

# Law Book News

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## 2018 YEAR IN REVIEW AND Q1 2019 TITLES PREVIEW



# Aboriginal Law

New Edition

## Aboriginal Law Handbook, 5th Edition

Othuis Kleer Townshend LLP

### Aboriginal Law Handbook, 5th Edition

is a practical, unique reference work to the law as it affects Aboriginal peoples and organizations, for both lawyers and non-lawyers. It also features in-depth analysis on a number of legal and policy issues affecting Aboriginal peoples.

It includes summaries and discusses the current state of the law and policy about:

- Rights of Aboriginal peoples in Canada, including the constitutional framework; Aboriginal and treaty rights; the duty to consult and accommodate; UNDRIP and free, prior, and informed consent; land and land claims; and Métis and Inuit rights
- Aboriginal government issues, including self-government; international law and Indigenous sovereignty; bands, band councils, and reserves; *Indian Act* registration and band membership; and elections
- Aboriginal community issues, including community control of programs and services; and housing
- Topics affecting Aboriginal families, including marriage, separation, and divorce; child welfare; wills and estates; and the residential school settlement
- Various economic development and related matters, including protection, use, and management of lands and resources; community corporations; commercial relations and reserves; individual and corporate taxation; trusts for Aboriginal communities; employment relations; and human rights and privacy
- Justice issues, including criminal procedure; Aboriginal justice inquiries and commissions initiatives; and injunctions and blockades

Every chapter contains a brief summary of key issues to remember, as well as a bibliography of secondary sources for further in-depth research.

### New in this edition

#### Aboriginal Law Handbook, 5th Edition

presents new and updated discussion on the following:

- Rapidly evolving issues related to the duty to consult Aboriginal communities, including emerging national and international standards related to “free, prior and informed consent”

- New developments in the field of Aboriginal economic development, including the evolution of impact benefit agreements, emerging structures for Aboriginal corporations, and resource revenue sharing; trusts structures that support community development; and taxation issues specific to Aboriginal communities
- Aboriginal family and social issues including marriage, separation, and divorce; child welfare; wills and estates; and human rights and privacy
- Aboriginal education, including the legacy of residential schools, and the work of the Truth and Reconciliation Commission
- Aboriginal justice issues, including inquiries and commissions on Aboriginal issues; criminal procedure in an Aboriginal context; Aboriginal justice initiatives; and injunctions and blockades

The 5th edition includes the following case law:

- *Bernard v. R.*, 2017 NBCA 48
- *Canada (Attorney General) v. Fontaine*, 2017 SCC 47
- *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, 2017 SCC 41
- *Clyde River (Hamlet) v. Petroleum Geo Services Inc.*, 2017 SCC 40
- *Descheneaux c. Canada (Procureur général)*, 2017 QCCA 1238
- *First Nation of Nacho Nyak Dun v. Yukon*, 2017 SCC 58
- *Gehl v. Canada*, 2017 ONCA 319
- *Goodswimmer v. Canada (Attorney General)*, 2017 ABCA 365
- *Kahkewistahaw First Nation v. Taypotat*, 2015 2 SCR 548
- *Ktunaxa Nation v. British Columbia (Forests, Lands and Natural Resource Operations)*, 2017 SCC 54
- *Ross v. Saskatchewan*, 2018 SKCA 12
- *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44

It also includes a new introductory chapter by the distinguished former Canadian parliamentarian and Ontario premier, Bob Rae.

### Order # L7798-8650 \$158

Softcover September 2018 approx. 880 pages  
978-0-7798-8650-0  
Carswell

### New Publication

## Essentials of Canadian Aboriginal Law

Kerry Wilkins

**Essentials of Canadian Aboriginal Law** is the print version of the *Canadian Encyclopedic Digest* title. The book discusses the current Canadian law about Indigenous peoples living in Canada. It deals with Canadian constitutional law and federal non-criminal statute law as they pertain to Indigenous peoples.

The book considers the most recent and noteworthy Supreme Court of Canada decisions, including:

- *Ktunaxa Nation v. British Columbia*: This case has contributed to the law on the Crown's duty to consult Indigenous communities
- *First Nation of Nacho Nyak Dun v. Yukon*: This case concerned the interpretation of modern treaties and, in particular, the Crown's obligations in the collaborative land use planning process established by the Yukon Final Agreements
- *Williams Lake Indian Band v. Canada*: In this case, the SCC discussed the Crown's fiduciary obligations to Indigenous peoples

The book also incorporates Bill S-3, which came into force on December 22, 2017. The bill amends the *Indian Act* in response to the *Descheneaux v. Canada* decision.

### Order # L7798-8622 \$208

Softcover August 2018 approx. 860 pages  
978-0-7798-8622-7  
Carswell

# Administrative Law

### New Publication

## Canadian Journal of Administrative Law and Practice Special Issue – A Decade of Dunsmuir / Les 10 ans de Dunsmuir

Special Issue Co-Editors-in-Chief: Paul Daly and Leonid Sirota

Ten years after this pivotal case, there remain perplexing questions concerning the standard of review for the substance of administrative decisions.

### Insight that will shape the impending debates

In this timely collection, a host of administrative law experts deliver a thorough analysis of *Dunsmuir*, exposing its flaws and carefully reviewing the correctness and reasonableness standards.

Discover an enlightening examination of, among other issues:

- The philosophy of *Dunsmuir*
- Correctness and unreasonableness
- “Fairness”
- Comparative and judicial perspectives
- The effects of *Dunsmuir*
- How to move on from the case

**Order # L7798-8813 \$110**

Softcover November 2018 approx. 280 pages  
978-0-7798-8813-9  
Carswell

**New Publication**

**Journal of Parliamentary and Political Law / Revue de Droit Parlementaire et Politique – Special Issue / Numéro hors-série – Canada’s Constitutional & Governance Challenges After 150 Years / Les Défis Constitutionnels et de Gouvernance du Canada Après 150 ans**

**Co-Editors: Radhakrishnan Persaud and Greg Tardi**

The **Journal of Parliamentary and Political Law** provides a forum by Co-Editors Radhakrishnan Persaud and Gregory Tardi for the growing body of interdisciplinary legal literature on the subject of “law and politics.” National in scope, and comparative in perspective, the Journal includes the following:

- Introductory Remarks, by Hon. R. Roy McMurtry, Chief Justice of Ontario, 1996-2007
- Constitutional & Governance Challenges for a Country Based on Incomplete Conquests, by Professor Peter H. Russell
- Governing Under the Constitution – Governing the Constitution, by Hon. Louis LeBel
- Ceintures fléchées and Wampum Belts: Quebec and Indigenous Peoples in the Canadian Federation, by Professor Jean Leclair
- Beyond Charter Statements: Constitutional Communications in The Parliamentary Context, by Charlie Feldman, House of Commons
- Canada’s Constitutional & Governance Challenges after 150 Years, by Hon. David Onley, Lieutenant Governor of Ontario, 2007-2014
- The Supreme Court of Canada and National Sovereignty, by Professor Radhakrishnan Persaud
- The SCC’s Dilemma: What to do with Interveners? by Professor Richard Haigh
- Accountability for Ethical Governance: Canadian Advances over 150 Years, by Professor Ian Greene
- Deliberative Constitutionalism in Canada,

by Professor Hoi L. Kong

- Legal and Political Constitutionalism in Canada: The First 150 Years, by Warren J. Newman, Senior General Counsel, Department of Justice
- Federalism, Intergovernmental Relations and Assisted Dying: A Case Study of Federalism in Operation, by Professor Kathy L. Brock
- Is Federalism a Feminist Issue? The Gender of Division of Powers Jurisprudence, by Professor Kerri A. Froc
- Canada’s Electoral Democracy at 150, by Marc Mayrand, past chief Electoral officer

**Order # L7798-8933 \$112**

Softcover November 2018 approx. 340 pages  
978-0-7798-8933-4  
Thomson Reuters

## Alternative Dispute Resolution

**New Publication**

**In Search of Resolution: Complex Issues in Mediation Advocacy**

**Dr. Martha E. Simmons**

**In Search of Resolution: Complex Issues in Mediation Advocacy** is a unique resource in its examination of mediation advocacy in situations of complexity. This publication goes beyond the usual introductory coverage of mediation advocacy, and considers more advanced issues relevant to the daily practice of lawyers who attend mediation. **In Search of Resolution: Complex Issues in Mediation Advocacy** also covers timely subjects, such as self-represented persons and disability that are rarely discussed in dispute resolution literature.

