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<p>THE CHARTER OF RIGHTS IN LITIGATION Gerard J. Kennedy Release No. 4, August 2025</p>
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What's New in this Update:

This release features updates to Appendix WP, Words and Phrases.

- **Words and Phrases—AIR OF REALITY—Supreme Court of Canada—** Where an offence is properly an included offence in accordance with [the applicable] principles, there arises the distinct question of whether that offence should be left with the jury: *R. v. Pan* (2025), 2025 D.L.R. (4th) 579, 2025 CarswellOnt 4989, 2025 CarswellOnt 4988, 2025 SCC 12, 2025 CSC 12, 446 C.C.C. (3d) 333 (S.C.C.).
- **Words and Phrases—CHARGE—Ontario —** For 11(b) [of Canadian Charter of Rights and Freedoms] purposes, the “charge” means the date the person is charged before the court, or the information is sworn: *R. v. Kahlon, Mangat and Sanghera* (2025), 2025 ONSC 651, 2025 CarswellOnt 1023.
- **Words and Phrases—CONTROL—Ontario—** A person is in possession of a substance if he is aware that he has physical custody and control of it. Control means that the person has some power or authority over the substance, whether or not he used that power or authority: *R. v. Auclair* (2023), 2023 CarswellOnt 18377, 2023 ONSC 6590.