Court File Number: 37748

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

B E T W E E N:

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Applicant
(Respondent on Appeal)

- and -

ALEXANDER VAVILOV

Respondent
(Appellant on Appeal)

RESPONDENT'S MEMORANDUM OF ARGUMENT
(Pursuant to Rule 27 of the *Rules of the Supreme Court of Canada*)

PART I - FACTS

Overview

1. There is no legal or contextual reason for an appeal in this matter to be heard by this Honourable Court. No issue of public importance is present. Nor is this a case where the standard of review makes or should make any difference in the result. Paragraph 3(2)(a) and related provisions of the *Citizenship Act* are clear in both meaning and intent. The interpretation placed on those provisions by the Applicant violates the most basic tenets of statutory interpretation laid down by this Court, and is therefore unreasonable. Moreover, the application of those provisions to the unusual facts of this specific case is unlikely to arise again in future.

Background

2. The Respondent, Alexander Vavilov, was born Alexander Foley in Toronto, Ontario on June 3, 1994 into what was to all appearances an ordinary Canadian family. He was raised initially in Canada and later, for a few years in France until his parents moved to the United States. Alexander lived all his life identifying as Canadian. He renewed his Canadian passport several times throughout his young life, until 2013, with his last application for renewal remaining unanswered.[1]

3. Unbeknownst to Alexander, his parents had entered Canada from Russia and assumed false Canadian identities prior to his birth. In 2010, Alexander's parents were arrested in the United States and charged with acting as unregistered agents of a foreign government in that country. They were returned to Russia. Alexander then found himself in a country with which he was wholly unfamiliar and to which he had no ties whatsoever. He has tried since then to spend as much time outside of Russia as possible.[2]

4. By decision dated August 15, 2015, the Canadian Registrar of Citizenship cancelled Alexander's certificate of Canadian citizenship based upon a determination, pursuant to subsection 26(3) of the *Citizenship Regulations*,[3] that Alexander was "not entitled" to citizenship.[4]

5. This decision was based upon a report of a Citizenship Analyst which found that although Alexander had been born in Toronto, neither of his parents were Canadian citizens or lawfully admitted to Canada. In addition, the report found that Alexander's parents were charged of being

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[1] Report to the Registrar, dated June 24, 2014 ("Report to the Registrar") [Application for Leave to Appeal of the Applicant ("ALA"), Tab B at 6, 16-17]; Judgment and Reasons for Judgment of the Federal Court, T-1976-14, by Justice Bell, dated August 10, 2015 ("FC Judgment") at paras 2-3 [AALA, Tab B at 20-21]

[2] FC Judgment at paras 2-6 [ALA, Tab B at 20-22]; Report to the Registrar [ALA, Tab B at 6, 17]; Reasons for Judgment of the Federal Court of Appeal, A-394-15, by Justice Stratas, dated June 21, 2017 ("FCA Judgment") at paras 2-4 [ALA, Tab B at 37]

[3] SOR-93/246 ss. 26(3)

[4] Decision and Reasons of the Registrar of Citizenship, dated August 15, 2014 ("Registrar's Decision") [ALA, Tab B at 4]; FC Judgment at para. 12 [ALA, Tab B at 24]; FCA Judgment at para. 5 [ALA, Tab B at 37]

foreign intelligence agents operating against the United States in that country.[5]

6. The reasons provided in the report to the Registrar invoked paragraph 3(2) of the *Citizenship Act* to conclude that the Respondent was not entitled to citizenship.[6] The report alleged that Alexander's parents had been working as "employees or representatives of a foreign government" within paragraph 3(2)(a) during the time they resided in Canada, including at the time of his birth.[7]

7. There was no dispute that neither of Alexander's parents had any ties to the Russian diplomatic missions in Canada; that neither held any form of diplomatic, consular or equivalent status or enjoyed any of the privileges or immunities that are attached to such status.[8]

