

Evans, Janisch, Mullan & Risk,
Administrative Law: Cases, Text and Materials (5th ed.)

Supplementary Materials – Fall 2006

Chapter 4

Add at 143: *Congrégation des témoins de Jéhovah de St-Jérôme-Lafontaine v. Lafontaine (Village)*, [2004] 2 S.C.R. 650; *Canadian Pacific Railway Co. v. Vancouver (City)*, [2006] 1 S.C.R. 227, at paras. 38-41.

Add at 215: *Authorson v. Canada (Attorney General)*, [2003] 2 S.C.R. 40.

Add at 276: For an elaboration of the duty of consultation owed by governmental authorities (including tribunals and agencies) when engaged in decision-making with a potential impact on First Nation rights and interests, see *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, [2005] 3 S.C.R. 388.

Chapter 5

Add at 357: *Pritchard v. Ontario (Human Rights Commission)*, [2004] 1 S.C.R. 809.

Add at 360: *May v. Ferndale Institution*, [2005] 3 S.C.R. 809, at paras. 89-120, holding that *Stinchcombe* has no direct application in an administrative law setting but proceeding to establish appropriate standards of prehearing disclosure in the context of penitentiary transfer decisions and the rules on which such transfers are effected.

Chapter 7

Add at 623: *Bell Canada v. Canadian Telephone Employees' Association*, [2003] 1 S.C.R. 884.

Chapter 9

Add at 752: *Voice Construction Ltd. v. Construction & General Workers' Union, Local 92*, [2004] 1 S.C.R. 609

(See also *Alberta Union of Public Employees v. Lethbridge Community College*, [2004] 1 S.C.R. 727.)

Add at 790: *Administrative Tribunals Act*, S.B.C. 2004, c. 45, ss. 58-59.

(See also *Mugesera v. Canada (Minister of Citizenship & Immigration)*, [2005] 2 S.C.R. 200, at paras. 35-38.)

Add at 812, note 1:

In recent years, a number of matters have reached the Supreme Court of Canada in which the issue has been that of dueling jurisdictions. Is this a matter over which each of the competing tribunals (including on occasion a court) has jurisdiction, and, if not, which one, has it? These issues tend also to be determined on a correctness basis: see *Bisaillon v. Concordia University*, 2006 SCC 19; *Tranchemontagne v. Ontario (Director, Disability Support Program)*, 2006 SCC 14; *Isidore Garon ltée v. Tremblay; Fillion et Frères (1976) inc. v. Syndicat national des employés de garage du Québec inc.*, [2006] 1 S.C.R. 27; *Canada (House of Commons v. Vaid)*, [2005] 1 S.C.R. 667; *Vaughan v. Canada*, [2005] 1 S.C.R. 146; *Quebec (Commission des droits de la personne et des droits de la jeunesse)*, [2004] 1 S.C.R. 185; *Quebec (Attorney General) v. Quebec (Human Rights Tribunal)*, [2004] 2 S.C.R. 223; *Parry Sound (District) Social Services Administration Board v. O.P.S.E.U., Local 324*, [2003] 2 S.C.R. 157; *Goudie v. Ottawa (City)*, [2003] 1 S.C.R. 141; *Regina Police Association Inc. v. Regina (City) Board of Police Commissioners*, [2000] 1 S.C.R. 360; *Weber v. Ontario Hydro*, [1995] 2 S.C.R. 929; *St. Anne Nackawic Pulp & Paper Co. v. Canadian Paper Workers' Union, Local 219*, [1986] 1 S.C.R. 704.

Add at 822:

For other recent standard of review analyses, see *ATCO Gas & Pipelines Ltd. v. Alberta (Energy & Utilities Board)*, [2006] 1 S.C.R. 140 (notable for the deep cleavage between the majority and the minority positions); *Monsanto Canada Inc. v. Ontario (Superintendent of Financial Services)*, [2004] 3 S.C.R. 152; *Society of Composers, Authors and Music Publishers of Canada v. Canadian Association of Internet Providers*, [2004] 2 S.C.R. 427, at paras. 48-50; *Cartaway Resources Corp. (Re)*, [2004] 1 S.C.R. 672, at paras. 43-51; *Pinet v. St. Thomas Psychiatric Hospital*, [2004] 1 S.C.R. 528 (in a Charter context); *United Taxi Drivers' Fellowship of Southern Alberta v. Calgary (City)*, [2004] 1 S.C.R. 485, at para. 5; *I.A.T.S.E., Stage Local 56 v. Société de la Place des Arts de Montréal*, [2004] 1 S.C.R. 43, at paras. 11-16; *Toronto (City) v. C.U.P.E., Local 79*, [2003] 3 S.C.R. 77 (where LeBel J. (Deschamps J. concurring) expresses strong support for the idea of two, rather than three standards of review, an argument he and she were to repeat in *Voice Construction, supra*); *Barrie (Public Utilities Commission) v. Canadian Cable Television Assn.*, [2003] 1 S.C.R. 476; *Canada (Information Commissioner) v. Canada (Commissioner of the Royal Canadian Mounted Police)*, [2003] 1 S.C.R. 66; *Chamberlain v. Surrey School District No. 36*, [2002] 4 S.C.R. 710; *Macdonell v. Quebec (Commission d'accès à l'information)*, [2002] 3 S.C.R. 611; *Chieu v. Canada (Minister of Citizenship and Immigration)*, [2002] 1 S.C.R. 84; *Moreau-Bérubé v. New Brunswick (Judicial Council)*, [2002] 1 S.C.R. 249.

Chapter 11

Omit *Cooper v. Canada (Human Rights Commission)*, 916-32.

Substitute *Nova Scotia (Workers' Compensation Board) v. Martin*, [2003] 2 S.C.R. 504, at paras. 27-65.

Add at 932: *Administrative Tribunals Act*, S.B.C. 2004, c. 45, ss. 43-45; *Administrative Procedures and Jurisdiction Act*, R.S.A. 2000, c. A-3, ss. 10-16, as amended by S.A. 2005, c. 4. These provisions place severe constraints on the ability of Alberta and British Columbia tribunals to deal with constitutional (including *Charter* questions). Incidentally, s. 2 of S.A. 2005, c. 4, changed the title of the Alberta *Administrative Procedures Act* to the *Administrative Procedures and Jurisdiction Act*.

(See also *Paul v. British Columbia (Forest Appeals Commission)*, [2003] 2 S.C.R. 585, at paras. 36-45; *Okwuobi v. Lester B. Pearson School Board*, [2005] 1 S.C.R. 257, at paras. 24-40; and *Tranchemontagne v. Ontario (Director, Disability Support Program)*, 2006 SCC 14 (on the entitlement of tribunals to deal with conflicts between their constitutive legislation and other legislation).)

Add at 945: *Multani v. Commission scolaire Marguerite-Bourgeoys*, [2006] 1 S.C.R. 256 (asserting a universal standard of correctness review for all constitutional questions). However, *cf. Pinet, supra*, seemingly accepting the need for deference to certain species of fact assessment and exercises of discretion implicating *Charter* rights and freedoms.

Chapter 12

Add at 968: *C.U.P.E. v. Ontario (Minister of Labour)*, [2003] 1 S.C.R. 509.

Chapter 13

Add at 1147: *May v. Ferndale Institution*, [2005] 3 S.C.R. 809 (reaffirming the role of the provincial superior courts in the supervision of federal penitentiaries by way of *habeas corpus* with *certiorari* in aid).

Chapter 14

Add at 1241: *Ontario (Children's Lawyer) v. Ontario (Information and Privacy Commissioner)* (2005), 196 O.A.C. 350 (C.A.)

(See also *Chrétien v. Canada*, 2005 FC 591.)

Chapter 16

Add at 1346: For more recent authority on the application of the principles of unjust enrichment to statutory authorities, see *Pacific National Investments Ltd. v. Victoria*

(City) (2004), [2005] 1 S.C.R. 265; *Garland v. Consumers' Gas Co.*, [2004] 1 S.C.R. 629.

Add at 1373: See also *Les Entreprises Sibeca Inc. v. Frelighsburg (Municipality)*, 2004 SCC 61.

Add at 1406: *Finney v. Barreau du Québec*, [2004] 2 S.C.R. 17.

(See also *Odhavi Estate v. Woodhouse*, [2003] 3 S.C.R. 263.)

David Mullan,
Emeritus Professor,
Faculty of Law,
Queen's University
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