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OUR FILE: 123-0045

December 9, 2016

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

Attention: Registrar

Dear Sirs/Mesdames:

Re: Law Society of British Columbia v. Trinity Western University, et al.
File No.: 37318

We are legal counsel for the Respondents, Trinity Western University and Brayden Volkenant in the above noted matter.

We have received the Application for Leave to Appeal filed by the Law Society of British Columbia on November 28, 2016. This letter constitutes our clients' response to the Application.

Our clients do not oppose the Application for Leave to Appeal in this matter.

In the Application, the Law Society of British Columbia suggests that, should leave be granted, this matter and the matter of *Trinity Western University et al v. Law Society of Upper Canada*, Court File No.: 37209 should be "heard together or consecutively".

Our clients agree that there is considerable commonality in the main legal issues to be dealt with in the two proposed appeals. At the same time, there are important procedural and substantive differences, including:

- (a) different processes were undertaken by the two law societies, and therefore there are different records before the law societies and in the two judicial review proceedings that followed;
- (b) there is an issue of fettering of discretion by the Law Society of British Columbia;



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- (c) there are distinctions in the statutes under which the Law Society of British Columbia and Law Society of Upper Canada operate; and,
- (d) our clients would be appellants in one appeal and respondents in the other.

In light of these considerations, our clients submit that if leave is granted in both matters, the appeals should be heard consecutively (either on the same day or on subsequent days), but that consolidation of the appeals is not appropriate.

Yours truly,

KUHN LLP

Kevin L. Boonstra
Law Corporation

KLB:as

cc: P. Gall, QC, counsel for the Law Society of British Columbia
G. Pratte, counsel for the Law Society of Upper Canada
R. Staley, counsel for Trinity Western University and Brayden Volkenant (*Trinity Western University et al v. Law Society of Upper Canada*)