

Legal Research & Resources

*Financial and Consumer Affairs Authority
October 10, 2024*



Law Society
of Saskatchewan

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Law Society of Saskatchewan
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1. Your LSS Legal Resources
2. Good Practices for Legal Research
3. Artificial Intelligence (AI) Tools
4. Targeted Resources
5. Scenario

Please report this session in your [Member Profile](#) for one CPD credit.



Your LSS Legal Resources

We support you and expand YOUR competency to practice law and serve clients well through excellent resources and information expertise:

- Digital Resources
- Spaces
- Print Resources
- Research Expertise



Law Society
of Saskatchewan

If it takes longer than five minutes to find, ask us!

Your LSS Legal Resources: **Digital**

Log in to our [Member Resource Section](#) to access outstanding **digital resources**, right on your desktop or device.

The screenshot shows the Law Society of Saskatchewan website. The top navigation bar includes the logo, social media icons, and links for 'Find Legal Assistance', 'Member Profile', 'Member Resources' (highlighted with a red box), and 'Contact'. Below this is a secondary navigation bar with links for 'About Us', 'Initiatives', 'Regulation', 'Public', 'Lawyers and Students', 'Legal Resources', 'CPD', and 'Shop'. The main banner features a large white box with the text 'Visit lawsociety.sk.ca'. Below the banner is a 'Quicklinks' section with three expandable categories: 'For The Public', 'For Lawyers & Students', and 'Resources & Support'. At the bottom, there are sections for 'Latest News' and 'Upcoming Events'.

Law Society of Saskatchewan

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Visit lawsociety.sk.ca

Quicklinks

For The Public For Lawyers & Students Resources & Support

Latest News Upcoming Events



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Member Resource Section

Username or Email Address

Password

☐ Remember Me

LOG IN



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Your LSS Legal Resources: **Digital**

Log in to our [Member Resource Section](#) to access outstanding **digital resources**, right on your desktop or device.

Member Resource Section

Databases and Subscriptions

KBRA	LSS Databases	Westlaw	vLex Canada
Irwin Law	Emond	Hein Online	Legal Trac
Divorcemate	rangefindr	Non-Legal	

The total cost of
these resources for
the practitioner
could be \$37,000.



Law Society
of Saskatchewan

Your LSS Legal Resources: **Spaces**

Resource library spaces are available in Regina and Saskatoon, offering free Wi-Fi, comfortable workspaces, print resources, and in-person expertise.

Regina King's Bench Court House



Saskatoon King's Bench Court House



Your LSS Legal Resources: **Print**

Request **print resources** in person, by email, or phone:



Law Society
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Your LSS Legal Resources: **Print**

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[Find Legal Assistance](#)[Member Profile](#)[Member Resources](#)[Contact](#)[My Account](#)[About Us](#)[Initiatives](#)[Regulation](#)[Public](#)[Lawyers and Students](#)[Legal Resources](#)[CPD](#)[Shop](#)

Expanding Access to Justice

See how the Law Society is working with stakeholders to expand access to justice.

[CLICK HERE](#)

Quicklinks

[For The Public](#)[For Lawyers & Students](#)[Resources & Support](#)

Latest News

[Court of Queen's Bench COVID-19 Directive Update](#)

Wednesday, March 23, 2022

Upcoming Events

[CPD Activities and Law Society Events](#)

MAR 23 9:00 am - 12:30 pm CST



Law Society
of Saskatchewan

Your LSS Legal Resources: **Print**

Request **print resources** in person, by email, or phone:

[Law Society of Saskatchewan](#) » Legal Resources Library

Legal Resources Library



[Catalogue Search](#)



[Public Resources](#)



[Lawyer Resources](#)

Cases

- > [CanLII](#)
- > [Case Mail](#)
- > [Saskatchewan Cases](#)
- > [vLex Canada](#) (lawyer access only)
- > [Westlaw Canada](#) (lawyer access only)

Articles

- > [CanLII Commentary](#)
- > [Catalogue Search](#)
- > [HeinOnline](#) (lawyer access only)
- > [Saskatchewan Law Review](#)

Sentencing Ranges

- > [Gladue Rights Research Database](#)
- > [Rangefinder](#) (lawyer access only)
- > Saskatchewan Court of Appeal Sentencing Digest

Forms and Precedents

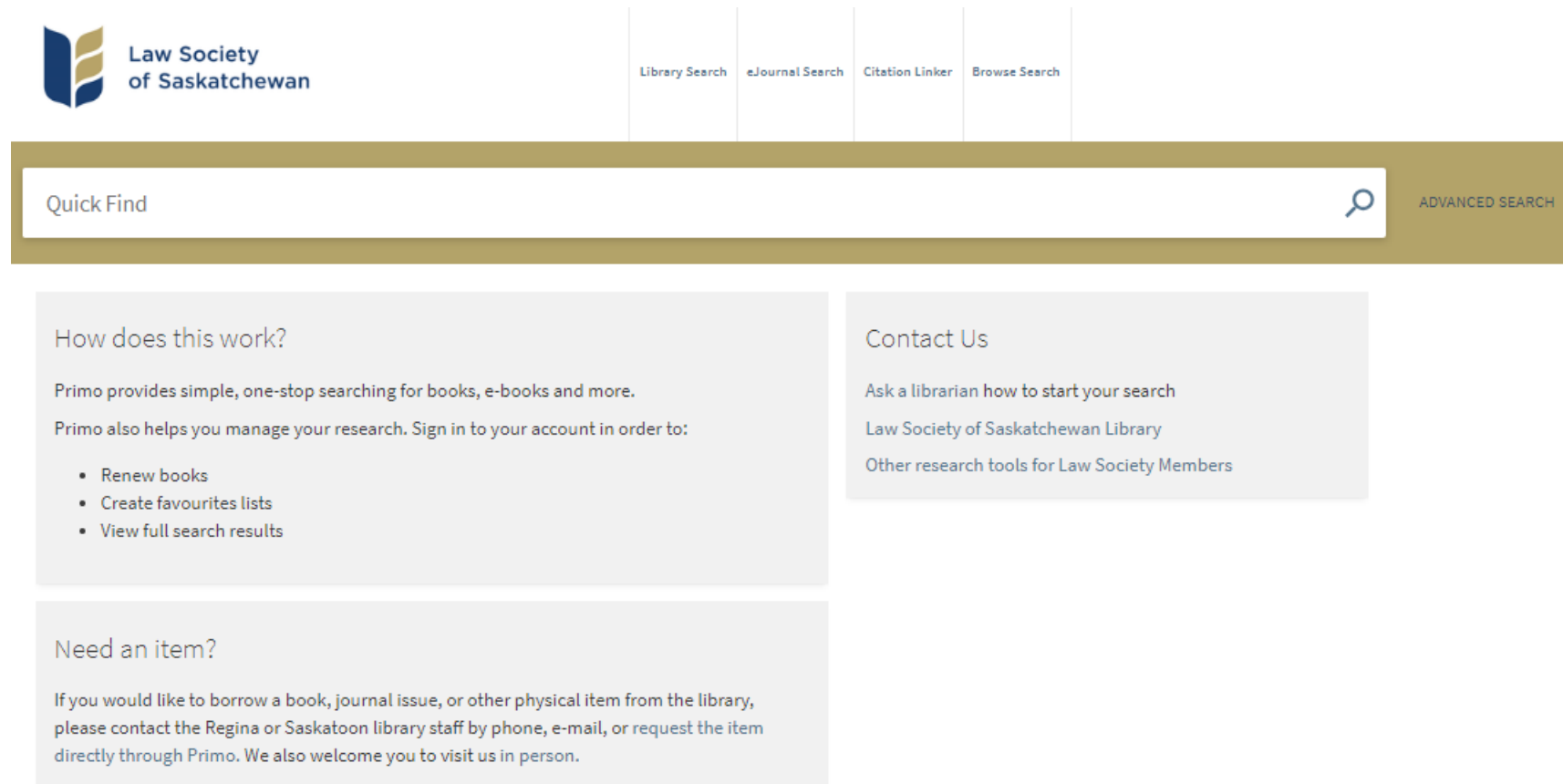
- > [O'Brien's Internet](#) (lawyer access only)
- > [King's Bench Forms](#)
- > Law Society Forms



