

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

BETWEEN:

ETHIOPIAN ORTHODOX TEWAHEDO CHURCH OF CANADA  
ST. MARY CATHEDRAL, MESALE ENEGEDA, ABUNE DIMETROS  
and HIWOT BEKELE

Appellants  
(Respondents)

-and-

TESHOME AGA, YOSEPH BEYENE, DEREJE GOSHU,  
TSEDUKE GEZAW and BELAY HEBEST

Respondents  
(Appellants)

-and-

CANADIAN MUSLIM LAWYERS ASSOCIATION, ASSOCIATION FOR REFORMED  
POLITICAL ACTION CANADA, CANADIAN CIVIL LIBERTIES ASSOCIATION,  
EVANGELICAL FELLOWSHIP OF CANADA and CATHOLIC CIVIL RIGHTS LEAGUE,  
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EGALE CANADA HUMAN RIGHTS TRUST, CANADIAN CENTRE FOR CHRISITAN  
CHARITIES

Interveners

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**FACTUM OF THE INTERVENER,  
NATIONAL COUNCIL OF CANADIAN MUSLIMS**

(Pursuant to Rules 37 and 42 of the *Rules of the Supreme Court of Canada*, S.O.R./2002-156)

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## PART I – OVERVIEW

1. This appeal concerns when and how courts may review internal disputes of voluntary associations. These determinations are multifaceted. Voluntary associations vary greatly and cover all aspects of Canadians’ social and political life. With voluntary *religious* associations, there is a heightened complexity. Voluntary associations like churches and mosques are places where Canadians enjoy the communal aspects of their religious freedoms, triggering an interest in protecting these associations’ self-governance and autonomy. At the same time, there is an interest in protecting individual members’ legal rights. Balancing these competing values—in the context of diverse associations—has resulted in fact-specific outcomes and inconsistent jurisprudence.<sup>1</sup>

2. Recognizing that coherence and uniformity are central to the rule of law,<sup>2</sup> the National Council of Canadian Muslims (“NCCM”) proposes a framework that mitigates unpredictability in the law regarding court intervention in decisions taken by voluntary associations. As a national organization with voluntary associations and ordinary Canadians as its members, NCCM has a particular interest in ensuring that the law is stable and clear with respect to the issue of when courts can intervene on matters involving religious associations.

3. NCCM submits two arguments for the within intervention. First, there is a need in the case law for a clearer framework concerning when courts may review internal disputes of voluntary religious associations. Second, NCCM proposes a framework that tries to address some such challenges. The framework comprises three steps:

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<sup>1</sup> Some inconsistencies include: role of by-laws (*Sandhu v Siri Guru Nanak Sikh Gurdwara of Alberta*, 2015 ABCA 101; *McCargar v Métis Nation of Alberta Association*, 2019 ABCA 172); exhausting internal remedies (*Hart v Roman Catholic Episcopal Corporation of the Diocese of Kingston, in Canada*, 2011 ONCA 728; *CB Powell Limited v Canada (Border Services Agency)*, 2010 FCA 61); role of charitable contributions (*Zebroski v Jehovah’s Witnesses*, 1988 ABCA 256; *Aga v Ethiopian Orthodox Tewahedo Church of Canada*, 2020 ONCA 10); rules or membership agreements constituting “contracts” (*McLachlan v Burrard Yacht Club*, 2008 BCCA 271; *Pal v Chatterjee*, 2013 ONSC 1329; *Lutz v Faith Lutheran Church of Kelowna*, 2009 BCSC 59; *Diaferia et al v Elliott et al*, 2013 ONSC 1363); flexible versus strict interpretative approaches taken to reading association’s rules (*North Shore Independent School Society v BC School Sports Society*, 1999 CanLII 6539 (BCSC); *Gill v Kalgidhar Darbar Sahib Society*, 2017 BCSC 1423).

<sup>2</sup> *R v Ferguson*, 2008 SCC 6 at para 68.



- a. A court should determine whether a dispute pertains to cognizable contractual, civil and/or proprietary interests;
- b. If it does, a court should review whether the “essential character” of the dispute is religious; and
- c. If it is, the court should proceed to an accommodating and/or balancing analysis to consider if any portion of the dispute may be determined.

