

Court of King's Bench of Alberta

Citation: Belachewu v Gebremariam, 2026 ABKB 396

Date: 20260522
Docket: 2603 03527
Registry: Edmonton

Between:

**Ermias Belachewu, Getaneh Tiruneh, Zutan Shibeshe, Tayech Tulu,
Chalachew Dagneu, Samson Mersha, Yonas Yemenu,
Tadesse Hawaz Tagele, and Gebramariam Tefera Getnet**

Applicants

- and -

**Ketema Gebremariam, Yeshhareq Meskelu, Teshome Tekle,
Tekuam Yazachew, Kidanemariam Gebreziabher, Girma Telia Oda,
Dereje Abebe, and Fisseha Birru**

Respondents

Memorandum of Decision of the Honourable Justice M. Kraus

I. Introduction

[1] The Applicants (collectively referred to as the “Applicants” or the “Applicant Board”) seek an interlocutory injunction against the Respondents (collectively referred to as the “Respondents” or the “Respondent Board”). The Applicants are essentially seeking a declaration that they are the Interim Board of Directors of the Church and seek to govern until the underlying Action is resolved.

[2] The underlying Action involves a governance dispute between two purported Boards of Directors for the Ethiopian Orthodox Tewahdo Debre Selam Medhane Alem in Edmonton (the “Church”). Both the Applicants and the Respondents assert they are the legitimate and properly elected Board of Directors of the Church.

[3] This Action was commenced by way of Originating Application filed by the Applicants on February 13, 2026. The Originating Application is brought under s 25 of the *Religious Societies' Land Act*, RSA 2000 c R-15 (“*RSLA*”), requesting relief under Part 17 of the *Business Corporations Act*, RSA 2000, c B-9 (“*BCA*”), based on alleged oppression or unfairness.

[4] As a preliminary matter, counsel advise that the name of the Respondent “Ketema Gebre Mariam” should be corrected to “Ketema Gebremariam”, and the name of the Respondent “Girma Telila” should be corrected to “Girma Telila Oda”. This amendment is granted and reflected in the Style of Cause in this Decision.

[5] There is also a related Statement of Claim filed on October 29, 2025, in Action no. 2503 22055, with some overlap to these proceedings. The Respondents and another party caused the Statement of Claim to be filed and served against the Applicants and some additional parties. The Statement of Claim arises out of the same factual matrix as this Action.

[6] In addition to the injunctive relief sought by the Applicants, they also seek to amend the relief sought in their Originating Application to include winding up of the Church and the relief sought in this Interlocutory Application to include directing an interim election take place.

[7] A full hearing on the merits relating to the governance of the Church, relief from oppression, and related relief will be heard at a later date.

[8] For the reasons that follow, the Interim Application is dismissed.

II. Factual Background

[9] The Applicants and the Respondents each collectively assert that they are the rightful directors of the Church.

[10] The Church is part of the Ethiopian Orthodox Tewahedo Church Archdiocese of Central Canada/Edmonton. The Applicant, Gebremariam Tefera Getnet, is the Head Priest of the Church (the “Head Priest”).

[11] Administration of the Church is governed by the Bylaws which were adopted on or about November 13, 2014 (the “Bylaws”). The Board is comprised of nine members, eight of which are positions being elected for a three-year term, with the Head Priest as a ninth and standing Board member. Under the Bylaws, Board members may only serve one term, although up to two sitting Board members may be eligible for re-election for one consecutive term. The Bylaws prescribe the procedural requirements for elections of the Board of Directors, for amending the Bylaws, for borrowing of money by the Church, and for dealing with the Church’s real property.

[12] The Church has a sponsorship agreement with the Department of Immigration, Refugees and Citizenship Canada (“IRCC”), in which the Church participates in the Government of Canada’s Private Sponsorship of Refugees program (the “Sponsorship Program”).

[13] Under the Sponsorship Program, the Church holds money in trust (the “Sponsorship Trust Monies”).

[14] In or around November 2024, the Board at the time purchased two parcels of vacant land (the “Vacant Lands”). It is alleged that a portion of the cash payment for the Vacant Lands was paid using the Sponsorship Trust Monies.

