COURT OF APPEAL OF ALBERTA

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REGISTRY OFFICE:	EDMONTON
PLAINTIFFS/APPLICANTS:	MOMS STOP THE HARM SOCIETY and LETHBRIDGE OVERDOSE PREVENTION SOCIETY
STATUS ON APPEAL:	APPELLANTS
DEFENDANT/RESPONDENT:	HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA
STATUS ON APPEAL:	RESPONDENT
DOCUMENT:	**FACTUM**

Appeal from the Decision of
The Honourable Justice R.P. Belzil
Dated the 10th day of January 2022

FACTUM OF THE APPELLANT

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TABLE OF CONTENTS

PART I – FACTS

1. On January 31, 2022, the Respondent Her Majesty the Queen in Right of Alberta ("**HMQA**") will implement new regulatory measures for delivering and accessing supervised consumption services in Alberta. The measures will require service providers to request the personal health care number ("**PHN**") and other personal identifying information of substance users, and for this information to be logged and stored in Alberta's electronic medical records systems and shared with others without any further consent (the "**PHN requirements**").

2. The Appellants applied for an emergency injunction in this action to prevent the implementation of the PHN requirements. The action challenges the constitutionality of broader regulatory framework enacted by HMQA for delivering and accessing supervised consumption services (the "**Regulations**"), which the PHN requirements form a narrow component. The Regulations limit the availability of supervised consumption services in Alberta and deter those who need these services from accessing them. The Appellants claim that the framework breaches the rights of substance users under the *Charter of Rights and Freedoms*; frustrates the purpose behind the federal government's framework for regulating supervised consumption services; and is *ultra vires* to the provincial powers enumerated at section 92 of the *Constitution Act, 1867*.

3. The Chambers Justice agreed that the Appellants' claim raised a serious issue to be tried. The Chambers Justice also accepted that the PHN requirements would lead to substance users suffering irreparable harms, including death and a range of other "serious adverse medical consequences."[1] However, despite acknowledging that people will die as a result of the measures, the Chambers Justice found that an injunction would "severely" restrict HMQA's "ability to formulate addictions policy", which was of greater public interest than preventing vulnerable and marginalized Albertans from dying.[2] On this basis, the injunction request was denied.

4. The Chambers Justice's refusal to temporarily curtail a limited aspect of the Regulations to prevent the death of vulnerable Albertans was made on a series of errors in his approach to the balance of convenience stage of the test for injunctive relief.

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[1] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶51, Book of Authorities of the Appellants ("**Appellants' Book of Authorities**"), Tab 1.

[2] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶68, Appellants' Book of Authorities, Tab 1.

5. The Chambers Justice failed to identify the correct framework and factors to consider as part of the balancing exercise. At this prong of the framework, a court is to weigh the public interest the injunction is intended to achieve against the public interest that is presumed by maintaining the impugned state action. It involves an assessment of a range of factors, including the nature of the harm resulting from the impugned state action, to determine where the public interest lies. The public interest presumption is rebuttable and centres on the government measure that is the focus of the injunction, not the broader legislative framework or jurisdictional area it falls under.

6. Additionally, the Chambers Justice erred in his application of the framework to the facts established on record. The most striking error is that the Chambers Justice found that preventing the deaths of Albertans resulting from the PHN requirements did not afford "a public benefit greater than the public interest provided" in maintaining the impugned measure.[3] This remarkable finding constitutes a palpable and overriding error that is also at odds with the nature of *Charter* rights and the "clear case" threshold that applies for an injunction to issue. It is an aberrant finding that cannot be maintained.

7. The Appellants appeal only the portion of underlying decision that concerns the Chambers Justice's approach to the balance of convenience stage of the assessment, and on an emergency basis, before the implementation date of the PHN requirements. An expedited review of the decision can ensure that the lives of those Albertans that the Chambers Justice accepted will be lost if the impugned measures are enacted can be saved. The unique circumstances of this case require an immediate intervention to correct significant errors and protect the lives of the most vulnerable and marginalized Albertans.

