

## ONTARIO ENERGY BOARD

**EB-2025-0058**

**IN THE MATTER OF** the *Ontario Energy Board Act*, 1998, S. O. 1998, c. 15, Schedule B;

**AND IN THE MATTER OF** an application by Enbridge Gas Ins. for approval of a franchise agreement and new CPCN in the City of Guelph

### **AFFIDAVIT OF INDIGO MORAN**

I, INDIGO MORAN, of the City of Guelph, in the Province of Ontario, hereby AFFIRM:

1. I am seventeen years old and live in the City of Guelph.
2. I make this affidavit in support of the City of Guelph's request for modified franchise agreement terms as part of Enbridge Gas Inc.'s application to the Ontario Energy Board. Where I refer to information from others, I state the source of the information and I believe all such information to be true.

#### **Opposition to Enbridge Gas Inc.'s Application**

3. Growing up, I was told over and over again that catastrophic climate change awaits my generation unless urgent action is taken. I understood from a young age that we are the 'future generation' that will suffer dire consequences if society fails to meet climate reduction targets.
4. The potential future that I and my peers have to grapple with includes excess deaths, intensified natural disasters, and increased depression and suicidal ideation. Some of those dire consequences are outlined in a decision from the Court of Appeal in a case brought forward by young people like me, which is attached as **Exhibit "A"**, and which I believe to be true.

5. This has affected my outlook on life. It also led me to advocate for policies and programs that reduce my community's climate impacts and increase our chances at moving the dial on climate change.
6. I sat on my high school's environmental council for four years and in 2024 I collaborated with eMERGE Guelph Sustainability on a Youth Climate Anxiety and Climate Action series. That series addressed the shared anxiety and hopelessness among many of my friends and peers that our adult life can seem incredibly bleak due to the potential catastrophic effects of climate change (See **Exhibit "B"** attached hereto).
7. Any hope I do have for my future comes in large part from growing up in a City that prioritizes environmental planning and policies. I am proud of Guelph's pledge to achieve Net Zero greenhouse gas emissions by 2050 and to convert all City facilities and operations to use 100 per cent renewable energy sources by 2050. The City's Race to Zero targets are outlined on page 5 of "Guelph's Community Call to Action Backgrounder" attached as **Exhibit "C"** and page 2 of "Guelph's 2023 Environmental Sustainability Report" attached as **Exhibit "D"**.
8. When I learned that Enbridge Gas Inc. was seeking to impose a franchise agreement on the City that would act as a gas subsidy, by limiting the City's ability to charge land use fees and continuing to unfairly burden residents with infrastructure displacement costs, I knew I needed to learn more about the issue and have my say in the process.
9. On November 26, 2024, I delegated to City Council as part of their debate on the proposed agreement along with other residents, young and old (See the Minutes of City Council, attached hereto as **Exhibit "E"** and filed by the City of Guelph). We shared our deep concern that Enbridge's proposed terms would hinder the important climate work taking place in Guelph by subsidizing use of a fossil fuel and imposing unfair costs on local taxpayers.
10. Following the debate at City Council, Guelph rejected Enbridge Gas Inc.'s proposed agreement terms. I understand that Enbridge Gas Inc. now seeks to have it imposed on the City by the Ontario Energy Board.

11. This request is very alarming to me, and I hope it will be rejected. As a resident who took the time to participate in a democratic process and share my perspective on the franchise agreement, it scares me that the City's interests and the will of residents like me could so easily be set aside.
12. As a young person trying to make a positive impact on my local community, it is important for me to know that our efforts are not erased. Otherwise, it will be difficult to stay motivated to do the necessary work.
13. Given the seriousness of the potential impacts on my generation, I hope that the perspectives of youth like me on what's best for Guelph will not be ignored in this process and will instead be placed at the centre of the Board's considerations.

AFFIRMED REMOTELY BY video )  
 conference by Indigo Moran, stated as )  
 being at the City of Guelph, Province of )  
 Ontario, before me in the City of )  
 Toronto, Province of Ontario on this )  
 24<sup>th</sup> day of June 2025, in accordance )  
 with O. Reg. 431/20, Administering )  
 Oath or Declaration Remotely. )  
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Commissioner for Taking Affidavits  
 Kate Siemiatycki  
 LSO No. 72392C




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INDIGO MORAN

This is **Exhibit A** referred to in the affidavit of Indigo Moran sworn or affirmed before me on June 24, 2025.



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Commissioner for Taking Affidavits  
Kate Siemiatycki  
LSO No. 72392C



# COURT OF APPEAL FOR ONTARIO

CITATION: Mathur v. Ontario, 2024 ONCA 762

DATE: 20241017

DOCKET: COA-23-CV-0547

Roberts, Coroza and Gomery JJ.A.

BETWEEN

Sophia Mathur, a minor by her litigation guardian Catherine Orlando,  
Zoe Keary-Matzner, a minor by her litigation guardian Anne Keary,  
Shaelyn Hoffman-Menard, Shelby Gagnon, Alexandra Neufeldt,  
Madison Dyck and Lindsay Gray

Applicants (Appellants)

and

His Majesty the King in Right of Ontario

Respondent (Respondent)

and

Assembly of First Nations, British Columbia Civil Liberties Association,  
Canadian Association of Physicians for the Environment, the Canadian Civil  
Liberties Association, Canadian Lawyers for International Human Rights and  
Center for International Environmental Law, Citizens for Public Justice,  
David Asper Centre for Constitutional Rights, Environmental Defence Canada  
and West Coast Environmental Law Association, Friends of the Earth Canada,  
For Our Kids/For Our Kids Toronto, Grand Council of Treaty #3, 2471256  
Canada Inc. (Greenpeace Canada) and Stichting Urgenda

Interveners

Nader R. Hasan, Justin Safayeni, Spencer Bass, Fraser Andrew Thomson,  
Danielle Gallant, Julia Croome and Reid Gomme, for the appellants

S. Zachary Green, Padraic Ryan and Sean Kissick, for the respondent

Nathalie Chalifour and Erin Dobbelsteyn, for the intervener, Friends of the Earth Canada

Sarah Beamish, for the interveners, Greenpeace Canada and Stichting Urgenda

Teagan Markin and Nadia Effendi, for the intervener, British Columbia Civil Liberties Association

Andrew Lokan and Danielle Glatt, for the intervener, Canadian Civil Liberties Association

Anna Johnston and Andrew Gage, for the interveners, Environmental Defence Canada and West Coast Environmental Law Association

Lara Koerner-Yeo and Karen Drake, for the intervener, Grand Council of Treaty #3

Ewa Krajewska, Brandon Anand Chung and Érik Arsenault, for the intervener, David Asper Centre for Constitutional Rights

Hassan M. Ahmad and Brooke MacKenzie, for the intervener, Citizens for Public Justice

Louis Century and Erica Cartwright, for the intervener, Canadian Association of Physicians for the Environment

Meaghan Daniel, for the interveners, For Our Kids and For Our Kids Toronto

Lacey Kassis, Stuart Wuttke and Adam Williamson, for the intervener, Assembly of First Nations

Nicolas M. Rouleau and Vibhu Sharma, for the interveners, Canadian Lawyers for International Human Rights and Center for International Environmental Law

Heard: January 15, 2024

On appeal from the order of Justice Marie-Andrée Vermette of the Superior Court of Justice, dated April 14, 2023, with reasons reported at 2023 ONSC 2316, 480 D.L.R. (4th) 444.

**By the Court:****I. OVERVIEW**

[1] This appeal involves the constitutionality of the greenhouse gas emission reduction target and plan enacted by the Ontario government (“Ontario”) under climate change legislation. Specifically, can the alleged failure of Ontario to comply with its voluntarily imposed statutory obligations to combat climate change amount to a breach of the appellants’ ss. 7 and 15 rights under the *Canadian Charter of Rights and Freedoms*?

[2] In 2018, Ontario enacted the *Cap and Trade Cancellation Act, 2018*, S.O. 2018, c. 13 (“CTCA”). Section 16 of the CTCA repealed the *Climate Change Mitigation and Low-carbon Economy Act, 2016*, S.O. 2016, c. 7 (“Climate Change Act”), which had contained greenhouse gas emission reduction targets, and s. 3(1) required the government to set new reduction targets (the “Target”). The Target implemented by Ontario, which is articulated in the “Preserving and Protecting our Environment for Future Generations - A Made-in-Ontario Environmental Plan” (the “Plan”), calls for a 30% reduction of greenhouse gas emissions from 2005 levels by 2030. This is a much smaller reduction than prescribed under the *Climate Change Act* and, according to the unchallenged expert evidence filed that the application judge accepted, falls short of the international scientific consensus of the reductions recommended to mitigate the most catastrophic effects of climate change.

[3] The appellants are seven Ontario youth, some of whom are Indigenous. They brought an application for a declaration that Ontario's Target and the enacting provisions of ss. 3 and 16 of the *CTCA* are unconstitutional as they violate their rights under ss. 7 and 15 of the *Charter*. They seek an order declaring their *Charter* rights have been violated and requiring Ontario to set a science-based emissions reduction target and to revise its climate change plan in accordance with international standards.

[4] The application judge dismissed their application. While she concluded that the issue of whether the appellants' ss. 7 and 15 *Charter* rights were violated was justiciable, she characterized the application as a positive rights case. She concluded that any deprivation of the right to life or security of the person was not contrary to the principles of fundamental justice under s. 7 and that s. 15 of the *Charter* did not impose a positive obligation on Ontario to take any specific steps to combat climate change. As a result, she determined that the appellants' ss. 7 and 15 rights were not breached.

[5] In our view, the application judge erred in her analytical approach. This is not a positive rights case. The application does not seek to impose on Ontario any new positive obligations to combat climate change. By enacting the *CTCA*, Ontario voluntarily assumed a positive statutory obligation to combat climate change and to produce the Plan and the Target for that purpose. Ontario was therefore obligated to produce a plan and a target that were *Charter* compliant. The

application judge did not address whether Ontario failed to produce a plan and a target that was *Charter* compliant in accordance with its statutory mandate. As a result, the ss. 7 and 15 *Charter* issues raised by the appellants remain to be determined.

[6] The interveners raised relevant, important issues that were not determined by the application judge, either because they were not raised before her or did not affect her analysis, or because she declined to address them since they were not pleaded in the notice of application. They included whether the Target breached the *Charter* rights of Indigenous peoples in Ontario and their s. 35 rights under the *Constitution Act, 1982*; the integration of the public trust doctrine; the application of international law, including international environmental law, in the interpretation of *Charter* rights; the application of the best interests of the child principle; and the recognition and impact of certain unwritten constitutional principles, including societal preservation and ecological sustainability.

[7] For the reasons that follow, we allow the appeal. However, we decline to decide the application and to make the orders sought by the appellants in their notice of appeal. This court is not well placed to determine whether the declarations and directions sought should be granted. Although much of the expert evidence was uncontroverted, courts of first instance have a significant “institutional advantage in making the determinations necessary to a fair treatment” of ss. 7 and 15 claims: *Canadian Council for Refugees v. Canada (Citizenship and*

*Immigration*), 2023 SCC 17, 481 D.L.R. (4th) 581, at para. 176. Moreover, if the appellants wish to have the additional issues raised by the interveners adjudicated, they will have to obtain leave to amend their notice of application and the evidentiary record may have to be amplified.

[8] Consequently, while we clarify in these reasons the question that must be determined at a new hearing, we are careful not to decide that question or otherwise limit the analysis to be undertaken, including the application of s. 1 of the *Charter*, if pursued. Given the seriousness of these matters, the additional issues raised, and the potential need for further evidence, it would not be in the interests of justice nor practically feasible for this court to take on the role of finder of fact and conduct the required analysis: *Canadian Council for Refugees*, at para. 178. We therefore remit the application for a new hearing before the same or another justice of the Superior Court.

## **II. BACKGROUND**

[9] To understand the issues on appeal, we will set out a summary of the legislative and evidentiary background and the application judge's factual findings with respect to the evidentiary record that informed her analysis and conclusions. The application record includes the legislative history leading up to the *CTCA*, the Plan and the Target, including international climate change conventions that informed them and the predecessor legislation that the *CTCA* repealed. It also includes the appellants' expert evidence on the deleterious effects of climate

change and proposed remedial action. While Ontario proffered its own expert evidence, it accepted that anthropogenic climate change is real and poses risks to human health and well-being. Further, Ontario did not argue the application of s. 1 of the *Charter*.

**(a) Climate change legislation, international conventions, and uncontroverted evidence of harm**

[10] In 1992, the United Nations adopted its *Framework Convention on Climate Change*, U.N. Doc. A/AC.237/18 (Part II)/Add.1, May 15, 1992 (“*UNFCCC*”), the objective of which was to stabilize greenhouse gas concentrations in the atmosphere. In 2015, the Paris Agreement, U.N. Doc. FCCC/CP/2015/10/Add.1, December 12, 2015, was adopted under the *UNFCCC*. Article 2 of the Paris Agreement calls on signatories to hold the increase in global average temperature to well below 2 degrees Celsius and pursue efforts to limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels. Canada is a party to both the *UNFCCC* and the Paris Agreement. Canada’s original target was set as a 30% reduction from 2005 greenhouse gas emissions by 2030. In 2022, Canada announced a target of a 40–45% reduction from 2005 greenhouse gas emissions by 2030.

[11] The global carbon budget means total cumulative global carbon emissions. Scientists use the concept of a global “carbon budget” to define how much more carbon dioxide can be emitted into the atmosphere before certain levels of global

temperature warming will be locked in and irreversible. As already noted, the scientific consensus at present is that the level of global temperature warming should be held to 1.5 degrees Celsius. Once the carbon budget is used up or exceeded, global temperatures could stabilize at a new dangerously high global temperature, even if measures are later taken to reduce global carbon dioxide emissions to net zero.

[12] The application judge accepted the expert evidence adduced by the appellants and found that it established the following:

- Warming in Canada is, on average, about double the magnitude of global warming;
- Deaths in Ontario are projected to increase significantly if global temperatures rise above 1.5 degrees Celsius;
- Heat waves are increasing in frequency, which will increase heat-related morbidity and mortality;
- Climate change has increased the burden of certain infectious diseases (i.e., through ticks and mosquitos, through food and waterborne disease, and through fungus and parasites) and this burden is likely to continue to increase;
- Climate change will increase the frequency and severity of wildfires in Ontario and across Canada, and smoke will cause increasing mortality and morbidity for Ontarians;



- Climate change will increase flooding frequency and magnitude, which will lead to health risks associated with the contamination of drinking water and food, exposure to mould and carbon monoxide poisoning, and mental health issues;
- Climate change will lead to further increases in cyanobacterial blooms in Ontario, which produce toxins harmful to human and wildlife health and threaten water quality and fish stocks;
- Above 2 degrees Celsius of warming, climate change will lead to increased mercury in Ontario aquatic ecosystems, including in fish, which has been linked to a range of neurodevelopmental, cardiovascular, and immunologic effects;
- Climate change has been linked to serious and wide-ranging negative mental health impacts, including emotional reactions, depression, anxiety, post-traumatic stress disorder, grief and loss, increased drug and alcohol use, social and family stress, increased suicidal ideation and suicide, loss of cultural knowledge and continuity, and deterioration and loss of place-based connection;
- With each additional degree of warming, there is an increase in probability of large-scale displacement, regional food security crises, and climate-related violence and conflict; and

- Every incremental increase in global temperature increases the likelihood of large-scale, devastating climate tipping points being crossed.

[13] The application judge further accepted the expert evidence adduced by the appellants showing that climate change has disproportionate impacts on young people and Indigenous peoples, and made the following findings:

- Children are more sensitive to heat and respiratory and communicable diseases;
- Young people are especially at risk from the impacts of wildfire smoke, flooding, extreme heat, vector-borne diseases, and toxic contamination;
- Young people are more vulnerable to the impacts of climate change given increased reliance on caregivers for protection and adaptation;
- Climate change may differentially impact the mental health of children and youth;
- Indigenous youth face particular mental health challenges due to their strong ties to the land;
- Indigenous peoples in Ontario have already observed significant harmful effects from climate change, impacting food and water security and traditional and subsistence practices such as fishing, hunting, and plant harvesting;
- The loss of traditional foods and cultural practices is impacting Indigenous peoples' mental and physical well-being; and

- Indigenous peoples are particularly vulnerable to mental health impacts of climate change, which include anxiety, depression, grief, family stress, loss of identity, increased likelihood of substance usage, and suicidal ideation.

[14] The application judge concluded that: “Based on the evidence before [her], it is indisputable that, as a result of climate change, the [appellants] and Ontarians in general are experiencing an increased risk of death and an increased risk to the security of the person.”

[15] The application judge noted that there is no fixed scientific formula to determine exactly what reductions must be made by Ontario to correspond with its “fair share” to reduce global greenhouse gas emissions to the scientifically accepted international standard. However, a fair inference flows from her findings, including that the Target cannot be meaningless, that there is no question that Ontario must do something. The application judge found that Ontario’s greenhouse gases contribute to climate change in a way that is “real, measurable and not speculative” and that “[e]very tonne of [carbon dioxide] emissions adds to global warming and lead[s] to a quantifiable increase in global temperatures that is essentially irreversible on human timescales.”

[16] What Ontario is prepared to do at present is reflected in the *CTCA*, which was enacted in 2018. Section 16 of the *CTCA* repealed the former *Climate Change Act*. The repealed *Climate Change Act* provided for the following emission reduction targets in Ontario in s. 6(1):

The following targets are established for reducing the amount of greenhouse gas emissions from the amount of emissions in Ontario calculated for 1990:

1. A reduction of 15 per cent by the end of 2020.
2. A reduction of 37 per cent by the end of 2030.
3. A reduction of 80 per cent by the end of 2050.

[17] The *CTCA*, in contrast, does not prescribe emissions reduction targets. Section 3(1) provides as follows: “The Government shall establish targets for the reduction of greenhouse gas emissions in Ontario and may revise the targets from time to time.” It accordingly does not itself set a new target but requires Ontario to do so.

[18] The Target is articulated in the Plan, which Ontario released a few months after the *CTCA* was enacted for consultation and public comment. The Plan states that it “reflects our government’s commitment to address [the] pressing challenges” Ontarians face and commits the government to “use the best science, real-time monitoring where available, and strong, transparent enforcement to protect our air, land and water, prevent and reduce litter and waste, support Ontarians to continue to do their share to reduce greenhouse gas emissions, and help communities and families prepare for climate change.”

[19] With respect to specifically addressing climate change, the Plan acknowledges the severe impacts of climate change:

The climate is changing. Severe rain, ice and wind storms, prolonged heat waves and milder winters are

much more common. Forests, waters and wildlife across the province are and will continue to be significantly impacted by these changes. People across the province – especially Northern communities – and all sectors of the economy are feeling the impacts of climate change and paying more and more for the costs associated with those impacts.

[20] The Plan further indicates that it fulfills the government's commitment under the *CTCA*: "The following chapter of our environment plan acts as Ontario's climate change plan, which fulfills our commitment under the [CTCA]" (emphasis added).

[21] The application judge accepted that the Plan set the Target and did not, as argued by Ontario before her and on this appeal, merely refer to a non-binding, aspirational goal. In the Plan, Ontario undertakes to reduce greenhouse gas emissions by 30% below 2005 levels by 2030 – which is consistent with Canada's commitment at the time when Canada signed on to the 2015 Paris Agreement, but a smaller reduction than under the repealed *Climate Change Act* and Canada's more recent commitment to reduce emissions by 40–45% from 2005 levels by 2030. The Plan states that:

Ontario will reduce its emissions by 30% below 2005 levels by 2030.

This target aligns Ontario with Canada's 2030 target under the Paris Agreement.

