

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

BETWEEN:

**CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY
GILTACA, RYAN STEACY, MACCABEE DEFENSE INC. and
WOLVERINE SUPPLIES LTD.**

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RESPONDENT

- and -

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REPLY FACTUM

(CANADIAN COALITION FOR FIREARM RIGHTS, et al., APPELLANTS)
(Pursuant to Order dated August 13, 2026)

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PART I – OVERVIEW & FACTS

A. Overview

1. Several submissions of the intervener, the Canadian Coalition for Gun Control (“**CCGC**”), substantially repeat those of the Attorney General of Canada (“**Respondent**”).¹ Those submissions address the breadth of the GIC’s discretion,² the legislative history of the Enabling Provision,³ the purported consequences of the Appellants’ interpretation,⁴ the threshold for vagueness and the need for flexible regulatory language,⁵ and the responsibility of firearm owners and the privilege of firearm possession.⁶ The Appellants rely on their factum in responding to those overlapping submissions and adopt the defined terms and abbreviations used in that factum.

2. This reply addresses five other categories of the CCGC’s submissions that either exceed the Respondent’s position or depart from the text, the authorities, or the record. The first two are unnecessary to resolve the appeal and are contrary to the Enabling Provision. The next two are inconsistent with the governing authorities. The final category is unsupported by the record. For any other CCGC submissions not addressed in this reply, the Appellants rely on the arguments advanced in the Appellants’ factum. This reply also clarifies the Appellants’ position regarding the Attorney General of Saskatchewan’s (“**AG-SK**”) submission that the Appellants treat hunting and sporting interests as the GIC’s sole consideration under the Restrictive Provision.

B. Statement of Facts

3. The Appellants rely on the statement of facts in their factum.

PART II – ISSUES

4. The questions in issue are set out in Part II of the Appellants’ factum.

¹ See generally *Canadian Coalition for Firearm Rights, et al. v Attorney General of Canada* (13 August 2026), Ottawa, SCC, 41859 ([interlocutory judgment](#)).

² [Factum of the Intervener, CCGC](#) (“**CCGC Factum**”) at paras. [8-10](#); [Respondent’s Factum](#) at paras. [77-82](#).

³ [CCGC Factum](#) at paras. [12-15](#); [Respondent’s Factum](#) at paras. [83-87](#).

⁴ [CCGC Factum](#) at para. [21](#); [Respondent’s Factum](#) at para. [89](#).

⁵ [CCGC Factum](#) at paras. [28-29](#); [Respondent’s Factum](#) at paras. [138](#), [154](#).

⁶ [CCGC Factum](#) at paras. [31-33](#); [Respondent’s Factum](#) at paras. [140](#), [156](#).

PART III – ARGUMENT

A. Parliament Made the GIC’s Law-Making Power Subject to the Restrictive Provision

5. The CCGC submits that public safety is the prevailing consideration at every stage of the GIC’s inquiry under the Enabling Provision and that the hunting or sporting uses of a firearm are permissive factors that the GIC may consider.⁷ The Court need not decide that submission. The question is whether the GIC reasonably interpreted the Enabling Provision in making the [2020 Regulations](#).⁸ The GIC did not adopt the CCGC’s interpretation of the Enabling Provision. According to the Respondent, the GIC interpreted the Restrictive Provision as permitting it to balance competing public policy considerations, namely, the availability of the Newly-Prohibited Items for hunting and sporting purposes against their purported risks to public safety.⁹ The [RIAS](#) purports that the risk to public safety outweighs the justification for continued use of the Newly-Prohibited Items.¹⁰ While the Appellants dispute both that interpretation and conclusion, the CCGC’s submission goes further by treating hunting and sporting use as a consideration that may be disregarded entirely.

