

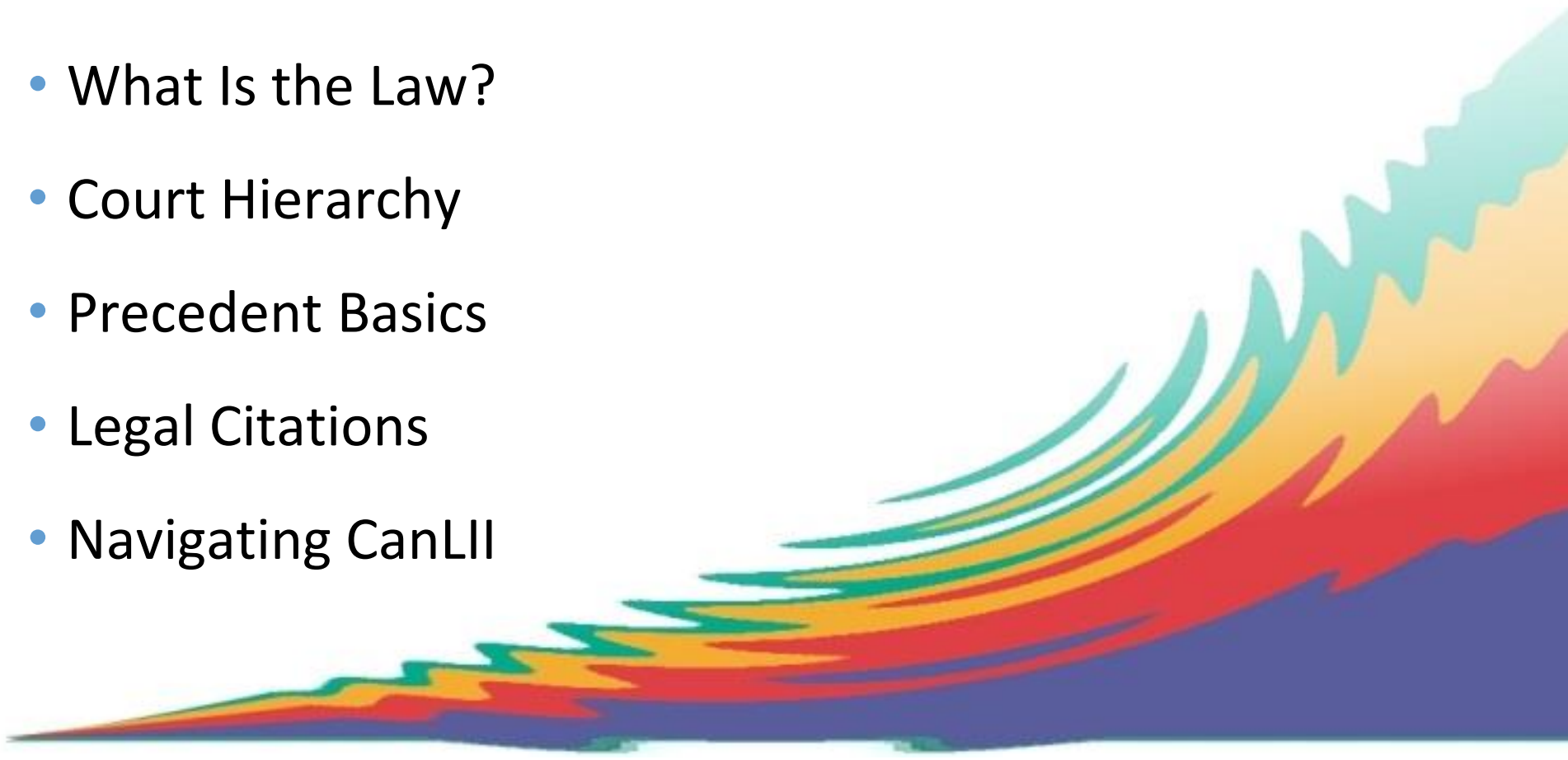
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Overview

- Who Are We?
- What Is CanLII?
- What Is the Law?
- Court Hierarchy
- Precedent Basics
- Legal Citations
- Navigating CanLII



Who Are We?

- The Law Society of Saskatchewan:
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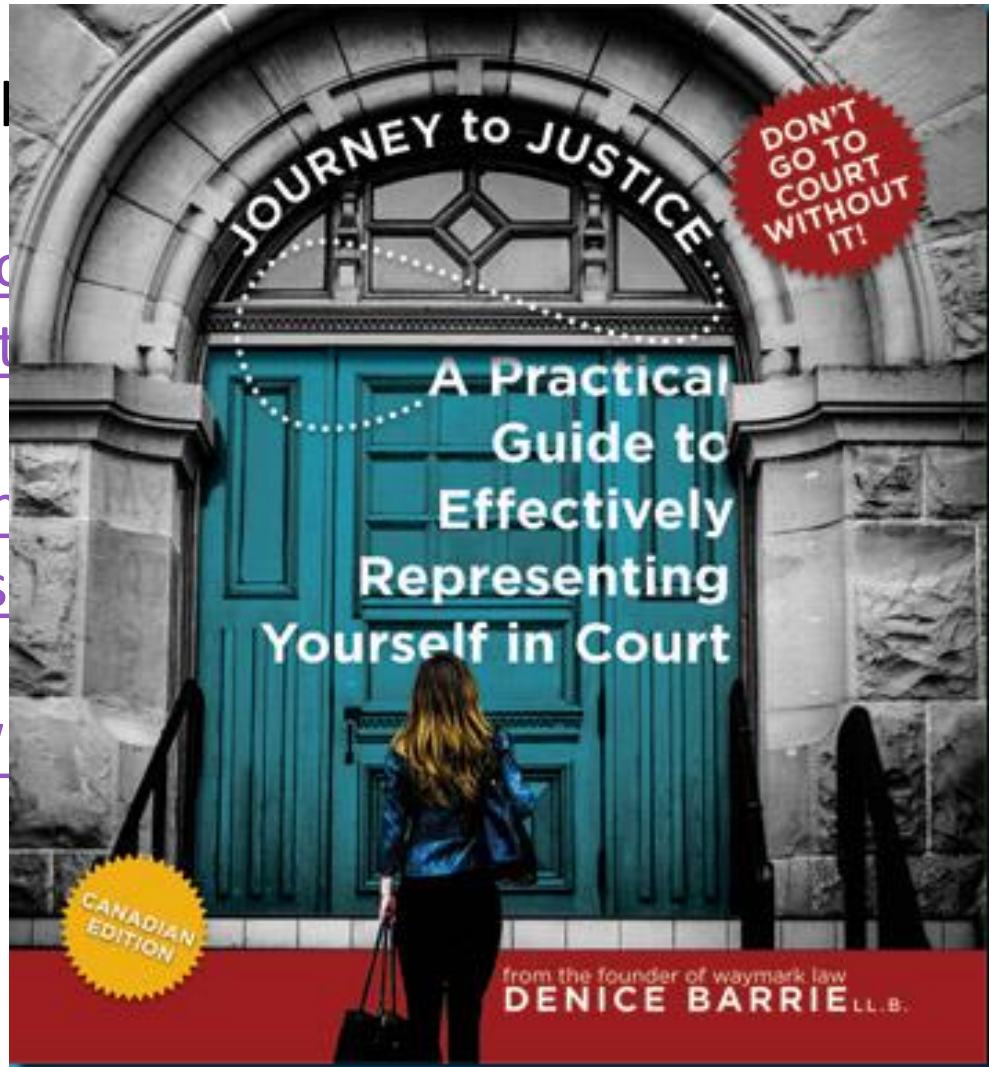
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- Legal research

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 - CanLII is a non-profit funded by lawyers
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What is CanLII?

- The Canadian Legal Information Institute (CanLII):
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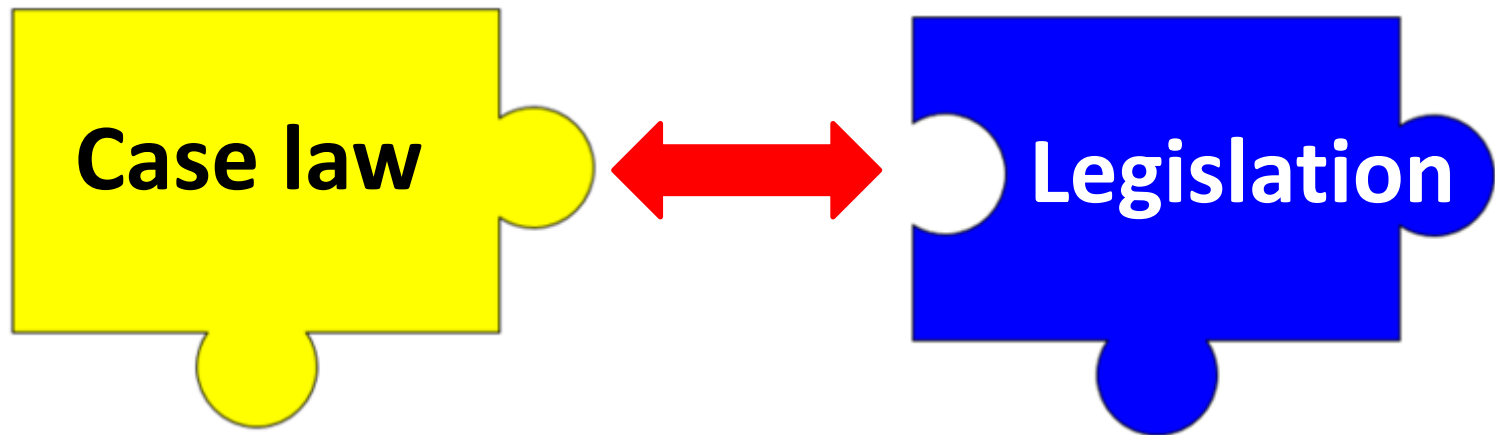
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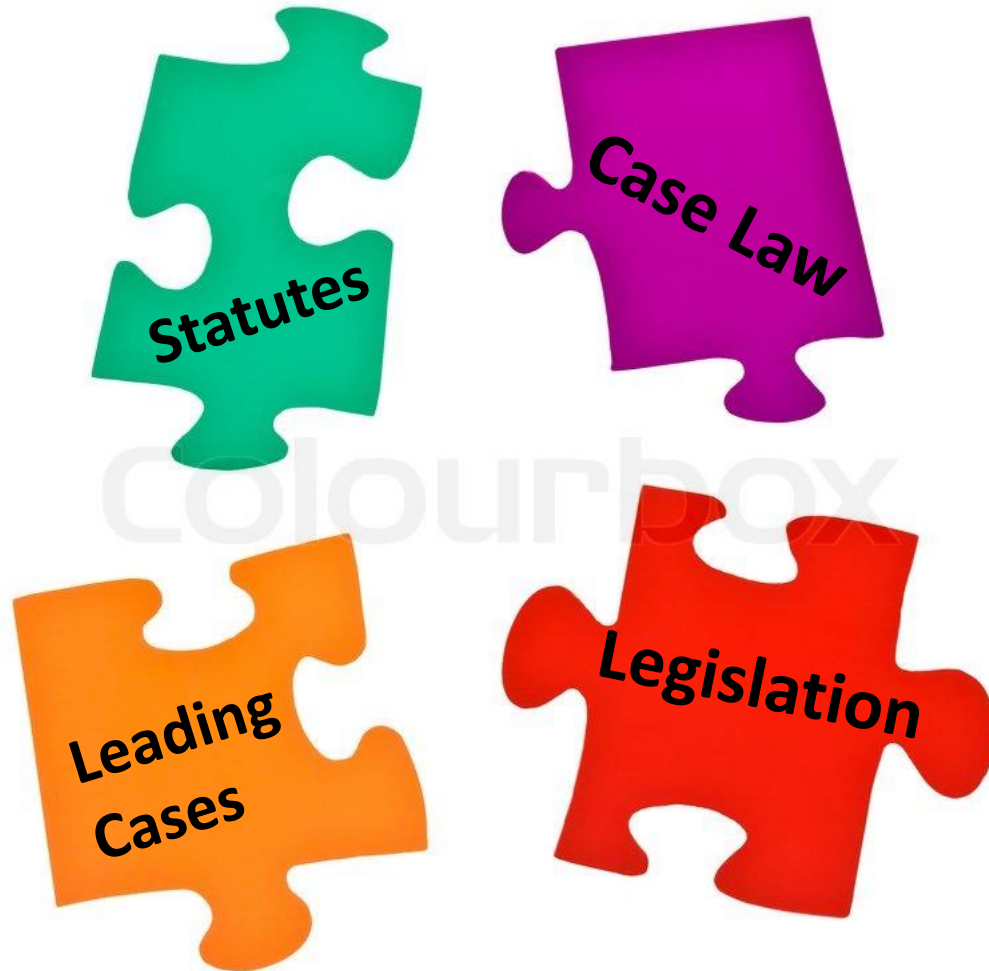