This is Ontario's proposed target for the reduction of greenhouse gas emissions, which fulfills our commitment under the [CTCA]. [Emphasis deleted.]

[22] Ontario also undertakes that the Plan “will be reviewed on a four-year basis” and that Ontario “is committed to doing its part to address climate change. This includes leading by example”. Ontario’s then Minister of the Environment stated in the Plan that Ontario “will continue to do our share to reduce greenhouse gases” to achieve the Paris Agreement target, which the Plan notes “is to keep the increase in global average temperature to well below 2 [degrees Celsius] above pre-industrial levels, and pursue efforts to limit the increase even further to 1.5 [degrees Celsius], in order to reduce the risks and impacts of climate change.”

[23] The application judge observed that the United Nations’ Intergovernmental Panel on Climate Change (“IPCC”) released a report the same year the Target was set stating that global net anthropogenic carbon dioxide emissions must be reduced by approximately 45% below 2010 levels by 2030 and must reach net zero by 2050 to limit global average surface warming to 1.5 degrees Celsius. She found that the reports produced by the IPCC were a reliable and comprehensive source on existing scientific knowledge about climate change and its impacts. Based on the IPCC report, the application judge observed that Ontario would have to reduce its 2005 emissions by approximately 52% (i.e., 22% more than the 30% Target) by 2030 to limit average global warming to 1.5 degrees Celsius. She found that the gap between the IPCC prescription and the Target is “large, unexplained and without any apparent scientific basis.”

**(b) The application judge's dismissal of the application**

[24] The appellants sought a declaration that Ontario's Target and the legislative provisions under which it was set are unconstitutional in that the measures taken under those provisions violate ss. 7 and 15 of the *Charter*. They further requested:

An order that Ontario forthwith set a science-based [greenhouse gas] reduction target under s. 3(1) of the *CTCA* that is consistent with Ontario's share of the minimum level of [greenhouse gas] reductions necessary to limit global warming to below 1.5 [degrees Celsius] above pre-industrial temperatures or, in the alternative, well below 2 [degrees Celsius] (*i.e.* the upper range of the Paris Agreement temperature standard).

[25] The application judge first considered the issue of justiciability. She found that the *Charter* issues raised by the appellants were justiciable: they challenged the Target and ss. 3(1) and 16 of the *CTCA*. However, she agreed with Ontario that the court did not have institutional capacity and legitimacy to determine Canada and Ontario's "fair share" of the remaining carbon budget. She declined to address the appropriateness of the relief sought at this stage.

[26] The core of the application judge's decision was her determination that the appellants' claim would require the court to recognize that they had positive rights. She interpreted their application as effectively seeking a more restrictive Target, not the right to be free from state interference. As a result, she saw Ontario's participation in the underlying harm as no different from its participation in social issues relating to poverty and homelessness. The central issue she had to resolve

was whether either s. 7 or s. 15 allows for the imposition on Ontario of the freestanding positive obligation to combat climate change. She also concluded that the Target does not authorize or incentivize greenhouse gas emissions but, rather, seeks to reduce them.

[27] For these reasons, the application judge dismissed the application.

### III. ISSUES

[28] The appellants' principal submission is that the application judge erred in dismissing their ss. 7 and 15 *Charter* claims based on a mischaracterization of their application as seeking to impose freestanding positive obligations on Ontario to combat climate change.

[29] The appellants argue that they are not seeking to impose freestanding positive obligations on Ontario. Rather, the appellants maintain that they are seeking to have the court review the compliance of the Target and the Plan with constitutional standards. They argue that Ontario's response to climate change has been to set a target that commits the province to a dangerously high level of greenhouse gas emissions between now and 2030, knowing that it causes imminent harms to current and future generations of Ontarians. They say that Ontario is discriminating against youth and future generations on the basis of their age by forcing them to disproportionately bear the brunt of undisputed climate harms. The devastating impacts of climate change will be broadly felt, and youth,



future generations, and Indigenous peoples will be uniquely and disproportionately impacted.

[30] Ontario argues that the application judge was correct to dismiss the application and to conclude that Ontario's Target was not unconstitutional. Ontario argues that the central issue raised on this appeal is effectively how to plan to address the future adverse effects of global climate change, which is not a justiciable question. The appellants' request for an order directing that Ontario set a "science-based [greenhouse gas] reduction target" that is "consistent with Ontario's share" of a global budget for greenhouse gas emissions falls outside of the court's institutional capacity. Ontario submits that there is no judicially manageable legal standard for assessing a claim to a "science-based" emissions level for a "sustainable future" or for calculating Ontario's "fair share" of global emissions, and that it is beyond the competence of the courts to attempt to resolve these political questions.

[31] Ontario does not contest the fact of anthropogenic global climate change, its risks to human health and well-being, or the desirability of all nations taking action to mitigate its adverse effects. However, Ontario argues, the appellants' burden in this litigation was to prove with evidence that Ontario's Target will cause or contribute to those future harms, and they did not do so. Ontario argues that the worsening of the impacts of climate change are not caused by the Target, the Plan or the *CTCA* and that the impacts of climate change would worsen in their absence.

Ontario submits that the appellants have failed to show that the impacts are worsening because of the Target, the Plan or the CTCA.

[32] In our view, Ontario's framing of the appeal focusses too narrowly on the question of remedy and fails to address the question of whether the application judge erred by characterizing the application as a positive rights case rather than acknowledging that Ontario had undertaken a positive statutory obligation to combat climate change. Given Ontario has voluntarily assumed a positive statutory obligation under the CTCA to combat climate change and to produce the Plan and the Target, the question is whether the application judge should have considered whether Ontario's alleged failure to comply with its statutory obligation violated the appellants' *Charter* rights.

[33] Moreover, Ontario's arguments that the Target, the Plan and the CTCA do not cause or worsen climate change are inconsistent with the application judge's findings about the impacts of Ontario's failure to comply with international greenhouse gas emission reduction standards, including at paras. 147 and 148 of her reasons, as follows:

I find that Ontario's decision to limit its efforts to an objective that falls severely short of the scientific consensus as to what is required is sufficiently connected to the prejudice that will be suffered by the [appellants] and Ontarians should global warming exceed 1.5 [degrees Celsius]. By not taking steps to reduce [greenhouse gases] in the province further, Ontario is contributing to an increase in the risk of death and in the

risks faced by the [appellants] and others with respect to the security of the person.

In my view, other countries' contributions to climate change do not diminish the role of Ontario in increasing the risks to Ontarians' life and health. ... As stated above, the impugned government action does not need to be the dominant cause of the prejudice suffered by the claimant for causation to be established. While Ontario's contribution to global warming may be numerically small, it is real, measurable and not speculative.

[34] While the appellants raise several grounds of appeal, the appeal turns on whether the application judge erred in finding that the application sought to impose a freestanding positive obligation on Ontario and in failing to address whether the execution of Ontario's statutorily imposed obligation to combat climate change was constitutionally compliant. As we shall explain, we conclude that she did.

#### **IV. ANALYSIS**

##### **(a) Standard of review**

[35] It is common ground that the standard of review for the constitutional questions raised in this appeal is correctness: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, [2019] 4 S.C.R. 653 at para. 55.

##### **(b) Overview**

[36] The application judge correctly noted at para. 106 of her reasons that the *Charter* applies to the Target and the *CTCA* and that, as a result, the *Charter* issues raised by the appellants are justiciable because "the Constitution requires

that courts review legislation and state action for *Charter* compliance when citizens challenge them, even when the issues are complex, contentious and laden with social values.”

[37] However, the application judge erred in viewing this case as a positive rights case. Given the application judge’s findings in para. 123 of her reasons that Ontario enacted the Plan and the Target further to the mandate in the *CTCA* and that they are not meant to be meaningless, there can be no question that Ontario has assumed a statutory obligation to do something about climate change and to enact a Target and formulate a Plan that would do something about climate change. The question should have been whether the execution of that voluntarily imposed statutory obligation was *Charter* compliant.

**(c) Positive obligations v. statutory obligations**

[38] It is helpful to explain the difference between the imposition of freestanding positive obligations, as the application judge characterized the relief sought by the appellants, versus the requirement that the execution of the government’s voluntarily imposed statutory obligations be constitutionally compliant where it has chosen to enact a specific scheme.

[39] As the Supreme Court instructed in *Gosselin v. Québec (Attorney General)*, 2002 SCC 84, [2002] 4 S.C.R. 429, at para. 81, s. 7 of the *Charter* has not yet been interpreted to “place a positive obligation on the state to ensure that each person enjoys life, liberty or security of the person”, although the Supreme Court

did not rule out its application in the future. Similarly, the Supreme Court in *R. v. Sharma*, 2022 SCC 39, 165 O.R. (3d) 398, at para. 63, confirmed that “s. 15(1) does not impose the general, positive obligation on the state to remedy social inequalities or enact remedial legislation.”

[40] However, where the state does legislate, it must do so in a constitutional manner that complies with the *Charter*. For example, McLachlin C.J., Major and Bastarache JJ. stated in a concurring opinion in *Chaoulli v. Québec (Attorney General)* 2005 SCC 35, [2005] 1 S.C.R. 791, at para. 104,<sup>1</sup> that while the *Charter* does not confer a freestanding positive right under s. 7 of the *Charter* to insist on government action, in that case, in the realm of health care, “where the government puts in place a scheme” where it undertakes legislated actions, “that scheme must comply with the *Charter*.” In the same way, with respect to s. 15(1) of the *Charter*, in *Quebec (Attorney General) v. Alliance du personnel professionnel et technique de la santé et des services sociaux*, 2018 SCC 17, [2018] 1 S.C.R. 464, at para. 42:

The result of finding that Quebec’s amendments breach s. 15 in this case is not, as Quebec suggests, to impose a freestanding positive obligation on the state to enact benefit schemes to redress social inequalities. Nor does it undermine the state’s ability to act incrementally in addressing systemic inequality. But s. 15 does require the state to ensure that whatever actions it does take do not have a discriminatory impact (*Vriend*; *Eldridge v.*

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<sup>1</sup> McLachlin C.J., Major and Bastarache JJ. held that a prohibition on private health insurance in Quebec violated s. 7 of the *Charter*. They also agreed with Deschamps J., who wrote separately, that the prohibition violated the Quebec *Charter of Human Rights and Freedoms*, C.Q.L.R. c. C-12. Binnie, LeBel and Fish JJ. dissented.

*British Columbia (Attorney General)*, [1997] 3 S.C.R. 624, at paras. 72-80). [Italics in original; underline added.]

[41] We do not agree with Ontario that the appellants effectively argue that the Target does not go far enough. The appellants are not challenging the inadequacy of the Target or Ontario's inaction, but rather argue the Target itself, which Ontario is statutorily obligated to make, commits Ontario to levels of greenhouse gas emissions that violate their *Charter* rights. We see the same distinction as the Supreme Court observed in *Chaouilli*, that it is not the constitutional compliance of the scheme that is challenged by the appellants, but the constitutional compliance of the government measures taken under the scheme that are in issue.

**(d) Section 7 of the *Charter***

[42] Section 7 of the *Charter* provides that everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. The Supreme Court formulated the analysis under s. 7 as a two-step test: first, claimants must show that the law interferes with, or deprives them of, their life, liberty or security of the person; and second, they must show that the deprivation in question is not in accordance with the principles of fundamental justice: *Carter v. Canada (Attorney General)*, 2015 SCC 5, [2015] 1 S.C.R. 331, at para. 55.

[43] The right to life is engaged where the impugned law or state action imposes death or an increased risk of death on a person, either directly or indirectly: *Carter*,

at para. 62. The right to security of the person is engaged when the impugned law or state action negatively impacts or limits the claimant's security of the person: *Canada (Attorney General) v. Bedford*, 2013 SCC 72, [2013] 3 S.C.R. 1101, at paras. 58-60.

[44] The application judge found, correctly in our view, that based on the evidence before her, "it is indisputable that, as a result of climate change, the [appellants] and Ontarians in general are experiencing an increased risk of death and an increased risk to the security of the person". She framed the "relevant question" before her as follows: "whether subsection 3(1) of the *CTCA* and the Target impose an increased risk of death, directly or indirectly, and/or whether they negatively impact or limit the [appellants'] security of the person."

[45] She rejected the appellants' argument that the Target authorizes or creates the very level of greenhouse gases that will lead to the catastrophic effects of climate change for Ontarians because she found that the Target was aiming for the reduction of greenhouse gas emissions in Ontario and that the appellants' "real complaint" is that "Ontario did not aim sufficiently high when setting the Target." At the same time, she rejected Ontario's argument that the Target was meaningless and found that "[t]he setting of the Target was a state action taken pursuant to a statute" and "meant to guide and direct subsequent state actions with respect to the reduction of [greenhouse gases] in Ontario."

[46] The application judge concluded that “[b]ecause of the nature of both the Target and the [appellants’] complaint, the question of whether the Target imposes an increased risk of death and/or negatively impacts or limits the [appellants’] security of the person raises the issue of whether section 7 imposes positive obligations on the state.” As a result, she concluded that “[the application] is seeking to place a freestanding positive obligation on the state to ensure that each person enjoys life and security of the person, in the absence of a prior state interference with the [appellants’] right to life or security of the person”.

[47] While skeptical of the appellants’ position that this is not a positive rights case, the application judge was nevertheless prepared to assume that, in the event positive obligations can be imposed on Ontario under s. 7 of the *Charter* in special circumstances, there is a sufficient causal connection between the impugned Target and the prejudice suffered because the failure to take further steps to reduce emissions contributes to an increase in the risks to Ontarians’ life and health. However, she ultimately determined that any deprivations were not contrary to the principles of fundamental justice relied upon by the appellants.

[48] In our view, the application judge’s mischaracterization of the issue before her caused her to err in her analysis of the whether the impugned measures deprived the appellants of life or security of the person and, if so, whether the deprivations suffered were in accordance with the principles of fundamental justice against arbitrariness and gross disproportionality.



[49] The application judge erred in treating this as a positive rights case. Although she concluded the appellants' rights to life and security of the person were engaged after assuming, without deciding, that positive obligations can be imposed under s. 7 in the special context of climate change, her incorrect framing of the application as a positive rights case coloured her analysis.

[50] This incorrect framing also affected the application judge's consideration of whether the deprivations she found were in accordance with the principles of fundamental justice. The application judge correctly noted that a law is arbitrary where "there is no connection between the effect of a provision and its purpose": *Sharma*, at para. 111; or "where there is no rational connection between the object of the law and the limit it imposes on life, liberty or security of the person": *Carter*, at para. 83. She defined the objective of the Target as: "To reduce [greenhouse gases] in Ontario to address and fight climate change."

[51] The application judge was unable to find that the Target was arbitrary because she erroneously considered the question through the lens of a positive claim case, stating: "In my view, the principle against arbitrariness is not well-adapted to a positive claim case under section 7 as it is premised on there being a state interference limiting the right to life, liberty or security of the person, and not a failure on the part of the state to do something." Although concluding that "the Target falls short and its deficiencies contribute to increasing the risks of death

and to the security of the person”, the appellants’ complaint was that “the Target does not go far enough”.

[52] The application judge’s analysis of the issue of gross disproportionality was similarly flawed. She correctly instructed herself that gross disproportionality asks whether the “seriousness of the deprivation is totally out of sync with the objective of the measure” by comparing the law’s purpose, “taken at face value”, with its negative effects on the rights of the claimant: *Carter*, at para. 89. However, she again mischaracterized the issue as the appellants’ complaint that Ontario’s Target did not go far enough concluding that “the principle against gross disproportionality cannot have any application in a case like this one where the issue under section 7 is that the government did not go far enough.”

[53] The question before the application judge was not whether Ontario’s Target did not go far enough in the absence of a positive obligation to do anything. Rather, she should have considered whether, given Ontario’s positive statutory obligation to combat climate change that it had voluntarily assumed, the Target was *Charter* compliant. She erred by failing to consider the correct question.

**(e) Section 15(1) of the *Charter***

[54] Section 15(1) of the *Charter* provides that:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race,

national or ethnic origin, colour, religion, sex, age or mental or physical disability.

[55] Citing to para. 28 of *Sharma*, the application judge correctly stated the governing test to establish an infringement of s. 15(1) of the *Charter*: “[A] claimant has to demonstrate that the impugned law or state action: (a) creates a distinction based on enumerated or analogous grounds, on its face or in its impact; and (b) imposes a burden or denies a benefit in a manner that has the effect of reinforcing, perpetuating or exacerbating disadvantage.”

[56] While correctly setting out the test, the application judge erred in her assessment of the appellants’ s. 15(1) claim principally because she again viewed the issue as a positive rights case, citing to *Sharma*, at para. 63, and stating: “Section 15(1) of the *Charter* does not impose a general, positive obligation on the state to remedy social inequalities or enact remedial legislation. Were it otherwise, courts would be impermissibly pulled into the complex legislative domain of policy and resource allocation, contrary to the separation of powers.”

[57] The application judge’s overarching error that this was a positive rights case affected her causation analysis. She erred by failing to acknowledge that Ontario had imposed on itself a positive statutory obligation to execute constitutionally compliant measures to combat climate change through the Target, the Plan and the *CTCA*. She failed to address whether there was a link or nexus between the impact of the Target and the disproportionate impact based on a protected ground: *Sharma*, at paras. 44-45.

[58] The application judge should have considered whether, in setting a Target that she found “falls severely short of the scientific consensus as to what is required”, Ontario committed itself to a level of greenhouse gas emissions that will create or contribute to a disproportionate impact on the basis of an enumerated or analogous ground. The argument is that the Target permits emissions beyond what the scientific community deems acceptable, which evidence was not challenged by Ontario.

[59] The application judge’s conclusion that the appellants had not proved causation for the purpose of their s. 15 *Charter* claim furthermore appears inconsistent with her evidentiary findings in her s. 7 causation analysis.

[60] The application judge correctly noted that, for the purpose of a s. 7 *Charter* claim, a claimant must first prove that the impugned state action contributes to an increase in the risk of death or the security of the person: *Bedford*, at para. 76. Under s. 15 of the *Charter*, a claimant must prove that the impugned state action creates or contributes to a disproportionate impact on the claimant group compared to other groups: *Sharma*, at paras. 42 and 45.

[61] The onus in each case is satisfied on a balance of probabilities. A claimant, in either a s. 7 or a s. 15 *Charter* claim, does not need to prove that the impugned state action is the only or the dominant cause of the prejudice suffered: *Bedford*, at para. 76; *Sharma*, at para. 45. In adverse impact claims, the inquiry at the first step of the s. 15(1) test is “not a preliminary merits screen” or “an onerous hurdle

designed to weed out claims on technical bases”, but rather serves to exclude claims that have nothing do with substantive equality: *Alliance*, at para. 26; see also *Ontario (Attorney General) v. G*, 2020 SCC 38, [2020] 3 S.C.R. 629, at para. 41. A claimant’s evidentiary burden in proving that a law has caused a disproportionate impact “cannot be unduly difficult to meet”: *Sharma*, at para. 49.

[62] The application judge found that, if positive obligations could be imposed under s. 7 in the special context of climate change, the appellants had proved causation. That is, they showed that their rights to life and security of the person were engaged due to Ontario’s failure to set a higher Target. She held that “Ontario’s decision to limit its efforts to an objective that falls severely short of the scientific consensus as to what is required is sufficiently connected to the prejudice that will be suffered by the [appellants] and Ontarians should global warming exceed 1.5 [degrees Celsius].” As she explained, the reductions contemplated by the Target will only fulfil approximately 58% of the need to reduce greenhouse gases by approximately 45% below 2010 levels by 2030. By not taking more steps to reduce greenhouse gases in the province, Ontario is contributing to an increase in the risk of death and in the risks faced by the appellants and others with respect to the security of the person.

