

Cycle Toronto et al. v Ontario (Attorney General)

Overview of Notice of Application

What this case is seeking:

The applicants in this case are launching a legal challenge to seek a declaration that changes introduced by Bill 212 — which adds a new section 195.6 to the *Highway Traffic Act* requiring Ontario’s Minister of Transportation to remove bicycle lanes and related infrastructure currently on Bloor Street, Yonge Street and University Avenue in Toronto — infringe Section 7 of the *Canadian Charter of Rights and Freedoms*.

They are also seeking an injunction prohibiting the Ontario government from taking any steps to remove these bike lanes.

Background:

In October 2024, the Ontario government introduced Bill 212, the *Reducing Gridlock, Saving You Time Act*, into the provincial legislature. Later that month, the government announced via the Environmental Registry of Ontario that it intended to remove separated bike lanes on Bloor Street, Yonge Street, and University Avenue. On November 25, 2024, Bill 212 became law.

What the applicants argue:

The Ontario government has embarked on an ill-conceived, arbitrary, and hurried legislative campaign to remove approximately 19 km of protected bike lanes on Bloor Street, Yonge Street, and University Avenue in Toronto. The applicants argue that the provincial government has done so in full awareness of, or lacking concern about, the increased number of injuries and deaths that will result.

The applicants argue that the Ontario government’s action infringes on the Charter rights of cyclists, pedestrians, and other road users, by depriving them of life and security of the person contrary to principles of fundamental justice.

Since their introduction, the bike lanes that the Ontario government propose to remove have increased road safety and reduced the risk of accidents for all road users, and improved the accessibility of the roads to persons with disabilities.

Many Toronto residents rely on cycling to complete their daily tasks and activities, including for their commutes to school and work, for the purposes of carrying out their work, studies, shopping, and/or for personal recreation and exercise, among other things.

The Minister of Transportation and the Premier have suggested that cyclists should bike on “secondary roads” rather than on main streets. However, Toronto’s grid street design moves traffic out of neighborhoods and onto main arterial roads like Bloor Street, Yonge Street, and University Avenue. There are no parallel secondary roads that run alongside these major arterials. Even if alternative routes existed, bike delivery workers – including the applicant Narada Kiondo – would be required to use arterial roads due to the business and economic activity being concentrated along these routes.

If the proposed bike lanes are removed, thousands of Toronto cyclists will be forced to cycle in lanes with motor vehicle traffic. Bill 212 also introduced provisions prohibiting cyclists from suing the province if

they are injured or killed by a collision with a motor vehicle in what used to be a bike lane that was removed. This serves as legislated acknowledgment by the Ontario government that removing these bike lanes will increase the risk of injury and death to cyclists.

The Ontario government has not provided any evidence that removing bike lanes will benefit road users. Bike lanes actually reduce congestion in the long-term, and their removal will lead to an increase in vehicle traffic.

Contrary to the suggestion that emergency vehicles are hindered by bike lanes, senior hospital leadership officials representing hospitals along the University Avenue corridor welcomed the addition of a bike lane, and doctors working there decried its removal.

There is no rational connection between the purported object of the provision requiring the removal of Toronto bike lanes – reducing traffic congestion and gridlock – and its effect. The seriousness of the increased risk of death or serious injury to cyclists is totally out of sync with this ostensible objective.

The removal of these bike lanes deprives cyclists, road users, and pedestrians of their right to life and security of the person guaranteed under Section 7 of the *Charter of Rights and Freedoms*.

About the applicants:

Cycle Toronto is a member-supported, not-for-profit cycling advocacy organization and registered charity. Cycle Toronto advocates for safe street infrastructure and laws, hosts public education and safety workshops, organizes cycling events, and publishes the Toronto Cycling Handbook.

Eva Stanger-Ross is a student at the University of Toronto's St. George Campus, and regularly cycles on the Bloor Street West separated bike lane to attend class.

Narada Kiondo has worked in Toronto as a bike delivery person for various food delivery services and as a bike messenger for a local company. He uses bike lanes, including on Bloor Street, Yonge Street, and University Avenue, for the purposes of doing his work.

About the legal representation:

Ecojustice goes to court and uses the power of the law to defend nature, combat climate change, and fight for a healthy environment. Its strategic, innovative public interest lawsuits lead to legal precedents that deliver lasting solutions to Canada's most urgent environmental problems. As Canada's largest environmental law charity, Ecojustice operates offices in Vancouver, Calgary, Toronto, Ottawa, and Halifax.

Paliare Roland is a litigation boutique in Toronto. The firm is widely considered to be among Canada's finest collection of advocates, distinguished by its capacity to navigate complex matters and high-stakes cases with rigour, clarity and integrity.