

COURT FILE NO. 2109 – 00171

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE PEACE RIVER



APPLICANT **THE BOARD OF TRUSTEES OF NORTHLAND SCHOOL DIVISION** CD

RESPONDENT **THOMAS AUGER**

DOCUMENT **ORDER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
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File No.: 182026

DATE ON WHICH ORDER WAS PRONOUNCED:

December 16, 2021

LOCATION WHERE ORDER WAS PRONOUNCED:

Peace River, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER:

Justice E. J. Simpson

UPON THE NOVEMBER 29, 2021, APPLICATION of the Applicant, **THE BOARD OF TRUSTEES OF NORTHLAND SCHOOL DIVISION** ("School Division" or "Applicant"), for a Fiat pursuant to section 127 of the *Local Authorities Election Act*, RSA 2000 c. L-21 ("*Act*") to authorize the Applicant, which had entered into a sufficient recognizance as required by section 127(4) of the *Act*, for judicial review ("Hearing") of the results of the October 18, 2021, Ward 6 School Division school trustee election ("Election") which was supported by the November 29, 2021, Affidavit ("Affidavit") of the School Division's Returning Officer, Douglas Stewart Aird, and which challenged the Election validity ("Controverted School Division Ward 6 School Trustee Election");

AND UPON A FIAT HAVING BEEN GRANTED pursuant to section 127 of the *Act* by the Honourable Justice Hayes-Richards, on December 8, 2021, at the online Court appearance at which School Division representatives, its legal counsel and the successful Ward 6 School Trustee, **THOMAS AUGER** ("Respondent") (who had been served the Application and the Affidavit, and who is self-represented) were in attendance;

AND UPON HEARING submissions from counsel for the Applicant and the Respondent, unrepresented, at the December 16, 2021, Pre Trial Conference before the Honourable Justice Simpson:

IT IS HEREBY ORDERED THAT:

1. The Hearing is scheduled for February 10 and 11, 2022, before the Honourable Justice Little;
2. The Applicant is granted leave to schedule a Pre-Trial Conference before the Honourable Justice Little with the Trial Coordinator in the Judicial District of Peace River ("Trial Coordinator"), in advance of the Hearing;
3. The Applicant shall serve this Order on,
 - a) the Respondent; and
 - b) Mr. Silas Yellowknee (the "Affected Party");
4. On or before January 10, 2022, the Applicant's Application for judicial review, and supporting Affidavit(s) (collectively, the "Application Materials"), shall be filed with the Trial Coordinator;
5. Following the electronic filing of the Application Materials, the Applicant shall file five (5) paper copies of the same with the Trial Coordinator at the Peace River Court House;

Application Materials to be Filed and Served on the Respondent and the Affected Party

6. On or before 12:00 PM on January 14, 2022, the Applicant shall serve a filed copy of the Application Materials on
 - a) the Respondent; and
 - b) the Affected Party;

Any Interested Person in the Controverted School Division Ward 6 School Trustee Election

7. On or before 12:00 PM on January 28, 2022, the Respondent and any interested person in relation to the Controverted School Division Ward 6 School Trustee Election ("Interested

Person”) is hereby granted leave to file an Affidavit at the Peace River Court House located at 9905 – 97th Ave, Peace River, Alberta, or electronically to the attention of Trial Coordinator at carol.drescher@just.gov.ab.ca. To this end the Applicant shall prepare a Template Form Affidavit which shall be made available to any interested person on the School Division website and the School Division may also indicate where a Commissioner of Affidavits may be found;

8. On or before 12:00 PM on February 3, 2022, any Interested Person who wishes to attend the Hearing for the purpose of providing oral evidence must contact the Trial Coordinator at the Peace River Courthouse located at 9905 – 97th Ave, Peace River, Alberta, via telephone at 1-780-624-6256 or via email to the attention of Carol Drescher at carol.drescher@just.gov.ab.ca;

Filing and Service of Briefs of Law

9. On or before 12:00 PM on February 3, 2022, the Applicant and Respondent shall file and serve all Briefs of law;

Notice to the Ward 6 School Division Community of the Hearing:

10. The Applicant shall prepare a public notice to advertise the time, place and nature of the Hearing (“Notice”);
11. On or before 12:00 PM on January 14, 2022, the Applicant shall post a copy of the Notice (if possible, under a glass or protective cover),
 - a) at the Post Office located at 985 Mistassiniy Road;
 - b) at the Wabasca Courthouse located at 867 Stony Point Road in the Hamlet of Wabasca-Desmarais, in the Province of Alberta;
 - c) at the Community Centre located in the Hamlet of Sandy Lake, in the Province of Alberta;
 - d) in the local newspaper, the Fever Newspaper
12. On or before 12:00 PM on January 14, 2022, the Applicant shall post a copy of the Notice, this Order and the Application Materials, on the School Division website and the School Division Facebook page;
13. On or before 12:00 PM on January 14, 2022, the Applicant shall post a copy of the Notice,
 - a) on the St. Theresa Elementary School website and Facebook page;
 - b) on the Mistassiniy High School website and Facebook page; and
 - c) on the Pelican Mountain School website and Facebook page.
14. On or before 12:00 PM on January 14, 2022, the Applicant shall prepare a letter to the parents and guardians whose children attend a school operated by the School Division in Ward 6 which briefly explains the nature of the Controverted School Division Ward 6 School Trustee Election and which sets out the time, date and nature of the Hearing (“Parent Letter”), and provide a copy of the Parent Letter to each student registered at St. Theresa

Elementary School, Mistassiniy High School and Pelican Mountain School (for the purpose of providing the Parent Letter to the parents and guardians of said students);

School Division May Read the Content of the Order and Application Materials if so Requested

15. In the event any individual seeks assistance as to the content of the Order and Application Materials, said individual may contact the School Division who will arrange for a time with the individual(s) to read and explain the content of the Order and Application Materials.

Service

16. Rule 9.4(2)(c) of the *Alberta Rules of Court* is invoked in relation to this Order.
17. The Applicant shall serve a copy of this Order on the Respondent and Mr. Silas Yellowknee via personal service.



**JUSTICE OF THE COURT OF QUEEN'S BENCH OF
ALBERTA**