

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

BETWEEN:

**CHRISTINE GENEROUX, JOHN PEROCCHIO,
VINCENT PERROCHIO**

APPLICANTS
(Appellants)

- and -

ATTORNEY GENERAL OF CANADA

RESPONDENT
(Respondent)

- and -

**THE ATTORNEY GENERAL FOR SASKATCHEWAN and
THE ATTORNEY GENERAL OF ALBERTA**

INTERVENERS
(Interveners)

APPLICATION FOR LEAVE TO APPEAL
(CHRISTINE GENEROUX, et al., APPLICANTS)
(Pursuant to s. 40(1) of the *Supreme Court Act*, RSC, 1985)

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PART I: OVERVIEW OF IMPORTANCE & STATEMENT OF FACTS

1. The matter we ask Canada's Supreme Judicial authority to consider extends beyond firearms prohibitions or administrative reviews of regulations; the issues in question affect the basic legal and social fabric of this land; Parliamentary sovereignty, Constitutionalism, our cultural identity and continuity and the rule of law.

2. The Generoux Applicants repeat and adopt the comprehensive Notice of Application Seeking Leave to Appeal and Memorandum put forward by the CCFR Applicants. Particularly their submissions regarding statutory interpretation of the impugned provision and the unconstitutional vagueness of the terms "variants and modified versions".

3. We also hope to advance unique and complementary arguments regarding the importance and raison d'être of the legal protections for the longstanding Canadian Firearms Culture, and the link between our cultural traditions, the will of the Canadian people expressed through our dually elected representatives in Parliament, and the laws and acts of Canada.

4. The common main question we share for this Court is: what is the proper (textual and contextual) statutory interpretation of the Hunting and Sport Shooting Restriction (the **Restriction**) s. 117.15(2) of the *Criminal Code* (**the Code**)?

5. Parliament has delegated to the Governor in Council (**GiC**) authority to prohibit certain firearms, the relevant question for this Court is why, and which ones? Really, whether it has done so (or intended to do so) in such a broad and unfettered manner as to render the Restriction meaningless.

6. When all applicable legal materials are read in harmony, guiding principles indicate there is a compelling dispute to settle, one which has and will have a ripple effect throughout the entire legal system in Canada, as well as national identity and sovereignty for generations.

7. The unambiguous Hansard debate minutes and (former) AGC (Hon Allan Rock) statements from the enactment of this Restrictive provision, cited by the CCFR Applicants, indicate the specific text of the Regulation, read in its context, has been interpreted in a way that is wholly

inconsistent with the principles of this Court on statutory interpretation, and may “*do violence to Parliament*” and by extent, the people, provinces and rule of law in Canada.

8. The applicants fear a serious evasion of an Act of Parliament, an unauthorized attempt to by-pass Parliamentary process in this case and the issue has divided the Country.

9. The two intervening provinces (Saskatchewan and Alberta) have already passed legislation to oppose or counteract the purported unconstitutional effects of SOR 2020-96 and the alleged abuse of these prohibiting powers and to protect “the rights of law-abiding firearm owners”. Several other provinces publicly claim they will not assist in the practical implementation of this Regulation.

10. There are numerous glaring internal conflicts between the Regulation and various Provincial and Federal laws and acts, including our Supreme law, which must be aired, and these inconsistencies warrant a hearing by this Court.

11. The Regulation is *ultra vires* its enabling statute(s), the *Criminal Code* section 117.15(2) and incidentally to some extent, s. 430(4.2)¹.

12. The Regulation is also *ultra vires* the *Constitution Acts* 1867-1982 sections 7, 8 and its practical effects violate s. 15(1)²; the evidence shows it cannot be saved under section 1.

13. If found to be *intra vires* the *Code*, then this may be in violation of s. 92 of the *Constitution*³.

14. Indeed, we have a Constitutional crisis, and if the incoherent interpretation of this Restriction and unlawful treatment of our community is not settled by the Supreme Judicial authority now, other challenges, including ones as of right relating to criminal sanctions, are sure to arise in the face of the ever-expanding Regulations and their un-named variants.

¹ *Criminal Code*, R.S.C., 1985, c. C-46, ss. 117.15(2), 430(4.2)

² *Canadian Charter of Rights and Freedoms*, ss. 7, 8, 15(1)

³ *The Constitution Act*, 1867, 30 & 31 Vict, c 3, s. 92

15. The Regulation is at odds with the objective and spirit of its parent legislation the *Firearms Act*⁴, as well others such as the *National Hunting, Trapping and Fishing Day Act*⁵, the *Multiculturalism Act*⁶ and the *Cultural Property Import and Export Act*⁷ and *Control List*⁸, and its effects are at odds with the *Saskatchewan*⁹ and *Alberta*¹⁰ *Firearms Acts*.

16. The Regulation radically differs from it's past and intended use, the legislative text and context and Canadian cultural values, history, heritage, acts and laws.

17. Thus, we the un-represented Applicants (by sheer necessity) filed an Application for Judicial Review and Notice of Constitutional Question at the Federal Court, in good faith, to try to protect our community from cultural destruction. Along the way we were case managed with 5 other Applicant groups.

18. We came earnestly, fleshing out a novel legal premise regarding destruction of (military objects) defined and protected at law as Canadian cultural property essential to the natural history of Canada, constituting a potentially un-lawful and un-reasonable taking of this property under s. 8 of the *Charter*, in conjunction with the *Ending the Long Gun Registry Act (ELRA)*¹¹ compromising our privacy interests regarding the previously non-restricted firearms.

