

COURT OF APPEAL OF ALBERTA

Form AP-1
[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER: 2601-0135AC
TRIAL COURT FILE NUMBER: 2401 14397
REGISTRY OFFICE: CALGARY
PLAINTIFF/APPLICANT: NADINE DUNSEITH
STATUS ON APPEAL: APPELLANT
DEFENDANT/RESPONDENT: CALGARY FRENCH &
INTERNATIONAL SCHOOL
SOCIETY and THE ALBERTA
HUMAN RIGHTS COMMISSION
STATUS ON APPEAL: RESPONDENT
DOCUMENT: **CIVIL NOTICE OF APPEAL**
APPELLANT'S ADDRESS FOR
SERVICE AND CONTACT
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WARNING

To the Respondent: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

1. Particulars of Judgment, Order or Decision Appealed From:

Date pronounced: 09 APR 2026

Date entered: 09 APR 2026

Date served: 09 APR 2026

Official neutral citation of reasons for decision, if any:
(do not attach copy) 2026 ABKB 272

(Attach a copy of order or judgment: Rule 14.12(3). If a copy is not attached, indicate under item 14 and file a copy as soon as possible: Rule 14.18(2).)

2. Indicate where the matter originated:

ALBERTA Court of King's Bench

Judicial Centre: CALGARY

Justice: DEVLIN

On appeal from a King's Bench Applications Judge or a Justice of the Court of Justice?:

Yes No

Official neutral citation of reasons for decision, if any, of the Applications Judge or Justice of the Court of Justice: (do not attach copy)

(If originating from an order of a King's Bench Applications Judge or a Justice of the Court of Justice, a copy of that order is also required: Rule 14.18(1)(c).)

X Board, Tribunal or Professional Discipline Body

Specify Body: ALBERTA HUMAN RIGHTS COMMISSION

3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)).

Permission not required, or Granted:

Date:

Justice:

(Attach a copy of order, but not reasons for decision.)

4. Portion being appealed (Rule 14.12(2)(c)):

Whole, or

Only specific parts (if specific part, indicate which part):

(Where parts only of a family law order are appealed, describe the issues being appealed, e.g. property, child support, parenting, etc.)

5. Provide a brief description of the issues:

The Court of King’s Bench correctly identified the standard of review as reasonableness but erred in its application, specifically: (1) the Court variously upheld, backfilled or ignored unreasonable findings of the Commission; (2) the Court variously overestimated, miscalculated or misconstrued the threshold for establishing *prima facie* discrimination; (3) the Court unjustifiably discounted the Appellant’s protected characteristic of mental disability preventing vaccination as unprotected “irrational beliefs”, “a want of basic resilience”, and “psycho-emotional frailty”; (4) the Court relied on myths and stereotypes about mental disability and people who claim mental disability to arrive at its conclusion; (5) the Court relied heavily on a Supreme Court case distinguishable from the present matter in every meaningful way in “[d]efining the line between choice and disability”; (6) the Court erred in finding that no inability to comply was established by errantly adopting the Commission’s reasoning that mental disability and the accommodation needs flowing therefrom are purely “objectively” ascertainable, which the Court errantly called “dispositive of the complaint”.

6. Provide a brief description of the relief claimed:

That the decisions of the Lower Court and the Respondent Commission be set aside, and the matter proceed to a hearing on the merits before the Alberta Human Rights Tribunal.

7. Is this appeal required to be dealt with as a fast track appeal? (Rule 14.14)

Yes No

8. Does this appeal involve the custody, access, guardianship, parenting time, decision-making responsibility, contact or support of a child? (Rule 14.14(2)(b))

Yes No

9. Will an application be made to expedite this appeal?

Yes No

10. Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate? (Rule 14.60)

Yes No

11. Could this matter be decided without oral argument? (Rule 14.32(2))

Yes No

12. Are there any restricted access orders or statutory provisions that affect the privacy of this file? (Rules 6.29, 14.12(2)(e),14.83)

Yes No

If yes, provide details:
(Attach a copy of any order.)

13. List respondent(s) or counsel for the respondent(s), with contact information:

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The Alberta Human Rights Commission

If specified constitutional issues are raised, service on the Attorney General is required under s. 24 of the Judicature Act: Rule 14.18(1)(c)(viii).

14. Attachments (check as applicable)

Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))

Earlier order of Applications Judge, etc. (Rule 14.18(1)(c))

Order granting permission to appeal (Rule 14.12(3)(a))

Copy of any restricted access order (Rule 14.12(2)(e))

If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.