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LAW OF PUBLICATION BANS, PRIVATE HEARINGS AND SEALING ORDERS

James Rossiter

2026-2

As the Internet allows information to be instantly disseminated on a global scale, new questions about the need for and effectiveness of publication bans are arising. This book is the only work that provides a comprehensive review of the relevant statutory provisions and common law principles relating to publication bans in Canada. This resource also covers restrictions on access to courts and court information by the public and media.

This year's release has been converted into a more user-friendly softbound book. Subscribers will receive a softbound book to replace any relevant revised content within the work. This should greatly improve the reader's experience in terms of filing pages within a limited binder system—allowing the work to easily expand as discussion of the law dictates.

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This release features updates to the case law and commentary in Chapter 2 (Common Law Bans and Access Restrictions), Chapter 4 (Crime), Chapter 5 (Youth Crime), and Chapter 7 (Statutory Publication Bans, Access Restrictions).

Highlights

- **Common Law Bans and Access Restrictions—Personal Safety—Prisoners and Detainees—**Where the evidentiary record discloses risk of physical harm to an inmate or risks preventing a party from fully participating in a court hearing, a discretionary publication ban may be appropriate: *R. v. Asfaha*, 2026 ONSC 4035, 2026 CarswellOnt 11520 (Ont. S.C.J.).
- **Common Law Bans and Access Restrictions—Sexual Assault and Other Victims—**The Court of Appeal for Ontario granted an anonymity order to protect the parties (who both claimed that the other sexually assaulted them) and a partial publication ban over any information that would identify them, but stopped short of a broader sealing order, an order that the hearing proceed in camera, or a prospective publication ban over the eventual reasons for decision to be issued by the court: *B.E. v. O.R.*, 2026 ONCA 501, 2026 CarswellOnt 11198 (Ont. C.A.).
- **Crime—Other Offences—Section 486.5—*Test for Granting the Ban*—**The Ontario Superior Court held that constitutional principles should be "given their proper weight when considering whether granting a publication ban is 'in the interest of the proper administration of justice' under s. 486.5": *R. v. Sona*, 2026 ONSC 4631 (Ont. S.C.J.).