Ruck v. City of Mississauga (2025)

Overview:
In *Ruck v. City of Mississauga (2025)*, Wolf Ruck (self-representing) challenged the City of Mississauga's *Nuisance Weeds and Tall Grass Control Bylaw*, which requires property owners keep grass cut below 20cm (8 inches) in height and remove "nuisance" weeds.

Ruck argued that the Bylaw infringed upon his Canadian Charter rights, particularly Freedom of Expression under Section 2(b), asserting that his naturalized garden was intentionally planted to promote biodiversity and support pollinators. Ruck further claimed breaches of his Sections 2 (a), 7, 11(d), 11(h), and 15(1) Charter rights, as well as violations of procedural fairness. He sought $2.46 million in damages and other relief.

Background:
Since 2020, Wolf Ruck has maintained a naturalized garden in his front lawn, intended to provide habitat for pollinators and support biodiversity with perennial native and non-native grasses and wildflowers. In response to a series of anonymous complaints, municipal law enforcement officers initiated an investigation followed by enforcement action. Wolf received his first Notice of Contravention in 2021 and has received one each year thereafter.

At the time of the bylaw inspections, municipal officers were unable to identify the plant species they removed. Though present in limited quantities, three species listed as noxious weeds under the Weed Control Act – sow thistle (*Sonchus spp.*), dog-strangling vine (*Vincetoxicum rossicum (Kleopow) Barbar.*), and Canada thistle (*Cirsium arvense (L.) Scopoli*) – were identified as present in the naturalized garden. In 2022 and 2023, the City forcibly mowed Ruck's naturalized garden in his front yard. In 2024, the enforcement action extended to mowing both the front and back yards.

Ruck challenged the City's enforcement of the bylaw, first filing a Judicial Review in May 2023 in Divisional Court, which was dismissed on procedural grounds. He then filed a Superior Court application in November 2023, which was dismissed in May 2024. In May 2024, Ruck then filed an appeal to the Ontario Court of Appeal, which was then sent back to the Superior Court of Justice for another hearing. During the proceedings, Ruck sought an injunction to prevent further mowing while the case was active; this request was denied in July 2024, and the City continued mowing the property during litigation.

Court findings:
Procedural fairness and other rights
The court found that the City's enforcement action did not breach the rights to a fair process also known as procedural fairness. The municipal law enforcement officers were properly authorized under the Ontario *Municipal Act*, and the complaint-based inspection and enforcement processes were lawful. Likewise, the Court did not find the City's actions breached any of the Charter rights that were asserted, with the notable exception of 2(b).

Section 2(b) of the Charter - Freedom of Expression
The Court agreed that Ruck's naturalized garden does constitute a form of expression of environmental belief, and is therefore protected under Section 2(b) of the Charter. No basis for

exclusion of this belief could be found, particularly given Ruck's environmentalist views, and further found that Bylaw effectively stifled his ability to express those views.

Section 1 of the Charter - Reasonable Limits Clause

Section 1 of the Charter allows governments to infringe upon certain Charter rights where the limitations are reasonable and demonstrably justified in a free and democratic society. In *Ruck v. City of Mississauga (2025),* the City was unable to demonstrate that the restrictions on grass height and prohibited weeds were minimally impairing. The City led no evidence respecting why it had chosen 20cm as an appropriate length of grass, nor why such a standard would achieve the objectives of the Bylaw better than any other, thus it could not be "minimally" impairing. For the latter, the Court considered that given the sincerity of Ruck's beliefs and his desire to convey them through his garden, the impact of the Bylaw was disproportionate to the harms it sought to prevent. As a result, these provisions under Sections 5 and 6 of the Bylaw could not be justified under Section 1 and were struck down (found unconstitutional).

