

Publisher's Note

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MANUAL OF MOTOR VEHICLE LAW

Segal

Release No. 4, April 2022

Publisher's Special Release Note 2021

The pages in this work were reissued in September 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 September 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 may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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This resource provides detailed annotations for the Ontario *Highway Traffic Act* as well as related provincial and federal statutes, and features a convenient words and phrases section of related judicially defined terms.

This release adds relevant case law to Chapters 1(Introductory), 3 (Part I — Administration), 7 (Part IV — Licences Driver, Driving Instructor), 9 (Part VI — Equipment), 12 (Part IX — rate of Speed), 13 (Part X — Rules of the Road), Appendix B (Defences to Actionable Negligence), and Appendix WP (Words and Phrases).

Highlights

New case law discussed in this release includes the following:

Rate of Speed – Physical Proof of Speed – As the victim was crossing the street against a pedestrian signal, the accused driver did not see her until the very last moment, and struck her, causing her death. Witnesses and camera footage established the accused to have been travelling at an excessive speed. The court found that the mere absence of radar or laser readings not to have cast doubt on the accuracy of observations or the timing and measurements used to calculate the accused’s speed: *R. v. Abdullahi*, 2021 ABPC 218, 2021 CarswellAlta 2877 (Alta. C.A.).

Judicial interpretations of relevant terminology added to this service’s Words & Phrases include the following:

Forthwith – Ontario – “The term forthwith” conveys a sense of promptness but may be given a more flexible interpretation in unusual circumstances, generally to ensure an accurate result of a proper breath sample ...”: per Kurke J., at para. 18 in *R. v. Gowan*, 2019 ONSC 3891, 2019 CarswellOnt 11743 (Ont. S.C.).

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 and Index are 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
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages