

**COURT OF APPEAL FOR ONTARIO**

IN THE MATTER OF A REFERENCE to the Court of Appeal pursuant to section 8 of the *Courts of Justice Act*, RSO 1990, c. C. 34, by Order-in-Council 1014/2018 respecting the constitutionality of the *Greenhouse Gas Pollution Pricing Act*, Part 5 of the *Budget Implementation Act, No. 1*, SC 2018, c. 12

**NOTICE OF MOTION**

The Attorney General of British Columbia will make a motion to the Court on Tuesday, January 15, 2019 at 10:00 a.m., or as soon after that time as the motion can be heard, at Osgoode Hall, 130 Queen Street West, Toronto, pursuant to the Order of The Honourable Justice J.C. MacPherson of the Court of Appeal for Ontario dated August 30, 2018.

**PROPOSED METHOD OF HEARING:** The motion is to be heard orally and has been made returnable on January 15, 2019 by Order of MacPherson J.A..

**THE MOTION IS FOR** an Order granting the Attorney General of British Columbia leave to file a record in the within reference.

**THE GROUNDS FOR THE MOTION ARE:**

1. The Attorney General of British Columbia's record is relevant to whether the subject matter of the within reference is within the competence of the Federal Parliament under the general power over matters of national concern and whether inaction in relation to that matter by one province causes harm to other provinces or territories;
2. British Columbia is in the best position to submit evidence in relation to harm to it from a failure of other provinces to meet national standards of stringency in pricing greenhouse gases;
3. The draft record will contain the following evidence:
  - a. Evidence from published articles on the economics of federalism distinguishing the ability of sub-national sovereigns to effectively address local pollutants and

global pollutants, such as greenhouse gases, without centrally-determined minimum standard;

- b. Evidence from British Columbia of the impacts of greenhouse gas emissions on British Columbia; and
  - c. Evidence from British Columbia of impacts on the competitiveness of British Columbia's industries as a result of failure of other provinces to meet minimum standards of stringency in pricing greenhouse gas emissions;
4. The Ontario *Rules of Civil Procedure*; and
  5. Such further and other grounds as this Honourable Court may accept.

**JURISDICTION:** A single judge of the Court of Appeal for Ontario has jurisdiction to hear this motion, which is returnable January 15, 2019, pursuant to the August 30, 2018 Order of The Honourable Justice MacPherson.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion:

1. The Affidavit of Tim Lesiuk, sworn December 18, 2018; and
2. Such further and other evidence as this Honourable Court may accept.

December 20, 2018

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Court File No. Court of Appeal File No. C65807

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Proceedings commenced at Toronto

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