

416 973-3356.



Court File No. T-1633-19

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FEDERAL COURT

BETWEEN:

(Court Seal)

ANDREW JAMES LAWTON and TRUE NORTH CENTRE FOR
PUBLIC POLICY

FEDERAL COURT COUR FÉDÉRALE	
OCT 07 2019	
FILED	DEPOSE
A. ZAHRA	
TORONTO, ON	

Applicants

-and-

CANADA (LEADERS' DEBATES COMMISSION/COMMISSION DES
DEBATS DES CHEFS) and THE ATTORNEY GENERAL OF CANADA

Respondents

NOTICE OF APPLICATION

TO THE RESPONDENT(S)

A PROCEEDING HAS BEEN COMMENCED by the Applicant. The relief claimed by the Applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the Applicant. The Applicant requests that this application be heard at Toronto, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the Applicant's solicitor or, if the Applicant is self-represented, on the Applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

SHIRLEY ACIRO
REGISTRY OFFICER
AGENT DU GREFFE

Date OCT 07 2013

Issued by

(Registry Officer)

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Debates Commission

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Respondent

SHIRLEY ACIRO
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Lawyers for the Respondent, the Leaders'
Debates Commission

AND TO: The Attorney General of Canada
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120 Adelaide Street West
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Respondent

APPLICATION

This is an Application for judicial review in respect of the decision of the Leaders' Debates Commission (the "**Commission**"), refusing the Applicants, Andrew James Lawton ("**Andrew**") and True North Centre for Public Policy ("**True North**") [collectively, the "**Applicants**"] the media representative accreditation ("**Accreditation**") required to cover the Federal Leaders' Debates taking place on Monday, October 7, 2019 in the English Language and Thursday, October 10, 2019 in the French Language (the "**Debates**"). The two (2) sentence denial of Accreditation was outlined in email correspondence sent from Mr. Collin Lafrance, the Chief of the Canadian Press Gallery to Andrew at 9:10am on Friday, October 4, 2019 (the "**Decision**").

The Applicants make Application for:

1. An Order quashing the Decision of the Commission;
2. An Order directing the Commission to provide reasonable and meaningful feedback to the Applicants regarding the Decision including details of the decision-making procedure the Commission employs in reviewing applications for Accreditation, the reason(s) why the Commission made the Decision, including how the Decision is consistent with its mandate and particulars of who was involved in making the Decision;
3. An Order directing the Commission to provide detailed information regarding the relationship between Mr. Collin Lafrance, the Chief of the Canadian Press Gallery and the Commission, including a description of what

capacity and under what authority Mr. Lafrance was working when he reviewed and denied the Applicants' request for Accreditation.

4. Costs of this Application; and,
5. Such other relief as counsel may advise and this Court deems just.

The grounds for the Application are:

The Parties

6. True North is a registered charity with the Government of Canada. Its head office is situated in Richmond, British Columbia. True North is an independent, non-partisan and not-for-profit organization that advances Western democratic values consistent with the *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, c 11. True North employs staff journalists and advocates for freedom of press.

7. Andrew is an individual residing in London, Ontario. He is a fellow and staff journalist of True North, freelance journalist, broadcaster, columnist and commentator.

8. The Commission is a body created pursuant to an Order in Council dated October 29, 2018 (the "Order"). The Commission, which is situated in Ottawa, Ontario, was created to make the Debates a more predictable, reliable, and stable element of federal election campaigns. The Commission consists of

the Debates Commissioner, the Advisory Board and the Secretariat. Per the Order, The Commission's mandates are to:

- (a) Organize the Debates in each official language during each general election period;
- (b) Ensure that the leader of each political party that meets minimum criteria to be invited to participate in the Debates;
- (c) Ensure that the Debates are broadcast and otherwise made available in an accessible way to persons with disabilities;
- (d) Ensure that the Debates reach as many Canadians as possible, including those living in remote areas and those living in official language minority communities through a variety of media and other fora;
- (e) Ensure that the Debates are broadcast free of charge, whether or not the broadcast is live;
- (f) Ensure that any reproduction of the Debates is subject to only the terms and conditions that are necessary to preserve the integrity of the debates;
- (g) Ensure that high journalistic standards are maintained for the Debates;

- (h) Undertake an awareness raising campaign and outreach activities to ensure that Canadians know when, where and how to access the Debates; and,
- (i) Provide advice and support in respect of other political debates related to the general election, including candidates' debates, as the Debates Commissioner considers appropriate.

The Commission's website states that *"In fulfilling its mandate, the Leaders' Debates Commission is to be guided by the pursuit of public interest."*

9. Per the Order, the Commission is to:

- (a) Conduct any necessary research or rely on any applicable research to ensure that the Debates are of high quality;
- (b) Develop and manage constructive relationships with key opinion leaders and stakeholders;
- (c) Conduct its activities in a manner that does not preclude other organizations from producing or organizing leaders' debates or other political debates;
- (d) Ensure that the decisions regarding the organization of the Debates, including those respecting participation criteria, are made publicly available in a timely manner;

- (e) Ensure that the leaders' responses to the invitations to participate in the Debates are made publicly available before and during the Debates; and,
- (f) Conduct an evidence-based assessment of the Debates that it has organized, including with respect to the number of persons to whom the Debates were accessible, the number of persons who actually accessed them and the knowledge of Canadians of political parties, their leaders and their positions.

The Applicants' Application for Accreditation

10. At 9:05am on Monday, September 23, 2019, the Commission published a press release advising of the dates of the Debates. It additionally stated: "*Media representatives who wish to cover the debates **must apply for accreditation using the Government of Canada Accreditation portal...***":

11. Andrew applied through the Government of Canada Accreditation portal for Accreditation as a staff journalist of True North on Tuesday, September 24, 2019. At 10:54am on the same date, Andrew received email correspondence from accreditation@international.gc.ca confirming receipt of the Applicants' application for Accreditation.

12. At 9:10am on Friday, October 4, 2019, Andrew received email correspondence from Mr. Collin Lafrance, the Chief of the Canadian Press Gallery advising that the Applicants' request for Accreditation was denied. Mr.

Lafrance's two (2) sentence email reads as follows: "Hello, your request for media accreditation for the 2019 Federal Leaders' Debate has been denied. The about section of tnc.news clearly states that True North is involved in advocacy."

13. Procedural fairness demanded that the Applicants understood the criteria being applied to be granted Accreditation and had the reasonable expectation that they would receive meaningful feedback from the Commission regarding why Accreditation was denied.
14. Procedural fairness also demanded that the application assessment for the Accreditation process be sufficiently transparent to allow the Applicants to know what was required and/or expected of them to be successful in being granted Accreditation.
15. Given the lack of meaningful feedback and complete lack of transparency in the Accreditation process, the Commission's decision to deny the Applicants' Accreditation without detailed reasons or appeal options was unfair, arbitrary, unreasonable and frankly an attempt by the current Government to censor and silence media outlets that have provided a platform for Canadians with views inconsistent with its mandate.
16. Section 18.1 of the *Federal Courts Act* RSC 1985, c F-7.
17. Such other grounds as counsel may advise and this Court deems just.

This Application will be supported by the following material:

18. A supporting Affidavit and the exhibits thereto; and,
19. Such other materials that counsel may advise and this Court deems just.

The Applicants request that the Respondents send a certified copy of the following material that is not in the possession of the Applicants but is in the possession of the Commission to the Applicants and to the Registry:

- (a) A detailed list of the selection criteria used by the Commission in determining the granting of Accreditation;
- (b) A list of the decision-makers involved in the decision-making process and the process of communicating the Decision to the Applicants, including a description of their position in or relationship to to the Commission;
- (c) The complete file and all notes pertaining to the application for Accreditation made by the Applicants; and,
- (d) A complete list of the parties granted Accreditation.

October 4, 2019

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CANADA (FEDERAL GOVERNMENT) and the OFFICIALS of the Immigration and Citizenship Department Respondents	FEDERAL COURT	NOTICE OF APPLICATION	Cassels Brock & Blackwell LLP 2100 Scotia Plaza 40 King Street West Toronto, ON M5H 3C2	Jessica L. Kuredjian LSO #: 68794N Tel: 416.815.4251 Fax: 416.640.3020 jkuredjian@casselsbrock.com	Counsel for the Applicants
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**ANDREW JAMES LAWTON and TRUE NORTH CENTRE
FOR PUBLIC POLICY
Applicants**

**and CANADA (LEADERS' DEBATES COMMISSION/COMMISSION
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