Ontario Place Protectors

July 15, 2026

For Immediate Release

Supreme Court of Canada Hearing Date Set for October 15, 2026

On July 13, we received notice from the Supreme Court of Canada that the hearing date for the Ontario Place Protectors case will be Thursday, October 15, 2026. **Civil rights, environmental, heritage, and Indigenous organizations as well as coalitions from across Canada have been granted intervener status.**

The list of interveners in the case includes: a coalition led by Ontario Place for All comprising Toronto Field Naturalists, Democracy Watch, and National Trust for Canada; British Columbia Civil Liberties Association; Athabasca Chipewyan First Nation and Mikisew Cree First Nation; Vuntut Gwitchin First Nation, Little Salmon Carmacks/First Nation, Selkirk First Nation and First Nation of Na-Cho Nyäk Dun; City of Toronto; Greenpeace Canada; Advocates' Society; Ecojustice; Canadian Civil Liberties Association; Advocates for the Rule of Law; Animal Justice Canada; and Canadian Constitution Foundation. Their arguments can be found here under filed documents.

Opposing OPP and most interveners are the Attorneys General of Ontario, British Columbia, Alberta, Saskatchewan, Quebec, Yukon, and Canada, most of whom have hired outside law firms to support their own sizable legal teams.

Why So Much Firepower for a Toronto Park?

The impetus for OPP's case was Ontario's enacting the *Rebuilding Ontario Place Act, 2023* (ROPA) in order to facilitate redeveloping the formerly public waterfront park as a private spa. The Act exempts the province from several existing statutes, including the *Environmental Assessment Act* and the *Heritage Act*, and removes the City of Toronto's authority to regulate noise emissions from the site.

As well, ROPA significantly removes essential powers of the courts. For instance, it bars causes of action, damages, and other remedies against elected and non-elected government officials for such behaviour as misfeasance, bad faith, and any contravention of trust or fiduciary obligation, none of which can be challenged effectively, thereby removing the superior courts' essential power of holding governments accountable. Thus ROPA impermissibly insulates state action from judicial scrutiny and contrary to section 96 of the *Constitution Act, 1867*, it precludes the courts from exercising their inherent supervisory jurisdiction.

The legislation was enacted within a few days, without any public input and without debate in the legislature. It is a template for governments to act hastily and without public scrutiny, to eliminate all protective legislation for *any* property, and to do so with impunity. It reflects a growing trend among provincial governments, including Ontario, Quebec, and Alberta, as well as the federal government, of shielding their actions from legal scrutiny by preemptively overriding existing statutes.

In addition to the section 96 issues, the case raises a fundamental principle: do Canadians have a right to expect that the governments they elect have an obligation to protect and steward Canadian environmental and cultural assets on their behalf? And, if governments renege on this obligation, can they be held accountable? The responsibility of trusteeship is known as the doctrine of public trust. It has its roots in

common law and is recognized in such jurisdictions as the United States, the Netherlands, South Africa, India, and Uganda. It has not yet been applied in Canada, nor has the concept been rejected.

OPP is requesting that the Supreme Court declare that ROPA breaches section 96 of the *Constitution Act, 1867*. It also seeks confirmation that the public trust doctrine is an unwritten constitutional principle in Canada and has been breached.

For more information, see ontarioplaceprotectors.com. The OPP factum and factum summary are there.

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