**Order # L7798-8623 \$104**

Softcover May 2018 approx. 200 pages  
978-0-7798-8623-4  
Thomson Reuters Canada Ltd.

## Cannabis Law

**New Publication**

**Cannabis in the Workplace**  
**John R. Gilmore**

Legalization of cannabis will have a large impact on workplaces in ways that alcohol has not. Employers face various cannabis-related issues with respect to health and safety, privacy, accommodation, and even criminal matters. This book will provide needed guidance and straightforward analysis, and it will identify areas of possible concern for employers.

**Order # L7798-8680 \$155**

Softcover November 2018 approx. 160 pages  
978-0-7798-8680-7  
Carswell

**New Publication**

**Cannabis Law**

**Bruce A. MacFarlane, Q.C., Robert J. Frater, Q.C., and Croft Michaelson, Q.C.**

**Contributing Authors: Diane Labelle, General Counsel, Department of Justice Canada (Chapter 6: Provincial and Territorial Regulation), Rick Moscone and Eugene Derenyi, Fogler, Rubinoff LLP (Chapter 22: Commercial Law Issues), and Douglas A. Cowgill (Chapter 22: Commercial Law Issues)**

This timely and unique resource is a practical guide to all aspects of the new *Cannabis Act* (Bill C-45) and regulations, and the complementary provincial laws and regulations.

**Cannabis Law** covers a wide variety of legal issues, including criminal law, commercial law, and workplace and human rights-related issues. It will be essential reading not only for lawyers, but for those who want to participate in this new industry, as well as educators.

Topics discussed include federal and provincial/territorial regulatory schemes; municipal and Indigenous regulation; offences and punishment, including cannabis-impaired driving; medical cannabis; and the business of cannabis.

**Summary Table of Contents**

**Cannabis-Related Websites**

**Part I: Federal Regulation**

- The *Cannabis Act*: History and Overview
- The Federal Regulatory Framework
- Search and Seizure
- The Detention, Disposition, and Forfeiture of Seized Property
- Cannabis Edibles

**Part II: Regulation by other Governments**

- Provincial and Territorial Regulation
- Municipal Regulation
- Regulation by Indigenous Peoples

**Part III: Criminal and Regulatory Offences**

- Possession
- Distribution and Selling
- Importing/Exporting
- Production
- Cannabis-Impaired Driving
- Using a Young Person
- Promotion, Packaging and Labeling
- Evidence and Procedure

#### Part IV: Penalties

- Ticketing
- Administrative Penalties and Compliance Agreements
- Sentencing and Criminal Records

#### Part V: Medical and Workplace Issues

- Medical Cannabis
- Workplace and Human Rights-Related Issues

#### Part VI: The Cannabis Business

- Commercial Law Issues

#### Order # L7798-8820 \$150

Softcover November 2018 approx. 300 pages  
978-0-7798-8820-7  
Canada Law Book

## Civil Practice & Procedure

#### New Publication

#### Bennett on Small Claims Court

Frank Bennett, L.S.M., LL.M.

**Bennett on Small Claims Court** provides practical and procedural guidance to creditors who are presenting or defending a small claim in Ontario. In addition to expert commentary and guidance, the publication also provides numerous precedents, relevant legislation, and forms.

Chapters include:

- Jurisdiction
- The Claim
- The Defence, Counterclaim and Third Party Claim
- Default Judgment
- Discovery
- Motions
- Settlement
- The Trial

#### Order # L7798-8453 \$100

Softcover February 2018 approx. 300 pages  
978-0-7798-8453-7  
Carswell

## Corporate/Commercial

#### New Edition

#### 20th Anniversary Edition

#### Behind and Beyond Boilerplate: Drafting Commercial Agreements, Fourth Edition

Cynthia L. Elderkin, B.A., LL.B., and  
Julia S. Shin Doi, B.A., J.D. LL.M., CIC.C, ICD.D

This publication combines a practical approach by providing sample boilerplate clauses and explaining their meaning within a legal framework. It explains the underlying historical common law and equitable principles that gave rise to the use of such

boilerplate clauses and analyzes the judicial treatment of those clauses. The publication also addresses practical issues that may arise in the use of boilerplate clauses and makes recommendations on drafting such clauses.

#### New in this edition

Update of all case law affecting boilerplate clauses referenced in the third edition, including commentary on recent Supreme Court of Canada decisions that impact contract interpretation and boilerplate:

- *Teal Cedar Products Ltd. v. British Columbia*, 2017 SCC 32: scope of appellate intervention in commercial arbitration is narrow: deferential standard of review – reasonableness – “almost always” applies to arbitration awards
- *Douez v. Facebook*, 2017 SCC 33: two-step approach in determining to enforcement of a forum selection clause
- *Soboczynski v. Beauchamp*, 2015 ONCA 282, leave to appeal refused 2015 SCC: entire agreement clauses apply to anything said and done up to the moment of signing the written contract, operating retrospectively rather than prospectively – unless the entire agreement clause expressly provides otherwise
- *Sattva Capital Corp. v. Creston Moly Corp.*, 2014 SCC 53: approach to contract interpretation ought to be practical
- *Bhasin v. Hrynew*, 2014 SCC 71: duty of honest performance requires the parties to be honest with each other in relation to the performance of their contractual obligations

#### Order # L7798-8583 \$230

Hardcover June 2018 approx. 560 pages  
978-0-7798-8583-1  
Carswell

#### New Edition

#### 40th Anniversary Edition

#### Contracts: Cases and Commentaries, Tenth Edition

David Percy, Q.C., and Stephanie Ben-Ishai,  
Associate Professor

#### Contracts: Cases and Commentaries, Tenth Edition

continues to be the teaching tool of choice among Canadian contracts professors. This book allows students to learn the law of contracts by first gaining a familiarity with the substantive law. Substantive law includes the law relating to the formation of contracts, factors affecting the validity of contracts, and remedies for when a party breaches the contract. A familiarity with these principles will serve as a useful stepping stone to courses drawing on the general principles of contract law, such as the sale of goods, consumer protection, insurance, real estate transactions,

and labour law. This book will teach students how to engage in analyzing areas of law where overlapping or conflicting values are at stake, such as human rights law and property law, by reflecting on a value fundamental to the law of contracts, such as freedom of contract. Furthermore, this book will facilitate the acquisition of a variety of basic skills associated with the analysis and use of case law and, to a lesser extent, legislation. It is designed as an aid to the acquisition of these essential skills, via the study and discussion of the decisions of the courts, as well as statutory law and academic comment.

#### Order # L7798-8642 \$177

Softcover August 2018 approx. 1080 pages  
978-0-7798-8642-5  
Carswell

## Criminal Law & Offences

#### New Edition

#### Charter Justice in Canadian Criminal Law, 7th Edition

Don Stuart, B.A., LL.B., Dipl. In Criminology, D. Phil.

