

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

B E T W E E N:

THE ONTARIO HEALTH COALITION and CATHERINE PARKES

Applicants

- and -

ONTARIO MINISTER OF LONG-TERM CARE

Respondent

BOOK OF AUTHORITIES OF THE RESPONDENT

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PART II REVIEW OF THE TRIBUNAL'S ACTION

Chapter 7 JUDICIAL REVIEW PROCEDURE

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1.

Applicants

Who may apply for judicial review? Statutory rights to apply for judicial review are granted only to persons who were parties before the tribunal and persons who are directly affected by the tribunal decision.¹ The same persons have the right at common law to apply for judicial review.² Standing of a party does not turn on whether they participated in the tribunal proceeding. The issues raised must concern the applicant's legal interests.³ If the statute grants other persons right to notice of the tribunal decision and a right of appeal, a claim of standing by others is weak.⁴ A person has no standing to argue that the tribunal decision affects the rights of another person.⁵ An indirect effect on commercial interests does not meet the test.⁶ Witnesses, whose legal interests are not affected by the decision, may not apply for judicial review of negative comments about them in the reasons for decision.⁷ Whether a complainant may apply for judicial review of a decision dismissing the complaint depends on the complainant's statutory rights before the tribunal.⁸ A unionized employee may not apply for judicial review of an arbitration decision because the union has a monopoly on representation.⁹

If there is no person adversely affected, any person may apply for public interest standing to challenge a tribunal decision upon demonstrating that they raise a serious justiciable issue, that they have a real stake or genuine interest in the matter, and there is no other reasonable and effective way to bring the issue before the court.¹⁰ It is not enough to argue that the rights of others are adversely affected because persons who have standing as of right are preferred. Caution is advisable if persons who are directly affected have refrained from challenging the decision, if the applicant does not have a track record and sufficient resources to properly litigate the issues or if the court will not be presented with a sufficiently well-developed factual context to decide the issues.¹¹

2.

Respondents

Who is entitled to respond to an application for judicial review? Rules require that every party, and any person who appears to be interested, or likely to be affected by the application for judicial review, should be served as a respondent.¹² At common law, any person who was a party before the tribunal or is directly affected by the tribunal decision has a right to be served with notice of an application brought by another party.¹³ A person who will be directly affected if the application for judicial review is successful may be granted standing as a respondent but an indirect effect is insufficient.¹⁴ A person who intervenes as a respondent has the same evidentiary rights as a

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party.¹⁵ An application that fails to name and serve a respondent within the time limit for judicial review may be quashed,¹⁶ and any order obtained may be set aside.¹⁷

3.

Intervenors

If an application raises an important point of law but all sides of the argument are not represented, leave may be granted to an intervenor to ensure that the point is fully argued but, if all sides are adequately represented, leave may be refused.¹⁸ Those permitted to intervene before the tribunal are usually permitted to intervene on judicial review.

The motion to intervene should identify the issues on which leave to make submissions is requested, summarize the proposed argument on those issues and demonstrate that the intervenor will offer valuable insights and perspectives that are different from those of the parties. It should be supported by evidence identifying the intervenor, demonstrating that they have a genuine interest in the issue, have appropriate knowledge, skills and resources and will dedicate them to the matter.¹⁹ The court is not bound by the parties' consent to intervention.²⁰

Intervenors may not introduce issues not raised by the parties, nor take any position on the result of the judicial review. An intervenor's perspective on the parties' issues must assist the court to decide those issues and the issues must be of a type that a court may decide on judicial review, as a court of law does not decide political or social issues. Intervenors may not file evidence or cross-examine witnesses and must base their arguments on the parties' evidence. They are precluded from making arguments that are not supported by the evidentiary record, which may not be circumvented by filing evidence in the guise of legal authorities. If several proposed intervenors offer similar perspectives, the court may deny leave to intervene if it would overburden a party with too many opponents or grant leave only to one or require them to file a single joint factum.²¹

Typically, intervenors are neither awarded nor ordered to pay costs. Intervenors have no right of appeal.²²

4.

