



IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF:

THE CONSTITUTIONAL QUESTION ACT, R.S.B.C. 1986, C.68

AND IN THE MATTER OF:

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

AND IN THE MATTER OF:

**A REFERENCE BY THE LIEUTENANT GOVERNOR IN COUNCIL SET OUT
IN ORDER IN COUNCIL No. 533 DATED OCTOBER 22, 2009 CONCERNING
THE CONSTITUTIONALITY OF S.293 OF THE CRIMINAL CODE**

OF CANADA, R.S.C. 1986, C. C-46

AFFIDAVIT OF SARAH KATHERINE ELIZABETH WHITE

I, Sarah Katherine Elizabeth White of Toronto, Ontario, MAKE OATH AND SAY AS
FOLLOWS:

IDENTITY

1. I have personal knowledge of the facts and matters hereinafter deposed to, save and except where same are stated to be made on information and belief, and where so stated, I verily believe them to be true.
2. I make this affidavit in support of the Canadian Polyamory Advocacy Association's intervention in this Reference.
3. I am 34 years old. I was born in Calgary, Alberta on March 2nd 1976.
4. I have been a resident of Toronto, Ontario since 1979. Under the divorce agreements between my parents, I spent 8 weeks every summer residing in Calgary, Alberta and did so until 1990. Since that time, I have been a full time resident of Toronto, Ontario.
5. I graduated Humber College in 1997 with a Diploma in Technical Theatre.

6. I am employed full time as a Customer Service Representative in a Manufacturing Facility.
7. I am engaged to Derek Macintyre. He is a Canadian citizen born August 25th 1979, in Toronto, ON. Our wedding is planned for May of 2011.
8. I have an intimate and conjugal relationship with Ky Patterson. He is a Canadian Citizen born September 14th 1981 in Toronto, ON. At this time there is no plan for a second joining ceremony involving Ky.
9. Derek Macintyre, Ky Patterson and I together consider ourselves and behave as a family unit. For brevity, I will refer to the group of us (three adults) as "our family"
10. I had no knowledge of the term "Polyamory" until 2008, though I was aware of the practice of open marriage and of polygamy.

RELATIONSHIP BACKGROUND

11. I met Derek and Ky simultaneously in the fall of 2001, through a mutual friend. We met socially at a weekly gathering of a small group of friends. In the spring of 2002 I began a monogamous relationship with Derek. We moved in together in the fall of 2002. Ky and I have had a close friendship since we met, a friendship that was known to and supported by Derek. In 2005 I became aware that the feelings I had for my friend Ky had developed into deeper more emotional feelings. I did not feel the same way for him as I did for the other members of my social group. I did not want those feelings to threaten my relationship with Derek and thus I did not act upon them
12. For 3 years despite my feelings for Ky, I remained in a monogamous relationship with Derek. In 2008, I learned that Ky returned my feelings. Ky and I had a long discussion over how this new knowledge affected our relationship and the relationship between Derek and me. Ky proposed we try an "alternative lifestyle", as neither of us wanted to pursue an "affair". Our family is part of a close knit group of friends and no affair between us would

have gone unnoticed. It would have ended my relationship with Derek, and also with our closest group of friends.

13. My relationship with Derek had been built on trust and mutual support. It had grown and deepened over the years prior to Ky joining our family. An affair with Ky was abhorrent to me. The idea of lying to Derek in order to pursue an affair, went against my core values. I was unwilling to end my relationship with Derek or choose a path that would threaten it in any way.
14. I proposed the "alternative lifestyle" to Derek and after a lengthy discussion between Ky, Derek and myself, Derek agreed. Derek was able to understand that my feelings for Ky did not in any way negate my feelings for him. He trusted that I was not attempting to replace him with another man and that the relationship we had developed together was not threatened. It was at this time that I learned of the term Polyamory from Derek.
15. Also at this time I learned that one of Derek's previous relationships was entered into on the basis that it would be an open relationship.
16. The concept of Polyamory allowed me to see that we were not alone in our lifestyle. It was extremely freeing for me to understand that a new alternative and equal arrangement was possible. I learned that although this was a new concept to me, that other people were able to make such an arrangement work. I did not need to end my relationship with Derek in order to begin a new one with Ky. I believe that polyamory spared my relationship with Derek and allowed a new relationship with Ky to flourish.

