

C A N A D A

PROVINCE OF QUEBEC
No.

SUPERIOR COURT
(Civil Division)

ÉGLISE ÉVANGÉLIQUE RESTAURATION,
a non-profit corporation with its head office at
3747 Berri Street, in the city and district of
Montreal, province of Quebec, H2L 4G7

Plaintiff

v.

CITY OF MONTREAL, a public law
corporation with its city hall located at 275
Notre-Dame Street East, in the city and
district of Montreal, province of Quebec, H2Y
1C6

Respondent

and

SEAN FEUCHT, a natural person with a
place of business at 310 Third Street NE,
Washington, District of Columbia, United
States, 20002

Respondent

and

MUNICIPAL COURT OF MONTREAL, a
court with its registry at 775 Gosford Street, in
the city and district of Montreal, province of
Quebec, H2Y 3B9

Respondent

APPEAL FOR JUDICIAL REVIEW

IN SUPPORT OF ITS APPEAL, THE PLAINTIFF STATES:

1. The plaintiff requests judicial review of a criminal prosecution that was brought abusively, on unconstitutional grounds and with the aim of harming the plaintiff and the defendant Feucht.

2. It is appropriate for the Superior Court to grant, among other remedies:
 - 2.1. the cancellation of the statement of offence,
 - 2.2. the consequent termination of proceedings in the case relating to the statement of offence bearing the number 26-306780106 of the Montreal Municipal Court,
 - 2.3. an order prohibiting the institution of any other criminal proceedings against the plaintiff in connection with the allegations in the said statement,
 - 2.4. Charter damages sanctioning the defendant's reprehensible conduct in this matter,
 - 2.5. declaratory relief to recognize the plaintiff's right to hold praise and musical prayer events as the primary use or, alternatively, as a complementary use to its certificate of occupancy as a place of worship.

A) Overview

3. On July 25, 2025, the plaintiff welcomed Christian singer Sean Feucht (hereinafter: "**Feucht**") to its building on the Plateau Mont-Royal, which serves as a church ("**Church**"), for a Christian worship and prayer celebration ("**Celebration**").
4. On August 5, 2025, the City issued the applicant a \$2,500 notice of violation (**Exhibit P-1**) for "*occupying or authorizing the occupation of a lot, building, or land in a given use zone for purposes other than those provided for in the bylaw.*"
5. A plea of not guilty was filed with the Montreal Municipal Court (**Exhibit P-2**).

B) The parties

6. Led by Pastor Burnaby Quevedo, the plaintiff is a religious congregation founded in 1995 under Part 3 of the Companies Act, CQLR, c. C-38 (see extract from the enterprise register, **Exhibit P-3**), which has been based in the Church since 2009.
7. The defendant Feucht, formerly a pastor, is an American singer-songwriter whose repertoire consists almost exclusively of contemporary Christian evangelical worship music.
8. Feucht has been portrayed negatively in the Canadian media because of his pro-life beliefs, his criticism of the LGBT movement, and his support for U.S. President Donald Trump.

C) The wave of cancellations

9. Feucht's Canadian tour was scheduled to begin on July 23, 2025, at the historic York Redoubt site in Halifax, but Parks Canada announced the day before that it had canceled his permit for "safety" reasons following calls for protests at the site by demonstrators.
10. A few hours after this announcement, the cities of Charlottetown and Moncton – where Feucht was scheduled to perform on July 24, 2025 – followed suit, also

citing "safety" reasons.

11. On July 24, 2025, the city of Quebec (via ExpoCité) announced the cancellation of the event scheduled for the following day, claiming that the presence of a "controversial" artist had not been disclosed in their lease agreement.
12. On the same day, noting the censorship suffered by her evangelical co-religionist, the plaintiff graciously offered Feucht the opportunity to hold the Celebration of Praise and Prayer in her church on the evening of July 25, with free admission (**Exhibit P-4**).

