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INSURANCE LAW IN CANADA

Craig Brown

Release No. 8, December 2025

This work provides an extensive treatment of insurance law in Canada, combining a scholarly treatment of general principles with a practical treatment of the issues arising in specific types of insurance practice. Chapters 1 through 15 contain the established text on the subject, Insurance Law in Canada. Chapters 16 through 20 are authored by practitioners who are experts in their respective fields: accident and sickness insurance; automotive insurance; liability insurance; marine insurance; and property insurance. The service gives you practical coverage of the issues arising in practice, combined with trusted coverage of first principles, all at your fingertips. The authors deal with legislation and case law from all across Canada. The work is published in a looseleaf format, ensuring currency through regular updates.

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What's New

This release features updates to the case law digests in Chapters 3 (Agents and Other Insurance Intermediaries), 9 (Notice and Proof of Loss), 13 (Subrogation), and 16 (Accident and Sickness Insurance).

Highlights

- **Agents and Other Insurance Intermediaries—Appendices—Case Digests—Agents, brokers and adjusters—General Principles—**The Court of Appeal clarified that no general principle excludes insurer duty regarding product suitability and that leave to amend should not have been refused based on an incorrect legal distinction: *Gagne v. Harrison*, 2024 ONCA 82, 2024 CarswellOnt 1085, 44 C.C.L.I. (6th) 231 (Ont. C.A.).
- **Agents and Other Insurance Intermediaries—Appendices—Case Digests—Agents, brokers and adjusters—Liability of agent to insured—Miscellaneous—**The court found no breach of duty or causation, noting the broker explained coverage and the appellant had a history of declining excess coverage. The Court of Appeal affirmed, holding the broker was not required to recommend coverage and the appellant did not express confusion or special needs: *Carriere-de-Davide v. Westland Insurance Group Ltd.*, 2025 BCCA 283, 2025 CarswellBC 2378 (B.C. C.A.), affirming 2024 BCSC 686 (B.C. S.C.).
- **Notice and Proof of Loss—Appendices—Case Digests—Claims—Notice and proof of loss—Relief against forfeiture—**The insured failed to notify the insurer promptly after a change in law permitted disclosure. The Ontario Court of Appeal upheld the lower court's dismissal, finding that the insured's non-compliance meant relief from forfeiture was not appropriate: *Furtado v. Lloyd's Underwriters*, 2024 ONCA 579, 2024 CarswellOnt 10851, 51 B.L.R. (6th) 171, 43 C.C.L.I. (6th) 81, 499 D.L.R. (4th) 358, [2024] I.L.R. I-6459 (Ont. C.A.), affirming 2023 ONSC 5803 (Ont. S.C.J.), leave to appeal refused 2025 CarswellOnt 4026, 2025 CarswellOnt 4025, 2025 CanLII 25323 (S.C.C.).