

Paul-Erik Veel
416-865-2842
pveel@litigate.com

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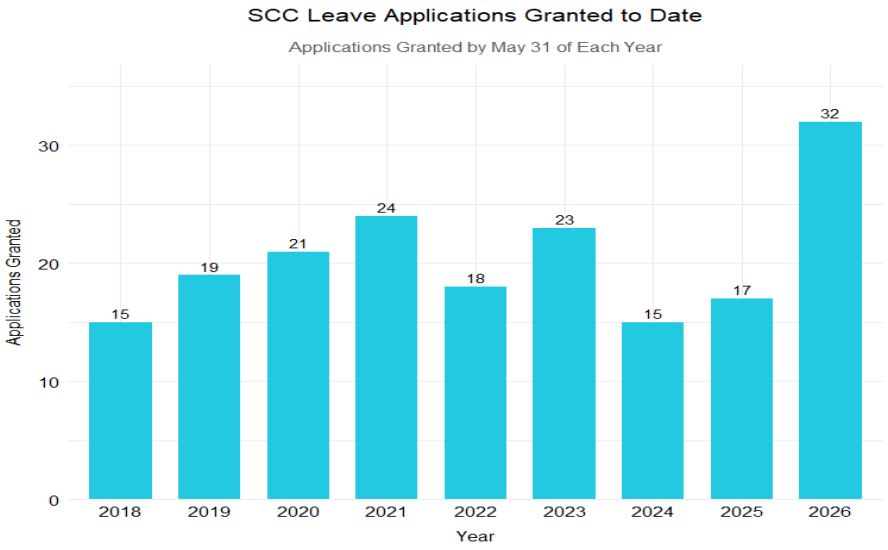
# Has the Supreme Court of Canada Decided to Hear More Cases?

We have previously noted (here and here) that, over the last several decades, the Supreme Court of Canada has heard and decided fewer cases than it once did. That long-term decline has become even more pronounced since the onset of the pandemic. Since 2020, the Court has never decided more than 60 cases in a year. In 2025, it decided just 45.

That figure overstates the size of the Court's discretionary docket. Once appeals as of right are removed, the number of cases addressing issues of national importance is smaller still. For litigants, counsel, lower courts, and the development of Canadian law, this matters. A smaller discretionary docket means fewer opportunities for national guidance, fewer occasions for the Court to resolve conflicting appellate authority, and fewer moments in which legal doctrine is clarified across the country.

## The Court Is Granting Leave More Frequently

The early data from 2026 suggests that something may be changing. Many observers have noticed that the Supreme Court appears to have granted leave more frequently in the first part of 2026. Our data confirms that impression. We looked at the number of leave applications granted by the Supreme Court through May 31 of each year, going back to 2018, when our dataset begins. By May 31, 2026, the Court had already granted leave in 32 cases.



