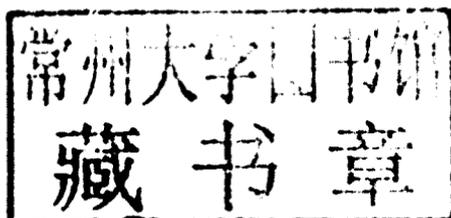


**The Doctrine of
Res Judicata in Canada**

Third Edition



Donald J. Lange, B.A., LL.B., Ph.D. (Cantab.)

LexisNexis®

The Doctrine of Res Judicata in Canada, Third Edition

© LexisNexis Canada Inc. 2010

August 2010

All rights reserved. No part of this publication may be reproduced, stored in any material form (including photocopying or storing it in any medium by electronic means and whether or not transiently or incidentally to some other use of this publication) without the written permission of the copyright holder except in accordance with the provisions of the Copyright Act. Applications for the copyright holder's written permission to reproduce any part of this publication should be addressed to the publisher.

Warning: The doing of an unauthorized act in relation to a copyrighted work may result in both a civil claim for damages and criminal prosecution.

This publication is designed to provide accurate and authoritative information. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting or other professional advice. If legal or other expert advice is required, the services of a competent professional should be sought. The analysis contained herein represents the opinions of the author(s) and should in no way be construed as being either official or unofficial policy of any government body.

Members of the LexisNexis Group worldwide

Canada	LexisNexis Canada Inc, 123 Commerce Valley Dr. E., MARKHAM, Ontario
Australia	Butterworths, a Division of Reed International Books Australia Pty Ltd, CHATSWOOD, New South Wales
Austria	ARD Betriebsdienst and Verlag Orac, VIENNA
Czech Republic	Orac sro, PRAGUE
France	Éditions du Juris-Classeur SA, PARIS
Hong Kong	Butterworths Asia (Hong Kong), HONG KONG
Hungary	Hvg Orac, BUDAPEST
India	Butterworths India, NEW DELHI
Ireland	Butterworths (Ireland) Ltd, DUBLIN
Italy	Giuffré, MILAN
Malaysia	Malayan Law Journal Sdn Bhd, KUALA LUMPUR
New Zealand	Butterworths of New Zealand, WELLINGTON
Poland	Wydawnictwa Prawnicze PWN, WARSAW
Singapore	Butterworths Asia, SINGAPORE
South Africa	Butterworth Publishers (Pty) Ltd, DURBAN
Switzerland	Stämpfli Verlag AG, BERNE
United Kingdom	Butterworths Tolley, a Division of Reed Elsevier (UK), LONDON, WC2A
USA	LexisNexis, DAYTON, Ohio

Library and Archives Canada Cataloguing in Publication

Lange, Donald J.

The doctrine of res judicata in Canada / Donald J. Lange. — 3rd ed.

Includes bibliographical references and index.

ISBN 978-0-433-45653-7

1. Res judicata — Canada. 2. Estoppel — Canada. 3. Process — Canada.

I. Title.

KE8514.L36 2010

347.71'077

C2004-906835-0

KF8992.L36 2010

Printed and bound in Canada.

**The Doctrine of
Res Judicata in Canada**

Third Edition

To
Marion Stirrett

ABOUT THE AUTHOR

Donald J. Lange, B.A., LL.B., Ph.D. (Cantab.), of the Ontario Bar, is a lawyer and a scholar. He is well qualified to write this definitive Canadian treatise on *res judicata* and related doctrines. He has practised exclusively in the area of civil litigation for nearly 30 years, appearing as counsel in many reported decisions. He is also a Deputy Judge of the Small Claims Court and, in that capacity, has rendered many reported judgments. Dr. Lange's articles have also been published in leading periodicals such as the *Canadian Bar Review* and the *Osgoode Hall Law Journal*.

PREFACE TO THE THIRD EDITION

There have been over 2,000 Canadian decisions on *res judicata* and related doctrines since the second edition of this book was published in 2004. I have examined these decisions to determine their importance to the jurisprudence and added over 400 to the third edition.

The section on issue estoppel in criminal law is completely revised following the leading decision of the Supreme Court of Canada in *R. v. Mahalingan*.¹ The estoppel effect of a consent order is reconsidered based on Supreme Court of Canada *obiter dicta* in *Rick v. Brandsema*.² New sections have been added to some chapters, including an extensive review of the law under vexatious proceedings legislation and sections on security for costs and lawyer negligence. Many other sections have been expanded or rewritten to accommodate the growing case law. Two new key principles sections have been developed to assist advocates and judges. “The Key Principles of Discretion” identifies when a court may apply judicial discretion to the estoppel doctrines. “The Six Essential Doctrines” sets out the most concise definitions of the main doctrines in the book.

The developing law has prompted a reorganization of the chapters. Chapter 5 is now entitled “Discretion and Special Circumstances,” with new lead sections discussing the exercise of judicial discretion when considering whether or not issue estoppel or cause of action estoppel should apply to a second proceeding. The chapter on the doctrine of abuse of process by relitigation has been revised and moved from Chapter 7 to Chapter 4, to immediately follow the chapters on issue estoppel and cause of action estoppel because of the doctrine’s higher profile in the jurisprudence following *Toronto (City) v. Canadian Union of Public Employees, Local 79*.³

Since the first edition was published in 2000, the Canadian judiciary has quoted or referred to this book in numerous decisions at the trial and appellate levels, including on five occasions by the Supreme Court of Canada. Indeed, I am pleased to report that the book has been described as a “highly influential work ... which is widely cited and generally relied upon as being authoritative in Canadian courts.”⁴

I express my appreciation to LexisNexis Canada for providing product development and editorial assistance for the third edition, and to my spouse, Marion Stirrett, for her loving interest in the mysteries of *res judicata*.