This influential text provides a critical review of how the *Charter of Rights and Freedoms* is being applied in the criminal courts by the Supreme Court, courts of appeal, and trial judges. Important decisions and scholarly arguments are examined and updated.

Major Supreme Court decisions included in **Charter Justice in Canadian Criminal Law, 7th Edition** are:

- *Carter*: prohibition against doctor assisted suicide overbroad contrary to s.7
- *MacDonald*: police search on public safety ground requiring reasonable grounds
- *Fearon*: police search of cell phones incident to lawful arrest
- *Saeed*: penile swabs incident to arrest authorised if manner reasonable
- *Taylor*: section 10(b) rights applying where suspect taken to hospital
- *Hart and Mack*: Mr. Big confessions admissible if probative and not abusive
- *Anderson*: revised approach to reviewing prosecutorial discretion
- *St-Cloud*: public confidence ground to deny bail not only for rare use
- *Antic*: re-enforcing ladder approach for bail
- *Kokopenace*: lack of Indigenous people on jury polls not violating rights to jury
- *Jordan*: presumptive ceilings for s.11(b) right to trial within reasonable time
- *Paterson*: confirming *Grant* approach to robust s.24(2) exclusion of evidence
- *Nur and Lloyd*: section 12 grossly disproportional challenges to mandatory minimums

**Order # L7798-8294 \$163**

Softcover February 2018 approx. 820 pages  
978-0-7798-8294-6  
Carswell

**New Edition****Learning Canadian Criminal Law, 14th Edition**

**Don Stuart, B.A., LL.B., Dipl. In Criminology, D. Phil., and Steve Coughlan**

**Learning Canadian Criminal Law, 14th Edition** continues to focus on tools students must acquire to be effective criminal lawyers, including critical skills. The aim is to explore substantive principles and the trial context: the adversary system, how elements of crime are proved, principles of act and fault, legal justifications and excuses, and sentencing principles. Integrated throughout is a consideration of the impact of the *Charter*. The focus is on major sources: the *Criminal Code* itself and key judicial decisions. Learning is facilitated by notes, questions, problems, and general review questions.

**Learning Canadian Criminal Law, 14th Edition** has been thoroughly updated and re-edited. Legislative changes considered include the new offence to criminalise the purchase of sex, anti-terrorism provisions enacted in Bill C-51, and limiting the partial provocation defence to murder. Also addressed are current Federal bills to remove *Criminal Code* provisions declared to violate the *Charter*, repeal anachronistic provisions, complex legal burden and reverse onus provisions, to amend sexual assault laws, and to return to discretion not to award victim surcharges.

Major new Supreme Court decisions include:

- *Tatton*: arson is a crime of general intent to which voluntary intoxication is no defence
- *K.R.J.*: Oakes test for demonstrably justifying *Charter* violations under section 1
- *Carter*: prohibiting assisted suicide as overbroad
- *Nur, Lloyd*: cruel and unusual s. 12 *Charter* standard against mandatory minima

Other major decisions are:

- *Barton* (Alta. C.A.): calling for new model jury instructions for sexual assault
- *Cormier* (N.B. C.A.): new defence of person and property
- *Willis* (Man. C.A.): duress no defence to murder
- *Campione* (Ont. C.A.): meaning of “wrong” in s. 16

**Order # L7798-8103 \$177**

Softcover February 2018 approx. 1300 pages  
978-0-7798-8103-1  
Carswell

**New Edition****Regulatory Offences in Canada: Liability and Defences, Second Edition**

**John Swaigen and Susan McRory**

Regulatory laws pervade our lives, controlling how we do everything from parking the car to fixing the roof to disposing of nuclear waste. They are meant to control and reduce the risks we impose upon each other through activities as diverse as driving, earning a living, building a house, or running an atomic power station.

**Regulatory Offences in Canada: Liability and Defences, Second Edition** is a guide to the world of regulatory offences written by authors with over a half-century in practical legal experience in this area of regulatory law. This text focuses on the unique problems in enforcing and defending public welfare law, and it reviews the concepts that arise from the case law. Whether you are a judge, a lawyer, an investigator, or a business person, this text will assist you in navigating these tricky waters.

**New in this edition**

- Expanded and updated discussion of the application of the *Charter* to regulatory offences generally and to corporations in particular
- Expanded and updated discussion of Administrative Monetary Penalties
- The Supreme Court’s rulings in *Consolidated Maybrun and Al Lippert* on the availability of collateral attacks on an order as a defence in regulatory offences
- The Supreme Court’s recognition of a limited defence of officially induced error
- The Supreme Court’s resolution in *Hasselwander* of whether strict or liberal statutory interpretation applies to penal regulatory statutes
- Updated analysis of compliance audits as a factor in establishing due diligence
- Discussion of the “Westray” amendments to the *Criminal Code*

**Order # L7798-8605 \$236**

Hardcover June 2018 approx. 400 pages  
978-0-7798-8605-0  
Carswell

**New Edition****The Law of Traffic Offences, 4th Edition**

**Scott C. Hutchison, B.A., LL.B., Justice David S. Rose, and Justice Philip Downes**

Handle traffic offences with maximum effectiveness. **The Law of Traffic Offences, 4th Edition** provides a thorough understanding of the offence as well as a way

to determine quickly whether all the elements in the charge have been covered.

Other topics include:

- Challenges to radar evidence
- Speeding
- Driving without insurance
- Procedure in traffic cases
- Evidence
- Careless driving
- Certificate of offence
- Commercial motor vehicles
- Appeals in traffic cases
- Imposing less than minimum fine and more

**New in this edition**

The 4th edition of **Law of Traffic Offences** updates many of the procedural provisions for Traffic Offences trials and appeals, including recent decisions on adjournments disclosure motions in the Superior court for *certiorari*. The chapters on offences, careless driving, stunt driving, and CVOR enforcement have been updated. The reader will note updates to the sentencing provisions, as well as some guidance on the affect of the recent Supreme Court of Canada decision *R. v. Jordan* on *Highway Traffic Act* prosecutions.

**Order # L7798-8608 \$156**

Softcover June 2018 approx. 640 pages  
978-0-7798-8608-1  
Carswell

**New Edition****The Trial of Sexual Offence Cases, Second Edition**

**Madam Justice Michelle Furst, Mona Duckett, and The Honourable Judge Frank P. Hoskins**

**The Trial of Sexual Offence Cases, Second Edition** is a basic guide to the relevant issues and authorities of which Crown counsel, defence counsel, and judges should be aware in cases of individuals charged with sexual assault or any of the related sexual offences. This manual is intended to be a starting point and quick reference source. The authors draw upon their extensive experience to provide step-by-step guidance for both Crown and defence, from the initial client interview to the completion of the proceedings in the criminal justice system, including sentencing. Among the topics addressed are the factors to consider, and procedures involved, in making a *Seaboyer* application, the topic of child witnesses, expert witnesses, third-party record applications, and publication bans. For ease of reference, the relevant statutory provisions, including those no longer in force that may apply in cases of delayed complaints, are set out in the Appendices. Also included in the Appendices are excerpts from *Watt’s Manual*



of *Criminal Jury Instructions, Second Edition*.

#### New in this edition

New and updated contents include:

- A new chapter on human trafficking
- Updates throughout the publication to reflect jurisprudential developments such as:
  - New Supreme Court of Canada and provincial appellate level authorities clarifying the scope of consent, vitiation of consent, including due to fraud (non-disclosure of HIV status) or bodily harm or incapacity, and the requisite elements to the mistaken belief in age defence
  - Recent provincial appellate level authorities regarding the application and scope of s. 276 of *Criminal Code*, including additional and recent examples of admissible and inadmissible evidence
  - Decisions regarding the importance of avoiding the stereotypes and myths in assessing of evidence during sexual assault trials

**Order # L7798-8630 \$131**

Softcover June 2018 approx. 420 pages  
978-0-7798-8630-2  
Carswell

#### New Publication

### Uncrossing the Wires: A Guide to Effective Communication Between Media and Emergency Services

**Sarah Edmonds and Brian Ward**

**Uncrossing the Wires: A Guide to Effective Communication Between Media and Emergency Services** aims to improve communications between emergency services and journalists when news is breaking and tensions run high. The rise in natural disasters and terror attacks, and the social media-fuelled surge in rumour and misinformation, make it ever more important to ensure the public receives a fast and accurate flow of facts. Packed with anecdotes and wisdom from practitioners of both crafts who have experienced some of Canada's biggest crises at first hand, the guide outlines the fundamentals of sound emergency communication, why it is crucial to successful crisis management and why mishandling the message risks public safety and well-being. The guide also sheds light on how the digital and social media revolution has changed the game for journalists and communicators alike and offers real-world tips on the perils and potential of new technologies.

**Order # L7798-8651 \$95**

Softcover September 2018 approx. 150 pages  
978-0-7798-8651-7  
Carswell

## Damages/Remedies/Torts

#### New Edition

### Personal Injury Damages in Canada, Third Edition

**Ken Cooper-Stephenson, LL.B., LL.M., LL.D., and  
Professor Elizabeth Adjin-Tettey, LL.B., LL.M., D.Jur.**

This treatise is the leading Canadian reference work on the assessment of personal and fatal injury damages. The book provides comprehensive coverage of cases, legal principles, and commentary, including future directions for development of the law.

The third edition is a completely revised and thoroughly updated edition of the 1981 and 1996 treatises on assessment of damages for personal injury and death in Canada. Topics of special note include, a discussion of lump sum or periodic payments; proof of damages; aggravated and punitive damages; voluntary services by family members; loss of earning capacity, loss of earnings for injured children and students, and for women; loss of homemaking capacity and loss of interdependent relationship; the lost years problem; cost of care and state benefits; third-party claims for non-pecuniary losses; claims by unaware and elderly plaintiffs; collateral benefits; fatal accident legislation; survival action statutes; factual causation; the thin and crumbling skull principles; and recovery for psychological harms. Recent Supreme Court of Canada decisions are considered in detail.

Particular features of this edition include: more extensive treatment of claims for loss of earnings by women, loss of homemaking capacity, and loss of interdependent relationship; the effect of the Supreme Court of Canada decisions in *B. (M.) v. British Columbia* on loss of earning capacity and welfare benefits; *Townsend v. Kroppmanns* on management fees and discount rates; *Krangle (Guardian ad litem of) v. Brisco* on cost of care; *Waterman v. I.B.M.* on collateral benefits; consideration of recent fatal accident and survival actions legislation in the various provinces; consideration of issues factual causation in light of the Supreme Court of Canada's decisions in *Clements v. Clements*, *Backwater v. Plint*, and *Hanke v. Resurfrice Corp.*, which developed and explained the Court's earlier decisions and limited the scope of the material contribution to risk principle; full and detailed treatment of the thin skull and crumbling skull principles following the Supreme Court of Canada's decision in *Athey v. Leonati*, and numerous appellate court cases which have applied these principles; and extensive treatment of the principles governing

recovery for psychological harm as a result of the recent decision of the Supreme Court of Canada in *Saadati v. Moorhead*. Mitigation is given a separate treatment in a new chapter 15.

**Order # L7798-8090 \$465**

Hardcover January 2018 approx. 1160 pages  
978-0-7798-8090-4  
Carswell

## Education Law

#### New Publication

### An Educator's Guide to Internet and Social Media Law in the Classroom

**Nadya Tymochenko, B.A., LL.B., LL.M., and  
Gillian Tuck Kutarna, B.A. (Hons), M.P.A., LL.B.**

This key new text is aimed at educators – administrators, principals, and teachers. It is a must-have for anyone in the education field who deals with the use of the internet and related social media issues. It addresses the legal and practical issues that principals and school administrators face in dealing with internet use by pupils and teaching staff.

Key topics addressed include: cyberbullying, plagiarism, copyright, social media, privacy issues, inappropriate student/teacher communications, defamation, legal liability, and anti-spam legislation.

**Order # L7798-8454 \$95**

Softcover May 2018 approx. 220 pages  
978-0-7798-8454-4  
Thomson Reuters Canada Ltd.

## Employment/Labour

New Publication

### Annotated Alberta Employment Standards Code

John R. Gilmore

This title provides annotations of noteworthy court decisions interpreting the various provisions of Alberta's Employment Standards Code. As with all annotated works from Thomson Reuters, the book includes the current full text of the Act, along with commentary, selected relevant case law, and cross references to related provisions.

**Order # L7798-8625 \$129**

Softcover July 2018 approx. 280 pages  
978-0-7798-8625-8

Annual volumes supplied on standing order subscription  
Carswell

New Edition

### Wrongful Dismissal Handbook, 8th Edition

The Honourable Mr. Justice John R. Sproat

This practical handbook provides a straightforward treatment of wrongful dismissal law for lawyers and human resources professionals. The commentary and analysis include timely, accurate, and practical information.

New in this edition

Changes since the publication of the 7th edition include developments in the case law on such issues as:

- Termination clauses and compliance with the *Employment Standards Act*
- Just cause for dismissal; and benefits required to be provided during a notice period
- Employee tort liability for negligence in the course of employment
- How off-duty conduct affects the employment relationship; and mitigation of damages during the notice period

**Order # L7798-8911 \$184**

Softcover December 2018 approx. 1800 pages  
978-0-7798-8911-2  
Carswell

## Environmental Law

New Publication

### Environmental Class Actions in Canada

André Durocher

André Durocher's key new work **Environmental Class Actions in Canada** provides exclusive and authoritative coverage of prominent environmental litigation. Environmental issues are subject to intense scrutiny by the news media and come with high reputational risk to businesses and government entities.

Mr. Durocher, a leading practitioner in class action litigation and environmental law, approaches this complex field by reviewing the foundation of class action law in Canada and discussing its specific application to environmental issues.

Class action litigation is thoroughly explored, including how it works, the specific stages of such an action, and what every stage requires. The author also examines how environmental class actions have succeeded or failed and why. He analyzes the specific risks associated with this type of litigation, including key issues that can lead to legal liability.

This comprehensive new work will provide you with a complete exposé of relevant issues, such as:

- How to handle specific contamination issues
- How procedural aspects of environmental class actions impact time and budgets
- The most common issues likely to be certified, including punitive and compensatory damages
- When to move from a defensive mode to a settlement mode

**Order # L7798-8398 \$425**

Hardcover April 2018 approx. 1000 pages  
978-0-7798-8398-1  
Carswell

## Estates/Trusts/Wills

New Edition

### Challenging the Validity of Wills, Second Edition

Ian M. Hull, B.A. (Hons), LL.B., and Suzana Popovic-Montag, B.A. (Hons), LL.B.

This work details the process for the appointment of the estate trustee with a will, and at what stages the will can be attacked. The substantive grounds for challenging the will's validity are covered, including undue influence, fraud, lack of testamentary capacity, suspicious circumstances and improper execution of the testamentary document. The appendices contain a complete selection of estates forms under Ontario's Rules of Civil Procedure for use in contentious estates proceedings. The authors provide guidance for compelling the reluctant executor to produce the testamentary document, for revoking the appointment of the estate trustee where fraud has occurred, for making a claim against the estate, and for the appointment of an administrator pending the outcome of the litigation. Practice tips are also provided.