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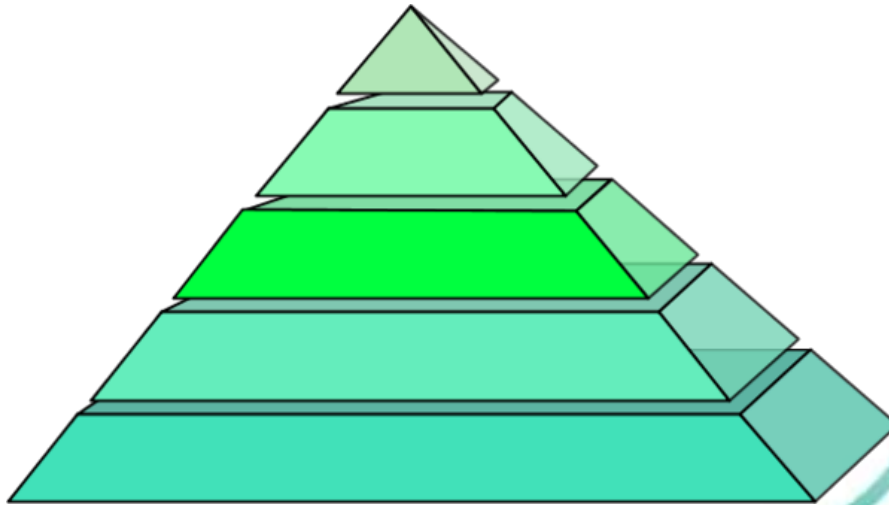
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 - **Bills** are proposed laws that are introduced in the legislature yet passed through the legislative process
- Case law:
 - **Written decisions** from judges in the courts across Canada. It is also known as judge-made law and common law

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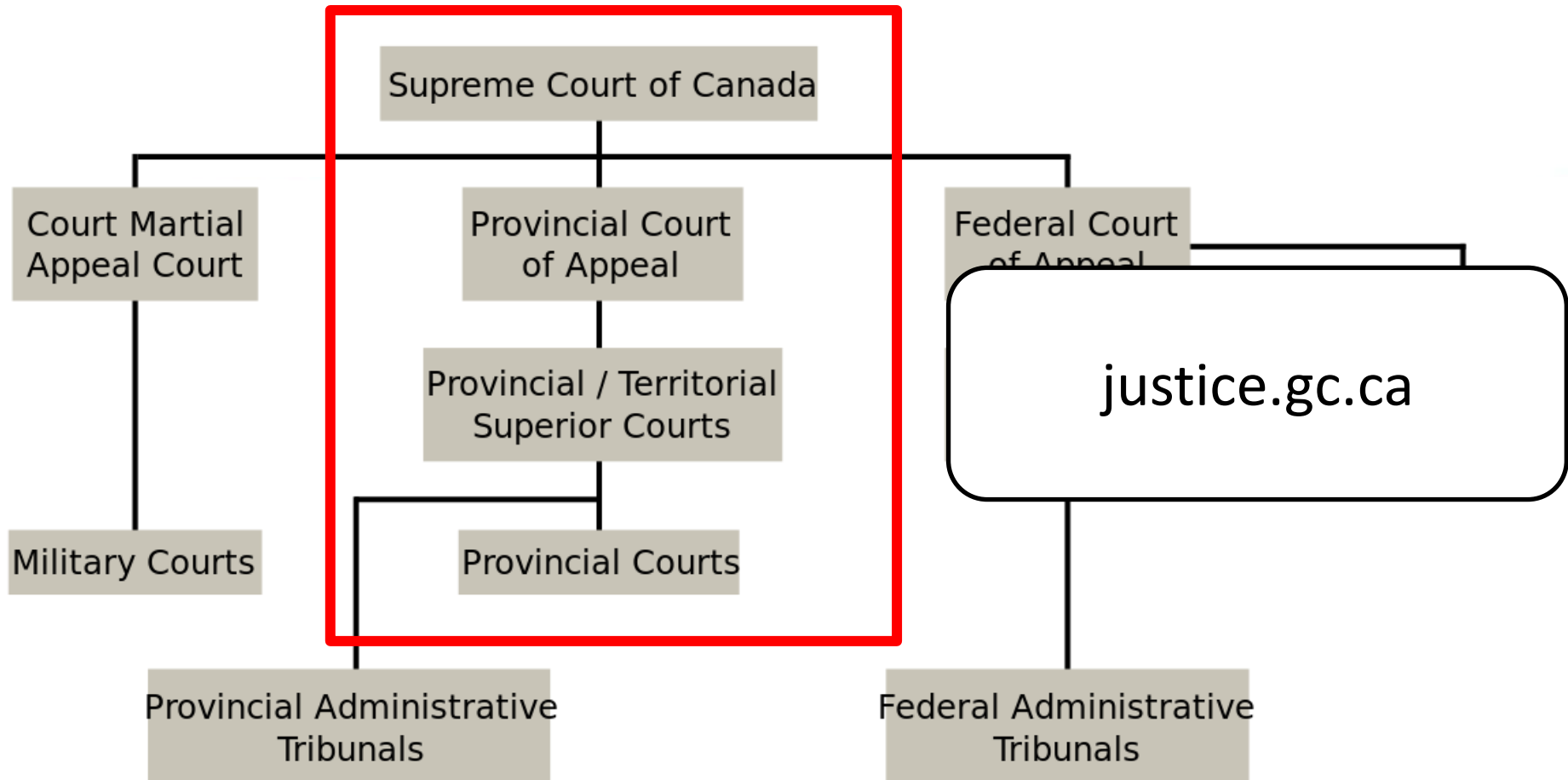
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Court Hierarchy



