

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**JENNIFER TANUDJAJA, JANICE ARSENAULT, ANSAR MAHMOOD,  
BRIAN DUBOURDIEU, CENTRE FOR EQUALITY IN ACCOMMODATION**

Applicants

and

**ATTORNEY GENERAL OF CANADA AND ATTORNEY GENERAL OF  
ONTARIO**

Respondents

**NOTICE OF MOTION**

The Respondent, the Attorney General of Canada, will make a motion to a judge on a date to be determined by the motions scheduling court at the courthouse at 393 University Avenue, 10th floor, Toronto.

PROPOSED METHOD OF HEARING: The motion is to be heard orally.

THE MOTION IS FOR:

- a) An Order striking out the Amended Notice of Application, without leave to amend, and dismissing this application;
- b) The Attorney General of Canada's costs in this motion; and
- c) Such other relief as counsel may advise and this Honourable Court may permit.

THE GROUNDS FOR THE MOTION ARE:

- a) The Amended Notice of Application seeks a declaration that the Government of Canada has failed to implement effective national strategies to reduce and eventually eliminate homelessness and inadequate housing, thus breaching the applicants' rights under ss. 7 and 15 of the *Canadian Charter of Rights and Freedoms*, in a manner which is not demonstrably justified under s. 1;
- b) Section 7 of the *Charter* does not contain a general right to housing. Nor does s. 7 impose a positive obligation on the government to provide social assistance, including housing or housing subsidies;
- c) Section 15 of the *Charter* does not contain a general right to housing. Housing is not a benefit provided by law. Further, the claim set out in the Amended Notice of Application does not meet the test for discrimination within the meaning of s. 15, directly or indirectly;
- d) The issues raised and the relief sought in the Amended Notice of Application are not justiciable;
- e) The Amended Notice of Application is not based on an incremental development of the law under the *Charter*. The Amended Notice challenges economic and social policies that are essentially political matters, beyond the institutional competence of the Superior Court. It is founded on arguments that have repeatedly been considered and rejected in binding jurisprudence;
- f) The relief sought is imprecise, judicially unmanageable and unbounded in scope. The Amended Notice of Application also seeks orders that are beyond the Superior Court's jurisdiction;
- g) The Amended Notice of Application discloses no reasonable cause of action;
- h) It is plain and obvious that this application will fail;
- i) *Courts of Justice Act*, R.S.O. 1990, c. C.43;
- j) *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, in particular, Rules 14.09 and 21.01(1)(b); and
- k) Such further and other grounds as counsel may advise and this Honourable Court may accept.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- a) The Amended Notice of Application;

- b) Such other documentary evidence as counsel may submit and this Honourable Court may permit.

June 11, 2012

Department of Justice  
Ontario Regional Office  
The Exchange Tower  
130 King Street West  
Suite 3400, Box 36  
Toronto, Ontario  
M5X 1K6

Per: Gail Sinclair (LSUC #23894M)  
Michael Morris (LSUC #34397W)  
Tel: (416) 954-8109/ 973-9704  
Fax: (416) 952-4518  
E-mail: [gail.sinclair@justice.gc.ca](mailto:gail.sinclair@justice.gc.ca)/  
[michael.morris@justice.gc.ca](mailto:michael.morris@justice.gc.ca)  
File: 2-594322

Counsel for the Respondent, the Attorney  
General of Canada

TO:	<p><b>Advocacy Centre for Tenants Ontario</b> 425 Adelaide St. W., Suite 500 Toronto, Ontario M5V 3C1</p> <p><b>Tracy Heffernan</b> (LSUC #37482C) Tel: 416-597-5820 Fax: 416-597-5821 E-mail: <a href="mailto:heffernt@lao.on.ca">heffernt@lao.on.ca</a></p>
AND TO:	<p><b>Roach Schwartz &amp; Associates</b> 688 St. Clair Avenue West Toronto, Ontario M6C 1B1</p> <p><b>Peter Rosenthal</b> (LSUC #330440) Tel: 416-657-1465 Fax: 416-657-1511 Email: <a href="mailto:rosent@math.toronto.edu">rosent@math.toronto.edu</a></p>

AND TO:	<p><b>Fay Faraday</b> Barrister &amp; Solicitor 860 Manning Ave. Toronto, Ontario M6G 2W8</p> <p>Fay Faraday (LSUC #37799H) Tel: 416-389-4399 Fax: 647-776-3147 E-mail: <a href="mailto:fay.faraday@faradaylaw.com">fay.faraday@faradaylaw.com</a></p>
AND TO:	<p><b>The Attorney General of Ontario</b> Constitutional Law Branch 4<sup>th</sup> Floor, 720 Bay Street Toronto, Ontario M7A 2S9</p> <p><b>Janet E. Minor</b> (LSUC # 14898A) <b>Arif Virani</b> (LSUC # 44463H)</p> <p>Tel: 416-326-4137/416-326-0131 Fax: 416-326-4015 E-mail: <a href="mailto:janet.minor@ontario.ca">janet.minor@ontario.ca</a> <a href="mailto:arif.virani@ontario.ca">arif.virani@ontario.ca</a></p>

JENNIFER TANUDJAJA, JANICE ARSENAULT,  
ANSAR MAHMOOD, BRIAN DUBOURDIEU, CENTRE FOR  
EQUALITY IN ACCOMMODATION

AND

ATTORNEY GENERAL OF CANADA AND ATTORNEY  
GENERAL OF ONTARIO

Applicants

Respondents

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at Toronto

**NOTICE OF MOTION TO STRIKE**

Department of Justice  
Ontario Regional Office  
The Exchange Tower  
130 King Street West  
Suite 3400, Box 36  
Toronto, Ontario M5X 1K6

Per:

Gail Sinclair (LSUC #23894M)  
Michael Morris (LSUC #34397W)

Tel:

(416) 954-8109/ 973-9704

Fax:

(416) 952-4518

Our File:

2-594322

Law Society No.: 23894M/ 34397W

Counsel for the Respondent, the Attorney General  
of Canada