D) The City's assault on freedom

13. On the morning of July 25, 2025, informed of the Celebration to be held that evening, the City dispatched a contingent of four (4) inspectors to the Church to "inform" the plaintiff that she was not authorized to hold the Celebration and that if she failed to comply, the City would punish her.
14. In addition to sending the contingent of inspectors, the mayor's chief press secretary, Catherine Cadotte, reportedly told the media on the same day (**Exhibit P-5**):

"This show goes against the values of inclusion, solidarity, and respect that are promoted in Montreal.

Freedom of expression is one of our fundamental values, but hateful and discriminatory remarks are not accepted in Montreal, and like other Canadian cities, the show will not be tolerated.

Notices of violation will be issued if the concert goes ahead, and the neighborhood police station will be mobilized to enforce the bylaw."

E) The Celebration

15. Protected by police forces stationed outside the church, the Celebration, attended by some 150 people, was held at 7:00 p.m. without any major disturbances, with the sole exception of a smoke bomb thrown by an infiltrated protester.
16. Feucht and his group were able to perform a dozen songs of prayer and praise, interspersed with a half-hour during which he preached the Word.
17. The celebration ended around 9:15 p.m., shortly after the Lord's Supper.
18. The day after the celebration, a second spokesperson for the mayor, Philippe Massé, reportedly confirmed to the media that the city intended to carry out its threat (**Exhibit P-6**):

"This show goes against the values of inclusion, solidarity, and respect promoted in Montreal. Freedom of expression is one of our fundamental values, but hateful and discriminatory remarks are unacceptable in Montreal (...)

A ticket was issued because the organization violated the bylaw by holding the show."

F) Legality of the Celebration

19. Served on the plaintiff on August 4, 2025, the wording of the statement of offense mentions the violation of section 121 of urban planning bylaw 01-277 of the Borough of Plateau Mont-Royal ("**Bylaw**"): *"By occupying or authorizing the occupation of a lot, building, or land in a given use zone for purposes other than those provided for in the bylaw."*
20. The uses authorized in the Church are in category E.5(1): *Religious establishment, such as a place of worship and convent*, as shown in the certificate of occupancy attached hereto (**Exhibit P-7**).
21. It is well known that among evangelical Christians, music is a central pillar of worship, serving for praise, adoration, and evangelism.
22. As it took place, the Celebration meets the main uses authorized by the Church's certificate of occupancy for a place of worship or, alternatively, it meets them as a complementary use, in light of basic jurisprudential principles.
23. By failing to authorize such musical performances as a primary use or, alternatively, as a complementary use under the Church's certificate of occupancy, the Bylaw would infringe on the applicant's freedom of religion without sufficient justification in a free and democratic society.

G) Abuse of power by the City

24. Even assuming that the Celebration violated the Bylaw (which we deny), the City acted for an improper purpose, unrelated to the intent of the legislature, consisting of infringing on the freedom of religion, expression, and opinion of Feucht and the plaintiff.
25. Through its public statements, the dispatch of a contingent of inspectors, the call for police intervention, and its threats without any real legal basis, the City used abusive means to intimidate the plaintiff into fearing to exercise her freedoms of religion, expression, and opinion.
26. In addition to acting in bad faith, in violation of the legislative framework and general principles of administrative law, the City also exercised its powers in violation of the Charters. It violated, without right and without reasonable justification, the following constitutional and quasi-constitutional guarantees:
 - 26.1. Freedom of religion, in accordance with section 3 of the CLDP and section 2(a) of the CCDL;
 - 26.2. Freedom of expression and opinion, in accordance with sections 3 CDLP and 2b) CCDL;
 - 26.3. Freedom of peaceful assembly, in accordance with Articles 3 CDLP and 2c) CCDL;
 - 26.4. The right to equality without discrimination based on religion or political beliefs within the meaning of Article 10 CDLP and 15 CCDL;
27. Both in terms of the bylaw that allegedly forms the basis for the charge and in

terms of the violations of the rights and freedoms guaranteed by the Charters, the City's actions were taken without any reasonable justification. This is a case of blatant abuse of power, so foreign to the rule of law that it discredits the administration of justice.

