

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA)

B E T W E E N :

GLEN HANSMAN

Appellant

- and -

BARRY NEUFELD

Respondent

- and -

**ATTORNEY GENERAL OF BRITISH COLUMBIA, QMUNITY, THE SKIPPING
STONE SCHOLARSHIP FOUNDATION, CANADIAN HUMAN RIGHTS
COMMISSION, CANADIAN CIVIL LIBERTIES ASSOCIATION, COMMUNITY-
BASED RESEARCH CENTRE, CANADIAN CENTRE FOR GENDER & SEXUAL
DIVERSITY, WEST COAST LEGAL EDUCATION AND ACTION FUND, B.C.
GENERAL EMPLOYEES' UNION, EGALE CANADA and
CENTRE FOR FREE EXPRESSION**

Interveners

**BOOK OF AUTHORITIES OF THE INTERVENER,
WEST COAST LEGAL EDUCATION AND ACTION FUND**
(Pursuant to Rule 44 of the *Rules of the Supreme Court of Canada*, S.O.R./2002-156)

WEST COAST LEAF
800-409 Granville Street
Vancouver, BC V6C 1T2

Adrienne S. Smith
Kate Feeney

Tel.: (604) 684-8772
E-mail: lawyer@adriennesmithlaw.com

**Counsel for the Intervener, West Coast
Legal Education and Action Fund**

JURISTES POWER LAW
99 Bank Street Suite 701
Ottawa, ON K1P 6B9

Jonathan Laxer

Tel.: (613) 907-5652
Fax: (613) 907-5652
E-mail: jlaxer@powerlaw.ca

**Ottawa Agent for Counsel for the
Intervener, West Coast Legal Education
and Action Fund**

TO: THE REGISTRAR
Supreme Court of Canada
301 Wellington Street
Ottawa, ON K1A 0J1

COPIES TO:

ROBYN TRASK
British Columbia Teachers' Federation
550 West 6th Avenue
Vancouver, BC V5Z 4P2

Tel.: (604) 871-1909
Fax: (604) 871-2288
E-mail: rtrask@bctf.ca

**Counsel for the Appellant,
Glen Hansman**

PAUL E. JAFFE
Suite 200
100 Park Royal West
Vancouver, BC V7T 1A2

Tel.: 604-230-9155
Fax: 604-922-1666
E-mail: jaffelawfirm@gmail.com

**Counsel for the Respondent,
Barry Neufeld**

MICHAEL SOBKIN
Barrister & Solicitor
331 Somerset Street West
Ottawa, ON K2P 0J8

Tel.: (613) 282-1712
Fax: (613) 288-2896
E-mail: msobkin@sympatico.ca

**Ottawa Agent for Counsel for the Appellant,
Glen Hansman**

GOWLING WLG (CANADA) LLP
160 Elgin Street, Suite 2600
Ottawa ON K1P 1C3

D. Lynne Watt

Tel.: (613) 786-8695
Fax: (613) 788-3509
E-mail: lynne.watt@gowlingwlg.com

**Ottawa Agent for Counsel for the
Respondent, Barry Neufeld**

**ATTORNEY GENERAL OF
BRITISH COLUMBIA**

Legal Services Branch
1301-865 Hornby Street
Vancouver, BC V6Z 2G3

**Chantelle Rajotte
Emily Lapper**

Tel: (604) 660-6793
Fax: (604) 660-6797
E-mail: chantelle.rajotte@gov.bc.ca

**Counsel for the Intervener,
Attorney General of British Columbia**

BLAKE, CASSELS & GRAYDON LLP

3500, 855-2 Street SW
Calgary, AB T2P 4J8

**Renee Reichelt
Brendan MacArthur-Stevens
Sean Gallagher
Alexandra Mackenzie**

Tel.: (403) 260-9698
Fax: (403) 260-9700
E-mail: renee.reichelt@blakes.com

**Counsel for the Interveners, QMUNITY and
Skipping Stone Scholarship Foundation**

**CANADIAN HUMAN RIGHTS
COMMISSION**

344 Slater Street
Ottawa, ON K1A 1E1

Caroline Carrasco

Tel.: (343) 882-8135
Fax: (613) 993-3089
E-mail: caroline.carrasco@chrc-ccdp.gc.ca

