

**IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES**

**BETWEEN:**

**CITY OF YELLOWKNIFE, DAVID W. WIND,  
ROBERT GORDON DOHERTY, WILLIAM AHO,  
ROLLY COMEAU, ERIC SPUTEK, DAVID CONNELLY,  
AND ALBERT C. EGGENBERGER**

**APPLICANTS**

**AND:**

**THE COMMISSIONER OF THE NORTHWEST  
TERRITORIES AS REPRESENTED BY THE ATTORNEY  
GENERAL (MINISTER OF JUSTICE) OF THE NORTHWEST  
TERRITORIES**

**RESPONDENTS**

**ORIGINATING NOTICE**

TAKE NOTICE that a motion will be made on behalf of the City of Yellowknife, David W. Wind, Robert Gordon Doherty, William Aho, Rolly Comeau, Eric Sputek, David Connelly, and Albert C. Eggenberger, all of the City of Yellowknife in the Northwest Territories for the following orders pursuant to Sections 24(1) and 52 of the *Canadian Charter of Rights and Freedoms, Constitution Act, 1982* (the "Charter"):

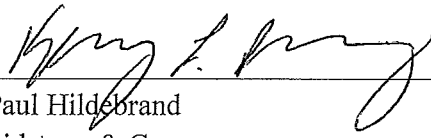
- (a) A Declaration that subsection 2(1) of the *Legislative Assembly and Executive Council Act*, S.N.W.T. 1999, c.22 (as amended) (the "Act") and Schedule A of the Act are invalid and of no force and effect as contrary to Section 3 of the Charter;
- (b) An Order that Section 2(1) of the Act and Schedule A of the Act remain provisionally in place until such time as the Court may direct for the sole purpose of allowing the Legislative Assembly to amend these provisions so as not to be contrary to Section 3 of the Charter, but not for the purpose of allowing an election to be conducted under the *Elections and Plebiscites Act* S.N.W.T. 2006, c. 15 (as amended);
- (c) An Order seeking directions concerning the timing and procedure for the hearing;
- (d) An Order granting the Applicants their costs.

AND FURTHER TAKE NOTICE that the grounds of the Application are that the boundaries of the Electoral Districts set out in Schedule A of the Act do not provide for equal and effective representation for all citizens and as such violate the rights of the residents of Yellowknife as guaranteed under section 3 of the Charter;

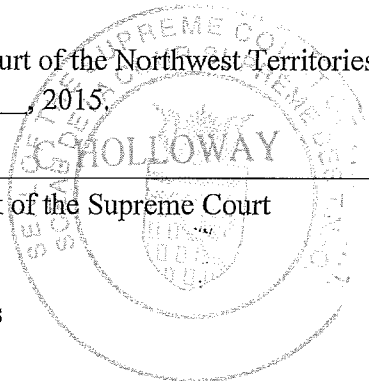
AND FURTHER TAKE NOTICE that the motion will be brought before the presiding Judge in Chambers at the Courthouse in Yellowknife, Northwest Territories, on July 10, 2015 at 10:00 a.m. or so soon thereafter as counsel may be heard;

AND FURTHER TAKE NOTICE that in support of the application will be read the Affidavits of Mark Heyck, David W. Wind, Robert Gordon Doherty, William Aho, Rolly Comeau, Eric Sputeck, David Connelly, and Albert C. Eggenberger, copies of which are served with this Originating Notice.

DATED at Yellowknife, Northwest Territories, on June 29, 2015 and taken out by Lidstone & Company, solicitors for the Applicants, whose address for service is in care of the City of Yellowknife, P.O. Box 580, 4807-52<sup>nd</sup> Street, Yellowknife, NT X1A 2N4.

  
Paul Hildebrand  
Lidstone & Company

ISSUED out of the office of the Clerk of the Supreme Court of the Northwest Territories, at Yellowknife, Northwest Territories, on June 29, 2015.

  
Clerk of the Supreme Court

TO: The Honourable George L. Tuccaro  
Commissioner of the Northwest Territories  
803 Northwest Tower  
P.O. Box 1320  
Yellowknife, Northwest Territories  
X1A 2L9

AND TO: The Attorney General (Minister of Justice) of the Northwest Territories  
Department of Justice  
4<sup>th</sup> Floor  
4903 – 49<sup>th</sup> Street  
Yellowknife, Northwest Territories  
X1A 2L9  
Attention: Sarah Kay, Manager - Litigation

AND TO: The Attorney General of Canada  
Department of Justice Canada  
5019 – 52<sup>nd</sup> Street  
2<sup>nd</sup> Floor, Nova Plaza  
Yellowknife, Northwest Territories  
X1A 2P5

I hereby certify that the foregoing is a true copy of the original of which it purports to be a copy

  
CLERK OF THE SUPREME COURT

NOTICE TO RESPONDENT(S):

You are hereby notified that the Applicants may enter judgment in accordance with this Notice, or such judgment as the Applicants may be entitled to in accordance with the practice of the Supreme Court of the Northwest Territories, without any further notice to you unless you or your agent or solicitor appear at the place and on the date and time specified.

S.C. NO. S-16.V.2015.00111

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REPRESENTED BY THE  
ATTORNEY GENERAL  
(MINISTER OF JUSTICE)  
OF THE NORTHWEST  
TERRITORIES**

**RESPONDENTS**

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**ORIGINATING NOTICE**

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Paul Hildebrand  
Lidstone & Company  
Phone (604) 899-2269

c/o City of Yellowknife  
P.O. Box 580  
4807-52<sup>nd</sup> Street  
Yellowknife, NT X1A 2N4