6. The CCGC’s interpretation is contrary to the text of the Enabling Provision. The AG-SK describes the Appellants as treating hunting and sporting interests as the GIC’s only consideration under the Restrictive Provision.¹¹ The Appellants respectfully clarify that public safety is not irrelevant. They argue that Parliament pursued public safety through a law-making power expressly subject to the Restrictive Provision.¹² The CCGC’s own authority invites the question of “what sort of ranking or balance (if any) the legislature had in mind”.¹³ Here, Parliament

⁷ See [CCGC Factum](#) at paras. [3](#), [8](#), [18](#).

⁸ See especially [Appellants’ Factum](#) at paras. [29-32](#); *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*, [SOR/2020-96 \[2020 Regulations\]](#) [AB Vol 1, Tab 4A.i, pp. 637-690].

⁹ See e.g. [Respondent’s Factum](#) at paras. [71-72](#).

¹⁰ *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*, [SOR/2020-96](#), [\(2020\) C Gaz II](#), p. 54 ([Regulatory Impact Analysis Statement](#)) [[RIAS](#)] [AB Vol 1, Tab 4B, p. 692].

¹¹ [Factum of the Intervener, AG-SK](#) at para. [33](#).

¹² See especially [Appellants’ Factum](#) at paras. [45](#), [46](#), [53](#), [57](#).

¹³ Ruth Sullivan, *The Construction of Statutes*, 7th ed (Toronto: LexisNexis Canada, 2022) at § 9.02[5] [[Book of Authorities of the Intervener, CCGC, Tab 3](#)].

provided the answer. The Enabling Provision defines the relationship between the GIC's power and its limit: [Criminal Code](#), s. [117.15\(1\)](#) confers the law-making power expressly subject to the Restrictive Provision.¹⁴ Although the CCGC distinguishes [Rafilovich](#) as involving discrete provisions with secondary objectives that limited the primary objective, the Restrictive Provision is such a provision.¹⁵ A court interpreting the Enabling Provision should not focus on one objective to the exclusion of another.¹⁶

7. The CCGC's related submissions are likewise unnecessary to decide the appeal. The CCGC argues that the related legislation cited by the Appellants reinforces, rather than conflicts with, the Enabling Provision's focus on public safety.¹⁷ That characterization misapprehends the Appellants' argument, which alleges no conflict and shows that federal firearm regulation serves purposes other than public safety.¹⁸ The Appellants' argument is consistent with the text of the Restrictive Provision. The CCGC also relies on the divisive nature of gun control and opposition from segments of society.¹⁹ Those considerations are irrelevant because the Appellants do not challenge the policy merits of the [2020 Regulations](#).²⁰ As in [Firearms Reference](#), the question is not whether gun control is good or bad.²¹ The question is whether the GIC acted within its authority under the Enabling Provision, including the Restrictive Provision.

B. The Restrictive Provision Requires an Assessment of Hunting and Sporting Use

8. The CCGC submits that the GIC need not consider whether a firearm is functional for hunting or sporting purposes, because the relevant question is whether the firearm is suitable for civilian use in Canada.²² That submission is contrary to the text of the Enabling Provision. It replaces the enacted reasonableness assessment with a civilian-suitability assessment, using

¹⁴ [Criminal Code](#), [RSC 1985, c C-46](#) [[Criminal Code](#)].

¹⁵ [R. v Rafilovich](#), [2019 SCC 51](#) [[Rafilovich](#)]; [CCGC Factum](#) at para. [19](#), n. 24.

¹⁶ See [Rafilovich](#) at para. [30](#).

¹⁷ [CCGC Factum](#) at para. [22](#).

¹⁸ [Appellants' Factum](#) at paras. [43-44](#).

¹⁹ [CCGC Factum](#) at para. [16](#).

²⁰ [Appellants' Factum](#) at paras. [2-3](#).

²¹ See *Reference re Firearms Act (Can.)*, [2000 SCC 31](#) at para. [2](#), [\[2000\] 1 SCR 783 \(SCC\)](#) [[Firearms Reference](#)].

