

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

**BETWEEN:**

**GLEN HANSMAN**

Appellant  
(Respondent)

– and –

**BARRY NEUFELD**

Respondent  
(Appellant)

– and –

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CENTRE FOR FREE EXPRESSION**

Interveners

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THE CANADIAN CENTRE FOR GENDER & SEXUAL DIVERSITY**  
(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 AND FACTS

1. The lesbian, gay, bisexual, transgender, Two-Spirit, queer, intersex, and other gender and sexual minority (“2SLGBTQI+”) community continues to be targeted with strategic litigation against public participation (“SLAPP”). SLAPPs are often attempts to stunt progress towards this vulnerable group achieving the substantive equality and dignity guaranteed to them by the *Canadian Charter of Rights and Freedoms* (“*Charter*”).<sup>1</sup>

2. British Columbia’s (“BC’s”) *Protection of Public Participation Act* (“*PPPA*”) is a remedial legislative measure designed from Ontario’s comparable legislation,<sup>2</sup> which was recently assessed by this Court.<sup>3</sup> The BC Court of Appeal (“*BCCA*”), earlier in this appeal, endorsed an approach to dismissal orders under the *PPPA* that was silent on consideration of important 2SLGBTQI+ social context and human rights jurisprudence. Were those relevant considerations are applied, further to the *PPPA*’s objectives, the legislation would have delivered an effective summary procedure mechanism to prevent and deter SLAPP, while also advancing 2SLGBTQI+ interests in the process.

3. Community-Based Research Centre and the Canadian Centre for Gender & Sexual Diversity (“*CBRC/CCGSD*”) have longstanding interests in promoting 2SLGBTQI+ substantive equality through their research, public education, and advocacy programming. They intervene in this appeal to address the potential negative impacts on their 2SLGBTQI+ members and other stakeholders in the *BCCA*’s decision, which denies 2SLGBTQI+ persons access to the Anti-SLAPP dismissal orders that could summarily prevent attempts to silence them, suppress their free expression, and ultimately set back their progression towards substantive equality and dignity.

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<sup>1</sup> *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](#).

<sup>2</sup> *Protection of Public Participation Act*, [S.B.C. 2019, c. 3](#)

<sup>3</sup> *1704604 Ontario Ltd v Pointes Protection Association*, [2020 SCC 22](#) [**Pointes**].

## PART II –ISSUES

4. This appeal relates to the *PPPA*'s ss. 4(2)(a) (defamation defense) analysis and 4(2)(b) analysis “weighing” the “public interest in protecting the expression [...] against the public interest in permitting the underlying proceeding to continue”.<sup>4</sup> CBRC/CCGSD’s submissions will address s. 4(2)(b) only.

## PART III –ARGUMENT

### A. Relevant 2SLGBTQI+ social context and human rights law must be considered

#### a. No reason to reject *Pointes* factors in *PPPA* “weighing” analysis

5. *Pointes* remains persuasive authority for this Court. While *Pointes* addressed Ontario’s Anti-SLAPP legislation, the *Pointes* factors should apply to the *PPPA*’s “weighing” analysis. The *PPPA* uses similar language and the application judge found it was modeled on Ontario’s legislation, and, further, the BCCA referenced the *Pointes* factors.<sup>5</sup>

#### b. *Pointes* and human rights law (*Charter*, provincial, and international) require consideration of the hostility factor and relevant social context and human rights

6. *Pointes* directly considered “the possibility that the expression or the claim might provoke hostility against an identifiably vulnerable group or a group protected under s. 15 of the *Charter* or human rights legislation” as a factor (the “hostility factor”) that “may also prove useful” and “may be relevant for [a] motion judge to consider”.<sup>6</sup> Where 2SLGBTQI+ interests are impacted in a dismissal order application, the application judge (or a reviewing judge on appeal) must consider this *Pointes* hostility factor in a *PPPA* s. 4(2)(b) “weighing” analysis. 2SLGBTQI+ interests are impacted in any dismissal order application where a party to a defamation claim is a member of this vulnerable and protected group or has a history of negative conduct toward that group, as well as where the expressions impugned as defamatory in the

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<sup>4</sup> *Pointes*, at paras [16](#) and [18](#).

