

**IN THE SUPREME COURT OF CANADA**

**IN THE MATTER OF SECTION 53 OF THE *SUPREME COURT ACT*, R.S.C.,  
1985, C. S-26**

**IN THE MATTER OF A REFERENCE BY THE GOVERNOR IN COUNCIL  
CONCERNING THE PROPOSAL FOR AN ACT RESPECTING CERTAIN  
ASPECTS OF LEGAL CAPACITY FOR MARRIAGE FOR CIVIL PURPOSES,  
AS SET OUT IN ORDER IN COUNCIL P.C. 2003-1055, DATED THE 16<sup>TH</sup> OF  
JULY 2003**

---

**FACTUM OF THE INTERVENER  
ONTARIO HUMAN RIGHTS COMMISSION**

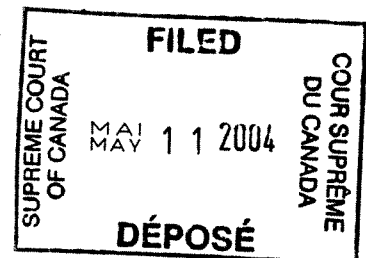
---

**ONTARIO HUMAN RIGHTS COMMISSION**  
Legal Services Branch  
180 Dundas Street West, 7<sup>th</sup> Floor  
Toronto, ON M7A 2R9

Cathryn Pike  
Tel: (416) 326-9871  
Fax: (416) 326-9867

Amy Hadibhai  
Tel: 416-326-9863  
Fax: 416-326-9867

Counsel for the Intervener Ontario Human Rights  
Commission



**IN THE SUPREME COURT OF CANADA**

**IN THE MATTER OF SECTION 53 OF THE *SUPREME COURT ACT*, R.S.C.,  
1985, C. S-26**

**IN THE MATTER OF A REFERENCE BY THE GOVERNOR IN COUNCIL  
CONCERNING THE PROPOSAL FOR AN ACT RESPECTING CERTAIN  
ASPECTS OF LEGAL CAPACITY FOR MARRIAGE FOR CIVIL PURPOSES,  
AS SET OUT IN ORDER IN COUNCIL P.C. 2003-1055, DATED THE 16<sup>TH</sup> OF  
JULY 2003**

---

**FACTUM OF THE INTERVENER  
ONTARIO HUMAN RIGHTS COMMISSION**

---

**ONTARIO HUMAN RIGHTS COMMISSION**  
Legal Services Branch  
180 Dundas Street West, 7<sup>th</sup> Floor  
Toronto, ON M7A 2R9

Cathryn Pike  
Tel: (416) 326-9871  
Fax: (416) 326-9867

Amy Hadibhai  
Tel: 416-326-9863  
Fax: 416-326-9867

Counsel for the Intervener Ontario Human Rights  
Commission

INDEX

OVERVIEW.....1

PART I – STATEMENT OF FACTS .....2

PART II – POINTS IN ISSUE.....2

PART III - ARGUMENT .....3

PART IV – SUBMISSIONS ON COSTS.....18

PART V – NATURE OF THE ORDER REQUESTED.....18

PART VI – TABLE OF AUTHORITIES.....19

PART VII – TABLE OF STATUTES.....20

## OVERVIEW

1. Section 1 of the *Proposal for an Act respecting certain aspects of legal capacity for marriage for civil purposes*, which extends capacity to marry to persons of the same sex, is consistent with the *Charter* in two respects. First, since the opposite sex requirement for marriage is discriminatory, equality demands the abandonment of the opposite sex requirement for marriage. Second, the extension of the capacity to marry to persons of the same sex does not, in itself, conflict with rights that others might have under the *Charter*.
2. Freedom of religion, guaranteed by section 2(a) of the *Charter*, protects religious officials from being compelled to perform a marriage between two persons of the same sex where such a marriage conflicts with their religious beliefs. An individual who refuses to perform a marriage between two persons of the same sex could be the subject of a complaint of discrimination under provincial human rights legislation. Any order of a human rights tribunal compelling the performance of such a marriage would, however, engage the protections contained in section 2(a) of the *Charter*, where the individual so ordered was a religious official acting in that capacity.
3. Where, on the other hand, an employee of the municipal or provincial government objects on religious grounds to performing a civil marriage for a same sex couple, or objects to assisting with the registration or licensing of the marriage, the obligation of the state to provide the service mandated by the *Charter* is the paramount consideration. Whether the religious beliefs of an employee of the government whose functions

consisted of or included the performance of marriages might be accommodated in such cases would depend upon all the circumstances. Any duty to accommodate the individual that might arise in such circumstances could not override the duty of the state to provide the service.