Law Society
of Saskatchewan

Your LSS Legal Resources: **Print**


Request **print resources** in person, by email, or phone:



The screenshot shows the Law Society of Saskatchewan library website. At the top left is the Law Society of Saskatchewan logo. To its right are four navigation links: Library Search, eJournal Search, Citation Linker, and Browse Search. Below these is a large search bar with the placeholder text 'Quick Find' and a magnifying glass icon. To the right of the search bar is a link for 'ADVANCED SEARCH'. Below the search bar are three main content areas. The first area, titled 'How does this work?', explains that Primo provides simple, one-stop searching for books, e-books and more, and also helps manage research by signing in to an account. It lists three benefits: Renew books, Create favourites lists, and View full search results. The second area, titled 'Need an item?', explains that if you want to borrow a book, journal issue, or other physical item, you should contact the Regina or Saskatoon library staff by phone, e-mail, or request the item directly through Primo. The third area, titled 'Contact Us', provides links to 'Ask a librarian how to start your search', 'Law Society of Saskatchewan Library', and 'Other research tools for Law Society Members'.

Law Society of Saskatchewan

Library Search eJournal Search Citation Linker Browse Search

Quick Find  ADVANCED SEARCH

How does this work?

Primo provides simple, one-stop searching for books, e-books and more.

Primo also helps you manage your research. Sign in to your account in order to:

- Renew books
- Create favourites lists
- View full search results

Need an item?

If you would like to borrow a book, journal issue, or other physical item from the library, please contact the Regina or Saskatoon library staff by phone, e-mail, or request the item directly through Primo. We also welcome you to visit us in person.

Contact Us

Ask a librarian how to start your search

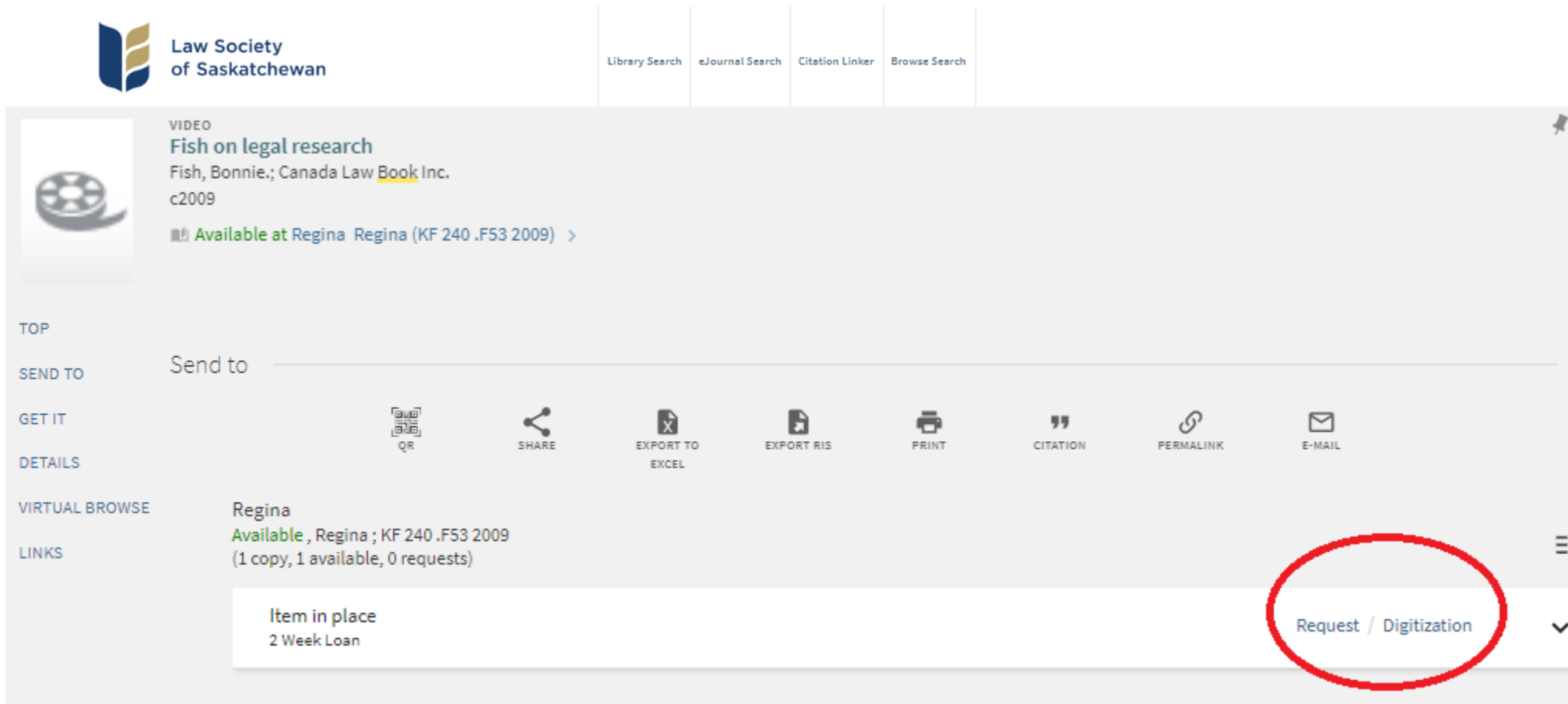
Law Society of Saskatchewan Library

Other research tools for Law Society Members

Law Society of Saskatchewan

Your LSS Legal Resources: **Print**

Request **print resources** in person, by email, or phone:



The screenshot displays the Law Society of Saskatchewan library catalog interface. At the top, the Law Society of Saskatchewan logo is on the left, and search options (Library Search, eJournal Search, Citation Linker, Browse Search) are on the right. The main content area shows a video resource titled "Fish on legal research" by Fish, Bonnie.; Canada Law Book Inc., c2009. Below the title, it indicates the resource is "Available at Regina Regina (KF 240 .F53 2009)". A sidebar on the left lists navigation options: TOP, SEND TO, GET IT, DETAILS, VIRTUAL BROWSE, and LINKS. Below the resource title, there is a "Send to" field and a row of icons for various actions: QR, SHARE, EXPORT TO EXCEL, EXPORT RIS, PRINT, CITATION, PERMALINK, and E-MAIL. Further down, the location "Regina" is listed, along with the availability status "Available, Regina ; KF 240 .F53 2009 (1 copy, 1 available, 0 requests)". At the bottom, a white box indicates "Item in place 2 Week Loan". A red circle highlights the "Request / Digitization" button in the bottom right corner.

