

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**SARA ANN BJORKQUIST, DOUGLAS ROY BROOKE,
AB (BY THEIR LITIGATION GUARDIAN DOUGAS ROY BROOKE),
GREGORY BURGESS,
QR (BY THEIR LITIGATION GUARDIAN GREGORY BURGESS)
PATRICK CHANDLER, PAUL CHANDLER,
MN (BY THEIR LITIGATION GUARDIAN PATRICK CHANDLER),
OP (BY THEIR LITIGATION GUARDIAN PATRICK CHANDLER),
EMMA KENYON, MARIAN KENYON, ROGER KENYON,
IJ (BY THEIR LITIGATION GUARDIAN EMMA KENYON),
VICTORIA MARUYAMA
CD (BY THEIR LITIGATION GUARDIAN VICTORIA MARUYAMA),
EF (BY THEIR LITIGATION GUARDIAN VICTORIA MARUYAMA),
ALEXANDER KOVACS,
KL (BY THEIR LITIGATION GUARDIAN ALEXANDER KOVACS),
THOMAS SETTERFIELD, TIMOTHY SETTERFIELD,
GH (BY THEIR LITIGATION GUARDIAN TIMOTHY SETTERFIELD),
DANIEL WARELIS, AND WILLIAM WARELIS**

Applicants

– and –

ATTORNEY GENERAL OF CANADA

Respondent

RESPONDENT'S FACTUM

March 05, 2025

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ONTARIO SUPERIOR COURT OF JUSTICE

B E T W E E N :

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Applicants

and

THE ATTORNEY GENERAL OF CANADA

Respondent

**FACTUM OF RESPONDENT
(MOTION FOR EXTENSION
OF THE SUSPENDED DECLARATION OF INVALIDITY)**

OVERVIEW

1. On March 19, 2025 at 11:59 p.m., the suspension of the declaration of invalidity of sections 3(3)(a) and 3(3)(b) of the *Citizenship Act*, R.S.C. 1985, c. C-29 (the “*Act*”) will expire. However, Parliament has been prorogued for a period extending beyond March 19, 2025. Because of the prorogation, Bill C-71, *An Act to Amend the Citizenship Act (2024)*, has died on the order paper¹ and the process towards passing remedial legislation must be

¹ Bill C-71 can be reinstated following prorogation either with unanimous consent or following the adoption of a motion after notice and debate.

revived upon Parliament's return. It is uncertain how long the process will take. As a result, the Attorney General requests an extension of the suspended declaration of invalidity for a 12-month period to ensure there is adequate time for remedial legislation to be put in place prior to the expiry of the suspension. Allowing the declaration of invalidity to take effect without remedial legislation would cause a legislative gap that will create inconsistent outcomes for certain cohorts and prevent Parliament from crafting a legislative solution.

2. The requested extension would not negatively impact the Applicants or others affected by sections 3(3)(a) and 3(3)(b) of the *Act* because of the proposed expanded interim measure the government has put into place. It is in the public interest to have remedial legislation enacted prior to the declaration of invalidity taking effect. The constitutional principle of the rule of law as well as the orderly administration of justice weighs in favour of granting another extension to allow the democratic Parliamentary process to continue.

3. The Attorney General therefore requests that the suspension of the declaration of invalidity be extended by 12 months to allow Parliament more time to enact remedial legislation and to avoid deleterious effects to the public should the declaration of invalidity take effect on March 20, 2025.

PART I – STATEMENT OF FACTS

A. BACKGROUND

4. The background is now well-known to the Court. The Applicants are a group of seven families who span several generations. Among the Applicants are several first and second generation children born abroad to Canadian citizens. In all of the Applicant families,

members of the first generation born abroad left Canada and started families in other countries. Their children are the second generation born abroad.²

5. Pursuant to sections 3(3)(a) and 3(3)(b) of the *Act*, if a Canadian citizen who obtained citizenship due to their birth abroad (the “first generation born abroad”) has a child born abroad (the “second generation born abroad”), with limited exceptions, that child is not automatically a Canadian citizen at birth. The Applicants challenged the validity of s. 3(3)(a) of the *Act* and argued the impugned provision limits the rights guaranteed by ss. 15, 6, and 7 of the *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c. 11 (the “*Charter*”), and is not saved by s. 1.³

B. DECEMBER 19, 2023 COURT DECISION

6. In the Reasons for Judgment, dated December 19, 2023 (“Reasons”), amended by a first amending order dated January 3, 2024, and a second amending order dated January 3, 2024, the Court found sections 3(3)(a) and 3(3)(b) of the *Act* invalid because they unjustifiably limited the rights guaranteed by sections 6(1) and 15(1) of the *Charter*. The Court suspended the declaration of invalidity for six months to June 19, 2024. The Court also granted constitutional exemptions to some of the Applicants and ordered the Respondent to issue citizenship certificates for some of the minor Applicants within 14 working days of receipt of an application for a certificate.⁴

² *Bjorkquist et al v Canada (AG)*, [2023 ONSC 7152](#) [“*Bjorkquist I*”] (A chronology of the Applicants’ family histories and dealings with Immigration and Citizenship officials is set out in paragraphs 10-42).

³ *Ibid* at para 2.

⁴ *Ibid* at para 325.

7. In granting the suspended declaration of invalidity, the Court recognized that the government should be permitted time to ensure there is no legislative gap.⁵

8. The Court also noted that, at the time of the decision, Parliament was considering amendments to the derivative citizenship provisions of the *Act* in Senate Public Bill S-245, including amendments to the Bill proposed by the government. The Court found that the Respondent therefore had a head start on amendments addressing derivative citizenship. The Court further found that there was no evidence to demonstrate why more than a six-month suspension was required.⁶

C. FIRST DECISION EXTENDING SUSPENSION OF DECLARATION OF INVALIDITY

9. On May 23, 2024, the government introduced Bill C-71 as timely progress was not being made with respect to enacting Bill S-245. The Respondent then brought a motion to extend the suspension for a further six months. On June 19, 2024, the Court ordered that the suspension be extended until August 9, 2024.⁷ On June 20, 2024, Parliament's summer recess began, ending on September 16, 2024.⁸

10. On June 19, 2024, the Court also ordered the parties to appear for a hearing on August 1, 2024 to determine whether a further extension of the suspension until December 19, 2024, or some earlier date, was warranted. The Court ordered the Respondent to file (i) an improved plan to address cases of hardship during any additional extended period of

⁵ *Ibid* at paras 282-283, citing *Ontario (AG) v G*, 2020 SCC 38 at paras 96-98 [*Ontario v G*].

⁶ *Bjorkquist 1*, *ibid* at para 283.

⁷ *Bjorkquist et al v Canada (AG)*, 2024 ONSC 3554 at para 40 [*Bjorkquist 2*].

⁸ Affidavit of Nathan Chevrier, sworn November 29, 2024 at paras 20, 31 [Chevrier Affidavit 1].

suspension of invalidity; and (ii) a report explaining the progress made on Bill C-71 since May 23, 2024, and intended next steps to pass the bill by December 19, 2024.⁹

D. SECOND DECISION EXTENDING SUSPENSION OF DECLARATION OF INVALIDITY

11. In advance of the August 1, 2024 hearing, the Respondent filed a plan to address urgent cases of hardship and a report explaining the progress made on Bill C-71 since May 23, 2024, as well as intended next steps to have Bill C-71 come into force by December 19, 2024. As of the beginning of February 2025, a total of 1,170 proof of citizenship applications have been received from individuals who are impacted by the first generation limit. Of these, 355 applicants who identified urgent circumstances were accepted for urgent consideration for discretionary citizenship. Out of those being considered, 82 applicants have received a discretionary grant of citizenship, a further 182 were still being processed and none have been refused to date. All of these applicants are being offered consideration for a discretionary grant of citizenship; however, not all have yet responded to the Department and therefore some applications remain open.¹⁰

12. On August 2, 2024, the Court ordered a second extension of the suspension of the declaration of invalidity until December 19, 2024, at 11:59 p.m.¹¹

13. The Court found that there were extraordinary circumstances justifying an extension of the suspension of the declaration of invalidity.¹² In particular, the Court noted that an

⁹ *Bjorkquist 2* at para 40.

¹⁰ Affidavit of Nathan Chevrier, sworn May 5 2025 at para 60 [Chevrier Affidavit 2].

¹¹ *Bjorkquist et al v Canada (AG)*, [2024 ONSC 4322](#) at [para 26](#) [*Bjorkquist 3*].

¹² *Ibid* at [para 7](#).

extension would ensure there is no legislative gap and allow the government to make policy choices, as is its proper role, to repair the unconstitutionality of the existing legislation.¹³

14. The Court also found that the interim measure addressing urgent cases of hardship implemented by the government sufficiently addressed concerns of hardship caused by the ongoing rights violations such that a further extension of the suspension of the declaration of invalidity would not undermine confidence in the administration of justice.¹⁴

E. THIRD DECISION EXTENDING SUSPENSION OF DECLARATION OF INVALIDITY

15. In December 2024, the Respondent brought another motion to extend the suspended declaration of invalidity for a further three months because Parliament was unable to enact Bill C-71 prior to the expiry of the suspended declaration of invalidity.

16. On December 13, 2024, the Court granted the Respondent's motion, extending the suspended declaration of invalidity until March 19, 2025 at 11:59 p.m.¹⁵ In granting the Respondent's motion, the Court noted it was satisfied that the interests of the public will be negatively affected if the declaration of invalidity comes into force without remedial legislation in place.¹⁶

17. The Court again recognized that the public is entitled to the benefit of legislation, and this entitlement is heightened in the context of citizenship legislation, which operates under a complex regime.¹⁷ While acknowledging that it is incumbent on the Respondent to

¹³ *Ibid.*

¹⁴ *Ibid* at [para 18](#).

¹⁵ *Bjorkquist et al v Canada (AG)*, [2024 ONSC 6982](#) at para 43 [*Bjorkquist 4*].

¹⁶ *Ibid* at para [36](#).

¹⁷ *Ibid* at para [42](#).

treat Bill C-71 as a priority, the Court noted that it is not the proper role of the Court to set or evaluate the Parliamentary agenda.¹⁸

F. GOVERNMENT'S RESPONSE TO COURT'S DECISIONS

18. The government introduced Bill C-71 in the House of Commons on May 23, 2024 and first reading in the House of Commons was completed the same day.¹⁹

19. On May 30, 2024, the Minister implemented the interim measure to deal with urgent cases involving applications for proof of citizenship by those in the second or subsequent generation born abroad, while Bill C-71 advanced through the legislative process. An expanded version of the interim measure will operate until remedial legislation is in force.²⁰

20. Despite the steps taken by Parliament to expedite the passing of Bill C-71,²¹ Bill C-71 did not receive Royal Assent before Parliament rose on December 17, 2024, and subsequently died on the order paper when Parliament prorogued.

G. PROROGATION

21. On January 6, 2025, the Governor General granted a request to prorogue Parliament until March 24, 2025. The power to prorogue the Parliament of Canada is a Crown prerogative exercised by the Governor General of Canada. Under the *Letters Patent Constituting the Office of Governor General and Commander-in-Chief of Canada of 1947* (*Letters Patent*), the Governor General is authorized to exercise the powers of the Crown to

¹⁸ *Ibid* at paras [37](#), [42](#).

¹⁹ Chevrier Affidavit 1 at para 15.

²⁰ Affidavit of Patrice Milord, sworn March 5, 2025 at para 8 [Milord Affidavit].

²¹ *Bjorkquist 4* at paras 14-18, 23, 27.

summon, prorogue, or dissolve Parliament.²² The Governor General prorogues Parliament by issuing a proclamation under the Great Seal of Canada.

22. When the Governor General prorogues Parliament, that particular session of Parliament comes to an end.²³

i. Current Prorogation

23. On January 6, 2025, Prime Minister Trudeau announced his intention to resign as leader of the Liberal Party. He also advised the Governor General of Canada that a new session of Parliament was required and requested that Parliament be prorogued. On that date, the Governor General prorogued Parliament, exercising the powers that had been delegated to the Governor General by the Crown.²⁴

24. A new session of Parliament is scheduled to commence on March 24, 2025.²⁵ After the prorogation period ends, the Senate and House of Commons will resume sitting on the date fixed by proclamation. The new session begins with the Speech from the Throne which will typically introduce the government's priorities and goals, and outline how it will achieve them, including measures to be put before the Senate and the House of Commons for enactment.²⁶ Preparation for the Speech from the Throne is supported by the Privy Council Office, and involves considerable interdepartmental consultation to identify initiatives and themes. It is anticipated that the Speech from the Throne that is currently scheduled to take

²² *Letters Patent constituting the Office of Governor General of Canada and Commander-in-Chief*, RSC 1985, Appendix II, No 31.

²³ Chevrier Affidavit 2 at paras 3, 10, 18.

²⁴ Chevrier Affidavit 2 at paras 9-10.

²⁵ Chevrier Affidavit 2 at paras 10, 17.

²⁶ Chevrier Affidavit 2 at para 18.

place on March 24, 2025 will outline the new Prime Minister's priorities and the measures that will be presented to the Senate and the House of Commons for consideration.²⁷

25. During prorogation, the Government of Canada continues to function through the usual powers, duties, and functions of the executive.²⁸ Should it be necessary to do so, the Governor General can summon Parliament back at an earlier date than currently contemplated, on the advice of the Prime Minister.²⁹

PART II – ISSUE

26. Whether the Court should extend the suspended declaration of invalidity?

PART III – ARGUMENT

A. THE TEST FOR EXTENDING A SUSPENSION OF DECLARATION OF INVALIDITY

27. The Respondent requests that the suspension of the declaration of invalidity be extended by 12 months to allow Parliament more time to enact remedial legislation and to avoid deleterious effects to the public should the declaration of invalidity take effect on March 20, 2025 without remedial legislation being in force.

28. The framework governing *Charter* remedies was revisited by the Supreme Court of Canada in *Ontario v. G* (“*G*”).³⁰ Although the Court did not expressly discuss its application to extensions in *G*, there is little reason to doubt that the principled framework articulated in that case applies equally to extensions, given that the same basic considerations are engaged.

²⁷ Chevrier Affidavit 2 at paras 16, 18-19.

²⁸ Chevrier Affidavit 2 at para 15.

²⁹ Chevrier Affidavit 2 at para 14.

³⁰ *Ontario v G*.

29. In *G*, the Supreme Court explained that a declaration of invalidity should be suspended where the government demonstrates that “an immediately effective declaration of invalidity would endanger an interest of such great importance that, on balance, the benefits of delaying the effect of that declaration outweigh the cost of preserving an unconstitutional law that violates *Charter* rights.”³¹ This balancing exercise must be undertaken with regard to the impact of a suspension on rights holders and the public, and to the question of whether an immediate declaration of invalidity would significantly impair the legislature’s democratic authority to set policy through legislation.³²

30. Based on *G*, an extension should be available where the Respondent demonstrates that the coming into effect of the declaration of invalidity would endanger an interest of such great importance that, on balance, the benefits of delaying the effect of that declaration outweigh the cost of preserving an unconstitutional law that violates *Charter* rights, and that the government has acted diligently to respond to the declaration of invalidity, but requires more time to do so.³³

31. The Supreme Court confirmed the power of the Courts to extend a suspended declaration in *Carter v Canada (A.G.)*, 2016 SCC 4 (*Carter 2*). In granting a four-month extension in that case, the Court explained that “extraordinary circumstances must be shown” to justify an extension.³⁴ The Court did not suggest there are any limits on the number of potential extensions if the test is met.

³¹ *Ibid* at [para 117](#).

³² *Ibid* at [para 139](#).

³³ *Ibid* at [para 117](#); see also paras [133](#), [139](#) and [156](#); *R v Ndhlovu*, [2022 SCC 38](#) at [para 139](#).

³⁴ *Carter v Canada (AG)*, [2016 SCC 4](#) at [para 2](#).

32. In *Bjorkquist 2* and *3*, the Court relied on its iteration of the factors considered in *Bjorkquist 1* outlined by the Quebec Court of Appeal in *Descheneaux* in identifying whether the extraordinary circumstances contemplated in *Carter 2* exist and justify an extension of a suspension of the declaration of invalidity. These non-exhaustive and non-cumulative factors are: (i) whether a change in circumstances justifies the extension; (ii) whether the circumstances still warrant a suspension; (iii) the likelihood that remedial legislation will be adopted; and (iv) whether the extension undermines confidence in the administration of justice.³⁵ The Court in *Bjorkquist 3* added that diligence is also a factor to consider. Relevant factors that must be considered in the context of this balancing exercise include: the impact of the declaration of invalidity on the public should it come into effect; the impact of the extension on rights holders, including in light of any interim relief that may be available to them during the extension; and the diligence of the government in its efforts to respond to the declaration of invalidity.

33. In the context of this motion, there has been a significant change in circumstances as contemplated in *Descheneaux*, and *Carter 2*. The prorogation of Parliament until March 24, 2025 makes it impossible for Parliament to enact remedial legislation prior to the expiry of the suspension of the declaration of invalidity. Prior to prorogation, this Court found in its prior extension decisions, the government acted with diligence and effectiveness in responding to the declaration of invalidity including by advancing Bill C-71 and implementing the interim measure to respond to the *Charter* findings pending the enactment of new legislation. Based on the various tools for expediting passage of legislation outlined

³⁵ *Bjorkquist 2* at paras [7-16](#); citing [Descheneaux](#).

in the Chevrier Affidavit, there is real likelihood that remedial legislation will be enacted within a 12-month extension period.

34. This is also not the first time a court has been asked to extend a suspension on a declaration of invalidity. For example, three extensions were granted in *Descheneaux*,³⁶ *British Columbia Civil Liberties Association*,³⁷ and *Truchon*³⁸ totalling 22 months, 23 months, and 18 months, respectively. The extensions were granted despite the government not being in a minority position (for two of these decisions), not being in a position where a prime minister resigned, and not entering into a period of prorogation at a time when the remedial legislation was at second reading and steps had been taken to expedite passage of the legislation.

35. Based on the principled framework outlined in *G*, the Respondent submits that a 12-month extension of the suspension of the declaration of invalidity is appropriate. Such an extension would respect Parliament's democratic authority to set policy through legislation by providing sufficient time for the enactment of remedial legislation and recognizes the government's diligence in responding to the declaration of invalidity within the context of the current situation in Parliament. This, in turn, would avoid the deleterious effects on the public interest that would result from the declaration of invalidity coming into effect in the absence of remedial legislation.

³⁶ *Procureure générale du Canada c Descheneaux*, 2017 [QCCA 1238](#) at paras 79-83.

³⁷ *Canadian Civil Liberties Association v Canada*, [2019 ONCA 342](#) at para 2.

³⁸ *Truchon c Procureur général du Canada*, [2021 QCCS 590](#) at [para 3](#).

B. COMPELLING REASONS EXIST TO JUSTIFY EXTENSION

36. The Court granted a three-month extension of the suspension of the declaration of invalidity, until March 19, 2025 at 11:59 p.m., to ensure that the striking down of the impugned provisions did not create a legislative gap and that the public had the benefit of legislation.³⁹ The same compelling reasons continue to exist and justify a further extension. While the government was provided with additional time to enact remedial legislation, it is now evident that based on the prorogation of Parliament, that remedial legislation will not be in force on March 20, 2025.

37. There have been no developments that make giving immediate effect to the declaration of invalidity more exigent than it was when the suspension was granted.⁴⁰ Indeed, the interim measure implemented by the government to deal with applications for proof of citizenship that are impacted by the first generation limit continue to apply and adequately respond to urgent cases, including circumstances of hardship. The government is also expanding the interim measure to reflect the approach in Bill C-71 such that applicants will be offered consideration for discretionary citizenship in a wider set of circumstances – namely, in non-urgent cases.⁴¹

38. All individuals seeking proof of citizenship born or adopted prior to December 19, 2023 who are subject to the first generation limit will be offered consideration for a discretionary grant under s. 5(4). Those born or adopted on or after December 19, 2023, but whose Canadian parent has a substantial connection to Canada (i.e. three years of physical

³⁹ *Bjorkquist 4* at paras [36](#), [40](#), [42](#).

⁴⁰ See *British Columbia Civil Liberties Association v Canada (AG)*, [2019 BCCA 5](#) at [para 21](#) [*BC Civil Liberties Association*].

⁴¹ Milord Affidavit at paras 8-9.

presence in Canada prior to their birth) will also be offered consideration under s. 5(4) on a prioritized basis.

39. While the public is entitled to expect that correcting unconstitutional legislation will be treated as a priority by the government, Parliament cannot enact legislation when it is prorogued, and the public does not expect otherwise. Following the end of prorogation, Parliament must be afforded the discretion to control its own agenda.⁴²

1) The Potential Impact of Not Extending the Suspension

40. Extending the suspension of the declaration of invalidity for a further 12 months is not unprecedented and would maintain the confidence of the public in the administration of justice and in the capacity of the courts to act as guardians of the Constitution.

41. The risk inherent in allowing the declaration of invalidity to take effect before remedial provisions are in place remains as serious and as pressing as it was when this Court's decision was released.⁴³ It is always essential that Parliament be able to exercise its legislative function and formulate the appropriate response to the judgment of this Court.⁴⁴

42. A declaration of invalidity without remedial legislation would have significant implications for the public interest, as well as significant operational and policy implications for the government. If the declaration of invalidity takes effect, it would create new legal rights in a retroactive fashion without accompanying provisions providing clarity on the acquisition of those rights, would significantly impair the effectiveness of the legislature's policy choices, and would cause some people to become Canadian citizens, while others

⁴² *BC Civil Liberties Association* at [para 28](#).

⁴³ *BC Civil Liberties Association* at [para 23](#).

⁴⁴ *Ontario (AG) v G* at [paras 129-130](#).

would continue to be excluded from accessing citizenship as a result of the first generation limit.⁴⁵

43. The Court should act to preserve the right of Parliament to legislate and regulate in this area, respecting the constitutional principles of democracy, rule of law, and the separation of powers.⁴⁶ Furthermore, preserving Parliament's ability to set the conditions for the acquisition of derivative citizenship by individuals born outside Canada and the protection of the value of Canadian citizenship are compelling public interests that outweigh the impacts of the declaration's effect.

44. First, a refusal to grant an extension of the suspension will mean that in the event that Parliament does not enact remedial legislation prior to March 20, 2025 (i.e. Parliament is not summoned back early), many persons born to Canadian parents outside Canada in the second and subsequent generations will automatically become Canadian citizens. For some (for example, nationals of countries that do not allow dual citizenship), they may not want this status, but they would not have access to a simplified procedure to renounce that citizenship (as is generally provided for when retroactive changes are made to the derivative citizenship scheme). Provisions providing further clarity on this new basis for acquiring citizenship, which generally accompany changes to citizenship law, would also be absent. The passing on of derivative citizenship for many born to Canadian parents outside Canada will be completely unregulated.

⁴⁵ Milord Affidavit at para 4.

⁴⁶ *Ontario (AG) v G* at paras [129-130](#).

45. Extending the suspended declaration of invalidity will minimize public confusion about the state of derivative citizenship in Canada if the legislative provisions change twice in a relatively short period of time (i.e. a legislative gap, followed by remedial legislation).⁴⁷

46. Further, a refusal to extend the suspension will create considerable confusion in Canadian law as to who is or is not a citizen as well as numerous operational and policy implications for both the government and IRCC.⁴⁸ A legislative change involves substantial work for IRCC to adjust and/or create training material, assessment and decision tools, Program Delivery Instructions, IRCC'S Global Case Management System, and online proof of citizenship applications.⁴⁹ All public facing and internal communications products, as well as application kits and forms, need to be updated. IRCC also develops the tools and resources to adequately support impacted Citizenship Program Partners. If the legislative provisions change twice in a relatively short time, a great deal of this work will be duplicated.⁵⁰

47. The reasons that justified the initial suspension of the declaration of invalidity, and its extensions, still weigh in favour of such a suspension. More importantly, however, the expiration of the suspension of the declaration of invalidity without remedial legislation in place will have a profound impact on the public and would significantly impair Parliament's ability to set policy in this area. Parliament, once resumed, must have sufficient time to enact

⁴⁷ *Bjorkquist 4* at para 42.

⁴⁸ Jay-Tosh Affidavit at paras 29-54.

⁴⁹ Jay-Tosh Affidavit at paras 39-54; Milord Affidavit at para 5.