The Attorney General and Other Ministers

The Attorney General has broader interests than an ordinary litigant. The Attorney General is guardian of the public interest and is responsible for the interpretation and application of all statutes and regulations and for the supervision of all who exercise statutory authority.²³ For this reason, the rules of most jurisdictions require the applicant to serve notice of the application on the Attorney General and entitle the Attorney General to be a party as of right in any application for judicial review,²⁴ but failure to exercise the right until appeal of the judicial review decision might require an explanation.²⁵

The Attorney General ought not to be named as a respondent,²⁶ unless the application challenges the validity of a regulation or other Cabinet decision, in which case, the Attorney General is the proper respondent. Her Majesty the Queen should never be named respondent because the Sovereign does not seek a prerogative writ from herself.²⁷

The Attorney General may apply for judicial review of any exercise of statutory power and typically does if a tribunal has acted beyond its statutory authority and public rights are affected.²⁸ Historically, prerogative writs could be obtained, even by private citizens, only on behalf of and with the consent of the Attorney General as applicant.²⁹

If a tribunal decision affects the public interests of another jurisdiction, its Attorney General, or a tribunal with a mandate to protect the public interest in that jurisdiction, may apply for judicial review of the tribunal decision,³⁰ but must meet the test for standing applicable to a public interest applicant.³¹ Similarly, an Attorney General may

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intervene in an application brought in another jurisdiction, if the test to intervene, modified to respect the special role of an Attorney General, is met.³²

Government and public interests may be represented by a Minister if the application for judicial review concerns an exercise of authority under a statute for which the Minister is responsible.³³

5.

The Tribunal

The rules of most jurisdictions require that notice of an application be served on the tribunal whose exercise of power is challenged.³⁴ The primary purpose is to require the tribunal to deliver the record to the court for review.

The decision maker may be named as a respondent, except in the federal courts.³⁵ They should be named by their statutory title, instead of individual names of the incumbent or their delegate. Others involved in the decision-making process should not be named, particularly as no remedy against them is sought.³⁶ An applicant who uses individual names rather than titles may be suspected of attempting to intimidate or embarrass them.³⁷ If the tribunal has been legislated out of existence, the Attorney General is the proper respondent.³⁸

The decision maker does not automatically have standing as a party on judicial review. Even if the statute states that a tribunal is a party or is entitled to be heard, the court has discretion to refuse to hear submissions from the tribunal or may restrict the tribunal to certain issues. The extent of tribunal participation depends on finding the right balance in each case between ensuring that the principles of finality and impartiality are respected without sacrificing the ability of the court to hear useful and important information and analysis. The factors to be considered by the court in exercising its discretion include whether the application is opposed, whether the opposing parties have the necessary knowledge and expertise to fully respond to the issues and whether the tribunal adjudicates conflicts between opposing parties or serves a policy-making, regulatory or investigative role or acts in the public interest.³⁹

The principle of finality does not affect tribunal standing. Rather it concerns the issues that may be addressed by the tribunal. The tribunal may not raise a new reason for its decision in response to judicial review because to do so is unfair to the parties. However, a tribunal may explain its established practices, policies and statutory interpretations or other matters that were implicit in its decision⁴⁰ and respond to issues raised by the parties for the first time on judicial review.⁴¹ A tribunal may change its position on a question of statutory interpretation because the legislator expects the law to be properly interpreted.⁴²

The principle of impartiality is a concern if the tribunal adjudicates disputes between private parties. It may not take sides on judicial review because, if the decision is set aside, it may be referred back to the tribunal for further adjudication. However, in many regulatory matters, there is no private party respondent. The court may be assisted by the tribunal's expertise in the subject and familiarity with the regulatory scheme, especially in explaining the practical impacts of a particular statutory interpretation or the legal and factual realities of the regulated field.⁴³

