

**Cour Supérieure du Québec**

[Chambre pénale]  
Province de Québec  
District de Labelle

**Pierre Lemieux, Appellant**

c.

**Contrôleur des armes à feu du Québec, Respondent**  
**Centre des armes à feu Canada, Respondent**

et

**Procureur général du Canada, Respondent**  
**Procureur général du Québec, Respondent**

In the Matter of Pierre Lemieux  
**Appeal of Reference Hearing Decision**  
pursuant to sections 76 - 79 of the *Firearms Act* 1995, c. 39 F-11.6

**Notice of Appeal**

To: <b>Greffier de la Cour Supérieure du Québec</b> Mont-Laurier, Québec FAX 819 623 2154	
And to: <b>Ministre de la Justice du Québec</b> Procureur général Edifice Louis-Philippe-Pigeon 1200, route de l'Eglise, 9 <sup>e</sup> étage Québec [Québec] G1V 4M1 FAX 418 646 0027	And to: <b>Minister of Justice &amp; Attorney General of Canada</b> 284 Wellington Street Ottawa, Ontario K1A 0H8 FAX 613 954 0811

And to: **Me Gaston Paul Langevin**,  
Avocat  
Procureur aux poursuites criminelles et  
pénales  
Palais de Justice  
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And to: **Me Louis Champagne**, Counsel  
National Litigation Coordinator  
Canadian Firearms Program  
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PRENEZ AVIS de l'appel ci-annexé et que l'audition dudit appel sera tenue aux heures et date qu'il plaira à cette Honorable Cour de déterminer et VEUILLEZ AGIR EN CONSÉQUENCES.

Prepared by: **Richard A. Fritze**, Barrister, Solicitor & Notary  
Counsel for Pierre Lemieux  
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June 17, 2009

## **Notice of Appeal:**

### **Particulars**

1. The Appeal is in respect of the decision made by the Honourable Provincial Court Judge pursuant to the powers set out in section 76(a) of the Firearms Act.
2. Place of Hearing: Mont-Laurier, Quebec
3. Date of Hearing: May 26 & 27, 2009
4. Name of Judge: The Honourable Madam Judge M. Toupin
5. Name of Court: Provincial Court of Quebec
6. Name of Provincial Crown Prosecutor at Trial: Mr. Gaston Langevin
7. Name of Appellant's Counsel at Reference Hearing: Mr. Richard A. Fritze
8. Nature of Hearing: Firearms Reference Hearing
9. Sections of the Firearms Act under which Appellant appeals: Section 77(1) of the Firearms Act.

**TAKE NOTICE** that the Appellant:

1. Appeals against the decision on grounds involving a question of law alone; and
2. Appeals the decision on grounds involving a question of mixed law and fact.

The **Grounds of Appeal** are annexed hereto.

The **Relief** sought is an Order directing that the Chief Firearms Officer shall issue the firearms licence and authorizations for which the Appellant has applied and an Order directing that the Registrar shall issue registration certificates for the Appellant's firearms. And further, the Order sought shall confirm that the said licence, authorizations and registrations of the Appellant are deemed to have been continuous and lawful throughout the Firearms Reference Hearing process as well as throughout the appeal process.

In the alternative, the **Relief** sought is an Order cancelling the revocation of the licence, registration certificates, authorizations or approvals or the decision of the Chief Firearms Officer under s.67. And further, the Order sought shall confirm that the said licence, authorizations and registrations of the Appellant are

deemed to have been continuous and lawful throughout the Firearms Reference Hearing process as well as throughout the appeal process.

The Appellant's address for service is 142, Rang 5 & 6, Lac-Saguay, Quebec.

**DATED** at Mont-Laurier, Quebec, this 17<sup>th</sup> day of June, 2009.

A handwritten signature in black ink, appearing to read 'R. Fritze', written in a cursive style.

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Richard A. Fritze, Barrister, Solicitor & Notary  
Counsel For the Appellant

## **GROUND OF APPEAL**

1. It is respectfully submitted that the learned Reference Hearing Judge Toupin erred on a question of law in that she upheld the decision of the Chief Firearms Officer despite there being insufficient evidence that the Appellant was ineligible to hold a licence pursuant to the requirements of the Firearms Act.
2. It is respectfully submitted that the learned Reference Hearing Judge Toupin erred on a question of mixed law and fact in that she relied on factors that are unrelated to the purpose of the Firearms Act in making her decision, viz., that the question which the Appellant refused to answer on his application for a licence must be answered.
3. It is respectfully submitted that the learned Reference Hearing Judge applied the wrong standard of review.
4. It is respectfully submitted that the learned Reference Hearing Judge Toupin displayed bias against the Appellant, which bias was demonstrated by her comments regarding firearms generally, and the possession and use of firearms for self-defence, defence of others and defence of property.
5. It is respectfully submitted that the learned Reference Hearing Judge Toupin wrongly refused to hear evidence regarding the Appellant's history of safety and stability [i.e., no risk to self or others - the basis officially recorded, as established through the cross-examination of the Firearms Officer, in the computer archives at the Canadian Firearms Centre and/or in the computer archives at the Surete du Quebec, for refusing a licence to the Appellant] and the Appellant's compliance with the Firearms Act.
6. It is respectfully submitted that the learned Reference Hearing Judge Toupin wrongly refused to receive as evidence, or in argument, a Government of Canada official publication, viz., Report of the Privacy Commissioner, on the topic of firearms licence application forms and the questions therein. In addition, a report from the RCMP [Canada Firearms

Centre] was also refused.

7. It is respectfully submitted that the learned Reference Hearing Judge Toupin wrongly refused to hear the Appellant's constitutional arguments [constitutional challenge] regarding licensing, *per se*, of individuals who possess firearms under the Firearms Act despite this approach having the possibility of resolving this matter separate from the specific provisions in the Firearms Act.
8. It is respectfully submitted that the learned Reference Hearing Judge Toupin wrongly considered irrelevant information and failed to consider relevant information in making her decision as will be disclosed upon receipt and review of the hearing transcript.
9. Such further or other grounds as may be disclosed after receipt and review of the transcript of the Reference Hearing proceedings.

All of which is respectfully submitted.



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Richard A. Fritze, Barrister, Solicitor & Notary  
Counsel For the Appellant