



Form 337 – Rule 337

Court File No.: A-193-21

**FEDERAL COURT OF APPEAL**

**DOMINIC COLVIN**

Appellant

-and-

**THE ATTORNEY GENERAL OF CANADA**

Respondent

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**NOTICE OF APPEAL**

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TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears on the following page.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at Calgary, Alberta.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341 prescribed by the *Federal Courts Rules* and serve it on the appellant's solicitor, or where the appellant is self-represented, on the appellant, WITHIN 10 DAYS of being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341 prescribed by the *Federal Courts Rules* instead of serving and filing a notice of appearance.

Copies of the Federal Courts Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: July 9, 2021

Issued by: **ORIGINAL SIGNED BY**  
**KINNERY NAIK**  
**A SIGNÉ L'ORIGINAL**

Address of local office: **Calgary Local Office** **Bureau local de Calgary**  
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**TO:**

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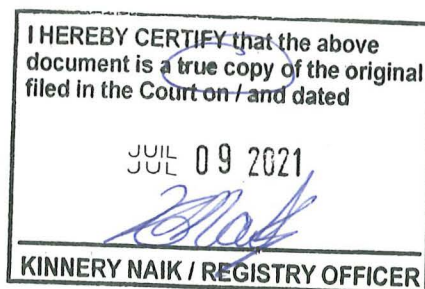
Also, to the following applicants who may be directly affected by the appeal, pursuant to Rule 339 of the *Federal Courts Rules*, SOR/98-106:

**Justice Centre for Constitutional Freedoms**

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## APPEAL

**THE APPELLANT APPEALS** to the Federal Court of Appeal from the judgement of the Honourable Mr. Chief Justice Paul S. Crampton, dated June 18, 2021, in Federal Court File No. T-341-21, by which Justice Crampton found that:

- a) the *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Quarantine, Isolation and Other Obligations)*, Order in Council PC Number 2021-0075 (the “Order”) or subsequent and substantially similar Orders, did not infringe upon the Applicant’s section 6(1), 7 and 9 *Charter*<sup>1</sup> rights; and
- b) the principles of fundamental justice would permit the imposition of stronger border control measures should the Administrator in Council become of the opinion that the preconditions set forth in paragraphs 58(1)(a) – (d) of the *Quarantine Act* are met. This includes a longer period of quarantine at the border.

**THE APPELLANT ASKS** that the Judgement be set aside, a declaration that the Court erred in law by making findings that went beyond the scope of the issues and evidence, a declaration that the Appellant’s sections 6(1), 7 and 9 *Charter* rights were breached and not saved by s. 1, a declaration that the Order is unconstitutional for being contrary to and in violation of sections 6(1), 7 and 9 of the *Charter*, and costs in favour of the Appellant.

**THE GROUNDS OF APPEAL** are as follows:

1. The Court erred in law and fact in finding that the impugned provisions of the Order did not violate sections 6(1), 7 and 9 of the *Charter* and are therefore justified in a free and democratic society.
2. The Court erred in failing to conduct a proper legal analysis in determining that the Order did not violate sections 6(1), 7 and 9 of the *Charter*.
3. The Court erred by finding that the Appellant’s section 6(1) *Charter* rights were not violated. The impugned measures are a gross impediment resulting in a violation of the Appellant’s s. 6(1) *Charter* right.
4. While the Court was correct in finding that the three-day quarantine in the Government Authorized Accommodations (the “GAAs”) “plainly violate” the liberty interests of the Appellant in breach of s. 7 of the *Charter*, the Court erred in finding that the deprivation of liberty to be in accordance with the principles of fundamental justice by in finding that the impugned orders are not arbitrary, overly broad, nor grossly disproportional.
5. While the Court was correct in finding that the three-day quarantine in the GAAs “unquestionably” constitutes a “detention” within the meaning of s. 9 of the *Charter*, the Court erred in finding that the detention of the Appellant was not arbitrary and was carried out reasonably.
6. The Court erred in misapprehending evidence, improperly weighing portions of the

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<sup>1</sup>The Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11, Canadian Charter of Rights and Freedoms (the “Charter”)



evidence, considering irrelevant facts, and failing to consider relevant facts.

7. The Court erred in law by going beyond the scope of the issues and evidence that was before the Honourable Court in making the conclusionary findings that “principles of fundamental justice would permit the imposition of stronger border control measures including longer period of quarantine at the border.”<sup>2</sup>
8. Such further and other grounds as counsel may advise and this Honourable Court may permit.

Dated this 9<sup>th</sup> day of July 2021, in the Municipal District of Foothills, Alberta.



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SOR/2004-283, ss. 35 and 38

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<sup>2</sup> *Spencer v Canada (Health)*, 2021 FC 621, paras. 309 – 311.