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Expanding the duty of good faith

SCC has blown wide open the grounds for a contractual dispute

Eli Lederman's article appears in the January 30, 2015 issue of the Lawyers Weekly published by Lexis Nexis Canada Inc. This article discusses the Supreme Court of Canada decision in Bhasin v. Hrynew et al.

"The Supreme Court of Canada's landmark decision in *Bhasin v. Hrynew* [2014] S.C.J. No. 71, makes it clear that there is now a common law duty to act honestly in the performance of all contractual obligations. Previously, duties of good faith had been recognized in particular types of contracts (for example, in employment, insurance and franchise agreements), with respect to particular types of contractual provisions (as in contractual clauses which provide for the exercise of discretionary powers) and in particular types of contractual relationships..."

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