[15] Between January and July 2025, the Bylaws were amended to allow five members of the Board of Directors, elected in March 2022, to remain in office (collectively, the “Overholding Board”).

[16] On May 25, 2025, the five remaining members of the Overholding Board held a meeting where the Bylaws were amended to allow, *inter alia*, the five remaining members to sit for another term (the “May 25 Meeting”).

[17] Following the May 25 Meeting, the Archbishop and the Head Priest expressed to the Congregation that the best course of action was to begin a new nomination and election process with a new nominating committee. On July 6, 2025, a new nominating committee was appointed by the Congregation.

[18] The Overholding Board and the former nominating committee held a meeting on July 10, 2025, which was attended by approximately 30 people. During this meeting, three additional directors were elected (the “Respondent Election”).

[19] The Respondent Board consists of five members elected in March 2022 for a three-year term who remain in office as a result of the Bylaw amendment and the May 25, 2025 Meeting and three additional individuals who were elected to fill vacancies on July 10, 2025. The Chairman of the Respondent Board is Teshome Tekle.

[20] Later the same evening, in reaction to the Respondent Election, the Applicants held an emergency meeting over Zoom. During this meeting, it is alleged that approximately 110 members of the Congregation voted to elect the Applicants as the Board of Directors (the “Applicant Election”). The Applicant Board is comprised of the Head Priest (an *ex officio* member of the Board by way of the Bylaws but is supportive of the Applicant Board) and Tadesse Hawaz Tagele, another priest of the Church. The Applicant Election is endorsed by the Head Priest and Archbishop of the Church.

[21] Since July 10, 2025, the Applicant Board and the Respondent Board have each held itself out to third parties as the duly elected Board of Directors of the Church. The Applicant Board and the Respondent Board have both been trying to govern the Church.

[22] The Applicants claim there are number of issues that have arisen as a result of the two Boards trying to govern:

- a) The Church bank accounts have been frozen;
- b) Collection boxes are overflowing and there is no orderly way to deposit those funds;
- c) The Respondents have allegedly taken cash from the collection boxes and failed to deposit it and paid for Church expenses instead;
- d) The Respondents have allegedly paid for their legal expenses using, at least in part, Church funds;
- e) The Church has breached its refugee sponsorship agreement with Canada and its ability to sponsor new refugees is suspended;
- f) The ability to support existing sponsored refugees has been compromised;
- g) The Church is on the brink of financial ruin;

- h) The Clergy have gone unpaid;
- i) Meetings of the Congregation have been disorderly and non-functional;
and
- j) Religious services have been disrupted by the Respondents and their supporters, including interrupting the Clergy during Sermon, as a result of the governance dispute.

[23] The Applicants filed and served the Originating Application on February 13, 2026.

[24] The Applicants filed an Interim Application within this proceeding returnable in regular Civil Chambers on March 10, 2026.

[25] An Adjournment and Procedural Order was granted on March 10, 2026 in regular Civil Chambers adjourning the Interim Application to a half day Special Chambers Application on April 10, 2026.

[26] The Respondents filed and served an Application for Alternative Relief on March 26, 2026. This Application was adjourned *sine die* and agreed between the parties to be heard at the same time the Originating Application is to be heard.

[27] As mentioned, there is also a related Statement of Claim filed on October 29, 2025, in Action no. 2503 22055, with some overlap to these proceedings.

III. Issues

[28] The issues in the within interlocutory application are as follows:

- (a) Should an amendment to the Originating Application be allowed?
- (b) Should the Court allow an amendment to the Interim Application or alternatively consider relief that was not plead in the Interim Application?
- (c) Have the Applicants met the test for an interim injunction?

IV. Analysis

(a) Should an amendment to the Originating Application be allowed?

[29] During the course of the Application, the Applicants sought an amendment to the Originating Application seeking a further prayer of relief of “the winding up of the Church”. Such relief would be derived from s 25 of the *RSLA*, which incorporates remedies available under Part 17 of the *BCA*.

[30] The Respondents contend that the Applicants have not plead winding up and argue that no evidence was tendered to support an application for the amendment. They argue that such an amendment cannot proceed without evidentiary basis.

