No. 35496

**IN THE SUPREME COURT OF CANADA**
**(ON APPEAL FROM THE QUEBEC COURT OF APPEAL)**

BETWEEN:

**MOVEMENT LAÏQUE QUÉBÉCOIS** and **ALAIN SIMONEAU**

Appellants

- and -

**CITY OF SAGUENAY** and **JEAN TREMBLAY**

Respondents

and

**EVANGELICAL FELLOWSHIP OF CANADA, HUMAN RIGHTS TRIBUNAL, CANADIAN CIVIL LIBERTIES ASSOCIATION, CATHOLIC CIVIL RIGHTS LEAGES, ASSOCIATION DES PARENTS CATHOLIQUES DU QUÉBEC, FAITH AND FREEDOM ALLIANCE, and CANADIAN SECULAR ALLIANCE**

Interveners

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# FACTUM OF THE INTERVENER, THE EVANGELICAL FELLOWSHIP OF CANADA

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## PART I: STATEMENT OF FACTS

1. The Evangelical Fellowship of Canada[1] ("EFC") was granted leave to intervene in this appeal by the Order of the Honourable Lebel J. on July 2, 2014. The EFC accepts the facts as set out by the Respondents. The EFC will make submissions on the following issues.

## PART II: ISSUES

2. The practical issue to be resolved in this appeal is whether the voluntary recitation of a non-sectarian prayer by some constitutes a violation of the religious freedom of others. In other words, does being exposed to the religious practice of others violate one's religious freedom?

3. The public policy questions on this appeal are the meaning of "freedom of religion", the place and role of individuals and groups who hold sincere religious beliefs in a "secular" society, and specifically whether instances of religious expression and observance in state or state-funded activities violate the neutrality of the state?

## PART III: ARGUMENT

### A. What does "freedom of religion" mean in a secular society?

4. Freedom of religion has been defined by this Court as being both a positive and a negative freedom. It has stated:

> The essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination[2].

5. The positive aspects of freedom of religion of course, are:

   a. The right to entertain religious beliefs;
   b. The right to declare religious beliefs openly; and,
   c. The right to manifest religious beliefs by worship and practice or by teaching and dissemination.

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[1] The Evangelical Fellowship of Canada ("EFC") is a national association of churches, church-related organizations and educational institutions. The EFC is an interdenominational association of Protestant denominations and represents a constituency of 40 denominations, approximately 125 other organizations and colleges in addition to individual churches. There are approximately 3.8 million Protestant Evangelicals in Canada of which approximately 1.9 million are members or adherents of EFC affiliated organizations.

[2] *R. v. Big M. Drug Mart Ltd.,* [1985] 1 SCR 295, at para. 94 ["*Big M*"], **Book of Authorities of the Appellants, Mouvement Laïque Québécois et Alain Simoneau ["*Appellants' Authorities*"], Vol. II, Tab 45**.

6. The negative aspects of freedom of religion are to be able to assert the positive right to freedom of religion "without fear of hindrance or reprisal". The inclusion of the active public words "declare openly", "teaching" and "dissemination" indicate the public aspects of freedom of religion[3].

7. This Court however, has never found that section 2(a) of the *Canadian Charter of Rights and Freedoms*'[4] (the "*Charter*") means freedom from exposure to religion. Such a notion would render the positive and public aspects of freedom of religion meaningless.

**B. What is a "secular" society?**

8. The term "secular" and the notion of "secularism" has been difficult to define. Canadian philosophers Jocelyn Maclure and Charles Taylor suggest that "secularism", in broad terms, is "a political and legal system whose function is to establish a certain distance between the state and religion". Taylor and Maclure note however, that disagreements arise when it comes time to define the term more precisely[5].

