

Consolidated Index

ABANDONMENT

- Appeal, of
 - commentary, **VIII-28:53**
 - notice of, **VIII-28:54**
- Commentary, **VIII-13:36**
- Costs of abandoned motion, application or appeal
 - affidavit, failure to appear, **VIII-23:34**
 - affidavit, no filing, **VIII-23:33**
 - commentary, **VIII-23:32**
- Notice of, **VIII-13:37; VIII-28:54**
- Simplified procedure, claim of plaintiff, **VIII-31:8**

ABATEMENT AND PRIORITY

- All gifts to abate rateably, **V-11:117**
- Children's legacies to have priority, **V-11:130**
- Commentary, **V-11:116**
- Direction for legacies to be paid in priority order, **V-11:131**
- Direction where residue reduced to less than specified sum, **V-11:128**
- General directions
 - order of abatement, **V-11:118**
 - order of priority, **V-11:133**
- Gifts to named relatives to have priority, **V-11:124**
- Legacies not to exceed certain proportion of value of entire estate, **V-11:132**
- Legacies to relatives to be given priority over other gifts, **V-11:123**
- Order of abatement, general directions, **V-11:118; V-11:123**
- Particular bequest of real property to have priority, **V-11:121**
- Particular legacies not to abate, **V-11:122; V-11:124**
- Particular legacies to have priority, **V-11:123; V-11:129; V-11:130; 11:129**
- Particular legacy to abate last, **V-11:119**
- Particular legacy to pay designated legacies, **V-11:125**
- Particular trusts to have priority, other gifts to abate rateably, **V-11:120**
- Pecuniary legacies to have priority over specific gifts, **V-11:126**
- Portion of particular legacy to have priority, **V-11:127**
- Priority, general directions, **V-11:123**
- Specific gifts to abate rateably after paying legacies, **V-11:126**

ABORIGINAL BURIAL SITES

- Protocol for unapproved, **IX-10:36**

ABSENCE OF PUBLIC, HEARING OF MOTION IN

See IN CAMERA

ABSENTEE

Affidavit of service, **VIII-3:9**

ABSOLUTE GIFTS OF PROPERTY

See also OUTRIGHT DISTRIBUTIONS

Personalty and household effects, **V-8:2-V-8:15**

binding memorandum, **V-8:18**

non-binding memorandum, **V-8:16; V-8:17**

Residence

beneficiary experiencing marital difficulties, **V-9:7**

condominium, **V-9:3**

co-operative apartment, **V-9:4**

spouse

assign lease to, direction, **V-9:8**

in trust to, **V-9:6**

summer property, and, **V-9:5**

ABUSE OF PROCESS

Motion to strike for

affidavit, **VIII-6:73**

commentary, **VIII-6:71**

notice of motion, **VIII-6:72**

order, **VIII-6:724**

ACCESS

See CUSTODY AND ACCESS

ACCESS, RIGHTS OF

Provision, **IV-5:38**

ACCESSIBILITY

Policy, **IX-1:155**

customer service, **IX-1:230**

employment, **IX-1:227**

information and communication, **IX-1:228**

public spaces, **IX-1:229**

Procedure

formats and communication supports, **IX-1:156**

web publishing, testing and auditing, **IX-1:157**

ACCESS TO PREMISES

See also ENTRY BY LANDLORD

Driveway access

commercial, **IV-3:6; 3:5**

residential, **IV-8:31-8:34**

ACCESS TO PREMISES—Cont'd

Tenant, after hours, by, **IV-1:9**

ACCIDENT POLICY PROCEEDS

Annuity, direction to purchase with, **V-7:36**

Legacy created from, **V-7:33**

Particular legacy to be paid from, **V-7:34; V-7:35**

ACCOMMODATION

Accommodating gender identity and gender expression, guidelines for,
IX-1:162

Policy, workplace, **IX-1:165**

ACCOUNTANT

Director's resolution appointing

federal, **II-2:9**

Ontario, **II-2:26**

Shareholders' resolution appointing

Alberta, **II-2:56; II-11:31**

British Columbia, **II-11:30**

federal, **II-11:28**

Manitoba, **II-2:92; II-11:33**

Ontario, **II-11:29**

Saskatchewan, **II-2:74; II-11:32**

ACCOUNTING

Judgment, form of, **VIII-18:24**

Prayer for relief, **VIII-4:24**

ACCOUNTS

Judgment directing reference to take, **VIII-18:26**

On reference

affidavit of verification of accounts, **VIII-19:16**

general form, on reference, **VIII-19:14**

objections, **VIII-19:17**

sale of property under power of attorney, **VIII-19:15**

Passing

See EXECUTORS AND TRUSTEES

Report after taking of

default, **VIII-19:45**

occupation rent, **VIII-19:46**

repairs and improvements, **VIII-19:47**

willful neglect, **VIII-19:44**

with rests, **VIII-19:43**

Running, statement of claim, **VIII-5:3**

ACCOUNTS RECEIVABLE

Gift of, **V-11:86**

ACCUMULATION

See FUNDS; INCOME; INTER VIVOS TRUSTS; RESIDUE

ACKNOWLEDGMENT

Account, of

creditor, by, **I-1:7**

debtor, by, **I-1:8**

Agreement, **IX-4:46**

receipt of copy, **I-4:47**

terms and entirety of, **I-4:46**

Arrears of rent, **I-1:11**

Certificate of

Alberta, **I-1:17**

Saskatchewan, **I-1:18**

Charitable gift

advantage, of, **I-31:24**

value, of, **I-31:25**

Consent to disposition, and, Manitoba

attached to instrument, **I-1:20**

contained in instrument, **I-1:19**

Continued indebtedness, **I-1:4**

Debt

composition, **I-1:6**

general form, **I-1:2**

I.O.U., **I-1:3**

notice of, receipt of, **I-1:14**

statute barred, **I-1:5**

Dower rights, certificate of acknowledgment, Alberta, **I-1:17**

Expert's duty, of, **VIII-17:40**

Guarantees

amalgamation, on, **I-32:20**

loan amount, increase in, **I-32:19**

Homestead rights

Manitoba

consent to change of homestead, **I-1:21**

consent to disposition, and acknowledgment, **I-1:19; I-1:20**

power of attorney, **I-1:23**

release of, **I-1:22**

Saskatchewan, certificate of acknowledgment, **I-1:18**

Mortgage

amount owing, **I-1:9**

arrears, **I-1:10**

ACKNOWLEDGMENT—Cont'd

- Order, of
 - See INTERNATIONAL TRANSACTIONS
- Order by seller, **I-40:5**
- Parkland dedication, **IX-4:8**
- Permissive use of right of way, **I-1:12**
- Personal property security, Ontario, **I-1:16**
- Possessory title, **I-1:13**
- Power of attorney, by spouse, Manitoba, **I-1:23**
- Receipt card, of, **VIII-3:16**
- Receipt of copy, **I-4:47**
- Receipt of merchandise for personal use, **I-27:62**
- Receipt of property, **I-27:61**
- Rights reversion, of, **I-12:11**
- Service by mail, **VIII-3:16**
 - affidavit of service, **VIII-3:17**
- Terms and entirety, **I-4:46**
- Trustee of shares, by, **I-1:15**
- Waiver, and, **IX-4:230**

ACKNOWLEDGMENT OF TRUST

- Generally, **V-42:17**

ACQUISITIONS

- See ASSET PURCHASE; SHARE PURCHASE

ACTIONS

- See also SUBSEQUENT ACTION
- Heading
 - Court of Appeal, **VIII-1:40**
 - Divisional Court, **VIII-1:42**
 - Superior Court of Justice, **VIII-1:36**
- Strike out
 - See STRIKE, MOTION TO

ADDING PARTIES

- Consent, on, **VIII-4:57**
 - simplified procedure, **VIII-31:14**
- Motion, on, **VIII-2:27**
- Reference
 - notice to, **VIII-19:6**
 - order on, **VIII-19:5**

ADDITIONAL RENT

- See also OPERATING COSTS; RENT; TAXATION; UTILITIES AND SERVICES
- Estimates, **IV-1:9; IV-1:11; IV-1:13**

ADDITIONAL RENT—Cont'd

Ground lease provision, **IV-10:2**

Industrial

lease provision, **IV-2:2; IV-2:3**

offer provision, **IV-1:11**

readjustment of rent, **IV-2:2; IV-2:3**

Letter of intent provision, **IV-1:5**

Medical building, **IV-10:5**

readjustment of rent, **IV-10:5**

Office

lease provision, **IV-4:2-IV-4:4**

offer provision, **IV-1:9**

readjustment of rent, **IV-4:2**

Pad

lease provision, **IV-3:5; IV-3:6**

readjustment of rent, **IV-3:5; IV-3:6**

Readjustment of

industrial, **IV-2:2; IV-2:3**

office, **IV-4:2**

pad lease, **IV-3:5; IV-3:6**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

Retail

lease provision, **IV-3:2; IV-3:3**

offer provision, **IV-1:13**

readjustment of rent, **IV-3:2; IV-3:3**

Shopping centre

lease provision, **IV-3:4**

readjustment of, **IV-3:4**

Single-tenanted building, form of lease, offer provision, **IV-1:14**

Veterinary clinic/hospital, **IV-10:6**

ADDITIONAL SPACE

See EXPANSION RIGHTS

ADEMPTION

Commentary, **V-11:133.50**

Corresponding clause for gift of motor vehicle instructing ademption to be included in attorney for property, **V-11:135.20**

Corresponding clause for gift of real estate instructing ademption to be included in attorney for property, **V-11:135.15**

General direction prohibiting, **V-11:135**

Gift not capable of, **V-11:134**

Gift of motor vehicle specifically allowing ademption, **V-11:135.10**

Gift of real estate specifically instructing ademption, **V-11:135.05**

ADMINISTRATION OF ESTATE

See also ESTATE; ESTATE TRUSTEE

Judgment, form of, **VIII-18:9**

Report on reference, **VIII-19:42**

ADMINISTRATIVE POLICY FRAMEWORK

See CORPORATE ADMINISTRATIVE POLICY FRAMEWORK

ADMINISTRATOR AD LITEM

See LITIGATION GUARDIAN

ADMINISTRATOR PENDENTE LITE

See ESTATE TRUSTEE

ADMINISTRATORS

See ESTATE

ADMISSIONS

Consent to withdrawal of, **VIII-15:59**

Motion for judgment based on, **VIII-15:60**

Request to admit, **VIII-15:57**

commentary, **VIII-15:56**

response to, **VIII-15:58**

Withdraw, motion to

affidavit in opposition, **VIII-6:90**

affidavit in support, **VIII-6:89**

commentary, **VIII-6:87**

notice of motion, **VIII-6:88**

order, **VIII-6:91**

ADOPTED CHILDREN

Beneficiaries, of, **V-28:7; V-28:9**

Generally, **V-28:8; V-28:10**

Testator, of, **V-28:2-V-28:4**

ADOPTION

Acknowledgment of placement, **VI-16:22**

Affidavit

applicant(s), sworn/affirmed, **VI-16:12**

execution of an independent legal advice, children's lawyer, **VI-16:19**

licensee or society employee, **VI-16:15**

parentage, **VI-16:9**

relative or step-parent, **VI-16:17**

society employee for adoption of Crown ward, **VI-16:16**

Application, **VI-16:2**

openness order, **VI-16:21**

order dispensing with parent's consent to adoption before placement,
VI-16:3

ADOPTION—Cont'd

Certificate of clerk, **VI-16:20**

Consent to

child, **VI-16:8**

director, **VI-16:13**

non-parent for adoption by spouse, **VI-16:10**

parent for adoption by spouse, **VI-16:18**

parent's or custodian's, **VI-16:14**

Director's or local director's statement on adoption, **VI-16:11**

Director's registration of placement, **VI-16:22**

License or renewal to place, **VI-16:23**

Notice of, child, intention to place, **VI-16:4; VI-16:5**

Openness order, consent to, **VI-16:25**

Openness order, consent to under s. 145.1.2 of CFS Act, **VI-16:26**

Order, **VI-16:7**

ADVANCES

Benefits under inter vivos trust, power to raise capital for, **V-43:25**

Children to, to be taken into account, **V-11:108**

Commentary, **V-11:107**

Exceeding son's fair share of estate, nothing left in will, **V-11:113**

Gifts for which receipts obtained, **V-11:109**

Legacies to grandchildren to be treated as, **V-11:110**

Loans to children where notes not cancelled, **V-11:114**

Marriage of child, **V-11:115**

Proceeds of life insurance, **V-11:112**

Transfer of realty treated as advance in specified amount, **V-11:111**

ADVERSE CLAIM

Compulsory acquisition

See TAKEOVER BIDS

Notice of

Alberta, **II-29:34**

federal, **II-29:22**

Ontario, **II-29:25**

ADVERSE PARTY

Notice of intention to call as witness on motion, **VIII-13:47**

ADVERTISING

See also ASSIGNMENT AND SUBLEASES

Acceptability policy, **IX-1:146.30**

Advertiser, definition, **X-33:243**

Advertising fund, **IV-1:12; IV-1:13**

Agency, agreement with advertisers

long form, **I-2:2**

ADVERTISING—Cont'd

Agency, agreement with advertisers—Cont'd
short form, **I-2:1**

Airports, general advertising agreement, **I-2:19**

Arena, **IX-3:103**

Assignment or sublease by tenant

industrial, **IV-2:2; IV-2:3**

medical building, **IV-10:5**

office, **IV-4:2; IV-4:3**

pad lease, **IV-3:5; IV-3:6**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

veterinary clinic/hospital, **IV-10:6**

Bankruptcy, sale by tender, **I-16:92**

Billboards

grant of licence and easement, **I-2:8**

space on, **I-2:17**

Billboards on municipal lands, licence, **IX-3:100**

Bill posting, agreement with agent or bill poster, **I-2:12**

Booth at fair or exhibition, lease of space for, **I-41:3**

Buildings, on

See signs on building, *infra*

See Signs on building, *infra*

Bus advertising

See transit advertising, *infra*

See Transit advertising, *infra*

Bus bench agreement

See BUS BENCH

Claimants on reference

general form, **VIII-19:10**

shareholders, **VIII-19:12**

Contest rules

Quebec compliant, **I-2:33**

short form, **I-2:32**

Corporate sponsorship and advertising policy, **IX-3:106**

Costs re closure of road allowance, **IX-5:45**

Declaration and release

contest, **I-2:34; I-2:35**

travel companion, **I-2:36; I-2:37**

Digital display advertising, **I-2:21**

Direct mail agreement, **I-2:28**

terms and conditions, **I-2:29**

Email marketing practices, ethical, **X-4:228**

ADVERTISING—Cont'd

Endorsement agreement

athlete, **I-10:31; I-10:32**

autographed items, **I-10:35**

corporation of, **I-10:33**

morals clauses, **I-10:36-I-10:39**

licence agreement, and, **I-10:34**

personal services, **I-2:30**

Illuminated signs

rental agreement, **I-2:14**

rental renewal agreement, **I-2:15**

Internet advertising agreement, **X-4:4**

Licence of space on municipal property, **IX-3:100**

Limitation of liability to specific jurisdictions, **X-4:2; X-4:3**

Marketing practices, email, **X-4:228**

Media advertising by tenant, **IV-1:13**

Municipal arena agreement

See ARENAS

Municipal facilities agreement, **IX-3:104**

Municipal property, sale of space on, **IX-3:99**

Newspaper, classified advertising agreement, **I-2:3; I-2:4; I-2:6; I-2:7**

Outdoor, general agreement for, **I-2:18**

Parking gate agreement, **IX-3:105**

Personal services agreement, **I-2:30**

Postering by-law, **IX-11:146**

Publisher, agreement with agency for space, **I-2:5**

Radio station, **I-2:22**

conditions, **I-2:25**

Release

contest declaration, and

adult, **I-2:34**

minor, on behalf of, **I-2:35**

general appearance, **I-2:38**

travel companion, declaration and

adult, **I-2:36**

minor, on behalf of, **I-2:37**

Rights, definition, **X-33:244**

Rights, Internet, **I-23:571**

Sale of goods, restrictions on advertising, **I-54:19**

Sale of space on municipal property, **IX-3:99**

Sale on reference

conditions of sale, **VIII-19:23**

form of, **VIII-19:22**

Service, of, **VI-10:4**

ADVERTISING—Cont'd

- Sign rental, **I-2:13**
- Signs on building
 - exclusive right, **I-2:10**
 - general agreement, **I-2:9**
 - roof, on, **I-2:11**
- Sponsor, exclusive agreement, **I-10:27**
- Subway
 - See transit advertising, *infra*
 - See Transit advertising, *infra*
- Talent booking agreement, **I-2:31**
- Television
 - conditions governing, **I-2:25**
 - general agreement, **I-2:24**
 - network broadcast agreement, **I-2:23**
- Transit advertising, **I-2:20**
- Transit shelter agreement
 - See TRANSIT SHELTER
- Web
 - advertising agreement, **I-2:26**
 - link advertising agreement, **I-2:27**
- Website advertising agreement, **X-4:2; X-4:3**

ADVISERS

- See DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS, REGISTRATION OF

AFFIDAVIT

- Anton Piller motion, **VIII-14:78; VIII-14:79**
- Auctioneer's, on reference, **VIII-19:24**
- Bankruptcy proceedings
 - See BANKRUPTCY AND INSOLVENCY
- Bills of sale
 - See BILLS OF SALE
- Commissioning of, checklist, **VIII-1:53.50**
- Conditional sales
 - See CONDITIONAL SALES AGREEMENTS
- Directors', dissolution by request (British Columbia), **II-17:29**
- Disbursements, of, **VIII-23:73**
- Documents
 - See AFFIDAVIT OF DOCUMENTS
- Evidence at trial, by
 - bank records, **VIII-17:28**
 - commentary, **VIII-15:52**
 - microfilm records, **VIII-17:29**

AFFIDAVIT—Cont'd

Evidence at trial, by—Cont'd

motion for

affidavit, **VIII-15:54**

notice of motion, **VIII-15:53**

order, **VIII-15:55**

municipal records, **VIII-17:27**

Evidence on motion, by, **VIII-13:39**

Execution, of, **I-4:72; VIII-4:63**

General form

one person, **I-3:1**

several persons, **I-3:2**

Judicial review

See JUDICIAL REVIEW

Jurat

blind or illiterate deponent, **VIII-1:54**

general form, **VIII-1:54**

multiple deponents, **VIII-1:54**

Litigation guardian, **VIII-2:10**

Patent assignments

See PATENTS

Payment into court of

gift to a mentally incapable person in will, **VIII-20:6**

minor's gift over 016710,000 in will, **VIII-20:5**

Restoration, British Columbia

first affidavit, **II-18:19**

second affidavit, **II-18:23**

Service, of

See SERVICE

Shareholder list, to obtain, **II-29:5**

S I, VIII

Solicitor, of (Nova Scotia), **II-16:32**

Trademarks

See TRADEMARKS

Verification, of (Nova Scotia), **II-16:8; II-16:30**

Verification of accounts, on reference, **VIII-19:16**

Verification of list of claims, on reference, **VIII-19:12**

AFFIDAVIT OF DOCUMENTS

See also DISCOVERY; FURTHER AND BETTER AFFIDAVIT OF DOCUMENTS

Certificate of lawyer, **VIII-9:7**

Corporation, **VIII-9:3**

Documents no longer in the possession of the party, **VIII-9:12**

Documents to be produced, **VIII-9:10**

AFFIDAVIT OF DOCUMENTS—Cont'd

- Individual, **VIII-9:2**
- Motion for better affidavit of documents
 - commentary, **VIII-9:17**
 - insufficient description
 - notice of motion, **VIII-9:21**
 - order, **VIII-9:22**
 - insufficient disclosure
 - affidavit, **VIII-9:19**
 - notice of motion, **VIII-9:18**
 - order, **VIII-9:20**
- Motion to require delivery of
 - affidavit, **VIII-9:15**
 - motion, **VIII-9:14**
 - order, **VIII-9:16**
- Partnership, **VIII-9:4**
- Privileged documents, **VIII-9:11**
- Supplementary, **VIII-9:5**

AFFILIATION AGREEMENTS

- General, **X-4:123**
- Linking agreement, **X-4:122**
- Operating agreement, **X-4:125**
- Select agreement, **X-4:124**

AFFIRMATION

- General form, **I-3:29**

AFFORDABLE HOUSING

- Affordable housing land and funding policy, **IX-4:238**
- Commentary, **IX-4:233**
- Fees deferral agreement, **IX-4:237**
- Housing project facility by-law, **IX-11:168**
- Off-site affordable housing agreement, **IX-4:236**
- On-site affordable housing agreement, **IX-4:234; IX-4:235**
- Phased development agreement (B.C.), **IX-4:285**
- Reserve fund implementation policy, **IX-4:239**
- Section 37 agreement clause, **IX-4:252**

AGENCY AGREEMENTS

- Advertisers, **I-2:1; I-2:2**
- Custom brokers, **I-20:2**
- Films, soliciting offers for licensing, **I-57:57**
- Hockey player and agent, **I-10:9**
- International transactions
 - See **INTERNATIONAL TRANSACTIONS**

AGENCY AGREEMENTS—Cont'd

Management of property

See MANAGEMENT AGREEMENTS

Manufacturing

broker and seller, between, **I-40:16**

seller and distributor, between, **I-40:17**

supply of products, **I-40:14; I-40:15**

Patents

See PATENTS

Publishing agreement with author, **I-12:81**

exclusive literary agency, **I-12:81**

multiple works, **I-12:84**

single work, **I-12:84**

Real estate brokers

co-operation and representation, confirmation of, **I-20:5**

employment of salesperson, **I-20:3**

independent contractor, **I-20:4**

statement of disclosure

buyer, as, **I-20:7**

seller, as, **I-20:6**

Sale of goods, films, **I-57:57; I-57:58**

Sports, **I-10:7**

letter agreement, **I-10:8**

Treasury offering on “best efforts” basis, **II-22:7**

AGENDA

Chairperson's

See CHAIRPERSON'S AGENDA

Closing

asset purchase, **II-33:22**

private placement, **II-24:23**

prospectus offering of securities, **II-24:15**

share purchase, **II-33:7**

AGENTS

See also POWERS OF ATTORNEY

Confirmation of, **II-24:18**

Direction of as to registration of shares, **II-24:19**

Employment of, power of trustee, **V-31:38**

Extra-provincial corporation, appointment of

Nova Scotia, **II-20:93**

Ontario, **II-20:2**

Saskatchewan, **II-20:60**

Insurance

claim for failure to obtain available coverage, **VIII-5:40**

AGENTS—Cont'd

Insurance—Cont'd

claim for failure to obtain sufficient coverage, **VIII-5:41**

S I (Agency Agreements), V, VIII

Transfer

See REGISTRAR AND TRANSFER AGENT

AGREEMENTS

See also under particular type of agreement

attestation clauses

See ATTESTATION CLAUSES

Acceleration clause on default of payment, **I-4:22**

Accounting terms, **I-4:54**

Acknowledgment

receipt of copy, **I-4:47**

terms and, entirety of agreement, **I-4:46**

Acquisition, **II-29:8**

Age of majority

ratification on reaching, notice of, **I-4:83**

repudiation of attaining, notice of, **I-4:82**

Amalgamation

three cornered merger between two corporations, **II-15:2**

three corporations, **II-15:3**

two corporations (Alberta), **II-15:4**

two federal corporations, **II-15:1**

Amendments, provision for, **I-4:34**

Arbitration clause

see also ARBITRATION

general form, **I-4:23**

Asset purchase, **II-33:21**

Assignment, **II-21:24**

Assignment and assumption

British Columbia, **II-17:26**

director's resolution, approving, **II-17:24; II-17:25**

Nova Scotia, **II-17:71**

Assurances, further, execute documents as required, **I-4:36**

Attestation clauses

See ATTESTATION CLAUSES

Bank Act security, re, **II-21:22**

Buy-sell

See SHAREHOLDERS' AGREEMENTS

Cancellation, notice of, **I-4:80**

Capitalized terms, **I-4:55**

Commencement, **I-4:13**

Composite signature agreement, **I-4:11**

AGREEMENTS—Cont'd

- Condition precedent, **I-4:16**
 - waiver of, **I-4:81**
- Consideration, **I-4:14**
- Correction of existing agreement, subsequent agreement for, **I-4:17**
- Cost of preparation, **I-4:27**
- Costs and legal expenses, **I-4:26**
- Counterpart, **I-4:48; I-4:49**
- Credit, **II-21:2**
- Currency, **I-4:53**
- Damages, effect of, **I-4:24**
- Dealer manager, **II-12:66**
- Definitions, **I-4:47**
- Depository, **II-29:19**
- Dividend disbursing, **II-28:3**
- Duration, option to extend time, **I-4:31**
- Effective date of execution, **I-4:31**
- Electronic means, counterparts, **I-4:49**
- Entirety clause, **I-4:35**
- Escrow agreement, **II-33:12.50**
- Further assurances, agreement to execute as necessary, **I-4:36**
- Gender, **I-4:39**
- General forms
 - corporations, **I-4:5**
 - individuals, **I-4:3; I-4:4**
- Guarantee, **II-21:7**
 - assignment and postponement of claim, **II-21:40**
- Headings, **I-4:37**
- Heirs, successors and assigns, **I-4:44**
- Inclusion of other agreement by reference, **I-4:7**
- Incorporation (British Columbia), **II-1:29; II-1:30**
- Indemnity re liabilities, **II-33:32**
- Insurance assignment, **II-21:23**
- Inter-creditor, **II-21:39**
- Interpretation
 - custom or usage excluded, **I-4:41**
 - descriptive headings excluded, **I-4:37**
- Joint and several obligations, **I-4:30**
- Language requirement, English, **I-4:42; I-4:43**
- Law governing, **I-4:40**
- Legal advice, independent, **I-4:45**
 - see also CERTIFICATE
- Legislation reference, **I-4:56**
- Limitation of action, **I-4:25**

AGREEMENTS—Cont'd

- Listing securities
 - Toronto Stock Exchange, **II-27:2; II-27:4**
 - TSX Venture Exchange, **II-27:5**
- Loan, non-bank lender, **II-21:4**
- Mutual fund
 - investment advisor, **II-26:6**
 - management, **II-26:5**
- Non-assignability of agreement, **I-4:28**
- Non-competition, **II-33:33**
- Non-disclosure
 - mutual, **II-33:3**
 - one way, **II-33:2**
- Non-merger, **I-4:50**
- Non-performance, **I-4:20**
- Notice, how affected, **I-4:32**
- Novation
 - substituting party, **I-4:6**
 - substituting terms, **I-4:7; I-4:8**
- Number, **I-4:39**
- Participation agreement, **II-13:30**
- Party surviving agreement, obligations of, **I-4:29**
- Performance
 - general, **I-4:18**
 - limited time for, **I-4:31**
 - non-performance, **I-4:20**
 - obligations of other parties, **I-4:19**
- Pledge, **II-21:14**
- Prior agreement, reference to, **I-4:33**
- Private placement
 - See securities, *infra*
 - See Securities, *infra*
- Public offering
 - See securities, *infra*
 - See Securities, *infra*
- Recitals, **I-4:15**
- Registrar, **II-28:3**
- Remedies for default, **I-4:21**
- Renewal agreement, **I-4:10**
- Rescission, notice of, **I-4:79**
- Rights offering
 - rights agency and custodial agreement, **II-23:17**
 - subscription agency agreement, **II-22:16**
- Rollover agreement, **II-33:36**

AGREEMENTS—Cont'd

Schedules, **I-4:52**

Securities

account control agreement, **II-21:16**

listing

Toronto Stock Exchange, **II-27:2; II-27:4**

TSX Venture Exchange, **II-27:5**

private placements

dealer agreements, common shares, **II-23:1**

subscription agreements

accredited investors, **II-23:13**

common shares by public company, brokered, **II-23:13**

limited partnership units to accredited investors, **II-23:12**

private issuer, by, **II-23:11**

public offering

agency agreement, **II-22:7**

underwriting agreements

bought deal prospectus offering, **II-22:4**

fully marketed prospectus offering, **II-22:5**

secondary offering, **II-22:6**

Security, general, **II-21:11; II-21:12**

Severance of invalid provisions, **I-4:38**

Share auction purchase agreement, **II-13:31**

Shareholders'

See SHAREHOLDERS' AGREEMENTS

Share pledge, **II-21:14**

Share purchase, **II-33:6**

Signature lines, **I-4:76**

Standard, **I-4:31**

Stand-by purchase agreement, **II-22:14; II-23:14**

Subordination

secured debt, **II-21:42**

unsecured debt, **II-21:41**

Subscription, private placement of

common shares by public company, brokered, **II-23:13**

limited partnership units, **II-23:12**

private issuer, by, **II-23:11**

Subscription agency agreement, **II-22:16**

Substitution agreement, **I-4:6-I-4:8**

Takeover bids

acquisition, **II-29:8**

confidentiality, **II-29:1**

dealer manager, **II-29:6**

lock-up, **II-29:2**

AGREEMENTS—Cont'd

- Takeover bids—Cont'd
 - soliciting dealer group, **II-29:7**
- Title, **I-4:12**
- Transfer, on dissolution
 - Alberta, **II-17:42**
 - federal, **II-17:2**
 - Manitoba, **II-17:62**
 - Ontario, **II-17:9**
 - Saskatchewan, **II-17:55**
- Transfer agency, **II-28:3**
- Waiver/non-performance, **I-4:20**

AGRICULTURE

- Assignments
 - crops, **I-9:32; I-9:33**
 - farm stock and equipment, **I-9:31**
 - produce, **I-9:33**
 - seed grain, **I-9:33**
- Auctions, purebred livestock, conditions of sale, **I-11:3**
- Bailment, **I-5:1**
- Breeding association membership, application, **I-5:11**
- Breeding services report, **I-5:13**
- Cattle agreement between feedlot operator and contractor, **I-5:2**
- Egg production, **I-5:7**
- Feedlot
 - employer and employee agreement, **I-5:4**
 - rancher agreement for shared ownership, **I-5:15**
 - receipt and conditions, **I-5:3**
 - share purchase agreement, **I-5:14**
- Fee-type layer agreement, **I-5:6**
- Financing
 - comprehensive farm business agreement, **I-5:29**
 - feed, **I-5:28**
- Grazing agreement, **I-5:5**
- Grower's agreements with food processors
 - fresh fruit, **I-5:17**
 - grapes for wine, **I-5:18**
 - vegetables, **I-5:20; I-5:21**
- Growing crops, sale of, **I-5:16**
- Hatchery producer agreement, **I-5:10**
- Hay, sale between vendor and feedlot, **I-5:19**
- Leases
 - cash rental, **I-5:24**
 - crop share rental, **I-5:25**

AGRICULTURE—Cont'd

Leases—Cont'd

share rental of livestock or complete farm, **I-5:26**

Liquid nitrogen agreement, **I-5:12**

Poultry feeding agreement, **I-5:8; I-5:9**

Purebred breeding services, **I-5:13**

Share cropping agreement, **I-5:22**

Specialty crop farm and implements, sale of, **I-5:23**

AIRCRAFT

See AVIATION

AIRPORT

Land use in vicinity of, **IX-3:98**

Noise

management, **IX-3:96**

mitigation procedures, **IX-3:97**

Operating agreement, **IX-3:95**

ALCOHOL

Policy, **IX-3:50**

ALLHUSEN v. WHITTELL

Exclusion and application of rule, **V-24:15-V-24:18**

ALTERATIONS BY TENANT

See also MAINTENANCE AND REPAIR; SURRENDER OF PREMISES

Cart lease provision, **IV-3:7**

Commercial condominium unit, **IV-10:8**

Farm lease, **IV-10:4**

Gross lease provision, **IV-2:4**

Ground lease provision, **IV-10:2**

Industrial

lease provision, **IV-2:2; IV-2:3**

offer provision, **IV-1:11**

Kiosk lease provision, **IV-3:7**

Leaseback provision, **IV-10:3**

Leasehold improvements, **IV-3:2; 3:3; 3:4**

Multi-tenanted building offer provision, no form of lease, **IV-1:16**

Office lease provision, **IV-4:2-IV-4:4**

Pad lease provision, **IV-3:5; IV-3:6**

Performance of work, **IV-4:4**

Residential lease provision, **IV-8:43; IV-8:45**

Retail lease provision, **IV-3:2; IV-3:3**

Shopping centre lease provision, **IV-3:2**

Single-tenanted building offer provision

no form of lease, **IV-1:15**

ALTERATIONS BY TENANT—Cont'd

Single-tenanted building offer provision—Cont'd
with form of lease, **IV-1:14**

ALTER EGO TRUST

Special power of appointment over capital, **V-42:10**

ALTERNATIVE DISPUTE RESOLUTION

Arbitration clause, recommendation for, **V-33:4**

Consent to third party screening, **VI-3:3**

Dispute of enforcement request, **VI-3:8**

Enforcement of family arbitration award, **VI-3:7**

Mediation agreement, **VI-3:2**

Mediation/arbitration, information sheet, **VI-3:3.50**

Mediation/arbitration agreement, **VI-3:4**

Mediation clause, recommendation for, **V-33:2-V-33:4**

Secondary arbitration agreement, **VI-3:5**

AMALGAMATION

Application (British Columbia), **II-15:26; II-15:27**

Approval of (Nova Scotia)

affidavit in support of, **II-15:29**

application, **II-15:28**

order, **II-15:30**

Articles of

Alberta, **II-15:33**

federal, **II-15:31**

Manitoba

share capital, **II-15:35**

without share capital, **II-15:36**

Ontario, **II-15:32**

Saskatchewan, **II-15:34**

Creditor

consent of

Alberta, **II-15:24**

federal, **II-15:24**

Manitoba, **II-15:24**

Ontario, **II-15:25**

Saskatchewan, **II-15:24**

notice to

federal, **II-15:21**

initial (Alberta, Ontario), **II-15:22**

Manitoba, **II-15:21**

objection, re (Ontario/Alberta), **II-15:23**

Saskatchewan, **II-15:21**

AMALGAMATION—Cont'd

Long form

director's resolution authorizing, **II-15:6; II-15:9; II-15:10**

shareholder's resolution authorizing

Alberta, **II-15:11**

British Columbia, **II-15:8**

general, **II-15:5**

three cornered, **II-15:7**

three cornered merger between two corporations, **II-15:2**

three corporations, among, **II-15:3**

two corporations (Alberta), **II-15:4**

two federal corporations, between, **II-15:1**

Short form, director's resolution authorizing

vertical amalgamation with wholly owned subsidiary

Alberta, **II-15:13**

British Columbia, **II-15:13**

federal, **II-15:12**

Manitoba, **II-15:12**

Ontario, **II-15:12**

Saskatchewan, **II-15:14**

wholly owned subsidiary with another wholly owned subsidiary

Alberta, **II-15:15**

British Columbia, **II-15:19**

Manitoba, **II-15:15**

Ontario, **II-15:15**

Saskatchewan, **II-15:15**

Statement of, extra-provincial corporation (Alberta), **II-20:24**

Statement of director or officer of amalgamating corporation (Ontario),
II-15:20

Statutory declaration, of director or officer of amalgamating corporation

Alberta, **II-15:18**

federal, **II-15:17**

Manitoba, **II-15:17**

Saskatchewan, **II-15:17**

AMBULANCE STATION

Lease of land for use as, **IX-3:31**

AMENDING AGREEMENTS

Additional space, **IV-12:3**

Consent to amendments from chargee, **IV-13:5**

Extension, **IV-12:8**

General form, **IV-12:2**

Relocation, **IV-12:4**

Rent deferral agreement, **IV-12:6**

AMENDING AGREEMENTS—Cont’d
 Rent relief agreement, **IV-12:5**

AMENDMENT

- Articles, to
 - See ARTICLES, AMENDMENTS TO
- Judgment
 - commentary, **VIII-18:43**
 - facts subsequently discovered
 - commentary, **VIII-18:57**
 - motion to vary
 - affidavit, **VIII-18:59**
 - notice of motion, **VIII-18:58**
 - order, **VIII-18:60**
 - fraud
 - commentary, **VIII-18:50**
 - motion to set aside
 - affidavit, **VIII-18:55**
 - notice of motion, **VIII-18:54**
 - ordernotice of motion, **VIII-18:56**
 - motion to vary
 - affidavit, **VIII-18:52**
 - notice of motion, **VIII-18:51**
 - order, **VIII-18:53**
 - no adjudication, motion to amend
 - affidavit, **VIII-18:48**
 - notice of motion, **VIII-18:47**
 - order, **VIII-18:49**
 - slip, motion to amend, **VIII-18:44**
 - Pleadings
 - consent to, **VIII-4:56**
 - simplified procedure, **VIII-31:13**
 - Statement of claim, motion to
 - add new cause of action
 - affidavit, **VIII-6:78**
 - draft amended statement of claim, **VIII-6:77**
 - notice of motion, **VIII-6:76**
 - order, **VIII-6:79**
 - commentary, **VIII-6:75**
 - increase damages amount
 - affidavit, **VIII-6:81**
 - notice of motion, **VIII-6:80**
 - order, **VIII-6:82**

AMENDMENT—Cont'd

- Statement of defence, motion to
 - add counterclaim
 - affidavit, **VIII-6:94**
 - commentary, **VIII-6:92**
 - notice of motion, **VIII-6:93**
 - order, **VIII-6:95**
 - add new defence
 - affidavit, **VIII-6:85**
 - notice of motion, **VIII-6:84**
 - order, **VIII-6:86**
 - withdraw admission in
 - affidavit in opposition, **VIII-6:90**
 - affidavit in support, **VIII-6:89**
 - commentary, **VIII-6:87**
 - notice of motion, **VIII-6:88**
 - order, **VIII-6:91**

ANIMALS

- Bird nesting report, **IX-4:135**
- By-laws
 - animal control, **IX-11:37**
 - clinic, **IX-11:37**
 - definitions, **IX-11:37**
 - general clause, **IX-11:37**
 - licensing, **IX-11:37**
 - maximum number of pets, **IX-11:37**
 - penalty, **IX-11:37**
 - pigeons, **IX-11:76; IX-11:77**
 - prohibited animals, **IX-11:37**
 - responsible pet ownership, **IX-11:75**
- Commentary, **IV-5:43**
- Control of, by-law
 - See by-law, control
 - See By-law, control
- Control services agreement, **IX-6:50**
- Dogs, **IV-5:44**
- Exotic animals
 - entertainment events by-law, **IX-11:38**
 - rescue and education establishments by-law, **IX-11:39**
- Fisheries, **IX-4:136**
- Gifts for care of, **V-11:63-11:67.50**
- Gifts of, **V-8:5-V-8:7; V-8:64; V-8:65**
- Health Promotion and Protection Act order re dogs, **IX-7:5**
- Wish that pet be kept in home with child, **V-11:67.50**

ANNUAL INFORMATION FORM

Contents for mutual funds Form 81-101F2, **II-26:4**

ANNUAL MEETING

Minutes of, **II-12:59**

Notice of, **II-12:10**

special, and, **II-12:11**

Timetable for, **II-12:17**

ANNUITIES

Charged on gift of real estate, **V-14:3**

Commutation of future premiums, directions for, **V-14:24**

Directions for payment generally, **V-14:25-V-14:28**

Directions to purchase

donee to sign consent form, **V-14:19**

employee, for, conditional on signing agreement, **V-14:20**

from proceeds of life insurance, **V-7:36**

guaranteed term, for, **V-14:22**

residue to be used, **V-14:21**

short form, **V-14:18**

specified annuity unavailable, **V-14:23**

Excess income after payment, general direction as to, **V-14:28**

Excess income from special funds, provision for, **V-14:13; V-14:14**

Guaranteed payments remaining due to testator, direction to authorize direct payment, **V-14:28**

Immediate payment, directions to provide for, **V-14:25**

Income from share of residue accumulated to age of majority, **V-14:8**

Life annuity, simple form, **V-14:2**

Option to purchase, monthly payments to beneficiary, **V-14:21**

Payable out of income as first charge, **V-15:28**

Payment as condition of charitable gift, **V-14:4**

Payment before and after spouse's death, general direction, **V-14:26**

Payment generally, direction for, **V-14:25**

Prepayment of premiums for immediate annuities, directions for, **V-14:24**

Purchase of

See directions to purchase, *supra*

See Directions to purchase, *supra*

Special funds for

direction to set aside for annuities in will, **V-14:11**

excess income payable to another, **V-14:14**

excess income to be added to capital, **V-14:13**

fund to be set aside after spouse's death, **V-14:16**

general authority to set aside for annuities created by power of appointment, **V-14:12**

general authority to set aside for annuities in will, **V-14:9**

ANNUITIES—Cont'd

Special funds for—Cont'd

monthly payments to beneficiary with option to purchase annuity, **V-14:10**

payments to be made only out of income, **V-14:15**

To daughter for life, then divided among her children, **V-14:7**

To daughter for life or until marriage, **V-14:5**

To mother payable out of residue with special fund after spouse's death,
V-14:16

To several beneficiaries payable at different intervals, **V-14:6**

ANOTHER PROCEEDING ELSEWHERE

Motion to stay or dismiss

commentary, **VIII-6:14**

pending before a foreign court

affidavit of defendant, **VIII-6:16**

affidavit of translator, **VIII-6:17**

notice of motion, **VIII-6:15**

order, **VIII-6:18**

pending before an Ontario tribunal

affidavit, **VIII-6:20**

notice of motion, **VIII-6:19**

order, **VIII-6:21**

prior Ontario action pending

affidavit, **VIII-6:23**

notice of motion, **VIII-6:22**

order, **VIII-6:24**

ANTI-BRIBERY

Artificial intelligence analysis, usage prohibition, **X-33:22.70**

Cooperation on artificial intelligence technologies, **X-33:22.30**

General, **X-33:21.50**

Improper payment, **X-33:21**

Unlawful contribution, gift, entertainment, **X-33:22**

ANTI-CORRUPTION

Compliance with, **X-33:22.20; 33:46.30**

ANTON PILLER ORDER

Commentary, **VIII-14:76**

Consent of receiver, **VIII-14:80**

Motion

affidavits, **VIII-14:78; VIII-14:79**

notice of, **VIII-14:77**

Order

continuation, **VIII-14:84**

interim, **VIII-14:83**

ANTON PILLER ORDER—Cont'd

Prayer for relief, **VIII-4:18**
 Receiver, consent of, **VIII-14:80**
 Undertaking
 lawyer, of, **VIII-14:81**
 plaintiff, of, **VIII-14:82**

APPEAL

Bill of costs, **VIII-23:71**
 Book and compendium, **VIII-28:117**
 certificate of completeness, **VIII-28:118**
 certificate of perfection, **VIII-28:119**
 exhibit book, **VIII-28:119**
 Certificate
 completeness, of, **VIII-28:118**
 order under subrule 61.09(2), of, **VIII-28:124**
 perfection, of, **VIII-28:120**
 stay, of, **VIII-28:64**
 time required, **VIII-28:124**
 Class proceedings
 See CLASS PROCEEDINGS
 Compendium
 appeal book, and, **VIII-28:117**
 respondent's, **VIII-28:126**
 Confirmation of motion form, **VIII-28:127**
 Costs orders
 abandoned appeal
 affidavit, failure to appear, **VIII-23:34**
 affidavit, no filing, **VIII-23:33**
 commentary, **VIII-23:32**
 appellant
 general form, **VIII-23:27**
 new trial, **VIII-23:28**
 one set of costs, **VIII-23:29**
 security for, motion
 See Security for costs, motion for, *infra*
 Counsel slip and hearing information form, **VIII-28:128**
 COVID-19, commentary, **VIII-28:1.50**
 Cross-appeal
 abandonment, notice of, **VIII-28:54**
 commentary, **VIII-28:114.50**
 dismissal of appeal, election to proceed on, **VIII-28:56**
 notice of, **VIII-28:52**
 supplementary notice, **VIII-28:115**

APPEAL—Cont'd

- Delay, motion to dismiss for
 - affidavit, **VIII-28:75**
 - notice of motion, **VIII-28:74**
 - order, **VIII-28:76**
- Delay of motion for leave, motion to dismiss for
 - affidavit, **VIII-28:79**
 - notice of motion, **VIII-28:78**
 - order, **VIII-28:80**
- Evidence, further, motion to receive
 - affidavit, **VIII-28:95**
 - notice of motion, **VIII-28:94**
 - order, **VIII-28:96**
- Exhibit book, **VIII-28:119**
- Expedite, motion to
 - affidavit, **VIII-28:91**
 - notice of motion, **VIII-28:90**
 - order, **VIII-28:92**
- Extension of time
 - commence appeal, to, motion for
 - affidavit, **VIII-28:99**
 - notice of motion, **VIII-28:98**
 - order, **VIII-28:100**
 - perfect appeal, to, motion for
 - affidavit, **VIII-28:103**
 - notice of motion, **VIII-28:102**
 - order, **VIII-28:104**
- Factum
 - appellant, **VIII-28:122**
 - longer factum, motion for leave to file
 - affidavit, **VIII-28:111**
 - commentary, **VIII-28:109**
 - notice of motion, **VIII-28:110**
 - order, **VIII-28:112**
 - oral argument, certificate of time required, **VIII-28:124**
 - respondent, **VIII-28:123**
- Final order, from
 - See APPEAL FROM FINAL ORDER
 - hearing of appeals together, motion for
 - affidavit, **VIII-28:107**
 - notice of motion, **VIII-28:106**
 - order, **VIII-28:108**
- Interlocutory
 - See INTERLOCUTORY APPEALS

APPEAL—Cont'd

- Intervene, motion for leave to
 - affidavit, **VIII-28:87**
 - notice of motion, **VIII-28:86**
 - order, **VIII-28:88**
- Longer factum, motion for leave to file
 - affidavit, **VIII-28:111**
 - commentary, **VIII-28:109**
 - notice of motion, **VIII-28:110**
 - order, **VIII-28:112**
- Motion confirmation form, **VIII-28:127**
- Order, general form, **VIII-18:7**
- Quash, motion to
 - affidavit, **VIII-28:71**
 - notice of motion, **VIII-28:70**
 - order, **VIII-28:72**
- Security for costs, motion for
 - affidavit, **VIII-28:83**
 - notice of motion, **VIII-28:82**
 - order, **VIII-28:84**
- Stay pending appeal, motion for
 - affidavit, **VIII-28:62**
 - certificate of stay, **VIII-28:64**
 - checklist, **VIII-28:60**
 - commentary, **VIII-28:59**
 - lift, motion to
 - affidavit, **VIII-28:67**
 - commentary, **VIII-28:65**
 - notice of motion, **VIII-28:66**
 - order, **VIII-28:68**
 - notice of motion, **VIII-28:61**
 - order, **VIII-28:63**
 - requisition for a stay, landlord and tenant board, **VIII-28:65.50**

APPEAL FROM FINAL ORDER

- Certificate of assessment of costs, from
 - Court of Appeal proceeding
 - checklist
 - appellant, **VIII-28:47**
 - respondent, **VIII-28:48**
 - commentary, **VIII-28:46**
 - notice of appeal, **VIII-28:49**
 - order, **VIII-28:50**

APPEAL FROM FINAL ORDER—Cont'd

Certificate of assessment of costs, from—Cont'd

Superior Court of Justice proceeding
checklist

appellant, **VIII-28:42**

respondent, **VIII-28:43**

commentary, **VIII-28:41**

notice of appeal, **VIII-28:44**

order, **VIII-28:45**

Confirmation form, **VIII-28:26**

Divisional Court to Court of Appeal

checklist

appellant, **VIII-28:30**

respondent, **VIII-28:31**

commentary, **VIII-28:29**

notice

appeal, of, **VIII-28:34**

motion of, for leave, **VIII-28:32**

order, **VIII-28:35**

granting leave, **VIII-28:33**

Judge to Court of Appeal

checklist

appellant, **VIII-28:37**

respondent, **VIII-28:38**

commentary, **VIII-28:36**

notice of appeal, **VIII-28:39**

order, **VIII-28:40**

Judge to Divisional Court

See Master or judge to Divisional Court, *infra*

Master or judge to Divisional Court

checklist

appellant, **VIII-28:24**

respondent, **VIII-28:25**

commentary, **VIII-28:23**

confirmation form, **VIII-28:26**

notice of appeal, **VIII-28:27**

order, **VIII-28:28**

APPEALS

Certificate

appellant's respecting evidence, **VI-24:4**

completeness of appeal book and compendium, **VI-24:9**

respondent's respecting evidence, **VI-24:5**

stay, **VI-24:17**

Family Law Rules, notice of appeal, **VI-24:20**

APPEALS—Cont'd

Motion for

- lifting stay of execution pending appeal, **VI-24:16**
- stay of final order or judgment pending appeal, **VI-24:15**

Notice of

- abandonment of appeal or cross-appeal, **VI-24:13**
- appeal to a judge, **VI-24:18**
- appeal to an appellate court, **VI-24:3**
- cross-appeal, **VI-24:6**
- election to proceed with cross-appeal, **VI-24:14**
- listing for hearing (appeal), **VI-24:8**

Order

- dismissing appeal or cross-appeal for delay, **VI-24:10**
- dismissing motion for delay, **VI-24:12**
- dismissing motion for leave to appeal for delay, **VI-24:11**

Stay

- certificate, **VI-24:17**
- motion for
 - final order or judgment pending appeal, **VI-24:15**
 - lifting execution pending appeal, **VI-24:16**
- Supplementary notice of appeal or cross-appeal, **VI-24:7**

APPLICATION FOR INCORPORATION

Non-share capital corporation

See **INCORPORATION**

Nova Scotia, statutory declaration in support of, **II-1:50**

APPLICATIONS

Accounts, application to pass

- affidavit, **VIII-27:47**
- commentary, **VIII-27:45**
- judgment
 - contested application, **VIII-27:49**
 - notice of, **VIII-27:46**
 - unopposed application, **VIII-27:48**
- notice of, **VIII-27:46**

Administrator

- order to, to do or refrain from act
 - affidavit, **VIII-27:20**
 - judgment, **VIII-27:21**
 - notice of application, **VIII-27:19**
- removal of
 - affidavit, **VIII-27:16**
 - judgment, **VIII-27:17**
 - notice of application, **VIII-27:15**

APPLICATIONS—Cont'd

Administrator—Cont'd

replacement of

affidavit, **VIII-27:16**

judgment, **VIII-27:17**

notice of application, **VIII-27:15**

Admission to secure treatment program, **VI-15:28, 15:29, 15:30**

Adoption, **VI-16:2**

openness order, **VI-16:21**

order dispensing with consent, **VI-16:3**

Appearance

confirmation, **VIII-27:6**

notice, **VIII-27:5**

Approval

arrangement, compromise, purchase, sale, mortgage or lease

affidavit, **VIII-27:24**

commentary, **VIII-27:22**

judgment, **VIII-27:25**

notice of application, **VIII-27:23**

settlement

See Settlement, approval of, *infra*

Arbitration Act

appointment of arbitrator

affidavit, **VIII-27:57**

judgment, **VIII-27:58**

notice of application, **VIII-27:56**

enforcement of award

affidavit, **VIII-27:64.50**

judgment, **VIII-27:65**

notice of application, **VIII-27:64**

enforcement pending appeal

affidavit, **VIII-27:61**

judgment, **VIII-27:62**

notice of application, **VIII-27:60**

setting aside award

affidavit, **VIII-27:67**

judgment, **VIII-27:69**

notice of application, **VIII-27:67**

Bankruptcy and Insolvency Act, s. 38

affidavit, **VIII-27:72**

judgment, **VIII-27:73**

notice of application, **VIII-27:71**

Bill of costs, **VIII-23:70**

APPLICATIONS—Cont'd

Canada Business Corporations Act

derivative action

affidavit, **VIII-27:90**judgment, **VIII-27:91**notice of application, **VIII-27:89**

oppression remedy

affidavit, **VIII-27:86**judgment, **VIII-27:87**notice of application, **VIII-27:85**

shareholders meeting to compel

affidavit, **VIII-27:94**judgment, **VIII-27:95**notice of application, **VIII-27:93**

winding-up

affidavit, **VIII-27:86**judgment, **VIII-27:87**notice of application, **VIII-27:85**

Canadian Charter of Rights, remedy under

affidavit, **VIII-27:36**commentary, **VIII-27:34**judgment, **VIII-27:37**notice of application, **VIII-27:35**

Ceasing to be reporting issuer

See **REPORTING ISSUER, CEASING TO BE**

Checklist

applicant, **VIII-27:2**respondent, **VIII-27:3**Child and Family Services Act, **VI-15:4**Child protection, **VI-15:2**Commentary, **VIII-27:1**Commercial list, when available, **VIII-1:49**

Companies' Creditors Arrangement Act

affidavit, **VIII-27:77**judgment, **VIII-27:78**monitor's consent, **VIII-27:79**notice of application, **VIII-27:76**

Continuance in another jurisdiction, authorization for

federal, **II-16:22**Manitoba, **II-16:9**Nova Scotia, **II-16:10**Ontario, **II-16:7**Saskatchewan, **II-16:8**

APPLICATIONS—Cont'd

Costs orders

- abandoned application
 - affidavit, failure to appear, **VIII-23:34**
 - affidavit, no filing, **VIII-23:33**
 - commentary, **VIII-23:32**
- applicant
 - general form, **VIII-23:21**
 - settlement offer exceeded, **VIII-23:23**
 - substantial indemnity costs scale, **VIII-23:22**
- respondent
 - general form, **VIII-23:24**
 - settlement offer exceeded, **VIII-23:25**
 - substantial indemnity costs scale, **VIII-23:26**

Counter-applications

- affidavit, **VIII-27:134**
- commentary, **VIII-27:132**
- judgment, **VIII-27:135**
- notice of, **VIII-27:133**

COVID-19. commentary, **VIII-27:1.50**

Deed, interpretation of

- affidavit, **VIII-27:28**
- judgment, **VIII-27:29**
- notice of application, **VIII-27:27**

Directions

- affidavit, **VIII-27:52**
- commentary, **VIII-27:50**
- notice of application, **VIII-27:51**
- order
 - pleadings directed, **VIII-27:53**
 - trial of issues directed, **VIII-27:54**

Divorce, **VI-6:6; VI-9:5**

Estate trustee, appointment of

See ESTATE TRUSTEE

Examinations

- commentary, **VIII-27:136**
- notice of, **VIII-27:137**
- summons to witness, **VIII-27:138**

Executor

- order to, to do or refrain from act
 - affidavit, **VIII-27:20**
 - judgment, **VIII-27:21**
 - notice of application, **VIII-27:19**

APPLICATIONS—Cont'd

Executor—Cont'd

removal of

affidavit, **VIII-27:16**

judgment, **VIII-27:17**

notice of application, **VIII-27:15**

replacement of

affidavit, **VIII-27:16**

judgment, **VIII-27:17**

notice of application, **VIII-27:15**

Extra-provincial corporation licence

Manitoba, **II-20:86**

Ontario, **II-20:1**

material required to obtain, cover letter enclosing, **II-20:3**

to amend (Ontario), **II-20:4**

to terminate

Manitoba, **II-20:89**

Ontario, **II-20:5**

Extra-provincial corporation registration

Manitoba, **II-20:86**

amended annual return — extra provincial/federal corporation,
II-20:90.75

cancellation of registration of a limited liability partnership or extra
provincial limited partnership, **II-20:90.50**

change in an extra provincial limited partnership, **II-20:90.25**

supplementary certificate, **II-20:88**

termination of, **II-20:89**

reinstatement of (Alberta), **II-20:27**

Saskatchewan, **II-20:59**

Factums

See FACTUM

Foreign judgments, enforcement of

affidavit, default judgment, **VIII-27:130**

application, notice of, **VIII-27:129**

judgment, **VIII-27:131**

reciprocal legislation, under

See Reciprocal enforcement of judgments, *infra*

General, **VI-6:4**

answer, **VI-6:7**

reply, **VI-6:8**

Heading

commercial list, **VIII-1:49**

Court of Appeal, **VIII-1:41**

Divisional Court, **VIII-1:43**

APPLICATIONS—Cont'd

Heading—Cont'd

Superior Court of Justice, **VIII-1:36**

Incorporation, for

See APPLICATION FOR INCORPORATION

Judicial review

See JUDICIAL REVIEW

Land, declaration of interest in

affidavit, **VIII-27:32**

judgment, **VIII-27:33**

notice of application, **VIII-27:31**

Letters rogatory, enforcement of

affidavit, **VIII-27:126**

commentary, **VIII-27:124**

judgment, **VIII-27:127**

notice of application, **VIII-27:125**

Marriage licence, **VI-9:11**

Municipal Act, quashing of by-law

affidavit, **VIII-27:82**

commentary, **VIII-27:80**

judgment, **VIII-27:83**

notice of application, **VIII-27:81**

Municipal by-law, interpretation of

affidavit, **VIII-27:28**

judgment, **VIII-27:29**

notice of application, **VIII-27:27**

Not-for-profit corporation, member (Federal), **II-2:176**

Not-for-profit corporation, member (Ontario), **II-1:87**

Notice of, **VIII-27:4**

Ontario Business Corporations Act

derivative action

affidavit, **VIII-27:90**

judgment, **VIII-27:91**

notice of application, **VIII-27:89**

oppression remedy

affidavit, **VIII-27:86**

judgment, **VIII-27:87**

notice of application, **VIII-27:85**

winding-up

affidavit, **VIII-27:86**

judgment, **VIII-27:87**

notice of application, **VIII-27:85**

Partition Act

affidavit, **VIII-27:98**

APPLICATIONS—Cont'd

Partition Act—Cont'd

commentary, **VIII-27:96**judgment, **VIII-27:99**notice of application, **VIII-27:97**

Partnerships Act

affidavit, **VIII-27:102**judgment, **VIII-27:103**notice of application, **VIII-27:101**Paternity, **VI-17:2**Personal preauthorized debt, **VI-25:14**

Personal Property Security Act

discharge of security

affidavit, **VIII-27:110**judgment, **VIII-27:111**notice of application, **VIII-27:109**

priorities, determination of

affidavit, **VIII-27:106**judgment, **VIII-27:107**notice of application, **VIII-27:105**

Persons under a disability

See **PERSONS UNDER DISABILITY**

Priority of charges, declaration of

affidavit, **VIII-27:32**judgment, **VIII-27:33**notice of application, **VIII-27:31**

Provincial to federal

company continue out application, **II-16:14**

Reciprocal enforcement of judgments

general

affidavit, **VIII-27:114**judgment, **VIII-27:115**notice of application, **VIII-27:113**

United Kingdom

affidavit, **VIII-27:118**judgment, **VIII-27:117**notice of application, **VIII-27:117**

Record

applicant, of, **VIII-27:140**commentary, **VIII-27:139**respondent, of, **VIII-27:141**

Reinstatement (British Columbia)

full, extra-provincial company, **II-18:17**limited, extra-provincial company, **II-18:14**

APPLICATIONS—Cont'd

- Restoration (British Columbia)
 - full, **II-18:15; II-18:16**
 - limited, **II-18:12; II-18:13**
- Secure de-escalation room, approval of, **VI-15:27**
- Secure treatment for child, **VI-15:21**
- Securities commissions, to
 - authorization and confirmation
 - Nova Scotia, **II-30:3**
 - Ontario, **II-30:3**
 - Saskatchewan, **II-30:13**
 - authorization and verification, British Columbia, **II-30:9**
 - exemptive relief under the Passport System
 - co-ordinated review application, **II-30:22**
 - decision, **II-30:24**
 - e-mail to regulators, **II-30:23**
 - dual application, **II-30:19**
 - decision, **II-30:21**
 - e-mail to regulators, **II-30:20**
 - hybrid application
 - decision, **II-30:28**
 - dual coordinated review, **II-30:26**
 - e-mail to regulators, **II-30:27**
 - passport/coordinated review, **II-30:25**
 - standard form, **II-30:16**
 - decision, **II-30:18**
 - e-mail to regulators, **II-30:17**
 - recognition as an exempt purchaser, application for, Manitoba, **II-30:15**
 - standard form
 - Alberta, **II-30:11**
 - British Columbia, **II-30:8**
 - Nova Scotia, **II-30:2**
 - applicant not reporting issuer, **II-30:5**
 - Ontario, **II-30:2**
 - applicant not reporting issuer, **II-30:5**
- Securities dealers, registration of
 - See DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS, REGISTRATION OF
- Securities listings on stock exchange, letter with document list, **II-27:4**
- Settlement, approval of
 - affidavit
 - client, of, **VIII-27:41**
 - lawyer, of, **VIII-27:40**
 - commentary, **VIII-27:38**

APPLICATIONS—Cont’d

- Settlement, approval of—Cont’d
 - consent, **VIII-27:43**
 - judgment, **VIII-27:44**
 - minutes of settlement, **VIII-27:42**
 - notice of application, **VIII-27:39**
- Status review for crown ward, **VI-15:3**
- Statutes, interpretation of
 - see also under particular statute names
 - See also under particular statute names
 - affidavit, **VIII-27:28**
 - judgment, **VIII-27:29**
 - notice of application, **VIII-27:27**
- Support orders, respondent’s answer, **VI-18:21**
- Support or support variation, **VI-18:8**
- S VI, VIII
- Trust
 - opinion, advice or directions concerning
 - affidavit, **VIII-27:12**
 - commentary, **VIII-27:10**
 - judgment, **VIII-27:13**
 - notice of application, **VIII-27:11**
 - trustee
 - See Trustee, *infra*
 - variation of
 - affidavit, **VIII-27:24**
 - commentary, **VIII-27:22**
 - judgment, **VIII-27:25**
 - notice of application, **VIII-27:23**
- Trustee
 - order to, to do or refrain from act
 - affidavit, **VIII-27:20**
 - judgment, **VIII-27:21**
 - notice of application, **VIII-27:19**
 - removal of
 - affidavit, **VIII-27:16**
 - judgment, **VIII-27:17**
 - notice of application, **VIII-27:15**
 - replacement of
 - affidavit, **VIII-27:16**
 - judgment, **VIII-27:17**
 - notice of application, **VIII-27:15**
- Vendors and Purchasers Act
 - affidavit, **VIII-27:122**

APPLICATIONS—Cont'd

Vendors and Purchasers Act—Cont'd

judgment, **VIII-27:123**

notice of application, **VIII-27:121**

Wills

interpretation of

affidavit, **VIII-27:28**

judgment, **VIII-27:29**

notice of application, **VIII-27:27**

opinion, advice or directions re

affidavit, **VIII-27:12**

commentary, **VIII-27:10**

judgment, **VIII-27:13**

notice of application, **VIII-27:11**

APPLICATION SERVICE PROVIDER

Contracting out services agreement, **X-20:21**

Customer agreement, **X-20:19**

General form of agreement, **X-20:18**

Software and services licence agreement, **X-20:20**

APPOINTMENT

Agent, extra-provincial corporation

Nova Scotia, **II-20:93**

Ontario, **II-20:2**

Saskatchewan, **II-20:59**

Attorney, extra-provincial corporation

Alberta, NWPTA, **II-20:35**

revocation of, **II-20:38**

British Columbia, **II-20:12**

revocation of, **II-20:14**

Auditors

See AUDITORS

Director's resolution filling vacancy, **II-10:7**

Executors and trustees

See APPOINTMENT CLAUSES; EXECUTORS AND TRUSTEES;
INTER VIVOS TRUSTS

New referee, of

commentary, **VIII-19:36**

motion for

affidavit, **VIII-19:38**

notice of motion, **VIII-19:37**

order, **VIII-19:39**

Powers of

See POWERS OF APPOINTMENT

APPOINTMENT—Cont'd

Proxy

Manitoba, **II-2:129**

Ontario, **II-2:121**

Settle order

affidavit of clerk on appointment, **VIII-18:40**

commentary, **VIII-18:37**

disputed order, **VIII-18:42**

memorandum of approval, **VIII-18:38**

notice of, **VIII-18:39; VIII-18:41**

registrar unsatisfied, **VIII-18:39**

unapproved, **VIII-18:38**

Settle report on reference, **VIII-19:40**

Shareholder's resolution electing director, **II-10:6**

S V, **VIII**

Transfer agent and registrar, directors' resolution, **II-9:10**

APPOINTMENT CLAUSES

See also EXECUTORS AND TRUSTEES, appointment

Special provisions in

disagreement

spouse's decision to govern, **V-6:49**

foreign trustee, right to act without security, **V-6:58**

personal trustee given authority over specified assets, **V-6:47**

personal trustee relieved of details and liability, **V-6:50**

power to add trustees, **V-6:57**

power to appoint trust company as agent, **V-6:41**

power to appoint trust company for certain trusts, **V-6:46**

power to choose property in satisfaction of family law claim, **V-6:45**

power to retain trust company to assist, **V-6:48**

replacement trustee, **V-39:15**

resign, trustees right to, **V-6:55**

revocation of spouses appointment, **V-6:44**

trustee personally interested

permission to decide, **V-6:42**

withdrawal from decision, **V-6:43**

Will made in contemplation of marriage, **V-32:8**

APPRAISAL

Motion for inspection to permit

affidavit, **VIII-11:3**

notice of motion, **VIII-11:2**

order, **VIII-11:4**

APPRENTICESHIP

Accommodation, self-identification for clients requiring, Manitoba, **I-6:6**

APPRENTICESHIP—Cont'd

Application

agreement and, Manitoba, **I-6:5**

agreement and, PEI, **I-6:25**

agreement and, Yukon, **I-6:26**

certificate of qualification/certificate of qualification (without written exam)
or provincial CQ/DA for IP, New Brunswick, **I-6:11**

contract, NWT, **I-6:17**

designated trainer

BC, **I-6:2**

NWT, **I-6:18**

exam, **I-6:4**

certification eligibility, NL, **I-6:15.70**

level placement, BC, **I-6:4.30**

request, BC, **I-6:4.50**

in-province, NL, **I-6:13**

new or reinstatement, NWT, **I-6:19.50**

out-of-province, NL, **I-6:14**

ratio adjustment for hiring additional apprentices, for, Manitoba
generally, **I-6:8**

amendment for, Manitoba, **I-6:9**

training, Ontario, **I-6:21**

training delivery agent, Ontario, **I-6:20**

Bond, **I-18:70**

Certification, pathways to, **I-6:12**

Change of employer

in-province, MOU, NL, **I-6:15**

out-of-province, LOU, NL, **I-6:15.30**

Client credentials, disclosure of, Manitoba, **I-6:7**

Entrance exam request, NWT, **I-6:16**

Personal records, copy of, Manitoba, **I-6:10**

Practical assessment result, BC, **I-6:4.70**

Prior learning assessment recognition, NWT, **I-6:19**

Registration

youth apprentice and sponsor, BC, **I-6:3**

Sponsor, Ontario, **I-6:23**

Training, Ontario, **I-6:22**

Youth apprenticeship, Ontario, **I-6:24**

ARBITRATION

See also DISPUTE RESOLUTION

See also MEDIATION

Accountant, employment of, **I-7:23**

Accounts, investigation of, **I-7:29**

ARBITRATION—Cont'd

Action

- covenant not to bring, **I-7:37**
- submission not to act as discontinuance of, **I-7:35**

Agreement, **IX-10:31**

- Agreement for submission by deed, **I-7:13**
 - action commenced, **I-7:12**

Appointment to proceed, **I-7:79**

- peremptory, **I-7:80**

Arbiter guidelines, **X-33:8**

Arbitral tribunal

- charges, **I-7:36**
- ex parte proceedings by, **I-7:17**
- extension of time, **I-7:84**
- parties to assist, **I-7:31**
- revocation of authority, **I-7:82**

Arbitrations Act

- exclusion of operation of, **I-7:14**
- submission under, **I-7:11**

Arbitrator

- act alone, notice to, **I-7:68**
- appointment of
 - both parties, by, **I-7:53**
 - concur, notice to, **I-7:63**
 - new arbitrators, **I-7:48**
 - new umpire or third arbitrator, **I-7:59; I-7:60**
 - notice, **I-7:62; I-7:67**
 - one party, by, **I-7:54**
 - partnership agreement, pursuant to, **I-7:56**
 - substitute, **I-7:66**
 - third arbitrator, **I-7:55; I-7:59; I-7:60**
 - umpire, **I-7:58-I-7:60**
- appointment to proceed, **I-7:79**
- death of, **I-7:10**
- default of one arbitrator, **I-7:46**
- demand for documents, **I-7:81**
- disagreement between arbitrators, notice of, **I-7:76**
- disinterested, arbitrators to be, **I-7:45**
- ex parte proceedings by, **I-7:17**
- failure to appoint, **I-7:47; I-7:68**
- impartial, arbitrators to be, **I-7:45**
- partial disagreement, **I-7:77**
- request to concur in appointment of, **I-7:64**

ARBITRATION—Cont'd

Arbitrator—Cont'd

- revocation of authority, **I-7:82**
- notice of, **I-7:74**
- single arbitrator, submission to, **I-7:2-I-7:4**
 - partnership dispute, **I-7:8**
- substitute, notice to appoint, **I-7:66**
- three arbitrators, submission to, **I-7:6; I-7:7**
 - appointment of third, **I-7:55; I-7:67**
 - partnership dispute, **I-7:9**
- two arbitrators, submission to, **I-7:5**

Award

- abide, parties agree to, **I-7:40**
- appeal of, **I-7:33**
- conveyance of property, **I-7:99**
- costs of, **I-7:104**
- delivery of documents, **I-7:95**
- disallowance of claims in, **I-7:93**
- discontinuance of actions, **I-7:96; I-7:97**
- money settlement, in, **I-7:92**
- mutual releases, **I-7:102**
- no claim by one party against other, **I-7:95**
- partnership debt, **I-7:100**
- partnership dissolution, **I-7:103**
- recitals in, **I-7:88-I-7:91**
- reference back of, **I-7:32**
- release by one party after payment, **I-7:98**
- retiring partner, indemnity of, **I-7:101**
- single arbitrator, by, **I-7:86**
- three arbitrators, by, **I-7:87**
- umpire, by, **I-7:30**

Binding arbitration and class action waiver provisions, **X-33:22.10**

Building contract, dispute resolution clause, **I-21:7**

Claim, dispute adjudication and arbitration, **X-33:6**

Clause, **X-33:2; X-33:7**

Clause, general form, **I-4:24**

Collective agreement provision, **VII-18:13; VII-18:14**

expediting, **VII-18:15**

Commercial rules, **X-33:5**

Confidentiality, **I-7:39**

Costs, motion for, **I-7:105**

Costs of

- arbitral tribunal, **I-7:36**
- arbitration, **I-7:34**

ARBITRATION—Cont'd

- Counsel, employment, of, **I-7:24**
- Court order, submission and award to be made, **I-7:25**
- Covenants
 - not to bring action, **I-7:37**
 - not to commence legal proceedings, **I-7:38**
 - to abide by award, **I-7:40**
- Death of party, **I-7:50; I-7:51**
- Demand for documents, **I-7:81**
- Detailed dispute resolution process, **IV-6:49**
- Disability, effect of, **I-7:51**
- Documents
 - inspection of, **I-7:21**
 - production of, **I-7:20**
- Employment contract provision, **VII-17:85**
- Evidence
 - rules of, **I-7:27**
 - usage by umpire, **I-7:28**
- Examination of witnesses, **I-7:18**
- Exclusions
 - Arbitration Act, operation of, **I-7:14**
 - provisions deemed to be included in submission, operation of, **I-7:16**
- Execution of releases and other documents, **I-7:43**
- Ex parte, proceedings by arbitrator or arbitral tribunal, **I-7:17**
- Extension of time for award
 - arbitrators or arbitral tribunal, by, **I-7:84**
 - clause, **I-7:49**
 - parties, by, **I-7:83**
 - recital, **I-7:91**
- Extension right
 - detailed, **IV-5:3**
 - short, **IV-5:2**
- First collective agreement
 - See **FIRST CONTRACT ARBITRATION**
- Grievance arbitration
 - See **GRIEVANCE ARBITRATION**
- Hearing, notice of, **I-7:70**
 - telephone call, by, **I-7:71**
- Inspection of documents, **I-7:21**
- Interest arbitration
 - See **INTEREST ARBITRATION**
- Legal proceedings, covenant not to commence, **I-7:38**
- Maps and plans, **I-7:22**
- Matters to be referred, generally, **I-7:42**

ARBITRATION—Cont'd

Mediation

See **MEDIATION**

Mediation/arbitration, information sheet, **VI-3:3.50**

Mediation/arbitration agreement, **VI-3:4**

Notice

appointment of arbitrator or umpire, **I-7:62; I-7:67**

appoint substitute, to, **I-7:66**

arbitrator to act alone upon failure to appoint, to, **I-7:68**

arbitrator to other arbitrator, to proceed, **I-7:69**

award completed, **I-7:78**

concur, to, **I-7:63**

request to before proceeding to appoint other, **I-7:64**

disagreement by arbitrators, **I-7:75-I-7:77**

generally, **I-7:62-I-7:78**

hearing, of, **I-7:70**

pre-hearing conference, **I-7:72**

conference call, by, **I-7:73**

telephone, call, by, **I-7:71**

proceed with submission, to, **I-7:65**

revocation of authority, **I-7:74**

Partnership

appointment of arbitrator, **I-7:56; I-45:33**

debts, **I-7:100**

dissolution, **I-7:103**

retirement of partner, **I-7:101**

submission to

one arbitrator, **I-7:8**

three arbitrators, **I-7:9**

Penalty of, breach of agreement for, **I-7:41**

Peremptory appointment to proceed, **I-7:80**

Power of attorney, power to submit to, **I-47:100**

Pre-hearing conference, notice of, **I-7:72**

telephone, conference call, by, **I-7:73**

Procedures, **IV-6:48**

Protocol, mobility agreement & arbitration, **X-15:8**

Recitals in awards

extension of time, **I-7:91**

special provisions, **I-7:90**

submission by agreement, **I-7:88**

submission by court order, **I-7:89**

Revocation of authority

form of, **I-7:82**

notice of, **I-7:74**

ARBITRATION—Cont'd

- Rules of procedure, **X-33:19**
- Secondary arbitration agreement, **VI-3:5**
- Settling disputes, general provision, **IV-6:47**
- Special provisions, recitals of, **I-7:90**
- Statute barred accounts, **I-7:29**
- Submission
 - action commenced, when, **I-7:12**
 - Arbitrations Act, under, **I-7:11**
 - condition precedent, as, **I-7:44**
 - court order, by, **I-7:89**
 - covenants
 - accept award, to, **I-7:40**
 - not to bring action, **I-7:37; I-7:38**
 - death, effect of, **I-7:50; I-7:51**
 - deed, by, **I-7:13; I-7:88**
 - recital, **I-7:88**
 - disability, effect of, **I-7:51**
 - documents
 - inspection of, **I-7:21**
 - maps and plans, **I-7:22**
 - production of, **I-7:20**
 - employment
 - accountant, of, **I-7:23**
 - counsel, of, **I-7:24**
 - examination of witnesses, **I-7:18**
 - excluding operation of, **I-7:14-I-7:16**
 - exclusion of clauses deemed to be included, **I-7:15; I-7:16**
 - matters referred generally, **I-7:42**
 - order of court, as, **I-7:25; I-7:26**
 - partnership, by, **I-7:8; I-7:9**
 - penalty on breach, **I-7:41**
 - releases, execution of, **I-7:43**
 - single arbitrator, to, **I-7:2-I-7:4**
 - in place of one who has died, **I-7:10**
 - three arbitrators, to, **I-7:6; I-7:7**
 - two arbitrators, to, **I-7:5**
- Umpire
 - appointment by arbitrators, **I-7:58**
 - award by, **I-7:30**
 - evidence taken by arbitral tribunal, may act on, **I-7:28**
 - partial disagreement of arbitrators, notice to, **I-7:77**
 - total disagreement of arbitrators, notice to, **I-7:76**
- UNCITRAL rules, **X-33:20**

ARBITRATION ACT

- Appoint arbitrator, application to
 - affidavit, **VIII-27:57**
 - commentary, **VIII-27:55**
 - notice of motion, **VIII-27:56**
 - order, **VIII-27:58**
- Award, application to
 - enforce
 - commentary, **VIII-27:63**
 - judgment, **VIII-27:65**
 - notice of application, **VIII-27:64**
 - set aside
 - affidavit, **VIII-27:68**
 - commentary, **VIII-27:66**
 - notice of motion, **VIII-27:67**
 - order, **VIII-27:69**
- Pending appeal
 - affidavit, **VIII-27:61**
 - commentary, **VIII-27:59**
 - judgment, **VIII-27:62**
 - notice of application, **VIII-27:60**
- Stay under
 - affidavit, **VIII-6:35**
 - notice of motion, **VIII-6:34**
 - order, **VIII-6:36**

ARBITRATOR

- Appointment of
 - grievance arbitration
 - Alberta, **VII-12:47**
 - British Columbia, **VII-12:38**
 - appointment of arbitrator, **VII-11:142**
 - request for, **VII-12:45**
 - Manitoba, **VII-12:56**
 - Form A, memorandum of general information, **VII-12:58**
 - Form XV, referral under s. 130, **VII-12:57**
 - letter to arbitrator, **VII-12:55**
 - request to appoint, **VII-12:56**
 - Nova Scotia, **VII-12:65**
 - letter to arbitrator, **VII-12:72**
 - request to Minister to appoint, **VII-12:73**
 - Ontario, **VII-12:15**
 - approval, application for, **VII-12:37**
 - letter to arbitrator, **VII-12:22**
 - Police Arbitration Commission, request for, **VII-12:25**

ARBITRATOR—Cont'd

- Appointment of—Cont'd
 - grievance arbitration—Cont'd
 - Ontario, **VII-12:15**—Cont'd
 - request for expedited arbitration, **VII-12:28**
 - Saskatchewan, **VII-12:64**
 - interest arbitration
 - Nova Scotia, **VII-13:31**
 - application, **VII-13:37**
 - letter proposing, **VII-13:34**
 - reply, **VII-13:32**
 - letter to arbitrator, **VII-13:38**
 - notice to party to appoint, **VII-13:36**
 - Ontario
 - letter proposing, **VII-13:12**
 - reply to, **VII-13:13**
 - letter to arbitrator, **VII-13:15**
 - Police Arbitration Commission, request for, **VII-12:23**
 - request to Minister to appoint, **VII-13:14**

ARCHITECT

- Certificate of, **IV-3:4**
- Decision of, **IV-4:3**
- Standard building agreement, **I-21:26; I-21:27**

ARCHITECTURE

- Archaeological and heritage resource clause, **IX-4:111**
- Archaeological matters, site plan clause, **IX-4:221**
- Design guidelines, **IX-4:75**

ARCHIVES

- Donation agreement, **IX-1:3**

ARENAS

- Advertising agreement, **IX-3:103**
- Allocation policy, **IX-3:55**
- Use of, specific terms and conditions, **IX-3:58**

ARRANGEMENTS WITH CREDITORS

- Agreement including moratorium, **I-8:5**
- Application, Companies' Creditors Arrangement Act, **I-16:95**
- Composition agreement, **I-8:2; I-8:3**
- Debtor company information summary
 - commencement of proceedings, **I-16:100**
 - following order discharging monitor, **I-16:101**
- Debtor company notice disclaiming agreement, **I-16:102**
- Extension agreement, **I-8:4**

ARRANGEMENTS WITH CREDITORS—Cont'd

Forbearance agreement, **I-8:6**

Orders

authorization to file plan, **I-16:96**

foreign main proceeding

initial recognition, **I-16:103**

supplemental, **I-16:104**

initial Companies' Creditors Arrangement Act order, **I-16:98**

amended and restated, **I-16:98.50**

information pertaining to, **I-16:99**

sanction of plan, **I-16:97**

ARREST

See also FALSE ARREST AND IMPRISONMENT

Contempt, warrant for arrest, **VIII-22:73**

Defaulting witness

commentary, **VIII-17:24**

warrant for arrest, **VIII-17:25**

ART

Artwork licence agreement, **I-58:11**

Public art agreement, **IX-3:111; IX-3:112**

donation policy, **IX-3:114**

phased development agreement (B.C.), **IX-4:280**

Public art program policy, **IX-3:113**

Section 37 clause, **IX-4:250**

Site plan agreement clause, **IX-4:213**

Wall mural agreement

general, **IX-5:38**

installation, **IX-8:11**

ARTICLES, AMENDMENTS TO

Company address change, **II-14:25**

Name change

Alberta, **II-14:6**

British Columbia, **II-14:9**

director's resolution authorizing change to corporation with designated number, **II-14:10**

federal, **II-14:4**

Manitoba, **II-14:8**

Ontario, **II-14:5**

Saskatchewan, **II-14:7**

shareholders' special resolution authorizing

British Columbia, **II-14:3**

general, **II-14:1**

Nova Scotia, **II-14:2**

ARTICLES, AMENDMENTS TO—Cont'd

- Registered office, change of
 - directors' resolution authorizing within province
 - Alberta, **II-14:15**
 - British Columbia, **II-14:12**
 - federal, **II-14:14**
 - general, **II-14:11**
 - Manitoba, **II-14:13**
 - Nova Scotia, **II-14:16**
 - Saskatchewan, **II-14:17**
 - federal, **II-14:22**
 - Manitoba, **II-14:23**
 - Nova Scotia joint stock companies, **II-14:26**
 - shareholders' resolution changing province
 - federal, **II-14:18**
 - Manitoba, **II-14:20**
 - Ontario, **II-14:19**
 - Saskatchewan, **II-14:21**
- Share capital, alterations of
 - authorized shares, removing limitation on number of, special resolution/spacing
 - Alberta, **II-14:30**
 - British Columbia, **II-14:29**
 - general, **II-14:27**
 - Nova Scotia, **II-14:28**
 - changing of rights, privileges, conditions, restrictions attaching to class, special resolution
 - general, **II-14:49**
 - Nova Scotia, **II-14:50**
 - consolidation of share capital, notice of (Nova Scotia), **II-14:56**
 - consolidation of shares
 - British Columbia, **II-14:29**
 - general form, **II-14:53**
 - Nova Scotia, **II-14:54**
 - court documents in support of (Nova Scotia)
 - affidavit, **II-14:46**
 - order, **II-14:47**
 - originating notice, **II-14:45**
 - creation of new class of shares, special resolution
 - British Columbia, **II-14:33**
 - general, **II-14:31**
 - Nova Scotia, **II-14:32**
 - designation of series of shares, director's resolution
 - British Columbia, **II-14:38**

ARTICLES, AMENDMENTS TO—Cont'd

- Share capital, alterations of—Cont'd
 - designation of series of shares, director's resolution—Cont'd
 - creation of new class of shares, issuable in series, special resolution
 - British Columbia, **II-14:36**
 - general form, **II-14:34**
 - Nova Scotia, **II-14:35**
 - general form, **II-14:37**
 - officers' certificate re solvency, **II-14:48**
 - stated capital, special resolution
 - reduction by amount not represented by assets
 - Alberta, **II-14:42**
 - British Columbia, **II-14:41**
 - general form, **II-14:39**
 - Nova Scotia, **II-14:40**
 - reduction to make distribution to shareholders
 - general, **II-14:43**
 - Nova Scotia, **II-14:44**
 - subdivision of shares into greater number, special resolution
 - general, **II-14:43**
 - Nova Scotia, **II-14:44**

ARTICLES OF ASSOCIATION

- Nova Scotia, **II-1:49**

ARTICLES OF CONTINUANCE

- Alberta, **II-16:35; II-20:56.50**
- British Columbia, **II-16:34**
- Federal, **II-16:20**
- Manitoba
 - without share capital, **II-16:38**
 - with share capital, **II-16:37**
- Ontario, **II-16:33**

ARTICLES OF DISSOLUTION

- Alberta, **II-17:44**
- Manitoba, **II-17:68**
- Ontario, **II-17:12; II-17:13**
- Saskatchewan, **II-17:60**

ARTICLES OF INCORPORATION

- Alberta, **II-1:33**
- Amendments to
 - See ARTICLES, AMENDMENTS TO
- British Columbia, **II-1:31**
- Certification text, **II-19:13**

ARTICLES OF INCORPORATION—Cont’d

- Federal corporation
 - Form 1, **II-1:18**
 - text, **II-1:15**
- Manitoba, **II-1:40**
 - pre-defined clauses, **II-1:40.20**
- Ontario
 - Form 1, **II-1:26**
 - text, **II-1:24**
- Reinstatement of (federal), **II-1:19**
- Restrictions on share transfer
 - constrained share corporation, **II-9:6**
 - majority consent
 - directors, **II-9:1**
 - shareholders, **II-9:3**
 - unanimous consent
 - directors, **II-9:2**
 - transferee not existing shareholder, **II-9:5**
 - shareholders, **II-9:4**
- Saskatchewan, **II-1:38**

ARTICLES OF REVIVAL

See REVIVAL

ARTIFICIAL INTELLIGENCE

- Chatbots, **X-16A:9**
- Checklist, **X-16A:2.30**
- Commentary, **X-16A:1, 16A:2**
 - key considerations, **X-16A:12**
- Contracting, representative clauses, **X-16A:2.40**
- Contracting terminology checklist, **X-16A:3**
- Contract provisions, cumulative rights, and governing law variants, **X-16A:2.50**
- Definitions, **X-16A:4**
- End user license agreement, **X-16A:5; 16A:8.50**
- Exclusive license and collaboration agreement, **X-16A:7**
- Incorporation of, **X-33:22.80**
- Responsible AI Licenses (RAIL), **X-16A:2**
- Source code license, **X-16A:5, 16A:6**
- Terms of use, **X-16A:10**
- Website terms of use, **X-16A:11**

ARTIFICIAL INTELLIGENCE-AS-A-SERVICE (AIaaS) AGREEMENTS

- AI Software as a Service (SaaS), **X-9:35**
- Contract review checklist, **X-9:34**

ARTISTS

Memorandum to, **IX-3:80**

AS A SERVICE (aaS)

Commentary, key considerations for providers and customers, **X-16A:12**

ASSAULT AND BATTERY

Exhibit book, **VIII-28:119**

Statement of claim, **VIII-5:61**

ASSESSMENT

See also **TAXATION**

Commentary, **IX-2:3**

Golf course fixed assessment

agreement, **IX-2:4**

amending agreement, **IX-2:5**

ASSESSMENT OF COSTS

Between a solicitor and the client

commentary, **VIII-24:2**

order for assessment, client application

order, **VIII-24:6**

requisition, **VIII-24:5**

order for assessment, party paying

commentary, **VIII-24:9**

judgment, **VIII-24:12**

notice of application, **VIII-24:10**

notice of appointment, **VIII-24:15**

notice of motion, **VIII-24:13**

order, **VIII-24:14**

order for assessment, solicitor application

order, **VIII-24:8**

requisition, **VIII-24:7**

order for delivery and assessment

order, **VIII-24:4**

requisition, **VIII-24:3**

report of the assessment officer, **VIII-24:16**

In a proceeding

certificate of assessment, **VIII-23:78**

notice of appointment, **VIII-23:74**

notice to deliver bill, **VIII-23:75**

objections to assessment, **VIII-23:76**

response to objections, **VIII-23:77**

ASSESSOR, APPOINTMENT OF

Affidavit, **VI-13:14**

Notice of motion, **VI-13:13**

ASSESSOR, APPOINTMENT OF—Cont'd
 Order, **VI-13:15**

ASSET MANAGEMENT

Policy, comprehensive, **IX-5:53**

ASSET PURCHASE

Agreement, **IX-3:10**

Asset purchase agreement, **II-33:21**

Certificates re

corporate documents, **II-33:26**

representations, warranties and performance, **II-33:27**

Closing agenda, **II-33:22**

Copyright, assignment of, **II-33:31**

General conveyance, assignment and bill of sale, **II-33:28**

Intent, letter of, **II-33:20**

IP asset licensing agreement, **X-31:2**

IP asset purchase and sale, **X-31:5**

Lease, assignment of with consent of landlord, **II-33:29**

Legal opinions by

purchaser's counsel, **II-33:35**

vendor's counsel, **II-33:34**

Liabilities, indemnity agreement re certain, **II-33:32**

Memorandum of understanding, **X-31:3**

Non-competition agreement, **II-33:33**

Proprietary software purchase agreement, **X-31:4**

Resolutions

purchaser's directors, **II-33:25**

vendor's directors, **II-33:23**

vendor's shareholders', **II-33:24**

S I (Sale of Goods), VIII (Goods), X

Software agreement, **X-31:1; X-31:6**

Technology assignment, **X-31:7**

Trademarks, assignment of, **II-33:30**

ASSETS

Conversion

See **CONVERSION OF ASSETS**

Definition of, probate and non-probate wills, **V-39:8; 39:8.50**

Digital assets clause, **V-39:16**

International

recourse for Canadian debts, **V-39A:9**

worldwide estate for payment of debts/taxes in excluded jurisdiction,
V-39A:15

Probate tax, Ontario, **V-38:2**

Summary of, preparatory form, **V-2:2**

ASSIGNMENT

- Agreement, rights to, **I-9:21**
- Annuity, **I-9:22**
 - in a will, **I-9:19**
- Asset purchase, **II-33:28**
- Assets, **I-9:7**
 - business, of, **I-9:28**
- Assignee, power to sue, **I-9:39**
- Assignee to debtor, notice to, **I-9:65; I-9:66**
- Assignment
 - consent required, **I-9:42**
 - notice required, **I-9:43**
 - one party permitted, by, **I-9:40**
 - whole, of, **I-9:41**
- Bank Act loans
 - See **BANKING**
- Bankruptcy, into
 - See **BANKRUPTCY AND INSOLVENCY**
- Bonds, of
 - covenants by assignor, **I-18:147**
 - endorsement, by, **I-18:148**
 - notice of, **I-18:149**
- Book debts, **II-21:13**
- Composer, by, **I-12:21**
- Contingent owner, appointment of, **I-9:62**
- Contract, **I-9:3**
 - notice of assignment of, **I-9:63**
- Copyright, of, **I-12:93; I-25:23; I-34:2; I-34:3; I-54:64; II-33:22**
- Covenant by assignee
 - against damages, **I-9:35**
 - without recourse, special clause, **I-9:36**
- Covenant by assignor, **I-9:34**
 - further documents, to execute, **I-9:44**
- Creditor to debtor, **I-9:64**
- Crops, **I-9:32; I-9:33**
- Debtor, notice by assignee to, **I-9:65; I-9:66**
- Debts, absolute assignment of
 - book debts, warranty of indebtedness included, **I-9:50**
 - general form, **I-9:45; I-9:46**
 - specific debt, **I-9:47-I-9:49**
- Farm stock and equipment, **I-9:31**
- Fire insurance policy
 - claim for loss of, **I-9:10**
 - consent of company to, **I-9:9**

ASSIGNMENT—Cont'd

- Fire insurance policy—Cont'd
 - endorsement by, **I-9:8**
- Further documents, covenant by assignor to execute, **I-9:44**
- General form, **I-9:2**
- Good will of business, **I-9:28**
- Household effects, **I-9:23**
- Instrument
 - endorsement, by, **I-9:4; I-9:5**
 - power of attorney, with, **I-9:6**
- Insurance policies
 - See fire insurance policy, supra; life insurance policy, infra
 - See Fire insurance policy, supra; life insurance policy, infra
- Intellectual property, of, **I-12:93**
- Interest in estate, assignment of
 - deceased person, **I-9:18**
 - person still living, **I-9:17**
- Inventions, **I-27:40**
- Jewellery, **I-9:24**
- Judgment
 - general form, **I-9:51**
 - notice to debtor of assignment, **I-9:68; I-9:69**
 - notice to sheriff of assignment, **I-9:70**
- Lease, of, gas, British Columbia, **I-44:11**
- Life insurance policy, **I-9:27**
 - absolute assignment of, **I-9:54; I-9:55**
 - acknowledgment of execution, **I-9:57**
 - beneficiary
 - appointment of, **I-9:60**
 - change of, **I-9:58; I-9:59**
 - irrevocable appointment, **I-9:61**
 - ratification by, **I-9:55**
 - declaration of execution, of, **I-9:56**
 - endorsement, by, **I-9:52**
 - reassignment on repayment of amount due, **I-9:53**
- Life interest in personal property, **I-9:25**
- Oil and gas, contract rights, of, **I-44:14**
- Partnership debts and securities, **I-9:29**
- Patent, of
 - whole interest, **I-34:26**
 - whole interest, prior to issue of patent, **I-34:27**
- Personal property
 - life interest in, **I-9:25**
 - reversionary interest, in, **I-9:26**

ASSIGNMENT—Cont'd

- Personal property security
 - See PERSONAL PROPERTY SECURITY
- Produce, crops and seed grain, **I-9:33**
- Rent
 - lessor, by, **I-9:14; I-9:15**
 - on sale of property, by lessor, **I-9:16**
- Rents and leases, **II-33:29**
- Royalties, **I-9:12**
- Security against loan and advances, **I-9:37**
- Security of endorser of promissory note, **I-9:38**
- Seed grain, **I-9:33**
- S I, IV (Assignment and Subleases)
- Stock in trade, **I-9:30**
- Trademark, of, **I-54:63**
- Trademarks, of, **II-33:30**
- Wages
 - notice to employer, **I-9:67**
 - specified date, to, **I-9:13**

ASSIGNMENT AND SUBLEASES

- Assignment by landlord
 - cart lease, **IV-3:7**
 - general assignment of rents as security, **IV-13:6**
 - gross lease, **IV-2:4**
 - industrial, **IV-2:2; IV-2:3**
 - kiosk lease, **IV-3:7**
 - leaseback, **IV-10:3**
 - office, **IV-4:2-IV-4:4**
 - pad, **IV-3:5; IV-3:6**
 - residential, **IV-8:17; IV-8:18**
 - retail, **IV-3:2; IV-3:3**
 - shopping centre, **IV-3:4**
 - specific assignment of leases as security, **IV-13:7**
 - veterinary clinic/hospital, **IV-10:6**
- Assignment by tenant
 - assignment of tenant's interest in lease, **IV-11:8**
 - assignment of tenant's interest in leases, **IV-11:9**
 - consent, **IV-11:12**
 - consent agreement, **IV-11:13**
 - lease provisions
 - cart lease, **IV-3:7**
 - commercial condominium unit, **IV-10:8**
 - farm lease, **IV-10:4**
 - gross lease, **IV-2:4**

ASSIGNMENT AND SUBLEASES—Cont'd

Assignment by tenant—Cont'd

lease provisions—Cont'd

- ground, **IV-10:2**
- ground lease provision, **IV-10:2**
- industrial, **IV-2:2; IV-2:3**
- kiosk lease, **IV-3:7**
- leaseback, **IV-10:3**
- medical building, **IV-10:5**
- office, **IV-4:2-IV-4:4**
- pad, **IV-3:5; IV-3:6**
- residential, **IV-8:12-IV-8:15**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4**
- veterinary clinic/hospital, **IV-10:6**

notice, **IV-11:10**

tenant's request for, form of, **IV-11:11**

Change of control

- cart lease, **IV-3:7**
- industrial, **IV-2:2; IV-2:3**
- kiosk lease, **IV-3:7**
- landlord's consent, **IV-11:17**
- office, **IV-4:2-IV-4:4**
- pad, **IV-3:5; IV-3:6**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4**

Financing rights of tenant

- charging of lease, **IV-6:34**
- distress, waiver by landlord, **IV-6:33**
- equipment financing, **IV-6:32; IV-6:33**
- general security, right to grant, **IV-6:32**

Landlord's consent to tenant's assignment

agreement with lender holding security on tenant's personal property,
IV-14:4

- assignment, **IV-11:12**
- assignment, agreement, **IV-11:13**
- assignment or sublease, notice of, **IV-11:10**
- cart lease, **IV-3:7**
- change of control, **IV-11:17**
- generally, **IV-11:10-11:18**
- gross lease, **IV-2:4**
- ground, **IV-10:2**
- industrial, **IV-2:2; IV-2:3**
- kiosk lease, **IV-3:7**

ASSIGNMENT AND SUBLEASES—Cont'd

Landlord's consent to tenant's assignment—Cont'd

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

sublease, **IV-11:14**

sublease, agreement, **IV-11:15**

sublease, part of premises, **IV-11:16**

tenant's request for, form of, **IV-11:11**

Landlord's non-disturbance agreement, **IV-11:4; IV-11:5**

Landlord's option to terminate

cart lease, **IV-3:7**

industrial, **IV-2:2; IV-2:3**

kiosk lease, **IV-3:7**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

Leasehold mortgage, **IV-14:2; IV-14:3**

Non-advertising of

cart lease, **IV-3:7**

industrial, **IV-2:2; IV-2:3**

kiosk lease, **IV-3:7**

leaseback, **IV-10:3**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

Non-disturbance of subtenants, **IV-10:2**

Offer to sublease, **IV-1:29**

Offer to take assignment of lease, **IV-1:31**

Permitted occupants, **IV-6:35**

Release, **IV-11:22**

Special tenant rights, **IV-6:27**

financing, **IV-6:31**

permitted transfers, no consent, **IV-6:29**

transfer to affiliates, no consent, **IV-6:28**

transfer to permitted franchisees, no consent, **IV-6:30; IV-11:7**

Status certificate

industrial, **IV-2:2; IV-2:3**

office, **IV-4:2; IV-4:3**

retail, **IV-3:2; IV-3:3**

ASSIGNMENT AND SUBLEASES—Cont'd

Sublease

- agreement for purchase of furniture by subtenant, **IV-11:3.50**
- all of premises, **IV-11:2**
- assignment of tenant's interest in lease, **IV-11:8; IV-11:9**
- consent agreement
 - all of premises, **IV-11:15**
 - part of premises, **IV-11:16**
- consent to, **IV-11:14**
- franchise, to, **IV-11:6; IV-11:7**
- generally, **IV-11:2**
- non-disturbance agreement from head landlord, **IV-11:4; IV-11:5**
- notice, **IV-11:10**
- part of premises, **IV-11:3**
- tenant's request for, form of, **IV-11:11**

Sub-sublease consent agreement, IV-11:18

Tenant's request for consent

- assignment or sublease, form of, **IV-11:11**
- cart lease, **IV-3:7**
- industrial, **IV-2:2; IV-2:3**
- kiosk lease, **IV-3:7**
- leaseback, **IV-10:3**
- office, **IV-4:2-IV-4:4**
- pad, **IV-3:5; IV-3:6**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4**

ASSIGNMENT AND SUBLETTING

Advertising, no

- office, **IV-4:2; IV-4:3**

Landlords' consent

- office, **IV-4:3**

Request for consent

- office, **IV-4:3**

Status certificate

- office, **IV-4:2; IV-4:3**

Subordination

- office, **IV-4:3**

ATHLETICS

Agents, agreements with

- hockey player, **I-10:9**
- standard, **I-10:7**
- letter form, **I-10:8**

Autographed items, letter agreement for, I-10:35

ATHLETICS—Cont'd

- Baseball coach or manager, amateur, certificate for, **I-10:18**
- Baseball player, amateur
 - certificate, **I-10:19**
 - release, **I-10:20**
- Baseball player, professional, contract for, **I-10:2**
- Basketball
 - general manager contract, **I-10:11**
 - player contract, **I-10:3**
- Boxer and
 - manager, articles of agreement (Ontario), **I-10:15**
 - promoter, articles of agreement (Ontario), **I-10:16**
- Coaching agreement, **I-10:10**
- Confidential information agreement, **I-10:12**
- Constitution of sports association, **I-10:40**
- Contest, agreement to hold, **I-10:23**
- Disclaimer, back of event ticket, **I-10:43**
- Endorsement agreement, **I-10:31; I-10:32**
 - athlete's corporation, with, **I-10:33**
 - licence agreement, and, **I-10:34**
 - morals clauses
 - athlete-friendly, **I-10:37**
 - company-friendly, **I-10:38**
 - even-handed, **I-10:39**
 - reciprocal, **I-10:36**
- Football player, professional contract
 - Canadian Football League, **I-10:5**
 - National Football League, **I-10:6**
- General manager contract, **I-10:11**
- Golf club and professional golfer, agreement for, **I-10:13; I-10:14**
- Golf tour sponsor, professional, agreement for, **I-10:28**
- Hockey player contract, **I-10:4**
- Licence agreement, **I-10:26**
- Membership, certificate of, **I-10:42**
- National sport organization, athlete agreement with, **I-10:1**
- Prevention policy, harassment and abuse (youth or minor league), **I-10:44**
- Release
 - indemnification for athletic instruction, and, **I-10:30**
 - sporting event, for, **I-10:29**
- Salary guarantee, **I-10:21**
- Signing bonus, **I-10:22**
- Ski school director, contract with ski resort, **I-10:17**
- Sports association, constitution of, **I-10:40**
- Stadium, lease for athletic event, **I-10:24**

ATHLETICS—Cont’d

- Team coaching agreement, **I-10:10**
- Undertaking and confirmation, purchase of team, **I-10:41**
- Venue agreement, **I-10:25**

ATTACHMENT

- Absconding Debtors Act
 - commentary, **VIII-22:125**
 - motion for
 - affidavit of acquaintance, **VIII-22:128**
 - affidavit of plaintiff, **VIII-22:127**
 - notice of motion, **VIII-22:126**
 - notice of order, **VIII-22:130**
 - order, **VIII-22:129**

ATTENDANCE

- Discovery, motion for sanctions for failure to attend on
 - affidavit, **VIII-10:51**
 - notice of motion, **VIII-10:50**
 - order, **VIII-10:52**
- Scrutineers’ report of, **II-12:50**

ATTESTATION CLAUSES

- See VIRTUAL SIGNING, COVID-19
- Affidavit of execution, **I-4:77**
- Agent of corporation, by, **I-4:62**
- Alternatives or erasures made in instrument, **I-4:74**
- Attorney, by, **I-4:64**
- Blind person, by, **I-4:71**
- Codicil, **V-5:2**
- Committee of mental incompetent, by, **I-4:67**
- Corporation, by, **I-4:59**
- Deaf mute, by, **I-4:72**
- Escrow, delivery in, **I-4:75**
- General form, **V-34:7**
- Illiterate person, by, **I-4:68**
- Individual, by, **I-4:57**
 - corporation, and, **I-4:60**
 - for themselves and as attorney, **I-4:65**
- Language, person unable to understand English, by, **I-4:73**
- Mark, person signing by
 - non-witness reading instrument to signor, **I-4:70**
 - witness reading instrument to signor, **I-4:69**
- Mental incompetent, committee of, by, **I-4:67**
- Partnership, by, **I-4:66**
- Short form, **V-34:9**

ATTESTATION CLAUSES—Cont'd

Signature lines, **I-4:76**

Special circumstances

testator blind or illiterate, **V-34:11**

testator signing with mark, **V-34:10**

testator unfamiliar with English language, **V-34:12**

Statutory declaration of attestation, **I-4:78**

Two corporations, by, **I-4:61**

Two individuals, by, **I-4:58**

Unincorporated association, **I-4:63**

ATTORNEY

Extra-provincial corporations notice

Alberta, service or change of, **II-20:23**

British Columbia

address, change of, **II-20:13; II-20:36**

appointment of, **II-20:12; II-20:35**

revocation of, **II-20:38**

information, correction of, **II-20:39**

resignation of, **II-20:15**

resignation or removal of, **II-20:37**

revocation of, **II-20:14**

ATTORNEY-GENERAL

Affidavit of service, **VIII-3:8**

Notice of constitutional question, **VIII-1:109**

ATTORNMENT

See SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT

AUCTIONEER

Affidavit of, sale on reference, **VIII-19:24**

AUCTIONS

Condition of sale

purebred livestock, **I-11:3**

standard, **I-11:2**

Consignment agreement, **I-11:1**

AUDIT

Co-operation on audit of purchased assets, **X-30:5**

Right to, **X-9:17; X-33:28; X-33:32; X-33:32:50; X-33:98**

customer, **X-33:27**

licensee, **X-33:26**

licensor, **X-33:23**

reciprocal right to verify, **X-33:31**

service provider, **X-33:25**

AUDIT COMMITTEE

- Appointment of, **II-10:27**
- Charter, **II-32:14**
- Formation of, directors' resolution, **II-10:26**
- Meeting, minutes of, **II-10:28**
- Preliminary prospectus, final statement, approval of, **II-24:3**
- Report, minutes of directors' meeting, **II-10:29**
- Terms of reference, public company, **II-10:30**
- X (Audit)

AUDITING

- Audit management procedures, **IX-1:207**
- Auditor General by-law, **IX-1:51**

AUDITORS

- Appointment of
 - ballot for, **II-12:46**
 - notice of, **II-2:103**
 - shareholders' resolution, **II-11:1; II-12:40**
 - Alberta, **II-2:55**
 - federal, **II-2:14**
 - Manitoba, **II-2:91**
 - Nova Scotia, **II-2:102**
 - Ontario, **II-2:31**
 - Saskatchewan, **II-2:73**
- Certificate (Nova Scotia), **II-17:72**
- Consent letter, public offering, **II-24:10**
- Direction to re registration of securities dealers, **II-31:11**
- Dispensing with appointment of
 - accountant, shareholders' resolution appointing
 - Alberta, **II-11:31**
 - British Columbia, **II-11:30**
 - federal, **II-11:28**
 - Manitoba, **II-11:33**
 - Ontario, **II-11:29**
 - Saskatchewan, **II-11:32**
 - British Columbia, waiver, **II-2:42**
 - consent to application for exemption
 - Saskatchewan, **II-11:35**
 - unanimous consent
 - Alberta, **II-11:20**
 - federal, **II-11:17**
 - Manitoba, **II-2:132; II-11:20**
 - Ontario, **II-11:18**
 - Saskatchewan, **II-11:19**

AUDITORS—Cont'd

Dispensing with appointment of—Cont'd
shareholders' resolution re

Alberta, **II-11:25**
British Columbia, **II-11:24**
federal, **II-11:22**
Manitoba, **II-11:27**
Ontario, **II-11:23**
Saskatchewan, **II-11:26**

National Instrument 51-102, compliance procedures under continuous
disclosure obligations

notice of change of auditor, **II-11:7**

sample letter

former auditor, from, **II-11:8**
successor auditor, from, **II-11:9**

Non-reappointment, notice to, **II-11:4**

Non-share capital corporation, notice to (Ontario), **II-2:171**

Public offering of securities, closing of, auditors' consent letter, **II-24:10**

Removal of

notice to, **II-11:3**
shareholders' resolution, **II-11:5**
appointment of another, including, **II-11:6**

Requirement of attendance, notice of

Alberta, **II-11:13**
British Columbia, **II-11:12**
federal, **II-11:10**
Manitoba, **II-11:15**
Ontario, **II-11:11**
Saskatchewan, **II-11:14**

Shareholders' consent exempting from requirements as to appointment and
duties of

Manitoba, **II-2:105; II-2:132**
Ontario, **II-2:104**

Shareholders' resolution not to appoint

Alberta, **II-2:107**
federal, **II-2:106**
Manitoba, **II-2:109**
Saskatchewan, **II-2:108**

Waiver of (British Columbia), **II-2:42**

X (Audit)

AUTHOR AND PUBLISHER

See PUBLISHING AGREEMENTS

AUTHORIZATION

- See also CONSENTS; RETAINERS
- Canada Revenue Agency, release income tax records, **VIII-1:12**
- Doctor, release records, **VIII-1:8**
- Employer, release of employment records, **VIII-1:11**
- Hospital, to
 - release records, **VIII-1:9**
 - request to retain records, **VIII-1:10**
- Income tax records, release of, **VIII-1:12**
- Life insurance policy, to obtain, **VIII-1:19**
- Litigation Guardian, act as, **VIII-2:10**
- OHIP, **VIII-1:23**
 - letter, in regard to, **VIII-1:22**
- School records, release of, **VIII-1:20**
- Service
 - See SERVICE, outside Ontario

AUTHORS

- Appointment of literary executor by, **V-6:37; V-6:38**

AUTOMOBILES

- See also ROAD TRANSPORTATION
- See PERSONALTY AND HOUSEHOLD EFFECTS
- See also ROAD TRANSPORTATION
- Expenses, **I-27:55**
- Provision of, **I-27:52**
- Rental of, **I-53:11**

AUTOPSY

- Authority to perform, **V-34:29**

AVIATION

- Bill of sale, **I-13:5**
- Conditional sale contract, **I-13:6**
- Ground lease for construction
 - building for commercial purpose, and use of, **I-13:9**
 - hangar, and use of, **I-13:8**
- Lease of aircraft, **I-13:2**
 - schedule, **I-13:3**
- Rider, **I-13:2**

BACKSHEET

- General form, **VIII-1:53**
- Short title of proceeding, **VIII-1:52**
- Writ of seizure and sale, **VIII-22:3**

BAILIFFS

- Chattel mortgage and lien notes indemnification, warrant under, **I-14:2**
- Inventory of goods seized, **I-14:7**
- Lien note, warrant under, **I-14:6**
- Notice of distress, distraintment of goods and chattels, **I-14:1**
- Warrants
 - chattel mortgages and lien note, under, **I-14:2**
 - distraintment for rent with indemnification, **I-14:3; I-14:4**
 - distraintment for taxes, **I-14:5**
 - lien note, under, **I-14:6**

BAILMENT

- Animals, **I-5:1**
- Default of bailor, **I-15:10**
- Goods, bailee not to use, **I-15:7**
- Insurance coverage by bailee, **I-15:5**
- Non-liability of bailee, **I-15:6**
- Repair and Storage Lien Act (Ontario)
 - bond, financial guarantee, **I-15:27**
 - certificate
 - final, **I-15:22**
 - initial, **I-15:20**
 - application for, **I-15:19**
 - direction to seize, **I-15:18**
 - further claim, waiver of, **I-15:26**
 - objection, notice of, **I-15:21**
 - receipt for article seized, **I-15:24; I-15:25**
 - writ of seizure, **I-15:23**
- Return of
 - goods, **I-15:9**
 - property, **I-15:8**
- Standard of care, bailee, **I-15:4**
- Statement of claim, **VIII-5:104**
- Storage
 - bailee and bailor, agreement between, **I-15:2**
 - location, **I-15:3**
- Termination of agreement, **I-15:11**
- Warehouse receipts
 - general, **I-15:13-I-15:15**
 - general merchandise and refrigerated storage, **I-15:17**
 - refrigerated storage, for, **I-15:16; I-15:17**

BALLOTS

- Auditors, appointment of, **II-12:46**

BALLOTS—Cont'd

- Directors, election of, **II-12:45**
 - cumulative voting, **II-12:49**
 - single ballot, **II-12:48**
- Ordinary resolution, by, **II-12:47**
- Special resolution, by, **II-12:47**

BANK ACT

- Agreement re Bank Act security, **II-21:22**
- Application for credit, **II-21:21**
- I (Banking)
- Notice of intention, **II-21:19**
- Special security re
 - s. 426 on minerals, hydrocarbons and other property, **II-21:20**
 - s. 427 specified property, **II-21:18**

BANKING

- See also **BORROWING**
- Bank Act loans
 - application for credit, promise to give security, **I-55:58**
 - assignments, security on specified or classes of property, **I-55:59**
 - declaration of value, **I-55:61**
 - general agreement, **I-55:60**
 - notice of intention to give security, **I-55:56**
 - registration request for, **I-55:57**
 - promissory notes
 - casual advances, **I-55:63**
 - demand, **I-55:66**
 - instalments, repayable in, **I-55:65**
 - purchase of farm implements, **I-55:65; I-55:66**
 - purchase of seed grain, seed potatoes, fertilizer, pesticides, **I-55:64**
- Bills of exchange
 - See **BILLS OF EXCHANGE**
- By-law (Manitoba), **II-2:96**
- Cheque, **I-17:18**
 - notice of dishonour, **I-17:23**
- Directors' resolutions
 - Alberta, **II-2:48**
 - federal, **II-2:6**
 - Manitoba, **II-2:83**
 - Ontario, **II-2:23**
 - Saskatchewan, **II-2:66**
- Drafts
 - demand draft against letter of credit, **I-35:41**
 - drawn on issuing bank, **I-17:19**

BANKING—Cont'd

Drafts—Cont'd

drawn on other bank, **I-17:20**

sight draft, **I-35:48**

standard time draft, **I-35:40**

Gifts of money in account, **V-11:25; V-11:27-V-11:32; V-11:34; V-11:35**

Letter of credit

agreement for

documentary, **I-35:42; I-37:3**

amendment to, **I-35:51; I-37:7**

standby, **I-35:47; I-37:4**

application for, **I-37:2**

assignment of, **I-35:52**

ongoing payment obligations, for, **I-35:53**

proceeds of, **I-35:54**

clean, **I-35:46**

confirmed advice of, **I-35:55**

demand draft against, **I-35:44**

documentary credit, irrevocable, **I-35:49**

forms of

documentary, **I-35:45; I-37:5**

standby, **I-35:47; I-37:6**

guarantee of, **I-35:60**

irrevocable, notice of, **I-35:50**

master agreement, **I-37:3**

transfer, advice of, **I-35:57**

ongoing payment obligations, for, **I-35:57**

Loans under s. 427

See Bank Act loans, *supra*

Loan transactions

See LOANS

Power of attorney

See POWERS OF ATTORNEY

Records, evidence of by affidavit at trial, **VIII-17:28**

S I, V, VIII

BANKING GROUP

See UNDERWRITING AGREEMENTS

BANKRUPTCY AND INSOLVENCY

Administration of estate order

consolidating, **I-16:94**

converting to ordinary administration, **I-16:93**

Advertisement, sale by tender, **I-16:92**

BANKRUPTCY AND INSOLVENCY—Cont'd

Affidavits

- application, withdrawal of, **I-16:13**
- appointment of interim receiver, **I-16:15**
- assignee of lease, application to approve, **I-16:54**
- assignment on behalf of estate, leave to executors, **I-16:27**
- fraudulent preference, motion to attack, **I-16:61**
- solicitors, registration of bankruptcy order, **I-16:46**
- solvency, of, **I-16:13**
- truth of statements, of, **I-16:4**
- verification of statements, of, **I-16:4**

Application for order, **I-16:3**

- affidavit of truth or verification of statements in, **I-16:4**
- bankruptcy order, **I-16:7**
 - application for, **I-16:3**
 - solicitor's affidavit to register, **I-16:46**
- bill of costs, applicant creditor, **I-16:10**
- corporation, notice of official receiver's examination, **I-16:8**
- dismissal of, **I-16:14**
- examination, notice of, **I-16:9**
- notice disputing, **I-16:5**
- notice of hearing of, **I-16:2**
- security for costs, order of, **I-16:6**
- stay of proceedings, order, **I-16:11**
- withdrawal of
 - affidavit of solvency on consent motion, **I-16:13**
 - order for leave to, **I-16:12**

Application under s. 38 of Act

- affidavit, **VIII-27:77**
- commentary, **VIII-27:75**
- judgment, **VIII-27:78**
- notice of application, **VIII-27:76**

Arrangements with creditors

See ARRANGEMENTS WITH CREDITORS

Assignment into bankruptcy

- bankrupt, assignment of property to, **I-16:26**
- corporation, **I-16:24**
- executors, leave granted to file on estate's behalf, **I-16:28**
 - affidavit, **I-16:27**
- limited company, minutes of director's meeting approving, **I-16:23**
- natural person, **I-16:25**
- property, assignment to bankrupt, **I-16:26**

Bankruptcy order, **I-16:7**

- application for, **I-16:3**

BANKRUPTCY AND INSOLVENCY—Cont'd

Bankruptcy order, **I-16:7**—Cont'd

solicitor's affidavit to register, **I-16:46**

Bill of costs

creditors, of, petitioning of, **I-16:10**

solicitors, of, on proposal, **I-16:38**

taxation of, notice of appointment for, **I-16:89**

Borrowing

interim receiver, by, **I-16:18**

trustee, by, **I-16:86**

Caution, **I-16:47**

withdrawal of, authority to notify, **I-16:48**

Companies' Creditors Arrangement Act

See ARRANGEMENTS WITH CREDITORS

Construction lien, order lifting stay of proceedings, **I-16:41**

Contractor, of, **I-21:18**

Costs

See bill of costs, *supra*

See Bill of costs, *supra*

Creditor

authorization to take proceedings, **I-16:65**

guarantee for costs, **I-16:88**

Discharge of bankrupt

absolute order following compliance with conditions, **I-16:85**

consent judgment, **I-16:84**

income and expenses statement, **I-16:82**

opposition, notice of, **I-16:81**

order of, **I-16:83**

Examination, notice of, **I-16:9**

Fraudulent preferences

notice of motion attacking, **I-16:60**

affidavit in support of, **I-16:61**

setting aside of, order, **I-16:64**

trial of issue

order directing

before judge, **I-16:63**

before registrar, **I-16:62**

setting aside preference, after, **I-16:64**

Guarantee

costs, creditor's guarantee, **I-16:88**

proposal, for, **I-16:32**

Insolvency, act of, definition, **I-23:566**

BANKRUPTCY AND INSOLVENCY—Cont’d

Interim receiver

- appointment of, order
 - affidavit in support of, **I-16:15**
 - pending petition, **I-16:16**
 - secured creditor, on behalf of, **I-16:17**
- borrowing by, order authorizing, **I-16:18**
- certificate by way of revolving credit, **I-16:19**

Leases

- assignment of
 - approval of assignee
 - affidavit in support of application, **I-16:54**
 - order, **I-16:55**
 - assignee’s covenant, **I-16:51**
 - notice of, **I-16:52**
 - trustee in bankruptcy, by, **I-16:53**
- disclaimer of, **I-16:56**
 - by tenant, **I-16:36**
- election to retain leased premises, notice of, **I-16:50**
- repudiation of, by tenant, **I-16:36**

Mail, redirection of, **I-16:87**

National receiver, order for, **I-16:20**

- annulling proposal, **I-16:35**
- appointing interim receiver
 - on behalf of secured creditor, **I-16:17**
 - pending application, **I-16:16**
- approval and vesting, **I-16:21**
- approving proposal, **I-16:37**
 - fixing date for hearing, **I-16:33**
- authorizing creditor to take proceedings, **I-16:65**
- authorizing interim receiver to borrow, **I-16:18**
- authorizing trustee to borrow, **I-16:86**
- bankruptcy order, **I-16:7**
 - application for, **I-16:3**
 - notice of hearing, **I-16:2**
 - solicitor’s affidavit to register, **I-16:46**
- consolidating administration of estates, **I-16:94**
- converting estate from summary to ordinary administration, **I-16:93**
- declaring assignee of lease to be fit and proper, **I-16:55**
- declaring priority over security interest, **I-16:68**
- declaring security agreement to be preferential, **I-16:69**
- directing trial of issue as to fraudulent preference
 - before judge, **I-16:63**
 - before registrar, **I-16:62**

BANKRUPTCY AND INSOLVENCY—Cont'd

National receiver, order for, **I-16:20**—Cont'd

disallowance of ordinary creditor's claim, allowing appeal of, **I-16:79**

discharge, **I-16:83**

absolute, following compliance with condition, **I-16:85**

granting executor leave to file assignment, **I-16:28**

leave to withdraw application, **I-16:12**

lifting stay of proceedings, **I-16:40**

Construction Lien Act (Ontario), under, **I-16:41**

mortgage action, in, **I-16:42**

proposal

annulment of, **I-16:35**

hearing date, **I-16:33**

receivership and discharge, **I-16:22**

security for costs, **I-16:6**

setting aside fraudulent preference, **I-16:64**

staying of proceedings, **I-16:11**

Proof of claim, **I-16:72**

demand for repossession of goods by supplier, **I-16:80**

disallowance of by trustee

appeal from

notice of, **I-16:78**

order allowing, **I-16:79**

notice of, **I-16:75; I-16:77**

notice requiring, **I-16:76**

property claims, notice by trustee to prove, **I-16:57**

proxy of creditor, **I-16:73**

security, notice by trustee requiring proof, **I-16:71**

specific property, **I-16:58**

notice by trustee to prove, **I-16:57**

notice of dispute to claim, **I-16:59**

voting letter, **I-16:74**

Proposals

annulment of, order for, **I-16:35**

bill of costs, debtor's solicitor, **I-16:38**

certificate of full performance, **I-16:39**

commercial, **I-16:31**

lease, notice of repudiation of, **I-16:36**

consumer, **I-16:29**

default in performance, notice of, **I-16:34**

guarantee for, **I-16:32**

notice of intention to make, **I-16:30**

order approving, **I-16:37**

order fixing date for hearing, **I-16:33**

BANKRUPTCY AND INSOLVENCY—Cont'd

Publisher, of, **I-12:79**

Real estate

application to register trustee under assignment as owner, **I-16:45**

caution, **I-16:47**

authority to notify of withdrawal of, **I-16:48**

disclaimer by trustee, **I-16:49**

partition and sale of lands, notice of motion for, **I-16:43**

solicitor's affidavit to register receiving order, **I-16:46**

statutory declaration by trustee as to sale of, **I-16:44**

Receiver

interim

See interim receiver, *supra*

See Interim receiver, *supra*

national, order, **I-16:20**

notice of, **I-16:91**

solicitor's affidavit to register, **I-16:46**

Security

challenge of, notice of motion, **I-16:67**

enforce, notice of intention to, **I-16:90**

estate, solicitor's opinion regarding, **I-16:66**

notice of intention to enforce, **I-16:90**

preferential, order declaring interest to be, **I-16:69**

priority

motion to establish, **I-16:70**

order declaring priority over security interest, **I-16:68**

trustee requiring filing of proof of, **I-16:71**

Trustee

appeal from disallowance by, **I-16:78**

application to register under assignment, **I-16:45**

assignment of lease, by, **I-16:53**

disclaimer by, **I-16:49**

notice by

disallowance of claim, **I-16:75; I-16:77**

filing of proof of claims, requiring, **I-16:76**

filing of proof of security, requiring, **I-16:71**

proving of claims, **I-16:57**

statutory declaration, by, **I-16:44**

BASEBALL DIAMOND

Allocation policy, **IX-3:56**

Construction agreement, **IX-3:42**

Use of, specific terms and conditions, **IX-3:60**

BASIC RENT

See RENT

BATTERY

See also ASSAULT AND BATTERY

Medical, **VIII-5:62**

hospital negligence, **VIII-5:85**

plastic surgery, **VIII-5:84**

BEER TENT OPERATION

Indemnity agreement, **IX-3:90**

BENEFICIARIES

Gift of residence to beneficiary experiencing marital difficulties, **V-9:7**

Insurance designation, **V-7:19; V-7:20**

Loan by trustee, power to, **V-31:40**

Terminate trust, power to, **V-43:7**

BEQUESTS

See LEGACIES and see under particular subject-matter

BICYCLES

By-law, designation of special lane for, **IX-11:145**

Release and waiver, participation in cycling course, **IX-3:93**

BIDS

See TAKEOVER BIDS

BILL OF COSTS

Appeal, **VIII-23:71**

Application, **VIII-23:70**

Draft forms for security for costs

appeal, **VIII-25:7**

application, **VIII-25:6**

entire action, **VIII-25:5**

staged

to setting down for trial, **VIII-25:3**

to trial, **VIII-25:4**

Motion, **VIII-23:68**

Outline of costs, **VIII-23:72**

Trial, **VIII-23:69**

BILLS AND NOTES

Power to renew and execute new notes, **V-21:2; V-21:4**

BILLS OF EXCHANGE

Acceptance

banker's, **I-17:9**

general form, **I-17:7**

BILLS OF EXCHANGE—Cont'd

- Acceptance—Cont'd
 - qualified, **I-17:8**
- Endorsement
 - corporate officer, **I-17:16**
 - general form, **I-17:11**
 - guaranteeing payment, **I-17:17**
 - liability, limiting of, **I-17:14**
 - restrictive, **I-17:13**
 - special, **I-17:12**
 - waiving holder's statutory duties, **I-17:15**
- General form
 - drawn without recourse, **I-17:5**
 - payable after date, **I-17:4**
 - payable at sight, **I-17:3**
 - payable on demand, **I-17:2**
- Guarantee of payment, **I-17:17**
- Non-payment, noting for, **I-17:27**
- Notice of dishonour
 - drawer of bill of exchange, to, **I-17:21**
 - endorser of bill of exchange, to, **I-17:22**
- Power of attorney for
 - See POWERS OF ATTORNEY
- Protest, **I-17:25**
 - notice of, **I-17:26**

BILLS OF LADING

- See INTERNATIONAL TRANSACTIONS; RAILWAYS; ROAD TRANSPORTATION; SHIPPING

BILLS OF SALE

- Aircraft purchase, **I-13:5**
- Asset purchase, **II-33:28**
- I
 - Purchase of business as going concern, for, **I-54:26**
 - Purchase of specified goods, **I-54:25**

BIRDS

- Nesting report, **IX-4:135**
- Pigeon control by-law, **IX-11:76; IX-11:77**

BLIND TESTATOR

- Attestation clause, **V-34:11**

BLOCKCHAIN

- Authorization for access, management and retention of personal data & identity checks, **X-28A:3.50**

BLOCKCHAIN—Cont'd

- Commentary, **X-28A:1, 28A:2, 28A:3**
- Crypto currencies, **X-28A:2; X-33:326.50**
- Crypto trading platform agreement with software and services licensing provisions, **X-28A:5**
- Customer agreements, **X-28A:3**
- Hosted digital wallet and digital asset services user agreement, **X-28A:4**
- Smart contracts, smart legal agreements, **X-28A:1**

BOARD

- Affidavit of service, **VIII-3:4**

BOARD OF DIRECTORS

- Information circular regarding election of, **II-12:24**
- Organizational meeting, minutes of
 - Manitoba, **II-2:127**
 - Ontario, **II-2:119**
 - meeting procedure (checklist), **II-12:1**
- Resolution approving filing of final prospectus, **II-24:2**
- Resolution approving filing of preliminary prospectus, **II-24:1**
- Waiver of notice of meeting by, **II-12:4**
 - Manitoba, **II-2:128**
 - Ontario, **II-2:120**

BOATS

- See PERSONALTY AND HOUSEHOLD EFFECTS

BODY OF TESTATOR

- Autopsy, authority to perform, **V-34:29**
- Gift for medical research, **V-34:30**
- Gift of eyes to Eye Bank of Canada, **V-34:28**
- Transplant, permission for, **V-34:27**

BOND

- Recognizance, **VI-25:45**

BONDS

- Assignment
 - covenants by assignor, **I-18:147**
 - endorsement, by, **I-18:148**
 - notice by assignee to obligor, debt assigned, **I-18:149**
- Bid bond
 - draft of, **I-18:85**
 - federal contract, **I-18:13**
- Collective agreement benefits bond, **I-18:133**
- Condominium new home warranty plan bond, **I-18:130**

BONDS—Cont'd

Excise, **I-18:21**

- bonded carriers, **I-18:26**
- malt vinegar and cereal foods, **I-18:27**
- pharmacists, **I-18:23**
- provincial liquor control boards, **I-18:24**
- specially denatured alcohol permits, **I-18:25; I-18:28**
- tobacco or cigar manufacturers, **I-18:22**

Executor's bond, **I-18:51**

- foreign, **I-18:52**

Federal forms

- agricultural products, **I-18:16**
- bid bond, **I-18:13**
- contract, under
 - bid bond, **I-18:13**
 - labour and materials, payment for, **I-18:15**
 - performance bond, **I-18:14**
- customs bond
 - blouses and shirts remissions order, **I-18:19**
 - general, **I-18:20**

Excise Act, under

- alcohol, specially denatured, **I-18:25**
- bonded carriers, **I-18:26**
- general, **I-18:21**

Fidelity bonds

- agent with surety, **I-18:142**
- employees
 - bank employee, **I-18:138**
 - generally, **I-18:135; I-18:136**
- officer of corporation, by, **I-18:139; I-18:140**
- public official, by, **I-18:141**
- schedule incorporated, with, **I-18:137**

Financial guarantee, **I-18:44**

General forms

- indemnity bond, **I-18:5**
- one obligor, **I-18:2; I-18:3**
- two or more obligors, **I-18:4**

G.S.T. bond, **I-18:29**

- endorsement, **I-18:30**

Guarantee, **I-21:12**

- financial, **I-18:44**

I

Indemnity bonds

- see also INDEMNITY AGREEMENTS

BONDS—Cont'd

Indemnity bonds—Cont'd

bank, to

lost certified cheque, for, **I-18:114**

lost draft, for, **I-18:115**

general form, **I-18:5**

landlord, by, to tenant paying rent when title in dispute, **I-18:104**

lost instruments, for, **I-18:119; I-18:120**

lost securities, for, **I-18:121; I-18:122**

partnership dissolution, indemnity to outgoing partner, **I-18:126-I-18:128**

promissory note, for lost, **I-18:116**

vendor to purchaser

defect in title, **I-18:105**

dower, **I-18:106**

Labour and material payment, **I-18:46**

Municipal forms

dry cleaning permit bond, **I-18:73**

guarantee bond, **I-18:74**

power commission bond, **I-18:75-I-18:77**

road excavation permit bond, **I-18:78**

sewer

constructor's bond, **I-18:79**

tapper's bond, **I-18:80**

sidewalk crossing bond, **I-18:81**

sign bond, **I-18:82**

street opening permit bond, **I-18:83**

subsurface installation bond, **I-18:84**

Notice of redemption

full, **II-21:55**

partial, **II-21:56**

Option to pay principal before maturity, **I-18:150**

Payment bond

labour and materials, **I-18:87**

Payment of money, for

deceased partner, payment of share to executors, **I-18:125**

instalment payments, **I-18:108; I-18:109**

labour and material, federal contracts, **I-18:15**

loan by father to son, repayment after son's death, **I-18:113**

outgoing partner, **I-18:123; I-18:124**

payment of annuity, **I-18:110; I-18:111**

post-obit bond, **I-18:112; I-18:113**

purchase money for sale of lands, **I-18:96**

rent, **I-18:98**

two persons, by, **I-18:107**

BONDS—Cont'd

- Performance bonds, **I-18:47**
 - conveyance of land, **I-18:97**
 - federal contract, **I-18:14**
 - general forms, **I-18:86**
 - one obligor, **I-18:2; I-18:3**
 - two or more obligors, **I-18:4**
 - maintenance bond, **I-18:95**
 - mortgage
 - bond collateral, to, **I-18:101**
 - third party, by, **I-18:100**
 - extension of
 - by mortgagor, **I-18:102**
 - by second mortgagee, **I-18:103**
 - securing bond, **I-18:99**
- Principal, option to pay before maturity, **I-18:150**
- Protection of business
 - employee not to compete, **I-18:145**
 - insurance policy, for, **I-18:143**
 - vendor not to compete, **I-18:146**
- Protection of secret process
 - partner of inventor to inventor, **I-18:129**
 - user under agreement to inventor, **I-18:144**
- Provincial forms
 - Absentee Act, under, **I-18:32**
 - administration bond
 - bankruptcy, **I-18:33**
 - estate, **I-18:34**
 - Automobile Dealers Act, under, **I-18:35**
 - Bailiffs Act, under
 - guarantee company bond, **I-18:37**
 - other surety, **I-18:38**
 - personal bond, **I-18:36**
 - Collection Agencies Act, under
 - guarantee company bond, **I-18:39**
 - other surety, **I-18:40**
 - personal bond, **I-18:41**
 - Construction Act, under
 - financial guarantee bond, s. 78(10), **I-18:45**
 - labour and material payment bond, s. 85.1, **I-18:46**
 - performance bond, s. 85.1, **I-18:42; I-18:47**
 - Construction Lien Act, under
 - financial guarantee, **I-18:42; I-18:44**

BONDS—Cont'd

Provincial forms—Cont'd

Courts of Justice Act, under

insurance or guarantee company, **I-18:49**

personal property, interim recovery of, **I-18:48**

personal sureties, **I-18:50**

executor's bond, **I-18:51**

foreign, **I-18:52**

Fuel Tax Act, under, **I-18:53**

guardianship bond, **I-18:55**

Land Titles Act, under, **I-18:56**

licence and permit bond, **I-18:57**

livestock

community sales bond, **I-18:58**

dealer's bond, **I-18:59**

lottery bond, **I-18:60**

Provincial Sales Tax Act, under, **I-18:64**

Real Estate Brokers Act, **I-18:65**

Repair and Storage Liens Act, under, **I-18:66**

special waste transport licence bond, **I-18:67**

Substitute Decisions Act, under, **I-18:68**

surety, general bond, **I-18:54**

tobacco

tax bond, **I-18:69**

Trades Qualification and Apprenticeship Act, under, **I-18:70**

transponder bond, **I-18:71**

Receiver and manager bond, **I-18:131**

Replevin, bond of, **I-18:132**

Sureties

agreement to bond, **I-18:7; I-18:8**

extension, power of obligee to grant, **I-18:156**

forbearance of obligee not to release, **I-18:155**

general bond, provincial, **I-18:54**

indemnification by obligor, **I-18:154**

limited liability of, **I-18:151**

obtaining release and indemnity, to, **I-18:153**

terminate liability, right of, **I-18:152**

Trust deed securing, **II-21:10**

BONUSING AGREEMENTS

See PLANNING AND DEVELOPMENT, section 37 agreements

BOOK DEBTS

General assignment of, **II-21:13**

BORROWING

See also **BANKING**

Bank Act forms

See **BANK ACT**

Bonds

See **BONDS**

Book debts, general assignment of, **II-21:13**

Borrower's directors, resolution of, **II-21:48**

Borrowing power certificate, non-restriction of, **II-19:22**

Claim, assignment and postponement of, **II-21:40**

Corporate documents

borrower

certificate of officer of, **II-21:52**

directors' resolution approving loan, **II-21:48**

opinion of counsel of, **II-21:44; II-21:45**

guarantor

certificate of officer of, **II-21:53**

directors' resolution authorizing guarantee, **II-21:49**

opinion of counsel of, **II-21:45**

Credit agreement, **II-21:2**

Debentures

See **DEBENTURES**

Discharge of indebtedness

notice of redemption of bonds or debentures, **II-21:55; II-21:56**

release and discharge, general, **II-21:58**

release and reconveyance of debenture or trust deed, **II-21:57**

Disclosure, notice of

Alberta, **II-21:36**

British Columbia, **II-21:37**

Saskatchewan, **II-21:38**

Drawdown notice, **II-21:3**

Guarantee, **II-21:7**

assignment and postponement of claim, **II-21:40**

Incumbency and signatures, certificate of, **II-21:51**

Inter-creditor agreement, **II-21:39**

Landlord, consent and postponement of, **II-21:54**

Loan agreement, **II-21:4**

No default, certificate of, **II-21:50**

Opinions

bank's counsel, of, **II-21:43**

borrower's counsel, of, **II-21:44**

control, **II-21:46**

guarantor and bank's counsel, **II-21:45**

BORROWING—Cont'd

Powers, **II-1:58**

certificate of non-restriction of, **II-19:22**

Powers of trustees, **V-26:2-V-26:4; V-31:41; V-43:24**

Promissory note, **II-21:5**

Securities account control agreement, **II-21:16**

Security, general agreement, **II-21:11; II-21:12**

Security documents

See SECURITY DOCUMENTS

Shareholders' resolution (Nova Scotia), **II-2:101**

Share pledge agreement, **II-21:14**

S I (Loans; Personal Property Security), V, VIII (Personal Property Security Act)

Subordination agreement

secured debt, **II-21:42**

unsecured debt, **II-21:41**

Trust deed securing bonds and debentures, **II-21:10**

BOULEVARDS

See HIGHWAYS

BRIDGE

Failure to maintain, notice to municipality for, **VIII-1:103**

BRIEF

Agreement regarding document use, **VIII-17:7**

Chronology, **VIII-17:5**

Commentary, **VIII-17:2**

Pre-trial conference, Toronto actions, **VIII-15:69**

Proof outline, **VIII-17:5**

Trial outline

jury, **VIII-17:4**

non-jury, **VIII-17:3**

BRING FORWARD SYSTEM

See TICKLER SYSTEM

BRITISH COLUMBIA SOCIETIES ACT

Annual report, **II-2:187**

Directors, notice of changes in, **II-2:185**

Resolution, copy of, **II-2:186**

BROADBAND AND COMMUNITY FIBRE AND MOBILE BROADBAND

Checklist, alliance agreement for municipal-wide broadband, public Wi-Fi,
X-17:1

CRTC agreements

installation agreement proposal, wireless video surveillance, **X-17:8**

BROADBAND AND COMMUNITY FIBRE AND MOBILE BROADBAND
—Cont'd

- CRTC agreements—Cont'd
 - LEC-IXC interconnection, **X-17:5**
 - local interconnection, **X-17:4**
 - municipal access, **X-17:3**
- Memorandum of understanding, fibre optic network agreement, **X-17:7**
- Public sector network, **X-17:2**
- Terms and conditions
 - bluetooth-enabled motor vehicle, electronic management system, **X-17:6.50**
- Terms of service, **X-17:6**
- WiFi usage policies, **X-17:9**
 - acceptable use, **X-17:9**

BROADCASTING

- Advertising
 - See ADVERTISING
- Appeal, leave to
 - notice of appeal pursuant to, **I-19:24**
 - notice of motion, **I-19:20**
 - rule 324 letter, **I-19:19**
 - supporting affidavit, **I-19:21**
- Appeal, notice of withdrawal, **I-19:23**
- Intervention, **I-19:5**
 - letter opposing request, **I-19:4**
 - non-appearing intervention request letter, **I-19:3**
 - reply of applicant to, **I-19:6**
 - request letter, **I-19:2**
- Judicial review, **I-19:22**
- Petition to Governor in Council, **I-19:18**
 - covering letter, **I-19:17**
- Telecommunication
 - See TELECOMMUNICATIONS
- Television
 - See TELEVISION
- Withdrawal of application to appeal, **I-19:23**

BROKERAGE COMMISSIONS

- Lease provisions
 - landlord bias, **IV-6:24**
 - neutral, **IV-6:26**
 - tenant bias, **IV-6:25**
- Offer provisions, **IV-1:15; IV-1:16**

BROKERAGE COMMISSIONS—Cont'd

Office

lease provision, **IV-4:2-IV-4:4**

Residential listing, **IV-8:6; IV-8:7**

Tenant representation, **IV-3:2; IV-3:4; 3:3**

BROKERS

Co-operation, confirmation of, real estate, **I-20:5**

Customs, continuous general agency agreement with power to appoint a sub-agent, **I-20:2**

Real estate

co-operating agreement, **I-20:5**

disclosure statement

buyer, as, **I-20:7**

seller, as, **I-20:6**

employment agreement, **I-20:3**

independent contractor, **I-20:4**

BROKER WARRANTS

Generally, **II-22:8**

BROWNFIELD SITES

Incentive community improvement plan, **IX-10:33**

BUDGET

Athletic travel grants policy, **IX-2:23**

Barrier free grant policy, **IX-2:28**

Budget development, monitoring and reporting policy, **IX-2:18**

Budget development, monitoring and reporting procedures, **IX-2:19**

Budgeted complement control policy, **IX-2:24**

Cash handling policy, **IX-2:30**

Cash handling procedures, **IX-2:31**

Change float policy, **IX-2:32**

Change float procedures, **IX-2:33**

Chargeback policy, **IX-2:47**

Credit card data security, merchant and service provider maintenance procedures, **IX-2:40**

Credit card data security policy, **IX-2:39**

Departmental purchase order, **IX-2:41**

Duplicate payment testing procedures, **IX-2:27**

Event legacy policy, **IX-2:29**

Financial assistance for program activity fees, **IX-2:22**

Investment policy, **IX-2:21**

Purchasing card policy, electronic process, **IX-2:44**

Reserve management policy, **IX-2:20**

User fee policy, **IX-2:25**

BUDGET—Cont'd

Wire payments procedures, **IX-2:26**

BUILDING

See also CONSTRUCTION

Above grade building permit, record of site condition prior to issuance of,
IX-4:170

Compliance request, building department response letter, **IX-8:6; IX-8:7**

Demolition and construction agreement, **IX-8:10**

Elevations, **IX-4:209**

Heritage easement agreement, **IX-8:13**

Housing start rebate program, **IX-10:32**

Illegal construction, agreement to allow, **IX-8:8**

Lot grading agreement, **IX-8:12**

Permit

above grade building permit, record of site condition, **IX-4:170**

agreements

application

declaration and undertaking, **IX-8:3**

statement of applicant, **IX-8:2**

breach of permit agreement, **IX-8:9**

conditional permit, **IX-8:4**

phased payments agreement, **IX-8:5**

by-law re, **IX-11:40**

compliance with applicable law, **IX-4:169**

requirements for, **IX-4:68**

Wall mural installation agreement, **IX-8:11**

BUILDING CONTRACTS

Alterations, **I-21:10; I-21:11**

Architect

standard building agreement, **I-21:26; I-21:27**

Aviation ground leases, **I-13:8; I-13:9**

Bond by contractor

See BONDS, performance bonds, *infra*

Building agreement

cost plus payment, **I-21:5**

Building loans

See loans, *infra*

See Loans, *infra*

Changes in agreement, **I-21:10; I-21:11**

Completion date

destruction of building prior to, **I-21:17**

penalty for failure to meet, **I-21:14**

work at risk of contractor until, **I-21:15**

BUILDING CONTRACTS—Cont'd

Construction lien

See CONSTRUCTION ACT (ONTARIO)

See LIENS

Contractor

bankruptcy of, **I-21:18**

renovation agreement, **I-21:2; I-21:3**

risk of damage before completion date, **I-21:15**

Damage to work before completion, risk, **I-21:15**

Defects, remedying after completion, **I-21:9**

Engineer

professional services, sample agreement, **I-21:25**

Extras, **I-21:11**

Failure to complete, **I-21:14**

Fixed price

See set price contract, *infra*

See Set price contract, *infra*

Guarantee bond, **I-21:12**

see also BONDS

financial, **I-18:44**

House, agreement to build, **I-21:6**

Indemnity agreement, **I-21:13**

Insurance, general liability policy, **I-21:16**

Lien, construction

See CONSTRUCTION LIEN ACT (ONTARIO)

See LIENS

Loans

acceleration clause, **I-21:22**

advances at discretion of lender, **I-21:19**

completion by lender if borrower not diligent, **I-21:23**

inspection of building by lender, **I-21:21**

material to be included in mortgage, **I-21:20**

use of materials by lender, **I-21:24**

Mutual indemnity agreement, **I-21:13**

Owner

insurance, duty to take out, **I-21:16**

land owned by

cost plus payment agreement, **I-21:5**

final cost not settled agreement, **I-21:6**

renovation agreement, **I-21:2; I-21:3**

Plans or specifications, outline of work to be done where none, **I-21:8**

Set price contract

land owned by builder, **I-21:4**

BUILDING NAMING AND SIGNAGE RIGHTS

- Lease provision, **IV-5:36, 5:37**
- Right to exterior building signage, **IV-5:37**
- Right to name building with signage rights, **IV-5:36**

BUILDING SYSTEMS

- See UTILITIES AND SERVICES

BULK SALES ACT

- Application, **VIII-27:74**

BULLOCH ORDER

- General form, **VIII-23:15**

BURIAL

- See CEMETERY PLOTS; FUNERAL ARRANGEMENTS

BURSARIES

- Gift to university for, **V-12:16; V-12:17**

BUS BENCH

- Advertisement agreement, **IX-3:101**

BUSINESS

- See also COMMERCIAL LIST
- Records
 - commentary, **VIII-17:33**
 - notice of intention, **VIII-17:34**
 - notice to produce for inspection, **VIII-17:35**

BUSINESS CENTRES

- Co-working service agreement, **IV-9:10.50**
- Licence and services agreement, **IV-9:10**

BUSINESS INTERESTS

- Accounts, rendering by trustees, **V-20:21**
- Carrying on by trustees
 - accounts to be rendered to residuary beneficiaries, **V-20:21**
 - agents, employment of, **V-20:12**
 - debts, estate to be liable, **V-20:15**
 - direction to carry on for family with right of purchase to children, **V-20:13**
 - direction to carry on with provision for debts incurred, **V-20:15**
 - direction to elect named person as director, **V-20:16**
 - direction to incorporate, **V-20:18**
 - direction to liquidate, **V-20:20**
 - direction to render accounts, **V-20:21**
 - income, power to apply to improvement, **V-20:14**
 - partnership interest, **V-20:22-20:24**
 - power to carry on any business, **V-20:8; V-20:9; V-20:11; V-31:47**

BUSINESS INTERESTS—Cont'd

Carrying on by trustees—Cont'd

power to carry on specific business, **V-20:10; V-20:14**

power to enter into or reorganize, **V-20:33**

power to operate farm, **V-20:17**

Director, direction to elect named person, **V-20:16**

Disposal, power of trustees of inter vivos trust, **V-43:22**

Farm, power to operate or sell, **V-20:17**

Gift of partnership interest to surviving partner, **V-20:7**

Gift of sole proprietorship, **V-20:2-20:6**

Incorporation, provision for, **V-20:18**

Liquidation, direction for, **V-20:20**

Loans to business by trustees, **V-20:19**

Options to purchase, directions for

to children, each to have equal holding, **V-20:32**

to employees, **V-20:28**

to named person if business to be sold, **V-20:30; V-20:31**

to surviving partner, **V-20:29**

Partnership

debts during continuation, estate to be liable, **V-20:24**

direction to accept firm's statement as to testator's interest, **V-20:27**

direction to continue interest

for specified period, **V-20:23**

for time limited by agreement, estate liable for debts, **V-20:24**

direction to give option to surviving partner, **V-20:29**

gift of interest to surviving partner, **V-20:7**

power to continue interest, **V-20:22**

sale to surviving partners, **V-20:25; V-20:29**

termination, **V-20:26**

Purchase by children, direction as to, **V-20:13**

Sole proprietorship

donee charged with payments to spouse, **V-20:5**

gifts

with conditions, **V-20:3-V-20:7**

without conditions, **V-20:2**

Winding up, direction for, **V-20:20**

BY-LAWS

Administrative penalty, **IX-11:184.55**

Amendment and repeal of, **IX-11:5**

Amendment of (B.C.), **IX-11:8**

Amendments, minutes of, **II-12:61**

Auditor General by-law, **IX-1:51**

Banking

Alberta, **II-2:58**

BY-LAWS—Cont'd

Banking—Cont'd

Manitoba, **II-2:163**

Body rub parlour, **IX-11:55**

Business improvement area, **IX-11:34**

Car rally by-law, **IX-11:192.60**

Certification text, **II-19:14**

extract, **II-19:16**

Chairperson's agenda, amendment to by-laws

British Columbia, **II-12:57**

Ontario, **II-12:56**

Closed meetings investigations policy and procedure by-law, **IX-1:56**

Commentary, **IX-11:2**

Confirmation, **IX-11:3; IX-11:4**

Contribution Rebate Program, **IX-11:36.60**

Council administration and procedure

architectural conservation advisory committee, establishment of, **IX-11:28**

board of variance, establishment of (British Columbia), **IX-11:25**

committee of adjustment, establishment of (Ontario), **IX-11:24**

council and committee procedures

British Columbia, **IX-11:14**

Ontario, **IX-11:13**

councillors

remuneration of, **IX-11:18**

retirement package, **IX-11:19**

disclosure, **IX-11:33**

election sign, **IX-11:36.10**

in camera, **IX-11:35**

local board or authority procedural rules, **IX-11:15**

municipal officials, **IX-11:36.20**

municipal service board, establishment of, **IX-11:30**

parking authority, establishment of, **IX-11:29**

penalties, administration of, **IX-11:36.50**

planning committee, establishment of (Ontario), **IX-11:26**

planning committee and land use committee, establishment of (British Columbia), **IX-11:27**

polling and notification, **IX-11:36.30**

public service, **IX-11:36.40**

records retention

British Columbia, **IX-11:21**

Ontario, **IX-1:26; IX-11:20**

remuneration of councillors, **IX-11:18**

retention periods, transitory/duplicate/computer data

British Columbia, **IX-11:23**

BY-LAWS—Cont'd

Council administration and procedure—Cont'd

retention periods, transitory/duplicate/computer data—Cont'd

Ontario, **IX-1:26; IX-11:20; IX-11:22**

retirement package for councillors, **IX-11:19**

vacant seat

declaration of, **IX-11:16**

filling by appointment or election (Ontario), **IX-11:17**

volunteers, designation as employees, **IX-11:31**

weed inspectors, appointment of, **IX-11:32**

whistleblower, **IX-11:36**

Debentures, authorization to issue

construction, for, **IX-11:180**

general, **IX-11:177; IX-11:178**

sinking fund debentures, one series of, **IX-11:179**

Distribution of Flyers, **IX-11:88.85**

Elections

See ELECTIONS

General

Alberta, **II-2:57; II-2:58**

federal, **II-2:17**

Manitoba, **II-2:95**

non-share capital corporation

Alberta society, **II-1:95**

British Columbia, **II-2:165; II-2:166**

federal, **II-1:80**

Manitoba, **II-2:168**

Nova Scotia, **II-1:112**

Ontario, **II-2:164**

Saskatchewan, **II-2:167**

Ontario, **II-2:33**

Saskatchewan, **II-2:77**

Graphic Image Delivery, **IX-11:88.84**

Highways

accident scene solicitation, **IX-11:157**

all-terrain vehicle, off-road vehicle and snowmobile, **IX-11:161.55**

alteration of, **IX-11:132**

assumption of, **IX-11:126**

bicycle lanes, designation of, **IX-11:145**

changing name of, **IX-11:136**

closure and sale of, **IX-11:133**

dedication of, **IX-11:135**

e-cargo bicycle, **IX-11:161.40**

electric kick scooter, **IX-11:161.50**

BY-LAWS—Cont'd

Highways—Cont'd

- establishment of, **IX-11:127**
- excavation control, **IX-11:147**
- fire routes, **IX-11:143**
- gas mains, abandoned, permission for use of, **IX-11:149**
- lease or licence of untraveled portions of roads, **IX-11:137**
- motorized snow vehicles, **IX-11:153; IX-11:154**
- movement of heavy loads and objects, regulation of, **IX-11:159**
- newspaper vending boxes, **IX-11:141**
- obstructive solicitation, **IX-11:160**
- patio, right of way, **IX-11:156**
- postering, **IX-11:146**
- road allowance, encroachment on, **IX-11:142**
- safety zone, **IX-11:148**
- sale of goods, **IX-11:158**
- sale of stopped up highway, **IX-11:134**
- shopping carts by-law, **IX-11:150**
- skateboards, **IX-11:155**
- special events on city streets, **IX-11:152**
- stopping up, **IX-11:131**
- street trees
 - See TREES
- street vending, **IX-11:138**
- television antennae placement, **IX-11:144**
- temporary closure of, **IX-11:128**
 - delegation of authority, **IX-11:130**
 - procedure, **IX-11:129**
- use and care of roads, **IX-11:151**
- wearing of helmets in skateboard parks, **IX-11:161**

Highways events, **IX-11:152.50**

Integrity Commissioner by-law, **IX-1:46**

Interpretation, **IX-11:9**

IX

Land related by-laws

- abandoned properties, **IX-11:171.50**
- clothing donation by-law, **IX-11:169**
- community improvement project, **IX-11:167**
- encampments
 - by-law, **IX-11:171.61**
 - commentary, **IX-11:171.60**
- expropriation, **IX-11:166**
- historic site designation, **IX-11:164**
- housing project facility, **IX-11:168**

