

COURT OF APPEAL FOR ONTARIO

BETWEEN:

TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT

Appellants

and

THE LAW SOCIETY OF UPPER CANADA

Respondent

- and -

**THE EVANGELICAL FELLOWSHIP CANADA AND CHRISTIAN HIGHER
EDUCATION CANADA; CHRISTIAN LEGAL FELLOWSHIP; JUSTICE CENTRE
FOR CONSTITUTIONAL FREEDOMS; OUT ON BAY STREET and OUTLAWS; THE
ADVOCATES' SOCIETY; CRIMINAL LAWYERS' ASSOCIATION (ONTARIO);
CANADIAN SECULAR ALLIANCE; CANADIAN BAR ASSOCIATION; CANADIAN
CIVIL LIBERTIES ASSOCIATION; LAWYERS RIGHTS WATCH CANADA;
ASSOCIATION FOR REFORMED POLITICAL ACTION (ARPA) CANADA;
THE SEVENTH DAY ADVENTIST CHURCH IN CANADA;
CANADIAN CONSTITUTION FOUNDATION**

Interveners

**FACTUM OF THE INTERVENERS,
THE EVANGELICAL FELLOWSHIP OF CANADA and
CHRISTIAN HIGHER EDUCATION CANADA**

VINCENT DAGENAIS GIBSON LLP/s.r.l.

260 Dalhousie Street, Suite 400

Ottawa, Ontario K1N 7E4

Albertos Polizogopoulos

Kristin Marie Barsoum Debs

Tel : 613-241-2701

Fax : 613-241-2599

albertos@vdg.ca / kristin@debslaw.ca

Counsel for the Interveners,

The Evangelical Fellowship of Canada and

Christian Higher Education Canada

TO: **BENNETT JONES LLP**
3400 One First Canadian Place
P.O. Box 130
Toronto, Ontario M5X 1A4

Robert W. Staley

Email: staleyr@bennettjones.com

Derek J. Bell

Email: belld@bennettjones.com

Ranjan K. Agarwal

Email: agarwalr@bennettjones.com

Telephone: (416) 863-1200

Facsimile: (416) 863-1716

Lawyers for the Appellants, Trinity Western University and Brayden Volkenant

AND TO: **BORDEN LADNER GERVAIS LLP**
Scotia Plaza, 44th Floor
40 King Street West
Toronto, Ontario M5H 3Y4

Guy J. Pratte

Email: gpratte@blg.com

Nadia Effendi

Email: neffendi@blg.com

Duncan Ault

Email: dault@blg.com

Telephone: (416) 367-6728

Facsimile: (416) 361-2721

Lawyers for the Respondent, the Law Society of Upper Canada

AND TO: **ROCHON GENOVA LLP**
121 Richmond St. W., Ste. 900
Toronto, Ontario M5H 2K1

Peter R. Jervis

Email: pjervis@rochongenova.com

Telephone: (416) 363-1867

Facsimile: (416) 363-0263

CHRISTIAN LEGAL FELLOWSHIP

470 Weber Street North, Suite 202

Waterloo, Ontario N2L 6J2

Derek B.M. Ross

Email : execdir@christianlegalfellowship.org

Telephone: 519-208-9200
Facsimile: 519-208-3600
Lawyers for the Intervener, Christian Legal Fellowship

AND TO: **DOUCETTE SANTORO FURGIUELE**
1100-20 Dundas St. W.
Toronto, Ontario M5G 2G8

Daniel C. Santoro
Email : santoro@dbsflitigation.com
Telephone: (416) 922-7272
Facsimile: (416) 342-1766
Lawyers for the Intervener, Justice Centre for Constitutional Freedoms

AND TO: **PAUL JONATHAN SAGUIL**
66 Wellington Street W.
Toronto, Ontario M5K 1A2

Paul Jonathan Saguil
Email: paul.jonathan.saguil@gmail.com
Telephone: (416) 308-1 719

GOLDBLATT PARTNERS
20 Dundas Street West, Suite 1100
Toronto, Ontario M5G 2G8

Marlys A. Edwardh
Email : medwardh@goldblattpartners.com
Telephone: (416) 977 -6070
Facsimile: (416) 591-7333
Lawyers for the Interveners Out on Bay Street and OUTlaws