A. The Appellants Have a Reasonable Basis to Challenge the Regulation

8. The Appellants challenge the constitutionality of the Regulations on the following grounds:

   a. the framework breaches the *Charter* rights of substance users and service providers in Alberta at section 2(a), 2(b), 7, 8, 12, and 15;

[3] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶69, Appellants' Book of Authorities, Tab 1.

b. the framework frustrates the purpose of the federal legislative regime that regulates the delivery of and access to supervised consumption services, and to the extent that it does, is inoperable; and

c. the framework is *ultra vires*, as the way it is drafted places it within the federal government's criminal law powers as set out at section 91(27) of the *Constitution Act, 1867*.

9. However, the injunction brought by the Appellants did not seek to enjoin the operations of the Regulations but only a narrow component of the overall framework: the PHN requirements. According to the Appellants, the PHN requirements will cause immediate, irreparable harm that would impact thousands of Albertans, and result in many overdose deaths. To prevent this from occurring, the Appellants sought an injunction to delay the implementation of the PHN requirements until the constitutionality of the Regulations was fully determined in this action.

10. After receiving the Appellants' application record, HMQA conceded that all the causes of action asserted by the Appellants demonstrated serious issues to be tried, satisfying the first stage of the test for injunctive relief.[4]

11. The Chambers Justice accepted that the Appellants' claims raised a serious issue to be tried around the constitutionality of the Regulations.[5]

B. The Chambers Justice Accepted that the PHN Requirements Would Result in the Death of Substance Users

12. The Appellants tendered a significant evidentiary record from direct and expert witnesses setting out that the PHN requirements would lead to a large number of substance users no longer accessing supervised consumption services, resulting in the range of serious and fatal harms associated with unsupervised substance use.[6] The PHN requirements, even if they did not require substance users to provide a personal health number on a mandatory basis to access supervised

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[4] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶49, Appellants' Book of Authorities, Tab 1.

[5] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶¶47-49, Appellants' Book of Authorities, Tab 1.

[6] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24, Appellants' Book of Authorities, Tab 1 at ¶¶30-39 and Key Extracts of the Appellants ("**Appellants' Key Extracts**"), Tab 1, A4-A5, ¶¶25-27; Tab 2, A20, ¶¶75-77; Tab 3, A68-A77, ¶169-203; Tab 4, A82-A85, ¶¶28-42; Tab 5, A93-A94, ¶¶48-51; Tab 6, A98-A100, ¶¶23-32; Tab 7, A104-A106, ¶¶16-43.

consumption services, serve as a barrier for vulnerable, marginalized substance users, fearing the stigma and criminalization associated with being identified as consumers of illegal substances or having their personal health information shared further without knowledge or consent.[7]

13. The PHN requirements will cause a significant number of substance users to no longer access supervised consumption services in Alberta.[8] These individuals will continue to consume substances but in an unsupervised manner, increasing their risk of overdose death, and of acquiring bloodborne (HIV and Hepatitis C) and bacterial infections (infectious endocarditis and skin infections).[9] "Each patient who does not use [supervised consumption services] when they use drugs are at high risk of death."[10] The measures will deter many, if not a majority of substance users in Alberta, from accessing supervised consumption services, resulting in mass death that will exceed the current record overdose death rates in Alberta.

14. The Chambers Justice correctly determined that "irreparable harm is viewed from the perspective of the applicants and refers to the nature of the harm suffered and not its magnitude. It is harm which either cannot be quantified in monetary terms or it cannot be cured."[11]

15. HMQA did not expressly challenge the Appellants' evidence on the PHN requirements creating barriers to accessing supervised consumption services in the province, forcing large numbers of substance users to consume illegal substances in unsafe numbers, and increasing the likelihood of death and other harms.

16. The Chambers Justice accepted that the record demonstrated that the PHN requirements would prevent substance users in Alberta from accessing supervised consumption services, even

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[7] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24, Appellants' Book of Authorities, Tab 1 at ¶¶30-39 and Appellants' Key Extracts, Tab 1, A4-A5, ¶¶25-27; Tab 2, A20, ¶¶75-77; Tab 3, A74-A75, ¶¶189-194; Tab 4, A82-A85, ¶¶28-42; Tab 5, A93-A94, ¶¶49-51; Tab 6, A98-99, ¶¶23-24; and Tab 7, A106, ¶¶38-41.