[63] The application judge observed that Ontario’s contribution to global warming is real, measurable, and not speculative. Essentially, “[e]very tonne of [carbon dioxide] emissions adds to global warming and lead[s] to a quantifiable increase in

global temperatures that is essentially irreversible on human timescales.” She rejected the suggestion that the province’s greenhouse gases cause no measurable harm and do not have a tangible impact. Otherwise, such a notion would apply to all individual sources of emissions everywhere and would impede collective action and hinder a global resolution of climate change.

[64] Despite having found that the appellants met the first stage of the causation test under s. 7, the application judge found otherwise in analysing the appellants’ s. 15 claim. As already noted, she agreed that young people are disproportionately impacted by climate change. She concluded, however, that this impact is not attributable in any way to the Plan, the Target, or the *CTCA*, but instead uniquely due to climate change itself.

[65] The application judge’s conclusion about causation under s. 15 that climate change, and not the Target, the Plan or the *CTCA*, disproportionately impacts young people is difficult to reconcile with her conclusion about causation under s. 7, namely, that by failing to produce a Target that would further reduce greenhouse gas emissions, Ontario is contributing to an increase in the risk of death and in the risks disproportionately faced by the appellants and others with respect to the security of the person. The application judge did not explain this apparent inconsistency in light of her factual findings about the impact of climate change and Ontario’s contribution to it that are necessarily the same under both issues. The judge hearing this matter afresh should be alive to this issue.

**(f) The relief requested by the appellants in their application**

[66] The appellants' application is premised on the argument that Ontario is statutorily obliged to take positive steps to redress the future harms of climate change. They ask that the Target be replaced with a constitutionally compliant Target. As the application judge found, there is an unexplained gap between international standards and the Target. The appellants argue that the reality of the Target is that it allows more greenhouse gases into the atmosphere than recommended under international standards.

[67] Ontario sees this case as requesting that the court assume judicial control over environmental and climate policy. Moreover, Ontario says that the appellants' request that the Target conform to scientific standards is vague and imprecise. As a result, the remedy requested by the appellants is impossible to order.

[68] We disagree.

[69] First, the appellants' requested relief includes declaratory relief, including a declaration that the Target violates their ss. 7 and 15 *Charter* rights, which may be ordered without the necessity of telling Ontario precisely what to do to make its Target *Charter* compliant. As the Supreme Court stated in *Canada (Prime Minister) v. Khadr*, 2010 SCC 3, [2010] 1 S.C.R. 44, at para. 47, a court can exercise its discretion to grant declaratory relief as a proper remedy and, "respectful of the responsibilities of the executive and the courts, ... provide the legal framework for

the executive to exercise its functions and to consider what actions to take ... in conformity with the *Charter*.”

[70] Second, the appellants are not requesting the court to order Ontario to set a particular target. As set out above, they seek an order directing Ontario to set a “science-based” target consistent with Ontario’s share of the reductions necessary to limit global warming below 1.5 degrees Celsius above pre-industrial temperatures or, alternatively, well below 2 degrees Celsius. The unchallenged international standards and scientific consensus about global warming and climate change and the remaining carbon budget in the evidence on this application is not imprecise. If a breach of the appellants’ *Charter* rights is declared, there are clear international standards based on accepted scientific consensus that can inform what a constitutionally compliant Target and Plan should look like. The international standards and the scientific evidence produced by the parties on the application clearly indicate how acceptable levels of greenhouse gas emissions are measured and calculated. Notably, this evidence also suggests that the amount of greenhouse gases that Ontario emits into the atmosphere can be calculated and that the level of reduction of gases that scientific experts opine should be implemented in order to conform with international standards are measurable.

[71] Finally, and importantly, Ontario’s argument that ordering a “science-based” target would be “so devoid of content as to be effectively meaningless” is belied by



its choice stated in the Plan to align its Target to Canada's 2030 target under the international standard of the Paris Agreement.

[72] In para. 145 of her reasons, the application judge noted that "it is appropriate in the context of this case to assess the Target in light of global targets that are based on scientific consensus/findings of the IPCC". The application judge noted the gap between the Target and international standards as follows:

While...it is not this Court's role to determine how Ontario's "fair" share of the remaining carbon budget should be calculated, this Court can rely on the scientific consensus that [greenhouse gas emissions] must be reduced by approximately 45% below 2010 levels by 2030, and must reach "net zero" by 2050 in order to limited global average surface warming to 1.5 [degrees Celsius] and to avoid the significantly more deleterious impacts of climate change. ...[I]n order to reduce its emissions by 45% by 2030 relative to the 2010 level, Ontario would have to reduce its emissions by approximately 52% below 2005 levels by 2030. This would require a 73% increase of the Target. Put differently, the reductions contemplated by the Target will only fulfil approximately 58% of the need to reduce [greenhouse gas emissions] by approximately 45% below 2010 levels by 2030.

[73] The application judge did not determine the question of remedy because of her dismissal of the application.

[74] If the application is ultimately successful, the question of remedy can be determined by the court. While we do not wish to foreclose the range of potential remedies that may be appropriate, we note that ordering Ontario to produce a constitutionally compliant Plan and Target, for instance, is no different than in

*Khadr*, where the Supreme Court left it to Canada to determine the precise *Charter* compliant steps it needed to take. Similarly, in *Chaoulli*, while finding *Charter* breaches, McLachlin C.J., Major and Bastarache JJ. did not order what exact measures the Quebec government was required to implement in order to render its health care scheme *Charter* compliant.<sup>2</sup> Whether a similar or different remedy would be appropriate in this case if the application is successful is best left for the judge hearing the application.

## V. DISPOSITION

[75] For these reasons, the appeal is allowed and the application judge's order, including her costs disposition, is set aside. The issues raised on the application must be considered afresh and through the correct analytical lens.

[76] As noted above, we decline to decide the application and instead remit the matter for a new hearing. In doing so, we acknowledge the court of first instance's institutional advantage in making the findings necessary to fairly determine whether the appellants' rights were breached or whether they are entitled to the relief that they seek: see *Canadian Council for Refugees*, at para. 176. For instance, the application judge indicated that there was insufficient evidence to allow her to address the adverse effects distinction concerning young people's

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<sup>2</sup> As noted above, McLachlin C.J., Major and Bastarache JJ. concurred in the reasons of Deschamps J., who wrote separately and concluded that the prohibition on private health insurance in Quebec violated the Quebec *Charter of Human Rights and Freedoms*. Deschamps J. also did not prescribe what steps the government had to take to remedy the breach.

liberty and future life choices that are being constrained by decisions being made today over which they have no control.

[77] The application judge further held that it was unnecessary for her to determine whether societal preservation or ecological sustainability are unwritten constitutional principles because they would not affect her analysis under ss. 7 and 15 of the *Charter*. Given our disposition of the appeal, it is also unnecessary for us to decide this issue. However, how this issue may inform the question of whether the Target and Plan are *Charter* compliant because of the statutory obligation to combat climate change that Ontario has imposed on itself is another question that may require reconsideration at the new hearing.

[78] Further, as earlier indicated, the interveners have raised issues that were not determined by the application judge. We agree with the application judge that if the appellants wish to pursue these issues, they should be properly pleaded. As a result, the appellants may wish to consider whether they should seek to amend their pleadings.

[79] We therefore remit the application for a new hearing before the application judge, as her sitting schedule permits. If she is unavailable to hear the application, then it shall be heard by another judge of the Superior Court, as assigned.

[80] It will be open to the parties to determine whether, given the issues as now framed or upon any amendment to the pleadings, including the above noted issues raised by the interveners, and any further issues the parties wish to pursue,

including the application of s. 1 of the *Charter*, the evidentiary record will require amplification; whether the application should be converted into an action; or whether there should be a trial of an issue or issues. We recommend the parties seek case management to define the next steps and a timetable for their execution in these proceedings.

[81] The appellants were successful on this appeal and are entitled to their costs of the appeal on a partial indemnity basis. If the parties cannot agree on the amount, they shall deliver brief written submissions of no more than two pages, plus a costs outline, within ten days of the release of these reasons.

[82] The disposition of the application costs is remitted for determination at the new hearing.

Released: October 17, 2024 “L.B.R.”

“L.B. Roberts J.A.”

“S. Coroza J.A.”

“S. Gomery J.A.”

This is **Exhibit B** referred to in the affidavit of Indigo Moran sworn or affirmed before me on June 24, 2025.

A handwritten signature in blue ink, appearing to read 'Kate Siemiatycki', with a stylized flourish at the end.

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Commissioner for Taking Affidavits  
Kate Siemiatycki  
LSO No. 72392C

# Guelph students launch 'climate anxiety and climate action' program



[Barbara Latkowski](#)

Sep 15, 2024 12:00 PM



*Samantha Hicks, from left, Indigo Moran, Abigail Walton and Evan Ferrari. | Barbara Latkowski / GuelphToday*

[Listen to this article](#)

00:04:51

Students from St. James Catholic High School hope to turn climate anxiety into climate action.

More youth find themselves dealing with climate anxiety, a growing mental health phenomenon that Grade 12 student Indigo Moran believes can stand in the way of taking meaningful climate action.

"Many of us in high school want climate action now, but are impacted by climate anxiety," Moran said.

"One study found that 84 per cent of respondents aged 16 to 25 were at least moderately worried about climate change, and 45 per cent said their concerns were negatively impacted their daily life."

As witnesses to the increase in record-breaking heat waves, wild fires and devastating storms, more young people are feeling powerless about the threat of climate change that can often produce symptoms such as anxiety, panic attacks and insomnia.

Taking the issue head-on, Moran, along with fellow Grade 12 student Abigail Walton, will host 'Youth Climate Anxiety and Climate Action', a five-part project starting on Sept. 20 designed to help young people feel like there is something they can do to make a difference.

Supported by the Youth Climate Action Fund and eMERGE Guelph Sustainability, Moran and Walton believe the way forward is to address the mental health aspect of climate emergency and to connect distress with personal and societal action.

"I, along with many friends and peers, have been affected by climate anxiety. My generation is one of the main demographics affected by this because essentially, we don't know what our futures are going to look like," Moran said.

"We have until 2030 before irreversible damage is done and that's around the time I will probably be graduating from university. I think a lot of youth are concerned that we aren't going to have much of a future or a healthy future. And we are also concerned because such little has been done for so long, even though demands for climate action have been made since the 1970s."

With the support of a mental health therapist Samantha Hicks and Evan Ferrari from eMERGE, the Youth Climate Anxiety and Climate Action program is designed to help youth harness climate anxiety and work with it to take practical environmental action.

The five-part program will work on climate anxiety, and provide action like tree planting and 'seed bombing,' along with the opportunity to make societal change on a municipal and provincial level.



"We will discuss methods for managing climate anxiety with the help of climate action experts and a local mental health therapist who has experience in the field. We will also discuss practical ideas for climate action as well as ways to talk to adults and others in your life about climate anxiety," Moran said.

"Additionally, we will make seed bombs as a group which are essentially a combination of wildflower seeds and clay, used to promote biodiversity and plant life in the area."

The first event, 'Understanding and Working with Climate Anxiety' on Sept. 20, will be held from 7 p.m. to 9 p.m. at 10C Shared Space on Carden Street. The workshop will include small and large group discussions regarding ways to cope with climate crisis distress.

Part two will be held on Sept. 28 at Norm Jary Park. Participants will plant trees with the guidance of an experienced volunteer from the organization, Trees for Guelph.

Part three will take place on Oct. 21, and along with parts four and five happening in November, these will be follow-up meetings for those interested in the advocacy side of climate action. With the support of the mental health therapist and climate professional from the Part one workshop, youth will plan practical activities for the coming months.

For registration, scheduled events and for more information, visit [here](#).

The target audience Youth Climate Anxiety and Climate Action is for youth between the ages of 14 and 24.

"However, if there are any youth that are outside of that range, but are interested in coming, they are more than welcome," Moran said.

"And we are also on the lookout for volunteers with experience working in youth mental health. So, if there are any social workers interested in coming, we would love it if they could contact us."

Moran says there are three main goals for the project.

"Number one is to help youth feel supported and understood and to know that they are not alone in managing anxiety and distress," she said.

"Number two is provide practical avenues for climate action for youth. And lastly, our goal is to connect and network, starting with youth and hopefully in the long term, across generations, so that we can tackle the climate crisis as a community."

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This story was made possible by our Community Leaders Program partner.





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## Comments (2)

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This is **Exhibit C** referred to in the affidavit of Indigo Moran sworn or affirmed before me on June 24, 2025.

A handwritten signature in blue ink, appearing to read 'K. Siemiatycki', with a stylized flourish at the end.

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Commissioner for Taking Affidavits  
Kate Siemiatycki  
LSO No. 72392C

# Guelph's **Community Call to Climate Action**

## Backgrounder





# Global Warming and Climate Change

Temperature measurements of earth have been taken across the world for a long time, with records going back as far as the 1880s. There are two very clear and alarming trends:

1. The earth's temperature is increasing
2. The increase in the earth's temperature has been going up at a much faster rate since the 1970s

It is this heating of the earth's surface that is called global warming. At a global level, 2024 was reported to be the hottest year on record, beating out the previous record that was set in 2023. Just as global temperatures are rising, temperatures in Canada are increasing twice as fast compared to the rest of the world. The average annual temperature increased in Canada by 2.0°C from 1948 to 2023.

It is well established by scientists that global warming is driven by human activity and largely when people use fossil fuels like coal, natural gas, gasoline or diesel. We burn fossil fuels for energy to do

things like heat our buildings, run our businesses, and drive our cars, and in doing so, this releases different harmful gases called greenhouse gases (GHGs). These GHGs go up into the air and build up in the earth's atmosphere. As more and more GHGs build up, they act like a blanket trapping in heat and making the earth hotter and hotter.

As global warming gets worse, we are seeing more extreme weather and climate events. These include heatwaves, heavy rainfall, droughts, rapid glacial melting and warmer oceans. These long-term weather pattern changes are referred to as climate change. Climate change has serious impacts on people, the environment and the economy. As the intensity of global warming increases, driven by rising GHG emissions, the impacts and risks of climate change become worse for everybody. Climate change is happening right here in Guelph, as we live through more extreme temperatures, flash flooding, and severe storms.

## Show me the data!

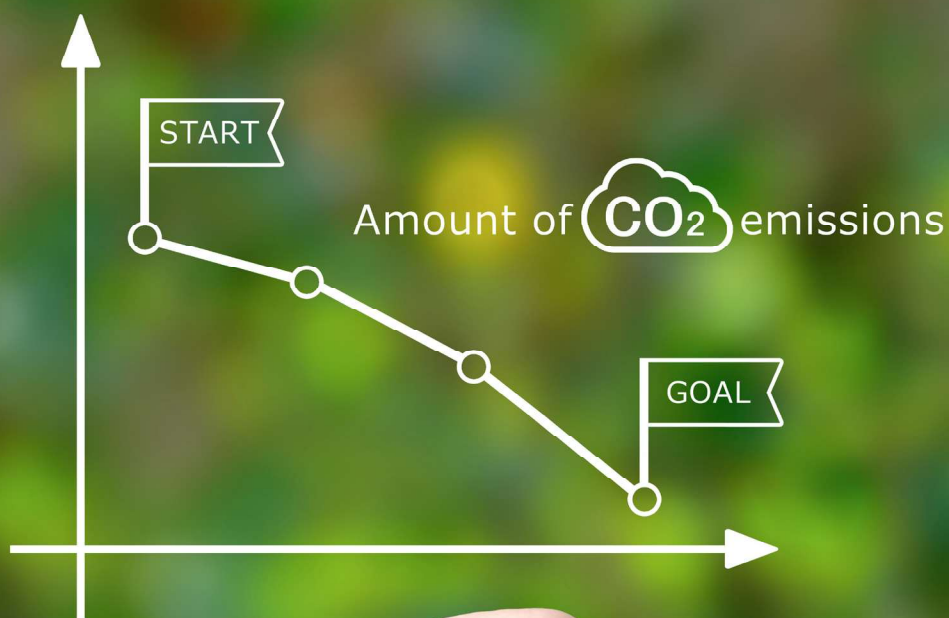
Here are a few useful climate data references:

- [Copernicus Climate Change Service–global climate data](#)
- [Government of Canada–temperature change in Canada](#)
- [City of Guelph Climate Adaptation Plan](#)

# The Paris Agreement and Net Zero Goal

The Paris Agreement is a legally binding international agreement on climate change that was reached in 2015. Canada and 193 other countries have joined the agreement. One of the long-term goals of the agreement is to not have global temperatures increase by more than 1.5°C when compared to temperatures before the industrial revolution (in the 1850s). To not go past this temperature limit, global emissions of GHGs need to come down.

The Intergovernmental Panel on Climate Change (IPCC) is the United Nations international body for assessing climate change science. According to [analysis by the IPCC](#), to limit global temperature increase to the threshold established in the Paris Agreement, global greenhouse gas emissions will need to reduce at a drastic rate declining by 45 per cent from 2010 levels by 2030 and reaching “net zero” around 2050.





# Federal and Provincial greenhouse gas targets

## Canada and Ontario have made commitments towards reducing greenhouse gas emissions

For the Paris Agreement, Canada has committed to reducing GHG emissions by 40-45 per cent below 2005 levels by 2030. In 2021, the federal government also passed the Canadian Net-Zero Emissions Accountability Act. This Act formalized Canada's commitment to the following:

- Achieving a net zero carbon economy by 2050
- Introducing 5-year interim greenhouse gas reduction targets from 2030 until 2050

The Ontario government released the Made-in-Ontario Environment Plan in 2018, committing to reducing provincial greenhouse emissions to 30 per cent below 2005 levels by 2030.

### Learn more about the plans:

- International–[The Paris Agreement](#)
- Canada–[Canadian Net-Zero Emissions Accountability Act](#)
- Ontario–[Made-in-Ontario Environment Plan](#)



# City of Guelph greenhouse gas targets

## Guelph has made a commitment to reduce community greenhouse gas emissions

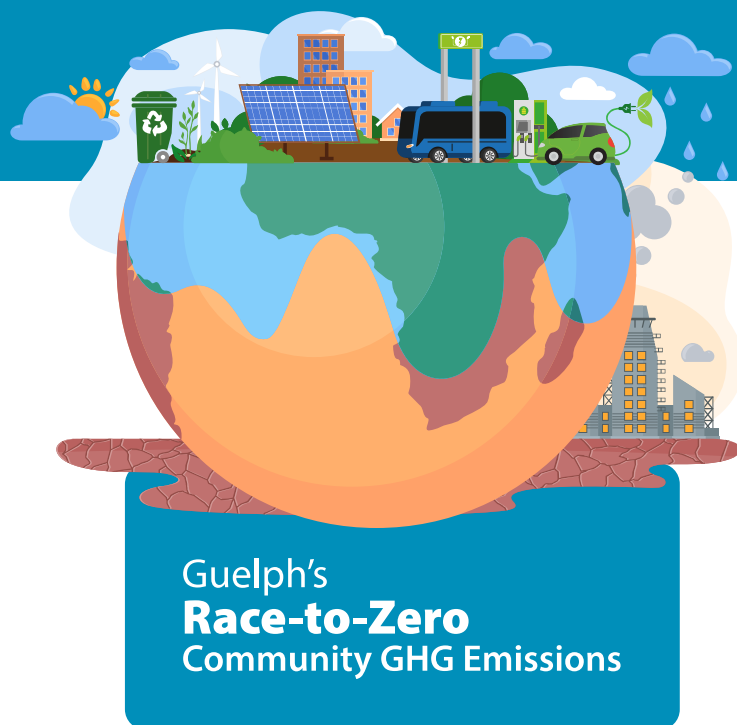
Guelph released a Community Energy Plan (CEP) in 2007, the first such plan in Canada. In 2010, the CEP was renamed the Community Energy Initiative (CEI) to represent a transition to implementation aspects. The CEI was updated in 2018 with a new target set for Guelph to be a net zero carbon community by 2050.

