

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 1

NOTICE OF APPEAL (RULE 6(1))



Court of Appeal File No.
(For Registry Use Only)

Case File No. **CA49939**

Supreme Court File No.

S223033

The file number can be found on the upper right corner of the Supreme Court documents

Supreme Court Registry Location

Vancouver

To the respondent(s)

A court proceeding has been commenced against you in the Court of Appeal. See the final page of this form for details on how to respond.

1. PARTIES TO THE APPEAL

Appellant(s)

List the party(ies) appealing the Supreme Court or tribunal order. Identify their roles in the proceeding below in brackets. E.g., Jane Doe (plaintiff, petitioner, etc.)

Liberal Party of Canada (petitioner)

Respondent(s)

List the other party(ies) in the Supreme Court or tribunal order you are appealing who are affected by the appeal. Identify their roles in the proceeding below in brackets. E.g., Jane Doe (defendant).

Complainants (respondents)

New Democratic Party of Canada (petitioner)

Conservative Party of Canada (petitioner)

Office of the Information and Privacy Commissioner for British Columbia (intervenor)

Attorney General of British Columbia (intervenor)

Attorney General of Canada (intervenor)

2. THE ORDER YOU ARE APPEALING

Is leave to appeal required?

Court of Appeal Rule 12 explains when you need leave to appeal. If you are unsure, check "Yes."

☐ Yes ☒ No

Who made the order?

Name the justice or other decision maker who pronounced the order you are appealing.

Justice G. C. Weatherill

What court and/or tribunal pronounced the order(s)?

☒ Supreme Court ☐ Tribunal

Name of tribunal

Date the order was pronounced

Include the day, month and year that the order being appealed was pronounced (not the date the order was entered).

14/05/2024

DD/MM/YYYY

City where the order was pronounced

Vancouver

Length of lower court hearing

Indicate in days or hours the length of the hearing that led to the order you are appealing from. For example, if you are appealing a judgment from a trial that took two hours, enter "two hours."

8 days

What type of proceeding are
you appealing from?
Check only one.

☐ Trial Judgment

☐ Order of a Tribunal

☐ Summary Trial Judgment

☒ Chambers Judgment

3. RELIEF SOUGHT

If leave to appeal is not required, fill out Part A. If you are seeking leave to appeal, fill out Part B.

PART A: LEAVE NOT REQUIRED

Part of the order being appealed
*If you only want to appeal one
part of an order, enter the part
that is being appealed.*

The whole of the Order of Justice Weatherill pronounced May 14, 2024.

**Order(s) you are seeking on
appeal**
*Briefly list the order(s) you will
ask this Court to make on appeal.
For example: "Set aside the trial
judgment and order a new trial."
Include any order as to costs.*

Set aside the Order and make declarations that (a) the *Personal Information Protection Act*, S.B.C. 2003, c. 63 does not apply to federal political parties and (b) the Office of the Information and Privacy Commissioner for British Columbia does not have jurisdiction over federal political parties; and order costs against the Complainants.

PART B: SEEKING LEAVE TO APPEAL

Part of the order being appealed
*If you are only seeking leave to
appeal one part of an order,
enter the part that you are
seeking leave to appeal.*

Grounds for leave to appeal
*Be as specific as possible. For
example, if you believe the trial
judge used an incorrect legal
test or otherwise misapplied the
law, indicate that here.*

4. ADDITIONAL INFORMATION

Sealing order
Is there an order sealing any part of the trial court or tribunal file? If yes, add date(s).

☐ Yes

☒ No

Date

DD/MM/YYYY

Anonymity order/publication ban
Are there orders that protect the identity of a party or parties? If yes, add date(s).

☐ Yes

☒ No

Date

DD/MM/YYYY

Areas of law raised in the appeal
You may check more than one box if appropriate. For example, you should check "motor vehicle accidents" and "torts" for a personal injury claim involving a motor vehicle accident.

☒ Constitutional/
Administrative

☐ Motor Vehicle
Accidents

☐ Torts

☐ Divorce Act (Canada)

☐ Civil Procedure

☐ Municipal Law

☐ Equity

☐ Family Law Act

☐ Commercial

☐ Real Property

☐ Wills and Estates

☐ Other

Appeals involving children
Does this appeal involve the rights or interests of a child? E.g., parenting order.

☐ Yes

☒ No

5. SERVICE

Are you representing yourself?

☐ Yes

☒ No

Name(s) and address(es) within BC for service of appellant(s) *If you have a lawyer, include the law firm's address; otherwise provide your own residential address.*

Cathy Beagan Flood / Jenna Green
Blake, Cassels & Graydon LLP
1133 Melville Street
Suite 3500, The Stack
Vancouver, BC V6E4E5

Phone number(s) of appellant(s)

604-631-5247 / 416-863-2269

**Email address(es) for service of
the appellant(s)**
*If you provide an email address,
you consent to have documents
served on you by email.*

cathy.beaganflood@blakes.com / jenna.green@blakes.com

Date form completed

11/06/2024

DD/MM/YYYY

Name of lawyer or party
authorizing filing of this form

Jenna Green

To the appellant(s):

You must file and serve this form on each respondent named in this document within the timelines required by the *Court of Appeal Act* and Court of Appeal Rules. You must file a Notice of Hearing **not more than one year** after filing this Form 1 or your appeal will be placed on the inactive list (Rule 50(1)(a)).

To the respondent(s)

If you intend to participate in this proceeding, **you must give notice** of your intention by doing the following **not more than 10 days** after receiving this Notice of Appeal: (1) file a "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and; (2) serve the Notice of Appearance on the appellant.

If you fail to file and serve a Notice of Appearance:

- (a) You are presumed to take no position on the appeal, or the application for leave to appeal (if leave is required).
- (b) The parties are not obliged to serve you with any further documents related to the appeal, including an order granting leave to appeal (if leave is required).

You are presumed to take no position if you fail to file and serve a Notice of Appearance within the time described above. The filing registries for the British Columbia Court of Appeal are as follows.

Central Registry:

B.C. Court of Appeal
Suite 400, 800 Hornby St.
Vancouver BC V6Z 2C5

Other Registries:

B.C. Court of Appeal
The Law Courts
P.O. Box 9248
STN PROV GOVT
850 Burdett Ave.
Victoria BC V8W 1B4

B.C. Court of Appeal
223 - 455 Columbia St.
Kamloops BC V2C 6K4

Inquiries should be addressed to (604) 660-2468.

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 1

NOTICE OF APPEAL (RULE 6(1))



Court of Appeal File No.
(For Registry Use Only)

Case File No. **CA49935**

Supreme Court File No.

S223065

The file number can be found on the upper right corner of the Supreme Court documents

Supreme Court Registry Location

Vancouver

To the respondent(s)

A court proceeding has been commenced against you in the Court of Appeal. See the final page of this form for details on how to respond.

1. PARTIES TO THE APPEAL

Appellant(s)

List the party(ies) appealing the Supreme Court or tribunal order. Identify their roles in the proceeding below in brackets. E.g., Jane Doe (plaintiff, petitioner, etc.)

The New Democratic Party of Canada (Petitioner)

Respondent(s)

List the other party(ies) in the Supreme Court or tribunal order you are appealing who are affected by the appeal. Identify their roles in the proceeding below in brackets. E.g., Jane Doe (defendant).

Complainants (Respondents)

Liberal Party of Canada (Petitioner)

Conservative Party of Canada (Petitioner)

Office of the Information and Privacy Commissioner for British Columbia (Intervenor)

Attorney General of British Columbia (Intervenor)

Attorney General of Canada (Intervenor)

2. THE ORDER YOU ARE APPEALING

Is leave to appeal required?

Court of Appeal Rule 12 explains when you need leave to appeal. If you are unsure, check "Yes."

☐ Yes

☒ No

Who made the order?

Name the justice or other decision maker who pronounced the order you are appealing.

Justice G.C. Weatherill

What court and/or tribunal pronounced the order(s)?

☒ Supreme Court

☐ Tribunal

Name of tribunal

Date the order was pronounced

Include the day, month and year that the order being appealed was pronounced (not the date the order was entered).

14/05/2024

DD/MM/YYYY

City where the order was pronounced

Vancouver

Length of lower court hearing

Indicate in days or hours the length of the hearing that led to the order you are appealing from. For example, if you are appealing a judgment from a trial that took two hours, enter "two hours."

8 days

What type of proceeding are you appealing from?

Check only one.

☐ Trial Judgment

☐ Summary Trial Judgment

☐ Order of a Tribunal

☒ Chambers Judgment

3. RELIEF SOUGHT

If leave to appeal is not required, fill out Part A. If you are seeking leave to appeal, fill out Part B.

PART A: LEAVE NOT REQUIRED

Part of the order being appealed
If you only want to appeal one part of an order, enter the part that is being appealed.

The whole of the Order of Justice Weatherill pronounced May 14, 2024.

Order(s) you are seeking on appeal
Briefly list the order(s) you will ask this Court to make on appeal. For example: "Set aside the trial judgment and order a new trial." Include any order as to costs.

Set aside the Order and make declarations that (a) the *Personal Information Protection Act*, S.B.C. 2003, c. 63 does not apply to federal political parties and (b) the Office of the Information and Privacy Commissioner for British Columbia does not have jurisdiction over federal political parties; and order costs against the Complainants.