This is the law of Canada between October 19, 1820 and January 1, 2010.

Donald J. Lange
Toronto, Canada
July 1, 2010

¹ *R. v. Mahalingan*, [2008] S.C.J. No. 64.

² *Rick v. Brandsema*, [2009] S.C.J. No. 10.

³ *Toronto (City) v. Canadian Union of Public Employees, Local 79*, [2003] S.C.J. No. 64.

⁴ L.S. Abrams and K.P. McGuinness, *Canadian Civil Procedure Law*, 2nd ed. (Markham, Ont.: LexisNexis, 2010) at 232.

PREFACE TO THE SECOND EDITION

Since the first edition of this book in 2000, there have been three new leading decisions from the Supreme Court of Canada regarding the doctrine of *res judicata* and related doctrines. This is significant for a jurisprudence which previously looked for authority to the leading decisions of *Angle v. Minister of National Revenue*¹ and *Grandview (Town) v. Doering*,² now 30 years old. In *Danyluk v. Ainsworth Technologies Inc.*,³ the court introduced and mandated a consideration of the exercise of discretion in the application of issue estoppel. In *Toronto (City) v. Canadian Union of Public Employees, Local 79*,⁴ the court provided a definitive analysis of the doctrine of abuse of process by relitigation, refusing to adopt the non-mutuality approach to issue estoppel as applied in the United States. In *Beals v. Saldhana*,⁵ the court established the scope of fraud as an exception of special circumstances in estopping a foreign judgment in domestic proceedings.

The second edition examines these three Supreme Court decisions as well as over 500 decisions from trial and appellate courts across Canada rendered since 2000. For example, the reader will find that the exercise of discretion in the application of cause of action estoppel has been considered. The archaic doctrine of merger of a cause of action has been given new life. What constitutes a judicial decision has been redefined. The issue of the relitigation of a conviction in a civil proceeding has been thoroughly analyzed.

I am pleased to report that the first edition was well received by the Canadian judiciary. The book was cited by the Supreme Court of Canada on three occasions, and on many occasions by the Courts of Appeal of Alberta, New Brunswick, Nova Scotia, Ontario, and the Federal Court of Canada, as well as by numerous provincial superior courts and tribunals.

I wish to thank LexisNexis Canada for providing product development and editorial assistance for the second edition. I especially thank my spouse, Marion Stirrett, for her unfailing interest and support of this book.

This is the law of Canada between October 19, 1820 and June 1, 2004.

Donald J. Lange
Toronto, Canada
December 1, 2004

¹ *Angle v. Minister of National Revenue* (1974), 47 D.L.R. (3d) 544 (S.C.C.).

² *Grandview (Town) v. Doering*, [1976] 2 S.C.R. 621.

³ *Danyluk v. Ainsworth Technologies Inc.*, [2001] S.C.J. No. 46.

⁴ *Toronto (City) v. Canadian Union of Public Employees, Local 79*, [2003] S.C.J. No. 64.

⁵ *Beals v. Saldanha*, [2003] S.C.J. No. 77.

PREFACE TO THE FIRST EDITION

This book is about the law of Canada. It consolidates over 2,000 Canadian and pre-Confederation cases on issue estoppel, cause of action estoppel, and related doctrines. It establishes the current state of the law in Canada and provides leading statements on the principles of law as articulated by Canadian judges since Confederation.

The book is intended to be a comprehensive reference source for litigators, judges, and scholars. The “Key Principles” in the book distillate the law of Canada in regard to the doctrines of issue estoppel, cause of action estoppel, and abuse of process by relitigation. The analysis in the book dissects the minutiae of these complex doctrines. There are many related doctrines which are explored and many problem areas which are analyzed. The reader will find in the book a body of jurisprudence distinctively Canadian.

I wish to thank the librarians and staff of the Great Library of the Law Society of Upper Canada, where I conducted my research over a period of years, my publisher for editorial support and the inevitable extensions of time, and my colleague, Roy Wise, for his interest and support. To Marion Stirrett, this book is dearly dedicated. Without Marion, this consolidation of the law of Canada would not have been possible.

I researched, I read, I wrote. This is the law of Canada between October 19, 1820 and January 1, 2000.

Donald J. Lange
Toronto, Canada
August 1, 2000

ON READING THE FOOTNOTES

The footnotes are organized in the order of levels of court and chronology. When more than one case is cited in a footnote, the appellate court is cited first, in chronological order citing the most recent case first, followed by lower court cases in the same chronological order. In footnote references to appellate cases, concurrence or dissension among the panel is noted where applicable. The reader will, on occasion, find an appellate case, reversing or affirming a lower court decision, cited following the lower court case because it is reversed or affirmed “on another ground” or “on other grounds” without affecting the precedent value of the lower court decision as cited. Case quotations in the text and footnotes identify the name of the judge. The quotations retain the formatting from their original paper or electronic source. References to “See also” in the footnotes identify additional cases related to the matter discussed. Some case commentary appears in the footnotes often beginning with the introductory word “In.”