## **PART II – STATEMENT OF ISSUES**

4. NCCM makes submissions only on how and when courts may review internal disputes of religious associations. NCCM does not take a position on the outcome of this appeal.

## **PART III – STATEMENT OF ARGUMENT**

### **A. There is a need for a clearer framework**

5. Voluntary associations come in all shapes and sizes. They range from local sports clubs to political parties to unions to religious institutions. Given this civic diversity, the general rule at common law since the 1877 case of *Dunnet v Forneri* has been that courts can only review internal disputes of voluntary associations when there is a property, civil, or contractual right at stake.<sup>3</sup>

6. While broad in nature, the general rule does not provide sufficient guidance on when courts may review internal disputes of religious associations. In many disputes pertaining to religious associations, there are two competing interests at stake. On the one hand, there is an important interest in ensuring that religious associations govern themselves and exercise autonomy in decision-making. This is integral to the broader protection and the communal exercise of religious freedoms.<sup>4</sup> On the other hand, given the role that religious groups and their accompanying communities play in individuals’ lives, there is a legitimate interest in ensuring that individuals are not disenfranchised from religious communities in arbitrary, capricious, or *mala fides* ways.<sup>5</sup>

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<sup>3</sup> *Ukrainian Greek Orthodox Church v Ukrainian Greek Orthodox Cathedral of St. Mary the Protectress*, [1940] SCR 586 at 591.

<sup>4</sup> *Loyola High School v Quebec (Attorney General)*, 2015 SCC 12 at para 33.

<sup>5</sup> *Bains v Khalsa Diwan Society of Abbotsford*, 2020 BCSC 181 at para 42.

7. The general rule has little to say about how to balance these two competing values. There is limited guidance provided on whether (and when) adjudicating contractual, civil or proprietary rights under the general rule improperly veers the court into religious dogma—an area this Court has stressed judges are ill-equipped to consider.<sup>6</sup> Put another way, the general rule is “too general”, in that it does not inform judges and litigants of the factors that may be used to determine whether the dispute, at its core, is beyond the jurisdiction of the courts.

8. NCCM submits that it is time to supplement the general rule and articulate a more detailed framework for judicial intervention in the affairs of religious associations. The alternative of solely proceeding with the general rule is not ideal. That may involve more of the same including: more mixed case law; more confusion among religious associations and their members on what they can and cannot do; more litigation; and more expenditure of scarce resources of parties and courts alike. The contrasting underlying decisions in this appeal underscore the tension between religious associations’ right to self-governance and the need to treat members fairly, as well as a lack of clarity surrounding courts’ oversight to adjudicate voluntary associations’ internal affairs.

**B. Framework for reviewing voluntary associations’ internal affairs**

9. NCCM’s proposed framework<sup>7</sup> supplements the general rule and outlines how courts may determine whether to review internal disputes of voluntary religious associations. The general rule continues to play a central role in NCCM’s proposed framework. The framework also continues to follow the idea that courts should generally be cautious to intervene in the internal affairs of voluntary associations.<sup>8</sup> However, the proposed framework takes into account the competing interests of both voluntary associations and individual members, and creates a functional method for assessing whether a case falls within the scope of the courts’ jurisdiction.

10. The proposed framework is a consolidation of, at times, piecemeal treatment of issues relating to when courts may intervene in the internal affairs of voluntary associations. In this respect, the framework does not depart from existing case law, but rather attempts to formulate it into a cohesive approach. Elements of the framework reflect case law from *Charter* and human

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<sup>6</sup> *Highwood Congregation of Jehovah’s Witnesses (Judicial Committee) v Wall*, 2018 SCC 26 at para 36 [“Wall”]; *Syndicat Northcrest v Amselem*, 2004 SCC 47 at para 50.

<sup>7</sup> The proposed framework is not designed for applications for judicial review.

