

FEDERAL COURT

TEAMSTERS CANADA RAIL CONFERENCE

Applicant

and

HIS MAJESTY THE KING (MINISTER OF LABOUR)

Respondent

APPLICATION UNDER SECTIONS 18 and 18.1 OF THE *FEDERAL COURTS ACT*

NOTICE OF APPLICATION

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Applicant. The relief claimed by the Applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court hears otherwise, the place of hearing will be as requested by the applicant. The Applicant requests that this application be heard at 180 Queen Street West, Toronto, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the *Federal Court Rules* and serve it on the applicant's solicitor, or if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Court 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 APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

August 29, 2024

Issued by: _____
(Registry Officer)

Address of Local Office 180 Queen Street West
Suite 200
Toronto, Ontario M5V 3L6

TO: **Attorney General of Canada**
284 Wellington Street
Ottawa, Ontario K1A 0H8
Email: mcu@justice.gc.ca

AND TO: **Deputy Attorney General of Canada**
284 Wellington Street
Ottawa, Ontario K1A 0H8
Email: shalene.curtis-micallef@justice.gc.ca

AND TO: **Ontario Regional Office, Department of Justice Canada**
120 Adelaide Street West, Suite #400
Toronto, Ontario M5H 1T1
Fax: 416-954-8982
Email: agc_pgc_toronto.lead-deccj@justice.gc.ca

AND TO: **Norton Rose Fulbright Canada LLP**
Suite 3000, 222 Bay Street
Toronto, Ontario M5K 1E7

Richard Charney (22651L)
Tel:(416) 216-1867
Fax: (416) 216-3930
Email: richard.charney@nortonrosefulbright.com

Samantha Cass (70845R)
Tel: (416) 216-4062
Fax: (416) 216-3930
Email: samantha.cass@nortonrosefulbright.com

Counsel for Canadian National Railway Company

AND TO: **Attorney General of British Columbia**
P.O. Box 9290 Stn Prov Govt
Victoria, British Columbia V8W 9E2

AND TO: **Attorney General of Manitoba**
Room 104, Legislative Building
450 Broadway
Winnipeg, Manitoba R3C 0V8

AND TO: **Attorney General of Newfoundland and Labrador**
4th Floor, East Block
Confederation Building
P.O. Box 8700
St. John's, Newfoundland and Labrador A1B 4J6

AND TO: **Attorney General of Northwest Territories**
P.O. Box 1320
Yellowknife, NT X1A 2L9
Email: legal_division@gov.nt.ca

AND TO: **Attorney General of Nova Scotia**
1690 Hollis Street
P.O. Box 7
Halifax, Nova Scotia B3J 2L6

AND TO: **Attorney General of Nunavut**
P.O. Box 1000, succ. 500
Iqaluit, Nunavut X0A 0H0

AND TO: **Attorney General of Ontario**
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, Ontario M7A 2S9

AND TO: **Attorney General of Prince Edward Island**
P.O. Box 2000
Charlottetown, Prince Edward Island C1A 7N8

AND TO: **Attorney General of Saskatchewan**
c/o Director of Constitutional Law
Saskatchewan Ministry of Justice and Attorney General
820 - 1874 Scarth Street
Regina, Saskatchewan S4P 4B3

AND TO: **Attorney General of Yukon**
2071 2nd Avenue
Whitehorse, Yukon Territory Y1A 1B2

