

# Mathur et. al. v. Her Majesty in Right of Ontario



## Case summary

Seven young people, backed by Ecojustice, are suing the Government of Ontario for weakening its climate targets because it will lead to widespread illness and death, violating Ontarians' Charter-protected rights to life, liberty, and security of the person.

As young people, the applicants say they and people like them will bear the costs of climate inaction more than previous generations.

The Ford government passed the *Cap and Trade Cancellation Act* in 2018. The Act repealed what were considered to be relatively strong greenhouse gas reduction targets for 2020, 2030, and 2050. The government then replaced these targets with a single, significantly weaker 2030 target.

By weakening the province's targets, the Government of Ontario will allow significantly

more greenhouse gas emissions to be emitted, further fueling the climate emergency and contributing to dangerous climate change-related impacts such as heatwaves, floods, fires, and poor air quality that will harm the health of people throughout Ontario.

Ontario's backsliding comes at a time when there is a clear scientific consensus and moral imperative for governments to limit warming to 1.5°C. Meeting this temperature goal, set out in the [Paris Agreement](#), will require global greenhouse gas emissions to halve by 2030 and reach net-zero emissions by no later than 2050.

The applicants, who hail from communities across Ontario and range in age from 12 to 24, are represented by lawyers from Ecojustice and Stockwoods LLP in this public interest litigation.

## Meet the applicants

### **Sophia Mathur (she/her)**

**Age:** 12

**Home to me is:** “The forest behind my house in Sudbury.”

**Sophia Mathur** was the first student in Canada to join the Fridays for Future movement. Sophia started striking for the climate in her home city of Sudbury, Ont. in November 2018 — months before Swedish activist Greta Thunberg became a household name. In September 2019, Sophia joined Greta in New York, where the two participated in a panel on climate activism and marched in the Global Climate Strike on Sept. 20.

#### **Why Sophia is taking the Ford government to court:**

“It’s important for me to be part of this lawsuit because my generation deserves a future. When I grow up, I want to be a lawyer. I also have lots of other hopes and dreams and I want the chance to make them come true. That’s why it was important for me to start striking for the climate in November 2018, and why I’m working with other young people to take the government to court today.”



### **Zoe Keary-Matzner (she/her)**

**Age:** 13

**Home to me is:** “Downtown Toronto, with my dog Rosie.”

**Zoe Keary-Matzner** may be growing up in Canada’s biggest city, but she says she’s always felt a connection to nature — and she’s concerned about how climate change will impact the places and activities she loves. Zoe loves hiking, but fears a rise in Lyme-disease-carrying ticks. She loves playing in the snow, but is worried about changing winters. And she wants to study animal behaviour as an ethologist one day, but she’s scared about what biodiversity loss will mean for her career plans.

#### **Why Zoe is taking the Ford government to court:**

“I’m taking the Ford government to court to fight for the Earth, for nature, and for animals. This is the only planet we have and it’s home to the only known life in the universe. There used to be so much diversity but now climate change is making it disappear. The government needs to take action now.”





## **Shaelyn Wabegijig (she/her)**

**Age:** 22

**Home to me is:** “Peterborough. With the people I love - my family and boyfriend.”

**Shaelyn Wabegijig** grew up in Rama First Nation, and her people are Algonquin from Timiskaming First Nation. She is Caribou Clan and resides in Nogojiwanong (Peterborough) where she is learning to speak Anishinaabemowin. Shaelyn is working on a project that will assert Indigenous-led conservation in Ontario. She works to empower youth and Indigenous Peoples to steward the lands and waters for future generations.

### **Why Shaelyn is taking the Ford government to court:**

“I’m part of this lawsuit for everyone, for future generations and for our non-human relatives. If I ever bring children into this world, I want to be able to share healthy air, land and water, a safe climate, and my culture. As a member of the Caribou Clan, my cultural identity is interconnected with Ontario’s boreal caribou, and it risks disappearing if this species is wiped out.”



## **Shelby Gagnon (she/her/they/them)**

**Age:** 23

**Home to me is:** Home is Thunder Bay and up north. It is the land my family has walked and lived on for centuries, the land I walk on now. It is the sound of the animals the trees and water. Home is community and the expression of people that make it humble, kind and humorous.

**Shelby Gagnon** is Anishinaabe. She is an artist and community support worker focusing on Indigenous food sovereignty in northern Ontario communities. She spent her early childhood in Aroland First Nation, and now lives in Thunder Bay.

### **Why Shelby is taking the Ford government to court:**

“I care for my future generations and the livelihood of all the animals and plants that call the bush their home. We need a future to look forward to. We need clean air, water, and food that comes from the only planet we have. I’m worried about how climate change will impact food sovereignty for Indigenous peoples across Canada. This makes me sad for myself and for future generations, who may one day be unable to harvest traditional medicines.”

## Alex Neufeldt (she/her)

Age: 23

Home to me is: “Ottawa — in particular, on my bed with a good book.”

As a young entrepreneur, **Alex Neufeldt** is concerned about the uncertainty climate change creates for her small business. When record-breaking flooding slammed Ottawa in the spring of 2019, it threatened Alex’s fledgling dress-rental business. Alex is concerned extreme weather events in the future could cause delays for customers returning dresses, and she’s worried about how to safely store the designer pieces her company relies upon.