Law Society of Saskatchewan

Library Search eJournal Search Citation Linker Browse Search

VIDEO
Fish on legal research
Fish, Bonnie.; Canada Law Book Inc.
c2009
Available at Regina Regina (KF 240 .F53 2009) >

TOP
SEND TO
GET IT
DETAILS
VIRTUAL BROWSE
LINKS

Send to

QR SHARE EXPORT TO EXCEL EXPORT RIS PRINT CITATION PERMALINK E-MAIL

Regina
Available, Regina ; KF 240 .F53 2009
(1 copy, 1 available, 0 requests)

Item in place
2 Week Loan

Request / Digitization

Your LSS Legal Resources: **Print**

Request **print resources** in person, by email, or phone:

The screenshot shows the Law Society of Saskatchewan Library Catalogue interface. At the top, the logo and navigation links (Library Search, eJournal Search, Citation Search, Browse) are visible. A search bar contains the text "Criminal Appeals: A Practitioner's Handbook". Below the search bar, a yellow banner prompts users to "Sign in to get complete results and to request items". The search results are displayed in a list format. The first result is a book titled "Criminal appeals : a practitioner's handbook" by Halfyard, Mark C., et al., published in 2017. It is available at Regina (KF 9690 .H34 2017). The second result is a book titled "Criminal appeals : a practitioner's handbook / Mark C. Halfyard, Michael Dineen, Jonathan Dawe" by Halfyard, Mark C., et al., published in 2017. It is available at Regina (2) and Saskatoon (1). A red box highlights the "Online access" link for the second result.

Law Society of Saskatchewan

Library Search eJournal Search Citation Search Browse

Sign in Menu

Criminal Appeals: A Practitioner's Handbook

Library Catalogue

ADVANCED SEARCH

Sign in to get complete results and to request items Sign in DISMISS

0 selected 4 Results

1 **BOOK**
Criminal appeals : a practitioner's handbook
Halfyard, Mark C., author. Dineen, Michael, 1976- author.; Dawe, Jonathan, author.; Rondinelli, Vincenzo, editor.; Greenspan, Brian H., editor.
2017
Available at Regina (KF 9690 .H34 2017) >

2 **BOOK**
Criminal appeals : a practitioner's handbook / Mark C. Halfyard, Michael Dineen, Jonathan Dawe
Halfyard, Mark C. Dineen, Michael, 1976-; Dawe, Jonathan; Rondinelli, Vincenzo, editor; Greenspan, Brian H., editor
2017
Online access >

Refine my results

Sort by Relevance

Availability
Available in the Library (2)
Full Text Online (2)

Location
Regina (2)
Saskatoon (1)

Material Type
Books (4)



Your LSS Legal Resources: **Expertise**

We support lawyers by providing **research expertise** and connecting lawyers with the best resources available.

RESEARCH SERVICES

- Locating primary law or commentary
- Providing advice about using resources or an efficient research process
- Recommending the best resources for an area of law
- Conducting targeted legal research on a point of law or as a part of a subject search

CONTACT

- Email reference@lawsociety.sk.ca
- Call 306-569-8020
- Visit in person

COST

- Up to 30 minutes of free research assistance per lawyer per question.
- Beyond this, a research fee will be negotiated (\$120 per hour)





Your LSS Legal Resources: Additional FREE CPD

You may also be interested in this additional free CPD on legal resources:

- [CPD 371 – Discover YOUR vLex](#)
- [CPD 340 – Discover YOUR CanLII](#)
- [CPD 320 – Discovering YOUR Westlaw: Get the Most Out of this Amazing Tool!](#)
- [CDP 320 – Searching Saskatchewan Legislation](#)





YOUR LSS Legal Resources

Are there any online resources you don't currently have access to that you would like to be able to access online?

- We regularly trial new online resources and negotiate with legal information vendors to ensure your access to resources





Good Practices for Legal Research

OUR TOP FIVE TIPS



Law Society
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Good Practices for Legal Research

Tip One: The best legal research

- Is iterative
- Is messy
- Includes mistakes and missteps
- Has multiple starts and stops
- Isn't static
- Is rarely complete after the first attempt



Good Practices for Legal Research

Tip Two: Visit the [Legal Resources homepage](#) if you aren't sure where to start.

Cases

- > [CanLII](#)
- > [Case Mail](#)
- > [Saskatchewan Cases](#)
- > [vLex Canada](#) (lawyer access only)
- > [Westlaw Canada](#) (lawyer access only)

Sentencing Ranges

- > [Gladue Rights Research Database](#)
- > [Rangeindr](#) (lawyer access only)
- > [Saskatchewan Court of Appeal Sentencing Digest](#)

Legislation

- > [CanLII](#)
- > [Federal Statutes & Regulations](#)
- > [HeinOnline](#) (lawyer access only)
- > [Historical Table of Public Statutes](#)
- > [Publications Saskatchewan](#)
- > [Saskatchewan Bills](#)

Articles

- > [CanLII Commentary](#)
- > [Catalogue Search](#)
- > [HeinOnline](#) (lawyer access only)
- > [Saskatchewan Law Review](#)

Forms and Precedents

- > [O'Brien's Internet](#) (lawyer access only)
- > [King's Bench Forms](#)
- > [Law Society Forms](#)
- > [Trust Account Forms](#)

Ebooks

- > [CanLII Commentary](#)
- > [Emond Ebooks](#) (lawyer access only)
- > [Irwin Law Ebooks](#) (lawyer access only)
- > [Westlaw Texts and Annotations](#) (lawyer access only)





Good Practices for Legal Research

Tip Three: Use commentary to *energize* your research.

- Free to use sources
 - [Our print resource catalogue](#)
 - [CanLII's Commentary](#)
- Commercial sources:
 - Irwin Law/Emond Publishing ebooks
 - Westlaw/Quicklaw ebooks
 - Canadian Encyclopedic Digest
 - Halbury's Laws of Canada
- Case Law Summaries:
 - Canadian Abridgment (Westlaw)
 - CanLII (Connects and AI Summaries)
 - [Law Society of Saskatchewan CaseMail Newsletter](#)
 - Quicklaw Newsletters



Good Practices for Legal Research

Tip Four: Learn to use online and offline resources in *tandem*.

- It can be difficult to understand how digital resources are organized without any sense of how the corresponding print resources are organized
 - [Using Vinyl & Spotify to Understand Legal Information](#)





Good Practices for Legal Research

Tip Five: Choose the best resource.

- Primary law coverage across Canada's free and commercial legal databases (CanLII, Quicklaw, vLex, Westlaw, etc.) is largely comparable with similar coverage being offered.
- Commercial resources far exceeds free resources in terms of the **digital commentary** content available.





	CanLII	vLex	Westlaw
Cost	Free to use	Commercial	Commercial
Who?	Public	Commercial	Commercial
Searchability	Comparable	Enhanced functionality	Comparable
SK Legislation	Current & Historical	None	Current Only
SK Tribunals	Excellent	None	Poor
Commentary	<ul style="list-style-type: none">• CanLII Connects case digests• Growing collection of miscellaneous commentary	<ul style="list-style-type: none">• Emond eBooks• Irwin Law eBooks• Legal news and blogs• Selected journals• Vincent AI	<ul style="list-style-type: none">• Articles & newsletters• Canadian Abridgment• Canadian Encyclopedia Digest• Case law digests• Citing references• Criminal Source, Employment Source, Estates Source, Family Source, Labour Source• O'Brien's Forms• Words & Phrases



Good Practices for Legal Research

Bonus Tip: Use commentary as a quick way to advance to primary law and vice versa.

Canadian
Abridgment
Link

CED Administrative Law IV.3.(c)
Canadian Encyclopedic Digest
Administrative Law
IV — Standards of Review
3 — The **Pushpanathan** Factors
(c) — The Third **Pushpanathan** Factor: Purpose of Act as a Whole and Provision in Particular
For print citation information and the currency of the title, please [click here](#).