BY-LAWS—Cont'd

Land related by-laws—Cont'd

- maintenance, **IX-11:171.62**
- parkland dedication, **IX-11:162**
- parks and facilities, **IX-11:163**
- permission to owners to enter adjoining land, **IX-11:165**
- renovation licence and relocation by-law, **IX-11:171.55**
- sidewalk, **IX-11:171**
- temporary structure, **IX-11:170**

Licensing and regulatory by-laws

- abatement of interior greenhouse light, **IX-11:61.50**
- admail reduction program, voluntary, **IX-11:69**
- amusement premises, **IX-11:54**
- animal control
 - See ANIMALS
- apartment buildings, **IX-11:98.83**
- barbeques on balconies, prohibition of, **IX-11:98.10**
- body-gripping traps, **IX-11:78**
- body rub parlour, **IX-11:55**
- building permits
 - See BUILDING, permit
- caleche, (Montreal), **IX-11:89**
- cemetery, **IX-11:87**
- combative sports, **IX-11:86**
- controlled substance manufacturing, **IX-11:83**
- conversion therapy prohibition, **IX-11:97**
- debris, **IX-11:46**
- deer and wildlife feedings and attractant, **IX-11:95.30**
- deer feeding prohibition, **IX-11:94**
- drainage, **IX-11:65**
- dust, **IX-11:98.80**
- false alarm, **IX-11:47**
 - reward, **IX-11:48**
- fences, **IX-11:49**
- fill control, **IX-11:52; IX-11:53**
- film, **IX-11:98**
- fire safety boxes, **IX-11:98.77**
- fireworks, **IX-11:64**
- garage sales, **IX-11:98.73**
- graffiti control, **IX-11:66**
- greenhouse gas accountability by-law, **IX-11:193**
- green roofs, **IX-11:98.70**
- heating, **IX-11:43; IX-11:84; IX-11:85**
- idling control, **IX-11:67; IX-11:68**

BY-LAWS—Cont'd

- Licensing and regulatory by-laws—Cont'd
 - land, fortification and protective elements of, **IX-11:80**
 - licences, issuance of
 - See LICENCES
 - littering and dumping of refuse, **IX-11:98.67**
 - lottery licensing, **IX-11:59**
 - lottery licensing officer, appointment of, **IX-11:60**
 - marijuana, **IX-11:70; IX-11:81**
 - methadone, **IX-11:82**
 - noise, **IX-11:44; IX-11:45**
 - nuisance parties, **IX-11:98.15**
 - open air fire, **IX-11:71**
 - passenger transportation system, **IX-11:74**
 - pawnbrokers, **IX-11:92**
 - payday loan, **IX-11:88**
 - physical distancing regulation, parks and public squares, **IX-11:98.40, 11:98.45, 11:98.50**
 - pigeons and doves control, **IX-11:76; IX-11:77**
 - plastic checkout bag prohibition, **IX-11:93.50**
 - pool enclosure, **IX-11:50**
 - property maintenance, **IX-11:72**
 - property standards, **IX-11:61**
 - ravine protection, **IX-11:98.61**
 - refrigerator, freezer and container, abandoned, **IX-11:98.58**
 - remote electronic participation in council and committee meetings during emergency, **IX-11:98.55**
 - responsible pet ownership
 - See ANIMALS
 - risk reduction for residents of multi-tenanted buildings, **IX-11:98.30**
 - short-term accommodation licensing, **IX-11:79**
 - single use plastics, **IX-11:93**
 - smoke alarm, **IX-11:51**
 - smoking in public places, regulation of, **IX-11:41; IX-11:62; IX-11:63**
 - temporary mask, **IX-11:98.20, 11:98.25, 11:98.35**
 - tree preservation, **IX-11:56**
 - trespass, **IX-11:96**
 - urban beekeeping, **IX-11:95.60**
 - urban hens, **IX-11:91**
 - use of fertilizer, **IX-11:73**
 - vacant and hazardous property, **IX-11:98.64**
 - vehicle licensing
 - See vehicle licensing
 - See Vehicle licensing

BY-LAWS—Cont'd

- Licensing and regulatory by-laws—Cont'd
 - vital services, **IX-11:57; IX-11:58**
 - water pipes in public places and workplaces, **IX-11:62; IX-11:63**
 - wildlife attractant, **IX-11:95**
- Licensing and regulatory by-laws (alternate)
 - fire safety boxes, **IX-11:98.78**
 - fireworks, **IX-11:64.50**
- Lobbyist registrar by-law, **IX-1:52**
- Lobbyist registry by-law, **IX-1:53**
- Local improvement, **IX-11:97**
 - assessment of abutting lands cost, **IX-11:96**
 - authorization of local improvement, **IX-11:94; IX-11:95**
 - hotel tax, **IX-11:104**
- Meetings investigator by-law, **IX-1:54; IX-1:55**
- Municipal address numbering, **IX-11:98**
- Municipal code, to establish
 - British Columbia, **IX-11:12**
 - Ontario, **IX-11:10**
- Mural, **IX-11:36.70**
- Notice requirement (Municipal Act), **IX-1:97; IX-1:102**
- Office consolidation by-law, **IX-1:105**
- Ombudsman by-law, **IX-1:50**
- Pandemic
 - emergency masks and face coverings, **IX-11:199**
 - emergency physical distancing, parks and public squares, **IX-11:198**
 - overnight sheltering, **IX-11:200**
- Passing by signature
 - director's resolution, **II-2:144**
 - shareholder's resolution, **II-2:145**
 - special resolution, **II-2:146**
- Pets on Municipal Property, **IX-3:64.50**
- Planning and zoning
 - amendment of zoning by-law and exemption of lands from provisions, **IX-11:105**
 - authorization to send official plan or amendment to Minister, **IX-11:109**
 - community benefits charge, **IX-11:125.50**
 - deeming, **IX-11:124**
 - land deemed not to be in plan, **IX-11:125**
 - delegation, **IX-11:121**
 - development charges, **IX-11:116; IX-11:117; IX-11:119**
 - holding by-law, **IX-11:114**
 - holding zone symbol, removal of, **IX-11:113**
 - implementation of OMB order on refusal of council to amend, **IX-11:107**

BY-LAWS—Cont'd

- Planning and zoning—Cont'd
 - interim control, **IX-11:112**
 - model home, **IX-11:106**
 - part lot control, exemption of lands from, **IX-11:119; IX-11:120**
 - site plan
 - approval delegation, **IX-11:122**
 - control, designation of area, **IX-11:115**
 - temporary use, **IX-11:110**
 - accessory buildings, **IX-11:111**
 - validation of lands, **IX-11:123**
 - zoning by-law amendment where s. 37 agreement, **IX-11:108**
- Prudent investor enabling, **IX-11:184.53**
- Public places by-law, **IX-11:192.65**
- Public service by-law, **IX-11:11**
- Refuse and recycling, **IX-11:175**
- Repeal of
 - British Columbia, **IX-11:7**
 - Ontario, **IX-11:6**
- Reserve funds, **IX-11:181**
- Review checklist, **IX-11:1.50**
- Safe and inclusive access, **IX-11:98.86**
- Safe spaces, **IX-11:192.55**
- Shareholders resolution confirming, **II-12:41**
 - Alberta, **II-2:54**
 - amendment to, **II-12:44**
 - federal, **II-2:13**
 - Manitoba, **II-2:90**
 - Ontario, **II-2:30**
 - Saskatchewan, **II-2:72**
- Sharing economy
 - municipal accommodation, **IX-11:196**
 - short term accommodation, **IX-11:194**
 - short term rental, **IX-11:195**
 - vacancy tax, **IX-11:197**
- Significant control register, CBCA, **II-2:17.50**
- Social behaviour
 - anti-bullying, **IX-11:192**
 - bubble zone
 - by-law, **IX-11:192.67**
 - narrative, **IX-11:192.66**
 - car rally by-law, **IX-11:192.60**
 - commentary, **IX-11:189**
 - community standards, **IX-11:191**

BY-LAWS—Cont'd

Social behaviour—Cont'd

- kite fighting, **IX-11:192.69**
- public behaviour, **IX-11:190**
- public places by-law, **IX-11:192.65**
- safe and inclusive access, **IX-11:192.68**

Taxes

- arrears
 - extension, **IX-11:182**
 - sale of land for, policy establishment, **IX-11:176**
- assistance, **IX-11:184**
- rebate program, **IX-11:183**

Traffic and parking by-law, **IX-3:76**

Utilities

- garbage and recycling, **IX-11:174**
- refuse and recycling, **IX-11:175**
- sewers, **IX-11:173**
- water discharge, **IX-11:175.50**
- water works, **IX-11:172**

Vacant building and lands by-law, **IX-11:184.50**

Vacant property, **IX-11:184.51**

Vacant Unit Tax, **IX-11:184.52**

Vehicle licensing

- commentary, **IX-11:185**
- limousine licensing, **IX-11:188**
- vehicle for hire, **IX-11:186; IX-11:187**

CANADA

- Affidavit of service, **VIII-3:6**
- Constitutional question, **VIII-1:109**
- Proceedings against federal Crown agency, **VIII-1:106**

CANADA BUSINESS CORPORATIONS ACT

- Oppression remedy, application for
 - affidavit, **VIII-27:86**
 - commentary, **VIII-27:84**
 - judgment, **VIII-27:87**
 - notice of application, **VIII-27:85**

Winding-up, application for

- affidavit, **VIII-27:86**
- commentary, **VIII-27:84**
- judgment, **VIII-27:87**
- notice of application, **VIII-27:85**

CANADA PENSION PLAN

- Administration of legislation, **VII-5:1**

CANADA PENSION PLAN—Cont'd

Assessments and contributions

appeals

Federal Court of Appeal, to, **VII-5:1**

Minister, to, **VII-5:1**

Tax Court of Canada, to, **VII-5:1; VII-5:50**

intervention, notice of, **VII-5:51**

levels of, **VII-5:1**

Benefits

appeals

estimate request for CPP retirement pension, **VII-5:40**

income security, **VII-5:47**

income tax deductions, **VII-5:45**

Old Age Security Act and/or the CPP by an agency or institution, **VII-5:42**

Old Age Security Act and/or the CPP by a private trustee, **VII-5:43**

Pension Appeals Board, to, **VII-5:1**

request for reconsideration, **VII-5:1**

Social Security Tribunal, to, **VII-5:1**

appointment of representative, **VII-5:25**

disclose, authorization to, **VII-5:25**

notice of appeal, **VII-5:47**

application for, **VII-5:1; VII-5:2**

children's benefits, **VII-5:1; VII-5:3**

death benefits, **VII-5:5**

disability, **VII-5:4**

income security, **VII-5:48**

kit, **VII-5:8; VII-5:23**

statement of contributions to CPP, **VII-5:39**

survivor's pension, **VII-5:3**

assignment of, **VII-5:1**

cancellation of pension sharing, **VII-5:35**

certificate of incapability-OAS/ CPP, **VII-5:20**

certified photocopies, **VII-5:46**

child rearing provision, **VII-5:12**

child's, **VII-5:1**

attendance at school or university, declaration of, **VII-5:9**

common law union, declaration of, **VII-5:31; VII-5:34**

consent, communicate information to an authorized person, **VII-5:24**

consent, deduction and payment, **VII-5:26; VII-5:30**

consent, medical evaluation, **VII-5:22**

credit-splitting, **VII-5:1; VII-5:6**

death, **VII-5:1; VII-5:5**

deemed person to represent the deceased client, **VII-5:41**

CANADA PENSION PLAN—Cont'd

Benefits—Cont'd

- description of, **VII-5:1**
- disability, **VII-5:1; VII-5:4**
- foreign beneficiaries pension declaration form, **VII-5:36**
- illness certificate, **VII-5:21**
- information, authorization to disclose, **VII-5:22**
- judicial review of decisions, **VII-5:1**
- levels of, **VII-5:1**
- medical report, **VII-5:22**
- request for reconsideration of a CPP decision, **VII-5:10**
- request for reconsideration of a CPP disability and/or post-retirement disability decision, **VII-5:11**
- retirement, **VII-5:1; VII-5:2**
- sharing of pension, **VII-5:7**
- surviving spouse's, **VII-5:1; VII-5:3**

Common law union, declaration of, **VII-5:31; VII-5:34**

Consent, medical evaluation, **VII-5:22**

Contributions

- See assessments and contributions, *supra*
- See Assessments and contributions, *supra*

CPP benefits

- See benefits, *supra*
- See Benefits, *supra*

CPP disability vocational rehabilitation program closure report, **VII-5:19**

- Closure report, **VII-5:16**
- General invoice, **VII-5:16**
- Job search agreement, **VII-5:17**
- Progress report, **VII-5:13**
- Return to work follow up report, **VII-5:18**

Disclose, authorization to, **VII-5:25**

Federal Court of Appeal, appeal to, **VII-5:1**

Indemnity agreement, **VII-5:44**

Individual written rehabilitation plan-CPP disability, **VII-5:14**

Judicial review of

- assessments, **VII-5:1**
- benefits, **VII-5:1**

Legal marriage, **VII-5:32**

Legislation, **VII-5:1**

Level of contributions

- See assessments and contributions, *supra*
- See Assessments and contributions, *supra*

Levels of benefits

- See benefits, *supra*

CANADA PENSION PLAN—Cont'd

Levels of benefits—Cont'd

See Benefits, *supra*

Personal information, consent for Service Canada to obtain

individuals consent to disclosure, **VII-5:28**

physician's copy, **VII-5:22**

Service Canada-insurer, **VII-5:29**

Service Canada's copy, **VII-5:27**

Request for direct deposit in Canada, CPP and Old Age Security, **VII-5:38**

Request to deduct and pay a one-time retroactive payment to an insurer, **VII-5:37**

School or university, declaration of attendance, **VII-5:9**

Separation of legal spouses and common-law partners, **VII-5:33**

Survivor's pension, application for, **VII-5:3**

Tax Court of Canada

appeals to, **VII-5:1; VII-5:50**

Web version, **VII-5:50**

intervention in, **VII-5:51**

Terminal Illness, **VII-5:22; VII-5:23**

Vocational rehabilitation program, **VII-5:15**

Witness information form, **VII-5:49**

CANADA REVENUE AGENCY

Authorization to release records, **VIII-1:12**

CANADIAN DEALING NETWORK

See STOCK EXCHANGE

CANADIAN FUNDS

Generally Accepted Accounting Principles (GAAP), **X-33:279.50**

CANNABIS

See also PUBLIC HEALTH

Business regulation by-law, **IX-7:14**

By-law, **IX-7:13**

Commentary, **IX-7:12**

Consumption in public places (Alberta), restriction of, **IX-7:17**

Prohibit smoking or vapouring recreational cannabis in public places, by-law (Ontario), **IX-7:16**

Public consumption, by-law (Nunavut), **IX-7:18**

Siting of cannabis retail stores, **IX-7:19**

Supervised consumption facilities, temporary overdose prevention sites, by-law, **IX-7:15**

CAPACITY

Lack of, motion to stay or dismiss

defendant

affidavit, **VIII-6:12**

CAPACITY—Cont'd

- Lack of, motion to stay or dismiss—Cont'd
 - defendant—Cont'd
 - commentary, **VIII-6:10**
 - notice of motion, **VIII-6:11**
 - order, **VIII-6:13**
 - plaintiff
 - affidavit, **VIII-6:8**
 - commentary, **VIII-6:6**
 - notice of motion, **VIII-6:7**
 - order, **VIII-6:9**

CAPITAL

- See RESIDUE
- Share
 - See ARTICLES, AMENDMENTS TO, share capital
- Stated, reduction of
 - by amount not represented by assets
 - British Columbia, **II-14:38**
 - general, **II-14:39**
 - Nova Scotia, **II-14:40**
 - solvency, officer's certificate as to, **II-14:48**
- to make distribution to shareholders
 - general, **II-14:43**
 - Nova Scotia, **II-14:44**
 - court documentation in support of
 - affidavit, **II-14:46**
 - order, **II-14:47**
 - originating notice, **II-14:45**

V

CAPITAL AND INCOME

- Allhusen v. Whittell, exclusion and application of rule, **V-24:15-V-24:18**
- Determination by trustees
 - dividends under s. 83 of Income Tax Act, **V-24:5; V-24:6**
 - general power, **V-24:2; V-24:3**
 - proceeds from sale of unproductive real estate, **V-24:4**
- Directions by testator
 - all dividends to be treated as income, **V-24:10-V-24:12**
 - cash dividends to be treated as income, **V-24:10; V-24:12**
 - compensation of income beneficiary out of capital when stock dividend received, **V-24:13**
 - distributions of accumulated surplus to be treated as capital, **V-24:7**
 - dividends, **V-24:8-V-24:12**
 - rule in Allhusen v. Whittell, exclusion and application, **V-24:15-V-24:18**

CAPITAL AND INCOME—Cont'd

Directions by testator—Cont'd

stock dividends

treated as capital, **V-24:8; V-24:9**

treated as income, **V-24:10-V-24:12**

stock warrants to be treated as capital, **V-24:9**

Income beneficiary, power to compensate on receipt of stock dividend,
V-24:13

Receipts and expenses, general power to determine, **V-24:2; V-24:3**

Special power of appointment over, **V-42:11**

CARNIVALS

Ride agreement, **IX-3:83**

CARRIAGE

See AVIATION; RAILWAYS; ROAD TRANSPORTATION; SHIPPING

CART LEASES

Form of, **IV-3:7**

CASE, SPECIAL

See SPECIAL CASE

CASE MANAGEMENT

Information for court use, **VIII-1:61**

Letter to client, **VIII-1:7**

Motions

commentary, **VIII-13:66**

Request for (Toronto), **VIII-1:62**

Transfer of proceeding to

See TRANSFER OF PROCEEDINGS

CAUSE OF ACTION

Motion to add new

affidavit, **VIII-6:78**

draft amended statement of claim, **VIII-6:77**

notice of motion, **VIII-6:76**

prder, **VIII-6:79**

Motion to strike for disclosing no, **VIII-6:57**

Multiple, prayer for relief, **VIII-4:8**

CEMETERY PLOTS

Burial, **V-30:5**

Gift on condition as to future burials, **V-30:24**

Perpetual care, provision for, **V-30:25-V-30:28**

Purchase, authority for, **V-30:23**

CERTIFICATE

- Adoption, **VI-16:20**
- Appellant, of, **VI-24:4**
- Application re ceasing to be reporting issuer, verification, **II-30:45**
- Appointment, of, estate trustee
 - See ESTATE TRUSTEE
- Asset purchase
 - corporate documents, **II-33:26**
 - representations, warranties and performance, **II-33:27**
- Authentication of, **II-24:13**
- Completeness, **VI-24:9**
- Completeness, of, **VIII-28:118**
- Construction lien
 - See CONSTRUCTION ACT (ONTARIO)
 - See LIENS
- Corporate authority, **I-32:15; I-32:16**
- Corporate document for use at trial, of
 - certificate, **VIII-17:47**
 - commentary, **VIII-17:46**
- Corporate documents, as to, **II-33:11; II-33:26**
- Delivery and acceptance, **I-26:23**
- Divorce, **VI-9:8**
- Divorce, clerk of, **VI-9:7**
- Estoppel, **II-33:14**
- Evidence, on appeal, **VIII-28:113; VIII-28:113.50; VIII-28:114**
- General, **I-3:3**
 - extract from minutes of meeting, **I-3:5**
 - minutes of company meeting, true copy of, **I-3:4**
- Incumbency, **II-19:20; II-33:12**
 - signatures, and, **II-21:51**
- Independent legal advice
 - general form, **I-3:6**
 - guarantee, effect of signing, **I-32:17**
 - spouse guaranteeing obligations, **I-3:7**
 - surety, **I-3:8**
- Independent legal advice (Saskatchewan), **II-21:35**
- Judgment, of, Small Claims Court, **VIII-32:34**
- Lawyer, of
 - Alberta, **II-21:32**
 - Saskatchewan, **II-21:31**
- Net worth certificate, **II-13:33**
- No default, **II-21:50**
- Non-restriction of borrowing power, **II-19:22**

CERTIFICATE—Cont'd

Notarial

Alberta, **I-32:18**
 attestation of deed, notary a witness, **I-3:12**
 document, true copy of, **I-3:9; I-3:10**
 microfilm, true copy of, **I-3:13**
 signatures on document, verification of, **I-3:11**

Officer's

agency agreement, pursuant to
 private placement, **II-24:25**
 prospectus offering, **II-24:17**
 articles, by-laws, resolutions and incumbency
 private placement, **II-24:24**
 prospectus offering, **II-24:16**
 borrower, **II-21:52**
 counsel of issuer, opinion, **II-24:26**
 guarantor, **II-21:53**
 solvency on
 purchase of common shares generally, **II-8:15**
 purchase of common shares to eliminate fractions, settle debt or claim,
 II-8:16
 redemption or retraction of preferred shares, **II-8:17**
 share capital alteration, **II-14:48**

Order under subrule 61.09, **VIII-of; VIII-28:124; of**

Pending litigation, **VI-19:9**

Perfection, of, **VIII-28:120; VIII-29:15**

Qualification, filing of short form prospectus, **II-24:7**

Registrar and transfer agent re factual matters, **II-28:4**

Representations, warranties and performance, **II-19:21; II-33:13; II-33:27**

Request for marriage, **VI-9:3**

Respondent, of, **VI-24:5**

Rights offering, **II-24:22**

Share

See SHARE CERTIFICATES

Share purchase

corporate documents, **II-33:11**
 estoppel, **II-33:14**
 incumbency, **II-33:12**
 representations, warranties and performance, **II-33:13**

S I, VI, VIII

Sports club, professional membership, **I-10:42**

Stay, of, **VI-24:17; VIII-28:64**

Tax clearance certificate, letter requesting

Canada Revenue Agency, **II-17:3**

CERTIFICATE—Cont'd

- Tax clearance certificate, letter requesting—Cont'd
 - Manitoba, **II-17:63**
 - Ontario, **II-17:10**
- Time required, **VIII-28:124**
- Transfer agent and registrar re factual matters, **II-28:4**

CERTIFICATE OF PENDING LITIGATION

- Affidavit, **VI-19:7**
- Certificate, **VI-19:9; VIII-14:46**
- Commentary, **VIII-14:43**
- Discharge, motion to
 - affidavit, **VIII-14:50**
 - consent, **VIII-14:51**
 - notice of motion, **VIII-14:49**
 - order, **VIII-14:52**
- Judgment where relief claimed, **VIII-18:36**
- Notice of motion for leave, **VI-19:6**
- Notice of motion to obtain, **VIII-14:44**
 - affidavit, **VIII-14:45**
- Order, **VI-19:8; VIII-14:47**
 - leasehold interest, **VIII-14:48**
- Prayer for relief, **VIII-4:20**

CERTIFICATION

- Appeals
 - certification granted
 - motion for leave, **VIII-26:42**
 - notice of appeal, **VIII-26:43**
 - certification refused, notice of appeal
 - applicant, by, **VIII-26:40**
 - defendant, by, **VIII-26:41**
 - plaintiff, by, **VIII-26:40**
 - respondent, by, **VIII-26:41**
- Applicant's motion for
 - affidavit, **VIII-26:18**
 - commentary, **VIII-26:16**
 - notice of motion, **VIII-26:17**
 - order, **VIII-26:19**
- Class members, notice to
 - certification, of
 - application, **VIII-26:37**
 - general form, **VIII-26:35**
 - individual claims, **VIII-26:36**
 - opting out, **VIII-26:38**

CERTIFICATION—Cont’d

- Defendant’s motion for
 - affidavit
 - defendant, **VIII-26:22**
 - plaintiff, **VIII-26:23**
 - commentary, **VIII-26:20**
 - notice of motion, **VIII-26:21**
 - order, **VIII-26:24**
 - representative
 - See Representative defendant’s motion for, *infra*
- Extension of time for
 - affidavit, **VIII-26:14**
 - commentary, **VIII-26:12**
 - notice of motion, **VIII-26:13**
 - order, **VIII-26:15**
- Plaintiff’s motion for
 - extension of time
 - See Extension of time for, *supra*
 - general form
 - affidavit, **VIII-26:7**
 - commentary, **VIII-26:5**
 - notice of motion, **VIII-26:6**
 - order, **VIII-26:8**
 - subclasses
 - affidavit, **VIII-26:10**
 - notice of motion, **VIII-26:9**
 - order, **VIII-26:11**
- Representative defendant’s motion for
 - affidavit, **VIII-26:32**
 - commentary, **VIII-26:30**
 - notice of motion, **VIII-26:31**
 - order, **VIII-26:33**
- Respondent’s motion for
 - affidavit
 - applicant, of, **VIII-26:28**
 - commentary, **VIII-26:25**
 - notice of motion, **VIII-26:26**
 - order, **VIII-26:29**
 - respondent, of, **VIII-26:27**

CERTIFICATION APPLICATION

See LABOUR RELATIONS

CERTIFICATION TEXT

Articles, **II-19:13**

CERTIFICATION TEXT—Cont'd

By-laws, **II-19:14**

Extract from

by-law, **II-19:16**

directors' minutes, **II-19:15**

shareholders' meeting, **II-19:19**

Resolution

directors', **II-19:12**

shareholders', **II-19:17**

shareholders' special, **II-19:18**

CHAIRPERSON'S AGENDA

Annual meeting

long form, **II-12:54**

short form, **II-12:53**

By-laws, amendments to, **II-12:56**

British Columbia, **II-12:57**

Ontario, **II-12:56**

Cumulative voting, **II-12:55**

Special resolution and right to dissent, **II-12:58**

CHANGE, NOTICE OF

Lawyers, **VIII-1:80**

CHANGE OF CONTROL

See ASSIGNMENT AND SUBLEASES

CHARITABLE CORPORATION

I (Gifts), V (Charitable Gifts)

Objects clauses

pre-approval of, Public Trustee and Guardian, letter to, **II-1:82**

Registration

application to Revenue Canada, **II-2:172**

Manitoba, **II-1:109**

CHARITABLE GIFTS

Accounting for, **V-12:21; V-12:28**

Advantage, acknowledgment of value, **I-31:24**

Commentary, **V-12:0.50**

Declaration of gift, **I-31:23**

Donor advised fund

gift to add to existing fund or establish fund if already in existence,
V-12:12.50

gift to establish family fund, **V-12:12.30**

gift to existing family fund, **V-12:12.10**

Educational purposes, for, **V-12:14-V-12:18**

Gift conditional on payment of annuity to spouse, **V-14:4**

CHARITABLE GIFTS—Cont'd

- Gifts in memory of testator, **V-12:13**
- Gifts in trust
 - trustee of named charitable trust, to, **V-12:4**
 - trustees to select beneficiaries, **V-12:5; V-12:7**
- Gifts to hospitals
 - building of addition, for, on condition further sum raised, **V-12:10**
 - endowment of bed, for, **V-12:9**
- Gifts to named charities
 - general purposes of charity, for, **V-12:1**
 - specific purpose, for, **V-12:2; V-12:3; V-12:12-12:12.50**
- Gifts to universities, **V-12:15-12:18.70**
- Gift to individual for distribution in his or her discretion, **V-12:6**
- Gift to school for annual prize, **V-12:14**
- Hospital bed, endowment of, **V-12:9**
- Marketable securities, gift to be satisfied by, **V-12:23**
- Masses for the dead, gifts for, **V-12:19-V-12:21**
- Non-existent institution, provision for substitution, **V-12:8**
- Release trustees upon receipt of gift by charity, blanket declaration, **V-12:11.70**
- Religious purposes, for, **V-12:19-V-12:22**
- Residential property charged with payments, **V-9:10**
- Retirement home, gift to named charity for, **V-12:12**
- Share of residue to be held for charitable purposes, **V-12:7**
- Substitution for charities no longer existing, **V-12:11; V-12:11.30; V-12:11.50**
- Testator's foundation with donor advised fund, gift to add to, **V-12:25; V-12:26**
- Transfer of marketable securities, **V-12:12.70**
- Valuation of for tax purposes, **I-31:25**
 - acknowledgment of, **I-31:26**
- Yahrzeit plaque, for, **V-12:20**

CHARITABLE TRUSTS

- Gift to trustee of named trust, **V-12:4**
- Inter vivos
 - charitable foundation, creation of, **V-42:19**
 - foundation only transferring to other charities, **V-42:20**
 - charitable remainder trust, **V-42:21**

CHARTER

- Audit committee, **II-32:14**

CHARTER OF RIGHTS AND FREEDOMS

- Notice of constitutional question, **VIII-1:109**
- Remedy under, application
 - affidavit, **VIII-27:36**

CHARTER OF RIGHTS AND FREEDOMS—Cont'd

Remedy under, application—Cont'd

judgment, **VIII-27:37**

notice of application, **VIII-27:35**

CHATTELS

See PERSONALTY AND HOUSEHOLD EFFECTS

CHECKLISTS

Appeal from final orders

certificate of assessment of costs issued in Court of Appeal

appellant, **VIII-28:47**

respondent, **VIII-28:48**

certificate of assessment of costs issued in Superior Court of Justice

appellant, **VIII-28:42**

respondent, **VIII-28:43**

Divisional Court to Court of Appeal

appellant, **VIII-28:30**

respondent, **VIII-28:31**

judge to Court of Appeal

appellant, **VIII-28:37**

respondent, **VIII-28:38**

master or judge to Divisional Court

appellant, **VIII-28:24**

respondent, **VIII-28:25**

Default, **IV-15:2**

Default proceedings

judgment

motion for, where registrar uncertain about interest

affidavit, **VIII-7:27**

checklist, **VIII-7:25**

judgment, **VIII-7:28**

notice of motion, **VIII-7:26**

motion for, where registrar uncertain as to claim

checklist, **VIII-7:21**

commentary, **VIII-7:20**

judgment, **VIII-7:23**

notice of motion, **VIII-7:22**

requisition for, **VIII-7:19**

person under disability, motion to note in default, **VIII-7:8**

Directors, meetings of, **II-12:1**

Discovery, **VIII-10:1**

Dissolution, voluntary (British Columbia), **II-17:20**

Distress, **IV-15:7**

CHECKLISTS—Cont'd

- Initial checklist
 - defendant, **VIII-1:3**
 - plaintiff, **VIII-1:2**
- Interlocutory appeals
 - Divisional Court to Court of Appeal
 - appellant, **VIII-28:16**
 - respondent, **VIII-28:17**
 - judge to Divisional Court
 - appellant, **VIII-28:9**
 - respondent, **VIII-28:10**
 - master to judge
 - appellant, **VIII-28:3**
 - respondent, **VIII-28:4**
- Mandatory mediation, **VIII-1:118**
- Not-for-profit incorporation, Ontario, **II-1:81**
- Not-for-profit incorporation questionnaire, **II-1:75**
- Pre-trial, **VIII-15:64**
- Sale of lands by sheriff checklist, **VIII-22:41**
- Settlement for persons under disability, **VIII-21:63**
- Termination of lease, **IV-15:11**
- Trial management, simplified procedure, **VIII-31:20**
- Witness interview checklist, wrongful dismissal, **VIII-1:15**
- Writ of execution checklist, **VIII-22:2**

CHILD PROTECTION

- Secure treatment
 - application, **VI-15:23**
 - child's consent to secure treatment, **VI-15:24**
 - consent to secure treatment, person other than child, **VI-15:25**
 - emergency admission, **VI-15:28, 15:29, 15:30**
 - secure de-escalation room, **VI-15:27, 15:31**
 - warrant to apprehend and return child, **VI-15:32**

CHILD PROTECTION AND STATUS REVIEW

- Application
 - child protection and status review, **VI-15:2**
 - status review for Crown ward and former Crown ward, **VI-15:3**
 - warrant to apprehend child, **VI-15:6**
- Apprehension of child
 - information for warrant, **VI-15:5**
 - warrant for, **VI-15:6**
- Case conference brief, **VI-15:12**
- Child and Family Services Act cases
 - answer, **VI-15:9**

CHILD PROTECTION AND STATUS REVIEW—Cont'd

- Child and Family Services Act cases—Cont'd
 - application, **VI-15:4**
- Complaint, formal, to Internal Complaints Review Panel, **VI-15:20**
- Endorsement sheet, CYFSA, **VI-15:21**
- Endorsement sheet, CYFSA s. 98, **VI-15:22**
- Information for warrant to apprehend child, **VI-15:5**
- Internal Complaints Review Panel, formal complaint to, **VI-15:20**
- Plan of care
 - Children's Aid Society, **VI-15:7**
 - parties other than Children's Aid Society, **VI-15:8**
 - parties other than Children's Aid Society, answer, **VI-15:8**
- Settlement conference brief, **VI-15:13**
- Statement of agreed facts
 - child protection, **VI-15:10**
 - status review, **VI-15:11**

CHILDREN

- See ADOPTED CHILDREN; CHILDREN OF TESTATOR; MINORS
- Access
 - See CUSTODY AND ACCESS
- Adoption
 - See ADOPTION
- Aid society, plan of care, **VI-15:7**
- Application, Child and Family Services Act, **VI-15:4**
- Child support
 - affidavit, **VI-13:6**
 - notice of motion, **VI-13:5**
 - order, **VI-13:7**
 - request for order for amount differing from Support Guidelines, **VI-18:14**
 - special expense claim, **VI-18:15**
 - support deduction order, **VI-22:6**
 - support deduction order information form, **VI-22:7**
 - tax deductions, request to Canada Revenue Agency to reduce, **VI-4:6**
- Missing child
 - affidavit, **VI-13:21**
 - motion to seek location of, **VI-13:20**
 - order, **VI-13:22**
- Paternity
 - See PATERNITY
- Request to pay child support differing from Support Guidelines, **VI-18:16**
- Separation agreement provisions
 - See SEPARATION AGREEMENTS
- Status review
 - See CHILD PROTECTION AND STATUS REVIEW

CHILDREN—Cont'd

Voice of the child
 information sheet, **VI-14:7**
 intake form, **VI-14:6**

CHILDREN OF TESTATOR

Adopted children, **V-28:2-V-28:4**
 Care during infancy, **V-27:2; V-27:3; V-27:5-V-27:7**
 Decision-making responsibility
 appointment of, **V-27:4**
 provision for, **V-27:3**
 Definition of relationships, **V-28:10**
 Guardians, provision for, **V-27:5**
 compensation, **V-27:7**
 substitution, with, **V-27:3; V-27:4**
 Religious education, **V-27:6**
 Stepchildren, **V-28:6; V-28:7**
 Trustees, appointment of person to consult with, **V-27:2**

CHILDREN'S LAWYER

Adoption, affidavit of execution and independent legal advice, **VI-16:19**
 Intake criteria, **VI-14:4**
 Intake form, **VI-14:5**
 Orders
 child protection, **VI-14:3**
 parenting and contact, **VI-14:2**
 Status hearing, request for
 commentary, **VIII-16:8**
 notice to register, **VIII-16:9**
 order, **VIII-16:11**
 timetable, **VIII-16:10**

CHOICE OF LAW

Clause, **X-33:43**

CHOSE IN ACTION

Gift of, **V-8:70**

CHRONOLOGY

General form, **VIII-17:5**

CHURCH PEW

Gift of, **V-8:67**

CIRCULAR

Bids
 See TAKEOVER BIDS
 Directors', **II-29:11**

CIRCULAR—Cont'd

Rights offering, **II-23:16**

Undertaking, **II-29:14; II-29:15**

CIRCULAR BIDS

See TAKEOVER BIDS

CLAIMANTS

Advertisement for, on reference

general form, **VIII-19:10**

shareholders, **VIII-19:12**

CLAIMS

Abandonment of by plaintiff, simplified procedure, **VIII-31:8**

Affidavit of verification of list of, on reference, **VIII-19:12**

Notice of contested, on reference, **VIII-19:13**

Notice to creditor, **VIII-19:61**

CLASS ACTIONS

See CLASS PROCEEDINGS

CLASS PROCEEDINGS

Appeal from orders

certification granted

motion for leave to appeal, **VIII-26:42**

notice of appeal, **VIII-26:43**

certification refused, notice of appeal

applicant, by, **VIII-26:40**

defendant, by, **VIII-26:41**

plaintiff, by, **VIII-26:40**

respondent, by, **VIII-26:41**

commentary, **VIII-26:39**

Application, notice of, interpretation of insurance policy, **VIII-26:4**

Certification

See CERTIFICATION

Costs orders

successful defendant

application to Law Foundation, **VIII-23:43**

general form, **VIII-23:42**

successful plaintiff, **VIII-23:41**

Extension of time, motion for

affidavit of plaintiff, **VIII-26:14**

commentary, **VIII-26:12**

notice of motion, **VIII-26:13**

order, **VIII-26:15**

Headings

action, **VIII-1:50**

CLASS PROCEEDINGS—Cont’d

- Headings—Cont’d
 - application, **VIII-1:51**
- Opting out, notice of, **VIII-26:38**
- Statement of claim
 - contest failure, **VIII-26:3**
 - defective product, **VIII-26:2**
- Statistical evidence, notice of
 - commentary, **VIII-26:44**
 - government statistics, **VIII-26:45**
 - private survey data, **VIII-26:48**
 - real estate values, **VIII-26:47**
 - stock market quotations, **VIII-26:46**
- Statistical evidence, notice to produce, **VIII-26:49**

CLEANING

- See ALTERATIONS BY TENANT; MAINTENANCE AND REPAIR

CLIENT

- Act in person, **VIII-1:82**
- Appointment of lawyer, **VIII-1:81**
- Direction, file transfer, **VI-1:6**
- Direction to pay settlement funds to law firm, **VI-1:7**
- Duties for parents and others, **VI-1:11**
- Information sheet, **VI-1:2**
- Letter
 - case management, **VIII-1:7**
 - engagement by corporation, **VIII-1:78**
 - initial to new client, **VIII-1:6**
 - offer to settle, consequences of
 - commentary, **VIII-21:1**
 - general form, **VIII-21:2**
 - to defendant where no plaintiffs offer, **VIII-21:5**
 - to defendant where offer from plaintiff, **VIII-21:6**
 - to plaintiff where no offer from defendant, **VIII-21:3**
 - to plaintiff where offer from defendant, **VIII-21:4**
- Letters to
 - final reporting letter, **VI-1:10**
 - follow-up to first meeting, **VI-1:3**
 - interim reporting letter, **VI-1:9**
 - opposing party, **VI-1:8**
- Memorandum to matrimonial clients, **VI-1:4**
- Representative, affidavit, change of venue motion, **VIII-15:8**
- Retainer
 - contingency fee, **VIII-1:69**

CLIENT—Cont'd

Retainer—Cont'd

corporate, **VIII-1:77; VIII-1:78**

authorization of, resolution, **VIII-1:79**

estate administration, **VIII-1:70**

intestacy, **VIII-1:71**

long form, **VIII-1:65**

multiple parties, **VIII-1:67**

personal, **VIII-1:64**

Retainer agreement, **VI-1:5**

Retainer agreement (alternate), **VI-1:5.50**

Settlement instructions

defendant accepting offer, **VIII-21:7**

direction

to lawyer, **VIII-21:12**

to other firm, **VIII-21:13**

plaintiff accepting offer, **VIII-21:8**

reject offer against recommendation, **VIII-21:10**

reject recommendation to submit offer, **VIII-21:11**

wrongful dismissal, **VIII-21:9**

CLIENT, TRANSFER OF CORPORATION TO

See CORPORATIONS

CLIENT INFORMATION SHEET

Generally, **VIII-1:4**

CLINICAL RECORDS

Motion for production of

affidavit, **VIII-9:40**

notice of motion, **VIII-9:39**

order, **VIII-9:41**

CLOSED MEETINGS INVESTIGATIONS

Council process for public release of information, **IX-1:57**

Policy and procedure by-law, **IX-1:56**

Request form for, **IX-1:58**

CLOSING AGENDA

See AGENDA

CLOUD COMPUTING

See also SOFTWARE

'As-a-service' models, overview, **X-9:32**

Benchmark or performance testing results, prohibition on disclosure, **X-9:18**

Checklist, **X-9:2**

Cloud service level agreement, **X-9:78**

CLOUD COMPUTING—Cont'd

- Code scanning and licence management service agreement, **X-9:69**
- Commentary, **X-9:93**
- Commentary, **X-9:1; X-9:3**
- Data processing addendum (DPA)
 - incorporating compliance provisions, **X-9:96**
 - processing of personal data by services provider on behalf of client, **X-9:95**
- Distribution agreement, cloud related data infrastructure, **X-29:7**
- End user agreement, **X-9:10.50**
- Escrow, data content, **X-9:29**
 - managed backup and archiving of, **X-9:31**
- Guide to models and services, **X-9:4**
- Hosting and terms of service, **X-4:251; X-9:11**
- Infrastructure as a service (“IAAS”), **X-9:59**
 - master services agreement, **9:59.30; 9:59.70**
- Infrastructure as a service agreement, **X-9:36**
- Integrated services, **X-9:94-9:97**
- Licence agreement, **X-9:9**
 - cloud application utility sub-licensing authorization, **X-9:97**
- Master services agreement
 - Infrastructure as a Service (IaaS), **X-9:38**
 - transformation and transition, **X-9:39**
 - transition terms (IaaS), **X-9:37**
- Migration contracting considerations in representing customer, **X-9:2.50**
- Network as a service, commentary, **X-9:40**
- Online backup, file sync and sharing terms of service, **X-9:12**
- Personal data, cloud services processing of, **X-3:44**
- Platform as a service (“PAAS”), **X-9:41; X-9:42**
 - agreement, US Form, **X-9:43**
- Privacy, personal data, and subscribing
 - checklist, **X-9:90**
 - personal data processing agreement (EU Access), **X-9:91**
- Request for information, **X-13:2**
- Reseller agreement, **X-9:16**
- Service levels
 - adjustment, percentage drop, **X-9:15**
 - guaranteed uptime provision, **X-9:14**
 - response times, **X-9:64**
- Services agreement, **X-9:5; X-9:6**
 - client may order cloud services, **X-9:7**
 - computing services, US form, **X-9:8**
 - hosting, subscription services, ex works, professional services, **X-9:10**
 - infrastructure as a service (“IAAS”), **X-9:59**

CLOUD COMPUTING—Cont'd

Services agreement, **X-9:5; X-9:6**—Cont'd

master, **X-9:20**

business process outsourcing, **X-9:21.50**

cloud services subscription and project services, **X-9:21**

favouring customer, **X-35:5**

platform as a service (“PAAS”), US form, **X-9:41**

private, **X-9:6**

remote support services, **X-9:5.50**

software as a service, **X-9:44**

Social network site, terms and conditions, **X-9:13**

Software as a Service (SaaS)

activation, **X-9:76**

agreement, healthcare, **X-9:47**

agreement, US Form, **X-9:50**

application, **X-9:61**

hosting licence, **X-9:65**

checklist, **X-9:45**

customer content, **X-9:72**

escrow agreement, three party, **X-9:28**

hosted application, **X-9:29**

evaluation agreement, **X-9:53; X-9:54**

Licence agreement

cloud hosted service, **X-9:19**

Licence clause, **X-9:71**

master services agreement, **X-9:70; X-24:4**

mobile access, licence and use of services, **X-9:57**

online terms of purchase and use, **X-9:58**

provider terms of service, U.S. form, **X-9:52**

remote access, **X-9:75**

right to perform services for others, **X-9:74**

server hosting, **X-9:73**

service agreement

code scanning and licence management, **X-9:69**

hosting support provisions and SLA exemptions, **X-9:68**

Share Purchase Agreement, **X-9:31.30**

Source code escrow provisions, **X-9:28**

subscription agreement, **X-9:57**

Subscription agreement (terms and conditions), **X-9:60**

subscription service, **X-9:49.50**

Subscription services, licence and use of services, **X-9:56**

terms and conditions, **X-9:49**

Terms and conditions, initiated through order form, **X-9:9.50**

terms of use agreement, **X-9:48; X-9:51**

CLOUD COMPUTING—Cont'd

- Software as a Service (SaaS)—Cont'd
 - trial subscription agreement, **X-9:59**
 - user agreement, **X-9:46**
 - XaaS (Anything as a Service), **X-9:33**
 - XaaS glossary, **X-9:33**
- Software licence agreement, cloud hosted service, **X-9:19**
- Statement of work (SOW), **X-9:4.50**
- Subscription agreement, **X-9:20**
- Support provisions
 - service plan selection and payment, **X-9:26**
 - support program, **X-9:27**
- Use provisions, **X-9:22**
 - evolving amendments, **X-9:23**
 - file storage and retrieval, **X-9:25**
 - pre-built virtual machine, use on, **X-9:24**

CLOUD SERVICE & SERVICE LEVEL AGREEMENTS

- Availability policy, **X-9:79**
- Commentary, **X-9:77**
- Customer covenants and warranties re data storage, **X-9:67; X-9:84**
- Infrastructure as a service, **X-9:85**
- Master cloud services agreement, **X-9:66; X-9:82; X-9:86-X-9:88**
- Master service agreement (provider's multi-cloud data processing platform), **X-9:89**
- Response time, **X-9:80**
- Service level
 - agreement availability policy, **X-9:63**
 - availability for subscription services, **X-9:65**
- Service level agreement, infrastructure as a service, **X-9:68**
- Subscription services, **X-9:81**
- System access online, U.S. Form, **X-9:83**
- Terms and conditions, U.S. Form, **X-9:62**

CLUBS

- Direction to carry on membership for family, **V-19:38**
- Gift of shares in, **V-11:58; V-11:59**

CLUBS AND ASSOCIATIONS

- By-laws, general form of, **I-22:3**
- Constitution
 - general form of, **I-22:2**
 - sports association, **I-10:40**

CODE OF CONDUCT

- Lobbyist, **IX-1:62**

CODE OF CONDUCT—Cont'd

Members of adjudicative boards, **IX-1:49**

Members of council, **IX-1:47**

Members of local boards, **IX-1:48**

CODICILS

Adding additional clauses to will, **V-5:3**

Amending will after divorce or separation, **V-5:5**

Changing specific clauses in will, **V-5:2**

Multiple wills, **V-5:7**

Replacing previous codicils, **V-5:6**

Republishing will in contemplation of marriage, **V-5:4**

COFFIN

Direction as to, **V-30:8**

COHABITATION AGREEMENTS

Family residence vs. "other" property, **VI-2:7**

Fixed spousal support based length of relationship, **VI-2:6**

COLLABORATION

Literary agreement, **I-12:24**

termination of, **I-12:25**

Musical composition, **I-51:28**

Translator's agreement, **I-12:85**

COLLATERAL CONTRACT

Statement of claim, **VIII-5:10**

COLLECTION

See **CONTRACTS**, statements of claim

COLLECTIVE AGREEMENTS

Accommodation, disabled employees, **VII-18:46**

Allowances

cost of living, **VII-18:29**

monetary, **VII-18:28**

Arbitration, **VII-18:13; VII-18:14**

expediting, **VII-18:15**

Assistance programs, **VII-18:52**

Bereavement leave, **VII-18:40**

Child care leave, **VII-18:38; VII-18:39**

Classification of jobs, **VII-18:26**

Contracting out, **VII-18:5**

Disability, accommodation of, **VII-18:46**

Discharge, **VII-18:10**

Discipline, **VII-18:10**

Discrimination, protection against, **VII-18:44**

COLLECTIVE AGREEMENTS—Cont’d
 Duration of agreement, **VII-18:54**
 Education, **VII-18:23**
 Employment equity, **VII-18:47**
 Grievance procedure, **VII-18:12**
 Harassment, sexual and workplace, **VII-18:50**
 Health and safety, **VII-18:48; VII-18:49**
 Health plans, **VII-18:41**
 Hours of work, **VII-18:31; VII-18:32**
 Job
 classification, **VII-18:26**
 evaluation, **VII-18:27**
 vacancies, **VII-18:19**
 Labour-management committee, **VII-18:51**
 Layoff and recall, **VII-18:24**
 Leave
 bereavement, **VII-18:40**
 child care, **VII-18:38; VII-18:39**
 pregnancy, **VII-18:38; VII-18:39**
 sick, **VII-18:37**
 Letters of intent, incorporation of, **VII-18:53**
 Lockouts, **VII-18:16**
 Management rights, **VII-18:9**
 Medical certificates, **VII-18:45**
 Overtime pay, **VII-18:33**
 Parental leave, **VII-18:38; VII-18:39**
 Part-time employees, **VII-18:30**
 Pay, **VII-18:28**
 call-in, **VII-18:34**
 overtime, **VII-18:33**
 reporting, **VII-18:34**
 severance, **VII-18:43**
 vacation, **VII-18:35; VII-18:36**
 Pensions, **VII-18:42**
 Performance appraisal, **VII-18:21**
 Personnel files, access to, **VII-18:22**
 Pregnancy leave, **VII-18:38; VII-18:39**
 Probationary employees, **VII-18:11**
 Promotions, **VII-18:19**
 testing for, **VII-18:20**
 Purpose of agreement, **VII-18:2**
 Recall, **VII-18:24**
 Recognition of union, **VII-18:3**
 Representation by union, **VII-18:7; VII-18:8**

COLLECTIVE AGREEMENTS—Cont'd

- Retirement, **VII-18:42**
- Security of union, **VII-18:6**
- Seniority, **VII-18:17; VII-18:18**
- Severance, **VII-18:43**
- Sexual harassment, **VII-18:50**
- Sick leave, **VII-18:37**
- Strikes, **VII-18:16**
- Technological change, **VII-18:25**
- Training, **VII-18:23**
- Union
 - bargaining unit work, **VII-18:4**
 - recognition, **VII-18:3**
 - representation, **VII-18:7; VII-18:8**
 - security, **VII-18:6**
- Vacations, **VII-18:35; VII-18:36**
- Wages, **VII-supra; VII-18:28; supra**

CO-LOCATION AGREEMENTS

- Commentary, **X-24A:1**
- Crypto mining, services, **X-24A:3.50**
- Data Center Master Service Agreement, **X-24A:6**
- Internet services and co-location agreement, **I-23:296.50**
- Internet Services and Co-Location Agreement, **X-24A:4**
- Services, **I-23:150**
- Services Agreement, **X-24A:2; 24A:3; 24A:3; 24A:7; 24A:7**
- Services agreement, space licence and services, **I-23:296.30**
- Terms of service, **X-24A:5**

COMMENCEMENT CLAUSES

- Codicil, **V-34:3**
- Will
 - general form, **V-34:2**
 - marriage, in contemplation of, **V-32:2**
 - non-probate, **V-39:3**
 - probate, **V-39:2**

COMMENCEMENT DATE

- See also **DELAY; FIXTURING PERIOD; TERM**
- Formula for determining, **IV-1:15; IV-1:16**

COMMERCIAL LIST

- Case timetable, **VIII-27:9**
- Commentary, **VIII-1:1**
- Heading, **VIII-1:49**

COMMERCIAL LIST—Cont'd

Motion

commentary, **VIII-13:25**general form, **VIII-13:26**Request form, **VIII-27:8****COMMERCIAL OFF-THE-SHELF SOFTWARE**Assumption of responsibility for intended use, **X-8:56**Authorized uses, **X-8:54**Commentary, **X-21:2**Disclaimer, high-risk activities, **X-8:62**Donationware (freeware) software licence agreement, **X-8:46**

End-use licence

agreement (governing right to download, install, access and use the software), **X-8:36.50**downloadable app, simplified term of use, **X-8:45**downloadable software, **X-8:36; X-8:37**DVD-based, shipped and downloadable software and support, **X-8:44**grant of, **X-8:43**time-sensitive software, **X-8:48**under paid or during evaluation period, **X-8:40.50**use and intellectual property rights, **X-8:41**U.S. provisions, **X-8:38-X-8:40**Free software, possible inclusion of, **X-8:63**General form of agreement, **X-8:35**Industry-specific software services and solutions, delivery and implementation, **X-8:50**Multiple users or machines, licence for, **X-8:37**

Open source clause

intellectual property, **X-8:66**licensing of software, **X-8:65**Privacy policy, statement of, **X-8:63**Prohibited uses and restrictions, **X-8:55**Proprietary markings, **X-8:58**Restrictions on use, **X-8:51**Single user desktop licence, **X-8:61**Software licence agreement, **X-8:47**general public licence open source software included, **X-8:49**multi-location suite of products, **X-8:42**

Software licence and support agreement

commentary, **X-21:2**commercialization schedule, **X-21:7**desktop software application, U.S. provisions, **X-21:4**general terms and conditions, **X-21:5**memorandum of understanding, **X-21:9**

COMMERCIAL OFF-THE-SHELF SOFTWARE—Cont'd

Software licence and support agreement—Cont'd
 order form, **X-21:3**
 software upgrade, **X-21:6**
Term, **X-8:57**
Third party product and installation of software, **X-8:60**
Updates, **X-8:59**

COMMISSION

Affidavit, checklist, **VIII-1:53.50**
Affidavit of service on, **VIII-3:4**
Evidence
 See COMMISSION EVIDENCE
Statement of claim, services, **VIII-5:19**

COMMISSION AGREEMENTS

Generally, **X-29:15**

COMMISSION EVIDENCE

Commentary, **VIII-15:44**
Commission, **VIII-10:18; VIII-15:48**
Commissioner, consent to act as, **VIII-15:51**
Examination of other witnesses, consent to, **VIII-15:50**
Letter of request, **VIII-10:19; VIII-15:49**
Motion for
 affidavit, **VIII-15:46**
 notice of motion, **VIII-15:45**
 order, **VIII-15:47**

COMMITTAL

Warrant for committal, **VIII-22:74; VIII-32:49**

COMMON AREAS

See also OPERATION BY LANDLORD
Control by landlord
 cart lease, **IV-3:7**
 industrial, **IV-2:3**
 kiosk lease, **IV-3:7**
 office, **IV-4:3; IV-4:4**
 pad, **IV-3:5; IV-3:6**
 retail, **IV-3:3**
 shopping centre, **IV-3:4**
Interruption of use, **IV-4:4**
Licence for short-term use, **IV-9:8**
Telecommunications, **IV-4:4**
Tenant not to interfere, **IV-4:4**

COMMON AREAS—Cont'd

Use by tenant

- cart lease, **IV-3:7**
- industrial, **IV-2:3**
- kiosk lease, **IV-3:7**
- multi-tenanted building offer provisions, no form of lease, **IV-1:16**
- office, **IV-4:3; IV-4:4**
- pad, **IV-3:5; IV-3:6**
- retail, **IV-3:3**
- shopping centre, **IV-3:3**

COMMON DISASTER

- Testator deemed to die first, **V-34:14**
- Testator deemed to survive, **V-34:15**

COMMON SHARES

Cash dividends, **II-7:2**

Certificates

- no transfer agent, **II-5:2**
- with transfer agent, **II-5:3**

Dividends in kind, **II-7:9**

Offerings

- agenda, closing, **II-24:23**
- direction re funds, **II-24:28**
- exempt distribution, **II-24:27**
- officer's certificate, **II-24:24-II-24:26**
- opinion of issuer's counsel, **II-24:29**
- officer's certificate, **II-24:26**

Private placement offering memorandum, **II-23:2**

Provisions

- no other classes, **II-6:3**
- other classes, **II-6:2**

Retirement

See **RETIREMENT OF SHARES**

Stock dividends, **II-7:5**

Subscription agreement, **II-23:13**

COMMUNITY, FUNDRAISING AND SPECIAL EVENTS

Policy, **IX-1:60**

COMMUNITY OF PROPERTY

- Confirmation of, **V-34:17**
- Exclusion of, **V-34:23**
- Exclusion of gifts from, **V-34:18**
- Testator separate as to property, **V-34:16**

COMPANIES

Personal corporation, power of trustees to deal with shares, **V-19:11**

Shares of

See CORPORATE SHARES

COMPANIES' CREDITORS ARRANGEMENT ACT

See ARRANGEMENTS WITH CREDITORS

Application

affidavit, **VIII-27:77**

commentary, **VIII-27:75**

consent of monitor, **VIII-27:79**

judgment, **VIII-27:78**

notice of application, **VIII-27:76**

COMPENDIUM

Appeal book and, **VIII-28:117**

Respondent, of, **VIII-28:126**

COMPENSATION

See WORKERS' COMPENSATION

COMPENSATION COMMITTEE

Directors' resolution appointing, **II-10:35**

Directors' resolution forming, **II-10:34**

Terms of reference, **II-10:36**

COMPETITION

Employee, interlocutory injunction

affidavit of co-worker, **VIII-14:5**

affidavit of defendant in response, **VIII-14:6**

affidavit of superior, **VIII-14:4**

commentary, **VIII-14:2**

notice of motion, **VIII-14:3**

order, injunction granted, **VIII-14:8**

order, injunction not granted, terms imposed, **VIII-14:9**

undertaking as to damages, **VIII-14:7**

Restrictive covenant, interlocutory injunction

affidavit, **VIII-14:25**

commentary, **VIII-14:23**

notice of motion, **VIII-14:24**

order, **VIII-14:26**

COMPLAINTS

See COUNCIL; GARBAGE; MUNICIPAL GOVERNMENT OVERSIGHT

COMPLETE POWERS OF ATTORNEY

Sample assets situs in Canada with testator domiciled

inside of, **V-39A:18**

COMPLETE POWERS OF ATTORNEY—Cont'd

- Sample assets situs in Canada with testator domiciled—Cont'd
outside of, **V-39A:17**
- Sample excluding a specific jurisdiction with testator
domiciled inside, Canada, **V-39A:20**
domiciled outside, Canada, **V-39A:19**

COMPLETE WILLS

- See OUTRIGHT DISTRIBUTIONS; TRUST WILLS

COMPLEX MOTIONS

- Letter on, Toronto Motions Court, **VIII-13:10**
- Motion to designate single judge to hear
affidavit, **VIII-13:80**
commentary, **VIII-13:78**
form of, **VIII-13:79**
order, **VIII-13:81**

COMPLEX TRACK

- See CASE MANAGEMENT

COMPULSORY ACQUISITIONS

- See TAKEOVER BIDS

COMPUTERS

- Accessibility policy, **I-23:99**
- Alternative dispute resolution
arbitration
 - American Arbitration Association, **I-23:403**
 - claim, dispute adjudication and arbitration, **I-23:405**
 - International Court of Arbitration, **I-23:412**
 - Ontario Arbitration Association, **I-23:404**
 - rules of procedure, **I-23:415**
 - UNCITRAL, **I-23:416**
- diligent efforts, failing which final and binding arbitration, **I-23:407**
- dispute resolution by single expert, **I-23:410**
- escalation procedure, **I-23:409**
- escalation to information management committee, followed by submission
to arbitration, **I-23:408**
- face-to-face negotiation followed by mediation, **I-23:411**
- mandatory arbitration, class action waiver, jury waiver, **I-23:413**
- mandatory mediation and arbitration, **I-23:406**
- resolution of disputes, **I-23:414**
- Anti-virus warranty, **I-23:230**
- Application service provider agreement, **I-23:336**
- Assignment
change in control, **I-23:504**

COMPUTERS—Cont'd

Assignment—Cont'd

- no assignment, **I-23:505**
 - exceptions, **I-23:506**
 - except where change of control, **I-23:507**
 - no change in control, **I-23:502**
 - only by provider, **I-23:503**
 - use rights by subsidiaries and affiliates of licensee, scope of, **I-23:508**

Audit and records inspection

- product use by licensor, **I-23:417**
- rights, **I-23:418; I-23:421; I-23:423; I-23:424**
 - licensee, of, **I-23:420**
 - provider of, **I-23:419**
 - reciprocal, **I-23:422**
 - services provider, of, **I-23:419**

Bankruptcy and insolvency

- source code escrow, **I-23:425**
- vendor bankruptcy, **I-23:426**

Benchmark results, client prohibition against disclosure, **I-23:264**

Bring Your Own Device

- acceptable use policy forming part of provider's service agreement, **I-23:176.70**
- acceptable use policy for mobile devices, **I-23:176.80**

Bring-your-own-device policy, **IX-1:208**

Business conduct

- code of ethics and ethical principles, **I-23:79**
- IT provider's published policy, **I-23:77**
- professional conduct, **I-23:78**

Choice of law

- arbitration, and, **I-23:429; I-23:485**
- attornment to provincial jurisdiction, **I-23:430; I-23:483**
- compliance with law, **I-23:433**
- governing law
 - general commercial arbitration rules, **I-23:432**
 - respect of specific statement of work, **I-23:434**
- jurisdiction, **I-23:485.30**
- United Nations Convention on Contracts for the International Sale of Goods, exclusion of, **I-23:427; I-23:428; I-23:431; I-23:484**

Cloud computing

- activation, **I-23:278**
- anything as a service glossary, **I-23:280.70**
- application service provider agreement, **I-23:336**
- benchmark results, client prohibition against disclosure, **I-23:264**
- cloud services agreement, **I-23:260**

COMPUTERS—Cont'd

Cloud computing—Cont'd

- cloud services level agreement, **I-23:551.20**
 - commentary, **I-23:281**
 - customer content, **I-23:274**
 - escrowed data, **I-23:359.97**
 - general terms and conditions, **I-23:272.50**
 - guaranteed uptime under service level agreement provisions, **I-23:263**
 - hosting and terms of service, **I-23:261**
 - infrastructure as service agreement, **I-23:279**
 - transformation and transition under, **I-23:279.70**
 - licence clause, **I-23:273**
 - master cloud service agreement, **I-23:259; I-23:283**
 - master infrastructure as a service agreement, **I-23:279.30**
 - master subscription agreement, **I-23:265**
 - online file storage and distribution agreement, **I-23:96**
 - personal data processing agreement for cloud services, **I-23:283.60**
 - platform as service agreement, US form, **I-23:280**
 - request for information, **I-23:291**
 - right to perform services for others, **I-23:276**
 - server hosting, **I-23:275**
 - service level availability, **I-23:282**
 - service plan selection and payment, **I-23:267**
 - service subscription agreement, software as, **I-23:290**
 - social network site, **I-23:262**
 - software as a service subscription agreement, **I-23:272**
 - software as a service user agreement, **I-23:289**
 - three party software as a service escrow agreement, **I-23:359.95**
 - using remote access and control features, **I-23:277**
 - utilization provisions, **I-23:266**
- Confidentiality, **I-23:435-I-23:437**
- duty, **I-23:440**
 - exclusions to, **I-23:438**
 - legally required disclosure of confidential information, **I-23:442**
 - supplier's proprietary information, **I-23:441**
- Consulting services
- access, **I-23:355**
 - approval requests, for, **I-23:357**
 - change procedure for services, **I-23:351**
 - client responsibilities, **I-23:358**
 - computer, **I-23:349**
 - digital media, **I-25:34**
 - employment, offers of, **I-23:356**
 - engagement letter for, **I-23:341**

COMPUTERS—Cont'd

Consulting services—Cont'd

- general agreement, **I-23:348**
- independent contractor, **I-23:347**
- professional services agreement
 - general, **I-23:342; I-23:343**
 - negotiated, **I-23:345**
 - short form, **I-23:344**
- property rights, **I-23:353**
- representations and warranties, service provider, **I-23:359**
- steering committee, **I-23:354**
- termination, **I-23:352**

Customer, most favoured, **I-23:501.30**

Databases

See DATABASES

Data services

- common data, assembly and sharing of, **I-23:250**
- data center master service agreement, **I-23:240**
- delay in data quotes, **I-23:257**
- disclaimer of liability, **I-23:256**
- document retrieval services member conduct, **I-23:257.50**
- e-content, **I-23:244**
- financial institution, **I-23:242**
- geospatial sets, maintenance of, MOU, **I-23:249.40**
- healthcare providers, **I-23:251**
- licence agreement, **I-23:245; I-23:247**
- limited use data product, **I-23:249**
- master agreement, **I-23:241**
- master service agreement, IT products and services including application development and maintenance, **I-23:257.100**
- processing services, **I-23:237.50; 23:238**
- restricted uses, **I-23:252; I-23:255**
- short form confidentiality agreement, **I-23:254**
- site access licence, **I-23:248**
- standard of care, **I-23:239**
- terms of use, subscription news services, **I-23:246**
- user-submitted content, **I-23.249.50**

Definitions

- acceptance, **I-23:557**
 - date, **I-23:558**
 - final, **I-23:713**
 - notice, **I-23:559**
 - testing, **I-23:561**
 - test period, **I-23:560**

COMPUTERS—Cont'd

Definitions—Cont'd

- acceptance, **I-23:557**—Cont'd
 - tests, **I-23:562**
- account, **I-23:563**
 - balance, **I-23:564**
 - master, **I-23:565**
- accounting principles, **I-23:565.50**
- add-on, **I-23:567**
- adverse, **I-23:569**
- advertisers, **I-23:570**
- advertising rights, **I-23:571**
- affiliate, **I-23:572**
- affiliates, **I-23:572.50**
- agreement, **I-23:573**
 - interpretation of, **I-23:750.50**
- anonymous information, **I-23:574**
- applicable law, **I-23:575**
- application forms, **I-23:577**
- application programming interface (api), **I-23:577.50**
- application software, **I-23:578**
 - package, **I-23:579**
- arm's length, **I-23:579.50**
- associated company, **I-23:580**
- authority, **I-23:583**
- authorized
 - officer, **I-23:584**
 - personnel, **I-23:585**
 - purposes, **I-23:586**
 - sub-contractor, **I-23:587**
 - user, **I-23:588**
- author's confidential information, **I-23:582**
- background information, **I-23:588.50**
- background IP, **I-23:588.70**
- background technology, **I-23:589**
- background technology and third-party technology, **I-23:589.50**
- backup facility, **I-23:590**
- banner, **I-23:591**
- best practice, **I-23:592**
- billing period, **I-23:593**
- body corporate, related, **I-23:894**
- browser, **I-23:594**
- budget, **I-23:595**
- bug fixes, **I-23:596**

COMPUTERS—Cont'd

Definitions—Cont'd

- bundled product, **I-23:597**
- business
 - day, **I-23:598; I-23:599**
 - hours, **I-23:600; I-23:822**
 - information, **I-23:601**
- buyer
 - companies, **I-23:602**
 - supplied equipment, **I-23:603**
- Canadian GAAP, **I-23:604.50**
- Canadian price list, company, **I-23:619**
- card location, **I-23:605**
- change in law, **I-23:606.50**
- change in or of control, **I-23:606**
- change in ownership, **I-23:606.70**
- claims, **I-23:607**
- click-through, **I-23:608**
- client
 - addenda, **I-23:609**
 - content, **I-23:610**
 - event of default, **I-23:611**
 - properties, **I-23:612**
- closed network, **I-23:613**
- closing date, **I-23:614**
- code, **I-23:615**
- commencement date, **I-23:616**
- commercially reasonable efforts, **I-23:617**
- community server, **I-23:618**
- competitive business, **I-23:620**
- computer, **I-23:621**
 - facility, **I-23:622**
 - operations, **I-23:623**
 - software, **I-23:624**
 - technology, **I-23:625**
- confidential
 - data, **I-23:625.50**
 - information, **I-23:626-I-23:628**
 - material, **I-23:629-I-23:631**
- conflict in documents, **I-23:631.50**
- conflict of interest, **I-23:632**
- consultant developments, **I-23:633**
- consultant's business, **I-23:634**

COMPUTERS—Cont'd

Definitions—Cont'd

content owner

brand, **I-23:635; I-23:636**news services, **I-23:637**search engine, **I-23:638**software, **I-23:639**system, **I-23:640**continuation period, **I-23:641**control, **I-23:642**control panel, **I-23:643**conversion, **I-23:644**copy, **I-23:645**CPI, **I-23:604**cryptocurrency wallets explained, **I-23:645.50**custom developed software, **I-23:646**customer, **I-23:647**affiliates, **I-23:648**audit program, **I-23:648.50**content, **I-23:649**data, **I-23:650; I-23:651**information, **I-23:652**non-specified, **I-23:821**software, **I-23:650; I-23:653; I-23:655**supplied resources, **I-23:654**technology, **I-23:655**customization, **I-23:656**cutover, **I-23:657**cybersecurity, **I-23:657.50**data, **I-23:658**entry, **I-23:659**processing services, **I-23:660**protection law, **I-23:662**protection law(s) (and regulations), **I-23:662.50**security policy, **I-23:661**date of acceptance, **I-23:663**day, **I-23:664**deficiency, **I-23:666**error, or, **I-23:665**notice, **I-23:667**deliverables, **I-23:668**deposit, **I-23:670**deposit documents, **I-23:670.50**derivative work, **I-23:671**

COMPUTERS—Cont'd

Definitions—Cont'd

- description of services, **I-23:672**
- designated
 - computers, **I-23:675**
 - equipment, **I-23:676**
 - location, **I-23:677**
 - system, **I-23:678**
- designated administrative access, **I-23:674**
- design services, **I-23:673**
- design work, **I-23:673.50**
- developer products, **I-23:680**
- development
 - licence, **I-23:681**
 - software, **I-23:682**
- disaster, **I-23:683**
 - notification, **I-23:684; I-23:685**
- disclosed data, **I-23:685.50**
- disclosure, **I-23:686**
- discriminatory change in tax law, **I-23:686.50**
- dispute resolution procedure, **I-23:687**
- distributors, **I-23:688**
- document, **I-23:689**
- documentation, **I-23:688**
 - associated, **I-23:581**
- downtime, **I-23:691**
- drone, **I-23:691.50**
- effective date, **I-23:692**
- effective performance level, **I-23:693**
- electronic signatures, **I-23:703**
- embedded software, **I-23:693.50**
- emergency, **I-23:694**
- emergency maintenance, **I-23:695**
- employee total annual compensation, **I-23:696**
- encumbrances, **I-23:697**
- end-user, **I-23:698**
 - licence agreement, **I-23:699**
 - software, **I-23:700**
- enhancement, **I-23:701**
- enterprise, **I-23:702**
- entire agreement, **I-23:703**
- environmental attributes, **I-23:704.50**
- equipment, **I-23:706**
 - configuration, **I-23:707**

COMPUTERS—Cont'd

Definitions—Cont'd

- equity interest, **I-23:707.50**
- equivalent activity, **I-23:707.70**
- error, **I-23:705**
- escrow agent, **I-23:707.80**
- escrow agreement, **I-23:708**
- escrow materials, **I-23:708.10**
- escrow provider, **I-23:708.20**
- escrow provider event of default, **I-23:708.30**
- ethical standards, **I-23:708.50**
- excused unavailability, **I-23:709**
- excusing event, **I-23:709.50**
- expenses, **I-23:710**
 - non-personnel, **I-23:820**
- fair market value, **I-23:710.70**
- fees, **I-23:712**
 - additional, **I-23:568**
- final completion, **I-23:713.50**
- financial information, **I-23:714**
- financial institution, **I-23:714.50**
- FIPPA, **I-23:710.50**
- force majeure, **I-23:715; I-23:715.50**
- full system backup, **I-23:716**
- full-use programs, **I-23:717**
- full user, **I-23:718**
- functionality, **I-23:720**
- functional specifications, **I-23:719**
- GDPR (general data protection regulation), **I-23:720.50**
- general provisions - entire agreement, **I-23:722**
- global statistics, **I-23:723**
- good industry practice, **I-23:723.50**
- governing laws, **I-23:723**
- governmental approvals, **I-23:725.50**
- government authority, **I-23:725**
- GPL software, **I-23:721**
- guest operating systems, **I-23:726**
- hardware, **I-23:728**
- harmful code, **I-23:729**
- has knowledge or have knowledge, **I-23:729.30**
- hazardous material, **I-23:729.70**
- herein, hereof and hereunder, **I-23:730**
- hit, **I-23:731**
- home page, **I-23:732**

COMPUTERS—Cont'd

Definitions—Cont'd

- hosting services, **I-23:733**
- house account, **I-23:734**
- HTML, **I-23:727**
- hyperlink, **I-23:735**
- implementation
 - date, **I-23:736**
 - period, **I-23:737**
 - plan, **I-23:738**
 - schedule, **I-23:739**
 - services, **I-23:740**
- impression, **I-23:741**
- independent contractor, **I-23:741.50**
- industry standards, **I-23:742**
- information, **I-23:742.50**
- information management, **I-23:743**
- information technology audit program, **I-23:743.50**
- input data, **I-23:746**
- insolvency, act of, **I-23:566**
- insolvency legislation, **I-23:743.50**
- installation
 - date, **I-23:747**
 - sites, **I-23:748**
- intangible assets, **I-23:743.70**
- integrated product, **I-23:744**
- intellectual property, **I-23:31; I-23:749**
 - rights, **I-23:750**
- interest rate, **I-23:750.30**
- interpretation, **I-23:750.70**
- inventions, **I-23:751**
- ISO-compliant data security policy, **I-23:752**
- IT, **I-23:753**
- joint know-how, **I-23:754**
- know-how, **I-23:754.50**
- knowledge transfer, **I-23:755**
- laws, **I-23:756**
- laws and regulations, **I-23:758**
- legal proceeding, **I-23:759**
- liabilities, **I-23:760**
- licence
 - agreement, **I-23:761**
 - fee, **I-23:762**
 - information, **I-23:763**

COMPUTERS—Cont'd

Definitions—Cont'd

- licensed
 - additional module, **I-23:764**
 - documentation, **I-23:765**
 - licensed software, **I-23:772.50**
 - materials, **I-23:766**
 - process, **I-23:767**
 - program, **I-23:768-I-23:771**
 - rights, **I-23:772**
 - third party software, **I-23:773**
- licensee affiliate, **I-23:774**
- link, **I-23:776**
- loan application licence, **I-23:778**
- losses, **I-23:778.50**
- maintenance, **I-23:781**
 - fee, **I-23:782**
- major impact, **I-23:783**
- managed services, **I-23:783.50**
- mandatory enhancements, **I-23:784**
- manufacturing licence, **I-23:785**
- marketing
 - arrangements, **I-23:786**
 - information, **I-23:787**
 - licence, **I-23:788**
- marks, **I-23:789**
- master file, **I-23:790**
- material, **I-23:791; I-23:793**
 - adverse change, **I-23:791.20**
 - adverse effect, **I-23:791.30**
 - breach, **I-23:791.70**
 - defect, **I-23:792**
- mean time to repair, **I-23:794**
- metadata, **I-23:794.50**
- methodology, **I-23:795**
- MFIPPA, **I-23:796**
- milestone, **I-23:797**
 - date, **I-23:798**
 - payment, **I-23:799**
 - payment schedule, **I-23:800**
- minimum equipment configuration, **I-23:801**
- minor impact, **I-23:801**
- modifications, **I-23:803**
- module, **I-23:804**

COMPUTERS—Cont'd

Definitions—Cont'd

- modules, components and scripts, **I-23:805**
- monthly revenue, **I-23:806**
- moral rights, **I-23:807**
- most favoured customer, **I-23:808**
- multiple disaster, **I-23:809**
- Municipal Freedom of Information and Protection of Privacy Act, **I-23:796**
- named user, **I-23:810**
 - seat licence, **I-23:811**
- nature of business, **I-23:812**
- necessary claims, **I-23:813**
- net invoice amount, **I-23:814**
- net present value, **I-23:814.30**
- network server, **I-23:814.70**
- network services, **I-23:815**
- non-excludable term, **I-23:818**
- nonexcusable event, **I-23:818.50**
- non-personal information, **I-23:819**
- non-personnel expenses, **I-23:820**
- notice, **I-23:823**
 - acceptance, of, **I-23:824**
- object code, **I-23:825**
- OEM product, **I-23:826**
- open network, **I-23:827**
- open source software, **I-23:828**
- operating
 - environment, **I-23:829**
 - systems, **I-23:830**
- operations services, **I-23:831**
- order form, **I-23:832**
- organizational document, **I-23:832.50**
- output data, **I-23:833**
- outside website, **I-23:833.50**
- outsourcing agreement
 - committee, **I-23:834**
 - factor, **I-23:835**
- page, **I-23:837**
- page view, **I-23:838**
- parties to an agreement, **I-23:840**
- partner, **I-23:839**
- partnership agreements, **I-23:839.50**
- party or parties, **I-23:841**
- passwords, **I-23:842**

COMPUTERS—Cont'd

Definitions—Cont'd

- payment schedule, **I-23:843**
- performance
 - dates, **I-23:845**
 - milestones, **I-23:846**
- permits, **I-23:846.70**
- permitted borrowing, **I-23:846.30**
- permitted encumbrances, **I-23:847**
- permitted number, **I-23:848**
- permitted use, **I-23:849**
- person, **I-23:844**
- personal data, **I-23:850**
- personal data breach, **I-23:850.50**
- personal information, **I-23:851**
- personally identifiable information, **I-23:851.70**
- personal records, **I-23:851.50**
- personnel, **I-23:852**
- phase, **I-23:853**
- PHIPA, **I-23:836**
- planned downtime, **I-23:854**
- porting licence, **I-23:855**
- posting date, **I-23:856**
- PP persons, **I-23:836.50**
- pre-existing works, **I-23:857**
- prescribed form, **I-23:857.50**
- price list, **I-23:858**
- prime contract, **I-23:858.50**
- prime contracting period, **I-23:859**
- prime contractor, **I-23:859.50**
- prior authorized sub-contractor services, **I-23:862**
- privacy laws, **I-23:862.50**
- procedures manual, **I-23:863**
- proceeding, **I-23:865**
- processing, **I-23:864.50**
- processor, **I-23:865**
- product, **I-23:866**
 - bundled, **I-23:597**
 - documentation, **I-23:867**
 - services, and, **I-23:870**
 - update, **I-23:868**
 - upgrade, **I-23:869**
- professional services, **I-23:871**
- program, **I-23:872**

COMPUTERS—Cont'd

Definitions—Cont'd

- prohibited act, **I-23:872.50**
- project, **I-23:873**
 - charter, **I-23:874**
 - documentation, **I-23:875**
 - intellectual property, **I-23:875.50**
 - plan, **I-23:876**
 - schedule, **I-23:877**
 - staff, **I-23:878**
- proof of entitlement, **I-23:879**
- proposal, **I-23:880**
- proprietary data, **I-23:880.50**
- proprietary information, **I-23:31; I-23:881**
- proprietary rights, **I-23:882**
- proprietary software solution, **I-23:882.50**
- prototype, **I-23:883**
- provider
 - hardware, **I-23:884**
 - software, **I-23:885**
 - system, **I-23:886**
- public access module, **I-23:887**
- purchased assets, **I-23:888**
- rates, **I-23:890**
- receiver, **I-23:891**
- recipient, **I-23:892**
- recovery centre operations manual, **I-23:893**
- references, referenced documentation and interpretation, **I-23:893.70**
- registered name, **I-23:893.30**
- related body corporate, **I-23:894**
- release, new, **I-23:816**
- relevant change in law, **I-23:894.30**
- relevant laws, **I-23:894.50**
- representatives, **I-23:894.70**
- requirements of law, **I-23:895**
- research and development, **I-23:896**
- residual information, **I-23:897**
- residuals, **I-23:898**
- resolution, **I-23:899**
- response level and service levels, **I-23:899**
- response time, **I-23:900**
- restricted person, **I-23:900.50**
- RFP, municipal, **I-23:889**
- run-time version, **I-23:901**

COMPUTERS—Cont'd

Definitions—Cont'd

- sale, **I-23:902**
- sample programs, **I-23:903**
- screen, **I-23:904**
- sender, **I-23:905**
- service
 - fees, **I-23:907**
 - level, **I-23:908; I-23:909**
 - provider event of default, **I-23:911**
- services, **I-23:912**
 - sub-contractor, prior authorized, **I-23:862**
- service time, **I-23:910**
- smart grid, **I-23:912.50**
- software, **I-23:913**
 - contracts, **I-23:915**
 - custom developed, **I-23:646**
 - documentation, **I-23:611**
 - escrow, **I-23:916.50**
 - new, **I-23:817**
 - problems, **I-23:918**
 - services, and, **I-23:914**
 - source code, **I-23:919**
 - support services, **I-23:920**
- source
 - code, **I-23:921**
 - code escrow, **I-23:921.50**
 - materials, **I-23:922**
- specifications, **I-23:923**
 - detailed, **I-23:679**
 - functional, **I-23:719**
- specified customer, **I-23:924**
- standards, **I-23:924.50**
- statement of work, **I-23:925**
- statutory reference, **I-23:926**
- subcontractor, **I-23:927**
 - services, prior authorized, **I-23:862**
- subdistributor, **I-23:928**
- sublicence, **I-23:929**
- sublicensee, **I-23:930**
- sublicensing revenues, **I-23:931**
- subscription fee, **I-23:932**
- subscription plan, **I-23:932.50**
- subsidiary, **I-23:933**

COMPUTERS—Cont'd

Definitions—Cont'd

- substantial completion, **I-23:933.50**
- successor in interest, **I-23:934**
- supervening events, **I-23:934.50**
- supplemental services, **I-23:935**
- supplied information, **I-23:936**
- supplier
 - business hours, **I-23:937**
 - developed property, **I-23:938**
 - intellectual property, **I-23:939**
 - servers, **I-23:940**
- supply agreement, **I-23:941**
- supply chain, **I-23:941.50**
- support, **I-23:942**
 - agreement, **I-23:943**
 - request, **I-23:944**
 - software, **I-23:945**
- system, **I-23:946**
 - design specifications, **I-23:947**
 - software, **I-23:948**
 - software package, **I-23:949**
- taxes, applicable, definition, **I-23:576**
- tax or taxes, **I-23:949.50**
- technical
 - services, **I-23:950**
 - support, **I-23:951**
- technology, **I-23:952**
 - background, **I-23:589**
- term, **I-23:953**
- terms and conditions, **I-23:953.50**
- territory, **I-23:954**
- test criteria, **I-23:955**
- third party
 - components, **I-23:956**
 - products, **I-23:958**
 - programs, **I-23:959**
 - software, **I-23:960**
- tool bar, **I-23:961**
- tools, **I-23:962**
- trademark assets, **I-23:963**
- trade secrets, **I-23:964**
- traffic, **I-23:965**
- training, **I-23:966**

COMPUTERS—Cont'd

Definitions—Cont'd

- transaction date, **I-23:967**
- transfer date, **I-23:967.50**
- trial mode, **I-23:968**
- trial package, **I-23:969**
- uninsurable, **I-23:969.50**
- unique applications software, **I-23:970**
- updates, **I-23:971**
- upgrade, **I-23:972**
- uptime, **I-23:973**
- URL, **I-23:974**
- usage, **I-23:974.50**
- usage statistics, **I-23:975**
- use, **I-23:976**
- use of intellectual property, **I-23:977**
- user, **I-23:978**
- value-added package, **I-23:979**
- variation notice, **I-23:980**
- vendor, **I-23:981**
- virtual machine, **I-23:982**
- warranty period, **I-23:983**
- web
 - analytics service, **I-23:984**
 - browser, **I-23:985**
 - pages, **I-23:986**
 - server, **I-23:987**
 - site, **I-23:988**
- work, **I-23:989**
 - order, **I-23:990**
 - product, **I-23:991**
 - schedule, **I-23:992**
 - system design and implementation, **I-23:993**

Disclaimer

- content, **I-23:106**
- copyright statement, with, **I-23:112**
- general, **I-23:107**
 - preservation of intellectual property rights, and, **I-23:110**
- guidelines and, **I-23:108**
- illustrative purposes, information provided for, **I-23:118**
- information acquired through information providers, **I-23:116**
- investment advice, **I-23:115**
- legal notice, and, **I-23:113; I-23:114**
- malfunction of console, computer or handheld device, **I-23:86; I-23:111**

COMPUTERS—Cont'd

Disclaimer—Cont'd

- online mall operator, of, for purchases, **I-23:101**
- performance levels, **I-23:117**
- social media, **I-23:455**
- third party network provider liability, **I-23:95**
- warranties, limitation of liability and indemnification of, **I-23:119**
- website legal disclaimer, **I-23:109**

Drafting, plain language

- confidentiality, **I-23:402**
- master agreement
 - equipment purchase, U.S. form, **I-23:399**
 - services agreement, U.S. form, **I-23:401**
 - software and services, U.S. form, **I-23:400**
- non-disclosure agreement
 - reciprocal U.S. form, **I-23:398**
 - unilateral form, **I-23:397**

E-commerce

- See E-COMMERCE

Electronic acceptance

- agreement, of, and provision of electronic notices, **I-23:458**
- terms and conditions, of, **I-23:459**

Environment, impact on, **I-23:485.70**

Escrow

- See source code escrow, *infra*
- See Source code escrow, *infra*

Export

- control, **I-23:133**

Force majeure (excusable delay), **I-23:460; I-23:461**

- internet service interruptions, vandalism, **I-23:462**

Funding and securitization

- changes to, **I-23:463**
- limitation on licence, **I-23:464**

General contract provisions

- acceptable use policy, **I-23:402.30**
- accessibility, **I-23:79.30; 23:79.50; 23:79.70**
- adverse circumstances, **I-23:402.70**
- amendments, modifications, associated requirements and procedures,
I-23:498; I-23:517
 - by posting on provider's website, **I-23:501**
 - engineering changes, **I-23:499**
 - to website agreement, **I-23:500**
- anti-corruption laws, compliance with, **I-23:434.30**

COMPUTERS—Cont'd

General contract provisions—Cont'd

- artificial intelligence
 - cooperation on, **I-23:416.30**
 - prohibition of, specified application or services, **I-23:416.70**
 - usage prohibition, **I-23:416.50**
- authority of company, non-contravention, **I-23:465.50**
- brokers, **I-23:467**
- change in control, **I-23:426.40**
- change orders, **I-23:426.50; 23:426.60; 23:426.70**
- changes, **I-23:426.50**
- changes orders, **I-23:426.70**
- commercially reasonable efforts, **I-23:467.50**
- confidential information covenants and duty, **I-23:442.50; 23:434.60; 23:434.70**
- confidentiality of service provider, **I-23:434.40**
- conflicting instruments, absence of, **I-23:465**
- contractual and regulatory approvals, **I-23:468**
- coordination with other vendors, **I-23:470**
- counterparts and facsimile signatures, **I-23:443; I-23:444**
- cumulative rights, **I-23:469**
- effect of waiver, **I-23:457.50**
- entire agreement, **I-23:445; I-23:446**
- environment, impact on, **I-23:485.70**
- glossary, **I-23:472**
- hazardous materials, **I-23:485.50**
- independent contractors, **I-23:472.50; I-23:473**
- independent status of parties (non-agency), **I-23:474**
- innovation disclosure forms, **I-23:44.60**
- intellectual property — representations and warranties, **I-23:497.10**
- interpretation of agreement, **I-23:497.30**
- lawful purpose, **I-23:475**
- malicious code, disabling code, **I-23:497.100**
- most favoured customer, **I-23:501.30**
- no class actions, **I-23:476**
- no reliance, **I-23:501.70**
- parties to act in good faith, **I-23:482.50**
- parties to act reasonably, **I-23:477**
- personal guarantee, **I-23:478**
- quiet enjoyment, **I-23:447**
- reference to a statute, **I-23:479**
- residency, Canadian, **I-23:547.50**
- restrictions on developer, directors, members, officers, employees, **I-23:459.50**

COMPUTERS—Cont'd

General contract provisions—Cont'd

- software licence covering licensor, **I-23:497.50**
- source code, **I-23:497.70**
- step-in rights, **I-23:551.120; I-23:556.30**
- survival of covenants on assignment, **I-23:551.93**
- terms and conditions, changes to, **I-23:426.10; 23:426.20**
- typographical errors, **I-23:482**
- use of name and logo on client lists, **I-23:546.50**
- wireless services, provision of, **I-23:551.85**
- work, changes to, **I-23:426.30**

Indemnification, **I-23:486**

- reciprocal indemnity for breach of term, **I-23:487**

Independent contractor, consulting, **I-23:366**

Information collection guideline, **I-23:44.40**

Insurance, **I-23:492**

- all inventions, data, etc. belong to manufacturer not consultant, **I-23:494**
- assignment of IP rights and post-employment continuation as term of employment, **I-23:494**
- compliance with laws, **I-23:490; I-23:491**
- contractor/sub-contractor information exchange, **I-23:494**
- proof of, **I-23:493**
- proof of WSIB, **I-23:494**

Intellectual property and copyright indemnity

- all inventions, data, works, discoveries, belong to licensor, **I-23:494.40**
- contractor/sub-contractor information exchange, **I-23:494.60**
- ownership and proprietary rights, **I-23:494.120**
- ownership of proprietary intellectual property, **I-23:494.140**
- patent and copyright indemnity, **I-23:494.20**
- property ownership, disclosure of inventions, obtaining protection, **I-23:494.160**
- services, graphics, video & audio clips, **I-23:494.80**
- use of trademarks, **I-23:494.100**

Intellectual property assets

- agreements, **I-23:44.50**
- confidential information, **I-23:10; I-23:11**
 - obligations statement, **I-23:14**
 - policy statement, **I-23:3**
 - alternate, **I-23:5**
- confidentiality, **I-23:12**
- confidentiality and non-disclosure, **I-23:6**
- confidential materials, **I-23:13**
- data protection agreement, **I-23:8**
- definition, **I-23:33; I-23:749; I-23:750**

COMPUTERS—Cont'd

Intellectual property assets—Cont'd

marking sample, **I-23:30**

moral rights, waiver of

consultant by, **I-23:23**

copyright assignment and

corporation, of, **I-23:25**individual, of, **I-23:26**subcontractor, of, **I-23:27**creator, by, **I-23:22**customer, by, **I-23:21**employee, by, **I-23:24**

ownership and title

acknowledgment of, right to use residual knowledge, **I-23:40**copyright in searched or retrieved documents, **I-23:43**covenants, of, **I-23:37**pre-existing deliverables and properties, **I-23:41**restrictions, proprietary and copyrighted material, **I-23:42**software and data, ownership rights, in, **I-23:39**trade mark licence agreement, **I-23:38**U.S. rights, **I-23:18**permission to reproduce, copyright and, **I-23:39.50**

privacy and security

customer personal information, measures to protect security and privacy
of, **I-23:8.60**exculpatory provisions, **I-23:8.10**

policy

company, **I-23:8.90**customer's responsibility to enforce, **I-23:8.80**general, **I-23:8.20**innovation and IP policy, **I-23:44.20; 23:44.30**merchant's, **I-23:8.40**messenger services, **I-23:8.50**rules, security and usage, **I-23:8.30**SSL or FTP software, use of, **I-23:8.70**

proprietary rights, protection of

clause, **I-23:14**client's, acknowledgment of, **I-23:20**confidentiality obligations, and, **I-23:31**definitions, **I-23:31**licensee, of, **I-23:20**restrictions, **I-23:35**software supplier, of, **I-23:19**website statement, **I-23:33; I-23:34**

COMPUTERS—Cont'd

Intellectual property assets—Cont'd

publication of own work, restrictions, **I-23:28**

releases and waivers

personal image

parent, **I-23:50**

student, **I-23:49**

representations and warranties, **I-23:36**

residuals

definition, **I-23:36**

residual information, **I-23:36**

retention and use, **I-23:36**

rights, **I-23:489**

disclaimer of, and infringement, **I-23:488**

Internet

See INTERNET

Joint ventures

exclusive commercialization licence, **I-23:370**

letter of intent, **I-23:395; I-23:407**

binding, **I-23:409**

non-binding, **I-23:352; I-23:406**

software development, **I-23:397**

teaming agreement, **I-23:365; I-23:366**

term sheet, non-binding (confidential), **I-23:376**

Licence

See microcomputer software licence, infra; software, infra

See Microcomputer software licence, infra; software, infra

Linking agreements

See INTERNET

Maintenance and support

definition, **I-23:781**

fee, **I-23:782**

schedule, **I-23:340**

software, supplier's agreement, **I-23:338**

letter form, **I-23:339**

supplier form for hardware and software, **I-23:296.70**

Marketing and sales

authorized distributor agreement, **I-23:359.60**

business conduct licence for territory (franchise agreement), **I-23:359.70**

cloud-related data infrastructure distribution, promotion, marketing and supporting agreement, **I-23:359.40**

commission agreement, **I-23:359.90**

distribution and sale agreement, **I-23:359.80**

internet services provider, representative agreement, **I-23:359.20**

COMPUTERS—Cont'd

Marketing and sales—Cont'd

- manufacturer's representative agreement, **I-23:359.10**
- sales representative agreement, **I-23:359.50**
- software, exclusive right and licence to market and sub-licence anywhere in territory, **I-23:359.30**
- third party social media service, **I-23:88.30**

Master services agreement, **I-23:389.40**

- professional services and intellectual property rights, **I-23:389.40; 23:389.120**
- provision of information technology products and services, **I-23:389.60**
- SaaS contracted services, **I-23:389.60**
- subcontractor and customer, **I-23:389.20**
- support, third party provided, **I-23:389.80**
- technical, developmental and engineering services, **I-23:389.100**

Memorandum of understanding

- see also MEMORANDUM OF UNDERSTANDING
- See also MEMORANDUM OF UNDERSTANDING
- checklist, **I-23:413**
- collaboratively maintain, update, and improve specified geospatial sets, **I-23:382.20**
- nonintent by parties to represent, **I-23:414**
- promote and maintain a market for designated product, **I-23:415**
- software application enhancement, **I-23:381.50**

Metaverse

- MOU for establishment of joint venture for development and commercialization metaverse products, **I-23:295.90**
- terms and conditions, use of services engine, platform and contents, **I-23:295.85**

New products and equipment changes

- changing equipment without incurring additional fees, **I-23:525**
- complexity of software acknowledgment, **I-23:524**
- perpetual licence, migration of, **I-23:523**
- right to software on viable platform as technology evolves, **I-23:526**

Non-disclosure agreements

- business, **I-23:55; I-23:57**
- confidential information, **I-23:67**
- confidentiality agreement
 - discloser's perspective, **I-23:63**
 - insert, **I-23:68**
 - Internet company acquisition, **I-23:66**
 - mutual, **I-23:65**
 - recipient's perspective, **I-23:64**
 - employee, by, **I-23:54**

COMPUTERS—Cont'd

Non-disclosure agreements—Cont'd

- mutual, **I-23:59**
 - reciprocal obligations, **I-23:58**
- software evaluation, **I-23:62**
- trade secret protection agreement, **I-23:69**

Notices and communications

- electronically, by, **I-23:511**
- email, by, **I-23:509**
- facsimile, by, **I-23:514**
- in-person communications, **I-23:513**
- personally, by certified mail, recognized overnight mail, courier, via fax or email, **I-23:511.50**
- personally, by courier, fax or registered mail, **I-23:510; I-23:512**

Official language

- choice of English language, **I-23:515**
- English to prevail in event of discrepancy, **I-23:516**

Open data

- open government licence (Canada), **I-23:288**

Open source

- GNU general public licence, version 3 (GPL-3.0), **I-23:286**
- no open source contained, **I-23:516.70**
- open source initiative grant of perpetual licence provisions, **I-23:287**
- supplier-provided software, **I-23:516.50**
- terms of use, **I-23:516.50**

Optional clauses

- data ownership and rights, **I-23:287**
- definitive agreement affirmation, **I-23:384**
- financial obligations and commitments, **I-23:386**
- modifications, **I-23:389**
- operating plan, **I-23:385**
- period of agreement, **I-23:388**

Order of interpretation

- agreement, schedules, survival of covenants, **I-23:521**
- contra proferentem rule not applicable, **I-23:518**
- neutral construction, **I-23:519**
- preamble, request for proposal and proposal response, between, **I-23:520**
- revision to terms by posting a new version on provider's website, **I-23:522**

Original equipment manufacturer agreement (OEM)

- checklist, **I-23:393**
- derivative product development licence agreement, **I-23:394.50**
- device usage, **I-23:394**
- optional clauses
 - communication costs, **I-23:394.160**

COMPUTERS—Cont'd

Original equipment manufacturer agreement (OEM)—Cont'd

optional clauses—Cont'd

disaster recovery agreement, **I-23:394.120**hot site, **I-23:394.180**property of customer, **I-23:394.200**RFP, disaster recovery centre, **I-23:394.100**storage of back up files, **I-23:394.220**sale, distribution and support of integrated hardware, software, content and related services solutions between OEM and VAR, **I-23:394.30**software for general, office, personal, and ordinary industrial use only, **I-23:394.70**Outsourcing agreement, **I-23:334; I-23:334.30**consent, **I-23:337**information technology, **I-23:335**master agreement, BDC Commercial Solutions and Industry Resource Corp., **I-23:334.50**

Preservation of rights, follow-through obligations and privileges

business downturn clause, **I-23:527**click-wrap licences, **I-23:529**customer satisfaction, **I-23:528**functionality, **I-23:534**government subcontract, **I-23:530**most favoured customer, **I-23:531**negotiation of a follow-on agreement, **I-23:532**preventing licensors from involving licensee in their problems, **I-23:535**preventing unknowing endorsements of vendors, **I-23:536**prior licence rights under master licence agreement, **I-23:533**purchases by affiliates, **I-23:536**supplier warranty (performance of services), **I-23:538**

Pricing and discounts

ability to migrate “perpetual” licence (new product), **I-23:544**changing equipment without incurring additional fees, **I-23:545**CPI adjustment on payments, **I-23:541**discount levels, **I-23:542**future maintenance costs, **I-23:539**right to use software on viable platform as technology evolves, **I-23:546**same pricing level on new software as discontinued software, **I-23:543**Privacy and security, **I-23:448**confidentiality agreement, employee acknowledgment and agreement to be bound, **I-23:176.07**data protection agreement, **I-23:176.05**

disclaimer

email, **I-23:454**general, **I-23:455**

COMPUTERS—Cont'd

- Privacy and security, **I-23:448**—Cont'd
 - disclaimer—Cont'd
 - intellectual property rights and infringement, **I-23:450**
 - medical diagnostic software, **I-23:451**
 - nuclear applications, **I-23:452**
 - warranty (UCITA), **I-23:453**
 - PIPEDA obligations, **I-23:449**
 - social media privacy policy (California Civil Code “Shine the Light” law), **I-23:456**
- Professional ethics
 - See business conduct
 - See Business conduct
- Proposal
 - teaming agreement for, **I-23:399**
- Publicity, use of name and logo on client lists, **I-23:546.50**
- Purchase order, **I-23:547**
 - risk allocation, **I-23:548**
- Request for proposal, **I-23:289**
 - business and contractual provisions, **I-23:290**
- Residency, Canadian, **I-23:547.50**
- Right-to-disconnect policy, **IX-1:215**
- Service acquisition agreement, **I-23:298**
- Service levels and response times, **I-23:481; I-23:549; I-23:550**
 - agreement, cloud services, **I-23:551.20**
 - guaranteed uptime, **I-23:551.60; I-23:551.80**
 - network availability, uptime and scheduled downtime, **I-23:551.100**
 - objectives of, **I-23:551**
 - scheduled and unscheduled downtime, **I-23:551.40**
- Service provider's agreement, **I-23:350 ; 23:97.67; 23:97.70**
 - cloud service agreement, **I-23:281.30**
 - master cloud services agreement, **I-23:282.30; 23:282.70**
 - multi-cloud data processing platform services, **I-23:283.30**
- Service user agreements
 - banking, customer agreement, **I-23:97.10**
 - open membership, **I-23:88.70**
 - subscription agreement, **I-23:272**
 - terms, **I-23:97.73**
 - user agreement, **I-23:271**
- Share purchases (software, component or hardware)
 - access to records after effective time, **I-23:395.40**
 - agreement, **I-23:395.20; I-23:395.30**
 - checklist, legal due diligence review, **I-23:395.10**
 - cooperation on purchased assets audit after effective time, **I-23:395.50**

COMPUTERS—Cont'd

Share purchases (software, component or hardware)—Cont'd
 intellectual property (definitions, representations and warranties),
I-23:395.60

Social media, **I-23:193**

privacy policy, **I-23:194**

user agreement, **I-23:193**

Software

acquisition agreement, **I-23:298**

definition, **I-23:913**

development agreement

joint venture, **I-23:397**

licence, and, **I-23:236**

specification agreement, **I-23:234; I-23:235**

distribution agreement, **I-23:232**

evaluation non-disclosure agreement, **I-23:62**

implementation services agreement, US form, **I-23:208**

licence agreement, **I-23:197**

acceptance of software, **I-23:221**

additional services not provided, **I-23:225**

anti-virus warranty, **I-23:230**

beta test site, **I-23:209**

conversion guide, **I-23:229**

copyright and patent indemnity, **I-23:226**

CPU serial number, **I-23:228**

database, reservation of rights, **I-23:249.60**

database services subscriber, **I-23:212**

definitions and conditions, **I-23:216**

education and training, **I-23:227**

end-user, **I-23:97.20; I-23:211; I-23:212**

evaluation, activation, end user, **I-23:203 ; 23:85.50**

grant, of, **I-23:215**

installation services, **I-23:229**

maintenance and support, **I-23:223**

mobile application development agreement, **I-23:214**

modifications and use, **I-23:219**

modify, permission to, **I-23:220**

OEM licence agreement, **I-23:201**

patent and copyright indemnity, **I-23:226**

product warranty on, **I-23:222**

services, and, **I-23:210**

shareware, downloaded, **I-23:209**

site agreement, **I-23:200**

COMPUTERS—Cont'd

Software—Cont'd

licence agreement, **I-23:197**—Cont'd

source code

definition, **I-23:919**

escrow provisions, **I-23:224**

sublicences, right to grant, **I-23:218**

supplier's typical form, **I-23:196**

term and termination, **I-23:217**

training and education, **I-23:227**

update agreement, right to, **I-23:202**

use and modifications, **I-23:219**

use and restrictions, **I-23:210**

licensing provisions

licence covering licensor, **I-23:497.50**

source code, **I-23:497.70**

proprietary markings on documentation, **I-23:30**

request for proposal, **I-23:289**

business and contractual provisions, **I-23:290**

service subscription agreement, software as, **I-23:272**

third party software and virus protection, **I-23:168**

Software as a Service

see also Cloud computing

application hosting licence and restrictions and customer's obligations,
I-23:272.40

evaluation agreement, **I-23:272.10**

service terms and conditions, **I-23:272.60**

supply and implementation of goods and services agreement, **I-23:272.30**

terms of service, plain English (U.S. form), **I-23:272.20**

Source code

definition, **I-23:919**

escrow provisions, **I-23:224**

licensing provisions, **I-23:497.70**

managed backup and archiving, **I-23:359.97**

three-party agreement, **I-23:359.95; I-23:361**

two-party agreement, **I-23:360**

Step-in rights, **I-23:556.30**

Subcontractors

authority to engage, **I-23:466**

reservation of rights to use, **I-23:480**

System acquisitions

acceptance test plan, **I-23:313**

access to equipment, **I-23:330**

building space and plans, **I-23:308**

COMPUTERS—Cont'd

System acquisitions—Cont'd

changes in work, **I-23:326**co-location services agreement, space licence and services, **I-23:296.30**

confidentiality

 proprietary information, and, **I-23:318** reciprocal, **I-23:319**custom system development agreement, **I-23:297**delivery and installation of hardware, **I-23:310**good faith, parties to act in, **I-23:329**implementation agreement, **I-23:295**indemnity for breach of terms, **I-23:320**

inspection

 factory, at, **I-23:311** installation site, at, **I-23:309**installation, **I-23:306** training, and, **I-23:307**internet services and co-location agreement, **I-23:296.50**liability for suppliers limited, **I-23:328**manufacturer's changes, **I-23:322**movement of system, **I-23:327**operating problems, **I-23:325**other services, **I-23:331**parties' responsibilities, **I-23:302**price and payment schedule, **I-23:305**prime contractor responsibility, **I-23:304**progress meetings, **I-23:332**project co-ordinator, **I-23:332**purchase of equipment, **I-23:299**representations and warranties, **I-23:315**request for proposal, **I-23:289** business and contractual provisions, **I-23:290**software licence, **I-23:299**spare parts availability, **I-23:324**subcontractors not allowed, **I-23:321**supplier form, **I-23:301**supplier form for hardware and software support and maintenance,
I-23:296.70teaming agreement, **I-23:292; I-23:293**technical support, **I-23:340**test, chronological, and acceptance procedures, **I-23:312**training and installation, **I-23:307**upgrade, hardware, supplier warranty, **I-23:323**user documentation, **I-23:314**

COMPUTERS—Cont'd

System acquisitions—Cont'd

warranty

performance standards, **I-23:316**

product, **I-23:317**

representations and, **I-23:315**

service acquisition agreement, **I-23:296**

Taxes, applicable, definition, **I-23:576**

Term, definition, **I-23:953**

Termination

by customer, **I-23:553**

changes to the terms of service and the service, **I-23:556**

mutual rights of, **I-23:552**

upon insolvency, **I-23:554**

without cause, **I-23:555**

Term sheets, **I-23:394.240**

financing, **I-23:394.320**

non-binding, **I-23:394.300**

non-binding confidential, joint venture, **I-23:394.280**

partner alliance program, **I-23:394.260**

Trade secret protection agreement, **I-23:69**

Value-added reseller agreement

general form, **I-23:390; 23:390.50**

international form, **I-23:392**

start-up agreement, **I-23:391**

Voting and tabulating hardware purchase agreement

See ELECTION

Warranty

anti-virus, **I-23:230**

library internet access policy, **I-23:182**

performance standards, **I-23:316**

product, **I-23:317**

representations and, **I-23:315**

service acquisition agreement, **I-23:296**

Withholding tax, **I-23:556.50**

Working conditions

drug-free workplace, **I-23:556.70**

Work product, ownership

government ownership, **I-23:522.20**

institutional reservation of all rights to product, **I-23:522.40**

joint development projects, **I-23:522.60**

reservation of rights by developer, **I-23:39.70**

sponsor, by, **I-23:522.80**

COMPUTERS—Cont'd

World wide web
See INTERNET

CONCERNED EMPLOYEE

Policy, **IX-1:64**

CONCILIATION

See LABOUR RELATIONS

CONDITIONAL GIFTS

See LEGACIES

CONDITIONAL SALES AGREEMENTS

Aircraft, **I-13:6**

CONDITIONS OF SALE

On reference, **VIII-19:23**

CONDITIONS PRECEDENT

Landlord conditions

approval of tenant's financial status, **IV-1:23**
board of directors' approval, **IV-1:22**
landlord development, **IV-1:24**
prior tenant vacating, **IV-6:56**
surrender of prior lease, **IV-6:57**

Offer to sublease, conditions

head landlord, consent of, **IV-1:29**
sublandlord, **IV-1:29**
subtenant, **IV-1:29**

Tenant conditions

board of directors' approval, **IV-1:17**
inspection, **IV-1:21**
municipal approvals and related matters
full due diligence, **IV-1:19**
tenant zoning due diligence, **IV-1:18**
title and non-disturbance agreement, **IV-1:20**

CONDOMINIUM

Agreement, **IX-4:271; IX-4:272**

Assumption by, **IX-4:214**

Commercial condominium unit, lease of, **IV-10:8**

Conversion from rental housing, **IX-4:228**

Gift of residence, **V-9:3**

Provisions, **IV-6:67**

Surface parkland agreement, **IX-3:9**

CONDOM VENDING MACHINE AGREEMENTS

Assignment, **IX-7:31**
Certificate, **IX-7:31**
Insurance, **IX-7:31**
Maintenance, **IX-7:31**
Miscellaneous, **IX-7:31**
Notice, **IX-7:31**
Replacement of stock, **IX-7:31**
Research donation, **IX-7:31**
Sale of condoms, **IX-7:31**
Supply and installation of machine, **IX-7:31**
Supply of condoms, **IX-7:31**
Term, **IX-7:31**

CONFERENCES

Case conference brief, **VI-12:3**
Conference notice, **VI-12:2**
Confirmation of conference, **VI-12:7**
Confirmation of dispute resolution, **VI-12:8**
Confirmation of motion, **VI-12:6**
Settlement conference brief, **VI-12:4**
Trial management conference brief, **VI-12:5**
Trial scheduling endorsement form, **VI-12:9**
 child protection, **VI-12:10**

CONFIDENTIALITY

Agreements, **IX-1:5-IX-1:7**
Cart lease provision, **IV-3:7**
Industrial
 lease provision, **IV-2:2; IV-2:3**
 offer provision, **IV-1:11**
Kiosk lease provision, **IV-3:7**
Letter agreement, **IV-1:30**
Letter of intent provision, **IV-1:5**
Multi-tenanted building offer provision, no form of lease, **IV-1:16**
Non-disclosure agreement, **IX-10:37; 10:38**
Office
 lease provision, **IV-4:2-IV-4:4**
 offer provision, **IV-1:8**
Retail
 lease provision, **IV-3:2; IV-3:3**
 offer provision, **IV-1:12; IV-1:13**
Shopping centre lease provision, **IV-3:4**
Single-tenanted building offer provision
 no form of lease, **IV-1:15**

CONFIDENTIALITY—Cont'd

Single-tenanted building offer provision—Cont'd
with form of lease, **IV-1:14**
Undertaking, **IX-1:8**

CONFIDENTIALITY AGREEMENTS

See also INTELLECTUAL PROPERTY ASSETS; NON-DISCLOSURE AGREEMENTS

Basis of information and management action, **X-2:12**
Clause, **X-2:9; X-2:9.50; X-33:53; X-33:56; X-33:58**
reciprocal, **X-4:266**
Confidential disclosure agreement (strategic advice), **X-2:2**
Covenants, **X-33:52; X-33:56**
Discloser's perspective, **X-2:3; X-2:3.50**
Exceptions and exclusions, **X-2:11**
Internet company acquisition, **X-2:7**
Mutual, **X-2:5**
Mutual disclosure obligations - (Disclosing party's perspective), **X-2:6**
Non-compete, and, **X-2:8**
Proposal of, **X-13:15**
Recipient's perspective, **X-2:5**
Return of confidential information, **X-2:10**
Software licence clause, **X-8:134; X-8:135**

CONFIDENTIALITY OF INFORMATION

See also NONDISCLOSURE AGREEMENTS

Confidentiality agreement, **I-23:63-I-23:67**
insert, **I-23:68**
Definition, **I-23:626**
Employment agreements
pre-employment covenants, **I-23:74**
preservation of confidentiality, assignment of inventions, **I-23:75**
proprietary information and inventions agreement, **I-23:76**
Employment contract
acknowledgment by employee, **I-27:39**
athletic team, with, **I-10:12**
definition of, **I-27:41**
detailed, **I-27:31**
engagement in other business, **I-27:44**
general, **I-27:29; I-27:30**
letter form, **I-27:32; I-27:33**
long form, **I-27:35-I-27:37**
manufacturing, **I-40:51; I-40:83; I-40:84**
non-divulgence of information, **I-27:43**
sales representatives, **I-27:23**

CONFIDENTIALITY OF INFORMATION—Cont'd

- Employment contract—Cont'd
 - short form, **I-27:34**
 - trade secrets, **I-27:45**
- Intellectual property, **I-23:10-I-23:13; I-40:51**
 - policy statement, **I-23:3**
 - alternate, **I-23:4**
 - representations and warranties, **I-23:36**
- Joint venture, prenegotiation agreement, **I-36:2**
- Manuscript, **I-12:3**
- Patient's records, **I-33:54**
 - release, **I-33:56-I-33:58**
- Trade secret protection agreement, **I-23:69**

CONFIDENTIALITY ORDER

- Consent, **VIII-18:75**
- Notice of motion, **VIII-18:74**
- Order, **VIII-18:76**

CONFIRMATION

- Appeal motion, of, **VIII-28:127**
- Immediate confirmation
 - consent to, **VIII-19:60**
 - motion for
 - affidavit, **VIII-19:53**
 - notice of motion, **VIII-19:52**
 - order, **VIII-19:54**
- Motion to confirm
 - notice of motion, **VIII-19:50**
 - order, **VIII-19:51**
- Motion to oppose confirmation
 - order confirming in part, **VIII-19:58**
 - order dismissing motion and confirming report, **VIII-19:57**
 - order referring report back to referee, **VIII-19:59**

CONFIRMATION OF MOTION STATUS

- Form of, **VIII-13:8**

CONFIRMATION OF WILL IN CODICIL

- Clause, **V-34:6**

CONFLICT OF INTEREST

- Director's
 - British Columbia, **II-2:39**
- disclosure of material interest
 - specific contract, **II-10:14**
 - specific transaction, **II-10:15**

CONFLICT OF INTEREST—Cont’d

- Director’s—Cont’d
 - minutes of meeting where conflict disclosed, **II-10:16**
 - special shareholders’ resolution approving conflict transaction, **II-10:17**
- Proposal clause, **X-13:12**

CONSENTS

- See ASSIGNMENT AND SUBLEASES; LEASES
- Addition as plaintiff or applicant, **VIII-4:60**
- Addition of party, **VIII-4:57**
 - simplified procedure, **VIII-31:14**
- Adoption to
 - child of, **VI-16:8**
 - custodian or parent of, **VI-16:14**
 - director of, **VI-16:13**
 - non-parent for adoption by spouse of, **VI-16:10**
 - openness order under s. 145.1.2, CFS Act, **VI-16:23**
 - parent of, **VI-16:3**
 - parent of adoption by spouse, **VI-16:18**
- Alternative dispute resolution, third party screening, **VI-3:3**
- Amendment of pleadings, to, **VIII-4:56**
 - simplified procedure, **VIII-31:13**
- Auditor
 - See AUDITORS
- Commissioner, to act as, **VIII-15:51**
- Confidentiality order, **VIII-18:75**
- Continuance, re
 - Corporations Tax Branch, letter to (Ontario), **II-16:5**
 - Registrar of Joint Stock Companies (Nova Scotia), **II-16:13**
 - Securities Commission, **II-16:6**
- Continue, to, simplified procedure, **VIII-31:11**
- Counsel, letter of, **II-24:9**
- Creditor of, on amalgamation
 - Alberta, **II-15:24**
 - federal, **II-15:24**
 - Manitoba, **II-15:24**
 - Ontario, **II-15:25**
 - Saskatchewan, **II-15:24**
- Directors, of
 - to act and participate in telephone meetings, **II-10:4**
 - to act as director, **II-19:2**
 - Alberta, **II-2:59**
 - British Columbia, **II-2:36; II-19:3**
 - federal, **II-2:16**
 - Manitoba, **II-2:94**

CONSENTS—Cont'd

Directors, of—Cont'd

to act as director, **II-19:2—Cont'd**

Ontario, **II-2:34**

Saskatchewan, **II-2:76**

to act as first director

federal, **II-1:16**

Manitoba, **II-1:41**

Ontario, **II-1:25**

to participate in telephone meetings, **II-10:5; II-19:2-II-19:4**

to passing of directors' resolutions

Alberta, **II-19:7**

British Columbia, **II-19:6; II-19:7**

federal, **II-19:5**

Manitoba, **II-19:5**

Nova Scotia, **II-19:5**

Ontario, **II-19:6**

Saskatchewan, **II-19:5**

Dismiss action, **VIII-4:62**

simplified procedure, **VIII-31:17**

Examination of other witnesses, **VIII-15:50**

Extend time, **VIII-4:61**

Monitor, of, **VIII-27:79**

Motions in writing

commentary, **VIII-13:58**

consent motion in writing, **VIII-13:59**

consent to, **VIII-13:60**

unopposed motion in writing

notice of motion, **VIII-13:61**

responding party's notice, **VIII-13:62**

Motion to change, **VI-26:7**

child support, **VI-26:8**

endorsement form, **VI-26:9**

Name, to use of

See NAME

Registration, letter to registrar of companies requesting (British Columbia),

II-18:20

Retraction, of corporation, **II-8:20**

Revival, re

corporations tax branch, letter to, **II-18:4**

Ontario Securities Commission requesting, letter to, **II-18:6**

Secure treatment

child, of, **VI-15:24**

person other than child, **VI-15:25**

CONSENTS—Cont'd

- Security for costs, consent to order, **VIII-25:16**
- Set aside
 - default judgment, simplified procedure, **VIII-31:16**
 - noting in default, **VIII-7:12**
 - simplified procedure, **VIII-31:15**
- Settlement, person under disability, **VIII-21:68; VIII-27:43**
- Shareholders', passing of resolutions
 - Alberta, **II-19:11**
 - British Columbia, **II-19:10**
 - federal, **II-19:8**
 - Manitoba, **II-19:8**
 - Nova Scotia, **II-19:9**
 - Ontario, **II-19:9**
 - Saskatchewan, **II-19:8**
- Small Claims Court
 - clerk's order, **VIII-32:22**
 - general form, **VIII-32:22**
- Substitution of party, **VIII-4:59**
- S VI, VIII
- Transfer of shares to client, **II-2:114**
 - directors' resolution re, **II-2:115**

CONSIGNMENT AGREEMENTS

- Auctions, **I-11:1**
- Film library, stock footage, **I-57:62**

CONSOLIDATION

- Motion for, **VIII-2:33**

CONSTITUTIONAL QUESTION

- Notice of, **VIII-1:109**

CONSTRUCTION

- See also BUILDING; HIGHWAYS
- See also FIXTURING PERIOD; LANDLORD'S WORK; TENANT'S WORK
- Access and indemnity agreement, **IV-9:14**
- Alberta, continuing employment declaration, **VII-11:165**
- Baseball diamond, **IX-3:42**
- Cart lease provision, **IV-3:7**
- Claims, report on reference, **VIII-19:48**
- Completion of after default agreement, **IX-3:108; IX-3:109**
- Contractor's claim for payment, **VIII-5:55**
- Debentures, authorization to issue, **IX-11:180**
- Demolition and construction agreement, **IX-8:10**

CONSTRUCTION—Cont'd

- Fair wage schedule, **IX-3:110**
- Green building policy (corporate building construction), **IX-9:10**
- Ground lease
 - commencement of construction of initial improvements, **IV-10:2**
 - contracts for construction of initial improvements, **IV-10:2**
 - duties of tenant in construction, **IV-10:2**
 - extensions of time for construction of initial improvements, **IV-10:2**
 - fire and liability insurance during construction, **IV-10:2**
 - tenant to construct initial improvements, **IV-10:2**
- Illegal, agreement to allow, **IX-8:8**
- Kiosk lease provision, **IV-3:7**
- Leasehold improvement allowance, **IV-3:5; IV-6:11**
- Lien
 - certificate of action, **VIII-5:59**
 - claim for, **VIII-5:57**
 - statement of claim, **VIII-5:58**
- New Year's Eve display agreement, **IX-3:107**
- Nova Scotia, **VII-11:203**
 - accreditation, application for, **VII-11:203; VII-11:215**
 - termination of, **VII-11:216**
 - arbitration, **VII-11:203**
 - certification, notice of application, **VII-11:203**
 - collective agreement negotiations, **VII-11:203**
 - hearing, request for, **VII-11:214**
- Offer provision, **IV-1:8; IV-1:10; IV-1:12**
- Ontario
 - certification application, **VII-11:45; VII-11:69**
 - certificate of delivery, **VII-11:70**
 - declaration verifying membership evidence, **VII-11:71**
 - employer, notice to, **VII-11:68**
 - Excel Schedule A, B amp C, **VII-11:73**
 - response, **VII-11:72**
- grievance, **VII-12:29**
 - referral to arbitration
 - notice to responding party, **VII-12:30**
 - payment of fee for application, **VII-12:33**
 - response to, **VII-12:32**
 - request for hearing, **VII-12:31**
- intervention, **VII-11:74**
- jurisdictional dispute, notice of, **VII-11:78**
 - responding party, notice to, **VII-11:80**
 - response to, **VII-11:79**
- membership documents declaration, **VII-11:71**

CONSTRUCTION—Cont'd

Ontario—Cont'd

- termination of bargaining rights, application for, **VII-11:97**
- certificate of delivery, **VII-11:101**
- declaration verifying employee wishes, **VII-11:102**
- employer, notice to, **VII-11:99**
- intervention in, **VII-11:100**
- non-construction employer, **VII-11:103**
 - notice, **VII-11:105**
 - response/intervention, **VII-11:104**
- response, **VII-11:98**
- work assignment application, **VII-11:75**
 - response, **VII-11:76**

Owner's claim for deficient work, **VIII-5:56**

Pad lease

- allowance, **IV-3:5**
- approved plans and specifications, **IV-3:5**
- changes to approved plans and specifications, **IV-3:5**
- construction
 - building, of, **IV-3:5**
 - changes by landlord, **IV-3:6**
 - insurance during, **IV-3:5**
 - warranty, **IV-3:5**
- indemnity, **IV-3:5**
- inspection rights, **IV-3:5**
- insurance during construction, **IV-3:5**
- landlord's work and site work, **IV-3:5**
- ownership of building, **IV-3:5**
- site plan agreement
 - indemnity for, **IV-6:73**
 - separate agreement, **IV-6:74**
 - tenant requirement, **IV-6:72**
- submission of plans and specifications, **IV-3:5**

Prior to approval, municipal services, of, **IX-4:66**

Public services, of, **IX-6:4**

Road, conveyance agreement, and, **IX-5:7**

Subdivision

See SUBDIVISION

CONSTRUCTION LIEN

See MAINTENANCE AND REPAIR

CONSTRUCTIVE DISMISSAL

Statement of claim, **VIII-5:49**

CONSULTING AGREEMENTS

- Checklist, **IX-3:115**
- General, **IX-3:116; IX-3:117**
- Letter agreement, **IX-3:118**
- Management, **VII-17:105**
- Marketing promotion campaign agreement, **IX-3:119**
- Purchase of services agreement, **IX-3:120**
- Recital, **VII-17:20**
- Tax consultant, **IX-2:10**

CONSULTING SERVICES

- Access, **X-23:33**
- Agreement, **X-23:12; X-23:13**
- Approval requests, for, **X-23:35**
- Client responsibilities, **X-23:36**
- Computer consulting agreement, **X-23:17; X-23:18**
- Consulting, installation, customization, configuration and maintenance, **X-23:10**
- Corporate IT manager, **X-23:15**
- Employment, offers of, **X-23:34**
- Independent consultant engagement agreement, **X-23:21**
- Independent contractor agreement, **X-23:11; X-23:19**
- Individual as consultant agreement, **X-23:16**
- Letter agreement, **X-23:1**
- Master services agreement, **X-24:2; X-24:11; X-35:6**
- Master services agreement (professional services and IP rights), **X-23:8.50**
- Modification of services, **X-23:27**
- Outsourced role as chief information officer, **X-23:24**
- Professional services, and, **X-23:2-23:7**
- Property rights, **X-23:31**
- Representations and warranties, **X-23:37**
- Software consulting agreement, **X-23:4.50**
- Software development, and, **X-8:81; 8:84.30**
- Steering committee, **X-23:32**
- Subcontractor, **X-23:14**
 - service agreement, **X-23:22; X-23:23**
- Suspension, **X-23:29**
- Technical services agency agreement, **X-23:19**
- Termination, **X-23:28; X-23:29**
 - by customer for convenience, **X-23:30**
- Transition, Services, **X-23.33.50**

CONSUMABLE STORES

- See PERSONALTY AND HOUSEHOLD EFFECTS

CONTEMPLATION OF MARRIAGE

- Codicil republishing will in, **V-5:4**
- Commentary, **V-32:1**
- Special clauses where will made in, **V-32:2-V-32:8**

CONTEMPT

- Commentary, **VIII-22:69**
- Motion for, general form
 - affidavit, **VIII-22:71**
 - notice of motion, **VIII-22:70**
 - order, **VIII-22:72**
- Motion for where a failure to obey discovery order
 - affidavit, **VIII-10:62**
 - commentary, **VIII-10:60**
 - notice of motion, **VIII-10:61**
 - order, **VIII-10:63**
 - warrant of committal, **VIII-10:64**
- Notice of motion, **VI-25:44**
- Warrant for arrest, **VIII-22:73**
- Warrant for committal, **VIII-22:74**

CONTEST

- Declaration and release
 - general, **I-2:34**
 - minor, on behalf of, **I-2:35**
 - travel companion, **I-2:36**
 - minor, on behalf of, **I-2:37**
- Rules
 - Quebec compliant, **I-2:33**
 - short form, **I-2:32**

CONTESTED

- Motion, Small Claims Court
 - affidavit, **VIII-32:25**
 - notice of motion, **VIII-32:24**
- Notice of claim, on reference, **VIII-19:13**

CONTINGENCY FEE

- Retainer, **VIII-1:68**

CONTINUANCE

- Articles of
 - See **ARTICLES OF CONTINUANCE**
- Federal to provincial
 - application for authorization to continue in another jurisdiction, **II-16:22**
 - articles of continuance
 - British Columbia, **II-16:34**

CONTINUANCE—Cont'd

Federal to provincial—Cont'd

articles of continuance—Cont'd

Manitoba

share capital, **II-16:37**

without share capital, **II-16:38**

Ontario, **II-16:33**

articles of continuance into Alberta for corporation, **II-16:35**

Corporations Information Act, initial notice, **II-16:23**

foreign corporation continuation application, **II-16:25**

jurisdictional (Saskatchewan, **II-16:27**

letter applying for

Nova Scotia, **II-16:28**

affidavit of verification, **II-16:30**

petition, **II-16:29**

solicitor's affidavit, **II-16:32**

solicitor's opinion, **II-16:31**

Ontario, **II-16:24**

petition (Nova Scotia), **II-16:29**

shareholders' resolution authorizing continuance Cr(federal), **II-16:21**

solicitor (Nova Scotia)

affidavit of, **II-16:32**

opinion of, **II-16:31**

unlimited liability company continuation application, **II-16:26**

Provincial to federal

application for authorization to continue in another jurisdiction

Manitoba, **II-16:9**

Nova Scotia

affidavit of verification, **II-16:11**

consent, **II-16:13**

opinion of counsel, **II-16:12**

petition, **II-16:10**

Ontario, **II-16:7**

Saskatchewan, **II-16:8**

articles of continuance (federal), **II-16:20**

letter to

Corporations Tax Branch re consent (Ontario), **II-16:5**

Department of Consumer and Business Services

Alberta, **II-16:16**

Nova Scotia, **II-16:17**

Ontario, **II-16:15**

Director, Corporations Canada, Industry Canada, **II-16:18**

Securities Commission requesting consent, **II-16:6**

notice of directors (federal), **II-16:19**

CONTINUANCE—Cont’d

- Provincial to federal—Cont’d
 - shareholders’ resolution authorizing
 - Alberta, **II-16:2**
 - British Columbia, **II-16:1**
 - Manitoba, **II-16:4**
 - Ontario, **II-16:1**
 - Saskatchewan, **II-16:1**

CONTINUING RECORD

- Formal requirements
 - child protection, **VI-5:3**
 - child protection, general, **VI-5:2**

CONTINUOUS DISCLOSURE

- Annual information form, **II-32:4**
 - directors’ and officers’ questionnaire, **II-32:3**
 - resolution
 - audit committee, recommending approval, **II-32:5**
 - directors’ approving, **II-32:6**
- Corporate governance
 - See CORPORATE GOVERNANCE
- Executive compensation, statement of, Form 51-102F2, **II-32:7**
- Financial condition, management discussion and analysis of
 - Form 51-102F1, **II-32:8**
 - resolution
 - audit committee, recommending approval, **II-32:9**
 - directors’, approving, **II-32:10**
- Material change report, **II-32:2**
- Press release, **II-32:1**

CONTRACT COMPLIANCE

- Certificate of commitment, **VII-3:3**

CONTRACTOR

- See CONSTRUCTION

CONTRACTORS

- Contractor Management Safety Program, **IX-1:210**
- Independent Contractors, Consultants and Self-Employed Professionals
 - Contracts Policy, **IX-1:212**

CONTRACTS

- Insurance
 - See INSURANCE
- Interpretation of, application
 - affidavit, **VIII-27:28**

CONTRACTS—Cont'd

Interpretation of, application—Cont'd

judgment, **VIII-27:29**

notice of, **VIII-27:27**

Statements of claim

collateral contract, **VIII-5:10**

collection

design and supply goods, **VIII-5:5**

running account, **VIII-5:3**

specific items, **VIII-5:2**

unpaid invoice list, **VIII-5:4**

construction claims

liens

certificate of action, **VIII-5:59**

claim for, **VIII-5:57**

statement of claim, **VIII-5:58**

owner's claim for deficient work, **VIII-5:56**

payment to contractor, **VIII-5:55**

damages

breach of warranty, for, **VIII-5:9**

failure of purchaser to close real estate transaction, for, **VIII-5:32**

non-acceptance of goods, for, **VIII-5:6**

non-delivery of goods, for, **VIII-5:7**

lease, commercial

claim for breach of lease agreement, **VIII-5:52**

claim for breach of unexecuted lease, **VIII-5:50**

distress, claim for damages, **VIII-5:54**

misrepresentation

contract, in, **VIII-5:43**

inducing contract, **VIII-5:45**

rectification, **VIII-5:33**

services

commission, **VIII-5:19**

faulty services (promotional deliveries), **VIII-5:23**

faulty work

customs broker, **VIII-5:25**

printing, **VIII-5:22**

fixed price, **VIII-5:12**

against funeral home, **VIII-5:14**

by funeral home, **VIII-5:13**

hourly rate, **VIII-5:15**

lawyers fees, hourly rate

no written retainer, **VIII-5:18**

written retainer, **VIII-5:17**

CONTRACTS—Cont'd

Statements of claim—Cont'd

services—Cont'd

misrepresentation, **VIII-5:43**

percentage fee, **VIII-5:16**

piece work, **VIII-5:20**

quantum meruit, **VIII-5:16**

time and materials, **VIII-5:21**

specific performance

goods, **VIII-5:8**

land

against purchaser, **VIII-5:31**

against vendor, **VIII-5:30**

wrongful dismissal

See **WRONGFUL DISMISSAL ACTION**

Statements of defence

claim for payment, to, **VIII-5:11**

claim for specific performance by purchaser, to, **VIII-5:34**

faulty services

customs broker, **VIII-5:26**

promotional deliveries, **VIII-5:24**

lease, commercial

defence to claim for breach of lease agreement, **VIII-5:53**

defence to claim for breach of unexecuted lease, **VIII-5:51**

CONTROL BLOCK

See **SALE FROM CONTROL BLOCK**

CONTUMELIOUS DELAY

Motion to dismiss for

affidavit, **VIII-16:18**

notice of motion, **VIII-16:17**

order, **VIII-16:19**

CONVERSION

Statement of claim, **VIII-5:68**

CONVERSION OF ASSETS

Commentary, **V-18:1**

Direction to hold and manage estate until advantageous to sell, **V-18:7**

Direction to hold specific asset so far as possible, **V-18:9**

Direction to postpone collection of a debt, **V-18:11**

Direction to sell and dispose, **V-18:6**

Long form power to convert, postpone conversion and retain (Alternative Forms 1, 2), **V-18:3, 18:3.50**

Postponement, **V-18:2; V-18:3; V-18:7; V-18:10; V-18:11**

CONVERSION OF ASSETS—Cont'd

- Power to convert sufficient for administration, **V-18:8**
- Power to sell and dispose, **V-31:35**
- Request to retain with power to convert, **V-18:5**
- Short form power to convert, postpone conversion and retain (Alternative Form 3), **V-18:4**
- Simple power to convert, postpone conversion and retain, **V-18:2**

CONVEYANCES

- Asset purchase, **II-33:28**

COOKIES

- Choices, **X-4:306.70**
- Cookies, **X-4:301**
- Notice, **X-4:304**
- Policy, **X-4:304; X-4:306; X-4:306.50**
- Security settings, update, **X-4:307**
- Tracking technologies, **X-33:68.50**
- Use, **X-4:302; X-4:305**
- Website privacy, **X-4:306**

CO-OPERATIVE APARTMENT

- Gift of shares in, **V-9:4**

COOPERATIVES

- See **NEW WEST PARTNERSHIP TRADE AGREEMENT**

COPY

- Copy for use at trial
 - notice of intention, **VIII-17:36**
 - notice of intention to dispute, **VIII-17:37**

COPYRIGHT

- See **INTELLECTUAL PROPERTY ASSETS**
- See also **PUBLISHING AGREEMENTS**
- Alleged infringement, notice of (U.S.), **I-23:51**
- Assignment of, **I-12:93; I-25:23; I-34:2; I-34:3; I-54:64; II-33:31**
- Compilation, **I-23:125**
- Division of rights, **I-23:123**
- Indemnity, software licence, **I-23:226**
- Infringement claim (U.S.), **I-23:124**
- Licence option, **I-25:23**
- Licensed materials, **I-23:122**
- Moral rights, waiver of, **I-34:4**
 - assignment of copyright, and, **I-12:93**
- Notice, **I-25:7**

COPYRIGHT—Cont'd

- Option agreement, **I-25:22**
- rights, **I-25:16; I-58:10**
- Permissions, **I-23:131**
- Reservation of rights, **I-23:121**
- Reversion of rights
 - acknowledgment of, **I-12:11**
 - notice of, **I-12:10**
- S I, X (Intellectual Property Assets)
- Statement, **I-23:120**
- Trademark notice, and, **I-23:130**

CORPORATE ACQUISITIONS

- Asset purchase
 - See ASSET PURCHASE
- Due diligence request list, **II-33:4**
- Non-disclosure agreement
 - mutual, **II-33:3**
 - one way, **II-33:2**
- Rollover of shares
 - See ROLLOVER OF SHARES
- Share purchase
 - See SHARE PURCHASE

CORPORATE ADMINISTRATIVE POLICY FRAMEWORK

- Commentary, **IX-1:147**
- Policy, **IX-1:148**
- Policy briefing note template, **IX-1:150**
- Policy template, **IX-1:149**
- Procedures briefing note template, **IX-1:152**
- Procedures template, **IX-1:151**

CORPORATE GOVERNANCE

- Audit committee charter, **II-32:14**
- Blackout policy, **II-32:11**
- Committee
 - directors' resolution appointing, **II-10:32**
 - directors' resolution forming, **II-10:31**
 - terms of reference, **II-10:33**
- Disclosure policy, **II-32:12**
- Monthly suppression of terrorism and sanctions report, **II-32:15**
- Whistleblower policy, **II-32:13**

CORPORATE INDEMNITY

- Directors, of, **II-2:35**
- Individuals with significant control register, OBCA, **II-2:35.50**

CORPORATE RECORDS, LOCATION OF

Directors' resolution approving
federal, **II-2:5**
Manitoba, **II-2:82**
Ontario, **II-2:22**
Saskatchewan, **II-2:65**

CORPORATE SEAL

See SEAL
Directors' resolution adopting
Alberta, **II-2:49**
federal, **II-2:7**
Manitoba, **II-2:84**
Ontario, **II-2:24**
Saskatchewan, **II-2:67**

CORPORATE SHARES

Bequeathing shares to children with asset distribution guidance, outright division, **V-19:33.40**
Bequeathment of shares to children's trusts, **V-19:33.60**
Commentary, **V-19:34**
Controlling shares, spouse to have right to decide on sale or retention, **V-19:14**
Co-operative apartment, gift of shares in, **V-9:4**
Dealing with, by trustees
see also retaining by trustees as investment, infra
employees to approve sale and to be given proxies, **V-19:13**
general power, **V-19:2-V-19:5**
power to employ son as manager and sell shares to him, **V-19:30**
power to transfer to elected directors, **V-19:12**
Definition of company referred to in will, **V-19:15**
Direction to sell with option to named person, **V-19:24**
Distribution in specie, **V-25:3-25:8**
Dividends, directions concerning treatment as capital or income, **V-24:8-V-24:12**
Dividends and rights, power to retain, **V-19:39**
Gifts of
See LEGACIES
Guidance for asset division among heirs, **V-19:33.70**
Held directly or indirectly, option to purchase, **V-19:25**
Holding as investment
See retaining by trustees as investment, infra
See Retaining by trustees as investment, infra
Introduction and Commentary, **V-19:1**
Memoranda to trustees concerning, **V-35:24-35:27**

CORPORATE SHARES—Cont'd

- Options to purchase
 - directions to trustees to give
 - child after spouse's death, to, **V-19:23**
 - child at majority with power to encroach for purchase, to, **V-19:20**
 - child upon conditions, to, **V-19:21; V-19:22**
 - directors who are employees, to, **V-19:25**
 - named children for limited period, to, **V-19:19**
 - other shareholders, to, **V-19:26**
 - stock options, power to take up
 - existing at death, **V-19:27; V-19:28**
 - offers after death included, **V-23:21**
- Personal corporation, power to deal with shares, **V-19:11**
- Power to deal with agreements concerning shares and interests in companies (Short and Long Forms), **V-19:10, 19:10.50**
- Primary will, **V-19:35**
- Private share bequeathment, **V-19:33.10**
- Protection of minority shareholders, provision for, **V-19:37**
- Proxies, direction to give to sons if employed by company, **V-19:22**
- Retaining by trustees as investment
 - see also dealing with, by trustees, *supra*
 - direction not to sell without spouse's consent, **V-19:23**
 - direction to retain and give option to child at majority, **V-19:20**
 - power to retain and deal
 - general, **V-19:6**
 - specific company, **V-19:7**
 - with direction to give first option to other shareholders, **V-19:26**
 - power to retain and employ spouse as officer, **V-19:29**
 - power to retain shares with request that daughter be appointed manager and allowed to acquire shares, **V-19:31**
 - power to retain with direction for proxies to sons and options to purchase, **V-19:22**
 - request to consult named persons as to management, **V-19:33**
- Sample memorandum for asset division among heirs, **V-19:33.50**
- Secondary will, **V-19:36**
- Specific company
 - power to deal with shares, **V-19:5**
 - power to retain and deal with shares, **V-19:7**
 - spouse to have right to decide on sale or retention, **V-19:9**
- Stock dividends
 - directions concerning treatment as capital or income, **V-24:8-V-24:12**
 - power to compensate income beneficiary when received, **V-24:13**
- Stock options, power to trustees to take up
 - existing at death, **V-19:27; V-19:28**

CORPORATE SHARES—Cont'd

- Stock options, power to trustees to take up—Cont'd
 - offers after death included, **V-23:21**
- Stock warrants, direction to treat as capital, **V-24:9**
- Taxes on real estate transfer, **V-19:33.80**
- Voting by trustees
 - as directed by family, **V-19:18**
 - general power, **V-19:16**
 - son to settle disputes, **V-19:17**

CORPORATE TRUSTEE

- See EXECUTORS AND TRUSTEES; INTER VIVOS TRUSTS

CORPORATIONS

- Affidavit of service, **VIII-3:3**
- Application for winding-up or oppression remedy
 - See APPLICATIONS, Canada Business Corporations Act, Ontario Business Corporations Act
- Certificate of corporate document for use at trial
 - certificate, **VIII-17:47**
 - commentary, **VIII-17:46**
- Charitable
 - See CHARITABLE CORPORATION
- Costs order against officer of party personally, **VIII-23:46**
- Discovery, substitute corporate representative on
 - affidavit, **VIII-10:22**
 - commentary, **VIII-10:20**
 - notice of motion, **VIII-10:21**
 - order, **VIII-10:23**
- Extra-provincial
 - See EXTRA-PROVINCIAL CORPORATION
- Investment in, power of trustees to take action, **V-31:46**
- Name change
 - See ARTICLES, AMENDMENTS TO
- Non-share capital
 - See NON-SHARE CAPITAL CORPORATION
- Personal corporation, power of trustees to deal with shares, **V-19:11**
- Public
 - See PUBLIC CORPORATION
- Registered office, change of
 - See ARTICLES, AMENDMENTS TO
- Reorganization, power of trustees to participate in, **V-43:34**
- Retainer, **VIII-1:77**
 - engagement letter, **VIII-1:78**
 - resolution authorizing, **VIII-1:79**

CORPORATIONS—Cont'd

- Security for costs
 - affidavit, **VIII-25:34**
 - notice of motion, **VIII-25:33**
 - order, **VIII-25:35**
- Shares of
 - See CORPORATE SHARES
- S V (Corporate Shares), **VIII**
- Transfer of to client
 - director, resignation of, **II-2:112**
 - officer
 - directors' resolution appointing, **II-2:111**
 - resignation of, **II-2:110**
 - shares
 - consent to transfer of, **II-2:114**
 - directors' resolution consenting to transfer of, **II-2:115**
 - held in trust, direction re transfer of, **II-2:117**
 - transfer of, **II-2:116**
 - vacancy, shareholders' resolution appointing director to fill, **II-2:113**

CORPORATIONS INFORMATION ACT

- Continuance, initial notice, **II-16:23**

CORPORATIONS TAX BRANCH (ONTARIO)

- Continuance, letter to requesting consent, **II-16:5**
- Dissolution, letter to requesting consent, **II-17:10**
- Revival, letter to requesting consent, **II-18:4**

COST ESTIMATES

- Applicant, **VIII-1:27**
- Defendant, **VIII-1:26**
- Plaintiff, **VIII-1:25**
- Respondent, **VIII-1:28**

COSTS

- Abandoned motion, application or appeal
 - affidavit, failure to appear, **VIII-23:34**
 - affidavit, no filing, **VIII-23:33**
 - commentary, **VIII-23:32**
- Affidavit of disbursements, **VIII-23:73**
- Against lawyer personally
 - disallow fees, **VIII-23:48**
 - order for reimbursement, **VIII-23:50**
 - order to pay costs of another party, **VIII-23:51**
 - order to repay, **VIII-23:49**
- Against officer of party personally, **VIII-23:46**

COSTS—Cont'd

Against successful party, **VIII-23:45**

Appeals

appellant

general form, **VIII-23:27**

new trial, **VIII-23:28**

one set of costs, **VIII-23:29**

respondent

undertaking by appellant to pay in any event, **VIII-23:31**

Applications

applicant

general form, **VIII-23:21**

settlement offer exceeded, **VIII-23:23**

substantial indemnity costs scale, **VIII-23:22**

respondent

general form, **VIII-23:24**

settlement offer exceeded, **VIII-23:25**

substantial indemnity costs scale, **VIII-23:26**

Assessment between a solicitor and the client

appointment, notice of, **VIII-24:15**

commentary, **VIII-24:2**

order for assessment, client application

order, **VIII-24:6**

requisition, **VIII-24:5**

order for assessment, party paying

commentary, **VIII-24:9**

judgment, **VIII-24:12**

notice of application, **VIII-24:10**

notice of motion, **VIII-24:13**

order, **VIII-24:14**

order for assessment, solicitor application

order, **VIII-24:8**

requisition, **VIII-24:7**

order for delivery and assessment

order, **VIII-24:4**

requisition, **VIII-24:3**

report of the assessment officer, **VIII-24:16**

Assessments in a proceeding

certificate of assessment, **VIII-23:78**

notice of appointment, **VIII-23:74**

notice to deliver bill, **VIII-23:75**

objections to assessment, **VIII-23:76**

response to objections, **VIII-23:77**

COSTS—Cont'd

Bill of costs

- appeal, **VIII-23:71**
- application, **VIII-23:70**
- motion, **VIII-23:68**
- outline of, **VIII-23:72**
- trial, **VIII-23:69**

Bulloch order, **VIII-23:15**

Class actions

- successful defendant
 - application to Law Foundation, **VIII-23:43**
 - general form, **VIII-23:42**
- successful plaintiff, **VIII-23:41**

Costs if demanded, **VIII-23:55**Counterclaim, **VIII-23:17**

Defendant

- general form, **VIII-23:8**
- offer to contribute, **VIII-23:11**
- one set of costs, **VIII-23:12**
- settlement offer exceeded, **VIII-23:9**
- substantial indemnity costs scale, **VIII-23:10**

Demanded, if, **VIII-23:7; VIII-23:13**

- motion, **VIII-13:99**

Directions from trial judge to assessment officer

- approach to assessment, **VIII-23:66**
- experts, **VIII-23:64**
- translation, **VIII-23:67**
- travel and accommodation of party, **VIII-23:65**

Estate matters

- estate trustee during litigation, **VIII-23:39**
- executor, **VIII-23:36**
- other party paid out of estate, **VIII-23:37**
- other party to pay to estate, **VIII-23:38**

Estimates

- See COST ESTIMATES

Fixed costs

- general form, **VIII-23:61**
- items fixed, **VIII-23:62**

General form, prayer for relief, **VIII-4:2**Intervenor, **VIII-23:54**

Litigation guardian

- recovery from plaintiff, **VIII-23:52**
- recovery limited, **VIII-23:53**

COSTS—Cont'd

Motions

- commentary, **VIII-13:90**
- costs in any event, **VIII-13:92**
- costs in the cause, **VIII-13:94**
- demanded, if, **VIII-13:99**
- fixed costs, **VIII-13:91**
- multiple motions, one set of costs, **VIII-13:98**
- no costs, **VIII-13:97**
- party in the cause, costs to, **VIII-13:93**
- relief from costs of cross-examinations, **VIII-13:96**
- trial judge, costs reserved to, **VIII-13:95**

No costs, **VIII-23:56**

Non-party, award against, **VIII-23:14**

One set of costs

- appeals, **VIII-23:29**
- defendant, **VIII-23:12**

Plaintiff

- complete indemnity scale, **VIII-23:4**
- general form, **VIII-23:2**
- mistrial, **VIII-23:6**
- settlement offer exceeded, **VIII-23:5**
- substantial indemnity costs scale, **VIII-23:3**

Reduced costs

- general form, **VIII-23:58**
- mixed, **VIII-23:60**
- percentage, **VIII-23:59**

Sanderson order, **VIII-23:16**

Security for costs

- alternative orders
 - bond, **VIII-25:71**
 - commentary, **VIII-25:70**
 - letter of credit, **VIII-25:72**
- another proceeding
 - in Ontario, motion for security
 - affidavit, **VIII-25:22**
 - notice of motion, **VIII-25:21**
 - order, **VIII-25:23**
 - outside Ontario
 - affidavit, **VIII-25:25**
 - notice of motion, **VIII-25:24**
 - order, **VIII-25:26**
- appeal
 - dismiss appeal, **VIII-25:51**

COSTS—Cont'd

Security for costs—Cont'd

appeal—Cont'd

foreign appellant, **VIII-25:48**frivolous and vexatious, **VIII-25:45**

appeal, motion for

affidavit, **VIII-28:83**commentary, **VIII-28:81**notice of motion, **VIII-28:82**order, **VIII-28:84**

bills of costs

appeal, **VIII-25:7**application, **VIII-25:6**entire action, **VIII-25:5**

staged

to setting down for trial, **VIII-25:3**to trial, **VIII-25:4**bond, **VIII-25:72**

corporate plaintiff

affidavit, **VIII-25:34**notice of motion, **VIII-25:33**order, **VIII-25:35**counterclaim, **VIII-25:63**eliminate security, **VIII-25:77**

foreign plaintiff

commentary, **VIII-25:8**

demand for declaration of residence

commentary, **VIII-25:8**demand for declaration, **VIII-25:9**response, **VIII-25:10**

motion for security

affidavit, **VIII-25:15**consent, **VIII-25:16**notice of motion, **VIII-25:14**order, **VIII-25:17**

motion to stay where a failure to respond

affidavit, **VIII-25:12**notice of motion, **VIII-25:11**order, **VIII-25:13**

frivolous and vexatious

action

affidavit, **VIII-25:40**notice of motion, **VIII-25:39**order, **VIII-25:41**

COSTS—Cont'd

Security for costs—Cont'd

frivolous and vexatious—Cont'd

application

affidavit, **VIII-25:43**

notice of motion, **VIII-25:42**

order, **VIII-25:44**

increase amount of security, commentary

affidavit, **VIII-25:75**

commentary, **VIII-25:73**

notice of motion, **VIII-25:74**

order, **VIII-25:76**

letter of credit, **VIII-25:72**

nominal applicant

affidavit, **VIII-25:37**

notice of motion, **VIII-25:36**

order, **VIII-25:38**

notice of compliance, **VIII-25:66**

statute, by, Libel and Slander Act, **VIII-25:54**

third party claim

against defendant, **VIII-25:57**

against plaintiff, **VIII-25:60**

unpaid, motion to strike where ordered on prior motion for summary judgment

affidavit, **VIII-8:16**

notice of motion, **VIII-8:15**

order, **VIII-8:17**

unpaid costs

another proceeding, motion for security

affidavit, **VIII-25:31**

notice of motion, **VIII-25:30**

order, **VIII-25:32**

same proceeding, motion for security

affidavit, **VIII-25:28**

notice of motion, **VIII-25:27**

order, **VIII-25:29**

unpaid security for costs, motion to dismiss

affidavit, **VIII-25:68**

notice of motion, **VIII-25:67**

order, **VIII-25:69**

Solicitor and client

order

applicant, to, **VIII-23:22**

defendant, to, **VIII-23:10**

COSTS—Cont'd

Solicitor and client—Cont'd

order—Cont'd

plaintiff, to, **VIII-23:3**

respondent, to, **VIII-23:26**

prayer for relief, **VIII-4:29**

Statement of claim, request for substantial indemnity, **VIII-4:29**

Third party claims

action and third party claim dismissed, **VIII-23:19**

general form, **VIII-23:18**

no costs, **VIII-23:20**

Unpaid costs

another proceeding, motion for security

affidavit, **VIII-25:31**

notice of motion, **VIII-25:30**

order, **VIII-25:32**

motion to stay

affidavit, **VIII-23:80**

notice of motion, **VIII-23:79**

order, **VIII-23:81**

motion to strike defence

affidavit, **VIII-23:83**

notice of motion, **VIII-23:82**

order, **VIII-23:84**

same proceeding, motion for security

affidavit, **VIII-25:28**

notice of motion, **VIII-25:27**

order, **VIII-25:29**

CO-TENANCY

Provisions, **IV-6:66**

deferring opening or rent reduction, **IV-6:66.60**

deferring possession, **IV-6:66.40**

ongoing, **IV-6:66.80**

termination right, prior to possession, **IV-6:66.20**

COTS

See COMMERCIAL OFF-THE-SHELF SOFTWARE

COTTAGE RENTAL

Application and agreement, form of, **IV-8:23**

COTTAGES

See RESIDENCE

COUNCIL

Acceptable use policy, **IX-1:70**

COUNCIL—Cont'd

Administration and procedure

See BY-LAWS

Audio recordings of municipal council and standing committee in closed session meetings policy, **IX-1:74**

Citizen code of conduct, **IX-1:71.60**

Closed meeting protocol, **IX-1:74.50**

Code of conduct

complaint protocol, **IX-1:61**

members of council, for, **IX-1:47**

Community vision and pillars of sustainability policy, **IX-1:93**

Correspondence policy, **IX-1:67.60**

Correspondence policy version 2, **IX-1:67.61**

Council and staff communications policy, **IX-1:73**

Council expense policy, **IX-1:59**

Council governance approach policy, **IX-1:91**

Council—staff relations policy, **IX-1:106**

Council training workshop policy, **IX-1:94**

Delegation at council and committee meetings, **IX-1:71.20**

Delegations by union executives to standing committees policy, **IX-1:71.10**

Establishment of task forces and working groups policy, **IX-1:75**

Expense Policy, **IX-1:59**

Fraud, abuse and whistleblower policy, **IX-1:96.10**

Healthy meetings policy, **IX-1:74.60**

Information flow protocol, **IX-1:67**

Inter-municipal endorsement of council resolutions policy, **IX-1:76**

Issuance of technology equipment to members, policy, **IX-1:84**

Mayor and councillor roles policy, **IX-1:92**

Media protocols policy, **IX-1:68**

Media relations policy, **IX-1:68.50**

Meeting recording policy, **IX-1:73.30**

Monitoring chief administrative officer performance policy, **IX-1:90**

Placement of public submissions on standing committee agendas policy, **IX-1:72**

