Eli S. Lederman
416-865-3555
elederman@litigate.com

May 25, 2015

Did the Supreme Court clarify or muddy the duty of good faith?

Eli Lederman was quoted in the May, 2015 issue of Lexpert Magazine in relation to his involvement and his insight into the decision in Bhasin v. Hrynew et al.

In Bhasin v. Hrynew, the SCC tried to make Canadian contract law more settled, fair and closely aligned with parties' reasonable expectations. But does the decision clarify the law or muddy the waters?...

...For the first time in common-law Canada, the court recognized that contracting parties have a legal duty to perform their contractual obligations honestly and with regard to the legitimate expectations of the other parties. The origin of that duty could be found in a general "organizing principle" of good faith performance...

..."Although the decision doesn't give any specifics about when the parties can try to limit the need to communicate honestly, I do think it will change the way contracts are drafted," Lederman at Lenczner Slaght says.

Continue reading: http://lexpert.ca/article/did-the-supreme-court-clarify-or-muddy-the-duty-of-good-faith/?p=&sitecode=lexblog