Outline of Canada's Court System



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- Saskatchewan **Court of Appeal** (SKCA):
 - Hears appeals on all civil and criminal matters
- Saskatchewan **Court of Queen's Bench** (SKQB):
 - Serious criminal matters (including divorce)
 - Civil matters over \$30,000
- Saskatchewan **Provincial Court** (SKPC):
 - Most criminal matters, youth matters, small claims, traffic tickets, bylaws, and some family matters

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Canada

Saskatchewan Court
of Appeal

Saskatchewan Court
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Precedent Basics



Precedent Basics

- The CanLII Primer, National Self-Represented Litigants Project:
 - *A system in which a court must decide all subsequent cases in line with previous cases, that deal with the same legal issue, that have been decided by the courts of the same level, or higher.*
- Binding or persuasive
- Cases decided at the highest court in your own jurisdiction will be the most influential

Binding Precedents

Supreme Court of Canada: Binding on every Court in Canada including itself.



Saskatchewan Court of Appeal: Binding on itself, the Saskatchewan Court of Queen's Bench, and the Saskatchewan Provincial Court



Saskatchewan Court of Queen's Bench: Binding on itself and the Saskatchewan Provincial Court

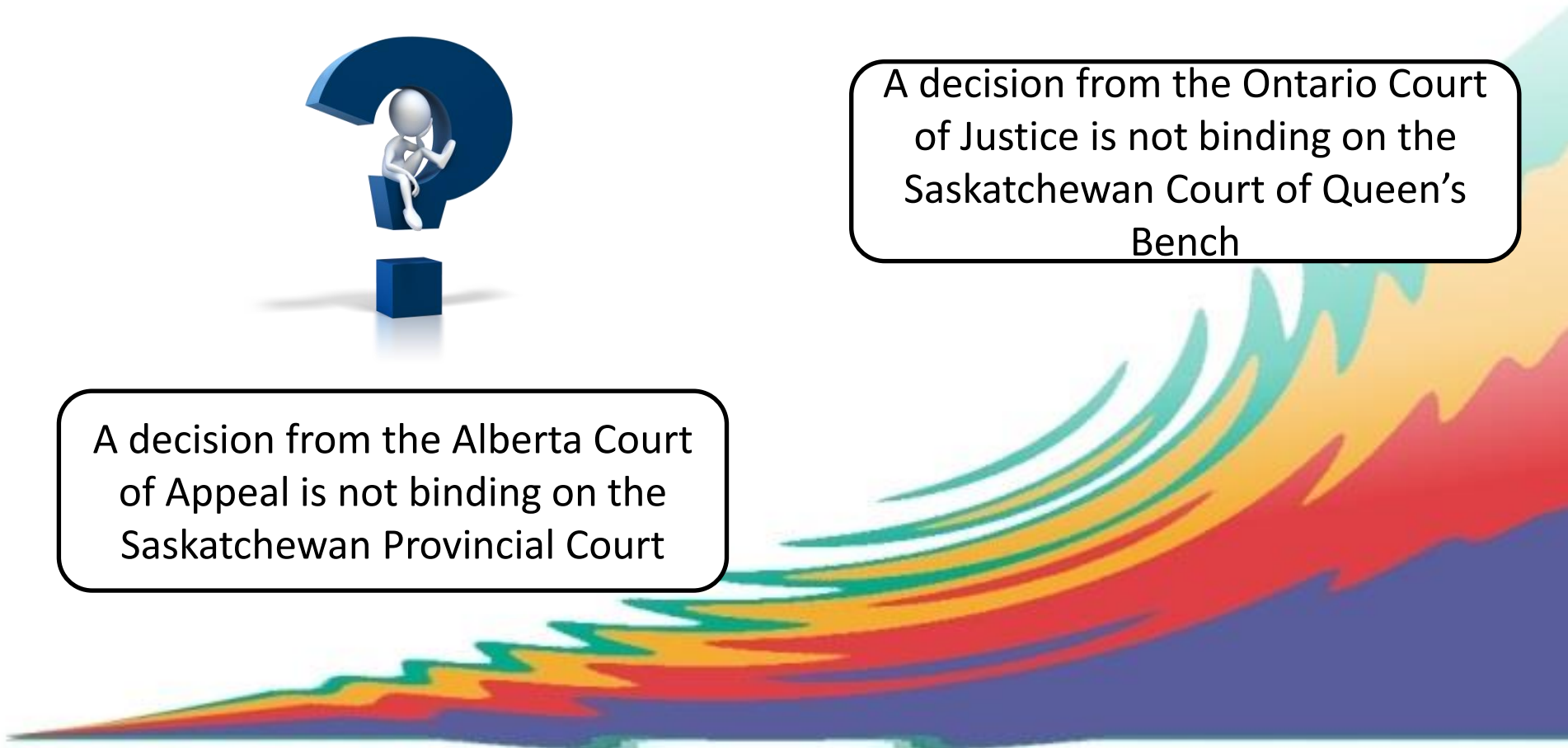
Persuasive Precedents

A decision from the British Columbia Court of Appeal is not binding on the Saskatchewan Court of Appeal



A decision from the Ontario Court of Justice is not binding on the Saskatchewan Court of Queen's Bench

