Publisher's Note

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Fiduciary Duties in Canada

Ellis

Release No. 8, September 2025

This service gives a comprehensive, up-to-date case law analysis of fiduciary responsibility. Separate chapters give specific analysis of fiduciary duty as it applies to each individual business and professional relationship. The updatable format ensures currency.

What's New in this Update:

This release features updates and new appeal-level case synopses in Chapter 17 (Joint Ventures), Chapter 21 (Employees), Chapter 24 (Shareholders), and Chapter 25 (Governmental Authorities) Additionally, it features a new legal memo in Appendix IF—Issues in Focus on the application of the oppression remedy, and the impact of the Supreme Court of Canada's decision in *BCE Inc*.

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Highlights:

- Chapter 21. Employees—X. Case Synopses—§ 21:45 Generally—This section has been updated to include new case digests of several recent trial-level and appeal court decisions including the ONCA decision in *Total Meter Services Inc. v. GVM Integration*, 2025 ONCA 321, 2025 CarswellOnt 6300 (Ont. C.A.) and the BCCA decision in *Skycope Technologies Inc. v. Jia*.
- Chapter 25. Governmental Authorities—XI. Case Synopses—§ 16:20 Generally—This section has been updated to include summaries of several recent decisions where courts considered fiduciary obligations of governmental authorities across a spectrum of contexts, including historic claims based on actions of child protection authorities and child welfare services, as well as claims of employees of the RCMP and Canadian armed forces, and farmers.
- Appendices—Appendix IF—Issues in Focus—This memorandum discusses the current scope and application of the oppression remedy in Canada. In particular, the BCE Inc. decision is reviewed and its impact on the application and the scope of the remedy are explored. The "oppression remedy" is a statute-based remedy, which is set out in both the Canada Business Corporations Act [generally] and the Business Corporations Act, (Ontario). Although neither Act, defines "oppression remedy" as a standalone term, the Canadian Encyclopedic Digest describes it as a remedy that "gives the courts the power to intervene in the affairs of a corporation at the behest of a complainant where it is necessary to protect them from or prevent the oppressive or unfairly prejudicial conduct of the corporation." Essentially, the oppression remedy allows for a broad range of remedies against a variety of corporate actors and can address a potentially unlimited array of unfair conduct.