

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

BETWEEN:

CHRISTINE GENEROUX, JOHN PEROCCHIO, VINCENT PERROCHIO

Appellants

-and-

ATTORNEY GENERAL OF CANADA

Respondent

-and-

**THE ATTORNEY GENERAL OF SASKATCHEWAN,
THE ATTORNEY GENERAL OF ALBERTA, and THE ATTORNEY GENERAL OF
ONTARIO**

Interveners

(Style of cause continued on next page)

**RESPONDENT'S FACTUM IN REPLY TO INTERVENERS
(ATTORNEY GENERAL OF CANADA)
(Pursuant to Order dated August 13, 2026)**

ATTORNEY GENERAL OF CANADA

Department of Justice Canada
National Litigation Sector
50 O'Connor Street, Suite 500
Ottawa, ON K1A 0H8

Per: Zoe Oxaal / Amy Martin-LeBlanc

Tel: 613-295-0765 / 587-340-0674

Fax: 613-954-1920

Email: zoe.oxaal@justice.gc.ca
amy.martin-leblanc@justice.gc.ca

**Counsel for the Respondent,
Attorney General of Canada**

**DEPUTY ATTORNEY GENERAL OF
CANADA**

Department of Justice Canada
National Litigation Sector
275 Sparks Street, St-Andrew Tower
Ottawa, ON K1A 0H8

Per: Bernard Letarte

Tel: 613-294-6588

Fax: 613-954-1920

Email: sccagentcorrespondantcsc@justice.gc.ca

**Agent for the Respondent,
Attorney General of Canada**

SCC File No.: 41859

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.**

Appellants

-and-

ATTORNEY GENERAL OF CANADA

Respondent

-and-

**THE ATTORNEY GENERAL OF SASKATCHEWAN,
THE ATTORNEY GENERAL OF ALBERTA, and THE ATTORNEY GENERAL OF
ONTARIO**

Interveners

SCC File No.: 41860

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

BETWEEN:

**MICHAEL JOHN DOHERTY, NILS ROBERT EK, RICHARD WILLIAM ROBERT
DELVE, CHRISTIAN RYDICH BRUHN, PHILIP ALEXANDER MCBRIDE, LINDSAY
DAVID JAMIESON, DAVID CAMERON MAYHEW, MARK ROY NICHOL and
PETER CRAIG MINUK**

Appellants

-and-

ATTORNEY GENERAL OF CANADA

Respondent

-and-

**THE ATTORNEY GENERAL OF SASKATCHEWAN,
THE ATTORNEY GENERAL OF ALBERTA and THE ATTORNEY GENERAL OF
ONTARIO**

Interveners

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

BETWEEN:

**JENNIFER EICHENBERG, DAVID BOT, LEONARD WALKER, BURLINGTON
RIFLE AND REVOLVER CLUB, MONTREAL FIREARMS RECREATION CENTRE,
INC. and O'DELL ENGINEERING LTD.**

Appellants

-and-

ATTORNEY GENERAL OF CANADA

Respondent

-and-

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

Interveners

ORIGINAL TO:

THE REGISTRAR OF THE SUPREME COURT OF CANADA

344 Wellington Street
Ottawa, ON K1A 0J1

COPIES TO:

CHRISTINE GENEROUX
Self-represented Appellant

SUPREME ADVOCACY LLP
340 Gilmour Street, Suite 100
Ottawa, ON K2P 0R3

**JOHN PEROCCHIO and VINCENT
PEROCCHIO**
Self-represented Appellants

Marie-France Major
Tel: 613-695-8855 Ext: 102
Fax: 613-695-8580
Email: mfmajor@supremeadvocacy.ca

LOBERG ECTOR
2300, 635 – 8th Avenue SW
Calgary, AB T2P 3M3

Michael A. Loberg
Blair D. Ector
Francois C. Wessels

Tel: 403-668-6561
Email: mloberg@lobergector.com

**Counsel for Appellants, Canadian
Coalition for Firearms Rights, Rodney
Giltaca, Ryan Steacy, Maccabee Defense
Inc. and Wolverine Supplies Ltd.**

**Agent for the Appellants: Christine
Generoux; John Perocchio and Vincent
Perrochio; Canadian Coalition for Firearm
Rights; Rodney Giltaca, Ryan Steacy,
Maccabee Defense Inc. and Wolverine
Supplies Ltd.; Michael John Doherty; Nils
Robert EK, Lindsay David Jamieson,
Mark Roy Nichol and Peter Craig Minuk;
Jennifer Eichenberg; David Bot, Leonard
Walker, Burlington Rifle and Revolver
Club, Montreal Firearms Recreation
Centre, Inc. and O'Dell Engineering Ltd.**

BOUCHELEV LAW
181 University Avenue, Suite 2200
Toronto, ON M5H 3M7

Arkadi Bouchelev

Tel: 416-594-1400
Email: arkadi@bouchelevlaw.com

**Counsel for Appellants, Michael John
Doherty, Nils Robert Ek, Lindsay David**

**Jamieson, Mark Roy Nichol and Peter
Craig Minuk**

SUPREME ADVOCACY LLP

100 - 340 Gilmour Street
Ottawa, Ontario
K2P 0R3

**Eugene Meehan, K.C.
Thomas Slade
Len Walker**

Tel: 613-695-8855 ext. 102
Fax: 613-695-8580
Email: emeehan@supremeadvocacy.ca

**Counsel for Appellants, Jennifer
Eichenberg, David Bot, Leonard Walker,
Burlington Rifle and Revolver Club,
Montreal Firearms Recreation Centre, Inc.
and O'Dell Engineering Ltd.**

**ATTORNEY GENERAL FOR
SASKATCHEWAN**

820 - 1874 Scarth Street
Constitutional Law Branch
Regina, SK S3P 3B3

P. Mitch McAdam, K.C.

Tel: 306-787-7846
Fax: 306-787-9111
Email: mitch.mcadam@gov.sk.ca

**Counsel for the Intervener,
Attorney General for Saskatchewan**

BORDEN LADNER GERVAIS

World Exchange Plaza
1300 - 100 Queen Street
Ottawa, ON K1P 1J9

GOWLING WLG (Canada) LLP

2600 – 160 Elgin Street
Ottawa, ON K1P 1C3

Matthew Estabrooks

Tel: 613-786-0211
Fax: 613-788-3573
Email: matthew.estabrooks@gowlingwlg.com

**Agent for the Interveners: Attorney
General for Saskatchewan**

BORDEN LADNER GERVAIS

World Exchange Plaza
1300 - 100 Queen Street
Ottawa, ON K1P 1J9

**Guy J. Pratte / Matthew Schneider
Cynthia Hykaway / Nadia Effendi**

Tel: 613-787-3741
Fax: 613-230-8842
Email: gpratte@blg.com

**Counsel for the Intervener,
Attorney General of Alberta**

ATTORNEY GENERAL OF ONTARIO
720 Bay Street - 4th Floor
Toronto, ON M7A 2S9

Padraic Ryan

Tel: 416-326-0131
Fax: 416-326-4015
Email: padraic.ryan@ontario.ca

**Counsel for the Intervener,
Attorney General of Ontario**

EDWARD L. BURLEW, LL.B.
11 Blueberry Lane
King City, ON L7B 1C5

Edward L. Burlew

Tel: 905-833-2221
Email: burlewlaw@gmail.com

**Counsel for the Proposed Intervener,
Canadian Shooting Sports Association**

BAKER & MCKENZIE LLP
Brookfield Place
181 Bay Street, Suite 2100
Toronto, ON M5J 2T3

Nadia Effendi

Tel: 613-787-3562
Fax: 613-230-8842
Email: neffendi@blg.com

**Agent for the Intervener,
Attorney General of Alberta**

JURISTES POWER
50, O'Connor Street, Suite 1313
Ottawa, ON K1P 6B9

Darius Bossé

Tel: 613-702-5566
Fax: 613-702-5566
Email: DBosse@juristespower.ca

**Agent for the Intervener,
Attorney General of Ontario**

SUPREME ADVOCACY LLP
340 Gilmour Street, Suite 100
Ottawa, ON K2P 0R3

Marie-France Major

Tel: 613-695-8855 Ext: 102
Fax: 613-695-8580
Email: mfmajor@supremeadvocacy.ca

**Agent for the Proposed Intervener,
Canadian Shooting Sports Association**

GOWLING WLG (CANADA) LLP
160 Elgin Street, Suite 2600
Ottawa, ON K1P 1C3

Graham Ragan

George Avraam

Rana Aly

Tiana Gleason

Tel: 416-865-6935

Fax: 416-863-6275

Email: george.avraam@bakermckenzie.com

Tel: 613-786-8699

Fax: 613-563-9869

Email: graham.ragan@gowlingwlg.com

**Agent for Proposed Intervener, Canadian
Constitution Foundation**

**Counsel for Proposed Intervener, Canadian
Constitution Foundation**

CANADIAN TAXPAYERS FEDERATION

501-2201 11th Ave

Regina, SK S4P 0J8

DENTONS CANADA LLP

99 Bank Street, Suite 1420

Ottawa, ON K1P 1H4

Devin Drover

Tel: 709-222-9092

Email: ddrover@taxpayer.com

David R. Elliott

Tel: 613-783-9699

Fax: 613-783-9690

Email: david.elliott@dentons.com

**Counsel for Proposed Intervener, Canadian
Taxpayers Federation**

**Agent for Proposed Intervener, Canadian
Taxpayers Federation**

SUPREME ADVOCACY LLP

340 Gilmour Street, Suite 100

Ottawa, ON K2P 0R3

Marie-France Major

Cory Giordano

Tel: 613-695-8855 Ext: 102

Fax: 613-695-8580

Email: mfmajor@supremeadvocacy.ca

**Counsel for the Proposed Intervener,
International Practical Shooting
Confederation Canada**

SUPREME ADVOCACY LLP

340 Gilmour Street, Suite 100

Ottawa, ON K2P 0R3

Marie-France Major

Cory Giordano

Tel: 613-695-8855 Ext: 102
Fax: 613-695-8580
Email: mfmajor@supremeadvocacy.ca

**Counsel for the Proposed Intervener,
Safari Club International**

OSLER, HOSKIN & HARCOURT LLP
Suite 2500, TransCanada Tower
450 - 1st Street S.W.
Calgary, AB T2P 5H1

