

Case of Calgary Jehovah's Witness expelled from congregation will go before Supreme Court

High court will examine whether judicial review applies to membership decisions made by religious groups

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The Supreme Court of Canada has agreed to hear an appeal involving a Calgary man who was kicked out of his Jehovah's Witness church.

Randy Wall, a real estate agent was "disfellowshipped" from the Highwood Congregation for being drunk on two occasions and allegedly verbally abusing his wife.

- [Alberta court weighs in on jurisdiction over religious groups following expulsion of Jehovah's Witness member](#)

As a result, he says his clients refused to do further business with him, so he argued his property and civil rights were affected.

After losing three internal church appeals of his expulsion, Wall made an application with the Court of Queen's Bench in Calgary which ordered a hearing to first determine if there was jurisdiction for the court to hear the application.

Decisions and appeals

A judge decided the superior court did have jurisdiction to hear the application.

The church then appealed Wall's decision to the Alberta Court of Appeal, which upheld the Court of Queen's Bench, affirming the court has jurisdiction to hear the matter.

One of the three appeal court judges dissented — arguing that congregations are private organizations akin to bridge clubs, whose decisions "are not enforceable promises and have limited, if any, impact outside its small circle."

The Supreme Court will determine whether the Court of Queen's Bench has jurisdiction to decide on the matter of Wall's expulsion from the church.

Freedom of religion at stake, church lawyer says

The case will be an opportunity for the high court to explore "the boundaries between what is and is not justiciable with regard to membership and other disputes between members of voluntary associations," the Supreme Court of Canada website says.

Jayden MacEwan, the lawyer for the Highwood congregation, believes the courts have no place in this case.

"The majority of the Court of Appeal basically stated that any decision, even from a private body, can eventually end up in court," he said.

"So if you're not satisfied even because you've been kicked out of a basic voluntary organization, or even a social club, you can go to court and have the court review that decision. And we believe that that is simply wrong in law."

MacEwan says there are important Charter of Rights and Freedoms arguments at stake, such as freedom of association and freedom of religion.

"Can the court decide who you should be forced or compelled to worship God with? Or is that not more just a purely personal decision?"