New in this edition

This new edition reflects a more nuanced understanding of the practical effects of the estate rules 74 and 75.

There are also eight new chapters:

- Locating Missing Beneficiaries
- Costs in Estates Litigation
- Breach of Fiduciary Duty Claims
- The Deemed Undertaking Rule and Estate Litigation
- Unjust Enrichment in Will Challenge Matters
- Solicitor's Negligence
- Acting for Children and the Mentally Incapable
- *Estate Administration Tax Act*, 1998 Estate Information Returns

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## Evidence

New Edition

### Evidence: Principles and Problems, Twelfth Edition

The late Ron Delisle, B.Sc., LL.B., LL.M., Don Stuart, B.A., LL.B., Dipl. In Criminology, D. Phil., David M. Tanovich, B.A., M.A., LL.B., LL.M., and Lisa Dufrainmont, J.D. (Toronto), LL.M., J.S.D. (Yale)

This is the twelfth edition of **Evidence: Principles and Problems**, a leading casebook on Canadian evidence law. Combining text and excerpts from leading cases with commentary and thought-provoking problem scenarios, the work continues to be a comprehensive resource on the law of evidence for both students and practitioners.

#### New in this edition

This edition has been thoroughly edited and updated.

The following major new Supreme Court rulings are considered:

- *Villaroman* S.C.C. (circumstantial evidence; rule in Hodge's case)
- *Bradshaw* S.C.C. (corroboration for hearsay admissibility)
- *Bingley* S.C.C. (drug recognition experts)
- *Durham Regional Crime Stoppers* S.C.C. (informer privilege)
- *Barton* Alta.C.A. (sexual assault stereotypes and dated jury instructions)
- *Brissard* Ont.C.A. (motive in sexual assault cases)
- *Nero* Ont.C.A. (spousal privilege)
- *Hirsch* Sask.C.A. (Facebook messages)
- *Abbey* (no. 2) Ont.C.A. (expert evidence)
- *Falconer* N.S.C.A. (admissions)
- *MacIsaac* Ont.C.A. (collateral facts)

Attention is also given throughout to many significant rulings by trial judges, including the sexual assault acquittal in *Ghomeshi* and Parliament's response in Bill C-51.

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New Publication

### Mack's Expert Evidence Compendium – 2018 Edition

Dallas Mack and Louise Tansey

Expert evidence law has seen significant development in recent years. There is an increasing trend to have expert evidence tendered in court and the courts are being called upon with more frequency to rule on admissibility and probative value of such evidence. Equally important, the number of experts in this field is limited and access to commentary about those experts can be a valuable tool to assist counsel in trial preparation.

**Mack's Expert Evidence Compendium – 2018 Edition** is comprised of case digests summarizing, reviewing, and commenting on cases that consider expert evidence organized under specific topical areas. With the principles that govern admissibility of expert evidence in mind, this Compendium reviews areas of expert opinion evidence that have been advanced and the parameters and probative value of that evidence. The Compendium is an easily accessible and practical resource that will assist the practitioner in the identification of legal issues relating to expert evidence, the areas of expertise needed in a case, and the experts qualified in the applicable field.

All the information you need to connect to the right witness or challenge expert evidence can be found in this unique collection of digests that includes:

- A comprehensive review of expert evidence from all areas of expertise, sorted by subject matter
- A complete summary of the evidence, including the name(s) of the expert(s) who testified and the court's treatment of that evidence

#### New in this edition

- New expert evidence rulings from across the country, including decisions from Ontario, British Columbia, Nova Scotia, Newfoundland, Saskatchewan, and Alberta
- New sections reviewing expert evidence in the areas of "proceeds of crime and money laundering; nutrition; environmental science; footwear impressions; toolmarks; and video analysis"
- Numerous Court of Appeal rulings on topical and complex areas of expert evidence, including pathology and pediatric medicine, as well as cases involving competing experts



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## Family Law

New Publication

### Support Rights and Obligations under Ontario Family Law

Robert M. Halpern, LL.B.

Edited by leading family law practitioner Robert Halpern, **Support Rights and Obligations under Ontario Family Law** is a comprehensive resource that addresses the many important issues relating to child and spousal support.

With contributions from across Ontario, the publication canvasses such topics as:

- Entitlement to support
- Quantum and duration of support
- Retroactive support
- Changes in support: variations, reviews, and alternatives
- Support on death
- Income tax issues
- Powers of the court
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#### Support Rights and Obligations under Ontario Family Law

expertly analyzes the essential legislation and case law, allowing the reader to fully understand the current state of the law in the complex yet crucial area of support.

"Although there are many texts on the issues of child and spousal support in Canada, I believe this to be the most comprehensive work on both child and spousal support and its related topics. Without question, this is a book that all family practitioners need to have on their bookshelf and, more importantly, on their desk. It will be a continuing reference book and will keep them fully informed of this vitally important area of the law."



From the Foreword by Philip M. Epstein, Q.C.

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Canada Law Book

## Government

**New Edition**

### **The 2019 Annotated Crown Liability and Proceedings Act**

**Michael H. Morris and Jan Brongers**

This new edition of the **Annotated Crown Liability and Proceedings Act** provides an essential reference in proceedings against the federal Crown, and serves as an authoritative guide to the significant, recent changes to the practice in this area. Written by leading authorities in the area, it includes the consolidated text of the statute in French and English, section-by-section commentary, digests of all relevant judicial decisions, as well as cross-references to related legislative provisions and secondary sources. This portable handbook is an ideal resource for the office or in court.

#### **New in this edition**

The *Crown Liability Act* has been fully updated and important new case law has been added under the appropriate sections.

Topics from new Supreme Court of Canada cases discussed in this edition include the following:

#### **Crown fiduciary duties towards**

**disadvantaged groups**, particularly in relation to the Crown's responsibility to Aboriginal people and their interests and entitlement to land.

- *Alberta v. Elder Advocates of Alberta Society* (2011 S.C.C.)
- *Manitoba Métis Federation v. Canada* (2011 S.C.C.)

#### **Crown liability governed by the law of the jurisdiction wrongful acts were committed**

- *Hinse v. Canada* (2015 S.C.C.)

#### **Tort of nuisance**

- *Antrim Truck Centre Ltd. v. Ontario (Transportation)* (2013 S.C.C.)

#### **Damages for breach of Charter rights**

- *Ernst v. Alberta Energy Regulator* (2017 S.C.C.)

#### **Punitive damages**

- *Hinse v. Canada* (2015 S.C.C.)

#### **Limitations on liability – Indirect liability**

- *Hinse v. Canada* (2015 S.C.C.)

#### **Immunity for government policy decisions**

- *Hinse v. Canada* (2015 S.C.C.)

#### **Crown immunity from rules of civil procedure in cases where the Crown is not a party**

- *Canada v. Thouin* (2017 S.C.C.)

#### **Limitation periods**

- *Manitoba Métis Federation Inc. v. Canada* (2013 S.C.C.)
- *Wewaykum Indian Band v. Canada* (2002 S.C.R.)
- *Canada v. Lameman* (2008 S.C.C.)
- *Canada v. Thouin* (2017 S.C.C.)

#### **Regulations under the Act**

- *Canada v. Thouin* (2017 S.C.C.)

#### **Examinations for discovery and document discovery**

- *Canada v. Thouin* (2017 S.C.C.)

