



## **Mathur et. al. v. His Majesty the King in Right of Ontario Media Backgrounder: Court of Appeal for Ontario decision**

### **Summary of case timeline**

In 2018, the Ontario government rolled back the province's relatively progressive climate targets, replacing them with a single target for 2030. The new, significantly weaker target, will allow Canada's most populous province to emit an additional 200 megatonnes of harmful greenhouse gases by the end of this decade, further contributing to dangerous climate change-related impacts such as heatwaves, infectious diseases, floods, and fires.

In November 2019, seven young climate leaders, backed by lawyers from Ecojustice and Stockwoods LLP, launched a legal challenge of the government's new target on the grounds that the government's actions will harm young Ontarians and future generations and has violated their rights to life, equality, and security of person under Section 7 and 15 of the Canadian Charter of Rights and Freedoms. The Charter sets out rights and freedoms constitutionally guaranteed to Canadians by law, mirroring components of other well-known national human rights legislation worldwide, such as the US Bill of Rights, and containing many rights similar to those guaranteed in the European Convention on Human Rights.

The government filed a motion to strike the case on April 15, 2020, arguing it should not proceed to a full hearing. The youth applicants countered this motion at a hearing in July 2020, [leading to a historic win when the government's motion was dismissed in November 2020](#). For the first time in Canadian history, a court recognized that climate change has the potential to violate Charter rights and gave the youth the greenlight to move ahead to a full hearing.

Efforts by the Ontario government to overturn this ruling were dismissed by the Ontario Divisional Court in March 2021.

After becoming the first case of its kind to clear key procedural hurdles, the case proceeded to a full hearing before the Ontario Superior Court on September 12-14, 2022 in Toronto, Ontario.

On April 14, 2023, [the Ontario Superior Court dismissed the case](#). While the case was dismissed, the decision included a damning indictment of the Ontario government's inadequate and dangerous climate target which puts people in the province on a collision course with the harmful and deadly impacts of climate change.

The group of seven courageous young people appealed the decision and [argued the case before Ontario's Court of Appeal in January 2024](#).

On October 17, 2024, the [Court of Appeal for Ontario](#) ruled in favour of the youth Applicants.

### **Key legal and factual takeaways from the Court of Appeal for Ontario's decision**

The Court's ruling affirms that the Charter applies to Ontario's weak 2030 climate target and confirms that the Ontario government's actions are harming Ontarians.

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The panel of judges agreed with the applicants on several key points, including that:

- Under the current 2030 Target, it is indisputable that Ontario is contributing to an increase in the risk of death and to security of the person to Ontarians (paras 44, 62)
- The application judge made an “overarching error” in characterizing this case as seeking freestanding “positive rights”, i.e. that the Charter obliges the government to take action on climate (paras 49, 57)
- Instead, the Court found that because Ontario had enacted a Target and Plan, it was obligated to ensure this action, like all state action, complies with the Charter (paras 5, 53, 57)
- Because of the application judge’s error in characterizing this as a “positive rights” case, her analysis as to whether Ontario’s target was in accordance with principles of fundamental justice was also flawed (para 50)
- The application judge failed to properly address whether Ontario’s Target and Plan are causing s. 15 Charter violations disproportionate impact on youth and future generations (paras 56-59)
- The Court agreed with the Applicants that the court orders they were seeking – a declaration that the Target violates Charter rights or an order that any Target must be consistent with internationally accepted science – are within a range of potential options available to the court (paras 67-70)

Unfortunately, the judges declined to:

- Determine the section 7 and 15 Charter issues before them, or grant the remedies the applicants sought.
- Instead, the Court ordered that the application be sent back to the lower court for a new hearing to determine those issues.

In an ideal world, the Ontario Court of Appeal would have determined the Charter issues before it and ordered the province to set a science-based target.

Instead, the Court has sent this case back to the Ontario Superior Court, where the Ford government will have to answer for its climate inaction.

The seven youth are optimistic and will push forward with the new hearing, with all the urgency the climate crisis demands.