[8] Appellants' Key Extracts, Tab 1, A4-A5, ¶¶25-27; Tab 2, A20, ¶¶75-77; Tab 3, A74-A75, ¶¶189-194; Tab 4, A82-A85, ¶¶28-42; Tab 5, A93-A94, ¶¶49-51; Tab 6, A98-99, ¶¶23-24; and Tab 7, A106, ¶¶38-41.

[9] Appellants' Key Extracts, Tab 1, A4-A5, ¶¶25-27; Tab 2, A20, ¶¶75-77; Tab 3, A68-A77, ¶169-203; Tab 4, A82-A85, ¶¶28-42; Tab 5, A93-A94, ¶¶48-51; Tab 6, A98-A100, ¶¶23-32; Tab 7, A104-A106, ¶¶16-43.

[10] Appellants' Key Extracts, Tab 4, A85, ¶42.

[11] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶50, Appellants' Book of Authorities, Tab 1.

if a PHN was requested on a voluntary basis.[12] This would lead to "these individuals being exposed to serious adverse medical consequences, some of which may result in death."[13]

17. The Chambers Justice determined that the Appellants had demonstrated that the PHN requirements would result in irreparable harm for substance users in Alberta, including death, if the injunction was not issued.[14]

C. Permitting Alberta to Exercise its Jurisdiction in an Unrestrained Manner is of Greater Public Importance than Preventing the Death of Many Substance Users

18. The Chambers Justice then turned to the balance of convenience stage of the analysis, describing his primary focus as determining whether this was a "clear case" for an injunction to issue.[15]

19. Here, for reasons that are not clear, the Chambers Justice weighed the strength of the Appellants' claim that the Regulations constituted an unconstitutional intrusion in the federal government's criminal law power against HMQA's right to formulate addictions policy.[16] After finding that addictions policy was a matter of joint federal and provincial responsibility, the Chambers Justice declared the balance of convenience favoured not restricting HQMA in its ability to legislate in the addictions policy realm.[17]

20. The Chambers Justice, in reaching his decision, erroneously linked the alleged intrusion in the federal government's criminal law power as being linked to the Appellants' paramountcy argument.[18] However, the Appellants' paramountcy claim is not grounded in the position that the Regulations represent an intrusion into the federal government's exclusive right over criminal law. The paramountcy argument is based on a different set of facts, including that the Regulations impose the same measures that the federal government removed as part of a series of amendments

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[12] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶51, Appellants' Book of Authorities, Tab 1.
[13] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶51, Appellants' Book of Authorities, Tab 1.
[14] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶54, Appellants' Book of Authorities, Tab 1.
[15] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶60, Appellants' Book of Authorities, Tab 1.
[16] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶¶62-70, Appellants' Book of Authorities, Tab 1.
[17] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶¶62-70, Appellants' Book of Authorities, Tab 1.
[18] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶¶66, Appellants' Book of Authorities, Tab 1.

in 2017 to expand and facilitate greater access to supervised consumption services in the provinces hardest hit by the overdose crisis, including Alberta.

21. The paramountcy argument advanced acknowledges joint federal and provincial jurisdiction over managing the crisis but alleges that HMQA's Regulations frustrate the purpose behind the federal government's aim of making it easier to access supervised consumption services by reimposing and erecting new barriers around delivering and accessing them. Paramountcy is premised on governments acting within their jurisdiction but nonetheless conflicting in operational compliance or when the provincial regime frustrates the federal purpose.[19] The remedy is rendering the provincial regime inoperative to the extent that it conflicts with the federal law.

22. The reasons of the Chambers Justice indicate that he failed to appreciate the paramountcy argument being advanced, or alternatively, misunderstood the doctrine of paramountcy on a foundational level.

23. The Chambers Justice also contextualized the public interest presumption afforded to HMQA in relation to the Regulations instead of the state action that was the focus of the injunction, the PHN requirements. The injunction sought to enjoin the implementation of the PHN requirements only, and not to prevent the Regulations from taking effect or HMQA from legislating in the area of addictions policy. Nothing in the Appellants' injunction request would have prevented HMQA from continuing to formulate addictions policy in Alberta.

24. The only balancing the Chambers Justice undertook at this stage of the analysis was the weighing of the strength of one of the several causes advanced by the Appellants, which was misapprehended, against preventing HMQA from legislating in the realm of addictions policy. It was on this basis, and this basis alone, that the Chambers Justice determined that this was not a "clear case" for an injunction to issue.