<sup>8</sup> *Greaves v United Church of God*, 2003 BCSC 1365 at paras 32-33.

rights litigation.<sup>9</sup> The proposed framework also affirms the law of justiciability, especially focusing on this Court’s repeated caution that judges should not adjudicate religious dogma.<sup>10</sup>

11. The proposed framework has three stages:

- a. Determining whether the dispute pertains to cognizable contractual, civil and/or proprietary interests;
- b. If it does, considering if the “essential character” of the dispute is religious; and
- c. If it is, proceeding to an accommodating and/or balancing analysis to consider if any portion of the dispute may be determined.

**1. Allegations must fall within the scope of the general rule**

12. The first stage of the framework requires litigants to demonstrate that their dispute with a voluntary religious association involves a cognizable contractual, civil and/or proprietary right.<sup>11</sup> This step reflects this Court’s holding in *Highwood Congregation of Jehovah’s Witnesses (Judicial Committee) v Wall* that in order for the judiciary to consider the procedural fairness of a voluntary association’s actions, a tangible legal right must be at issue.<sup>12</sup>

13. At this stage, courts need to be alert to what the terms “civil”, “contract” and “property” mean in the law of voluntary association. In order to establish jurisdiction pursuant to the general rule, a court must find that the terms of membership in the association are binding, and the alleged rights are granted by virtue of membership.<sup>13</sup> Meeting these thresholds is vital as the general rule states that courts should be cautious to review voluntary associations’ internal affairs.<sup>14</sup>

14. A determination of whether a dispute qualifies as “civil”, “contractual” or “proprietary” is context-sensitive. Typically, courts have understood “civil rights” to be a broad category. Although both property rights and contractual rights are said to be self-explanatory, civil rights can overlap with both of these other spheres of rights, as well as involve separate concerns such as tort or unjust

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<sup>9</sup> *R v NS*, 2012 SCC 72; *Human Rights Code*, RSO 1990, c H.19, s 18.

<sup>10</sup> *Bruker v Marcovitz*, 2007 SC 54; *Syndicat Northcrest v Amselem*, 2004 SCC 47.

<sup>11</sup> *Lakeside Colony of Hutterian Brethren v Hofer*, [1992] 3 SCR 165 at 173-174.

<sup>12</sup> *Wall*, *supra* at para 12.

<sup>13</sup> *McCargar v Métis Nation of Alberta Association*, 2019 ABCA 172 at para 8.

<sup>14</sup> *Lakeside Colony of Hutterian Brethren v Hofer*, [1992] 3 SCR 165 at 173-174.

enrichment.<sup>15</sup> Moreover, this Court has held that “civil rights”, “property rights”, and “contractual rights” may be interpreted differently by different parties to a conflict.<sup>16</sup> An association’s customs and traditions may influence how courts construe such rights.<sup>17</sup>

15. This Court’s decision in *Lakeside Colony of Hutterian Brethren v Hofer* demonstrates how this rule operates in practice. In this case, a colony sought to expel certain members. The colony sought an order that the members vacate the colony land permanently.<sup>18</sup> This Court held that it had jurisdiction over the matter, since expulsion allowed the colony to bar the members from the property.<sup>19</sup> In other words, the Court found that the matter concerned a binding property right that was linked to membership in the colony, bringing the matter within the judicial sphere.

16. Under the first step of NCCM’s proposed framework, if a claimant cannot identify a civil, property, or contractual right in the conflict, the court dismisses the claim.<sup>20</sup> This step serves the *gatekeeping* function of ensuring that courts do not adjudicate matters that have no justiciable issue at play. Starting with the general rule also affords voluntary religious associations certainty that disputes not involving a legal right will be disqualified from judicial intervention.

## **2. The “essential character” of the impugned matter must be assessed**

17. If a dispute pertains to cognizable contractual, civil and/or proprietary interests, the second stage of the framework requires a detailed review of the *nature* of the impugned matter. Even where review is available, courts must consider only those issues that are justiciable.<sup>21</sup> Therefore, courts should consider whether the dispute is religious in its “essential character”, or if the religious aspect is ancillary to the core dispute. If a claim is not essentially “religious”, the court may adjudicate the matter. This is consistent with this Court’s clarification that the fact that a dispute has a religious aspect does not by itself make it non-justiciable.<sup>22</sup> However, if the claim is

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<sup>15</sup> *McCaw v United Church of Canada*, (1991) 4 OR (3d) 481 (ONCA); *Senez v Montreal Real Estate Board*, [1980] 2 SCR 555.

