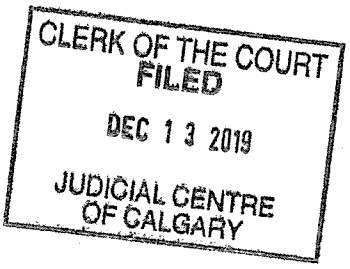
Clerk's stamp:



COURT FILE NUMBER	1901-06503
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
APPLICANTS	GERRIT TOP, JANTJE TOP, SPOT ADS INC., ROSS MARTIN, JOHN MARKIW and BRIAN WICKHORST
RESPONDENT	MUNICIPAL DISTRICT OF FOOTHILLS NO. 31
DOCUMENT	**NOTICE OF APPLICATION**
PARTY FILING THIS DOCUMENT	JUSTICE CENTRE FOR CONSTITUTIONAL FREEDOMS
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Attention: James Kitchen Jay Cameron Justice Centre for Constitutional Freedoms #253, 7620 Elbow Drive SW Calgary, Alberta T2V 1K2 Phone: 403- 475-3622 Fax: 587-352-3233 Email: jkitchen@jccf.ca jcameron@jccf.ca *Counsel for the Applicants*

and

CONTACT INFORMATION OF ALL OTHER PARTIES	Sean Fairhurst Dentons Canada LLP 15th Floor, Bankers Court, 850 - 2nd Street SW Calgary, AB T2P 0R8 Phone: 403-268-6803 Fax: 403-268-3100 Email: sean.fairhurst@dentons.com *Counsel for the Respondent*

NOTICE TO THE RESPONDENT

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date:	December 20, 2019
Time:	10:00 AM
Where:	Calgary Courts Centre 601 5th Street SW, Calgary AB T2P 5P7
Before:	Justice in Chambers

Go to the end of this document to see what you can do and when you must do it.

GROUNDS FOR MAKING THIS APPLICATION

The Applicants

1. The Applicant, Spot Ads Inc. ("Spot Ads") is in the business of leasing advertising space on the sides of transport truck trailers placed on private property adjacent to roadways in Alberta (the "Spot Ads Signs"), including in the Municipal District of Foothills No. 31 ("Foothills"). Spot Ads Signs provide affordable space for small and medium sized businesses to advertise and for other entities to express various messages to the public, while also providing income to landowners.

2. The Applicants Gerrit and Jantje Top are Foothills resident landowners. The Tops have placed a trailer on their private property with billboard signs attached to each side. The billboard signs express the Tops' convictions and political opinions regarding abortion and contains a message from the Tops to women with unplanned pregnancies on how to access support services (the "Tops' Sign").

3. The Applicants, Ross Martin, John Markiw and Brian Wickhorst are Foothills resident landowners, and each either has currently or had prior to December 2019 signs on their property attached to the sides of trailers.

Background

4. Through Bylaw 60/2014, otherwise known as the Land Use Bylaw, Foothills prohibits particular types of signs, including any and all signs attached to the sides of trailers, such as the Spot Ads Signs and the Tops' Sign.

5. Section 9.24.10(a) of the Land Use Bylaw states:

> The following signs are prohibited in the County:
>
> a. Vehicle Signs, except for signs exclusively advertising the business for which the vehicle is used, where the vehicle:
>
> i. is a motor vehicle or trailer;
>
> ii. is registered and operational; and
>
> iii. used on a regular basis to transport personnel, equipment or goods as part of the normal operations of that business. (the "Impugned Bylaw")

6. The term "Vehicle Sign" is defined in the Land Use Bylaw at section 9.24.1 as:

> a sign that is mounted, affixed or painted onto an operational or non-operational vehicle, including but not limited to trailers with or without wheels, Sea-cans, wagons, motor vehicles, tractors, recreational vehicles, mobile billboards or any similar mode of transportation that is left or placed at a location clearly visible from a highway…

7. An Originating Application was filed May 9, 2019 challenging the constitutionality of the Impugned Bylaw as an unjustified infringement of section 2(b) of the *Charter* and seeking to strike the Impugned Bylaw under section 52(1) of the *Constitution Act, 1982*. Affidavit material was filed by the Applicants to the Originating Application in June 2019. An Amended Originating Application was filed December 13, 2019.

8. A half-day hearing in Special Chambers was originally scheduled by consent of the parties for December 11, 2019, for the adjudication of the above-described matter.