8. Alexander challenged the Registrar's decision in the Federal Court.[9] Justice Bell found the standard of review was correctness on the interpretation of paragraph 3(2)(a) of the *Citizenship Act*, and reasonableness for the application of this provision to the facts at issue in the case. He agreed with the Registrar's interpretation of the *Act* and dismissed the application for judicial review.[10]

Federal Court of Appeal

9. The Federal Court of Appeal allowed the Respondent's appeal, setting aside the judgment of the applications judge, and quashing the Registrar's decision to cancel Alexander's citizenship on the basis that it was unreasonable.[11]

10. Writing for the majority, Justice Stratas considered and applied the analysis in three decisions of this Honourable Court - *Dunsmuir, Alberta Teachers' Association*, and *Edmonton*

[5] Report to the Registrar [ALA, Tab B at 6, 12, 15-17]; FCA Judgment at para. 6 [ALA, Tab B at 38]
[6] Registrar's Decision [ALA, Tab B at 6]
[7] Report to the Registrar [ALA, Tab B at 17]
[8] FC Judgment at para. 11 [ALA, Tab B at 23]
[9] FC Judgment [ALA, Tab B at 19]
[10] FC Judgment at paras 15-17 [ALA, Tab B at 25-26]
[11] FCA Judgment [ALA, Tab B at 35, 64]

East – in holding that the appropriate standard of review on issues of statutory interpretation was reasonableness.[12]

11. Justice Stratas found the Registrar's analysis with respect to paragraph 3(2)(a) of the *Citizenship Act* was unreasonable within the meaning established by this Honourable Court in *Dunsmuir*, because it lacked the requisite consideration of the provision's context and purpose, legislative history, and relevant principles of international law.[13] Justice Stratas determined that, consistent with international law, paragraph 3(2)(a) of the *Citizenship Act* only denies citizenship to the children of those employees of foreign governments who also enjoy diplomatic privileges and immunities.[14]

12. Justice Stratas concluded that paragraph 3(2)(a) of the *Act* is not engaged solely through employment with a foreign government, but requires the additional element of diplomatic immunity.[15] He held that the term "employee" as it appears in the phrase "diplomatic or consular officer or other representative or employee" in paragraph 3(2)(a) must be interpreted as referring only to those employees who, like other diplomatic or consular officers or representatives referred to, enjoy diplomatic immunity and privileges.

13. Justice Stratas further observed that this interpretation is confirmed by paragraph 3(2)(c) of the *Act*, which refers to "diplomatic privileges and immunities certified by the Minister of Foreign Affairs to be equivalent to those granted to a person or persons referred to in paragraph (a)." It is a matter of a clear and explicit statement in the statute itself, in paragraph 3(2)(c) of the *Act*, that the "representatives or employees" referred to in paragraph 3(2)(a) are only those "representatives or employees" of a foreign government who have diplomatic privileges and immunities.[16]

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[12] FCA Judgment at paras 25-33 [ALA, Tab B at 43-44], citing *Dunsmuir v New Brunswick*, 2008 SCC 9; *Alberta (Information and Privacy Commissioner) v Alberta Teachers' Association*, 2011 SCC 61; and *Edmonton (City) v Edmonton East (Capilano) Shopping Centres Ltd*, 2016 SCC 47.
[13] FCA Judgment at paras 40-44 [ALA, Tab B at 47-48]
[14] FCA Judgment at paras 45-48 [ALA, Tab B at 48-49]
[15] FCA Judgment at para. 56 [ALA, Tab B at 52]
[16] FCA Judgment at paras 61-62 [ALA, Tab B at 53-54]

14. These findings were based on an analysis of the entirety of subsection 3(2), its legislative history, and of corresponding provisions regarding diplomatic immunity in the *Vienna Convention on Diplomatic Relations* and the *Foreign Missions and International Organizations Act*.[17]

15. Given that the essential facts of the case were not in dispute that no such privileges or immunities applied to Alexander's parents, the Federal Court of Appeal concluded that revocation of Alexander's citizenship on the basis of paragraph 3(2)(a) could not be sustained.[18]

[17] FCA Judgment at paras 57-60 [ALA, Tab B at 52-53]
[18] FCA Judgment at para. 79 [ALA, Tab B at 61]

PART II - POINTS IN ISSUE

16. The sole issue in this application is whether the proposed appeal raises any question that is of such public importance or significance that would warrant determination by this Honourable Court.