²² [CCGC Factum](#) at para. [11](#).

language from the [RIAS](#).²³ The CCGC’s suitability test would permit the GIC to prohibit a firearm as unsuitable for civilian use without regard to the hunting and sporting purposes specified in the Restrictive Provision. The [RIAS](#) did not adopt that approach. It concluded, in the language of the Restrictive Provision, that the firearms are not reasonable for use in Canada for hunting or sport shooting purposes.²⁴ The [OIC](#) records the GIC’s opinion in the same terms.²⁵

9. In any event, the Court need not decide whether the GIC could disregard a firearm’s function. Even the Respondent did not defend the [2020 Regulations](#) on that basis. Rather, the Respondent treated civilian suitability as one of several conclusions informing the GIC’s opinion under the Restrictive Provision and submitted that the GIC’s opinion need not rest on a so-called narrow technical assessment of suitability or effectiveness for hunting or sporting purposes.²⁶ The Respondent’s own affiant on hunting, Chris Baldwin (“**Mr. Baldwin**”), likewise addressed function. He accepted that the calibres and gauges of the Newly-Prohibited Items that an applicant, Cassandra Parker, had used for hunting would be considered satisfactory for hunting.²⁷ Nor do the Appellants contend that utility alone is determinative.²⁸ Rather, the Appellants contend that the GIC must determine whether a firearm is used in Canada for hunting or sporting purposes and whether that use is reasonable for those purposes.²⁹

10. The CCGC submits that numerous alternative firearms remain legally available for hunting and sporting purposes, such that neither activity is eliminated nor meaningfully impaired.³⁰ Whether a firearm is an adequate alternative for hunting or sporting purposes is a question of function. Mr. Baldwin’s opinion on alternatives was based on precisely that comparison.³¹ More fundamentally, the CCGC measures the wrong thing. The Restrictive Provision raises whether a

²³ [RIAS](#), pp. 54, 64 [AB Vol 1, Tab 4B, pp. 692, 702].

²⁴ [RIAS](#), p. 64 [AB Vol 1, Tab 4B, p. 702].

²⁵ *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*, [PC 2020-298](#), (2020) C Gaz II, p. 1 [[OIC](#)] [AB Vol 1, Tab 4A.i, p. 635].

²⁶ [Respondent’s Factum](#) at paras. 72-74.

²⁷ Affidavit of Chris Baldwin at paras. 19-21 [AB Vol 5, Tab 5F.vii, p. 8009].

²⁸ *Contra* [CCGC Factum](#) at para. 20.

²⁹ See [Appellants’ Factum](#) at para. 61.

³⁰ [CCGC Factum](#) at para. 21.

³¹ Affidavit of Chris Baldwin at paras. 20-21 [AB Vol 5, Tab 5F.vii, p. 8009].

firearm proposed for prohibition is reasonable for use in Canada for hunting or sporting purposes, not whether those activities can continue without it.

C. *Telus* Does Not Support the CCGC’s Interpretation of the Restrictive Provision

11. The CCGC relies on [Telus](#) for the proposition that broad language may apply to circumstances not contemplated at enactment.³² This Court held that interpretation is centred on legislative intent at enactment;³³ that statutory language keeps its enacted meaning and applies to new things only if they fall within that meaning;³⁴ and that the degree to which a provision applies to new circumstances depends on its text, read in context and consistently with legislative purpose.³⁵ The Appellants adopted that approach in interpreting the Enabling Provision.³⁶

12. However, [Telus](#) does not support the CCGC’s interpretation of the Restrictive Provision. The CCGC’s civilian-suitability test is not a dynamic interpretation of the Restrictive Provision.³⁷ It does not apply the words “for hunting or sporting purposes” to new circumstances; it displaces them. In the CCGC’s own example, the Court of Common Pleas held that a statute against copying prints “in any other manner” applied to photography: “It is still a copy, and copying in any manner is prohibited by the statute.”³⁸ The new technology fell within the enacted words. Likewise, any interpretation of the Enabling Provision must give effect to the text of the Restrictive Provision.