In 2021, Guelph reaffirmed its commitment to fighting climate change by declaring support for the United Nation's Cities Race To Zero campaign.

Guelph's Race to Zero targets build on past Community Energy Plans and use science-based methods to define Guelph's fair share of global GHG emissions reduction.

Guelph's Race To Zero targets are as follows:

- Reduce per capita greenhouse gas emissions by 63 per cent against the 2018 baseline by 2030
- Be a net zero carbon community by 2050



# Guelph's community greenhouse gas emissions

## Greenhouse Gas Emission Categories

Community GHG emissions can be grouped into scope 1, scope 2 or scope 3 emissions.



**Scope 1:** GHG emissions that come from burning fossil fuels within Guelph's city boundary. Examples include houses or offices burning natural gas for heating.



**Scope 2:** GHG emissions tied to electricity used within Guelph's city boundary. These GHG emissions account for the electrical generation that happens outside of Guelph and delivery of this electricity from the generators to Guelph.

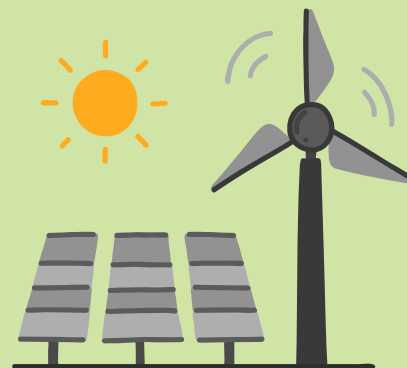


**Scope 3:** GHG emissions that are released outside of Guelph's city boundary because of activities within the city boundary. Examples include using products like food, coffee cups, clothes, building materials, etc. in Guelph, but manufacturing and disposal of these products release GHG emissions and are done outside of Guelph.

## Where does our electricity come from?

Ontario's electricity is generated using both fossil fuel sources (example, natural gas) and non-fossil fuel sources (example, nuclear, hydro, wind, solar, etc.). As of 2024, 72% of Ontario's electrical generation capacity uses non-fossil fuel sources. Since we use non-fossil fuel generators more of the time, the non-fossil fuel generation produced 87% of Ontario's electrical energy, of which around a third of the energy was produced using renewable energy sources such as hydro, wind, solar, or biomass.

More information can be found at the [Independent Electricity System Operator website](https://www.ieso.ca/en/About-ISO/Information-Resources/Reports-and-Data/Annual-Reports).





?

## Where do most GHG emissions in the community come from?

- Using gasoline or diesel to drive our vehicles
- Burning natural gas for heating building spaces, water, cooking, manufacturing processes
- Natural gas leaks
- Refrigerant leaks
- Electricity usage
- Emissions from landfills and sewage

CO<sub>2</sub>SF<sub>6</sub>CH<sub>4</sub>N<sub>2</sub>O

HFCs

PFCs

NF<sub>3</sub>

### Scope 2 Indirect

Purchased electricity  
Purchased heating, cooling

### Scope 3 Indirect

Purchased goods and services  
Waste generated in community  
Transportation and distribution

### Scope 1 Direct

Guelph households  
Guelph companies  
Guelph vehicles

### Scope 3 Indirect

Investments  
End-of-life treatment of sold products  
Use of sold products  
Transportation and distribution

Upstream activities

Reporting community

Downstream activities

# Reporting Guelph's Greenhouse Gas Emissions



## How we get the numbers:

Find more information here on the method used for the community GHG inventory:

- [Protocol for Community-Scale Greenhouse Gas Inventories \(GPC Protocol\)](#)



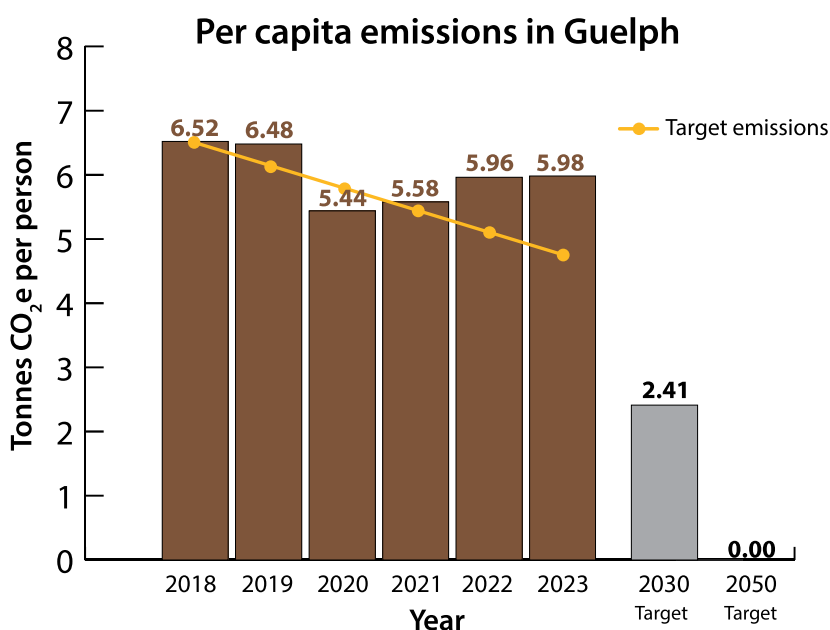
## What is a tonne of carbon dioxide equivalent?

When we do things like burn fossil fuels, we release different harmful gases that make up GHG emissions. These different gases each cause different levels of global warming harm. To simplify reporting on all the different harmful gases, each different gas impact is translated to the equivalent impact that carbon dioxide causes.

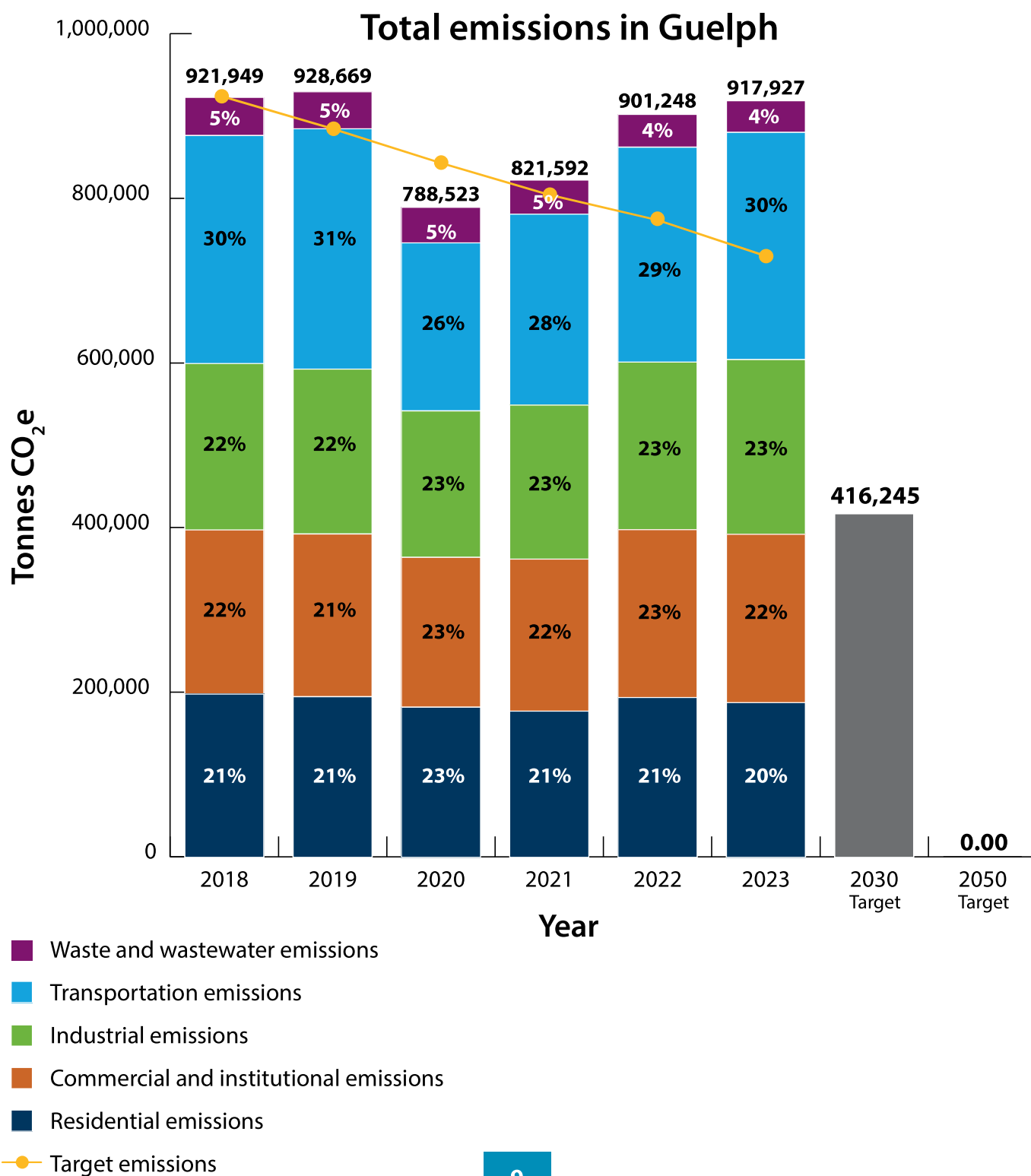
A VW buggy weighs about the same as a tonne of carbon dioxide equivalent.

An inventory of Guelph's GHG emissions are taken each year to track progress against the Race To Zero targets. Guelph's annual GHG reporting is prepared annually following the Protocol for Community-Scale Greenhouse Gas Inventories (GPC Protocol) and using various data sources (such as energy consumption data from the local utilities Alectra Utilities and Enbridge) and calculation factors. Scope 1 and 2 GHG emissions are included in Guelph's GHG emissions inventory. Scope 3 emissions are very difficult to track for the community and only some are included in the inventory.

The charts below present Guelph's per capita and total annual GHG emissions from 2018 to 2023 and the Race To Zero targets set for 2030 and 2050. GHG emissions are reported using a unit called 'tonnes of carbon dioxide equivalent' (tCO<sub>2</sub>e). Per capita emissions are calculated for each year by dividing the total annual GHG emissions by Guelph's population. Per capita emissions are reported in the unit called tCO<sub>2</sub>e per person.



We need to reduce  
our annual emissions  
by roughly **500,000**  
**tonnes of CO<sub>2</sub>e** by  
2030!



# Ways we can act to reduce community GHG emissions

## To reduce GHG emissions in Guelph, we need to focus on a few key areas

Based on total GHG emissions remaining near 2018 levels and per capita emissions only decreasing slightly, it is clear that drastic and collective action by the Guelph community is required to address what the climate science is telling us and meet the Race To Zero interim target of 63% per capita emissions reduction by 2030, against the 2018 baseline.

Informed by the community GHG inventory data the following areas emerge as key focus areas where we can all act together to reduce community GHG emissions:

### Energy efficient and low carbon buildings

All the different buildings in Guelph (for example houses, stores, offices, restaurants, hotels, recreation centres, hospitals, schools, warehouses) are a big contributor to Guelph's community GHG emissions. These buildings use energy for various needs. These needs include heating or cooling the building space, heating hot water, lighting, and powering appliances and equipment.

In the case of residential, commercial and institutional buildings, heating building interior spaces and heating water account for a large portion (>50 per cent) of energy consumption. In Guelph, almost all the energy used for building space heating and water heating is by burning natural gas.

It is also important to consider new building construction. On the residential side, the total number of households in Guelph is estimated to reach 85,700 by 2051. In the near term, Guelph has



### Climate action tips:

There are several actions, big or small, that community members can take to reduce GHG emissions and support Guelph's Race To Zero. Some examples are as below:

- Use heat pumps to heat more efficiently and with a much cleaner energy source
- Invest in renewable solar power to bolster electricity grid to enable electrification
- Reduce car trips and use sustainable transportation alternatives (walking, rolling, biking, public transit, etc.)
- Eliminate tailpipe emissions by using electric vehicles
- Reduce material waste because it takes a lot of resources and energy to make stuff and get rid of stuff
- Properly sort waste to increase ability to reuse and recycle materials
- Process organic waste properly by keeping it out of landfill and sending it to composting or anaerobic digestion facilities to produce soil amendment and renewable natural gas
- Build more energy efficient buildings, new and existing
- Complete process equipment upgrades to reduce GHG emissions and make the industrial, commercial and institutional sector more energy efficient
- Learn more about and always encourage adoption of energy efficiency and GHG emissions reduction

committed to supporting the construction of 18,000 new homes by 2031 through the Municipal Housing Pledge made in 2023. Additionally, Guelph's population is expected to rise to 208,000 people by 2051. The growth in population will likely require more buildings. These new buildings will use energy and will add to the community's GHG emissions. By how much, depends on what type of energy and how energy efficient the buildings are.

## Decarbonized business operations

Guelph is home to over 3,000 businesses. These local businesses have various business operations that use energy (for example manufacturing processes, refrigeration, cooking, etc.) with some operations that use energy sources such as natural gas or propane.

The industrial sector alone represents around 20 per cent of Guelph's community greenhouse gas emissions. Energy is consumed for various end-uses within manufacturing facilities. In Guelph, manufacturing is the largest industry employing Guelph residents. Manufacturers in Guelph produce a variety of products including casting and forgings, machined parts, formed and stamped metals, polymers, precision tools, automotive interior parts, cabinetry and millwork, corrugated packaging, antennas, beer, milk products, fiberglass composites, vaccines, agricultural equipment, lifts for aerial work and dump trucks. Various processes in manufacturing plants involve the use of equipment such as infrared heaters, industrial steam boilers and water heaters, combined heat and power systems, furnaces, curing ovens, dryers, and pasteurizers, most of which typically burn fossil fuels like natural gas for producing heat.

## Sustainable transportation

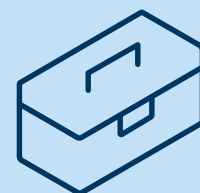
Transporting people and goods within Guelph involves using passenger cars, commercial vehicles, tractor-trailers and buses, and represents around 30 per cent of Guelph's community greenhouse gas emissions. Most of these vehicles burn either gasoline or diesel fuel resulting in GHG emissions. The use of privately-owned passenger vehicles by Guelph residents accounts for a large portion of transportation related energy consumption and in Guelph, more than 75 per cent of the trips that have a start point and end point within the city are completed by car. Guelph's existing vehicle count is estimated to be around 100,000. With Guelph's population growth, vehicle counts will rise unless there is a shift to more sustainable modes of transportation such as cycling and public transit. Any new vehicles added to Guelph's current vehicle count will result in adding GHG emissions unless the new vehicle uses clean energy.

## Renewable energy

Most of the City's current energy demand is met by natural gas, electricity, gasoline, and diesel. Energy from resources such as hydro, wind, solar, biomass and geothermal are termed renewable energy and

### Cool tools:

Use [Google's Environmental Insights Explorer](#) to check out estimates of activity, emissions and reduction opportunities (like solar potential) for different places and cities like Guelph.



do not produce greenhouse gas emissions. Therefore, renewable energy plays an important role in Guelph's Race To Zero journey.

Presently, the electricity generated by solar systems in Guelph adds up to less than 1 per cent of the City's total annual electricity consumption. Estimates indicate that if solar panels are installed on all buildings in Guelph, this can generate an amount of electricity equal to 65 per cent of the City's total annual electricity consumption.

## Circular economy

Resources such as raw materials, water, energy, land, buildings, and equipment are needed to produce various goods used by the community. There are many stages in producing things, such as resource extraction, pumping, treating and distributing water, transporting materials, operating process equipment, manufacturing, delivery, waste disposal. All of these production stages require energy and emits GHGs. In the typical production-consumption way of doing things, raw materials are gathered and converted to products that can be used by consumers. After the consumers have no more use for the products, they are thrown away as waste. An example of the production-consumption model is when people buy too much food and waste the extra food. The circular economy approach is a different way of doing things, with the aim to reduce waste by keeping materials and goods in circulation for as long as possible. This is done through reusing, repairing, refurbishing, repurposing, recycling, and recovering as much material and/or energy from any residual waste stream. Going back to the example with food, the circular economy model would take the extra food and save it for the next meal or share it with others. Any of the food that doesn't get eaten, say like fruit peels and egg shells, gets composted and reused for planting so that nothing is wasted.

## Natural environment

Guelph has natural assets such as land, soil, water, air, renewable resources, vegetation and trees. The natural environment offers an important climate solution as it can absorb and store large amounts of carbon dioxide (CO<sub>2</sub>) from the atmosphere.

Trees along with other vegetation can provide shading and cooling during warm weather seasons. It is estimated there are around three million trees in Guelph with the tree canopy covering around 23 per cent of Guelph's total land area. Guelph has set the goal of increasing the tree canopy cover to 40 per cent by 2070.

### Nature's remedy:

Along with removing CO<sub>2</sub> from the atmosphere, the natural environment helps us in so many ways:

- Provides shade and keeps things cooler
- Prevents flooding by absorbing water
- Supports biodiversity and wildlife
- Offers a place for people to explore and play

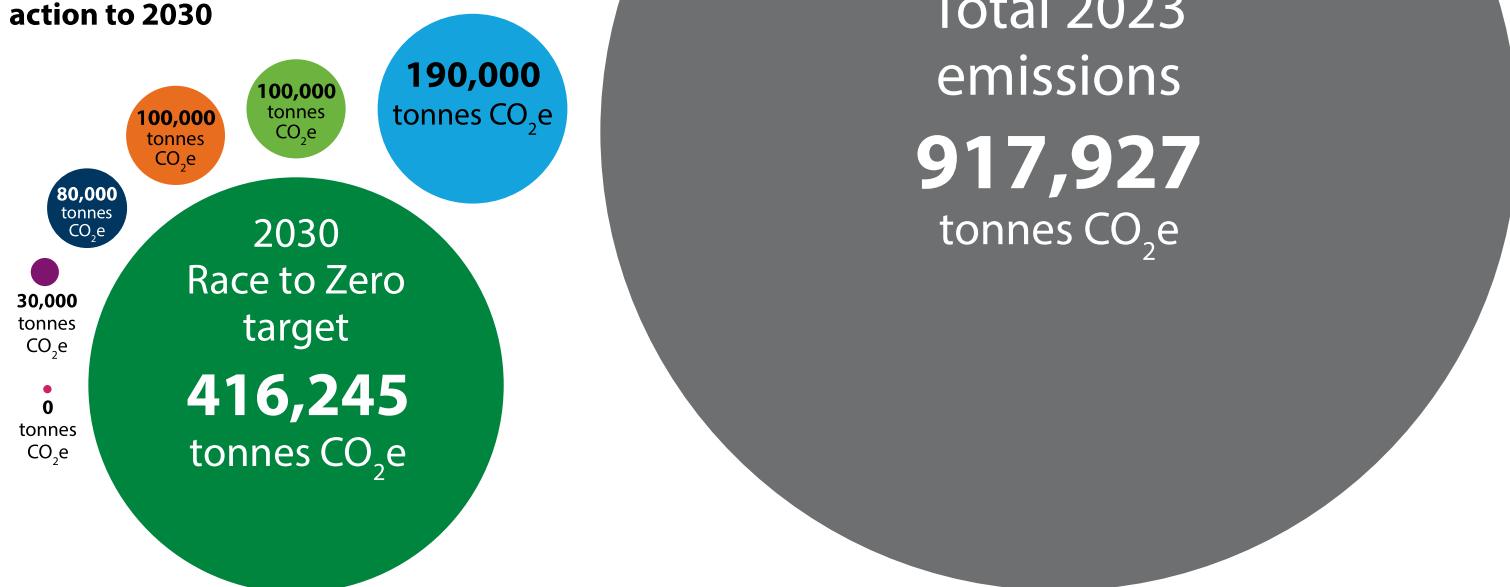


# What do we need to do?

## Guelph's Priority Climate Actions

The community GHG inventory data tells us that emissions come from all sectors: residential, commercial, institutional, industrial, transportation and waste management. Of the key focus areas mentioned earlier, there are priority climate actions that can result in a big drop to Guelph's GHG emissions.