If the decision was made by a tribunal in review of a decision of another decision maker who was a party before the tribunal, that party may participate as a party in the application for judicial review.⁴⁴ A committee to which some of a tribunal's powers have been delegated may not apply for judicial review of a decision of another committee to which other powers have been delegated. Disputes between committees should be settled by the governing body of the tribunal.⁴⁵ A regulator that does not have statutory authority to review its committee's decision does not have standing to apply for judicial review of the committee's decision.⁴⁶ Tribunal staff who were a party before the tribunal may not have standing on judicial review.⁴⁷ An authority that made the recommendation on which the decision at issue was based may participate subject to restrictions.⁴⁸

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A tribunal that participates in a judicial review application should be represented by counsel independent of the litigants⁴⁹ and should formally authorize its participation.⁵⁰

A tribunal that is not granted full party standing has no right of appeal, except with leave.⁵¹ The Attorney General is the proper party on judicial review and has a right of appeal.

Footnote(s)

- 1 *Federal Courts Act*, R.S.C. 1985, c. F-7, s. 18.1(1); *Friends of the Canadian Wheat Board v. Canada (Attorney General)*, [2011] F.C.J. No. 297 (F.C.A.); *Dow v. Canada (Canadian Nuclear Safety Commission)*, [2020] F.C.J. No. 347 (F.C.); *Judicial Review Act*, R.S.P.E.I. 1988, c. J-3, s. 5(b); *Hayden v. Lieutenant Governor in Council*, [2018] P.E.I.J. No. 21 (P.E.I.S.C.).
- 2 *Appleton v. Eastern Provincial Airways Ltd.*, [1983] F.C.J. No. 906 (F.C.A.); *Friends of the Canadian Wheat Board v. Canada (Attorney General)*, [2011] F.C.J. No. 297 (F.C.A.); *Hartwig v. Saskatoon (City) Police Assn.*, [2007] S.J. No. 337 at para. 68 (Sask. C.A.); *Alberta Liquor Store Assn. v. Alberta (Gaming and Liquor Commission)*, [2006] A.J. No. 1597 (Alta. Q.B.). See the discussion in Chapter 2, “2.10 Status: Who May Be a Party?”.
- 3 *Boyd v. Alberta (Workers’ Compensation Board)*, [2015] A.J. No. 337 (Alta. C.A.); *Bissou c. Comité d’indemnisation de l’organisme d’autoréglementation du courtage immobilier du Québec*, [2020] J.Q. no 3006 (Que. S.C.).
- 4 *Rudderham v. Scotian Materials Ltd.*, [2017] N.S.J. No. 513 (N.S.S.C.).
- 5 *Close v. Treasury Board (Department of Citizenship and Immigration)*, [2017] F.C.J. No. 275 (F.C.A.); *Bell Canada v. Allstream Corp.*, [2004] F.C.J. No. 1491 (F.C.A.); *Road to Home Rescue Support c. Montréal (Ville)*, [2019] J.Q. no 11195 (Que. C.A.); *Batacharya v. College of Midwives of Ontario*, [2012] O.J. No. 697 (Ont. Div. Ct.); *American Barrick Resources Corp. v. United Steelworkers of America*, [1991] O.J. No. 132 (Ont. Div. Ct.).
