



## Appeal Court Rules in Favour of Plastic Bag Industry *City vows to find another way to eliminate single-use plastic bags.*

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For Immediate Release

VICTORIA, BC — Today, the B.C. Court of Appeal overturned the BC Supreme Court decision and has struck down the City's Checkout Bag Regulation Bylaw.

In their reasons for judgment, the Court of Appeal found that the bylaw's dominant purpose was to protect the natural environment rather than business regulation. Therefore, in accordance with the requirements of the *Community Charter*, provincial approval for the bylaw was required, and since the City did not obtain such approval, the bylaw is not valid. Writing for the unanimous Court, Madam Justice Newbury stated: "While the City's intentions in passing the Bylaw were no doubt reasonable, we must give effect to the clear instructions of s. 9(3) [of the *Community Charter*] requiring the Minister's approval."

"We will review the decision and will consider all our options. We believe it is fundamentally within the jurisdiction of cities to regulate unsustainable business practices," said Mayor Lisa Helps. "The Court decision doesn't undermine the soundness of the bylaw itself, it only deals with the process required for its adoption."

The bylaw, which has been in effect since July 1, 2018, banned the use of single-use plastic checkout bags and set a minimum price on paper and reusable checkout bags. It was developed with extensive input from local businesses and the community over a two-year period.

"Victorians care deeply about this issue and they told us that single-use plastic bags do not align with their values. Businesses and residents have embraced the transition to reusable bags. It's been a tremendous success. We will continue our efforts to phase out single-use items," said Mayor Helps.

Victoria has made sustainable habits and removing single-use checkout bags the new normal. Since the bylaw's introduction, more than 17 million plastic bags have been eliminated from the community, village centres, parks and beaches – bags that otherwise would end up as litter or choke the landfill for hundreds of years.

"The City is committed to continuing our work to eliminate unnecessary waste. There is no question that the continued use of single-use plastic checkout bags is an unsustainable practice and the historic volume of plastic bag waste and litter negatively impacts our community and the environment," said Mayor Helps. "I would encourage businesses and shoppers to stay-the-course on reusable checkout bags."

Hundreds of B.C., Canadian and international jurisdictions are already introducing programs and regulations to eliminate single-use plastic bags.

“We are inspired by other municipalities’ efforts to phase out single-use checkout bags and plastic waste, and we must work together to take this issue forward to provincial and national leaders to develop common, high and shared standards,” said Mayor Helps. “This issue affects us all locally, regionally and globally. This is time for action and leadership. There is no turning back.”

**Media Availability:**

Mayor Lisa Helps will be available for media interviews today at 2 p.m. at City Hall.

For more information: [Judgment re: Canadian Plastic Bag Association v. Victoria \(City\)](#)

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