EQUALITY AND PARTNERSHIP

17. As equal partners sharing a home, a new level of friendship and support has grown between us. We make a habit of regular family meetings to discuss both household logistics and also deeper more emotional issues. We seek council between all members of the family for individual personal issues. We set aside time weekly to discuss plans for the upcoming week and discuss any events that may have taken place during the previous week. We share with each other our daily trials and seek support of the other members of our family

for decisions made. In our individual and personal affairs, we respect each others decisions and support each other when decisions are made that ultimately affect just one of us.

18. All three of us consider ourselves as equals in our family. We all act with equal responsibility to the family and equal rights. From time to time one or another of us will take a leadership role within the family for a task or project affecting all members of the family, but that leadership does not involve the exertion of power over one another. While we may agree that one person will champion a particular project the ultimate decision regarding the issue will be made by the group. Each member of our family has equal voice in deciding issues affecting the whole family.
19. Polyamory now seems to me the standard operating procedure in my family. It has allowed me to pursue relationships with the two men for whom I have deep emotional ties. It has saved not only both these relationship but also those between myself and my closest friends. While I do not believe all those in a similar situation would be best served choosing the same path, I do believe that it is a viable alternative for some.
20. I consider myself to have 2 life partners. Derek whom I currently refer to as my Fiancé and Ky who I refer to as my partner. When we are able to openly discuss our relationship with other people we refer to ourselves as a closed Polyamorous "V". "V" meaning there is no intimate physical relationship between Derek and Ky. For a variety of reasons including social stigma not all of our families (see # ^{37-30 SW}26-29) or co-workers (see # ^{SW}26) are aware of the relationship between Ky and me. I refer to him as our room-mate when speaking or dealing with these people.
21. We view our family as a long term commitment and consider ourselves to be a closed polyamorous unit. While we do not consider our family as indissoluble we have agreed to work through all problems and issue together for the long term benefit of all members of the family. This understanding of long term commitment was part of our original discussion when forming the household.

as it currently exists. We discussed and agreed to a generalized long term plan, which all members of the household would pursue.

22. Derek wanted to know that if we opened up our monogamous relationship to Ky that he would be joining us as an equal and that he would not simply be a part time member of our family. Ky's commitment and agreement to the already pre-existing life plan between Derek and me was one of the primary reasons our family has been able to flourish together.
23. I am currently engaged to be married to Derek. Prior to Ky joining our family Derek and I had begun discussions regarding our marriage. The actual wedding date has been pushed several times, as a result of purchasing our condo. In 2008, at the beginning of our new relationship all three of us agreed that although we were now a larger family, the wedding would proceed. It is a celebration of love and commitment between Derek and me. No members of our family feel that this celebration in any way takes away from or diminishes the love and commitment between Ky and myself.
24. Despite considering ourselves a "closed" polyamorous "V", we have discussed the possibility of the addition of another adult to our relationship. We have agreed that as life is often unpredictable we are willing to consider this should any of our family develop strong emotional feelings for another person. The current relationship shared by all of us is in pursuit of long terms goals and long term stability. Should a fourth person join our family they would need to join under these terms. They would be joining as a member of our family unit.

CHILD(REN)

25. At this time we do not have any children. It is our plan to add child(ren) to our family with in the next 2 years. We have discussed how we as a family will raise any child(ren) and agreed that we will share child rearing responsibility equally between all adults. That all 3 of us will consider ourselves parents to the child(ren), with all the emotional and financial

responsibility that comes from a lifetime of commitment to such an endeavour.

