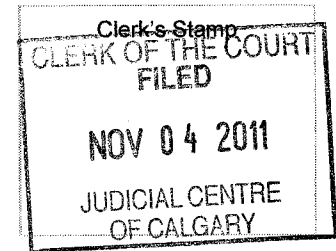


COURT FILE NUMBER **1101-14786**
 COURT COURT OF QUEEN'S BENCH OF ALBERTA
 JUDICIAL CENTRE CALGARY
 APPLICANT(S) DANIEL W. ONISCHUK
 RESPONDENT(S) HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA (HMQRA), TOWN OF CANMORE
 DOCUMENT **ORIGINATING APPLICATION**
 ADDRESS FOR SERVICE AND HMQRA: Alberta Justice - 9th floor, 10011-109 St, Edmonton, AB. T5J3S8
 Town of Canmore: 902-7th Ave, Canmore, AB. T1W3K1



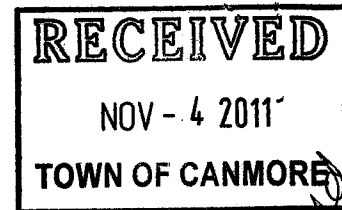
CONTACT INFORMATION OF APPLICANT: 9628-100A ST. EDMONTON, AB. T5K0V8 Tel.780-426-7676

NOTICE TO THE RESPONDENT(S)

This application is made against you. You are a respondent.
 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: MONDAY, 14 November 2011
 Time: 9:30 AM or shortly thereafter
 Where: Calgary Courts Centre, 601 - 5 Street SW, Calgary, AB. T2P 5P7
 Before: Judge in Motions Court



Go to the end of this document to see what you can do and when you must do it.

Basis for this claim:

1. Pursuant to section 7(1) of the Wildlife Act RSA 2000, c. w-10 it is statutory law that Her Majesty the Queen in Right of Alberta (HMQRA) is the legal owner of feral rabbits that are located in the Town of Canmore, in the Province of Alberta, and so HMQRA has a moral responsibility and legal duty of humane care for these animals.
2. It has been reported by the news media, and I have personal knowledge that the Town of Canmore intends to employ civilian contractor(s) to hunt or trap feral rabbit with the express purpose and intent to kill them, in and around the Town of Canmore, commencing on or about the 14th of November 2011 and so intends to act in contravention of s.1(6) of the Wildlife Act.
3. Pursuant to section 11.1 of the Wildlife Act, the Town of Canmore and HMQRA have failed to comply with the mandatory processes of substantial public and scientific consultation required by the Wildlife Act s.6 and Alberta Land Stewardship Act (ALSA) SA 2009, c. A-26.8.
 Both Respondents have failed to grant the requisite or additional time to properly evaluate :
 - a) humane methods of capture, sterilization, care and release to an Alberta sanctuary;
 - b) responsibility of HMQRA to provide Crown land and costs of point (a) above and whether Canmore has any legal obligation to pay any costs whatsoever;
 - c) failure of Town of Canmore to temporarily suspend Trapping & Hunting bylaw 1991-33, to enable the humane capture and relocation option of item (a) above;

- d) whether Canmore has legal right to enact bylaws or grant permits to kill feral rabbits which would be contrary to the Wildlife Act;
 - e) whether Town of Canmore has substantially acted to comply with s.180-191 of the Municipal Government Act, RSA 2000, c M-26 - and whether they are aware of all no-kill solutions.
 - f) the impact on endangered species as alternative prey due to wildlife predators;
 - g) increased risk of predator-human or pets encounters due to reduced feral rabbits numbers;
4. The Town of Canmore RFP may have not separated native rabbits species from the feral, non-native rabbits, which would further upset the natural balance of wildlife in this eco-sensitive area, and would be contrary to the intent of the protections granted by the Wildlife Act and ALSA.
 5. There are no bylaw provisions existing for trapping without permission upon no-kill advocate land owners property that is consistent with the rights and protections of the ALSA and Wildlife Act.
 6. The Town of Canmore RFP created a discriminatory grounds to unfairly deny any proponents of a non-kill humane solution any fair and equal opportunity for equal or similar funding to achieve the same goal of removing all non-native feral rabbits from Canmore. This effectively discriminated against pro-life, no-kill advocates in a manner contrary to s.173 (b)(ii) of the Municipal Government Act, RSA 2000, c M-26 - as the bidding was effectively non-competitive and discriminatory by the aforesaid RFP wording and restrictions that unfairly limited the use of and denied funding to the advocates of no-kill solutions.

