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PROFESSIONAL LIABILITY IN CANADA

Campion & Dimmer
Release No. 6, July 2025

Professional Liability in Canada is a comprehensive resource for practitioners called upon to deal with professional liability issues. Providing an exhaustive treatment of the cases governing this growing area of law, it contains both general context analysis and chapters dealing with the liability of specific professions such as lawyers, doctors, accountants, engineers, architects, financial advisors and bankers, real estate brokers and agents. This work also includes practical precedents such as claims, defences and other pleadings.

What's New in this Release

This release features updates to Chapter 11 Class Proceedings: Professional Liability and Appendix B — Lists of Professional Associations and Bodies.

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Highlights

- SECTION 11.19. SETTLEMENT, DISCONTINUANCE, ABANDONMENT AND DISMISSAL — Under the Ontario *Class Proceedings Act, 1992*, S.O. 1992, c. 6, class counsel are required to make full and frank disclosure of certain prescribed factors, as a means of assisting the court in assessing the fairness of a proposed settlement before it is approved. The court may also hold back the payment of fees to class counsel until it is satisfied with the distribution of the settlement funds. In the combined settlement and certification motions ancillary orders may be necessary regarding any necessary Estate concerns, declaring that relief sought by the class as against the settling defendants is declaratory, general damages, punitive damages, interest and costs, appointing a claims administrator, and an order that no person may bring an action or take a proceeding against any included party except by leave of the Court: *McDowell v. Fortress Real Capital Inc.*, 2025 ONSC 635, 2025 CarswellOnt 954.