

File No.: C61016  
(M45222)

COURT OF APPEAL FOR ONTARIO

**BETWEEN:**

**WILDLANDS LEAGUE and  
FEDERATION OF ONTARIO NATURALISTS**

Applicants  
(Appellants)

- and -

**LIEUTENANT GOVERNOR IN COUNCIL and  
MINISTER OF NATURAL RESOURCES**

Respondents  
(Respondents in appeal)

COURT OF APPEAL FOR ONTARIO  
FILED / DÉPOSÉ

SEP 18 2015

REGISTRAR / GREFFIER  
COUR D'APPEL DE L'ONTARIO

**NOTICE OF APPEAL**

**THE APPELLANTS**, Wildlands League and Federation of Ontario Naturalists (the “Environmental Groups”), appeal to the Court from the Order of Lederer, Corbett, and Mackinnon JJ. of the Divisional Court made May 28, 2015, at Toronto, dismissing the Environmental Groups’ application for judicial review of Ontario Regulation 173/13 (the “Exemption Regulation”) under the *Endangered Species Act, 2007*, SO 2007, c 6 (“ESA”), as *ultra vires* and of no force or effect.

**THE APPELLANTS** request an Order setting aside the Order of the Divisional Court and granting relief as follows:

1. A declaration that the Minister of Natural Resources (the “Minister”) erred in law by failing to fulfill the mandatory condition precedent before he recommended the proposed regulation that is now Ontario Regulation 176/13 to the Lieutenant

Wildlands League and  
Federation of Ontario Naturalists  
Applicants/Appellants

Lieutenant Governor in Council and  
Minister of Natural Resources  
Respondents/Respondents in Appeal

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**COURT OF APPEAL FOR ONTARIO**

PROCEEDING COMMENCED AT Toronto

**Notice of Appeal**

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Lawyers for the Appellants

SERVICE OF A COPY  
ADMITTED THIS 18<sup>TH</sup> DAY OF September 2015

Crown Law Office (Civil Law)  
MINISTRY OF THE ATTORNEY GENERAL

FOR ONTARIO  
Per: *LAURA TESSARO* Time: 2:20 PM

100 BAY STREET  
TORONTO, ONTARIO M7A 2S9

File No.: C 61016  
(M45222)

COURT OF APPEAL FOR ONTARIO

**BETWEEN:**

**WILDLANDS LEAGUE and  
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Applicants  
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**APPELLANTS' CERTIFICATE**

The Appellants certify that the following evidence is required for the appeal, in the Appellants' opinion:

1. The affidavit of Anna Baggio affirmed on December 18, 2013 (excluding paragraphs 54, 57-64 and 73 thereof), and only the following exhibits thereto:
  - a. Exhibits D, G, H, L, M, P, Q, R, S, V, Y, BB, CC, DD, EE and FF;
2. The affidavit of Caroline Schultz affirmed on December 18, 2013, and only the following exhibits thereto:
  - a. Exhibits C, H, J, K, L, M, N, O, P, Q, V, X, Y, AA, BB, DD, EE, FF, GG, HH and JJ;
3. The (expert) affidavit of Robert MacGregor affirmed on December 13, 2013; and
4. The (expert) affidavit of Dr. Justin Congdon affirmed on December 13, 2013.

Wildlands League and  
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Applicants/Appellants

and

Lieutenant Governor in Council and  
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**Appellants' Certificate Respecting Evidence**

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Lawyers for the Appellants

SERVICE OF A COPY  
ADMITTED THIS 8<sup>th</sup> DAY OF September 2015

Crown Law Office (Civil Law)  
MINISTRY OF THE ATTORNEY GENERAL  
FOR ONTARIO  
Per: *M. B. Kelly* 2:30 PM  
11 BAY STREET  
TORONTO, ONTARIO M7A 2S9