19. We made our case and tendered evidence that firearm owners, who provide benefits to Canada and do not cause undue harm, as an identifiable cultural group, are facing unwarranted discrimination, distinctions causing disadvantages and stereotyping based on characteristics that are constructively immutable, by facets of society, for some sort of political gain. We further assert, we have not been given the basic human dignity of presumption of innocence, due process of the law or fairness, in violation of s. 15(1) of the *Charter*.

⁴ *Firearms Act*, [S.C. 1995, c. 39](#)

⁵ *National Hunting, Trapping and Fishing Heritage Day Act*, [SC 2014, c 26](#)

⁶ *Canadian Multiculturalism Act*, [RSC 1985, c 24 \(4th Supp\)](#)

⁷ *Cultural Property Export and Import Act*, [RSC 1985, c C-51](#)

⁸ [Canadian Cultural Property Export Control List](#)

⁹ *Saskatchewan Firearms Act*, [SS 2023, c 8](#)

¹⁰ *Alberta Firearms Act*, [c A-18.5](#)

¹¹ [Bill C-19 \(Historical\) | openparliament.ca](#) Ending Long Gun Registry Act, destroying records for privacy

20. Fundamental justice dictates that all Canadians should have the right to meaningfully and peaceably participate in their cultural identity, practices, keeping and bequeathing of Cultural objects and beliefs. Cultures, like ours, which are protected by law and command a *sui generis* bundle of rights, have established doctrines of continued lawful use and right of way, grandfathering and legitimate expectations, and we are owed that continuation under the common law.

21. In October of 2023 the Federal Court dismissed all 6 Applications and found the Regulations *intra vires* the *Code*, the Regulations and the GiC’s interpretation of its home statute to be reasonable and not to unjustifiably violate the *Charter* or the BOR.¹²

22. In November of 2024, 4 of the Applicant groups, then consolidated, appealed to the Federal Court of Appeal. In April of 2025, the Federal Court of Appeal ruled, similarly to the lower Court, the Regulations to be *intra vires* the *Code*, to be reasonable and not to infringe on the BOR, The *Charter*, or any infringement thereof to be justifiable.

23. Administratively, there is now an incongruence in the jurisprudence surrounding reasonableness reviews of regulations promulgated by Cabinet. After *Vavilov*¹³ and *Innovative Medicines*¹⁴, directed us to move away (in part) from the outdated hyper-deferential approach in *Katz*¹⁵ towards a more robust review; with *Parker*¹⁶ and *CCFR*¹⁷ the lower Courts seem to be frozen in time; citing a “mixed message”.

24. The 2020 Regulatory Impact Analysis Statement (**RIAS**) and various **Amnesty Orders** accompanying the SOR-2020-96 Regulation, written reasons of the GiC, admits that the Regulation has a direct legal, financial and social harm upon 2.4 million+ Canadians, including numerous classes and identifiable groups; Aboriginal Canadians in exercise of s. 35 hunting rights, sustenance hunters in exercise of s. 7 rights to life and security, small and large businesses, the

¹² *Canadian Bill of Rights*, [SC 1960, c 44](#)

¹³ *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019 SCC 65](#)

¹⁴ *Innovative Medicines Canada v. Canada (Attorney General)*, [2022 FCA 210](#)

¹⁵ *Katz Group Canada Inc. v. Ontario (Health and Long-Term Care)*, [2013 SCC 64](#)

¹⁶ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#)

¹⁷ *Canadian Coalition for Firearm Rights v. Canada (Attorney General)*, [2025 FCA 82](#)

Canadian firearm community as a whole, as well as an effect on the GDP of Canada, international trade obligations and the security of the Bank of Canada.

25. These issues also affect the wider Canadian public when it comes to matters of exercise of executive discretion in regulatory authority materially affecting the liberty and property interests of all Canadians and the wide-reaching consequences of administrative decision makers testing the boundaries of their delegated authority, expanding their own powers, contrary to the letter and spirit of the law.

26. For the Applicants and millions of other similarly situated Canadians, these matters are of dire importance, and we respectfully ask this Honorable Court to exercise their discretion to hear this matter.

PART II: QUESTIONS IN ISSUE

27. This Application for Leave to Appeal raises the following issues of national and public importance:

- What is the proper statutory interpretation of the Hunting and Sport Shooting Restriction in s 117.15(2) of the *Criminal Code*?
- Does the phrase in the Regulation “*and any variants or modified versions of them*”, violate the Applicants rights to liberty or security under section 7 of the *Charter of Rights and Freedoms*, in a way that does not accord with the principles of Fundamental Justice?
- Does the prohibition, forced collection/cataloguing by law enforcement and ultimate destruction of previously non restricted long guns for which there is a reasonable expectation of privacy under the Ending the Long Gun Registry Act (**ELRA**)¹⁸, and certain of these items defined as Canadian cultural property violate section 8 of the *Charter of Rights and Freedoms*?

¹⁸ [Bill C-19 \(Historical\) | openparliament.ca](#) Ending Long Gun Registry Act, destroying records for privacy

- Are Canadian firearm owners, as an identifiable group, facing direct or indirect discrimination due to this Regulation or the vague and arbitrary way the legislation has been applied to certain individuals, in violation of our equality rights under s. 15(1)?

