

ecojustice

2021

VICTORIES REPORT

Building a brighter future **together**



A graphic illustration of two hands, one green and one blue, cupping a black heart. The hands are rendered with a textured, painterly style. The green hand is on the left and the blue hand is on the right. The heart is in the center, and the words "Thank You!" are written in white inside it.

Our Vision

A thriving environment, safe climate,
and healthy communities protected
by effective, well-enforced laws
throughout Canada

**Thank
You!**

Our Mission

Ecojustice uses the law to defend nature,
combat climate change, and fight for
a healthy environment for all

Dear friend,

This past year has challenged us all.

Our communities have been rocked by multiple waves of COVID-19. Violent acts have unleashed calls for racial reckoning. Democracy remains under threat in an era of disinformation.

Meanwhile, the climate, biodiversity and pollution crises are at our doorstep.

Your support, especially in this chaotic time, is appreciated beyond measure. Thanks to you, Ecojustice has made meaningful gains — for nature, the climate, and healthy communities.

On the following pages, you will see a snapshot of environmental victories from the past year, including precedent-setting wins for nature in Atlantic Canada and a Supreme Court of Canada decision that affirmed the federal government's authority to put a price on carbon.

Outside the courtroom, you helped us advance key work to strengthen Canada's environmental laws. Together, we persuaded the federal government to introduce legislation to put Canada on the path to net-zero emissions by 2050 (Bill C-12) and move the *National Strategy to Address Environmental Racism Act* (Bill C-230) past a second reading and a step closer to coming into force.

And when Ecojustice lawyers engaged in legal battles to ensure no premier or corporation unlawfully silenced voices from speaking out on important environmental matters, you were in our corner. Thank you.

We invite you to find hope in our recent successes to defend nature, combat the climate crisis, and fight for a healthy environment for all.

If there is a single takeaway from this year, it is that with your support Ecojustice is rising above the enormous challenges of our time to drive change and build a healthier, safer future for us all.

With sincere appreciation,

Devon Page



Executive Director

Lori Williams



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Board of Directors

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**Outgoing April 2021*





Climate

With less than a decade left to prevent the worst impacts of the climate crisis, we are taking swift, direct action now. Your support helps make this happen in the arenas where it matters the most.

A supreme victory for climate action

This year, the Supreme Court of Canada affirmed that national, coordinated action to price carbon is constitutionally-sound and essential in the fight against climate change.

Thanks to you, Ecojustice fought back when the Alberta, Saskatchewan and Ontario governments launched legal challenges aimed at derailing the *Greenhouse Gas Pollution Pricing Act*, claiming it was an overreach of federal powers into provincial matters.

In multiple court appearances — in three lower courts and then finally, at the Supreme Court of Canada — Ecojustice lawyers argued the federal government has the legal authority to ensure every province does its fair share to respond to the climate crisis, including through measures like pricing carbon.

With this matter settled by Canada's highest court, it is now up to the provinces and federal government to work together to deliver bold solutions to tackle the climate emergency. And we'll need you too, to remind them what's at stake and hold them to account at the ballot box.

Putting us on track for net-zero emissions by 2050

Canada is now one step closer to achieving something it has never done before: meet its own climate targets.

Last November, thanks in great part to the tireless efforts of Ecojustice, our partners, and supporters like you, the federal government tabled the *Canadian Net-Zero Emissions Accountability Act* (Bill C-12).

Bill C-12 marks the first time a federal government has introduced legislation that will hold itself and future governments to account for reducing greenhouse gas emissions.

In the coming months, Ecojustice will keep the pressure on lawmakers to pass the best possible version of this law — one that will lay the foundation for a safer, healthier future for all Canadians.

Making history with youth climate leaders

Seven young people backed by Ecojustice scored a historic win for climate justice this year.

Thanks to your support, these courageous climate leaders sued the Ontario government in 2019 for weakening its climate targets and violating Charter-protected rights to life, liberty, and security of the person. Then, when the government attempted to get the case dismissed, you helped them fend off that legal attack.

And the youth prevailed, writing legal history.

Remarkably, this case is the first and only time a Canadian court has ruled that fundamental Charter rights can be threatened by climate change, and that citizens may challenge a Canadian government's action on the climate crisis under the highest law in the land.

Ontario then launched a failed attempt to have this key decision overturned, which means this historic case will now proceed to a full hearing.

