

ONTARIO
JUDICIAL COMMITTEE OF THE GENERAL COUNCIL
(The United Church of Canada)

B E T W E E N :

REVEREND GRETTA VOSPER

Appellant

- and -

THE GENERAL SECRETARY of the GENERAL COUNCIL

Respondent

**STATEMENT OF ARGUMENT IN SUR-REPLY OF THE RESPONDENT,
THE GENERAL SECRETARY of the GENERAL COUNCIL**

November 30, 2015

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PART I: STATEMENT OF ARGUMENT: SUR-REPLY

A. Overview

1. The General Secretary, having received the Appellant's Statement of Argument in Reply, submits this Statement of Argument in Sur-Reply for the consideration of the Committee. In particular, the General Secretary relies on the fact that the Committee must at this juncture determine whether the Appellant has raised an issue under any of the five grounds of appeal set out in *The Manual 2013* that has not been fully answered by the responding submissions.

2. As a basic position, the General Secretary considers that the Appellant has not made out any ground of appeal. The General Secretary further contends that her ruling was a reasonable decision, within the range of options available to her under the polity (the law) and on the facts. Therefore, or in the alternative, she submits that her statement of argument and this sur-reply offer a complete response to any issue raised by the Appellant, and therefore no further concerns remain for consideration in an appeal hearing.

B. Response to Appellant's Comments on the Previous Rulings

3. With respect, the General Secretary submits that the Appellant misconstrues her Statement of Argument regarding previous rulings of the General Secretary. The Appellant seems to consider that the General Secretary raises these previous rulings in a way that supports the Appellant's position that the current ruling is substantive, and

therefore of broad import to the UCC. This characterization misunderstands the General Secretary's role and the nature of the ruling currently under discussion.

4. The General Secretary reiterates that the May 5, 2015 ruling was purely procedural, and in no way substantive as the Appellant contends. That being said, it is a procedural ruling that extends to the UCC as a whole: any minister whose suitability is in question may be assessed using the review process. In that way, and in that way alone, the General Secretary's ruling has broader implications for the UCC. Nothing in it requires an appeal hearing.

C. Response to the Appellant's Assertion that the General Secretary Knew The Ruling Pertained to the Appellant

5. In her Statement of Argument in Reply, the Appellant insists that the General Secretary "must have known" the ruling would impact her. It seems this insistence must relate to either a) the Appellant's unsubstantiated assertions that the General Secretary's ruling was biased, or b) the Appellant's position that she is "directly affected" – legally speaking – by the ruling.

6. Further, the General Secretary notes that the Appellant may have misunderstood the argument related to the materials considered by the General Secretary in reaching her ruling. The point was not that the General Secretary did not know who the Appellant was (if indeed any such knowledge matters in this case), but rather that the General Secretary considered no extrinsic evidence in reaching her ruling. This relates to the question of whether the General Secretary engaged in a biased or procedurally unfair

process to reach her ruling – something that the Appellant strenuously submitted both in her original Statement of Argument and seems to subtly reiterate in this Reply – a contention that the General Secretary equally strenuously objects to.

7. As a starting point for analysis, the General Secretary submits that her subjective "knowledge" is objectively irrelevant to her ruling. Whether or not she as an individual person knew of the Appellant's beliefs, or even in her role as the General Secretary (subjectively), has no impact on an external (objective) assessment of the scope and nature of her ruling. The General Secretary reiterates her submission that the ruling was procedural in nature, and – seen objectively – gives rise to none of the argued grounds of appeal.

8. The General Secretary repeats that, on this objective standard, it is clear that her ruling was not made in bad faith or tainted by any bias. The Appellant in her original Statement of Argument repeatedly asserted, without any evidence or basis in fact, that the General Secretary's ruling was biased. In the Appellant's Reply, this seems to take a new form, namely that the General Secretary must have known at whom the ruling was directed and that this knowledge – of which there is still no evidence of either its subjective existence or its objective importance – somehow contributed to a biased process aimed at the Appellant personally.

9. The General Secretary once more takes great issue with that assertion, in any and all of its forms. The General Secretary refers this Committee again to the statements of secular law regarding the importance of evidence to support allegations of

bias, as set out in paragraphs 101-108 of the Respondent's original Statement of Argument.

10. Similarly, the Appellant seems to put forward the suggestion that, since the General Secretary must have been aware of the Appellant's identity, this subjective knowledge should lead the Committee to infer that the ruling was aimed at – and therefore directly affects – the Appellant.

11. The General Secretary repeats that, even if she knew the identity of the minister under discussion by the Toronto Conference in its meeting that gave rise to its motion requesting this ruling, this in no way affects the scope and nature of the ruling. Viewed objectively, from the perspective of reasonable persons informed of the situation and all of the facts, the ruling merely determined that the review process was the appropriate procedural vehicle to assess a minister's continued suitability – as a subset of effectiveness – for UCC ministry.

D. Additional Evidence and Other Arguments are Irrelevant

12. The General Secretary takes the position that the additional evidence submitted by the Appellant via Reply Affidavit is irrelevant and hence inadmissible for this Committee. The Committee should decline to review this evidence.

13. Further, the General Secretary takes the position that the other arguments raised in the Appellant's Reply are merely red herrings and therefore also irrelevant to this Committee.

E. Conclusion

14. For all the above reasons, in addition to those submitted in the original Statement of Argument dated October 16, 2015, it is again respectfully submitted that the ruling of The General Secretary must stand, and that no appeal hearing need be ordered by this Committee.

PART II: ORDERS REQUESTED

15. The General Secretary respectfully reiterates her request that the Committee decline to order an appeal hearing of the Appellant's appeal, and uphold the ruling of the General Secretary.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 30TH DAY OF NOVEMBER 2015.



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