### Carbon reduction potential of each priority climate action to 2030



#### Homeowners:

- Have **40,000** homes in Guelph change their heating systems to low carbon heat pumps

#### Builders and Developers:

- Design and build **all** new buildings that are more energy efficient and be net zero carbon

#### Vehicle owners:

- Replace **60,000** internal combustion vehicles with sustainable transport modes or electric vehicles

#### City:

- Manage and maintain fugitive emissions from waste management and wastewater treatment to reduce emissions by **30,000 tCO<sub>2</sub>e**

#### Companies:

- All industrial companies in Guelph must work together and focus resources to reduce sector emissions by **100,000 tCO<sub>2</sub>e**
- All commercial and institutional companies in Guelph must work together and focus resources to reduce sector emissions by **100,000 tCO<sub>2</sub>e**



## Homeowners: Have 40,000 homes in Guelph change their heating systems to low carbon heat pumps

A heat pump is an energy-efficient and low GHG emissions alternative to natural gas furnaces and hot water heaters. There are nearly 60,000 homes in Guelph. If 40,000 of these homes switched to a heat pump system for space heating and water heating it is estimated this collective action will reduce community GHG emissions by approximately 80,000 tCO<sub>2</sub>e. Several homes in Guelph have already made the switch. This is a great start and more climate action like this is needed.

## Builders and Developers: Design and build all new buildings that are more energy efficient and be net zero carbon

In Ontario, the law requires building construction to meet the Ontario Building Code (OBC). The OBC covers technical requirements for building design and construction such as heating, ventilation and air

conditioning, plumbing, and energy efficiency. The OBC sets minimum requirements for buildings and if new buildings in Guelph are designed and built to only meet the OBC minimum, they will add more GHG emissions to the inventory.

There are other building standards that meet and go beyond the OBC when it comes to energy efficiency. These higher standards are an opportunity to make buildings more comfortable, have lower utility costs, and be better at withstanding climate change. There are many examples of buildings in Guelph that used higher standards. If all new buildings in Guelph are designed and constructed to these higher building standards and have a net zero GHG emissions footprint, then new buildings will not add to the community GHG emissions.

## Companies: All industrial companies in Guelph must work together and focus resources to reduce sector emissions by 100,000 tCO<sub>2</sub>e

Reducing by 100,000 tCO<sub>2</sub>e amounts to approximately 50% of the industrial emissions. Industrial

### Get pumped about heat pumps!

Here are a few online resources for information on heat pumps:

- [Heating and cooling heat pumps–Natural Resources Canada](#)
- [Water heater guide–Natural Resources Canada](#)



### Better building standards:

Here are a few resources for green buildings standards:

- Zero Carbon Building Standard
- Canadian Home Builders' Association Net Zero Homes
- Energy Star Buildings
- Passive House Standard





companies in Guelph are already working to reduce energy usage and continue to implement energy efficiency and renewable energy measures because of the strong business case and environmental benefits. Many of these companies have also set their own climate targets to meet social responsibilities to communities and their customers. However, industrial processes can be very complex and can take significant resources. Continued effort is needed by the different industrial companies to further reduce emissions in the sector.

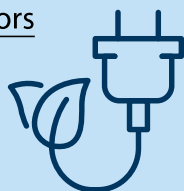
### **Companies: All commercial and institutional companies in Guelph must work together and focus resources to reduce sector emissions by 100,000 tCO<sub>2</sub>e**

Similar to the industrial sector, the commercial and institutional companies in Guelph contribute

#### **Smart money:**

There are energy efficiency rebates on offer, because it makes good business sense to save energy and reduce GHG emissions. Here are a few resources to learn more about energy rebate programs for businesses in Ontario:

- Save On Energy
  - » [For your small business](#)
  - » [For business and contractors](#)
- [Enbridge Incentives and Conservation Programs](#)



a big portion of GHG emissions to the community inventory. Reducing by 100,000 tCO<sub>2</sub>e amounts to approximately 50% of commercial and institutional sector emissions. Among the varying scale of companies within the sector, many organizations in the sector have set company-based climate targets and climate plans. Continued work is needed to further progress these plans and help motivate other companies that have yet to prioritize climate action.

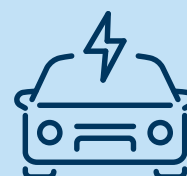
### **Vehicle owners: Replace 60,000 internal combustion vehicles with sustainable transport modes or electric vehicles**

Transportation within Guelph is the largest contributor of emissions among the different sectors. Using alternative ways to get around the city, such as cycling or taking public transit, greatly reduce transportation GHG emissions. Transitioning to electric vehicles is also an effective way to lower emissions by improving energy efficiency and using a cleaner energy source. There are roughly 100,000 vehicles in Guelph, and by replacing 60,000 of these internal combustion vehicles, reduce community emissions by approximately 190,000 tCO<sub>2</sub>e

#### **Electrify your ride:**

Here are a few online resources for more information on electric vehicles:

- [Buying an Electric Vehicle—Natural Resources Canada](#)
- [Plug N Drive](#)



## City: Manage and maintain fugitive emissions from waste management and wastewater treatment to reduce emissions by 30,000 tCO<sub>2</sub>e

The community makes different kinds of waste, such as wastewater and solid waste, that must be treated and processed. All of the wastewater from Guelph homes and businesses goes to the Water Resource Recovery Centre (WRRC) in Guelph, where it gets cleaned before going to the river to keep the environment healthy. Different wastewater treatment processes release GHG emissions. Guelph homes and businesses also create solid waste, with some of this waste being organic materials, such as food scraps and food waste. We separate organic waste by putting it in green bins, which are collected and sent to the Organic Waste Processing Facility (OWPF) in Guelph. This is where the organic waste is turned into compost and sold to farms, which improves soil and helps grow crops. GHG emissions are also released from different processes at the OWPF. In the past, organics were not separated from other solid waste. Because of this, more organic waste ended up in landfills, including at the Eastview Landfill in Guelph, which operated between 1961 and 2003. As organic waste sits in landfills, they break down and release landfill gas which contains methane, a more harmful type of greenhouse gas. At the Eastview Landfill, systems are maintained to gather as much of the landfill gas as possible and break it down further by burning it to make it less harmful.

Annual greenhouse gas emissions from processes at WRRC, OWPF and the Eastview Landfill site combined are around 38,000 tCO<sub>2</sub>e. It is important that these sites continue to be maintained and managed to reduce the release of GHG emissions.

### Learn more about how Guelph manages waste:

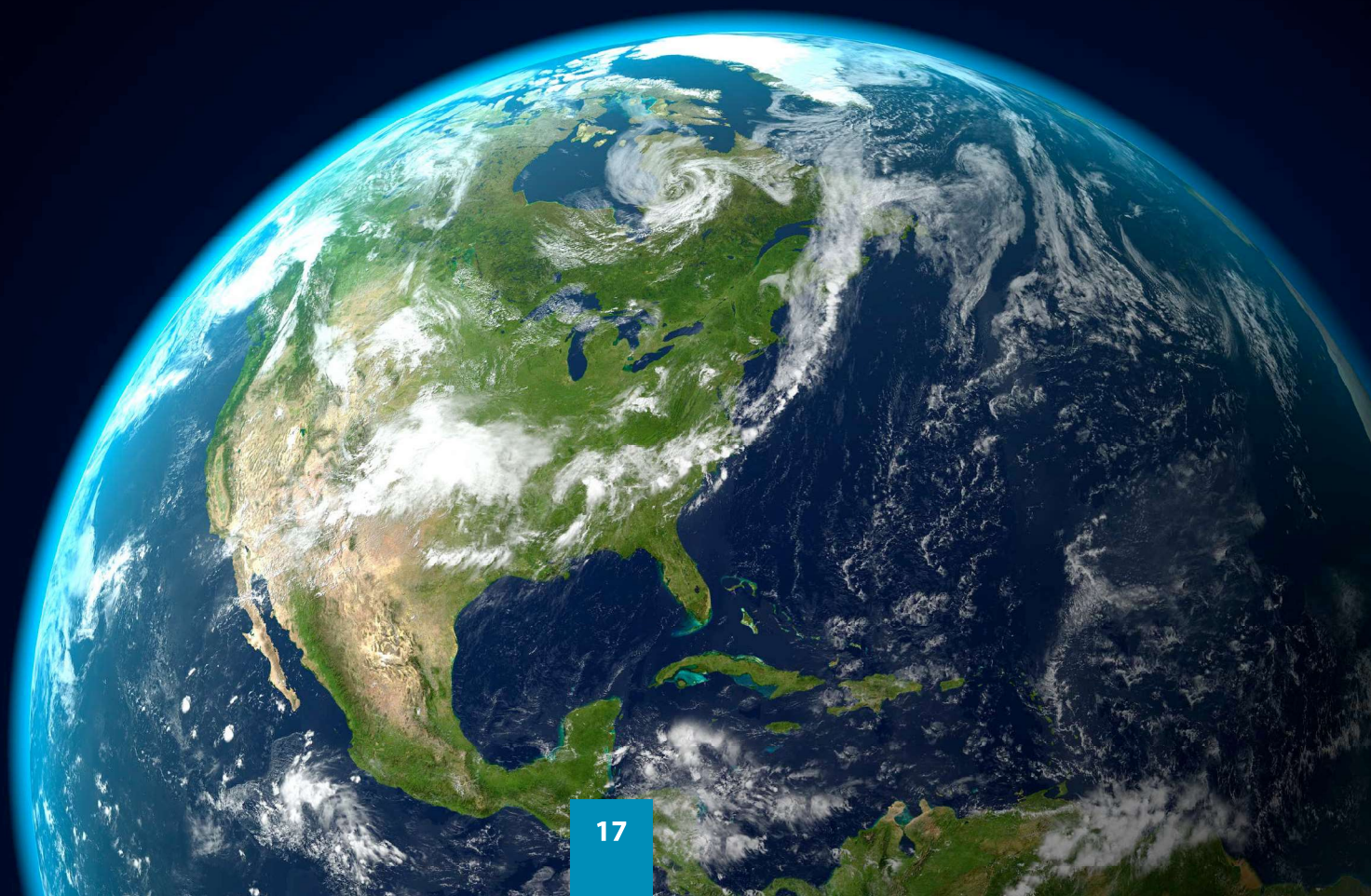
- [Wastewater Management in Guelph](#)
- [What happens to Guelph's waste?](#)



# Community Call to Climate Action

The climate science is clear: the earth's temperature is rising and we are in a climate crisis. All of us need to take action to reduce GHG emissions now.

This Community Call to Climate Action urges everyone in the community including residents, neighborhood groups, businesses, developers, public and non-governmental organizations and the local government to unite, focus and act on important local climate issues. We can all do our part to reduce GHG emissions to help meet our Race To Zero commitments.





**For more information**

1 Carden Street  
Guelph, ON N1H 3A1

519-822-1260  
TTY 519-826-9771

**[guelph.ca](http://guelph.ca)**

Accessible formats available upon request.

This is **Exhibit D** referred to in the affidavit of Indigo Moran sworn or affirmed before me on June 24, 2025.

A handwritten signature in blue ink, appearing to read 'Kate Siemiatycki', with a stylized flourish at the end.

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Commissioner for Taking Affidavits

Kate Siemiatycki

LSO No. 72392C



# Guelph's Race To Zero Community GHG Emissions



Guelph is part of the United Nations’ Race To Zero campaign for the whole community to reduce greenhouse gas (GHG) emissions:

- Reduce community GHG emissions by 63 per cent against the 2018 baseline by 2030\*
- Work together to become a net zero carbon community by 2050

**Large community targets like these mean that this isn’t just the responsibility of municipalities and utility companies—we all need to be part of the solution to fight climate change!**

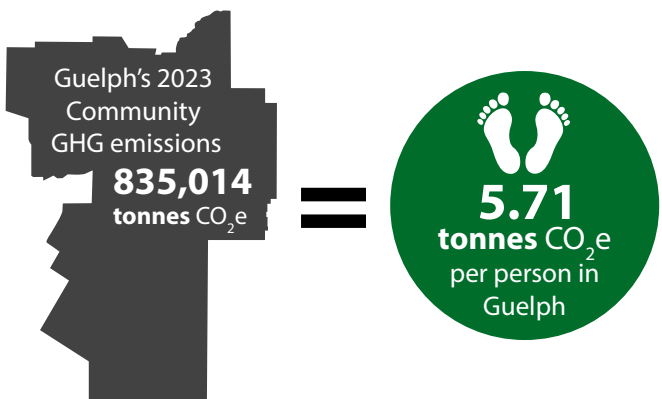
Year in review:

- 2022 GHG emissions are 7% lower than in 2018, but have increased by 8% (62,000 tonnes CO<sub>2</sub>e) when compared to 2021. **Community GHG emissions are going in the wrong direction! Collective action from all sectors is needed to reduce emissions!**
- Emissions from residential, institutional, commercial and industrial buildings have gone up by 8% when compared to 2021.
- Transportation emissions have increased for the second consecutive year and are up by 13% when compared to 2021.

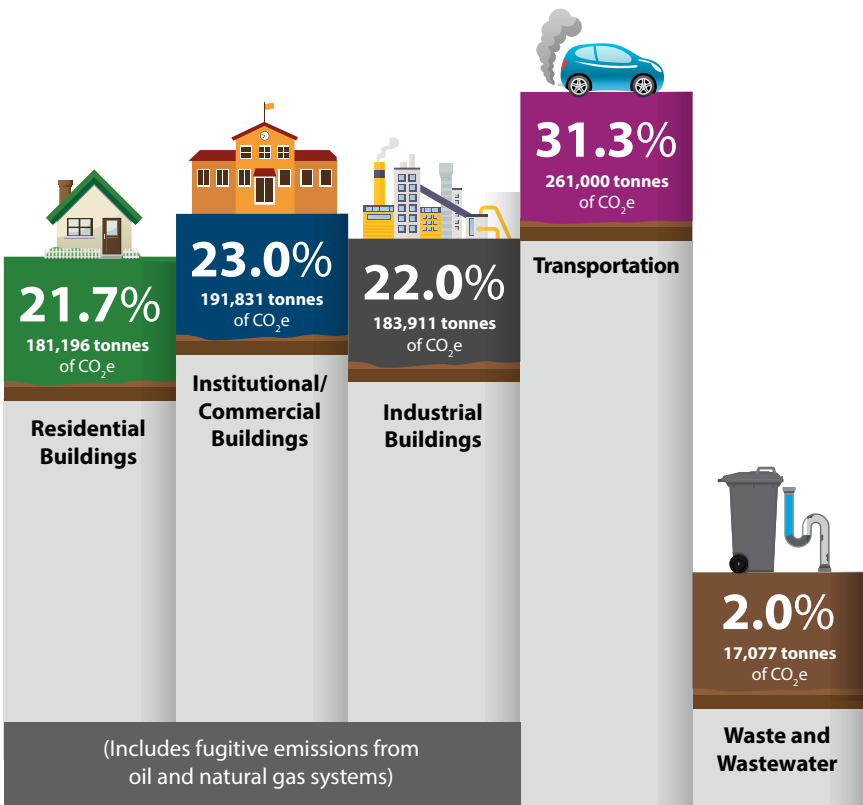
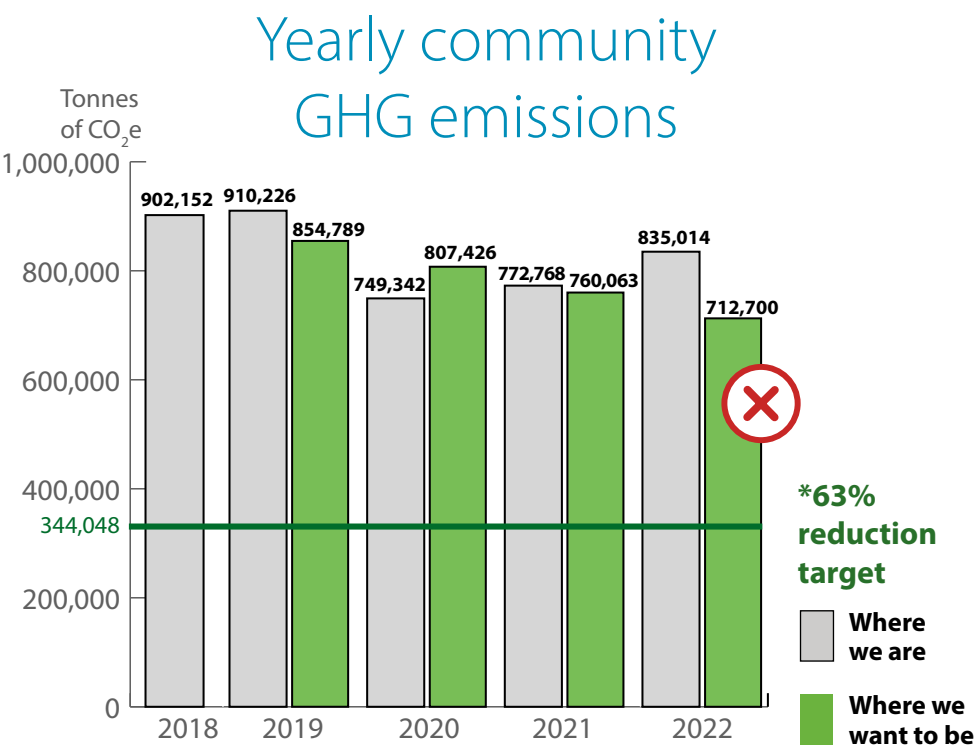
**The City of Guelph incorporates environmental stewardship in all municipal operations and services to support the Race To Zero targets by:**

- Reducing GHG emissions from municipal operations (Energy and Climate Change)
- Supporting and encouraging walking, cycling, carpooling, car-sharing and transit-use within Guelph (Sustainable Transportation)
- Leading in sustainable waste management (Solid Waste Resources)
- Protecting Guelph’s natural heritage system and urban forest (Urban Forest and Natural Heritage)
- Restoring clean water (Wastewater Services)
- Efficiently supplying high quality drinking water (Water Services)

The amount of GHG emissions the community emitted each year



Where in the community GHG emissions are coming from



\* 63 per cent reduction target applies to per capita emissions. Target line depicts GHG reduction based on 2018 population.  
All data and analysis are based on current information at the time this report was prepared.  
This information is subject to be updated from time to time.