**Thomas D. Gelbman
Mia Bertanjoli
Rebecca Orsini**

Tel: 403-260-7000
Fax: 403-260-7024
Email: tgelbman@osler.com

**Counsel for the Proposed Intervener,
Canadian Coalition for Gun Control**

OSLER, HOSKIN & HARCOURT LLP
Suite 3000, Bentall 4
1055 Dunsmuir Street
Vancouver, BC V7X 1K8

**Emily MacKinnon
Emily Wang
Simone Penney**

Tel: 604-692-2705
Fax: 778-785-2745
Email: emackinnon@osler.com

**Counsel for the Proposed Intervener,
British Columbia Civil Liberties
Association**

OSLER, HOSKIN & HARCOURT LLP
100 Queen Street
Suite 320, World Exchange Plaza
Ottawa, ON K1P 1J9

Leah McGurn

Tel: 613-787-1023
Fax: 613-235-2867
Email: lmchurn@osler.com

**Agent for the Proposed Intervener,
Canadian Coalition for Gun Control**

OSLER, HOSKIN & HARCOURT LLP
100 Queen Street
Suite 320, World Exchange Plaza
Ottawa, ON K1P 1J9

Kaitlyn Margison

Tel: 613-787-1114
Fax: 613-235-2867
Email: kmargison@osler.com

**Agent for the Proposed Intervener, British
Columbia Civil Liberties Association**

SUPREME ADVOCACY LLP

340 Gilmour Street, Suite 100
Ottawa, ON K2P 0R3

Marie-France Major

Tel: 613-695-8855 Ext: 102
Fax: 613-695-8580
Email: mfmajor@supremeadvocacy.ca

**Counsel for the Proposed Intervener,
Ontario Rifle Association**

GRATL & COMPANY

511-55 East Cordova Street
Vancouver, BC V6A 0A5

Jason Gratl

Tel: 604-694-1919
Fax: 604-608-1919
Email: jason@gratlandcompany.com

**Counsel for the Proposed Intervener,
Canada's National Firearms Association**

Table of Contents

A.	The <i>Regulations</i> advance a valid criminal law purpose.....	1
B.	The GIC properly considered public safety in forming its opinion under s. 117.15(2).....	5
C.	The <i>Regulations</i> meet constitutional standards for precision	7
D.	Intervener arguments based on material not on the record should be disregarded	7
E.	The <i>Bill of Rights</i> does not provide a guarantee of compensation.....	8

A. The *Regulations* advance a valid criminal law purpose

1. Alberta and Ontario improperly “widen or add to the points in issue”¹ by alleging that the *Regulations* are unconstitutional under the division of powers.² Neither the appellants nor the courts below engaged in a division of powers analysis and it is improper to ask this Court to do so for the first time on appeal.³ However, in the event that this Court chooses to consider these arguments, it should reject them.

2. The contention that the *Regulations* lack a criminal law purpose ignores their stated objective – to address gun violence and mass shootings in Canada.⁴ Preventing the threat to public safety posed by assault-style firearms, including their ability to increase the severity of mass shootings, is a quintessential criminal law purpose. Public safety is the purpose animating federal efforts to prevent Canada from descending into the scourge, experienced elsewhere,⁵ of all-too-frequent mass shootings whose fatalities and injuries are increased by these weapons. For example, the ban includes the Ruger Mini-14, used to kill at the École Polytechnique and in Nova Scotia,⁶ and the AR15 family of firearms, used in the Las Vegas, Parkland, Sandy Hook, and Christchurch (New Zealand) mass shootings.⁷ This directly responds to the longstanding

¹ *R v McGregor*, 2023 SCC 4 at para 106 [*McGregor*].

² The only appellants’ notice of constitutional question (NCQ) raising s. 91 of the *Constitution Act, 1867* is the Generoux Appellants’ at para 3, which asks whether the broad interpretation of s. 117.15 of the *Criminal Code* “usurped Parliament’s legislative authority or frustrated its intent” thereby violating s. 91. The Doherty and CCFR NCQs make no mention of s. 91.

³ *R v Downes*, 2023 SCC 6 at paras 57-58.

⁴ Regulatory Impact Analysis Statement (RIAS), “Background” (AB V1 Tab 4B AB692-3).

Alberta’s factum refers to mass shootings just once (at para 61), and only for the proposition there is “no reliable evidence” to suggest the *Regulations* will address mass shootings. Ontario and Saskatchewan’s factums do not mention mass shootings at all.

⁵ See, e.g.: *Barnett v Raoul*, 180 F.4th 1035, 2026 U.S. App. LEXIS 20150 p 1056-7 (Respondent’s Reply Book of Authorities (RRBOA), Tab 1); *N.Y. State Rifle & Pistol Ass’n v Bruen*, 597 U.S. 1 (Breyer J, Sotomayor J, and Kagan J, dissenting) p 3-4; *Holley v State*, 2019 Nev. App. Unpub. LEXIS 269 (Tao, J dissenting) p 6-7 RRBOA Tab 2.

⁶ Affidavit of Randall R. Koops affirmed December 9, 2021 at para 80 (**Koops Affidavit**) (AB V5 Tab 5F.v AB7348).

⁷ Koops affidavit at para 81 (AB V5 Tab 5F.v AB7348).

public safety concern that these firearms can be used to kill humans in large numbers within a short period of time. It is hard to think of a more compelling criminal law purpose than the state's interest in protecting the safety of Canadians by preventing the deadly consequences of mass shootings.

