No. S-165851
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

JULIA LAMB and BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

PLAINTIFFS

AND:

ATTORNEY GENERAL OF CANADA

DEFENDANT

NOTICE OF APPLICATION

Name of applicant: EVANGELICAL FELLOWSHIP OF CANADA and CHRISTIAN LEGAL FELLOWSHIP (the "Applicants")

To: The Plaintiffs, Julia Lamb and British Columbia Civil Liberties Association

And to: Their solicitors, Arvay Finlay LLP

Attn: Joeseph J. Arvay, Q.C.

1512 – 808 Nelson Street
Box 12149, Nelson Square
Vancouver BC V6Z 2H2

And to: The Defendant, Attorney General of Canada

And to: Its solicitors, Department of Justice Canada
British Columbia Regional Office

Attention: BJ Wray

900 - 840 Howe Street
Vancouver, BC V6Z 2S9

TAKE NOTICE that an application will be made by the Applicants to Chief Justice Hinkson at the courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia, on January 14, 2019 at 9:45 a.m. for the orders set out in Part 1 below.

Part 1: ORDERS SOUGHT

1. The Applicants are granted leave to intervene and are added as an intervener in this proceeding;

2. The Applicants may attend the trial of this matter, at which they may file joint written submissions of no more than 20 pages and present joint oral arguments not to exceed one hour, or as directed by the court; and

3. Unless otherwise ordered by the court, no costs will be ordered in favour of or against the Applicants.

Part 2: FACTUAL BASIS

A. Proposed Arguments

1. If granted leave to intervene, the Applicants Evangelical Fellowship of Canada and Christian Legal Fellowship ("EFC-CLF") propose to restrict their joint submissions to the following defined issues under s. 7 and s. 1 of the *Charter*, which focus on the court's need to understand and give due consideration to the sanctity of human life in considering allowable exceptions to the ban on assisted suicide and euthanasia and how s. 7 is to be interpreted, and s. 1 applied, in the context of a societal commitment to the respect for life:

    a. The sanctity of human life is a central moral precept underlying the *Charter*, and a deeply rooted Constitutional principle which animates much of the criminal law. The EFC and CLF will inform the court's understanding of the meaning of this principle from the relevant historical sources, international law, Law Reform Commission of Canada reports, Parliamentary committees and bills (including in relation to suicide prevention), and the relevant jurisprudence including *Rodriguez*, *Burns*, and *Carter*. The EFC and CLF will submit that life is *sui generis* and not merely a right or personal possession to be asserted, bartered, or waived. The sanctity of life principle also rightly informs the legal meaning of "human dignity"

which figured prominently in the s. 7 analysis in *Carter* and will be central to the court's analysis in this case.

b. The Supreme Court in *Carter* considered its judgment to strike a delicate balance between the sanctity of life and individual autonomy. The assisted-suicide-on-demand regime which would result from the orders sought by the Plaintiffs was not mandated in any way by *Carter*.

c. There is a principled ethical distinction to be drawn between state-sanctioned physician assisted suicide for end-of-life patients versus non end-of-life patients, which validly informs the *Charter* analysis.

d. The right to life in s. 7 of the *Charter*, understood in the existential sense articulated in *Carter*, is not engaged by the Impugned Laws; and

e. It is proportionate under s. 1 of the *Charter* to restrict assisted suicide to the cases permitted by the Impugned Laws in part because, as unanimously affirmed in *Carter*, and as EFC and CLF anticipate will be established in the evidence at the trial of this matter, there will necessarily be wrongful deaths in any permissive assisted suicide regime, and minimizing the number of eligible individuals and number of assisted suicide deaths will therefore limit the number of *wrongful* deaths.

