

IN THE SUPREME COURT OF CANADA
(ON APPLICATION FOR LEAVE TO APPEAL
FROM THE COURT OF APPEAL FOR ONTARIO)

BETWEEN:

HIS MAJESTY THE KING

Applicant
(Respondent)

- and -

A.M. & M.P.

Respondents
(Appellants)

MEMORANDUM OF ARGUMENT
OF THE RESPONDENT M.P.
APPLICATION FOR LEAVE TO CROSS-APPEAL
(Pursuant to s. 693(1)(b) of the *Criminal Code of Canada*
and Rule 27 of the *Rules of the Supreme Court of Canada*)

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PART I – OVERVIEW AND STATEMENT OF THE FACTS

A. Overview

1. The Respondents were charged with human trafficking and sexual service offences with respect to A.K., a long-time sex trade worker. At their preliminary hearing, held pre-*Barton*, she was cross-examined without objection about her experiences in working in the sex trade with escort agencies, in partnership with another worker, independently and with third parties and about how she conducted her business, including her composing and posting of ads for her services on the Internet. She was not cross-examined about the specifics of any sexual activity and there was no suggestion that she was in any way less credible because of the nature of her work.

2. After the preliminary hearing but before trial, *R. v. Barton*¹ came down, changing the legal landscape. Based on counsel's understanding of *Barton*, the Respondents filed a s. 276 application seeking to cross-examine the Respondents at trial on the same areas as they had at the preliminary hearing. The trial judge ruled that s. 276 applied to the human trafficking and sexual service offences and refused the application to cross-examine except on the areas the Crown consented to. At trial, the trial judge upheld the Crown's objections at trial to any cross-examination that the Crown believed may infringe s. 276 and the trial judge's ruling.

3. In the end, the Respondents were acquitted of the human trafficking charges but convicted of three sexual service offences, receiving material benefits (s. 286.2), exercising control, direction or influence over the movements of A.K. (s. 286.3) and advertising the sexual services of A.K. (s. 286.4).

4. The Respondents appealed on a number of grounds, including the denial of their right to cross-examine A.K. in the areas set out in their 276 application. The Ontario Court of Appeal allowed their appeal and ordered a new trial on the s. 276 issue, holding:

(1) Section 276 of the *Criminal Code* did not apply categorically to all prosecutions for

1 *R. v. Barton* 2019 SCC 33.

sexual services and human trafficking offences;²

(2) Section 276 did not apply to the specific circumstances of this case;³ and

(3) a *Seaboyer* application by the defence is not required in all sexual services and human trafficking proceedings.⁴

Section 276 of the Criminal Code does not apply categorically to all prosecutions for sexual services and human trafficking offences.

5. The Respondent M.P. relies on the reasoning of the Court of Appeal on this issue. Reading the sexual services and human trafficking offences categorically into Section 276 would be contrary to the plain text of the section, its legislative history, and its surrounding statutory context and purpose. It would also upset the carefully calibrated constitutional balance between trial fairness, the right to make full answer and defence and the privacy interests of witnesses that Section 276 represents.

6. Section 276 should be interpreted in the context in which it was enacted. Its predecessor, s. 246.6, was passed in 1982 as part of a comprehensive reform of the antiquated and discriminatory laws of rape. S. 246.6 conclusively abrogated the common law rules which permitted a virtually unrestricted inquiry into the complainant's sexual history in rape cases. The section was applied only to proceedings in respect of three specific offences, sexual assault, sexual assault with a weapon and aggravated sexual assault (then ss. 246.1, 246.2 and 246.3).

7. In 1991, this Court in a 7-2 decision in *R. v. Seaboyer*⁵ found that s. 246.6 was inconsistent with s. 7 and 11(d) of the *Charter* and of no force and effect. The majority created a new set of common law rules to govern the admissibility of a complainant's sexual history in sexual assault proceedings. The analysis of both the majority and the dissent was premised on

2 *R. v. A.M.* 2024 ONCA 661 at paras. 74 – 92.