PART III: STATEMENT OF ARGUMENT

GUN CONTROL VS. GUN CULTURE TRADITION

28. Until May 1, 2020, legislations¹⁹ and resulting regulations prohibiting firearms in Canada for the public good were designed to prohibit access only to firearms which were classified by their clearly defined physical characteristics (and viewed by broader society) as uncommon²⁰ and later, unreasonable for use in hunting and sport (easily concealable, fully automatic, or easily converted to that; more useful in war or crime than sport and hunting).

29. Until 2020 all legislations and regulations prohibiting firearms in Canada, had the underlying intent of treating the firearms community with fairness, respect²¹ and doctrines of continued lawful use²² and legitimate expectations²³ and care²⁴. To have “*tough penalties for ..crime with guns, measures to address ..smuggling firearms, rules governing the private ownership of firearms, which are sensible and fair.*” To have Regulations “*that's sensitive to otherwise law-abiding individuals..*” and respect “*people have a sentimental or family attachment to a specific firearm..how important it is ...to recognize that family heirlooms or relics... from World War II... People want to hand them on to the next generation. to be handed down upon the death to a family member.. who inherits these firearms would hand them down upon death,...to*

¹⁹ *Criminal Code*, [R.S.C., 1985, c. C-46](#), s. [84\(1\)](#) prohibited firearm

²⁰ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [39](#)

²¹ Affidavit of Christine Generoux, Exhibit Y2, PS Ministers Briefing Binder (page 000941-000943) [**Tab 3A**]

²² Affidavit of Bruce Gold, Exhibit Z (Minister Goodale, respects the practice of firearms) [**Tab 3B**]

²³ *Firearms Act*, [S.C. 1995, c. 39](#), s. [12](#) entire Grandfathered Individuals, next of kin, regulations re prohibited firearms

²⁴ Minutes of Proceedings and Evidence, Standing Committee on Justice and Legal Affairs, respecting Bill C-68, No. 147 (19 May 1995), First Session of the Thirty-Fifth Parliament, p. [0955](#), [online](#), pp. 1, 4-5, 7, 11, 21-22

“strike a balance between and the rights of honest citizens who hunt, target shoot ” to ” ... understand the importance of firearms.. I very much respect those legitimate interests...”

30. That is the Canadian way and the Canadian law, especially in using, (clear and fair) criminal law with restraint²⁵ to prevent and punish crime, not to prevent hunting and punish sport shooting²⁶.

31. Previous gun control activities also always had at their heart²⁷, a logical connection to crime prevention and prohibitions for a logical purpose with a penalty: short barreled hand gun prohibitions with grandfathering to next of kin, a handgun registry, a prohibition of fully automatic machine guns with grandfathering to next of kin, the previous prohibited weapons orders and 1998 Regulations prohibiting firearms which were “easily converted to be capable of fully automatic” by the *Hasselwander* principle²⁸, a prohibition on large capacity magazines, safety courses, secure storage requirements, criminal background checks, red flag laws, and licensing to ensure individuals were qualified to use them and store them safely.

32. In Canada, butterfly knives, belt buckle knives and brass knuckles are prohibited weapons, butcher knives, pocket knives and firearms for dispatching livestock or signaling for help are not prohibited because they are useful tools for Canadians.

TIMES HAVE CHANGED?

33. The SOR/2020-96 Regulation went a stretch farther by unilaterally prohibiting hundreds of thousands of individual firearms in Canada (1500+ makes and models) which are reasonable²⁹,

²⁵ D. Stuart, *Criminal Law: A Treatise* (5th ed. 2007), at p. 86

²⁶ Affidavit of Bruce Gold, Exhibit X1 ATIP PolySe letter Nov 24, 2017 Letter to Minister Freeland *“it was therefore predictable that the new legislation introduced would persuade many “casual” gun owners to give up their guns rather than go through the process needed to conform to the new rules..” [Tab 3B]*

²⁷ *Reference re Firearms Act (Can.)*, [2000 SCC 31](#), [\[2000\] 1 SCR 783](#), at para [24](#)

²⁸ *R. v. Hasselwander*, [1993 CanLII 90 \(SCC\)](#), [\[1993\] 2 SCR 398](#), at para [3](#)

²⁹ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at paras [122](#), [107](#), [93](#), [258](#)

proportionate, necessary³⁰ and commonly used³¹ for hunting and sport purposes, without notice, without compensation, grandfathering and without care.

34. Most of the newly prohibited firearms were previously in the non-restricted firearm category³², which the Supreme Court of Canada refers to as “ordinary long guns which serve as useful tools for Canadians”³³, which Parliament refers to as “eminently reasonable and required for use in hunting and sport never to be prohibited by OiC”³⁴ and the *Criminal Code* defines as the lesser controlled “non-restricted firearms”.

35. In fact, since 2011 with the passing of the ELRA, it is not permitted³⁵ in Canada for authorities to track/register ordinary, non-restricted long guns.

36. The Federal Court in *Parker* and Federal Court of Appeal in *CCFR* have decided that “times have changed”³⁶ (balancing scales have changed and appear to conflate Parliament and its legislation with the GiC and its OiC), they purport these items are now suddenly not “ordinary long guns which serve as useful tools for Canadians”, but “military assault *style* firearms capable of killing large amounts of civilians³⁷” and are disproportionate for use, so obviously the Regulation is totally reasonable. They found this at the same time as finding many of them were “designed and used for hunting and sport³⁸” and not for war.

