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### **Arguments Held in Canada's First Federal Youth Climate Lawsuit**

**Ottawa**—Youth plaintiffs and their attorneys in the youth-led federal climate case [\*La Rose v. His Majesty the King\*](#) appeared Tuesday and Wednesday for a virtual hearing via Zoom before a panel of three Federal Court of Appeal justices. The two-day hearing saw the attorneys argue on behalf of their youth plaintiffs that they should be allowed to proceed to trial to determine whether Canada's conduct that causes climate change is violating the youths' Charter and public trust rights. The attorneys for the government recognized that climate change is real, measurable and documented in Canada, but urged the Court to be cautious and deny the youth their day in court.

The *La Rose* case was filed by 15 young people from seven provinces and one territory on October 25, 2019. The youth claim Canada's federal government is contributing to dangerous climate change. The case argues that the youth are already being harmed by climate change and the federal government is violating their rights to life, liberty and security of the person under section 7 of *Canadian Charter of Rights and Freedoms* for failing to protect essential public trust resources. The youth plaintiffs also allege that Canada's conduct violates their right to equality under section 15 of the *Charter*, since youth are disproportionately affected by the effects of climate change.

"Canada, the 10<sup>th</sup> highest emitter of greenhouse gasses, has failed to meet its last five greenhouse gas emission reduction targets it set for itself since 1998," said Andrea Rodgers, Senior Litigation Attorney for Our Children's Trust. "Elected leaders say climate change is an emergency and one day later authorize a pipeline to transport 600,000 barrels of oil from Alberta to British Columbia. It is clear that court involvement is needed to protect these young plaintiffs' Charter rights and we are hopeful that the justices not only recognize the urgency of the climate crisis, but the importance of allowing these young people access to their courts. History has demonstrated that the climate crisis cannot be solved without the engagement of the courts."

Madeline, one of the youth plaintiffs, remarked: "I'm fighting for this case to help make the government realize that climate change is here, and it's suffocating me, now. It seems they refuse to make that realization without a significant push."

Another youth plaintiff, Albert, said: "We're disputing the constitutionality of something far bigger than a single decision or piece of legislation. But if the courts - without even really hearing us - rule that it's impossible for them to act on this existential threat because it's 'too complicated,' or that granting youth a legal remedy that would actually contribute to ensuring their most basic safety is 'too political,' and should therefore not even be considered, then where does that leave us?"

The lawsuit also asks the Federal Court of Canada to declare that the government's legal actions that contribute to the climate crisis violate the *Charter* and the government's public trust duties, and order the government to prepare and implement a climate recovery plan to reduce Canada's GHG emissions and decarbonize Canada's energy system in line with what scientists say is necessary to stabilize the climate system and protect the rights of youth.

The youth plaintiffs are represented by Catherine Boies Parker, K.C. and David Wu of Arvay Finlay LLP; and by Chris Tollefson and Anthony Ho of Tollefson Law Corporation; the brilliant trailblazer Joseph J. Arvay, QC was also an architect and co-counsel for this case before his passing in 2020. The appeal will be argued by Reidar Mogerman, K.C., a partner at Camp, Fiorante, Matthews, and Mogerman, LLP; and by Chris Tollefson. The plaintiffs are supported by Our Children's Trust and The David Suzuki Foundation; as well as the Pacific Centre for Environmental Law and Litigation (CELL), an educational partner using this lawsuit to train the next generation of public interest lawyers.

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*Our Children's Trust is the world's only nonprofit public interest law firm that exclusively provides strategic, campaign based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth's climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and safe climate, based on the best available science. [www.ourchildrenstrust.org](http://www.ourchildrenstrust.org)*

*The David Suzuki Foundation ([DavidSuzuki.org](http://DavidSuzuki.org) | [@DavidSuzukiFdn](https://twitter.com/DavidSuzukiFdn)) is a leading Canadian environmental non-profit organization, founded in 1990. We operate in English and French, with offices in Vancouver, Toronto and Montreal. We collaborate with all people in Canada, including First Nations leadership and communities, governments, businesses and individuals to find solutions to create a sustainable Canada through scientific research, traditional ecological knowledge, communications and public engagement, and innovative policy and legal solutions. Our mission is to protect nature's diversity and the well-being of all life, now and for the future.*

*The Pacific Centre for Environmental Law and Litigation (CELL) is an educational partner in the LaRose case. Through innovative experiential learning opportunities gained by working on the case, CELL students are trained to become effective defenders of the environment and the rule of law. For more information about CELL and this case, please visit <https://www.pacificcell.ca/youth-climate-lawsuit/>.*