹⁸ *A.A. v. B.B.*, [2007] 83 O.R. (3d) 561, 2007 ONCA 2 (CanLII), **JBOA, Tab 138**.

¹⁹ *Ontario Human Rights Commission v. Christian Horizons*, 2010 ONSC 2105, 102 O.R. (3d) 267, **JBOA, Tab 81**.

²⁰ *Marriage Commissioners Appointed Under the Marriage Act (Re)*, [2011] S.J. No. 3, **JBOA, 139**.

²¹ *X.Y. v. Ontario (Government and Consumer Services)*, [2012] O.H.R.T.D. No. 715, **JBOA, 140**.

²² *Whatcott*, *supra* at ¶¶121-4, **JBOA, Tab 61**.

Legislative amendments since 2001 have also expanded legal protections for LGBTQ persons:

- A criminal prohibition on hate propaganda on the basis of sexual orientation [2003];²³
- Parties who undergo assisted human reproduction should not be discriminated against on the basis of sexual orientation or marital status [2004];²⁴
- A prohibition on discrimination on the basis of gender identity/expression [2012];²⁵
- Conversion therapy (i.e. “treatment” aimed at “converting” LGBTQ persons) banned for persons under 18, and is no longer an insurable service for adults [2015];²⁶
- Proposed update to the definition of “sexual harassment” in the *Occupational Health and Safety Act* to prohibit harassment on the basis of sexual orientation, gender identity or gender expression;²⁷ and
- Proposed update to the *Children’s Law Reform Act* and *Vital Statistics Act* to redefine parentage to provide substantive equality to LGBTQ families.²⁸

14. These judicial pronouncements and legislative amendments implicitly acknowledge that homophobia and transphobia are systemic, structural, and impact LGBTQ persons in many areas of life that heterosexual and cisgender²⁹ persons take for granted, such as the ability to marry, be recognized as a parent of one’s child, get a birth certificate with the correct gender designation, and be protected against discrimination in the workplace. This major evolution of equality rights for LGBTQ persons by courts and legislatures over fifteen years constitutes precisely the type of fundamental shift in scope contemplated by the Supreme Court of Canada. The LSUC was thus entitled to consider *BCCT* no longer binding, given the restrictive approach to the impact of discrimination on LGBTQ persons inherent in that decision.

²³ Bill C-250, *An Act to amend the Criminal Code (hate propaganda)*, JBOA, 141.

²⁴ Bill C-6, *An Act respecting assisted human reproduction and related research*, JBOA, Tab 142.

²⁵ Bill 33, *Toby's Act (Right to be Free from Discrimination and Harassment Because of Gender Identity or Gender Expression)*, 2012, JBOA, Tab 143.

²⁶ Bill 77, *An Act to amend the Health Insurance Act and the Regulated Health Professions Act, 1991 regarding efforts to change sexual orientation or gender identity*, JBOA, Tab 144.

²⁷ Bill 132, *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)*, 2015, Schedule 4, s. 1(1) (passed Second Reading December 9, 2015), JBOA, Tab 145.

²⁸ Bill 137, *An Act to amend the Children’s Law Reform Act, the Vital Statistics Act and other Acts with respect to parental recognition*, 2015 (passed Second Reading December 10, 2015), JBOA, Tab 146.

²⁹ “Cisgender” refers to persons whose gender identity corresponds with their assigned sex, i.e. not transsexual.

B. The Impact of the Covenant on LGBTQ Law Students and Prospective Students

15. The Covenant is not merely an expression of TWU's beliefs. The Covenant is a document that discriminates against LGBTQ persons by forcing them to renounce their dignity and self-respect in order to obtain an education. The LSUC reasonably took into account the barriers imposed by the Covenant when it refused to accredit TWU's proposed law school.

16. Central to the debate in the current case, and of particular relevance for Out On Bay Street and the OUTlaws' members, the Community Covenant agreement requires that all staff, students and faculty must abstain from "sexual intimacy that violates the sacredness of marriage between a man and a woman".³⁰ The Covenant is a binding contract governing conduct both on and off campus that all members must sign – admission will be denied to those who cannot, or will not, sign the Covenant.³¹ It provides formal disciplinary procedures,³² and states that breaches of the Covenant may be punished by suspension and expulsion.³³ TWU members must "hold each another [*sic*] accountable to the commitments each has made to the University", meaning that there is a positive obligation on staff, students and faculty to act as both guardians and enforcers of the Covenant and report any infractions. The failure to respect this "accountability" requirement is itself considered "inappropriate behaviour" and worthy of sanction.³⁴ As the Divisional Court held, "TWU's technically correct statement that it 'does not ban or prohibit admission' to LGBTQ students must be read and understood in this context".³⁵

³⁰ Community Covenant ["Covenant"], Exhibit Book, Vol. 1, Tab 1C, p. 29.