13. [Telus](#) also rejects the premise that a general statutory objective can expand an administrative decision-maker’s authority beyond a specific statutory limit. This Court held that general policy objectives cannot, by themselves, confer jurisdiction over a specific matter, and that the Court must respect the balance Parliament struck between competing interests.³⁹ While public safety is an objective of the [Criminal Code](#), it cannot enlarge the GIC’s authority beyond the

³² [CCGC Factum](#) at paras. 7, 24, 29-30.

³³ *Telus Communications Inc. v Federation of Canadian Municipalities*, [2025 SCC 15](#) at para. 32 [[Telus](#)].

³⁴ [Telus](#) at para. 35.

³⁵ [Telus](#) at para. 36.

³⁶ See e.g. [Appellants’ Factum](#) at paras. 33-35, 45-46, 59-60, 62.

³⁷ [CCGC Factum](#) at para. 11.

³⁸ *Gambart v Ball* (1863), 32 LJCP 166 at 167-168 [**Book of Authorities of the Intervener, CCGC, Tab 1**]; [CCGC Factum](#) at para. 11, n. 8.

³⁹ [Telus](#) at paras. 70-71.

Restrictive Provision, which reflects Parliament’s balancing of considerations. Although the CCGC argues that the Appellants’ interpretation would require Parliament to enact or amend legislation to prohibit additional firearms, Parliament remains free to do so if policy considerations evolve beyond what the GIC may address under the Enabling Provision.⁴⁰

14. The CCGC’s reliance on dynamic interpretation does not answer the Appellants’ vagueness challenge. The CCGC submits that “variant” applies dynamically as the firearms market evolves.⁴¹ But dynamic interpretation presupposes a fixed meaning: “statutory language retains the meaning it had when Parliament used it”.⁴² The Appellants do not contend that “variant” is vague because it may apply to firearms designed after 2020.⁴³ The mischief identified by Mr. Rock does not suggest otherwise; it concerns efforts to manufacture a basis for treating a firearm as commonly used for hunting or sporting purposes, not future firearms as such.⁴⁴ The Appellants’ position is that “variant” provides no intelligible standard by which to determine whether a firearm is an unnamed variant.⁴⁵

D. The CCGC Misstates the Constitutional Requirements of Notice and Intelligibility

15. The CCGC’s public-safety argument addresses the wrong constitutional question. The CCGC submits that firearm regulations should favour public safety over greater precision because the consequences of firearm possession extend beyond the owner.⁴⁶ That submission attempts to balance one objective of a law against the precision of its terms, but a vagueness analysis does not involve such a balancing exercise. The issue is whether the law meets the minimum constitutional standard of intelligibility; it is not whether greater precision would advance or impede a law’s objectives.⁴⁷ Once that standard is satisfied, further arguments about the desirability of greater

⁴⁰ [Telus](#) at para. 5; *contra* [CCGC Factum](#) at para. 21.

⁴¹ [CCGC Factum](#) at para. 30.

⁴² See [Telus](#) at paras. 35-36.

⁴³ See [CCGC Factum](#) at paras. 26-27, 30 at n. 37.

⁴⁴ See [Appellants’ Factum](#) at paras. 9, 55; House of Commons, Standing Committee on Justice and Legal Affairs, *Evidence*, 35-1, No. 147 (19 May 1995) at 1045.

⁴⁵ See especially [Appellants’ Factum](#) at paras. 71, 88.

⁴⁶ [CCGC Factum](#) at paras. 32-33.

⁴⁷ See *R. v Levkovic*, [2013 SCC 25](#) at para. 37, [\[2013\] 2 SCR 204 \(SCC\)](#) [*Levkovic*].

precision are more appropriately addressed through doctrines such as overbreadth or, where applicable, at the minimal impairment stage of the [Charter](#), s. 1.⁴⁸

16. The CCGC also understates the penal consequences at issue. Its submissions refer only to the five-year maximum penalty under the [Criminal Code](#), s. 91(3).⁴⁹ Yet the statutory scheme exposes owners of Newly-Prohibited Items to serious criminal liability, including offences punishable by terms of imprisonment of up to ten years.⁵⁰ The seriousness of those consequences reinforces, rather than diminishes, the need for constitutionally adequate notice of prohibited conduct.