Pregnancy/parental leave policy re members, **IX-1:107**

Processing correspondence policy, **IX-1:67.50**

Processing of anonymous communications policy, **IX-1:69**

Proclamations procedures, **IX-1:81**

Public access during council and standing committee meetings policy, **IX-1:71**

Public submissions on standing committee agendas policy, **IX-1:71.40**

Purchase of land and members of

affidavit, **IX-3:3**

option clause, **IX-3:15**

COUNCIL—Cont'd

- Remote electronic participation in council and committee meetings during emergency, by-law, **IX-11:98.55**
- Requests from members, staff protocol re, **IX-1:66**
- Respectful communications policy, **IX-1:73.70**
- Retirement dinners for service area leads policy, **IX-1:80**
- Review of ward boundaries policy, **IX-1:77**
- Sale of major assets policy, **IX-1:82**
- Soliciting funds in city hall policy, **IX-1:78**
- Staff at ward meetings policy, **IX-1:79**
- Statutory officer recruitment
 - appointment and contract administration policy, **IX-1:88**
 - appointment and contract administration procedure, **IX-1:89**
 - commentary, **IX-1:87**
- Video recording and broadcasting of open meetings, **IX-1:73.40**
- Zoning matters, consideration of, **IX-3:14**

COUNSEL

- Asset purchase, opinion of
 - purchaser's counsel, **II-33:35**
 - vendor's counsel, **II-33:34**
- Bank's, opinion of, **II-21:43**
- Borrower's, opinion of, **II-21:44; II-21:45**
- Confirmation of, National Policy 11-202
 - section 7.2(2), **II-24:6**
 - section 7.3(4), **II-24:11**
- Consent re prospectuses, **II-24:8; II-24:9**
- Guarantor's, opinion of, **II-21:45**
- Private placement, closing documents
 - issuer's counsel opinion regarding common shares, **II-24:29**
 - officer's certificate as to opinion of issuer's counsel, **II-24:26**
- Share purchase, opinion of
 - purchaser's counsel, **II-33:19**
 - vendor's counsel, **II-33:18**
- Stock exchange, opinion of, to, **II-27:4**
- VIII (Lawyers)

COUNTERCLAIM

- Commentary, **VIII-4:40**
- Costs order on, **VIII-23:17**
- Defence to, **VIII-4:44**
 - reply and, **VIII-4:43**
 - reply to, **VIII-4:45**
- Election to proceed where action dismissed for delay, **VIII-16:31**

COUNTERCLAIM—Cont'd

- Faulty services, customs broker, **VIII-5:26**
- promotional deliveries, **VIII-5:24**
- General form
 - added parties, **VIII-4:42**
 - no added parties, **VIII-4:41**
- Heading, added parties, **VIII-1:44**
- Motion to amend defence to
 - affidavit, **VIII-6:94**
 - commentary, **VIII-6:92**
 - notice of motion, **VIII-6:93**
 - order, **VIII-6:95**
- Reply and defence to, **VIII-4:43**
- Security for costs, **VIII-25:63**
- Surrender of in offer to settle, **VIII-21:33**

COUNTERPARTS

- Clause, **X-33:71**
- Facsimile signature, and, **X-33:72**

COURT

- Appeal, of
 - commentary, **VIII-13:17**
 - motion to registrar to dismiss for delay, **VIII-13:19**
 - affidavit, **VIII-13:20**
 - order, **VIII-13:21**
 - notice of motion, general form, **VIII-13:18**
- Foreign, action proceeding in, motion to stay or dismiss Ontario action
 - affidavit of defendant, **VIII-6:16**
 - affidavit of translator, **VIII-6:17**
 - notice of motion, **VIII-6:15**
 - order, **VIII-6:18**
- Small claims
 - See SMALL CLAIMS COURT

COURT FORMS

- Commentary, **VIII-1:35**

COVENANT NOT TO SUE

- General form, **VIII-21:109**

COVID-19

- Commentary, **IX-7:20; VIII-27:1.50; VIII-28:1.50; VIII-29:1.50**
- Physical distancing regulation, parks and public squares, **IX-11:98.40, 11:98.45, 11:98.50**
- Remote electronic participation in council and committee meetings during emergency, by-law, **IX-11:98.55**

COVID-19—Cont’d

Risk reduction for residents of multi-tenanted buildings, by-law, **IX-11:98.30**
 Temporary mask by-law, **IX-11:98.20, 11:98.25, 11:98.35**

CRANES

Swing licence, **IV-9:16**

CREDIT FACILITY DOCUMENTS

Application for credit under s. 427 of Bank Act, **II-21:21**
 Credit agreement, **II-21:2**
 Drawdown notice, **II-21:3**
 Promissory note, **II-21:5**

CREDITOR

Consent on amalgamation

Alberta, **II-15:24**

federal, **II-15:24**

Manitoba, **II-15:24**

Ontario, **II-15:25**

Saskatchewan, **II-15:24**

Creditors’ Relief Act

obtain funds where no writ, motion to

affidavit, **VIII-22:132**

notice of motion, **VIII-22:131**

order, **VIII-22:133**

unsatisfied execution

affidavit of creditor, **VIII-22:134**

affidavit of debtor, **VIII-22:140**

affidavit of service, **VIII-22:137**

affidavit of sheriff, **VIII-22:135**

affidavit on application to determine claim, **VIII-22:144**

certificate, **VIII-22:138**

creditor’s contestation affidavit, **VIII-22:141**

election, **VIII-22:139**

judgment, **VIII-22:145**

notice of application to determine claim, **VIII-22:143**

notice of claim, **VIII-22:136**

notice of contestation, **VIII-22:142**

Initial notice to on amalgamation (Ontario, Alberta), **II-15:22**

Notice to creditor, **VIII-19:61**

Notice to on amalgamation re objection (Ontario, Alberta), **II-15:23**

S I (Arrangements with Creditors), VIII

CREDITORS, ARRANGEMENTS WITH

See ARRANGEMENTS WITH CREDITORS

CREMATION

Provisions for, **V-30:4; V-30:20-V-30:22**

CROPS

See PERSONALTY AND HOUSEHOLD EFFECTS

CROSS-APPEAL

Notice of, **VI-24:6**

Order dismissing, **VI-24:10**

Supplementary notice, **VI-24:7**

CROSSCLAIM

Commentary, **VIII-4:46**

Counterclaim, in, **VIII-4:48**

Defence to, **VIII-4:50**

reply to, **VIII-4:51**

General form, **VIII-4:47**

Reply to defence to, **VIII-4:51**

Third party claim, in, **VIII-4:49**

CROSS-EXAMINATION

Evidence for motions by way of
commentary, **VIII-13:40**

notice of examination, **VIII-13:41**

relief from costs of, **VIII-13:96**

Relief from costs of, **VIII-13:96**

Simplified procedure, notice of intention to, **VIII-31:25**

CROSS-MOTION

Commentary, **VIII-13:34**

Notice of motion, **VIII-13:35**

CROWDFUNDING

See PUBLIC OFFERINGS

CROWN

Affidavit of service

Canada, **VIII-3:6**

Ontario, **VIII-3:7**

CROWN AGENCY

Affidavit of service, **VIII-3:4**

Proceedings against federal Crown agency, **VIII-1:106**

CUSTODY AND ACCESS

See also CHILDREN

Affidavit in support, **VI-6:3**

Assessor, appointment of
affidavit, **VI-13:3**

CUSTODY AND ACCESS—Cont'd

- Assessor, appointment of—Cont'd
 - notice of motion, **VI-13:13**
 - order, **VI-13:4**
- Children's lawyer
 - intake form, **VI-14:5**
 - parenting and contact order, **VI-14:2**
- Order after trial granting, **VI-22:14**

DAMAGE AND DESTRUCTION

See also **LANDLORD'S WORK; SURRENDER OF PREMISES**

Architect's certificate, **IV-3:4; IV-4:3; IV-10:6**

Certificate conclusive

- cart lease, **IV-3:7**
- gross lease, **IV-2:4**
- industrial, **IV-2:2; IV-2:3**
- kiosk lease, **IV-3:7**
- leaseback, **IV-10:3**
- medical building, **IV-10:5**
- office, **IV-4:2-IV-4:4**
- retail, **IV-3:2; IV-3:3**

Costs, **IV-2:2; IV-4:2**

Initial improvements, to
ground lease, **IV-10:2**

Insurance proceeds

- industrial, **IV-2:3**
- insufficient, **IV-4:4**
- retail, **IV-3:3**

Lease provisions

- gross lease, **IV-2:4**
- ground, **IV-10:2**
- industrial, **IV-2:2; IV-2:3**
- leaseback, **IV-10:3**
- medical building, **IV-10:5**
- office, **IV-4:2-IV-4:4**
- pad, **IV-3:5; IV-3:6**
- residential, **IV-8:57**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4**
- veterinary clinic/hospital, **IV-10:6**

Offer provision, **IV-1:9**

Premises, to

- cart lease, **IV-3:7**
- gross lease, **IV-2:4**
- industrial, **IV-2:2; IV-2:3**

DAMAGE AND DESTRUCTION—Cont'd

Premises, to—Cont'd

- kiosk lease, **IV-3:7**
- leaseback, **IV-10:3**
- office, **IV-4:2; IV-4:4**
- pad, **IV-3:5; IV-3:6**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4; IV-10:6**
- veterinary clinic/hospital, **IV-10:6**

Project, to

- cart lease, **IV-3:7**
- industrial, **IV-2:2; IV-2:3**
- kiosk lease, **IV-3:7**
- office, **IV-4:3; IV-4:4**
- pad, **IV-3:5; IV-3:6**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4**

Restoration obligations, **IV-6:61-IV-6:64**

Termination rights

- cart lease, **IV-3:7**
- commercial condominium unit, **IV-10:8**
- farm lease, **IV-10:4**
- industrial, **IV-2:2; IV-2:3**
- kiosk lease, **IV-3:7**
- leaseback, **IV-10:3**
- medical building, **IV-10:5**
- office, **IV-4:2**
- pad, **IV-3:5; IV-3:6**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4**

DAMAGES

See also **SPECIAL DAMAGES**

Assessment of, report on reference for, **VIII-19:49**

General, prayer for relief, **VIII-4:2**

General damages, **VIII-4:9**

Judgment

- advance payments, **VIII-18:15**
- general form, **VIII-18:14**

Liquidated damages, **VIII-4:10**

Motion to increase amount of

- affidavit, **VIII-6:81**
- notice of motion, **VIII-6:80**
- order, **VIII-6:82**

Undertaking, interlocutory injunction, **VIII-14:7**

DATABASES

- Information agreement, **IX-10:28**
- Licence agreement, **IX-10:27**
- Sharing agreement, **IX-10:26**
- Sharing and maintenance of land related data agreement, **IX-10:29**

DATA CENTRE SERVICES

- Assembly and sharing of database agreement, **X-14:20**
- Commentary, **X-14:1.50**
- Data governance checkpoints, advising clients in developing a data governance checklist, **X-14:1.70**
- Data processing addendum, European provisions, **X-14:3**
- Data processing services agreement, **X-14:2**
- Data protection
 - agreement, **X-14:24**
 - employee acknowledgment, **X-14:25**
- Data sharing agreement, **X-14:21; X-14:27**
 - memorandum of understanding, **X-6:26.80**
 - multi-party geospatial, **X-6:26.70**
- Defining, **X-14:1**
- Disclaimer, **X-14:30**
 - delay in data quotes, **X-14:31**
 - liability, of, **X-14:30**
 - notice, delay in, **X-14:31**
- Information technology services agreement, financial institution, **X-14:31**
- Licence agreement
 - database content and distribution limitations, **X-14:18**
 - intellectual property rights, **X-14:32**
 - Internet delivery, **X-14:10**
 - limited use, **X-14:12**
 - single user, **X-14:13**
 - site access, **X-14:14**
 - software, and, **X-14:16**
 - reservation of rights, and, **X-14:17**
 - video/music on demand content, **X-14:19**
- Master agreement, **X-14:5; X-14:6**
- Master services agreement, **X-24:10**
- Member conduct, document retrieval, **X-14:33**
- Member content disclaimer, **X-14:15**
- Memorandum of understanding, **X-14:16.50**
- Restrictions, **X-14:28**
 - customer's use of data and service, **X-14:29**
 - restricted uses, **X-14:28**
- Sharing IT services, **X-14:8**
- Terms of use, subscription news service, **X-14:11**

DATA CENTRE SERVICES—Cont'd

User-submitted content, **X-14:22**

DAYCARE FACILITIES

Bonusing agreement and, **IX-4:248; IX-4:249**

DEALER AGREEMENTS

Common shares, private placement of, **II-23:1**

DEALERS

See DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS,
REGISTRATION OF

General agreement, **I-24:3**

**DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS,
REGISTRATION OF**

Amendment, notice of

business locations other than head office, **II-31:18**

commentary, **II-31:15**

individuals, registered and permitted

categories, change or surrender of, **II-31:17**

termination of, **II-31:16**

registration information, change of, **II-31:19**

Checklist, **II-31:1**

NRD, **II-31:1**

Exemptions

international dealer and advisor

annual notice, **II-31:22**

appointment of agent, **II-31:20**

permitted client, **II-31:21**

submission to jurisdiction, **II-31:4**

international investment fund manager

annual notice, **II-31:25**

appointment of agent, **II-31:23**

permitted client, **II-31:24**

submission to jurisdiction, **II-31:4**

Filing letter

firm registration, **II-31:8**

NRD administrator, to, **II-31:4**

Firm registration, **II-31:9**

auditors, letter of direction, **II-31:11**

business locations other than head office, **II-31:12**

filing letter, **II-31:8**

insurance, certified resolution, **II-31:10**

Individuals, registered and permitted

registration and review of, **II-31:13**

**DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS,
REGISTRATION OF—Cont'd**

- Individuals, registered and permitted—Cont'd
 - reinstatement of, **II-31:14**
 - termination of, notice, **II-31:16**
- National Registration Database Registration (NRD) documents
 - account holder authorization, **II-31:7**
 - ARF, chief, enrolment of, **II-31:6**
 - checklist, **II-3:1**
 - chief authorized firm representative (ARF), enrolment of, **II-31:6**
 - filing letter to administrator, **II-31:4**
 - firm, enrolment of, **II-31:5**

DEATH TAXES

See DEBTS AND DUTIES; ESTATE TAX; INTER VIVOS TRUSTS

DE BENE ESSE

- Affidavit, **VIII-15:40**
- Commentary, **VIII-15:38**
- Consent to examination, **VIII-15:42**
- Consent to use of transcript, **VIII-15:43**
- Notice of motion, **VIII-15:39**
- Order, **VIII-15:41**

DEBENTURES

- Authorization by-laws
 - construction, for, **IX-11:180**
 - general, **IX-11:177; IX-11:178**
 - sinking fund debentures, one series of, **IX-11:179**
- Certificate, **IX-2:2**
- Commentary, **IX-2:1**
- Convertible, **II-21:9**
 - allotment and issue of units under, **II-3:18**
 - secured, private company, **II-22:11**
 - unsecured, public company, **II-22:12**
- Demand, **II-21:8**
- IX
- Redemption, notice of
 - full, **II-21:55**
 - partial, **II-21:56**
- Release and reconveyance of, **II-21:57**
- Trust deed securing, **II-21:10**
- Unsecured, **II-21:6**

DEBT

- Co-owner of, notice to, **VIII-32:45**

DEBT—Cont'd

Judgment
 general form, **VIII-18:12**
 set-off, **VIII-18:13**
Prayer for relief, **VIII-4:12**
Register, debt holder, **II-2:153**
Secured, **II-22:11**
Subordination agreement
 secured debt, **II-21:42**
 unsecured debt, **II-21:41**
S V (Debts and Duties), **VIII**
Trust indenture, **II-22:13**
Unsecured, **II-22:12**

DEBT OFFERINGS

See PUBLIC OFFERINGS

DEBTS AND DUTIES

General clauses, **V-10:2-V-10:4**
Payment of taxes and duties
 commutation or prepayment, authority for, **V-10:2; V-10:3**
 deficiency to be made up by foreign executor, **V-10:6**
 estate tax
 See ESTATE TAX
 exoneration of legacy form, **V-10:9**
 foreign taxes and duties, **V-10:5**
 from specified fund, **V-10:8**
 income tax provisions, **V-10:3**
 multiple will, **V-39:9**
 power of trustee, **V-43:36**
 primary will, for, **V-10:10**
 probate tax, Ontario, **V-38:2**
 secondary will, for, **V-10:11**
 summary of debts, preparatory form, **V-2:2**
Transportation of articles and effects, costs of, **V-10:12**

DEBTS OWED TO TESTATOR

Commentary, **V-11:76; V-11:79**
Deduction of amount from shares of estate, **V-11:84-11:86**
Forgiveness or reduction, **V-11:77-11:83; V-11:91**
Gifts of interest in debts, **V-11:87-11:90**
 trustee to collect, **V-11:92**

DECLARATION OF TRUST

Generally, **V-42:16; V-42:18**

DECLARATIONS

- Bank Act loans, value of, **I-55:61**
- Contests, **I-2:34; I-2:35**
 - travel companion, **I-2:36; I-2:37**
- Gifts
 - charitable, **I-31:23**
 - inter vivos, **I-31:5**
 - mortis causa, **I-31:17**
- Judgment, form of, **VIII-18:16**
- Power of attorney, **I-47:116-I-47:118**
- Prayer for relief, **VIII-4:13**
- Statutory
 - See STATUTORY DECLARATIONS

DEEDS OF TRUST

- See INTER VIVOS TRUSTS

DEFAMATION

- Notice to newspaper, **VIII-1:107**
- Notice to radio or television broadcaster, **VIII-1:108**
- Security for costs, **VIII-25:54**
- Slander, statement of claim, **VIII-5:69**

DEFAULT

- See also DISTRESS; TERMINATION, RIGHTS TO EARLY
- Acceptance of rent not waiver, **IV-3:4-IV-3:6**
- Checklist, motion to note person under disability in, **VIII-7:8**
- Consent to set aside noting in default, **VIII-7:12**
- Events of
 - cart lease, **IV-3:7**
 - commercial condominium unit, **IV-10:8**
 - farm lease, **IV-10:4**
 - gross lease, **IV-2:4**
 - ground, **IV-10:2**
 - industrial, **IV-2:2; IV-2:3**
 - kiosk lease, **IV-3:7**
 - leaseback, **IV-10:3**
 - medical building, **IV-10:5**
 - office, **IV-4:2-IV-4:4**
 - pad, **IV-3:5; IV-3:6**
 - retail, **IV-3:2; IV-3:3**
 - shopping centre, **IV-3:4**
 - veterinary clinic/hospital, **IV-10:6**
- Landlord's costs
 - cart lease, **IV-3:7**
 - gross lease, **IV-2:4**

DEFAULT—Cont'd

Landlord's costs—Cont'd

- ground, **IV-10:2**
- industrial, **IV-2:2; IV-2:3**
- kiosk lease, **IV-3:7**
- leaseback, **IV-10:3**
- medical building, **IV-10:5**
- office, **IV-4:2-IV-4:4**
- pad, **IV-3:5; IV-3:6**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4**
- veterinary clinic/hospital, **IV-10:6**

Motion by co-defendant to note in default, **VIII-7:4**

Notices

- checklist, **IV-15:2**
- non-rental default, **IV-15:5**
- rental default, no guarantor or indemnifier or assignor, **IV-15:3**
- rental default, with guarantor or indemnifier or assignor, **IV-15:4**

Offer provisions

- multi-tenanted building, no form of lease, **IV-1:16**
- single-tenanted building, no form of lease, **IV-1:15**

Payment of

- affidavit, **VIII-32:52**
- notice of, **VIII-32:51**

Person under disability, motion to note in default, **VIII-7:8**

Remedies

- cart lease, **IV-3:7**
- cumulative
 - See remedies cumulative, *infra*
 - See Remedies cumulative, *infra*
- gross lease, **IV-2:4**
- ground, **IV-10:2**
- industrial, **IV-2:2; IV-2:3**
- kiosk lease, **IV-3:7**
- leaseback, **IV-10:3**
- medical building, **IV-10:5**
- office, **IV-4:2-IV-4:4**
- pad, **IV-3:5; IV-3:6**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4**
- veterinary clinic/hospital, **IV-10:6**

Remedies cumulative

- cart lease, **IV-3:7**
- gross lease, **IV-2:4**

DEFAULT—Cont'd

Remedies cumulative—Cont'd

- ground, **IV-10:2**
- industrial, **IV-2:2; IV-2:3**
- kiosk lease, **IV-3:7**
- leaseback, **IV-10:3**
- office, **IV-4:2-IV-4:4**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4**
- veterinary clinic/hospital, **IV-10:6**

Report on taking of accounts where, **VIII-19:45**

Requisition to note in default, **VIII-7:3**

Right to re-enter

- cart lease, **IV-3:7**
- gross lease, **IV-2:4**
- ground, **IV-10:2**
- industrial, **IV-2:2; IV-2:3**
- kiosk lease, **IV-3:7**
- office, **IV-4:2; IV-4:3**
- pad, **IV-3:5; IV-3:6**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4**

Set aside noting in default, **VIII-7:13**

DEFAULT JUDGMENT

Checklist

- motion for, **VIII-7:21; VIII-7:25**
- requisition for, **VIII-7:18**

Commentary, **VIII-7:20; VIII-7:24; VIII-7:29**

Forms of judgment

- debt or liquidated demand, **VIII-7:35**
- recovery of possession of land, **VIII-7:36**
- recovery of possession of personal property, **VIII-7:37**

Motion for

- registrar uncertain about interest
 - affidavit, **VIII-7:27**
 - checklist, **VIII-7:25**
 - commentary, **VIII-7:24**
 - notice of motion, **VIII-7:26**
 - order, **VIII-7:27**

registrar uncertain as to class of claim

- checklist, **VIII-7:21**
- commentary, **VIII-7:20**
- notice of motion, **VIII-7:22**
- order, **VIII-7:23**

DEFAULT JUDGMENT—Cont'd

Motion for judgment

affidavit, **VIII-7:32**

checklist, **VIII-7:30**

commentary, **VIII-7:29**

judgment, **VIII-7:33**

notice of motion, **VIII-7:31**

Requisition for, **VIII-7:19**

Set aside default judgment

affidavit of client, **VIII-7:41**

affidavit of lawyer, **VIII-7:40**

commentary, **VIII-7:38**

consent to set aside, **VIII-7:42**

notice of motion, **VIII-7:39**

order, **VIII-7:43**

simplified procedure, notice of intention to, **VIII-31:16**

Small Claims Court, **VIII-32:20**

affidavit

assessment hearing in writing, **VIII-32:18**

jurisdiction, for, **VIII-32:17**

notice of motion, assessment hearing, **VIII-32:18**

DEFENCE

Add counterclaim, motion to

affidavit, **VIII-6:94**

commentary, **VIII-6:92**

notice of motion, **VIII-6:93**

order, **VIII-6:95**

Amend, motion to

add new defence

affidavit, **VIII-6:85**

notice of motion, **VIII-6:84**

order, **VIII-6:86**

commentary, **VIII-6:83**

withdraw admission

affidavit in opposition, **VIII-6:90**

affidavit in support, **VIII-6:89**

notice of motion, **VIII-6:88**

order, **VIII-6:91**

Counterclaim, **VIII-4:43; VIII-4:45**

Crossclaim, **VIII-4:50**

General form, **VIII-4:35**

Motion to strike, no reasonable, **VIII-6:59**

Notice of intent to defend, **VIII-4:36**

DEFENCE—Cont'd

- Small Claims Court
 - defendant's claim, to, **VIII-32:13**
 - plaintiff's claim, to, **VIII-32:11**
- Third party, **VIII-4:54**
- Withdrawal of defence, notice of, **VIII-4:37**

DEFENDANTS

- Claim, Small Claims Court, **VIII-32:12**
 - defence to, **VIII-32:13**
- Costs orders
 - general form, **VIII-23:8**
 - offer to contribute, **VIII-23:11**
 - one set of costs, **VIII-23:12**
 - settlement offer exceeded, **VIII-23:9**
 - substantial indemnity costs scale, **VIII-23:10**
 - successful defendant in a class action
 - affidavit, **VIII-23:44**
 - application to Law Foundation, **VIII-23:43**
- Lack of capacity, motion to stay or dismiss
 - affidavit, **VIII-6:12**
 - commentary, **VIII-6:10**
 - notice of motion, **VIII-6:11**
 - order, **VIII-6:13**
- Motion by co-defendant to note in default, **VIII-7:4**
- Multiple, offer to settle by defendant
 - by all, **VIII-21:35**
 - by some, **VIII-21:34**
- Multiple, offer to settle by plaintiff
 - joint, **VIII-21:24**
 - offer to some, **VIII-21:23**
 - separate claims, **VIII-21:22**
- Offer to contribute, **VIII-21:36**
- Offer to settle by
 - commentary, **VIII-21:31**
 - defendant under disability, **VIII-21:37**
 - general form, **VIII-21:32**
 - multiple defendants
 - made by all, **VIII-21:35**
 - made by one, **VIII-21:34**
 - offer to contribute, **VIII-21:36**
 - plaintiff under disability, **VIII-21:38**
 - surrender counterclaim, **VIII-21:33**
- Outside Ontario endorsement, **VIII-4:31**

DEFENDANTS—Cont'd

Representative, class proceedings

See CERTIFICATION

DEFINED TERMS

AAA, **I-APP 1 [TCD:1]**

Abandonment, **I-APP 1 [TCD:2]**

Abnormal water, **I-APP 1 [TCD:3]**

event, **I-APP 1 [TCD:4]**

Acceptable use policy, **I-APP 1 [TCD:4.50]**

Acceptance

criteria, **I-APP 1 [TCD:5]**

date, **I-APP 1 [TCD:6]**

testing, **I-APP 1 [TCD:7]**

tests, **I-APP 1 [TCD:8]**

Access road, **I-APP 1 [TCD:9]**

Account, **I-APP 1 [TCD:10]**

Accountability indicators, **I-APP 1 [TCD:12]**

Accountant, **I-APP 1 [TCD:13]**

Accounting principles, **I-APP 1 [TCD:14]**

Account master, **I-APP 1 [TCD:11]**

Accounts receivable, **I-APP 1 [TCD:15]**

Achieved traction power savings amount, **I-APP 1 [TCD:15.50]**

Acquired assets, **I-APP 1 [TCD:15.70]**

Acquired assets credit, **I-APP 1 [TCD:15.90]**

Act, **I-APP 1 [TCD:16]**

Active member, **I-APP 1 [TCD:18]**

Active roster, **I-APP 1 [TCD:19]**

Act of realization, **I-APP 1 [TCD:17]**

Actual retirement date, **I-APP 1 [TCD:20]**

Actuarial equivalent, **I-APP 1 [TCD:21]**

Actuary, **I-APP 1 [TCD:22]**

Additional

rent, **I-APP 1 [TCD:23]**

resource charge, **I-APP 1 [TCD:23.50]**

service, **I-APP 1 [TCD:24]**

services, **I-APP 1 [TCD:25]**

Additional work, **I-APP 1 [TCD:25.50]**

Adjusted gross revenue, **I-APP 1 [TCD:26]**

Adjustment date, **I-APP 1 [TCD:27]**

Administrator, **I-APP 1 [TCD:28]**

Advance box office receipts, **I-APP 1 [TCD:29]**

Adverse law, **I-APP 1 [TCD:29.50]**

Advertisement, **I-APP 1 [TCD:30]**

Advertisement term, **I-APP 1 [TCD:31]**

DEFINED TERMS—Cont'd

Advertising rights, **I-APP 1 [TCD:32]**
Advertising space, **I-APP 1 [TCD:33]**
Advertising supported video on demand rights, **I-APP 1 [TCD:33.50]**
Advisors, **I-APP 1 [TCD:34]**
AFEs, **I-APP 1 [TCD:1]; I-APP 1 [TCD:1.50]**
Affected party, **I-APP 1 [TCD:35]**
Affiliate, **I-APP 1 [TCD:36]**
Affiliated company, **I-APP 1 [TCD:37]**
Affiliate of any person, **I-APP 1 [TCD:36.50]**
Affiliation agreement, **I-APP 1 [TCD:38]**
Agent bank, **I-APP 1 [TCD:38.30]**
Aggregate base annual service payment, **I-APP 1 [TCD:38.70]**
Agreement, **I-APP 1 [TCD:39]**
Agreement year, **I-APP 1 [TCD:40]**
Airline brand, **I-APP 1 [TCD:40.50]**
Airport, **I-APP 1 [TCD:41]**
Airport director, **I-APP 1 [TCD:42]**
Airport rules and regulations, **I-APP 1 [TCD:43]**
Album, **I-APP 1 [TCD:44]**
Allocation procedure, **I-APP 1 [TCD:45]**
Ancillary
 materials, **I-APP 1 [TCD:46]**
 rights, **I-APP 1 [TCD:47]**
 services, **I-APP 1 [TCD:48]**
Ancillary documents, **I-APP 1 [TCD:45.30]**
Ancillary program, **I-APP 1 [TCD:45.50]**
Anniversary date, **I-APP 1 [TCD:49]**
Annual allowable amount, **I-APP 1 [TCD:49.30]**
Annual report, **I-APP 1 [TCD:49.50]**
Annual traction power amount, **I-APP 1 [TCD:49.70]**
Anti-social force, **I-APP 1 [TCD:49.80]**
Appearance costs, **I-APP 1 [TCD:50]**
Applicable law(s), **I-APP 1 [TCD:51]**
Applicable legislation, **I-APP 1 [TCD:52]**
Applicable requirements, **I-APP 1 [TCD:52.50]**
 by third party, **I-APP 1 [TCD:54.50]**
Applicable taxes, **I-APP 1 [TCD:53]**
Application, **I-APP 1 [TCD:54]**
 package, **I-APP 1 [TCD:55]**
 program, **I-APP 1 [TCD:56]**
 software, **I-APP 1 [TCD:57]**
Appropriate legal notices, **I-APP 1 [TCD:58]**
Approved program, **I-APP 1 [TCD:59]**

DEFINED TERMS—Cont'd

Approved subcontractor, **I-APP 1 [TCD:60]**
Approved third parties, **I-APP 1 [TCD:60.30]**
Archaeological remains, **I-APP 1 [TCD:60.50]**
Article, **I-APP 1 [TCD:60.70]**
Asset management, **I-APP 1 [TCD:60.80]**
Assets, **I-APP 1 [TCD:61]**
Assignment, **I-APP 1 [TCD:61.30]**
Assignment costs, **I-APP 1 [TCD:61.50]**
Associated company, **I-APP 1 [TCD:62]**
Attraction, **I-APP 1 [TCD:63]**
Auditors, **I-APP 1 [TCD:64]**
Authority, **I-APP 1 [TCD:65]**
Authority having jurisdiction, **I-APP 1 [TCD:65.10]**
Authority requirement, **I-APP 1 [TCD:65.30]**
Authorized contractor, **I-APP 1 [TCD:65.70]**
Authorized market, **I-APP 1 [TCD:66]**
Authorized parties, **I-APP 1 [TCD:66.50]**
Authorized sub-contractor, **I-APP 1 [TCD:67]**
Authorized user(s), **I-APP 1 [TCD:68; TCD:71]**
 created e-content, **I-APP 1 [TCD:69]**
 review(s), **I-APP 1 [TCD:70]**
Authors, **I-APP 1 [TCD:72]**
Automatic data collection services, **I-APP 1 [TCD:72.70]**
Auto renew, **I-APP 1 [TCD:72.50]**
Auto renewal term, **I-APP 1 [TCD:72.60]**
Available term credit, **I-APP 1 [TCD:73]**
Background information, **I-APP 1 [TCD:74]**
Backup facility, **I-APP 1 [TCD:74.50]**
Back-up policy, **I-APP 1 [TCD:73.70]**
Balanced score card criteria, **I-APP 1 [TCD:75.50]**
Balanced scorecard indicators, **I-APP 1 [TCD:76]**
Balance sheet, **I-APP 1 [TCD:75]**
Bank, **I-APP 1 [TCD:77]**
Bank account, **I-APP 1 [TCD:78]**
Bank Act security, **I-APP 1 [TCD:79]**
Bankers, **I-APP 1 [TCD:80]**
Bankers' acceptance
 drawdown, **I-APP 1 [TCD:81]**
 loan, **I-APP 1 [TCD:82]**
 proceeds, **I-APP 1 [TCD:83]**
Banking day, **I-APP 1 [TCD:84]**
Banking premises, **I-APP 1 [TCD:85]**
Bankruptcy Act, **I-APP 1 [TCD:86]**

DEFINED TERMS—Cont'd

Base compensation, **I-APP 1 [TCD:87]**
 Base rate, **I-APP 1 [TCD:88]**
 drawdown, **I-APP 1 [TCD:89]**
 loan, **I-APP 1 [TCD:90]**
 Basic rent, **I-APP 1 [TCD:91]**
 Basic sanitation, **I-APP 1 [TCD:92]**
 Basic water supply, **I-APP 1 [TCD:93]**
 BDU, **I-APP 1 [TCD:73.30]**
 Benchmark, **I-APP 1 [TCD:94]**
 Benchmarking process, **I-APP 1 [TCD:95]**
 Best efforts, **I-APP 1 [TCD:96]**
 Bid security, **I-APP 1 [TCD:96.30]**
 Billing month, **I-APP 1 [TCD:96.70]**
 Billing period, **I-APP 1 [TCD:97]**
 Biographical materials, **I-APP 1 [TCD:98]**
 Board, **I-APP 1 [TCD:99]**
 Bond, **I-APP 1 [TCD:100]**
 Bond year, **I-APP 1 [TCD:100.50]**
 Borrower, **I-APP 1 [TCD:101]**
 Borrowings, **I-APP 1 [TCD:106]**
 base, **I-APP 1 [TCD:102]**
 base report, **I-APP 1 [TCD:103]**
 limit, **I-APP 1 [TCD:104]**
 notice, **I-APP 1 [TCD:105]**
 Box office, **I-APP 1 [TCD:107]**
 receipts, **I-APP 1 [TCD:108]**
 Branch, **I-APP 1 [TCD:109]**
 Break fee, **I-APP 1 [TCD:110]**
 Broadcast centre, **I-APP 1 [TCD:110.50]**
 Budget, **I-APP 1 [TCD:111]**
 Budget records, **I-APP 1 [TCD:112]**
 Budgets, **I-APP 1 [TCD:113]**
 Building, **I-APP 1 [TCD:114]**
 systems, **I-APP 1 [TCD:115]**
 Bulk accounts, **I-APP 1 [TCD:115.50]**
 Bundled product, **I-APP 1 [TCD:116]**
 Business, **I-APP 1 [TCD:117]**
 Business continuity event, **I-APP 1 [TCD:118]**
 Business continuity plan, **I-APP 1 [TCD:119]**
 Business day, **I-APP 1 [TCD:120]**
 Business information, **I-APP 1 [TCD:121]**
 Business partner, **I-APP 1 [TCD:122]**
 Business plan, **I-APP 1 [TCD:120.50]**

DEFINED TERMS—Cont'd

By-law, **I-APP 1 [TCD:123]**
Cable system(s), **I-APP 1 [TCD:124.50]**
Calendar day, **I-APP 1 [TCD:124.70]**
Calendar year, **I-APP 1 [TCD:124.80]**
Canada, **I-APP 1 [TCD:125]**
Canadian, **I-APP 1 [TCD:126]**
Canadian dollars, **I-APP 1 [TCD:127]**
Canadian loans, **I-APP 1 [TCD:128]**
Canadian partners, **I-APP 1 [TCD:129]**
Canadian production, **I-APP 1 [TCD:130]**
Capital, **I-APP 1 [TCD:131]**
 account, **I-APP 1 [TCD:132]**
 contribution, **I-APP 1 [TCD:133]**
 expenditures, **I-APP 1 [TCD:134]**
 variation expenditure, **I-APP 1 [TCD:135]**
 work, **I-APP 1 [TCD:136]**
Capitalization of the production, **I-APP 1 [TCD:137]**
Card location, **I-APP 1 [TCD:138]**
Carrier mobile tv, **I-APP 1 [TCD:138.30]**
Carrier related party, **I-APP 1 [TCD:138.70]**
Cash allowance equipment costs, **I-APP 1 [TCD:138.80]**
Cash available for distribution, **I-APP 1 [TCD:139]**
Cash flow, **I-APP 1 [TCD:140]**
Cast album, **I-APP 1 [TCD:141]**
Cast incapacity, **I-APP 1 [TCD:142]**
Casual ticket, **I-APP 1 [TCD:143]**
Catch-up rights, **I-APP 1 [TCD:143.50]**
 in law, **I-APP 1 [TCD:151]**
Cause, **I-APP 1 [TCD:143.100]**
Certificate, **I-APP 1 [TCD:144]**
Certificate of analysis, **I-APP 1 [TCD:145]**
Certificate of conformance, **I-APP 1 [TCD:146]**
Certification, **I-APP 1 [TCD:147]**
Certified production costs, **I-APP 1 [TCD:148]**
Chair, **I-APP 1 [TCD:149]**
Change, **I-APP 1 [TCD:150]**
 in control, **I-APP 1 [TCD:151]**
 of control, **I-APP 1 [TCD:152]**
 order, **I-APP 1 [TCD:153]**
 request, **I-APP 1 [TCD:154]**
Charge(s), **I-APP 1 [TCD:155; TCD:156]**
Chief executive officer, **I-APP 1 [TCD:157]**
Chief financial officer, **I-APP 1 [TCD:157.50]**

DEFINED TERMS—Cont'd

Chief nursing executive, **I-APP 1 [TCD:158]**
 Chief of staff, **I-APP 1 [TCD:159]**
 Claim, **I-APP 1 [TCD:160]**
 Class environmental assessment process, **I-APP 1 [TCD:160.50]**
 Client, **I-APP 1 [TCD:161]**
 Client agents, **I-APP 1 [TCD:161.30]**
 Client confidential information, **I-APP 1 [TCD:161.50]**
 Client contracting party, **I-APP 1 [TCD:161.70]**
 Client data, **I-APP 1 [TCD:162]**
 Client direct competitor, **I-APP 1 [TCD:162.50]**
 Client hardware, **I-APP 1 [TCD:162.20]**
 Client materials, **I-APP 1 [TCD:162.40]**
 Client personnel, **I-APP 1 [TCD:162.60]**
 Client program projects, **I-APP 1 [TCD:162.70]**
 Client's customers, **I-APP 1 [TCD:164]**
 Client sites, **I-APP 1 [TCD:162.80]**
 Client work product, **I-APP 1 [TCD:163]**
 Clinical human resources plan, **I-APP 1 [TCD:165]**
 Clinical/non-clinical services, **I-APP 1 [TCD:165.70]**
 Clinical/non-clinical service user, **I-APP 1 [TCD:165.30]**
 Clinical responsibilities, **I-APP 1 [TCD:166]**
 Clinical use, **I-APP 1 [TCD:166.50]**
 Closed network, **I-APP 1 [TCD:167]**
 Closing, **I-APP 1 [TCD:168]**
 date, **I-APP 1 [TCD:169]**
 place, **I-APP 1 [TCD:170]**
 time, **I-APP 1 [TCD:171]**
 Cloud infrastructure, **I-APP 1 [TCD:171.50]**
 Cloud server(s), **I-APP 1 [TCD:172]**
 Cloud services, **I-APP 1 [TCD:172.50]**
 Club, **I-APP 1 [TCD:173]**
 Code, **I-APP 1 [TCD:175]**
 Collateral, **I-APP 1 [TCD:176]**
 College, **I-APP 1 [TCD:177]**
 College of Family Physicians, **I-APP 1 [TCD:178]**
 Commencement date, **I-APP 1 [TCD:179]**
 Commencement event, **I-APP 1 [TCD:179.50]**
 Commencement period, **I-APP 1 [TCD:180]**
 Commercial close, **I-APP 1 [TCD:181]**
 Commercial close target date, **I-APP 1 [TCD:182]**
 Commercial paper notes, **I-APP 1 [TCD:182.50]**
 Commercial production, **I-APP 1 [TCD:183]**
 Commercial subscribers, **I-APP 1 [TCD:183.50]**

DEFINED TERMS—Cont'd

Commercial tie-up, **I-APP 1 [TCD:184]**
Commission, **I-APP 1 [TCD:184.50]**
Commissioning plan, **I-APP 1 [TCD:185]**
Committed standby facility, **I-APP 1 [TCD:186]**
Commodity tax, **I-APP 1 [TCD:186.50]**
Common share, **I-APP 1 [TCD:186.100]**
Common stream, **I-APP 1 [TCD:187]**
Communication plan, **I-APP 1 [TCD:188]**
Communications manual, **I-APP 1 [TCD:189]**
Community customers, **I-APP 1 [TCD:189.50]**
Commuted value, **I-APP 1 [TCD:190]**
Commuter rail maintenance facility, **I-APP 1 [TCD:190.50]**
Company, **I-APP 1 [TCD:191]**
 agent, **I-APP 1 [TCD:192]**
 architecture, **I-APP 1 [TCD:193]**
 auditors, **I-APP 1 [TCD:194]**
 competitor, **I-APP 1 [TCD:195]**
 consents, **I-APP 1 [TCD:196]**
 data, **I-APP 1 [TCD:197]**
 data safeguards, **I-APP 1 [TCD:198]**
 entity, **I-APP 1 [TCD:199]**
 group, **I-APP 1 [TCD:200]**
 hardware, **I-APP 1 [TCD:201]**
 indemnified parties, **I-APP 1 [TCD:202]**
 IP, **I-APP 1 [TCD:203]**
 privacy policies, **I-APP 1 [TCD:204]**
 record retention policies, **I-APP 1 [TCD:205]**
 service location, **I-APP 1 [TCD:206]**
Company's manual, **I-APP 1 [TCD:207]**
Compensated time, **I-APP 1 [TCD:208]**
Compensation, **I-APP 1 [TCD:209]**
Compete, **I-APP 1 [TCD:210]**
Competitive navigational tools, **I-APP 1 [TCD:211]**
Competitor, **I-APP 1 [TCD:211.50]**
Completion date, **I-APP 1 [TCD:212]**
Completion of services, **I-APP 1 [TCD:212.50]**
Compliance certificate, **I-APP 1 [TCD:213]**
Complimentary ticket, **I-APP 1 [TCD:214]**
Component basis, **I-APP 1 [TCD:215]**
Composition(s), **I-APP 1 [TCD:216; TCD:217]**
Computer, **I-APP 1 [TCD:218]**
 operations, **I-APP 1 [TCD:219]**
 software, **I-APP 1 [TCD:220]**

DEFINED TERMS—Cont'd

Computer, **I-APP 1 [TCD:218]**—Cont'd
 technology, **I-APP 1 [TCD:221]**
 Concept master plan, **I-APP 1 [TCD:222]**
 Concession, **I-APP 1 [TCD:223]**
 Concessionaire, **I-APP 1 [TCD:224.10]**
 concessionaire-operated components, **I-APP 1 [TCD:224.110]**
 content, **I-APP 1 [TCD:224.20]**
 default amount, **I-APP 1 [TCD:224.30]**
 design submittal, **I-APP 1 [TCD:224.40]**
 financing, **I-APP 1 [TCD:224.50]**
 relocated utility, **I-APP 1 [TCD:224.60]**
 sustainability plan, **I-APP 1 [TCD:224.90]**
 termination event, **I-APP 1 [TCD:224.70]**
 tools, **I-APP 1 [TCD:224.80]**
 utility tracking report, **I-APP 1 [TCD:224.100]; I-APP 1 [TCD:262.50]**
 Concession assets, **I-APP 1 [TCD:224]**
 Confidential, **I-APP 1 [TCD:224.90]**
 Confidential information, **I-APP 1 [TCD:225]**
 Confirmed nomination, **I-APP 1 [TCD:226]**
 Conflict of interest, **I-APP 1 [TCD:226.50]**
 Connected source, **I-APP 1 [TCD:227]**
 Consent, **I-APP 1 [TCD:228]**
 Consent fee, **I-APP 1 [TCD:229]**
 Consideration, **I-APP 1 [TCD:230]**
 Consortium agreement, **I-APP 1 [TCD:231]**
 Consortium obligations, **I-APP 1 [TCD:232]**
 Construction
 budget, **I-APP 1 [TCD:233]**
 contract, **I-APP 1 [TCD:234]**
 cost, **I-APP 1 [TCD:235]**
 documents, **I-APP 1 [TCD:236]**
 work, **I-APP 1 [TCD:237]**
 Consultant, **I-APP 1 [TCD:238]**
 Consultant coordination, **I-APP 1 [TCD:239]**
 Consultant's business, **I-APP 1 [TCD:240]**
 Consulting services, **I-APP 1 [TCD:240.50]**
 Consulting services agreement, **I-APP 1 [TCD:241]**
 Consumer, **I-APP 1 [TCD:242]**
 Consumer installation, **I-APP 1 [TCD:243]**
 Contaminant, **I-APP 1 [TCD:244]**
 Contaminants, **I-APP 1 [TCD:245]**
 Contaminated water, **I-APP 1 [TCD:246]**
 Contamination, **I-APP 1 [TCD:247]**

DEFINED TERMS—Cont'd

Content, **I-APP 1 [TCD:248]; I-APP 1 [TCD:1121.20]**

Content owner

 affiliate, **I-APP 1 [TCD:249]**

 brand features, **I-APP 1 [TCD:250]**

 brand guidelines, **I-APP 1 [TCD:251]**

 news services, **I-APP 1 [TCD:252]**

 search engine, **I-APP 1 [TCD:253]**

 software, **I-APP 1 [TCD:254]**

 system, **I-APP 1 [TCD:255]**

Continuing obligations, **I-APP 1 [TCD:256]**

Continuous service, **I-APP 1 [TCD:257]**

Contract, **I-APP 1 [TCD:258]**

 documents, **I-APP 1 [TCD:259]**

 interest, **I-APP 1 [TCD:260]**

 work, **I-APP 1 [TCD:261]**

 year, **I-APP 1 [TCD:262]**

Contracting parties, **I-APP 1 [TCD:262.50]**

Contractor, **I-APP 1 [TCD:263]**

Control, **I-APP 1 [TCD:264]**

Control objectives, **I-APP 1 [TCD:265]**

Control or controlled, **I-APP 1 [TCD:266]**

Convey, **I-APP 1 [TCD:267]**

Copyright(s), **I-APP 1 [TCD:268; TCD:269]**

Core team, **I-APP 1 [TCD:270]**

Corporation, **I-APP 1 [TCD:271]**

Corporation equipment, **I-APP 1 [TCD:272]**

Corporations Act, **I-APP 1 [TCD:273]**

Corresponding source, **I-APP 1 [TCD:274]**

Cost of the financing, **I-APP 1 [TCD:274.30]**

Cost of the work, **I-APP 1 [TCD:274.70]**

Counsel, **I-APP 1 [TCD:275]**

Co-writer, **I-APP 1 [TCD:174]**

CPI, **I-APP 1 [TCD:276]**

C.P.I., **I-APP 1 [TCD:124]**

Creative team, **I-APP 1 [TCD:277]**

Credentials committee, **I-APP 1 [TCD:278]**

Credit excess, **I-APP 1 [TCD:279]**

Credit facility, **I-APP 1 [TCD:279.30]**

Credit facility obligations, **I-APP 1 [TCD:279.70]**

 account, **I-APP 1 [TCD:293.50]**

 center, **I-APP 1 [TCD:320.50]**

 content, **I-APP 1 [TCD:300.50]**

 equipment, **I-APP 1 [TCD:302.50]**

DEFINED TERMS—Cont'd

Credit facility obligations, **I-APP 1 [TCD:279.70]**—Cont'd
input, **I-APP 1 [TCD:305.50]**
marketing material, **I-APP 1 [TCD:307.30]**
marks, **I-APP 1 [TCD:307.70]**
protection legislation, **I-APP 1 [TCD:323.50]**
purchase order, **I-APP 1 [TCD:309.50]**
Credit information, **I-APP 1 [TCD:280]**
Credit spreads, **I-APP 1 [TCD:281]**
Critical individual, **I-APP 1 [TCD:282]**
Critical milestone, **I-APP 1 [TCD:283]**
Critical milestone completion date, **I-APP 1 [TCD:284]**
Crown, **I-APP 1 [TCD:285]**
CRTC, **I-APP 1 [TCD:276.50]**
Cubic metre, **I-APP 1 [TCD:286]**
Currency, **I-APP 1 [TCD:287]**
Current account, **I-APP 1 [TCD:288]**
Current assets, **I-APP 1 [TCD:289]**
Current liabilities, **I-APP 1 [TCD:290]**
Custodian, **I-APP 1 [TCD:291]**
Custom developed software, **I-APP 1 [TCD:292]**
Customer, **I-APP 1 [TCD:293]**
affiliates, **I-APP 1 [TCD:294]**
agent, **I-APP 1 [TCD:295]**
agreement, **I-APP 1 [TCD:296]**
architecture, **I-APP 1 [TCD:297]**
auditors, **I-APP 1 [TCD:298]**
competitor, **I-APP 1 [TCD:299]**
configuration, **I-APP 1 [TCD:299.50]**
consents, **I-APP 1 [TCD:300]**
data, **I-APP 1 [TCD:301]**
data safeguards, **I-APP 1 [TCD:302]**
group, **I-APP 1 [TCD:303]**
hardware, **I-APP 1 [TCD:304]**
indemnified parties, **I-APP 1 [TCD:305]**
IP, **I-APP 1 [TCD:306]**
locations, **I-APP 1 [TCD:307]**
policies, **I-APP 1 [TCD:308]**
privacy policies, **I-APP 1 [TCD:309]**
record retention policies, **I-APP 1 [TCD:310]**
senior executive, **I-APP 1 [TCD:311]**
service delivery manager, **I-APP 1 [TCD:312]**
service location, **I-APP 1 [TCD:313]**
supplied resources, **I-APP 1 [TCD:314]**

DEFINED TERMS—Cont'd

Customized module, **I-APP 1 [TCD:315]**
Cutover, **I-APP 1 [TCD:316]**
Daily basis, **I-APP 1 [TCD:317]**
Daily contract quantity or dcq, **I-APP 1 [TCD:318]**
Daily-monthly basis, **I-APP 1 [TCD:319]**
Data, **I-APP 1 [TCD:320]**
 entry, **I-APP 1 [TCD:321]**
 exchange format, **I-APP 1 [TCD:321.30]**
 owner, **I-APP 1 [TCD:321.70]**
 processing services, **I-APP 1 [TCD:322]**
 protection law, **I-APP 1 [TCD:323]**
 security breach, **I-APP 1 [TCD:324]**
 subject, **I-APP 1 [TCD:325]**
Date of beginning of operations, **I-APP 1 [TCD:326]**
Date of termination, **I-APP 1 [TCD:327]**
Day, **I-APP 1 [TCD:328]**
Dean, **I-APP 1 [TCD:329]**
Debenture, **I-APP 1 [TCD:330]**
Debt service requirements, **I-APP 1 [TCD:330.50]**
Declaration, **I-APP 1 [TCD:331]**
Default, **I-APP 1 [TCD:332]**
Defect, **I-APP 1 [TCD:333]**
Defect report, **I-APP 1 [TCD:334]**
Deficiencies, **I-APP 1 [TCD:335]**
Deliverables, **I-APP 1 [TCD:336]**
Delivery date, **I-APP 1 [TCD:337]**
Delivery point, **I-APP 1 [TCD:338]**
Dental staff, **I-APP 1 [TCD:339]**
Dentist, **I-APP 1 [TCD:340]**
Department, **I-APP 1 [TCD:341]**
Department chief, **I-APP 1 [TCD:342]**
Departure date, **I-APP 1 [TCD:343]**
Dependant, **I-APP 1 [TCD:344]**
Deposit documents, **I-APP 1 [TCD:345]**
Derivative work, **I-APP 1 [TCD:346]**
Design, **I-APP 1 [TCD:347]**
 data, **I-APP 1 [TCD:349]**
 professional, **I-APP 1 [TCD:349.50]**
 team, **I-APP 1 [TCD:350]**
 work, **I-APP 1 [TCD:351]**
Design and bid fee, **I-APP 1 [TCD:348]**
Designated account, **I-APP 1 [TCD:352]**
Designated equipment, **I-APP 1 [TCD:353]**

DEFINED TERMS—Cont'd

Designated services, **I-APP 1** [TCD:354]
 Designated users, **I-APP 1** [TCD:350.50]
 Designs, **I-APP 1** [TCD:355]
 Developed IP, **I-APP 1** [TCD:356]
 Developed materials, **I-APP 1** [TCD:356.50]
 Developer, **I-APP 1** [TCD:357]
 Developer products, **I-APP 1** [TCD:358]
 Development approval, **I-APP 1** [TCD:358.50]
 Developments, **I-APP 1** [TCD:359]
 Device, **I-APP 1** [TCD:359.30]
 Digital classroom use, **I-APP 1** [TCD:359.50]
 Digital media products, **I-APP 1** [TCD:360]
 Digital media rights, **I-APP 1** [TCD:361]
 Digital media sales training software, **I-APP 1** [TCD:362]
 Digital platform, **I-APP 1** [TCD:362.50]
 Direct losses, **I-APP 1** [TCD:362.70]
 Director, **I-APP 1** [TCD:365]
 Direct personnel expense, **I-APP 1** [TCD:363]
 Direct project costs, **I-APP 1** [TCD:364]
 Disabling code, **I-APP 1** [TCD:366]
 Disaster, **I-APP 1** [TCD:366.10]
 Disaster notification, **I-APP 1** [TCD:366.30]
 Disaster notification fee, **I-APP 1** [TCD:366.50]
 Disaster recovery incident, **I-APP 1** [TCD:366.70]
 Disaster recovery plan, **I-APP 1** [TCD:367]
 Discharge permit, **I-APP 1** [TCD:368]
 Discretion, **I-APP 1** [TCD:369]
 Discriminatory change in law, **I-APP 1** [TCD:370]
 Dispute resolution procedure, **I-APP 1** [TCD:370.50]
 Disruptive behaviour, **I-APP 1** [TCD:371]
 Distinct software applications, **I-APP 1** [TCD:371.30]
 Distribution, **I-APP 1** [TCD:371.50]
 Distributor, **I-APP 1** [TCD:372]
 District sales tax area, **I-APP 1** [TCD:372.50]
 Diversions, **I-APP 1** [TCD:373]
 Divulge, **I-APP 1** [TCD:373.50]
 Document, **I-APP 1** [TCD:374]
 Documentation, **I-APP 1** [TCD:375]
 Dollars, **I-APP 1** [TCD:375.30]
 Download to own rights, **I-APP 1** [TCD:375.70]
 Downtime, **I-APP 1** [TCD:376]
 Drawdown, **I-APP 1** [TCD:377]
 Drawdown date, **I-APP 1** [TCD:378]

DEFINED TERMS—Cont'd

DTH, **I-APP 1 [TCD:378.30]**
DTH system, **I-APP 1 [TCD:378.70]**
Early work, **I-APP 1 [TCD:382.20]**
Early work effective date, **I-APP 1 [TCD:382.40]**
Early work insurance requirements, **I-APP 1 [TCD:382.60]**
Early work notice to proceed, **I-APP 1 [TCD:382.80]**
Earned box office receipts, **I-APP 1 [TCD:379]**
Earned value, **I-APP 1 [TCD:383.50]**
Earnings, **I-APP 1 [TCD:380]**
ECFAA, **I-APP 1 [TCD:381]**
E-content, **I-APP 1 [TCD:382]**
EDT network, **I-APP 1 [TCD:383]**
EDT protocol, **I-APP 1 [TCD:384]**
Educational purposes, **I-APP 1 [TCD:384.50]**
Effective date, **I-APP 1 [TCD:385]**
Effective financial statements, **I-APP 1 [TCD:386]**
Electronic book, **I-APP 1 [TCD:387]**
Electronic financial services, **I-APP 1 [TCD:387.50]**
Electronic rights, **I-APP 1 [TCD:388]**
Eligible inventory, **I-APP 1 [TCD:389]**
Eligible production costs, **I-APP 1 [TCD:389.50]**
Eligible receivable, **I-APP 1 [TCD:390]**
Emergency, **I-APP 1 [TCD:391]**
Emergency maintenance, **I-APP 1 [TCD:392]**
Emergency situations, **I-APP 1 [TCD:393]**
Employee, **I-APP 1 [TCD:394]**
Employee total annual compensation, **I-APP 1 [TCD:395]**
Encumbrance(s), **I-APP 1 [TCD:396]**
Endangered species, **I-APP 1 [TCD:396.20]**
End date, **I-APP 1 [TCD:396.40]**
Endorsement, **I-APP 1 [TCD:397]**
End-user account, **I-APP 1 [TCD:396.80]**
End-user content, **I-APP 1 [TCD:396.100]**
End-user license agreement, **I-APP 1 [TCD:396.120]**
End-user or end user(s), **I-APP 1 [TCD:396.60]**
Enhancements, **I-APP 1 [TCD:398]**
Entity, **I-APP 1 [TCD:399]**
Environment, **I-APP 1 [TCD:399.50]**
 condition, **I-APP 1 [TCD:402.30]**
 condition bid report, **I-APP 1 [TCD:402.50]**
 condition clean-up report, **I-APP 1 [TCD:402.70]**
Environmental
 activity, **I-APP 1 [TCD:400]**

DEFINED TERMS—Cont'd

Environmental—Cont'd

- approvals, **I-APP 1 [TCD:401]**
- compliance, **I-APP 1 [TCD:402]**
- damage, **I-APP 1 [TCD:403]**
- laws, **I-APP 1 [TCD:404]**

Equipment, **I-APP 1 [TCD:405]**Equity, **I-APP 1 [TCD:406]**Equity bridge lenders, **I-APP 1 [TCD:406.30]**Equity commitments, **I-APP 1 [TCD:406.50]**Equity interest, **I-APP 1 [TCD:407]**Equity IRR, **I-APP 1 [TCD:406.70]**Equivalent amount, **I-APP 1 [TCD:408]**Error, **I-APP 1 [TCD:409]**Escrow agreement, **I-APP 1 [TCD:410]**Escrow materials, **I-APP 1 [TCD:411]**Exceptions, **I-APP 1 [TCD:412.50]**Excess cash flow, **I-APP 1 [TCD:413]**Excess funds amount, **I-APP 1 [TCD:413.50]**Exchange equivalent, **I-APP 1 [TCD:414]**Exchange rate, **I-APP 1 [TCD:415]**Excluded advertising, **I-APP 1 [TCD:416]**Excluded assets, **I-APP 1 [TCD:417]**Excluded fields of use, **I-APP 1 [TCD:417.50]**Excluded taxes, **I-APP 1 [TCD:418]**Excused unavailability, **I-APP 1 [TCD:419]; I-APP 1 [TCD:419.50]**Executive member, **I-APP 1 [TCD:419.70]**Executives, **I-APP 1 [TCD:420]**Exempt refinancing, **I-APP 1 [TCD:420.50]**Exhibit A, **I-APP 1 [TCD:421]**Exit plan, **I-APP 1 [TCD:422]**Ex officio, **I-APP 1 [TCD:412]**Expected water chemistry range, **I-APP 1 [TCD:423]**Expenditures, **I-APP 1 [TCD:424]**Expiration, **I-APP 1 [TCD:424.50]**Expiration date or term expiration date, **I-APP 1 [TCD:424.50]**Expiry date, **I-APP 1 [TCD:425]**Export controls, **I-APP 1 [TCD:426]**Extended class nurses, **I-APP 1 [TCD:427]**Extended class nursing staff, **I-APP 1 [TCD:428]**Extended term(s), **I-APP 1 [TCD:429]**Extension term, **I-APP 1 [TCD:429.30]**Extensive force majeure event, **I-APP 1 [TCD:429.70]**Extraordinary resolution, **I-APP 1 [TCD:430]**

DEFINED TERMS—Cont'd

- Facility, **I-APP 1 [TCD:431]**
 - coordination agreement, **I-APP 1 [TCD:431.50]**
 - lending period, **I-APP 1 [TCD:432]**
 - operator, **I-APP 1 [TCD:433]**
- Fair market value, **I-APP 1 [TCD:434]**
- Fair market value statement, **I-APP 1 [TCD:435]**
- Fare revenue, **I-APP 1 [TCD:435.30]**
- Fare system equipment, **I-APP 1 [TCD:435.70]**
- Farm, **I-APP 1 [TCD:436]**
 - building, **I-APP 1 [TCD:437]**
 - equipment, **I-APP 1 [TCD:438]**
 - implements, **I-APP 1 [TCD:439]**
 - land, **I-APP 1 [TCD:440]**
 - residence, **I-APP 1 [TCD:441]**
- Fault, **I-APP 1 [TCD:442]**
- Feasibility study, **I-APP 1 [TCD:443]**
- Features, **I-APP 1 [TCD:1121.40]**
- Federal railroad administration, **I-APP 1 [TCD:443.30]**
- Federal transit administration, **I-APP 1 [TCD:443.70]**
- Fees, **I-APP 1 [TCD:444]**
- Fellowship, **I-APP 1 [TCD:445]**
- Field review/general review, **I-APP 1 [TCD:446]**
- Final acceptance, **I-APP 1 [TCD:446.10]**
- Final completion, **I-APP 1 [TCD:446.20]**
- Final completion certificate, **I-APP 1 [TCD:446.40]**
- Final completion date, **I-APP 1 [TCD:446.60]**
- Final completion deadline date, **I-APP 1 [TCD:446.80]**
- Final design submittals, **I-APP 1 [TCD:446.100]**
- Final proposal due date, **I-APP 1 [TCD:446.120]**
- Final proposal score, **I-APP 1 [TCD:447]**
- Financial
 - institution, **I-APP 1 [TCD:448]**
 - model, **I-APP 1 [TCD:449]**
 - score, **I-APP 1 [TCD:450]**
 - services provider, **I-APP 1 [TCD:451]**
 - statements, **I-APP 1 [TCD:452]**
- Financial close, **I-APP 1 [TCD:447.30]**
- Financial close target date, **I-APP 1 [TCD:447.70]**
 - model, **I-APP 1 [TCD:448.20]**
 - panel, **I-APP 1 [TCD:448.40]**
 - products agreement, **I-APP 1 [TCD:448.60]**
 - products payments, **I-APP 1 [TCD:448.80]**
 - products receipts, **I-APP 1 [TCD:448.100]**

DEFINED TERMS—Cont'd

Financial close target date, **I-APP 1 [TCD:447.70]**—Cont'd
 products termination payment, **I-APP 1 [TCD:448.120]**
 Financing, **I-APP 1 [TCD:452.50]**
 Financing agreement, **I-APP 1 [TCD:453]**
 Financing costs, **I-APP 1 [TCD:453.30]**
 FIPPA, **I-APP 1 [TCD:453.70]**
 Firm, **I-APP 1 [TCD:454]**
 Firm or partnership, **I-APP 1 [TCD:455]**
 First-class, **I-APP 1 [TCD:456]**
 Fiscal quarter, **I-APP 1 [TCD:457]**
 Fiscal year, **I-APP 1 [TCD:457.30]**
 Fixed charges, **I-APP 1 [TCD:458]**
 Flock, **I-APP 1 [TCD:459]**
 FM termination amount, **I-APP 1 [TCD:459.50]**
 FM termination event, **I-APP 1 [TCD:459.70]**
 Force majeure, **I-APP 1 [TCD:460]**
 Force majeure event, **I-APP 1 [TCD:460.30]**
 Force majeure notice, **I-APP 1 [TCD:460.70]**
 Franchised business, **I-APP 1 [TCD:462]**
 Franchise year, **I-APP 1 [TCD:461]**
 Free period, **I-APP 1 [TCD:463]**
 Free video on demand rights, **I-APP 1 [TCD:463.50]**
 Full-use program(s), **I-APP 1 [TCD:465]**
 Full user, **I-APP 1 [TCD:464]**
 Functionality, **I-APP 1 [TCD:465.50]**
 Functional specifications, **I-APP 1 [TCD:466]**
 Funders, **I-APP 1 [TCD:466.50]**
 Funding agent, **I-APP 1 [TCD:467]**
 Funding agreement, **I-APP 1 [TCD:468]**
 Funding letter, **I-APP 1 [TCD:468.30]**
 Funding year, **I-APP 1 [TCD:468.50]**
 Funds, **I-APP 1 [TCD:468.70]**
 GAAP, **I-APP 1 [TCD:469]**
 Gas, **I-APP 1 [TCD:470]**
 Gathering system, **I-APP 1 [TCD:471]**
 Gender and number, **I-APP 1 [TCD:472]**
 General assignment of book debts, **I-APP 1 [TCD:473]**
 General contractor, **I-APP 1 [TCD:473.30]**
 Generally accepted accounting principles, **I-APP 1 [TCD:477]**
 General manager, **I-APP 1 [TCD:473.50]**
 General partner, **I-APP 1 [TCD:474]**
 General partner interest, **I-APP 1 [TCD:475]**
 General security agreement, **I-APP 1 [TCD:476]**

DEFINED TERMS—Cont'd

Geological obstructions, **I-APP 1 [TCD:477.50]**
Gigajoule or GJ, **I-APP 1 [TCD:478]**
Go-live date, **I-APP 1 [TCD:479]**
Good industry practice, **I-APP 1 [TCD:479.50]**
Goods and services tax, **I-APP 1 [TCD:480]**
Governmental authority, **I-APP 1 [TCD:483]**
Government authorities, **I-APP 1 [TCD:481]**
Government fees, **I-APP 1 [TCD:482]**
Grantee marketing material, **I-APP 1 [TCD:483.120]**
Grantee marks, **I-APP 1 [TCD:483.100]**
Grantor marketing material, **I-APP 1 [TCD:483.20]**
 marketing platform, **I-APP 1 [TCD:483.40]**
 marks, **I-APP 1 [TCD:483.60]**
 products, **I-APP 1 [TCD:483.80]**
Gross
 margin, **I-APP 1 [TCD:484]**
 proceeds, **I-APP 1 [TCD:485]**
 receipts, **I-APP 1 [TCD:486]**
 revenue, **I-APP 1 [TCD:487]**
 sales, **I-APP 1 [TCD:488]**
Ground physical and geophysical investigation, **I-APP 1 [TCD:488.50]**
Guaranteed amount, **I-APP 1 [TCD:489]**
Guaranteed price, **I-APP 1 [TCD:489.50]**
Guarantees, **I-APP 1 [TCD:490]**
Handover, **I-APP 1 [TCD:494.30]**
Handover and reinstatement work procedures, **I-APP 1 [TCD:494.70]**
Hangar, **I-APP 1 [TCD:491]**
Hardware, **I-APP 1 [TCD:492]**
Harmful code, **I-APP 1 [TCD:493]**
Hazardous material, **I-APP 1 [TCD:494]**
Hazardous substance, **I-APP 1 [TCD:495]**
Hazop, **I-APP 1 [TCD:496]**
Head of service, **I-APP 1 [TCD:497]**
Health, safety and security requirements, **I-APP 1 [TCD:500.30]**
Healthcare legislation, **I-APP 1 [TCD:500.70]**
Health specific change in law, **I-APP 1 [TCD:500.20]**
Heating value, **I-APP 1 [TCD:498]**
Hereof, hereto and hereunder, **I-APP 1 [TCD:499]**
Hits, **I-APP 1 [TCD:500]**
Home page, **I-APP 1 [TCD:501]**
Hosted system, **I-APP 1 [TCD:504.30]**
Hourly rate, **I-APP 1 [TCD:504.70]**
H-SAA / HSAA, **I-APP 1 [TCD:502]**

DEFINED TERMS—Cont'd

HST, **I-APP 1** [TCD:503]
 Html, **I-APP 1** [TCD:504]
 Illicit code, **I-APP 1** [TCD:505.50]
 Impact analysis, **I-APP 1** [TCD:506]
 Implementation agreement, **I-APP 1** [TCD:507]
 Implementation period, **I-APP 1** [TCD:508]
 Implementation plan, **I-APP 1** [TCD:509]
 Implementation schedule, **I-APP 1** [TCD:510]
 Implementation services, **I-APP 1** [TCD:511]
 Implementing agreements, **I-APP 1** [TCD:511.50]
 Improvement, **I-APP 1** [TCD:512]
 Improvement opportunity, **I-APP 1** [TCD:513]
 Improvements, **I-APP 1** [TCD:512.50]
 In camera, **I-APP 1** [TCD:514]
 Incapacity, **I-APP 1** [TCD:515]
 Incentive return, **I-APP 1** [TCD:516]
 Includes, **I-APP 1** [TCD:517]
 Including, **I-APP 1** [TCD:518]
 Income tax, **I-APP 1** [TCD:519]
 Income tax act, **I-APP 1** [TCD:520]
 Incurred cost event, **I-APP 1** [TCD:520.70]
 Incurred costs, **I-APP 1** [TCD:520.30]
 Indebtedness, **I-APP 1** [TCD:521]
 Indemnified party, **I-APP 1** [TCD:522]
 Indemnitee, **I-APP 1** [TCD:523]
 Independent contractor, **I-APP 1** [TCD:523.50]
 Independent director, **I-APP 1** [TCD:524]
 Index linked, **I-APP 1** [TCD:525]
 Industrial use, **I-APP 1** [TCD:526]
 Ineligible production costs, **I-APP 1** [TCD:526.50]
 Information, **I-APP 1** [TCD:527]
 Information assets/systems, **I-APP 1** [TCD:527.50]
 Information management, **I-APP 1** [TCD:528]
 Information provider, **I-APP 1** [TCD:529]
 Information services & technology unit, **I-APP 1** [TCD:530]
 Infrastructure, **I-APP 1** [TCD:531]
 Initial capital contribution, **I-APP 1** [TCD:532]
 Initial partnership loan, **I-APP 1** [TCD:533]
 Initial subscription term, **I-APP 1** [TCD:533.50]
 Initial term, **I-APP 1** [TCD:533.70]
 Innovation proposal, **I-APP 1** [TCD:534]
 Input data, **I-APP 1** [TCD:535]
 Insolvency event, **I-APP 1** [TCD:536]

DEFINED TERMS—Cont'd

Installation sites, **I-APP 1** [TCD:537]
Instruments of service, **I-APP 1** [TCD:538]
Insurance conditions, **I-APP 1** [TCD:539]
Insurance products, **I-APP 1** [TCD:539.50]
Intellectual property, **I-APP 1** [TCD:540]
Intellectual property rights, **I-APP 1** [TCD:541]
Interactive services, **I-APP 1** [TCD:542]
Interest expenses, **I-APP 1** [TCD:543]
Interest rate, **I-APP 1** [TCD:544]
Interim period, **I-APP 1** [TCD:545]
Internal agreement price, **I-APP 1** [TCD:546]
Internet, **I-APP 1** [TCD:547]
Internet streaming, **I-APP 1** [TCD:548]
Interest reference rate, **I-APP 1** [TCD:544.50]
Interruptible, **I-APP 1** [TCD:549]
Inventions, **I-APP 1** [TCD:550]
Inventory, **I-APP 1** [TCD:551]
Inventory borrowing base, **I-APP 1** [TCD:552]
Investment Canada Act, **I-APP 1** [TCD:553]
Investment income, **I-APP 1** [TCD:554]
I/o channel, **I-APP 1** [TCD:505]
IP, **I-APP 1** [TCD:555]
IPA, **I-APP 1** [TCD:556]
Joint account, **I-APP 1** [TCD:557]
Joint IT proposal, **I-APP 1** [TCD:558]
Joint venture, **I-APP 1** [TCD:559]
 account, **I-APP 1** [TCD:560]
 agreement, **I-APP 1** [TCD:561]
 assets, **I-APP 1** [TCD:562]
 interest, **I-APP 1** [TCD:563]
Joule or J, **I-APP 1** [TCD:564]
Key individual, **I-APP 1** [TCD:565]
Key performance indicators, **I-APP 1** [TCD:565.50]
Key personnel, **I-APP 1** [TCD:566]
Kiosk licence fee, **I-APP 1** [TCD:567]
Know-how, **I-APP 1** [TCD:568]
Land, **I-APP 1** [TCD:569]
Language, **I-APP 1** [TCD:569.50]
Law, **I-APP 1** [TCD:570]
LBBR, **I-APP 1** [TCD:571]
League PA, **I-APP 1** [TCD:572]
Lease, **I-APP 1** [TCD:573]
Leased substances, **I-APP 1** [TCD:575]

DEFINED TERMS—Cont'd

- Leases, **I-APP 1 [TCD:576]**
- Lease year, **I-APP 1 [TCD:574]**
- Legal change, **I-APP 1 [TCD:577]**
- Legal proceeding, **I-APP 1 [TCD:578]**
- Legislation, **I-APP 1 [TCD:579]**
- Lender, **I-APP 1 [TCD:580]**
- Lender's direct agreement, **I-APP 1 [TCD:580.30]**
- Lenders' liabilities, **I-APP 1 [TCD:580.70a]**
- Lending agreement, **I-APP 1 [TCD:581]**
- Letters, **I-APP 1 [TCD:582]**
- Letters of credit, **I-APP 1 [TCD:583]**
- Letters of guarantee, **I-APP 1 [TCD:584]**
- LHIN, I-APP 1 [TCD:585]**
- Liabilities, **I-APP 1 [TCD:586]**
- Libor
 - drawdowns, **I-APP 1 [TCD:587]**
 - interest period, **I-APP 1 [TCD:588]**
 - loan, **I-APP 1 [TCD:589]**
 - rate, **I-APP 1 [TCD:590]**
- Licence agreement, **I-APP 1 [TCD:591]**
- Licence year, **I-APP 1 [TCD:592]**
- Licensed
 - applications, **I-APP 1 [TCD:593]**
 - documentation, **I-APP 1 [TCD:594]**
 - materials, **I-APP 1 [TCD:595]**
 - patent, **I-APP 1 [TCD:596]**
 - process, **I-APP 1 [TCD:597]**
 - product, **I-APP 1 [TCD:598]**
 - program, **I-APP 1 [TCD:599]**
 - program and materials, **I-APP 1 [TCD:600]**
 - rights, **I-APP 1 [TCD:601]**
 - software, **I-APP 1 [TCD:602]**
 - technology, **I-APP 1 [TCD:602.50]**
 - territory, **I-APP 1 [TCD:603]**
- Licensed content, **I-APP 1 [TCD:539.50]**
- Licensee
 - affiliate, **I-APP 1 [TCD:604]**
 - direct operating expense, **I-APP 1 [TCD:605]**
 - warehousing charge, **I-APP 1 [TCD:606]**
 - wholesale pricing, **I-APP 1 [TCD:607]**
- Licensors
 - e-content, **I-APP 1 [TCD:608]**
 - e-content services, **I-APP 1 [TCD:609]**

DEFINED TERMS—Cont'd

Licensors—Cont'd
 e-content system, **I-APP 1 [TCD:610]**
 licensee and guarantor, **I-APP 1 [TCD:611]**
Licensor brand, **I-APP 1 [TCD:607.50]**
Lien, **I-APP 1 [TCD:612]**
Limited assignment of construction contract, **I-APP 1 [TCD:612.50]**
Limited partner(s), **I-APP 1 [TCD:613]**
Limited user, **I-APP 1 [TCD:614]**
Linear interactive and other linear digital media rights, **I-APP 1 [TCD:616]**
Linear rights, **I-APP 1 [TCD:616.50]**
Line of sight signage revenues, **I-APP 1 [TCD:615]**
Link, **I-APP 1 [TCD:617]**
Linkage, **I-APP 1 [TCD:617.50]**
Liquidation trustee, **I-APP 1 [TCD:618]**
Litigation, **I-APP 1 [TCD:619]**
Loan account, **I-APP 1 [TCD:620]**
Loans, **I-APP 1 [TCD:621]**
Local withholding taxes, **I-APP 1 [TCD:621.50]**
Locked-in member, **I-APP 1 [TCD:622]**
Loss, **I-APP 1 [TCD:623]**
Losses, **I-APP 1 [TCD:624]**
Mainframe, **I-APP 1 [TCD:625]**
Maintenance contract, **I-APP 1 [TCD:625.50]**
Maintenance work, **I-APP 1 [TCD:625.70]**
Major impact, **I-APP 1 [TCD:626]**
Malicious code, **I-APP 1 [TCD:626.50]**
Management agreement, **I-APP 1 [TCD:627]**
Management committee, **I-APP 1 [TCD:628]**
Management personnel, **I-APP 1 [TCD:629]**
Management principles, **I-APP 1 [TCD:629.50]**
Manager, **I-APP 1 [TCD:630]**
Mandatory change, **I-APP 1 [TCD:631]**
Mandatory enhancements, **I-APP 1 [TCD:632]**
Manual, **I-APP 1 [TCD:633]**
Manufacture, **I-APP 1 [TCD:634]**
Manufacture date, **I-APP 1 [TCD:635]**
Marks, **I-APP 1 [TCD:636]**
Master, **I-APP 1 [TCD:637]**
Master agreement, **I-APP 1 [TCD:637.50]**
Master file, **I-APP 1 [TCD:638]**
Master recording(s), **I-APP 1 [TCD:639]**
Material adverse effect, **I-APP 1 [TCD:639.70]**
Material amendment, **I-APP 1 [TCD:639.50]**

DEFINED TERMS—Cont'd

Materials, **I-APP 1 [TCD:640]**
 Maximum annual debt service requirements, **I-APP 1 [TCD:640.50]**
 Maximum annual liquidity payment, **I-APP 1 [TCD:641]**
 Maximum cost, **I-APP 1 [TCD:641.30]**
 Maximum funds, **I-APP 1 [TCD:6341.50]**
 Medical contamination, **I-APP 1 [TCD:641.70]**
 Medical staff, **I-APP 1 [TCD:642]**
 Megajoule or my, **I-APP 1 [TCD:643]**
 Member, **I-APP 1 [TCD:644]**
 Merchandise, **I-APP 1 [TCD:645]**
 Merchandising, **I-APP 1 [TCD:646]**
 Messenger, **I-APP 1 [TCD:647]**
 Methodology, **I-APP 1 [TCD:648]**
 Midwife, **I-APP 1 [TCD:649]**
 Midwifery staff, **I-APP 1 [TCD:650]**
 Milestone credit, **I-APP 1 [TCD:651]**
 Milestone date, **I-APP 1 [TCD:652]**
 Milestone payment, **I-APP 1 [TCD:653]**
 Mine manager, **I-APP 1 [TCD:654]**
 Minimum compensation, **I-APP 1 [TCD:655]**
 Minimum equipment configuration, **I-APP 1 [TCD:656]**
 Minimum volume, **I-APP 1 [TCD:657]**
 Mining act, **I-APP 1 [TCD:658]**
 Mining operations, **I-APP 1 [TCD:659]**
 Minor deficiencies, **I-APP 1 [TCD:659.50]**
 Minor impact, **I-APP 1 [TCD:660]**
 Miscellaneous interests, **I-APP 1 [TCD:661]**
 Mobile technology service, **I-APP 1 [TCD:662]**
 Modification, **I-APP 1 [TCD:663]**
 Modify, **I-APP 1 [TCD:664]**
 MOHLTC, **I-APP 1 [TCD:665]**
 Money, **I-APP 1 [TCD:666]**
 Month, **I-APP 1 [TCD:667]**
 Monthly basis, **I-APP 1 [TCD:668]**
 Monthly period, **I-APP 1 [TCD:669]**
 Mortgaged properties, **I-APP 1 [TCD:670]**
 Mortgages, **I-APP 1 [TCD:671]**
 MOT, **I-APP 1 [TCD:672]**
 MSA contracting parties, **I-APP 1 [TCD:673]**
 MSA contracting party, **I-APP 1 [TCD:674]**
 Multiple disaster, **I-APP 1 [TCD:674.20]**
 Multiple unit dwellings, **I-APP 1 [TCD:674.30]**
 Municipal swap index, **I-APP 1 [TCD:674.50]**

DEFINED TERMS—Cont'd

Musical, **I-APP 1 [TCD:675]**
Musical selection, **I-APP 1 [TCD:676]**
Named seat, **I-APP 1 [TCD:676.30]**
National transit database, **I-APP 1 [TCD:676.50]**
Near video on demand rights, **I-APP 1 [TCD:677]**
Necessary claims, **I-APP 1 [TCD:678]**
Net
 book value, **I-APP 1 [TCD:678.50]**
 capital gain and net capital loss, **I-APP 1 [TCD:679]**
 income, **I-APP 1 [TCD:680]**
 income or net loss, **I-APP 1 [TCD:681]**
 present value, **I-APP 1 [TCD:682]**
 proceeds, **I-APP 1 [TCD:683]**
 proceeds of sales, **I-APP 1 [TCD:684]**
 profits, **I-APP 1 [TCD:685]**
 profits royalty, **I-APP 1 [TCD:686]**
 receipts, **I-APP 1 [TCD:687]**
 sales, **I-APP 1 [TCD:688]**
 wholesale price, **I-APP 1 [TCD:689]**
Net effective interest rate, **I-APP 1 [TCD:679.50]**
Net interest cost, **I-APP 1 [TCD:681.50]**
Network services, **I-APP 1 [TCD:690]**
New assets, **I-APP 1 [TCD:691]**
New release, **I-APP 1 [TCD:692]**
Nomination, **I-APP 1 [TCD:693]**
Non-active member, **I-APP 1 [TCD:694]**
Non-availability event, **I-APP 1 [TCD:695]**
Non-conformance, **I-APP 1 [TCD:695.50]**
Non-excusable event, **I-APP 1 [TCD:696]**
Non-linear interactive and other non-linear digital media, **I-APP 1 [TCD:697]**
Non-mandatory change, **I-APP 1 [TCD:698]**
Non-personnel expenses, **I-APP 1 [TCD:699]**
Non-theatrical rights, **I-APP 1 [TCD:700]**
Normal business hours, **I-APP 1 [TCD:700.50]**
Notice, **I-APP 1 [TCD:701]**
NPV, **I-APP 1 [TCD:702]**
NSB/ERD, **I-APP 1 [TCD:701.50]**
Object code, **I-APP 1 [TCD:703]**
Official body, **I-APP 1 [TCD:704]**
Officials, **I-APP 1 [TCD:705]**
OM, **I-APP 1 [TCD:706]**
OMR, **I-APP 1 [TCD:708]**
OM work, **I-APP 1 [TCD:707]**

DEFINED TERMS—Cont'd

One time services, **I-APP 1 [TCD:709.50]**
 On or about, **I-APP 1 [TCD:709]**
 Opening night, **I-APP 1 [TCD:711]**
 Open network, **I-APP 1 [TCD:710]**
 Open-source software, **I-APP 1 [TCD:710.50]**
 Operating cash flow, **I-APP 1 [TCD:712]**
 Operating committee, **I-APP 1 [TCD:713]**
 Operating procedure, **I-APP 1 [TCD:714]**
 Operating quality control plan, **I-APP 1 [TCD:715]**
 Operating systems, **I-APP 1 [TCD:716]**
 Operational acceptance testing, **I-APP 1 [TCD:717]**
 Operational performance requirements, **I-APP 1 [TCD:718]**
 Operational term, **I-APP 1 [TCD:716.70]**
 Operation and maintenance manual, **I-APP 1 [TCD:716.30]**
 Operations, **I-APP 1 [TCD:719]**
 Operator, **I-APP 1 [TCD:720]**
 Operator's consultant, **I-APP 1 [TCD:721]**
 Operator's contaminants, **I-APP 1 [TCD:722]**
 Operator's representative, **I-APP 1 [TCD:723]**
 Optioned rights, **I-APP 1 [TCD:725]**
 Option well, **I-APP 1 [TCD:724]**
 Oral and maxillofacial surgeon, **I-APP 1 [TCD:726]**
 Order form, **I-APP 1 [TCD:727]**
 Ordinary capital contribution, **I-APP 1 [TCD:728]**
 Ordinary repair and replacement, **I-APP 1 [TCD:729]**
 Ordinary resolution, **I-APP 1 [TCD:730]**
 Ordinary resolution of the class i limited partners, **I-APP 1 [TCD:731]**
 Organizational Documents, **I-APP 1 [TCD:731.50]**
 Other contractor, **I-APP 1 [TCD:732]**
 Other contractor's work, **I-APP 1 [TCD:733]**
 Other e-content, **I-APP 1 [TCD:734]**
 Other properties, **I-APP 1 [TCD:734.50]**
 Other supplier, **I-APP 1 [TCD:735]**
 Outage, **I-APP 1 [TCD:735.50]**
 Outfall, **I-APP 1 [TCD:736]**
 Outlet operators, **I-APP 1 [TCD:737]**
 Output data, **I-APP 1 [TCD:738]**
 Outside substances, **I-APP 1 [TCD:739]**
 Outside website, **I-APP 1 [TCD:740]**
 Outsourcing agreement committee, **I-APP 1 [TCD:741]**
 Outsourcing agreement factor, **I-APP 1 [TCD:742]**
 Outstanding, **I-APP 1 [TCD:742.50]**
 Overall remediation, **I-APP 1 [TCD:743]**

DEFINED TERMS—Cont'd

- Owned technology, **I-APP 1 [TCD:743.50]**
- Owner, **I-APP 1 [TCD:744]**
- Owner gas, **I-APP 1 [TCD:745]**
- Ownership agreement, **I-APP 1 [TCD:746]**
- Package, **I-APP 1 [TCD:747]**
- Parent, **I-APP 1 [TCD:748]**
- Participating units, **I-APP 1 [TCD:749]**
- Parties, **I-APP 1 [TCD:750]**
- Partner(s), **I-APP 1 [TCD:751]**
- Partnership, **I-APP 1 [TCD:752]**
 - agreement, **I-APP 1 [TCD:753]**
 - assets, **I-APP 1 [TCD:754]**
 - expenses, **I-APP 1 [TCD:755]**
 - loan, **I-APP 1 [TCD:756]**
 - proportion, **I-APP 1 [TCD:757]**
- Party, **I-APP 1 [TCD:750.50]; I-APP 1 [TCD:758]**
- Party and parties, **I-APP 1 [TCD:759]**
- Patents, **I-APP 1 [TCD:760]**
- Patient, **I-APP 1 [TCD:761]**
- Patient information, **I-APP 1 [TCD:761.50]**
- Patient safety indicators, **I-APP 1 [TCD:762]**
- Patrons, **I-APP 1 [TCD:763]**
- Payment commencement date, **I-APP 1 [TCD:763.30]**
- Payment dates, **I-APP 1 [TCD:763.50]**
- Payment periods, **I-APP 1 [TCD:763.70]**
- Peak time, **I-APP 1 [TCD:764]**
- Pensionable service, **I-APP 1 [TCD:767]**
- Pension adjustment, **I-APP 1 [TCD:765]**
- Pension fund, **I-APP 1 [TCD:766]**
- Performance, **I-APP 1 [TCD:768]**
- Performance guarantees, **I-APP 1 [TCD:768.50]**
- Performance improvement targets, **I-APP 1 [TCD:769]**
- Performance metrics, **I-APP 1 [TCD:770]**
- Performances, **I-APP 1 [TCD:771]**
- Periodic payment, **I-APP 1 [TCD:772]**
- Permits, **I-APP 1 [TCD:773]**
 - licences and approvals, **I-APP 1 [TCD:773.50]**
- Permitted
 - borrowing, **I-APP 1 [TCD:774]**
 - encumbrances, **I-APP 1 [TCD:775]**
 - indebtedness, **I-APP 1 [TCD:776]**
 - number, **I-APP 1 [TCD:777]**
 - transfer, **I-APP 1 [TCD:778]**

DEFINED TERMS—Cont'd

Personal data, **I-APP 1 [TCD:781]**
 Personal information, **I-APP 1 [TCD:782]**
 Personal records, **I-APP 1 [TCD:782.50]**
 Personnel, **I-APP 1 [TCD:783]**
 Person or company, **I-APP 1 [TCD:779]**
 Person(s), **I-APP 1 [TCD:780]**
 Petroleum and natural gas rights, **I-APP 1 [TCD:784]**
 Petroleum substances, **I-APP 1 [TCD:785]**
 PHI, **I-APP 1 [TCD:786]**
 PHIPPA, **I-APP 1 [TCD:787]**
 Phonograph records, **I-APP 1 [TCD:788]**
 Photoplay, **I-APP 1 [TCD:789]**
 Physically segregated area, **I-APP 1 [TCD:790]**
 Physician, **I-APP 1 [TCD:791]**
 PII, **I-APP 1 [TCD:792]**
 Place of business, **I-APP 1 [TCD:793]**
 Place of the work, **I-APP 1 [TCD:794]**
 Plan, **I-APP 1 [TCD:750.50]**
 Planned downtime (pd), **I-APP 1 [TCD:795.50]**
 Plans, **I-APP 1 [TCD:796]**
 Plant, **I-APP 1 [TCD:797]**
 outlet, **I-APP 1 [TCD:798]**
 products, **I-APP 1 [TCD:799]**
 Plan year, **I-APP 1 [TCD:795]**
 Platform, **I-APP 1 [TCD:1121.60]**
 Platform(s), **I-APP 1 [TCD:799.50]**
 Platform(S), **I-APP 1 [TCD:799.50]**
 Pledged securities, **I-APP 1 [TCD:800]**
 Plug, **I-APP 1 [TCD:801]**
 Point of responsibility, **I-APP 1 [TCD:802]**
 Policies or policy, **I-APP 1 [TCD:803]**
 Pooled fund, **I-APP 1 [TCD:804]**
 Pooled interest, **I-APP 1 [TCD:805]**
 Pooled lands, **I-APP 1 [TCD:806]**
 Pooled substances, **I-APP 1 [TCD:807]**
 Post-closing costs, **I-APP 1 [TCD:808]**
 Post-production services, **I-APP 1 [TCD:809]**
 Post tender estimate, **I-APP 1 [TCD:809.30]**
 Power network, **I-APP 1 [TCD:809.50]**
 PP persons, **I-APP 1 [TCD:810]**
 PP representative, **I-APP 1 [TCD:811]**
 Practitioner, **I-APP 1 [TCD:812]**
 Pre-closing costs, **I-APP 1 [TCD:813]**

DEFINED TERMS—Cont'd

Pre-contract period, **I-APP 1 [TCD:814]**
Pre-employment inventions, **I-APP 1 [TCD:815]**
Pre-existing materials, **I-APP 1 [TCD:816]**
Pre-incorporation contract, **I-APP 1 [TCD:817]**
Premises, **I-APP 1 [TCD:818]**
Premiums, **I-APP 1 [TCD:819]**
Preopening costs, **I-APP 1 [TCD:820]**
Pre-production services, **I-APP 1 [TCD:821]**
Pre-refinancing equity IRR, **I-APP 1 [TCD:818.50]**
Price list, **I-APP 1 [TCD:822]**
Prime, **I-APP 1 [TCD:823]**
Prime contract, **I-APP 1 [TCD:824]**
Prime contracting period or pcpr, **I-APP 1 [TCD:825]**
Prime contractor, **I-APP 1 [TCD:826]**
Prime rate, **I-APP 1 [TCD:827]**
Prime rate drawdown, **I-APP 1 [TCD:828]**
Prime rate loan, **I-APP 1 [TCD:829]**
Principal agreement, **I-APP 1 [TCD:830]**
Principal contractor, **I-APP 1 [TCD:831]**
Principal place of business, **I-APP 1 [TCD:832]**
Prior authorized sub-contractor services, **I-APP 1 [TCD:833]**
Priority loans, **I-APP 1 [TCD:834]**
Priority return, **I-APP 1 [TCD:835]**
Privacy and security policy, **I-APP 1 [TCD:835.50]**
Privacy law, **I-APP 1 [TCD:836]**
Privacy policy, **I-APP 1 [TCD:837]**
Procedures manual, **I-APP 1 [TCD:838]**
Proceeds, **I-APP 1 [TCD:839]**
Producer, **I-APP 1 [TCD:840]**
Producer gas, **I-APP 1 [TCD:841]**
Production, **I-APP 1 [TCD:846]; I-APP 1 [TCD:846.50]**
 company, **I-APP 1 [TCD:847]**
 company's share of ancillary rights income, **I-APP 1 [TCD:848]**
 costs, **I-APP 1 [TCD:849]**
 schedule, **I-APP 1 [TCD:850]**
Product or products, **I-APP 1 [TCD:842; TCD:843]**
Products, **I-APP 1 [TCD:842.50]; I-APP 1 [TCD:851]**
Product terms, **I-APP 1 [TCD:843.50]**
Product update, **I-APP 1 [TCD:844]**
Product upgrade, **I-APP 1 [TCD:845]**
Professional services, **I-APP 1 [TCD:852]**
Professional staff, **I-APP 1 [TCD:853]**
Profit or loss, **I-APP 1 [TCD:854]**

DEFINED TERMS—Cont'd

Program, **I-APP 1 [TCD:855]**
 Program documentation, **I-APP 1 [TCD:855.50]**
 Prohibited act, **I-APP 1 [TCD:856]**
 Project, **I-APP 1 [TCD:857]**
 Project agreements, **I-APP 1 [TCD:857.50]**
 Project budget, **I-APP 1 [TCD:858]**
 Project data, **I-APP 1 [TCD:858.20]**
 Project debt, **I-APP 1 [TCD:858.30]**
 Project debt interest cost, **I-APP 1 [TCD:858.70]**
 Project documents, **I-APP 1 [TCD:859]**
 Project lands, **I-APP 1 [TCD:859.30]**
 Project management, **I-APP 1 [TCD:859.40]**
 Project managers, **I-APP 1 [TCD:859.30]**
 Project operations, **I-APP 1 [TCD:859.60]**
 Project requirements, **I-APP 1 [TCD:859.50]**
 Project staff, **I-APP 1 [TCD:860]**
 Project term, **I-APP 1 [TCD:860.50]**
 Propagate, **I-APP 1 [TCD:861]**
 Property, **I-APP 1 [TCD:862]**
 Property taxes, **I-APP 1 [TCD:863]**
 Proponent team members, **I-APP 1 [TCD:864]**
 Proportionate share, **I-APP 1 [TCD:865]**
 Proposal, **I-APP 1 [TCD:866]**
 Proposal extract, **I-APP 1 [TCD:866.20]**
 Proposer, **I-APP 1 [TCD:866.30]**
 Proprietary designs, **I-APP 1 [TCD:866.50]**
 Proprietary information, **I-APP 1 [TCD:867]**
 Proprietary intellectual property, **I-APP 1 [TCD:867.50]**
 Protected information, **I-APP 1 [TCD:868]**
 Protocol, **I-APP 1 [TCD:869]**
 Provider, **I-APP 1 [TCD:870.50]**
 Provider database, **I-APP 1 [TCD:870]**
 Provider software, **I-APP 1 [TCD:871]**
 Provider system or system, **I-APP 1 [TCD:872]**
 Province, **I-APP 1 [TCD:872.50]**
 Province's representative, **I-APP 1 [TCD:873]**
 Provincial partnerships and infrastructure agency, **I-APP 1 [TCD:873.50]**
 Public access module, **I-APP 1 [TCD:874]**
 Public hospitals act, **I-APP 1 [TCD:875]**
 Publicity materials, **I-APP 1 [TCD:875.70]**
 Public-private partnership agreement, **I-APP 1 [TCD:875.20]**
 Public utilities commission, **I-APP 1 [TCD:875.30]**
 Publisher, **I-APP 1 [TCD:876]**

DEFINED TERMS—Cont'd

Punch list items, **I-APP 1 [TCD:876.50]**
Purchased assets, **I-APP 1 [TCD:879]**
Purchased shares, **I-APP 1 [TCD:880]**
Purchase money mortgage, **I-APP 1 [TCD:877]**
Purchase order, **I-APP 1 [TCD:877.50]**
Purchase price, **I-APP 1 [TCD:878]**
Purchaser, **I-APP 1 [TCD:881]**
Purpose, **I-APP 1 [TCD:882]**
Qualifying bank transaction, **I-APP 1 [TCD:882.50]**
Quality authority, **I-APP 1 [TCD:883]**
Quality improvement plan, **I-APP 1 [TCD:884]**
Quality management system, **I-APP 1 [TCD:884.50]**
Quarter, **I-APP 1 [TCD:885]**
Raw gas, **I-APP 1 [TCD:886]**
Raw water, **I-APP 1 [TCD:887]**
R.B.P., **I-APP 1 [TCD:887.50]**
Real property, **I-APP 1 [TCD:888]**
Realty taxes, **I-APP 1 [TCD:889]**
Reasonable efforts, **I-APP 1 [TCD:889.50]**
Rebate, **I-APP 1 [TCD:889.70]**
Receipt point, **I-APP 1 [TCD:890]**
Receivables, **I-APP 1 [TCD:891]**
Receivables borrowing base, **I-APP 1 [TCD:892]**
Receiver, **I-APP 1 [TCD:893]**
Recipient, **I-APP 1 [TCD:894]**
Record, **I-APP 1 [TCD:895]**
 date, **I-APP 1 [TCD:896]**
 drawing(s), **I-APP 1 [TCD:896.50]**
 holders, **I-APP 1 [TCD:897]**
 limited partners, of, **I-APP 1 [TCD:898]**
Records, **I-APP 1 [TCD:898.50]**
Records, phonograph records and recordings, **I-APP 1 [TCD:899]**
Recoupment, **I-APP 1 [TCD:900]**
Recoupment capital of the production, **I-APP 1 [TCD:901]**
Recovery time objective, **I-APP 1 [TCD:902]**
Recurring services, **I-APP 1 [TCD:902.50]**
Referee, **I-APP 1 [TCD:903]**
Reference data, **I-APP 1 [TCD:903.50]**
Reference documents, **I-APP 1 [TCD:904]**
Refinancing, **I-APP 1 [TCD:905]**
Region, **I-APP 1 [TCD:905.50]**
Regional partners, **I-APP 1 [TCD:906]**
Regular business hours, **I-APP 1 [TCD:907]**

DEFINED TERMS—Cont'd

Regular pension, **I-APP 1** [TCD:908]
 Regular season, **I-APP 1** [TCD:909]
 Regulations, **I-APP 1** [TCD:910]
 Regulatory approval, **I-APP 1** [TCD:911]
 Regulatory authorities, **I-APP 1** [TCD:912]
 Reimbursable expenses, **I-APP 1** [TCD:913]
 Reimbursement agreement, **I-APP 1** [TCD:914]
 Reinstatement work, **I-APP 1** [TCD:915]
 Related documentation, **I-APP 1** [TCD:916]
 Related documents, **I-APP 1** [TCD:917]
 Related party, **I-APP 1** [TCD:917.50]
 Related person, **I-APP 1** [TCD:918]
 Release, **I-APP 1** [TCD:919]
 Release date, **I-APP 1** [TCD:920]
 Relevant authority, **I-APP 1** [TCD:920.30]
 Relevant person, **I-APP 1** [TCD:920.70]
 Remedial order, **I-APP 1** [TCD:921]
 Renewal period, **I-APP 1** [TCD:921.30]
 Rent, **I-APP 1** [TCD:922]
 Replica production, **I-APP 1** [TCD:923]
 Reports, **I-APP 1** [TCD:923.50]
 Representative, **I-APP 1** [TCD:924]
 Reproduction, **I-APP 1** [TCD:925]
 Request for proposals, **I-APP 1** [TCD:925.50]
 Rescue refinancing, **I-APP 1** [TCD:925.50]
 Reserved technology, **I-APP 1** [TCD:926]
 Reserved week, **I-APP 1** [TCD:927]
 Reserve fund insurance policy, **I-APP 1** [TCD:925.70]
 Residual information, **I-APP 1** [TCD:928]
 Residuals, **I-APP 1** [TCD:929]
 Residue gas, **I-APP 1** [TCD:930]
 Resolution, **I-APP 1** [TCD:931]
 Resource baselines, **I-APP 1** [TCD:931.30]
 Resource plan, **I-APP 1** [TCD:932]
 Resource unit, **I-APP 1** [TCD:932.50]
 Response time, **I-APP 1** [TCD:933]
 Restricted period, **I-APP 1** [TCD:934]
 Restricted person, **I-APP 1** [TCD:934.20]
 Resultant data, **I-APP 1** [TCD:934.30]
 Revenue service commencement date, **I-APP 1** [TCD:934.50]
 Review and report, **I-APP 1** [TCD:935]
 RFP, **I-APP 1** [TCD:935.30]
 RFP process, **I-APP 1** [TCD:935.70]

DEFINED TERMS—Cont'd

Right of way, **I-APP 1** [TCD:936]
Rights, **I-APP 1** [TCD:937]
Road, **I-APP 1** [TCD:938]
Robbery, **I-APP 1** [TCD:939]
Root cause analysis, **I-APP 1** [TCD:939.50]
Royal college, **I-APP 1** [TCD:940]
Royalty, **I-APP 1** [TCD:941]
 agreement, **I-APP 1** [TCD:942]
 bearing products, **I-APP 1** [TCD:943]
 interest, **I-APP 1** [TCD:944]
 owner, **I-APP 1** [TCD:945]
 periods, **I-APP 1** [TCD:946]
 reporting period, **I-APP 1** [TCD:947]
RTA, **I-APP 1** [TCD:947.50]
Rules and regulations, **I-APP 1** [TCD:948]
Running costs, **I-APP 1** [TCD:949]
Running royalties, **I-APP 1** [TCD:949.50]
Run-time version, **I-APP 1** [TCD:950]
Runway crossings, **I-APP 1** [TCD:951]
SaaS application, **I-APP 1** [TCD:952]
Safe burglary, **I-APP 1** [TCD:953]
Sales arrangement, **I-APP 1** [TCD:954]
Sales tax, **I-APP 1** [TCD:954.50]
Sample, **I-APP 1** [TCD:955]
Schedule, **I-APP 1** [TCD:955.30]
Scope of work, **I-APP 1** [TCD:955.50]
SDS staff, **I-APP 1** [TCD:956]
Secretary/treasurer of the professional staff, **I-APP 1** [TCD:957]
Section, **I-APP 1** [TCD:958]
Secured party, **I-APP 1** [TCD:959]
Securities, **I-APP 1** [TCD:960]
Securities Act, **I-APP 1** [TCD:961]
Security, **I-APP 1** [TCD:962]
 agreement, **I-APP 1** [TCD:963]
 interest, **I-APP 1** [TCD:964]
Security event, **I-APP 1** [TCD:963.50]
Security system, **I-APP 1** [TCD:964.50]
Seismic, **I-APP 1** [TCD:965]
Sender, **I-APP 1** [TCD:966]
Senior credit facility obligations, **I-APP 1** [TCD:966.50]
Senior leadership team, **I-APP 1** [TCD:967]
Sensitive data, **I-APP 1** [TCD:967.10]
Sensitive information, **I-APP 1** [TCD:967.20]

DEFINED TERMS—Cont'd

Separately licensed third party technology, **I-APP 1 [TCD:967.70]**
 Separate terms, **I-APP 1 [TCD:967.30]**
 Service agreement, **I-APP 1 [TCD:967.100]**
 Service charge, **I-APP 1 [TCD:968]**
 Service contracts, **I-APP 1 [TCD:968.30]**
 Service coordination agreement, **I-APP 1 [TCD:968.70]**
 Service delivery organization, **I-APP 1 [TCD:969]**
 Service level, **I-APP 1 [TCD:969.30]**
 Service level agreement, **I-APP 1 [TCD:969.50]**
 Service levels, **I-APP 1 [TCD:970]**
 Service locations, **I-APP 1 [TCD:971]**
 Service order, **I-APP 1 [TCD:971.50]**
 Service problem dispute, **I-APP 1 [TCD:972]**
 Service provider intellectual property, **I-APP 1 [TCD:973]**
 Service recipient, **I-APP 1 [TCD:974]**
 Services, **I-APP 1 [TCD:976]**
 Services environment, **I-APP 1 [TCD:976.30]**
 Service specifications, **I-APP 1 [TCD:974.30]**
 Services period, **I-APP 1 [TCD:976.50]**
 Services provider
 agent, **I-APP 1 [TCD:977]**
 consents, **I-APP 1 [TCD:978]**
 group, **I-APP 1 [TCD:979]**
 hardware, **I-APP 1 [TCD:980]**
 indemnified parties, **I-APP 1 [TCD:981]**
 IP, **I-APP 1 [TCD:982]**
 resources, **I-APP 1 [TCD:983]**
 retained IP, **I-APP 1 [TCD:984]**
 service location, **I-APP 1 [TCD:985]**
 system, **I-APP 1 [TCD:985.50]**
 toolset, **I-APP 1 [TCD:986]**
 Services provider programs, **I-APP 1 [TCD:982.50]**
 Service subscriber, **I-APP 1 [TCD:974.50]**
 Service taxes, **I-APP 1 [TCD:975]**
 Service time (st), **I-APP 1 [TCD:975.70]**
 Shareholder, **I-APP 1 [TCD:986.30]**
 Shareholder loans, **I-APP 1 [TCD:986.70]**
 Shipper, **I-APP 1 [TCD:987]**
 Shipping arrangement, **I-APP 1 [TCD:988]**
 Signal delivery fee, **I-APP 1 [TCD:988.30]**
 Signal delivery specifications, **I-APP 1 [TCD:988.70]**
 Signature property, **I-APP 1 [TCD:989]**
 Site, **I-APP 1 [TCD:990]**

DEFINED TERMS—Cont'd

Site conditions, **I-APP 1** [TCD:990.30]
SLA, **I-APP 1** [TCD:990.70]
Slush, **I-APP 1** [TCD:991]
Small works, **I-APP 1** [TCD:991.30]
Socan, **I-APP 1** [TCD:991.50]
Software, **I-APP 1** [TCD:992]
 documentation, **I-APP 1** [TCD:993]
 problem(s), **I-APP 1** [TCD:994]
Source code, **I-APP 1** [TCD:995]
Source materials, **I-APP 1** [TCD:996]
Special capital contribution, **I-APP 1** [TCD:997]
Specialist, **I-APP 1** [TCD:999]
Special resolution, **I-APP 1** [TCD:998]
Specifications, **I-APP 1** [TCD:1002]; **I-APP 1** [TCD:1121.80]
Specification set, **I-APP 1** [TCD:1001]
Specific conveyances, **I-APP 1** [TCD:1000]
Specified policy, **I-APP 1** [TCD:1002.50]
Sponsorship income, **I-APP 1** [TCD:1003]
Spouse, **I-APP 1** [TCD:1004]
Stage directions, **I-APP 1** [TCD:1005]
Standard, **I-APP 1** [TCD:1005.50]
Standard interface, **I-APP 1** [TCD:1006]
Standards, **I-APP 1** [TCD:1007]
Start date, **I-APP 1** [TCD:1008]
Statement of work, **I-APP 1** [TCD:1009]
Statement of work change, **I-APP 1** [TCD:1010]
Students, **I-APP 1** [TCD:1011]
Study, **I-APP 1** [TCD:1011.50]
Subconsultants, **I-APP 1** [TCD:1012]
Subcontract, **I-APP 1** [TCD:1012.50]
Subcontractor, **I-APP 1** [TCD:1013]
Subcontractor group, **I-APP 1** [TCD:1013.50]
Subject compositions, **I-APP 1** [TCD:1014]
Sublicence, **I-APP 1** [TCD:1015]
Sublicensing revenues, **I-APP 1** [TCD:1016]
Submission requirements, **I-APP 1** [TCD:1017]
Subscriber, **I-APP 1** [TCD:1018]
Subscribers, **I-APP 1** [TCD:1018.50]
Subscription, **I-APP 1** [TCD:1019]
Subscription fees, **I-APP 1** [TCD:1019.50]
Subscription plan, **I-APP 1** [TCD:1019.70]
Subscription services, **I-APP 1** [TCD:1020]
Subscription term, **I-APP 1** [TCD:1021]

DEFINED TERMS—Cont'd

Subsequent capital contribution, **I-APP 1 [TCD:1022]**
 Subsequent partnership loan, **I-APP 1 [TCD:1023]**
 Subsidiary, **I-APP 1 [TCD:1024]**
 Subsidiary company, **I-APP 1 [TCD:1025]**
 Substantial completion, **I-APP 1 [TCD:1026]**
 Substantial completion date, **I-APP 1 [TCD:1026.50]**
 Substantial performance of the work, **I-APP 1 [TCD:1027]**
 Sub-sublicence, **I-APP 1 [TCD:1028]**
 Successor in interest, **I-APP 1 [TCD:1029]**
 Supervisor, **I-APP 1 [TCD:1030]**
 Supplemental services, **I-APP 1 [TCD:1031]**
 Supplier, **I-APP 1 [TCD:1031.70]**
 agents, **I-APP 1 [TCD:1031.100]**
 contracting party, **I-APP 1 [TCD:1031.130]**
 hardware, **I-APP 1 [TCD:1031.150]**
 installation, **I-APP 1 [TCD:1031.160]**
 materials, **I-APP 1 [TCD:1031.170]**
 sites, **I-APP 1 [TCD:1031.200]**
 tools, **I-APP 1 [TCD:1031.230]**
 Supply agreement, **I-APP 1 [TCD:1032]**
 Supported licence, **I-APP 1 [TCD:1034]**
 Support plan, **I-APP 1 [TCD:1032.50]**
 Support request, **I-APP 1 [TCD:1031.50]**
 Support software, **I-APP 1 [TCD:1033]**
 Surface transportation board, **I-APP 1 [TCD:1034.50]**
 System, **I-APP 1 [TCD:1035]**
 design specifications, **I-APP 1 [TCD:1036]**
 development services unit, **I-APP 1 [TCD:1037]**
 documentation, **I-APP 1 [TCD:1038]**
 libraries, **I-APP 1 [TCD:1039]**
 software, **I-APP 1 [TCD:1040]**
 software package, **I-APP 1 [TCD:1041]**
 testing, **I-APP 1 [TCD:1042]**
 Take or pay obligations, **I-APP 1 [TCD:1043]**
 Tangibles, **I-APP 1 [TCD:1044]**
 Taxable income or tax loss, **I-APP 1 [TCD:1047]**
 Tax Act, **I-APP 1 [TCD:1045]**
 Tax authority, **I-APP 1 [TCD:1046]**
 Tax credits, **I-APP 1 [TCD:1046.50]**
 Taxes, **I-APP 1 [TCD:1044.50]; I-APP 1 [TCD:1048]**
 Technical information, **I-APP 1 [TCD:1049]**
 Technical score, **I-APP 1 [TCD:1050]**

DEFINED TERMS—Cont'd

Technical submission, **I-APP 1 [TCD:1051]**
information, **I-APP 1 [TCD:1052]**
requirements, **I-APP 1 [TCD:1053]**
Technology, **I-APP 1 [TCD:1054]**
Television, **I-APP 1 [TCD:1054.30]**
Temporary work, **I-APP 1 [TCD:1054.50]**
Tenant, **I-APP 1 [TCD:1054.70]**
Tender bonds, **I-APP 1 [TCD:1054.50]**
Term, **I-APP 1 [TCD:1055]**
Termination assistance period, **I-APP 1 [TCD:1056]**
Termination date, **I-APP 1 [TCD:1057]**
Termination for convenience, **I-APP 1 [TCD:1058]**
Term renewal, **I-APP 1 [TCD:1055.50]**
Territory, **I-APP 1 [TCD:1059]**
Test well, **I-APP 1 [TCD:1060]**
Theatre, **I-APP 1 [TCD:1061]**
Theatre agreement, **I-APP 1 [TCD:1062]**
Theatrical production, **I-APP 1 [TCD:1063]**
Therapeutic product, **I-APP 1 [TCD:1063.50]**
Third party, **I-APP 1 [TCD:1064]**
Third party components, **I-APP 1 [TCD:1065]**
Third party content, **I-APP 1 [TCD:1065.30]**
Third party data, **I-APP 1 [TCD:1065.50]**
Third party materials, **I-APP 1 [TCD:1065.70]**
Third party software, **I-APP 1 [TCD:1065.80]**
Ticket, **I-APP 1 [TCD:1066]**
Ticket price, **I-APP 1 [TCD:1067]**
Tickets, **I-APP 1 [TCD:1069]**
Ticket stock, **I-APP 1 [TCD:1068]**
Time period, **I-APP 1 [TCD:1070]**
Title documents, **I-APP 1 [TCD:1071]**
Title encumbrance, **I-APP 1 [TCD:1072]**
Total completion, **I-APP 1 [TCD:1073]**
Total completion certificate, **I-APP 1 [TCD:1074]**
Total contribution, **I-APP 1 [TCD:1075]**
Total weekly receipts, **I-APP 1 [TCD:1076]**
Tower, **I-APP 1 [TCD:1077]**
Toxic or hazardous substances or materials, **I-APP 1 [TCD:1078]**
TPS agreements, **I-APP 1 [TCD:1078.50]**
Trade mark, **I-APP 1 [TCD:1079]**
Transactional video on demand rights, **I-APP 1 [TCD:1080.50]**
Transaction log, **I-APP 1 [TCD:1080]**
Transfer, **I-APP 1 [TCD:1081]**

DEFINED TERMS—Cont'd

Transfer application, **I-APP 1** [TCD:1082]
 Transfer date, **I-APP 1** [TCD:1082.50]
 Transferee, **I-APP 1** [TCD:1083]
 Transporter, **I-APP 1** [TCD:1084]
 Transport rights, **I-APP 1** [TCD:1083.50]
 Trial mode, **I-APP 1** [TCD:1085]
 Trial package, **I-APP 1** [TCD:1086]
 Trust indenture, **I-APP 1** [TCD:1086.50]
 Typical water, **I-APP 1** [TCD:1087]
 Unanimous resolution, **I-APP 1** [TCD:1088]
 Underlying rights owners, **I-APP 1** [TCD:1089]
 Unidentified endangered species, **I-APP 1** [TCD:1089.20]
 Unidentified environmental condition, **I-APP 1** [TCD:1089.40]
 Unidentified geological obstruction, **I-APP 1** [TCD:1089.60]
 Unidentified utility, **I-APP 1** [TCD:1089.80]
 Uninsurable risk, **I-APP 1** [TCD:1089.100]
 Unit, **I-APP 1** [TCD:1090; TCD:1095; TCD:1099]
 agreements, **I-APP 1** [TCD:1091]
 facilities, **I-APP 1** [TCD:1092]
 operations, **I-APP 1** [TCD:1093]
 operator, **I-APP 1** [TCD:1094]
 United States dollars, **I-APP 1** [TCD:1096]
 United States of America, **I-APP 1** [TCD:1097]
 Unitized substances, **I-APP 1** [TCD:1098]
 Unknown contamination, **I-APP 1** [TCD:1100]
 Update, **I-APP 1** [TCD:1101]
 Updates, **I-APP 1** [TCD:1102]
 Upgrade, **I-APP 1** [TCD:1103]
 Upgrades and enhancements, **I-APP 1** [TCD:1104]
 Uptime, **I-APP 1** [TCD:1105]
 URL, **I-APP 1** [TCD:1106]
 Usage statistics, **I-APP 1** [TCD:1107]
 Use, **I-APP 1** [TCD:1108]
 User, **I-APP 1** [TCD:1108.50]
 User data, **I-APP 1** [TCD:1109]
 Users, **I-APP 1** [TCD:1110]
 User subscriptions, **I-APP 1** [TCD:1109.50]
 Utilities, **I-APP 1** [TCD:1111]
 Utility, **I-APP 1** [TCD:1111.30]
 Utility owner, **I-APP 1** [TCD:1111.50]
 Vacant possession, **I-APP 1** [TCD:1111.70]
 Vaccine product, **I-APP 1** [TCD:1111.80]
 Valuer, **I-APP 1** [TCD:1112]

DEFINED TERMS—Cont'd

Variation, **I-APP 1 [TCD:1113]**
 confirmation, **I-APP 1 [TCD:1114]**
 proposal, **I-APP 1 [TCD:1115]**
 request, **I-APP 1 [TCD:1116]**
Vendor, **I-APP 1 [TCD:1117]**
 materials, **I-APP 1 [TCD:1118]**
Vendor of record, **I-APP 1 [TCD:1118.30]**
Vendor performance program, **I-APP 1 [TCD:1118.50]**
Vendor performance score card, **I-APP 1 [TCD:1118.70]**
Vesting or vested, **I-APP 1 [TCD:1119]**
Video-on-demand service(s), **I-APP 1 [TCD:1119.50]**
Virtual server, **I-APP 1 [TCD:1120]**
Virus, **I-APP 1 [TCD:1121]**
Volume basis, **I-APP 1 [TCD:1122]**
Voluntary clean-up application and materials management plan, **I-APP 1 [TCD:1122.50]**
Voting shares, **I-APP 1 [TCD:1123]**
VRA process, **I-APP 1 [TCD:1124]**
Web browser, **I-APP 1 [TCD:1125]**
Web page, **I-APP 1 [TCD:1126]**
Web server, **I-APP 1 [TCD:1127]**
Web services, **I-APP 1 [TCD:1127.50]**
Website, **I-APP 1 [TCD:1128]**
Weekly guaranteed royalties, **I-APP 1 [TCD:1129]**
Weekly running loss, **I-APP 1 [TCD:1130]**
Weekly running profits, **I-APP 1 [TCD:1131]**
Wells, **I-APP 1 [TCD:1132]**
WHMIS, **I-APP 1 [TCD:1132.50]**
Wholesale price, **I-APP 1 [TCD:1133]**
WLR, **I-APP 1 [TCD:1134]**
Work, **I-APP 1 [TCD:1135]**
Working environment, **I-APP 1 [TCD:1139]**
Working interest, **I-APP 1 [TCD:1140]**
Working interest owner, **I-APP 1 [TCD:1141]**
Workings, **I-APP 1 [TCD:1142]**
Work order, **I-APP 1 [TCD:1136]**
Work product, **I-APP 1 [TCD:1137]**
Works change in law, **I-APP 1 [TCD:1142.30]**
Workshop, **I-APP 1 [TCD:1143]**
Works period report, **I-APP 1 [TCD:1142.70]**
Work system design and implementation, **I-APP 1 [TCD:1138]**
World wide web, **I-APP 1 [TCD:1144]**
Writers, **I-APP 1 [TCD:1145]**

DEFINED TERMS—Cont’d

Year, **I-APP 1 [TCD:1147]**
 Y.M.P.E., **I-APP 1 [TCD:1146]**
 You or your, **I-APP 1 [TCD:1148]**
 Your application, **I-APP 1 [TCD:1149]**
 Your content, **I-APP 1 [TCD:1150]**

DEFINITIONS

Acceptance, **X-33:228**
 criteria, **X-33:229**
 date, **X-33:230**
 notice, **X-33:231**
 testing, **X-33:232**
 test period, **X-33:233**
 tests, **X-33:234**
 Account, **X-33:235**
 balance, **X-33:236**
 master, **X-33:237**
 Accounting principles, **X-33:238**
 Additional fees, **X-33:241**
 Add-on, **X-33:240**
 Adverse, **X-33:242**
 Advertisers, **X-33:243**
 Advertising rights, **X-33:244**
 Affiliate, **X-33:245, 33:245.50**
 Agreement, **X-33:246**
 Anonymous information, **X-33:247**
 Applicable law, **X-33:248**
 Application
 forms, **X-33:250**
 package, **X-33:252**
 software, **X-33:251**
 Arm’s length, **X-33:253**
 Artificial intelligence, **X-33:253.50**
 Associated companies, **X-33:254**
 Authority, **X-33:257**
 Authorized
 officer, **X-33:258**
 personnel, **X-33:259**
 purposes, **X-33:260**
 sub-contractor, **X-33:261**
 user, **X-33:262**
 Author’s confidential information, **X-33:256**
 Background IP, **X-33:263.50**
 Background technology, **X-33:273**

DEFINITIONS—Cont'd

- Background technology and third-party technology, **X-33:265**
- Backup facility, **X-33:266**
- Banner, **X-33:267**
- Best practice, **X-33:268**
- Billing period, **X-33:269**
- Browser, **X-33:270**
- Budget, **X-33:271**
- Bug fixes, **X-33:272**
- Bundled product, **X-33:273**
- Business
 - day, **X-33:274; X-33:275**
 - hours, **X-33:276**
 - information, **X-33:277**
 - nature of, **X-33:526**
- Buyer
 - companies, **X-33:278**
 - supplied equipment, **X-33:279**
- Canadian GAAP, **X-33:280**
- Canadian price list, company, **X-33:298**
- Card location, **X-33:282**
- Change in law, **X-33:283**
- Change in ownership, **X-33:285**
- Change of or in control, **X-33:284**
- Claims, **X-33:286**
- Click-through, **X-33:287**
- Client
 - addenda, **X-33:288**
 - content, **X-33:289**
 - event of default, **X-33:290**
 - properties, **X-33:291**
- Closed network, **X-33:292**
- Closing date, **X-33:293**
- Code, **X-33:294**
- Commencement date, **X-33:295**
- Commercially reasonable efforts, **X-33:296**
- Community server, **X-33:297**
- Companies, associated, **X-33:254**
- Competitive business, **X-33:299**
- Computer, **X-33:300**
 - facility, **X-33:301**
 - operations, **X-33:302**
 - software, **X-33:303**
 - technology, **X-33:304**

DEFINITIONS—Cont'd**Confidential**information, **X-33:46.50; X-33:47; X-33:305**author's, **X-33:256**data, **X-33:304.50**disclosure of, and, **X-1:18**legal professional privilege, **X-33:48.50**medical information restriction, **X-33:306**mutual discourse, **X-33:49**Personal Health Information Protection Act, **X-33:58; X-33:307**reciprocal covenants, **X-33:48**services provider, of, **X-33:55**material, **X-33:308**supplier, of, **X-33:309**user, of, **X-33:310**Conflict in documents, **X-33:311**Conflict of interest, **X-33:312**Consultant developments, **X-33:313**Consultant's business, **X-33:314**Consumer price index, **X-33:315****Content owner****brand**features, **X-33:316**guidelines, **X-33:317**news services, **X-33:318**search engine, **X-33:319**software, **X-33:320**system, **X-33:321**Continuation period, **X-33:322****Control, X-33:323**change of, **X-33:284**panel, **X-33:324**Conversion, **X-33:325**Copy, **X-33:326**CPI, **X-33:274**Custom developed software, **X-33:327****Customer, X-33:328**affiliates, **X-33:329**audit program, **X-33:330**content, **X-33:331**data, **X-33:332**hardware, **X-33:333**information, **X-33:334**location, **X-33:337**

DEFINITIONS—Cont'd

- Customer, **X-33:328**—Cont'd
 - software, **X-33:335**
 - supplied resources, **X-33:337**
 - technology, **X-33:337**
- Customization, **X-33:339**
- Cutover, **X-33:340**
- Cybersecurity, **X-33:341**
- Data, **X-33:342**
 - entry, **X-33:343**
 - processing services, **X-33:344**
 - protection law, **X-33:346**
 - security policy, **X-33:345**
- Date
 - acceptance, of, **X-33:347**
 - posting, **X-33:579**
- Day, **X-33:348**
- Deficiency, **X-33:350**
 - error, or, **X-33:349**
 - notice, **X-33:351**
- Definitions and interpretation, **X-33:352**
- Deliverable, **X-33:353**
- Delivery, **X-33:354**
- Deposit, **X-33:355**
- Deposit documents, **X-33:356**
- Derivative work, **X-33:357**
- Description of services, **X-33:358**
- Design
 - data, **X-33:359**
 - services, **X-33:360**
 - work, **X-33:361**
- Designated
 - administrative access, **X-33:362**
 - computers, **X-33:363**
 - equipment, **X-33:364**
 - location, **X-33:365**
 - system, **X-33:366**
- Detailed specifications, **X-33:367**
- Developer products, **X-33:368**
- Development
 - licence, **X-33:369**
 - software, **X-33:370**

DEFINITIONS—Cont'd

Disaster, **X-33:371**
 notification, **X-33:372**
 fee, **X-33:373**
 Disclosed data, **X-33:374**
 Disclosure, **X-33:375; 33:375.50**
 Discriminatory change in tax law, **X-33:376**
 Dispute resolution procedure, **X-33:377**
 Distributors, **X-33:378**
 Document, **X-33:379**
 Documentation, **X-33:380**
 associated, **X-33:255**
 Downtime, **X-33:381**
 planned, **X-33:577**
 Effective date, **X-33:382**
 Effective performance level, **X-33:383**
 Embedded software, **X-33:383.50**
 Emergency, **X-33:384**
 maintenance, **X-33:385**
 Employee total annual compensation, **X-33:386**
 Encumbrances, **X-33:387**
 permitted, **X-33:567**
 End-user, **X-33:389**
 licence agreement, **X-33:390**
 software, **X-33:391**
 Enhancement, **X-33:388; X-33:392**
 Enterprise, **X-33:393**
 Entitlement, proof of, **X-33:609**
 Environment, working, **X-33:744**
 Environmental attributes, **X-33:396**
 Equipment, **X-33:397**
 configuration, **X-33:398**
 minimum, **X-33:515**
 Equity interest, **X-33:399**
 Equivalent activity, **X-33:398.50**
 Error, **X-33:400**
 Escrow
 agent, **X-33:400.50**
 agreement, **X-33:401**
 materials, **X-33:401.30**
 provider, **X-33:401.50**
 provider, event of default, **X-33:401.70**
 Escrow agreement, **X-33:401**
 Excused unavailability, **X-33:403**

DEFINITIONS—Cont'd

Excusing event, **X-33:404**
Expenses, **X-33:405**
Fair market value, **X-33:406.50**
Fault, **X-33:407**
Fees, **X-33:408**
 additional, **X-33:241**
Final acceptance, **X-33:409**
Final completion, **X-33:410**
Financial information, **X-33:411**
Financial institution, **X-33:412**
FIPPA, **X-33:412**
Force majeure, **X-33:413**
Force majeure events, **X-33:414**
Full
 system backup, **X-33:415**
 user, **X-33:416**
Full-use programs, **X-33:417**
Functionality, **X-33:419**
Functional specifications, **X-33:418**
GDPR, **X-33:420**
General provisions agreement, **X-33:422**
General public licence software, **X-33:421**
Global statistics, **X-33:423**
Good faith, **X-33:423.50**
Good industry practice, **X-33:424**
Governing laws, **X-33:424**
Governmental approvals, **X-33:427**
Government authority, **X-33:426**
GPL software, **X-33:421**
Guest operating systems, **X-33:429**
Hardware, **X-33:431**
Harmful code, **X-33:432**
Has knowledge or have knowledge, **X-33:433**
Hazardous material, **X-33:434**
Health care law, **X-33:434.50**
Herein, hereof and hereunder, **X-33:435**
Hit, **X-33:436**
Home page, **X-33:437**
Hosting services, **X-33:438**
House account, **X-33:439**
HTML, **X-33:430**
Hyperlink, **X-33:440**
Impact, minor, **X-33:516**

DEFINITIONS—Cont'd

- Implementation
 - date, **X-33:443**
 - period, **X-33:444**
 - plan, **X-33:445**
 - schedule, **X-33:446**
 - services, **X-33:447**
- Impression, **X-33:448**
- Industry standards, **X-33:449**
- Information, **X-33:450**
 - background, **X-33:263**
 - management, **X-33:451**
 - non-personal, **X-33:536**
 - residual, **X-33:634**
 - technology, **X-33:333.50**
- Input data, **X-33:452**
- Insolvency, act of, **X-33:239**
- Insolvency legislation, **X-33:453**
- Installation
 - date, **X-33:454**
 - sites, **X-33:455**
- Intangible assets, **X-33:455.50**
- Integrated product, **X-33:456**
- Intellectual property, **X-33:457**
 - prosecution and maintenance, **X-33:151.80**
 - rights, **X-33:138; X-33:458**
- Interest rate, **X-33:459**
- Internet, **X-33:460**
- Interpretation, **X-33:461**
- Interpretation of agreement, **X-33:462**
- Inventions, **X-33:463**
- ISO compliant data security policy, **X-33:441**
- IT, **X-33:442**
- Joint know-how, **X-33:464**
- Know-how, **X-33:465**
- Knowledge transfer, **X-33:466**
- Law, requirements of, **X-33:630**
- Law or laws, **X-33:467**
- Laws and regulations, **X-33:468**
- Legal proceeding, **X-33:469**
- Liabilities, **X-33:470**
- Licence
 - agreement, **X-33:471**
 - fee, **X-33:472**

DEFINITIONS—Cont'd

Licence—Cont'd

- information, **X-33:473**
- software key, **X-33:654**

Licensed

- additional module, **X-33:474**
- documentation, **X-33:475**
- materials, **X-33:476**
- process, **X-33:477**
- program, **X-33:478; X-33:481**
 - documentation, **X-33:480**
 - materials, and, **X-33:479**
- rights, **X-33:482**
- third party software, **X-33:483**

Licensee affiliate, **X-33:484**

Limited user, **X-33:485**

Link, **X-33:486**

Loan application, **X-33:487**

- licence, **X-33:488**

Losses, **X-33:489**

Machine, **X-33:491**

- virtual, **X-33:731**

Mail, **X-33:492**

Maintenance, **X-33:493**

- fee, **X-33:494**

Major impact, **X-33:495**

Mandatory enhancements, **X-33:497**

Manufacturing licensee, **X-33:498**

Marketing

- arrangements, **X-33:499**
- information, **X-33:500**
- licence, **X-33:501**

Marks, **X-33:502**

Master file, **X-33:503**

Material, **X-33:504; X-33:508**

- adverse change, **X-33:504.50**
- adverse effect, **X-33:505**
- breach, **X-33:506**
- defect, **X-33:507**

Mean time to repair, **X-33:509**

Metadata, **X-33:509.50**

Methodology, **X-33:510**

MFIPPA, **X-33:490**

Milestone, **X-33:511**

DEFINITIONS—Cont'd

- Milestone date, **X-33:512**
- Milestone payment, **X-33:513**
- Milestone payment schedule, **X-33:514**
- Minimum equipment configuration, **X-33:515**
- Minor impact, **X-33:516**
- Modifications, **X-33:517**
- Module, **X-33:518**
 - components and script, **X-33:519**
- Monthly revenue, **X-33:520**
- Moral rights, **X-33:521**
- Multiple disaster, **X-33:523**
- Municipal Freedom of Information and Protection of Privacy Act, **X-33:510**
- Named user, **X-33:524**
 - seat licence, **X-33:525**
- Nature of business, **X-33:526**
- Necessary claims, **X-33:527**
- Net invoice amount, **X-33:528**
- Net present value, **X-33:529**
- Network
 - server, **X-33:530**
 - services, **X-33:531**
- Non-excludable term, **X-33:535**
- Non-excusable event, **X-33:510**
- Non-personal information, **X-33:536**
- Non-personnel expenses, **X-33:537**
- Non-specified customer, **X-33:538**
- Normal business hours, **X-33:539**
- Notice, **X-33:540**
 - acceptance, of, **X-33:541**
- Object code, **X-33:542**
- OEM product, **X-33:543**
- Open
 - network, **X-33:544**
 - source software, **X-33:545**
- Operating
 - environment, **X-33:546**
 - systems, **X-33:547**
 - guest, **X-33:429**
- Operations services, **X-33:548**
- Order form, **X-33:549**
- Organizational document, **X-33:550**
- Output data, **X-33:551**

DEFINITIONS—Cont'd

- Outsourcing agreement
 - committee, **X-33:553**
 - factor, **X-33:554**
- Page, **X-33:557**
 - view, **X-33:558**
- Partner, **X-33:559**
- Partnership agreements, **X-33:560**
- Party or parties and parties to an agreement, **X-33:561**
- Payment schedule, **X-33:563**
- Performance
 - dates, **X-33:564**
 - milestones, **X-33:565**
- Permits, **X-33:570**
- Permitted
 - borrowing, **X-33:566**
 - encumbrances, **X-33:567**
 - number, **X-33:568**
 - use, **X-33:569**
- Person, **X-33:571**
- Personal data, **X-33:572**
- Personal data breach, **X-33:573**
- Personal Health Information Protection Act, **X-33:555**
- Personal information, **X-33:574**
- Personally identifiable information, **X-33:573.50**
- Personal records, **X-33:574.50**
- Personnel, **X-33:575**
- Phase, **X-33:576**
- PHIPA, **X-33:555**
- Porting licence, **X-33:578**
- Posting date, **X-33:579**
- PP persons, **X-33:556**
- Pre-existing works, **X-33:580**
- Prescribed form, **X-33:581**
- Price list, **X-33:582**
- Prime
 - contract, **X-33:583**
 - contracting period, **X-33:585**
 - contractor, **X-33:584**
 - rate, **X-33:586**
 - supplier requirements, **X-33:587**
- Prior authorized sub-contractor services, **X-33:588**
- Privacy laws, **X-33:589**
- Procedures manual, **X-33:589, 587**

DEFINITIONS—Cont'd

- Proceeding, **X-33:591**
- Processing, **X-33:592**
- Processor, **X-33:593**
- Product, **X-33:594**
 - bundled, **X-33:273**
 - documentation, **X-33:595**
 - services, and, **X-33:598**
 - update, **X-33:596**
 - upgrade, **X-33:597**
- Professional services, **X-33:599**
- Program, **X-33:600**
 - sample, **X-33:640**
- Prohibited act, **X-33:601**
- Project, **X-33:602**
 - charter, **X-33:603**
 - documentation, **X-33:604**
 - intellectual property, **X-33:605**
 - plan, **X-33:606**
 - schedule, **X-33:607**
 - staff, **X-33:608**
- Proof of entitlement, **X-33:609**
- Proposal, **X-33:610**
- Proprietary
 - information, **X-33:611**
 - rights, **X-33:612**
 - software solution, **X-33:613**
- Proprietary data, **X-33:609.50**
- Prototype, **X-33:614**
- Provider
 - hardware, **X-33:615**
 - software, **X-33:616**
 - system, **X-33:617**
- Public access module, **X-33:618**
- Purchased assets, **X-33:619**
- Ransomware, **X-33:619.50**
- Rates, **X-33:621**
- Receiver, **X-33:622**
- Recipient, **X-33:623**
- Recovery centre operations manual, **X-33:624**
- References, referenced documentation and interpretation, **X-33:626**
- Registered name, **X-33:625**
- Related body corporate, **X-33:627**
- Release, new, **X-33:532**

DEFINITIONS—Cont'd

- Relevant change in law, **X-33:628**
- Relevant laws, **X-33:628.50**
- Repair, mean time to, **X-33:508**
- Representatives, **X-33:629**
- Requirements of law, **X-33:630**
- Research and development, **X-33:631**
- Residual information, **X-33:634**
- Residuals, **X-1:47; X-33:632**
- Resolution, **X-33:635**
- Response time, **X-33:636**
 - service levels, and, **X-33:213; X-33:633**
- Restricted person, **X-33:637**
- RFP, **X-33:620**
- Run-time version, **X-33:638**
- Sale, **X-33:639**
- Screen, **X-33:641**
- Sender, **X-33:642**
- Server, **X-33:643**
 - network, **X-33:530**
 - web, **X-33:737**
- Service
 - fees, **X-33:644**
 - level, **X-33:645**
 - objectives, **X-33:646**
 - provider event of default, **X-33:647**
 - time, **X-33:648**
- Services, **X-33:649**
- Smart city, **X-18:3.50**
- Software, **X-33:650**
 - contracts, **X-33:652**
 - custom developed, **X-33:328**
 - documentation, **X-33:653**
 - licence key, **X-33:654**
 - new, **X-33:533**
 - open source, **X-33:545**
 - problems, **X-33:655**
 - services, and, **X-33:651**
 - source code, **X-33:656**
 - support services, **X-33:657**
 - unique applications, **X-33:717**
- Source
 - code, **X-33:658**
 - escrow, **X-33:659**

DEFINITIONS—Cont'd

Source—Cont'd
 materials, **X-33:660**
 software, open, **X-33:545**
 Specification, **X-33:538; X-33:661**
 Specified customer, **X-33:662**
 Standards, **X-33:663**
 Statement of work, **X-33:664**
 Statutory reference, **X-33:665**
 Subcontractor, **X-33:666**
 services, prior authorized, **X-33:486**
 Subdistributor, **X-33:667**
 Sublicence, **X-33:668**
 Sublicensee, **X-33:669**
 Sublicensing revenues, **X-33:670**
 Subscription fee, **X-33:671**
 Subscription plan, **X-33:672**
 Subsidiary, **X-33:673**
 Substantial completion, **X-33:674**
 Successor in interest, **X-33:675**
 Supervening events, **X-33:676**
 Supplemental services, **X-33:677**
 Supplied information, **X-33:678**
 Supplier
 business hours, **X-33:679**
 developed property, **X-33:680**
 intellectual property, **X-33:681**
 servers, **X-33:682**
 Supply agreements, **X-33:683**
 Supply chain, **X-33:683.50**
 Support, **X-33:684**
 agreement, **X-33:685**
 request, **X-33:686**
 software, **X-33:687**
 System, **X-33:688**
 design specifications, **X-33:689**
 full backup, **X-33:415**
 software, **X-33:690**
 software package, **X-33:691**
 Tax or taxes, **X-33:692**
 applicable, **X-33:249**
 Technical
 services, **X-33:693**
 support, **X-33:694**

DEFINITIONS—Cont'd

- Technology, **X-33:695**
 - background, **X-33:264**
- Term, **X-33:696**
- Terms and conditions, **X-33:697**
- Territory, **X-33:698**
- Test criteria, **X-33:699**
- Third party, **X-33:700**
 - components, **X-33:701**
 - products, **X-33:702**
 - programs, **X-33:703**
 - software, **X-33:704**
- Tool bar, **X-33:705**
- Tools, **X-33:706**
- Trade mark assets, **X-33:707**
- Trade secrets, **X-33:708**
- Traffic, **X-33:709**
- Training, **X-33:710**
- Transaction date, **X-33:711**
- Transfer date, **X-33:712**
- Trial
 - mode, **X-33:713**
 - package, **X-33:714**
- Uninsurable, **X-33:716**
- Unique applications software, **X-33:717**
- Unknown contamination, **X-33:718**
- Updates, **X-33:719**
- Upgrade, **X-33:720**
- Uptime, **X-33:721**
- URL, **X-33:715**
- Usage, **X-33:722**
- Usage statistics, **X-33:723**
- Use, **X-33:724**
 - intellectual property, **X-33:725**
 - permitted, **X-33:569**
- User/users, **X-33:726**
 - authorized, **X-33:262**
 - full, **X-33:416**
 - limited, **X-33:485**
- Utilities, **X-33:727**
- Value-added package, **X-33:728**
- Variation notice, **X-33:729**
- Vendor, **X-33:730**
- Virtual machine, **X-33:731**

DEFINITIONS—Cont’d

- Virus, **X-33:732**
- Warranty period, **X-33:733**
- Web
 - analytics service, **X-33:734**
 - browser, **X-33:735**
 - pages, **X-33:736**
 - server, **X-33:737**
 - site, **X-33:738**
 - outside, **X-33:552**
 - world wide, **X-33:745**
- Work, **X-33:739**
 - order, **X-33:740**
 - pre-existing, **X-33:580**
 - product, **X-33:741**
 - schedule, **X-33:742**
 - system design and implementation, **X-33:743**
- Working environment, **X-33:744**
- World wide web, **X-33:745**

DELAY

- See also **FORCE MAJEURE**
- Dismissal of proceedings for
 - appeal
 - affidavit, **VIII-28:75**
 - commentary, **VIII-28:73**
 - notice of motion, **VIII-28:74**
 - order, **VIII-28:76**
 - commentary, **VIII-16:16**
 - contumelious delay
 - affidavit, **VIII-16:18**
 - notice of motion, **VIII-16:17**
 - order, **VIII-16:19**
 - inordinate delay
 - affidavit, **VIII-16:21**
 - notice of motion, **VIII-16:20**
 - order, **VIII-16:22**
 - leave for appeal
 - affidavit, **VIII-28:79**
 - commentary, **VIII-28:77**
 - notice of motion, **VIII-28:78**
 - order, **VIII-28:80**
- Motion to strike pleading for
 - affidavit, **VIII-6:64**
 - commentary, **VIII-6:62**

DELAY—Cont'd

Motion to strike pleading for—Cont'd
notice of motion, **VIII-6:63**
order, **VIII-6:65**

Possession, in
industrial, **IV-2:2; IV-2:3**
office, **IV-4:2-IV-4:4**
residential, **IV-8:12-IV-8:15**
retail, **IV-3:2; IV-3:3**

Setting aside order of dismissal for
commentary, **VIII-16:23**
motion for
affidavit, **VIII-16:25**
notice of motion, **VIII-16:24**
order, **VIII-16:26**

Unavoidable
offer provision, no form of lease
multi-tenanted building, **IV-1:16**
single-tenanted building, **IV-1:15**
pad lease provision, **IV-3:5; IV-3:6**
shopping centre lease provision, **IV-3:4**

DELEGATION

Appointment, **A:3; IX-A:3**
Appointment of General Manager and other Position, **A:5; IX-A:5**
Organizational Structure, **A:4; IX-A:4**

DELEGATION OF POWERS

Policy, **IX-1:97; IX-1:104**

DELIVERY

Damages for non-delivery, **VIII-5:7**
Writ of
general form, **VIII-22:67**
requisition, **VIII-22:68**

DEMISE

Fixturing period
office, **IV-4:3**

DENTIST

Examination of opposite party by, motion for
affidavit, **VIII-12:12**
notice of motion, **VIII-12:11**
order, **VIII-12:13**
Malpractice, **VIII-5:86**

DEPONENT

See JURATS

DEPOSITARY AGREEMENTS

Final prospectus filing documents, **II-24:14**

Takeover bid, **II-29:19**

DEPOSIT OF DOCUMENTS WITH REGISTRAR

Motion for

inspect document deposited with registrar

affidavit, **VIII-9:52**

notice of motion, **VIII-9:51**

order, **VIII-9:53**

leave to deposit document with registrar

affidavit, **VIII-9:49**

notice of motion, **VIII-9:48**

order, **VIII-9:50**

DEPOSITS

Applied to rent first due, **IV-7:3**

Cart lease, **IV-3:7**

Commentary, **IV-7:2**

First and last months' rent, **IV-7:4**

Gross lease, **IV-2:4**

Industrial

lease provision, **IV-2:2; IV-2:3**

offer provision, **IV-1:10; IV-1:11**

Kiosk lease, **IV-3:7**

Letter of intent provision, **IV-1:5**

Medical building provision, **IV-10:5**

Multi-tenanted building offer provision, no form of lease, **IV-1:16**

Office

lease provision, **IV-4:2-IV-4:4**

offer provision, **IV-1:8; IV-1:9**

Rent and security deposit agreement, **IV-7:6**

Residential lease provision, **IV-8:12-IV-8:15; IV-8:60; IV-8:61**

Retail

lease provision, **IV-3:2; IV-3:3**

offer provision, **IV-1:12; IV-1:13**

Security deposit, **IV-7:5**

Shopping centre lease provision, **IV-3:4**

Single-tenanted building offer provision

no form of lease, **IV-1:15**

with form of lease, **IV-1:14**

DETERMINATION OF CAPITAL AND INCOME

See CAPITAL AND INCOME

DETERMINATION OF QUESTION OF LAW

Motion for

commentary, **VIII-6:37**

consent to admit evidence, **VIII-6:39**

notice of motion, **VIII-6:38**

order, **VIII-6:40**

DEVELOPMENT

See PLANNING AND DEVELOPMENT

Licence, definition, **X-33:369**

Mining

See MINES AND MINERALS

Oil and gas rights

See OIL AND GAS

Partnership, by, **I-45:10**

Software, **I-23:287**

consulting services agreement, and, **X-8:81**

definition, **X-33:370**

development agreement, **X-8:84**

database, **X-8:77**

service, and, **X-8:82**

evaluation, activation and end user licence agreement, **X-8:16**

independent contractor service agreement, **X-8:85**

joint venture, **I-23:363.50; X-8:78; 23:397**

mobile application, **X-8:87; X-8:88**

OEM derivative product, **X-8:86**

ownership retained by developer, **X-8:80**

specification agreement, **X-8:75; X-8:76**

Television property, **I-57:48**

Website

agreement, **X-4:138**

changes, **X-4:139**

services, and, **X-4:141**

short form, **X-4:140**

professional services agreement, **X-4:143**

request for proposal, **X-4:146**

service description, **X-4:144**

terms and conditions, services website, **X-4:188.85**

terms of use (copyright & intellectual property policy), **X-4:188.80**

Website development agreement, **I-23:138**

service, and, **I-23:139**

DEVELOPMENT CHARGES ACT

- By-law, **IX-11:116; IX-11:117**
- Commentary, **IX-4:222**
- Front ending agreement, **IX-4:223; IX-4:224**
- Services agreement, deferral of payment of development charge for, **IX-4:226**
- Subway levy agreement, **IX-4:225**

DIARY SYSTEM

- Card, **VIII-1:94**
- Memorandum, **VIII-1:95**

DIGITAL MEDIA

- See also **COMPUTERS; COPYRIGHT; INTERNET; MOTION PICTURES; PUBLISHING AGREEMENTS**
- confidential disclosure agreement, **I-25:3**
- Confidential disclosure agreement
 - reciprocal, **I-25:4**
- Consulting agreement, **I-25:28**
 - restrictive covenants, **I-25:51**
- Copyright
 - assignment of, **I-25:23**
 - licence option, **I-25:15**
 - notice, **I-25:7**
 - option agreement, **I-25:22**
- Credit provision, **I-25:52**
- Distribution agreement, **I-25:39**
 - limited brand development, **I-25:41**
- Employment agreement, **I-25:32**
 - videogame
 - except EU, **I-25:49.30**
 - use in EU, **I-25:49.70**
- End user licence agreement, **I-25:49**
- Film footage, release of, **I-25:20**
- Funding agreement, **I-25:26.50**
- Joint venture agreement, **I-25:11**
 - framework agreement, **I-25:10**
- Licence
 - end user agreement, **I-25:49**
 - rights acquisition, **I-25:19**
 - shareware licence agreement, **I-25:47**
 - software
 - See software licence, *infra*
 - See Software licence, *infra*
 - software utilities library, **I-25:13**
- Location agreement, **I-25:25**

DIGITAL MEDIA—Cont'd

- Marketing strategy, digital, **I-25:42**
- Music composing agreement, **I-25:33**
- Performing agreement, **I-25:30**
- Permission request, **I-25:14**
- Personal appearance release, **I-25:29**
- Production agreement, **I-25:33**
 - application, of, with revenue share, **I-25:35**
 - sub-contract, **I-25:34**
- Publication notice, **I-25:8**
- Publisher
 - evaluation of developer's work, **I-25:36**
 - publishing agreement
 - digital media product, **I-25:37**
 - virtual reality video game, **I-25:38**
 - release, **I-25:21**
- Release
 - personal appearance, **I-25:29**
 - publisher's, **I-25:21**
 - video footage, **I-25:20**
- Rights
 - acquisition licence, **I-25:19**
 - agreement, **I-25:17**
 - first negotiation clause, **I-25:50**
 - first refusal clause, **I-25:50**
 - option agreement, **I-25:16**
 - transfer of, **I-25:18**
- Sales training software, acquisition of, **I-25:44**
- Services agreement, **I-25:27**
- Software licence, **I-25:48**
 - payment free, **I-25:45; I-25:46**
- Virtual reality video game, publishing and development agreement, **I-25:38**
- Writing agreement, **I-25:45**

DIRECTION

- Dividends, re payment of, **II-7:7**
- Lawyer, to, **VIII-21:13**
- Other firm, to, **VIII-21:12**
- Release, by employee, **VIII-21:108**
- VIII

DIRECTION TO ENFORCE WRIT

- Heading, **VIII-1:47**

DIRECTORS

- Amalgamation
 - statement of (Ontario), **II-15:20**
 - statutory declaration of
 - Alberta, **II-15:18**
 - British Columbia, **II-15:19**
 - federal, **II-15:17**
 - Manitoba, **II-15:17**
 - Saskatchewan, **II-15:17**
- Appointment of to fill vacancy, resolution re, **II-10:7**
- Change of, notice
 - Alberta, **II-1:35**
 - Manitoba, **II-1:42**
- Changes re (federal), **II-1:22**
- Committees
 - See DIRECTORS' COMMITTEES
- Conflict of interest of
 - commentary, **II-10:13**
 - disclosure of material interest
 - specific contract, **II-10:14**
 - specific transaction, **II-10:15**
 - minutes of meeting where conflict disclosed, **II-10:16**
 - special shareholders' resolution approving conflict transaction, **II-10:17**
- Consent of
 - to act and participate in telephone meetings, **II-10:4; II-19:2; II-19:3**
 - to act as director
 - Alberta, **II-2:59**
 - British Columbia, **II-2:36**
 - federal, **II-2:16**
 - general, **II-19:2**
 - Manitoba, **II-2:94**
 - not-for-profit corporation, (federal), **II-2:177**
 - Ontario, **II-2:34**
 - Ontario, not-for-profit, **II-1:84**
 - Saskatchewan, **II-2:76**
 - to act as first director
 - federal, **II-1:16**
 - Manitoba, **II-1:41**
 - Ontario, **II-1:24**
 - to participate in telephone meetings, **II-10:5; II-19:4**
 - to passing of directors' resolutions
 - British Columbia, **II-19:6**
 - federal, **II-19:5**
 - Manitoba, **II-19:5**

DIRECTORS—Cont'd

Consent of—Cont'd

to passing of directors' resolutions—Cont'd

Nova Scotia, **II-19:5**

Ontario, **II-19:6**

Saskatchewan, **II-19:5**

Disclosure of interest by (British Columbia), **II-2:39**

Dissent by, **II-10:18**

Due diligence "scare letter," securities law responsibilities, **II-22:18**

Election of

ballot for

cumulative voting, **II-12:49**

single ballot, **II-12:48**

scrutineers' report, **II-12:51**

shareholders' resolution re, **II-2:29; II-10:6; II-12:39**

special clause re, **II-1:56**

Indemnification of

British Columbia, **II-2:43**

by corporation, **II-10:12**

director's resolution approving, **II-10:11**

Insurance, resolution authorizing purchase of, **II-10:10**

Meetings of

minutes of, **II-12:5**

certified extract, **II-19:15**

telephone meeting, **II-12:6**

notice of, **II-12:2**

special business, **II-12:3**

waiver of, **II-12:4**

procedure checklist (Ontario), **II-12:1**

Notice of

Alberta, **II-1:35**

federal, **II-1:17**

Number of, resolutions re, **II-10:2**

federal, **II-2:10**

Manitoba, **II-2:86**

Ontario, **II-2:32**

Saskatchewan, **II-2:69**

shareholders' special resolution, **II-10:3**

Register, **II-2:147**

Release by, **II-33:15**

Removal of, shareholders' resolution, **II-10:9**

Resignation of, **II-2:112; II-10:8**

Nova Scotia, **II-2:100**

DIRECTORS—Cont'd

- Resolutions of
 - See DIRECTORS' RESOLUTIONS
- Special clauses re
 - Alberta, articles of incorporation, **II-1:57**
 - cumulative voting, **II-1:54**
 - election by holders of a class of shares, **II-1:56**
 - staggered terms, **II-1:55**
- Transfer of corporation to client
 - resignation of, **II-2:112**
 - resolution of
 - appointing officer, **II-2:111**
 - consenting to transfer of shares, **II-2:115**

