

CCAT Judicial Review Update Webinar

Justice David Stratas, Federal Court of Appeal; Prof Paul Daly, University of Ottawa

Correctness Review

Constitutional Questions

Sharp v. Autorité des marchés financiers, [2023 SCC 29](#) – [noted here](#)

Société des casinos du Québec inc. v. Association des cadres de la Société des casinos du Québec, [2024 SCC 13](#) - [noted here](#)

York Region District School Board v. ETFO, [2024 SCC 22](#) – [noted here](#) and [here](#)

Galderma Canada Inc. v. Canada (Attorney General), [2024 FCA 208](#), noted [here](#)

International Law

Zoghbi v. Air Canada, [2024 FCA 123](#)

The End of Deference in the United States

Loper Bright Enterprises v. Raimondo, [603 US _____](#) (2024)

Reasonableness Review

Charter Values

Commission scolaire francophone des Territoires du Nord-Ouest v. Northwest Territories (Education, Culture and Employment), [2023 SCC 31](#) – [noted here](#)

Sullivan v. Canada (Attorney General), [2024 FCA 7](#)

Singh Brar v. Canada (Public Safety and Emergency Preparedness), [2024 FCA 114](#)

Legal and Factual Constraints

Ontario (AG) v. Ontario (IPC), [2024 SCC 4](#) – [noted here](#)

Canadian Frontline Nurses v. Canada (Attorney General), [2024 FC 42](#) – [noted here](#)

Pepa v. Canada (Citizenship and Immigration), [2023 FCA 102](#) (SCC [40840](#))

Piché c. Entreprises Y. Bouchard & Fils inc., [2024 QCCA 1374](#) – [noted here](#)

Constitutional Foundations of Judicial Review

Appeals and Judicial Review

Yatar v. TD Insurance Meloche Monnex, [2024 SCC 8](#) – [noted here](#)

Democracy Watch v. Canada (Attorney General), [2024 FCA 158](#) – [noted here](#)

Remedial Discretion

R. (Imam) v. London Borough of Croydon, [\[2023\] UKSC 45](#) – [noted here](#)

Re McAleenon's Application for Judicial Review, [\[2024\] UKSC 31](#)

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Reviewing Regulations

Reasonableness Review

Auer v. Auer, [2022 ABCA 375](#) (SCC [40582](#)) – [noted here](#)

TransAlta Generation Partnership v. Alberta (Minister of Municipal Affairs), [2022 ABCA 381](#) (SCC [40570](#)) – [noted here](#)

Portnov v. Canada (Attorney General), [2021 FCA 171](#) – [noted here](#)

Innovative Medicines Canada v. Canada (Attorney General), [2022 FCA 210](#)

Discrimination

GSI Global Shelters Developments Ltd. v. Rural Municipality of Last Mountain Valley No. 250, [2024 SKCA 30](#) – [noted here](#)

Canadian Natural Resources Limited v. Fishing Lake Metis Settlement, [2024 ABCA 131](#) – [noted here](#)

Procureur général du Québec c. Kanyinda, [2024 QCCA 144](#) – [noted here](#)

Lauzon-Foresterie (Fiducie) c. Municipalité de L'Ange-Gardien, [2024 QCCA 506](#) – [noted here](#)

Regulatory Conduct

Procedural Fairness

Teksavvy Solutions Inc. v. Bell Canada, [2024 FCA 121](#) – [noted here](#)

Neustaedter v. Alberta (Labour Relations Board), [2024 ABCA 238](#) – [noted here](#)

Alta Link Management Ltd v. Alberta Utilities Commission, [2023 ABCA 325](#) – [noted here](#)

Justiciability

Air Passenger Rights v. Canada (Attorney General), [2024 FCA 128](#) – [noted here](#)

Harold the Mortgage Closer Inc. v. Ontario (Financial Services Regulatory Authority, Chief Executive Officer), [2024 ONSC 4464](#) – [noted here](#)

Khorsand v. Toronto Police Services Board, [2024 ONCA 597](#)

Nova Scotia Health Authority v. Finkle and West, [2024 NSCA 87](#)

Transparency

Canadian Broadcasting Corporation v. Canada (Parole Board), [2023 FCA 166](#) – [noted here](#)

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R. (Northumbrian Water Ltd) v. Water Services Regulation Authority, [\[2024\] EWCA Civ 842](#)

Conway v. An Bord Pleanala, [\[2024\] IESC 34](#) – [noted here](#)

State Liability

Trump v. United States, 603 US _____ (2024)

Nelson (City) v. Marchi, [2021 SCC 41](#), [2021] 3 SCR 55

Canada (Attorney General) v. Power, [2024 SCC 26](#)

Judicial Review Procedure

Service

Environmental Defence Canada Inc. v. Alberta, [2024 ABKB 265](#) – [noted here](#)

Proof

LPDT v. Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, [\[2024\] HCA 12](#) – [noted here](#)

Standing

Westjet v. Lareau, [2024 FCA 77](#)

The Office of the Information and Privacy Commissioner for British Columbia v. Airbnb Ireland UC, [2024 BCCA 333](#)

Victoria Gold Corp v. Yukon Water Board, [2024 YKSC 49](#)

Powell River Energy Inc. v. British Columbia (Utilities Commission), [2024 BCCA 327](#)

Leave

West Whitby Landowners Group Inc. v. Elexicon Energy Inc., [2024 ONCA 910](#)

Davis v. Aviva General Insurance Company, [2024 ONCA 944](#)

Further Reading

David Stratas, *The Canadian Law of Judicial Review: Some Doctrine and Cases* (SSRN)

Paul Daly, *Administrative Law Matters*

Mark Mancini, *The Sunday Evening Administrative Review*

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Added resources during presentation:

Mombourquette v. Canada (Attorney General), [2024 FC 2093](#) (CanLII),

Society of Composers, Authors and Music Publishers of Canada v. Entertainment Software Association, [2022 SCC 30](#) (CanLII)

9354-9186 Québec inc. v. Callidus Capital Corp., 2020 SCC 10 (CanLII), [2020] 1 SCR 521: SCC on interpreting the Charter in accordance with *Big M Drug Mart* (1985)

Re McAleenon's Application for Judicial Review, [2024] UKSC 31
<https://www.supremecourt.uk/cases/uksc-2023-0092>

Apotex Inc. v. Canada (Attorney General) (C.A.), 1993 CanLII 3004 (FCA), [1994] 1 FC 742, <https://canlii.ca/t/4nmr>

Re Apotex (FCA) - was adopted, including reasoning, by SCC in [1994] 3 SCR 1100. This remains our leading case on mandamus. But see *Le Bon (FCA)* which recently expanded it for severe maladministration.

Katz Group Canada Inc. v. Ontario (Health and Long-Term Care), 2013 SCC 64 (CanLII), [2013] 3 SCR 810, <https://canlii.ca/t/g1z1v>

Law Society of Saskatchewan v. Abrametz, [2022 SCC 29](#) (CanLII),

Canada (Attorney General) v. Power, [2024 SCC 26](#)

Related *Mackin v. New Brunswick (Minister of Finance)*; *Rice v. New Brunswick*, [2002] 1 S.C.R. 405, [2002 SCC 1](#)