[31] The Applicants argue that the absence of “winding up” as relief sought is likely due to a drafting error. They note that their Originating Application already requested relief under s 25 of the *RSLA*, which incorporates remedies available under Part 17 of the *BCA*. Part 17 of the *BCA* specifically permits winding up as a form of relief. Additionally, they assert that amending an Originating Application does not require supporting evidence, and since pleadings do not close,

amendments can be made. Nonetheless, they point out that Mr. Belachewu's Affidavit provides sufficient evidence showing that the Church congregation is fractured, and the Church itself may not withstand such a fracture.

[32] The Respondents make a technical argument regarding the lack of evidence. There is no prejudice to Respondents to allow the amendment. I allow the amendment to the Originating Application to seek winding up of the Church. The Affidavit of Mr. Belachewu provides sufficient evidence.

[33] I also note that *Rule 3.12* of the *Alberta Rules of Court*, Alta Reg 124/2010 provides "[a]t any time in an action started by originating application the Court may, on application, direct that all or any rules applying to an action started by statement of claim apply to the action started by originating application." *Rules 3.62 to 3.67* govern the amendment of pleadings. Nothing in these *Rules* prevents making an amendment to an Originating Application. Requiring the Applicants to file a new Originating Application would only cause further delay. In any event, I do not find that allowing the amendment to the Originating Application would prejudice the Respondents.

(b) Should the Court allow an amendment to the Interim Application or alternatively consider relief that was not plead in the Interim Application?

[34] The Applicants assert that the Court has the authority under the *BCA* to order an election in an interim application. The Respondents disagree.

[35] The Applicants allege the Respondent Board includes five individuals who were elected to the Board in 2022 and have refused to relinquish control, as well as three supporters who were elected in a highly oppressive election held in July 2025. The Applicants argue that these directors should be removed and replaced temporarily by themselves, either by court order or through an election decided by the Congregation.

[36] The Respondents contend that the requirements for oppressive relief have not been satisfied; therefore, even if the Court had the authority to order an election as part of the relief, such an order cannot be granted. In any case, this is only an Interim Application, and such relief should not be granted.

[37] Neither party has provided me with any case law about whether the Court has the authority to direct an election while considering an application for an interlocutory injunction. While s 242(3) of the *BCA* suggests that such an interim order can be made for an election, this relief was not sought by the Applicants in their filed Interim Application. Granting relief without affording the Respondents sufficient notice or opportunity to respond is unduly prejudicial.

[38] A Court ordered election may appear to be a suitable method for resolving this dispute. However, in my view, in the present circumstances of this matter such a direction is not appropriate in this Interlocutory Application and is more appropriately considered during the final hearing, where the appropriate relief will be addressed. This does not preclude the parties from mutually agreeing to conduct a new election, but I am not issuing an order for an election at this interlocutory stage.

(c) Have the Applicants met the test for an interim injunction?

1. Tripartite Test and s 242(3) of the *BCA*

[39] The Applicants seek an interim injunction. Interim injunctions are governed by the tripartite test as articulated in *RJR-MacDonald Inc v Canada (Attorney General)*, 1994 CanLII

117 (SCC), [1994] 1 SCR 311 [**RJR-MacDonald**]. An applicant seeking an injunction must establish the following on a balance of probabilities:

- 1) there is a serious issue to be tried, or in some cases a *prima facie* case based on a preliminary assessment of the merits;
- 2) the applicant will suffer irreparable harm if the injunction is not granted; and
- 3) the balance of convenience favours granting the injunction, pending a decision on the merits.

(see **RJR-MacDonald** at pp 314-15; see also **Alberta Teachers Association v Alberta (Attorney General)**, 2026 ABKB 190 [**Alberta Teachers**] at paras 35)

[40] All three branches of the test must be met before an injunction may be granted.

[41] However, the Applicants argue that the Interim Order sought is made pursuant to the broad discretionary authority of the Court to “make any interim [...] order it thinks fit” under s 242(3) of the *BCA*, incorporated by reference into the *RSLA*. The analysis is not governed strictly by the tripartite test, but by the notion of fairness. In these circumstances, the Court can grant interim relief where the usual test cannot be met: see **Connelly v Connelly-McKinley Limited**, 2010 ABQB 515 [**Connelly**] at paras 13-15.