2. EFC-CLF has conferred with the other known interveners regarding scope of argument in order to avoid duplication. Following those consultations, EFC-CLF does <u>not</u> propose to make submissions in relation to:
   (1) s. 15 of the *Charter*, ground which is expected to be covered by the proposed joint interveners Council of Canadians with Disabilities and Canadian Association for Community Living ("CCD/CACL"); and
   (2) the Constitutional dialogue theory and the level of deference owed to Parliament in its complex policy decisions in selecting safeguards to govern whatever categories of assisted suicide and voluntary euthanasia the court determines to be required by the *Charter* after it has balanced the plaintiffs' s. 7 and/or s. 15 rights

with various societal considerations, including our societal respect for life. The focus on Parliament's role is addressed by the proposed joint intervener Euthanasia Prevention Coalition and Euthanasia Prevention Coalition – British Columbia.

B. EFC-CLF's representativeness of their constituencies, and interest and expertise in the matters in issue

3. The EFC is the umbrella organization for 45 Canadian evangelical denominations, 34 evangelical post-secondary institutions, and numerous other members. It represents more than half of Canada's 2.1 million evangelical Christians.
4. The CLF is Canada's national, cross-denominational Christian lawyers' association, consisting of over 700 members from over 30 Christian denominations. It has Special Consultative Status as an NGO with the Economic and Social Council of the United Nations.
5. Both EFC and CLF have had a longstanding commitment to public engagement on life issues, including assisted suicide and voluntary euthanasia. This has included the following:
    (1) Both the EFC and CLF were granted leave to intervene (separately) on every occasion that they applied for such status throughout the *Carter* litigation: CLF at all three levels, and EFC at the Court of Appeal (2012 BCCA 502) and Supreme Court of Canada levels. CLF also made written submissions to the Supreme Court in "Carter 2" (2016 SCC 4), in relation to the Attorney General of Canada's request for an extended suspension of *Carter* 1's declaration of invalidity. Throughout that litigation EFC and CLF advanced separate arguments consistent with the arguments proposed to be advanced in the current case.
    (2) The EFC intervened at the Supreme Court of Canada in *Rodriguez* (1993), *Latimer* (2001), and *Rasouli* (2013).
    (3) CLF has been granted leave to intervene in the somewhat parallel *Truchon* litigation in Quebec (*Jean Truchon and Nicole Gladu v. Attorney General of Quebec and Attorney General of Canada*, Montreal 500-17-099119-177), concerning the expansion of access to medical assistance in dying to patients who are not dying or

terminally ill, and is an intervener in *D'Amico et. Saba c. Procureure Générale Du Québec* (2015 QCCS 5566, 2015 QCCA 2138, and ongoing) which considers the constitutionality of Quebec's assisted dying legislation and its impact on health care providers' conscience rights.

(4) Both the EFC and CLF were deeply involved in the legislative response to *Carter* during 2015-2016, each or both having made submissions to: the federal Minister of Justice, Provincial/Territorial Expert Advisory Group on Physician-Assisted Dying, The Federal External Panel on Options for a Legislative Response to Carter (November 1, 2015); The Special Joint [Parliamentary] Committee on Physician-Assisted Dying (February 1, 2016); The Minister of Justice of Canada (open letter, March 29, 2016); The House of Commons Standing Committee on Justice and Human Rights (May 2-3, 2016); The Senate Standing Committee on Legal and Constitutional Affairs re: Bill C-14 (May 10, 2016); in addition to submissions to various provincial governments and regulatory bodies.

(5) Both the EFC and CLF made submissions by invitation to this court in 2016 on the appropriate provisions to be included within the interim practice direction which governed court applications for approval of Physician Assisted Dying during the time of the extension of the declaration of invalidity from the Supreme Court's judgment in *Carter*.

(6) Since the passage of Bill C-14 which is at issue in this proceeding, the EFC and CLF have remained engaged on further legal developments on these issues, each or both having made submissions to: the Council of Canadian Academies' Expert Panel on Medical Assistance in Dying in Canada regarding the expansion of assisted suicide to mature minors, to those for whom mental illness is the sole underlying medical condition, and by advance requests; through submissions to the Health Canada Consultation on Palliative Care; and in providing submissions to the Justice Committee on Bill C-75 regarding its proposals to increase the maximum penalties for MAID offences and failure to provide necessaries of life, in addition to submissions to various provincial bodies.