IV.3.(c)

See Canadian Abridgment: [ADM.III.3](#) Administrative law — Standard of review — Miscellaneous

§450 The third **Pushpanathan** factor is the purpose of the Act as a whole and the purpose of the provision in question in particular. Purpose and expertise often overlap. The purpose of a statute is often indicated by the specialized nature of the legislative structure and dispute-settlement mechanism and the need for expertise is often manifested as much by the requirements of the statute as by the specific qualifications of its members.¹

Footnotes

- ¹ **Pushpanathan** v. Canada (Minister of Employment & Immigration) (1998), [1998] 1 S.C.R. 982 (S.C.C.); additional reasons at (1998), [1998] 1 S.C.R. 1222 (S.C.C.); Canada (Minister of Transport, Infrastructure and Communities) v. Farwaha (2014), 2014 CarswellNat 457 (F.C.A.).

Linked
Footnote



Good Practices for Legal Research

Bonus Tip: Use commentary as a quick way to advance to primary law and vice versa.

Canadian Abridgment Digests

- Collection of case law digests
- The CED is an online textbook *and* a quick way to advance to case law
- authorities on point with a particular legal topic
- Easily accessible through the CED

1
(1998), [1998] 1 S.C.R. 1222 (S.C.C.); *Canada (Minister of Transport, Infrastructure and Communities) v. Farwaha* (2014), 2014 CarswellNat 457 (F.C.A.).



Good Practices for Legal Research

Bonus Tip: Use commentary as a quick way to advance to primary law (and vice versa).

Home > Canadian Abridgment Digests > ADM Administrative law > III Standard of review

ADM.III.3 Miscellaneous (236) ⓘ

1 - 50 ▶

☐ Select all items | No items selected

ADM Administrative law

- ADM.III Standard of review (2,152)
- ADM.III.3 Miscellaneous (236)

☐ **1. Makis v. College of Physicians and Surgeons (Complaint Review Committee)**
Alberta Court of Queen's Bench | Alberta | 2019 CarswellAlta 1561; 2019 ABQB 582; [2019] A.W.L.D. 3242; [2019] A.W.L.D. 3244; 309 A.C.W.S. (3d) 229; 54 Admin. L.R. (6th) 335

Applicant's complaint against another physician for unprofessional conduct was dismissed by Complaints Director of College of Physicians and Surgeons of Alberta (College) for lack of evidence — College's Complaint Review Committee (Committee) then upheld dismissal of complaint — Applicant claimed he was not even provided lowest level of fairness — Applicant brought application for review of Committee's review process as unfair — Application dismissed — Duty of fairness depended on circumstances of case; here, applicant was complainant and not subject of complaint and duty owed to applicant was at lower end of spectrum — Committee did not conduct its review in fundamentally unfair manner — Applicant's written submissions to Committee and Committee's certified Record showed applicant had opportunity to be heard by Committee and was afforded all fairness he could have reasonably expected.

Makis v. College of Physicians and Surgeons (Complaint Review Committee) (2019), 54 Admin. L.R. (6th) 335, 2019 CarswellAlta 1561, 2019 ABQB 582, D.A. Sulyma J. (Alta. Q.B.) [Alberta]

☐ **H 2. Shaka v. Canada (Citizenship and Immigration)**
Federal Court | Federal | 2019 CarswellNat 2395; 2019 CarswellNat 3698; 2019 FC 798; 2019 CF 798; 307 A.C.W.S. (3d) 827; 55 Admin. L.R. (6th) 187

Standard of review concerning decision to cancel pre-removal risk assessment application.

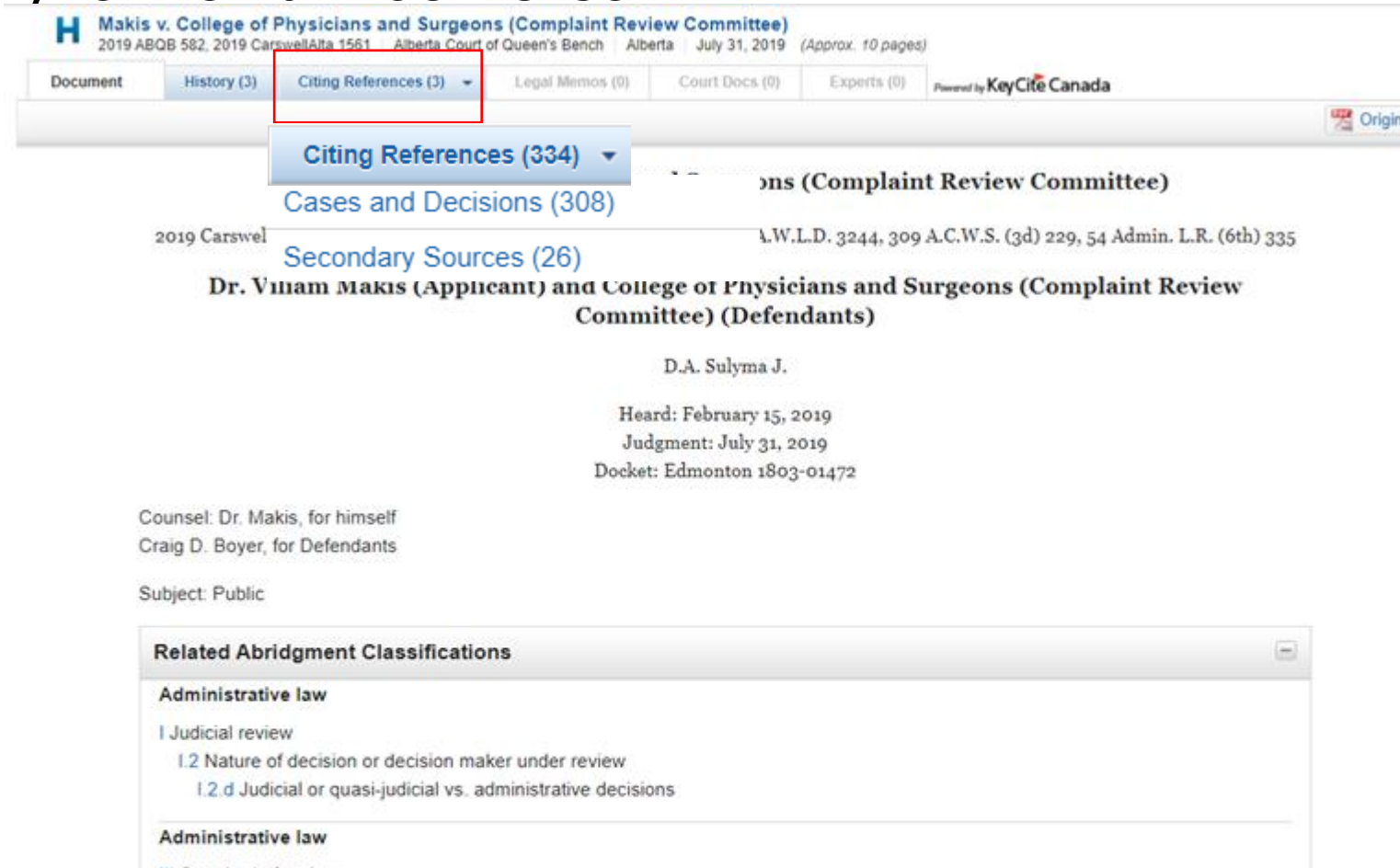
Shaka v. Canada (Citizenship and Immigration) (2019), 55 Admin. L.R. (6th) 187, 2019 CarswellNat 2395, 2019 FC 798, 2019 CarswellNat 3698, 2019 CF 798, John Norris J. (F.C.) [Federal]

☐ **3. Sabadash v. State Farm et al.**
Ontario Superior Court of Justice (Divisional Court) | Ontario | 2019 CarswellOnt 2216; 2019 ONSC 1121; 302 A.C.W.S. (3d) 454; 89 C.C.L.I. (5th) 238



Good Practices for Legal Research

Bonus Tip: Use commentary as a quick way to advance to primary law and vice versa.