<sup>16</sup> *Lakeside Colony of Hutterian Brethren v Hofer*, [1992] 3 SCR 165 at 174.

<sup>17</sup> *Lakeside Colony of Hutterian Brethren v Hofer*, [1992] 3 SCR 165 at 190, 192.

<sup>18</sup> *Lakeside Colony of Hutterian Brethren v Hofer*, [1992] 3 SCR 165 at 173.

<sup>19</sup> *Lakeside Colony of Hutterian Brethren v Hofer*, [1992] 3 SCR 165 at 174.

<sup>20</sup> *Wall*, *supra* at para 24.

<sup>21</sup> *Wall*, *supra* at para 12.

<sup>22</sup> *Wall*, *supra* at para 36; *Bruker v Marcovitz*, 2007 SCC 54 at para 41.

essentially “religious”, the court proceeds to step three of the framework.

18. The “essential character” of a matter is the core of the conflict that is inextricable from the legal dispute.<sup>23</sup> In determining whether the “essential character” of a dispute is religious, courts will conduct a thorough review of the dispute, including: (i) evaluating the facts surrounding the dispute to ascertain its “leading character”; (ii) assessing whether determining the merits of the allegations would require courts to opine on religious content; and/or (iii) considering whether the remedy sought would require opining on religious content.<sup>24</sup> Interpreting religious content involves asking judges to make determinations on the religious source material, obligations, rituals, beliefs, principles, or customs that form the dispute at bar.<sup>25</sup> Ultimately, whether a dispute is essentially “religious” is not a strict science: it involves the court reviewing the dispute to understand the primary reasons why a party is seeking judicial intervention and whether the court has jurisdiction to consider such a matter.

i. “Essential character” is implicitly considered in the case law

19. While courts do not explicitly use the language of “essential character”, past case law demonstrates that voluntary religious association cases turn on an essential character assessment.

20. Courts have decided matters that are incidentally related to religion. In *Sandhu v Siri Guru Nanak Sikh Gurdwara of Alberta*, the Court of Queen's Bench of Alberta considered a conflict between the respondent religious society and the applicant members who challenged the society’s failure to hold elections and rejection of certain membership applications. The Court held that the conflict was essentially a political dispute regarding the management of the society. That non-religious dispute also had a nexus to statutory requirements under the *Religious Societies Land Act*.<sup>26</sup> Therefore, the conflict was not fundamentally “religious.”<sup>27</sup>

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<sup>23</sup> *Weber v Ontario Hydro*, [1995] 2 SCR 929 at para 52. Although “essential character” was designed for the arbitration context, it has been applied in other areas of law: *Quebec (Attorney General) v Quebec (Human Rights Tribunal)*, 2004 SCC 40 at para 22.

<sup>24</sup> *Bruker v Marcovitz*, 2007 SCC 54 at paras 41-46; *Weber v Ontario Hydro*, [1995] 2 SCR 929 at paras 52.

<sup>25</sup> *Syndicat Northcrest v Amselem*, 2004 SCC 47 at para 50

<sup>26</sup> *Sandhu v Siri Guru Nanak Sikh Gurdwara of Alberta*, 2013 ABQB 646 at para 20.

<sup>27</sup> *Sandhu v Siri Guru Nanak Sikh Gurdwara of Alberta*, 2013 ABQB 646 at para 58.

21. Many disputes involving voluntary religious associations are purely property disputes, which courts have elected to adjudicate. In *United Pentecostal Church of Chipman v Chipman Pentecostal Church Inc*, the plaintiff church’s property was transferred to the defendant corporation prior to renovations. When the work was completed, the defendant pastor became a pastor with another group, which held possession of the property. The Court of Queen’s Bench of New Brunswick held that although members of a religious group have a right to change their beliefs, they cannot take property consecrated to other uses.<sup>28</sup>