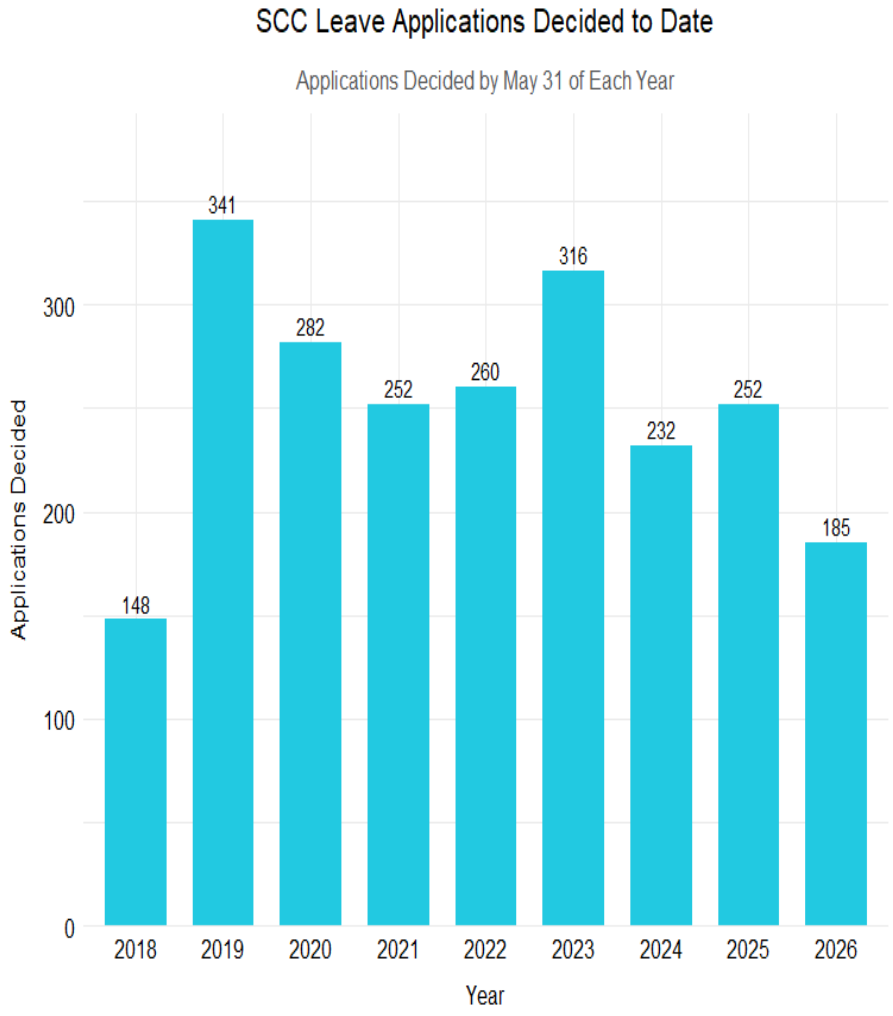

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That is a striking figure. It is nearly double the number of cases by the same point in 2025, and approximately one-third higher than the previous year-to-date high in our dataset (2021). On its face, the Court appears to be creating a materially larger pipeline of future appeals than it has in recent years.

