File No. CI25-01-52386

THE KING'S BENCH

Winnipeg Centre

APPLICATION UNDER: *Municipal Act,* C.C.S.M. c. M.225

Constitutional Questions Act, C.C.S.M. c. 180

Court of King's Bench Rules, M.R. 553/88

BETWEEN:

DANIEL ROBERT PAGE, KAREN LALONDE, JANET NYLEN AND GLORIA ROMANIUK

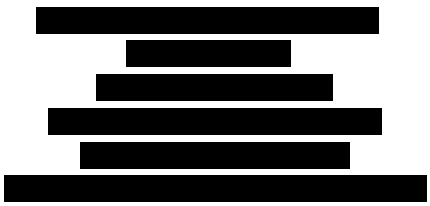
Applicants

- and -

THE RURAL MUNICIPALITY OF SPRINGFIELD

Respondent

APPLICANTS' BRIEF
SEPTEMBER 18, 2025



File No. CI25-01-52386

THE KING'S BENCH
Winnipeg Centre

APPLICATION UNDER: *Municipal Act,* C.C.S.M. c. M.225

Constitutional Questions Act, C.C.S.M. c. 180

Court of King's Bench Rules, M.R. 553/88

BETWEEN:

DANIEL ROBERT PAGE, KAREN LALONDE, JANET NYLEN AND GLORIA ROMANIUK

Applicants

- and -

THE RURAL MUNICIPALITY OF SPRINGFIELD

Respondent

APPLICANTS' BRIEF

I. OVERVIEW

1. This case concerns the recording of public meetings of municipalities and its importance to freedom of expression. There are two main issues raised in this case. The first issue concerns statutory interpretation of a by-law and whether it is *ultra vires*. The second issue presumes the by-law is *intra vires* and asks whether recording is a protected right under the oft-overlooked subcomponent of 2(b) of the *Charter,* that being the freedom of the press and media.

2. The Applicants submit that the ability to record in this context is an essential part of newsgathering activities. The ability to record public municipal proceedings and publish them is of immense value to furthering democratic discourse and truth seeking. If the ability to record is completely prohibited, it would render the ability to publish and broadcast the news meaningless.

II. FACTUAL SUMMARY

Statutory Scheme

3. As a rural municipality established under the *Municipal Act,* C.C.S.M. c. M225 ("**the Act**"), the Rural Municipality of Springfield ("**RM Springfield**") is a creature of statute and must govern itself according to the Act. Subsection 140(1) of the Act provides that council act only by resolution or by-law. Subsection 140(2) further provides that "[a] council that is expressly required or authorized under a by-law or this or any other Act to do something by by-law may do it only by by-law".

4. Section 149(1) of the Act requires a council to pass a by-law on rules of procedure and have it reviewed at least once during its term of office.

5. Further, subsection 149(3)(e) of the Act requires that the by-law rules of procedure provide for rules respecting public participation at council meetings.

6. Subsection 152(1) requires every council meeting or council committee to be conducted in public. Subsection 152(2) provides that everyone has the right to be present at a council meeting or council committee unless the person is expelled by the chair for improper conduct.

7. Subsection 152(3) allows for certain meetings to be closed to the public if the topic relates to specific topics that require a meeting to be closed.

The Applicants

8. The Applicants are all residents of RM Springfield.[1] Each applicant is engaged with municipal issues and they seek to find ways to stay informed on proceedings at RM Springfield

[1] Page Affidavit, sworn July 24, 2025 at para 3("**Page Affidavit**"); Affidavit of Karen Lalonde, sworn July 24, 2025, at para 2("**Lalonde Affidavit**"); Affidavit of Janet Nylen, sworn July 24, 2025 at para 2 ("**Nylen Affidavit**"); Affidavit of Gloria Romaniuk, sworn July 24, 2025 at para 2("**Romaniuk Affidavit**").

Council ("**RM Council**") meetings.[2]

9. The Applicant Dr. Daniel Page has made efforts to document proceedings at RM Council meetings to improve transparency and access to information for the public.[3] Dr. Page creates updates respecting issues and developments occurring at RM Council and posts on various social media platforms[4] ("**News Updates**"). In addition to in-person attendance, RM Springfield broadcasts public meetings on the Zoom Platform ("**Zoom Broadcast**"). Dr. Page also reproduces the Zoom Broadcast and occasionally attaches commentary to his News Updates.[5]

10. Dr. Page has received positive responses from members of the community for his efforts to document and report on RM Council meetings and some of the News Update posts have garnered over a thousand views.[6]

The Respondent

11. RM Springfield is a rural municipality established under subsections 4(1)(b) and 4(3) of the Act.

RM Springfield and Recordings of Public Meetings

12. RM Springfield spans a large geographic area. RM Springfield Council ("**RM Council**") holds its meetings at the administration building on the outskirts of Oakbank, Manitoba.[7] RM Council chambers can hold approximately 40 persons in the gallery. On average, about 5-10 people attend in-person. However, there are rare occasions where the gallery is full, and people are turned

[2] Page Affidavit at paras 9-12; Lalonde Affidavit at para 2; Nylen Affidavit at paras 4-6; Romaniuk Affidavit at paras 3-4.
[3] Page Affidavit at para 25.
[4] Page Affidavit at para 26.
[5] Page Affidavit at para 26.
[6] Page Affidavit at para 29.
[7] Affidavit of Daniel Page ("**Page Affidavit**"), sworn July 24, 2025 at para 6.

away.[8]

13. During the winter months, inclement weather can make it difficult for some residents who want to attend RM Council meetings in person, especially for those who live a significant distance from Oakbank.[9]

14. While most regular RM Council meetings are held in the evenings, on occasion meetings can be called and conducted during business hours.[10]

15. RM Springfield extracts the audio recorded from the Zoom Broadcast to create the audio recording that is posted on its official website. However, the video portion of the Zoom Broadcast is not posted on RM Springfield's official website. There is no option for people who want to review the Zoom Broadcast in its entirety, with both video and audio, at a later time if they cannot watch it live.

16. However, the audio recordings often have issues, such as omitting speakers when microphones are muted[11], technical issues cutting out portions of a presentation[12] or just failing to pick up portions of an exchange.[13] Furthermore, there is no corresponding video footage of the meeting provided by RM Springfield.