A decision from the Alberta Court of Appeal is not binding on the Saskatchewan Provincial Court



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Legal Citations

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Defendant

Neutral
Citation

Ravdahl v Saskatchewan, 2009 SCC 7

Versus

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Court

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R v Lewko, 2002 SKCA 121

Reiter v Powell, 2016 SKQB 100

R v Piapot, 2016 SKPC 38

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The Family Property Act, SS 1997, c F-6.3

The Business Name Registrations Act, RSS 1978, c B-11

Criminal Code, RSC 1985, c C-46

National Flag of Canada Act, SC 2012, c 12

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R. v. Shepherd, **2007 SKCA 29**

Hoffman v. Monsanto Canada Inc., 2007 SKCA 47

Saskatchewan Power Corporation v. Swift Current (City), **2007 SKCA 27**

R. v. Janvier, **2007 SKCA 147**

R. v. M.A.G., **2007 SKCA 144**

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Hoffman v. Monsanto Canada Inc., 2007 SKCA 47 (CanLII)

Date: 2007-05-02

Docket: 1148

Other citations: 283 DLR (4th) 190; [2007] 6 WWR 387; [2007] CarswellSask 190; [2007] SJ No 182 (QL); 293 Sask R 89

Citation: Hoffman v. Monsanto Canada Inc., 2007 SKCA 47 (CanLII), <<http://canlii.ca/t/1rg03>>, retrieved on 2016-04-07

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THE COURT OF APPEAL FOR SASKATCHEWAN

Citation: 2007 SKCA 47

Date: 20070502

Between:

Docket: 1148

Larry Hoffman, L.B.Hoffman Farms Inc., and Dale Beaudoin

Appellant

- and -

Monsanto Canada Inc. and Bayer Cropscience Inc.

Respondent

Coram:

Cameron, Gerwing, and Sherstobitoff JJ.A.

Counsel:

Terry J. Zakreski for the Appellant
Gordon J. Kuski, Q.C. and Richard W. Danyliuk for Monsanto Canada
Robert W. Leurer, Q.C. and Jason Mohrbutter for Bayer Cropscience

Appeal:

From: 2005 SKQB 225 (CanLII)
Heard: December 11, 2006
Disposition: Appeal Dismissed
Written Reasons By: The Honourable Mr. Justice Cameron
In Concurrence: The Honourable Madam Justice Gerwing
The Honourable Mr. Justice Sherstobitoff


CAMERON J.A.

[1] The question on this appeal is whether an action taken by the appellants against the respondents merited certification as a class action under *The Class Actions Act*, S.S. 2001, c. C-12.01. The action was ostensibly taken on behalf of numerous organic grain farmers for the recovery of damages alleged to have been suffered by them as a result of the introduction by the appellants of strains of genetically modified canola for use by farmers generally.

I. THE BACKGROUND

[2] The appellants, Larry Hoffman, L.B. Hoffman Farms Inc., and Dale Beaudoin are farmers who grow grain without the use of chemical fertilizers, herbicides, pesticides, and genetically modified organisms. As such, they are certified as "organic" grain farmers by private organizations involved in the business of marketing organically grown produce.

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Related decisions

Supreme Court of Canada - Applications for Leave

[Larry Hoffman, L.B. Hoffman Farms Inc. and Dale Beaudoin v. Monsanto Canada Inc., Bayer Cropscience Inc., 2007 CanLII 55334 \(SCC\) - 2007-12-13](#) Cited by 1 document

Court of Appeal for Saskatchewan

[Hoffman v. Monsanto Canada Inc., 2006 SKCA 132 \(CanLII\) - 2006-11-23](#) Cited by 1 document 

Court of Queen's Bench for Saskatchewan

[Hoffman v. Monsanto Canada Inc., 2005 SKQB 225 \(CanLII\) - 2005-05-11](#) Cited by 52 documents

[Hoffman v. Monsanto Canada Inc., 2003 SKQB 564 \(CanLII\) - 2003-12-31](#) Cited by 19 documents

[Hoffman v. Monsanto Canada Inc., 2003 SKQB 174 \(CanLII\) - 2003-04-10](#) Cited by 21 documents

[Hoffman v. Monsanto Canada Inc., 2002 SKQB 190 \(CanLII\) - 2002-05-02](#) Cited by 5 documents

Legislation cited

[Class Actions Act, The, SS 2001, c C-12.01 — 6; 40](#) Cited by 216 documents

[Code of Civil Procedure, CQLR c C-25](#) Cited by 72,276 documents

[Environmental Assessment Act, The, SS 1979-80, c E-10.1 — 2](#) Cited by 33 documents

[Environmental Management and Protection Act, 2002, The, SS 2002, c E-10.21](#) Cited by 21 documents 

[Environmental Management and Protection Act, The, SS 1983-84, c E-10.2](#) Cited by 25 documents

[Feeds Act, RSC 1985, c F-9](#) Cited by 155 documents


[Food and Drugs Act, RSC 1985, c F-27](#) Cited by 1,213 documents

[Seeds Act, RSC 1985, c S-8](#) Cited by 88 documents

Decisions cited

[Abdool v. Anaheim Management Ltd., 1995 CanLII 5597 \(ON SCDC\)](#) Cited by 137 documents

[Anns v. Merton London Borough Council, \[1978\] AC 728, \[1977\] 2 WWR 1024, 5 BLR 1, 2 WLR 1024, 4 ILR 21, \[1977\] 2 All ER 492](#) (not available on CanLII) Cited by 1,053 documents

[Cooper v. Hobart, \[2001\] 3 SCR 537, 2001 SCC 79 \(CanLII\)](#) Cited by 642 documents 

[Daniels v. Canada \(Attorney General\), 2003 SKQB 58 \(CanLII\)](#) Cited by 17 documents

[Edwards v. Law Society of Upper Canada, \[2001\] 3 SCR 562, 2001 SCC 80 \(CanLII\)](#) Cited by 267 documents