- 6 *Island Timberlands LP v. Canada (Minister of Foreign Affairs)*, [2009] F.C.J. No. 1563 (F.C.A.); *CanWest MediaWorks Inc. v. Canada (Minister of Health)*, [2008] F.C.J. No. 944 (F.C.A.); *Laboratories C.O.P. Inc. v. New Brunswick College of Pharmacists*, [2020] N.B.J. No. 284 (N.B.C.A.); *Accettone Funeral Home Ltd. v. Ajax Crematorium and Visitation Centre Inc.*, [2021] O.J. No. 3086 (Ont. Div. Ct.); *contra: Alberta Liquor Store Assn. v. Alberta (Gaming and Liquor Commission)*, [2006] A.J. No. 1597 (Alta. Q.B.); *Ridgeview Restaurant Ltd. v. Canada (Attorney General)*, [2010] F.C.J. No. 613 (F.C.), *affd* [2011] F.C.J. No. 186 (F.C.A.).
- 7 *Hurd v. Hewitt*, [1994] O.J. No. 2552 (Ont. C.A.); *Becker v. Ontario (Financial Services Commission)*, [2000] O.J. No. 210 (Ont. Div. Ct.).
- 8 *Mitten v. College of Alberta Psychologists*, [2010] A.J. No. 545 (Alta. C.A.); *Kozina v. Edmonton (City) Police Services*, [2019] A.J. No. 611 (Alta. Q.B.); *British Columbia (Police Complaint Commissioner) v. Vancouver (City) Police Department*, [2003] B.C.J. No. 399 (B.C.S.C.); *Allen v. College of Dental Surgeons of British Columbia*, [2007] B.C.J. No. 221 (B.C.C.A.); *Canada (Human Rights Commission) v. Eldorado Nuclear Ltd.*, [1980] F.C.J. No. 156 (F.C.A.); *Emerman v. Assn. of Professional Engineers and Geoscientists of British Columbia*, [2008] B.C.J. No. 1663 (B.C.S.C.).
- 9 *Noël v. Société d’énergie de la Baie James*, [2001] S.C.J. No. 41.
- 10 *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, [2012] S.C.J. No. 45.
- 11 *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, [2012] S.C.J. No. 45; *Cabana v. Newfoundland and Labrador*, [2016] N.J. No. 254 (N.L.C.A.); *Preserve Mapleton Inc. v. Ontario (Director, Ministry of the Environment)*, [2012] O.J. No. 2037 (Ont. Div. Ct.).
- 12 *Federal Courts Rules*, SOR/98-106, r. 303(1); *Supreme Court Civil Rules*, B.C. Reg. 168/2009, r. 16-1(3); *Alberta Rules of Court*, Alta. Reg. 124/2010, r. 3.15(3)(c); *Mclver v. Alberta (Ethics Commissioner)*, [2017] A.J. No. 1214 (Alta. Q.B.), judicial review denied [2018] A.J. No. 398 (Alta. Q.B.); *ENMAX Corp. v. Alberta (Labour Relations Board)*, [2018] A.J. No. 726 (Alta. Q.B.); *Saskatchewan Queen’s Bench Rules*, r. 3-56(4)(d); *Court of Queen’s Bench Rules*, Man. Reg. 553/88, r. 68.02; *Nova Scotia Civil Procedure Rules*, Royal Gaz. Nov. 19, 2008, r. 7.07; *Rules of the Supreme Court*, 1986, S.N.L. 1986, c. 42, Sch. D, r. 54.03; *Rules of the Supreme Court of the Northwest Territories*, N.W.T. Reg. 010-