3. This Court has confirmed that Parliament may prohibit possessing firearms and tailor these prohibitions through regulatory schemes.⁸ In the *Firearms Reference*, this Court rejected provincial arguments that federal gun control laws invaded provincial jurisdiction or that the complex regulatory nature of gun control legislation takes it outside the realm of criminal law.⁹ This Court also dismissed the provinces' suggestion to prohibit "careless or intentional misuse" of guns instead of gun ownership, and noted that "reducing *availability* of guns may have greater impact" on the use of guns in crime than a law forbidding firearms use.¹⁰ This Court further rejected provincial arguments that gun control regimes intrude on property rights, confirming that Parliament does not regulate guns as items of property but rather to address "aspects of gun control which relate to the dangerous nature of firearms and the need to reduce misuse."¹¹

4. In the context of firearms prohibition, Parliament and the GIC each have distinct roles. In the *Criminal Code*, Parliament, exercising its criminal law power, has: (1) prohibited firearms in the interest of public safety;¹² (2) created offences in relation to prohibited firearms;¹³ (3) empowered the GIC to tailor this prohibition through regulations prescribing firearms;¹⁴ and (4) in s. 117.15(2), constrained the GIC's prescribing authority.¹⁵ All of these Parliament is constitutionally entitled to do.

⁸ *Reference re Firearms Act (Can.)*, [2000 SCC 31](#) at para 4 [*Firearms Reference*]; *Quebec (Attorney General) v Canada (Attorney General)*, [2015 SCC 14](#) at paras 36-45. See also *Attorney General of Canada v Pattison* (1981), [1981 ABCA 98 \(CanLII\)](#) at paras 17-19.

⁹ *Firearms Reference* at paras 30-38.

¹⁰ *Firearms Reference* at para 40 (emphasis added).

¹¹ *Firearms Reference* at para 43.

¹² *Criminal Code*, [RSC, 1985, c C-46](#) [*Criminal Code*], [Part III – Firearms and Other Weapons](#), s. 84.

¹³ *Criminal Code*, [RSC, 1985, c C-46](#), [Part III – Firearms and Other Weapons](#).

¹⁴ *Criminal Code*, s. [117.15](#); *R v Hydro-Québec*, [1997 CanLII 318 \(SCC\)](#), [1997] 3 SCR 213 at paras 47, 151.

¹⁵ *RJR-MacDonald Inc. v Canada*, [1995 CanLII 64 \(SCC\)](#), [1995] 3 SCR 199 at para 54, citing *Morgentaler v The Queen*, [1975 CanLII 8 \(SCC\)](#), [1976] 1 SCR 616 at 627.

5. In turn, the GIC has tailored the *Criminal Code* prohibitions, through regulations made under s. 117.15, identifying firearms that are a sufficient public safety risk to warrant falling under Parliament’s prohibition. In doing so, the GIC formed the opinion required under s. 117.15(2) as to reasonableness for use in hunting and sporting in Canada, which necessarily required balancing different considerations. The GIC’s exercise of its regulation-making authority, including the opinion it formed, is reviewed as a matter of administrative law, not as a matter of the constitutional division of powers.

6. Alberta mischaracterizes the role of s. 117.15(2) within the *Criminal Code* by arguing that the pith and substance of the *Regulations* is “to regulate what firearms can be used and owned for hunting and sporting.”¹⁶ Quite the opposite, the *Regulations* do not regulate hunting or sport shooting: they do not prevent hunting or sport shooting, determine who will hunt or sport shoot, where hunting or sport shooting may occur, or what may be hunted. Firearms prohibited by the *Criminal Code* in conjunction with the regulations made under s. 117.15 are prohibited for every civilian and for every civilian purpose.

7. The proposition that prescribing firearms as prohibited lacks a criminal law purpose because licensed firearms owners do not commit firearms crimes¹⁷ is both wrong in principle and inconsistent with the evidence. Prohibitions are intended to limit the availability of those firearms and remove them from circulation, thereby reducing the risk of diversion to illegal markets for criminal use.¹⁸ The suggestion that licensed firearms owners never commit firearms crimes oversimplifies the policy issue. For example, as one appellant acknowledged, licensed firearms users have, in fact, committed some mass shootings,¹⁹ and even the appellants’ own expert conceded that about 9% of homicides have involved “legal” firearms.²⁰ More

¹⁶ Alberta factum at section 2.ii.

¹⁷ E.g. Alberta factum at para 74.

¹⁸ RIAS, “[Objective](#)”, “[Description](#)”, “[Instrument Choice](#)” and “[Rationale](#)” (AB Vol 1 Tab 4B AB693, AB695, AB698, AB701-3).

¹⁹ Transcript of Rodney Giltaca dated December 17, 2021, 27/17-22 (AB Vol 6 Tab 6R AB14025).

²⁰ Affidavit of Gary Mauser, July 22, 2020 (**Mauser Affidavit**) at para 13 (AB Vol 2 Tab 5A.xi. AB1704).

fundamentally, much of the evidence relied on by the interveners lacks credibility²¹ and expertise,²² and cannot be used to bypass the findings of the applications judge.