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## Health & Safety

**New Edition**

### **HANDI-GUIDE to Alberta's OH & S Act, Regulation and Code – 2018 Edition**

**HATSCAN, Don Buchanan**

Alberta's new OHS Act – in force as of June 1, 2018 – brings major changes to the OHS regulatory landscape in Alberta and aligns Alberta's OHS legislation with other Canadian jurisdictions. Numerous updates have also been made to the OHS Regulation and OHS Code to align them with the Act. Plus, several key Parts of the OHS Code have been fully updated, including Part 13 (Joint Work Site Health and Safety Committees & Health and Safety Representatives), Part 27 (Violence and Harassment), and Part 29 (reflecting WHMIS 2015 requirements).

Some examples of the major changes to the Act include:

- Part 1 (Obligations of Work Site Parties) of the OHS Act updates the scope of duties and adds several new parties. Duties of employers, workers, contractors, prime contractors, and suppliers are updated; duties of supervisors, owners, service providers, self-employed persons, and temporary staffing agencies are newly added.
- Enshrinement of workers' OHS-related rights in the Act (Section 2, Purposes), including the right to know, the right to participate, and the right to refuse dangerous work.

- New requirement under Section 37 of the Act for employers (with more than 20 workers) to establish a written OHS program, with 10+ legislated program elements.
- New requirement for employers (with more than 20 workers) to establish a joint work site health and safety committee.
- Employers with 5 to 19 employees must designate a health and safety representative.
- Employers with fewer than 20 workers must involve workers (or the health and safety representative, if one is designated) in hazard assessment, elimination, and control.
- Multiple updated provisions on the reporting of serious incidents and potentially serious incidents; for instance, Section 40(2) of the Act sets out a new requirement to report injuries that result in a worker being admitted to a hospital. (This replaces the previous threshold of having to be in hospital for two days.)
- Updated provisions on the right to refuse dangerous work and a prohibition on discriminatory action.
- New definitions on violence and harassment; employers and supervisors have a duty to ensure workers are not subject to nor participate in workplace harassment or violence, and workers have a duty to not cause or participate in harassment or violence. Plus, violence and harassment prevention plans are required, in line with the updated Part 27 of the OHS Code.
- An updated, two-level appeals process.
- Updated requirements to provide workers with readily available OHS information, such as legislation, practices, and procedures.
- Key updates on a range of compliance and enforcement topics, such as orders (compliance orders, stop work, and stop use orders), inspections and investigations by OHS officers, acceptances, and approvals.
- New employer duty to provide a written report on steps taken to comply with an order.
- New provisions to expand the scope of creative sentencing.

The **HANDI-GUIDE** is a practical tool for workers, supervisors, and employers. Throughout, the **HANDI-GUIDE** provides timely insights and interpretation on the scope of these new legislative realities.

### This edition includes:

A foreword on the new legislation written by well-known Edmonton OHS lawyer David Myrol.

The current version of the (new) OHS Act, plus regulations under the Act, including the updated OHS Regulation and OHS Code.

Seven interpretive chapters, with updated commentary and legislative references, to help you understand and interpret the law, including:

- A Regulatory Update, with discussion of many key topics, such as compliance and enforcement; joint committees and HS representatives; OHS program requirements; violence and harassment prevention plans; WHMIS 2015 content; update on convictions, offences, penalties, and ticketable OHS contraventions; and much more
- Chapter 1 – Key Responsibilities of Work Site Parties
- Chapter 2 – Due Diligence for Employers
- Chapter 3 – OHS Actions for Supervisors
- Chapter 4 – OHS Actions for Workers
- Chapter 5 – Joint Work Site Health and Safety Committees
- Chapter 6 – Online OHS Resources

Alberta Labour (OHS Branch), responsible for administering the OHS Act, has advised that they recognize the acceptability of the official published versions from Alberta's Queen's Printer, as well as copies as published by Thomson Reuters in the **HANDI-GUIDE**.



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Discipline and termination of employment are among the most difficult tasks that a human resources professional must face on a day-to-day basis. If an employer imposes discipline, it must be prepared to prove the incident(s) of misconduct took place, that the imposition of discipline was warranted, and that the penalty imposed was reasonable. An employer unable to establish the foregoing could face substantial consequences and liability. This book provides a comprehensive understanding of the relevant legal principles and will enable the employer to effectively utilize the disciplinary procedure, ensuring that employees carry out their assigned work in an orderly, efficient, and productive manner.

### New in this edition

- An expanded discussion of the potential remedies/damages available before the Human Rights Tribunal of Ontario
- An overview of recently added leave entitlements in the *Employment Standards Act, 2000* as a result of Bill 148, *Fair Workplaces, Better Jobs Act, 2017*
- An expanded discussion of workplace violence and harassment, including a discussion of Bill 132, which introduced amendments to the *Occupational Health and Safety Act* designed to further protect workers in the workplace
- New case law regarding workplace violence and harassment, public criticism of an employer by an employee, innocent and culpable absenteeism, last change agreements, punitive and aggravated damages, and the deductibility of disability benefits from wrongful dismissal damages
- A discussion of workplace intoxication and substance abuse and an employer's ability to discipline its employees for such conduct
- A new chapter about employment contract clauses relating to discipline and termination of employment
- An overview of termination entitlements for federally regulated employees under the Canada Labour Code

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### New Publication

### Human Resources Guide to Mentoring Programs

**Dr. Bobby Siu**

**Human Resources Guide to Mentoring Programs** is a book about mentoring programs in the workplace, with a special focus on Canadian organizations. In essence, it presents the rationale and benefits of mentoring, along with several different models relating to mentoring programs and a practical, step-by-step approach for HR practitioners to adopt in setting up, implementing, and evaluating these programs. It begins with a definition, overview, and environmental scan of the meaning and status of mentoring programs and an identification of various patterns and trends driving the importance of mentoring within organizations. Various real-world approaches to mentoring are presented with a discussion on their pros and cons. The book then focuses on the rationale and business case behind mentoring programs, along with some of the challenges associated with managing those programs. It balances theory and practice and takes the reader through the process of designing, planning, implementing, sustaining, and evaluating mentoring programs within their own organizations. Throughout the book are tips, strategies, helpful hints, and best practices for human resources practitioners to follow.

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### New Publication

### Human Resources Guide to Social Media in the Workplace: A Canadian Perspective

**Didier Dubois, CPHR, Emilie Pelletier, M.Sc., CPHR, and Katherine Poirier, CPHR**

**Human Resources Guide to Social Media in the Workplace: A Canadian Perspective** is a practical guide that provides practitioners (especially in human resources, marketing, and communications, as well as employment lawyers and in-house counsel) with guidance in managing the use of social media in the workplace and drafting effective employment policies. Through concrete examples and illustrations derived from case law across Canada, this book provides information on the risks relating to the use of social media and the internet in general in an organizational context. It also covers the legislative framework and provides practical guidance and information on best practices

for managing social media in the workplace. The book covers issues such as the explosion in the use of social media, the proliferation of mobile devices and apps, big data, privacy and confidentiality, non-solicitation agreements, online reputation management, blogging, social media use for business purposes, social media policies, the role of various stakeholders, managing comments from third parties, avoiding conflicts of interest, managing off-duty conduct, and emerging discussions surrounding work/life balance and the right to disconnect after hours.

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#### New Edition

### Human Resources Guide to Workplace Investigations, Second Edition

**Christine M. Thomlinson, B.A., LL.B., and Janice Rubin, B.A., LL.B.**

Written by leading employment and workplace investigations lawyers Janice Rubin and Christine Thomlinson, who have conducted countless workplace investigations (some of which were particularly high profile) and trained others to do so, this invaluable guide contains their expertise, insights, and practical solutions in a clear and easy-to-understand style. **Human Resources Guide to Workplace Investigations, Second Edition** breaks down the investigative process into manageable pieces and provides you with a detailed step-by-step roadmap, including sample templates and forms.