17. The Respondent submits that neither of the issues proposed by the Applicant with respect to the decision of the Federal Court of Appeal warrant intervention by this Honourable Court.

PART III - ARGUMENT

18. The application for leave to appeal is based on alleged errors in the Federal Court of Appeal's formulation and application of the reasonableness standard of judicial review to the Registrar's interpretation of paragraph 3(2)(a) of the *Citizenship Act*.

19. The Respondent maintains that leave to appeal should be denied because no issue of public importance is raised. First, the decision of the Federal Court of Appeal draws upon the framework established in *Dunsmuir* in a manner which this Court has already decided does not warrant leave to appeal. Second, the mere fact that the proposed appeal involves the *Citizenship Act* does not *per se* involve an issue of public importance, particularly where the interpretation issue arises in the context of an exceptional set of facts that are unlikely to reoccur. Third, standard of review is not determinative, because there is in reality only one defensible interpretation available, and that is the one reached by the Federal Court of Appeal, which applies well-established principles of statutory interpretation to construe a specific provision.

A. The Federal Court of Appeal's Approach to the Reasonableness Standard

20. The Applicant contends that the Federal Court of Appeal's approach to the reasonableness standard of review raises an issue of public importance, because it is inconsistent with this Court's jurisprudence, creates uncertainty, and is an "inappropriate development of the law." In particular, the Applicant asserts that Justice Stratas' reference to a "margin of appreciation" within the reasonableness standard of review stands at odds with this Court's jurisprudence and has broad implications.[19]

21. To the contrary, while reasonableness is indeed a single standard, the Respondent submits it is nevertheless a "flexible deferential standard" that "varies" or "takes its colour" from the context and nature of the issue.[20] Thus, for example, in *Alberta Teachers Association*, cited at

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[19] Applicant's Memorandum of Argument at para. 3 [ALA, Tab C at 76]

[20] See *Catalyst Paper Corp. v North Cowichan (District)*, 2012 SCC 2 at paras 17-18, 23; *Dunsmuir v New Brunswick*, 2008 SCC9 ["*Dunsmuir*"] at para. 64; *Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 at para. 59

length and relied upon by the Applicant, Justice Rothstein emphasized that "review of a question of statutory interpretation is different from a review of the exercise of discretion."[21] Here there is no statutory language conferring discretion on the decision-makers: the issue is strictly whether Alexander is "entitled to citizenship" under the legislation.

22. As a result of these differences, the question of what a reasonableness standard requires in a given context arises on numerous occasions and gives rise to numerous approaches depending on context and the nature of the decision under review. The Federal Court of Appeal and other appellate courts have frequently taken the same "margins of appreciation" approach to the reasonableness standard as was applied by Justice Stratas in the present case.[22] This Court has had numerous opportunities to revisit or reconsider the framework established by *Dunsmuir* on this point, but has expressly decided not to do so.[23]

23. Indeed, this Court has already had occasion to consider the "margin of appreciation" as it was applied by the Federal Court of Appeal in the context of another decision-maker's interpretation of their home statute. In *Wilson v Atomic Energy of Canada Ltd*, only Justice Cromwell rejected the "margins of appreciation" approach as an inappropriate development of this Court's standard of review jurisprudence.[24] Chief Justice McLachlin and Justices Karakatsanis, Wagner, and Gascon all declined to engage in any broader reconsideration of the reasonableness standard of review based upon the "margins of appreciation" approach.[25]