³⁰ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [351](#)

³¹ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [67](#)

³² RIAS Previous Classifications of the newly prohibited firearms Canada Gazette, Part 2, Volume 154, Number 3: Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted, [online](#)

³³ *Reference re Firearms Act (Can.)*, [2000 SCC 31](#), [\[2000\] 1 SCR 783](#), at paras [10](#), [6](#)

³⁴ Minutes of Proceedings and Evidence, Standing Committee on Justice and Legal Affairs, respecting Bill C-68, No. 147 (19 May 1995), First Session of the Thirty-Fifth Parliament, p. [0955](#), [online](#), p. 26

³⁵ *Firearms Act*, [S.C. 1995, c. 39](#), s. [2\(4\)](#) For greater certainty, nothing in this Act shall be construed so as to permit or require the registration of non-restricted firearms.

³⁶ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at paras [323](#), [320](#)

³⁷ *Canadian Coalition for Firearm Rights v. Canada (Attorney General)*, [2025 FCA 82](#), at para [58](#)

³⁸ *Canadian Coalition for Firearm Rights v. Canada (Attorney General)*, [2025 FCA 82](#), at para [56](#)

37. The doctrine against shifting objectives does not permit this skewed interpretation of the Regulatory power or the items to be introduced by courts after-the-fact³⁹, Judicial restraint is an important principle when the topic of the legislation is taboo or socially charged. “*This Courtcannot “do by ‘interpretation’ what Parliament chose not to do by enactment”*: *Canadian Broadcasting Corp. v. SODRAC 2003 Inc.*, 2015 SCC 57, [2015] 3 S.C.R. 615, at para. 53. *But the converse is also true: courts may not undo by “interpretation” what Parliament chose to do by enactment. If s. 8 reflects bad or outdated public policy, the remedy lies with Parliament, not with the courts.*”⁴⁰.

38. If times indeed have changed but the firearms have not, our community’s reliance on them has not and the enabling statute has not, then the proper avenue for that is through Parliament⁴¹.

39. As mentioned, the reading and interpreting of the Restriction in a permissive way, is an unauthorized attempt to by-pass Parliamentary process. With the executive attempting to again to cram a unilateral prohibition on semi-automatic centerfire hunting rifles through the legislature in 2023 and again, failing after a public outcry⁴²; there is another instrument choice to be (ab)used, since one can’t get the “necessary unanimous consent in Parliament”⁴³. It is being repeatedly done⁴⁴, slowly, circuitously, a few thousand makes and models at a time by regulatory abuse and we now look to this Court as guardian of the Justice system, amidst this strong evidence to support a circumvention of the will of both past and current Parliament.

40. The Federal Court seemed to understand “what the change in wording signaled”, the mischief or loophole it meant to address but failed to conduct a meaningful textual and contextual analysis in light of this.

³⁹ *Canada (Attorney General) v. Bedford*, 2013 SCC 72, [2013] 3 SCR 1101, at para 132

⁴⁰ *Krayzel Corp. v. Equitable Trust Co.*, 2016 SCC 18, [2016] 1 SCR 273, at para 32

⁴¹ *Canada (Attorney General) v. Utah*, 2020 FCA 224, at para 15

⁴² Standing Committee on Public Safety and National Security Number 057 Effects of the Withdrawn Amendments (G-4 and G-46) to Bill C-21, An Act to Amend Certain Acts ... (FIREARMS), [online](#)

⁴³ Affidavit of Natasha Baggs, paras 1-3 and Exhibit A [Tab 3C]

⁴⁴ New RIAS Dec 2024 Description, [online](#)

41. The restriction's purpose, as stated unambiguously by its drafters⁴⁵, is to prevent the (future) GiC from prohibiting firearms (these newly prohibited firearms specifically "semi automatic shotguns and rifles and large game, high powered rifles relied on for hunting"⁴⁶) that are reasonable for use (the protected objects) in hunting and sport shooting (the protected activities) in order to, preserve and promote the activities and objects and protect the individuals relying on them and their ability to meaningfully participate and achieve excellence.

42. The Provincial Attorneys General claim the restriction is in effect and its words must be given meaning, otherwise there is a Constitutional issue at hand⁴⁷. The GiC's discretion is to be bound by the reasonable use of the objects in the activities of hunting and sport.

43. The Respondents claim, contrary to copious SCC guidance on these issues, that the only relevant consideration in this exercise is their (capricious) opinion and the fact that firearms are dangerous and so falls under the ever broadening scope of "public safety".

REDUCTIO AD ABSURDUM

44. This circular logic has resulted in the factors which once made the firearms inherently reasonable for use in these activities (common, expedient, ergonomic, customizable and "modern"⁴⁸) are now factors that make them unreasonable. Because all firearms are deadly and dangerous⁴⁹, then there are no firearms that will be reasonable for use.

45. They have stated so themselves. The RIAS' statements betray a number of issues, most blatantly, the *in terrorum* clause⁵⁰ "*There is also a risk that affected firearms owners may elect to replace their firearms with models unaffected by the ban, causing a market displacement. This risk*

⁴⁵ Minutes of Proceedings and Evidence, Standing Committee on Justice and Legal Affairs, respecting Bill C-68, No. 147 (19 May 1995), First Session of the Thirty-Fifth Parliament, p. [0955](#), [online](#): p. 26

⁴⁶ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [358](#)

⁴⁷ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [148](#)

⁴⁸ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [150](#)

⁴⁹ *Criminal Code*, [R.S.C., 1985, c. C-46](#), s. [2](#), Interpretation : firearm, arm de feu

⁵⁰ Canada Gazette, Part 2, Volume 154, Number 3: Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted RIAS Implementation, compliance and enforcement, and service standards, [online](#)

may be mitigated by adding additional makes and models to the list of prohibited firearms in the future” nullifies any remedial or mitigating effects, upon the real harms done to Canadians, cited by the RIAS and extensively by the Court⁵¹, in terms of “other” available firearms making the prohibition reasonable or proportionate.