[Guimond v. Quebec \(Attorney General\), \[1996\] 3 SCR 347, 1996 CanLII 175 \(SCC\)](#) Cited by 239 documents

[Hoffman v. Monsanto Canada Inc., 2005 SKQB 225 \(CanLII\)](#) Cited by 52 documents

[Hollick v. Toronto \(City\), \[2001\] 3 SCR 158, 2001 SCC 68 \(CanLII\)](#) Cited by 634 documents

[Hunt v. Carey Canada Inc., \[1990\] 2 SCR 959, 1990 CanLII 90 \(SCC\)](#) Cited by 2,510 documents

[Lau v. Bayview Landmark Inc., \[1999\] OJ No 4060 \(QL\), 40 CPC \(4th\) 301, 92 ACWS \(3d\) 196](#) (not available on CanLII) Cited by 35 documents

[Law Society of Upper Canada, 36 CPC \(3d\) 116](#) (not available on CanLII) Cited by 1 document

[Mouhteros v. DeVry Canada Inc., 1998 CanLII 14686 \(ON SC\)](#) Cited by 90 documents

[Toms Grain & Cattle Co. Ltd. v. Arcola Livestock Sales Ltd., 2006 SKCA 20 \(CanLII\)](#) Cited by 21 documents

[Tottrup v. Lund, 2000 ABCA 121 \(CanLII\)](#) Cited by 101 documents

[Western Canadian Shopping Centres Inc. v. Dutton, \[2001\] 2 SCR 534, 2001 SCC 46 \(CanLII\)](#) Cited by 678 documents

considering that: 1) the pleadings, with the aforementioned exceptions, did not disclose a cause of action; 2) there was not an adequately identifiable class; 3) the claims of the class members did not raise common issues appropriate to the occasion; 4) a class action was not the preferable procedure; and 5) the appellants were not suitable representatives.

[23] The appeal raises a host of specific issues having to do with each of these conclusions. Since it is incumbent upon an applicant seeking to have an action certified as a class action to satisfy *each* of the several requirements of [section 6](#) of *The Class Actions Act*, it is necessary to the success of the appeal for the appellants to convince this Court that Justice Smith erred in relation to *all* of the requirements.

[24] Beneath the specific issues raised by the first ground of appeal lies a more general issue: Whether Justice Smith adopted an excessively rigorous approach to determining if the pleadings disclosed a cause of action as required by section 6(a).

[25] We propose to address the appeal along the lines suggested by the grounds of appeal, beginning with the first and continuing with the others to the extent it proves necessary to do so.

1. Did Justice Smith misapply [section 6\(a\)](#) of *The Class Actions Act*
 - (a) by adopting an excessively rigorous approach to the application of [section 6\(a\)](#); or
 - (b) by concluding that the pleadings disclosed no cause of action except under *The Environmental Protection Act, 2002* and *The Environmental Assessment Act*?

[26] (a) The question regarding the approach to s.6(a)

[27] It should be said at the outset that thoroughness is not to be confused with excessive rigour. Justice Smith examined the issues underlying the certification application with great care, including those to which section 6(a) gave rise. But that is not to say she adopted an excessively rigorous approach when applying section 6(a). Whether her approach was more rigorous than contemplated by the *Act* turns on the tests or standards she employed, not on the thoroughness with which she addressed the issues.

[28] In considering whether the pleadings disclosed a cause of action as required by section 6(a), she resorted to the “plain and obvious test”, a test traditionally associated with the application of Rule 173(a) of *The Queen’s Bench Rules* and its like. Rules such as these empower the courts to strike out a pleading as failing to disclose a reasonable cause of action or defence as the case may be. The test employed by the courts in the application of such Rules is described in *Hunt v. Carey Canada Inc.*, 1990 CanLII 90 (SCC), [1990] 2 S.C.R. 959:

...[A]ssuming that the facts as stated in the statement of claim can be proved, is it “plain and obvious” that the plaintiff’s statement of claim discloses no reasonable cause of action? As in England, if there is a chance that the plaintiff might succeed, then the plaintiff should not be “driven from the judgment seat.” Neither the length and complexity of the issues, the novelty of the cause of action, nor the potential for the defendant to present a strong defence should prevent the plaintiff from proceeding with his or her case. [p. 980]

[29] Having identified this as the test used by the courts in applying the likes of section 6(a), Justice Smith observed that on applications for certification of an action as a class action, unlike applications to strike out pleadings, the onus is on the representative plaintiff to demonstrate that the pleadings disclose a cause of action, not on the defendant to demonstrate otherwise.

[30] She then referred to a number of embellishments that have found their way into the case law regarding the nature

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3. [Sich v Sich](#), 2014 SKQB 197 (CanLII) — 2014-06-27

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[...] SUPPLEMENTARY REASONS TO JUDGMENT **MEGAW J.** [...]

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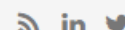


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2. [Millions v Millions](#), 2014 SKQB 272 (CanLII) — 2014-08-26

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income — employment — parenting — children — salary

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3. [Babich v Babich](#), 2015 SKQB 352 (CanLII) — 2015-11-05

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[...] JUDGMENT **MEGAW J.** [...] 4. To vary the existing parenting arrangements set forth in the decision of **Megaw J.** dated January 20, 2015 - brought by the petitioner; [...] 4. To vary the existing parenting arrangements set forth in the decision of **Megaw J.** dated January 20, 2015 - brought by the petitioner. [...]

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4. [R. v. Laderoute](#), 2015 SKQB 246 (CanLII) — 2015-08-14

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The Saskatchewan Farm Security Act, SS 1988-89, c S-17.1

Reference as to the Validity of Section 6 of the **Farm Security Act**, 1944 of **Saskatchewan**, 1947 CanLII 32 (SCC)

The **Farm Land Security Act** Extension Regulations, 1987, RRS c F-8.01 Reg 3, **Saskatchewan**

The **Farm Land Security Act**, SS 1984-85-86, c F-8.01, **Saskatchewan**

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Please note that amendments that are not included in the current version of this statute come into force on 2015-05-14 (SS 2015 c 21).