(7) The EFC has been deeply involved in ecumenical, inter-faith, and civil society initiatives regarding assisted suicide and euthanasia including over the last few

years, including: Declaration Against Euthanasia and Assisted Suicide, the Vulnerable Persons' Standard (also endorsed by CLF), and the Interfaith Statement of Palliative Care.

6. EFC's and CLF's members deal routinely with issues surrounding assisted suicide and voluntary euthanasia, and EFC and CLF have, and continue to, facilitate both internal reflection and dialogue and external engagement on these issues, including:
   (1) EFC's constituency deals with end-of-life issues – and inquiries regarding assisted suicide and euthanasia – in numerous ways, including through the provision of pastoral care through more than 6,500 local churches, housing and services at seniors' and extended care facilities and hospices, and as a matter of academic study in both theological and non-theological educational institutions. The EFC has published extensive resources over the last 25 years, including since the passage of Bill C-14, to educate its members and affiliates from legal and biblical/theological perspectives on matters pertaining to assisted suicide and euthanasia.
   (2) CLF's constituency deals with end-of-life issues – and inquiries regarding assisted suicide and euthanasia – in numerous ways, including through the provision of legal advice regarding capacity, end-of-life, estate, substitute decision-maker, and similar issues, all of which will be affected by any expansion of Canada's assisted dying regime. CLF's national quarterly journal has included information and analysis regarding assisted suicide and voluntary euthanasia. In September 2017, CLF hosted an academic symposium on issues arising from the Supreme Court's *Carter* decision, the papers of which were recently published in book form and as an edition of the *Supreme Court Law Review* (Second Series, Volume 85, LexisNexis Canada).
7. The Applicants are highly experienced and respected interveners. The EFC has been granted leave to intervene at the Supreme Court of Canada 30 times and in other courts 35 times. The CLF has been granted leave to intervene in 36 cases, many of which at multiple levels of court, including 13 cases before the Supreme Court of Canada.

Part 3: LEGAL BASIS

A. Analytical Framework

1. Applications to intervene in this court are guided by this Court's inherent jurisdiction. Applicants must demonstrate either a direct interest in the litigation, or that "the case raises public law issues, legitimately engages the applicant's interests and the applicant represents a perspective or point of view that will assist the court in resolving them": *West Moberly First Nations v. British Columbia,* 2013 BCSC 2059, aff'd 2014 BCCA 283, citing, inter alia, *R. v. Watson*, 2006 BCCA 234 (Chambers) at para. 3 and *Gehring v. Chevron Canada Ltd.*, 2007 BCCA 557 (Chambers) at para. 7.

2. One relevant factor is the "representativeness of the applicant of a particular point of view or 'perspective' that may be of assistance to the court": *Watson* (emphasis added).

3. The BC Court of Appeal (in Chambers) has recently noted "the importance of a liberal approach to granting leave [to intervene] in *Charter* cases", particularly where "there is some reasonable prospect the Supreme Court of Canada will consider appeals from the decisions here [and parallel litigation in other provinces]" such that "it is in the public interest to ensure that our Court has the contribution of the intervenors who will make submissions in other appellate courts": *Trinity Western University v. Law Society of British Columbia* (BC Court of Appeal docket CA43367; March 30, 2016 oral reasons for judgment, in Chambers) at para. 34. The Court also noted that "While that is not determinative, it may be of assistance to a division of this Court to have before it all parties who made submissions below on the substantive *Charter* issues" (para. 16). While this Honourable Court is the court of first instance in the present case, it is expected that this litigation will involve further consideration of a number of issues raised in *Carter*, in which these interveners were granted leave to intervene before this Honourable Court (CLF), the BC Court of Appeal (both CLF and EFC separately), and the Supreme Court of Canada (both CLF and EFC separately), as listed above.