# Energy and Climate Change

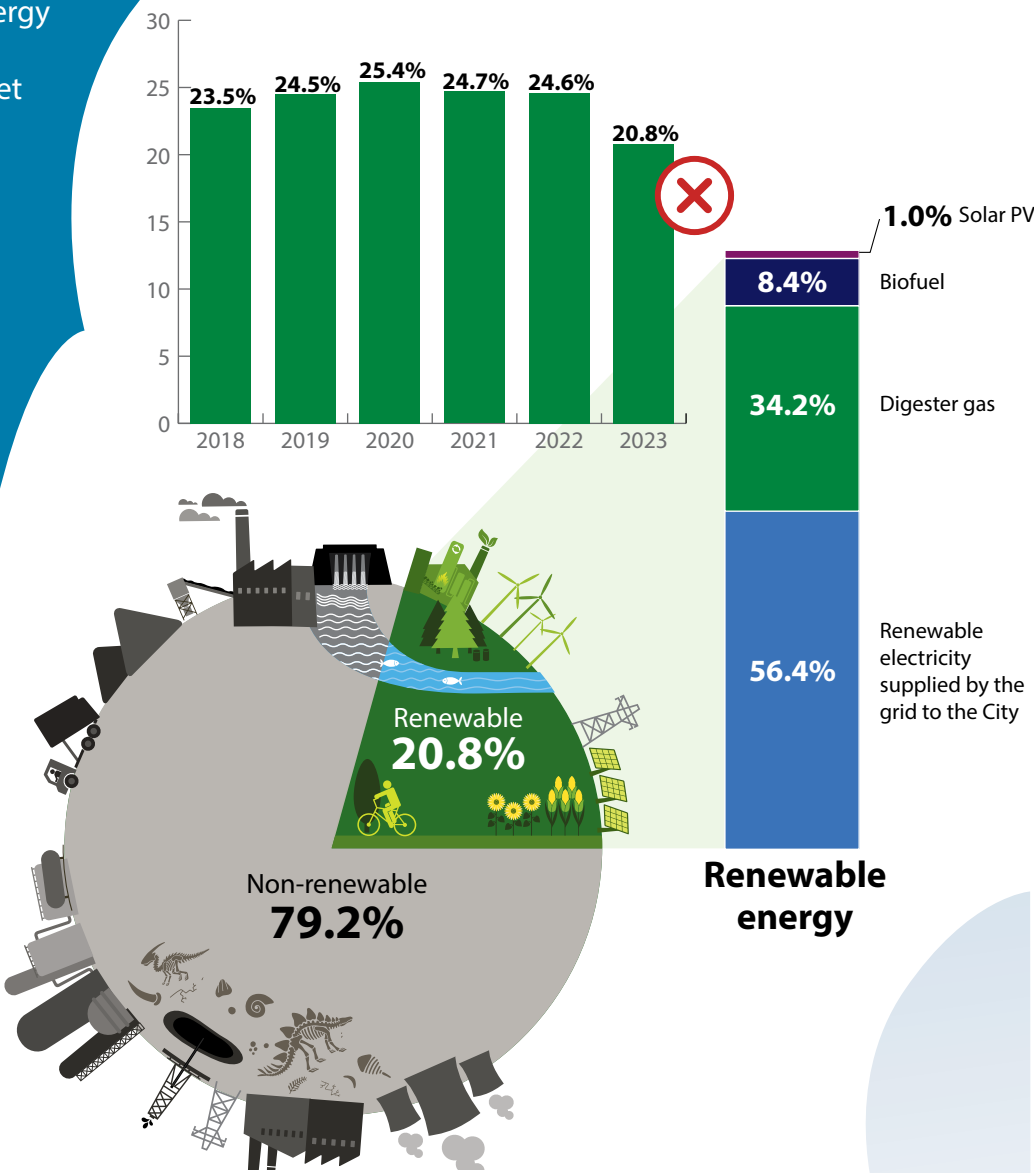
The City is taking an energy conservation and greenhouse gas (GHG) emissions reduction approach to reach our goal of having City facilities and operations using 100 per cent renewable energy (100RE) sources by 2050. This supports Guelph’s Race To Zero commitments to reduce emissions by 63% by 2030 and be a net zero carbon community by 2050.

## 2023 year in review

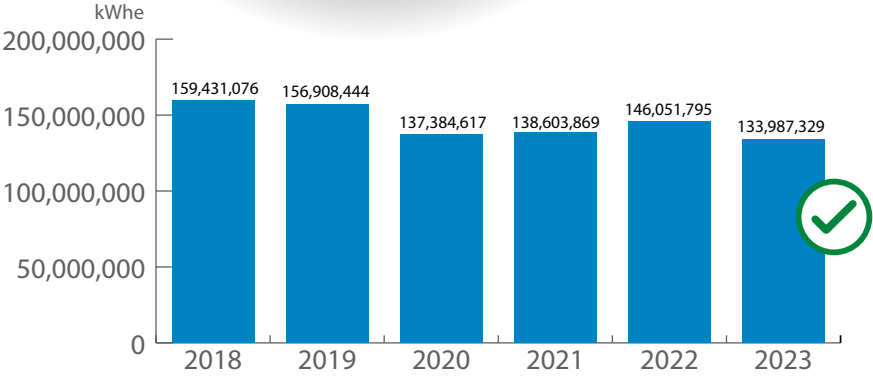
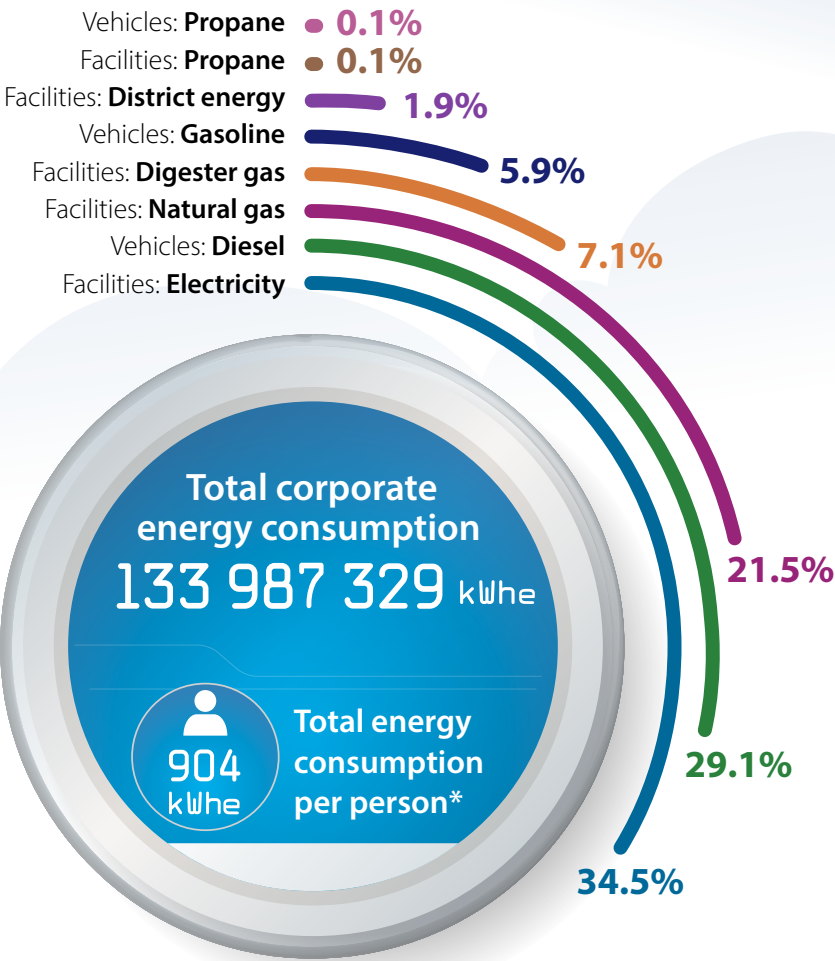
The City continues efforts to drive down GHG emissions and energy consumption:

- We’re bending the curve! Energy consumption is at the lowest level since setting the 2018 baseline!
- Overall emissions were down by 4% compared to last year and are 7% lower than the 2018 baseline year. We are making progress with past and ongoing initiatives, but need to continue with climate action!
- Facility emissions from natural gas use dropped by 14% in 2023 when compared to 2022.
- Renewable generation took a hit with digester gas volumes lower in 2023.
- Fleet emissions remained at similar levels to last year. As more emissions are coming from fleet vehicles, right-sizing and electrifying vehicles continues to play a key role in pushing these emissions down.

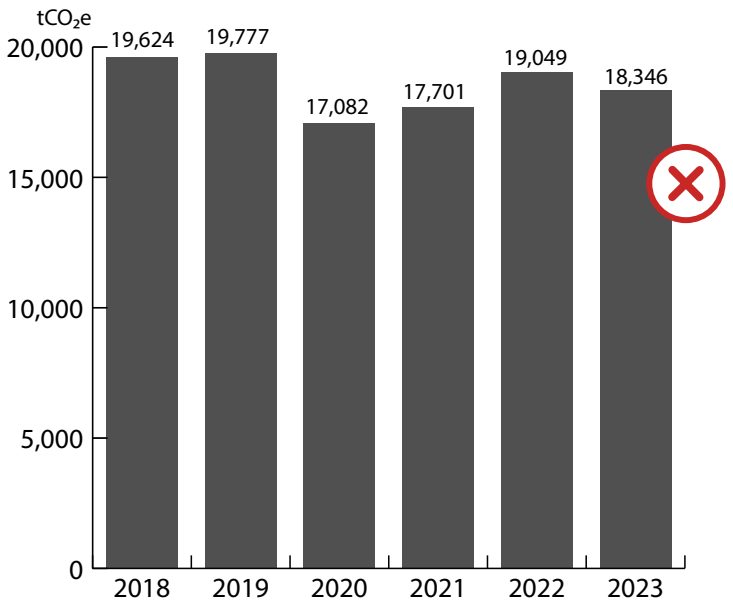
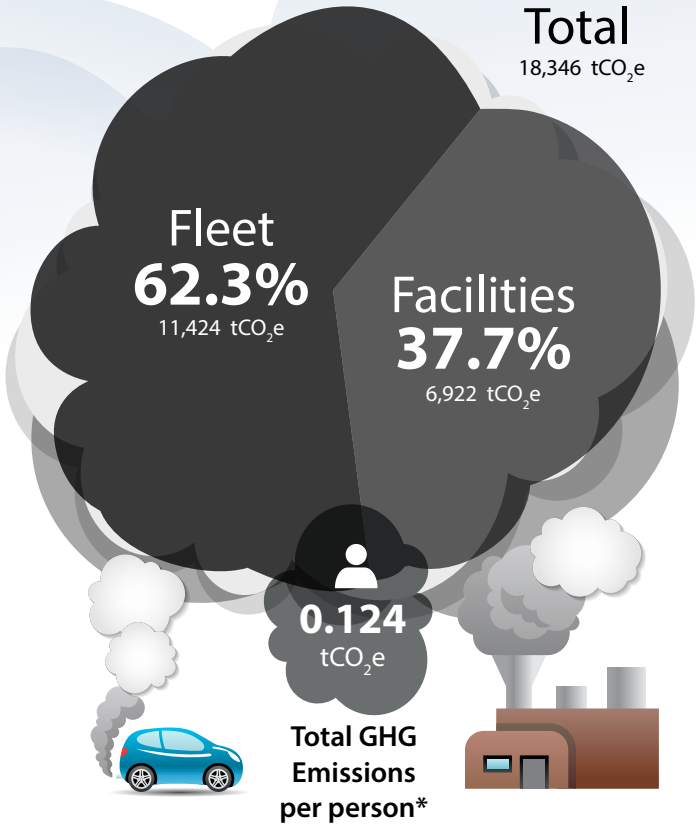
## 100 RE status



## Total corporate energy consumption



## Greenhouse gas emissions



Reported GHG emissions exclude biogenic CO<sub>2</sub> emissions.

\*based on 2022 City of Guelph population.

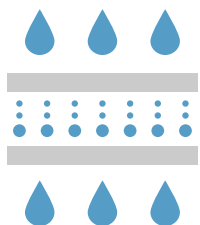
All data and analysis are based on current information at the time this report was prepared. This information is subject to be updated from time to time.

Accessible formats available by calling 519-822-1260 extension 2672 or TTY 519-826-9771.

# What we've done

## 2023 key project highlights

- Electricity savings
- Natural gas savings
- Other fuel savings
- Water savings
- Greenhouse gas emissions reduction
- Energy cost savings/year
- Project cost
- Project status



### Water Resource Recovery Centre aeration upgrades

Construction was completed with the multi-year aeration plant upgrades at the City's Water Resource Recovery Centre. The project included upgrading electrical infrastructure and replacing inefficient fixed speed blower equipment with dissolved oxygen controlled modulating blowers to optimize the treatment process, make it more reliable and significantly reduce energy use.

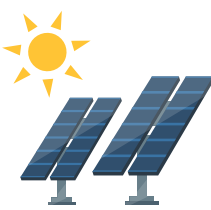
- 6,750,000 kWh/yr
- 202,500 kgCO<sub>2</sub>e/yr
- \$945,000
- \$10,500,000
- Complete



### Lighting upgrades - multiple locations

Several LED lighting upgrades were completed at locations including the Guelph Sports Dome, Fire Halls, Downtown street lighting, Riverside Greenhouse, and more. This has improved lighting conditions and help those energy savings blossom!

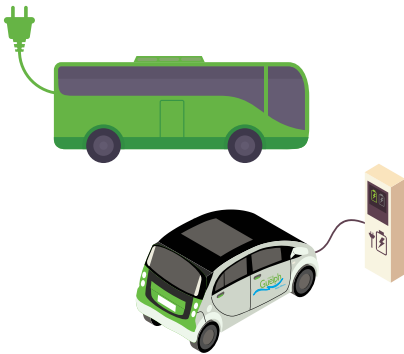
- 237,900 kWh/yr
- 7,100 kgCO<sub>2</sub>e/yr
- \$33,000
- \$850,000
- Complete



### Burke Well solar PV

Bring on the sun as we've got more solar at the Burke Well pumping station. This energy efficient pumping station just got a renewable energy boost with some rooftop solar.

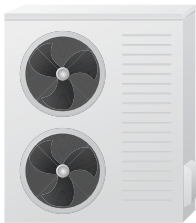
- 11,000 kWh/yr
- 300 kgCO<sub>2</sub>e/yr
- \$2,000
- \$39,000
- Complete



### Fleet electric vehicles

We've kept things rolling by replacing those gas guzzlers with electric vehicles, adding 8 more EVs and 7 more E-buses to join the fleet.

- 683,500 kWh/yr
- 5,200 L/yr gasoline  
264,000 L/yr diesel
- 732,600 kgCO<sub>2</sub>e/yr
- \$362,000
- \$11,000,000
- Complete



### Sports dome HVAC and heat pump

We've scored big time by getting the dome HVAC controls and equipment in tip top shape while also upgrading the office space with a full electric heat pump, energy recovery system and on-demand water heater.

- 15,980 m<sup>3</sup>/yr
- 30,900 kgCO<sub>2</sub>e/yr
- \$6,000
- \$38,000
- Complete



### ISO 50001 certification

The City of Guelph is the first municipality in Canada to achieve corporate-wide certification to the globally recognized ISO 50001 Energy Management Systems Standard, which confirms that the City is:

- Setting clear energy targets for the whole organization that support climate change mitigation efforts in everyday operations.
- Continuously monitoring and evaluating energy use and GHG emissions.
- Using data to make informed decisions to improve energy efficiency.
- Taking action to improve processes and upgrade equipment to reduce energy use and GHG emissions.



### Guelph Greener Homes Program

The City started a program, with support from the Federation of Canadian Municipalities, that offers interest free loans and low income household grants to Guelph residents to do energy efficiency home improvements. This will help Guelph homeowners get projects done like add insulation, upgrade to heat pumps, and install solar panels, all to reduce GHG emissions in the community while saving households money with their utility costs.



### Public Works and Maintenance Facility heat pumps

More heat pumps at our Public Works and Building Maintenance facilities to reduce GHG emissions while supporting the critical work they do everyday.

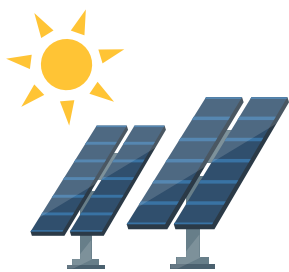
- 3,300 kWh/yr
- 13,620 m<sup>3</sup>/yr
- 26,200 kgCO<sub>2</sub>e/yr
- \$5,000
- \$333,000
- Complete



# What we're planning

## 2024 key prospect highlights

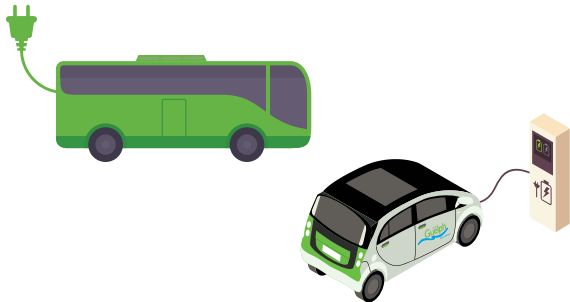
- Electricity savings
- Natural gas savings
- Other fuel savings
- Water savings
- Greenhouse gas emissions reduction
- Energy cost savings/year
- Project cost
- Project status



### River Run solar PV expansion

Construction is underway to do a solar panel encore! By adding more solar panels to the roof of the River Run Centre, they will generate more renewable energy for that 'electric' performance!

- 176,600 kWh/yr**
- 5,300 kgCO<sub>2</sub>e/yr**
- \$25,000**



### More fleet EVs and chargers

We're gearing up to replace more gas engine vehicles with 7 more fleet EVs and charging equipment to keep them going. Let the fuel savings and GHG emissions reduction keep rolling in!

- 29,100 kWh/yr**
- 18,900 L/yr gasoline**
- 46,500 kgCO<sub>2</sub>e/yr**
- \$22,400**



### River Run recommissioning

We're setting the stage at the River Run Centre by recommissioning the heating and cooling hydronic systems so we can save energy while the performances keep bringing the house down!

- 47,800 kWh/yr**
- 10,480 m<sup>3</sup>/yr**
- 22,400 kgCO<sub>2</sub>e/yr**
- \$11,000**



### More lighting upgrades—multiple locations

LED lighting upgrades are planned for more locations including Eastview Park, Organic Waste Processing Facility, Downtown streetlights and more. This will improve lighting conditions and help light up the town!

- 59,300 kWh/yr**
- 1,800 kgCO<sub>2</sub>e/yr**
- \$8,000**



### Guelph Central Library—Zero Carbon Building

Construction will start for the new Guelph Central Library, which is the first library in Canada certified to the Zero Carbon Building design standard. This will be a low carbon destination for the community to create, innovate, congregate and enjoy.

- 122,000 kWh/yr**
- 36,230 m<sup>3</sup>/yr**
- 64,700 kgCO<sub>2</sub>e/yr**
- \$3,000**



### South End Community Centre—Zero Carbon Building

Construction of the new South End Community Centre will begin and will meet the Zero Carbon Building design standard. Design elements have been included to make this a low carbon, high performance building, so we can save lots of building energy and use our energy towards the things that count like having fun swimming lessons and cheering on those buzzer beaters!

- 1,290,300 kWh/yr**
- 42,300 kgCO<sub>2</sub>e/yr**
- \$155,000**

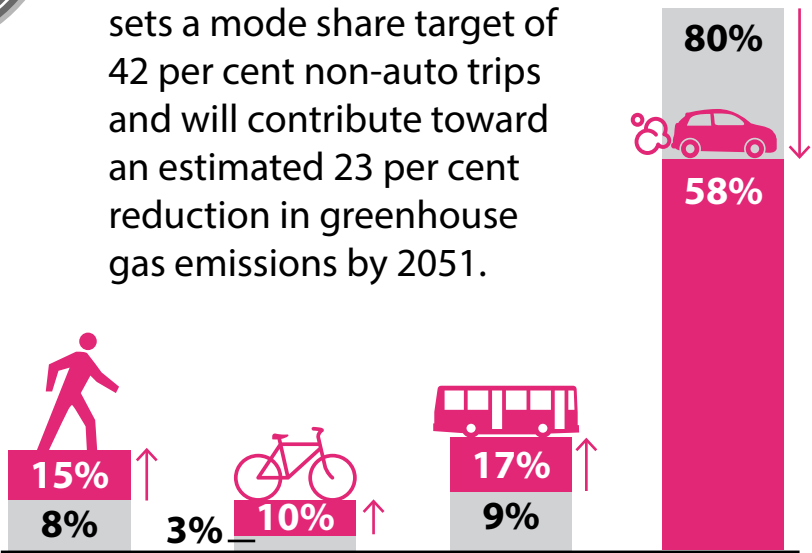
# Sustainable Transportation

Sustainable Transportation supports the development and implementation of programs, policies and infrastructure to support walking, cycling, carpooling, car-sharing and transit-use within Guelph.