AND TO: **AND TO: MARTHA MCCARTHY & CO LLP**
146 Davenport Road
Toronto, Ontario M5R 1J2

Joanna Radbord
Email : joanna@mccarthyco.ca
Telephone: (416) 238-7916
Facsimile: (416) 862-9001

PALIARE ROLAND ROSENBERG ROTHSTEIN LLP
155 Wellington Street West, 35th Floor
Toronto, Ontario M5V 3H1
Chris G. Paliare
Email : chris.paliare@paliarcroland.com

Telephone: (416) 646-4318
Facsimile: (416) 646-4301
Lawyers for the Intervener, The Advocates' Society

AND TO: **JOHN NORRIS**
Simcoe Chambers
116 Simcoe Street, Suite 100
Toronto, Ontario M5G 2G8

John Norris
Email: john.norris@simcoechambers.com
Telephone: (416) 596-2960
Facsimile: (416) 596-2598

BREESE DAVIES
Barristers & Solicitor
17 John Street, Suite 101
Toronto, Ontario M5T 1X3

Breese Davies
Email: bdavies@bdlaw.ca
Telephone: (416) 649-5061
Facsimile: (416) 352-7733
Lawyers for the Intervener, Criminal Lawyers' Association (Ontario)

AND TO: **ASSOCIATION FOR REFORMED POLITICAL ACTION CANADA**
130 Albert Street, Suite 2010
Ottawa, Ontario K1P 5G4

André Marshall Schutten
Email: andre@arpacanada.ca
Telephone: (613) 297 -5171
Facsimile: (613) 249-3238
Lawyers for the Intervener, Association for Reformed Political Action Canada

AND TO: **STIKEMAN ELLIOTT LLP**
5300 Commerce Court West
199 Bay Street
Toronto, Ontario M5L 1R9

Alan D'Silva
Email: adsilva@stikeman.com
Telephone: (416) 869-5204
Facsimile: (416) 947 -0866
Lawyers for the Intervener, Canadian Civil Liberties Association

AND TO: **FARRIS, VAUGHAN, WILLS & MURPHY LLP**
700 W Georgia St #25,
Vancouver, BC V7Y 1R3

Tim Dickson

Email: tdickson@farris.com

Telephone: (604) 661-9341

Facsimile: (604) 661-9349

Lawyers for the Intervener, Canadian Secular Alliance

AND TO: **MAGRATH'S INTERNATIONAL LEGAL COUNSEL**
393 University Avenue, Suite 2000
Toronto, Ontario M5G 1R6

Gavin Magrath

Email: gavin@magraths.ca

Telephone: (416) 931-0463

Facsimile: 1-888-816-8861

Lawyers for the Intervener, Lawyers' Rights \ilatch Canada

AND TO: **URSEL PHILLIPS FELLO\ryS HOPKINSON LLP**
555 Richmond Street West, Suite 1200
Toronto, Ontario M5V 3B1

Susan Ursel

Email: sursel@upftrlaw.ca

Telephone : (416) 968-3333

Facsimile: (416) 968-0325

AMY SAKALAUSKAS

Barrister and Solicitor

1690 Hollis St., 8th Floor

PO Box 7, Stn. Central

Halifax, Nova Scotia B3J 2L6

Amy Sakalauskas

Email: amy.sakalauskas@outlook.com

Telephone : (902) 424-2956

Facsimile: (902) 424-7158

IRVING MITCHELL KALICHMAN LLP

3500 De Maisonneuve Boulevard West, Suite 1400

Montreal, Quebec H3Z 3C1

Audrey Boctor

Email: aboctor@imk.ca

Telephone: (514) 934-7737
Facsimile: (514) 935-2999
Lawyers for the Intervener, The Canadian Bar Association

AND TO: **MILLER THOMSON**
700 - 9th Avenue S.W., Suite 3000
Calgary, Alberta T2P 3V4

Gerald Chipeur
Email: gchipeur@millerthomson.com
Telephone: (403) 298-2434
Facsimile: (403) 262-0007
Lawyers for the Intervener, The Seventh Day Adventist Church in Canada

AND TO: **SAM GOLDSTEIN**
318-100 Richmond Street West
Toronto, Ontario M5H 3K6

Sam Goldstein
Email: sam@samgoldstein.ca
Telephone: (416) 927 -1211
Facsimile: (416) 862-7602
Lawyers for the Intervener, Canadian Constitution Foundation

