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**THE CHARTER OF RIGHTS
IN LITIGATION**

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What's New in this Update:

This release includes seven new legal memoranda in the "Issues in Focus" section of the service.

- **Issues in Focus - In what locations or situations does a reasonable expectation of privacy arise to prevent video surveillance by the government without prior judicial authorization in the course of a criminal or quasi-criminal investigation, and what will be the consequences of improper video surveillance?** - Although the Supreme Court of Canada pronounced on the scope and consequences of warrantless video surveillance over two decades ago, and Parliament responded by adding video warrant provisions to the *Criminal Code*,

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shortly thereafter, there remain many grey areas concerning where prior-judicial authorization may or may not be required in order for the state to conduct video surveillance in particular locations as part of a criminal or quasi-criminal investigations.

- **Issues in Focus - Is a municipal by-law that allows individuals to license a different maximum number of cats compared to dogs an infringement on the individual's section 15(1) equality rights?** - It is extremely unlikely that the applicant in such a case will be successful in making his claim that the distinction between the number of permitted dogs and cats on a property in the municipality violates the Charter. Under s. 15 jurisprudence, only distinctions which discriminate against discrete and insular minorities on an enumerated or an analogous ground such that their human dignity is offended and social participation impaired will breach s. 15.
- **Issues in Focus - Is there a reasonable expectation of privacy over garbage?** - If garbage is considered to have been abandoned, there is no reasonable expectation of privacy over that garbage. Determination of whether there is a reasonable expectation of privacy over garbage will depend on whether the garbage is considered to be abandoned, whether control over the garbage was relinquished and how accessible the garbage is to the public.