

COURT OF APPEAL OF ONTARIO

B E T W E E N:

ATTORNEY GENERAL OF ONTARIO

Appellant (Respondent)

and

**ANIMAL JUSTICE, JESSICA SCOTT-REID,
and LOUISE JORGENSEN**

Respondents (Applicants)

and

**ANIMAL ALLIANCE OF CANADA, CENTRE FOR FREE EXPRESSION, CANADIAN
CIVIL LIBERTIES ASSOCIATION and LABOUR ISSUES COORDINATING
COMMITTEE**

Interveners

**FACTUM OF THE INTERVENER,
ANIMAL ALLIANCE OF CANADA**

March 7, 2025

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PART I – OVERVIEW

1. The intervener Animal Alliance of Canada (**AAC**) was granted leave to intervene in this appeal arising from the *Security from Trespass and Protecting Food Safety Act*, 2020 [SO 2020, chapter 9](#) (**Act**) and the [Regulation 701/20](#) (**Regulation**) (together referred to as the **Legislation**). AAC makes 3 submissions to advance the position of animal advocates.
2. **First**, this isn't a case about private property or "location" under the second step of the s. [2\(b\)](#) test. The Legislation broadly targets expression – whether it takes place on public property, private property, or over the Internet – not location. **Second**, the Legislation has the purpose of limiting undercover exposés and delegitimizing the expression and activities of animal advocates. **Third**, the Legislation has the effect of infringing the s. [2\(b\)](#) rights of animal advocates who use deception and want to contribute to the publication of exposés, even though their expression advances s. [2\(b\)](#) values of democratic discourse, truth-seeking, and personal fulfilment.

PART II – STATEMENT OF ISSUES, LAW AND AUTHORITIES

3. The Supreme Court has adopted a three-part test to analyze breaches of s. [2\(b\)](#): (i) Does the activity in question have expressive content?; (ii) Does the method or location of this expression remove s. [2\(b\)](#) protection?; and (iii) If the expression is protected by s. [2\(b\)](#), does the government action in question infringe that protection, either in purpose or effect?

Canadian Broadcasting Corp v Canada (Attorney General), [2011 SCC 2](#), para [38](#).

4. AAC's submissions clarify the application of the second and third part of the s. [2\(b\)](#) test.

A. The second step of the s. 2(b) test – under s. 5(6) of the Act and s. 9 of the Regulation, the location of the deception is irrelevant

5. Addressing the second part of the s. [2\(b\)](#) test in *Montréal (City) v 2952-1366 Québec Inc*, the Supreme Court of Canada explained that “[s]ection s. [2\(b\)](#) protection does not extend to all places. Private property, for example, will fall outside the protected sphere of s. [2\(b\)](#) absent state-imposed limits on expression, since state action is necessary to implicate the Canadian [Charter](#).” In *Canadian Broadcasting Corp v Canada (Attorney General)*, the Court added that the location of the conveyance of a message will be excluded from [Charter](#) protection where this location “conflicts with the values protected by s. [2\(b\)](#), namely self-fulfilment, democratic discourse and truth finding (*City of Montréal*, at para 72).”

Montréal (City) v 2952-1366 Québec Inc, [2005 SCC 62](#), para [62](#); *Canadian Broadcasting Corp v Canada (Attorney General)*, [2011 SCC 2](#), para [37](#).

6. The second part of the s. [2\(b\)](#) test only comes into play where the claim is for a constitutional right “to express oneself in a certain location” where s. [2\(b\)](#) protection does not exist, “that is, when the location of the expression is a fundamental piece of the right asserted.” As the Supreme Court of Canada has directed, the specific location at issue must be identified. *Canadian Broadcasting Corp v Canada (Attorney General)* concerned a prohibition on the broadcasting of audio recordings of court proceedings. Because the location from which the broadcasting (ie, the expression) took place was not identified (even though the recordings were made in the court itself), the Court found that the location at issue could not remove s. [2\(b\)](#) protection: “The exercise by the media organizations of their right to freedom of the press is not limited to a specific location. Since no specific location is at issue, the activity is not excluded from constitutional protection as a result of this factor.”

Victoria (City) v Adams, [2009 BCCA 563](#), para [79](#); *Canadian Broadcasting Corp v Canada (Attorney General)*, [2011 SCC 2](#), para [49](#).

