

COURT OF APPEAL OF ALBERTA

Form AP-3
[Rule 14.53]

COURT OF APPEAL FILE NUMBER: 2501-0254AC

TRIAL COURT FILE NUMBER: 2410-01231

REGISTRY OFFICE: Calgary

PLAINTIFF/APPLICANT: Aaron Brown

STATUS ON APPEAL: Appellant

STATUS ON APPLICATION: Respondent

DEFENDANT/RESPONDENT: His Majesty the King in Right of
Alberta and Recovery Alberta:
Mental Health and Addiction
Services

STATUS ON APPEAL: Respondent

STATUS ON APPLICATION: Respondent

DOCUMENT: **APPLICATION OF THE CHARTER COMMITTEE
ON POVERTY ISSUES, THE CANADIAN HEALTH
COALITION, AND FRIENDS OF MEDICARE
(ALBERTA)**

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NOTICE TO RESPONDENT(S):

Aaron Brown, Appellant

His Majesty the King in Right of Alberta,
Respondent

Recovery Alberta: Mental Health and Addiction
Services, Respondent

WARNING

If you do not come to Court on the date and time shown below either in person or by your lawyer, the Court may give the applicant what it wants in your absence. You will be bound by any order that the Court makes. If you intend to rely on other evidence or a memorandum in support of your position when the application is heard or considered, you must file and serve those documents in compliance with the Rules. (Rule 14.41 and 14.43)

NOTICE TO RESPONDENT(S):

You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date: March 18, 2026
Time: 9:30 AM
Where: Edmonton Law Courts
Before: Single judge of the court (Rule 14.37)

Nature of Application and Relief Sought:

1. The Charter Committee on Poverty Issues, the Canadian Health Coalition and the Friends of Medicare (Alberta) (jointly, “the **Proposed Interveners**”) seek an order granting them:
 - Granting leave to intervene pursuant to Rules 14.37(2)(e) and 14.58(1);
 - Permitting the filing of a factum not exceeding 20 pages;
 - Permitting oral argument not exceeding 15 minutes;
 - Ordering that the Proposed Interveners neither receive nor pay costs; and
 - Such further relief as this Court deems appropriate.

Grounds for making this application:

2. The Proposed Interveners have a particular interest in the appeal and can provide special expertise, perspective and information that will assist the court.
3. This appeal raises significant questions concerning the interpretation of sections 7 and 15 of the *Canadian Charter of Rights and Freedoms* in the context of the withdrawal of supervised consumption services relied upon by persons with substance use disorders.
4. The Proposed Interveners seek leave to assist the Court on two specific legal issues that are directly raised in this appeal:

- (a) whether the absence of a freestanding *Charter* right to health care forecloses the application of section 7 in cases like the present one, where state action or inaction exposes individuals to serious and foreseeable risks to life and security of the person; and
 - (b) whether section 15 claims by persons with disabilities must be analyzed through the well-established duty-to-accommodate framework including where, as in this case, accommodation may require provision or continuation of meaningful access to necessary health care services.
- 5. The Proposed Interveners bring a distinct perspective and recognized expertise concerning disability equality, access to essential health services, and the interpretation of sections 7 and 15.
 - 6. CCPI has intervened in numerous Supreme Court of Canada cases addressing sections 7 and 15 that are directly relevant in the present appeal, including *Eldridge*, *Gosselin, G(J)*, and *Chaoulli* (with the CHC). CHC and Friends of Medicare bring institutional expertise concerning equitable access to publicly funded health care services.
 - 7. The Proposed Interveners' submissions differ in focus from those of the Appellant. They will not address the evidentiary record or policy merits of supervised consumption services.
 - 8. The Proposed Interveners will rely exclusively on the existing record. Their submissions will not widen the issues on appeal or introduce new constitutional questions.
 - 9. As their proposed submissions are confined to narrow issues of law already engaged by the present appeal, there is no risk of delay, prejudice, or politicization of the proceedings if their intervention application is granted by this Court.

Material or evidence to be relied on:

- 10. In support of this Application, the Proposed Interveners rely on the Affidavit of Bruce Porter, sworn March 6, 2026, the Affidavit of Stephen Staples, sworn March 9, 2026 the Affidavit of Chris Gallaway, sworn March 6, 2026, and its Memorandum of Argument, all of which have been filed with this Application.

Applicable Acts, regulations and rules:

- 11. *Alberta Rules of Court*, ARC 124/2010, Rules 14.37(2)(e) and 14.58(1), and
- 12. *Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK)*, 1982, c 11