

Law Book News

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Aboriginal

New Edition

Aboriginal Law Handbook, 5th Edition

Othuis, Kleer, Townshend (OKT)

Aboriginal Law Handbook, 5th Edition is a practical, unique resource to understand 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 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 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.

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08/18 softcover approx. 880 pages

978-0-7798-8650-0

Jurisdiction: Canada (Federal)

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Civil Practice

New Edition

Alberta Rules of Court Annotated 2019 + CD-ROM + ProView

The Honourable Judge Allan A. Fradsham

Alberta Rules of Court Annotated 2019

is a unique collection of all the rules of civil procedure you need to practise before every court in Alberta. Actual extracts from judgments meaningfully help you interpret the rules of civil procedure. Selected and significant case law aids your understanding of the rules and pinpoint references to quoted pages help ensure efficiency. It also includes a comprehensive index to speed up research. Available in two volumes to ensure portability and ease of access to expert insight on the rules of civil procedure in Alberta, **Alberta Rules of Court Annotated 2019** also includes a CD-ROM with fillable forms.

Main Volume – Print

All needed practice tools are contained in this portable volume, including:

- Full text of the Alberta Rules of Court, annotated with direct quotations from all significant decisions that interpret and apply the Rules
- Full text of the Rules regarding appeals to the Court of Appeal, annotated with quotations from all significant decisions that interpret and apply the Rules
- Rules of Court Schedule B (Court Fees and Witness and Other Allowances) and Schedule C (Tariff of Recoverable Fees)
- Concordances between the new and old Rules
- Procedural Charts for practice structure and timelines
- Practice Notes
- *Class Proceedings Act* (Alberta)
- Table of Cases

Volume Two – Print

- Forms
- Surrogate Rules – Full text of the Surrogate Rules, annotated with quotations from all significant decisions, Practice Notes and Forms
- The Hague Convention
- Judicial Districts Regulation

New in this edition

This new edition contains updates and reports on numerous new developments, rule changes, and jurisprudence in the Court.

- Legislation updated to Alberta Gazette vol. 114: 07 (April 14, 2018) and Canada Gazette vol. 152:8 (April 18, 2018)
- Updates to legislation include civil enforcement regulation made under the *Civil Enforcement Act*, Alta. Reg. 275/95

as amended by Alta. Reg. 221/2017; new and updated Practice Notes, Notices to the Profession, Practice Directions and Practice Directives; Queen's Bench Family Law Practice Notes

Updated commentary and case law includes:

- *Singh v. Kaler* 2017 ABCA 275 (Rule 3.12) – This case considers when statements of claim start a new action.
- *Mazepa v. Embree* 2014 ABCA 438 (Rule 3.25) – In this decision, the court looks at how the pleadings affect available remedies.
- *Alberta v. Suncor Energy Inc.* 2017 ABCA 221 (Rules 5.6 and 5.7) – The court considers the issue of privilege.
- *UBG Builders Inc., Re* 2017 ABQB 791 (Rule 10.29) – This case discusses Bullock and Sanderson costs orders.
- *Luft v. Taylor, Zinkhofer & Conway* 2017 ABCA 228 (Rule 10.31) – In this case, the court reviews the solicitor and client costs and solicitor and own client costs.
- *Mckerness v. Whitson* 2017 ABCA 207 (Rule 14.5) – In this case, Justice Slatter commented on the test for permission to appeal in cases involving child-related family law issues.
- *Starke Capital Corp. v. Strategic Acquisition Corp.* 2017 ABCA 217 (Rule 14.5) – The court in this case, discussed when leave to appeal a costs order is not required.
- *Odland v. Odland* 2017 ABCA 397 (Rules 3.2 and 3.3) – This case discusses the law on transferring an action.
- *Geophysical Services Inc. v. NWest Energy Corp.* 2017 ABQB 232 (Rules 5.6 and 10.52) – This case discusses the nature of disclosure of information under Part 5 of the Rules.
- *Demb v. Valhalla Group Ltd.* 2017 ABCA 340 (Rules 5.6 and 10.52) Part 5 of the Rules) – This case discusses the nature of disclosure of information under Part 5 of the Rules.
- *Enerflow v. NOV Enerflow ULC* 2017 ABQB 334 (Rule 5.11) – Guidance is given as to when a court will actually review the documents over which privilege is claimed.

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The Honourable Madam Justice Janice R. Dillon and Gordon Turriff, Q.C.

Relied on by a generation of lawyers and judges, **British Columbia Annual Practice** provides comprehensive, accurate, and highly credible expert insight on the Supreme Court Civil Rules.

Main Volume – Print

All needed practice tools are contained in one volume that includes:

- The Supreme Court Civil Rules and Supreme Court Family Rules, fully annotated with thousands of authors' personally selected cases (both reported and unreported)
- Court of Appeal Rules, *Supreme Court Act* and *Court of Appeal Act* also fully annotated with thousands of authors' personally selected cases (both reported and unreported)
- Practice Directions/Directives and Notices to the Profession
- An in-depth procedural guide explaining the procedures associated with the Civil Rules
- Two way tables of concordance of the old and new Civil Rules and Family Rules
- A Short History of Rule-Making for Courts by Ken McEwan, Q.C.
- An introduction to the Family Rules by Dinyar Marzban, Q.C.
- Annotated costs appendices
- Regulations regarding Notices to Mediate

Forms and Small Claims Volume – Print

The Forms and Small Claims Volume contains:

- Forms that relate to Supreme Court Civil Rules, Supreme Court Family Rules Court of Appeal Rules, and Notice to Mediate Regulations
- *Small Claims Act*, Small Claims Rules, and Practice Directions
- The full text of 24 key statutes

New in this edition

- Legislation has been updated to B.C. Reg. 99/2018 (May 18, 2018) and to Canada Gazette Vol. 152:10 (May 16, 2018).
- A new act, *The Insurance (Vehicle) Act*, has

been added in the forms volume.

