Court File No.:

ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)

B E T W E E N:

GEOFFREY HORSMAN

Applicant

and

WATERLOO REGION DISTRICT SCHOOL BOARD

Respondent

APPLICATION UNDER Rules 14.05(2) and 38 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 and Sections 2(1) and 6(1) of the *Judicial Review Procedure Act*, R.S.O. 1990, c J.1.

NOTICE OF APPLICATION TO DIVISIONAL COURT FOR JUDICIAL REVIEW

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 for judicial review will come on for a hearing before the Divisional Court on a date to be fixed by the registrar by the method of hearing requested by the applicant, unless the court orders otherwise. The applicant requests that this application be heard in person at the following location:

John Sopinka Courthouse
45 Main Street East
Hamilton, ON L8N2B7

on a date and time to be determined.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it 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 office of the Divisional Court, and you or your lawyer 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, in additional to serving your notice of appearance, 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 office of the Divisional Court within thirty days after service on you of the applicant's application record, or at least four days before the hearing, whichever is earlier.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN TO IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS APPLICATION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for hearing or terminated by any means within five years after the notice of application was filed with the court, unless otherwise ordered by the court.

Date: November 27, 2025

Issued by
Registrar
45 Main Street East
Hamilton, ON L8N 2B7

APPLICATION

1. The Applicant, Geoffrey Horsman, makes application for:

    a. An order setting aside the decision of the Waterloo Region District School Board (the "**Board**") communicated on October 29, 2025 and November 10, 2025, imposing the practice of reading land acknowledgements on school councils (the "**Land Acknowledgement Mandate**") and forbidding school councils from debating the issue (the "**Debate Prohibition**") (collectively, the "**Decision**");

    b. A declaration pursuant to section 24(1) of the *Canadian Charter of Rights and Freedoms* that the Land Acknowledgement Mandate component of the Decision violated the Applicant's right to freedom of conscience, guaranteed by s. 2(a) of the *Charter*, in a manner that was not reasonably and proportionately balanced;

    c. A declaration pursuant to section 24(1) of the *Canadian Charter of Rights and Freedoms* that the Debate Prohibition component of the Decision violated the Applicant's right to freedom of expression, guaranteed by s. 2(b) of the *Charter*, in a manner that was not reasonably and proportionately balanced;

    d. A declaration that the Decision is unreasonable, *ultra vires* the authority of the Board, and cannot be justified in light of the governing statutory scheme;

    e. An order extending the time to bring this application, if necessary;

    f. An order that no costs be awarded for or against the Applicant who brings this application in the public interest; and

    g. Such further and other relief as counsel may advise and this Honourable Court may permit.

2. The grounds for the application are:

The Parties

a. Geoffrey Horsman is a professor of biochemistry, a father to three children who attend Board schools, and an member of the Kitchener Waterloo Collegiate and Vocational School ("**KCI**") council (the "**Council**");

b. The Board is a public school board exercising authority under the *Education Act*, RSO 1990, c. E.2 (the "***Act***") in the Waterloo Region.

Factual Background

c. The Council is a school council created pursuant to Ontario Regulation 612/00. It exists to improve pupil achievement and enhance the accountability of the education system to parents through the active participation of parents;

d. Land acknowledgements are doctrinal statements, read at the beginning of events in Canada which single out First Nations people as purported holders of a special claim to the land on which the event takes place;

e. The Council has been opening meetings with land acknowledgements despite no vote or debate being held on the issue;

f. The Applicant has a deeply and conscientiously held belief in human dignity and the equality of all people, regardless of ethnicity, religion, sex, or nationality. The Applicant finds the reading of land acknowledgements to be racially discriminatory and contrary to the equal human dignity of all;

g. In the spring of 2025, the Applicant sought to put the practice of reading land acknowledgements at Council meetings on the Council's agenda to be debated and voted on;

h. Christine Carmody, the Chair of the Council did not table the issue for discussion, but instead, referred the Applicant to speak to Sue Martin, the principal of KCI;

i. On May 9, 2025, the Applicant spoke to Ms. Martin about his objection to land acknowledgements and his desire to have the matter debated by the Council. Ms. Martin told the Applicant that the Board requires the reading of land acknowledgements at school council meetings and would not permit the topic to be debated by the Council;

j. Ms. Martin told the Applicant that he could discuss the issue with her superior who would be responsible for rendering the Board's decision on the issue;

