

# Public Law

Lenczner Slaght's lawyers help clients navigate complex litigation matters involving all levels of government and the public-sector bureaucracy. Our public law practice includes litigation matters relating to constitutional, human rights, judicial review, municipal, procurement and professional regulation matters. We advise clients facing public inquiries, legislative and parliamentary committees, and investigations by ethics and integrity commissioners. We act as counsel for governments, government departments/agencies, and Crown corporations. We also act as counsel for companies conducting business with governments and their agencies, as well as for individuals and organizations dealing with specific regulators and/or overall regulatory regimes.

Our lawyers combine a deep knowledge of the workings of government with expertise in a broad range of relevant areas, from the nuances of judicial review applications to constitutional issues and questions under the Charter of Rights and Freedoms. From conducting a successful fraud trial on behalf of a major public sector institution to arguing appeals before the Supreme Court of Canada on constitutional matters, we have the experience and credibility in court to successfully represent clients in public sector disputes. We bring decades of relevant experience to challenging and defending the decisions of public bodies through the courts – and to working effectively on our clients' behalf with governments at the municipal, provincial, territorial and federal levels.

The scope of Lenczner Slaght's public law expertise includes:

- counsel to all levels of government on the application of current laws and the implications of new or amended legislation
- litigation on behalf on individuals, organizations or the Crown in matters involving the Crown
- commercial litigation regarding contractual disputes between companies and the Crown
- counsel on municipal regulatory matters, including litigation support to resolve disputes before municipal councils or the courts
- counsel at public inquiries, legislative committees, and ethics and integrity investigations
- counsel for school boards, universities, hospitals, and charitable foundations

## RECOGNITION

- Best Lawyers in Canada (2024)  
Ones to Watch – Administrative & Public Law
- Best Lawyers in Canada (2024)  
Toronto "Lawyer of the Year" in Administrative & Public Law
- Best Lawyers in Canada (2023)  
Toronto "Lawyer of the Year" in Administrative & Public Law  
Toronto "Lawyer of the Year" in Defamation and Media Law
- Chambers Canada (2022-2024)  
Litigation: Administrative & Public Law (Ontario)  
Healthcare: Contentious (Nationwide – Canada)
- Best Lawyers in Canada (2022)  
Toronto "Lawyer of the Year" in Administrative & Public Law
- Best Lawyers in Canada (2022-2024)  
Ones to Watch – Administrative & Public Law, Corporate & Commercial Litigation , Health Care Law, Insurance Law, Medical Negligence
- Chambers Canada (2020-2024)  
Litigation: Administrative & Public Law (Ontario)
- Canadian Legal Lexpert® Directory (2017-2024)  
Litigation - Corporate Commercial, Medical Negligence, Professional Liability, Litigation - Regulatory & Public Law (2023)
- Best Lawyers in Canada (2014-2024)  
Administrative & Public Law, Corporate & Commercial Litigation, Health Care Law, Medical Negligence, Trusts and Estates
- Canadian Legal Lexpert® Directory (2018-2024)  
Class Actions, Competition Law, Litigation - Corporate Commercial, Litigation - Regulatory & Public Law, Medical Negligence, Professional Liability
- Benchmark Canada (2018-2024)  
Litigation Star – Class Action, Commercial, Public Law, Intellectual Property
- Best Lawyers in Canada (2018-2024)  
Administrative & Public Law, Class Action Litigation, Competition / Antitrust Law, Corporate and Commercial Litigation, Health Care Law, Medical Negligence

- **Benchmark Canada (2012-2024)**  
Litigation Star – Commercial, Government & Regulatory
- **Best Lawyers in Canada (2006-2024)**  
Administrative & Public Law, Appellate Practice, Bet-the-Company Litigation, Class Action Litigation, Corporate & Commercial Litigation, Director and Officer Liability Practice, Health Care Law, Intellectual Property, Legal Malpractice, Medical Negligence, Personal Injury Litigation, Product Liability, Securities
- **Best Lawyers in Canada (2013-2024)**  
Administrative & Public Law, Class Action Litigation, Corporate & Commercial Litigation, Defamation & Media, Health Care Law, Legal Malpractice Law
- **Best Lawyers in Canada (2014-2024)**  
Administrative and Public Law, Corporate & Commercial Litigation, Health Care Law, Medical Negligence
- **Best Lawyers in Canada (2014-2024)**  
Administrative & Public Law, Corporate & Commercial Litigation, Director and Officer Liability Practice, Franchise Law (2022), Health Care Law, Medical Negligence, Real Estate Law
- **Best Lawyers in Canada (2016)**  
Administrative & Public Law
- **Best Lawyers in Canada (2017-2024)**  
Administrative & Public Law, Alternative Dispute Resolution, Appellate Practice, Corporate & Commercial Litigation, Defamation & Media, Intellectual Property , International Arbitration
- **Canadian Legal Lexpert® Directory (2012-2020)**  
Class Actions, Commercial Arbitration, Litigation - Corporate Commercial, Litigation - Directors' & Officers' Liability, Litigation - Product Liability, Litigation - Public Law, Litigation - Securities, Medical Negligence (2019), Professional Liability
- **Canadian Legal Lexpert® Directory (2012-2024)**  
Litigation - Corporate Commercial, Litigation - Defamation & Media, Litigation - Regulatory & Public Law, Professional Liability, Litigation - Public Law (2023)
- **Canadian Legal Lexpert® Directory (2012-2024)**  
Class Actions, Commercial Arbitration, Litigation - Corporate Commercial, Litigation - Directors' & Officers' Liability, Litigation - Regulatory & Public Law , Litigation - Securities, Medical Negligence, Personal Injury, Professional Liability, Litigation - Public Law (2023)
- **Canadian Legal Lexpert® Directory (2013-2024)**  
Estate & Personal Tax Planning, Litigation - Corporate Commercial, Medical Negligence, Professional Liability, Litigation - Regulatory & Public Law (2021)
- **Canadian Legal Lexpert® Directory (2014-2024)**  
Commercial Arbitration, Litigation - Corporate Commercial, Litigation - Defamation & Media, Litigation - Intellectual Property, Litigation - Regulatory & Public Law , Professional Liability, Litigation - Public Law (2023)
- **Canadian Legal Lexpert® Directory (2015-2024)**  
Litigation - Corporate Commercial, Litigation - Regulatory & Public Law , Medical Negligence, Professional Liability

## SELECT CASES

- **Janssen Inc v The Ministry of Health and Attorney General of Canada** – Counsel to Janssen Inc. in appeal of judicial review application to the Federal Court of Appeal addressing the interpretation and vires requirements for listing patents on the Patent Register under the *Patented Medicines (Notice of Compliance) Regulations*
- **Janssen Inc v The Ministry of Health and Attorney General of Canada** – Counsel to the applicant Janssen Inc. in two applications for judicial review to the Federal Court addressing the interpretation and

vires requirements for listing patents on the Patent Register under the *Patented Medicines (Notice of Compliance) Regulations*.

- **Coroner's Inquest** – Counsel to physicians in Coroner's Inquest in Northwestern Ontario.
- **Boyer v Callidus Capital Corporation** – Counsel to a former employee at Callidus Capital Corporation, who commenced a wrongful dismissal claim in 2017. Callidus counterclaimed against our client for \$150 million, which we successfully argued to have dismissed as an "Anti-SLAPP" proceeding at the Court of Appeal. We then obtained summary judgment in the main employment action for over \$1.3 million plus interest.
- **Contract Community Inc v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of real property project management support services for Government of Canada projects in the National Capital Region.
- **Public Order Emergency Commission** – Counsel to Former Ottawa Police Chief Peter Sloly in a Judicial Inquiry into the circumstances that led to the declaration of emergency that was in place from February 14-23, 2022, and the measures taken for dealing with the emergency.
- **Annapolis Group v Halifax Regional Municipality** – Counsel to the plaintiff in an action concerning alleged de facto expropriation, misfeasance in public office, and unjust enrichment relating to the plaintiff's efforts to develop its lands within the Halifax Regional Municipality. Successfully represented the plaintiff at the Supreme Court of Canada with the Court clarifying the test for de facto expropriation and concluding that our client's claim for de facto expropriation could proceed to trial.
- **Bilak et al v The Attorney General of Canada** – Application for Judicial Review challenging the decision of the Minister of Foreign Affairs of Canada to exempt turbines for the NordStream pipeline from Canada's sanctions regime against Russia enacted following Russia's invasion of Ukraine. The Minister's exemption was cancelled following the commencement of the Judicial Review application.
- **University of Guelph v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of lack of clarity and fairness in the bid submission process.
- **Starr v Crombie** – Counsel to the Mayor of Mississauga in various proceedings initiated by a former member of Council.
- **City of Hamilton Judicial Inquiry** – Counsel to the City of Hamilton in a Judicial Inquiry into the Red Hill Valley Parkway.
- **Anritsu Electronics Ltd v Department of Public Works and Government Services** – Counsel to the Government of Canada in successfully defending a proceeding before the Canadian International Trade Tribunal arising from the procurement of handheld spectrum analyzers for Innovation, Science and Economic Development Canada (ISED).

- **CTS Defence Inc v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of leased aircraft and related services for the Department of National Defence.
- **Leistritz Advanced Technologies Corp v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of a high free volume twin-screw extruder for the National Research Council of Canada.
- **Bronson Consulting Group v Defence Construction Canada** – Counsel to Defence Construction Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of geospatial systems for use by the Department of National Defence.
- **Weir-Jones Engineering Ltd and Weir-Jones Engineering Consultants Ltd v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of patent and trademark infringement by Natural Resources Canada in respect of its early earthquake warning system.
- **Horizon Maritime Services Ltd / Heiltsuk Horizon Maritime Services Ltd v Department of Public Works and Government Services** – Counsel to the Attorney General of Canada in a successful series of judicial reviews arising from proceedings before the Canadian International Trade Tribunal over a procurement for towing vessels for the Canadian Coast Guard.
- **King v Gannage** – Counsel in the successful defense of a judicial review before the Divisional Court of a Health Professions Appeal and Review Board decision regarding a physician's use of complementary/alternative medicine.
- **Marine Recycling Corporation and Canadian Maritime Engineering Ltd** – Counsel to Public Works and Government Services in respect of a complaint proceeding before the Canadian International Trade Tribunal arising out of a terminated contract for the disposal of a former marine vessel.
- **Smith v Canada** – Counsel for the intervener Ontario Superior Court Judges Association in the successful judicial review commenced by the Honourable Justice Patrick Smith challenging two decisions of the Canadian Judicial Council which were critical of Justice Smith's decision to serve as Interim Dean (Academic) at the Bora Laskin Faculty of Law at Lakehead University.
- **The Manitoba Metis Federation v The Government of Manitoba et al** – Counsel to the Manitoba Metis Federation in a dispute with the Government of Manitoba over the cancellation of hydro contracts.
- **Pennecon Hydraulic Systems v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of cranes for the Royal Canadian Navy.
- **Town of Collingwood Judicial Inquiry** – Counsel to the Town of

Collingwood in a Judicial Inquiry into the 50% share sale of Collingwood Utility Services Corporation to PowerStream Inc.

- **Busch-Vishniac v Wall** – Counsel to the plaintiff, the former President of the University of Saskatchewan, in a high-profile wrongful termination claim against her prior employer, the Board of the University and the then Premier of the Province and Minister responsible for post-secondary education.
- **Inquiry of the Office of the Integrity Commissioner re: The Honourable Doug Ford, Premier of Ontario** – Counsel to senior public official summonsed as part of the Integrity Commissioner's inquiry relating to the appointment of Ron Taverner as Commissioner of the Ontario Provincial Police.
- **1544656 v Independent Electricity System Operator** – Counsel for IESO in a dispute relating to the interpretation of a feed-in-tariff program contract.
- **Irving Shipbuilding Inc v Attorney General of Canada and CSMG Inc** – Counsel in lengthy judicial review proceedings in Federal Court (Trial Division) and Federal Court of Appeal relating to the procurement process for the contract for refurbishment and ongoing maintenance of Canadian Armed Forces submarines.
- **Long-Term Care Homes Public Inquiry** – Commission Counsel to the Public Inquiry into the safety and security of residents in the Long-Term Care Homes System.
- **Bell Canada/National Football League v Canadian Radio-television and Telecommunications Commission** – Counsel to the interveners ACTRA and the Association of Canadian advertisers in appeals from the CRTC's Super Bowl simultaneous advertisement substitution ban.
- **ES v Joannou** – Counsel to a psychiatrist in an appeal raising the novel issue of the jurisdiction of the Consent and Capacity Board to grant remedies under the *Charter of Rights and Freedoms*. Successfully responded to the appeal.
- **The Association of Justices of the Peace of Ontario v Ontario** – Counsel to the AJPO in a successful application for judicial review of the Ontario government's response to a judicial remuneration commission. An interim order was obtained that stayed the implementation of certain changes to the benefits of the Justices of the Peace of Ontario pending the hearing of the application.
- **Conférence des juges de paix magistrats du Québec v Quebec (Attorney General)** – Counsel to the intervener Association of Justices of the Peace of Ontario in an appeal to the Supreme Court of Canada regarding judicial compensation.
- **Darnley v Thompson** – Counsel for Mayor of Caledon in an application brought pursuant to the *Municipal Conflict of Interest Act*, which resulted in all allegations being dismissed.
- **World Bank Group v Wallace** – Counsel to an international organization in an appeal at the Supreme Court of Canada relating to the immunities of international organizations in criminal proceedings.

- **College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario v Federation of Ontario Traditional Chinese Medicine Association** – Counsel to the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario in an application and subsequent appeal against respondent organizations and individuals for declarations that the respondents breached the *Regulated Health Professions Act*. Interim injunctions obtained against the respondents.
- **Marshall v Lakeridge Health Corporation** – Counsel to a physician in proceedings before the Human Rights tribunal relating to allegations of discrimination made against a physician, a hospital and the police on the grounds of a perceived disability.
- **HMQ (Canada) v Canadian Transit Company** – Counsel to the Government of Canada in relation to litigation relating to the Detroit/Windsor transportation corridor and the new DRIC Bridge.
- **Commissioner of Competition v Rogers Communications Inc** – Counsel to the Commissioner of Competition in proceedings against Rogers Communications Inc. and Chatr Wireless Inc. relating to misleading advertising under the Deceptive Marketing Practices provisions of the *Competition Act*. The application involved successful defence to a constitutional challenge to certain provisions of the *Competition Act* brought by the respondents.
- **City of Mississauga Judicial Inquiry** – Counsel to the Commissioner in the City of Mississauga Judicial Inquiry, an independent Judicial Inquiry tasked with investigating issues in connection with the acquisition by the City of Mississauga of land in the city centre and issues in connection with a shareholders agreement to which the City was a party.
- **407 ETR Concession Company v Ontario (Registrar of Motor Vehicles)** – Counsel to the 407 ETR in a successful judicial review application, in which the 407 ETR sought an order compelling the Registrar of Motor Vehicles to comply with his statutory duties concerning validation of vehicle permits.
- **DA v RH** – Counsel to optometrists in a successful review of a decision of the College of Optometrists of Ontario to issue written cautions, on the basis that the underlying provision of the professional misconduct regulation improperly restricted the members' *Charter* rights to freedom of expression and freedom of association.
- **Canada Post Corporation v City of Hamilton** – Counsel to the City of Hamilton in a constitutional law appeal on division of powers respecting placement of community mailboxes by Canada Post on City of Hamilton property.
- **Ivanhoé Cambridge II Inc v The Regional Municipality of York** – Counsel to the applicant in a judicial review application arising out of the decision of the Regional Municipality of York to modify and approve an official plan amendment for the City of Vaughan.
- **Ontario Power Authority** – Counsel to the Ontario Power Authority in relation to the review of the construction and relocation of two gas plants by the Ontario legislature's Standing Committee on Justice Policy.
- **College of Massage Therapists of Ontario v Stefanov** – Counsel to the College of Massage Therapists of Ontario in a prosecution of a member for professional misconduct under the *Regulated Health Professions Act* and the subsequent appeal to the Divisional Court.

- **McCormick v Fasken Martineau Dumoulin** – Counsel to the interveners, Canada's six largest accounting firms, on an appeal before the Supreme Court of Canada over whether a partner is an employee of a partnership for the purposes of human rights legislation.
- **R v Szejnmler and Stoll** – Counsel to a bar owner charged with manslaughter arising in connection with a fatal highway accident after a patron's consumption of alcohol at the bar. The Crown alleged that the act of over-serving alcohol to the driver of the vehicle prior to the accident constituted criminal negligence causing death, notwithstanding that the accused was in no way involved in the act of driving. In a case which raised novel issues in the law of manslaughter, the accused was successfully discharged following a preliminary inquiry. The decision was upheld by the Superior Court of Justice.
- **Niagara Escarpment Commission v The Joint Board** – Counsel for the successful respondent, Walker Aggregates Inc, in an application for judicial review of a decision of the Joint Board to grant conditional approval to Walker Aggregates to develop a quarry on land that falls within the Niagara Escarpment Plan area.
- **Sazant v College of Physicians and Surgeons of Ontario** – Counsel to intervener physicians in a constitutional challenge to a provision of the *Regulated Health Professions Act*.
- **Victorian Order of Nurses – Ontario v Central West Community Care and Access Corporation** – Counsel to the VON in a judicial review of the termination of a contract for nursing and personal support services.
- **Magder v Ford** – Counsel for Robert Ford, the former Mayor of Toronto, in application alleging breach of the *Municipal Conflict of Interest Act*.
- **Bogner v Orangeville Police Services** – Counsel to the plaintiffs in an action alleging negligent investigation by the police.
- **Li Preti v Compliance Audit Committee of the City of Toronto** – Counsel to electors in successful proceedings before the City of Toronto Compliance Audit Committee to commence a compliance audit of election campaign finances and prosecution of a former city councillor.
- **R v Beitel** – Counsel to a physician in a successful *Charter* application to exclude evidence seized in contravention of the accused's right to be free from unreasonable search and seizure. The application involved the application of constitutional principles to the search of internet service providers and psychiatric offices.
- **Kamal v Federation of Law Societies** – Counsel to the respondent Federation of Law Societies in an application under Ontario's *Human Rights Code*.
- **Inquest into the Death of Wayne Howard** – Counsel to three physicians at the Coroner's Inquest into the death of an inmate while in custody at the Central North Correctional Centre.
- **Toronto Police Association v Ontario (Civilian Commission on Police Services)** – Counsel for the intervenors Toronto Police Services Board and Chief of Police on an application for judicial review of a decision of the Ontario Civilian Commission on Police Services regarding the investigation of a police officer.
- **Commissioner, Ontario Provincial Police v MacDonald** – Counsel for Commissioner of the OPP in judicial review proceedings in the Divisional Court and Court of Appeal for Ontario relating to hearings under the *Police Services Act*.
- **White v National Committee on Accreditation** – Counsel to the organization that assesses foreign law school graduates in a successful proceeding against allegations of discrimination on the basis of national



origin.

- **Noble v York University** – Counsel to York University in a successful defence against a professor's allegations of discrimination and reprisal.
- **Canada v Granitile Inc** – Counsel to the Government of Canada in an action to set aside a trial judgment on the grounds of the fraud of the plaintiff in obtaining the judgment. Judgment successfully set aside at trial.
- **Kelly v Ontario** – Counsel for a physician in disciplinary proceedings. Included an application for various relief on constitutional grounds and a constitutional challenge to a provision of the *Regulated Health Professions Act*.
- **Airport Taxicab (Pearson Airport) Association v Toronto (City)** – Counsel in a proceeding relating to the validity of a new by-law regulating the licensing of taxis and limousines. Successfully obtained interlocutory injunction prohibiting the City of Toronto from enforcing the by-law.
- **Lester v Ontario (Racing Commission)** – Counsel in an application for judicial review of an order of the Ontario Racing Commission finding that the Applicants had breached the Rules of Standardbred Racing.
- **Law Society of Upper Canada v Canada (Attorney General)** – Counsel on a motion to authorize a Law Society of Upper Canada Investigator to seize evidence from the RCMP. Raised issues of constitutional law.
- **Ontario (Racing Commission) v Hudon** – Counsel to the applicant in an application for judicial review from a decision of the Ontario Racing Commission concerning the admissibility of a confession.
- **McDonald's Restaurants of Canada Ltd v The Corporation of the City of Toronto** – Counsel to the McDonald's in a successful appeal before the Ontario Municipal Board from the decision of Council for the City of Toronto to enact an Official Plan Amendment.
- **Oakville (Town) v Birchgrove Estates Inc** – Counsel in an appeal of a decision of the Municipal Board rescinding appointment of a member of the Conservation Review Board to the Municipal Board and decision directing the Town to permit relocation of two heritage buildings.
- **Franklin v College of Physicians and Surgeons of Ontario** – Counsel to a physician in a judicial review application concerning the jurisdiction of the Discipline Committee of the College of Physicians and Surgeons of Ontario to order payment of costs in certain circumstances.
- **Christie v Canada** – Counsel to Transport Canada in an application for judicial review concerning the refusal of an individual's application for security clearance to work at Pearson Airport. (*Prior to joining Lenczner Slaght*)
- **Canada (Information Commissioner) v Canada (Minister of the Environment)** – Counsel to Ethyl Canada in an appeal to the Federal Court of Appeal regarding the interpretation of the *Access to Information Act* and cabinet document privilege.
- **Toronto Party for a Better City v Toronto (City)** – Counsel to the successful respondents on an appeal of an application seeking a declaration that City Councillors breached their fiduciary duties in voting in favour of a By-law. The respondent City Councillors were held not to have breached their fiduciary duties.
- **Brantford (City) v Montour** – Counsel as amicus to the Superior Court in an application brought by The Corporation of the City of Brantford for an interlocutory injunction to prevent work stoppages on municipal sites within the City, and a motion brought by the respondents, First Nations'

individuals, seeking to set aside two by-laws passed by the applicant prohibiting the blockage and disruption.

- **Corsica Developments Inc v Richmond Hill Naturalists** – Counsel to community organization on a request for review of an Ontario Municipal Board decision approving an Official Plan Amendment permitting residential development at the David Dunlap Observatory in Richmond Hill.
- **Inquest into the Death of Lisa Shore** – Counsel to a physician at a Coroner's Inquest into the death of Lisa Shore caused by probable complex drug interaction leading to cardiac and respiratory arrest ruled as homicide. First inquest finding of homicide in Ontario.
- **Frank v Canada** – Counsel to the Attorney General of Canada in a Charter challenge to certain provisions of the Canada Elections Act. (*Prior to joining Lenczner Slaght*)
- **Bedford v Attorney General of Canada** – Counsel to the Attorney General of Canada in a Charter challenge to certain prostitution-related provisions of the Criminal Code. (*Prior to joining Lenczner Slaght*)
- **Select Committee on Financial Transparency** – Counsel to corporate witnesses testifying at the Legislative Assembly of Ontario's Select Committee on Financial Transparency.

## SELECT PUBLICATIONS AND PRESENTATIONS

- **A 2023 Snapshot: Through the Lens of Lenczner Slaght** – Lenczner Slaght launches *A 2023 Snapshot*, a look at the most significant developments, decisions, business takeaways, and trends in litigation from the last year, across 15 practice areas. Revisit 2023 and look ahead to 2024 through the lens of our expert litigators.
- **Administrative Law, Artificial Intelligence, and Procedural Rights** – Amy Goudge authored the article *Administrative Law, Artificial Intelligence, and Procedural Rights* which was published in Volume 42 of the Windsor Review of Legal and Social Issues.
- **Canadian Wine Law Association Annual Conference 2021** – Paul-Erik Veel discussed the constitutional and administrative law issues in food and beverage regulation, while taking a look at the decision of the Ontario Divisional Court in *Royal DeMaria v VQA Ontario*.
- **Vavilov in the age of the autocrat: Law as power that justifies itself** – Scott Rollwagen and Rebecca Jones co-authored the article "*Vavilov in the age of the autocrat: Law as power that justifies itself*", which appeared in the Fall 2020 Issue of The Advocates' Journal.
- **Prosecuting and Defending Professional Discipline Cases** – Rebecca Jones presented at OsgoodePD's Prosecuting and Defending Professional Discipline Cases program. Her panel provided tips and strategies on navigating a client through examinations, interviews and inquiries during the investigation phase of professional discipline cases.
- **Legal and Regulatory Issues in Disaster Psychiatry** – Colin Johnston spoke at the Inaugural Psychiatric Dimensions of Disasters Training Course hosted by the Ontario Medical Association. He spoke on the legal, ethical and regulatory issues in disaster psychology.
- **Advanced Administrative Law and Practice** – William McDowell was a guest speaker at the the Canadian Institute's Advanced Administrative Law and Practice conference. William spoke on ethics and administrative tribunals.
- **Libel and You, the Municipal Practitioner** – William C. McDowell

spoke at the annual conference of the International Municipal Lawyers Association in Canada (Advancing Excellence in the Practice of Local Government Law) held on May 29, 2014.

- **9th Annual Conference on Crown Liability** – Tom Curry presented on the Practical Economics of Litigating For or Against the Crown at the *9th Annual Conference on Crown Liability* hosted by Osgoode Professional Development Centre on April 30, 2013.
- **Law, ethics, and municipal government** – William C. McDowell spoke on a panel at the University of Toronto Faculty of Law conference Is there Planning Law or just City Politics? He was joined by Lorne Sossin – Dean, Osgoode Hall Law School. They offered differing perspectives on the Mississauga Judicial Inquiry.
- **Issue Estoppel Between Civil, Criminal and Administrative Proceedings** – Dena N. Varah discusses the topic at Osgoode's 7th Annual National Forum: Administrative Law & Practice.
- **Exploring the Limits of Public Interest** – Tom Curry co-authored the article *Exploring the Limits of Public Interest* for the December 10, 2010 issue of The Lawyers Weekly.
- **A New Direction in the Interpretation of Section 15(1)? A Case Comment on R. v. Kapp** – Paul-Erik Veel's article *A New Direction in the Interpretation of Section 15(1)? A Case Comment on R. v. Kapp* appeared in Volume 6 of the Journal of Law & Equality.

## BLOG POSTS

- **No Jordan Rules for Administrative Tribunals** – The Supreme Court of Canada's decision today in *Law Society of Saskatchewan v Abrametz* is a significant one for all lawyers practicing before administrative tribunals. In brief, the decision confirms that the three-part *Blencoe* test for delay and abuse of process in administrative proceedings continues in force. To establish that a delay rises to the level of abuse of process, a party must establish...
- **Private Practice and the Duties of Tribunal Counsel** – A recent decision of the Canadian International Trade Tribunal (CITT) provides rare guidance on the issues that can arise when counsel to an administrative tribunal enters private practice and begins to advise parties to matters before the tribunal. In *Certain Container Chassis*, the CITT rejected a motion seeking to remove counsel to a complainant because counsel had recently been employed by the Tribunal.
- **What's in a Name: Reflecting on Douglas Cardinal's Injunction in the Wake of Cleveland's Decision to Change the Franchise's Name** – On December 13, 2020, news broke that Cleveland's professional baseball team was changing its name. After the 2021 season, the Cleveland baseball team will no longer use the name "Indians".

- **“A Court of Law, Not a Policy Forum”: The Federal Court of Appeal weighs in on policy and the proper scope of intervenors’ submissions** – In 2017, the Canada Food Inspection Agency (the “CFIA”) determined that wines produced by Psagot Winery, a vineyard located within an Israeli settlement in the West Bank, could be sold in Canada with a “Product of Israel” label to meet “country of origin” labelling requirements required under the *Consumer Packaging and Labelling Act* and the *Food and Drugs Act*. This decision was challenged by Dr. David Kattenburg, a Canadian activist, on the basis that the wine was in fact produced on occupied Palestinian territory and not within Israel, making the labelling of “Product of Israel” false and misleading and therefore contrary to the applicable legislation.
- **The Greenhouse Gas Pollution Pricing Act and the National Concern Doctrine: A Rights-Based Approach?** – Over the past two days, the Supreme Court of Canada heard appeals from decisions of the Alberta, Saskatchewan, and Ontario Courts of Appeal on the constitutionality of the federal government’s *Greenhouse Gas Pollution Pricing Act* (the “GGPPA” or the “Act”).
- **“The revolution will be scrutinized”: Court Leaves Opening to Review the Decisions of Political Parties** – In recent years, aggrieved candidates have not had much luck seeking relief against their political parties in court. Courts have held that because unincorporated associations, such as political parties, do not exercise public authority, they are not subject to public law remedies like judicial review.
- **My Kingdom for a Horse: Rules Against Price Gouging Come to Ontario** – Laws against price-gouging have come to Ontario. On Saturday, March 28, 2020, the provincial government issued a press release announcing that it was enacting an Order to prohibit price-gouging. The press release announced that that Order “prohibits persons, including retailers, from selling necessary goods for unconscionable prices”. The press release also announced that the definition of unconscionable prices would be “consistent with well-established principles from the Consumer Protection Act.”
- **All I Want for Christmas Is a New Standard of Review: The Supreme Court Changes Course on the Standard of Review for Administrative Decisions** – In the season of giving the Supreme Court of Canada has given lawyers and legal scholars the greatest gift of all: a new approach to the standard of review.
- **The UKSC’s Prorogation Ruling and Its Implications for Public Law** – On September 24, 2019, the United Kingdom Supreme Court released a historic decision nullifying the recent prorogation of Parliament obtained on the advice of the British Prime Minister. The implications of the decision are potentially far-reaching as a matter of public law, even though the Court took pains to describe its decision as a “one off.”
- **Ontario Court of Appeal holds that federal legislation imposing minimum standards to reduce carbon emissions is constitutional** – In 2018, Parliament passed the *Greenhouse Gas Pollution Pricing Act* (the “Act”). The Act applies in provinces and territories that have not implemented sufficiently stringent carbon pricing mechanisms regarding greenhouse gas (“GHG”). Part 1 of the Act imposes a regulatory charge on carbon-based fuels; it applies, subject to several rules and exceptions, to fuels produced, delivered, used, distributed, or imported (“**Fuel Charge**”). Part 2 of the Act establishes a regulatory trading system applicable to large industrial GHG emitters. A credit is given to those who operate within their emissions’ limit. A charge is imposed on those who exceed it (“**Excess Emissions Charge**”).
- **Bazos v Bell Media Inc** – The recent Toronto municipal election

produced no shortage of last-minute court challenges and legal drama. One such dispute came between Bell Media and Faith Bazos (aka Faith Goldy)—the controversial mayoral candidate known for her far-right political views. The Court’s decision in *Bazos v Bell Media Inc*, released just six days before the election, addresses fundamental questions of jurisdiction between courts and administrative tribunals, as well as the circumstances in which the Court will exercise its discretion to grant injunctive relief in a matter which otherwise falls under a tribunal’s jurisdiction.

- **The Scope for Governance: The Broad Immunity for Core Policy Decisions from Civil Action** – When is the government entitled to act without the possibility of liability or subsequent second-guessing by the Courts? That was the very issue in a recent decision of the Ontario Court of Appeal that upheld a lower court’s decision striking out a misfeasance in public office claim against the Ontario Government relating to the 2015 decision to privatize Hydro One.
- **Highwood Congregation of Jehovah’s Witnesses (Judicial Committee) v Wall** – Until recently, there was some uncertainty as to whether, in some circumstances, the decisions of private organizations might be subject to judicial review.
- **Dissent on the Standard of Review: The SCC Splits on True Questions of Jurisdiction** – To what extent can, or should, courts review decisions by government decision-makers? Administrative law is all about finding the right balance.

The Supreme Court of Canada announced this spring it has plans to revisit that balance and the standard of review for administrative decisions in a trilogy of cases to be heard by the Court in the fall of 2018. Its recent decision in *West Fraser Mills Ltd v Workers’ Compensation Appeal Tribunal and Workers’ Compensation Board of British Columbia*, released last week, might hint at how.

- **Enforcing Foreign Civil Judgments in Favour of Victims of Terrorism: New Ground at the Court of Appeal** – The Ontario Court of Appeal has confirmed a robust and plaintiff-friendly framework for the recognition and enforcement of foreign judgments against state supporters of terrorism under the *Justice for Victims of Terrorism Act*, SC 2012 c 1 (the “JVTA”).
- **When is the government’s failure to fulfill its statutory obligations a negligent act?** – The interaction between a government’s statutory obligation and a common law duty of care can be a difficult area to navigate in negligence claims. In *Williams v Toronto*, the Ontario Court of Appeal held that, on the facts of that case, the failure of the City of Toronto to fulfil a statutory obligation was civilly actionable by residents. In so doing, the Court provides further guidance as to what surrounding circumstances can push such failures into the realm of negligence.
- **SCC says “not yet” to further admin law reform** – Yesterday’s decision from the *Supreme Court of Canada in Wilson v. AECL* will no doubt generate (and has already generated: e.g. here, here) significant commentary.
- **Want an injunction? It could cost you** – An interlocutory injunction is a valuable tool to maintain the status quo between parties, pending the resolution of litigation. Most disputes over whether an interlocutory injunction should be granted will depend on whether there will be “irreparable harm” if an injunction is not granted. However, as *Guelph Taxi v Guelph Police Service* shows, it is also critical that the party seeking an injunction give a meaningful undertaking to pay damages if the injunction is granted but the party is ultimately unsuccessful.
- **Kafkaesque Abuse of Power in Former B.C. Government** –

Misfeasance in public office is a difficult claim to prove. A successful action requires plaintiffs to demonstrate that a public officer engaged in deliberate misconduct knowing that such misconduct was likely to cause harm to the plaintiff. In many cases, evidence of the requisite mental element is lacking.

- **LCBO Loses Privacy Dispute over Wine Club Member Information** – The Liquor Control Board of Ontario has lost a protracted dispute with the Information and Privacy Commissioner (IPC) over its right to collect the personal information of wine club members in the recent case of *Liquor Control Board of Ontario v. Vin De Garde Wine Club*, 2015 ONSC 2537.
- **Relief from campaign finance rules may not be so hard to come by** – Relief from campaign finance rules may not be hard to come by if the wrongdoing was done in good faith. In *Obina v. City of Ottawa*, aspiring city councillor Lilly Obina was granted relief from penalty, despite contravening rules under the Municipal Elections Act (MEA) regarding the filing of financial statements for her 2010 campaign.

### SELECT NEWS ARTICLES

- **Chambers Canada Recognizes Lenczner Slaght as a Top-Tier Litigation Firm** – Canada’s leading litigation firm and its expert litigators continue to be recognized by world-renowned directory, Chambers & Partners.
- **Lenczner Slaght’s Litigation Excellence Recognized in 2023 Lexpert Directory** – Following comprehensive peer review surveys and interviews with senior members in the legal profession, the *2023 Canadian Legal Lexpert Directory* has recognized 31 of the firm’s expert litigators for their experience, knowledge, and precision, with 108 rankings spanning 17 practice areas.
- **Lenczner Slaght Successful for Annapolis at Supreme Court of Canada** – In *Annapolis Group Inc. v Halifax Regional Municipality*, our expert litigators were successful at the Supreme Court of Canada in reversing a decision of the Nova Scotia Court of Appeal granting summary judgment against Annapolis Group Inc. (“Annapolis”). The Supreme Court of Canada concluded that Annapolis’ claim for *de facto* expropriation (or, “constructive taking”, the term preferred by the majority of the Supreme Court) could proceed to trial. Peter Griffin, Scott Rollwagen, Rebecca Jones and Amy Sherrard were counsel to Annapolis Group, the successful appellant.
- **Lenczner Slaght Ranked Band 1 in Chambers Canada for 5th Consecutive Year** – Canada’s leading litigation firm and its expert litigators continue to be recognized in the latest edition of world-renowned directory, Chambers & Partners.
- **Lenczner Slaght Litigators Recognized Among the Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 39 of our expert litigators are recognized by their peers for their expertise across 24 practice areas.
- **Almost 40 City Witnesses for Inquiry Into Slippery Red Hill So Far** – Eli Lederman is quoted in The Hamilton Spectator article "Almost 40 City Witnesses for Inquiry Into Slippery Red Hill So Far". He comments on the cost, witnesses, and documents of the public inquiry into Hamilton’s Red Hill Valley Parkway.
- **Chambers Canada Recognizes Lenczner Slaght’s Litigation Excellence** – Canada’s leading litigation firm and its expert litigators continue to advance their position in the latest edition of world-renowned

directory, Chambers & Partners.

- **The 2021 Lexpert Directory Recognizes 30 Lenczner Slaght Lawyers** – An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.
- **Ottawa's carbon tax is constitutional, Supreme Court rules** – Interviewed by Canadian Lawyer Magazine, Rebecca Jones provides her comments on the Supreme Court of Canada decision in *Reference re Greenhouse Gas Pollution Pricing Act*.
- **Lenczner Slaght Recognized as a Top-Tier Litigation Firm by Chambers Canada** – Canada's leading litigation firm and its expert litigators continue to be recognized by world-renowned directory, Chambers & Partners.
- **Best Lawyers in Canada Recognizes Lenczner Slaght's Litigation Expertise** – Lenczner Slaght is proud to announce that 33 of our expert litigators are recognized in *Best Lawyers in Canada 2021*. Our lawyers received a total of 128 rankings, up from 100 in 2020.
- **Hamilton officials are sifting through 3 million documents in preparation for parkway inquiry** – Eli S. Lederman was quoted in the Hamilton News article "*Hamilton officials are sifting through 3 million documents in preparation for parkway inquiry*" on May 1.
- **Lexpert Highlights Lenczner Slaght's Professional Excellence** – Lenczner Slaght's litigators continue to be recognized by their peers as the foremost practitioners in their fields.
- **SCC overhauls administrative law, clarifies standard of review** – Margaret Robbins was interviewed for Canadian Lawyer's article *SCC overhauls administrative law, clarifies standard of review*. Margaret comments on the new framework for standard of review in administrative law cases following the long-awaited decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*.
- **Chambers Canada Recognizes Lenczner Slaght as a Top-Tier Litigation Firm** – Canada's leading litigation firm and its expert litigators continue to advance their position in the latest edition of world-renowned directory, Chambers Canada, with nine new rankings.
- **Best Lawyers in Canada Recognizes Lenczner Slaght with 100 Rankings** – In the latest edition of *Best Lawyers in Canada*, 28 Lenczner Slaght lawyers earned a total of 100 rankings, up from 86 in 2019.
- **'Conquered people' document release case back in Nova Scotia Appeal Court** – Rebecca Jones was quoted in The Chronicle Herald article "*'Conquered people' document release case back in Nova Scotia Appeal Court*".
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- **Hamilton Mayor Fred Eisenberger says community needs to be patient with judicial inquiry process** – In this Hamilton News article, Eli S. Lederman comments on the decision to launch a judicial inquiry into Red Hill Valley Parkway.
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- **Red Hill judicial probe: what happens next?** – In the Hamilton Spectator, Eli S. Lederman shares his expert opinion regarding a judicial inquiry into Red Hill Valley Parkway.
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- **Hamilton councillors want 'complete truth' as they approve Red Hill Parkway judicial inquiry** – The Hamilton News shares Eli S. Lederman's expert advice provided to Hamilton's city council on whether to

proceed with a judicial inquiry into the Red Hill Valley Parkway report.