Supreme Court Administrative Notices and Practice Directions have been added:

- AN-15 Administrative Notice – Emergency After-Hours Applications in Vancouver – Civil and Family
- FPD-14 Practice Direction – Adoption Applications

Court of Appeal Practice Directives have been updated or added:

- Consent Orders (February 28, 2018)
- Family Law Appeals (February 28, 2018)
- Record and Courtroom Access Policy (January 31, 2017)

New annotations and expanded commentary on cases personally selected and summarized by the authors, including:

- **Supreme Court Act, s. 18/ Civil Rule 14-1 - Vexatious Proceedings - Gichuru v. Pallai**, 2018 BCCA 78
- **Civil Rule 1-2(2) Citation and Application - Application - R. v. Marakah**, 2017 SCC 59 and **Pintea v. Johns**, 2017 SCC 23
- **Civil Rule 9-5(1)(a) - Striking Pleadings - Scandalous Frivolous or Vexatious Matters - Levy v. British Columbia (Crime Victim Assistance Program)**, 2018 BCCA 36
- **Civil Rule 9-7(11) - Summary Trial - Adjournment or Dismissal - Michael Wilson & Partners Ltd. v. Desirée Resources Inc.** (2017), 2017 CarswellBC 945, 2017 BCCA 139
- **Civil Rule 10-4 - Injunctions - Google Inc. v. Equustek Solutions Inc.** (2017), 410 D.L.R. (4th) 625, 2017 SCC 34
- **Civil Rule 12-5(3) Evidence and Procedure at Trial - Failure to Prove a Material Fact - Hansra v. Hansra**, 2017 BCCA 199, and **Tisalona v. Easton**, 2017 BCCA 272
- **Civil Rule 14-1 Costs - Smithies Holdings Inc. v. RCV Holdings Ltd.** (2017), 410 D.L.R. (4th) 82, 2017 BCCA 177
- **Civil Rule 14-1 Costs - Trenchard v. Westsea Construction Ltd.**, 2017 BCCA 352
- **Civil Rule 14-1(9) - Costs - Costs to Follow Event - Kakavelakis v. Boutsakis**, 2017 BCCA 396 and **Tisalona v. Easton**, 2017 BCCA 272
- **Civil Rule 22-7(5) - Effect of Non-Compliance - Consequences of Certain Non-compliance - Kondori v. New Country Appliances Inc.** (2017), 2017 BCCA 164

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Karen Busby

In a single source, **Manitoba Queen's Bench Rules 2019** gathers the civil and criminal rules. With this convenient, easy-to-use resource, you have access to the rules and the amending information that updates them. This comprehensive biennial publication is fully updated, completely indexed, and thoroughly cross-referenced. It includes:

- Queen's Bench Rules (Civil and Criminal)
- The author's explanatory notes that introduce and aid in interpreting the Rules

New in this edition

- The Manitoba Queen's Bench Rules were fully updated to reflect all changes in the rules up to and including Man. Reg. 14/2018.
- The commentary has been updated to reflect recent rule amendments.
- The index to the rules has been rewritten and updated to include all recent legislative updates.

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Ontario Small Claims Court Practice 2019 + CD + ProView eBook

Marvin A. Zuker and Sebastian Winny

Ontario Small Claims Court Practice 2019 brings you the latest amendments to the rules and forms of Small Claims Court in Ontario.

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- Enforcement proceedings
- Contempt hearings
- Orders from other courts and jurisdictions
- Unrepresented litigants
- Role of the Judge
- Accessibility to the Court
- Court locations throughout Ontario
- Forms and their proper usage

New in this edition

- All legislative amendments to Ontario Gazette Vol. 151:23 (June 9, 2018)
- Amendments to the Rules of the Small Claims Court Ont. Reg. 258/98, including O. Reg. 202/17 which came into force September 1, 2017
- Amendments to the *Courts of Justice Act*, including S.O. 2017, c. 20, Sched. 2, ss. 3-6; S.O. 2017, c. 20 Sched. 11, s.7; S.O. 2017, c. 34, Sched. 46, s. 10.
- Updated Preface and updated Recent Amendments to the Small Claims Court Legislation
- "Hot topics," including latest developments on discovery-related motions: jurisdiction over residential tenancy matters, anti-SLAPP motions under *Courts of Justice Act* s. 137.1, expert evidence and rule 18.02
- Discussion of recent rules amendments
- Updated case law and commentary
- All significant new court decisions throughout Canada, both reported and unreported
- Addition of substantial and lengthy commentary regarding discovery in small claims court, judicial review, default judgments, residential rent arrears, and lawyers' claims for unpaid accounts, recent appellate decisions of note
- New chapter entitled "How to Proceed in Small Claims Court"

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Watson & McGowan's Ontario Civil Practice 2019 + CD-ROM + ProView

Derek McKay and Michael McGowan

Founding Authors: Garry D. Watson, Q.C., and Michael McGowan

Contributing Editors: Michael Foulds and Peter Henein

An essential reference on the rules of civil procedure for Ontario civil litigators, **Watson & McGowan's Ontario Civil Practice 2019** features expert commentary on how the rules of civil procedure are interpreted and applied in specific situations.

This reference set contains:

- The indispensable *Annual Survey of Recent Developments in Civil Litigation* – an essential guide to the key case law developments, reform initiatives, and rule amendments. It includes commentary on recent SCC jurisprudence that has led to a state of confusion over the law dealing with relitigation of issues already determined in another adjudicative proceeding.
- Thousands of case annotations
- All Ontario court forms as Word documents on CD-ROM
- Full text of the Rules of Civil Procedure, the *Courts of Justice Act* and related legislation, practice directions, Case Management Rules, and annotations in a bound hardcover
- Civil Court forms and other materials in a bound softcover

New and updated in this edition

- Recent amendments relating to the Rules of Civil Procedure (O. Reg. 584/17), amendments relating to the Family Law Rules (O. Reg. 298/18), and amendments relating to Small Claims Court Rules (O. Reg. 488/16 and O. Reg. 202/17)
- Updated forms for the Rules of Civil Procedure, and the Family Law Rules
- Amendments to the *Court of Justice Act*, R.S.O. 1990, c.C.43 (S.O. c. 14, Sch 4, s. 10; S.O. 2017, c. 20 Sched. 2, ss. 3-6; S.O. 2017

- c. 20 Sched. 11, s. 7; S.O. 2017, c. 24, s. 75; S.O. 2017, c. 34, Sched. 46, s. 10)
- The following Practice Directions, Guidelines, and Practice Advisories have been added since the publication of the First Supplement: Practice Advisory Concerning Long Motions in the City of Welland Effective April 3, 2018 and Practice Advisory Concerning Civil Long Motions in the Toronto Region Effective April 3, 2018
- The following Practice Directions, Guidelines, and Practice Advisories have been added or amended since the last edition: Notice re changes to Rules of Civil Procedure affecting the Court of Appeal of Ontario, Consolidated Practice Direction for Divisional Court Proceedings, Practice Advisory Concerning Long Motions in the Central East Region and the “Tips for Filing Materials,” The Consolidated Practice Direction Concerning Family Cases in Central East Region, Consolidated Practice Direction for the Central South Region, and Consolidated Practice Direction for the Central West Region
- The following updates have been made to *The Annual Survey of Recent Developments in Civil Procedure*: the authors reviewed and provided commentary on new case law and the rule amendments that have occurred since the last edition
- All commentary, case law, the Procedural Charts, and rule highlights have been updated to take into account legislative amendments, changes and additions to Practice Directions, Guidelines and Practice Advisories, and recent case law
- New commentary on the *Judicial Review Procedure Act*

Case law developments include:

- Canada (Procureur general) v. Thouin*, 2017 SCC 46, 2017 CarswellQue 8001 (Rules of Civil Procedure, r. 39.03) – crown immunity and parliamentary privilege in the examination of a witness
- Bruff-Murphy v. Gunawardena*, 2017 ONCA 502 (Rules of Civil Procedure, r. 4.1.01) – duty of expert witnesses
- Wellman v. TELUS Communications Company*, 2017 ONCA 433 (Rules of Civil Procedure, r. 12) – the court’s discretion to grant a partial stay of proceedings where some but not all claims in the proceeding are subject to a mandatory arbitration clause
- Airia Brands Inc. v. Air Canada*, 2017 ONCA 792 (Rules of Civil Procedure, r. 12) – whether or not absent foreign

class members should be excluded from the class on basis that the court lacked jurisdiction over their claims

- Butera v. Chown, Cairns LLP*, 2017 ONCA 783, and *Toronto-Dominion Bank, N.A. v. Lloyd’s Underwriters*, 2017 CarswellOnt 20445, 2017 ONCA 1011 (Rules of Civil Procedure, r. 20.01(3)) – the availability of partial summary judgment
- Levesque v. Crompton Estate*, 2017 ONCA 455 (Rules of Civil Procedure, r. 28.01) – limitations period for a crossclaim against an estate
- Handley v. DTE Industries Limited*, 2018 CarswellOnt 5118, 2018 ONCA 324 (Rules of Civil Procedure, r. 30) – remedy for non-disclosure of an agreement between parties that affected their adversarial relationship
- Biancaniello v. DMCT LLP*, 2017 ONCA 386 (Rules of Civil Procedure, r. 49.09) – scope of settlement release
- Yaiguaje v. Chevron Corporation*, 2017 ONCA 827 (Rules of Civil Procedure, r. 61.06) – security for costs

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New Edition

Witness Preparation: A Practical Guide, Fourth Edition

Bryan Finlay, Q.C., The Honourable Thomas A. Cromwell, C.C., and Nikiforos Iatrou

This resource provides everything you need to know about choosing, preparing, and examining a witness. In addition to providing “tried and true” tips for witness preparation, it addresses significant developments

in electronic discovery, the law of child witnesses, and the law of conflicts of interest and privilege. Topics covered include:

- Interviewing prospective witnesses
- The decision to call a witness
- Preparation for examination-in-chief
- Preparation for cross-examination
- Evidence and trial procedure
- Preparation for examination for discovery
- Preparing experts
- Preparing child witnesses
- Witness preparation and professional responsibility

New in this edition

A witness’s grasp of the facts, and his or her ability to convey evidence in a coherent, believable manner, has a profound effect on how a case will unfold. This 4th edition of **Witness Preparation: A Practical Guide** has been updated to showcase the critical importance of properly and thoroughly preparing witnesses. It traces the process of witness preparation – from initial interviews to final trial preparation – in addition to closely identifying challenges associated with preparing particular categories of witnesses such as experts, children, and witnesses under a disability. This latest edition also includes updates in respect of the law of privilege and it reviews the most current research on memory tainting and witness suggestibility. The lawyer’s professional responsibility in respect of witness preparation features heavily, and specific chapters are devoted to preparation for discovery, examination in chief, and cross-examination.

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Core Income Tax (Federal) Library

Nouvelle édition

Guide de référence rapide 2018-2 McCarthy Tétrault LLP

Unique à Thomson Reuters, ce guide pratique se veut un outil de référence englobant toute l'information relative aux taux d'imposition, et bien plus encore. **Guide de référence rapide** est maintenant disponible gratuitement à l'achat de la **Loi de l'impôt sur le revenu, 38^e édition**. Nouvelles éditions publiées 2 fois par années en commandes permanentes.

Nouveauté

Mise à jour des tables des taux d'imposition de McCarthy Tétrault

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New Edition

Practitioner's Income Tax Act 2018, 54th Edition

David M. Sherman, B.A., LL.B., LL.M.

Practitioner's Income Tax Act (PITA) is the market-leading consolidated, annotated version of Canada's federal *Income Tax Act* and Regulations. More than any other published *Income Tax Act*, it's a comprehensive resource, with expert insights, detailed annotations, and updated amendments – all in a portable, single-volume format. It also features extensive tax rate tables and the full text of the Canada-U.S. and Canada-U.K. tax treaties with detailed annotations and explanations.

What's new

- Enactment of S.C. 2018, c. 12 (Bill C-74, Royal Assent June 21, 2018): certain Budget 2018 tax measures and proposals of Sept. 8, 2017; Oct. 24, 2017; and Dec. 13, 2017
- Feb. 27, 2018 Federal Budget Notice of Ways and Means Motion: extensive proposed amendments and Budget Supplementary Information excerpts
- May 28, 2018 Finance news release/ backgrounder: *Multilateral Instrument in Respect of Tax Conventions Act* (Bill C-82) (ITA s. 95)
- April 13, 2018 Finance news release and backgrounder: Canada Child Benefit (ITA 122.61(1))
- Promulgated regulations: 2014–2016 livestock deferrals (Reg. 7305.01), 2017 motor vehicle expenses and benefits (Reg. 7305.1)
- Feb. 6, 2018 Agriculture Canada news release: 2017 tax relief for livestock producers

- New Department of Finance comfort letters, Remission Orders, and government news releases indicating possible legislative amendments

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McCarthy Tétrault's Canada Tax Service Quick Reference Guide 2018-2 McCarthy Tétrault LLP

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- Federal personal tax credits
- Prescribed interest rates

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Stikeman Income Tax Act Annotated 2018, 64th Edition

Richard W. Pound, O.C., O.Q., Q.C., FCPA, FCA

Stikeman Income Tax Act Annotated (SITA) is a completely consolidated, annotated version of Canada's federal *Income Tax Act*, Regulations, and Application Rules. This text features full History annotations for each provision of the Act, including former readings. It includes Selected Cases annotations prepared by Richard Pound that concisely summarize judgments relevant to specific provisions of the Act. All the newest draft legislation is fully indexed and annotated with detailed annotations for Related Provisions, Definitions, and Regulations. In addition, the Department of Finance technical notes are included for all draft legislation.

New in this edition

- Enactment of S.C. 2018, c. 12 (Bill C-74, Royal Assent June 21, 2018): certain Budget 2018 tax measures and proposals of Sept. 8, 2017; Oct. 24, 2017; and Dec. 13, 2017
- Feb. 27, 2018 Federal Budget Notice of Ways and Means Motion: extensive proposed amendments and Budget Supplementary Information excerpts
- May 28, 2018 Finance news release/ backgrounder: *Multilateral Instrument in Respect of Tax Conventions Act* (Bill C-82) (ITA s. 95)
- April 13, 2018 Finance news release and backgrounder: Canada Child Benefit (ITA 122.61(1))
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- Feb. 6, 2018 Agriculture Canada news release: 2017 tax relief for livestock producers
- New Department of Finance comfort letters, Remission Orders, and government news releases indicating possible legislative amendments

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New in this edition

The following cases have been added:

- *Southern Cone Capital Ltd. v. EmVest Food Products (Mauritius) Ltd.* (2017 B.C.S.C.)
- *Re: Connacher Oil and Gas Limited* (2017 Alta. Q.B.)
- *King Road Paving and Landscaping Inc. v. Plati* (2017 Ont. S.C.J.)