3 *R. v. A.M.* (*supra*) at paras. 93 – 100.

4 *R. v. A.M.* (*supra*) at paras. 101 – 114.

5 *R. v. Seaboyer* [1991] S.C.R. 577

the inequity and unfairness of the previous common law rules governing sexual assault prosecutions and the effect of such rules on the reporting of sexual assaults and the discriminatory stereotyping of complainants.

8. In 1992, Parliament largely codified the *Seaboyer* common law rules in a reformulation of s. 276 and applied them to a broader range of sexual offences, including sexual interference and exploitation offences involving children. In 2000, this court in *R. v. Darrach*⁶ upheld the constitutionality of the new 276 regime.⁷

9. Post *Darrach*, Parliament has amended s. 276 three times but not chosen to add human trafficking and sexual services offences to the enumerated offences in s. 276. In contrast, Parliament did choose to include those offences in the related statutory scheme governing the production of third party (s. 278.2) and the use of records in the possession of the accused (278.92). The Court of Appeal correctly found that this history evidenced Parliament's intent not to add these offences to the enumerated offences in s. 276.⁸

10. Parliament's failure to include human trafficking and sexual services offences in s. 276 reflects the reality that they are a poor fit with the s. 276 regime. The enumerated 276 offences typically are not included or predicate offences of human trafficking or sexual services offences. Absent case-specific circumstances, human trafficking and sexual services offences do not engage the issue of consent. Consent is statutorily excluded as a defence to human trafficking under 279.01⁹ and irrelevant to a charge of receiving material benefits from trafficking under 279.02. Similarly, consent is typically irrelevant to sexual services offences.

11. The policy concerns that underlaid the *Seaboyer* and *Darrach* decisions also do not translate into the complex world of the sex trade industry. There is no consensus about the appropriate regulation or characterization of this industry as illustrated by the ongoing debate

6 *R. v. Darrach*, 2000 SCC 46

7 *R. v. Barton* 2017 SCC 31 at paras. 55 – 58.

8 *R. v. A.M. (supra)* at paras. 82 – 88.

9 Section 279.01 (2).

about the criminalization of third-party involvement in the sex trade.¹⁰

12. The Court of Appeal held that a case-by-case analysis was required to determine whether the proceeding is in substance “in respect of” one of the listed offences, based on the charges, the nature of the allegations and the evidence the accused seeks to adduce.¹¹ This is consistent with the teaching of *Barton* which implicitly envisages such an analysis and allows for the orderly development in the law in this area where trial fairness and privacy interests must be balanced against an accused’s constitutional right to make full answer and defence.

13. A case-by-case analysis would not be unduly burdensome, contrary to the Applicant’s assertion. *Barton* already requires a trial judge to make a preliminary assessment about whether s. 276 applies in an appropriate case.¹²

Section 276 did not apply to the specific circumstances of this case.

14. Applying a case-by-case analysis to the circumstances of this case, the Court of Appeal correctly determined that s. 276 did not apply. The allegations against the accused did not involve or implicate the offence of sexual assault or any use of threat of violence to compel the sex trade worker, A.K., to provide sexual services. A.K. had sought out A.M. to work with and during the period of the indictment came and went as she pleased. Consent was not a live issue. The allegation of exercising control, direction or influence did not imply lack of consent, given the wide spectrum of conduct and its effect encompassed by that phrase.

15. The inferences that the Respondents wished to draw from the proposed evidence also did not engage s. 276. The Respondents sought to adduce evidence about the witness’s prior involvement and experience as a sex trade worker and how she conducted her business and not about the specifics of the underlying sexual activity. The inferences they sought to draw from

10 As illustrated by such cases as *R. v. Bedford* 2013 SCC 72, *R. v. Anwar* 2020 ONCJ 103, *R. v. N.S.* 2022 ONCA 160, leave refused SCC No. 40324, and *R. v. Kloubakov* 2023 ABCA 287, on reserve in the Supreme Court of Canada, File No. 41017.

