actually used for charitable purposes. I am of the view that it is in the public interest to consider whether someone is illegitimately taking funds from the public purse.

[22] Further, I note that the Letters were all published in the context of the sale of the Fortius Centre to the City. In my view, it is in the public interest to know whether an asset sold by a charitable foundation to a municipality for $25.8 million was funded by charitable donations or otherwise.

[23] Finally, it is in the public interest to know whether a person has legitimately taken public credit for a donation to build a recreational facility for the community.

[24] As indicated in *Pointes* above, the test to determine whether an expression relates to a matter of public interest is purposefully not onerous, and the words "matter of public interest" ought to be construed broadly. Applying these principles to the case at bar, it is my view that the impugned expression pertains to a matter of public interest.

Merits-Based Hurdle: Are there grounds to believe the proceeding has substantial merit and the moving party has no valid defence (s. 4(2)(a))?

[25] As stated, the burden shifts to the plaintiff, Mr. Cousens, at the next stage of the analysis. It is clear from the language of s. 4 that Mr. Cousens must satisfy the Court of *both* parts of this test.

[26] In *Pointes*, the Court emphasized the importance of the words "grounds to believe":

> [36] The words "grounds to believe" plainly refer to the existence of a basis or source (i.e. "grounds") for reaching a *belief* or conclusion that the legislated criteria have been met.
>
> …
>
> [40] … this standard has been found to require "something more than mere suspicion, but less than … proof on the balance of probabilities" (*Mugesera v. Canada (Minister of Citizenship and Immigration)*, 2005 SCC 40, [2005] 2 S.C.R. 100, at para. 114).
>
> [Emphasis in original.]