Contents

- PART I – OVERVIEW** 1
- PART II – FACTS** 1
- PART III – ISSUES** 1
 - A. Is freedom of religion engaged in this case?* 2
 - B. What standard must be met to uphold the violation of a Charter right?* 4
 - Free Society 6
 - Democratic Society 6
 - Free and democratic 8
 - C. Was the LSUC’s decision reasonable in a free and democratic society?* 8
- PART V – COSTS**..... 9
- PART VI – ORDER SOUGHT**..... 9
- Schedule “A”* 10
- Schedule “B”* 11

PART I – OVERVIEW

1. In a free and democratic society, such as Canada, can a lawyer who was trained at a Christian law school and who holds to a Biblical definition and understanding of the nature of marriage and sexuality be barred from the practice of law on the sole basis of his or her sincerely held religious beliefs?

PART II – FACTS

2. The Evangelical Fellowship of Canada (the “EFC”) and Christian Higher Education Canada (“CHEC”) accept the facts as set out in the factum of the Appellant. The EFC and CHEC repeat and reiterate however, the following facts regarding TWU.
3. TWU is a post-secondary institution but it is more than that. It is a religious community through which individuals gather together to carry out and live-out their faith. The TWU Community is comprised of TWU the institution and the people who live, work and study at TWU. These people, the students, staff and faculty, chose to live, work and study at TWU because, among other reasons, TWU is a Christian University which subscribes to Christian teaching. The decision to study, live and work at TWU is a religious decision that is made as part of a positive manifestation of one’s freedom of religion.
4. By denying TWU graduates entry into the legal profession in Ontario, the Law Society of Upper Canada (“LSUC”) violates the freedom of religion of TWU as an institution, of the TWU Community and of TWU graduates.

PART III – ISSUES

5. The EFC and CHEC make submissions on the following issues:
 - a. Is freedom of religion engaged in this case?
 - b. What standard must be met to uphold the violation of a *Charter* right?
 - c. Is the LSUC’s decision reasonable in a free and democratic society?

A. Is freedom of religion engaged in this case?

23. In *Alberta v. Hutterian Brethren of Wilson Colony*¹, the Supreme Court of Canada recognized that freedom of religion has collective aspects². While TWU is an accredited university, it is much more than that. It is a religious community through which:

- a. TWU the institution, carries out its religious mission;
- b. TWU faculty and staff carry out their ministry;
- c. TWU faculty and staff worship and practice their faith in community; and,
- d. TWU students worship and practice their faith in community.

24. Faith-based universities are made up of a community of individuals who all share the same religious beliefs for the purpose of either providing or receiving a faith-based education as part of their mission and religious worship. Indeed, TWU's mission is:

*As an arm of the Church, to develop godly Christian leaders: positive, goal-oriented university graduates with thoroughly Christian minds; growing disciples of Christ who glorify God through fulfilling the Great Commission, serving God and people in the various marketplaces of life*³.

25. TWU then, while an institution, is also a religious community. Indeed, in *Trinity Western University v. College of Teachers (British Columbia)*⁴, the Supreme Court of Canada recognized TWU as a religious community⁵. TWU as a community then, benefits from freedom of religion.

26. For a Christian, and a Christian university, the provision of education and the shaping of individuals who follow Christ is a religious calling and a form of worship. The Christian

¹ *Alberta v. Hutterian Brethren of Wilson Colony*, [2009] 2 SCR 567 [“*Hutterian Brethren*”], **Joint Book of Authorities [“JBOA”]**, at Tab 68.

² *Hutterian Brethren*, *supra*, at paras. 31, 32, 130, 131 and 182, **JBOA Authorities**, at Tab 68.

³ Trinity Western University Mission, **Exhibit “K” to the Affidavit of W. Robert Wood**, sworn August 22, 2014, Appellants’ Appeal Book and Compendium, Tab 9C, Exhibit Book, Vol. 3, Tab 18D.

⁴ *Trinity Western University v. College of Teachers (British Columbia)*, 2001 SCC 31 [“*2001 TWU*”], **JBOA Authorities**, at Tab 9.

