

## Index

### **ACTS NOT AFFECTED, 6**

- Generally, § **CLPA6:2**
- History and related provisions, § **CLPA6:1**
- PACA Cases, § **CLPA6:3**

### **AGENT OF CROWN**

- Generally, § **CLPA1:2**
- How corporation can become, § **CLPA1:2**
- Control test, § **CPLA1:2**
- De jure control, § **CLPA1:2**, § **CLPA1:3**

### **ASSEMBLY PRIVILEGE**

#### **UNAFFECTED, 4**

- Generally, § **CLPA4:2**
- History and related provisions, § **CLPA4:1**
- Legislative Assembly Act (Ontario), § **CLPA4:2**

### **BAD FAITH**

- (See PROCEEDINGS RE MISFEASANCE, BAD FAITH)

### **CABINET DELIBERATIONS**

- Generally, § **CLPA13:2**

### **COMMON LAW**

- Generally, § **INT:1 to § INT:2**
- Agent, liability for conduct of, § **CLPA8:2**
- Agent of the Crown, § **CLPA1:2**
- Crown employees, § **CLPA1:2**
- Crown immunity at common law and statutory reform, § **CLPA8:2**
- Direct liability, § **INT:6**

### **COMMON LAW—Cont'd**

- Independent contractors, liability for conduct of, § **CLPA8:2**
- Policy immunity, § **CLPA11:2**, § **CLPA31:2**, § **INT:6**, 11(4) and (5)
- Procedural Immunity, § **INT:2**
  - Petition of right, § **INT:2**, § **INT:4**
  - Royal fiat, historically, § **INT:2**
- “Residue” of Crown liability, § **INT:6**
- Substantive immunity, § **INT:2**
  - Crown servants or agents, historically, § **INT:2**
  - Equitable claims, historically, § **INT:2**
  - Personal injury and property damage, historically, § **INT:2**
  - Recovery of money, goods or property, historically, § **INT:2**
  - Suit in contract, historically, § **INT:2**
- Vicarious liability for torts of servants or agents, § **CLPA8:2**

### **CONFLICT WITH OTHER ACTS, 7**

- Generally, § **CLPA7:2**
- Crown Proceedings Act (British Columbia), § **CLPA7:2**
- History and related provisions, § **CLPA7:1**
- PACA Cases, § **CLPA7:3**

**CONTRIBUTION AND  
INDEMNITY, 8(4), § CLPA8:2**

**CORPORATIONS**

Agent of crown, how corporation  
can become, § **CLPA1:2**  
Control test, § **CLPA1:2**  
De jure control, § **CLPA1:2**,  
§ **CLPA1:3**

**COUNTERCLAIM**

(See RESTRICTIONS ON SET-  
OFF AND  
COUNTERCLAIM)

**CROWN BOUND, 2**

Generally, § **CLPA2:2**  
Application of other acts, **2(2)**  
PACA Cases, § **CLPA2:3**  
Statutory rights of action, **2(3)**

**CROWN LIABILITY, 8**

Generally, § **CLPA8:2**  
CLPA, 2019 Cases, § **CLPA8:4**  
Contribution and indemnity, 8(4),  
§ **CLPA8:2**  
Crown immunity at common law  
and statutory reform,  
§ **CLPA8:2**  
Direct liability, 8(1)(b)-(d),  
§ **CLPA8:2**  
History and related provisions,  
§ **CLPA8:1**  
Limitation periods, 8(3),  
§ **CLPA8:2**  
Effect of notice re damages on,  
§ **CLPA18:2**  
Owner, occupier, possessor or  
controller of property, duty as,  
§ **CLPA8:2**  
PACA Cases, § **CLPA8:3**  
Statutory defences, 8(3),  
§ **CLPA8:2**  
Vicarious liability, 8(1)(a),  
§ **CLPA8:2**