Cases with electronic citations, for example, “[2001] S.C.J. No. 46,” are citations from LexisNexis Quicklaw. Cases with citations of “A.C.W.S.” or “W.C.B.” are references to unreported decisions in Canadian digests of cases, namely, the All Canada Weekly Summaries and the Weekly Criminal Bulletin, respectively. These footnotes cite the page number where the case is summarized in the digest followed by a reference to the actual page or pages of the unreported reasons for judgment under discussion. Cases from these digests may be ordered from the publisher of the digests.

TABLE OF CASES

- 100 Main Street East Ltd. v. Sakas, 270, 274, 275, 276, 277, 280
- 57655 Manitoba Ltd. v. Grenier Modaprix Inc., 153
- 87313 Canada Inc. v. Neeshat Oriental Carpet Ltd., 448
- 048436 N.B. Ltd. v. 059693 N.B. Ltd., 312
- 048436 N.B. Ltd. v. Tippett, 12, 61, 102, 447
- 228262 Alberta Ltd. v. Minister of National Revenue, 152
- 272649 Alberta Ltd. v. Alberta Auto Transport Ltd., 49
- 274114 Alberta Ltd. v. Mohawk Oil Co., 24
- 351694 Ontario Ltd. v. Paccar of Canada Ltd., 352
- 356226 British Columbia Ltd. v. Vancouver (City), 169
- 389179 Ontario Ltd. (No. 4), Re, 91, 424
- 410675 Alberta Ltd. v. Trail South Developments Inc., 217
- 410727 B.C. Ltd. v. Dayhu Investments Ltd., 3
- 420093 B.C. Ltd. v. Bank of Montreal, 12, 45, 83, 87, 132, 162, 163
- 420746 B.C. Ltd. v. Mисley, 6, 284, 444
- 507089 Alberta Ltd. v. Calgary (City), 455
- 574095 Alberta Ltd. v. Hamilton Brothers Exploration Co., 4, 30, 46, 47, 49, 50, 56, 154, 190, 192, 239
- 579326 B.C. Ltd. v. Allen (c.o.b. Allen Contracting), 251, 329
- 594872 Ontario Inc. v. Canada, 316
- 594872 Ontario Inc. v. Minister of National Revenue (No. 2), 98
- 625686 Ontario Ltd. v. Super Fitness Centres Inc., 337
- 639622 Ontario Ltd. v. International Semi-Tech Microelectronics Inc., 219
- 642947 Ontario Ltd. v. Fleischer, 459
- 677933 Ontario Ltd. v. Dical Investments Ltd., 433
- 702535 Ontario v. Lloyd's London, England (Lloyd's Open Market), 46
- 833809 Ontario Ltd. v. Lou Parsons Realty Ltd., 436
- 970207 Ontario Ltd. v. Lech, Lightbody & O'Brien, 87, 148, 234
- 1387881 Ontario Inc. v. Ramsay, 485
- 4348037 Manitoba Ltd. v. 2804809 Manitoba Ltd., 14

A

- A Solicitor v. Law Society of New Brunswick, 4, 140
- A.H. Al-Sagar & Brothers Engineering Project Co. v. Al-Jabouri, 276, 286, 288, 289
- A.I. Enterprises Ltd. v. Schelew, 343
- A.J.G. v. Alberta, 416
- A.U.P.E. v. Fernando, 17, 65, 422
- AB Hassle v. Apotex Inc., 61, 192
- AB Hassle v. Canada (Minister of National Health & Welfare), 242, 246
- Abacus Cities Ltd., Re, 138
- Abacus Cities Ltd. (Bankrupt) v. Bank of Montreal, 190, 202, 215, 481
- Abbott Laboratories v. Canada (Minister of Health), 17, 61, 100, 226, 232
- Abramson v. Oshawa (City), 155, 352
- Abramyk v. Abramyk, 103, 422
- Achtem v. Law Society (Alberta), 92
- Adams v. R., 545
- Adams-Mood v. Toronto Dominion Bank, 245, 247
- Adamson, Re, 401
- Adar v. Canada (Minister of Citizenship & Immigration), 98, 119, 215
- Adrian v. Canada (Minister of Health), 197, 462
- Aetna Insurance Co. v. Canadian Surety Co., 87, 450, 561
- Aetna Life Insurance Co. of Canada v. Ungerman, 108
- Ager v. R., 118, 176, 236
- AGF Canadian Equity Fund v. Transamerica Commercial Finance Corp. Canada, 18, 167, 316, 345
- Agil Holdings Ltd., Re, 47, 62, 63, 112, 142, 149, 422, 428
- Agricultural Research Institute of Ontario v. Campbell-High, 523
- Aguonie v. Galion Solid Waste Material Inc., 147

