

CITATION: Corporation of the Township of Emo et al v. Borderland Pride et al, 2025
ONSC 4286

DIVISIONAL COURT FILE NO.: DC-24-0016-JR

DATE: 2025-07-21

ONTARIO

**SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT
DANIAL NEWTON R.S.J.**

B E T W E E N:

Corporation of the Township of Emo and
Harold McQuaker

Applicant

- and -

Borderland Pride, the Northern Ontario Pride
Network, Douglas W. Judson, Kathryn L.
Shoemaker, Human Rights Tribunal of
Ontario, Harold Boven and Warren Toles

Respondents

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)
) A. McKitrick & C. Hilchuk. for the
) Applicant, the Township of Emo
)
)
) B. Hollingsworth, for the Applicant, Harold
) McQuaker
)
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)
) M. Anderson, for the Respondent,
) Borderland Pride
)
) T. Phelan, for the Respondent, Northern
) Ontario Pride and Douglas W. Judson
)
) M. Robinson, for Human Rights Tribunal
)
) J. Dehaas, for the Proposed Intervener,
) Canadian Constitution Foundation
)
) A. Williams, for the Proposed Intervener,
) Justice for Children and Youth
)
) G. Ko, for the Proposed Intervener, Fierte
) Canada Pride
)
) J. Sikkema, for the Proposed Intervener,
) Association for Reformed Political Action
) Canada

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)
) **HEARD:** In writing

Mr. Justice W.D. Newton

Reasons On Intervention

[1] At a case conference in this matter, two parties identified themselves as parties who would seek leave to intervene in this application for judicial review: Canadian Constitution Foundation (CCF) and Justice for Children and Youth (JCY).

[2] By endorsement dated February 13, 2025, I directed that the proposed intervenors were to serve their motion material, factum, and ascertain the position of the other parties regarding their intervention. They did so and two other parties, Fierté Canada Pride (FCP) and Association for Reformed Political Action (ARPA) submitted motions to intervene. Counsel for the proposed intervenors advised that no parties oppose the interventions.

[3] This is an application for judicial review of a decision of the Human Rights Tribunal of Ontario that found that the Township of Emo and Mayor discriminated against Borderland Pride when Borderland's request for a proclamation that the Township declare the month of June as "Pride Month" was denied by the Township.

[4] I have reviewed the submissions of the proposed intervenors and the recent Court of Appeal decision of *Fair Voting BC. v Canada (Attorney General)*¹.

[5] I am satisfied that CCF, FCP, and JCY are in a position to make useful contribution to the resolution of the appeal without causing justice to the parties. However, I am not satisfied that the position to be advanced by ARPA will further the court's determination of the matter under appeal. In its factum, ARPA states:

ARPA represents a distinct religious community in Canada and brings a perspective to the issues that are unique from that of the parties and other interveners. This case

¹ 2024 ONCA 619.

may impact Reformed Christians who for sincere religious or conscientious reasons might vote against a Pride proclamation or other proclamation supporting a particular social or political cause. ARPA and its constituents therefore have a substantial interest in the subject matter of the underlying Application. ARPA has expertise in human rights and constitutional law matters and is a highly experienced intervener in such cases.

[6] In the decision under review, religious or conscientious reasons were not raised. The only reference to religion is found at paragraph 56 of the decision as follows:

[56] While I acknowledge Mr. Boven's testimony that some of the proposed proclamation language was contrary to his own personal religious beliefs, he also said that his faith does not impact the decisions he makes as a councillor and that as an elected representative he must represent the whole community. Mr. Boven's evidence was consistent in this regard, and in the absence of evidence to the contrary, I accept it.

[7] Accordingly, ARPA's application for leave to intervene is dismissed. The three other proposed intervenors may intervene. Each intervener may submit a factum limited to 15 pages excluding schedules and may make oral submissions limited to 10 minutes.

The Hon. Mr. Justice W.D. Newton

Released: July 21, 2025

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REASONS FOR DECISION

Newton J.

Released: July 21, 2025