PART B: SEEKING LEAVE TO APPEAL

Part of the order being appealed
If you are only seeking leave to appeal one part of an order, enter the part that you are seeking leave to appeal.

Grounds for leave to appeal
Be as specific as possible. For example, if you believe the trial judge used an incorrect legal test or otherwise misapplied the law, indicate that here.

4. ADDITIONAL INFORMATION

Sealing order
Is there an order sealing any part of the trial court or tribunal file? If yes, add date(s).

☒ Yes

☐ No

Date

02/05/2022

DD/MM/YYYY

Anonymity order/publication ban
Are there orders that protect the identity of a party or parties? If yes, add date(s).

☐ Yes

☒ No

Date

DD/MM/YYYY

Areas of law raised in the appeal

You may check more than one box if appropriate. For example, you should check "motor vehicle accidents" and "torts" for a personal injury claim involving a motor vehicle accident.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Constitutional/
Administrative | <input type="checkbox"/> Civil Procedure | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Motor Vehicle
Accidents | <input type="checkbox"/> Municipal Law | <input type="checkbox"/> Real Property |
| <input type="checkbox"/> Torts | <input type="checkbox"/> Equity | <input type="checkbox"/> Wills and Estates |
| <input type="checkbox"/> Divorce Act (Canada) | <input type="checkbox"/> Family Law Act | <input type="checkbox"/> Other |

Appeals involving children

*Does this appeal involve the rights or interests of a child?
E.g., parenting order.*

☐ Yes ☒ No

5. SERVICE

Are you representing yourself?

☐ Yes ☒ No

**Name(s) and address(es)
within BC for service of
appellant(s)** *If you have a
lawyer, include the law firm's
address; otherwise provide
your own residential address.*

Carmela Allevato
Allevato Quail & Roy, Barristers & Solicitors
1943 East Hastings Street
Vancouver, BC V5L 1T5

Phone number(s) of appellant(s)

604-424-8631; 778-903-5646

**Email address(es) for service of
the appellant(s)**

*If you provide an email address,
you consent to have documents
served on you by email.*

callevato@aqrlaw.ca

Date form completed

11/06/2024

DD/MM/YYYY

**Name of lawyer or party
authorizing filing of this form**

Carmela Allevato

To the appellant(s):

You must file and serve this form on each respondent named in this document within the timelines required by the *Court of Appeal Act* and Court of Appeal Rules. You must file a Notice of Hearing **not more than one year** after filing this Form 1 or your appeal will be placed on the inactive list (Rule 50(1)(a)).

To the respondent(s)

If you intend to participate in this proceeding, **you must give notice** of your intention by doing the following **not more than 10 days** after receiving this Notice of Appeal: (1) file a "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and; (2) serve the Notice of Appearance on the appellant.

If you fail to file and serve a Notice of Appearance:

- (a) You are presumed to take no position on the appeal, or the application for leave to appeal (if leave is required).
- (b) The parties are not obliged to serve you with any further documents related to the appeal, including an order granting leave to appeal (if leave is required).

You are presumed to take no position if you fail to file and serve a Notice of Appearance within the time described above. The filing registries for the British Columbia Court of Appeal are as follows.

Central Registry:

B.C. Court of Appeal
Suite 400, 800 Hornby St.
Vancouver BC V6Z 2C5

Other Registries:

B.C. Court of Appeal
The Law Courts
P.O. Box 9248
STN PROV GOVT
850 Burdett Ave.
Victoria BC V8W 1B4

B.C. Court of Appeal
223 - 455 Columbia St.
Kamloops BC V2C 6K4

Inquiries should be addressed to (604) 660-2468.

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 1

NOTICE OF APPEAL (RULE 6(1))



Court of Appeal File No.
(For Registry Use Only)

Case File No. **CA49941**

Supreme Court File No.

S223104

The file number can be found on the upper
right corner of the Supreme Court documents

Supreme Court Registry Location

Vancouver

To the respondent(s)

A court proceeding has been commenced against you in the Court of Appeal. See the final page of this form for details on how to respond.

1. PARTIES TO THE APPEAL

Appellant(s)

List the party(ies) appealing the
Supreme Court or tribunal order.
Identify their roles in the proceeding
below in brackets. E.g., Jane Doe
(plaintiff, petitioner, etc.)

The Conservative Party of Canada (petitioner)

Respondent(s)

List the other party(ies) in the Supreme Court or tribunal order you are appealing who are affected by the appeal. Identify their roles in the proceeding below in brackets. E.g., Jane Doe (defendant).

The Complainants (respondents)
The Liberal Party of Canada (petitioner)
The New Democratic Party of Canada (petitioner)
The Office of the Information and Privacy Commissioner for British Columbia (intervenor)
The Attorney General of British Columbia (intervenor)
The Attorney General of Canada (intervenor)

2. THE ORDER YOU ARE APPEALING

Is leave to appeal required?

Court of Appeal Rule 12 explains when you need leave to appeal. If you are unsure, check "Yes."

☐ Yes ☒ No

Who made the order?

Name the justice or other decision maker who pronounced the order you are appealing.

Justice Gordon C. Weatherill

What court and/or tribunal pronounced the order(s)?

☒ Supreme Court ☐ Tribunal

Name of tribunal

Date the order was pronounced

Include the day, month and year that the order being appealed was pronounced (not the date the order was entered).

14/05/2024

DD/MM/YYYY

City where the order was pronounced

Vancouver

Length of lower court hearing
Indicate in days or hours the length of the hearing that led to the order you are appealing from. For example, if you are appealing a judgment from a trial that took two hours, enter "two hours."

8 days

What type of proceeding are you appealing from?
Check only one.

☐ Trial Judgment

☐ Order of a Tribunal

☐ Summary Trial Judgment

☒ Chambers Judgment

3. RELIEF SOUGHT

If leave to appeal is not required, fill out Part A. If you are seeking leave to appeal, fill out Part B.

PART A: LEAVE NOT REQUIRED

Part of the order being appealed
If you only want to appeal one part of an order, enter the part that is being appealed.

All

Order(s) you are seeking on appeal
Briefly list the order(s) you will ask this Court to make on appeal. For example: "Set aside the trial judgment and order a new trial." Include any order as to costs.

1. Setting aside the order of Justice Weatherill, dated May 14, 2024;
2. Substituting an order declaring that: (a) the *Personal Information Protection Act*, SBC 2003, c 63, does not apply to federal political parties; and (b) the Office of the Information and Privacy Commissioner for British Columbia does not have jurisdiction over federal political parties;
3. Ordering costs against the Complainants; and
4. Such further and other relief as counsel may advise and that this Court may consider just.

PART B: SEEKING LEAVE TO APPEAL

Part of the order being appealed

If you are only seeking leave to appeal one part of an order, enter the part that you are seeking leave to appeal.

Grounds for leave to appeal

Be as specific as possible. For example, if you believe the trial judge used an incorrect legal test or otherwise misapplied the law, indicate that here.

4. ADDITIONAL INFORMATION**Sealing order**

Is there an order sealing any part of the trial court or tribunal file? If yes, add date(s).

☒ Yes☐ No

Date

02/05/2022

DD/MM/YYYY

Anonymity order/publication ban

Are there orders that protect the identity of a party or parties? If yes, add date(s).

☐ Yes☒ No

Date

DD/MM/YYYY

Areas of law raised in the appeal

You may check more than one box if appropriate. For example, you should check "motor vehicle accidents" and "torts" for a personal injury claim involving a motor vehicle accident.

☒ Constitutional/
Administrative☐ Civil Procedure☐ Commercial☐ Motor Vehicle
Accidents☐ Municipal Law☐ Real Property☐ Torts☐ Equity☐ Wills and Estates☐ Divorce Act (Canada)☐ Family Law Act☐ Other**Appeals involving children**

Does this appeal involve the rights or interests of a child? E.g., parenting order.

☐ Yes☒ No**5. SERVICE**

Are you representing yourself?

☐ Yes

☒ No

Name(s) and address(es)
within BC for service of
appellant(s) If you have a
lawyer, include the law firm's
address; otherwise provide
your own residential address.

Kirsten Thompson and Luca Lucarini
Dentons Canada LLP
Floor 20, 250 Howe Street
Vancouver, British Columbia
V6C 3R8

Phone number(s) of appellant(s)

(416) 863-4362 / (416) 863-4735

Email address(es) for service of
the appellant(s)
If you provide an email address,
you consent to have documents
served on you by email.

kirsten.thompson@dentons.com
luca.lucarini@dentons.com

Date form completed

11/06/2024

DD/MM/YYYY

Name of lawyer or party
authorizing filing of this form

Luca Lucarini

To the appellant(s):

You must file and serve this form on each respondent named in this document within the timelines required by the *Court of Appeal Act* and Court of Appeal Rules. You must file a Notice of Hearing **not more than one year** after filing this Form 1 or your appeal will be placed on the inactive list (Rule 50(1)(a)).

To the respondent(s)

If you intend to participate in this proceeding, **you must give notice** of your intention by doing the following **not more than 10 days** after receiving this Notice of Appeal: (1) file a "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and; (2) serve the Notice of Appearance on the appellant.

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The Law Courts
P.O. Box 9248
STN PROV GOVT
850 Burdett Ave.
Victoria BC V8W 1B4

B.C. Court of Appeal
223 - 455 Columbia St.
Kamloops BC V2C 6K4

Inquiries should be addressed to (604) 660-2468.