**CROWN LIABILITY AND  
PROCEEDINGS ACT, 2019**

Generally, § **INT:5**

**CROWN LIABILITY AND  
PROCEEDINGS ACT, 2019**

**—Cont’d**

Amendments, § **INT:5**  
Declaratory relief, interim or inter-  
locutory, § **INT:6**  
Definitions, 1, § **CLPA1:2**  
Direct liability, § **INT:6**  
Distinct parts, § **INT:5**  
Injunctions, § **INT:6**  
Interim declaratory orders, § **INT:6**  
Petition of right regime, elimination  
of, § **CLPA16:2 to**  
§ **CLPA16:3**, § **INT:6, 16**  
Policy immunity, § **INT:6**  
“Residue” of Crown liability,  
clarification of, § **INT:6**

**CROWN LIABILITY AT  
COMMON LAW**

(See COMMON LAW)

**CROWN LIABILITY STATUTES**

(See STATUTES)

**DAMAGES**

(See NOTICE OF CLAIM FOR  
DAMAGES REQUIRED)

**DEFAULT JUDGMENT**

(See NO DEFAULT JUDGMENT  
AGAINST THE CROWN  
WITHOUT LEAVE)

**DEFINITIONS**

Generally, § **CLPA1:2**  
Act or omission, **1(3)**  
Administrative unit, **27**  
Agent, § **CLPA1:2**, § **CLPA1:3**,  
§ **CLPA8:2**  
Crown, 1(1), § **CLPA1:2**,  
§ **CLPA1:3**  
Crown agency, § **CLPA1:2**,  
§ **CLPA8:2**  
Crown corporation, § **CLPA1:2**,  
**1(1)**  
Duties or functions of legislative  
nature, § **CLPA11:2**

**DEFINITIONS—Cont’d**

Employee, § **CLPA1:2**  
 Former officers, etc. of the Crown, **1(4)**  
 History and related provisions, § **CLPA1:1**  
 Independent contractor, § **CLPA1:2**, § **CLPA1:3**, § **CLPA9:2**  
 Independent contractors providing services to the Crown, § **CLPA8:2**, § **CLPA9:2**  
 Officer of the Crown, 1(2), § **CLPA8:2**  
 Officers and employees, § **CLPA8:2**  
 Order, 1(1), § **CLPA1:2**  
 Prescribed, 1(1)  
 Proceeding, 1(1)  
 Proceeding against the crown, § **CLPA1:2**  
 Regulations, 1(1)  
 Regulatory decision, 11(6), § **CLPA11:2**  
 Servants, § **CLPA8:2**  
 Transfer payment recipient, 1(1), § **CLPA8:2**, § **INT:5**

**DESIGNATION OF CROWN, 14**

Generally, § **CLPA14:2**  
 CLPA, 2019 Cases, § **CLPA14:4**  
 History and related provisions, § **CLPA14:1**  
 PACA Cases, § **CLPA14:3**

**DISCOVERY, EXAMINATION, 19**

Generally, § **CLPA19:2**  
 CLPA, 2019 Cases, § **CLPA19:4**  
 Differences from regular discovery rules, § **CLPA19:2**  
 History and related provisions, § **CLPA19:1**  
 PACA Cases, § **CLPA19:3**  
 Third-party production requests, § **CLPA19:2**

**EMPLOYEES**

Generally, § **CLPA1:2**  
 Vicarious liability, § **CLPA8:2**  
 Whether an employee or independent contractor, § **CLPA1:2**

**EVIDENCE**

(See RULES OF EVIDENCE UNAFFECTED)

**EXECUTION**

(See NO EXECUTION AGAINST THE CROWN)

**EXTINGUISHMENT OF CAUSES OF ACTION RESPECTING CERTAIN GOVERNMENTAL FUNCTIONS, 11**

Generally, § **CLPA11:2**  
 CLPA, 2019 Cases, § **CLPA11:4**  
 Coming into force and effect, § **CLPA11:2**  
 Duties or functions of legislative nature, meaning of, § **CLPA11:2**  
 History and related provisions, § **CLPA11:1**  
 Legislative actions, immunity for, 11(1), § **CLPA11:2**  
 Non-application of to contractual liability, constitutional rights or human rights, § **CLPA11:2**  
 “Operational decisions” versus “core policy decision,” § **CLPA11:2**  
 Policy decisions, immunity for, 11(4) and (5), § **CLPA11:2**  
 “operational decisions” versus “core policy decision,” § **CLPA11:2**  
 Pre-July 1, 2019 claims, § **CLPA11:2**  
 Regulatory decision, meaning of, 11(6), § **CLPA11:2**  
 Regulatory decisions, immunity for, 11(2), (3) and (6), § **CLPA11:2**, § **CLPA31:2**  
 Caveats, § **CLPA11:2**

**EXTINGUISHMENT OF CAUSES  
OF ACTION RESPECTING  
CERTAIN GOVERNMENTAL  
FUNCTIONS, 11—Cont'd**

Uniqueness of provision,  
§ CLPA11:2

**GARNISHMENT, ONT. REG.  
210/19**

**INJUNCTION**

(See NO INJUNCTION OR  
SPECIFIC PERFORMANCE)

**INTEREST ON JUDGMENT  
DEBT, 26**

Generally, § CLPA26:2  
History and related provisions,  
§ CLPA26:1  
PACA Cases, § CLPA26:3

**INTERPLEADER, 21**

Generally, § CLPA21:2  
History and related provisions,  
§ CLPA21:1

**JURY**

(See TRIAL WITHOUT JURY)

**LEGISLATIVE ACTIONS  
IMMUNITY FOR, 11(1)**

Generally, § CLPA11:2

**LIMITATION PERIODS, 8(3)**

Generally, § CLPA8:2  
Notice re damages, effect on,  
§ CLPA18:2

**LIMITATIONS ON CROWN  
LIABILITY, 9**

Generally, § CLPA9:2  
CLPA, 2019 Cases, § CLPA9:4  
Criminal law, good faith in the  
enforcement of, § CLPA9:2  
Crown agencies, 9(1), § CLPA9:2  
History and related provisions,  
§ CLPA9:1  
Independent contractors,  
§ CLPA9:2

**LIMITATIONS ON CROWN  
LIABILITY, 9—Cont'd**

PACA Cases, § CLPA9:3  
Penal provisions of a statute, good  
faith in the enforcement of,  
§ CLPA9:2  
Responsibilities of a judicial nature,  
§ CLPA9:2

**MISFEASANCE**

(See PROCEEDINGS RE  
MISFEASANCE, BAD  
FAITH)

**NO COMPENSATION, 29**

Generally, § CLPA29:2  
History and related provisions,  
§ CLPA29:1

**NO DEFAULT JUDGMENT  
AGAINST THE CROWN  
WITHOUT LEAVE, 25**

Generally, § CLPA25:2  
CLPA, 2019 Cases, § CLPA25:4  
History and related provisions,  
§ CLPA25:1  
PACA Cases, § CLPA25:3

**NO EXECUTION AGAINST THE  
CROWN, 27**

Generally, § CLPA27:2  
Administrative unit, defined, 27  
History and related provisions,  
§ CLPA27:1  
PACA Cases, § CLPA27:3

**NO INJUNCTION OR SPECIFIC  
PERFORMANCE, 22**

Generally, § CLPA22:2  
CLPA, 2019 Cases, § CLPA22,  
§ CLPA22:4  
History and related provisions,  
§ CLPA22:1  
PACA Cases, § CLPA22:3

**NO ORDER FOR RECOVERY OF  
PROPERTY, 23**

Generally, § CLPA23:2

**NO ORDER FOR RECOVERY OF  
PROPERTY, 23—Cont’d**

History and related proceedings,  
§ **CLPA23:1**

**NOTICE OF CLAIM FOR  
DAMAGES REQUIRED, 18**

Generally, § **CLPA18:2**

CLPA, 2019 Cases, § **CLPA18:4**

History and related provisions,  
§ **CLPA18:1**

Limitation periods, effect of notice  
on, § **CLPA18:2**

PACA Cases, § **CLPA18:3**

**PAYMENT BY THE CROWN, 28**

Generally, § **CLPA28:2**

CLPA, 2019 Cases, § **CLPA28:4**

History and related provisions,  
§ **CLPA28:1**

PACA Cases, § **CLPA28:3**

**PETITION OF RIGHT  
ABOLISHED, 16**

Generally, § **CLPA16:2**

Historical development and aboli-  
tion of regime, § **CLPA16:2 to**  
§ **CLPA16:3**

