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*
☐
☐
☐
☐

YOUTH CRIMINAL JUSTICE ACT MANUAL

The Honourable Miriam H. Bloomenfeld

Release No. 2, October 2026

What's New in this Update:

This release features updates to the commentary and case law in Chapter 6 (Sentencing), Chapter 7 (Custody and Supervision), Chapter 11 (Adult Sentence Hearing Cases), and Chapter 12 (Sentencing Under the YCJA).

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.

Highlights:

- ***Canadian Broadcasting Corporation et al. v. The Attorney General of Canada* (2026), 2026 ONSC 4049, 2026 CarswellOnt 11670 (Ont. S.C.J.)—**YCJA, s. 119(1)(s) was found to be in violation of *Charter* s. 2(b) but saved by s. 1. YCJA, s. 129 also violated *Charter* s. 2(b) and was NOT saved by *Charter* s. 1. The declaration of unconstitutionality was not suspended. Accordingly, YCJA s. 129 was declared to be of no force or effect in Ontario, beginning July 14, 2026.
- ***R. v. H.J.J.B.*, (2026), 2026 BCCA 138, 2026 CarswellBC 970 (B.C. C.A.)—**The British Columbia Court of Appeal vacated an adult sentence for second degree murder because the sentencing judge had applied the wrong standard of proof in determining whether he was satisfied that the presumption of diminished moral blameworthiness had been rebutted pursuant to YCJA, s. 72(1)(a). The sentencing judge applied the YCJA, s. 72(1)(a) test set out by the Court of Appeal in *R. v. Chol* (2018), 2018 BCCA 179, 2018 CarswellBC 1112 (B.C. C.A.), which mandated that the court be "satisfied" that the presumption had been rebutted. *R. v. Chol*, *supra*, was the binding authority at the time that the sentence was imposed. Subsequently, in *R. v. I.M.* (2025), 2025 CSC 23, 2025 SCC 23, 2025 CarswellOnt 11548, 2025 CarswellOnt 11549, (S.C.C.), the Supreme Court of Canada dictated that the standard of proof for s. 72(1)(a) is "beyond a reasonable doubt." Accordingly, although correct in law at the time that the adult sentence as imposed, the test applied by the sentencing judge became erroneous. Further, the Court of Appeal determined that the evidence on sentence did not support a finding beyond a reasonable doubt that the presumption had been rebutted. Both young persons were therefore sentenced to the maximum YCJA youth sentence for second degree murder.
- ***R. v. K.A. et al.* (2026), 2026 ONSC 3914, 2026 CarswellOnt 11567 (Ont. S.C.J.)—**The youth justice court accepted a joint submission and sentenced the young person to a global sentence of 36 months' custody and supervision for eight counts of reckless discharge of a firearm and one count of accessory after the fact to reckless discharge of a firearm. No credit was awarded for presentence custody. The young person was 14 to 15 years old when the offences and had no criminal record. He had also made positive progress in presentence custody.
- ***R. v. J.D.* (2026), 2026 ONSC 2910, 2026 CarswellOnt 8652 (Ont. S.C.J.)—**The young person was granted release to conditional supervision pursuant to a YCJA, s. 94(1) review of his seven-year custody and supervision sentence for second degree murder and aggravated assault. The Court summarized the purpose and principles applicable to a s. 94(1)

sentence review and concluded that the young person had met his burden of showing rehabilitative progress. Further, the Court noted that the young person's transfer to an adult institution once he turned 20 was detrimental to his ongoing progress, commenting that, "[y]oung people found guilty under the YCJA who serve their sentences after turning 20 in overcrowded, violence-ridden detention centres with little or no rehabilitative programmes are not having their needs met. The failure to provide meaningful programming or any differential treatment for youth in adult facilities is contrary to the principles and objectives of the YCJA."

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages