

**IN THE SUPREME COURT OF CANADA #35472**

(ON APPEAL FROM Alberta Court of Appeal and/or Supreme Court of Canada )  
(Name of the court appealed from)

**BETWEEN:**

DANIEL W. ONISCHUK

(Name of the applicant as it appears on the court of appeal judgment)

**APPLICANT**

APPELLANT

(Status of party in the court appealed from)

**AND:**

TOWN OF CANMORE

(Name of the respondent as it appears on the court of appeal judgment)

**RESPONDENT**

RESPONDENT

(Status of party in the court appealed from)

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**NOTICE OF MOTION TO A JUDGE**

**TO REVIEW REGISTRAR DECISION TO DENY MOTION TO RECONSIDER APPLICATION FOR LEAVE TO APPEAL**

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DANIEL W. ONISCHUK

(Name of the applicant)

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EDMONTON, AB. T5K0V8

780-426-7676

(Your address, telephone number, fax number  
and e-mail address, if any)

TOWN OF CANMORE

(Name of the respondent)

MICHAEL AASEN

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Her Majesty the Queen in Right of Alberta - Not a  
Respondent nor Party to Appeal or this Motion

c/o Alberta Justice

#1710, 635-5 ave SW

Calgary, AB. T2P0M9

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(Counsel's name (or party's if unrepresented),  
address, telephone number, fax number  
and e-mail address, if any)

**BETWEEN:**

DANIEL W. ONISCHUK

\_\_\_\_\_  
*(Name of the applicant as it appears on the court of appeal judgment)*

**AND:**

TOWN OF CANMORE - RESPONDENT

HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA - NOT A PARTY TO APPEAL

□ \_\_\_\_\_  
*(Name of the respondent as it appears on the court of appeal judgment)*

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**NOTICE OF MOTION TO A JUDGE**

**TO REVIEW REGISTRAR DECISION TO DENY MOTION TO RECONSIDER APPLICATION FOR LEAVE TO APPEAL**

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**TAKE NOTICE** that DANIEL W ONISCHUK (*name*) hereby applies to a judge or the Registrar pursuant to Rules 3, 4, 5, 5.1, 6, 7, 8, 73, 78 (*cite the provision of the Act or Rule under which the motion is made*), for an order for:

1. GRANTING THIS MOTION FOR REVIEW BY A JUDGE OF THE REGISTRAR DECISION OF DENIAL OF MY MOTION FOR RECONSIDERATION FOR LEAVE TO APPEAL -OR- GRANTING MY APPLICATION FOR LEAVE TO APPEAL
2. SCC RECONSIDERATION AND REVIEW OF MY APPLICATION FOR LEAVE TO APPEAL -OR- REMAND OF APPEAL TO AN UNBIASED, NEUTRAL COURT
3. EXTENSION OF TIME AND REMEDIAL CURES OF ANY ERRORS IN THIS MOTION AND ALSO FOR MY APPLICATION FOR LEAVE TO APPEAL.
3. STAY OR CANCELLING OF ALL LOWER COURT COSTS AND COSTS OF THIS COURT.
5. ANY SUCH FURTHER RELIEFS IN FAVOUR OF THIS APPLICANT.

or any other order that the judge may deem appropriate;

**AND FURTHER TAKE NOTICE** that the motion shall be made on the following grounds:

**Clearly number each ground.**

1, I believe that the new SCC Registrar failed to take into consideration an/or give fair and proper weighting to (i) my grounds for reconsideration; (ii) issues of the appeal and the implied detrimental impact upon public legal rights and democracy across Canada; (ii) were illogical, unreasonable and misapprehended the facts, evidence and/or issues. The new SCC Registrar set the qualifying bar too high for this layman - I may have presented important aspects of issues in my notice and application documents rather than solely within my reconsideration affidavit and due to my depressed state, perhaps without enough clarity and urgency to the Registrar and prior Supreme Court review panel. However I should be not denied review again by previously noted poor time scheduling and future gaps in court time that could have and still should be used to review this case.

1. The fundamental principle of Canadian law is the Constitution Act, 1982 aka Charter of Rights is Supreme Law of Canada by s. 52 (1). According to s.15(1) each citizen such as myself is to be granted equal protection and benefit under the law - without discrimination.

Charter Rights are not given to corporations or governments, yet in this case Alberta Courts decided that it is fair and reasonable to ignore statutory laws ( Charter s.2, 6(2), 7, 15 ; Alberta Human Rights Act, Laws of Contracts, Muni.Govt Act s.7,10,536-538, AB. Interpretation Act s.8,10 ) so as to deny me, other rescuers and local residents legal rights for fair, non-discriminatory employment via an "open competition" public contract.

Town of Canmore refused to pay any rescuers under the contract bidding and dictated that rescuers could not use contract money for spay-neuter, meds or relocation costs - that rescuers would have to fundraise to solve Canmore problem residents started about 25 years ago.

Prior to and during the bidding Town of Canmore officials deliberately misled residents as to the various crucial facts regarding feral rabbit mortality (90%), rescuer success (2008 Kelowna 650+, 2010 Victoria 1100+ ), anti-rescue bid documents, total contract costs.

Kill contractors were not limited as to how they spent their monies nor were kill contractors given any onerous requirements to impede their bids or efforts whereas Rescuers were given excessivel unnecessary burdens that were not required nor fair to the bidding.

