

FEDERAL COURT

B E T W E E N:

THE ATTORNEY GENERAL OF ONTARIO

Applicant

and

**THE GOVERNOR IN COUNCIL, THE MINISTER OF ENVIRONMENT
AND CLIMATE CHANGE, and THE IMPACT ASSESSMENT AGENCY OF
CANADA**

Respondents

and


**THE ATTORNEY GENERAL OF SASKATCHEWAN,
THE ATTORNEY GENERAL OF ALBERTA, and
ENVIRONMENTAL DEFENCE CANADA INC.**

Interveners

APPLICATION UNDER Sections 18(1) and 18.1 of the *Federal Courts Act*, RSC
1985, c. F-7

CONSENT

The parties, by their counsel, consent to Judgment in the form attached hereto
as Schedule A.



Josh Hunter
Counsel for the Applicant

THE ATTORNEY GENERAL OF ONTARIO
Civil Law Division
Constitutional Law Branch
720 Bay Street, 4th Floor
Toronto, ON M7A 2S9

**Josh Hunter / Yashoda Ranganathan / Hera Evans /
Waleed Malik / Emily Graham**

Tel.: (416) 908-7465 / (647) 637-0883 /
(437) 770-6626 / (416) 455-5189 /

(647) 981-9093

E-mail: joshua.hunter@ontario.ca /
yashoda.ranganathan@ontario.ca /
hera.evans@ontario.ca /
waleed.malik@ontario.ca /
emily.graham3@ontario.ca



Katrina Longo
Counsel for the Respondents

THE ATTORNEY GENERAL OF CANADA

Ontario Regional Office
National Litigation Sector
Department of Justice Canada
120 Adelaide Street West, Suite 400
Toronto, ON M5H 1T1

**Joseph Cheng / Katrina Longo /
Emma Ryman**

Tel.: (647) 407-9205 / (416) 459-3086 /
(416) 346-0594

Email: joseph.cheng@justice.gc.ca /
katrina.longo@justice.gc.ca /
emma.ryman@justice.gc.ca

SCHEDULE "A"

Court File No.: T-2233-23

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CONSENT JUDGMENT

WHEREAS Ontario's Ministry of Transportation is the proponent of a new multimodal transportation corridor ("Highway 413") in the Greater Golden Horseshoe ("the Highway 413 Project");

AND WHEREAS on May 3, 2021, the federal Minister of the Environment and Climate Change Canada designated Highway 413 under section 9 of the *Impact Assessment Act*, SC 2019, c 28, s 1 (the "Act");

AND WHEREAS on October 13, 2023, the Supreme Court of Canada released its opinion in *Reference re Impact Assessment Act*, 2023 SCC 23;

AND WHEREAS in *Reference re Impact Assessment Act*, the majority of the Supreme Court of Canada found that the “designated projects” portion of the Act is *ultra vires* Parliament;

AND WHEREAS the Attorney General of Ontario (the “Applicant”) has commenced an application for judicial review against the Governor in Council, the Minister of Environment and Climate Change, and the Impact Assessment Agency of Canada (the “Respondents”) in the Federal Court, Court File No. T-2233-23, seeking various relief relating to application of the Act to the Highway 413 Project;

AND WHEREAS Ontario and Canada are committed to collaborating on the assessment of effects within areas of federal jurisdiction in relation to Highway 413;

AND UPON noting the consent of the parties,

THIS COURT ORDERS:

1. That the May 3, 2021 decision of the Minister of the Environment and Climate Change to designate the Highway 413 Project pursuant to section 9 of the Act be set aside;
2. That the remaining requests for relief in the Notice of Application are otherwise dismissed; and
3. That there be no costs of this Application.

**THE ATTORNEY GENERAL OF
ONTARIO**

Civil Law Division
Constitutional Law Branch
720 Bay Street, 4th Floor
Toronto, ON M7A 2S9

**Josh Hunter / Yashoda Ranganathan /
Hera Evans / Waleed Malik / Emily
Graham**

Tel.: (416) 908-7465 / (647) 637-0883
/ (437) 770-6626 / (416) 455-
5189 / (647) 981-9093

E-mail: joshua.hunter@ontario.ca /
yashoda.ranganathan@ontario.ca
/ hera.evans@ontario.ca /
waleed.malik@ontario.ca /
emily.graham3@ontario.ca

Counsel for the Applicant

TO: ADMINISTRATOR
Federal Court of Canada
180 Queen Street West, Suite 200
Toronto, ON M5V 3L6

AND TO: THE ATTORNEY GENERAL OF CANADA
Ontario Regional Office
National Litigation Sector
Department of Justice Canada
120 Adelaide Street West, Suite 400
Toronto, ON M5H 1T1

**Joseph Cheng / Katrina Longo /
Emma Ryman**
Tel.: (647) 407-9205 / (416) 459-3086 /
(416) 346-0594
Email: joseph.cheng@justice.gc.ca /
katrina.longo@justice.gc.ca /
emma.ryman@justice.gc.ca

Counsel for the Respondents

AND TO: THE ATTORNEY GENERAL OF SASKATCHEWAN
Constitutional Law Branch
820-1874 Scarth Street
Regina, SK S4P 4B3

Tom Irvine, KC / Noah Wernikowski
Tel.: (306) 787-7846 / (306) 798-0206
Email: tom.irvine@gov.sk.ca /
noah.wernikowski@gov.sk.ca

Counsel for the Intervener,
the Attorney General of Saskatchewan

AND TO: BENNETT JONES LLP
Barristers and Solicitors
4500, 855 - 2nd Street S.W.
Calgary, Alberta T2P 4K7

E. Bruce Mellett / Adam J. Williams
Tel.: (403) 298- 3319/3307
Email: mellettb@bennettjones.com
williamsa@bennettjones.com

THE ATTORNEY GENERAL OF ALBERTA
Constitutional and Aboriginal Law
Suite 1000, 102A Tower
10025 102A Avenue
Edmonton, AB T5J 2Z2

Mick Wall / Adam Ollenberger
Tel.: (587) 336-9769 / (780) 644-5156
Email: mick.wall@gov.ab.ca /
adam.ollenberger@gov.ab.ca

Counsel for the Intervener,
the Attorney General of Alberta

AND TO: ECOJUSTICE
1910-777 Bay Street, PO Box 106
Toronto, ON M5G 2C8

Laura Bowman / Reid Gomme
Tel.: (416) 368-7533 x 522
Email: lbowman@ecojustice.ca /
rgomme@ecojustice.ca

Counsel for the Intervener,
Environmental Defence Canada Inc.