17. Further, while the Zoom Broadcast does provide video, the camera does not often record the speaker. For example, the Mayor often sits out of frame and only his shoulder and arm is visible.[14]

---

[8] Page Affidavit at para 6.
[9] Page Affidavit at para 7.
[10] Page Affidavit at para 8.
[11] Page Affidavit at para 18.
[12] Page Affidavit at para 19.
[13] Page Affidavit at para 20. See also Lalonde Affidavit at para 5, Nylen Affidavit at paras 13-14, Romaniuk Affidavit at para 6.
[14] Page Affidavit at para 16.

The By-law

18. On December 17, 2024, RM Springfield duly passed procedural by-law 24-10 ("**the By-law**"). Rule 15.10 of the By-law provides that "the media may audio/video tape meeting proceedings, including public hearings, providing that arrangements are made with the CAO at least 2 days (48 hours) prior to the meeting or public hearing". The By-law provides no definition on who is "the media". Rule 15.10 is identical to the previous Rule 15.10 in the previous procedural by-law 22-22.

19. Rule 16.0(c) provides that the public may not "behave in a disorderly manner including engaging in debate or conversation, or other behaviours that may prove disruptive…"

20. RM Springfield has allowed media to record public meetings in the past. For example, RM Council granted Interlace Media permission to film a documentary about a contentious silica mining project in the community. Interlace Media brought large cameras, tripods and microphones to record meetings, and caused some disruption in setting up and filming by moving between the cameras.[15]

The Recording Ban

21. On February 4, 2025, Dr. Page attended a meeting of RM Council in-person as he was granted a delegation to speak to RM Council. Karen Insley, a fellow resident, offered to record Dr. Page's delegation, which he agreed to.[16]

22. Mrs. Insley sat in the gallery and there were no audience members in front of her. She used her phone to record Dr. Page's delegation unobtrusively for approximately 15 minutes.[17] After

[15] Nylen Affidavit at para 9.
[16] Page Affidavit at para 37.
[17] Page Affidavit at para 39.

approximately 15 minutes of recording, the Mayor noticed Mrs. Insley was holding up her phone and asked whether she was recording, and told her "you can't video tape this, it's in our procedural bylaw…" The Mayor told Mrs. Insley to put down her phone, which she did. Councillor Mark Miller ("**Councillor Miller**") raised a point of order and asked the Chief Administrative Officer ("**CAO**") whether the By-law prohibited recording by the public. The CAO stated that Rule 15.10 required media to provide two days' notice to record, but said the public had no option at this time. Both the Mayor and Councillor Miller agreed Mrs. Insley was not media. The Mayor went on to state that "…people are videotaping from home that's fine…our procedural By-law says that we are not having video cameras inside here otherwise this is the kind of stuff that we get."[18]

23. The applicant Karen Lalonde also attended this meeting in-person and was not aware that Mrs. Insley was recording until the Mayor asked Mrs. Insley if she was recording.[19] Similarly, the applicant Janet Nylen attended the meeting through the Zoom Broadcast and she was not aware that Mrs. Insley was recording until the Mayor raised it as an issue.[20]

Dr. Page's request to record denied

24. On March 26, 2025, Dr. Page sent a request via email to the CAO, asking for permission to record the special meeting on March 28, 2025. The CAO denied the request and cited the Bylaw as the reason why he could not record.[21]

[18] Page Affidavit at para 39.
[19] Lalonde Affidaivt at para 7.
[20] Nylen Affidavit at para 10.
[21] Page Affidavit at para 43.

III. STATEMENT OF ISSUES

25. These are the following issues for the Court's determination in this application:

a. whether the Mayor of RM Springfield exceeded his authority under the Act by unilaterally declaring a categorical ban of recordings in public meetings of RM Council without authorization from a duly passed by-law;

b. whether the Applicants have a right to record public meetings of RM Council, so long as they do not disrupt proceedings;

c. in the alternative, if the By-law does authorize a categorical ban on recording for members of the public, whether it is invalid on the grounds that it discriminates between the public and media without any reasonable justification;

d. further in the alternative, if the By-law does prohibit recording, whether such categorical prohibitions are a violation of section 2(b) of the *Charter*; and

e. If the prohibition on recording violates of 2(b) of the *Charter,* whether it is justified under section 1 of the *Charter.*

f. Whether the CAO's refusal to grant Dr. Page's request to record the March 28th, 2025 public meeting was unreasonable.

IV. ARGUMENT

A. The By-law does not categorically prohibit recording by the public

A municipal council's authority must be grounded in the Act

26. Municipalities are creatures of statute. As a statutory delegate, municipalities must act within the bounds of its delegated authority. They must only exercise powers which are explicitly

conferred on them.[22]

27. Pursuant to section 140(1) of the Act, a municipality can only act through by-law or resolution. Further, section 140(2) requires that certain actions must only be done through by-law.

28. One such requirement is that the Act requires a municipality to pass a rules of procedure by-law, and review it at least once each term, and govern itself in accordance with the rules of procedure.[23] The Act stipulates, among other things, that the procedures by-law provides for "rules respecting public participation at council meetings…"[24] Therefore, rules governing the conduct of a municipal council must be enacted through a by-law.

Interpretation of municipal by-laws

29. In *Rizzo v. Rizzo Shoes,* the Supreme Court of Canada ("**SCC**") provided the modern approach to statutory interpretation, holding that "[t]oday, there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament."[25] This method of interpretation is also applicable to interpreting municipal legislation.[26]

30. Recently, in *TransAlta Generation Partnership v. Alberta,* the SCC held that the review of subordinate legislation is an exercise of statutory interpretation to ensure the delegate acts within the scope of the enabling legislation. The rules of statutory interpretation are thus equally applicable in interpreting subordinate legislation and determining whether a delegate acted within

[22] *R v. Greenbaum,* [1993] 1 SCR 674, 1993 CarswellOnt 80 at para 24. ["*Greenbaum*"]
[23] *Municipal Act,* at ss. 149(1) and (2).
[24] *Ibid,* at s. 149(3)(e).
[25] *Rizzo & Rizzo Shoes Ltd. (Re),* [1998] 1 SCR 27, 1998 CarswellOnt 1 at para 21.
[26] *United Taxi Drivers' Fellowship of Southern Alberta v Calgary (City),* 2004 SCC 19 at paras 7-8. ["*United Taxi*"]

his or her authority.[27] As the SCC stated in *Vavilov,* an administrative decision-maker "…cannot adopt an interpretation it knows to be inferior-albeit plausible-merely because the interpretation in question appears to be available and is expedient. The decision maker's responsibility is to discern meaning and legislative intent."[28]

31. Several textual analysis techniques can be employed to determine the ordinary meaning of legislation. Professor Ruth Sullivan explains "ordinary meaning" as follows:

> The ordinary meaning of a word or a group of words is not their dictionary meaning but the meaning that would be understood by a competent language user upon reading the words in their immediate context. Like any other text, a statute is read one sentence at a time. As each sentence is read, the reader forms an impression of its meaning based on the words and their arrangement within the sentence structure.[29]

32. One technique of statutory interpretation is that it presumes that if the legislature intends to restrict a citizen's right, it will state it explicitly. In *Morguard Properties Ltd. v Winnipeg (City),* the SCC held that:

> In more modern terminology the courts required that in order to adversely affect a citizen's right, whether as a taxpayer or otherwise, the legislature must do so expressly. Truncation of such rights may be legislatively unintended or even accidental, but the courts must look for express language in the statute before concluding that these rights have been reduced…a court must be slow to presume oversight or inarticulate intentions when the rights of the citizen are involved. The legislature has complete control of the process of legislation, and when it has not for any reason clearly expressed itself it has all the resources available to correct that inadequacy of expression.[30]

33. Similarly, the SCC stated in *United Taxi Drivers'* that "…where it [the legislature] intends to depart from prevailing law, the legislature will do so expressly." [31] The presumption is that the

---

[27] *TransAlta Generation Partnership v. Alberta,* 2024 SCC 37 at para 17; see also *Canada (Minister of Citizenship and Immigration) v. Vavilov,* 2019 SCC 65 at para 120 ["*Vavilov*"].
[28] *Vavilov,* supra note 27 at para 121.
[29] Ruth Sullivan, *Statutory Interpretation* (Toronto: Irwin Law, 2016) at p. 61.
[30] *Morguard Properties Ltd v Winnipeg (City),* [1983] 2 SCR 493, 1983 CarswellMan 162 at para 26.
[31] *United Taxi,* supra note 26 at para 11; see also *Parry Sound (District) Welfare Administration Board v. O.P.S.E.U, Local 324,* 2003 SCC 42 at para 39.

legislature does not alter the law without expressly stating it. On this method of statutory interpretation, Prof. Sullivan writes that this presumption "…permits courts to insist on precise and explicit direction from the legislature before accepting any change. The common law is thus shielded from unclear or inadvertent legislative encroachment."[32]

34. Furthermore, while delegated decision-makers may exercise authority through necessary implication, the implication must be necessary for the functioning of the law. In *Greenbaum,* the SCC cited Stanley Makuch with approval that "…a municipality may exercise only those powers expressly conferred by statute, those powers necessarily or fairly implied by the expressed power in the statute, and the indispensable power essential and not merely convenient to the effectuation of the purposes of the corporation."[33]

35. The By-law contains no express provision which restricts the public from recording. The only provision regulating the recording of RM Council meetings is found at section 15.10, which provides that "the media may audio/video tape meeting proceedings, including public hearings, providing [sic] that arrangements are made with the CAO at least 2 days (48 hours) prior to the meeting or public hearing."[34]

36. Furthermore, statutory interpretive principles require a court to presume the legislative body did not intend on curtailing rights unless it is expressly stated. There is no express statement in the By-law which prohibits the public from recording. Section 15.10 of the By-law is copied verbatim from the previous procedural by-law, 22-22, which was passed on September 5, 2023. RM Council knew about this provision and chose not to add any additional restrictions.

---

[32]Ruth Sullivan, *The Construction of Statutes,* 7th edition (Toronto: LexisNexis, 2022 at § 17.01, Part 1 [2].
[33] *Greenbaum, supra* note 22 at para 26, citing Stanly Makuch, *Canadian Municipal and Planning Law* (Toronto: Carswell, 1983) at p. 115.
[34] By-law 24-10 at s. 15.10.

37. The ban on recording by the public cannot be inferred by section 15.10 either. It is not a necessary or indispensable power, nor can it be fairly implied. Just because a certain group is regulated in its activities does not automatically mean the public is prohibited, unless expressly stated. There may be reasons to place requirements on the media to record. For example, media may wish to bring large equipment that takes up space, and that may require prior arrangements with the CAO to ensure there is minimal disruption to RM Council. There is no need to imply that the public is categorically prohibited for section 15.10 of the By-law to operate properly.

38. The principles outlined above demonstrate that all municipal acts must be authorized by the Act. When interpreting by-laws, the modern principles of statutory interpretation are applicable. When interpreting municipal enactments, authority to do anything not explicitly set out can only be implied if it is necessary to carry out the enactment in question. As there is no by-law restricting the Applicants' (or any member of the public) right to record, this Court should declare that they are allowed to record, so long as they adhere to all other relevant criteria in the By-law and the Act, such as not acting disruptively.

B. Discrimination in municipal sense is impermissible unless expressly authorized

39. If this Court interprets the By-law to authorize a ban on recording, the By-law is invalid because it is discriminatory in the municipal sense. Municipal by-laws are not permitted to discriminate unless expressly authorized by its enabling statute.[35] The Act explicitly prohibits a municipality from passing discriminatory by-laws, pursuant to section 382(1)(c), where it provides that "A person may make an application to the court for a declaration that a by-law or resolution

[35] *R v. Sharma,* [1993] 1 SCR 650, 1993 CarswellOnt 79 at para 25. ["*Sharma*"]

is invalid on the ground that: (c) the by-law is discriminatory."[36] The Act provides that "[a] by-law is discriminatory if it operates unfairly and unequally between different classes of persons without reasonable justification."[37]

40. McLachlin J. (as she then was), explained in *Shell* that discrimination in this sense was not the same as the human rights context, but rather focuses on whether a municipality acted within the ambit of its delegated power.[38]

41. The SCC cited Rogers' *The Law of Canadian Municipal Corporations* with approval on the following description of discrimination in the municipal by-law context:

> It is a fundamental principle of municipal law that by-laws must affect equally all those who come within the ambit of the enabling enactment. Municipal legislation must be impartial in its operation and must not discriminate so as to show favouritism to one or more classes of citizens. Any by-law violating this principle so that all the inhabitants are not placed in the same position regarding matters affected by it is illegal…[39]

42. The SCC in *Sharma* held that "…the general reasonableness or rationality of the distinction is not at issue: discrimination can only occur where the enabling legislation specifically so provides or where the discrimination is a necessary incident to exercising the power delegated by the province."[40]

43. In *Anderson et al. v. The Rural Municipality of Ste. Anne,* this Court held that for the applicants to succeed in quashing a by-law or order on grounds of discrimination, they must show that there was improper motive by the municipality.[41]

---

[36] *Municipal Act,* at s. 382(1)(c).
[37] *Ibid,* at s. 382(2).
[38] *Shell v. Vancouver (City),* [1994] 1 SCR 231, 1994 CarswellBC 115 ["*Shell*"] at para 103 (dissenting), cited with approval in *TransAlta Generation Partnership v. Alberta,* 2024 SCC 37 at para 43
[39] *Sharma,* supra note 35 at para 25, citing Ian Rogers, *The Law of Canadian Municipal Corporations,* 2nd edition (looseleaf) (Toronto: Carswell, 1971) at pp. 406.3-406.4.
[40] *Ibid* at para 26.
[41] *Anderson et al. v. The Rural Municipality of Ste. Anne,* 2018 MBQB 139 at para 29.