**Counsel for the Intervener, Canadian
Human Rights Commission**

OLTHUIS VAN ERT

66 Lisgar Street
Ottawa, ON K2P 0C1

Gib van Ert

Tel: (613) 408-4297
Fax: (613) 651-0304
E-mail: gvanert@ovcounsel.com

**Ottawa Agent for Counsel for the
Intervener, Attorney General of British
Columbia**

ST. LAWRENCE BARRISTERS LLP

33 Britain St., 2nd Floor
Toronto, ON M1V 2J6

Alexi N. Wood
Lillianne Cadieux-Shaw

Tel.: (647) 245-8283
Fax: (647) 245-8285
E-mail: alexi.wood@stlbarristers.ca

**Counsel for the Intervener,
Canadian Civil Liberties Association**

BORDEN LADNER GERVAIS LLP

1200 – 200 Burrard Street
Waterfront Centre
Vancouver, BC V7X 1T2

Tristan Miller

Tel.: (604) 640-4170
Fax: (604) 687-1415
E-mail: TrMiller@blg.com

**Counsel for the Interveners, Community-
Based Research Centre and the Canadian
Centre for Gender & Sexual Diversity**

McCARTHY TÉTRAULT LLP

Suite 5300, Toronto Dominion Bank Tower
Toronto, ON M5K 1E6

Adam Goldenberg
Solomon McKenzie

Tel.: (416) 601-8357
Fax: (416) 868-0673
E-mail: agoldenberg@mccarthy.ca

**Counsel for the Intervener,
Egale Canada**

SUPREME ADVOCACY LLP

100- 340 Gilmour Street
Ottawa, ON K2P 0R3

Marie-France Major

Tel.: (613) 695-8855 Ext: 102
Fax: (613) 695-8580
E-mail: mfmajor@supremeadvocacy.ca

**Ottawa Agent for Counsel for the
Intervener, Canadian Civil Liberties
Association**

BORDEN LADNER GERVAIS LLP

World Exchange Plaza
100 Queen Street, Suite 1300
Ottawa, ON K1P 1J9

Nadia Effendi

Tel.: (613) 787-3562
Fax: (613) 230-8842
E-mail: neffendi@blg.com

**Ottawa Agent for Counsel for the
Interveners, Community-Based Research
Centre and the Canadian Centre for
Gender & Sexual Diversity**

JURISTES POWER LAW

99 Bank Street, Suite 701
Ottawa, ON K1P 6B9

Darius Bossé

Tel.: (613) 702-5566
Fax: (613) 702-5566
E-mail: dbosse@juristespower.ca

**Ottawa Agent for Counsel for the
Intervener, Egale Canada**

**BRITISH COLUMBIA GOVERNMENT
AND SERVICE EMPLOYEES' UNION**
4911 Canada Way
Burnaby, BC V5G 3W3

**Jitesh M. Mistry
Thom Yachnin**

Tel.: (604) 291-9611
Fax: (604) 291-6030
E-mail: jitesh.mistry@bcgeu.ca

**Counsel for the Intervener, B.C. General
Employees' Union**

STOCKWOODS LLP
TD North Tower, Suite 4130
77 King Street West, Box 140
Toronto, ON M5K 1H1

Justin Safayeni

Tel.: (416) 593-3494
Fax: (416) 593-9345
E-mail: justins@stockwoods.ca

**Counsel for the Intervener, Centre for
Free Expression**

GOLDBLATT PARTNERS LLP
500-30 Metcalfe St.
Ottawa, ON K1P 5L4

Colleen Bauman

Tel.: (613) 482-2463
Fax: (613) 235-5327
E-mail: cbauman@goldblattpartners.com

**Ottawa Agent for Counsel for the
Intervener, B.C. General Employees'
Union**

CONWAY BAXTER WILSON LLP
411 Roosevelt Avenue, Suite 400
Ottawa, ON K2A 3X9

David P. Taylor

Tel.: (613) 691-0368
Fax: (613) 688-0271
E-mail: dtaylor@conwaylitigation.ca

**Ottawa Agent for Counsel for the
Intervener, Centre for Free Expression**

TABLE OF CONTENTS

TAB	DOCUMENT
	Secondary Sources
A.	Oxford English Dictionary, 3d ed, <i>sub verbo</i> , “hostility”
B.	Oxford English Dictionary, 3d ed, <i>sub verbo</i> , “hostile”

hostility, *n.*

Pronunciation: [?] /hɒ'stɪlɪti/

Frequency (in current use):

Etymology: < late Latin *hostilitās*, < *hostilis* HOSTILE *adj.* and *n.*; perhaps through French *hostilité* (15–16th cent. in Hatzfeld & Darmesteter).

1.

a. The state or fact of being hostile; hostile action exercised by one community, state, or power against another; *esp.* such as involves war.

- 1531 T. ELYOT *Bk. named Governour* i. xxiv. sig. Mi^v With outwarde hostilitie or martiall businesse.
- 1548 *Hall's Vnion: Henry VI* f. clxxii Y^e feare of outward hostilitie, and foren inuasion.
- 1665 T. MANLEY tr. H. Grotius *De Rebus Belgicis* 101 Now these private Quarrels were broke out into open Hostility.
- 1706 E. GIBSON *Assize Serm. Croydon* 15 Open acts of sedition and hostility.
- 1876 G. D. MATHEWS *Coinages of World* ii. 16 Prusias dared the hostility of the Romans by giving a shelter at his Court to Hannibal.

b. *plural.* Hostile acts; acts of warfare, war.

