

# 18<sup>TH</sup> ANNUAL NATIONAL FORUM IN ADMINISTRATIVE LAW AND PRACTICE

Get fully up-to-date on the most significant new developments and trends in Canadian administrative law.

Now in its 18<sup>th</sup> year, this highly acclaimed forum is THE annual Canadian conference in administrative law, featuring leading practitioners, judges, and scholars. Over two days, deepen your understanding of such pressing topics as:

- Key cases of 2023 and what to expect in 2024
- Ethics in statutory interpretation
- Bars to judicial review: a look at *Yatar* and *Viaguard*
- New developments in the regulation of judges
- *And much more!*

Register today at:

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

## PROGRAM CHAIRS

**Andrew Gibbs**  
General Counsel,  
National Litigation Sector,  
Justice Canada

**Kate Glover Berger**  
Assistant Professor,  
Osgoode Hall Law School

**Brendan van Niejenhuis**  
Stockwoods LLP

## REGISTRATION OPTIONS

**October 11 – 12, 2023:**  
9:00 a.m. – 4:00 p.m. ET  
Online (Live)

OR

**December 4 – 5, 2023:**  
Online (Replay)

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

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

## Program Chairs



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

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

## Program Faculty

**Paul Aterman**

Former Chairperson, Canada Social  
Security Tribunal

**Raj Anand**

Weir Foulds LLP

**Steven Barrett**

Goldblatt Partners LLP

**Laura Bowman**

Staff Lawyer, Ecojustice Canada

**Gideon Christian**

Assistant Professor, Faculty of Law,  
University of Calgary

**The Hon. Justice David L. Corbett**

Ontario Superior Court of Justice

**The Hon. Chief Justice Paul Crampton**

Federal Court of Canada

**Paul Daly**

Professor, Faculty of Law,  
University of Ottawa

**Richard Devlin**

Professor of Law, Schulich School of Law,  
Dalhousie University

**David Fraser**

McInnes Cooper

**Louisa Garib**

Legal Counsel, at the Office of the  
Information Commissioner of Canada

**The Hon. Justice Mary J. L. Gleason**

Federal Court of Appeal

**Andrea Gonsalves**

Stockwoods LLP

**The Hon. Justice Sebastien Grammond**

Federal Court of Canada

**Jody Johnson**

Director, Legal Services, Halton Region

**Ewa Krajewska**

Heinen Hutchison Robitaille LLP

**Stephen Kurelek**

Justice Canada

**Emily Laidlaw**

Associate Professor, Faculty of Law,  
University of Calgary

**Audrey Macklin**

Professor, University of Toronto Faculty  
of Law

**John Mather**

DMG Advocates LLP

**The Hon. Justice Nicholas McHaffie**

Federal Court of Canada

**Krista Nerland**

Olthuis Kleer Townshend LLP

**Jonathon Penney**

Associate Professor, Osgoode Hall Law  
School

**The Hon. Justice Owen Rees**

Superior Court of Justice of Ontario

**Kate Robertson**

Markson Law PC

**Justin Safayeni**

Stockwoods LLP

**Alison Warner**

Ontario Judicial Council and Justice of the  
Peace Review Council

**Lori Ward**

Justice Canada

**Lauren Wihak**

McDougall Gauley LLP

**Sheila Wildeman**

Associate Professor of Law, Schulich  
School of Law, Dalhousie University

# 18<sup>TH</sup> ANNUAL NATIONAL FORUM IN Administrative Law and Practice

Administrative law moves fast, and legal professionals who work in this area, along with decision-makers, are facing more demands than ever before.

With an emphasis on the practical implications, this essential OsgoodePD annual forum will help you navigate current judicial and regulatory developments. You will engage with an expert faculty providing useful and timely insights across all issues and sectors of administrative law.