8. Alberta’s argument against the *Regulations* relies on the proposition that “it is not the use, but the misuse of illegal firearms by persons with criminal intent that poses a public safety risk.”²³ Such notions, often associated with the National Rifle Association’s slogan that “guns don’t kill people, people kill people,” may be part of the public discussion around the wisdom of gun control policy,²⁴ but they do not undermine the lawfulness of the *Regulations*.

9. Courts have recognized the appalling consequences firearms can wreak, including those prohibited by the *Regulations*.²⁵ The Government of Canada was acting on commitments made through the democratic process²⁶ and in accordance with authorities granted to the GIC by Parliament, which had long recognized that gun control cannot be achieved through statute alone but requires regulatory action. Moreover, the *Regulations* are part of a multi-pronged federal comprehensive approach including other measures aimed at reducing gun crime.²⁷ The interveners’ contention that the *Regulations* are inconsistent with the purposes of the *Criminal Code* has no merit.

²¹ Affidavit of Cheryl Mancell sworn December 10, 2021 at Ex Q3-Q4 (AB Vol 5 Tab 5.ix AB8251-72); Mauser Affidavit at paras 34, 36 (AB Vol 2 Tab 5A.xi AB1711-2); Transcript of Gary Mauser dated January 13, 2022 at 16/5-17/7, 17/18-20, 29/7-35/5 (AB Vol 6 Tab 6Q AB13963-4, AB13976-82).

²² Affidavit of Caillin Langmann, September 17, 2021 at para 1 (AB Vol 2 Tab 5A.viii AB1524); Transcript of Caillin Langmann dated October 27, 2020 at 14/10-16/13, 20/21-21/4 (AB Vol 6 Tab 6O AB13415-7, AB13421-2); Transcript of Caillin Langmann dated December 20, 2021, 13/14-25, 15/21-16/18 (AB Vol 6 Tab 6P AB13534, AB13536-7).

²³ Alberta factum at para 14; *contra Firearms Reference* at para 43.

²⁴ Simon Chapman transcript dated January 18, 2022 at Ex 2 - “Over our Dead Bodies: Port Arthur and the Battle for Tougher Gun Laws” (AB Vol 6 Tab 6K AB12939-40).

²⁵ See, e.g.: *R v Chizanga and Meredith*, 2020 ONSC 4647 at paras 7-12; see also <https://masscasualtycommission.ca/files/documents/Turning-the-Tide-Together-List-of-Recommendations.pdf> recommendation C21(f) at page 27.

²⁶ Koops Affidavit at paras 37-52 (AB Vol 5 Tab 5F.v AB7332-AB7337).

²⁷ Koops Affidavit at paras 37-52 (AB Vol 5 Tab 5F.v AB7332-7).

B. The GIC properly considered public safety in forming its opinion under s. 117.15(2)

10. The contention that s. 117.15(2) requires the GIC to act for a purpose other than public safety²⁸ should also be rejected. Subsection 117.15(2) requires a balancing of considerations by the GIC, including hunting and sporting use and public safety, in forming the necessary opinion. But the provision does not set up a countervailing legislative purpose related to hunting or sport shooting as the statute contains no authority to regulate that subject matter. The GIC's purpose, including under s. 117.15(2), remains public safety, consistent with the *Criminal Code*. The GIC is not constrained from considering the primary purpose of the scheme, rather s. 117.15(2) requires the GIC to balance competing policy considerations associated with firearms use, including hunting and sporting use, in coming to a decision.

11. Exercises of the criminal law power may involve a balancing of whether to permit activities which, on the one hand, may have societal utility and involve individual choices with, on the other hand, society's broader interests in public safety.²⁹ Determining the boundary between what is permitted and what is prohibited is inherent in legislative exercises of the criminal law power. With s. 117.15(2), by making the GIC's opinion a condition precedent to regulations, Parliament has required a similar balancing exercise by the GIC. This assures all Canadians, including hunters and sport shooters, that the GIC will consider whether hunting or sporting use is reasonable in deciding whether to prescribe additional firearms to protect public safety. It does not, however, create substantive rights for hunters and sport shooters that their firearms will never be subject to prohibition in the interest of public safety.

12. Alberta's suggestion that the GIC cannot consider public safety under s. 117.15(2) has no merit.³⁰ Excluding public safety would ignore the central purpose of all gun control laws. While s. 117.15(2) restricts the GIC's authority, that relates only to what may not be prescribed, which turns on the GIC's opinion. It does not limit or constrain the various factors the GIC may consider in forming that opinion, including public safety concerns. If public safety cannot be considered by the GIC in forming its opinion, then the GIC would be prevented from prescribing

²⁸ Alberta factum at para 52.

²⁹ *R v Malmo-Levine; R v Caine*, [2003 SCC 74](#) at paras [249-51](#).

³⁰ Alberta factum at paras 44, 46, 48, 53; *contra* Saskatchewan factum at para 30.

firearms commonly used for hunting or sport shooting regardless of the dangers they pose. This would revert to the “commonly used” standard that Parliament purposefully removed from the legislation.