24. It is clear from *Wilson* that the majority of this Court has expressly decided not to reopen

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[21] Applicants' Memorandum at para. 41, citing *Alberta Teachers Assn*. at para. 37 and *Canada (Canadian Human Rights Commission) v Canada (AG),* 2011 SCC 53
[22] See, e.g., *O'Connell, as the Registrar of Motor Vehicles for the Province of New Brunswick v Maxwell*, 2016 NBCA 37 at para. 38; *Winnipeg Airports Authority v Public Service Alliance of Canada*, 2015 MBCA 94 at para. 29; *Mills v Ontario (Workplace Safety and Insurance Appeals Tribunal)*, 2008 ONCA 436 at para. 22; and in the Federal Court of Appeal, see, e.g., *Paradis Honey Ltd v Canada*, 2015 FCA 89 at paras 135-136; *Maritime Broadcasting System Limited v Canadian Media Guild*, 2014 FCA 59 at paras 34-36; *Canada (Minister of Transport, Infrastructure and Communities) v Farwaha*, 2014 FCA 56; *Canada (Attorney General) v Canadian Human Rights Commission*, 2013 FCA 75 at paras 13-14; *Canada (Attorney General) v Abraham*, 2012 FCA 266 at paras 37-50;
[23] See, e.g., *Wilson v Atomic Energy of Canada Ltd*, 2016 SCC 29 ["*Wilson*"] at paras 70, 72, 78; *Edmonton (City) v Edmonton East (Capilano) Shopping Centres Ltd*, 2016 SCC 47 at para. 20
[24] *Wilson, supra* at para. 73
[25] *Wilson, supra* at para. 70

the issue of standard of review, when recently faced with the same "margins of appreciation" approach applied under similar circumstances (namely, a decision-maker's interpretation of their home statute). Indeed, the Court declined to revisit this issue, even when confronted (as here) by arguments that it has at times "blurred the conceptual distinctions" between correctness and reasonableness review.[26]

25. The Applicant cites no decisions reflecting concerns about uncertainty in the courts below and offers no evidence to show the nature or extent of the alleged impact any such uncertainty has on litigants. The Applicant has failed to establish any record of conflicting decisions or otherwise unworkable legal principles resulting from the Court of Appeal's application of the reasonableness standard.

26. While the underlying standard of review principles may be expressed in different ways, the framework established in *Dunsmuir* remains authoritative and unchallenged by the Federal Court of Appeal's decision in the present case. The manner in which the *Dunsmuir* framework was articulated and applied in the present case does not create any new controversy or division in the law that is sufficient to warrant decision by this Court.

B. Exceptional Facts Do Not Meet Threshold of Public Importance

27. The Applicant appears to contend that the interpretation of the *Citizenship Act* is *per se* an issue of public importance sufficient to warrant an appeal to this Honourable Court, and specifically the interpretation of paragraph 3(2)(a) of the *Citizenship Act* as it relates to those individuals who may be employed in Canada as spies of foreign governments.

28. The Respondent submits that the facts of this case are truly exceptional, with no other examples in the record. It is reasonable to assume that these facts would not be repeated, or only

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[26] *Wilson, supra* at para. 27, citing David Mullan, "Unresolved Issues on Standard of Review in Canadian Judicial Review of Administrative Action — The Top Fifteen!" (2013), 42 Adv. Q. 1, at 76-81, in which Prof. Mullan cites as examples *British Columbia (Workers' Compensation Board) v Figlioa,* 2011 SCC 52; *Canada (Canadian Human Rights Commission) v Canada (Attorney General)*, 2011 SCC 53; *Alberta (Education) v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 SCC 37; and *Halifax (Regional Municipality) v Canada (Public Works and Government Services)*, 2012 SCC 29.

in the most unusual circumstances. The Supreme Court of Canada ought not to expend its resources on cases that relate to exceptional facts with no realistic chance of reoccurring.