The goal of the Sustainable Transportation program is to increase the daily trips made by non-auto modes of transportation.

## Shaping the future of transportation in Guelph

The 2022 Transportation Master Plan lays out how residents and visitors will move through the city over the next three decades. It sets a mode share target of 42 per cent non-auto trips and will contribute toward an estimated 23 per cent reduction in greenhouse gas emissions by 2051.

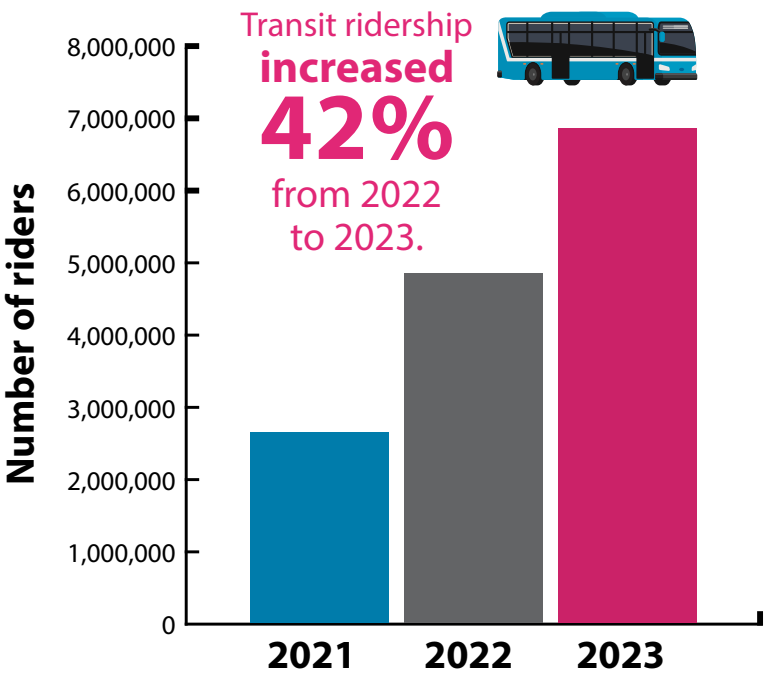


■ 2051 targets

■ 2016 percentages

Source: 2016 Transportation Tomorrow Survey

## Growing transit ridership

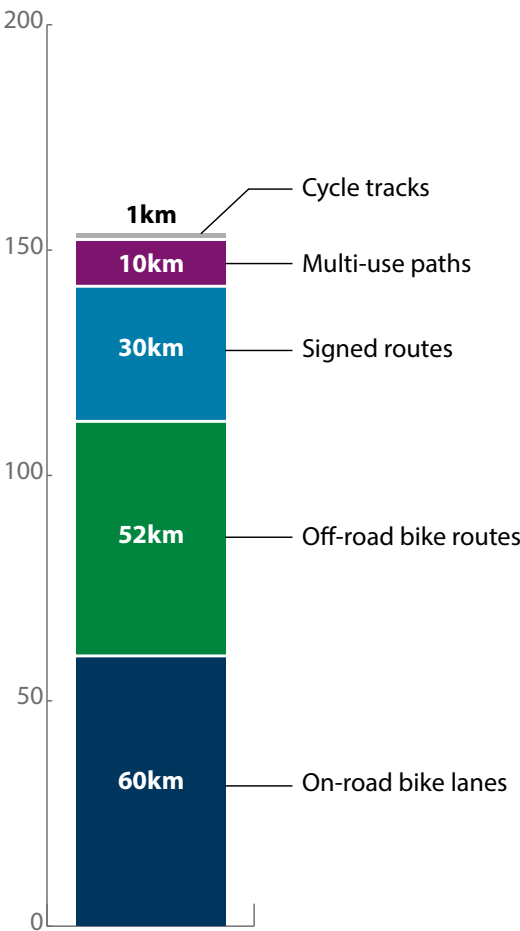
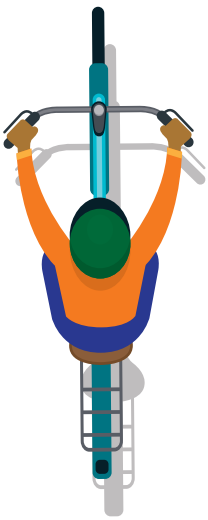


Note: 2021 was unusually low due to COVID.

## Expanding the cycling network

**9% ↑**  
**153 km**  
**in 2023**

**139 km**  
**existing**  
**in 2022**



## Measuring active transportation



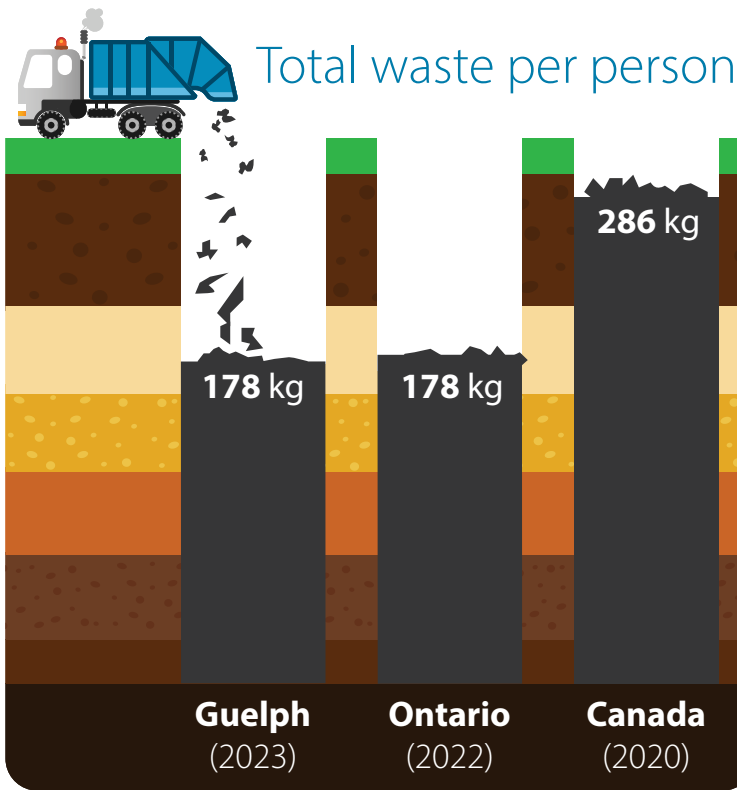
The City gathered continuous pedestrian and cyclist count data at 32 intersections across the city. We use the data to help us make informed decisions about future sustainable transportation projects.

# Solid Waste Resources

In 2023, the City continued to build on Guelph's leadership in sustainable waste management.

In 2023...

- Guelph residents disposed of about 108 kg less waste per person compared to the national average.
- Guelph residents diverted 55 per cent of their waste away from landfill through proper sorting. Enhanced communications to households through promotion and education tactics will help improve sorting and the City's curbside diversion rate.
- The City's organic waste processing facility diverted 30,330 tonnes of organics from landfill, which was converted into 8,490 tonnes of finished compost. The 2023 tonnage does not include yard waste that is received for composting off site.
- Each household in Guelph disposed an average of 283 kg of waste in 2023. More work needs to be done for the City to reach its 2030 target of 250 kg of waste per household.



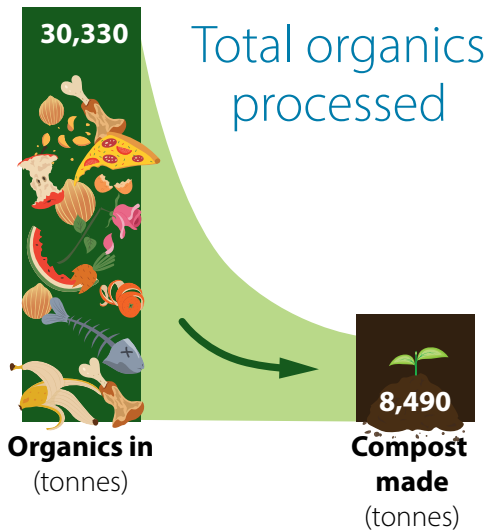
**18,320** (2022)  
**tonnes of CO<sub>2</sub>e**  
emissions was reduced by capturing landfill gas used to generate electricity and is equivalent to taking 5613 cars off the road for a year per Natural Resources Canada's Greenhouse Gas Equivalencies Calculator.

## Total residential waste collected at the curb (tonnes)



**19,635** (2022)  
**tonnes of CO<sub>2</sub>e**  
emissions was reduced by capturing landfill gas used to generate electricity and is equivalent to taking 6015 cars off the road for a year per Natural Resources Canada's Greenhouse Gas Equivalencies Calculator.

Total waste generated = 283 kg per household  
The City's 2030 target = 250 kg per household



**55%**  
of Guelph's curbside waste was diverted from landfill through proper sorting



## Solid Waste Management Master Plan and the Circular Economy

- The SWMMP is focusing on supporting a circular economy, waste reduction policies and service level reviews, enhanced promotion and education, and community sharing and repair initiatives and has advanced:
- Supporting the circular economy by developing a Circular Economy Policy and Supporting Framework,
  - Implementing the Zero Waste Economy Transformation Lab to reduce or redirect waste from construction, renovation and demolition (CRD) materials,
  - Preparing for the Blue Box Program transition to full producer responsibility,
  - Developing the Single-Use Items Reduction Strategy and ban,
  - Piloting a curbside "gold star" recognition program to improve food waste diversion, and
  - Collaborating with Guelph Tool Library on community repair cafes, car seat recycling and Guelph's Largest Clothing Swap.





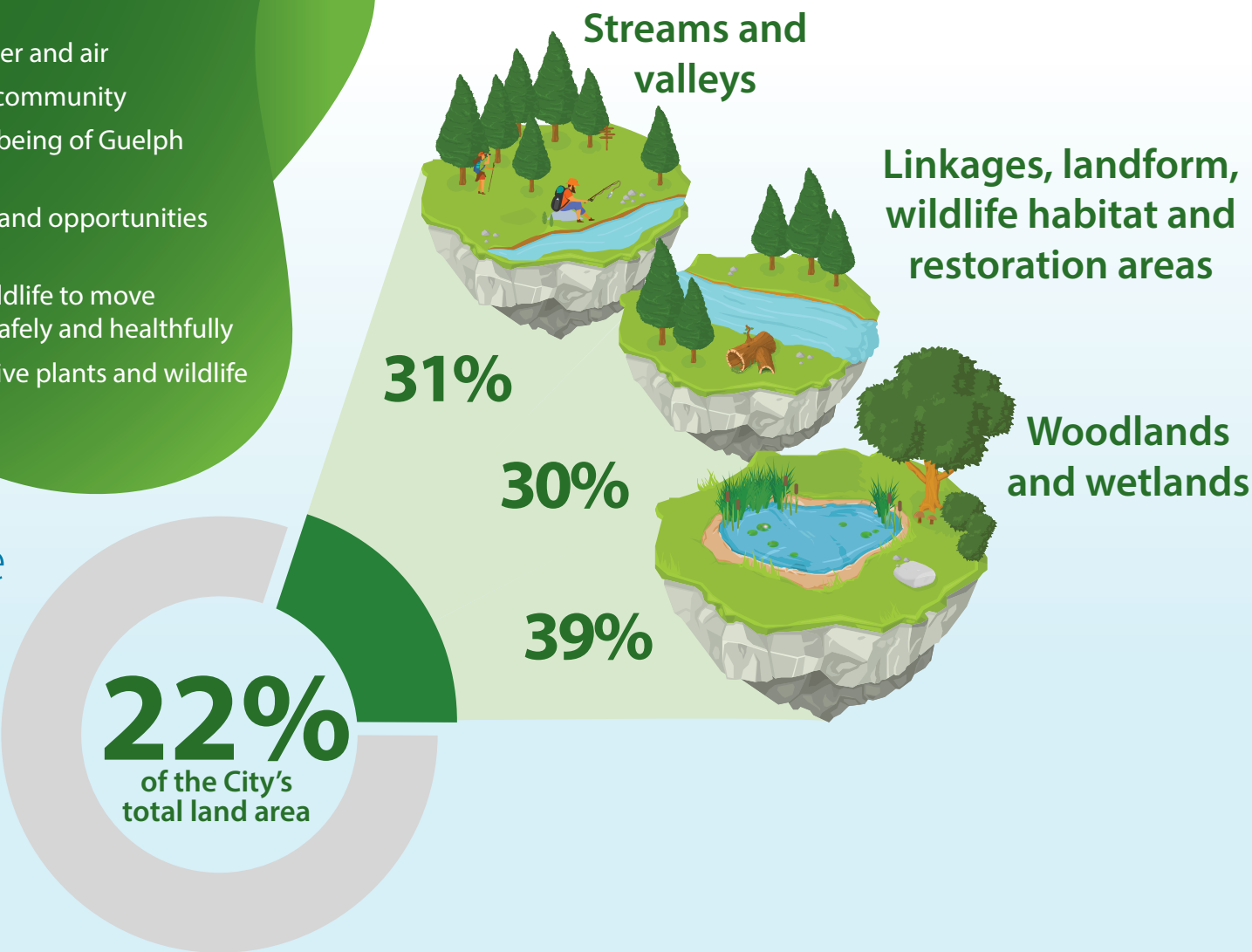
# Urban Forest and Natural Heritage

The City maintains, protects and restores Guelph's natural heritage system and urban forest which helps us to:

- reduce pollutants in the water and air
- save energy by cooling our community
- support the health and wellbeing of Guelph residents
- provide recreational spaces and opportunities for outdoor activities
- allow for local plants and wildlife to move throughout their lifecycles safely and healthfully
- support a wide range of native plants and wildlife
- mitigate floods

## Natural heritage system

**Guelph's natural heritage makes up 1/5 of Guelph's land area**

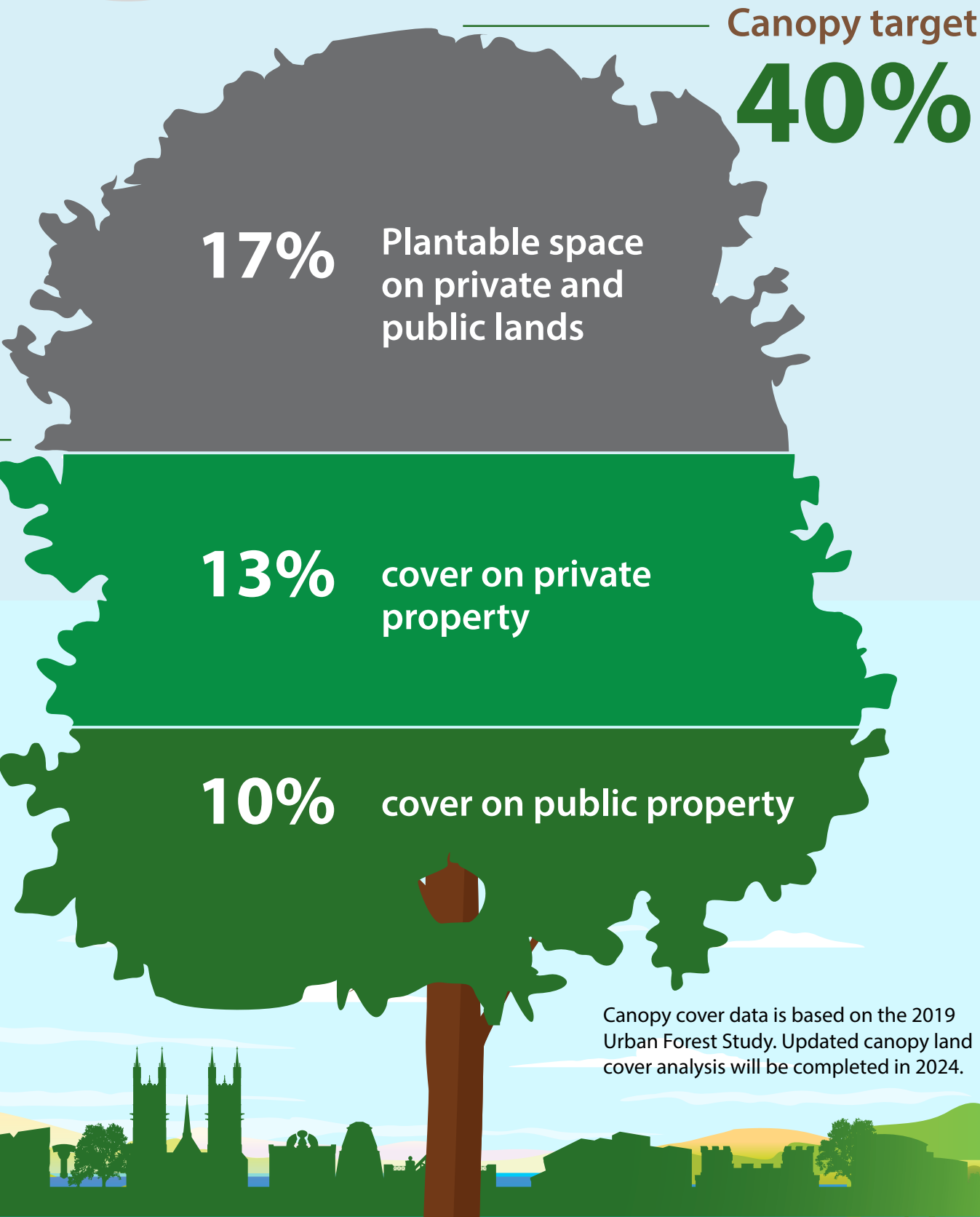


## Urban forest

**Guelph's urban forest provides valuable ecological, social and economical benefits to the community**

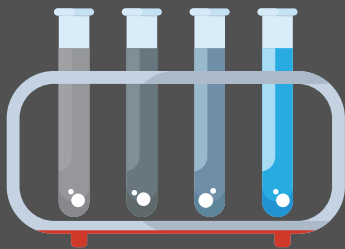
Canopy cover is **23%**  
of the City's total land area

**Most canopy cover is in woodlands, natural areas and mature neighbourhoods**

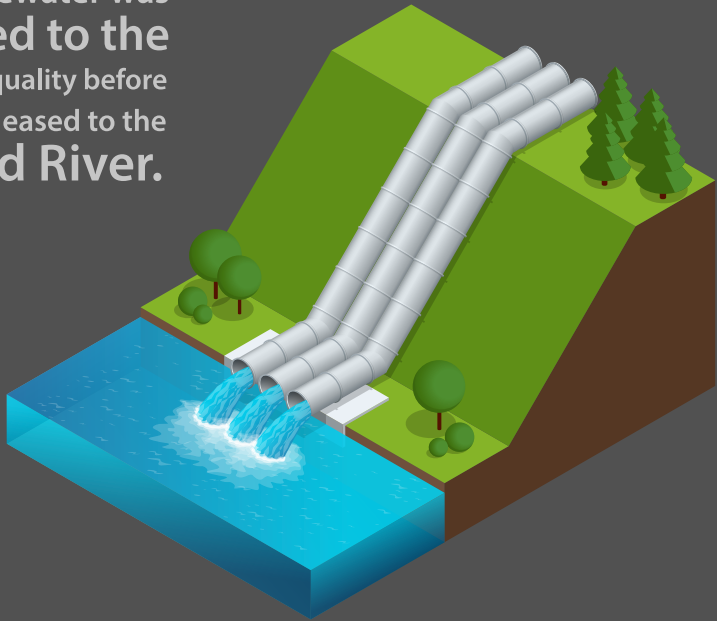


# Wastewater Services

Environmental stewardship drives all of the City's Wastewater Services programs. Whether it be reusing digester gas (methane) and biosolids (organic solids removed from sewage) recovered from the treatment process to power our water resource recovery center, or developing new educational programs to engage with our community, we're continually finding new ways to improve our processes to reduce our environmental footprint.



**19.6** billion litres **= 53.8** million litres per day!  
of wastewater was treated to the highest quality before being released to the Speed River.



**1,407,589 m<sup>3</sup>** of reused digester gas powered the Water Resource Recovery Center. That's enough to power **1,056 houses**

**3,972 tonnes** of biosolids were reused by farmers as fertilizer.



**100 per cent** of biosolids from the Water Resource Recovery Center were diverted from landfills.

# Water Services

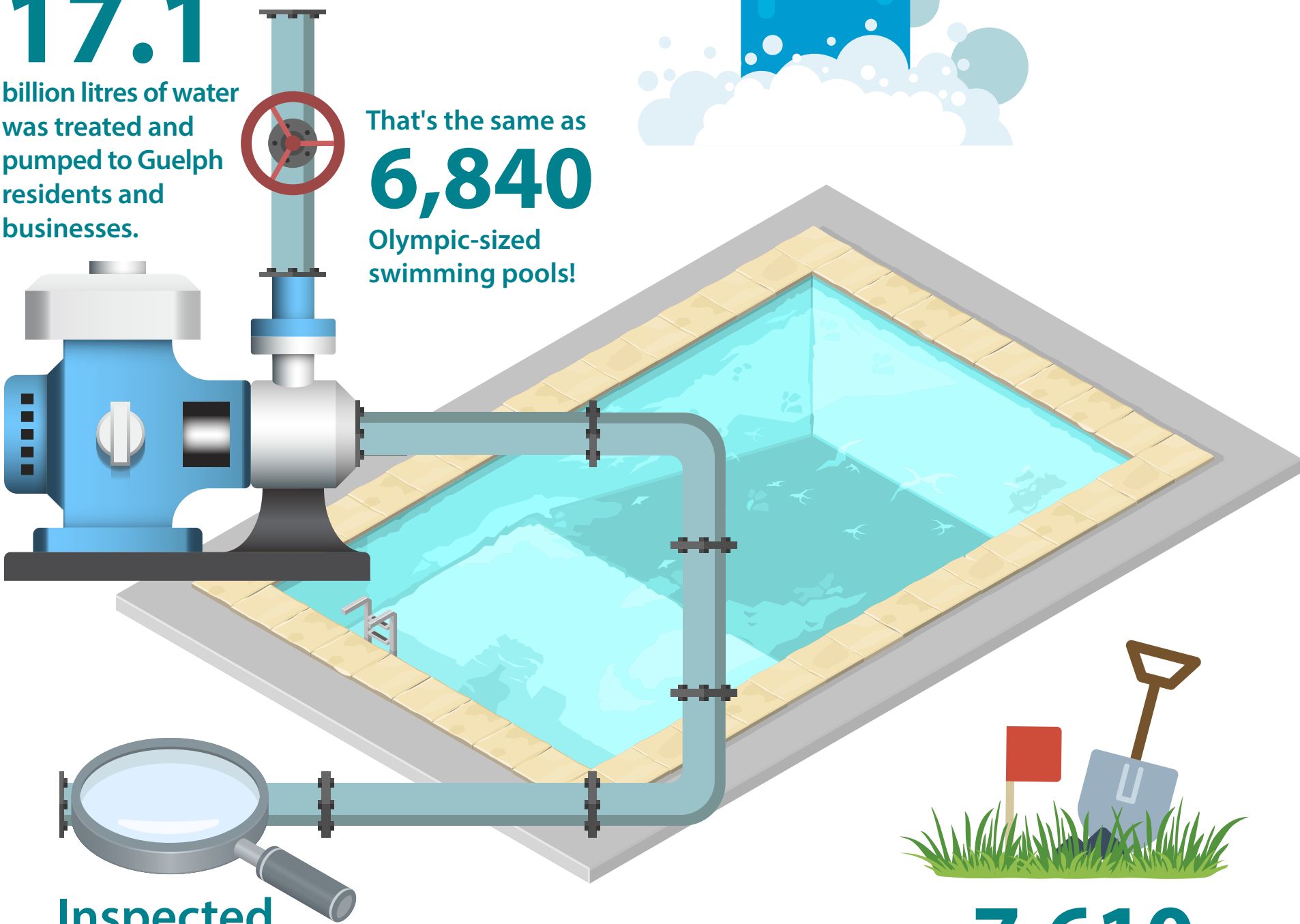
The City provides Guelph residents with safe, high quality drinking water while meeting or exceeding, and continually improving on legal, operational and quality management system requirements.

## 2023 Year in Review

This year, the City treated and pumped 0.63 per cent more water than in 2022. Average annual consumption has increased by 2.4 per cent with a population growth of 15.8 per cent from 2013 to 2022. In June, Council approved an update to the Water Supply Master Plan. This plan ensures the City's water supply meets the needs of current and future demands.

**17.1**  
billion litres of water  
was treated and  
pumped to Guelph  
residents and  
businesses.

That's the same as  
**6,840**  
Olympic-sized  
swimming pools!



Inspected  
**545**  
kilometers  
of watermain  
for leakage and  
reclaimed  
**40m<sup>3</sup>**  
per day  
from found  
underground  
leaks.

**84,790**  
litres of water is saved per day  
through water-efficiency programs  
including water loss management!



**7,610**  
water utility locates  
completed to prevent  
damage to City water  
infrastructure and our  
natural environment.



This is **Exhibit E** referred to in the affidavit of Indigo Moran sworn or affirmed before me on June 24, 2025.

A handwritten signature in blue ink, appearing to read 'K. Siemiatycki', is positioned above a horizontal line.

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Commissioner for Taking Affidavits  
Kate Siemiatycki  
LSO No. 72392C



## **Minutes of Guelph City Council**

**November 26, 2024, 5:30 p.m.**  
**Council Chambers**  
**Guelph City Hall, 1 Carden Street**

**Council:**

Mayor C. Guthrie  
 Councillor P. Allt  
 Councillor C. Billings  
 Councillor L. Busuttil  
 Councillor L. Caron  
 Councillor E. Caton  
 Councillor K. Chew  
 Councillor C. Downer  
 Councillor D. Gibson  
 Councillor R. Goller  
 Councillor C. Klassen  
 Councillor D. O'Rourke  
 Councillor M. Richardson

**Staff:**

T. Baker, Chief Administrative Officer  
 C. Clack-Bush, Deputy Chief Administrative Officer, Public Services  
 J. Holmes, Deputy Chief Administrative Officer, Infrastructure, Development and Environment  
 T. Lee, Deputy Chief Administrative Officer, Corporate Services  
 J. Charles, General Manager, Legal and Court Services, City Solicitor  
 T. Gayman, General Manager, Engineering and Transportation Services  
 K. Gibson, Manager, Technical Services  
 D. McMahon, Acting General Manager, City Clerk's Office/City Clerk  
 C. Murray-Sprague, Council and Committee Coordinator  
 A. Sandor, Council and Committee Coordinator



S. Osborn, Administrative Coordinator

Also Present: John Mascarin, Integrity Commissioner

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## **2. Call to Order**

Mayor Guthrie called the meeting to order (5:30 p.m.).

### **2.1 Disclosure of Pecuniary Interest and General Nature Thereof**

Councillor Caron declared pecuniary interest as she has a family member that is a member of CUPE 241.

Councillor Downer declared pecuniary interest as she has a family member that is a member of CUPE 973.

## **3. Authority to move into closed meeting**

Moved By Councillor Allt

Seconded By Councillor Klassen

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239(2)(b)(d) of the Municipal Act, regarding personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations.

Voting in Favour: (12): Mayor Guthrie, Councillor Allt, Councillor Billings, Councillor Busuttil, Councillor Caron, Councillor Caton, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Klassen, Councillor O'Rourke, and Councillor Richardson

Carried (12 to 0)

The following items were considered:

### **3.1 Call to Order (closed meeting)**

### **3.2 Disclosure of Pecuniary Interest and General Nature Thereof (closed items)**

### **3.3 Confirmation of Closed Council Minutes**

### **3.4 November 2024 Public Appointments – The Elliott Community Board of Trustees**

### **3.5 Bargaining Mandate Report Canadian Union of Public Employees Local 241 and 973, 2024-506**

#### **4. Closed Meeting Summary**

Mayor Guthrie called the open meeting to order (6:00 p.m.).

Mayor Guthrie spoke regarding the matters discussed in closed session and identified the following:

##### **Bargaining Mandate Report Canadian Union of Public Employees Local 241 and 973**

Council received information and provided staff direction.

##### **November 2024 Public Appointments – The Elliott Community Board of Trustees**

Moved By Councillor O'Rourke

Seconded By Councillor Busuttil

1. That Joanne Hohenadel and Lisa Woolley be appointed to The Elliott Community Board of Trustees for a 3-year term ending November 26, 2027, or until such time as a successor is appointed.

Voting in Favour: (13): Mayor Guthrie, Councillor Allt, Councillor Billings, Councillor Busuttil, Councillor Caron, Councillor Caton, Councillor Chew, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Klassen, Councillor O'Rourke, and Councillor Richardson

Carried (13 to 0)

#### **5. Open Meeting – 6:00 p.m.**

##### **5.4 Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

#### **6. Recognition**

##### **6.1 Community Presentation – Nathan Skoufis**

Mayor Guthrie congratulated Nathan Skoufis for winning Gold in the world championships.

#### **7. Confirmation of Open Minutes**

Moved By Councillor Busuttil

Seconded By Councillor Allt

1. That the minutes of the open Council Meetings held October 8, 29, 30, 2024, and the Committee of the Whole Meeting held October 1, 2024, be confirmed as recorded and without being read.

Voting in Favour: (13): Mayor Guthrie, Councillor Allt, Councillor Billings, Councillor Busuttil, Councillor Caron, Councillor Caton, Councillor Chew, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Klassen, Councillor O'Rourke, and Councillor Richardson

Carried (13 to 0)

## **8. Items for Discussion**

### **8.1 Report to Council re Code of Conduct: Gifts and Benefits - November 19 2024**

John Mascarin, Integrity Commissioner, introduced Report to Council re Code of Conduct: Gifts and Benefits - November 19 2024.

Moved By Councillor Klassen

Seconded By Councillor Gibson

1. That the report to Council re Code of Conduct: Gifts and Benefits dated November 19, 2024, be received.

Voting in Favour: (13): Mayor Guthrie, Councillor Allt, Councillor Billings, Councillor Busuttil, Councillor Caron, Councillor Caton, Councillor Chew, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Klassen, Councillor O'Rourke, and Councillor Richardson

Carried (13 to 0)

### **8.2 Code of Conduct Amendment in Relation to Integrity Commissioner Report to Council re Code of Conduct Gifts and Benefits**

Mayor Guthrie introduced Code of Conduct Amendment in Relation to Integrity Commissioner Report to Council re Code of Conduct Gifts and Benefits.

Moved By Councillor Goller

Seconded By Councillor Richardson

1. That Section 5 of the Code of Conduct for Council and Local Boards be amended to include an exception for 'food, lodging, transportation and entertainment provided by third-party organizations for attendance at events which are targeted to a municipal government audience' and, when the total benefit

exceeds \$300, require reporting in the City Council and Local Boards Gift Disclosure within 30 days.

### **Amendment**

Moved By Councillor O'Rourke

Seconded By Councillor Richardson

1. That Section 5 of the Code of Conduct for Council and Local Boards be amended to include an exception for 'food, lodging, transportation and entertainment provided by third-party organizations for attendance at events which are targeted to a municipal government audience **with the prior approval of City Council when the benefit exceeds \$300' and, when the total benefit exceeds \$300**, require reporting in the City Council and Local Boards Gift Disclosure within 30 days.
2. **That, in accordance with Section 5 of the Code of Conduct for Council and Local Boards, City Council approves an exception for food, lodging, transportation and entertainment provided by the Global Covenant of Mayors to Mayor Guthrie for attendance at events which are targeted to a municipal government audience**

Voting in Favour: (4): Councillor Caron, Councillor Caton, Councillor O'Rourke, and Councillor Richardson

Voting Against: (9): Mayor Guthrie, Councillor Allt, Councillor Billings, Councillor Busuttil, Councillor Chew, Councillor Downer, Councillor Gibson, Councillor Goller, and Councillor Klassen

Defeated (4 to 9)

### **Main Motion**

Moved By Councillor Goller

Seconded By Councillor Richardson

1. That Section 5 of the Code of Conduct for Council and Local Boards be amended to include an exception for 'food, lodging, transportation and entertainment provided by third-party organizations for attendance at events which are targeted to a municipal government audience' and, when the total benefit exceeds \$300, require reporting in the City Council and Local Boards Gift Disclosure within 30 days.

Voting in Favour: (13): Mayor Guthrie, Councillor Allt, Councillor Billings, Councillor Busuttil, Councillor Caron, Councillor Caton, Councillor Chew, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Klassen, Councillor O'Rourke, and Councillor Richardson

Carried (13 to 0)

### **8.3 Municipal Franchise Agreement with Enbridge Gas Inc. - 2024-416**

The following delegates spoke:

Indigo Moran

Murray Costello and Patrick McMahon

Henry Moran and Gyruss Valeriotte

Gaby Kalapos

Gina Lammel

Evan Ferrari

Moved By Councillor Caron

Seconded By Councillor Klassen

1. That the report entitled Municipal Franchise Agreement with Enbridge Gas Inc. dated November 5, 2024, be received for information.
2. That Council request the Province of Ontario to amend section 9 of Regulation 584/06 under the Municipal Act, 2001, to permit municipalities to charge fair fees to for-profit gas utilities for their use of public property, as municipalities do in most other provinces.
3. That Council direct staff, to the satisfaction of the DCAO of IDE, to negotiate a Franchise Agreement with the gas distribution company that:
  - a. will allow the City of Guelph to charge fees for use of public property if and when Ontario Regulation 584/06 is amended to allow such charges,
  - b. will ensure that the City of Guelph is not liable to pay for any gas infrastructure relocations needed due to conflicts with municipal infrastructure, and

- c. will ensure future charges for use of municipal property is not passed on to Guelph customers of the gas distribution company.
- 4. That the City of Guelph supports, in principle, the Bill 219, "No Free Ride for Fossil Fuels Act, 2024" tabled November 4, 2024 by Guelph MPP Mike Schreiner.
- 5. That the above referenced motions and a letter of support for Bill 219, be circulated to MPP Mike Schreiner, Premier Doug Ford, Minister of Municipal Affairs and Housing, Paul Calandra, Stephen Lecce, Minister of Energy and Electrification, the Ontario Big City Mayors (OBCM), the Association of Municipalities of Ontario, and its member municipalities.

The motions were requested to be voted on separately.

Moved By Councillor Caron

Seconded By Councillor Klassen

- 1. That the report entitled Municipal Franchise Agreement with Enbridge Gas Inc. dated November 5, 2024, be received for information.

Voting in Favour: (13): Mayor Guthrie, Councillor Allt, Councillor Billings, Councillor Busuttil, Councillor Caron, Councillor Caton, Councillor Chew, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Klassen, Councillor O'Rourke, and Councillor Richardson

Carried (13 to 0)

Moved By Councillor Caron

Seconded By Councillor Klassen

- 2. That Council request the Province of Ontario to amend section 9 of Regulation 584/06 under the Municipal Act, 2001, to permit municipalities to charge fair fees to for-profit gas utilities for their use of public property, as municipalities do in most other provinces.

Voting in Favour: (11): Mayor Guthrie, Councillor Allt, Councillor Busuttil, Councillor Caron, Councillor Caton, Councillor Chew, Councillor Downer, Councillor Goller, Councillor Klassen, Councillor O'Rourke, and Councillor Richardson

Voting Against: (2): Councillor Billings, and Councillor Gibson

Carried (11 to 2)

Moved By Councillor Caron

Seconded By Councillor Klassen

3. That Council direct staff, to the satisfaction of the DCAO of IDE, to negotiate a Franchise Agreement with the gas distribution company that:

- a. will allow the City of Guelph to charge fees for use of public property if and when Ontario Regulation 584/06 is amended to allow such charges,
- b. will ensure that the City of Guelph is not liable to pay for any gas infrastructure relocations needed due to conflicts with municipal infrastructure, and
- c. will ensure future charges for use of municipal property is not passed on to Guelph customers of the gas distribution company.

Voting in Favour: (10): Mayor Guthrie, Councillor Allt, Councillor Busuttil, Councillor Caron, Councillor Caton, Councillor Downer, Councillor Goller, Councillor Klassen, Councillor O'Rourke, and Councillor Richardson

Voting Against: (3): Councillor Billings, Councillor Chew, and Councillor Gibson

Carried (10 to 3)

Moved By Councillor Caron

Seconded By Councillor Klassen

4. That the City of Guelph supports, in principle, the Bill 219, "No Free Ride for Fossil Fuels Act, 2024" tabled November 4, 2024 by Guelph MPP Mike Schreiner.

Voting in Favour: (11): Mayor Guthrie, Councillor Allt, Councillor Busuttil, Councillor Caron, Councillor Caton, Councillor Chew, Councillor Downer, Councillor Goller, Councillor Klassen, Councillor O'Rourke, and Councillor Richardson

Voting Against: (2): Councillor Billings, and Councillor Gibson

Carried (11 to 2)

Moved By Councillor Caron

Seconded By Councillor Klassen

5. That the above referenced motions and a letter of support for Bill 219, be circulated to MPP Mike Schreiner, Premier Doug Ford, Minister of Municipal Affairs and Housing, Paul Calandra, Stephen Lecce, Minister of Energy and Electrification, the Ontario Big City Mayors (OBCM), the Association of Municipalities of Ontario, and its member municipalities.

Voting in Favour: (13): Mayor Guthrie, Councillor Allt, Councillor Billings, Councillor Busuttil, Councillor Caron, Councillor Caton, Councillor Chew, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Klassen, Councillor O'Rourke, and Councillor Richardson

Carried (13 to 0)

## **9. By-laws**

Moved By Councillor Caton

Seconded By Councillor Caron

1. That by-laws (2024)-21005, (2024)-21012 and (2024)-21017 be approved subject to Section 284.11 (4) of the Municipal Act.

Voting in Favour: (13): Mayor Guthrie, Councillor Allt, Councillor Billings, Councillor Busuttil, Councillor Caron, Councillor Caton, Councillor Chew, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Klassen, Councillor O'Rourke, and Councillor Richardson

Carried (13 to 0)

## **11. Adjournment**



Moved By Councillor Billings  
Seconded By Councillor Busuttil

1. That the meeting be adjourned (7:51 p.m.).

Voting in Favour: (13): Mayor Guthrie, Councillor Allt, Councillor Billings, Councillor Busuttil, Councillor Caron, Councillor Caton, Councillor Chew, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Klassen, Councillor O'Rourke, and Councillor Richardson

Carried (13 to 0)

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Mayor Guthrie

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Dylan McMahon - Acting City Clerk