

“Supreme One-Liners”

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(Jan. 1, 2013 – Sep. 11, 2014)

JUMP TO

[Appeals](#)

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APPEALS

Aboriginal Law: Duty to Consult; Abuse of Process

[*Behn v. Moulton Contracting Ltd.*](#) (B.C.C.A., July 6, 2011)(34404) May 9, 2013
Duty to consult collective; abuse of process doctrine flexible.

Aboriginal Law: Harvesting Rights; Taking-Up Power

Grassy Narrows First Nation v. Ontario (Natural Resources), [2014 SCC 48](#)
Federal authorization not needed for Ontario to take up land under Treaty 3.

Aboriginal Law: Métis

[*Manitoba Metis Federation Inc. v. Canada \(A.G.\)*](#) (Man. C.A., July 7, 2010)(33880) Mar. 8, 2013
Section 31 of the *Manitoba Act* constitutes a constitutional obligation to Métis people.

Aboriginal Law: Title; Duty to Consult

[*Tsilhqot'in Nation v. British Columbia*](#) (B.C.C.A., Jun. 27, 2012)(34986) Jun. 26, 2014
Aboriginal group gets title; B.C. breached duty to consult.

Access to Information: Confidential Provisions for Sex Offenders

[*Ontario \(Community Safety and Correctional Services\) v. Ontario \(Information and Privacy Commissioner\)*](#)
(Ont. C.A., Jun. 4, 2012)(34949) Apr. 24, 2014
PPA allows for disclosure of number of sex offenders by first part of postal code.

Access to Information: Disclosure

[*John Doe v. Ontario\(Finance\)*](#) (Ont. C.A., Feb. 24, 2012)(34828) May 9, 2014
Clarification as to what can, & cannot, be disclosed.

Bankruptcy & Insolvency: Pensions

[*Sun Indalex Finance, LLC v. United Steelworkers*](#) (Ont. C.A., April 7, 2011; Sept. 7, 2011)(34308) Feb. 1, 2013

Secured creditors take priority over pensioned employees.

Civil Procedure/Language Rights: English Translation of French Court Documents

[*Conseil Scolaire Francophone de la Colombie -Britannique, et al. v. British Columbia*](#) (B.C.C.A., June 27, 2012)(34908) July 26, 2013

BC non-English court documents to be translated.

Civil Procedure/Police: Issue Estoppel

[*Penner v. Niagara \(Regional Police Services Board\)*](#) (Ont. C.A., Sept. 27, 2010)(33959) April 5, 2013

Flexible approach to issue estoppel re police disciplinary hearings.

Civil Procedure: Arbitration; Compound v. Simple Interest

[*British Columbia \(Forests\) v. Teal Cedar Products Ltd.*](#)(B.C.C.A., Feb. 13, 2012)(34769) Oct. 4, 2013

Arbitrators in this case cannot award compound interest.

Civil Procedure: Settlement Privilege; Pierringer Agreements

[*Sable Offshore Energy Inc. v. Ameron International Corp.*](#) (N.S.C.A., Dec. 22,2011)(34678) June 21, 2013

Settlement negotiations, and settlements, are confidential.

Civil Procedure: Summary Judgment

[*Hryniak v. Mauldin*](#) (Ont. C.A., Dec. 5, 2011)(34641) Jan. 23, 2014

Re-interpretation of the test; “interest of justice”; oral evidence; process.

Civil Procedure in Québec: ‘No Reasonable Chance of Success’ Dismissal

Canada (Attorney General) v. Confédération des syndicats nationaux, [2014 SCC 49](#)

Confirmation of when a case can be dismissed at a preliminary stage.

Civil Procedure in Québec: Settlement Privilege v. Mediation Confidentiality

[*Union Carbide Canada Inc. v. Bombardier Inc.*](#) (Que. C.A., Jul. 17, 2012)(35008) May 8, 2014

Clarification as to contracting out of settlement privilege exception.

Civil Procedure/Torts: Civil Fraud; Summary Judgments

[*Bruno Appliance and Furniture Inc. v. Hryniak*](#) (Ont. C.A., Dec. 5, 2011)(34645) Jan. 23, 2014

Confirmation of civil fraud elements; re-interpretation of Summary Judgment rule.

Class Actions: Certification requirements, indirect purchasers, passing-on defence, commonality

[*Pro-Sys Consultants Ltd. et al. v. Microsoft Corporation et al.*](#)(B.C.C.A., April 15, 2011)(34282) Oct. 31,2013

Clarification as to a range of class action litigation issues.

Class Action: Certification; Market Timing

[*AIC Limited et al v. Dennis Fischer et al*](#) (Ont. C.A., Jan. 27, 2012)(34738) Dec. 12, 2013

Clarification of the “preferability requirement”.

Class Actions/Competition Law: Price-Fixing

[*Sun-Rype Products Ltd. et al. v. Archer Daniels Midland Company et al.*](#) (B.C.C.A., April 15, 2011)(34283)

Oct. 31, 2013

When can indirect and direct purchasers sue.

Class Actions/Competition Law: Price-Fixing

[*Infineon Technologies AG, et al. v. Option Consommateurs, et al.*](#) (Que. C.A., Nov. 16, 2011)(34617) Oct.

31, 2013

Clarification of class actions law in Quebec.

Commercial Law/Employment Law in Québec: Non-Compete and Non-Solicitation Clauses

[*Payette v. Guay inc.*](#) (Que. C.A., Dec. 12, 2011)(34662) Sept. 12, 2013

Non-compete/non-solicitation clauses where context commercial or employment.

Constitutional Law: Division of Powers

[*Marine Services International Ltd. v. Ryan Estate*](#) (N.L. C.A., June 15, 2011)(34429) Aug. 2, 2013

Provincial workers comp legislation applies in this maritime fatality case.

Constitutional Law: Senate Reform

[*Reference re Senate Reform*](#) (Order in Council P.C. 2013-70, Feb. 1, 2013)(35203) Apr. 25, 2014

Clarification as to the “legal framework” for changes to Senate.

Constitutional Law/Immigration: Security Certificate Regime

[*Canada \(Citizenship and Immigration\) v. Harkat*](#) (Fed. C.A., Apr. 25, 2012)(34884) May 14, 2014

Security certificate regime constitutional, and deportation reasonable here.

Contracts: Arbitrations

Sattva Capital Corp. v. Creston Moly Corp., [2014 SCC 53](#)

Clarification as to interpretation, reviewability versus finality, role of the courts.

Courts/Supreme Court: Appointment

[*Reference re Supreme Court Act, ss.5 and 6*](#) (Order in Council P.C. 2013-1105, October 22, 2013)(35586)

Mar. 21, 2014

Must be current member of Quebec Bar/Superior Court/C.A. to be appointed.

Class Actions in Québec: Certification/Authorization

[*Vivendi Canada Inc. v. Dell'Aniello*](#) (Que. C.A., Feb. 29, 2012)(34800) Jan. 16, 2014

A common answer is not required, only a common question.

Contracts in Québec: Rectification

[Québec \(Agence du Revenu\) v. Services Environnementaux AES Inc.](#) (Que. C.A., Mar. 4, 2011)(34235)
(Que. C.A., May 20, 2011)(34393) Nov. 28, 2013

When rectification can be ordered to conform to parties' intentions.

Copyright: Compensatory Damages; Punitive Damages; Profits Disgorged Solicitor-Client Costs

[Cinar Corporation et al. v. Claude Robinson et al.](#) (Que. C.A., July 20, 2011)(34466, 34467, 34468, 34469)
Dec. 23, 2013

© infringed – damages (compensatory & punitive), profits disgorged, solicitor-client costs follow.

Criminal Law: Abuse of Process; Stays

[R. v. Babos](#) (Que. C.A., March 14, 2012) (34824) Feb. 21, 2014

Clarification of “residual” categories of abuse of process.

Criminal Law: Baby Concealment

[R. v. A.D.H.](#) (Sask. C.A., Jan. 12, 2011)(34132) May 17, 2013

Subjective *mens rea* required.

Criminal Law/Charter: Prisoner Mobility

[Divito v. Canada \(Public Safety and Emergency Preparedness\)](#)(Fed. C.A., Feb. 3, 2011)(34128) Sept. 19,
2013

Canadian prisoners serving time abroad do not have s.6 mobility rights.

Criminal Law: Concealing Dead Body of a Child

[R. v. Levkovic](#) (Ont. C.A., Dec. 7, 2010)(34229) May 3, 2013

S. 243 not unconstitutional for vagueness; evidence child likely born alive enough.

Criminal Law: Conspiracy

[R. v. J.F.](#) (Ont. C.A., April 6, 2011)(34284) Mar. 1, 2013

Definition of what's needed for s. 21 offence of conspiracy.

Criminal Law: Dangerous v. Long-Term Offender Designations

R. v. Sipos [2014 SCC 47](#)

Dangerous offender designation reasonable; role of fresh evidence narrower.

Criminal Law: Defences; Parties; Abandonment

[R. v. Gauthier](#) (Que. C.A., July 26, 2011)(34444) June 7, 2013

When alternative defences go/don't go to jury; principles of abandonment.

Criminal Law: Drug Couriers

[R. v. Sekhon](#) (B.C.C.A., Dec. 19, 2012)(35180) Feb. 20, 2014

Customs officers & police officer evidence (mostly) admissible.

Criminal Law: Duress

[R. v. Ryan](#) (N.S. C.A., Mar. 29, 2011)(34272) Jan. 18, 2013

If you know coercion or threats are a possibility, not duress.

Criminal Law: Evidentiary Reliability; Burden; Trial Judge 'Self- Instruction'

[R. v. Sanichar](#) (Ont. C.A., Feb. 22, 2012)(34720) Jan. 24, 2013

Whether to self-instruct by a trial judge is discretionary.

Criminal Law: Forfeiture

[R. v. Manning](#) (Que. C.A., May 16, 2011)(34358) Jan. 17, 2013

A truck driven while impaired can be forfeited.

Criminal Law: Hearsay; Implied Assertion of Factual Propositions

[R. v. Christopher Baldree](#) (Ont. C.A., Mar. 2, 2012)(34754) June 19, 2013

Exclusionary rule applies to both 'express hearsay' and 'implied hearsay'.

Criminal Law: Hospital Right to Counsel

[R. v. Taylor](#), [2014 SCC 50](#)

Right to counsel continues during medical treatment.

Criminal Law: Immigration Consequences To Sentencing

[R. v. Pham](#) (Alta. C.A., June 28, 2012)(34897) Mar. 14, 2013

Guidance re two possible sentences; collateral consequences.

Criminal Law: Impaired "Straddle" Evidence

[R. v. Mihai Ibanescu](#) (Que. C.A., Feb. 14, 2012)(34653) May 30, 2013

"Straddle" evidence can show a reasonable doubt.

Criminal Law: Informer Privilege

[R. v. Named Person B](#) (Que. S.C., Sept. 17, 2010)(34053) Feb. 22, 2013

Informer confidentiality when promised, continues.

Criminal Law: Inmate Transfer; Habeas Corpus; Standard of Review; Concurrent Jurisdiction

[Mission Institution v. Khela](#) (B.C.C.A., Nov. 9, 2011)(34609) Mar. 27, 2014

Clarification on *habeas corpus*, standard of review, and concurrent jurisdiction.

Criminal Law: Mandatory Minimums; Aboriginal Status

[R. v. Anderson](#) (N.L.C.A., Jan. 10, 2013)(35246) Jun. 6, 2014

Crown not required to consider aboriginal status re DUI mandatory minimums.

Criminal Law: Motions to Adduce Fresh Evidence

[R. v. Hay](#) (Ont. C.A., May 12, 2009)(33536) Nov. 8, 2013

Circumstances when fresh evidence can be adduced (here, a haircut).

Criminal Law: Mr. Big Confessions

R. v. Hart, [2014 SCC 52](#)

Mr. Big confessions are presumptively inadmissible but may be admitted if new common law rule of evidence is satisfied.

Criminal Law: Parole

[Canada \(Attorney General\) v. Whaling](#) (B.C.C.A., Nov. 2, 2012)(35024) Mar. 20, 2014

Retrospective application of delayed day parole eligibility is unconstitutional.

Criminal Law: Police Interception of Text Messages

[R. v. TELUS](#) (Ont. S.C., Mar. 4, 2011) (34252) Mar. 27, 2013

Search warrant needed to access text messages.

Criminal Law: Pre-Sentence Credit

[R. v. Carvery](#) (N.S.C.A., Oct. 3, 2012)(35115) Apr. 11, 2014

Ineligibility for early release/parole may justify pre-sentence credit.

Criminal Law: Pre-Sentence Credit

[R. v. Summers](#) (Ont. C.A., Mar. 12, 2013)(35339) Apr. 11, 2014

No particular “circumstance” excluded from consideration.

Criminal Law: Pre-Sentence Credit; Retrospectivity

[R. v. Clarke](#) (Ont. C.A., Jan. 11, 2013)(35487) Apr. 11, 2014

Being charged after statute in force means statute applies.

Criminal Law: Prior Inconsistent Statements

[R. v. Youvarajah](#) (Ont. C.A., Oct. 20, 2011)(34732) July 25, 2013

When should prior inconsistent statements be admitted, and when not.

Criminal Law: Prostitution

[Canada \(Attorney General\) v. Bedford](#) (Ont. C.A., Mar. 26, 2012)(34788) Dec. 20, 2013

ss.210 (brothels), 212(1)(j) (pimping), 213 (1)(c) (solicitation) provisions constitutionally invalid.

‘Criminal’ Law/Provincial Offences: Strict Liability; Due Diligence

[La Souveraine, Compagnie d’assurance générale v. Autorité des marchés financiers](#) (Que. C.A., Jan. 10, 2012)(34699) Nov. 21, 2013

When is the due diligence defence available/not available.

Criminal Law: Provocation

[R. v. Buzizi](#) (Que. C.A., May 15, 2012) (34899) May 10, 2013

When provocation should be put to the jury.

Criminal Law: Provocation

[R. v. Pappas](#) (Alta. C.A., July 12, 2012) (34951) Oct. 25, 2013

'Air of reality' test, & the objective and subjective elements of provocation.

Criminal Law: (Self-Induced) Provocation

[R. v. Cairney](#) (Alta. C.A., Oct. 5, 2011) (34848) Oct. 25, 2013

As above, except in context of so-called self-induced provocation.

Criminal Law: Reasonableness of Verdict Based On Jury's Assessment of Witness Credibility

[R. v. W.H.](#) (N.L. C.A., Sept. 14, 2011) (34522) April 19, 2013

Proper test for unreasonable (jury) verdict.

Criminal Law: (Roadside) Dog ("Levi") Passes Smell Test (barely, 5:4)

[R. v. MacKenzie](#) (Sask. C.A., May 25, 2011) (34397) Sept. 27, 2013

As heading above, Levi wins, evidence goes in.

Criminal Law: (Airport) Dog ("Boris") Passes Smell Test (unanimously)

[R. v. Chehil](#) (N.S.C.A., Sept. 16, 2011) (34524) Sept. 27, 2013

As heading above, Boris wins, evidence goes in.

Criminal Law: Search and Seizure

[R. v. MacDonald](#) (N.S.C.A., May 11, 2012) (34914) Jan. 17, 2014

Clarification on when police can search & seize, and reasonableness of search.

Criminal Law: Search and Seizure (computers)

[R. v. Vu](#) (B.C.C.A., Dec. 28, 2011) (34687) Nov. 7, 2013

Police can, in some circumstances, also search computers.

Criminal Law: Search & Seizure; Child Porn; IP Addresses

[R. v. Spencer](#) (Sask. C.A., Nov. 25, 2011) (34644) Jun. 13, 2014

Clarification as to search and seizure in computer context, and re meaning of "making available".

Criminal Law: Sexual Assault

[R. v. Hutchinson](#) (N.S.C.A., Jan. 3, 2013) (35176) Mar. 7 2014

"Sabotage" of a condom constitutes fraud, which negates consent.

Criminal Law: Sexual Offences; Disclosure

[R. v. Quesnelle](#) [2014 SCC 46](#)

Police occurrence reports are "records" under Mills regime.

Criminal Law: Sufficiency of Reasons; Burden of Proof

[R. v. Vuradin](#) (Alta. C.A., Oct. 7, 2011)(35143) June 27, 2013

Low threshold for sufficiency of reasons.

Criminal Law: Trial Judge Opinions

[R. v. Mailhot](#) (Que. C.A., May 23, 2012)(34881) Mar. 28, 2013

Trial judge's charge on trial fairness means new trial.

Criminal Law: Uttering Threats

[R. v. O'Brien](#) (Man. C.A., January 26, 2012)(34694) Jan. 17, 2013

To be proved: accused intended threat is enough.

Criminal Law: Uttering Threats; Elements of the Offence

[R. v. McRae](#) (Que. C.A., Feb. 3, 2012)(34743) Dec. 6, 2013

Not necessary to prove threats were conveyed or that accused intended they be conveyed.

Employment Law: Termination; Deductibility of Pension Benefits

[IBM Canada Limited v. Richard Waterman](#) (B.C.C.A., Aug. 2, 2011)(34472) Dec. 13, 2013

Pension benefits are not to be deducted from wrongful dismissal damages.

Employment Law in Québec: Indeterminate Terms

Quebec (Commission des normes du travail) v. Asphalte Desjardins inc., [2014 SCC 51](#)

In Quebec, employer can't fire quitting employee without giving notice or pay in lieu.

Environmental Law: Duty to Report

[Castonguay Blasting Ltd. v. Her Majesty the Queen in Right of the Province of Ontario as represented by the Minister of the Environment](#) (Ont. C.A., Mar. 16, 2012)(34816) Oct. 17, 2013

When in doubt, report.

Extradition

[Attorney General of Canada on behalf of the Czech Republic and Minister of Justice of Canada v. Bretislav Zajicek](#) (Ont. C.A., February 14, 2012)(34767) May 13, 2013

Evidence to extradite.

Family Law In Quebec: Common Law Spouses

[Quebec \(Attorney General\) v. A](#) (Que. C.A. Nov. 3, 2010)(33990) Jan 25, 2013

De facto spouses in Quebec cannot sue for spousal support.

Health Law: End-of-Life Decisions

[Cuthbertson v. Rasouli](#) (Ont. C.A., June 29, 2011)(34362) Oct. 18, 2013

Consent and Capacity Board decides, subject to J.R.; correctness standard.

Human Rights: Hateful Speech

[Saskatchewan \(Human Rights Commission\) v. Whatcott](#) (Sask. C.A., Feb. 25, 2010)(33676) Feb. 27, 2013
Saskatchewan Human Rights Code, re hate speech, is constitutional.

Immigration: Refugees; Complicity in Crimes Against Humanity

[Ezokola v. Canada \(Citizenship and Immigration\)](#) (Fed. C.A. July 15, 2011)(34470) July 19, 2013
'Significant contribution test' for crimes against humanity refugees.

Immigration: Refugees; Process Re Standard of Review; “National Interest”

[Agraira v. Canada \(Public Safety and Emergency Preparedness\)](#) (Fed. C.A., March 17, 2011)(34258) June 20, 2013
Minister's inadmissibility decision entitled to deference.

International Law: Jurisdictional Immunity

[Amaratunga v. Northwest Atlantic Fisheries Organization](#) (N.S.C.A., Aug. 23, 2011) Nov. 29, 2013
International organizations have immunity based on agreement not customary international law.

Labour Law: Mandatory Random Alcohol & Drug Testing

[Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Limited](#)
(N.B.C.A July 7, 2011)(34473) June 14, 2013
Testing OK only if dangerous workplace/in collective agreement.

Labour Law: Pensions

[Telecommunications Employees Association of Manitoba Inc. v. Manitoba Telecom Services Inc.](#)
(Man.C.A., Feb. 10, 2012)(34763) Jan. 30, 2014
Clarification of use and funding of surplus, & interpretation of “equivalent in value.”

Labour Law: Privacy

[Bernard v. Canada \(Attorney General\)](#) (Fed. C.A., Mar. 16, 2012)(34819) Feb. 7, 2014
Disclosure of personal information to union not a *Charter* breach.

Labour Law: Standard of Review; Copyright; Good Faith Bargaining

[Canadian Artists' Representation v. National Gallery of Canada](#) (Fed. C.A., Mar. 4, 2013)(35353) Jun. 12, 2014
Decision of Tribunal below upheld as reasonable re copyright & bargaining.

Labour Law: Strikes; Personal Information; Privacy

[Alberta \(Information and Privacy Commissioner\) v. United Food and Commercial Workers, Local 401](#)
(Alta. C.A., April 30, 2012)(34890) Nov. 15, 2013
No breach of statutory privacy to post photos of workers during strikes.

Labour Law in Québec: Business Closures

[United Food and Commercial Workers, Local 503 v. Wal-Mart Canada Corp.](#) (Que. C.A., May 11, 2012)

Jun. 27, 2014

The closure here was a “prohibited unilateral change” by the employer.

Legislation: Retroactivity; *Res Judicata*; Legislature v. Courts

[Régie des rentes du Québec v. Canada Bread Company Ltd.](#) (Que. C.A., Aug. 22, 2011)(34505) Sept. 13,

2013

Legislatures can enact legislation that has retrospective effect.

Maritime Law: Cap on Damages; Statutory Insurance Exclusions

[Peracom Inc. et al. v. TELUS Communications Co.](#) (Fed. C.A., Jun. 29, 2012)(34991) Apr. 23, 2014

Clarification of personal liability, liability caps, & exclusions.

Municipal Law: Expropriation

[Antrim Truck Centre Ltd. v. Ontario \(Transportation\)](#) (Ont. C.A., June 2, 2011)(34413) Mar. 7, 2013

Reasonableness of interference determined by balancing competing interests.

Municipal Law in Québec: Non-Conforming Uses; Promissory Estoppel

[Immeubles Jacques Robitaille inc. v. Québec \(City\)](#) (Que. C.A., Feb. 7, 2013)(35295) May 2, 2014

Estoppel does not negate a strict liability regulatory offence.

Occupational Health & Safety: Pregnancy

[Dionne v. Commission scolaire des Patriotes](#) (Que. C.A, April 2, 2012)(34854) May 1, 2014

School obliged to provide safe work environment for teacher.

Pharmaceuticals: Generics

[Katz Group Canada Inc. v. Ontario \(Health and Long-Term Care\)](#) (Ont. C.A., Dec. 23, 2011)(34647) Nov.

22, 2013

Provincial regulation re: pricing of generics is constitutionally valid.

Pharmaceuticals: Generics

[Shoppers Drug Mart Inc., Shoppers Drug Mart \(London\) Limited and Sanis Health Inc. v. Minister of](#)

[Health and Long-Term Care, Lieutenant Governor -In-Council of Ontario and Attorney General of](#)

[Ontario](#) (Ont. C.A., Dec. 23, 2011)(34649) Nov. 22, 2013

Provincial regulation re: pricing of generics is constitutionally valid.

Police: Access to Counsel

[Wood v. Schaeffer](#) (Ont. C.A., Nov. 15, 2011)(34621) Dec. 19, 2013

Police cannot access counsel in preparation of notes, can after filed.

Professions: Amicus Hourly Rates

[Ontario v. Criminal Lawyers' Association of Ontario](#) (Ont. C.A., April 19, 2011)(34317) Aug. 1, 2013
Courts do not have jurisdiction to set rates.

Professions: Conflicts of Interest

[Canadian National Railway v. McKercher LLP et al.](#) (Sask. C.A., Sept. 28, 2011)(34545) July 5, 2013
What's a breach of the 'bright line rule'.

Professions/Employment Law/Human Rights: Mandatory Retirement

[McCormick v. Fasken Martineau Dumoulin LLP](#) (B.C.C.A., Jul. 9, 2012)(34997) May 22, 2014
Clarification of partnership v. employment.

Real Property: Resulting Trust v. Unjust Enrichment

[Edward Sumio Nishi v. Rasca Trucking Ltd.](#) (B.C.C.A. Aug. 17, 2011)(34510) June 13, 2013
Presumption of resulting trust is rebutted.

Securities: Regulation; "Secondary Proceedings"; Standard of Review; Limitation Periods

[Patricia McLean v. Executive Director of the British Columbia Securities Commission](#) (B.C.C.A., Nov. 10, 2011)(34593) Dec. 5, 2013
Inter-provincial "secondary proceedings" are OK.

Tax: Qualifying Amalgamations

[Envision Credit Union v. Canada](#) (Fed. C.A. Nov. 21, 2011)(34619) Sept. 26, 2013
Tax transactions here resulted in a qualifying amalgamation.

Tax: Reforestation Costs

[R v. Daishowa-Marubeni International Ltd.](#) (Fed. C.A. Sept. 23, 2011)(34534) May 23, 2013
Forest seller doesn't include reforestation costs in sale proceeds.

Torts: Medmal

[Ediger v. Johnston](#) (B.C.C.A., May 30, 2011) (34408) Apr. 4, 2013
Failing to ensure back-up C-section staff immediately available = negligence.

Torts: Medmal; Judges' Reasons

[Eric Victor Cojocar, an infant by his Guardian Ad Litem, Monica Cojocar et al. v. British Columbia Women's Hospital and Health Center et al.](#) (B.C.C.A., April 14, 2011)(34304) May 24, 2013
Extensive copying (by judge) not enough *per se* to overturn judgment.

Torts: Unlawful Interference with Economic Relations

[A.I. Enterprises Ltd. v. Bram Enterprises Ltd.](#) (N.B.C.A., Apr. 12, 2012) Jan. 31, 2014

Clarification as to this tort, and fiduciary duties in a business context.

Transportation: Rates; Standard of Review

[Canadian National Railway Company Co. v. Canada \(Attorney General\)](#) (Fed. C.A., Nov. 2, 2012)(35145)

May 23, 2014

Cabinet can vary/rescind a Canadian Transportation Agency decision on a point of law.

Workers' Comp: Federal Employees; Chronic Stress; "Accidents"; Reasonableness

[Martin v. Alberta \(Workers' Compensation Board\)](#) (Alta. C.A., Aug. 29, 2012)(35052) Mar. 28, 2014

Chronic stress here not accident; denial of workers' comp reasonable.

ORAL JUDGMENTS (ON APPEALS)

Criminal Law: (Alleged) Ineffective Assistance of Counsel

[R. v. W.E.B.](#) (Ont. C.A., Nov. 14, 2012)(35089) Jan. 16, 2014

Ineffective assistance of counsel claim dismissed.

Criminal Law: Conspiracy

[R. v. Murphy](#) (N.S. C.A., Sept. 6, 2012)(34980) April 16, 2013

LeBel J.: "... the verdict was not unreasonable. The appeal is dismissed."

Criminal Law: Delay

[R. v. Auclair](#) (Que. C.A., April 11, 2013)(35372) Jan. 21, 2014

When can a trial judge select charges and prioritize hearing order.

Criminal Law: "Equally Plausible Explanation"

[R. v. Vokurka](#) (N.L.C.A., Aug. 5, 2013)(35510) Mar. 21, 2014

Trial judge correct that adequate explanation given re why possibility of accident rejected.

Criminal Law: Murder 1; Parole Ineligibility

[R. v. Jackson](#) (Ont. C.A., Oct. 17, 2013)(35622) Apr. 23, 2014

Trial judge correct re minimal probative value of proposed evidence.

Criminal Law: Parties To An Offence

[R. v. Lévesque](#) (Que. C.A., June 7, 2011)(34417) April 16, 2013

What's needed to be party to an offence.

Criminal Law: 'Psychological' Detention

[R. v. Koczab](#) (M.B.C.A., May 30, 2013)(35411) Jan. 22, 2014

Accused was psychologically detained & breach warranted evidence be excluded.

Criminal Law: Police Use of Deadly Force to Arrest

[R. v. Davis](#) ([Alta. C.A., Jan. 24, 2013](#))(35327) Jan. 17, 2014

Trial judges cannot err in allocation of burden of proof.

Criminal Law: Retrospectivity (Credit for Pre-Sentence Custody)

[R. v. Clarke](#) ([Ont. C.A., Jan. 11, 2013](#))(35487) Jan. 30, 2014

The federal *Truth in Sentencing Act* governs the applicable credit here.

Criminal Law: Sexual Assault

[R. v. James](#) ([B.C.C.A., April 9, 2013](#))(35373) Jan. 17, 2014

Trial judges cannot rely on evidence not part of the record.

Criminal Law: Sexual Assault

[V.T.F. v. R.](#) ([Alta.C.A., June 14, 2013](#))(35488) Feb. 17, 2014

This is a publication ban in this case.

Criminal Law: Sexual Assault

[R. v. J.L.H.](#) ([P.E.C.A., Aug. 02, 2013](#))(35504) Feb. 21, 2014

This is a publication ban in this case.

Criminal Law: Sexual Offences

[R. v. R.L.](#) ([Que. C.A., April 5, 2012](#))(34871) Oct. 18, 2013

The Que. C.A. was right to dismiss the extension of time application.

Criminal Law: Sexual Offences; Severing Counts

[R. v. F.O.B.](#) ([B.C.C.A., May 22, 2012](#))(34889) Feb. 15, 2013

Chief Justice: "... appeal ... allowed, for the reasons of Chief Justice Finch."

Criminal Law: Sexual Offences; Evidence Assessment

[R. v. P.G.T.](#) ([N.L. C.A., June 13, 2012](#))(34934) Mar. 1, 2013

Justice Fish: "... appeal ... allowed for the reasons given by Hoegg J.A."

Criminal Law: Unreasonable Verdict

[R. v. Yelle](#) ([N.W.T.C.A., Jul. 19, 2013](#))(35361) Jan. 22, 2014

The jury verdict (guilty of assault) was not unreasonable.

Criminal Law: Voluntariness/Intent

[R. v. Leinen](#) ([Alta. C.A., Aug. 12, 2013](#))(35531) Mar. 21, 2014

Jury charge, as a whole, no reversible error re voluntariness/intent (convictions restored).

Extradition (To Canada)

[R v. E.F.M.](#) ([N.S. C.A., Dec 8, 2011](#))(34650) April 22, 2013.

Chief Justice: "... the right of the accused to be tried within a reasonable time was violated".

Labour Law: Good Faith Bargaining

[Canadian Artists' Representation v. National Gallery of Canada](#) (Fed. C.A., Mar. 4, 2013)(35353) May 14, 2014

Scale agreements re copyright.

LEAVES TO APPEAL GRANTED

Aboriginal Law: Harvesting Clauses

To what extent does a “harvesting clause” apply to forestry activities.

Andrew Keewatin Jr., et al. v. Minister of Natural Resources, et al. ([Ont. C.A., Mar. 18, 13](#))(35379) Sept. 19, 2013

Aboriginal Law: Title

Is there aboriginal title and a right to harvest here.

William, et al. v. Province of B.C., et al. ([B.C.C.A., June 27, 2012](#))(34986) Jan. 24, 2013

Aboriginal Law: Two Many Chiefs; Enough Indians (As voters)

What are the requirements for Band elections.

Chief Sheldon Taypotat, et al. v. Louis Taypotat ([Fed. C.A., Aug. 13, 2013](#))(35518) Dec. 19, 2013

Administrative Law: Utilities; Pensions

Should a pension shortfall be funded for regulated utilities.

ATCO Gas and Pipelines Ltd., ATCO Electric Ltd. v. Alberta Utilities Commission ([Alta. C.A., Sept. 23, 2013](#))(35624) Apr. 10, 2014

Airlines: Official Languages

What is the status of language complaints against Air Canada.

Thibodeau, et al. v. Air Canada, et al. ([Fed. C.A., Sept. 25, 2012](#))(35100) May 2, 2013

Bankruptcy: Driving Tolls

How are highway toll debts to be dealt with on bankruptcy.

407 ETR Concession Company Limited v. Superintendent of Bankruptcy ([Ont. C.A., Dec. 19, 2013](#))(35696) May 8, 2014

Bankruptcy and Insolvency: MV Claims

Are MV claims & driving licences affected by bankruptcy/discharge.

A.G. of Alberta v. Joseph Moloney ([Alta. C.A., Feb. 13, 2014](#))(35820) Jun. 12, 2014

Charter: Freedom of Conscience & Religion

Can an ethics and religious culture program be faith-based.