APPLICATION

1. The Applicant, Teamsters Canada Rail Conference (“TCRC”) makes application for:
 - a. An Order in the nature of *certiorari* quashing the Direction of the Minister of Labour (“Minister”) dated August 22, 2024 (“August 22 Direction”) made to the Canada Industrial Relations Board (“CIRB”) pursuant to section 107 of the *Canada Labour Code*, RSC 1985 c L-2 (“Code”) in relation to the dispute between TCRC and Canadian National Railway Company (“CN”);
 - b. A Declaration that the August 22 Direction was *ultra vires* the jurisdiction of the Minister of Labour;
 - c. A Declaration that the August 22 Direction breaches the freedom of association granted by section 2(d) of the *Canadian Charter of Rights and Freedoms* (“Charter”);
 - d. A Declaration that the infringement is not a reasonable limit as prescribed by law as can be demonstrably justified in a free and democratic society under section 1 of the *Charter*;
 - e. A Declaration that the August 22 Direction is of no force or effect, or otherwise invalid;
 - f. A Declaration that the Decision of the CIRB dated August 24, 2024 (the “CIRB Decision”) implementing the Minister’s section 107 Direction is of no force or effect;
 - g. An Order of damages pursuant to section 24 of the *Charter*;
 - h. Any other remedial order the Court considers appropriate and just in the circumstances pursuant to section 24 of the *Charter*;
 - i. The costs of this proceeding; and
 - j. Such further and other relief as Counsel may advise and this Honourable Court may deem just.

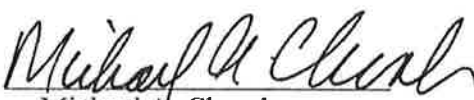
2. The grounds for the application with respect to the August 22 Direction are:
 - a. The Minister failed to provide any, let alone sufficient, procedural fairness to the TCRC before issuing the August 22 Direction;
 - b. The Minister's interpretation and application of the *Code*, and in particular section 107, was unreasonable;
 - c. The Minister's August 22 Direction, including his interpretation and application of section 2(d) of the *Charter*, is incorrect;
 - d. The Minister's August 22 Direction was *ultra vires* the Minister's jurisdiction pursuant to the *Code*; and
 - e. Such further and other grounds as Counsel may advise and this Honourable Court may permit.

3. The following documentary evidence will be used at the hearing of the application:
 - a. The Minister's Direction dated August 22, 2024 with respect to the dispute between the TCRC and CN;
 - b. Material relevant to this application in the possession of the Minister pursuant to Rule 317 of the *Federal Court Rules*;
 - c. Any and all material before the CIRB with respect to the implementation of the August 22 Direction;
 - d. An affidavit, to be filed by the Applicant if necessary, to ensure all the materials relevant to this application is before the Court, including with respect to the *Charter* issue(s);
 - e. A Notice of Motion for an expedited hearing to be filed;
 - f. A Notice of Motion filed pursuant to Rule 105(a) of the *Federal Court Rules* to consolidate this application for judicial review with an application for judicial review to be filed with respect to the Ministerial Direction in relation to the dispute between TCRC and Canadian Pacific Kansas City Railway Company ("**CPKC Direction**");

- g. A Notice of Motion filed pursuant to Rule 49 of the *Federal Court Rules* to transfer this application for judicial review, and if so ordered by this Honourable Court, the application for judicial review to be filed with respect to the CPKC Direction to the Federal Court of Appeal, in which the TCRC is pursuing judicial review of the CIRB decisions implementing the August 22 Direction and the CPKC Direction;
 - h. A Notice of Constitutional Question to be filed;
 - i. Such further and other evidence as Counsel may advise and this Honourable Court may permit.
4. The Applicant requests the Minister of Labour to send a certified copy of the following material that is not in the possession of the Applicant but it is in the possession of the Minister of Labour to the Applicant and to the Registry:
- a. Any and all documents relied upon by the Minister before issuing the August 22 Direction, including but not limited to, emails, memoranda, notes, correspondence, reports, briefs, recommendations, etc., that are not otherwise claimed by privilege.
5. The Applicant requests that this matter be scheduled by the Judicial Administrator on an expedited basis.

Dated at the City of Toronto, in the Province of Ontario, this 29th day of August, 2024.

Caley Wray Lawyers

Per: 
Michael A. Church
Counsel for the Applicant,
Teamsters Canada Rail Conference

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Name of firm: Caley Wray Lawyers

Name of lawyers(s) in charge of file: Michael A. Church (20876G)
Sukhmani Viridi (82976O)

Address of firm: 65 Queen Street West
Suite 1600
Toronto, Ontario M5H 2M5

Telephone number(s): (416) 775-4675
(416) 775-4692

Fax number: (416) 366-3293

Email address(es): churchm@caleywrap.com
viridis@caleywrap.com

Teamsters Canada Rail Conference
Applicant

-and-

His Majesty the King (Minister of Labour)
Respondent

Court File No.