B. Applicants' Representativeness, Interest, and Expertise

4. Canadian evangelicalism constitutes a distinctive religious subculture: *Trinity Western University v. The Law Society of British Columbia*, 2016 BCCA 423 at para. 104; *Trinity*

Western University v The Law Society of Upper Canada, 2015 ONSC 4250 at para. 10, aff'd 2016 ONCA 518.

5. The EFC is the largest representative for Canadian Evangelicalism, representing approximately half of Canadian evangelicals comprising 2.1 million Canadians from over 40 Protestant denominations: Clemenger Affidavit, paras. 2-5.

6. The CLF is Canada's national, cross-denominational association of Christian legal professionals, with a membership of over 700: Ross Affidavit, paras. 4,7.

7. As noted above, both the EFC and CLF have been consistently present as an intervener in the leading appellate cases on the sanctity of human life including in *Carter*, have fully participated in all Parliamentary consultations and committee processes leading to the introduction, amendment, and passage of Bill C-14 which is at issue in this proceeding, and to proposed amendments to that legislation, and have engaged deeply within their respective memberships on this issue.

8. The EFC can present the Court with a mature, legal distillation of the perspective of a substantial component of the Canadian population, whose minority views are distinct from, and not already represented by, the submissions of Canada which represents the population at large. Those underlying views, which are set out at para. 20 of the Clemenger Affidavit, arise from the EFC's religious beliefs, but the EFC seeks to engage with Canadians of any faith and no faith on the meaning and implications of these shared principles wherever common ground can be found.

9. Similarly, the CLF can present the Court with a mature, legal distillation of the perspective of a segment of the Canadian legal profession whose perspective differs from the submissions of Canada which represents the population at large. As the Quebec Superior Court recognized in granting CLF leave to intervene in *Ginette Leblanc v. Le Procureur Général du Canada et al.*, 2012 QCCS 3530 (which involved a constitutional challenge to Canada's assisted suicide laws but was discontinued after *Carter*), CLF, as a national association of jurists, possesses "an important degree of expertise in the areas of philosophy, morality, and ethics" (para. 45, unofficial translation).

C. Relevance of Submissions

10. The Applicants will submit that the principle of the sanctity of human life, understood in its full historical legal meaning, is central to this case. Each of the Applicants' proposed arguments are relevant to the issues in dispute between the parties in relation to s. 7 and s. 1 of the *Charter*, while being distinct from the parties' arguments.

11. The Applicants' proposed arguments are consistent with the arguments they advanced in *Carter*, but tailored to the different legislative framework and legal issues which arise in the instant case.

12. The Applicants' arguments, which focus on the sanctity of human life, are even *more* relevant in this case than in *Carter*, as the preamble to the impugned legislation expressly identifies the "affirm[ation of] the inherent and equal value of every person's life" as one of the purposes of the impugned laws. In this regard, the purpose of the impugned laws at issue in this proceeding differ from the purpose of the absolute prohibition at issue in *Carter* which was found by the Supreme Court to have as its narrow purpose only "protect[ing] vulnerable persons from being induced to commit suicide at a time of weakness" (*Carter* at paras. 74-78).