- Agustawestland International Ltd. v. Canada (Minister of Public Works and Government Services), 61
- Ahani v. Canada (Minister of Citizenship & Immigration), 191, 462
- Aho v. Kelly, 54
- Ahousaht Indian Band v. Canada (Attorney General), 485
- Ainsworth v. Bickersteth, 110
- Ainsworth Lumber Co. v. Canada (Attorney General), 449
- Air Canada v. British Columbia, 31, 225, 304, 306, 308, 332
- Alaaily v. MacLeod, 444
- Albayrak v. Nesbitt Burns Inc., 344
- Alberta (Energy Resources Conservation Board) v. Sarg Oils Ltd., 475, 477
- Alberta (Minister of Finance) v. Bang, 127
- Alberta (Provincial Treasurer) v. J. Woycenko & Sons Contracting Ltd., 363
- Alberta (Public Trustee) v. Koblanski (No. 2), 279
- Alberta (Treasury Branches) v. Naber, 58
- Alberta Government Telephones v. Arrow Excavators & Trenchers (1972) Ltd., 339
- Alberta Power Ltd. v. Alberta (Public Utilities Board), 129
- Alberta Treasury Branches v. Ghermezian, 8
- Alderman v. North Shore Studio Management Ltd., 65, 66, 88, 90
- Alexander v. Herman, 164, 173
- Alfred v. Allstate Insurance Co. of Canada, 45
- Allan v. Bank of Montreal, 138
- Allan v. CIBC Trust Corp., 79, 210
- Allan v. McTavish, 560
- Alongi-Peluso v. Canada (Treasury Board), 112
- Al-Smadi, Re, 92, 166, 211, 311
- Alsop Process Co. v. J. P. Friesen & Son, 440
- Altberg v. Oosterhuis, 57, 213
- Altech Aluminum Ltd. v. British Columbia (Attorney General), 46
- Altobelli v. Pilot Insurance Co., 46, 72, 90, 207, 214, 562
- Aluma Systems Canada Inc. v. Strait Crossing Inc., 45, 188, 190, 191
- Alvi v. Misir, 20, 208
- Amex Bank of Canada v. Euro Scotia Funding Ltd., 252
- Amfac Foods Inc. v. Irving Pulp & Paper Ltd., 432
- Amopharm Inc. v. Harris Computer Corp., 261, 262
- Amson v. Amson, 124
- Anastasakos v. Allen, 432
- Anctil v. Quebec (City), 179
- Anderson v. Airtel Inc., 315
- Anderson v. Alberta (Commissioner of Inquiry), 546
- Anderson v. Ameliasburg (Township), 17, 20
- Anderson v. Amoco Canada Oil & Gas, 10
- Anderson v. D. Brent Adair Personal Law Corp., 432
- Anderson v. Kehler, 100
- Andreadis v. Pinto, 533, 537
- Angle v. Minister of National Revenue, 3, 9, 19, 28, 30, 31, 32, 33, 36, 38, 45, 46, 50, 62, 64, 65, 67, 81, 83, 103, 112, 141, 225, 378, 379, 380, 396, 397
- Anglo-Canadian Mortgage Investment Corp. v. Shaw, 25, 153, 318
- Anglo-Klondike Mining Co. v. Cook, 2, 118, 177
- Angus v. R. Angus Alberta Ltd., 78, 363
- Anko Investments Ltd. v. Canadian Commercial & Industrial Bank Mortgage Investment Corp. of Alberta, 133, 220, 486
- Anttal v. Canada (Minister of Citizenship and Immigration), 456
- A-P Seafoods Ltd. v. Seaport Crown Fish Co., 158
- Apotex Inc. v. Canada (Attorney General), 61, 94, 243, 247
- Apotex Inc. v. Canada (Minister of National Health & Welfare), 137
- Apotex Inc. v. Merck & Co., [2002] F.C.J. No. 811 (C.A.), 6, 7, 36, 45, 53, 60, 61, 62, 95, 226, 247, 257
- Apotex Inc. v. Merck & Co., [2002] F.C.J. No. 840 (T.D.), 332
- Apotex Inc. v. Richter Gedeon Vegyeszeti Gyar RT, 322
- Apotex Inc. v. Wellcome Foundation Ltd., 441
- Arborform Countertops Inc. v. Stellato, 140, 160
- Archipelago (Township) v. Shawanaga First Nation, 34, 52, 112, 191, 210
- Argentina Beach (Summer Village) v. Warshawski, 164
- Armaly v. Canada, 311
- Armour v. Merchants Bank, 276
- Amco Business Services Ltd., Re, 424
- Arnold v. National Westminster Bank plc., 261, 262
- Arrow Transit Lines Ltd. v. Tank Truck Transport Ltd., 427
- Arthra Translations & Technical Services Inc. v. Ontario, 433