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Fully annotated by three of Canada's most respected criminal law experts, **Martin's Annual Criminal Code** continues to deliver the excellent value with the highest quality content. This text references thousands of reported and unreported cases in a practical and accessible format.

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- Additional case law supplements, annotated by the author team, on the most pertinent case law developments that have subsequently occurred since the publication of the annual edition
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- Forms of charges for the *Criminal Code* and the *Controlled Drugs and Substances Act*, as well as a quick-reference offence grid
- Concordance with recent amendments
- e-Notes containing legislative changes, directly emailed to subscribers as they become available (free of charge)

New in this edition

Case law highlights

- *R. v. Carson* (2018 SCC) – A “matter of business” relates to the government if it depends on government action or could be facilitated by the government. These include publicly funded commercial transactions for which the government could impose or amend terms and conditions that would favour one vendor over others.
- *R. v. G.T.D.* (2018 SCC) – Where the accused has already invoked his right to counsel, asking “do you wish to say anything?” at the conclusion of a standard police caution breaches the duty to “hold off” articulated in *Prosper, supra*, and amounts to a violation of the right to counsel.
- *R. v. Mamouni* (2017 Alta CA) – The members of the panel differed on whether the time taken by a trial judge in rendering reasons for judgment counts as delay for s. 11(b) purposes, or whether such delay might amount to “exceptional circumstances” in an appropriate case.
- *R. v. Jarvis* (2017 Ont CA) – A “reasonable

expectation of privacy” within s. 162 (1) will generally mean that the complainant must be in the kind of place where privacy is expected. The offence was therefore not made out where the accused teacher had videotaped clothed students in a public place for a sexual purpose.

- *R. v. Niemi* (2017 Ont CA) – As long as the murder and sexual assault are part of the same transaction, it makes no difference that the death preceded the sexualized conduct.
- *SPCA Montérégie v. Langelier* (2017 Que CA) – No appeal lies against an initial decision returning a thing seized to its owner pursuant to s. 490 (1)(a).
- *R. v. Piapot* (2017 Sask CA) – The risk of re-offending must be a risk of *violent* re-offending to justify a long-term offender designation.

Legislative highlights

Features all of the latest legislative amendments, including:

- *An Act to amend the Canadian Human Rights Act and the Criminal Code*, S.C. 2017, c. 13 amended the *Criminal Code* definition of “identifiable group” in s. 318(4) and also amended the principles that a court shall take into consideration on sentencing to include evidence that the offence was motivated by bias, prejudice, or hate based on gender identity or expression.
- The *Journalistic Sources Protection Act*, S.C. 2017, c. 22, amended the *Criminal Code* requirements for the issuance of a search warrant relating to a journalist.
- *An Act to amend the Criminal Code (mischief)*, S.C. 2017, c. 23 amends the *Criminal Code* offence of mischief in relation to religious property.
- The Schedules to the *Controlled Drugs and Substances Act* were amended by SOR/2017-249, SOR/2017-275, and SOR/2017-277.

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Martin's Pocket Criminal Code contains:

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- *Canadian Charter of Rights and Freedoms*
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- *Crimes Against Humanity and War Crimes Act*
- *Interpretation Act*
- *Firearms Act*
- *Identification of Criminals Act*

New in this edition

Martin's Pocket Criminal Code 2019

features all the latest legislative amendments including:

Criminal Code amended by:

- *An Act to amend the Canadian Human Rights Act and the Criminal Code*, S.C. 2017, c. 13 amended the *Criminal Code* definition of “identifiable group” in s. 318(4) and also amended the principles that a court shall take into consideration on sentencing to include evidence that the offence was motivated by bias, prejudice, or hate based on gender identity or expression
- The *Journalistic Sources Protection Act*, S.C. 2017, c. 22, amended the *Criminal Code* requirements for the issuance of a search warrant relating to a journalist
- *An Act to amend the Criminal Code (mischief)*, S.C. 2017, c. 23 amends the *Criminal Code* offence of mischief in relation to religious property

The Schedules to the *Controlled Drugs and Substances Act* amended by:

- SOR/2017-249
- SOR/2017-275
- SOR/2017-277

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New in this edition

Legislation introduced in this Edition:

Pilot Project – Low-Speed Vehicles, O. Reg. 215/17

Recent legislative amendments to this edition include:

Statutes

- *Provincial Offences Act*, amended by S.O. 2017, c. 20; S.O. 2017, c. 26; and S.O. 2017, c. 34
- *Evidence Act*, amended by S.O. 2017, c. 8
- *Family Law Act*, amended by S.O. 2017, c. 8 and S.O. 2017, c. 34
- *Health Protection & Promotion Act*, amended by S.O. 2017, c. 10; S.O. 2017, c. 14; and S.O. 2017, c. 25
- *Highway Traffic Act*, amended by S.O. 2017, c. 9; S.O. 2017, c. 26; S.O. 2017, c. 34; and S.O. 2018, c. 3
- *Licence Appeal Tribunal Act*, 1999, amended by S.O. 2017, c. 33
- *Liquor Licence Act*, amended by S.O. 2017, c. 26
- *Municipal Act*, amended by S.O. 2017 c. 8; S.O. 2017, c. 10; S.O. 2017, c. 14; S.O. 2017, c. 20; S.O. 2017, c. 23; S.O. 2017, c. 34; and S.O. 2018, c. 3
- *Personal Health Information Protection Act*, 2004, amended by S.O. 2017, c. 14 and S.O. 2017, c. 25
- *Public Transportation and Highway Improvement Act*, amended by S.O. 2017 c. 10 and S.O. 2017, c. 23
- *Retail Business Holidays Act*, R.S.O. 1990, c. R.30, amended by S.O. 2017, c. 23
- *Smoke Free Ontario Act*, 2017, amended by S.O. 2017, c. 26
- *Ticket Speculation Act*, amended by S.O. 2017, c. 33
- *Trillium Gift of Life Network Act*, amended by S.O. 2017, c. 34

Regulations made under the following Acts:

- *Provincial Offences Act*
- *Civil Remedies Act, 2001*
- *Compulsory Automobile Insurance Act*
- *Environmental Protection Act*
- *Courts of Justice Act*
- *Health Protection & Promotion Act*
- *Highway Traffic Act*
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Pocket Criminal Code 2019

Pocket Criminal Code 2019 has several features that allow you to find relevant material quicker. These include:

- A Table of Concordance for the *Criminal Code*. The Table links today's section number with the corresponding section as it was under the Revised Statutes of Canada 1970.
- A detailed Table of Contents to the *Criminal Code* and related statutes. The Table consists of part numbers and headings, the section number, the principal marginal note for the section, and the page number where the section can be found.
- A comprehensive index to the *Criminal Code* and related statutes.
- Updated Forms of Charges for all the major offences under the *Criminal Code* and the *Controlled Drugs and Substances Act*.

