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CONSTITUTIONAL REMEDIES IN CANADA

THIRD EDITION

Kent Roach

Release No. 1, October 2026

Dear Subscriber:

This edition discusses important changes with respect to remedies for violations of s. 11(b) of the Charter. New *Criminal Code* provisions enacted by Parliament that attempt to encourage the use of less drastic remedies than stays of proceedings were enacted in 2026 and are examined in Chapter 9. In *R. v. R.B.-C.*, 2026 SCC 30, the Court distinguished *Rahey* and indicated that stays of proceedings would not be the presumptive remedy for sentencing delay that violated s. 11(b) and affirmed the use of a sentence reduction as a more appropriate and proportionate remedy. The Court's new *habeas corpus* decision in *Dorsey v. Canada (Attorney General)*, 2025 SCC 38 is also examined.

The Court's decision in *Taylor v. Newfoundland and Labrador*, 2026 SCC 5 is examined in Chapter 5 in relation to mootness.

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The Court's evolving s. 24(2) jurisprudence as reflected in *R. v. Wilson*, 2025 SCC 32, *R. v. Fox*, 2026 SCC 4, and *R. v. Singer*, 2026 SCC 8 is also examined.

I thank you for your support of this service and welcome suggestions for improvements.

KR

October, 2026

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