

CANADA / JUDGMENT

G.G. v. Ontario

2025 ONCA 874

COURT

Court of Appeal for Ontario

DECIDED

12 December 2025

Source: norma.lexum.com · Research copy typeset by Esheria. Not court-issued or certified.

G.G. v. Ontario Collection Decisions of the Court of Appeal Date 2025-12-12 Neutral citation 2025 ONCA 874 Docket numbers COA-25-CV-0957, COA-25-CV-0958 Judges Zarnett, Benjamin Subject Civil Decision Content COURT OF APPEAL FOR ONTARIO CITATION: G.G. v. Ontario, 2025 ONCA 874 DATE: 20251212 DOCKET: COA-25-CV-0957 & COA-25-CV-0958 Zarnett J.A. (Case Management Judge) BETWEEN G.G. and W.W. Plaintiffs (Appellants/Respondents) and His Majesty the King in Right of the Province of Ontario, Native Child and Family Services of Toronto, Linck Child, Youth and Family Support, Brant Family and Children's Services, Bruce Grey Child & Family Services, Children's Aid Society of Hamilton, Catholic Children's Aid Society of Hamilton, Children's Aid Society of Toronto, Children's Aid Society of the District of Nipissing and Parry Sound, Children's Aid Society of Algoma, Children's Aid Society of London and Middlesex, Children's Aid Society of Oxford County, Dufferin Child & Family Services, Durham Children's Aid Society, Family and Children's Services of Frontenac, Lennox and Addington, Family and Children's Services of Lanark, Leeds and Grenville, Family and Children's Services of Guelph and Wellington County, Family and Children's Services of Niagara, Family and Children's Services of Renfrew County, Family & Children's Services of St. Thomas and Elgin, Family & Children's Services of the Waterloo Region, Halton Children's Aid Society, Highland Shores Children's Aid, Huron-Perth Children's Society, Jewish Family and Child Services, Kawartha-Haliburton Children's Aid Society, Kenora-Rainy River Districts and Family Services, North Eastern Ontario Family and Children's Services, Peel Children's Aid Society, Sarnia-Lambton Children's Aid Society, Simcoe Muskoka Family Connexions, The Children's Aid Society of Haldimand and Norfolk, The Children's Aid Society of Ottawa, The Children's Aid Society of the District of Thunder Bay, The Children's Aid Society of the Districts of Sudbury and Manitoulin, The Children's Aid Society of the United Counties of Stormont, Dundas and Glengarry, Valoris for Children and Adults of Prescott-Russell, Windsor-Essex Children's Aid Society, York Region Children's Aid Society, Akwesasne Child and Family Services, Anishinaabe Abinoojii Family Services, Catholic Children's Aid Society of Toronto, Dilico Anishinabek Family Care, Dnaagdawenmag Binnoojiiyag Child & Family Services, Kina Gbezhgomi Child & Family Services, Kunuwanimano Child & Family Services, Niijaansinaanik Child and Family Services, Nogdawindamin Family and Community Services, Ogowadeni:Deo, Payukotayno James and Hudson Bay Family Services, Tikinagan Child and Family Services and Weechi-it-te-win Defendants (Respondents/Appellant) Margaret Waddell, Karine Bédard, Tina Q. Yang, and Melanie Anderson, for G.G. and W.W., appellants in COA-25-CV-0957

and respondents in COA-25-CV-0958 Elizabeth Bowker, Jessica DiFederico, Shadi Katirai, Thomas Russell, Grace Murdoch, and Zachary Sherman, for the Children's Aid Societies, respondents in COA-25-CV-0957 Lisa Brost, Waleed Malik, Spencer Nestico-Semianiw, Elizabeth Guilbault, Andrea Huckins, and Nansy Ghobrial, for His Majesty the King in Right of the Province of Ontario, respondent in COA-25-CV-0957 and appellant in COA-25-CV-0958[1] Heard: December 10, 2025 REASONS FOR DECISION

- [1] These two grouped appeals arise from a decision certifying an action as a class proceeding against His Majesty the King in Right of the Province of Ontario ("Ontario") but declining to certify it against 49 Children's Aid Societies ("CASs") across the province. The action concerns the now-defunct use of so-called "Birth Alerts" – notifications to hospitals and other healthcare facilities that a patient raised a child protection concern in respect of their unborn child, and asking the healthcare provider to notify the relevant CAS when the birth occurred.
- [2] The representative plaintiffs have appealed the decision refusing to certify the action as against the CASs. Ontario has appealed the decision certifying the action as against it.
- [3] One of the reasons the motion judge declined to certify the action as against the CASs was the "Ragoonanan principle", which requires that there be a representative plaintiff (and not merely any member of the proposed class) with a cause of action against each defendant: *Ragoonanan Estate v. Imperial Tobacco Canada Ltd.* (2000), 51 O.R. (3d) 603 (S.C.J.). The Ragoonanan principle has been adopted by this court: *Hughes v. Sunbeam Corporation (Canada) Ltd.* (2002), 61 O.R. (3d) 433 (C.A.), leave to appeal refused, [2002] S.C.C.A. No. 446
- [4] Following a request made by the representative plaintiffs in their appeal, Fairburn A.C.J.O. directed that these appeals be heard before a five-judge panel to consider whether this court should depart from the Ragoonanan principle.
- [5] These appeals are scheduled to be heard on April 13 and 14, 2026 before a panel of five judges. The following directions shall apply to the management of the appeals. Timetable and Intervention Motions
- [6] Both appeals are perfected.
- [7] The respondents shall deliver their responding materials in both appeals by January 16, 2026.
- [8] Motions for leave to intervene shall be determined by me in writing. Any interested person who wishes permission to intervene shall deliver their motion materials by January 30, 2026. Any party opposing any of the intervention motions shall deliver their responding materials by February 11, 2026. Any proposed intervener wishing to respond to opposition to their intervention request may deliver a reply of no longer than three (3) pages by February 18, 2026.

- [9] Any person granted leave to intervene in the appeal shall deliver their factum on the appeal by March 9, 2026. Any party wishing to deliver a supplementary factum in reply to a factum delivered on the appeal by an intervener may do so by March 23, 2026. The length of those factums shall be determined when the motions for leave to intervene are decided. Time Allocations [10] Seven hours have been allotted for the hearing of the appeals. The time allocated to each party for oral argument will be fixed after the intervention requests have been decided, to take into account, to the extent appropriate, that the parties wish to argue the appeals consecutively, their overall request that each appeal have equal time, and the number and perspectives of any interveners who have been granted permission to make oral argument. “B. Zarnett J.A.”
- [1] Counsel listed for the parties include all those invited to attend the Case Management Conference, which was conducted by Zoom. In addition to counsel for the parties, James Sayce, Emily Assini and Sabrina Lombardi were invited to attend having made known to the parties that they represented clients with an interest in intervening.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://norma.lexum.com/coa/coa/en/item/23793/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/g-g-v-ontario-2025>

Prepared on 25 October 2026 · Esheria