New in this edition

Significant legislative and other developments reflected in **Pocket Criminal Code 2019** include the following:

- An Act to amend the *Canadian Human Rights Act* and the *Criminal Code*, 2017, c. 13 amended the *Criminal Code* definition of "identifiable group" in s. 318(4) and also amended the principles that a court shall take into consideration on sentencing in s. 718.2(a) to include evidence that the offence was motivated by bias, prejudice, or hate based on gender identity or expression.
- The *Journalistic Sources Protection Act*, S.C. 2017, c. 22, amended the *Criminal Code* and the *Canada Evidence Act* to protect the confidentiality of journalistic sources and to create additional requirements for the issuance of a search warrant relating to a journalist.
- An Act to amend the *Criminal Code* (*mischief*), 2017, c. 23 amends the *Criminal Code* offence of mischief in relation to religious property.
- Amendments to the *Controlled Drugs and Substances Act* include those introduced by the following regulations: SOR/2017-249, SOR/2017-275, and SOR/2017-277
- Updates to the Forms of Charges, authored by Gary P. Rodrigues

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The 2018 Annotated Ontario Highway Traffic Act + ProView eBook

Murray D. Segal

The 2018 Annotated Ontario Highway Traffic Act is the essential guide to all *Highway Traffic Act* cases, legislation, and regulation in Ontario.

New in this edition

- This new edition contains updates to the Highway Traffic Act, related legislation, and all major regulatory activity. In addition, it covers key *Highway Traffic Act* cases.

Updated case law

- *R. v. Wadood*. Ability of an officer to amend a certificate of offence after giving the offence notice to the motorist, but before filing in court.
- *R. v. Sciascia*. Ability to hold a *Provincial Offences Act* trial and a *Criminal Code Act* trial together arising out of same facts.
- *Lloyd v. Bush* and *House v. Baird*. Explaining the law of winter maintenance.
- *R. v. Dore*. No need for an officer to "lock in" speed of subject vehicle in a speeding case.
- *R. v. Ayub-Bawar*. Duties of a motorist when confronted with an emergency vehicle.
- *R. v. Gopher*. Putting wrong licence number into parking meter not due diligence.
- *Knabe v. Durham (Regional Municipality)*. The qualifications of the investigating officer not an essential element of speeding offence.
- *R. v. Rasty*. An electronic devices charge is a lesser included offence of an electronic communications device charge.
- *York (Regional Municipality) v. McGuigan*. Manuals for speed measuring devices are not subject to *Stinchcombe*.
- *Mississauga (City) v. Atis*. A request for other tickets issued on the same day and discipline and human resource records were refused on a speeding charge.
- *R. v. Charles*. Dealing with a defendant who advances that he was not served with notice of licence suspension.

Legislative amendments

Since the last edition, the *Highway Traffic Act* and other statutes have been amended by the following:

- *Safer School Zones Act, 2017*, S.O. 2017, c. 9
- *Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017*, S.O. 2017, c. 26, Sched. 1, s. 31, Sched. 4
- *Stronger, Fairer Ontario Act (Budget*

Measures), 2017, S.O. 2017, c. 34, Sched. 19, s. 22, Sched. 35, s. 27

- *Safer Ontario Act*, 2018, S.O. 2018, c. 3, Sched. 5, s. 26

This new regulation is introduced with this edition:

- Pilot Project – Low-Speed Vehicles, O. Reg. 215/17

Important amendments to existing regulations include the following:

- Community Safety Zones, O. Reg. 510/99 – Amended by O. Reg. 429/17
- Critical Defects of Commercial Motor Vehicles, O. Reg. 512/97 – Amended by O. Regs. 372/17 and 573/17
- Designation of Bus By-Pass Shoulders on King's Highway, O. Reg. 618/05 – Amended by O. Reg. 17/18
- Display Screens and Hand-Held Devices, O. Reg. 366/09 – Amended by O. Reg. 475/17
- Drivers' Licenses, O. Reg. 340/94 – Amended by O. Regs. 168/17 and 476/17
- Equipment, R.R.O. 1990, Reg. 587 – Amended by O. Regs. 374/17 and 376/17
- General Regulation (made under the *Highway Traffic Act*), R.R.O. 1990, Reg. 596 – Amended by O. Reg. 375/17
- High Occupancy Vehicle Lanes, O. Reg. 620/05 – Amended by O. Reg. 463/17
- Licences for Driving Instructors and Driving Schools, O. Reg. 473/07 – Amended by O. Reg. 339/17
- Motor Vehicles, O. Reg. 361/98 – Amended by O. Reg. 356/17
- Operation of Off-Road Vehicles on Highways, O. Reg. 316/03 – Amended by O. Reg. 478/17
- Over-Dimensional Farm Vehicles, RRO 1990, Reg. 603 – Amended by O. Reg. 477/17
- Parking, R.R.O. 1990, Reg. 604 – Amended by O. Regs. 391/17 and 419/17
- Red Light Camera System Evidence, O. Reg. 277/99 – Amended by O. Reg. 373/17
- Restricted Use of King's Highway, RRO 1990, Reg. 609 – Amended by O. Reg. 484/17
- Signs, R.R.O. 1990, Reg. 615 – Amended by O. Reg. 483/17
- Special Permits, O. Reg. 381/98 – Amended by O. Reg. 492/17
- Speed Limits, R.R.O. 1990, Reg. 619 – Amended by O. Regs. 382/17; 393/17; 418/17 and 439/17
- Standards to Determine Allowable Gross Vehicle Weight for Bridges, O. Reg. 103/97 – Amended by O. Reg. 183/17
- Stop Signs at Intersections, R.R.O. 1990, Reg. 623 – Amended by O. Reg. 276/17

- Stop Signs in Territory without Municipal Organization, R.R.O. 1990, Reg. 624 – Amended by O. Reg. 277/17
- Stopping of Vehicles on Parts of the King's Highway, R.R.O. 1990, Reg. 622 – Amended by O. Reg. 392/17
- Use of Controlled-Access Highways by Pedestrians, R.R.O. 1990, Reg. 627 – Amended by O. Reg. 185/17
- Vehicle Permits, R.R.O. 1990, Reg. 628 – Amended by O. Reg. 162/17
- Vehicle Weights and Dimensions - For Safe, Productive and Infrastructure-Friendly Vehicles, O. Reg. 413/05 – Amended by O. Reg. 368/17
- Vehicles on Controlled-Access Highways, R.R.O. 1990, Reg. 630 – Amended by O. Reg. 186/17

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- *An Act to amend the Canadian Human Rights Act and the Criminal Code*, S.C. 2017, c. 13, amended the *Criminal Code* definition of "identifiable group" in s. 318(4) and also amended the principles that a court shall take into consideration on sentencing in s. 718.2(a) to include evidence that the offence was motivated by bias, prejudice or hate based on gender identity or expression.
- The *Journalistic Sources Protection Act*, S.C. 2017, c. 22, amended the *Criminal Code* and the *Canada Evidence Act* to protect the confidentiality of journalistic sources and to create additional requirements for the issuance of a search warrant relating to a journalist.
- *An Act to amend the Criminal Code (mischief)*, S.C. 2017, c. 23, amends the *Criminal Code* offence of mischief in relation to religious property.
- As well, the Schedules to the *Controlled Drugs and Substances Act* have undergone amendment introduced by the following: SOR/2017-249, SOR/2017-275, and SOR/2017-277.