DIRECTORS' COMMITTEES

- Appointment of, directors' resolution, **II-10:21**
- Audit committee
 - appointment of, directors' resolution, **II-10:27**
 - charter, **II-32:14**
 - election of, directors' resolution, **II-10:26**
 - meeting, minutes of, **II-10:28**
 - report, minutes of directors' meeting, **II-10:29**
 - resolution
 - annual information form, recommending approval, **II-32:5**
 - management discussion and analysis, recommending approval, **II-32:9**
 - terms of reference, public company, **II-10:30**
- Authorization of, directors' resolution, **II-10:20**
- Compensation committee
 - appointment of, directors' resolution, **II-10:35**
 - formation of, directors' resolution, **II-10:34**
 - terms of reference, public company, **II-10:36**
- Corporate governance committee
 - appointment of, directors' resolution, **II-10:32**
 - formation of, directors' resolution, **II-10:31**
 - terms of reference, public company, **II-10:33**
- Executive committee
 - appointment of, directors' resolution, **II-10:24**
 - formation of, directors' resolution, **II-10:23**
- Rules of procedure, **II-10:22**

DIRECTORS' FEES

- Right of trustees to receive, **V-31:17; V-43:48**

DIRECTORS' RESOLUTIONS

- Accountants, appointment of
 - federal, **II-2:9**

DIRECTORS' RESOLUTIONS—Cont'd

Accountants, appointment of—Cont'd

Ontario, **II-2:26**

Amalgamation, authorization of

Alberta, **II-15:10; II-15:13; II-15:15**

British Columbia, **II-15:13; II-15:16**

federal, **II-15:12**

general, **II-15:6**

Manitoba, **II-15:12; II-15:15**

Ontario, **II-15:12; II-15:15**

Saskatchewan, **II-15:14; II-15:15**

Annual information form, approval of, **II-32:6**

Appointment of

agents to maintain security register

federal, **II-2:11**

Manitoba, **II-2:87**

Saskatchewan, **II-2:70**

officers

Alberta, **II-2:45**

federal, **II-2:2**

Manitoba, **II-2:79**

Nova Scotia, **II-2:99**

Ontario, **II-2:19**

Saskatchewan, **II-2:62**

record keeping agent (British Columbia), **II-2:41**

registrar (Ontario), **II-2:27**

transfer agent

Alberta, **II-2:51**

Ontario, **II-2:27**

Asset purchase, **II-33:23; II-33:25**

Audit committee, **II-10:26; II-10:27**

Banking arrangements, approval of

Alberta, **II-2:48**

federal, **II-2:6**

Manitoba, **II-2:83**

Ontario, **II-2:23**

Saskatchewan, **II-2:66**

Borrower, of, **II-21:48**

By-law

Alberta, **II-2:46**

federal, **II-2:3**

Manitoba, **II-2:80**

Ontario, **II-2:20**

Saskatchewan, **II-2:63**

DIRECTORS' RESOLUTIONS—Cont'd

- Certification text, **II-19:12**
- Committee
 - appointment of, **II-10:21**
 - authorization of, **II-10:20**
- Compensation committee
 - appointing, **II-10:35**
 - forming, **II-10:34**
- Corporate governance committee
 - appointing, **II-10:32**
 - forming, **II-10:31**
- Corporate records, approval of location
 - federal, **II-2:5**
 - Manitoba, **II-2:82**
 - Ontario, **II-2:22**
 - Saskatchewan, **II-2:65**
- Corporate seal, adoption of
 - Alberta, **II-2:49**
 - federal, **II-2:7**
 - Manitoba, **II-2:84**
 - Ontario, **II-2:24**
 - Saskatchewan, **II-2:67**
- Designating series of shares
 - British Columbia, **II-14:38**
 - general, **II-14:37**
- Directors' circular, approval of, **II-29:17**
- Dissolution, voluntary, recommending to members Cr(British Columbia),
II-17:22
- Estate, transfer of shares to, **II-9:14**
- Executive committee, **II-10:23; II-10:24**
- Financial year
 - Alberta, **II-2:50**
 - federal, **II-2:8**
 - Manitoba, **II-2:85**
 - Ontario, **II-2:25**
 - Saskatchewan, **II-2:68**
- First permanent directors (British Columbia), **II-2:37**
- General resolution, first (Nova Scotia), **II-2:97; II-2:98**
- Guarantee, authorization of, **II-21:49**
- Indemnification, approving, **II-10:11**
- Insurance, authorizing purchase of, **II-10:10**
- Loan, approval of, **II-21:48**
- Management discussion and analysis, approval of, **II-32:10**

DIRECTORS' RESOLUTIONS—Cont'd

Number of directors, fixing

federal, **II-2:10**

Manitoba, **II-2:86**

Ontario, **II-2:32**

Saskatchewan, **II-2:69**

Offer and accompanying circular, approval of, **II-29:16**

Passage of, **II-2:144**

Pre-incorporation contracts

Alberta, **II-2:52**

federal, **II-2:12**

Manitoba, **II-2:88**

Ontario, **II-2:28**

Saskatchewan, **II-2:71**

Prospectus, approval of

final, **II-24:2**

preliminary, **II-24:1**

Records, inspection of (British Columbia), **II-2:42**

Registered office, change of address

Alberta, **II-14:15**

federal, **II-14:14**

general, **II-14:11**

Manitoba, **II-14:13**

Nova Scotia, **II-14:26**

Rights offering, **II-24:21**

Rollover, purchaser of shares, of, **II-33:37**

Share allotment (British Columbia), **II-2:38**

Share certificate, approval of form

Alberta, **II-2:47**

federal, **II-2:4**

Manitoba, **II-2:81**

Ontario, **II-2:21**

Saskatchewan, **II-2:64**

Shareholders' meeting, calling of

general, **II-12:7**

public corporation, **II-12:8**

Share purchase, **II-33:8; II-33:10**

Shares, authorizing issue of

Alberta, **II-2:44**

federal, **II-2:1**

Manitoba, **II-2:78**

Ontario, **II-2:18**

Saskatchewan, **II-2:61**

Transfer of shares to estate, **II-9:14**

DIRECTORS' RESOLUTIONS—Cont'd

Vacancy, filling of, **II-10:7**

DISABILITY INSURANCE

Statement of claim, **VIII-5:39**

DISABLED PERSONS

See also PERSONS UNDER DISABILITY

Definition of, **V-43:18**

Disability expense trust, **V-37:4; V-42:15**

Grandchildren provision where one disabled, **V-37:5**

Henson trust, **V-42:14**

Interim payment to party under disability

mentally incapable

affidavit, **VIII-20:31**

notice of motion, **VIII-20:30**

order, **VIII-20:32**

minor

affidavit, **VIII-20:28**

notice of motion, **VIII-20:27**

order, **VIII-20:29**

Motion to note person under disability in default, **VIII-7:8**

Payment into and out of court for minors or persons under a legal disability,
VIII-32:54

Settlement, approval of

See PERSONS UNDER DISABILITY

Trust for, **V-42:14**

multiple beneficiaries, **V-37:3**

one beneficiary, **V-37:2**

DISASTER RECOVERY

Access to site, **X-26:3**

Agreement, **X-26:4**

Cost of communications, **X-26:2**

Property rights, **X-26:4**

Request for proposal (establishment of DRC), **X-26:1**

Service level agreement, **X-26:2**

Storage of data, **X-26:4**

online backup, **X-26:2**

DISCHARGE

See also EMPLOYMENT CONTRACTS, termination

grievance arbitration

see also GRIEVANCE ARBITRATION

labour standards complaint

see also LABOUR STANDARDS

DISCHARGE—Cont'd

- Adjudication, reference to, federal, **VII-10:5**
- Administration of legislation
 - Alberta, **VII-10:32**
 - British Columbia, **VII-10:24**
 - federal, **VII-10:2**
 - Manitoba, **VII-10:43**
 - Nova Scotia, **VII-10:54**
 - Ontario, **VII-10:14**
 - Saskatchewan, **VII-10:52**
- Arbitration of grievances
 - See grievance arbitration, *infra*; GRIEVANCE ARBITRATION
 - See Grievance arbitration, *infra*; GRIEVANCE ARBITRATION
- Canadian Human Rights Commission
 - notice to, **VII-10:6**
- Collective agreement provision, **VII-18:10**
- Employee claim, Manitoba, **VII-10:50**
- Federal Court of Canada, jurisdiction, **VII-10:2**
- General information
 - Memorandum required on all proceedings, Manitoba, **VII-10:51.50**
- Grievance arbitration
 - Alberta, **VII-10:32**
 - British Columbia, **VII-10:24**
 - federal, **VII-10:2**
 - employee grievance, **VII-10:3**
 - reply, **VII-10:4**
 - Manitoba, **VII-10:43**
 - employee grievance, **VII-10:44**
 - reply, **VII-10:45**
 - referral of grievance, **VII-10:51**
 - settlement minutes, **VII-10:46**
 - Nova Scotia, **VII-10:54**
 - Ontario, **VII-10:14**
 - employee grievance, **VII-10:15**
 - reply, **VII-10:16**
 - settlement minutes, **VII-10:17**
 - Saskatchewan, **VII-10:52**
- Human rights code and, Saskatchewan, **VII-10:52**
- Human rights complaint, Alberta, **VII-6; VII-10:32; VII-10:36; VII-10:37**
- Labour standards complaint
 - see also Labour standards
 - Alberta, **VII-10:32**
 - British Columbia, **VII-10:24**
 - federal, **VII-10:2**
 - Manitoba, **VII-10:43**

DISCHARGE—Cont'd

Labour standards complaint—Cont'd

Nova Scotia, **VII-10:54**

Ontario, **VII-10:14**

Saskatchewan, **VII-10:52**

Legislation

Alberta, **VII-10:32**

British Columbia, **VII-10:24**

federal, **VII-10:2**

Manitoba, **VII-10:43**

Nova Scotia, **VII-10:54**

Ontario, **VII-10:14**

Saskatchewan, **VII-10:52**

Minutes of settlement

Manitoba, **VII-10:46**

Ontario, **VII-10:17**

Occupational health and safety, Saskatchewan, **VII-10:52**

Public Service Grievance Board, Ontario

application, **VII-10:22**

response, **VII-10:23**

Reply to defence, Alberta, **VII-10:42**

Small Claims Court claim, British Columbia, **VII-10:30**

reply, **VII-10:31**

Statement of claim

Alberta, **VII-10:39**

British Columbia, notice of civil claim, **VII-10:25**

federal, **VII-10:11**

Manitoba, **VII-10:47**

Ontario, **VII-10:18**

information for court use, **VII-10:19**

Saskatchewan, **VII-10:53**

Statement of defence

Alberta, **VII-10:40**

British Columbia, response to civil claim, **VII-10:26**

federal, **VII-10:12**

Manitoba, **VII-10:48**

Nova Scotia, **VII-10:54**

Ontario, **VII-10:20**

Unfair labour practice, Saskatchewan, **VII-10:52**

Unjust dismissal complaint, federal, **VII-10:8**

employer response, **VII-10:10**

request for reasons, **VII-10:9**

DISCHARGE—Cont'd

Wrongful dismissal action

Alberta, **VII-10:32**

civil claim, **VII-10:33**

demand for notice by defendant, **VII-10:41**

dispute notice, **VII-10:34**

reply to defence, **VII-10:42**

statement of claim, **VII-10:39**

statement of defence, **VII-10:40**

withdrawal, notice of, **VII-10:35**

British Columbia, **VII-10:24**

Small Claims Court

notice of claim, **VII-10:30**

Supreme Court

counterclaim, **VII-10:28**

response to, **VII-10:28**

notice of civil claim, **VII-10:25**

reply, **VII-10:27**

response to civil claim, **VII-10:26**

federal, **VII-10:2**

statement of claim, **VII-10:11**

statement of defence, **VII-10:12**

reply, **VII-10:13**

Manitoba, **VII-10:43**

statement of claim, **VII-10:47**

statement of defence, **VII-10:48**

reply, **VII-10:49**

Nova Scotia, **VII-10:54**

notice of action, **VII-10:55**

notice of defence, **VII-10:56**

Ontario, **VII-10:14**

information for court use, **VII-10:19**

statement of claim, **VII-10:18**

statement of defence, **VII-10:20**

reply, **VII-10:21**

Saskatchewan, **VII-10:52**

statement of claim, **VII-10:53**

DISCHARGE OF INDEBTEDNESS

See **BORROWING**

DISCLAIMERS

Attorney advertising, **X-4:191**

Commentary, **X-4:300.50**

Commercial off-the-shelf software, high-risk activities, **X-8:62**

DISCLAIMERS—Cont'd

Content, **X-4:80; X-4:81**
 Copyright statement, with, **X-4:58**
 Database, **X-4:70**
 licensed, **X-14:28**
 Data quotes, delay in, **X-14:31**
 Downloading, **X-4:79; X-4:300**
 E-mail, **X-33:89**
 Financial, **X-4:54; X-4:89**
 Forward-looking statements disclaimer, **X-4:270**
 General, **X-33:68; X-33:90**
 Governing law and jurisdiction, **X-4:90**
 Hosted provider technology, availability of, **X-4:78**
 Illustrative purposes, information for, **X-4:62; X-4:84**
 Information acquired through information providers, **X-4:72; X-4:77**
 Informational purposes only, **X-4:55; X-4:65**
 Intellectual property rights, **X-33:85; X-33:314**
 Investment advice, **X-4:63**
 Legal, **X-4:57; X-4:59; X-4:60**
 Liability limitation, **X-33:100; X-33:120; X-33:308**
 Medical diagnostic software, **X-33:86**
 Member content, **X-14:15**
 Nuclear applications, for, **X-33:87**
 Online purchasing, **X-4:58; X-4:73**
 Patent, **I-34:12**
 Performance levels, **X-4:82**
 Privacy and encryption, **X-4:83**
 Products, **X-4:70**
 Professional services, **X-4:67**
 Publications, **X-4:70**
 Search engine and general, **X-4:71**
 Site changes, **X-4:88**
 Site use, **X-4:300**
 Social media, **X-33:91**
 Specification, **X-4:91**
 Submissions and communications, **X-4:68**
 Subscriber-provided information, **X-4:69; X-4:77**
 Terms and conditions, changes to, **X-4:88**
 Third party, **X-4:74**
 Viruses, linked sites and performance disclaimer, **X-4:66**
 Warranties, limitation of liability and indemnification, **X-33:102; X-33:119**
 Warranty, UCITA, **X-33:87**
 Website, **X-4:76**
 content, **I-23:106**

DISCLAIMERS—Cont'd

Website, **X-4:76—Cont'd**

copyright statement, with, **I-23:112**

general, **I-23:107**

preservation of intellectual property rights, and, **I-23:110**

guidelines, and, **X-4:56**

guidelines and, **I-23:108**

illustrative purposes, information provided for, **I-23:118**

information acquired through information providers, **I-23:116**

intellectual property rights, and, **X-4:61; X-4:64; X-4:75**

investment advice, **I-23:115**

legal disclaimer, **I-23:109**

legal notice, and, **I-23:113; I-23:114**

online mall operator, of, for purchases, **I-23:101**

online rewards, **I-23:97.63**

performance levels, **I-23:117**

user agreement, **I-23:83.50**

warranties, limitation of liability and indemnification, **I-23:119**

DISCLOSURE

See also INSPECTION OF DOCUMENTS

See CONTINUOUS DISCLOSURE; DIRECTORS, conflict of interest of

Letter to client explaining requirements, **VIII-9:8**

DISCONTINUANCE

Consent to

against one defendant, **VIII-21:82**

general form, **VIII-21:81**

Notice of

all claims, **VIII-21:74**

all claims but only for some parties, **VIII-21:76**

counterclaim, of, **VIII-21:79**

crossclaim, of, **VIII-21:78**

some claims and some parties only, **VIII-21:77**

some claims only, **VIII-21:75**

third party claim, of, **VIII-21:80**

DISCOVERY

See also DISCOVERY BY WRITTEN QUESTIONS AND ANSWERS;

DISCOVERY OF DOCUMENTS; EXAMINATION FOR DISCOVERY

See QUESTIONING

Deemed undertaking

affidavit, **VIII-10:90**

commentary, **VIII-10:88**

notice of motion, **VIII-10:89**

order, **VIII-10:91**

DISCOVERY—Cont'd

Outline

- general, **VIII-10:5**
- motor vehicle, **VIII-10:6**
- wrongful dismissal, **VIII-10:7**

Plan, **VIII-10:101**

DISCOVERY BY WRITTEN QUESTIONS AND ANSWERS

Answers, form of, **VIII-10:72**

Both written and oral, motion to allow, **VIII-10:81**

Commentary, **VIII-10:68**

Failure to answer, motion to strike for, **VIII-10:73**

Failure to produce documents, motion to strike for, **VIII-10:76**

Require further answer, motion to, **VIII-10:79**

Terminate, motion to, **VIII-10:83**

Written questions, first list

- general form, **VIII-10:69**
- wrongful dismissal, **VIII-10:70**

Written questions, further list, **VIII-10:71**

DISCOVERY OF DOCUMENTS

Affidavit of documents

- certificate of lawyer, **VIII-9:7**
- corporation, **VIII-9:3**
- documents no longer in the possession of the party, **VIII-9:12**
- documents to be produced, **VIII-9:10**
- individual, **VIII-9:2**

motion for better affidavit of documents

- commentary, **VIII-9:17**
- inadequate description
 - notice of motion, **VIII-9:21**
 - order, **VIII-9:22**
- insufficient disclosure
 - affidavit, **VIII-9:19**
 - notice of motion, **VIII-9:18**
 - order, **VIII-9:20**

motion to require delivery of

- affidavit, **VIII-9:15**
- notice of, **VIII-9:14**
- order, **VIII-9:16**

partnership, **VIII-9:4**

privileged documents, **VIII-9:11**

supplementary, **VIII-9:5**

Deemed undertaking

- commentary, **VIII-10:88**

DISCOVERY OF DOCUMENTS—Cont'd

Deemed undertaking—Cont'd

enforce, motion to

affidavit, **VIII-10:90**

notice of motion, **VIII-10:89**

order, **VIII-10:91**

permit disclosure of documents, motion to

affidavit, **VIII-10:96**

discovery use agreement, **VIII-10:98**

notice of motion, **VIII-10:95**

order, **VIII-10:97**

prohibit disclosure of documents, motion to

affidavit, **VIII-10:93**

notice of motion, **VIII-10:92**

order, **VIII-10:94**

Divided disclosure, motion for

affidavit, **VIII-9:46**

notice of, **VIII-9:45**

order, **VIII-9:47**

Inspection of documents

clinical records, **VIII-9:41**

deposit of document, motion for

inspect document deposited with registrar, **VIII-9:53**

leave to deposit document with registrar, **VIII-9:50**

divided disclosure, motion for, **VIII-9:45-9:47**

employment records, **VIII-9:42-9:44**

hospital records, **VIII-9:36-9:38**

in possession of subsidiary or affiliated corporation, motion for, **VIII-9:31-9:33**

motion for inspection of confidential documents, **VIII-9:27-9:30**

motion to require production for inspection, **VIII-9:24-9:26**

request to inspect, **VIII-9:23**

Lawyer's certificate, **VIII-9:7**

Non-parties, production of documents from

clinical records, **VIII-9:39-9:41**

employment records, **VIII-9:42-9:44**

hospital records, **VIII-9:36-9:38**

Plan, **VIII-10:101**

Privilege claim, motion to determine

notice of motion, **VIII-9:34**

order, **VIII-9:35**

Production from non-parties, motion for

clinical records, **VIII-9:39-9:41**

employment records, **VIII-9:42-9:44**

DISCOVERY OF DOCUMENTS—Cont'd

Production from non-parties, motion for—Cont'd
hospital records, **VIII-9:36-9:38**

DISCRIMINATION

Address, change of, British Columbia, **VII-1:56**

Administration of anti-discrimination legislation

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Ontario, **VII-1:8**

Saskatchewan, **VII-1:65**

Appeals of decisions, to court

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Saskatchewan, **VII-1:65**

Application

another person (s. 34(5)), **VII-1:9.50**

British Columbia, **VII-1:52**

intervenor, **VII-1:53**

respondent, to add, **VII-1:54**

Ontario, **VII-1:9**

Commission, by, **VII-1:16**

response to, **VII-1:17**

stated case, request for, **VII-1:31**

consents, on behalf of someone who, **VII-1:36**

litigation guardian

mental capacity, **VII-1:13**

minor, on behalf of, **VII-1:12**

mediation/adjudication agreement, **VII-1:38**

mediation confidentiality agreement, **VII-1:39**

notice of intervention of bargaining agent, **VII-1:37**

withdrawal of, request to, **VII-1:18**

Board of Inquiry, nomination for appointment to, Nova Scotia, **VII-1:69; VII-1:70**

Civil remedy, Ontario, **VII-1:8**

Complaints

Alberta, **VII-1:61; 1:61.50**

DISCRIMINATION—Cont'd

Complaints—Cont'd

British Columbia, **VII-1:41**

amendment form, **VII-1:42-VII-1:45**

response to, **VII-1:48**

reply form, time limit, **VII-1:50**

representative form, **VII-1:46**

response to, **VII-1:47**

time limit, **VII-1:49**

withdrawal form, **VII-1:51; 1:51.30; 1:51.50**

federal intake kit, **VII-1:3**

response form, **VII-1:4**

reply form, **VII-1:4.30**

Nova Scotia, **VII-1:67**

Ontario, **VII-1:8**

Saskatchewan, **VII-1:66**

Delivery, statement of, Ontario, **VII-1:32**

Enforcement of Tribunal orders, federal, **VII-1:2**

Expedition of proceedings, request for, Ontario, **VII-1:23**

response to, **VII-1:24**

Hearing

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Saskatchewan, **VII-1:65**

Inquiry, Tribunal-ordered, request for, Ontario, **VII-1:21**

response to, **VII-1:22**

Intervention, Ontario

Commission, by, notice of, **VII-1:15**

request, **VII-1:14**

Investigation/conciliation

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Saskatchewan, **VII-1:65**

Legislation

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

DISCRIMINATION—Cont'd

Legislation—Cont'd

Nova Scotia, **VII-1:67**

Ontario, **VII-1:8**

Saskatchewan, **VII-1:65**

Order during proceedings, request for, Ontario, **VII-1:19**
response to, **VII-1:20**

Prohibited grounds of discrimination

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Ontario, **VII-1:8**

Saskatchewan, **VII-1:65**

Prosecution

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Nova Scotia, **VII-1:67**

Saskatchewan, **VII-1:65**

Protection against, contract clause, **VII-18:44**

Reconsideration of complaint, Ontario, **VII-1:8**
request for, **VII-1:29**
response to, **VII-1:30**

Remedy, interim, request for, Ontario, **VII-1:25**
response to, **VII-1:26**

Resolution of complaint, Ontario, **VII-1:8**

Response

British Columbia, **VII-1:47-VII-1:49**

Ontario, **VII-1:10**

applicant's response to, **VII-1:11**

Settlement, Ontario, **VII-1:34**
contravention of, application for, **VII-1:27**
response to, **VII-1:28**

Stated case, request for by Commission, Ontario, **VII-1:31**

Statement of delivery, Ontario, **VII-1:32**

Summary hearing, request for, **VII-1:35**

Summons to witness, Ontario, **VII-1:33**

Transitional provision, British Columbia, **VII-1:40**

Withdrawal

British Columbia

complaint, of, **VII-1:51; 1:51.30; 1:51.50**

lawyer or agent, **VII-1:55**

DISCRIMINATION—Cont'd

Withdrawal—Cont'd

Ontario, **VII-1:18**

Witness, summons to, Ontario, **VII-1:18**

DISEASES

See PUBLIC HEALTH

DISMISS OR STAY, MOTION TO

Action, where a failure to pay security for costs imposed on prior motion for summary judgment, **VIII-8:15-8:17**

Another proceeding elsewhere

commentary, **VIII-6:14**

pending before a foreign court, **VIII-6:15-6:18**

pending before an Ontario tribunal, **VIII-6:19-6:21**

prior Ontario action pending, **VIII-6:22-6:24**

Commentary, **VIII-6:1**

Defendant without capacity, **VIII-6:10-6:13**

Delay, for

appeal

See APPEAL

commentary, **VIII-16:16**

contumelious delay, **VIII-16:17-6:19**

inordinate delay, **VIII-16:20-16:22**

Frivolous or vexatious, **VIII-6:25**

General stay, **VIII-6:29-6:32**

No jurisdiction over subject-matter, **VIII-6:2-6:5**

Order, sample, **VIII-13:86**

Plaintiff without capacity, **VIII-6:6-6:9**

Set aside registrar's order

commentary, **VIII-16:23**

motion to, **VIII-16:24-16:26**

Stay subsequent action dismissed for delay

commentary, **VIII-16:27**

motion to, **VIII-16:28-16:30**

Unpaid security for costs, **VIII-25:67-25:69**

DISPUTE RESOLUTION

See also ARBITRATION

Arbitration, **X-33:3; X-33:4; X-33:7; X-33:9**

commercial rules, **X-33:5**

rules of procedure, **X-33:19**

Escalation procedure, **X-33:13; X-33:14**

Face-to-face negotiation, **X-33:15**

General, **X-33:9; X-33:18**

Mediation, non-binding, **X-33:16**

DISPUTE RESOLUTION—Cont'd

- Procedure, definition, **X-33:377**
- Reference to committee
 - followed by arbitration, **X-33:11**
 - followed by escalation, **X-33:12**

DISSENT

- Chairperson's agenda, **II-12:58**
- Director, by, **II-10:18**
- Dissidents'
 - form of proxy, **II-12:64**
 - information circular, **II-12:63**
 - statement accompanying, **II-12:65**
 - statement re mailing, **II-12:16**
- Shareholder rights, information circular
 - Alberta, **II-12:30**
 - British Columbia, **II-12:29**
 - federal, **II-12:27**
 - Ontario, **II-12:28**
 - Saskatchewan, **II-12:27**

DISSOLUTION

- See ARTICLES OF DISSOLUTION; VOLUNTARY DISSOLUTION

DISTRESS

- Checklist, **IV-15:7**
- Commentary, **IV-15:6**
- Landlord may follow chattels, **IV-3:4; IV-4:4**
- Landlord's authorization to bailiff, **IV-15:9**
- Leaseback provision, **IV-10:3**
- Lease provisions
 - cart lease, **IV-3:7**
 - gross lease, **IV-2:4**
 - ground, **IV-10:2**
 - industrial, **IV-2:2; IV-2:3**
 - kiosk lease, **IV-3:7**
 - medical building, **IV-10:5**
 - office, **IV-4:2; IV-4:3**
 - pad, **IV-3:5; IV-3:6**
 - retail, **IV-3:2; IV-3:3**
 - shopping centre, **IV-3:4**
 - veterinary clinic/hospital, **IV-10:6**
- Notice, **IV-15:8**

DISTRIBUTION AGREEMENTS

- Business partnership authorization agreement, **X-8:72**

DISTRIBUTION AGREEMENTS—Cont'd

- Cloud related data infrastructure, **X-29:7**
- Commercial exploitation agreement, **X-8:73**
- Digital media, **I-25:37**
- Exclusive sales agreement, **I-35:69**
- File storage and, **X-4:38**
- General agreement, **X-8:70, 8:70.50**
- Integrated hardware, software components, **X-29:10.50**
- Motion pictures
 - See MOTION PICTURES
- Non-exclusive sales agreement, **I-35:70**
- Royalty agreement, and, **X-8:71**
- Sale, and, **X-29:13**
- Software, **I-23:264; X-29:9; X-29:10**
- Wholesale distributor agreement, heavy equipment, **I-24:5**

DIVIDED DISCLOSURE OF DOCUMENTS

- Motion for, **VIII-9:45-9:47**

DIVIDED DISCOVERY

- Motion for, **VIII-10:38-10:40**

DIVIDENDS

- Capital, declaration of, **II-7:6**
- Cash
 - common shares, **II-7:2**
 - eligible, **II-7:4**
 - preferred shares, **II-7:3**
- Common shares, in kind, **II-7:9**
- Compensation for income beneficiary upon receipt of, **V-24:13**
- Direction as to payment of, **II-7:7**
- Directions concerning treatment as capital or income, **V-24:8-V-24:12**
- Disbursing agreement, **II-28:3**
- Eligible, **II-7:4**
- In kind, **II-7:9**
- Payment of, direction as to, **II-7:7**
- Share provisions relating to
 - See SHARE PROVISIONS
- Stock, common shares, **II-7:5**
- Waiver of, **II-7:8**

DIVISIONAL COURT

- Judicial review
 - See JUDICIAL REVIEW
- Motion to
 - commentary, **VIII-13:22**

DIVISIONAL COURT—Cont'd

Motion to—Cont'd
 confirmation of hearing status, **VIII-13:24**
 notice of motion, **VIII-13:23**

DIVISION IN SPECIE

Assets
 no obligation to divide proportionately, **V-25:12**
 power to distribute and divide, **V-31:37**
 Beneficiaries not treated equally, **V-25:11**
 Corporate shares
 beneficiaries to provide for tax and expenses, **V-25:5**
 provisions for gifts over where beneficiaries predecease testator, **V-25:6**
 specific company
 beneficiaries to provide for tax and expenses, **V-25:5**
 transfer to residuary beneficiaries, **V-25:8**
 transfer to spouse at spouse's request, **V-25:7**
 use as part of son's share of residue, **V-25:9**
 General power, **V-25:2**
 Inter vivos trusts, **V-42:3-V-42:8; V-42:10; V-42:12-V-42:15**
 Securities, on request, **V-25:4**
 Valuation
 direction for, **V-25:3**
 income tax, consideration of, **V-25:10**

DIVORCE

Affidavit, **VI-9:6**
 Application, **VI-9:5**
 Certificate, **VI-9:8**
 Certificate of clerk, **VI-9:7**
 Codicil amending will in consequence of, **V-5:5**
 Marriage certificate, request for, **VI-9:3**
 Order, **VI-9:9**
 Registration of divorce proceeding, **VI-9:4**
 Remarriage
 lawyer's opinion letter, foreign divorce, **VI-9:13**
 marriage licence application, **VI-9:11**
 statement of sole responsibility, **VI-9:12**
 Spouse provisions not void, **V-34:4.60**
 Spouse provision void, **V-34:40**

DNA TESTS

Notice of motion for order, **VI-17:3**
 Order granting, **VI-17:4**

DOCTORS

- See PHYSICIANS
- Authorization to release records, **VIII-1:8**
- Examination of opposite party by, motion for, **VIII-12:2-12:4**
- Malpractice, negligence and battery claim, **VIII-5:84**
- Report for trial
 - commentary, **VIII-17:42**
 - notice of, **VIII-17:43**

DOCUMENTS

- Agreement regarding use at trial, **VIII-17:7**
- Authenticity, motion for inspection
 - affidavit, **VIII-11:23**
 - commentary, **VIII-11:21**
 - notice of motion, **VIII-11:22**
 - order, **VIII-11:24**
- Divided disclosure of, **VIII-9:47**
- General court forms, commentary, **VIII-1:35**

DOMESTIC CONTRACTS

- See also FAMILY LAW
- Ancillary documents
 - certificate and affidavit of solicitor, **VI-2:120**
- Cohabitation agreement, **VI-2:4**
- Commentary, **VI-2:1**
- Direction to carry out, **V-34:33**
- Direction to carry out, not yet in place, **V-34:33.2**
- Enforcement of, affidavit for filing, **VI-25:20**
- Family trust, discretion of trustee that beneficiary enter into, **V-42:3-V-42:5**
- Legacy for, **V-11:73**
- Marriage contract, **VI-2:5-2:43**
 - direction to carry out, **V-34:33**
 - direction to carry out, not yet in place, **V-34:33.2**
 - family residence, **VI-2:25**
 - fixed spousal support based on length of relationship, **VI-2:16, 2:17**
 - separate investment account to satisfy requirements of, **V-11:40**
- Partnership agreement, clause as to, **I-45:57; I-45:58**
- Separation agreement, **VI-2:44-2:119**
- Separation agreement, direction to carry out, **V-34:32**

DOMESTIC VIOLENCE

- CPIC restraining order information form, **VI-23:2**
- Restraining order, **VI-23:4**
 - motion without notice, **VI-23:3**
 - order terminating, **VI-23:5**

DOMICILE

See also MULTI-JURISDICTIONAL ESTATE PLANNING; WILLS
 Canadian, opening paragraph for limited Canadian will, **V-39A:5; V-39A:11; 39A:10**
 Clause declaring, **V-34:34**

DONATIONS

See RECORDS

DRAWDOWN NOTICES

Credit facility, **II-21:3**

DRIVE-THRU FACILITY

Provision, **IV-5:39**

DRIVEWAYS

Common
 maintenance agreement, **IX-4:267**
 ownership agreement, **IX-4:268**
 Construction adjacent to
 backfalling, **IX-5:27**
 heating cable encroachment agreement, **IX-5:28**
 Repair agreement, **IX-5:34**

DRONES

Aerial drone photography, terms of service, **X-19:1**
 Definition, **X-33:381.50**
 Services, purchasing and usage terms, **X-19:2**

DRUGS, DANGEROUS WEAPONS AND SEARCHES

Generally, **X-33:92.50**

DUE DILIGENCE

Checklist, **II-22:17**
 Covering letter (British Columbia), **II-22:19**
 Memoranda and questionnaire
 covering letter, **II-22:19**
 law firm ownership, **II-22:22**
 promoters' (British Columbia), **II-22:21**
 Oral session
 final prospectus, **II-22:24**
 preliminary prospectus, **II-22:23**
 Request list, **II-33:4**
 Securities law responsibilities memorandum, **II-22:18**

EARLY OCCUPANCY

See also FIXTURING PERIOD
 Lease provision, **IV-6:12**

EARLY TERMINATION

See **TERMINATION, RIGHTS TO EARLY**

EASEMENTS

Contaminant attenuation zone, **IX-9:7**

Heritage easement agreement, **IX-8:13**

Highways, grant of easement over one-foot reserve, **IX-5:24**

Purchase and sale of land, right-of-way easement, schedule for grant of,
IX-3:5

Rear laneway access, **IX-5:25**

Services, for

encroachment over easement agreement, **IX-6:40; IX-6:41**

grant of easement

consent schedule, **IX-6:38**

schedule to, **IX-6:33-IX-6:35**

indemnity agreement, **IX-6:37**

offer to grant utility easement, **IX-6:39**

reservation of easement, **IX-6:31**

sewer easement, **IX-6:32**

storm water management schedule, **IX-6:36**

utility, **IX-6:42**

Site plan, **IX-4:165**

Underground infrastructure, for, **IX-6:44**

Zoning, grant of permanent easement, **IX-4:15**

ECO-DRIVING

Policy, **IX-9:12**

E-COMMERCE

See also **INTERNET**

See also **INTERNET; WORLD WIDE WEB**

Accessibility policy, **I-23:99**

Accessing conference centre wireless network from wireless device,
I-23:86.50

Advertising

Internet advertising agreement, **X-4:4**

limitation of to specific jurisdictions, **X-4:67**

website advertising agreement, **X-4:2; X-4:3**

Affiliate agreement, **X-4:123**

operating agreement, **X-4:125**

program linking agreement, **X-4:122**

select affiliate agreement, **X-4:124**

Application service provider

See **APPLICATION SERVICE PROVIDER**

Auction site agreement, **I-23:93.30; X-4:11**

Banking services agreement, customer, **I-23:97.10**

E-COMMERCE—Cont'd

- Buying policy, **I-23:98**
- Cardmember agreement for online purchases, **I-23:90.50**
- Changes to terms by provider, **I-23:103**
- Consent to electronic delivery, **I-23:93.60**
 - financial institutions, **I-23:93.50**
- Content alliance agreement, **X-4:199**
- Content providers digital photo offering platform, terms and conditions, **I-23:93.70**
- Cookies
 - notice, **I-23:170; I-23:171; I-23:173; X-3:28.30**
 - notice (alternate), **X-3:28.50**
 - policy, collection, processing, and storage, **I-23:176**
 - provider uses, notice, **I-23:173**
 - use of, **I-23:165; X-3A:6**
 - website notice, **I-23:172**
 - website notice and explanation, **I-23:174**
- Cookies, use of, **I-23:160**
- Copyright notice, **X-4:99; X-4:105**
- Credit card information, user agreement to provide information to merchandise provider, **I-23:82**
- Cryptocurrency trading, customer agreement, **I-23:395.70**
- Digital wallet, hosted, user agreement, **I-23:395.75**
- Disclaimer
 - copyright statement, with, **X-4:58**
 - data, member content, **X-14:15**
 - downloading, **X-4:80**
 - financial, **X-4:89**
 - illustrative purposes, information for, **X-4:62; X-4:84**
 - informational purposes only, **X-4:55; X-4:65**
 - legal, **X-4:57; X-4:59**
 - online purchasing, **X-4:58; X-4:73**
 - performance levels, **X-4:82**
 - site changes, **X-4:88**
 - submissions and communications, **X-4:68**
 - terms and conditions changes, **X-4:88**
 - third party information providers, **X-4:74**
 - viruses, linked sites and performance disclaimer, **X-4:66**
 - warranties, **X-4:87**
 - website guidelines and, **X-4:56**
- EDI trading partner agreement, **X-4:8-X-4:10**
- Electronic bill payment services, **I-23:97.11**
- Electronic cheque payment agreement, **I-23:97.12**
- Electronic data exchange trading partner agreement, **X-4:8-X-4:10**

E-COMMERCE—Cont'd

Electronic financial services access and usage terms and conditions,

I-23:97.13

End user licence agreement, online purchase of digital software, **I-23:97.20**

Exchanges, **I-23:102**

Export control, **I-23:104**

Fulfillment services agreement, **I-23:97.16**

Information services, software and content, terms and conditions, **I-23:97.40**

Intellectual property protections

combined rights

copyright and other rights, **X-4:103**

notices, **X-4:105**

ownership, **X-4:109**

pending, **X-4:108**

permissions, **X-4:106**

obtaining of, **X-4:107**

trade mark and copyright information, **X-4:104**

use of materials, **X-4:110**

copyright

compilation, content as, **X-4:98**

division of rights, **X-4:95**

infringement claims, **X-4:96**

licensed materials, **X-4:94**

reservation of rights, **X-4:93**

statement, **X-4:92**

warranty of content, **X-4:97**

trade marks

licence, **X-4:101**

ownership notice, **X-4:109**

pending notice, **X-4:108**

reciprocal rights, **X-4:102**

usage policy, **X-4:100**

Internet store, purchase terms and conditions, **I-23:93**

Linking agreements, **X-4:111; X-4:112**

affiliate

agreement, **X-4:123**

operating agreement, **X-4:125**

program, **X-4:122**

select agreement, **X-4:124**

brief statement, **X-4:114**

clauses

confidentiality, reciprocal, **X-4:266**

harm, computer system or data, **X-4:133**

interactive features, **X-4:136**

E-COMMERCE—Cont'd

- Linking agreements, **X-4:111; X-4:112—Cont'd**
 - clauses—Cont'd
 - liability, linking to third party site, **X-4:130**
 - linking policy, **X-4:135; X-4:243**
 - mutual promotion, **X-4:295**
 - other sites, **X-4:129**
 - security breach, **X-4:77**
 - terms and conditions, **X-4:128**
 - third party sites, **X-4:131; X-4:134; X-4:243**
 - use of content, **X-4:77; X-4:127**
 - websites, **X-4:132**
 - interactive features, **X-4:136**
 - interim, **X-4:115**
 - Internet, **X-4:118**
 - organization and its members, between, **X-4:117**
 - policy clause, **X-4:135**
 - simple form, **X-4:113**
 - terms, **X-4:116**
 - trade mark restrictions, **X-4:119**
 - web linking agreement, **X-4:117**
- Magazine subscription agreement, **X-4:32**
 - registration, substitution newspaper, **X-4:39**
- Manufacturer and online merchant agreement, **I-23:84**
- Manufacturer's agreement with online merchant, **X-4:31**
- Membership and magazine subscription agreement, **X-4:32**
- Merchant website user agreement, **X-4:34**
- Mobility service provider
 - acceptable use by customer, **I-23:176.70**
 - acceptable use policy (mobile device), **I-23:176.80**
 - arbitration protocol, **I-23:176.50**
 - terms and conditions, enterprise customer agreement, **I-23:176.20**
 - terms and conditions of service (voice and data), **I-23:176.10**
 - terms of service, small business, **I-23:176.40**
 - website user terms, **I-23:176.30**
- Online bill delivery, payment and management services agreement, **I-23:97.65**
- Online contracting
 - auction site agreement, **X-4:11**
 - banking agreement, **X-4:17**
 - bidding system, custom-developed products, **X-4:36**
 - bill payment and management services agreement, **X-4:37**
 - terms and conditions, **X-4:18**
 - cheque payment agreement, **X-4:19**
 - consent declaration to electronic delivery, **X-4:13.50**

E-COMMERCE—Cont'd

Online contracting—Cont'd

- consent to electronic delivery of documents, **X-4:13; 4:13.20**
- consent to electronic delivery of notifications, **X-4:14**
- consent to receive documents electronically, **X-4:13.30**
- credit card information, website user agreement to supply, **X-4:21**
- customer agreement, **X-4:16**
- digital photo platform, terms and conditions of, **X-4:15**
- disclaimers, **X-4:73**
- effective date of receipt of electronic documents, **X-4:13.30**
- electronic mall, terms and conditions, **X-4:21**
- end user agreement, **X-4:22**
- end user licence agreement (EULA), **X-4:24**
- file storage and distribution agreement, **X-4:38**
- fulfillment service agreement, **X-4:26**
- hotel Internet access, **X-4:27**
- information services, **X-4:28**
- magazine subscription agreement, **X-4:32**
 - registration, substitution newspaper, **X-4:39**
- manufacturer's agreement with online merchant, **X-4:31**
- marketplace procurement agreement, **X-4:25**
- membership and magazine subscription agreement, **X-4:32**
- merchant website user agreement, **X-4:34**
- online or electronic trading services, **X-4:20.50**
- open membership group, terms of service, **X-4:40**
- paperless statements agreement, **X-4:38**
- purchase card agreement, **X-4:12**
- retailer online credit card member purchasing agreement, **X-4:45**
- rewards program, **X-4:35; X-4:45**
- software, EULA for online purchase of, **X-4:23**
- stock quotes, **X-4:43**
- terms and conditions, financial services website, **X-4:52.50**
- terms and conditions of, **X-4:30; X-4:42; X-4:50**
 - bidding system, custom-developed products, **X-4:36**
 - electronic mall, **X-4:21**
 - general terms and conditions (sale of products and services (US)), **X-4:50.50**
 - information services, **X-4:20**
 - internet store purchase with lowest price guarantee, **X-4:30**
 - in transit hotel Internet access, **X-4:27**
 - provider, **X-4:29**
 - request for quotation, **X-6:9**
 - service provider's billing, **X-4:46; X-4:47**
 - stock quotes, **X-4:43**

E-COMMERCE—Cont'd

Online contracting—Cont'd

terms and conditions of, **X-4:30; X-4:42; X-4:50—Cont'd**third-party social media service, **X-4:33**terms of service, **X-4:48**terms of service, document analysis, **X-4:48.70**terms of service, updated, **X-4:48.50**terms of service, website usage, **X-4:188.80**terms of use agreement (subscription services), **X-4:49**web trading subscriber agreement, **X-4:51**Online procurement marketplace agreement, **I-23:92**Online purchase card agreement, **X-4:12**

Personal information

credit card security, **I-23:166**email communications, **I-23:167**general data protection regulation (EU), **I-23:160**policy, **I-23:161**use of, **I-23:163**definition and, **I-23:159**Portfolio stock and quotes trading agreement, terms and conditions,
I-23:97.85

Privacy

business applications, **X-3:40**compliance covenants, **X-3:12**

confidentiality

covenants, **X-3:56**information, of, **X-3:55**non-confidential information, **X-3:58**cookies, use of, and, **X-3A:6**cookies notice, **X-3:28.30**cookies notice (alternate), **X-3:28.50**cookies policy, storage and access, non-sensitive information, **X-3:28.70**data practices, **X-3:19**exculpatory provisions, **X-3:45**

health care

information network providers, **X-3:14**Personal Health Information Protection Act, **X-definition of personal
information; X-3:3; definition of personal information**collection, use, and disclosure of personal health information, **X-3:17**pledge, **X-3:15**provider requirements, **X-3:16**membership-oriented service, **X-3:42**news service, **X-3:35**not-for-profit policy, **X-3A:1**

E-COMMERCE—Cont'd

Privacy—Cont'd

personal information

definition of

abandonment of use, **X-3:8**

Canada, **X-3:4**

Ontario, **X-3:3; X-3:6**

policy, **X-3:30, 3:57**

security measures to protect, **X-3:50; X-3:51**

sharing of, **X-3:5**

terms of use, **X-3:57**

use of, **X-3:7**

vendor's club membership, **X-3:41**

PIPEDA

collection of personal information, **X-3:10.50**

compliance with, **X-3:10**

consent under, **X-3:9.50**

definition, **X-3:4**

abandonment of use, **X-3:8**

pledge, health care issues, **X-3:15**

policy, **X-3A:3; X-3:21-X-3:23**

customer, **X-3A:4**

informed consent, **X-3:25**

members and subscribers, **X-3A:9**

personal information, **X-3:57**

security, **X-3:46**

service provider, **X-3:32**

short form, **X-3:24**

statement of privacy policy, **X-3:25.30**

subscriber agreement and privacy policy, **X-3:38.50**

terms of use, **X-3:57**

terms of use and HIPAA notice (limited authorized disclosure),
X-3:42.50

website provider, **X-3:34**

purchasing online, **X-3:37**

security and privacy policy, **X-3:53**

content provider, **X-3:39**

customer's responsibility to enforce, **X-3A:10**

merchant, of, **X-3A:8**

messenger service, **X-3:37.50; 3A:5**

purchasing online, **X-3:37**

retailer's privacy commitment, **X-3:34.50**

usage rules, and, **X-3:47**

service provider's statement regarding, **X-3:31**

E-COMMERCE—Cont'd

Privacy—Cont'd

- services provider's online practices, **X-3:61**
- software policy, compliance, **X-3:9**
- terms of use and HIPAA notice (limited authorized disclosure), **X-3:42.50**

Privacy policy, **I-23:160**

- merchant, of, **I-23:164**
- messenger service, **I-23:165**
- personal information, **I-23:161**
 - definition of, **I-23:159**
 - use of, **I-23:163**

security and, **I-23:164; I-23:165**

service provider statement, **I-23:162**

Provider's changes to terms, written notice, **I-23:103**

Request for proposal, obligations municipal, RFP, **X-3:13**

Restrictions and forfeiture, **I-23:105**

Retailer online credit card member purchasing agreement, **X-4:44**

Returns, **I-23:102**

Rewards program, **X-4:45**

Rewards program, terms and conditions, **I-23:97.60**

Sale, terms and conditions of, **I-23:85**

electronic mall, **I-23:86**

Security, **X-3:37**

- credit card information, **I-23:166**
- email communications, **I-23:167**
- online shopping, **I-23:90**
- privacy policy, and, **I-23:164; I-23:165**

Security and privacy policy (messenger services), **X-3:37.50**

Shopping policy, **I-23:83**

Subscription agreement

- magazine, **I-23:88**
- membership-oriented service, **I-23:88**
- web trading (U.S.), **I-23:94**

Terms of service, **I-23:97**

not-for-profit, **I-23:99**

Third party data

- services and support software and documentation subscription, with, end user agreement, **I-23:97.14**
- site, web services, EULA (US form), **I-23:97.15**

Third party network provider liability, **X-4:130**

Trade mark notice, **X-4:105**

Web trading subscriber agreement, **X-4:51**

EDUCATIONAL INSTITUTIONS

Gifts to, **V-12:14-V-12:18**

ELECTION

Power of trustee to make, **V-31:44; V-43:28; V-43:29**

To proceed with counterclaim, action dismissed by registrar, **VIII-16:31**

ELECTION OF DIRECTORS

Ballot for

cumulative voting, **II-12:49**

single ballot, **II-12:48**

Scrutineers' report, **II-12:51**

Shareholders' resolutions re, **II-10:6; II-12:39**

Alberta, **II-2:53**

federal, **II-2:15**

Manitoba, **II-2:93**

Ontario, **II-2:29**

Saskatchewan, **II-2:75**

S V (Election), VIII (Election), IX (Election)

ELECTIONS

Advance poll

establishment of dates by-law, **IX-1:40**

reduced hours by-law

institutions and retirement homes, **IX-1:42**

long-term care facilities and seniors' residences, **IX-1:41**

Commentary, **IX-1:32**

Compliance audit committee, practice and procedure, **IX-1:37**

Contributions to, by-law, **IX-1:38**

Council vacancy policy, **IX-1:44.70**

Election complaints policy (Toronto), **IX-1:44.20**

Election-related resources policy

long form, **IX-1:36**

short form, **IX-1:35**

Filling a Council Seat Policy, **IX-1:44.60**

Home visit program, **IX-1:44**

Polling location rental agreement, **IX-1:34**

Polling notification procedures (Toronto), **IX-1:44.40**

Recount policy, **IX-1:43**

Vacant seat on council by-law (Ontario), **IX-11:17**

Vote counting equipment by-law, **IX-1:39**

Voting and tabulating hardware purchase agreement, **IX-1:33**

ELECTRONIC SIGNATURES

Office

lease provision, **IV-4:2-IV-4:4**

E-MAIL

See INTERNET

E-MAIL—Cont'd

- Service by, on a non-party, **VIII-3:26**
- Service by, on a party acting in person, **VIII-3:26**
- Service by, on lawyer, **VIII-3:25**

EMPLOYEE HIRING

- Assessment and testing procedures, **IX-1:206**
- Bilingual positions, designation of, **IX-1:211**
- Policy, **IX-1:108; IX-1:110**

EMPLOYEES

- Annuity for, director to purchase, **V-14:20**
- Approval of sale of shares, provision for, **V-19:13**
- Breach of fiduciary duty, **VIII-5:105**
- Competing, interlocutory injunction, **VIII-14:9**
- Confidentiality covenant, **VIII-21:107**
- Covenant and warranty, **VIII-21:105**
- Gifts of corporate shares to, **V-11:57**
- Legacies for
 - amounts based on length of service, **V-11:69-V-11:71**
 - equally to named employees conditional on employment at testator's death, **V-11:73**
 - former employees included, **V-11:70**
 - gift to company for distribution by stated formula, **V-11:70; V-11:71**
- Option to purchase business, **V-20:28**
- Option to purchase shares of company, **V-19:25**
- Restrictive covenant, interlocutory injunction, **VIII-14:26**

EMPLOYMENT

- Advances on commission, **I-27:51**
- Agreements, compliance with other, **I-27:71**
- Apprenticeship
 - See APPRENTICESHIP
- Arbitration
 - See ARBITRATION
- Assignment
 - attention to business, sales representative, **I-27:20**
 - inventions, of, **I-27:30; I-27:31; I-27:40**
 - rights, of, **I-27:68**
- Attention to business, **I-27:20**
- Automobile
 - allowance, **I-27:55**
 - provision of, **I-27:52**
- Background checks, **I-27:69**
- Baseball player, **I-10:2**
- Basketball general manager, **I-10:11**

EMPLOYMENT—Cont'd

Basketball player, **I-10:3**

Benefits, **I-27:53**

Bonds

See BONDS, fidelity bonds

Bonus, **I-27:54**

Change of duties, **I-27:70**

Claims, satisfaction of, **I-27:86**

Commission, **I-27:22**

Conditions of, **I-27:72**

Confidential information

acknowledgment by employee, **I-27:39**

agreements, **I-27:29-I-27:33**

athletic team, **I-10:12**

definition of, **I-27:46**

employee not to divulge, **I-27:43**

prior employment, no restrictions due to, **I-27:84**

sales representative, **I-27:23**

trade secrets, **I-27:45**

Confidentiality agreement, **I-27:29**

Contract, restrictions on, **I-27:85**

Contract letter, **I-27:3-I-27:6**

detailed, **I-27:7-I-27:9**

fixed term, **I-27:25-I-27:28**

Counterparts, **I-27:73**

Covenants by employee

intellectual property to be property of employer, **I-27:30; I-27:31**

investments, prohibited, **I-27:47**

non-competition, **I-27:42; I-27:44**

non-solicitation, **I-27:44**

not to divulge information, **I-27:43**

not to divulge trade secrets, **I-27:45**

not to engage in other business, **I-27:44**

survival of, **I-27:88**

Deduction from wages, authorization for, **I-27:50**

Digital media, **I-25:34**

Electronic signature, **I-27:74**

Endorsements, athletes, **I-10:31-I-10:34**

Engagement in other business, **I-27:44**

Execution by facsimile, **I-27:76**

Executive agreement, **I-27:13**

asset purchase, **I-27:14; I-27:15**

general, **I-27:13**

informal, **I-27:17**

EMPLOYMENT—Cont'd

- Executive agreement, **I-27:13**—Cont'd
 - share transaction, **I-27:16**
- Expenses, **I-27:48**
 - relocation, **I-27:83**
 - weekly accounts to be rendered, **I-27:49**
- Facsimile, execution by, **I-27:76**
- Fixed term contracts
 - basic, **I-27:25**
 - detailed, **I-27:26**
 - extension, **I-27:27; I-27:28**
- Football player, professional contract, **I-10:5; I-10:6**
- Formal agreement, **I-27:10-I-27:12**
- Full time and attention, **I-27:77**
- Golf professional, agreement with, **I-10:13; I-10:14**
- Governing law, **I-27:78**
- Hockey player, **I-10:4**
- Hours of work, **I-27:56**
- Independent contractor agreement, salesperson, **I-20:4**
- Independent legal advice, **I-27:79**
- Information, employee not to divulge, **I-27:43**
- Intellectual property to be property of employer, **I-27:30-I-27:32; I-34:50; I-34:51**
- Inventions, assignment of, **I-27:40**
- Letter employment contract, **I-27:3-I-27:9**
- Manager, **I-27:18**
- Merchandise for personal use, acknowledgment of receipt, **I-27:62**
- Modification of agreement, **I-27:80**
- Moral rights, waiver of, **I-27:46**
 - software, **I-23:24**
- National sports organization athlete, agreement with, **I-10:1**
- Non-competition covenants, **I-27:44**
 - acknowledgment, **I-27:39**
 - effect of, **I-27:42**
 - engaging in other business, **I-27:44**
 - remedies for breach, **I-27:39**
- Non-disclosure agreements with employees
 - computers, **I-23:54**
 - intellectual property, **I-34:39; I-34:40**
- Non-solicitation covenants, **I-27:44**
- Offer of, sale of business, **I-54:41**
- Offices, resignation from, **I-27:65**
- Overtime, **I-27:56**
- Personnel policies, **I-27:82**

EMPLOYMENT—Cont'd

Physician
 hospital, by, **I-33:14**
Prior agreements, cancellation of, **I-27:75**
Probationary employee, termination of, **I-27:64**
Probationary period, **I-27:64**
Property
 acknowledgment of receipt of, **I-27:61**
 management consultant, **I-39:4**
 return of, **I-27:66**
Provisions, survival of, **I-27:88**
Real estate agent or broker, **I-20:3**
Registered retirement savings plan, **I-27:57**
Release by employee to employer on termination, **I-52:8**
Relocation expenses, **I-27:83**
Reports, sales representatives, by, **I-27:24**
Return of property, **I-27:66**
Salary, **I-27:58**
 review of, **I-27:59**
Sale of business
 offer of employment to employees, **I-54:41**
 provisions of employment, **I-54:57**
Sales representatives, **I-27:19**
 attention to business and authority, **I-27:20**
 commission, **I-27:22**
 confidential information, **I-27:23**
 real estate, **I-20:3**
 independent contractor, **I-20:4**
 reports, **I-27:24**
 territory, award of, **I-27:21**
Severability, **I-27:87**
Ski school director, **I-10:17**
Survival of provisions, **I-27:88**
Termination, **I-27:67**
 probationary employee, **I-27:64**
 resignation from offices, **I-27:65**
Territory, award of, **I-27:21**
Theatre, general manager of, **I-58:27**
Trade reimbursement agreement, **I-27:63**
Trade secrets, **I-27:45**
Vacation, **I-27:60**
Wage assignments, **I-9:13**
 notice to employer of, **I-9:67**
Waiver, **I-27:89**

EMPLOYMENT—Cont'd

Weekly accounts to be rendered, **I-27:49**

EMPLOYMENT AGREEMENTS

See also NON-DISCLOSURE AGREEMENTS

Assignment of inventions, and, **X-1:56**

Preservation of confidentiality and assignment of intellectual property, **X-1:57**

Proprietary information and inventions agreement, **X-1:58**

EMPLOYMENT CONTRACTS

See also COLLECTIVE AGREEMENTS

Arbitration, **VII-17:85**

Benefits

automobile expenses, **VII-17:45**

club membership, **VII-17:47**

dental, **VII-17:43**

disability insurance, **VII-17:43**

general, **VII-17:43**

health care, **VII-17:43**

life insurance, **VII-17:43**

reimbursement of expenses, **VII-17:48**

relocation, **VII-17:46**

RRSPs and pensions, **VII-17:49**

vacations and holidays, **VII-17:44**

Chief executive officer, **VII-17:26**

Closure agreement, **VII-17:14**

Compensation

bonus, **VII-17:36**

commission, **VII-17:35**

profit sharing, **VII-17:37**

retention payment, **VII-17:40**

salary, **VII-17:34**

signing bonus, **VII-17:39**

stock options, **VII-17:38**

tips and gratuities, **VII-17:41**

Confidential information, **VII-17:58; VII-17:59**

property of employer, **VII-17:96**

Confirmation of, **VII-17:6; VII-17:7**

Consulting agreement

management, **VII-17:105**

recital, **VII-17:20**

Contract for services

long form, **VII-17:104**

short form, **VII-17:103**

EMPLOYMENT CONTRACTS—Cont'd

- Definite term, **VII-17:11; VII-17:12**
 - clause, **VII-17:13**
 - closure, on, **VII-17:14**
- Discipline, employer
 - commentary, **VII-17:68**
 - general form, **VII-17:69**
- Duties, **VII-17:25**
 - chief executive officer, **VII-17:26**
 - sales representative, **VII-17:27**
- Email, Internet and technology, **VII-17:53**
- General agreement, **VII-17:7; VII-17:8**
- General clauses
 - amendments, **VII-17:81**
 - arbitration, **VII-17:86**
 - cancellation of prior agreements, **VII-17:78**
 - choice of law, **VII-17:86**
 - commentary, **VII-17:75**
 - independent legal advice, **VII-17:85**
 - negligent misrepresentation, **VII-17:78**
 - notice, where to send, **VII-17:84**
 - sections and headings, **VII-17:82**
 - severability, **VII-17:79**
 - singular, plural, use, **VII-17:83**
 - statutory deductions, **VII-17:76**
 - successors and assigns, **VII-17:80**
 - waiver, **VII-17:77**
- Holidays, **VII-17:44**
- Layoff
 - commentary, **VII-17:63**
 - general form, **VII-17:64**
- Leaves of absence
 - general form, **VII-17:54**
 - pregnancy and parental, **VII-17:55**
 - sick leave, **VII-17:56**
- Lump sum settlement, **VII-17:109**
- Negligent misrepresentation, **VII-17:78; VII-17:91**
- Non-competition clause, **VII-17:61; VII-17:62**
- Offer and acceptance, **VII-17:3; VII-17:4**
- Pensions, **VII-17:49**
- Performance review, **VII-17:65-17:67**
 - commentary, **VII-17:65**
 - general form, **VII-17:66**
 - sales representative, **VII-17:67**

EMPLOYMENT CONTRACTS—Cont'd

Policies

- commentary, **VII-17:50**
- e-mail and internet and technology, **VII-17:53**
- general form, **VII-17:51**
- workplace harassment and violence, **VII-17:52**

Position, definition of, **VII-17:22; VII-17:23**

Pre-contractual representations, **VII-17:91**

Recitals, **VII-17:16-17:20**

Reference letter, **VII-17:113; VII-17:114**

Release, **VII-17:111; VII-17:112**

- final, with settlement, **VII-17:107**

Salary continuation agreement, **VII-17:108**

Sales representative

- duties, **VII-17:27**
- performance review, **VII-17:67**

Settlement, **VII-17:107**

- lump sum, **VII-17:109**
- salary continuation, **VII-17:108**

Special clauses

- arbitration, **VII-17:100**
- background check, **VII-17:92**
- change of control, employer, **VII-17:98**
- commentry, **VII-17:87**
- conflict of interest, **VII-17:95**
- deductions from wages, non-statutory, **VII-17:93**
- employer's property, **VII-17:96**
- hours of work, **VII-17:89**
- immigration, **VII-17:101**
- injunctive relief, **VII-17:99**
- intellectual property, employee works and inventions, **VII-17:97**
- pre-contractual representations, **VII-17:91**
- prior service, **VII-17:88**
- set-off, **VII-17:93**
- training, **VII-17:94**
- warranties, employee, **VII-17:90**

Termination

- see also RELEASES
- commentary, **VII-17:70**
- just cause, **VII-17:73**
- notice
 - Employment Statndards Act, minimum, **VII-17:71**
 - length of service, **VII-17:72**
- termination or resignation by employee, **VII-17:74**

EMPLOYMENT CONTRACTS—Cont'd

Trade secrets, **VII-17:58; VII-17:59**
property of employer, **VII-17:96**
Vacations, **VII-17:44**

EMPLOYMENT COVENANTS

Confidentiality, **VIII-21:107**
Enforcement of
affidavit, **VIII-14:25**
notice of motion, **VIII-14:24**
order, **VIII-14:26**
Warranty, and, **VIII-21:105**

EMPLOYMENT EQUITY

Administration of legislation
Alberta, **VII-3:19**
British Columbia, **VII-3:18**
Saskatchewan, **VII-3:20**
Agreement to implement employment equity, **VII-3:17.60**
Application of legislation
Alberta, **VII-3:19**
British Columbia, **VII-3:18**
Saskatchewan, **VII-3:20**
Collective agreement clause, **VII-18:47**
Contract compliance, federal
certificate of commitment, **VII-3:3**
Employees hired
permanent full-time, **VII-3:17.10**
permanent part-time, **VII-3:17.20**
Employees promoted
permanent full-time, **VII-3:12**
permanent part-time, **VII-3:13**
Employees terminated
permanent full-time, **VII-3:14**
permanent part-time, **VII-3:15**
Employer identification
report summary and certification of accuracy, **VII-3:4**
Guidelines
British Columbia, **VII-3:18**
Legislation
Alberta, **VII-3:19**
British Columbia, **VII-3:18**
Saskatchewan, **VII-3:20**
Narrative report, **VII-3:17.50**

EMPLOYMENT EQUITY—Cont'd

- Occupational groups
 - all employees, **VII-3:11**
 - permanent full-time employees, **VII-3:5; VII-3:8**
 - permanent part-time employees, **VII-3:6; VII-3:9**
 - temporary employees, **VII-3:7; VII-3:10**
- Salary summary
 - permanent full-time employees, **VII-3:16**
 - permanent part-time employees, **VII-3:17**
 - temporary employees, **VII-3:17.30**
- Workplace equity information management system
 - authorization form to access, **VII-3:17.40**

EMPLOYMENT INSURANCE

- Administration of legislation, **VII-4:1**
- Appeals of decisions
 - benefits
 - Board of Referees, to, **VII-4:1**
 - Courts, to, **VII-4:1**
 - Umpire, to, **VII-4:1**
 - premiums and assessments, **VII-4:26**
 - Minister, to, **VII-4:1**
 - Tax Court, to, **VII-4:1**
- Application for benefits, **VII-4:1; VII-4:2**
- Application to antedate claim for benefit, **VII-4:38**
- Assessments
 - See premiums and assessments, *infra*
 - See Premiums and assessments, *infra*
- Availability for work, **VII-4:11**
- Benefits
 - application for, **VII-4:1**
 - compassionate care
 - attestation, **VII-4:22**
 - benefits, **VII-4:23**
 - medical certificate for, **VII-4:18**
 - description of, **VII-4:1**
 - direct deposit application, **VII-4:16**
 - eligibility for, **VII-4:1**
 - maternity, **VII-4:15**
 - parental, **VII-4:15**
 - payment on behalf of deceased person, request for, **VII-4:3**
 - worksharing, **VII-4:17**
- Board of Referees, **VII-4:1**
- Canada Employment Insurance Commission (CEIC), decision of
 - appeal, requesting leave to appeal, **VII-4:35**

EMPLOYMENT INSURANCE—Cont'd

- Canada Employment Insurance Commission (CEIC), decision of—Cont'd
 - application to rescind or amend, **VII-4:36**
 - disclosure, authorization, **VII-4:34**
 - notice of appeal to the Social Security Tribunal, EI form
 - general, **VII-4:33**
 - reconsideration of EI decision, request for, **VII-4:32**
- Claims for benefits, **VII-4:1; VII-4:2**
- Compassionate care benefits, medical certificate for, **VII-4:18**
- Consent to disclosure and/or use of personal information, **VII-4:39**
- Consent to release information, **VII-4:44**
- Description of benefits, **VII-4:1**
- Dismissal from employment, application, **VII-4:13**
- Employer premium reduction application, **VII-4:1; VII-4:30**
 - renewal application, **VII-4:31**
- Employment questionnaire, **VII-4:10**
- Employment status, rulings as to, **VII-4:27**
- Family relationship with your employer, **VII-4:42**
- Farm questionnaire, **VII-4:5**
- Highest weeks of insurable earnings, attestation, **VII-4:21**
- Interstate USA employment authorization questionnaire, **VII-4:43**
- Job search form, **VII-4:37**
- Key features of Act, **VII-4:1**
- Labour dispute questionnaire, **VII-4:45**
- Legislation, **VII-4:1**
- Medical certificate
 - authorization to release, **VII-4:19**
 - compassionate care benefits, **VII-4:18**
 - sickness benefits, **VII-4:14**
- Medical certificate re family caregiver
 - authorization to release, **VII-4:24**
 - employment insurance benefits, **VII-4:25**
- Non-availability questionnaire, **VII-4:41**
- Premiums and assessments
 - appeals, **VII-4:26**
 - intervention, notice of, **VII-4:29**
 - Minister, to, **VII-4:1**
 - Tax Court, to, **VII-4:1; VII-4:28**
 - generally, **VII-4:1**
- Reconsideration of an EI decision, request for, **VII-4:32**
- Record of employment
 - order form, **VII-4:9**
 - registration to Web, **VII-4:20**
 - re-order form, **VII-4:9**

EMPLOYMENT INSURANCE—Cont'd

- Record of employment—Cont'd
 - request for, **VII-4:6**
- Reimbursement agreement, **VII-4:46**
- Representative, appointment of, **VII-4:7**
- Rights and responsibilities of employee, **VII-4:8**
- Ruling as to employment status, request for, **VII-4:27**
- Supplemental Unemployment Benefit Plan Registration, **VII-4:47**
- Supplemental Unemployment Insurance Benefit Plans, **VII-4:1**
- Tax Court of Canada
 - appeals respecting premiums, **VII-4:1**
 - notice of appeal, **VII-4:28**
 - notice of intervention, **VII-4:29**
- Teachers questionnaire, **VII-4:40**
- Training course information, **VII-4:4**
- Umpires, **VII-4:1**
- Voluntary separation from employment, application, **VII-4:12**

EMPLOYMENT OF FAMILY MEMBERS

- Required policy, **IX-1:97; IX-1:99**

EMPLOYMENT RECORDS

- Authorization to release records, **VIII-1:11**
- Motion for production of, **VIII-9:42-9:44**

EMPLOYMENT STANDARDS

- See **LABOUR STANDARDS**

ENCROACHMENT

- Absolute discretion, for any beneficiary, **V-17:2**
- Capital of fund, on, **V-13:3-V-13:5; V-13:7; V-13:9**
- Children, for
 - after death of spouse, **V-17:6**
 - after remarriage of spouse, **V-17:6**
 - before death or remarriage of spouse, **V-17:6**
 - for daughter with limitations, **V-17:12**
- Commentary, **V-17:1**
- Exclusion of spouse from exercising power, **V-6:5**
- Issue, for
 - and spouse of deceased child, **V-17:14**
 - general power, **V-17:13**
- Mother-in-law, for, memorandum to trustees, **V-35:23**
- On capital of fund, **V-13:3-13:5; V-13:7; V-13:9; V-13:10**
- Provision authorizing trustees to invest in manner that will generate capital growth and favour capital beneficiaries, **V-17:17**
- Sister, for, out of residue, **V-17:15**

ENCROACHMENT—Cont'd

- Spouse, for
 - see also MEMORANDA TO TRUSTEES
 - on request, subject to limitation, **V-17:3**
 - power to use whole of residue regardless of other rights, **V-17:5**
 - provision instructing trustees not to consider beneficiary's own means in making discretionary distributions from a trust, **V-17:18**
 - provision instructing trustees to consider beneficiary's own means in making discretionary distributions from a trust, **V-17:19**
 - to cease while spouse sole trustee, **V-17:4**
 - until death or remarriage, **V-17:6**
- Spouse and children, for
 - see also MEMORANDA TO TRUSTEES
 - before and after time of division, **V-17:8**
 - encroachments for children treated as advances, **V-17:9; V-17:10**
 - general power, **V-17:7**
 - provision authorizing trustees to invest in manner that will generate income and favour income beneficiaries, **V-17:16**
 - spouse to request advances to children and provision for advances after spouse's death, **V-17:11**

ENDORSEMENT

- Consent to order, Form A, Central East Region, **VIII-13:11**
- In camera hearing, **VIII-13:68**
- Originating process, simplified procedure, **VIII-31:2**
- Short service, for, **VIII-13:7**

ENFORCEMENT

- Canada Pension Plan credit split, **VI-25:2**
- Family law rules
 - affidavit
 - enforcement expenses, **VI-25:19**
 - filing domestic contract or paternity agreement, **VI-25:20**
 - warrant of committal, **VI-25:48**
 - appointment, financial examination, **VI-25:25**
 - bond, recognizance, **VI-25:45**
 - dispute
 - co-owner of debt, **VI-25:37**
 - default, **VI-25:43**
 - garnishee, **VI-25:36**
 - payor, **VI-25:35**
 - notice of
 - contempt motion, **VI-25:44**
 - default hearing, **VI-25:41**
 - forfeiture motion, **VI-25:46**

ENFORCEMENT—Cont'd

Family law rules—Cont'd

notice of—Cont'd

garnishment

lump sum debt, **VI-25:31**

periodic debt, **VI-25:32**

garnishment hearing, **VI-25:38**

transfer of enforcement, **VI-25:21**

notice to

co-owner of debt, **VI-25:33**

stop garnishment, **VI-25:39**

request for

default hearing, **VI-25:42**

financial statement, **VI-25:22**

garnishment, **VI-25:30**

statement of income, **VI-25:23**

writ of seizure and sale, **VI-25:27**

statement of

income from income source, **VI-25:24**

money owed, **VI-25:18**

statement to, garnishee financial institution, **VI-25:40**

statutory declaration

indexed support, **VI-25:34**

sheriff to, **VI-25:28**

warrant

arrest, **VI-25:47**

committal, **VI-25:49**

writ of seizure and sale, **VI-25:26**

writ of temporary seizure, **VI-25:29**

Family Responsibility Office

See FAMILY RESPONSIBILITY OFFICE

Garnishment

dispute by garnishee, **VI-25:36**

dispute by payor, **VI-25:35**

hearing, notice of, **VI-25:38**

notice of

lump sum debt, **VI-25:31**

periodic debt, **VI-25:32**

notice to co-owner of debt, **VI-25:33**

request for, **VI-25:30**

statement to garnishee financial institution, **VI-25:40**

stop, notice to, **VI-25:39**

ENGINEER

Professional services agreement, **I-21:25**

ENGINEERING

Changes, **X-7:21**
clause, **X-33:154**

ENTERTAINMENT

See **ATHLETICS; BROADCASTING; MOTION PICTURES; DIGITAL MEDIA; PUBLISHING AGREEMENTS; RECORDINGS; TELEVISION; THEATRES**

ENTRY BY LANDLORD

See also **ACCESS TO PREMISES**
Lease provisions
cart lease, **IV-3:7**
gross lease, **IV-2:4**
ground, **IV-10:2**
industrial, **IV-2:2; IV-2:3**
kiosk lease, **IV-3:7**
leaseback, **IV-10:3**
office, **IV-4:2-IV-4:4**
pad, **IV-3:5; IV-3:6**
residential, **IV-8:12-IV-8:15**
retail, **IV-3:2; IV-3:3**
shopping centre, **IV-3:4**
veterinary clinic/hospital, **IV-10:6**

ENVIRONMENT

See also **GARBAGE**
Air-quality reporting and investigation guideline, indoor, **IX-9:21**
Archaeological matters, **IX-4:221**
Asbestos management program, **IX-9:8**
Brownfield incentives community improvement plan, **IX-10:33**
Checkout bag regulation, **IX-9:16**
Contamination, **IX-3:16**
attenuation zone easement, **IX-9:7**
report, adjacent streets, **IX-4:195**
risk of, purchase agreement clause, **IX-3:26**
Corporate energy policy, **IX-9:20**
Development clause, **IX-4:31**
Eco-driving policy, **IX-9:12**
Electric vehicle
charging station policy, corporate, **IX-9:13**
e-cargo bicycle by-law, **IX-11:161.40**
kick scooter, **IX-11:161.50**
low-speed, authorization by-law, **IX-9:14**
low-speed electric scooter, **IX-9:17**
Green building policy (construction of corporate buildings), **IX-9:10**

ENVIRONMENT—Cont'd

- Greenhouse gas accountability by-law, **IX-11:193**
- Highways, **IX-5:48; IX-5:49**
- Hydrogeological evaluation, **IX-4:32**
- Idling control by-law, **IX-11:67; IX-11:68**
- Integrated pest management policy, **IX-9:18**
- Landfill impact assessment, site plan clause, **IX-4:218**
- Landfill site, adjacent, closed, subdivision clause, **IX-4:115**
- LEED certification, **IX-4:212**
- Methane gas control, **IX-4:120**
- Nitrate removal systems, **IX-4:121**
- Paper fibre material recycling agreement, **IX-9:9**
- Remediation agreements, **IX-9:2-9:4**
- Sewage disposal system, **IX-4:198**
- Shopping bags, prohibiting distribution in retail stores, **IX-9:15**
- Shoreline revegetation, **IX-4:220**
- Site management agreement, **IX-9:5**
- Site plan, and, **IX-4:187-IX-4:189**
- Spill control, **IX-4:200**
- Sustainable building policy, municipal, **IX-9:19**
- Vehicle and equipment idling policy, **IX-9:11**
- Waste management, **IX-4:197**
- Zoning development clause, **IX-4:31**

ENVIRONMENTAL

- See also **USE**
- Asbestos disclosure letter, **IV-8:29**
- Asbestos notification letter, **IV-6:81**
- Asset purchase, matters pertaining to, **I-54:53**
- Audit report at end of term
 - office, **IV-4:2; IV-4:4**
- Compliance by tenant, **IV-3:4**
- Designated substances, **IV-6:80**
- Green lease
 - existing building, **IV-6:78**
 - not yet constructed building, **IV-6:79**
- Hazardous substances remain property of tenant
 - office, **IV-4:2; IV-4:4**
- Landlord environmental representations, **IV-4:4**
- Landlord provisions, **IV-2:6**
 - compliance with environmental laws, **IV-2:6**
 - environmental questionnaire, **IV-2:6**
 - hazardous substances remain property of tenant, **IV-2:6**
 - notice of orders, **IV-2:6**
 - rectification of breach, **IV-2:6**

ENVIRONMENTAL—Cont'd

- Landlord provisions, **IV-2:6**—Cont'd
 - remediation, **IV-2:6**
 - right of inspection, **IV-2:6**
 - survival of obligations, **IV-2:6**
 - tenant indemnity, **IV-2:6**
- Law, compliance with
 - office, **IV-4:2-IV-4:4**
- Loan clauses, **I-38:10**
- Notice of orders
 - office, **IV-4:2; IV-4:4**
- Offer provision, **IV-1:11; IV-1:14**
- Questionnaire, **IV-2:8; IV-4:2; IV-4:4**
- Rectification of breach
 - office, **IV-4:2; IV-4:4**
- Remediation
 - office, **IV-4:2; IV-4:4**
- Right of inspection
 - office, **IV-4:2; IV-4:4**
- Supply agreement, matters pertaining to, **I-54:21**
- Survival obligations
 - office, **IV-4:2-IV-4:4**
- Tenant indemnity
 - office, **IV-4:2-IV-4:4**
- Tenant provisions, **IV-2:7**
 - landlord indemnity, **IV-2:7**
 - landlord's warranty, **IV-2:7**
 - release of tenant, **IV-2:7**
 - veterinary clinic/hospital, **IV-10:6**

EQUAL WAGES

See PAY EQUITY

EQUIPMENT

See HARDWARE; SYSTEM ACQUISITIONS

EQUIPMENT LEASES

See LEASES

EQUITY AND DIVERSITY

Policy, **IX-1:158; IX-1:159**

EQUITY OFFERINGS

See PUBLIC OFFERINGS

EQUITY SHARES

See SHARES

ESCROW

- See also SOURCE CODE ESCROW
- Agreement, definition, **X-33:401**
- Data content, cloud services, **X-9:30**
 - managed backup and archiving of, **X-9:31**
- Software, **X-33:653.50**
- Software Company Share Purchase Agreement, **X-9:31.30**
- Technology escrow terms, **X-33:217.65**

ESCROW AGREEMENTS

- Agent
 - construe instruments, agent not to, **I-28:21**
 - co-operation of parties with, **I-28:18**
 - delivery and payment instructions, **I-28:24**
 - delivery by, **I-28:14**
 - duties of, **I-28:20**
 - indemnification of, **I-28:8**
 - instructions in agreement complete, **I-28:19**
 - payment of fees, of, **I-28:9**
 - permission to disregard notices and warnings, **I-28:10**
 - purchaser to act as, **I-28:28**
 - resignation of, **I-28:25**
 - responsibility for notifying parties concerning transactions, **I-28:22**
- Attestation clause when delivery in escrow, **I-4:70**
- Authority of person executing instruments, **I-28:11**
- Buy-sell agreement, escrow as part of, **I-28:26**
- Collateral documents, delivery of, **I-28:17**
- Co-operation of parties with escrow agent, **I-28:18**
- Definition, **I-23:708**
- Deposit into escrow, **I-28:15**
- Dividends or income of securities held in escrow, **I-28:12**
- Duties of agent, **I-28:20**
- General form, **I-28:3**
- Indemnification of escrow agent, **I-28:8**
- Interest income, tax on, **I-28:29**
- Irrevocability of, **I-28:6**
- Primary agreement, escrow part of, **I-28:5**
- Share purchase agreement, escrow as part of, **I-28:27**
- Source code
 - software licence provisions, **I-23:224**
 - three-party agreement, **I-23:361**
 - two-party agreement, **I-23:360**
- Substitution of party's representative, **I-28:16**
- Tax on interest income, **I-28:29**
- Time for performing conditions, **I-28:23**

ESCROW AGREEMENTS—Cont'd

Time of essence, **I-28:7**

Value of shares, securities, **I-28:13**

ESTATE

Administration of, application

affidavit, **VIII-27:20**

judgment, **VIII-27:21**

notice of, **VIII-27:19**

Affidavits concerning will or codicil

condition, affidavit of, **VIII-30:4**

execution, affidavit of, **VIII-30:2**

handwriting and signature, affidavit attesting to, **VIII-30:3**

Appointment, scheduling confirmation, **VIII-30:140**

Assistance, orders for

appointment, acceptance or refusal of

without will, **VIII-30:88**

with will, **VIII-30:87**

beneficiary witness, **VIII-30:94**

estate trustee, requiring to pass accounts, **VIII-30:96**

proposed appointment, accepting or objecting to

without will

notice of objection, **VIII-30:92**

order, **VIII-30:91**

with will

notice of objection, **VIII-30:89**

order, **VIII-30:90**

spouse, former, **VIII-30:95**

statement of assets, filing of, **VIII-30:93**

Bonds

affidavit, **VIII-30:86**

guarantee company, **VIII-30:84**

insurance company, **VIII-30:84**

personal surety, **VIII-30:85**

Certificate of appointment

See ESTATE TRUSTEE

Claim against estate, **VIII-30:125**

contestation, notice of, **VIII-30:124**

Commencement of proceedings, request for notice, **VIII-30:6**

Consent, **VIII-30:138**

Cost orders

estate trustee during litigation, **VIII-23:39**

executor, **VIII-23:36**

other party paid out of estate, **VIII-23:37**

other party to pay to estate, **VIII-23:38**

ESTATE—Cont'd

Court, **VIII-1:124**

Directions

application for

notice of, **VIII-30:114**

order, **VIII-30:115; VIII-30:116**

motion for

notice of motion, **VIII-30:117**

order, **VIII-30:118; VIII-30:119**

statement of claim pursuant to order, **VIII-30:120**

Estate trustees

See ESTATE TRUSTEE

Hearing

confirmation, **VIII-30:140**

date request form, **VIII-30:141**

Judgment for administration, **VIII-18:9**

Mediation

assignment of mediator, request for, **VIII-30:131**

directions for conduct, **VIII-30:128**

non-compliance, certificate of, **VIII-30:134**

notice by mediator, **VIII-30:132**

statement of issues, **VIII-30:133**

Order, **VIII-30:139**

Passing of accounts

affidavit verifying accounts, **VIII-30:98**

application, notice of, **VIII-30:97**

judgment

contested, **VIII-30:109**

unopposed, **VIII-30:108**

affidavit in support of, **VIII-30:99**

non-objection, notice of, **VIII-30:104**

non-participation, notice of, **VIII-30:103**

objection to accounts, notice of, **VIII-30:100**

withdrawal of, **VIII-30:102**

request for costs, **VIII-30:105**

request for further notice, **VIII-30:101**

request for increased costs, **VIII-30:106; VIII-30:107**

Pre-trial conference form, **VIII-30:144**

Reconstitute, motion to, **VIII-2:25**

Report on administration of, **VIII-19:42**

Settlement

notice of, **VIII-30:122**

rejection of, **VIII-30:123**

ESTATE—Cont'd

- Share transfer to
 - declaration of transmission, **II-9:13**
 - directors' resolution, **II-9:14**
- Small estate
 - certificate, **VIII-30:147**
 - amended, **VIII-30:150**
 - application for, **VIII-30:145**
 - application to amend, **VIII-30:149**
 - registrar's notice to applicant for, **VIII-30:148**
 - request to file and application for, **VIII-30:146**
 - General Form, **VIII-30:151**
- Submission of rights to court, **VIII-30:121**
- S V, VIII
- Title of proceedings, **VIII-2:23**
- Urgent motion/application date, request for, **VIII-30:143**

ESTATE DIVISION

- Equalizing insurance proceeds, **V-7:37**
- Equalizing proceeds of all designated products, **V-7:11.40**
- Equalizing RRSP/TFSA proceeds, **V-7:11.30**

ESTATE SOLICITOR

- Designation of, **V-31:51**

ESTATE TAX

- Direction to pay
 - exoneration of legacies, **V-10:9**
 - general clause, **V-10:2; V-10:4**
 - payment from specific fund, **V-10:8**
 - special provisions, **V-10:3**
- Equalizing insurance proceeds, **V-7:37**
- Equalizing proceeds of all designated products, **V-7:11.40**
- Equalizing RRSP/TFSA proceeds, **V-7:11.30**

ESTATE TRUSTEE

- See also ESTATE
- Administrator pendente lite
 - See Litigation, estate trustee during, *infra*
- Application without will
 - certificate of appointment, **VIII-30:51**
 - renunciation of right to, **VIII-30:49**
 - consent to appointment, **VIII-30:46**
 - corporate application, **VIII-30:46**
 - individual application, **VIII-30:45**

ESTATE TRUSTEE—Cont'd

Application without will—Cont'd

notice of, **VIII-30:47**

affidavit of service, **VIII-30:48**

Application with will

certificate of appointment, **VIII-30:21**

limited to assets referred to in will (Corporate), **VIII-30:27**

limited to assets referred to in will (individual), **VIII-30:26**

renunciation of right to, **VIII-30:19**

consent to appointment, **VIII-30:20**

corporate application, **VIII-30:11**

individual application, **VIII-30:8; VIII-30:10**

notice of, **VIII-30:14; VIII-30:16**

affidavit of service, **VIII-30:17; VIII-30:18**

succeeding estate trustee, limited to assets referred to in will, **VIII-30:70**

Certificate of appointment

ancillary appointment with will, **VIII-30:60**

application without will, **VIII-30:51**

application with will, **VIII-30:21; VIII-30:22**

application with will limited to assets referred to in will, **VIII-30:23**

foreign estate trustee nominee, **VIII-30:63**

Lawyer's Certificate of Service, **VIII-30:18.50**

objection to issuance of

appearance, notice of, **VIII-30:113**

notice of, **VIII-30:110**

notice of filing of, **VIII-30:111**

notice to objector, **VIII-30:112**

order for, limited to assets referred to in will, **VIII-30:28**

succeeding estate trustee

with will, **VIII-30:69**

limited to assets referred to in will, **VIII-30:23**

Estate trustee (proposed) resides outside Ontario and commonwealth

affidavit, **VIII-30:34**

consent, **VIII-30:36**

notice of motion, **VIII-30:34**

order, **VIII-30:37**

Foreign estate trustee, application by nominee of

application, **VIII-30:62**

certificate of appointment, **VIII-30:65**

foreign court, certificate of, **VIII-30:64**

nomination of applicant, **VIII-30:63**

Litigation, estate trustee during

beneficiary, consent of, **VIII-30:80**

ESTATE TRUSTEE—Cont'd

Litigation, estate trustee during—Cont'd
certificate of appointment, **VIII-30:82**
application for, **VIII-30:81**
estate trustee, consent of, **VIII-30:79**

Lost will, proof of
affidavit of execution, **VIII-30:40**
affidavit of lawyer, **VIII-30:41**
consent, **VIII-30:42**
notice of motion, **VIII-30:39**
order, **VIII-30:43**

Succeeding estate trustee, application by, without will
application, **VIII-30:74**
certificate of appointment, **VIII-30:77**
renunciation of right, **VIII-30:75**
consent to appointment, **VIII-30:76**

Succeeding estate trustee, application by, with will
application, **VIII-30:66**
limited to assets referred to in will, **VIII-30:70**
certificate of appointment, **VIII-30:69**
limited to assets referred to in will, **VIII-30:73**
order for, limited to assets referred to in will, **VIII-30:72**
renunciation of right, **VIII-30:67**
consent to appointment, **VIII-30:68**

Tax estimate, **VIII-30:30**
affidavit, additional tax payable, **VIII-30:32**
affidavit, refund claimed, **VIII-30:31**
undertaking, **VIII-30:30**
limited to assets referred to in will, **VIII-30:71**

ESTATE TRUSTEE, see also ESTATE

Administrator pendente lite
See Litigation, estate trustee during, *infra*

ESTATE YEAR

Direction for income purposes, **V-15:34**

ESTOPPEL CERTIFICATES

From landlord to chargee, **IV-14:6**
From tenant to chargee, **IV-13:4**
Lease provisions
cart lease, **IV-3:7**
gross lease, **IV-2:4**
ground, **IV-10:2**
industrial, **IV-2:2; IV-2:3**
kiosk lease, **IV-3:7**

ESTOPPEL CERTIFICATES—Cont'd

Lease provisions—Cont'd
 leaseback, **IV-10:3**
 office, **IV-4:2; IV-4:3**
 pad, **IV-3:5; IV-3:6**
 retail, **IV-3:2; IV-3:3**
 shopping centre, **IV-3:4**

ETHICS

See PROFESSIONAL ETHICS

EVALUATION

Witness evaluation, **VIII-1:14**

EVIDENCE

Affidavit evidence at trial
 bank records, **VIII-17:28**
 commentary, **VIII-15:52**
 microfilm records, **VIII-17:29**
 motion to permit, **VIII-15:52-15:55**
 municipal records, **VIII-17:27**

Certificate of corporate document for use at trial
 certificate, **VIII-17:47**
 commentary, **VIII-17:46**

Expert

See EXPERT

Further evidence, motion to receive on appeal, **VIII-28:93-28:96**

Motion, oral, evidence by affidavit

 affidavit, **VIII-13:39**
 commentary, **VIII-13:38**

Obtaining of before trial

 commission
 affidavit, **VIII-15:46**
 commentary, **VIII-15:44**
 consent to act as commissioner, **VIII-15:51**
 consent to examine other witnesses, **VIII-15:50**
 form of, **VIII-15:48**
 letter of request, **VIII-15:49**
 notice of motion, **VIII-15:45**
 order, **VIII-15:47**

 witness in Ontario

 affidavit, **VIII-15:40**
 commentary, **VIII-15:38**
 examination, consent to, **VIII-15:42**
 notice of motion, **VIII-15:39**
 order, **VIII-15:41**

EVIDENCE—Cont'd

- Obtaining of before trial—Cont'd
 - witness in Ontario—Cont'd
 - use of transcript at trial, consent to, **VIII-15:43**
- Statement of agreed facts at trial
 - commentary, **VIII-17:30**
 - statement, **VIII-17:31**
- Weather data, request for, **VIII-1:21**

EXAMINATION

- Medical
 - See **MEDICAL**, examination, motion for
- Mental
 - See **MENTAL EXAMINATION**
- Notice of, **VIII-27:137**
- Summons to witness, **VIII-27:138**

EXAMINATION FOR DISCOVERY

- Abandoning privilege, letter, **VIII-10:12**
- Answering objected to questions, letter, **VIII-10:13**
- Attendance at examination
 - notice of examination, **VIII-10:15**
 - summons to witness
 - non-party Ontario resident, **VIII-10:16**
 - person resident outside Ontario, **VIII-10:17**
- Comment form, **VIII-10:10**
- Commission, **VIII-10:18**
- Contempt, motion for where failure to obey discovery order, **VIII-10:60-10:64**
- Deemed undertaking
 - commentary, **VIII-10:88**
 - enforce, motion to, **VIII-10:91**
 - permit disclosure of discovery evidence, motion to, **VIII-10:92-10:94**
- Directions, motion for where improper conduct of examination, **VIII-10:65-10:67**
- Divided examinations, motion for, **VIII-10:38-10:40**
- Examination notes form, **VIII-10:4**
- Explanatory memorandum, **VIII-10:3**
- Extension of time, motion for
 - affidavit, **VIII-10:48**
 - notice of motion, **VIII-10:47**
 - order, **VIII-10:49**
- Failure to attend, motion for sanctions for, **VIII-10:50-10:52**
- Letter of request, **VIII-10:19**

EXAMINATION FOR DISCOVERY—Cont'd

- Letter to client
 - pre-discovery, **VIII-10:2**
 - report on discovery, **VIII-10:8**
 - requesting comments on discovery transcript, **VIII-10:9**
- Multiple examinations, motion to limit, **VIII-10:34-10:36**
- Notice of examination, **VIII-10:15**
- Objections, letter answering, **VIII-10:13**
- Objections, motion to compel answers to, **VIII-10:53-10:59**
- Order of examinations, motion for, **VIII-10:28-10:30**
- Outline
 - general, **VIII-10:5**
 - motor vehicle, **VIII-10:6**
 - wrongful dismissal, **VIII-10:7**
- Permit second examination prior to completion of first examination, motion to, **VIII-10:31-10:33**
- Plan, **VIII-10:101**
- Refusals and undertakings chart
 - moving party, served by, **VIII-10:58**
 - responding party, served by, **VIII-10:59**
- Transcript correction letter, **VIII-10:11**
- Undertakings
 - chart
 - moving party, served by, **VIII-10:58**
 - responding party, served by, **VIII-10:59**
 - motion to compel answers to, **VIII-10:53-10:59**
- Videotaping, motion to permit, **VIII-10:41-10:45**
- Witness on discovery
 - non-party, motion to examine, **VIII-10:24-10:26**
 - substitute corporate representative, **VIII-10:20-10:23**

EXAMINATION IN AID OF EXECUTION

- Commentary, **VIII-22:98**
- Documents, motion to compel production, **VIII-22:123**
- Examination of person other than debtor
 - affidavit, **VIII-22:107**
 - commentary, **VIII-22:105**
 - motion for, **VIII-22:106**
 - notice of motion, **VIII-22:106**
 - order, **VIII-22:108**
- Motion for additional examination, **VIII-22:102**
- Motion for contempt for failure to attend as ordered, **VIII-22:113**
- Motion for sanctions for failure to attend
 - affidavit, **VIII-22:111**
 - commentary, **VIII-22:109**

EXAMINATION IN AID OF EXECUTION—Cont'd

- Motion for sanctions for failure to attend—Cont'd
 - notice of, **VIII-22:110**
 - order, **VIII-22:112**
- Notice of examination, **VIII-22:99**
- Objections, motion to compel answers, **VIII-22:120**
- Sample questions
 - corporation, **VIII-22:101**
 - individual, **VIII-22:100**
- Small Claims Court
 - See SMALL CLAIMS COURT
- Undertakings, motion to compel answers, **VIII-22:116-22:118**

EXCLUSIVITY

- Commentary, **IV-5:26**
- Exclusions, **IV-5:31**
- Pad lease, **IV-3:5; IV-3:6**
- Primary use
 - restrictive covenant, **IV-5:30**
 - simple covenant, **IV-5:28**
- Qualifications, **IV-5:31**
- Specified products
 - restrictive covenant, **IV-5:29**
 - simple covenant, **IV-5:27**

EXECUTION

- Affidavit of, **VIII-4:63**
- Attachment under Absconding Debtors Act
 - affidavit of acquaintance, **VIII-22:127**
 - commentary, **VIII-22:125**
 - notice of motion, **VIII-22:126**
 - notice of order, **VIII-22:130**
 - order, **VIII-22:129**
- Creditors' Relief Act
 - obtain funds where no writ, motion to, **VIII-22:131**
 - unsatisfied execution
 - affidavit of creditor, **VIII-22:134**
 - affidavit of debtor, **VIII-22:140**
 - affidavit of service, **VIII-22:137**
 - affidavit of sheriff, **VIII-22:135**
 - affidavit on application to determine claim, **VIII-22:144**
 - certificate, **VIII-22:138**
 - creditor's contestation affidavit, **VIII-22:141**
 - election, **VIII-22:139**
 - judgment, **VIII-22:145**

EXECUTION—Cont’d

Creditors’ Relief Act—Cont’d

unsatisfied execution—Cont’d

notice of application to determine claim, **VIII-22:143**

notice of claim, **VIII-22:136**

notice of contestation, **VIII-22:142**

Examination in aid of

See EXAMINATION IN AID OF EXECUTION

Exemption from execution, motion to determine, **VIII-22:32-22:34**

Funds in court, application to obtain, **VIII-22:146-22:148**

Notice of garnishment

affidavit, **VIII-22:44**

garnishee’s statement, **VIII-22:45**

general form, **VIII-22:42**

heading, **VIII-1:46**

motion by creditor for payment by garnishee, **VIII-22:54**

motion for leave to issue, **VIII-22:51**

notice of termination of garnishment, **VIII-22:46**

requisition for garnishment, **VIII-22:43**

Objection to scheme of distribution

judge’s appointment, **VIII-22:152**

notice of application for adjudication, **VIII-22:150**

notice of contestation, **VIII-22:151**

notice of objection, **VIII-22:149**

Sale of lands by sheriff checklist, **VIII-22:41**

Sheriff’s report

motion to require report, **VIII-22:86**

notice of claim, **VIII-22:84**

request to report, **VIII-22:85**

Withdrawal of writ of execution

motion to require withdrawal, **VIII-22:91**

notice of payment, **VIII-22:89**

notice of withdrawal, **VIII-22:90**

Writ of delivery

affidavit, **VIII-22:7**

American funds, in, **VIII-22:9**

backsheet, **VIII-22:3**

change debtor’s address, **VIII-22:10**

general form, **VIII-22:67**

requisition, **VIII-22:68**

Writ of execution checklist, **VIII-22:2**

Writ of seizure and sale

change debtor’s name

add alias, **VIII-22:26-22:28**

EXECUTION—Cont'd

- Writ of seizure and sale—Cont'd
 - change debtor's name—Cont'd
 - corporate debtor, **VIII-22:20-22:22**
 - personal debtor, **VIII-22:23-22:25**
 - spelling variation, **VIII-22:29-22:31**
 - direction to enforce, **VIII-22:6**
 - exemption from execution, motion to determine, **VIII-22:32-22:34**
 - general form, **VIII-22:2**
 - leave to issue
 - condition on enforcement
 - affidavit, **VIII-22:18**
 - commentary, **VIII-22:16**
 - notice of motion, **VIII-22:17**
 - order, **VIII-22:19**
 - elapse of six years
 - affidavit, **VIII-22:14**
 - commentary, **VIII-22:12**
 - notice of motion, **VIII-22:13**
 - order, **VIII-22:15**
 - mortgage, seizure of
 - direction to sheriff, **VIII-22:39**
 - notice to mortgagor, **VIII-22:40**
 - sheriff's notice, **VIII-22:38**
 - request to renew, **VIII-22:8**
 - seizure of property in possession of third parties
 - affidavit, **VIII-22:37**
 - bond, **VIII-22:35**
 - instructions, **VIII-22:36**
 - statutory declaration, **VIII-22:5**
- Writ of sequestration
 - commentary, **VIII-22:57**
 - general form, **VIII-22:58**
 - motion for leave to issue, **VIII-22:59-22:61**

EXECUTIVE COMMITTEE

- Appointment of, directors' resolution, **II-10:24**
- Formation of, directors' resolution, **II-10:23**

EXECUTORS AND TRUSTEES

- Accounts
 - See passing of accounts, *infra*
 - See Passing of accounts, *infra*
- Agent, power to appoint trust company as, **V-6:41; V-6:61; V-43:27**

EXECUTORS AND TRUSTEES—Cont'd**Appointment**

see also APPOINTMENT CLAUSES, special provisions in

Canadian and foreign, **V-6:30; V-6:36**

power for preponderance of Canadian residents, **V-6:59**

Canadian assets only, for, **V-4:4**

children, **V-6:33; V-6:59**

delegation, **V-6:13**

right of, **V-6:14**

foreign property, for, **V-6:35**

foreign resident grandchildren, **V-6:60**

individual and trust company, **V-6:4; V-6:5; V-6:8; V-6:9; V-6:11; V-6:18;**
V-6:20; V-6:22; V-6:27-V-6:29; V-6:32

individuals, general form, **V-6:2**

literary executor, **V-6:37; V-6:38**

minimum number prescribed, **V-6:21; V-6:22; V-6:27**

non-resident, **V-6:30**

replacement trustee, **V-39:15**

sole beneficiary with alternate appointment if beneficiary predeceases testator, **V-3:2**

son as co-executor at age of majority, **V-6:12**

spouse

See spouse, appointment of, *infra*

See Spouse, appointment of, *infra*

stamp collection, for, **V-6:39**

substitute chosen by others, **V-6:15**

substitute named during minority of executor, **V-6:19**

trust company

See trust company, appointment of, *infra*

See Trust company, appointment of, *infra*

will made in contemplation of marriage, **V-32:8**

Appointment, see also APPOINTMENT CLAUSES, special provisions in

spouse

See Spouse, appointment of, *infra*

trust company

See Trust company, appointment of, *infra*

Borrowing powers, **V-26:2-V-26:4**

Canadian and foreign, appointment of, **V-6:36**

Children

appointment of, **V-6:33**

trustee of own trust at specified age, **V-6:59**

Claims against estate

dependants' relief

property to satisfy claim, **V-6:45**

EXECUTORS AND TRUSTEES—Cont'd

Claims against estate—Cont'd

dependants' relief—Cont'd

revocation of spouse's appointment, **V-6:44**

power to compromise, **V-31:45**

power to waive defence of statute of limitations, **V-31:47**

settlement, **V-31:54**

Compensation

See remuneration, *infra*

See Remuneration, *infra*

Dealing in property, general power, **V-31:52**

Designation of beneficiary under registered plan, **V-34:38**

Directions to

carry out

contract, **V-34:31**

marriage contract, **V-34:33**

separation agreement, **V-34:39**

carry out separation agreement, **V-34:32**

death of beneficiary within specified period, **V-34:39**

dispense with passing of accounts, **V-31:27**

dispense with security, **V-31:62**

dispense with surety bond, **V-6:40**

employ agent, administrative functions, **V-31:65**

pay funeral expenses of beneficiary, **V-34:35**

Disagreement

majority decision to govern, **V-6:42**

spouse's decision to govern, **V-6:49**

Distribution, prior to income tax certificate, **V-31:64**

Elections, power to make, **V-31:57**

Equalizing insurance proceeds, **V-7:37**

Equalizing proceeds of all designated products, **V-7:11.40**

Equalizing RRSP/TFSA proceeds, **V-7:11.30**

Estate solicitor, designation of, **V-31:59**

Exoneration, **V-31:63**

decision to not apply for probate of non-probate will, from, **V-39:10**

Expenses, general power to incur, **V-31:58**

Foreign property

special executors for, **V-6:35; V-6:36**

Foreign trustee

bonding not required, **V-6:58**

security not required, **V-6:58**

Funeral expenses of beneficiary, direction to pay, **V-34:35**

General appointment clause, **V-6:7**

EXECUTORS AND TRUSTEES—Cont'd

Individuals

alone, **V-6:2; V-6:6; V-6:16; V-6:21; V-6:24; V-6:25; V-6:34**
 with trust company, **V-6:4; V-6:5; V-6:8; V-6:9; V-6:11; V-6:18; V-6:20; V-6:22; V-6:23; V-6:27-V-6:29; V-6:32**

Insurance, power to purchase, **V-31:56**

Insurance proceeds payment equalization or hotchpot by executor, **V-7:36**

Inter vivos trusts

See INTER VIVOS TRUSTS

Investment by

See INVESTMENTS

Life insurance, powers to deal with insurance company, **V-7:28**

Literary executor, appointment of, **V-6:37; V-6:38**

Majority clause, **V-6:51; V-6:52**

Marriage contract, direction to carry out, **V-34:33**

Memoranda to

See MEMORANDA TO TRUSTEES

Minimum number at all times, **V-6:21; V-6:22; V-6:24; V-6:27**

Non-probate will

continue to carry on business, **V-39:12**

incorporate new company, **V-39:13**

uphold guarantees, **V-39:14**

Passing of accounts

appointment and resignation of, **V-31:26**

charities

costs limited on interim passing, **V-31:30**

representation at passing, **V-31:28; V-31:29**

direction dispensing with, **V-31:27**

final accounting only to be made, **V-31:25**

interim passing

costs of charities limited, **V-31:28**

none required, **V-31:24**

residuary beneficiaries not to be represented, **V-31:31**

Perpetuities, **V-31:67**

accumulations, and, **V-31:68**

Personal interest, **V-6:42; V-6:43**

Personalty and household effects, powers to deal with, **V-8:38-V-8:50**

Powers

agents, to employ, **V-31:38**

borrowing, **V-26:2-V-26:4; V-31:41**

business, carrying on of, **V-31:47**

change corporate trustees, **V-6:29**

compromise claims against estate, **V-31:53**

corporate investments, **V-31:46**

EXECUTORS AND TRUSTEES—Cont'd

Powers—Cont'd

- deal in property, **V-31:52**
- deal with life insurance company, **V-7:28**
- deal with personal and household effects, **V-8:38-V-8:50**
- delegation of, **V-6:54; V-23:26**
- dispose of property, **V-31:35**
- distribute in specie, **V-31:37**
- elections, **V-31:44**
- general, **V-31:33**
- incur expenses, **V-31:58**
- indebtedness, **V-31:50**
- insurance policy on spouses' life, **V-31:51**
- investments, **V-31:34**
- lend to beneficiaries, **V-31:40**
- purchase assets in personal capacity, **V-31:6; V-31:7**
- purchase insurance, **V-31:56**
- real property, **V-31:39**
- record keeping, **V-31:48**
- resettle trusts, **V-31:66**
- retain assets, **V-31:36**
- securities, **V-31:43**
- settle claims, **V-31:42; V-31:54**
- transact with estate trustee personally, **V-31:45**
- vesting of estate shares, **V-31:49**
- waive defence of statute of limitations, **V-31:55**

Registered plan, designation of beneficiary, **V-34:37**

Relief from liability, **V-6:50**

Remuneration

- compensation
 - co-executor, for, with fee agreement, **V-31:11**
 - generally, **V-31:8**
 - in specie distribution, **V-31:24**
 - payable in addition to benefits under will, **V-31:18; V-31:19**
- contingent executor, fees, **V-31:10**
- director's fees, son authorized to receive, **V-31:17**
- fees, **V-31:9**
 - agreement, **V-31:11**
 - minimum compensation provided, **V-31:22**
 - no compensation to be paid to named trustee, **V-31:23**
 - professional fees, authority to charge in addition to compensation, **V-31:12-V-31:15**
 - services performed for corporation, **V-31:16**
 - specific payment in addition to compensation, **V-31:20**

EXECUTORS AND TRUSTEES—Cont'd

Remuneration—Cont'd

specific payment in lieu of compensation, **V-31:21**spouse and trust company, **V-6:8**Resignation of, **V-6:55**Restraint on alienation of income, **V-34:26**Revocation of spouse's appointment, **V-6:44**RRSP/TFSA proceeds equalization or hotchpot by executor, **V-7:11.30**Security, direction dispensing with, **V-6:56; V-31:62**Selling assets to, **V-31:2-V-31:5**Separation agreement, direction to carry out, **V-34:32**

Solicitors as

authority to charge professional fees, **V-31:12-V-31:14**authority to hire, **V-31:15**

Son

co-executor at age of majority, to be, **V-6:12**replacing spouse, veto power, **V-6:6**

Special, appointment of

foreign property, for, **V-6:35; V-6:36**literary executor, **V-6:37; V-6:38**stamp collection, for, **V-6:39**

Spouse, appointment of

advisory capacity only, **V-6:18**and trust company, **V-6:5; V-6:8; V-6:9; V-6:32**contemplation of marriage, **V-6:17**during widowhood only, **V-6:16; V-6:18**replacement with son and solicitor, **V-6:6**revocation of, **V-6:44**sole trustee, **V-6:2**Stamp collection, special executor for, **V-6:39**Statute of limitations, power to waive defence, **V-31:55**Stockbroker, employment of, **V-31:60; V-31:61**

Substitution, provisions for

death or incapacity of spouse, **V-6:20**general clause, **V-6:7**named executor under age of majority, **V-6:19**right of others to choose, **V-6:15**spouse moving outside Canada, **V-6:32**trust company, by, **V-6:23; V-6:24**Surety bond, direction dispensing with, **V-6:40**

Trust company, appointment of

agent, as, **V-6:34; V-6:41**by personal trustees, **V-6:25; V-6:34**by substitution, **V-6:23; V-6:24**

EXECUTORS AND TRUSTEES—Cont'd

Trust company, appointment of—Cont'd
 certain trusts, for, **V-6:46**
 general form, **V-6:3**
 one individual and, **V-6:4**
 sole trustee, **V-6:3**
 spouse co-executor not to exercise discretion to encroach on capital, **V-6:9;**
 V-6:18
 spouse to be consulted, **V-6:10**
 substitute, as, **V-6:23; V-6:24**
 survival of only one personal executor, **V-6:26**
 two individuals and, **V-6:11**
 with veto power, **V-6:31**
Trustee real estate transfer, general direction, **V-19:33.20**
Trustees of inter vivos trusts
 See INTER VIVOS TRUSTS
Vesting of estate, **V-31:67**
Wife, intended, **V-6:17**

EXHIBITIONS

Kiosk, construction of, **I-41:4**
Licences
 occupy specific area, **I-41:2**
 operate trade fair, **I-41:1**
Space lease, **I-41:3**
Trade fair, licence to operate, **I-41:1**

EXONERATION OF TRUSTEES

See INTER VIVOS TRUSTS

EXPANSION RIGHTS

Commentary, **IV-5:7**
Option to lease additional space, **IV-5:14**
Right of first offer, **IV-5:9**
 all or part of space available, detailed, **IV-5:12**
 all space available, detailed, **IV-5:11**
 basic, **IV-5:10**
Right of first opportunity to negotiate, **IV-5:8**
Right of first refusal, **IV-5:13**

EX PARTE

See MOTIONS, without notice

EXPENSE

Policy, **IX-1:59**

EXPERT

- Acknowledgment of duty, **VI-21:2; VIII-17:40**
- Directions from trial judge to assessment officer, **VIII-23:64**
- Expert at trial
 - affidavit, **VIII-17:20**
 - notice of motion, **VIII-17:19**
- Expert report for trial
 - acknowledgment of expert's duty, **VIII-17:40**
 - commentary, **VIII-17:38**
 - notice of, **VIII-17:39**

EXPORT

- Online purchasing, **X-4:64**

EXPROPRIATION

- Application for approval to expropriate land, **IX-10:9**
- By-law, **IX-11:166**
- Indemnification of costs agreement, **IX-10:11**
- Lease provisions
 - commercial condominium unit, **IV-10:8**
 - farm, **IV-10:4**
 - ground, **IV-10:2**
 - industrial, **IV-2:2**
 - office, **IV-4:2**
 - pad, **IV-3:5; IV-3:6**
 - retail, **IV-3:2**
 - shopping centre, **IV-3:4**
 - veterinary clinic/hospital, **IV-10:6**
- Notice of application for, **IX-10:10**
- Release, **IX-10:15**

EXTENSION OF TERM

- Additional provisions, **IV-5:5**
- Adjustment after rent determination, **IV-5:6**
- Appraisal process, **IV-5:4**
- Arbitration of rent, **IV-5:2-5:4; IV-6:48**
- Documentation, **IV-5:5**
- Extension agreement, **IV-12:8**
- Extension options
 - commercial, **IV-5:2-5:4**
 - residential, **IV-8:54-8:56**
- Generally, **IV-5:1**
- Notice, tenant's exercise of right of renewal or extension option, **IV-12:7**
- Offer provision
 - industrial, **IV-1:10; IV-1:11**
 - multi-tenanted building, no form of lease, **IV-1:16**

EXTENSION OF TERM—Cont'd

Offer provision—Cont'd

office, **IV-1:8; IV-1:9**

retail, **IV-1:12; IV-1:13**

single-tenanted building

no form of lease, **IV-1:15**

with form of lease, **IV-1:14**

Options

See extension options, *supra*

See Extension options, *supra*

Pad lease provision, **IV-3:5; IV-3:6**

EXTENSION OF TIME

Appeal, to commence

affidavit, **VIII-28:99**

notice of motion, **VIII-28:98**

order, **VIII-28:100**

Class proceedings

See CLASS PROCEEDINGS

EXTRA-PROVINCIAL CORPORATION

Address

notice of/notice of change of, **II-20:56.60**

Agent, appointment of

Nova Scotia, **II-20:93**

Ontario, **II-20:1**

Saskatchewan, **II-20:60**

Amalgamation

Alberta, **II-20:24; II-20:56.10**

British Columbia, **II-20:9; II-20:95**

NWPTA

Alberta corporation in

British Columbia, **II-20:42**

Saskatchewan, **II-20:54**

Annual report (British Columbia), **II-20:16**

Annual return

Alberta (procedural summary), **II-20:102**

British Columbia (procedural summary), **II-20:96**

change of mailing address, request for (Alberta), **II-20:56.85**

corporation (Alberta), **II-20:56.40**

Attorney

British Columbia

address, change of, **II-20:13**

appointment of, **II-20:12**

requirements (procedural summary), **II-20:97**

EXTRA-PROVINCIAL CORPORATION—Cont'd

Attorney—Cont'd

British Columbia—Cont'd

resignation of, **II-20:15**

revocation of, **II-20:14**

change of, notice (Alberta), **II-20:23**

NWPTA

address, change of

Alberta corporation in

British Columbia, **II-20:36**

appointment of, Alberta corporation in

British Columbia, **II-20:35**

Saskatchewan, **II-20:50**

information, correction of, Alberta corporation in British Columbia,
II-20:39

power of (Saskatchewan), **II-20:60**

resignation or removal of, Alberta corporation in

British Columbia, **II-20:37**

revocation of, Alberta corporation in British Columbia, **II-20:38**

Cancellation, notice to registrar (Alberta), **II-20:26**

Ceasing to carry on business, notice of

British Columbia, **II-20:17**

NWPTA

Alberta corporation in

British Columbia, **II-20:32**

Saskatchewan, **II-20:53**

Change, notice of

British Columbia, **II-20:10**

Commentary on

British Columbia, **II-20:6**

Continuance, articles of (Alberta), **II-20:56.50**

Directors

Alberta

change of address, notice of, **II-20:56.30**

notice of, or notice of change of, **II-20:56.20**

Head office

address, amendment or correction

Alberta corporation in

British Columbia, **II-20:41**

Saskatchewan, **II-20:49**

Home jurisdiction change notice

Alberta, **II-20:28-II-20:30**

EXTRA-PROVINCIAL CORPORATION—Cont'd

Home jurisdiction change notice—Cont'd

NWPTA

Alberta corporation in

British Columbia, **II-20:44**

Licence (Ontario)

application to amend, **II-20:4**

application to terminate, **II-20:5**

material required to obtain, cover letter enclosing, **II-20:3**

Name

Alberta

assumed name

changes, **II-20:102**

new west partnership agreement, procedural summary, **II-20:102**

notice of adoption/change/cancellation of, **II-20:25**

name equivalency

notice of English/French/cancellation of, **II-20:56.70**

British Columbia

assumed name cancellation or change, **II-20:17.75**

change of, **II-20:11; 20:99**

name request, **II-20:17.15**

change of, **II-20:11; II-20:99**

name request, **II-20:17.15**

NWPTA

assumed name

adoption of

Alberta corporation in Saskatchewan, **II-20:47**

amendment of, **II-20:40**

change of name, notice

Alberta corporation in

British Columbia, **II-20:33**

Saskatchewan, **II-20:46**

name reservation

Alberta corporation in Manitoba, **II-20:56.75**

Power of attorney

Manitoba, **II-20:87**

Saskatchewan, **II-20:60**

Procedural summaries

Alberta

annual return, **II-20:102**

cancellation and reinstatement of registration, **II-20:102**

changes in attorney for service, **II-20:102**

corporate changes, **II-20:102**

new west partnership agreement, **II-20:102**

EXTRA-PROVINCIAL CORPORATION—Cont'd

Procedural summaries—Cont'd

Alberta—Cont'd

registration, **II-20:102**

British Columbia

amalgamation, **II-20:95**annual return, **II-20:96**attorney requirements, **II-20:97**cancellation of registration, **II-20:98**change of corporate name, notice of, **II-20:99**for-profit business, starting to carry on, **II-20:100**striking off of company, reinstatement procedures, **II-20:101**

Registration

Alberta (procedural summary), **II-20:102**amalgamation, Alberta corporation in British Columbia, **II-20:42**amendment of (Saskatchewan), **II-20:61**

application for

Manitoba, **II-20:86**

NWPTA

Alberta corporation in

Saskatchewan, **II-20:45**Saskatchewan, **II-20:59**

British Columbia company

in Alberta, **II-20:19**in Saskatchewan, **II-20:20**

cancellation

Alberta (procedural summary), **II-20:102**Alberta corporation in Manitoba, **II-20:56.90**British Columbia (procedural summary), **II-20:98**

statement of

Alberta, **II-20:22**British Columbia, **II-20:7**Nova Scotia, **II-20:92**

NWPTA

Alberta corporation in

British Columbia, **II-20:31**Saskatchewan, **II-20:56; II-20:63**supplementary certificate, application for (Manitoba), **II-20:88**

termination of

Manitoba, **II-20:88**Nova Scotia, **II-20:94**Saskatchewan, **II-20:62**

Reinstatement of

Alberta, **II-20:27**

EXTRA-PROVINCIAL CORPORATION—Cont'd

Reinstatement of—Cont'd

application for

British Columbia

full, **II-20:17.60**

limited, **II-20:17.45**

NWPTA

Alberta corporation in

British Columbia, **II-20:7**

Reporting letters

initial return filing, **II-2:209**

registration in Ontario, **II-2:207**

unlimited liability company registration, **II-2:208**

Restoral, application for

NWPTA

Alberta corporation in

Manitoba, **II-20:56.95**

Saskatchewan, **II-20:55**

Saskatchewan, **II-20:59, 20:61**

Starting to carry on (British Columbia), **II-20:100**

Striking off and reinstatement procedures (British Columbia), **II-20:101**

Undertaking, letter of, British Columbia, **II-20:8**

Withdrawal, notice of (British Columbia), **II-20:17.30**

EYE BANK OF CANADA

Gift of eyes to, **V-34:28**

FACILITY PERMITS

Agreement, **IX-3:87**

Application for permit and regulations, **IX-3:86**

Facility access policy, **IX-3:86.50**

Indemnity and release

beer tent operation, **IX-3:90**

general form, **IX-3:88; IX-3:89**

teachers, **IX-3:92**

visitors, **IX-3:91**

Release and waiver, cycling course participation, **IX-3:93**

FACSIMILE

Signatures and counterpart, **X-33:72**

Transmission by, **X-33:170**

FACTS SUBSEQUENTLY DISCOVERED

Commentary, **VIII-18:57**

Motion to vary judgment, **VIII-18:57-18:60**

FACTUM

- Appeal, on
 - appellant, **VIII-28:122**
 - certificate of time, **VIII-28:124**
 - longer factum, motion for leave to file, **VIII-28:109-28:112**
 - respondent, **VIII-28:123**
- Application
 - applicant's factum, **VIII-27:143**
 - judicial review, **VIII-29:18**
 - respondent's factum, **VIII-27:144**
 - judicial review, **VIII-29:19**
- Moving party, **VIII-13:55**
- Responding party
 - commentary, **VIII-13:57**
 - form of, **VIII-13:57**

FALSE ARREST AND IMPRISONMENT

- Statement of claim, **VIII-5:63**

FAMILY LAW

- Add parties after expiry of limitation period, **VIII-1:98**
- Community of property, exclusion, **V-34:23**
 - trust agreement, **V-42:3-V-42:5**
- Fatality in unsafe premises, **VIII-5:107**
- Fatal motor vehicle accident, **VIII-5:106**
- Litigious beneficiaries, **V-34:22**
 - direction to carry out, **V-34:33**
- Net family property, exclusion from, **V-34:24**
- Residence, gift of to beneficiary experiencing marital difficulties, **V-9:7**
- Restraint on alienation of income, **V-34:26**
- Satisfaction of claims, **V-6:45; V-34:21**
- Separation agreement, direction to carry out, **V-34:32**
- Settlement of claims, **V-34:25**
- Share purchase agreement provision, **II-13:22**
- Spouse not to be trustee, on election, **V-4:3; V-34:20**
- S V, VI (in general), VIII
- Trust clause, **V-42:3-V-42:5**

FAMILY LAW VALUE

- See also PENSIONS
- Application for, **VI-20:2**
- Statement of, **VI-20:3; VI-20:6-VI-20:9; 20:4; 20:5**

FAMILY RESPONSIBILITY OFFICE

- Affidavit for lost cheque, **VI-25:17**
- Application, personal preauthorized debit, **VI-25:14**

FAMILY RESPONSIBILITY OFFICE—Cont'd

Financial statement, **VI-25:11**

Notice

by income source, **VI-25:13**

re-filing, **VI-25:5**

support recipient of unilateral withdrawal, **VI-25:4**

withdrawal, **VI-25:3**

Order

alternative payment, **VI-25:12**

refraining, **VI-25:16**

Registration, direct deposit, **VI-25:15**

Statement of arrears

request for, **VI-25:7**

request for director's, **VI-25:6**

Third party authorization, **VI-25:9**

cancellation of, **VI-25:10**

Voluntary arrears payment schedule proposal, **VI-25:8**

FAMILY TRUSTS

See INTER VIVOS TRUSTS

FARMS

Directions as to disposition of property, **V-9:41; V-9:42**

Form of lease, **IV-10:4**

Gifts of stock and equipment, **V-8:5-V-8:7; V-8:65**

Power to trustees to operate or sell, **V-20:17**

FEDERAL COURT OF CANADA

Generally, **VII-5:1; VII-6:2; VII-10:2; VII-15:2; VII-16:2**

FESTIVAL

Fair payment of musicians for city-led events staff policy, **IX-1:217**

Music, temporary use agreement, **IX-4:11**

FIDUCIARY DUTY

Breach by departed employee, **VIII-5:105**

FILM SITE LICENCES

See LICENCES

FINANCES

Administration of capital financing and debt policy, **IX-2:15**

Assessment

See ASSESSMENT

Corporate Accounts Receivable

Debt Collection and Recovery Policy, **IX-2:35**

Invoicing Policy, **IX-2:36**

Returned Payment Policy, **IX-2:37**

FINANCES—Cont'd

- Corporate Accounts Receivable—Cont'd
 - Write-Off Policy, **IX-2:38**
- Debentures
 - See DEBENTURES
- Grant
 - See GRANT
 - Near cash policy, **IX-2:46**
- Partnerships
 - See PARTNERSHIPS, PUBLIC PRIVATE
 - Interest, **IX-2:48**
- Payments to Vendors, **IX-2:49; IX-2:50**
- Payroll administration, garnishment policy, **IX-2:45**
- Public private partnership
 - See PARTNERSHIPS, PUBLIC PRIVATE
- Spending freeze policy, **IX-2:51**
- Taxation
 - See TAXATION

FINANCIAL DISCLOSURE

- Affidavit of documents, **VI-8:8**
- Authorization to Commissioner, **VI-8:13**
- Certificate of, **VI-8:3**
- Net family property statements, comparison of, **VI-8:2**
- Questioning
 - information about, **VI-8:10**
 - notice of, **VI-8:9**
- Request
 - admit to, **VI-8:11**
 - admit to, response, **VI-8:12**
 - financial information for, **VI-8:7**
 - letter of, **VI-8:14**

FINANCIAL STATEMENT

- Delivery by tenant
 - bank disclosure, **IV-8:27**
 - credit and employment check authorization, **IV-8:26**
 - general obligation, **IV-6:37**
 - limited obligation, **IV-6:38**
- Preliminary prospectus, approval of audit committee, **II-24:3**
- S IV, VI

FINANCIAL STATEMENTS

- Financial Responsibility Office, **VI-25:11**
- Financial statement
 - property and support claims, **VI-7:5**

FINANCIAL STATEMENTS—Cont'd

- Financial statement—Cont'd
 - support claims, **VI-7:4**
- Interjurisdictional, child status and, **VI-18:19**
- Memorandum for completing, financial statement
 - property and support claims, **VI-7:2**
 - support claims, **VI-7:3**
- Net family property statement, **VI-7:6**
 - comparison form, **VI-7:7**
- Request for, enforcement, **VI-25:22**

FINANCIAL YEAR

- Directors' resolution fixing
 - Alberta, **II-2:50**
 - federal, **II-2:8**
 - Manitoba, **II-2:85**
 - Ontario, **II-2:25**
 - Saskatchewan, **II-2:68**
- Shareholders' resolution fixing (Nova Scotia), **II-2:102**

FINANCING RIGHTS OF TENANT

- Charging of lease, **IV-6:34**
- Distress, waiver by landlord, **IV-6:33**
- Equipment financing, **IV-6:32; IV-6:33**
- General security, right to grant, **IV-6:32**

FIRE DEPARTMENT

- Facilities agreement, use of, **IX-10:17**
- False alarm by-law, **IX-11:47**
 - reward, **IX-11:48**
- First Nation fire protection agreement, **IX-6:47**
- Smoke alarm by-law, **IX-11:51**
- Subdivision clause, **IX-4:125**
- Telecommunications equipment for, **IX-3:32**

FIRE INSURANCE

- Statement of claim, **VIII-5:38**

FIREWORKS

- Agreements, **IX-3:84**
- By-law, **IX-11:64**
- By-law (alternate), **IX-11:64.50**

FIRING RANGE

- Regulations, **IX-3:94**

FIRST CONTRACT ARBITRATION

- Administration of legislation
 - British Columbia, **VII-14:2**
 - federal, **VII-14:2**
 - Manitoba, **VII-14:15**
 - Ontario, **VII-14:5**
 - Saskatchewan, **VII-14:18**
- Appeal of award, British Columbia, **VII-14:13**
- Appointment of arbitration board
 - British Columbia, **VII-14:13**
 - Ontario, **VII-14:5**
 - letter proposing arbitrator, **VII-14:10**
 - reply, **VII-14:11**
 - request to Minister to appoint chairperson, **VII-14:12**
- Arbitration and settlement of first collective agreement
 - British Columbia, **VII-14:13**
 - federal, **VII-14:2; VII-14:3**
 - reply, **VII-14:4**
 - Manitoba, **VII-14:15**
 - application for settlement, **VII-14:16**
 - Ontario, **VII-14:5**
 - application for access, **VII-14:5; VII-14:6**
 - notice to responding party of application, **VII-14:8**
 - response, **VII-14:5; VII-14:7**
 - hearing, **VII-14:5**
 - notice to arbitrate, **VII-14:9**
 - proposal of name of arbitrator, **VII-14:10**
 - reply, **VII-14:11**
 - request to Minister to appoint chairperson, **VII-14:12**
 - Saskatchewan, **VII-11:187; VII-14:18**
- Form A, memorandum of general information, Manitoba, **VII-14:17**
- Legislation
 - British Columbia, **VII-14:13**
 - federal, **VII-14:2**
 - Manitoba, **VII-14:15**
 - Ontario, **VII-14:5**
 - Saskatchewan, **VII-14:18**
- Mediation, British Columbia, **VII-14:13**
 - application for, **VII-14:14**
- Notice to arbitrate first agreement, Ontario, **VII-14:9**
- Request to refer first contract dispute
 - federal, labour board, to, **VII-14:3**
 - reply, **VII-14:4**

FIRST CONTRACT ARBITRATION—Cont'd

Request to refer first contract dispute—Cont'd

Ontario, application for direction to arbitration, **VII-14:6**

notice to responding party, **VII-14:8**

response, **VII-14:7**

Term of agreement, Saskatchewan, **VII-14:18**

FIRST NATION FIRE PROTECTION

Agreement, **IX-6:47**

FISHERIES

Subdivision clause, **IX-4:136**

FISHING

Mortgage, sale of catch collateral to, **I-29:2**

Processed catch, sale of, **I-29:4**

Processing of catch, **I-29:3**

Sale of catch, **I-29:1**

FIXTURES. see also SURRENDER OF PREMISES

Lease provisions

gross lease, **IV-2:4**

ground, **IV-10:2**

industrial, **IV-2:2; IV-2:3**

leaseback, **IV-10:3**

medical building, **IV-10:5**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

residential, **IV-8:57**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

Offer provision, **IV-1:9**

Relief from obligations, **IV-6:61**

FIXTURING PERIOD

See also **CONSTRUCTION; LANDLORD'S WORK; TENANT'S WORK**

General lease provision, **IV-6:13**

Industrial

lease provision, **IV-2:2; IV-2:3**

offer provision, **IV-1:10; IV-1:11**

Letter of intent provision, **IV-1:5**

Multi-tenanted building offer provision, no form of lease, **IV-1:16**

Office

lease provision, **IV-4:2**

offer provision, **IV-1:8; IV-1:9**

Pad lease provision, **IV-3:6**

FIXTURING PERIOD—Cont'd

- Retail
 - lease provision, **IV-3:2; IV-3:3**
 - offer provision, **IV-1:12; IV-1:13**
- Shopping centre lease provision, **IV-3:4**
- Single-tenanted building offer provision
 - no form of lease, **IV-1:15**
 - with form of lease, **IV-1:14**

FOOD CONCESSION

- Agreements, **IX-3:39**

FORBEARANCE

- See **WAIVER**

FORCE MAJEURE

- Lease provisions
 - ground, **IV-10:2**
 - industrial, **IV-2:2; IV-2:3**
 - leaseback, **IV-10:3**
 - office, **IV-4:2; IV-4:3**
 - pad, **IV-3:5; IV-3:6**
 - retail, **IV-3:2; IV-3:3**
 - shopping centre, **IV-3:2**
 - veterinary clinic/hospital, **IV-10:6**
- Optional clauses
 - adjustment to basic rent, closure, **IV-6:86**
 - adjustment to basic rent, reduced, **IV-6:87**
 - commentary, **IV-6:82**
 - deferral to start of fixturing period, **IV-6:84**
 - extension of fixturing period, **IV-6:85**
 - health emergency, **IV-6:76**
 - provision, **IV-6:83**
 - right to terminate, closure, **IV-6:88**

FOREIGN ASSETS

- Representatives for, power of executors to appoint, **V-6:55**
- Special executors for, appointment of, **V-6:35; V-6:36**

FOREIGN CURRENCY

- Canadian funds, conversion into on judgment, **VIII-18:29**
- Foreign funds, judgment, **VIII-18:30**
- Prayer for relief, **VIII-4:27**

FOREIGN JUDGMENTS, ENFORCEMENT OF

- General form 0246
 - affidavit, default judgment, **VIII-27:130**

FOREIGN JUDGMENTS, ENFORCEMENT OF—Cont'd

General form 0246—Cont'd

application, notice of, **VIII-27:129**

judgment, **VIII-27:131**

Reciprocal Enforcement of Judgments Act, under 0246

affidavit, **VIII-27:114**

application, notice of, **VIII-27:113**

judgment, **VIII-27:115**

Reciprocal Enforcement of Judgments (U.K.) Act, under 0246

affidavit, **VIII-27:118**

application, notice of, **VIII-27:117**

judgment, **VIII-27:119**

FOREIGN-SPEAKING TESTATOR

Attestation clause, **V-34:12**

FORGIVENESS OF DEBTS

Generally, **V-11:83; V-11:91**

FORMAL CLAUSES

Attestation

See ATTESTATION CLAUSES

Commencement, **V-34:2; V-34:3**

non-probate will, **V-39:5**

probate will, **V-39:4**

Confirmation of will in codicil, **V-34:6**

Governing law, **V-34:5**

Revocation of former wills, **V-34:4**

non-probate will, **V-39:7**

probate will, **V-39:6**

Spouse provisions

divorced

void, **V-34:40**

separated

not void, **V-34:3.90**

void, **V-34:4.30**

Testimonium, **V-34:7**

FORM OF LEASE

See LEASES

FORUM CONVENIENS

Motion to set aside service outside Ontario, **VIII-3:44**

FOSTER PARENTS PLAN

Fund to provide for child under, **V-13:16**

FRANCHISE AGREEMENTS

Commentary, **IX-6:1**

Gas

See GAS SUPPLY AGREEMENTS

FRANCHISES

Business conduct licence, **X-29:12**

Continuing services of franchisor, **I-30:6**

Deposit agreement form, **I-30:8**

Fast food restaurant, agreement for

accounting records, **I-30:4**

advertising, **I-30:4**

confidentiality, **I-30:4**

death of franchisee, **I-30:4**

design and construction, **I-30:4**

fee and royalty, **I-30:4**

force majeure, **I-30:4**

grant, **I-30:4**

guarantor's covenants, **I-30:4**

incapacitation of franchisee, **I-30:4**

insurance, **I-30:4**

operation of, **I-30:4**

premises, use of, **I-30:4**

restrictive covenants, **I-30:4**

sale of, **I-30:4**

term, **I-30:4**

termination, **I-30:4**

trademarks, **I-30:4**

training and assistance, **I-30:4**

transfer, **I-30:4**

Maintenance of integrity of system, **I-30:6**

Purchase and sale of franchised business, **I-30:13**

Reassignment option, **I-30:10**

Securing of licence and royalty fees, clause to ensure, **I-55:56**

Service franchise, agreement for, **I-30:5**

Sublease provisions, **I-30:9**

Supply agreement, **X-29:14**

Territorial agreement, **I-30:12**

FRAUD

Breach of trust, statement of claim, **VIII-5:77**

Judgment due to

commentary, **VIII-18:50**

motion to set aside, **VIII-18:54-18:56**

motion to vary, **VIII-18:50-18:53**

FRAUD AND WASTE

Policy, **IX-1:63**

FRAUD AND WASTE INVESTIGATION

Procedures, **IX-1:65**

FREEDOM OF INFORMATION

Alerts notification policy, **IX-1:31.59**

Clarification of request, **IX-1:11**

Commentary, **IX-1:9**

Corporate artificial intelligence policy, **IX-1:31.57**

Disclosure, fee estimate or interim decision regarding, **IX-1:16**

Electronic monitoring, **IX-1:241**

Frivolous request, notice of

B.C., **IX-1:15**

Ontario, **IX-1:14**

Information security policy, **IX-6:6**

International cross border cell phone policy, **IX-1:29.50**

Open data policy, **IX-1:30**

Open data procedures, **IX-1:31**

Personal information

notice of authority to collect and use, **IX-1:24**

Privacy Policy, **IX-1:31.51, 1:31.55**

Accessing personal information procedures, **IX-1:31.53**

Personal information collection statement templates, **IX-1:31.52**

Privacy breach procedure, **IX-1:31.54**

Receipt of request, notice of, **IX-1:10**

Records management policy, **IX-1:28**

Records management procedures, **IX-1:29**

Routine disclosure and active dissemination policy, **IX-1:25**

Third party information

notice to requester

correction of personal information, **IX-1:23**

denying access, **IX-1:22**

granting access, **IX-1:21**

re third party, **IX-1:19**

notice to third party, **IX-1:17**

personal information, **IX-1:18**

records to be released, **IX-1:20**

Time extension, notice of, **IX-1:13**

Transferral of request, **IX-1:12**

Use of Artificial Intelligence (AI) policy, **IX-1:31.58**

FRIVOLOUS ACTION

Motion to strike, **VIII-6:66-6:70**

FRIVOLOUS ACTION—Cont'd

Security for costs
 action, **VIII-25:39-25:41**
 application, **VIII-25:42-25:44**

FUNDRAISING AND SPECIAL EVENTS

Policy, **IX-1:60**

FUNDS

Annuities, for, **V-14:9-V-14:16**
 Discretionary funds
 fixed payments to beneficiary for life, **V-13:14**
 fixed payments to spouse reducing on remarriage, **V-13:15**
 for child under Foster Parents Plan, **V-13:16**
 Encroachment on capital, provision for, **V-13:3-13:5; V-13:7; V-13:9; V-13:14**
 Interim payments until fund created, provision for, **V-13:17**
 Maintenance of life insurance policy for child, **V-7:31**
 Payment of taxes and duties, **V-10:8**
 Real property and money to make up fund, **V-13:10**
 Residence to be purchased from fund set aside for spouse, **V-9:48**
 Special trustees
 appointment of, **V-13:1.30**
 release of estate trustees, **V-13:1.90**
 Specific funds
 accumulation for grandchildren, **V-13:13**
 education of named person, **V-13:12**
 expressed as fixed portion of estate, **V-13:11**
 fixed payments of capital plus income, **V-13:8**
 fixed payments to beneficiary for life, **V-13:4**
 fixed payments to beneficiary until fund exhausted, **V-13:5**
 income to beneficiary for life, **V-13:2; V-13:9**
 income to beneficiary for life with minimum payments, **V-13:3; V-13:7**
 infant, for, with power to use income and accumulations, **V-13:6**
 portion to be used to provide residence for spouse, **V-13:9**
 Spouse, for
 fixed payments reducing on remarriage, **V-13:15**
 minimum payments with power to encroach, **V-13:7**
 portion to be used to provide residence, **V-13:9**
 real property and money, **V-13:10**
 Upkeep of residence, for, **V-9:19; V-9:20; V-9:28**

FUNERAL ARRANGEMENTS

Agreement with undertaker, confirmation of, **V-30:11**
 Burial instructions, generally, **V-30:2-V-30:15**

FUNERAL ARRANGEMENTS—Cont'd

Cemetery, **V-30:10; V-30:11; V-30:13-V-30:15**

see also CEMETERY PLOTS

Coffin and outer casing, **V-30:8**

Cremation, **V-30:4; V-30:20-V-30:22**

Family vault, **V-30:12**

Funeral service, **V-30:10**

Property to be buried with testator, **V-30:9**

Temporary interment pending transfer to cemetery plot, **V-30:13**

Undertaker, selection of, **V-30:7; V-30:11**

FURNITURE

See PERSONALTY AND HOUSEHOLD EFFECTS

FURTHER AND BETTER AFFIDAVIT OF DOCUMENTS

Affidavit of documents, motion for

inadequate description of documents, **VIII-9:21; VIII-9:22**

insufficient disclosure, **VIII-9:18-9:20**

GARBAGE

By-law, **IX-11:174; IX-11:175**

Collection, **IV-3:5; IV-3:6**

Collection agreement, **IX-6:19; IX-6:20**

Debris by-law, **IX-11:46**

Enclosure rights, **IV-3:5; IV-3:6**

Joint waste management agreement, **IX-6:28**

Landfill, transfer of site to county agreement, **IX-6:30**

Landfill impact assessment, **IX-4:218**

Pick-up, **IX-2:46**

Private collection agreement, **IX-6:21**

Solid waste disposal agreement, **IX-6:29**

Waste and recyclables, collection of

agreement, **IX-6:26**

by-law, **IX-11:174; IX-11:175**

form of proposals and declarations, **IX-6:22**

general conditions, **IX-6:24**

special provisions, **IX-6:27**

specifications, **IX-6:25**

standard terms and conditions, **IX-6:23**

Waste management, **IX-4:197**

Zoning agreement clause, **IX-4:16**

GARNISHMENT

See also ENFORCEMENT

Affidavit, **VIII-22:44**

Co-owner, notice to, **VIII-22:48**

GARNISHMENT—Cont’d

- Creditor, motion by for payment by garnishee
 - affidavit, **VIII-22:55**
 - notice of motion, **VIII-22:54**
 - order, **VIII-22:56**
- Garnishee’s statement, **VIII-22:45; VIII-32:44**
- General form of, **VIII-22:42**
- Heading, **VIII-1:46**
- Leave to issue notice of garnishment, motion for
 - affidavit, **VIII-22:52**
 - notice of motion, **VIII-22:51**
 - order, **VIII-22:53**
- Notice of, **VI-25:31; VI-25:32**
- Notice of, Small Claims Court, **VIII-32:41**
 - hearing, **VIII-32:46**
- Renewal of
 - notice of, **VIII-22:50**
 - requisition of, **VIII-22:49**
- Request for, **VI-25:30**
- Requisition for garnishment, **VIII-22:43**
 - American funds, **VIII-22:7**
- Statement of garnishee, **VIII-22:45**
- Termination, notice of, **VIII-22:46**

GAS

- See OIL AND GAS

GAS SUPPLY

- Agreements, **IX-6:2**

GENDER IDENTITY AND GENDER EXPRESSION

- Guidelines for accommodating, **IX-1:162**
- Transgender and gender non-conforming persons, protocol for, **IX-1:164**

GENERAL CONTRACT CLAUSES

- Confidential information, **I-42:95**
- Confidentiality, **I-42:94, 42:94.30**
- Counterparts/PDF signatures, **I-42:95.50**
- Data ownership and rights, **I-42:97**
- Dispute resolution, **I-42:107**
- Drugs, dangerous weapons and searches, **I-42:97.50**
- Due diligence, **I-42:98**
- Electronic signature, **I-42:98.50**
- Entire agreement, **I-42:107.30; I-42:107.70**
- Ethical standards, **I-42:98.70**
- Financial obligations and commitments, **I-42:99**

GENERAL CONTRACT CLAUSES—Cont'd

Force majeure (excusable delay), **I-42:109**
Good faith negotiations, **I-42:110**
Governing law, **I-42:110.50**
Grant of property rights, **I-42:6.50**
Intention to engage in negotiations for definitive agreement, **I-42:96**
Knowledge sharing, **I-42:112**
Legal profession privilege, **I-42:112.30**
Miscellaneous, **I-42:112.50**
Modifications, **I-42:113**
Modifications and assignment, **I-42:114**
No binding commitment towards final agreement, **I-42:115.50**
Non-assignment with exceptions, **I-42:116.30**
Notice, **I-42:118**
Period of agreement, **I-42:120**
Public announcement, **I-42:121**
Purchased assets, **I-42:122**
Right to revise, modify, adapt work product, **I-42:123.30**
Successors and assigns, **I-42:126**

GENERAL CONTRACT PROVISIONS

Acceptable use policy, **X-33:2**
Acceptance, electronic, **X-33:94; X-33:95**
Adverse circumstances, **X-33:2.50**
Affiliates, purchases by, **X-33:80**
Agreement, basic terms, **X-33:2.70**
Alternative dispute resolution, **X-33:7.50; 33:8**
Amendment procedures and signatures, **X-33:153; X-33:175**
Approvals, **X-33:111**
Arbitration, **X-33:7**
 arbiter's guideline, **X-33:8**
 class action provision, **X-33:17**
 commercial rules, **X-33:5**
 dispute resolution, and, **X-33:2; X-33:9**
 rules of procedure, **X-33:19**
 UNCITRAL rules, **X-33:20**
Assignability by provider, **X-33:160**
Assignment of IP rights, **X-33:204**
Attornment, **X-33:45**
Audit, right to, **X-33:20; X-33:32; X-33:96**
 licensee, **X-33:26**
 licensor, **X-33:23**
 reciprocal right to verify, **X-33:31**
 service provider, **X-33:25**
Authority, **X-33:105**

GENERAL CONTRACT PROVISIONS—Cont'd

- Auto-renewal, **X-33:82; X-33:173**
- Bankruptcy event, **X-33:35.50**
- Benchmarking, **X-33:29; X-33:30**
- Brokers, **X-33:107**
- Business downturn, **X-33:189**
- Change in control, **X-33:161**
 - agreement not constituting, **X-33:159**
- Change orders
 - generally, **X-33:40**
 - requiring additional compensation, **X-33:41**
 - requiring additional time/excusable delays, **X-33:42**
- Changes to work, **X-33:38**
- Charges, obligations for payment, renewals as a service, **X-33:42.50**
- Choice of law, **X-33:43; X-33:46; X-33:108**
- Click-wrap licences, **X-33:191**
- Commercially reasonable efforts, **X-33:109; X-33:296**
- Communication, regular, **X-33:169**
- Complete and entire agreement, **X-33:73**
- Compliance, **X-33:45; X-33:110**
- Conduct and legal compliance, **X-33:46**
- Confidential information, **X-33:46.50; X-33:56; X-33:58; X-33:59**
 - memorandum of understanding to maintain, confidentiality relating to exchange, **X-33:59.50**
- Confidentiality of agreement, **X-33:51; X-33:53; X-33:54; X-33:61**
- Confidentiality of information, **X-33:47; X-33:60**
- Conflicting instruments, **X-33:104**
- Conflict of terms, **X-33:74**
- Contractors, independent, **X-33:116; X-33:117**
- Contra proferentem rule
 - agreement not construed as if prepared by one of parties, **X-33:62**
 - ambiguities resolved against drafting party, **X-33:63**
 - not applicable, **X-33:66; X-33:176**
- Control, changes in, **X-33:39**
- Cost of living index, **X-33:69**
 - provisions construed in accordance with fair meaning, **X-33:70**
- Counterparts, **X-33:71**
 - facsimile signature, and, **X-33:72**
- CPI adjustments, **X-33:96**
- Cumulative rights, **X-33:112**
- Customer, most favoured, **X-33:192**
- Customer satisfaction, **X-33:190**
- Data covenants, **X-33:82; X-33:83**

GENERAL CONTRACT PROVISIONS—Cont'd

Definitions

See DEFINITIONS

Definitive agreement, **X-33:74**

Delay, **X-33:84; X-33:98-X-33:101**

Disclaimer, **X-33:90**

e-mail, **X-33:89**

intellectual property rights, **X-33:85; X-33:137**

nuclear applications, **X-33:87**

social media, **X-33:91**

warranty of, **X-33:88**

Dispute resolution, **X-33:12**

agreement to arbitrate, and class action waiver (US form), **X-33:91.50**

Crown and contractor, **X-33:34**

face-to-face negotiation, **X-33:9**

project leads, escalation to steering committee, mediation, litigation,
X-33:92

Downtime and uptime

guaranteed uptime, **X-33:215**

guaranteed uptime adjustment, **X-33:216**

network availability, **X-33:217**

scheduled and unscheduled, **X-33:214**

Drone, **X-33:381.50**

Drug-free workplace, **X-33:226**

Due diligence, **X-33:93**

Effect of waiver, **X-33:223.70**

Electronic acceptance, **X-33:94; X-33:95**

Engineering changes, **X-33:154**

Entire agreement, **X-33:75**

Equipment, changing without incurring additional fees, **X-33:188; X-33:206**

Errors, typographical, **X-33:126**

Ethical standards, **X-33:97; X-33:402**

Facsimile

signature and counterpart, **X-33:72**

transmission by, **X-33:170**

Follow-on agreement, negotiation of, **X-33:194**

Force majeure (excusable delay), **X-33:98; X-33:99; X-33:100.50; X-33:101**

Functionality, preserving rights to, **X-33:196**

Funding changes, **X-33:102**

Glossary, **X-33:115**

Governing law, **X-33:45; X-33:46; X-33:127-X-33:132**

Government subcontract, **X-33:193**

Guarantee, personal, **X-33:122**

Hazardous materials, **X-33:133**

GENERAL CONTRACT PROVISIONS—Cont'd

- Impact on environment, **X-33:134**
- Indemnification, **X-33:120; X-33:135**
 - patent and copyright, **X-33:139**
 - reciprocal, **X-33:136**
- Information exchange, contractor/subcontractor, **X-33:203**
- Insolvency, termination upon, **X-33:221**
- Inspection rights, **X-33:16**
- Insurance, **X-33:142**
 - proof of, **X-33:143**
- Intellectual property rights, **X-33:458**
 - ownership of proprietary intellectual property, **X-33:150; 33:151.70**
 - representations and warranties, **X-33:151.50**
 - supplier's retention, in software, **X-33:151.75**
- Intellectual property services, **X-33:149**
- Interpretation
 - general, **X-33:177**
 - non-ambiguity in language, **X-33:65**
 - order of, **X-33:179**
 - plain meaning, **X-33:67; X-33:68**
 - usual and customary meanings, **X-33:64**
- Joint know-how, **X-33:504**
- Knowledge transfer, **X-33:465**
- Language, **X-33:171**
 - information service provider agreement, of, **X-33:172**
- Lawful purpose, **X-33:119**
- Laws, **X-33:466**
- Maintenance costs, controlling future, **X-33:200**
- Managed services, **X-33:496**
- Master services agreement for the provision of financial services, **X-24:4.30**
- Modification of agreement, **X-33:155**
- Most favoured customer, **X-33:157; X-33:192**
- Neutral construction, **X-33:178**
- New product, ability to migrate "perpetual" licence, **X-33:186; X-33:205**
- Non-assignability, **X-33:162**
 - change of control, except in, **X-33:164**
 - with exceptions, **X-33:163**
- Non-intention, create a partnership, joint venture, or agency relationship, **X-33:164.50**
- Non-transferability provisions, **X-33:103**
- No reliance, **X-33:158**
- Not-for-resale software licences, **X-33:158.70**
- Notice
 - electronic communication, by, **X-33:167**

GENERAL CONTRACT PROVISIONS—Cont'd

Notice—Cont'd

e-mail, **X-33:165**

hand or courier, by, **X-33:168**

personal, courier, fax or registered mail, by, **X-33:166**

under contract documents, **X-33:166.50**

Outsourcing of Customer Contact Center, **X-24:4.50**

Ownership of work product, **X-33:145-X-33:148**

government ownership, **X-33:181**

institutional reservation of all rights, **X-33:182**

joint development projects, **X-33:183**

reservation of rights by developer, **X-33:185**

sponsor, **X-33:184**

Parties, independent status, **X-33:118**

Parties to act reasonably, **X-33:121**

Passwords, **X-33:562**

Payments to be without deduction or withholding for any taxes, **X-33:225**

Personal data, cloud services processing of, **X-3:45**

Personal information, **X-33:79**

privacy statement, **X-33:78**

Preservation of discount levels, **X-33:201**

Preservation of prior licence rights under master licence agreement, **X-33:195**

Preventing licensors from involving you in problems, **X-33:197**

Preventing unknowing endorsement of vendors, **X-33:198**

Proprietary information, **X-33:56**

Provider safeguards, **X-33:77.50**

Purchase order agreement, **X-33:209**

Quiet enjoyment, **X-33:77**

Records and inspection rights, **X-33:16**

Residency, **X-3:44; X-33:210**

Response time, **X-33:125**

Reverse engineering no other rights of access or use; no transfers,
X-33:210.50

Revision of terms by posting on website, **X-33:156**

Right to revise, modify and adapt work product, **X-33:210.70**

Risk allocation, **X-33:211**

Risk warning, financial products, **X-33:212**

Security interest holder limitation, **X-33:103**

Service availability, **X-33:212.50**

Service level, **X-33:213; X-33:214**

Software

complexity, acknowledgment of, **X-33:187**

copyrighted material, associated terms of use, **X-33:174.30**

no open source contained, **X-33:174.50**

GENERAL CONTRACT PROVISIONS—Cont'd

Software—Cont'd

- patches, updates or feature upgrades, **X-33:152**
- right to use on viable platform, **X-33:207**
- source code, **X-33:152.50**
- supplier-provided open-source, **X-33:174**

Statutes

- compliance with, **X-33:140; X-33:141**
- reference to, **X-33:123**

Step-in rights, **X-33:217.50; X-33:224**

Subcontractor

- authority to engage, **X-33:106**
- right to use, **X-33:124**

Substituted new products, **X-33:202**

Successors and Assigns, **X-33:217.70**

Termination, **X-33:219**

- cause, without, **X-33:222**
- convenience, for, **X-33:220**
- insolvency, upon, **X-33:221**
- mutual rights of, **X-33:218**

Terms

- changes to, **X-33:36; X-33:223**
- changes to, review in relation to effective date, **X-33:38**
- revision of, **X-33:156; X-33:180**

Third party payment processors, **X-33:223.80**

Time of the essence, **X-33:223.50**

- third-party payment processors, use of, **X-33:223.80**

Trademarks, use of, **X-33:151**

Typographical errors, **X-33:126**

- United Nations Convention on Contracts for the International Sale of Goods, exclusion of, **X-33:43; X-33:44; X-33:46; X-33:114; X-33:128**

Unlawful or inappropriate activity, **X-33:224.50**

Use of name and logos, **X-33:208**

Vendor bankruptcy (U.S. provision), **X-33:35**

Vendors, coordination with other, **X-33:113**

Workplace Safety and Insurance Board coverage, proof of, **X-33:144**

GENERATORS

Licence provisions, **IV-5:41**

Tie-in agreement, **IV-5:42**

GIFTS

See also under particular types of property

Charitable, **I-31:14**

- advantage, acknowledgment of value, **I-31:24**

GIFTS—Cont'd

Charitable, **I-31:14**—Cont'd

declaration of gift, **I-31:23**

valuation of for tax purposes, **I-31:25**

acknowledgment of, **I-31:26**

In accordance with list or memorandum, **V-8:51-V-8:53**

Inter vivos

acceptance of gift, **I-31:12; I-31:13**

conditional gift, **I-31:6**

declaration of gift, **I-31:5**

income reserved to donor, **I-31:7**

life estate, **I-31:8**

life estate with remainder, **I-31:9**

life interest in share capital, additional powers of donee, when, **I-31:10**

reconveyance of gift, **I-31:15**

renunciation of gift, **I-31:14**

spousal claims, exclusion of property from, **I-31:11**

Money and securities

See LEGACIES

Mortis causa

declaration, **I-31:17**

demand for return, **I-31:19**

donee's endorsement, **I-31:18**

GOLF CLUB

Direction to carry on membership for family, **V-19:38**

Gift of shares in, **V-11:58; V-11:59**

GOLF COURSE

See ASSESSMENT

GOOD FAITH

Definition, **X-33:423.50**

Parties to act in, **X-33:126.50**

Parties to act reasonably, **X-33:121**

GOODS

Collection

See CONTRACTS, statements of claim

Damages

breach of warranty, for, **VIII-5:9**

non-acceptance, for, **VIII-5:6**

non-delivery, for, **VIII-5:7**

Specific performance, **VIII-5:8**

GOVERNING LAW

Clause, **V-34:5**

GOVERNMENT

See CROWN; CROWN AGENCY

Authority, definition, **X-33:425**

Digital marketplace

commentary, **X-6:32**

comprehensive terms for complex or high value procurement, master agreement, **X-6:33**

Federal, commentary, **X-6:31**

Geographical Information Systems, **X-2:26.30**

Municipal agreements

commercial off-the-shelf software licence and service agreement, **X-6:8**

confidentiality provision, **X-6:12-X-6:14**

COTS agreement, **X-6:8**

equipment and software procurement, **X-6:7**

expression of interest provision, **X-6:11**

governing law, **X-6:17**

implementation and sharing of municipal-related geographic information systems, **X-6:23.50**

indemnification, **X-6:18**

insurance requirements, **X-6:16**

merchandise licence, **X-6:25**

MFIPPA, definition of, **X-3:6**

multi-participant municipal alliance, **X-6:23.50**

ownership of materials provision, **X-6:12**

patent rights assignment, **X-6:23**

proponent disclosure under MFIPPA, **X-6:15**

request for proposal, **X-6:2; X-6:3**

integrated hardware and software, **X-6:4**

privacy obligations municipal, RFP, **X-3:13**

terms and conditions, **X-6:5; X-6:6**

request for quotation, **X-6:9**

submission of vendor's standard form, request for, **X-6:21**

system implementation agreement, **X-6:10**

trade mark licence, **X-6:24**

Provincial agreements

commercial off-the-shelf terms and conditions, **X-6:29**

request for proposals, ehealth Ontario, **X-6:30**

standing offer agreement, **X-6:28**

request for, **X-6:27**

Subcontract clause, **X-33:192**

GRAND OPENING PROMOTION

Tenant's obligation to contribute, **IV-1:13**

GRANT

- Agreement, **IX-2:11; IX-2:12**
- Grants and contributions policy, **IX-2:13**
- Grants and contributions procedures, **IX-2:14**

GRAVE

- See CEMETERY PLOTS; FUNERAL ARRANGEMENTS; TOMBSTONES AND MARKERS

GREEN LEASE

- See ENVIRONMENTAL

GRIEVANCE ARBITRATION

- See also DISCHARGE
- Administration of legislation
 - Alberta, **VII-12:47**
 - British Columbia, **VII-12:38**
 - federal, **VII-12:2**
 - Manitoba, **VII-12:48**
 - Nova Scotia, **VII-12:65**
 - Ontario, **VII-12:15**
 - Saskatchewan, **VII-12:64**
- Appointment of adjudicator, request for, Ontario, **VII-12:26.50**
- Appointment of board or arbitrator
 - British Columbia, **VII-12:38**
 - appointment of arbitrator, **VII-11:142**
 - request for, **VII-12:45**
 - Manitoba, **VII-12:48**
 - Form A, memorandum of general information, **VII-12:58**
 - Form XV, referral under s. 130, **VII-12:57**
 - letter to arbitrator, **VII-12:55**
 - request to appoint, **VII-12:56**
 - Nova Scotia, **VII-12:65**
 - letter to arbitrator, **VII-12:72**
 - request to Minister to appoint, **VII-12:73**
 - Ontario, **VII-12:15**
 - approval, application for, **VII-12:37**
 - letter to arbitrator, **VII-12:22**
 - Police Arbitration Commission, request for, **VII-12:25**
 - request for expedited arbitration, **VII-12:28**
 - Saskatchewan, **VII-12:64**
- Appointment of conciliation officer, request for, Ontario, **VII-12:26**
- Arbitration decision, enforcement of
 - See enforcement of decisions, *infra*
 - See Enforcement of decisions, *infra*

GRIEVANCE ARBITRATION—Cont'd

- Canadian Human Rights Commission
 - notice to, **VII-12:12**
- Construction industry grievance, Ontario, **VII-12:29**
 - notice to responding party, **VII-12:30**
 - payment of fee, **VII-12:33**
 - reply, **VII-12:32**
 - request for hearing, **VII-12:31**
- Decision of arbitrator or arbitration board, Ontario, **VII-12:15; VII-12:27**
- Enforcement of decisions
 - Alberta, **VII-12:47**
 - British Columbia, **VII-12:38**
 - federal
 - affidavit of non-compliance, **VII-12:6**
 - affidavit on filing, **VII-12:4**
 - notice of motion, **VII-12:5**
 - PSLRB complaint, **VII-12:14**
 - Manitoba, **VII-12:48**
 - affidavit of non-compliance, **VII-12:62**
 - Nova Scotia, **VII-12:65**
 - affidavit, **VII-12:78**
 - order, **VII-12:77**
 - originating notice, **VII-12:76**
 - service, affidavit of, **VII-12:79**
 - Ontario, **VII-12:15**
 - affidavit of non-compliance, **VII-12:36**
 - notice of application, **VII-12:35**
 - Saskatchewan, **VII-12:64**
- Expedited arbitration
 - British Columbia, **VII-12:38**
 - Manitoba, **VII-12:48**
 - Nova Scotia, **VII-12:65**
 - Ontario, **VII-12:15; VII-12:28**
 - Saskatchewan, **VII-12:64**
- Grievance
 - Alberta, **VII-12:47**
 - hearing procedures, **VII-12:47**
 - British Columbia, **VII-12:38**
 - employee, **VII-12:39**
 - employer, **VII-12:41**
 - notice to arbitrate, union, **VII-12:43**
 - reply to, **VII-12:44**
 - reply, **VII-12:42**
 - union, **VII-12:40**

GRIEVANCE ARBITRATION—Cont'd

Grievance—Cont'd

federal

group grievance

consent of employees to presentation of, **VII-12:7**

notice of reference to adjudication, **VII-12:10**

individual grievance

termination, demotion, suspension, or financial penalty, **VII-12:9**

individual grievance, notice of reference to adjudication, **VII-12:8**

policy grievance, notice of reference to adjudication, **VII-12:11**

Manitoba, **VII-12:48**

employee, **VII-12:49**

reply, **VII-12:52**

employer, **VII-12:51**

notice to arbitrate, **VII-12:53**

reply, **VII-12:54**

union, **VII-12:50**

Nova Scotia, **VII-12:65**

employee, **VII-12:66**

reply to, **VII-12:66**

employer, **VII-12:68**

notice to arbitrate, **VII-12:70**

reply, **VII-12:71**

reply to employee grievance, **VII-12:69**

union, **VII-12:67**

Ontario, **VII-12:15**

employee, **VII-12:16**

employer, **VII-12:18**

reply, **VII-12:19**

hearing, **VII-12:15**

notice to arbitrate, **VII-12:15; VII-12:20**

reply, **VII-12:21**

procedure, **VII-12:15**

Public Service Grievance Board, application, **VII-12:23**

response, **VII-12:24**

reply to, **VII-12:15**

union, **VII-12:17**

Hearing, application for, Manitoba, **VII-12:60**

Judicial review

Alberta, **VII-12:47**

Manitoba, **VII-12:48**

notice of application, **VII-12:61**

Nova Scotia, **VII-12:65**

Ontario, **VII-12:15**

GRIEVANCE ARBITRATION—Cont'd

Judicial review—Cont'd

Saskatchewan, **VII-12:64**

Legislation

Alberta, **VII-12:47**

British Columbia, **VII-12:38**

federal, **VII-12:2**

Manitoba, **VII-12:48**

Nova Scotia, **VII-12:65**

Ontario, **VII-12:15**

Saskatchewan, **VII-12:64**

List of arbitrators, Saskatchewan, **VII-12:64**

Mediation, Saskatchewan, **VII-12:64**

Mediation, voluntary, Ontario, **VII-12:15**

Mediation-arbitration, British Columbia, **VII-12:38**

Nominees

Manitoba, **VII-12:48**

Nova Scotia, **VII-12:65**

Ontario, **VII-12:15**

Ontario Police Arbitration Commission, request for appointment of
adjudicator, **VII-12:26.50**

arbitrator, **VII-12:25**

conciliation officer, **VII-12:26**

Public Service Grievance Board application, Ontario, **VII-12:23**
response to, **VII-12:24**

Reference to adjudication, notice of, federal
group grievance, **VII-12:10**

consent of employees to presentation of, **VII-12:7**

individual grievance, notice of reference to adjudication, **VII-12:8**

policy grievance, notice of reference to adjudication, **VII-12:11**

Request for the appointment of an arbitrator, **VII-12:3**

Requisition, Manitoba, **VII-12:63**

Review by courts

Alberta, **VII-12:47**

Manitoba, **VII-12:48**

Nova Scotia, **VII-12:65**

Ontario, **VII-12:15**

Settlement officer, Ontario, **VII-12:15**

Subpoena in aid of inferior court, Nova Scotia, **VII-12:75**

Summons to hearing

British Columbia, **VII-12:46**

Manitoba, **VII-12:59**

Nova Scotia, **VII-12:74**

Ontario, **VII-12:34**

GROSS LEASES

Cart, **IV-3:7**

Form of, **IV-2:4**

Kiosk, **IV-3:7**

GROUND LEASES

Form of, **IV-10:2**

Site plan agreement

indemnity for, **IV-6:73**

separate agreement, **IV-6:74**

tenant requirement, **IV-6:72**

GUARANTEES

See also INDEMNIFIER

Acknowledgment

amalgamation, on, **I-32:20**

loan amount, increase in, **I-32:19**

Acknowledgment of

Alberta, **II-21:32**

Saskatchewan, **II-21:31**

Alberta, Guarantees Acknowledgment Act, **I-32:18**

Bankruptcy, creditor's cost guarantee, **I-16:88**

Bond, **I-18:74**

Certificate of officer of guarantor, **II-21:53**

Certificates

See supporting certificates, *infra*

See Supporting certificates, *infra*

Continuing, **I-55:50**

joint and several guarantors, **I-32:4**

single guarantor, **I-32:3**

Debts of specific nature, **I-32:8**

Demand for payment, **I-32:22**

Exchange rate on liability judgment, **I-32:12**

General form, **II-21:7**

Limitation of guarantee obligations

loan agreements, **I-32:6**

specific debt, **I-32:8**

trade accounts, **I-32:7**

Loan agreements, **I-32:6**

Payment, of, **I-17:17**

Personal property security, general assignment with guarantee, **I-55:15**

Power to extend guarantee of indebtedness, **V-21:5**

Power to renew guarantees, **V-21:3**

Power to renew notes and execute new notes, **V-21:2; V-21:4**

Proposal, for, **I-16:31**

GUARANTEES—Cont'd

- Recourse, limitation as to
amount, **I-32:9**
reduction of maximum liability, and, **I-32:10**
- Release of guarantors, consent to, **I-32:24**
- Residential, **IV-8:19**
lease provision, **IV-8:12; IV-8:14**
- Sale of business guarantee by parent company, **I-54:38**
- Security agreement, of, **I-55:49**
- Shareholder agreement provision, **II-13:23**
- S I, IV, V
- Supporting certificates, corporate
authority, **I-32:15; I-32:16**
independent legal advice, **I-32:17**
notary public, of, Alberta, **I-32:18**
resolution, **I-32:14**
- Termination of, **I-32:23**
- Trade accounts, **I-32:7**

GUARDIAN AD LITEM

- See LITIGATION GUARDIAN

GUARDIANS

- Appointment of, **V-27:3; V-27:4**
- Compensation for, **V-27:6**
- Provisions for, **V-27:3; V-27:4**

HAGUE CONVENTION

- Commentary, **VIII-3:47**
- Notice and summary of documents, **VIII-3:50**
- Request for service abroad, **VIII-3:48**
- Summary of documents, **VIII-3:49**

HANDWRITING

- Samples of, motion for inspection to obtain, **VIII-11:21-11:24**

HARASSMENT AND DISCRIMINATION

- Policy, **IX-1:160**
- Procedures for resolving issues, **IX-1:161**

HARDWARE

- Client relationship agreement for machines, **X-7:4**
- Data and proprietary rights in, **X-7:12**
- Definition, **X-33:429**
- Engineering changes, **X-7:21**
- Equipment
acceptance of, **X-7:9; X-7:10**

HARDWARE—Cont'd

Equipment—Cont'd

- certification of, **X-7:20**
- installation and acceptance of, **X-7:10**
- installation and site preparation, **X-7:13**
- master purchase agreement, **X-35:4**
- title to, **X-7:17**

Follow-on agreement, negotiation, of, **X-7:23**

General sale agreement, **X-7:2**

Insurance, **X-7:18**

Leasing from hardware manufacturer

See LEASES

Loss, risk of, **X-7:9**

Maintenance

- agreement, **X-22:1**
- customer service agreement, **X-7:24**
- modification to agreement, **X-22:3**

Patent indemnity, **X-7:8**

Price protection period, **X-7:16**

Purchase agreement, **X-35:4**

customer's volume, **X-7:3**

Site preparation, **X-7:13; X-7:14**

failure by customer to prepare, **X-7:15**

Upgrades, **X-7:11**

Warranty

- limited, **X-7:6**
- maintenance and, **X-7:5**
- performance of services, **X-7:22**
- registration card, **X-7:7**

HARMONIZED SALES TAX

Costs, prayer for relief, **VIII-4:2**

Damages, prayer for relief, **VIII-4:30**

HAZARDOUS MATERIALS INFORMATION REVIEW ACT

See OCCUPATIONAL HEALTH AND SAFETY

HAZARDOUS PRODUCT

Existing hazardous product review procedure (WHMIS), **IX-1:203**

Labelling procedure (WHMIS), **IX-1:204**

New hazardous product assessment procedures (WHMIS), **IX-1:205**

HAZARDOUS PRODUCTS ACT

See OCCUPATIONAL HEALTH AND SAFETY

HAZARDOUS WORK

See OCCUPATIONAL HEALTH AND SAFETY

HEADINGS

- Class proceedings
 - actions, **VIII-1:50**
 - applications, **VIII-1:51**
- Commercial list, **VIII-1:49**
- Counterclaim
 - added parties, **VIII-1:44**
- Execution
 - direction to enforce writ, **VIII-1:47**
 - garnishment, **VIII-1:46**
- General form
 - actions, **VIII-1:36**
 - applications, **VIII-1:37**
- Mortgage actions, **VIII-1:48**
- Orders
 - Court of Appeal
 - actions, **VIII-1:40**
 - applications, **VIII-1:41**
 - Divisional Court
 - actions, **VIII-1:42**
 - application, **VIII-1:43**
 - Superior Court of Justice
 - appeal in, **VIII-1:39**
 - general form, **VIII-1:38**
- Third and subsequent party actions, **VIII-1:45**

HEALTH

See PUBLIC HEALTH

HEALTH AND SAFETY COMMITTEES

See OCCUPATIONAL HEALTH AND SAFETY

HEALTH PRACTITIONERS

- Report for trial
 - commentary, **VIII-17:42**
 - notice of, **VIII-17:43**

HENSON TRUST

- See also DISABLED PERSONS
- Generally, **V-37:2; V-42:14**

HIGHWAYS

- See also TRANSPORTATION
- Access, temporary, subdivision clause, **IX-4:98**
- Alteration by-law, **IX-11:132**
- Authority to operate city vehicles and mobile equipment policy, **IX-5:13:85**

HIGHWAYS—Cont'd

Authority to operate city vehicles and mobile equipment procedures,
IX-5:13:85

Boulevards

cafe, licensing agreement, **IX-5:23**
grant of easement over one-foot reserve, **IX-5:24**
licence of untraveled portion, **IX-5:16**
maintenance agreement, **IX-5:18; IX-5:19**
newspaper vending box agreement, **IX-5:20**
parking agreement, **IX-5:17**
patio licence, **IX-5:22**
street vending agreement, **IX-5:21**

By-laws

See BY-LAWS

Construction and development adjacent to
driveway

backfalling, **IX-5:27**
heating cable encroachment agreement, **IX-5:28**
repair agreement, **IX-5:34**
encroachment agreement, **IX-5:29-5:31**
driveway heating cable, **IX-5:28**
encroachment assignment agreement, **IX-5:32**
hoarding agreement, **IX-5:33**
insurance, provision of, **IX-5:39**
streetscape permit, **IX-5:26**
conditions of approval, **IX-5:26**
construction requirements, **IX-5:26**
deposit, **IX-5:26**
design criteria, **IX-5:26**
indemnity, **IX-5:26**
insurance, **IX-5:26**
material and workmanship guarantee, **IX-5:26**
termination and surrender, **IX-5:26**
wall mural agreement, **IX-5:38**

Excavation control, roadway by-law, **IX-11:147**

Failure to maintain, notice for

Minister of Transportation, **VIII-1:104**
municipality, **VIII-1:103**

Gas mains, abandoned, permission for use of by-law, **IX-11:149**

Grade separation agreement, **IX-5:6**

Paving agreement, private property, **IX-5:37**

Pedestrian underground connection agreement, **IX-5:5**

Purchase and sale

closing of road allowance, affidavit, **IX-5:42**

HIGHWAYS—Cont'd

Purchase and sale—Cont'd

- lane or road allowance, portion of, **IX-5:41**
- optional clauses
 - advertising costs of closure, payment of, **IX-5:45**
 - environmental matters, **IX-5:48; IX-5:49**
 - relocation of services, **IX-5:47**
 - restrictive covenant re use of land, **IX-5:46**
 - road closure objections, council consideration of, **IX-5:44**
- sale of closed road allowance, affidavit, **IX-5:343**

Railway fencing agreement, **IX-5:36**Reconstruction of existing cul-de-sac, **IX-4:96**Regional road improvements, subdivision clause, **IX-4:97**Roadway excavation control by-law, **IX-11:147**Roadway work zone protection program, **IX-5:39.50**Safety zone by-law, **IX-11:148**

Sidewalks

- construction and maintenance agreement, **IX-5:10**
- municipal services damage guarantee, **IX-5:15**
- site plan agreement clause, **IX-4:208**

Streets

- catchbasin marking indemnity agreement, **IX-5:2**
- catchbasins on private property, **IX-5:9**
- civic addressing policy, **IX-5:11**
- commentary, **IX-5:1**
- grade separation agreement, **IX-5:6**
- house numbers painted on curbs, permission, **IX-5:3**
- mobile food vendor, **IX-5:10**
- parade policy, **IX-5:13.80**
- parking warning, **IX-4:100; IX-4:101**
- pipe crossing agreement, **IX-5:4**
- reverse parking policy, **IX-5:13.95**
- Risks to the city on city-owned land policy, **IX-5:13.70**
- road construction and conveyance agreement, **IX-5:7**
- roadside memorial policy, **IX-5:12**
- snow and ice control policy, **IX-5:13**
- street naming, streets of honour policy, **IX-5:8**
- street vending agreement, **IX-5:21**
- traffic calming policy, **IX-5:13.50**
- trails lighting policy, **IX-5:13.75**
- tree planting, **IX-4:104**
- underground pedestrian connection agreement, **IX-5:5**
- Usage of city streets policy, **IX-5:13.60**

HIGHWAYS—Cont'd

Street signs

- commentary, **IX-5:54**
- permit agreement, **IX-5:55**
- place of worship sign agreement, **IX-5:56**

Subdivision agreement clause, **IX-4:94**

Trees

- commentary, **IX-5:57**
- preservation agreement, **IX-5:61**
- private removal agreement, **IX-5:59; IX-5:60**
- protection agreement, **IX-5:58**

HISTORIC SITE DESIGNATION

By-law, **IX-11:164**

HOLOGRAPH WILL

Generally, **V-3:4**

HOSPITALS

- Admission to, **I-33:17**
- Authorization to disclose records, **VIII-1:9**
- Blood transfusions, refusal of, **I-33:51**
- By-laws, **I-33:7**
- Clinical experience agreement, **I-33:10**
- Confidentiality of patient's records
 - employee's agreement, **I-33:56**
 - release, **I-33:57-I-33:59**
- Consents
 - anaesthetics, use of, **I-33:26**
 - artificial insemination, **I-33:33**
 - autopsy, **I-33:43**
 - birth, presence of father, **I-33:31**
 - child, **I-33:40**
 - disability, person unable to give due to, **I-33:41**
 - disposal of tissues, limbs or organs, **I-33:30**
 - educational demonstration, **I-33:39**
 - fertilization, in vitro, **I-33:34; I-33:35**
 - HIV testing, **I-33:21**
 - medical photography, **I-33:22; I-33:23**
 - medical records, release of, **I-33:57-I-33:59**
 - private health care, request for, **I-33:42**
 - research
 - drug under clinical investigation, treatment with, **I-33:38**
 - educational demonstration, **I-33:39**
 - samples and specimens, taking of, **I-33:20**
 - sterilization, **I-33:32**

HOSPITALS—Cont'd

Consents—Cont'd

substitute

disabled patient, **I-33:41**

minor child, **I-33:40**

surgery, **I-33:24; I-33:25**

tests, **I-33:19; I-33:24; I-33:25**

transplants or donations, for, **I-33:27-I-33:29**

treatment, **I-33:24; I-33:25**

Constating documents

articles of incorporation, **I-33:1**

by-law, **I-33:7**

charter

audit/finance committee, **I-33:2**

board chair, **I-33:9**

corporate governance committee, **I-33:4**

executive committee, **I-33:6**

ex-officio non-voting directors, **I-33:5**

quality committee, **I-33:8**

code of conduct and ethics, **I-33:25**

Corporate agreements

clinical experience, university non-affiliate, **I-33:10**

hospital programs and service transfer, **I-33:11**

Emergency, medico-legal statement of, **I-33:47**

Employment of physician, **I-33:14**

chief of department agreement, **I-33:15**

Gifts to, **V-12:9; V-12:10**

Malpractice, **VIII-5:85**

Medico-legal emergency statement, **I-33:47**

Orders for treatment

general, **I-33:46**

no CPR, **I-33:48**

out-patient admittance, **I-33:45**

Patients

consents

See consents, *supra*

See Consents, *supra*

releases, by

See releases from liability, *infra*

See Releases from liability, *infra*

Photography, medical, consent to, **I-33:22; I-33:23**

Records

motion for production of, **VIII-9:36-9:38**

notice to retain, **VIII-1:10**

HOSPITALS—Cont'd

- Releases from liability
 - blood transfusions, refusal of, **I-33:51**
 - general treatment, refusal of, **I-33:50**
 - leaving hospital against medical advice, **I-33:53**
 - responsibility of adult patient, **I-33:54**
 - temporary absence, **I-33:52**
- Restructuring agreements, hospital programs and transfer of services, **I-33:11**

HOSTING AGREEMENTS

- Confidential information, **X-4:161**
- Corporate, **X-4:150**
- Customer service, **X-4:155**
- General, **X-4:148**
- Provider, **X-4:151**
- Services, **X-4:156; X-4:157**
 - and, **X-4:158**
 - customer, **X-4:155**
 - master professional services agreement, **X-24:8:10**
 - service level agreement, **X-4:162**
 - service order master terms web analytics, **X-4:162.70**
- Sign-up plan, **X-4:153**
- Software, **X-4:162**
- Terms and conditions, **X-4:154**
- User content, **X-4:161**
- Virtual, **X-4:152**
- Web-based access, **X-4:149**
- Website and professional services, master services agreement, **X-4:162.50**
- Website portals and hosting and related facilities services, master services agreement, **X-4:162.60**

HOUSE

- See RESIDENCE

HOUSEHOLD ARTICLES

- See PERSONALTY AND HOUSEHOLD EFFECTS

HOUSING

- Affordable
 - See AFFORDABLE HOUSING
- Incentives, **IX-4:239.50**
- Rebate, **IX-10:32**
- Rental
 - See RENTAL HOUSING PROTECTION ACT

HUMAN RIGHTS

- See also DISCRIMINATION

HUMAN RIGHTS—Cont'd

Address, change of, British Columbia, **VII-1:56**

Adjudication-Mediation Agreement, **VII-1:6.10**

Administration of legislation

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Ontario, **VII-1:8**

Saskatchewan, **VII-1:65**

Appeals of decisions, to courts

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Saskatchewan, **VII-1:65**

Application

another person (s. 34(5)), **VII-1:9.50**

British Columbia, **VII-1:52**

accommodation, **VII-1:59.30**

intervenor, **VII-1:53**

respondent, to add, **VII-1:54**

Ontario, **VII-1:9**

Commission, by, **VII-1:16**

response to, **VII-1:17**

stated case, request for, **VII-1:31**

consents, on behalf of someone who, **VII-1:36**

litigation guardian

mental capacity, **VII-1:13**

minor, on behalf of, **VII-1:12**

mediation/adjudication agreement, **VII-1:38**

mediation confidentiality agreement, **VII-1:39**

notice of intervention of bargaining agent, **VII-1:37**

withdrawal of, request to, **VII-1:18**

Board of Inquiry, nomination for appointment to, Nova Scotia, **VII-1:69; VII-1:70**

Complaints

form of

Alberta, **VII-1:61**

British Columbia, **VII-1:41**

amendment form, **VII-1:42-VII-1:45**

response to, **VII-1:48**

HUMAN RIGHTS—Cont'd

Complaints—Cont'd

form of—Cont'd

British Columbia, **VII-1:41**—Cont'd

reply form, time limit, **VII-1:50**

representative form, **VII-1:46**

group or class, **VII-1:46**

response to, **VII-1:47**

time limit, **VII-1:49**

withdrawal form, **VII-1:51; 1:51.30; 1:51.50**

federal intake kit, **VII-1:3**

response form, **VII-1:4**

reply form, **VII-1:4.30**

Nova Scotia, **VII-1:68**

Ontario, **VII-1:8**

Saskatchewan, **VII-1:66**

procedure

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Ontario, **VII-1:8**

Saskatchewan, **VII-1:65**

resolution of, Ontario, **VII-1:8**

Delivery, statement of, Ontario, **VII-1:32**

Discharge and, Saskatchewan, **VII-10:52**

Enforcement of Tribunal orders, federal, **VII-1:2**

Expedition of proceedings, request for, Ontario, **VII-1:23**

response to, **VII-1:24**

Hearing

Alberta Human Rights Panel, **VII-1:60**

British Columbia Human Rights Tribunal, **VII-1:40**

Canadian Human Rights Tribunal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Saskatchewan Board of Inquiry, **VII-1:65**

Inquiry, Tribunal-ordered, request for, Ontario, **VII-1:21**

response to, **VII-1:22**

Intervention, Ontario

Commission, by notice of, **VII-1:15**

request, **VII-1:14**

Investigation/conciliation

Alberta, **VII-1:60**

HUMAN RIGHTS—Cont'd

Investigation/conciliation—Cont'd

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Saskatchewan, **VII-1:65**

Legislation

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Ontario, **VII-1:8**

Mediation, Canadian Human Rights Tribunal, **VII-1:6**

Mediation, guidelines for virtual proceedings, **VII-1:6.7**

Mediation Agreement, **VII-1:6**

Mediation Form, **VII-1:5**

Order during proceedings, request for, Ontario, **VII-1:19**

response to, **VII-1:26**

Party Information Form, **VII-1:6.30**

Prohibited grounds of discrimination

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Ontario, **VII-1:8**

Saskatchewan, **VII-1:65**

Prosecution

Alberta, **VII-1:60**

British Columbia, **VII-1:40**

federal, **VII-1:2**

Manitoba, **VII-1:63**

Nova Scotia, **VII-1:67**

Saskatchewan, **VII-1:65**

Record of Appearance (Hearings and Mediation), **VII-1:6.40, 1:6.50**

Remedy, interim request for, Ontario, **VII-1:25**

response to, **VII-1:26**

Report to chairperson, following mediation, **VII-1:7**

Request for Access to official record or document of Canadian Human Rights Tribunal, **VII-1:7**

Request to Withdraw a Complaint, **VII-1:6.20**

HUMAN RIGHTS—Cont'd

Response

British Columbia, **VII-1:47-VII-1:49**

Ontario, **VII-1:10**

applicant's response to, **VII-1:11**

Settlement, Ontario, **VII-1:34**

contravention of, application for, **VII-1:27**

response to, **VII-1:28**

Stated case, request for by Commission, Ontario, **VII-1:31**

Statement of delivery, Ontario, **VII-1:32**

Summary hearing, request for, Ontario, **VII-1:35**

Summons to witness, Ontario, **VII-1:33**

Withdrawal of complaint

British Columbia, **VII-1:51**

Ontario, **VII-1:18**

Withdrawal of lawyer or agent, British Columbia, **VII-1:55**

Witness, summons to, Ontario, **VII-1:33**

HUMAN RIGHTS ISSUES

See also **SANCTUARY CITIES**

Accessibility policy, **IX-1:155**

Anti-racial discrimination & anti-racism, **IX-1:178.50**

Equity and diversity policy, **IX-1:158; IX-1:159**

Gender equity in recreation services policy, **IX-1:173**

Gender identity/expression accommodation guidelines, **IX-1:162**

Harassment and discrimination policy, **IX-1:160**

Hate activity policy, **IX-1:175**

Hate activity procedures, **IX-1:176**

Hate related incident prevention policy, **IX-1:163**

Healthy workplace policy, **IX-1:171**

Indigenous images/themes in city sports facilities, use of, **IX-1:174**

Mental health and wellbeing policy, **IX-1:178**

Race relations/anti-racism policy, **IX-1:172**

Recruitment accommodation procedure, **IX-1:166**

Religious observances policy, **IX-1:170**

Respect check policy (code of conduct for parks, recreation and cultural facilities), **IX-1:169**

R-zone procedures, **IX-1:168**

Social development policy, **IX-1:177**

Violence in the workplace policy, **IX-1:167**

Workplace accommodation policy, **IX-1:165**

HVAC

See **UTILITIES AND SERVICES**

ICE SKATING RINK

Ice booking, last minute (terms and conditions), **IX-3:54**
 Maintenance, **IX-3:46**
 Permits and guidelines, **IX-3:53**
 Rules of conduct, **IX-3:52**

ILLITERATE DEPONENT

Jurat for, **VIII-1:54**

ILLITERATE TESTATOR

Attestation clause, **V-34:10**

IMMEDIATE CONFIRMATION

Report, motion for, of, **VIII-19:52-19:54**

IMPRISONMENT

See FALSE ARREST AND IMPRISONMENT

IMPROPER CONDUCT

Discovery
 directions, motion for, **VIII-10:65-10:67**
 motions for sanctions, **VIII-10:50-10:52**

IMPROVEMENTS

Report on taking of accounts for, **VIII-19:47**

IN CAMERA

Motion for hearing
 affidavit, **VIII-13:69**
 commentary, **VIII-13:67**
 endorsement in
 notice of motion, **VIII-13:68**
 order, **VIII-13:70**

INCOME

See also MEMORANDA TO TRUSTEES; RESIDUE, composite clauses
 Capital and, determination of
 See CAPITAL AND INCOME
 Directions for payment
 all to children
 discretionary payments from shares with gifts over, **V-15:19**
 during education of any child, **V-15:17**
 equally, **V-15:14**
 income from shares with provision during minority, **V-15:20**
 issue of deceased children to take per stirpes, **V-15:15**
 minimum annual amount for named child, **V-15:18**
 until youngest attains specified age, **V-15:16**

INCOME—Cont'd

Directions for payment—Cont'd

all to named beneficiaries

division among four people, **V-15:21; V-15:22**

to brother and sister in proportion to number of nephews and nieces,
V-15:24

to two beneficiaries as trustees determine, **V-15:25**

until specified age or earlier death, **V-15:23**

all to spouse or spouse and children

part to spouse, part to daughter, remainder to daughter's issue, **V-15:13**

part to spouse, remainder to children in stated proportions, **V-15:12**

to spouse and children equally, **V-15:9**

to spouse and children in stated proportions, **V-15:11**

to spouse for life, simple form, **V-15:3**

to spouse with minimum annual payment

general form, **V-15:6**

minimum expressed as percentage, **V-15:7**

spouse to request stated minimum before encroachment, **V-15:8**

to spouse with power to encroach, **V-15:5**

trustees to scatter among spouse and children, **V-15:10**

fixed payments

to spouse, remainder accumulated, **V-15:33**

to spouse, remainder sprinkled among spouse and children, **V-15:30**

to spouse and child, remainder to grandchildren with power to use
capital, **V-15:32**

to spouse reducing on remarriage, remainder to issue, **V-15:31**

to spouse with increase if no residence held, remainder to issue, **V-15:29**

portion only to spouse or child, remainder as directed

after providing for other payments in will, **V-15:28**

annuities to be provided before payment, **V-15:28**

as spouse requests each year, remainder to be accumulated, **V-15:26**

minimum payment to spouse taking into consideration other income,
V-15:27

Estate year, directions as to, **V-15:34**

Estimation, no liability for overpayment, **V-15:36**

From business, power to apply to improvement and expansion, **V-20:14**

Income tax, provision for, **V-10:3**

Net income, definition, **V-15:35**

Scattering among spouse and children, **V-15:10; V-15:30**

Variation depending on whether or not residence held for spouse, **V-15:29**

INCOME TAX

Authorization to release records, **VIII-1:12**

INCORPORATION

- Alberta corporation
 - address, notice of, **II-1:34**
 - articles of, **II-1:33**
 - directors, notice of, **II-1:35**
 - English/French name equivalency, notice of, **II-1:37**
 - unlimited liability corporation, **II-1:36**
- British Columbia corporation
 - agreement
 - limited company, **II-1:29**
 - unlimited company, **II-1:30**
 - application
 - incorporation, **II-1:91**
 - limited company, **II-1:27**
 - unlimited company, **II-1:28**
 - offices, notice to change, **II-1:31**
- Company, **II-1:47.97**
- Federal corporation
 - annual return, **II-1:23**
 - articles of arrangement, **II-1:21**
 - articles of incorporation
 - form, **II-1:18**
 - text, **II-1:15**
 - articles of reorganization, **II-1:20**
 - directors, changes re, **II-1:22**
 - directors, first, **II-1:17**
 - first director, consent to act as, **II-1:16**
 - registered office, initial, **II-1:17**
 - reporting letter, **II-2:205**
 - restatement of articles, **II-1:19**
- Manitoba corporation
 - articles of, **II-1:40**
 - articles of arrangement, **II-1:40.75**
 - articles of reorganization, **II-1:40.50**
 - certification of counterparts, **II-1:47.15**
 - change of address, notice of, **II-1:47.30**
 - change of business name, **II-1:47.45**
 - change of registrants, **II-1:47.75**
 - directors, notice of change of, **II-1:42**
 - first director, consent to act as, **II-1:41**
 - name reservation, request for, **II-1:47**
 - payment options, **II-1:47.60**
 - registered office, notice of change of, **II-1:42; II-1:44**
 - renewal of name notation, **II-1:47.95**

INCORPORATION—Cont'd

Manitoba corporation—Cont'd

restated articles of incorporation, share capital, **II-1:40.25**

Name, consent to use of

See NAME

Non-share capital corporation

agent, appointment of (Nova Scotia), **II-1:114**

application for incorporation

Alberta, **II-1:94**

federal, formation guidelines, **II-1:75**

application to form a society (Alberta), **II-1:94**

articles of incorporation

Federal, **II-1:76**

model form, **II-1:77; II-1:78**

Manitoba, **II-1:107**

Schedule A to, **II-1:108**

Saskatchewan, **II-1:104**

by-laws

Alberta, **II-1:95**

federal, **II-1:78**

Nova Scotia, **II-1:112**

Ontario, **II-1:86**

checklist, Ontario, **II-1:81**

constitution (British Columbia), **II-1:90**

first directors list

Nova Scotia, **II-1:113**

initial registered office and first board of directors, **II-1:79**

letter to

Public Guardian and Trustee, Office of, pre-approval of objects, **II-1:82**

memorandum of association, **II-1:111**

name availability reservation, Saskatchewan, **II-1:105; 1:106**

Office of Public Guardian and Trustee, letter to re pre-approval of objects
(Ontario), **II-1:82**

registered office, notice of

Nova Scotia, **II-1:115**

Nova Scotia corporation

application, statutory declaration in support of, **II-1:50**

articles of association, **II-1:49**

directors, list of, **II-1:53**

memorandum of association, **II-1:48**

Ontario corporation

articles of incorporation, **II-1:24; II-1:26**

consent to act as first director, **II-1:25**

reporting letter, **II-2:206**

INCORPORATION—Cont'd

- Saskatchewan corporation
 - articles of, **II-1:38**
 - name reservation, **II-1:38.50**
- Special clauses
 - borrowing powers, **II-1:58**
 - businesses and activities, restriction on
 - Alberta, **II-1:67**
 - federal, **II-1:67**
 - Ontario, **II-1:68**
 - directors
 - articles of incorporation (Alberta), **II-1:57**
 - cumulative voting, **II-1:54**
 - election by holders of class of shares, **II-1:56**
 - staggered terms, **II-1:55**
 - fractional shares
 - Alberta, **II-1:69**
 - Saskatchewan, **II-1:70**
 - lien on shares, **II-1:61**
 - Alberta, **II-1:62**
 - private corporation provisions
 - Alberta, **II-1:63**
 - Nova Scotia, **II-1:66**
 - rights, restrictions on
 - federal, **II-1:59**
 - Manitoba, **II-1:59**
 - Ontario, **II-1:60**
 - transferability restrictions
 - Alberta, **II-1:64**
 - Saskatchewan, **II-1:65**

INCORPORATION BY REFERENCE

- Separate list or memorandum, gift in accordance with, **V-8:51-V-8:53**

INCUMBENCY CERTIFICATE

- Generally, **II-19:20**

INDEMNIFICATION

- Director, of
 - British Columbia, **II-2:43**
 - by corporation, **II-10:12**
 - resolution approving, **II-10:11**
- E-commerce clause, **X-4:87**
- General clause, **X-33:135**
 - reciprocal, **X-33:136**
- Lease clause, **X-12:18**

INDEMNIFICATION—Cont'd

- S I (Indemnity Agreements), IV (Indemnifier), IX (Indemnity Agreements), X
- Source code escrow, with, **X-25:7**
- Systems acquisitions, for breach of terms, **X-13:49**

INDEMNIFIER

- Commentary, **IV-7:10**
- Generally
 - indemnifier a party, **IV-7:11**
 - indemnifier not a party, **IV-7:12**
- Indemnity agreement
 - construction access and, **IV-9:14**
 - long form, **IV-7:13**
 - short form, **IV-7:14**
- Industrial offer provision, **IV-1:10; IV-1:11**
- Multi-tenanted building offer provision, no form of lease, **IV-1:16**
- Office
 - lease provision, **IV-4:3; IV-4:4**
 - offer provision, **IV-1:8; IV-1:9**
- Retail offer provision, **IV-1:12; IV-1:13**
- Shopping centre lease provision, **IV-3:4**
- Single-tenanted building offer provision
 - no form of lease, **IV-1:15**
 - with form of lease, **IV-1:14**

INDEMNITY AGREEMENTS

- Beer tent operation, **IX-3:90**
- Escrow deposit, **I-18:11**
- Expropriation costs agreement, **IX-10:11**
- General, **IX-3:88; IX-3:89**
- General form, **I-18:9**
- Indemnity bonds
 - See **BONDS**
- Independent legal advice, certificate of, **I-18:10**
- Lost stock certificate
 - surety indemnifying, **I-18:117**
 - surety joining, **I-18:118**
- Municipal law enforcement officer, **IX-6:49**
- Officer or director of company, **I-18:12**
- Parking facility, **IX-3:72**
- Teachers, **IX-3:92**
- Visitors, **IX-3:91**

INDEPENDENT CONTRACTOR

- Consulting, **X-23:11**

INDUSTRIAL AND INTELLECTUAL PROPERTY

See COMPUTERS; COPYRIGHT; INDUSTRIAL DESIGNS;
TRADEMARKS

INDUSTRIAL DESIGNS

Appointment of agent for Canadian application, **I-34:7**
Assignment, **I-34:8**
employee, by, **I-27:40**

INDUSTRIAL PREMISES

Leases
gross lease, **IV-2:4**
multi-tenant, **IV-2:3**
single-tenant, **IV-2:2**
Offers to lease, multi-tenanted building, **IV-1:10; IV-1:11**
Premises, use of, **IV-2:3**

INFANTS

See MINORS
See PERSONS UNDER DISABILITY

INFORMATION CIRCULAR

Board of directors, rotating, **II-12:24**
Directors, cumulative voting for, **II-12:23**
Directors' and officers' questionnaire, **II-12:31**
Dissent rights, extract relating to
Alberta, **II-12:30**
British Columbia, **II-12:29**
federal, **II-12:27**
Ontario, **II-12:28**
Saskatchewan, **II-12:27**
Dissidents', **II-12:63**
statement accompanying, **II-12:65**
General form, **II-12:21**
Restriction of voting shares, **II-12:22**
Special resolution, approval of, **II-12:25**
Stock exchange imposed majority, **II-12:26**

INFORMATION FLOW

Processing correspondence policy, **IX-1:67.50**
Protocol, **IX-1:67**

INFRASTRUCTURE AND REMOTE ACCESS AGREEMENTS

Ground lease and wireless telecommunications agreement, **X-15:18**
Installation agreement, building and rooftop antenna, **X-15:20**
Service agreement, wireless internet, **X-15:19**

INITIAL LETTER TO CLIENT

Generally, **VIII-1:6**

INJUNCTIONS

Breach of employment contract, clause permitting employer to make application, **VII-17:58; VII-17:59; VII-17:62**

Interim

See INTERIM INJUNCTIONS

Interlocutory

commentary, **VIII-14:1**

competing employee, **VIII-14:2-14:9**

nuisance, **VIII-14:13-14:15**

power of sale, **VIII-14:10-14:12**

restrictive covenant

employee, **VIII-14:23-14:26**

sale of business, **VIII-14:19-14:22**

sanctions for failure to comply with

dismiss proceedings, motion to, **VIII-22:78-22:80**

stay, motion to, **VIII-22:75-22:77**

strike defence, motion to, **VIII-22:81-22:83**

trespass, **VIII-14:16-14:18**

undertaking as to damages, **VIII-14:7**

Judgment, permanent, **VIII-18:17**

Mandatory order

interlocutory

affidavit, **VIII-14:29**

commentary, **VIII-14:27**

notice of motion, **VIII-14:28**

order, **VIII-14:30**

permanent judgment, **VIII-18:18**

Mareva

commentary, **VIII-14:31**

restrain disposal of assets in Ontario, motion to, **VIII-14:35-14:37**

restrain removal of assets from Ontario, motion to, **VIII-14:32-14:34**

Prayer for relief

interlocutory, **VIII-4:15**

mandatory, **VIII-4:16**

Mareva, **VIII-4:17**

permanent, **VIII-4:14**

INNOVATION POLICY

Agreement re intellectual property, **X-1:63**

Confidentiality, **X-1:64**

Disclosure form, **X-1:64**

INNOVATION POLICY—Cont'd

- Enterprise applications management, information collection guidelines, **X-1:62**
- Innovation and intellectual property policy, **X-1:60**
 - private healthcare facility, **X-1:6**
- Intellectual property principles, **X-1:59**
- Proposed policy, **X-1:61**
- Public agency, **X-1:60**
- Sample questionnaire and responses, **X-1:61**

INORDINATE DELAY

- Motion to dismiss for, **VIII-16:20-16:22**

INSIDER BID

- See TAKEOVER BIDS, circular bids

INSPECTION OF DOCUMENTS

- Clinical records, **VIII-9:39-9:41**
- Deposit of document, motion for
 - inspect document deposited with registrar, **VIII-9:51-9:53**
 - leave to deposit document with registrar, **VIII-9:48-9:50**
- Divided disclosure, motion for, **VIII-9:45-9:47**
- Employment records, **VIII-9:42-9:44**
- Hospital records, **VIII-9:36-9:38**
- Motion for
 - in possession of subsidiary or affiliated corporation, **VIII-9:31-9:33**
 - inspection of confidential documents, **VIII-9:27-9:30**
- Motion to require production for inspection, **VIII-9:24-9:26**
- Request to inspect, **VIII-9:23**

INSPECTION OF PROPERTY

- Personal property
 - document authenticity, **VIII-11:21-11:24**
 - photography, **VIII-11:11-11:13**
 - physical inspection, **VIII-11:14-11:16**
 - samples, **VIII-11:17-11:20**
- Real property
 - appraisal, access for, **VIII-11:2-11:4**
 - photography, access for, **VIII-11:8-11:10**
 - survey, access for, **VIII-11:5-11:7**

INSTRUCTIONS

- See SETTLEMENT

INSURANCE

- Agent
 - claim for failure to obtain available coverage, **VIII-5:40**

INSURANCE—Cont'd

Agent—Cont'd

claim for failure to obtain sufficient coverage, **VIII-5:41**

Assignment agreement, **II-21:23**

Assignment of policies

See ASSIGNMENT

Authorization of purchase for directors and officers, **II-10:10**

Bonds

See BONDS, fidelity

Clause, **X-33:142**

proof of, **X-13:17; X-33:143**

various risks, **X-13:16**

WSIA coverage, proof of, **X-13:18**

Construction

See BUILDING CONTRACTS

Costs, landlord, **IV-2:2; IV-2:3, 5.5; IV-3:2; IV-4:2**

Declaration as to coverage, **VIII-5:42**

Disability proceeds, claim for, **VIII-5:39**

Fire proceeds, claim for, **VIII-5:38**

Government procurement provision, **X-6:25**

Increase of landlord premiums

cart lease, **IV-3:7**

industrial, **IV-2:2; IV-2:3**

kiosk lease, **IV-3:7**

office, **IV-4:2; IV-4:4**

pad, **IV-3:5; IV-3:6**

residential, **IV-8:12-IV-8:15; IV-8:47**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

veterinary clinic/hospital, **IV-10:6**

Increase of landlords' premiums

office, **IV-4:2-IV-4:4**

Indemnity by tenant

office, **IV-4:3**

Landlord's insurance

cart lease, **IV-3:7**

gross lease, **IV-2:4**

industrial, **IV-2:2; IV-2:3**

kiosk lease, **IV-3:7**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

residential, **IV-8:41**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

INSURANCE—Cont'd

Landlord's insurance—Cont'd

veterinary clinic/hospital, **IV-10:6**

Leases, **I-26:20**

Life

See LIFE INSURANCE

Mutual release

industrial, **IV-2:2; IV-2:3**

office, **IV-4:2**

retail, **IV-3:2; IV-3:3; 3:4**

Mutual release of landlord and tenant

office, **IV-4:3; IV-4:4**

Non-liability of landlord, **IV-3:4**

Partners to obtain mutually, **I-45:55**

Release

landlord, of, **IV-3:5; IV-3:6; IV-4:3; IV-4:4; IV-10:3**

mutual

See mutual release, *supra*

See Mutual release, *supra*

tenant, of, **IV-3:5; IV-3:6**

Resolution re, securities dealer registration, **II-31:10**

Seller to obtain, **I-54:16**

Shareholders' agreement provision, **II-13:17**

S I, IV, V (Insurance Declarations), VIII

Tenant indemnity

cart lease, **IV-3:7**

gross lease, **IV-2:4**

ground, **IV-10:2**

industrial, **IV-2:2; IV-2:3**

kiosk lease, **IV-3:7**

leaseback, **IV-10:3**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

veterinary clinic/hospital, **IV-10:6**

Tenant's insurance

landlord may place, **IV-3:5; IV-3:6**

lease provisions

cart lease, **IV-3:7**

gross lease, **IV-2:4**

ground, **IV-10:2**

industrial, **IV-2:2; IV-2:3**

kiosk lease, **IV-3:7**

INSURANCE—Cont'd

Tenant's insurance—Cont'd

lease provisions—Cont'd

leaseback, **IV-10:3**

medical building, **IV-10:5**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

residential, **IV-8:12-IV-8:15**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

veterinary clinic/hospital, **IV-10:6**

offer provision, multi-tenanted building, no form of lease, **IV-1:16**

Transportation of goods

See INTERNATIONAL TRANSACTIONS, direct export sales

Trustee, **IV-10:2**

INSURANCE, EMPLOYMENT

See EMPLOYMENT INSURANCE

INSURANCE DECLARATIONS

Beneficiary designation, **V-7:20**

Dividing insurance payable

specified sum, gift over of remainder, **V-7:15.50**

two equal portions, **V-7:15.30**

Election of settlement option, **V-7:25**

Expression of intentions, designations

legal and beneficial title, **V-7:2.10**

affidavit, **V-7:2.40**

legal title only, **V-7:2.25**

affidavit, **V-7:2.55**

Family income to spouse, **V-7:26**

General form, **V-7:20; V-40:2**

Income policies excepted, **V-7:21**

Life insurance proceeds, **V-7:18**

Lump sum, **V-7:23**

Power to effect settlement, **V-7:28**

Revocation of earlier provisions, **V-7:22**

Spouse predeceasing testator, **V-7:23**

Spouse surviving testator less than thirty days, **V-7:24**

Trust of proceeds, **V-7:18**

Will, inclusion in, **V-7:27; V-40:3; 40:4-40:5**

INSURANCE TRUSTS

Recitals and schedule, **V-43:10**

Will clause, **V-7:17**

INTEGRITY COMMISSIONER

By-law, **IX-1:46**

INTELLECTUAL PROPERTY

See **COMPUTERS; COPYRIGHT; INDUSTRIAL DESIGNS; DIGITAL MEDIA; PATENTS; TRADEMARKS**

INTELLECTUAL PROPERTY ASSETS

See also **CONFIDENTIALITY AGREEMENTS; NON-DISCLOSURE AGREEMENTS**

Asset purchase

See **ASSET PURCHASE**

Checklist, **X-1:1; X-1:1.50**

legal due diligence, **X-1:1.70**

Confidential information

contractual obligations, and, **X-1:20**

definition of, **X-1:8; X-1:9**

innovation disclosure form, **X-1:64**

obligations regarding, and, **X-1:18**

recital regarding, **X-1:23**

return of, **X-2:10**

statement of, **X-1:19**

Confidentiality

definition of, **X-1:11**

medical records, disclosure prohibitions, **X-1:10**

obligations, **X-1:17; X-1:19**

Confidential materials, definition of, **X-1:12**

Copyright

acknowledgments, **X-1:22**

assignment of, **X-1:33-X-1:35**

compilation, content copyrighted as, **X-4:98**

content

compilation, copyrighted as, **X-4:98**

separately, copyrighted as, **X-4:98**

warranty, **X-4:97**

division of rights, **X-4:95**

information, **X-4:104**

infringement, notices of (US form), **X-1:55**

infringement claims, **X-4:96**

infringing site content, **X-1:16**

licensed materials, **X-4:94**

notice, **X-4:99**

notice and procedure, **X-8:154**

other rights, and, **X-4:103**

ownership of, **X-4:109**

INTELLECTUAL PROPERTY ASSETS—Cont'd

Copyright—Cont'd

- pending of, notice, **X-4:108**
- permissions, **X-4:106**
 - obtaining, **X-4:107**
- protections, **X-4:272**
- publications, **X-1:36**
- reservation of rights, **X-1:22; X-4:93**
- software-related IP rights, confirmatory assignment, **X-1:35.50**
- statements, **X-4:92**
- subcontractor/subcontractor's employees, assignment by, **X-1:35**
- third party permission to use on website, **X-4:198**
- use of material, **X-4:110**
- warranty of content, **X-4:97**
- website, protection of, **X-4:276; X-4:280**

Data protection agreement, **X-1:7**

Definition, **X-33:457**

Disclaimer, **X-4:75**

Employee proprietary information and inventions agreement, **X-1:58**

Innovation and intellectual property policy (private healthcare facility), **X-1:6**

Master intellectual property assignment agreement, **X-1:38**

Moral rights, waiver of

- consultant, by, **X-1:31**
- corporation, by, **X-1:33**
- creator, by, **X-1:28**
- creator's, by, **X-1:29**
- customer, by, **X-1:30**
- employee, by, **X-1:32**
- individual, by, **X-1:34**

Notices, **X-4:105**

Organizational intellectual property

See INNOVATION POLICY

Ownership rights

- acknowledgment of, **X-1:42**
- American, **X-1:21**
- between client and service provider, **X-1:18.50**
- covenants of, **X-1:39**
- notice, **X-4:109**
- pre-existing deliverables, **X-1:43**
- residuals
 - information, **X-1:49**
 - “residuals” and limited authorization re future use, **X-1:48**
 - retention and use, **X-1:50**
- restrictions relating to, **X-1:44**

INTELLECTUAL PROPERTY ASSETS—Cont'd

- Ownership rights—Cont'd
 - searched or retrieved documents, **X-1:45**
 - software and data, in, **X-1:41**
 - third-party components, **X-1:46**
 - website, **X-4:275**
- Patent rights assignment, **X-6:23**
- Pending, notice of, **X-4:108**
- Permission to use, **X-4:106; X-4:107**
- Policy statement, **X-1:2; X-1:3**
- Portal agreement provision, **X-4:121**
- Preservation of, **X-4:61**
- Proprietary elements, definition and ownership of, **X-4:273**
- Proprietary markings, software, **X-8:99**
- Proprietary rights
 - agreement (consultant), **X-2:30**
 - definition of, **X-1:13; X-1:14**
 - licensee, of, **X-1:27**
 - software supplier, of, **X-1:26**
 - statement, website, **X-1:15**
- Publications
 - permission to reproduce, **X-1:37**
 - restrictions on, **X-1:36**
- Releases
 - parental, **X-1:53**
 - service provider, work order request, **X-1:54**
 - student, **X-1:52**
- Representations and warranties, **X-1:51; X-30:6**
- Residuals
 - definition, **X-1:47**
 - information, **X-1:49**
 - retention and use, **X-1:50**
- Software rights, **X-8:112**
- Sublicence agreement, geographical limitations, **X-1:28**
- Submissions not to infringe intellectual property rights, **X-4:234**
- Technology assignment, **X-31:7**
- Trade mark
 - acknowledgments, **X-1:22**
 - copyright information, and, **X-4:103**
 - licence, **X-1:40; X-4:101; X-6:24**
 - notice, **X-4:105**
 - ownership notice, **X-4:109**
 - ownership provision, **X-1:25**
 - pending, notice of, **X-4:108**

INTELLECTUAL PROPERTY ASSETS—Cont'd

Trade mark—Cont'd

permission to use, **X-4:106**

obtaining, **X-4:107**

reciprocal rights, **X-4:102**

reservation of rights, **X-1:22**

usage policy, **X-4:100**

use of, **X-4:110**

trademark and associated intellectual property policy, **X-1:25**

Trade secret protection agreement, **X-1:4**

INTELLIGENT COMMUNITIES

Checklist, free public wi-fi network, smart city contract, **X-18:2**

Checklist, master services agreement, **X-18:1.70**

Commentary, **X-18:1**

Fibre optic communications system, granting and usage agreement, **X-18:4**

Intelligent cities living model, memorandum of agreement, **X-18:3**

Smart city, definition, **X-18:3.50**

Terms and conditions for incorporation into service agreements, **X-18:1.30**

INTEREST

Agreement, prayer for relief, **VIII-4:28**

General form, **VIII-4:2**

Judgment, **VIII-18:33**

Motion for default judgment, registrar uncertain about interest, **VIII-7:24-7:28**

INTEREST ARBITRATION

Administration of legislation

Alberta, **VII-13:22**

federal, **VII-13:2**

Manitoba, **VII-13:23**

Nova Scotia, **VII-13:31**

Ontario, **VII-13:9**

Saskatchewan, **VII-13:30**

Application to change the applicable dispute resolution process, **VII-13:8.70**

Appointment of board or arbitrator

Manitoba

letter proposing arbitrator, **VII-13:26**

reply, **VII-13:27**

letter regarding appointment, **VII-13:29**

request to Minister to appoint arbitrator, **VII-13:28**

Nova Scotia, **VII-13:31**

application, **VII-13:37**

letter proposing, **VII-13:34**

reply, **VII-13:35**

INTEREST ARBITRATION—Cont'd

Appointment of board or arbitrator—Cont'd

Nova Scotia, **VII-13:31**—Cont'd

letter to arbitrator, **VII-13:37**

notice to party to appoint, **VII-13:36**

Ontario

letter proposing arbitrator, sample, **VII-13:12**

reply, **VII-13:13**

notice to arbitrate, sample, **VII-13:10**

reply, **VII-13:11**

sample letter to arbitrator, **VII-13:15**

sample request to Minister/Tribunal to appoint, **VII-13:14**

Award enforcement

See enforcement, *infra*

See Enforcement, *infra*

Choice of dispute resolution process, **VII-13:8.30**

Conciliation, requests for, **VII-13:7**

response re, **VII-13:8**

Dispute resolution process

application to change applicable process, federal, **VII-13:8.70**

choice of process, federal, **VII-13:8.30**

request for arbitration, federal, **VII-13:3**

Enforcement

Manitoba, **VII-13:23**

Nova Scotia, **VII-13:31**

notice of application, chambers, **VII-13:39**

Ontario, **VII-13:9**

Fire Departments Act award, **VII-13:19**

Police Services Act award, **VII-13:20**

Interim award, Ontario, **VII-13:9**

sample letter request for, **VII-13:16**

Judicial review

British Columbia, **VII-13:21**

Manitoba, **VII-13:23**

Nova Scotia, **VII-13:31**

Ontario, **VII-13:9**

Saskatchewan, **VII-13:30**

Legislation

Alberta, **VII-13:22**

British Columbia, **VII-13:21**

federal, **VII-13:2**

Manitoba, **VII-13:23**

Nova Scotia, **VII-13:31**

Ontario, **VII-13:9**

INTEREST ARBITRATION—Cont'd

Legislation—Cont'd

Saskatchewan, **VII-13:30**

Ontario

appointment of conciliation officer, request for, **VII-13:17**

arbitrator, request for appointment of, **VII-13:18**

hearing date, letter to arbitrator, **VII-13:15**

Procedure, Alberta, **VII-13:22**

compulsory

Labour Relations Code, **VII-13:22**

Police Officers Collective Bargaining Act, **VII-13:22**

voluntary

Labour Relations Code, **VII-13:22**

Request for

federal, **VII-13:4**

applicant's response concerning a request for arbitration of additional matters, **VII-13:5**

choice of dispute resolution process, **VII-13:3**

proposal concerning a request for arbitration of additional matters, **VII-13:6**

Manitoba, **VII-13:23**

notice to arbitrate, **VII-13:24**

reply, **VII-13:25**

Ontario, **VII-13:9; VII-13:14**

notice to arbitrate, **VII-13:10**

reply, **VII-13:11**

Submit for arbitration, agreement to, Nova Scotia, **VII-13:32**

reply, **VII-13:31**

INTERIM INJUNCTIONS

British Columbia, **VII-15:22**

affidavit, **VII-15:28**

application response, **VII-15:29**

notice of application, **VII-15:27**

notice of civil claim, **VII-15:25**

response to civil claim, **VII-15:26**

Manitoba, **VII-15:34**

motion for, **VII-15:37**

unfair labour practice, **VII-15:38**

Ontario, **VII-15:10**

affidavit, **VII-15:20**

notice of motion, **VII-15:19**

order, **VII-15:21**

Saskatchewan, **VII-15:39**

INTERIM PRESERVATION OF PERSONAL PROPERTY

- Anton Piller
 - See ANTON PILLER ORDER
- Motion for, **VIII-14:85-14:87**
- Recover property held as security, motion for, **VIII-14:95-14:97**
- Sale, motion for
 - commentary, **VIII-14:88**
 - motion, **VIII-14:88-14:91**
- Specific fund, motion concerning, **VIII-14:92-14:94**

INTERIM RECOVERY OF PERSONAL PROPERTY

- Obtain, motion to
 - affidavit, **VIII-14:62**
 - bond, **VIII-14:64**
 - commentary, **VIII-14:60**
 - form of, **VIII-14:61**
 - order, **VIII-14:63**
- Release security motion to
 - affidavit, **VIII-14:73**
 - consent, **VIII-14:75**
 - form of, **VIII-14:72**
 - order, **VIII-14:74**
- Seize other property, motion to, **VIII-14:68-14:71**
- Set aside, motion to, **VIII-14:65-14:67**

INTERJURISDICTIONAL SUPPORT ISSUES

- Application
 - respondent's answer, **VI-18:21**
 - support, **VI-8:13**
 - support, variation of, **VI-18:8**
- Child support, request to pay, different than Child Support Guidelines Table, **VI-18:16**
- Child support claim, **VI-18:12**
- Child support order, request for, different than Child Support Guidelines Table, **VI-18:14**
- Direction, request for further information, **VI-18:4**
- Enforcement, request for, **VI-18:22**
- Evidence, notice for taking further, **VI-18:7**
- Financial statements, **VI-18:18**
 - child status and, **VI-18:19**
- Hearing
 - continuation of, notice, **VI-18:5**
 - notice of, **VI-18:2**
- Identification information, **VI-18:9**
- Information sheet, **VI-18:3**

INTERJURISDICTIONAL SUPPORT ISSUES—Cont'd

Notice

continuation of hearing, **VI-18:5**

hearing, **VI-18:2**

registration of order, **VI-18:6**

Parentage

declaration in support, **VI-18:11**

evidence of, **VI-18:10**

Special expense claim, **VI-18:15**

Support for claimant/applicant, **VI-18:17**

Support order

request for, respondent not providing financial information, **VI-18:13**

variation, evidence, **VI-18:20**

INTERLOCUTORY APPEALS

Confirmation form, **VIII-28:5**

Divisional Court to Court of Appeal

checklist

appellant, **VIII-28:16**

respondent, **VIII-28:17**

commentary, **VIII-28:15**

notice

appeal of, **VIII-28:20**

motion, of, for leave, **VIII-28:18**

order, **VIII-28:21**

granting leave, **VIII-28:19**

Judge to Divisional Court

checklist

appellant, **VIII-28:9**

respondent, **VIII-28:10**

commentary, **VIII-28:8**

notice

appeal of, **VIII-28:13**

motion, of, for leave, **VIII-28:11**

order, **VIII-28:14**

granting leave, **VIII-28:12**

Landlord and tenant board to Divisional Court

notice of appeal, **VIII-28:14.50**

Master to judge

checklist

appellant, **VIII-28:3**

respondent, **VIII-28:4**

commentary, **VIII-28:2**

confirmation form, **VIII-28:5**

Form A, **VIII-28:5**

INTERLOCUTORY APPEALS—Cont'd

Master to judge—Cont'd
notice of appeal, **VIII-28:6**
order, **VIII-28:7**

INTERNATIONAL TRANSACTIONS

Agency agreement, **I-35:63**
appointed by buyer, **I-35:65**
appointed by principal, **I-35:64**
Client information form, new, **I-35:5**
Consortium agreement, **I-35:82; I-36:11**
Direct export sales
acknowledgment of order, **I-35:9**
bill of lading, **I-35:15**
conditions of sale
consumer products, **I-35:10**
heavy equipment, **I-35:11**
demand draft against letter of credit, **I-35:41**
documentary credit, **I-35:45**
export sales agreement
long form, **I-35:13**
short form, **I-35:12**
financing
See financing, *infra*
See Financing, *infra*
insurance
cargo clauses, **I-35:16-I-35:18**
air, excluding sendings by post, **I-35:19**
classification clause, **I-35:33**
container clauses, **I-35:20**
extension clauses
frozen/chilled food, **I-35:29.50**
frozen/chilled meat, **I-35:31.30**
frozen food clauses, excluding frozen meat, **I-35:30; I-35:31**
frozen meat clauses, **I-35:32**
radioactive contamination clause, **I-35:34**
strikes clauses
air cargo, **I-35:25**
cargo, **I-35:24**
frozen food, excluding frozen meat, **I-35:26**
frozen meat, **I-35:27; 35:31.70**
Timber Trade Federation, **I-35:28**
Timber Trade Federation clauses, **I-35:29**
time, **I-35:20.50**

INTERNATIONAL TRANSACTIONS—Cont'd

Direct export sales—Cont'd

insurance—Cont'd

war clauses

air cargo, excluding sendings by post, **I-35:23**

cargo, **I-35:21**

sendings by post, **I-35:22**

quotation, **I-35:8**

sales agreement, **I-35:12; I-35:13**

standard time draft, **I-35:40**

Distribution agreement

exclusive, **I-35:65**

non-exclusive, **I-35:70**

export and import controls

Export and Import Permits Act, **I-35:38**

permit, application for, **I-35:38**

cancellation request, **I-35:40**

general declaration, **I-35:39**

Financing

drafts

demand draft against letter of credit, **I-35:44**

sight draft, **I-35:48**

standard time draft, **I-35:43**

letter of credit, **I-35:46**

assignment of, **I-35:52**

ongoing payment obligations, for, **I-35:53**

proceeds of, **I-35:54**

confirmed advice of, **I-35:55**

documentary credit, **I-35:45**

amendment to, **I-35:51; I-37:7**

irrevocable, **I-35:49**

guarantee, **I-35:60**

irrevocable credit, notification of, **I-35:50**

promissory note, **I-35:58**

demand, **I-35:59**

standby, **I-35:47**

transfer, advice of, **I-35:56**

ongoing payment obligations, for, **I-35:57**

Joint ventures

see also **JOINT VENTURES**

contractual agreement, **I-35:80**

assignment of interest to third party, **I-35:83**

outsourcing, **I-35:85**

outsourcing agreement, **I-35:85**

INTERNATIONAL TRANSACTIONS—Cont'd

- Joint ventures—Cont'd
 - contractual agreement, **I-35:80**—Cont'd
 - termination of, **I-35:84**
 - equity agreement, **I-35:81**
 - letter of intent
 - binding, **I-35:78**
 - non-binding, **I-35:79**
 - term sheet
 - non-binding, equity joint venture, **I-35:79.50**
- Licensing
 - agreement, **I-35:73**
 - non-disclosure agreement, **I-35:73**
 - technology transfer agreement, **I-35:75; I-35:76**
- Marketing
 - See agency agreement, *supra*; distribution agreement, *supra*
 - See Agency agreement, *supra*; distribution agreement, *supra*
- Non-disclosure agreement, **I-35:73**
- Retainer agreement, **I-35:4**
- Sales representation agreement, **I-35:66**
- Transportation of goods
 - bill of lading, **I-35:15**
 - insurance
 - See direct export sales, *supra*
 - See Direct export sales, *supra*
- Value-added reseller agreement, **I-23:392**

INTERNET

- See also COMPUTERS
- See also E-COMMERCE; WORLD WIDE WEB
- Access agreement, **I-23:145**
- Advertising
 - agreement, **I-2:26**
 - web link, **I-2:27**
 - rights, definition, **I-23:295**
- Applicable laws, **I-23:146**
- Chat rooms
 - conditions of participation, **X-4:226**
 - message content, **X-4:227**
 - prohibition, **X-4:223**
- Co-location agreement, **I-23:150; X-4:197**
- Conduct online, **X-4:235; X-4:281**
- Copyright infringement, **X-4:99**
- Copyright permission of third party, **X-4:198**
- Credentialed brokerage services, **X-4:192**

INTERNET—Cont'd

- Development agreement, website, **I-23:138; I-23:139**
- Directory data, prohibitions on use, **I-23:146**
- Disclaimer
 - See **COMPUTERS**
- E-mail
 - addresses and passwords, service provider's termination rights, **X-4:178**
 - communications not privileged, **X-4:224**
 - conditions of participation, **X-4:226**
 - ethical marketing practices, **X-4:228**
 - notice by, **X-33:165**
 - right to paste online documents onto, **X-4:298**
 - right to restrict unsolicited mailing, **X-4:225**
- End-user licence agreement, **I-23:153**
- EULA, right to modify, **X-4:189**
- Guest access terms of use, **X-4:126**
- Hosting agreement, **I-23:98**
 - services, **I-23:141.50; 23:142; 23:142.30; 23:142.50**
 - virtual, **I-23:141**
- Intellectual property protections
 - content warranty (synchronizing and uploading), **I-23:126**
 - copyright
 - compilation, of, **I-23:125**
 - division of rights, **I-23:123**
 - individual content, of, **I-23:125**
 - licence, **I-23:128**
 - licensed materials, **I-23:122**
 - reservation of rights, **I-23:121**
 - statement, **I-23:120**
 - trademark notice, and, **I-23:130**
 - licensed materials, **I-23:122**
 - permissions, **I-23:131**
 - reservation of rights, **I-23:121**
 - trademark
 - copyright and trade mark notice, **I-23:130**
 - reciprocal rights to use of, **I-23:129**
 - usage policy, **I-23:127**
- Internet service provider subscriber agreement terms, conditions and billing policies, **X-4:177.30**
- Licence agreement, downloaded software, **I-23:101**
- Linking agreement, **I-23:132**
 - See **LINKING AGREEMENTS**
 - brief statement, **I-23:134**
 - content, and, **I-23:154**

INTERNET—Cont'd

- Linking agreement, **I-23:132**—Cont'd
 - interim, **I-23:135**
 - organization and its members, between, **I-23:136**
 - simple form, **I-23:133**
- Links to other sites, **X-4:129; X-4:131; X-4:132**
- Links to third party sites, **X-4:130**
- Penetration testing services, schedule to customer terms, **X-4:196.50**
- Personal information
 - definition and use of, **I-23:159**
 - policy, **I-23:161**
 - use of, **I-23:163**
- Portal services agreement, **I-23:137**
- Privacy policy, **I-23:160**
 - security and, **I-23:164; I-23:165**
 - service provider's statement, **I-23:162**
- Production video on demand agreement, **I-57:6**
- Restricted activities, **X-4:190**
- Search engines, submission to, **X-4:277**
- Security
 - credit card information, **I-23:166**
 - email communications, **I-23:167**
 - privacy policy, and, **I-23:164; I-23:165**
 - third party software and virus protection, **I-23:168**
- Service agreement, **X-24:13**
 - infrastructure installation, and, **X-4:196**
- Service level agreement, **I-23:149; X-4:195**
- Services and co-location agreement, **I-23:296.50**
- Service usage guide, **X-4:180.50**
- Subscription agreement, **I-23:143**
 - acceptable use policy, **I-23:144**
- Terms and conditions of service, high-speed internet access, **X-4:179**
- Terms of service, **I-23:97**
- Terms of service, automatic renewal subscription, subscription plans for families (optional), **X-4:177.50**
- Terms of service, customer access (electronic publications), **X-4:180**
- Terms of service, merchant's checkout, **X-4:176.50**
- Terms of use, **I-23:155; I-23:156**
- Usage policy
 - content, **I-23:154**
 - general, **I-23:155; I-23:156**
 - public agency, **I-23:157**
- Use of services
 - prohibition on, **X-4:177**

INTERNET—Cont'd

User agreement, **X-4:170; X-4:188; X-4:188.30; X-4:188.35; X-4:188.50; X-4:188.70**

Website

advertising agreement, **I-2:26**

development agreement, **I-23:138**

service, and, **I-23:139**

hosting agreement, **I-23:140; I-23:141**

services, **I-23:142**

linking agreement between organization and its members, **I-23:136**

links to other sites, advertising agreement, **I-2:27**

terms of use, **I-23:155; I-23:156**

third party content, incorporation of

letter, **I-23:151**

licensing alliance, **I-23:152**

writer's agreement, **I-12:15-I-12:17**

Website, access to

acceptance of terms, **X-4:176**

access agreement, **X-4:172**

accessibility and use for procuring specified services, **X-4:197.80**

activation of site, terms and conditions, **X-4:182**

applicable laws, **X-4:184**

attorney advertising disclaimer, **X-4:191**

member's conduct, **X-4:174**

ownership rights in materials, **X-4:185**

policy statement, **X-4:181**

portal agreement

content, licensing and intellectual property provisions, **X-4:121**

services agreement, **X-4:121**

public access terms and conditions, **X-4:172**

subscription agreement, **X-4:164**

Internet access services, **X-4:165**

reblogging restrictions, **X-4:229**

terms and conditions, **X-4:177; X-4:193**

use policy, and, **X-4:166**

terms and conditions (international e-commerce), **X-4:197.80**

usage, **X-4:183**

communication services, **X-4:230**

service provider's rules of, **X-4:186**

user agreement, **X-4:169; X-4:187**

Website terms of use

control of personal, company and associated public data, **X-4:197.70**

copyright and intellectual property policy, **X-4:197.50**

INTERNET—Cont'd

- Wi-fi and internet access points, terms and conditions of use, **I-23:186**
 - city facilities, **I-23:182**
 - city library, **I-23:182**
 - conference centre, **I-23:186**
 - public usage, **I-23:186**
 - shopping centre, **I-23:191; I-23:192**
 - third party provided, **I-23:186**
 - transit authority - wi-fi terms of service, **I-23:182**

INTERNET ACCESS POINTS

- Commercially furnished, **X-16:6**
 - end user agreement, conference centre, **X-16:6, 16:7**
 - terms and conditions of use, shopping centre, **X-16:8**
 - third party WiFi (limited access), **X-16:11**
 - WiFi guest account (lounge), **X-16:9**
 - WiFi service (public usage terms and conditions), **X-16:13**
 - WiFi terms (hotel), **X-16:18**
 - WiFi terms (restaurant), **X-16:19**
 - WiFi terms of service (store), **X-16:10**
 - WiFi terms of use, **X-16:16**
 - WiFi terms of use, market centre guest network, **X-16:17**
 - wireless/highspeed internet connection, **X-16:12**
- Publicly furnished, **X-16:1**
 - access policy, library, **X-16:4**
 - terms and conditions of use
 - city facilities, **X-16:2**
 - city library, **X-16:1**
 - hospital, **X-16:3**
 - public facility, **X-16:15**
 - wifi terms of service, transit authority, **X-16:5**
- Smart City (Provision of Wireless Services), **X-33:217.30**

INTERPLEADER

- Application for, no proceeding commenced, **VIII-14:54-14:56**
- Commentary, **VIII-14:53**
- Motion for, **VIII-14:57-14:59**

INTERPRETATION

- Contra proferentem rule not applicable, **X-33:176**
- Neutral construction, **X-33:178**
- Order, **X-33:179**
- Order of precedence, **X-33:180.50**

INTERVENOR

- Appeal proceedings, motion for leave to intervene, **VIII-28:85-28:88**

INTERVENOR—Cont'd

Costs order, **VIII-23:54**

INTER VIVOS GIFTS

See GIFTS

INTER VIVOS TRUSTS

Accumulation period, **V-42:3; V-42:7**

Acknowledgment of trust for several beneficiaries, **V-42:17**

Adding to trust fund, **V-42:3-V-42:5**

Additional trustee

 deed of appointment by settlor, **V-42:25**

 power to appoint, **V-42:3-V-42:5; V-42:11; V-43:16**

Advances to beneficiaries, raising capital for, **V-43:25**

Alter ego trust, **V-42:10**

Amendments, **V-43:15**

Appointment of new trustees, **V-43:16**

Approval of accounts

 bookkeeping and accounting, **V-43:51**

 court by, **V-43:50**

 individual, by, **V-43:49**

Bare trust, declaration of, **V-42:16**

Basic form, **V-42:2**

Beneficiaries

 acknowledgment of trust for, **V-42:17**

 advances to, **V-43:25**

 encroachment for, **V-42:3**

 residence trust for successive, **V-42:13**

 termination of trust by, power, **V-43:25**

Bookkeeping and accounting, **V-43:51**

Borrowing power, **V-43:24**

Capital gains, distribution of deemed, **V-43:12**

Cash balances, power of corporate trustee to hold, **V-43:20**

Changes in trusteeship, notice of, **V-42:24**

Charitable trusts

 charitable remainder trust, **V-42:21**

 creation of, **V-42:19**

 foundation to only transfer to other charities, **V-42:20**

Children, provision for at certain ages

 form of agreement, **V-42:6**

Classification of trusts, **V-42:6**

Corporate trustee

 agent, as, power to appoint, **V-43:27**

 appointment by individual trustees, **V-43:26**

 cash balances, power to hold, **V-43:20**

INTER VIVOS TRUSTS—Cont'd

Corporate trustee—Cont'd

remuneration, **V-43:39**Death taxes, directions for payment, **V-43:8**Declaration of trust, **V-42:16**terms of informal trust, **V-42:18**

Deed of

acknowledgment of trust, **V-42:17**amendment, **V-42:27**gift of personal items to trustees, **V-42:34**replacement of trustee, **V-42:25**retirement of trustee, **V-42:26**termination, **V-42:31**Deemed capital gains, distribution of, **V-43:12**Depletion reserves, **V-43:13**Depreciation reserves, **V-43:13**Directors' fees, right of trustees to receive, **V-43:43**Disability expense trust, **V-42:14**

Disabled person

definition of, **V-43:18**trust for, **V-37:2; V-42:14**

Discretionary trust

family, **V-42:3-V-42:6**primary and secondary beneficiary classes, **V-42:7**Encroachment on capital, resolution, **V-42:30**Exclusion of persons born outside marriage, **V-43:14**

Exoneration of trustees

general, **V-43:44**insurance policies, validity of, **V-43:47**investments, losses on, **V-43:45**majority decision, **V-43:48**

Family trusts

discretionary, **V-42:3**division of capital amongst issue, **V-42:6**Manitoba, **V-42:4**Ontario, **V-42:3**primary and secondary classes, **V-42:7**provinces with no Accumulations Act but with rule against perpetuities,
V-42:5Saskatchewan, **V-42:4**exoneration of trustees, **V-43:46**spousal, **V-42:8**Income distribution, resolution, **V-42:29**

INTER VIVOS TRUSTS—Cont'd

Insurance trust

See INSURANCE TRUSTS

Interpretation, **V-43:2**

Investment

at trustees' discretion, **V-42:3-V-42:5**

exoneration of trustees for losses, **V-43:45; V-43:46**

Joint partner trust, **V-42:11**

Life insurance

powers of trustees to acquire, **V-42:3-V-42:5**

terminate, power to, **V-43:32**

trust, recitals and schedule for, **V-43:10**

validity of, **V-43:47**

Liquidation of property, trust for, **V-43:3**

Minors, **V-42:3-V-42:5**

New trustees, appointment of, **V-43:16**

Non-resident trust

form of agreement, **V-42:12**

Persons born outside marriage, exclusion of, **V-43:14**

Power of appointment of trust fund, **V-43:6**

exercise of, **V-42:32**

release of, **V-42:33**

Powers of trustees

advances, raising capital for, **V-43:25**

agent, appointment of, **V-43:27**

appoint corporate trustee, **V-43:26**

business

carrying on of, **V-43:21**

disposal of, **V-43:22**

capital

determination of capital and income, **V-43:31**

raising of for advances, **V-43:25**

special power of appointment over, **V-42:11**

corporate reorganizations, to join, **V-43:34**

corporate trustees

agent, to act as, **V-43:27**

appointment of, **V-43:26**

cash balances, holding of, **V-43:20**

deduct remuneration from trust fund, **V-43:40**

division, to make, **V-43:30**

elections, to make, **V-43:28; V-43:29**

grant voting rights in shares, **V-43:23**

hold cash balances, **V-43:20**

investment, **V-42:3-V-42:5; V-43:19**

INTER VIVOS TRUSTS—Cont'd

Powers of trustees—Cont'd

- joint ventures, joining of, **V-43:35**
- life insurance
 - acquisition of, **V-42:3-V-42:5**
 - termination of, **V-43:32**
- partnerships, joining of, **V-43:35**
- professional fees, right to receive, **V-43:42**
- property in trust fund, disposal of, **V-42:3-V-42:5**
- raise capital for advances, **V-43:25**
- re-freeze, participation in, **V-43:33**
- specie distributions, **V-42:3-V-42:5**
- taxation, to deal with, **V-43:36**
- voting rights, **V-43:23**
- voting trust agreement, entering into, **V-43:37**

Protective trust, **V-43:11**Re-freeze, power to participate in, **V-43:33**Release of power of appointment, **V-42:33**

Remuneration of trustees

- corporate trustee, **V-43:39**
- deduction from fund, **V-43:40**
- general form, **V-43:38**
- professional fees
 - additional to, **V-43:41**
 - right to receive, **V-43:42**

Replacement of trustee, **V-42:25; V-43:17**

Reserving benefits to settlor

- revocable trust, **V-42:9**
- specifically excluded, **V-43:9**

Resignation of trustee

- acknowledgment of, **V-42:23**
- deed of, **V-42:22**

Resolution

- capital, to encroach on, **V-42:30**
- income, to distribute, **V-42:29**

Restated trust deed, recitals for, **V-42:28**Retirement of trustee, **V-42:26**Revocable trust, **V-42:9**Settlor excluded from trust, **V-43:9**Specie distribution by trustees, **V-42:3-V-42:5; V-42:11**

“Spill-over”

- trust, **V-43:5**

Spousal trust, **V-42:8**

INTER VIVOS TRUSTS—Cont'd

- Spouse and children
 - See family trusts, *supra*
 - See Family trusts, *supra*
- Termination of trust
 - deed of, **V-42:31**
 - power of beneficiaries, **V-43:7**
- Transfer of trust fund to another trust, **V-43:5**
- Trust company
 - See corporate trustee, *supra*
 - See Corporate trustee, *supra*
- Unitrust
 - clause to set up, **V-43:4**
- Uses, of, **V-41:4**
- Voting trust
 - clause for, **V-43:23**
 - power to enter into agreement, **V-43:37**

INVESTMENT ADVISOR AGREEMENTS

- Mutual fund, **II-26:6**

INVESTMENT FUND MANAGERS

- See DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS, REGISTRATION OF

INVESTMENTS

- See also INTER VIVOS TRUSTS
- Call loans, power to continue, **V-23:19**
- Common funds, power to invest in, **V-23:18**
- Inter vivos trusts, **V-42:3-V-42:5**
- Investment clause, **V-23:3**
- Investment counsel
 - direction to retain specific firm, **V-23:25**
 - power to retain, **V-23:2**
 - terminate, and, **V-23:3**
- Investment trusts, power to invest in, **V-23:17**
- Joint ventures, power to join, **V-43:37**
- Life insurance, power to invest in, **V-23:16**
- Limitations on permitted securities
 - government securities only, **V-23:9**
 - none provided, **V-23:2; V-23:4**
 - particular first mortgages and certain government bonds, **V-23:10**
 - trustee and life insurance company investments, **V-23:11**
 - trustee investments only, **V-23:7; V-23:8**
 - trustee investments only except for bonds and debentures of particular company, **V-23:12**

INVESTMENTS—Cont'd

- Mutual funds, power to invest in, **V-23:17**
- Partnerships, power to join, **V-43:35**
- Power to invest
 - delegation of, **V-23:26**
 - general, **V-31:34**
 - trust fund administered by corporate trustee of estate, **V-23:14**
- Power to retain and reinvest in non-trustee investments, **V-23:13**
- Power to retain assets as investments, **V-31:36**
- Power to sell, dispose or retain, **V-23:6**
- Prohibition on securities in which trustees have interest, **V-23:15**
- Real property, power to purchase at foreclosure and tax sales and hold as investment, **V-23:22**
- Securities, dividends affecting cost base, **V-23:20**
- Son to control investment of one-half of his share, **V-23:24**
- Stock options, power to take up and retain shares, **V-23:21**
- Transfer of assets as investment for trust in will, power of trustees, **V-23:23**
- Trustees' discretion
 - delegation of authority, **V-23:26**
 - unlimited, **V-23:2; V-23:4**
 - unlimited, liability limited, **V-23:5; V-23:10**

ISSUANCE OF SHARES

- Allotment and issue of units, **II-3:18**
- Authorization of
 - Alberta, **II-1:72; II-2:44**
 - federal, **II-2:1**
 - Manitoba, **II-2:78**
 - Ontario, **II-2:18**
 - Saskatchewan, **II-2:61**
- Cash, for, **II-3:9; II-3:10**
- Common shares issuable under warrants, **II-3:17**
- Conditional allotment, **II-3:17**
- Declaration of trust in respect of shares, **II-3:19**
 - Nova Scotia, **II-3:20**
- Direction respecting payment of dividends, **II-7:7**
- Private placements, policies and procedures, **II-3:21**
- Property, for
 - Alberta, **II-3:14**
 - British Columbia, **II-3:13**
 - federal, **II-3:11**
 - Manitoba, **II-3:16**
 - Ontario, **II-3:12**
 - Saskatchewan, **II-3:15**

ISSUANCE OF SHARES—Cont'd

- Subscriptions for
 - See SUBSCRIPTIONS FOR SHARES
- Trust, declaration of
 - general, **II-3:19**
 - Nova Scotia, **II-3:20**

ISSUER BIDS

- See TAKEOVER BIDS

JEWELLERY

- Division among children as husband directs, **V-8:55**
- Gift for life subject to a trust, **V-8:27; V-8:28**
- Gift to daughter at time chosen by trustees, **V-8:56**
- Gift to daughter with postponement of delivery, **V-8:57**
- Gift to one person absolutely, **V-8:54**

JOINDER

- Add party as defendant, motion to, **VIII-2:27**
- Consolidate, motion to, **VIII-2:33**
- Substitute parties, motion to, **VIII-2:30**

JOINT VENTURES

- Agreement
 - amending, **I-36:14**
 - consortium, **I-36:11**
 - joint services, **I-36:9**
 - land development, **I-36:6**
 - pre-incorporation, **I-36:12**
 - pre-negotiation, **I-36:2**
 - product development, **I-36:7**
 - product manufacturing, **I-36:8**
 - software development, **I-36:10**
- Checklist, **X-24:1.70, 27:1**
- Commercialization licence, exclusive, **X-27:10**
- Computers
 - See COMPUTERS
- Cross-border with right of first refusal, **X-27:9**
- Digital media
 - See DIGITAL MEDIA
- Interest, **I-36:13**
- International transactions
 - See INTERNATIONAL TRANSACTIONS
- Land development, **I-36:6**
- Letter of intent, **X-32:5**
 - binding joint venture (contractual joint venture), **I-36:5**

JOINT VENTURES—Cont'd

- Letter of intent, **X-32:5**—Cont'd
 - non-binding, **X-27:6**
 - non-binding joint venture (equity joint venture), **I-36:4**
- Mining, **I-43:1**
- Outline(s) for a joint venture agreement for software development (cloud-based artificial intelligence applications), **X-27:7.30**
- Outline(s) for a joint venture agreement for software development (cloud-based artificial intelligence applications) (alternate), **X-27:7.50**
- Pre-negotiation confidentiality, **I-36:2**
- Software development, **X-8:78; X-16A:8; X-16A:8.50; X-24:1.70; X-27:1; X-27:7; X-27:8; X-27:12; 27:7.30; 27:7.50**
- Strategic relationship agreement, **X-27:8.50**
- Technology transfer agreement, **X-27:3**
- Television, property development, **I-57:48**
- Termination, **I-36:15**
- Term sheet, **X-32:14**
 - non-binding, **X-32:11**
- Term sheet, non-binding (equity joint venture), **I-36:3**

JUDGE

- Motion to
 - commentary, **VIII-13:5**
 - confirmation of motion status, Toronto, **VIII-13:8**
 - consent to order Form A, Central East Region, **VIII-13:11**
 - motions scheduling court, requisition to attend, Toronto, **VIII-13:10**
 - notice of motion, **VIII-13:6**
 - single judge on complex motions
 - affidavit, **VIII-13:80**
 - commentary, **VIII-13:78**
 - general form of, **VIII-13:79**
 - order, **VIII-13:81**

JUDGMENT

- See ORDER
- Accepted settlement
 - commentary, **VIII-21:54**
 - motion for
 - outside rule, **VIII-21:58-21:61**
 - under rule, **VIII-21:54-21:57**
- Action, form of, **VIII-18:4**
- Administration of estate, form of, **VIII-18:9**
- Amendment
 - adjudication not made on particular motion, **VIII-18:47-18:49**
 - commentary, **VIII-18:43**

JUDGMENT—Cont'd

Amendment—Cont'd

facts subsequently discovered
commentary, **VIII-18:57-18:60**
motion to vary, **VIII-18:57-18:60**

fraud
commentary, **VIII-18:50**
motion to set aside, **VIII-18:54-18:56**
motion to vary, **VIII-18:50-18:53**
slip, motion to amend, **VIII-18:44-18:46**

Application, form of, **VIII-18:5**

Applications

See APPLICATIONS under particular headings

Carry order into operation, **VIII-18:65-18:68**

Certificate of, Small Claims Court, **VIII-32:34**

Default, forms of

debt or liquidated demand, **VIII-7:35**
recovery of possession of land, **VIII-7:36**
recovery of possession of personal property, **VIII-7:37**
Small Claims Court, **VIII-32:20**

Directing reference

agreed person, **VIII-18:27**
general form, **VIII-18:25**
take accounts, **VIII-18:26**

Dismissing claim

discharge of certificate of pending litigation, **VIII-18:36**
general form, **VIII-18:34**
subsidiary claim, **VIII-18:35**

Foreign, statement of claim to enforce, **VIII-5:102**

Foreign, U.K., notice of application to register, **VIII-5:100**
affidavit, **VIII-5:101**

Foreign currency

Canadian funds, conversion to, **VIII-18:29**
foreign funds, **VIII-18:30**

Judicial review

See JUDICIAL REVIEW

Minor estate, form of, **VIII-18:8**

Motion, form of judgment, **VIII-18:6**

Motion for

after noting defendant in default, **VIII-7:29-7:33**
based on admission
in response to request to admit, **VIII-15:60**
of fact or document, **VIII-8:22-8:24**

JUDGMENT—Cont'd

- Motion for default judgment
 - registrar uncertain about interest, **VIII-7:24-7:28**
 - registrar uncertain as to class of claim, **VIII-7:20-7:23**
- Partition and sale, form of, **VIII-18:10**
- Requisition for default judgment, **VIII-7:19**
- Satisfaction piece
 - commentary, **VIII-18:70**
 - general form, **VIII-18:71**
 - partial satisfaction, **VIII-18:72**
- Set aside default judgment, **VIII-7:38-7:43**
- Set aside sale, **VIII-18:28**
- Summary
 - by defendant, **VIII-8:12-8:14**
 - by plaintiff, **VIII-8:3-8:8**
 - case information sheet, **VIII-8:8**
 - leave to serve motion for, with statement of claim, **VIII-8:9-8:11**
- Suspend order
 - commentary, **VIII-18:61**
 - motion for, **VIII-18:61**
- Variation of
 - commentary, **VIII-18:44**
 - facts subsequently discovered
 - commentary, **VIII-18:57**
 - motion for, **VIII-18:57-18:60**
 - order obtained by fraud
 - commentary, **VIII-18:50**
 - motion for, **VIII-18:50-18:53**
 - slip occurred
 - motion for, **VIII-18:44-18:46**

JUDGMENT DEBTOR EXAMINATION

See EXAMINATION IN AID OF EXECUTION

JUDICIAL REVIEW

- Administration
 - Alberta, **VII-16:25**
 - British Columbia, **VII-16:21**
 - federal, **VII-16:2**
 - Manitoba, **VII-16:28**
 - Nova Scotia, **VII-16:33**
 - Ontario, **VII-16:9**
 - Saskatchewan, **VII-16:32**
- Affidavit, **VIII-29:5; VIII-29:11**

JUDICIAL REVIEW—Cont'd

Affidavits

federal

applicant, **VII-16:4**

respondent, **VII-16:5**

Manitoba, **VII-16:30**

Ontario

applicant, **VII-16:12; VII-16:16**

respondent, **VII-16:13; VII-16:17**

Appearance, notice of, **VIII-29:21**

Appearance notice, Ontario, **VII-16:11; VII-16:15**

Appellate courts

British Columbia, **VII-16:21**

federal, **VII-16:2**

Ontario, **VII-16:9**

Application, notice of, **VIII-29:4; VIII-29:10**

Application for

Alberta, **VII-16:25**

notice to obtain record of proceeding, **VII-16:27**

originating application, **VII-16:26**

British Columbia, **VII-16:21**

petition, **VII-16:22**

federal, **VII-16:2; VII-16:3**

Manitoba, **VII-16:28; VII-16:29**

Nova Scotia, **VII-16:33**

notice of motion, **VII-16:35**

notice of participation, **VII-16:36**

Ontario, **VII-16:9**

arbitration award, **VII-16:10**

labour board decision, **VII-16:14**

Saskatchewan, **VII-16:32**

Arbitration awards, Ontario, notice of application for periodical review of,
VII-16:10

Canada Pension Plan

assessments, **VII-5:1**

benefits, **VII-5:1**

Certificate of perfection, **VIII-29:15**

Certificate of time, **VIII-29:20**

Confirmation form, **VIII-29:9**

Court orders

Alberta, **VII-16:25**

British Columbia, **VII-16:21**

federal, **VII-16:2; VII-16:7**

Manitoba, **VII-16:31**

JUDICIAL REVIEW—Cont’d

Court orders—Cont’d

Ontario, **VII-16:9; VII-16:20**

Saskatchewan, **VII-16:32**

COVID-19, commentary, **VIII-29:1.50**

Divisional Court, application to

affidavit, **VIII-29:5**

checklist

appellant, **VIII-29:2**

respondent, **VIII-29:3**

judgment, **VIII-29:6**

notice of, **VIII-29:4**

Factum

applicant, **VIII-29:18**

respondent, **VIII-29:19**

Factums

See memorandum of argument, *infra*

See Memorandum of argument, *infra*

Grievance arbitration

Alberta, **VII-12:47**

Manitoba, **VII-12:48**

Nova Scotia, **VII-12:65**

Ontario, **VII-12:15**

Saskatchewan, **VII-12:64**

Interest arbitration

British Columbia, **VII-13:21**

Manitoba, **VII-13:23**

Nova Scotia, **VII-13:31**

Ontario, **VII-13:9**

Saskatchewan, **VII-13:30**

Judgment, **VIII-29:6; VIII-29:12**

Labour board decisions

Alberta, **VII-11:143**

British Columbia, **VII-11:121**

federal, **VII-11:2**

Manitoba, **VII-11:166**

Ontario, **VII-11:45; VII-16:14**

Labour standards

British Columbia, **VII-9:18**

federal, **VII-9:2**

Manitoba, **VII-9:40**

Ontario, **VII-9:8**

Saskatchewan, **VII-9:51**

JUDICIAL REVIEW—Cont'd

Legislation

- Alberta, **VII-16:25**
- British Columbia, **VII-16:21**
- federal, **VII-16:2**
- Manitoba, **VII-16:28**
- Ontario, **VII-16:9**
- Saskatchewan, **VII-16:32**

Memorandum of argument

- federal, **VII-16:2; VII-16:6**
- Ontario, **VII-16:9**
 - applicant, **VII-16:18**
 - respondent, **VII-16:19**

Notice for, Nova Scotia, **VII-16:34**

Order

- Alberta, **VII-16:25**
- British Columbia, **VII-16:21**
- federal, **VII-16:2; VII-16:8**
- Manitoba, **VII-16:31**
- Ontario, **VII-16:9; VII-16:20**
- Saskatchewan, **VII-16:32**

Pension, Canada Pension Plan

- assessment, **VII-5:1**
- benefit decisions, **VII-5:1**

Petition, British Columbia, **VII-16:22**

- hearing, notice of, **VII-16:24**
- outline, **VII-16:24**
- response, **VII-16:23**
- filing of, **VII-16:21**

Record

- applicant, **VIII-29:14**
- certificate of perfection, **VIII-29:15**
- respondent, **VIII-29:16**

Record, Ontario, **VII-16:9**

Superior Court of Justice, application to

- affidavit, **VIII-29:11**
- checklist
 - appellant, **VIII-29:7**
 - respondent, **VIII-29:8**
- confirmation form, **VIII-29:9**
- judgment, **VIII-29:12**
- notice of, **VIII-29:10**

Workers' compensation

- British Columbia, **VII-7:31**

JUDICIAL REVIEW—Cont'd

Workers' compensation—Cont'd
Ontario, **VII-7:4**

JURATS

Blind or illiterate deponent, **VIII-1:54**
Declarant
 blind, **I-3:32**
 illiterate, **I-3:30**
 using an interpreter, **I-3:30**
General form, **VIII-1:54**
Multiple deponents, **VIII-1:54**
Two persons declaring at different times, **I-3:30**

JURISDICTION

Subject-matter, motion to dismiss, **VIII-6:2-6:5**

JURY NOTICE

Commentary, **VIII-15:11**
Delivery, motion to extend time, **VIII-15:13-15:16**
Form of, **VIII-15:12**
Strike, motion to
 jury trial inappropriate
 commentary, **VIII-15:24**
 notice of motion, **VIII-15:25**
 order, **VIII-15:26**
late delivery
 affidavit, **VIII-15:22**
 commentary, **VIII-15:20**
 notice of motion, **VIII-15:21**
 order, **VIII-15:23**
statute prohibits jury
 commentary, **VIII-15:17**
 notice of motion, **VIII-15:18**
 order, **VIII-15:19**

KIOSK LEASES

Form of, **IV-3:7**

LABOUR RELATIONS

See also **STRIKE AND LOCKOUT**
strikes and lockouts
 see also **STRIKE AND LOCKOUT**
Accreditation, application
 British Columbia, **VII-11:131**
 Nova Scotia, **VII-11:203; VII-11:215**

LABOUR RELATIONS—Cont'd

Administration of legislation

Alberta, **VII-11:143**

British Columbia, **VII-11:121**

federal, **VII-11:2**

Manitoba, **VII-11:166**

Nova Scotia, **VII-11:203**

Ontario, **VII-11:45**

Amend, application to, Saskatchewan, **VII-11:192; VII-11:193**

Application for certification

See certification, *infra*

See Certification, *infra*

Arbitration, request for, federal, **VII-11:34**

additional matters, **VII-11:35; VII-11:36**

Arbitration board, application to establish, Alberta, **VII-11:161**

Bargaining rights, application for, Saskatchewan, **VII-11:182**

Bargaining unit, application to expand, British Columbia, **VII-11:141**

Cease and desist order, request for

Alberta, **VII-11:164**

Nova Scotia, **VII-11:211**

Certification

amendment of, application for, Nova Scotia, **VII-11:207**

application for

Alberta, **VII-11:143; VII-11:144**

employee petition, **VII-11:145**

British Columbia, **VII-11:121; VII-11:122**

federal, **VII-11:2**

Canada Labour Code, **VII-11:3**

amendment of certificate, **VII-11:6**

response to, **VII-11:7**

response to application, **VII-11:5**

Public Service Labour Relations Act, **VII-11:28**

intervention, application for, **VII-11:30**

reply to, **VII-11:29**

statement of opposition, **VII-11:31**

Manitoba, **VII-11:166; VII-11:167**

amendment of certificate, application, **VII-11:175**

cancellation of, application, **VII-11:172**

employer's return upon, **VII-11:169**

intervention, notice of, **VII-11:171**

Nova Scotia, **VII-11:203; VII-11:204**

Ontario, **VII-11:45; VII-11:46**

confirmation of posting, **VII-11:52**

declaration verifying membership evidence, **VII-11:50**

LABOUR RELATIONS—Cont'd

Certification—Cont'd

application for—Cont'd

Ontario, **VII-11:45; VII-11:46**—Cont'd

employee list, OLRB Schedules A, B and C, **VII-11:48**

employer, notice to, **VII-11:49**

intervention, **VII-11:51**

membership evidence, declaration, **VII-11:50**

response, **VII-11:47**

statutes disputes, **VII-11:45**

application to vary, British Columbia, **VII-11:140**

cancellation of order, application, Saskatchewan, **VII-11:183**

construction industry

See construction industry, *infra*

See Construction industry, *infra*

intervenor's application

Manitoba, notice of, **VII-11:171**

Nova Scotia, **VII-11:205**

Ontario, **VII-11:51**

construction, **VII-11:74**

revocation

See revocation of bargaining rights, application for, *infra*

See Revocation of bargaining rights, application for, *infra*

Change of union name, declaration, Alberta, **VII-11:146**

Collective bargaining, representation vote, Saskatchewan

notice of vote, **VII-11:198**

objection to conduct of vote or counting of ballots, **VII-11:201**

report of agent re conduct of vote/ballot counting

non-polling station, **VII-11:200**

polling station, **VII-11:199**

Common employer, declaration of

Alberta, **VII-11:143**

British Columbia, **VII-11:121; VII-11:125**

federal, **VII-11:2; VII-11:11**

response, **VII-11:12**

Manitoba, **VII-11:166**

Ontario, **VII-11:45**

Saskatchewan, **VII-11:181**

Common employer application, Saskatchewan, **VII-11:185**

Complaint, federal

Canada Labour Code, **VII-11:26**

Public Service Labour Relations Act, **VII-11:42**

LABOUR RELATIONS—Cont'd

Conciliation application

federal, **VII-11:2**

Public Service Labour Relations Act, **VII-11:37**

proposal concerning, **VII-11:38**

additional matters, **VII-11:39**

Manitoba, **VII-11:166**

Ontario, **VII-11:45**

Fire Protection and Prevention Act, **VII-11:55**

Labour Relations Act, **VII-11:54**

Conduct vote, application to, Saskatchewan, **VII-11:188**

Conflict resolution, application for facilitator, British Columbia, **VII-11:139**

Construction industry

accreditation, application for, Nova Scotia, **VII-11:203; VII-11:215**

termination of, **VII-11:216**

arbitration, Nova Scotia, **VII-11:203**

certification application

Nova Scotia, **VII-11:203**

Ontario, **VII-11:45; VII-11:69**

certificate of delivery, **VII-11:70**

declaration verifying membership evidence, **VII-11:71**

employer, notice to, **VII-11:68**

Excel Schedule A, B and C, **VII-11:73**

intervention, **VII-11:74**

membership evidence declaration, **VII-11:71**

response, **VII-11:72**

collective agreement negotiations, Nova Scotia, **VII-11:203**

continuing employment declaration, Alberta, **VII-11:165**

hearing, request for, Nova Scotia, **VII-11:214**

intervenor's application, Ontario, **VII-11:74**

termination of bargaining rights, application for, Ontario, **VII-11:97**

certificate of delivery, **VII-11:101**

declaration verifying employee wishes, **VII-11:102**

employer, notice to, **VII-11:99**

intervention in, **VII-11:100**

non-construction employer, **VII-11:105**

notice, **VII-11:105**

response/intervention, **VII-11:104**

response, **VII-11:98**

work assignment complaint, Ontario, **VII-11:75**

response, **VII-11:76**

Decertification

British Columbia, partial application, **VII-11:129**

federal, application for revocation of bargaining rights, **VII-11:4**

LABOUR RELATIONS—Cont'd

- Dispute, notice of, federal, **VII-11:14**
- Dispute reference, Saskatchewan, **VII-11:195**
- Dispute resolution process, **VII-11:33.30; VII-11:33.70**
- Duty of fair referral complaint
 - federal, **VII-11:27**
- Duty of fair referral complaint, federal, **VII-11:69**
- Duty of fair representation complaint
 - Alberta, **VII-11:163**
 - British Columbia, **VII-11:127**
 - federal, **VII-11:26**
 - Nova Scotia, **VII-11:218**
- Employee status, Ontario
 - application regarding, **VII-11:115**
 - notice to responding party, **VII-11:117**
 - response, **VII-11:116**
- Employee-union disputes, Saskatchewan, **VII-11:190**
- Enforcement
 - Alberta, **VII-11:143**
 - British Columbia, **VII-11:121**
 - federal, **VII-11:2**
 - consent to prosecute, application for, **VII-11:44**
 - Manitoba, **VII-11:166**
 - Nova Scotia, **VII-11:203**
 - Ontario, **VII-11:45**
- Essential services
 - British Columbia, designation, **VII-11:121; VII-11:135**
 - determination
 - application, **VII-11:180.72**
 - reply, **VII-11:180.73**
 - consent, **VII-11:180.71**
 - review application during lockout or legal strike, **VII-11:180.77**
 - settlement
 - application, **VII-11:180.74**
 - reply, **VII-11:180.75**
 - substantial interference application, **VII-11:180.76**
- Exemption exclusion, application for on religious grounds
 - British Columbia, **VII-11:130**
 - Manitoba, **VII-11:166; VII-11:174**
 - Ontario, **VII-11:84**
 - notice to responding party, **VII-11:86**
 - response, **VII-11:85**
 - Saskatchewan, **VII-11:194**
- Facilitator, **VII-11:139.50**

LABOUR RELATIONS—Cont'd

Filing, trade union, Alberta, **VII-11:146**

Financial statement, Ontario

failure to furnish

application concerning, **VII-11:109**

notice, **VII-11:111**

response, **VII-11:110**

inadequate

application, **VII-11:112**

notice, **VII-11:114**

response, **VII-11:113**

General information, memorandum of, Manitoba, **VII-11:170**

Grievance, referral of, Manitoba, **VII-11:178**

Interim order, Ontario

application for, **VII-11:118**

electronic submission form, **VII-11:120.50**

notice to responding/affected party, **VII-11:120**

response to application, **VII-11:119**

Interim relief, Saskatchewan, **VII-11:191.50**

Intervention

application

Ontario, **VII-11:51; VII-11:94**

Saskatchewan, **VII-11:197**

construction, **VII-11:74; VII-11:94**

notice of Manitoba, **VII-11:171**

Judicial review of Board decisions

Alberta, **VII-11:143**

British Columbia, **VII-11:121**

federal, **VII-11:2**

Manitoba, **VII-11:166**

Ontario, **VII-11:45**

Jurisdictional dispute

Nova Scotia, complaint concerning, **VII-11:212**

Ontario, construction industry, **VII-11:78**

responding party, notice to, **VII-11:80**

response to, **VII-11:79**

Labour board appeal, Nova Scotia, **VII-11:219**

Last offer vote, application to Board

British Columbia, **VII-11:132**

Legislation

Alberta, **VII-11:143**

British Columbia, **VII-11:121**

federal, **VII-11:2**

Manitoba, **VII-11:166**

LABOUR RELATIONS—Cont'd

Legislation—Cont'd

Nova Scotia, **VII-11:203**

Ontario, **VII-11:45**

Mediation

Alberta, **VII-11:143**

British Columbia, **VII-11:121**

application for, **VII-11:136**

labour adjustment plan, **VII-11:135.50**

Notice to bargain

Alberta, **VII-11:143**

British Columbia, **VII-11:121**

federal, **VII-11:2; VII-11:8**

application for order to serve, **VII-11:21**

reply to, **VII-11:22**

Manitoba, **VII-11:166**

Nova Scotia, **VII-11:203**

Ontario, **VII-11:45; VII-11:53**

Petition, employee, Alberta

certification, **VII-11:145**

general, **VII-11:148**

revocation, **VII-11:150**

Poll, return of, British Columbia, **VII-11:137**

Pre-hearing production of particulars or things application, Saskatchewan,
VII-11:195.50

Production of documents, notice to attend and produce, Alberta, **VII-11:151**

Prosecution

federal, **VII-11:2**

Nova Scotia, **VII-11:203**

Ontario, **VII-11:45**

application to institute, **VII-11:87**

notice to responding party, **VII-11:89**

response, **VII-11:88**

Provisional Employee Determination, Saskatchewan, **VII-11:195.75**

Recognition agreement, resolution of question, Nova Scotia, **VII-11:208**

Reconsideration of decisions

Alberta, **VII-11:143**

British Columbia, **VII-11:121**

federal, **VII-11:2; VII-11:25**

Manitoba, **VII-11:166**

Nova Scotia, **VII-11:203**

application for, **VII-11:217**

Ontario, **VII-11:45; VII-11:65**

notice of request for, **VII-11:66**

LABOUR RELATIONS—Cont'd

Reconsideration of decisions—Cont'd

Ontario, **VII-11:45; VII-11:65**—Cont'd
reply, **VII-11:67**

Reply to application, Saskatchewan, **VII-11:196**

Request for appointment of arbitrator

Canada Labour Code, **VII-11:15**

Revocation of bargaining rights, application for

Alberta, **VII-11:143; VII-11:149**

employee petition, **VII-11:150**

British Columbia, **VII-11:128**

partial decertification application, **VII-11:129**

federal, **VII-11:4**

Nova Scotia, **VII-11:206**

Revocation of certification, application for, federal, **VII-11:32**

reply to, **VII-11:33**

statement of opposition, **VII-11:31**

Right of access, application for, Ontario, **VII-11:81**

notice to responding party, **VII-11:83**

response, **VII-11:82**

Section 10 application form, British Columbia, **VII-11:138**

Section 12 application form, British Columbia, **VII-11:127**

Settlement of first collective agreement, application, Manitoba, **VII-11:176**

Strikes and lockouts

see also **STRIKE AND LOCKOUT**

Strikes and lockouts

Alberta, **VII-11:143**

application, **VII-11:157; VII-11:158**

ballot, **VII-11:156**

declaration of vote, **VII-11:159; VII-11:160**

notice of, **VII-11:154; VII-11:155**

British Columbia, **VII-11:121**

federal, **VII-11:2**

application for declaration that strike vote invalid, **VII-11:41**

statement with respect to strike vote, **VII-11:40**

Manitoba, **VII-11:166**

Nova Scotia, **VII-11:203**

Ontario, **VII-11:45**

Subpoena, Saskatchewan, **VII-11:202**

documents, with, **VII-11:202.50**

Successor employer declaration

British Columbia, **VII-11:121; VII-11:124**

federal, **VII-11:2**

response, **VII-11:13**

LABOUR RELATIONS—Cont'd

Successor employer declaration—Cont'd

Manitoba, **VII-11:166**

Nova Scotia, **VII-11:203**

application under s. 31, **VII-11:209**

Ontario, **VII-11:45; VII-11:62**

response/intervention, **VII-11:63**

status, concerning, application, **VII-11:56**

notice to responding party, **VII-11:58**

response, **VII-11:57**

Saskatchewan, application, **VII-11:184**

Successor trade union declaration

British Columbia, **VII-11:121; VII-11:123**

federal, **VII-11:2; VII-11:9**

response, **VII-11:10**

Manitoba, **VII-11:166**

Nova Scotia, application for order, **VII-11:210**

Ontario, **VII-11:45; VII-11:59**

notice to responding party, **VII-11:61**

response/intervention, **VII-11:60**

Summary dismissal application, Saskatchewan, **VII-11:195.25**

Summons

British Columbia, **VII-11:131.50; VII-11:134**

federal, **VII-11:16**

Technological change

federal, **VII-11:2**

application for order, **VII-11:19**

notice of, **VII-11:17**

request for details of, **VII-11:18**

response, **VII-11:20**

Saskatchewan, **VII-11:189**

Termination of bargaining rights

Manitoba, application, **VII-11:173**

Ontario

application under s. 64, **VII-11:106**

notice to responding party, **VII-11:108**

response/intervention, **VII-11:107**

application under s. 63 of the Act, **VII-11:90**

declaration verifying employee wishes, **VII-11:95**

employer, notice to, **VII-11:93**

intervention, **VII-11:94**

response to, **VII-11:91**

union, notice to, **VII-11:92**

LABOUR RELATIONS—Cont'd

Termination of bargaining rights—Cont'd

Ontario—Cont'd

construction industry

See construction industry, *supra*

See Construction industry, *supra*

intervention, **VII-11:94**

Trade union filing, Alberta, **VII-11:146**

Trusteeship over union, statement of, British Columbia, **VII-11:133**

Unfair labour practice complaint

Alberta, **VII-11:162**

British Columbia, **VII-11:121; VII-11:126; VII-15:23**

federal, **VII-11:2; VII-11:23**

response, **VII-11:65**

response to, **VII-11:24**

Manitoba, **VII-11:166; VII-11:177; VII-11:179**

Nova Scotia, **VII-11:203; VII-11:213**

Ontario, **VII-11:45; VII-11:62**

notice to responding party, **VII-11:64**

response/intervention, **VII-11:63**

Saskatchewan

application, **VII-11:191**

application to amend order, **VII-11:192**

joint application to amend order, **VII-11:193**

Union, originally qualifying information form, Manitoba, **VII-11:168**

Union dues, application to redirect

Alberta, **VII-11:152**

Union representation, application for change in, Saskatchewan, **VII-11:182**

Union representative, application for permit, Manitoba, **VII-11:180**

Unlawful conduct, declaration, application for, federal, **VII-11:43**

Work assignment, application, Ontario, **VII-11:75**

notice to responding party, **VII-11:77**

response, **VII-11:76**

Workplace safety, Manitoba

appeal from decision of director, **VII-11:180.70**

appeal from stop work order, **VII-11:80.50**

LABOUR STANDARDS

See also EMPLOYMENT CONTRACTS

Administration of legislation

Alberta, **VII-9:34**

British Columbia, **VII-9:18**

federal, **VII-9:2**

Manitoba, **VII-9:40**

Nova Scotia, **VII-9:62**

LABOUR STANDARDS—Cont'd

Administration of legislation—Cont'd

Ontario, **VII-9:8**

Saskatchewan, **VII-9:51**

Appeal

Alberta, **VII-9:34**

British Columbia

director's determination of, **VII-9:18; VII-9:21**

information and instructions, **VII-9:21.30**

Manitoba

reference to labour board, **VII-9:40**

Nova Scotia, **VII-9:62**

labour board appeal form, **VII-9:63**

Saskatchewan, **VII-9:51**

Application for review

licensing, **VII-9:17.70**

overpayment recovery, **VII-9:17.30**

reprisal, **VII-9:17.50**

Caregivers, live-in, Employment Protection for Foreign Nationals Act

application for review, **VII-9:15**

Children

British Columbia

employer, application for children's permit, **VII-9:22**

parent or guardian

consent of, **VII-9:24**

declaration of, **VII-9:23; VII-9:31**

Manitoba

child talent agency

licence renewal application, **VII-9:47**

employer, application for child performer recruitment, **VII-9:46**

employment permit

for child performer, **VII-9:45**

Saskatchewan

youth employment rules, application to vary, **VII-9:57**

Claims

Alberta, **VII-9:34**

British Columbia, **VII-9:18; VII-9:20**

federal, **VII-9:3**

Manitoba, **VII-9:40; VII-9:41**

Nova Scotia, **VII-9:62**

Ontario, **VII-9:9**

Saskatchewan, **VII-9:51-VII-9:53**

Domestic worker registration, British Columbia, **VII-9:27**

LABOUR STANDARDS—Cont'd

Employment agency licence, application for
British Columbia, **VII-9:28**

Enforcement

Alberta, **VII-9:34**

British Columbia, **VII-9:18**

Manitoba, **VII-9:40**

Nova Scotia, **VII-9:62**

Ontario, **VII-9:8**

Saskatchewan, **VII-9:51**

Farm labour contractor licence, British Columbia
application for, **VII-9:25**

release of information, **VII-9:26**

Foreign worker recruitment, Manitoba

employer registration, application for certificate of registration, **VII-9:50**

licence application, **VII-9:48**

licence renewal application, **VII-9:49**

Group termination notice

Alberta, **VII-10:38**

Hours of work and averaging hours

Manitoba

averaging agreement, **VII-9:44.50**

averaging permit, **VII-9:43.50**

day of rest order, **VII-9:43**

work break order, **VII-9:42**

Ontario, **VII-9:17**

Saskatchewan

modified work arrangement, **VII-9:60**

time bank agreement, **VII-9:61**

Inspections

federal, **VII-9:2**

Ontario, **VII-9:8**

Saskatchewan, **VII-9:51**

Judicial review

British Columbia, **VII-9:18**

federal, **VII-9:2**

Manitoba, **VII-9:40**

Nova Scotia, **VII-9:62**

Ontario, **VII-9:8**

Saskatchewan, **VII-9:51**

Legislation

Alberta, **VII-9:34**

British Columbia, **VII-9:18**

federal, **VII-9:2**

LABOUR STANDARDS—Cont'd

Legislation—Cont'd

Manitoba, **VII-9:40**

Nova Scotia, **VII-9:62**

Ontario, **VII-9:8**

Saskatchewan, **VII-9:51**

Minimum standards

Alberta, **VII-9:34**

British Columbia, **VII-9:18**

federal, **VII-9:2**

Manitoba, **VII-9:40**

Nova Scotia, **VII-9:62**

Ontario, **VII-9:8**

Saskatchewan, **VII-9:51**

Notices

Alberta, group termination, **VII-10:38**

Ontario

termination of employment, **VII-9:16**

Permit, application for, Saskatchewan, **VII-9:54-VII-9:56; VII-9:58; VII-9:59**

Prosecutions

Alberta, **VII-9:34**

British Columbia, **VII-9:18**

federal, **VII-9:2; VII-9:6**

Manitoba, **VII-9:40**

Ontario, **VII-9:8**

Saskatchewan, **VII-9:51**

Reconsideration, application, British Columbia, **VII-9:33**

Recovery of wages, federal, **VII-9:2**

Review, application for

British Columbia, **VII-9:18**

Manitoba, **VII-9:40**

Ontario, **VII-9:10**

Settlement, application to void due to fraud or coercion, Ontario, **VII-9:13**

Settlement Section 112

notification of, **VII-9:11**

terms of, **VII-9:12**

Survey, employee (Manitoba), **VII-9:44**

Talent agency licence, application for, British Columbia, **VII-9:30**

Termination

Alberta, group termination notice to Minister, **VII-9:39; VII-10:38**

Ontario, notice, **VII-9:16**

Variation, application for, British Columbia, **VII-9:32**

Void settlement, application to, Ontario, **VII-9:13**

LABOUR STANDARDS—Cont'd

- Wage earner protection program
 - appointment of representative, **VII-9:5**
 - review by Minister, request for, **VII-9:7**
 - supplementary form, **VII-9:6**
 - trustee/receiver information form, **VII-9:4**

LAND

- Access to, **IX-4:204**
- By-laws re
 - See BY-LAWS
- Council and
 - See COUNCIL
- Damages for failure to close, **VIII-5:32**
- Data agreement, relating to, **IX-10:29**
- Declaration of interest in, application
 - affidavit, **VIII-27:32**
 - judgment, **VIII-27:33**
 - notice of, **VIII-27:31**
- Defence to claim for specific performance by purchaser, **VIII-5:34**
- Defence to claim for specific performance by vendor, **VIII-5:35**
- Easements
 - See EASEMENTS
- Expropriation of
 - See EXPROPRIATION
- Leases of
 - See LEASES
- Phases, development in, **IX-4:155**
- Public use of, **IX-4:203**
- Purchase and sale of
 - See PURCHASE AND SALE
- Rectification, **VIII-5:33**
- Set aside sale of, prayer for relief, **VIII-4:20**
- Specific performance
 - claim against purchaser, **VIII-5:31**
 - claim against vendor, **VIII-5:30**
- Subdivision conveyances, **IX-4:109**
- Surveyor, **IX-4:61**
- Title opinion letter, **IX-10:34; IX-10:35**
- Use in vicinity of airport, **IX-3:98**

LAND AND BUILDINGS

- See REAL ESTATE

LANDFILL SITE

- Former, subdivision clause, **IX-4:115**

LANDFILL SITE—Cont'd

Impact assessment, **IX-4:218**

LANDLORD

Asset purchase, consent to lease assignment, **II-33:29**

Borrowing, consent and postponement by, **II-21:54**

IV (Landlord's Work)

LANDLORD FINANCING

See also SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT

Consent, lease amendments, from chargee, **IV-13:5**

Estoppel certificate, tenant to chargee, **IV-13:4**

Notice, specific assignment of lease and general assignment of rents, **IV-13:8**

Notices of attornment

rents, **IV-13:9**

tenant and rents, **IV-13:10**

Security from landlord

general assignment of rents, **IV-13:6**

specific assignment of leases, **IV-13:7**

LANDLORD'S WORK

See also CONSTRUCTION

Damage and destruction, after

cart lease, **IV-3:7**

gross lease, **IV-2:4**

industrial, **IV-2:2; IV-2:3**

kiosk lease, **IV-3:7**

medical building, **IV-10:5**

office, **IV-4:2**

pad, **IV-3:6**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

Letter of intent provision, **IV-1:5**

Maintenance and renovations, lease addendum, **IV-8:25**

Offer provisions

industrial, **IV-1:10; IV-1:11**

multi-tenanted building, no form of lease, **IV-1:16**

office, **IV-1:8; IV-1:9**

retail, **IV-1:12; IV-1:13**

schedule, **IV-1:26**

single-tenanted building

no form of lease, **IV-1:15**

with form of lease, **IV-1:14**

Repair costs, **IV-2:2**

LANDSCAPING

- Bonusing clause, **IX-4:247**
- Off-site
 - agreement, **IX-4:257**
 - assumption agreement, **IX-4:258**

LAND TITLE REGISTRATION (BRITISH COLUMBIA)

- Executions, **II-21:29**
- General instrument, **II-21:28**
- Mortgage, **II-21:27**
- Schedule, **II-21:30**

LANGUAGE

- General clause, **X-33:171**
- Service provider, of, **X-33:112**

LAPSE

- Commentary, **V-11:135.30**
- Corresponding clause for gift of motor vehicle instructing ademption to be included in attorney for property, **V-11:135.20**
- Corresponding clause for gift of real estate instructing ademption to be included in attorney for property, **V-11:135.15**
- General direction as to lapsed gifts, **V-11:136**
- General direction that no gifts to lapse, **V-11:137**
 - power of appointment to prevent, **V-11:140**
- Gift from wholly owned corporation, **V-11:135.70**
- Gift of motor vehicle specifically allowing ademption, **V-11:135.10**
- Gift of real estate specifically instructing ademption, **V-11:135.05**
- Named beneficiary to take lapsed gifts, **V-11:138**
- Specific gift not to lapse, **V-11:139**
 - divided among donee's issue, **V-11:139.30**
 - paid to donee's spouse if married at donee's death, **V-11:139.70**

LAW

- Motion for determination of question of, **VIII-6:37-6:40**

LAW BOOKS

- Gift of together with unexpired subscriptions, **V-8:69**

LAW ENFORCEMENT

- Commentary, **IX-6:45**
- First Nation fire protection agreement, **IX-6:47**
- Municipal law enforcement officer
 - indemnity agreement, **IX-6:49**
 - training and supervision agreement, **IX-6:48**
- Police dispatch services agreement, **IX-6:46**

LAW FIRM

Ownership questionnaire, **II-22:22**

LAW FOUNDATION

Costs of successful defendant in a class action
affidavit, **VIII-23:44**
application to Law Foundation, **VIII-23:43**

LAWYER

Acceptance of service by, **VIII-3:30**
Act in person, notice of, **VIII-1:82**
Appointment, notice of, **VIII-1:81**
Change of, notice of, **VI-6:9**
Children's
 See CHILDREN'S LAWYER
Costs orders against lawyer personally
 disallow fees, **VIII-23:48**
 order for reimbursement, **VIII-23:50**
 order to pay costs of another party, **VIII-23:51**
 order to repay, **VIII-23:49**
Final reporting letter to client, **VI-1:10**
Financial statements, memorandum regarding completion, **VI-7:2; VI-7:3**
Foreign divorce, opinion letter, **VI-9:13**
Interim reporting letter to client, **VI-1:9**
Malpractice, **VIII-5:87**
Matrimonial information sheet, **VI-1:2**
Memorandum to matrimonial clients, **VI-1:4**
Motion to get off record, **VIII-1:83**
Notice of change, **VIII-1:80**
Notice of withdrawal, **VI-6:10**
Opposing lawyer, motion to remove
 affidavit in support, **VIII-1:91**
 case information sheet, **VIII-8:8**
 consent to removal as lawyer of record, **VIII-1:85**
 notice of motion, **VIII-1:90**
 order, **VIII-1:92**
Payment out of court to
 affidavit, **VIII-20:26**
 requisition, **VIII-20:25**
Questioning, letter regarding, **VI-8:10**
Retainer, **VI-1:5**
Retirement of lawyer, motion for removal
 affidavit, **VIII-1:84**
 dismissal of proceedings, motion for
 affidavit, **VIII-1:88**

LAWYER—Cont'd

- Retirement of lawyer, motion for removal—Cont'd
 - dismissal of proceedings, motion for—Cont'd
 - notice of motion, **VIII-1:87**
 - order, **VIII-1:89**
 - notice of motion, **VIII-1:83**
 - order permitting removal, **VIII-1:86**
- Service on
 - courier, by, **VIII-3:24**
 - e-mail, by, **VIII-3:25**
 - mail, by, **VIII-3:22**
- Solicitors' attestation
 - marriage contract, **VI-2:41**
 - separation agreement, **VI-2:118**

LEASEBACK

- Form, **IV-10:3**

LEASEHOLD IMPROVEMENTS

- See MAINTENANCE AND REPAIR

LEASES

- Acceptance certificate, **X-12:6**
- Appointment of lessor as attorney, **X-12:25**
- Assignment by lessor and lessee, **X-12:19**
- Assignment from landlord as security, **IV-13:7**
- Assignment of, **II-33:29**
- Assignment of title to leasing company, **X-12:5**
- Cart lease, **IV-3:7**
- Commercial
 - claim for breach of lease agreement, **VIII-5:52**
 - defence, **VIII-5:53**
 - claim for breach of unexecuted lease, **VIII-5:50**
 - defence, **VIII-5:51**
 - distress, claim for damages, **VIII-5:54**
- Corporate waivers, **X-12:27**
- Covenants, survival of on assignment or subcontracting or on change of control, **X-33:217.60**
- Covenants, survival of on financing the acquisition, **X-12:29**
- Defects of equipment, **X-12:30**
- Delay possession
 - office, **IV-4:4**
- Delivery, **X-12:15**
 - acceptance certificate, and, **X-12:6**
- Direction to assign to spouse or son, **V-9:8**
- Equipment defects, **X-12:30**

LEASES—Cont'd

- Equipment lease, **X-12:1; X-12:2**
 - maintenance provision, with, **X-13:21**
- Farm lease, **IV-10:4**
- Financial statement, **X-12:24**
- Fixturing period
 - office, **IV-4:4**
- Form of lease
 - letter of intent provision, **IV-1:5**
 - offer provision
 - industrial, **IV-1:10; IV-1:11**
 - multi-tenanted building, no form of lease, **IV-1:16**
 - office, **IV-1:8; IV-1:9**
 - retail, **IV-1:12; IV-1:13**
 - single-tenanted building
 - no form of lease, **IV-1:15**
 - with form of lease, **IV-1:14**
- Green lease, **IV-6:78; IV-6:79**
- Gross lease, form of, **IV-2:4**
- Ground lease, form, **IV-10:2**
- Hardware manufacturer, from
 - alterations and use, **X-12:9**
 - assignment, **X-12:8**
 - credit information, **X-12:11**
 - master equipment lease, **X-12:1; X-12:2**
 - price protection period, **X-12:12**
 - substitution of equipment, **X-12:10**
 - taxes, **X-12:14**
 - title, **X-12:7**
- Hardware rental agreement with software licensing provisions, **X-12:4**
- Health emergency, **IV-2:2; 2:3; 3:1-3:4**
- Hell or high water clause, **X-12:11**
- Identifying marks, **X-12:20**
- Indemnity, **X-12:18**
- Industrial
 - gross lease, **IV-2:4**
 - multi-tenant, **IV-2:3**
 - single-tenant, **IV-2:2**
- Kiosk lease, **IV-3:7**
- Land, of
 - ambulance station, for use as
 - See **AMBULANCE STATION**
 - entry prior to agreement, **IX-3:38**
 - licence agreement, **IX-3:35**

LEASES—Cont'd

Land, of—Cont'd

- municipal lands, of, **IX-3:30**
- renewal of lease, **IX-3:34**
- soccer field, **IX-3:47**
- telecommunications equipment for fire department purposes, **IX-3:32**
- traffic lights and transit shelter, for, **IX-3:33**
- untraveled portions of roads, **IX-11:137**

Landlord's agreement

- with leasehold mortgagee, **IV-14:5**
- with lender holding security on tenant's personal property, **IV-14:4**

Leaseback, form, **IV-10:3**

Liens, encumbrances, other rights, **X-12:17**

Medical building, **IV-10:5**

Obligations of lessee, unconditional, **X-12:11**

Office

- multi-tenant
 - long form, **IV-4:4**
 - short form, **IV-4:3**
- single-tenant, **IV-4:2**

Pad

- landlord constructing building, **IV-3:6**
- tenant constructing building, **IV-3:5**

Purchase order, acknowledgment of, **X-12:22**

Release between landlord and tenant (final), **IV-11:23**

Release from lease obligations, **IV-11:22**

Reporting letters

- to landlord client, **IV-17:3**
- to tenant client, **IV-17:2**

Representations and warranties, lessee, **X-12:23**

Residential

- addendum
 - free rent, **IV-8:24**
 - maintenance and renovations, **IV-8:25**

AODA policy statement

- customer service standard, **IV-8:72**
- employment standard, **IV-8:73**

apartment lease

- long form, **IV-8:12**
- short form, **IV-8:13**

asbestos disclosure, **IV-6:81; IV-8:29**

credit check authorization, **IV-8:26**

disclosure letter, **IV-8:29**

drug and alcohol policy, **IV-8:77**

LEASES—Cont'd

Residential—Cont'd

health and safety policy, **IV-8:74**

house lease

long form, **IV-8:14**

short form, **IV-8:15**

human rights policy, **IV-8:71**

information, **IV-8:27**

letter authorizing bank to release information, **IV-8:27**

standard form leases

British Columbia, **IV-8:82**

Manitoba, **IV-8:83**

notice to new tenant, **IV-8:87**

notice to new tenant where tenant services provided, **IV-8:88**

Nova Scotia, **IV-8:89**

Ontario, **IV-8:78**

utility inquiry, **IV-8:28**

workplace harassment policy, **IV-8:75**

workplace violence policy, **IV-8:76**

Retail

cart lease, **IV-3:7**

kiosk lease, **IV-3:7**

multi-tenant, **IV-3:3**

short-term, **IV-3:8**

single-tenant, **IV-3:2**

Roof rights, landlord reserving, **IV-6:75**

Shopping centre, **IV-3:4**

S I (Leasing Agreements), IV (in general), V, VIII, IX, X

Signatures, counterpart and electronic, **IV-2:2; 2:3; 2:4; 3:2-3:4**

Signing of agreement, original, counterparts, **X-12:26**

Summary, **IV-17:4**

Taxes, **X-12:14**

withholding, **X-12:28**

Termination

checklist, **IV-15:11**

commentary, **IV-15:10**

no guarantor or indemnifier or assignor, **IV-15:12**

notice for posting at premises, **IV-15:14**

veterinary clinic/hospital, **IV-10:6**

with guarantor or indemnifier or assignor, **IV-15:13**

Title assignment to leasing company, **X-12:5**

Use, **X-12:16**

Vehicle, of

See VEHICLES

LEASES—Cont'd

Warranties, **X-12:13**

LEASE TAKEOVER

See TENANT INDUCEMENTS

LEASING AGREEMENTS

Aircraft

See AVIATION

Business purpose certificate and undertaking, **I-26:12**

Commencement on non-delivery, **I-26:18**

Default

final demand, **I-26:28**

notice, intention to sell, **I-26:29**

Delivery and acceptance certificate, **I-26:23**

Equipment

captive market, **I-26:3**

schedule, **I-26:22**

third party funder, **I-26:4**

Fair booth, **I-41:3**

Farming

See AGRICULTURE

Funding obligation, **I-26:21**

Insurance coverage, notice of, **I-26:20**

Lien waiver request, **I-26:17**

Mining

See MINES AND MINERALS

Modification of

additional lessee, **I-26:5**

assignment, **I-26:6**

equipment

amendment, **I-26:9**

name amendment, **I-26:10; I-26:11**

remove lessee, **I-26:7**

terms, in, **I-26:8**

Motor vehicles, **I-53:11**

Oil and gas

See OIL AND GAS

Ownership verification, **I-26:16**

Payment

direction, **I-26:25**

pre-authorized payment, **I-26:27**

schedule, **I-26:24**

Power of attorney to lease, **I-47:27**

Purchase, option to, **I-26:15**

LEASING AGREEMENTS—Cont'd

- Space lease, **I-41:3**
- Stadium, **I-10:24**
- Theatres
 - See THEATRES
- Vehicle waiver, **I-26:19**
- Vendor not an agent, **I-26:13**
- Waiver by landlord, **I-26:14**

LEDGERS

- Shareholder's, **II-2:150**

LEGACIES

- Abatement
 - See ABATEMENT AND PRIORITY
- Ademption, provisions against, **V-11:134; 11:135; 11:135.05; 11:135.10; 11:135.15; 11:135.20**
- Advances
 - See ADVANCES
- Bank accounts and money on deposit, **V-11:25-V-11:36**
- Cash in specific location, **V-11:9**
- Cash legacy divided among specified persons, **V-11:7**
- Charged on real property, **V-11:102-11:106**
- Completion of payments under pledge by testator, **V-11:160**
- Conditional gifts
 - beneficiary to abstain from liquor, **V-11:97**
 - beneficiary to learn trade, **V-11:98**
 - beneficiary to remain unmarried, **V-11:96**
 - care for pets, agreeing in writing, **V-11:100**
 - church to release estate from pledge on mortgage, **V-11:101**
 - commentary, **V-11:1; 11:2; 11:24; 11:62; 11:68; 11:93-11:94**
 - library to be purchased, types of books specified, **V-11:99**
 - spouse being predeceased, including no doubling up, **V-11:95**
 - wish that pet be kept in home with child, **V-11:67.50**
- Corporate shares
 - all common and preferred in specified company, **V-11:39**
 - preferred to be held in trust, **V-11:52**
 - all common shares in specified company, **V-11:38**
 - all of specific kind in testator's name, **V-11:41**
 - all owned by testator or to which testator is entitled in specified company, **V-11:45**
 - bequeathed to testator, **V-11:46**
 - commentary, **V-11:37**
 - conditional on beneficiaries entering pooling agreement, **V-11:53**
 - gift of all marketable securities in specified account to charity, **V-11:61.50**

LEGACIES—Cont'd

Corporate shares—Cont'd

gift of cash to charity which may be fulfilled by marketable securities,
V-11:61.70

gift to named employees if spouse and issue do not survive testator,
V-11:57

gift to several beneficiaries of number required to bring holdings to specified totals, **V-11:49**

gift with provision if beneficiaries under age of majority, **V-11:54**

infant beneficiaries, provision for, **V-11:55**

limited to share owned at death, **V-11:51**

marriage contract, separate investment account to satisfy, **V-11:40**

nominal value, **V-11:60**

number to be determined by dollar value, **V-11:47**

sale of corporate assets, **V-11:61**

separate investment account to satisfy marriage contract, **V-11:40**

simple gift of percentage of shares to specific employee, **V-11:37.50**

simple gift of pet(s) contingent on agreeing to care for pet(s) and taking possession of pet(s), **V-11:65.50**

specified number, with provision for cash payment if insufficient, **V-11:48**

transfer of shares on condition that recipient reimburse estate for taxes arising as result of disposition, **V-11:61.30**

trust for beneficiary until specified date, **V-11:50**

Creation out of proceeds of accident policy, **V-7:33**

Debts owed to testator

accounts receivable, gift of, **V-11:86**

accounts receivable, trustees to collect, **V-11:92**

cash supplement where debt paid at date of death, **V-11:150**

directions to deduct from legacies or shares, **V-11:81-V-11:83**

forgiveness or reduction, **V-11:77- 11:83; V-11:91**

promissory notes

gifts of whole or part of debt, **V-11:85; V-11:87; V-11:150**

provision included for cancellation on death of testator, **V-11:114**

third parties, by, beneficiaries to divide equally, **V-11:87-11:90**

Deficiencies in assets of probate will, **V-39:11**

Employees, for

See EMPLOYEES

Exoneration from taxes and duties, **V-4:3; V-10:9**

Forgiveness of debts, **V-11:77-11:82**

with equalization, **V-11:91**

General form, **V-11:3**

Gift over if beneficiary predeceases testator, **V-11:8**

Gifts for care of, **V-11:63-11:67.50**

Grandchildren, for

provision for payment to parent of if under specified age, **V-11:12**

LEGACIES—Cont'd

Grandchildren, for—Cont'd

to be paid annually for fixed period, **V-11:157**

to be treated as advances, **V-11:110**

Increase where estate exceeds specified sum, **V-11:147**

Infants, for, direction to invest and accumulate, **V-16:9; V-16:10**

Joint property, direction to discharge indebtedness, **V-11:12**

Lapse

See LAPSE

Money on deposit in bank accounts, **V-11:25-V-11:34**

Mortgage

direction to pay balance owing, **V-11:11**

gift of interest in, **V-11:54**

gift of proceeds, **V-11:9**

legacy payable out of proceeds, **V-11:21**

Payable from specified assets

future income, **V-11:23**

money held in trust for testator, **V-11:154**

proceeds of accident policy, **V-7:34; V-7:35**

proceeds of life insurance, **V-11:19**

proceeds of mortgage, **V-11:21**

remainder of deceased spouse's estate, **V-11:22**

sale of jewellery, **V-11:20**

sale of real estate, **V-11:18; V-11:102-11:106**

Payment

charitable legacies in securities for tax efficiency, power to trustees,
V-11:151.50

deferment for specified period, **V-11:158**

direction to pay foreign beneficiaries out of property outside province,
V-11:152

direction to pay out of income, **V-11:153**

direction to pay out of proceeds of accident policy, **V-7:34; V-7:35**

in specie, **V-11:151**

instalments, in, **V-11:155-11:57.50; V-11:159**

powers of trustees to postpone, **V-11:141-V-11:143**

commentary, **V-11:140.50**

power to pay in other assets if legatee agrees, **V-11:151**

simple payment of legacy without interest, **V-11:143.50**

Postponement of payment, powers of trustees, **V-11:141-11:143**

Priority

See ABATEMENT AND PRIORITY

Real property liable for payment, **V-11:102-11:106**

Real property not liable for payment, **V-11:100**

LEGACIES—Cont'd

Reduction

by amount owing on promissory note, **V-11:145**

formula where estate less than specified sum, **V-11:148**

legacy to church reduced by value of gifts made after date of will, **V-11:144**

to percentage of residual estate if estate less than specified sum,

V-11:145.50

where net estate less than specified sum, **V-11:146; V-11:148**

“Rights or things”

gift of, **V-11:13**

power to use, **V-11:14**

Satisfaction

See payment, *supra*

See Payment, *supra*

Secret trust, gift to trustees, **V-11:15**

Securities

see also corporate shares; mortgage, *supra*

all government bonds at specific bank, **V-11:43**

all government bonds to two beneficiaries equally, **V-11:42**

gift up to specified value, **V-11:44**

in specific locations, **V-11:56**

Series of simple legacies in one clause, **V-11:6**

Shares

See corporate shares, *supra*

See Corporate shares, *supra*

Shares in golf clubs, **V-11:58**

Simple gift of money, **V-11:3**

Simple legacy with interest as applicable market rate, **V-11:5**

Simple legacy with interest waiver, **V-11:4**

Substitutionary for specific gift, **V-11:74; V-11:75**

LEGAL SERVICES

Contracting for Legal Services, **IX-1:86**

Services and Accounts, **IX-1:85**

LETTER OF CREDIT

See BANKING

LETTER OF INTENT

Asset purchase and sale

asset purchase, multi-location outlets, **I-42:27**

asset purchase, US form, **I-42:29**

asset purchase agreement, in contemplation of signing, non-binding,

I-42:27

asset purchase and franchise agreement, **I-42:30.50**

asset purchase including employment agreement, **I-42:27**

LETTER OF INTENT—Cont'd

Asset purchase and sale—Cont'd

- asset purchase including employment agreement in contemplation of adopting definitive asset purchase agreement, **I-42:30**
- asset purchase proposal agreement, US form, **I-42:29**
- entire assets and rights purchase, **I-42:25.120**

Business (generic)

- business relationship, **I-42:2**
- intention to engage in negotiation for definitive agreement, **I-42:3**
- sale of business, **I-42:4; 42:4.30**

Business commercial undertakings and dealings

- digitization of paper records, **I-42:4**
- facility establishment and operation, non-binding, **I-42:4**

Equipment sale and purchase, **I-42:8.50**General clauses, **I-23:395; I-42:6**

See also GENERAL CONTRACT CLAUSES

Invitation to submit, grant application, **I-42:1.50**Joint venture, **I-23:374; I-23:395; I-42:6**

- binding, **I-23:375; I-35:78**
- non-binding, **I-23:352; I-35:79; I-42:23**

Joint Venture

- for the establishment of a product distribution network, **I-42:35**

Manufacturing, **I-40:81; I-40:82**

- appointment as nonexclusive reseller, **I-42:8**
- proposed purchase of manufactured goods, **I-42:7**

Official outfitter and supplier, **I-42:21.70**

Outline

- binding letter of intent and agreement relating to equity investment, **I-42:34**

Play, option to produce, **I-58:1**

Project bid

- commitment value limit, **I-42:10**
- joint venture, **I-42:9**
- requirement for separate execution of confidentiality agreements, **I-42:13**
- services, **I-42:11**
- services (alternate), **I-42:12**

Sale of business, **I-42:4; I-54:29**Share/asset purchase and sale, **I-42:15; I-42:16; I-42:19**

- non-binding, 100% share and asset ownership, **I-42:19.40**

Share exchange, **I-42:20**

Share purchase and sale

- acquire all issued and outstanding equity interests, **I-42:21.30**
- acquire 100% of company's common shares, **I-42:21**
- acquire 100% of company's shares, **I-42:25.70**
- definitive stock purchase agreement, **I-42:25, 42:25.30**

LETTER OF INTENT—Cont'd

Share purchase and sale—Cont'd

- preliminary terms of acquisition, reverse equity stock split, **I-42:22**
- share acquisition, non-binding, **I-42:23.50**
- share and land purchase, **I-42:25.100**
- share purchase, non-binding, **I-42:23**
- share purchase to establish wholly owned subsidiary, **I-42:20**
- share transaction to reflect merger between parent and subsidiary, **I-42:24**

Software development, licensing and marketing

- amended and restated, **I-42:16.50**
- business/asset purchase, **I-42:17**
- emerging and advanced opportunities program, **I-42:14.50**
- exclusive marketing license, **I-42:33.50**
- invitation to submit, performing river-bed maintenance services, **I-42:14.70**
- joint development of software program, **I-42:14.30**
- licensing agreement, **I-23:411**
- licensing and support agreement, **I-42:14.30**
- licensing arrangement, **I-42:14**
- purchase 100% of seller's shares, binding, **I-42:21**
- share and assets purchase, **I-42:16**
- strategic partnership, **I-42:18**

Software tool set, migration of, **I-42:14.30**

Tenders

- pending execution of formal contract, limiting commitment value, **I-42:31**
- sale of assets, granting territorial rights for distribution, promotion, marketing and sale of specialty products, **I-42:32**

Term sheets

- academia spin-off company, **I-42:33.100**
- commercial property rental, **I-42:37.120**
- definition of, **I-42:78.56**
- due diligence, key clauses, **I-42:78.69**
- engineering, procurement, and construction contract, **I-42:37.100**
- financing, **I-42:34**
- intellectual property licensing, **I-42:37.140**
- investment fund, commercial property, **I-42:78.97**
- joint venture to acquire controlling interest, **I-42:78.68**
- non-binding, **I-42:23**
- proposed acquisition, key terms, **I-42:78.93**
- purchase of company, **I-42:37**
- software partner alliance program, **I-42:37.50**
- third-party product promotion, **I-42:78.78**

Territorial related sales

- manufacturer and industry association, **I-42:33.50**

LETTER OF INTENT—Cont'd

- Territorial related sales—Cont'd
 - territorial distribution and sale of specified products to VARs, binding, **I-42:33**
- Training centre, establishment of, **I-42:4.70**

LETTER OF REQUEST

- Discovery evidence, **VIII-10:19**
- Enforcement of
 - affidavit, **VIII-27:126**
 - application, notice of, **VIII-27:125**
 - commentary, **VIII-27:124**
 - judgment, **VIII-27:127**
- Trial evidence
 - See COMMISSION EVIDENCE

LETTERS

- Abandoning privilege, **VIII-10:12**
- Answering questions objected to on discovery, **VIII-10:13**
- Auditor's, public offering of securities, final prospectus, **II-24:10**
- Circular bids
 - acceptance and transmittal, **II-29:10**
 - guaranteed delivery, **II-29:13**
- Client
 - case management, Toronto, **VIII-1:7**
 - discovery report, **VIII-10:8**
 - final reporting, **VI-1:10**
 - first meeting, **VI-1:3**
 - initial, **VIII-1:6**
 - interim reporting, **VI-1:9**
 - offer to settle, cost consequences explained to client
 - commentary, **VIII-21:1**
 - general from, **VIII-21:2**
 - to defendant where no plaintiffs offer, **VIII-21:5**
 - to defendant where offer from plaintiff, **VIII-21:6**
 - to plaintiff where no offer from defendant, **VIII-21:3**
 - to plaintiff where offer from defendant, **VIII-21:4**
 - pre-discovery, **VIII-10:2**
 - transcript comments, **VIII-10:10**
- Compulsory acquisitions
 - election and transmittal, of
 - Alberta, **II-29:33**
 - British Columbia, **II-29:29**
 - federal, **II-29:21**
 - Ontario, **II-29:24**

LETTERS—Cont'd

- Compulsory acquisitions—Cont'd
 - transmittal, of (British Columbia), **II-29:31**
- Continuance
 - federal to provincial, re application
 - Nova Scotia, **II-16:28**
 - Ontario, **II-16:24**
 - provincial to federal
 - consent request, Ontario, **II-16:5**
 - Department of Consumer and Business Services, to
 - Alberta, **II-16:16**
 - Nova Scotia, **II-16:17**
 - Ontario, **II-16:15**
 - Director, Corporations Canada, Industry Canada, **II-16:18**
 - securities commission re consent, **II-16:6**
- Counsel consent letter, final prospectus, **II-24:9**
- Dealers, advisers and investment fund managers, registration of
 - firm registration, filing letter, **II-31:8**
 - National Registration Database, filing letter to administrator, **II-31:4**
- Dissolution, voluntary
 - Gazette, to
 - Manitoba, **II-17:65**
 - Nova Scotia, **II-17:74**
 - Saskatchewan, **II-17:57**
 - limited partners, to (Ontario)
 - confirming distributions, **II-17:17**
 - reporting letter, **II-17:19**
 - newspaper of general circulation, to
 - Alberta, **II-17:47**
 - federal, **II-17:4**
 - Manitoba, **II-17:64**
 - Nova Scotia, **II-17:73**
 - Ontario, **II-17:11**
 - Saskatchewan, **II-17:56**
 - Ontario corporations tax consent, requesting, **II-17:10**
 - tax clearance certificate, requesting
 - federal, **II-17:3**
 - Manitoba, **II-17:63**
- Engagement
 - best efforts agency offering, **II-22:2**
 - bought deal prospectus offering, **II-22:1**
 - fully marketed prospectus offering, **II-22:3**
- Extra-provincial licence, cover letter with material to obtain (Ontario), **II-20:3**

LETTERS—Cont'd

- Final prospectus filing, **II-24:8**
- Financial disclosure, request, **VI-8:14**
- Guaranteed delivery, **II-29:13**
- Intent, of
 - asset purchase, **II-33:20**
 - share purchase, **II-33:5**
- Lawyer's opinion, **VI-9:13**
- Non-share capital corporation
 - Ontario
 - Office of Public Guardian and Trustee, to, re pre-approval of objects, **II-1:82**
- Opposing party, to, **VI-1:8**
- Public offering
 - final prospectus
 - consent
 - auditor, of, **II-24:10**
 - counsel, of, **II-24:9**
 - filing letter, **II-24:8**
- Restoration (British Columbia)
 - notification letter, **II-18:21**
 - request for consent, **II-18:20**
- Revival, request for consent (Ontario), **II-18:4**
- S I (Letters of Intent), IV (Letters of Intent), VIII
- Transcript correction, **VIII-10:11**

LETTERS OF CREDIT

- Demand under, **IX-10:2**
- Form of, **IV-7:9**
- Lease provision, **IV-7:8**
- References in agreements
 - drawing letter of credit, **IX-10:3**
 - jurisdiction, attornment to, **IX-10:7**
 - partial reduction of letter of credit, **IX-10:4**
 - submission of letter of credit, **IX-10:5**
 - UCC 500, to govern, **IX-10:6**
- Standard form, **IX-10:1**

LETTERS OF INTENT

- Confidentiality agreements, separate execution of, **X-32:4**
- Definitive agreement, clause, **X-32:18**
- Form of, **IV-1:5; IV-1:6**
- Joint development of software program, **X-32:6.50**
- Joint venture, **X-32:5**

LETTERS OF INTENT—Cont'd

Retail premises

letter of intent, **IV-1:6**

term sheet, **IV-1:7**

Services, for, **X-32:2-X-32:5**

Share or asset and IP purchase, **X-32:9**

Share purchase, **X-32:7; X-32:8**

Software licensing arrangement, **X-32:10**

Strategic partnership for software development and marketing, **X-32:6**

LETTERS ROGATORY

See LETTER OF REQUEST

LIABILITY

Indemnity agreement, **II-33:32**

LIBEL

Notice to newspaper, **VIII-1:107**

Notice to radio or television broadcaster, **VIII-1:108**

Security for costs, **VIII-25:54**

LICENCES

See also SOFTWARE

Advertising space

See ADVERTISING

Agreement, definition, **X-33:471**

Boulevards, untraveled portion of, **IX-5:16**

Business centre, licence and services agreement, **IV-9:10**

Business conduct licence, **X-29:12**

By-laws re issuance of, **IX-11:42**

Cloud services, **X-9:9**

Commercial content website

access to, **X-8:148**

compliance terms, **X-8:151**

content ownership and licence, **X-8:152**

non-commercial use, **X-8:150**

use restrictions, **X-8:149**

Commercialization, exclusive, **X-27:10**

Computer

See COMPUTERS

Construction access and indemnity agreement, **IV-9:14**

Construction adjacent to highway, agreement, **IX-5:35**

Copyright

See COPYRIGHT

Corporate intranet server, **X-4:220**

Crane swing agreement, **IV-9:16**

LICENCES—Cont'd

Database access

- content provider, **X-4:210**
- directory data prohibitions, **X-4:213**
- limitations of liability and warranties, **X-4:215**
- news service subscription agreement, **X-4:209**
- registration agreement, **X-4:211**
- restrictions on use, **X-4:212**
- subscriber agreement, **X-4:214**
- warranties and limitations of liability, **X-4:215**