The screenshot displays a legal research interface for a document titled "Makis v. College of Physicians and Surgeons (Complaint Review Committee)". The document is identified as 2019 ABQB 582, 2019 CarswellAlta 1561, from the Alberta Court of Queen's Bench, dated July 31, 2019, and is approximately 10 pages long. The interface includes tabs for "Document", "History (3)", "Citing References (3)", "Legal Memos (0)", "Court Docs (0)", and "Experts (0)". The "Citing References (3)" tab is selected, showing a dropdown menu with "Citing References (334)", "Cases and Decisions (308)", and "Secondary Sources (26)". The document is authored by D.A. Sulyma J. and was heard on February 15, 2019, with judgment on July 31, 2019. The docket number is Edmonton 1803-01472. The subject is Public. The interface also shows "Related Abridgment Classifications" under "Administrative law", including "Judicial review" and "Nature of decision or decision maker under review".



Artificial Intelligence (AI) Tools

You have access to vLex Vincent:

- An extractive AI tool
- It extracts significant key concepts from an uploaded document
- Then, it retrieves contextually relevant results from within the vLex platform

Watch [CPD 371 – Discover YOUR vLex](#)

AI-powered legal research added to the tool kit of every lawyer in Saskatchewan



Artificial Intelligence (AI) Tools

You have access to AI generated case summaries on CanLII (AB, MB, PEI, and SK)

R. v. Lewko, 2002 SKCA 121 (CanLII)

[Document](#)

[History \(0\)](#)

[Cited documents \(26\)](#)

[Treatment 📌 \(398\)](#)

[CanLII Connects \(1\)](#)

[AI analysis **New!**](#)

Facts

- The respondent was charged with failing to provide a breath sample as demanded by a peace officer, and with operating a vehicle while impaired by alcohol. He was found guilty of the first charge and not guilty of the second at trial. The respondent appealed the conviction, which was overturned by a higher court, leading to the current appeal by the Crown.

Procedural History

- Provincial Court: The respondent was found guilty of failing to provide a breath sample and not guilty of impaired operation (para 1).
- Court of Queen's Bench: The conviction was overturned, and a new trial was ordered (para 1).

Parties' Submissions

- Crown: Argued that the appellate judge incorrectly identified a defect in the trial judge's analysis, which led to an erroneous overturning of the conviction (para 1).
- Respondent: Contended that his cramped position in the police vehicle and his anxious state provided a reasonable excuse for failing to provide an adequate breath sample (paras 2, 5).

Legal Issues

- Whether the trial judge erred in his analysis by misconstruing the nature of the defense and applying the wrong standard of proof (para 5).
- Whether the respondent's cramped position and anxiety could constitute a "reasonable excuse" under s. 254(5) of the [Criminal Code](#) (para 42).



Law Society
of Saskatchewan



Artificial Intelligence (AI) Tools

Commercial legal technology companies are launching generative artificial intelligence (GenAI) tools in Canada:

- LexisNexis Quicklaw+ AI (*Launched in Canada in June 2024*)
- Thomson Reuters Westlaw CoCounsel AI (*Launched in Canada in June 2024*)
- vLex GenAI (*Not yet available in Canada*)





Artificial Intelligence (AI) Tools

GenAI tools on the internet are not generally suitable for legal research.

Examples

- [Open AI ChatGPT](#)
- [Microsoft CoPilot](#)
- [Google Gemini](#)

Reading & Watching

- [Guidelines for the Use of Generative Artificial Intelligence in the Practice of Law](#) / Law Society of Saskatchewan
- [Two Things AI Can Help With](#) / Bite Size CPD (Episode 157)
- [AI Handbook for Legal Professionals in Saskatchewan](#) / Deans Forum on Access to Justice 2024

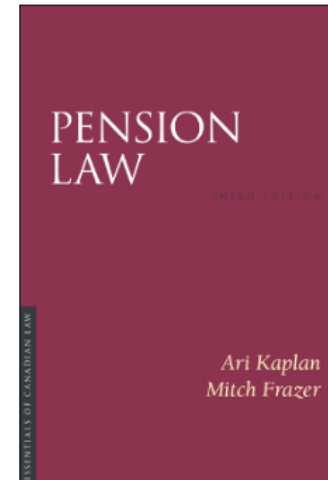
Targeted Resources for FCAA lawyers

- Administrative
- Business
- Commerce
- Consumer Protection
- Debtor-Creditor
- Mortgages
- Pension
- Securities

Online Commentary

vLex: Irwin Law eBooks

- Bankruptcy & Insolvency Law (2015)
- Law of Partnerships & Corporations (2018)
- Mergers, acquisitions, and other changes of corporate control (2020)
- Pension Law (2021)
- Personal property security law (2022)
- Securities Law (2023)



The third edition of Pension Law updates pension law and legislation starting with the Supreme Court of Canada's 2013 decision in *IBM Canada Limited v Waterman*, through to the 2020 release of *Fraser v Canada* (Attorney General). These cases further our legal understanding of pension benefits as bearing the "hallmarks of a property

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[Foreword To the Third Edition](#)

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[Acknowledgements](#)

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[Legal Nature of the Pension](#)

[Foundations](#)

[Reach](#)

[Regulation](#)

Online Commentary

vLex: Emond Working With the Law Series eBooks

- Administrative Law and Principles, (2024)

Home - Working with the Law Collection

Administrative Law: Principles and Advocacy, 5th Edition

Q Administrative Law: Principles and Advocacy, 5th




Table of Contents

- [Preliminary Content](#)
- [Part I: Principles and Theory](#)
- [Part II: Advocacy](#)
- [Part III: Challenging Administrative Action](#)
- [Appendixes](#)

Administrative Law: Principles and Advocacy, 5th Edition offers a comprehensive overview of key legal issues that arise in Canadian administrative law. This text introduces readers to the principles and procedures of this area of law.

Online Commentary

Westlaw: Canadian Encyclopedic Digest (2024)

- Administrative Law
- Debtor and Creditor
- Pensions — Private
- Pensions — Public
- Mortgages (Western)
- Securities
- Securities and Stock Exchanges

Administrative Law

☐ I — Introduction

☐ I — §1-§6 

☐ II — General Principles of Administrative Law

☒ 1 — The Relationship Between Administrative Law and the Rule of Law

☒ 2 — Statutory Delegation of Governmental Power

☐ III — Judicial Review and Statutory Appeal

☒ 1 — Forum

☒ 2 — Standing

☒ 3 — Delay

☒ 4 — Grounds for Judicial Review

☐ IV — Standards of Review

☒ 1 — General Principles

☒ 2 — Two Common Law Standards of Review

☒ 2.1 — Statutory Standards of Review

☒ 2.2 — Determining the Appropriate Standard of Review

☒ 7 — Different Standards of Review May Apply to Different Issues

☐ 8 — The Application of the Standard of Review

Online Commentary

CED Administrative Law Title

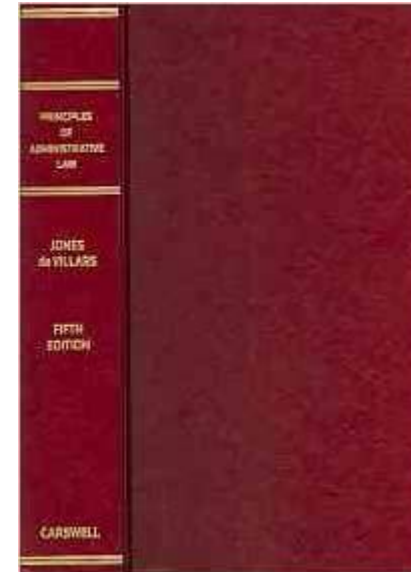
**Canadian Encyclopedic Digest
Administrative Law**

For print citation information please [click here](#).