This statute replaces SS 1984-85-86, c F-8.01.

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SASKATCHEWAN FARM SECURITY

c. S-17.1

The
Saskatchewan Farm
Security Act

being

Chapter S-17.1 of the Statutes of Saskatchewan, 1988-89
(consult Table of Saskatchewan Statutes for effective dates)
as amended by the Statutes of Saskatchewan, 1989-90,
c.22; 1992, c.43 and c.74; 1993, c.P-6.2 and c.51; 1994, c.30;
1996, c.C-27.01 and c.9; 1997, c.T-22.2; 1998, c.C-45.2, c.14
and c.48; 2000, c.L-5.1; 2002, c.C-11.1 and c.55; 2004, c.L-16.1,
c.T-18.1, c.26 and c.59; 2005, c.M-36.1; 2009, c.7; 2010, c.E-9.22
and c.N-5.2; 2013, c.27; 2014, c.E-13.1; 2015, c.21; and 2015, c.32.

NOTE:

This consolidation is not official. Amendments have been
incorporated for convenience of reference and the original statutes
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The Saskatchewan Farm Security Act, SS 1988-89, c S-17.1

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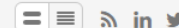
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All jurisdictions

By Relevance



1. [Royal Bank of Canada v. North American Life Assurance Co.,](#)

[1996] 1 SCR 325, 1996 CanLII 219 (SCC) — 1996-02-22

Supreme Court of Canada — Canada (Federal)

creditors — trustee — exempt — property — settlement

[...] Saskatchewan **Farm Security Act, S.S. 1988-89, c. S-17.1, s. 65** [...] Examples include food, fuel, clothing, household items, tools of a trade (The Exemptions Act, R.S.S. 1978, c. E-14, s. 2), farm buildings, farming equipment, and livestock (The **Saskatchewan Farm Security Act, S.S. 1988-89, c. S-17.1, s. 65**). [...]

cited by [122 documents](#)

2. [Bank of Montreal v. Schmidt et al.,](#) 1989 CanLII 4749 (SK CA) — 1989-05-16

Court of Appeal for Saskatchewan — Saskatchewan

bank — vexatious — defence — mortgages — homesteads

[...] then moved to strike the statement of claim, the bank's motion, the affidavit in support, and in the alternative, requested an order permitting amendment of the pleadings to plead the **Saskatchewan Farm Security Act**. In support, they filed affidavits by two of the appellants. [...] of claim must be dismissed, except to the extent of allowing an order permitting amendment to their own pleadings to raise the provisions of the **Saskatchewan Farm Security Act**, which came into effect subsequent to the filing of the pleadings, with respect to the homesteads. [...]

cited by [36 documents](#)

3. [Strelhoff v. Farm Credit Corp.,](#) 1990 CanLII 7030 (SK CA) — 1990-09-13

Court of Appeal for Saskatchewan — Saskatchewan

homestead — obligations under the mortgage — farm — dwelling — land

[...] Mr. Strelhoff appeals, contending that the chambers judge erred in law in his application of **ss. 13 and 18** of the **Saskatchewan Farm Security Act, S.S. 1988-89, c. S-17.1** (the successor legislation to the Farm Land Security Act, which statutorily continued all actions [...] [28] Thus, the onus is on the claimant to establish that

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The Saskatchewan Farm Security Act, SS 1988-89, c S-17.1

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In force

[Farm Land Lease-back Regulations](#), RRS c S-17.1 Reg 2

[Saskatchewan Farm Security Regulations](#), RRS c S-17.1 Reg 1

This statute replaces [SS 1984-85-86, c F-8.01](#).

Current version: in force since Jan 4, 2016

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1

SASKATCHEWAN FARM SECURITY

c. S-17.1

The
Saskatchewan Farm
Security Act

being

Chapter S-17.1 of the Statutes of Saskatchewan, 1988-89
(consult Table of Saskatchewan Statutes for effective dates)
as amended by the Statutes of Saskatchewan, 1989-90,
c.22; 1992, c.43 and c.74; 1993, c.P-6.2 and c.51; 1994, c.30;
1996, c.C-27.01 and c.9; 1997, c.T-22.2; 1998, c.C-45.2, c.14
and c.48; 2000, c.L-5.1; 2002, c.C-11.1 and c.55; 2004, c.L-16.1,
c.T-18.1, c.26 and c.59; 2005, c.M-36.1; 2009, c.7; 2010, c.E-9.22
and c.N-5.2; 2013, c.27; 2014, c.E-13.1; 2015, c.21; and 2015, c.32.

NOTE:

This consolidation is not official. Amendments have been
incorporated for convenience of reference and the original statutes
and regulations should be consulted for all purposes of interpretation
and application of the law. In order to preserve the integrity of the
original statutes and regulations, errors that may have appeared

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Noteup: cited case names, legislation titles, citations or dockets



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SKATMPA	Appeal Tribunal under the Medical Profession Act	1977 -	2014-06-27	3
SKAIA	Automobile Injury Appeal Commission	2003 -	2016-03-15	691
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SKIPC	Information and Privacy Commissioner	2004 -	2016-02-17	253
SKLA	Labour Arbitration Awards	N/A	2016-03-11	760
SKLSS	Law Society of Saskatchewan	2010 -	2016-02-29	52
SKAC	Saskatchewan Assessment Commission	2009 -	2014-10-23	1
SKFCA	Saskatchewan Board of Review under the Farmers' Creditors Arrangement Act, 1934	1907 -	2014-06-06	11
SKCPDC	Saskatchewan College of Pharmacists	2014 -	2015-09-09	4
SKDC	Saskatchewan District Court	1907 - 1981	2015-06-16	193
SKHRC	Saskatchewan Human Rights Commission	2008 -	2013-08-21	3
SKHRT	Saskatchewan Human Rights Tribunal	2005 - 2011	2014-09-19	110
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SKREC	Saskatchewan Real Estate Commission	2015 -	2016-01-19	24
SKSU	Saskatchewan Surrogate Court	1907 -	2014-11-03	72
SKUFC	Saskatchewan Unified Family Court	1978 -	2014-07-03	58
SKSC	Supreme Court of Saskatchewan	1907 - 1918	2015-06-09	5

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2015-12-04 [Braun v. Amalgamated Transit Union, Local 615](#), 2015 CanLII 80546 (SK LRB)

2015-12-01 [Saskatchewan Government and General Employees Union v Lac La Ronge Indian and Child Services Agency Inc.](#), 2015 CanLII 80539 (SK LRB)

2015-11-24 [Saskatchewan Government and General Employees Union v Wheatland Regional Centre Inc.](#), 2015 CanLII 80544 (SK LRB)

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Am I entitled to child support for a child over the age of 18 currently attending full time university and living at home?