H) The necessary remedies

28. As punitive damages under section 49 CDLP, the plaintiff is seeking \$10,000 in damages from the City for the unlawful and intentional violations of her guaranteed rights.
29. Under the same section 49 CDLP, the plaintiff seeks a declaration of unjustified infringement of her rights to freedom of religion and peaceful assembly, as well as non-discrimination on the basis of religion or political opinion.
30. Pursuant to subsection 24(1) CCDL, the plaintiff seeks a judicial declaration of unjustified infringement of her rights to freedom of religion, peaceful assembly, and non-discrimination on the basis of religion or political opinion.
31. Pursuant to subsection 24(1) CCDL, the plaintiff requests that the proceedings before the Municipal Court of Montreal be stayed.

FOR THESE REASONS, THIS COURT IS REQUESTED TO:

STAY the proceedings pending before the Municipal Court of Montreal in the matter relating to Notice of Violation 26-306780106.

DECLARE that the Celebration constituted a primary use or, alternatively, a complementary use in accordance with the Church's certificate of occupancy *E.5(1) - Religious establishment, such as a place of worship and convent*, as well as with urban planning bylaw 01-277 of the Plateau Mont-Royal Borough.

DECLARE that by interfering with the Celebration, the City infringed, without legal basis and without reasonable justification, on the applicant's guaranteed rights to freedom of religion, expression, opinion, peaceful assembly, and non-discrimination on the basis of religion or political opinion, contrary to sections 3, 10, 12, 13, and 15 of the *Charter of Human Rights and Freedoms*, and sections 2(a), (b), (c), and 15 of the *Canadian Charter of Rights and Freedoms*.

DECLARE that the statement of offence infringes, without legal basis and without reasonable justification, on the plaintiff's right to freedom of religion.

DECLARE that the statement of offence is abusive, irrational, *ultra vires* the powers of the City, and therefore illegal.

CANCEL the statement of offence.

ORDER the discontinuance of proceedings in the Municipal Court of Montreal or, alternatively, **ACQUIT** the plaintiff of all remaining counts in the statement of offence.

ORDER the City to pay the plaintiff the sum of \$10,000 in punitive damages under the *Charter of Human Rights and Freedoms* or, alternatively, under subsection 24(1) of the *Canadian Charter of Rights and Freedoms*, in connection with the City's unjustified violations of the plaintiff's guaranteed rights to freedom of religion, peaceful assembly, and non-discrimination on the basis of religion or political opinion.

ALL OF THE ABOVE, with legal costs.

In Montreal, this 2nd day of
September 2025

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NOTICE OF CONSTITUTIONAL QUESTION
(Code of Civil Procedure, section 76)

To:

Attorney General of Quebec, Litigation Branch-Montreal, Bernard-Roy (Justice-Quebec), at 1 Notre-Dame Street East, Suite 8.00, in the city and district of Montreal, province of Quebec, H2Y 1B6, 514-873-7074 (fax), bernardroy@justice.gouv.qc.ca

Attorney General of Canada, East Tower,^{9th}Floor, Guy-Favreau Complex, 200 René-Lévesque Boulevard West, Montreal, QC, H2Z 1X4, 514 496-7876 (fax), NOTIFICATIONPGC-AGC.civil@JUSTICE.GC.CA

TO HIS MAJESTY, CHARLES III, KING , IN RIGHT OF QUEBEC AND CANADA:

1. The applicant hereby serves and files the attached application for judicial review.
2. This application sufficiently sets out the constitutional and quasi-constitutional grounds invoked, which are deemed to be reproduced in full herein.

MAY HER MAJESTY ACT ACCORDINGLY.

