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Young people sue the Ford government for promoting climate breakdown

Ford's Claims

Before the election of the Doug Ford Progressive Conservatives, Ontario was a leader in closing coal plants. The province also had a Climate Action Plan with specific targets for lowering greenhouse gas (GHG) emissions. Very soon after taking office in 2018, the Ford government passed the Cap and Trade Cancellation Act, ignoring the public consultation requirement established by another provincial law, the Environmental Bill of Rights. The cancellation Act deliberately rolled back the province's climate targets, allowing the government to replace them with a significantly weaker 2030 target.

The Counter Claim by Ontario Youth

In November 2019, seven young Ontarians – three of whom are Indigenous – launched a lawsuit against the Ford government. Their claim, supported by EcoJustice, argued the Cancellation Act would lead to increased GHG emissions, contributing significantly to dangerous climate change-related impacts such as heat waves, floods, fires and poor air quality.

Two years later massive flooding devastated southwest British Columbia, killing four and causing incalculable damage. Together with that summer's "heat dome," climate breakdown left 1.3 million farm animals dead. It was likely Canada's worst natural disaster.¹

"I care for my future generations and the livelihood of all the animals and plants that call the bush their home," said appellant Shelby Gagnon, an Anishinaabe artist and community worker in Thunder Bay. "We need a future to look forward to. We need clean air, water and food that comes from the only planet we have."

The Ontario youth claim is that the Cancellation Act endangers their health and violates their Charter rights to life, liberty and security of the person. As young people, they maintain that it is their lives and the lives of those who come after them that will be affected by the increased risks enabled by the Act.

In July 2020 the Ontario Superior Court of Justice denied the Ford government's motion to strike this claim.

EcoJustice underlined the importance of the victory: "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."



The teens suing the government from all over Ontario and range in age from 12 to 24. (Evan Mitsui/CBC)



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A government attempt to overturn this ruling was again defeated.

“It’s important for me to be part of this lawsuit because my generation deserves a future,” explained Sudbury’s Sophia Mathur, 14. She was the first Canadian student to join the Fridays for Future movement.

What Needs to be Done

- ! Replace Ford’s arbitrary emission targets with targets based on science.**
- ! Recognize that a stable climate is a Charter right for all Ontarians.**
- ! Recognize that the Cap and Trade Cancellation Act discriminates against young people who have done least to produce GHG emissions. Yet they will be the most seriously affected by it.**

For further information:

<https://ecojustice.ca/case/genclimateaction-mathur-et-al-v-her-majesty-in-right-of-ontario/>

¹ “1.3 million farm animals dead due to climate change: What can B.C. do to stop the next catastrophe?”, Global News, December 7, 2021. <https://globalnews.ca/news/8427762/b-c-flooding-kills-650000-farm-animals/>