

VANCOUVER
AUG 13 2021
COURT OF APPEAL
REGISTRY

CA 47688

Court of Appeal File No. _____
Supreme Court File No. 209759
Supreme Court Registry New Westminster

COURT OF APPEAL

BETWEEN:

The Redeemed Christian Church of God

RESPONDENT
(Petitioner)

AND:

City of New Westminster

APPELLANT
(Respondent)

NOTICE OF APPEAL

Take notice that the Appellant, City of New Westminster, hereby appeals to the Court of Appeal for British Columbia from the order of Madam Justice Morellato of the Supreme Court of British Columbia pronounced the 19th day of July, 2021, at New Westminster, British Columbia.

- The appeal is from a:
 Trial Judgment Summary Trial Judgment
 Order of a Statutory Body Chambers Judgment
- This is not an appeal from an appeal under Rule 18-3 or 23-6 (8) of the Supreme Court Civil Rules or Rule 18-3 or 22-7 (8) of the Supreme Court Family Rules.
- Please identify which of the following is involved in the appeal:
 Constitutional/Administrative Civil Procedure Commercial
 Family Divorce *Family Relations Act*
 Corollary Relief in a Divorce Proceeding Other Family
 Motor Vehicle Accidents Municipal Law Real Property
 Torts Equity Wills and Estates

(The Divorce Registry will, as applicable, be notified by the Court of Appeal Registry on filing if the appeal involves divorce, corollary relief in divorce proceeding or matters under the *Family Relations Act*)

And further take notice that the Court of Appeal will be moved at the hearing of this appeal for an order that:

1. the learned chambers judge erred in declaring that the City of New Westminster unjustifiably infringed the petitioner's right to freedom of expression under s. 2(b) of the *Charter*;
2. the learned chambers judge erred in declaring that the petitioner had standing to seek a declaration under s. 2(a) of the *Charter* and was at liberty to convert the s. 2(a) claim to an action pursuant to Rule 22-1(7)(d);
3. these orders of the Supreme Court of British Columbia dated July 19, 2021 are set aside;
4. the petition of the Redeemed Christian Church of God, filed December 28, 2018 be dismissed pursuant to s. 9(1) of the *Court of Appeal Act*; and
5. costs be awarded to the City of New Westminster, in this Court and the court below.

The hearing of this proceeding occupied 2 days.

DATED at Vancouver, British Columbia, this 13 day of August, 2021.



Alison M. Latimer
Solicitor for the Appellant

To the Respondent: The Redeemed Christian Church of God

And to its solicitor: B. Langhjelm and M. Moore
Justice Centre for Constitutional Freedoms
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This Notice of Appeal is given by the Solicitor for the Appellant, Alison M. Latimer, Barrister & Solicitor, whose place of business and address for service is, 300-171 Water Street, Vancouver, BC, V6B 1A7. Tel: 778.847.7324 / Email: alison@alatimer.ca.

To the respondent: The Redeemed Christian Church of God

IF YOU INTEND TO PARTICIPATE in this appeal, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and serve the notice of appearance on the appellant WITHIN 10 DAYS of receiving this Notice of Appeal.

IF YOU FAIL TO FILE A NOTICE OF APPEARANCE

- (a) you are deemed to take no position on the appeal; and
- (b) the parties are not obliged to serve any further documents on you.

The filing registries for the British Columbia Court of Appeal are as follows:

Central Registry:

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

Other Registries:

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

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

Inquiries should be addressed to 604.660.2468

Fax filings: 604.660.1951