[42] The Applicants argue that the tripartite test should be applied with flexibility, balancing the risk of harm to each party if the injunction is granted, such that the balance of convenience is the primary consideration: see **Connelly** at paras 14-15.

2. Applicable standard: “Serious issue to be tried” or “strong *prima facie* case”?

[43] The parties do not agree on the appropriate standard to apply to the first branch of the test. The Applicants argue that the lower standard of “serious issue to be tried” is applicable while the Respondents argue that the more stringent standard of “strong *prima facie* case” applies.

[44] In **Alberta Teachers** at para 35, the Court provided guidance on the applicability of the different standards based on the type of injunction sought:

[35] What is an Interlocutory Injunction? An Interlocutory Injunction (as opposed to a Permanent Injunction) is a Court Order made on a temporary basis until a matter can be fully heard on its merits. There are two types of injunctions: prohibitive and mandatory. A prohibitive injunction either requires a party to refrain from doing something or have the parties maintain a *status quo*. A mandatory injunction compels a party to take a certain action...

[45] The “strong *prima facie* case” test is a more stringent test than the “serious issue to be tried” test: see **Catalyst Canada Services LP v Catalyst Changers Inc**, 2013 ABQB 73 at para 40, see also **Alberta Teachers** at para 37.

[46] The Interim Application seeks the following relief:

- (a) a declaration that the Applications are the Interim Board of Directors of the Church;

- (b) an order directing the Registrar of Corporations to lift the suspension of the Church's account in the Corporate Registry;
- (c) an order prohibiting the Registrar from accepting filings from any parties other than the Applicants without further order from the Court; and
- (d) an order requiring the Respondents to hand over all Church financial and administrative records to the Applicants.

[47] The Applicants state that they are seeking declaratory relief, namely that the Applicants are the Interim Board of Directors. Declaratory relief requires no further action from the Court and merely confirms "rights and duties" or "legal status": see **Wesley v Alberta**, 2024 ABCA 276 at para 87.

[48] The Respondents argue that relief in sub-paragraphs a, b, and d are mandatory injunctive relief while only paragraph c is prohibitive relief. As such for the relief at sub-paragraphs a, b, and d it is the more stringent test of "strong *prima facie* case" and for paragraph c it is "serious issue to be tried".

[49] I am not persuaded that the relief requested is mandatory. Two separate elections took place, and the injunctive relief sought aims to have the Applicant Board acknowledged as the legitimate board instead of the Respondent Board. Choosing to recognize one Board of Directors over another, when both were "elected," differs from initiating a new election or appointing additional Board members. This action involves affirming one Board's legitimacy and preventing the other from acting. The relief outlined in sub-paragraphs b, c, and d is necessary to support a declaration that the Applicant Board is lawful.

[50] The first step of the tripartite test is "serious issue to be tried".

(i) Step One – serious issue to be tried

[51] When seeking a prohibitive injunction, a party must demonstrate a serious issue to be tried: see **ATA** at para 42. A party seeking to establish a serious issue has a relatively and "deliberately" low bar to meet. A Court must be satisfied the claim is not frivolous or vexatious: see **Crowdblink Inc v Robinson**, 2022 ABKB 677 at para 29 citing **RJR-MacDonald** at paras 54-55.

[52] The Applicants argue the following serious issues justify an interlocutory injunction:

- a) Oppression under s 25 of the *RSLA*;
- b) Oppressive Conduct consisting of;
 - a. purchasing the Vacant Lands;
 - b. refusal to provide the Membership Roster to the Applicants;
 - c. improper amendments to the Bylaws; and
 - d. failure to provide meaningful notice of the May 25 Meeting.

A. Oppression under s 25 of the RSLA

[53] The Applicants state that, with respect to oppression and unfairness, the underlying dispute has to do with the oppressive or unfair governance conduct and non-compliance with bylaws. In *Sandhu v Siri Guru Nanak Sikh Gurdwara of Alberta*, 2015 ABCA 101. At para 54, the Court of Appeal states that:

The courts can and do intervene in the workings of incorporated religious bodies in order to ensure compliance with their constitution and bylaws and fair election process where elections are required, where the heart of the dispute is not religious differences.

[54] I agree with the Applicants that bylaws enacted under the *RSLA* create justiciable procedural fairness rights. The issues raised in the Originating Application are such that the Court can intervene.