³¹ Covenant, Exhibit Book, Vol. 1, Tab 1C, pp. 27, 31; Student Handbook, Exhibit Book, Vol. 1, Tab 1M, p. 84; *TWU v. LSUC*, *supra* at ¶62, AB, Tab 4, p. 36.

³² Covenant, Exhibit Book, Vol. 1, Tab 1C, p. 31.

³³ Student Handbook, Exhibit Book, Vol. 1, Tab 1M, p. 88; *TWU v. LSUC*, *supra* at ¶63, AB, Tab 4, p. 36.

³⁴ Student Handbook, Exhibit Book, Vol. 1, Tab 1M, p. 85; *TWU v. LSUC*, *supra* at ¶65, AB, Tab 4, p. 37.

³⁵ *TWU v. LSUC*, *supra* at ¶112, AB, Tab 4, p. 49

17. According to the Appellants, “sexual minorities are supported, loved and respected”³⁶ at TWU – as long as they do not engage in sexual intimacy prohibited by the Covenant. However, the only “healthy” sexual intimacy permitted by TWU is that between a heterosexual married couple for the purpose of procreation³⁷ (leading to the conclusion that queer sexuality and thus LGBTQ persons are unhealthy). Indeed, “sexual misconduct” is one of the most serious violations of the Covenant, on par with property damage, vandalism, aggressive behaviour and theft, and is worthy of suspension or expulsion.³⁸ This cannot be described as support, love or respect for sexual minorities. Moreover, LGBTQ persons applying to TWU, or who come out while at TWU, will experience the stigma of not belonging and other destructive effects of regulating queer sexuality. TWU’s own evidence demonstrates the catastrophic harm this causes:

Compounded with the fear of social rejection has been the confusion that comes when you find your sexuality and your religious beliefs to be seemingly irreconcilable... This has been a serious cause of depression in my life because there seemed to be only two possible futures. In one, I would fall in love with another guy, but the very choice of embracing that would simultaneously be a choice to turn my back on God. In the other, I would be lonely and single for life. I felt trapped and hopeless... I’m not being melodramatic when I say that this is the type of thing that causes suicides.³⁹

It is irrelevant that TWU believes it possible for LGBTQ persons to separate their sexual identity from sexual conduct. This distinction is not permissible in law,⁴⁰ and, as L’Heureux-Dubé J. acknowledged in *BCCT*, “[r]equiring someone not to act in accordance with their identity is harmful and cruel ... [i]t destroys the human spirit”.⁴¹

³⁶ Appellants’ Factum, ¶24.

³⁷ Covenant, Exhibit Book, Vol. 1, Tab 1C, p. 30.

³⁸ Student Handbook, Exhibit Book, Vol. 1, Tab 1M, p. 88. “Sexual misconduct” would inevitably include sexual intimacy between legally married same-sex couples.

³⁹ Iain Cook, “Living the questions”, 21 November 2007, Exhibit “A” to the Affidavit of Iain Cook, sworn August 19, 2014, Exhibit Book, Vol. 1, Tab 10A, p. 261.

⁴⁰ *Whatcott*, supra at ¶121-4, JBOA, Tab 61.

⁴¹ *BCCT*, supra at ¶69, per L’Heureux-Dubé J., dissenting, JBOA, Tab 9.

18. The LSUC was not obliged to accept TWU's assertion that it does not "discriminate" against LGBTQ persons because it is exempted from the application of human rights codes and arguably not subject to the *Charter*.⁴² As held by the Divisional Court, "discrimination is still discrimination, regardless of whether it is unlawful... [t]he Community Covenant, by its own terms, constitutes a prejudicial treatment of different categories of people".⁴³ In any event, the LSUC must comply with the Ontario *Human Rights Code*⁴⁴ and must give effect to any relevant *Charter* and human rights values when making decisions.⁴⁵ For this reason, the LSUC was obligated to avoid condoning or furthering discrimination carried out by TWU:

[T]here is a human rights duty not to condone or further a discriminatory act that has already occurred. To condone or further a discriminatory act would extend or continue the life of the initial discriminatory act. Indeed, it is conceivable that the subsequent discriminatory act or tail-end could be worse in impact than the beginning of the chain of discrimination.⁴⁶

In considering TWU's application, the LSUC was entitled, and indeed obliged, to consider whether accreditation would condone and/or further the discriminatory impact the Covenant has on LGBTQ persons seeking to enter the legal profession.