Currency

Administrative Law

Prepared by David Phillip Jones, Q.C. B.A. (Hons.) (McGill), B.C.L., M.A. (Oxon.); Anne S. de Villars, Q.C. B.Sc. (Southampton), LL.B. (Alberta) and Dawn M. Knowles, B.Admin. (Regina), LL.B. (Hons.) (Alberta), all of de Villars Jones, Barristers and Solicitors, Edmonton: May 2012,
Updated by the legal editorial staff at Thomson Reuters Canada: March 2024



Case Law

Westlaw: Canadian Abridgment Digests (2024)

- Administrative law
- Bankruptcy and insolvency
- Business associations
- Debtors and creditors
- Financial institutions
- Pensions
- Securities

ADM Administrative law

☐ I Judicial review

- ☒ 1 Jurisdiction of court to review
- ☒ 2 Nature of decision or decision maker under review
- ☐ 3 Res judicata and estoppel
- ☐ 4 Prematurity
- ☐ 5 Availability of other remedy
- ☐ 6 Where issue becoming academic or moot
- ☐ 7 Effect of privative clauses
- ☐ 8 Curial deference
- ☐ 9 Miscellaneous

☐ II Natural justice

- ☒ 1 Duty of fairness
- ☒ 2 Bias
- ☐ 3 Statutory requirements and powers
- ☐ 4 Miscellaneous

☐ III Standard of review

Print Commentary

- [Canadian Business Corporations Act Annotated \(2024\)](#)
- [Canadian Law of Mortgages \(2018\)](#)
- [Digital Commerce in Canada \(2020\)](#)
- [Duties of Securities Brokers in Canada \(2021\)](#)
- [Hearings Before Administrative Tribunals \(2016\)](#)
- [Principles of Administrative Law \(2020\)](#)
- [Securities Regulation in Canada \(2019\)](#)



Forms & Precedents

Print

- [Carswell's form and precedent collection : corporate precedents](#) (2015)

Online

- [Westlaw: O'Brien's Encyclopedia of Forms](#) (2024)
 - Division I, Commercial and General
 - Division II, Corporations

Commercial and General, Division I

- ☐ Chapter 1. Acknowledgments
- ☐ Chapter 2. Advertising and Promotion
- ☐ Chapter 3. Affidavits, Certificates and Declarations
- ☐ Chapter 4. Agreements
- ☐ Chapter 5. Agriculture
- ☐ Chapter 6. Apprenticeship
- ☐ Chapter 7. Arbitration and Mediation
- ☐ Chapter 8. Arrangements with Creditors
- ☐ Chapter 9. Assignments
- ☐ Chapter 10. Athletics
- ☐ Chapter 11. Auctions
- ☐ Chapter 12. Author and Publisher
- ☐ Chapter 13. Aviation
- ☐ Chapter 14. Bailiffs
- ☐ Chapter 15. Bailment
- ☐ Chapter 16. Bankruptcy and Insolvency

Scenario



A good search technique that can broadly be applied to any online resource or area of law.





Scenario

Our example scenario:

- A will was found in the testator's files, but it had been crumpled up and ripped into three pieces. Will the will be revoked?



Search all databases

Document text

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Case name

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Noteup

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Primary

Canada

British C

Alberta

Saskatch

Manitoba

Comm

CanLIIDe

CanLII Con

2019-03-12 R v Sincian: The Disappearance of The Right to Counsel in Canada: R. v. Sincian, 2019 SCC 55, [2019] 2 SCR 510

2019-03-12 Privacy (Appropriately) Reigns Supreme: R v. Marakah: R. v. Marakah, 2017 SCC 59 (CanLII)

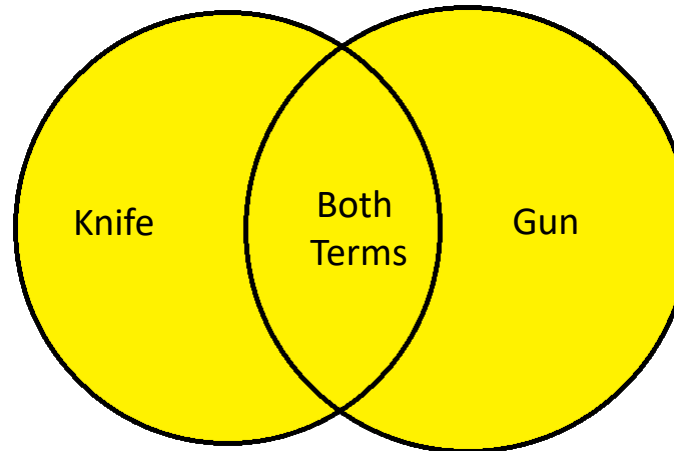
2019-03-12 Affaire Vallières (Psychologues) : La déclaration de culpabili...: Psychologues (Ordre professionnel des) c. Vallières, 2018 QCTP 121 (CanLII)

2019-03-12 Supporting Robust Discussions through Source Protection: R. v. Vice Media Canada Inc., 2018 SCC 53 (CanLII)

News

2019-03-07 [You Can Now Search Commentary on CanLII by Subject](#)

OR



Broadens the search & more results



Scenario

Common search syntax include:

- AND robbery AND weapon
- OR (armed OR weapon OR knife OR gun)
- “ ” “child of marriage”
- () (drugs OR “controlled substance”)
- creat! creature, creation, create, creating, etc
- /p officer /p ask
- /5 officer /5 ask





Scenario

Keyword Search Strategy:

- Step 1: Brainstorm for keyword
 - Step 2: Identify concepts
 - Step 3: Create search query
 - Step 4: Analyze results
 - Step 5: Reformulate search





Scenario

Keyword Search Strategy:

- Step 1: Brainstorm for keyword
 - Will, estates, destroyed, damaged, crumpled, ripped, revocation





Scenario

Keyword Search Strategy:

- Step 2: Identify concepts and group synonyms
 - CONCEPT 1 = wills
 - CONCEPT 2 = estates
 - CONCEPT 3 = destroy / rip / damage / tear
 - CONCEPT 4 = revocation





Scenario

Keyword Search Strategy:

- Step 3: Create search query
 - Advanced Search Formula:
 - (1a OR 1b OR 1c) AND (2a OR 2b OR 2c) AND (3a OR 3b OR 3c)
 - 1 and 2 and 3 are distinct CONCEPTS
 - 1a, 1b, 1c are variants of CONCEPT 1





Scenario

Keyword Search Strategy:

- Step 3: Create search query
 - Advanced Search Formula:
 - wills AND estates AND (destroy OR rip OR damage OR tear)



Search all databases

wills AND estates and (destroy OR rip OR damage OR tear)

x?



Case name, document title, file number, author or citation

?

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

?

Primary law

[Canada \(Federal\)](#)

[British Columbia](#)

[Alberta](#)

[Saskatchewan](#)

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Commentary

Books, articles, reports and more...