History and related provisions,  
§ **CLPA16:1**

PACA Cases, § **CLPA16:3**

**POLICY IMMUNITY**

Generally, § **CLPA11:2**, § **INT:6**,  
**11(4) and (5)**

Common law, § **CLPA11:2**

“Operational decisions” versus  
“core policy decision,”  
§ **CLPA11:2**

**PROCEEDINGS AGAINST THE  
CROWN ACT (ONTARIO)**

Generally, § **INT:4**

Immunity before September 1,  
1963, § **INT:4**

Petition of Right, § **CLPA16:2 to**  
§ **CLPA16:3**, § **INT:4**

**PROCEEDINGS AGAINST THE  
CROWN ACT (ONTARIO)**

**—Cont’d**

Procedural immunity, removal of,  
§ **INT 1:4**

Substantive immunity, elimination  
of, § **INT 1:4**

Tort liability, § **INT 1:4**

**PROCEEDINGS IN REM, 5**

Generally, § **CLPA5:2**

History and related provisions,  
§ **CLPA5:1**

PACA Cases, § **CLPA5:3**

**PROCEEDINGS INVOLVING  
THE CROWN, 12**

Generally, § **CLPA12:2**

Any right of action or any defence,  
§ **CLPA12:2**

History and related provisions,  
§ **CLPA12:1**

PACA Cases, § **CLPA12:3**

**PROCEEDINGS RE  
MISFEASANCE, BAD FAITH,  
17**

Generally, § **CLPA17:2**

CLPA, 2019, § **CLPA17:4**

History and related provisions,  
§ **CLPA17:1**

Procedural requirements,  
§ **CLPA17:2**

Securities legislation, jurisprudence  
interpreting, § **CLPA17:2**

Substantive requirements,  
§ **CLPA17:2**

Test for application of s. 17,  
§ **CLPA17:2**

“Tort based on bad faith,” what is,  
§ **CLPA17:2**

**PROPERTY VESTING IN THE  
CROWN, 10**

Generally, § **CLPA10:2**

Crown purposes, § **CLPA10:2**

History and related provisions,  
§ **CLPA10:1**

**PROPERTY VESTING IN THE  
CROWN, 10—Cont’d**

Ownership, occupation, possession  
or control, § **CLPA10:2**  
PACA Cases, § **CLPA10:2**

**PUBLIC INTEREST IMMUNITY**

Generally, § **CLPA13:2**  
Cabinet deliberations, § **CLPA13:2**  
CLPA, 2019 Cases, § **CLPA13:4**  
Confidentiality, § **CLPA13:2**  
Factors relevant to balancing  
public interest in  
confidentiality and  
disclosure, § **CLPA11:2**  
PACA Cases, § **CLPA13:3**

**RECOVERY OF PROPERTY**

(See NO ORDER FOR  
RECOVERY OF PROPERTY)

**REGULATIONS, 30**

Generally, § **CLPA30:2**  
History and related provisions,  
§ **CLPA30:1**

**REGULATORY DECISIONS,  
IMMUNITY FOR, 11(2), (3)  
AND (6)**

Generally, § **CLPA11:2**

**“RESIDUE” OF CROWN  
LIABILITY**

Generally, § **INT:6**

**RESTRICTIONS ON SET-OFF  
AND COUNTERCLAIM, 24**

Generally, § **CLPA24:2**  
History and related provisions,  
§ **CLPA24:1**

**RULES OF COURT, 13**

Generally, § **CLPA13:2**  
Discovery, right of, § **CLPA13:2**,  
§ **CLPA19:2, 19**  
History and related provisions,  
§ **CLPA13:1**