25. There was no consideration of the irreparable harms that would be inflicted on substance users if the injunction did not issue. There was no discussion of the variety of causes of action advanced by the Appellants, including the *Charter* breaches alleged. The presumption of public

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[19] *Orphan Well Association v Grant Thornton Ltd.*, 2019 SCC 5 at ¶¶63-70, Appellants' Book of Authorities, Tab 2.

interest was contextualised to HMQA's broad jurisdictional authority over addictions policy and not specifically to the purpose the PHN requirements would serve.

PART II – GROUNDS OF APPEAL

26. The Chambers Justice erred in his approach to the balance of convenience stage of the test for injunctive relief, and the application of the framework to the record before him.

PART III – STANDARD OF REVIEW

27. The granting of an interim injunction is a discretionary decision.[20] The standard of review on appeal is deferential.[21] Appellate intervention is justified only where a chambers justice has committed a legal error, a serious misapprehension of the evidence, or where the "decision to grant or refuse the injunction is so aberrant that it must be set aside on the ground that no reasonable judge . . . could have reached it."[22]

28. All three errors were committed in the underlying decision at the balance of convenience stage of the analysis, warranting this Court's intervention to remedy.

PART IV – ARGUMENT

A. The Chambers Justice Failed to Identify and Apply the Correct Approach to Assessing the Balance of Convenience in the Circumstances

29. The analysis that a court is to undertake at the balance of convenience stage of the test for injunctive relief is a multi-faceted assessment that looks at a range of factors to determine where the public interest lies in the circumstances.

30. The central factor, from an applicant's perspective, is the nature of the irreparable harm they will suffer if the injunction is not granted.[23] However, additional factors exist depending on the circumstances of a case. [24] They may include the magnitude of the irreparable harm alleged, the nature of the impugned state action, the nature of the objective pursued by the impugned state

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[20] *R v Canadian Broadcasting Corp.*, 2018 SCC 5 at ¶27, Appellants' Book of Authorities, Tab 3.

[21] *R v Canadian Broadcasting Corp.*, 2018 SCC 5 at ¶27, Appellants' Book of Authorities, Tab 3.

[22] *R v Canadian Broadcasting Corp.*, 2018 SCC 5 at ¶27, Appellants' Book of Authorities, Tab 3.

[23] *RJR-MacDonald Inc v Canada (Attorney General)*, 1994 CanLII 117 (SCC), [1994] 1 SCR 311 at pages 342 to 347, Appellants' Book of Authorities, Tab 4.

[24] *RJR-MacDonald Inc v Canada (Attorney General)*, 1994 CanLII 117 (SCC), [1994] 1 SCR 311 at pages 342 and 343, Appellants' Book of Authorities, Tab 4.

action, and if the harm to the applicant can be mitigated and state objective can be achieved in the interim through alternative means.

31. There is a presumption that the impugned state action is in the public interest.[25] The presumption is rebuttable, and the state is not required to tender evidence to demonstrate that the measure in fact achieves it. [26] It is accepted that it does.

32. However, the presumption of public interest for the purposes of assessing the balance of convenience is narrowly prescribed to the government measure that is the focus of the injunction. The balancing is between the irreparable harm that the specific state action that is the target of the injunction will cause against the impact an injunction will have on the public interest by allowing the measure to remain in effect. The legislative framework that the measure is part of or the jurisdictional area that it exists within does not form part of the analysis, even if these matters are engaged in the broader action. The court's assessment is precise, focused on the state action targeted and the harms that will be inflicted if it is implemented or allowed to continue.

33. A court must take into consideration these factors, and determine if together, they "demonstrate that the suspension of the legislation would itself provide a public benefit."[27] A "clear case" to issue an injunction exists when the harms to the applicant in denying the injunction outweighs the harm to the state in issuing an injunction.[28]

34. The "clear case" requirement does not refer to the merits of a claim. At the balance of convenience stage of the analysis, a court's only consideration is where the public interest lies based on the harms alleged by the parties, not an action's likely success at trial:[29]

> the "clear case" requirement in cases where the constitutionality of legislation is challenged does not in my view affect the first RJR factor by imposing a higher standard in the sense of a strong or highly meritorious argument. Instead, it informs the court's task in assessing the second factor of the analysis, irreparable harm. Given that a court is required to assume the existence of a public good underlying challenged legislation, it could hardly be otherwise: the applicant for an injunction must, as the

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[25] *AC and JF v Alberta*, 2021 ABCA 24 at ¶57, Appellants' Book of Authorities, Tab 5.