<sup>5</sup> *Neufeld v Hansman*, 2019 BCSC 2028 [**BCSC Decision**] at para [46](#); *Neufeld v Hansman*, 2021 BCCA 222 [**BCCA Decision**] at para [64](#).

<sup>6</sup> *Pointes*, at para [80](#).



claim, in any way, negatively discuss this group. Where any of these conditions are met, an application judge must consider the hostility factor.

7. The social context 2SLGBTQI+ persons endure and human rights jurisprudence affirming their equality and dignity are integral when considering the mandatory hostility factor. Relevant social context and human rights jurisprudence are also useful when considering other *Pointes* factors. The *Charter* and provincial human rights law, including BC’s *Human Rights Code*, protect 2SLGBTQI+ persons from discrimination based on sexual orientation, gender identity, and gender expression.<sup>7</sup> The *Charter* has protected sexual orientation as an analogous ground since 1995 and sexual orientation is a *Code*-protected listed ground.<sup>8</sup> Gender identity and expression are *Code*-protected listed grounds and several trial courts have also recognized them as *Charter*-protected analogous grounds.<sup>9</sup> International human rights law also protects 2SLGBTQI+ persons, specifically from violent acts and from discriminatory restrictions to freedom of expression.<sup>10</sup> The hostility factor also considers “identifiably vulnerable groups” suggesting that even if some 2SLGBTQI+ persons protected status is uncertain, evidence of vulnerability should trigger consideration of the hostility factor.

8. The legal foundation for the hostility factor in the dismissal order public interest “weighing” is not explicitly stated in *Pointes*. The references in *Pointes* to “group[s] protected under s. 15 of the *Charter* or human rights legislation” indicate that this Court may have been considering *Charter* values, which can also inform provincial human rights protections and are informed by international human rights law. This appeal is an ideal opportunity for this Court to clarify when consideration of the hostility factor (or other factors) is mandatory.

9. The *PPPA* confers discretionary statutory powers on application judges to dismiss SLAPP proceedings. The judicial exercise of those statutory powers should be informed by

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<sup>7</sup> *Charter*, s. 15; *BC Human Rights Code*, RSBC 1996, c 210, [Code] s 7- 14.

<sup>8</sup> *Egan v Canada*, [1995] 2 SCR 513, 1995 CanLII 98 (SCC) [Egan] at 528.

<sup>9</sup> *CF v Alberta (Vital Statistics)*, 2014 ABQB 237 [CF] at para 39; *Centre for Gender Advocacy c Attorney General of Quebec*, 2021 QCCS 191 [CGA] at para 111.

<sup>10</sup> *Born Free and Equal – Sexual Orientation and Gender Identity in International Human Rights Law*, United Nations Office of the High Commissioner (New York: 2012), at 14, 21, 55, and 59.

*Charter* values (of dignity, equality, free expression, and security of the person).<sup>11</sup> The power to grant or deny a dismissal order must also be exercised in a way that does not conflict with provincial human rights protections. *Code* protections generally conform to *Charter* values.<sup>12</sup> Where an application judge fails to mandatorily consider the hostility factor, in a case impacting 2SLGBTQI+ interests, they are, in essence, interpreting the *PPPA* inconsistently with the *Code*'s stated purposes of protecting against (“preventing”) discriminatory and hateful publications based on sexual orientation, gender identity, and gender expression, and, thus, ignoring the *Code*'s paramountcy to other legislation.<sup>13</sup>

10. 2SLGBTQI+ international human rights protections against violence and discriminatory access to free expression, should also factor into *Charter* values assessment or the interpretation of the *PPPA* directly. International human rights law is the presumed minimum floor of *Charter* protection.<sup>14</sup> A general presumption of conformity with international law applies to interpreting legislation, including the *PPPA* statutory powers to dismiss a defamation action. The presumption also supports mandatory consideration of the *Pointes* hostility factor, to recognize international human rights law obligations for a state to protect against anti-2SLGBTQI+ violence and efforts to suppress this group's free expression.<sup>15</sup>

11. The BCCA's failure to consider the hostility factor in the present appeal disregarded the important *Charter*, *Code*, and international law protections to the detriment of the appellant and other 2SLGBTQI+ persons benefiting from his public defensive expressions. The BCCA's wider failure to consider relevant 2SLGBTQI+ social context and human rights jurisprudence further compounded this error. These failures effectively silenced consideration of 2SLGBTQI+ interests in an appeal where they are clearly at issue. They effectively rendered 2SLGBTQI+ human rights protections illusory and carved out this group from the *PPPA* public interest Anti-SLAPP protections. The effective exclusion of 2SLGBTQI+ persons from a dismissal order's

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<sup>11</sup> *AB v CD*, 2020 BCCA 11 [AB] at paras [205](#) and [214](#); *Young v Young*, [1993] 4 SCR 3, 1993 CanLII 34 (SCC) [Young] at [92](#).