9. Counsel for the Respondent and counsel for the Applicants agreed cross-examination of all the parties' affiants would occur on November 6 and 7, 2019. Counsel for the Respondent

represented to counsel for the Applicants that the Respondent's affidavit material would be provided to the Applicants no later than October 7, 2019.

10. The Respondent failed to provide the Applicant with affidavit material on this date. The Respondent did not file Affidavit material until November 8, 2019. The non-filing of material by the Respondent prevented cross-examinations from occurring, and necessitated the adjournment of the December 11, 2019 hearing.

11. Counsel for the parties consented to a new hearing date of February 19, 2020, which was set on November 5, 2019.

12. The Respondent took advantage of the delay it caused to impose punitive measures upon Foothills landowners who have Spot Ads Signs on their property (the "Landowners"). Starting on November 12, 2019, four days after the Respondent finally filed its affidavit material, the Respondent sent letters to the Landowners threatening enforcement of the Impugned Bylaw starting November 26 if the Landowners did not remove the Spot Ads Signs. No enforcement action had taken place between the filing of the Originating Application on May 9, 2019, and November 2019.

13. Counsel for the Applicants protested the sudden threatened enforcement action, citing the constitutional challenge to the Impugned Bylaw and the Respondent's own delay. In response, Sean Fairhurst, counsel for the Respondent, sent counsel for the Applicants an email, on the same day set for the commencement of enforcement, November 26, stating:

> I have confirmation from Foothills County that it will refrain from enforcement respecting non-compliance with the by-law until the Court has rendered its decision.

14. Counsel for the Applicants provided the above email to Spot Ads on the evening of November 26, who, in turn, early on the morning of November 27, provided it to the Landowners. Both Spot Ads and the Landowners relied upon the email from Sean Fairhurst in determining that no enforcement would occur, and that it was therefore safe to keep the Spot Ads Signs in place beyond the date of November 26.

15. Contrary to the representation of non-enforcement of the Impugned Bylaw, however, the Respondent issued two violation tickets in the amount of $2,000 each on December 2, 2019

to one of the Landowners, Pat Miller. A further violation ticket was issued on December 4 to another Landowner, the Applicant, Ross Martin.

16. The Respondent also issued a Stop Order to Pat Miller on December 2, demanding the removal of the Spot Ads Signs on her property before December 24, 2019, pending which the Respondent will enter her land and forcibly remove the Spot Ads Signs. A similar Stop Order was issued to Ross Martin, demanding removal by December 30.

17. On December 6, 2019, counsel for the Applicants warned the Respondent of pending injunction and estoppel proceedings.

Legal Basis

18. The Applicants seek injunctive and equitable relief from this Honourable Court pending a determination by this Court of the constitutionality of the Impugned Bylaw, which, on its face, is an unjustified limitation of the freedom of expression rights of individuals who express themselves on their own private property, whether for commercial purposes, personal purposes or both.

Freedom of Expression

19. Canada's Constitution preserves Canada as a free and democratic society. Governments at all levels are required to respect fundamental freedoms, including freedom of expression as protected by section 2(b) of the *Canadian Charter of Rights and Freedoms* (the "*Charter*"). The vital importance of freedom of expression cannot be overemphasized and it is difficult to imagine a guaranteed right more important to a democratic society.

20. Roadside billboard signs containing messages to the public, political or otherwise, and commercial advertising are common along Alberta's roadways. The ubiquitous presence of signs, as one of society's most important and effective means of communication, is a defining characteristic of free societies such as Canada. Alberta is part of a liberal democracy in which freedom of expression is zealously guarded by the courts.

21. The Landowners have a constitutionally protected right to engage in expressive activities on their own private property, including the display of billboards signs visible from adjacent

highways. There is nothing unlawful about the expression on the trailers. There is nothing unlawful about the Landowners parking trailers on their private property. There is no injury to anyone if the signs remain attached to the trailer pending a determination of the constitutionality of the Impugned Bylaw.

Property Rights: Alberta Bill of Rights

22. The Applicants, Gerrit and Jantje Top and the Landowners have the "right to enjoyment of property, and the right not to be deprived thereof except by due process of law" as protected by section 1(a) of the *Alberta Bill of Rights*. They have decided to "enjoy" their property by using it for expressive purposes and, in the case of the Landowners, also for the generation of income. There is nothing unlawful about the content of the expression on the trailers. Nor is it unlawful to keep trailers on private property. There is no injury to any person if the trailer signs remain in place prior to the determination of the constitutionality of the Bylaw.