**RULES OF COURT, 13—Cont’d**

Public interest immunity,  
§ **CLPA13:2**  
Cabinet deliberations,  
§ **CLPA13:2**  
CLPA, 2019 Cases, § **CLPA13:4**  
Factors relevant to balancing  
public interest in  
confidentiality and  
disclosure, § **CLPA11:2**  
PACA Cases, § **CLPA13:3**

**RULES OF EVIDENCE  
UNAFFECTED, 3**

Generally, § **CLPA3:2**  
History and related provisions,  
§ **CLPA3:1**  
Rules of court, § **CLPA3:1**,  
§ **CLPA3:2**

**SERVICE ON THE CROWN, 15**

Generally, § **CLPA15:2**  
CLPA, 2019 Cases, § **CLPA15:4**  
History and related provisions,  
§ **CLPA15:1**  
PACA Cases, § **CLPA15:3**

**SET-OFF**

(See RESTRICTIONS ON SET-  
OFF AND  
COUNTERCLAIM)

**SPECIFIC PERFORMANCE**

(See NO INJUNCTION OR  
SPECIFIC PERFORMANCE)

**STATUTES**

Generally, § **INT:3**  
Charter of Rights and Freedoms  
(Canada), § **CLPA14:1**,  
§ **CLPA18:2**  
Crown Liability and Proceedings  
Act, 2019 (Ontario), generally,  
§ **INT:5**  
Crown Liability and Proceedings  
Act (Canada), § **CLPA3:2**,  
§ **CLPA20:2**

**STATUTES—Cont'd**

Crown Proceedings Act, 1947, The (UK), § **INT:3**  
 Crown Proceedings Act (British Columbia), § **CLPA7:2**  
 Health Insurance Act (Ontario), § **CLPA2:3**  
 Interpretation Act (Ontario), § **CLPA2:3**  
 Legislation Act (Ontario), § **CLPA2:2**, § **CLPA14:2**  
 Legislative Assembly Act (Ontario), § **CLPA4:2**  
 Municipal Act (Ontario), § **CLPA10:2**  
 Negligence Act (Ontario), § **CLPA8:2**  
 Occupier's Liability Act (Ontario), § **CLPA8:2**  
 Ontario Regulation 210/19 - Garnishment, § **CLPA27:1**  
 Petitions of Right and Crown Procedure Act, 1872, The (Ontario), § **INT:3**  
 Proceedings Against the Crown Act (Ontario), § **INT:4**  
 Rules of Civil Procedure (Ontario), § **CLPA2:3**, § **CLPA15:1**, § **CLPA15:2**, § **CLPA19:2**, § **CLPA20:2**, § **CLPA21:1**, § **CLPA25:1**, § **CLPA25:2**  
 Securities Act (Ontario), § **CLPA17:2**

**STATUTES—Cont'd**

Smarter and Stronger Justice Act, 2020 (Ontario), § **CLPA17:1**  
 Uniform Model Act, 1950, § **INT:3**, § **INT:4**  
 Wages Act (Ontario), § **CLPA27:1**  
 Workplace Safety and Insurance Act (Ontario), § **CLPA8:2**

**STATUTORY RIGHTS OF ACTION, 2(3)**

**TRANSITION, 31**

Generally, § **CLPA31:2**  
 CLPA, 2019 Cases, § **CLPA31:4**  
 History and related provisions, § **CLPA31:1**  
 Policy and regulatory decision immunity, § **CLPA31:2**  
 Temporal applicability of CLPA, 2019 and PACA, § **CLPA31:2**

**TRIAL WITHOUT JURY, 20**

Generally, § **CLPA20:2**  
 CLPA, 2019 Cases, § **CLPA20:4**  
 History and related provisions, § **CLPA20:1**  
 PACA Cases, § **CLPA20:3**

**VICARIOUS LIABILITY**

Generally, § **CLPA8:2**  
 Common law, § **CLPA8:2**  
 Limitation of, 9, § **CLPA9:2**  
 Voluntary submission to, 8:2, § **CLPA8:2**