19. Finally, given the evidence before Convocation of scarce law school spaces (which was accepted by the Divisional Court),⁴⁷ and the acknowledged systemic barriers to the profession for equity-seeking groups,⁴⁸ it was reasonable for the LSUC to conclude that accrediting TWU would have led to further barriers to access for LGBTQ students wishing to become lawyers. A barrier at the stage of entering law school represents a barrier to advancement in the profession,

⁴² Appellants' Factum, ¶¶58-65.

⁴³ *TWU v. LSUC*, *supra* at ¶108, AB, Tab 4, p. 48.

⁴⁴ *Ibid* at ¶110.

⁴⁵ *Loyola High School v. Québec (Attorney General)*, 2015 SCC 12, [2015] 1 S.C.R. 613 at ¶47, JBOA, Tab 49.

⁴⁶ *Payne v. Otsuka Pharmaceuticals*, 2002 CanLII 46516 (ON HRT) at p. 22, JBOA, Tab 147.

⁴⁷ *TWU v. LSUC*, *supra* at ¶67, AB, Tab 4, p. 37.

⁴⁸ "Sexual Orientation and Gender Identity: Creating An Inclusive Work Environment", the Law Society of Upper Canada, October 2013, Exhibit "H" to the Affidavit of Josée Bouchard, sworn October 23, 2014, Exhibit Book, Vol. 2, Tab 14H, p. 773(8).

and the opportunities that presents, such as participation in Canada's judicial system by appointment as a judge.⁴⁹ The LSUC reasonably chose to consider the particular discriminatory impact that such barriers would have on LGBTQ persons when making its accreditation decision.

C. Maintaining Public Confidence in the Profession's Commitment to Equality and Non-Discrimination

20. The LSUC's public interest mandate necessarily engages the question of how its decisions will affect public confidence in the legal system.⁵⁰ The Benchers at Convocation were appropriately aware of their responsibilities in this regard.⁵¹ Had the LSUC accredited TWU's proposed law school, its decision would have sent a strong message to the public about the low value it placed on the equality rights of LGBTQ persons.

21. The LSUC received many submissions spelling out precisely what accrediting TWU would mean to the LGBTQ community, and to the public at large, including:

- "By authorizing a school that allows bigotry and hatred against my community [the LGBTQ community], you are diminishing my worth as a member and telling me that it is okay for law schools to discriminate against members of my community".⁵²
- "Recognition would also undermine all of LSUC's efforts to promote diversity in the profession. Diversity is only sustainable in an environment of tolerance".⁵³
- "A decision to accredit TWU's law graduates would effectively provide an endorsement of a school that actively discriminates against gay/lesbian students".⁵⁴

⁴⁹ See, e.g., the comments of former Justice Mr. Ferrier, who explained that as a Protestant he would not have been able to attend his Catholic law school if it had a similar Covenant as a precondition to admission, and thus would have been denied the opportunity to become "a lawyer, a Bencher, Treasurer of the Law Society of Upper Canada, or a judge": Convocation Transcript, April 24, 2015, **Exhibit Book, Vol. 5, Tab 20, pp. 2488-2490(205-7)**.

⁵⁰ *Adams v. Law Society of Alberta*, 2000 ABCA 240 at ¶¶6-10, **JBOA, Tab 148**; *Pharmascience v. Binet*, 2006 SCC 48, [2006] 2 S.C.R. 513 at ¶36, **JBOA, Tab 149**; *Kelly v. Ontario*, 2014 ONSC 3824 at ¶¶37-38, **JBOA, Tab 150**; *Bolton v. Law Society*, [1994] 1 W.L.R. 512 at ¶15, **JBOA, Tab 151**.

⁵¹ See the legal opinion prepared by Freya Kristjanson, **Exhibit Book, Vol. 4, Tab I, p.1818-22(1873-7)**.

⁵² Submissions from John V. Rider to LSUC, **Respondent's Compendium, Tab 25** (See disc Tab 104).

⁵³ Submissions from Eric Endicott to LSUC, **Respondent's Compendium, Tab 25** (See disc Tab 140).

⁵⁴ Submissions from the HIV & AIDS Legal Clinic of Ontario to LSUC, **Respondent's Compendium, Tab 25** (See disc Tab 141).

- “To give this group the sanction of accepting their graduates into the Law Society of Upper Canada would be to compromise the Law Society’s own tenet of acceptance of everyone and the expectation that all members of the LSUC would promote that goal”.⁵⁵

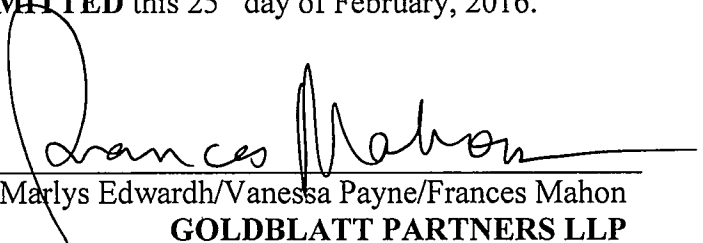
22. Had the LSUC voted to accredit TWU, the decision would have adversely affected public confidence in the profession’s commitment to equality and non-discrimination, and undermined the perception of the profession by members of public, members of the profession and potential members of the profession. It was reasonable for the LSUC to have regard to the public’s confidence in its commitment to equality, and to equal access to the profession.