13. The purposes of the impugned laws in this case are broader, expressly raising the sanctity of life principle. EFC and CLF were both granted leave to intervene in *Carter* on the basis that their arguments were unique and relevant. *A fortiori*, their arguments will be even more relevant in this case and leave to intervene should be granted again. Specific ways in which the Applicants' arguments are relevant include the following:

    a. The unanimous Supreme Court of Canada in *Carter* re-affirmed at para. 63 that "the sanctity of life is one of our most fundamental societal values" (emphasis added). Upholding that principle is one of the core purposes underlying the impugned laws; thus, a full and robust understanding of this principle is necessary in order to accurately identify the objective of the impugned law, which is crucial for the overbreadth analysis under s. 7, and to the proportionality analysis at the third prong of the *Oakes* test under s. 1. The Applicants' submissions will provide the court with the foundational sources for the Constitutional/legal principle of the sanctity of life which intersects in numerous ways

with the *Charter* analysis, including as described in the following subparagraphs.

b. The Supreme Court of Canada's understanding of its own decision in *Carter* is that it constituted a "balancing" of two "competing values of great importance": "autonomy and dignity of a competence adult who seeks death as a response to a grievous and irremediable medical condition" on one hand, with "the sanctity of life" and "the need to protect the vulnerable" on the other (*Carter*, para. 2). The judgment in *Carter* sought to give effect to autonomy to the limited extent of people in Ms. Taylor's position without undermining the sanctity of human life more than necessary to do so. It represented a reconciliation of rights. The Applicants' submissions regarding the role of the sanctity of life in this balance, and how striking down the Impugned Laws would fundamentally alter the delicate balance struck by the Supreme Court's judgment in *Carter*, will be useful to this court's interpretation of *Carter* and its application to the claims made in this proceeding.

c. The s. 1 balancing in *Carter* was conducted entirely with respect to end-of-life patients (e.g. *Carter* paras. 12, 16). The challenge to the absolute prohibition in *Carter* was not a challenge to 'forcing' people to live with suffering writ-large, but about providing specifically end-of-life patients with control over their own passage into death – e.g. para. 63: "s. 7 also encompasses life, liberty and security of the person during the passage to death… the law has come to recognize that, in certain circumstances, an individual's choice about the end of her life is entitled to respect" (emphasis added). *Carter* does not provide a general right to medically assisted death as a response to suffering in life. The Applicants' submissions on the scope of the holding in *Carter*, understood through the lens of the sanctity of life principle, will be informative for this Court as it grapples with the plaintiffs' claim that *Carter* prohibits Parliament from defining the meaning of "grievous and irremediable" from the *Carter* remedy to include end-of-life criteria.

d. Unlike in *Carter*, where "the preponderance of the evidence from ethicists is that there is no ethical distinction between physician-assisted death and other end-of-life practices whose outcome is highly likely to be death" (*Carter* trial #355, aff'd *Carter* SCC para. 23), there is an ethical distinction in providing assisted suicide to end-of-life patients versus to patients with a long life ahead of them. Even on the plaintiffs' arguments in *Carter* where a patient's end-of-life decision can be rational or proportionate in the case

of someone suffering grievously and near the end of life where the benefits of living are greatly reduced, there is an ethical and legal difference in the case of persons seeking assisted death where their natural death is not reasonably foreseeable. As noted in *Carter* trial para. 310[1], "there is little dispute that … physicians set out to esteem and value life and that intentionally ending the life of a patient is either ethically inconceivable to them or conceivable only in stringently defined exceptional circumstances." The Applicants' submissions on this point will be relevant to the court's determination of whether the criteria in the Impugned Laws is properly confined to the exceptional circumstances in which assisted death can be ethical. State-sanctioned killing continues to be recognized post-*Carter* as *exceptional* because it is fundamentally different from letting die; this is recognized by the fact that ss. 21-22 and 222 of the *Criminal Code* were left untouched by the Supreme Court in *Carter*, and s. 14 was left in full force and effect in respect of all deaths which do not meet the criteria for legalized assisted suicide and voluntary euthanasia in s. 241.2 (the MAID regime). The Applicants therefore bring a helpful perspective, different from that of the parties (and other proposed interveners), to an issue already in dispute in this proceeding in light of the last sentence of para. 12 of Part 3 of Canada's Further Amended Response to Civil Claim.

