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THE CANADIAN CHARTER OF RIGHTS

McLeod, Takach, Morton, Segal

Release No. 7, September 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 5 (Life, Liberty and Security of the Person), 6 (Search and Seizure), 15 (Presumption of Innocence and Fair and Public Hearing), 16 (Reasonable Bail), 21 (Cruel and Unusual Treatment or Punishment), 25 (Equality Rights), and 30 (Conflict with Ordinary Legislation).

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- **Life, Liberty and Security of the Person — Section 320.13: Dangerous Driving —** The accused, a landed immigrant who was convicted for failing to comply with a demand contrary to subs. 320.19(4), and was not successful in his attempt to obtain the conditional discharge he would have needed in order to avoid deportation. He appealed, but the Summary Conviction Appeal Court found no breach of s. 7 or s. 12 of the *Charter*: *R. v. Arora*, 2024 PESC 56, 2024 CarswellPEI 82 (P.E.I. S.C.).
- **Cruel and Unusual Treatment or Punishment — Punishment —** The Superior Court of Justice for Ontario held that subpara. 9(5)(a)(i) of the federal *Cannabis Act*, which excluded the conditional sentence as an option for convictions of possession of 30g of cannabis for the purposes of distribution, did not infringe any of s. 7, s. 12 and s. 15 of the *Charter*: *R. v. Smith*, 2025 ONSC 1828, 2025 CarswellOnt 3990 (Ont. S.C.).