9. While many believe the term "secular" to mean non-religious, this Court found, in *Chamberlain v. Surrey School District No. 36*[6], that the common usage of "secular" to mean "non-religious" is erroneous. Specifically, Gonthier J. commented (and was concurred with by McLachlin C.J. and Lebel J. for unanimity of the Court on this point):

> In my view, Saunders J. below erred in her assumption that "secular" effectively meant "non-religious". This is incorrect since nothing in the *Charter*, political or democratic theory, or a proper understanding of pluralism demands that atheistically based moral positions trump religiously based moral positions on matters of public policy. I note that the preamble to the *Charter* itself establishes that "[...] Canada is founded upon principles that recognize the supremacy of God and the rule of law". According to the reasoning espoused by Saunders J., if one's moral view manifests from a religiously grounded faith, it is not to be heard in the public square, but if it does not, then it is publicly acceptable. The problem with this approach is that everyone has "belief" or "faith" in something, be it atheistic, agnostic or religious. To

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3 Iain T. Benson, *Living Together with Disagreement: Pluralism, the Secular, and the Fair Treatment of Beliefs in Canada Today*, Ronning Centre forums; II, ISBN 978-1-55195-261-1, at pp. 2, **Book of Authorities of the Intervener, the EFC ["*EFC Authorities*"]**, Tab 6.

4 *Canadian Charter of Rights and Freedoms*, Part I of *The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11* ["*Charter*"], ***EFC Authorities,*** Tab 8.

5 Jocelyn Maclure and Charles Taylor, *Secularism and Freedom of Conscience,* (Cambridge, Massachusetts and London, England: Harvard University Press, 2011) ["*Secularism*"], at pp. 3, ***EFC Authorities***, Tab 7.

6 *Chamberlain v. Surrey School District No. 36*, [2002] 4 S.C.R. 710 [*Chamberlain*], **Book of Authorities of the Respondents, City of Saguenay et al. ["*Respondents' Authorities*"]**, Vol. II, Tab 22.

> construe the "secular" as the realm of the "unbelief" is therefore erroneous. Given this, why, then, should the religiously informed conscience be placed at a public disadvantage or disqualification? To do so would be to distort liberal principles in an illiberal fashion and would provide only a feeble notion of pluralism. The key is that people will disagree about important issues, and such disagreement, where it does not imperil community living, must be capable of being accommodated at the core of a modern pluralism.[7] [emphasis added]

10. This Court has defined secularism in a inclusive way that recognizes the existence of divergent beliefs and faith-systems (religious or non-religious) while ensuring the state remains impartial or neutral towards any one belief or faith system in its policies and programs.

11. Indeed, Maclure and Taylor share this inclusive view of secularism by which the state seeks to be neutral or impartial. They state:

> The democratic state must therefore be neutral or impartial in its relations with the different faiths. It must also treat equally citizens who act on religious beliefs and those who do not; it must, in other words, be neutral in relation to the different worldviews and conceptions of the good—secular, spiritual, and religious—with which citizens identify. Religious diversity must be seen as an aspect of the phenomenon of individuals adopting different and sometimes incompatible value systems and conceptions of the good[8] [emphasis added].

12. A "secular" society does not mean the absence of religion, but rather, the equal treatment of all religious beliefs and traditions, including the non-religious beliefs and traditions.

13. A "secular" society, in the Canadian legal context, means non-sectarian, not non-religious. The issue then becomes determining how a "secular" state remains neutral.

**C. How does a "secular" society remain neutral?**

14. Recently the issue of state neutrality was re-examined by this Court in *S.L. v. Commission scolaire des Chênes*[9]. In *S.L.,* Deschamps J., stressing the challenge of the religious neutrality of the state, wrote:

> The author R. Moon has clearly described the difficulty of implementing a legislative policy that will be seen by everyone as neutral and respectful of their freedom of religion:

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7 *Chamberlain*, *supra,* at 137, ***Respondents' Authorities***, Vol. II, Tab 22.

8 *Secularism, supra,* at pp. 9-10, ***EFC Authorities***, Tab 7.

9 *S.L. v. Commission scolaire des Chênes*, [2012] 1 SCR 235 ["*S.L.*"], ***Respondents' Authorities***, Vol. III, Tab 56.

> If secularism or agnosticism constitutes a position, worldview, or cultural identity equivalent to religious adherence, then its proponents may feel excluded or marginalized when the state supports even the most ecumenical religious practices. But by the same token, the complete removal of religion from the public sphere may be experienced by religious adherents as the exclusion of their worldview and the affirmation of a non-religious or secular perspective.[10]

15. Deschamps J. went on to acknowledge the impossibility of absolute state neutrality and that state neutrality can only be assured if the state does not favour or hinder a specific religious belief or tradition. She stated:

> We must also accept that, from a philosophical standpoint, absolute neutrality does not exist. Be that as it may, absolutes hardly have any place in the law […] Therefore, following a realistic and non-absolutist approach, state neutrality is assured when the state neither favours nor hinders any particular religious belief, that is, when it shows respect for all postures towards religion, including that of having no religious beliefs whatsoever, while taking into account the competing constitutional rights of the individuals affected[11] [Emphasis added].