**The “Why” Behind the Numbers**

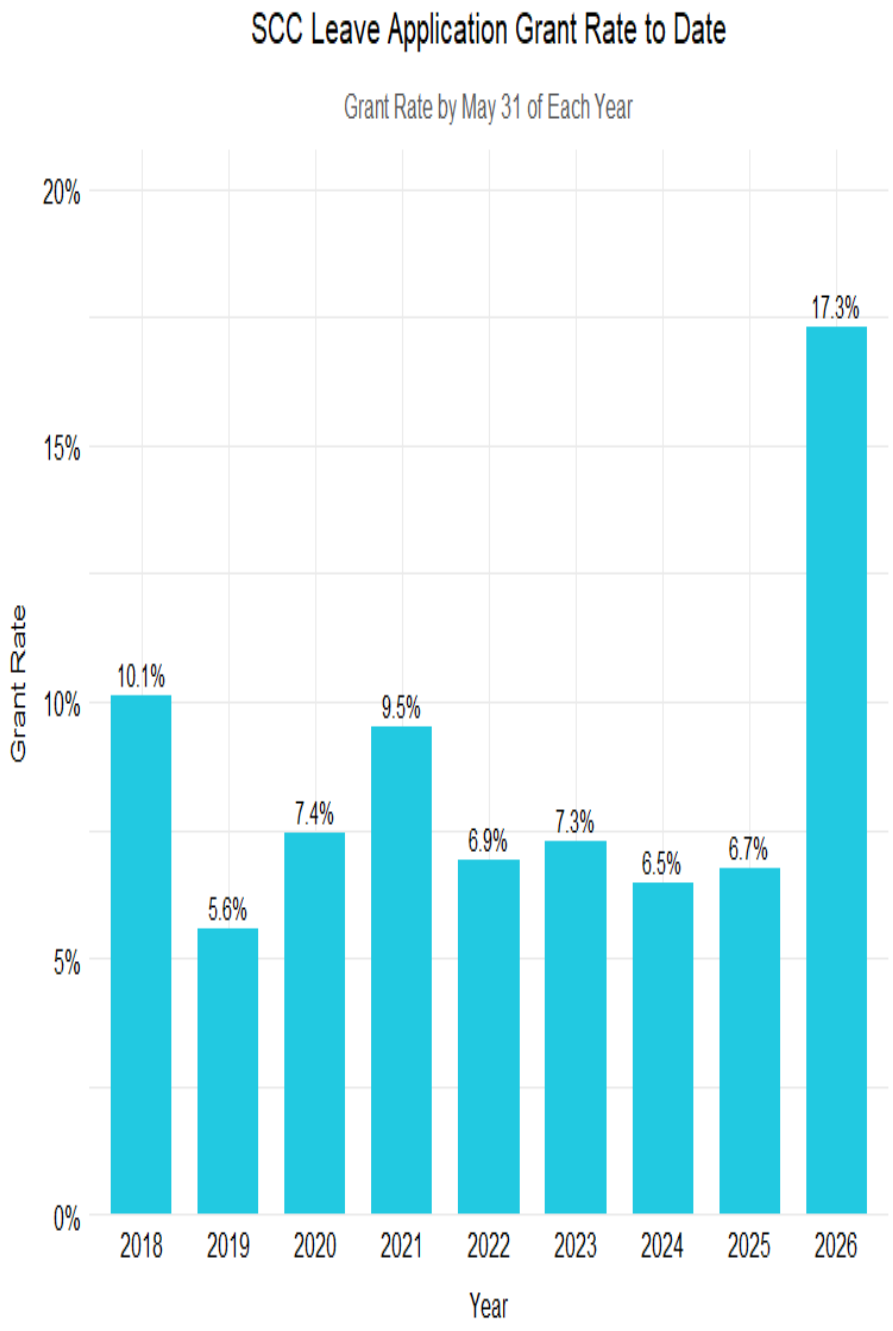
The more interesting question is why. One possible explanation: the Court is simply deciding more leave applications. If the Court were processing a larger number of applications, a larger number of grants might follow even if the underlying grant rate remained unchanged. But that is not what the data shows.

Through May 31, 2026, the Supreme Court decided only 185 leave applications. That is the second-lowest year-to-date number in our dataset, and significantly lower than in several recent years. In other words, the increase in granted leaves is not being driven by a larger volume of leave decisions. The Court is not granting more cases because it is deciding more applications.



Instead, the Court is granting leave in more cases because it is granting a much higher proportion of the applications it decides.

Year to date, the Supreme Court has granted leave in approximately 17% of leave applications. That is nearly two and a half times the year-to-date grant rate in 2025 and far higher than any other year in our dataset. The effect is even more pronounced once self-represented applicants are excluded. Among cases in which the applicant was represented by counsel, almost one in four applications was granted leave in the first five months of 2026.