17. The CCGC's notice argument is inconsistent with the constitutional requirements governing penal laws. The CCGC submits that the terms "variant" and "modified version" provide fair notice because they signal to manufacturers and sellers that the characteristics of a class of prohibited firearms are likely to be prohibited in future firearms.⁵¹ However, the unauthorized possession offences apply to every person, not merely manufacturers and sellers.⁵² A law must be intelligible to ordinary citizens, not only to legal experts, and the essential elements of an offence must be ascertainable in advance.⁵³ Notice to industry participants that firearms sharing the characteristics of a prohibited class of firearms may be prohibited in the future does not provide firearm owners with notice of what is prohibited today.

E. The Record Does Not Support the CCGC's Understanding of Variants

18. The CCGC's argument rests on a definition of "variant" unsupported by the record. The CCGC submits that determining whether a firearm is a variant involves reference to the known technical characteristics of the prohibited class.⁵⁴ It relies on that premise in arguing that the term "variant" provides fair notice and has a consistent meaning.⁵⁵ However, the Respondent defined a

⁴⁸ [Levkovic](#) at paras. 38-39; *Canadian Charter of Rights and Freedoms*, Part I of the [Constitution Act, 1982](#), being Schedule B to the Canada Act 1982 (UK), 1982, c 11 [[Charter](#)].

⁴⁹ [CCGC Factum](#) at para. 32.

⁵⁰ [CCGC Factum](#) at para. 32, n. 40; [Criminal Code](#), ss. 92(1), 92(3).

⁵¹ [CCGC Factum](#) at para. 27.

⁵² [Criminal Code](#), ss. 91(1), 92(1).

⁵³ [Levkovic](#) at paras. 34, 71.

⁵⁴ [CCGC Factum](#) at paras. 25-26.

⁵⁵ [CCGC Factum](#) at paras. 27, 30.

variant by lineage, treating a firearm as a variant when its design was derived from the head of family of firearms, even if it lacked those characteristics.⁵⁶ Mr. Smith testified that lineage is the important criterion, mechanical commonality is unnecessary, and neither the law nor RCMP policy documents contain a definition of “variant”.⁵⁷

19. The CCGC’s position on the Necessary Opinion likewise cannot account for unnamed variants. The CCGC submits that the GIC forms its opinion about the class, and that determining whether a particular firearm is a “variant” or “modified version” does not require an assessment of its reasonableness for use in hunting or sporting.⁵⁸ The SFSS allegedly considers a firearm’s design to determine whether it is an unnamed variant.⁵⁹ The SFSS identified 996 unnamed variants between May 1 and June 15, 2020, and 384 “newly designed and manufactured variants” after May 1, 2020.⁶⁰ The GIC did not name those firearms as variants or modified versions in the [2020 Regulations](#); it did not evaluate whether they were reasonable for use for hunting or sporting purposes. They are deemed prohibited because the SFSS classified them as unnamed variants.⁶¹

⁵⁶ [Respondent’s Factum](#) at paras. [32](#), [45](#). The record does not show a consistent lineage-based approach to variant classification. The Respondent acknowledges that the lineage of some firearms is unknown and that, in those cases, the SFSS relies on other characteristics, such as the manufacturer’s description, patents, the interchangeability of parts, and the firearm’s purpose. See e.g. [Respondent’s Factum](#) at para. [44](#). The SFSS has no written procedure for determining variants; for example, it first classified the Akdal MKA 1919 shotgun as a variant of the M16/AR-15, and it later found that its lineage was not exclusively M16/AR-15 and made a determination on variation on “the benefit of the doubt”. See Transcript of Cross-Examination of Murray Smith, pp. 203:22-204:5 [**AB Vol 6, Tab 6B, pp. 8882-8883**]; Transcript of Cross-Examination of Murray Smith, pp. 164:18-25, 165:13-25, 166:1-21 [**AB Vol 6, Tab 6E, pp. 10329-10331**].

