



T-762-11

Court File No.:

FEDERAL COURT

ATTORNEY GENERAL OF CANADA

Applicant

and

**GRAND CHIEF STAN LOUTTIT in a representative capacity on behalf of
the First Nations of MUSHKEGOWUK COUNCIL, GRAND CHIEF STAN
LOUTTIT in his personal capacity, and GEORGE WESLEY**

Respondents

NOTICE OF APPLICATION

TO THE RESPONDENTS:

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 prepare a notice of appearance in Form 305 prescribed by the *Federal Court Rules, 1998* and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Court Rules, 1998*, 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.

(Date)

MAY 04 2011

VANESSA GEORGE
REGISTRY OFFICER
AGENT DU GREFFE

(Registry Officer)

Address of
local office: _____

Federal Court
180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

TO: Mr. Murray Klippenstein
KLIPPENSTEINS
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M5V 2E5

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Counsel for the Respondents

AND TO: Canadian Human Rights Commission
344 Slater Street
Ottawa, Ontario
K1A 1E1

APPLICATION

This is an application for judicial review in respect of decisions rendered by the Canadian Human Rights Commission (Commission) on March 23 2011, communicated to the Deputy Ministers of Indian and Northern Affairs Canada (INAC) and Public Safety by letters dated April 4, 2011 (the decisions) to request the Chairperson of the Canadian Human Rights Tribunal (the Tribunal) to institute an inquiry into the complaints filed by the Respondents against INAC and Public Safety. The decision was received by the Applicant on **April 5, 2011**.

THE APPLICANT MAKES APPLICATION FOR:

1. An Order quashing and setting aside the decisions and dismissing the complaints;
2. In the alternative, an order quashing and setting aside the decisions and referring the matters back to the Commission with the direction that they be dealt with in accordance with the reasons of this Court;
3. an order granting the Applicant the costs of this application; and
4. such further and other relief as this Honourable Court deems just.

THE GROUNDS FOR THE APPLICATION ARE:

1. The Respondents have filed complaints with the Commission against Public Safety and INAC alleging that the Respondents receive lower quality police services and facilities compared to police services and facilities available to the public in Ontario because Public Safety and INAC do not provide adequate funding.
2. In her investigation report dated December 24, 2010, the Commission's investigator recommended that the Commission

request the Chairperson of the Tribunal institute an inquiry into the complaints because (a) the evidence she gathered appears to show that INAC and Public Safety are service providers within the meaning of *Canadian Human Rights Act* and (b) the evidence gathered by the investigator suggests that individuals in communities served by the Nishnawbe Aski Police Service (NAPS) are disadvantaged as compared to other non-First Nation communities served by the provincial OPP.

3. In conducting her investigation, the Commission's investigator compared the policing services and infrastructure provided by the NAPS with those provided by the provincial OPP in Pickle Lake and Moosnee Ontario.
4. On April 4, 2011, the Commission decided to endorse the investigator's report and request that the Chairperson of the Canadian Human Rights Tribunal institute an inquiry into the complaints.
5. The Commission erred in law by referring the complaints to the Tribunal;
6. The Commission's decisions are incorrect or, alternatively, unreasonable;
7. The Commission erred by not dismissing the complaint on the basis that the Commission lacked the jurisdiction under the *Canadian Human Rights Act* to deal with the complaint;
8. Sections 18 and 18.1 of the *Federal Courts Act*, R.S.C. 1985, c. F-7, as amended;
9. The *Canadian Human Rights Act*, R.S.C. 1985, c. H-6, as amended; and

10. Such further and other grounds as counsel may advise and this Court may permit

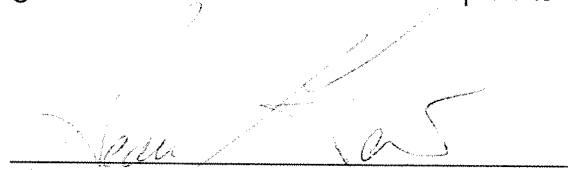
THIS APPLICATION WILL BE SUPPORTED BY THE FOLLOWING MATERIAL:

1. An affidavit of a person yet to be determined containing the certified record of the Commission; and
2. Such further and other material as counsel may advise and this Court will permit

The applicant requests the Canadian Human Rights Commission to send a certified copy of the following material that is not in the possession of the applicant but is in the possession of the Commission to the applicant and to the Registry:

All letters, notes, submissions, and other documents considered by the Commission in rendering its decisions to refer the complaints to the Tribunal.

May 4, 2011



Myles J. Kirvan
Deputy Attorney General of Canada

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