This resource will explain how to identify:

- The need for an investigation
- The circumstances surrounding workplace investigations
- The types of workplace incidents requiring investigations
- The investigation process
- The evidence and how to report on the findings

#### New in this edition

- Updated legislation and case law on workplace violence, harassment and bullying, and the importance of conducting thorough and unbiased investigations
- Recommendations for conducting workplace assessments and reviews
- Additional tips and strategies on dealing with unreported harassment allegations
- Information on coaching and other forms of workplace restoration

- Suggestions for dealing with the media and public scrutiny surrounding investigation
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## Immigration

#### New Edition

### The 2018 Annotated Citizenship Act + CD-ROM

**Henry M. Goslett and Barbara Jo Caruso**

Completely updated and revised, **The 2018 Annotated Citizenship Act** is a comprehensive treatment of the *Citizenship Act*, related regulations, and leading case law. This publication arms you with an up-to-date understanding of how the *Citizenship Act* works, how it has been applied, and what principles of law are relevant to making determinations. It also features section-by-section summaries of all relevant cases decided under the legislation and includes a CD-ROM which is an electronic version of the book.

#### New in this edition

- Legislation updates include updates to the *Citizenship Act*, *Citizenship Regulations*, *Federal Courts Act*, and *Canadian Passport Order*
- Updated commentary, case law, and notes, including:
  - *Citizenship Act*, s. 3(2) – *Vavilov v. Canada (Citizenship and Immigration)*, 2017 CarswellNat 2791, F.C.A., June 21, 2017
  - *Citizenship Act*, s. 13.1 – *Canada (Minister of Citizenship and Immigration) v. Nilam*, A-283-16, F.C.A., March 7, 2017
  - *Citizenship Act*, s. 10 – *Oberlander v. Canada (Attorney General)*, 2016 CarswellNat 312, F.C.A., February 15, 2016
  - *Citizenship Act*, s. 27 – *Canada (Minister of Citizenship and Immigration) v. Ishaq*, A-124-15, F.C.A., September 15, 2015
  - *Citizenship Act*, s. 3(2) – *Budlakoti v. Canada (The Minister of Citizenship and Immigration)*, 2015 CarswellNat 1879 A-457-14, F.C.A., June 4, 2015
  - *Citizenship Act*, s. 24 – *McAteer v. Canada (Attorney General)*, CA C57775, Ont. C.A., August 13, 2014
  - *Citizenship Act*, s. 10 – *Monla v. Canada (Citizenship and Immigration)*, 2017

CarswellNat 3272, 2017 CarswellNat 3273, F.C., July 10, 2017

- *Citizenship Act*, s. 10 – *Hassouna v. Canada (Minister of Citizenship and Immigration)*, 2017 CarswellNat 2390, F.C., May 10, 2017
- *Citizenship Act*, s. 10 – *Esnan v. Canada (Minister of Immigration, Refugees, and Citizenship)*, 2016 CarswellNat 9691, F.C., November 14, 2016
- *Citizenship Act*, s. 5(1)(c) – *Badiei v. Canada (Minister of Immigration, Refugees and Citizenship)*, 2016 CarswellNat 5791, F.C., November 9, 2016
- New Introduction: A comprehensive discussion of the *Citizenship Act* covering topics such as the scheme of the *Citizenship Act*, oaths, updated residency requirements, the application process, lost Canadians, and summary of changes to the *Citizenship Act* as of June 2017, Fall 2017, and early 2018 has been added to this edition
- New addition of *Citizenship Regulations*, No. 2, Can. Reg. 2015-124
- New case citations have been added to the Table of Cases

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#### New in this edition

- Enhanced focus on citing online resources, including archiving internet sources, parallel citations to online resources, and digital object identifiers
- Specially dedicated sections on citing materials from each of CanLII, LexisNexis Quicklaw, WestlawNext® Canada, SOQUIJ, and La Référence, as well as Jurisprudence Express
- Elaboration on the citation of various parliamentary papers, including debates, order papers, sessional papers, and reports
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### Legislating Statutory Interpretation: Perspectives from the Common Law World

**Micah Rankin, Lorne Neudorf, and Christopher Hunt**

#### Legislating Statutory Interpretation: Perspectives from the Common Law World

is a collection of essays focusing on the relationship between interpretation acts and statutory interpretation. The activity of interpreting statutes is often thought to be quintessentially judicial and is largely governed by common law rules and principles of statutory interpretation. Interestingly, however,



in every province in Canada (and in many other jurisdictions), parliaments and legislatures have enacted statutes that purport to dictate to courts how they should interpret legislation. For instance, section 8 of the *British Columbia Interpretation Act* states that “Every enactment must be construed as being remedial, and must be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.”

What is the significance of these attempts by legislatures to direct courts to adopt a particular interpretive method, and one that is, moreover, essentially teleological in its orientation? From the standpoint of legal and constitutional theory, this incursion by parliament into this sacrosanct realm of the judiciary seems deeply problematic. Yet the truth of the matter is that courts have largely ignored these interpretation acts and applied a common-law interpretive methodology. With the help of leading legal scholars drawn from all over the Commonwealth, this text explores the relationship between courts and legislatures in establishing methodologies for statutory interpretation. Is this relationship constitutionally permissible? And if so, is it desirable? This collection of essays will explore these questions.

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**Rachel Birnbaum, Ph.D., RSW, LL.M., and Craig W. Sigurdson, CD, CYW, CAdd, BSW, MSW, RSW, LL.B.**

**Contributing Author: Shawn Renee Hordyk**

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As a former Member of the Ontario Rental Housing Tribunal (now the Landlord and Tenant Board), author Richard Feldman brings his experience to bear in delivering a practical and accessible guide to landlords, tenants, property managers, legal representatives, students, and educators alike.

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Well-known condominium authority Audrey Loeb brings you up to date on all the opportunities and challenges of the *Condominium Act, 1998*, as well as other complex issues arising in the field.

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**Vern Krishna, C.M., Q.C., LL.M. (Harvard), DCL (Cambridge)**

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This volume looks at the underlying policies and structure for the income taxation of corporations and shareholders, financing arrangements for equity and debt capital, the use of professional corporations, the taxation of business and investment income of private corporations, shareholder compensation, and corporate distributions to shareholders. In addition, it examines the nature of corporate reorganizations, tax-deferred rollovers, and non-arm's length share transfers, amalgamations, winding-up, the taxation of non-residents, transfer pricing, and selected aspects of estate planning.

The text is current to January 1, 2018 and incorporates changes announced by the Minister of Finance, which were enacted into law later in 2018. It also contains a comprehensive glossary of tax and financial terms, which will be useful for students and practitioners in commercial practices.

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2018 Edition**

**François Vincent, LL.L., M.Fisc., and  
Michel Ranger, LL.B., BCL**

This publication is a single-source reference book that provides a comprehensive review of transfer pricing transactions from a Canadian perspective. Readers will find in-depth analysis of regulatory and administrative framework, the case law and pending cases, as well as administrative positions. The book also discusses the important OECD guidelines for determination of an arm's length price for goods and services, as well as other topics and issues related to transfer pricing such as penalties, information gathering by the Canada Revenue Agency, competent authority procedure, advance pricing arrangements, valuation for customs purposes, and statute-barring provisions. With a thorough analysis and unique insight from an expert in the field of transfer pricing, including illustrative explanations, legislation excerpts and other documents, this book aims to assist tax practitioners to navigate through this complex and sophisticated area of taxation.

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New Publication

### Key Developments in Aboriginal Law 2019

Thomas Isaac

**Key Developments in Aboriginal Law 2019** covers the complexities of the Aboriginal law landscape that affect numerous areas of law, including mining, energy, and constitutional, amongst others.

