

The Case for Grandfathering

Political, Economic and Public Safety Considerations.

Introduction

This document offers a policy alternative to the current government's proposed Assault-Style Firearm Compensation Program. The alternative is a familiar policy referred to as "grandfathering". Canada has implemented grandfathering extensively over the past 35 years as a component of previous firearm prohibitions. This document is intended as a primer on considering "grandfathering" and is not exhaustive.

Background

In May 2020, the Canadian government banned 1,550 models of firearms and components as a response to the shooting in Nova Scotia.

During the official press conference on May 1, 2020, the Canadian government committed to moving forward with what they now refer to as the "Assault-Style Firearm Compensation Program". The government committed to rolling out this program, intended to compensate lawful owners of these firearms at the first available opportunity.

Within months after the May 2020 gun ban, the RCMP Specialized Firearms Support Services effectively banned an additional 800 models by declaring them "variants" of the newly prohibited firearms.

Subsequent bans continued, as did the RCMP reclassifications. These bans by the Canadian government, affected countless models of common hunting and sport shooting firearms owned by Canadians that had been possessed and used for legitimate purposes without incident for decades. Many of them, direct replacements for the newly banned firearms that were purchased by individuals upon the direct advice of government in order to continue sport shooting, hunting and recreational shooting.

On December 19, 2022, the Prime Minister at the time made a statement to CTV directly advising Canadians that they can confidently purchase replacement firearms that aren't currently banned to continue their lawful activities.

Liberal Members of Parliament, including Gudie Hutchings on December 14th, 2023, declared that there are over 19,000 models of firearms still available for hunting and sport shooting".

Jordan Milne, while representing the Attorney General of Canada in the lawsuit against the May 2020 Order in Council, told the court that the ban had no effect on hunting or sports shooting as there were countless replacements available to gun owners.

This is not entirely correct as there are numerous examples of the impacts to the shooting sports as a result of the newly enacted bans, one of the most notable examples in particular is with the International Practical Shooting Confederation where the PCC (Pistol Calibre Carbine) division has basically been cancelled due to firearms eligible for that division being banned (in particular in the December 2024 announcement). This is particularly damaging to the sport given Canada has an allocation for competitors at the international level that can no longer be filled and no PCC matches planned for 2025.

Additional bans were released this past December 2024 and March 2025. To date, every direct replacement for the originally banned firearms has been banned. The total value of the firearms purchased as replacements upon advice from the government is unknown.

Proposed Buyback Program

On May 1st, 2020, the Canadian government promised a program to compensate licensed gun owners for firearms they had purchased legally and in good faith. As of August 2025, no compensation program for individuals has been implemented, nor described in any real manner. This despite several occasions where announcements were made that that the program was rolling out within months.

The buyback is a substantial unfunded liability to the government. Estimates for the entire program range from approximately \$1 billion to \$7 billion dollars. The Parliamentary Budget Office estimated the program to cost beyond \$750 million dollars, while not including the administrative cost and including only the original May 2020 banned firearms list.

The government has circulated estimates on many occasions related to the number of firearms affected and the cost to complete the program which published data on firearms ownership would suggest are significantly underestimating the scale of the potential costs. Early estimates suggested the program cost would be in the \$350 million dollar range based on the government claims there are plus or minus 150,000 firearms affected. Given it has been five years since the initial consideration of the buy back program there should be a better understanding as to the scale of this program and the considerable cost escalation, just in terms of estimates, since those original predictions.

This is not unlike the firearm registry program introduced in the mid 1990's that was announced to cost \$2 million and ended up almost \$2 billion (<https://www.cbc.ca/news/canada/gun-registry-cost-soars-to-2-billion-1.513990>). The risk to significant cost escalations with this proposed buyback program is significantly higher given the unit value of the firearms involved.

The number of affected firearms is unknown because the overwhelming majority of these firearms were previously non-restricted. It's worth considering that one of the only restricted and therefore registered (affected) firearms is the AR-15. There are currently somewhere around 90,000 AR-15s in Canada. This is a number that is actually known due to the registration requirements.

To suggest that there are only 60,000 other firearms affected is simply unreasonable and leads to a serious risk to the Canadian government if it proceeds with this program on that basis, as it will be clearly demonstrated early on after initiation that the numbers were woefully underpredicted leading to significant cost escalations. The true number is likely between 400,000 and 800,000 individual firearms and could be as high as a million. These firearms are located in every corner of Canada, a nation roughly 10 million square kilometers in size. These individual firearms are worth anywhere from several hundred dollars to \$100,000 each. The likely average is between \$2000 and \$3,000.

Acknowledging the above, it's noteworthy to consider that estimates seem to refer only to the original 1550 models banned on May 1, 2020. Subsequent bans have dramatically increased the total number of individual firearms affected.

The buyback program and its unique logistical and public safety requirements represents a staggering risk for potential for cost overruns and unintentional negative impacts on public safety.

Public Safety

The assault style firearms ban was rolled out as a response to the shooting in Nova Scotia on April 18th & 19th 2020. Many Canadians are now aware that the perpetrator used no firearms that were domestically sourced during the commission of this horrific crime. It was shown that those firearms used were illegally smuggled into Canada. Thus, no laws or the current bans in Canada would have had any effect on the events of those days.