Loyola High School, John Zucchi v. Attorney General of Quebec ([Que. C.A., Dec. 4, 2012](#))(35201) June 13, 2013

Charter: Minority Language Educational Rights

What are the minority language educational rights in B.C.

Association des parents de l'école Rose des vents et al. v. Ministry of Education of British Columbia, et al. ([B.C.C.A., Sept. 20, 2013](#))(35619) Mar. 27, 2014

Charter: Suicide; Euthanasia

Are *Criminal Code* provisions re assisted suicide & euthanasia constitutionally valid.

Lee Carter, et al. v. Attorney General of Canada, et al. ([B.C.C.A., Oct. 10, 2013](#))(35591) Jan. 16, 2014

Civil Procedure/Family Law: Constitutionality of Court 'Hearing Fees'

Are court 'hearing fees' constitutional.

Trial Lawyers Association of British Columbia v. Attorney General of British Columbia ([B.C.C.A., Feb. 15, 2013](#))(35315) Sept. 12, 2013

Civil Procedure: Foreign Judgments

When are foreign judgments enforceable in Canada.

Chevron Corporation, et al. v. Daniel Carlos Lusitande Yaiguaje, et al. ([Ont. C.A., Dec. 17, 2013](#))(35682) Apr. 3, 2014

Civil Procedure: Mareva Injunctions; Contempt

Clarification of contempt (by a lawyer) in the context of *Mareva* injunctions.

Peter W.G. Carey v. Judith Laiken ([Ont. C.A., Aug. 27, 2013](#))(35597) Mar. 20, 2014

Civil Procedure: Recusal

Is there a reasonable apprehension of bias here.

Commission scolaire francophone du Yukon No. 23 v. Attorney General of Yukon ([Y.K.C.A. Feb. 11, 2014](#))(35823) Jun. 26, 2014

Civil Procedure in Quebec: Admissibility of Wiretaps

Are Competition Bureau wiretaps admissible in a civil suit.

Imperial Oil v. Simon Jacques, et al. ([Que. C.A., Dec. 17, 2012](#))(35226) June 6, 2013

Civil Procedure in Quebec: Admissibility of Wiretaps

Are Competition Bureau wiretaps admissible in a civil suit.

Couche-Tard Inc., Alimentation Couche-Tard Inc., Dépan-Escompte Couche-Tard Inc., et al. v. Simon Jacques, et al. ([Que. C.A., Dec. 17, 2012](#))(35231) June 6, 2013

Civil Procedure in Quebec: Mediation; 'Homologation'

Can mediation/settlement negotiations be later used as evidence at trial.

Union Carbide Canada Inc., et al. v. Bombardier inc., et al. ([Que. C.A., July 17, 2012](#))(35008) April 11, 2013

Class Actions: Limitation Periods

Green v. Canadian Imperial Bank of Commerce, [2014 ONCA 90](#)

Clarifications as to class actions and limitation periods.

Class Actions: Limitation Periods

IMAX Corporation, et al. v. Marvin Neil Silver et al., [2014 ONCA 90](#)

Clarifications as to class actions and limitation periods.

Class Actions: Limitation Periods

Celestica Inc. et al. v. Trustees of the Millwright Regional Council of Ontario Pension Trust Fund et al., [2014 ONCA 90](#)

Clarifications as to class actions and limitation periods.

Class Actions: Payday Loans

What is covered/not covered by a prior Ontario Superior Court case.

Scott Meeking, as representative Plaintiff v. Cash Store Inc., et al. ([Man. C.A., Sept. 9, 2013](#))(35608) Feb. 27, 2014

Class Actions in Quebec: Authorization

Should this class action re share pricing be authorized.

Theratechnologies Inc., Yves Rosconi and Paul Pommier v. 121851 Canada Inc. ([Que. C.A., July 17, 2013](#))(35550) Feb. 20, 2014

Class Actions in Quebec: Banking; Foreign Exchange

Disclosure of foreign exchange conversion charges as a “credit charge”.

Banque de Montréal, et al. v. Marcotte, et al. ([Que. C.A., Aug. 2, 2012](#))(35009) April 11, 2013

Class Actions in Quebec: Banking; Foreign Exchange

Similar summary to that immediately above.

Marcotte v. Fédération des caisses Desjardins du Québec ([Que. C.A., Aug. 2, 2012](#)) (35018) April 11, 2013

Class Actions in Quebec: Banking; Foreign Exchange

Similar summary to that immediately above.

Amex Bank of Canada v. Adams, et al. ([Que. C.A., Aug. 2, 2012](#))(35033) April 11, 2013

Competition Law: Mergers

Can a merger be blocked as preventing real and substantial competition in the marketplace.

Tervita Corporation, et al. v. Commissioner of Competition ([Fed. C.A., Feb. 11, 2013](#)) (35314) July 11, 2013

Constitutional Law: Res Judicata

Does *res judicata* exist legislatively and constitutionally.

A.G. Can. v. Confédération des syndicats nationaux, et al. ([Que. C.A., Oct. 10, 2012](#))(35124) May 2, 2013

Contracts: Arbitration Award

What is the appropriate arbitrated finder's fee for a mining deposit acquisition.

Sattva Capital Corporation v. Creston Moly Corporation ([B.C.C.A., Aug. 7, 2012](#))(35026) Mar. 7, 2013

Contracts: Implied Terms of Good Faith

When is there an implied term of good faith in contract renewal.

Harish Bhasin, carrying on business as Bhasin & Associates v. Larry Hrynew, et al. ([Alta. C.A., Mar. 18, 2013](#))(35380) Aug. 22, 2013

Constitutional Law: Bilingual Statutes

R. v. Boutet et al., [2014 ABCA 71](#)

Are Provincial statutes in Alberta to be bilingual.

Construction Law: Liens

Did the filing of a lien bond here satisfy trust obligations.

Stuart Olson Dominion Construction Ltd., formerly known as Dominion Construction Company Inc. v. Structal Heavy Steel, A Division of Canam Group Inc. ([Man. C.A., Jan. 22, 2014](#))(35777) Jun. 12, 2014

Criminal Law: (Alleged) Ineffective Assistance of Counsel

Publication ban in context of series of 'historical' sexual offences.

W.E.B. v. R. ([Ont. C.A., Nov. 14, 2012](#))(35089) May 2, 2013

Criminal Law: Arrest; Right to Counsel

When s. 10(a) & (b) breaches means evidence excluded.

R. v. Mohammad Hassan Mian ([Alta. C.A., Oct. 18, 2012](#))(35132) May 16, 2013

Criminal Law: Bail

When should bail be granted.