⁵⁰ Jay-Tosh Affidavit at paras 39-54; Milord Affidavit at para 5.

remedial legislation. Together, these factors weigh heavily in favour of granting an extension of the suspension.⁵¹

2) The impact of the extension on rights holders

48. An extension of the suspension of the declaration of invalidity will not adversely impact rights holders. First, this Court's Order in *Bjorkquist 1* granted constitutional exemptions from the impugned provisions to certain Applicants, such that their children are now citizens under the *Act*.⁵² The minor Applicants applied for and received citizenship certificates within 30 days of the Court's order.

49. In addition, this Court's Order in *Bjorkquist 2* granted constitutional exemptions from the impugned provisions to the remaining first generation born abroad Applicants such that all Applicants without Canadian citizenship became Canadian citizens.⁵³

50. Lastly, this Court determined that the interim measure implemented by the government sufficiently addressed cases of hardship requiring urgent processing caused by the ongoing rights violations during the suspension of the declaration of invalidity.⁵⁴ An extension of the suspension of the declaration of invalidity will, therefore, have no adverse effect on rights holders.

51. It is noteworthy as well that many individuals have already benefitted from the interim measure, and that the government will be expanding the scope of the measure for individuals affected by the first generation limit to have access to consideration under s. 5(4).

⁵¹ *Ontario v G* at [paras 129, 139](#).

⁵² *Bjorkquist 1* at [paras 7, 289-291, 325](#).

⁵³ *Bjorkquist 2* at [para 40](#).

⁵⁴ *Bjorkquist 3* at [para 18](#).

C. CONCLUSION

52. The Respondent submits that the proroguing of Parliament and the required election by October 2025 are significant intervening events which justify a further 12-month extension of the suspended declaration of invalidity of sections 3(3)(a) and 3(3)(b) of the *Act*. Such an extension would continue to respect Parliament's democratic authority to set policy through legislation by providing sufficient time for the enactment of remedial legislation. This, in turn, would avoid the deleterious effects on the public interest that would result from the declaration of invalidity coming into effect without remedial legislation being in place.

PART IV – ORDER SOUGHT

53. The Respondent requests that the Court grant this motion to extend the suspension of the declaration of invalidity, set to expire on March 20, 2025, for 12 months, contingent on the Respondent implementing an expanded version of the interim measure, as described in the affidavit of Patrice Milord. In the alternative, the Respondent requests an interim order to extend the suspension of the declaration of invalidity until ten days following the Court's decision on this motion.

Hillary Adams

Dated: March 6, 2025

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ONTARIO SUPERIOR COURT OF JUSTICE

B E T W E E N :

SARA ANN BJORKQUIST ET AL

Applicants
(Responding Party)

and

THE ATTORNEY GENERAL OF CANADA

Respondent
(Moving Party)

**FACTUM OF THE RESPONDENT
(MOTION TO EXTEND SUSPENSION OF
DECLARATION)**

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Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at Toronto

RESPONDENT'S FACTUM

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Our File: LEX-500074932

Lawyer for the Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**SARA ANN BJORKQUIST, DOUGLAS ROY BROOKE,
AB (BY THEIR LITIGATION GUARDIAN DOUGAS ROY BROOKE),
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DANIEL WARELIS, AND WILLIAM WARELIS**

Applicants

– and –

ATTORNEY GENERAL OF CANADA

Respondent

RESPONDENT'S MOTION RECORD

(Motion for Extension of Suspension of Declaration of Invalidity)

March 06, 2025

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Court File No: CV-21-00 673419-0000

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ATTORNEY GENERAL OF CANADA

Respondent

NOTICE OF MOTION
(Motion to extend suspended declaration of invalidity)

THE RESPONDENT will make a motion to the Court on March 13, 2025, at 10:00 a.m.

PROPOSED METHOD OF HEARING: The motion is to be heard:

By video conference.

THE MOTION IS FOR:

1. An order to extend, for 12 months, the suspension of the declaration of constitutional invalidity of sections 3(3)(a) and 3(3)(b) of the *Citizenship Act*, R.S.C. 1985, c. C-29 (the “Act”)

ordered by this Court on August 2, 2024 (“the suspended declaration of invalidity”), set to expire on March 20, 2025 contingent on the Respondent implementing an expanded version of the interim measure, as described in the affidavit of Patrice Milord;

2. In the alternative, an interim order to extend the suspended declaration of invalidity until ten days after the release of the Court’s decision on this motion;

3. Such further and other relief as to this Honourable Court deems just.

THE GROUNDS FOR THE MOTION ARE:

4. This is a motion to extend, for a further 12 months, the suspension of the declaration of constitutional invalidity of sections 3(3)(a) and 3(3)(b) of the *Citizenship Act*, R.S.C. 1985, c. C-29 (the “*Act*”) ordered by this Court on August 2, 2024.

5. The replacement legislation, through Bill C-71 was making progress towards being passed. However, on January 6, 2025 Parliament prorogued and a new session is not set to commence until March 24, 2025, days following the expiration of the Court’s declaration of invalidity of ss. 3(3)(a) and 3(3)(b) of the Act. An election is also expected by October 2025.

6. An extension of the suspended declaration of invalidity will not negatively impact the Applicants given they are all now citizens and others affected by the impugned provisions have access to discretionary grants of citizenship in cases of hardship through the interim measures taken by the government.

7. Allowing the declaration of invalidity to take effect without replacement legislation would result in a legislative gap that would have deleterious effects on the public, and on citizenship applicants in particular. An extension is required to allow Parliament to make a choice about

citizenship policy. Citizenship legislation is complex, and has far-reaching effects. Legislating in this area requires careful consideration and consultation. The orderly administration of justice weighs in favour of granting an extension.

8. The grounds which support an extension of the suspended declaration of invalidity also support the Respondent's request for an interim order for an extension, until ten days after the Court's decision on this motion, as alternative relief. In the event that this motion is dismissed, an interim order would preserve the status quo for a minimum period required for the Respondent to respond to the decision.

9. Rule 1.04(1), 3.02, and 37.05(3) of the *Rules of Civil Procedure*;

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

THE FOLLOWING EVIDENCE will be used at the hearing of the motion:

11. The Affidavit of Patrice Milord, sworn March 5, 2025; and

12. The Affidavit of Nathan Chevrier, sworn March 6, 2025.

Hillary Adams

Date: March 6, 2025

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BJORKQUIST ET AL

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ONTARIO SUPERIOR COURT OF JUSTICEProceeding Commenced at
TORONTO**NOTICE OF MOTION****ATTORNEY GENERAL OF CANADA**Department of Justice Canada
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Our File: LEX-500074932
Lawyers for the Respondent

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AFFIDAVIT OF PATRICE MILORD

I, Patrice Milord, Assistant Director, Citizenship Legislative Policy Division, Citizenship Branch with Immigration, Refugees and Citizenship Canada, of the City of Ottawa in the Province of Ontario, SWEAR THAT:

1. I have been employed by the Government of Canada since 2002. I have been engaged exclusively in the area of citizenship legislation and policy since 2014.

2. I currently hold the position of Assistant Director, Citizenship Legislative Policy Division, Citizenship Branch, Immigration, Refugees and Citizenship Canada (“IRCC”). In this position, I am responsible for providing advice to senior officials of the Department on citizenship issues in relation to legislative, regulatory and program policy changes. I am also responsible for providing advice on the interpretation of citizenship policy and legislation, past and present, to officials in the Department responsible for the delivery of the citizenship program. As such, I have knowledge of the matters stated herein.

3. If a further extension of the suspension of invalidity is not granted, a number of consequences will result.

4. From a legal and policy perspective, if the declaration takes effect, it would create new legal rights in a retroactive fashion without accompanying provisions providing clarity on the acquisition of those rights, and cause an unknown number of individuals to become Canadian citizens, while others would continue to be excluded from accessing citizenship, such as international adoptees.

5. If the legislative provisions change twice in a relatively short time, once when the suspension expires, and again when replacement legislation is passed, a great deal of operational and policy work will be duplicated, and the strain on administrative resources will be exacerbated. Updating procedures and instructions and training materials takes significant resources to ensure that the information is correct, understandable, and usable. Publishing these instructions and public-facing information documents also takes significant effort. In usual circumstances,

instructions are drafted and shared with those developing new training, which will have to be completed twice within a year.

6. The Department also works closely with other government departments, including Global Affairs Canada (“GAC”), to implement changes to citizenship. GAC is responsible for overseeing Canada’s international engagement, including diplomatic relations, providing consular services, promoting international trade and international law, and leading Canada’s international development and humanitarian assistance. It is also responsible for maintaining Canadian government offices abroad with diplomatic and consular status on behalf of all government departments. GAC intakes paper applications for proof of citizenship certificates and is often the first point of contact for clients abroad. Working through two significant changes over the course of a year will have a significant impact on GAC as the majority of individuals affected live outside of Canada in locations unknown.

7. The other major government stakeholder is the Canada Border Services Agency (“CBSA”), who is responsible for entry into Canada and enforcement. CBSA needs to know who is allowed to enter Canada and who cannot be deported. Similarly, working through two significant changes over the course of a year will have a significant impact on the CBSA.

8. With respect to the interim measure currently in place, it is the government’s intention to continue and expand the interim measure during any further period of suspension of the declaration of invalidity of ss. 3(3)(a) and 3(3)(b) of the *Citizenship Act*, beyond the current priority access for those subject to the first generation limit who demonstrate an urgent need for citizenship.

9. The intent of expanding the measure in this way is to mimic to the extent possible the framework established in Bill C-71, pending the enactment of remedial legislation.

10. Practically, to mirror Bill C-71 to the extent possible during the suspension period, the interim approach would address cases of hardship by providing consideration under s. 5(4) to the following groups:

(1) All individuals seeking a proof of citizenship born prior to December 19, 2023 who are subject to the first generation limit will be offered access to consideration under s. 5(4), irrespective of urgent circumstances. Those born on or after December 19, 2023 whose Canadian parent can demonstrate a substantial connection to Canada (i.e. 1095 days (cumulative) of physical presence in Canada prior to their birth) will be offered consideration under s. 5(4) on a prioritized basis.

(2) Consideration under s. 5(4) will also be available for those who continue to be subject to the first generation limit who are not directly affected by the Court's declaration, i.e.:

- Certain individuals born before April 1, 1949 who remain subject to the first generation limit in s. 3(3)(a.1) and s. 3(3)(a.2);
- Those who lost citizenship under s. 8 of the previous *Citizenship Act* as they failed to meet retention requirements under the former Act; and
- Children who were born abroad and adopted by Canadian citizens, who remain subject to the first generation limit under s. 5.1(4) in relation to the direct grant of citizenship for adopted children. All individuals seeking a grant under s. 5.1

who were born abroad and adopted prior to December 19, 2023 and are subject to the first generation limit will be offered access to consideration under s. 5(4). Those born abroad and adopted on or after December 19, 2023 but whose Canadian adoptive parent can demonstrate a substantial connection to Canada (i.e. 1095 days (cumulative) of physical presence in Canada prior to the adoption) will be offered consideration under s. 5(4) on a prioritized basis.

11. I make this affidavit in support of the Respondent's position in this matter and for no other or improper purpose.

SWORN remotely from the City of Ottawa, in the Province of Ontario, to the Town of Courtice, in the Province of Ontario, on March 5, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Janet Elizabeth Forbes,
a Commissioner, etc., Province
of Ontario, for the Government
of Canada, Department of Justice.
Expires February 11, 2028

Commissioner for Taking Affidavits



PATRICE MILORD

BJORKQUIST ET AL

Applicants

AND

ATTORNEY GENERAL OF CANADA

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***SUPERIOR COURT OF JUSTICE
ONTARIO***

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TORONTO

AFFIDAVIT OF PATRICE MILORD

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Our File: LEX-500074932

Lawyers for the Respondent

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AFFIDAVIT OF NATHAN CHEVRIER

I, Nathan Chevrier, of the City of Ottawa, in the Province of Ontario, MAKE OATH AND SAY:

1. As of November 2022, I am the Assistant Director of Parliamentary Affairs with Immigration, Refugees and Citizenship Canada (IRCC). As the Assistant Director of Parliamentary Affairs, I am responsible for providing advice to senior officials at the Department of Citizenship and Immigration and the Minister of Citizenship and Immigration’s Office on parliamentary issues in relation to

legislative and parliamentary procedure. I am also responsible for providing procedural advice from a non-partisan perspective to officials and Ministerial staff for IRCC related to parliamentary items, such as legislation and parliamentary committee appearances.

2. In light of the above, I have personal knowledge of the facts and matters deposed to in this affidavit. Where my knowledge is based on information from others, I have so stated and believe this information to be true.

Prorogation in Canada

3. The executive powers to summon, to prorogue, and to dissolve Parliament are an integral part of Canada's constitutional framework. Prorogation results in the end of a session of Parliament in order to begin a new one, without dissolving Parliament for a general election.

4. The practice and procedure relating to prorogation is within the Prime Minister's prerogative and governed by well-established constitutional conventions. The power to prorogue is derived from the royal prerogative powers held by the Crown under the Westminster model of parliamentary government. There is no law that prescribes when and under what circumstances a Prime Minister may request dissolution or prorogation, nor what the Governor General is required to do once such a request has been made.

5. In Canada, a Prime Minister's request to prorogue Parliament has never been denied in its history. In turn, the Prime Minister is accountable to the House of Commons when it is summoned and ultimately to the electorate for the decision of the Governor General that follow the Prime Minister's advice.

6. Once the Governor General approves the advice, a Proclamation of Prorogation is published in the Canada Gazette.

7. Other than the indirect 12-month constraint established by section 5 of the *Canadian Charter of Rights and Freedoms*, the length of time for which Parliament is prorogued is entirely within the discretion of the Prime Minister, but practically affected by the need for the enactment of legislation and particularly the need for the granting of supply (projected expenditures for parliamentary approval) during scheduled periods in the parliamentary calendar. When the proclamation is issued to prorogue, it includes a date established by the Prime Minister for the return of Parliament. This date can be changed, either forward or backward, by the Governor General issuing a subsequent proclamation.

8. The Prime Minister takes the initiative to advise that Parliament be prorogued. In the event of a change of Prime Minister and the formation of a new ministry, the reset achieved by a prorogation permits the new Prime Minister to lay out an agenda, including the measures that will be put before Parliament, in a Speech from the Throne. In the event of a deadlocked Parliament, a reset may achieve forward motion.

Parliament is prorogued

9. On January 6, 2025, the Prime Minister advised the Governor General that a new session of Parliament was needed.

10. The Governor General granted the request to and prorogue Parliament until March 24, 2025. Attached as **Exhibit A to this affidavit** is a copy of the Proclamation Proroguing Parliament. The effect of the prorogation was to terminate the current session of Parliament. This would permit the government to reset the parliamentary agenda. While prorogation brings an end to the business of the

Senate and House of Commons (and their Committees) and results in Bills that have not received Royal Assent dying on the order paper, the Standing Orders automatically reinstate private members' bills at the beginning of the stage they were at when prorogation occurred (Standing Order 86.1). Government bills may be similarly reinstated in the House of Commons, either with unanimous consent or following the adoption of a motion after notice and debate. The Senate may also choose (on a case-by-case basis) to expedite Bills that are reintroduced. Attached as **Exhibit B to this affidavit** is an excerpt from Chapter 8 of House of Commons Procedure and Practice, The Parliamentary Cycle, on prorogation. Attached as **Exhibit C to this affidavit** are Standing Orders 49 and 86.1.

11. Because the decision to request prorogation is entirely within the Prime Minister's discretion, the government is not privy to the reasons for the request nor the length of the requested prorogation period. Since 2017, and pursuant to subsection 32(7) of the Standing Orders, a document outlining the reasons for the latest prorogation are required to be tabled not later than 20 sitting days after the beginning of the second or subsequent session of a Parliament. Attached as **Exhibit D to this affidavit** is Standing Order 32(7).

12. On December 17, 2024, before prorogation, Parliament adjourned for the winter break and was not scheduled to return until January 27, 2025. The House of Commons was scheduled to be adjourned from February 14 to February 24, and February 28 to March 17, 2025. Only 5 sitting weeks were previously scheduled between January 27 and March 26, 2025. Attached as **Exhibit E to this affidavit** is a copy of the House of Commons Sitting Calendar – 2025, as it was before Parliament was prorogued.

13. Parliamentary sessions have no fixed length. The 44th session of Parliament began on November 22, 2021, making it the longest parliamentary session for a minority government in Canadian history. Attached as [Exhibit F to this affidavit](#) is an excerpt from the House of Commons Journals dated November 22, 2021.

14. A subsequent proclamation can be issued at any time to change the date of Parliament's return from the date set out in the Proclamation Proroguing Parliament. As a result, at any time that it becomes necessary, the Prime Minister could advise the Governor General to summon Parliament. Likewise, the Prime Minister could advise the Governor General to extend prorogation by an indefinite period beyond March 26 (the last day of the supply cycle). Attached as [Exhibit G to this affidavit](#) is an excerpt from Chapter 8 of House of Commons Procedure and Practice, The Parliamentary Cycle, on Summoning Parliament. Attached as [Exhibit H to this affidavit](#) is a further excerpt from Chapter 8 of House of Commons Procedure and Practice, The Parliamentary Cycle, on recall during prorogation.

The Executive continues to act

15. The prorogation is not affecting the work of the Executive branch of government, which continues to function through the usual powers, duties, and functions of the executive. Likewise, Ministers of the Crown continue to perform the work of government.

16. The work of the Executive government with respect to any legislative measures required can continue during prorogation. The policy development and preparatory work leading to a government bill takes place before the bill is introduced in Parliament. Some of this work takes place

before a Speech from the Throne is delivered so that the government is prepared to introduce legislation advancing the agenda set out in the Speech. The policy sources leading to federal legislation, and that are performed by the Executive branch of government, include: the Speech from the Throne, budget speeches, obligations arising from international agreements, recommendations from royal commissions, agenda proposals from political platforms, policy research and analysis as well as analysis of officials, obligations arising from Federal/Provincial Agreements, and other sources. The House of Commons' involvement begins with the giving of notice about a Bill by the Government House Leader. Attached as [Exhibit I to this affidavit](#) is a Chart of the Federal Law-Making Process and Associated Support Activities.

Resumption of Parliament after prorogation

17. After the prorogation period ends, the Senate and the House of Commons resume on the date fixed by the proclamation – which is March 24, 2025.

18. Because prorogation terminates an existing session of Parliament, after the prorogation period ends Parliament returns to a new session of Parliament that begins with a Speech from the Throne. The Speech from the Throne opens every new session of Parliament, and typically introduces the government's priorities and goals, and outlines how it will work to achieve them, including through measures that will be put before the Houses of Parliament for enactment.

19. The Speech from the Throne is usually read by the Governor General as the King's representative in Canada. A few paragraphs may typically be prepared by the Governor General, but the balance of the Speech is written by the government because it is a statement of government policy, priorities and its vision of a forward agenda.

20. Although there is no Standing Order that requires the Speech from the Throne to be debated at the beginning of a new session, traditionally, when the House returns from the Senate, a day is designated for the consideration of the Speech. The Prime Minister moves a motion to consider the Throne Speech either later that day or at the next sitting of the House. The motion does not require notice and while it is generally moved and adopted without debate, it is debatable and amendable.

21. On the day specified in the motion for the consideration of the Speech from the Throne, a government backbencher moves that an Address be presented to the Governor General (or depending on who delivered the speech, to the Sovereign or to the Administrator of the Government of Canada). This allows for wide-ranging debate on the government policies announced in the Throne Speech, and provides a rare opportunity for Members to address topics of their choice.

22. Following the mover's speech, a second government backbencher (usually one who speaks the official language that is not that of the mover) is recognized to speak to and second the motion. Their speeches are followed by a 10-minute questions and comments period. When the seconder has finished speaking and has responded to the questions and comments, the Leader of the Opposition normally moves to adjourn the debate. The usual practice is for the Prime Minister or a Minister, often the Government House Leader or President of the Privy Council, to then move the adjournment of the House.

23. After the Speech is read, the first order of business is for the Prime Minister to introduce Bill C-1 in the House of Commons, and for a senator to introduce a similar bill, Bill S-1, in the

Senate. These bills show the House of Commons' and the Senate's independence from the Crown and their right to consider matters other than the agenda presented in the Speech. After the Bills are given first reading, the House of Commons usually debates the contents of the Speech from the Throne through a motion that the Speech be taken into consideration.

24. The *Standing Orders* provide for six additional days of debate on the motion and on any amendments proposed thereto. These days are designated by a Minister, usually the Government House Leader, and are not necessarily consecutive. The House normally debates the Address early in the session when there is little or no government business on the *Order Paper*. In the following days, the government typically places bills or motions on notice to sustain the work of the House later on.

25. The fact that the debate on the Address has not been completed or that the House has not yet voted on it does not preclude the House from discussing or voting on other issues.

26. The vote on the Address in Reply to the Speech from the Throne is considered a matter of confidence. The fact that the Prime Minister and the Cabinet are responsible to, or must answer to, the House of Commons for their actions is a fundamental characteristic of parliamentary government. They must also enjoy the support and the confidence of a majority of the Members of the House to remain in office. This is commonly referred to as the confidence convention. The convention provides that if the government is defeated in the House on a confidence question, then the government is expected to resign or seek the dissolution of Parliament in order for a general election to be held.

27. It is anticipated that the Speech from the Throne that is currently scheduled to take place on March 24, 2025 will outline a new Prime Minister's priorities and the measures that will be presented to the Senate and the House of Commons for consideration.

Implications of Prorogation on Bill C-71

28. Because prorogation brings an end to the business of the Senate and House of Commons (and their Committees), thereby resulting in unfinished business dying on the order paper, Bill C-71, as an unfinished Government bill, has died on the order paper. However, as mentioned above, Bill C-71 can be reinstated to the beginning of the stage it was at when prorogation occurred (second reading) either with unanimous consent or following the adoption of a motion after notice and debate. In the latter option, a majority of the House of Commons is required for such a motion to be adopted. The Government anticipates that the New Democratic Party (NDP) and the Green Party would support a motion to reinstate C-71 at Second Reading given their position of strong support for the legislation and the motion may also receive the support of the Bloc Quebecois given their support as well.

Review of Government Taxation and Spending

29. One of Parliament's fundamental roles is to review and approve the government's taxation and spending plans. The consideration of the government's estimates and associated appropriation bills follows a set schedule in the House of Commons, and the opposition parties are allocated supply days during which their motions have precedence.

30. Before the beginning of the fiscal year, the House of Commons approves interim supply. As full supply is not granted until June, the government needs authorization to spend funds during the first three months of the fiscal year. Consideration of interim supply must take place prior to a

vote on the Speech from the Throne and must be adopted by March 26. The Speaker of the House may use his discretion to designate an Opposition Day on March 26.

31. Parliament authorizes government spending through the estimates and the associated appropriation bills. This process is often called the business of supply. This vote is a matter of confidence. The vote on interim supply will immediately take place once the required votes on Opposition days have occurred.

32. To provide the government with a clear timeline for the consideration of supply, the House of Commons schedule is divided into three supply periods, ending respectively on March 26, June 23 and December 10. However, Parliament does not grant supply until the opposition has had an opportunity to demonstrate why it should be refused. This opportunity is provided by setting aside a specified number of sitting days in each annual supply cycle on which members in opposition to the government may present motions on any matter falling within the jurisdiction of Parliament; that is, they may express approval or condemnation of the government and government policy. These allotted days are known as “supply days”.

33. The opposition is provided with 22 supply days on which their motions take precedence over government supply motions. The allotted days are scheduled by the government: seven take place in the supply period ending March 26, eight in the period ending June 23 and seven in the period ending December 10. On each of these days, the House will debate an opposition motion. Each party with opposition status (CPC, NDP and BQ) receive opposition days based on their proportion of seats in the House.

34. The normal supply cycle can be disrupted by an extended adjournment, a prorogation or a dissolution. In these cases, the number of opposition days in each supply period may be increased or decreased. If the number of sitting days in any supply period is fewer than the number prescribed under the House of Commons calendar, the number of allotted days in that period will be reduced by an amount proportional to the number of sitting days the House stood adjourned. The Speaker will determine and announce to the House the reduction in the number of allotted days for that period.