23. The Respondent is bound by the procedural obligations of section 1(a) of the *Alberta Bill of Rights*, which are at least those of common law procedural fairness requirements.[1] A high degree of procedural fairness is owed when the potential penalties are so severe: $2,000 fines, the loss of income, and the loss of the right to express oneself through signs on one's own property.

24. The Respondent withdrew its threats of enforcement by email of its counsel on November 26, 2019, and represented that there would be no enforcement of the Impugned Bylaw pending a determination by the Court as to its constitutionality. Despite this representation, the Respondent ambushed the Applicant Landowners with tickets in the amount of $2000, and Stop Orders set to come into effect starting December 24, 2019, purporting to justify the Respondents forcible removal of the Spot Ads Signs. The deceptive maneuvering of the Respondent is a breach of the requirement of due process of law.

25. The Respondent has engaged in gross procedural unfairness in acting contrary to its representations and exploiting a delay it was the cause of, thereby breaching the Applicants' rights as protected by section 1(a) of the *Alberta Bill of Rights*.

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[1] *Lavallee v Alberta (Securities Commission)*, 2009 ABQB 17 at para 198.

Injunctive Relief

26. The Applicants have a right to freedom of expression as protected by section 2(a) of the *Charter* and section 1(d) of the *Alberta Bill of Rights*. The Impugned Bylaw represents a clear infringement of that right by outlawing the chosen means of expression of the Applicants in the instant case.

27. The Applicants seek injunctive relief to prevent the Respondent from proceeding with enforcement of the Impugned Bylaw, thereby permitting the Applicants to continue to exercise their *Charter* rights to free expression.

28. The Supreme Court of Canada in *RJR-MacDonald Inc v Canada (Attorney General)*[2] established the tripartite test for injunctive relief, as follows: (1) whether there is a serious issue to be tried, (2) whether irreparable harm would result to the Applicants if the injunction is not granted, and (3) whether the balance of convenience between the parties favours granting the injunction to the Applicants.

Serious Issue to be Tried

29. The Court in *RJR-MacDonald* characterized this branch of the test as follows:

> What then are the indicators of "a serious question to be tried"? There are no specific requirements which must be met in order to satisfy this test. The threshold is a low one. The judge on the application must make a preliminary assessment of the merits of the case.
> ...
> Once satisfied that the application is neither vexatious nor frivolous, the motions judge should proceed to consider the second and third tests, even if of the opinion that the plaintiff is unlikely to succeed at trial. A prolonged examination of the merits is generally neither necessary nor desirable.[3]

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[2] [1994] 1 SCR 311 [*RJR-MacDonald*]; see also *Harper v Canada (Attorney General)*, [2000] 2 SCR 764 ("*Harper*").
[3] *RJR-MacDonald*, *supra* note 2 at paras 54-55.

30. There is a serious issue to be tried regarding the constitutionality of the Impugned Bylaw. The Tops and the Landowners have a constitutionally protected right to engage in expressive activities on their own private property, including the display of roadside billboard signs. As the Quebec Superior Court stated in a similar application to temporarily stay legislation, what is at stake is "no less than the constitutionality of provisions" enacted by a government.[4] This is a serious issue to be tried.

Irreparable Harm

31. The second part of the tripartite test asks if the Applicants have established that they will suffer irreparable harm if pretrial injunctive relief is withheld. "Irreparable" refers to the nature of the harm suffered rather than its magnitude, and it is harm that cannot be quantified in monetary terms or which cannot be cured.[5] The Saskatchewan Court of Appeal has warned that setting too high a standard on this part of the test will "stultify" the purpose sought to be achieved by giving a Court the discretion to grant interlocutory relief.[6]

32. The Applicants submit that each will unavoidably suffer irreparable harm in so far as each will experience the loss of their constitutionally protected right to express themselves by effectively communicating with the public through the usage of signage. Such loss, which is necessarily a significant harm, is, by its very nature, non-compensable by financial means. No amount of money can ever compensate citizens who have had their freedom of expression unjustifiably restricted.

33. In particular, if injunctive relief is not granted, the Tops will lose the ability to communicate their message regarding their pro-life beliefs to the public, including to women experiencing unplanned pregnancies and who may be seeking help.

34. Lastly, the deceptive enforcement proceedings of the Respondent do not meet the test required for "due process of law" required by section 1(a) of the *Alberta Bill of Rights.*

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[4] *National Council of Canadian Muslims (NCCM) c Attorney General of Quebec*, 2017 QCCS 5459 at para. 35, Excerpt at Tab 3 [*NCCM*].
[5] *RJR-MacDonald, supra* note 2 at para 64.
[6] *Mosaic Potash Esterhazy Limited Partnership v Potash Corporation of Saskatchewan Inc.*, 2011 SKCA 120 at paras 59-61.

Balance of Convenience

35. As the Supreme Court of Canada has noted, applications for interlocutory injunctions against enforcement of still-valid legislation under constitutional attack raise special considerations when it comes to determining the balance of convenience.[7]

36. These "special considerations" relate to the public interest. Generally, it is in the public interest to not suspend the operation of democratically enacted legislation prior to a determination of the constitutionality of the Impugned provisions.[8] However, there are exceptions, as in the case of *National Council of Canadian Muslims (NCCM) c. Attorney General of Quebec*, where the Quebec Superior Court found that the public interest weighed in favour of the applicants, and therefore stayed the impugned provisions pending a determination of the constitutionality of the impugned provisions. Indeed, as the Supreme Court has ruled:

> [T]he government does not have a monopoly on the public interest.
> ...
> Each party is entitled to make the court aware of the damage it might suffer prior to a decision on the merits. In addition, either the applicant or the respondent may tip the scales of convenience in its favour by demonstrating to the court a compelling public interest in the granting or refusal of the relief sought. "Public interest" includes both the concerns of society generally and the particular interests of identifiable groups.[9]

37. Further, The Supreme Court has found that "denying ... the injunction may deprive plaintiffs of constitutional rights simply because the courts cannot move quickly enough."[10]

38. On balance, the public interest is better served in this case by staying enforcement against the Applicants of the Impugned Bylaw. The benefit to the public of the Impugned Bylaw is

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[7] *Harper v Canada (Attorney General)*, 2000 SCC 57 at para 5, Excerpt at Tab 2 [*Harper*].
[8] *NCCM*, *supra* note 6 at para 45, Excerpt at Tab 3.
[9] *RJR-MacDonald*, *supra* note 2 at para 66.
[10] *Harper*, *supra* note 7 at para 5.

unarticulated and tenuous at best, whereas the harm to the benefit is clear and substantial. The public interest is best served by granting the injunction to stay the Impugned Bylaw.

39. There is nothing unlawful about the expression on the Spot Ads Signs or the Tops' Sign. Aesthetic criticism of the signs is not a concern overriding the vital interest the public has in free expression. It is apparent such harm, if existent, is not considered serious by the Respondent, given the complete lack of enforcement prior to November 2019 despite the Spot Ads Signs and the Tops' Sign being in place, in most cases, for years.

40. Further, although the Respondent asserted that complaints have been received from the public regarding the signs, no record of any such complaints has been produced by the Respondent. There is no evidence of any harm to the public by the presence of the signs, nor of any harm the public will incur should the lack of enforcement regarding the Impugned Bylaw.

41. Further still, the public interest is not served when a municipal government is permitted to take advantage of a delay it has solely caused or to resile from a representation it has made to its citizens that those citizens have relied on to their detriment. The Respondent's conduct in causing the delay of the adjudication of the challenge to the Impugned Bylaw and in representing that it would not be enforced, weighs in favour of the Applicants in granting an injunction.

42. The public interest in this case is served by the issuing of a stay, which will protect the constitutional rights of members of the public to express themselves through a means of public communication that is a hallmark of free and democratic societies: large signage that communicates a message, whether political, commercial, or otherwise. A stay will further serve the public interest by protecting the ability and right of members of the public to use and enjoy their private property to communicate with the public and earn income.

43. The public interest is further served when landowners are permitted to utilize unused portions of their land for supplemental income, especially during the difficult economic times Alberta has faced the last several years, which helps to offset the significant tax burden imposed on landowners. Similarly, the public interested is advanced when local businesses are able to advertise when they otherwise could not afford to.

44. The public interest is not served by legislation that needlessly and arbitrarily tramples on the constitutional right to free expression; it is injured.

Equitable Relief: Public Law Promissory Estoppel

45. Spot Ads and the Landowners relied on the representation of the Respondent that no enforcement proceedings would occur pending the Court's determination of the constitutionality of the Bylaw.