We'll be pulling out all the legal stops to hold the Ontario government to account for its regressive stance on climate action — because when it comes to defending the people and places dear to us, there is no time to waste.



Healthy Communities



At Ecojustice, we understand that our shared vision of a thriving environment and healthy communities can only be achieved if we also work to dismantle racism and actively support Black, Indigenous, and other racialized communities. Here is how your support has made a difference.

Modernizing Canada's environmental laws

After nearly a decade of advocacy by Ecojustice and supporters like you, the federal government finally introduced a bill to update the *Canadian Environmental Protection Act*, our cornerstone law for protecting Canadians from dangerous pollution and chemicals. If passed, Bill C-28 (*Strengthening Environmental Protection for a Healthier Canada Act*) would be the first Canadian federal law to recognize and protect your right to a healthy environment.

The bill also proposes stronger protections for vulnerable populations. This is critical given that successive governments at all levels in Canada have made, and continue to make, decisions that disproportionately expose these populations — often Black, Indigenous and people of colour — to environmental hazards.

Ecojustice is also urging the federal government to adopt the *National Strategy to Redress Environmental Racism Act* (Bill C-230), legislation driven by the ENRICH Project and Black Environmental Initiative that would require the government to examine links between race and environmental risks, investigate the impacts of pollution on racialized communities, and ensure inclusion in environmental decision-making.

Supreme Court upholds freedom of expression

You helped protect the right of citizens to participate in public dialogue on environmental issues without fear of legal intimidation.

The Supreme Court of Canada sided with Ecojustice's arguments in *Ontario Ltd. v. Pointes Protection Association et al.*, a land developer's

lawsuit aimed at silencing a resident's group. This case marked the first time Canada's high court dealt with Ontario's *Protection of Public Participation Act*, which establishes rules to safeguard members of civil society from legal intimidation in the form of strategic litigation against public participation (SLAPP).

Significantly, the Court's ruling upheld Ontario's anti-SLAPP law and confirmed that freedom of expression is essential to our democracy.

Standing up for the environment and its champions

This year, Ecojustice lawyers went to court to quash Alberta Premier Jason Kenney's controversial public inquiry into "anti-Alberta" activities, a political stunt aimed at silencing environmental groups and distracting Canadians from the climate crisis.

Your support also helped us stand up for the right of Ontarians to be consulted on major environmental decisions, a right granted under the province's *Environmental Bill of Rights* (EBR).

Ecojustice launched a lawsuit against Premier Doug Ford's government for violating the EBR when it steamrolled Bill 197 (*COVID-19 Economic Recovery Act*) through the Ontario legislature without proper public consultation. Under the pretense of economic recovery, Bill 197 makes major changes to several of the province's environmental laws.

With your support, Ecojustice will continue to use the full force of the law to defend the environment and its advocates — from our unwavering clients and partners to steadfast allies and people like you who share our vision of a brighter environmental future.



Nature

During the past 40 years, global vertebrate species declined by an average of 68 per cent, according to the 2020 *Living Planet Report*. These losses have been driven primarily by habitat destruction and exploitation of species.

But thanks to your support, Ecojustice successfully pushed governments across Canada to step up their protections of nature this year. Together, we ensured governments upheld existing laws that safeguard the animals and places we cherish.

Reprieve for endangered spotted owls

You helped keep British Columbia's three remaining wild spotted owls safe from logging.

After sustained pressure from Spô'zêm First Nation, Ecojustice, and the Wilderness Committee, the B.C. government halted logging in the Spuzzum and Utzilius old-growth watersheds — home to the endangered owls, which include a breeding pair.

This is a significant win. But this is not the end of the story.

The spotted owl is among more than 1,800 species at risk of extinction in B.C. And though the province is home to the most biodiversity in Canada, B.C. is one of only three provinces that still does not have a standalone endangered species law. Instead, B.C. relies on a patchwork of individual laws, an approach that is failing to provide adequate legal protection for the province's species at risk.

In the year ahead, Ecojustice will be calling on the B.C. government to finally introduce a law to protect endangered species like the spotted owl. We invite you to stand with us.

Victories for nature in Atlantic Canada

Help is on the way for endangered wildlife and ecosystems in Atlantic Canada.