<sup>12</sup> *Andrews v Law Society of British Columbia*, [1989] 1 SCR 143 [Andrews] at [175](#).

<sup>13</sup> *Code*, s [3\(c\)](#); Ruth Sullivan, *Sullivan on the Construction of Statutes*, 6th edition (Toronto: LexisNexis, 2020 Online) at § 11.05(5); *Insurance Corporation of BC v Heerspink*, [1982] 2 SCR 145, 1982 CanLII 27 (SCC) [Heerspink] at [157-158](#).

<sup>14</sup> *R. v. Hape*, 2007 SCC 26 [Hape] at paras [55](#).

<sup>15</sup> *Hape*, at para [53](#).

protections is analogous to the deliberate historical exclusion of this group from protective human rights legislation, long ago rejected by this Court in 1998.<sup>16</sup>

## **B. 2SLGBTQI+ social context and human rights law**

12. In this appeal, consideration of relevant social context and human rights jurisprudence is foundational. Only after these considerations are identified, can the *Pointes* factors (specifically the mandatory hostility factor) be properly analyzed. The social context underlying this appeal is one that directly involves 2SLGBTQI+ human rights, as the interests of this group were first challenged by the respondent (plaintiff in the defamation claim) and then defended by the appellant (defendant).<sup>17</sup> While the interests of all 2SLGBTQI+ persons are impacted, the reality faced by transgender and non-binary (“trans”) persons is specifically relevant, given most of the respondent’s conduct that the appellant denounced in public discourse specifically involved trans youth.<sup>18</sup> The wider circumstances of this public discourse involved access to education and provincial public-school curricula.<sup>19</sup> Further, the respondent is an elected public official (school board trustee) and the appellant was at the time the leader of a public organization (a provincial teachers’ federation).<sup>20</sup> The combination of these social facts are important to view collectively and on an intersectional basis to inform the broader public interest “weighing” exercise.

13. Before identifying specific social context and human rights jurisprudence to consider, CBRC/CCGSD submit that it is useful to identify relevant informative sources. These sources include social facts established in application records, *Charter* jurisprudence or human rights tribunal decisions interpreting *Charter* and *Code* protections. Government reports (including from international human rights bodies) are also informative.

14. Courts and tribunals have long recognized negative disadvantages 2SLGBTQI+ persons endure based on their sexual orientation. 2SLGBTQI+ persons, specifically “same-sex couples” were found to be “a highly socially vulnerable group” suffering “considerable historical

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<sup>16</sup> *Vriend v Alberta*, [1998] 1 SCR 493, 1998 CanLII 816 (SCC) [**Vriend**] at [101-102](#).

<sup>17</sup> *BCCA Decision*, at paras [10](#) and [13](#).

<sup>18</sup> *BCCA Decision*, at para [10](#).

<sup>19</sup> *BCCA Decision*, at paras [9-10](#).

<sup>20</sup> *BCCA Decision*, at para [1](#).

disadvantage, stereotyping, marginalization and stigmatization”.<sup>21</sup> “Public harassment and verbal abuse of homosexual individuals” was not uncommon and they were victims of hate crimes.<sup>22</sup> The stigmatization and hatred forced many to “conceal their orientation” further imposing social costs in their “work place, [...] community and in private life”.<sup>23</sup> This “concealment of true identity” results from “fear of discrimination”, which causes “psychological harm” detrimental to homosexuals “personal confidence and self-esteem”.<sup>24</sup> Absent adequate human rights protections, homosexuals “live[d] in constant fear of discrimination”.<sup>25</sup> Almost a decade ago, this Court specifically rejected hateful publications targeting 2SLGBTQI+ persons where the expression targeted “homosexuals” as “a menace that could threaten safety and well-being of others,[...] and us[ing] vilifying and derogatory representations to create [...] hatred [...] referring to them as filthy or dirty sex addicts and by comparing them to pedophiles” and implying “that homosexuals, by virtue of their sexual orientation, are inferior, untrustworthy and seek to proselytize and convert [...] children”.<sup>26</sup>

15. Trans persons “remain among the most marginalized in our society”.<sup>27</sup> “Their lives are marked by ‘disadvantage prejudice, stereotyping, and vulnerability’ and they “face extreme social stigma”.<sup>28</sup> Those stereotypes suggest they are “diseased, confused, monsters and freaks”.<sup>29</sup> As a group, they also “face barriers to employment and housing, inequitable access to health care and other vital public services, and heightened risks of targeted harassment and violence”, which lead to “social isolation, [and] higher rates of substance use, poor mental health, suicide, and poverty”.<sup>30</sup> They are exposed to members of the public who feel “entitled to disregard their felt and expressed gender identity and treat them as if they are ‘really’ the sex assigned at birth”.<sup>31</sup>

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<sup>21</sup> *Egan*, at [556-557](#), per L'Heureux-Dubé J, dissenting.

<sup>22</sup> *Egan*, at [600](#), per Cory J, dissenting.

<sup>23</sup> *Egan*, at [601](#), per Cory J, dissenting.

<sup>24</sup> *Vriend*, at para [102](#).

<sup>25</sup> *Vriend*, at para [101](#).

<sup>26</sup> *Saskatchewan (Human Rights Commission) v Whatcott*, 2013 SCC 11 [**Whatcott**] at paras [187](#) and [188](#).

<sup>27</sup> *Oger v Whatcott (No 7)*, 2019 BCHRT 58 [**Oger**] at para [62](#).

<sup>28</sup> *Oger*, at para [62](#); *XY v Ontario (Government and Consumer Services)*, 2012 HRTO 726 [**XY**] at para [10](#); *CF*, at para [40](#).

<sup>29</sup> *Oger*, at para [62](#).

<sup>30</sup> *Oger*, at para [62](#); *XY*, at paras [165-166](#).

<sup>31</sup> *XY*, at para [172](#).

Their “very existence [is] the subject of public debate and condemnation” and this denial causes “the view that transpeople are less worthy of dignity, respect, and rights”.<sup>32</sup>

16. Recent Statistics Canada reports demonstrate disproportionate anti-2SLGBTQI+ hate incidents compared to hate incidents targeting non-2SLGBTQI+ persons. Crimes motivated by hatred of a sexual orientation alone made up 10% of all hate crimes despite 2SLGBTQI+ persons making up only 4% of Canadians.<sup>33</sup> A recent United Nations report “has noted a ‘steep rise in ultraconservative political leaders and religious groups using their platforms to promote bigotry, dehumanize persons on the basis of sexual orientation, gender identity, and gender expression, and foster stigma and intolerance among their constituencies’” and that this trend “is generated through orchestrated and well-resourced strategies aimed at negatively impacting the progressive recognition of human rights standards relating to gender equality and sexuality”.<sup>34</sup>

17. “Isolation, harassment, and violence” towards “young homosexuals” has caused “a higher rate of attempted and successful suicide than heterosexual youths”.<sup>35</sup> More recently, “statistical evidence bears out that there is a risk of harm to LGBTQ+ students” in the absence of legislative protections. These include: i) “70% [of participating students reporting] epithets [daily] in school [...] and [...] 48% [reporting] pejorative comments daily; ii) “74% of transgender students experiencing verbal harassment regarding their gender expression”; and iii) “21% of LGBTQ+ students report[ing] [physical harassment or assault] due to their sexual orientation”.<sup>36</sup> Studies have also “shown that homophobia results in LGBTQ+ students having higher [suicide ideation] than heterosexual students, lower grades, lower progress to post-secondary education, higher [skipping rates for] safety concerns, higher rates of risky behaviour, and higher rates of depression [...] than non-LGBTQ+ students”.<sup>37</sup>

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<sup>32</sup> *Oger*, at para [61](#).

<sup>33</sup> Canada, Statistics Canada, [Police-Reported hate crime in Canada, 2020](#) (March 17, 2022) at 19.

<sup>34</sup> [Practices of Exclusion– Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity](#), United Nations General Assembly (New York, July 15, 2021), at 4.