44. Courts should also interpret municipal enactments in relation to the purposes of the municipality. The SCC quoted Rogers with approval in *Shell,* where it states that:

> In approaching a problem of construing a municipal enactment a court should endeavour firstly to interpret it so that the powers sought to be exercised are in consonance with the purposes of the corporation. The provision at hand should be construed with reference to the object of the municipality: to render services to a group of persons in a locality with a view to advancing their health, welfare, safety and good government.[42]

45. The SCC rejected the British Columbia Court of Appeal's opinion in *Shell* that an absence of an express limitation on the City of Vancouver's authority meant it was not limited to just municipal purposes.[43] The Court held that because there was no authorization for Vancouver to pass resolutions that had no benefit to residents, it acted *ultra vires.*[44] Therefore, discretionary powers must be exercised in accordance with the purpose and objects of a statute. In *Roncarelli v. Duplessis,* the SCC held that the liquor commissioner's discretionary power to cancel a liquor license must be exercised in accordance with the enabling statute. It held that "[i]t is not proper to exercise the power of cancellation for reasons which are unrelated to the carrying into effect of the intent and purpose of the Act."[45] Therefore, a municipality may only exercise powers for authorized purposes under the Act, even if there is discretion on how power is exercised. It does not have general powers to enact whatever it wants, for any reason.

46. Municipalities are only authorized to act for municipal purposes. These purposes have been defined by reference to both expressly stated purposes and those which are compatible with the purpose and objects of the enabling statute.[46] In *Gershman v. Manitoba (Vegetable Producers'*

---

[42] *Shell,* supra note 38 at para 30.
[43] *Ibid* at para 30.
[44] *Ibid* at para 35.
[45] *Roncarelli v. Duplessis,* [1959] SCR 121, 1959 CarswellQue 37 (SCC) at para 90.
[46] *Shell,* supra note 38 at para 29.

Marketing Board), the Manitoba Court of Appeal held that "…public bodies must not use their powers for purposes incompatible with the purposes envisaged by the statutes under which they derive such powers…"[47]

47. Additionally, in *Greenbaum,* the Court interpreted a provision of a Toronto by-law prohibiting free-standing street vendors, which was purportedly passed under its governing act to prevent nuisance, was invalid on the grounds that not all conduct of street vendors amounted to public nuisance.[48] In the case at bar, the prohibition on recording is similarly overbroad, if the purpose is to maintain decorum and orderly proceedings, as not all forms of recording are disruptive. RM Springfield has condoned more disruptive forms of recording in the past when media representatives requested permission,[49] so it accepts that some levels of disruption are permissible. Furthermore, there is evidence that recording can be done in a manner that is not disruptive or even noticeable.[50]

48. Improper motives can include considerations which exceed the purposes of the enabling legislation. In *Shell,* the City of Vancouver targeted Shell for doing business in apartheid South Africa. The Court noted that other petroleum corporations did business in South Africa and were not targeted by Vancouver, and therefore discriminated against Shell.[51] This discrimination was for an improper purpose, as no provision in the enabling legislation allowed Vancouver to make considerations that were not related to promoting health, safety or welfare of Vancouver residents.[52]

---

[47] *Gershman v. Manitoba (Vegetable Producers' Marketing Board),* 1976 CarswellMan 47, 69 D.L.R. (3d) 144 (MBCA) at para 49.
[48] *Greenbaum,* supra note 22 at para 32.
[49] Nylen Affidavit at para 9.
[50] Lalonde Affidavit at para 7, Nylen Affidavit at para 10.
[51] *Shell,* supra note 38 at para 37.
[52] *Ibid* at para 38.

49. If the By-law authorizes a ban on recording by the public, it is invalid due to discrimination as defined in section 382(2) of the Act. Distinguishing between media and the public has no reasonable justification, as the act of recording on its own is not disruptive. As stated above RM Springfield approved of more disruptive forms of recording, with large cameras and microphones ,when a person it determined to be "media" requested it.[53] Therefore, discriminating between media and public without considering the effect on maintaining order in a proceeding is an improper purpose. The valid purpose of section 149 of the Act is to create procedures to ensure an orderly municipal proceeding. Without a rational connection to this goal, the purpose of prohibiting the public from recording is improper.

C. Ban on recording violates section 2(b) of the *Charter*

50. In the alternative, the By-law is unconstitutional to the extent that it prohibits recording of public RM Council meetings. Municipalities are bound by the *Charter* as a government entity.[54]

51. The test for a section 2(b) infringement involves three questions:

1) does the matter have expressive content?;

2) if so, does the method or location remove that protection?; and

3) does the law or government action infringe section 2(b) protection in either purpose or effect?[55]

Recording is an expressive activity

52. In *Canadian Broadcasting Corp. v. Canada (Attorney General),* the SCC held that

[53] Nylen Affidavit at para 9.
[54] *Godbout v. Longueil (City),* [1997] 2 S.C.R. 844, 1997 CarswellQue 883 at paras 50-51.
[55] *Montréal (City) v. 2952-1366 Québec Inc.*, 2005 SCC 62 at para. 56 ["*Montreal (City)*"].

recording and broadcasting were expressive activities protected by section 2(b) of the *Charter.*[56] In *CBC,* the SCC held that in the case of recording, the choice of expression did convey a message. The Court held that:

> The content of the message the media organizations wish to convey consists of testimony, examinations, submissions, judgments and other sounds captured by courthouse equipment during hearings. This content can be conveyed in many different ways, whether by broadcasting the official audio recordings of hearings, by publishing written reports, by transcribing what is said at hearings or by broadcasting oral reports by journalists. But it must be conceded that the message conveyed by broadcasting the official audio recording of hearings is not the same as one conveyed using another method of expression.[57]