### **PART I – STATEMENT OF FACTS**

4. The Ontario Human Rights Commission (the “Commission”) adopts the summary of facts provided in the Attorney General of Canada’s factum and supplementary factum.

### **PART II – POINTS IN ISSUE**

5. The Reference poses the following four questions:
- 1) Is the annexed *Proposal for an Act respecting certain aspects of legal capacity for marriage for civil purposes* within the exclusive legislative authority of the Parliament of Canada? If not, in what particular or particulars, and to what extent?
  - 2) If the answer to question 1 is yes, is section 1 of the proposal, which extends capacity to marry to persons of the same sex, consistent with the *Canadian Charter of Rights and Freedoms*? If not, in what particular or particulars, and to what extent?
  - 3) Does the freedom of religion guaranteed by paragraph 2(a) of the *Canadian Charter of Rights and Freedoms* protect religious officials from being compelled to perform a marriage between two persons of the same sex that is contrary to their religious beliefs?
  - 4) Is the opposite-sex definition for marriage for civil purposes, as established by the common law and set out for Quebec in section 5 of the *Federal Law – Civil Law Harmonization Act, No. 1*, consistent with the *Canadian Charter of Rights and Freedoms*? If not, in what particular or particulars and to what extent?

6. The Commission will address the second, third and fourth reference questions.

### PART III – ARGUMENT

7. Since the Commission's position is that extending the capacity to marry to persons of the same sex is not only consistent with the *Charter* but required by it, the second and fourth reference questions will be dealt with together.

**Question 2) If the answer to question 1 is yes, is section 1 of the proposal, which extends capacity to marry to persons of the same sex, consistent with the *Canadian Charter of Rights and Freedoms*? If not, in what particular or particulars, and to what extent?**

**Question 4) Is the opposite-sex definition for marriage for civil purposes, as established by the common law and set out for Quebec in section 5 of the Federal Law – Civil Law Harmonization Act, No. 1, consistent with the *Canadian Charter of Rights and Freedoms*? If not, in what particular or particulars and to what extent?**

8. Extending the capacity to marry to same sex couples is consistent with the *Charter* in two respects. First, since the opposite sex requirement for marriage is inconsistent with the *Charter*, equality demands that this definition be abandoned. Second, since extending the capacity to marry to persons does not, in itself, conflict with any rights that others might have under the *Charter*, such an extension is consistent with the *Charter*.

(1) The opposite sex definition of marriage is inconsistent with the *Charter*

9. The Commission agrees with the Attorney General of Canada that the opposite sex requirement for marriage infringes section 15(1) of the *Charter*, and that the infringement is not saved by s. 1.

10. This issue is of concern to the Commission not only because its mandate includes the furtherance of equality, but because the solemnization of marriage, and the provision of licensing and registration regimes fall within provincial jurisdiction, and thus within the ambit of the Ontario *Human Rights Code* (the “*Code*”).

*Code*, R.S.O. 1990, c. H.19

*Factum of the Attorney General at paras. 11 – 16*

*Halpern v. Canada (Attorney General)* (2003), 65 O.R. (3d) 161 at para. 69 (C.A.) [hereinafter *Halpern*]

11. Differential treatment arising from the opposite sex definition of marriage constitutes a distinction based upon sexual orientation, which has been recognized as an analogous ground to those listed in section 15 of the *Charter*.

*Halpern, supra* at para. 75

12. ‘Sexual orientation’ was first included in the *Code* as a ground of discrimination in 1986.

The addition of the ground of ‘sexual orientation’ to the *Code* in 1986 pursues the public policy expressed in the Preamble. It is based upon the belief and value that sexual orientation should be an irrelevant factor with respect to employment, the provision of services and the occupancy of accommodation.

*Leshner v. Ontario (No. 2)* (1992), 16 C.H.R.R. D/184 at para. 76  
(Ont. Bd. Inq.)

13. The recognition of 'sexual orientation' as a ground of discrimination, whether expressly, as in the *Code*, or by analogy, as in the case of the *Charter*, is an acknowledgement of the historic disadvantage faced by gay men and lesbian women in the various aspects of their lives. In some cases, this disadvantage has pertained to areas covered by the *Code*, such as employment and access to services. In other cases, acts against gay men and women have been outright criminal. In general, gay men and lesbian women have been excluded from the mainstream of society.