35. On the last allotted day for supply in each period, the government will move a motion of concurrence in the House of Commons on the estimates that are before it and the House of Commons votes on the motion of concurrence. If the House of Commons votes to concur in the estimates (i.e., express its agreement with the estimates), the government introduces an appropriation bill to give legislative effect to the estimates. In unique circumstances – for example, when the parliamentary calendar is shortened because of an election – the timing of the supply periods and the number of allotted supply days may be adjusted.

36. Should Parliament fail to adopt an appropriation bill, the government would not be authorized to spend funds. However, the loss of a vote on concurrence in the estimates or on an appropriation bill would signify a loss of confidence in the government by the House of Commons, leading to the formation of a new government or to the dissolution of Parliament for a general election.

37. As noted above, the government must enjoy the support and the confidence of a majority of the Members of the House to remain in office.

38. Should an opposition party move an Opposition Day motion, debate would occur and a vote would be expected that same day (should the supply period end that day) or on a subsequent day. As a general rule, if the House is not forced to vote on that same day due to the supply cycle ending that same day, the vote on the motion would be moved to the following day.

39. If the government does not obtain the confidence of a majority of the Members of the House of Commons, this would signify a loss of confidence in the government by the House, leading to the formation of a new government or to the dissolution of Parliament for a general election.

40. During the 44th Canadian Parliament's 1st Session, the Liberal government, led by Prime Minister Justin Trudeau, survived several confidence votes, including opposition day motions and an appropriation act. Notable instances are as follows:

- a) September 25, 2024: The Conservative Party introduced a non-confidence motion titled "Opposition Motion (Confidence in the Prime Minister and the government)." The motion was defeated with 211 votes against and 120 in favor.
- b) October 1, 2024: The Conservatives presented another non-confidence motion. This attempt also failed, with 207 votes against and 120 in favor.
- c) December 9, 2024: A third non-confidence motion, "Opposition Motion (Confidence in the Prime Minister and the government)," was brought forward by

the Conservatives. The motion was defeated with 180 votes against and 152 in favor.

- d) December 10, 2024: Bill C-79, An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2025 was passed by the House of Common, by a count of 209 yeas and 120 nays.

Potential steps to expedite progress of remedial legislation once Parliament resumes

41. The Minister has stated publicly that a Liberal Government would reintroduce the legislative amendments to the *Act* at the earliest opportunity. However once a bill is introduced into the legislative process, the speed at which it moves is reliant on many factors, subject to the will of Parliament. At the political level, it is possible to coordinate with the Government House Leader to prioritize a bill for debate. Once normal business resumes in the House, the government may take steps to expedite the legislative process and enactment of remedial legislation on citizenship by descent.

42. However, the Government faced challenges in relation to advancing Government business, including C-71, due to Privilege motions and Concurrence debates.

- Since September 26, 2024, the House was seized with two motions of privilege that have halted all other debates, including debate on Bill C-71. According to the Standing Orders, debate on a motion for privilege seizes most business of the House of Commons. There is no limit as to the amount of time that a motion of privilege can be debated. Thus, the motion of privilege continues to be considered in the House until (1) there are no MPs who wish

to contribute to the debate or (2) a motion is put forward to conclude the debate, which must then be voted on.

- The government's ability to control the agenda was affected by the use of concurrence debates of Committee Reports, which are permitted to occur during routine proceedings, and have contributed to the delay in the progression of Bill C-71. The government does not control the use of concurrence debates in a minority Parliament. A concurrence debate occurs when a motion is made during routine proceedings to adopt a report of a parliamentary committee. Up to three hours is provided for debate on the report and recommendations made by a committee on a particular issue. A concurrence debate uses the time allocated to government orders as outlined in the Daily Order of Business. This fall session has seen a high volume of concurrence debates: September 19, 2024; September 20, 2024; September 23, 2024; September 25, 2024; October 3, 2024; October 8, 2024; October 24, 2024; October 29, 2024; October 30, 2024; October 31, 2024; November 4, 2024; November 5, 2024; November 7, 2024; November 18, 2024; and November 19, 2024.

43. One of the fastest ways the Government could move the bill through the House of Commons would be to seek unanimous consent by all members of Parliament. These types of motions can be presented at any stage of the legislative process by any Member of Parliament and by any political party in the House of Commons. Depending on the motion presented, this could allow the Bill to advance through various stages in a shorter timeframe.

- June 10, 2024: During Routine Proceedings in the House of Commons, MP Jenny Kwan, NDP Critic for Immigration, with the support of the Government, sought unanimous consent of Parliament to pass Bill C-71, which means that the Bill would automatically be passed at Third Reading and sent to the Senate. Despite efforts to advance Bill C-71, unanimous consent was not received.
- June 11, 2024: MP Jenny Kwan held a press conference and was joined by stakeholders and parliamentarians across party lines and she urged parliamentarians to expedite passage of Bill C-71. Participants alongside MP Kwan were; Paul Chiang, MP Markham–Unionville; Elizabeth May, MP Saanich–Gulf Islands; Carol Sutherland-Brown, family member of Lost Canadians; Kathryn Burton, family member of Lost Canadians; and Don Chapman, Lost Canadians advocate .
- June 11, 2024: During Routine Proceedings in the House of Commons, MP Kwan sought unanimous consent of Parliament to refer Bill C-71 to Committee Stage. Once again, despite the effort, unanimous consent was not received.

44. The government could also introduce motion of time allocation which would require support from the majority of the House. For example, to expedite the legislative process related to Bill C-71, on October 21, 2024, the Government House Leader put on notice a motion (No. 40) which, if it had been adopted (with a majority of MPs), would have allowed only one member of each party to speak to the bill. This would have quickly concluded second reading debate, and the bill would then have been deemed to pass all other legislative stages in the House and be referred to the Senate. The motion is reproduced below:

45. That, notwithstanding any standing order, special order, or usual practice of the House, Bill C-71, *An Act to amend the Citizenship Act (2024)*, be disposed as follows:

- a) the bill be ordered for consideration at the second reading stage immediately after the adoption of this order;
- b) when the House resumes debate at the second reading stage of the bill, one member of each recognized party and a member of the Green Party be allowed to speak for not more than 10 minutes, followed by five minutes for questions and comments; and
- c) at the conclusion of the time provided for the debate or when no member wishes to speak, whichever is earlier, the bill be deemed read a second time and referred to a committee of the whole, deemed considered in committee of the whole, deemed reported without amendment, deemed concurred in at report stage, and deemed read a third time and passed.

46. On October 29, 2024, the Government House Leader put on notice a subsequent motion (No. 42) which, had it been adopted (with a majority of MPs), would have allowed one member of each party to speak. At the conclusion of this debate, the members would have voted on second reading. If the bill passed second reading, the bill would have been deemed to pass all other legislative stages in the House and be referred to the Senate. Again, there would have been no consideration of the bill by the CIMM nor consideration at the Report Stage or third reading.

47. Similar motions could be introduced in relation to remedial legislation on citizenship by descent once Parliament resumes.

48. Overall, there are also opportunities throughout the House legislative stage to limit time through time allocation for various processes and proceedings. For example, when a Bill reaches House Committee stage, the House may request that the Bill be studied at Committee within an allotted time. In addition to motions governing its proceedings, the Committee may adopt a motion to limit the time spent considering a Bill.

49. In addition, should time allocations and unanimous consent not be successful, at the political level, the Government may work towards Bill C-71 being considered by a Committee of the Whole. During a Committee of the Whole, the entire membership of the House of Commons would sit as a committee and debate Bill C-71. After the Committee of the Whole, the bill could be referred to Report Stage and Third Reading. This would accelerate the process of the bill passing through the House of Commons by speeding up the Committee Stage of the legislation process, since a Committee of the Whole debate is only one meeting, compared to a committee study that can be several meetings. A Committee of the Whole debate would be advantageous in this situation as four political parties have been vocal on their support of the Bill and have recommended it quickly move through the House.

50. It should be noted that the Senate is its own legislative body and may expedite legislation based on its own agenda and priorities. The Government has no party standing in the Senate. However, Senators are familiar with the aim of remedial legislation related to citizenship by descent as Senate Public Bill S-245 was passed through the Senate in a number of days. In

addition, a Senate pre-study of Bill C-71 was completed on December 12, 2024 and a [Committee report](#) on the Bill was tabled the same day by the Standing Senate Committee on Social Affairs, Science and Technology. At the political level, the Government could seek a Senate Sponsor to help usher the bill through the Senate as well as communicate the urgency of the Bill in the Chamber. The previous sponsor in the Senate, Senator Peter Harder, could be asked to resume this role. Recommendations on strategies to study the bill quickly will be encouraged with the Sponsor, which include unanimous consent, time limitations and Committee of the Whole as seen in the House.

51. The agenda of the House of Commons is decided by the Government House Leader together with leaders from the other parties. One of the fundamental principles of parliamentary procedure is that debate in the House of Commons must lead to a decision within a reasonable period of time. On significant legislation, however, many MPs and Senators need to take the necessary time to express substantively their views on the bill. The government cannot account for the breadth or length of the House or Senate committees' studies.

52. During the 44th Parliament the Government took significant steps to advance the legislative process for Bill C-71. Please see below for an outline of those steps, which the Government would take again to advance the expedition of legislative amendments to the *Act*.

53. The Government had made concerted efforts to support timely passage of Bill C-71 through the Parliamentary process, including engaging with Members of Parliament, Senators and external stakeholders to communicate the intent of the Bill and gain their support. In addition to a press conference held by the Minister of IRCC on May 23, 2024, officials delivered Technical

Briefings on Bill C-71 to Members of Parliament (May 23, 2024) and to Opposition Immigration Critics (May 28, 2024). Officials also delivered briefings to key stakeholders to provide an overview of Bill C-71, to hear their views and identify potential issues that may be raised throughout the parliamentary process, and build relationships. The Government would repeat these activities to ensure the media, Parliamentarians, and stakeholders are aware of the legislative proposal before Parliament.

54. As previously noted - the Standing Committee on Citizenship and Immigration (CIMM) studied Bill S-245 at length (over 25 hours of meetings and studied over 2 months) and there is a strong level of familiarity amongst Members of Parliament that sit on CIMM and amongst Senators who sit on the Standing Senate Committee on Social Affairs, Science and Technology (SOCI) on the matter of citizenship by descent and Lost Canadians impacted by the First Generation Limit. As such, the Government is confident that legislative amendments to the *Act* can pass through committee stage quickly upon the resumption of the House of Commons.

55. Upon the resumption of the House of Commons – the Government would continue external engagement meetings with key stakeholders and partners as we did for C-71. This would provide stakeholders with an overview of the Bill; hear the views of stakeholders regarding the proposed changes and answer questions they may have; identify potential issues that may be raised throughout the parliamentary process; and build relationships with stakeholders. Key documents would also be shared with stakeholders as they were for C-71 in order to attempt to expedite the passing of new remedial legislation.

56. Internal engagement within IRCC and with other government departments took place as part of the policy development and approval processes surrounding Bill C-71. Subsequently, following the introduction of C-71, internal engagement plans to brief on Bill C-71 were initiated. The primary objective for internal engagement with government partners is to provide an overview of the Bill, gain a better understanding of potential operational impacts on their areas of responsibilities (if any), and determine next steps of actions to support implementation of Bill C-71.

57. Upon the introduction or adoption of amendments to the Citizenship – IRCC would repeat these internal engagements.

58. The Government of Canada has an international footprint through various departments. IRCC's missions abroad serve Canadian citizens who have adopted children born outside of Canada, while Global Affairs Canada's (GAC) missions serve Canadian citizens who require a proof of citizenship, passport, and/or other services such as renunciation of citizenship. Engaging Canada's missions abroad on changes to the first generation limit is critical to ensuring that Canadian citizens abroad who may be implicated by these changes are well served by IRCC and GAC.

59. The Government also undertook work to support prompt implementation, should Royal Assent be attained quickly following the resumption of the House, building on previous operational efforts to prepare for implementation of Senate Public Bill S-245 and if necessary the changes required by the Court decision. As part of this, IRCC has initiated the regulatory

development process to the Citizenship Regulations No. 2 which is required to operationalize aspects of Bill C-71.

60. I am also informed by IRCC that the interim measure put in place will be expanded, and that as of the beginning of February 2025, a total of 1,170 proof of citizenship applications were received from individuals who are impacted by the first generation limit. Of these, 355 applicants who identified urgent circumstances were accepted for urgent consideration for discretionary citizenship. Out of those being considered, 82 applicants received a discretionary grant of citizenship, a further 182 were still being processed and none have been refused to date. I am also informed that all of these applicants are being offered consideration for a discretionary grant of citizenship; however, not all have yet responded to the Department and therefore some applications remain open.

61. I make this affidavit in support of the Respondent’s position in this matter and for no other or improper purpose.

SWORN remotely from the City of Ottawa, in the Province of Ontario, to the Town of Courtice, in the Province of Ontario, on March 6, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Janet Elizabeth Forbes,
a Commissioner, etc., Province
of Ontario, for the Government
of Canada, Department of Justice.
Expires February 11, 2028

Commissioner for Taking Affidavits

Chevrier, Nathan



Digitally signed by Chevrier,
Nathan
Date: 2025.03.06 09:55:32 -05'00'

NATHAN CHEVRIER

**This is Exhibit “A”
mentioned and referred
to in the affidavit of
Nathan Chevrier Sworn
remotely on this 6th day of
March 2025.**



Janet Elizabeth Forbes,
a Commissioner, etc., Province
of Ontario, for the Government
of Canada, Department of Justice.
Expires February 11, 2028

A Commissioner, etc.



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Proclamation Proroguing Parliament to March 24, 2025: SI/2025-9

Canada Gazette, Part II, Volume 159, Extra Number 1

Registration

SI/2025-9 January 6, 2025

OTHER THAN STATUTORY AUTHORITY

Proclamation Proroguing Parliament to March 24, 2025

Mary May Simon

[L.S.]

Canada

Charles the Third, by the Grace of God King of Canada and His other
Realms and Territories, Head of the Commonwealth.

Samantha Maislin Dickson

Acting Deputy Attorney General

Great Seal of Canada

To Our beloved and faithful Senators of Canada, and Members elected to
serve in the House of Commons of Canada, and to all to whom these
presents may in any way concern,

GREETING:

A Proclamation

Whereas We have thought fit, by and with the advice of Our Prime Minister
of Canada, to prorogue the present Parliament of Canada;

And whereas the adjournment of the Senate and the House of Commons
renders impossible the announcement to both Houses;

Now know you that, We do for that end publish this Our Royal Proclamation
and do prorogue the said Parliament to Monday, the twenty-fourth day of
March, 2025.

IN TESTIMONY WHEREOF, We have caused this Our Proclamation to be
published and the Great Seal of Canada to be affixed to it.

WITNESS:

Our Right Trusty and Well-beloved Mary May Simon, Chancellor and
Principal Companion of Our Order of Canada, Chancellor and
Commander of Our Order of Military Merit, Chancellor and Commander
of Our Order of Merit of the Police Forces, Governor General and
Commander-in-Chief of Canada.

AT the City of Ottawa, January 6, 2025 in the third year of Our Reign.

BY COMMAND,

Philip Jennings

Deputy Registrar General of Canada

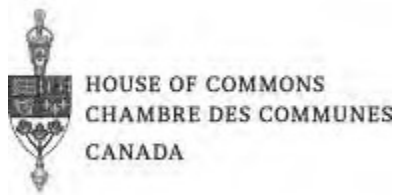
B-1-39

**This is Exhibit “B”
mentioned and referred
to in the affidavit of
Nathan Chevrier Sworn
remotely on this 6th day of
March 2025.**



Janet Elizabeth Forbes,
a Commissioner, etc., Province
of Ontario, for the Government
of Canada, Department of Justice.
Expires February 11, 2028

A Commissioner, etc.



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House of Commons Procedure and Practice, Third Edition, 2017

Edited by Marc Bosc and André Gagnon

Chapter 8 The Parliamentary Cycle

Prorogation and Dissolution

Prorogation

Prorogation of a Parliament, a prerogative act of the Crown taken on the advice of the Prime Minister,¹¹⁰ results in the termination of a session. It is possible to prorogue a session of Parliament by proclamation when the House is sitting¹¹¹ or during an adjournment.¹¹² Both the House of Commons and the Senate then stand prorogued until the opening of the next session. Parliament meets for a new session in the normal manner on the date set in the proclamation. Parliament is prorogued either by the Governor General (or Deputy of the Governor General) in the Senate Chamber, or by proclamation published in the *Canada Gazette*.¹¹³ When

Parliament stands prorogued to a certain day, a subsequent proclamation (or proclamations) may be issued to advance or defer the date.¹¹⁴ In the new session, the Government is required to table a document outlining the reasons for the prorogation.¹¹⁵

Effects of Prorogation

Prorogation of a session brings to an end all proceedings before Parliament. With certain exceptions, unfinished business “dies” on the *Order Paper* and must be started anew in a subsequent session.

Bills which have not received Royal Assent before prorogation are “entirely terminated” and, in order to be proceeded with in the new session, must be reintroduced as if they had never existed.¹¹⁶ On occasion, however, bills are reinstated at the start of a new session at the same stage they had reached at the end of the previous session. This is accomplished either with the unanimous consent of the House¹¹⁷ or through the adoption of a motion to that effect, after notice and debate.¹¹⁸ The House has also adopted provisional amendments to the *Standing Orders* to carry over legislation to the next session following a prorogation.¹¹⁹

Since 2003, prorogation has had almost no practical effect on Private Members’ Business.¹²⁰ As a result of this significant exception to the termination of business principle, the List for the Consideration of Private Members’ Business established at the beginning of a Parliament, all bills that originate in the House of Commons and all motions in the Order of Precedence, as well as those outside of it, continue from session to session.¹²¹ If consideration of an item at a certain stage had begun but had not been completed, the item is restored at the beginning of that stage, as if no debate had yet occurred. Private Members’ bills that were referred to a committee in the previous session are deemed referred back to the same committee. Private Members’ bills which have been read a third time and passed are sent again to the Senate.¹²²

Committees, including special¹²³ and legislative committees, cease to exist and all orders of reference lapse.¹²⁴ Committee memberships, except the membership of the Standing Committee on Procedure and House Affairs, are terminated¹²⁵ and all Chairs and Vice-Chairs cease to hold office.¹²⁶ The Panel of Chairs for legislative committees also ceases to exist.¹²⁷

In addition, when the House is prorogued, no documents may be tabled until the first day of the new session. If documents requested through an Order of the House or an Address to the Governor General have not been tabled at the time of prorogation, the requests carry over from session to session within the same Parliament. They are considered to have been readopted at the start of the new session without requiring a motion to that effect.¹²⁸ Requests for government responses to committee reports and petitions survive in the same manner.¹²⁹ Prorogation will not have any effect on e-petitions, except for the inevitable delay in presenting e-petitions to the House or in receiving a government response to an e-petition.¹³⁰

In general, during a prorogation, Members are released from their parliamentary duties until, in the new session, the House and its committees resume activities. However, the Speaker, the Deputy Speaker and the members of the Board of Internal Economy continue in office while the Assistant Deputy Speaker and Deputy Chair of Committees of the Whole, and the Assistant Deputy Speaker and Assistant Deputy Chair of Committees of the Whole do not. Prorogation has no effect on the activities of Members involved in parliamentary associations or on international and interparliamentary exchange programs.

Dissolution

Dissolution terminates a Parliament, ending all business in the Senate and in the House of Commons, and is followed by a general election.¹³¹ The date of the election is set in accordance with the provisions of the *Canada Elections Act*, which stipulates that a general election must be held on the third Monday in October in the fourth calendar year following polling day from the last general election.¹³² However, given that dissolution is a

prerogative act of the Crown, the Governor General, on the advice of the Prime Minister, may dissolve Parliament any time before this date and issue a proclamation for a general election.¹³³

Three proclamations are usually issued at the time of dissolution. The first is for the dissolution itself, stating that Parliament is dissolved and declaring that “the Senators and Members of Parliament are discharged from their meeting and attendance”. A second proclamation appears simultaneously; it calls the next Parliament and informs with regard to the issuance of writs of election, the date set for polling and the date set for the return of the writs. The third proclamation fixes the date on which Parliament is summoned to meet, sometime following the return of the writs.¹³⁴ The date of this summons may be changed through the issuance of a further proclamation.¹³⁵

A Parliament may be dissolved in accordance with the provisions set down in the *Canada Elections Act* or earlier, regardless of whether the House is scheduled to meet or not that day.¹³⁶ If the House is sitting and there is not to be a prorogation ceremony in the Senate Chamber, the dissolution is usually announced to the House by the Prime Minister or another Minister.¹³⁷ The Speaker then leaves the Chair.

The demise of the Crown does not have the effect of dissolving Parliament.¹³⁸ In ancient British practice and until 1843 in Canada, the demise of the Crown did result in an automatic dissolution of Parliament. Because the summoning of Parliament is a royal prerogative and Parliament sits at the pleasure of the Crown, its demise meant a lapsing of the summons and thus dissolution.¹³⁹ In 1843, an act was passed in the Province of Canada providing that a Parliament in existence at the time of any future demise of the Crown should continue as it would have otherwise, unless dissolved by the Crown.¹⁴⁰ Similar legislation existed in other provinces prior to Confederation.¹⁴¹ The law was re-enacted in the First Session of the First Parliament of Canada.¹⁴²

Effects of Dissolution

With dissolution, all business of the House is terminated. The Speaker, the Deputy Speaker and the members of the Board of Internal Economy continue in office for the acquittal of certain administrative duties until they are replaced in a new Parliament.¹⁴³ For the purposes of certain allowances payable to them, Members of the House of Commons at the time of dissolution are deemed to remain so until the date of the general election.¹⁴⁴ Members' offices, both in Ottawa and in their constituencies, remain open in order to allow Members and their staff to provide services to constituents.¹⁴⁵ As the office budget for Members is drawn from public funds, Members' offices and staff may not be used for electoral purposes.

All items on the *Order Paper* including government and private Members' bills die.¹⁴⁶ The government's obligation to provide answers to written questions, to respond to petitions or to produce papers requested by the House also ends with dissolution.¹⁴⁷ The government must wait until the new Parliament is in session before tabling any document that is required pursuant to an act, resolution or Standing Order.

Committees cease to exist until the House reconstitutes them following the election. All orders of reference expire, and the Chairs and Vice-Chairs of all committees cease to hold office. The government is no longer required to provide responses to committee reports.

The executive committees of interparliamentary associations carry over from one Parliament to another. However, as a general rule, the activities being organized by the associations are postponed during a dissolution. Since multilateral assemblies continue to meet, Canada's representation is usually ensured by Senators.¹⁴⁸ Once an election has been held and prior to the start of a new Parliament, both Senators and re-elected Members may participate. Official parliamentary exchange programs with other assemblies are also usually postponed.

Expiration of the House of Commons

The Constitution states that no House “shall continue for longer than five years”.¹⁴⁹ Mindful of this deadline, all governments since Confederation have recommended that the Governor General dissolve Parliament before the date at which such dissolution would have been constitutionally required. In some cases, the dissolution took place within days of when the House would have expired through effluxion of time.¹⁵⁰ Since 2007, the *Canada Elections Act* has contained provisions limiting the duration of a Parliament to four years.¹⁵¹

Extension of Life of the House of Commons

Since 1949, the Constitution has provided that, in time of real or apprehended war, invasion or insurrection, the five-year limit of the lifetime of the House of Commons may be continued by Parliament if no more than one third of the Members oppose the continuation.¹⁵² Prior to the existence of this provision, such an extension required a constitutional amendment, a means resorted to only once. Due to circumstances relating to World War I, the life of the Twelfth Parliament (1911–17) was extended in this way for one year, from 1916 to 1917.¹⁵³

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- 110.** See decision of the Committee of the Privy Council, PC 3374, on October 25, 1935, “Memorandum regarding certain of the functions of the Prime Minister”, which stated that recommendations (to the Crown) concerning the convocation and dissolution of Parliament are the “special prerogatives” of the Prime Minister.
- 111.** On December 4, 2008, the Governor General prorogued the First Session of the Fortieth Parliament. The Minister of Justice and Attorney General of Canada, Rob Nicholson, rose in the House on a point of order to inform the House of the prorogation. The Speaker

subsequently left the Chair (*Journals*, p. 101, *Debates*, p. 621). On several occasions, a session has been ended by prorogation in the morning, with the new session starting in the afternoon of the same day. See, for example, *Journals*, January 8, 1957, pp. 19–21; May 8, 1967, pp. 1827–31; October 12, 1976, pp. 1435–6.

- 112.** For example, on June 19, 2013, the House adjourned until September 16, 2013 (*Journals*, June 19, 2013, p. 3447), but the First Session of the Forty-First Parliament was prorogued by proclamation on September 13, 2013.
- 113.** In recent years, the practice has been for proclamations to be published in the *Canada Gazette* while the House is adjourned. The Governor General last prorogued a session in the Senate in 1983 (*Journals of the Senate*, November 30, 1983, pp. 3429–43).
- 114.** For example, the opening of the Fifth Session of the Twenty-Fourth Parliament, originally set for November 7, 1961, was changed by successive proclamations to December 16, 1961, then to January 25, 1962, and finally to January 18, 1962. On December 4, 2008, the First Session of the Fortieth Parliament (2008) was prorogued until January 26, 2009. A second proclamation was then issued to set the return for January 26, 2009, at 1:30 p.m. (*Proclamation Proroguing Parliament to January 26, 2009*, SI/2008-144, (2008) C Gaz II, 1–2; *Proclamation Summoning Parliament to Meet January 26, 2009*, SI/2008-145, (2008) C Gaz II, 3; *Proclamation Summoning Parliament to Meet on January 26, 2009*

- (DISPATCH OF BUSINESS), SI/2009-4, (2009) C Gaz II, 1–2).
- 115.** Standing Order 32(7). This requirement was added to the *Standing Orders* in 2017 (*Journals*, June 20, 2017, pp. 2010–6). The document must be tabled not later than 20 sitting days after the beginning of the new session and is deemed referred to the Standing Committee on Procedure and House Affairs after it is presented in the House.
- 116.** Bourinot, *Parliamentary Procedure and Practice*, 4th ed., pp. 102–3.
- 117.** See, for example, *Journals*, October 21, 1970, p. 46; May 9, 1972, p. 281; March 8, 1974, pp. 25–6; October 3, 1986, pp. 47–8; October 25, 2007, pp. 63–4. In 1986, the motion included a provision to bring forward from committee any evidence adduced and documents received in relation to the revived bills.
- 118.** See, for example, *Journals*, March 1, 1996, pp. 23–4; March 4, 1996, pp. 33–5, 39–41; February 6, 2004, pp. 25, 27; February 9, 2004, pp. 29–31; February 10, 2004, pp. 34–41, October 21, 2013, pp. 37–44. This last motion provided for the reinstatement of government bills that originated not only in the House of Commons but also in the Senate, and which stood in the name of a Minister of the Crown in the House of Commons in the previous session. Bills S-10, S-6 and S-16 of the First Session of the Forty-First Parliament became Bills C-6, C-9 and C-10, respectively, in the Second Session of the Forty-First Parliament (*Status of House Business at dissolution*, August 2, 2015, pp. 7–8).

119. *Journals*, July 22, 1977, p. 1432; March 22, 1982, pp. 4626–8.
120. Third Report of the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons, presented to the House on February 28, 2003 (*Journals*, p. 492), and concurred in on March 17, 2003 (*Journals*, p. 495). See also Committee’s First Report, presented to the House and concurred in on February 20, 2003 (*Journals*, p. 439).
121. Standing Orders 86.1 and 87. See also Speaker Scheer’s statement (*Debates*, October 16, 2013, pp. 1–2).
122. See, for example, *Journals*, October 16, 2007, pp. 2–3; March 3, 2010, pp. 7–8. A private Member’s bill has also been reinstated after a dissolution (*Journals*, October 1, 1997, p. 56, *Debates*, p. 338). Senate private Members’ public bills may also be reinstated within the first 60 days of a new session pursuant to Standing Order 86.2. See, for example, *Debates*, November 30, 2007, p. 1589; February 12, 2008, p. 2921. For further information, see Chapter 21, “Private Members’ Business”.
123. Special committees may be reconstituted in the next session by special order. See, for example, Special Committee on the Non-Medical Use of Drugs, which was reconstituted in the Second Session of the Thirty-Seventh Parliament (*Journals*, October 7, 2003, pp. 1104–5), or the Special Committee on the Canadian Mission in Afghanistan, which was reconstituted in the

- Third Session of the Fortieth Parliament
(*Journals*, March 3, 2010, p. 9).
124. However, the government is still required to table responses to committee reports in the subsequent session (Standing Order 49). In 1991, two standing committees were reinstated by unanimous consent following a prorogation so that they could complete mandates received from the House in the previous session. The two committees ceased to exist once their reports were presented to the House (*Journals*, May 17, 1991, p. 42).
125. Members of the Standing Committee on Procedure and House Affairs are named for the entire Parliament (Standing Order 104(1)).
126. Following the adoption of a report from the Standing Committee on Procedure and House Affairs setting forth the membership of each committee, the first order of business for each committee in the new session is the election of a Chair.
127. Standing Order 112.
128. Standing Order 49.
129. See Speaker Bosley's ruling (*Debates*, June 27, 1986, p. 14969). For unusual examples of the revival of a matter of privilege, see *Debates*, February 6, 2004, pp. 243–4; March 15, 2010, pp. 459–61; October 17, 2013, pp. 65–6.
130. Thirty-Third Report of the Standing Committee on Procedure and House Affairs, p. 13, presented to the House on February 26, 2015 (*Journals*, p. 2188), and concurred in on March 11, 2015 (*Journals*, p. 2216).
- 131.

- The Constitution provides for a maximum five-year lifespan for the House, and for a sitting of Parliament at least once every 12 months (*Constitution Act, 1867*, *supra* note 1, s 50; *Constitution Act, 1982*, *supra* note 2, s 4(1) and 5). For comments on this issue, see J. Patrick Boyer, *Election Law in Canada: The Law and Procedure of Federal, Provincial and Territorial Elections*, vol. 1 (Toronto and Vancouver: Butterworths, 1987), pp. 164–6.
132. *Canada Elections Act*, *supra* note 4, s 56.1. If the third Monday in October is not suitable for cultural, religious or other reasons, the Chief Electoral Officer may recommend another date to the Governor in Council. The alternate day must either be the Tuesday immediately following the Monday that would otherwise be polling day or the Monday of the following week (s 56.2). For further information, see Chapter 4, “The House of Commons and Its Members”.
133. Section 56.1(1) of the *Canada Elections Act*, *supra* note 4, c 9 states: “Nothing in this section affects the powers of the Governor General, including the power to dissolve Parliament at the Governor General’s discretion”.
134. Bourinot, *Parliamentary Procedure and Practice*, 4th ed., pp. 104–5. The practice in Canada has been not to dissolve Parliament without setting a date for its return; later proclamations may alter that date, but there is no period where the continuity of Parliament is in question.
- 135.

- In 1997, for example, the proclamation of April 27, summoning Parliament to meet on June 23, was superseded by proclamations which changed the date of summons to August 1, then to August 29 and finally to September 22. On December 1, 2005, a proclamation was issued summoning the Thirty-Ninth Parliament to meet on February 20, 2006. A second proclamation was later issued changing the date of the summons to April 3, 2006. A third proclamation was issued on March 17, 2006, setting the time of the summons.
- 136.** The dissolution of the Thirty-Eighth Parliament took place on the morning of November 29, 2005, prior to the opening of the sitting. No announcement was made in the Chamber.
- 137.** See, for example, *Journals*, February 1, 1958, p. 398, *Debates*, pp. 4199–202; *Journals*, December 14, 1979, p. 350, *Debates*, p. 2363 (announced by the Prime Minister); *Journals*, March 26, 1979, p. 594, *Debates*, p. 4517 (announced by the Deputy Prime Minister and President of the Privy Council).
- 138.** *Parliament of Canada Act*, *supra* note 50, s 2. A demise of the Crown can occur on the death, deposition or abdication of the Sovereign, at which time the Kingdom is transferred or demised to a successor.
- 139.** Norman Wilding and Philip Laundy, *An Encyclopaedia of Parliament*, 4th ed. (London: Cassell, 1972), pp. 202–3.
- 140.** *An Act for continuing the Provincial Parliament in case of the demise of the Crown*, SC 1843, c 3.
- 141.**

- Bourinot, *Parliamentary Procedure and Practice*, 4th ed., pp. 103–4.
142. *An Act for continuing the Parliament of Canada, in case of the demise of the Crown*, SC 1867–68, c 22.
143. *Parliament of Canada Act*, *supra* note 50, s 53. In recognition of the ongoing nature of their administrative, ceremonial and protocol roles, the Speaker and Deputy Speaker of the House continue to receive their additional allowances during the dissolution period, and their budgets are maintained.
144. *Ibid.*, s 69. In addition to their salary as a Member of Parliament, certain Members receive additional allowances associated with their positions in the House. Following the dissolution of the Thirty-Seventh, Thirty-Eighth, Thirty-Ninth and Fortieth Parliaments, the Board of Internal Economy approved the continuation of the additional allowances for the opposition party Leaders, opposition House Leaders, and Chief Whips of all parties, as well as the continuation of the budgets for their offices and for party research offices for non-election activities. The additional allowance for House Officers other than the Speaker and Deputy Speaker ended at midnight (Eastern Standard Time) the day the Forty-First Parliament was dissolved, as the Board of Internal Economy had decided not to maintain that additional funding during the dissolution period. However, the budgets for the offices of opposition party Leaders, the offices of opposition House Leaders, the offices of Chief Whips of all parties, as well as

- the party research offices, were maintained to carry out administrative tasks.
145. On April 6, 2006, a question of privilege was raised by Tom Wappel (Scarborough Southwest) regarding his status as a Member during a period of dissolution. Mr. Wappel alleged that his privileges had been breached by the refusal of public servants to communicate with him during the election campaign. Speaker Milliken ruled that the complaint did not constitute a case of privilege (*Debates*, April 6, 2006, pp. 55–6; May 3, 2006, pp. 844–5).
146. A list of these items may be found in a document called the *Order Paper and Notice Paper at dissolution*, which is published shortly after Parliament is dissolved.
147. Any e-petition in the process of being certified, any e-petition open for signature, or any e-petition closed to signature but that has not yet been presented to the House is withdrawn at dissolution (Thirty-Third Report of the Standing Committee on Procedure and House Affairs, p. 13, presented to the House on February 26, 2015 (*Journals*, p. 2188), and concurred in on March 11, 2015 (*Journals*, p. 2216)).
148. While there is no rule expressly forbidding Members from attending such assemblies, policies that govern the functioning of associations prohibit Members who are not seeking re-election from travelling with an association during a dissolution.
149. *Constitution Act, 1982*, *supra* note 2, s 4(1). See also *Constitution Act, 1867*, *supra* note 1,

- s 50.
- 150.** The Seventh and Seventeenth Parliaments extended almost to the five-year limit. In the first case, the date set for the return of the writs was April 25, 1891 (*Journals*, Vol. XXV (1891), p. x) and dissolution took place on April 24, 1896 (*Journals*, Vol. XXXI (1896), p. v). In the second case, the writs were returnable on August 18, 1930 (*Journals*, Vol. LXVIII, Special Session (1930), p. iv) and Parliament was dissolved on August 15, 1935 (*Journals*, Vol. LXXIV (1936), p. iii).
- 151.** *An Act to amend the Canada Elections Act*, SC 2007, c 10. The *Canada Elections Act*, *supra* note 4, s 56.1 states that “each general election must be held on the third Monday of October in the fourth calendar year following polling day for the last general election”.
- 152.** *British North America (No. 2) Act, 1949*, *supra* note 7. See also *Constitution Act, 1982*, *supra* note 2, s 4(2).
- 153.** *British North America Act, 1916* *supra* note 7. The writs for the general election for the 12th Parliament were returnable on October 7, 1911 (*Journals*, Vol. XLVI (1910–11), p. 563). Dissolution occurred on October 6, 1917 (*Journals*, Vol. LIV (1918), p. iii). The Act was repealed by the *Statute Law Revision Act, 1927* (UK), 18 Geo V, c 42.

For questions about parliamentary procedure, contact the Table Research Branch

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**This is Exhibit “C”
mentioned and referred
to in the affidavit of
Nathan Chevrier Sworn
remotely on this 6th day of
March 2025.**

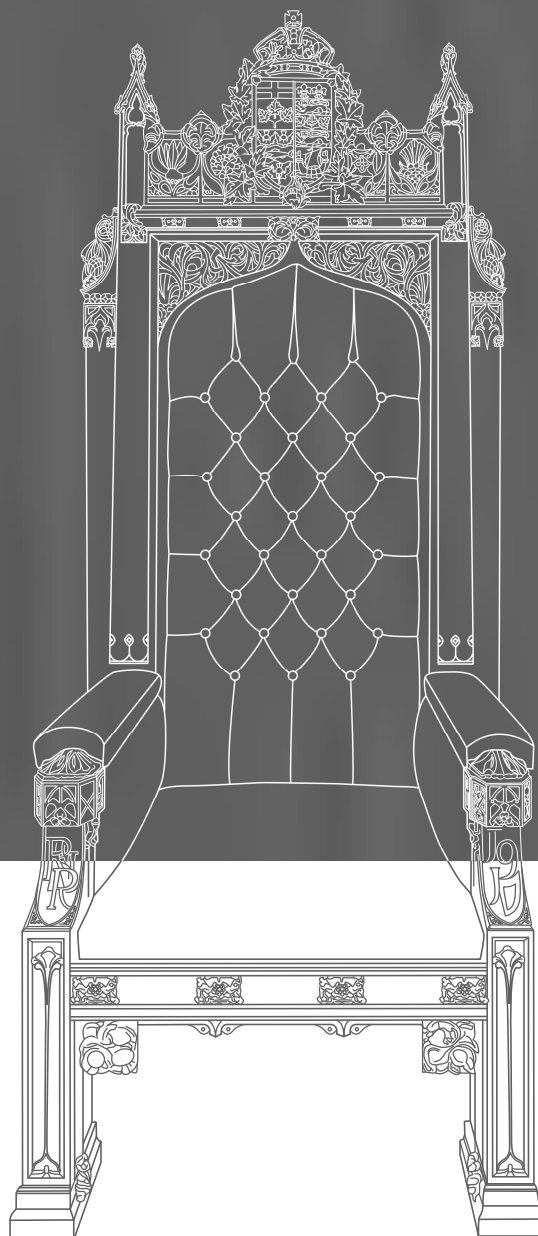


Janet Elizabeth Forbes,
a Commissioner, etc., Province
of Ontario, for the Government
of Canada, Department of Justice.
Expires February 11, 2028

A Commissioner, etc.



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA



STANDING ORDERS

OF THE HOUSE OF COMMONS

Including Appendices
(Consolidated version as of September 18, 2023)

RÈGLEMENT

DE LA CHAMBRE DES COMMUNES

Incluant les annexes
(Version codifiée au 18 septembre 2023)

49.**Prorogation not to nullify order or address for returns.**

A prorogation of the House shall not have the effect of nullifying an order or address of the House for returns or papers, but all papers and returns ordered at one session of the House, if not complied with during the session, shall be brought down during the following session, without renewal of the order.

49.**La prorogation n'annule pas un ordre ou une adresse.**

La prorogation de la Chambre n'a pas pour effet d'annuler un ordre ou une adresse de la Chambre tendant à la production de rapports ou de documents, mais tous les rapports et documents dont la production, ordonnée à une session, n'a pas été effectuée au cours de sa durée, doivent être produits au cours de la session suivante, sans renouvellement de l'ordre.

86.1**Private Members' Business to continue.**

At the beginning of the second or a subsequent session of a Parliament, all items of Private Members' Business originating in the House of Commons that were listed on the Order Paper during the previous session shall be deemed to have been considered and approved at all stages completed at the time of prorogation and shall stand, if necessary, on the Order Paper or, as the case may be, referred to committee and the list for the consideration of Private Members' Business and the order of precedence established pursuant to Standing Order 87 shall continue from session to session.

86.2**Reinstatement of Senate public bills after prorogation.**

(1) During the first 60 sitting days of the second or subsequent session of a Parliament, whenever a private member proposing the first reading of a bill brought from the Senate pursuant to Standing Order 69(2) states that the bill is in the same form as a Senate public bill that was before the House in the previous session and the Speaker is satisfied that the bill is in the same form as at prorogation, notwithstanding Standing Order 71, the bill shall be deemed to have been considered and approved at all stages completed at the time of prorogation and shall stand, if necessary, on the Order Paper pursuant to Standing Order 87 after those of the same class, at the same stage at which it stood at the time of prorogation or, as the case may be, referred to committee, and with the votable status accorded to it pursuant to Standing Order 92(1) during the previous session.

Member not to lose place on list.

(2) A member shall not lose his or her place on the list for the consideration of Private Members' Business by virtue of sponsoring a Senate public bill or a private bill, but no member may sponsor more than one such bill during a Parliament.

86.1**Affaires émanant des députés maintenues.**

Au début de la deuxième session d'une législature ou d'une de ses sessions subséquentes, toutes les affaires émanant des députés venant de la Chambre des communes qui étaient inscrites au Feuilleton au cours de la session précédente sont réputées avoir été examinées et approuvées à toutes les étapes franchies avant la prorogation et sont inscrites, si nécessaire, au Feuilleton ou, selon le cas, renvoyées en comité, et la liste portant examen des affaires émanant des députés et l'ordre de priorité établi conformément à l'article 87 du Règlement sont maintenus d'une session à l'autre.

86.2**Rétablissement de projets de loi d'intérêt public émanant du Sénat après la prorogation.**

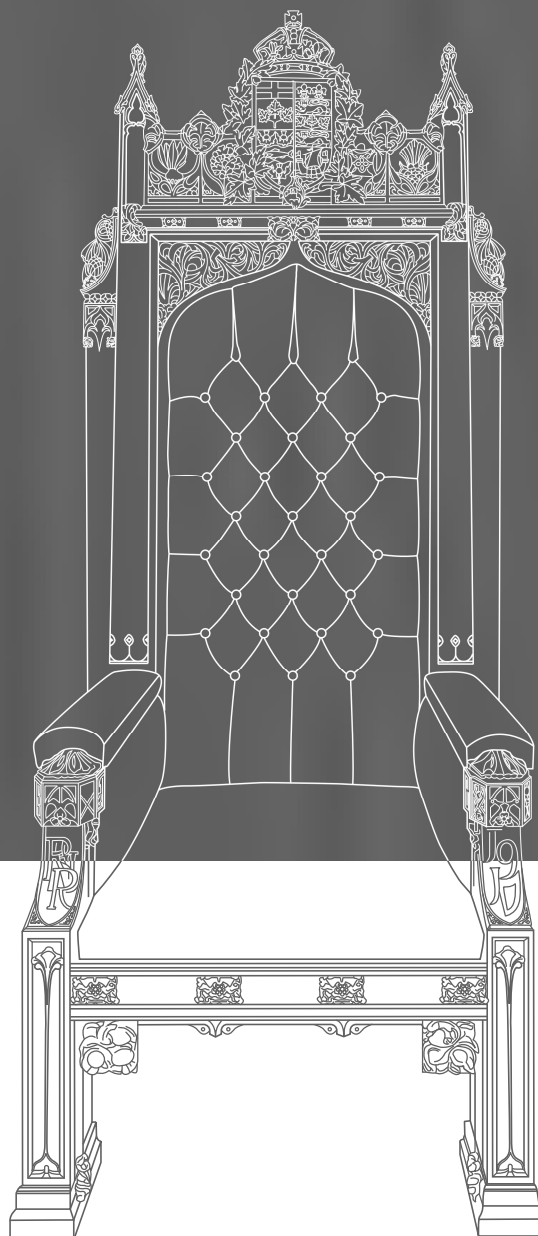
(1) Durant les 60 premiers jours de séance de la deuxième session d'une législature ou d'une de ses sessions subséquentes, lorsqu'un député proposant la première lecture d'un projet de loi émanant du Sénat conformément à l'article 69(2) du Règlement déclare que le projet de loi est identique à un projet de loi d'intérêt public émanant du Sénat que la Chambre a étudié au cours de la session précédente et que le Président convient que le texte du projet de loi est inchangé par rapport à la version à l'étude au moment de la prorogation, nonobstant l'article 71 du Règlement, le projet de loi est réputé avoir été examiné et approuvé à toutes les étapes franchies avant la prorogation et est inscrit, si nécessaire, au Feuilleton, conformément à l'article 87 du Règlement après ceux de la même catégorie, à l'étape où il se trouvait au moment de la prorogation ou, le cas échéant, renvoyé en comité, et avec la désignation qui lui avait été accordée conformément à l'article 92(1) du Règlement au cours de la session précédente.

Le député conserve son rang dans la liste.

(2) Le député qui parraine un projet de loi d'intérêt public émanant du Sénat ou un projet de loi d'intérêt privé conserve son rang dans la liste portant examen des affaires émanant des députés, mais un député ne peut parrainer de projet de loi de ce genre qu'une seule fois par législature.



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
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Delay or interruption of private members' hour.

(7) If the beginning of private members' hour is delayed for any reason, or if the hour is interrupted for any reason, a period of time corresponding to the time of the delay or interruption shall be added to the end of the hour suspending as much of the business set out in section (6) of this standing order as necessary. If the beginning of private members' hour is delayed or the interruption continues past 30 minutes after the time at which the hour would have ordinarily ended, private members' hour for that day and the business scheduled for consideration at that time, or any remaining portion thereof, shall be added to the business of the House on a day to be fixed, after consultation, by the Speaker, who shall attempt to designate that day within the next 10 sitting days, but who, in any case, shall not permit the intervention of more than one adjournment period provided for in Standing Order 28(2). In cases where the Speaker adjourns the House pursuant to Standing Orders 2(3), 30(4)(b) or 83(2), this section shall not apply.

31.**Statements by Members.**

A member may be recognized, under the provisions of Standing Order 30(5), to make a statement for not more than one minute. The Speaker may order a member to interrupt his or her statement if, in the opinion of the Speaker, improper use is made of this standing order.

32.**Documents deposited pursuant to statutory or other authority.**

(1) Any return, report or other paper required to be laid before the House in accordance with any act of Parliament or in pursuance of any resolution or standing order of this House shall be deposited electronically with the Clerk of the House on any sitting day or, when the House stands adjourned, on the Wednesday following the 15th day of the month. Such return, report or other paper shall be deemed for all purposes to have been presented to or laid before the House.

Retard ou interruption de l'heure réservée aux affaires émanant des députés.

(7) Si l'heure réservée aux affaires émanant des députés est retardée ou interrompue pour un motif quelconque, elle doit être prolongée d'une période correspondant à la durée du retard ou de l'interruption. L'étude des autres travaux stipulés au paragraphe (6) du présent article est alors écourtée au besoin. Si le retard ou l'interruption se prolonge plus de 30 minutes après la fin normale de l'heure, pour la journée en question, cette heure ou la fraction qui en reste, ainsi que les affaires qui devaient être examinées pendant cette heure, sont reprises à une séance ultérieure de la Chambre à une date déterminée par le Président après consultation, celui-ci devant s'efforcer de prévoir cette reprise dans les 10 jours de séance suivants, mais sans permettre qu'intervienne plus d'une période d'ajournement en vertu du paragraphe 28(2) du Règlement. Dans les cas où le Président ajourne la Chambre conformément aux articles 2(3), 30(4)b) ou 83(2) du Règlement, le présent paragraphe ne s'applique pas.

31.**Déclarations de députés.**

Un député peut obtenir la parole, conformément à l'article 30(5) du Règlement, pour faire une déclaration pendant au plus une minute. Le Président peut ordonner à un député d'interrompre sa déclaration si, de l'avis du Président, il est fait un usage incorrect du présent article.

32.**Document déposé en vertu d'une loi ou d'un ordre.**

(1) Tout état, rapport ou autre document à déposer devant la Chambre en conformité de quelque loi du Parlement, ou suivant une résolution ou un article du Règlement de cette Chambre doit être déposé sous forme électronique auprès du greffier de la Chambre n'importe quel jour de séance ou, pendant les périodes d'ajournement, le mercredi qui suit le 15^e jour du mois. Un tel état, rapport ou autre document est réputé, à toutes fins, avoir été présenté ou déposé à la Chambre.

Messages from the Senate deposited with the clerk.

(1.1) When the House stands adjourned, any message from the Senate concerning bills to be given royal assent may be deposited with the Clerk of the House in paper or electronic format, and such message shall be deemed for all purposes to have been received by the House on the day on which it is deposited with the Clerk of the House.