[26] *AC and JF v Alberta*, 2021 ABCA 24 at ¶60, Appellants' Book of Authorities, Tab 5.

[27] *RJR-MacDonald Inc v Canada (Attorney General)*, 1994 CanLII 117 (SCC), [1994] 1 SCR 311 at pages 348 and 349, Appellants' Book of Authorities, Tab 4.

[28] *Harper v Canada (Attorney General)*, 2000 SCC 57 at ¶9, Appellants' Book of Authorities, Tab 6.

[29] *Cambie Surgeries Corporation v British Columbia (Attorney General)*, 2019 BCCA 29 at ¶49, Appellants' Book of Authorities, Tab 7.

> chambers judge said, "prove a more compelling public interest" if it is to offset the presumption of public good.

35. There is only one assessment of the merits of a claim under the test for injunctive relief, and it is at the first stage of the framework. It is a low merits assessment, requiring an application to demonstrate that the claim is neither frivolous nor vexatious. Requiring two separate merits assessments and at different standards under the same legal test has never been part of the framework, is redundant, and is inconsistent with the evolutionary nature of *Charter* rights.[30]

36. The Chambers Justice's analysis at the balance of convenience stage of the framework was limited to an assessment of the merits of one of the eight causes of action advanced by the Appellants and balancing it against HMQA's jurisdictional authority to regulate addictions policy.[31]

37. There was no reference or consideration of the irreparable harm that the Chambers Justice accepted substance users would experience in Alberta by the impugned state action, which included the likely death of many people who access or require supervised consumption services. This figured nowhere in the analysis, although it is the primary consideration at the balance of convenience stage of the assessment.

38. None of the other causes of action advanced by the Appellants, including the *Charter* breaches, formed part of the Chambers Justice's analysis. If the Chambers Justice believed that the analysis centred on the relative merits of a claim against the impact an injunction would have on the state, he erred in limiting his analysis to one of the many causes of action advanced and argued in the proceeding.

39. Moreover, the Chambers Justice misapprehended the paramountcy argument advanced by the Appellants, conflating it with the criminal law power intrusion argument.[32] The allegation that the Regulations impeded on the federal government's criminal law power has no relationship or bearing on the Appellants' paramountcy argument. The Appellants spent considerable time in their written and oral submissions to the Chambers Justice outlining the different arguments and

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[30] *Manitoba (AG) v Metropolitan Stores Ltd.*, [1987] 1 SCR 110, at pages 121-125, Appellants' Book of Authorities, Tab 8.

[31] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶¶62-70, Appellants' Book of Authorities, Tab 1.

[32] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶66, Appellants' Book of Authorities, Tab 1.

tendered a substantial record to support their paramountcy argument.[33] The arguments and evidence, including volumes of Hansard evidence, appear to have been missed by the Chambers Justice.

40. The Chambers Justice also erred in balancing the merits of the action against HMQA's "ability to formulate addictions policy."[34] The injunction seeks to enjoin the implementation of a narrow portion of the Regulations, allowing the rest of the framework that the Appellants contend is unconstitutional to remain in effect.

41. The Appellants' injunction only targeted the PHN requirements. It was not structured to prohibit HMQA from regulating addictions policy in Alberta, which the Appellants admitted that it had the authority to formulate. The Chambers Justice erred in assessing the merits of a portion of the Appellants' claim against the Regulations and HMQA's jurisdictional authority over addictions policy. The balancing was to occur against the public interest associated with the PHN requirement, which was "to create standards for documenting clients and developing means of tracking the outcomes of referrals from supervised consumption service providers to other health and social services, including providers of addiction treatment and recovery-oriented services"[35] Essentially, HMQA's objective in collecting PHNs and individually tracking supervised consumption site use was to help obtain better data to make more informed addictions policy decisions.

42. The Chambers Justice's failure to identify the correct approach to the balance of convenience prong of the framework and apply it to the circumstances before him constitutes errors of law and a serious misapprehension of the facts before him. Either the Chambers Justice did not consider the deaths of many Albertans the impugned state action would cause as part of his analysis or he failed to properly weigh this factor, or he found that preventing these deaths was not of sufficient public importance to temporarily curtail a narrow aspect of HMQA's addictions policy framework.