In Montreal, this 2nd day of September
2025

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SUMMONS

(Articles 145 et seq. of *the Code of Civil Procedure*)

FILING OF A LAWSUIT

Take notice that the plaintiff has filed this appeal for judicial review with the clerk of the Superior Court, Civil Division, of the judicial district of Montreal.

RESPONSE TO THIS APPLICATION

You must respond to this application in writing, personally or through counsel, at **1 Notre-Dame Street East, Montreal, Quebec**, within 15 days of service of this application or, if you have no domicile, residence or establishment in Quebec, within 30 days of service. This response must be notified to the plaintiff's lawyer or, if the plaintiff is not represented, to the plaintiff itself.

FAILURE TO RESPOND

If you do not respond within the prescribed period of 15 or 30 days, as the case may be, a default judgment may be rendered against you without further notice upon the expiry of that period and you may, depending on the circumstances, be liable for court costs.

CONTENT OF THE RESPONSE

In your response, you must indicate your intention to either:

- To agree to settle the case;
- To propose mediation to resolve the dispute;
- To contest the claim and, in cases required by the Code, to establish, in cooperation with the plaintiff, the protocol that will govern the proceedings. This protocol must be filed with the clerk of the district court mentioned above within 45 days of the service of this notice or, in family matters, or if you have no domicile, residence, or establishment in Quebec, within 3 months of such service;
- Propose the holding of a settlement conference.

This response must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

CHANGE OF JURISDICTIONAL DISTRICT

You may ask the Tribunal to transfer this appeal for judicial review to the district where you are domiciled or, failing that, where you reside or where you have elected domicile or agreed with the plaintiff.

If the application concerns an employment, consumer, or insurance contract or the exercise of a mortgage right on the immovable property that serves as your principal residence and you are the consumer, employee, insured, the beneficiary of the insurance

contract, or the mortgage debtor, you may request that the case be transferred to the district where your domicile or residence is located, or to the district where the property is located, or to the district where the damage occurred. You must submit this request to the special clerk of the district with territorial jurisdiction after notifying the other parties and the clerk of the court that was already hearing the case.

TRANSFER OF THE CLAIM TO THE SMALL CLAIMS DIVISION

If you are eligible to act as a claimant under the rules governing the recovery of small claims, you may also contact the clerk of the court to have your claim processed under those rules. If you make this request, the claimant's legal costs may not exceed the amount of the costs provided for the recovery of small claims.

SUMMONS TO A MANAGEMENT CONFERENCE

Within 20 days of the filing of the above-mentioned protocol, the Tribunal may summon you to a case management conference to ensure the smooth running of the proceedings. Otherwise, this protocol will be deemed to have been accepted.

DOCUMENTS IN SUPPORT OF THE CLAIM

In support of its appeal for judicial review, the plaintiff cites the following documents.

PIÈCE P-1	Statement of offense
PIÈCE P-2	Plea of not guilty
PIÈCE P-3	Extract from the register of companies of the Evangelical Church Restoration
PIÈCE P-4	Internet poster for the Celebration
PIÈCE P-5	Press article, July 25, 2025
PIÈCE P-6	Press article, July 26, 2025
PIÈCE P-7	Certificate of occupancy

These documents are available on request.

APPLICATION ACCOMPANIED BY A NOTICE OF PRESENTATION

If the request is submitted during proceedings or is covered by the provisions of Books III, V (except those relating to family matters mentioned in Article 409) or VI of the Code, it is not necessary to prepare a protocol for the proceedings. However, such a request must be accompanied by a notice indicating the date and time of its submission.

In Montreal, September 2, 2025

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No.

**SUPERIOR COURT
DISTRICT OF QUEBEC**

EVANGELICAL CHURCH RESTAURATION

Plaintiff

v

CITY OF MONTREAL

Respondent

and

SEAN FEUCHT

and

MONTREAL MUNICIPAL COURT

Respondent

**APPEAL FOR JUDICIAL REVIEW AND
NOTICE OF CONSTITUTIONAL QUESTION**

ORIGINAL

[REDACTED]

[REDACTED]