C. The Federal Court of Appeal's Interpretation is the Only Reasonable One

29. The interpretation reached by the majority of the Federal Court of Appeal is the only defensible one in this case and further appellate review is not warranted. Although Justice Abella in *Wilson* did not adopt the Federal Court of Appeal's "margins of appreciation" concept, she did acknowledge that there may be occasions where only one "defensible" interpretation of a statutory provision exists. Indeed, in that case, she rejected as unreasonable an interpretation that undermined the purpose of the statutory scheme in issue.[27] That is precisely the conclusion reached by Justice Stratas in the present case.[28]

30. This same approach was also articulated, albeit in slightly different terms, by Justice Moldaver, writing for the majority of the Court in *McLean*:

> It will not always be the case that a particular provision permits multiple reasonable interpretations. Where the ordinary tools of statutory interpretation lead to a single reasonable interpretation and the administrative decision maker adopts a different interpretation, its interpretation will necessarily be unreasonable — no degree of deference can justify its acceptance; see, e.g., *Dunsmuir*, at para. 75; *Mowat*, at para. 34. In those cases, the "range of reasonable outcomes" ([*Khosa*] at para. 4) will necessarily be limited to a single reasonable interpretation — and the administrative decision maker must adopt it.[29]

31. The interpretation suggested by the Applicant is unreasonable for these same reasons. An interpretation of the word "employee" in paragraph 3(2)(a) of the *Act* that includes all employees of a foreign government renders all the preceding words in that provision - "diplomatic or consular officer or other representative or" -superfluous. Similarly, such interpretation is inconsistent with the express statement in paragraph 3(2)(c) that the "person or persons referred to in paragraph (a)" are only those persons **who enjoy** "**diplomatic privileges and**

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[27] *Wilson, supra* at paras 18-19, 35 (citing *Canada (Canadian Human Rights Commission) v Canada (Attorney General),* 2011 SCC 53, and *Halifax (Regional Municipality) v Canada (Public Works and Government Services)*, 2012 SCC 29) and 39
[28] FCA Judgment at para. 72 [ALA, Tab B at 58]
[29] *McLean v British Columbia (Securities Commission)*, 2013 SCC 67 at para. 38

immunities". For clarity, section 3 of the *Citizenship Act*, including subsection 3(2) in its entirety, reads as follows:

Persons who are citizens	**Citoyens**
3(1) Subject to this Act, a person is a citizen if	3(1) Sous réserve des autres dispositions de la présente loi, a qualité de citoyen toute personne:
(a) ***the person was born in Canada after February 14, 1977***;	(a) née au Canada après le 14 février 1977;
[…]	[…]
Not applicable to children of foreign diplomats, etc.	**Inapplicabilité aux enfants de diplomates étrangers, etc.**
(2) Paragraph (1)(a) does not apply to a person if, at the time of his birth, neither of his parents was a citizen or lawfully admitted to Canada for permanent residence ***and*** either of his parents was	(2) L'alinéa (1)(a) ne s'applique pas à la personne dont, au moment de la naissance, les parents n'avaient qualité ni de citoyens ni de résidents permanents et dont le père ou la mère était:
(a) a diplomatic or consular officer or other representative or employee in Canada of a foreign government;	(a) agent diplomatique ou consulaire, représentant à un autre titre ou au service au Canada d'un gouvernement étranger;
(b) an employee in the service of a person referred to in paragraph (a); or	(b) au service d'une personne mentionnée à l'alinéa (a);
(c) an officer or employee in Canada of a specialized agency of the United Nations or an officer or employee in Canada of any other international organization to whom there are granted, by or under any Act of Parliament, **diplomatic privileges and immunities** certified by the Minister of Foreign Affairs to be **equivalent to those granted to a person or persons referred to in paragraph (a)**. [Emphasis added]	(c) fonctionnaire ou au service, au Canada, d'une organisation internationale — notamment d'une institution spécialisée des Nations Unies — bénéficiant sous le régime d'une loi fédérale de privilèges et immunités diplomatiques que le ministre des Affaires étrangères certifie être équivalents à ceux dont jouissent les personnes visées à l'alinéa (a).