Incorporates such key cases as:

SCC Cases

- *R. v. Jones*, 2017 SCC – Even where D has a reasonable expectation of privacy in text messages, no breach of s. 8 occurs when police lawfully obtain records of the messages stored on a service provider's infrastructure under a production order.
- *R. v. Seipp*, 2018 SCC – Evidence that D fled the scene of a motor vehicle accident to avoid liability for possession of a stolen motor vehicle is evidence of an "intent to escape civil or criminal liability" within s. 252(1).
- *R. v. Boutilier*, 2017 SCC – Before designating D a dangerous offender, the judge must be satisfied on the evidence that D poses a high likelihood of harmful recidivism and that D's conduct is intractable.
- *R. v. Marakah*, 2017 SCC – To determine whether a person has a reasonable expectation of privacy in the subject-matter of the search requires a consideration of the totality of the circumstances. Section 8 applies where a person has a reasonable privacy interest in the object or subject-matter of the state action and the information to which it gives access.

Court of Appeal Cases

- *R. v. A.R.D.*, 2017 ABCA – In a prosecution alleging sexual offences, the absence of avoidant behavior or a change in behavior on the part of V is logically irrelevant, thus cannot form the basis of a credibility assessment leading to a reasonable doubt about D's guilt.
- *Primeau c. R.*, 2017 QCCA – Accident is a defence to the element of intention in murder or to any other offence in which a culpable mental state is an essential element. An accident that occurs in the absence of any other unlawful act precludes any criminal liability.
- *R. v. Allen*, 2017 MBCA – To constitute an alibi, the evidence must be determinative of the final issue of D's guilt or innocence by excluding any "window of opportunity" for D to possibly have committed the offence. Evidence that D had only a limited opportunity to commit an offence is not an alibi.
- *R. v. Spence*, 2017 ONCA – Where NCRMD is advanced, a jury should be instructed that, if they reject this denial of criminal responsibility, they must consider the whole of the evidence, including the evidence of D's mental illness, in determining whether P has proven the fault element in murder beyond a reasonable doubt.
- *R. v. E.J.B.*, 2017 ABCA – In general, a person regarded by the parent or guardian of a child, and/or the child, to be a

responsible person, relied upon to do the right thing vis-à-vis the child, is in a position of trust.

- *R. v. Lotfy*, 2017 BCCA – For a warrantless arrest under s. 495(1)(b), P must prove, on a balance of probabilities, that the arresting officer had reasonable grounds to believe the arrested person was committing a criminal offence in the officer's presence.
- *R. v. Vice Media Canada Inc.*, 2017 ONCA – On a motion to quash or revoke a production order, the media is entitled to put further material before the reviewing judge for consideration in determining whether the order should have issued.

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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

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This Code contains the full text of the *Criminal Code* as well as other related statutes, both in English and in French. It also incorporates a comprehensive bilingual index and a detailed table of contents for easy reference.

La base du droit criminel et pénal est regroupée dans ce volume économique et pratique. On y trouve le texte intégral du *Code criminel* du Canada ainsi que les lois connexes les plus courantes en version bilingue. Un index exhaustif bilingue et une table des matières détaillée sont également inclus.

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Guy Cournoyer

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Markle Schmid Munoz LLP and Alex Muñoz

This invaluable guide is the perfect tool for all professionals who deal in matters touching on education law. The publication also includes commentary on significant case law, links to other sections of the *Education Act*, links to sections of other education-related statutes and regulations, a table of concordance, as well as portions of statutes pertaining to family, municipal and administrative law.

New in this edition

- The *Ontario Education Act*, R.S.O. 1990, c. E.2 has been amended by 2017, c. 20, Sched. 8, s. 79; 2017, c. 26, Sched. 1, s. 30; 2017, c. 34, Sched. 12, s. 1-10; 2018, c. 1, s. 8; 2018, c. 8, Sched. 9.
- *R. v. Jarvis*, 2017 CarswellOnt 15528, 2017 ONCA 778: The Ontario Court of Appeal upheld the acquittal of a high school teacher who secretly filmed female students' chests and cleavage. The trial judge found that the students had a reasonable expectation of privacy at school, but was not convinced that, beyond a reasonable doubt, the videos were made for a sexual purpose. The Court of Appeal did find that the videos were made for a sexual purpose, but that the students did not have a reasonable expectation of privacy at school. Instead, the majority of the Court of Appeal determined that the students clearly expected that a teacher would not secretly film them for a sexual purpose at school. The expectation arises from the nature of the relationship between student and teacher, rather than the expectation of privacy. The case has been appealed to the Supreme Court of Canada.
- *E.T. v. Hamilton-Wentworth District School Board*, 2017 CarswellOnt 18540, 2017 ONCA 893: A father wanted his children exempted from religious teachings because he did not want his children to be exposed to certain types of subject matter. The appellant was unhappy with the school board's offer to resolve the father's request. He subsequently filed a human rights application against the school board under the ground of religious discrimination. The appellant claimed that the school board's policies violated his religious beliefs but the Court of Appeal dismissed the appeal by concluding that the Appellant did not provide any evidence

that the students' and parent's religious belief were infringed upon. In addition, the Appellant could not provide any examples where his children were forced to act against their religion by teachers or other school staff.

- *U.M. v. York Region District School Board*, [2017] O.H.R.T.D. No. 1730: The father of two students in Special Education alleged discrimination and failure to accommodate his children's respective disabilities under the *Human Rights Code* ("Code"). The Tribunal was asked to decide whether or not the School Board had failed to provide "meaningful access" because it did not implement all of the father's wishes. The Tribunal found that there was no discrimination under the *Code* because a school board is required to offer reasonable and appropriate accommodations, not "perfect accommodations". The Tribunal held that the school board cooperated with the father and accommodated his requests by varying the student's attendance; changing their placement from special education classes to regular classes; substituting the EAs working with the children; providing EA support during the summer camp program; and by allowing the father a significant level of involvement. The Tribunal held that parents do not have the "absolute power" or "control" to make all the decisions about education, nor are the school boards required to implement wishes or preferred choices about accommodation.

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Anthony F. Brown, LL.B., M.Ed.

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New in this edition

This edition features important updates to the following legislation:

- *Education Act*, R.S.O. 1990, c. E.2 has been

amended by 2017, c. 20, Sched. 8, s. 79 [Not in force at date of publication.]; 2017, c. 26, Sched. 1, s. 30 [Not in force at date of publication.]; 2017, c. 34, Sched. 12, ss. 1(1), (2) (Fr.), (3) (Fr.), (4)-(7), 2-10 [ss. 1(1), (4), 2(2) not in force at date of publication; s. 10 to come into force November 15, 2022.]