Tabling of documents in the House.

(2) A minister of the Crown, or a parliamentary secretary acting on behalf of a minister, may state that he or she proposes to table, in paper or electronic format, any report or other paper dealing with a matter coming within the administrative responsibilities of the government, and, thereupon, the same shall be deemed for all purposes to have been laid before the House, provided that for members participating remotely, the document is transmitted to the Clerk of the House prior to their intervention.

Recorded in Journals.

(3) In either case, a record of any such document shall be entered in the Journals.

In both official languages.

(4) Any document distributed in the House or laid before the House pursuant to sections (1) or (2) of this standing order shall be in both official languages.

Permanent referral to committee.

(5) Reports, returns or other papers laid before the House in accordance with an act of Parliament shall thereupon be deemed to have been permanently referred to the appropriate standing committee.

Referral to committee in other cases.

(6) Documents required to be tabled pursuant to Standing Order 110 shall be deemed referred to the appropriate standing committee during the period specified when tabled.

Messages du Sénat déposés auprès du greffier.

(1.1) Pendant les périodes d'ajournement, tout message du Sénat concernant des projets de loi devant recevoir la sanction royale peut être déposé auprès du greffier de la Chambre, en format papier ou électronique, et un tel message est réputé, à toutes fins, avoir été reçu par la Chambre le jour où il a été déposé auprès du greffier de la Chambre.

Dépôt de documents à la Chambre.

(2) Un ministre de la Couronne, ou un secrétaire parlementaire agissant au nom d'un ministre, peut déclarer qu'il se propose de déposer, en format papier ou électronique, tout rapport ou autre document qui traite d'une question relevant des responsabilités administratives du gouvernement et, cela fait, le rapport ou autre document est réputé, à toutes fins, avoir été déposé à la Chambre, pourvu que les députés participant à distance transmettent le document au greffier de la Chambre avant leur intervention.

Consignation aux Journaux.

(3) Dans l'un ou l'autre cas, une mention de tout document ainsi déposé doit être consignée aux Journaux.

Dans les deux langues officielles.

(4) Les documents qui sont distribués ou déposés à la Chambre, conformément aux paragraphes (1) ou (2) du présent article, le sont dans les deux langues officielles.

Renvoi permanent au comité.

(5) Les rapports, états ou autres documents déposés à la Chambre en conformité d'une loi du Parlement sont réputés renvoyés en permanence au comité permanent compétent.

Renvoi à un comité dans d'autres cas.

(6) Les documents qui doivent être déposés conformément à l'article 110 du Règlement sont réputés avoir été renvoyés au comité permanent compétent durant la période prescrite lors du dépôt dudit document.

Tabling of document outlining reasons for prorogation.

(7) Not later than 20 sitting days after the beginning of the second or subsequent session of a Parliament, a minister of the Crown shall table a document outlining the reasons for the latest prorogation. This document shall be deemed referred to the Standing Committee on Procedure and House Affairs immediately after it is presented in the House.

33.**Statements by Ministers.**

(1) On Statements by Ministers, as listed in Standing Order 30(3), a minister of the Crown may make a short factual announcement or statement of government policy. A member from each of the parties in opposition to the government may comment briefly thereon. The time for such proceedings shall be limited as the Speaker deems fit.

Extension of sitting.

(2) A period of time corresponding to the time taken for the proceedings pursuant to section (1) of this standing order shall be added to the time provided for government business in the afternoon of the day on which the said proceedings took place. Private Members' Business, where applicable, and the ordinary time of daily adjournment shall be delayed accordingly, notwithstanding Standing Orders 24, 30 and 38 or any order made pursuant to Standing Order 27.

34.**Reports of interparliamentary delegations.**

(1) Within 20 sitting days of the return to Canada of an officially recognized interparliamentary delegation composed, in any part, of members of the House, the head of the delegation, or a member acting on behalf of him or her, shall present a report to the House, either in a paper or an electronic format, on the activities of the delegation, provided that reports presented in electronic format be transmitted to the Clerk of the House prior to their presentation.

Dépôt d'un document expliquant les raisons de la prorogation.

(7) Au plus tard 20 jours de séance après le début de la deuxième session d'une législature ou d'une de ses sessions subséquentes, un ministre de la Couronne dépose un document expliquant les raisons de la récente prorogation. Ce document est réputé renvoyé au Comité permanent de la procédure et des affaires de la Chambre dès sa présentation à la Chambre.

33.**Déclarations de ministres.**

(1) À l'appel des déclarations de ministres prévues à l'article 30(3) du Règlement, un ministre de la Couronne peut faire un court exposé de faits ou de politique gouvernementale. Un porte-parole de chaque parti de l'opposition peut ensuite faire de brefs commentaires sur l'exposé. Le Président limite la durée de ces interventions comme il le juge bon.

Prolongation de la séance.

(2) La période prévue pour les affaires émanant du gouvernement est prolongée d'une période correspondant à la période consacrée à la prise en considération des affaires prévues au paragraphe (1) du présent article, dans l'après-midi du jour de séance où telle considération a eu lieu. Le cas échéant, la prise en considération des affaires émanant des députés et l'heure ordinaire de l'ajournement quotidien sont retardées en conséquence, nonobstant les articles 24, 30 et 38 du Règlement ou tout ordre adopté conformément à l'article 27 du Règlement.

34.**Rapports des délégations interparlementaires.**

(1) Dans les 20 jours de séance qui suivent le retour au Canada d'une délégation interparlementaire reconnue constituée en partie de députés, le chef de la délégation, ou un député qui agit en son nom, présente à la Chambre, en format papier ou électronique, un rapport des activités de la délégation, pourvu que les rapports présentés en format électronique soient transmis au greffier de la Chambre avant leur présentation.

**This is Exhibit “D”
mentioned and referred
to in the affidavit of
Nathan Chevrier Sworn
remotely on this 6th day of
March 2025.**

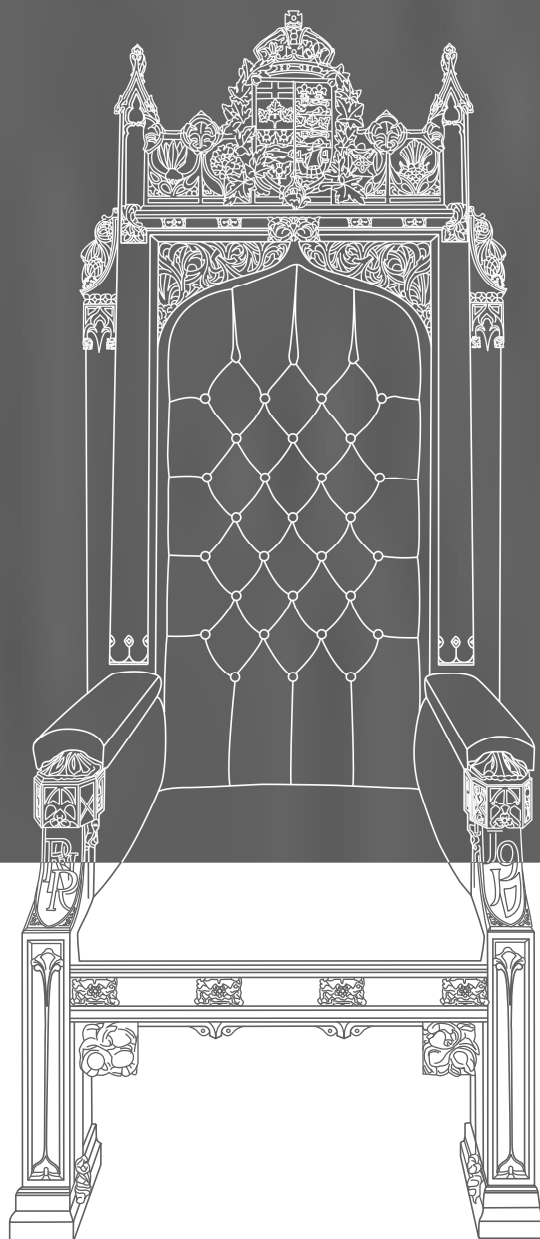


Janet Elizabeth Forbes,
a Commissioner, etc., Province
of Ontario, for the Government
of Canada, Department of Justice.
Expires February 11, 2028

A Commissioner, etc.



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
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Delay or interruption of private members' hour.

(7) If the beginning of private members' hour is delayed for any reason, or if the hour is interrupted for any reason, a period of time corresponding to the time of the delay or interruption shall be added to the end of the hour suspending as much of the business set out in section (6) of this standing order as necessary. If the beginning of private members' hour is delayed or the interruption continues past 30 minutes after the time at which the hour would have ordinarily ended, private members' hour for that day and the business scheduled for consideration at that time, or any remaining portion thereof, shall be added to the business of the House on a day to be fixed, after consultation, by the Speaker, who shall attempt to designate that day within the next 10 sitting days, but who, in any case, shall not permit the intervention of more than one adjournment period provided for in Standing Order 28(2). In cases where the Speaker adjourns the House pursuant to Standing Orders 2(3), 30(4)(b) or 83(2), this section shall not apply.

31.**Statements by Members.**

A member may be recognized, under the provisions of Standing Order 30(5), to make a statement for not more than one minute. The Speaker may order a member to interrupt his or her statement if, in the opinion of the Speaker, improper use is made of this standing order.

32.**Documents deposited pursuant to statutory or other authority.**

(1) Any return, report or other paper required to be laid before the House in accordance with any act of Parliament or in pursuance of any resolution or standing order of this House shall be deposited electronically with the Clerk of the House on any sitting day or, when the House stands adjourned, on the Wednesday following the 15th day of the month. Such return, report or other paper shall be deemed for all purposes to have been presented to or laid before the House.

Retard ou interruption de l'heure réservée aux affaires émanant des députés.

(7) Si l'heure réservée aux affaires émanant des députés est retardée ou interrompue pour un motif quelconque, elle doit être prolongée d'une période correspondant à la durée du retard ou de l'interruption. L'étude des autres travaux stipulés au paragraphe (6) du présent article est alors écourtée au besoin. Si le retard ou l'interruption se prolonge plus de 30 minutes après la fin normale de l'heure, pour la journée en question, cette heure ou la fraction qui en reste, ainsi que les affaires qui devaient être examinées pendant cette heure, sont reprises à une séance ultérieure de la Chambre à une date déterminée par le Président après consultation, celui-ci devant s'efforcer de prévoir cette reprise dans les 10 jours de séance suivants, mais sans permettre qu'intervienne plus d'une période d'ajournement en vertu du paragraphe 28(2) du Règlement. Dans les cas où le Président ajourne la Chambre conformément aux articles 2(3), 30(4)b) ou 83(2) du Règlement, le présent paragraphe ne s'applique pas.

31.**Déclarations de députés.**

Un député peut obtenir la parole, conformément à l'article 30(5) du Règlement, pour faire une déclaration pendant au plus une minute. Le Président peut ordonner à un député d'interrompre sa déclaration si, de l'avis du Président, il est fait un usage incorrect du présent article.

32.**Document déposé en vertu d'une loi ou d'un ordre.**

(1) Tout état, rapport ou autre document à déposer devant la Chambre en conformité de quelque loi du Parlement, ou suivant une résolution ou un article du Règlement de cette Chambre doit être déposé sous forme électronique auprès du greffier de la Chambre n'importe quel jour de séance ou, pendant les périodes d'ajournement, le mercredi qui suit le 15^e jour du mois. Un tel état, rapport ou autre document est réputé, à toutes fins, avoir été présenté ou déposé à la Chambre.

Messages from the Senate deposited with the clerk.

(1.1) When the House stands adjourned, any message from the Senate concerning bills to be given royal assent may be deposited with the Clerk of the House in paper or electronic format, and such message shall be deemed for all purposes to have been received by the House on the day on which it is deposited with the Clerk of the House.

Tabling of documents in the House.

(2) A minister of the Crown, or a parliamentary secretary acting on behalf of a minister, may state that he or she proposes to table, in paper or electronic format, any report or other paper dealing with a matter coming within the administrative responsibilities of the government, and, thereupon, the same shall be deemed for all purposes to have been laid before the House, provided that for members participating remotely, the document is transmitted to the Clerk of the House prior to their intervention.

Recorded in Journals.

(3) In either case, a record of any such document shall be entered in the Journals.

In both official languages.

(4) Any document distributed in the House or laid before the House pursuant to sections (1) or (2) of this standing order shall be in both official languages.

Permanent referral to committee.

(5) Reports, returns or other papers laid before the House in accordance with an act of Parliament shall thereupon be deemed to have been permanently referred to the appropriate standing committee.

Referral to committee in other cases.

(6) Documents required to be tabled pursuant to Standing Order 110 shall be deemed referred to the appropriate standing committee during the period specified when tabled.

Messages du Sénat déposés auprès du greffier.

(1.1) Pendant les périodes d'ajournement, tout message du Sénat concernant des projets de loi devant recevoir la sanction royale peut être déposé auprès du greffier de la Chambre, en format papier ou électronique, et un tel message est réputé, à toutes fins, avoir été reçu par la Chambre le jour où il a été déposé auprès du greffier de la Chambre.

Dépôt de documents à la Chambre.

(2) Un ministre de la Couronne, ou un secrétaire parlementaire agissant au nom d'un ministre, peut déclarer qu'il se propose de déposer, en format papier ou électronique, tout rapport ou autre document qui traite d'une question relevant des responsabilités administratives du gouvernement et, cela fait, le rapport ou autre document est réputé, à toutes fins, avoir été déposé à la Chambre, pourvu que les députés participant à distance transmettent le document au greffier de la Chambre avant leur intervention.

Consignation aux Journaux.

(3) Dans l'un ou l'autre cas, une mention de tout document ainsi déposé doit être consignée aux Journaux.

Dans les deux langues officielles.

(4) Les documents qui sont distribués ou déposés à la Chambre, conformément aux paragraphes (1) ou (2) du présent article, le sont dans les deux langues officielles.

Renvoi permanent au comité.

(5) Les rapports, états ou autres documents déposés à la Chambre en conformité d'une loi du Parlement sont réputés renvoyés en permanence au comité permanent compétent.

Renvoi à un comité dans d'autres cas.

(6) Les documents qui doivent être déposés conformément à l'article 110 du Règlement sont réputés avoir été renvoyés au comité permanent compétent durant la période prescrite lors du dépôt dudit document.

Tabling of document outlining reasons for prorogation.

(7) Not later than 20 sitting days after the beginning of the second or subsequent session of a Parliament, a minister of the Crown shall table a document outlining the reasons for the latest prorogation. This document shall be deemed referred to the Standing Committee on Procedure and House Affairs immediately after it is presented in the House.

33.

Statements by Ministers.

(1) On Statements by Ministers, as listed in Standing Order 30(3), a minister of the Crown may make a short factual announcement or statement of government policy. A member from each of the parties in opposition to the government may comment briefly thereon. The time for such proceedings shall be limited as the Speaker deems fit.

Extension of sitting.

(2) A period of time corresponding to the time taken for the proceedings pursuant to section (1) of this standing order shall be added to the time provided for government business in the afternoon of the day on which the said proceedings took place. Private Members' Business, where applicable, and the ordinary time of daily adjournment shall be delayed accordingly, notwithstanding Standing Orders 24, 30 and 38 or any order made pursuant to Standing Order 27.

34.

Reports of interparliamentary delegations.

(1) Within 20 sitting days of the return to Canada of an officially recognized interparliamentary delegation composed, in any part, of members of the House, the head of the delegation, or a member acting on behalf of him or her, shall present a report to the House, either in a paper or an electronic format, on the activities of the delegation, provided that reports presented in electronic format be transmitted to the Clerk of the House prior to their presentation.

Dépôt d'un document expliquant les raisons de la prorogation.

(7) Au plus tard 20 jours de séance après le début de la deuxième session d'une législature ou d'une de ses sessions subséquentes, un ministre de la Couronne dépose un document expliquant les raisons de la récente prorogation. Ce document est réputé renvoyé au Comité permanent de la procédure et des affaires de la Chambre dès sa présentation à la Chambre.

33.

Déclarations de ministres.

(1) À l'appel des déclarations de ministres prévues à l'article 30(3) du Règlement, un ministre de la Couronne peut faire un court exposé de faits ou de politique gouvernementale. Un porte-parole de chaque parti de l'opposition peut ensuite faire de brefs commentaires sur l'exposé. Le Président limite la durée de ces interventions comme il le juge bon.

Prolongation de la séance.

(2) La période prévue pour les affaires émanant du gouvernement est prolongée d'une période correspondant à la période consacrée à la prise en considération des affaires prévues au paragraphe (1) du présent article, dans l'après-midi du jour de séance où telle considération a eu lieu. Le cas échéant, la prise en considération des affaires émanant des députés et l'heure ordinaire de l'ajournement quotidien sont retardées en conséquence, nonobstant les articles 24, 30 et 38 du Règlement ou tout ordre adopté conformément à l'article 27 du Règlement.

34.

Rapports des délégations interparlementaires.

(1) Dans les 20 jours de séance qui suivent le retour au Canada d'une délégation interparlementaire reconnue constituée en partie de députés, le chef de la délégation, ou un député qui agit en son nom, présente à la Chambre, en format papier ou électronique, un rapport des activités de la délégation, pourvu que les rapports présentés en format électronique soient transmis au greffier de la Chambre avant leur présentation.

**This is Exhibit “E”
mentioned and referred
to in the affidavit of
Nathan Chevrier Sworn
remotely on this 6th day of
March 2025.**



Janet Elizabeth Forbes,
a Commissioner, etc., Province
of Ontario, for the Government
of Canada, Department of Justice.
Expires February 11, 2028

A Commissioner, etc.

House of Commons Sitting Calendar - 2025

B-1-71
April

January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9*	10*	11*	12*	13*	14
15	16*	17*	18*	19*	20*	21
22	23	24	25	26	27	28
29	30					

July

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

○ Adjournment tabling

■ Sitting days (102 in total)

* Sitting days with possible extension of sitting hours (S.O. 27(1))

■ Subject to change before September 30, 2024 (S.O. 28(2)(b))

B-1-71

**This is Exhibit “F”
mentioned and referred
to in the affidavit of
Nathan Chevrier Sworn
remotely on this 6th day of
March 2025.**



Janet Elizabeth Forbes,
a Commissioner, etc., Province
of Ontario, for the Government
of Canada, Department of Justice.
Expires February 11, 2028

A Commissioner, etc.



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

44^e LÉGISLATURE, 1^{re} SESSION

JOURNALS

No. 1

Monday, November 22, 2021

1:00 p.m.

JOURNAUX

N^o 1

Le lundi 22 novembre 2021

13 heures

Today being the first day of the meeting of the First Session of the 44th Parliament for the dispatch of business, Mr. Charles Robert, Clerk of the House of Commons, Mr. Eric Janse, Deputy Clerk of the House of Commons, Procedure, Mr. Michel Patrice, Deputy Clerk of the House of Commons, Administration, and Mr. Philippe Dufresne, Law Clerk and Parliamentary Counsel of the House of Commons, commissioners appointed *per dedimus potestatem* for the purpose of administering the oath to members of the House of Commons, attending according to their duty, Mr. Charles Robert laid upon the table a list of the members returned to serve in this Parliament received by him as Clerk of the House of Commons from and certified under the hand of Mr. Stéphane Perrault, Chief Electoral Officer (Sessional Paper No. 8530-441-1).

The certificate was as follows:

THIS IS TO CERTIFY that following dissolution of the Forty-Third Parliament on the fifteenth day of August 2021, writs of election were issued bearing that date by command of Her Excellency the Governor General for the election of a member to serve in the House of Commons for every electoral district in Canada, such writs being severally addressed to the returning officers mentioned in the attached list and directing that the nomination of candidates be held until the thirtieth day of August 2021, and the poll, if required, be held on the twentieth day of September 2021.

AND THAT an election was accordingly held in every electoral district in Canada on the twentieth day of September 2021.

AND THAT the persons named in the attached list have been returned as elected members to serve in the House of Commons pursuant to the said writs; their names having been duly entered in the book kept for that purpose in the order in which the returns of the writs were received, pursuant to section 317 of the Canada Elections Act, and subsequently notice of such returns of the writs having from time to time been duly published in the Canada Gazette.

Le Parlement se réunit aujourd'hui pour la première fois de la première session de la 44^e législature, pour l'expédition des affaires, M. Charles Robert, greffier de la Chambre des communes, M. Eric Janse, sous-greffier de la Chambre des communes, Procédure, M. Michel Patrice, sous-greffier de la Chambre des communes, Administration, et M. Philippe Dufresne, légiste et conseiller parlementaire de la Chambre des communes, commissaires nommés en vertu d'une ordonnance, *dedimus potestatem*, pour faire prêter serment aux députés de la Chambre des communes, sont présents dans l'exercice de leurs fonctions. M. Charles Robert dépose sur le bureau la liste des députés qui ont été proclamés élus au Parlement, liste attestée et signée par M. Stéphane Perrault, directeur général des élections, et qu'il a reçue en sa qualité de greffier de la Chambre des communes (document parlementaire n^o 8530-441-1).

L'attestation est comme suit :

LA PRÉSENTE CERTIFIE QUE, à la suite de la dissolution de la quarante-troisième législature le quinzième jour d'août 2021 et par proclamation de Son Excellence la gouverneure générale, des brefs portant cette même date ont été délivrés, ordonnant l'élection dans chaque circonscription au Canada d'un député à la Chambre des communes. Ces brefs ont été individuellement adressés aux directeurs du scrutin mentionnés dans la liste ci-jointe leur enjoignant de pourvoir aux candidatures jusqu'au trentième jour d'août 2021 et, si nécessaire, de tenir un scrutin le vingtième jour de septembre 2021.

LA PRÉSENTE CERTIFIE EN OUTRE qu'une élection a été tenue dans chaque circonscription au Canada le vingtième jour de septembre 2021.

ET QUE les personnes nommées dans la liste ci-jointe ont été déclarées élues députés à la Chambre des communes conformément aux dits brefs. Leurs noms ont été dûment inscrits dans le livre tenu à cette fin suivant l'ordre dans lequel les rapports d'élections ont été reçus, conformément à l'article 317 de la Loi électorale du Canada, et subséquemment, l'avis de ces rapports d'élection a été dûment publié de temps à autre dans la Gazette du Canada.

Given under my hand at Gatineau this twenty-eighth day of October 2021.

STÉPHANE PERRAULT, Chief Electoral Officer of Canada

The list of elected members of Parliament is as follows:

Electoral Districts - Circonscriptions

Newfoundland and Labrador – Terre-Neuve-et-Labrador

Avalon

Bonavista–Burin–Trinity

Coast of Bays–Central–Notre Dame

Labrador

Long Range Mountains

St. John's East / St. John's-Est

St. John's South–Mount Pearl / St. John's-Sud–Mount Pearl

Prince Edward Island – Île-du-Prince-Édouard

Cardigan

Charlottetown

Egmont

Malpeque

Nova Scotia – Nouvelle-Écosse

Cape Breton–Canso

Central Nova / Nova-Centre

Cumberland–Colchester

Dartmouth–Cole Harbour

Halifax

Halifax West / Halifax-Ouest

Kings–Hants

Sackville–Preston–Chezzetcook

South Shore–St. Margarets

Sydney–Victoria

West Nova / Nova-Ouest

New Brunswick – Nouveau-Brunswick

Acadie–Bathurst

Beauséjour

Fredericton

Fundy Royal

Madawaska–Restigouche

Miramichi–Grand Lake

Moncton–Riverview–Dieppe

New Brunswick Southwest / Nouveau-Brunswick-Sud-Ouest

Saint John–Rothesay

Tobique–Mactaquac

Fait sous ma signature à Gatineau, ce vingt-huitième jour d'octobre 2021.