Section 24(1) of the Charter - Remedies:

The remainder of the claims Ruck presented were dismissed by the court and the damages were not awarded. Although the court found that the provisions of the Bylaw violated Ruck's Charter right to freedom of expression, the court held that at the time that the bylaw was enacted, the City could not have reasonably known that the Bylaw was unconstitutional, maintaining that similar bylaws were enacted in other municipalities, and citing an overall lack of definitive judicial guidance and legal certainty. It is important to note that this does not prove the Bylaw to be constitutional, but suggests that its unconstitutionality was not obvious.

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Ruck v. City of Mississauga (2025) upholds and reinforces the precedent set thirty years ago by *Bell v. Toronto (1996)* in reaffirming that (1) freedom of expression under section 2(b) of the Charter extends to the expression of environmental beliefs through gardening, and (2) municipal bylaws regulating vegetation on private property, containing blanket provisions, can infringe upon Charter rights and as a result, can be struck down as unconstitutional in court.

Critically, this decision sends a clear signal to Canadian municipalities that their bylaws must be minimally impairing and proportionate. The decision establishes that minimal impairment requires evidence to justify restrictions or limits to freedom of expression where these types of bylaw provisions exist – evidence based in either scientific research, or at least a jurisdictional review to show why a particular standard was chosen. *Ruck v. City of Mississauga (2025)* confirms municipalities must be able to clearly demonstrate that the benefits of the bylaw outweigh its infringement on Charter rights to freedom of expression, and that in the drafting of a bylaw, they meaningfully considered a range of regulatory alternatives.

A consistent and significant issue in municipal bylaws – including the Mississauga bylaw – is the absence of definitions, and/or the use of definitions that are vague, subjective or arbitrary. Although the Bylaw defines "tall grass" as grasses exceeding 20 centimetres in height and "nuisance weeds" through the *Weed Control Act*, these definitions fail to meaningfully distinguish between the thousands of species of graminoids (grasses), most of which have growth habits that naturally exceed 20 centimetres in height. This is an ongoing problem with similar bylaws. Where these vague regulatory definitions exist or where definitions are absent, enforcement is inevitably subjective, leading to arbitrary and indiscriminate action. All of this renders enforcement problematic.

Municipal bylaws are intended to be reviewed and updated periodically to ensure they remain current, effective, and legally sound. The review process provides opportunities for municipal staff to account for developments in Charter jurisprudence and integrate emerging best practices into bylaw reform. While the Court accepted that the City of Mississauga could not reasonably have known that its 2017 Bylaw was unconstitutional, its emphasis on the absence of evidence supporting the City's regulatory standards signals that municipalities should exercise caution in continuing to rely on inherited or arbitrary regulatory standards without clear evidentiary support. In upholding and extending the Bell decision, the Ruck case now makes clear that Municipalities are on notice that the burden of responsibility lies with planners and policymakers to ensure that their bylaws are minimally infringing, and proportionate to their intended benefits and harm-reduction. Lack of awareness is no longer an excuse for unconstitutional bylaws.

Some municipalities have resorted to making special provisions in their bylaws for naturalized yards and habitat gardens. For example, the City of Toronto introduced a permit based exemption for naturalized gardens following the Bell decision. This was challenged in 2020 when the matter of freedom of expression was reintroduced to refute the exemption, and as a result, the City of Toronto passed a new bylaw in 2021 – the catalyst for the Bylaws for Biodiversity research project. As was argued in Toronto, experience has shown that a "naturalized garden exemption" or registration-based approach imposes significant administrative and financial burdens on municipal staff, while creating unnecessary barriers for residents seeking to steward naturalized or habitat-focused landscapes. This process relies on a discretionary approval process that is itself inherently arbitrary and can result in inconsistent enforcement. By choosing to single out certain gardening practices for special permission, exemptions stigmatize practices that may reflect or demonstrate expression of freedom protected by the Charter and which are already subject to misunderstanding and complaint-driven enforcement. Instead, more effective outcomes are achieved through clear, well-drafted, evidence-informed bylaws that regulate vegetation precisely, without requiring exemptions for practices proven to be ecologically beneficial and beneficial to human health and wellbeing.

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