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**By Courier**

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File no. 03399944

Mr. Roger Bilodeau, Q.C.  
Supreme Court of Canada  
301 Wellington Street  
Ottawa, ONTARIO K1A 0J1

Dear Mr. Registrar:

**Re: *Lynne Threlfall v. Carleton University*, SCC File No. 37893**  
**Reply of the Applicant for Leave to Appeal**

We write in reply to the January 31, 2018, Response delivered by the Respondent Carleton University.

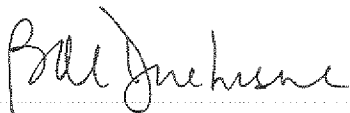
The Respondent's submission to the Application for Leave to Appeal is limited to only one aspect of the proposed appeal. The Respondent is silent on the public and national importance raised by the Quebec Court of Appeal's marked departure from the accepted interpretation and application of articles 1491 and 1492 of the *Civil Code of Quebec* in order to create a new remedy when the requirements of the available remedy were not met by the Respondent.

There have been more than 300 reported decisions from Quebec courts and tribunals implicating articles 1491 and 1492 of the *Civil Code of Quebec* since January 1, 1994. These provisions are regularly applied to provide meaningful remedies to litigants and to distinguish those cases in which restitution is due because of a legal obligation from those where a payment was lawfully and correctly made. It is incorrect to contend that the fashioning of a new *ad hoc* remedy not consistent with the law of restitution of a thing not due does not raise an issue of public or national importance which ought to be decided by this Court.

For these reasons, in addition to those set out in the Applicant's Application for Leave to Appeal, the Applicant respectfully submits the Application for Leave to Appeal should be granted, with costs.

Yours very truly,

**Gowling WLG (Canada) LLP**



Benoit M. Duchesne

c.c. Antoine Aylwin (Fasken Martineau Dumoulin LLP)  
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