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"child support" "adult child" "age of majority"

"child support" "adult child" "age of majority" x ?

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- ☒ **Saskatchewan 91**
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- ☐ Northwest Territories 5
- ☐ Nunavut 1

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) — 2009-11-19

age of majority — youngest

port before reaching the **age of majority**, including
ing the **age of majority**, and the respective parental
these Guidelines, where a child to whom a **child support**
nount of the **child support** [...] [24] The determination of
ldest child, who is over the **age of majority**, requires a

nLII) — 2011-02-08

the marriage — withdraw from parental charge — evidence

a "child of the marriage": The **adult child** must be unable to
in [...] [18] Once a child who is the subject of an existing
ls no continuing presumption of **child support** entitlement in
on to vary **child support**, the evidence adduced establishes
or her parents' charge or to [...]



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3. [Haley v. Haley](#), 2004 SKQB 529 (CanLII) — 2004-12-22

Court of Queen's Bench for Saskatchewan — Saskatchewan

post-secondary expenses — child — age of majority — income — support

[...] 3(1) Unless otherwise provided under these Guidelines, the amount of a **child support** order for children under the **age of majority** is [...] (2) Unless otherwise provided under these Guidelines, where a child to whom a **child support** order relates is the **age of majority** or over, the amount of the **child support** [...] basic **child support** may be inappropriate in relation to children who have attained the **age of majority**, it offers no guidance how the determination of propriety is to be made. [...]

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"child support" "adult child" "age of majority" ✕ ?

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1. [Ethier v. Skrudland](#), 2011 SKCA 17 (CanLII) — 2011- Court of Appeal for Saskatchewan — Saskatchewan
obtain the necessities of life — adult child — child of the marriage — wi

[...] the **age of majority** (i.e., an adult) remains a "child of the marriage" until he or she withdraws from his or her parents' charge or to obtain [...] [18] Once a support order reaches the **age of majority**, there is no continuing presumption of **child support** entitlement in the absence [...] [19] Only where, on an application to vary **child support**, the evidence adduced establishes that an **adult child** is unable to withdraw from his or her parents' charge or to [...]

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2. [Haley v. Haley](#), 2004 SKQB 529 (CanLII) — 2004-12-22
Court of Queen's Bench for Saskatchewan — Saskatchewan
post-secondary expenses — child — age of majority — income — support

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3. [Geran v Geran](#), 2011 SKCA 55 (CanLII) — 2011-05-11
Court of Appeal for Saskatchewan — Saskatchewan
child — age of majority — post-secondary education — parents — support

[...] [7] Thus, the object of these **child support** provisions, both as they apply to children under the **age of majority** and as they may apply to children over the age [...] the **child support** provisions of the Divorce Act is not to advantage an **adult child** of divorced parents but to guard against disadvantage resulting from the breakdown of the marriage. [...] mature child who has reached the **age of majority**, whether or not the child has unilaterally terminated his or her relationship with the parent from whom **child support** is sought. [...]

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4. [Hales v Hales](#), 2012 SKQB 384 (CanLII) — 2012-09-19
Court of Queen's Bench for Saskatchewan — Saskatchewan

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1. [Ethier v. Skrudland](#), 2011 SKCA 17 (CanLII) — 2011-02-08

Court of Appeal for Saskatchewan — Saskatchewan

obtain the necessities of life — adult child — child of the marriage — withdraw from parental charge — evidence

[...] the **age of majority** (i.e., an adult) remains a "child of the marriage": The **adult child** must be unable to withdraw from his or her parents' charge or to obtain [...] [18] Once a child who is the subject of an existing support order reaches the **age of majority**, there is no continuing presumption of **child support** entitlement in the absence [...] [19] Only where, on an application to vary **child support**, the evidence adduced establishes that an **adult child** is unable to withdraw from his or her parents' charge or to [...]

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2. [Geran v Geran](#), 2011 SKCA 55 (CanLII) — 2011-05-11

Court of Appeal for Saskatchewan — Saskatchewan

child — age of majority — post-secondary education — parents — support

[...] [7] Thus, the object of these **child support** provisions, both as they apply to children under the **age of majority** and as they may apply to [...] not to advantage an **adult child** [...] breakdown of the marriage. [...] unilaterally terminated his or her [...]

cited by [35 documents](#) [CanLII Connects](#)

3. [Hunchak v Anton](#), 2016 SKCA 10 (CanLII) — 2016-01-21

Court of Appeal for Saskatchewan — Saskatchewan

child support — expenses — age of majority

[...] [10] With respect to ongoing **child support**, the Chambers judge reviewed *Geran v Geran*, 2011 SKCA 55 (CanLII), [2011] 10 WWR 474 [Geran], respecting the principles governing **child support** when [...] [11] The Chambers judge determined that Mr. Hunchak's income was \$122,483 and concluded that Mr. Hunchak should pay **child support** in accordance with s. 3(2)(a) of [...] 3(2) Unless otherwise provided under these Guidelines, where a child to whom a **child support** order relates is the **age of majority** or over, the amount of the child [...]

4. [Burzminski v. Burzminski](#), 2010 SKCA 16 (CanLII) — 2010-01-21

Court of Appeal for Saskatchewan — Saskatchewan

father — income — child support — amount — part-time employment

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