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PRACTICE AND PROCEDURE BEFORE ADMINISTRATIVE TRIBUNALS

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AUTHOR'S NOTE

This release contains the following recent developments in administrative law.

In *Law Society of British Columbia v. British Columbia (Attorney General),* 2026 CarswellBC 1378, 2026 BCSC 779, the B.C. Supreme Court rejected a challenge to a new legislative scheme for the regulation and governance of the legal professions (including the amalgamation of the Law Society of British Columbia and the Society of Notaries Public of British Columbia). The Court found the legislation was not ultra vires the province. The Court recognized the unwritten constitutional principle of the independence of the Bar but found it was not inconsistent with the new legislation, nor did the legislation contravene the *Charter*.

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In *Alford v. Canada (Attorney General),* 2026 CarswellOnt 6845, 2026 CarswellOnt 6846, 2026 CSC 14, 2026 SCC 14, 2026 A.C.W.S. 553, 513 D.L.R. (4th) 191, the Supreme Court upheld federal legislation – the *National Security and Intelligence Committee of Parliamentarians Act*, S.C. 2017, c. 15 which included a provision prohibiting parliamentarians who sat on this Committee from claiming immunity based on parliamentary privilege in a proceeding against them related to the disclosure of national security information obtained through their Committee membership. In this sense, the legislation constrained an aspect of parliamentary privilege. The challenge to this provision was brought by a law professor, Ryan Alford, who argued that this provision impermissibly limited the privilege of freedom of speech in Parliament and the authority of its Houses to set and enforce their own internal rules of conduct. The Court rejected this argument and concluded the provision was constitutionally permissible.

In *Tucci v. Ontario Labour Relations Board*, 2026 CarswellOnt 5763, 2026 ONSC 1794, the Ontario Divisional Court considered and dismissed an application for judicial review of an Ontario Labour Relations Board (OLRB) decision. The applicant had alleged a breach of procedural fairness on the basis that the OLRB had failed to take into consideration his submissions. In rejecting this argument, the Court confirmed that tribunals do not have an obligation to respond to every submission made.

In *Canada (Attorney General) v. Medline Canada Corporation,* 2026 CarswellNat 1171, 2026 CarswellNat 1596, 2026 CAF 74, 2026 FCA 74, the Federal Court of Appeal allowed an appeal from the Attorney General for Canada from a decision regarding the classification of surgical gloves for purpose of an applicable tariff by the Canadian International Trade Tribunal. The Court found the Tribunal had erred in its interpretation of the governing statutory scheme.