⁵ *2001 TWU*, *supra*, at paras. 3, 23, 24, 73, **JBOA Authorities**, at Tab 9.

university then, is the mechanism through which some Christian individuals carry out their faith and benefit from their s. 2(a) *Charter* right to freedom of religion.

27. The LSUC however, denies that freedom of religion is engaged in this case⁶. It denies that a number of individuals gathering together, with like-minded individuals to pursue a common goal in the name of their faith is a religious practice worthy, in any way of *Charter* protection. It also denies that its decision to not accredit TWU violates TWU and its graduates' freedom of religion.
28. The LSUC's position is contrary to the facts of this case and to the law on freedom of religion.
29. TWU and its graduates are being denied the opportunity to study (and teach) law within the confines of an Evangelical Christian environment. The LSUC states that their decision does not prevent TWU from operating a law school, which is true, but the effect of their decision is that TWU's law school ceases to be a law school with the ability to grant law degrees that permit its graduates to practice law. The Supreme Court of Canada has been clear that both the purpose and effect of state action must be considered in evaluating *Charter* rights and violations⁷. Here, the effect of the LSUC's decision is that TWU becomes a second-tier law school from which graduates must seek accreditation as though they had graduated from a foreign law school. The sole basis of the decision which causes this effect is TWU and its community's sincerely held religious beliefs associated with sexuality and marriage.
30. Unless the LSUC can demonstrate that its differential treatment of TWU and its graduates on the basis of their sincerely held religious beliefs, resulting in TWU and its graduates' freedom of religion is demonstrably justified, the violation cannot survive.

⁶ LSUC Factum, at para. 69, 70, 71.

⁷ *R. v. Big M Drug Mart Ltd.* [1985] 1 SCR 295 [“*Big M*”], at para 80, **JBOA Authorities**, at Tab 72.

B. What standard must be met to uphold the violation of a *Charter* right?

31. The LSUC argues that no right or freedom is absolute and that freedom of religion can be constrained⁸. The LSUC is partially correct however, it misunderstands the standard or test that must be met in order to “constrain” a *Charter* right such as freedom of religion.
32. The *Charter* builds-in the standard that the State, which here is the LSUC, must meet in order to justify violating TWU and its graduates’ freedom of religion. The standard is set out at section 1 of the *Charter* and is “demonstrably justified in a free and democratic society”⁹.
33. The *Charter* is clear that in order for the LSUC to justify violating the freedom of religion of TWU the institution, TWU the community and TWU graduates, it must demonstrate that the violation is justified in a free and democratic society.
34. The term “free and democratic society” has generally been considered, interpreted and applied by the Courts in the context of whether the violation of a *Charter*-right is reasonable and justifiable. However, the concept of a free and democratic society is itself a *Charter* value that cannot be ignored in the context of considering a *Charter* right.
35. In establishing the test in *Oakes* Dickson C.J. noted that the values and principles essential to a free and democratic society include, but are not limited to:

[...] respect for the inherent dignity of the human person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group identity, and faith in social and political institutions which enhance the participation of individuals and groups in society.¹⁰
36. Dickson C.J. further states that these values and principles are “the genesis of the rights and freedoms guaranteed by the *Charter* and the ultimate standard against which a limit on a

⁸ LSUC Factum, at para. 68.

⁹ *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*”], at s. 1.

¹⁰ *R. v. Oakes*, [1986] 1 SCR 103 [“*Oakes*”], at para 64, **JBOA Authorities**, Tab 73.

right or freedom must be shown, despite its effect, to be reasonable and demonstrably justified.”¹¹

37. In her concurring reasons in *R. v. Morgentaler*,¹² Wilson J. attempted to define, at least in the context of that case, what it meant to be a free and democratic society. She stated:

It seems to me, therefore, that in a free and democratic society "freedom of conscience and religion" should be broadly construed to extend to conscientiously-held beliefs, whether grounded in religion or in a secular morality. Indeed, as a matter of statutory interpretation, "conscience" and "religion" should not be treated as tautologous if capable of independent, although related, meaning.¹³

38. In Wilson J.’s view then, a free and democratic society is one that respects freedom of conscience and religion. The EFC and CHEC submit that if this Court is to consider the effect of curtailing the Appellants’, or any litigant’s freedom of religion, it must appreciate the meaning of what it means to be a “free and democratic society”.

