

16TH ANNUAL NATIONAL FORUM ADMINISTRATIVE LAW & PRACTICE

Single-Day Registration Option

Register for Day One or Day Two, or for both days at a special package price!

PROGRAM CHAIRS

Sean Gaudet

General Counsel,
National Litigation Sector
(Ontario Regional Office),
Justice Canada

Kate Glover Berger

Assistant Professor,
Osgoode Hall Law School

Brendan van Niejenhuis

Stockwoods LLP

REGISTRATION OPTIONS

- **October 5 – 6, 2021:**
8:45 a.m. – 4:00 p.m. ET
Online, Live

Single-day registration available

- **December 2 – 3, 2021:**
Online Replay

*Can't make the date?
Registration includes 120-day
unlimited, online access to the
recorded program.*

Are you on top of the most **significant recent developments** and key cases in administrative law?

This essential annual forum will deepen your understanding of current judicial and regulatory developments in such areas as:

- The lasting impact of the pandemic on emergency decision making
- Walking the line between judicial reviews vs. appeals
- The latest municipal developments: downloading, COVID regulation, MZOs in Ontario, land tribunal reform
- Ethics and professionalism in a world of virtual hearings

Keynote Session (Day Two):

The Legacy of Justice Rosie Abella (the Hon. Justice Lorne Sossin)

Register today at:

osgoodepd.ca/adminlaw

16TH ANNUAL NATIONAL FORUM

Administrative Law & Practice

With an emphasis on the practical implications, you will get a comprehensive overview of the latest key developments: the pandemic's impact on decision-making powers, procedural fairness, the ongoing impact of *Vavilov*, new important developments in municipal administrative law, and more.

Topics Include

- 2021 case law in review and what to watch in 2022
- Federalism in a dangerous time: public health, border security, and distinct vs. overlapping powers at the federal, provincial, and municipal levels
- Important *Vavilov* updates on reasonableness, internal tribunal appeals, and judicial review
- COVID-19 – lessons learned and where we are headed with emergency powers and challenges to the rules
- Ethics and professionalism for the emerging tribunal processes of the future

PLUS! Don't miss the keynote session on the legacy of Justice Rosalie Abella's impact on administrative law.

Who Should Attend

- Legal professionals who appear before agencies, boards or tribunals
- Government counsel
- Tribunal counsel

Register today at:

osgoodepd.ca/adminlaw

Agenda

DAY ONE (Oct. 5, 2021)

8:45 a.m.

Welcome and Introduction

9:00 a.m.

Chairs' Welcome and Introductory Remarks

9:10 a.m.

The Year in Review and Update on Important Recent Caselaw

Michael Fenrick

Paliare Roland Rosenberg Rothstein LLP

Always an eagerly-anticipated segment, this session shines a spotlight on key administrative law developments and trends over the preceding twelve months.

10:00 a.m.

Break

10:15 a.m.

Emergency Decisions and Powers: Their Uses and Limits

Ewa Krajewska

Borden Ladner Gervais LLP

Dr. Lawrence Loh

Medical Officer of Health,
Peel Public Health

François Tanguay-Renaud

Associate Professor,
Osgoode Hall Law School

Over the last year, the pandemic invoked the use of "emergency" powers and legislation by each level

of government – many of which are being challenged, or their scope interpreted.

This panel will explore the pandemic's lasting impact on these powers, the lessons that have been learned, and possible future challenges to the emergency regulatory regime.

11:30 a.m.

Break

11:45 a.m.

Procedural Fairness Update: post COVID-19 and Other Developments

The Hon. Justice David Corbett

Superior Court of Justice (Ontario)

Emily Lawrence

Paliare Roland Rosenberg Rothstein LLP

Lauren Wihak

McDougall Gauley LLP

COVID-19 is arguably a once-in-a-lifetime public health crisis. The governments' responses have included delegating legislative powers to administrative bodies. But, how will courts ensure procedural fairness? How have virtual hearings met the required statutory mandates? Has access to justice been an issue? What procedural challenges lie ahead?

12:30 p.m.

Lunch

1:30 p.m.

Vavilov and Reasonableness Review: Where We Are in 2021

Paul Daly

Professor, Faculty of Law,
University of Ottawa

Andrea Gonsalves

Stockwoods LLP

The Hon. Justice David W. Stratas

Federal Court of Appeal

Reflecting on the past year, we will take stock of where judicial review of administrative action stands since *Vavilov's* landmark reframing of the law, including:

- The overlap between judicial reviews and appeals
- Reasonableness: has anything changed?
- Internal appeal processes within tribunals

2:45 p.m.

Break

3:00 p.m.

Tribunal Processes of the Future

Jennifer Raso

Assistant Professor, Faculty of Law,
University of Alberta

Caryma Sa'd

Law Office of Caryma Sa'd

Shannon Salter

Chair, British Columbia Civil Resolution
Tribunal

The need to adapt to a new online reality evolving since early 2020 has brought a host of changes to tribunal processes. In a future world of virtual hearings, what will or should we keep

from both an ethical/fairness and a practical perspective?

4:00 p.m.