<sup>35</sup> *Egan*, at [601](#), per Cory J, dissenting.

<sup>36</sup> *PT v Alberta*, 2018 ABQB 496 [PT] at para [39](#).

<sup>37</sup> *PT*, at para [40](#).

18. The BC Human Rights Tribunal has also noted the underrepresentation of trans persons in political life, and that “the same social forces that operate to oppress, marginalize, and impoverish transpeople in employment, education, housing and services also act as barriers to meaningful participation in political life”.<sup>38</sup> The Tribunal’s recent decisions have established *Code* gender identity and expression protections apply to political publications<sup>39</sup> and employers disregarding employees concerns about co-workers misgendering them.<sup>40</sup> Underlying these decisions is the principle that trans persons are entitled to dignity, equality, and recognition of their gender identity and expression.<sup>41</sup> Ontario and Quebec human rights tribunals have, similarly, recognized the inequality and indignity of misgendering.<sup>42</sup> CBRC/CCGSD submit that this social context and human rights law drawn from the identified sources is an adequate foundation for the *Pointes* public interest “weighing” factors.

### C. Clarification of the *Pointes* hostility factor

19. This appeal is an opportunity to clarify the scope of “the possibility that the expression or the claim might provoke hostility against” a vulnerable or *Charter* or *Code*-protected group. The nascent Canadian anti-SLAPP jurisprudence post-*Pointes* has yet to consider the hostility factor, despite this appeal and several other proceedings involving clear impacts on 2SLGBTQI+ interests.<sup>43</sup> The plain meaning of hostility is “an occasion when someone is unfriendly or shows that they do not like something”, “an occasion when someone shows that they do not agree with or like something”, or “fighting in a war”.<sup>44</sup>

20. Provoking “hostility” requires a reaction from another party. The impacts on 2SLGBTQI+ persons are not always caused by third party conduct that an expression provokes. Social context and human rights jurisprudence inform that inequality and indignity are not always directly related to negative provoked conduct. This Court has noted, in the context of hate

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<sup>38</sup> *Oger*, at para [68](#).

<sup>39</sup> *Oger*, at paras [155-157](#).

<sup>40</sup> *Nelson v Goodberry Restaurant Group Ltd.*, 2021 BCHRT 137 [**Nelson**] at paras [89](#) and [98](#).

<sup>41</sup> *Oger*, at paras [155-157](#); *Nelson*, at para 41.

<sup>42</sup> *EN v Gallagher’s Bar and Lounge*, 2021 HRTO 240 [**EN**] at paras [25](#), [29](#), and [31](#); *Kin c McNicoll*, 2021 QCTDP 34 [**Kin**] at paras [79](#), [84](#), and [94](#).

<sup>43</sup> *Mondal v Evans-Bitten*, 2022 ONSC 809 [**Mondal**] at paras [5-6](#); *Volpe v Wong-Tam*, 2022 ONSC 3106 [**Volpe**] at paras [49-68](#).

<sup>44</sup> Cambridge Dictionary (online: <https://dictionary.cambridge.org>), “hostility”.

propaganda, the need for protection from “psychological pain” to “give full recognition to other provisions of the Charter”.<sup>45</sup> This Court’s 2SLGBTQI+ equality jurisprudence has also considered “fear of discrimination” causing “psychological harm” which is detrimental to “personal confidence and self-esteem”.<sup>46</sup> The vulnerability of 2SLGBTQI+ persons (especially youth) to poor mental health, and suicide are also potentially exacerbated by an expression alone, without any hostility from others parties.<sup>47</sup>

21. The current hostility factor suggests that the expression or claim might requires a high threshold of provoking violence, harassment, or “detestation or vilification” like in *Whatcott*.<sup>48</sup> A person’s negative personal experience with hateful or discriminatory expression might result in psychological harm irrespective of hostility provoked by the expression.<sup>49</sup> CBRC/CCGSD submit that this Court should clarify that consideration of relevant 2SLGBTQI+ social context and human rights jurisprudence suggest that the hostility factor should be expanded to include harm (including psychological) caused by a claim or expression. This Court has stated that s. 2 jurisprudence can inform the weighing of the “importance of the expression” factor. It follows that equality and security of the person jurisprudence, relating to psychological and other harms caused by an expression, inform an expanded general harm factor.<sup>50</sup>

#### **D. Considering relevant social context and human rights law for other *Pointes* factors**

22. Social context and human rights law are useful considerations for other *Pointes* factors, including an expression’s importance, party litigation history, chilling or collateral effects on a party’s or others’ *future* expression, and defendant public interest activism/advocacy history.<sup>51</sup>

23. The relevant public interest importance of an expression will be counterweighed by negative implications for others’ dignity and equality, like when decisions impugning hate

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<sup>45</sup> *Canada (Human Rights Commission) v Taylor*, [1990] 3 SCR 892, 1990 CanLII 26 (SCC) at [916](#).