⁵⁷ Transcript of Cross-Examination of Murray Smith, pp. 224:23-225:6 [**AB Vol 6, Tab 6B, pp. 8903-8904**]; Transcript of Cross-Examination of Murray Smith, pp. 161:24-162:1, 163:8-10 [**AB Vol 6, Tab 6E, pp. 10326-10328**].

⁵⁸ [CCGC Factum](#) at paras. [24-25](#).

⁵⁹ [Respondent’s Factum](#) at paras. [43-44](#); see also Affidavit of Murray Smith at para. 32 [**AB Vol 5, Tab 5F.ii, p. 6629**].

⁶⁰ Affidavit of Murray Smith at para. 33 [**AB Vol 5, Tab 5F.ii, p. 6629**].

⁶¹ Affidavit of Murray Smith at para. 33 [**AB Vol 5, Tab 5F.ii, p. 6629**]; Transcript of Cross-Examination of Murray Smith, p. 562:1-19 [**AB Vol 6, Tab 6C, p. 9267**].

On the CCGC's own account, then, no one assessed whether any of those unnamed variants were reasonable for hunting or sporting use in Canada.

Conclusion

20. This appeal does not require the Court to resolve broader societal debates concerning firearm regulation. This is not a dispute about the merits of firearm regulation; it is a dispute about authority and constitutional sufficiency. Nothing in the submissions addressed above justifies a broader interpretation of the Enabling Provision or undermines the Appellants' constitutional challenge.

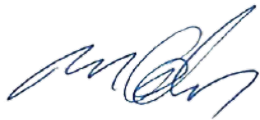
PART IV – COSTS

21. The Appellants make no further submissions concerning costs.

PART V – ORDERS SOUGHT

22. The Appellants rely on the orders sought in Part V of their factum.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 6th day of October, 2026.



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PART VI – TABLE OF AUTHORITIES

Cases	Para.
<i>Canadian Coalition for Firearm Rights, et al. v Attorney General of Canada</i> (13 August 2026), Ottawa, SCC, 41859 (interlocutory judgment)	1
<i>Gambart v Ball</i> (1863), 32 LJCP 166	12
<i>Reference re Firearms Act (Can.)</i> , 2000 SCC 31 , [2000] 1 SCR 783 (SCC)	7
<i>R. v Levkovic</i> , 2013 SCC 25 , [2013] 2 SCR 204 (SCC)	15, 17
<i>R. v Rafilovich</i> , 2019 SCC 51	6
<i>Telus Communications Inc. v Federation of Canadian Municipalities</i> , 2025 SCC 15	11, 12, 13, 14
Secondary Sources	
Ruth Sullivan, <i>The Construction of Statutes</i> , 7th ed (Toronto: LexisNexis Canada, 2022)	6
Other Authorities	
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<i>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</i> , SOR/2020-96 , (2020) C Gaz II (Regulatory Impact Analysis Statement)	5, 8
Legislation	Section(s)
<i>Canadian Charter of Rights and Freedoms</i> , Part I of the Constitution Act, 1982 , being Schedule B to the Canada Act 1982 (UK) , 1982, c 11	1
<i>Charte canadienne des droits et libertés</i> , partie I de la <i>Loi constitutionnelle de 1982</i> , constituant annexe B de la Loi de 1982 sur le Canada (R-U) , 1982, c 11	1

<i>Criminal Code</i>, RSC 1985, c C-46 <i>Code criminel</i>, LRC 1985, c C-46	91(1), 91(3), 92(1), 92(3), 117.15(1), 117.15(2) 91(1), 91(3), 92(1), 92(3), 117.15(1), 117.15(2)
<i>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</i>, SOR/2020-96 <i>Règlement modifiant le Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction</i>, DORS/2020-96	
<i>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</i>, PC 2020-298, (2020) C Gaz II <i>Règlement modifiant le Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction</i>, CP 2020-298, (2020) Gaz C II	