7. The present case is not a case about a specific “location” where s. [2\(b\)](#) protection “does not exist”. Section [5\(6\)](#) of the [Act](#) and s. [9](#) of the [Regulation](#) broadly target deceptions, without regard to their location – whether they take place on public property, on private property, or even over the Internet. Irrespective of the location where the deceptions are expressed, the Legislation applies. Animal advocates do not claim for a constitutional right to express themselves on private property. Like the media broadcasters in [Canadian Broadcasting Corp v Canada \(Attorney General\)](#), their expression is not limited to any particular location.

Bracken v Fort Erie (Town), [2017 ONCA 668](#), para [53](#).

8. The fact that, for the prohibition on deception to apply, an individual must subsequently step onto private property does not then retroactively remove s. [2\(b\)](#) protection. The expression at issue is the deception itself (as conceded by the AG),¹ which takes place in any number of locations, rather than the subsequent stepping onto private property. Similarly, legislation preventing an individual from entering a dwelling if the individual had previously made disparaging statements on Bluesky or X about the owner of a dwelling could not be excluded from constitutional protection on account of “location”. As the Application Judge found: “[t]he speaker’s presence on the property only becomes unlawful because the [Act](#) makes it so by virtue of the statement the person made”. Section [5\(6\)](#) of the [Act](#) and s. [9](#) of the [Regulation](#) target expression, not location.
9. Even if this court finds that the prohibition on deception specifically targets expression on private property, s. [5\(6\)](#) of the [Act](#) and s. [9](#) of the [Regulation](#) nevertheless infringe s. [2\(b\)](#) of the *Charter*. As the Court recognized in [Montréal \(City\) v 2952-1366 Québec Inc](#), private

¹ **Factum of the Attorney General of Ontario**, para 54 (the AG notes that the “deception” is an “admittedly expressive act”).

property only falls outside the protected sphere of s. [2\(b\)](#) “absent state-imposed limits on expression, since state action is necessary to implicate the [Canadian Charter](#).”

Montréal (City) v 2952-1366 Québec Inc, [2005 SCC 62](#), para [62](#).

10. Here, s. [5\(6\)](#) of the [Act](#) and s. [9](#) of the [Regulation](#) constitute a state-imposed legislative limit on expression, one that expands the common law powers of property owners and associated trespass legislation. At common law, the powers of property owners/occupiers include the powers to exclude persons from the property, remove persons from the property, and impose terms and conditions on persons while they are on the property. Ordinary trespass legislation (eg, the *Trespass to Property Act*, [R.S.O. 1990, c. T.21](#)) provides an enforcement mechanism for these substantial rights from the common law, thereby upholding the right of owners/occupiers to decide who is permitted on the property. Trespass in its traditional formulation has nothing to do with expression.

Stewart v Toronto (Police Services Board), [2020 ONCA 255](#), para [74](#); *Bracken v Fort Erie (Town)*, [2017 ONCA 668](#), para [69-73](#).

11. On the other hand, s. [5\(6\)](#) of the [Act](#) and s. [9](#) of the [Regulation](#), read in conjunction with s. 14 of the [Act](#), sanctions a private statement made by one person to another, in a context where the owner subsequently grants access to their property. It goes beyond mere enforcement of the common law power to exclude or remove persons from private property. In essence, it creates a novel offence of ‘trespass by deception’, a legislated tort to which s. [2\(b\)](#) of the [Charter](#) applies. Furthermore, it sanctions the private statement retroactively, and only in certain cases. The common law powers of property owners have not previously provided a basis upon which to retroactively punish private statements on a case-by-case basis. Through these expansions of trespass, s. [5\(6\)](#) of the [Act](#) and s. [9](#) of the [Regulation](#) fall squarely within focus of s. [2\(b\)](#).

B. The third step of the s. 2(b) test – s. 5(6) of the Act and s. 9 of the Regulation have the purpose of limiting undercover exposés and delegitimizing the expression and activities of animal advocates

12. The Application Judge relied on the text of the [Act](#) (which penalizes misrepresentations that lead to access to certain premises) and the evidence of Scott Duff (who states that the [Act](#) seeks to eliminate undercover exposés) to find that a purpose of the Legislation is to infringe on the applicants’ freedom of expression. More generally, the legislative debates confirm that a central purpose of the Legislation is to limit transparency of animal practices (including by delegitimizing the activities of animal advocates who shine light on these practices).