13. Contrary to Saskatchewan’s suggestion, there have been no “shifting purposes”³¹ of s. 117.15. Public safety has remained the purpose. What has changed over the decades is the factual and contextual landscape against which the GIC must form its opinion including, for example, the increase of certain types of firearms in the Canadian market, changes in firearms technology and capabilities, and increasing incidence and concern about mass shootings. This Court has expressly endorsed the ability for statutory provisions to be “interpreted dynamically” so that they can be applied to new sociological or technological circumstances.³²

14. This does not mean that s. 117.15(2) imposes no limit at all.³³ The GIC is restricted because it must form an opinion as a condition precedent to making regulations, and that opinion must be reasonable. The *Regulations*, including the GIC’s opinion, are subject to judicial review to ensure they bear “the hallmarks of reasonableness — justification, transparency and intelligibility” and whether they are “justified in relation to the relevant factual and legal constraints that bear on the decision.”³⁴

15. Contrary to the assertions of some of the interveners,³⁵ the GIC did not form its opinion based on the firearms’ aesthetics. Modern design is a criterion listed in the RIAS because it relates to the function and capabilities of the firearms. Semi-automatic firearms of modern design are derived from a military pattern and built in a way that makes them able to better withstand sustained rapid fire than conventional sporting firearms.³⁶ They can accept multiple large

³¹ Saskatchewan factum at para 39.

³² *Telus Communications Inc. v Federation of Canadian Municipalities*, [2025 SCC 15](#) at paras [33-34](#).

³³ *Contra* Alberta factum at para 44; *contra* Canada’s National Firearms Association factum at para 12.

³⁴ *Canada (Minister of Citizenship and Immigration) v Vavilov*, [2019 SCC 65](#) at para [99](#).

³⁵ Saskatchewan factum at para 50; Alberta factum at para 27.

³⁶ Transcript of Murray Smith dated November 5, 2020 (**Smith November 5 Transcript**) at 550/24-551/12 (AB Vol 6 Tab 6C AB9255-6); Affidavit of Dr. R. Blake Brown, December 3, 2021 (**Brown Affidavit**) at para 31 (AB Vol 5 Tab 5F.iii AB6987).

capacity magazines in quick succession and fire at a rapid rate without overheating.³⁷ The factor of modern design described in the RIAS thus has a direct relationship with the rapid-fire capability and large magazine capacity that Saskatchewan recognizes “are clearly relevant considerations” that “obviously give rise to safety concerns.”³⁸

C. The *Regulations* meet constitutional standards for precision

16. Ontario’s proposed new constitutional rule under s. 91(27) for a “presumption of precision” should be rejected. No new constitutional rule is necessary since precision and intelligibility are addressed by the vagueness doctrine under s. 7 of the *Charter*. In any case, the *Regulations* are precise. The Federal Court, whose findings of fact should be afforded deference, considered all the evidence and determined that the term variant is sufficiently precise.³⁹

17. Whether a firearm is a variant of the firearms named in the *Regulations* is something any firearms owner can find out if they do not already know. Those firearms owners who already possessed a firearm prior to May 2020, have now had several years under the protection of the *Amnesty Order* to find out whether their firearm is a variant or a modified version of a firearm named in the *Regulations*. Any firearms owners who acquired a firearm since May 2020, have been on notice that variants of firearms named in the *Regulations* are prohibited and had the opportunity to find out whether a firearm is an unnamed variant or modified version before acquiring it. Given the ample time to come into compliance with the changes in the law, no firearms owner could reasonably be considered to unwittingly be in possession of an unnamed variant. The scope of risk is known and the rule of law is satisfied.

D. Intervener arguments based on material not on the record should be disregarded

18. The appeals must be decided on the record before the courts in these proceedings rather than untested and at times erroneous information submitted by interveners. Some of the

³⁷ Smith November 5 Transcript at 551/22-552/2 (AB Vol 6 Tab 6C AB9256-7).

³⁸ Saskatchewan factum at para 51.

³⁹ Order and Reasons of the Federal Court, dated October 30, 2023, *Parker v Canada (Attorney General)*, [2023 FC 1419](#) at paras [543-52](#) [FC Decision] (Appellants’ Joint Record Part I Tab 3).

interveners raise new issues which would improperly expand the scope of this appeal.⁴⁰ The parties decided which issues to raise and addressed their evidence accordingly.⁴¹

19. For example, a number of interveners make submissions about their use and preference for particular guns for specific activities⁴² and improperly attempt to adduce evidence that is not part of the appeal record.⁴³ Such material should be disregarded, and in any case, the reference to the preferred use of various firearms amounts to an outdated “common use” argument.⁴⁴ Furthermore, an apparent lack of familiarity with the record appears to have led some interveners to make erroneous submissions: for example, one intervener wrongly states that the SKS is a type of firearm prohibited by the *Regulations*,⁴⁵ and another intervener misattributes the issue of the non-registration of previously non-restricted firearms to the *Regulations*.⁴⁶

E. The *Bill of Rights* does not provide a guarantee of compensation

20. Saskatchewan’s suggestion that the procedural protections in s. 1(a) of the *Bill of Rights* can ground a substantive right to compensation for now-prohibited guns has no merit.⁴⁷ Subsection 1(a) does not apply in the context of promulgating subordinate legislation,⁴⁸ and this Court has consistently refrained from reading into the *Bill of Rights* any substantive due process generally and for property rights specifically.⁴⁹ Since s. 1(a) did not apply, Parliament was not required to expressly state that the *Regulations* operated notwithstanding the *Bill of Rights*, and

⁴⁰ *McGregor* at paras [23-24](#) (majority) and [98-103](#) and [105-107](#) (Rowe J concurring); *Guindon v Canada*, [2015 SCC 41](#) at paras [23-35](#).

⁴¹ *McGregor* at para [104](#) (Rowe J concurring); *Nevsun Resources Ltd v Araya*, [2020 SCC 5](#) at para [256](#) (Brown and Rowe JJ dissenting in part).

⁴² International Practical Shooting Confederation (IPSC) factum at paras 1-3, 6; Ontario Rifle Association (ORA) factum at paras 1-4; Safari Club International (SCI) factum at para 2, 19.

⁴³ IPSC factum at paras 18-19, 25; ORA factum at paras 11-21, 28-45; SCI factum at paras 3-4, 9-17, 23-26.

⁴⁴ Canada’s factum at paras 12-15, 84.

⁴⁵ SCI factum at para 22.

⁴⁶ Canadian Shooting Sports Association factum at para 23, 27-28.

⁴⁷ Saskatchewan factum at paras 58, 62, 64-65, 73; *contra R v Appleby (No 2)*, [1976 CanLII 1211 \(NB CA\)](#) at [118](#).

⁴⁸ Canada’s factum at paras 183-84.

⁴⁹ *Authorson v Canada (Attorney General)*, [2003 SCC 39](#) at paras [48-57](#) [*Authorson*].

there is no legal authority for Saskatchewan’s proposition that either Parliament or the GIC had to expressly state whether compensation would or would not be paid.⁵⁰

21. The attempt to distinguish *Authorson* should be disregarded. First, no party challenged the lower court’s finding that GIC acted in a legislative capacity in promulgating the *Regulations*.⁵¹ As the GIC was making a legislative decision in promulgating the *Regulations*, the foundational principles in *Authorson* are equally applicable here. Second, the purpose of the legislation at issue in *Authorson* was to limit the Crown’s civil liability for past interest on veterans’ accounts that were administered by the Crown,⁵² which is why a “no liability clause” was appropriate and necessary. In contrast, the objective of the *Regulations*, in the criminal law context, is to respond to public safety risks posed by these guns, not the limitation of Crown liability or the expropriation of property. There is thus no corresponding need for a no-liability clause.

22. Saskatchewan cites no authority for its contention that the *Bill of Rights* limits the discretion of the executive to implement a buy-back program.⁵³ The GIC has the power to prescribe certain firearms as prohibited and has done so. The government has also chosen to offer a voluntary firearms compensation program as an exercise of the federal spending power.⁵⁴ The two are not legally linked and one does not require the other.

23. There is no merit to the argument that there has been a *de facto* expropriation of the prohibited firearms. Saskatchewan’s reliance on a purported common law presumptive right to compensation is misplaced and irrelevant.⁵⁵ First, Saskatchewan cannot indirectly make a private law claim for compensation on behalf of firearms owners in the context of a judicial review. Second, a general public benefit (i.e. removing firearms from circulation) is not enough to trigger an expropriation.⁵⁶ Third, Parliament is not regulating property as in *de facto* expropriation

⁵⁰ Saskatchewan factum at paras 61, 64-65, 69.

⁵¹ FC Decision at para [467](#).

⁵² *Authorson* at para [20](#).

⁵³ Saskatchewan factum at paras 64-65, 69, 77.

⁵⁴ *Ontario v Criminal Lawyers’ Association of Ontario*, [2013 SCC 43](#) at paras [28](#), [43](#), [58](#); *Reference Re Canada Assistance Plan (B.C.)*, [1991 CanLII 74 \(SCC\)](#), [1991] 2 SCR 525 at [567](#).

⁵⁵ Saskatchewan factum at paras 73-76.

⁵⁶ *Altius Royalty Corporation v Alberta*, [2024 ABCA 105](#) at paras [31-40](#).

cases: it is criminally prohibiting the possession of dangerous firearms. Compensation does not flow in such circumstances. Fourth, assuming the test for *de facto* expropriation even applied in this context, Canada has not acquired any beneficial interest in the prohibited firearms or any advantage flowing from them.⁵⁷ To the contrary, the RIAS speaks of a buy-back program to compensate affected owners at the federal government's expense, as well as the disposal and destruction of the prohibited firearms.⁵⁸ While not relevant to this appeal, the impediment to the buy-back program in Saskatchewan and Alberta⁵⁹ is the enactment of provincial legislation,⁶⁰ rather than of federal making.⁶¹

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated at Ottawa this 6th day of October 2026.

Zoe Oxaal
Amy Martin-LeBlanc
Jordan Milne
Jennifer S. Bond

Counsel for the Respondent,
 Attorney General of Canada

⁵⁷ *Annapolis Group Inc. v Halifax Regional Municipality*, [2022 SCC 36](#) at para 44; *Magnum Machine Ltd. (Alberta Tactical Rifle Supply) v Canada*, [2021 FC 1112](#) at paras 5, 37-39.

⁵⁸ RIAS, “[Description](#)”, “[Regulatory analysis](#)”, and “[Implementation, compliance and enforcement, and service standards](#)”.

⁵⁹ Saskatchewan factum at para 65.

