Law

This section provides research and best practices in order to resolve or aid in resolving legal questions. The contents vary greatly.

Index

- appeals
  - appellate-review
- court-procedure
  - experts
  - rule-25-11
  - solicitor-client
  - solicitor-duty
- judicial-review
  - federal-court
- contract-interpretation
- criminal
- equitable-fraud
- oppression
- unconscionable-transactions

Legal research

Research is tedious if not animated by some curiosity. In the main, the root of problems evoke curiosity–if the problem is approached with an open mind.

Research should comprise three principal sources:

1. The firm's precedents;
2. Statute law, including regulations; and
3. Case law.

These sources are ranked for the order in which they should be consulted.

Use the firm's institutional knowledge to shorten research time. This wiki is one source for that knowledge. You may also speak with others about the legal question. Those who have been at the firm should, when the opportunity presents itself, offer guidance for precedents in matter files. When in doubt, spend a few minutes browsing the matter files.

Statute law is an under-appreciated resource that increasingly requires special attention. Some trivia may illustrate the point: Ontario (and most other Canadan provinces) have long enshrined freedom of religion and worship in the province's constitution. Witness the *Religious Freedom Act* (https://www.ontario.ca/laws/statute/90r22):

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The free exercise and enjoyment of religious profession and worship, without
discrimination or preference, provided the same be not made an excuse for
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acts of licentiousness, or a justification of practices inconsistent with the peace and safety of the Province, is by the constitution and laws of this Province assured to all Her Majesty’s subjects within the same.

The statute law

The statutes applicable in the Province of Ontario are, somewhat obviously, those enacted by the Parliament of Canada and the Parliament of the Province of Ontario. These acts are found online, and the King's Printer will publish the official versions of acts. The printers' websites are

- Consolidated Statutes of Canada;
- Annual Statutes of Canada;
- Consolidated Regulations of Canada;
- Statutes of Ontario; and
- Regulations of Ontario.

Whereever possible, the consolidated statute book ought to be consulted and cited.

Expired statutes

Legislative history may play into the interpretation of statutes, and a review of a statute or statutory provision may require a look at those provisions as they existed in previous forms. This task can become dicey: statutes in previous form and historical statute books are sometimes difficult to find. To this end, those books that have been found are linked below.

When reviewing *ye olde statutes*, remember section 129 of the *Constitution Act, 1867*, which carried over statutes enacted by the Parliaments of the Province of Canada, New Brunswick, and Nova Scotia into the union. This section has its analogues in the other acts of union admitting new provinces. Some statutes enacted before confederation or admission to the union remain in force. These acts will usually be reproduced in consolidated statutes; annual statute books will not contain them.

–> Private acts are not reproduced in the consolidated statutes. These documents must be found in the old books. ←-

Statute books

Parliament of Canada

Parliament of the Province of Ontario

Parliament of the Province of Canada

Parliament of Upper Canada

- Statutes of Her Majesty's province of Upper Canada, 1792-1840

Parliament of Lower Canada

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Last update: **2025/03/29 20:23**