The historic disadvantage suffered by homosexual persons has been widely recognized and documented. Public harassment and verbal abuse of homosexual individuals is not uncommon. Homosexual women and men have been the victims of crimes of violence directed at them specifically because of their sexual orientation . . . They have been discriminated against in their employment and their access to services. They have been excluded from some aspects of public life solely because of their sexual orientation . . . The stigmatization of homosexual persons and the hatred which some members of the public have expressed towards them has forced many homosexuals to conceal their orientation. This imposes its own associated costs in the work place, the community and in private life.

*Halpern, supra* at para. 83 citing Cory J. in *Egan*

14. The exclusion of same sex couples from marriage is discriminatory in two respects. Same sex couples are denied access to an institution that is "one of the most significant forms of personal relationships", through which "society publicly recognizes expressions of love and commitment between individuals, granting them respect and



legitimacy as a couple.” Same sex couples are also denied benefits available to married couples.

*Halpern, supra* at para. 5

(a) *exclusion from the institution of marriage*

15. The abandonment of the opposite sex requirement for marriage represents a logical and necessary further step in the eradication of discrimination based upon sexual orientation. While access to benefits has been an important goal in the struggle for equality, without dignity, recognition and inclusion, it cannot be said that this goal has been reached.

Historically, same-sex equality litigation has focussed on achieving equality in some of the most basic elements of civic life, such as bereavement leave, health care benefits, pensions benefits, spousal support, name changes and adoption. The question is whether excluding same-sex couples from another of the most basic elements of civic life – marriage – infringes human dignity and violates the Canadian Constitution.

*Halpern, supra* at para. 8

16. The purpose of human rights legislation is not simply to obtain concrete redress for violations of equality rights, although that is certainly a worthy object, but, in the words of the Preamble to the *Code*, to create of “a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community”. Inclusion is an essential part of equality.

*Code, supra*, Preamble

17. As the Court of Appeal held in *Halpern*, the dignity of persons in same sex relationships is violated by the complete exclusion of same sex couples from a fundamental societal institution.

*Halpern, supra* at paras. 108 and 139

18. Justice LaForme, in *Halpern* at the Divisional Court level, rejected the argument “that the benefits afforded through the institution of marriage can be remedied by amendment to legislation that otherwise grants benefits to co-habiting couples. In my opinion, that submission amounts to the “separate but equal” argument that has long since been rejected in Canada as a justification for an otherwise discriminatory law.”

*Halpern v. Canada (Attorney General)* (2002), 60 O.R. (3d) 321 at para. 192 per LaForme J. (Div. Ct.)

*(b) inequality with respect to benefits*

19. The Court of Appeal in *Halpern* emphasized the fact that the benefits of marriage could not be viewed in purely economic terms. At the same time, it found that same sex couples had not achieved equal access to government benefits.

There are significant waiting periods involved before cohabiting couples can access these benefits. Some benefits and obligations are available only to married couples.

*Halpern, supra* at para. 136

20. As a result of this Court's decision in *M. v. H.*, Ontario statutes were amended to include a new category of relationship termed 'same-sex partner'. The term 'spouse' was reserved for opposite-sex relationships.

J. Murphy, "Dialogic Responses to *M. v. H.*: From Compliance to Defiance" (2001) 59 U.T. Fac. L. Rev. 299 – 317 at para. 13

21. 'Spouse' is typically defined in Ontario statutes as a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. The criteria for the status of 'same sex partner' always mirrors the second branch of the spousal definition (the 'common law' definition), that is, an individual with whom the person is living in a conjugal relationship outside marriage.

For example, see the *Business Corporations Act*, R.S.O. 1990, c. B.16, s. 1(1)

22. In some instances, as in the case of the *Business Corporations Act*, there is no requirement for common law spouses or same sex partners to cohabit for any set period of time.

*Business Corporations Act, supra*

23. A number of other Ontario statutes, however, require same-sex couples (and common law spouses) to cohabit for a period of time in a conjugal relationship unless they are the parents of a child or have entered into a cohabitation agreement under the provisions of the *Family Law Act*. For example, the *Workplace Safety and Insurance Act, 1997* at section 2 states:

"same-sex partner" means a person of the same sex with whom the person is living in a conjugal relationship outside marriage, if the two persons,

- (a) have cohabited for at least one year,
- (b) are together the parents of a child, or
- (c) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*

*Workplace Safety and Insurance Act, 1997, S.O. 1997 c. 16, Sch. A, s. 2*

24. In such cases, same sex partners (and common law opposite sex partners) are treated differently from married partners with respect to eligibility for benefits. Those same sex partners and common law opposite sex partners who have not lived in a conjugal relationship for a period are only eligible for benefits if they are together, the parents of a child, or if they complete a cohabitation agreement, in which they agree on their respective rights and obligations during cohabitation, or on ceasing to cohabit or on death.

25. In still other cases, Ontario statutes provide no avenue for a same sex couple to gain immediate access to certain statutory rights, benefits and obligations. For example, section 1 of the *Pension Benefits Act* and section 29 of the *Family Law Act* (for the purposes of support obligations only) require same sex partners to live together "continuously for a period of not less than three years" or be in a relationship of some permanence if they are the natural or adoptive parents of a child. Other Ontario statutes derive their definitions of 'spouse' and 'same sex partner' from the *Pensions Benefits Act* and the *Family Law Act*.

*Pension Benefits Act*, R.S.O. 1990, c. P.8, s. 1

*Family Law Act*, R.S.O. 1990, c. F.3, s. 29

*Public Service Pension Act*, R.S.O. 1990, c. P.48, s.14(7),14(8)

*Land Transfer Tax Act*, R.S.O. 1990, c. L.6, s. 1

*Victims' Bill of Rights Act*, S.O. 1995, c. 6, s. 1

26. The inability of same sex couples to marry, unlike their opposite sex counterparts, means that opposite sex couples will in some cases, as a result of marriage, have immediate access to the rights, benefits or obligations conferred by these statutes that same sex couples must wait to receive.

27. There are some statutes that do not provide access to same sex couples at all, regardless of the length of cohabitation. Same-sex partners are excluded from parts of the *Family Law Act* R.S.O. 1990, c. F.3 dealing with family property and the matrimonial home. Similarly, the *Succession Law Reform Act* R.S.O. 1990, c. S.26 excludes same-sex partners from sections of the Act involving intestate successions.

28. As this Court held in *Nova Scotia (Attorney General) v. Walsh*, the decision to marry is "intensely personal". Many opposite sex individuals in conjugal relationships of some permanence have chosen to avoid marriage and the legal consequences that flow from it. If marriage is an intensely personal matter of choice for opposite sex individuals, so should it be for same sex individuals. If legal consequences, benefits, as well as

obligations, flow from the choice of marriage, then same sex partners as well as opposite sex partners should have the option of accepting those consequences.

*Nova Scotia (Attorney General) v. Walsh*, [2002] 4 S.C.R. 325 at para. 43

- (2) Extending the right to marry to same sex couples does not, in itself, conflict with any Charter rights that others may have

29. The extension of the right to marry to same sex couples does not conflict with the Charter rights of religious officials; indeed, it does not conflict with the rights of others, including members of religious groups and opposite sex couples.

- (a) *impact upon religious officials and religious groups*

30. The Court of Appeal in *Halpern* held that the opposite sex definition of marriage did not infringe the freedom of religion of those religious officials who wished to perform same sex marriages. Nothing in the definition, the court held, precluded a manifestation of religious beliefs or prohibited any particular religious practices.

*Halpern, supra* at para. 57

31. If the opposite sex definition of marriage does not infringe the freedom of religion of a religious official willing to perform same sex marriages, then it follows that the proposed definition of marriage cannot, in itself, infringe the freedom of religion of religious officials unwilling to perform them.

32. Unless a religious official is required to act in a fashion that is contrary to that person's religious beliefs, no right to freedom of religion is infringed. Since clause 1 of the draft legislation speaks only to civil marriage, no claim can be made that the proposed definition of marriage would impose such a requirement upon religious officials.

33. With respect to members of religious organizations, these organizations may continue to determine whether two people are married, for religious purposes, according to their religious tenets and regardless of state recognition of a marriage. Different religious groups, even within the same religion, will likely come to different conclusions as to whether to recognize the marriage of two men or two women. Since an extension of the definition of marriage to same sex couples does not impose religious beliefs or practices on anyone, it is not inconsistent with freedom of religion.