- 1613 S. PURCHAS *Pilgrimage* 837 Howsoever they exercise hostilities, and mutuall disagreements.
- 1699 R. BENTLEY *Diss. Epist. Phalaris* (new ed.) 488 Declar'd no War..nor committed the least Hostilities.
- 1781 LD. CORNWALLIS *Let. Washington* 17 Oct. I propose a cessation of hostilities for twenty-four hours.
- 1855 W. H. PRESCOTT *Hist. Reign Philip II of Spain* I. i. viii. 273 A suspension of hostilities was agreed on.

c. *hostilities, -y only:* used in the Navy to describe a seaman enlisted only for the duration of a war, or such an enlistment.

- [1917 'TAFFRAIL' *Off Shore* 81 Even in our small ships we carry some of the 'hostility men'.]
- 1942 E. PARTRIDGE *Dict. Abbrev.* 48/2 H.O., Hostilities only; applied to a man that has joined for the duration of the war. (Naval.)
- 1946 J. IRVING *Royal Navalese* 7 Once again the 'Hostility Only' man took his silent stand beside the slender handful of us professional seamen.
- 1948 *Hansard Commons* 17 Mar. 2083 Recruiting on a hostilities only engagement was not open in the branch of their choice in the Royal Navy and Royal Marines.
- 1961 B. FERGUSSON *Watery Maze* i. 55 H.O. ('Hostilities Only') ratings—men who had joined the Royal Navy for the duration of the war.
- 1973 *Times* 31 Jan. 16/7 He enrolled in the Royal Navy as a 'hostilities only' rating.

2. transferred and figurative. Opposition or antagonism in action, thought, or principle.

- 1632 J. HAYWARD tr. G. F. Biondi *Eromena* 63 There being not betweene us any cause of hostility.
- 1704 J. HARRIS *Lexicon Technicum* I. at *Duellist* Explicate all the Phænomena of Nature from the Doctrine of Alkali and Acid, and the supposed Hostility that there is between them.
- 1849 T. B. MACAULAY *Hist. Eng.* I. iii. 400 The hostility excited by a grotesque caricature of virtue did not spare virtue herself.

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hostile, *adj.* and *n.*

Pronunciation: ² Brit. /'hɒstəl/, U.S. /'hastl/, /'hɑːstəl/

Forms: Also 1600s **hostill**.

Frequency (in current use):

Etymology: < Latin *hostilis*, < *hostis* enemy (see *-ile* suffix): perhaps through French *hostile* (15–16th cent. in Hatzfeld & Darmesteter).

A. *adj.*

1.

a. Of, pertaining to, or characteristic of an enemy; pertaining to or engaged in actual hostilities.

- 1597 W. SHAKESPEARE *Richard III* IV. iv. 223 My dangerous attempt of hostile armes.
- 1598 W. SHAKESPEARE *Henry IV, Pt. 1* I. i. 9 Nor bruise her flourets with the armed hoofes Of hostile paces.
- 1656 B. HARRIS tr. J. N. de Parival *Hist. Iron Age* II. II. iv. 240 The King of Denmark who entred Germany in an hostil manner.
- 1698 J. FRYER *New Acct. E.-India & Persia* 337 By these Bars..the Hostile Arms of the Turks have been put to a stop.
- 1725 W. BROOME in A. Pope et al. tr. Homer *Odyssey* III. XI. 656 Thus great in glory from the din of war Safe he return'd, without one hostile scar.
- 1810 DUKE OF WELLINGTON *Dispatches* (1836) VI. 110 The operations of hostile armies.
- 1847 R. W. EMERSON *Napoleon* in *Wks.* (1906) I. 371 On a hostile position [he] rained a torrent of iron.

b. Of the nature or disposition of an enemy; unfriendly.

- 1782 J. PRIESTLEY *Hist. Corruptions Christianity* I. Pref. 4 They all came in from a foreign and hostile quarter.
- 1821 J. BAILLIE *Lady G. Baillie* in *Metrical Legends* li The dame held fast the hostile door.
- 1840 F. D. BENNETT *Narr. Whaling Voy.* II. 88 A second hostile rajah..was for some time kept as a state-prisoner.
- 1876 E. A. FREEMAN *Hist. Norman Conquest* V. xxiv. 392 Men of different and hostile races.

2. *transferred* and *figurative*.

a. Unfriendly in feeling, action, nature, or character; contrary, adverse, antagonistic.