11 *R. v. A.M.* at paras. 91 – 92.

12 *Barton* at para. 78.

that evidence were not “by reason of the sexual nature of the activity”¹³ and did not engage the twin myths. They were relevant to the issues raised by the Crown and to the defence.

A Seaboyer application by the defence is not required in all sexual services and human trafficking proceedings.

16. The Court of Appeal correctly declined to extend the common law rule created by *Seaboyer* to all human trafficking and sexual services offences.¹⁴ As originally enacted, s. 276 codified the *Seaboyer* rules. Since then, Parliament amended the section without seeing fit to add human trafficking and sexual services to the list of offences. In these circumstances, the elected legislature is in the best position to decide whether such an extension is appropriate.¹⁵ As noted by the Court of Appeal such an extension would represent a dramatic shift in the common law, contrary to the incremental approach repeatedly advocated by this Court. Finally, the same arguments against applying the s. 279 regime to human trafficking and sexual services offences apply with equal force to extending the *Seaboyer* rule.

17. Trial judges would still retain their ability to limit cross-examination where the line of questioning is irrelevant, appeals to twin myth or stereotypical reasoning, or has a prejudicial effect that substantially outweighs its probative value.¹⁶

This is not an Issue of Public Importance

18. The principal issue in this case – the applicability of s. 276 to human trafficking and

13 S. 276(1): “evidence that the complainant has engaged in sexual activity ... is not admissible to support an inference that, by reason of the sexual nature of the activity, the complainant was more likely to have consented or is less worthy of belief. Also see *R. v. Darrach* [2000] 2 SCR 443 at para. 35.

14 *R. v. A.M.* at paras. 101 – 114.

15 See, for example, *Watkins v. Olafson*, [1989] 2 SCR 750 at 760 – 1.

16 *R. v. A.M.* at paras. 111 – 112. Also see *R. v. Goldfinch* 2019 SCC 38 per Moldaver J. concurring at para. 96.

sexual services offences – arose from conflicting trial decisions at the trial level in Ontario, now resolved by the Court of Appeal decision. There are no conflicting Court of Appeal decisions from the other Provinces. The Court of Appeal ruling that human trafficking and sexual services offences should not be categorically included in s. 276 is in the Respondent’s submission unassailable. The rest of the decision does not engage issues of public importance as it turns on a case-specific consideration of the nature of the allegations, the evidence sought to be adduced, and the permissible inferences from that evidence. The Court of Appeal’s case-by-case approach allows for the development of case law in this area and does not foreclose the application of s. 276 in appropriate cases. The determination of whether s. 276 applies to a particular case is not onerous and is consistent with the teaching in *Barton* that in the case of doubt whether the proceeding implicates an offence listed in s. 276 an application should be made to the trial judge about the applicability of s. 276.¹⁷

B. Statement of Facts

The history of the s. 276 application

19. On October 25, 2017, the Respondent M.P. and his co-accused, A.M. were arrested and charged jointly with receiving a material benefit from A.K., a 27 year old sex trade worker, contrary to both s. 279.02(1) (a human trafficking offence) and s. 286.2(1) (a sexual services offence) and exercising control, direction, or influence over A.K.’s movements, contrary to s. 279.01(1) and s. 286.3(1)) for the period from February 1, 2015 to October 25, 2017. They were also charged jointly with advertising A.K.’s sexual services contrary to s. 286.4 from July 1 to October 25, 2017, as well as some drug offences. On July 7, 2020, after a judge-alone trial in the Ontario Superior Court of Justice, the Respondent M.P. was convicted of the three sexual services offences and acquitted of all other charges, including the human trafficking charges.