In a convenient online format, get fully briefed on the latest vital issues, including:

- Key developments in Canadian administrative law in 2023
- Privacy regulation in the changing digital landscape
- The latest on Commissions of Inquiry
- Bars to Judicial Review: a look at *Yatar* and *Viaguard*
- Ethics in statutory interpretation
- Standard of Review update: review of regulations, procedural fairness, and the latest word from *Abrametz*
- New developments in the regulation of judges
- *And much more!*

## Who Should Attend

- Lawyers who appear before agencies, boards, and tribunals anywhere in Canada
- Government counsel
- Tribunal counsel
- Tribunals and board members
- Adjudicators
- Regulators
- Counsel who advise on government regulations and the regulatory process

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## Agenda

Day 1, October 11, 2023

9:00 a.m.

### Chairs' Introductory Remarks

Opening remarks by the program chairs to welcome attendees and set the stage for the next two days

9:10 a.m.

### Annual Update: Key Developments in Administrative Law in 2023

#### Andrea Gonsalves

Stockwoods LLP

The opening session will provide an overview and analysis on the significant happenings from the past 12 months, including:

- The most important cases from the past 12 months
- Analysis of some interesting new doctrinal directions taken by the courts

10:10 a.m.

Break

10:25 a.m.

### Privacy Regulation in the Changing Digital Landscape

#### David Fraser

McInnes Cooper

#### Louisa Garib

Legal Counsel, at the Office of the Information Commissioner of Canada

#### Jonathon Penney

Associate Professor, Osgoode Hall Law School

As the landmark case of *Canada (Privacy Commissioner) v. Facebook, Inc.* heads to the Federal Court of Appeal, our panel will discuss this case and the wider topic of evolving regulatory challenges in privacy, including:

- Emerging technological flashpoints
- Key issues from an administrative law perspective

**11:10 a.m.**

### Commissions of Inquiry Updates, from an Administrative Law Perspective

**John Mather**

DMG Advocates LLP

**Lori Ward**

Justice Canada

We will analyze the 2023 final report of the POEC concerning the recent invoking of the *Emergencies Act* by the Federal government, distilling:

- How the report fits with the wider context of other commissions of inquiry
- Key legal takeaways.

**12:10 p.m.**

**Lunch**

**1:00 p.m.**

### Bars to Judicial Review – A look at *Yatar* and *Viaguard*

**Paul Daly**

Professor, Faculty of Law, University of Ottawa

**The Hon. Justice Mary J. L. Gleason**

Federal Court of Appeal

**The Hon. Justice Nicholas McHaffie**

Federal Court of Canada

An exploration of the current scope of

judicial review in Canada, taking a close look at the *Yatar v TD Insurance Meloche Monnex* and *Viaguard Accu-metrics Laboratory v. Standards Council of Canada* cases and:

- How these cases mesh with the jurisprudence
- Practical implications

**1:50 p.m.**

**Break**

**2:05 p.m.**

### Ethics in Statutory Interpretation

**The Hon. Justice Owen Rees**

Superior Court of Justice of Ontario

Legal language is infused with meaning, which is always open to interpretation. Join an intriguing discussion drawn from real-world examples in administrative law, about:

- The classic rules for statutory interpretation
- Ethical pitfalls
- The underlying responsibilities and framework for an ethical approach to statutory interpretation

**3:05 p.m.**

**Break**

**3:20 p.m.**

### Current Topics in Standard of Review: Review of Regulations; Procedural Fairness; and the latest word from *Abrametz*

**Ewa Krajewska**

Heinen Hutchison Robitaille LLP

**Lauren Wihak**

McDougall Gauley LLP

We take a multi-faceted look at Standard of Review emanating from the Supreme Court of Canada decision in *Law Society of Saskatchewan v. Abrametz*, from the

angle of:

- Regulations
- Procedural fairness considerations
- Impact on the jurisprudence

**Day 2, October 12, 2023**

**9:00 a.m.**

### Cases to Watch

**Justin Safayeni**

Stockwoods LLP

Looking ahead to the next 12 months in administrative law in Canada, we will delve into matters that could be impacting your practice, including:

- Notable legal issues moving through the courts
- Important upcoming legislative changes

**9:45 a.m.**

**Break**

**10:00 a.m.**

### Developments in the Regulation of Judges

**Richard Devlin**

Professor of Law, Schulich School of Law, Dalhousie University

**Alison Warner**

Registrar, Ontario Judicial Council and Justice of the Peace Review Council

**Sheila Wildeman**

Associate Professor of Law, Schulich School of Law, Dalhousie University

The panel will examine the regulation of judges in Canada, providing a valuable:

- Review of recent cases involving allegations of judicial misconduct

- Analysis of the comprehensive reforms coming under Bill C-9, *An Act to amend the Judges Act*.

**11:00 a.m.**

### Frivolous or Vexatious Judicial Reviews: Ethics and Practice

#### The Hon. Justice David Corbett

Ontario Superior Court of Justice

#### The Hon. Chief Justice Paul Crampton

Federal Court of Canada

#### Stephen Kurelek

Justice Canada

Explore the approach taken by administrative tribunals in addressing judicial reviews that are or could be argued to be frivolous or vexatious, including:

- A review of the process involved
- Consideration of the ethical and practical issues often raised in these matters.

**12:00 p.m.**

**Lunch**

**1:00 p.m.**

### Automation, Artificial Intelligence and Administrative Law

#### Gideon Christian

Assistant Professor, Faculty of Law, University of Calgary

#### The Hon. Justice Sebastien Grammond

Federal Court of Canada

#### Kate Robertson

Markson Law PC

A panel drawn from practice, the Bench, and legal technology research will delve into the intersection between administrative law and emerging technologies, addressing:

- Automation
- Artificial Intelligence

- The impact on administrative processes and procedures.

**2:00 p.m.**

**Break**

**2:15 p.m.**

### Regulatory Overload Problems – Access to Justice, Dispute Volume, Appointment Backlog & Evolving Technology

#### Paul Aterman

Former Chairperson, Canada Social Security Tribunal

#### Raj Anand

Weir Foulds LLP

#### Emily Laidlaw

Associate Professor, Faculty of Law, University of Calgary

As tribunals struggle with ever-increasing case volumes, this timely and informative session discusses:

- The challenges posed by “Regulatory Overload” in terms of access to justice and operational effectiveness
- Innovative approaches that could address the problem.

**3:15 p.m.**

### Administrative Law Subject matter updates

#### Steven Barrett

Goldblatt Partners LLP

#### Laura Bowman

Staff Lawyer, Ecojustice Canada

#### Jody Johnson

Director, Legal Services, Halton Region

#### Audrey Macklin

Professor, University of Toronto Faculty of Law

#### Krista Nerland

Olthuis Kleer Townshend LLP

Quick hits providing key updates on various subject matters relating to Canadian administrative law, highlighting the latest developments and trends in:

- Municipal law
- Labour law
- Aboriginal law
- Environmental law
- Immigration and refugee protection law

**4:15 p.m.**

**Program Ends**



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## What Previous Attendees Said

*“All presenters were very well informed and presented well.”*

**Stephen McArthur**  
Partner, Mathews Dinsdale and Clark LLP

*“Excellent presenters and good choice of topical topics.”*

**2022 Participant**

*“I always learn a lot at this conference.”*

**2022 Participant**

*“The presentations were all really informative and covered a large amount of knowledge but in a very efficient way... it had a lot of impact.”*

**Michelle Staszuk**  
Northwest Territories Office of the Ombud

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

**Patricia Pledge**  
Senior Counsel, Justice Canada

## Registration Details

**Fee per Delegate: \$1,095 + TAX**

Fee includes program registration, electronic program materials and 120-day unlimited online access to program archive. Group discounts and financial assistance are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) for details.

### 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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