

Appeal #1201-0014AC

IN THE COURT OF APPEAL OF ALBERTA

Between:

Daniel W. Onischuk

Appellant
(Applicant)

and

Her Majesty the Queen in Right of Alberta,
-and -
Town of Canmore

Respondents
(Respondents)

Appeal from the Decisions of
The Honourable Mr. Justice G.HAWCO

Dated the days of 14 November –continued- 7 December, 2011
Filed the 15 day of December 2011



Extracts of Key Evidence of the Appellant
Daniel W. Onischuk

For the Appellant

Daniel W. Onischuk,
9628-100A St. Edmonton, AB. T5K0V8 Tel (780)-426-7676 No fax number

For the Respondent

Her Majesty the Queen in Right of Alberta
#1710, 639-5ave SW, Calgary, Alberta

Town of Canmore
c/o Bryan & Co. LLP #320, 903-8 ave, Calgary, Alberta

JKM
For: Town of Canmore
- September 7, 2012

Prepared and filed by the Appellant Daniel W. Onischuk

*Service of a copy hereof admitted
this 7th day of September, 2012*

Alberta Justice
*Solicitor for Her Majesty the
Queen in Right of Alberta.*

Let the within FIAT be filed despite
non-compliance with the following Rules/Practice Directions:
- AS DISCUSSED IN CHAMBERS
"R. O'FERRALL"
Justice/Deputy Registrar
Dated: SEPT 7, 2012

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Authorities

A. Acts & Bylaws

1. Alberta Municipal Govt Act RSA 2000 c.M-26 (relevant excerpts)
2. Alberta Interpretation Act – RSA 2000 c.I-8
3. Alberta Wildlife Act – RSA 2000 c.W-10
4. Alberta Wildlife Reg.143/1997 [extracts: Tab D, s.4]
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8. Alberta Land Stewardship Act SA2009, c.A-26.8
9. The Constitution Act, 1982 (a.k.a.)
Canadian Charter of Rights and Freedoms – s.1,2(b),7,8,12,15(1),24(1),32(1),52
10. Alberta Bill of Rights RSA 2000 c. A-14 s.1(a,b,d),2,3(1);
11. Canadian Bill of Rights SC 1960 c.44 – Part I s.1(a,b,d), 2(b,e)
12. Alberta Frustrated Contracts Act RSA 2000 c. F-27
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15. Alberta Rules of Court – 124/2010

B. Case Laws (all available on CanLii.org)

1. 321665 Alberta Ltd. V ExxonMobil Canada Ltd - 2012 ABCA 211
2. Adeco v Hunt Oil – 2008 ABCA 214
3. Airport Storage v Leduc - 2008 ABQB 12 (citing Baker v Canada SCC)
4. Alberta (Justice & A.G.) v Yousif – 2010 ABQB 478
5. Andrews v Law Soc. of BC – 1989 1 SCR 143
6. Aram v Novatel – 2007 ABCA 100
7. Bowes v Edmonton (City) – 2007 ABCA 347 (cite Utd. Taxi v Calgary 2004 SCC 19)
8. Cassels v Univ. of Victoria - 2010 BCSC 1213
9. Dawson v Rexcraft – 1998 ONCA 4831
10. Decock v Alberta – 2000 ABCA 122
11. Diegel v Diegel – 2008 ABCA 389
12. Double N Earthmovers v Edmonton (City of) – 2007 1 SCR 116, 2007 SCC 3
13. Housen v Nickolaisen - 2002 SCC 33, [2002] 2 SCR 235
14. Hunt v Carey – [1990] 2 SCR 959
15. Milavsky v Milavsky – 2011 ABCA 231
16. Parkdale v Edmonton – 2006 ABCA 78
17. R. v Ferris – 1994 ABCA 20 (citing R. v Corbett – 1988 SCC 80, 1 SCR 670)
18. R v Scott [1990] 3 SCR 979
19. Reece v Edmonton (City of) – 2011 ABCA 238
20. Reese v Alberta (Min. Forestry) – 1992 ABQB 2825
21. RJR McDonald Inc v Canada (AG) 1994 SCC 117, 1994 1 SCR 311
22. Toronto (City) v CUPE - 2003 SCC 63
23. Vriend v Alberta- 1996 ABCA 274 (cite Egan v Canada 1995 SCC 98,2 SCR 513)
24. Wishart Estates, RE 1992 CanLII 2679 (NB QB)