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- 96, rr. 595, 597; *Rules of the Supreme Court of Nunavut*, N.W.T. Reg. (Nu) 010-96, r. 597; *Rules of Court*, Y.O.I.C. 2009/65, r. 54(5).
- 13** *Silverman v. Alberta (Human Rights Commission)*, [2012] A.J. No. 963 (Alta. C.A.); *Nobody v. Ontario (Civilian Police Commission)*, [2016] O.J. No. 5222 (Ont. Div. Ct.); *F.C.R.A. False Creek Residents Assn. v. Vancouver (City)*, [2014] B.C.J. No. 2244 (B.C.S.C.); *Eurocopter Canada Ltd. v. Canada (Attorney General)*, [2013] F.C.J. No. 1087 (F.C.); *Knight v. Ontario (Human Rights Tribunal)*, [2020] O.J. No. 2789 (Ont. Div. Ct.). See the discussion in Chapter 2 “2.10 Status: Who May Be a Party?”.
- 14** *Forest Ethics Advocacy Assn. v. Canada (National Energy Board)*, [2013] F.C.J. No. 1068 (F.C.A.); *Ontario Federation of Anglers and Hunters v. Ontario (Minister of Natural Resources and Forestry)*, [2015] O.J. No. 6723 (Ont. S.C.J.); *Edmonton Friends of the North Environmental Society v. Canada (Minister of Western Economic Diversification)*, [1990] F.C.J. No. 871 (F.C.A.); *Facility Assn. v. Newfoundland and Labrador (Public Utilities Board)*, [2003] N.J. No. 280 (N.L.T.D.); *Kelly v. Ontario (Minister of Energy)*, [2013] O.J. No. 3762 (Ont. Div. Ct.); *Leavitt v. Canadian Council of Independent Laboratories*, [2019] A.J. No. 1020 (Alta. Q.B.).
- 15** *Sandy Pond Alliance to Protect Canadian Waters Inc. v. Canada (Attorney General)*, [2011] F.C.J. No. 556 (F.C.A.).
- 16** *Raczynska v. Alberta (Human Rights Commission)*, [2015] A.J. No. 841 (Alta. Q.B.).
- 17** *Nu-Pharm Inc. v. Canada (Attorney General)*, [1999] F.C.J. No. 1313 (F.C.A.).
- 18** *Amnesty International Canada v. Canada (Canadian Forces)*, [2008] F.C.J. No. 1629 (F.C.A.); *Mr. Pawn Ltd. v. Winnipeg (City)*, [1998] M.J. No. 509 (Man. Q.B.); *Gibraltar Mines Ltd. v. Harvey*, [2021] B.C.J. No. 1062 (B.C.S.C.).
- 19** *Ishaq v. Canada (Minister of Citizenship and Immigration)*, [2015] F.C.J. No. 776 (F.C.A.); Supreme Court of Canada Notice to the Profession dated November 2021 — Interventions, online: <https://www.scc-csc.ca/ar-lr/notices-avis/21-11-eng.aspx> .
- 20** *Gordillo v. Canada (Attorney General)*, [2020] F.C.J. No. 1266 (F.C.A.).