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- **Hamilton will spend millions to do judicial inquiry into Red Hill Valley Parkway report** – In this CBC News Report, Eli S. Lederman comments on the Hamilton city council's decision to launch a judicial inquiry into the Red Hill Valley Parkway report.
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- **Lenczner Slaght Litigators Ranked in Best Lawyers in Canada** – Canada's leading litigation firm is proud to announce that 25 of the firm's 58 lawyers have been recognized in the *Best Lawyers in Canada 2019* publication across multiple categories.
- **Collingwood calls for judicial inquiry into 'serious questions' about public utility sell-off** – William C. McDowell is mentioned in the CBC News article *Collingwood calls for judicial inquiry into 'serious questions' about public utility sell-off* on February 27, 2018.
- **Collingwood council calls for judicial inquiry into 2012 hydro sale** – William C. McDowell is quoted in the article *Collingwood council calls for judicial inquiry into 2012 hydro sale* which was published by Simcoe.com.
- **Lenczner Slaght Ranked Among the Best** – Almost half of the leading litigation firm's lawyers are recognized in the *Best Lawyers in Canada*.
- **Darnley v Thompson** – Ontario Superior Court of Justice dismisses all allegations against the Mayor of Caledon in an application brought pursuant to the *Municipal Conflict of Interest Act*.
- **Ontario Court of Appeal allows 407 ETR's appeal in 407 ETR Concession Company Limited v. Ira Day** – Tom Curry and Rebecca Jones of Lenczner Slaght acted as counsel for 407 ETR before the Court of Appeal for Ontario in a case concerning the limitation period applicable to 407 ETR debts.
- **York University Succeeds in Fraud Claim Against Former Executive** – Following a lengthy trial, the Ontario Superior Court of Justice has determined that former York employees played key roles in several significant frauds.
- **20 Lenczner Slaght Lawyers Recognized in 2015 Lexpert Directory** – Recognized by Canadian Legal Lexpert® Directory as leading practitioners.
- **Peter Griffin retained to act as a Facilitator in review of the First Nations Cigarette Allocation System** – The Ministry of Finance of Ontario has retained two independent expert facilitators to lead the formal review.
- **London school board failed in response to sexual assault, jury finds** – Naomi Loewith and Ian MacLeod win a significant jury verdict for a female high school student with developmental disabilities who was sexually assaulted. Lenczner Slaght acted pro bono in the action against the Thames Valley District School Board, which was responsible for supervising the student and for complying with its duties after the assault. The jury concluded that the Board had failed to meet the standard of care in dealing with the aftermath of the assault.
- **The failed Caribbean casino deal** – William McDowell was quoted on behalf of Mr. Michael DeGroot in the Globe and Mail and the National Post on January 23, 2015 regarding the bitter dispute over a US\$112-million investment in Caribbean casinos which placed one of Canada's wealthiest businessmen, at the centre of bizarre accusations of Mafia exploitation, death threats and fraud.
- **Lenczner Slaght Welcomes Four New Associates** – Canada's leading



litigation practice grows to 53 lawyers.

- **Art of the Case: How the Chatr Wireless case avoided incivility despite the high stakes** – Tom Curry, Jaan Lilles and Paul-Erik Veel were quoted in the September, 2014 issue of Lexpert Magazine in relation to Commissioner of Competition v. Rogers Communications Inc. et al.
- **23 Lenczner Slaght Lawyers Ranked Among the Best** – Nearly half of the firm's 49 lawyers are ranked as leading practitioners and two named "Lawyer of the Year" in the latest Best Lawyers in Canada Directory.
- **Lenczner Slaght Welcomes Two New Partners** – Canada's leading litigation practice grows to 20 partners with newest additions.
- **Lenczner Slaght in Top Tier and 11 Lawyers Ranked as Stars** – Canada's leading litigation practice also wins two national impact cases.
- **Municipal Election Spending Strangely Exempt from Oversight** – Paul-Erik Veel's article on the topic appeared in the Toronto Star on February 8, 2013.
- **A Victory for Ford and The Rule of Law** – Alan Lenczner and Andrew Parley's successful representation of Toronto Mayor, Rob Ford, in the application brought against him alleging that he breached the Municipal Conflict of Interest Act is featured in the Financial Post.
- **Lenczner Slaght Lawyers Win Top Peer Ratings** – Recognized by Canadian Legal Lexpert Directory as leading practitioners.
- **Justice on the Charter** – Ian Binnie, K.C. speaks to Heather Hiscox on CBC News Now about the *Charter of Rights and Freedoms*.
- **House Additions- Charter of Rights and Freedoms, mandatory minimums and judicial activism.** – Ian Binnie, K.C. speaks to Evan Soloman on CBC's radio show The House and shares his thoughts on the impact of the *Charter of Rights and Freedoms*, mandatory minimums and judicial activism.
- **Mississauga Inquiry Set to Begin** – Mississauga Inquiry set to begin with William C. McDowell as Commission Counsel.
- **Mayor Hazel McCallion's Son wants city to pay tab** – Mississauga Judicial Inquiry - a great deal remains unknown" William C. McDowell. The City of Mississauga Judicial Inquiry opened on Monday, December 14, 2009, and is now adjourned for preparatory investigative work. The Inquiry is to resume no later than March 1, 2010.
- **Superior Court of Ontario Appoints Judicial Inquiry Commissioner** – William C. McDowell has been appointed as Commission Counsel, and Naomi D. Loewith has been named Associate Commission Counsel, to the judicial inquiry to be conducted into the potential conflicts of interest with respect to the City of Mississauga's purchase of lands within the City Centre.