

*****Intended for Informational Purposes Only*****

Court File No. CV-25-00751759-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

ALDERVILLE FIRST NATION, APITUPI ANICINAPEK NATION, AROLAND FIRST NATION, ATTAWAPISKAT FIRST NATION, FORT ALBANY FIRST NATION, GINOOGAMING FIRST NATION, KITCHENUHMAYKOOSIB INNINUWUG, ONEIDA NATION OF THE THAMES and WABAUSKANG FIRST NATION

Applicants

- and -

HIS MAJESTY THE KING IN RIGHT OF ONTARIO and THE ATTORNEY GENERAL OF CANADA

Respondents

- and -

MICHEL KOOSTACHIN and RAMON KATAQUAPIT

Proposed Interveners

**NOTICE OF MOTION
(Motion for Leave to Intervene)**

THE MOVING PARTIES AND PROPOSED INTERVENERS, Michel Koostachin and Ramon Kataquapit, will make a motion to the Court on _____ or as soon after that time as the motion can be heard at 330 University Ave, Toronto, Ontario.

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PROPOSED METHOD OF HEARING: The motion is to be heard

- In writing under subrule 37.12.1(1) because it is on consent;
- In writing as an opposed motion under subrule 37.12.1(4);
- In person;
- By telephone conference;
- By video conference.

THE MOTION IS FOR:

1. An order granting Michel Koostachin and Ramon Kataquapit (collectively, the “Proposed Interveners”) leave to intervene as friends of the court in this application pursuant to Rule 13.02 of the Rules of Civil Procedure for the purpose of rendering assistance to the court on the following terms:

- a. The Proposed Interveners shall accept the record as adduced by the parties, and shall not seek to file any additional evidence;
- b. The Proposed Interveners may file a factum of no more than 20 pages, or such other length as this Court may direct, substantially in the terms of the factum attached as Schedule “C” to its factum seeking leave within 7 days of the date leave is granted;
- c. The Proposed Interveners may appear and make oral submissions at the hearing of this Application not exceeding 15 minutes, or such other duration as this Court may direct;
- d. The Proposed Interveners may, with leave of the Court as required, make brief written submissions on any pre-hearing motion in this proceeding where the issues raised or the relief sought may materially affect the Proposed Interveners’ interests;
- e. The Proposed Interveners seek that any documents served on any party in this proceeding also be served on them; and

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- f. The Proposed Interveners will not seek costs nor have costs of this motion and the Application awarded against it.
2. An order that no costs of this motion are awarded to or against the Proposed Interveners.
3. Such further or other relief as counsel may request and this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

4. The Application raises important issues of a public and constitutional nature, including issues concerning the application of the doctrine of reconciliation, the *United Nations Declaration on the Rights of Indigenous Peoples* (“*UNDRIP*”) and the *Canadian Charter of Rights and Freedoms* (“*Charter*”) in regards to the development, consideration, passage, Royal Assent and/or enactment of the *Protect Ontario by Unleashing Our Economy Act, 2025* (“*Bill 5*”).
5. The Proposed Interveners are uniquely positioned to provide useful and distinct submissions to assist the Court in determining the issues raised in the Application, because:
 - a. The Proposed Interveners hold Aboriginal and Treaty rights recognized and affirmed by s 35 of the *Constitution Act, 1982* (“*Constitution*”). Michel Koostachin and Ramon Kataquapit are also Indigenous knowledge keepers and youth, respectively, and have direct, lived experience advocating for their rights and interests; and
 - b. The Proposed Interveners are respected members of Attawapiskat First Nation and have traditional knowledge of Indigenous Law and Treaty promises, and lived experience working with and supporting community members, including the grassroots through community education, ceremony and land-based teachings.

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6. The Proposed Interveners have a genuine interest in the application and would provide useful and distinct submissions for the Court, regarding the development, consideration, passage, Royal Assent, and/or enactment of Bill 5, focusing on three points:

- a. Whether reconciliation, which seeks to reconcile the pre-existence of Indigenous societies with the imposition of Crown sovereignty, necessarily includes consideration of Indigenous Natural Law including the spirit and intent of Treaty;
- b. Whether international law principles including those set out in *UNDRIP* should be purposively interpreted and diligently implemented, including to provincial law, recognizing their application to Indigenous peoples as individuals and rightsholders under s 35 of the *Constitution*; and
- c. Whether the right to substantive equality under s 15(1) of the *Charter* is violated in a manner that perpetuates environmental racism against Indigenous people, as a form of racial discrimination.

7. The useful and distinct submissions to be provided by the Proposed Interveners are different from the perspectives that can be articulated by the Parties to the Application.

8. Finally, the Proposed Interveners will provide these useful and distinct contributions and submissions to the Court without doing an injustice, or burdening the Applicants or Respondents.

A. Statutes, Regulations and Rules Relied On

9. *Protect Ontario by Unleashing Our Economy Act*, RSO 2025, c 4
10. *Constitution Act, 1982*, being Schedule B to the Canada Act 1982 (UK), 1982, c 11
11. Rules 1.04, 13.02, 37 of the Rules of Civil Procedure, RRO 1990, Reg 194;

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12. *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN Doc A/RES/61/295 (2007);

13. *Canadian Charter of Rights and Freedoms*, ss. 7, 15(1), Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11; and

14. Such further or other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

15. The Affidavit of Michel Koostachin affirmed December 3, 2025 and the exhibits thereto;

16. The Affidavit of Ramon Kataquapit affirmed December 2, 2025 and the exhibits thereto; and

17. Such further or other evidence as counsel may advise and this Honourable Court may permit.

Date: _____

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