- 21** *Gitxaala Nation v. Canada*, [2015] F.C.J. No. 289 (F.C.A.); *Teksavvy Solutions Inc. v. Bell Media Inc.*, [2020] F.C.J. No. 716 (F.C.A.); *Ishaq v. Canada (Minister of Citizenship and Immigration)*, [2015] F.C.J. No. 776 (F.C.A.); *Canada (Attorney General) v. Kattenburg*, [2020] F.C.J. No. 965 (F.C.A.), leave to appeal refused [2020] S.C.C.A. No. 460; *Squamish Nation v. British Columbia (Minister of Environment)*, [2019] B.C.J. No. 216 (B.C.C.A.); *Trinity Western University v. Law Society of Upper Canada*, [2014] O.J. No. 4490 (Ont. Div. Ct.), reconsideration denied [2014] O.J. No. 5041 (Ont. Div. Ct.).
- 22** *Faculty Assn. of the University of British Columbia v. University of British Columbia*, [2008] B.C.J. No. 1823 (B.C.C.A.); *Johnson v. Alberta (Director of Vital Statistics)*, [2008] A.J. No. 2 (Alta. C.A.); *Merck Frosst Canada Inc. v. Canada (Minister of National Health and Welfare)*, [1997] F.C.J. No. 155 (F.C.T.D.); *Al Yamani v. Canada (Solicitor General)*, [1995] F.C.J. No. 1453 (F.C.T.D.); *Brewer v. Fraser Milner Casgrain LLP*, [2008] A.J. No. 460 at paras. 40-49 (Alta. C.A.), leave to appeal refused [2008] S.C.C.A. No. 290.
- 23** *Sutcliffe v. Ontario (Minister of the Environment)*, [2004] O.J. No. 277 (Ont. C.A.).
- 24** *Federal Courts Rules*, SOR/98-106, rr. 303(2), 304(1)(b)(iii); *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241, s. 16; *Alberta Rules of Court*, Alta. Reg. 124/2010, r. 3.17; *Saskatchewan Queen’s Bench Rules*, r. 3-56(4); *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1, s. 9(4); *Rules of Court*, N.B. Reg. 82-73, r. 69.05(1)(a); *Nova Scotia Civil Procedure Rules*, Royal Gaz. Nov. 19, 2008, r. 7.07; *Judicial Review Act*, R.S.P.E.I. 1988, c. J-3, s. 9; *Rules of the Supreme Court*, 1986, S.N.L. 1986, c. 42, Sch. D, r. 54.03(3)(a); *Rules of the Supreme Court of the Northwest Territories*, N.W.T. Reg. 010-96, r. 598(1); *Rules of Court*, Y.O.I.C. 2009/65, r. 54(6); *Fry v. Doucette*, [1980] N.S.J. No. 465 (N.S.C.A.).
- 25** *Sutcliffe v. Ontario (Minister of the Environment)*, [2004] O.J. No. 277 (Ont. C.A.); *Warford v. Weir’s Construction Ltd.*, [2017] N.J. No. 12 (N.L.C.A.).
- 26** *Solicitor v. Law Society of British Columbia*, [2018] B.C.J. No. 755 (B.C.C.A.); *Federal Courts Rules*, SOR/98-106, r. 303; *Kinghorne v. Canada (Attorney General)*, [2018] F.C.J. No. 1261 (F.C.).
- 27** *Canada (Attorney General) v. Inuit Tapirisat of Canada*, [1980] S.C.J. No. 99; *Lang v. British Columbia (Superintendent of Motor Vehicles)*, [2005] B.C.J. No. 906 (B.C.C.A.).
- 28** *Federal Courts Act*, R.S.C. 1985, c. F-7, s. 18.1(1); *Alberta (Attorney General) v. Beaver (County) No. 9*, [1984] A.J. No. 1034 (Alta. C.A.).