*Halpern, supra* at para. 138

(b) *impact upon opposite sex couples*

34. No *Charter* right, indeed, no interest of opposite sex couples is jeopardized as a result of the extension of marriage to same sex couples.

35. Exclusion is discriminatory, inclusion is not. An individual denied access may complain of discrimination; an individual wishing to deny access may complain, but not of discrimination.

36. In the human rights context, this Court has held that legitimate concerns over the impact of accommodating an employee must be distinguished from concerns that stem from discriminatory attitudes.

The objection of employees based on well-grounded concerns that their rights will be affected must be considered. On the other hand, objections based on attitudes inconsistent with human rights are an irrelevant consideration.

*Central Okanagan School District No. 23 v. Renaud*, [1992] 2 S.C.R. 970 at para. 30

37. The reasoning is applicable here, both to the question of whether any right is infringed by the extension of the definition of marriage, and to a balancing of interests under s. 1 of the *Charter*. The extension of the right to same sex couples does not entail the withdrawal of a right to opposite sex couples. As the Court expressed it in *Halpern*,

This is not a case of the government balancing the interests of competing groups. Allowing same sex-couples to marry does not result in a corresponding deprivation to opposite-sex couples.

*Halpern, supra* at para. 137

**Question 3) Does the freedom of religion guaranteed by paragraph 2(a) of the *Canadian Charter of Rights and Freedoms* protect religious officials from being compelled to perform a marriage between two persons of the same sex that is contrary to their religious beliefs?**

38. The Commission agrees with the position of the Attorney General of Canada that requiring a religious official to perform a marriage ceremony that does not accord with his or her religious beliefs about marriage violates section 2(a) of the *Charter*.



39. Since the provinces are responsible for the solemnization of marriages, a complaint that access to marriage was denied would arise under provincial human rights legislation.

40. The *Code* guarantees that “every person has a right to equal treatment with respect to services, goods and facilities, without discrimination” based on a number of prohibited grounds, including sexual orientation. The Ontario *Code* does not restrict services to those customarily available to the public and without doubt, applies to services provided by both the municipal and provincial government.

*Code, supra* at s. 1

41. In a complaint brought against a municipal government, for example, the Ontario Board of Inquiry (now Human Rights Tribunal of Ontario) held that the proclamation of ‘gay pride’ day was a ‘service’ within the meaning of s. 1 of the *Code*. In another case, the Board of Inquiry ordered the Ontario government’s Office of the Registrar General to process change of name requests brought by same sex partners, having found the Office’s refusal to do so and reliance on the opposite sex definition of ‘spouse’ in the *Change of Name Act* to constitute discrimination in services.

*Hudler v. London (City)*, [1997] O.H.R.B.I.D. No. 23 (Ont Bd. Inq.)

*Bewley v. Ontario*, [1997] O.H.R.B.I.D. No. 24 (Ont. Bd. Inq.)

42. The issuing of a license to marry, the performance of the ceremony and the registration of the marriage would in all likelihood constitute a 'service' under the *Code*, in view of the breadth of the definition and applicable jurisprudence.

43. While there are no statutory exemptions or defences in the case of discrimination with respect to services in the *Code*, even for religious organizations, a human rights tribunal exceeds its jurisdiction if it makes an order that infringes the *Charter*.

*Ross v. New Brunswick School District No. 15*, [1996] 1 S.C.R. 825 at para. 31

*Slaight Communications Inc. v. Davidson*, [1989] 1 S.C.R. 1038 at para. 87 per Lamer J.

44. In the event that the Human Rights Tribunal of Ontario compelled a religious official to perform marriage ceremonies contrary to that person's religious beliefs, such an order would, in the Commission's view, infringe that official's section 2(a) rights under the *Charter*.

45. The Commission agrees with the Attorney General that coercing a religious official to perform a marriage ceremony, contrary to his or her religious beliefs could not be justified on grounds of public safety, order, health, morals or the fundamental rights and freedoms of others.

46. In the case of a civil marriage, however, different considerations would be at play. First, religious officials acting in an official religious capacity express their religiosity in the performance of their job functions. In contrast, secular service providers that hold

personal religious beliefs cannot claim that the performance of their job functions is an expression of their deeply-held religious belief.