32. Moreover, a purposive and contextual interpretation of subsection 3(2) of the *Citizenship Act* affirms the analysis of Justice Stratas. The purpose of exempting some children born on Canadian soil from the general rule of *jus soli* is to ensure that all Canadians have the same rights and duties. Without the exception to citizenship in subsection 3(2) of the *Act*, children born to

foreign officials who enjoy diplomatic privileges and immunities would be Canadian citizens who also, by virtue of their parentage, benefit from immunity from Canadian laws. This purpose for the exception to citizenship in subsection 3(2) of the *Act* was articulated well by the Federal Court in *Al-Ghamdi v Canada (Foreign Affairs and International Trade)*:

> It is precisely because of the vast array of privileges accorded to diplomats and their families, which are by their very nature inconsistent with the obligations of citizenship, that a person who enjoys diplomatic status cannot acquire citizenship.[30]

33. This interpretation of paragraph 3(2)(a) of the *Citizenship Act* is also completely consistent with the context of international law and other domestic legislation, namely the *Vienna Convention on Diplomatic Relations*, 500 UNTS 241 ("*VCDR*" or "*Vienna Convention*") and *Foreign Missions and International Organizations Act*, SC 1991, c. 41 ("*FMOIA*").[31] The Applicant's criticism of the Court of Appeal's analysis overlooks the crucial point that the definitions of those entitled to diplomatic privileges and immunities in both instruments are broader than simply diplomatic and consular officers.[32]

34. The Federal Court of Appeal recognized this, noting that the *FMOIA* incorporates into Canadian law many articles of the *VCDR*, including and in particular article 1.[33] Article 1 of the *VCDR* enumerates many different kinds of officials who work as "members of the staff of the mission", including "diplomatic staff", "administrative and technical staff", and "service staff". Importantly, while not all "staff of the mission" are "diplomatic staff" under the *VCDR*, all enjoy diplomatic privileges and immunities.[34] Similarly, section 4 of the *FMOIA* does not simply confer diplomatic privileges and immunities on diplomatic or consular officers, but rather to "persons connected" to diplomatic missions or consular posts. It is for these reasons that the Court of Appeal found that subsection 3(2) of the *Citizenship Act* mirrored provisions of the *FMOIA* and *VCDR*.[35]

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[30] *Al-Ghamdi v Canada (Foreign Affairs and International Trade)*, 2007 FC 559 at paras 63-76
[31] FCA Judgment at paras 45, 57-60 [ALA, Tab B at 48, 52-53]
[32] Applicant's Memorandum of Argument at paras. 29-30 [ALA, Tab C at 85]
[33] *FMOIA*, section 3(1) and Schedule I - the *Vienna Convention on Diplomatic Relations*; see FCA Judgment, para. 57 [ALA, Tab B at 57]
[34] *Vienna Convention on Diplomatic Relations*, Articles 29, 31, and 33-37. Notably, all of these articles are incorporated into Canadian law under s. 3(1) of *FMOIA*.
[35] FCA Judgment at paras 57-58 [ALA, Tab B at 52-53]

35. The Applicant's argument is mistaken in suggesting that the *FMOIA* post-dates the enactment of paragraph 3(2)(a) of the *Citizenship Act*, and therefore the Court of Appeal must have erred when it suggested paragraph 3(2)(a) was designed to mirror the *FMOIA*. In making this submission, the Attorney General of Canada ignores the *FMOIA*'s antecedents, the *Diplomatic and Consular Privileges and Immunities Act*, RSC 1985, c. P-22 [rep.] and the *Privileges and Immunities (International Organizations) Act*, RSC 1985, c.P-23 [rep. 1991, c. 41, s. 15], which were in force at the time paragraph 3(2)(a) of the *Citizenship Act* was enacted. While the Federal Court of Appeal's analysis did not expressly refer to these predecessor statutes, the *FMOIA* is effectively a consolidation of those earlier laws and reflects the continued incorporation into Canadian law of the country's international commitments and obligations.

