

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF ALBERTA)**

BETWEEN:

A.C. and J.F.

**APPLICANTS
(Respondents)**

-and-

HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA

**RESPONDENT
(Appellant)**

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

A.C and J.F.

Section 40 of the *Supreme Court Act*

Rule 25 of the *Rules of the Supreme Court of Canada*

TAKE NOTICE that A.C. and J.F. apply for leave to appeal to the Supreme Court of Canada the judgment of the Court of Appeal of Alberta, Court File 2003-0087-AC, issued January 27, 2021, and for any further or other order that the Court may deem appropriate.

AND FURTHER TAKE NOTICE that this application for leave is made on the following grounds:

That this case raises the following issues of public importance warranting the guidance of this Court:

1. What legal factors are courts required to consider at the balance of convenience stage of the test for injunctive relief against state action that is alleged to infringe the *Charter of Rights and Freedoms*?
2. How are courts to consider novel *Charter* claims when assessing the strength of an action at the balance of convenience stage of the test for injunctive relief?
3. Whether the “assumption” or “presumption” of public interest that applies to the impugned state action at the balance of convenience stage of the test for injunctive relief can be rebutted?

4. Whether the identification and contextualization of a specific public interest purpose to the impugned state action requires an evidentiary foundation?

DATED AT Edmonton, Alberta, this 12th day of February, 2021.



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NOTICE TO THE RESPONDENT OR INTERVENER: A respondent or intervener may serve and file a memorandum in response to this application for leave to appeal within 30 days after the day on which a file is opened by the Court following the filing of this application for leave to appeal or, if a file has already been opened, within 30 days after the service of this application for leave to appeal. If no response is filed within that time, the Registrar will submit this application for leave to appeal to the Court for consideration pursuant to section 43 of the *Supreme Court Act*.