

File No: CI14-01-

THE QUEEN'S BENCH
WINNIPEG CENTRE

BETWEEN:

KEVIN RICHARD KISILOWSKY

applicant,

and

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF MANITOBA

respondent,

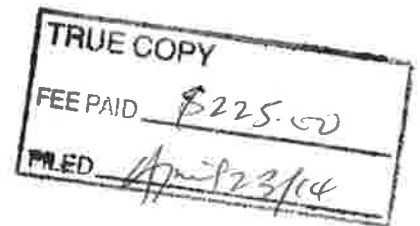
NOTICE OF APPLICATION
CIVIL UNCONTESTED LIST
HEARING DATE: Thursday, May 29, 2014 at 10:00 a.m.

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Counsel for the Applicant

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NOTICE OF APPLICATION

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing before a judge, on Thursday, the 29th day of May, 2014, at 10:00 a.m., at the Law Courts, 408 York Avenue, Winnipeg, Manitoba.

IF YOU WISH TO OPPOSE THIS APPLICATION, you or a Manitoba lawyer acting for you must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but not later than 2:00 p.m. on the day before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGEMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date

April 23/14

Issued

Deputy Registrar

J. DOUGLAS
DEPUTY REGISTRAR
COURT OF QUEEN'S BENCH
FOR MANITOBA

To:

The Government of Manitoba
The Vital Statistics Agency
254 Portage Avenue
Winnipeg MB R3C 0B6

Court of Queen's Bench
Broadway and Kennedy Street
Winnipeg, Manitoba
R3C 0V8

APPLICATION

1. The Applicant, Kevin Richard Kisilowsky, makes an application for declaratory judgment, pursuant to s. 24(1) of the *Canadian Charter of Rights and Freedoms* (hereafter "*The Charter*") THAT:

(a) The freedom of conscience and religion, under s. 2(a) of the *Charter*, of the Applicant has been violated by the Respondent.

(b) The Respondent acted contrary to the *Charter*, contrary to law, and unlawfully in violating the fundamental freedom of the Respondent.

(c) The Respondent should cease from such a violation immediately.

(d) The Respondent is ordered to accommodate the Applicant to the point of undue hardship and in a manner that recognizes and respects his fundamental freedom of conscience and religion and allows the Applicant to give effect to his sincerely held religious belief.

(e) The Respondent is provided the right to decline such ceremonies that are in violation or offensive to his sincerely held beliefs.

(f) Such further and other relief as this honourable Court may allow.

(g) Costs of this application.

2. The grounds for the application are:

(a) The Manitoba Vital Statistics Agency has required Kevin Kisilowsky to provide his services as a marriage commissioner to same-sex couples, or in the event he was opposed to doing so, to face the revocation of his appointment.

(b) Mr. Kisilowsky has refused, on the basis of his sincerely-held religious beliefs, to provide his

services to same-sex couples; therefore his appointment as a marriage commissioner has been revoked.

(c) Mr. Kisilowsky is entitled to be accommodated by the Government of Manitoba to the point of undue hardship. The Government of Manitoba has not provided this or any accommodation to Mr. Kisilowsky.

(d) The decision of the Manitoba Vital Statistics Agency to require the cancellation of Kevin Kisilowsky's registration as a marriage commissioner due to his decision to refuse to marry same-sex couples and to refuse to provide accommodation to the point of undue hardship infringes on Mr. Kisilowsky's right to freedom of religion guaranteed by s. 2(a) of the *Charter* and cannot be saved by s. 1 of the *Charter*.

3. The following documentary evidence will be used at the hearing of the application:

(a) The Affidavit of Kevin Kisilowsky, sworn March 12, 2014 and filed.

(b) Such further and other evidence as this Court may allow.

Date: April 23, 2014

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