20. A.K. testified at the preliminary hearing from July 30 to August 1, 2018, before *Barton* was decided. She testified both in-chief, in cross-examination and in re-examination about her long experience working in the sex trade industry. A high school friend introduced her to sex

¹⁷ *R. v. Barton* at para. 78.

work when she was 18. She was drawn to the money. She first worked as an escort through an agency in downtown Toronto then as an independent sex worker with her friend. She worked independently for about three years, booking her own hotel rooms and placing her own ads, before working for another agency in Ottawa. At one point, she returned to college for a year but dropped out after failing two courses. She returned to sex work, working for an agency in Ottawa then moved to Toronto to work independently as an escort. It did not go well. Through another sex worker she was introduced to a Mr. X with whom she eventually decided to work with. This ended after she stole drugs from him. In early 2015 Mr. X introduced her to A.M. and she began working with him.

21. The cross-examination of A.K. was solely about her work experiences in the sex trade worker and how she conducted her trade. There was no cross-examination about specific sexual activities and nothing in the cross-examination to suggest that she was less worthy of belief because of her work in the sex trade.

22. After *Barton* came down in May 2019, counsel for the two co-accused brought a s. 276 application to adduce the evidence of A.K.'s prior work experience. The trial judge ruled that s. 276 applied to human trafficking and sexual services offences before the court. He ruled that the evidence of A.K.'s prior work experience in the sex trade and her practices in conducting this business was irrelevant, engaged the twin myth set out in s. 276(1)(a) and thus inadmissible. Similarly, evidence of A.K.'s prior experience in posting ads for her services and examples of those ads were also ruled irrelevant and inadmissible. The Crown conceded that evidence of how A.K. came to meet A.M. was relevant as part of the Crown's narrative as was evidence of A.K.'s work as an independent sex worker during the period covered by the indictment. The trial judge ruled this evidence admissible.

23. At trial, any cross-examination that might touch on any areas prescribed by the ruling was curtailed. The Crown successfully objected to any reference to ads posted by A.K. in 2016 when she was working independently despite falling within the period covered by the indictment. A.K.'s testimony at trial proved to be contradictory, self-serving and unreliable, prompting the Crown to successfully apply to have her testimony at the preliminary hearing read in. All references to her prior work experience in that testimony were redacted.

24. The Court of Appeal held that the trial judge erred in excluding the evidence of A.K.'s experience in the sex trade industry and the conduct of her business. The evidence was relevant and did not engage impermissible twin myths reasoning contrary to s. 276(1).¹⁸

The Respondent M.P.'s Involvement

25. After she met A.M., A.K. began working with him, first out of hotels in the Toronto area and then from July to October 2017 out of a house in Newmarket Ontario rented by the Respondent M.P.. She advertised her services online using photos she provided. She set the price for her services and what services she was prepared or not prepared to provide and collected her payments in cash. Her goal was to make as much money as possible.

26. Her practice was to work for a few days at a time, returning to live with her parents in Warkworth, Ontario, sometimes for weeks or months. At one point, she moved to Oshawa where she worked independently and posted at least two ads on her own, using the phone number of a friend.

27. The Respondent M.P. met A.K. through A.M. and the three of them would hang out together. A.K. considered the Respondent a friend. He was not involved in her work while she was working out of hotels except towards the end when he would occasionally drive her on an out-call or to her hotel. She testified that she did not pay him for this.

28. After A.K. began working out of the house in Newmarket, she had a falling-out with A.M. She asked the Respondent to help with her work because she did not want to deal with A.M. anymore. According to her, he was easier to deal with. She asked him to help screen clients and arrange appointments using his phone number. In return, A.K. testified that she gave him a share of the fees she received from clients he dealt with.

29. A live issue at trial was whether the Appellant posted any of A.K.'s online ads. A.K.'s testimony was that she needed help with technical issues to do so. However, based on her prior work experience as attested to at the preliminary hearing, she had posted her ads herself

¹⁸ *R. v. A.M.* at paras. 118 to 122.

many times in the past.

