

SCC File Number: _____

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM A JUDGMENT OF THE FEDERAL COURT OF APPEAL)**

BETWEEN:

**HER MAJESTY THE QUEEN, THE MINISTER OF AGRICULTURE
AND AGRI-FOOD AND THE CANADIAN FOOD INSPECTION AGENCY**
APPLICANTS
(Respondents in the Court below)

and

**PARADIS HONEY LTD., HONEYBEE ENTERPRISES LTD.
AND ROCKLAKE APIARIES LTD.**

RESPONDENTS
(Appellants in the Court below)

NOTICE OF APPLICATION FOR LEAVE TO APPEAL
(Pursuant to Rule 25 of the *Rules of the Supreme Court of Canada*)

TAKE NOTICE that the Applicant hereby applies for leave to appeal to the Court, pursuant to section 40 of the *Supreme Court Act*, R.S.C. 1985, c. S-26, from the judgment of the Federal Court of Appeal in Docket A-169-14 made April 8, 2015, and for reversal of the judgment of the Federal Court of Appeal and restoration of the judgment of the Federal Court or any further or other order that the Court may deem appropriate;

AND FURTHER TAKE NOTICE that this application for leave raises the following issues of public importance:

- (a) Is a new form of legal liability for wrongful actions of public officials necessary?
- (b) Is the proposed species of action blending public law and tort law an intrusion on the legislative function?
- (c) Can a *prima facie* duty of care arise from statements of regulatory intent and undertakings to consult with industry?

Dated at Saskatoon, Saskatchewan this 5th day of June, 2015.



Marlon Miller

Department of Justice Canada
Prairie Region, Saskatoon Office
10th Floor, 123 – 2nd Avenue South
Saskatoon, SK S7K 7E6
Tel: (306) 203-4193
Fax: (306) 975-6240
Counsel for the Applicant

William F. Pentney, Q.C.
Deputy Attorney General of
Canada

Per: **Christopher Rupar**
Department of Justice Canada
500, 50 O'Connor Street
Ottawa, Ontario
K1A 0H8
Tel: 613- 670-6290
Fax: 613-954-1920

Ottawa Agent for Counsel for the
Applicant

ORIGINAL TO:

Registrar

Supreme Court of Canada
301 Wellington Street
Ottawa, Ontario
K1A 0J1

COPIES TO:

Daniel P. Carroll, QC /
P. Jonathan Faulds, QC /
Lily L.H. Nguyen

FIELD LLP
2000, 10235 – 101 Street
Edmonton, AB T5J 3G1
Tel: (780) 423-3003
Fax: (780) 428-9329
Counsel for the Respondents

NOTICE TO THE RESPONDENT: A respondent may serve and file a memorandum in response to this application for leave to appeal within 30 days of the date a file number is assigned in this matter. You will receive a copy of the letter to the applicant confirming the file number as soon as it is assigned. If no response is filed within that time, the Registrar will submit this application for leave to appeal to the Court for consideration.