- Regulations made under the *Education Act*
- James Bay Lowlands Secondary School, Ont. Reg. 294 has been amended by O. Reg. 512/17
- Regulation under Section 46.1 of the Act (Prescribed Municipalities, Defence Property), O. Reg. 465/97 has been amended by O. Reg. 362/17
- Education Development Charges – General, O. Reg. 20/98 has been amended by O. Reg. 350/17
- Tax Matters – Definition of Business Property and Residential Property, O. Reg. 394/98 as been amended by O. Reg. 261/17
- Tax Matters – Tax Rates for School Purposes, O. Reg. 400/98 has been amended by O. Reg. 395/17 and O. Reg. 26/18
- Disposition of Surplus Real Property, O. Reg. 444/98 has been amended by O. Reg. 360/17, s. 1(1), O. Reg. 464/17, s. 1(2) and O. Reg. 360/17, s. 1(2)
- Transitional Provisions Relating to the School Board Boundary Changes Made By Ontario Regulation 279/00, Regulation 280/00 has been amended by O. Reg. 351/17
- Elections to and Representation on District School Boards, Regulation 412/00 has been amended by O. Reg. 344/17, O. Reg. 513/17
- Continuation, Areas of Jurisdiction and Names of District School Boards, O. Reg. 486/01 has been amended by O. Reg. 343/17 and O. Reg. 361/17
- Tax Relief in Unorganized Territory for 2001 and Subsequent Years, O. Reg. 3/02 has been amended by O. Reg. 259/17, s.
- Restricted Purpose Revenues, O. Reg. 193/10 has been amended by O. Reg. 550/17
- Full Day Junior Kindergarten and Kindergarten, O. Reg. 224/10 has been amended by O. Reg. 251/17
- Determination of Boards' Surpluses and Deficits, O. Reg. 488/10 has been amended by O. Reg. 246/17
- Extended Day and Third-Party Programs, O. Reg. 221/11 has been amended by O. Reg. 250/17 and O. Reg. 129/16, s. 10(2)
- Class Size, O. Reg. 132/12 has been amended by O. Reg. 245/17

- Hiring Practices, O. Reg. 274/12 has been amended by O. Reg. 164/17 and O. Reg. 411/17
- General, Ont. Reg. 645 made under the *Immunization of School Pupils Act* has been amended by O. Reg. 325/17

New legislation has been added:

- *Ontario Educational Communications Authority Act*, R.S.O. 1990, c. O.12
- Distance Education Programs, O. Reg. 392/02 made under the *Ontario Educational Communications Act*, R.S.O. 1990, c. O.12
- *Ontario French-language Educational Communications Authority Act, 2008*, S.O. 2008, c. 10
- *The Child and Family Services Act*, R.S.O. 1990, c. C-11 was repealed on April 30, 2018 and has been removed from the book. It has been replaced by the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1, which was proclaimed in force as of April 30, 2018

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The following amendments have also been introduced to numerous Regulations under the *Canadian Environmental Protection Act, 1999*, including:

- Contaminated Fuel Regulations SOR/91-155 – Amended by SOR/2018-11, ss. 1-5
- Benzene in Gasoline Regulations SOR/97-493 – Amended by SOR/2018-11, ss. 6-13, 14 (Fr.)
- Solvent Degreasing Regulations SOR/2003-283 – Amended by SOR/2017-196, ss. 1-26
- Prohibition of Certain Toxic Substances Regulations, 2012 – Amended by SOR/2017-247
- Ozone-Depleting Substances and Halocarbon Alternatives Regulations SOR/2016-137 – Amended by SOR/2017-216, ss. 1, 2, 3 (Fr.), 4, 5 (Fr.), 6-20 [ss. 11(2), 14(2) to come into force January 1, 2019]
- *Criminal Code*, R.S.C. 1985, c. C-46 – Amendments impacting s. 430

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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.

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- The Deemed Undertaking Rule and Estate Litigation
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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)
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- *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)
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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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- **Family property** – division, deductions and inclusions, equalization, matrimonial home, appeals
- **Domestic contacts** – effect, validity, enforcement, interpretation, income tax

New in this edition

Child support

Entitlement to child support for adult children:

- *Durfey v. Durfey*, 2017 CarswellAlta 952 (Alta. C.A.)
- *Makdissi v. Masson*, 2017 CarswellOnt 16972 (Ont. S.C.J.)

Expenses for post-secondary education:

- *H. (J.L.) v. W. (R.S.)*, 2017 CarswellAlta 494 (Alta. C.A.)
- Claim for retroactive child support:
- *Cooper v. Primeau*, 2018 ONSC 577 (Ont. S.C.J.)
- *J. (J.) v. C. (C.)*, 2017 CarswellOnt 6453 (Ont. C.A.)
- Imputing income:
- *Lavie v. Lavie*, 2018 ONCA 10 (Ont. C.A.)
- *Gallant v. Houde*, 2017 CarswellBC 3091 (B.C. C.A.)
- *Newell v. Gaudet*, 2018 ONSC 55 (Ont. S.C.J.)

Spousal support

Claim for "compensatory support":

- *Jubenville v. Maione*, 2018 ONSC 1150 (Ont. S.C.J.)
- *Siddiqui v. Anwar*, 2018 ONSC 219 (Ont. S.C.J.)

Interim spousal support:

- *Potzus v. Potzus*, 2017 SKCA 15 (Sask. C.A.)
- *Blackstock v. Comeau*, 2018 ONSC 193 (Ont. S.C.J.)

Material change in circumstances test:

- *Klann v. Klann*, 2018 BCCA 48 (B.C. C.A.)
- *Coad v. Coad*, 2017 ONCA 173 (Ont. C.A.)
- *Aalbers v. Aalbers*, 2017 SKCA 43 (Sask. C.A.)

Family property

Jurisdiction to determine matrimonial property rights:

- *Cheng v. Liu*, 2017 CarswellOnt 1348 (Ont. C.A.)

Contingent income tax liability:

- *Roach v. Lesley*, 2018 ONSC 134 (Ont. S.C.J.)
- Equalization payment relating to a federal pension:
- *Fawcett v. Fawcett*, 2018 ONCA 150 (Ont. C.A.)