36. Finally, the Respondent maintains the Applicant's proposed interpretation of subsection 3(2) of the *Citizenship Act* is unreasonable and would lead to an absurd outcome. Aside from diplomatic or consular officers, many foreign governments employ persons in Canada through a wide range of state-owned enterprises including banks, airlines, energy companies, and other national ventures. The interpretation advanced by the Applicant would expand the exception to citizenship by birth to encompass all children born to parents working for these ventures in Canada.

37. This would mean, for example, that children born to employees of foreign private oil companies operating in Alberta would be Canadian, while those born to employees of state-owned oil companies would not. Similarly, children born to employees of foreign private airlines working at Canadian airports would be Canadian, while children born to employees of state-owned airlines working in those same airports would not. These results are absurd and purposeless.

38. Removing the qualifier of entitlement to diplomatic immunities and privileges from "employee in Canada of a foreign government" in paragraph 3(2)(a) of the *Citizenship Act* could also lead to further litigation around when and in what circumstances employees of state-owned enterprises of foreign governments are or are not employees of that government. This could lead to the Registrar – and Canadian courts – being asked to review foreign laws around the status of

such ventures to determine the citizenship of a child born in Canada. This would result in uncertainty about an individual's fundamental right to citizenship. However, limiting the exception to citizenship to children born to foreign officials or employees who enjoy diplomatic immunities and privileges provides far greater certainty.

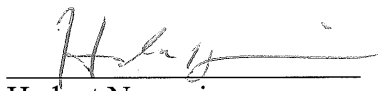
PART IV – SUBMISSIONS ON COSTS

39. There is no reason to depart from the general rule that costs should follow in the event. The Respondent therefore seeks his costs of this application in the event it is dismissed. The costs should otherwise follow in the cause.

PART V - ORDER REQUESTED

40. The Respondent asks that this application for leave to appeal be dismissed, with costs.

All of which is respectfully submitted this 19th day of October, 2017.



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PART VI - TABLE OF AUTHORITIES

Jurisprudence	**Paras Cited**
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Canada (Attorney General) v Canadian Human Rights Commission, 2013 FCA 75	22
Canada (Canadian Human Rights Commission) v Canada (Attorney General), 2011 SCC 53	21, 29
Canada (Citizenship and Immigration) v Khosa, 2009 SCC 12	21
Canada (Minister of Transport, Infrastructure and Communities) v Farwaha, 2014 FCA 56	22
Catalyst Paper Corp. v North Cowichan (District), 2012 SCC 2	21
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McLean v British Columbia (Securities Commission), 2013 SCC 67	30
Mills v Ontario (Workplace Safety and Insurance Appeals Tribunal), 2008 ONCA 436	22
O'Connell, as the Registrar of Motor Vehicles for the Province of New Brunswick v Maxwell, 2016 NBCA 37	22
Paradis Honey Ltd v Canada, 2015 FCA 89	22
Wilson v Atomic Energy of Canada Ltd, 2016 SCC 29	22
Winnipeg Airports Authority v Public Service Alliance of Canada, 2015 MBCA 94	22, 23, 24, 29

PART VII – STATUTORY PROVISIONS

Citizenship Act, RSC 1985, c.C-29

Diplomatic and Consular Privileges and Immunities Act, RSC 1985, c. P-22 [rep.]

Foreign Missions and International Organizations Act, SC 2001, c.12

Privileges and Immunities (International Organizations) Act, RSC 1985, c.P-23 [rep. 1991, c. 41, s. 15]