16. As suggested by Deschamps J. in noting that the state adjudicates between competing rights, a liberal and secular state is not neutral with regard to all principles and values. As Maclure/Taylor point out; "A liberal and democratic state cannot remain indifferent to certain core principles such as human dignity, basic human rights, and popular sovereignty. These are the constitutive values of liberal and democratic political systems; they provide these systems with their foundations and aims[12]." At this level of political principles and what this Court refers to as "*Charter* values," the state is not neutral, impartial or indifferent.

17. Rather, according to Maclure/Taylor, state neutrality means that the state, while adopting these shared political principles, "cannot itself adopt any of the 'core or meaning-giving beliefs and commitments – which are multiple and sometimes difficult to reconcile – that citizens espouse[13]." Respecting the religious and philosophical diversity of its citizens, the state adopts "a position of neutrality not only toward religions but also towards the different philosophical conceptions that stand as secular equivalents of religions[14]."

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10 *S.L., supra,* at para. 30, ***Respondents' Authorities***, Vol. III, Tab 56.
11 *S.L., supra,* at paras. 31-32, ***Respondents' Authorities***, Vol. III, Tab 56.
12 *Secularism, supra,* at p. 11, ***EFC Authorities***, Tab 7.
13 *Secularism, supra,* at p. 12, ***EFC Authorities***, Tab 7.
14 *Secularism, supra,* at p. 13, ***EFC Authorities***, Tab 7.

18. Maclure/Taylor posit that although a liberal state cannot remain neutral to specific shared principles, it should remain neutral to specific worldviews by which citizens affirm the shared principles[15].

19. The question of state-neutrality under the *Charter* was considered in *Big M.* and *R. v. Edwards Books and Art Ltd*.[16], which both dealt with a constitutional challenge of universal day-of-rest legislation.

20. In *Big M*¸ the Court found that establishing a law on a sectarian premise was contrary to the idea of a secular state[17].

21. In *Edwards Books* on the other hand, the Court found that although the *Retail Business Holidays Act* violated the freedom of religion of certain individuals and corporations, that it was saved by section 1 of the *Charter* because its purposes were not specifically religious in nature[18] though the effect of the law may benefit the adherents of some religions:

> In my view, legislation with a secular inspiration does not abridge the freedom from conformity to religious dogma merely because statutory provisions coincide with the tenets of a religion. I leave open the possibility, however, that such legislation might limit the freedom of conscience and religion of persons whose conduct is governed by an intention to express or manifest his or her non-conformity with religious doctrine. None of the retail stores involved in the present appeals has established that it was open on Sunday for any purpose other than to make money. Accordingly, there is no evidentiary foundation to substantiate the contention of some of the retailers that their freedom from conforming to religious doctrine has been abridged[19].

22. The general issue of state-neutrality, and the specific issue of reciting a prayer before a town council meeting, was examined by the Court of Appeal for Ontario in *Freitag v. Penetanguishene*[20]. In *Penetanguishene,* the Court of Appeal for Ontario concluded that because the prayer in question was a sectarian prayer and its purpose was to impose a

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15 *Secularism, supra,* at p. 11, ***EFC Authorities***, Tab 7.

16 *R. v. Edwards Books and Art Ltd.,* [1986] 2 S.C.R. 713 ["*Edwards Books*"], ***Respondents' Authorities***, Vol. III, Tab 50.

17 *Big M, supra,* at para. 98, ***Appellants' Authorities, Vol. II, Tab 45***.

18 *Edwards Books, supra,* at paras. 62 and 101, ***Respondents' Authorities***, Vol. III, Tab 50.

19 *Edwards Books, supra,* at para. 101, ***Respondents' Authorities***, Vol. III, Tab 50.

20 *Freitag v. Penetanguishene*, [1999] O.J. No. 3524 ["*Penetanguishene*"], ***Appellants' Authorities***, Vol. II, Tab 28.

specifically Christian moral tone on the deliberations of the council, it violated the complainant's freedom of religion[21].