[Reasons for Judgment](#) of Koehnen J, paras 80-82, 86, Respondents’ Compendium, Tab 1.

13. The [Act](#) was passed at the request of the factory farming industry. While its stated purpose is to protect farm animals, the food supply, the economy, farmers, drivers who transport farm animals, and others from the “unique” risks that are created when trespassers enter places where farm animals are kept or when persons engage in unauthorized interactions with farm animals, the legislative debates failed to present any significant evidence of this. For example, there was no evidence about the number of biosecurity incidents due to activists, any statistics or information of disease or contamination by unauthorized animal advocates, or whether any disease or contamination on Ontario’s farm facilities had previously been caused by unauthorized visitors such as animal advocates. Nor was there evidence that animal advocates, activists, whistleblowers or any other investigators perpetrated acts of violence against farmers in their homes or were similarly charged.

Affidavit of Scott Duff, Appeal Book and Compendium, Tab 19; **Randy Pettlepice**, [Hansard Session 42.1 – Part I, Second Reading – December 10, 2019](#) (**Hansard**, 2nd Reading, Dec 10), p 6795; **Goldie Ghamari**, [Hansard, 2nd Reading, Dec 10](#), p 6816-6818; **Amarjot Sandhu**, [Hansard Session 42.1 – Part II, Second Reading – December 11, 2019](#) (**Hansard**, 2nd Reading, Dec 11), p 6824; **MPP Mike Schreiner**, [Hansard Session 42.1 - Part II, Standing Committee on General Government – June 9, 2020](#) (**Hansard**, Standing Comm. June 9), p G676; See responses from **Kathleen Long from Maple Leaf Foods** (and a Veterinarian), [Hansard, Standing Comm.](#)

[June 9](#), p 676.

14. In fact, it has been the work of animal advocates that has been essential to rectify the inadequate accountability and animal and public health harm prevention measures of factory farms. For example, their undercover investigations have revealed instances of bad practices and animal suffering in the US and Canada, even leading to prosecutions. The largest meat recall in history was prompted by an undercover investigation of a slaughterhouse by the humane society in California. In Canada, undercover investigations have led to farms and individuals being charged with and pleading guilty to animal cruelty.

Dr. Jan Hajek, [Hansard, Standing Comm. June 9](#), p 690; **Affidavit of Camille Labchuk** affirmed June 30, 2021, paras 107-110, 117-121, 126-131, 135, Respondents' Compendium, Tab 2; **R v Keefer**, [2017 BCPC 142](#).

15. Animal advocates have also revealed that animals on farms are confined in overcrowded spaces, which is facilitated through painful mutilations such as cutting off the horns of cattle, cutting off the beaks of chickens, and docking the tails of sheep, pigs, and indoor feedlot cattle. Dr Jan Hajek, an infectious disease specialist, confirmed in the legislative debates that animal welfare and public health measures get sidelined in profit-driven high intensity agriculture. Similar treatment of non-farmed animals (for example companion animals) would be illegal and readily prosecuted. Yet rather than recognize the importance of the transparency that animal advocates bring, the history of the framing of the Legislation shows a sustained attempt to delegitimize the animal advocacy movement and community in the public sphere by branding them as dangerous and on the fringe.

Affidavit of Jessica Scott-Reid, para 23, Respondents' Compendium, Tab 3; **Dr. Jan Hajek**, [Hansard, Standing Comm. June 9](#), p 690; *examples of treatment of non-farmed animals: R v MacIsaac*, [2008 NSPC 81](#); *R v Chen*, [2021 ABCA 382 \(CanLII\)](#); *R v Marshall*, [2013 ONCJ 61](#); *R v Galloro*, [2006 ONCJ 263](#); *R v Vassell*, [2022 ONCJ 415](#); *R v Baker*, [2004 CanLII 569 \(ON SC\)](#).

16. In the legislative debates, animal agriculture industry representatives repeatedly and

extensively referred to animal advocates as “activists.” They were also called “vigilante” and their behaviour was termed harassing, deplorable, aggressive, unwise, extreme bullying and threatening. In other correspondence with government, a mink farm owner also referenced animal advocates as animal extremists, terrorists and their actions as “continued terrorism”. When introducing the underlying legislation, despite extensive consultations with the factory farming lobby, the Ministry of Agriculture, Food and Rural Affairs did not consult with the animal advocacy community. Finally, in the legislative debates, MPP Randy Pettapiece and others decried the difficulty of prosecuting agri-food trespassing cases under the *Criminal Code* given the need to show “intention” and the fact that, “in some cases, crown counsel have withdrawn charges because of a lack of a reasonable prospect of conviction.”

