

Court file no. T-3024-90

IN THE FEDERAL COURT OF CANADA

TRIAL DIVISION

B E T W E E N:

MICHELLE POIRIER

Plaintiff

- and -

HER MAJESTY THE QUEEN

Defendant

STATEMENT OF DEFENCE

(filed this day of January, 1991)

The Deputy Attorney General of Canada, on behalf of the Defendant, in answer to the Plaintiff's Statement of Claim, says as follows:

1. Except as expressly hereinafter admitted, he denies the allegations in the Statement of Claim, and he puts the Plaintiff to the strict proof thereof.
2. He admits the allegation in paragraph 1 of the Statement of Claim except that he says that the Plaintiff was not an officer in the Canadian Armed Forces. She was ~~an enlisted member.~~ *a non-commissioned member.*
3. He admits the allegations in paragraphs 2, 3, 5, 8, 9, 11, 12, 14, 15, 16, 17, 18 and 19 of the Statement of Claim.
4. With respect to paragraphs 6 and 7, he says that the Canadian Forces Administrative Order and the Queen's Regulations and Order ^{in the CF} speak for themselves.
5. With respect to paragraph 4 of the Statement of Claim, he says that
6. With respect to paragraph 10 of the Statement of Claim, he admits the allegations in the first two sentences thereof,

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but denies that the conduct of Colonel Coady was contrary to the principles of natural justice or the requirements of Canadian Forces Administrative Order 19-20 or any other policy of the Canadian Armed Forces.

7. With respect to paragraph 13 of the Statement of Claim, he admits that the Plaintiff requested a transfer to Quebec in October of 1988 and that she was not eligible for such a posting. However he denies that the Plaintiff was unaware of the restrictions on postings resulting from the application that she was made fully aware of all of the implications of her decision not to accept a release under Queen's Regulation and Order 15.01, item 5(d).

By Dec 87 and only that she was not eligible to post to a course course.

*Check this
Not advised
(Not advised
action) until
16 Sep 88*

8. He denies the allegations in paragraph 20 of the Statement of Claim and puts the Plaintiff to the strict proof thereof.

9. He has no knowledge of the allegations in paragraph 21 of the Statement of Claim and puts the Plaintiff to the strict proof thereof.

10. With respect to the Statement of Claim as a whole, and paragraphs 22 and 23 in particular, he denies that the actions of the Canadian Armed Forces or its decisions with respect to the Plaintiff were illegal or contrary to law, or that the Policy of the Forces with respect to the retention of homosexuals is contrary to the provisions of the Charter or that the Plaintiff's rights have been violated.

11. In the alternative, he says that the said policy is a reasonable limit as provided for by section 1 of the Charter.

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12. He denies that the Plaintiff is entitled to the relief sought in paragraph 24 of the Statement of Claim.

DATED AT OTTAWA this day of January, 1991.

John C. Tait, Q.C.
Deputy Attorney General
of Canada
Per: Barbara A. McIsaac, Q.C.
Department of Justice
Room 536
Justice Building
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Ottawa, Ontario
K1A 0H8

Solicitor for the Defendant.

TO: The Administrator
Federal Court of Canada

AND TO: Beard, Winter
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Attention: John A. Olah
Solicitors for the Plaintiff.

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