- Ashley v. Gladden, 450
 Assindia Sales Ltd. v. Alexander, 185
 Associates Acceptance Co. v. Olchoway, 105
 Assured Towing Ltd. v. Toronto (City), 478, 481
 Athabasca Realty Co. v. Foster, 169, 212
 ATL Industries Inc. v. Han Eol Ind. Co., 83, 84, 85, 209, 210, 451
 Au v. Canada (Attorney General), 176
 Auer Incandescent Light Manufacturing Co. v. Dreschel, 308, 459
 Aventis Pharma Inc. v. Apotex Inc., 198
 Ayangma v. Prince Edward Island, 129, 204
 Ayangma v. Wyatt, 166
 Azeri v. Esmati-Seifabad, 338
- B**
- B. v. J., 407
 B & B Rentals & Sales Ltd. v. Bruce Brothers Ltd., 317
 B. (J.), Re, 402
 B.C. Fruit Packers Cooperative v. Redies, 231, 444
 B.F.C.S.D., Local 278C v. Brewers' Warehousing Co., 420
 B.N. v. Canada (Attorney General), 49
 B.P.D. v. Canada (Minister of Indian Affairs), 36
 Babavic v. Babowech, 188, 196
 Babish v. W.L. Wilkin Ltd., 90
 Bagaric v. Juric, 56, 190, 407
 Bailey v. Guaranty Trust Co. of Canada, 6, 13, 309, 311
 Bailey Cobalt Mines Ltd. v. Benson, 162, 165
 Baird v. Lawson, 3, 129, 444, 497
 Baker v. Booth, 2, 316
 Baker v. Spain, 442, 443
 Balanyk v. Greater Niagara General Hospital, 363
 Balkwill v. Ducharme, 434, 435
 Ball v. Thorne, 135
 Ballard v. Stavro, 315
 Ballentine v. Ballentine, 413, 507
 Banco Brasil S.A. v. "Alexandros G. Tsavlis" (The), 111
 Bank of America Canada v. Willann Investments Ltd., 19, 99, 312
 Bank of British Columbia v. Singh, 45, 140, 209, 243, 246, 248, 268
 Bank of Montreal v. Aitken, 184, 482, 486
 Bank of Montreal v. Awards-West Ventures Inc., 185
 Bank of Montreal v. Bailey, 488, 491, 497
 Bank of Montreal v. Butler, 496
 Bank of Montreal v. Cameron, 49, 184, 486
 Bank of Montreal v. Coopers Lybrand Inc., 351, 352, 356, 463, 482
 Bank of Montreal v. Crosson, 218
 Bank of Montreal v. J.R. Lakusta Holdings Ltd., 184
 Bank of Montreal v. Jarjoura, 18, 24
 Bank of Montreal v. Kuzma, 162, 165
 Bank of Montreal v. Mainland Crystal Glass Ltd., 14
 Bank of Montreal v. Maple City Ford Sales (1986) Ltd., 86, 89, 254, 425
 Bank of Montreal v. Mitchell, 161, 162, 164, 250
 Bank of Montreal v. Ostapowich (Trustee of). See Bank of Montreal v. Coopers Lybrand Inc.
 Bank of Montreal v. Pilot Insurance Co., 562
 Bank of Montreal v. Wilder, 90, 132
 Bank of Montreal v. Woldegabriel, 538
 Bank of Montreal v. Woydon, 425
 Bank of Nova Scotia v. Agronin, 332, 337
 Bank of Nova Scotia v. Comeault, 348
 Bank of Nova Scotia v. Fennell Management Ltd., 152
 Bank of Nova Scotia v. Guenette, 133, 151, 184, 315
 Bankirk Developments Ltd. v. Orca Estates Ltd., 358
 Banman v. Weipert, 330
 Banque Nationale de Paris (Canada) v. Canadian Imperial Bank of Commerce, 45, 76, 84, 101, 161, 450
 Banton v. Chand, 432
 Barbagianis v. Canada (Attorney General), 1, 143
 Barber v. McCuaig (2), 20, 153, 259
 Barbieri, Re, 56
 Barclay's Bank plc v. Inc. Inc., 83, 90, 450
 Baron v. Nova Scotia (Community Services), 92
 Barral v. Koberlein Estate, 25, 316
 Barrett v. Krebs, 10, 494
 Barrette v. Canadian Bank of Commerce, 195, 212
 Barron v. Foothills (Municipal District), 439
 Bartor Developments Inc. v. Leon's Furniture Ltd., 338
 Barwell Food Sales Inc. v. Snyder & Fils Inc., 99, 450, 457
 Basaraba v. Ochapowace Indian Band No. 171, 102
 Bashnick v. Mitchell, 442

- Bass v. State Farm Mutual Automobile Insurance Co., 75
- Bassi v. Bassi, 345
- Batchelor v. Morden, 140, 216
- Baume & Mercier S.A. v. Importations Cercle Ltée/Circle Imports Ltd., 439
- Baxter v. Derkasz, 12, 15
- Bayhold Financial Corp. v. Clarkson Co., 8, 88, 163, 312
- Baziuk v. BDO Dunwoody Ward Mallette, 44, 203, 204, 216, 244, 246
- Beairsto v. Michaud, 244
- Beals v. Saldanha, 271, 282, 345, 452, 453, 454
- Bear Island Foundation v. Ontario, 55, 61, 76, 152, 237, 244, 246, 262
- Beattie v. Ladouceur, 499
- Beaulieu v. McLaughlin, 43, 47, 87, 145
- Becker Milk Co. v. Consumers' Gas Co., 273
- Bedard v. Isaac, 489
- Beecham Canada Ltd. v. Procter & Gamble Co., 439
- Belisle v. Canadian Cottons Ltd., 180
- Belisle v. Mountain Institution, 380
- Bell v. Cessna Aircraft Co., 495
- Bell v. Klein, 251, 490
- Bell v. Miller, 118
- Bell Canada v. Canadian Telephone Employees Assn., 54
- Bellamy v. Adera Financial Corp., 140, 243
- Bellamy v. Timbers, 489
- Belleau v. Canada (Minister of National Health & Welfare), 40
- Bence v. Okanagan-Similkameen (Regional District), 27
- Beneficial Finance Co. v. Williamson, 362
- Benesiewicz v. Dionne, 485
- Beninger v. Beninger, 410
- Benisti Import-Export Inc. v. Modes TXT Carbon Inc., 103
- Benjamin v. Haskell, 560
- Bennett v. British Columbia (Securities Commission), 12, 66
- Bennett & White (Calgary) Ltd. v. Sugar City (Municipal District), 437
- Benson v. Quattrocchi, 529
- Benson v. Workers Compensation Board, 188, 499, 506
- Bentley v. Leonard, 421
- Bercovici v. Transcanada Pipelines Ltd., 135
- Berg v. Pigeon Timber Co., 486
- Berge v. Langlois, 78
- Bernath v. Canada, 43, 134, 191, 213, 233
- Bernier v. Bernier, 58, 244, 247
- Berscheid v. British Columbia (Minister of Environment, Lands and Parks — Water Management Branch), 312
- Berscheid v. Ensign, 312, 456
- Betterton v. Turner, 539
- Bhaduria v. Toronto Board of Education, 315, 421
- Bibby, Re, 368
- Bidwell v. Stanton, 2
- Big Wheels Transport & Leasing Ltd. v. Hansen, 103, 445
- Bilodeau v. Manitoba (Attorney General), 265
- Binder v. Pratt, 8
- Birenbaum, Koffman, Steinberg v. Clapton Construction Ltd., 432
- Birkdale Realty v. McLean, 346
- Birtles v. Dominion of Canada General Insurance Co., 562
- Bishop v. Correction Service of Canada, 266
- Bjarnarson v. Manitoba, 68, 69, 141, 155, 202, 211, 241
- Black v. Dominion Fireproofing Co., 522
- Blackwell, Re, 7, 264
- Blackwood v. 736923 Ontario Ltd., 213, 465, 486
- Blair Athol Farms Ltd. v. Black, 100, 134
- Blais v. Freson Market Ltd., 527
- Blatchford v. Van Ruyven, 484, 485
- Bleszynski v. Admann International Trade Inc., 180
- Blueberry River Indian Band v. Canada (Department of Indian Affairs and Northern Development), 18, 168
- Bluewater Agromart Ltd. v. Paul's Machine & Welding Corp., 218, 451
- Blum v. Blum, 341
- BMF Trading v. Abraxis Holdings Ltd., 9, 85
- Bobovec v. Mesaric, 309, 446
- Boeckh v. Gowganda-Queen Mines, 134, 138
- Bohemier v. Centra Gas Manitoba Inc., 158, 243
- Bomac Construction Ltd. v. Stevenson, 91, 197, 202, 204, 210
- Bondfield Construction Co. (1983) v. Kar, 473
- Bonisteel v. Bateman, 162, 357
- Bookman, Re, 424
- Bordeleau v. Canada, 39
- Border Cities Meat Products Ltd. v. Canadian National Railway Co., 21
- Bott v. Sorley, 315
- Bouchard v. Wheeler, 413
- Boucher v. Stelco Inc., 35, 40, 67, 230
- Bourbonnie v. Union Insurance Society of Canton, 559, 560

- Bourque (Pierre) & Fils Ltée v. Canada, 217, 329
- Bouten v. Mynarski Park School District No. 5012, 89, 130, 177
- Bow Valley Husky (Bermuda) Ltd. v. Saint John Shipbuilding Ltd., 116
- Bowering v. Bowering, 317
- Box Estate (No. 2), Re, 166
- Boyd v. Boyd, 515
- Brabant Brothers Ltd., Re, 423
- Bradford & Bingley Building Society v. Seddon, 198, 199, 200
- Braithwaite v. Haugh, 247
- Braithwaite v. Nova Scotia Public Service Long Term Disability Plan Trust Fund, 17, 24, 456, 476
- Brake v. Rice, 173, 396, 397, 414
- Bramalea Ltd. v. McMullen, 213
- Brandon (City) v. Manitoba (Human Rights Commission), 177, 352
- Brass Tacks Concrete & Drilling Ltd. v. Gateway Construction & Engineering Ltd., 345, 481
- Breen v. Saunders, 481, 553
- Brennan v. Morris, 323
- Brett-Young Seeds Ltd. v. K.B.A. Consultants Inc., 96
- Brewer v. Bishop, 304
- Brewster, Leeds & Co. v. Waldman & Stone Ltd., 465
- Brian Holley Motors Ltd. v. Volvo Canada Ltd., 218
- Bridal Fair Inc. v. A.D. & D. Promotions Inc., 338, 447
- Bridgeview Developments Ltd. v. Beck, 218
- Briggs v. Fleutot, 158, 159
- Brignilio v. Desmarais, Keenan, 435
- Britannia Airways Ltd. v. Royal Bank of Canada, 147, 152, 164, 191, 196, 449
- British American Oil Co. v. Born Engineering Co., 116
- British Columbia (Attorney General) v. Malik, 207
- British Columbia (Attorney General) v. Mount Currie Indian Band, 473, 474, 475
- British Columbia (Chief Firearms Officer) v. Donnelly, 65, 379
- British Columbia (Minister of Forests) v. Bugbusters Pest Management Inc., 95, 117, 118, 119, 438
- British Columbia (Public Trustee) v. Batiuk, 54
- British Columbia (Securities Commission) v. Scharfe, 86
- British Columbia Maritime Employers Assn. v. Wellicome, 455
- Browsers Pet Centre v. Del Ben, 61, 154
- Brown v. Bank of Ottawa, 453
- Brown v. Marwih, 6, 8, 259, 260, 261, 267
- Brown v. Miller, 95, 226, 232, 234
- Brown v. Waterloo (Region) Commissioners of Police, 455
- Brown v. Yates, 15, 45
- Browne v. CKWX Ltd., 123
- Bruneau v. Bruneau, 54
- Bryce v. Golam, 82
- Bryden, Re, 426, 427
- Buck Brothers Ltd. v. Frontenac Builders Ltd., 94, 110
- Buckley v. B.C.T.F., 338
- Budd v. Paterson, 35, 102, 190, 194, 197, 207, 262
- Budge v. Workers' Compensation Board (Alberta) (No. 2), 111
- Budget Steel Ltd. v. Seaspan International Ltd., 345
- Budisukma Puncak Sendirian Berhad v. Canada, 477, 478
- Bukowicki v. Bukowicki, 279, 453
- Bullen, Re, 18
- Bumper Development Corp. v. Home Insurance Co., 70, 451
- Burchill v. Yukon Territory (Commissioner), 126, 234
- Burgess v. Canada (Royal Canadian Mounted Police), 27, 303
- Burgoyne Holdings Inc. v. Magda, 317
- Burk Holdings Ltd. v. Alberta Real Estate Association, 24, 49
- Burke v. Arab, 113, 117, 176
- Burnett v. New Brunswick Electric Power Commission, 431
- Burroughsford v. Lynch, 489, 490, 491
- Burt v. McLaughlan, 209
- Buschau v. Rogers Cablesystems Inc., 329
- Bussey v. Maher, 112
- Butler v. Canadian National Railway, 364
- Butler v. Ermel, 253
- Buydens v. Buydens, 415
- Byers v. Normandeau, 233, 445

