

### Single-Day Registration Option

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

# 16<sup>TH</sup> ANNUAL NATIONAL FORUM ADMINISTRATIVE LAW & PRACTICE

## 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](https://osgoodepd.ca/adminlaw)

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

## Program Chairs



**Sean Gaudet**

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



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**Brendan van Niejenhuis**

Stockwoods LLP

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

[osgoodepd.ca/adminlaw](https://osgoodepd.ca/adminlaw)

## Program Faculty

**Ryann Atkins**

Stockwoods LLP

**Chris Barnett**

Osler, Hoskin & Harcourt LLP

**The Hon. Justice David Corbett**

Superior Court of Justice (Ontario)

**Paul Daly**

Professor, Faculty of Law, University of Ottawa

**Evan Duffy**

Parlee McLaws LLP

**Colleen Flood**

Professor, Faculty of Law, University of Ottawa

**Katherine Hensel**

Hensel Barristers

**Jody Johnson**

Director, Legal Services, Halton Region

**Jennifer King**

Gowling WLG

**Ewa Krajewska**

Borden Ladner Gervais LLP

**Sharlene Telles Langdon**

Senior General Counsel, Department of Justice Canada

**Emily Lawrence**

Paliare Roland Rosenberg Rothstein LLP

**Dr. Lawrence Loh**

Medical Officer of Health, Peel Public Health

**Andrew Lokan**

Paliare Roland Rosenberg Rothstein LLP

**Jason Madden**

Pape Salter Teillet LLP

**Jennifer Raso**

Assistant Professor, Faculty of Law, University of Alberta

**François Tanguay-Renaud**

Associate Professor, Osgoode Hall Law School

**Kate Robertson**

Markson Law Professional Corporation

**Caryma Sa'd**

Law Office of Caryma Sa'd

**Shannon Salter**

Chair, British Columbia Civil Resolution Tribunal

**Amy Salyzyn**

Associate Professor, Faculty of Law, University of Ottawa

**The Hon. Justice Lorne Sossin**

Superior Court of Justice (Ontario)

**Alyssa Tomkins**

Caza Saikaley s.r.l./LLP

**Lauren Wihak**

McDougall Gauley LLP

# 16<sup>TH</sup> 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](https://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**

**Andrew Lokan**

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 break**

**1:30 p.m.**

### *Vavilov* and Reasonableness Review: Where We Are in 2021

**Paul Daly**

Professor, Faculty of Law,  
University of Ottawa

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

**Colleen Flood**

Professor, Faculty of Law,  
University of Ottawa

**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***

**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 Salyzyn**

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**

**4:00 p.m.**

**Program Concludes**



**Register today at:**

[osgoodepd.ca/adminlaw](https://osgoodepd.ca/adminlaw)

## 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](http://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.



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

### Eligible CPD Hours – LSO (ON)

Both days: 12h 5m CPD (10h 5m Substantive; 2h Professionalism)




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

Day Two (Oct. 6) only: 6h 15m CPD (5h 15m Substantive; 1h Professionalism)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca).



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