46. This type of broad interpretation, and circular logic, cannot be preferred by the Courts as it violates the principles of Constitutionalism⁵², legality⁵³, superfluous language⁵⁴, uniform expression⁵⁵, sneakily amends the common law⁵⁶ and frankly renders an absurd result⁵⁷. The facts on the record, when read in the context of the mischief rule, the literal rule and the golden rule, show there is really an important case to be heard by this Court.

47. When the exercise of delegated authority has effectively impaired or amended the intended operation of the *Criminal Code*, impairing the rights of millions of individuals in the context of their most fundamental freedoms, ascertaining the true intention of Parliament in granting this authority is strictly necessary, though, often difficult.

48. Fortuitously, the Hansard minutes from the debates of the enactment of the impugned provision, the current plain meaning of the text and previous versions of the legislation and the normal course and reasons of its past uses help to clarify the scope and purpose of the power for this Court so that it may be used purposively and keeping with the intent of Canadians who enacted it.

⁵¹ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at paras [67](#), [323](#), [370](#), [679](#); *Canadian Coalition for Firearm Rights v. Canada (Attorney General)*, [2025 FCA 82](#), at paras [58](#), [61](#)

⁵² *Slaight Communications v. Davidson*, [1989 CanLII 92 \(SCC\)](#), [\[1989\] 1 SCR 1038](#), per Dickson CJ; see also *R. v. Canadian Pacific Ltd.*, [1995 CanLII 112 \(SCC\)](#), [\[1995\] 2 SCR 1031](#), per Gonthier J, at para [12](#); *R. v. Nickel City Transport (Sudbury) Ltd.*, [1993 CanLII 8483 \(ON CA\)](#), [82 CCC \(3d\) 541](#); *R. v. Rube*, [1992 CanLII 34 \(SCC\)](#), [\[1992\] 3 SCR 159](#), per Lamer CJ

⁵³ *Slaight Communications Inc. v. Davidson*, [1989 CanLII 92 \(SCC\)](#), [\[1989\] 1 SCR 1038](#), citing H. W. R. Wade, in his text titled *Administrative Law* (4th ed. 1977) at pp. 336-37

⁵⁴ *Winters v. Legal Services Society*, [1999 CanLII 656 \(SCC\)](#), [\[1999\] 3 SCR 160](#), at para [48](#)

⁵⁵ *R. v. Ali*, [2019 ONCA 1006](#), at para [68](#)

⁵⁶ *Parry Sound (District) Social Services Administration Board v. O.P.S.E.U., Local 324*, [2003 SCC 42](#), [\[2003\] 2 SCR 157](#), at para [39](#)

⁵⁷ *Rizzo & Rizzo Shoes Ltd. (Re)*, [1998 CanLII 837 \(SCC\)](#), [\[1998\] 1 SCR 27](#), at para [27](#)

49. In effect, Parliament's, possibly overly generous, choice of the word "opinion", has been viewed as a Henry VIII clause, a carte blanche to expand their powers of definition (reasonable for use in) and effectively amend or nullify the *Criminal Code* Restriction, without the express power to do so; actually, expressly against the granting of this power.

50. To borrow from *Lord Selborne in Macbeth v. Ashley* (1874), L.R. 2 H.L. Sc. & Div. 352 (*italics inserted by Appellants*), or rather the words of the Supreme Court of British Columbia in *Waddell*, when speaking on the delegation of power to the magistrates to assign closing hours to the public houses, it seems this disturbing trend, is not new:

"...it is obvious that such discretion as they have is not an arbitrary discretion to define any localities (*firearms*) as they please, but they must be such localities (*firearms*) as they consider, in the honest and bona fide exercise of their own judgment, to require a difference to be made."⁵⁸

51. Cabinet, yes they are the apex of the Government, their interpretation is given deference and presumed valid but to what end? What happened to robust reviews, where the Courts safeguard the fairness, rationality and legality of administrative processes⁵⁹?

52. What about transparency? How about discretion according with its actual purposes and limiting language being a most salient aspect that is to be applied rigorously⁶⁰? This was cited as a "mixed message" by the lower Courts⁶¹ and we desperately need this message clarified by Canada's top Court.

53. What interpretation of the Restriction can reasonably bear? Certainly not one used to prohibit commonly owned and used semi-automatic hunting rifles and shotguns or large game rifles required for Northern life according to its drafters and those who voted for it.

SECTION 7: VARIANT IMPERMISSIBLY VAGUE

54. Does the *ex post facto* nature of the vague and deliberately undefined phrase in the Regulation "and any variants or modified versions of them", working in conjunction with the

⁵⁸ *Waddell v. Governor in Council*, [1983 CanLII 189 \(BC SC\)](#), at para [27](#)

⁵⁹ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [198](#)

⁶⁰ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [199](#)

⁶¹ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [293](#)

RCMP Specialized Firearm Support Service's (**RCMP SFSS**), extrajudicial continuous quasi legal (legal when done by section 84 definitions, not legal if done under undefined terms in OIC's) re-classification of other firearms (not enumerated in the Regulation) as "un-named prohibited variants or modified versions" in the Firearms Reference Table (**FRT**), what the RIAS and RCMP witnesses elaborate on as variants and modified versions, current or future, whether known or unknown, without notice to affected Canadians in conjunction with the "reverse onus clause" in section 117.11 of the *Criminal Code*⁶², violate the Appellants (and other Canadians) rights to liberty or security under section 7 of the Charter of Rights and Freedoms, in a way that offends the principles of Fundamental Justice (violating doctrine of vagueness, causing deliberate confusion and inability to know the legal risk)?