Le directeur général des élections du Canada, STÉPHANE PERRAULT

La liste des députés élus est comme suit :

Members elected - Députés élus

Ken McDonald

Churence Rogers

Clifford Small

Yvonne Jones

Gudie Hutchings

Joanne Thompson

Seamus O'Regan

Lawrence MacAulay

Sean Casey

Robert J. Morrissey

Heath MacDonald

Mike Kelloway

Sean Fraser

Stephen Ellis

Darren Fisher

Andy Fillmore

Lena Metlege Diab

Kody Blois

Darrell Samson

Rick Perkins

Jaime Battiste

Chris d'Entremont

Serge Cormier

Dominic LeBlanc

Jenica Atwin

Rob Moore

René Arseneault

Jake Stewart

Ginette Petitpas Taylor

John Williamson

Wayne Long

Richard Bragdon

Quebec

Abitibi—Baie-James—Nunavik—Eeyou	Sylvie Bérubé
Abitibi—Témiscamingue	Sébastien Lemire
Ahuntsic—Cartierville	Mélanie Joly
Alfred-Pellan	Angelo Iacono
Argenteuil—La Petite-Nation	Stéphane Lauzon
Avignon—La Mitis—Matane—Matapédia	Kristina Michaud
Beauce	Richard Lehoux
Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix	Caroline Desbiens
Beauport—Limoilou	Julie Vignola
Bécancour—Nicolet—Saurel	Louis Plamondon
Bellechasse—Les Etchemins—Lévis	Dominique Vien
Beloeil—Chambly	Yves-François Blanchet
Berthier—Maskinongé	Yves Perron
Bourassa	Emmanuel Dubourg
Brome—Missisquoi	Pascale St-Onge
Brossard—Saint-Lambert	Alexandra Mendès
Charlesbourg—Haute-Saint-Charles	Pierre Paul-Hus
Châteauguay—Lacolle	Brenda Shanahan
Chicoutimi—Le Fjord	Richard Martel
Compton—Stanstead	Marie-Claude Bibeau
Dorval—Lachine—LaSalle	Anju Dhillon
Drummond	Martin Champoux
Gaspésie—Les Îles-de-la-Madeleine	Diane Lebouthillier
Gatineau	Steven MacKinnon
Hochelaga	Soraya Martinez Ferrada
Honoré-Mercier	Pablo Rodriguez
Hull—Aylmer	Greg Fergus
Joliette	Gabriel Ste-Marie
Jonquière	Mario Simard
La Pointe-de-l'Île	Mario Beaulieu
La Prairie	Alain Therrien
Lac-Saint-Jean	Alexis Brunelle-Duceppe
Lac-Saint-Louis	Francis Scarpaleggia
LaSalle—Émard—Verdun	David Lametti
Laurentides—Labelle	Marie-Hélène Gaudreau
Laurier—Sainte-Marie	Steven Guilbeault
Laval—Les Îles	Fayçal El-Khoury
Lévis—Lotbinière	Jacques Gourde
Longueuil—Charles-LeMoine	Sherry Romanado
Longueuil—Saint-Hubert	Denis Trudel

Louis-Hébert	Joël Lightbound
Louis-Saint-Laurent	Gérard Deltell
Manicouagan	Marilène Gill
Marc-Aurèle-Fortin	Yves Robillard
Mégantic—L'Érable	Luc Berthold
Mirabel	Jean-Denis Garon
Montarville	Stéphane Bergeron
Montcalm	Luc Thériault
Montmagny—L'Islet—Kamouraska—Rivière-du-Loup	Bernard Généreux
Mount Royal / Mont-Royal	Anthony Housefather
Notre-Dame-de-Grâce—Westmount	Marc Garneau
Outremont	Rachel Bendayan
Papineau	Justin Trudeau
Pierre-Boucher—Les Patriotes—Verchères	Xavier Barsalou-Duval
Pierrefonds—Dollard	Sameer Zuberi
Pontiac	Sophie Chatel
Portneuf—Jacques-Cartier	Joël Godin
Québec	Jean-Yves Duclos
Repentigny	Monique Pauzé
Richmond—Arthabaska	Alain Rayes
Rimouski-Neigette—Témiscouata—Les Basques	Maxime Blanchette-Joncas
Rivière-des-Mille-Îles	Luc Desilets
Rivière-du-Nord	Rhéal Éloi Fortin
Rosemont—La Petite-Patrie	Alexandre Boulerice
Saint-Hyacinthe—Bagot	Simon-Pierre Savard-Tremblay
Saint-Jean	Christine Normandin
Saint-Laurent	Emmanuella Lambropoulos
Saint-Léonard—Saint-Michel	Patricia Lattanzio
Saint-Maurice—Champlain	François-Philippe Champagne
Salaberry—Suroît	Claude DeBellefeuille
Shefford	Andréanne Larouche
Sherbrooke	Élisabeth Brière
Terrebonne	Nathalie Sinclair-Desgagné
Thérèse-De Blainville	Louise Chabot
Trois-Rivières	René Villemure
Vaudreuil—Soulanges	Peter Schiefke
Ville-Marie—Le Sud-Ouest—Île-des-Soeurs	Marc Miller
Vimy	Annie Koutrakis
Ontario	
Ajax	Mark Holland
Algoma—Manitoulin—Kapusking	Carol Hughes

Aurora—Oak Ridges—Richmond Hill	Leah Taylor Roy
Barrie—Innisfil	John Brassard
Barrie—Springwater—Oro-Medonte	Doug Shipley
Bay of Quinte / Baie de Quinte	Ryan Williams
Beaches—East York	Nathaniel Erskine-Smith
Brampton Centre / Brampton-Centre	Shafqat Ali
Brampton East / Brampton-Est	Maninder Sidhu
Brampton North / Brampton-Nord	Ruby Sahota
Brampton South / Brampton-Sud	Sonia Sidhu
Brampton West / Brampton-Ouest	Kamal Khera
Brantford—Brant	Larry Brock
Bruce—Grey—Owen Sound	Alex Ruff
Burlington	Karina Gould
Cambridge	Bryan May
Carleton	Pierre Poilievre
Chatham-Kent—Leamington	Dave Epp
Davenport	Julie Dzerowicz
Don Valley East / Don Valley-Est	Michael Coteau
Don Valley North / Don Valley-Nord	Han Dong
Don Valley West / Don Valley-Ouest	Robert Oliphant
Dufferin—Caledon	Kyle Seeback
Durham	Erin O'Toole
Eglinton—Lawrence	Marco Mendicino
Elgin—Middlesex—London	Karen Vecchio
Essex	Chris Lewis
Etobicoke Centre / Etobicoke-Centre	Yvan Baker
Etobicoke North / Etobicoke-Nord	Kirsty Duncan
Etobicoke—Lakeshore	James Maloney
Flamborough—Glanbrook	Dan Muys
Glengarry—Prescott—Russell	Francis Drouin
Guelph	Lloyd Longfield
Haldimand—Norfolk	Leslyn Lewis
Haliburton—Kawartha Lakes—Brock	Jamie Schmale
Hamilton Centre / Hamilton-Centre	Matthew Green
Hamilton East—Stoney Creek / Hamilton-Est—Stoney Creek	Chad Collins
Hamilton Mountain	Lisa Hepfner
Hamilton West—Ancaster—Dundas / Hamilton-Ouest—Ancaster—Dundas	Filomena Tassi
Hastings—Lennox and Addington	Shelby Kramp-Neuman
Humber River—Black Creek	Judy A. Sgro
Huron—Bruce	Ben Lobb

Kanata—Carleton	Jenna Sudds
Kenora	Eric Melillo
Kingston and the Islands / Kingston et les Îles	Mark Gerretsen
King—Vaughan	Anna Roberts
Kitchener Centre / Kitchener-Centre	Mike Morrice
Kitchener South—Hespeler / Kitchener-Sud—Hespeler	Valerie Bradford
Kitchener—Conestoga	Tim Louis
Lambton—Kent—Middlesex	Lianne Rood
Lanark—Frontenac—Kingston	Scott Reid
Leeds—Grenville—Thousand Islands and Rideau Lakes / Leeds— Grenville—Thousand Islands et Rideau Lakes	Michael Barrett
London North Centre / London-Centre-Nord	Peter Fragiskatos
London West / London-Ouest	Arielle Kayabaga
London—Fanshawe	Lindsay Mathysen
Markham—Stouffville	Helena Jaczek
Markham—Thornhill	Mary Ng
Markham—Unionville	Paul Chiang
Milton	Adam van Koevreden
Mississauga Centre / Mississauga-Centre	Omar Alghabra
Mississauga East—Cooksville / Mississauga-Est—Cooksville	Peter Fonseca
Mississauga—Erin Mills	Iqra Khalid
Mississauga—Lakeshore	Sven Spengemann
Mississauga—Malton	Iqwinder Gaheer
Mississauga—Streetsville	Rechie Valdez
Nepean	Chandra Arya
Newmarket—Aurora	Tony Van Bynen
Niagara Centre / Niagara-Centre	Vance Badawey
Niagara Falls	Tony Baldinelli
Niagara West / Niagara-Ouest	Dean Allison
Nickel Belt	Marc G. Serré
Nipissing—Timiskaming	Anthony Rota
Northumberland—Peterborough South / Northumberland— Peterborough-Sud	Philip Lawrence
Oakville	Anita Anand
Oakville North—Burlington / Oakville-Nord—Burlington	Pam Damoff
Orléans	Marie-France Lalonde
Oshawa	Colin Carrie
Ottawa Centre / Ottawa-Centre	Yasir Naqvi
Ottawa South / Ottawa-Sud	David J. McGuinty
Ottawa West—Nepean / Ottawa-Ouest—Nepean	Anita Vandenbeld
Ottawa—Vanier	Mona Fortier
Oxford	Dave MacKenzie

Parkdale—High Park	Arif Virani
Parry Sound—Muskoka	Scott Aitchison
Perth—Wellington	John Nater
Peterborough—Kawartha	Michelle Ferreri
Pickering—Uxbridge	Jennifer O'Connell
Renfrew—Nipissing—Pembroke	Cheryl Gallant
Richmond Hill	Majid Jowhari
Sarnia—Lambton	Marilyn Gladu
Sault Ste. Marie	Terry Sheehan
Scarborough Centre / Scarborough-Centre	Salma Zahid
Scarborough North / Scarborough-Nord	Shaun Chen
Scarborough Southwest / Scarborough-Sud-Ouest	Bill Blair
Scarborough—Agincourt	Jean Yip
Scarborough—Guildwood	John McKay
Scarborough—Rouge Park	Gary Anandasangaree
Simcoe North / Simcoe-Nord	Adam Chambers
Simcoe—Grey	Terry Dowdall
Spadina—Fort York	Kevin Vuong
St. Catharines	Chris Bittle
Stormont—Dundas—South Glengarry	Eric Duncan
Sudbury	Viviane Lapointe
Thornhill	Melissa Lantsman
Thunder Bay—Rainy River	Marcus Powlowski
Thunder Bay—Superior North / Thunder Bay—Supérieur-Nord	Patty Hajdu
Timmins—James Bay / Timmins—Baie James	Charlie Angus
Toronto Centre / Toronto-Centre	Marci Ien
Toronto—Danforth	Julie Dabrusin
Toronto—St. Paul's	Carolyn Bennett
University—Rosedale	Chrystia Freeland
Vaughan—Woodbridge	Francesco Sorbara
Waterloo	Bardish Chagger
Wellington—Halton Hills	Michael D. Chong
Whitby	Ryan Turnbull
Willowdale	Ali Ehsassi
Windsor West / Windsor-Ouest	Brian Masse
Windsor—Tecumseh	Irek Kusmierczyk
York Centre / York-Centre	Ya'ara Saks
York South—Weston / York-Sud—Weston	Ahmed Hussen
York—Simcoe	Scot Davidson
Manitoba	
Brandon—Souris	Larry Maguire

Charleswood—St. James—Assiniboia—Headingley	Marty Morantz
Churchill—Keewatinook Aski	Niki Ashton
Dauphin—Swan River—Neepawa	Dan Mazier
Elmwood—Transcona	Daniel Blaikie
Kildonan—St. Paul	Raquel Dancho
Portage—Lisgar	Candice Bergen
Provencher	Ted Falk
Saint Boniface—Saint Vital / Saint-Boniface—Saint-Vital	Dan Vandal
Selkirk—Interlake—Eastman	James Bezan
Winnipeg Centre / Winnipeg-Centre	Leah Gazan
Winnipeg North / Winnipeg-Nord	Kevin Lamoureux
Winnipeg South / Winnipeg-Sud	Terry Duguid
Winnipeg South Centre / Winnipeg-Centre-Sud	Jim Carr
Saskatchewan	
Battlefords—Lloydminster	Rosemarie Falk
Carlton Trail—Eagle Creek / Sentier Carlton—Eagle Creek	Kelly Block
Cypress Hills—Grasslands	Jeremy Patzer
Desnethé—Missinippi—Churchill River / Desnethé—Missinippi—Rivière Churchill	Gary Vidal
Moose Jaw—Lake Centre—Lanigan	Fraser Tolmie
Prince Albert	Randy Hoback
Regina—Lewvan	Warren Steinley
Regina—Qu'Appelle	Andrew Scheer
Regina—Wascana	Michael Kram
Saskatoon West / Saskatoon-Ouest	Brad Redekopp
Saskatoon—Grasswood	Kevin Waugh
Saskatoon—University	Corey Tochor
Souris—Moose Mountain	Robert Kitchen
Yorkton—Melville	Cathay Wagantall
Alberta	
Banff—Airdrie	Blake Richards
Battle River—Crowfoot	Damien C. Kurek
Bow River	Martin Shields
Calgary Centre / Calgary-Centre	Greg McLean
Calgary Confederation	Len Webber
Calgary Forest Lawn	Jasraj Singh Hallan
Calgary Heritage	Bob Benzen
Calgary Midnapore	Stephanie Kusie
Calgary Nose Hill	Michelle Rempel Garner
Calgary Rocky Ridge	Pat Kelly
Calgary Shepard	Tom Kmiec

Calgary Signal Hill	Ron Liepert
Calgary Skyview	George Chahal
Edmonton Centre / Edmonton-Centre	Randy Boissonnault
Edmonton Griesbach	Blake Desjarlais
Edmonton Manning	Ziad Aboultaif
Edmonton Mill Woods	Tim Uppal
Edmonton Riverbend	Matt Jeneroux
Edmonton Strathcona	Heather McPherson
Edmonton West / Edmonton-Ouest	Kelly McCauley
Edmonton—Wetaskiwin	Mike Lake
Foothills	John Barlow
Fort McMurray—Cold Lake	Laila Goodridge
Grande Prairie—Mackenzie	Chris Warkentin
Lakeland	Shannon Stubbs
Lethbridge	Rachael Harder
Medicine Hat—Cardston—Warner	Glen Motz
Peace River—Westlock	Arnold Viersen
Red Deer—Lacombe	Blaine Calkins
Red Deer—Mountain View	Earl Dreeshen
Sherwood Park—Fort Saskatchewan	Garnett Genuis
St. Albert—Edmonton	Michael Cooper
Sturgeon River—Parkland	Dane Lloyd
Yellowhead	Gerald Soroka
British Columbia — Colombie-Britannique	
Abbotsford	Ed Fast
Burnaby North—Seymour / Burnaby-Nord—Seymour	Terry Beech
Burnaby South / Burnaby-Sud	Jagmeet Singh
Cariboo—Prince George	Todd Doherty
Central Okanagan—Similkameen—Nicola	Dan Albas
Chilliwack—Hope	Mark Strahl
Cloverdale—Langley City	John Aldag
Coquitlam—Port Coquitlam	Ron McKinnon
Courtenay—Alberni	Gord Johns
Cowichan—Malahat—Langford	Alistair MacGregor
Delta	Carla Qualtrough
Esquimalt—Saanich—Sooke	Randall Garrison
Fleetwood—Port Kells	Ken Hardie
Kamloops—Thompson—Cariboo	Frank Caputo
Kelowna—Lake Country	Tracy Gray
Kootenay—Columbia	Rob Morrison
Langley—Aldergrove	Tako Van Popta

Mission—Matsqui—Fraser Canyon	Brad Vis
Nanaimo—Ladysmith	Lisa Marie Barron
New Westminster—Burnaby	Peter Julian
North Island—Powell River	Rachel Blaney
North Okanagan—Shuswap	Mel Arnold
North Vancouver	Jonathan Wilkinson
Pitt Meadows—Maple Ridge	Marc Dalton
Port Moody—Coquitlam	Bonita Zarrillo
Prince George—Peace River—Northern Rockies	Bob Zimmer
Richmond Centre / Richmond-Centre	Wilson Miao
Saanich—Gulf Islands	Elizabeth May
Skeena—Bulkley Valley	Taylor Bachrach
South Okanagan—West Kootenay / Okanagan-Sud—Kootenay-Ouest	Richard Cannings
South Surrey—White Rock / Surrey-Sud—White Rock	Kerry-Lynne D. Findlay
Steveston—Richmond East / Steveston—Richmond-Est	Parm Bains
Surrey Centre / Surrey-Centre	Randeep Sarai
Surrey—Newton	Sukh Dhaliwal
Vancouver Centre / Vancouver-Centre	Hedy Fry
Vancouver East / Vancouver-Est	Jenny Kwan
Vancouver Granville	Taleeb Noormohamed
Vancouver Kingsway	Don Davies
Vancouver Quadra	Joyce Murray
Vancouver South / Vancouver-Sud	Harjit S. Sajjan
Victoria	Laurel Collins
West Vancouver—Sunshine Coast—Sea to Sky Country	Patrick Weiler

Yukon

Yukon

Brendan Hanley

Northwest Territories — Territoires du Nord-Ouest

Northwest Territories / Territoires du Nord-Ouest

Michael V. McLeod

Nunavut

Nunavut

Lori Idlout

The members, who had taken and subscribed the oath required by law, took their seats.

Les députés, qui ont prêté et souscrit le serment d'office prescrit par la loi, prennent séance.

The clerk informed the members that the deputy of the Governor General would proceed to the Senate today at 1:00 p.m. to open the First Session of the 44th Parliament.

Le greffier informe les députés que le suppléant de la gouverneure générale se rendra au Sénat aujourd'hui, à 13 heures, pour ouvrir la première session de la 44^e législature.

A message was received from the Right Honourable Richard Wagner, Chief Justice of the Supreme Court of Canada, in his capacity as the deputy of the Governor General, desiring the immediate attendance of the members in the Senate.

Un message est reçu du très honorable Richard Wagner, juge en chef de la Cour suprême du Canada, en sa qualité de suppléant de la gouverneure générale, qui exprime le désir que les députés se rendent immédiatement au Sénat.

Accordingly, the members proceeded to the Senate and were informed by the Speaker of the Senate that Her Excellency the Governor General did not see fit to declare the causes of her summoning the present Parliament until the Speaker of the

En conséquence, les députés se rendent au Sénat et sont informés par le Président du Sénat que Son Excellence la gouverneure générale ne juge pas à propos de faire connaître les motifs qui l'ont portée à convoquer le Parlement avant que la

House of Commons shall have been chosen according to law, but on Tuesday, November 23, at 12:15 p.m., Her Excellency would declare the causes of calling this Parliament.

The members returned to the chamber.

ELECTION OF THE SPEAKER

Pursuant to Standing Order 2, the House proceeded to the election of a Speaker.

Pursuant to Standing Order 3, Mr. Plamondon (Bécancour—Nicolet—Saurel) took the chair to preside over the election.

Pursuant to Standing Orders 4 and 5, the member presiding informed the House that a list of members not eligible for election as Speaker was available at the table.

Accordingly, the list of candidates for the ballot was as follows:

MEMBERS — DÉPUTÉS

**Dalton, Marc
May, Elizabeth**

**d'Entremont, Chris
Mendès, Alexandra**

**Godin, Joël
Rota, Anthony**

Hughes, Carol

Pursuant to Standing Order 3.1, the candidates addressed the House.

At 2:22 p.m., pursuant to Standing Order 3.1, the sitting was suspended.

At 2:58 p.m., the sitting resumed.

Pursuant to Standing Order 4, the members proceeded to vote.

At 3:33 p.m., the voting procedure was completed and the sitting was suspended to the call of the Chair for the counting of the ballots by the clerk.

At 4:35 p.m., the sitting resumed.

Pursuant to Standing Order 4(7), the member presiding announced that Mr. Rota (Nipissing—Timiskaming) had been elected as Speaker.

Accordingly, the member presiding left the chair.

Mr. Rota (Nipissing—Timiskaming) was escorted to the chair by Mr. Trudeau (Prime Minister) and Mr. O'Toole (Leader of the Opposition) and returned his humble acknowledgments to the House for the great honour they had been pleased to confer upon him by choosing him to be their Speaker.

Whereupon, the mace was laid upon the table.

The Speaker informed the House that Her Excellency the Governor General will arrive at the Senate building on Tuesday, November 23, 2021, at 12:15 p.m., and, when it has been indicated that all is in readiness, will proceed to the chamber of the Senate to formally open the First Session of the 44th Parliament.

ADJOURNMENT

At 5:12 p.m., the Speaker adjourned the House until tomorrow at 12:15 p.m.

Chambre des communes ait choisi son Président conformément à la loi, mais le mardi 23 novembre, à 12 h 15, Son Excellence fera connaître les raisons de la convocation du Parlement.

Les députés sont de retour à la Chambre.

ÉLECTION À LA PRÉSIDENTE

Conformément à l'article 2 du Règlement, la Chambre procède à l'élection à la présidence.

Conformément à l'article 3 du Règlement, M. Plamondon (Bécancour—Nicolet—Saurel) prend place au fauteuil pour présider à l'élection.

Conformément aux articles 4 et 5 du Règlement, le président d'élection informe la Chambre qu'une liste des députés inéligibles à la présidence se trouve au bureau.

En conséquence, la liste des candidats pour le tour de scrutin est la suivante :

Conformément à l'article 3.1 du Règlement, les candidats prennent la parole.

À 14 h 22, conformément à l'article 3.1 du Règlement, la séance est suspendue.

À 14 h 58, la séance reprend.

Conformément à l'article 4 du Règlement, les députés se mettent à voter.

À 15 h 33, le scrutin est terminé et la séance est suspendue, jusqu'à la convocation de la présidence, pour le dépouillement du scrutin par le greffier.

À 16 h 35, la séance reprend.

Conformément à l'article 4(7) du Règlement, le président d'élection annonce que M. Rota (Nipissing—Timiskaming) a été élu à la présidence.

En conséquence, le président d'élection quitte le fauteuil.

M. Rota (Nipissing—Timiskaming) est escorté au fauteuil par M. Trudeau (premier ministre) et M. O'Toole (chef de l'opposition) et exprime à la Chambre ses humbles remerciements pour le grand honneur qu'elle s'est plu à lui conférer en le choisissant comme Président.

Sur ce, la masse est déposée sur le bureau.

Le Président informe la Chambre que Son Excellence la gouverneure générale arrivera à l'édifice du Sénat le mardi 23 novembre 2021, à 12 h 15, et que, lorsqu'on l'aura avisée que tout est en place, elle se rendra à la chambre du Sénat pour ouvrir officiellement la première session de la 44^e législature.

AJOURNEMENT

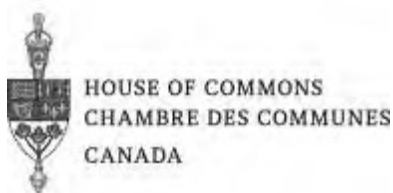
À 17 h 12, le Président ajourne la Chambre jusqu'à demain, à 12 h 15.

**This is Exhibit “G”
mentioned and referred
to in the affidavit of
Nathan Chevrier Sworn
remotely on this 6th day of
March 2025.**



Janet Elizabeth Forbes,
a Commissioner, etc., Province
of Ontario, for the Government
of Canada, Department of Justice.
Expires February 11, 2028

A Commissioner, etc.



MENU

ProceduralInfo



House of Commons Procedure and Practice, Third Edition, 2017

Edited by Marc Bosc and André Gagnon

Chapter 8 The Parliamentary Cycle

Opening of a Parliament and a Session Summoning Parliament

Section 38 of the *Constitution Act, 1867* provides for the summoning of Parliament: “The Governor General shall from Time to Time, in the Queen’s Name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons”.

The “Instrument” consists of a series of proclamations issued by the Governor General on the advice of the Prime Minister¹⁶ and published in the *Canada Gazette*. On the day that Parliament is dissolved or prorogued, a proclamation is issued summoning Parliament to meet on a given day.¹⁷ It is issued at the end of the preceding session, in keeping with the principle of the continuity of Parliament, whereby a session ends with provision made for its next meeting. A second proclamation confirms or changes the date and may set the time for Parliament to meet for the “Dispatch of Business” (the date can later be advanced or deferred). A third proclamation is issued if the time for Parliament to meet was not announced in the second proclamation.¹⁸

Proceedings on Opening Day of a Parliament

The opening of a Parliament is also the opening of the first session of that Parliament. Two procedures—the swearing-in of Members and the election of the Speaker—distinguish it from the opening of subsequent sessions.