PART IV - ORDER REQUESTED

23. Out On Bay Street and the OUTlaws ask that the Court dismiss the appeal. Pursuant to the order of Hoy A.C.J.O., they do not seek costs, and ask that no costs be ordered against them.

24. Out On Bay Street and the OUTlaws respectfully request that they be granted ten minutes for oral argument at the hearing of the appeal. They are the only organizations representing the LGBTQ community, and in these circumstances the Court ought to hear their voices.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 25th day of February, 2016.


Marlys Edwardh/Vanessa Payne/Frances Mahon
GOLDBLATT PARTNERS LLP

Paul Jonathan Saguil
BARRISTER AND SOLICITOR

Lawyers for the Interveners,
Out On Bay Street and OUTlaws

⁵⁵ Submissions from John Petrosniak to LSUC, **Respondent’s Compendium, Tab 25** (See disc Tab 158).

SCHEDULE “A”

| TAB | AUTHORITY |
|-----|---|
| 1. | <i>A.A. v. B.B.</i> , [2007] 83 O.R. (3d) 561, 2007 ONCA 2 (CanLII) |
| 2. | <i>Adams v. Law Society of Alberta</i> , 2000 ABCA 240 |
| 3. | <i>Bedford v. Canada (AG)</i> , 2013 SCC 72 |
| 4. | <i>Bolton v. Law Society</i> , [1994] 1 W.L.R. 512 |
| 5. | <i>British Columbia College of Teachers v. Trinity Western University</i> , 2001 SCC 31 |
| 6. | <i>Egan v. Canada</i> , [1995] 2 S.C.R. 513 |
| 7. | <i>Kelly v. Ontario</i> , 2014 ONSC 3824 |
| 8. | <i>Loyola High School v. Québec (Attorney General)</i> , 2015 SCC 12 |
| 9. | <i>Marriage Commissioners Appointed Under the Marriage Act (Re)</i> , [2011] S.J. No. 3 |
| 10. | <i>Ontario Human Rights Commission v. Christian Horizons</i> , 2010 ONSC 2105 |
| 11. | <i>Payne v. Otsuka Pharmaceuticals</i> , 2002 CanLII 46516 (ON HRT) |
| 12. | <i>Pharmascience v. Binet</i> , 2006 SCC 48 |
| 13. | <i>Québec v. A.</i> , 2013 SCC 5 |
| 14. | <i>Reference re Same-Sex Marriage</i> , 2004 SCC 79 |
| 15. | <i>Rutherford et al v. Ontario (Deputy Registrar General)</i> , [2006] 81 O.R. (3d) 81 (CA) |
| 16. | <i>Saskatchewan Federation of Labour v. Saskatchewan</i> , 2015 SCC 4 |
| 17. | <i>Trinity Western University v. Law Society of Upper Canada</i> , 2015 ONSC 4250 |
| 18. | <i>Whatcott v. Saskatchewan Human Rights Tribunal</i> , 2013 SCC 11 |
| 19. | <i>X.Y. v. Ontario (Minister of Government and Consumer Services)</i> , [2012] O.H.R.T.D. No. 715 |

TAB AUTHORITY

Legislation

20. Bill C-6, *An Act respecting assisted human reproduction and related research*
21. Bill C-250, *An Act to amend the Criminal Code (hate propaganda)*
22. Bill 33, *Toby's Act (Right to be Free from Discrimination and Harassment Because of Gender Identity or Gender Expression), 2012*
23. Bill 77, *An Act to amend the Health Insurance Act and the Regulated Health Professions Act, 1991 regarding efforts to change sexual orientation or gender identity*
24. Bill 132, *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2015, Schedule 4, s. 1(1) (passed Second Reading December 9, 2015)*
25. Bill 137, *An Act to amend the Children's Law Reform Act, the Vital Statistics Act and other Acts with respect to parental recognition, 2015 (passed Second Reading December 10, 2015)*

**TRINITY WESTERN
UNIVERSITY and
BRAYDEN VOLKENANT**
Appellants

- and -

**THE LAW SOCIETY OF
UPPER CANADA**
Respondent

Court File No. C611116

COURT OF APPEAL FOR ONTARIO

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