B. Oppressive Conduct

1) Purchasing the Vacant Lands

[55] The Applicants argue that the Respondent members of the Overholding Board purchasing the Vacant Lands was oppressive and unfairly prejudicial. They allege that the Overholding Board purchased the Vacant Lands and executed a mortgage agreement without legitimate approval of the Congregation. They also argue that the mandatory requirements of s 18 of the *RSLA* for dealing with the Church's property were not adhered to. There is also an allegation that trust monies were used to purchase the Vacant Lands.

[56] Given the low threshold, I accept that whether the purchase of the Vacant Lands constitutes oppressive conduct is a serious issue for a Court to ultimately determine and it is neither vexatious nor frivolous.

2) Refusal to provide the Membership Roster to the Applicants

[57] The Applicants argue that the Respondents failure to provide or make available the Membership Roster to the Applicants is oppressive conduct. They further allege that the Respondents have utilized the possession and control of the membership roster to bolster assertions about the legitimacy of their meetings and votes without providing substantive evidence.

[58] The *RSLA* provides that an incorporated congregation must keep an up-to-date list of its members in the church of the congregation: see *RSLA* s 17(1)(a) and (2).

[59] Given the low threshold and considering that the *RSLA* mandates that the roster must be made available I accept this is a serious issue for a Court to ultimately determine and it is neither vexatious nor frivolous.

3) Improper Amendments to the Bylaws and Failure to Provide Meaningful Notice of the May 25 Meeting

[60] The Applicants argue that improper amendments were made to the Bylaws. The Bylaws were amended to change the eligibility requirements for Directors for the specific purpose of allowing the Respondents to maintain control over the Church. The Applicants allege that the Respondents failed to follow procedural requirements including providing proper notice of the

proposed Bylaw amendment and complying with other technical requirements (for example, a Supermajority vote).

[61] The effect of the Bylaw amendment was significant and not a minor informality. Section 16(1) of the *RSLA* stipulates that the Church may only amend its Bylaws “by a resolution passed at a meeting of its members duly called for that purpose”. Articles 30 and 11 of the Bylaws also provide procedural requirements for amending Bylaws. I accept that whether or not the proper amendment procedures were used constitutes oppressive conduct is a serious issue for a Court to ultimately determine and it is neither vexatious nor frivolous.

[62] Given the irregularities of how some of the Respondents were elected as directors and how others are overholding as directors and given how Respondents have purchased land and administered the finances and regulatory matters of the Church, I have no difficulty in finding that these are serious issues to be tried.

(ii) Step Two – Irreparable Harm

[63] The onus is on the Applicants to prove that there would be irreparable harm such that the any harm could not be quantified in monetary terms and “of such seriousness and of such a nature that any redress available after trial would not be fair or reasonable”: see ***Bruderheim Community Church v Board of Elders of the Canadian District of the Moravian Church In America***, 2017 ABCA 343 [***Bruderheim CA***] at para 17, citing ***Lubicon Lake Band v Norcen Energy Resources Ltd.***, 1985 ABCA 12 at para 33.

[64] Irreparable harm must be based on clear and compelling evidence: see ***AGI SureTrack, LLC v OPISystems Inc.***, 2026 ABKB 58 [***AGI SureTrack***] at para 63. The irreparable harm cannot be merely speculative, hypothetical or only arguable: see ***AGI SureTrack*** citing ***Saina v Shepansky***, 2025 ABCA 74 at para 27.

[65] Relying on ***AGI SureTrack***, the Applicants argue that where there is a sufficient evidentiary foundation for the Court to draw reasonable inferences, it may do so: see ***AGI SureTrack*** at para 79.

[66] At the irreparable harm section, the Court should consider whether a refusal to grant interim relief might irreparably harm the Applicants. Any potential harm to the Respondents would be considered in the balance of convenience assessment.

[67] The Applicants argue they will suffer two types of irreparable harm if interim relief is not granted:

- (a) Spiritual harm from the interruption and frustration of the worship practices of the Clergy and Congregation; and
- (b) Harm to the financial well-being and reputation of the Church, which the Applicants will be tasked with rectifying if successful in the Originating Application.

A. Spiritual Harm

[68] The Applicants argue that there is compelling evidence that worship services are being interrupted solely by the Respondents and their supporters as a result of the ongoing governance dispute. They state that these disruptions have resulted in at least two instances where the sermon could not happen at all.

[69] The Applicants also argue that the governance dispute has resulted in dividing the Congregation into two conflicting factions – those that support the Applicants and those that support the Respondents. They argue that there is no evidence to suggest that the schism will decrease in tension before the outcome of the Originating Application.

[70] Where there is evidence that a vital and fundamental element of the faith tradition of a congregation is more likely than not to be disrupted in the absence of interim relief, the Court may infer irreparable harm: see *Bruderheim Community Church v Moravian Church in America (Canadian District)*, 2017 ABQB 355 at paras 17-20 aff'd by *Bruderheim CA*.

[71] I am not satisfied that the inability to proceed with two sermons constitutes irreparable harm. The Applicants argue that the Court can infer that while the governance dispute remains ongoing, the Church will not meet the spiritual needs of the Congregation. I am not prepared to make such an inference. I also find that given the divide in the Congregation, the interim relief sought will likely not result in alleviating the divide between the two conflicting factions.

[72] The Applicants also submit that if they are declared the Interim Board of Directors, this would create stability and certainty in the governance of the Church, which would bring peace to the Congregation and order to the Church's administration. However, on my review of the evidence, there is no evidence or reasonable inference to be drawn about how this would bring peace to the Congregation between the two factions (Applicants and Respondents).

B. Financial Well-being and Reputation of the Church

[73] The Applicants argue that if they are ultimately successful in the Originating Application, they will assume responsibility for the Church's financial administration, including ensuring compliance with the Mortgage Agreement, discharging fiduciary obligations in relation to the Sponsorship Trust Monies, and meeting the transparency obligations associated with its status as a registered charity and under the Bylaws. In that context, any material deterioration in the Church's financial position or reputation pending final determination of the Application may cause harm that cannot readily be undone. Such harm would affect not only the Head Priest in his asserted role as spiritual leader and *de facto* caretaker of the Church's affairs, but also the Applicants' practical ability to restore order and stability should they ultimately obtain the relief they seek.

[74] In addition, with respect to the other allegations of oppressive or unfairly prejudicial conduct, none of the allegations prove irreparable harm. Any Church funds used for legal fees can be paid back. The refugee sponsorship agreement with IRCC can be restored when it is clear who is the Board of Directors. There are no current sponsorships. The Church is not on the brink of financial ruin after the bank accounts are unfrozen when it is clear who is the Board of Directors, the Clergy are paid honorariums, and religious services can continue so any spiritual harm is minimized.

[75] The onus is on the Applicants to prove irreparable harm if the interlocutory injunction is not granted. I am not persuaded on a balance of probabilities that the Applicants have discharged their onus at this Interim Application.

(iii) Step Three – Balance of Convenience

[76] The Applicants argue that the Respondents are not fit to govern. They allege that the Respondents do not comply with the Bylaws and the statutory and fiduciary duties owed by the Board of Directors to the Church. They further allege there has been a lack financial

transparency and that the Respondent Board have mismanaged the Church's finances to the extent that the Church will be insolvent by June of this year. Further, the Respondents do not respect the spiritual authority of the clergy.

[77] Both parties have irregularities to explain with respect to how they claim to be elected, the problems that have ensued as a result of the dispute, and the different remedies they are seeking from the Court.

V. Conclusion

[78] The Application is dismissed. The Applicants have not discharged their onus.

[79] The Congregation is fractured. This Interlocutory decision is not going to heal any wounds. I make no comment about the final hearing of this matter on its merits other than that the final outcome may not heal the fracture. The parties are encouraged to consider some form of ADR, such as with the assistance of a committee of elders as mentioned in the Preamble in the Bylaw, if not an election by agreement.

[80] The next step is for the Originating Application to be heard in full on the merits.

Heard on the 10th day of April, 2026.

Dated at the City of Edmonton, Alberta this 22nd day of May, 2026.

M. Kraus
J.C.K.B.A.

Appearances:

Justine Mageau and Michael Bradley
Witten LLP
for the Applicants

Lauren M. Pearson and Cristina P. Baer
Bishop & McKenzie LLP
for the Respondents