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- 29** *Lang v. British Columbia (Superintendent of Motor Vehicles)*, [2005] B.C.J. No. 906 (B.C.C.A.); *Alberta (Attorney General) v. Beaver (County) No. 9*, [1984] A.J. No. 1034 (Alta. C.A.).
- 30** *Nova Scotia (Attorney General) v. Ultramar Canada Inc.*, [1995] F.C.J. No. 1160 (F.C.T.D.); *Régie des rentes du Québec v. Pension Commission of Ontario*, [2000] O.J. No. 2845 (Ont. Div. Ct.).
- 31** *Alberta v. Canada (Wheat Board)*, [1997] F.C.J. No. 1484 (F.C.T.D.), affd [1998] F.C.J. No. 1747 (F.C.A.).
- 32** *Tsleil-Waututh Nation v. Canada (Attorney General)*, [2017] F.C.J. No. 493 (F.C.A.).
- 33** *Manitoba v. Christie, MacKay and Co.*, [1992] M.J. No. 618 (Man. C.A.).
- 34** *Federal Courts Rules*, SOR/98-106, r. 304 (1)(b)(i); *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241, s. 15; *Alberta Rules of Court*, Alta. Reg. 124/2010, r. 3.15(3)(a); *Saskatchewan Queen's Bench Rules*, r. 3-56(4)(a); *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1, s. 9(2); *Code of Civil Procedure*, CQLR, c. C-25.01, s. 96; *Rules of Court*, N.B. Reg. 82-73, r. 69.05(1)(b); *Judicial Review Act*, R.S.P.E.I. 1988, c. J-3, s. 7(4); *Rules of the Supreme Court, 1986*, S.N.L. 1986, c. 42, Sch. D, r. 54.03(3)(b); *Rules of the Supreme Court of the Northwest Territories*, N.W.T. Reg. 010-96, r. 598(1)(b); *Rules of Court*, Y.O.I.C. 2009/65, r. 54(6)(b).
- 35** Federally, a tribunal is not named as a respondent and, if it wishes to participate, it must apply for leave to intervene: *Federal Courts Rules*, SOR/98-106, r. 303; *Maple Leaf Foods Inc. v. Consorzio Del Prosciutto Di Parma*, [2010] F.C.J. No. 528 (F.C.A.).
- 36** *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241, s. 15(2); *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1, s. 9(3); *Judicial Review Act*, R.S.P.E.I. 1988, c. J-3, s. 7; *Midgley v. Law Society of Alberta*, [1980] A.J. No. 608 (Alta. Q.B.), affd [1980] A.J. No. 712 (Alta. C.A.); *Canada (Attorney General) v. Canada (Human Rights Commission)*, [1979] F.C.J. No. 145 (F.C.A.); *Cooté v. Assante Corp.*, [2007] O.J. No. 1902 (Ont. Div. Ct.); *Mahmood v. Canada*, [1998] F.C.J. No. 1345 (F.C.T.D.); *Richards v. Springhill Institution*, [2015] N.S.J. No. 178 (N.S.C.A.).
- 37** *Taser International Inc. v. British Columbia (Commissioner)*, [2010] B.C.J. No. 802 (B.C.S.C.); *Petrie v. Rothesay (Town)*, [2002] N.B.J. No. 168 (N.B.C.A.).
- 38** *West Van Cab Ltd. v. British Columbia*, [2009] B.C.J. No. 248 (B.C.C.A.).
- 39** *Ontario (Energy Board) v. Ontario Power Generation Inc.*, [2015] S.C.J. No. 44; *Brewer v. Fraser Milner Casgrain LLP*, [2008] A.J. No. 460 (Alta. C.A.), leave to appeal refused [2008] S.C.C.A. No. 290.
- 40** *Ontario (Energy Board) v. Ontario Power Generation Inc.*, [2015] S.C.J. No. 44.
- 41** *Alberta Teachers' Assn. v. Alberta (Information and Privacy Commissioner)*, [2011] A.J. No. 38 (Alta. Q.B.).
- 42** *Orphan Well Assn. v. Grant Thornton Ltd.*, [2019] S.C.J. No. 5 at para. 125.
- 43** *Ontario (Energy Board) v. Ontario Power Generation Inc.*, [2015] S.C.J. No. 44.
- 44** *Commission des transports du Québec c. Villeneuve*, [2009] J.Q. no 8351 (Que. C.A.); *Jaffer v. Ontario (Health Professions Appeal and Review Board)*, [2019] O.J. No. 5937 (Ont. Div. Ct.); *Receveur v. Saskatchewan (Deputy Superintendent of Insurance)*, [1993] S.J. No. 453 (Sask. Q.B.); *Imperial Oil Ltd. v. Alberta (Minister of the Environment)*, [2003] A.J. No. 721 (Alta. Q.B.); *Skyline Roofing Ltd. v. Alberta (Workers' Compensation Board)*, [2001] A.J. No. 985 (Alta. Q.B.).
- 45** *Law Society of Manitoba v. McRoberts*, [1990] M.J. No. 191 (Man. C.A.).
- 46** *Bahcheli v. Alberta Securities Commission*, [2007] A.J. No. 520 (Alta. C.A.); *Watson v. Catney*, [2007] O.J. No. 231 (Ont. C.A.); *Manitoba Chiropractors Assn. v. Alevizos*, [2003] M.J. No. 206 (Man. C.A.); *contra: Assn. of Professional Engineers and Geoscientists of British Columbia v. Visser*, [2004] B.C.J. No. 1053 (B.C.S.C.); *Brodeur c. Lavigne*, [2015] J.Q. no 2986 (Que. S.C.), affd (*sub nom. Synnott c. Emond*) [2017] J.Q. no 5724 (Que. C.A.); *Baharloo v. University of British Columbia*, [2014] B.C.J. No. 299 (B.C.S.C.).
- 47** *ICN Pharmaceuticals, Inc. v. Canada (Patented Medicine Prices Review Board)*, [1996] F.C.J. No. 1065 (F.C.A.); *contra: Real Estate Council of Alberta v. Henderson*, [2007] A.J. No. 1068 (Alta. C.A.), leave to appeal refused [2007] S.C.C.A. No. 588.
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THE ONTARIO HEALTH COALITION **and**
AND CATHERINE PARKES
Applicants

ONTARIO MINISTER OF LONG-
TERM CARE
Respondent

Court File No.: DC-24-00000007-00JR

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
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**BOOK OF AUTHORITIES OF THE
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