Prior to and during the bidding, Canmore Officials deliberately misled Residents, Rescuers and the public as to crucial facts regarding feral rabbit mortality (90%), rescuers success (2008 Kelowna 650+, 2010 Victoria 1100+), total costs. Those Canmore breaches of contract fairness in bidding and deliberate misleading of public should not be tolerated by any Court which should be the vanguards for protecting integrity of democracy, freedoms of speech in law courts and to ensure fundamental democracy and truthfulness of public officials in government actions and public communications. Instead innocent animals and I are punished, our group efforts for a complete and humane solution unfairly denied along with our alleged legal civil rights which appear to be nothing but a myth intended to lure people with false hopes so as to feed the legal system with fees.

3.a) As a rabbit rescuer in the Edmonton area, and as supported by some local residents who supported my going to court, I was an interested bidder for contractiing - but I found the laws were poorly written and Canmore documents were very unfair and discriminatory against all potential rescuers trying to bid against kill contractors. Town of Canmore bylaws and contract documents clearly referred to feral rabbit as wildlife, whereas Alberta Wildlife Act had no specifics for domestic rabbit species thus an ambiguity as to legal ownership for contracting. Alberta Courts unjustly blamed me for both Respondents failures to provide clear laws, bylaws and contract bidding documents before Canmore offering a public contract tender. Alberta Courts unjustly denied stateutory legal rights per MGA s.7,10,536-538, Charter s.6(2) failing to apply Alberta Interpretation Act s.8,10; Alberta Human Rights Act and harter s.2 (religious-moral conscience), 6(2) (work mobility),15 anti-discrimination, equality under laws; contract law fairness, non-discriminatory: bidding practices, advertising, bid evaluation.

3.b) My reasonable requests for injunction to challenge discriminatory nature of Town bylaws, contract bidding practices and documents and to define project scope for bidding costs were denied contrary to the low threshold per SCC decision in RJR MacDonald and all my evidence was not given proper weighting mor fair review. The appeal panel decision is clearly contrary to many SCC case laws, statutes, and procedural fairness. Instead contrary to evidence, Alberta Courts unjustly shifted their lack of fairness and wrote false or misleading reasoning so as to blame and burden only me for goverments repeated errors and failings.

4.a) It is unjustly disciminatory (Charter s.6.2, 15.1) that Alberta Courts allowed Town of Canmore unsubstantiated defense claims, without any supporting affidavits and evidence, and further by ignoring all other contrary facts affidavits and substantial evidence which proved defenses were without truth.

4.b) Further it was unjust that Court of Appeal violated procedural fairness (and Charter s.6(2),15) allowing Canmore new legal grounds in last minute verbal arguments with no time for fair preparation or reply.

5.) Post-trial and post-appeal it was revealed by Town of Canmore officers they also regularly practice enforcing other municipal bylaws that are contrary to Charter s.2, 15, 52(1) against myself (Oct 21, 2013) and any other persons the Town of Canmore officers decide to harrass by blocking and inhibiting freedom of speech, freedom of public assembly and associattion, and freedom to communicate and expresss without pre-approval and payment of money to Town of Canmore.

6.) Thus Alberta Court judges acted with unfair prejudices or biases and so acted unjudicially and their orders and decisions should be overturned and vacated by this court.

7.) For the sake of mercy, I ask this Court to reconsider the inhumane slaughter of the feral rabbits who are being suffocated by sulphuric acid gas to induce hypoxia - one of the most painful ways there is to die. With no end in sight as local residents who support rescuers and thier own Charter s,2 rights of religion, moral conscience will protect rabbits on their property, so the realistic solution is fair collaboration with rescuers. Please do not let unjust, illogical decisions deny our humanity and turn all people of society into unfeeling, uncaring machines - as slaves in thrall to misapplied law rather than the greater good of society.

8.) Given that the Charter of Rlghts is Supreme Law, any of the foregoing are or should be exceedingly rare or unusual circumstances for any Court which purports to uphold the principles of Law - justice, fairness, equality, compassion.

SIGNED BY

\_\_\_\_\_  
*(Your signature)*

\_\_\_\_\_  
*(Date)*

**AFFIDAVIT  
IN SUPPORT OF YOUR MOTION**

FOR A JUDGE TO REVIEW THE REGISTRAR DECISION OF 8 OCT 2014

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*(Sworn affidavit)*

I, DANIEL W ONISCHUK, **DO HEREBY MAKE OATH AND SAY AS FOLLOWS:**  
*(Your name)*

**Clearly number each ground.**

1, I believe that the new SCC Registrar failed to take into consideration an/or give fair and proper weighting to (i) my grounds for reconsideration; (ii) issues of the appeal and the implied detrimental impact upon public legal rights and democracy across Canada; (ii) were illogical, unreasonable and misapprehended the facts, evidence and/or issues. The new SCC Registrar set the qualifying bar too high for this layman - I may have presented important aspects of issues in my notice and application documents rather than solely within my reconsideration affidavit and due to my depressed state, perhaps without enough clarity and urgency to the Registrar and prior Supreme Court review panel. However I should be not denied review again by previously noted poor time scheduling and future gaps in court time that could have and still should be used to review this case.

2. I believe that the grounds and reasons I have given in my attached notice of motion and herein this affidavit and other previously filed documents should be considered sufficiently unusual or rare or meritorious to receive reconsideration and reliefs.

3. I believe that the contents of this affidavit, evidence, notice of motion and application for leave to appeal are true, accurate statements of the facts, laws and issues.

4. I attach hereto Exhibit "A" a news article quoting Chief Justice McLachlin as to the duty of all judges and the Supreme Court to consider the real world effects of their decisions.

**NOTE:** *You may include additional pages if needed.*

Sworn before me in EDMONTON in ALBERTA on \_\_\_\_\_.  
*(Name of city, town, etc.) (Name of province or territory) (Date)*

\_\_\_\_\_  
*(A Commissioner for Oaths)*

\_\_\_\_\_  
*(Your signature)*