e. The sanctity of human life principle animates provisions such as s. 14 and the end-of-life requirement in 241.2 of the *Criminal Code* by the recognition that the human life is *sui generis*; it is something more than a mere right to be waived. Due to the inherently relational nature of humankind, there is loss, pain, and suffering to others every time someone dies. This pain is usually accentuated in the case of suicide as compared to a natural death. The Applicants propose to submit that one of the ways in which the sanctity of human life principle animates s. 14 generally, and the end-of-life limitations of the MAID regime in particular, is by keeping assisted suicide and voluntary euthanasia within the narrowest possible bounds, in recognition of the deep adverse impact of suicide on those closely connected with the patient making the request for assisted death. The Applicants therefore bring a helpful perspective, different from that of the parties, to an issue already in dispute in this proceeding in light of the last sentence of para. 12 of Part 3 of Canada's Further Amended Response to Civil Claim.

[1] None of the factual findings of which were disturbed on appeal.

f. The Supreme Court confirmed at para. 62 of *Carter* that "the right to life [under s. 7] is engaged where the law or state action imposes death or an increased risk of death." The Applicants will submit that, contra Part 3, para. 10 of the plaintiffs' Further Amended Notice of Civil Claim (a matter on which Part 3, para. 4 of Canada's pleading is not express), the life interest in s. 7 of the *Charter* cannot be engaged in this case as the Impugned Provisions do not increase the risk of death – i.e. that the only possible s. 7 interests engaged in this case are Liberty and/or Security of the Person.

g. The Supreme Court of Canada in *Carter* affirmed the trial judge's conclusion at para. 883 that "the risks inherent in permitting physician-assisted death can be identified and very substantially minimized through a carefully-designed system imposing stringent limits that are scrupulously monitored and enforced" (emphasis added). That is, the necessary side-effect of the legalization of assisted suicide and voluntary euthanasia is that there will be some wrongful deaths. Narrow eligibility criteria will limit those wrongful deaths to the greatest degree possible – one which the Supreme Court of Canada found to be proportionate to the salutary benefits of a limited exemption. By contrast, broadening eligibility will increase the number of assisted suicides and with it the number of wrongful deaths. The sanctity of life of the victims of those wrongful deaths must weigh heavily in the balance of the s. 1 analysis. As stated at para. 95 of *Carter*, breaches of s. 7 of the *Charter*, while rarely upheld under s. 1, can particularly be upheld under that section "in cases such as this where the competing societal interests are themselves protected under the *Charter*" (i.e. the sanctity of life protected under s. 7). Indeed, this is impliedly why four of the nine judges which ruled on *Carter #2* would have refused to permit even individual court-supervised applications for assisted death during the period of extension of suspension of invalidity when no legislated criteria had yet been enacted. The Applicants therefore bring a helpful perspective, different from that of the parties, to an issue already in dispute in this proceeding in light of the last sentence of para. 12 of Part 3 of Canada's Further Amended Response to Civil Claim.

h. In addition to citing domestic sources, including those referenced at paragraph 1(a) of Part 1 of this Notice of Application, the Applicants will highlight international cases which speak to these issues. For example, the European Court of Human Rights ("ECtHR") has developed helpful jurisprudence in its interpretation of the "right to