John de Bruyn, [Hansard, Standing Comm. June 9](#), pp 683, 687; **MPP Daryl Kramp**, [Hansard Session 42.1 – Part, Third Reading – June 16, 2020 \(Hansard, 3rd Reading, June 16\)](#), p 8156; **Keith Currie**, [Hansard, Standing Comm. June 9](#), p 651; **Shikha Jain**, [Hansard, Standing Comm. June 9](#), p 666; Jason LeBond, [Hansard, Standing Comm. June 9](#), p 682; **Affidavit of Clarence Bollert**, Exhibit Book Volume 4, Tab 10; **Reply Affidavit of Camille Labchuk**, paras 3-6, Exhibit Book Vol 2, Tab 2: In documents received from OMAFRA of discussions between OMAFRA and agricultural industry representatives regarding the introduction of Bill 156, animal activists, trespassing, and undercover exposés at farms, there was no mention; **MPP Randy Pettapiece**, [Hansard, 2nd Reading, Dec 10, p 6796](#), [Hansard, 3rd Reading, June 16](#), p 8146.

17. Similar tactics have been adopted in the U.S., where animal advocates and journalists have been vilified, prejudiced and stigmatized as terrorists, enemies, invaders, vigilante, and marauding invaders. In Idaho, the court reviewed a law criminalizing the conduct of undercover investigators who use deception to gain access to animal facilities. The court found that the negative characterization of animal advocates, combined with the law’s harsh penalties for their free speech, provided context of the true motivation of the law. In addition to finding that the law violated free speech rights, the court found it violated the right to equal protection under the law because it was motivated in substantial part by animus towards animal welfare groups.

Animal Legal Defense Fund v Otter, [118 F. Supp. 3d 1195 \(D. Idaho 2015\)](#), pp 1200, 1202, 1206, 1210-1212; also see *Animal Legal Defense Fund v Wasden*, [878 F \(3d\) 1184 \(9th Cir 2018\)](#).

18. In Utah, the court found that provisions in the [Utah Code § 76-6-112](#) that made it illegal to record images or sounds of an “agricultural operation” without the owner’s consent and to gain employment with intent to do so were unconstitutional and were struck down. The court observed:

On first blush, this inquiry appears to pit the First Amendment broadly against the privacy and property interests of landowners. Indeed, it might seem to involve a weighing of the value of undercover investigations against the wisdom and reasoning behind laws suppressing them. Ultimately, however, because of both the breadth of the Act and the narrow grounds on which the state defended it, these complex policy questions never really materialize in this case.

Animal Legal Defense Fund v Herbert, [263 F Supp \(3d\) 1193 \(D Utah 2017\)](#) at 1211.

19. Utah, like Ontario in this matter, defended its law on the grounds that the law sought to target the risk posed by individuals including undercover advocates, who could spread diseases to and injure animals and workers. The Utah court rejected this argument, finding that the legislative history did not evince this intention and that the record failed to establish that undercover animal advocates had created diseases or injured workers. The law was overinclusive, criminalizing “the employee who lies on her job application but otherwise performs her job admirably” as well as “the most diligent well-trained undercover employees”. The court agreed that while there may be a legitimate interest in addressing perceived threats to the agricultural industry, the suppression of broad swaths of protected speech without sufficient evidence was not the way to respond to this concern.

Animal Legal Defense Fund v Herbert, [263 F Supp \(3d\) 1193 \(D Utah 2017\)](#) at 1197, 1212-1213.

C. The third step of the s. 2(b) test – s. 5(6) of the Act and s. 9 of the Regulation have the effect of infringing the expression of animal advocates

20. Section [5\(6\)](#) of the [Act](#) and s. [9](#) of the [Regulation](#) have the effect of infringing the s. [2\(b\)](#) rights of animal advocates who wish to use deception to obtain work on animal facilities and ultimately shine light on their practices. First, the Legislation directly penalizes (and therefore discourages) deceptions that animal advocates make to potential employers. Second, the penalty against deceptions results in a chilling effect that reduces the publication of exposés and limits democratic discourse, truth-seeking, and personal fulfilment. In the Idaho case discussed above, for example, the court found that the lies used to facilitate undercover investigations advance core free speech values by exposing misconduct to the public eye and facilitating dialogue on issues of considerable public interest. Third, the obligation for animal advocates to tell the truth if they want to gain access to animal facilities effectively acts as a precondition to their expression of shining light on harmful animal practices through contributions to exposés.