Members Sworn In

Following a general election, the Chief Electoral Officer sends the Clerk of the House the certificates of election for Members of the House as they become available.¹⁹ The *Constitution Act, 1867* requires that Members first subscribe to an oath of allegiance before taking their seats in the House.²⁰ As an alternative to swearing the oath, Members may make a solemn affirmation.²¹

The oath or affirmation is administered by the Clerk of the House or another designated Commissioner.²² The newly sworn-in Member then signs the Test Roll, a book whose pages are headed by the text of the oath or affirmation. The general practice now is for Members to be sworn in prior to opening day, after the Clerk has received the certificates of election from the Chief Electoral Officer.²³

Election of the Speaker

Section 44 of the *Constitution Act, 1867* provides for the election of a Speaker as the first item of business when Members assemble following a general election. The *Standing Orders* provide for the manner in which the Speaker is elected.²⁴ On the day appointed by proclamation for the meeting of a new Parliament, the Members are summoned by the division bells to assemble in the Chamber, where they receive the Usher of the Black Rod,²⁵ who reads a message requesting the immediate attendance of the House in the Senate Chamber.

The Clerk of the House leads the Members in a procession to the Senate. There, a Deputy of the Governor General²⁶ is seated at the foot of the Throne, and the Speaker of the Senate addresses the Members on the Deputy's behalf, informing them that "... His (Her) Excellency the Governor General does not see fit to declare the causes of his (her) summoning the present Parliament of Canada, until a Speaker of the House of Commons shall have been chosen, according to law ...".²⁷ This means that the Speech from the Throne will not be read until a Speaker has been elected. The Members then return to the House and proceed to elect a Speaker.

Presentation of the Speaker to the Governor General

Following the election of the Speaker,²⁸ at the time fixed for the purpose of appearing for the formal opening of Parliament with a Speech from the Throne,²⁹ the House again receives the Usher of the Black Rod, who conveys the message of the Governor General requesting the presence of the House in the Senate.³⁰ The procession is led by the Usher of the Black Rod, followed by the Sergeant-at-Arms (bearing the Mace), the Speaker, the Clerk and the Members. At the Bar of the Senate, the newly elected Speaker stands on a small platform, removes his or

her hat and receives an acknowledgement from the Governor General, who is seated on the Throne.³¹ The Speaker addresses the Governor General by an established formula, as follows:

B-1-87

May it please Your Excellency,

*The House of Commons has elected me their Speaker, though I am but little able to fulfill the important duties thus assigned to me. If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Commons, whose servant I am, and who, through me, the better to enable them to discharge their duty to their Queen (King) and Country, humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to Your Excellency's person at all seasonable times, and that their proceedings may receive from Your Excellency the most favourable construction.*³²

The Speaker of the Senate makes the traditional reply on behalf of the Governor General:³³

*Mr. Speaker, I am commanded by His (Her) Excellency the Governor General to declare to you that he (she) freely confides in the duty and attachment of the House of Commons to Her Majesty's Person and Government, and not doubting that their proceedings will be conducted with wisdom, temper and prudence, he (she) grants, and upon all occasions will recognize and allow, their constitutional privileges. I am commanded also to assure you that the Commons shall have ready access to His (Her) Excellency upon all seasonable occasions and that their proceedings, as well as your words and actions, will constantly receive from him (her) the most favourable construction.*³⁴

The claiming of privileges by the Speaker on behalf of the House occurs only at the opening of a Parliament and is not repeated in the event a Speaker is elected during the course of a Parliament.³⁵ After the claiming of privileges, the session is formally opened by the reading of the Speech from the Throne.

Opening of a Session

B-1-87

As previously noted, the swearing-in of Members and the election of a Speaker are the distinguishing features of the summoning of a new Parliament for the opening of its first session; in subsequent sessions, there are no such preliminary proceedings in the House.³⁶ The opening of a session, whether it is the first or a subsequent session, is marked by the reading of the Speech from the Throne. Each time a session is opened, the House assembles with the Speaker in the Chair, receives the Usher of the Black Rod and proceeds in due course to the Senate for the reading of the Speech from the Throne.

Opened by the Sovereign

When a session is opened by the Sovereign, as occurred in 1957 and 1977, the message communicated to the House by the Usher of the Black Rod is as follows: “Mr. (Madam) Speaker, The Queen (King) commands this Honourable House to attend Her (His) Majesty immediately in the chamber of the Honourable the Senate”.³⁷

Opened by the Governor General

When, as in most cases, the Speech from the Throne is read by the Governor General,³⁸ the Usher of the Black Rod delivers a message to the effect that His (or Her) Excellency the Governor General of Canada “desires” the immediate attendance of the House in the Senate.³⁹

Opened by the Administrator

In the event of the death, incapacity, removal or absence from the country of the Governor General, the powers of the office devolve upon the Chief Justice of Canada. When acting in this capacity, the Chief Justice is known as the Administrator of the Government of Canada.⁴⁰ The Speech from the Throne has been read on occasion by the Administrator.⁴¹ The message conveyed to the House by the Usher of the Black Rod in these cases is as follows: “His (Her) Excellency the Administrator desires the immediate attendance of this Honourable House in the Chamber of the Honourable the Senate”.⁴²

Speech from the Throne and Subsequent Proceedings in the House

The Speech from the Throne imparts the causes of summoning Parliament, prior to which neither House can embark on any public business.⁴³ It marks the first occasion after a general election or a prorogation that Parliament meets in an assembly of its three constituent parts: the House of Commons, the Senate and the Sovereign, or the Sovereign’s representative.

The Speech from the Throne usually sets forth in some detail the government’s view of the condition of the country and provides an indication of what legislation it intends to bring forward. After hearing the Speech, the Speaker and Members

return to the House. If the session is the first of a new Parliament, the newly elected Speaker will have made the traditional statement claiming for the House all its “undoubted rights and privileges”. This is reported by the Speaker to the House on returning from the Senate.⁴⁴ The business for the day’s sitting then proceeds.

The items typically dealt with by the House on the first day of a session are described below, in the order in which they are normally brought before the House.⁴⁵ As will be noted, variations can occur.

Routine Opening Day Motions and Announcements

Pro forma bill: Before proceeding to the consideration of the Speech from the Throne, the House gives first reading to the pro forma Bill C-1, *An Act respecting the Administration of Oaths of Office*.⁴⁶ Typically, the Bill is introduced by the Prime Minister; it receives first reading but is not proceeded with any further during the session. Its purpose is to assert the independence of the House of Commons and its right to choose its own business and to deliberate without reference to the causes of summons as expressed in the Speech from the Throne.⁴⁷

Report of Speech from the Throne: The Speaker reports to the House on the Speech from the Throne, informing the House that “to prevent mistakes” a copy of the Speech has been obtained; its text is published in the *Debates*.⁴⁸ A motion is then moved, usually by the Prime Minister, for the Speech from the Throne to be considered either “later this day” or on a future day; it is usually adopted without debate or amendment.⁴⁹

Appointments to the Board of Internal Economy: The Speaker may make an announcement to the House with regard to Members appointed to sit for the duration of the Parliament on the Board of Internal Economy, the body responsible for all matters of administrative and financial policy affecting the House of Commons.⁵⁰

Order for Supply: The *Standing Orders* require that, at the start of each session, the House designate, by means of a motion, a continuing Order of the Day for the consideration of the business of supply.⁵¹ The designation of a continuing order for supply follows on the statement usually found in the Speech from the Throne informing Members that they “will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament”.⁵² The motion “That the Business of Supply be considered at the next sitting of the House” is moved by the President of the Treasury Board. By long-established practice, the motion is not debatable and is traditionally agreed to without dissent. Once the motion is adopted, a continuing order to deal with supply is placed on the *Order Paper* under Government Orders and any supply motion to be considered by the House during the session will appear on the *Order Paper* under this Order of the Day.⁵³

Membership of the Standing Committee on Procedure and House Affairs: On the opening day of the first session of each Parliament, the membership of the Standing Committee on Procedure and House Affairs is appointed and charged with acting as a striking committee for all standing committees and standing

joint committees.⁵⁴ In general, this is effected by a motion moved without notice by a Minister, usually the Government House Leader, and agreed to by the House.⁵⁵

Election of Other Chair Occupants: At the beginning of a Parliament, a Chair of Committees of the Whole (who, once elected, also becomes Deputy Speaker) is selected for the duration of the Parliament.⁵⁶ After consultations with the leaders of each officially recognized party, the Speaker announces to the House the name of a Member considered qualified to be Chair of Committees of the Whole.⁵⁷ Once the name of a Member has been announced, a motion for his or her election is deemed to have been moved and seconded, and the question is put immediately without debate or amendment. The Assistant Deputy Speaker and Deputy Chair of Committees of the Whole, and the Assistant Deputy Speaker and Assistant Deputy Chair of Committees of the Whole are selected in the same manner for the duration of the session in which they are chosen rather than for the duration of the Parliament.⁵⁸ Since this practice began in 2004, such motions have invariably been adopted without dissent.⁵⁹

Other items of business⁶⁰ have been included on opening day. From time to time, the Speaker is notified that a Member has vacated his or her seat in the House. When this occurs prior to the opening of the session (whether the first or a subsequent session of a Parliament), the Speaker so informs the House at some point during the day's proceedings.⁶¹ Members elected in by-elections prior to the opening of a session have also been introduced to the House on the first day of the new session.⁶²

Special Sessions

A small number of sessions (see Figure 8.1, "Sessions Identified as 'Special' in House of Commons *Journals* or *Debates*") have been termed "special sessions" in the *Debates* or *Journals* of the House of Commons. From a procedural standpoint, there is nothing special about a special session. The elements required for the opening and closing of a session are present. If the special session is the first of a Parliament (as occurred in 1930), a Speaker of the House must first be elected.

The special sessions were clearly short-lived. They also shared certain characteristics:

- ◆ Parliament was called to meet for a specific purpose, which was the principal focus of what was in each case a comparatively short Speech from the Throne;⁶³
- ◆ The five sessions specifically designated as "special" took place during a period when sessions were generally shorter, with a fairly predictable annual rhythm of sitting and non-sitting periods; the special sessions were called in late summer or autumn, times of the year when the House did not usually sit; and

- ◆ The House in each of the special sessions approved a temporary suspension of certain Standing Orders, with the aim of expediting the business before it.⁶⁴

Other sessions of short duration, though not officially termed “special” in the *Debates* or *Journals* of the House of Commons, have tended to share the same characteristics.⁶⁵

FIGURE 8.1 Sessions Identified as “Special” in House of Commons *Journals* or *Debates*

Parliament, session	Opening day of the session	Last sitting day of the House	Number of sitting days	Specific purpose
12-4	1914-08-18	1914-08-22	5	Outbreak of World War I
17-1	1930-09-08	1930-09-22	12	Exceptional economic conditions
18-5	1939-09-07	1939-09-13	6	Outbreak of World War II
21-3	1950-08-29	1951-01-29	17	Disruption of railway transportation facilities and war in Korea
22-4	1956-11-26	1957-01-18	5	Hostilities in Middle East and events in Hungary

16. See Minute of a Meeting of the Committee of the Privy Council, PC 3374, October 25, 1935, “Memorandum regarding certain of the functions of the Prime Minister”, which stated that recommendations (to the Crown) concerning the convocation and dissolution of Parliament are the “special prerogatives” of the Prime Minister.
17. See, for example, *Proclamation Summoning the House of Commons to Meet on November 16, 2015*, SI/2015-77, (2015) C Gaz II, 4.
18. For example, prior to the opening of the First Session of the Thirty-Ninth Parliament, a proclamation was initially issued summoning Parliament to meet on February 20, 2006. A second proclamation was later issued summoning Parliament to meet on April 3, 2006, and finally a third was issued summoning Parliament for the “Dispatch of Business” on April 3, 2006, at 11 a.m. (*Proclamation Summoning Parliament to Meet on February 20, 2006*, SI/2005-132, (2005) C Gaz II, 4; *Proclamation Summoning*

Parliament to Meet on April 3, 2006, SI/2006-50, (2006) C Gaz II, 1–2); *Proclamation Summoning Parliament to Meet on April 3, 2006 (DISPATCH OF BUSINESS)*, SI/2006-52, (2006) C Gaz II, 1–2). See also the proclamation published before the First Session of the Forty-Second Parliament summoning the House to meet on November 16, 2015. A second proclamation was then issued to set the meeting for December 3, 2015, at 1 p.m. (*Proclamation Summoning the House of Commons to Meet on November 16, 2015*, SI/2015-77, (2015) C Gaz II, 4; *Proclamation Summoning Parliament to Meet on the third day of December, 2015*, SI/2015-113, (2015) C Gaz II, 1–2).

The usual practice has been for Parliament to meet for the Speech from the Throne in the afternoon. On October 16, 2007, Parliament was summoned to meet at 6:35 p.m., releasing the House from the constraints of the ordinary hour of daily adjournment (*Proclamation Summoning Parliament to Meet on October 16, 2007 (DISPATCH OF BUSINESS)*, SI/2007-94, (2007) C Gaz II, 1–2).

19. When the House meets for the dispatch of business, the Clerk lays a final certificate with the names of all duly elected Members upon the Table; the certificate and list of names are published in the *Journals*. See, for example, *Journals*, December 3, 2015, pp. 1–9. On one occasion, because Parliament was summoned to meet only three weeks after the general election, the list of elected Members was not tabled by the Clerk until the fourth sitting day (*Journals*, December 15, 1988, pp. 26–33).
20. *Constitution Act, 1867*, *supra* note 1, s 128. The requirement stems from English practice dating back to the 16th century. The *Act of Supremacy* (UK), 1 Eliz I, c 1, was adopted amid the political and religious conflicts of the time. It required all Members to declare their belief in the Sovereign as supreme governor in matters both temporal and ecclesiastical. See Josef Redlich, *The Procedure of the House of Commons: A Study of its History and Present Form*, Vol. II, transl. Alfred Ernest Steinthal (1908; repr., New York: AMS Press, 1969), pp. 62–4. For further information on the oath, see Chapter 4, “The House of Commons and Its Members”.
- 21.

- Affirmation is not mentioned in the Constitution. Instructions issued by the Crown in 1905 allowed Members to take the oath or make an affirmation. See Arthur Beauchesne, *Rules and Forms of the House of Commons of Canada*, 4th ed. (Toronto: Carswell, 1958), p. 13. For further information on the affirmation, see Chapter 4, “The House of Commons and Its Members”.
- 22.** Section 128 of the *Constitution Act, 1867*, *supra* note 1, states that the oath is to be taken before “the Governor General or some person authorized by him”. In the Fortieth and Forty-First Parliaments, the Clerk and the Deputy Clerk of the House swore in the Members (*Journals*, November 18, 2008, p. 1; June 2, 2011, p. 1). On March 17, 2015, Order in Council PC 2015-334 authorized the Clerk, the Deputy Clerk, the Sergeant-at-Arms, the Law Clerk and Parliamentary Counsel, and the Clerks Assistant to administer the Oath of Allegiance. For the Forty-Second Parliament, the Acting Clerk of the House of Commons, the Acting Deputy Clerk and two Clerks Assistant administered the oath to Members (*Journals*, December 3, 2015, p. 1).
- 23.** On occasion, some political parties have opted to organize group swearing-in ceremonies. In 1985, in the interest of increasing awareness of parliamentary institutions, the McGrath Committee recommended a televised collective swearing-in of all Members, in addition to the customary private swearing-in for individual Members (Third Report of the Special Committee on the Reform of the House of Commons, pp. 57–8, presented to the House on June 18, 1985 (*Journals*, p. 839)). No subsequent action was taken.
- 24.** Standing Orders 2 to 6. For further information on the election of the Speaker, see Chapter 7, “The Speaker and Other Presiding Officers of the House”.
- 25.** The Usher of the Black Rod is an officer of the Senate whose responsibilities include delivering messages to the House of Commons when its Members’ attendance is required in the Senate Chamber by the Governor General or a Deputy of the Governor General. On November 6, 1997, the title of the Office was changed from “Gentleman Usher of the Black Rod” to “Usher of the Black Rod” (*Journals*

- of the Senate*, pp. 165–7, *Debates of the Senate*, pp. 333–43).
26. A Deputy to the Governor General, usually a Justice of the Supreme Court, exercises the powers of the Governor General on certain occasions (*Constitution Act, 1867 supra* note 1, s 14). See also Part VII of *Letters Patent constituting the office of Governor General of Canada* (1947), C Gaz I, 1–5, reprinted in RSC, 1985, Appendix II, No 31 [1947 *Letters Patent*]. Since the opening of the Fifth Session of the Third Parliament in 1878, a Deputy of the Governor General rather than the Governor General has received the House in the Senate prior to the election of a Speaker.
27. See, for example, *Journals of the Senate*, December 3, 2015, p. 5.
28. The Speaker is elected by secret ballot and is usually a government Member. There have been three occasions, occurring in minority Parliaments, when opposition Members have become Speaker: James Jerome in 1979 and Peter Milliken in 2006 and 2008. Both Mr. Jerome and Mr. Milliken were the incumbent Speakers.
29. The Speaker of the Senate officially informs the House of the time fixed for the Speech from the Throne when the Members are summoned to the Senate on the first day of the new Parliament. See, for example, *Journals of the Senate*, December 3, 2015, p. 5.
30. This message can be delivered on the same day as the election of the Speaker (see, for example, *Journals*, December 12, 1988, pp. 3–4), or on another day (see, for example, *Journals*, April 4, 2006, p. 11). Since 1994, the practice has been for the House to adjourn following the election of the Speaker and for the message to be delivered the following day.
31. The tradition of meeting in the Senate is consistent with the practice established in the United Kingdom whereby the rightful place of the Sovereign in Parliament is in the Upper House—no monarch, or monarch’s representative, have entered the House of Commons since King Charles I in 1642. See Redlich, *The Procedure of the House of Commons*, vol. II, pp. 89–90. During the rebuilding of the Centre Block following the great fire of 1916, the first session in

- the new building opened on February 26, 1920. Because the Senate Chamber was not ready, the Senate occupied the House of Commons Chamber on opening day, thereafter moving to the Railway Committee Room elsewhere in the building (*Debates of the Senate*, February 26, 1920, p. 1; February 27, 1920, p. 2).
32. See, for example, *Journals of the Senate*, December 4, 2015, p. 9; *Journals*, December 4, 2015, p. 13.
33. There is no longer any question of the choice of Speaker by the House being subject to approbation, confirmation or ratification by the Crown. In the pre-1841 legislatures of Upper and Lower Canada, however, it was customary for the new Speaker to seek the approval of the governor. In 1827, Lord Dalhousie, then Governor General of Lower Canada, refused to accept Louis-Joseph Papineau as Speaker of the Legislative Assembly. The Assembly passed resolutions declaring this action unconstitutional, and expunged the proceedings from their *Journals*. The Governor General prorogued Parliament and, in the next session, Mr. Papineau received the approval of Sir James Kempt, Lord Dalhousie's successor. The practice of ratifying the Assembly's choice of Speaker was discontinued in the first session following union in 1841, *The Union Act, 1840* (UK), 3 & 4 Vict, c 35, reprinted in RSC 1985, Appendix II, No 4, being silent on the matter. See Sir John George Bourinot, *Parliamentary Procedure and Practice in the Dominion of Canada*, 4th ed., ed. Thomas Barnard Flint (Toronto: Canada Law Book, 1916), pp. 92–3.
34. See, for example, *Journals of the Senate*, December 4, 2015, p. 9.
35. Bourinot, *Parliamentary Procedure and Practice*, 4th ed., pp. 49–50. On such an occasion, a newly elected Speaker attends the Senate and states only that he or she has been elected Speaker, and that any faults should be attributed to the Speaker and not to the Commons. See, for example, *Journals*, January 16, 1984, p. 73; October 1, 1986, p. 12.
36. In 1986, Speaker John Bosley announced his intention to step down as Speaker as soon as a successor was elected. The election took place prior to the official opening of the Second Session of the

- Thirty-Third Parliament (*Journals*, September 30, 1986, pp. 2–9).
37. *Journals*, October 14, 1957, p. 8; October 18, 1977, p. 2.
38. On two occasions, the wife of the Governor General shared in the reading of the Speech from the Throne. Jules Léger took office as Governor General in January 1974; in June of that year, he suffered a debilitating stroke which affected his speech. During his tenure, four sessions of Parliament were opened: on September 30, 1974, the Speech from the Throne was read by the Administrator of the Government of Canada; on October 18, 1977, it was read by the Sovereign; and on October 12, 1976, and October 11, 1978, the Governor General and Madame Léger shared the reading of the Speech from the Throne.
39. See, for example, *Journals*, December 4, 2015, p. 13.
40. *1947 Letters Patent*, *supra* note 26, Part VIII.
41. *Journals*, March 12, 1931, p. 3; May 16, 1940, p. 9; May 16, 1963, p. 9; September 30, 1974, p. 8.
42. See, for example, *Journals*, September 30, 1974, p. 8.
43. See Speaker Cockburn’s ruling respecting the first day of a session (*Journals*, March 24, 1873, p. 58). In this ruling, the Speaker referred to the procedural authorities Hatsell, Dwarris, May and Todd. An exception to this established procedure occurred in October 1995, when the Legislative Assembly of New Brunswick considered a resolution concerning the status of Quebec as a distinct society before a message was read calling the Assembly to the formal opening of the First Session of the Fifty-Third Legislature on February 6, 1996, at which time the Speech from the Throne was read by the Lieutenant-Governor (Province of New Brunswick, Legislative Assembly, *Journals of the Legislative Assembly*, October 25, 1995, pp. 1–6; February 6, 1996, pp. 7–27). Another exception occurred on October 16, 2007, which was the first day of the Second Session of the Thirty-Ninth Parliament, when the House of Commons began its business before the Speech from the Throne. At that time, the Speaker announced vacancies, proceeded to introduce new Members, heard a question of privilege before taking it under advisement, and made a statement regarding the reinstatement of Private Members’

- Business (*Journals*, pp. 1–3, *Debates*, pp. 1–3). All of these announcements were made before the House proceeded to the Senate Chamber.
44. See, for example, *Journals*, December 4, 2015, p. 13.
45. The *Order Paper and Notice Paper* is not produced for the first day of the session. Should the government have one or more items of business requiring the immediate consideration of the House, a *Special Order Paper and Notice Paper* is published pursuant to Standing Order 55(1). Before proceeding with the routine opening day motions and announcements, the Speaker informs the House that a *Special Order Paper* has been published and tables correspondence from the Government House Leader with respect to the bill(s) or motion(s) placed on notice. See, for example, *Journals*, January 26, 2009, p. 1; March 3, 2010, p. 1; October 16, 2013, p. 3. For further information, see Chapter 12, “The Process of Debate”, and Chapter 24, “The Parliamentary Record”.
46. See, for example, *Journals*, October 16, 2013, p. 3. For an example of an occasion on which the practice was not adhered to, see *Journals*, August 29, 1950, p. 4, *Debates*, pp. 1–2. The House had been recalled to a special session that day to deal with a labour dispute, among other matters. Instead of the usual pro forma bill, the government introduced back-to-work legislation, which was read a first time and ordered for second reading later that day.
47. The introduction of a pro forma bill, a ritual act of independence, has existed as a practice of the House since before Confederation. It originated in the English House of Commons in 1558, being confirmed in the following resolution adopted on March 22, 1603: “That the first day of sitting, in every Parliament, some one Bill, and no more, receiveth a first reading for form’s sake”. See John Hatsell, *Precedents of Proceedings in the House of Commons*, vol. 2 (1818; repr., South Hackensack: Rothman Reprints, 1971), p. 81. By custom, Bill C-1 is introduced but not printed. Exceptionally, in 2008, Prime Minister Stephen Harper tabled a document entitled “An Act respecting the administration of oaths of office” (*Journals*, November 19, 2008, p. 12, *Debates*, pp. 13–4) in addition to introducing the usual bill. Over the course of the next four sessions,

the House ordered, by unanimous consent, that the pro forma bill be printed (*Journals*, January 26, 2009, pp. 1–2; March 3, 2010, pp. 1–2; June 3, 2011, p. 1; October 16, 2013, p. 3). At the opening of the First Session of the Forty-Second Parliament on December 4, 2015, the new government returned to the previous practice, introducing a pro forma bill without asking that the House order it to be printed (*Journals*, December 4, 2015, p. 13). The custom is observed in other Parliaments where, in most cases, the bill is read a first time and not heard of again until the start of the next session. The Australian House of Representatives refers to its “formal” or “privilege” bill. See *House of Representatives Practice*, 6th ed., ed. Bernard Clive Wright and P. E. Fowler (Canberra: Department of the House of Representatives, 2012), p. 220. In the British House, it is called the Outlawries Bill. See Thomas Erskine May, *Erskine May’s Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 24th ed., ed. Sir Malcolm Jack, Mark Hutton and Douglas Millar (London: LexisNexis, 2011), p. 159. In the Legislative Assembly of British Columbia, the pro forma bill is Bill 1, *An Act to ensure the Supremacy of Parliament*. See, for example, Province of British Columbia, Legislative Assembly, *Debates of the Legislative Assembly (Hansard)*, February 10, 2015, p. 5655. In Ontario, the bill is Bill 1, *An Act to perpetuate an ancient parliamentary right*. See, for example, Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, July 3, 2014, p. 8.

