

COUR FÉDÉRALE
FEDERAL COURT
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FEDERAL COURT

No. T-2030-13

Date JAN 31 1 2014

BETWEEN:

NEIL ALLARD
TANYA BEEMISH
DAVID HEBERT
SHAWN DAVEY

SERVICE OF A TRUE COPY
HEREOF ADMITTED

THIS 31st DAY OF

January 2014

William F. Penney / vs
Solicitor for
A.C.C.

PLAINTIFFS

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

DEFENDANTS

AFFIDAVIT OF DAN NELSON

I, DAN NELSON, Medical Patient, c/o Conroy & Company, 2459 Pauline Street, Abbotsford, British Columbia, MAKE OATH AND SAY AS FOLLOWS, THAT:

1. I am an approved medical patient under the *Medical Marijuana Access Regulations (MMAR)* and have both an Authorization to Possess and a Personal Production Licence through my health care provider and Health Canada and as such I have personal knowledge of the matters and facts hereinafter deposed to save and except where same are stated to be made on information and belief in which case I verily believe them to be true.
2. On November 27th, 2013 I sent an email to Health Canada MMAP-PAMM requesting statistics from their Marijuana Medical Access Program.
3. Now attached and marked as Exhibit "A" to this my affidavit is a copy of the email received from MMAP-PAMM dated December 17th, 2013 in reply to my request and

which sets out the statistics as of December 2, 2013 for the number of Authorizations to Possess (ATPS), Personal Use Production Licences (PUPLS) and Designated Person Production Licences (DPPLS) by province/territory for all of Canada

4. I swear this Affidavit in support of an Application for an Order under s.24(1) of the *Canadian Charter of Rights and Freedoms* as the appropriate and just interim remedy, in the nature of

- i. An interim constitutional exemption from ss.4,5 and 7 of the *Controlled Drugs and Substances Act* for all persons medically approved under the *Narcotic Control Regulations* C.R.C., c.1041 (*NCR*), the *MMAR* or the *MMPR*, including those patients who have a caregiver 'person responsible' for them designated to produce for them, including an exemption for that caregiver 'person responsible' designated producer, pending trial of the merits of the action or such further Order of the court as may be necessary;

or, alternatively


- ii. an interlocutory exemption/injunction preserving the provisions of the *MMAR* relating to personal production, possession, production location and storage, by a patient or designated caregiver 'person responsible for the patient' and related ancillary provisions, and if necessary, limiting the applicability of certain provisions of the *MMPR* to such patients or designated caregivers that are inconsistent with their s. 7 constitutional right under the *Charter* pending the decision of this Court on the merits of this action.

or alternatively, and together with

- iii. an interim/interlocutory order in the nature of *mandamus* to compel the Defendant to process all applications, renewals and modifications to any licences pursuant to the *MMAR* in accordance with all of its provisions (other than those challenged as unconstitutional herein), notwithstanding ss.230, 233-234, 237-238, 240-243 of the *MMPR* relating to applications under the *MMAR* after September 30th, 2013 as reflected in the amended *MMAR* sections 41-48.

and such further and other relief as the court deems appropriate and just in all of the circumstances.


SWORN BEFORE ME at the City)
of Oshawa, in the Province of)
Ontario, this 9th day of)
January, 2014)



A Commissioner for Taking Affidavits in)
and for the Province of Ontario)



DAN NELSON

This is Exhibit "A" referred to in
the affidavit of Dan Nelson
sworn before me at Oshawa Ont
this 9th day of Jan 2014

A Commissioner for taking Affidavits
for British Columbia

From: MMAP-PAMM
Sent: Wednesday, December 18, 2013 2:52 PM
To: Aether
Subject: Re: Marihuana Medical Access Program Statistics for 2013 and 2014

Dear Sir,

Thank you for your email of November 27, 2013, in which you request statistics from the Marihuana Medical Access Program (Program). We regret the delay in responding.

The requested Program Statistics are displayed within the tables below. It is important to note that these figures will not sum and the information is reflective of active authorizations on the date that the data was extracted.

At December 2, 2013:

- 38,444 individuals held a valid Authorization to Possess (ATP) in Canada;
- 25,658 individuals held a valid Personal-Use Production Licence (PUPL) in Canada; and
- 4,058 individuals held a valid Designated-Person Production Licence (DPPL) in Canada.

The table below indicates a breakdown of ATPs, PUPLs, and DPPLs by province/territory at December 2, 2013.

Province/Territory	ATPs	PUPLs	DPPLs
Alberta	2,382	1,233	138
British Columbia	18,890	14,148	2,389
Manitoba	944	642	100
New Brunswick	806	577	50
Newfoundland and Labrador	193	71	-
Northwest Territories, Nunavut, Yukon	61	-	-
Nova Scotia	1,942	1,328	171
Ontario	11,066	6,526	941
Prince Edward Island	84	-	-
Quebec	1,130	711	195
Saskatchewan	949	376	58

Due to privacy considerations, we are unable to disclose certain information related to

authorizations and licences; where those numbers are low enough that disclosure of the information could lead to a privacy violation, those values have been removed and replaced by “-”.

If you have any additional questions or concerns, please contact the Program at mmap-pamm@hc-sc.gc.ca or toll-free at [1-866-337-7705](tel:1-866-337-7705).

Sincerely,

Client Services
Bureau of Medical Cannabis