

## Publisher's Note

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## Annotated Ontario Estates Statutes

The *Annotated Ontario Estates Statutes* is a comprehensive reference that brings together, in a single loose-leaf volume, easy access to the legislation and case law critical to the practice of estates law in Ontario. The text includes complete annotations of estates-related legislative provisions, and section-by-section commentary written by a leading practitioner in estates law.

### What's New in this Update

This release includes updates to both the words and phrases section and legislatively defined terms. Additionally, legislative amendments have been added to the Rules of Civil Procedure which update prescribed forms.

### Highlights

**Words and Phrases** — From *Moore v. Sweet*, 2018 SCC 52, 2018 CarswellOnt 19479, 2018 CarswellOnt 19478, **Loss** is judicially defined: In addition to an enrichment of the defendant, a plaintiff asserting an unjust enrichment claim must also establish that he or she suffered a corresponding deprivation. . . . The authorities on this point make clear that the measure of the plaintiff's deprivation is not limited to the plaintiff's out-of-pocket expenditures or to the benefit taken directly from him or her. Rather, the concept of "loss" also

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captures a benefit that was never in the plaintiff's possession but that the court finds would have accrued for his or her benefit had it not been received by the defendant instead.

From *Wall v. Shaw*, 2018 CarswellOnt 19383, 2018 ONCA 929 (Div. Ct.), **Commencing a Proceeding:** By filing a notice of objection to accounts in response to an estate trustee's application to pass accounts [under R. 74.18(7) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194], a beneficiary is not commencing a proceeding in respect of a claim within the meaning of s. 4 of The *Limitations Act*, 2002.