CanLII Connects

2020-09-28 [Bhasin v Hrynew: AUDIO Recording: Bhasin v. Hrynew, 2014 SCC 71 \(CanLII\)](#)

2020-09-28 [“Changing Johnny’s School” – Part Two: A.T.W. v. K.A.W., 2020 ONSC 4894 \(CanLII\)](#)

2020-09-28 [COVID-19 Vaccines for Kids – Which Parent Gets to Decide?: Tarkowski v. Lemieux, 2020 ONCJ 280 \(CanLII\)](#)

2020-09-28 [Hang Down Your Head George Dooley: Dooley v. Dooley, 2020 NSSC 109 \(CanLII\)](#)

EXACT(wills) EXACT(estates) (destroy or rip or damage or tear)



Case name, document title, file number, author or citation



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



All CanLII (45,785)

Cases (41,344)

Legislation (2,466)

Commentary (1,975)

My Documents

All jurisdictions ▾

By relevance ▾



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Email this query

Run a saved query ▾

Browse Lexbox ▾

1. [Morton v. Christian](#), 2014 BCSC 1303 (CanLII)
2014-07-14 | 19 pages | cited by 1 document
testator — copy of a notarial will — revocation

[...] She swears that Mr. Christian the
Buchanan saw **ripped** paper in the ba
Ms. Iverson and Ms. Buchanan as to v
that **will** at the time he made the stat
on s. 14(1) (d) of **Wills** Act, R.S.B.C. 19
“**ripped** up,” his **will**. [...]

Is this a reasonable
number of results?

ll that left everything to Lorraine.” Ms.
[...] [32] So while I accept the evidence of
will as evidence of his intentions toward
[...] In support of this assertion they rely
s. Buchanan about having “**destroyed**,” or



2. [Albilila c. Alipoor](#), 2012 QCCQ 7154 (CanLII)
2012-07-05 | 20 pages | cited by 2 documents
exclusive brokerage contract — legal — testifies — offer to purchase — letter

[...] iii) establish the amount of punitive **damages**. FACTS The sale [10] In 2007, the Defendants, who are a married couple, were both working as

x?



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All CanLII (1,130)

Cases (741)

Legislation (137)

Commentary (252)

My Documents

All jurisdictions —

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|--|-----|
| <input type="checkbox"/> Canada (Federal) | 41 |
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| <input type="checkbox"/> Manitoba | 34 |
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| <input type="checkbox"/> New Brunswick | 20 |
| <input type="checkbox"/> Nova Scotia | 36 |
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| <input type="checkbox"/> Newfoundland and Labrador | 21 |
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| <input type="checkbox"/> Nunavut | 3 |



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Can we improve this
search? How?

of what Mr. Christian said to Ms. Iverson and
led March 31, 2014, it governs the revocation
d Succession Act, S.B.C. 2009, c. 13, s. 185 .
supported, at least by inference, by Ms.
the mediation because "it was not related to the

☐ Include commentary 252

— testamentary capacity — will — propounder

[...] [4] Korda asserts that the Will she presented for probate was not Sheridan's last will and testament, as he had revoked the Will by **destroying**

[Quick Survey](#)

x?



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?

[All CanLII \(91\)](#)[Cases \(58\)](#)**[Legislation \(33\)](#)**[Commentary \(0\)](#) [My Documents](#)**Saskatchewan** ▾

All legislation ▾

All versions ▾

[Clear filters](#)

By relevance ▾



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Browse Lexbox ▾



7. [The **Wills Act**](#), RSS 1978, c W-14, [Repealed or spent]
Replaced by : [Wills Act , 1996](#)
[1 older version...](#)
Consolidated Statutes of Saskatchewan — Saskatchewan
24 pages | cited by [97 documents](#)



8. [The **Wills Act , 1996**](#), SS 1996, c W-14.1
[2 older versions...](#)
Consolidated Statutes of Saskatchewan — Saskatchewan
23 pages | cited by [38 documents](#)



9. [Queen's Bench Act](#), RSS 1978, c Q-1, [Repealed or spent]
Replaced by : [Queen's Bench Act, 1998](#)
Consolidated Statutes of Saskatchewan — Saskatchewan
83 pages | cited by [558 documents](#)

The Wills Act, 1996, SS 1996, c W-14.1

Document

[Versions \(3\)](#)[Regulations \(3\)](#)[Amendments \(6\)](#)[Cited by \(28\)](#)

Please note
This statute

Current version

Link to the

Stable link

Citation to

Currency:

lexbox

REVOCATION AND REVIVAL

16 No will of

(a) Re

(b) by

(c) by

will and

(d) by

by the

direction

What is our next
step?

part of the

of the will
his or her

1996, c.W-14.1, s.16; 2001, c.51, s.10; 2020, c.8,
s.16.

being

Chapter W-14.1 of the *Statutes of Saskatchewan, 1996* (effective August 1, 1997) as amended by the *Statutes of Saskatchewan, 2001, c.51; 2019, c.I-13.2; and 2020, c.8.*

Search all databases

"burning tearing or otherwise destroying"

x?



Case name, document title, file number, author or citation

?

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

?

Primary law

[Canada \(Federal\)](#)

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2020-09-28 ["Changing Johnny's School" – Part Two: A.T.W. v. K.A.W., 2020 ONSC 4894 \(CanLII\)](#)

2020-09-28 [COVID-19 Vaccines for Kids – Which Parent Gets to Decide?: Tarkowski v. Lemieux, 2020 ONCJ 280 \(CanLII\)](#)

2020-09-28 [Hang Down Your Head George Dooley: Dooley v. Dooley, 2020 NSSC 109 \(CanLII\)](#)

"burning tearing or otherwise destroying"



Case name, document title, file number, author or citation



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



All CanLII (100)

Cases (59)

Legislation (31)

Commentary (10)

My Documents

All jurisdictions ▾

By relevance ▾



lexbox

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Browse Lexbox ▾

1.

[Gallant Estate, Re](#), 1984 CanLII 3942 (NB QB)

1984-11-15 | 7 pages | cited by [4 documents](#)

testator — will — ink-marks — revoke — tearing

[...] [9]S ection 15 of the Wills Act reads as follows: "A will or part of a will is revoked only by (d) **burning, tearing or otherwise destroying** it by the testator or by some person in his presence and by his direction with the intention of revoking it." [...] "There was no '**burning, tearing or otherwise destroying**' of the will; and 'cancelling' is omitted from the destructive methods by which a testa-tor may revoke his will: Wills Act, R.S.O. 1914, ch. 120, sec. 23. [...] bring the case within sec. 23 of the statute now in force, that is, by another will, by a revocation in writing executed in the manner in which a will is required to be executed, or by the **burning, tearing, or otherwise destroying** of the will by the testator or at his intance animo revocandi." [...]



2.

[Royal Trust Company v. Baxter](#), 1931 CanLII 470 (AB CA)

1931-03-20 | 4 pages | cited by [11 documents](#)

codicil — testator — interlineation — revocation — alteration

[...] or by some writing declaring an intention to revoke the same and executed in the manner in which a will is hereinbefore required to be executed, or by the **burning, tearing or otherwise destroying** the same by the testator .or by some. person in his presence and by his direction with the inte

Quick Survey

"burning tearing or otherwise destroying"

x?



Case name, document title, file number, author or citation

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

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All CanLII (100)

Cases (59)

Legislation (31)

Commentary (10)

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Any date ▾

By relevance ▾



- ☐ Canada (Federal) 1
- ☐ British Columbia 4
- ☐ Alberta 12
- ☐ Saskatchewan 4
- ☐ Manitoba 8
- ☐ Ontario 1
- ☐ Quebec 6
- ☐ New Brunswick 6
- ☐ Nova Scotia 0
- ☐ Prince Edward Island 3
- ☐ Newfoundland and Labrador 0
- ☐ Yukon 1
- ☐ Northwest Territories 0
- ☐ Nunavut 0
- ☐ Include commentary 0

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CanLII 3942 (NB QB)

cited by 4 documents

— revoke — tearing

The Wills Act reads as follows: "A will or part of a will is revoked only by (d) **burning, tearing or otherwise destroying** it by the person in his presence and by his direction with the intention of revoking it." [...] "There was no '**burning, tearing or otherwise** and 'cancelling' is omitted from the destructive methods by which a testator may revoke his will: Wills Act, R.S.O. 1914, ch. 120, sec. 6 within sec. 23 of the statute now in force, that is, by another will, by a revocation in writing executed in the manner in which a will is, or by the **burning, tearing, or otherwise destroying** of the will by the testator or at his instance animo revocandi." [...]



