# Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

***Episode 5: Climate Change Remedies and Section 7 of the Charter***

## About the Series

Charter: A Course is a podcast created by the David Asper Centre for Constitutional Rights (the Asper Centre) and hosted by the Asper Centre's Executive Director Cheryl Milne.

Charter: A Course focuses on Canadian constitutional law and litigation. In each episode, we highlight the accomplishments of U of T Law's faculty and alumni involved in leading constitutional cases and issues. Each episode also includes a "Practice Corner," where we talk about the ins and outs of what it means to be a constitutional litigator.

Whether you are a law student, a lawyer, or just an interested person, we hope that you learn about an aspect of constitutional law and litigation that interests you in our podcast.

## Episode 5 Show Notes

Section 7 of the Canadian Charter of Rights and Freedoms guarantees that every person has the right to life, liberty, and security of the person, except in accordance with the principles of fundamental justice.

This episode focuses on s. 7 of the Charter, climate change litigation and constitutional remedies in these cases.

In this episode, we speak with lawyer and former Constitutional Litigator-in-Residence at the Asper Centre, Nader Hasan about the meaning and purpose of section 7 in the context of climate change and government action/inaction, and as it relates to protecting the environment for future generations. Nader is legal counsel for the applicants in the *Mathur v Ontario* climate change litigation (see case link below), which he discusses in this episode.

In this episode's "Practice Corner" (starting at **38:30**), we speak with University of Toronto Faculty of Law Professor Kent Roach about constitutional remedies as a core aspect of charter litigation. Kent is the author of Constitutional Remedies in Canada (Carswell, 2013) and has recently published an article on judicial remedies in climate change litigation internationally.

Find a full transcript of this episode here.

## Case Links

In this episode, the following cases were discussed:

*Gosselin v Québec (Attorney General)*, 2002 SCC 84 (CanLII)
*Mathur v Ontario*, 2020 ONSC 6918
*La Rose v Canada*, 2020 FC 1008
*Urgenda Foundation v State of the Netherlands*, 2015 Hague District Court ECLI:NL:RBDHA:2015:7145

*Tanudjaja v Canada (Attorney General)*, 2014 ONCA 852 (CanLII)
*Doucet-Boudreau v Nova Scotia (Minister of Education)*, 2003 SCC 62 (CanLII)

## About the Asper Centre

The Asper Centre, a part of the University of Toronto's Faculty of Law since 2008, is devoted to realizing constitutional rights through advocacy, research and education. The Centre aims to play a vital role in articulating Canada's constitutional vision to the broader world. The cornerstone of the Centre is a legal clinic that brings together students, faculty and members of the bar to work on significant constitutional cases and advocacy initiatives. The Centre was established through a generous gift from U of T law alumnus David Asper (LLM '07).

## Thank You's

Charter: A Course is proudly sponsored by the University of Toronto's affinity partners: **MBNA** and **TD Insurance.** We would like to thank each of our sponsors, and you can discover the benefits of affinity products here.

We would like to thank the creators of our theme music for Charter: A Course. Constitutional law professor Howie Kislowicz and law professor Rob Currie gave us the licence to use their constitutional law shanty in exchange for a donation to the Calgary Food Bank. The song's performers are: Vanessa Carroll, Rob Currie, Howie Kislowicz, Avinash Kowshik, Anna Lund, Patricia Paradis, Elin Sigurdson, Lyle Skinner, and Dave Wright. You can listen to the entire shanty here: Charter a Course. Please consider contributing to your local food bank!

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Thank you to our wonderful guests on this episode, Nader Hasan and Professor Kent Roach!

Thank you to our audio editor Liam Morrison of Bell Room Media Solutions.

Lastly, we are very grateful to you, our listeners, for taking the time to join us on this voyage as we charter a course into podcasting!