23. More recently, the Ontario Superior Court considered the issue of the recitation of a non-sectarian or non-denominational prayer before town council meetings. In *Allen v. Corporation of the County of Renfrew*[22], the Ontario Superior Court found that the non-sectarian and non-denominational prayer read before council meetings was broadly inclusive and not a religious observance that imposed a burden or restriction on the practice of the complainant's religious beliefs[23]. Justice Hackland stated:

> With due respect to the applicant's submission, I do not accept the proposition that the mere mention of God in a prayer in a governmental meeting, accompanied by the implication that God is the source of the values referred to in the prayer, can be seen as a coercive effort to compel religious observance. The current prayer is broadly inclusive and is non- denominational, even though the reference to God is not consistent with the beliefs of some minority groups. In a pluralistic society, religious, moral or cultural values put forward in a public governmental context cannot always be expected to meet with universal acceptance […] In my view, it would be incongruous and contrary to the intent of the *Charter* to hold that the practice of offering a prayer to God *per se* is a violation of the religious freedom of non- believers. This conclusion derives considerable support from the fact that the preamble to the *Charter* itself specifically refers to the supremacy of God[24].

24. In *Big M* and *Edwards Books*, this Court differentiated between a religious and secular purpose of universal day-of-rest legislations. In *Penetanguishene* and *Allen*, the Ontario Court of Appeal and Superior Court of Ontario differentiated the degree to which a form of religious observance was broadly accommodating of the religious diversity of citizens.

25. In those cases, as in this case, if the purpose and effect of the religious observance, specifically a prayer, does not impose or favour a specific religious ideology or tradition, then state neutrality remains intact and no religious violations occur.

26. This Court has been clear. Secularism is not the absence of religion and state-neutrality is not the prohibition of all religious expression. Rather, a secular society recognizes the importance of the various faith commitments and their public expression that are adhered to

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21 *Penetanguishene, supra,* at paras. 25 and 50, ***Appellants' Authorities***, Vol. II, Tab 28.

22 *Allen v. Renfrew (Corp. of the County)*, 2004 13978 (ON SC) ["*Allen*"], ***Appellants' Authorities***, Vol. I, Tab 11.

23 *Allen, supra,* at para. 27, ***Appellants' Authorities***, Vol. I, Tab 11.

24 *Allen, supra,* at para. 19, ***Appellants' Authorities***, Vol. I, Tab 11.

by citizens and a neutral state does not prohibit religious observance but rather seeks to accommodate religious expression in a fair and impartial manner.

27. Further, the underlying faith commitments of citizens, and the observance of these commitments, fosters affirmation for the public principles that guide the secular state in its policies and activities. Maclure/Taylor argue that people "with various diverse religious, metaphysical and secular convictions can share and affirm these constitutive values. They often arrive at them by very different paths, but they come together to defend them[25]."

28. Maclure/Taylor refer to this convergence on agreed public principles as an overlapping consensus. They explain it this way:

> A Christian, for example, will be able to defend fundamental rights and freedoms by invoking the idea that the human being was created in God's image; a Kantian rationalist will say that it is necessary to recognize and protect the equal dignity of rational beings; a utilitarian will maintain that one must seek to maximize the happiness of sentient beings capable of both pleasure and pain; a Buddhist will invoke the core principle of *abimsa*, nonviolence; and an indigenous person or deep ecologist, referring to a holistic conception of the world, will maintain that living beings and natural forces stand in relation of complementarity and interdependence and that, consequently, each of them, including human beings, must be granted equal respect. All of them agree on the principles, even though they cannot reach an agreement about the reasons that warrant it[26].

29. Accommodating religious observance of the diverse faiths of citizens, even in the context of state sponsored functions, contributes to the overlapping consensus by enabling citizens to affirm their commitment to that which nourishes their support for the political principles which sustains a liberal democracy.

30. Maclure/Taylor also argue that facilitating religious observance, say in the provision of health care, can contribute positively to the purpose of the service being supplied by the state and assist in the secular purpose; the well being of its citizens (and the common good)[27].