Database use, **IX-10:27**Development agreement, licence to buyer, **X-8:80**

Digital media

See DIGITAL MEDIA

Distributor, **X-28:4**Electrical utility, **IX-3:36**End-user agreement, **X-4:222; 4:169.50; 4:222.50**

- definition, **X-8:143**
- downloaded software, **X-4:208**
- e-content, **X-14:9**
- evaluation, activation and, **X-8:16**
- perpetual, **X-8:31**
- software, **X-8:47.50**
- terms and conditions, **X-8:5.30**
- U.S. form, **X-8:5.50**
- utility application, **X-8:47.70**

Evaluation of products

- beta test agreement, **X-4:206**
- CD-ROM and related website services, **X-4:207**
- licence, **X-4:203; X-4:204**
- not for resale software license agreement, standard terms and conditions, **X-4:205.50**
- permitted uses and restrictions, **X-4:205**
- shareware, **X-4:201**
- software, **X-4:202**

Film site, **IV-9:5**Generator, **IV-5:41**Geographic information system, use of, **IX-10:25**

International agreements

See INTERNATIONAL TRANSACTIONS

Lease of land, **IX-3:35**Licensing and royalty fees, **I-55:54**Limited website links, for, **X-4:219**Lottery licensing by-law, **IX-11:59**

LICENCES—Cont'd

Lottery licensing officer, appointment of, by-law, **IX-11:60**

Manufacturing

See MANUFACTURING, trademark licence

Merchandise licence agreement, **X-6:25**

Motion pictures

See MOTION PICTURES

Parking

area licence, **IV-9:2**

space licence, **IV-9:1**

Parking facility, temporary use of, **IX-3:72**

Patents

See PATENTS

Patio, **IX-5:22**

Patio, lease provision, **IV-5:35**

Performance facility

See THEATRES

Perpetual end user licence agreement, **X-8:31**

Prohibition on use of images, **X-8:100**

Recordings

See RECORDINGS

Reseller branding, **X-29:6**

Retail

licence to operate retail businesses

departments/outlets within store locations, **IV-9:11**

independent retail operations within store locations, **IV-9:12**

short-term occupancy for retail purposes, **IV-9:6**

Roads, untraveled portions of, **IX-11:137**

Server licence, **X-8:111**

Short-term occupancy

licence of entire building, **IV-9:9**

office purposes, **IV-9:7**

retail purposes, **IV-9:6**

use of common area, **IV-9:8**

Sign, **IV-9:3**

Site licence agreement, **X-8:11; X-8:12**

Software, downloading of

acceptance constituted by, **X-4:216**

computer program notice, **X-4:218**

distribution of material on "as is" basis, **X-4:217**

Software key, **X-33:654**

Software licence agreement

See SOFTWARE

Solar panel facility, rooftop, **IV-9:17**

LICENCES—Cont'd

- Sporting event, **I-10:26**
- Sublicence, **X-8:67; X-8:68; X-28:4**
- Subscription licence agreement, **X-8:30**
- Supplier licence agreement, **X-8:4**
- Telecommunications, licence agreement, **IV-9:13**
- Television
 - See TELEVISION
- Theatre
 - See THEATRES
- Trade fairs
 - See EXHIBITIONS
- Trade mark licence agreement, **X-1:40; X-4:100; X-6:24**
- Trademarks
 - See TRADEMARKS
- Trialware, **X-8:17**
- Website
 - creative commons licence, **X-4:193**
 - licence grant to upload/download, **X-4:193**
 - limited licence for links, **X-4:219**
 - terms and conditions, **X-4:221**

LICENCES, EXTRA-PROVINCIAL CORPORATIONS

- Ontario
 - application for, **II-20:1**
 - application to amend, **II-20:4**
 - application to terminate, **II-20:5**
 - material required to obtain, covering letter enclosing, **II-20:3**

LIENS

- Alberta
 - affidavit verifying claim, **I-21:30**
 - affidavit verifying claim (by two way videoconferencing), **I-21:31**
 - affidavit verifying claim by other than lienholder, **I-21:32**
 - affidavit verifying claim by other than lienholder (by two-way videoconferencing), **I-21:33**
 - certificate of lis pendens, **I-21:34**
 - discharge of lien, **I-21:35**
 - statement of lien, **I-21:29**
- British Columbia
 - certification of completion, **I-21:38**
 - claim of lien, **I-21:37**
 - general instrument, **I-21:36**
- Manitoba
 - affidavit verifying claim, **I-21:40**

LIENS—Cont'd

Manitoba—Cont'd

- certificate of substantial performance, **I-21:42**
- claim for lien, **I-21:39**
- notice of claim for lien, **I-21:41**
- notice to lienholder, **I-21:44**
- pending litigation order, **I-21:43**

New Brunswick

- affidavit verifying claim for lien, **I-21:48**
- affidavit verifying information in written notice of lien, **I-21:45**
- certificate of discharge, **I-21:46**
- certificate of pending litigation, **I-21:47**
- certificate of substantial performance of the contract, **I-21:50**
- claim for lien, **I-21:49**
- written notice of lien, **I-21:51**

Newfoundland and Labrador

- affidavit verifying claim, **I-21:53**
- claim of lien, **I-21:52**

Northwest Territories

- affidavit verifying claim, **I-21:55**
- claim of lien, **I-21:54**
- discharge of lien, **I-21:56**

Notice of in share certificate, **II-5:9**

Nova Scotia

- affidavit verifying claim, **I-21:58**
- certificate of lis pendens, **I-21:59**
- claim of lien for registration, **I-21:57**

Nunavut

- affidavit verifying claim, **I-21:61**
- claim of lien for wages, **I-21:60**

On shares, **II-1:61**

- Alberta, **II-1:62**

Ontario

- bonds, **I-18:44, 18:46, 18:47**
- certificate of action under s. 36 of the Act, **I-21:65**
- certificate of substantial performance of the contract under s. 32 of the Act, **I-21:63**
- claim for lien under s. 34 of the Act, **I-21:64**
- discharge of lien under s. 41 or 42 of the Act, **I-21:66**
- written notice of lien under s. 1(1) of the Act, **I-21:62**

Prince Edward Island

- affidavit verifying claim, **I-21:68**
- certificate of discharge, **I-21:69**
- claim of lien, **I-21:67**

LIENS—Cont'd

Saskatchewan

- certificate of action, **I-21:71**
- certificate of substantial performance of subcontract, **I-21:70**
- claim of lien, **I-21:73**
- discharge of lien, **I-21:72**
- written notice of a lien, **I-21:74**

Yukon

- claim of lien for materials or machinery placed or furnished, **I-21:75**
- receipt for discharge of lien, **I-21:76; I-21:77**

LIFE INSURANCE

Accident policy

- legacy created out of proceeds, **V-7:33**
- particular legacy to be paid out of proceeds, **V-7:34; V-7:35**

Annuity to be purchases with proceeds, **V-7:36**

Authorization to release policy, **VIII-1:16**

Confirmation of appointments or declarations, **V-7:30**

Family income instalments, direction for payment, **V-7:26**

Fund to keep policy in force on son's life, **V-7:31**

Gift of policies, **V-8:66**

Inter vivos trusts, holding and dealing with

See INTER VIVOS TRUSTS

Particulars of policies, **V-2:3**

Power to trustees to invest in, **V-23:16**

Power to trustees to keep policy in force on spouse's life, **V-7:32; V-31:51**

Power to trustees to settle with insurance company, **V-7:28**

Settlement option, declaration directing election in favour of spouse and family, **V-7:25**

Statement of claim, **VIII-5:37**

LIFE INTEREST WILLS

See TRUST WILLS

LIMITATION PERIODS

Commentary, **VIII-1:93**

Expiry of

- motion to dismiss for, **VIII-1:96**
- order, **VIII-1:97**

Extend

- affidavit in support, **VIII-1:99**
- motion to, and add parties, Family Law Act, **VIII-1:98**
- order to, **VIII-1:100**

Tickler

- card, **VIII-1:94**
- memorandum, **VIII-1:95**

LIMITATION PERIODS—Cont'd

Tolling agreement, **VIII-1:101**

LIMITED LIABILITY PARTNERSHIPS

See NEW WEST PARTNERSHIP TRADE AGREEMENT

LIMITED PARTNERSHIP

See also NEW WEST PARTNERSHIP TRADE AGREEMENT

s I (Partnerships), VIII (Partnerships)

Cancel, **II-17:18**

Dissolution and wind-up, voluntary (Ontario)
checklist, **II-17:14**

letters

confirming distributions, **II-17:17**

reporting on winding-up and dissolution, **II-17:19**

resolutions

approval of wind-up and dissolution, general partner, of, **II-17:16**

special, approving winding-up and dissolution, **II-17:15**

Offerings

See PUBLIC OFFERINGS

Private placement, subscription, **II-23:12**

LIMITED RECOURSE

Limitation, professional partnership, in favour of tenant, **IV-6:42.50**

Limitation in favour of landlord, **IV-6:40**

REIT limitation, **IV-6:42**

Several liability, **IV-6:41**

LINKING AGREEMENTS

Affiliate

agreement, **X-4:123**

program, **X-4:122**

Brief statement, **X-4:114**

Confidentiality, reciprocal, **X-4:266**

Content restrictions, **X-4:127**

Interactive features, use and restrictions on, **X-4:136**

Interim, **X-4:115**

Internet, **X-4:118**

sites, clause, **X-4:129**

Liability for third parties, **X-4:130**

Linking policy, **X-4:135**

Mutual promotion provisions, **X-4:295**

Organization and its members, between, **X-4:117**

Privacy commitment to guests and customers, **X-4:129.50**

Simple form, **X-4:113**

Terms and conditions, **X-4:116; X-4:128**

LINKING AGREEMENTS—Cont'd

- Third party sites, **X-4:131**
- channels, and, **X-4:134**
- Trade mark restrictions, with, **X-4:119**
- Website, **X-4:111; X-4:112**
- clause, **X-4:132**

LIQUIDATION

- Shares
- See SHARE PROVISIONS
- Voluntary
- See VOLUNTARY DISSOLUTION

LIS ALIBI PENDENS

- See ANOTHER PROCEEDING ELSEWHERE

LIS PENDENS

- See CERTIFICATE OF PENDING LITIGATION

LIST

- See also COMMERCIAL LIST
- Of claims, affidavit of verification of, on reference, **VIII-19:12**

LISTING AGREEMENTS

- Exclusive listing agreement, **IV-1:32**

LISTING OF SECURITIES

- Additional listing notice letter (Ontario), **II-27:2**
- Application letter with document list, original listing, **II-27:4**
- Counsel to stock exchange, opinion of, **II-27:3**

LITERARY EXECUTOR

- Appointment, **V-6:37; V-6:38**

LITIGATION CLERK

- Venue change, affidavit of, **VIII-15:9**

LITIGATION GUARDIAN

- Affidavit, **VIII-2:10**
- Consent to act as, Small Claims Court, **VIII-32:4**
- Costs orders
 - recovery from plaintiff, **VIII-23:52**
 - recovery limited, **VIII-23:53**
- Medical examination of person under disability, motion to attend, **VIII-12:17-12:19**
- Request to appoint, **VIII-2:13**
- Substitute, motion to, **VIII-2:19**

LIVESTOCK

Gifts of, **V-8:5-V-8:7**

LIVING WILL

Document, **V-36:24**

Restrictions for powers of attorney for personal care, **V-36:16**

LOANS

See also BORROWING

Agreement, **II-21:4**

Bank Act loans

See BANKING

Banker's acceptance, **I-38:6**

Commitment letters

commercial mortgage, **I-38:3**

non-revolving term loan, **I-38:1**

revolving line of credit, **I-38:2**

Construction

See BUILDING CONTRACTS

Covenants, **I-38:8**

Environmental clauses, **I-38:10**

General clauses, **I-38:11**

General form

credit facility, with, **I-38:7**

unsecured loan, **I-38:4**

I

Increase in corporate acknowledgment, **I-32:19**

Operating loan, **I-38:6**

Promissory note, **II-21:5**

Promissory notes

See PROMISSORY NOTES

Release and discharge by lender, **II-21:58**

Representations, warranties, **I-38:9**

Term loan, **I-38:5; I-38:6**

non-revolving commitment letter, **I-38:1**

Tooling loan agreement, **I-40:89**

LOBBYIST

Code of conduct, **IX-1:62**

Registrar by-law, **IX-1:52**

Registry by-law, **IX-1:53**

LOCAL IMPROVEMENT BY-LAWS

See BY-LAWS

LOCKOUT

See STRIKE AND LOCKOUT; UNLAWFUL LOCKOUT

LOTTERY

- Licensing by-law, **IX-11:59**
- Licensing officer, appointment of, by-law, **IX-11:60**

MACHINERY

- See PERSONALTY AND HOUSEHOLD EFFECTS

MAINTENANCE AND REPAIR

- See also DAMAGE AND DESTRUCTION; SIGNS

Cleaning

- industrial, **IV-2:3**
- office (janitorial), **IV-4:3; IV-4:4**
- retail, **IV-3:3**

Construction lien

- ground, **IV-10:2**
- industrial, **IV-2:2; IV-2:3**
- leaseback, **IV-10:3**
- office, **IV-4:2-IV-4:4**
- pad, **IV-3:5; IV-3:6**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:5**

Demolition and redevelopment

- office, **IV-4:2-IV-4:4**

External changes, **IV-2:2-2:3; IV-3:5; IV-3:6; 3:2-3:4**

- office, **IV-4:2-IV-4:4**

Financing of leasehold improvements, no

- office, **IV-4:2-IV-4:4**

Improvements, financing, **IV-2:2-2:4**

Inspection and repair on notice

- ground, **IV-10:2**
- industrial, **IV-2:2; IV-2:3**
- leaseback, **IV-10:3**
- office, **IV-4:2-IV-4:4**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4**

Landlord's obligations

- air conditioning, **IV-8:42**
- cart lease, **IV-3:7**
- gross lease, **IV-2:4**
- industrial, **IV-2:2; IV-2:3**
- kiosk lease, **IV-3:7**
- medical building, **IV-10:5**
- office, **IV-4:2-IV-4:4**
- pad, **IV-3:5; IV-3:6**
- residential, **IV-8:12-IV-8:15; IV-8:25; IV-8:35; IV-8:37-IV-8:40**

MAINTENANCE AND REPAIR—Cont'd

Landlord's obligations—Cont'd

retail, **IV-3:3**

shopping centre, **IV-3:4**

Offer provisions

multi-tenanted building, no form of lease, **IV-1:16**

single-tenanted building

no form of lease, **IV-1:15**

with form of lease, **IV-1:14**

Removal of improvements and fixtures

office, **IV-4:2; IV-4:3**

Repair costs, **IV-2:2**

Repair where tenant at fault, **IV-2:3; IV-3:3; IV-4:3**

Surrender of premises

office, **IV-4:2; IV-4:3**

Tenant's obligations

ground, **IV-10:2**

industrial, **IV-2:2; IV-2:3**

leaseback, **IV-10:3**

leasehold improvements, **IV-3:2; 3:3; 3:4**

medical building, **IV-10:5**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

residential, **IV-8:12-IV-8:15; IV-8:43-8:45**

furnishings, **IV-8:16**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

MAINTENANCE AND SUPPORT

Consulting, installation, customization, configuration and maintenance,
X-23:10

Corporate IT manager, consulting agreement, **X-23:15**

Definition, **X-33:492**

Development agreement, and, **X-22:7**

Equipment lease or purchase with maintenance agreement, **X-13:21**

Hardware

manufacturer's agreement, **X-22:1**

supplier's agreement, modification to, **X-22:3**

work authorization agreement, **X-22:2**

Internet service agreement, **X-24:13**

Professional services, **X-23:6**

negotiated, **X-23:7; X-23:8**

Service provider's agreement, **X-23:9**

Software, maintenance and related services, **X-6:10**

MAINTENANCE AND SUPPORT—Cont'd

- Software, supplier's agreement, **X-22:4**
 - letter form, **X-22:5**
 - premium, **X-22:6**
 - provisions, **X-22:5.50**
- Software maintenance licence, **X-22:8**
- Technical support services
 - agreement, **X-22:11**
 - infrastructure maintenance, **X-22:16**
 - level three service, **X-22:13**
 - master license and services agreement, **X-24:7.50**
 - professional services and intellectual property rights, **X-24:7**
 - remote support, **X-22:12**
 - third party provided support, **X-24:5; X-24:7**
 - master agreement, **X-24:2; X-24:11**
 - schedule, **X-22:9**
 - work order, **X-22:10**

MAINTENANCE SERVICES

See MANAGEMENT AGREEMENTS

MALICIOUS PROSECUTION

- Individual, **VIII-5:66**
- Police, **VIII-5:65**

MALPRACTICE

- Dental, **VIII-5:86**
- Hospital, **VIII-5:85**
- Lawyer, **VIII-5:87**
- Medical, **VIII-5:84**

MANAGED OPERATIONS

- Information technology solutions and processing services agreement, **X-20:22**
- Network management agreement, **X-20:17; 20:17.50**
- Service agreement, **X-20:14; X-20:15**
- Services advisory committee, **X-20:16**
- Specified services, initiation and categorization of additional, **X-20:23**
- Standard of care, compliance with laws, record keeping, audit rights, personnel, training, and disaster recovery, **X-20:24**

MANAGEMENT AGREEMENTS

- Building maintenance services, **I-39:14; I-39:15**
 - proposal for, **I-39:28**
- Commercial property, warehouse facilities, **I-39:5**
- Computers
 - See COMPUTERS

MANAGEMENT AGREEMENTS—Cont'd

Elevator service

complete maintenance, **I-39:18**

partial maintenance, **I-39:19**

Landscape maintenance, specifications for, **I-39:29**

Music, agreement to supply, **I-39:17**

Office equipment maintenance, **I-39:20; I-39:21**

Office premises, equipment and services, agreement to provide, **I-39:3**

Partnership

See PARTNERSHIPS

Paved areas, sweeping of, **I-39:30**

Property management agreement, **I-39:2**

Property management consultant, agreement for personal services of, **I-39:4**

Refuse removal services, shopping centre, **I-39:10**

Security guards, agreement to supply, **I-39:16**

Snow removal

commercial, **I-39:11**

specification form, **I-39:27**

Supplier form for hardware and software support and maintenance,
I-23:296.70

Tender confirmation letter, **I-39:31**

Towel service, **I-39:23**

Uniform rental service, **I-39:22**

Window cleaning services, **I-39:12; I-39:13**

tender on, **I-39:25; I-39:26**

MANDATORY MEDIATION

Assigned mediator, notice by, **VIII-1:121**

Certificate of non-compliance, **VIII-1:123; VIII-30:134**

Checklist, **VIII-1:118**

Commentary, **VIII-1:117**

Date of session, notice of, **VIII-1:119**

Issues, statement of, **VIII-1:122; VIII-30:133**

Mediator

notice by, **VIII-30:132**

notice of name of, **VIII-1:119**

Non-compliance, certificate of, **VIII-1:123**

Postponement, consent to, **VIII-1:120**

Request for assignment of mediator, **VIII-30:131**

Statement of issues, **VIII-1:122; VIII-30:133**

MANDATORY ORDER

Commentary, **VIII-14:27**

Motion for, **VIII-14:27-14:30**

MANUFACTURING

- Accounting records, accessibility of, **I-40:45**
- Agency agreements
 - See AGENCY AGREEMENTS
- Computers
 - See COMPUTERS
- Conditions of sale, **I-40:6**
- Confidentiality, **I-40:51; I-40:83; I-40:84**
- Delivery, **I-40:29; I-40:30**
 - loss or damage in transit, **I-40:23**
- Distribution, **I-40:13.10; 40:13.40**
- Distributorship agreement, heavy equipment, **I-24:5**
- Documentation, conflicts in, **I-40:64**
 - electronic communication, **I-40:65**
- Electronic data interchange, **I-40:88; I-40:89**
- Employees
 - confidentiality of information, **I-40:51; I-40:83; I-40:84**
 - employment of, **I-40:55**
 - health and safety, **I-40:57**
 - inventions, ownership of, **I-40:50**
 - managing co-ordinator, **I-40:59**
 - workers' compensation, **I-40:56**
- Export restrictions, **I-40:34**
- Forecasts, **I-40:24**
- Foreign manufacturer, **I-40:10; 40:13.30**
- General clauses
 - amendments to agreement, **I-40:60**
 - arbitration, **I-40:61**
 - assignment, **I-40:62**
 - commitment, agreement not to be, **I-40:72**
 - disclaimer, **I-40:64.30**
 - dispute resolution, **I-40:64.70**
 - force majeure, **I-40:67**
 - indemnification, **I-40:68**
 - insurance, **I-40:69**
 - language, **I-40:70**
 - law, compliance with, **I-40:63**
 - limitation of liability, **I-40:71**
 - publicity, **I-40:73**
 - relationship of parties, **I-40:74**
 - reliance on outside assurances, **I-40:66**
 - remedies, **I-40:75**
 - survival, **I-40:76.50**
 - taxes, **I-40:42**

MANUFACTURING—Cont'd

General clauses—Cont'd

termination of agreement, **I-40:77**

Grants, **I-40:43**

Hazardous materials, **I-40:58**

Inspection of procedures, **I-40:44**

Intellectual property, **I-40:47**

confidentiality of, **I-40:51**

improvements to products, **I-40:53**

indemnification for, **I-40:48**

inventions, ownership of, **I-40:50**

non-disclosure of, **I-40:52; I-40:85**

trademarks

general clause, **I-40:49**

licence, **I-40:86**

user agreement, **I-40:87**

transfer of technology, **I-40:54**

Inventory, **I-40:27**

Letter of intent, **I-40:81**

Minimum orders, **I-40:85**

Non-disclosure agreement, **I-40:85**

Orders

See minimum orders, supra; purchase order, infra

See Minimum orders, supra; purchase order, infra

Packaging of products, **I-40:9; I-40:28**

Payment for goods, **I-40:40**

Pricing

adjustments, **I-40:37**

commitment to, **I-40:38**

generally, **I-40:36**

most-favoured treatment, **I-40:39**

Product development, **I-40:13.10**

joint venture, **I-40:13.20**

Proprietary process, sale of, **I-40:11; I-40:12**

Purchase order

acknowledgment of, **I-40:45**

cancellation of, **I-40:25**

confirmation of, **I-40:7**

forecast of, **I-40:24**

general, **I-40:3**

machinery parts, **I-40:4**

technical liaison representative, **I-40:76**

Quality of goods, **I-40:20**

inspection, **I-40:21**

MANUFACTURING—Cont'd

- Quality of goods, **I-40:20**—Cont'd
 - rejection of shipment, **I-40:22**
 - review and acceptance by buyer, **I-40:31**
- Quotation, **I-40:2**
- Records of parts and tools, **I-40:44**
- Samples, manufacturing according to, **I-40:8**
- Security interest in goods, **I-40:41**
- Technology manufacturing, **I-40:13.70**
- Technology trial, **I-40:13.50**
- Termination of agreement, **I-40:77**
- Time and material agreement, **I-40:91**
- Tooling loan agreement, **I-40:90**
- Trademark licence, **I-40:86**
- Trademark use agreement, **I-40:87**
- Value-added reseller, **I-40:13.60**
- Warranties, **I-40:78-I-40:80**
- Work, scope of, **I-40:18**

MAREVA INJUNCTION

- Commentary, **VIII-14:31**
- Restrain disposal of assets in Ontario, motion to, **VIII-14:35-14:37**
- Restrain removal of assets from Ontario, motion to, **VIII-14:32-14:34**

MARK

- Attestation of signature with, **V-34:9**

MARKETING PROMOTION CAMPAIGN

- Agreements, **IX-3:119**

MARRIAGE

- Contemplation of
 - See CONTEMPLATION OF MARRIAGE
- Contracts
 - investment account to satisfy requirements of, **V-11:40**
- Divorce or separation, codicil to amend will after, **V-5:5**
- Persons born outside of, **V-28:10**
- Separation agreement, direction to carry out, **V-34:31**

MARRIAGE CONTRACT

- Agreement, **VI-2:8**
- Checklist, **VI-2:2**
- Debts and obligations, **VI-2:30**
- Definitions, **VI-2:6**
- Effective date, **VI-2:10**
- Estate rights, **VI-2:31**
- Family Law Act, reference to, **VI-2:11; 2:21**

MARRIAGE CONTRACT—Cont'd

- Family residence, **VI-2:25**
- Financial disclosure, **VI-2:40**
- Independent legal advice, **VI-2:40**
- Matrimonial home, **VI-2:22, 2:23**
- Purpose, **VI-2:8**
- Severability, **VI-2:5**
- Support
 - fixed spousal support based on length of relationship, **VI-2:16**
 - lump sum, **VI-2:17**
 - no obligation, **VI-2:13**
 - release, **VI-2:15**
 - rights unaffected by agreement, **VI-2:21**
- Trust interests, **VI-2:20**
- Variation of, **VI-2:33**

MARRIAGE LICENCES

- Application, **VI-9:11**

MASSES FOR THE DEAD

- Gifts for, **V-12:19-V-12:21**

MASTERS

- Motions
 - commentary, **VIII-13:13**
 - long motion, requisition to schedule, **VIII-13:15**
 - notice of, **VIII-13:14**

MASTER SERVICE AGREEMENT

- Business, commercial(government) undertakings and dealings
 - statement of work for delivery of designated municipally related services, **I-42:64.50**
- Business processes, execution version, US form, **I-42:65**
- Business process outsourcing services, BDC Commercial Solutions, Inc. and Industry Resource Corp., **I-23:334.50**
- Commentary, **I-42:63**
- Commentary, terms and conditions for incorporation into service agreements, **I-42:63.50**
- Confidential information, **I-42:84.50**
- Confidentiality, **I-42:94.70**
- Construction, supply of, **I-42:65.60**
- Construction, US form, **I-42:64**
- Consulting, software development, and related services, **I-42:78.100**
- Consulting or technical services implemented through SOWs, **I-42:77**
- Consulting services and/ or technical support service, **I-42:65**
- Contractor and subcontractor, **I-42:65.55**

MASTER SERVICE AGREEMENT—Cont'd

General clauses

- fees and costs, **I-42:108**
- knowledge sharing, **I-42:112**
- non-binding MOU, **I-42:117**
- operating plan (statement of work/work plan), **I-42:119**
- recording and monitoring calls, **I-42:122.50**
- right to audit, **I-42:123**
- scope of agreement, **I-42:123.50**

Generic, **I-42:68**

- associated statement of work, **I-42:68.50**
- incorporating and replacing previously executed agreement, **I-42:69**
- Government-related work as authorized via work order, **I-42:65.50**

Healthcare

- patient services, **I-42:75.180**

Managed services, **I-42:78.20**Management services, **I-42:75.160**Professional services and IP rights, **I-42:78**Provision of services, **I-42:67.50**Provision of technical, developmental, engineering, procurement, construction and consulting services, **I-42:78**

Technology

- business processes, **I-42:70**
- cloud services subscription and project services, **I-42:75.140**
- contact centre to provide technical support and customer service, operation of, US form, **I-42:75.10**
- containing additional sample exhibits, **I-42:72**
- customer data collection, management and use of terms of use, **I-42:75.80**
- digital trust products and services, **I-42:71.50**
- managed services, service levels agreement, **I-42:75.20**
- patient services, **I-42:75.180**
- provision of information technology products and services, **I-42:75.120**
- SaaS contracted services, **I-42:75.100**
- storage of electronic records, **I-42:75.60**
- technology analysis and remediation, US form, **I-42:74**
- terms and conditions, **I-42:71**
- third party provided support services, **I-42:75**
- U.S. form, **I-42:73**
- website services and professional services, **I-42:75.40**

Transit alliance, municipal, **I-42:78.52****MASTER SERVICE AGREEMENTS**Digital service agreement, (SaaS), **X-24:8.40**

Master service agreement

- business process, **X-24:12**

MASTER SERVICE AGREEMENTS—Cont'd

Master service agreement—Cont'd

checklist, **X-24:0.50, 24:1, 24:1.70**

commentary, **X-24:0.30**

consulting, software development, related services, **X-24:8.50**

consulting or technical support services (Asia Pacific Region), **X-24:3**

customer data collection, management and use terms of use, **X-24:8**

data centre, **X-24:10**

data protection addendum and acceptable use policy, **X-24:8.30**

design build engagement, **X-24:6.50**

electronic records, storage of, **X-24:9**

for the provision of financial services, **X-24:4.30**

generally, **X-24:2; X-24:2.50; X-24:11**

information technology transformation services, **X-24:8.70**

professional services and intellectual property rights, **X-24:7**

SaaS contracted services, **X-24:4**

statement of services, **X-20:12.80**

technical, developmental and engineering, IT Facilities Management
Centre, **X-24:6**

terms and conditions, **X-24:13**

third party provided support, **X-24:2; X-24:5**

MATERIAL CHANGE REPORT

Continuous disclosure, **II-32:2**

MAYOR

Mayoral Decision, **A:6; IX-A:6**

Veto Amendment Resolution, **A:7; IX-A:7**

MEASUREMENT OF PREMISES

Extent of premises, **IV-4:4**

Lease provisions

industrial, **IV-2:2; IV-2:3**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

MEDIATION

See also **ARBITRATION**

See **ALTERNATIVE DISPUTE RESOLUTION**

See **DISCRIMINATION; LABOUR RELATIONS; WORKERS'**
COMPENSATION

Agreements

comprehensive, **I-7:114**

short, **I-7:113**

MEDIATION—Cont'd

- Agreements—Cont'd
 - terms, and, **I-7:112**
- Contractual provisions regarding submission to mediation
 - agreement, pursuant to, **I-7:109**
 - contract, dispute founded in, **I-7:107**
 - governing law, **I-7:110**
 - language of, **I-7:110**
 - location of, **I-7:110**
 - tort, dispute founded in, **I-7:108**
- Costs, motion for, **I-7:105**

MEDIATION, MANDATORY

See MANDATORY MEDIATION

MEDICAL

- Authorization
 - release medical records, to, **VIII-1:8**
 - release OHIP treatment records, to, **VIII-1:23**
 - letter, **VIII-1:22**
- Examination, motion for
 - commentary, **VIII-12:34**
 - consent to
 - commentary, **VIII-12:34**
 - form of, **VIII-12:35**
 - dentist, by, **VIII-12:8-12:10**
 - directions as to scope of, form, **VIII-12:14-12:16**
 - doctor, by, **VIII-12:2-12:4**
 - litigation guardian
 - affidavit, **VIII-12:18**
 - notice of motion, **VIII-12:17**
 - order, **VIII-12:19**
 - psychiatrist, by, **VIII-12:5-12:7**
 - sanctions for failure to comply
 - failure to attend, **VIII-12:28-12:30**
 - failure to provide medical information, **VIII-12:31-12:33**
 - second examination, **VIII-12:25-12:27**
 - tape recording of
 - commentary, **VIII-12:20**
 - motion to permit, **VIII-12:20-12:24**
- Information, motion to strike for failure to provide, **VIII-12:31-12:33**
- Malpractice, **VIII-5:84**
- Record, motion for production of, **VIII-9:36-9:38**

MEDICAL RESEARCH

- Donation of body for, **V-34:30**

MEDICAL RESEARCH—Cont'd

Gift to university for fund, **V-12:18**

MEETINGS

Annual

See ANNUAL MEETING

Ballots for

auditors, appointment of, **II-12:46**

directors, election of, **II-12:45**

cumulative voting, **II-12:49**

single ballot, **II-12:48**

resolution, ordinary or special, **II-12:47**

Chairperson's agenda

annual meeting

long form, **II-12:54**

short form, **II-12:53**

by-laws, amendments to

British Columbia, **II-12:57**

Ontario, **II-12:56**

cumulative voting, **II-12:55**

right to dissent, **II-12:58**

special resolution, **II-12:58**

Conflict of interest disclosure, **II-10:16**

Directors'

audit committee, minutes, **II-10:28**

meetings, procedure checklist, **II-12:1**

minutes of, **II-12:5**

telephone meeting, **II-12:6**

notice of, **II-12:2**

special business

Alberta, **II-12:3**

federal, **II-12:3**

Ontario, **II-12:3**

waiver of, **II-12:4**

Information circular

board of directors, rotating, **II-12:24**

directors, cumulative voting for, **II-12:23**

directors' and officers' questionnaire, **II-12:31**

dissent rights

Alberta, **II-12:30**

British Columbia, **II-12:29**

federal, **II-12:27**

Ontario, **II-12:28**

Saskatchewan, **II-12:27**

MEETINGS—Cont'd

Information circular—Cont'd

general form

federal, **II-12:21**

Ontario, **II-12:21**

restricted voting shares, **II-12:22**

special resolution, approval of, **II-12:25**

stock exchange imposed majority, **II-12:26**

Minutes

annual meeting, **II-12:59**

by-law amendments, **II-12:61**

cumulative voting, **II-12:60**

special resolutions, passing of, **II-12:62**

National Instrument 54-101, compliance with

annual request form, **II-12:18**

return card, **II-12:19**

timetable for annual shareholders' meetings, **II-12:17**

Organizational

board of directors

Manitoba, **II-2:127**

Ontario, **II-2:119**

shareholders'

federal, **II-2:139**

Manitoba, **II-2:130**

Ontario, **II-2:122**

Proxies

appointment of

Manitoba, **II-2:129**

Ontario, **II-2:121**

form of, **II-12:32**

private company (Saskatchewan), **II-12:37**

solicited by management, public company

Alberta, **II-12:33**

British Columbia, **II-12:34**

Manitoba, **II-12:36**

Ontario, **II-12:33**

Saskatchewan, **II-12:35**

revocation of, **II-12:38**

Proxy solicitation

dealer management agreement, **II-12:66**

dissident's form of proxy, **II-12:64**

dissident's information circular, **II-12:63**

statement accompanying, **II-12:65**

MEETINGS—Cont'd

Scrutineers' reports

attendance, **II-12:50**

directors, election of, **II-12:51**

poll, **II-12:52**

Shareholders'

certified extract from, **II-19:19**

consent to hold, **II-12:9**

directors' resolution calling, **II-12:7**

public corporation, **II-12:8**

dissidents' statement re mailing, **II-12:16**

notice of

annual, **II-12:10**

annual and special, **II-12:11**

shareholder requisitioned meeting, **II-12:14**

special, **II-12:12**

adjournment of, **II-12:13**

officers' or directors' statement re mailing, public company, **II-12:15**

organizational

federal, **II-2:139**

Manitoba, **II-2:130**

Ontario, **II-2:122**

waiver of notice, **II-12:9**

Shareholders' resolutions

auditors, appointing, **II-12:40**

confirmation of amendment, **II-12:44**

confirmation of by-law, **II-12:41**

directors, electing, **II-12:39**

ordinary, **II-12:42**

special, **II-12:43**

Telephone

See TELEPHONE MEETINGS

MEETINGS INVESTIGATOR

By-law, **IX-1:54; IX-1:55**

MEMORANDA OF UNDERSTANDING

Collaboratively maintain, update, improve specified geospatial sets,
X-32:17.50

General, **X-32:15**

Groundwork for shareholder agreement for company that will be incorporated
to establish joint venture, **X-32:16A**

Project bid, **X-32:17**

Promote and sustain market for designated product/services, **X-32:16**

MEMORANDA TO TRUSTEES

- Care of children
 - brother providing home, payments to, **V-35:18**
 - son in mental hospital, provision for, **V-35:20**
- Companies
 - request to retain and relief from management, **V-35:25**
 - request to retain with suggestions as to management and sale, **V-35:24**
 - shares
 - See corporate shares, *infra*
 - See Corporate shares, *infra*
- Consultation of particular persons in administration, **V-35:2; V-35:3**
- Corporate shares
 - income inadequate from, request to encroach, **V-35:27**
 - son to be assisted in purchasing, **V-35:26**
 - testator having controlling interest, request to retain, **V-35:24; V-35:25**
- Disposal of personal effects in accordance with, **V-8:52; V-8:53**
- Education of children with respect to religious institutions, **V-35:19**
- Encroachment for mother-in-law, **V-35:23**
- Encroachment for spouse
 - as spouse requests, **V-35:8**
 - only after education complete, **V-35:11**
 - sickness emergency and travel, for, **V-35:7**
- Encroachment for spouse and children
 - for spouse only after children educated, **V-35:11**
 - liberally for spouse but limited for children, **V-35:12**
 - minimum income for spouse, **V-35:10**
 - spouse to be consulted as to payments for children, **V-35:9**
 - substantial payments to son to assist career, **V-35:15**
- Grandchildren, income for, **V-35:21**
- Home for children with opportunity to purchase, **V-35:17**
- Income
 - all to spouse during children's minority, then divided, **V-35:13**
 - grandchildren, for, more than required for maintenance, **V-35:21**
 - minimum for spouse, **V-35:6; V-35:10**
 - portion to children if not required by spouse, **V-35:14**
- Incorporation by reference in will, **V-8:51-V-8:53**
- Minimum income for spouse, **V-35:6; V-35:10**
- Mother-in-law, request to encroach for, **V-35:23**
- Payments to brother who provides home for children, **V-35:18**
- Personal property
 - binding, **V-8:18**
 - non-binding, **V-8:16**
- Share for daughter, treatment of, **V-35:16**
- Share for niece, purchase of annuity from, **V-35:22**

MEMORANDA TO TRUSTEES—Cont'd

- Son in mental hospital, provision for, **V-35:20**
- Spouse to be consulted
 - as to administration, **V-35:2**
 - as to capital payments for children, **V-35:9**
- Spouse to seek investment assistance, **V-35:4**
- Standard of living of spouse, request to maintain, **V-35:5**

MEMORANDUM

- Approval of order, **VIII-18:38**
- Explanatory, for discovery, **VIII-10:3**

MEMORANDUM OF ASSOCIATION

- Alberta, not for profit company, **II-1:96; II-1:96.50**
- Nova Scotia, **II-1:48**
 - non-share capital company, **II-1:111**
- Voluntary dissolution (Alberta), **II-17:49**

MEMORANDUM OF UNDERSTANDING

- Academic collaboration, **I-42:38.10**
- Commentary, **I-42:1.20**
- Company purchase, **I-42:42.105**
- Computers See COMPUTERS
- Confidentiality, **I-42:41.50**
- Consulting and professional services
 - consulting services, **I-42:45**
- Definitions, **I-42:79-42:91.70**
- Digital health funding commitment and high-level governance arrangements, **I-42:42.140**
- Educational Institution
 - operating network, **I-42:42.110**
- Energy
 - new strategic energy growth initiative
 - between provincial energy partnership and provincial hydro authority, **I-42:42.125**
 - oil production facility, acquisition of equity interest to fund, **I-42:42.120**
 - strategic partnership agreement, **I-42:42.130**
- Exploration of a potential business collaboration, **I-42:42.50**
- Fuel supply, **I-42:78.50**
- Gaming, sales, marketing, distribution, **I-42:45.05**
- General clauses
 - acknowledgments, **I-42:92**
 - amendments, **I-42:101**
 - binding agreement modification, **I-42:102**
 - binding effect; succession, **I-42:93**
 - choice of laws, **I-42:103**

MEMORANDUM OF UNDERSTANDING—Cont’d

General clauses—Cont’d

- conduct and legal compliance, **I-42:104**
- confidentiality of MOU, **I-42:94.30, 42:105**
- definitive agreement, **I-42:106**
- definitive documents, **I-42:106.50**
- dispute resolution, **I-42:107**
- entire agreement and understanding between parties, **I-42:107.30**
- fees and costs of MOU and agreement, **I-42:108**
- force majeure, **I-42:100**
- information exchange, **I-42:100.50**
- intellectual property rights ownership, **I-42:100.60**
- invalidity of certain provisions, **I-42:111**
- no authority to bind a party, **I-42:115**
- no drafting inference, **I-42:116**
- section headings, **I-42:124**
- US form, **I-42:42.60**

General/generic use, **I-42:39; 42:42.80**

- no legally binding or enforceable right or obligation, **I-42:40**

Government and public alliances

- consultation, cooperation, exchange of information, **I-42:38.50**
- data sharing alliance, **I-42:45.30**
- elevating public interest, sustainable resource use, **I-42:45.35**
- license of name and likeness rights key material terms, **I-42:42.80**
- operational, administrative, financial, auditing, reporting, **I-42:45.25**

Healthcare and not-for-profits (NFPs)

- charitable donations, **I-42:44**
- hospital collaboration terms, **I-42:43**
- hospitals integration, executive committee governance model, **I-42:42.180**
- initiative to integrate care for persons eligible for healthcare, **I-42:42.200**
- services provider and facilitator, **I-42:42.210**

Home construction, **I-42:42.100**

Investments Partner, **I-42:57.50**

Landlord and tenant

- lease buy-out, **I-42:46**
- office lease agreement, **I-42:47**

Litigation settlement terms, **I-42:47.50**

Maintain confidentiality

- exchange of confidential information, relating to, **I-42:42.90**

Municipalities and public benefit non-profit corporations

- acquisition of municipal rights of way to provide telecom services,
I-42:45.40
- consulting, **I-42:38.70**
- fiber optic network agreement, **I-42:45.60**

MEMORANDUM OF UNDERSTANDING—Cont'd

- Municipalities and public benefit non-profit corporations—Cont'd
 - public benefit non-profit corporation, use of municipal land by, **I-42:45.80**
 - recognizing union as a legal representative of specified categories of employees, **I-42:45.100**
 - smart city alliance, **I-42:45.120**
- Non-binding and non-legally enforceable letter of intent, **I-42:1**
- Not-for-profit
 - alliance collaboration and governance terms, **I-42:42.220**
 - annual industry, specific trade show, **I-42:42.240**
 - renewal, **I-42:42.260**
- Pharmaceuticals, development and sale of product, seeking investment partner, binding, **I-42:48**
- Pre-construction services, **I-42:42.95**
- Project partnership engagement, **I-42:42.20**
- Project related contract(s), territorial related sales, **I-42:42**
- Project team for educational planning, **I-42:45.20**
- Promote and sustain market for designated product and/or services, **I-42:53**
- Public-private
 - design-build contract guarantee of all obligations, **I-42:52.50**
 - establishment of public-private partnership, **I-42:48.50**
 - network support services municipal utility and internet related services provider, **I-42:51**
 - regional health network data exchange, **I-42:52**
 - scholastic dialogue structure, **I-42:52.30**
 - treatment of non-public information, **I-42:49**
 - unified health network, **I-42:50**
- Public sector network agreement, **I-23:194.70**
- Real estate, purchase agreement (with restrictions), **I-42:57**
- Regional collaboration (governmental), **I-42:42.160**
- Research, collaborative program, **I-42:52.70**
- Sale of business, territorial related sales, **I-42:41**
- Sales
 - industry and designated professionals association, **I-42:53.70**
 - licence and reseller agreement, **I-42:53.60**
 - promote and sustain market for designated product and/or services, **I-42:53**
 - world heritage site listing, bid to establish, **I-42:53.50**
- Schools, provision of services to, **I-42:38.20**
- Share purchase, **I-42:58**
 - MOU and SLA, **I-42:59.50**
 - pursuant to joint venture agreement, **I-42:59**
- Software, hardware, technology innovation and associated services and initiatives
 - app promotion, **I-42:62.60**
 - customer engagements, **I-42:62.90**

MEMORANDUM OF UNDERSTANDING—Cont’d

- Software, hardware, technology innovation and associated services and initiatives—Cont’d
 - joint development and marketing of technology (summary of terms), **I-42:62.50**
 - pilot program to demonstrate commercial viability of specified technology, **I-42:60**
 - pilot project, software application, **I-42:61**
 - possible tech-related development agreement, **I-42:62**
 - resale and support, **I-42:62.80**
 - software application enhancement, **I-42:61.50**
 - specified data sets, collaboratively maintain, update, improve, **I-42:62.70**
 - tech-related collaboration opportunities, **I-42:60.50**
- Strategic partnership agreement, **I-42:42.40**
- Term sheets
 - development and provision of systems infrastructure and support services, **I-42:78.140**
 - joint venture documents, amendment of, **I-42:78.160**
 - waterfront modernization project, **I-42:78.120**

MENTAL EXAMINATION

- Motion for
 - consent to
 - commentary, **VIII-12:34**
 - form of, **VIII-12:35**
 - directions as to scope of examination, **VIII-12:14-12:16**
 - directions as to who may attend, **VIII-12:17-12:19**
 - psychiatrist, by, **VIII-12:5-12:7**
 - psychologist, by, **VIII-12:11-12:13**
 - sanctions for failure to comply
 - failure to attend, **VIII-12:28-12:30**
 - failure to provide medical information, **VIII-12:31-12:33**
 - second examination, **VIII-12:25-12:27**

MENTAL INCOMPETENTS

- See PERSONS UNDER DISABILITY

MENTALLY INCAPABLE PERSONS

- See PERSONS UNDER DISABILITY

MERCHANTS’ ASSOCIATION

- Limitation on obligation to join, **IV-6:53**
- Obligation to join, **IV-3:4**
- Offer provision, **IV-1:13**

MERGE FILES

- Client information sheet, **VIII-1:4**

MERGER, THREE-CORNERED

- Agreement between two corporations, **II-15:2**
- Amalgamation agreement for purpose of, **II-15:3**
- Shareholders' resolution authorizing, **II-15:7**

METAVERSE

- Commentary, **X-28B:1**
- Joint venture memorandum for development and commercialization of products, **X-28B:4**
- Terms of use agreement (European website), **X-28B:3**
- Use of services engine, platform and contents, **X-28B:2**

MICROFILM

- Records, evidence of by affidavit at trial, **VIII-17:29**

MINERAL RIGHTS

- Farm lease provision, **IV-10:4**

MINES AND MINERALS

- Arbitration, **I-43:23**
- Consulting services agreement, **I-43:4**
- Diamond drilling agreement, **I-43:3**
- Freedom to compete, **I-43:24**
- Geophysical survey, **I-43:2**
- Hand cobbing, **I-43:16**
- Joint venture and option agreement, **I-43:1**
- Lease, **I-43:5**
 - purpose, **I-43:12**
 - renewal of, **I-43:13; I-43:14**
- Net smelter returns, **I-43:8**
- Option and joint venture agreement, **I-43:1**
- Option to purchase mining property, **I-43:20**
- Ores to be joint property, **I-43:17**
- Performance of lease, disputes not to interrupt, **I-43:19**
- Profit sharing, **I-43:7**
- Royalties
 - calculation of, tenant not dealing at arm's length with treatment plant, **I-43:9**
 - minimum annual payment, **I-43:8**
 - payment, method of, **I-43:10**
 - payments, **I-43:6**
- Sale of mining property, **I-43:21**
- Tenant
 - conduct of operations, **I-43:15**
 - default by, **I-43:11**
 - sealing off of workings, **I-43:22**

MINES AND MINERALS—Cont'd

Tenant—Cont'd

termination, report on, **I-43:18**

treatment plant, not dealing with at arm's length, **I-43:9**

MINIMUM EMPLOYMENT STANDARDS

See LABOUR STANDARDS

MINISTER OF TRANSPORTATION

Service of notice of claim on, **VIII-1:104**

MINORS

See also PERSONS UNDER DISABILITY

Affidavit of service, **VIII-3:10**

Approval of settlement

affidavit of lawyer, **VIII-21:67**

affidavit of litigation guardian, **VIII-21:66**

checklist, **VIII-21:63**

commentary, **VIII-21:62**

consent of minor, **VIII-21:68**

judgment, **VIII-21:69**

notice of application, **VIII-21:64**

notice of motion, **VIII-21:65**

Children not of testator, **V-16:4**

Children of testator, provisions for care of, **V-27:2-V-27:5**

Decision-making responsibility

appointment of, **V-27:4**

provision for, **V-27:3**

Fund for, until majority, **V-13:6**

Grandchildren

directions as to shares of, **V-16:12; V-16:16**

disabled, where one is, **V-37:3**

one capital distribution, **V-16:21**

foreign beneficiaries, with, **V-16:23**

postponement of shares, **V-16:17**

two capital distributions, **V-16:22**

Guardians of children, appointment for, **V-27:3; V-27:4**

compensation of, **V-27:6**

Interim payment to, **VIII-20:27-20:29**

Inter vivos trusts

See INTER VIVOS TRUSTS

Judgment, form of, **VIII-18:8**

Jurisdictions, provisions for beneficiaries in several, **V-16:24**

Legacies, direction to invest and accumulate, **V-16:9; V-16:10**

Order to continue, **VIII-2:12**

requisition for, **VIII-1:60**

MINORS—Cont'd

- Payment out of court on majority
affidavit, **VIII-20:24**
commentary, **VIII-20:22**
requisition, **VIII-20:23**
- Payments for minors, **V-16:3**
- Payments on behalf of, authority to make, **V-16:5**
- Plaintiff's offer to settle
defendant under disability, **VIII-21:27**
plaintiff under disability, **VIII-21:26**
- Religious education of children, **V-27:5**
- Residue, division of
one capital distribution, **V-16:18**
three capital distributions, **V-16:20**
two capital distributions, **V-16:19**
- Shares
capital, direction to invest use and accumulate, **V-16:6**
corporate stock, provision for specie distribution in trust, **V-16:14**
death before majority, provision for gift over, **V-16:15**
direction to hold, invest and use, **V-16:2; V-16:6; V-16:8**
direction to pay to named person, **V-16:11**
grandchildren, for, direction as to, **V-16:12; V-16:16; V-16:21-V-16:23**
income, power to use with direction to use and accumulate balance, **V-16:8**
parents to hold if living, otherwise trustees, **V-16:13**
payment to named person, **V-16:7**

MINUTES

- Annual meeting, **II-12:59**
- Audit committee meeting, **II-10:28**
report of to director's meeting, **II-10:29**
- By-law amendments, **II-12:61**
- Cumulative voting, **II-12:60**
- Directors' meeting, **II-12:5**
certified extract, **II-19:15**
telephone meeting, **II-12:6**
- Non-share capital corporation
admitting members, directors meeting, **II-2:161**
organizational, directors'
 - Alberta, **II-2:156; II-2:157**
 - Manitoba, **II-2:155**
 - Ontario, **II-2:155**
 - Saskatchewan, **II-2:155**organizational, members'
 - Alberta, **II-2:159; II-2:160**
 - Manitoba, **II-2:158**

MINUTES—Cont’d

- Non-share capital corporation—Cont’d
 - organizational, members’—Cont’d
 - Ontario, **II-2:158**
 - Saskatchewan, **II-2:158**
- Sample organization
 - appointment of proxy
 - Alberta, **II-2:126**
 - Manitoba, **II-2:129**
 - Ontario, **II-2:121**
 - board of directors meeting
 - Manitoba, **II-2:127**
 - Ontario, **II-2:119**
 - director’s resolution (Alberta), **II-2:123**
 - shareholders’ meeting
 - federal, **II-2:139**
 - Manitoba, **II-2:130**
 - Ontario, **II-2:122**
 - sole shareholder’s resolution (Alberta), **II-2:124**
 - waiver of notice
 - Alberta, **II-2:125**
 - federal, **II-2:138**
 - Manitoba, **II-2:128**
 - Ontario, **II-2:120**
- Special resolutions, passing, **II-12:62**

MINUTES OF SETTLEMENT

- Discharge
 - Manitoba, **VII-10:46**
 - Ontario, **VII-10:17**
- General form, **VIII-21:83**
- Lump sum agreement, **VII-17:109**
- Release, and, **VII-17:107; VII-17:110-VII-17:112**
- Salary continuation, **VII-17:108**

MISREPRESENTATION

- Contract, claim for
 - contract, in, **VIII-5:43**
 - inducing contract, **VIII-5:45**
- Contractual, defence, **VIII-5:44**

MISTRIAL

- Costs to plaintiff of, **VIII-23:6**

MOBILITY AGREEMENTS

- Bring your own device checklist, **X-15:17**

MOBILITY AGREEMENTS—Cont'd

- Broadband services uncapped wireless services offering, **X-15:4**
- Commentary, **X-15:16**
- Customer agreement, voice and data, **X-15:1**
- Digital proof of auto insurance, **X-15:5.50**
- End-user license agreement, for mobile devices, **X-15:1.50**
- Enterprise customer agreement, **X-15:2**
- General, **X-15:1**
- Mobile application (auto insurance policy), **X-15:5**
- Partner Alliance Program, term sheet, **X-15:3**
- Policies and limitations
 - business user, acceptable use by, **X-15:14**
 - cell phone use in workplace, **X-15:11.30**
 - commentary, **X-15:9**
 - customer, acceptable use by, **X-15:10**
 - employee cell phone, **X-15:11.70**
 - liability exclusions, **X-15:15**
 - mobile device, acceptable use policy for, **X-15:11**
- Terms and protocols, **X-15:6**
 - arbitration protocol, **X-15:8**
 - small business, service terms for, **X-15:7**
 - terms and conditions, for handheld devices, **X-15:1.30**
 - website user terms, associated, **X-15:6**

MOBILITY SERVICE PROVIDER

- See also MOBILITY AGREEMENTS; INFRASTRUCTURE AND REMOTE ACCESS AGREEMENTS; VOICE OVER IP
- Service agreement, acceptable use policy forming part of, **X-15:12; X-15:13**

MONEY

- Foreign currency, prayer for relief, **VIII-4:27**
- Lent, statement of claim, **VIII-5:36**

MONUMENTS

- See TOMBSTONES AND MARKERS

MORAL RIGHTS

- See INTELLECTUAL PROPERTY ASSETS

MORTGAGES

- See also SUBORDINATION, NON-DISTURBANCE AND ATTORNMEN
- Action, heading, defendant added on reference, **VIII-1:48**
- British Columbia, **II-21:27**
- Estoppel certificate, landlord to chargee, **IV-14:6**
- Gifts of
 - See LEGACIES
- Leasehold lands, of, **II-21:25**

MORTGAGES—Cont'd

- Leasehold mortgage
 - form of, **IV-14:2**
 - form of, assignment of lease, **IV-14:3**
 - landlord's agreement with leasehold mortgagee, **IV-14:5**
- Seizure of
 - direction to sheriff, **VIII-22:39**
 - notice to mortgagor, **VIII-22:40**
 - sheriff's notice, **VIII-22:38**
- S IV, V (Legacies), VIII
- Subordination, **IV-3:5; IV-3:6**

MOTION PICTURES

- See also TELEVISION; THEATRES
- Actors
 - cast list credit rider, **I-57:32**
 - extras, **I-57:45**
 - feature player, credit rider, **I-57:31**
 - insurance rider, **I-57:29**
 - name and likeness, **I-57:30**
 - principal performer's agreement, **I-57:26**
 - television performer's agreement, **I-57:34**
 - minor, **I-57:34.50**
- Composer's agreement, **I-57:35; I-57:36**
 - licence of rights, **I-57:38**
- Consignment agreement, representation of stock footage by film library, **I-57:62**
- Crew member's agreement, **I-57:33**
- Distributor's agreement, **I-57:52**
 - exhibition, **I-57:53**
 - full digital rights, **I-57:3**
 - licence for exclusive rights, **I-57:1**
 - selected markets, for, **I-57:60**
 - sub-distribution, **I-57:55**
- Exhibition distribution agreement, **I-57:53**
- Feature film agreement, **I-57:21**
- Film line producer's agreement, **I-57:23**
- Harmonized or goods and services tax, **I-57:90; I-57:91**
 - warranties where no requirement to register, **I-57:92**
- Lender's licence of rights to producer, **I-57:10**
- Location
 - recognizable premises, **I-57:43**
 - set-up release, **I-57:42**
- Minor, intervention agreement, **I-57:15**
- Mobile application development agreement, **I-57:56**

MOTION PICTURES—Cont'd

- Music commissioning agreement, **I-57:39**
- Music synchronization agreement, **I-57:40**
- Music synchronization licence, library, **I-57:41**
- Name, use of, **I-57:44**
- Option
 - book rights for film and television agreement, **I-57:19**
 - novel, rights to, **I-12:90; I-12:91**
 - screenplay, existing, **I-57:12; I-57:17**
 - screenplay to be written, **I-57:16**
- Production agreement for motion picture, **I-57:22**
- Release and licence
 - with fee, **I-57:46**
 - without fee, **I-57:47**
- Releases
 - location set-up, **I-57:42**
 - privacy, **I-57:44**
 - recognizable premises, **I-57:43**
- Riders
 - cast list credit, **I-57:32**
 - feature player credit, **I-57:31**
 - insurance, **I-57:29**
- Rights in literary work, option on, **I-12:90; I-12:91**
- Sales agency agreement, **I-57:57**
- Screenplay
 - existing, option on, **I-57:12; I-57:17**
 - rewriting services, agreement for, **I-57:20**
 - to be written, option on, **I-57:16**
- Stock footage
 - consignment agreement, film library, **I-57:62**
 - licence agreement, **I-57:63**
 - negotiated agreement, **I-57:64**
- Video, agreement for production of, **I-57:4; I-57:5**
- Video game, publishing and development agreement, **I-57:93**

MOTIONS

- Abandonment
 - See ABANDONMENT
- Appeal proceedings
 - See APPEAL
- Case management
 - See CASE MANAGEMENT
- Class proceedings
 - See CERTIFICATION; CLASS PROCEEDINGS

MOTIONS—Cont’d

- Complex motions
 - See COMPLEX MOTIONS
- Confidentiality order
 - See CONFIDENTIALITY ORDER
- Contested
 - affidavit, **VIII-32:25**
 - notice of, **VIII-32:24**
- Costs
 - See COSTS
- Cross-motion
 - commentary, **VIII-13:34**
 - notice of, **VIII-13:35**
- Divisional Court
 - confirmation of hearing status, **VIII-13:24**
 - general form, **VIII-13:23**
- Examination for discovery, extension of time
 - See EXAMINATION FOR DISCOVERY
- In writing
 - assessment hearing
 - affidavit, **VIII-32:19**
 - notice of, **VIII-32:18**
 - consent motion
 - consent, **VIII-13:60**
 - notice of motion, **VIII-13:59**
 - opposed motion
 - notice of motion, **VIII-13:63**
 - responding party’s agreement, **VIII-13:64**
 - responding party’s notice, **VIII-13:65**
 - unopposed motion
 - notice of motion, **VIII-13:61**
 - responding party’s notice, **VIII-13:62**
- Masters, to
 - See MASTERS
- Oral
 - commercial list
 - See COMMERCIAL LIST
 - complex motion, **VIII-13:10**
 - confirmation of motion status, **VIII-13:8**
 - consent to order, **VIII-13:11**
 - Court of Appeal, **VIII-13:8**
 - cross-motion
 - See Cross-motion, *supra*
 - Divisional Court, **VIII-13:22-13:24**

MOTIONS—Cont'd

Oral—Cont'd

- endorsement, short service, **VIII-13:7**
- general form, **VIII-13:6**
- master, motion to
 - commentary, **VIII-13:40**
 - notice of examination, **VIII-13:41**
- pre-proceeding, **VIII-13:27-13:29**
- return of, notice, **VIII-13:33**
- telephone conference call, **VIII-13:31**

Pre-proceeding

See PRE-PROCEEDING MOTIONS

Registrar, to, **VIII-13:16**

Return of

- commentary, **VIII-13:32**
 - notice of motion, **VIII-13:33**
- Simplified procedure, **VIII-31:12**
- action, dismissal of, **VIII-31:17**
 - party, addition of, **VIII-31:14**
 - pleading, amendment of, **VIII-31:13**
 - setting aside
 - default judgment, **VIII-31:16**
 - noting in default, **VIII-31:15**

Transfer to estates list, **VIII-30:137**

Vexatious

See VEXATIOUS

Without notice motions

- vary where failure to disclose
 - affidavit, **VIII-13:73**
 - commentary, **VIII-13:71**
 - notice of motion, **VIII-13:72**
 - order, **VIII-13:74**
- vary where order obtained by mistake
 - affidavit, **VIII-13:76**
 - notice of motion, **VIII-13:75**
 - order, **VIII-13:77**

Written

See In writing, *supra*; see also under particular headings

MOTIONS TO CHANGE

- Affidavit, filing under s. 25 of Family Law Act, **VI-26:2**
- Assignment, confirmation of, **VI-26:3**
- Change information form, **VI-26:5**
- Consent motion to change, **VI-26:7**
- Consent motion to change, child support, **VI-26:8**

MOTIONS TO CHANGE—Cont'd

Motion to change, response to, **VI-26:6**

MOVING PARTY

Factum, **VIII-13:55**

Record, **VIII-13:53**

MTC

See MINISTER OF TRANSPORTATION

Multi-Jurisdictional Estate Planning

See also DOMICILE; TRUSTS

MULTI-JURISDICTIONAL ESTATE PLANNING

See also DOMICILE; TRUSTS

Commentary, **V-39A:1**

Introduction

commentary, **V-39A:1**

Solicitor drafting checklist, **V-39A:2**

Use of limited scope retainers in multi-jurisdictional estate planning
generally, **V-39A:3**

Wills clauses for, **V-39A:4-39A:16**

MULTIPLE PARTIES

Contingency fee retainer, **VIII-1:69**

Prayer for relief, **VIII-4:7**

Retainer, **VIII-1:67**

contingency fee, **VIII-1:69**

potential conflict, letter disclosing, **VIII-1:68**

MULTIPLE WILLS

Assets, definition of, **V-39:8; 39:8.50**

Commencement

non-probate will, **V-39:5**

probate will, **V-39:4**

Death taxes, **V-39:9**

Debts, **V-39:9**

Digital assets, **V-39:16**

Exoneration of estate trustee, **V-39:10**

Gifts, **V-39:11**

Legacies, **V-39:11**

Primary, **V-39:2**

Probate waiver for share transfers

without security, **V-19:34.30**

with security, **V-19:34.50**

Replacement trustee, **V-39:15**

MULTIPLE WILLS—Cont'd

Revocation

non-probate will, **V-39:7**

probate will, **V-39:6**

Secondary, **V-39:3**

Trustee of non-probate will

continue to carry on business, **V-39:12**

incorporate new company, **V-39:13**

uphold guarantees, **V-39:14**

MUNICIPAL ACT

Quash by-law, application to, **VIII-27:80**

MUNICIPAL EVENT

Vendor selection and attendance policy, **IX-1:100.50**

MUNICIPAL GOVERNMENT OVERSIGHT

Acknowledgment and receipt letter, **IX-1:119**

Advertising acceptability policy, **IX-1:146.30**

Anti-spam policy, **IX-1:146.10**

Asset transfers, **IX-1:248**

Bed bug guidelines, **IX-1:135**

Bed bug policy, **IX-1:134**

Bravery award policy, **IX-1:136**

Business case and project management policy, **IX-1:209**

Commissioner of oaths and affidavits policy, **IX-1:129**

Community engagement policy, **IX-1:132**

Complaint e-mails (requests for service — sample responses), **IX-1:117**

Complaint handling process principles, **IX-1:116**

Complaint representative consent form, **IX-1:122**

Concussion policy, **IX-1:130**

Conflict of interest guidelines re transfer of provincial offences court
administration and prosecution, **IX-1:143**

Corporate complaints handling policy, **IX-1:114**

Corporate complaints handling procedures, **IX-1:115**

Critical incident peer support team response policy, **IX-1:142**

Delay, letter advising of, **IX-1:120**

Disconnecting for work policy, **IX-1:219**

Ditch alteration policy, **IX-1:223**

Donations and sponsorship policy, **IX-1:124**

Donations for community benefits policy, **IX-1:123**

Equity diversity and inclusion roundtable, terms of reference, **IX-1:224**

Fall protection program, **IX-1:221**

Fitness for work procedures, **IX-1:220**

Forklift safety program, **IX-1:222**

Heroism award policy, **IX-1:136.50**

MUNICIPAL GOVERNMENT OVERSIGHT—Cont'd

- Human resources management, **IX-1:126**
- Illumination of buildings and amenities, **IX-1:133**
- Inclement weather policy, **IX-1:137**
- Inclement weather policy (alternate), **IX-1:137.50**
- Inclusive spaces, anti-racism policy, **IX-1:226**
- Influenza immunization for employees, **IX-1:146**
- Intermunicipal collaboration framework, **IX-1:218**
- Job evaluation framework, **IX-1:249**
- Leasing policy, **IX-1:225**
- Lock-out/tag-out program, **IX-9:22**
- Media Centre accreditation, **IX-1:247**
- Ombudsman investigation disclosure policy, **IX-1:96.50**
- Organized community events policy, **IX-1:125**
- Policy
 - child safeguarding, **IX-1:251**
 - fire prevention, **IX-1:253**
 - language training, **IX-1:250**
 - persons riding on fire apparatus, **IX-1:254**
 - petition, **IX-1:255**
 - suite administration, **IX-1:252**
 - visitor sign-in and sign-out, **IX-1:258**
- Political interference in administrative monetary penalty system, **IX-1:256**
- Property insurance claim, city-owned, **IX-1:214**
- Protective measures program policy, **IX-1:146.90**
- Public complaints log, **IX-1:118**
- Public complaints respecting administration of administrative penalty system, **IX-1:257**
- Residential properties, city-owned, **IX-1:131**
- Resolution letter, **IX-1:121**
- Respiratory Protection Program, **IX-1:231**
- Risk management and insurance policy, **IX-1:146.20**
- Sabbatical leave policy, **IX-1:233**
- Sabbatical leave procedures, **IX-1:234**
- Sister city policy, **IX-1:146.95**
- Software platform rationalization policy, **IX-1:146.70**
- Software platform rationalization procedure, **IX-1:146.80**
- Student unpaid placement policy, **IX-1:240**
- Substance use for safety sensitive positions procedure, **IX-1:141**
- Substance use policy for safety sensitive positions, **IX-1:140**
- Telecommuting policy, **IX-1:144**
- Telecommuting procedures, **IX-1:145**
- Terms of reference, **IX-1:224**
- Vehicle and equipment inspection policy, **IX-1:146.50**

MUNICIPAL GOVERNMENT OVERSIGHT—Cont'd

- Vehicle and equipment inspection procedures, **IX-1:146.60**
- Visual markings on city vehicles and equipment policy, **IX-1:146.40**
- Volunteer resources management policy, **IX-1:127**
- Volunteer resources management procedures, **IX-1:128**
- Work permit policy, **IX-1:232**
- Workplace breastfeeding policy, **IX-1:139**
- Workplace dress and professional image policy, **IX-1:138**

MUNICIPALITY

- Affidavit of service, **VIII-3:2**
- By-law applications
 - See APPLICATIONS, municipal by-law
- Municipal records, evidence of by affidavit at trial, **VIII-17:27**
- Notice for failure to maintain road or bridge, **VIII-1:103**

MUNICIPAL PROPERTY

- Damage to, **IX-4:194**
- Insurance claim, **IX-1:214**
- Licence of space on
 - See ADVERTISING
- Parks
 - See PARKS AND BUILDINGS
- Sale of space on, **IX-3:99**

MUSIC

- See MOTION PICTURES; DIGITAL MEDIA; PUBLISHING AGREEMENTS; RECORDINGS; THEATRES
- Festival, temporary use agreement, **IX-4:11**

MUTUAL FUNDS

- Annual information form, **II-26:4**
- Fund facts, **II-26:7**
- Investment advisor agreement, **II-26:6**
- Management agreement, **II-26:5**
- Prospectus, simplified, **II-26:3**
- Trust indenture
 - fund declaration, **II-26:2**
 - master declaration, **II-26:1**

NAME

- Change of
 - See ARTICLES, AMENDMENTS TO
- Consent to use of
 - affiliated corporation (federal), **II-1:5**
 - corporation
 - British Columbia, **II-1:8**

NAME—Cont'd

- Consent to use of—Cont'd
 - corporation—Cont'd
 - federal, **II-1:4**
 - Manitoba
 - consent and undertaking, **II-1:14**
 - consent to use of business name, **II-1:12**
 - limited liability partnership
 - change in, **II-1:14.80**
 - registration of, **II-1:14.40**
 - limited partnership
 - change in, **II-1:14.60**
 - registration of, **II-1:14.20**
 - name notation
 - change of, **II-1:47.85**
 - dissolution of, **II-1:47.90**
 - renewal, **II-1:47.95**
 - request for, **II-1:47.80**
 - name registration, **II-1:13**
 - Ontario, **II-1:6**
 - general
 - Alberta, **II-1:9**
 - Ontario, **II-1:7**
 - individual (federal), **II-1:2**
 - Reservation of
 - Saskatchewan, **II-1:38.50, 20:58, 20:58.50**
 - trademark or trade name owner (federal), **II-1:3**
 - undertaking (Alberta), **II-1:10**
 - Dissolution of (Manitoba), **II-17:69**
 - English/French name equivalency, **II-1:37**
 - Extra-provincial corporations
 - See EXTRA-PROVINCIAL CORPORATION
 - Reservation, request for (Manitoba), **II-1:47**

NAMING RIGHTS

- See BUILDING NAMING AND SIGNAGE RIGHTS

NATIONAL INSTRUMENT

- 41-101, general prospectus requirements, personal information form, **II-24:5**
- 44-101, short form prospectus distributions, personal information form, **II-22:9; II-29:9**
- 45-102, resale of securities, **II-25:1**
- 45-106, report of exempt distribution, **II-24:27**
- 51-102, compliance procedures under continuous disclosure obligation
 - notice of change of auditor, **II-11:7**

NATIONAL INSTRUMENT—Cont'd

- 51-102, compliance procedures under continuous disclosure obligation
—Cont'd
 - press release, **II-32:2**
 - sample letter from former auditor, **II-11:8**
 - sample letter from successor auditor, **II-11:9**
- 54-101, compliance with
 - annual request form, **II-12:18**
 - return card, **II-12:19**
 - timetable for annual shareholders' meeting, **II-12:17**

NATIONAL REGISTRATION DATABASE

- See DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS,
REGISTRATION OF

NATIONAL REGISTRATION SYSTEM (N.R.S.)

- See DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS,
REGISTRATION OF

NEGLECT

- Report on taking of accounts for willful, **VIII-19:44**

NET LEASES

- Lease provisions
 - ground, **IV-10:2**
 - industrial, **IV-2:2; IV-2:3**
 - leaseback, **IV-10:3**
 - office, **IV-4:2; IV-4:4**
 - pad, **IV-3:5; IV-3:6**
 - retail, **IV-3:2; IV-3:3**
 - shopping centre, **IV-3:4**
 - veterinary clinic/hospital, **IV-10:6**
- Offer provision, **IV-1:8; IV-1:10; IV-1:12; IV-1:15; IV-1:16**

NEWSPAPER

- Libel notice, **VIII-1:107**
- Vending box agreement, **IX-5:20**

NEW WEST PARTNERSHIP TRADE AGREEMENT

- See also EXTRA-PROVINCIAL CORPORATION
- Amalgamation
 - application for, Alberta corporation in Saskatchewan, **II-20:54**
 - registration statement for, Alberta corporation registering in British Columbia, **II-20:42**
- Assumed name
 - adoption of, Alberta corporation in Saskatchewan, **II-20:47**
 - amendment or correction of, Alberta corporation in British Columbia, **II-20:40**

NEW WEST PARTNERSHIP TRADE AGREEMENT—Cont'd

- Assumed name—Cont'd
 - cancellation of, Alberta corporation in
 - British Columbia, **II-20:34**
 - Saskatchewan, **II-20:48**
 - change of, Alberta corporation in
 - British Columbia, **II-20:34**
 - Saskatchewan, **II-20:46**
- Attorney
 - address, change of, Alberta corporation in
 - British Columbia, **II-20:36**
 - Saskatchewan, **II-20:51**
 - appointment of, Alberta corporation in
 - British Columbia, **II-20:35**
 - Saskatchewan, **II-20:50**
 - revocation of, British Columbia, **II-20:38**
 - information, correction of, Alberta corporation in British Columbia, **II-20:39**
 - power of
 - Alberta, **II-20:56.80**
 - Saskatchewan, **II-20:63**
 - resignation or removal of, Alberta corporation in
 - British Columbia, **II-20:37**
- Business, notice of ceasing to carry on, Alberta corporation in
 - British Columbia, **II-20:32**
 - Saskatchewan, **II-20:53**
- Commentary on
 - Alberta, **II-20:21**
 - British Columbia, **II-20:18**
 - Saskatchewan, **II-20:57**
- Co-operative, (Saskatchewan)
 - amalgamation statement for Alberta, **II-20:70**
 - amendment/cancellation statement for Alberta, **II-20:69**
 - registration statement for Alberta, **II-20:68**
- Co-operative association, (Saskatchewan)
 - change of attorney information for British Columbia, **II-20:82**
 - change registration statement for British Columbia, **II-20:83**
 - notice of change of attorney for British Columbia, **II-20:81**
 - notice of change of directors for Alberta or extra-provincial, **II-20:56.20**
 - notice of change of directors for British Columbia, **II-20:84**
 - notice of voluntary cancellation for British Columbia, **II-20:85**
 - registration statement for British Columbia, **II-20:80**
- Head office address, amendment or correction of, Alberta corporation in
 - British Columbia, **II-20:41**

NEW WEST PARTNERSHIP TRADE AGREEMENT—Cont'd

Head office address, amendment or correction of, Alberta corporation in

—Cont'd

Saskatchewan, **II-20:49**

Home jurisdiction notice of change

Alberta corporation in

British Columbia, **II-20:44**

Limited liability partnership (Saskatchewan)

amendment/cancellation statement for Alberta, **II-20:67**

change registration statement, British Columbia, **II-20:77**

notice of attorney, British Columbia, **II-20:78**

notice of cancellation, British Columbia, **II-20:79**

registration statement for Alberta, **II-20:66**

registration statement for British Columbia, **II-20:76**

Limited partnership, (Saskatchewan)

amendment/cancellation statement for Alberta, **II-20:65**

change registration statement, British Columbia, **II-20:73**

notice of attorney, British Columbia, **II-20:74**

notice of cancellation, British Columbia, **II-20:75**

registration statement

Alberta, **II-20:64**

British Columbia, **II-20:72**

Registration

See EXTRA-PROVINCIAL CORPORATIONS

Reinstatement application

Alberta corporation in British Columbia, **II-20:43**

Restoral application, Alberta corporation in Saskatchewan, **II-20:55**

NOISE

Attenuation measures, site plan clause, **IX-4:177**

By-law, **IX-11:44; IX-11:45**

Management at airport, **IX-3:96**

Mitigation procedures at airport, **IX-3:97**

Warning clause, **IX-4:81**

NON-COMPETITION AGREEMENTS

Asset purchase, **II-33:33**

I (Sale of Business; Employment)

Share purchase, **II-33:17**

NON-DISCLOSURE AGREEMENTS

Business, **X-2:14; X-2:15**

non-public, **X-35:2**

Commentary, **X-2:1**

Computers

See COMPUTERS

NON-DISCLOSURE AGREEMENTS—Cont’d

- Confidential information, **X-2:28**
- Confidentiality agreement
 - See CONFIDENTIALITY AGREEMENTS
- Digital media
 - See DIGITAL MEDIA, confidential disclosure
- Discloser’s perspective, **X-2:16**
- Employee, by, **X-2:2**
- Intellectual property, **I-34:39; I-34:40**
- International licensing, **I-35:71**
- Manufacturing
 - See MANUFACTURING
- Manuscript of, **I-12:4**
- Mutual, **II-33:3; X-2:20**
 - non-disclosure agreement, **X-2:21; X-2:23; X-35:3**
 - non-disturbance, and, **X-2:26**
- Non-circumvention and non-competition agreement, **X-2:27**
- One way, **II-33:2**
- Proprietary rights agreement (consultant), **X-2:30**
- Reciprocal obligations, **X-2:19**
- S I, X
- Simple, **X-2:25**
- Software evaluation, **X-2:29**
- Source code escrow agreement, **Schedule “D”; X-25:7**
- Subcontractors, **X-2:17**
- Three party, **X-2:24**

NON-DISTURBANCE AGREEMENTS

- See also SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT
- Ground, **IV-10:2**
- Industrial, **IV-2:2; IV-2:3**
- Leaseback, **IV-10:3**
- Office, **IV-4:2-IV-4:4**
- Pad, **IV-3:5; IV-3:6**
- Retail, **IV-3:2; IV-3:3**
- Shopping centre, **IV-3:4**

NON-PARTY

- Cost award against, **VIII-23:14**
- Motion for production of documents from
 - clinical records, **VIII-9:39-9:41**
 - employment records, **VIII-9:42-9:44**
 - hospital records, **VIII-9:36-9:38**
- Motion to examine for discovery, **VIII-10:24**

NON-PROBATE WILL

See MULTIPLE WILLS

NON-RESIDENT

Carrying on business in Ontario, affidavit of service, **VIII-3:5**

NON-SHARE CAPITAL CORPORATION

Agent, appointment of (Nova Scotia), **II-1:114**

Application for incorporation

Alberta, **II-1:94**

by-laws accompanying, **II-1:95**

federal, formation guidelines, **II-1:75**

Articles of incorporation

Federal, **II-1:76**

Manitoba, **II-1:107**

restated, (without share capital), **II-1:108.50**

Schedule A, **II-1:108**

Ontario, **II-1:83**

Saskatchewan, **II-1:104**

Association (Alberta)

articles of, **II-1:97-II-1:99**

memorandum of, **II-1:96; II-1:96.50**

Auditor, notice to, **II-2:171**

By-law, general

Alberta, **II-1:95; II-2:169; II-2:170**

British Columbia, **II-2:165; II-2:166**

Manitoba, **II-2:168**

Nova Scotia, **II-1:112**

Ontario, **II-1:89; II-2:164**

Saskatchewan, **II-2:167**

Canada Revenue Agency, application for charitable registration, **II-2:172**

Charity, application to register under Income Tax Act, **II-1:109; II-2:172**

cover letter, **II-2:173**

Constitution (British Columbia), **II-1:90**

Declaration of incorporation for religious society/affidavit verifying a
religious society (Alberta), **II-1:93**

First directors, list of

Nova Scotia, **II-1:113**

Members, directors meeting admitting, **II-2:161**

Memorandum of association

Alberta, **II-1:96; II-1:96.50**

Nova Scotia, **II-1:111**

Organizational minutes

directors'

Alberta, not for profit, **II-2:157**

NON-SHARE CAPITAL CORPORATION—Cont'd

- Organizational minutes—Cont'd
 - directors'—Cont'd
 - Alberta, society, First Directors Meeting, **II-2:156**
 - Manitoba, **II-2:155**
 - Ontario, **II-2:155**
 - Saskatchewan, **II-2:155**
 - members'
 - Alberta, not for profit, **II-2:160**
 - Alberta, society, **II-2:159**
 - Manitoba, **II-2:158**
 - Ontario, **II-2:158**
 - Saskatchewan, **II-2:158**
- Public Guardian and Trustee (Ontario)
 - notification of incorporation, **II-2:175**
 - preapproval of objects, **II-2:174**
 - letter re, **II-1:82**
- Registered office, notice of (Nova Scotia), **II-1:115**
 - cover letter, **II-2:173**
- Waiver of notice of meeting
 - directors', **II-2:163**
 - members', **II-2:162**

**NON-UNION COMPENSATION PHILOSOPHY AND EMPLOYEE
REMUNERATION**

- Policy, **IX-1:95**

NO REASONABLE CAUSE OF ACTION

- Motion to strike for, **VIII-6:57**

NO REASONABLE DEFENCE

- Motion to strike for, **VIII-6:59**

NOTES

- See **GUARANTEES**

NOT-FOR-PROFIT

- Terms of service, **X-4:7**

NOTICE

- Electronic communications, by, **X-33:166**
- E-mail, **X-33:165**

NOTICE OF MEETING

- Directors', **II-12:2**
 - meeting procedure checklist, Ontario, **II-12:1**
 - special business
 - Alberta, **II-12:3**

NOTICE OF MEETING—Cont'd

Directors', **II-12:2**—Cont'd

special business—Cont'd

federal, **II-12:3**

Ontario, **II-12:3**

Shareholders'

annual, **II-12:10**

annual and special, **II-12:11**

shareholder requisitioned meeting, **II-12:14**

special, **II-12:12**

adjournment of, **II-12:13**

Waiver of

board of directors, by

Manitoba, **II-2:128**

Ontario, **II-2:120**

non-share capital corporation

directors', **II-2:163**

members', **II-2:162**

NOTICE OF PAYMENT INTO COURT

Generally, **VIII-20:3**

NOTICE OF REDEMPTION

Bonds or debentures

full, **II-21:55**

part, **II-21:56**

Shares, option of holder, **II-8:19**

NOTICE OF REFERENCE

Heading, **VIII-1:48**

NOTICE PERIODS

Canada, proceedings against Crown agency, **VIII-1:106**

Commentary, **VIII-1:102**

Constitutional question, **VIII-1:109**

Libel

notice to newspaper, **VIII-1:107**

notice to radio or television broadcaster, **VIII-1:108**

Minister of Transportation for failure to maintain highway, **VIII-1:104**

Municipality for failure to maintain road or bridge, **VIII-1:103**

Ontario, proceedings against the Crown, **VIII-1:105**

NOTICES

See under particular headings

Acceptance, notice of, **II-29:27**

Address/change of address, non-profit company, **II-1:101**

NOTICES—Cont'd

- Adverse claim, of
 - Alberta, **II-29:34**
 - federal, **II-29:22**
 - Ontario, **II-29:25**
- Amalgamation, to creditors
 - Alberta
 - initial notice, **II-15:22**
 - objection, notice concerning, **II-15:23**
 - federal, **II-15:21**
 - Manitoba, **II-15:21**
 - Ontario
 - initial notice, **II-15:22**
 - objection, notice concerning, **II-15:23**
 - Saskatchewan, **II-15:21**
- Assignment
 - lease, no consent required, **IV-11:10**
 - leases and rents, from chargee, **IV-13:8**
- Attornment
 - rent, **IV-13:9**
 - tenant and rents, **IV-13:10**
- Auditors, re
 - appointment of, **II-2:103; II-11:2**
 - change of, **II-11:7**
 - non-reappointment of, **II-11:4**
 - removal of, **II-11:3**
 - requirement of attendance
 - Alberta, **II-11:13**
 - British Columbia, **II-11:12**
 - federal, **II-11:10**
 - Manitoba, **II-11:15**
 - Ontario, **II-11:11**
 - Saskatchewan, **II-11:14**
- Business records
 - commentary, **VIII-17:33**
 - notice of intention, **VIII-17:34**
 - notice to produce for inspection, **VIII-17:35**
- Cart lease, **IV-3:7**
- Change/change of address, Alberta societies, **II-1:100**
- Change or variation, **II-29:38**
- Commentary, **IV-6:50**
- Continuance, of
 - Corporations Information Act, initial notice, **II-16:23**
 - directors, **II-16:19**

NOTICES—Cont'd

Copies of originals

notice of intention, **VIII-17:36**

notice of intention to dispute, **VIII-17:37**

Default

checklist, **IV-15:2**

non-rental default, **IV-15:5**

rental default, no guarantor or indemnifier or assignor, **IV-15:4**

rental default, with guarantor or indemnifier or assignor, **IV-15:3**

Directors, of

Alberta, **II-1:35; II-2:195**

Director's, change of

Alberta, **II-1:34; II-2:195**

non-profit company, **II-1:102**

religious society, **II-1:93.50**

Manitoba, **II-1:42**

Saskatchewan, **II-2:203**

Disclosure

Alberta, **II-21:36**

British Columbia, **II-21:37**

Saskatchewan, **II-21:38**

Dissolution, voluntary

British Columbia, liquidator

address change, **II-17:33**

appointment of, **II-17:32**

ceasing to act, **II-17:34**

records, change of location, **II-17:37**

intention to dissolve for publication

federal, **II-17:4**

Manitoba, **II-17:66**

Ontario, **II-17:11**

Saskatchewan, **II-17:58**

Nova Scotia, certificate of incorporation, intent to surrender, **II-17:75**

Distress, **IV-15:8**

Doctor's report

commentary, **VIII-17:42**

notice, **VIII-17:43**

Drawdown, **II-21:3**

Early termination

landlord, by, **IV-6:8**

tenancy, month to month, **IV-6:9**

tenant, by, **IV-6:7**

Expert report

acknowledgment of expert's duty, **VIII-17:40**

NOTICES—Cont'd

- Expert report—Cont'd
 - commentary, **VIII-17:38**
 - notice, **VIII-17:39**
- Farm lease provision, **IV-10:4**
- Foreign will
 - notice of probate of, **VIII-17:41**
- Gross lease, **IV-2:4**
- Ground lease provision, **IV-10:2**
- Health practitioner
 - commentary, **VIII-17:42**
 - notice, **VIII-17:43**
- Industrial
 - lease provision, **IV-2:3; IV-4:2**
 - offer provision, **IV-1:10; IV-1:11**
- Intention (British Columbia), **II-29:31**
- Kiosk lease, **IV-3:7**
- Leaseback provision, **IV-10:3**
- Mandatory methods, **IV-6:51**
- Mediator, by, **VIII-30:132**
- Meeting
 - See NOTICE OF MEETING
- Methods
 - mandatory, **IV-6:51**
 - permissive, **IV-6:52**
- Multi-tenanted building offer provision, no form of lease, **IV-1:16**
- Non-share capital corporation, to auditor (Ontario), **II-2:171**
- Normal course bid, intention to make, **II-29:36**
- Offeror's
 - Alberta, **II-29:32**
 - British Columbia, **II-29:28**
 - federal, **II-29:20**
 - Ontario, **II-29:23**
- Office
 - lease provision, **IV-4:2-IV-4:4**
 - offer provision, **IV-1:8; IV-1:9**
- Pad lease provision, **IV-3:5; IV-3:6**
- Payment into court, **VIII-20:3**
- Periods
 - See NOTICE PERIODS
- Permissive methods, **IV-6:52**
- Private placement
 - intention to trade in security (Manitoba), **II-23:7**
 - rights offering, **II-23:15**

NOTICES—Cont'd

Provincial legislation, under

Alberta Business Corporations Act

address or change of address, **II-2:194**

directors, of, **II-2:196**

annual return, **II-2:197; II-20:56.40**

society, **II-2:198**

directors or change of directors

non-profit company, **II-2:195**

address or change of address, company, **II-2:201**

annual return, **II-2:200**

request for services (Alberta Corporate Registry), **II-1:103**

British Columbia Society Act

annual report, **II-2:187**

changes in directors, **II-2:185**

copy of resolution, **II-2:186**

Manitoba Corporation Act

annual return, request for change of mailing address, **II-2:193**

annual return of information, **II-2:188; 2:188.50; 2:188.60**

business name, renewal of, **II-2:189**

change of officers, notice of, **II-2:190.30**

directors, change of, **II-2:190**

receiver/receiver manager, appointment/discharge of, **II-2:192**

registered office, change of, **II-2:191**

shareholders, notice of, **II-2:190.60**

Ontario Corporations Information Act, initial return or notice of change

extra provincial corporation, **II-2:184**

Ontario corporation, **II-2:183**

Saskatchewan Business Corporations Act

directors, change of, **II-2:203**

registered office, change of, **II-2:204**

Redemption

See NOTICE OF REDEMPTION; RETIREMENT OF SHARES, preferred shares

Reference of, added party

heading, **VIII-1:48**

motion to set aside, **VIII-19:7**

notice, **VIII-19:6**

Registered office

federal, initial, **II-1:17**

Manitoba, **II-1:43; II-1:44**

Saskatchewan

change of, **II-2:204**

NOTICES—Cont'd

- Registry instruments
 - notice of, **VIII-17:44**
 - notice of intention to dispute, **VIII-17:45**
- Reporting issuer status change, withdrawal notice
 - See **REPORTING ISSUER, CEASING TO BE**
- Request for services (Alberta Corporate Registry), **II-2:199**
- Restoration, British Columbia, publication in Gazette, **II-18:22**
- Retail
 - lease provision, **IV-3:2; IV-3:3**
 - offer provision, **IV-1:12; IV-1:13**
 - short-term lease, **IV-3:8**
- Shareholders, to, re shares, **II-6:48**
- Shopping centre lease provision, **IV-3:4**
- S I (under particular headings), IV, VIII
- Simplified procedure, whether under, **VIII-31:9**
- Single-tenanted building offer provision
 - no form of lease, **IV-1:15**
 - with form of lease, **IV-1:14**
- Small Claims Court
 - See **SMALL CLAIMS COURT**
- Specific assignment of lease and general assignment of rents, **IV-13:8**
- Sublease, no consent required, **IV-11:10**
- Target company's, **II-29:26**
- Termination
 - for posting at premises, **IV-15:14**
 - no guarantor or indemnifier or assignor, **IV-15:12**
 - with guarantor or indemnifier or assignor, **IV-15:13**
- Termination of registration of individuals, **II-31:16**
- Variation (Ontario), **II-29:18**
- Waiver of
 - See **WAIVER OF NOTICE**

NOTICES OF LEASES

- See **REGISTRATION OF LEASES**

NOTING IN DEFAULT

- Consent to set aside, **VIII-7:12**
- Motion by co-defendant to, **VIII-7:4**
- Person under disability, **VIII-7:8**
- Requisition to, **VIII-7:3**
- Setting aside, **VIII-7:13**
 - simplified procedure, **VIII-31:15**

NUISANCE

- Interlocutory injunction, **VIII-14:13**

OBJECTIONS

Discovery, motion to compel answers to, **VIII-10:53**

Simplified procedure

See SIMPLIFIED PROCEDURE

OBJECTS

Pre-approved letter to Public Guardian and Trustee, **II-1:82**

OBSERVANCE OF LAW

See USE

OCCUPATIONAL HEALTH AND SAFETY

Access to records, request for, British Columbia, **VII-8:40**

Administration of legislation

Alberta, **VII-8:41**

British Columbia, **VII-8:34**

federal, **VII-8:2**

Manitoba, **VII-8:44**

Nova Scotia, **VII-8:65**

Ontario, **VII-8:21**

Saskatchewan, **VII-8:63**

Appeals

Appeal Board, to, federal, **VII-8:2**

exemption

See exemption from disclosure of confidential information

See Exemption from disclosure of confidential information

courts, Alberta, **VII-8:41**

inspector's order, Ontario, **VII-8:28**

notice to affected parties, **VII-8:30**

response to, **VII-8:29**

suspension of pending appeal, application, **VII-8:31**

notice of, **VII-8:33**

response to, **VII-8:32**

Nova Scotia, **VII-8:65**

notice of, **VII-8:66**

review of decision, British Columbia

notice to employees of appeal, **VII-7:42**

request for, **VII-8:39**

safety officers' and inspectors' decisions, of

Alberta, **VII-8:41**

federal, **VII-8:2**

application to appeal decision or direction, **VII-8:6**

Manitoba, **VII-8:44**

Nova Scotia, **VII-8:65**

notice of, **VII-8:66**

Ontario, **VII-8:21; VII-8:27**

OCCUPATIONAL HEALTH AND SAFETY—Cont'd

- Appeals—Cont'd
 - safety officers' and inspectors' decisions, of—Cont'd
 - Saskatchewan, **VII-8:63**
- Application for deviation, Nova Scotia, **VII-8:67**
- Collective agreement provision, **VII-18:48; VII-18:49**
- Commentary, **VII-8:2**
- Complaint of employer reprisal
 - See employer reprisal complaint, *infra*
 - See Employer reprisal complaint, *infra*
- Complaint registration, federal, **VII-8:3**
- Compliance notice, Nova Scotia, **VII-8:68**
- Confidential information
 - See exemption from disclosure of confidential information, *infra*
 - See Exemption from disclosure of confidential information, *infra*
- Dangerous work
 - See right to refuse unsafe work, *infra*
 - See Right to refuse unsafe work, *infra*
- Discharge and, Saskatchewan, **VII-10:52**
- Disciplinary action, **VII-8:41**
- Discriminatory action
 - Nova Scotia, employee complaint, **VII-8:69**
- Employer reprisal complaint
 - Alberta, **VII-8:41**
 - British Columbia, **VII-8:34**
 - federal, **VII-8:2; VII-8:7**
 - Manitoba, **VII-8:44**
 - Nova Scotia, **VII-8:65**
 - Ontario, **VII-8:24**
 - notice to responding party, **VII-8:26**
 - response, **VII-8:25**
 - Saskatchewan, **VII-8:63**
- Exemption from disclosure of confidential information
 - Alberta, **VII-8:41**
 - federal, **VII-8:2**
 - Ontario, **VII-8:21**
 - Saskatchewan, **VII-8:63**
- Harassment
 - policy, Manitoba, **VII-8:57**
 - prevention, **VII-8:44**
- Hazardous Materials Information Review Act, federal, **VII-8:2**
 - application form, claim for exemption, **VII-8:12**
- Hazardous occurrence, federal
 - employer's annual report, **VII-8:10**

OCCUPATIONAL HEALTH AND SAFETY—Cont'd

- Hazardous occurrence, federal—Cont'd
 - investigation report, **VII-8:8**
 - workplace committee report, **VII-8:9**
- Hazardous Products Act, federal, **VII-8:2**
- Health and safety committees
 - Alberta, **VII-8:41**
 - British Columbia, **VII-8:34**
 - federal, **VII-8:2**
 - report, **VII-8:9**
 - validation of existing, application for, **VII-8:11**
 - Manitoba, **VII-8:44**
 - Nova Scotia, **VII-8:65**
 - Ontario, **VII-8:21**
 - Saskatchewan, **VII-8:63**
 - minutes, **VII-8:64**
- Health and safety officer, federal, **VII-8:2**
 - application to appeal decision or direction, **VII-8:6**
- Incident investigation, Manitoba
 - summary form, **VII-8:48**
- Inspection report
 - Manitoba, **VII-8:47**
- Inspector's order, Ontario
 - appeal of, **VII-8:28**
 - notice of, **VII-8:30**
 - response to, **VII-8:29**
 - suspension of, application for, **VII-8:31**
 - notice of, **VII-8:33**
 - response to, **VII-8:32**
- Legislation
 - Alberta, **VII-8:41**
 - British Columbia, **VII-8:34**
 - federal, **VII-8:2**
 - Manitoba, **VII-8:44**
 - Nova Scotia, **VII-8:65**
 - Ontario, **VII-8:21**
 - Saskatchewan, **VII-8:63**
- Penalties
 - Alberta, **VII-8:41**
 - federal, **VII-8:2**
 - Manitoba, **VII-8:44**
 - Nova Scotia, **VII-8:65**
 - Ontario, **VII-8:21**
 - Saskatchewan, **VII-8:63**

OCCUPATIONAL HEALTH AND SAFETY—Cont'd

- Procedure, Manitoba
 - rules of procedure, **VII-8:51**
 - safe work, **VII-8:45**
- Prohibited action
 - British Columbia
 - employer or union response, **VII-8:38**
 - worker complaint, **VII-8:37**
- Prosecution
 - Alberta, **VII-8:41**
 - federal, **VII-8:2**
 - Manitoba, **VII-8:44**
 - Nova Scotia, **VII-8:65**
 - Ontario, **VII-8:21**
 - Saskatchewan, **VII-8:63**
- Recommendation form, committee, Manitoba, **VII-8:50**
- Reprisal by employer
 - See employer reprisal complaint, *supra*
 - See Employer reprisal complaint, *supra*
- Required information, Manitoba, **VII-8:44**
- Right to know
 - See WHMIS, *infra*
- Right to refuse unsafe work
 - Alberta, **VII-8:41**
 - British Columbia, **VII-8:34**
 - federal, **VII-8:2**
 - application to appeal decision or direction, **VII-8:6**
 - complaint of, **VII-8:7**
 - registration of refusal, **VII-8:4**
 - Manitoba, **VII-8:44; VII-8:45**
 - incident investigation summary form, **VII-8:48**
 - recommendation form, **VII-8:46**
 - sample job hazard analysis form, **VII-8:47**
 - Nova Scotia, **VII-8:65**
 - Ontario, **VII-8:21**
 - employer's investigation, **VII-8:23**
 - report of employee, **VII-8:22**
 - reprisal application by employee, **VII-8:24**
 - response by employer, **VII-8:25**
 - Saskatchewan, **VII-8:63**
- Screening officer, federal, **VII-8:2**
- Violence in the workplace
 - Manitoba, **VII-8:44**
 - assessment, **VII-8:54**

OCCUPATIONAL HEALTH AND SAFETY—Cont'd

Violence in the workplace—Cont'd

Manitoba, **VII-8:44**—Cont'd

employee survey, **VII-8:55**

incident report form, **VII-8:53**

prevention policy, **VII-8:56**

Ontario, **VII-8:21**

WHMIS (Workplace Hazardous Materials Information System)

Alberta, **VII-8:41**

British Columbia, **VII-8:34**

federal, **VII-8:2**

Manitoba, **VII-8:44**

Nova Scotia, **VII-8:65**

Ontario, **VII-8:21**

Worker safety

ergonomic risk factor, **VII-8:60**

Manitoba

new worker learning outcome objectives, **VII-8:62**

observation form, **VII-8:58**

Safe Work procedure (SWP) compliance form, **VII-8:61**

orientation, new and young worker, **VII-8:59**

WorkSafeBC

notice of appeal

discriminatory action, **VII-8:38**

OCCUPIERS' LIABILITY

Statements of claim

hazard on premises, **VIII-5:94**

icy walkway, **VIII-5:91**

premises, **VIII-5:89**

restaurant, **VIII-5:95; VIII-5:96**

retail premises, **VIII-5:93**

uneven pavement, parking garage, **VIII-5:92**

Statements of defence, premises, **VIII-5:90**

OEM

Checklist, **X-28:13**

Device usage, **X-28:17**

Licence agreement

bundled software products, **X-28:15**

derivative product, **X-8:86; X-28:16**

Reseller agreement, **X-28:5; X-28:14**

Software design acknowledgment, **X-28:18**

OFFERING MEMORANDUM

Common shares, **II-23:2**

OFFERING MEMORANDUM—Cont'd

- Manitoba, exempt market securities, requirements for, **II-23:8**
- declarations respecting trades under s. 91 of Securities Regulation,
II-23:8.20; 23:8.50; 23:8.80
- Non-qualifying issuer, Form 45-106F2, **II-23:3**
- Qualifying issuer, Form 45-106F3, **II-23:4**

OFFERS TO LEASE

- Industrial, multi-tenanted building
 - long form, **IV-1:11**
 - short form, **IV-1:10**
- Multi-tenanted building, with form of lease, **IV-1:16**
- Office, multi-tenanted building
 - long form, **IV-1:9**
 - short form, **IV-1:8**
- Residential, **IV-8:9**
 - application form, **IV-8:10**
- Retail, multi-tenanted building
 - long form, **IV-1:13**
 - short form, **IV-1:12**
- Single-tenanted building
 - no form of lease, **IV-1:15**
 - with form of lease, **IV-1:14**

OFFERS TO SUBLEASE

- Form of, **IV-1:29**

OFFER TO CONTRIBUTE

- By defendant, **VIII-21:36**
- By third party, **VIII-21:43**

OFFER TO SETTLE

- See SETTLEMENT

OFFER TO TAKE ASSIGNMENT

- Form of, **IV-1:31**

OFFICE CLEANING

- See MANAGEMENT AGREEMENTS

OFFICE CONSOLIDATION

- By-law, **IX-1:97; IX-1:105**

OFFICE EQUIPMENT

- See COMPUTERS; LEASES; MANAGEMENT AGREEMENTS

OFFICE FORMS

- See also AUTHORIZATION
- Case management, letter to client, **VIII-1:7**

OFFICE FORMS—Cont'd

Client information sheet, **VIII-1:4**

Letters to client

case management, **VIII-1:7**

explanation of pre-trial, **VIII-15:65**

initial, **VIII-1:6**

reporting on pre-trial, **VIII-15:71**

Notice of dismissal

by registrar to defendant client, **VIII-16:7**

by registrar to plaintiff client, **VIII-16:6**

Notice of status hearing

to defendant client, **VIII-16:3**

to plaintiff client, **VIII-16:2**

Witness

evaluation, **VIII-1:16**

interview checklist, **VIII-1:14**

statement outline, **VIII-1:13**

OFFICE PREMISES

Leases

multi-tenant

long form, **IV-4:4**

short form, **IV-4:3**

relocation provision, **IV-6:70**

single-tenant, **IV-4:2**

Licence, short term, office use, **IV-9:7**

Offers to lease, multi-tenanted building

long form, **IV-1:9**

short form, **IV-1:8**

OFFICERS

Certificate of

guarantee, of, **II-21:53**

solvency on

purchase of common shares

eliminate fractions, settle debt or claim, to, **II-8:16**

generally, **II-8:15**

redemption or retraction of preferred shares, **II-8:17**

stated capital, reduction of, on, **II-14:48**

Directors' resolution appointing

Alberta, **II-2:45**

federal, **II-2:2**

Manitoba, **II-2:79**

Nova Scotia, **II-2:99**

Ontario, **II-2:19**

OFFICERS—Cont'd

- Directors' resolution appointing—Cont'd
 - Saskatchewan, **II-2:62**
- Mailing, statement re, **II-12:15**
- Questionnaire, **II-22:20**
- Register, **II-2:148**
- Release by, **II-33:15**
- Transfer of corporation to client
 - directors' resolution appointing officer, **II-2:111**
 - resignation of officer, **II-2:110**

OFFICIAL GUARDIAN

- See CHILDREN'S LAWYER

OFF-SITE MATTERS

- Landscaping
 - agreement, **IX-4:257**
 - assumption agreement, **IX-4:258**
- Limiting distance agreements, **IX-4:260**
- Roadworks
 - agreement, **IX-4:254**
 - extension of agreement, **IX-4:255**
- Vehicular tunnel agreement
 - See TUNNELS

OIL AND GAS

- Assignment
 - consent request, **I-44:28**
 - contract rights and approval, **I-44:14**
 - disposition, of, Alberta, **I-44:40**
 - easements, of, **I-44:38**
 - facility interests, **I-44:30**
 - lease, British Columbia, **I-44:11**
 - notice of, general, **I-44:27**
 - novation agreement, and, **I-44:29**
 - right-of-way agreements, of, **I-44:39**
 - surface leases, of, **I-44:36**
 - surface rights, of
 - board order, **I-44:37**
 - general, **I-44:41**
 - unit assignment
 - interests, of, **I-44:44**
 - notice of, **I-44:44**
- Common stream operator agreement, **I-44:74**
- Conveyance
 - agreement, **I-44:3**

OIL AND GAS—Cont'd

Conveyance—Cont'd

petroleum, natural gas and general rights, **I-44:4**

royalty, of, **I-44:6**

Disposition

assignment of, Alberta Crown surface rights, **I-44:40**

transfer of, Manitoba, **I-44:15**

undivided interest in, **I-44:17**

Easement, assignment of, **I-44:38**

Facility interests, assignment of, **I-44:30**

Gas

processing agreement, **I-44:72**

purchase and sale agreement, **I-44:71**

transportation agreement, **I-44:73**

Lease

assignment of, British Columbia, **I-44:11**

Crown

See Crown lease transfer, *supra*

natural gas, Alberta (CAPL), **I-44:50**

petroleum and natural gas

See petroleum and natural gas lease, *infra*

See Petroleum and natural gas lease, *infra*

surface

See surface lease, *infra*

See Surface lease, *infra*

Licence

exploration, transfer of a share in, **I-44:13**

significant discovery, transfer of a share in, **I-44:13**

Natural gas lease, Alberta (CAPL), **I-*infra*; I-44:50; *infra***

no interest letter, **I-44:31**

Novation agreement and assignment, **I-44:29**

Operating agreement

CAPL (2015) operating procedure, **I-44:67**

construction, ownership and, **I-44:70**

joint, **I-44:66**

unit agreement, **I-44:68**

operating, **I-44:69**

Operator, notice of change of, **I-44:32**

Option agreement, **I-44:51**

Participation agreement, **I-44:65**

Petroleum and natural gas lease (CAPL)

Alberta, **I-44:47**

with grant, **I-44:45; I-44:46**

Manitoba, **I-44:49**

OIL AND GAS—Cont'd

- Petroleum and natural gas lease (CAPL)—Cont'd
 - Saskatchewan, **I-44:48**
- Pipeline crossing agreement, Alberta (CAPL), **I-44:59**
- Pooling agreement, **I-44:64**
- Power of attorney, enduring Alberta, **I-44:52**
- Processing agreement
 - common stream operator agreement, **I-44:74**
 - gas, **I-44:72**
- Purchase and sale agreement, **I-44:2**
 - gas, **I-44:71**
- Quit claim, **I-44:7**
 - uncertain ownership, **I-44:8**
- Right of first refusal
 - exemption letter, **I-44:35**
 - notice, **I-44:33**
- Right-of-way agreement
 - Alberta (CAPL), **I-44:57; I-44:58**
 - assignment of, **I-44:39**
- Royalty
 - conveyance, **I-44:6**
 - procedure
 - farmout and (CAPL), **I-44:60; I-44:61**
 - overriding (CAPL), **I-44:62; I-44:63**
- Surface lease
 - Alberta (CAPL), **I-44:53; I-44:54**
 - assignment of, **I-44:36**
 - British Columbia (CAPL), **I-44:55**
 - Saskatchewan (CAPL), **I-44:56**
- Transfer
 - agreement, of
 - federal, **I-44:12**
 - Saskatchewan, **I-44:19-I-44:25**
 - application, Saskatchewan, **I-44:26**
 - disposition, of, Manitoba, **I-44:15**
 - undivided interest in, **I-44:17**
 - form, Alberta, **I-44:9; I-44:10**
 - procedure (CAPL), **I-44:5**
 - share, of
 - exploration licence, in, **I-44:13**
 - lease, former, **I-44:13**
 - permit, former, **I-44:13**
 - significant discovery licence, **I-44:13**
 - well licence, Manitoba, **I-44:18**

OIL AND GAS—Cont'd

- Trust agreement, **I-44:42**
- Unit agreement, **I-44:68**
 - assignment of
 - interests, **I-44:44**
 - notice of, **I-44:43**
 - operating, **I-44:69**
- Well licence, transfer of, Manitoba, **I-44:18**

OMBUDSMAN

- See MUNICIPAL GOVERNMENT OVERSIGHT
- By-law, **IX-1:50**

ONTARIO CORPORATIONS INFORMATION ACT

- Initial return or notice of change
 - extra-provincial corporation, **II-2:184**
 - Ontario corporation, **II-2:183**

ONTARIO LAND TRIBUNAL

- Minutes of settlement, **IX-10:18-IX-10:20**

OPERATING COSTS

- See also ADDITIONAL RENT
- Adjustment to, **IV-4:4**
- Calculation of, **IV-2:3; IV-3:3; IV-4:4**
- Confidentiality of cost review, **IV-6:22**
- Exclusions, **IV-6:44**
 - long form, **IV-6:19**
 - short form, **IV-6:20**
- Industrial
 - lease provision, **IV-2:3**
 - offer provision, **IV-1:10; IV-1:11**
- Multi-tenanted building offer provision, no form of lease, **IV-1:16**
- Office
 - lease provision, **IV-4:4**
 - offer provision, **IV-1:8; IV-1:9**
- Pad lease provision, **IV-3:5; IV-3:6**
- Premises building costs, **IV-3:5; IV-3:6**
- Retail
 - lease provision, **IV-3:3**
 - offer provision, **IV-1:12; IV-1:13**
- Right to audit, **IV-6:21**
- Shopping centre lease provision, **IV-3:4**

OPERATION BY LANDLORD

- See also COMMON AREAS; MAINTENANCE AND REPAIR; RULES AND REGULATIONS

OPERATION BY LANDLORD—Cont'd

- Cart lease, **IV-3:7**
- HVAC systems, **IV-4:3**
- Industrial, **IV-2:2**
- Janitorial services, **IV-4:3; IV-4:4**
- Kiosk lease, **IV-3:7**
- Landlord's changes, **IV-3:4-IV-3:6; IV-4:4**
- Liability, no, **IV-4:3**
- Office, **IV-4:3**
- Pad, **IV-3:5; IV-3:6**
- Retail, **IV-3:3**
- Telecommunication, **IV-4:3**

OPINIONS

- See also COUNSEL
- Asset purchase, **II-33:34; II-33:35**
- Control, **II-21:46**
- Outstanding shares, **II-28:5**
- Private placement of common shares, issuer's counsel, **II-24:29**
- Share purchase, **II-33:18; II-33:19**

OPTIONAL CLAUSES

- Data ownership and rights, **X-32:22**
- Definitive agreement (good faith negotiations), **X-32:18**
- Definitive agreement affirmation, **X-32:19**
- Financial obligations and commitments, **X-32:21**
- Modifications, **X-32:24**
- Operating plan (statement of work/work plan), **X-32:20**
- Period of agreement, **X-32:23**

OPTIONS

- See BUSINESS INTERESTS; CORPORATE SHARES; REAL ESTATE
- Call option, shareholders' agreement, **II-13:12**
- IV (Expansion Rights; Purchase Rights)
- Put option, shareholders' agreement, **II-13:13**
- Share acquisition
 - See SHARES, ACQUISITION OPTIONS

OPTION TO LEASE ADDITIONAL SPACE

- See EXPANSION RIGHTS

OPTION TO PURCHASE

- See PURCHASE RIGHTS

ORAL MOTIONS

- See MOTIONS

ORDER

- Adoption, **VI-22:12**
- Affidavit of clerk on appointment, **VIII-18:40**
- Appeal, general form, **VIII-18:7**
- Appointment to settle
 - commentary, **VIII-18:37**
 - disputed order, **VIII-18:42**
 - memorandum of approval, **VIII-18:38**
 - notice of, **VIII-18:39; VIII-18:41**
 - registrar unsatisfied, **VIII-18:41**
 - unapproved, **VIII-18:39**
 - affidavit of clerk, **VIII-18:40**
- Approval, **VIII-18:38**
- Carry order into operation, **VIII-18:65-18:68**
- Certificate of pending litigation, **VI-19:8**
- Children's lawyer, **VI-14:2**
- Clerk's
 - consent for, **VIII-32:22**
 - request for, **VIII-32:21**
- Commentary, **VIII-18:2**
- Confidentiality order
 - See CONFIDENTIALITY ORDER
- Directing reference
 - agreed person, **VIII-18:27**
 - general form, **VIII-18:25**
 - take accounts, **VIII-18:26**
- Directing sale of property, **VI-22:15**
- Divorce, **VI-22:9**
- Divorce, terms of settlement incorporated on motion, **VI-22:10**
- Examinations for discovery, of, motion for, **VIII-10:28**
- Family Responsibility Office, **VI-22:8**
- General form, **VI-22:2; VIII-18:3**
- Headings
 - Court of Appeal
 - actions, **VIII-1:40**
 - applications, **VIII-1:41**
 - Divisional Court
 - actions, **VIII-1:42**
 - application, **VIII-1:43**
 - Superior Court of Justice
 - appeal in, **VIII-1:39**
 - general form, **VIII-1:38**
- Motion without notice, **VI-22:4**
- Notice disputing approval, **VI-22:3**

ORDER—Cont'd

- Notice of approaching dismissal, **VI-22:19**
- Post trial
 - custody, access, support, equalization, **VI-22:14**
- Prisoner's attendance for, **VI-22:5**
- Refraining, **VI-22:20**
- Restraining, **VI-22:17**
 - motion without notice, **VI-22:16**
 - terminating, **VI-22:18**
- Sample orders
 - dismissal of motion, **VIII-13:86**
 - estates, **VIII-30:139**
 - partial relief, **VIII-13:87**
 - speedy trial, **VIII-13:88**
 - trial of an issue, **VIII-13:89**
- Satisfaction piece
 - general form, **VIII-18:71**
 - partial satisfaction, **VIII-18:72**
- Secure treatment, **VI-22:11**
- Standard clauses, **VI-22:21**
- Stop order, **VIII-18:11**
- Support deduction, **VI-22:6**
- Support deduction, information form, **VI-22:7**
- Suspend order
 - affidavit, **VIII-18:63**
 - commentary, **VIII-18:61**
 - notice of motion, **VIII-18:62**
 - order, **VIII-18:64**
- Uncontested trial, **VI-22:13**
- Variation of
 - commentary, **VIII-18:43**
 - facts subsequently discovered
 - affidavit, **VIII-18:59**
 - commentary, **VIII-18:43**
 - notice of motion, **VIII-18:58**
 - order, **VIII-18:60**
 - failure to disclose
 - affidavit, **VIII-13:73**
 - commentary, **VIII-13:71**
 - notice of motion, **VIII-13:72**
 - order, **VIII-13:74**
 - order obtained by fraud
 - affidavit, **VIII-18:52**
 - commentary, **VIII-18:50**

ORDER—Cont'd

Variation of—Cont'd

order obtained by fraud—Cont'd

notice of motion, **VIII-18:51**

order, **VIII-18:53**

order obtained by mistake

affidavit, **VIII-13:76**

notice of motion, **VIII-13:75**

order, **VIII-13:77**

slip

affidavit, **VIII-18:45**

notice of motion, **VIII-18:44**

order, **VIII-18:46**

Vesting

personal property, **VIII-18:32**

real property, **VIII-18:31**

ORDER TO CONTINUE

Minor reaching majority, **VIII-2:12**

requisition for, **VIII-1:60**

Transfer or transmission of interest, **VIII-2:36**

ORDER TO PROCEED

See ORDER TO CONTINUE

ORGANIZATIONAL INTELLECTUAL PROPERTY

See INNOVATION POLICY

ORGAN TRANSPLANTS

See TRANSPLANTS

ORIGINAL EQUIPMENT MANUFACTURERS

See OEM

OUTRIGHT DISTRIBUTIONS

Holograph will, **V-3:4**

To one person absolutely

general form, **V-3:1**

to spouse, with division into shares for children if spouse predeceases testator, **V-3:2**

To several people with provision to prevent lapse, **V-3:3**

OUTSIDE ONTARIO

See SERVICE

OUTSOURCING

Checklist, **X-20:1.50**

Cloud services, **X-20:12.30**

OUTSOURCING—Cont'd

- Consent agreement, **X-20:6**
- General agreement, **X-20:2; X-20:3**
 - consultant rendering services, **X-20:5**
 - U.S. form, **X-20:4**
- Governance provisions, **X-20:12.50**
- Information technology, **X-20:10**
- Licence agreement, integrated payment processing, **X-20:7.50**
- Licence agreement, third party outsourcing option, **X-20:11**
- Master agreement for business process, **X-20:12.25; X-20:12.70**
- Network management agreement, **X-20:12**
- Provision of products on turnkey basis, **X-20:9**
- Services agreement, **X-20:8**
- Strategic services agreement, **X-20:7; 20:7.30**

OUTSOURCING AGREEMENTS

- Garbage collection, **IX-6:21**

OVERHOLDING LEASE PROVISION

- Cart lease, **IV-3:7**
- Commercial condominium unit, **IV-10:8**
- Farm lease, **IV-10:4**
- Gross lease, **IV-2:4**
- Ground, **IV-10:2**
- Industrial, **IV-2:2; IV-2:3**
- Kiosk lease, **IV-3:7**
- Leaseback, **IV-10:3**
- Medical building, **IV-10:5**
- Office, **IV-4:2-IV-4:4**
- Pad, **IV-3:5; IV-3:6**
- Residential, **IV-8:12-IV-8:15; IV-8:51**
- Retail, **IV-3:2; IV-3:3**
- Shopping centre, **IV-3:4**

PAD LEASES

- See **CONSTRUCTION; RETAIL PREMISES**, lease

PAINTINGS

- By testator, disposition of, **V-8:24**
- Gift of particular painting, **V-8:62**

PARKING

- See also **LICENCES**
- Agreement, **IX-5:17**
- Cash-in-lieu of parking agreement, **IX-4:7**
- Exclusivity, **IV-3:5; IV-3:6**
- Handicapped, **IX-4:22**

PARKING—Cont'd

- Lease provision, **IV-5:20**
- Licence agreement, **IV-5:21**
- Parking licences
 - parking area, **IV-9:2**
 - parking spaces, **IV-9:1**
- Residential licence agreement
 - garage, **IV-8:21**
 - parking space, **IV-8:20**
- Reverse parking policy, **IX-5:13.95**
- Street, subdivision clause, **IX-4:100; IX-4:101**
- Temporary use of facilities, licence and indemnity, **IX-3:72**
- Traffic and parking by-law, **IX-3:76**
- Validated, **IV-6:54**
- Winter parking forgiveness program, **IX-5:13.96**
- Zoning requirement exemption agreement, **IX-4:5; IX-4:6**

PARKING AUTHORITY

- By-law establishing, **IX-11:29**
- Commentary, **IX-3:65**
- Enforcement agreement, **IX-3:70**
- Fee collection agreement, **IX-3:69**
- Management agreement
 - indoor and underground, **IX-3:66**
 - surface parking, **IX-3:67; IX-3:68**
- Management program, municipal, **IX-3:77**
- Residential front yard and boulevard parking, **IX-3:78**
- Towing agreement, **IX-3:71**

PARKING PERMITS

- Accessible parking, **IX-3:73**
- Regulations, **IX-3:74**
- Residential parking, **IX-3:75**

PARKS AND BUILDINGS

- Alcohol policy, **IX-3:50**
- Arena
 - allocation policy, **IX-3:55**
 - use of, specific terms and conditions, **IX-3:58**
- Banners and pennants policy, **IX-3:64.56**
- Baseball diamond
 - allocation policy, **IX-3:56**
 - construction agreement, **IX-3:42**
 - use of, specific terms and conditions, **IX-3:60**
- Cash-in-lieu of parkland funds policy, **IX-3:51**
- Food concession agreement, **IX-3:39**

PARKS AND BUILDINGS—Cont'd

- Leash free program policy, **IX-3:64**
- Park development and shared use agreement, **IX-3:48**
- Parkland dedication
 - acknowledgment, **IX-4:8**
 - by-law, **IX-11:162**
 - Parkland First Policy, **IX-4:274.10**
 - Retention of Municipal Parkland Policy, **IX-4:274.10**
- Parks and facilities by-law, **IX-11:163**
- Park use, specific terms and conditions, **IX-3:59**
- Pets on municipal property by-law, **IX-3:64.50**
- Refreshment vending agreement, **IX-3:49**
- Rental contract, general terms and conditions, **IX-3:57**
- Rinks
 - ice booking, last minute (terms and conditions), **IX-3:54**
 - maintenance, **IX-3:46**
 - permits and guidelines, **IX-3:53**
 - rules of conduct, **IX-3:52**
- School playground equipment agreement, **IX-3:43**
- Security personnel services agreement, **IX-3:45**
- Services concession agreement, **IX-3:40; IX-3:41**
- Soccer field agreement, **IX-3:47**
- Sports club, use of facilities agreement, **IX-3:44**
- Sports field
 - allocation policy, **IX-3:56**
 - use of, specific terms and conditions, **IX-3:60**
- Subdivision parkland
 - cash-in-lieu, **IX-4:137**
 - fencing, **IX-4:107**
 - improvements, **IX-4:110**
 - open space, valley lands and woodlots, **IX-4:106**
 - trail plan, **IX-4:126**
 - warning, and, **IX-4:108**
- Surface parkland agreement, **IX-3:9**
- Trespass policy, notice of, **IX-3:61**
- Video surveillance
 - procedure, **IX-3:63**
 - security policy, **IX-3:62**

PARTIAL PERIODS

See RENT

PARTICIPATION AGREEMENTS

Generally, **II-13:30**

PARTICULARS

Demand for, **VIII-6:48**

Motion for, **VIII-6:50**

Reply to demand for, **VIII-6:49**

PARTIES

Addition of

consent, on, **VIII-4:57**

simplified procedure, **VIII-31:14**

motion, on, **VIII-2:27**

reference, on, **VIII-19:5**

Small Claims Court, **VIII-32:2**

Consent to be added as plaintiff or applicant, **VIII-4:60**

Costs order against officer of party personally, **VIII-23:46**

Deletion of, consent, **VIII-4:58**

Directions from trial judge for travel and accommodation, **VIII-23:65**

Multiple

prayer for relief, **VIII-4:7**

retainer, **VIII-1:67**

contingency fee, **VIII-1:69**

potential conflict, letter disclosing, **VIII-1:68**

Notice to call adverse party

commentary, **VIII-17:21**

notice

officer, director, partner or sole proprietor, **VIII-17:23**

personal party, **VIII-17:22**

Partners

See PARTNERSHIPS

Service on

See SERVICE

Sole proprietor

See SOLE PROPRIETORSHIP

Substitution of

consent, on, **VIII-4:59**

motion, on, **VIII-2:30**

Transmission of interest, order for, **VIII-2:36**

Under disability

See PERSONS UNDER DISABILITY

PARTITION ACT

Application, **VIII-27:96-27:99**

PARTITION AND SALE

Judgment, **VIII-18:10**

PARTNERSHIP INTERESTS

See BUSINESS INTERESTS

PARTNERSHIPS

See also PUBLIC-PRIVATE PARTNERSHIPS

Accountant, appointment of, **I-45:34**

Accounting and valuation principles, **I-45:37**

Acting within scope of business, **I-45:40**

Affidavit of service, **VIII-3:13**

Age of majority representation, **I-45:16**

Annual budget, **I-45:36**

Annual valuation, **I-45:38**

Arbitration

appointment of arbitrator, **I-7:56**

debts, award by arbitrator, **I-7:100**

dissolution, **I-7:103**

mutual releases, **I-7:102**

retirement of partner, **I-7:101**

submission agreement

one arbitrator, **I-7:8**

three arbitrators, **I-7:9**

Assets, ownership of

partners, **I-45:19**

partnership, **I-45:18**

Assignment of partnership debts, **I-9:29**

Bonds

See BONDS

Budget, annual, **I-45:36**

Compete, right to, **I-45:24**

Death of partner, **I-45:51**

Dissolution

agreement, **I-45:73**

arbitration award, **I-7:103**

death of partner, **I-45:51**

distribution of assets, **I-45:54**

expulsion of partner, **I-45:50**

termination of partnership, **I-45:53**

Employees, admitting into, **I-45:9**

Existing business

employees admitted, **I-45:9**

fresh capital, **I-45:6; I-45:7**

new partner buying in, **I-45:8**

new working partner, **I-45:6**

Fiscal year, **I-45:35**

PARTNERSHIPS—Cont'd

- General form, **I-45:3**
 - amended and restated, **I-45:59**
- Income, outside, liability to account for, **I-45:23**
- Indemnity for prohibited acts, **I-45:39**
- Insurance
 - collateral agreement with trust company, **I-45:5**
 - mutual life, partners to obtain, **I-45:55**
- Land development agreement, **I-45:10**
- Limited
 - See LIMITED PARTNERSHIP
- Limited liability partnership, **I-45:72**
- Limited partnership
 - accounting principles, **I-45:68**
 - agreement, **I-45:62-I-45:65**
 - sophisticated, **I-45:70**
 - dissolution, **I-45:73**
 - notice of, **I-45:74**
 - power of attorney, **I-45:66**
 - transfer and, **I-45:67**
 - prior notice to, **I-45:69**
 - subscription form, **I-45:66**
- Management
 - agreement, **I-45:12**
 - appointment, **I-45:31**
 - arbitration, **I-45:33**
 - consultation, **I-45:32**
 - disagreements, settlement of, **I-45:28**
 - division of responsibilities, **I-45:25**
 - managing partner, **I-45:29**
 - partners' authority, **I-45:27**
 - review of partnership, **I-45:30**
 - salaried working partner, **I-45:29**
- Marriage contract, **I-45:57; I-45:58**
- Name
 - restrictions on use, **I-45:14**
 - right to use withdrawing partner's, **I-45:13**
- New partners
 - admission of, **I-45:46; I-45:47**
 - buying half interest, **I-45:8**
 - capital
 - contribution clause, **I-45:49**
 - owner to provide, **I-45:6**
 - provided by, **I-45:7**

PARTNERSHIPS—Cont'd

- New partners—Cont'd
 - profits, participation in, **I-45:48**
- Notice by, **VIII-32:7**
- Notice disclosing partners' names and addresses, **VIII-2:3**
- Notice requiring disclosure of partners' names, **VIII-2:2**
- Notice to, **VIII-32:6**
 - alleged partner, **VIII-2:1; VIII-32:5**
- Power of attorney, **I-45:56; I-45:66; I-45:67; I-47:69**
 - commencement, **I-47:86**
- Professional agreement, **I-45:4**
- Profits and losses, limitation on one partner, **I-45:21**
- Profits include partners' salaries and benefits, **I-45:9**
- Prohibited acts, indemnity for, **I-45:39**
- Purchase of interest, right of disaffected partner to sell or compel, **I-45:42**
- Purchase of partnership interest, restriction on, **I-45:41**
- Removal of partner
 - expulsion, **I-45:50**
 - residence of partner, **I-45:52**
- Representations and warranties, **I-45:15**
 - age of majority, **I-45:16**
 - interest, acquisition of, **I-45:17**
- Residency of partner, **I-45:52**
- S I, V (Business Interests), VIII
- Title of proceedings, **VIII-2:4**
- Transfer agreement, **I-45:11**
- Valuation, annual, **I-45:38**
- Variation of partnership interest, **I-45:45**

PARTNERSHIPS, PUBLIC PRIVATE

- Policy, **IX-2:16**
- Procedure, **IX-2:17**

PARTNERSHIPS ACT

- Application, **VIII-27:100-27:103**

PASSING OF ACCOUNTS

- See ESTATE
- See EXECUTORS AND TRUSTEES

PATENTS

- Abstract and specification, **I-34:25**
- Agent, appointment of
 - associate, **I-34:17**
 - general form, **I-34:16**
 - revocation of, **I-34:18**

PATENTS—Cont'd

- Application under, s. 65
 - advertisement of, **I-34:21**
 - counterstatement, **I-34:22**
 - grant of licence, **I-34:20**
 - reply by applicant, **I-34:23**
 - revocation of patent, **I-34:20**
- Assignment
 - affidavits of execution
 - company, by, **I-34:29; I-34:30**
 - individual, by, **I-34:28**
 - whole interest, of, **I-34:26**
 - prior to issue of patent, **I-34:27**
- Computer software, indemnity for infringement of, **I-23:226**
- Disclaimer, **I-34:12**
- Employees, agreement with, **I-34:39; I-34:40**
- Final fee, small entity, **I-34:31**
- Hearing, demand for, s. 69, **I-34:24**
- Indemnity for infringement of patent, computer software, **I-23:226**
- Licences
 - exclusive, **I-34:36; I-34:37**
 - for specific patent, **I-34:35**
 - non-exclusive, specific patent, **I-34:34**
 - software indemnity, **I-23:226**
- Petitions
 - grant of, for, **I-34:13**
 - invention by public servant, **I-34:15**
 - joint inventor, by, **I-34:14**
- Prosecution of application, names of assistants, **I-34:27**
- Reissue, application for, **I-34:11**
- Specification and abstract, **I-34:35**

PATERNITY

- Agreement, affidavit for filing, **VI-25:20**
- Application, **VI-17:2**
- DNA tests
 - notice of motion for order, **VI-17:3**
 - order for, **VI-17:4**
- Evidence of, interjurisdictional proceeding, **VI-18:10**
- Statement to support declaration of parentage, interjurisdictional proceeding, **VI-18:11**

PATIO LICENCES

- Generally, **IX-5:22**

PATIOS

Lease provision, **IV-5:35**

PAY EQUITY

Administration of legislation

Alberta, **VII-2:21**

British Columbia, **VII-2:19**

federal, **VII-2:2**

Manitoba, **VII-2:22**

Ontario, **VII-2:4**

Saskatchewan, **VII-2:24**

Agent, appointment as on behalf of anonymous employee, **VII-2:14**

Anonymous applicants to pay equity office review services, **VII-2:10**

Appeals

Saskatchewan, **VII-2:24**

Application for hearing, Ontario, **VII-2:4; VII-2:7**

response, **VII-2:4; VII-2:8**

Appointment of agent, **VII-2:10**

Authorization for representation, **VII-2:11**

Commentary, **VII-2:1, 2:21, 2:22, 2:24**

Complaints

federal, **VII-2:2; VII-2:3**

Manitoba, **VII-2:23**

Ontario, **VII-2:4**

Saskatchewan, **VII-2:24**

Consent to prosecute, Ontario, **VII-2:4**

Electronic Submission Form, Ontario, **VII-2:15.20**

Enforcement, Ontario

affidavit of non-compliance, **VII-2:18**

certificate on filing, **VII-2:16**

notice of application, **VII-2:17**

Equal wage guidelines, federal, **VII-2:2**

Guidelines

See equal wage guidelines, *supra*

See Equal wage guidelines, *supra*

Hearing, Ontario

application, **VII-2:4; VII-2:7**

Pay Equity Hearings Tribunal, **VII-2:4**

response, **VII-2:8**

Intervention Form, Ontario, **VII-2:15.30**

Legislation

Alberta, **VII-2:21**

British Columbia, **VII-2:19**

federal, **VII-2:2**

Manitoba, **VII-2:22**

PAY EQUITY—Cont'd

Legislation—Cont'd

Nova Scotia, **VII-2:25**

Ontario, **VII-2:4**

Saskatchewan, **VII-2:24**

Notice of civil claim, British Columbia, **VII-2:20**

Notice of Constitutional Question, **VII-2:15.40**

Notice of inability to achieve, Ontario, **VII-2:6**

Notice of requirement to achieve and maintain, Ontario, **VII-2:6.30**

Pay Equity Hearings Tribunal, Ontario, **VII-2:4**

request for reconsideration, **VII-2:15**

Pay equity plan, Ontario, **VII-2:4**

Posting, statement, Ontario, **VII-2:12**

Posting certificate, Ontario, **VII-2:13**

Prosecution, Saskatchewan, **VII-2:24**

Reconsideration, Ontario, **VII-2:4; VII-2:15**

Service of documents, Ontario

affidavit of personal service, **VII-2:15.60**

certificate of delivery, **VII-2:9**

Summons to witness, Ontario, **VII-2:15.50**

PAYMENT INTO COURT

Acceptance of offer to settle

conditional on payment into court, **VIII-21:50**

notice of, **VIII-20:3**

Commentary, **VIII-20:1**

Gift to mentally incapable person in will, of, **VIII-20:6**

minor's gift over 10,000 dollars in will, of, **VIII-20:5**

Motion to strike where failure to pay into court as ordered on prior summary

judgment motion, **VIII-8:18-18:21**

Notice of, **VIII-20:3**

Pursuant to settlement offer, **VIII-21:25**

Requisition for, **VIII-20:2**

PAYMENT METHOD

Lease provisions

ground, **IV-10:2**

industrial, **IV-2:2; IV-2:3**

leaseback, **IV-10:3**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

residential, **IV-8:12-IV-8:15**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

veterinary clinic/hospital, **IV-10:6**

PAYMENT OUT OF COURT

- After stop order, **VIII-20:37-20:39**
- Consent, pursuant to
 - affidavit, **VIII-20:18**
 - affidavit of insurer, **VIII-20:21**
 - commentary, **VIII-20:16**
 - consent, **VIII-20:19**
 - consent by insurer, **VIII-20:20**
 - requisition for, **VIII-20:17**
- Consent to payment out of sale proceeds on reference
 - by purchaser, **VIII-19:34**
 - by purchaser's lawyer, **VIII-19:35**
- Directly to lawyer
 - affidavit, **VIII-20:26**
 - requisition, **VIII-20:25**
- Interim payment to party under disability
 - mentally incapable person, **VIII-20:30-20:32**
 - minor, **VIII-20:27-20:29**
- Minor attaining majority
 - affidavit, **VIII-20:24**
 - commentary, **VIII-20:22**
 - requisition, **VIII-20:23**
- Order, pursuant to
 - affidavit, **VIII-20:9**
 - commentary, **VIII-20:7**
 - requisition for, **VIII-20:8**
- Report after reference, pursuant to
 - affidavit, **VIII-20:15**
 - commentary, **VIII-20:10**
 - general form, **VIII-20:11**
 - requisition for
 - consent, **VIII-20:12**
 - transfer, **VIII-20:14**
 - vesting order, **VIII-20:13**

PENDING LITIGATION, CERTIFICATE OF

See **CERTIFICATE OF PENDING LITIGATION**

PENSIONS

- See also **DOMESTIC CONTRACTS; SEPARATION AGREEMENT**
- Actuarial information summary, **I-46:7**
- Amendment, application to register
 - Canada, **I-46:5**
 - Ontario, **I-46:29**

PENSIONS—Cont'd

Annual information return

Alberta, **I-46:62**

Newfoundland and Labrador, **I-46:67**

Nova Scotia, **I-46:43**

Saskatchewan, joint, **I-46:51**

Appeal in federal court, notice of, **I-46:13**

Application to divide, **VI-20:12**

Benefit reduction on death, agreement of spouse or common law partner,
I-46:11

Canada Pension Plan credit split, **VI-25:2**

Collective agreement provision, **VII-18:42**

Contributions, summary of, **I-46:30**

Cost certificate, Alberta, **I-46:61**

CPP

See CANADA PENSION PLAN

Death of member, statement to, **I-46:17**

Designation as limited member, request for, Nova Scotia, **I-46:45**

Division of, application to retired member's, **VI-20:9**

Employer

not subject to Companies' Creditors Arrangement Act or Part III of Bankruptcy and Insolvency Act

governed by a board of directors, declaration of, **I-46:24**

not governed by a board of directors, declaration of, **I-46:25**

subject to Companies' Creditors Arrangement Act or Part III of Bankruptcy and Insolvency Act

governed by a board of directors, declaration of, **I-46:26**

not governed by a board of directors, declaration of, **I-46:27**

Family law value

application for, **VI-20:2**

application transfer, **VI-20:8**

retired member's, **VI-20:11**

statement of

active plan member, combination benefit, **VI-20:5**

active plan member, defined benefit, **VI-20:4**

defined contribution, **VI-20:5**

former plan member, defined or combination benefit, **VI-20:6**

retired member, defined benefit, **VI-20:7**

Financial hardship, withdrawal based on, attestation, **I-46:21**

Forms of

defined benefit plan, **I-46:2**

defined contribution plan, **I-46:3**

Investment information

return, **I-46:9**

PENSIONS—Cont'd

- Investment information—Cont'd
 - summary, **I-46:30**
- Joint and survivor pension benefit, cessation of the payment, consent of spouse or common-law partner to, **I-46:20**
- Locked-in accounts, access to
 - financial institutions, application for, **I-46:34**
 - Superintendent of Financial Services, application for, **I-46:35; I-46:36**
- Locked-in plans
 - British Columbia
 - spouse's consent to transfer to LIF, **I-46:41**
 - Canada
 - total amount held, attestation, **I-46:23**
- Marriage breakdown, Newfoundland and Labrador
 - notice of
 - entitlement, **I-46:70**
 - intention, **I-46:69**
 - objection of member, notice of, **I-46:74**
 - spouse, entitlement of, **I-46:71-I-46:73**
- Objection, notice of, **I-46:12**
- Payment of temporary income from LIF, application, Nova Scotia, **I-46:46**
- Pension benefit credit, application to transfer, **I-46:10**
- Phased retirement benefit
 - statement to former member, spouse or common law partner, **I-46:19**
 - statement to member, spouse or common law partner, **I-46:18**
- Private plans
 - See PRIVATE PENSION PLANS
- Registered retirement income fund contract, transfer to, spouse's consent, Saskatchewan, **I-46:53**
- Register plan, application to
 - Alberta, **I-46:60**
 - Canada, **I-46:4**
 - Newfoundland and Labrador, **I-46:66**
 - Nova Scotia, **I-46:42**
 - Saskatchewan, **I-46:50**
- Registration, application for
 - Canada, **I-46:6**
 - Ontario, **I-46:28**
- Required information, **I-46:8**
- Retirement from plan, statement to member, **I-46:14**
- Sale of business, **I-54:40**
- Spousal/partner waiver
 - Alberta
 - permit commutation, on shortened life or non-residency status, **I-46:65**

PENSIONS—Cont'd

Spousal/partner waiver—Cont'd

Alberta—Cont'd

post-pension, death benefit, commencement of, **I-46:64**

pre-pension, death benefit, commencement of, **I-46:63**

British Columbia

administrator's statement of compliance

amendment to plan text document, **I-46:41.60**

amendment to supporting plan document, **I-46:41.80**

plan registration, **I-46:41.40**

consent to transfer to LIF or establishment of LITB, **I-46:41**

permit unlocking of benefits, **I-46:39**

waiver of beneficiary rights after payments start, **I-46:40**

waiver of beneficiary rights before payments start, **I-46:41.20**

Newfoundland and Labrador

joint and survivor pension, **I-46:68**

Nova Scotia

joint and survivor benefits, **I-46:44**

Ontario

joint and survivor pension, **I-46:32**

pre-retirement death benefit, **I-46:33**

Saskatchewan

designated beneficiary status, **I-46:54**

designated beneficiary status under LIRA, **I-46:52**

designation of beneficiary status under variable benefit account, **I-46:56**

60% post-retirement survivor benefit, **I-46:58**

pre-retirement survivor benefit, **I-46:57**

Spouse/common-law partner, attestation, **I-46:22**

Survivor pension

waiver, **VI-20:11**

Termination of plan, statement to member

entitled to deferred pension benefit, **I-46:15**

not entitled to deferred pension benefit, **I-46:16**

Variable benefit account, transfer to, spouse's consent, Saskatchewan, **I-46:55**

Waiver, **I-46:32; I-46:33**

Withdraw money from LIRA of LIF, application for

Newfoundland and Labrador

small balance, **I-46:75**

temporary balance, **I-46:76**

Nova Scotia

at age 65, **I-46:47**

shortened life expectancy, **I-46:48**

PERCENTAGE RENT

Changes to reporting procedures, **IV-6:45**

PERCENTAGE RENT—Cont'd

- Exclusions from gross revenue, **IV-6:44**
- Letter of intent provision, **IV-1:5**
- Payment of
 - cart lease, **IV-3:7**
 - kiosk lease, **IV-3:7**
 - retail lease, **IV-3:3; IV-3:4**
 - veterinary clinic/hospital, **IV-10:6**
- Retail lease provisions, **IV-3:3; IV-3:4**
- Review of statements, **IV-3:3; IV-3:4**
- Tenant's records, **IV-3:3; IV-3:4**

PERFORMANCE

- Asset purchase certificate re, **II-33:27**

PERFORMANCES

- See THEATRES

PERMITTED USE

- See USE

PERPETUAL CARE OF CEMETERY PLOT

- Generally, **V-30:25-V-30:28**

PERPETUITIES

- Generally, **V-31:43; V-31:67; V-31:68**

PERSONAL CORPORATION

- Power to trustees to deal with shares, **V-19:11**

PERSONAL DATA

- Sheet, **V-2:2**

PERSONAL INFORMATION

- Lease provisions
 - industrial, **IV-2:2; IV-2:3**
 - office, **IV-4:2-IV-4:4**
 - pad, **IV-3:5; IV-3:6**
 - residential, **IV-8:12-IV-8:15**
 - retail, **IV-3:2; IV-3:3**
 - shopping centre, **IV-3:4**
 - veterinary clinic/hospital, **IV-10:6**
- Offer provisions
 - industrial, **IV-1:10; IV-1:11**
 - multi-tenant building, no form of lease, **IV-1:16**
 - office, **IV-1:8; IV-1:9**
 - residential, **IV-8:9**
 - retail, **IV-1:12; IV-1:13**

PERSONAL INFORMATION—Cont'd

Offer provisions—Cont'd

single tenant building

no form of lease, **IV-1:15**

with form of lease, **IV-1:14**

Personal Information Protection and Electronic Documents Act (“PIPEDA”),
compliance with, **IV-8:65**

Privacy

compliance with PIPEDA, **IV-8:65**

data breach response plan, **IV-8:69**

data breach response policy, **IV-8:68**

policy, **IV-8:67**

security camera policy and procedure, **IV-8:70**

statement, **IV-8:66**

**PERSONAL INFORMATION PROTECTION AND ELECTRONIC
DOCUMENTS ACT (CANADA) (PIPEDA)**

Compliance with, **X-3:10**

Consent under, **X-3:9.50**

Definition, **X-3:4**

abandonment of use, **X-3:8**

Obligations under, **X-33:79**

PERSONAL PROPERTY

Inspection of

See INSPECTION OF PROPERTY

Interim preservation of

See INTERIM PRESERVATION OF PERSONAL PROPERTY

Interim recovery of

See INTERIM RECOVERY OF PERSONAL PROPERTY

Offer to settle claim for, **VIII-21:19**

Recovery of, prayer for relief, **VIII-4:25**

Set aside sale of, prayer for relief, **VIII-4:26**

Vesting order, **VIII-18:32**

PERSONAL PROPERTY SECURITY

Accession

intent to remove, notice of, **I-55:45**

objection to removal, **I-55:47**

renunciation of right to remove, **I-55:46**

Accounts receivable agreement

Alberta, **I-55:11**

British Columbia, **I-55:11**

New Brunswick, **I-55:11**

Newfoundland and Labrador, **I-55:11**

Nova Scotia, **I-55:11**

PERSONAL PROPERTY SECURITY—Cont'd

Accounts receivable agreement—Cont'd

Ontario, **I-55:10**

Prince Edward Island, **I-55:11**

Saskatchewan, **I-55:11**

Acknowledgment, Ontario, **I-1:16**

Assignments

guarantee, with, **I-55:15**

notice of

See notice, *infra*

See Notice, *infra*

recourse, with, **I-55:16**

recourse, without, **I-55:14**

vendor of goods, by, **I-55:18**

warranty of payment and financial details, with, **I-55:17**

Consumer goods, **I-55:12**

Corporate resolution authorizing agreement, certificate of, **I-55:53**

Demand by

interested party, for satisfaction, **I-55:34**

other secured party, for satisfaction, **I-55:33**

secured party

for possession, **I-55:25**

for proof of other party's interest, **I-55:35**

Disposition, notice of, **I-55:32**

application of proceeds, **I-55:41**

Extension of security agreement, **I-55:52**

Fixtures

intention to remove, notice of, **I-55:42**

objection to removal, **I-55:44**

renunciation of rights in, **I-55:43**

General security agreement

Alberta, **I-55:5**

British Columbia, **I-55:5**

New Brunswick, **I-55:5**

Newfoundland and Labrador, **I-55:5**

Nova Scotia, **I-55:5**

Ontario, **I-55:4**

Prince Edward Island, **I-55:5**

Saskatchewan, **I-55:5**

Guarantee

assignment with, **I-55:15**

continuing, **I-55:50**

security agreement, of, **I-55:49**

Licensing and royalty fees, clause to secure, **I-55:54**

PERSONAL PROPERTY SECURITY—Cont'd

Lien waiver request, **I-26:17**

Notice

accessions, intent to remove, **I-55:45**

account debtors, to

assignment to secured party, **I-55:21**

default by principal debtor, **I-55:29**

application of proceeds of disposition, **I-55:41**

assignment, of

account debtor, to, **I-55:21**

debtor, to, **I-55:22**

collateral

intention to retain, of, **I-55:36**

to secured party, other party's interest in, **I-55:30**

transfer of, **I-55:23**

discharge, demand of for non-consumer goods

Alberta, **I-55:27**

British Columbia, **I-55:27**

Manitoba, **I-55:28**

New Brunswick, **I-55:27**

Newfoundland and Labrador, **I-55:27**

Nova Scotia, **I-55:27**

Ontario, **I-55:26**

Prince Edward Island, **I-55:27**

Saskatchewan, **I-55:27**

disposition, **I-55:32**

enforce security, intention to, **I-55:31**

fixtures, intention to remove, **I-55:42**

information request, **I-55:19**

payment demand to debtor, **I-55:24**

purchase money security interest in inventory, of, **I-55:20**

transfer of collateral by debtor, **I-55:23**

Possession, demand by secured party, **I-55:25**

Purchase money security agreement

inventory, interest in

Alberta, **I-55:7**

British Columbia, **I-55:7**

New Brunswick, **I-55:7**

Newfoundland and Labrador, **I-55:7**

notice of interest, **I-55:20**

Nova Scotia, **I-55:7**

Ontario, **I-55:6**

Prince Edward Island, **I-55:7**

Saskatchewan, **I-55:7**

PERSONAL PROPERTY SECURITY—Cont'd

Purchase money security agreement—Cont'd

non-inventory interest

Alberta, **I-55:9**

British Columbia, **I-55:9**

New Brunswick, **I-55:9**

Newfoundland and Labrador, **I-55:9**

Nova Scotia, **I-55:9**

Ontario, **I-55:8**

Prince Edward Island, **I-55:9**

Saskatchewan, **I-55:9**

Right of redemption, release of, **I-55:40**

Subordination agreement, **I-55:51**

PERSONAL PROPERTY SECURITY ACT

Discharge of security, **VIII-27:108-27:111**

Priorities, determination of, **VIII-27:104-27:107**

PERSONAL SERVICE

See SERVICE

PERSONALTY AND HOUSEHOLD EFFECTS

Absolute gifts

appraisal to be obtained, with value of goods selected to be taken into

account on division of residue, **V-8:12**

articles not specifically disposed of, **V-8:9**

property in apartment, **V-8:10**

to charity, **V-8:15**

to children, **V-8:6; V-8:7**

choice of items, **V-8:11**

division of goods among, value to be taken into account, **V-8:12**

gift over to, **V-8:14**

to spouse, **V-8:2-V-8:5**

declaration that household articles belong to spouse, **V-8:3**

gift over to children, **V-8:14**

particular items specified, **V-8:4; V-8:5**

Animals, **V-8:5-V-8:7; V-8:64; V-8:65**

Articles acquired before marriage, **V-8:20; V-8:21**

Automobile and accessories and tools, **V-8:60**

Books and papers, **V-8:63**

Children to choose, remainder to be sold, **V-8:11**

Chose in action, **V-8:70**

Church pew, **V-8:67**

Claims against another estate, **V-8:70**

Confirmation of earlier gift and gift of subsequently acquired articles, **V-8:8**

Delivery charges, liability for, **V-8:13**

PERSONALTY AND HOUSEHOLD EFFECTS—Cont'd

- Disposal according to list or memorandum, **V-8:51-8:53**
- Dogs and equipment, **V-8:64**
- Farm animals and equipment, **V-8:5-8:7; V-8:65**
- Gift of one of several similar articles, **V-8:58; V-8:59**
- Gifts subject to exceptions
 - all to children except automobiles and specific gifts, **V-8:22; V-8:23**
 - all to spouse except
 - articles acquired before marriage, **V-8:20; V-8:21**
 - articles specifically disposed of, **V-8:19**
 - paintings by testator, **V-8:24**
- Gifts subject to life interest
 - jewellery, subject to trust, **V-8:27; V-8:28**
 - specified items to spouse, balance for issue subject to use by spouse, **V-8:26**
 - to spouse for life and on death division among children, **V-8:25**
- Jewellery, **V-8:27; V-8:28; V-8:54-V-8:57**
 - one of several similar items, **V-8:58; V-8:59**
- Law books and unexpired subscriptions, **V-8:69**
- Life insurance policies, gift of benefit of unexpired policies, **V-8:66**
- Memorandum to trustees
 - binding, **V-8:18**
 - disposal in accordance with, **V-8:51-V-8:53**
 - non-binding, **V-8:16**
- Non-survival of nephews, provision for wives, **V-8:37**
- Non-survival of spouse, directions in event of
 - adult children to divide, **V-8:31**
 - all to children with varying provisions, **V-8:34-V-8:36**
 - children to agree on division, **V-8:14; V-8:30**
 - trustees to use discretion for children, **V-8:29; V-8:32; V-8:33**
- Ownership of, declaration, **V-34:38**
- Paintings, **V-8:24; V-8:62**
- Power to deal with, **V-36:31**
- Racing stable, **V-8:65**
- Royalties, gift upon trust, **V-8:68**
- Specific items, **V-8:54-V-8:70**
 - automobile and accessories and tools, **V-8:60**
 - books and papers, **V-8:63**
 - church pew, **V-8:67**
 - claims against another estate, **V-8:70**
 - dogs and equipment, **V-8:64**
 - jewellery, **V-8:27; V-8:28; V-8:54-V-8:59**
 - law books and unexpired subscriptions, **V-8:69**
 - life insurance policies, **V-8:66**

PERSONALTY AND HOUSEHOLD EFFECTS—Cont'd

- Specific items, **V-8:54-V-8:70**—Cont'd
 - one of several similar articles, **V-8:56; V-8:59**
 - paintings, **V-8:24; V-8:62**
 - racing stable, **V-8:65**
 - royalties, **V-8:68**
 - wines and spirits in particular residence, **V-8:61**
- Trustees to deal with and distribute
 - automobiles for use of family, power to provide, **V-8:49**
 - deliver to infant child at discretion, **V-8:45**
 - discretion to be exercised by trustee, **V-8:39**
 - divide among children with power of sale, **V-8:42; V-8:43**
 - household articles, use by spouse while residence held in estate, **V-8:50**
 - retain and allow use by children, remainder to residue, **V-8:41**
 - retain for daughter until majority, **V-8:44**
 - retain for infant children with ultimate distribution when all attain majority, **V-8:46**
 - retain for infant child with power of sale, **V-8:48**
 - taking place of infant child when dividing, **V-8:47**
 - value and distribute to spouse and children, **V-8:38**
 - value and divide among children as children choose, **V-8:40**
- Valuation and distribution by trustees, **V-8:12; V-8:38; V-8:40**
- Wines and spirits in particular residence, **V-8:61**

PERSONS UNDER DISABILITY

- See also **DISABLED PERSONS**
- Appoint litigation guardian, motion to, **VIII-2:14**
- Approval of settlement
 - affidavit of client, **VIII-27:41**
 - affidavit of lawyer, **VIII-27:40**
 - checklist, **VIII-21:63**
 - commentary, **VIII-21:62; VIII-27:38**
 - consent of minor, **VIII-21:68; VIII-27:43**
 - judgment, **VIII-21:69; VIII-27:44**
 - minutes of settlement, **VIII-27:42**
 - notice of application, **VIII-21:64; VIII-27:39**
 - notice of motion, **VIII-21:65**
- Default
 - See **DEFAULT**
- Interim payment to party under disability
 - mentally incapable person, **VIII-20:30-20:32**
 - minor, **VIII-20:27-20:29**
- Litigation guardian, title of proceeding, **VIII-2:11**
- Litigation guardian affidavit, **VIII-2:10**

PERSONS UNDER DISABILITY—Cont'd

Mentally incapable person, affidavit of service
guardian appointed, **VIII-3:11**
power of attorney, **VIII-3:12**

Minors

See MINORS

Motion to note in default, **VIII-7:8**

Order to continue, **VIII-2:12**
requisition for, **VIII-1:60**

Plaintiff's offer to settle

defendant under disability, **VIII-21:27**

plaintiff under disability, **VIII-21:26**

Request to appoint litigation guardian, **VIII-2:13**

Substitute litigation guardian, motion to, **VIII-2:19**

PEST CONTROL

See USE

PETS

See ANIMALS

PHOTOGRAPHY

Permission to inspect, motion for
personal property, **VIII-11:11-11:13**
real property, **VIII-11:8-11:10**

PHYSICIANS

Emergency, statement of, **I-33:47**

Employment with hospital, **I-33:14**
chief of department agreement, **I-33:15**

Hospitals

See HOSPITALS

Medico-legal emergency statement, **I-33:47**

Orders

no CPR, **I-33:48**
out-patient treatment, **I-33:45**
treatment, **I-33:46**

Privileges

professional staff
application for appointment, **I-33:12**
application for reappointment, **I-33:13**

Release from liability by patient

blood transfusion, refusal of, **I-33:51**
general treatment, refusal of, **I-33:50**
leaving hospital against medical advice, **I-33:53**
temporary leave from hospital, **I-33:52**

PHYSICIANS—Cont'd

Release from liability by person responsible for patient, **I-33:54**

PIPEDA

See PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT

See PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT (CANADA) (PIPEDA)

PLAIN LANGUAGE DRAFTING

Master equipment purchase agreement, **X-35:4**

Master services agreement, **X-35:6**

Master software and services agreement, **X-35:5**

Non-disclosure agreement

non-public business information, **X-35:2**

reciprocal, **X-35:3**

PLAINTIFF

Claim of, Small Claims Court, **VIII-32:12**

defence to, **VIII-32:11**

Costs orders

class actions, **VIII-23:41**

complete indemnity scale, **VIII-23:4**

general form, **VIII-23:2**

mistrial, **VIII-23:6**

settlement offer exceeded, **VIII-23:5**

substantial indemnity costs scale, **VIII-23:3**

Foreign, security for costs

demand for declaration of residence, **VIII-25:8-25:10**

motion for security, **VIII-25:14-25:17**

motion to stay where a failure to respond, **VIII-25:11-25:13**

Lack of capacity, motion to stay or dismiss, **VIII-6:6-6:9**

PLANNING AND DEVELOPMENT

See also ZONING

Affordable housing

See AFFORDABLE HOUSING

Agreements (B.C.)

heritage revitalization, **IX-4:277**

heritage revitalization bylaw, **IX-4:278**

phased development

See phased development agreement (B.C.)

