

To: Hon. Justices P.Martin, C. O'Brien, B. O'Farrell
Court of Appeal of Alberta (Calgary)

18 June 2013
via fax to all parties

cc: Registry Office, The Supreme Court of Canada

RE: Court of Appeal Decision – Onischuk v Town of Canmore, HMQRA 1201-0014AC

I write to inform you of my intentions to file with the Supreme Court of Canada, an application for leave to appeal the decision of this appeal panel in this matter.

Could you please clarify the scope of applicability and intent of para. 11 of your decision.

At para. 11 of the memorandum of judgement, it is not clear whether the Court intended the limitation to be applied only to any further Alberta Court filings (which I agree is no longer viable) or whether that was intended to include any filing to the Supreme Court.

The Supreme Court Registry office takes no position on a judicial decision, but does affirm that I am entitled to appeal the entire case matter and issues to the Supreme Court. Also noted was jurisdiction of the Court of Appeal does not extend to the Supreme Court.

It appears to me then that the Court of Appeal may not prevent, limit or demand review and approval of my application or any materials to be filed with the Supreme Court.

Further, in order to avoid an arguments with clerical staff and Town of Canmore lawyers, I also wish to point out that clause 11 appears to be a catch-22 situation; whereby I am automatically prevented from filing an application to obtain permission from a judge (presumably from the appeal panel who are familiar with the case) because, according to clause 11, I do not have permission in advance to do so.

Such restriction prevents me from properly filing for the record, the Fresh New Evidence and case laws submitted to the appeal panel the date of the hearing, and further prevents me from filing a faxed document I sent after the hearing which was a reply to last minute new issues & arguments Canmore lawyers presented without prior notice or briefing. Canmores new arguments were incorporated into the appeal decision at para. 7 and is a major (inaccurate) pivotal factor in the appeal decision (among other case issues flaws and issues of public importance worthy of the Supreme Courts time).

I wish to respect your Order, but not unfairly or unreasonably to my ultimate detriment.

I await the written clarification of the appeal panel on these issues.

Daniel W. Onischuk

Cc: M.Assen/K.Mason, Bryan &Co.
for the Town of Canmore

cc: C.Hykaway/N.McCurdy, Alberta Justice
for HMQRA