Furthermore, the aforesaid discrimination was an infringement upon my and other no-kill parties legal rights "to a fair hearing" and a "fair trial" of the quasi-judicial powers applied by the Town of Canmore Mayor, Town Council representatives, and Town of Canmore employees whom have acted outside their jurisdiction and/or limits of ownership. In perspective I submit this has all been caused by HMQRA whose long term (over 10 years) of negligence of ownership and problem resolution has caused the Town of Canmore to take radical steps to deal with this issue.

The aforementioned discriminations are contrary to the protections granted by the Canadian Charter of Rights and Freedoms, the Canadian Bill of Rights, the Alberta Bill of Rights.

Remedy sought:

7. An Order for an Injunction to prohibit or suspend Town of Canmore -and- Her Majesty the Queen in Right of Alberta -and- any agencies, contractors or employees thereof, from trapping and killing the Canmore feral rabbits until completion of:
 - (a) full public consultation that includes publication of no-kill proposals, Town of Canmore and HMQRA detailed written responses to the humane no-kill proposals; Respondents public promotion of opportunities to register volunteers that are also to be recorded by no-kill advocates;
 - (b) a revision to the Canmore RFP to allow fair consideration and equal funding opportunities to the advocates of no-kill solutions;
 - (c) a detailed report from HMQRA of any and all Crown land South of Red Deer as potential habitat for a no-kill fenced sanctuary or free range release site sufficiently far away from any people;
 - (d) any third party documents supporting a humane no-kill solution or viable relocation alternatives;
 - (e) at least two independent scientific reviews;
 - (f) additional input from nearby communities, and from Parks Canada which operates Banff National Park from which endangered and other wildlife extend their feeding range into Canmore;
 - (g) at least two assessments from both local veterinarians and medical doctors of any verifiable diseases treated from feral rabbits of Canmore and any risks and precautions required in handling;
8. An Order directing HMQRA to share costs regarding the final resolution of Canmore area rabbits,
9. An Order directing HMQRA to pay any and all related legal costs, including this application.

9A- Abridgement of time for service, DD

Affidavit or other evidence to be used in support of this application:

10. Affidavit of Daniel W. Onischuk
11. any such further materials or testimony that the Court may permit

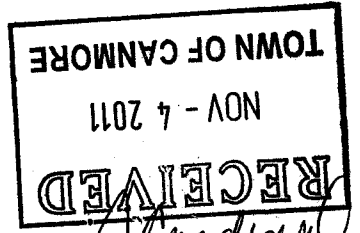
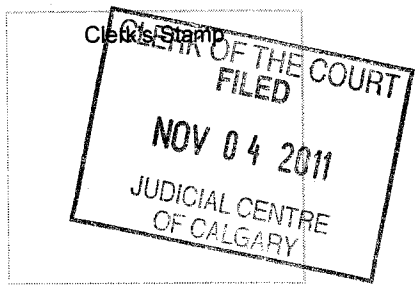
Applicable Acts and regulations:

12. (a) (Alberta) Wildlife Act RSA 2000, c. w-10,
(b) Canada Wildlife Act (R.S., 1985, c.W-9),
(c) Alberta Land Stewardship Act (ALSA) SA 2009, c. A-26.8,
(d) (Alberta) Municipal Government Act, RSA 2000, c M-26,
(e) (Alberta) Interpretation Act, R.S.A. 2000, c. I-8;
(f) (Alberta) Occupiers' Liability Act, R.S.A. 2000, c. O-4 ;
(g) (Alberta) Tort-feasors Act, R.S.A. 2000, c. T-5
(g) (Alberta) Contributory Negligence Act, R.S.A. 2000, c. C-27
(h) The Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11 also known as the "CANADIAN CHARTER OF RIGHTS AND FREEDOMS" (a.k.a."The Charter")
s.1, 2, 7, 8, 12, 15(1), 24(1), 32(1),
(i) Canadian Bill of Rights - c. 44 – Part I, s.1(b,d), 2(b,e)
(j) Alberta Bill of Rights, R.S.A. 2000, c. A-14, s.1(a,b,d), 2, 3(1)

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to rely on an affidavit or other evidence when the originating application is heard or considered, you must reply by giving reasonable notice of that material to the applicant(s).