31. The test of the neutrality of the state is, as Maclure/Taylor suggest, not whether a public official or a representative of the state engages in a religious practice or wears a religious

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[25] *Secularism, supra,* at p. 11, ***EFC Authorities***, Tab 7.
[26] *Secularism, supra,* at p. 12, ***EFC Authorities***, Tab 7.
[27] *Secularism, supra,* at p. 40, ***EFC Authorities***, Tab 7

symbol, but rather, whether the public official, in carrying out his or her public duties, carries them out in a neutral manner[28] and in accordance with the shared political principles.

32. In the case of prayer before a city council meeting then, the issue ought not be whether the council begins its prayer with a voluntary non-sectarian prayer or if, for example, a council member wears a specific religious symbol, but rather, whether the council, in carrying out its official duties, does so neutrally by giving deference to the shared principles of the overlapping consensus, and not to a specific religious, philosophical or moral worldview from which some derive their adherence to the shared principles.
33. To conclude otherwise would be to turn the concept of secularism, as this Court has recognized it, on its head. The practical implications of such a conclusion, and the logical conclusion, would be to prohibit any and all forms of religious observance, in state run or state sponsored activities. Could the state continue to fund and provide chaplaincy services to inmates and members of the military for example? Or would doing so violate the secular state's requirement to remain neutral? Can public property, such as parks or arenas, be used from time to time by groups of citizens for religious activities? Can public officials or teachers wear religious symbols or would any expression of religious commitment within a state sponsored activity or on public property violate the principle of state neutrality?
34. The EFC submits that, as Maclure/Taylor suggest, so long as the public official or state representative carries-out the function of his or her office in an impartial and neutral manner, his or her engaging in a practice of religious observance or the wearing of religious symbols should not and does not offend the principle of state neutrality. Likewise the use of public facilities by groups for religious activities is not incompatible with the neutrality of the state.

**D. Does being exposed to religious practice of others violate one's religious freedom?**

35. The practical issue in this appeal is whether the voluntary recitation of a non-sectarian prayer by some constitutes a violation of the religious freedom of others. The EFC submits that it does not.
36. Compulsion to participate in, not exposure to, religious practice constitutes a violation of one's freedom of religion[29]. The mere exposure to someone praying, just like the exposure to the wearing of religious symbols, and the use of public facilities for religious activities or the

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[28] *Secularism, supra,* at pp. 46-48, ***EFC Authorities***, Tab 7.
[29] *Big M., supra,* at para. 85, ***Appellants' Authorities***, Vol. II, Tab 45.

display of religious symbols, does not constitute a violation of section 2(a) of the *Charter.* Indeed, the Divisional Court of Ontario has stated:

> The silent presence of crosses and crucifixes does not constrain the chosen religious practices of those exposed to them and does not compel or coerce them to engage in religious practices or observances which they would not freely choose.
>
> The silent presence of crosses and crucifixes in the Pembroke General Hospital does not infringe any *Charter* religious rights[30].

37. Similarly, the Federal Court of Canada found that mere interaction with a police officer wearing a religious symbol does not infringe one's religious freedom. It stated:

> I have not been persuaded that the interaction of a member of the public with a police officer who carries an identification of his religious persuasion as part of his uniform, constitutes an infringement of the former's freedom of religion. There is no necessary religious content to the interaction between the two individuals. […] In the case of interaction between a member of the public and a police officer wearing a turban, I do not see any compulsion or coercion on the member of the public to participate in, adopt or share the officer's religious beliefs or practices. The only action demanded from the member of the public is one of observation. That person will be required to observe the officer's religious affiliation. I cannot conclude that observation alone, even in the context of a situation in which the police officer is exercising his law enforcement powers, constitutes an infringement of the freedom of religion of the observer[31].

38. The EFC submits that the same rationale applies in this case. While the ways and means of accommodating religious expression may reasonably vary from context to context, should be guided by principles of fairness and respect, and urges this Court to resist imposing one way of accommodating religious diversity, simply being exposed to the presence of religious symbols or voluntary prayers does not constitute a violation of the freedom of religion of the observer. If participation in the prayer was mandatory, that would not be the case. Concluding otherwise would render the protection afforded by section 2(a) of the *Charter* entirely meaningless.

39. In *Big M*, this Court defined freedom of religion as a positive right that permits individuals to

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30 *Pembroke Civic Hospital v. Ontario (HSRC)*, [1997] 36 O.R. (3d) 41, at paras. 53-54, ***EFC Authorities***, Tab 3.

