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<p>THE CHARTER OF RIGHTS IN LITIGATION Gerard J. Kennedy Release No. 6, December 2024</p>
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What's New in this Update:

This release features updates to Appendix IF. Issues in Focus and Appendix WP. Words and Phrases.

- **APPENDIX IF — Can the federal government be sued under sections 7 and 11(b) of the Canadian Charter of Rights and Freedoms for a backlog in administrative decisions?** — In the context of section B:Pt. I:11, there is recognition from the S.C.C. that unreasonable delay when being charged with an offence can lead to economic hardship and uncertainty. It is uncertain whether delay in conferring basic economic benefits can also lead to finding of economic hardship and uncertainty. With respect to violations of “life, liberty and security of the person” under section B:Pt. I:7 of the Canadian Charter of Rights and Freedoms, there is a decision where an appeal to the Immigration and Refugee Board found that a 2 year delay in a decision on immigration was a deprivation under section B:Pt. I:7. The British Columbia Court of Appeal recently rejected the argument that Jordan principles should apply to all proceedings before the Securities Commission.