Harper v Canada (AG), [\[2004\] 1 SCR 827](#), para [42](#); *Animal Legal Defense Fund v Otter*, [118 F. Supp. 3d 1195 \(D. Idaho 2015\)](#), p 1204; *Langenfeld v Toronto Police Services Board*, [2019 ONCA 716](#) (leave to appeal refused), para [29-30](#), [43](#); *Stewart v Toronto (Police Services Board)*, [2020 ONCA 255](#), para [50](#).

21. The expression of animal advocates who use deceptions and seek to contribute to exposés advances the values protected by s. [2\(b\)](#) of the [Charter](#), namely democratic discourse, truth-seeking, and personal fulfilment. Animal advocates promote the reality that animals are a sentient and highly vulnerable group whose rights must further be protected, a reality that courts in Canada are beginning to recognize. The right of animal advocates to participate in political discourse through these means includes the ability to effectively communicate and disseminate information to others. Even if the expression of animal advocates is in the minority and is inconvenient and unpopular to the politically powerful factory farming, it is

protected by s. [2\(b\)](#). Permitting an effective voice for unpopular and minority views is essential to deliberative democracy. This purpose extends to the protection of minority beliefs that the majority regards as wrong or false.

Irwin Toy v Quebec, [\[1989\] 1 SCR 927](#), p 976; *Reece v Edmonton (City)*, [2011 ABCA 238](#), para [88](#) (Fraser CJ in dissent); *Bayat v Mavedati*, [2024 BCSC 619](#), para [14](#); *Harper v Canada (AG)*, [\[2004\] 1 SCR 827](#), paras [14-15](#); *R v Zundel*, [\[1992\] 2 SCR 731](#).

22. Ultimately, in purpose and effect, the Legislation is anti-sunshine legislation, which prevents transparency of animal practices. By preventing protests, awareness and investigations of animal harm, the Legislation shields the powerful factory farming industry from public scrutiny of their practices involving millions of animals and, potentially, law enforcement.

PART III – ORDER REQUESTED

23. AAC takes no position on the appeal and requests that no costs be awarded against it.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 7th day of March 2025.



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Lawyers for the Intervener Animal Alliance of
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SCHEDULE “A” LIST OF AUTHORITIES

1. *Animal Legal Defense Fund v Herbert*, [263 F Supp \(3d\) 1193 \(D Utah 2017\)](#)
2. *Animal Legal Defense Fund v Otter*, [118 F. Supp. 3d 1195 \(D. Idaho 2015\)](#)
3. *Animal Legal Defense Fund v Wasden*, [878 F \(3d\) 1184 \(9th Cir 2018\)](#)
4. *Bayat v Mavedati*, [2024 BCSC 619](#)
5. *Bracken v Fort Erie (Town)*, [2017 ONCA 668](#)
6. *Canadian Broadcasting Corp v Canada (Attorney General)*, [2011 SCC 2](#)
7. *Harper v Canada (AG)*, [\[2004\] 1 SCR 827](#)
8. *Irwin Toy v Quebec*, [\[1989\] 1 SCR 927](#)
9. *Langenfeld v. Toronto Police Services Board*, [2019 ONCA 716](#)
10. *Montréal (City) v 2952-1366 Québec Inc*, [2005 SCC 62](#)
11. *R v Baker*, [2004 CanLII 569 \(ON SC\)](#)
12. *R v Chen*, [2021 ABCA 382 \(CanLII\)](#)
13. *R v Galloro*, [2006 ONCJ 263](#)
14. *R v Keefer*, [2017 BCPC 142](#)
15. *R v MacIsaac*, [2008 NSPC 81](#)
16. *R v Marshall*, [2013 ONCJ 61](#)
17. *R v. Vassell*, [2022 ONCJ 415](#)
18. *R v Zundel*, [\[1992\] 2 SCR 731](#)
19. *Reece v Edmonton (City)*, [2011 ABCA 238](#)
20. *Stewart v Toronto (Police Services Board)*, [2020 ONCA 255](#)
21. *Victoria (City) v Adams*, [2009 BCCA 563](#)

SCHEDULE “B” TEXT OF STATUTES, REGULATIONS & BY-LAWS

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, s 91\(24\)](#)

Fundamental Freedoms

2 Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

Security from Trespass and Protecting Food Safety Act, 2020 [SO 2020, chapter 9](#)

Purposes

1 The purposes of this Act are to prohibit trespassing on farms and other properties on which farm animals are located and to prohibit other interferences with farm animals in order to,

- (a) eliminate or reduce the unique risks that are created when individuals trespass on those properties or interfere with farm animals, including the risk of exposing farm animals to disease and stress as well as the risk of introducing contaminants into the food supply;
- (b) protect farm animals and the food supply chain from the risks described in clause (a);
- (c) protect the safety of farmers, their families and persons working in or on farms, animal processing facilities and prescribed premises as well as the safety of drivers of motor vehicles transporting farm animals; and
- (d) prevent any adverse effects the risks described in clause (a) may have on Ontario’s overall economy.

Prohibitions re trespass, etc.

Animal farms

5 (1) No person shall enter in or on an animal protection zone on a farm without the prior consent of the owner or occupier of the farm.

Processing facilities

(2) No person shall enter in or on an animal protection zone on an animal processing facility without the prior consent of the owner or occupier of the facility.

Other animal premises

(3) No person shall enter in or on an animal protection zone on prescribed premises without the prior consent of the owner or occupier of the premises.

No interaction with farm animals

(4) No person shall interfere or interact with a farm animal in or on an animal protection zone on a farm, animal processing facility or prescribed premises, or carry out a prescribed activity in or on the animal protection zone, without the prior consent of the owner or occupier of the farm, facility or premises.

No implied consent

(5) For the purposes of subsections (1), (2), (3) and (4), prior consent of an owner or occupier shall not be inferred by a person seeking to enter in or on an animal protection zone referred to in those subsections, or to interfere or interact with a farm animal or carry out a prescribed activity in or on the animal protection zone, solely on the basis that,

- (a) the owner or occupier has not prohibited the person directly, orally or in writing, from entering the animal protection zone, from interfering or interacting with a farm animal or carrying out the prescribed activity or has not otherwise objected to the person's presence; or
- (b) no signs have been erected on the farm, animal processing facility or prescribed premises to restrict or prohibit the entry in or on the animal protection zone or the interference, interaction or prescribed activity.

Consent under duress, false pretences

(6) For the purposes of subsections (1), (2), (3) and (4), consent to entering in or on an animal protection zone, to interfering or interacting with farm animals or to carrying out prescribed activities is invalid if it is obtained from the owner or occupier of the relevant farm, animal processing facility or prescribed premises using duress or under false pretences in the prescribed circumstances or for the prescribed reasons and a consent so obtained shall be deemed not to have been given.

Animal protection zone signs

(7) No person shall deface, alter, damage or remove any signs that have been posted on a farm, animal processing facility or prescribed premises to demarcate an animal protection zone or to prohibit or regulate access to or activities carried out in or on animal protection zones.

Non-application of *Trespass to Property Act*

(8) The *Trespass to Property Act* does not apply to animal protection zones to which this section applies.

Regulation 701/20

Consent Under False Pretences

False statement resulting in contravention of Act

9. A person who gives a false statement to the owner or occupier of a farm, animal processing facility or prescribed premises or to the driver of a motor vehicle transporting farm animals and who obtains the consent of the owner, occupier or driver to carry out an act that, without the consent, is prohibited under subsection 5 (1), (2), (3) or (4) or 6 (2) of the Act, is considered to have obtained the consent under false pretences for the purposes of subsections 5 (6), 6 (4) and 14 (2) of the Act if,

- (a) the statement is made either orally or in writing;
- (b) the false statement is given for the purpose of obtaining the consent;
- (c) the owner, occupier or driver provides the consent in reliance on the false statement; and
- (d) as a result of the consent being given, the person making the statement carries out an act that would otherwise be prohibited under the Act.

ATTORNEY GENERAL OF ONTARIO
Applicants

- and -

Court File No. COA-24-CV-0553
ANIMAL JUSTICE, et al
Respondents

COURT OF APPEAL FOR ONTARIO

Proceedings commenced at TORONTO

**FACTUM OF THE INTERVENER, ANIMAL
ALLIANCE OF CANADA**

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