39. Without a proper appreciation of what a free and democratic society is, how can this Court, or any court, determine what limits to the rights and freedoms set out in the *Charter* are reasonable? Whether the limit to *Charter*-rights comes by way of legislation or by way of administrative decision-makers exercising their statutory discretion does not change the intention of the *Charter*, which sets the standard to permit limits to *Charter*-rights which are reasonable and justified in a free and democratic society.

40. The term “free and democratic society” contains two separate conceptions of society. First, it points to a “free” society and second, it points to a “democratic” society. To appreciate its full meaning, we must consider each concept individually.

¹¹ *Oakes, supra*, at para. 64, **JBOA Authorities**, Tab 73.

¹² *R. v. Morgentaler*, [1988] 1 S.C.R. 30 [*Morgentaler*], **JBOA Authorities**, Tab 74.

¹³ *Morgentaler, supra*, at para. 313, **JBOA Authorities**, Tab 74.

Free Society

41. The Supreme Court of Canada considered what a free society is in *Big M*, the seminal case on freedom of religion and the first time the Court considered section 2(a) of the *Charter*.

In *Big M*, Dickson C.J. characterized a free society as having two characteristics. He stated:

A truly free society is one which can accommodate a wide variety of beliefs, diversity of tastes and pursuits, customs and codes of conducts. A free society is one which aims at equality with respect to the enjoyment of fundamental freedoms and I say this without any reliance upon s. 15 of the *Charter*.¹⁴

42. Dickson C.J. suggested that a “free society” is one which accommodates divergent beliefs and which aims at equal enjoyment of the fundamental freedoms which includes freedom of religion. This view was echoed and affirmed by this Court in *Ross v. New Brunswick School District No. 15*¹⁵ when La Forest J. stated:

Ours is a free society built upon a foundation of diversity of views; it is also a society that seeks to accommodate this diversity to the greatest extent possible. Such accommodation reflects an adherence to the principle of equality, valuing all divergent views equally and recognizing the contribution that a wide range of beliefs may make in the search for truth.¹⁶

43. A “free society” then is one in which everyone may enjoy freedom of religion and in which their divergent religious beliefs are accommodated. In the context of section 1 of the *Charter*, and therefore any limit on a *Charter*-right then, the threshold for justifying a limit on freedom of religion in a free society must be high.

Democratic Society

44. In describing a “democratic society”, the Supreme Court of Canada has stated that:

Discrimination is unacceptable in a democratic society because it epitomized the worst effects of the denial of equality, and discrimination reinforced by law is particularly repugnant.¹⁷

¹⁴ *Big M.*, *supra*, at para. 95, **JBOA Authorities**, Tab 72.

¹⁵ *Ross v. New Brunswick School District No. 15*, [1996] 1 SCR 825 [*Ross*], **JBOA Authorities**, Tab. 71.

¹⁶ *Ross*, *supra*, at para. 91, **JBOA Authorities**, Tab. 71.

¹⁷ *Andrews v. Law Society (British Columbia)*, [1989] 1 SCR 143, at para. 17, **JBOA Authorities**, Tab 21.

45. Along this same line of reasoning, and similar to how the Supreme Court has characterized a “free society”, Iacobucci J. and Bastarache J. stated that “tolerance of divergent beliefs is a hallmark of a democratic society.”¹⁸
46. In *Hill v. Church of Scientology of Toronto*,¹⁹ Cory J. stated that “The *Charter* represents a restatement of the fundamental values which guide and shape our democratic society and our legal system.”²⁰ A “democratic society” then, must be guided and shaped by the fundamental values set out in the *Charter*, which include freedom of religion.
47. In *Hutterian Brethren*, Abella J., in her dissenting reasons, recognized that conscience and religion is one of the foundations of a “democratic society” and that pluralism, tolerance and broadmindedness are hallmarks of a “democratic society.”²¹
48. Abella J. goes on to cite with approval, the European Court Human Rights. She states:
- Although individual interests must on occasion be subordinated to those of a group, democracy does not simply mean that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of people from minorities and avoids any abuse of a dominant position.²²
49. The themes which appear in reviewing this Court’s varying descriptions of what it means to be a “democratic society” are tolerance, accommodation and balancing of diverse beliefs and practices. That being the case, when a Court considers whether an administrative decision-maker has reasonably balanced *Charter*-rights with the purposes of legislation, the standard for reasonableness must consider it in the context of a “democratic society” which, as set out above, tolerates and accommodates divergent beliefs.