End of Day One

DAY TWO (Oct. 6, 2021)

8:45 a.m.

Welcome and Introduction

9:00 a.m.

Cases to Watch in 2022

Ryann Atkins

Stockwoods LLP

Jason Madden

Pape Salter Teillet LLP

Alyssa Tomkins

Caza Saikaley s.r.l./LLP

This expert panel will delve into several anticipated upcoming court decisions that will have a measurable impact on administrative law in the years to come.

10:00 a.m.

Break

10:15 a.m.

Federalism and Emergencies

Evan Duffy

Parlee McLaws LLP

Katherine Hensel

Hensel Barristers

Sharlene Telles Langdon

Senior General Counsel,
Department of Justice Canada

How does our federal system cope with emergencies? This panel will discuss the distinct versus overlapping powers at the federal, provincial, and

municipal levels, with particular focus on public health, mobility, and border security/immigration.

11:15 a.m.

Break

11:30 a.m.

Keynote Session: *The Legacy of Justice Rosalie Abella on Canadian Administrative Law*

Moderator: Ewa Krajewska

Borden Ladner Gervais LLP

Mary Liston

Associate Professor, Peter A. Allard School of Law, The University of British Columbia

Olga Redko

IMK s.e.n.c.r.l./LLP

The Hon. Justice Lorne Sossin

Superior Court of Justice (Ontario)

The retirement of Justice Rosalie Abella from the Supreme Court of Canada in 2021, after 17 years of shaping the nation's laws from the country's top bench, has provided an opportunity to review and reflect on her impact on Canadian administrative law. Justice Lorne Sossin and others will look back on this legacy and the major rulings she was involved with that will continue to reverberate for years to come.

12:30 p.m.

Lunch

1:15 p.m.

Recent Developments at the Municipal Level: Downloading, COVID Regulations, Minister's Zoning Orders, and Land Tribunals Updates

Chris Barnett

Osler, Hoskin & Harcourt LLP

Jody Johnson

Director, Legal Services, Halton Region

Jennifer King

Gowling WLG

The municipal level of government in Canada has seen much activity lately in the realm of administrative law. The panel will look at a variety of current hot topics, including:

- Perpetual issues surrounding the downloading of costs and responsibilities onto municipalities
- Unique challenges and areas of focus for municipalities posed by COVID
- Minister's Zoning Orders (MZOs) in Ontario: where things are headed and possible implications for the rest of Canada
- Legal issues arising from the rise of urban park encampments
- Key updates in tribunal decisions regarding development and property development

2:30 p.m.

Break

2:45 p.m.

The Promise and Risks of Technology

Kate Robertson

Markson Law Professional Corporation

Amy Salzyn

Associate Professor, Faculty of Law, University of Ottawa

With the application of various new technologies to legal practice continuing apace, administrative law grapples with dilemmas and concerns

about fairness, professionalism, and ethics. This panel of practitioners who work at the cutting edge of these issues will examine such topics as:

- Surveillance on other parties, counsel, and judges
- Ethics/professionalism and social media use
- The use of AI, analytics, and predictive software in administrative law

3:45 p.m.

Chairs' Wrap-Up/Final Questions



Register today at:

osgoodepd.ca/adminlaw

Drawing on the expertise of leading judges, lawyers and other experts, including:

Program Chairs



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General Counsel, National Litigation Sector (Ontario Regional Office), Justice Canada



Kate Glover Berger

Assistant Professor, Osgoode Hall Law School



Brendan van Niejenhuis

Stockwoods LLP

For the most up-to-date faculty information, please visit:

osgoodepd.ca/adminlaw

Program Faculty

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Shannon Salter

Chair, British Columbia Civil Resolution Tribunal

Amy Salyzyn

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McDougall Gauley LLP

What Previous Years' Attendees Said

“Congratulations. Exceeded expectations. Very informative.”

Fulvio Fracassi, Laurentian Pilotage Authority

“Very practical information and cases that are recent and relevant to working in administrative law.”

Christine Langill, Treasury Board of Canada Secretariat

“Overall, superb.”

Daniel Chitiz, Chitiz Pathak LLP

“This program is essential for me to have an overview and keep up to date... excellent.”

Patricia Pledge, Senior Counsel, Justice Canada

“Smart, knowledgeable presenters... relevant topics.”

Andrew Roman, Andrew John Roman Alternative Dispute Resolution

Registration Details

Fee per Delegate

One Day: \$695 + TAX

Both Days: \$995 + TAX

Newly Licensed*

One Day: \$347.50 + TAX

Both Days: \$695 + TAX

**This fee applies to newly licensed professionals within the past 2 years*

Fees include attendance and program materials. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details. Please inquire about financial assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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Eligible CPD Hours – LSO (ON)




Both days: 12h 5m CPD (8h 45m Substantive; 1h 15m Professionalism; 2h 5m EDI)

Day One (Oct. 5) only: 5h 50m CPD (4h 35m Substantive; 15m Professionalism; 1h EDI)

Day Two (Oct. 6) only: 6h 15m CPD (4h 10m Substantive; 1h Professionalism; 1h 15m EDI)

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