PART II – QUESTIONS IN ISSUE

30. The Respondent submits that the questions in issue on this application for leave to cross-appeal are:

- (i) Whether Section 276 of the *Criminal Code* applies categorically to all prosecutions for sexual services and human trafficking offences;
- (ii) What is the appropriate test to determine what is a proceeding in respect of an offence not listed in s. 276;
- (iii) Whether Section 276 applied in the specific circumstances of this case; and
- (iv) Whether a *Seaboyer* application by the defence is required in all sexual services and human trafficking proceedings.

PART III – STATEMENT OF ARGUMENT

1. *Does Section 276 apply categorically to all prosecutions for sexual services and human trafficking offences?*

31. The Respondent adopts the reasoning of the Court of Appeal held that s. 276 did not apply categorically to all human trafficking and sexual services offences.

32. The Applicant in its Memorandum urges an overly broad interpretation of “proceedings in respect of” a listed offence which is inconsistent with the text, legislative history and context of s. 276 and the teachings of *Barton*.

The Text of s. 276

33. The text of s. 276 does not support a categorical inclusion of unlisted offences such as human trafficking and sexual services offences. *Barton* interpreted the phrase “proceedings in respect of” a listed offence as requiring a case-by-case approach to determine whether “in

substance, a listed offence is implicated in the proceeding.¹⁹ It does not suggest that there are unlisted offences that always come within s. 276. Rather, the trial judge must first determine whether a listed offence is a predicate offence or an included offence of the offence charged. If not, the trial judge should hear from the parties and rule accordingly.²⁰ This implies that there are unlisted offences involving sexual activity to which s. 276 does not apply and is inconsistent with a categorical inclusion of unlisted offences.

34. The failure of Section 276 to include human trafficking and sexual services offences in its list of enumerated offences contrasts with the related sections, 278.2 (1) (production of records relating to the complainant) and 278.92(1) (admissibility of records relating to the complainant in possession of the accused), both of which specifically list those offences as coming within their ambit. In these circumstances, the failure to include these offences in s. 276 should be seen as a deliberate decision by Parliament to do so.²¹

Legislative history

35. The legislative history of s. 276 shows that Parliament was alive to the issue of what offences should or should not be listed in s. 276 and despite opportunities to do so, chose **not** to include human trafficking and sexual service offences. Pre-*Seaboyer*, s. 276 concerned proceedings in respect of a sexual assault offence under ss. 271, 272 or 273. Post-*Seaboyer*, s. 276's ambit was broadened to include sexual offences involving children (ss. 151, 152, 153, 155, 160(3), 170, 171, 172, and 173(2)), anal intercourse (s. 159) and bestiality (160(2)). In 2002, Parliament added sexual exploitation of a person with a disability (s. 153.1) to the list of s. 276 offences²² and in 2019 deleted the reference to s. 159 upon the repeal of that section.²³ During this course of legislative reform, Parliament never saw fit to include human trafficking and

¹⁹ *Barton* at para. 75.

²⁰ *Barton* at para. 76.

²¹ *R. v. Wolfe* 2024 SCC 34 at para. 35 – 37.

²² Statutes of Canada, 2002, Vol. 1, Chapter 13, s. 13.

²³ Statutes of Canada, 2019, Vol. 3, Chapter 29, s. 100, 102

sexual services offences in the list of s. 276 offences.

36. This was not the case for s. 278.2 (production of records relating to the complainant). When first enacted in 1997, s. 278.2 incorporated the prostitution-related offences (ss. 210, 211, 212, and 213) with the offences listed in s. 276.²⁴ Section 153.1 was added in 1998.²⁵ In 2014, upon the enactment of the new sexual service offences post-*Bedford*, s. 278.2 was amended to remove one of the listed prostitution-related offences (s. 212 (procuring)) and add the new sexual services offences (ss. 286.1, 286.2 and 286.3) and the human trafficking offences (ss. 279.01, 279.02 and 279.03).²⁶

37. In 2018, Parliament amended the *Criminal Code* for, among other reasons, to “[modify] certain provisions of the Code relating to sexual assault in order to clarify their application.”²⁷ It created a new provisions governing the use of records in the possession of the accused, s. 278.92, which incorporated s. 278.2’s list of offences, including human trafficking and sexual services offences.²⁸ In this clarification, Parliament also turned its attention to s. 276 by revising s. 276(2)(a), adding a new s. 276(4) and merging the procedural provisions governing s. 276, 278.2 and 278.92 applications. It left the list of offences in s. 276 untouched.

