

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

B E T W E E N:

**THE INTERFAITH COALITION ON MARRIAGE AND THE FAMILY**  
Applicant (Intervener)

-and-

**HEDY HALPERN and COLLEEN ROGERS  
MICHAEL LESHNER and MICHAEL STARK  
ALOYSIUS PITTMAN and THOMAS ALLWORTH  
DAWN ONISHENKO and JULIE ERBLAND  
CAROLYN ROWE and CAROLYN MOFFATT  
BARBARA McDOWALL and GAIL DONNELLY and  
ALISON KEMPER and JOYCE BARNETT**

Respondents  
(Respondents)

-and-

**THE ATTORNEY GENERAL OF CANADA  
THE ATTORNEY GENERAL OF ONTARIO, and  
NOVINA WONG, THE CLERK OF THE CITY OF TORONTO**

Respondents  
(Appellant)

-and-

Court File No.:

B E T W E E N:

**METROPOLITAN COMMUNITY CHURCH OF TORONTO**

Respondent  
(Respondent)

-and-

**ATTORNEY GENERAL OF CANADA, and  
THE ATTORNEY GENERAL OF ONTARIO**

Respondents  
(Appellant)

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**AFFIDAVIT OF REVEREND DR. CHERI DINOVO  
Sworn August 22, 2003**

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I, Cheri DiNovo, of the City of Toronto, in the Municipality of Metropolitan Toronto, MAKE  
OATH AND SAY THAT:

1. I am the Minister at the Emmanuel-Howard Park United Church and as such have knowledge of the matters contained in this affidavit.
2. The United Church of Canada is the largest Protestant Church and the second largest denomination in Canada.
3. Our organization and member congregations welcomed the decisions of the Ontario Court of Appeal, British Columbia Court of Appeal and Québec Superior Court reformulating the common law definition of marriage as “the voluntary union for life of two persons with the exclusion of all others.”
4. We participated in the presentation to the Parliamentary Committee as an organization, as well as a member of the Interfaith Coalition in Support of Same-sex marriage. In paragraph three of the Coalition’s submissions it was stated that: “We unequivocally support the right of same-sex couples in Canada to celebrate their relationships religiously and secularly through valid legal marriage, with all the rights and responsibilities accorded thereto in law. We support the right of willing clergy, congregations and denominations to celebrate legally binding religious marriages. Since freedom of religion must include freedom from religion, and since many faith groups will not permit inter-faith and/or same-sex marriages, we also support the right of secular couples to obtain legally binding marriage through civil means (*e.g.* city hall). We are proud to attest to the growing number of religious communities and clergy in Canada who are working to ensure that gay and lesbian Canadians are fully included and supported in their choices to form lasting partnerships, to build families, and to contribute to Canadian society.”
5. The question of recognition of same-sex unions was subject to a heated debate within our Church over the past years. However, an increasing majority of our congregations support the idea of blessing same-sex unions. I personally conducted blessed a number of same-sex unions, and now same-sex marriages.

6. I agree that freedom of religion includes the right of the churches to marry two individuals with accordance to its own beliefs and rituals.
  
7. In our Church, which is fairly decentralized, despite the official position favouring same-sex unions, I am aware that some clergy continue to decline to bless same-sex unions. I am satisfied that such clergy will be protected under the law and most importantly under the freedom of religion guarantees of the Canadian Charter of Rights.
  
8. I therefore strongly support the position of the Government of Canada not to appeal the decisions of the Ontario and B.C. Courts of Appeal and instead propose a legislation that would extend marriage rights to same-sex couples. I also believe that the Reference to the Supreme Court is the most appropriate way of dealing with the issue of freedom of religion in the context of the proposed legislation on same-sex marriage.
  
9. In addition, I understand that the process of passage of the Bill will give Canadians of all political and religious denominations further opportunity to express their views with regard to the Bill.
  
10. I therefore oppose the leave to appeal to the Supreme Court by other religious groups as it is an unnecessary step duplicating the efforts of the Government to resolve the issue of freedom of religion by the way of the Bill and the Reference.

SWORN before me at )  
the City of Toronto, in the )  
Province of Ontario, )  
on the 22nd day )  
of August, 2003. )

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CHERI DINOVO