Nonetheless, virtually every firearm that was in private possession that has now been banned from the period starting May 1st, 2020, to today, 5 years later, still resides in the control of the original owners. It seems there hasn't been a single shooting with any of those firearms, much less a multiple victim public shooting since that time. Nothing has changed other than the fact that the owners of these firearms can't hunt, sport shoot or shoot recreationally with these firearms. This fact has been one of the unintended impacts of the ban 5 years ago and because every one of those firearms still resides in the possession of the legal owner, we now have data that demonstrate that those legally owned "assault style" firearms are not being used in the commission of crimes.

In short, there has been no detectable public safety benefit to these multiple prohibitions. This is quantified by the continued possession by licensed gun owners and lack of violence on behalf of that (easily identifiable) group.

Hunters, sport shooters and recreational shooters have not been shown to represent a disproportionate risk to public safety than any other (non-gun owning) citizen. Thus, the lack of a buyback program and the continued possession of these firearms by their owners over the last 5 years has clearly shown that there is no appreciable public safety risk represented by these Canadians.

Therefore, expending billions of dollars to fund a buy back program and the corresponding ill will on behalf of law abiding, licensed citizens is unreasonable for a myriad of reasons.

The Grandfathering Solution

The term “grandfathering” refers to a regulatory structure that allows existing owners of certain property to maintain possession and ownership of it, while using the property as they did before the regulatory change. At the same time, no additional licensing for this type of property is offered in the future.

The Canadian government is very familiar with grandfathering already. In the early 90’s a myriad of prohibitions occurred concerning firearms. The government at the time determined that Canadians who had been trusted to own these firearms, could continue to own them though introducing more of these particular firearms to the Canadian market wasn’t consistent with their policy goals.

One example was the banning of specific handguns due to barrel length. If a barrel on a handgun was too short, in this case, under 4 and 1/8 inches, the handgun was classified as prohibited. Owners of these handguns were given the opportunity to receive a prohibited endorsement on their firearms license (Prohibited 12-6). This allowed them to keep their property, use it at the range as they did before, as well as buy and sell these firearms to either a licensed business or other individuals holding the same prohibited endorsement.

This allowed the government to evade any financial responsibility, while not unreasonably interfering in the lives of so many Canadians who were entirely law-abiding in the first place.

Grandfathering of Newly Prohibited Firearms (May 2020 and later)

Grandfathering the newly prohibited firearms starting from May 2020 is a favorable midpoint measure for both the government and law-abiding, licensed gun owners. The following is a summarized description of how grandfathering could work.

The government maintains that all newly prohibited firearms, starting from May 2020 remain prohibited. The Canadian Firearms program adds a prohibited endorsement on the license of every firearm owner currently in possession of one of these firearms.

Owners of these firearms may use them in the same way they were used based on their previous classification. For example, if a particular firearm was previously non-restricted, the owner may hunt, sport shoot, or recreational shoot with that firearm. If the firearm was previously restricted, as were AR-15s, the owner would have to use them only at an approved shooting range as previously permitted.

As prohibited license holders, owners of these firearms should be allowed to buy and sell amongst each other and licensed firearm businesses.

The reason this is critically important is because the moment that this is denied, the default scenario is confiscation of these firearms upon the death of the individual or the lapse of their license with no compensation. Most gun owners would consider this unacceptable as they have done nothing to deserve to be treated in this manner.

At the same time, this provision allows the government to sidestep financial responsibility for these prohibitions entirely.

Upon death, an individual's firearms maybe passed on to someone else with the same license privileges, and/or sold to someone with the same license status. This ensures that families aren't robbed of their property or inheritance.

All the while, no additional prohibited firearms enter the market. At some point, all of these firearms will be either exported, reside in museums or turned in for destruction as is the case with short-barreled handguns in Canada.

Conclusion

All the above represents an opportunity to accomplish the following:

Reduce the number of what the government considers “assault style” firearms in Canada over time.

Reduce the anger and division over what is considered grossly unfair and prejudicial among licensed gun owners.

Allow control over property that has been safely and legally possessed, in some cases for many decades by individually vetted and licensed Canadians.

Entirely eliminate a significant and open-ended unfunded liability at a time where Canada can least afford it. Given the current economic pressures, a program with potential cost escalation of this magnitude and data driven evidence that shows it will not achieve any material impact to public safety, presents a significant negative risk to the reputation and legacy of the current Canadian government.

Entirely eliminate sidetracking countless law enforcement resources across an immense geography during a time of unprecedented criminal violence in Canada. This is about directing the limited law enforcement resources available to the real problem of illegal firearm smuggling and the criminals that use them.

Help restore the social contract and relationship between firearms owners and the government and between firearms owners and law enforcement.

Eliminating the buyback program and implementing grandfathering will demonstrate to all Canadians that the government is interested in sound policy and responsible governance at a

time of significant fiscal uncertainty. This will be especially welcome at this time where trust in institutions is at an all-time low.

As mentioned, this is only a summary of how grandfathering could work in the current situation the government has put itself and licensed gun owners in.

Thank you for taking the time to read this document. I think we would both agree that careful consideration of public safety and impacts affecting stakeholders is essential. I'm also confident that we both want the same things; a safer Canada and respect for all who call Canada home.

Please feel free to reach out if you have any questions.