

**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)

**AFFIDAVIT OF REVEREND RICK MCCUTCHEON
Sworn August 21, 2003**

I, Richard McCutcheon of the City of Hamilton SOLEMNLY AFFIRM:

1. I am Presiding Clerk of Canadian Yearly Meeting of the Religious Society of Friends (Quakers) and as such have knowledge of the matters contained in this affidavit.
2. This year's annual meeting of Canadian Yearly Meeting of the Religious Society of Friends (Quakers) approved a minute of record on same-sex marriage on August 8, 2003, a copy of which is attached as Exhibit "A" to this my Affidavit. Local Quaker Meetings that are part of Canadian Yearly Meeting are free to decide whether or not to approve a same-sex marriage.
3. Continuing Meeting of Ministry & Counsel of Canadian Yearly Meeting participated in the Interfaith Coalition in Support of Same-sex marriage presentation to the Standing Committee on Justice and Human Rights of Parliament, as well as made our own presentation at the Committee's hearing in Vancouver on April 1, 2003. A copy of the submissions to the Parliamentary Committee are attached as Exhibit "B" to this my Affidavit.
4. Robert Hughes, currently co-Clerk of Continuing Meeting of Ministry & Counsel of Canadian Yearly Meeting, resident of Vancouver filed an affidavit in support of the position of the Metropolitan Community Church of Toronto in the Ontario Divisional Court.
5. Our faith community 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."
6. It is my opinion that the freedom to practice our faith as a Religious Society as

guaranteed by the Canadian Charter of Rights, suggests that the definition of marriage be extended to same-sex unions.

7. Some of our local Meetings in Canada — including those in B.C. and Ontario — have performed or have minuted their willingness to give the same consideration for approving same-sex couples for marriage as to opposite-sex couples.

8. Our minute also states our support that no church or other religious authority should be forced to conduct marriages that are not in conformity with its beliefs and rituals. All clergy, pastors or other individuals holding the legal mandate to conduct marriages have the right to determine the criteria on which they will agree to marry two individuals. We support that right for ourselves and others.

9. We also support the right of same-sex couples to a civil marriage and the extension of the legal definition of marriage to include same-sex couples.

*AFFIRMED before me at
the City of Hamilton, in the
Province of Ontario,
on the 21st day
of August 2003.*

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Richard M. Cutcheon

[Signature]
A Commissioner for Taking Affidavits