53. Furthermore, in *Alberta (Information and Privacy Commissioner) v. United Food and Commercial Workers, Local 401,* the SCC held that recording a picket-line in the context of a strike engaged 2(b) of the *Charter.*[58] The Court held that recording people at the picket-line for the purpose of persuading people to support the union or to dissuade people from crossing the picket-line was expressive activity protected by 2(b) of the *Charter.*[59]

54. In *New Brunswick Broadcasting Co. v. Nova Scotia (Speaker of the House),* the Nova Scotia Court of Appeal ("**NSCA**") held that an absolute ban on media bringing non-intrusive recording equipment to record sessions of the legislature was an unjustified violation of section 2(b) of the *Charter.*[60] While the decision was overturned at the SCC on grounds of legislative privilege, the Court did not address the *Charter* issues.[61]

---

[56] *Canadian Broadcasting Corp. v. Canada (Attorney General),* 2011 SCC 2 at paras 40-46 ["*CBC*"]; see also *Ontario (Attorney General) v. Kingston Whig-Standard Co.,* 1992 CarswellOnt 3806.
[57] *CBC,* supra note 56 at para 52.
[58] *Alberta (Information and Privacy Commissioner) v. United Food and Commercial Workers, Local 401,* 2013 SCC 62 at para 11. ["*UFCW*"]
[59] *Ibid* at para 11.
[60] *New Brunswick Broadcasting Co. v. Nova Scotia (Speaker of the House),* 1991 CarswellNS 543, [1991] N.S.J. No. 124 (NSCA) at para 52. ["*New Brunswick Broadcasting, NSCA*"]
[61] *New Brunswick Broadcasting Co. v. Nova Scotia (Speaker of the House),* [1993] 1 SCR 391, 1993 CarswellNS 417 at para 92.

55. Notwithstanding the issue of parliamentary privilege, the NSCA in *New Brunswick Broadcasting, NSCA* provides persuasive reasons on why recording of public proceedings should be protected, as newsgathering is an essential part of the freedom of the press. The NSCA discussed the importance of the mode of communication, where it held that:

> …the ban on television prohibits a mode or means of expression. In my view to limit a mode of expression is to limit freedom of expression as guaranteed by s. 2(b). With respect it is the same as limiting free expression by the print media or the radio which the provincial government cannot do under the *Charter*…While the press may have no greater right of access than the public it is inherent…that they [the press] have a distinct role to play in the democratic process.[62]

56. While the public has a right to attend public proceedings, the reality is that the vast majority of the public does not have the time to attend them. The SCC noted this issue in *CBC* in the judicial proceeding context, noting that most people cannot attend court proceedings and rely on media to gather this information. Without the dissemination of information about court proceedings, the values of section 2(b) of democratic discourse, self-fulfilment, and truth finding, would be diminished.[63]

57. Furthermore, the SCC recognized in *Edmonton Journal v. Alberta (Attorney General)* that "…freedom of expression "protects listeners as well as speakers." That is to say, as listeners and readers, members of the public have a right to information pertaining to public institutions…"[64]

58. The SCC has consistently recognized the importance of freedom of the press. In particular, it has recognized the value of newsgathering as an integral part of freedom of the press. In *Edmonton Journal,* discussing the context of court proceedings and the press, the Court held that

---

[62] *New Brunswick Broadcasting, NSCA* supra note 60 at para 52.
[63] *CBC,* supra note 56 at para 45.
[64] *Edmonton Journal v. Alberta (Attorney General),* [1989] 2 S.C.R. 1326, 1980 CarswellAlta 198 at para 85. ["*Edmonton Journal*"]

"[d]iscussion of court cases and constructive criticism of court proceedings is dependent upon the receipt by the public of information as to what transpired in court. Practically speaking, this information can only be obtained from the newspapers or other media."[65]

59. In *Société Radio-Canada v. Lessard,* La Forest J. in his concurring opinion held that 2(b) encompasses not just expression, but the right to gather news. He concludes that "…the freedom to disseminate information would be of little value if the freedom under s. 2(b) did not also encompass the right to gather news and other information without undue government interference."[66]

60. More recently, in *R v. Vice Media,* Abella J. in her concurring opinion recognized freedom of the press as a distinct freedom under section 2(b). She held that:

> Section 2(b) sets out generous protections designed to facilitate the healthy functioning of our democracy. But they are incomplete if s. 2(b) is viewed only as an individual right to freedom of expression, reading out protection of "freedom of the press". A vigorous, rigorous, and independent press holds people and institutions to account, uncovers the truth, and informs the public. It provides the public with the information it needs to engage in informed debate. In other words, it is the public's "right to know" that explains and animates the distinct constitutional protection for freedom of the press."[67]

61. The refusal of the SCC to explicitly recognize freedom of the press under section 2(b) as a distinct freedom, despite its emphatic defence of it, has been criticized in some academic commentary.[68] While the SCC has had concerns about granting additional rights to "media" or "the press",[69] however it is defined, the focus on this right should be on the constitutionally

---

[65] *Edmonton Journal,* supra note 64 at para 85.
[66] *Société Radio-Canada v. Lessard,* [1991] 3 S.C.R. 421, 1991 CarswellQue 21 at para 24.
[67] *R v. Vice Media Canada Inc.,* 2018 SCC 53 at para 125. ["*Vice Media*"]
[68] See Benjamin J. Oliphant, "Would Independent Protection for Freedom of the Press Make a Difference? The Case of *R. v. Vice Media Canada Inc."* in Dwight Newman, Derek Ross, & Brian Bird, eds, *The Forgotten Fundamental Freedoms of the Charter* (Toronto: LexisNexis, 2020) 273; Jamie Cameron, "Section 2(b)'s Other Fundamental Freedom: The Press Guarantee, 1982-2012" in Lisa Taylor & Cara Marie O'Hagan, eds, *The Unfulfilled Promise of Press Freedom in Canada* (Toronto: University of Toronto Press, 2017) 201.
[69] *R. v. National Post,* 2010 SCC 16 at para 40.

protected activity of newsgathering, which forms an integral part to this aspect of section 2(b).