22. In cases that have a direct nexus to religious dogma, courts have decided not to intervene. In *Pankerichan v Djokic*, the applicants challenged the Diocesan Administrative Board’s decision to remove the elected Executive Board and replace it with temporary trustees. The Ontario Superior Court held that the legal dispute was the conflict between the elected Executive Board members and the authority of the Bishop and diocese in a hierarchical structure.<sup>29</sup> The Court held that this issue fell outside of its purview<sup>30</sup> and that decision was upheld on appeal.<sup>31</sup>

23. In another case, *Ukrainian Greek Orthodox Church of Canada v Trustees of the Ukrainian Greek Orthodox Cathedral of St. Mary the Protectress*, a church sued a priest in part to compel him to return a cloth used in rituals, called the “antimins”. This Court held that while the antimins was of importance within the church, its importance was religious, and it had no substantial monetary value.<sup>32</sup> This Court refused to intervene and grant an injunction for its return.<sup>33</sup>

ii. The essential character analysis clarifies the role of procedural fairness

24. At times, there is a lack of clarity on whether a court may review allegations of unfair process, even though the substantive issue in dispute may be closely tied to religious content.<sup>34</sup> The essential character analysis may assist with this reoccurring challenge.

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<sup>28</sup> *United Pentecostal Church of Chipman v Chipman Pentecostal Church*, 2001 NBQB 49 at 43.

<sup>29</sup> *Pankerichan v Djokic*, 2012 ONSC 2438 at para 52.

<sup>30</sup> *Pankerichan v Djokic*, 2012 ONSC 2438 at para 52.

<sup>31</sup> *Pankerichan v Djokic*, 2014 ONCA 709 at para 87.

<sup>32</sup> *Ukrainian Greek Orthodox Church of Canada v Trustees of the Ukrainian Greek Orthodox Cathedral of St. Mary the Protectress*, [1940] SCR 586 at 594.

<sup>33</sup> *Ukrainian Greek Orthodox Church of Canada v Trustees of the Ukrainian Greek Orthodox Cathedral of St. Mary the Protectress*, [1940] SCR 586 at 594.

<sup>34</sup> *Hart v Roman Catholic Episcopal Corporation of the Diocese of Kingston*, 2011 ONCA 728 at para 19; *Wall*, *supra* at paras 24 and 38.

25. There is no free-standing right to procedural fairness with respect to decisions taken by voluntary associations.<sup>35</sup> If a dispute is essentially “religious” and the court does not have jurisdiction to adjudicate it, a party cannot “establish jurisdiction...on the sole basis that there is an alleged breach of natural justice.”<sup>36</sup> Absent a legal right being engaged, a court may not “consider an association’s adherence to its own procedures and...the fairness of those procedures.”<sup>37</sup>

26. Where a dispute is essentially “religious”, delving into issues of procedural fairness also comes with a risk. For example, this Court in *Wall* observed that in order for a court to determine whether the church followed its process for assessing “serious wrongdoing” by a church member, a judge would have to opine on the *Gospel of Matthew*. This Court noted that “sometimes even the procedural rules of a particular religious group may involve the interpretation of religious doctrine”, a task which courts should not engage in.<sup>38</sup> Therefore, procedural fairness ought not to be used as a “sword” to sidestep a lack of justiciable content.

27. The “essential character” analysis ensures that courts do not inadvertently opine on religious dogma by focusing on procedural fairness in the abstract.<sup>39</sup> Litigants may ask the court to intervene in a matter where a voluntary association’s process appeared to be defective. However, whether or not the process was indeed defective, the core of the issue is whether, in opining on that process, the court would be required to consider religious dogma. This is what the essential character analysis requires courts to focus on in the face of procedural fairness allegations.<sup>40</sup>

### **3. Courts may elect to accommodate and/or balance the competing interests**

28. If rights are at stake but the dispute is religious in its essential character, the court moves to the final stage of the framework. At this stage, the court engages in a case-by-case accommodating (and at times, balancing) of the claimed civil, contractual, or property right and the right of the organization to engage in its protected practices. This stage mirrors this Court’s approach in *R v NS*, which outlined a way for courts to approach instances that require balancing

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<sup>35</sup> *Wall, supra* at para 24.

<sup>36</sup> *Wall, supra* at para 24.

<sup>37</sup> *Wall, supra* at para 24.