Baxter, 1931 CanLII 470 (AB CA)

cited by 11 documents

— revocation — alteration

[...] or by some writing declaring an intention to revoke the same and executed in the manner in which a will is hereinbefore required to be executed, or by the **burning, tearing or otherwise destroying** the same by the testator or by some person in his presence and by his direction with the intention of revoking it.

x?



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All CanLII (24)

Cases (13)

Legislation (11)

Commentary (0)

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Saskatchewan ▾

All courts and tribunals ▾

Any date ▾

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Date: newest ▾



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1	All courts and tribunals	13
	All courts	13
	✓ Appeal courts	2
	All tribunals	0
	Labour	0
	Privacy	0
	Human rights	0
	Discipline	0
	Securities	0

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his query



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1.

[Ingrai](#)
2018-
admir
[...]
direc

2.

[Fitzpatrick v Ollenberger](#), 2017 SKCA 24 (CanLII)2017-03-21 | 24 pages | cited by [9 documents](#)*presumption of destruction animo revocandi — will — testator — revoke — holograph*

[...] (d) by **burning, tearing or otherwise destroying** the will or part of the will by the testator, or by some person in his or her presence and by his or her direction, with the intention of revoking it. [...] [49] Subsection 16 (d) of the Act also provides that a will is revoked “by **burning, tearing or otherwise destroying** the will or part of the will by the testator, or by some person in his or her presence and by his or her direction, with the intention of re

x?



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All CanLII (24)

Cases (2)

Legislation (11)

Commentary (0)

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Any date ▾

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There is 1 decision from the Supreme Court of Canada that matches your search. [Add it to your results.](#)

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1.

[Fitzpatrick v Ollenberger](#), 2017 SKCA 24 (CanLII)2017-03-21 | 24 pages | cited by [9 documents](#)*presumption of destruction animo revocandi — will — testator — revoke — holograph*

[...] (d) by **burning, tearing or otherwise destroying** the will or part of the will by the testator, or by some person in his or her presence and by his or her direction, with the intention of revoking it. [...] [49] Subsection 16 (d) of the Act also provides that a will is revoked “by **burning, tearing or otherwise destroying** the will or part of the will by the testator, or by some person in his or her presence and by his or her direction, with the intention of revoking it.” Problems arise when the testator dies and the will cannot [...]



2.

[Santiago v Trotter](#), 2016 SKCA 113 (CanLII)2016-08-31 | 20 pages | cited by [2 documents](#)*solicitor-client costs — testator — will — revoked — marriage*

[...] (d) by **burning, tearing or otherwise destroying** the will or part of the will by the testator, or by some person in his or her presence and by

[Quick Survey](#)

EXACT(wills) AND EXACT(estates) AND ((destroy OR damage OR rip OR tear) /5 will)

x?



Case name, document title, file number, author or citation

?

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

?

All CanLII (91)

Cases (58)

Legislation (33)

Commentary (0)

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Saskatchewan

All courts and tribunals

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By relevance



There are 22 decisions from

sults.

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ed query

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Can we fix this?

1.

[Kot v Kot](#), 2018 SKQB 338 (CanLI
2018-12-03 | 20 pages
solemn form — undue influence

[...] [4] Ronda asserts that the Will she presented for probate was not Sheridan's last will and testament, as he had revoked the Will by **destroying** it just prior to his death. [...] Claire said he was close to Sheridan and it would be out of character for him to **tear** up a document, such as a will. [...] Edie submits that allowing this aspect of the decision below to stand could adversely affect the administration of **estates**. [...]



2.

[Figley v Figley](#), 2018 SKQB 102 (CanLII)
2018-04-02 | 9 pages | cited by [2 documents](#)
solicitor-client privilege — testator — wills — questioning — execution

[...] _____ IN THE MATTER OF THE ADMINISTRATION OF **ESTATES** ACT AND [...] Similarly, in *Re Ott*, 1972 CanLII 694 (ON SC), [1972] 2 O.R. 5 (Surr. Ct.), where the issue was whether the testator by **tearing** it up intended to revoke

Quick Survey

EXACT(wills) AND EXACT(estates) AND ((destroy or damage or rip or tear) /5 will) x?

Case name, document title, file number, author or citation ?

Noteup/Discussion: cited case names, legislation titles, citations or dockets ?

All CanLII (27)

Cases (17)

Legislation (10)

Commentary (0)

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1.

[Flaman Estate, Re](#), 1997 CanLII 11042 (SK QB)

1997-06-27 | 7 pages | cited by [6 documents](#)

will annexed — estate — devisees — probate — legatees

[...] the **will** was either lost or **destroyed** when Cecilia was in Mutchmore Lodge or Santa Maria Nursing Home. [...] **destroy** or revoke or change his **will** after Cecilia was appointed committee. [...] 1. On what basis can a lost or **destroyed will** be admitted to probate? [...]



2.

[Kot v Kot](#), 2018 SKQB 338 (CanLII)

2018-12-03 | 20 pages

solemn form — undue influence — testamentary capacity — will — propounder

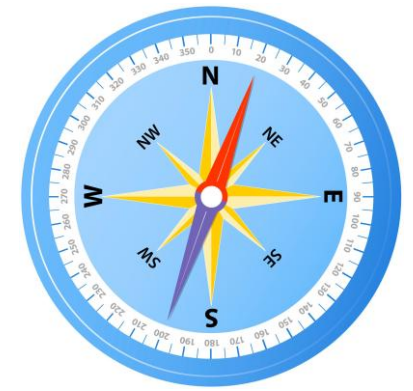
[...] [4] Ronda asserts that the Will she presented for probate was not Sheridan's last will and testament, as he had revoked the **Will** by **destroying** it just prior to his death. [...] Some time later, Ronda saw Sheridan **tear** up the **Will** copy, telling her Robin did not deserve anything. [...] [40] Ronda asserts that Sheridan was capable of **tearing** up his **Will**, and changing his mind about leaving anything for Robin. [...]



3.

[Figley v Figley](#), 2018 SKQB 102 (CanLII)

Mapping Our Research Trail



1.

Scenario: A will was found in the testator's files, but it had been crumpled up and ripped into three pieces. Will the will be revoked?

2.

Facts: will, rip, tear
Legal concepts: revocation

3.

First search: wills AND estates AND (destroy OR rip OR damage OR tear)

Result: More than 40,000 cases and 2000 legislative documents

4.

Refined search: EXACT(wills) AND EXACT(estates) AND (destroy OR damage OR rip OR tear)

Result: 33 Saskatchewan legislative documents

Result: Section 16 of *The Wills Act*, SS 1996, c 14.1

5.

New search: "burning tearing or otherwise destroying"

Result: 13 Saskatchewan cases

Result: Two recent Court of Appeal decisions

6.

Refined search: EXACT(wills) AND EXACT(estates) AND ((destroy OR damage OR rip OR tear) /5 will)

Result: 17 Saskatchewan cases

Thank You



Law Society
of Saskatchewan

Alan Kilpatrick (he/him)
Co-Director, Legal Resources
Law Society of Saskatchewan
alan.kilpatrick@lawsociety.sk.ca