46. The Applicants relied on the representation of the Respondent, communicated through counsel. This representation caused the Applicants to act on the representation and leave in place the Spot Ads Trailer Signs. This reliance, coupled with the duplicity of the Respondent, resulted in the Landowners being ticketed.

47. It is imperative to the rule of law in a functioning democracy that members of the public are able to rely on and trust representations made by government, or, as in this case, the government's counsel. The principles of public law promissory estoppel are well settled. The party relying on the doctrine must establish that the other party has, (1) by words or conduct, made a promise or assurance (2) which was intended to affect their legal relationship and to be acted on. Furthermore, a claimant must establish that, (3) in reliance on the representation, (4) he acted on it or in some way changed his position.

48. The leading Supreme Court of Canada case on public promissory law estoppel "stands for the proposition that promissory estoppel can apply against public officials" when they make a lawful representation that is within their realm of "actual statutory discretion or power" (*Robitaille* at para 21)."[11] Caselaw supports using this doctrine in public law if "the promises made by the representatives of the authorities in those cases were not unlawful, or were actually consistent with a statutory discretion"[12]

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[11] *Agnico Eagle Mines Ltd v Nunavut*, [2016] Nu.J. No 8 at para 36 [*Agnico Eagle Mines Ltd*] citing *Immeubles Jacques Robitaille inc. v Québec (City)*, [2014] 1 SCR 784 at para 21 [*Robitaille*].

[12] *Robitaille, supra* note 9 at para 21 citing *Re Multi-Malls Inc. and Minister of Transportation and Communications* (1976), 14 OR (2d) 49 (CA); *Sous-ministre du Revenu du Québec v Transport Lessard (1976) Ltée,* [1985] RDJ 502 (CA); *Aurchem Exploration Ltd v Canada* (1992), 91 DLR (4th) 710; *Kenora (Town) Hydro Electric Commission v Vacationland Dairy Co-operative Ltd.*, [1994] 1 SCR 80.

49. Municipalities have discretion and "a municipality is not under an obligation to do everything it can to ensure compliance with its by-laws and cannot be compelled to enforce them."[13]

50. The promise must be unambiguous but could be inferred from circumstances.[14] Public law promissory estoppel "requires proof of a clear and unambiguous promise made to a citizen by a public authority in order to induce the citizen to perform certain acts. In addition, the citizen must have relied on the promise and acted on it by changing his or her conduct"[15]

51. *Eagleridge International Ltd v Newfoundland and Labrador (Minister of Environment and Conservation),*[16] shows how representations made by a public official can qualify for public law promissory estoppel.

52. It is respectfully submitted that the Respondent's representation was lawful, the Respondent possessed discretion, and there is no overriding public interest to prevent the Respondent being bound by its representation. Rather, it is in the public interest that the public is able to rely on representations made by public officials. This is an important underlying value.

53. The Respondent's representation was in response to a question regarding the Landowners fears that they would be given a penalty or fine.

54. The Land Use Bylaw, as amended by Bylaw 9/2019, grants wide discretionary power. Section 7.1.1 states:

> A Designated Officer may enforce the provisions of the Municipal Government Act and its provisions, the Subdivision and Development Regulation, a subdivision approval, the conditions of a Development Permit and this Bylaw. Enforcement may be by written warning, stop order, remedial order, violation tickets or any other authorized action to ensure compliance. [emphasis added]

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[13] *Robitaille, supra* note 9 at para 25.
[14] *Mount Sinai Hospital Center v Quebec (Minister of Health and Social Services),* [2001] 2 SCR 281 at para 45 [*Mount Sinai Hospital Center*] citing Sopinka J. in *Maracle v Travellers Indemnity Co of Canada*, [1991] 2 SCR 50, at p. 57.
[15] *Robitaille, supra* note 9 at para 19 citing *Mount Sinai Hospital Center*, supra note 12 at paras 45-46, quoting *Maracle v Travellers Indemnity Co. of Canada*, [1991] 2 SCR 50; *J.-P. Villaggi, L'Administration publique québécoise et le processus décisionnel: Des pouvoirs au contrôle administratif et judiciaire* (2005), at p. 329..
[16] Eagleridge International Ltd v Newfoundland and Labrador (Minister of Environment and Conservation), [2018] NJ No 271 [*Eagleridge*].