COURT FILE NUMBER **1101.14786**
 COURT COURT OF QUEEN'S BENCH OF ALBERTA
 JUDICIAL CENTRE CALGARY
 PLAINTIFF(S) DANIEL W. ONISCHUK
 DEFENDANT(S) HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA (HMQR), TOWN OF CANMORE
 DOCUMENT **AFFIDAVIT**
 ADDRESS FOR SERVICE OF PARTY FILING DOCUMENT 9628-100A STREET EDMONTON, ALBERTA T5K0V8 780-426-7676



**AFFIDAVIT OF DANIEL W. ONISCHUK
 AFFIRMED on 04 NOVEMBER 2011**

I, DANIEL W. ONISCHUK, casual worker and photographer of Edmonton, Alberta, hereby AFFIRM that *Sandra*

1. THESE MATTERS ARE WITHIN THE PROVINCE OF ALBERTA AND THIS COURT'S JURISDICTION.
2. THAT I HAVE AN INTEREST IN THESE MATTERS AS A CONCERNED CITIZEN OF ALBERTA.
3. THAT I HAVE READ, SPOKEN WITH AND LISTENED TO PEOPLE FROM CANMORE WHOM DO HAVE A SINCERE INTEREST IN THE WELFARE OF THE RABBITS, BUT PRESENTLY LACK THE TIME AND RESOURCES TO DEAL WITH THIS MATTER WITHIN THE UNFAIRLY SHORT TIME AND UNFAIR PRE-CONDITIONS POSSIBLY ILLEGALLY SET BY THE TOWN OF CANMORE.
4. THAT I BELIEVE THE UNFAIRLY SKEWED CONTENT OF THE TOWN OF CANMORE RFP DOCUMENT CREATED AN UNFAIR BIDDING PROCESS AGAINST NO-KILL ADVOCATES - CONTRAVENING ALBERTA LAWS AND NO-KILL ADVOCATE RIGHTS IN A DISCRIMINATORY MANNER CONTRARY TO THE PROVISIONS GRANTED BY THE CHARTER OF RIGHTS, CANADIAN BILL OF RIGHTS, ALBERTA BILL OF RIGHTS, ALBERTA MUNICIPAL GOVT ACT, WILDLIFE ACT, THE ALSA, AND OTHER LAWS.
5. THAT THE PROVINCE OF ALBERTA HAS A DUTY OF CARE AND MORAL RESPONSIBILITY FOR THE WELFARE OF THE RABBITS -AND- FOR THE COSTS OF RESOLUTION OF THIS ISSUE BUT HAS UNFAIRLY LEFT TO THE TOWN OF CANMORE AND NO-KILL ADVOCATES TO BEAR ALONE.
6. THAT THE EXPECTED START DATE OF KILLING RABBITS IS ABOUT 14 NOVEMBER 2011 AND THAT ANY KILLING IS PERMANENTLY IRREVERSIBLE DAMAGE TO THE ANIMALS AND TO INTERPERSONAL RELATIONS AND THE PSYCHOLOGICAL SENSE OF WELL BEING OF CONCERNED CANMORE RESIDENTS AS WELL AS MYSELF (A LONG TIME RABBIT ADVOCATE AND RABBIT PET OWNER) -AND- KILLING RABBITS WOULD IMPLICITLY CONDONE THE DENIAL OF THE LEGAL RIGHTS OF THE ADVOCATES OF A NO-KILL SOLUTION WHO WERE UNFAIRLY DISADVANTAGED BY TOWN OF CANMORE BID RIGGING, REFUSAL TO FAIRLY CONSIDER AND APPLY NO KILL SOLUTIONS AND THE FURTHER NEGLECT OF THIS ISSUE BY HMQR.
7. SINCE RABBITS HAVE PRE-EXISTED IN THE AREA FOR ABOUT 20 YEARS, A COURT ORDER TO TEMPORARILY STAY RABBIT CAPTURE AND EXECUTION IS FAIR AND REASONABLE UNTIL SUCH TIME AS ALTERNATIVE NO-KILL PROPOSALS, PUBLIC CONSULTATIONS AND SCIENTIFIC STUDIES, VET & DOCTOR INPUT, AND THE RESPECTIVE LAWS, RESPONSIBILITIES AND COSTS ARE DETERMINED UPON FURTHER BRIEFINGS TO THIS COURT.

8. THAT THE ATTACHED DOCUMENTS ARE TRUE COPIES OF ORIGINAL DOCUMENTS. *Attached w/ schedule A*
 Affirmed *sworn* BEFORE ME at CALGARY, Alberta, this 4th day of NOVEMBER, 2011.

Sandra C. Parkinson
 Commissioner for Oaths in and for the Province of Alberta

Daniel W. Onischuk
 DANIEL W. ONISCHUK

Sandra C. Parkinson
 A COMMISSIONER OF OATHS IN AND FOR THE PROVINCE OF ALBERTA
 my commission expires sept 14, 2013
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I certify that Daniel w. onischuk is a person who is entitled to affirm