

Federal Court



Cour fédérale

Ottawa, October 27, 2020 – The Honourable Justice Michael D. Manson of the Federal Court issued a decision today in file T-1750-19:

IN THE MATTER OF CECILIA LA ROSE et al v. THE QUEEN et al

Summary: This is a motion to strike the Plaintiffs’ Statement of Claim without leave to amend. This motion is brought by the Defendants, Her Majesty the Queen in Right of Canada and the Attorney General of Canada, on the basis that the Plaintiffs’ Statement of Claim discloses no reasonable cause of action, pursuant to Rule 221 of the [Federal Courts Rules](#).

The Plaintiffs are fifteen children and youth from across Canada. They challenge the entirety of the Defendants’ alleged conduct that the Plaintiffs associate with the emissions of greenhouse gases (“GHG”s). They claim this impugned conduct continues to cause, contribute to and allow GHG emissions that are incompatible with a stable climate system. The Plaintiffs allege that the impugned conduct has unjustifiably infringed their rights (and the rights of all children and youth in Canada, present and future, due to an asserted public interest standing) under sections 7 and 15 of the Canadian Charter of Rights and Freedoms (“Charter”). The Plaintiffs further allege that the Defendants have failed to discharge their public trust obligations with respect to identified public resources, arguing a breach of obligations they claim fall under a new “public trust doctrine”.

The Court concluded that the Charter claims, under section 7 and section 15, are not justiciable and otherwise disclose no reasonable cause of action. The public trust doctrine, while justiciable, does not disclose a reasonable cause of action. The Defendants’ motion to strike the Plaintiffs’ Statement of Claim without leave to amend was therefore granted.

A copy of the decision can be obtained via the [website](#) of the Federal Court:
<https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/487686/index.do>