

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**WILLIAM HULET**

Applicant  
(Moving Party)

and

**THE CORPORATION OF THE CITY OF GUELPH**

Respondent  
(Responding Party)

and

**6&7 DEVELOPMENTS LIMITED**

Intervener  
(Responding Party)

Proceeding commenced pursuant to section 273(1) of the  
*Municipal Act, 2001*, S.O. 2001, Chapter 25

**NOTICE OF MOTION  
(Leave to Appeal)**

**THE MOVING PARTY**, William Hulet will make a motion to a judge on Tuesday, April 25, 2006, at 10:00 a.m. or as soon after that time as the motion can be heard, at the Court House, 74 Woolwich Street, Guelph, Ontario, N1H 3T9.

**PROPOSED METHOD OF HEARING:**

The motion is to be heard orally.

**THE MOTION IS FOR:**

- (a) an order granting leave to appeal to the moving party, William Hulet (“Hulet”), from the decision of the Honourable Justice Sproat dated April 4, 2006, released April 5, 2006;
- (b) costs of this motion to be reserved to the panel of the Divisional Court hearing the appeal;  
and
- (c) such further and other relief as counsel may advise and this Honourable Court may permit.

**THE GROUNDS FOR THE MOTION ARE:**

- (a) the Court erred in law by permitting the intervention of 6&7 Developments Limited (“6&7”) where, in a matter solely raising the Canadian Charter of Rights and Freedoms (the “Charter”), the rights and interests sought to be protected or advanced by 6&7 are exclusively economic and property rights;

- (b) in litigation across Canada, there does not appear to be any case wherein intervener standing has ever been granted to a party to allow it to protect or advance purely economic and/or property rights and interests under the Charter. Consequently, there appears to be good reason to doubt the correctness of the decision;
- (c) the implications of allowing interventions based solely and exclusively on economic and property rights and interests clearly has the potential to dramatically affect Charter litigation all across Canada from this time forward. Consequently, the proposed appeal clearly involves matters of very real and significant importance and leave to appeal should be granted;
- (d) Rules 37 and 62 of the Rules of Civil Procedure, and
- (e) such further and other grounds as counsel may advise and this Honourable Court may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion:

- (a) the decision of the Honourable Justice Sproat dated April 4, 2006, released April 5, 2006;
- (b) the record of proceedings in this application and motion for leave to intervene; and

(c) such further or other evidence as counsel may advise and this Honourable Court may permit.

DATED: April 12, 2006

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