

File No. _____

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO)**

BETWEEN:

UPPER CANADA LAND TITLES AND PATENT RESEARCH INITIATIVE

APPLICANT
(Appellant)

-and-

REGIONAL MUNICIPALITY OF NIAGARA a.k.a. NIAGARA REGION

RESPONDENT
(Respondent)

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

FILED BY THE APPLICANT

PURSUANT TO SECTION 40(1) OF THE *SUPREME COURT ACT* AND
RULE 25 OF THE RULES OF THE SUPREME COURT OF CANADA

TAKE NOTICE that Upper Canada Land Titles and Patent Research Initiative applies for leave to the Supreme Court of Canada, pursuant to the section 40 of the *Supreme Court Act*, RSC 1985, cS-26 and Rule 25 of the Rules of the Supreme Court of Canada, SOR.2002-156) from the judgment of the Court of Appeal for Ontario, COA-22-CV-0311, made on June 5th, 2023.

AND FURTHER TAKE NOTICE that this application for leave is made on the following grounds:

1. That the Application Court decision was incorrect as it did not consider lands patented prior to April 1st 1869 as stated in the Public Lands Act Ontario RSO 1990 Section 58-3.
2. That the Application Court decision was incorrect as it did not consider the effect of the by law that affects His/Her Majesty's rights or prerogatives of the Legislation Act Ontario SO 2006 Section 71.
3. That the Application Court decision was incorrect as it did not consider the Letters Patent... has the like force and effect for all purposes...as well as against His/Her Majesty as against all other persons whomsoever. Evidence Act Ontario RSO 1990 section 24.

4. That the Application Court decision was incorrect as the by law infringed on the right to all the Woods and Waters... Heirs and Assigns forever as stated on Letters Patent issued August 12th 1818, and in doing so has dishonoured the prerogative of the Sovereign.
5. That the Application Court decision was incorrect as it failed to recognize that the Crown is bound by its Grants.
6. The Application Court Judge failed to recognize the overwhelming public importance of the foundation of land granting in Canada. All right, title and interest in land alienated by the Crown is established through Letters Patent. This exercise of prerogative cannot be impeded or impaired by subordinate governance of a municipality.

Dated at Grimsby, Ontario this day of August, 2023.

Anthony R. Kaluzny
Applicant's Representative

**Applicant's Representative
pursuant to Rule 15(3):**

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ORIGINAL TO: **The Registrar**
 Supreme Court of Canada

COPIES TO:

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Notice pursuant to Rule 26(2)(b):

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REASONS FOR JUDGMENT:

- Reasons of the Ontario Superior Court of Justice, [2022 ONSC 5257](#)
- Reasons of the Ontario Court of Appeal ([2023 ONCA 416](#))

NOTICE TO THE RESPONDENT OR INTERVENER: A respondent or intervener may serve and file a memorandum in response to this application for leave to appeal within 30 days after the day on which a file is opened by the Court following the filing of this application for leave to appeal or, if a file has already been opened, within 30 days after the service of this application for leave to appeal. If no response is filed within that time, the Registrar will submit this application for leave to appeal to the Court for consideration pursuant to section 43 of the *Supreme Court Act*.