Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. *Distribution List*
☐
☐
☐
☐

THE CANADIAN CHARTER OF RIGHTS

McLeod, Takach, Morton, Segal

Release No. 8, October 2026

This resource is a practical working text that will shorten preparation time and be a valuable in-court reference. It deals with the ever expanding effect of the *Charter* on the issues arising in criminal proceedings and the prosecution of statutory offences. Organized conceptually rather than in chronological order by section of the *Charter*, this work pulls together the reported and unreported case law determining the impact of the *Charter* on the legislative provisions, the substantive law and the practice in this area.

Highlights:

This release features case law and commentary updates to Chapters 6 (Search and Seizure), 13 (Compellability), 21 (Cruel and Unusual Treatment or Punishment), 23 (Fundamental Freedoms), 25 (Equality Rights), and 29 (Exclusionary Rule).

Thomson Reuters®

Customer Support
1-416-609-3800 (Toronto & International)
1-800-387-5164 (Toll Free Canada & U.S.)
E-mail CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

- **Fundamental Freedoms — "freedom of thought, belief, opinion and expression" —** The association made an application to strike down a by-law that required the advertisement of unlicensed short-term rentals, on the basis that it violated the s. 2(b) protection of the freedom of speech. The court dismissed the application, after having found that "minimal impairment" does not require the town to prove the measure was the least restrictive means possible. Rather, the town needed to show that the means adopted had fallen within the range of reasonable solutions to the problem confronted, that it was reasonably tailored to its objective and impaired the freedom of speech no more than reasonably necessary — in this instance, the advertising prohibition was necessary to further the objectives of regulating short-term rentals and of protecting consumers: *Tiny Township Association v. Township of Tiny*, 2025 ONSC 1578, 2025 CarswellOnt 6104 (Ont. S.C.).
- **Exclusionary Rule — "the evidence shall be excluded" —** The Court of Appeal for Ontario found the trial judge to have erred while conducting the analysis under s. 24(2), in adopting a compartmentalized approach to the assessment of related *Charter* breaches — the failure to consider the search of the accused's vehicle together with the search of his person risked both distorting the view taken of the seriousness of *Charter*-offending conduct and failing to embrace the overall impact on the accused's protected interests: *R. v. James*, 2025 ONCA 213, 2025 CarswellOnt 3745 (Ont. C.A.).