48. The text of the Speech from the Throne used to be printed in the *Journals* as well as the *Debates*. However, since 1996, the text has been published only in the *Debates*.
49. The motion is debatable and amendable. In 1988, for example, the motion was debated and adopted on a recorded division (*Journals*, December 12, 1988, pp. 6–7). In 1926, an amendment was moved, debated at length and eventually negatived on a recorded division (*Journals*, January 8, 1926, pp. 12–3; January 15, 1926, pp. 28–9). Adopting the motion implies no obligation on the part of the government to take into consideration the motion for the Address in Reply to the Speech from the Throne during the session. See, for example, *Journals*, October 16,

- 2013, pp. 3–4; *Order Paper and Notice Paper at dissolution*, August 2, 2015, p. 37. For further information on the Address in Reply, see Chapter 15, “Special Debates”.
50. See, for example, *Journals*, December 4, 2015, p. 14. The announcement can also be made in the days following the opening day. See, for example, *Journals*, June 7, 2011, p. 25. The announcement is made pursuant to the *Parliament of Canada Act*, RSC 1985, c P-1, s 50(4) [*Parliament of Canada Act*]. For further information on the role and functions of the Board of Internal Economy, see Chapter 6, “The Physical and Administrative Setting”.
51. Standing Order 81(1). An Order of the Day is an item of business on the House agenda (*Order Paper*). “Continuing” means that the order for the business of supply will remain on the *Order Paper* for every sitting of the session thereafter.
52. See, for example, *Debates*, September 30, 2002, p. 6; April 4, 2006, p. 10; October 16, 2013, p. 13; December 4, 2015, p. 11. For further information on the supply process, see Chapter 18, “Financial Procedures”. On occasion, the statement has not been made in the Speech from the Throne (*Journals*, September 8, 1930, p. 9; January 25, 1940, p. 8; October 9, 1951, pp. 2–4; December 12, 1988, pp. 5–6; April 3, 1989, pp. 3–12; *Debates*, October 16, 2007, pp. 3–7; November 19, 2008, pp. 14–9; January 26, 2009, pp. 1–2; March 3, 2010, pp. 2–9). The Speaker ruled on May 2, 1989, that the *Standing Orders* do not specify that a request for funds must appear in the Speech from the Throne (*Debates*, pp. 1175–7).
53. The normal supply cycle may be disrupted by a prorogation or dissolution of Parliament and, in these cases, the number of allotted days in each supply period may be increased or decreased. The Speaker must determine and announce to the House the reduction or increase in the number of allotted days for the current supply period (Standing Order 81(10) (b) and (c)). See, for example, *Journals*, October 16, 2013, p. 4; December 4, 2015, p. 14. For further information, see Chapter 18, “Financial Procedures”.
54. Standing Order 104(1). In 1962, however, such a motion was moved and adopted by unanimous consent on the 11th sitting day (*Journals*, October 12, 1962, p. 63). Formerly, this Standing Order

- provided for the appointment of a seven-member striking committee at the commencement of the first session of each Parliament. In 1991, the rule was amended (*Journals*, April 11, 1991, pp. 2904–5, 2922) and the task of selecting committee membership became one of the duties of a new standing committee, since renamed the Standing Committee on Procedure and House Affairs.
55. See, for example, *Journals*, December 4, 2015, p. 15. The practice of moving a formal resolution for the appointment of committees without notice is described in the first edition of Bourinot (Sir John George Bourinot, *Parliamentary Procedure and Practice in the Dominion of Canada* (1884; repr., South Hackensack: Rothman Reprints, 1971), pp. 231–2).
56. Standing Order 7. See, for example, *Journals*, June 6, 2011, pp. 17–8; December 4, 2015, p. 14. Standing Order 7(3) provides for the selection of a successor should a vacancy arise during the course of the Parliament.
57. With the exception of Deputy Speakers appointed in 1973 and 1979, who were members of the Official Opposition, the usual practice, until 2004, was for the Deputy Speaker to be a member of the governing party. The Deputy Speaker for the Thirty-Ninth Parliament, Bill Blaikie (Elmwood—Transcona), was not from the government side or the Official Opposition, but from one of the other opposition parties (see Appendix 3, “Deputy Speakers and Chairs of Committees of the Whole Since 1885”, of this volume).
58. Standing Order 8. They are usually from the government side; however, the Deputy Chairman of Committees of the Whole in 1997 (Ian McClelland) and the Assistant Deputy Chair of Committees of the Whole in 2004 (Betty Hinton) were chosen from among the Members of the Official Opposition. The Deputy Chair of Committees of the Whole in 2008 (Denise Savoie) and the Assistant Deputy Speaker and Deputy Chair of Committees of the Whole in 2015 (Carol Hughes) were appointed from one of the other opposition parties (see Appendix 4, “Assistant Deputy Speakers and Deputy Chairs of Committees of the Whole Since 1938” and Appendix 5, “Assistant Deputy Speakers and Assistant Deputy Chairs of

Committees of the Whole Since 1967”, of this volume). The timing of these appointments has varied. For example, appointments have been made on the first sitting day of the session (*Journals*, February 2, 2004, p. 4), on the third sitting day (*Journals*, April 5, 2006, pp. 21–2; October 18, 2007, p. 25; June 6, 2011, p. 18; December 7, 2015, pp. 21–2), on the fourth sitting day (*Journals*, October 7, 2004, p. 31; November 21, 2008, p. 21) and on the fifth sitting day (*Journals*, December 9, 2015, p. 34). On the fifth sitting day in 2015, the House also made Mauril Bélanger an honorary Chair Occupant for one day to express its appreciation of his service to the Parliament of Canada (*Journals*, December 9, 2015, p. 33).

59. Prior to the adoption of amendments to Standing Orders 7 and 8 in 2004 (*Journals*, October 5, 2004, p. 14; October 22, 2004, p. 136), debate was permitted on such motions. On rare occasions, these motions provoked some dissent. In 1962, the motion to select the Deputy Speaker was adopted after a recorded division (*Journals*, January 18, 1962, pp. 6–7). In 1990, the motion to select the Assistant Deputy Chairman of Committees of the Whole was adopted on a recorded division (*Journals*, October 2, 1990, p. 2050). In 1996, the motion to select the Deputy Chairman of Committees of the Whole was adopted on a recorded division (*Journals*, February 27, 1996, p. 3) and the motion to select the Assistant Deputy Chairman of Committees of the Whole was also adopted on a recorded division (*Journals*, February 27, 1996, p. 4; February 28, 1996, pp. 9–10). Later in the session, the post of Deputy Chairman of Committees of the Whole was vacated and a motion was moved selecting a successor. It was debated; an amendment was moved and negatived on a recorded division; the motion was closed and later adopted on a recorded division (*Journals*, October 28, 1996, pp. 778–9; October 29, 1996, pp. 784–9). On September 30, 2002, the motion to appoint the Deputy Chairman of Committees of the Whole was debated and adopted on division (*Journals*, p. 2). For further information on the election, roles and functions of these Presiding Officers, see Chapter 7, “The Speaker and Other Presiding Officers of the House”.

60. In 1996, on the first day of a new session and after all the usual business items had been dealt with, Speaker Parent responded to a point of order that had been raised in the previous session. The point of order concerned the designation of the Official Opposition, as events had resulted in an equality of seats between the two main opposition parties. Although prorogation normally puts to an end any outstanding business, the Speaker determined that the recent equality of seats had created a new context and required an immediate statement on the issue (*Debates*, February 27, 1996, pp. 16–20). In 2004, Speaker Milliken made a statement regarding the seating arrangements for the former Canadian Alliance and Progressive Conservative Members (*Debates*, February 2, 2004, p. 1). On March 3, 2010, before proceeding to consideration of the motion for the Address in Reply to the Speech from the Throne, the House resolved itself into a Committee of the Whole in order to welcome torchbearers carrying the Paralympic flame (*Debates*, pp. 11–2). On December 4, 2015, the House observed a moment of silence in memory of the victims of the tragic event that had occurred at École polytechnique de Montréal, designated Audrey Elizabeth O’Brien as Clerk Emerita and an Honorary Officer of the House of Commons, and made a provisional amendment to Standing Order 81(5) before adjourning (*Journals*, pp. 14–6; *Debates*, p. 11).
61. See, for example, *Journals*, September 15, 1949, pp. 10–3; January 14, 1960, pp. 2–3; October 9, 1979, pp. 17–8; December 12, 1988, pp. 7–8; October 12, 1999, p. 6; October 16, 2013, pp. 1–2. For further information, see Chapter 4, “The House of Commons and Its Members”.
62. See, for example, *Journals*, August 29, 1950, p. 4; January 14, 1960, pp. 3–4; April 3, 1989, pp. 2–3; October 16, 2007, p. 2. For further information on a new Member’s entrance in and introduction to the House, see Chapter 4, “The House of Commons and Its Members”.
63. *Journals*, August 18, 1914, pp. 2–3; September 8, 1930, p. 9; September 7, 1939, p. 2; August 29, 1950, pp. 4–5; November 26, 1956, p. 2.
64. *Journals*, August 18, 1914, p. 3; September 8, 1930, p. 10; September 7, 1939, p. 5; August 29, 1950, p. 5;

65.

November 26, 1956, p. 3.

See, for example, the short-lived First Session of the Thirty-Fourth Parliament, which is not specifically designated as “special” in the *Journals* or *Debates* of the House of Commons. Parliament met on December 12, 1988, three weeks after the general election of November 21, 1988, to deal with a bill to implement a free trade agreement between Canada and the United States. This was also the date set for the return of the writs. The list of Members elected and the accompanying certificate of the Chief Electoral Officer, usually tabled by the Clerk immediately when the House meets for the dispatch of business, was not tabled until December 15, 1988, the fourth sitting day of the session (*Journals*, pp. 26–33). On December 23, the House passed the bill and adjourned pursuant to Special Order, then reconvened for Royal Assent on December 30 and adjourned until March 6, 1989 (*Journals*, December 23, 1988, pp. 80–2, 84; December 30, 1988, pp. 86–8). Parliament was prorogued by proclamation dated February 28, 1989.

Standing Orders may be suspended in sessions of short duration not designated as “special” just as they may be in special sessions. In 1945 (Sixth Session of the Nineteenth Parliament), the House agreed to give precedence to Government Orders for the balance of the session and to treat Wednesdays (then a day of early adjournment) as other sitting days (*Journals*, March 19, 1945, p. 3). In 1988 (First Session of the Thirty-Fourth Parliament), a motion was adopted (and deemed rescinded on completion of the business at hand) to extend the hours of sitting and suspend the operation of certain Standing Orders (*Journals*, December 16, 1988, pp. 46–9; December 30, 1988, p. 87).

Sessions of short duration often have unintended consequences, whether Standing Orders are suspended or not. During some sessions, a debate was not held on the *Standing Orders* and procedure pursuant to Standing Order 51, as was the case during the First Session of the Thirty-Fourth Parliament (from December 12, 1988, to February 28, 1989) and the First Session of the Fortieth Parliament (from November 18 to December 4, 2008), or the order of precedence for Private

Members' Business was not established, as was the case during the First Session of the Fortieth Parliament (*Order Paper and Notice Paper at prorogation*, December 4, 2008, p. 19). In addition, since the Standing Committee on Procedure and House Affairs presented its report on the striking of membership of standing and standing joint committees only two days before the First Session of the Fortieth Parliament was prorogued (*Journals*, December 2, 2008, pp. 61–92), no committee met for the purpose of electing a chair, pursuant to Standing Order 106.

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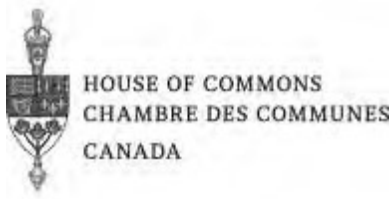
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**This is Exhibit “H”
mentioned and referred
to in the affidavit of
Nathan Chevrier Sworn
remotely on this 6th day of
March 2025.**



Janet Elizabeth Forbes,
a Commissioner, etc., Province
of Ontario, for the Government
of Canada, Department of Justice.
Expires February 11, 2028

A Commissioner, etc.



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House of Commons Procedure and Practice, Third Edition, 2017

Edited by Marc Bosc and André Gagnon

Chapter 8 The Parliamentary Cycle

Recall of the House During an Adjournment

When the House stands adjourned during a session, the *Standing Orders* provide the means by which the House may be recalled prior to the date originally specified to transact business as if it had been duly adjourned to the earlier date.⁹⁵ This process usually begins with a government request made in writing to the Speaker setting out reasons why it is in the public interest to recall the House. The request may be made at any time.⁹⁶ The decision to recall is taken by the Speaker, after consultation with the government and once the Speaker is satisfied that the public interest would be served by an earlier meeting of the House.⁹⁷ The *Standing Orders* make no reference to criteria other than the public interest. Should the Speaker be satisfied of the need for the recall, the *Standing Orders* further provide for the Speaker to give notice of the day and hour of the resumption of business. Normally, the Speaker requests a period of time following the notice (the practice is a minimum of 48 hours) in which to notify Members individually and allow for their travel time to Ottawa. Depending on the circumstances, a *Special Order Paper and Notice Paper* (in addition to the regular *Order Paper and Notice Paper*) may be published at the request of the government.⁹⁸

When a decision is taken to recall the House, the Speaker advises the Clerk of the House and asks that the necessary steps be taken to resume business. Should

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the Speaker be unable to act due to illness or any other reason, deputy presiding officers may act in the Speaker's place for the purpose of this particular Standing Order. The Clerk then ensures that all is made ready for the resumption of the sittings.

House officials are responsible for the logistics of the recall, including informing the Members and publishing the *Order Paper and Notice Paper* (and a *Special Order Paper and Notice Paper*, if the government so requests).⁹⁹

Historical Perspective

For the first 70 years after Confederation, the practice was to end a session of Parliament by prorogation rather than have a lengthy adjournment. In 1940, however, given the uncertainty of the wartime situation, it was deemed advisable to adjourn rather than to prorogue in order to enable the House to reconvene quickly if necessary. The House adopted a motion to adjourn which empowered the Speaker to recall the House if, after consultation with the government, it was concluded that it was in the public interest to do so.¹⁰⁰ Similar motions were adopted in subsequent sessions and became routine when the House adjourned for an extended period of time.

The first recall under these circumstances occurred in 1944 when the government wished to apprise the House of the situation arising from the resignation of the Minister of National Defence.¹⁰¹ Several other recalls took place before 1982,¹⁰² at which time the practice was codified by the adoption of a Standing Order worded similarly to the adjournment motions used before 1982.¹⁰³

Cancelling Recall Order

No mechanism exists to cancel an order to recall the House. However, on one occasion, the Speaker issued a formal statement in which he cancelled an earlier notice for recall after receiving such a request from all the recognized parties in the House. The original notice was given on June 26, 1992, for the House to meet on July 15, 1992; the notice of cancellation was given on July 11, 1992, and tabled on September 8, 1992, at which time the Speaker made a statement to the House.¹⁰⁴

Order of Business upon Resumption of Sitting

When the House reassembles following a recall, the Speaker informs the House of the reason for the recall, the various steps taken to effect the recall and, if a *Special Order Paper and Notice Paper* was requested by the government, the steps taken for its publication and circulation.¹⁰⁵ Since 1980, the Speaker has also tabled correspondence received from the government concerning the recall.¹⁰⁶

A recall has no effect on the ordinary daily order of business of the House. When the House first meets following a recall, Routine Proceedings, Question Period and other proceedings are all held in the usual manner depending on the time of meeting of the House, which is set out in the notice of recall.¹⁰⁷ Unless a motion to adjourn to a later date is adopted, or the session is ended by prorogation, the House merely continues on subsequent days with its regular sittings as if it had been adjourned to the recall date. In such cases, the House may well operate outside the calendar for some time, as it did in 1987 when the House was recalled in early August and did not again adjourn for an extended period until the December break, which was in accordance with the calendar.¹⁰⁸

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- 95.** Standing Order 28(3). See also Appendix 12, “Recalls of the House of Commons During Adjournment Periods Since 1867”, of this volume.
- 96.** In 1991, for example, the letter requesting the January recall was dated Saturday, January 12, 1991 (*Journals*, January 15, 1991, p. 2556).
- 97.** See, for example, *Journals*, September 8, 1992, p. 1924. On July 3, 1987, the government requested a recall, citing pressing legislation then in the Senate. The House was not recalled; it was reported that the government and the Senate were pursuing an agreement on the handling of the bills in question. On August 7, 1987, citing different reasons, the government again requested a recall; the Speaker granted the request and the House was recalled on August 11 (*Journals*, p. 1308). During the 1991 crisis in the Persian Gulf, the House adopted a motion allowing two of its standing committees to request that the Speaker recall the House, with Standing Order 28(3) temporarily modified to provide for a 12-hour notice (*Journals*, January 21, 1991, pp. 2587–8).
- 98.** Standing Order 55. See, for example, *Journals*, September 8, 1992, p. 1924.
- 99.** A message is sent to all Members under the Speaker’s signature advising them of the date and time of the recall. Since 1986, these messages have been sent via electronic mail. See, for example, *Debates*, July 24, 1986, p. 15011; *Journals*, January 15, 1991, p. 2556. Prior to this, telegrams were used. See, for example, *Debates*, November 22, 1944, p. 6504; August 9, 1977, p. 8129. In cases where special transportation arrangements are required, House officials may work with the Department of

National Defence and will include in the notice to Members details of the routing and scheduling of aircraft. In 1977, for example, travel by military aircraft was arranged when the House was recalled due to a nationwide strike which had the effect of closing down the commercial air transportation industry.

The party Whips' offices are also notified of the recall and of any special transportation arrangements. In addition, the necessary steps are taken to ensure that Members travelling on parliamentary business at the time of a recall are informed of the recall and provided assistance in returning to Ottawa.

In the past, a notice of recall was published under the Speaker's signature in a special or "extra" edition of the *Canada Gazette*. There is no statutory requirement for this measure and the practice was abandoned with the recall of February 1991.

- 100.** *Journals*, August 3, 1940, p. 325.
- 101.** *Journals*, November 22, 1944, p. 921. See also *Debates*, November 22, 1944, p. 6505. The recall of 1944 was the first to take place pursuant to an Order of the House.
- 102.** Recalls from adjournment took place in 1951, 1966, 1972, 1973, 1977 and 1980.
- 103.** Standing Order 28(3); Third Report of the Special Committee on Standing Orders and Procedure, p. 12, presented to the House on November 5, 1982 (*Journals*, p. 5328). The Standing Order came into effect on December 22, 1982 (*Journals*, November 29, 1982, p. 5400). The House was later recalled pursuant to Standing Order 28(3) in 1986, 1987, 1991 (twice) and 1992 (see Appendix 12 "Recalls of the House of Commons During Adjournment Periods Since 1867" for a list of recalls and the reasons for the recalls during adjournment periods since 1867, of this volume).
- 104.** *Journals*, September 8, 1992, p. 1924, *Debates*, p. 12709.
- 105.** See, for example, *Debates*, November 22, 1944, p. 6504; January 29, 1951, p. 755; August 30, 1973, p. 6059; January 15, 1991, p. 16981.
- 106.** *Journals*, October 6, 1980, p. 504; July 24, 1986, p. 2474; August 11, 1987, p. 1308; January 15, 1991, p. 2556; February 25, 1991, p. 2602; September 8, 1992, p. 1924.

- 107.** On Mondays, for example, the usual time of meeting is 11:00 a.m. (Standing Order 24(1)); when the House was recalled at 2:00 p.m. on Monday, February 25, 1991, the Speaker made the usual statement as to the recall, and the House proceeded with the daily program for Monday afternoon as set out in the *Standing Orders (Journals)*, February 25, 1991, pp. 2602–21.
- 108.** *Journals*, August 11, 1987, p. 1308; December 18, 1987, pp. 2018–9.
-

For questions about parliamentary procedure, contact the Table Research Branch

☎ 613-996-3611

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**This is Exhibit “I”
mentioned and referred
to in the affidavit of
Nathan Chevrier Sworn
remotely on this 6th day of
March 2025.**



Janet Elizabeth Forbes,
a Commissioner, etc., Province
of Ontario, for the Government
of Canada, Department of Justice.
Expires February 11, 2028

A Commissioner, etc.

BJORKQUIST ET AL

AND

ATTORNEY GENERAL OF CANADA

Applicants

Respondent

***SUPERIOR COURT OF JUSTICE
ONTARIO***

Proceeding Commenced at
TORONTO

AFFIDAVIT OF NATHAN CHEVRIER

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Our File: LEX-500074932

Lawyers for the Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) THE []
)
JUSTICE JASMINE AKBARALI) DAY OF March, 2025

B E T W E E N:

**SARA ANN BJORKQUIST, DOUGLAS ROY BROOKE,
AB (BY THEIR LITIGATION GUARDIAN DOUGAS ROY BROOKE),
GREGORY BURGESS,
QR (BY THEIR LITIGATION GUARDIAN GREGORY BURGESS)
PATRICK CHANDLER, PAUL CHANDLER,
MN (BY THEIR LITIGATION GUARDIAN PATRICK CHANDLER),
OP (BY THEIR LITIGATION GUARDIAN PATRICK CHANDLER),
EMMA KENYON, MARIAN KENYON, ROGER KENYON,
IJ (BY THEIR LITIGATION GUARDIAN EMMA KENYON),
VICTORIA MARUYAMA
CD (BY THEIR LITIGATION GUARDIAN VICTORIA MARUYAMA),
EF (BY THEIR LITIGATION GUARDIAN VICTORIA MARUYAMA),
ALEXANDER KOVACS,
KL (BY THEIR LITIGATION GUARDIAN ALEXANDER KOVACS),
THOMAS SETTERFIELD, TIMOTHY SETTERFIELD,
GH (BY THEIR LITIGATION GUARDIAN TIMOTHY SETTERFIELD),
DANIEL WARELIS, AND WILLIAM WARELIS**

Applicants

– and –

ATTORNEY GENERAL OF CANADA

Respondent

ORDER

THIS APPLICATION, made by the Respondent for:

- a. An order to extend the March 19, 2025 suspension of the declaration of constitutional invalidity of sections 3(3)(a) and 3(3)(b) of the *Citizenship Act*, R.S.C. 1985, c. C-29 (the “Act”) for twelve months; contingent on the Respondent implementing an expanded version of the interim measure, as described in the affidavit of Patrice Milord;

- b. In the alternative, an interim order to extend the suspended declaration of invalidity until ten days after the release of the Court's decision on this motion;
- c. Such further and other relief as to this Honourable Court deems just.

ON READING the Respondent's Record dated March 6, 2025 and the Applicants responding materials and evidence and upon hearing the oral submissions of the parties;

THIS COURT ORDERS the Respondent is granted an extension of twelve months on the suspension of the declaration of constitutional invalidity of sections 3(3)(a) and 3(3)(b) of the *Citizenship Act*, R.S.C. 1985, c. C-29 from the date of this Order.

(Signature of judge, associate judge or registrar)

BJORKQUIST ET AL

Applicants

AND

ATTORNEY GENERAL OF CANADA

Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at
TORONTO

ORDER ON BEHALF OF THE RESPONDENT

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BJORKQUIST ET AL

AND

ATTORNEY GENERAL OF CANADA

Applicants

Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at Toronto

RESPONDENT'S MOTION RECORD

(Motion for Extension of Suspension of Declaration of
Invalidity)

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