31 *Grant v. Canada (Attorney General)*, [1995] 1 CF 158, at para. 84, ***EFC Authorities***, Tab 2.

hold religious beliefs, declare them and practice their faith[32].

40. If the mere witnessing of religious symbols and practice, such as public prayer, can be considered a violation of one's religious freedom, section 2(a) of the *Charter* ceases to be a positive right. In other words, instead of acting as a shield to state-interference in religious practice, section 2(a) of the *Charter* would become a sword to cut-down religious practice in the public sphere.
41. The EFC submits that taking such a finding to its logical conclusion would completely remove religious practice, manifestation or symbols from the public sphere. In other words, concluding that exposure to the voluntary recitation of a non-sectarian prayer by some constitutes a violation of the religious freedom of others would mean that freedom of religion (for the religious individuals seeking protection to live-out his or her faith) can only be exercised in private.
42. Such a conclusion, and such a result, would be in direct conflict with this Court's definition of "secularism" which is an open and inclusive secularism.
43. If section 2(a) of the *Charter* is used as a sword instead of a shield, it becomes meaningless and so does the concept of freedom of religion.
44. The EFC submits that as a secular society, Canada must not exclude all religious tradition and manifestation from the public square, but rather, must welcome and accommodate them.

## PART IV: COSTS

45. The EFC does not seek costs, and asks that no costs be awarded against it.

## PART V: ORDER SOUGHT

46. The EFC request the right to make oral arguments of no more than 10 minutes at the hearing of this appeal.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**, this 25th day of August, 2014.

ALBERTOS POLIZOGOPOULOS
Counsel for The Evangelical Fellowship of Canada

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[32] *Big M, supra,* at para. 94, ***Appellants' Authorities***, Vol. II, Tab 45.

## PART VI: TABLE OF AUTHORITIES

| CASES | PARAGRAPH(S) |
|---|---|
| *Allen v. Renfrew (Corp. of the County)*, 2004 13978 (ON SC) | 19, 27 |
| *Chamberlain v. Surrey School District No. 36*, [2002] 4 S.C.R. 710 | 137 |
| *Freitag v. Penetanguishene*, [1999] O.J. No. 3524 | 25, 50 |
| *Grant v. Canada (Attorney General)*, [1995] 1 CF 158 | 84 |
| *Pembroke Civic Hospital v. Ontario (HSRC)*, [1997] 36 O.R. (3d) 41 | 54, 55 |
| *R. v. Big M Drug Mart,* [1985] 1 S.C.R. 295 | 85, 94, 98 |
| *R. v. Edwards Books* [1986] 2 S.C.R. 713 | 62, 101 |
| *S.L. v. Commission scolaire des Chênes*, [2012] 1 SCR 235 | 30, 31, 32 |

### Other References

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| Iain T. Benson, *Living Together with Disagreement: Pluralism, the Secular, and the Fair Treatment of Beliefs in Canada Today*, Ronning Centre forums; II, ISBN 978-1-55195-261-1 | pp. 2 |
| Jocelyn Maclure and Charles Taylor, *Secularism and Freedom of Conscience,* (Cambridge, Massachusetts and London, England: Harvard University Press, 2011) | pp. 3, 10, 11, 12, 19, 40, 46, 47, 48 |

## PART VII: LEGISLATIVE PROVISIONS

*Canadian Charter of Rights and Freedoms*, Part I of *The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11* s. 2(a)

*Canadian Charter of Rights and Freedoms*, Part I of *The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11*

**Fundamental freedoms**

**2.** Everyone has the following fundamental freedoms:

(*a*) freedom of conscience and religion;

**Libertés fondamentales**

**2.** Chacun a les libertés fondamentales suivantes :

*a*) liberté de conscience et de religion;

Court File Number: 35496

**MOUVEMENT LAÏQUE QUÉBÉCOIS et al. and CITY OF SAGUENAY et al.**

Appellants Respondents

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**IN THE SUPREME COURT OF CANADA (ON APPEAL FROM THE QUEBEC COURT OF APPEAL)**

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# FACTUM OF THE INTERVENER, THE EVANGELICAL FELLOWSHIP OF CANADA

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