

## Publisher's Note

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### Publisher's Special Release Note 2021

The pages in this work were reissued in August 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the August 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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## In this Update

- **Legislative Highlights**

- The Supreme Court of Canada, in *R. v. J.J.*, 2022 SCC 28, found the procedure in sections 278.92-278.94 for screening a complainant's private records in the hands of the accused constitutional.

- **Case Law Highlights**

- The Supreme Court of Canada, in *R. v. Tim*, 2022 SCC 12, held it is unlawful for the police to arrest based on a mistake of law. The reasonable grounds concept enshrined in the warrantless arrest powers under s. 495 of the *Criminal Code* relate to the facts, not the existence of an offence in law.
- *Dubois v. Saskatchewan*, 2022 SKCA 15, where the Saskatchewan Court of Appeal declined to quash an appeal from a decision dismissing an application brought by protestors who were arrested under trespassing legislation for a declaration that their sections 2(b) and 9 *Charter* rights were breached.
- *Alafi v. Lindenback*, 2022 ONSC 1435, where the Ontario Superior Court of Justice refused to strike a claim alleging that the defendant breached the plaintiffs' section 7 *Charter* rights by consenting to their daughter's medical treatment without lawful authority for not disclosing a reasonable cause of action.
- *Manitoba Federation of Labour et al v. The Government of Manitoba*, 2022 MBQB 32, where the Manitoba Court of Queen's Bench affirmed that the defendant committed an unfair labour practice that violated section 2(d) of the *Charter*.
- *Power Workers Union v. Canada (Attorney General)*, 2022 FC 73, where the Federal Court granted a stay of the implementation of a direction of the Canadian Nuclear Safety Commission regarding the collection of bodily samples from employees and candidates for alcohol and drug testing purposes, which the applicant alleged was contrary to sections 7, 8, and 15 of the *Charter*.
- *Ontario v. Trinity Bible Chapel et al*, 2022 ONSC 1344, where the Ontario Superior Court of Justice declined to set aside orders directing compliance with religious gathering restrictions imposed by the Ontario government to reduce the risk of COVID-19 transmission, which the claimants alleged infringed their section 2(a) *Charter* rights.
- *Li v. Barber et al*, 2022 ONSC 1513, where the Ontario Superior Court of Justice granted an interim injunction requiring protestors to refrain from blasting air horns or rail horns, which infringed the section 7 *Charter* rights of Ottawa residents.

- *Attorney General of Canada v. Power*, 2022 NBCA 14, where the New Brunswick Court of Appeal dismissed an appeal from the lower court's finding that the Crown may be held liable for *Charter* damages for harm suffered due to the enactment or application of a law that has subsequently been found to be invalid.
- *Chung v. British Columbia*, 2022 BCSC 829, where the British Columbia Supreme Court allowed an application to strike a claim alleging that the government's failure to provide timely funding for a drug to treat the claimant's medical condition breached his sections 7, 12, and 15(1) *Charter* rights for not disclosing a reasonable cause of action.
- *Rudolph v. Canada (Attorney General)*, 2022 NSSC 127, where the Nova Scotia Supreme Court declined to grant damages for the RCMP's breach of the applicant's section 7 *Charter* rights during a criminal investigation into fraud allegations.
- *Shaulov v. Law Society of Ontario*, 2022 ONSC 2732, where the Ontario Superior Court of Justice concluded that the Law Society of Ontario's licensing process did not violate sections 7 or 15(1) of the *Charter* on the basis of perceived or actual cognitive disability.
- *Sakab Saudi Holding Company v. Al Jabri*, 2022 ONSC 2563, where the Ontario Superior Court of Justice held that the guarantee against self-incrimination under section 13 of the *Charter* does not apply to evidence given voluntarily and not under compulsion.
- *Willms v. Canada (Attorney General)*, 2022 FC 543, where the Federal Court held that the CRA's refusal to order a third-party privilege review did not constitute a seizure and was not contrary to the applicant's section 8 *Charter* rights.
- *The Acadian Society of New Brunswick v. The Right Honourable Prime Minister of Canada et al.*, 2022 NBBR 85, where the New Brunswick Court of Queen's Bench concluded that the appointment of a unilingual Lieutenant-Governor violated the language rights provisions of the *Charter*.

## ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases is now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView

- Footnote text only appears in ProView-generated PDFs of entire sections and pages