FEDERAL COURT

PROCEEDING COMMENCED AT TORONTO

NOTICE OF APPLICATION

CaleyWray Lawyers
1600 - 65 Queen Street West
Toronto ON M5H 2M5

Michael A. Church, LSO No. 20876G
Tel : 416-775-4675
Fax: 416-366-3293
churchm@caleywrap.com

Sukhmani Virdi, LSO No. 829760
Tel : 416-775-4692
Fax: 416-366-3293
virdis@caleywrap.com

Solicitors for the Applicant,
Teamsters Canada Rail Conference

Submission Confirmation

TRANSACTION INFORMATION:

1 document(s) have been transmitted to the Toronto Registry Office. Your confirmation number is 2024-8-29-094221747766112

Please record this confirmation number in case you have to contact the Registry regarding the document submitted for filing. A confirmation e-mail will be sent to you shortly.

Registry Fee Information

If the document you are submitting requires a filing fee (see [Tariff A](#) of the Federal Court Rules, [Rule 23](#) of the Federal Courts Immigration and Refugee Protection Rules), note that your document will only be filed and processed as of the time you contact the Registry and provide payment.

For payment, please contact the office of the Registry to which your document was transmitted to provide credit card details to a Registry Officer.

Here's a [listing of the toll free numbers](#) of offices of the Registry providing service pertaining to the Federal Court.

Court Case Information

Court: Federal Court

Language: English

Proceeding Nature: S. 18.1 Application for Judicial Review

Action Type: Non-Action

Proposed Class Action: No

Internal Office File Number: 48092

Decision Maker:

Style Of Cause: Teamsters Canada Rail Conference v. His Majesty the King Minister of Labour

Filing Party

Name: Michael Church

Telephone Number: 416-775-4675

E-mail Address: churchm@caleyway.com

Alternate E-mail Address: singhr@caleyway.com

Language of communication with Registry: English

Filing Information

Filing urgency: No

Registry Office: Toronto

Filing Documents

Document List	Filing Party	Online Access	Handling Instructions
Document Type NOTICE OF APPLICATION	Teamsters Canada Rail Conference	Not Applicable	
Document File Name 240829 - TCRC and His Majesty the King (Minister of Labour) - Notice of Application - CN.pdf			
Document Language English			

Rozana Singh

From: noreply-nepasrepondre@cas-satj.gc.ca
Sent: Thursday, August 29, 2024 9:49 AM
To: Michael Church
Cc: Rozana Singh
Subject: Document(s) Transmitted: 2024-8-29-094221747766112

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Contact Information for the Person Submitting a Filing:

First Name: Michael
Last Name: Church
Address: 1600 - 65 Queen Street West
City: Toronto
Province: Ontario
Postal Code: M5H 2M5
Telephone Number: 416-775-4675
E-mail Address: churchm@caleywray.com
Alternate E-mail Address: singhr@caleywray.com
Language of communication with Registry: English

Court: Federal Court
Confirmation Number: 2024-8-29-094221747766112

Proceeding Type: Federal Court
Proceeding Subject: Application for Judicial Review
Proceeding Nature: S. 18.1 Application for Judicial Review
Proposed Class Action: No
Registry Office: Toronto
Style Of Cause: Teamsters Canada Rail Conference v. His Majesty the King Minister of Labour
Is Filing Urgent?: No
Urgency Description:

Filing Party: Teamsters Canada Rail Conference

Document Type: NOTICE OF APPLICATION

Document File Name: 240829 - TCRC and His Majesty the King (Minister of Labour) - Notice of Application - CN.pdf

Online Access: Not Applicable

Party List

Party Details: Teamsters Canada Rail Conference

Party Role: Applicant

Party Details: His Majesty the King Minister of Labour

Party Role: Respondent (application)

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