38. In 2019, as part of the modernization of the *Criminal Code*, Parliament returned to the list of offences enumerated in ss. 276, 278.2 and 278.92. Section 159 was removed from the list of offences in s. 276, 278.2 and 278.92 and ss. 210 and 211 from ss. 278.2 and 278.92.²⁹

39. This legislative history also shows that Parliament has been engaged in a continued process of reforming the law surrounding the trial of sexual assault offences more than thirty

24 Ss. 210 (keeping a common bawdy house), 211 (transporting to bawdy house), 212 (procuring and living off the avails), 213 (stopping a motor vehicle for purpose of prostitution).

25 Statutes of Canada, 1998, Vol. 1, Chapter 9, s. 3.

26 Statutes of Canada, 2014, Vol. 2, Chapter 25, s. 17(2).

27 Statutes of Canada, 2018, Chapter 29, Summary.

28 Statutes of Canada, 2018, Chapter 29, s. 21, 23, 25.

29 Statutes of Canada, 2019, Vol. 3, Chapter 29, s. 100, 102

years. Intervention by this Court in these circumstances is unnecessary. Any changes should be left to Parliament.

Context

40. Section 276 should be interpreted in the context of its original purpose, the constitutional constraints on it and the statutory regime it forms part of.

41. Section 276 was enacted in response to *Seaboyer* which struck down its predecessor because it violated an accused's right to make full answer and defence guaranteed by s. 7 and 11(d) of the *Charter* by too broadly excluding evidence that may be relevant to an accused's defence. Parliament's focus in enacting the new section was on sexual violence against women and children, including "the prevalence of sexual assault against women and children," "the unique character of the offence of sexual assault," and the need to encourage the reporting of incidents of sexual violence.³⁰ It codified the common rules set out in *Seaboyer* designed to eliminate the twin myths that prior consensual sexual conduct is by reason of such conduct is relevant to whether she consented to the sexual conduct at issue or to her credibility as a witness.

42. Section 276 was designed to be a carefully calibrated *Charter* compliant balance of trial integrity, an accused's right to make full answer and defence, and the privacy and dignity interests of sexual assault complainants. It did so by codifying the common rules and procedures set out in *Seaboyer* which were themselves consistent with the *Charter*.³¹ It broadened its application to include sexual offences involving children but did not include other sexual offences such as prostitution-related offences where typically the participants were consenting to the activities. Categorically including other offences would have upset this balance by unjustifiably impairing an accused's right to make full answer and defence.

43. Section 276 should also be interpreted in the context of the larger statutory scheme it forms part of. This includes restrictions on the production or use of records concerning a

30 Statutes of Canada, 1992, Vol. 1, Chap. 38. Also see *R. v. Kruk* 2024 SCC 7 at para. 39 - 40.

31 See *R. v. Darrach* [2000] 2 S.C.C. at para. 20.

complainant or witness in sexual offences. The legislative history of these provisions seen together as outlined below shows a Parliamentary intent **not** to categorically include the human trafficking and sexual services offences in s. 276.

44. Parliament's failure to include human trafficking and sexual services offences in s. 276 reflects the reality that they are a poor fit with the s. 276 regime. The enumerated 276 offences typically are not included or predicate offences of human trafficking or sexual services offences. Absent case-specific circumstances, human trafficking and sexual services offences do not engage the issue of consent. Consent is statutorily excluded as a defence to human trafficking under 279.01 and irrelevant to a charge of receiving material benefits from trafficking under 279.02. Similarly, consent is typically irrelevant to sexual services offences.

