

IN THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN

**PRINCE ALBERT RIGHT TO LIFE ASSOCIATION
and VALERIE HETRICK**

Appellants (Applicants)

-AND-

CITY OF PRINCE ALBERT

Respondent (Respondent)

NOTICE OF CROSS-APPEAL

TAKE NOTICE:

1. THAT the Respondent hereby cross-appeals from the Order at issue in this Appeal, being the Order of the Honourable Madam Justice G. V. Goebel dated June 6, 2019.
2. THAT the Respondent seeks to have the Order varied in part as follows:
 - a. as it pertains to costs ordered at paragraph 60; and
 - b. as it pertains to errors based in fact and law at paragraphs 22-23, 30-32, 39-40, and 60.
3. THAT the cross-appeal is taken upon the following grounds:
 - a. The Application Judge erred in making findings of fact based on presumption rather than evidence:

- i. in a manner unnecessary to her determination of the Application's mootness;
 - ii. in determining that a "decision" was made by the Respondent at all, or that a reviewable decision was made;
 - iii. in determining that the Respondent did not follow its policy;
 - iv. on which the Application Judge relied in her analyses of reasonableness and/or whether the Respondent did not follow its policy in a procedurally fair manner; and/or
 - v. on which the Application Judge relied in exercising her discretion to award costs, resulting in an award of costs against the Respondent that was unreasonable or arbitrary in determination or quantum pursuant to Rule 11-1 of *The Queen's Bench Rules*.
- b. The Application Judge erred in misapplying the Doctrine of Legitimate Expectations in finding that the Appellants had "legitimate expectations" that procedural fairness was owed to them by the Respondent.
 - c. Such further and other grounds as counsel may advise and this Honourable Court permit to be argued.

4. THAT the Respondent requests the following relief:

- a. an order dismissing the Appellants' Appeal;
- b. an order setting aside the costs awarded against the Respondent in the Order, or alternatively an order varying the costs awarded against the Respondent in the Order;

- c. costs to the Respondent for this Appeal and Cross-Appeal; and
- d. such other relief as this Honourable Court may deem just.

DATED at Prince Albert, Saskatchewan, this 19th day of July, 2019.

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Per: 

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Lawyer in charge of file: **Mitchell J. Holash, Q.C.**
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