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DELIVERED VIA E-MAIL
(levesque.gerard@sympatico.ca)

Mr. Gérard Lévesque
414 – 1800, 14A Street SW
Calgary, AB T2T 6K3

Dear Mr. Lévesque:

Re: Francois Paquette, et al v Her Majesty the Queen in Right of Alberta
Q.B. Action #1501 07061

We ask that you abandon your *Charter* challenge in light of binding authority of the Supreme Court of Canada in *Conseil scolaire francophone de la C-B v. B.C.*, 2013 SCC 42, and get back to us within one week of your receipt of this letter.

If not, we will ask the Justice to schedule a half day for an application to strike. This is an effort to save time as it is apparent from the case law that these *Charter* conclusions are not dependent on facts.

The Supreme Court majority acknowledged *Charter* principles that you cite but clearly stated that the *Charter* does not require court proceedings in French in Alberta:

> "The *Charter* does not require any province other than New Brunswick to provide for court proceedings in both official languages. … while it is true that the *Charter* reflects the importance of language rights, it also reflects the importance of respect for the constitutional powers of the provinces. Federalism is one of Canada's underlying constitutional principles: *Reference re Secession of Quebec*, at paras. 55-60. Thus, it is not inconsistent with *Charter* values for the British Columbia legislature to restrict the language of court proceedings in the province to English. (*Conseil scolaire francophone de la C-B v. B.C.*, 2013 SCC 42 at para 56)."

There is no reason to find any different result for Alberta. *Conseil Scolaire* made no distinction between BC Superior Courts and any other superior courts as it was

obviously accepted that BC Superior Courts are not "courts established by Parliament" for the purposes of s. 19 of the *Charter*.

Many other appellate decisions support this *Charter* conclusion about s. 19 and all the other *Charter* sections you cite, including sections 2(b) (expression), 7 (life, liberty and security of the person), 15 (equality) and 16 (Parliaments and legislatures, not the courts). We could find no appellate decision that supports your challenge.

You cite the Provincial Court decision in *Pooran* (2011 ABPC 77) but that decision did not involve *Charter* rights and was not the subject of a notice of constitutional question. Its result was overridden by 2013 changes in the Alberta *Languages of the Courts Regulation*. Any *Charter* result for which you may use *Pooran* is clearly overridden by the Supreme Court conclusion quoted above. Further, you cite *Pooran* regarding the effect if one is not understood without the use of an interpreter; but appellate case law indicates that this is not a *Charter* right in Alberta for the sections to which you refer.

Peter Hogg uses the *Conseil* case to discuss the unique bilingual requirements in the provinces of Quebec, Manitoba and New Brunswick and states that "[t]he courts of the other seven provinces are under no similar constitutional obligation. The language of civil proceedings in the provincial courts is regulated by the provinces under s. 92(14) ("procedure in civil matters"); the language of criminal proceedings in the provincial courts is regulated by Parliament under s.91(27) ("procedure in criminal matters") (*Constitutional Law of Canada* 5th ed (Toronto: Carswell, 2007) (loose-leaf updated 2014, release 1), ch 56 at 56-16).

Therefore, the rights in Sections 2(b), 7, 15, 16 and 19 of the *Canadian Charter of Rights and Freedoms* are not violated by the *Languages Act*, its regulation or Rule 13.23(4) of the *Rules of Court*.

If you do not abandon your challenge within a week, we will request a half day for our application.

Please contact me if you have any questions.

Yours truly,

Don Padget

DP/jb