55. The issues surrounding vagueness of the deliberately undefined terms "unknown variant and modified version", their deemed classification as prohibited in the RCMP's FRT and (the reverse onus clause) in section 117.11 of the *Criminal Code*, have precipitated legal jeopardy for Canadians in the past⁶³. Without requiring normal *mens rea*, unlawful possession (no valid registration certificate possible) of one of the newly restricted or prohibited firearms is a serious offense carrying up to 5 years in prison as well as the ability to destroy an individual's entire life, coloring and offending our fundamental freedoms. This reverse onus was left wholly unaddressed⁶⁴.

SECTION 8: SAFE FROM UNREASONABLE SEARCH AND SEIZURE

56. The legal definition of (dozens of the firearms prohibited by the Regulation⁶⁵) as Canadian cultural property, essential to the natural history of Canada in the *Cultural Property Import and Export Act*⁶⁶ and Control List⁶⁷, with the Legislature and *Criminal Code* loudly speaking to protect

⁶² *Criminal Code*, [R.S.C., 1985, c. C-46](#), s. [117.11](#) onus on the accused

⁶³ Affidavit of Christine Generoux, Exhibit Y2, SJCSR Letter to AGC Raybould and reply [**Tab 3A**]

⁶⁴ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [15](#)

⁶⁵ Affidavit of John Perocchio #2, sworn February 19, 2022, paras 16-27 and Exhibits J-Y (omitted for brevity) [**Tab 3D**]

⁶⁶ *Cultural Property Export and Import Act*, [R.S.C., 1985, c. C-51](#), ss. [2\(f\)](#), [4](#), [10](#), [11\(1\)](#)

⁶⁷ [Canadian Cultural Property Export Control List GROUP III Military Objects](#), a) small arm and (b) a cannon or artillery piece. 2 a-d)

these items and condemn and prevent interference with them in sections 84⁶⁸, 117.15(2)⁶⁹ and 430(4.2)⁷⁰ indicate there's been an un-lawful and unreasonable taking of cultural property, in violation of section 8 of the *Charter of Rights*.

57. This encompasses an un-lawful molestation of the reasonable expectation of privacy⁷¹ and property interests of Canadians, under the lens of the ELRA⁷². The ELRA was enacted so that the Government could never seize ordinary firearms en masse, to give Canadians a reasonable expectation of privacy when it comes to ordinary long guns, they do not need to be tracked because they are not useful in crime and because Canadians were incensed at the waste of their precious tax dollars on these sorts of schemes. It's very telling that these firearms do not need to be registered by the *Code*, and the magnitude of political action their proposed registration generated.

58. It is the legal duty of the Governor in Council and the Honorable Courts to promote, enhance and respect cultural continuity in Canada and not to destroy it⁷³. Lawful access to an array of modern firearms is essential for the survival of the culture⁷⁴.

59. If the Applicants are correct and Parliament intended to protect these items, activities and people (the culture) from prohibition, we must ask, why would that be so⁷⁵?

60. *“Canadian society is to be free and democratic. The Court must be guided by the values and principles essential to a free and democratic society which I believe embody, to name but a few, respect for the inherent dignity of the human person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group identity, and faith in social and political institutions which enhance the participation of individuals and groups in society. The underlying values and principles of a free and democratic society are the genesis of*

⁶⁸ *Criminal Code*, [R.S.C., 1985, c. C-46](#), s. [84\(1\)](#) Interpretation Prohibited firearm (a) iii International sporting competitions

⁶⁹ *Criminal Code*, [R.S.C., 1985, c. C-46](#), s. [117.15\(2\)](#) Hunting and Sporting Restriction

⁷⁰ *Criminal Code*, [R.S.C., 1985, c. C-46](#), s. [430\(4.2\)](#) Mischief against Cultural Property

⁷¹ *Hunter et al. v. Southam Inc.*, [1984 CanLII 33 \(SCC\)](#), [1984] 2 SCR 145

⁷² [Bill C-19 \(Historical\) | openparliament.ca](#) Ending Long Gun Registry Act, destroying records for privacy

⁷³ *Canadian Multiculturalism Act*, [R.S.C., 1985, c. 24 \(4th Supp.\)](#), ss. [2\(a-c\)](#) and [3\(1\)\(a-j\)](#)

⁷⁴ Affidavit of Bruce Gold, para 66 [**Tab 3B**]

⁷⁵ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [655](#)

*the rights and freedoms guaranteed by the Charter and the ultimate standard against which a limit on a right or freedom must be shown, despite its effect, to be reasonable and demonstrably justified.”*⁷⁶

EQUALITY RIGHTS FOR EVERYONE: RESPECT FOR CULTURAL AND SOCIAL GROUP IDENTITY

61. The applicants⁷⁷ and affiants lived experiences⁷⁸ as well as data⁷⁹ and testimony from the Respondent⁸⁰ shows that we are legally and factually a culture, an identifiable group who is experiencing stigmatization, discrimination and deleterious effects. We are owed equal application and benefit of the law. Culture, cultural identity and expression have been found by this Court to be analogous to the enumerated grounds.⁸¹

62. The (recently passed) Firearms Acts of the intervening Provinces respond to “protecting the rights and safety of law abiding firearm owners⁸²”, and our issues warrant an examination by this Court under the lens of our basic and human rights and dignity.