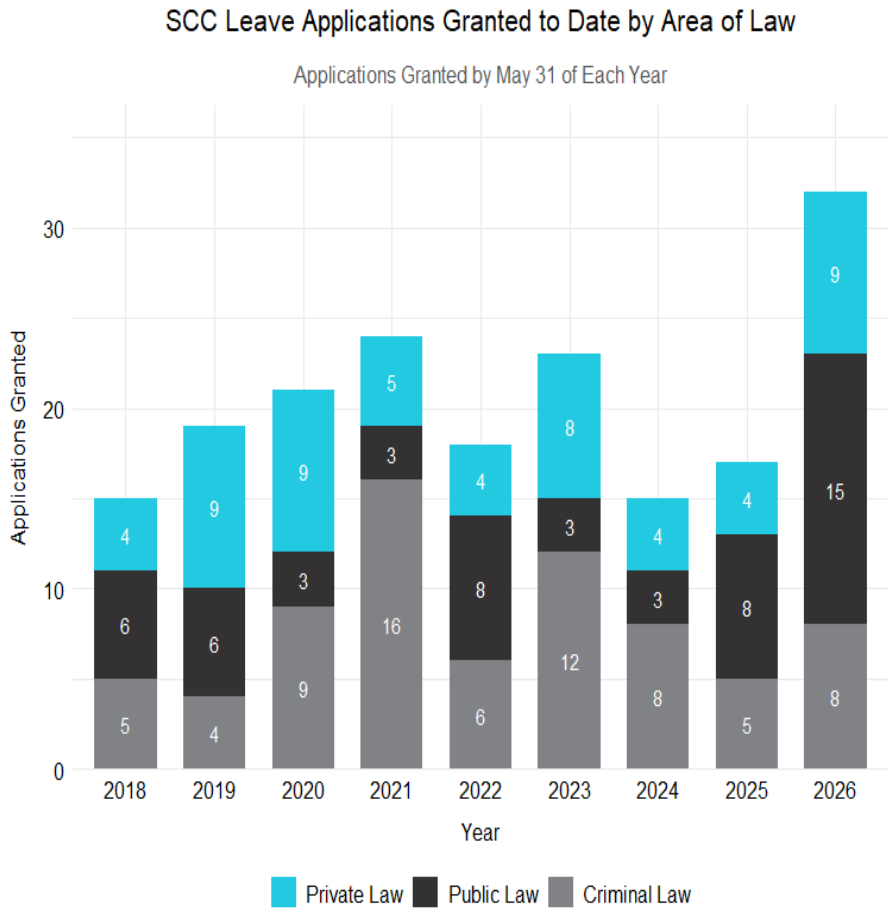
That is an extraordinary number. It suggests the Court's early 2026 leave decisions are not simply a statistical blip caused by a larger intake or a heavier decision schedule. They reflect a materially different relationship between the applications decided and the applications granted.

**Where the Growth Is**

The composition of those grants is also revealing. The increase is not being driven primarily by criminal law cases. Through May 31, 2026, leave had been granted in eight criminal cases, which is broadly consistent with historical patterns. Criminal law has long represented a substantial portion of the Supreme Court's docket, both through leave applications and appeals as of right. The 2026 criminal law numbers do not, by themselves, suggest a major shift.

The more notable movement is in public law and private law:

- **Public Law**: 15 leave applications granted by May 31, exceeding any prior year-to-date figure in our dataset
- **Private Law**: 9 leave applications granted by May 31, tying previous year-to-date highs in our dataset