### Why Alex is taking the Ford government to court:

“Open for business is Doug Ford’s favourite catch phrase. But if he really cared about protecting the economy for entrepreneurs like me, he wouldn’t have rolled back the province’s climate targets. We can help stop climate change and create jobs. But we need the political will to do it.”



## Madison Dyck (she/her)

Age: 23

Home to me is: “The waters of Lake Superior.”

**Madison Dyck** is a climate activist and student from Thunder Bay. An avid sailor, Madison spent May 2019 sailing to communities around Lake Superior and giving presentations on climate change. Madison is concerned about the changes she’s already seeing in her environment, including rising lake temperatures, more forest fires, and impacts on fish stocks, moose, and blueberries. She’s also worried about how climate change impacts her mental health.

### Why Madison is taking the Ford government to court:

“I’ve always felt a connection to the land and water around Thunder Bay, and I’m scared about the changes I’m witnessing. When I see how climate change is impacting the places I love, I feel a deep sense of loss. I’m angered and confused by the government’s failure to act — so I’m going to court to make sure Doug Ford can’t continue to turn a blind eye on the climate crisis.”





## Beze Gray (they/them)

**Age:** 24

**Home to me is:** "Home is my territories which is all around the Great Lakes (Treaty 29) and being with the people I care about."

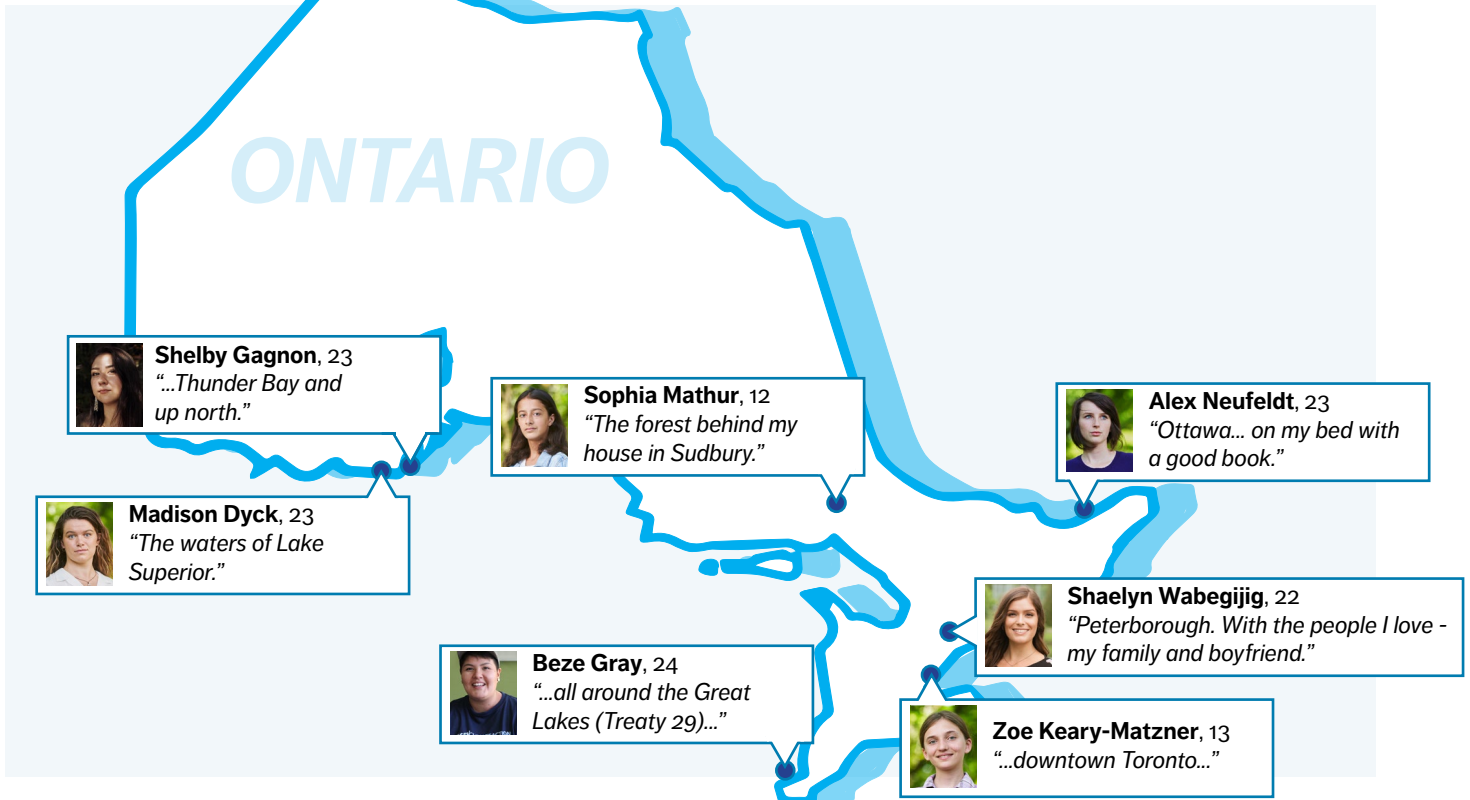
**Beze Gray** is an Anishnaabe land/water protector and student from Aamjiwnaang First Nation in Ontario. Growing up in an area near Sarnia that is also known as Chemical Valley, Beze has witnessed the impacts of the fossil fuel industry firsthand.