- 1791 J. BOSWELL *Life Johnson* anno 1748 I. 101 The natives of North-Britain, to whom he is supposed to have been so hostile.
- 1800 *Med. & Physical Jrnl.* 4 114 The principal of putrefaction, or azote, the element hostile to life.

1849 T. B. MACAULAY *Hist. Eng.* I. ii. 231 A long succession of princes, hostile to the established faith, might sit on the English throne.

a1862 H. T. BUCKLE *Hist. Civilisation Eng.* (1873) III. v. 413 It is possible for two hostile principles to flourish side by side, without ever coming into collision.

b. to go hostile: to become angry. *Australian and New Zealand colloquial.*

1941 W. D. HAYDON *N.Z. Soldiers* 17 Wouldn't he go hostile if he knew who pinched his bacon.

1945 S. J. BAKER *Austral. Lang.* xv. 23 *To go hostile* means to become angry.

B. n.

A hostile person; *spec. (U.S.)* a North American Indian unfriendly to white people.

1838 *N.-Y. Mirror* 27 Jan. 245/3 Yesterday five Delaware chiefs, who had gone from the main army to the stronghold of the hostiles, reappeared with four Indians.

1860 J. R. BARTLETT *Dict. Americanisms* (ed. 3) *Hostiles*, enemies. *Western.*

1880 *Libr. Universal Knowl.* X. 431 They were formerly hostiles, but..at present peaceable and industrious.

1885 *Milnor (Dakota Territory) Teller* 24 Apr. 5/3 Saturday a scouting-party..captured three hostiles.

1890 *Pall Mall Gaz.* 18 Dec. 5/2 A courier has just arrived, and reports..that the hostiles are fighting with the friendly Indians on the Grand River.

1963 *Guardian* 8 Sept. 6/6 There were rumours that Naga hostiles were getting help from China.

1966 A. FIRTH *Tall, Balding, Thirty-five* iv. 48 It is most unlikely that a hostile could select such a person as yourself to assist them.

1969 *Hindu* 3 Aug. 1/5 A strong contingent of security forces has been rushed to..Ukhrul..to intercept over 400 China-trained Naga hostiles.

COMPOUNDS

hostile ice *n.* (see quot. 1966).

1964 *Polar Record* XII. 197 Hostile ice.

1966 T. ARMSTRONG et al. *Illustr. Gloss. Snow & Ice* 19 *Hostile ice*, from the point of view of the submariner, an ice canopy containing no large ice skylights or other features which permit a submarine to surface.

hostile ord *n.* *Naval slang* an ordinary seaman who joins the Navy in wartime for the period of hostilities only.

1919 W. LANG *Sea-lawyer's Log* iii. 37 To the active service man the 'hostile ord', as the temporary seaman is called, is a mere interloper, one who has joined the Navy to 'dodge Kitchener', as they put it, and they do not hesitate to tell him so.

DERIVATIVES

† **hostile** *v. Obsolete to hostile it*: to be hostile, engage in warlike hostilities.

- 1656 S. HUNTON *Golden Law* 8 Why may not Clients clearly injured by their Lawyer, or their Adversary, hostile it, and gather an Army?
 1656 S. HUNTON *Golden Law* 96 Had you just cause to invade and hostile it against us.

DRAFT ADDITIONS 1993

Commerce. Of a takeover (bid), etc.: liable to be opposed by the management of the target company, unwelcome.

- 1972 *Financial Executive* Apr. 20/1 Hostile tenders and exchange offers are no longer as simple as they once were.
 1987 *Sunday Times* 29 Nov. 70/3 He rolled out a hostile cash-and-convertible package worth £224m for Electronic Rentals three weeks ago.
 1990 *Business* Apr. 81/2 Adia..launched a hostile bid for Hestair... When Hestair found a white knight, BET, Adia refused to enter a bidding war.

DRAFT ADDITIONS SEPTEMBER 2014

hostile takeover *n.* (a) a takeover which is opposed by the company to be bought (cf. Additions); frequently *attributive*, esp. in **hostile takeover bid**; (b) (in extended use) any assumption of control which is undertaken by stealth, or is strongly opposed or rejected by those it affects.

- 1974 *Wall St. Jrnl.* 21 Oct. 1/6 Top executives..are drafting contingency plans..in anticipation of hostile takeover attempts.
 1989 T. CLANCY *Clear & Present Danger* xxvii, 581 He had no illusions about leading a revolution. He was merely executing—what was it called? A hostile takeover.
 1990 *Forbes* 19 Feb. 10/3 Faley was severely squeezed after he won his \$1.7 billion hostile takeover bid for West Point-Pepperell.
 2002 *Village Voice* (N.Y.) 12 Feb. 8/1 The colonization and hostile takeover of schools..will ultimately displace..minority students.

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