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[33] Appeal Record, page 14, line 32 to page 33, line 25 and Appellants' Key Extracts, A131-A155.

[34] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶68, Appellants' Book of Authorities, Tab 1.

[35] *Moms Stop the Harm Society v Alberta*, 2022 ABQB 24 at ¶11, Appellants' Book of Authorities, Tab 1.

43. These are significant errors that informed the Chambers Justice's finding that this was not a "clear case" where an injunction should issue to protect the public interest.

B. Preventing Mass Death Should Be the Prevailing Public Interest Consideration

44. "Since reasons given by judges for granting or refusing interlocutory injunctions may sometimes be sketchy, there may also be occasional cases where even though no erroneous assumption of law or fact can be identified the judge's decision to grant or refuse the injunction is so aberrant that it must be set aside on the ground that no reasonable judge regardful of his duty to act judicially could have reached it."[36]

45. A reviewing court is permitted to set aside the refusal to grant an injunction in circumstances where the dismissal departs from an acceptable standard, in that no reasonable judge could have reached that determination.

46. This injunction sought to prevent mass death among the most vulnerable and marginalized Albertans during the midst of an unprecedented overdose crisis that has not peaked. More than two dozen Albertans die each week. The Chambers Justice accepted that PHN requirements would lead to further overdose deaths and other forms of "serious adverse medical consequences" that are irreparable in substance. The injunction was intended to avoid these harms.

47. The Chamber Justice's finding, that preventing the deaths of many vulnerable Albertans through delaying the implementation of the PHN requirements until their constitutionality can be determined served a lesser public benefit than allowing HMQA to formulate addictions policy in an unrestrained manner, is aberrant. It is a remarkable finding that is without precedent. It creates an impossible standard for an injunction to issue against the state if the literal death of marginalized people is insufficient to enjoin state action that is the source of these preventable deaths.

48. The ruling diminishes the personal worth and dignity of Albertans who use substances. The effect of the decision is that a temporary delay in implementing the PHN requirements and the minor inconvenience this would cause to HMQA is of greater importance than whether they can

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[36] *Manitoba (AG) v Metropolitan Stores Ltd.*, [1987] 1 SCR 110 at pages 154-157, Appellants' Book of Authorities, Tab 8 and *R v Canadian Broadcasting Corp.*, 2018 SCC 5 at ¶27, Appellants' Book of Authorities, Tab 3.

continue to live. The decision instills the notion that the lives of substance users do not matter. It reinforces their vulnerability and marginalization.

49. The Chambers Justice's finding cannot be maintained. It is an affront to our fundamental notions of justice and fairness. It undermines the concept of judicial review in the *Charter* context. It brings our system of justice into disrepute.

50. This Court must intervene to safeguard the lives of countless vulnerable, marginalized Albertans.

PART V – RELIEF SOUGHT

51. The Appellants seek an emergency appeal hearing, and an order setting set aside the decision below and preventing HMQA from implementing the PHN requirements until the claims advanced in this action are fully decided.

Estimate of time required for the oral argument: 45 minutes.

Table of Authorities

Jurisprudence		Cited At
1.	*Moms Stop the Harm Society v Alberta*, 2022 ABQB 24	¶3, ¶6, ¶¶10-12, ¶14, ¶¶16-20, ¶36, ¶39, ¶40, ¶41
2.	*Orphan Well Association v Grant Thornton Ltd.*, 2019 SCC 5	¶21
3.	*R v Canadian Broadcasting Corp.*, 2018 SCC 5	¶27, ¶44
4.	*RJR-MacDonald Inc v Canada (Attorney General)*, 1994 CanLII 117 (SCC), [1994] 1 SCR 311	¶30, ¶33
5.	*AC and JF v Alberta*, 2021 ABCA 24	¶31
6.	*Harper v Canada (Attorney General)*, 2000 SCC 57	¶33
7.	*Cambie Surgeries Corporation v British Columbia (Attorney General)*, 2019 BCCA 29	¶34
8.	*Manitoba (AG) v Metropolitan Stores Ltd.*, [1987] 1 SCR 110	¶35, ¶44