Three years ago, thanks to your support, we officially set up shop in Atlantic Canada, which jumpstarted a series of innovative lawsuits to protect nature.

One Ecojustice lawsuit led the Nova Scotia Supreme Court to rule this year that the

government must fulfil its mandatory duties under the province's *Endangered Species Act*. This includes creating recovery plans and identifying core habitat for some of the province's most vulnerable species — from the towering moose to delicate Ram's head lady slipper.


In Newfoundland and Labrador, another Ecojustice lawsuit resulted in a precedent-setting decision that confirms time limits on offshore oil and gas exploration licences exist for a reason and cannot be renewed indefinitely. This is a major win that will protect sensitive marine ecosystems across the country from rights-holders who lack the capacity or technology to drill safely.

And our strategic efforts to protect marine ecosystems continue. With your support, Ecojustice launched another legal challenge to ensure exploratory drilling off the shores of N.L. is not fast-tracked without public consultation and unlawfully exempted from the federal *Impact Assessment Act*.

Defending Canada's environmental assessment law

When Alberta Premier Jason Kenney challenged the constitutionality of the federal *Impact Assessment Act*, you made it possible for Ecojustice lawyers to hold the line against this attack of good environmental law that protects us all.

In the face of intersecting crises — biodiversity loss, climate change, public health and inequality — Canada's governments must take bold action. Together, we will hold our elected officials to account in courtrooms and legislatures across the country, and advocate for law and policy that rebuild a thriving, healthy, safe environment for all.



Sued the Ontario government over its failure to consult on Bill 197



Put the brakes on coal mine expansion projects in Alberta and B.C.



Went to court to defend Canada's environmental assessment law

Celebrated a Supreme Court of Canada decision that affirmed the federal government's authority to put a price on carbon.



Canada's highest court wrote:

"Climate change is real. It is caused by greenhouse gas emissions resulting from human activities, and it poses a grave threat to humanity's future.

The only way to address the threat ... is to reduce greenhouse gas emissions."



Halted logging in endangered spotted owl habitat in B.C.



Persuaded the federal government to introduce a new national climate accountability law

Donate Online



Went to court to quash Premier Kenney's inquiry into "Anti-Alberta" activities

Celebrated a Supreme Court decision that affirmed Canadians' right to participate in environmental decision-making without fear of legal intimidation



Sued the Doug Ford government to protect Ontario's wetlands

Year in Review

Helped seven youth climate leaders make Canadian legal history.

The youth-led climate lawsuit, *Mathur et al. v. Her Majesty in Right of Ontario*, is the first case of its kind in Canada to clear key procedural hurdles and will now move toward a full hearing on its merits.



Won a court ruling that will help protect Nova Scotia's endangered species



Welcomed the federal announcement to phase out fish farms in the Discovery Islands



Set a precedent in N.L. that affirms the necessity of time limits on offshore drilling licences



Persuaded the federal government to table Bill C-28 and recognize your right to a healthy environment

Financials

Statement of Operations

Fiscal year ended October 31, 2020

Revenue

	2020	2019
Donations	5,008,364	5,172,622
Grants	2,089,656	1,297,774
Bequests	737,675	333,366
Cost Award and Recoveries and Other	623,793	111,664
Investment Income	261,931	307,349
Contribution from University of Ottawa	100,000	100,000
	\$ 8,821,419	\$ 7,322,775

Expenses

Salaries and Compensation	5,071,298	4,847,278
Facilities and Office	1,211,100	1,091,881
Fundraising	382,553	407,850
Contracts	372,396	187,144
Public Education	274,701	305,736
Litigation and Program Support	179,271	286,593
Amortization of Property and Equipment	157,395	144,817
Travel	69,325	162,361
Human Resources	56,341	111,333
Science and Research	31,357	21,299
	\$ 7,805,737	\$ 7,566,292

(Deficiency) Excess of Revenue Over Expenses	1,015,682	(243,517)
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Net assets at beginning of year

\$ 4,785,230

\$ 5,028,747

Net assets at end of year

\$ 5,800,912

\$ 4,785,230

Ecojustice maintains internally restricted funds to safeguard the Society's ability to continue as a going concern and to ensure the completion of current cases. Our full audited financial statements are available on our website at ecojustice.ca.

Thank you for
building the case
for a **better earth**
with Ecojustice.



ecojustice.ca

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