See Phased development agreement (B.C.)

Bonusing

See section 37 agreements, *infra*

See Section 37 agreements, *infra*

PLANNING AND DEVELOPMENT—Cont'd

By-laws

See BY-LAWS

Community improvement project area implementation agreement, **IX-4:261**

Condominium agreement, **IX-4:271; IX-4:272**

Development Charges Act

See DEVELOPMENT CHARGES ACT

Housing

See HOUSING

Off-site matters

See OFF-SITE MATTERS

Part lot control exemption undertaking, **IX-4:263**

Phased development agreement (B.C.), **IX-4:276**

affordable housing, **IX-4:285**

amenities funding, **IX-4:284**

fire safety plan, **IX-4:279**

infrastructure, provision of works, **IX-4:287**

public art, **IX-4:280**

public open space, **IX-4:283**

storm water management, **IX-4:281**

sustainable development, **IX-4:286**

transit shelters, **IX-4:282**

Public notification policy for construction projects, **IX-4:274**

Ravine control agreement, **IX-4:270**

Section 37 agreements, **IX-4:241-IX-4:243**

affordable housing clause, **IX-4:252**

commentary, **IX-4:240**

community services clause, **IX-4:251**

daycare facilities clause, **IX-4:248; IX-4:249**

development charges clause, **IX-4:253**

escrow provisions, with, **IX-4:245**

heritage easement, and, **IX-4:244**

landscaping, **IX-4:247**

pedestrian walkway, **IX-4:246**

public art, **IX-4:250**

site plan clause, **IX-4:173**

Shared facilities agreement, **IX-4:269**

Site plan

See SITE PLAN

Subdivision

See SUBDIVISION

Traffic monitoring agreement, **IX-4:273**

Truck turnaround agreement, **IX-4:262**

PLANNING THE WILL

- Company, valuation of, **V-2:4**
- Information about testator, **V-2:2**
- Life insurance, particulars of, **V-2:3**
- Outline for testator, **V-2:5**

PLEADINGS

- Affidavit for uncontested trial, **VI-6:12**
- Affidavit in support of claim for custody or access, **VI-6:3**
- Amendment to
 - consent, on, **VIII-4:56**
 - simplified procedure, **VIII-31:13**
- Answer, **VI-6:7**
- Application
 - divorce, **VI-6:6**
 - general, **VI-6:4**
 - unjust enrichment claim, **VI-6:5**
- Counterclaim
 - add counterclaim, motion to amend defence to, **VIII-6:92-6:95**
 - commentary, **VIII-4:40**
 - general form
 - added parties, **VIII-4:42**
 - defence to, **VIII-4:44**
 - no added parties, **VIII-4:41**
 - reply and defence to, **VIII-4:43**
 - reply to defence to, **VIII-4:45**
- Crossclaim
 - commentary, **VIII-4:46**
 - counterclaim, in, **VIII-4:48**
 - defence to, **VIII-4:50**
 - general form, **VIII-4:47**
 - reply to defence to, **VIII-4:51**
 - third party claim, in, **VIII-4:49**
- No reasonable cause of action, motion to strike for, **VIII-6:57**
- No reasonable defence, motion to strike for, **VIII-6:59**
- Notice of
 - approaching dismissal, **VI-6:11**
 - change of representation, **VI-6:9**
 - withdrawal, **VI-6:10**
- Notice of action
 - commentary, **VIII-4:32**
 - general form, **VIII-4:33**
- Particulars
 - demand for, **VIII-6:48**
 - motion for, **VIII-6:50**

PLEADINGS—Cont'd

Particulars—Cont'd

reply to demand for, **VIII-6:49**

Rejoinder, leave to deliver pleading subsequent to reply, **VIII-6:53-6:55**

Reply, **VI-6:8**

commentary, **VIII-4:38**

general form, **VIII-4:39**

leave to deliver pleading subsequent to, **VIII-6:53-6:55**

Sample pleadings

See individual subject headings, particularly CONTRACTS; TORTS

See Individual subject headings, particularly CONTRACTS; TORTS

Statement of claim

See STATEMENT OF CLAIM

Statement of defence

See STATEMENT OF DEFENCE

Strike pleading

See STRIKE, MOTION TO

Third party and subsequent claims

defence, **VIII-4:54**

general form, **VIII-4:53**

reply to defence to, **VIII-4:55**

PLEDGE AGREEMENTS

Generally, **II-21:14**

POLICE

See also LAW ENFORCEMENT

Dispatch services agreement, **IX-6:46**

Temporary orders, enforcement of

affidavit, **VI-13:18**

notice of motion, **VI-13:17**

order, **VI-13:19**

POLL

Scrutineers' report re, **II-12:52**

PORTAL AGREEMENTS

Content licensing and intellectual property extracts, **X-4:120**

Services, **X-4:120**

PORTFOLIO MANAGER

See DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS,
REGISTRATION OF

POSSESSION

Commentary, **VIII-22:62**

General form of writ, **VIII-22:63**

POSSESSION—Cont'd

- Motion for writ of
 - general form, **VIII-22:64**
 - on reference, **VIII-19:31-19:33**

POSTAL SERVICES

- Provision of, **IX-4:127**

POST-DATED CHEQUES

- See **PAYMENT METHOD**

POSTHUMOUSLY CONCEIVED CHILDREN

- Exclusion, **V-28:11**
- Inclusion, **V-28:12**

POWER OF SALE

- Interlocutory injunction, **VIII-14:10**

POWERS OF APPOINTMENT

- Exercise
 - income to spouse until death or remarriage, capital to issue, **V-29:17**
 - limited exercise, **V-29:19**
 - specific property to issue, **V-29:18**
 - to children outright, **V-29:15**
 - to issue with postponement of payment of capital, **V-29:16**
- Grant of broad power for child to appoint on division date, **V-29:11**
- Grant of special power over capital, **V-42:11**
- Grants of general powers
 - appointment of trust fund, **V-43:6**
 - to daughter to appoint share of residue, **V-29:3**
 - to spouse to appoint residue, **V-29:2**
 - to spouse to appoint specific property, **V-29:4**
- Grants of limited powers
 - exercisable by spouse at death or on remarriage, **V-29:6**
 - to daughter to appoint division of share of residue among her issue, **V-29:8**
 - to son and daughter to appoint division of shares of residue among spouses and issue, **V-29:10**
 - to son to appoint division of part of residue among his issue and widow, **V-29:7**
 - to son to appoint division of share of residue among his issue, **V-29:9**
 - to son to direct payment of income only from share to widow, **V-29:12**
 - to spouse to appoint division of residue among issue, **V-29:5; V-29:6**
 - to spouse to appoint division of specific property among issue, **V-29:13**
 - to trustee after life interest, **V-29:14**
- Renunciation, **V-29:20-V-29:22**

POWERS OF ATTORNEY

See also AGENTS

Accounts for sale of property under, on reference, **VIII-19:15**

Acknowledgment by spouse or common-law partner, Manitoba, **I-1:23**

Actions

maintain at attorney's risk, **I-47:46**

prosecute and defend, **I-47:45**

Agent, power to employ, **I-47:99**

Agents, power to employ, **V-36:41**

Alternate attorney, **V-36:40**

Alternates, appointment of, **I-47:91**

Arbitration, power to submit dispute, **I-47:100**

Banking

business transactions, **I-47:57; I-47:59**

endorsement of bills and notes, **I-47:61**

generally, **I-47:57**

sign or draw bills or notes, **I-47:60**

Banks, power to deal with, **V-36:32**

Bills and notes, power to sign and endorse, **I-47:60; I-47:61**

Business

accept service, **I-47:69**

branch office for corporation opening, **I-47:63**

conduct, **I-47:62**

execute document, **I-47:67**

filing of registration, **I-47:68**

voting at meetings generally, **I-47:64**

winding up of business, appoint trustee, **I-47:64**

Change, attorney acting after commencements

corporation, by, **I-47:87**

individual, by, **I-47:85**

partnership, by, **I-47:86**

Commentary, **V-36:26**

Confirmation of acts, **I-47:104**

Consent to act as attorney, **I-47:119**

Continuing power, for property, **V-36:4; V-36:5; V-36:6; V-36:12**

condition to be inserted, **V-36:15**

corporate attorney, **V-36:7**

information to be given to attorney, **V-36:13**

investment and delegation clause, **V-36:14**

limited, **V-36:8; V-36:10**

assets in Canada, **V-36:8**

springing or contingent, on incapacity, **V-36:12**

worldwide assets, excluding specific jurisdiction, **V-36:10**

POWERS OF ATTORNEY—Cont'd

- Continuing power, for property, **V-36:4; V-36:5; V-36:6; V-36:12—Cont'd**
 - long form, limited
 - grantor's worldwide assets excluding those situate in Barbados, **V-36:10**
 - only to grantor's assets situate in Canada, **V-36:8**
 - short form, limited
 - grantor's worldwide assets excluding those situate in Barbados, **V-36:11**
 - only to grantor's assets situate in Canada, **V-36:9**
- Death of principal
 - attorney continuing to act, **I-47:88**
 - power not revoked by, **I-47:89**
- Debts
 - collection of, **I-47:47**
 - compromise those owing to principal, to, **I-47:52**
 - payment of, **I-47:53**
 - receive particular sum of money, **I-47:49**
 - recovery of, **I-47:48**
 - settlement of, **I-47:51**
- Declarations by
 - attorney, power operating, **I-47:118**
 - attorney, powers unrevoked, **I-47:116**
 - corporate attorney, power unrevoked, **I-47:117**
- Directions to attorney, **V-36:23**
- Duration of power
 - existing power made irrevocable, **I-47:108**
 - irrevocable
 - for fixed period, **I-47:94**
 - until given notice, **I-47:96**
 - permanent, **I-47:93**
- Execution of documents
 - generally, **I-47:101**
 - particular document, **I-47:67**
- Extension of term by endorsement, **I-47:106**
- Extra-provincial registration, for
 - Manitoba, **II-20:87**
 - Saskatchewan, **II-20:60**
- Foreign assets, to deal with, **I-47:55**
- Foreign jurisdiction, power to deal in, **V-36:34**
- Former powers
 - revoked, **I-47:103**
- General form, **I-47:2; I-47:3**
 - continuing, and, **V-36:5**
 - personal care, **V-36:16; V-36:17; V-36:18**
 - condition to be inserted, **V-36:19**

POWERS OF ATTORNEY—Cont'd

General form, **I-47:2; I-47:3—Cont'd**

personal care, **V-36:16; V-36:17; V-36:18—Cont'd**

consultation provision, **V-36:20**

emergency provisions, **V-36:21**

majority rule, **V-36:18**

property, **V-36:4; V-36:5; V-36:6**

subscribing witness, affidavit of, **I-47:9**

for virtually signed power of attorney for personal care

not virtually commissioned, **I-47:10**

virtually commissioned, **I-47:11**

use in foreign country, sale and mortgage of property, **I-47:8**

General power, **I-47:97**

Grant

deed, by, **I-47:93**

Health care, **I-47:14**

Irrevocable power

fixed period, **I-47:5; I-47:79**

general, **I-47:6; I-47:108**

notice given, until, **I-47:80**

Land, management of, **I-47:25**

Leases, **I-47:27**

Legacy, recovery of and consent to abatement, **I-47:54**

Legal remedies, power to exercise, **I-47:43**

Limited power of attorney, **I-47:7**

Losses, attorney not liable, **I-47:105**

Memorandum of understanding, **V-36:25**

Non-revocation of power on

change in partnership, **I-47:75**

death of principal, **I-47:89**

incapacity of principal, **I-47:90**

Partnership, **I-45:56**

subscription form and, **I-45:66**

transfer and, **I-45:67**

Personal affairs

access to information, **I-47:72**

compensation claim, **I-47:76**

not permitted, **I-47:78**

professionals, for, **I-47:79**

estate planning, conduct, **I-47:74**

gifts to make, **I-47:80**

health care, **I-47:14**

income tax returns, to file, **I-47:82**

loans, to make, **I-47:80**

POWERS OF ATTORNEY—Cont'd

Personal affairs—Cont'd

matrimonial home, interest in, **I-47:84**

RDSP contributions, make, **I-47:81**

reimbursement claim, **I-47:77**

support of dependants, **I-47:75**

trust assets, to deal with, **I-47:83**

will

living, **I-47:70**

to obtain a copy, **I-47:72**

to review, **I-47:70**

Personal care, for, **V-36:16; V-36:17; V-36:18**

condition to be inserted, **V-36:19**

consultation provision, **V-36:20**

emergency provision, **V-36:21**

fees and expense reimbursement, **V-36:43**

information to be given to sole attorney, **V-36:22**

living will, **V-36:16**

majority rule, **V-36:18**

medical assistance in dying, **V-36:17**

revocation, notice of, **V-36:36**

Personal care, Ontario, **I-47:13**

Personalty

foreign assets, **I-47:55**

invest money, **I-47:38**

mortgages, in, **I-47:39**

leasing of, **I-47:42**

litigation guardian, **I-47:43**

manage, **I-47:41**

mortgage, to, **I-47:39**

safety deposit boxes, **I-47:7**

securities

accept, to, **I-47:34; I-47:35**

deal with, **I-47:33**

dividends, to receive, **I-47:35; I-47:36**

sell generally, **I-47:31; I-47:32**

sell, generally, **I-47:30**

stock

See securities, *supra*

See Securities, *supra*

Personalty, power to deal with, **V-36:31**

Property, **V-36:4; V-36:5; V-36:6**

information to be given to attorney, **V-36:13**

POWERS OF ATTORNEY—Cont'd

Ratification of attorney's acts

general, **I-47:114**

specific, **I-47:115**

Ratification of prior act, **I-47:110**

Real estate

continuing power, Ontario, **I-47:15**

conveyance, execution of, **I-47:21**

general authority, **I-47:17**

management of, **I-47:25**

mortgaging, of, **I-47:22; I-47:24**

offer to purchase, acceptance of, **I-47:18**

power to appoint attorney to deal with, **V-36:28**

power to sell, **V-36:27**

property, continuing power, **V-36:4; V-36:5; V-36:6; V-36:12**

corporate attorney, **V-36:7**

remuneration, **V-36:42**

revocation of

appointment of new attorney, **V-36:38**

general, **V-36:35**

power, **V-36:35**

specific purpose, **V-36:37**

sale of, Quebec, **I-47:19**

spousal consent, **I-47:26**

tenants

collect rents, **I-47:28**

eject, **I-47:29**

Real estate trustee

power to appoint attorney generally, **V-36:29**

power to manage, **V-36:30**

Receipts and discharges, power to give, **I-47:102**

Revocation of

appointment of new attorney, and, **V-36:38**

notice, **V-36:36**

power for specific purpose, **V-36:37**

Revocation of registered power, **I-47:4; I-47:109**

appointment of new attorney, and, **I-47:111**

notice and, **I-47:112**

ratification of prior act, and, **I-47:110**

Securities, power to deal with, **V-36:33**

Share transfer, **II-9:8**

S I, V, VIII

Special or limited power of attorney, **I-47:7**

Substitute, power to appoint, **V-36:39**

POWERS OF ATTORNEY—Cont'd

- Substitution of, **I-47:98; I-47:113**
- Trustee, appointment of
 - company, by, **I-47:91**
 - wind up firm's business, **I-47:64**
- Trustee, power to appoint attorney, **V-36:27**
- Virtual signing of
 - see VIRTUAL SIGNING, COVID-19

PRAYER FOR RELIEF

- Accounting, **VIII-4:24**
- Anton Piller order, **VIII-4:18**
- Certificate of pending litigation, **VIII-4:20**
- Costs
 - general form, **VIII-4:2**
 - substantial indemnity costs scale, **VIII-4:29**
- Damages, general form, **VIII-4:2**
- Debt, **VIII-4:12**
- Declaration, **VIII-4:13**
- Foreign currency, **VIII-4:27**
- Forms of action, multiple, **VIII-4:8**
- Harmonized Sales Tax as damages, **VIII-4:30**
- Injunction
 - interlocutory, **VIII-4:15**
 - mandatory, **VIII-4:16**
 - Mareva, **VIII-4:17**
 - permanent, **VIII-4:14**
- Interest
 - agreement, by, **VIII-4:28**
 - Courts of Justice Act, general form, by, **VIII-4:2**
- Multiple claims, **VIII-4:8**
- Parties, multiple, **VIII-4:7**
- Personal property, recovery of, **VIII-4:25**
- Receiver and manager, appointment of, **VIII-4:23**
- Rectification, **VIII-4:21**
- Rescission, **VIII-4:22**
- Set aside sale, **VIII-4:26**
- Special damages
 - ascertained amount, **VIII-4:2**
 - unknown amount, **VIII-4:11**
- Specific performance, **VIII-4:19**

PRE-EMPTIVE RIGHTS

- Shares, **II-6:49**

PREFERRED SHARES

Cash dividends, **II-7:3**

Certificates

no transfer agent, **II-5:4**

with transfer agent, **II-5:5**

Retirement

See RETIREMENT OF SHARES

PRE-INCORPORATION CONTRACT

Directors' resolution adopting

Alberta, **II-2:52**

federal, **II-2:12**

Manitoba, **II-2:88**

Ontario, **II-2:28**

Saskatchewan, **II-2:71**

PREJUDGMENT INTEREST

See INTEREST

PREJUDICE

Motion to strike pleading for, **VIII-6:62**

PRELIMINARY AGREEMENTS

See also LETTERS OF INTENT; OFFERS TO LEASE

Residential listing agreement, **IV-8:6; IV-8:7**

PRELIMINARY CONDITIONS

See CONDITIONS PRECEDENT

PREMISES

See OCCUPIERS' LIABILITY

PRE-PROCEEDING MOTIONS

Commentary, **VIII-13:27**

Notice of motion, **VIII-13:28**

Undertaking to commence action, **VIII-13:29**

PRESS RELEASES

Continuous disclosure, re, **II-32:1**

Intention to case being reporting issuer in Canada, **II-30:43**

Private placement rights offering, **II-23:18**

Takeover bid, re, **II-29:3**

PRE-TRIAL

Prisoner's attendance, order for, **VI-21:5**

Settlement conference brief, **VI-12:4**

Summons to, **VI-21:3**

Summons to, outside Ontario, **VI-21:4**

Trial management conference brief, **VI-12:5**

PRE-TRIAL CONFERENCE

- Brief, Toronto actions, **VIII-15:69**
- Certificate, Toronto, **VIII-15:66**
- Checklist, **VIII-15:64**
- Client
 - letter explaining, **VIII-15:65**
 - reporting on, **VIII-15:71**
- Commentary, **VIII-15:63**
- Estates, **VIII-30:144**
- Memorandum, **VIII-15:68**
- Notice of readiness, **VIII-15:36**
 - simplified procedure, **VIII-31:18**
- Post pre-trial conference memorandum, **VIII-15:70**
- Pre-trial and trial dates, certification form, Toronto, **VIII-15:67**
- Waiver of, **VIII-15:72**

PRIEST

- Gifts to for offering masses, **V-12:19; V-12:20**

PRIMARY WILL

- Non-probate will, **V-19:35**

PRIORITIES

- Assignment and postponement of claim, **II-21:40**
- Inter-creditor agreement, **II-21:39**
- Shares on liquidation
 - See SHARE PROVISIONS, liquidation
- Subordination agreement
 - secured debt, **II-21:42**
 - unsecured debt, **II-21:41**

PRIORITY OF GIFTS

- See ABATEMENT AND PRIORITY

PRIVACY

- See FREEDOM OF INFORMATION
- See PERSONAL INFORMATION

PRIVACY AND PROTECTION OF PERSONAL INFORMATION

- Content provider, **X-3:39**
- EU general data protection regulation (GDPR)
 - data processing addendum, **X-3:60**
 - non-sensitive information, storing and accessing, **X-3:61.50**
 - privacy policy (U.S. provision), **X-3A:11**
- Exculpatory provisions, **X-3:45**
- Healthcare
 - information network providers, **X-3:14**

PRIVACY AND PROTECTION OF PERSONAL INFORMATION

—Cont'd

Healthcare—Cont'd

Personal Health Information Protection Act

definition, **X-33:555**

personal information, definition of, **X-3:3**

pledge, **X-3:15**

provider requirements, **X-3:16**

Information storage in foreign jurisdictions, subject to disclosure laws, of,
X-3:11

MFIPPA, definition of, **X-3:6**

Municipal Freedom of Information and Protection of Privacy Act, definition,
X-3:6

Municipal obligations, RFP, **X-3:13**

Personal information

definition

Municipal Freedom of Information and Protection of Privacy Act, **X-3:3**

Personal Health Information Protection Act, **X-3:3**

Personal Information Protection and Electronic Documents Act (Canada)
(PIPEDA), **X-3:4**

abandonment of use, **X-3:8**

policy, **X-3:30**

protection and sharing of personal information policy, **X-3:41.50**

security measures to protect, **X-3:50**

vendor's covenant, **X-3:12**

PIPEDA

See PERSONAL INFORMATION PROTECTION AND ELECTRONIC
DOCUMENTS ACT (CANADA) (PIPEDA)

Policies

changes to, **X-33:199.50**

cloud services, **X-9:7**

commercial off-the-shelf software, **X-8:64**

company, **X-3:51**

cookies, and, **X-3:28.30; 3A:6; 3:28.50**

customer, **X-3A:4**

general, **X-3:21-X-3:23**

informed consent, **X-3:25**

institutional, **X-3:36**

members and subscribers, **X-3A:9**

merchant's, **X-3A:8**

messenger services, **X-3:37.50; 3A:5**

online shopping, **X-3:37**

personal information, regarding, **X-3:30; X-3:33; X-3:33.50; 3A:7**

short form, **X-3:24**

software, compliance with, **X-3:9**

PRIVACY AND PROTECTION OF PERSONAL INFORMATION

—Cont'd

Policies—Cont'd

- statement of privacy policy, **X-3:25.30**
- subscriber agreement and privacy policy, **X-3:38.50**
- website, **X-3A:3**
 - not-for-profit, **X-3A:1**
 - provider, **X-3:34**

Security and privacy policy (messenger services), **X-3:37.50**

Security measures, **X-9:92**

Security statement, **X-3A:9**

Service provider

- policy, **X-3:33; X-3:35.50**
- privacy practices, online, APEC, **X-3:61**
- rights and restrictions, general, **X-9:24.50**

Software policy, compliance with, **X-3:9**

Statement, **X-33:78**

Subscriber agreement and privacy policy, **X-3:38.50**

PRIVACY AND SECURITY

PIPEDA

- See **PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT**

PRIVATE CORPORATION

Clause limiting number of shareholders

- Alberta, **II-1:63**
- Nova Scotia, **II-1:64**

PRIVATE PENSION PLANS

Actuarial information summary

- federal, **VII-6:11**
- Ontario, **VII-6:51**

Administration of legislation

- British Columbia, **VII-6:59**
- federal, **VII-6:2**
- Nova Scotia, **VII-6:126**
- Ontario, **VII-6:23**
- Saskatchewan, **VII-6:113**

Administrator, Ontario

- confirmation of compliance
- former member, **VII-6:42**
- spouse or former spouse of, **VII-6:44**
- direction to regarding transfer, **VII-6:41; VII-6:43**

Amendment of plan, application for

- British Columbia, **VII-6:66.20; 6:66.40**

PRIVATE PENSION PLANS—Cont'd

Amendment of plan, application for—Cont'd

federal, **VII-6:7**

information form, **VII-6:6**

Ontario, registration of, **VII-6:45**

Annual information returns

federal, **VII-6:8**

guide to, **VII-6:9**

Manitoba, **VII-6:96**

simplified money purchase pension plan, **VII-6:99**

Nova Scotia, **VII-6:126; VII-6:128**

Ontario, **VII-6:57**

Saskatchewan, **VII-6:115**

Appeals of decisions

British Columbia, **VII-6:59**

federal, **VII-6:2; VII-6:17**

Nova Scotia, **VII-6:126**

Ontario

court, to, **VII-6:23**

notice of appeal, **VII-6:36**

party status, application for, **VII-6:35**

Pension Commission, to, **VII-6:23**

Application for registration as authorized financial institution, **VII-6:106**

Arbitration of disputes, British Columbia, **VII-6:59**

Compliance, declaration of, federal, **VII-6:22**

Consent, integrated pension, **VII-6:99**

Contributions

British Columbia, **VII-6:66.60; 6:66.80**

Cost certificate

Manitoba, **VII-6:97; VII-6:98**

Deferred pension, application to transfer commuted value, Nova Scotia, **VII-6:129**

Financial hardship application

Alberta, **VII-6:87**

Manitoba

withdrawal, **VII-6:103**

Ontario, **VII-6:54; VII-6:55**

Financial institution, application to, Nova Scotia

payment of temporary income from a LIF, **VII-6:135**

withdraw money from a LIFA or LIF, age 65, **VII-6:136**

withdraw money from a LIFA or LIF, shortened life expectancy, **VII-6:137**

Financial institution, authorized, application to be on list, Manitoba, **VII-6:108**

PRIVATE PENSION PLANS—Cont'd

- Financial institutions, application for inclusion on list of acknowledged (Alberta), **VII-6:90**
- Forms, Manitoba, **VII-6:93**
- Guarantee fund, Ontario
 - application, **VII-6:30**
 - assessment certificate, **VII-6:58**
- Hearings, Ontario, **VII-6:23; VII-6:34**
- Inspection of documents, Ontario, **VII-6:25**
- Integrated pension
 - See consent, integrated pension, *infra*
 - See Consent, integrated pension, *infra*
- Investment information return, federal, **VII-6:10**
- Investment information summary, Ontario, **VII-6:56**
- Legislation
 - British Columbia, **VII-6:59**
 - federal, **VII-6:2**
 - Nova Scotia, **VII-6:126**
 - Ontario, **VII-6:23**
 - Saskatchewan, **VII-6:113**
- Life income fund, addendum to RRIF, **VII-6:112**
- Locked-in retirement fund, application to withdraw money, Ontario
 - financial institution, to, **VII-6:52; VII-6:53**
 - RRSP contract, addendum to, **VII-6:111**
 - superintendent, to, **VII-6:54; VII-6:55**
- Non-residency
 - Manitoba, consent to withdraw, **VII-6:96**
 - Saskatchewan, certificate of, **VII-6:123**
- Notice
 - federal
 - appeal to court, of, **VII-6:17**
 - objection, of, **VII-6:16**
 - termination or wind up, **VII-6:15**
 - Nova Scotia, receipt of, **VII-6:134**
 - Ontario
 - application for surplus withdrawal, **VII-6:31; VII-6:32**
 - wind up proposal, **VII-6:28**
- Objection, notice of, federal, **VII-6:16**
- Pension plan registration
 - See registration of pension plan, *infra*
 - See Registration of pension plan, *infra*
- Pension surplus
 - British Columbia, **VII-6:59**
 - federal, **VII-6:2**

PRIVATE PENSION PLANS—Cont'd

Pension surplus—Cont'd

Nova Scotia, **VII-6:126**

Ontario, **VII-6:23**

application for withdrawal

continuing plan, **VII-6:31**

terminated plan, **VII-6:32**

refund to employer, application to Superintendent for consent, **VII-6:33**

Portability of pension credits

federal, **VII-6:2**

application to transfer benefits, **VII-6:13**

Nova Scotia, **VII-6:126**

Ontario, direction to administrator, **VII-6:41**

confirmation, **VII-6:43**

Saskatchewan, **VII-6:113**

Post retirement survivor benefits

federal, **VII-6:2**

Nova Scotia, **VII-6:126**

Saskatchewan, **VII-6:113**

Pre-retirement death benefits, waiver of, Ontario, **VII-6:23; VII-6:27**

Reduced benefits, federal, **VII-6:14**

Refund, Ontario

contributions, to plan members or former members, **VII-6:47**

employer overpayment, **VII-6:46**

Registration of pension plan

Alberta, **VII-6:68**

British Columbia, **VII-6:59; VII-6:60**

federal, **VII-6:2; VII-6:3; VII-6:5**

guide, **VII-6:4**

Manitoba, **VII-6:94**

amendment submission form, **VII-6:105**

simplified money purchase pension plan, **VII-6:95**

Nova Scotia, **VII-6:126; VII-6:127**

Ontario, **VII-6:23; VII-6:24**

Saskatchewan, **VII-6:113; VII-6:114**

Request for, Nova Scotia

designation as limited member, **VII-6:132**

information by spouse or common-law partner, **VII-6:131**

transfer of a defined contribution benefit or a defined benefit, **VII-6:133**

Solvency information return, federal, **VII-6:12**

Solvency requirements, Saskatchewan, **VII-6:113**

Spousal/common-law partners

agreement, pension benefits, **VII-6:112.25**

PRIVATE PENSION PLANS—Cont'd

Spousal/common-law partners—Cont'd

declaration to give up joint and survivor pension from RPPs, LIRAs,
LRIFs, **VII-6:112.50**

declaration to permit commutation, in LIRA, LIF, LRIF, **VII-6:112.75**

Spousal consent to

transfer from a pooled plan, Saskatchewan, **VII-6:125**

transfer of locked-in funds, British Columbia, **VII-6:62**

transfer to variable benefit account, Saskatchewan, **VII-6:121**

withdrawal and waiver of entitlements, Saskatchewan, **VII-6:124**

withdrawal or transfer at or after age 65 of locked-in money, Manitoba,
VII-6:104

Spousal waiver of benefits

Alberta

See pension partner waivers (Alberta)

See Pension partner waivers (Alberta)

British Columbia, **VII-6:59; VII-6:61; VII-6:63**

federal, **VII-6:14**

Manitoba, **VII-6:94; VII-6:95; VII-6:98; VII-6:100**

Nova Scotia, **VII-6:126; VII-6:130**

Ontario, **VII-6:23; VII-6:26**

Saskatchewan, **VII-6:117-VII-6:120**

Spousal waiver of designated beneficiary status under variable benefit
account, Saskatchewan, **VII-6:122**

Spousal waiver to permit unlocking, **VII-6:60.50**

Statements to members

British Columbia, **VII-6:59**

federal, **VII-6:2**

member ceases to be member of plan

entitlement to deferred benefits, **VII-6:19**

non-entitlement to deferred benefits, **VII-6:20**

member dies, **VII-6:21**

member retires from plan, **VII-6:18**

Nova Scotia, **VII-6:126**

Ontario, **VII-6:23**

death, on, **VII-6:40**

plan wind up, **VII-6:29**

retirement from plan, on, **VII-6:37**

member entitled to deferred benefit, **VII-6:38**

member not entitled to deferred benefit, **VII-6:39**

Saskatchewan, **VII-6:113**

Surplus

See pension surplus, *supra*

See Pension surplus, *supra*

PRIVATE PENSION PLANS—Cont'd

Terminal illness or disability

consent to withdrawal from LIRA, LIF or LRIF due to, Manitoba, **VII-6:101**

waiver of 60% joint pension entitlement, **VII-6:100**

Termination of plan

British Columbia, **VII-6:59**

federal, **VII-6:2; VII-6:15**

statement provided when member entitled to deferred benefit, **VII-6:19**

Nova Scotia, **VII-6:126**

Ontario, **VII-6:23**

notice of proposal, **VII-6:28**

report, **VII-6:48**

statement of entitlement, **VII-6:29; VII-6:38**

Superintendent's checklist for compliance, **VII-6:49**

surplus withdrawal, notice of application for, **VII-6:32**

Saskatchewan, **VII-6:113**

Transfer of credits

federal, **VII-6:10**

Manitoba

application for, **VII-6:102**

consent to, **VII-6:97**

written notice, request to Superintendent of Pensions for, **VII-6:110**

Ontario

member, by, **VII-6:41**

spouse, by, **VII-6:43**

Saskatchewan, **VII-6:113**

spousal consent to, **VII-6:116**

Waiver

See spousal waiver of benefits, *supra*

See Spousal waiver of benefits, *supra*

Winding up

See termination of plan, *supra*

See Termination of plan, *supra*

PRIVATE PLACEMENTS

Agreements

agency agreement with single dealer, **II-23:1**

subscription

limited partnership units, **II-23:12**

private issuer, by, **II-23:11**

public company, brokered private placement of common shares by,
II-23:13

Closing documents

agenda, **II-24:23**

PRIVATE PLACEMENTS—Cont'd

Closing documents—Cont'd

certificates

agency agreement, pursuant to, **II-24:17**

articles, by-laws, resolutions, certifying, **II-24:24**

issuer's counsel, in respect of opinion of, **II-24:26**

direction re funds, **II-24:28**

exempt distributions report of, Form 45-106FI, **II-24:27**

opinion, counsel for issuer

common share, **II-24:29**

officers' certificate in respect of, **II-24:26**

trade, report of, under exemption clause (Manitoba), **II-23:9**

Offering documents

exempt market securities, trades under clause 91(a) or (b)

notice of intention to trade (Manitoba), **II-23:7**

requirements for offering memorandum (Manitoba), **II-23:8**

exempt purchaser, report of resale (Manitoba), **II-23:10**

exempt purchaser, report of trade (Manitoba), **II-23:9**

memorandum

common shares, **II-23:2**

non-qualifying issuer, Form 45-106F2, **II-23:3**

qualifying issuer, Form 45-106F3, **II-23:4**

requirements for, Manitoba, **II-23:8**

risk acknowledgment

Form 45-106F4, **II-23:5**

Form 45-106F5, Saskatchewan, **II-23:6**

Rights offerings

agency and custodial agreement, **II-23:14**

circular, **II-23:18**

notice, **II-23:15**

stand-by purchase agreement, **II-23:14**

PRIVILEGE

Affidavit of documents, **VIII-9:11**

Motion to determine claim for

notice of motion, **VIII-9:34**

order, **VIII-9:35**

PROBATE WILL

See MULTIPLE WILLS

PROCUREMENT OF GOODS

Required policy, **IX-1:97; IX-1:100; IX-1:108; IX-1:111; IX-1:112, 1:242**

PRODUCTION

Admit

request to, **VI-8:11**

request to, response to, **VI-8:12**

Commissioner, authorization to, **VI-8:13**

Divided, motion for

affidavit, **VIII-9:46**

notice of motion, **VIII-9:45**

order, **VIII-9:47**

Non-parties, from, motion for

clinical records, **VIII-9:39-9:41**

employment records, **VIII-9:42-9:44**

hospital records, **VIII-9:36-9:38**

Request, letter to, **VI-8:14**

Vouchers on reference, motion to obtain, **VIII-19:18**

PRODUCT LIABILITY

Statement of defence, consumer product, **VIII-5:99**

Statements of claim

class proceedings, **VIII-26:2**

consumer product, **VIII-5:98**

drug, **VIII-5:97**

PROFESSIONAL ETHICS

Accessibility for Ontarians With Disabilities Act, **X-34:5**

Accessibility for persons with disabilities, **X-34:4**

Business conduct policy, **X-34:1**

Code, **X-34:2**

Global accessibility policy (preventing and removing barriers persons with disabilities), provider's, **X-34:6**

Principles, **X-34:3**

Published policy, providers, **X-34:1**

PROFESSIONAL MALPRACTICE

See MALPRACTICE

PROHIBITED USE

See also USE

Landlord, shopping centre, **IV-5:33, 5:34**

commentary, **IV-5:32**

PROMISSORY NOTES

Generally, **II-21:5**

Bank Act loan, under, **I-55:62-I-55:66**

Conditional non-negotiable note, **I-48:10**

Demand note, **I-35:59; I-48:3; I-48:4**

Direction to assign to named person, **V-11:87**

PROMISSORY NOTES—Cont'd

- Floating rate, **I-48:5**
- General form, **I-35:58; I-48:2**
- Gift of portion of debt secured, **V-11:85**
- Gift where provision for cancellation on death of testator, **V-11:114**
- Grid note, **I-48:12**
- Joint and several note, **I-48:7**
- Joint note, **I-48:6**
- Lien note, **I-48:11**
- Notice of dishonour, **I-17:24**
- Payable by instalments
 - principal and interest combined, **I-48:8**
 - principal plus interest, **I-48:9**
- Power to renew and execute new notes, **V-21:2; V-21:4**
- S I, V

PROMOTION FUND

- Lease provision, **IV-3:4**
- Offer provision, **IV-1:12; IV-1:13**

PROMOTIONS

- See ADVERTISING

PROPERTY

- Vesting order
 - personal property
 - See PERSONAL PROPERTY
 - real property, **VIII-18:31**

PROPOSAL

- See REQUEST FOR PROPOSAL

PROSPECTUS

- Consent letters
 - auditors of, **II-24:10**
 - counsel, of, **II-24:9**
- Equity offerings
 - long form, **II-22:10**
 - short form, **II-22:9**
- Filing of, resolution approving
 - final prospectus, **II-24:2**
 - preliminary prospectus, **II-24:1**
- Final
 - certificate of authorization, **II-24:13**
 - consent, **II-24:9; II-24:10**
 - counsel
 - confirmation of, **II-24:11**

PROSPECTUS—Cont'd

Final—Cont'd

counsel—Cont'd

consent letter, **II-24:9**

deposit agreement, **II-24:14**

filing letter, **II-24:8**

undertaking re filing material contracts, **II-24:12**

Mutual funds, simplified, **II-26:3**

Preliminary

audit committee approval of financial statement, **II-24:3**

confirmation of counsel, **II-24:6**

filing letter, **II-24:4**

personal information form, **II-24:5**

qualification certificate, short form prospectus, **II-24:7**

PROTECTION OF PRIVACY

See FREEDOM OF INFORMATION

PROVINCIAL CORPORATIONS, INCORPORATION OF

See INCORPORATION

Appointment of

Manitoba, **II-2:129**

Ontario, **II-2:121**

Form of

general, **II-12:32**

private corporation, less than 15 shareholders (Saskatchewan), **II-12:37**

solicited by management, public company

Alberta, **II-12:33**

British Columbia, **II-12:34**

Manitoba, **II-12:36**

Ontario, **II-12:33**

Saskatchewan, **II-12:35**

Information circular, **II-12:20**

Revocation of, **II-12:37**

Solicitation

See PROXY SOLICITATION

PROXY SOLICITATION

Dealer manager agreement, **II-12:66**

Dissidents' information circular, **II-12:63**

statement accompanying, **II-12:65**

Form of, dissident solicitation, **II-12:64**

Information circular

board of directors, rotating, **II-12:24**

directors, cumulative voting for, **II-12:23**

PROXY SOLICITATION—Cont'd

Information circular—Cont'd

dissent rights

Alberta, **II-12:30**

British Columbia, **II-12:29**

federal, **II-12:27**

Ontario, **II-12:28**

Saskatchewan, **II-12:27**

general form, **II-12:21**

questionnaire relating to, **II-12:31**

restricted voting shares, **II-12:22**

special resolution, approval of, **II-12:25**

stock exchange imposed majority, **II-12:26**

Meeting, notice of

adjournment of shareholders' special meeting, **II-12:13**

annual, **II-12:10**

annual and special, **II-12:11**

dissidents' statement re mailing, **II-12:16**

officers' or directors' statement re mailing, public company, **II-12:15**

shareholder requisitioned meeting, **II-12:14**

special, **II-12:12**

National Instrument 54-101, compliance with

annual request form, **II-12:18**

return card, **II-12:19**

timetable for annual shareholders' meetings, **II-12:17**

PSYCHIATRIST

Examination of opposite party by, motion for, **VIII-12:5-12:7**

PSYCHOLOGIST

Examination of opposite party by, motion for, **VIII-12:11-12:13**

PUBLIC, HEARING OF MOTION IN ABSENCE OF

See IN CAMERA

PUBLIC CONDUCT

Corporate trespass to property, procedures, **IX-1:191**

Guidelines for

incident reporting, unreasonable behaviour and vexatious/frivolous requests, **IX-1:180, 1:181, 1:181**

reviewing

trespass to property notice, **IX-1:193; IX-1:196**

unreasonable behaviour, vexatious or frivolous requests (general managers), existing restrictions, **IX-1:185**

unreasonable behaviour and vexatious/frivolous requests (city manager, city clerk, integrity commissioner), appeal of restrictions, **IX-1:188**

PUBLIC CONDUCT—Cont'd

Guidelines for—Cont'd

reviewing—Cont'd

unreasonable behaviour and vexatious/frivolous requests (general managers), cases of, **IX-1:182**

Letters

notification for service restriction applied for unreasonable behaviour, vexatious or frivolous requests (general managers) template, **IX-1:184**

warning for unreasonable behaviour and vexatious/ frivolous requests (general managers) template, **IX-1:183**

Notice letters

restrictions applied for unreasonable behaviour, vexatious or frivolous requests template, outcome of appeal, **IX-1:187; IX-1:190, 1:190**

restrictions applied for unreasonable behaviour, vexatious or frivolous requests template, upcoming appeal, **IX-1:186; IX-1:189, 1:189**

trespass, cover, **IX-1:195**

trespass to property notice (city clerk) template, outcome of review, **IX-1:198**

trespass to property notice (city clerk) template, upcoming review, **IX-1:197**

Practices and procedures (staff/delegated staff members/ facility security guards), **IX-1:192**

Public conduct policy, **IX-1:179**

Trespass to Property Act, notice under, **IX-1:194; IX-1:199**

PUBLIC CORPORATION

See also CORPORATIONS

Mailing, officers' or directors' statement re, **II-12:15**

Proxies, form of, **II-12:33**

Shareholders' meeting, directors' resolution calling, **II-12:8**

PUBLIC GUARDIAN AND TRUSTEE

Non-share capital corporation, letter to re

notification of incorporation, re, **II-2:175**

pre-approval of objects, re, **II-2:174**

Revival, letter to requesting non-objection to, **II-18:5**

Status hearing to, notice, **VIII-16:5**

VIII

PUBLIC HEALTH

See also COVID-19

Affiliated teaching health unit agreement, **IX-7:26**

Anti-drug music recording agreement, **IX-7:25**

Cannabis

see also CANNABIS

business regulation by-law, **IX-7:14**

PUBLIC HEALTH—Cont'd

- Cannabis—Cont'd
 - by-law, **IX-7:13**
 - commentary, **IX-7:12**
 - consumption in public places (Alberta), restriction of, **IX-7:17**
 - prohibit smoking or vapouring recreational cannabis in public places, by-law (Ontario), **IX-7:16**
 - public consumption, by-law (Nunavut), **IX-7:18**
 - siting of cannabis retail stores, **IX-7:19**
 - supervised consumption facilities, temporary overdose prevention sites, by-law, **IX-7:15**
- Condom vending machine agreement, **IX-7:22**
- Consent to Treatment Act, form of, **IX-7:21**
- Field placement agreement, **IX-7:28**
- First aid in the workplace program, **IX-7:32**
- Health Promotion and Protection Act orders
 - commentary, **IX-7:1**
 - communicable disease, **IX-7:6; IX-7:7**
 - court order (s. 35), **IX-7:10**
 - dogs, **IX-7:5**
 - food premises, **IX-7:3**
 - general, **IX-7:2**
 - HIV, **IX-7:8**
 - non-compliance of previous order, notice to owner to reimburse municipality (s. 15), **IX-7:11**
 - notice of motion (s. 35), **IX-7:9**
 - swimming pool, **IX-7:4**
- Home visit services agreement, **IX-7:29**
- Infectious respiratory illness policy, **IX-7:34**
- Inspector training agreement, **IX-7:23**
- Naxalone in the workplace policy, **IX-7:33**
- Non-disclosure agreement, **IX-7:31; 10:37-10:38**
- Rat abatement pilot program, **IX-7:35**
- Smoke-free workplace policy, **IX-7:30**
- Supermarket nutrition education program, **IX-7:24**
- Teaching agreement, **IX-7:27**

PUBLIC OFFERINGS

- Closing documents
 - agenda, **II-24:15**
- agent
 - confirmation of, **II-24:18**
 - direction of as to registration of shares, **II-24:19**
- officers' certificates
 - agency agreement, pursuant to, **II-24:25**

PUBLIC OFFERINGS—Cont'd

Closing documents—Cont'd

officers' certificates—Cont'd

articles, by-laws, resolutions and incumbency and the signatures of
officers and directors, certifying, **II-24:16**

treasury direction to registrar and transfer agent, **II-24:20**

Common share offerings

See COMMON SHARES

Debt offerings

debentures, convertible

secured, **II-22:11**

unsecured, **II-22:12**

trust indenture, **II-22:13**

Due diligence

checklist, **II-22:17**

memoranda and questionnaire, **II-22:20**

British Columbia

covering letter, **II-22:19**

promoters and directors, **II-22:21**

law firm ownership, **II-22:22**

oral session

final prospectus, **II-22:24**

preliminary prospectus, **II-22:23**

“scare letter” re securities responsibilities, **II-22:18**

Equity offerings

prospectus

long form, **II-22:10**

short form, **II-22:9**

Filing documents

authentication, certificate of, **II-24:13**

consent letters

auditor's, **II-24:10**

counsel's, **II-24:9**

deposit agreement, **II-24:14**

final prospectus, **II-24:8**

personal information form, **II-24:5**

preliminary prospectus filing letter, **II-24:4**

Opinions

See OPINIONS

Resolutions, prospectus, approving, **II-24:1; II-24:2**

Rights offerings

certificate, **II-24:22**

circular, **II-22:14**

prospectus, **II-22:15**

PUBLIC OFFERINGS—Cont'd

Rights offerings—Cont'd

resolution of board of directors, **II-24:21**

stand-by purchase agreement, **II-22:14**

subscription agency agreement, **II-22:16**

Shareholders' agreement provision, **II-13:14**

Start-up crowdfunding

funding portal information Form 45-110F3, **II-22:28**

offering document Form 45-108F1, **II-22:26**

portal individual information Form 45-110F4, **II-22:29**

risk acknowledgment, **II-22:27**

semi-annual financial resources certification Form 45-110F5, **II-22:30**

Underwriting agreements

See UNDERWRITING AGREEMENTS

PUBLIC PRIVATE PARTNERSHIPS

See PARTNERSHIPS, PUBLIC PRIVATE

PUBLIC-PRIVATE PARTNERSHIPS

Agreements

concession

airport, **I-49:22**

toll road construction, operation and management, **I-49:20**

water and sanitation services, **I-49:21**

cooperative agreement, **I-49:15.20**

flood risk management, **I-49:17.50**

formalization, acknowledgment and implementation, **I-49:13.60**

funding

contribution agreement, federal government, **I-49:26**

structure and content overview, **I-49:27**

grant program, federal government, **I-49:25**

provincial, **I-49:24**

general, **I-49:13**

land lease, government-owned land, **I-49:19**

medical

ambulance services, **I-49:19.70**

EMS provider, **I-49:19.30**

project base, **I-49:13.50**

traffic relief plan, term sheet, **I-49:13.70**

transportation

abbreviations and definitions, **I-49:15.70**

bridge crossing project, municipal, **I-49:15**

cross-border corridor project, **I-49:14.30**

design build contract, **I-49:16**

PUBLIC-PRIVATE PARTNERSHIPS—Cont'd

Agreements—Cont'd

transportation—Cont'd

transportation facilities, design, build, finance, operate and maintain,
I-49:15.30

waterway bridge construction, **I-49:14**

water

purchase and sale, **I-49:18**

treatment plant project, **I-49:17**

water and wastewater facilities upgrade, design, build, finance and operate, **I-49:18.50**

Definitions

accept, acceptance and accepted, **I-49:33**

accounting principles, **I-49:34**

affiliate, **I-49:35**

affiliated entity, **I-49:36**

airspace, **I-49:36.30**

allocate costs, **I-49:36.50**

alternative facility, **I-49:36.70**

alternative financing and procurement (AFT) project, **I-49:37**

ancillary documents, **I-49:38**

applicable law, **I-49:39**

applicable taxes, **I-49:40**

approved project, **I-49:41**

arms length terms, **I-49:42**

authority, **I-49:43**

background information, **I-49:44**

bank rate, **I-49:45**

base charge data, **I-49:46**

base funding, **I-49:47**

agreement, **I-49:48**

baseline progress schedule, **I-49:50**

base performance data, **I-49:49**

benefits factor, **I-49:51**

betterment, **I-49:52**

bid, performance, payment and restoration bonds, **I-49:53**

business day, **I-49:54; I-49:55**

Canada, **I-49:55.50**

Canadian GAAP, **I-49:54; I-49:55**

certificate for payment, **I-49:57**

certificate of

final completion, **I-49:58**

insurance, **I-49:59**

substantial completion, **I-49:60**

PUBLIC-PRIVATE PARTNERSHIPS—Cont'd

Definitions—Cont'd

- change in
 - control, **I-49:60.50**
 - costs, **I-49:61**
 - law, **I-49:62**
- change of
 - control, **I-49:63**
 - ownership, **I-49:64**
 - scope of work, **I-49:64.50**
- change order, **I-49:65**
- committed standby facility, **I-49:66**
- community, **I-49:67**
- compensation event, **I-49:68**
- concessionaire tools, **I-49:70**
- concession or concession as an agreement, **I-49:69**
- concessions, build-operate-transfer (BOT) and design-build-operate (DBO) projects, **I-49:71**
- confidential information, **I-49:72**
- confirmed change, **I-49:73**
- conflict in documents, **I-49:74**
- construction, **I-49:75**
 - documentation, **I-49:75.50**
 - documents, **I-49:76**
 - sub-contract, **I-49:77**
 - sub-contractor, **I-49:79**
 - sub-contract price payment, **I-49:78**
 - work, **I-49:80**
- contaminants, **I-49:81**
- contaminated materials, **I-49:81.50**
- contamination, **I-49:82**
- contract
 - administrator, **I-49:83**
 - documents, **I-49:84**
 - milestone, **I-49:135.30**
 - modification, **I-49:85**
 - price, **I-49:86**
- contributed investment, **I-49:87**
- control, **I-49:88**
- core refinancing, **I-49:89**
 - conditions, **I-49:90**
- CPI (consumer price index), **I-49:91**
- date of
 - commencement, **I-49:92**

PUBLIC-PRIVATE PARTNERSHIPS—Cont'd

Definitions—Cont'd

date of—Cont'd

substantial completion, **I-49:93**

defect, **I-49:93.50**

defective or nonconforming work, **I-49:94**

design

data, **I-49:95**

professional services, **I-49:96**

work, **I-49:97**

differing site conditions, **I-49:98**

direct consultants (outside services expense), **I-49:99**

directive plans, **I-49:100**

discriminatory change in law, **I-49:101**

emergency, **I-49:102**

encumbrance, **I-49:103**

environmental laws, **I-49:104**

equipment, **I-49:105**

equity interest, **I-49:106**

ethical standards, **I-49:107**

excusing event, **I-49:108**

field order, **I-49:109**

final completion, **I-49:110**

financial institution, **I-49:111**

fitout, **I-49:112**

force majeure events, **I-49:113**

GAAP, **I-49:113.50**

generally, **I-49:32**

geotechnical baseline report, **I-49:114**

good industry practice, **I-49:115**

governing body, **I-49:115.50**

governmental authority, **I-49:116**

has knowledge or have knowledge, **I-49:117**

hazardous environmental condition, **I-49:117.50**

hazardous material, **I-49:118**

hazardous material removal process, **I-49:120**

hazardous material(s), **I-49:119**

hazardous substance, **I-49:120.30**

hazardous waste, **I-49:120.70**

independent certifier agreement, **I-49:120.100**

infrastructure, **I-49:122**

insolvency event, **I-49:121**

intellectual property, **I-49:123**

rights, **I-49:124**

PUBLIC-PRIVATE PARTNERSHIPS—Cont'd

Definitions—Cont'd

- interpretation, **I-49:125**
- intervening event, **I-49:126**
- key performance indicator (KPI), **I-49:127**
- latent defect, **I-49:127.50**
- law, **I-49:128**
- laws, **I-49:129**
- lenders, **I-49:130**
- lending agreement, **I-49:131**
- liability, **I-49:132**
- liquidated damages, **I-49:133**
- losses, **I-49:134**
- make good, made good, making good and derivatives thereof, **I-49:134.50**
- material change, **I-49:135**
- month, **I-49:136**
- multi-party agreement, **I-49:135.70**
- net present value, **I-49:137**
- nomenclature, **I-49:138**
- non-availability event, **I-49:139**
- non-excusable event, **I-49:140**
- non-material change, **I-49:141**
- OM (operations and maintenance), **I-49:142**
 - work, **I-49:143**
- OMR, **I-49:144**
- Ontario infrastructure plan, **I-49:145**
- operating costs, **I-49:145.50**
- operational services, **I-49:146**
- operations and management agreements, **I-49:146.50**
- operations concession arrangement, **I-49:147**
- operator, **I-49:148**
- organizational conflict of interests, **I-49:149**
- oversight, **I-49:150**
- partnership agreements, **I-49:151**
- P3 developer, **I-49:150.30**
- performance
 - indicators, **I-49:152**
 - management (PM), **I-49:153**
 - security, **I-49:154**
 - standard, **I-49:155**
- permits, **I-49:156**
- permitted borrowing, **I-49:157**
- permitted refinancing condition, **I-49:158**
- permitted security interest, **I-49:159**

PUBLIC-PRIVATE PARTNERSHIPS—Cont'd

Definitions—Cont'd

- person, **I-49:160**
- personal information, **I-49:161**
- PPA documents, **I-49:163.50**
- P3 payments, **I-49:150.70**
- PP persons, **I-49:162**
- PP representative, **I-49:163**
- prime contract, **I-49:164**
- prime contractor(s), **I-49:165; I-49:166**
- privacy laws, **I-49:167**
- prohibited act, **I-49:168**
- project, **I-49:169**
 - agreements, **I-49:170**
 - budget, **I-49:174**
 - charter, **I-49:175**
 - documents, **I-49:173**
 - finance, **I-49:176**
 - project contractor insolvency event, **I-49:171**
 - project contractor material breach, **I-49:172**
- project intellectual property, **I-49:177**
- project manual, **I-49:177.50**
- project property, **I-49:177.70**
- proprietary information, **I-49:178**
- provincial funding agreement, **I-49:179**
- public infrastructure, **I-49:180**
- public private partnership (P3), **I-49:181**
- public-private partnership agreement, **I-49:181.50**
- qualifying institution (Partnerships BC), **I-49:182**
- quality assurance (QA), **I-49:183**
- reference documents, **I-49:184**
- refinancing, **I-49:185**
- rehabilitation work, **I-49:186**
- reinstatement
 - plan, **I-49:187**
 - work, **I-49:188**
- release, **I-49:189**
- relevant assumptions, **I-49:193**
- relevant authority, **I-49:194**
- relevant change in law, **I-49:195**
- relevant event, **I-49:196**
- relief event, **I-49:190**
- reserved rights, **I-49:195.50**
- restricted person, **I-49:196**

PUBLIC-PRIVATE PARTNERSHIPS—Cont'd

Definitions—Cont'd

- scheduled refinancing, **I-49:197**
- service commencement, **I-49:198**
- services, **I-49:199**
- shop drawings, **I-49:200**
- site, **I-49:201**
- site security plan, **I-49:202**
- site survey, **I-49:203**
- source code, **I-49:204**
- source code and source code documentation, **I-49:205**
- standards, **I-49:206**
- standby letter of credit, **I-49:206.50**
- subcontract, **I-49:207**
- subcontracting, **I-49:207.50**
- subcontractor, **I-49:208**
- submittals, **I-49:209**
- substantial completion, **I-49:210**
- suitable substitute concessionaires, **I-49:211**
- supervening events, **I-49:212**
- tax or taxes, **I-49:213**
- technical data, **I-49:213.50**
- term, **I-49:214**
- terminology, **I-49:214.30**
- terms, **I-49:31.90**
- third party agreements, **I-49:214.70**
- transferable assets, **I-49:215**
- underground facilities, **I-49:215.50**
- unidentified archaeological remains, **I-49:216**
- unidentified endangered species, **I-49:217**
- unidentified environmental condition, **I-49:218**
- unidentified geological obstruction, **I-49:219**
- unidentified utility, **I-49:220**
- uninsurable, **I-49:221**
- uninsurable risk, **I-49:222**
- unknown contamination, **I-49:223**
- use, **I-49:224**
- utilities, **I-49:225; I-49:226**
- work, **I-49:226.30**
- work product, **I-49:226.70**
- year, **I-49:227**
- General contract clauses, **I-49:247**
 - bond and insurance, **I-49:228**
 - conduct during pendency of dispute, **I-49:229**

PUBLIC-PRIVATE PARTNERSHIPS—Cont'd

General contract clauses, **I-49:247**—Cont'd

- conflicting and reconciliation provisions, **I-49:231**
- conflict of terms, **I-49:230**
- conflicts or inconsistencies in documents (contracts), **I-49:232**
- conflicts or inconsistencies in documents (RFP's), **I-49:233**
- construction and interpretation of agreement, **I-49:234**
- costs of dispute resolution, **I-49:235**
- dispute resolution, **I-49:236**
- drug-free workplace, **I-49:237**
- drugs, dangerous weapons and searches, **I-49:237.50**
- eligible bidding entities (RFP), **I-49:237.70**
- entire agreement; amendment, **I-49:238**
- ethical standards, **I-49:239**
- force majeure events and consequences, **I-49:239.30**
- governmental authority, **I-49:239.70**
- independent contractor, **I-49:239.100**
- intellectual property, **I-49:240**
- miscellaneous provisions, **I-49:241**
- no reliance, **I-49:242**
- ownership of work product, **I-49:243**
- project requirements and good industry practice, **I-49:244**
- public private partnership agreement, **I-49:244.50**
- public private partnership project, **I-49:244.70**
- records, audits, and intellectual property, **I-49:245**
- reference standards, **I-49:246**
- site use, **I-49:246.50**
- standby letter of credit, **I-49:247**
 - expiration date, **I-49:247**
 - forefeiture, **I-49:248**
 - reference to project agreement, **I-49:249**
 - requirement, **I-49:250**

Project agreements

- arts centre, establishment of, letter of intent, **I-49:29.60**
- civic centre, design, build, transfer, **I-49:31.85**
- development agreement, covenant to enter, **I-49:30.60**
- health care facility
 - design, construction, financing and maintenance of, **I-49:31.10**
 - regional hospital and Parkinson's treatment facilities, **I-49:31.20**
- multi-use facility, design and build, **I-49:31.70**
- municipal facility, construction, financing, operation, maintenance, management and acquisition, **I-49:31.30**
- operation, maintenance and management services, **I-49:31.75**

PUBLIC-PRIVATE PARTNERSHIPS—Cont'd

RFPs

- disposition of lands, provision of new facilities, **I-49:30**
- procurement project, with alternative financing, **I-49:29**

Term sheets

- joint development agreement, **I-49:29.50**
- operation and maintenance agreement, **I-49:29.30**

PUBLISHING AGREEMENTS

- Accounts of sales by publisher, author's right to examine, **I-12:53**

Advertising

- See ADVERTISING

Agency agreement, **I-12:81**

- agent-facilitated electronic book self-publishing agreement, **I-12:84**
- alternative exclusive literary agency, for, **I-12:82**
- single and multiple works, **I-12:83**

Authority to publish, **I-12:29**

Author's alterations, **I-12:60**

Author's name, display of, **I-12:64**

Author's reserved rights, **I-12:30**

Author's warranties, **I-12:33; I-12:34**

Author unable to continue, **I-12:74**

Bankruptcy of publisher, **I-12:79**

- author's right to request fair market value statement, **I-12:80**

Book club sales, **I-12:69**

Book tours, promotions through, **I-12:65**

Cheap editions, **I-12:46**

Collaboration agreement, **I-12:24**

- termination of, **I-12:25**

Collateral short subject production agreement, **I-12:92**

Conflicting works, author's undertaking, **I-12:35**

Copyright

- see also COPYRIGHT

- actions to protect, **I-12:38**

- author's warranty, **I-12:34**

- permissions, publishers to obtain, **I-12:56**

- registration of, **I-12:37**

- reproduction of copyright material, publishers to obtain permissions, **I-12:63**

Date of publication, **I-12:31**

Delay in publication, **I-12:32**

Delivery of

- manuscript, **I-12:55**
- printing elements, milestones for, **I-12:54**

PUBLISHING AGREEMENTS—Cont'd

Derivative works

See subsidiary rights

See Subsidiary rights

Digital media

product, **I-25:34**

publisher's evaluation of product, **I-25:36**

Extra editorial work, **I-12:58**

Failure of author to perform obligations, remedies for publisher, **I-12:36**

Free copies

author, for, **I-12:41**

sales promotion, for, **I-12:40**

Freelance agreements

editor, with, **I-12:18**

writer, with, **I-12:13; I-12:14**

website rights, **I-12:15**

Ghost writing agreement, **I-12:26**

Grant of right to publish, **I-12:29**

Illustrations and maps, **I-12:62**

Index, author to provide, **I-12:61; I-12:93**

Intellectual property, assignment of, **I-12:93**

Limited edition (print) agreement, **I-12:9**

Literary agent, agreement with

See agency agreement, *supra*

See Agency agreement, *supra*

Manuscript submission

confidentiality agreement, **I-12:3**

delivery of, **I-12:55**

unsolicited, letter agreement, **I-12:2**

Marketing and co-promotion, **I-12:66**

Minor, intervention by parents of, **I-12:6**

Moral rights, waiver of, **I-12:93**

Music publishing

see also RECORDINGS

administration agreement, **I-51:35**

agency agreement, **I-51:32**

collaboration agreement, **I-51:34**

composer and publisher agreement, **I-12:19; I-12:20; I-51:29-I-51:32**

assignment, **I-12:21**

distribution agreement, digital and mobile audio and video, **I-51:36**

sub-publishing agreements, **I-12:22; I-12:23**

New editions, **I-12:75**

advance for, **I-12:76**

PUBLISHING AGREEMENTS—Cont'd

Next work

publisher's option, **I-12:77**publisher's right of refusal, **I-12:78**Non-disclosure of manuscript, **I-12:4**Online interactive sessions, **I-12:65**

Option

author's next work, **I-12:77**motion picture and television rights, **I-12:91**literary purchase agreement annexed, with, **I-12:90**Out-of-print provision, **I-12:72**

Presentation copies

See free copies, *supra*See Free copies, *supra*Printing elements, delivery of, **I-12:54**Print serial rights, **I-12:14**

Production

agreement, collateral short subject, **I-12:92**discretions of publishers, **I-12:39**Promotion through book tours and interactive sessions, **I-12:65**Proofs, handling of, **I-12:59**Protection of manuscript, **I-12:57**Publication date, **I-12:31**Remainders, **I-12:42**

Reprints

royalties on, **I-12:49**website use, **I-12:16**Reproduction of copyright material, publishers to obtain permission, **I-12:63**Reproductive elements, author's right to, **I-12:80**Reserved rights, author's, **I-12:30**

Reversion of rights

acknowledgment of, **I-12:11**agreement, **I-12:12**notice of, **I-12:10**

Royalties

advance on, **I-12:50**assignment of, **I-9:11; I-9:12**cheap editions, **I-12:46**checklist, **I-12:8**deductions for expenditures on author's behalf, **I-12:51**exempt copies, **I-12:48**foreign language editions, **I-12:47**general clause, **I-12:43**

PUBLISHING AGREEMENTS—Cont'd

Royalties—Cont'd

goods and services tax or harmonized sales tax, **I-12:44**

representations where not payable, **I-12:45**

remainders, **I-12:42**

reprints, **I-12:49**

statement checklist, **I-12:8**

Serial rights, **I-12:68**

website, **I-12:17**

Standard agreement between author and publisher, **I-12:5**

Statement of sales, **I-12:52**

Subsequent editions, **I-12:75**

advance for, **I-12:76**

Subsidiary rights

author inducement, **I-12:89**

generally, **I-12:67**

jointly controlled, **I-12:70**

literary purchase agreement, **I-12:90**

option and licensing agreement between author and playwright for stage play, **I-12:87**

option on motion picture rights to novel, **I-12:90**

reversion of translation or foreign rights, **I-12:71**

theatrical dramatization, **I-12:88**

Talking book, **I-12:27**

Termination of agreement, **I-12:12; I-12:73**

Tradebook checklist, **I-12:7**

Translation agreement, **I-12:85; I-12:86**

Unsolicited manuscript, letter and submission agreement, **I-12:2**

Virtual reality video game, **I-25:38**

Website rights

commissioned work, **I-12:15**

first serial rights, **I-12:17**

reprint, **I-12:16**

Writers' union standard agreement, **I-12:7**

PURCHASE AND SALE

Asset purchase agreement, **IX-3:10**

Bus shelter, **IX-3:11**

Commodity price hedging policy, **IX-2:34**

Ethical purchasing policy, **IX-1:97; IX-1:101**

Land

acquisition policy, **IX-5:50**

appraisal costs, **IX-3:22**

by-laws of vendor, **IX-3:25**

PURCHASE AND SALE—Cont'd

Land—Cont'd

conditions

applicable procedures, **IX-3:23**

site plan agreement, **IX-3:24**

development and site plan agreements, applicability of s. 41 of Planning Act, **IX-3:21**

disposal of

policy, **IX-5:51**

procedures, **IX-5:52**

electronic registration, **IX-3:28**

environmental contamination, clauses, **IX-3:16; IX-3:26**

exchange agreement, **IX-3:8**

goods and services tax, **IX-3:7; IX-3:17**

non-interest of members of council

affidavit, **IX-3:3**

clause, **IX-3:15**

price adjustment agreements

generally, **IX-3:1; IX-3:2**

increased density, for, **IX-3:13**

purchaser's declaration, goods and services tax, **IX-3:7**

required policy, **IX-1:97; IX-1:98; IX-1:108; IX-1:109**

re-sale, receipt of increased price agreement, **IX-3:4**

restrictive covenant, **IX-3:18; IX-3:19**

right of first refusal, **IX-3:27**

right-of-way easement, schedule for grant of, **IX-3:5**

soil conditions, **IX-3:29**

surface parkland agreement, **IX-3:9**

surplus land, certificate issued under s. 268, Municipal Act, **IX-3:6**

tax sales, treatment of properties that do not sell at, policy, **IX-3:12**

title opinion letter, **IX-10:34; IX-10:35**

zoning matters

independent consideration by council of, **IX-3:14**

re-zoning, agreement conditional on, **IX-3:20**

Roads

See HIGHWAYS

PURCHASER

Consent to payment out of sale proceeds on reference

by purchaser, **VIII-19:34**

by purchaser's lawyer, **VIII-19:35**

Vesting order on reference, motion for, **VIII-19:29; VIII-19:30**

PURCHASE RIGHTS

Commentary, **IV-5:15**

PURCHASE RIGHTS—Cont'd

Leaseback

first right, **IV-10:3**

option, **IV-10:3**

Option to purchase, **IV-5:19**

Right of first offer to purchase, **IV-5:17**

Right of first opportunity to negotiate to purchase, **IV-5:16**

Right of first refusal to purchase, **IV-5:18**

PUT OPTION

Generally, **II-13:13**

QUANTUM MERUIT

Statement of claim, services, **VIII-5:16**

QUESTIONING

Information about, **VI-8:10**

QUIET ENJOYMENT

Lease provisions

cart lease, **IV-3:7**

gross lease, **IV-2:4**

ground, **IV-10:2**

industrial, **IV-2:2; IV-2:3**

kiosk lease, **IV-3:7**

leaseback, **IV-10:3**

medical building, **IV-10:5**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

residential, **IV-8:13; IV-8:15**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

veterinary clinic/hospital, **IV-10:6**

RACING STABLE

Gift of, **V-8:66**

RADIO

See BROADCASTING

Libel notice, **VIII-1:107**

RADIUS RESTRICTION

Lease provisions

cart lease, **IV-3:7**

kiosk lease, **IV-3:7**

pad, **IV-3:5; IV-3:6**

retail, **IV-3:3**

shopping centre, **IV-3:4**

RADIUS RESTRICTION—Cont'd

- Lease provisions—Cont'd
 - veterinary clinic/hospital, **IV-10:6**
- Offer provision, **IV-1:13**

RAILWAYS

- Bill of lading, **I-50:5**
- Carload transborder requirements, **I-50:6**
- Confidential transportation agreement, **I-50:3**
- Fencing agreement, **IX-5:36**
- Impact of, **IX-4:113**
- Master agreement, **I-50:2**
- Right-of-way, **IX-4:190**
- Shipping advice, **I-50:4**

REAL ESTATE

- Buildings
 - power to erect, repair and rebuild, **V-22:10**
 - power to use insurance proceeds to repair, **V-22:11**
- Contracts for sale, direction to complete, **V-22:15**
- Gift of with direction to pay difference between appraised value and specified sum, **V-11:149**
- Income to be paid to named person, **V-22:9**
- Leased property, direction to give first refusal to lessee, **V-22:16**
- Legacies charged on, **V-11:102-11:106**
- Legacies not to be charged on, **V-11:100**
- Management
 - named person, by, **V-22:8**
 - trustees, by, **V-22:2-V-22:6; V-22:9**
- Multiple Wills
 - non-probate will (primary will), **V-22:21**
 - probate will (secondary will), **V-22:22**
- Option to lease, direction to grant to named person, **V-22:20**
- Option to purchase
 - direction to grant to named person, **V-22:19**
 - power to grant and deal with proceeds, **V-22:18**
- Power to appoint attorney to deal with, **V-36:28**
- Power to deal with generally, **V-22:2; V-22:3; V-31:37**
- Power to hold and manage, **V-22:9**
- Power to hold principal residence, **V-22:12**
- Power to improve and develop, **V-22:5**
- Power to manage
 - attorney, **V-36:30**
 - trustee, **V-22:6; V-31:39**
- Power to mortgage, **V-22:4; V-31:39**

REAL ESTATE—Cont'd

Power to sell, **V-36:27**

Repair of buildings, **V-22:10; V-22:11**

Residence

See RESIDENCE

Sale by trustees

direction to keep estate open until sale made, **V-22:17**

direction to sell specific property, **V-22:13**

option to be granted to named person, **V-22:19**

power to sell specific property not yet transferred, **V-22:14**

Transfer by trustee, corporation to beneficiary, general direction, **V-19:33.20**

Transfer by trustee, corporation to child's trust, specific direction, **V-19:33.30**

Unproductive property

power to hold as investment, **V-22:7**

sale, apportionment of proceeds between capital and income, **V-24:4**

REAL PROPERTY

Certificate of pending litigation

affidavit in support of motion for leave, **VI-19:7**

certificate, **VI-19:9**

order granting leave, **VI-19:8**

Certificate of pending litigation, notice of motion for leave, **VI-19:6**

Sale of

affidavit in support of motion, **VI-19:3**

notice of motion, **VI-19:2**

order, **VI-19:4**

REALTY TAXES

See TAXATION

RECEIPTS

Determination as between capital and income

See CAPITAL AND INCOME

RECEIVER

Consent of, Anton Piller Order, **VIII-14:80**

Enforcement proceedings, equitable execution, motion for

affidavit, **VIII-22:96**

commentary, **VIII-22:94**

notice to appoint, **VIII-22:95**

order, **VIII-22:97**

Motion to appoint

affidavit, **VIII-14:40**

commentary, **VIII-14:38**

consent of, **VIII-14:41**

notice of motion, **VIII-14:39**

RECEIVER—Cont'd

Motion to appoint—Cont'd
order, **VIII-14:42**

RECEIVER AND MANAGER

Prayer for relief, **VIII-4:23**

RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT

Application, **VIII-27:112-27:115**

RECONSTITUTE

Motion to, **VIII-2:24**

RECORDINGS

Administration agreement, **I-51:35**

Agency agreement, music publishing, **I-51:30.50**

Artist

advances to, **I-51:6**

bonus, performance, **I-51:16**

exclusive recording agreement, **I-51:1**

group recording agreement, **I-51:2**

option to terminate, by, **I-51:17**

recoupment of royalties, **I-51:23**

term of engagement, **I-51:5**

Budget recording, **I-51:11**

Collaboration agreement, **I-51:34**

Composer, right to terminate, **I-51:28.50**

Costs of, **I-51:13**

Delivery of master recording, **I-51:12**

Goods and services tax, **I-51:8**

warranties from recipient, **I-51:9**

Licence agreement, master, **I-51:3**

Medical examination using

commentary, **VIII-12:20**

motion to permit, **VIII-12:20-12:24**

Music publishing agreement, **I-51:29-I-51:32**

collateral grant of, **I-51:15**

Performance

bonuses, **I-51:16**

restrictions, **I-51:10**

Producer's agreement, **I-51:18**

composition, definition of, **I-51:26**

credit, provision for, **I-51:27**

custom label, release on, **I-51:25**

services to be included, **I-51:20**

Restrictions on, **I-51:24**

RECORDINGS—Cont'd

Royalties

assignment of, **I-9:12**

calculation of, **I-51:7; I-51:14**

goods and services tax, **I-51:8**

warranties from recipient, **I-51:9**

Subsequent recordings, **I-51:28**

Termination of agreement

artist's option to, **I-51:17**

composer's option to, **I-51:28.50**

RECORD OF EXECUTED WILL

Keeping of, **V-2:6**

RECORDS

See also FREEDOM OF INFORMATION

Application record

applicant, **VIII-27:140**

respondent, **VIII-27:141**

Business

commentary, **VIII-17:33**

notice of intention, **VIII-17:34**

notice to produce for inspection, **VIII-17:35**

Clinical, motion for production of, **VIII-9:39-9:41**

Confidentiality agreement, **IX-1:5-IX-1:7**

Confidentiality undertaking, **IX-1:8**

Data security, **IX-1:8.70**

Digitization policy, **IX-1:8.80**

Donation agreement, **IX-1:3**

Donation receipt policy, **IX-2:42**

Donation receipt procedures, **IX-2:43**

Donations to the city, community benefit, **IX-3:64:55**

Email records policy, management of, interim, **IX-1:8.50**

Employee exit electronic, procedure, **IX-1:31.56**

Employee records, access to, **IX-1.31.50**

Employment, motion for production of, **VIII-9:42-9:44**

Hospital, motion for production of, **VIII-9:36-9:38**

Information security policy, **IX-6:6**

Judicial review

applicant, of, **VIII-29:14**

certificate of perfection, **VIII-29:15**

respondent, of, **VIII-29:16**

Management policy, **IX-1:28**

Management procedures, **IX-1:29**

RECORDS—Cont'd

- Motion record
 - commentary, **VIII-13:52**
 - form of, **VIII-13:53**
 - responding party, **VIII-13:54**
- Motion to get off record, **VIII-1:83**
- Municipal, evidence of by affidavit at trial, **VIII-17:27**
- Open data policy, **IX-1:30**
- Open data procedures, **IX-1:31**
- Press pause on email policy, **IX-1:8.60**
- Records retention
 - British Columbia, **IX-11:21**
 - Ontario, **IX-1:26; IX-11:20**
- Retention periods, transitory/duplicate/computer data
 - British Columbia, **IX-11:23**
 - Ontario, **IX-1:26; IX-11:20; IX-11:22**
- Scanning agreement, **IX-1:4**
- Storage, retrieval and destruction agreement, **IX-1:2**

RECTIFICATION

- Judgment, form of, **VIII-18:22**
- Prayer for relief, **VIII-4:21**
- Statement of claim, **VIII-5:33**

RECYCLING

- See GARBAGE, waste and recyclables

REDEMPTION

- Notice of, bonds or debentures
 - full, **II-21:55**
 - part, **II-21:56**
- Shares, of
 - mandatory
 - annual, **II-6:38**
 - purchase of remaining shares, **II-6:39**
 - preferred
 - See RETIREMENT OF SHARES
 - resolution, **II-8:18**
 - right to and method of, **II-6:37**

RE-ENTRY

- See also DEFAULT; DISTRESS
- Termination and re-entry checklist, **IV-15:11**

REFEREE

- See REFERENCE

REFERENCE

- Appointment to settle report, **VIII-19:40**
- Hearing for directions
 - notice of hearing, **VIII-19:3**
 - order
 - adding parties, **VIII-19:5**
 - general form, **VIII-19:4**
- Interim report on sale, **VIII-19:25**
- Judgment, form of
 - agreed parties, **VIII-18:27**
 - general, **VIII-18:25**
 - take accounts, **VIII-18:26**
- Notice to party added, **VIII-19:6**
 - heading, **VIII-1:48**
- Referee, new, appointment of
 - affidavit, **VIII-19:38**
 - commentary, **VIII-19:36**
 - notice of motion (death), **VIII-19:37**
 - order, **VIII-19:39**
- Report on
 - accounts
 - default, **VIII-19:45**
 - occupation rent, **VIII-19:46**
 - repairs and improvements, **VIII-19:47**
 - willful neglect, **VIII-19:44**
 - with rests, **VIII-19:43**
 - administration of estate, **VIII-19:42**
 - appointment to settle, **VIII-19:40**
 - assessment of damages, **VIII-19:49**
 - confirmation of, motion to oppose, **VIII-19:55-19:60**
 - commentary, **VIII-19:55**
 - construction claim, **VIII-19:48**
 - general form on reference, **VIII-19:41**
 - interim, sale on reference, **VIII-19:25**
- Sale, conduct of, on
 - advertisement, **VIII-19:22**
 - auctioneer's affidavit, **VIII-19:24**
 - commentary, **VIII-19:21**
 - conditions of sale, **VIII-19:23**
 - consent to payment out of sale proceeds
 - by purchaser, **VIII-19:34**
 - by purchaser's lawyer, **VIII-19:35**
 - interim report, **VIII-19:25**
 - property under power of attorney, **VIII-19:15**

REFERENCE—Cont'd

Sale, conduct of, on—Cont'd
set aside, motion to, **VIII-19:26-19:28**

REFERENCE, INCORPORATION BY

Gifts in accordance with separate list or memorandum, **V-8:51-V-8:53**

REFERENCE LETTER

Generally, **VII-17:114**

REFUSALS AND UNDERTAKINGS CHART

Moving party, served by, **VIII-10:58**
Responding party, served by, **VIII-10:59**

REGISTERED EDUCATION SAVINGS PLANS

Maintenance, **V-7:14; V-7:16; V-7:17**

REGISTERED OFFICE

Change of
See ARTICLES, AMENDMENTS TO
initial
federal, **II-1:17**
Notice of, Nova Scotia, **II-1:115**

REGISTERED RETIREMENT FUNDS

Charities, designation of funds to, **V-7:5**
Commentary, **V-7:2**
Designation, **V-7:7.50**
Expression of intentions, designations
legal and beneficial title, **V-7:2.15**
affidavit, **V-7:2.45**
legal title only, **V-7:2.30**
affidavit, **V-7:2.60**
Gift over to children, **V-7:4; V-7:6-V-7:8**
Spouse
children of, designation to, **V-7:6**
primary beneficiary, as, **V-7:4; V-7:7**
sole beneficiary, as, **V-7:3**

REGISTERS

Debt holder, **II-2:153**
Directors', **II-2:147**
Officers', **II-2:148**
Register of Interests in Land (Ontario only), **II-2:154**
Shareholders', **II-2:149**
Share transfer, **II-2:151**
Warrant holder, **II-2:152**

REGISTRAR, DEPOSIT OF DOCUMENTS WITH

Motion for

inspect document deposited with registrar, **VIII-9:51-9:53**

leave to deposit document with registrar, **VIII-9:48-9:50**

REGISTRAR AND TRANSFER AGENT

Directors' resolution re

Alberta, **II-2:51**

appointing, **II-28:2**

Manitoba, **II-2:87**

Ontario, **II-2:27**

replacement share certificate, **II-9:12**

Saskatchewan, **II-2:70**

Factual matters, certificate of re, **II-28:4**

Indemnity bond re lost share certificate, **II-9:11**

Opinion regarding outstanding shares, **II-28:5**

Share certificate, declaration of loss of, **II-9:10**

Transfer agency, registrar and dividend disbursing, agreement re, **II-28:3**

Treasury direction to, **II-24:20**

REGISTRATION

Securities dealers and advisers

See DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS,
REGISTRATION OF

REGISTRATION OF LEASES

Forms

Alberta, **IV-16:3**

British Columbia, **IV-16:2**

Manitoba

amend, extend or renew agreements, **IV-16:7**

caveat, **IV-16:5**

memorandum of lease, **IV-16:6**

notice of life lease, **IV-16:8**

New Brunswick, **IV-16:13; IV-16:14**

Newfoundland and Labrador, **IV-16:20; IV-16:21**

Nova Scotia, **IV-16:15-IV-16:17**

Ontario

Registry Act, **IV-16:10**

short form of lease, **IV-16:11**

Prince Edward Island, **IV-16:18; IV-16:19**

Quebec, **IV-16:12**

Saskatchewan, **IV-16:4**

Lease

ground lease, **IV-10:2**

industrial lease, **IV-2:2; IV-2:3**

REGISTRATION OF LEASES—Cont'd

Lease—Cont'd

- leaseback, **IV-10:3**
- multi-tenanted building offer, no form of lease, **IV-1:16**
- office lease, **IV-4:2-IV-4:4**
- pad lease, **IV-3:5; IV-3:6**
- retail lease, **IV-3:2; IV-3:3**
- shopping centre lease, **IV-3:4**
- single-tenanted building offer, no form of lease, **IV-1:15**

REGISTRY

Instruments for use at trial

- notice of, **VIII-17:44**
- notice of intention to dispute, **VIII-17:45**

REJOINDER

- Leave to deliver pleading subsequent to reply, **VIII-6:53-6:55**

RELEASES

Accident claims

- general, **I-52:12; I-52:13**
- infants, indemnity by parents, **I-52:14**
- property damage with subrogation, **I-52:15**

Acknowledgment of responsibility, patient release from hospital, **I-33:54**

Athletics

- baseball player, amateur, **I-10:20**
- instructional course, **I-10:30**
- participation in event, **I-10:29**

Bar to further actions, **VIII-21:100**

Claims, **VIII-21:93**

Commentary, **VII-17:106; VIII-21:84**

Confidentiality, **VIII-21:99**

Consideration, **VIII-21:89**

Construction of services, **IX-4:54**

Contests, promotional

- declaration and, **I-2:34; I-2:35**
- travel companion, **I-2:36; I-2:37**

Court action, **VII-17:112**

Cycling course, participation in, **IX-3:93**

Debenture or trust deed, **II-21:57**

Development agreement, re, **IX-10:13**

Development or site plan agreement, of, **IX-10:14**

Direction, **VIII-21:108**

Employee

- confidentiality covenant, **VIII-21:107**
- covenant and warranty, **VIII-21:105**

RELEASES—Cont'd

- Employee, by, on termination, **I-52:8**
- Employer, covenant to return property to, **VIII-21:106**
- Executor, to, **I-52:7**
- Expropriation, **IX-10:15**
- Facility permits
 - beer tent operation, **IX-3:90**
 - generally, **IX-3:88; IX-3:89**
 - teacher, **IX-3:92**
- Final, **VII-17:107**
- Full release, **I-52:4**
- Future injuries, **VIII-21:104**
- General, **IX-10:12**
- General, all claims, **I-52:2**
- General form, **VIII-21:85**
- Guarantors, consent to release of, **I-32:24**
- Hospitals, liability of, **I-33:50-I-33:53**
- Indemnity, **VIII-21:97**
- Independent legal advice, **VIII-21:98**
- Intellectual property assets, **I-23:48-I-23:50**
- Lender, by, **II-21:58**
- Long form, **VII-17:111**
- Medical records, **I-33:57-I-33:59**
- Motion pictures, use of location, **I-57:42; I-57:43**
- Motor vehicle, **VIII-21:86**
- Mutual release, **VIII-21:88**
 - arbitration award, **I-7:102**
 - by three persons, **I-52:3**
 - one party, arbitration award, **I-7:98**
- No admission, **VIII-21:96**
- No assignment of, **VIII-21:101**
- No claims over, **VIII-21:95**
- Parental, **X-1:53**
- Personal appearance, **I-2:38; I-25:29**
- Personal performance, synchronization licence, and, **I-58:43**
- Product use, **I-52:10**
 - parents of user, **I-52:11**
- Publisher, **I-25:21**
- Real estate transactions
 - mutual release in, **I-52:6**
 - release in, **I-52:5**
- Releasee, **VIII-21:92**
- Releasor, **VIII-21:90**
- Reservation of rights, **VIII-21:102; VIII-21:103**

RELEASES—Cont'd

- Rights of redemption, **I-55:40**
- Scope, **VIII-21:94**
- Sewers, as to, **IX-6:16**
- Shareholders' agreement, **II-13:32**
- Share purchase
 - by corporation, **II-33:16.50**
 - director or officer, by, **II-33:15**
 - vendor, by, **II-33:16**
- Short form, **VII-17:110**
- S I, VII, VIII, IX
- Site plan agreement clause, **IX-4:214**
- Spouse, by, claims against spouse, **I-52:9**
- Standstill agreement, **IX-10:16**
- Student, with waiver, **X-1:52**
- Surety to obtain, bond clause, **I-18:153**
- Words of, **VIII-21:91**
- Wrongful dismissal, **VIII-21:87**

RELIGIOUS INSTITUTIONS

- Gifts to, **V-12:19-V-12:21**
- Sign agreement, **IX-5:56**

RELOCATION

- Cart lease, **IV-3:7**
- Change in place of residence, **VI-18A:5**
- Change in place of residence, person with contact, **VI-18A:1.50**
- Commentary, **VI-18A:1**
- Kiosk lease, **IV-3:7**
- Lease amending agreement, **IV-12:4**
- Notice of, **VI-18A:2**
- Notice of, form, **VI-18A:6**
- Objection to, **VI-18A:3**
- Office, **IV-4:3; IV-4:4; IV-6:70**
- Retail, **IV-3:3; IV-6:69**
- Shopping centre, **IV-3:4**
- Termination right of tenant, **IV-6:71**

REMARRIAGE

- Lawyer's opinion letter, foreign divorce, **VI-9:13**
- Marriage licence application, **VI-9:11**
- Statement of sole responsibility, **VI-9:12**

REMEDIATION

- Agreements, **IX-9:2-9:4**

REMEDIES

See DEFAULT

REMOVAL

Motion for removal of special case into Court of Appeal, **VIII-6:44-6:46**

RENEWAL

See EXTENSION OF TERM

RENT

See also ADDITIONAL RENT; DEPOSITS; OPERATING COSTS; PAYMENT METHOD; PERCENTAGE RENT; TAXATION

Additional rent

See ADDITIONAL RENT

Arrears, interest on, **IV-3:5; IV-3:6**

Assignment from landlord as security, **IV-13:6**

Basic rent

extension term, adjustment of, **IV-5:6**

industrial

lease provision, **IV-2:2; IV-2:3**

offer provision, **IV-1:10; IV-1:11**

leaseback, **IV-10:3**

medical building, **IV-10:5**

multi-tenanted building offer provision, no form of lease, **IV-1:16**

office

lease provision, **IV-4:2; IV-4:3**

offer provision, **IV-1:8; IV-1:9**

pad lease provision, **IV-3:5; IV-3:6**

retail

lease provision, **IV-3:2; IV-3:3**

offer provision, **IV-1:12; IV-1:13**

shopping centre lease provision, **IV-3:4**

single-tenanted building offer provision

no form of lease, **IV-1:15**

with form of lease, **IV-1:14**

Covenant to pay, net lease

office, **IV-4:3**

Energy conversation

office, **IV-4:3**

Gross rent, **IV-2:4; IV-3:7**

Ground rent

adjusted, **IV-10:2**

fair market value, calculation of, **IV-10:2**

lease provision, **IV-10:2**

Instalment payments, **IV-4:4**

Management fee, **IV-4:2**

RENT—Cont'd

Occupation rent, report on taking of accounts for, **VIII-19:46**

Partial periods

- ground, **IV-10:2**
- industrial, **IV-2:2; IV-2:3**
- leaseback, **IV-10:3**
- office, **IV-4:2**
- pad, **IV-3:5; IV-3:6**
- residential, **IV-8:12; IV-8:14**
- retail, **IV-3:2; IV-3:3**

Readjustment of additional rent

See **ADDITIONAL RENT**

Rental taxes

- office, **IV-4:3**

Rent free period

- basic rent free, **IV-6:15**
- gross rent free, **IV-6:16**
- residential, **IV-8:24**

Rent past due

- ground, **IV-10:2**
- industrial, **IV-2:2; IV-2:3**
- leaseback, **IV-10:3**
- medical building, **IV-10:5**
- office, **IV-4:2-IV-4:4**
- pad, **IV-3:5; IV-3:6**
- retail, **IV-3:2; IV-3:3**
- shopping centre, **IV-3:4**

Residential rent, **IV-8:12-IV-8:15**

RENTABLE AREA

See **MEASUREMENT OF PREMISES**

RENTAL DEFAULT

See **DEFAULT**

RENTAL HOUSING PROTECTION ACT

- Acknowledgment and waiver, **IX-4:230**
- Commentary, **IX-4:227**
- Conversion to condominium agreement, **IX-4:228**
- Declaration, **IX-4:231**
- Demolition agreement, **IX-4:229**
- Tenant agreement
 - See **TENANT**

RENTAL TAXES

See **TAXATION**

RENT DEPOSITS

See DEPOSITS

RENT FREE PERIOD

See also EARLY OCCUPANCY; FIXTURING PERIOD; RENT

Basic rent free, **IV-6:15**

Gross rent free, **IV-6:16**

Residential, **IV-8:24**

RENTS AND LEASES

Assignment of, **II-33:29**

REPAIR

See DAMAGE AND DESTRUCTION; MAINTENANCE AND REPAIR;
OPERATION BY LANDLORD

REPAIRS AND IMPROVEMENTS

Report on taking of accounts for, **VIII-19:47**

REPLY

Commentary, **VIII-4:38**

General form, **VIII-4:39**

counterclaim

defence, and, **VIII-4:43**

defence to defence to, **VIII-4:45**

crossclaim, to defence to, **VIII-4:51**

third party defence, to, **VIII-4:55**

Leave to deliver pleading subsequent to, **VIII-6:53-6:55**

REPORTING ISSUER, CEASING TO BE

B.C. Instrument 11-502 - voluntary surrender of reporting issuer status,
II-30:44

Modified procedure for dual application, **II-30:35**

application letter, **II-30:35**

form of order, **II-30:36**

Modified procedure for passport application, **II-30:33**

application letter, **II-30:33**

form of order, **II-30:34**

Other applications

application letter for dual application, **II-30:39**

application letter for passport, **II-30:37**

form of order for dual application, **II-30:40**

form of order for passport, **II-30:38**

Press release, **II-30:43**

Simplified procedure for dual application, **II-30:31**

application letter, **II-30:31**

form of order, **II-30:32**

REPORTING ISSUER, CEASING TO BE—Cont'd

- Simplified procedure for passport application, **II-30:29**
 - application letter, **II-30:29**
 - form of order, **II-30:30**
- Verification certificate, **II-30:45**
- Withdrawal notice, **II-30:41**
 - dual application letter, of, **II-30:42**
 - passport application letter, of, **II-30:41**

REPORTING LETTERS

- Commentary, **IV-17:1**
- Incorporation and organization
 - federal, **II-2:205**
 - Ontario, **II-2:206**
- Other
 - initial return filing for extra-provincial corporation, **II-2:209**
 - registration of extra-provincial corporation in Ontario, **II-2:207**
 - registration of extra-provincial unlimited liability company in Ontario, **II-2:208**
- To landlord client, **IV-17:3**
- To tenant client, **IV-17:2**

REPORTS

- Accounts
 - default, **VIII-19:45**
 - occupation rent, **VIII-19:46**
 - repairs and improvements, **VIII-19:47**
 - willful neglect, **VIII-19:44**
 - with rests, **VIII-19:43**
- Administration of estate, **VIII-19:42**
- Appointment to settle, **VIII-19:40**
- Assessment of damages, **VIII-19:49**
- Assessment officer, **VIII-24:16**
- Construction claim, **VIII-19:48**
- Expert
 - commentary, **VIII-17:38**
 - notice of, **VIII-17:39**
- General form on reference, **VIII-19:41**
- Interim, sale on reference, **VIII-19:25**
- Private placements, exempt distributions, **II-24:27**
- Takeover bids
 - disclosure, **II-29:4**
 - early warning, **II-29:3**

REPRESENTATION

- See **LAWYERS; RETAINERS**

REPRESENTATIONS

Asset purchase certificate re, **II-33:27**
Certificate, **II-19:21**

REPUBLICATION OF WILL

In contemplation of marriage, **V-5:4**

REQUEST FOR PROPOSAL

Definition, **X-33:620**
Exclusive teaming agreement, with, **X-6A:5**
General form, **X-13:3-X-13:5**
Insurance
 proof of, **X-13:17**
 various risks, **X-13:16**
 WSIA coverage, proof of, **X-13:18**
Local government procurement provisions, **X-6:2**
Municipal, definition, **I-23:889**
Municipality, **X-6:3**
 integrated hardware and software, **X-6:4**
 privacy obligations, **X-3:13**
 request for proposal, municipal RFP, **X-3:13**
Prime and subcontractor teaming agreement, **X-6A:6**
Prime contractor responsibilities, **X-13:10**
Prime supplier requirements, **X-13:11**
Proponent, failure or default, **X-13:13**
Publicity, **X-13:14**
Systems, **I-23:289**
 business and contractual provisions, **I-23:290**
Vendor's acceptance of contract terms (U.S. form), **X-13:9**
Website development, **X-4:146**

REQUISITION

Default judgment, **VIII-7:19**
Delivery, writ of, **VIII-22:67; VIII-22:68**
Garnishment
 American funds, **VIII-22:47**
 general, **VIII-22:43**
Minor reaching majority, order to continue, **VIII-1:60**
Note in default, **VIII-7:3**
Payment into court, **VIII-20:3**
Writ of seizure and sale, **VIII-22:4; VIII-22:10**

RESCISSION

Judgment, form of, **VIII-18:23**
Prayer for relief, **VIII-4:22**

RESELLER AGREEMENTS

See VALUE-ADDED RESELLER AGREEMENTS

RESIDENCE

Absolute gifts

condominium unit, **V-9:3**

residential and summer property to spouse, **V-9:5**

shares in co-operative apartment, **V-9:4**

specific property, **V-9:2**

Assign lease to spouse, **V-9:8**

Authorization for trustee to deal with real property (sample), **V-9:50**

Charge or life interest

gift to spouse for life, **V-9:9; V-9:11**

subject to charitable payments, **V-9:10**

Commentary, **V-9:11.50**

Cottage and seasonal property, **V-9:26-V-9:28; V-9:30; V-9:40-V-9:42**

Date of distribution when spouse has right to purchase property, **V-9:37**

Determination of value, **V-9:29**

Expenses

paid by spouse and children, **V-9:44; V-9:45**

paid out of residue, **V-9:43**

Farm property, **V-9:38; V-9:39**

Gift for beneficiary experiencing marital difficulties, **V-9:7**

Home for spouse or children, trustees discretion to provide, **V-9:32-V-9:36**

Lease or purchase

lease during named person's lifetime, **V-9:46**

option for children to rent or purchase, **V-9:47**

permission to purchase residence out of fund for spouse, **V-9:48**

Power of trustee to pay debts (sample), **V-9:51**

Probate, exemptions from first dealing, **V-9:49**

basket style clause, **V-9:52**

specifying qualifying property, **V-9:53**

Trust for spouse, **V-9:6**

Use of spouse, children and others

child to occupy home until sold, **V-9:23**

child to pay expenses, **V-9:22**

held for brother, **V-9:24**

held for spouse

as long as spouse desires, **V-9:16**

for two years, **V-9:13**

until death or remarriage, **V-9:17**

with provisions for upkeep, **V-9:12; V-9:18**

held with spouse in common, **V-9:14; V-9:15**

house fund for child, **V-9:19**

RESIDENCE—Cont'd

- Use of spouse, children and others—Cont'd
 - income property
 - free use of part of, **V-9:20**
 - occupy or lease, **V-9:21**

RESIDENTIAL PREMISES

- AODA policy statement
 - customer service standard, **IV-8:72**
 - employment standard, **IV-8:73**
- Apartment lease
 - long form, **IV-8:12**
 - short form, **IV-8:13**
- Cottage, **IV-8:23**
- Drug and alcohol policy, **IV-8:77**
- Health and safety policy, **IV-8:74**
- House lease
 - long form, **IV-8:14**
 - short form, **IV-8:15**
- Human rights policy, **IV-8:71-IV-8:73**
- Offer to lease, **IV-8:9**
 - application, **IV-8:10**
- Personal Information Protection and Electronic Documents Act, compliance with, **IV-8:65**
- Privacy
 - policy, **IV-8:67**
 - statement, **IV-8:66**
- Recreational property, **IV-8:23**
- Workplace harassment policy, **IV-8:75**
- Workplace violence policy, **IV-8:76**

RESIDUE

- Beneficiaries, advances to
 - children, **V-15:50**
 - division, upon
 - taking into account advances to children, **V-15:54**
 - treatment of payments of capital to children, **V-15:51**
 - treatment of payments to children before and after death of testator, **V-15:52**
 - division of personalty, value of selected items to be taken into account, **V-15:54**
- Capital
 - See distribution of capital, *infra*
 - See Distribution of capital, *infra*

RESIDUE—Cont'd

Composite clauses

- division into pools for families of children, **V-15:90**
- division into shares and distribution of capital, **V-15:80-V-15:87**
- encroach on capital, ability to, **V-15:92; V-15:93**
- income and distribution of capital, **V-15:79**
- income and division into shares, **V-15:77; V-15:78**
- lifetime capital payments to individuals and income to charities, **V-15:88**

Distribution of capital

- see also composite clauses, *supra*
- annual division of specified sum among children, **V-15:69**
- annual payments to spouse with power of appointment over portion, remainder to charity, **V-15:66**
- direction to sell assets and distribute proceeds, **V-15:77**
- failure of gifts, **V-15:75**
- portion divided among named organizations, remainder as specified, **V-15:64**
- portions divided among named persons, **V-15:65**
- requests that beneficiaries make specific payments, **V-15:59; V-15:60**
- residue, **V-15:57**
- share for spouse and issue of deceased spouse, **V-15:67**
- shares for children
 - distribution including transfer of residence as part of one, **V-15:71**
 - equal shares, **V-15:57**
 - income and capital payments annually until exhausted or until death of beneficiary, **V-15:70**
 - one capital distribution, **V-16:18**
 - one share to be at least stated amount, deficiency to be made up out of others, **V-15:73**
 - three capital distributions, **V-16:20**
 - to be paid in instalments, **V-15:68**
 - two capital distributions, **V-16:19**
- time of distribution
 - See time of division or distribution, determination of, *infra*
 - See Time of division or distribution, determination of, *infra*
- to brother with request that he make lump sum payment, **V-15:60**
- to children
 - in equal shares per capita, **V-15:55**
 - provision for issue of deceased child, **V-15:58**
- to grandchildren when named ones reach specified age, **V-15:61**
- to issue in equal shares per stirpes, with postponement until specified age, **V-15:56**
- to named beneficiaries in specified shares, **V-15:63**
- to nieces at specified time, **V-15:62**
- to spouse with request that spouse pay annuity, **V-15:59**

RESIDUE—Cont'd

Distribution of capital, see also composite clauses, supra
time of distribution

See Time of division or distribution, determination of, infra

Division into shares

see also composite clauses, supra

accumulation of share to age of majority and payment of income thereafter,

V-14:8

for children

commentary, **V-15:44**

earlier capital payments treated as advances, **V-15:51**

legacies, inter vivos gifts and advances to be taken into account, **V-15:53**

on death of survivor of testator and spouse with provision for issue of
deceased children, **V-15:45**

on death of testator with provision for issue of deceased children,
V-15:47

on death or remarriage of spouse with provision for issue of deceased
children, **V-15:48**

one share to be at least stated amount, deficiency to be made up out of
others, **V-15:72**

provision for issue of deceased children, **V-15:45-V-15:48; V-15:67**

provision for spouse and issue of deceased child, **V-15:67**

provision for unmarried widow of deceased son, **V-15:46**

share for spouse if spouse remarries, **V-15:48**

specific payments before or after death treated as advances, **V-15:52**

for grandchildren, **V-15:82; V-15:83**

children to hold infants' shares in trust, **V-15:49**

time of division

See time of division or distribution, determination of, infra

See Time of division or distribution, determination of, infra

Division into shares, see also composite clauses, supra

time of division

See Time of division or distribution, determination of, infra

Income, payment of

See INCOME

Shares, division into

See division into shares, supra

See Division into shares, supra

Share to be held for charitable purposes, **V-12:7**

Time of division or distribution, determination of

see also composite clauses, supra

child of testator reaching specified age, **V-15:40**

death date or determination by trustee, **V-15:43**

grandchild reaching specified age, **V-15:41**

last of named persons to die, **V-15:38**

RESIDUE—Cont'd

Time of division or distribution, determination of—Cont'd
 last of specified events to occur, **V-15:37; V-15:39**
 parents dying or reaching specified age, **V-15:73**

RESIGNATION

Director, **II-10:8**

RESOLUTIONS

Accountant, appointment of

Alberta, **II-2:56; II-11:31**

British Columbia, **II-11:30**

federal, **II-2:9; II-11:22**

Manitoba, **II-2:92; II-11:33**

Ontario, **II-2:26; II-11:29**

Saskatchewan, **II-2:74; II-11:32**

Amalgamation

authorization by directors', **II-15:6**

British Columbia, **II-15:9**

vertical with wholly owned subsidiary

Alberta, **II-15:12**

British Columbia, **II-15:13**

federal, **II-15:12**

Manitoba, **II-15:12**

Ontario, **II-15:12**

Saskatchewan, **II-15:14**

wholly owned subsidiary amalgamating with another wholly owned subsidiary

Alberta, **II-15:15**

British Columbia, **II-15:16**

Manitoba, **II-15:15**

Ontario, **II-15:15**

Saskatchewan, **II-15:15**

authorization by shareholders'

Alberta, **II-15:11**

British Columbia, **II-15:8**

three-cornered merger, **II-15:7**

two corporations, **II-15:5**

Asset purchase, re

purchaser's directors, **II-33:25**

vendor's directors, **II-33:23**

vendor's shareholders', **II-33:24**

Auditors

appointment of, **II-11:1; II-12:40**

Alberta, **II-2:55**

RESOLUTIONS—Cont'd

Auditors—Cont'd

appointment of, **II-11:1; II-12:40—Cont'd**

federal, **II-2:14**

Manitoba, **II-2:91**

Nova Scotia, **II-2:102**

Ontario, **II-2:31**

Saskatchewan, **II-2:73**

dispensing with

Alberta, **II-2:107; II-11:25**

British Columbia, **II-11:24**

federal, **II-11:22**

Manitoba, **II-2:109; II-11:27**

Ontario, **II-11:23**

Saskatchewan, **II-2:108; II-11:26**

removal, **II-11:5**

appointment of another, and, **II-11:6**

Borrower's directors', **II-21:48**

By-laws

confirmation of, **II-12:41**

confirmation of amendment to, **II-12:44**

Capital, reducing

amount not represented by assets, **II-14:39**

Nova Scotia, **II-14:40**

distribution to shareholders, **II-14:43**

Nova Scotia, **II-14:44**

Certified texts

directors', **II-19:12**

shareholders', **II-19:17**

shareholders' special, **II-19:18**

Committees, directors'

audit

appointing, **II-10:27**

forming, **II-10:26**

compensation

appointing, **II-10:35**

forming, **II-10:34**

corporate governance

appointing, **II-10:32**

forming, **II-10:31**

executive

appointing, **II-10:24**

forming, directors' resolution, **II-10:23**

RESOLUTIONS—Cont'd

Committees, directors'—Cont'd

general

appointing, **II-10:21**

forming, **II-10:20**

Conflict of interest transaction approval, **II-10:17**

Continuance

federal to provincial, **II-16:21**

provincial to federal, authorizing continuance federally

Alberta, **II-16:2**

British Columbia, **II-16:1**

Manitoba, **II-16:4**

Nova Scotia, **II-16:3**

Ontario, **II-16:1**

Saskatchewan, **II-16:1**

Corporate, authorizing retainer of lawyers, **VIII-1:79**

Directors'

See DIRECTORS' RESOLUTIONS

Directors' consent to passing of

Alberta, **II-19:7**

British Columbia, **II-19:6**

federal, **II-19:5**

Manitoba, **II-19:5**

Nova Scotia, **II-19:5**

Ontario, **II-19:6**

Saskatchewan, **II-19:5**

Election of directors, **II-10:6; II-12:39**

Fiscal year end (Nova Scotia), **II-2:102**

Guarantee, authorizing, **II-21:49**

Indemnification of directors, **II-10:11**

Insurance

authorizing purchase of, **II-10:10**

securities dealer registration, **II-31:10**

Loan, approving, **II-21:48**

Name change, **II-14:1**

British Columbia, **II-14:3**

Nova Scotia, **II-14:2**

Not-for-profit corporation

annual resolutions, Ontario, **II-1:88**

directors, Ontario, **II-1:85**

organizational, federal

director's, **II-2:178; II-2:180**

director's change of officers, **II-2:182**

member's, **II-2:179; II-2:181**

RESOLUTIONS—Cont'd

Number of directors, fixing, **II-10:2**

Options

See shares, acquisition options, *infra*

See Shares, acquisition options, *infra*

Ordinary, **II-12:42**

ballot for, **II-12:47**

Passing of by signature

directors', **II-2:144**

shareholders, **II-2:145**

special, **II-2:146**

Public offering of securities, closing of

final prospectus, approval of, **II-24:2**

preliminary prospectus

approval of, **II-24:1**

financial statements, audit committee approval of, **II-24:3**

Records keeping agent, appointment of (British Columbia), **II-2:41**

Redemption of shares, **II-8:18**

Registered office, change of, **II-14:11; II-14:18**

Removal of director, **II-10:9**

Retirement of

common shares, **II-8:1-II-8:4**

preferred shares, **II-8:10-II-8:13**

Rollover, purchaser's directors, **II-33:37**

Share capital, alterations of

See ARTICLES, AMENDMENTS TO

Share certificate, replacement of, **II-9:12**

Shareholders'

See SHAREHOLDERS' RESOLUTIONS

Shareholders' consent to passing of

Alberta, **II-19:11**

British Columbia, **II-19:10**

federal, **II-19:8**

Manitoba, **II-19:8**

Nova Scotia, **II-19:9**

Ontario, **II-19:9**

Saskatchewan, **II-19:8**

Shareholders' meeting, calling, **II-12:7**

public corporation, **II-12:8**

Share purchases

purchaser's directors, **II-33:10**

vendor's directors, **II-33:8**

vendor's shareholders' special, **II-33:9**

RESOLUTIONS—Cont'd

Shares

- acquisition options
 - adopting stock option plan, **II-4:3**
 - authorization of options with conditional allotment, **II-4:2**
 - granting of under plan, **II-4:6**
 - private company, **II-4:5**
 - public company, **II-4:4**
 - stand alone agreement, **II-4:6**
- authorizing issue of
 - cash, for, **II-3:9; II-3:10**
 - common shares issuable under warrants, **II-3:17**
 - conditional allotment, **II-3:17**
 - Alberta, **II-3:14**
 - British Columbia, **II-3:13**
 - federal, **II-3:11**
 - Manitoba, **II-3:16**
 - Ontario, **II-3:12**
 - Saskatchewan, **II-3:15**
 - units, allotment and issue of, **II-3:18**
- changing rights attaching to class, **II-14:49**
- consolidating shares of a class into fewer number, **II-14:53**
- creating new class of, **II-14:31**
- creating new class of issuable in series, **II-14:34**
- designating series, **II-14:37**
- issuable in series, authorizing, **II-6:8**
- number of authorized, removing limitations of, **II-14:27**
- subdividing class of into greater number of shares, **II-14:51**
- warrants, approval of, **II-4:10**

Special

- ballot for, **II-12:47**
- borrowing (Nova Scotia), **II-2:101**
- directors interested in share allotment (British Columbia), **II-2:38**
- fundamental change, **II-12:58**
- passing, minutes of, **II-12:62**
- resolutions, passage of by signature, **II-2:146**
- shareholders' re
 - certification text, **II-19:18**
 - conflict transaction, approving, **II-10:17**
 - number of directors, authorizing directors to fix, **II-10:3**
- share capital, alterations of
 - See ARTICLES, AMENDMENTS TO
- share purchase, **II-33:9**

RESOLUTIONS—Cont'd

Takeover bids

directors' circular, approval of, **II-29:17**

offer and accompanying circular, approval of, **II-29:16**

Transfer of corporation to client

directors' resolution

appointing officer, **II-2:111**

consenting to transfer of shares, **II-2:115**

shareholders' resolution appointing director to fill vacancy, **II-2:113**

Vacancy, filling of, **II-10:7**

VIII

Warrants

See shares, *supra*

See Shares, *supra*

RESPONDING PARTY

Factum

appeal, on, **VIII-28:123**

form of, **VIII-13:57**

Notice of, unopposed to motion in writing, **VIII-13:62**

Notice of agreement contested motion in writing, **VIII-13:64**

Notice of consent to motion in writing, **VIII-13:60**

Notice of oral argument, **VIII-13:65**

Record, **VIII-13:54**

RESTAURANTS

See FRANCHISES

RESTORATION

Affidavit

first, **II-18:19**

second, **II-18:23**

Application

full, **II-18:15; II-18:16**

limited, **II-18:12; II-18:13**

Consent, letter to registrar requesting, **II-18:20**

Extra-provincial company

notification letter, **II-18:21**

reinstatement application

full, **II-18:17**

limited, **II-18:14**

Nova Scotia, **II-18:31**

Order, **II-18:24**

Publication in British Columbia Gazette, notice for, **II-18:22**

Requisition

first, **II-18:18**

RESTORATION OF ACTION STRUCK OFF LIST

Affidavit, **VIII-16:14**
 Commentary, **VIII-16:12**
 Notice of motion, **VIII-16:13**
 Order, **VIII-16:15**

RESTRaining ORDER

Court order, **VI-22:17**
 CPIC information form, **VI-23:2**
 Motion without notice, **VI-22:16**
 Terminating order, **VI-22:18**

RESTRAINT ON ALIENATION OF INCOME

Direction as to, **V-34:26**

RESTRICTIONS

Businesses and activities
 Alberta, **II-1:67**
 federal, **II-1:67**
 Ontario, **II-1:68**
 Control transactions, on, **II-13:19**
 Dividends, on
 junior shares, on, **II-6:22**
 protection of, **II-6:24**
 Modification of shares, **II-6:31**
 Professional corporations (Alberta), **II-1:72**
 Right to vote separately as a class or series
 federal, **II-1:59**
 Ontario, **II-1:60**
 Share, **II-5:8**
 Shareholders, number of
 Alberta, **II-1:63**
 Nova Scotia, **II-1:66**
 Shares, transfer of
 See TRANSFER OF SHARES
 Transferability, **II-1:64**
 Alberta, **II-1:64**
 Saskatchewan, **II-1:65**

RESTRICTIVE COVENANTS

Agreement, **IX-4:265; IX-4:266**
 Interlocutory injunction
 employee, **VIII-14:23-14:26**
 sale of business, **VIII-14:19-14:22**
 statement of claim, damages for breach, **VIII-5:28**
 Purchase and sale agreement clause, **IX-3:18; IX-3:19; IX-5:46**

RETAIL PREMISES

Lease

- cannabis use, provisions for, **IV-6:67.50**
- cart, **IV-3:7**
- co-tenancy provisions, **IV-6:66; 6:66.20; 6:66.40; 6:66.60; 6:66.80**
- kiosk, **IV-3:7**
- multi-tenant retail, **IV-3:3**
- pad
 - landlord constructing, **IV-3:6**
 - tenant constructing, **IV-3:5**
- relocation provision, **IV-6:69**
- shopping centre, **IV-3:4**
 - enhanced landlord safety and security obligations, **IV-5:45**
- short-term, **IV-3:8**
- single-tenant retail, **IV-3:2**

Letter of intent, IV-1:6

Licences

- licences to operate retail businesses
 - departments/outlets within store locations, **IV-9:11**
 - independent retail operations within store locations, **IV-9:12**
- short-term licence for retail purposes, **IV-9:6**

Offer to lease, multi-tenanted building

- long form, **IV-1:13**
- short form, **IV-1:12**

Term sheet, IV-1:7

RETAINERS

Agreement, I-35:4

- client information form, **I-35:5**

Commentary, VIII-1:63

Contingency fee, VIII-1:69

Corporate, VIII-1:77

- engagement letter, **VIII-1:78**
- resolution authorizing, **VIII-1:79**

Estate administration, VIII-1:70

Intestacy, VIII-1:71

Landlord client, IV-1:3

Limited scope, VIII-1:72

- defendant or respondent, **VIII-1:74**
- motion, appear on, **VIII-1:75**
- plaintiff or applicant, **VIII-1:73**
- specific legal task, **VIII-1:76**

Multiple parties, VIII-1:67

- potential conflict, letter disclosing, **VIII-1:68**

RETAINERS—Cont'd

- Personal
 - long form, **VIII-1:65**
 - short form, **VIII-1:64**
- Tenant client, **IV-1:4**

RETIREMENT

- Generally, **V-34:41**

RETIREMENT OF SHARES

- Common shares
 - notice of share purchase, **II-8:6**
 - purchase for cancellation, directors' resolution authorizing
 - fraction elimination, **II-8:3**
 - normal course purchase, **II-8:1**
 - pursuant to private contract, **II-8:2**
 - settlement of debt or claim, **II-8:4**
 - unanimous consent of shareholders, **II-8:5**
- Officers' certificates on solvency
 - common shares
 - elimination of fractions, **II-8:16**
 - generally, **II-8:15**
 - settlement of debt and claim, **II-8:16**
 - preferred shares, redemption or retraction of, **II-8:17**
- Preferred shares
 - notice of redemption, **II-8:7**
 - waiver of, **II-8:14**
 - partial redemption by lot
 - directors' resolution authorizing, **II-8:12**
 - notice of, **II-8:9**
 - pro-rata partial redemption
 - directors' resolution authorizing, **II-8:11**
 - notice of, **II-8:8**
 - total redemption of a class of preferred shares, **II-8:10**

RETIREMENT PENSIONS

- See CANADA PENSION PLAN; PRIVATE PENSION PLANS

RETRACTION OF SHARES

- Consent of corporation, **II-8:20**
- Redemption
 - notice of, **II-8:19**
 - resolution, **II-8:18**
- Share provisions
 - See SHARE PROVISIONS

RETURN OF MOTION

See MOTIONS

REVIEW OF WILLS

Safekeeping of will, **V-2:7**

REVIVAL

Articles of

federal, **II-18:2**

Manitoba, **II-18:29**

Ontario, **II-18:8**

letter filing, **II-18:7**

Consent, letter requesting

Corporations Tax Branch, **II-18:4**

Ontario Securities Commission, **II-18:6**

Restoration

See RESTORATION

Saskatchewan, **II-18:28**

Statement of non-objection, letter to Public Guardian and Trustee's Office
requesting, **II-18:5**

REVOCATION

Proxies, of, **II-12:38**

REVOCATION OF FORMER WILLS

Clause, **V-34:4**

RFP

See REQUEST FOR PROPOSAL

RIGHTS OFFERINGS

See PRIVATE PLACEMENTS; PUBLIC OFFERINGS

RIGHTS OF FIRST OFFER AND FIRST REFUSAL

See EXPANSION RIGHTS; PURCHASE RIGHTS

RIGHT-TO-KNOW

See OCCUPATIONAL HEALTH AND SAFETY

RIGHT TO REFUSE UNSAFE WORK

See OCCUPATIONAL HEALTH AND SAFETY

RISK ALLOCATION

Generally, **X-33:15**

ROADS

See HIGHWAYS

ROAD TRANSPORTATION

- Bills of lading, conditions of carriage
 - Alberta, **I-53:3**
 - British Columbia, **I-53:2**
 - Manitoba, **I-53:5**
 - New Brunswick, **I-53:8**
 - Nova Scotia, **I-53:9**
 - Ontario, **I-53:6**
 - Quebec, **I-53:7**
 - Saskatchewan, **I-53:4**
- Vehicle rental, **I-53:11**

ROADWORKS

- Agreement, **IX-4:254**
- Excavation control by-law, **IX-11:147**
- Extension of agreement, **IX-4:255**

ROLLOVER OF SHARES

- Agreement, **II-33:36**
- Directors' resolution of purchaser, **II-33:37**

ROOFTOP RIGHTS

- Landlord reserving all rights, **IV-6:75**
- Lease provision, **IV-5:24**
- Licence agreement, **IV-5:25**
- Solar panel facility, rooftop licence, **IV-9:17**

ROYALTIES

- Advance on, **I-12:50**
- Assignment of, **I-9:11; I-9:12**
- Benchmark results, client prohibition against disclosure, **I-23:264**
- Cheap editions, **I-12:46**
- Deductions, **I-12:53**
- Definitions
 - processor, **I-23:865**
 - response level and service levels, **I-23:899**
- Digital media, **I-25:48**
- Exempt copies, **I-12:48**
- Export and import controls
 - Export and Import Permits Act
 - permit, application for, **I-35:38**
 - cancellation request, **I-35:40**
- Foreign language edition, **I-12:47**
- Gift upon trust, **V-8:68**
- Goods and services tax or harmonized sales tax, **I-12:44**

ROYALTIES—Cont'd

- Joint ventures
 - see also **JOINT VENTURES**
 - contractual agreement, **I-35:85**
 - assignment of interest to third party, **I-35:83**
 - outsourcing, **I-35:85**
 - termination of, **I-35:84**
- Oil and gas
 - conveyance, **I-44:6**
 - procedure, **I-44:60-I-44:63**
- Outsourcing agreement, **I-35:85**
- Publishing, general clause, **I-12:43**
- Recordings, **I-51:7; I-51:14**
- Remainders, **I-12:42**
- Reprints, **I-12:49**
- Statement checklist, **I-12:8**

RULES AND REGULATIONS

- Apartment, **IV-8:22**
- Cart
 - lease provision, **IV-3:7**
 - schedule of, **IV-3:7**
- Industrial
 - lease provision, **IV-2:3**
 - schedule of, **IV-2:3**
- Kiosk
 - lease provision, **IV-3:7**
 - schedule of, **IV-3:7**
- Office
 - lease provision, **IV-4:3; IV-4:4**
 - schedule of, **IV-4:3; IV-4:4**
- Residential
 - apartment, **IV-8:22**
 - lease provision, **IV-8:12-IV-8:15**
 - schedule of, **IV-8:12-IV-8:15**
- Retail
 - lease provision, **IV-3:3**
 - schedule of, **IV-3:3**
- Shopping centre
 - lease provision, **IV-3:4**
 - schedule of, **IV-3:4**

RULES OF CIVIL PROCEDURE

- Commentary, **VIII-1:1**

SAFEKEEPING OF WILL

Sample letter, **V-2:7**

SAFETY

See OCCUPATIONAL HEALTH AND SAFETY

SALE FROM CONTROL BLOCK

Distribution of securities, notice of intention to, form, **II-25:1**

SALE OF ASSETS

See CONVERSION OF ASSETS

SALE OF BUSINESS

Accounts receivable

election, **I-54:47**

representation, **I-54:36**

Assets, non-assignability of, **I-54:44**

Assignment of

copyright, **I-54:65**

trademark, **I-54:64**

Bills of sale

See BILLS OF SALE

Broker, absence of, **I-54:45**

Conveyance, general, **I-54:31**

Copyright, assignment of, **I-54:65**

Counterparts, signatures on, **I-54:52**

Covenant and guarantee by parent company, **I-54:38**

Employment

offer of, **I-54:41**

provisions for, **I-54:57**

Environmental issues, **I-54:53**

Financial statements, **I-54:56**

Franchises

See FRANCHISES

General conveyance, **I-54:31; I-54:32**

Guarantee by parent company, **I-54:38**

Indemnity

assumption of liabilities, **I-54:35**

infringement liability, **I-54:50**

product liability, **I-54:49**

retail sales tax, **I-54:48**

Lease, representations as to, **I-54:37**

Letter of intent, **I-54:29**

Liabilities

assumption of by purchaser, **I-54:34**

indemnity respecting, **I-54:35**

SALE OF BUSINESS—Cont'd

- Management provision, **I-54:55**
- Pension plans, **I-54:40**
- Profit or loss during interim period, **I-54:43**
- Public notice, **I-54:51**
- Purchase and sale, agreement of, **I-54:30**
- Purchaser's conditions, **I-54:60**
- Regulatory approvals as condition precedent, **I-54:54**
- Representations and warranties of vendor, **I-54:59**
- Restrictive covenant, interlocutory injunction, **VIII-14:19-14:22**
- Share purchase agreement, **I-54:58**
 - definitions used, **I-54:58**
 - employment provisions, **I-54:57**
 - non-competition, **I-54:63**
- Title, examination of, **I-54:46**
- Trademark, assignment of, **I-54:64**
- Vehicles, safety certificate, **I-54:42**
- Vendor's name, use of, **I-54:39**

SALE OF GOODS

- See also COMPUTERS; CONDITIONAL SALES AGREEMENTS;
INTERNATIONAL TRANSACTIONS; MANUFACTURING
- Advertising, **I-54:19**
- Agreement for, **I-54:2**
- Bailed property, **I-54:18**
- Billing and shipping, **I-54:8**
- Bills of sale
 - See **BILLS OF SALE**
- Changes to product, **I-54:9**
- Environmental matters, **I-54:21**
- Exclusive duty to buy, **I-54:5**
- Fish, **I-29:1; I-29:2; I-29:4**
- Force majeure, **I-54:23**
- Government compliance, **I-54:20**
- Indemnification, **I-54:15**
- Ingredient disclosure, special warnings, **I-54:12**
- Insolvency, **I-54:22**
- Inspection prior to delivery, **I-54:10**
- Insurance, **I-54:16**
- Intellectual property, **I-54:13**
- Inventory sale, at appraisal valuation, **I-54:3**
- Manufactured goods, sale of, **I-54:4**
- Purchase and sale of assets, agreement, **I-54:2**
- Purchase price
 - adjustment in, **I-54:7**

SALE OF GOODS—Cont'd

- Purchase price—Cont'd
 - increase in, **I-54:6**
- Shipping and billing, **I-54:8**
- Supply agreement, **I-54:4**
- Technical information disclosed to buyer, **I-54:14**
- Tools at seller's expense, **I-54:17**
- Warranty by seller, **I-54:11**

SALE OF LAND

- See PURCHASE AND SALE

SALE OF PROPERTY

- See REAL PROPERTY

SALES

- Distribution and, agreement, **X-29:13**
- Manufacturer's representative agreement, **X-29:1; X-29:8**
 - American company, **X-29:3**
 - exclusive, **X-29:5**
 - short form, **X-29:2**
- On reference
 - advertisement, **VIII-19:22**
 - auctioneer's affidavit, **VIII-19:24**
 - commentary, **VIII-19:21**
 - conditions of sale, **VIII-19:23**
 - consent to payment out of sale proceeds
 - by purchaser, **VIII-19:34**
 - by purchaser's lawyer, **VIII-19:35**
 - interim report, **VIII-19:25**
 - property under power of attorney, **VIII-19:15**
 - set aside, motion to, **VIII-19:26-19:28**
- Reseller branding authorization, **X-29:6**

SAMPLES

- Inspection to obtain, motion for, **VIII-11:17-11:20**

SANCTUARY CITIES

- See also HUMAN RIGHTS ISSUES
- Access to city services without fear policy, **IX-1:201**
- Commentary, **IX-1:200**
- Free of fear services for all policy, **IX-1:202**

SANDERSON ORDER

- General form, **VIII-23:16**

SANITARY SERVICES

- Connections, **IX-4:13**

O'BRIEN'S ENCYCLOPEDIA OF FORMS

SANITARY SERVICES—Cont'd

Illegal, disconnection agreement, **IX-6:14**

Study, **IX-4:27**

SCANDALOUS PLEADINGS

Motion to strike, **VIII-6:66-6:70**

SCHOLARSHIPS

Gift to university for, **V-12:16; V-12:17**

SCHOOL PRIZE

Gift for, **V-12:14**

SCHOOLS

Playground equipment agreement, **IX-3:43**

Subdivision agreement clause

busing, **IX-4:118**

sites, **IX-4:117**

SCOTT SCHEDULE

Commentary, **VIII-17:48**

Form of, **VIII-17:49**

SCRUTINEERS' REPORTS

Attendance, **II-12:50**

Directors, election of, **II-12:51**

Poll, **II-12:52**

SECONDARY WILL

Probate will, **V-19:36**

SECURED TRANSACTIONS

Bank Act security

See **BANKING**

Conditional sales

See **CONDITIONAL SALES AGREEMENTS**

Personal property security

See **PERSONAL PROPERTY SECURITY**

SECURE TREATMENT

Affidavit, child protection information, **VI-15:33**

Application, **VI-15:23**

Consent to

child's, **VI-15:24**

other person, **VI-15:25**

Emergency admission, **VI-15:28, 15:29, 15:30**

Order, **VI-15:26**

Secure de-escalation room, **VI-15:27, 15:31**

Warrant to apprehend and return child, **VI-15:32**

SECURITIES

See also CORPORATE SHARES; INVESTMENTS

See also SHARE PROVISIONS; SHARES

Advisers

See DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS,
REGISTRATION OF

Commissions

See SECURITIES COMMISSIONS

Dealers

See DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS,
REGISTRATION OF

Division in specie on request, **V-25:4**

Gift of

See LEGACIES

Listing of

See LISTING OF SECURITIES

Private placements of

See PRIVATE PLACEMENTS

Public offerings of

See PUBLIC OFFERINGS

Register

See SECURITIES REGISTER

Stock exchange

See STOCK EXCHANGE

SECURITIES ADVISERS

See DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS,
REGISTRATION OF

SECURITIES COMMISSIONS

Applications to

Alberta, **II-30:11**

authorization and confirmation

Nova Scotia, **II-30:3**

Ontario, **II-30:3**

Saskatchewan, **II-30:13**

authorization and verification, British Columbia, **II-30:9**

ceasing to be reporting issuer

See REPORTING ISSUER, CEASING TO BE

draft ruling, sample

Alberta, **II-30:12**

British Columbia, **II-30:10**

Nova Scotia, **II-30:4**

Ontario, **II-30:4**

Saskatchewan, **II-30:14**

SECURITIES COMMISSIONS—Cont'd

Applications to—Cont'd

exemption, standard form for

British Columbia, **II-30:8**

Nova Scotia, **II-30:2**

Ontario, **II-30:2**

recognition as exempt purchaser (Manitoba), **II-30:15**

criminal record form, **II-30:15.70**

form of submission to jurisdiction and appointment of agent for service
of process by non-resident dealer, **II-30:15.30**

reporting issuer, applicant not (Ontario, Nova Scotia)

order, **II-30:7**

standard form, **II-30:5**

verification certificate, **II-30:6**

Continuance, letter requesting consent, **II-16:6**

Continuous disclosure, letter to re, **II-32:3**

Dealer and adviser registration, filing letter to re, **II-31:8**

Exemptive relief under the Passport System

co-ordinated review application, **II-30:22**

decision, **II-30:24**

e-mail to regulators, **II-30:23**

dual application, **II-30:19**

decision, **II-30:21**

e-mail to regulators, **II-30:20**

hybrid application

decision, **II-30:28**

dual coordinated review, **II-30:26**

e-mail to regulators, **II-30:27**

passport/coordinated review, **II-30:25**

standard form, **II-30:16**

decision, **II-30:18**

e-mail to regulators, **II-30:17**

Revival, letter requesting consent (Ontario), **II-18:6**

SECURITIES DEALERS, REGISTRATION OF

See DEALERS, ADVISERS AND INVESTMENT FUND MANAGERS,
REGISTRATION OF

SECURITIES REGISTER

Directors' resolution appointing agent

Alberta, **II-2:51**

federal, **II-2:11**

Manitoba, **II-2:87**

Ontario, **II-2:27**

Saskatchewan, **II-2:70**

SECURITY

See PRIVACY AND SECURITY

SECURITY AGREEMENTS

Commentary, **IV-7:15**
 Form of, **IV-7:17**
 Lease provision, **IV-7:16**
 Tenants right to grant, **IV-6:32**

SECURITY DEPOSITS

See DEPOSITS

SECURITY DOCUMENTS

See also BANKING; BORROWING; DEBENTURES
 Application for credit with promise to give security, **II-21:21**
 Assignment
 agreement, **II-21:24**
 book debts, **II-21:13**
 insurance, **II-21:23**
 Bank Act forms
 See BANK ACT
 Bank Act security, agreement re, **II-21:22**
 Book debts, general assignment of, **II-21:13**
 Debenture
 convertible, **II-21:9**
 demand, **II-21:8**
 trust deed securing bonds or, **II-21:10**
 unsecured, **II-21:6**
 General security agreement, **II-21:11; II-21:12**
 Guarantee agreement, **II-21:7**
 Insurance assignment agreement, **II-21:23**
 Mortgage
 British Columbia, **II-21:27**
 leasehold lands, of, **II-21:25**
 Pledge agreement, **II-21:14**
 S I (Secured Transactions), IV (Security Agreements)

SECURITY FOR COSTS

Alternative orders
 bond, **VIII-25:71**
 commentary, **VIII-25:70**
 letter of credit, **VIII-25:72**
 Another proceeding
 in Ontario, motion for security, **VIII-25:21-25:23**
 outside Ontario, **VIII-25:24-25:26**

SECURITY FOR COSTS—Cont'd

Appeal

- dismiss appeal, **VIII-25:51**
- foreign appellant, **VIII-25:48**
- frivolous and vexatious, **VIII-25:45**
- general form, **VIII-28:81-28:84**

Bills of costs

- appeal, **VIII-25:7**
- application, **VIII-25:6**
- entire action, **VIII-25:5**
- staged
 - to setting down for trial, **VIII-25:3**
 - to trial, **VIII-25:4**

Bond, **VIII-25:71**

Corporate plaintiff, **VIII-25:33-25:35**

Counterclaim, **VIII-25:63**

Eliminate security, motion for, **VIII-25:77-25:79**

Foreign plaintiff

- demand for declaration of residence, **VIII-25:8-25:10**
- motion for security, **VIII-25:14-25:17**
- motion to stay where a failure to respond, **VIII-25:11-25:13**
- response to demand, **VIII-25:11-25:13**

Frivolous and vexatious

- action, **VIII-25:39-25:41**
- application, **VIII-25:42-25:44**

Increase amount of security, commentary, **VIII-25:73-25:76**

Letter of credit, **VIII-25:72**

Nominal applicant, **VIII-25:36-25:38**

Nominal plaintiff

- See Nominal applicant, *supra*

Notice of compliance, **VIII-25:66**

Statute, by, Libel and Slander Act, **VIII-25:54**

Third party claim

- against defendant, **VIII-25:57**
- against plaintiff, **VIII-25:60**

Unpaid, motion to strike where ordered on prior motion for summary judgment, **VIII-8:15**

Unpaid costs

- another proceeding, motion for security, **VIII-25:30-25:32**
- same proceeding, motion for security, **VIII-25:27-25:29**
- Unpaid security for costs, motion to dismiss, **VIII-25:67-25:69**

SECURITY PERSONNEL

Services agreement, **IX-3:45**

SEIZURE AND SALE

- Change debtor's name
 - add alias, **VIII-22:26-22:28**
 - corporate debtor, **VIII-22:20-22:22**
 - personal debtor, **VIII-22:23-22:25**
 - spelling variation, **VIII-22:29-22:31**
- Exemption from execution, motion to determine, **VIII-22:32-22:34**
- Leave to issue
 - condition on enforcement
 - affidavit, **VIII-22:18**
 - commentary, **VIII-22:16**
 - notice of motion, **VIII-22:17**
 - order, **VIII-22:19**
 - elapse of six years
 - affidavit, **VIII-22:14**
 - commentary, **VIII-22:12**
 - notice of motion, **VIII-22:13**
 - order, **VIII-22:15**
- Mortgage, seizure of
 - direction to sheriff, **VIII-22:39**
 - notice to mortgagor, **VIII-22:40**
 - sheriff's notice, **VIII-22:38**
- Sale of lands by sheriff checklist, **VIII-22:41**
- Seizure of property in possession of third parties
 - affidavit, **VIII-22:37**
 - bond, **VIII-22:35**
 - instructions, **VIII-22:36**
- Writ of
 - affidavit, conduct of examination, **VIII-22:7**
 - backsheet, **VIII-22:3**
 - direction to enforce, **VIII-22:6**
 - general form, **VIII-22:2**
 - request to
 - renew, **VIII-22:8**
 - withdraw, **VIII-22:11**
- Small Claims Court, **VIII-32:38**
 - affidavit for, **VIII-32:37**
 - renew, request to, **VIII-32:40**
 - statutory declaration, **VIII-22:5**

SENIOR CITIZENS' HOME

- Gift to, **V-12:12**

SEPARATION AGREEMENTS

- Amendments, **VI-2:113**

SEPARATION AGREEMENTS—Cont'd

Automobile, **VI-2:96**
Beneficiary designation, withdrawal, **VI-2:81.50**
Checklist, **VI-2:3**
Children
 access, flexibility in, **VI-2:7**
 change of name, **VI-2:65**
 disabled adult child, **VI-2:64.50**
 parenting, **VI-2:45.70**
 parenting time, **VI-2:50**
 passport, **VI-2:62**
 post-secondary education, **VI-2:70**
 preference of the children, **VI-2:50.50**
 previous relationship of, **VI-2:47**
 religious upbringing, **VI-2:61**
 remove religious barriers, **VI-2:61.50**
 residence of, **VI-2:5**
 schooling, **VI-2:53**
 support, **VI-2:5**
 income tax on, **VI-2:73**
 support amount different than table amount, **VI-2:67.40**
 table child support, split custody, **VI-2:67.20**
 termination, **VI-2:71.70**
 variation of, **VI-2:71, 2:71.30**
Consent required under terms, **VI-2:108.50**
Corporate shares, **VI-2:94**
Corporation, representation and warranties regarding, **VI-2:95**
Costs, **VI-2:115**
Death of a parent, **VI-2:119.5**
Debts and obligations, **VI-2:102**
Definitions, **VI-2:45**
Dental expenses, **VI-2:4**
Direction to trustees to carry out, **V-34:32**
Disputes
 dispute resolution, **VI-2:86**
 dispute resolution, alternate, **VI-2:86.20**
 mediation/arbitration, **VI-2:86.40**
 parenting issue disputes, **VI-2:86.80**
Divorce, agreement to survive, **VI-2:106**
Documents, additional, **VI-2:110**
Effective date, **VI-2:117.30**
Equalization, **VI-2:92**
 equalization payment, **VI-2:92.50**
Estate, agreement binding upon, **VI-2:105**

SEPARATION AGREEMENTS—Cont'd

- Expenses, **VI-2:67.60**
 - daily household, **VI-2:67.80**
 - major expenses, **VI-2:68.50**
- Financial disclosure, **VI-2:69, 2:82, 2:116**
- Freedom from the other, **VI-2:49.50**
- Income tax
 - joint election, **VI-2:100**
 - recipient efforts to earn an income, **VI-2:101.50**
 - representation regarding unpaid taxes, **VI-2:99**
 - tax consequences, **VI-2:101**
- Independent legal advice, **VI-2:116**
- Inform executors, **VI-2:117.70**
- Insurance
 - coverage for former spouse, **VI-2:84.30**
 - failure to maintain health insurance, **VI-2:84.70**
 - life, **VI-2:85**
 - life, confirmation, **VI-2:85.50**
 - medical and dental, **VI-2:84**
 - replacement coverage, **VI-2:84.50**
- Interpretation, **VI-2:117**
- Legislation, agreement to prevail over, **VI-2:107**
- Matrimonial home
 - conveyance to one party, **VI-2:89**
 - household contents, **VI-2:91**
 - immediate sale, **VI-2:88**
 - mortgage, release, **VI-2:103.50**
 - payment of expenses on sale, **VI-2:89.50**
 - repairs, **VI-2:86.60**
 - spouse in possession, **VI-2:87**
 - transfer of, **VI-2:90**
- Payments, ex gratia, **VI-2:114**
- Pension, **VI-2:97**
 - benefits, **VI-2:98, 2:98.30**
 - valuation of entitlements, **VI-2:98.70**
- Proper law, **VI-2:108**
- Registered retirement savings plan, **VI-2:93**
- Releases, **VI-2:103**
- Representations, no other, **VI-2:112**
- Severability of terms, **VI-2:109**
- Solicitor's attestation, **VI-2:118**
- Spouse remarrying or cohabiting, **VI-2:111.5**
- Statute references, **VI-2:45.30**

SEPARATION AGREEMENTS—Cont'd

Support

- consumer price index, indexing of, **VI-2:5, 2:81**
- post-dated cheques, **VI-2:72**
- spousal, **VI-2:5**
 - payment in lieu, **VI-2:81.30**
 - retroactive provisions, **VI-2:79**
 - review, **VI-2:81.70**
 - variation of, **VI-2:80**
- trial cohabitation, **VI-2:111**

SEQUESTRATION

- Commentary, **VIII-22:57**
- General form, **VIII-22:58**
- Motion for leave to issue, **VIII-22:59-22:61**

SERVANT

- See also **EMPLOYEES**
- Gift for, **V-11:73**

SERVICE

- Acknowledgment of, **VI-10:2**
- Acknowledgment of receipt card, **VIII-3:16**
- Admission of service, lawyer's, **VIII-3:20**
- Advertisement, **VI-10:4**
- Affidavit of, **VI-10:3**
 - absentee, **VIII-3:9**
 - adult in same household, **VIII-3:18**
 - Attorney General, **VIII-3:8**
 - board, **VIII-3:4**
 - business, person outside Ontario, **VIII-3:5**
 - commission, **VIII-3:4**
 - corporation, **VIII-3:3**
 - last address, service on, **VIII-3:20**
 - Crown, **VIII-3:6; VIII-3:7**
 - lawyer
 - courier, by, **VIII-3:24**
 - e-mail, by, **VIII-3:25**
 - mail, by, **VIII-3:18**
 - mail, by, last known address, **VIII-3:19**
 - mentally incapable, **VIII-3:11; VIII-3:12**
 - minor, **VIII-3:10**
 - partnership, **VIII-3:13**
 - personal service, **VIII-3:1**
 - Small Claims Court, **VIII-32:14**
 - sole proprietor, **VIII-3:14**

SERVICE—Cont'd

- Alternatives to personal service, **VIII-3:15**
- Documents outside Canada, **VI-10:9**
- Extend time to serve statement of claim, motion for, **VIII-1:110**
- Lawyer, by leaving copy with, **VIII-3:29**
- Lawyer's acceptance of, **VIII-3:30**
- Outside Ontario
 - Hague Convention service
 - commentary, **VIII-3:47**
 - notice and summary of documents, **VIII-3:50**
 - request for service abroad, **VIII-3:48**
 - summary of documents, **VIII-3:49**
 - permitting, motion for
 - affidavit in support, **VIII-3:41**
 - notice of, **VIII-3:40**
 - order, **VIII-3:42**
 - set aside, motion for
 - affidavit in support, **VIII-3:45**
 - notice of, **VIII-3:44**
 - order, **VIII-3:46**
- Short service, endorsement for, **VIII-13:7**
- Substituted service
 - affidavit, **VI-10:7**
 - notice of motion, **VI-10:6**
 - order, **VI-10:8**
- Substituted service, motion for
 - commentary, **VIII-3:32**
 - lawyer's affidavit, **VIII-3:34**
 - notice of, **VIII-3:33**
 - order, **VIII-3:36**
 - process server, affidavit of, **VIII-3:39**
- Validate service, motion for
 - lawyer's affidavit, **VIII-3:38**
 - notice of, **VIII-3:37**
 - order, **VIII-3:39**

SERVICE AGREEMENTS

- See AVIATION; COMPUTERS; MANAGEMENT AGREEMENTS;
MASTER SERVICE AGREEMENT; DIGITAL MEDIA

SERVICES

- See UTILITIES AND SERVICES
- Statements of claim
 - See CONTRACT

SERVICES—Cont'd

Statements of defence, faulty services
See CONTRACT

SET ASIDE

Judgment, fraud
 motion to set aside, **VIII-18:54-18:56**
Noting in default, motion for, **VIII-7:13**
Parties added on reference, motion to, **VIII-19:7**
Registrar's order of dismissal
 commentary, **VIII-16:23**
 motion for, **VIII-16:24-16:26**
Sale
 judgment, form of, **VIII-18:28**
 on reference, **VIII-19:26-19:28**
 prayer for relief, **VIII-4:26**
Summons, motion to
 affidavit, **VIII-13:50**
 commentary, **VIII-13:48**
 notice of motion, **VIII-13:49**
 order, **VIII-13:51**

SETBACK

Generally, **IX-4:19**

SETTLEMENT

Acceptance of offer
 conditional on payment into court, **VIII-21:50**
 notice of, **VIII-20:3**
 offer, **VIII-21:50**
 conditional on payment to trustee
 notice of payment to, **VIII-21:52**
 offer, **VIII-21:51**
 general form, **VIII-21:49**
 party under disability, **VIII-21:53**
Application
 commentary, **VIII-21:44**
 general form
 by applicant, **VIII-21:45**
 by respondent, **VIII-21:46**
Client letter
 commentary, **VIII-21:1**
 general form, **VIII-21:2**
 to defendant where no plaintiffs offer, **VIII-21:5**
 to defendant where offer from plaintiff, **VIII-21:6**
 to plaintiff where no offer from defendant, **VIII-21:3**

SETTLEMENT—Cont'd

Client letter—Cont'd

to plaintiff where offer from defendant, **VIII-21:4**

Conference brief, **VI-12:4**

Conference brief, child protection, **VI-15:13**

Covenant not to sue, **VIII-21:109**

Defendant, offer to settle by

See Offer to settle by defendant, *infra*

Discontinuance

consent to

against one defendant, **VIII-21:82**

general form, **VIII-21:81**

notice of discontinuance

all claims, **VIII-21:74**

all claims but only for some parties, **VIII-21:76**

counterclaim, of, **VIII-21:79**

crossclaim of, **VIII-21:78**

some claims and some parties only, **VIII-21:77**

some claims only, **VIII-21:75**

third part claim, of, **VIII-21:80**

Estates

notice of, **VIII-30:122**

rejection of settlement, **VIII-30:123**

Instructions

defendant accepting offer, **VIII-21:7**

direction

to lawyer, **VIII-21:12**

to other firm, **VIII-21:13**

plaintiff accepting offer, **VIII-21:8**

reject offer against recommendation, **VIII-21:10**

reject recommendation to submit offer, **VIII-21:11**

wrongful dismissal, **VIII-21:9**

Judgment on accepted settlement, motion for

outside rule, **VIII-21:58-21:61**

under rule, **VIII-21:54-21:57**

Minutes of, **IX-10:21**

Ontario Land Tribunal, **IX-10:18-IX-10:20**

Minutes of settlement, **VIII-21:83**

Motion, payment out of court, **VIII-32:54**

Motion, proposal to settle

commentary, **VIII-21:70**

general form

moving party, **VIII-21:71**

responding party, **VIII-21:72**

SETTLEMENT—Cont'd

Offer to settle

non-severable, **VI-11:3**

severable, **VI-11:4**

Offer to settle by defendant

commentary, **VIII-21:31**

defendant under disability, **VIII-21:37**

general form, **VIII-21:32**

multiple defendants

made by all, **VIII-21:35**

made by one, **VIII-21:34**

offer to contribute, **VIII-21:36**

plaintiff under disability, **VIII-21:38**

surrender counterclaim, **VIII-21:33**

Offer to settle by plaintiff

commentary, **VIII-21:14**

defendant under disability, **VIII-21:27**

general form, **VIII-21:15**

multiple defendants

joint, **VIII-21:24**

offer to some, **VIII-21:23**

separate claims, **VIII-21:22**

offer by letter, **VIII-21:29**

partial settlement, **VIII-21:18**

payment into court or to a trustee, **VIII-21:25**

payment out of court, motion for, **VIII-32:54**

payment over time, **VIII-21:17**

return of personal property, **VIII-21:19**

single amount, **VIII-21:16**

specific performance, **VIII-21:20**

structured settlement, **VIII-21:30**

subsequent offer, **VIII-21:28**

under disability, **VIII-21:26**

wrongful dismissal, **VIII-21:21**

Orders, of

appointment to settle

affidavit of clerk on appointment, **VIII-18:40**

disputed order, **VIII-18:42**

notice of, **VIII-18:39; VIII-18:41**

registrar unsatisfied, **VIII-18:39**

unapproved, **VIII-18:38**

commentary, **VIII-18:37**

memorandum of approval, **VIII-18:38**

SETTLEMENT—Cont'd

Persons under disability, approval of
 See PERSONS UNDER DISABILITY, approval of settlement

Plaintiff, offer to settle by
 See Offer to settle by plaintiff, *supra*

Releases

bar to further action, **VIII-21:100**
 claims released, **VIII-21:93**
 commentary, **VIII-21:84**
 confidentiality, **VIII-21:99**
 consideration, **VIII-21:89**
 direction, **VIII-21:108**
 employee, **VIII-21:105; VIII-21:107**
 employer, covenant to return property, **VIII-21:106**
 future injuries, **VIII-21:104**
 general form, **VIII-21:85**
 indemnity, **VIII-21:97**
 independent legal advice, **VIII-21:98**
 motor vehicle, **VIII-21:86**
 mutual release, **VIII-21:88**
 no admission, **VIII-21:96**
 no claims over, **VIII-21:95**
 non-assignability of, **VIII-21:101**
 releasee, **VIII-21:92**
 releasor, **VIII-21:90**
 reservation of rights, **VIII-21:102; VIII-21:103**
 scope, **VIII-21:94**
 words of release, **VIII-21:91**
 wrongful dismissal, **VIII-21:87**

Small Claims Court

 See SMALL CLAIMS COURT

Summer cottage, **IX-10:22**

Third party claim

by defendant, **VIII-21:40**
 by third party
 both plaintiff's and defendant's claim, **VIII-21:42**
 defendant's claim, **VIII-21:41**
 commentary, **VIII-21:39**
 offer to contribute, **VIII-21:43**

Withdrawal of offer, **VIII-21:48**

SETTLEMENTS

 See INTER VIVOS TRUSTS

SEVERABILITY

Generally, **X-33:19**

SEVERABILITY, SUBDIVISION CONTROL

Office

lease provision, **IV-4:4**

SEWERS

By-law, **IX-11:173**

Compliance agreement, **IX-6:17**

Connection agreement

maintenance, **IX-6:8**

multiple, **IX-6:10**

single, **IX-6:11**

Cross-boundary service connection agreement, **IX-6:12; IX-6:13**

Disconnection of illegal sanitary connection agreement, **IX-6:14**

Easement, **IX-6:32**

Industrial waste surcharge agreement, **IX-6:9**

Multiple connections to sewer system agreement, **IX-6:10**

Municipal responsibility agreement, **IX-6:18**

Release re, **IX-6:16**

Right of entry and release, **IX-6:16**

Service connection policy, **IX-6:8.50**

Sewage and water allocation, subdivision agreement, **IX-4:72**

Sewage disposal system, **IX-4:198**

Sewer connection maintenance agreement, **IX-6:8**

Sewer-needs study agreement, **IX-6:15**

Storm water

drainage, **IX-4:185**

drainage by-law, **IX-11:65**

management pond easement schedule, **IX-6:36**

off-site pond, **IX-4:86**

phased development agreement (B.C.), **IX-4:281**

rear yard catch basin, **IX-4:85**

subdivision clause, **IX-4:85; IX-4:86**

Subdivision clause, **IX-4:72**

SHARE CERTIFICATES

Bearer scrip, **II-5:11**

Common shares

no transfer agent, **II-5:2**

with transfer agent, **II-5:3**

Declaration of loss, **II-9:10**

Directors' resolution approving form of

Alberta, **II-2:47**

federal, **II-2:4**

SHARE CERTIFICATES—Cont'd

- Directors' resolution approving form of—Cont'd
 - Manitoba, **II-2:81**
 - Ontario, **II-2:21**
 - Saskatchewan, **II-2:64**
- Fractional, **II-5:12**
- Indemnity bond re lost, **II-9:11**
- Legend on shareholders' agreement, **II-5:10; II-13:24**
- Lien by corporation, **II-5:9**
- Preferred shares
 - no transfer agent, **II-5:4**
 - with transfer agent, **II-5:5**
- Replacement, directors' resolution authorizing, **II-9:12**
- Shareholders' agreements, **II-5:10**
- Share restrictions, **II-5:8**
- Transfer endorsement form, **II-5:6**
- Transfer restrictions, **II-5:7**