¹⁸ *2001 TWU, supra*, at para. 36, **JBOA Authorities**, Tab 24.

¹⁹ *Hill v. Church of Scientology of Toronto*, [1995] 2 S.C.R. 1130 [*Hill*] **JBOA Authorities**, Tab 75.

²⁰ *Hill, supra*, at para. 92, **JBOA Authorities**, Tab 75.

²¹ *Hutterian Brethren, supra*, at paras. 128 and 129 **JBOA Authorities**, Tab 68.

²² *Hutterian Brethren, supra*, at para. 129 **JBOA Authorities**, Tab 68.

Free and democratic

50. A “free” and a “democratic” society then, is one where everyone may enjoy freedom of religion and varying views and where those views are tolerated and accommodated by others. A “free and democratic” society does not impose the majority’s views on the minority.
51. In considering the reasonableness of an administrative decision-maker’s decision which violates freedom of religion, this Court must consider whether the decision is reasonable in a “free and democratic society”.

C. Was the LSUC’s decision reasonable in a free and democratic society?

52. The Appellants here include a religious individual, a religious community and a religious institution. TWU exists to provide education in the Evangelical Christian tradition. By limiting their ability to do so (which is the effect of the LSUC’s decision), is the State operating as it should in a free and democratic society guided by the fundamental values of the *Charter* which guide and shape our democratic society and our legal system?
53. The LSUC argues that the violation, if any, is trivial or insubstantial and that TWU and its students have other opportunities to act in accordance with their religious beliefs. The EFC and CHEC submit however, that the question that must be considered when determining the reasonableness of the decision is not whether TWU students can get together on other law school campuses, but rather, whether the effect of the decision is reasonable in a “free and democratic society”. The effect of the LSUC’s decision is to deny TWU and its students the academic and professional recognition which they deserve and are entitled to. The denial of this public benefit is done on the sole basis of TWU and its students’ sincerely held religious beliefs.

54. The EFC and CHEC submit that rejecting a religious community, a religious institution and graduates from an academically sound law school on the basis of their sincerely held religious beliefs on marriage and sexuality is not reasonable in a free and democratic society.

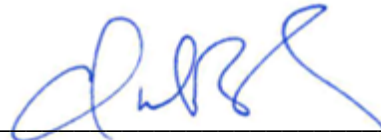
PART V – COSTS

55. The EFC and CHEC do not seek costs, and asks that no costs be awarded against them.

PART VI – ORDER SOUGHT

56. The EFC and CHEC submit that the appeal ought to be granted.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 22nd day of February, 2016.



Vincent Dagenais Gibson LLP/s.r.l.
260 Dalhousie Street, Suite 400
Ottawa, Ontario K1N 7E4

Albertos Polizogopoulos
Kristin Marie Barsoum Debs
Tel : 613-241-2701
Fax : 613-241-2599
Lawyers for the Intervenors,
the Evangelical Fellowship of Canada and
Christian Higher Education Canada

SCHEDULE “A”

AUTHORITIES CITED

1. *Alberta v. Hutterian Brethren of Wilson Colony*, [2009] 2 SCR 567
2. *Trinity Western University v. College of Teachers (British Columbia)*, 2001 SCC 31
3. *R. v. Big M Drug Mart Ltd.* [1985] 1 SCR 295
4. *R. v. Oakes*, [1986] 1 SCR 103
5. *R. v. Morgentaler*, [1988] 1 S.C.R. 30
6. *Ross v. New Brunswick School District No. 15*, [1996] 1 SCR 825
7. *Andrews v. Law Society (British Columbia)*, [1989] 1 SCR 143
8. *Hill v. Church of Scientology of Toronto*, [1995] 2 S.C.R. 1130

SCHEDULE “B”

LEGISLATION, REGULATIONS, RULES AND OTHER WORKS

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

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.

1. La *Charte canadienne des droits et libertés* garantit les droits et libertés qui y sont énoncés. Ils ne peuvent être restreints que par une règle de droit, dans des limites qui soient raisonnables et dont la justification puisse se démontrer dans le cadre d’une société libre et démocratique.