63. Under section 15(1) of the *Charter*, all Canadians are due the benefit of equal application of, and protection of, the law, so Canadian firearm owners were owed the presumption of innocence, procedural fairness, due process, and at minimum a robust review where they don’t have to overcome super hyper-deferential treatment of Cabinet to the point that it renders an absurd result and interpretation of their powers on our rights and privileges.

⁷⁶ *R. v. Oakes*, [1986 CanLII 46 \(SCC\)](#), [1986] 1 SCR 103, at para 64

⁷⁷ Affidavit of Rodney Giltaca, paras 15-16 “*Canadian gun culture is a central feature in the lives of millions of Canadians*” [Tab 3E]

⁷⁸ *Law v. Canada (Minister of Employment and Immigration)*, [1999 CanLII 675 \(SCC\)](#), [1999] 1 SCR 497, at para 53

⁷⁹ [Public Safety Canada Firearms Research 2022](#) II. Detailed findings – qualitative phase A. New firearms prohibition and buy-back. 1. Firearm ownership and usage (Identity and culture)

⁸⁰ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para 657

⁸¹ *R. v. Oakes*, [1986 CanLII 46 \(SCC\)](#), [1986] 1 SCR 103, at para 64

⁸² *Alberta Firearms Act*, c A-18.5, [preamble](#) and s. 15; [Province Introduces The Saskatchewan Firearms Act to Protect Law-Abiding Firearms Owners | News and Media | Government of Saskatchewan](#) “Today, the government introduced *The Saskatchewan Firearms Act* to protect the rights of lawful firearms owners.”

64. The objective of the Federal *Firearms Act*⁸³, in laymen's terms allows us to safely and lawfully continue in this way of life, explicitly mentioning protections for our community (falling under *sui generis* principles and the common law doctrine of grandfathering, continued lawful use, legitimate expectations and other common law protections for substantive right of way) for sentimental and culturally/historically significant⁸⁴ items.

65. Under the Shawcross doctrine and recently confirmed by this Court⁸⁵, our elected officials and public servants are accountable to all Canadians, have a duty of care, an obligation and responsibility to mitigate negative impacts and consider the effects of their actions and words on all Canadians, in line with *Charter* principles⁸⁶. Legislation is not to be interpreted in a way that undermines the common law⁸⁷ or The *Charter*⁸⁸, its trusted delegates cannot abuse it in bad faith or usurp its meaning to serve political purposes.

66. The fact that identical firearms as the ones prohibited by the RIAS criteria remain reasonable, available and legal⁸⁹ is an unbelievable admission of arbitrariness and the prohibition having no rational connection to any valid objective.

67. The Court viewed fears and allegations about mass shootings abroad and firearms crimes, contained in the RIAS and in the general background information affidavits tendered by the Respondent as substantive evidence for the merits of the reasonableness of the decision, yet that is incorrect by *Access Copyright*⁹⁰ as it wasn't before the decision maker when they made the decision.

⁸³ *Firearms Act*, [S.C. 1995, c. 39](#), s. 4

⁸⁴ *Firearms Act*, [S.C. 1995, c. 39](#), s. 54(3)(b) curiosity, remembrance or souvenir; Minutes of Proceedings and Evidence, Standing Committee on Justice and Legal Affairs, respecting Bill C-68, No. 147 (19 May 1995), First Session of the Thirty-Fifth Parliament, p. 0955, [online](#), p. 11

⁸⁵ *Canada (Attorney General) v. Power*, [2024 SCC 26](#), at para 61

⁸⁶ *Ontario v. Canadian Pacific Ltd.*, [1995 CanLII 112 \(SCC\)](#), [\[1995\] 2 SCR 1031](#), at para 12

⁸⁷ *Parry Sound (District) Social Services Administration Board v. O.P.S.E.U., Local 324*, [2003 SCC 42](#), [\[2003\] 2 SCR 157](#), at para 39

⁸⁸ *Hills v. Canada (Attorney General)*, [1988 CanLII 67 \(SCC\)](#), [\[1988\] 1 SCR 513](#), at para 93

⁸⁹ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para 323

⁹⁰ *Association of Universities and Colleges of Canada v. Canadian Copyright Licensing Agency (Access Copyright)*, [2012 FCA 22](#), at para 20

68. Both the Trial and Appellate Courts seem to have heavily relied upon general background evidence of horrific crimes and taken it as substantiative evidence on the merits for the decision and its effects upon my community (who have literally nothing⁹¹ to do with these sensational crimes), even though it was clearly not before the GiC when they made the decision. Is this procedurally unfair?

69. For example, the 400,000+ owners of the SKS rifle, the most popular hunting rifle in Canada, which does meet all the RIAS prohibition criteria are an appropriate comparator group, and owners who own recently prohibited firearms which do not meet the prohibition criteria, are suffering a distinction causing them harm, unable to participate in their passions, or pass these along to their children for some arbitrary reason. No other group in Canada is subjected to such irrational, overbroad and arbitrary criminal laws, for political gain, blamed and disenfranchised for the crimes of others.

