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FEATURED

UNCONSTITUTIONAL? COURT RULING COULD SPELL DOOM FOR KENORA BYLAW

Unconstitutional? Court ruling could spell doom for Kenora bylaw

Klein Media
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A recent ruling over an unconstitutional bylaw in Mississauga, ON could have serious implications for a similar bylaw here in Kenora.

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A recent ruling by an Ontario judge has given a whole new meaning to being on the right side of the grass.

Like many other cities across the province, Kenora and Mississauga have at least one thing in common — they both have bylaws in place that prohibit residents from letting their lawn grow any longer than 20 centimetres.

Wolf Ruck, a man from the latter city was recently penalized by his municipal government for growing what he refers to as “naturalized garden” complete with plants that were specifically good for bees.

After neighbours complained, Mississauga ordered Ruck to trim his lawn, citing its official Nuisance Weeds and Tall Grass Control By-law. When he refused, the municipality sent its own workers to do it for him — and then tacked the costs on to his property tax bill.

Originally, Ruck attempted to challenge the bylaw and the municipality’s actions on his own, but he was unsuccessful in doing so. With the help of the

Canadian Constitution Foundation (CCF), however, he was able to have his case taken up by Justice M.T. Doi in an Ontario Superior Court of Justice.

On Jan. 6, 2026, Doi ruled in Ruck and the CCF's favour, ruling that his naturalized garden was "expressive activity," which is constitutionally protected under section 2(b) of the Canadian *Charter of Rights and Freedoms*. While Ruck wasn't granted any payments for damages, the municipality was ordered to negate the clearing costs that were added onto his tax bill.

Christine Ven Geyn, the CCF's litigation director has since gone the record to say she hopes "the case will serve as a reminder to municipal leaders that they cannot disregard Charter rights."

"Wolf's garden is a wonderful expression of his views on beauty, about ecology, environmental protection, and climate change," she said via news release

"The City's attempts to enter his property and destroy his beautiful naturalized garden were completely unnecessary. The City (had) no business deciding what is or is not beautiful."

Here in Kenora, the municipality's own By-Law Respecting Yard Maintenance, Storage and Litter on Property — which dates back to 2017 — requires all residents to keep grass and other vegetation in their yards "clean and cleared up" and their grass "cut to a height of equal to or less than 20 cm." Other than ornamental plants, trees, shrubs, cultivated fruits and vegetables, growths such as "noxious weeds" are also currently prohibited by the City of Kenora and, at least on paper, must be plucked or otherwise removed.

However, based on the Mississauga ruling, it can now be ascertained that Kenora's version of the bylaw may also contravene the *Charter of Rights and Freedoms*.

The *Miner and News* reached out to Northwestern Ontario lawyer Douglas Judson to inquire about the implications of the ruling and how they might affect residents' rights in Kenora and elsewhere across the region.

According to Judson, the municipal government in Fort Frances similarly threatened one of its own residents with bylaw enforcement for having a "deliberately" overgrown lawn "to support bees and natural vegetation."

"We threatened to bring a similar *Charter* challenge against the Fort Frances bylaw unless they backed down," Judson explained.

"They agreed to back off and review the bylaw, and theirs was especially flawed because its definitions of key terms like lawn and garden were so vague and limited."

In fact, as far as Judson is concerned, anti-grass growing bylaws may also infringe on section 2(a) of the *Charter,* which protects what's known as

conscience rights, or the ability of everyone to hold deep moral or ethical beliefs and not be forced by the government to act against them.

With this in mind, the *Miner* asked Judson what would happen if someone purposefully grew their grass longer than 20 cm to protest against the municipal government, its policies or the bylaw itself.

“I think it could likely satisfy the infringement of section 2(b), as it’s a form of political expression,” Judson said.

On the other hand, if someone grew their grass “only and nakedly to irritate others, the court might not find that it deserves the same protection,” Judson added.

“But in theory, I think political expression — including peaceful, non-violent protest — generally attracts constitutional protection,” he concluded.