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Court File No.:

**FORM 337 (Rule 337)
Notice of Appeal**

B E T W E E N:

REBEL NEWS NETWORK LTD

Appellant

- and -

CANADA (COMMISSIONER OF CANADA ELECTIONS) and ATTORNEY GENERAL OF CANADA

Respondents

Notice of Appeal

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears below.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at Ottawa, Ontario.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341A prescribed by the *Federal Courts Rules* and serve it on the appellant's solicitor or, if the appellant is self-represented, on the appellant, WITHIN 10 DAYS after being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341B prescribed by the *Federal Courts Rules* instead of serving and filing a notice of appearance.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

January 3, 2024

Issued by:

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Appeal

THE APPELLANT APPEALS to the Federal Court of Appeal, pursuant to section 27(1)(a) and 27(2)(b) of the *Federal Courts Act*, RSC 1985, c F-7 from the judgment of The Honourable Madam Justice Strickland (the “**Application Judge**”) dated December 7, 2023, in which the Federal Court dismissed the Appellant’s Application for Judicial Review of the decision of the Commissioner of Canada Elections (the “**Commissioner**”) dated July 12, 2021 (the “**Commissioner’s Decision**”) which found Rebel News Network Ltd (the “**Appellant**”) contravened sections 352 and 353(1) of the *Canada Elections Act*, SC 2000, c 9 (the “**Act**”).

THE APPELLANT ASKS that the Federal Court of Appeal overturn the decision of the Federal Court with respect to whether the Commissioner’s decision was reasonable.

THE GROUNDS OF APPEAL are as follows:

1. The Application for Judicial Review and its dismissal focuses on the Appellant’s distribution of lawn signs which promoted a book authored by the Appellant’s principal and founder, Ezra Levant.
2. Pursuant to the Compliance Unit Recommendation Report of Compliance and Enforcement Measure, dated January 11, 2021, the book itself is not “election advertising” and therefore does not trigger any obligations under the *Act*.
3. The Application Judge erred in finding the Commissioner’s Decision reasonable in that:
 - a. It is not reasonable for the Commissioner to find the lawn signs to be an “election advertising message” pursuant to section 352 of the *Act*;
 - b. It is not reasonable for the Commissioner to find the lawn signs advertising the book to be “election advertising” pursuant to sections 2(1) and 353(1) of the *Act*, particularly where the Commissioner found that the book itself (which the lawn signs were advertising) is not “election advertising”;
 - c. More specifically, it is not reasonable for the Commissioner to find the lawn signs not to be associated with the promotion of the sale of a book planned to be available to the public regardless of the election, pursuant to section 2(1) of the *Act*;
 - d. It is not reasonable for the Commissioner to find the lawn signs opposed a registered party or the election of a candidate pursuant to section 2(1) of the *Act*;
 - e. It is not reasonable that the Commissioner ignored the evidence of the Appellant otherwise and found the publication of the book to be planned and executed to coincide with the election, and that it would not otherwise be made available to the public; and therefore,

- f. It is not reasonable that the Commissioner found that the Appellant must include the information required by section 352 of the *Act* or that the Appellant register with the Chief Electoral Officer pursuant to section 353(2) of the *Act*.

The Appellant requests the Commissioner of Canada Elections to send a certified copy of the following material that is not in the possession of the appellant but is in the possession of the tribunal to the appellant and to the Registry: the complete record of investigation, proceedings, and decision before the Commissioner of Canada Elections with respect to its decision dated July 12, 2021 which found the Appellant contravened sections 352 and 353(1) of the *Act*.

Dated January 2, 2024

Per:



Sarah Miller
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