70. Just because the topic of firearms doesn't illicit warm and fuzzy feelings from society, the Courts or the GiC and just because there are no absolute rights to specific firearms in Canada⁹², does not mean that firearm owners don't have the basic rights that others have⁹³. In fact, the history and law show firearm owners have substantiative common law rights, which can only be eroded by Parliament, should they desire to do so.

71. It's safe to say, after Bill C-21, that Parliament would not entertain a prohibition on semi-automatic modern firearms, as the witnesses, and the Canadian Firearms Safety Course Manual confirm that as firearms evolved, they became more safe and effective.

72. Does the Regulation and accompanying RIAS (criminalizing owners and seizing modern, semi-automatic, popular and customizable firearms) destroy their meaningful participation in hunting and sport shooting (which are the protected activities under section 117.15(2) of the

⁹¹ Affidavit of Gary Mauser (See Generally), paras 4-10 [**Tab 3F**]; Affidavit of Dr. Caillin Langmann, paras 13-14 [**Tab 3G**]

⁹² *R. v. Montague*, [2010 ONCA 141](#), at para [16](#); *R. v. Simmermon*, [1996 ABCA 33](#), at para [21](#); *R. v. Wiles*, [2005 SCC 84](#), [2005] 3 SCR 895, at para [9](#)

⁹³ *Egan v. Canada*, [1995 CanLII 98 \(SCC\)](#), [1995] 2 SCR 513, p. [530](#)

Criminal Code)? Is it fair and necessary to relegate our community to only old, obsolete, slow, weak and uncomfortable equipment?

73. And then to capriciously say, “don’t replace your equipment, or we’ll prohibit that later too”, meanwhile having our businesses and cultural gathering places (clubs and ranges) go bankrupt waiting for the elusive “buy-back” program that never comes 5 years later.

74. Does it cause or have a direct or indirect discriminatory effect on an integral part of Canada’s culture (the distinctive firearms culture, (Canada’s gun culture) a marginalized group of 2.3 million Canadians, identifiable by Possession and Acquisition Licenses) who are large enough and established enough to command a *sui generis* bundle of rights⁹⁴, violating section 15(1) of the *Charter of Rights and Freedoms*?

75. Does the Regulation’s RIAS, the Respondent and the Federal Court’s⁹⁵ contention that “gun owners have committed homicide in the past and so the Regulation (seizure, criminalization and destruction) is reasonable and proportionate” indirectly or directly discriminate against lawful gun owners? Do lawful gun owners, (specifically those who want to lawfully own and shoot modern sporting rifles compared to similarly situated individuals) receive equal treatment and benefit of the law(s) and the presumption of innocence under this statutory regime and it’s heavy handed application?

76. It remains unclear⁹⁶ why our identity and culture⁹⁷ is not a personal characteristic⁹⁸ for our community, but it is for others. There is no absolute precondition or preclusion to a finding of discrimination⁹⁹ yet because we are not yet a protected group by the Courts¹⁰⁰, we are differentiated

⁹⁴ Michael Halewood, II. Genetic Resource-Related Intellectual Property Rights and Technology, Indigenous and Local Knowledge in International Law: A Preface to Sui Generis Intellectual Property Protection, 1999 44-2 McGill Law Journal 953, [1999 CanLII Docs 53](#)

⁹⁵ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at paras [283](#), [512](#), [514](#)

⁹⁶ *Corbiere v. Canada (Minister of Indian and Northern Affairs)*, [1999 CanLII 687 \(SCC\)](#), [1999] [2 SCR 203](#), at para [14](#)

⁹⁷ *Corbiere v. Canada (Minister of Indian and Northern Affairs)*, [1999 CanLII 687 \(SCC\)](#), [1999] [2 SCR 203](#), at para [17](#)

⁹⁸ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [678](#)

⁹⁹ *Egan v. Canada*, [1995 CanLII 98 \(SCC\)](#), [1995] [2 SCR 513](#), p. [557](#) frameworks v rigid tests

¹⁰⁰ *Canadian Coalition for Firearm Rights v. Canada (Attorney General)*, [2025 FCA 82](#), at para [104](#)

by our possession and acquisition licenses not skin color, the destruction of our cultural practices and objects doesn't matter and our assertions are seen as annoying.¹⁰¹

CONCLUSION

77. *“Human dignity is harmed when individuals and groups are marginalized, ignored, or devalued, and is enhanced when laws recognize the full place of all individuals and groups within Canadian society. Human dignity within the meaning of the equality guaranteeconcerns the manner in which a person legitimately feels when confronted with a particular law. Does the law treat him or her unfairly, taking into account all of the circumstances regarding the individuals affected and excluded by the law¹⁰²?”*

PART IV: COSTS

78. The un-represented Applicants will seek no costs in the event of success and respectfully ask for an Order of this Court that no costs to be granted against them, in the event of a loss, on the basis that they are acting in the public interest of their community and have a modest income.

PART V: ORDER SOUGHT

79. The Applicants request that leave to appeal be granted.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 13th day of June, 2025.



Christine A. Generoux
John Perocchio
Vincent Perocchio
Applicants

¹⁰¹ *Parker v. Canada (Attorney General)*, [2023 FC 1419](#), at para [681](#)

¹⁰² *Law v. Canada (Minister of Employment and Immigration)*, [1999 CanLII 675 \(SCC\)](#), [1999] 1 [SCR 497](#), at para [53](#)

PART VI: TABLE OF AUTHORITIES

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