FAMILY AND FRIENDS

26. None of my co-workers are aware of the nature of my multiple relationships. I refer to Ky as my roommate. As I was working for my current company prior to the beginning of my relationship with Ky, I have chosen not to share details of the relationship with my co-workers as it developed. None of Derek's co-workers are aware of the relationship between me and Ky. Ky's co-workers have met me as his partner, but they are not aware of my relationship with Derek.
27. My Mother is aware of the nature of my multiple relationships. She has been fully supportive of it. My extended maternal family has responded with mixed reactions. Some have been supportive and others while not outright speaking against my choice have chosen to cease actively involving me in their family activities.
28. I have chosen not tell my Father, Stepmother or any of my paternal extended family. They are traditionally Catholic and I feel that they would not be either supportive or understanding, particularly as they are active within their Church community.
29. Ky's immediate family is aware of the nature of his relationship with me and Derek, and they have been generally supportive.
30. None of Derek's family has been told about my relationship with Ky. They are aware only that he is our roommate. He has asked that this remains so, and Ky and I have chosen to honour that request.
31. Within our mutual circle of friends we have found a great deal of support. Some were unfamiliar with the idea of polyamory and were skeptical as to how things would turn out. However as time has passed and the relationship has grown those who were at first skeptical have become more comfortable

with us. Some of our friends have become the greatest source of support for our family.

32. All of my personal friends are aware of the relationship. Of those one has chosen to sever contact with me. She was raised in a very traditional family and felt that the way I was now choosing to live my life was immoral.
33. Our family has hosted many events in our home as a unit and frequently attends social functions and gatherings as a family unit.
34. When we chose to pursue a polyamorous family unit I knew there would be consequences as a result of social stigma. While I have been surprised about some of the quarters where I have met the most resistance, if I could go back and had the opportunity to choose again with full knowledge of the social connections that would become closed to me I would choose this path again. I have come to highly value my friends and family who have been supportive. As the proverb says: "It is prosperity that gives us friends, it is adversity that proves them."

GOD AND RELIGION

35. I was raised in a household where god and religion were not discussed. I have never been interested in joining any formal religious group or organization. My Mother was raised Anglican, but stopped practicing before I was born. She taught me to question religious doctrine and instead pursue spiritual beliefs based on independent thought. While I do have strong spiritual beliefs, they do not conform to any one single school of thought or practice, religious or otherwise.
36. My Fiancé was raised in a Protestant household and attended Catholic school. Around the age of 11 he left the faith and has been an Atheist since that time.
37. Ky also has spiritual beliefs but like me they do not conform to any one thought or practice.
38. Religion and spirituality do not make up any significant portion of our lives together as a family. None of us are interested in joining a church or religious

institution. While we do discuss religion in our household it is generally in the context of political and social impact, rather than of spiritual belief.

39. Our family places great value on the freedom granted to us in Canada to pursue any religious belief we wish. We also value the ability to not be religious, or be confined by religious doctrine that we do not believe in.
40. We value law, reason, compassion and critical thinking.

FINANCES

41. At this point in our relationships we have chosen not to merge the finances of all 3 family members. Derek and I had fully merged finances prior to the addition of Ky to our family. Derek and I had purchased a condo in pre-construction, prior to the addition of Ky to our family. At this time we are waiting for its construction to be completed. The condo will be our family home. Although it currently belongs to Derek and myself, we have discussed that once the family finances have fully merged Ky will have the opportunity and right to purchase 1/3 of the condo.
42. All current household bills are split evenly. All member of the family contribute equally to the rent of our apartment and to the paying of group bills. Derek and I jointly split the cost of upgrades to our condo and the down payments towards our wedding.
43. Ky has pre-existing debt from prior to our relationship and he has solely been responsible for its reduction.
44. A full financial merger is planned for when we move into the condo. At which time we will split all costs associated with the move, furnishing and upkeep of the condo.

SECTION 293

45. When the power of decision making is shared evenly and freedom of sexual expression is fully permissible regardless of gender or sexual orientation, I wish to testify to the fact that multiple conjugal relationships are a viable option in a free society.

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AFFIDAVIT

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