### Why Beze is taking the Ford government to court:

"I grew up beside petrochemical refineries in Ontario's Chemical Valley. I know the impacts of big corporation on the land and people, what happens to the land, happens to the people. When I think about the future, I feel scared about how climate change will impact my community's way of practicing our culture, teachings and our health. We need to hold the Ford government accountable for upholding treaties and higher standards for the land and future."

## IN THEIR OWN WORDS

### Home to me is...





## Case FAQ

### What does this case aim to accomplish?

The applicants are bringing this case in the public interest, with no private interests at stake. They seek court orders that recognize that Ontario’s climate rollbacks violate Ontarians’ Charter rights, and that will force the province to strengthen its climate targets — to the benefit of the wider public.

The lawsuit aims to strike down Ontario’s current 2030 target as unconstitutional and enshrine the right to a safe, healthy climate as part of the right to life, liberty and security of the person in Section 7 of the Canadian Charter of Rights and Freedoms. This would require the Government of Ontario to set a new target in line with the scientific consensus, and revise its policies accordingly.

### What does the science say?

The applicants take the position that the [Paris Agreement](#) temperature goal of “well below two degrees” and “...pursuing efforts to keep global warming 1.5” is the minimum standard necessary to ensure there will not be mass breaches of their Charter rights.

The [Intergovernmental Panel on Climate Change’s 2018 Special Report](#) concludes that global emissions must reduce by 45 per cent of 2010 levels by 2030 to have a 50 per cent chance of limiting warming to 1.5 degrees.

Ontario’s current 2030 target (reducing emissions by 30 per cent below 2005 levels) falls well short of this global average, and therefore violates the applicants’ Charter rights and must be struck down.

As a wealthy economy within an industrialized country, Ontario must aim to do no less than this global average. This is reinforced by several factors, such as Ontario’s high per capita and historic emissions, and its economic and technical capacity to reduce emissions.

## Is this case winnable?

It is impossible to predict the outcome of any litigation, especially right at the outset. This case will require the courts to break new ground, so we anticipate it will be an uphill struggle.

Despite these challenges, bringing these issues before the courts and into the public eye is an important step in making sure serious action is finally taken to fight climate change. This type of case won't be an easy victory, but with the impacts of climate change becoming more and more serious and with the window of opportunity to act getting smaller and smaller, the time for this case is now.

## How does this case relate to other climate lawsuits being brought in Canada?

This case is part of a global wave of youth and citizen-led climate litigation aimed at forcing governments to respond to the climate emergency. In the face of government incrementalism and the urgent threat climate changes poses to our collective health, security, and way of life, the time for these cases is now.

The applicants in this case stand in solidarity with other courageous young people across Canada and the world, who are taking legal action against their governments to defend their right to a safe climate and healthy environment.

## Why focus on Ontario? What about other governments?

While this legal challenge focuses on Ontario and the actions of the Ford government, any government that is failing to address the climate emergency in a meaningful way can expect to face litigation of this nature.

Every government in Canada must do its part to respond to the climate emergency including by setting and legislating targets that are consistent with limiting global warming to 1.5 degrees and that hold politicians to account.

## Who is covering the costs of this case?

Thanks to the generosity of our donors, including more than 19,000 individual Canadians from coast-to-coast-to-coast, Ecojustice represents every one of our clients — including the applicants in this case — free of charge.

This case, like all Ecojustice-backed public interest litigation, is 100 per cent funded by individuals and organizations who share our vision of a thriving environment, safe climate, and healthy communities protected by effective, well-enforced laws.

Ecojustice is actively fundraising in support of this case. Litigation is often expensive and resource-intensive, so we invite, and are grateful to accept, gifts which meet our strict criteria. We do not accept donations:

- Where the donation is given on the condition that the donor will influence Ecojustice's strategic choices.
- Where the donor is, or likely to become, an opposing party to Ecojustice litigation.
- Where the donor is engaged in activities that conflict with Ecojustice's mission to use the law to defend the environment.

# Legal team

The applicants in this public interest litigation are represented by lawyers from **Ecojustice** and **Stockwoods LLP**.

**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.

Nader Hasan and Justin Safayeni, of **Stockwoods LLP**, are veteran constitutional lawyers with a track record of holding government to account at every level court in Canada, including at the Supreme Court of Canada. In 2017, they led the successful legal challenge to seismic testing in the landmark Indigenous rights case, *Clyde River v. Petroleum Geo Services Inc.*, 2017 SCC 40.



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# Additional information

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## References

- [The Paris Agreement](#) (2015)
- [Intergovernmental Panel on Climate Change's \(IPCC\) 2018 Special Report](#)
- [The Lancet Countdown | Policy Brief for Canada](#) (2019)

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