#### Table of Contents

Preface – *Thomas Isaac*

The Shifting Framework of Aboriginal Law: From Jurisdiction to Rights – *Robert Janes*

Indian Status and the Crisis of Missing and Murdered Women – *Renée Pelletier and Krista Nerland*

Let's Be Clear: SCC Guidance on Effective Consultation – *Arend J.A. Hoekstra*

Arguing Indigenous Rights Outside Section 35: Can Religious Freedom Ground Indigenous Land Rights, and What Else Lies Ahead? – *Dwight Newman*

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### Cannabis Law: The Legislative Framework – 2019 Edition

Bruce A. MacFarlane, Q.C., Robert J. Frater, Q.C., and Croft Michaelson, Q.C.

**Cannabis Law: The Legislative Framework – 2019 Edition** is a handy, portable companion volume to *Cannabis Law* with all the significant cannabis-related statutes and regulations from across Canada. This volume provides an extensive and useful guide to the national legal framework regulating cannabis. It should be read in conjunction with Chapter 6 of *Cannabis Law*, which effectively sums up the different approaches taken across Canada for issues such as the age of consumption and how cannabis may be legally sold.

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### The Law of Fraud and the Forensic Investigator, Sixth Edition

David B. Debenham, LL.B., LL.M., MBA, C.F.I., C.F.E, C.M.A, ACIS, DIFA

This book gives lawyers, accountants, internal auditors, and other investigators both an in-depth analysis of fraud, as well as the latest tools, techniques, and methods of handling internal or external fraud engagement. It will provide guidance in terms of documenting fraud, preparing evidence, conducting a fraud investigation, and acting as an expert consultant or expert witness in any eventual litigation or proceedings. **The Law of Fraud and the Forensic Investigator, Sixth Edition** represents the latest thinking on each area of the process, written by a commercial litigation lawyer, trained as both a management accountant and forensic investigator, who has been involved in several prominent cases as the head of the fraud recovery team.

#### New in this edition

- Updated chapters based on the most recent case law
- Revisions dealing with changes to money laundering and anti-corruption legislation
- New sections dealing with such emerging issues as identity theft, bitcoin frauds, frauds arising from the 2008 financial

crisis, and the psychology of the fraudster

Most books have chapters that introduce a topic, leaving it to the reader to do further research. Each chapter in **The Law of Fraud and Forensic Investigator, Sixth Edition** can be read independently, with readers benefiting from an in-depth exploration of the subject matter. Students and practitioners alike will find this publication a useful desktop resource and reference.

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## Damages/Remedies/Torts

New Edition

### Canadian Tort Law in a Nutshell, Fifth Edition

Margaret Kerr, B.A., LL.B., M.A., Ph.D., JoAnn Kurtz, J.D., and Laurence M. Olivo, B.A., M.A., J.D.

**Canadian Tort Law in a Nutshell, Fifth Edition**, provides a succinct overview of Canadian tort law, incorporating the latest developments in an easy-to-understand format. It takes you step by step through the basic principles and issues in the law of torts in Canada.

**Canadian Tort Law in a Nutshell** is a well-organized and straightforward primer to the area, canvassing every aspect of tort law and practice. The authors highlight the leading decisions in the area, making the work an ideal starting point for students and professionals.

#### New in this edition

This edition starts with an overview of the development of tort law and of the legal system that administers the law, and takes the reader through the basic principles of Canadian tort law.

The authors clearly explain how the law of torts applies in practice, specifically addressing such issues as:

- Levels of Guilty Mentality
- Intentional Torts
- Business Torts
- Negligence and Proof of Negligence
- Defences to Negligence
- Special Categories of Negligence (including Occupier's Liability, Product Liability, Professional Liability, and Crown Liability)

- Strict Liability
- Vicarious Liability
- Damages in Tort

Since the last edition, the law of torts in Canada has continued to develop and evolve. This fifth edition features new commentary on areas of law that have been the focus of judicial attention, including developments in privacy-related torts, the liability of public authorities, causation, the tort of “unlawful means,” third-party and vicarious liability, and professional negligence.

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**Rachel Birnbaum and Nicholas Bala**

This new publication deals with challenging issues in the field of parenting assessment. Topics discussed include special needs children, children's participation, and evidence to help explain the role of the mental health professional in the family justice process and testifying in court.

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## Health & Safety

New Edition

### HANDI-GUIDE to Saskatchewan's Occupational Health and Safety Legislation – 2019 Edition

HATSCAN, Don Buchanan

This handy, in-the-field reference contains the most important OHS legislation in Saskatchewan, plus interpretive commentary to help you meet or exceed OHS regulations, establish best practices, and understand the importance of OHS due diligence.

Durable, light-weight, and practical, the Saskatchewan **HANDI-GUIDE** is perfect at the office or on any worksite. It's a great safety tool for supervisors, workers, and safety leaders. It also helps with worker training, and increases worker and supervisor awareness of their responsibilities under workplace safety law.

Throughout, the **HANDI-GUIDE** provides timely insights and interpretation on the scope and realities of OHS regulations in Saskatchewan.

#### New in this edition

The **HANDI-GUIDE** includes new WHMIS regulations (reflecting WHMIS 2015 regulatory content) and the updated Mines Regulations (2018), plus updated commentary in six interpretive chapters, including a new Regulatory Update chapter. Each chapter includes updated commentary and legislative references to help you become familiar with the law and effective OHS compliance.

The new Regulatory Update chapter provides the latest information on legislative changes and OHS compliance in Saskatchewan, plus commentary on WHMIS 2015, the OHS Prime Contractor Regulations, and the Mines Regulations. Other topics include prosecution statistics, injury data, incident reporting, a listing of ticketable OHS contraventions, and much more.

#### Contents:

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- Chapter 2 – Due Diligence
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- Chapter 4 – Actions for Workers
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- Chapter 6 – Online OHS Resources

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- Parts I, III, IV, V, and IX of the *Saskatchewan Employment Act* (SE Act), covering all OHS-related provisions within the Act

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- Occupational Health and Safety (Prime Contractor) Regulations
- Occupational Health and Safety (Workplace Hazardous Materials Information System) Regulations, which reflect WHMIS 2015 regulatory content
- Radiation Health and Safety Regulations
- Mines Regulations, 2018

Part III of the SE Act sets out key duties for worksite parties, including employers, workers, supervisors, contractors, prime contractors, owners, self-employed persons, and suppliers.

Updated commentary informs readers about these key duties and achieving OHS due diligence in your workplace or organization. The 2018 edition also informs users about many other important OHS topics, such as:

- Penalty amounts for offences under the SE Act or OHS Regulations, up to a maximum of \$500,000 for individuals
- Fines up to \$1.5 million for corporations that commit an offence
- Explanation of enforcement tools used by Saskatchewan's OHS Division, such as compliance understandings, notices of contravention, summary offence tickets, stop-work orders, fines and penalties, and prosecution
- Listing of summary offence tickets which can be issued for OHS infractions; these are "on-the-spot" tickets which can be issued by OHS officers to employers, workers, supervisors, contractors, suppliers, or self-employed persons
- Steps to take when launching an OHS complaint or appeal
- Discussion of OHS due diligence concepts, OHS program requirements for employers, and employer/worker cooperation on workplace safety, including information sharing and joint OH committees

Note: Saskatchewan employers have a duty to ensure a paper or electronic copy of the SE Act and OHS Regulations are readily available for reference by workers, joint OH committees, and OHS representatives. Section 18 of the OHS Regulation requires employers to provide workers with access to OHS legislation, while Section 3-16 of the SE Act requires employers to provide workers with other prescribed or relevant safety information.

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Adrienne M. Blanchard

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Raj Juneja, Paul Lamarre, and  
Colin Campbell

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