47. In this regard, the conclusion of this Court in *Trinity Western* that the “freedom to hold beliefs is broader than the freedom to act on them” may be applicable. The expectation that an individual perform certain job duties may not, at the end of the day, violate freedom of religion if, by virtue of that person’s public office, such duties are essential, and if the failure to perform them violates the *Charter* rights of others.

*Trinity Western University v. British Columbia College of Teachers*, [2001] 1 S.C.R. 772 at para. 36

48. Second, where the individual refusing to perform a same sex marriage on religious grounds was a government employee performing a civil marriage or involved in the issuing of a licence or the registration of a marriage, the authorities would be under an obligation to provide the service, whether it conflicted or not with the views of an individual employee. Furthermore, the government offices in question would have to provide the services in a fashion that did not undermine the right to be provided, that is, would have to ensure that individual employee attitudes did not ‘poison’ the environment for same sex couples availing themselves of the service.

49. Whether government employees opposed to same sex marriage on religious grounds, but called upon to provide some aspect of the service, could be relieved of their responsibilities would relate to the practices of the service-provider as employer, raising questions as to the extent and applicability of the duty to accommodate. Difficulties in

accommodation could not serve as an impediment to the provision of the service; on the contrary, the obligation to provide the service to the public would set limits on the ability of the service-provider to accommodate its employees.

50. In delineating the extent of the duty to accommodate in such cases, human rights tribunals and courts would have to determine if a view inconsistent with rights protected by the *Code* is any less a 'need' for the purposes of accommodation, or, expressed differently, whether a need that appears to be inconsistent with the *Code* is less deserving of accommodation than a need that does not conflict with the values of the *Code*.

51. To conclude this point, while the jurisprudence to date necessarily cannot resolve this matter, an employee required to perform or assist with civil marriages may not, at the end of the day, be entitled to relief from this requirement, unlike the religious official, whose right to freedom of religious would be infringed were an obligation imposed to perform same sex marriages. The question of accommodation, however, is distinct from the obligation of the state to provide civil same sex marriages.

**PART IV – SUBMISSIONS ON COSTS**

52. The Commission does not seek costs.

**PART V – NATURE OF THE ORDER REQUESTED**

53. Question 2 on the Reference should be answered 'yes.'

54. Question 3 on the Reference should be answered 'yes'.

55. Question 4 on the Reference should be answered 'no'.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Cathryn Pike

Cathryn Pike

Amyr Hadibhai

Amyr Hadibhai

Counsel for the Ontario Human Rights Commission

**PART VI -TABLE OF AUTHORITIES**

*Bewley v. Ontario*, [1997] O.H.R.B.I.D. No. 24 (Ont. Bd. Inq.)

*Central Okanagan School District No. 23 v. Renaud*, [1992] 2 S.C.R. 970

*Halpern v. Canada (Attorney General)* (2003), 65 O.R. (3d) 161 (C.A.)

*Halpern v. Canada (Attorney General)* (2002), 60 O.R. (3d) 321 (Div. Ct.)

*Hudler v. London (City)*, [1997] O.H.R.B.I.D. No. 23 (Ont Bd. Inq.)

*Leshner v. Ontario (No. 2)* (1992), 16 C.H.R.R. D/184 (Ont. Bd. Inq.)

*Nova Scotia (Attorney General) v. Walsh*, [2002] 4 S.C.R. 325

*Ross v. New Brunswick School District No. 15*, [1996] 1 S.C.R. 825

*Slaight Communications Inc. v. Davidson*, [1989] 1 S.C.R. 1038

*Trinity Western University v. British Columbia College of Teachers*, [2001] 1 S.C.R. 772

Secondary Sources

J. Murphy, "Dialogic Responses to M. v. H.: From Compliance to Defiance" (2001) 59 U.T. Fac. L. Rev. 299 – 317

**PART VII – TABLE OF STATUTES**

*Business Corporations Act*, R.S.O. 1990, c. B.16

*Family Law Act*, R.S.O. 1990, c. F.3

*Human Rights Code*, R.S.O. 1990, c. H.19

*Land Transfer Tax Act*, R.S.O. 1990, c. L.6, s. 1

*Pension Benefits Act*, R.S.O. 1990, c. P.8

*Public Service Pension Act*, R.S.O. 1990, c. P.48

*Succession Law Reform Act* R.S.O. 1990, c. S.26

*Victims' Bill of Rights Act*, S.O. 1995, c. 6

*Workplace Safety and Insurance Act, 1997*, S.O. 1997 c. 16, Sch. A