<sup>38</sup> *Wall, supra* at para 38.

<sup>39</sup> *Syndicat Northcrest v Amselem*, 2004 SCC 47 at para 50.

<sup>40</sup> *Lakeside Colony of Hutterian Brethren v Hofer*, [1992] 3 SCR 165 at 174.

two important societal interests—particularly where one of those interests involves religion.<sup>41</sup>

29. At this third stage, there are two sub-questions:

- a. Is there a way to accommodate both the civil and the religious rights?
- b. If no accommodation is possible and the dispute defies easy characterization as essentially “religious” or not, do the salutary effects of giving effect to the civil right outweigh the deleterious effects of breaching the organization’s right to self-govern?
  - i. “Accommodation” involves finding a way to decide the matter

30. If a dispute is essentially “religious”, a court may consider whether it can nevertheless determine some portion of the dispute without encroaching on the voluntary association’s religious practices. In other words, the court looks at whether it can accommodate the civil and religious rights—a practice entrenched in other areas of Canadian law.<sup>42</sup>

31. One way to do this would be to partially decide the matter without determining the essentially religious aspect. For example, in *Diaferia et al v Elliott*, the applicants sought an injunction preventing the respondents from holding a church meeting on a particular date, and an order directing the respondents to admit additional persons to the church.<sup>43</sup> The Court granted the injunction, but found that the requested order relating to membership was beyond the scope of the court’s jurisdiction as that was a decision for church elders.<sup>44</sup> This decision satisfied the justiciable civil right, while declining to comment on the church’s religious decisions.

- ii. “Balancing” is meant for exceptional cases

32. In typical cases, where the subject matter is essentially religious and there is no way to accommodate the issues, there will be nothing to “balance.” However, in the rare case involving a truly borderline issue that is not reducible to essentially “religious” or not and where accommodation is not viable, a court may conduct a balancing exercise to determine whether the

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<sup>41</sup> *R v NS*, 2012 SCC 72 at para 31.

<sup>42</sup> *R v NS*, 2012 SCC 72 at para 54.

<sup>43</sup> *Diaferia et al v Elliott et al*, 2013 ONSC 1363 at para 1.

<sup>44</sup> *Diaferia et al v Elliott et al*, 2013 ONSC 1363 at para 22.



matter should be adjudicated. The salutary benefit of considering a religious matter may outweigh the deleterious effect if some of the following factors are satisfied:

- a. The court has the institutional legitimacy and capacity to consider the dispute;<sup>45</sup>
  - b. The impugned dispute contains a *prima facie* strong indication of bad faith conduct, which if unaddressed would offend the administration of justice;
  - c. Considering the alleged dispute would not erode the autonomy and self-governance rights of voluntary religious associations;<sup>46</sup> and
  - d. The interest affected is of “sufficient importance” and has broader implications on the jurisprudence, individual members, and voluntary associations.<sup>47</sup>
33. All three steps of NCCM’s proposed framework aim to consolidate the law in a predictable way. This final step ensures that even in those cases where the central dispute does not neatly fit within the preceding steps of the framework, courts will have guidance on how to proceed, and parties may be able to expect uniformity in the judicial approach to these complex disputes.


#### **PART IV – SUBMISSIONS ON COSTS**

34. NCCM does not seek costs and asks that costs not be awarded against it.

#### **PART V – ORDER**

35. NCCM takes no position on the outcome of this appeal.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of November 2020.

Per:  \_\_\_\_\_  
 Nadia Effendi | Mannu Chowdhury |  
 Sameha Omer

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<sup>45</sup> *Wall, supra* at paras 32-34.

<sup>46</sup> *Lakeside Colony of Hutterian Brethren v Hofer*, [1992] 3 SCR 165 at 175.

<sup>47</sup> *Lakeside Colony of Hutterian Brethren v Hofer*, [1992] 3 SCR 165 at 175.