R. v. Jeffrey St. Cloud ([Que. Superior Ct., Sept. 26, 2013](#))(35626) Feb. 27, 2014

Criminal Law: Child Porn (On Your Sister's Computer)

Does using a peer-to-peer file-sharing software program = porn.

Spencer v. R. ([Sask. C.A., Nov. 25, 2011](#)) (34644) Jan. 24, 2013

Criminal Law: Constitutionality of NCR Orders

Are NCR orders contrary to ss. 7 & 9.

A.G. Canada v. Kobzar ([Ont. C.A., May 16, 2012](#)) (34925) Jan. 24, 2013

Criminal Law: Failing to Provide to Provide Breath Sample

R. v. Goleski, [2014 BCCA 80](#)

Was there, in law, a failure to provide a breath sample.

Criminal Law: Firearms Offences

Were firearm offences committed here.

Christopher Dunn v. R. ([Ont. C.A., Sept. 4, 2013](#))(35599) Feb. 20, 2014

Criminal Law: Forfeiture

When is disclosure of wiretap evidence appropriate.

Director of Civil Forfeiture v. Hells Angels Motorcycle Corporation, et al. (B.C.S.C., Oct. 19, 2012)(35134) June 13, 2013

Criminal Law: Impaired; Higher Sentences

Should prior 'DUI' convictions result in a higher sentence.

R. v. Frederick Anderson ([N.L. C.A., Jan. 10, 13](#))(35246) June 27, 2013

Criminal Law: Jury 'Representativeness'

How representative should juries be.

R. v. Clifford Kokopenace ([Ont. C.A., June 14, 2013](#))(35475) Nov. 21, 2013

Criminal Law: Legislative Retrospectivity

When can legislation be retrospective.

Calvin Clarke v. Her Majesty the Queen ([Ont. C.A., Jan. 11, 2013](#))(35487) Oct. 17, 2013

Criminal Law: Long-Gun Registry

Is the Quebec long-gun registry information to be saved.

Attorney General of Quebec v. Attorney General of Canada et al. ([Que. C.A., July 23, 2013](#))(35448) Nov. 21, 2013

Criminal Law: Long-Term v. Dangerous

Pros & cons of long-term v. dangerous offender.

J.P.S. v. R. ([Ont. C.A., Nov. 7, 2012](#))(35310) Sept. 5, 2013

Criminal Law: Mandatory Minimums

Constitutionality of mandatory minimums.

R. v. Hussein Jama Nur et al. ([Ont. C.A., Nov. 12, 2013](#))(35678) Apr. 10, 2014

Criminal Law: Mandatory Minimums

Constitutionality of mandatory minimums.

R. et al. v. Sidney Charles et al. ([Ont. Nov. 12, 2013](#))(35684) Apr. 10, 2014

Criminal Law: Manslaughter of Infant; Sentencing 'Credit'

What is the appropriate sentence here.

R. v. Sean Summers ([Ont. C.A., Mar. 12, 2013](#))(35339) Aug. 15, 2013

Criminal Law: “Mr. Big”

Publication ban, RCMP “Mr. Big” sting.

R. v. N.L.H. ([N.L. C.A., Sept. 17, 2012](#))(35049) Feb. 28, 2013

Criminal Law: “Mr. Big”

Sealing order in context of a “Mr. Big” sting.

D.R.M. v. R. ([Alta. C.A., Feb. 27, 2012](#))(35093) April 11, 2013

Criminal Law: Parole

Is the *Abolition of Early Parole Act* constitutional.

A.G. Can., et al. v. Christopher John Whaling, et al. ([B.C.C.A., Nov. 2, 2012](#))(35024) April 11, 2013

Criminal Law: Pre-Sentence Custody

Can accused be credited at 1.5 days ratio for every day in pre-sentence custody.

R. v. Carvery ([N.S. C.A., Oct. 3, 2012](#))(35115) April 11, 2013

Criminal Law: Right to Counsel

What are the rights to counsel where a cell phone is seized.

Kevin Fearon v. R. ([Ont. C.A., Feb. 20, 2013](#)) (35298) July 11, 2013

Criminal Law: Robbery; Remands for Assessment

When should there be a remand for assessment.

R. v. John Melville Steele ([Man. C.A., Mar. 13, 2013](#))(35364) Aug. 22, 2013

Criminal Law: Sexual Offences; Disclosure

Should police “occurrence reports” be disclosed.

R. v. V.Q. ([Ont. C.A., Mar. 26, 2013](#))(35390) Aug. 22, 2013

Criminal Law: Unknown Third Party Evidence

When can unknown third party evidence go to a jury.

R. v. Mark Edward Grant ([Man. C.A., Oct. 30, 2013](#))(35664) Mar. 20, 2014

Criminal Law: Wrongful Convictions

Clarification of federal responsibility for wrongful convictions.

Réjean Hinse v. A.G. of Canada ([Que. C.A., Sept. 11, 2013](#))(35613) Mar. 20, 2014

Crown Liability: Wrongful Convictions

Was there prosecutorial liability for a wrongful conviction here.

I.W.M.H. v. Her Majesty the Queen in Right of the Province of British Columbia as Represented by the Attorney General of British Columbia, et al. ([B.C.C.A., Jan. 21, 2014](#))(35745) May 15, 2014

Employment Law in Québec: Termination

Was the Quebec Commission des normes du travail ruling correct in this case.

Commission des normes du travail v. Asphalte Desjardins Inc. ([Que. C.A., Mar. 19, 2013](#))(35375) Sept. 5, 2013

Employment Law: Termination

Was there dismissal here, constructive or otherwise.

David M. Potter v. New Brunswick Legal Aid Services Commission, a statutory body corporate pursuant to a special act of the Province of New Brunswick ([N.B.C.A., April 25, 2013](#))(35422) Oct. 10, 2013

Evidence: Admissibility of Expert Reports

When should expert reports be admitted/excluded.

White Burgess Langille Inman, carrying on business as WBLI Chartered Accountants et al. v. Abbott and Haliburton Company Limited et al. ([N.S. C.A., May 24, 2013](#))(35492) Nov. 21, 2013

Extradition

Can Canadian police send wiretap evidence to U.S. police.

Andrew Gordon Wakeling, et al. v. Attorney General of Canada on behalf of the U.S.A., et al. ([B.C.C.A., Oct. 9, 2012](#))(35072) June 13, 2013

Extradition

Should extradition be granted here.

David Caplin v. Ministre de la justice du Canada ([Que. C.A., July 31, 2013](#))(35527) May 8, 2014

Extradition

Should extradition be granted here.