C

- C. (C.) (Guardian ad litem of) v. B. (Y.K.), 409
- C. (C.A.) v. H. (J.R.), 463
- C. (G.) v. V.-F. (T.), 399
- C. (H.R.) v. H. (S.M.), 234, 396, 397, 410

- C. (P.) v. C. (R.), 535
 C.C.H. v. T.J.H., 501
 C.D.C. v. Starzecki, 530
 C.U.P.E., Local 207 v. Sudbury (City), 420
 C.U.P.E., Local 1394 v. Extencicare Health Services Inc., 12, 416
 C.U.P.E., Local 1866 v. New Brunswick (Workplace Health, Safety & Compensation Commission), 421
 Caci v. MacArthur, 547
 Cahoon v. Franks, 428, 429, 442
 Caimey v. Queen Charlotte Airlines Ltd. (No. 2), 491
 Calder v. Cleland, 414
 Calderon v. Canada (Minister of Citizenship & Immigration), 455
 Cameron v. Hull, 343
 Cameron v. Rounsfell, 154
 Cameron Investment and Securities Co. v. Victoria (City), 154
 Campbell v. Campbell, 17, 359, 362
 Campbell v. Canada, 507
 Campbell v. Holmes, 155
 Campbell v. Nova Scotia (Community Services), 456
 Campbell v. Wall, 25, 397, 407
 Campbell Flour Mills Co. v. Bowes, 150, 151, 516, 523
 Canada v. Chevron Canada Resources Ltd., 120
 Canada v. Hollinger Inc., 493
 Canada v. Mennes, 505
 Canada v. Miller, 360
 Canada v. Nourhaghighi, 508
 Canada v. Olympia Interiors Ltd., 500, 506
 Canada v. Perreault, 464
 Canada (Attorney General) v. Canada (Human Rights Commission), 127, 455
 Canada (Attorney General) v. Connolly, 64, 167
 Canada (Attorney General) v. Hislop, 135
 Canada (Attorney General) v. Mishra, 507
 Canada (Canadian Human Rights Commission) v. Canada Post Corp, 1
 Canada (Canadian Transportation Agency) v. Sasvari, 83
 Canada (Citizenship and Immigration) v. Khosa, 456
 Canada (Customs and Revenue) v. Aboriginal Federated Alliance Inc., 475
 Canada (Deputy Minister of National Revenue, Customs, Excise and Taxation – M.N.R.) v. Millar, 466
 Canada (Human Rights Commission) v. Canada (Armed Forces), 497
 Canada (Human Rights Commission) v. Taylor, 466
 Canada (Minister of Citizenship & Immigration) v. Condello, 297
 Canada (Minister of Citizenship & Immigration) v. Copeland, 481, 530
 Canada (Minister of Citizenship & Immigration) v. Hua, 535
 Canada (Minister of Employment & Immigration) v. Chung, 338
 Canada (Minister of Indian Affairs & Northern Development) v. Ranville, 496
 Canada (Minister of Industry, Trade & Commerce) v. Central Cartage Co., 87
 Canada (National Dental Examining Board) v. Ontario (Human Rights Commission), 177
 Canada (Royal Canadian Mounted Police) v. Canada (Attorney General), 231
 Canada (Secretary of State) v. Hon, 39
 Canada Council v. Ontario (Regional Assessment Commissioner, Region No. 3), 24, 52
 Canada Deposit Insurance Corp. v. Canadian Commercial Bank, 45, 80
 Canada Deposit Insurance Corp. v. Prisco, 86
 Canada Messenger & Transfer Ltd. v. Stenson, 442
 Canada Northwest Land Co. v. Cheavins, 511
 Canada Permanent Corp. v. Christensen, 173, 244, 247, 352
 Canada Permanent Mortgage Corp. v. Dick, 19, 332
 Canada Post Corp. v. Barrette, 128
 Canada Post Corp. v. Canadian Postmasters and Assistants Association, 52, 419
 Canada Temperance Act, Re, 490
 Canada Trustco Mortgage Co. v. Coleman, 49
 Canaday's Apparel Ltd. v. Ross, 319, 331
 Canadian Commercial Bank (Liquidator) v. Parlee, 465
 Canadian Equity Fund v. Transamerica Commercial Finance Corp. Canada, 152
 Canadian Express Ltd. v. Blair, 23
 Canadian Fertilizer Co. v. Maritime Farmers Co-operative Ltd., 135
 Canadian Imperial Bank of Commerce v. Charbonnages de France International S.A., 180
 Canadian Imperial Bank of Commerce v. Holowaty, 348
 Canadian Imperial Bank of Commerce v. Idanell Korner Ranch Ltd., 211, 452, 487

- Canadian Imperial Bank of Commerce v. Sylvester, 173
- Canadian Leaf Tobacco Co. v. Chatham (City), 437
- Canadian National Railway v. Norsk Pacific Steamship Co., 52
- Canadian National Railway Co. v. Benson, 502
- Canadian Pacific Airlines Ltd. v. British Columbia, 305
- Canadian Pacific Ltd. v. Telesat Canada, 129
- Canadian Pacific Railway v. Blain, 111
- Canadian Pacific Railway v. Winnipeg (City), 45
- Canadian Paperworkers' Union v. Eurocan Pulp and Paper Co, 498
- Canadian Red Cross Society v. U.S.W.A., 419
- Canadian Shredded Wheat Co. v. Kellogg Co. of Canada, 80
- Canadian Tire Corp. v. Summers, 23, 46, 68, 211, 552
- Canadian Transport (U.K.) Ltd. v. Alsbury, 473, 474, 475
- Canam Enterprises Inc. v. Coles, 46, 52, 83, 85, 88, 160, 190, 197, 207
- Canlan Investment Corp. v. Gibbons, 185
- Canstett Ltd. v. Keevil, 64, 100, 458
- Cansulex Ltd. v. Reed Stenhouse Ltd., 97
- Capital Carbon & Ribbon Co. v. West End Bakery, 252
- Capital Savings & Credit Union Ltd. v. Hadley Mechanical Services Ltd., 162
- Captain Developments Ltd. v. Sheridan, 246
- Cardinal v. Canada, 100
- Cargill Grain Co. v. Foundation Co. of Canada, 40
- Carleton Condominium Corp. No. 21 v. Minto Construction Ltd., 351
- Carl-Zeiss Stiftung v. Rayner and Keeler Ltd. (No. 2), 3, 31, 32, 33, 36, 63
- Carpenter Fishing Corp. v. Canada, 47, 312, 462, 475, 481
- Carr v. Tannahill, 355
- Carroll v. Erie County Natural Gas & Fuel Co., 139
- Carscallen v. Carmichael, 55
- Carwald Concrete & Gravel Co. v. General Security Insurance Co. of Canada, 560, 561
- Casa Luna Furniture v. Ottawa (City), 352
- Cassano v. Toronto-Dominion Bank, 487, 498
- Cassidy v. Terence Ingoldsby, 160
- Cassimjee v. Jarrett, 523
- Catalyst Fund General Partner I Inc. v. Hollinger Inc., 358
- Catholic Children's Aid Society of Metropolitan Toronto v. M. (C.), 400, 402, 403, 404, 405
- Catty v. James, 529
- Cavers v. Laycock, 254
- CCS Properties Inc. v. Unique Specialties Group Inc., 153, 159
- Celebija v. Cooperators, 56
- Celik (c.o.b. Oxford Building Maintenance Engineering) v. St. Paul Insurance Companies, 10, 191
- Central Trust Co. v. MacDonald, 18, 23, 85
- Century 21 Real Estate Ltd. v. Reykdal Investments Ltd., 95, 184
- CFGM 1320 Radio Broadcasting Ltd. v. Doyle, 520
- Chaban v. Chaban (Trustee of), 424
- Chafe v. Chafe, 410
- Chalmers v. Machray, 530
- Chambers v. Unger, 14, 16, 45, 50
- Champion v. Guibord, 100
- Chan v. Royal LePage Commercial Real Estate Services, 3, 248
- Chandler v. Waddell, 54
- Chapel Island Band Council v. MacKinnon, 46, 206, 207
- Chapman v. Canada, 8, 48, 190, 206, 301, 481
- Charlebois v. Delap, 6, 133, 283, 352
- Charlebois v. Greater Moncton Planning District Commission, 254, 329
- Charlton, Re, 533, 543
- Charmasson v. Charmasson, 397, 402
- Chassey v. May, 449
- Chaudière Machine & Foundry Co. v. Canada Atlantic Railway, 180
- Cheaney v. Peel Memorial Hospital, 329
- Chebli v. Keeping, 70, 73, 208
- Chekaluk v. Webster, 121
- Chemetics International Ltd. v. Commercial Union Assurance Co. of Canada, 555, 558
- Chernoff v. Chernoff, 124
- Cherry v. Canadian Bank of Commerce, 278, 279
- Cherry v. Ivey, 436
- Cherry v. Petch, 21
- Cheung v. Edmonton Public School Board, 126
- Chevron v. Canada (Executive Director of Indian Oil and Gas Canada), 197, 327
- Chevron Canada Resources v. Canada (Executive Director of Indian Oil and Gas Canada) (1998), 75