

COURT OF APPEAL FOR ONTARIO

The Honourable Justice J. C. MacPherson

) FRIDAY, THE 18th
) DAY OF
) JANUARY, 2019
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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

ORDER

THESE MOTIONS brought by the Assembly of First Nations; Athabasca
Chipewyan First Nation; Canada's Ecofiscal Commission; Canadian
Environmental Law Association, Environmental Defence, and Sisters of
Providence of St. Vincent de Paul; Canadian Public Health Association;
Canadian Taxpayers Association; Centre québécois du droit de l'environnement,
and Équiterre; David Suzuki Foundation; Intergenerational Climate Coalition;
International Emissions Trading Association; United Chiefs and Councils of
Mnidoon Mnisiling; United Conservative Association; Greg Vezina;

AND BY the Attorney General of British Columbia;

ON READING the motion records of the moving parties;

AND ON HEARING submissions from counsel;

AND FURTHER TO the Order dated August 30, 2018;

1. **IT IS ORDERED** that the Assembly of First Nations; Athabasca Chipewyan First Nation; Canada's Ecofiscal Commission; Canadian Environmental Law Association, Environmental Defence, and Sisters of Providence of St. Vincent de Paul; Canadian Public Health Association; Canadian Taxpayers Association; Centre québécois du droit de l'environnement, and Équiterre; David Suzuki Foundation; Intergenerational Climate Coalition; International Emissions Trading Association; United Chiefs and Councils of Mnidoo Mnising; and the United Conservative Association are granted leave to intervene;
2. **IT IS ORDERED** that Greg Vezina's motion for leave to intervene is dismissed;
3. **IT IS ORDERED** that the Attorneys General of New Brunswick, British Columbia, and Saskatchewan are granted leave to intervene;
4. **IT IS ORDERED** that paragraph 12 of the Order of August 30, 2018 is amended such that the Attorneys General of New Brunswick, British Columbia, and Saskatchewan, may each file a factum not to exceed twenty-five (25) pages. Five copies of the factums, books of authorities, as well as an electronic copy of the factums, and books of authorities must be filed by February 27, 2019;
5. **IT IS ORDERED** that the Attorney General of British Columbia is granted leave to file a record consisting of the affidavit of Tim Lesiuk, and the affidavit of June Parker. Five copies of his record, as well as an electronic copy of the record, must be filed by February 27, 2019;

6. **IT IS ORDERED** that paragraph 13 of the Order of August 30, 2018 is amended such that the remaining interveners may file a factum not to exceed fifteen (15) pages each. These interveners must file five copies of their factums, as well as an electronic copy of each factum, by February 27, 2019;
7. **IT IS ORDERED** that the following interveners are granted leave to file a record as follows:
- a. Athabasca Chipewyan First Nation – Affidavit of Lisa Tsessaze;
 - b. Canada's Ecofiscal Commission – Affidavit of Christopher Ragan;
 - c. Canadian Public Health Association – Affidavit of Ian Culbert;
 - d. Intergenerational Climate Coalition – Affidavit of Paul Kershaw;
 - e. International Emissions Trading Association – Affidavit of Kathleen Sullivan; and
 - f. United Chiefs and Councils of Mnidoo Mnising – Affidavit of Chief Patsy Corbiere.
8. **IT IS ORDERED** that each intervener must file five copies of its record, together with an electronic copy of the record, by February 27, 2019;
9. **IT IS ORDERED** that further to paragraph 14 of the Order of August 30, 2018, the Attorney General of Ontario and the Attorney General of Canada shall conduct cross-examinations by videoconference of any affiant put forward by an intervener, if videoconference is requested by that intervener. All cross-examinations are to be completed by March 30, 2019;
10. **IT IS ORDERED** that the Attorney General of Canada may serve and file five copies of his reply factum, not to exceed twenty (20) pages, as well as an electronic copy of his reply factum, by April 8, 2019;
11. **IT IS ORDERED** that paragraph 15 of the Order of August 30, 2018 is amended such that the Attorney General of Ontario may serve and file five copies of her reply factum, not to exceed thirty (30) pages, as well as an

electronic copy of her reply factum, by April 8, 2019. The Attorney General of Ontario may ask the Court to increase the page limit for her reply factum after February 27, 2019;

12. **IT IS ORDERED** that the Attorney General of Ontario may make oral submissions at the hearing of the Reference not to exceed four and a half (4.5) hours including reply;

13. **IT IS ORDERED** that the Attorney General of Canada may make oral submissions at the hearing of the Reference not to exceed four (4) hours including reply;

14. **IT IS ORDERED** that the Attorneys General of New Brunswick, British Columbia, and Saskatchewan may each make oral submissions at the hearing of the Reference not to exceed thirty (30) minutes;

15. **IT IS ORDERED** that all other interveners may each make oral submissions at the hearing of the Reference not to exceed ten (10) minutes;

16. **IT IS ORDERED** that the schedule of oral submissions will be as follows:

- a. April 15, 2019: submissions of the Attorney General of Ontario;
- b. April 16, 2019: submissions of the Attorney General of Canada;
- c. April 17, 2019: submissions of the Attorneys General of New Brunswick, British Columbia, and Saskatchewan, and other interveners; and
- d. April 18, 2019: submissions of the Attorney General of Canada and the Attorney General of Ontario in reply.

January 18, 2019

ENTERED AT / INSCRIPT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

JAN 18 2019

PER / PAR: *ST*


Justice James C. MacPherson