The Decision

k. On October 22, 2025, the Applicant met with Vinay Tiwari, the System Administrator of Equity and Inclusive Education at the Board;

l. On October 29, 2025, Mr. Tiwari emailed the Applicant to provide the Board's position (the "**October 29 Email**"). Mr. Tiwari stated that "territorial acknowledgements will continue to be part of School Council and WRDSB gatherings" (the "**Land Acknowledgement Mandate**"). Mr. Tiwari also stated that "conversations or actions that question the validity of equity-focused initiatives – including those designed to support historically and currently marginalized groups – risk undermining the dignity of members of our community. The WRDSB's commitment to equity and human rights means that certain topics, particularly those that diminish or delegitimize the experiences of equity-deserving groups must be approached with care and in alignment with the *Ontario Human Rights Code*";

m. On November 3, 2025, Mr. Horsman responded saying "I understand you to be saying that the Board will require school councils to continue reading territorial acknowledgments. Can you please clarify, when you say that certain topics need to be approached with care, whether the school council is allowed to discuss the issue? Of course, my intention is to do so with care and respect";

n. On November 10, 2025, Mr. Tiwari responded (the "**November 10 Email**") saying that "the Waterloo Region District School Board requires that territorial acknowledgements continue to be included as part of School Council meetings." Mr. Tiwari also stated that "discussions that question or challenge established equity-focused practices, including territorial acknowledgements, fall outside the scope of School Council business. These expectations are in place to ensure that all participants experience School Council as a safe, respectful, and inclusive space" (the "**Debate Prohibition**") (the October 29 Email and November 10 emails are collectively, the "**Decision**");

Legal Grounds

o. The Board's Land Acknowledgement Mandate requires that every Council meeting begin with recitation of a dogmatic pronouncement that offends the Applicant's conscientiously held belief in the equality of persons. Simultaneously, the Board's Debate Prohibition forbids any discussion, question, or challenge related to this procedure;

p. The recitation of land acknowledgements infringes the Applicant's right to freedom of conscience by compelling him either to acquiesce to these recitations, contrary to his conscience, or excuse himself, thus excluding him on the basis of conscientious belief;

q. The Board's Land Acknowledgement Mandate also infringes the Applicant's right to freedom of conscience by violating the Board's duty of neutrality with respect to matters of conscience;

r. The Board's Debate Prohibition infringes the Applicant's freedom of expression by preventing him from expressing his point of view on the Council's practice;

s. The Board did not consider Mr. Horsman's *Charter* protected rights in rendering the Decision, making it unjustified and incorrect;

t. In the alternative, the Decision does not represent a proportionate balance between Mr. Horsman's *Charter*-protected rights and the Board's statutory objectives, rendering the Decision unreasonable;

u. The Board's Decision is ultra vires and cannot be justified in light of the governing statutory scheme. Ontario Regulation 612/00, which creates school councils, does not give the Board any authority to dictate Council procedure or to govern discussion and debate at Council meetings. On the contrary, the Regulation explicitly delegates to school councils the authority to "make by-laws governing the conduct of its affairs."

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

a. The affidavit of Geoffrey Horsman, to be sworn;

b. Such further and other evidence as counsel may advise and this Honourable Court may permit.

November 27, 2025

Hatim Kheir

CHARTER ADVOCATES CANADA

[redacted]

Hatim Kheir (LSO#79576J)

[redacted]

Counsel for the Applicant

GEOFFREY HORSMAN

APPLICANT

-and-

WATERLOO REGION DISTRICT SCHOOL BOARD

RESPONDENTS

Court File No.:

ONTARIO SUPERIOR COURT OF JUSTICE

Proceeding Commenced at HAMILTON

NOTICE OF APPLICATION FOR JUDICIAL REVIEW

CHARTER ADVOCATES CANADA

[redacted]

Hatim Kheir (LSO#79576J)

[redacted]

Counsel for the Applicant