life" (enshrined in Article 2 of the *European Convention on Human Rights*); this includes jurisprudence on the appropriate balancing of autonomy rights, on the one hand, and respect for life, on the other (*Haas v Switzerland* (2011) 53 EHRR 33; *Pretty v. United Kingdom* (2002) 35 EHRR 1; *Nicklinson and Lamb v. United Kingdom* (2015) 61 EHRR 97; see also the recent judgment of the UK Supreme Court in *R (on the application of Conway v Secretary of State for Justice)* (27 November 2018). In *Haas*, for example, the ECtHR affirmed that Article 2 imposes on states an obligation to "protect vulnerable persons, even against actions by which they endanger their own lives" and this duty may be heightened in cases where patients are "not at the terminal stage of an incurable degenerative disease" (para 52). Restrictions designed to protect life and prevent abuse in this context are not only permissible but "necessary", as "the risks of abuse inherent in a system that facilitates access to assisted suicide should not be underestimated" (para 58). While Canada is not a party to the European Convention, the Supreme Court of Canada has held that international law jurisprudence is a "relevant and persuasive source for the interpretation of the *Charter*'s provisions,"[2] and has referred to ECtHR decisions in considering the content and scope of Charter rights,[3] describing its case law as a "very valuable guide."[4] The Applicants are uniquely positioned to provide submissions in this regard: as stated above, CLF has Special Consultative Status as an NGO with the Economic and Social Council of the United Nations, has participated in proceedings before international courts, and has made submissions on international law before the Supreme Court of Canada on numerous occasions.

D. The Submissions will be Useful and Different

14. The Applicants are experienced interveners which have together been granted leave to

---

[2] *Public Employees Reference*, *supra* note 14 at para 57.
[3] See, for example, *United States v Burns*, 2001 SCC 7 at paras 52–53; *India v Badesha*, 2017 SCC 44 at paras 47–51; *Alberta v. Hutterian Brethren of Wilson Colony*, 2009 SCC 37 at 182 [*Hutterian Brethren*] (in dissent).
[4] *R v Pharmaceutical Society (Nova Scotia)*, [1992] 2 SCR 606 at 636-67.

intervene in over 35 cases before the Supreme Court of Canada and dozens of proceedings before other courts, including this court in the recent *Carter* and *TWU* cases.

15. The Applicants' proposed submissions are relevant, and provide the court with a unique perspective on *Charter* issues which are distinct from the submissions of the parties and the other known proposed interveners, while neither raising new issues, nor having an impact upon the evidence to be called.
16. The proposed submissions are narrowly focused on the proper understanding of the sanctity of life and the application of that proper understanding in the s. 7 and s. 1 *Charter* analyses.
17. At the same time, the Applicants' perspective is broader than that of the parties as its goal is not to win a case, but to intervene to guide the development of the law in a manner consistent with the foundational role of the principle of the sanctity of life in Canada's Constitutional jurisprudence. As such, the Applicants' submissions will centre around the historical and philosophical foundations of this principle and how the law should develop in a manner consistent with this foundation.

E. Conclusion on Leave, and Terms of Intervention

18. For the foregoing reasons, the Applicants respectfully submit that it is appropriate for them to be granted leave to intervene in this proceeding.

19. The Applicants propose that they be subject to the same intervention terms as applied to the interveners (including CLF) in this court in *Carter*: a 20 page written argument, one hour of oral argument, no right to adduce evidence or cross-examine witnesses, and no costs for or against the interveners as they will agree to accept service of all documents electronically.

Part 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Bruce Clemenger filed December 5, 2018.

2. Affidavit #1 of Ruth Ross filed December 5, 2018.

The Applicants estimate that the applications of all of the interested interveners will together take one day.

[*Check the correct box.*]

☐ This matter is within the jurisdiction of a master.

☒ This matter is not within the jurisdiction of a master.

Because the Chief Justice is seized of this matter for all purposes.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

(a) file an application response in Form 33,

(b) file the original of every affidavit, and of every other document, that

  i. you intend to refer to at the hearing of this application, and

  ii. has not already been filed in the proceeding, and

(c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:

  i. a copy of the filed application response;

  ii. a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;

  iii. if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: December 7, 2018

Signature of Geoffrey Trotter
Lawyer for the Applicants

ADDRESS FOR SERVICE OF THE APPLICANTS:

Geoffrey Trotter Law Corporation
1700 – 1185 West Georgia Street
Vancouver, BC V6E 4E6

E-MAIL ADDRESS FOR SERVICE OF THE APPLICANTS: gt@gtlawcorp.com **and** execdir@christianlegalfellowship.org