55. Likewise, there is statutory discretion granted regarding violation tickets. Section 7.19.1 states:

> Where a Community Peace Officer or Bylaw Enforcement Officer of the County believes, on reasonable and probable grounds, that a person has committed an offence with respect to this Bylaw, the officer may issue a violation ticket in accordance with the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and as amended from time to time. [emphasis added]

56. Section 2.1. of the Bylaws outlines Rules of Interpretation. Section 2.1.1.c states the definition of the word "may", stating:

> "MAY" is a discretionary term, providing notification that the provision in question can be enforced if the MD chooses to do so, and is usually dependent on the particular circumstances of the specific parcel and application;

57. This is contrasted to the definition of the term "shall", which is defined in section 2.1.1.a, as:

> "SHALL" is a directive term that indicates that the actions outlined are mandatory and therefore must be complied with, without discretion;

58. Therefore, the Respondent's representation was lawful and part of the Respondent's statutory discretion. The use of the word "may" in the cited provision is an indication of the statutory discretion.

59. Additionally, the Land Use Bylaw has no dates that mandate when one of the various methods of enforcements are to be used. The Land Use Bylaw use the language "may" instead of "shall". There is wide discretion on the timing and type of enforcement that a Designated Officer *may* use.[17]

60. Having met the test for public law promissory estoppel that the Applicants relied on a clear unambiguous representation by the Respondent to their detriment and this was a lawful representation, the remaining question is whether there is an overriding public interest.[18]

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[17] See *Land Use Bylaw, supra* note 15 at s 7.3.1, s 7.4.1, s 7.5.1, 7.6.1, 7.10.1.
[18] See *Eagleridge, supra* note 14 at paras 106, 113.

61. The purpose of the Land Use Bylaw "is to facilitate the orderly, economical and beneficial development and use of land and buildings within the MD of Foothills."[19]

62. There is no overriding public interest that negates the representations of the Respondent. There is no public policy objective within the Land Use Bylaw that mandates ticket violations being issued. Rather, there is a much greater public policy objective that citizens of a county are able to rely on the representation so their public officials.

63. Consequently, the Applicants request public law promissory estoppel to estop the Respondent from proceeding with current enforcement actions and commencing any further enforcement proceedings.

REMEDY SOUGHT

64. An Order abridging the time for service of this Originating Application and supporting materials, if necessary;

65. An interlocutory injunction staying all current and future enforcement of the Impugned Bylaw pending a determination by this Honourable Court of its constitutionality;

66. If necessary, an interim injunction staying all current and future enforcement of the Impugned Bylaw pending the hearing of this Application;

67. Further, or in the alternative, an Order that the Respondent is estopped from continuing current enforcement or initiating new enforcement of the Impugned Bylaw, as a result of the Representation, pending the determination of the constitutionality of the Impugned Bylaw;

68. Further, or in the alternative, an Order that the Respondent is in breach of section 1(a) of the *Alberta Bill of Rights* regarding current enforcement and that all current enforcement proceedings are therefore void and of no force or effect;

69. Costs; and

70. Such further and other relief as this Honourable Court deems just and equitable.

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[19] *Municipal District of Foothills No. 31 Land Use Bylaw 60/2014* at s 1.21.1.

MATERIALS TO BE RELIED ON

71. The Affidavit of Jantje Top, filed;

72. The Affidavit of Josh Laforet, filed;

73. The Affidavit of Jeremy Graf, filed;

74. The Affidavit of Ross Martin, filed;

75. The Affidavit of John Markiw, filed;

76. The Affidavit of Brian Wickhorst; and

77. Such further and other material as counsel may advise and as this Honourable Court may permit.

APPLICABLE ACTS AND RULES

78. Alberta *Rules of Court,* Alta Reg 124/2010, in particular Rules 6.3, 6.9, 6.11 and such other Rules as may be applicable

79. *Canadian Charter of Rights and Freedoms,* Part I of the *Constitution Act, 1982,* being Schedule B to the *Canada Act 1982* (UK), 1982, c 11;

80. *Alberta Bill of Rights,* RSA 2000, c A-14;

81. *Municipal District of Foothills No. 31 Land Use Bylaw* 60/2014; and

82. *Municipal Government Act*, RSA 2000, c M-26

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or

another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to rely on an affidavit or other evidence when the originating application is heard or considered, you must reply by giving reasonable notice of that material to the applicant(s).