⁶⁰ *Alberta Firearms Act*, [SA 2023, c A-18.5](#); *Saskatchewan Firearms Act*, [SS 2023, c 8](#). See also Alberta, Legislative Assembly, *Hansard*, 30th Legislature, 4th Session, Day 16 (9 March 2023) at 536-37 (Hon. J. Schow) and 543 (Hon. J. Armstrong-Homeniuk) (RRBOA, Tab 3); Alberta, Legislative Assembly, *Hansard*, 31st Legislature, 2nd Session, Day 20 (3 December 2025) at 721-27 (Hon. M. Amery, Hon. J. Schow, J. Wright) (RRBOA Tab 4); Saskatchewan, Legislative Assembly, Standing Committee on Intergovernmental Affairs and Justice (Hansard Verbatim Report), 29th Legislature (5 April 2023) at [432](#) (Hon. C. Tell) (RRBOA Tab 5).

⁶¹ Provincial initiatives enacted firearm “seizure agent” licensing systems as “retaliatory legislation” or as “responses to federal government intrusion” to prevent the federal program from being implemented:

See Saskatchewan, Legislative Assembly, Debates and Proceedings (Hansard), 29th Legislature, 3rd Session (6 April 2023) at 3585 (Hon. S. Moe) (RRBOA Tab 6); and Alberta, Legislative Assembly, *Hansard*, 30th Legislature, 4th Session, Day 16 (9 March 2023) at 537 (Hon. J. Schow) (RBOA Tab 3).

TABLE OF AUTHORITIES

	Jurisprudence	Cited at Para(s)
1.	<i>Altius Royalty Corporation v Alberta</i> , 2024 ABCA 105	23
2.	<i>Annapolis Group Inc. v Halifax Regional Municipality</i> , 2022 SCC 36	23
3.	<i>Attorney General of Canada v Pattison</i> (1981), 1981 ABCA 98 (CanLII)	3
4.	<i>Authorson v Canada (Attorney General)</i> , 2003 SCC 39 (CanLII) , [2003] 2 SCR 40	20, 21
5.	<i>Barnett v Raoul</i> , 180 F.4th 1035, 2026 U.S. App. LEXIS 20150	2
6.	<i>Canada (Minister of Citizenship and Immigration) v Vavilov</i> , 2019 SCC 65	14
7.	<i>Guindon v Canada</i> , 2015 SCC 41	18
8.	<i>Holley v State</i> , 2019 Nev. App. Unpub. LEXIS 269	2
9.	<i>Magnum Machine Ltd. (Alberta Tactical Rifle Supply) v Canada</i> , 2021 FC 1112	23
10.	<i>Morgentaler v The Queen</i> , 1975 CanLII 8 (SCC) , [1976] 1 SCR 616	4
11.	<i>Nevsun Resources Ltd v Araya</i> , 2020 SCC 5	18
12.	<i>N.Y. State Rifle & Pistol Ass’n v Bruen</i> , 597 U.S. 1	2
13.	<i>Ontario v Criminal Lawyers’ Association of Ontario</i> , 2013 SCC 43	22
14.	<i>Parker v Canada (Attorney General)</i> , 2023 FC 1419	16, 21
15.	<i>Quebec (Attorney General) v. Canada (Attorney General)</i> , 2015 SCC 14	3
16.	<i>R v Appleby (No 2)</i> , 1976 CanLII 1211 (NB CA)	20
17.	<i>R v Chizanga and Meredith</i> , 2020 ONSC 4647	9
18.	<i>R v Downes</i> , 2023 SCC 6	1

19.	<i>R v Hydro-Québec</i> , 1997 CanLII 318 (SCC) , [1997] 3 SCR 213	4
20.	<i>R v Malmo-Levine; R v Caine</i> , 2003 SCC 74 (CanLII) , [2003] 3 SCR 571	11
21.	<i>R v McGregor</i> , 2023 SCC 4	1, 18
22.	<i>Reference Re Canada Assistance Plan (B.C.)</i> , 1991 CanLII 74 (SCC) , [1991] 2 SCR 525	22
23.	<i>Reference re Firearms Act (Can.)</i> , 2000 SCC 31	3, 8
24.	<i>RJR-MacDonald Inc. v Canada</i> , 1995 CanLII 64 (SCC) , [1995] 3 SCR 199	4
25.	<i>Telus Communications Inc. v Federation of Canadian Municipalities</i> , 2025 SCC 15	13

	Statutes, Regulations, and Legislation	Cited at Para(s)
26.	<i>Alberta Firearms Act</i> , SA 2023, c A-18.5	23
27.	<i>Criminal Code</i> , RSC, 1985, c C-46	4
	Part III EN FR	
	s. 117.15 EN FR	
28.	<i>Saskatchewan Firearms Act</i> , SS 2023, c 8	23

	Other Documents	Cited at Para(s)
29.	Alberta, Legislative Assembly, <i>Hansard</i> , 30 th Legislature, 4 th Session, Day 16 (9 March 2023)	23
30.	Alberta, Legislative Assembly, <i>Hansard</i> , 31 st Legislature, 2 nd Session, Day 20 (3 December 2025)	23
31.	Saskatchewan, Legislative Assembly, Standing Committee on Intergovernmental Affairs and Justice (Hansard Verbatim Report), 29 th Legislature (5 April 2023)	23

32.	Saskatchewan, Legislative Assembly, Debates and Proceedings (Hansard), 29th Legislature, 3rd Session (6 April 2023)	23
-----	---	----