45. Finally, as noted above, the policy concerns that underlaid the *Seaboyer* and *Darrach* decisions also do not translate into the complex world of the sex trade industry. As was the case here, sex trade workers often choose, for better or worse, to make their living this way through a variety of modalities, whether it be through an agency, independently or otherwise. Consent is often not a live issue and whether it does arise as an issue can be addressed by the case-by-case approach set out in the Court of Appeal decision.

2. *What is the appropriate test to determine what is a proceeding in respect of an offence not listed in s. 276?*

46. The Court of Appeal correctly set out held that a case-by-case determination s. 276 did not apply categorically to all human trafficking and sexual services offences as noted above in the overview.

3. *A Seaboyer application by the defence is not required in all sexual services and human trafficking proceedings.*

47. The Court of Appeal correctly set out held that the common law enunciated in *Seaboyer* should not be extended in to all sexual services and human trafficking proceedings, given the codification of the rule in s. 276 and Parliament's continuing amendments to the law in this area as noted above in the overview.

PART IV – SUBMISSIONS CONCERNING COSTS

48. The Respondent does not seek costs for his response to the Crown's application to appeal.

PART V – ORDER SOUGHT

49. The Respondent seeks an order that this Court dismiss the Crown's application for leave to appeal.

50. **ALL OF WHICH** is respectfully submitted this 4th day of January 2025.

A handwritten signature in black ink, appearing to read 'J. Gemmell', is written over a light blue rectangular background.

JACK GEMMELL

PART VI – TABLE OF AUTHORITIES & LEGISLATION

Cases	Paragraph(s) Where Cited
<i>R. v. A.M.</i> 2024 ONCA 661	4, 9, 12, 16, 17, 24
<i>R. v. Anwar</i> 2020 ONCJ 103	11
<i>R. v. Barton</i> 2019 SCC 33	2, 8, 12, 13, 18, 33
<i>R. v. Bedford</i> 2013 SCC 72	11
<i>R. v. Darrach</i> 2000 SCC 46	8, 15, 42
<i>R. v. Golfinvh</i> 2019 SCC 38	17
<i>R. v. Kloubakov</i> 2023 ABCA 287 , on reserve in the Supreme Court of Canada, File No. 41017	11
<i>R. v. Kruk</i> 2024 SCC 7	41
<i>R. v. N.S.</i> 2022 ONCA 160 , leave refused SCC No. 40324	11
<i>R. v. Seaboyer</i> [1991] S.C.R. 577	7
<i>R. v. Wolfe</i> 2024 SCC 34	34
<i>Watkins v. Olafson</i> , [1989] 2 SCR 750	16
PART VII – STATUTORY PROVISIONS	
<i>Criminal Code</i> (R.S.C., 1985, c. C-46), Section 279.01 (2) FR Section 276(1) FR	10, 15
<i>Statutes of Canada</i> , 1992, Vol. 1, Chap. 38 (link n/a)	41
<i>Statutes of Canada</i> , 1998, Vol. 1, Chapter 9, s. 3 (link n/a)	36
Statutes of Canada, 2002, Vol. 1, Chapter 13, s. 13 FR	35
Statutes of Canada, 2014, Vol. 2, Chapter 25, s. 17(2) FR	36
Statutes of Canada, 2018, Chapter 29, Summary, s. 21, 23, 25 FR	37
Statutes of Canada, 2019, Vol. 3, Chapter 29, s. 100, 102 FR	35, 38

SCC No. 41528

IN THE SUPREME COURT OF CANADA
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THE COURT OF APPEAL FOR OF ONTARIO)

B E T W E E N:

HIS MAJESTY THE KING

Applicant

- and -

A.M. & M.P.

Respondents

**MEMORANDUM OF ARGUMENT
OF THE RESPONDENT M.P.**

*(Pursuant to s. 693(1)(b) of the Criminal Code of Canada
and Rule 29 of the Rules of the Supreme Court of Canada)*

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