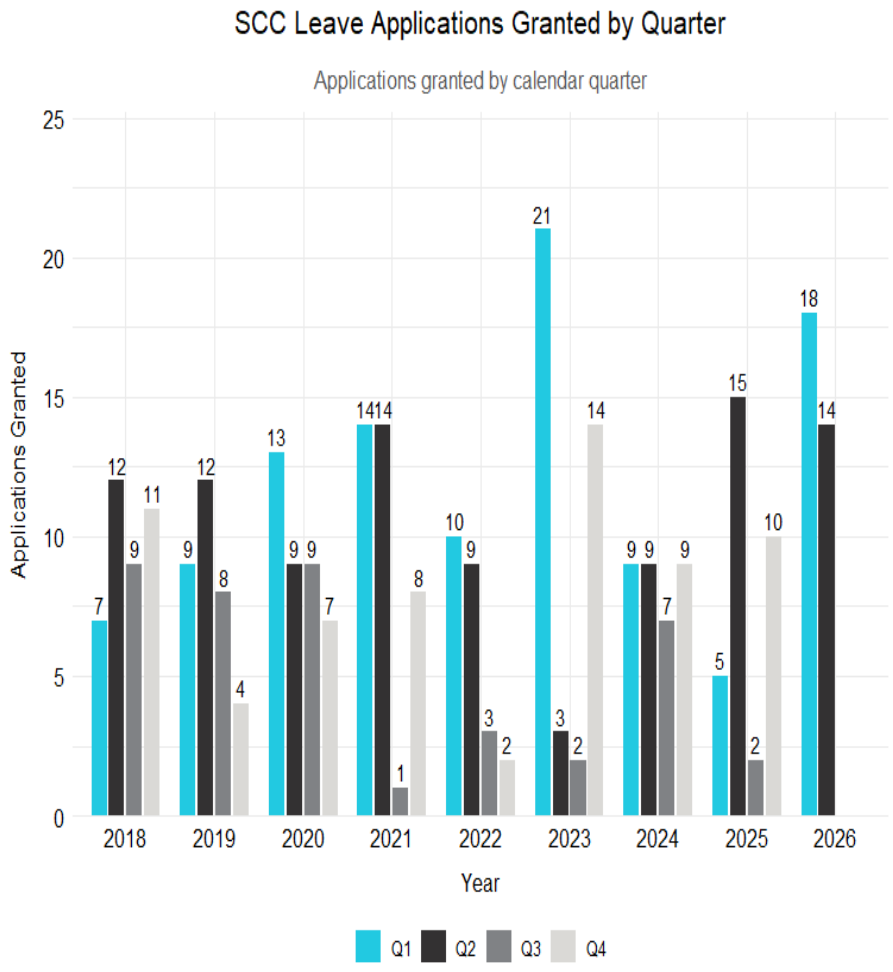


That matters because a larger docket is not just about volume. It is also about what kinds of legal questions the Court chooses to hear. Growth in public law and private law cases may indicate a Court that is seeking to provide more guidance outside the criminal law context. If that pattern continues, it could have significant implications for administrative law, constitutional litigation, commercial disputes, tort law, class actions, regulatory matters, and other areas where national guidance from the Supreme Court would be valuable.

**Reasons for Caution**

There are, however, important reasons for caution. Leave grants can vary substantially from quarter to quarter. A busy start to the year does not necessarily mean the pace will continue.

The data contains examples of both patterns. In 2023, for instance, the Court granted leave in 21 cases in the first quarter, suggesting a very active year ahead. But in the next two quarters combined, it granted leave in only five more cases. Other years show a more even distribution across quarters.



That quarter-to-quarter variability means the 2026 data should not be mechanically annualized. A strong first five months does not guarantee a record-setting year, nor does it allow us to say with certainty that the Court has made a deliberate institutional decision to expand its docket. Leave decisions are affected by many factors, including the quality of the applications, the mix of issues reaching the Court, and the Court's own internal assessment of where guidance is most needed.

**What This Means**

Still, the data is difficult to ignore. Through the end of May 2026:

- The Court has granted leave in far more cases than usual by this point in the year.
- It has done so while deciding relatively few leave applications overall.
- The grant rate is materially higher than in previous years.
- The increase is especially pronounced among represented applicants.
- The growth is concentrated in public law and private law, not criminal law.

Taken together, the data is consistent with the possibility that the Supreme Court is deliberately rebuilding its docket. This may suggest a Court that is more willing than in recent years to hear cases raising issues of broader legal significance, particularly outside the criminal law sphere.

If that is right, it would be a welcome development. A smaller Supreme Court docket has real consequences. It leaves more legal questions left unresolved, and it reduces the number of occasions on which the Supreme Court speaks to the development of the law across the country. A larger and more diverse docket would not simply mean more appeals. It would mean more opportunities for clarification, harmonization, and legal development.

It is too early to know whether 2026 marks the beginning of a sustained shift or an unusually active period that will normalize over the rest of the year. But through the end of May, the data points in one direction: the Supreme Court of Canada is granting leave more often, and it may be preparing to hear a larger and broader set of appeals than it has in recent years. For anyone interested in the future direction of legal developments across Canada, that is worth watching closely.