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Some examples of the major changes to the Act include:

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- Enshrinement of workers' OHS-related rights in the Act (Section 2, Purposes), including the right to know, the right to participate, and the right 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.
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- 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.
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- Updated requirements to provide workers with readily available OHS information, such as legislation, practices, and procedures.
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- 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
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New in this edition

- This edition is current to Canada Gazette Vol. 152:7 (April 4, 2018); Ontario Gazette Vol. 151:13 (March 31, 2018); Quebec Gazette Vol. 150:14 (April 4, 2018)

New to this edition of the **Immigration and Refugee Protection Act and Regulations, English/French Consolidation:**

- *Ontario Immigration Act, 2015*, S.O. 2015, c. 8
- O. Reg. 422/17: General made under the *Ontario Immigration Act, 2015*, S.O. 2015, c. 8
- O. Reg. 421/17: Approvals under the Ontario Immigrant Nominee Program and Other Matters made under the *Ontario Immigration Act, 2015*, S.O. 2015, c. 8

The following materials have been updated in the 2018 edition:

- *Immigration and Refugee Protection Act*, S.C. 2001, c. 27
- Immigration and Refugee Protection Regulations, SOR/2002-227
- *Federal Courts Act*, R.S.C. 1985, c. F-7
- *An Act respecting immigration to Québec*, R.S.Q., c. I-0.2
- Regulation respecting immigration consultants, O.C. 544-2010
- Regulation respecting the selection of foreign nationals, R.R.Q., 1981, c. I-0.2, r. 4
- Regulation respecting the weighting

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The **Journal of the Insolvency Institute of Canada** brings together articles written by the thought leaders at the IIC, discussing the most important insolvency and restructuring topics, policies, and issues of the day. In this exclusive volume, all of the topics discussed at the annual conference of the Insolvency Institute of Canada are now available to members and non-members alike. It represents an important glimpse into the evolution of Canadian insolvency law and policy-making.

Articles:

- *Civil Remedies Act and insolvency proceedings* by Leanne Williams and Mike Hanson – Williams and Hanson discuss the operation of civil forfeiture legislation that permits the Crown to obtain an order for the forfeiture of property acquired in connection with unlawful activity.
- *Oppression Remedy in CCAA Proceedings* by Lance Williams and Al Hutchens – Williams, Hutchens, and Enns examine the debt claim/equity claim distinction that was introduced in the 2009 insolvency law amendments.
- *Recent CRA/GST Priority Decisions* by Anthony Tillman – Tillman and Csiszar review the implications of the Callidus decision, currently under appeal to the Supreme Court of Canada.
- *Representation Orders* by Allan Nackman and George Benchetrit – Nackman and Benchetrit drill down on one instance of judicial discretion: the granting of representation orders.
- *Post Redwater* by Jeff Oliver – Oliver discusses the contest between the Alberta Energy Regulator and insolvency professionals seeking to sell off oil field assets.
- *Kitco Decision and Implications* by Michel Marleau and Louis Dumont – Dumont and Marleau examine the common principle of set-off and the correlative civil law principle of compensation.
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Professor Michel W. Drapeau, (Colonel Ret'd), OMM, CD, LL.L., LL.B., and Marc-Aurèle Racicot, B.Sc., LL.B., LL.M.

This practical reference is comprehensive in scope, containing everything you need to interpret and apply federal access to information and privacy legislation. In addition to expert analysis, it also contains a compendium of key materials.

Highlights include:

- **Chapter 1 Annotated Access to Information Act — Statutory Prohibitions Against Disclosure: Section 24** – In this case, Defence Construction Canada asserted for the first time a new mandatory exemption from disclosure found in s. 30 of the *Defence Production Act*, an exemption that applies due to s. 24 and Schedule II of the *Access to Information Act*. The Federal Court held that it was too late for Defence Construction Canada to assert the mandatory exemption. On appeal, the majority stated that “[i]n these particular circumstances, the Federal Court was bound to allow Defence Construction Canada an opportunity to adduce evidence supporting its late assertion of the mandatory exemption...[w]ith that evidence before it, the Federal Court could have considered the mandatory exemption and the jurisprudential issue and the fact-based issue associated with it.” The case was sent back to the Federal Court for rehearing: *UUCANU Manufacturing Corp. v. Defence Construction Canada*, 2017 FCA 133.
- **Chapter 1, Annotated Access to Information Act — Section 20: Third Party Information** – In this application, Air Transat was seeking a judicial review of a decision rendered by Transport Canada (TC) on April 18, 2016 that authorized the disclosure of an inspection report regarding Air Transat, prepared by TC in 2003. Air Transat was also seeking to set aside a report prepared by the Commissioner on February 25, 2016,

which recommended that TC disclose the inspection report regarding Air Transat. The information access requester had filed a complaint with the Information Commissioner on July 19, 2005. The Court concluded, “In light of the confidential nature of the pilot project, the exchange of confidential information between Air Transat and TC for the purposes of the pilot project, the fact that each airline must nonetheless develop its own air safety system, and the fact that the expertise of the people involved and the methodology adopted (information available in the Report) were used by Air Transat to create an effective and optimal air safety system for itself, I consider that the information constitutes trade secrets and cannot be disclosed under paragraph 20(1)(a) of the AIA”: *Husky Oil Operations Limited v. Canada-Newfoundland and Labrador Offshore Petroleum Board*, 2018 FCA 10.

- **Chapter 6, Annotated Privacy Act — Section 2: Purpose of the Act** – During the Independent Assessment Process (IAP) at the request of the Chief Adjudicator of the Indian Residential Schools Adjudication Secretariat and the Truth and Reconciliation Commission, the supervising judge ordered the destruction of the records following a 15-year retention period. The Attorney General of Canada argued that the IAP documents were “under the control of a government institution” within the meaning of the *Access to Information Act*, the *Privacy Act*, and the *Library and Archives of Canada Act*, and that the supervising judge had no jurisdiction to order their destruction. The Supreme Court wrote that the application of the *Privacy Act* to the IAP documents clearly runs counter to the principles of confidentiality and voluntariness upon which the IAP was founded. Further, retention in the National Archives, whose purposes include the accessibility and diffusion of knowledge, is inconsistent with the absolute level of confidentiality that the parties intended for these documents: *Canada (Attorney General) v. Fontaine*, 2017 SCC 47.
- **Chapter 9, Annotated PIPEDA — Section 7: Collection Without Knowledge or Consent** – In this appeal, the Supreme Court was called upon to consider the balance between the privacy rights of individuals and the public interest in law enforcement as it applies to text message conversations stored on personal devices. The majority of the Court held that “Text messages that have been sent

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Robert Morin, Marc Papillon, Michael Lafontaine, CPA, CGA, M. Fisc, et Marie-Andrée Babineau, CPA, CA, M. Fisc

Rédigé à l’intention des étudiants et pouvant servir aux recherches des praticiens, le volume **Impôt sur le revenu des particuliers et sociétés** est un texte de base indispensable à la compréhension de la Loi. Tous les chapitres intègrent la législation fédérale et québécoise, et des notes infrapaginales ont été ajoutées afin de souligner les différences majeures entre ces deux législations. Il aborde tous les thèmes de la loi, tels le calcul du revenu net, du revenu d’emploi, d’entreprise, du gain en capital ainsi que le calcul du revenu imposable et de l’impôt des particuliers et sociétés. Synthèse Des Ouvrages

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Marie-Pierre Allard

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