## PART VI – AUTHORITIES

### Case law

No.	Authority	Paragraph Reference
1.	<i>Aga v Ethiopian Orthodox Tewahedo Church of Canada</i> , <a href="#">2020 ONCA 10</a>	1
2.	<i>Bains v Khalsa Diwan Society of Abbotsford</i> , <a href="#">2020 BCSC 181</a>	6, 24
3.	<i>Bruker v Marcovitz</i> , <a href="#">2007 SC 54</a>	10, 17, 18
4.	<i>CB Powell Limited v Canada (Border Services Agency)</i> , <a href="#">2010 FCA 61</a>	1
5.	<i>Diaferia et al v Elliott et al</i> , <a href="#">2013 ONSC 1363</a>	1, 31
6.	<i>Gill v Kalgidhar Darbar Sahib Society</i> , <a href="#">2017 BCSC 1423</a>	1
7.	<i>Greaves v United Church of God</i> , <a href="#">2003 BCSC 1365</a>	9
8.	<i>Hart v Roman Catholic Episcopal Corporation of the Diocese of Kingston, in Canada</i> , <a href="#">2011 ONCA 728</a>	1, 24
9.	<i>Highwood Congregation of Jehovah’s Witnesses (Judicial Committee) v Wall</i> , <a href="#">2018 SCC 26</a>	7, 12, 16, 17, 18, 24, 25, 26, 32
10.	<i>Lakeside Colony of Hutterian Brethren v Hofer</i> , <a href="#">[1992] 3 SCR 165</a>	12, 13, 14, 15, 27, 32
11.	<i>Loyola High School v Quebec (Attorney General)</i> , <a href="#">2015 SCC 12</a>	6
12.	<i>Lutz v Faith Lutheran Church of Kelowna</i> , <a href="#">2009 BCSC 59</a>	1
13.	<i>McCargar v Métis Nation of Alberta Association</i> , <a href="#">2019 ABCA 172</a>	1, 13
14.	<i>McCaw v United Church of Canada</i> , <a href="#">4 OR (3d) 481 (ONCA)</a>	14
15.	<i>McLachlan v Burrard Yacht Club</i> , <a href="#">2008 BCCA 271</a>	1
16.	<i>North Shore Independent School Society v BC School Sports Society</i> , <a href="#">1999 CanLII 6539 (BCSC)</a>	1
17.	<i>Pal v Chatterjee</i> , <a href="#">2013 ONSC 1329</a>	1
18.	<i>Pankerichan v Djokic</i> , <a href="#">2012 ONSC 2438</a>	22
19.	<i>Quebec (Attorney General) v Quebec (Human Rights Tribunal)</i> , <a href="#">2004 SCC 40</a>	18
20.	<i>R v Ferguson</i> , <a href="#">2008 SCC 6</a>	2
21.	<i>R v NS</i> , <a href="#">2012 SCC 72</a>	10, 28, 30

No.	Authority	Paragraph Reference
22.	<i>Sandhu v Siri Guru Nanak Sikh Gurdwara of Alberta</i> , <a href="#">2015 ABCA 101</a>	1, 20
23.	<i>Senez v Montreal Real Estate Board</i> , <a href="#">[1980] 2 SCR 555</a>	14
24.	<i>Syndicat Northcrest v Amselem</i> , <a href="#">2004 SCC 47</a>	7, 10, 18, 27
25.	<i>Ukrainian Greek Orthodox Church v Ukrainian Greek Orthodox Cathedral of St. Mary the Protectress</i> , <a href="#">[1940] SCR 586</a>	5, 23
26.	<i>United Pentecostal Church of Chipman v Chipman Pentecostal Church</i> , <a href="#">2001 NBQB 49</a>	21
27.	<i>Weber v Ontario Hydro</i> , <a href="#">[1995] 2 SCR 929</a>	18
28.	<i>Zebroski v Jehovah's Witnesses</i> , <a href="#">1988 ABCA 256</a>	1

#### Statutes, Regulations, Rules, etc.

No.	Statute, Regulation, Rule, etc.	Section, Rule, Etc.
1.	<i>Human Rights Code</i> , RSO 1990, c H.19	<a href="#">Section 18</a>
	<i>Code des droits de la personne</i> , LRO 1990, c H.19	<a href="#">Section 18</a>

**PART VII – STATUTES, LEGISLATION, RULES, ETC.**

None – see Part VI.