Attorney General of Canada v. Anthony Barnaby ([Que. C.A., July 31, 2013](#))(35548) May 8, 2014

Family Law: Support Guidelines

Are the federal *Child Support Guidelines* constitutional.

Strickland v. Canada (Attorney General) ([F.C., May 5, 2013](#))(35808) Jun. 26, 2014

Human Rights: (Alleged) Discrimination

Clarification as to U.S. v. Canadian law re pilot training.

Commission des droits de la personne et des droits de la jeunesse et al. v. Bombardier Inc. (Bombardier Aerospace Training Center), et al. ([Que. C.A., Sept 24, 2013](#))(35625) May 1, 2014

Immigration: Refugees

Refugee status when crime committed.

Luis Alberto Hernandez Febles v. Minister of Citizenship and Immigration ([Fed. C.A., Dec. 7, 2012](#)) (35215) July 4, 2013

Immigration: Refugees

Is the refugee claim here valid.

B306 v. Minister of Public Safety and Emergency Preparedness ([Fed. C.A., Nov. 12, 2013](#))(35685) Apr. 17, 2014

Immigration: Refugees

Is the refugee claim here valid.

J.P., G.J. v. Minister of Public Safety and Emergency Preparedness ([Fed C.A., Nov. 12, 2013](#))(35688) Apr. 17, 2014

Immigration: Refugees

Is the refugee claim here valid.

Jesus Rodriguez Hernandez v. Minister of Public Safety and Emergency Preparedness ([Fed. C.A., Nov. 12, 2013](#))(35677) Apr. 17, 2014

Intellectual Property: Licences

Canadian Broadcasting Corporation v. Sodrac 2003 Inc., et al., [2014 FCA 84](#)

What is the appropriate tariff here.

International Law: State Immunity

Is there state immunity where Canadian citizen is in Iran.

Estate of Kazemi et al. v. Iran et al. ([Que. C.A., Aug. 15, 2012](#))(35034) Mar. 7, 13

Labour Law/Administrative Law: Standard of Review; 'Prudence' Reviews

In the context of electricity costs, what is the appropriate standard of review.

Ontario Energy Board v. Ontario Power Generation Inc., et al. ([Ont. C.A., June 4, 2013](#))(35506) Mar. 20, 2014

Labour Law: Charter Challenges

Is the federal *Expenditure Restraint Act* constitutional.

Robert Meredith, et al. v. A.G. of Canada ([Fed. C.A., Apr. 26, 2013](#))(35424) Sept. 19, 2013

Labour Law: Essential Services Legislation

Is this legislation constitutional.

Saskatchewan Federation of Labour (in its own right and on behalf of the unions and workers in the Province of Saskatchewan) et al. v. Her Majesty the Queen, in Right of the Province of Saskatchewan ([Sask. C.A., Apr. 26, 2013](#))(35423) Oct. 17, 2013

Labour Law: Good Faith Bargaining

Did the National Gallery bargain in good faith.

Canadian Artists' Representation/Front des artistes canadiens, et al. v. National Gallery of Canada ([Fed. C.A., Mar. 4, 2013](#))(35353) Aug. 15, 2013

Labour Law: Grievances

Are supplemental employment benefits grievable.

British Columbia Teachers' Federation, et al. v. British Columbia Public School Employers' Association, et al. ([B.C.C.A., Sept. 20, 2013](#))(35623) Mar. 20, 2014

Maritime Law: Fishing for Crab but Catching Telephone Cables

Is crab fisherman liable in damages to telecoms.

Peracomo Inc., et al. v. Telus, et al. ([Fed. C.A., June 29, 2012](#)) (34991) Jan. 24, 2013

Military Law: National Defence Act/Criminal Code 'nexus'

R. v. Moriarity; R. v. Hannah, [2014 CMAAC 1](#)

Is there a 'nexus' in law between the Criminal Code & the National Defence Act.

Military Law: National Defence Act/Criminal Code 'nexus'

R. v. Private Alexandra Vezina, [2014 CMAAC 3](#)

Was there entrapment by the undercover operative.

Municipal Law in Québec : Non-Conforming Uses

Was there a legal non-conforming use here.

Immeubles Jacques Robitaille Inc. v. City of Québec ([Que. C.A., Feb. 7, 2013](#)) (35295) July 11, 2013

Municipal Law in Québec: Prayers; Religious Symbols

What is permitted/proscribed at municipal meetings.

Mouvement laïque québécois, et al. v. City of Saguenay, et al. ([Que. C.A., May 27, 2013](#))(35496) Jan. 16, 2014

Pharmaceuticals: Utility; Obviousness

Was the generic patent here valid.

Apotex Inc., et al. v. Sanofi-Aventis, et al. ([Fed. C.A., July 24, 2013](#))(35562) Jan. 30, 2014

Professions: Access to Law Firm Information

Solicitor-client privilege v. federal legislation.

Attorney General of Canada v. Federation of Law Societies of Canada ([B.C.C.A., April 4, 2013](#))(35399) Oct. 10, 2013

Professions: Mandatory Retirement

Is there mandatory retirement for private practice lawyers in B.C.

McCormick v. Faskens ([B.C.C.A., July 19, 2012](#))(34997) Mar. 7, 13

Real Property: Real Estate Commission

Is the broker entitled to commission.

Société en commandite Place Mullins 139612 Canada inc. v. Services immobiliers Diane Bisson inc. ([Que. C.A., May 10, 2013](#))(35461) Dec. 19, 2013

Refugees: Inadmissibility

B010 v. Canada (Citizenship and Immigration) [2013 FCA 87](#)

Who is, or is not, a people smuggler.

Tax: Assessments

Are tax assessments civil or criminal in nature.

Julie Guindon v. R. ([Fed. C.A., June 12, 2013](#))(35519) Mar. 20, 2014

Tax: Enforcement Proceedings; Solicitor-Client Privilege

Can a lawyer claim solicitor-client privilege in enforcement proceedings against him.

Minister of National Revenue v. Duncan Thompson ([Fed. C.A., Aug. 29, 2013](#))(35590) Mar. 13, 2013

Transportation Law: Railways; Orders-In-Council

Sealing order in context of freight rate fuel surcharges.

C.N., et al. v. A.G. Can., et al. ([Fed. C.A., Nov. 2, 2012](#))(35145) April 11, 2013

Workers Comp: Chronic Stress

Is chronic stress eligible for Workers Comp.

Douglas Martin v. Workers' Compensation Board of Alberta et al. ([Alta. C.A., Aug. 29, 2012](#))(35052) Mar. 7, 2013