SHAREHOLDERS

- Advertisement for claimants on reference, **VIII-19:11**
- Agreements
 - See SHAREHOLDERS' AGREEMENTS
- Consent of regarding exemption from auditors requirements
 - Manitoba, **II-2:105**
 - Ontario, **II-2:104**
- Dissent rights, information circular related to
 - Alberta, **II-12:30**
 - British Columbia, **II-12:29**
 - federal, **II-12:27**
 - Ontario, **II-12:28**
 - Saskatchewan, **II-12:27**
- Ledger, **II-2:150**
- Meetings of
 - See MEETINGS
- Number of, restriction on
 - Alberta, **II-1:63**
 - Nova Scotia, **II-1:64**
- Organizational meeting
 - Manitoba, **II-2:130**
 - Ontario, **II-2:122**
- Pre-emptive rights, **II-6:49**
- Register, **II-2:149**
- Resolutions
 - See SHAREHOLDERS' RESOLUTIONS

SHAREHOLDERS—Cont'd

Statement in respect of mailing
directors', **II-12:15**
dissidents', **II-12:16**
officers', **II-12:15**

VIII

SHAREHOLDERS' AGREEMENTS

General agreement
arbitration, **II-13:27**
business of corporation, **II-13:4**
buy-sell agreement, **II-13:18**
call option, **II-13:12**
commentary, **II-13:1**
contributions of shareholders, **II-13:5**
control of corporation, **II-13:6**
control transactions, restrictions on, **II-13:19**
death, purchase of shares following, **II-13:16**
definitions, **II-13:3**
domestic matters, **II-13:22**
draw along right, **II-13:11**
family law obligations, **II-13:22**
general provisions, **II-13:28**
guarantees, contribution and indemnity, **II-13:23**
indemnification, **II-13:25**
insurance policies, **II-13:17**
legend on shares, **II-13:24**
liability, joint and several, **II-13:25**
operations, **II-13:6**
option to purchase shares, **II-13:12**
option to sell shares, **II-13:13**
ownership, restrictions on, **II-13:8**
piggyback right, **II-13:10**
pre-emptive right, **II-13:21**
public offering, **II-13:14**
put option, **II-13:13**
restrictions
control transactions, on, **II-13:19**
ownership, on, **II-13:8**
shares, on, **II-13:7**
right of first opportunity, **II-13:9**
right of first refusal, **II-13:9**
right to come along, **II-13:10**
right to require sale of shares, **II-13:15**
right to take along, **II-13:11**

SHAREHOLDERS' AGREEMENTS—Cont'd

General agreement—Cont'd

shareholder contributions, **II-13:5**

shares

general terms and conditions as to sale and purchase of, **II-13:20**

legend upon, **II-13:24**

option to purchase, **II-13:12**

option to sell, **II-13:13**

public offering, **II-13:14**

purchase of following death, **II-13:16**

restrictions on sale and transfer of, **II-13:7**

right to require sale of, **II-13:15**

shotgun agreement, **II-13:18**

termination, **II-13:26**

Net worth certificate, **II-13:33**

Participation agreement, **II-13:30**

Release, **II-13:32**

Share auction purchase agreement, **II-13:31**

Unanimous shareholders' agreement, notice of execution or termination,
II-13:34

SHAREHOLDERS' RESOLUTIONS

Accountant, appointment of

Alberta, **II-2:56; II-11:31**

British Columbia, **II-11:30**

federal, **II-11:28**

Manitoba, **II-2:92; II-11:33**

Ontario, **II-11:29**

Saskatchewan, **II-2:74; II-11:32**

Amalgamation of two corporations, authorizing

Alberta, **II-15:11**

British Columbia, **II-15:8**

general, **II-15:5**

three-cornered merger, **II-15:7**

Asset purchase, **II-33:24**

Auditors

appointment of, **II-11:1; II-12:40**

Alberta, **II-2:55**

federal, **II-2:14**

Manitoba, **II-2:91**

Nova Scotia, **II-2:102**

Ontario, **II-2:31**

Saskatchewan, **II-2:73**

dispensing with

Alberta, **II-2:107; II-11:25**

SHAREHOLDERS' RESOLUTIONS—Cont'd

Auditors—Cont'd

dispensing with—Cont'd

British Columbia, **II-11:24**

federal, **II-2:106; II-11:22**

Manitoba, **II-2:109; II-11:27**

Ontario, **II-11:23**

Saskatchewan, **II-2:108**

removal of, **II-11:5; II-11:6**

By-law, confirming, **II-12:41**

Alberta, **II-2:54**

amendments, **II-12:44**

federal, **II-2:13**

Manitoba, **II-2:90**

Ontario, **II-2:30**

Saskatchewan, **II-2:72**

Certified text, **II-19:17**

Changing rights attaching to new class of shares

general, **II-14:49**

Nova Scotia, **II-14:50**

Consolidating shares of a class into fewer number

British Columbia, **II-14:54**

general, **II-14:53**

Nova Scotia, **II-14:54**

Continuance federally, authorizing

Alberta, **II-16:2**

Manitoba, **II-16:4**

Nova Scotia, **II-16:3**

Ontario, **II-16:1**

Saskatchewan, **II-16:1**

Continuance in province, authorizing, **II-16:21**

Directors

election of, **II-10:6; II-12:39**

Alberta, **II-2:53**

federal, **II-2:15**

Manitoba, **II-2:93**

Ontario, **II-2:29**

Saskatchewan, **II-2:75**

removal of, **II-10:9**

resignation of, Manitoba, **II-2:93**

Fiscal year end, fixing (Nova Scotia), **II-2:102**

Merger, three cornered, authorization of, **II-15:7**

Name change, authorization of

British Columbia, **II-14:3**

SHAREHOLDERS' RESOLUTIONS—Cont'd

- Name change, authorization of—Cont'd
 - general, **II-14:1**
 - Nova Scotia, **II-14:2**
- Number of authorized shares, removing limitation of
 - Alberta, **II-14:30**
 - British Columbia, **II-14:29**
 - general, **II-14:27**
 - Nova Scotia, **II-14:28**
- Ordinary, **II-12:42**
- Organization (Manitoba), **II-2:89**
- Reducing stated capital by amount not represented by assets
 - British Columbia, **II-14:41**
 - general, **II-14:39**
 - Nova Scotia, **II-14:40**
- Reducing stated capital to make distribution to shareholders
 - general, **II-14:43**
 - Nova Scotia, **II-14:44**
- Registered office, change of
 - federal, **II-14:18**
 - Manitoba, **II-14:20**
 - Ontario, **II-14:19**
 - Saskatchewan, **II-14:21**
- Share purchase, **II-33:9**
- Shares, creating new class of
 - British Columbia, **II-14:33**
 - general, **II-14:31**
 - issuable in series, **II-14:34**
 - British Columbia, **II-14:36**
 - general, **II-14:34**
 - Nova Scotia, **II-14:35**
 - Nova Scotia, **II-14:19**
- Special
 - borrowing (Nova Scotia), **II-2:101**
 - certified text, **II-19:18**
 - distribution of assets, approval of (British Columbia), **II-17:23**
 - general, **II-12:43**
 - liquidation and dissolution of corporation (Alberta), authorization of, **II-17:45**
 - number of directors re, **II-10:3**
 - share capital, alterations of
 - See ARTICLES, AMENDMENTS TO
 - share purchase, **II-33:9**
 - transaction, approval of, director with conflict, **II-10:17**

SHAREHOLDERS' RESOLUTIONS—Cont'd

Special—Cont'd

voluntary liquidation (British Columbia), **II-17:30**

Subdividing shares of a class into greater number of shares, **II-14:51**
general, **II-14:51**

Nova Scotia, **II-14:52**

SHARE PROVISIONS

Common shares

no other classes, **II-6:3**

other classes, **II-6:2**

Conversion

holder's option, to different shares at, **II-6:35**

price method, public company, **II-6:34**

prohibition on changes to shares into which convertible shares may be
converted, **II-6:36**

ratio method, public company, **II-6:33**

right of, **II-6:32**

Dissolution

See liquidation, *infra*

See Liquidation, *infra*

Dividends

discretionary, no preference, **II-6:16**

preferred

cumulative, pro-rated on redemption, **II-6:23**

equality between certain classes, **II-6:21**

fixed rate

cumulative, **II-6:17**

non-cumulative, **II-6:18**

restrictions for protection of, **II-6:24**

restrictions on for junior shares, **II-6:22**

variable rate

cumulative, **II-6:19**

non-cumulative, **II-6:20**

Equity shares

non-voting, quarterly non-cumulative preferred dividends, **II-6:6**

voting and non-voting, **II-6:5**

Liquidation

class votes, Ontario and Alberta corporations, **II-6:25**

priority

multiple, **II-6:28**

none, **II-6:26**

simple, **II-6:27**

Modification

approval procedure for, **II-6:30**

SHARE PROVISIONS—Cont'd

- Modification—Cont'd
 - authority for, **II-6:29**
 - restriction on class or series vote on, **II-6:31**
- Notice provision, **II-6:48**
- Pre-emptive rights, **II-6:49**
- Preference shares, fixed non-cumulative dividends, **II-6:4**
- Purchase obligations
 - mandatory purchase for cancellation, **II-6:46**
 - purchase for cancellation
 - lowest obtainable purchase price, **II-6:45**
 - price subject to maximum, **II-6:44**
 - purchase fund, **II-6:47**
- Redemption
 - mandatory
 - annual, **II-6:38**
 - purchase of remaining shares, **II-6:39**
 - right to, method of, **II-6:37**
- Retraction
 - method of
 - fixed date, **II-6:42**
 - open date, **II-6:41**
 - payment, method of, **II-6:43**
 - right to, **II-6:40**
- Series, shares issuable in
 - directors' resolution authorizing, **II-6:8**
 - general provisions attaching to, **II-6:7**
- Voting
 - dividends in arrears, when, **II-6:13**
 - non-voting shares
 - entitlement to notice of, attendance at meetings (federal, Alberta and Ontario), **II-6:12**
 - Ontario, **II-6:11**
 - rights, **II-6:14**
 - voting shares, **II-6:9**
 - multiple, **II-6:15**
- Winding-up
 - See liquidation, *supra*
 - See Liquidation, *supra*

SHARE PURCHASE

- Agreement, **II-33:6**
- Audit of purchased assets, **X-30:5**
- Certificates re
 - corporate documents, **II-33:11**

SHARE PURCHASE—Cont'd

- Certificates re—Cont'd
 - estoppel, **II-33:14**
 - incumbency, **II-33:12**
 - representations, warranties and performance, **II-33:13**
- Closing agenda, **II-33:7**
- Escrow agreement, **II-33:12.50**
- General agreement, **X-30:2; X-30:3**
- Intellectual property, representation and warranties, **X-30:6**
- Intent, letter of, **II-33:5**
- Legal opinions by
 - purchaser's counsel, **II-33:19**
 - vendor's counsel, **II-33:18**
- Non-competition agreement, **II-33:17**
- Records, access to, **X-30:4**
- Release by
 - director or officer, **II-33:15**
 - vendor, **II-33:16**
- Resolutions
 - purchaser's directors, **II-33:10**
 - vendor's directors, **II-33:8**
 - vendor's shareholders' special, **II-33:9**
- Share auction purchase agreement, **II-13:31**
- Share purchase agreement, **II-33:6**
- S I (Sale of Business), VIII (Sale of Business), X

SHARES

- Acquisition option
 - See SHARES, ACQUISITION OPTIONS
- Acquisition warrants
 - See SHARES, ACQUISITION WARRANTS
- Authorized, removing limitations of number of, **II-14:27**
- Certificates
 - See SHARE CERTIFICATES
- Common
 - See COMMON SHARES
- Consolidating into fewer number, **II-14:53**
- Conversion
 - See SHARE PROVISIONS
- Corporate
 - See CORPORATE SHARES
- Dividends
 - See SHARE PROVISIONS
- Equity, non-voting, **II-6:5**

SHARES—Cont'd

- Issuance of
 - See ISSUANCE OF SHARES
- Lien on
 - Alberta, **II-1:62**
 - general, **II-1:61**
- Liquidation
 - See SHARE PROVISIONS
- Modification
 - approval procedure for, **II-6:30**
 - authority for, **II-6:29**
 - restriction on class or series vote on, **II-6:31**
- New class
 - changing rights attaching to
 - general, **II-14:49**
 - Nova Scotia, **II-14:50**
 - creating
 - British Columbia, **II-14:33**
 - general, **II-14:31**
 - issuable in series
 - British Columbia, **II-14:36**
 - general, **II-14:34**
 - Nova Scotia, **II-14:35**
 - Nova Scotia, **II-14:32**
- Notice provision, **II-6:48**
- Number of authorized, reducing limitations of
 - Alberta, **II-14:30**
 - British Columbia, **II-14:29**
 - general, **II-14:27**
 - Nova Scotia, **II-14:28**
- Pledge agreement, **II-21:14**
- Pre-emptive rights, **II-6:49**
- Preference, **II-6:4**
- Preferred
 - See PREFERRED SHARES
- Provisions
 - See SHARE PROVISIONS
- Purchase agreement, **II-33:6**
- Purchase obligations
 - See SHARE PROVISIONS
- Redemption
 - mandatory
 - annual, **II-6:38**
 - to purchase remaining shares, **II-6:39**

SHARES—Cont'd

Redemption—Cont'd

right to, **II-6:37**

Residue, of

See RESIDUE

Retirement

See RETIREMENT OF SHARES

Retraction

method of

fixed date, **II-6:42**

open date, **II-6:41**

payment, method of, **II-6:43**

right to, **II-6:40**

Rollover of

See ROLLOVER OF SHARES

Series, shares issuable in

directors' resolution authorizing, **II-6:8**

general provisions, **II-6:7**

Special clause re lien on, **II-1:61**

Alberta, **II-1:62**

Stock exchange listing

See STOCK EXCHANGE

Subdivision of a class into greater number of shares

general, **II-14:51**

Nova Scotia, **II-14:52**

Subscriptions for

See SUBSCRIPTIONS FOR SHARES

Transfer of

See TRANSFER OF SHARES

Transfer to client, consent to, **II-2:114**

Transfer to client of shares held in trust, direction re, **II-2:117**

Voting

See SHARE PROVISIONS

Winding-up

See SHARE PROVISIONS, liquidation

SHARES, ACQUISITION OPTIONS

Call option, **II-13:12**

Option agreement, **II-4:7**

Purchase, option, to, **II-13:12**

Resolutions

adopting stock option plan, **II-4:3**

authorizing options and conditionally allotting underlying shares for issuance upon exercise, **II-4:2**

granting options under plan, **II-4:6**

SHARES, ACQUISITION OPTIONS—Cont'd

- Stand alone agreement, **II-4:7**
- Stock option plan
 - private company, **II-4:5**
 - public company, **II-4:4**
 - resolution adopting, **II-4:3**
 - resolution granting, **II-4:6**

SHARES, ACQUISITION RIGHTS

- Share appreciation rights plan, **II-4:11**

SHARES, ACQUISITION WARRANTS

- Resolution approving warrant indenture and form of warrant certificate, authorizing issue of and conditional allotment of shares, **II-4:10**
- Warrant certificate, **II-4:9**
- Warrant indenture, **II-4:8**

SHERIFF

- Report on execution of writ
 - motion to require report
 - affidavit, **VIII-22:87**
 - notice of motion, **VIII-22:86**
 - order, **VIII-22:88**
 - notice of claim, **VIII-22:84**
 - request to report, **VIII-22:85**

SHIPPING

- See also INTERNATIONAL TRANSACTIONS
- Bills of lading, liner, **I-56:2**
- Charter parties
 - bareboat charter
 - barge, **I-56:6**
 - standard, **I-56:5**
 - general charter, uniform, **I-56:4**
 - time charter, uniform, **I-56:3**
- Deed of covenants, collateral to statutory mortgage, **I-56:1**

SHOPLIFTING

- Statement of claim, false arrest, **VIII-5:63**

SHOPPING CENTRE

- See RETAIL PREMISES

SHORT-TERM OCCUPANCY

- See COMMON AREAS; LICENCES; OFFICE PREMISES; RETAIL PREMISES

SHORT TITLE OF PROCEEDINGS

Action, application or appeal, **VIII-1:52**

Garnishment, **VIII-1:52**

Third party action, **VIII-1:52**

SHOTGUN AGREEMENTS

Shareholders' agreement provisions, **II-13:18**

SIDEWALKS

See HIGHWAYS

SIGNATURE, PASSING RESOLUTIONS AND BY-LAWS BY

See RESOLUTIONS, passing of by signature

SIGNATURE OF TESTATOR

See VIRTUAL SIGNING, COVID-19

Attestation

See ATTESTATION CLAUSES

SIGNIFICANT EVENTS

Policy, designation of, **IX-1:83**

SIGNS

See also ALTERATIONS BY TENANT; MAINTENANCE AND REPAIR;
SURRENDER OF PREMISES

Building name and signage rights

See BUILDING NAMING AND SIGNAGE RIGHTS

Industrial

lease provision, **IV-2:2; IV-2:3**

offer provision, **IV-1:11**

Licence agreement, **IV-9:3**

Medical building, **IV-10:5**

Multi-tenanted building offer provision, no form of lease, **IV-1:16**

Office lease provision, **IV-4:2-IV-4:4**

Pad lease provision, **IV-3:5; IV-3:6**

Pylon, **IV-5:40**

Retail

lease provision, **IV-3:2; IV-3:3**

offer provision, **IV-1:13**

Shopping centre lease provision, **IV-3:4**

Single-tenanted building offer provision

no form of lease, **IV-1:15**

with form of lease, **IV-1:14**

Special rights, **IV-3:5; IV-3:6**

SIMPLE WILLS

See OUTRIGHT DISTRIBUTIONS

SIMPLIFIED PROCEDURE

- Abandonment of claim by plaintiff, **VIII-31:8**
- Action, dismissal of on consent, **VIII-31:17**
- Consent, continue to, **VIII-31:11**
- Consent motions
 - addition of party, **VIII-31:14**
 - default judgment, setting aside of, **VIII-31:16**
 - dismissal of action, **VIII-31:17**
 - noting in default, setting aside of, **VIII-31:15**
- Default judgment, setting aside of, **VIII-31:16**
- Endorsement, originating process, **VIII-31:2**
- Motions
 - consent
 - See Consent motions, *supra*
 - general form, **VIII-31:12**
- Notice that action under rule 76, **VIII-31:9**
- Noting in default, setting aside of, **VIII-31:15**
- Objections to
 - defendant, by, statement of defence, in, **VIII-31:3**
 - defendant by counterclaim, by, statement of defence to counterclaim, in, **VIII-31:3**
 - defendant to crossclaim, by, defence to crossclaim, in, **VIII-31:5**
 - third party, by, third party defence, in, **VIII-31:6**
- Originating process endorsement, **VIII-31:2**
- Pre-trial conference, notice of readiness, **VIII-31:18**
- Statement of issues, **VIII-31:19**
- Summary trial
 - affidavit, **VIII-31:24**
 - cross-examine, notice of intention to, **VIII-31:25**
 - trial record
 - lawyer's certificate, **VIII-31:22**
 - table of contents, **VIII-31:21**
- Trial management checklist, **VIII-31:20**
- Trial record
 - lawyer's certificate, **VIII-31:22**
 - table of contents, **VIII-31:21**

SITE PLAN

- Adjacent property, **IX-4:191**
- Approval
 - delegation by-law, **IX-11:122**
 - expiry of, **IX-4:167**
- Approved plan, **IX-4:158**
- Archaeological matters, **IX-4:221**
- Art clause, **IX-4:213**

SITE PLAN—Cont'd

- Collateral agreement, **IX-4:150**
- Combined site plan and development agreement, **IX-4:147**
- Commentary, **IX-4:141**
- Completion, time limit, **IX-4:171**
- Compliance with
 - applicable plans, **IX-4:169**
 - approved plans, **IX-4:158**
- Condominium, assumption by, **IX-4:214**
- Contamination report, adjacent streets, **IX-4:195**
- Control, **IX-4:63**
- Curbs, **IX-4:180**
- Damage to municipal property, **IX-4:194**
- Deficiencies in work, **IX-4:161**
- Development agreement, **IX-4:142**
 - alternate, **IX-4:143-IX-4:145**
 - amending, **IX-4:142**
 - expansion of existing use, **IX-4:146**
- Easement, **IX-4:165**
- Electricity distribution lines, **IX-4:193**
- Elevations of building, **IX-4:209**
- Employees, hours of work, **IX-4:217**
- Enforceability of agreement, **IX-4:152; IX-4:153**
- Environmental matters, **IX-4:187-IX-4:189**
- Exterior design, **IX-4:176**
- Facilities, use of, **IX-4:162**
- Financial contribution, s. 37 agreement, **IX-4:173**
- Fire services, signs for, **IX-4:196**
- Flood proofing, **IX-4:186**
- Future amendments, **IX-4:157**
- Garbage storage facilities, **IX-4:197**
- Grading, **IX-4:178**
- Heritage portion of development, **IX-4:199**
- Inspect, no obligation to, **IX-4:168**
- Lands
 - access to, **IX-4:204**
 - development in phases, **IX-4:155**
 - no interest in, **IX-4:155**
 - public use of, **IX-4:203**
- Lane maintenance policy, **IX-4:211**
- Lawyer's certificate of title, **IX-4:148; IX-4:166**
- LEEDS certification, **IX-4:212**
- Master site plan approval, **IX-4:154**
- Mirrors, provision of, **IX-4:207**

SITE PLAN—Cont'd

- Modification to plan, **IX-4:156**
- Mortgages, **IX-4:215**
- Non-completion of work, **IX-4:171**
- Non-compliance, remedy for, **IX-4:158**
- Notice, **IX-4:175**
- Nuisance clause, **IX-4:177**
- Pads, **IX-4:182**
- Paving, **IX-4:179**
- Plans and drawings, modification to, **IX-4:156**
- Railway right-of-way, **IX-4:190**
- Release, **IX-10:14**
- Safe environment, **IX-4:184**
- Schedules, **IX-4:160**
- Section 37 agreement, **IX-4:173**
- Security, **IX-4:159; IX-4:184**
 - reduction of, **IX-4:160**
- Sediment and erosion control, **IX-4:185**
- Services
 - allocation of, **IX-4:174**
 - assumption of, **IX-4:172**
- Sewage disposal system, **IX-4:198**
- Shoreline revegetation, **IX-4:220**
- Sidewalks, **IX-4:208**
- Signage, **IX-4:195**
- Site condition, record of, **IX-4:170**
- Snow storage, **IX-4:205**
- Spill control, **IX-4:200**
- Storm water management, **IX-4:185**
- Street number signs, **IX-4:210**
- Subsoils report, **IX-4:219**
- Supervision, **IX-4:216**
- Transformer vaults, **IX-4:181**
- Transmission pipes, **IX-4:192**
- Trees, street, **IX-4:183**
- Waste management, **IX-4:197**
- Wells, **IX-4:201; IX-4:202**
- Window treatment, **IX-4:177**

SITE PLAN AGREEMENT

- Indemnity for, **IV-6:73**
- Separate agreement, **IV-6:74**
- Tenant requirement, **IV-6:72**

SLANDER

Statement of claim, **VIII-5:69**

SLIP

Amend judgment, motion to, **VIII-18:44-18:46**

SMALL CLAIMS COURT

Additional parties, **VIII-32:2**

Claim

defendant, of, **VIII-32:12**

defence to, **VIII-32:13**

plaintiff, of, **VIII-32:1**

defence to, **VIII-32:11**

Clerk, request to, **VIII-32:15**

Committal, warrant of, **VIII-32:49**

Conference

settlement, list of proposed witnesses, **VIII-32:26**

telephone, request for, **VIII-32:23**

video, request for, **VIII-32:23**

Consent order

clerk's order, **VIII-32:22**

request for, **VIII-32:21**

general form, **VIII-32:22**

Contested motions

affidavit, **VIII-32:25**

notice of motion, **VIII-32:24**

Debt, notice to co-owner of, **VIII-32:45**

Default judgment

assessment hearing in writing

affidavit, **VIII-32:19**

notice of motion, **VIII-32:18**

general form, **VIII-32:20**

jurisdiction, affidavit for, **VIII-32:17**

Default of payment

affidavit of, **VIII-32:52**

notice of, **VIII-32:51**

Delivery, writ of, **VIII-32:36**

Enforcement request, affidavit for, **VIII-32:35**

Examination, notice of, **VIII-32:47**

Financial information form, **VIII-32:48**

Garnishee's statement, **VIII-32:44**

Garnishment

hearing, notice of, **VIII-32:46**

notice of, **VIII-32:41**

Identification form, **VIII-32:50**

SMALL CLAIMS COURT—Cont'd

- Judgment, certificate of, **VIII-32:34**
- Litigation guardian, consent to act as, **VIII-32:4**
- Partner, notice to alleged, **VIII-32:5**
- Partnership
 - notice by, **VIII-32:7**
 - notice to, **VIII-32:6**
- Service, affidavit of, **VIII-32:14**
- Settlement
 - offer to settle, **VIII-32:27**
 - acceptance of, **VIII-32:28**
 - withdrawal of, notice of, **VIII-32:29**
 - terms of, **VIII-32:30**
- Sole proprietor, notice to alleged, **VIII-32:8**
- Sole proprietorship
 - notice by, **VIII-32:10**
 - notice to, **VIII-32:9**
- Warrant of committal, **VIII-32:49**
- Witness
 - defaulting, warrant for arrest of, **VIII-32:33**
 - summons to, **VIII-32:32**
- Writ
 - delivery, of, **VIII-32:36**
 - seizure and sale, of, **VIII-32:38**
 - affidavit for, **VIII-32:37**
 - renew, request to, **VIII-32:40**

SMOKING REGULATION

- By-law, **IX-11:41**
- Water pipes in public places and workplaces, **IX-11:62; IX-11:63**

SNOW

- Clearing warning, **IX-4:102**
- Storage of, **IX-4:205**

SOCIAL MEDIA AGREEMENTS

- General terms of use (municipality), **X-5:4**
- Privacy policy, **X-3A:2**
- Provision of services agreement, **X-5:3**
- User agreement, **X-5:1**

SOCIAL PROCUREMENT

- Policy, **IX-1:154**
- Program, **IX-1:153**

SOFTWARE

- Acceptance of, **X-8:119**

SOFTWARE—Cont'd

- Access to, **X-8:144**
- Acquisition of, **X-8:24**
- Activation notice, **X-8:116**
- Anti-virus warranty, **X-8:128**
- Applications, unique, definitions, **X-33:717**
- Asset purchase, **X-31:1**
- Assignment, **X-8:136**
- Backup, duty to, **X-8:145**
- Beta test site agreement, **X-8:13; X-8:14**
- Business partnership authorization agreement, **X-8:72**
- Commercial software products
 - See COMMERCIAL OFF-THE-SHELF SOFTWARE
- Confidentiality, **X-8:134; X-8:135**
- Conversion guide, **X-8:127**
- Copyright
 - patent, and, indemnity, **X-8:124**
 - permission of third party to use their material, **X-4:198**
- COTS
 - See COMMERCIAL OFF-THE-SHELF SOFTWARE
- CPU serial number, **X-8:126**
- Customer feedback, licence to use, **X-8:137**
- Dangerous environment, restrictions on use, **X-8:105**
- Datasets, open access
 - BC licence, **X-11:5**
 - BC policy, **X-11:4**
 - federal government, open government licence, **X-11:6**
 - Regional Municipality of York, principles and licence, **X-11:1**
 - Toronto policy, **X-11:1**
 - Toronto use provisions, **X-11:2**
- Definition, **X-33:650**
- Development agreement, **X-8:84**
 - Applciation Programming Interfact (API) and, **X-8:84.20**
 - consulting services, and, **X-8:81**
 - database, **X-8:77**
 - delivery and acceptance testing, **X-8:90**
 - domestic-foreign business alliance, **X-8:79**
 - independent contractor service agreement, **X-8:85**
 - integration licence, **X-8:89**
 - joint, **X-8:78; X-8:83**
 - mobile application software, **X-8:33; X-8:34**
 - OEM derivative product, **X-8:86**
 - ownership retained by developer, **X-8:80**
 - service, and, **X-8:82**

SOFTWARE—Cont'd

- Development agreement, **X-8:84—Cont'd**
 - software support integrated, **X-22:7**
 - specification agreement, **X-8:75; X-8:76**
 - strategic relationship agreement, **X-8:84.50**
 - vendor's assignment, **X-8:91**
- Distribution agreement, **X-8:70, 8:70.50**
 - business partnership authorization agreement, **X-8:72**
 - commercial exploitation, **X-8:73**
 - royalty agreement, and, **X-8:71**
- Distribution subject to restrictions, **X-8:141**
- Downloading of
 - See **WORLD WIDE WEB**
- Education and training, **X-8:125**
- End-user licence agreement, **X-4:208; X-4:222**
- End users, American government, **X-8:130**
- Evaluation agreement, **X-8:92**
 - engagement letter, **X-8:96**
 - independent review, **X-8:97**
 - licence, **X-4:202-X-4:204; X-8:95**
 - non-disclosure, **X-2:29**
 - software as a service, **X-8:93**
 - time limited software, **X-8:94**
- Filtering, **X-4:287**
- Information on cloud computing, request for, **X-13:2**
- Installation services, **X-8:127**
- Intellectual property rights, **X-8:112**
- Licence agreement, **X-8:70.50**
 - beta test site agreement, **X-8:13**
 - client and server, **X-8:10**
 - development kit agreement, **X-10:6**
 - end user, **X-8:16**
 - definition of, **X-8:143**
 - general, **X-8:7; X-8:28**
 - grant, of, **X-8:101**
 - differentiation of systems, clause specifying, **X-8:108**
 - intellectual property limitation, on, **X-8:104**
 - non-commercial use, **X-8:103**
 - hardware, accompanying
 - operation on, **X-8:32**
 - warranty, **X-8:32**
 - installation agreements and settings, **X-8:153**
 - international program licence agreement, **X-8:6**
 - letter of intent, **X-32:10**

SOFTWARE—Cont'd

- Licence agreement, **X-8:70.50**—Cont'd
 - maintenance and support, **X-8:25**
 - market and sub-licence anywhere in territory, exclusive, **X-29:4**
 - OEM agreement, derivative product, **X-8:86**
 - perpetual end user, **X-8:31**
 - product use and development, **X-8:27**
 - prohibition on use of images, **X-8:100**
 - right-to-update (multi-use), **X-8:15**
 - services
 - and, **X-8:19-X-8:21; X-8:25**
 - limitations on, **X-8:142**
 - single use, **X-8:8**
 - site agreement, **X-8:11**
 - comprehensive, **X-8:12**
 - subscription agreement, **X-8:30**
 - trial period, **X-8:140**
 - supplier's agreement, **X-8:4; X-8:5**
 - support, and, **X-8:22; X-8:23**
 - territorial hosting license agreement for gaming platform, **X-8:27.50**
 - third party content, **X-4:200**
 - trialware, **X-8:17**
 - update agreement, right to, **X-8:15**
 - user oriented, **X-8:29**
 - vendor oriented, **X-8:9**
- Maintenance and support, **X-6:10; X-8:25; X-8:121; X-22:8**
- Malicious code, disabling code, **X-33:152.70**
- Modifications and use, **X-8:115**
- Modify, permission to, **X-8:118**
- New, **X-33:157.50**
- Non-commercial use, **X-8:103; X-8:110**
- Open source
 - commentary, **X-10:1**
 - creative commons, **X-10:3**
 - definition, **X-33:545**
 - GNU general public license, **X-10:2**
 - intellectual property representations, **X-8:66**
 - perpetual licence, **X-10:4**
 - proprietary software, in combination with, **X-8:65**
 - submissions and intellectual property rights, **X-10:5**
 - terms of service, development kit license agreement, **X-10:7**
 - terms of service under creative commons licence (U.S. form), **X-10:6**
- Patent and copyright indemnity, **X-8:124**
- Proposal, request for, **X-13:3**

SOFTWARE—Cont'd

- Proprietary markings on documentation, **X-8:99**
- Purchase grant, **X-8:133**
- Representations and warranties, **X-8:132**
- Restricted rights, American government, **X-8:129**
- Restrictions on
 - distribution, **X-8:141**
 - use, **X-8:106**
 - dangerous or threatening environment, **X-8:105**
- SaaS
 - charges, obligations for payment, renewals, **X-33:42.50**
 - master services agreement, **24:4**
 - server hosting, **X-4:78**
 - terms and conditions, **9:33.70**
 - terms of use agreement, **9:33.30**
- Server licence, **X-8:111**
- Service, software as
 - See SaaS, *supra*
- Services
 - additional, non-provision of, **X-8:123**
 - Application Programming Interface (API), **X-33:247.50**
 - implementation agreement, **X-8:18**
 - limitations on, **X-8:109; X-8:142**
- Services and licence agreement, **X-8:19; X-8:20**
- Source code escrow provisions, **X-8:122; X-25:0.50; X-25:1**
- Sublicence, **X-8:67**
 - access, system, **X-8:68**
 - right to grant, **X-8:114**
- Subscription licence agreement, **X-8:30**
 - trial period, **X-8:140**
- Supply of, **X-8:24**
- Support, definition, **X-33:687**
- Support services, **X-22:4-X-22:7**
 - development agreement, and, **X-22:6**
- Technical support, **X-22:9**
- Term and termination, **X-8:107**
- Terms for various user situations, **X-8:113**
- Term Sheet software partner alliance program, **X-21:7; 29:16**
- Third party software, inclusion of, **X-8:138**
- Third party websites and advertisers, links to, **X-8:146**
- Training, **X-8:98; X-8:125**
 - customer service, **X-8:98**
 - warranties, and, **X-8:131**
- Trial period, subscription, **X-8:140**

SOFTWARE—Cont'd

- Trial programs, **X-8:139**
- Update system, online, **X-8:117**
- Use and conditions, **X-8:102**
- Use and modifications, **X-8:115**
- Waiver
 - class actions, **X-33:120**
- Warranties
 - anti-virus, **X-8:128**
 - product, **X-8:120**
 - representations, and, **X-8:132**
 - termination, and, **X-8:131**

SOLE PROPRIETORSHIP

- Affidavit of service, **VIII-3:14**
- Disclose, notice to, **VIII-2:7**
- Notice to alleged sole proprietor, **VIII-2:6**
- Title of proceedings, **VIII-2:8**

SOLICITOR AND CLIENT COSTS

- See **COSTS**

SOLICITORS

- See **LAWYERS**

SOLICITOR'S RECORD OF WILL

- Keeping of, **V-2:6**

SOLVENCY

- See **CERTIFICATE**, officer's

SOURCE CODE ESCROW

- Agreement
 - intellectual property license and escrow, **X-25:3.70**
 - single beneficiary, **X-25:0.50; 25:3**
 - three party, **X-25:3.50; X-25:4; X-25:5**
 - beneficiary, master, **X-25:7**
 - depositor, master, **X-25:6**
 - two party, **X-25:1**
 - beneficiary add-on, **X-25:2**
- SaaS, three party, **X-9:28; X-25:8**
 - hosted application, **X-9:29; X-25:9**
 - master software licence agreement, under, **X-25:10**
- Software licence provisions, **X-8:122**

SPECIAL CASE

- General form of, **VIII-6:42**
- Motion for removal into Court of Appeal, **VIII-6:44-6:46**

SPECIAL CLAUSES

See INCORPORATION

SPECIAL DAMAGES

Prayer for relief

ascertained amount, **VIII-4:2**

unknown amount, **VIII-4:11**

SPECIAL EVENTS

Policy, **IX-1:60**

SPECIE DISTRIBUTION

See DIVISION IN SPECIE

SPECIFIC PERFORMANCE

Judgment, form of

chattel, **VIII-18:19**

land

abatement, **VIII-18:21**

general, **VIII-18:20**

Offer to settle claim for, **VIII-21:20**

Prayer for relief, **VIII-4:19**

Statement of claim

goods, **VIII-5:8**

land

against purchaser, **VIII-5:31**

against vendor, **VIII-5:30**

Statement of defence

claim by purchaser, to, **VIII-5:34**

“SPILL-OVER” TRUST

Clause, **V-43:5**

SPORTS CLUB

Use of facilities agreement, **IX-3:44**

SPORTS FIELD

Allocation policy, **IX-3:56**

Use of, specific terms and conditions, **IX-3:60**

SPOUSAL SUPPORT

Affidavit, **VI-13:9**

Consumer price index, **VI-1:81**

General, **VI-2:104**

Notice of motion, **VI-13:8**

Order, **VI-13:10**

Retroactive provisions, **VI-2:79**

SPOUSAL SUPPORT—Cont'd

Separation agreement provisions

See SEPARATION AGREEMENT

Variation of, **VI-2:80**

SPOUSAL TRUST

Agreement, **V-42:8**

STAMP COLLECTION

Appointment of special executor for, **V-6:39**

STANDARD TRACK

See CASE MANAGEMENT

STANDSTILL

Agreements, **IX-10:16**

STATED CAPITAL

See CAPITAL

STATEMENT

Issues, of, simplified procedure, **VIII-31:19**

Witness statement outline, **VIII-1:13**

STATEMENT OF AGREED FACTS

Commentary, **VIII-17:30**

Statement, **VIII-17:31**

STATEMENT OF CLAIM

See also CONTRACTS; TORTS

Action, where action commenced by notice of, **VIII-4:3**

Animal bite, dog, **VIII-5:81**

dog on dog, **VIII-5:82**

wild animal, **VIII-5:83**

Arrest, false, **VIII-5:63**

Assault and battery, **VIII-5:61**

Bailment, **VIII-5:104**

Breach of restrictive covenant, damages for, **VIII-5:28**

Commentary, **VIII-4:1**

Commercial lease

breach of agreement, **VIII-5:52**

breach of unexecuted lease, **VIII-5:50**

distress, illegal, damages for, **VIII-5:54**

Construction

construction lien, **VIII-5:58**

contractor's claim, **VIII-5:55**

owner's claim, deficient work, **VIII-5:56**

Contractual bonus, **VIII-5:27**

STATEMENT OF CLAIM—Cont’d

- Contractual misrepresentation, **VIII-5:43**
 - misrepresentation inducing contract, **VIII-5:45**
- Conversion, **VIII-5:68**
- Copyright infringement, **VIII-5:108**
- Defamation, **VIII-5:69**
- Escape of fire, **VIII-5:80**
- Escape of water, **VIII-5:79**
- Extend time to serve, motion for, **VIII-1:110**
- Family members’ claims
 - fatal motor vehicle accident, **VIII-5:106**
 - unsafe premises, **VIII-5:107**
- Fiduciary duty, breach of by departed employee, **VIII-5:105**
- Foreclosure, **VIII-4:4**
- Foreign judgment enforcement, **VIII-5:102**
- Fraud and deceit (breach of trust), **VIII-5:77**
- General form, **VIII-4:2**
- Imprisonment, false, **VIII-5:63**
- Insurance
 - agent, against
 - failure to obtain available coverage, **VIII-5:40**
 - failure to obtain sufficient coverage, **VIII-5:41**
 - declaration as to coverage, **VIII-5:42**
 - disability, **VIII-5:39**
 - fire insurance proceeds, **VIII-5:38**
- Invasion of privacy (intrusion and seclusion), **VIII-5:73**
 - life insurance proceeds, **VIII-5:37**
- Lease
 - See Commercial lease, *infra*
- Loan, unpaid, **VIII-5:36**
- Malicious prosecution, **VIII-5:65; VIII-5:66**
- Malpractice
 - dental, **VIII-5:86**
 - hospital, **VIII-5:85**
 - lawyer, **VIII-5:87**
 - medical, **VIII-5:84**
- Medical battery, **VIII-5:62**
- Money paid in error, **VIII-5:103**
- Motor vehicle, rear end collision, **VIII-5:70**
- Occupiers’ liability
 - hazard on premises, **VIII-5:94**
 - icy walkway, **VIII-5:91**
 - parking garage, **VIII-5:92**
 - pavement, uneven, **VIII-5:92**

STATEMENT OF CLAIM—Cont'd

Occupiers' liability—Cont'd

premises, **VIII-5:89**

restaurant, **VIII-5:95; VIII-5:96**

retail premises, **VIII-5:93**

Prayer for relief

See PRAYER FOR RELIEF

Product liability

consumer product, **VIII-5:98**

drug, **VIII-5:97**

Rear end collision, **VIII-5:70**

Sale of goods

collection

design and supply of, **VIII-5:5**

running account, **VIII-5:3**

specific items, **VIII-5:2**

unpaid invoices, **VIII-5:4**

damages

collateral contract, breach of, **VIII-5:10**

non-acceptance, for, **VIII-5:6**

non-delivery, for, **VIII-5:7**

warranty, breach of, **VIII-5:9**

specific performance, **VIII-5:8**

Sale of land

damages, failure to close, **VIII-5:32**

mortgage action, **VIII-4:5**

rectification, **VIII-5:33**

specific performance

purchaser, against, **VIII-5:31**

vendor, against, **VIII-5:30**

Services

See CONTRACT, statement of claim

Trespass to adjoining property, **VIII-5:75**

Wrongful dismissal, **VIII-5:47**

constructive dismissal, **VIII-5:49**

STATEMENT OF DEFENCE

Admission in, motion for withdrawal of, **VIII-6:83**

Commentary, **VIII-4:34**

Commercial lease, to claim for breach of, **VIII-5:51; VIII-5:53**

Contractual misrepresentation, to claim for, **VIII-5:44**

Extend time to deliver, motion for, **VIII-1:114**

General form, **VIII-4:35**

Occupiers' liability, to claim for, **VIII-5:90**

Payment, claim for, **VIII-5:11**

STATEMENT OF DEFENCE—Cont’d

- Product liability, consumer product, **VIII-5:99**
- Rear end collision, **VIII-5:71**
- Services, to claim for unsatisfactory
 - customs broker, **VIII-5:26**
 - promotional deliveries, **VIII-5:24**
- Specific performance, to claim for
 - by purchaser, **VIII-5:34**
 - by vendor, **VIII-5:35**
- Strike, motion to where no reasonable defence, **VIII-6:59**
- Wrongful dismissal, to claim for, cause asserted, **VIII-5:48**

STATUS CERTIFICATE

- See ASSIGNMENT AND SUBLEASES

STATUS HEARINGS

- Commentary, **VIII-16:1**
- Notice of
 - to defendant client, **VIII-16:3**
 - to plaintiff client, **VIII-16:2**
- Notice of dismissal
 - by registrar to defendant client, **VIII-16:7**
 - by registrar to plaintiff client, **VIII-16:6**
- Notice to
 - Children’s Lawyer by defendant, **VIII-16:4**
 - defendant client, **VIII-16:3**
 - plaintiff client, **VIII-16:2**
 - Public Guardian and Trustee by defendant, **VIII-16:5**
 - registrar requiring status hearing, **VIII-16:9**
- Request for
 - commentary, **VIII-16:8**
 - notice to registrar, **VIII-16:9**
 - order, **VIII-16:11**
 - timetable, **VIII-16:10**

STATUS REVIEW

- See CHILD PROTECTION AND STATUS REVIEW

STATUTES

- Compliance with, clause, **X-33:140; X-33:141**

STATUTORY DECLARATIONS

- See also DECLARATIONS
- Application for incorporation (Nova Scotia), **II-1:50**
- Attestation, **I-4:73**
- Attorney signing for principal, by, **I-3:27**

STATUTORY DECLARATIONS—Cont'd

Director or officer of amalgamating corporation (federal)

Alberta, **II-15:18**

British Columbia, **II-15:19**

federal, **II-15:17**

Manitoba, **II-15:17**

Saskatchewan, **II-15:17**

Documents, declarations as to

alteration made before execution, **I-3:22**

execution by two witnesses, **I-3:23**

mailing of, **I-3:24**

publication in newspaper, **I-3:25**

signature

deceased person, by, **I-3:20**

document, on, **I-3:19**

translation true and correct, **I-3:26**

true copy, **I-3:17**

General forms

one person, **I-3:15**

several persons, **I-3:16**

I

STAY OF ORDER PENDING APPEAL

Certificate of, **VI-24:17**

Lifting of, **VI-24:16**

Motion for, **VI-24:15**

STAY OR DISMISS, MOTION TO

Another proceeding elsewhere

commentary, **VIII-6:14**

pending before a foreign court, **VIII-6:15-6:18**

pending before an Ontario tribunal, **VIII-6:19-6:21**

prior Ontario action pending, **VIII-6:22-6:24**

Arbitration Act, under, **VIII-6:33-6:36**

Defendant without capacity, **VIII-6:10-6:13**

Failure to comply with interlocutory order

motion to dismiss, **VIII-22:78-22:80**

motion to stay, **VIII-22:75-22:77**

Failure to respond to a demand for declaration of residence, **VIII-25:11-25:13**

Frivolous or vexatious, **VIII-6:25-6:28**

General commentary, **VIII-6:1**

General stay, **VIII-6:29-6:32**

No jurisdiction over subject-matter, **VIII-6:2-6:5**

Plaintiff without capacity, **VIII-6:6-6:9**

Unpaid costs, **VIII-23:79-23:81**

STEPCHILDREN

Provision for, **V-28:5; 28:6**

STOCK

See CORPORATE SHARES; LIVESTOCK

STOCK DIVIDENDS

Directions concerning treatment as capital or income, **V-24:8-V-24:12**

Power to compensate income beneficiary when received, **V-24:13**

STOCK EXCHANGE

See also LISTING OF SECURITIES

Additional listing, notice letter, **II-27:2**

Applications

CUSIP number, **II-27:3**

letter with document list, original listing, **II-27:4**

Bids

See TAKEOVER BIDS

Continuous disclosure, letter to re, **II-32:4**

Imposed majority by, information circular, **II-12:26**

Issuer bid, **II-29:35**

Opinion of counsel to, **II-27:4**

TSX Venture Exchange, **II-27:5**

STOCK OPTIONS

Adoption of plan, resolution, **II-4:3**

Authorization of and allocation of, resolution, **II-4:2**

Granting of, resolution, **II-4:6**

Power to take up, **V-19:27; V-19:28; V-23:21**

Private company plan, **II-4:5**

Public company plan, **II-4:4**

Stand alone agreement, **II-4:7**

STOP ORDER

Motion for, **VIII-20:33-20:36**

Order, general form, **VIII-18:11**

Payment out after stop order, **VIII-20:37-20:39**

STORAGE

Lease provision, **IV-5:22**

Licence agreement, **IV-5:23**

STREETS

See HIGHWAYS

STREET SIGNS

See HIGHWAYS

STREET VENDING

Agreement, **IX-5:21**

By-law, **IX-11:138**

STRIKE, MOTION TO

Abuse of process, **VIII-6:71-6:74**

Defence

for failure to make payment into court as ordered on prior motion for summary judgment, **VIII-8:18-8:21**

for failure to obey interlocutory order, **VIII-22:81**

Jury notice

jury trial inappropriate

commentary, **VIII-15:17-15:24**

form of, **VIII-15:25**

order, **VIII-15:26**

late delivery of

affidavit, **VIII-15:22**

commentary, **VIII-15:20**

form of, **VIII-15:21**

order, **VIII-15:23**

prohibited by statute

commentary, **VIII-15:17**

form of, **VIII-15:18**

order, **VIII-15:19**

No reasonable cause of action, **VIII-6:57**

No reasonable defence, **VIII-6:59**

Prejudice or delay trial, **VIII-6:62-6:65**

Scandalous, frivolous or vexatious, **VIII-6:66-6:70**

STRIKE AND LOCKOUT

See also **UNLAWFUL LOCKOUT; UNLAWFUL STRIKE**

Administration of legislation

Alberta, **VII-15:30**

British Columbia, **VII-15:22**

federal, **VII-15:2**

Manitoba, **VII-15:34**

Nova Scotia, **VII-15:40**

Ontario, **VII-15:10**

Saskatchewan, **VII-15:39**

Applications

employee status regarding, Ontario, **VII-15:14**

notice to responding party, **VII-15:16**

response/intervention, **VII-15:15**

Labour Relations Board, Part V, British Columbia, **VII-15:24**

lockout vote, board-supervised, Alberta, **VII-15:31**

STRIKE AND LOCKOUT—Cont'd

Applications—Cont'd

strike vote, board-supervised, Alberta, **VII-15:31**
 strike vote invalid, declaration that, federal, **VII-15:8**
 unlawful conduct, declaration that, federal, **VII-15:9**

unlawful lockout, declaration of

British Columbia, **VII-15:22**

federal, **VII-15:2; VII-15:5**

reply, **VII-15:6**

Manitoba, **VII-15:34**

Ontario, **VII-15:10; VII-15:11**

notice to responding party, **VII-15:13**

response, **VII-15:12**

unlawful strike, declaration of

British Columbia, **VII-15:22; VII-15:24**

federal, **VII-15:2; VII-15:3**

reply, **VII-15:4**

Manitoba, **VII-15:34**

Ontario, **VII-15:10; VII-15:11**

notice to responding party, **VII-15:13**

response, **VII-15:12**

Arbitration after 60 days of strike or lockout, Manitoba, **VII-15:34**

Collective agreement provision, **VII-18:16**

Complaint, unfair labour practice

Alberta, **VII-15:32**

British Columbia, **VII-15:23**

Employee status application, Ontario, **VII-15:14**

notice to responding party, **VII-15:16**

response/intervention, **VII-15:15**

Enforcement, federal, **VII-15:2**

Essential services

determination

application, **VII-15:38.20**

reply, **VII-15:38.30**

consent, **VII-15:38.10**

review application during lockout or legal, **VII-15:38.70**

settlement

application, **VII-15:38.40**

reply, **VII-15:38.50**

substantial interference application, **VII-15:38.60**

Firefighters, prohibition on strike or lockout, Nova Scotia, **VII-15:40**

Injunctions

British Columbia, **VII-15:22**

affidavit, **VII-15:28**

STRIKE AND LOCKOUT—Cont'd

Injunctions—Cont'd

British Columbia, **VII-15:22**—Cont'd

application response, **VII-15:29**

notice of application, **VII-15:27**

notice of civil claim, **VII-15:25**

response to civil claim, **VII-15:26**

Manitoba, **VII-15:34**

motion for, **VII-15:37**

unfair labour practice, **VII-15:38**

Ontario, **VII-15:10**

affidavits, **VII-15:20**

information for court use, **VII-15:18**

notice of motion, **VII-15:19**

order, **VII-15:21**

statement of claim, **VII-15:17**

Saskatchewan, **VII-15:39**

Legislation

Alberta, **VII-15:30**

British Columbia, **VII-15:22**

federal, **VII-15:2**

Manitoba, **VII-15:34**

Nova Scotia, **VII-15:40**

Ontario, **VII-15:10**

Saskatchewan, **VII-15:39**

Lockout vote, Alberta

application for board-supervised, **VII-11:157; VII-15:31**

ballot, **VII-11:156**

declaration of, **VII-11:160**

notice of, **VII-11:155**

Police, prohibition on strike or lockout, Nova Scotia, **VII-15:40**

Restrictions on, Nova Scotia, **VII-15:40**

Statement of claim, picketing violations, Ontario, **VII-15:17**

notice of motion, **VII-15:19**

Strike vote, Alberta

application for board-supervised, **VII-11:157; VII-15:31**

ballot, **VII-11:156**

declaration of, **VII-11:159; VII-15:33**

notice of, **VII-11:154**

Strike vote, federal

invalidity of, application for declaration, **VII-15:8**

statement respecting, **VII-15:7**

Unfair labour practice complaint

Alberta, **VII-15:32**

STRIKE AND LOCKOUT—Cont'd

- Unfair labour practice complaint—Cont'd
 - British Columbia, **VII-15:23**
- Unlawful conduct declaration, federal, **VII-15:9**
- Unlawful lockout declaration or direction
 - British Columbia, **VII-15:22**
 - federal, **VII-15:2**
 - application, **VII-15:5**
 - reply, **VII-15:6**
 - Manitoba, **VII-15:34**
 - Ontario, **VII-15:10**
 - application, **VII-15:11**
 - response, **VII-15:12**
- Unlawful strike declaration or direction
 - British Columbia, **VII-15:22**
 - application, **VII-15:24**
 - federal, **VII-15:2**
 - application, **VII-15:3**
 - reply, **VII-15:4**
 - Manitoba, **VII-15:34**
 - Ontario, **VII-15:10**
 - application, **VII-15:11**
 - response, **VII-15:12**
- Work stoppage, complaint, **VII-15:40**

STRUCTURED SETTLEMENT

- Offer to settle, **VIII-21:30**

STYLE OF CAUSE

- See HEADINGS; TITLE OF PROCEEDINGS

SUBDIVISION

- Accessibility requirements, **IX-4:134**
- Acknowledgment agreement, **IX-4:46**
- Adjacent land, impact on, **IX-4:114**
- Agreement, **IX-4:35; IX-4:36**
 - acknowledgment of, **IX-4:41**
 - assumption of, **IX-4:41**
- Approval, lapsing of, **IX-4:74**
- Archaeological assessment and resources, **IX-4:111**
- Architectural design guidelines, **IX-4:75**
- Bird nesting report, **IX-4:135**
- Building permits requirements for, **IX-4:68**
- By-laws
 - See BY-LAWS, planning and zoning
- Catch basins, **IX-4:85**

SUBDIVISION—Cont'd

- Commentary, **IX-4:34**
- Completion of work, authorization, **IX-4:71**
- Compliance, letter of, **IX-4:116**
- Consent agreement, **IX-4:44**
 - severance of land, **IX-4:45**
- Conservation authority, **IX-4:133**
- Construction
 - commencement of matters, preliminary to, **IX-4:54**
 - management plan, **IX-4:54**
 - municipal services prior to approval, **IX-4:66**
 - release for, **IX-4:54**
- Core services, provision of, **IX-4:65**
- Cottage matters, **IX-4:129; IX-4:130**
- Cul-de-sac, reconstruction of, **IX-4:96**
- Deposit held by municipality, **IX-4:58**
- Development
 - charges, **IX-4:51**
 - credits, **IX-4:52**
 - notice of, **IX-4:53**
 - deferred, **IX-4:64**
- Electricity
 - agreement, **IX-4:123**
 - supply of, **IX-4:124**
 - transmission lines, **IX-4:139**
- Environmental issues
 - impact, **IX-4:114**
 - soil remediation, **IX-4:119**
- Erosion and sediment control, **IX-4:78**
- Financial requirements, **IX-4:56**
- Fire services, **IX-4:125**
- Fisheries, **IX-4:136**
- Flood elevations, **IX-4:122**
- Gas lines, installation of, **IX-4:84**
- Grading
 - drainage, and, **IX-4:76**
 - drilling, and, **IX-4:77**
- Heritage
 - plaque, **IX-4:128**
 - resources, **IX-4:111**
- Human remains, discovery of, **IX-4:112**
- Infrastructure costs, reimbursement of, **IX-4:60**
- Inhibiting order, **IX-4:38**

SUBDIVISION—Cont'd

Land

conveyances, **IX-4:109**

surveyor, statement of, **IX-4:61**

Landfill site, adjacent, former, **IX-4:115**

Methane gas control, **IX-4:120**

Nitrate removal systems, **IX-4:121**

Noise

vibration attenuation, and, **IX-4:80**

warning, **IX-4:81**

Occupancy

building official, without consent of, consequences, **IX-4:70**

permit, **IX-4:69**

Off-site storm water management pond, **IX-4:86**

Parking, street, **IX-4:100**

warning clause, **IX-4:101**

Parkland

cash-in-lieu, **IX-4:137**

fencing for, **IX-4:107**

improvements, **IX-4:110**

trail plan, **IX-4:126**

warning, and, **IX-4:108**

Payment of fees, **IX-4:59**

Peer review reports, cost to, **IX-4:57**

Phasing, **IX-4:73**

Plan registration, **IX-4:49**

Postal services, **IX-4:127**

Pre-servicing agreement, **IX-4:39; IX-4:40**

clause, **IX-4:66**

Priority of agreement, **IX-4:50**

Property identification, **IX-4:140**

Railway, impacts, **IX-4:113**

Roads, **IX-4:100**

regional, improvements, **IX-4:97**

temporary access, **IX-4:98**

traffic monitoring, **IX-4:99**

Rural living, brochure, **IX-4:130**

Rural services, **IX-4:129**

School facilities, **IX-4:119**

Security policy, **IX-4:48**

Sediment control, **IX-4:78**

Services

assumption of, **IX-4:62**

postal, **IX-4:127**

SUBDIVISION—Cont'd

Services—Cont'd

pre-servicing, **IX-4:66**

rural, **IX-4:129**

sewer system, **IX-4:87**

temporary, **IX-4:67**

Severance of land, consent to, **IX-4:45**

Sewage and water allocation, **IX-4:72**

Site plan control, **IX-4:63**

Snow clearing warning, **IX-4:102**

Soil

remediation, **IX-4:119**

testing, **IX-4:79**

Storm water management facilities, **IX-4:85**

Street tree planting, **IX-4:104**

Sump pump system, **IX-4:89**

Supplementary agreement, **IX-4:37**

Survey monumentation, **IX-4:62**

Telecommunications service

access to lands for, **IX-4:92**

provider, **IX-4:93**

warning notice, **IX-4:82**

Traffic monitoring, **IX-4:99**

Trail plan, **IX-4:126**

Trees

invasive species, **IX-4:105**

preservation of, **IX-4:106**

street planting, **IX-4:104**

Turning circle agreement, **IX-4:47**

Utilities

location of, **IX-4:83**

upgrades to, **IX-4:88**

Water supply, **IX-4:90; IX-4:129**

Water treatment, **IX-4:91**

Well monitoring, **IX-4:133**

Wetland, adjacent provincially significant, **IX-4:138**

SUBJECT-MATTER

No jurisdiction over, **VIII-6:2-6:5**

SUBLEASES

See ASSIGNMENT AND SUBLEASES

SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT

Acknowledgment, **IV-4:4**

SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT

—Cont'd

- Agreements
 - commentary, **IV-13:1**
 - from head landlord, **IV-11:4; IV-11:5**
 - long form, **IV-13:3**
 - short form, **IV-13:2**
- Attorney, **IV-4:4**
- Attornment, **IV-3:4; IV-4:4**
- Certification, **IV-3:4**
- Execution of instruments, **IV-3:4**
- Landlord as mortgagee in possession, **IV-6:55**
- Lease provisions
 - cart lease, **IV-3:7**
 - gross lease, **IV-2:4**
 - ground, **IV-10:2**
 - industrial, **IV-2:2; IV-2:3**
 - kiosk lease, **IV-3:7**
 - leaseback, **IV-10:3**
 - medical building, **IV-10:5**
 - office, **IV-4:2-IV-4:4**
 - pad, **IV-3:5; IV-3:6**
 - retail, **IV-3:2; IV-3:3**
 - shopping centre, **IV-3:4**
 - veterinary clinic/hospital, **IV-10:6**
- Mortgagee in possession, landlord as, **IV-6:55**
- Notices of attornment
 - rents, **IV-13:9**
 - tenant and rents, **IV-13:10**

SUBORDINATION AGREEMENTS

- See also **GUARANTEES**
- I (Personal Property Security), IV (Subordination, Non-disturbance and Attornment)
- Secured debt, **II-21:42**
- Unsecured debt, **II-21:41**

SUBSCRIPTIONS

- Unexpired gift of, **V-8:69**

SUBSCRIPTIONS FOR SHARES

- Accredited investors, **II-3:1**
 - certificate, **II-3:3**
 - form for, **II-3:7**
 - private placement of common shares, brokered, **II-23:13**

SUBSCRIPTIONS FOR SHARES—Cont'd

- Family/friends/business associates
certificate, **II-3:4**
risk acknowledgment form, **II-3:8**
- Limited partnership units, private placement of, **II-23:12**
- Manitoba, **II-2:131**
- Minimum amount investment certificate, **II-3:5**
- Non-resident subscriber, **II-3:2**
- Private issuer
certificate, **II-3:6**
private placement by, **II-23:11**
- Short form agreement, **II-3:1**

SUBSEQUENT ACTION

- Motion to stay subsequent action dismissed for delay
affidavit, **VIII-16:29**
commentary, **VIII-16:27**
notice of motion, **VIII-16:28**
order, **VIII-16:30**

SUBSIDIARY CLAIMS

- Judgment where dismissed, **VIII-18:35**

SUBSTITUTED SERVICE

- Motion for, **VIII-3:33**

SUBSTITUTIONARY LEGACIES

- Specific gifts, **V-11:74; V-11:75**

SUBWAY LEVY

- Agreements, **IX-4:225**

SUCCESSION DUTY

- See DEBTS AND DUTIES

SUMMARY JUDGMENT

- Leave to serve summary judgment motion with statement of claim, **VIII-8:9-8:11**
- Motion for
 - by defendant, **VIII-8:12-8:14**
 - by plaintiff, **VIII-8:3-8:8**
 - case information sheet, **VIII-8:8**
 - failure to abide by terms imposed on prior motion
 - failure to make payment into court, **VIII-8:18-8:21**
 - security for costs unpaid, **VIII-8:15-8:17**

SUMMARY TRIAL

- Affidavit, **VIII-31:24**

SUMMARY TRIAL—Cont'd

Cross-examine, notice of intention to, **VIII-31:25**
 Lawyer's certificate, **VIII-31:22**
 Trial record, **VIII-31:21**

SUMMER HOME

See RESIDENCE

SUMMONS

Discovery
 Ontario resident, **VIII-10:16**
 person outside Ontario, **VIII-10:17**
 Evidence for motion
 hearing, at, **VIII-13:46**
 interprovincial, **VIII-13:44**
 witness in Ontario, **VIII-13:43**
 Examination out of court, **VIII-27:138**
 Set aside summons, motion to
 affidavit, **VIII-13:50**
 form of, **VIII-13:49**
 order, **VIII-13:51**
 Substituted service
 affidavit
 lawyer, **VIII-17:14**
 process server, **VIII-17:13**
 commentary, **VIII-17:11**
 motion for, **VIII-17:12**
 order, **VIII-17:15**
 Trial
 witness in Ontario, **VIII-17:9**
 witness outside Ontario, **VIII-17:10**

SUPPORT

See also ENFORCEMENT
 Children, of
 See CHILDREN; CHILD SUPPORT
 Claim, financial statement, **VI-7:4; VI-7:5**
 Deduction order, **VI-13:11**
 information form, **VI-13:12**
 Indexed support, statutory declaration of, **VI-25:34**
 Interjurisdictional proceedings
 See INTERJURISDICTIONAL SUPPORT ISSUES
 Spousal
 See SPOUSAL SUPPORT
 Temporary orders
 See TEMPORARY ORDERS

SURRENDER OF PREMISES

Current surrender, **IV-11:19**

End of term, lease provision, at

cart lease, **IV-3:7**

gross lease, **IV-2:4**

industrial, **IV-2:2; IV-2:3**

kiosk lease, **IV-3:7**

leaseback, **IV-10:3**

medical building, **IV-10:5**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

retail, **IV-3:2**

shopping centre, **IV-3:4**

Future surrender

full, lease amendment, **IV-11:20**

partial, lease amendment, **IV-11:21**

SURVEY

Motion for inspection to permit, **VIII-11:5-11:7**

SWIMMING POOL

Health Promotion and Protection Act orders, **IX-7:4**

SYSTEM ACQUISITIONS

Acceptance test, **X-13:30**

Acceptance testing (alternate), **X-13:30.50**

Acceptance test plan and acceptance procedures, **X-13:31**

Access to equipment, **X-13:33**

Acquisition agreement, **X-13:24; X-13:25**

Availability of replacement parts, **X-13:70**

Building space and plans, **X-13:47**

Change order request form, **X-13:36**

Changes in terms and conditions, **X-13:37; X-13:38**

Changes in work, **X-13:40**

Changes to terms and rates, **X-13:39**

Checklist systems development due diligence, **X-13:1.50**

Chronological tests and acceptance procedures, **X-13:32**

Cloud computing, request for information, **X-13:2**

Controlling future maintenance costs, **X-13:57**

Delivery and installation of hardware, **X-13:46**

Distribution and support of integrated hardware and related services, **X-13:29**

Electronic data exchange system, terms and conditions, **X-13:28**

Entire agreement and conflicts, **X-13:42**

Equipment

lease of, maintenance agreement, with, **X-13:21**

Field change order modifications and repairs, **X-13:35**

SYSTEM ACQUISITIONS—Cont'dField modifications, **X-13:53**

Government

See GOVERNMENT

Hardware

upgrade, **X-13:55; X-13:74**warranty, **X-13:64**Implementation agreement, **X-13:20**Indemnity for breach of terms, **X-13:69**Inspection at factory, **X-13:48**Inspection of installation site, **X-13:49**Installation and training, **X-13:51**Installation of software, **X-13:50**IT contracting checklist, **X-13:19**Limitation of supplier's liability, **X-13:52**Manufacturer's changes, **X-13:54**Most favoured customer pricing, **X-13:58**Movement of system, **X-13:34**Non-solicitation of employees, **X-13:56**No subcontracts, **X-13:73**Order of interpretation, **X-13:43**Other services, **X-13:72**Parties to act in good faith, **X-13:44**Performance standards warranty, **X-13:65**Preamble and order of interpretation, **X-13:41**Price and payment schedule, **X-13:59**Prime contractor responsibilities, **X-13:10**Prime supplier requirements, **X-13:11**Product warranty, **X-13:66**Project coordinators and progress meetings, **X-13:63**Proponent, failure or default, **X-13:13**Proposal, request for, **X-13:3-X-13:5**

confidentiality

clause, **X-13:15**conflict of interest clause, **X-13:12**desktop computer system, **X-13:6**

government

See GOVERNMENT

insurance

proof of, **X-13:17**various risks, **X-13:16**WSIA coverage, proof of, **X-13:18**vendor's acceptance of contract terms, **X-13:9**Publicity, **X-13:14**

SYSTEM ACQUISITIONS—Cont'd

- Purchase of equipment and software licence, **X-13:60; X-13:61**
- Reasonable and good faith, **X-13:45**
- Replacement of inoperable equipment, **X-13:71**
- Representations and warranties, **X-13:67**
- Representations and warranties of licensor, **X-13:68**
- Statement of prime contractor responsibility, **X-13:62**
- Subscription agreement—provision of backroom services, terms of use (U.S. form), **X-13:27.50**
- Supplier agreement, maintenance and support, **X-13:27**
- System development agreement, customized, **X-13:26**

TAKEOVER BIDS

- Acquisition agreement, **II-29:8**
- Change or variation, notice of, **II-29:18**
- Circular bids, **II-39:9**
 - director's circular
 - dissenting, **II-29:10**
 - general, **II-29:12**
 - letter of acceptance and transmittal for shareholders, **II-29:11**
 - letter of guaranteed delivery, **II-29:13**
 - offer and offering circular, cash and shares, **II-29:9**
 - undertaking, **II-29:14; II-29:15**
- Compulsory acquisitions
 - Alberta
 - adverse claim, notice of, **II-29:34**
 - election and transmittal, letter of, **II-29:33**
 - offeror's notice, **II-29:32**
 - British Columbia
 - election and letter of transmittal, **II-29:29**
 - intent, notice of, **II-29:30**
 - offeror's notice, **II-29:28**
 - transmittal letter, **II-29:31**
 - federal
 - adverse claim, notice of, **II-29:22**
 - election and letter of transmittal, **II-29:21**
 - offeror's notice, **II-29:20**
 - Ontario
 - acceptance, notice of, **II-29:27**
 - adverse claim, notice of, **II-29:25**
 - election and letter of transmittal, **II-29:24**
 - offeror's notice, **II-29:23**
 - target company's notice, **II-29:26**
- Confidentiality agreement, **II-29:1**
- Dealer manager agreement, **II-29:6**

TAKEOVER BIDS—Cont'd

- Depository agreement, **II-29:19**
- Directors' resolutions
 - directors' circular, approval of, **II-29:17**
 - offer and accompanying circular, approval of, **II-29:16**
- Guaranteed delivery, letter of, **II-29:13**
- Issuer bids
 - circular, **II-29:37**
 - commentary, **II-29:35**
 - notice of change/variation, **II-29:38**
 - notice of intention to make normal course bid, **II-29:36**
- Lock-up agreement, **II-29:2**
- Reports and press releases
 - early warning, **II-29:3**
 - press release, **II-29:4**
- Shareholder's list, affidavit to obtain, **II-29:5**
- Soliciting dealer group agreement, **II-29:7**
- Variation, notice of, **II-29:18**

TAKING OF ACCOUNTS

- Affidavit of verification of accounts, **VIII-19:16**
- Default, **VIII-19:45**
- General form, on reference, **VIII-19:14**
- Judgment directing reference, **VIII-18:26**
- Objections, **VIII-19:17**
- Occupation rent, **VIII-19:46**
- Repairs and improvements, **VIII-19:47**
- Sale of property under power of attorney, **VIII-19:15**
- Willful neglect, **VIII-19:44**
- With rests, **VIII-19:43**

TAPE RECORDING

- See RECORDING

TAXATION

- See also ASSESSMENT
- Alternate methods, **IV-3:4**
- Arrears extension agreement, **IX-2:8**
- Assistance by-law, **IX-11:184**
- Business taxes
 - cart lease, **IV-3:7**
 - ground, **IV-10:2**
 - industrial, **IV-2:2; IV-2:3**
 - kiosk lease, **IV-3:7**
 - leaseback, **IV-10:3**
 - medical building, **IV-10:5**

TAXATION—Cont'd

Business taxes—Cont'd

offer provisions, **IV-1:15; IV-1:16**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

Cancellation price, extension period to pay, **IX-2:7**

Capital facility agreement, **IX-2:9**

Capital taxes

ground, **IV-10:2**

industrial, **IV-2:2; IV-2:3**

leaseback, **IV-10:3**

office, **IV-4:2**

pad, **IV-3:5; IV-3:6**

retail, **IV-3:2**

shopping centre, **IV-3:4**

Consultant, retainer of, **IX-2:10**

Contesting, **IV-3:4**

Determination of tenant's share, **IV-3:5; IV-3:6**

Exemption agreement, **IX-2:6**

Extension agreement, arrears, **IX-2:8**

Hotel tax by-law, **IX-11:104**

Increases attributable to tenant, **IV-4:4**

Payment of, **IV-3:5; IV-3:6**

Realty taxes

gross lease provision, **IV-2:4**

ground lease provision, **IV-10:2**

industrial lease provision, **IV-2:2; IV-2:3**

leaseback, **IV-10:3**

medical building, **IV-10:5**

multi-tenanted building offer provision, no form of lease, **IV-1:16**

office lease provision, **IV-4:2-IV-4:4**

pad lease provision, **IV-3:5; IV-3:6**

retail lease provision, **IV-3:2; IV-3:3**

shopping centre lease provision, **IV-3:4**

single-tenanted building offer provision, no form of lease, **IV-1:15**

Rebate program by-law, **IX-11:183**

Rental taxes (GST or HST)

gross lease provision, **IV-2:4**

ground lease provision, **IV-10:2**

industrial

lease provision, **IV-2:2; IV-2:3**

offer provision, **IV-1:11**

TAXATION—Cont'd

Rental taxes (GST or HST)—Cont'd

leaseback, **IV-10:3**

multi-tenanted building offer provision, no form of lease, **IV-1:16**

office

lease provision, **IV-4:2; IV-4:3**

offer provision, **IV-1:9**

pad lease provision, **IV-3:5; IV-3:6**

retail

lease provision, **IV-3:2; IV-3:3**

offer provision, **IV-1:13**

shopping centre lease provision, **IV-3:4**

single-tenanted building offer provision, no form of lease, **IV-1:15**

Sale of land for tax arrears, by-law re policy and scale of costs, **IX-11:176**

School support, **IV-3:5; IV-3:6**

TAX COURT OF CANADA

See CANADA PENSION PLAN, assessments and contributions; EMPLOYMENT INSURANCE

TAXES AND DUTIES

See DEBTS AND DUTIES; ESTATE TAX

TAX FREE SAVINGS ACCOUNT

Designation

gift over to child, **V-7:13; 7:11.50**

spouse, **V-7:10; V-7:11; 7:11.50**

Expression of intentions, designations

legal and beneficial title, **V-7:2.20**

affidavit, **V-7:2.50**

legal title only, **V-7:2.35**

affidavit, **V-7:2.65**

TAX-RELATED ISSUES

Child support payments

election, **VI-4:2**

Claim for fee deductions, letter for, **VI-4:10**

Elections, joint, **VI-4:9**

Family support payments, registration of, **VI-4:6**

Principal residence, designation of, **VI-4:8**

RRSP rollover, **VI-4:7**

Spousal support, payment of, prospective clause, **VI-4:3**

Tax deductibility for retroactive spousal support payments, **VI-4:4**

Tax deductions, reductions in, **VI-4:6**

TEAMING AGREEMENTS

See also JOINT VENTURES

TEAMING AGREEMENTS—Cont'd

- Commentary, **X-6A:1**
- Exclusive agreement, **X-6A:5**
- Government proposal submission, **X-6A:5.50**
- Joint provision, **X-6A:4**
- Prime and subcontractor agreement, **X-6A:6**
- Proposal, **X-6A:2**
 - prime contractor and sub-contractor, **X-6A:3**
- Provision and support of software products, **X-6A:7**

TECHNICAL SERVICES

- Agency agreement, **X-23:19**
- Corporate IT manager, consulting agreement, **X-23:15**
- Professional services, **X-23:6**
 - negotiated, **X-23:7**
- Service provider, representations and warranties of, **X-23:37**
- Service provider's agreement, **X-23:9**
- Standard service agreement, infrastructure maintenance, **X-22:16**
- Subcontractor services, **X-23:22**
- Technical support and consulting services agreement, **X-22:15**
- Temporary repairs, service failure within specified rectification time, **X-22:14**

TECHNOLOGICAL CHANGE

- See **COLLECTIVE AGREEMENTS; LABOUR RELATIONS**

TELECOMMUNICATIONS

- See **LICENCES; ROOFTOP RIGHTS**
- Access
 - agreement, **IX-6:3**
 - clause, **IX-4:92; IX-4:93**
- Answer by respondent, **I-19:10**
- Appeals
 - CRTC, to, telecom order, **I-19:13**
 - answer, respondent, **I-19:14**
 - leave to
 - notice of motion for, **I-19:26**
 - supporting affidavit, **I-19:27**
 - written representations, **I-19:28**
 - limitation of material before court
 - affidavit, **I-19:33**
 - notice of motion, **I-19:32**
 - order, **I-19:34**
 - rule 324 letter, **I-19:31**
 - notice of, **I-19:29**
 - intention to participate, **I-19:30**
- Applications, **I-19:8**

TELECOMMUNICATIONS—Cont'd

Broadcasting

See BROADCASTING

Closed circuit television policy, **IX-6:5**

Community television antennae placement by-law, **IX-11:144**

Facility warning notice, **IX-4:82**

Interrogatories, **I-19:11**

response to, **I-19:16**

Intervention, **I-19:5**

Notices

appeal, **I-19:29**

intention to participate, **I-19:30**

motion for leave, **I-19:26**

motion to limit material, **I-19:32**

interested party

participate, intention to, **I-19:30**

tariff, **I-19:15**

to, **I-19:16**

respondent, to, **I-19:9**

TELEPHONE CONFERENCE MOTIONS

Commentary, **VIII-13:30**

Notice of motion, **VIII-13:31**

Small Claims Court, **VIII-32:23**

TELEPHONE MEETINGS

Directors, meeting procedure checklist, Ontario, **II-12:1**

Directors', minutes of, **II-12:6**

Directors' consent to act or participate in, **II-10:4; II-10:5**

British Columbia, **II-19:3**

general, **II-19:2**

TELEVISION

See also BROADCASTING; MOTION PICTURES; THEATRES; VIDEO

Actors

cast list credit rider, **I-57:32**

extras, **I-57:45**

insurance, **I-57:29**

principal performer's agreement, **I-57:26**

television performer's agreement, **I-57:34**

minor, **I-57:34.50**

Advertising

See ADVERTISING

Composer's agreement, **I-57:36; I-57:37**

Confidentiality agreement, international acquisitions, **I-57:84**

Digital Millennium Copyright Act (DMCA) complaint, **I-57:87**

TELEVISION—Cont'd

- Documentary, principal contributor, **I-57:28**
- Financing acknowledgment and guarantee, **I-57:61**
- Format option and licence agreement, **I-57:51**
- Host agreement, **I-57:27**
- Intellectual property rights, assignment of, **I-57:85**
- Internet
 - agreements
 - book adaptation, option on, **I-57:18**
 - content monetization, **I-57:81**
 - internet channel content, **I-57:82**
 - website design and development, **I-57:79**
 - YouTube channel management, **I-57:83**
 - website linking licence, **I-57:80**
- Joint venture property development, **I-57:48**
- Letter of claim (passing off), **I-57:86**
- Libel notice, **VIII-1:108**
- Licences
 - character merchandising, **I-57:8**
 - exclusive distribution rights, **I-57:1**
 - rights to producer by lender, **I-57:10**
 - television, **I-57:2; 57:2.30; 57:2.70**
 - videoclip, **I-57:7**
- Location releases
 - privacy, **I-57:44**
 - recognizable premises, **I-57:43**
 - set-up, **I-57:42**
- Option
 - book adaptation for television or internet agreement, **I-57:18**
 - purchase of book rights for film and television agreement, **I-57:19**
 - rights in and to literary work, **I-57:18**
- Pilot, production of, **I-57:24**
- Production video on demand agreement, **I-57:6**
- Program sponsorship agreement, **I-57:59**
- Property development, joint venture agreement, **I-57:48**
- Release and licence
 - with fee, **I-57:46**
 - without fee, **I-57:47**
- Screen play
 - option agreement re television rights, **I-57:13**
- Screenwriter
 - assignment of teleplay, **I-57:14**
 - services, loan out of, **I-57:9**

TELEVISION—Cont'd

- Series production agreement, **I-57:50**
 - all rights cumulative, **I-57:76**
 - default, events of, **I-57:73**
 - rights of distributor on occurrence of, **I-57:75**
 - documentation, form of, **I-57:66**
 - interest, **I-57:69**
 - no waiver, **I-57:71**
 - prepayment, **I-57:72**
 - production account, **I-57:70**
 - production loans, **I-57:67**
 - advance of, **I-57:68**
 - payment of, **I-57:72**
 - provision for security, **I-57:65**
 - reports, **I-57:77**
 - statements and audits, **I-57:78**
- Signal distribution, master control services and satellite uplink, **I-57:88**

TEMPORARY ORDERS

- Affidavit, **VI-13:4**
- Appointment of assessor
 - affidavit, **VI-13:14**
 - notice of motion, **VI-13:13**
 - order, **VI-13:15**
- Confirmation, **VI-13:23**
- Location of missing child
 - affidavit, **VI-13:21**
 - notice of motion, **VI-13:20**
 - order, **VI-13:22**
- Motion form, **VI-13:2**
- Notice of motion, **VI-13:3**
- Order (generally), **VI-13:4.30**
- Order, motion without notice, **VI-13:4.70**
- Police enforcement
 - affidavit, **VI-13:18**
 - notice of motion, **VI-13:17**
 - order, **VI-13:19**
- Support
 - affidavit, **VI-13:6**
 - child support, **VI-13:5-13:7**
 - notice of motion, **VI-13:5**
 - order, **VI-13:7**
 - spousal support, **VI-13:8-13:10**
 - support deduction order, **VI-13:11**
 - information form, **VI-13:12**

TENANT

See also LEASES

Rental Housing Protection Act agreement, **IX-4:232**

definitions, **IX-4:232**

general consideration, **IX-4:232**

miscellaneous, **IX-4:232**

options, **IX-4:232**

recitals, **IX-4:232**

TENANT ACKNOWLEDGMENTS

See ESTOPPEL CERTIFICATES

TENANT FINANCING

See also ASSIGNMENT AND SUBLEASES; MORTGAGES

Estoppel certificate, landlord to chargee, **IV-14:6**

Financing rights

See FINANCING RIGHTS OF TENANT

Landlord's agreement

with leasehold mortgagee, **IV-14:5**

with lender holding security on tenant's personal property, **IV-14:4**

Leasehold mortgage

assignment of lease, **IV-14:3**

form of, **IV-14:2**

TENANT INDUCEMENTS

Early occupancy, **IV-6:12**

Fixturing period, **IV-6:13**

Leasehold improvement allowance, **IV-6:11**

Lease takeover, **IV-6:10**

Rent free periods

basic rent free, **IV-6:15**

gross rent free, **IV-6:16**

residential, **IV-8:24**

TENANT'S WORK

See also CONSTRUCTION

Cart lease provision, **IV-3:7**

Failure to complete, **IV-3:4**

Industrial

lease provision, **IV-2:2**

offer provision, **IV-1:10; IV-1:11**

Kiosk lease provision, **IV-3:7**

Letter of intent provision, **IV-1:5**

Multi-tenanted building offer provision, no form of lease, **IV-1:16**

Office

lease provision, **IV-4:2**

TENANT'S WORK—Cont'd

- Office—Cont'd
 - offer provision, **IV-1:8; IV-1:9**
- Pad lease provision, **IV-3:6**
- Retail
 - lease provision, **IV-3:2**
 - offer provision, **IV-1:12; IV-1:13**
- Schedule, **IV-1:27**
- Shopping centre lease provision, **IV-3:4**
- Single-tenanted building offer provision
 - no form of lease, **IV-1:15**
 - with form of lease, **IV-1:14**
- Site plan agreement
 - indemnity for, **IV-6:73**
 - separate agreement, **IV-6:74**
 - tenant requirement, **IV-6:72**
- Statutory declaration, **IV-1:28**

TERM

- See also **EARLY OCCUPANCY; EXTENSION OF TERM; FIXTURING PERIOD**
- Definition, **X-33:696**
- Lease provisions
 - cart lease, **IV-3:7**
 - commercial condominium unit, **IV-10:8**
 - farm lease, **IV-10:4**
 - gross lease, **IV-2:4**
 - ground, **IV-10:2**
 - industrial, **IV-2:2; IV-2:3**
 - kiosk lease, **IV-3:7**
 - leaseback, **IV-10:3**
 - medical building, **IV-10:5**
 - office, **IV-4:2-IV-4:4**
 - pad, **IV-3:5; IV-3:6**
 - residential, **IV-8:12-IV-8:15**
 - retail, **IV-3:2; IV-3:3**
 - shopping centre, **IV-3:4**
 - veterinary clinic/hospital, **IV-10:6**

TERMINATION, RIGHTS TO EARLY

- See also **DAMAGE AND DESTRUCTION; DEFAULT; SURRENDER OF PREMISES**
- Checklist, **IV-15:11**
- Commentary, **IV-6:1; IV-15:10**

TERMINATION, RIGHTS TO EARLY—Cont'd

Landlord's option

demolition, **IV-3:2; 3:3; 3:4; 6:3**

general, **IV-6:2**

notice, **IV-6:8**

sale, **IV-6:3**

No guarantor or indemnifier or assignor, **IV-15:12**

Notice for posting at premises, **IV-15:14**

Residential, **IV-8:12; IV-8:14**

on sale, **IV-8:52**

Tenant fails to take possession, **IV-1:12; IV-1:13; IV-1:15; IV-1:16**

Tenant's option

absolute right, **IV-6:6**

general, **IV-6:4**

major tenant closing, **IV-6:5**

notice, **IV-6:7**

Tenant's relief from forfeiture, **IV-15:10**

With guarantor or indemnifier or assignor, **IV-15:13**

TERM SHEET

Financing, **X-32:13**

General, **X-32:14**

Intellectual Property, **X-32:14.50**

Non-binding, **X-32:12**

joint venture, **X-32:11**

Software partner alliance program, **X-21:8; 29:16**

TESTIMONIUM

Codicil, **V-5:2**

General form, **V-34:7**

Virtual signing of

see **VIRTUAL SIGNING, COVID-19**

THEATRES

Artist or performer, memorandum to, **IX-3:80**

Artwork licence agreement, **I-58:11**

Attraction, engagement of, **I-58:21**

Bookwriter agreement, **I-58:9**

Carnival ride agreement, **IX-3:83**

Commissioning agreement, **I-58:3**

Construction service agreement, **I-58:31**

Consulting producer services agreement, **I-58:35**

Costume and set designer agreement, **I-58:33**

Director's agreement, **I-58:28; I-58:29**

Entertainment or performance agreement, **IX-3:79**

Fireworks agreement, **IX-3:84**

THEATRES—Cont'd

General manager, letter of intent for employment of, **I-58:27**

Licence agreements

artwork, **I-58:11**

development and subsequent production, **I-58:4**

facility

non-ticketed event, **I-58:23**

ticketed event, **I-58:22**

master ticketing, **I-58:26**

musical play production, **I-58:6**

revenue share definitions, **I-58:15**

rights

foreign producer, production acquired from, **I-58:5**

playwright and producer, between, **I-58:2**

synchronization

non-exclusive use and, **I-58:7**

personal performance release and, **I-58:43**

theatre, **I-58:16**

touring company for several performances, by, **I-58:20**

Line producer agreement, **I-58:36**

Merchandising agreement, **I-58:8**

Musical

director's agreement, **I-58:30**

play production licence, **I-58:6**

Option agreement for play rights, **I-58:10**

Performance facility, licence to use, **IX-3:85**

Performers' agreements

Canadian form, **I-58:42**

cast album rider, **I-58:38**

local sponsor, with, **I-58:39-I-58:41**

morals clauses, **I-58:45**

personal performance (minor), **I-58:44**

Producer

additional rights, **I-58:13**

commissioning agreement, **I-58:3**

financial interest in amateur productions, **I-58:12**

foreign show rights licence agreement, production acquired from foreign producer, **I-58:5**

letter of intent to acquire rights, **I-58:1**

performance rights to musical composition, acquiring of, **I-58:14**

rights licence agreement with playwright, **I-58:2**

show rights licence agreement, **I-58:5**

Production services agreement, **I-58:24**

THEATRES—Cont'd

- Rental of premises
 - facility licence agreement, **I-58:22; I-58:23**
 - licensee's questionnaire prior to agreement, **I-58:17**
 - several performances by touring company, **I-58:20**
 - single performance, for, **I-58:18; I-58:19**
 - theatre licence agreement, **I-58:16**
- Set design agreement, **I-58:32**
 - costume design, and, **I-58:33**
- Sponsorship agreement, **IX-3:82**
- Technical services agreement, **I-58:34**
- Theatrical dramatization agreement, **I-12:88**
- Ticketing, master licence agreement, **I-58:26**

THIRD PARTY AND SUBSEQUENT PARTY ACTIONS

- Commentary, **VIII-4:52**
- Costs order on
 - action and third party claim dismissed, **VIII-23:19**
 - general form, **VIII-23:18**
 - no costs, **VIII-23:20**
- Defence, **VIII-4:54**
 - reply to, **VIII-4:55**
- General form, **VIII-4:53**
- Heading, **VIII-1:45**
- Reply, **VIII-4:55**
- Security for costs
 - against defendant, **VIII-25:57**
 - against plaintiff, **VIII-25:60**
- Settlement of
 - by defendant, **VIII-21:40**
 - by third party
 - both plaintiff's and defendant's claim, **VIII-21:42**
 - defendant's claim, **VIII-21:41**
 - commentary, **VIII-21:39**
 - offer to contribute, **VIII-21:43**

TICKLER SYSTEM

- Card, **VIII-1:94**
- Memorandum, **VIII-1:95**

TIME

- Consent to extend time, **VIII-4:61**
- Extend time to deliver statement of defence, motion for, **VIII-1:114**
- Extend time to serve statement of claim, motion for, **VIII-1:110**
- Limitation period
 - motion to dismiss due to expiry of, **VIII-1:96**

TIME—Cont'd

Limitation period—Cont'd
 motion to extend and add parties, Family Law Act, **VIII-1:98**

TIME AND MATERIALS

Statement of claim, **VIII-5:21**

TIME OF DIVISION

See RESIDUE

TITLE

Opinion letter, standard form, **IX-10:34; IX-10:35**

TITLE OF PROCEEDINGS

See also HEADINGS
 Estate trustees, **VIII-2:23**
 Litigation guardian, **VIII-2:11**
 Partnership, **VIII-2:4**
 Pseudonym in, **VIII-1:5**
 Short title of proceedings, **VIII-1:52**
 Sole proprietorship, **VIII-2:7**

TOMBSTONES AND MARKERS

Directions for erection of tombstone, **V-30:17; V-30:19**
 Engraving on tombstone or monument, **V-30:14-V-30:17**
 Footmarker, direction for, **V-30:16**
 Monuments to be erected over parents' graves, **V-30:18**
 Vault to be erected, **V-30:18**

TORTS

Assault and battery, **VIII-5:62**
 Conversion, **VIII-5:68**
 Defamation, **VIII-5:69**
 False arrest and imprisonment, **VIII-5:63**
 Malpractice, medical, **VIII-5:84**
 Motor vehicle, rear end collision
 statement of cause, **VIII-5:70**
 statement of defence, **VIII-5:71**

TOWING

Agreements, **IX-3:71**

TRADEMARKS

See INTELLECTUAL PROPERTY ASSETS
 Affidavits
 dealers or consumers, by, **I-34:44**
 officers, by, **I-34:45**

TRADEMARKS—Cont'd

Applications

registration of mark

renewal, **I-34:46**

Assets, definition, **I-23:963**

Assignment

non-resident company, **I-34:48**

resident company, **I-34:47**

sale of business, **I-54:63**

Assignment of, **II-33:30**

Consent to use of (federal), **II-1:3**

Licence, **I-23:128; I-40:86**

Notice pursuant to s. 9

letter of request, **I-34:50**

request for, **I-34:51**

Notice request pursuant to s. 45, **I-34:49**

Notices, **I-23:130**

Opposition to registration

counterstatement to, **I-34:43**

statement of, **I-34:44**

Reciprocal rights to use of, **I-23:129**

Renewal, application for, **I-34:46**

S I, X (Intellectual Property Assets)

Trademark use agreement, **I-40:87**

Usage policy, **I-23:127**

TRAFFIC

Control signals, **IX-4:206**

Lights, lease of land for, **IX-3:33**

Monitoring, subdivision clause, **IX-4:99**

Monitoring agreement, **IX-4:273**

Traffic and parking by-law, **IX-3:76**

Turning circle agreement, **IX-4:47**

TRANSFER

See ASSIGNMENT AND SUBLEASES

Agent

See REGISTRAR AND TRANSFER AGENT

Client, to

See CORPORATIONS

Shares, of

See TRANSFER OF SHARES

TRANSFER AGREEMENTS

On dissolution

Alberta, **II-17:42**

TRANSFER AGREEMENTS—Cont'd

- On dissolution—Cont'd
 - federal, **II-17:2**
 - Manitoba, **II-17:62**
 - Ontario, **II-17:9**
 - Resolution of Directors (CBCA), **II-17:1.50**
 - Saskatchewan, **II-17:55**

TRANSFER OF PROCEEDINGS

- Case management, to
 - consent, on
 - consent, **VIII-1:30**
 - notice of motion, **VIII-1:29**
 - order, **VIII-1:31**
 - contested motion
 - affidavit, **VIII-1:33**
 - notice of motion, **VIII-1:32**
 - order, **VIII-1:34**

TRANSFER OF SHARES

- Corporation to client, **II-2:116**
- Endorsement form on certificate, **II-5:6**
- Estate, transfer to
 - directors' resolution, **II-9:14**
 - transmission, declaration of, **II-9:13**
- Power of attorney, **II-9:8**
- Restrictions, **II-5:7**
- Restrictions in articles
 - constrained share corporation, **II-9:6**
 - majority consent
 - directors, **II-9:1**
 - shareholders, **II-9:3**
 - unanimous consent
 - directors, **II-9:2; II-9:5**
 - shareholders, **II-9:4**
- Share transfer, form of, **II-9:7**
- Share transfer register, **II-2:151**
- Transfer agent and registrar
 - appointment of, directors' resolution re
 - Alberta, **II-2:51**
 - Ontario, **II-2:27**
 - declaration of loss of share certificate, **II-9:10**
 - indemnity bond re lost share certificate, **II-9:11**
 - replacement share certificate, directors' resolution authorizing, **II-9:12**
- Transmission, declaration of, **II-9:13**

TRANSFER OR TRANSMISSION OF INTEREST

Order to continue, **VIII-2:36**

TRANSIT SHELTER

Advertisement agreement, **IX-3:102**

Lease of land for, **IX-3:33**

Phased development agreement (B.C.), **IX-4:282**

Transfer of agreement, **IX-3:11**

TRANSPLANTS

Eyes, donation to Eye Bank of Canada, **V-34:28**

Permission for use of physical organs, **V-34:27**

TRANSPORTATION

Consulting agreement, **IX-3:116**

arbitration, **IX-3:116**

definitions, **IX-3:116**

engineering services, **IX-3:116**

fees, **IX-3:116**

general terms, **IX-3:116**

indemnification, **IX-3:116**

liability insurance, **IX-3:116**

records and audit, **IX-3:116**

TREES

By-laws, **IX-11:139; IX-11:140**

Development clause, **IX-4:23**

Preservation agreement, **IX-4:264; IX-5:61**

Preservation of, **IX-4:106**

Site plan clause, **IX-4:183**

Street, on

See HIGHWAYS

Subdivision agreement clauses

invasive species, **IX-4:105**

preservation of, **IX-4:106**

street planting, **IX-4:104**

Zoning agreement clause, **IX-4:23**

TRESPASS

Interlocutory injunction, **VIII-14:16-14:18**

To adjoining property, **VIII-5:75**

TRESPASS TO GOODS

Statement of claim, **VIII-5:68**

TRIAL

Acknowledgment, expert's duty, **VI-21:2**

Affidavit, uncontested trial, **VI-21:7**

TRIAL—Cont'd

- Bill of costs, **VIII-23:69**
- Brief
 - agreement regarding document use, **VIII-17:7**
 - chronology, **VIII-17:5**
 - commentary, **VIII-17:2**
 - proof outline, **VIII-17:6**
 - trial outline
 - jury, **VIII-17:4**
 - non-jury, **VIII-17:3**
- Business records
 - commentary, **VIII-17:33**
 - notice of intention, **VIII-17:34**
 - notice to produce for inspection, **VIII-17:35**
- Certificate of corporate document
 - certificate, **VIII-17:47**
 - commentary, **VIII-17:46**
- Consolidation of proceedings
 - commentary, **VIII-2:33**
 - motion for, **VIII-2:33**
- Copies for use at trial
 - notice of intention, **VIII-17:36**
 - notice of intention to dispute, **VIII-17:37**
- Evidence, obtaining prior to
 - affidavit evidence at trial
 - bank records, **VIII-17:28**
 - commentary, **VIII-15:52-15:55**
 - microfilm records, **VIII-17:29**
 - motion for, **VIII-15:52**
 - municipal records, **VIII-17:27**
 - commission
 - affidavit, **VIII-15:46**
 - commentary, **VIII-15:44**
 - consent to act as commissioner, **VIII-15:51**
 - consent to examine other witnesses, **VIII-15:50**
 - form of, **VIII-15:48**
 - letter of request, **VIII-15:49**
 - notice of motion, **VIII-15:45**
 - order, **VIII-15:47**
 - witness in Ontario
 - commentary, **VIII-15:38**
 - consent to examination, **VIII-15:42**
 - consent to use transcript of party at trial, **VIII-15:43**
 - motion to permit taking evidence of, **VIII-15:38-15:43**

TRIAL—Cont'd

- Expert at trial
 - affidavit, **VIII-17:20**
 - notice of motion, **VIII-17:19**
- Experts report of
 - duty of, acknowledgment, **VIII-17:40**
 - report, **VIII-17:40**
 - commentary, **VIII-17:38**
 - notice of, **VIII-17:39**
- Foreign will
 - commentary, **VIII-17:41**
 - notice of probate of, **VIII-17:41**
- Health practitioner's report
 - commentary, **VIII-17:42**
 - notice of, **VIII-17:43**
- Issue, of, sample orders, **VIII-13:89**
- Listing for
 - abridge time to place on list outside Toronto
 - affidavit, **VIII-15:34**
 - commentary, **VIII-15:32**
 - notice of motion, **VIII-15:33**
 - order, **VIII-15:35**
 - consent to early listing, **VIII-15:30**
 - lawyer's certificate, **VIII-15:29**
 - trial record, **VIII-15:28**
- Opening statement, **VI-21:6**
- Order for prisoner's attendance, **VI-21:5**
- Outline
 - jury, **VIII-17:5**
 - non-jury, **VIII-17:3**
 - proof, **VIII-17:6**
- Pre-trial
 - summons to witness, **VI-21:3**
 - summons to witness, outside Ontario, **VI-21:4**
- Record, simplified procedure
 - lawyer's certificate, **VIII-31:22**
 - table of contents, **VIII-31:21**
- Registry instruments for use at trial
 - commentary, **VIII-17:44**
 - notice of, **VIII-17:44**
 - notice of intention to dispute, **VIII-17:45**
- Scott Schedule
 - commentary, **VIII-17:48**
 - schedule, **VIII-17:49**

TRIAL—Cont'd

Speedy trial, sample orders on motion, **VIII-13:88**

Statement of agreed facts

commentary, **VIII-17:30**

statement, **VIII-17:31**

Summary

See SUMMARY TRIAL

Summons

Small Claims Court, **VIII-32:32**

substituted service of

affidavit, **VIII-17:13**

commentary, **VIII-17:11**

notice of motion, **VIII-17:12**

order, **VIII-17:14**

witness at trial

witness in Ontario, **VIII-17:9**

witness outside Ontario, **VIII-17:10**

Venue

change of, **VIII-15:6-15:10**

commentary, **VIII-15:1**

proper, **VIII-15:2-15:5**

TRIAL BRIEF

See TRIAL

TRIAL LIST

Motion to restore action struck off

affidavit, **VIII-16:14**

commentary, **VIII-16:12**

notice of motion, **VIII-16:13**

order, **VIII-16:15**

TRIAL MANAGEMENT

Conference brief, **VI-12:5**

TRIBUNAL

Proceedings pending in, motion to stay or dismiss Ontario action, **VIII-6:19**

TRUST AGREEMENTS

See INTER VIVOS TRUSTS

TRUST DEED

Bonds or debentures, securing by, **II-21:10**

Release and reconveyance of, **II-21:57**

V (Inter Vivos Trusts)

TRUSTEES

See EXECUTORS AND TRUSTEES; INTER VIVOS TRUSTS

TRUSTEES—Cont'd

- Acceptance of settlement offer conditional on payment to notice of payment to, **VIII-21:52**
- offer, **VIII-21:51**
- Applications re
 - See APPLICATIONS
- Estate
 - See ESTATE
- Payment to pursuant to settlement offer, **VIII-21:25**

TRUSTS

- Declaration of in respect of shares
 - general, **II-3:19**
 - Nova Scotia, **II-3:20**
- Deed
 - See TRUST DEED
- Indenture, debt offering, **II-22:13**
- Insurance
 - See INSURANCE TRUSTS
- Inter vivos
 - See INTER VIVOS TRUSTS
- Master declaration of, mutual fund, **II-26:1**
- Multiple, **V-4:3; V-15:89**
- Offshore jurisdiction
 - clause allowing transfer to, **V-39A:16**

V

TRUST WILLS

- Canadian assets only, **V-4:4**
- Life interest to spouse
 - remainder to adult child's family trust, **V-4:3**
 - remainder to children, **V-4:2**

TUNNELS

- Development clause, **IX-4:33**
- Vehicular agreement, **IX-4:259**

TURNING CIRCLE

- Agreement, **IX-4:47**

UNANIMOUS SHAREHOLDERS' AGREEMENTS

- See also SHAREHOLDERS' AGREEMENTS, general agreement
- Unanimous shareholders' agreement, **II-13:2-13:29**

UNAVOIDABLE DELAY

- See DELAY; FORCE MAJEURE

UNDERTAKINGS

- Damages on interlocutory injunction, as to, **VIII-14:7**
- Discovery
 - deemed
 - motion to enforce deemed undertaking, **VIII-10:89-10:91**
 - motion to permit disclosure of discovery evidence, **VIII-10:95-10:98**
 - motion to compel answers to, **VIII-10:53-10:59**

UNDERWRITING AGREEMENTS

- Public offering of securities
 - bought deal prospectus offering, **II-22:4**
 - fully marketed prospectus offering, **II-22:5**
 - secondary offering, **II-22:6**

UNEMPLOYMENT INSURANCE

- See EMPLOYMENT INSURANCE

UNFAIR LABOUR PRACTICE

- See LABOUR RELATIONS

UNITED STATES ASSETS

- See FOREIGN ASSETS

UNITRUST

- Clause to set up, **V-43:4**

UNIVERSITY

- Gifts to
 - for bursaries, **V-12:16; V-12:17**
 - for medical research, **V-12:18**
 - for specific purpose, **V-12:15**

UNJUST DISMISSAL

- Complaints, federal, **VII-10:2; VII-10:8**
 - employer statement, **VII-10:10**
 - request for reasons, **VII-10:9**

UNLAWFUL LOCKOUT

- Alberta, **VII-15:30**
- British Columbia, **VII-15:22**
- Federal, **VII-15:2**
 - declaration application, **VII-15:5**
 - reply, **VII-15:6**
- Manitoba, **VII-15:34**
- Ontario, **VII-15:10**
 - declaration application, **VII-15:11**
 - response, **VII-15:12**

UNLAWFUL LOCKOUT—Cont'd

Ontario, **VII-15:10**—Cont'd
direction application, **VII-15:11**
response, **VII-15:12**

UNLAWFUL STRIKE

Alberta, **VII-15:30**
British Columbia, **VII-15:22**
Federal, **VII-15:2**
declaration application, **VII-15:3**
reply, **VII-15:4**
Manitoba, **VII-15:34**
Ontario
application, **VII-15:11**
response, **VII-15:12**
Saskatchewan, 15:06, WHMIS
See OCCUPATIONAL HEALTH AND SAFETY

USE

See also COMMON AREAS; RADIUS RESTRICTION; RULES AND REGULATIONS; SIGNS
Conduct of tenant's business, **IV-3:3; IV-3:4**
Environmental matters, **IV-2:7; IV-3:4**
Health emergency
office, **IV-4:2; IV-4:3**
Observance of laws
cart lease, **IV-3:7**
gross lease, **IV-2:4**
ground, **IV-10:2**
industrial, **IV-2:2; IV-2:3**
kiosk lease, **IV-3:7**
leaseback, **IV-10:3**
medical building, **IV-10:5**
office, **IV-4:2-IV-4:4**
pad, **IV-3:5; IV-3:6**
retail, **IV-3:2; IV-3:3**
shopping centre, **IV-3:4**
Pest control, **IV-3:5; IV-3:6**
Premises
cart lease, **IV-3:7**
compliance with laws, **IV-4:4**
gross lease, **IV-2:4**
ground, **IV-10:2**
health emergency, **IV-4:3; IV-4:4**

USE—Cont'd

Premises—Cont'd

industrial

lease provision, **IV-2:2; IV-2:3**

offer provision, **IV-1:10; IV-1:11**

kiosk lease, **IV-3:7**

leaseback, **IV-10:3**

medical building, **IV-10:5**

multi-tenanted building offer provision, no form of lease, **IV-1:16**

office

lease provision, **IV-4:2-IV-4:4**

offer provision, **IV-1:8; IV-1:9**

pad lease provision, **IV-3:5; IV-3:6**

residential lease provision, **IV-8:12-IV-8:15**

retail

lease provision, **IV-3:2; IV-3:3**

offer provision, **IV-1:12; IV-1:13**

shopping centre lease provision, **IV-3:4**

single-tenanted building offer provision

no form of lease, **IV-1:15**

with form of lease, **IV-1:14**

waste and nuisance, **IV-4:3**

Prohibited activities, **IV-2:4; 3:2-3:4**

Prohibited uses by landlord, **IV-5:33; 5:34**

commentary, **IV-5:32**

Waste, nuisance and overloading

cart lease, **IV-3:7**

gross lease, **IV-2:4**

ground, **IV-10:2**

industrial, **IV-2:2; IV-2:3**

kiosk lease, **IV-3:7**

leaseback, **IV-10:3**

office, **IV-4:2-IV-4:4**

pad lease, **IV-3:5; IV-3:6**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

UTILITIES AND SERVICES

See also OPERATION BY LANDLORD

Above-normal utilization

industrial, **IV-2:3**

office, **IV-4:3; IV-4:4**

retail, **IV-3:3**

Additional utilities

industrial, **IV-2:3**

UTILITIES AND SERVICES—Cont'd

Additional utilities—Cont'd

office, **IV-4:4**

retail, **IV-3:3**

Animal control services agreement, **IX-6:50**

Approval of, **IX-4:30**

Building systems

office, **IV-4:2**

retail, **IV-3:2; IV-3:3**

By-laws

abandoned gas mains, permission to use, **IX-11:149**

garbage and recycling, **IX-11:174**

sewers, **IX-11:173**

water discharge, **IX-11:175.50**

water works, **IX-11:172**

Climate control, **IV-4:3; IV-4:4**

Closed circuit television policy, **IX-6:5**

Construction of, **IX-6:4**

Easement for services

See EASEMENTS

Electrical utility licence, **IX-3:36**

Electricity, **IV-4:4; IV-8:28**

distribution lines, site plan clause, **IX-4:193**

subdivision clause, **IX-4:123; IX-4:124**

transmission lines, **IX-4:139**

Energy conservation, **IV-2:2; 2:3; 3:2-3:4**

office, **IV-4:2; IV-4:4**

Fire department

See FIRE DEPARTMENT

Garbage

See GARBAGE

Gas lines, installation of, subdivision clause, **IX-4:84**

Gas supply agreement, **IX-6:2**

Gross lease provision, **IV-2:4**

Ground lease provision, **IV-10:2**

HVAC

after hours, **IV-1:9**

industrial, **IV-2:2; IV-2:3**

leaseback, **IV-10:3**

office, **IV-4:3**

Information security policy, **IX-6:6**

Interruption or delay, **IV-3:4; IV-4:4**

Landlord not to be liable

industrial, **IV-2:2; IV-2:3**

UTILITIES AND SERVICES—Cont'd

Landlord not to be liable—Cont'd

office, **IV-4:2**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

Location of, subdivision clause, **IX-4:83**

Metering of, **IX-4:29**

Municipal responsibility agreement, **IX-6:18**

No overloading

industrial, **IV-2:2; IV-2:3**

office, **IV-3:4; IV-4:2**

retail, **IV-3:2; IV-3:3**

Payment of

ground, **IV-10:2**

industrial, **IV-2:2; IV-2:3**

leaseback, **IV-10:3**

office, **IV-4:2; IV-4:4**

pad, **IV-3:5; IV-3:6**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

Police

See POLICE

Pre-servicing, **IX-4:66**

Provision of, **IX-4:129**

Rural living, brochure, **IX-4:130**

Rural services, subdivision clause, **IX-4:129**

Separate meters, **IV-3:4**

Service connections, **IX-4:13**

Sewage disposal system, **IX-4:198**

Sewers

See SEWERS

Sump pump system, subdivision clause, **IX-4:89**

Supply of services by landlord, residential, **IV-8:28; IV-8:39; IV-8:40**

Telecommunication facilities consultation policy, **IX-6:7**

Telecommunications

office, **IV-4:2**

Telecommunications access agreement, **IX-6:3**

subdivision clause, **IX-4:92**

Transformer vaults, **IX-4:181**

Transmission pipeline, **IX-4:192**

Upgrades, subdivision clause, **IX-4:88**

Water supply, **IX-4:90**

Water treatment, subdivision clause, **IX-4:91**

VALUATION OF COMPANY

Generally, **V-2:4**

VALUE-ADDED RESELLER AGREEMENTS

Applications software agreement, **X-28:10**

General agreement, **X-28:1-X-28:3**

International agreement, **X-28:7; X-28:8**

Original equipment manufacturers, **X-28:5**

Product license and delivery, **X-28:11**

Program, **X-28:4**

Redistribution licence agreement, **X-28:9**

Sale, distribution and support of integrated hardware, software, content and related services solutions, **X-28:12**

Start-up agreement, **X-28:6**

VARIATION

See also MOTION TO CHANGE

Judgment

commentary, **VIII-18:43**

facts subsequently discovered

commentary, **VIII-18:57**

motion to vary, **VIII-18:57-18:60**

fraud

motion to set aside, **VIII-18:54-18:56**

motion to vary, **VIII-18:50-18:53**

no adjudication, motion to amend, **VIII-18:47-18:49**

slip, motion to amend, **VIII-18:44-18:46**

Notice of, **II-29:18**

Order obtained without notice

failure to disclose

affidavit, **VIII-13:73**

commentary, **VIII-13:71**

notice of motion, **VIII-13:75**

order, **VIII-13:74**

mistake, by

affidavit, **VIII-13:76**

notice of motion, **VIII-13:72-13:75**

order, **VIII-13:77**

Support order, of, interjurisdictional

application, **VI-18:8**

evidence in support of, **VI-18:20**

VEGETATION

Invasive plant species, **IX-4:105**

Open space, valley lands and woodlots, **IX-4:106**

Preservation agreement, **IX-4:42**

VEGETATION—Cont'd

Street planting, **IX-4:104**

VEHICLES

Authority to operate city vehicles and mobile equipment policy, **IX-5:13:85**

Authority to operate city vehicles and mobile equipment procedures,
IX-5:13:85

Bicycles

See BICYCLES

Equipment inspection policy, **IX-1:146.50**

Equipment inspection procedures, **IX-1:146.60**

Idling control by-law, **IX-11:67; IX-11:68**

Idling policy, **IX-9:11**

Lease of, **IX-3:37**

Licensing by-laws

commentary, **IX-11:185**

limousine licensing, **IX-11:188**

vehicle for hire, **IX-11:186; IX-11:187**

Visual markings on city vehicles and equipment, **IX-1:146.40**

VENDING

Condoms

See CONDOM VENDING MACHINE AGREEMENTS

Newspaper boxes, **IX-5:20; IX-11:141**

Refreshments, **IX-3:49**

Street, **IX-5:21**

by-law, **IX-11:138**

VENDORS AND PURCHASERS ACT

Affidavit, **VIII-27:122**

Application, **VIII-27:121**

Judgment, **VIII-27:123**

VENUE

Affidavit, **VIII-15:8; VIII-15:9**

Change of, **VIII-15:6-15:10**

Commentary, **VIII-15:1**

Notice of motion, **VIII-15:7**

Order, **VIII-15:10**

Proper venue, move to

affidavit, **VIII-15:4**

commentary, **VIII-15:2**

notice of motion, **VIII-15:3**

order, **VIII-15:5**

VERIFICATION

Of accounts, on reference, **VIII-19:16**

VERIFICATION—Cont'd

Of list of claims, on reference, **VIII-19:12**

VESTING ORDER

Motion for, by purchaser, **VIII-19:29; VIII-19:30**

Personal property, **VIII-18:32**

Real property, **VIII-18:31**

VEXATIOUS

Action, motion to stay or dismiss, **VIII-6:25-6:28**

Motions, motion to prohibit

affidavit, **VIII-13:84**

commentary, **VIII-13:82**

form of, **VIII-13:83**

order, **VIII-13:85**

Pleading, motion to strike, **VIII-6:66-6:70**

VIDEO

Joint distribution of educational video, **IX-10:24**

Production agreement, **I-57:4; I-57:5**

Production video on demand agreement (television and internet), **I-57:6**

Usage policy, **I-23:127**

VIDEOTAPING

Discovery, motion to permit, **VIII-10:41-10:45**

VIOLENCE IN THE WORKPLACE

Policy, **IX-1:167**

VIRTUAL SIGNING, COVID-19

Affidavit of subscribing witness

continuing power of attorney for property in counterpart

not virtually commissioned, **V-40A:10**

virtually commissioned, **V-40A:11**

power of attorney for personal care in counterpart

not virtually commissioned, **V-40A:12**

virtually commissioned, **V-40A:13**

Best practices for virtual signing of wills and powers of attorney by counterpart, Ontario, **V-40A:5**

Instructions to client, **V-40A:6**

Introduction, **V-40A:1**

Jurat

deponent and commissioner in same city or town, **V-40A:14**

deponent and commissioner not in same city or town, **V-40A:15**

Legislation, Ontario, **V-40A:2**

Steps for virtual signing of wills and powers of attorney in counterpart,
V-40A:3

VIRTUAL SIGNING, COVID-19—Cont’d

- Testimonium clause, counterpart
 - for power of attorney for personal care, **V-40A:9**
 - for power of attorney for property, **V-40A:8**
 - for will, **V-40A:7**
- Virtual commissioning, Ontario, **V-40A:4**

VOICE OVER IP

- Service and software application, exclusion and limitations of, **X-15:21**

VOLUNTARY DISSOLUTION

- See also **LIMITED PARTNERSHIP**
- Application for (British Columbia)
 - liquidation dissolution, **II-17:36**
 - voluntary dissolution, **II-17:28**
 - shareholders’ resolution authorizing, **II-17:27**
- Articles of dissolution
 - Alberta, **II-17:44**
 - Manitoba, **II-17:68**
 - Ontario, **II-17:12; II-17:13**
- Assignment and assumption agreement
 - British Columbia, **II-17:26**
 - directors’ resolution approving, **II-17:25**
 - special resolution approving, **II-17:24**
 - Nova Scotia, **II-17:71**
- Auditor’s certificate (Nova Scotia), **II-17:72**
- Bankruptcy, notice of, **II-17:48.75**
- Certificate of incorporation, notice of intention to surrender (Nova Scotia), **II-17:75**
- Creditors, notice to, intent to dissolve (Alberta), **II-17:48**
- Director’s resolution
 - Alberta, **II-17:38**
 - British Columbia, **II-17:22; II-17:25**
 - federal, **II-17:1.50; 17:8.50**
- Dissolution, **II-17:60**
- Dissolution by assuming liabilities (Alberta)
 - special resolution authorizing, **II-17:41**
 - statutory declaration, **II-17:43**
 - transfer agreement, **II-17:42**
- Dissolution by request (British Columbia)
 - affidavit of director, **II-17:29**
 - application, **II-17:28**
 - authorized by shareholders’ resolution, **II-17:27**
 - assignment and assumption agreement, **II-17:24**
 - directors’ resolution approving, **II-17:24; II-17:25**

VOLUNTARY DISSOLUTION—Cont'd

Dissolution by request (British Columbia)—Cont'd

director

affidavit of, **II-17:29**

resolution, **II-17:22**

Final meeting (Alberta) return of, **II-17:53**

Gazette, letter to (Nova Scotia), **II-17:74**

Liquidation (Alberta)

liquidator

appointment of, notice of, **II-17:50**

appointment or change or discharge of, notice of, **II-17:48.25**

cessation, notice of, **II-17:51**

statutory declaration, **II-17:53.50**

return of, completion of, **II-17:52**

Liquidation (British Columbia)

application for, **II-17:36**

liquidator

address change, **II-17:33**

appointment of, **II-17:32**

ceasing to act, **II-17:34**

records of dissolving company, change, notice of, **II-17:37**

report, **II-17:35**

special resolution, **II-17:30**

statement of intent to liquidate, **II-17:31**

Newspaper of general circulation, letter to

Manitoba, **II-17:64**

Nova Scotia, **II-17:73**

Saskatchewan, **II-17:56**

Notice of intention to dissolve

federal, for publication, **II-17:4**

Manitoba, **II-17:66**

Ontario, for publication, **II-17:4**

Saskatchewan, for publication, **II-17:58**

Petition to Registrar (Nova Scotia), **II-17:77**

affidavit verifying, **II-17:78**

Publication notice

Alberta, **II-17:47**

Nova Scotia, **II-17:73**

Record keeping, change or update of, notice of (Alberta), **II-17:48.50**

Resolution of directors, **II-17:1.50; 17:8.50**

Revocation of intent to dissolve, statement of

federal, **II-17:7**

Manitoba, **II-17:67**

Saskatchewan, **II-17:59**

VOLUNTARY DISSOLUTION—Cont'd

- Special resolution
 - Alberta, **II-17:40; II-17:41; II-17:45; II-17:49**
 - British Columbia, **II-17:30**
 - distribution of assets, **II-17:23**
 - federal, **II-17:1**
 - Manitoba, **II-17:61**
 - Nova Scotia, **II-17:70**
 - Ontario, **II-17:8**
 - Saskatchewan, **II-17:54**
- Statement of intent to dissolve
 - Alberta, **II-17:46**
 - Manitoba, **II-17:67**
 - Saskatchewan, **II-17:59**
- Statement of intent to liquidate (British Columbia), **II-17:31**
- Tax clearance certificate, letter requesting
 - federal, **II-17:3**
 - Manitoba, **II-17:63**
- Tax consent, letter requesting (Ontario), **II-17:10**
- Transfer agreement
 - Alberta, **II-17:42**
 - federal, **II-17:2**
 - Manitoba, **II-17:62**
 - Ontario, **II-17:9**
 - Saskatchewan, **II-17:55**
- Winding-up and dissolution, limited partnerships (Ontario)
 - See LIMITED PARTNERSHIP

VOTING

- Cumulative
 - chairperson's agenda, **II-12:55**
 - minutes, **II-12:60**
 - special clause, **II-1:54**
- Dividends in arrears, when, **II-6:13**
 - right to elect director, **II-6:14**
- Non-voting shares
 - entitlement to notice of, attendance at meetings, **II-6:12**
 - federal, Alberta and Ontario, **II-6:11**
 - federal and provincial, **II-6:10**
- Restrictions on rights to vote separately
 - federal, **II-1:59**
 - Ontario, **II-1:60**
- Right to elect director, dividends in arrears, **II-6:14**
- Voting shares, **II-6:9**
 - multiple, **II-6:15**

VOTING TRUST

Clause for, **V-43:23**

Power to enter into, **V-43:37**

WAIVER

See also **WAIVER OF NOTICE**

Auditor, of (British Columbia), **II-2:42**

Class actions, **X-33:11; X-33:120**

Corporation, by (Saskatchewan), **II-21:33**

personal property, **II-21:34**

Lease provisions

cart lease, **IV-3:7**

gross lease, **IV-2:4**

ground, **IV-10:2**

industrial, **IV-2:2; IV-2:3**

kiosk lease, **IV-3:7**

leaseback, **IV-10:3**

medical building, **IV-10:5**

office, **IV-4:2-IV-4:4**

pad, **IV-3:5; IV-3:6**

retail, **IV-3:2; IV-3:3**

shopping centre, **IV-3:4**

veterinary clinic/hospital, **IV-10:6**

Pre-trial conference of, **VIII-15:72**

Release, and, **X-1:52**

S IV, VIII

Trial by jury, **X-33:11**

WAIVER OF NOTICE

Board of directors meeting, **II-12:4**

Manitoba, **II-2:128**

Ontario, **II-2:120**

Non-share capital corporation meeting

directors', **II-2:163**

members', **II-2:162**

Shareholders' meeting, **II-12:9**

WAREHOUSE RECEIPTS

See **BAILMENT**

WARRANT

Arrest for, **VI-25:47**

Arrest of defaulting witness

commentary, **VIII-17:24**

warrant for arrest, **VIII-17:25; VIII-32:33**

WARRANT—Cont'd

- Child
 - apprehension of, **VI-15:6**
 - apprehension of, information, **VI-15:5**
- Committal, **VIII-22:74**
 - Small Claims Court, **VIII-32:49**
- Committal of, **VI-25:49**
- Committal of, affidavit for, **VI-25:48**
- Contempt, arrest, **VIII-22:73**

WARRANTS

- See BAILIFFS
- Share acquisition
 - See SHARES, ACQUISITION WARRANTS

WARRANTY

- Acquisition of systems, agreement, **X-13:24**
- Asset purchase certificate re, **II-33:27**
- Content, **X-4:97**
- Damages for breach of, **VIII-5:9**
- Database publisher, **X-4:215**
- Developer, of, **X-4:194**
- Disclaimer of, **X-4:87**
- Hardware
 - limited, **X-7:6**
 - maintenance and, **X-7:5**
- Lease, **X-12:13**
- Period, definition, **X-33:733**
- Service provider, clause, **X-23:37**
- Software, product warranty, **X-8:120**
- Supplier, service performance, **X-7:22; X-33:199**
- S VIII, X

WASTE

- See GARBAGE; USE

WASTE DISPOSAL

- See GARBAGE

WASTE INVESTIGATION

- Procedures, **IX-1:65**

WASTE POLICY

- Generally, **IX-1:63**

WATER

- Flood proofing, site plan agreement clause, **IX-4:186**
- Relocation of watercourse, **IX-10:30**

WATER—Cont'd

- Rural supply, **IX-4:129**
- Storm water
 - management, **IX-4:185**
 - run-off, **IX-4:14**
- Supply, subdivision clause, **IX-4:90**
- Water works by-law, **IX-11:172**

WELLS

- Monitoring program, **IX-4:129**
- Site plan clause, **IX-4:201; IX-4:202**
- Subdivision clause, **IX-4:131; IX-4:132**

WETLANDS

- Subdivision clause, **IX-4:138**

WHISTLEBLOWER POLICY

- Generally, **IX-1:96**
- Fraud and abuse, **IX-1:96.10**

WILLFUL NEGLECT

- See **NEGLECT**

WILLS

- Applications re
 - See **APPLICATIONS**
- Exhibit stamp or endorsement, **VIII-1:55**
- Foreign, at trial
 - commentary, **VIII-17:41**
 - notice of probate of, **VIII-17:41**
- Lost will
 - See **ESTATE TRUSTEE**
- Multi-Jurisdictional
 - clause allowing trust transfer to offshore jurisdiction, **V-39A:16**
 - debts/taxes—recourse to worldwide estate for excluded jurisdiction, **V-39A:15**
 - limited Canadian will
 - Canadian domicile, opening paragraph, **V-39A:5**
 - debts clause, **V-39A:8**
 - foreign domicile, opening paragraph, **V-39A:4**
 - request for recourse to international assets in paying Canadian debts, **V-39A:9**
 - revocation clause, **V-39A:6**
 - vesting clause, **V-39A:7**
 - worldwide Canadian Will, excluding jurisdiction
 - Canadian domicile, opening paragraph, **V-39A:11**
 - debts clause, **V-39A:14**

WILLS—Cont'd

- Multi-Jurisdictional—Cont'd
 - worldwide Canadian Will, excluding jurisdiction—Cont'd
 - foreign domicile, opening paragraph, **V-39A:10**
 - revocation clause; excluding jurisdiction, **V-39A:12**
 - vesting clause, **V-39A:13**
- Payment into court of
 - gift to mentally incapable person, **VIII-20:6**
 - minor's gift over 10,000 dollars, **VIII-20:5**

WINDING UP

- See also VOLUNTARY DISSOLUTION
- Shares
 - See SHARE PROVISIONS, liquidation

WITHDRAWAL

- Offer to settle, **VIII-21:48**
- Writ of execution of
 - motion to require withdrawal, **VIII-22:91**
 - notice of payment, **VIII-22:89**
 - notice of withdrawal, **VIII-22:90**
- Writ of seizure and sale, **VIII-22:11**

WITHERNAM

- Generally, **VIII-14:68-14:71**

WITNESSES

- Case resolved, letter advising, **VIII-1:18**
- Checklist, wrongful dismissal, **VIII-1:15**
- Defaulting
 - commentary, **VIII-17:24**
 - warrant for arrest, **VIII-17:25; VIII-32:33**
- Evaluation, **VIII-1:16**
- Interview checklist, **VIII-1:14**
- Letter to
 - advising case resolved, **VIII-1:18**
 - statement, with, **VIII-1:17**
- Notice to call adverse party
 - commentary, **VIII-17:21**
 - notice
 - officer, director, partner or sole proprietor, **VIII-17:23**
 - personal party, **VIII-17:22**
- On motion
 - adverse party as, **VIII-13:47**
 - at hearing, **VIII-13:46**
 - in Ontario, **VIII-13:43**

WITNESSES—Cont'd

- On motion—Cont'd
 - interprovincial, **VIII-13:44**
 - set aside summons, motion to, **VIII-13:48-13:52**
- Prisoner's attendance, order for, **VI-21:5**
- Proposed list of, **VIII-32:26**
- Statement outline, **VIII-1:13**
- Substituted service of summons
 - affidavit, **VIII-17:13; VIII-17:14**
 - commentary, **VIII-17:11**
 - notice of motion, **VIII-17:12**
- Summons to, **VI-21:3**
- Summons to, outside Ontario, **VI-21:4**
- Trial
 - Small Claims Court, **VIII-32:32**
 - witness in Ontario, **VIII-17:9**
 - witness outside Ontario, **VIII-17:10**

WORKERS' COMPENSATION

- Administration of legislation
 - Alberta, **VII-6:67; VII-7:45**
 - British Columbia, **VII-7:31**
 - federal, **VII-7:2**
 - Manitoba, **VII-6:93; VII-7:65**
 - Nova Scotia, **VII-7:112**
 - Ontario, **VII-7:4**
 - Saskatchewan, **VII-7:95**
- Administrator statement of compliance (Alberta)
 - amendment to supporting plan documents, **VII-6:74**
 - plan registration, **VII-6:71**
- Agreed statement of facts, **VII-7:25; VII-7:30.50**
- Annual information returns
 - Alberta, **VII-6:75**
- Appeals
 - Alberta, **VII-7:45; VII-7:51**
 - British Columbia
 - Appeal Tribunal, to, **VII-7:31**
 - courts, to, **VII-7:31**
 - notice to employees of appeal of OHS decision, **VII-7:32**
 - prohibited action decision, **VII-7:34**
 - Review Board, to, **VII-7:31**
 - review division, from, **VII-7:32; VII-7:33**
 - WorkSafeBC, from, **VII-7:35**
 - Manitoba, **VII-7:65**

WORKERS' COMPENSATION—Cont'd

Appeals—Cont'd

Nova Scotia, **VII-7:112**

notice of, **VII-7:118**

Ontario

courts, to, **VII-7:4**

WSIAT, to, **VII-7:4; VII-7:18**

Saskatchewan, **VII-7:95**

Appeals of decisions

Alberta Employment Pension Tribunal, application to appeal, **VII-6:72**

Manitoba, **VII-6:93**

Application for direct deposit, **VII-7:30.10**

Applications, British Columbia

reconsideration of WCAT decision, **VII-7:38**

notice of participation, **VII-7:39**

section 257 determination and certification, **VII-7:43**

notice of participation, **VII-7:44; 7:44.10; 7:44.10; 7:44.20; 7:44.20; 7:44.40; 7:44.40**

stay, OHS

authorization of representative, **VII-7:41**

prohibited action and assessment appeals, **VII-7:40**

Applications, Saskatchewan

alternative assessment procedure, interjurisdictional trucking, **VII-7:101**

Assessments

Alberta, **VII-7:45**

alternative assessment procedure, application for, **VII-7:46**

British Columbia, **VII-7:31**

Manitoba, **VII-7:65**

physiotherapy

initial, **VII-7:80**

progress or discharge, **VII-7:81**

Nova Scotia, **VII-7:112**

Saskatchewan, **VII-7:95**

Authorization

Alberta, representative, **VII-7:50; VII-7:64**

Saskatchewan

letter of representation, **VII-7:102**

letter of representative, **VII-7:103**

moving public holiday permit, **VII-7:111.50**

Authorization to represent, **VII-7:27**

employer, **VII-7:28**

Automobile accident report, Alberta, **VII-7:52**

Benefits in Alberta, **VII-7:45**

WORKERS' COMPENSATION—Cont'd

Benefits in Manitoba

hearing loss, worker's claim for, **VII-7:68**

Benefits in Nova Scotia, **VII-7:112**

Benefits in Ontario, **VII-7:4**

elections to claim against third party

Schedule 1, **VII-7:5**

Schedule 2, **VII-7:6**

Benefits in Saskatchewan, **VII-7:95**

Chiropractor's report

See medical reports and exams, *infra*

See Medical reports and exams, *infra*

Claim file documents, employer request (Alberta), **VII-7:62; VII-7:63**

Claims

See benefits, *supra*

See Benefits, *supra*

Claims cost transfer (Alberta), **VII-7:48**

Commentary, **VII-7:4**

Consent form to release a workers information, **VII-7:22**

Contact information, British Columbia, **VII-7:44.80**

Continuity report, **VII-7:17.10**

Contributions

notice of unremitted and unexpected (Alberta), **VII-6:91**

schedule of expected (Alberta), **VII-6:92**

Cost certificate

Alberta, **VII-6:69; VII-6:70**

Decision-making process of Board, Ontario, **VII-7:4**

Deeming order applications (Alberta), **VII-7:47**

Draft order and consent, **VII-7:30.60**

Elections

Alberta, **VII-7:53; VII-7:54**

British Columbia, **VII-7:31**

Federal, **VII-7:3**

Manitoba, **VII-7:65**

Ontario, **VII-7:4**

against third party

Schedule 1, **VII-7:5**

Schedule 2, **VII-7:6**

Saskatchewan, worker's, **VII-7:111**

Employers exposure incident reporting form (PEIR), **VII-7:11**

Employer's registration application

Nova Scotia, **VII-7:113**

Saskatchewan, **VII-7:104**

Employers report, related noise-induced hearing loss, **VII-7:14**

WORKERS' COMPENSATION—Cont'd

- Employer's reports
 - Alberta, **VII-7:45; VII-7:47**
 - Manitoba, **VII-7:65; VII-7:67**
 - dentist report, **VII-7:89**
 - direct deposit form, **VII-7:84**
 - eyeglass form, **VII-7:90**
 - hearing loss, **VII-7:69**
 - hearing loss billing invoice, **VII-7:70**
 - opioid management report
 - initial, **VII-7:86**
 - progress, **VII-7:87**
 - opioid treatment agreement, **VII-7:88**
 - sub-contractor list, **VII-7:91**
 - Ontario, **VII-7:4**
 - injury or disease, **VII-7:8**
 - Saskatchewan, **VII-7:95; VII-7:97**
 - progress report, **VII-7:99**
- Exposure incident form (PEIR), **VII-7:9**
- Exposure incident reporting form for construction (CEIR), **VII-7:12**
- Financial hardship application
 - Alberta, **VII-6:87**
- Financial institutions, application for inclusion on list of acknowledged (Alberta), **VII-6:90**
- Forms, Manitoba, **VII-6:93**
- Functional abilities/capability form
 - Manitoba, **VII-7:93**
- Functional abilities form for planning for early and safe return to work, **VII-7:17.20**
- Health professionals report, **VII-7:17.40**
 - occupational mental stress, **VII-7:17.50**
- Hearing expense
 - claim, **VII-7:29**
 - teleconference and videoconference claim, **VII-7:30**
- Hearing ready form
 - oral hearings, **VII-7:23**
 - writing, **VII-7:24**
- Incident report
 - Manitoba, **VII-7:66**
- Information request, employer, Saskatchewan, **VII-7:105; VII-7:108**
- Intent to object form
 - employer, **VII-7:17.70**
 - worker, **VII-7:17.60**
- Job information worksheet, Saskatchewan, **VII-7:109**

WORKERS' COMPENSATION—Cont'd

Judicial review, Ontario, **VII-7:4**

Legislation

Alberta, **VII-6:67; VII-7:45**

British Columbia, **VII-7:31**

federal, **VII-7:2**

Manitoba, **VII-6:93; VII-7:65**

Nova Scotia, **VII-7:112**

Ontario, **VII-7:4**

Saskatchewan, **VII-7:95**

Manitoba

general

billing report, **VII-7:78**

Mediation services, Ontario, **VII-7:4**

Medical appointments and treatment

travel and parking expenses (Manitoba), **VII-7:94.50**

Medical reports and exams

Alberta, **VII-7:45**

Manitoba, **VII-7:65**

chiropractor

billing report, **VII-7:79**

first report, **VII-7:76**

progress report, **VII-7:77**

doctor

first report, **VII-7:74**

progress report, **VII-7:75**

Nova Scotia

authorization for release of information, **VII-7:115**

eye injury report, **VII-7:117**

physician's report, **VII-7:116**

Ontario, **VII-7:4**

Saskatchewan, **VII-7:95**

chiropractor/physical therapist's initial assessment, user manual, **VII-7:100.40**

chiropractor's initial report, **VII-7:100.30**

dentist's initial report, **VII-7:100**

occupational therapist's initial report, **VII-7:100.50**

physician's initial report, **VII-7:98**

physiotherapist's initial report, **VII-7:100.10**

physiotherapist's initial report, user manual, **VII-7:100.20**

time loss for, **VII-7:110**

Notice of appeal form for employers, **VII-7:19**

Not ready for a hearing form, **VII-7:26**

Obtain and release information, British Columbia, **VII-7:44.60**

WORKERS' COMPENSATION—Cont'd

- Occupational disease form
 - Nova Scotia, **VII-7:114**
- Occupational health and safety
 - See OCCUPATIONAL HEALTH AND SAFETY
- Occupational injury services, employer sign up sheet for, **VII-7:58**
- Pension partner waivers (Alberta), **VII-6:76-6:86; VII-6:88; VII-6:89**
- Pension surplus
 - Manitoba, **VII-6:93**
- Physical demands information form, **VII-7:17.30**
- Portability of pension credits
 - Alberta, **VII-6:67**
- Post retirement survivor benefits
 - Alberta, **VII-6:67**
 - Manitoba, **VII-6:93**
- Premiums, Ontario, **VII-7:4**
- Prevention, British Columbia, **VII-7:31**
- Progressive injury questionnaire, Alberta
 - employer, **VII-7:60**
 - worker, **VII-7:57**
- Progress report
 - employer, **VII-7:17**
 - worker, **VII-7:16**
- Progress reports
 - Manitoba
 - chiropractor, **VII-7:77**
 - physician, **VII-7:75**
 - Ontario, **VII-7:4**
 - Saskatchewan,
 - progress report
 - employer, **VII-7:99**
 - practitioner, **VII-7:99.70**
 - worker, WDF, **VII-7:99.30**
- Reconsideration request
 - Alberta, **VII-7:45; VII-7:49**
 - Manitoba
 - worker's, **VII-7:71**
 - Nova Scotia, **VII-7:112**
- Re-employment, Ontario, right to, **VII-7:4**
- Registration of pension plan
 - Alberta, **VII-6:67**
 - Manitoba, **VII-6:93**

WORKERS' COMPENSATION—Cont'd

Report of injury or disease

Alberta

employer, by, **VII-7:59**

worker, by, **VII-7:56**

Manitoba

employer, by, **VII-7:67**

hearing loss, **VII-7:70**

worker, by, **VII-7:94**

Ontario

employer's, **VII-7:4; VII-7:8**

worker's, **VII-7:7**

Saskatchewan, **VII-7:95**

employer, by, **VII-7:97**

worker, by, **VII-7:96**

Report on needlestick injury or body fluid splash, **VII-7:15**

Request for copy of claim file, **VII-7:17.80**

Request for reconsideration/clarification, **VII-7:30.70**

response, **VII-7:30.80**

Request for review

Alberta, **VII-7:45; VII-7:49**

Manitoba

worker's, **VII-7:71**

Nova Scotia, **VII-7:112**

Saskatchewan, **VII-7:95**

Response form

employers, **VII-7:21**

workers, **VII-7:20**

Return to work, Manitoba, **VII-7:65**

Return to work, Saskatchewan, **VII-7:106**

transitional plan procedure, **VII-7:107**

Review by courts

British Columbia, **VII-7:31**

Nova Scotia, **VII-7:112**

Ontario, **VII-7:4**

Review division, British Columbia

extension of time to appeal application, **VII-7:36; VII-7:37**

notice of appeal

compensation decision, **VII-7:32**

non-compensation decision, **VII-7:33**

Right

application form, sue, **VII-7:30.30**

participation form, sue, **VII-7:30.40**

WORKERS' COMPENSATION—Cont'd

- Spousal waiver of benefits
 - Manitoba, **VII-6:93**
- Statements to members
 - Alberta, **VII-6:67**
 - Manitoba, **VII-6:93**
- Termination of plan
 - Manitoba, **VII-6:93**
- Workers exposure incident reporting form, construction (CEIR), **VII-7:10**
- Workers report, related noise-induced hearing loss, **VII-7:13**
- Workplace Safety and Insurance Appeals Tribunal (WSIAT), Ontario, **VII-7:4**
 - notice of appeal, **VII-7:18**
- WorkSafeBC
 - notice of appeal
 - discriminatory action, **VII-8:38**
 - worksite and job analysis, Manitoba, **VII-7:92**
- WSIAT request form for audio recordings, **VII-7:30.20**

WORKPLACE

- Accommodation policy, **IX-1:165**
- Corporate Photo Identification
 - Secure Work Area Policy, **IX-1:243**
 - Secure Work Area Procedures, **IX-1:244**
- Hearing Loss Prevention Program, **IX-1:245**
- Hybrid work procedures, **IX-1:236**
- Learning and development policy, **IX-1:213**
- Lock-out/tag-out program, **IX-9:22**
- Mobile office work procedures, **IX-1:235, 1:237**
- Releasing helium balloons policy, **IX-9:23**
- Remote work policy, hybrid work, **IX-1:236.50**
- Right-to-disconnect policy, **IX-1:215**
 - Scents and sensitivities
 - procedure, **IX-1:239**
- Scents and sensitivities
 - policy, **IX-1:238**
- Violence in the, **IX-1:167**
- Visual identity policy, **IX-1:244.50**

WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM

See OCCUPATIONAL HEALTH AND SAFETY

WORLD WIDE WEB

- See also E-COMMERCE; INTERNET; LICENCES
- See INTERNET
- Acceptance test, **X-4:145**

WORLD WIDE WEB—Cont'd

Accessing site

- conduct of user, **X-4:173; X-4:281**
- copyright protections, **X-4:272**
- customer consent, **X-4:268**
- guest access terms of use, **X-4:127**
- information, use of, **X-4:290**
- intellectual property ownership, **X-4:275**
- limitation, personal and non-commercial use, **X-4:86**

links

- control of, **X-4:132**
- Internet sites, other, **X-4:129**
- liability for third parties, **X-4:130**
- limited licence, **X-4:219**
- third party sites, **X-4:131; X-4:243**

paste, right to, **X-4:296**

purposes solely lawful, **X-4:278**

search engines, submissions to, **X-4:277**

submissions and postings, **X-4:298**

terms and conditions, **X-4:170; X-4:236-X-4:238**

CAN-SPAM Act and EU directives, compliance with, **X-4:263**

“click to accept” clause, **X-4:264**

compliance with CAN-SPAM Act and EU directives, **X-4:263**

conduct, prohibited, **X-4:284**

content, **X-4:259**

third party, **X-4:271**

EU directives and CAN-SPAM Act, compliance with, **X-4:263**

filtering software, **X-4:285**

forum use, rules governing, **X-4:262**

legal notice, and, **X-4:257**

short form, **X-4:239-X-4:242**

site and services provision, **X-4:256**

software, downloadable, **X-4:259**

third party content, **X-4:271**

unsolicited submissions, **X-4:243**

web-based licence, **X-4:291**

website terms of use, **X-4:193**

terms of usage (consumer account access), **X-4:244**

usage policy on

corporate, **X-4:246**

employee, **X-4:247**

lawful, ethical, and respectful acceptable use, **X-4:254**

public agency, **X-4:261**

school district, **X-4:245**

WORLD WIDE WEB—Cont'd

- Accessing site—Cont'd
 - visitors
 - grant of rights, **X-4:299**
 - restrictions, **X-4:297**
- Applicable laws, **X-4:184**
- Confidentiality, reciprocal, clause, **X-4:266**
- Consenting means provision, **X-4:265**
- Copyright protections, **X-4:272**
- Customer service agreement, **X-4:155**
- Database access
 - content provider, **X-4:210**
 - limitation of liability and warranty, **X-4:215**
 - news service subscription agreement, **X-4:209**
 - prohibitions on use, **X-4:213**
 - registration agreement, **X-4:211**
 - restrictions on use, **X-4:212**
 - subscriber agreement, **X-4:214**
 - warranty and limitation of liability, **X-4:215**
- Database storage, no liability for, **X-4:276**
- Datasets, open access
 - BC licence, **X-11:5**
 - BC policy, **X-11:4**
 - federal government, open government licence, **X-11:6**
 - Regional Municipality of York, principles and licence, **X-11:1**
 - Toronto policy, **X-11:1**
 - Toronto use provisions, **X-11:2**
- Definition, **X-33:745**
- Disclaimers
 - See DISCLAIMERS
- End user agreement, **X-4:208; X-4:222**
- Evaluation
 - CD-ROM and related on-line services, **X-4:207**
 - downloaded end user agreement, **X-4:208**
 - permitted uses and restrictions, **X-4:205**
 - shareware, downloaded, **X-4:201**
 - software
 - licence, **X-4:203; X-4:204**
 - trial, **X-4:202**
- File transfer restrictions, **X-4:274**
- Forward-looking statements disclaimer, **X-4:270**
- Hazardous activities, **X-4:283**
- Hosting agreement
 - corporate, **X-4:150**

WORLD WIDE WEB—Cont'd

Hosting agreement—Cont'd

customer's responsibility for content, **X-4:159**

general, **X-4:149**

provider, **X-4:152**

services agreement, **X-4:156; X-4:157**

sign up plan, **X-4:153**

specification of services and exceptions, **X-4:160**

terms and conditions, **X-4:154**

virtual, **X-4:152**

web-based access, updates and associated web services, **X-4:149**

Information, use of, **X-4:290**

Information collected in conjunction with updates re licence, **X-4:293**

Licence

corporate intranet server, **X-4:220**

downloaded software, **X-4:208**

end-user agreement, **X-4:222**

information collected in conjunction with updates re, **X-4:293**

limited links, **X-4:219**

permitted uses and restrictions, **X-4:205**

terms

conditions, and, **X-4:221**

relating to, **X-4:289**

Linking agreement

See **LINKING AGREEMENTS**

Member's conduct while accessing services and content, **X-4:173**

Mutual promotion clause, **X-4:295**

Ownership

intellectual property, **X-4:275**

posted materials, **X-4:276**

proprietary elements, **X-4:273**

rights, **X-4:185; X-4:298**

Pornographic materials, **X-4:279**

Privacy policy

See **PRIVACY AND SECURITY**

Proprietary elements, definition and ownership of, **X-4:273**

Public agency's usage policy, **X-4:261**

Rules of conduct, **X-4:258**

Service, terms and conditions of, **X-4:288**

Site development

acceptance test, **X-4:145**

agreement, **X-4:138**

changes, **X-4:139**

service, including, **X-4:141; X-4:142**

WORLD WIDE WEB—Cont'd

Site development—Cont'd

agreement, **X-4:138—Cont'd**short form, **X-4:140**professional services agreement, **X-4:143**request for proposal, **X-4:146**service description, **X-4:144**

Software, downloading of

acceptance, constitution of, **X-4:216**distribution on “as is” basis, **X-4:217**end-user licence agreement, **X-4:208**licence terms, subject to, **X-4:286**notice, **X-4:218**terms and conditions, **X-4:259**Streaming service, terms of service agreement, **X-4:260**

Submissions

content not to infringe intellectual property rights, **X-4:234**customer use, **X-4:248-254**guidelines, **X-4:232**Internet search engines, **X-4:277**network use, **X-4:253**policy, **X-4:231**posting products on website for sale online, terms of use, **X-4:232.50**restrictions on data use, **X-4:269**unsolicited, terms of use, **X-4:243**user responsibilities, **X-4:233**System integrity, **X-4:267**

Terms and conditions on accessing site

generally, **X-4:236-X-4:238**CAN-SPAM Act and EU directives, compliance with, **X-4:263**“click to accept” clause, **X-4:264**compliance with CAN-SPAM Act and EU directives, **X-4:263**conduct, prohibited, **X-4:284; X-4:285**content, **X-4:259**third party, **X-4:271**EU directives and CAN-SPAM Act, compliance with, **X-4:263**filtering software, **X-4:287**forum use, rules governing, **X-4:262**lawful, ethical, and respectful acceptable use, **X-4:254**legal notice, and, **X-4:257**prototype service, early access, **X-4:260.50**services provider application, website, social media, **X-4:243.50**short form, **X-4:239-X-4:242**site and services provision, **X-4:256**

WORLD WIDE WEB—Cont'd

Terms and conditions on accessing site—Cont'd

software, downloadable, **X-4:259**

streaming service, **X-4:260**

terms of usage (consumer account access), **X-4:244**

third party content, **X-4:271**

usage of site, **X-4:243.70**

web-based licence, **X-4:291**

Usage policy

corporate, **X-4:246**

employee, **X-4:247**

lawful purposes only, for, **X-4:278**

public agency, **X-4:261**

school district, **X-4:245**

Warranties, of

desktop publisher, **X-4:215**

developer, **X-4:194**

WRIT

Checklist, **VIII-22:2**

Delivery, of

general form, **VIII-22:67**

requisition, **VIII-22:68**

Small Claims Court, **VIII-32:36**

Possession, of

commentary, **VIII-22:62**

general form of writ, **VIII-22:63**

motion for leave to issue

affidavit, **VIII-22:65**

notice of motion, **VIII-22:64**

order, **VIII-22:66**

Reference, on

affidavit, **VIII-19:27**

notice of motion, **VIII-19:31**

order, **VIII-19:33**

Seizure and sale, of

American funds, **VIII-22:9**

backsheet, **VIII-22:3**

change debtor's name

add alias, **VIII-22:26-22:28**

corporate debtor, **VIII-22:20-22:22**

personal debtor, **VIII-22:23-22:25**

spelling variation, **VIII-22:29-22:31**

direction to enforce, **VIII-22:6**

examination, conduct of, affidavit, **VIII-22:7**

WRIT—Cont'd

Seizure and sale, of—Cont'd

exemption from execution, motion to determine, **VIII-22:32-22:34**general form, **VIII-22:2**

leave to issue

condition on enforcement

affidavit, **VIII-22:18**commentary, **VIII-22:16**notice of motion, **VIII-22:17**order, **VIII-22:19**

elapse of six years

affidavit, **VIII-22:14**commentary, **VIII-22:12**notice of motion, **VIII-22:13**order, **VIII-22:15**

mortgage, seizure of

direction to sheriff, **VIII-22:39**mortgagor, notice to, **VIII-22:40**sheriff's notice, **VIII-22:38**request to renew, **VIII-22:8**request to withdraw, **VIII-22:11**requisition, **VIII-22:4**amend creditor's name, to, **VIII-22:10**

seizure of property in possession of third parties

affidavit, **VIII-22:37**bond, **VIII-22:36**instructions, **VIII-22:35**Small Claims Court, **VIII-32:38**affidavit for, **VIII-32:37**request to renew, **VIII-32:40**statutory declaration, **VIII-22:5**withdrawal of, request for, **VIII-22:11**

Sequestration, of

commentary, **VIII-22:57**general form, **VIII-22:58**motion for leave to issue, **VIII-22:59-22:61**

Sheriff's report on execution of

claim, notice of, **VIII-22:84**request to sheriff, **VIII-22:85**require sheriff to report, motion to, **VIII-22:86-22:88**

Withdrawal of writ of execution

motion to require withdrawal

affidavit, **VIII-22:92**notice of, **VIII-22:91**

WRIT—Cont'd

- Withdrawal of writ of execution—Cont'd
 - motion to require withdrawal—Cont'd
 - order, **VIII-22:93**
 - payment, notice of, **VIII-22:89**
 - withdrawal, notice of, **VIII-22:90**

WRITER

- Appointment of literary executor by, **V-6:37; V-6:38**

WRITING, MOTIONS IN

- See MOTIONS, in writing

WRIT OF SEIZURE AND SALE

- Court form, **VI-25:26**
- Request for, **VI-25:27**

WRIT OF TEMPORARY SEIZURE

- Court form, **VI-25:29**

WRONGFUL DISMISSAL ACTION

- Alberta, **VII-10:32**
 - civil claim, **VII-10:33**
 - demand for notice by defendant, **VII-10:41**
 - dispute notice, **VII-10:34**
 - reply to defence, **VII-10:42**
 - statement of claim, **VII-10:39**
 - statement of defence, **VII-10:40**
 - withdrawal, notice of, **VII-10:35**
- British Columbia, **VII-10:24**
 - counterclaim, **VII-10:28**
 - response to, **VII-10:29**
 - notice of civil claim, **VII-10:25**
- Constructive dismissal, statement of claim, **VIII-5:49**
- Federal, **VII-10:2**
 - statement of claim, **VII-10:11**
 - statement of defence, **VII-10:12**
 - reply, **VII-10:13**
- Manitoba, **VII-10:43**
 - statement of claim, **VII-10:47**
 - statement of defence, **VII-10:48**
 - reply, **VII-10:49**
- Nova Scotia, **VII-10:54**
 - defence, **VII-10:56**
 - notice of action, **VII-10:55**
- Offer by plaintiff to settle claim for, **VIII-21:21**

WRONGFUL DISMISSAL ACTION—Cont'd

- Ontario, **VII-10:14**
 - information for court use, **VII-10:19**
 - statement of claim, **VII-10:18**
 - statement of defence, **VII-10:20**
 - reply, **VII-10:21**
- Saskatchewan, **VII-10:52**
 - statement of claim, **VII-10:53**
- Settlement instructions, **VIII-21:9**
- Statement of claim, **VIII-5:47**
- Statement of defence, cause, **VIII-5:48**
- Witness interview checklist, **VIII-1:15**

ZONING

- See also **PLANNING**
- By-laws
 - See **BY-LAWS**
- Cash-in-lieu of parking agreement, **IX-4:7**
- Commentary, **IX-4:1**
- Development agreement, **IX-4:2**
 - amending agreement, **IX-4:3; IX-4:4**
- Minor variance agreement, **IX-4:9; IX-4:10**
- Music festival temporary use agreement, **IX-4:11**
- Optional clauses
 - building location permit, **IX-4:20**
 - damage, owner's responsibility for, **IX-4:24**
 - deposit by owner, **IX-4:25**
 - easement, grant of permanent, **IX-4:15**
 - environmental matters, **IX-4:31**
 - extermination, **IX-4:18**
 - garbage and refuse, **IX-4:16**
 - handicapped parking, **IX-4:22**
 - heating, **IX-4:17**
 - metering of utility, **IX-4:29**
 - municipal services, approval of, **IX-4:30**
 - ownership by single entity, **IX-4:12**
 - sanitary services study, **IX-4:27**
 - sanitary works, approval of, **IX-4:28**
 - setback, **IX-4:19**
 - site plan approval, **IX-4:21**
 - storm drainage study, **IX-4:26**
 - storm water run-off, **IX-4:14**
 - trees, **IX-4:23**
 - underground tunnel, **IX-4:32**
 - water, sanitary and storm service connections, **IX-4:13**

O'BRIEN'S ENCYCLOPEDIA OF FORMS

ZONING—Cont'd

Parking requirements exemption agreement, **IX-4:5; IX-4:6**

Parkland dedication acknowledgment, **IX-4:8**