<sup>46</sup> *Vriend*, at para [101](#).

<sup>47</sup> *Oger*, at para [62](#); *XY*, at paras [165-166](#).

<sup>48</sup> *Whatcott*, at paras [188-191](#).

<sup>49</sup> The *Code s 7* protects against hateful and discriminatory publications, which should indicate the public interest might be served by considering harm to the protected group more broadly.

<sup>50</sup> *Pointes*, at paras [77](#) and [80](#).

<sup>51</sup> *Pointes*, at para [80](#).

propaganda restrictions have balanced freedom of expression and religion considerations against those restriction’s legislative objectives of promoting dignity, equality, and security of the person.<sup>52</sup> That counterweighing might occur when directly assessing expressive value or find use in CBRC’s/CCGSD’s proposed expanded harm causing factor.

24. The chilling and collateral effects factors can be qualified by both considerations as 2SLGBTQI+ persons might experience either effect from a defamation claim. Inability to access dismissal orders fosters a bystander effect, where negative expressions go unchallenged incentivizing hateful and discriminatory speech.

25. The social context and procedural history of related human rights complaints or other civil or criminal proceedings, should also inform the public interest “weighing”. Notably, the timing of a defamation claim after a human rights complaint should be considered. Expressions challenged in a defamation claim should also be weighed against a plaintiff’s conduct in an applicable human rights complaint and not just on defamation pleadings. Longstanding public support for 2SLGBTI+ equality should be actively considered and, conversely, longstanding history in opposition to this group’s equality should also be considered.<sup>53</sup>

#### **PART IV – COSTS**

26. CBRC/CCGSD do not seek costs and request that no costs be ordered against them.

#### **PART V – ORDERS SOUGHT**

27. CBRC/CCGSD make no submission on this appeal’s outcome.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 14th day of July 2022.

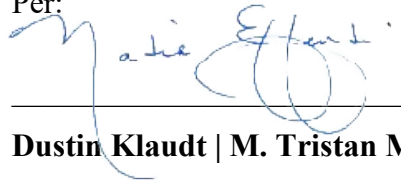
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<sup>52</sup> *Whatcott*, at paras [64-68](#). International obligations also support such an approach (para [67](#)).

<sup>53</sup> For example, if the *Whatcott* defendant brought a defamation claim, an applications judge should assess his litigation history as a weighty consideration for dismissal in the public interest.



Per:



A handwritten signature in blue ink, appearing to read 'Grace McDonnell', is written over a horizontal line. The signature is stylized and somewhat cursive.

**Dustin Klaudt | M. Tristan Miller | Grace McDonell**

Counsel for the Interveners,  
Community-Based Research Centre and the Canadian  
Centre for Gender & Sexual Diversity

## PART VII – TABLE OF AUTHORITIES

### Caselaw

No.	Authority	Paragraph Reference
1.	<i>1704604 Ontario Ltd v Pointes Protection Association</i> , <a href="#">2020 SCC 22</a>	2, 5-8,10, 12, 18-19, 20-22
2.	<i>AB v CD</i> , <a href="#">2020 BCCA 11</a>	9
3.	<i>Andrews v Law Society of British Columbia</i> , <a href="#">[1989] 1 SCR 143</a> , <a href="#">1989 CanLII 2 (SCC)</a>	9
4.	<i>Canada (Human Rights Commission) v Taylor</i> , <a href="#">[1990] 3 SCR 892</a> , <a href="#">1990 CanLII 26 (SCC)</a>	20
5.	<i>Centre for Gender Advocacy c Attorney General of Quebec</i> , <a href="#">2021 QCCS 191</a>	7
6.	<i>CF v Alberta (Vital Statistics)</i> , <a href="#">2014 ABQB 237</a>	7, 15
7.	<i>Egan v Canada</i> , <a href="#">[1995] 2 SCR 513</a> , <a href="#">1995 CanLII 98 (SCC)</a>	7, 14, 17
8.	<i>EN v Gallagher’s Bar and Lounge</i> , <a href="#">2021 HRTO 240</a>	18
9.	<i>Insurance Corporation of BC v Heerspink</i> , <a href="#">[1982] 2 SCR 145</a> , <a href="#">1982 CanLII 27 (SCC)</a>	9
10.	<i>Kin c McNicoll</i> , <a href="#">2021 QCTDP 34</a>	18
11.	<i>Mondal v Evans-Bitten</i> , <a href="#">2022 ONSC 809</a>	19
12.	<i>Nelson v Goodberry Restaurant Group Ltd</i> , <a href="#">2021 BCHRT 137</a>	18
13.	<i>Neufeld v Hansman</i> , <a href="#">2021 BCCA 222</a>	5, 12
14.	<i>Neufeld v Hansman</i> , <a href="#">2019 BCSC 2028</a>	5
15.	<i>Oger v Whatcott (No 7)</i> , <a href="#">2019 BCHRT 58</a>	15, 18-19
16.	<i>PT v Alberta</i> , <a href="#">2018 ABQB 496</a>	17
17.	<i>R v Hape</i> , <a href="#">2007 SCC 26</a>	10
18.	<i>Saskatchewan (Human Rights Commission) v Whatcott</i> , <a href="#">2013 SCC 11</a>	14, 21, 23, 25

No.	Authority	Paragraph Reference
19.	<i>Volpe v Wong-Tam</i> , <a href="#">2022 ONSC 3106</a>	19
20.	<i>Vriend v Alberta</i> , <a href="#">[1998] 1 SCR 493</a> , <a href="#">1998 CanLII 816 (SCC)</a>	11, 14, 20
21.	<i>XY v Ontario (Government and Consumer Services)</i> , <a href="#">2012 HRTO 726</a>	15, 20
22.	<i>Young v Young</i> , <a href="#">[1993] 4 SCR 3</a> , <a href="#">1993 CanLII 34 (SCC)</a>	9

### Secondary Sources

No.	Secondary Source	Paragraph Reference
1.	<a href="#"><i>Born Free and Equal – Sexual Orientation and Gender Identity in International Human Rights Law</i></a> , United Nations Human Rights Office of the High Commissioner (New York, 2012)	7
2.	<a href="#">Cambridge Dictionary</a> , “hostility”	19
3.	Canada, Statistics Canada, <a href="#">Police-Reported hate crime in Canada, 2020</a> , (March 17, 2022) at 19, online: Statistics Canada	16
4.	<a href="#">Practices of Exclusion– Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity</a> , United Nations Human Rights Office of the High Commissioner (New York, July 15, 2021),	16
5.	Ruth Sullivan, <i>Sullivan on the Construction of Statutes</i> , 6ed (Toronto: Lexis Nexis, 2020) (online LexisNexis Ebook)	9

**Statutes, Regulations, Rules, etc.**

<b>No.</b>	<b>Statute, Regulation, Rule, etc.</b>	<b>Section, Rule, Etc.</b>
1.	<i>Canadian Charter of Rights and Freedoms, <a href="#">Part I of the Constitution Act, 1982</a>, being Schedule B to the <a href="#">Canada Act 1982 (UK)</a>, 1982, c 11</i>	<a href="#">1</a> , <a href="#">2</a> , <a href="#">7</a> , <a href="#">15</a>
	<i>Charte canadienne des droits et libertés, <a href="#">tel que trouvé dans la Loi constitutionnelle de 1982</a>, étant l'annexe B de la <a href="#">Loi de 1982 sur le Canada</a>, 1982, ch 11 (R-U)</i>	<a href="#">1</a> , <a href="#">2</a> , <a href="#">7</a> , <a href="#">15</a>
2.	<i>Human Rights Code, <a href="#">RSBC 1996, c 210</a></i>	<a href="#">3(c)</a> , <a href="#">7</a>
3.	<i>Protection of Public Participation Act, <a href="#">S.B.C. 2019, c. 3</a></i>	<a href="#">4</a>