62. Professor Jamie Cameron argues that the act of newsgathering is of critical importance in a democratic society, writing:

> The press function is directly linked to democratic governance because it provides the means for the public to hold government and other sources of power, whether corporate, institutional, or individual, up to scrutiny. The kind of transparency that promotes accountability can only be achieved through robust reporting and commentary by a press that operates free from government interference and functions independent of the state. This function is distinctive and institutional in nature and cannot be served unless newsgathering is free from interference by the state. The constitutional status of the press is grounded in a function that recognizes transparency and accountability as core principles of our democratic tradition and looks to the press as an agent of the public in preserving and protecting those values.[70]

63. Prof. Cameron goes on to argue, here in the context of search warrants against media organizations, that courts should recognize and protect the integrity of the newsgathering process:

> The integrity of the newsgathering process must be recognized and protected by the Charter. Rather than address the issue through s. 8 or the common law, the focus should be on s. 2(b) and should take the form of a presumption against interference with newsgathering…This approach would grant newsgathering constitutional status and restrict interferences to exceptional circumstances…[71]

64. Benjamin Oliphant also argues that the concern of exclusive protection for the media can be resolved by focusing on the activity of newsgathering rather than the person/organisation. He writes that:

> …[t]here is no need to define a class in order to determine in advance who is entitled to protection. In fact, I would suggest that to do so is counterproductive to the purpose of press freedom as understood here, since a purposive definition of press freedom focuses on the *activity* to be protected as opposed to the *form* of the class that is to benefit, or the *outcome* of the newsgathering process.[72]

65. Abella J. also addressed this issue in her concurring opinion in *Vice Media* and held that

[70] Cameron, "Section 2(b)'s Other Fundamental Freedom" at p. 213.
[71] *Ibid* at p. 214.
[72] Benjamin Oliphant, "Freedom of the Press as a Discrete Constitutional Guarantee," 59 McGill L.J. 283 at p. 299.

the precise definition of who the "media" is should not impede a recognition of this important right, but rather the focus should be on the activity of newsgathering and whether it is impeded through state action. She writes that "…what is at the core is the right to gather and disseminate information for the public's benefit without undue interference from government…at this stage, there is no need to be preoccupied over who is covered by the s. 2(b) press protection."[73]

66. The focus of freedom of the press under section 2(b) should be directed at the activity (i.e. newsgathering) rather than determining whether a person fits within the definition of "media". On this point, Oliphant argues that:

> …the point of press freedom is not to protect the peculiar interests of the institutional media, but to safeguard those functions and activities necessary to ensure an informed public. It is for this reason that I have attempted to describe freedom of the press as extending to those performing "press-like functions", rather than a professional class that can be referred to as "the press".[74]

Therefore, in this age of democratized media, where anyone with a camera and phone can record matters of public interest, it is crucial the focus of section 2(b) press protection examines the activity in question, rather than the claimant's membership in any particular class. It is also integral to freedom of the press that the courts protect the activity of newsgathering from undue interference of state action. Further, by focusing on "press-like functions" or the activities related to gathering and disseminating news, the court can avoid the concerns of creating a privileged class with more rights under the *Charter.*

67. The case at bar demonstrates the new paradigm that Cameron and Oliphant discussed, that being the democratization of gathering and disseminating news.[75] Dr. Page's efforts in recording

[73] *Vice Media,* supra note 67 at para 129.
[74] Oliphant, "Would Independent Protection for Freedom of the Press Make a Difference?" at p. 312.
[75] See Cameron, "Section 2(b)'s Other Fundamental Freedom" at p. 214.

RM Council meetings stems from his desire to enhance transparency in municipal government and to provide greater access to information.[76] While he is not traditional media, he is engaged with the collection of newsworthy developments from RM Council meetings and provides news update to the community, which often garners thousands of views on the internet.[77]

68. Dr. Page is attempting to engage in expressive activity by recording and publishing RM Council meetings. The essence of his activity is to gather information in the form of audio-visual recordings about RM Council proceedings. Recording for the purpose of broadcasting or publishing is a protected activity under section 2(b) of the *Charter* that should not be unduly interfered with by state action.

69. Additionally, section 2(b) also protects listeners.[78] The other Applicants all describe their interest in receiving the information that Dr. Page seeks to gather, namely an audio-video recording of the proceedings.[79]

70. Therefore, recording in this situation meets the definition of expressive activity. Newsgathering (here recording) must be protected, otherwise there is no news to disseminate. The first step in considering whether the Applicants' section 2(b) *Charter* rights were breached is met in this case.

Council chambers is a place traditionally reserved for this type of expression

71. The next step for a finding of a section 2(b) violation is to consider whether the method or location of the expression would remove section 2(b) protection. Many public places are required to support expressive activity. The question to ask is whether free expression in a public space

[76] Page Affidavit at para 25.
[77] Page Affidavit at para 29, Exhibit "F".
[78] *Edmonton Journal,* supra note 64 at para 85.
[79] Lalonde Affidavit at para 9, Nylen Affidavit at para 16, Romaniuk Affidavit at para 9.

would conflict with the purposes of section 2(b), namely (1) democratic discourse, (2) truth finding, and (3) self-fulfilment. To answer this question, the SCC held that the following factors should be considered:

a. The historical or actual function of the place; and

b. Whether other aspects of the place suggest that expression within it would undermine the values underlying free expression.[80]

72. The SCC went on to state that "[t]he historical function of a place for public discourse is an indicator that expression in that place is consistent with the purposes of 2(b). In places where free expression has traditionally occurred, it is unlikely that protecting expression undermines the values underlying the freedom."[81]

73. Town halls have traditionally been places for the community to express their concerns to elected officials. In *Bracken v. Fort Erie (Town),* the Ontario Court of Appeal ("**ONCA**") held that the area in front of a town hall is not only a place where free expression traditionally occurred, but also where it is expected to occur in a free and democratic society. The Court held that "[t]he literal town square is paradigmatically the place for expression of public dissent."[82]

74. While the chambers of town hall need to ensure orderly proceedings, they are of a public nature. Subsection 152(1) of the Act requires all meetings of RM Council to be conducted in public, subject to certain exceptions under subsection 152(3). In *R.S.J. Holdings Inc. v. London (City),* the SCC stressed the importance of open meetings as required by the enabling statute, reflecting the democratic character of municipal decisions.[83] The SCC held that "[w]hen a

[80] *Montreal (City),* supra note 55 at para 74.
[81] *Ibid,* at para 75.
[82] *Bracken v. Fort Erie (Town),* 2017 ONCA 668 at para 54.
[83] *R.S.J. Holdings Inc. v. London (City),* 2007 SCC 29 at para 38. ["*R.S.J. Holdings*"]

municipal government improperly acts with secrecy, this undermines the democratic legitimacy of its decisions…"[84]

75. In *CBC,* the Court held that expressive activity of journalists in the courtroom was a historical practice. The use of equipment to film, take photographs and record audio had been authorized for use in designated areas of a courthouse for a long time.[85] Therefore, the method of expression did not exclude it from section 2(b) protection.

76. The Court went on to examine whether the location excluded protection of section 2(b). It held that while the primary purpose of a courthouse was to conduct trials and other judicial proceedings, the presence of journalists in public areas of the courthouse was historically authorized. The Court stressed that the presence of journalists there was essential, because when they conduct themselves appropriately, their presence generally enhances the values of section 2(b), and that without journalists reporting court cases, "…the public's ability to understand our justice system would depend on the tiny minority of the population who attend hearings, and the inevitable result would be to erode democratic discourse, self-fulfilment and truth finding."[86]

77. Similarly, in *Edmonton Journal,* the SCC summarized the reasons for the open court principle, with them being the need:

1) to maintain an effective evidentiary process;
2) to ensure a judiciary and juries that behave fairly and that are sensitive to the values espoused by the society;
3) to promote a shared sense that our courts operate with integrity and dispense justice; and,
4) to provide an ongoing opportunity for the community to learn how the justice system

[84] *R.S.J. Holdings* at para 38.
[85] *CBC,* supra note 56 at para 44.
[86] *CBC* supra note 56 at para 45.

operates and how the law being applied daily in the courts affects them.[87]

78. While the principles espoused relate to the open court principle, many of their concerns are equally applicable in the municipal proceeding context. Indeed, the NSCA in *New Brunswick Broadcasting, NSCA* cited *Edmonton Journal* for the proposition that the press has a distinct role in the democratic process.[88] The need to ensure integrity and accountability are essential to a functioning democracy. The public need to be able to learn what is occurring at meetings, just as it is beneficial for them to learn about court proceedings and how it may affect their lives.

79. With respect to the location of the expression, historically the media are often present at municipal proceedings.[89] As stated above, the purpose of the media attending municipal proceedings, just like in court, is to report on them for those who cannot attend, which is a majority of the public. Further, given the fact RM Council has an officially sanctioned recording posted on its website, the method of expression is not incompatible with the location. Council chambers have traditionally hosted media, and their presence is encouraged.

80. In discussing the method of expression, the SCC was concerned with whether violent expression would be covered by the *Charter.* It concluded that violence was not protected.[90] As there is no evidence of violence in evidence, the method of expression is not excluded from constitutional protection. Therefore, the second part of the *Montreal (City)* test is satisfied.

81. As stated above, it is not necessary to clearly delineate who is media. Today, with easily accessible recording equipment such as smartphones and other devices, it is much easier for people to create recordings. They do not have to rely on large, obtrusive equipment. The evidence also

[87] *Edmonton Journal,* supra note 64 at para 22.
[88] *New Brunswick Broadcasting, NSCA* supra note 60 at paras 52-53.
[89] Nylen Affidavit at para 9.
[90] *Montreal (City),* supra note 55 at para 60.

shows that recording unobtrusively is entirely possible.[91] As stated above, the focus should be on the protected expressive activity of newsgathering, rather than focusing on the identity of the individual. In this way, the court avoids creating additional rights to certain classes of people where section 2(b) guarantees freedom of expression and the press to everyone. So long as an individual engages in newsgathering for the purpose of publishing, that activity should be protected under section 2(b).

82. Finally, to the extent that the By-law prohibits recording, it limits expression. Where government seeks "…to restrict a form of expression in order to control access by others to the meaning conveyed or to control the ability of the one conveying the meaning to do so, it also limits the guarantee [of 2(b)]."[92]

83. If the By-law categorically prohibits recording, that is a restriction on the form of expression. The Applicants are prohibited from expressing themselves in the form of recording a public RM Council meeting and disseminating it. The By-law thus prohibits a form of expression, the method and location does not remove its *Charter* protection, and it infringes on the right by its effect. Therefore, the By-law must be justified under section 1.

Categorical ban is not saved by section 1 of the *Charter*

84. The seminal case on section 1 is found in *R. v. Oakes,* where the SCC provided the following test for justifying *Charter* infringing legislation:

1) the objective of the measure must be important to warrant overriding a *Charter* right;
2) there must be a rational connection between the limit on the right and the legislative objective;

[91] Lalonde Affidavit at para 7.
[92] *Irwin Toy v. Quebec (Attorney General),* [1989] 1 S.C.R. 927, 1989 CarswellQue 115 at para 50.

3) the limit should impair the *Charter* right as little as possible;

4) there should be an overall balance or proportionality between the benefits of the limit and its deleterious effects.[93]

85. The Applicants submit that the By-law fails to have rational connection to its purported purpose, it is not minimally impairing as it is a complete ban on recording, and that the deleterious effects outweigh its salutary benefits (if any).

86. The purpose of the By-law and its enabling legislation under section 149 of the Act is to ensure the orderly conduct of municipal proceedings. This purpose is clearly an important objective.

87. There may be rational connection between restricting recording in council chambers and ensuring orderly conduct. However, not all forms of recording constitute disruptive behaviour. As the evidence demonstrates, recording can be done in an entirely non-disruptive manner.

88. Further, section 16.0 of the By-law and subsection 152(2) of the Act allows the Chair to expel any person for improper conduct or disruptive behaviour. There is recourse already for a person recording in a manner that proves to be disruptive.

89. Therefore, the Applicants submit there is no rational connection between the limit on the *Charter* right and the legislative objective. The measure is overbroad and captures activity that is not part of the objective. It is also unnecessary, as the power to achieve the objective of orderly proceeding already exists.

90. At the minimal impairment stage, the By-law also fails. It is a categorical prohibition for the public to record. The expressive activity of recording in council chambers has been completely extinguished. Violations which are total denials of a right are often struck down on the basis that

[93] *R. v. Oakes,* [1986] 1 S.C.R. 103, 1986 CarswellOnt 95 at paras 73-75.

it is not minimally impairing. In *Hillier v. Ontario,* the ONCA examined whether an absolute prohibition on political protests during Covid-19 lockdown rules was minimal impairing. The Court concluded it was not, as "[a] total ban on the exercise of a fundamental freedom cannot readily meet the second step of the proportionality assessment under s. 1 of the *Charter…*"[94]

91. Finally at the balancing stage, a court must examine whether the overall effects of the law on the claimants are disproportionate to the government's objective.[95] This analysis "takes full account of the 'severity of the deleterious effects of a measure on individuals or groups"[96] and considers the "…broader assessment of whether the benefits of the impugned law are worth the cost of the rights limitation."[97] Put another way, the question is whether "…the deleterious effects are out of proportion to the public good achieved by the infringing measures."[98]

92. In *UFCW,* the SCC held that restricting a union from recording any activity on a picket-line was disproportionate to the benefit of allowing people to control their personal information. The impugned act in *UFCW* prohibited the collection of any personal information, without regard to the nature of the information, the purpose it was collected, used or disclosed, and the situational context for the information.[99] While the Court acknowledged the importance of privacy, it held that the nature of the information in *UFCW* was readily and publicly available, and people crossing the picket-line should reasonably expect that their image could be captured and disseminated. Further, the only information disseminated were images of people and contained no intimate biographical details about the people photographed.[100] The Court held that the deleterious effect

[94] *Hillier v. Ontario,* 2025 ONCA 259 at para 56.
[95] *Alberta v. Hutterian Brethren of Wilson Colony,* 2009 SCC 37 at para 73. ["*Hutterian Brethren*"]
[96] *Ibid* at para 76.
[97] *Ibid* at paras 77-78.
[98] *Ibid* at para 78.
[99] *UFCW,* supra note 58 at para 25.
[100] *Ibid* at para 26.

of a ban on publication of this information outweighed the benefit of allowing people control over their personal information, taking into account the importance of expression in labour disputes.[101]

93. In the case at bar, the infringement is wholly disproportionate to the alleged benefit. While orderly municipal proceedings are a public good, it can be achieved without completely banning recording. Certain conditions can be placed to ensure orderly conduct of proceedings, while ensuring the important activity of newsgathering in the manner the Applicants argue for is protected. Furthermore, there is no evidence that the Applicants' expressive activity was disruptive. Therefore, the salutary benefits are minimal at best, as disruptive behaviour is already prohibited and regulated, while the deleterious effect is substantial, as the Applicants' are unable to produce a recording that is not subject to the limitations of RM Springfield's recording equipment.

94. Finally, the nature of the information being collected in this case must be considered. Similar to *UFCW,* members of RM Council should reasonably expect to be in the public eye when convening a meeting as they are statutorily required to be open to the public, notwithstanding a few exceptions. The information that the Applicants seek to gather is of great importance in democratic discourse, as it allows local residents who cannot attend the meeting to see a recording of it and inform themselves about proceedings and how it may affect their lives.

95. For the reasons set out above, the Applicants submit that the By-law is unconstitutional, as it is an absolute ban on their right to produce and receive recordings of public RM Springfield proceedings. RM Council already has legislative tools at its disposal to deal with disruptive behaviour. Further, it may regulate the use of recording equipment, as it did with section 15.10 of

[101] *UFCW* supra note 58 at para 29.

the By-law, but a complete prohibition cannot be saved under section 1 of the *Charter.*

D. The CAO's refusal to grant Dr. Page's request was unreasonable

96. Dr. Page applied for permission to record the March 28, 2025 special meeting of RM Council and was refused by the CAO.[102] There were no further reasons for this denial. This refusal was an unreasonable exercise of delegated authority. The By-law does not define "media" in section 15.10, which requires media to make arrangements with the CAO at least 48 hours in advance to record the meeting.

97. In *Vavilov,* the SCC described an unreasonable administrative decision as one which either fails in the rationality of its internal reasoning process or one which is untenable in light of the relevant factual and legal constraints.[103] A reasonable decision must be based on logical and rational reasoning, and reasons which "simply repeat statutory language, summarize arguments made, and then state a peremptory conclusion" will rarely assist a reviewing court in understanding the rationale underlying a decision…"[104]

98. While it is not always necessary for formal reasons in the administrative context, a decision is unreasonable if

> …read holistically, fail to reveal a rational chain of analysis or if they reveal that the decision was based on an irrational chain of analysis. A decision will also be unreasonable where the conclusion reached cannot follow from the analysis undertaken, or if the reasons read in conjunction with the record do not make it possible to understand the decision maker's reasoning on a critical point. [citations omitted][105]

99. Dr. Page received no reasons from the CAO on this denial, other than the peremptory

[102] Page Affidavit at para 43, Exhibit "N".
[103] *Vavilov,* supra note 27 at para 101.
[104] *Ibid* at para 102.
[105] *Ibid* at para 103.

conclusion that he was not "media". The proliferation of recording devices has made it possible for the average citizen to be a journalist in his or her own right. As discussed above, the focus should not be on specific credentials, but the activity.

100. Here, Dr. Page sought to record the meeting to post onto his news updates.[106] This activity aligns with the act of newsgathering, as he sought to produce a recording to disseminate to the general public. There is no evidence that Dr. Page's recording would have been disruptive. If the CAO had such concerns, she could have imposed conditions to ensure an orderly proceeding. Instead, she took a rigid approach and closed her mind to the possibility that Dr. Page could be media because he was not part of an organization. This approach is unreasonable, as it fails to consider the democratized nature of news gathering, and the impact on 2(b) rights.

V. RELIEF SOUGHT

101. The Applicants request that this Honourable Court declare that the Mayor of acted outside of his authority by categorically prohibiting the public from recording open meetings of RM Council without a duly passed by-law, contrary to sections 140(1) and 149(2) of the Act.

102. Further, the Applicants request a declaration that the public has the right to record public meetings of RM Council, so long as it is done in a non-disruptive manner.

103. In the alternative, if this Court finds that the By-law does authorize a categorical ban on recording, the Applicants seek a declaration quashing the By-law pursuant to section 382 of the Act on the ground that the By-law impermissibly discriminates between the public and media.

104. Further, in the alternative, the Applicants seek a declaration pursuant to section 52(1) of

[106] Page Affidavit at para 30.

the *Constitution Act, 1982* that section 15.10 or section 16.0(c) of the By-law unjustifiably infringes on the Applicants' rights and freedoms guaranteed by section 2(b) of the *Charter* to the extent that it categorically prohibits recording of open meetings of RM Council and is therefore of no force or effect.

105. The Applicants also seek a declaration pursuant to sections 382(1) and 382(3) of the Act that the By-law is invalid on the grounds that it exceeds the jurisdiction of the Act, as it unjustifiably violates section 2(b) of the *Charter*.

106. Furthermore, the Applicant Dr. Page seeks a declaration pursuant to section 24(1) of the *Charter* that his section 2(b) *Charter* right was unreasonably infringed on March 26, 2025, when his request to record a public meeting of RM Council was denied by the CAO.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Charter Advocates Canada
Darren Leung
[redacted]

Counsel for the Applicants

DATED at the City of Calgary, in the Province of Alberta, this 18th day of September 2025.