

**CITATION:** Toronto Revolver Club v. Chief Firearms  
Officer, 2025 ONSC 4833  
**COURT FILE NO.:** CV-24-00729525-0000  
**DATE:** 20250825

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

**BETWEEN:** )  
)  
TORONTO REVOLVER CLUB ) *Gabriel Latner*, for the Applicant  
)  
Applicant )  
)  
– and – )  
)  
)  
CHIEF FIREARMS OFFICER OF ) *Andrea Huckins, Matthew Chung*, for the  
ONTARIO ) Respondent  
)  
Respondent )  
)  
) **HEARD:** July 16, 2025

**JUSTICE S. NAKATSURU**

[1] The Toronto Revolver Club (“TRC”) is a non-profit that operates the last shooting range in Toronto. It was founded in 1905, has operated its current range for more than 70 years, and has had thousands of members including athletes contending nationally and abroad in firearms competitions. It operates with a shooting range approval issued by the Chief Firearms Officer for Ontario (“CFO”) under s. 29 of the *Firearms Act*, S.C. 1995, c. 39 (the “Act”).

[2] In 2024, the CFO inspected the TRC range and issued a ‘new’ shooting range approval, which contained a number of conditions. One of these conditions required the closure of two of the TRC’s ten firing lanes for safety reasons. A second condition stipulated that the TRC

range can be inspected at the CFO's discretion.

[3] The TRC applied to this court for two declarations:

- (1) The CFO does not have the power to conduct warrantless inspections of ranges;
- (2) The CFO does not have the power to impose conditions on a shooting range approval.

[4] Regarding the first issue, in light of the positions of the parties on the application, no live controversy remains for me to decide and therefore no declaration is made: *Daniels v. Canada (Indian Affairs and Northern Development)*, 2016 SCC 12, [2016] 1 S.C.R. 99, at para. 11. Both parties agree that under the *Act*, s. 102 is the only provision that permits the inspection of the TRC. The TRC is not challenging the validity of s. 102 nor the legality of any particular inspection in this application. Thus, it is unnecessary to further address this issue.

[5] On the second issue, I find that for the following reasons the CFO has no authority to attach conditions to the shooting range approval.

[6] As resolution of the case depends upon statutory interpretation, the above brief recital of the facts suffices. The relevant statutory framework is the following.

#### **A. THE FIREARMS ACT AND REGULATIONS**

[7] In Ontario, the *Act* is administered by the CFO<sup>1</sup> who is a member of the Ontario Provincial Police and designated by the Solicitor General. The CFO issues approvals to operate shooting ranges in accordance with s. 29 of the *Act*. The CFO may exercise that authority if a shooting range complies with the *Shooting Clubs and Shooting Ranges Regulations*, SOR/98-212 made under the *Act* (the "Regulations").

##### **1. The CFO's powers under the *Act***

[8] The CFO's powers over the approval process are governed by s. 29 of the *Act*, which reads:

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<sup>1</sup> *Firearms Act*, s 2(1) "chief firearms officer"

### **Shooting clubs and shooting ranges**

29 (1) No person shall operate a shooting club or shooting range except under an approval of the provincial minister for the province in which the premises of the shooting club or shooting range are located.

#### **Approval**

(2) A provincial minister may approve a shooting club or shooting range for the purposes of this Act if

(a) the shooting club or shooting range complies with the regulations made under paragraph 117(e); and

(b) the premises of the shooting club or shooting range are located in that province.

#### **Revocation**

(3) A provincial minister who approves a shooting club or shooting range for the purposes of this Act may revoke the approval for any good and sufficient reason including, without limiting the generality of the foregoing, where the shooting club or shooting range contravenes a regulation made under paragraph 117(e).

#### **Delegation**

(4) A chief firearms officer who is authorized in writing by a provincial minister may perform such duties and functions of the provincial minister under this section as are specified in the authorization.

#### **Notice of refusal to approve or revocation**

(5) Where a provincial minister decides to refuse to approve or to revoke an approval of a shooting club or shooting range for the purposes of this Act, the provincial minister shall give notice of the decision to the shooting club or shooting range.

#### **Material to accompany notice**

(6) A notice given under subsection (5) must include reasons for the decision disclosing the nature of the information relied on for the decision and must be accompanied by a copy of sections 74 to 81.

## **2. The Relevant Provisions of the Regulations**

[9] Under s. 117(e) of the *Act*, the Regulations were passed. The Regulations are extensive and detailed. The relevant provisions of the Regulations are the following:

### **Request for Approval of Shooting Range**

3 (1) A person who wishes to establish and operate a shooting range shall submit a request for approval to the provincial minister and provide the following information in the request:

- (a) the applicant's name, address, phone number and, if applicable, facsimile number and electronic mail address;
- (b) the location of the shooting range, including road directions to reach it;
- (c) the proposed hours of operation of the shooting range; and
- (d) with respect to each operator, each owner of the shooting range, and each employee of the shooting range who handles firearms
  - (i) his or her name, address and phone number, and
  - (ii) the number of his or her licence to possess firearms or, if one does not exist, his or her date of birth.

3 (2) The request for approval of a shooting range must be accompanied by the following documentation:

[...]

- (b) a copy of the proposed safety rules;

[...]

- (f) evidence that the design and operation of the shooting range meets at least the requirements set out in section 5;

[...]

### **Compliance with Safety Standards and Other Obligations**

5 The operator of an approved shooting range shall ensure that the discharge of firearms on the shooting range does not endanger the safety of persons at the shooting range or in the portion of the surrounding area described in paragraph

3(2)(a), by taking appropriate measures, including ensuring that

(a) the design and operation of the shooting range

(i) is such that projectiles discharged from firearms will not leave the shooting range if they are discharged there in accordance with the safety rules, and

(ii) promotes the safety of all persons on the shooting range, including by accommodating any adaptation that may be appropriate given the nature of the shooting activities that may take place and the type and calibre of firearms that may be used there;

(b) the shooting range has an adequate warning system to warn persons that they are entering a shooting range and to inform them, when such is the case, that shooting activities are taking place at that time;

(c) appropriate safety rules for the shooting range are applied that are consistent with the nature of the shooting activities that may take place and the type and calibre of firearms that may be used there;

(d) the safety rules are posted in a conspicuous place on the shooting range; and

(e) if more than one person is simultaneously engaged in shooting activities on the shooting range, a person acts as the range officer.

### **Evidence**

9 Every five years after the date on which the approval of a shooting range was granted, the operator shall submit current copies of the documents set out in paragraphs 3(2)(a) to (c), as well as evidence of continuing compliance with the requirements referred to in paragraphs 3(2)(d) to (g) and sections 5 and 8, to the chief firearms officer.

10(1) The chief firearms officer may request an operator of a shooting range to provide evidence as described in section 9 no more than once in a calendar year.

(2) Despite subsection (1), the chief firearms officer may make a request more frequently if he or she

(a) has received, in the preceding 12 months

(i) a personal injury report in accordance with section 11, or

(ii) a change report in accordance with section 12; or

(b) has reasonable grounds to believe that the continued operation of the shooting range may endanger the safety of any person.

## **B. ANALYSIS**

[10] The modern rule of statutory interpretation requires that the words of a statute are to be read “in their entire context and in their grammatical and ordinary sense, harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament”: *Rizzo & Rizzo Shoes Ltd. (Re)*, [1998] 1 S.C.R. 27, at para. 21, citing Elmer A. Driedger, *Construction of Statutes, 2nd ed.* (Toronto: Butterworths, 1983), at p. 87; *Bell ExpressVu Limited Partnership v. Rex*, 2022 SCC 42, [2002] 2 S.C.R. 559, at para. 29. The goal of the interpretive exercise “is to find harmony between the words of the statute and the intended object”: *R. v. Breault*, 2023 SCC 9, 481 D.L.R. (4th) 195, at para. 26, quoting *MediaQMI inc. v. Kamel*, 2021 SCC 23, [2021] 1 S.C.R. 899, at para. 39.

[11] The purpose of the *Act* and regulations is clear, and is of vital importance. It is to enhance public safety. In the *Reference re Firearms Act (Can)*, 2000 SCC 31, [2000] 1 S.C.R. 783, at paras. 40-45 the Supreme Court of Canada held that guns are inherently dangerous and “pose a pressing safety risk in many if not all of their functions” leading to a “need to reduce misuse” because “[t]he risks associated with ordinary firearms are not confined to [instances of] intentional or reckless conduct.” Consequently, the possession and use of firearms is a heavily regulated activity: *R. v. Wiles*, 2005 SCC 84, [2005] 3 S.C.R. 895, at para 9.

[12] The parties agree that there is no express statutory or regulatory provision that allows the CFO to attach conditions to a shooting range approval. While context and objective of the legislation and provision must be considered, the text still anchors the interpretative exercise: *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Directrice de la protection de la jeunesse du CISSS A*, 2024 SCC 43, 498 D.L.R. (4th) 316, at para. 24.

[13] Essentially, the respondent’s position is that the CFO may attach conditions to a shooting range approval when exercising the authority conferred by s. 29 of the *Act* on the grounds that express statutory powers, by implication, include all powers that are practically necessary to achieve Parliament’s purpose. The respondent argues that in this case, conditions are practically necessary to ensure that a shooting club takes appropriate measures with respect to a shooting range’s design and operation to achieve public safety.

[14] The test for recognizing an implied statutory power is whether the “exercise of that power is a practical necessity for the regulatory body to accomplish the objects prescribed by the legislature”: *ATCO Gas & Pipelines Ltd. v. Alberta (Energy & Utilities Board)*, 2006 SCC 4, [2006] 1 S.C.R. 140, at para. 77. In reiterating that the test is one of necessity, the Supreme

Court has held that “coherence, logicity, or desirability are not sufficient”: *Canada (Human Rights Commission) v. Canadian Liberty Net*, [1998] 1 S.C.R. 626, at para. 16.

[15] The New Brunswick Court of Appeal in *Springfield Sports Club Inc. v. The Province of New Brunswick (Chief Firearms Officer)*, 2022 NBCA 49 has decided this very issue in the applicant’s favor. While this case is not binding on me, I find it most persuasive.

[16] In that case, Springfield Sports Club Inc. had applied for approval to continue to operate its shooting range. The process was delegated to the CFO for the Province of New Brunswick. The CFO granted the approval but attached a series of conditions. The New Brunswick Court of Appeal held that the CFO had no authority to impose any conditions. Nothing in s. 29 of the *Act* or the Regulations gave the CFO any authority to attach conditions to the approval of the Club's application. The *Act* instead limited the CFO's authority on approval to ensuring an application met certain operational requirements. Should the Club contravene the *Act*, or a regulation, the Minister or the CFO may revoke the approval. This would ensure the protection of the public and would preserve the Minister's or CFO's authority over the Club.

[17] A necessary incidental power to impose conditions must be established after the entire regulatory scheme is considered. When the *Act* and the Regulations are considered together, one would expect an express reference to the CFO’s power to impose conditions. Where an express reference is expected and omitted “the court can infer that the failure to mention something is the result of a deliberate decision to exclude it”: *R. v. Wolfe*, 2024 SCC 34, 497 D.L.R. (4th) 62, at para. 35. This principle lay at the core of the reasoning of the New Brunswick Court of Appeal in *Springfield Sports Club* (at para. 10):

As this scheme applies here, the *Act* limits the CFO’s authority on approval of a shooting range to ensuring the applicant meets specific operational requirements in its application. The CFO’s jurisdiction is limited to ensuring the key information in the application is accurate and that the shooting range complies with the Regulation.

This is in stark contrast to the express authority given to a chief firearms officer, in ss. 58 and 58.1 of the *Act*, to impose conditions, for instance, on a licence or an authorization to carry or transport firearms.<sup>2</sup>

[18] In *Canadian Liberty Net* at para. 18, the Supreme Court held that the existence of a “gap” in the powers granted to a regulator or tribunal does not require the implication of a power to

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<sup>2</sup> Sections 58 and 58.1 state:

fill that gap, since the legislative scheme in question “could just as easily be read to mean that Parliament intended the “gap” to exist.”

[19] In my opinion, that is the case here.

[20] The respondent seeks to distinguish *Springfield Sports Club* in two ways.

[21] First, she submits that the Court in *Springfield Sports Club* failed to consider and apply ss. 12 and 31(2) of the federal *Interpretation Act* R.S.C. 1985, c. I-21, two mutually reinforcing rules related to statutory purpose. This caused the New Brunswick Court of Appeal to unduly focus on the text and context of s. 29 of the *Act* to the exclusion of the statute’s overall purpose.

[22] Section 12 requires that “[e]very enactment ... shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.”

[23] Section 31(2) is the rule by which express statutory powers, by implication, include all powers that are practically necessary to achieve Parliament’s purpose. The respondent argues that “[a]lthough courts must refrain from unduly broadening the powers of such regulatory authorities through judicial law-making, they must also avoid sterilizing these powers through

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**Conditions**

58 (1) A chief firearms officer who issues a licence, an authorization to carry or an authorization to transport may attach any reasonable condition to it that the chief firearms officer considers desirable in the particular circumstances and in the interests of the safety of the holder or any other person.

Exception -- licence or authorization

58 (1.1) However, a chief firearms officer's power to attach a condition to a licence, an authorization to carry or an authorization to transport is subject to the regulations.

[...]

**Conditions -- licence issued to business**

58.1 (1) A chief firearms officer who issues a licence to a business must attach[...] conditions to the licence

The authority of a CFO to impose conditions to an authorization to carry or transport firearms is also expressly confirmed by ss. 61(2) and (3), which state:

**Form of authorizations**

61 (2) An authorization to carry, authorization to transport, authorization to export or authorization to import may be issued in the prescribed form -- which form may be in writing or electronic -- or in the prescribed manner, and include the prescribed information, including any conditions attached to it.

Condition attached to licence

61 (3) An authorization to carry or authorization to transport may take the form of a condition attached to a licence.

overly technical interpretations of enabling statutes”: *ATCO Gas & Pipelines Ltd.*, at para 50, quoting *Bell Canada v. Canada (Canadian Radio-Television and Telecommunications Commission)*, [1989] 1 S.C.R. 1722, at 1756. It is submitted that the power to attach conditions on a shooting range approval should be implied because doing so is necessary to give effect to the object behind the regulatory regime.

[24] I do not agree with the respondent’s position.

[25] Here, the power to attach conditions is not necessary to give effect to the objectives. The respondent relies on the case of *Normandin v. Canada*, 2005 FCA 345, [2006] 2 F.C.R. 112, at paras. 28, 32, to support setting aside the implied exclusion rule. Here, however, the application of this principle does not “thwart the intention of Parliament and make it inoperative” as it did in that case. As observed in *Springfield Sports Club*, the CFO is far from powerless in ensuring the objectives of Parliament are met. It can revoke a shooting range approval if appropriate measures that protect public safety are not taken. A broad authority to revoke is given to the CFO. This can include the design of a shooting range when safety concerns are implicated. Said differently, the power to grant conditional approvals is not practically necessary to achieve Parliament’s purpose. With the threat of possible revocation, one would expect that a shooting range would comply with reasonable demands made by the CFO; demands that could very well be akin to the conditions it presently imposes on shooting range approvals.

[26] The second principle of interpretation that the respondent relies upon in attempting to distinguish *Springfield Sporting Club*, is the avoidance of absurdity. In a similar vein to the previous argument, the respondent submits that an interpretation of s. 29 of the *Act* that limits the CFO’s means to protect public safety to solely revocation of a shooting range approval, is an absurd interpretation and would thereby be incompatible with or frustrate the purpose of the *Act*. One such purpose is to authorize the shooting activities of ranges to take place only in a safe manner. The availability of conditions to be imposed on approvals would enable the CFO to balance a shooting club’s interest in operating a range against the broader public’s interest in safety.

[27] Again, I do not see it in that fashion. The Regulations provide a detailed framework to achieve both objectives. While a refusal to grant or a revocation of a shooting range approval may be less flexible and convenient than a conditional approval, this could well reflect Parliament’s choice to ensure that all requirements for approval be taken most seriously. On the facts of this case, if the TRC does not shut down two of their firing lanes because of the safety concerns in their design, the CFO can revoke the approval for the entire shooting range. This interpretation of the *Act* and Regulations is far from being absurd. It is one that protects public safety and yet permits the shooting range to operate for the benefit of its members and public.

[28] Moreover, s. 74 of the *Act* provides that the approval-holder is entitled to a reference before a provincial court judge when, under s. 29(3), the CFO revokes a shooting range approval for “good and sufficient reason” or consistent with the *Act’s* public safety purpose. For obvious reasons, the *Act* does not provide for any review to a purported condition on a shooting range approval. While the respondent is correct that this absence does not mean a condition on a shooting range approval can evade judicial review, this particular structure of the *Act* further supports the conclusion that Parliament intended to limit the CFO to the authority to simply grant or revoke shooting range approvals.

[29] On a similar note, in this context, permitting conditional shooting range approvals risks the exercise of discretion by the CFO unguided by regulatory boundaries. Said differently, a discretionary power in these circumstances may lead to the imposition of conditions with only a tenuous connection, if any, to the objectives of the *Act*. For example, a condition restricting the hours of operation of a shooting range on religious holidays. It is not a complete answer that such conditions could be challenged on judicial review. In my view, Parliament has chosen an “upstream” solution by not permitting a discretion in the first place.

[30] In sum, properly interpreted, the *Act* and the Regulations do not provide the CFO any authority to issue conditional shooting range approvals.

### **C. DISPOSITION**

[31] The application is allowed. The applicant is entitled to their declaration that the CFO does not have the authority to impose conditions on a shooting range approval.

[32] Additionally, as agreed to by the parties, the applicant is entitled to their costs in the amount of \$7,500 all inclusive.

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Justice S. Nakatsuru

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Applicant

– and –

CHIEF FIREARMS OFFICER OF ONTARIO

Respondent

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**REASONS FOR JUDGMENT**

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NAKATSURU J.

**Released:** August 25, 2025