Researching Canadian Law

Note: Call numbers refer to the Classified Collection (main stacks)

Background and Constitution

- Canada is a constitutional monarchy, with Queen Elizabeth II as its head of state. This is a purely symbolic relationship.

Canada’s Constitution

Canada’s constitution consists of a series of legislation—mostly two major Acts.

  - Created the federal government and 10 provincial governments.
  - Specified that everything not mentioned as belonging to the provincial legislatures comes under the powers of the national Parliament.

  - Includes the Charter of Rights and Freedoms, which added a constitutional document that guarantees certain basic rights and freedoms. This came into force in 1985 and had dramatic effect on Canadian jurisprudence. Canadian Supreme Court Judges became much more active in striking down laws as unconstitutional.

- The Canadian Constitution in Historical Perspective: with Clause-by-Clause analysis of the Constitution Acts and the Canada Act (JL65 .R44 1992). (This is just one of the secondary sources the library has on this subject.)

Legislative Information

Legislature

- Canada has a bicameral federal Parliament, modeled after Britain’s
  - the House of Commons has 308 elected seats,
  - and the Senate has 105 seats, appointed by the governing party.

- Provincial legislatures are unicameral, each having a Legislative Assembly. (These bodies are referred to directly in the Constitution Act of 1867.)

- See an overview of the Canadian legislative process here, [http://dsp-psd.pwgsc.gc.ca/Reference/queens-e.html]

- Federal bills must be published in the Canada Gazette to become official [http://www.gazette.gc.ca/index-eng.html]

- Some older Canadian legislative materials are available on [www.llmc.com]

Statutes


- Revised Statutes of Canada (KE173 .C38) – This is not a codification of the law by subject, but an alphabetical compilation of acts. The most recent version the library has is 1970 (the current version in existence is 1985).

- Unofficial Statutes by Title are available at [http://laws.justice.gc.ca/en/BrowseTitle]. These are kept relatively up-to-date. Amendments to statutes and related regulations are noted, but related judicial decisions are not. PDF’s of the 15 most frequently cited acts are offered.


Updating Statutes

- To find cases, Canadian Statute Citations (KE173.C38) can be used.
To update statutes for amendments, the statutes can be viewed online at http://laws.justice.gc.ca/en/BrowseTitle or on Westlaw or Lexis and updated with the Canada Gazette, Part III http://www.gazette.gc.ca/rp-pr/p3/index-eng.html

**Provincial Statutes**

- The library has copies of the statutes of Alberta, Manitoba, Ontario, and Saskatchewan, however some of these are out of date. Provincial statutes can be found online at http://www.law-lib.utoronto.ca/resoures/locate/canleg.htm. These are usually up-to-date (but are often unofficial). Provincial statutes are also available on Westlaw, and some are on Lexis (see Georgetown’s Canadian Legal Research Guide, http://www.ll.georgetown.edu/intl/guides/CanadianLegalResearch.cfm, for the exact databases). Some older statutes and session laws are on www.llmc.com

**Judicial Information**

**Court Structure**

- Canada has three court systems:
  - Superior – federal courts of unlimited jurisdiction
  - Federal – limited to matters involving federal law
  - Provincial – limited to powers given by provincial statute

- And each generally has three levels of Courts
  - Trial courts – single judge
  - Provincial or federal appeals courts – usually three judges
  - Supreme Courts – Either 7 or 9 judges sit on the Supreme Court of Canada, depending on the case

**Cases**

- **Federal**
  - CanLII, http://www.canlii.org/ (includes Supreme Court, Fed. Ct. of Appeals, and others; coverage varies by court)
  - Dominion Law Reports (KE132 .D66) (all levels of courts,1912-current; on Lexis: Dominion Law Reports)
  - Canada Human Rights Tribunal decisions http://www.chrt-tcddp.gc.ca/tribunal/index_e.asp
  - Lexis/Westlaw—each has several databases of Canadian cases.

- **Regional/Provincial**
  - ALL
    - CanLII http://www.canlii.org/
Alberta
- Alberta Court Judgments (1998-present)
- Alberta Law Reports, [www.llmc.com](http://www.llmc.com) (1908-1933)
- Westlaw ALTANWT-CS-ALL; Lexis

British Columbia
- British Columbia Supreme Court and Court of Appeal Judgments
  [http://www.courts.gov.bc.ca/search_judgments.aspx](http://www.courts.gov.bc.ca/search_judgments.aspx) (1990-present)
- Provincial Court Judgments
  [http://www.provincialcourt.bc.ca/judgmentdatabase/index.html](http://www.provincialcourt.bc.ca/judgmentdatabase/index.html) (selected 1999-present)
- LLMC [www.llmc.com](http://www.llmc.com), various older decisions
- Westlaw BCYUKON-CS-ALL; Lexis

Manitoba
- Westlaw MAN-CS-ALL; Lexis

Maritime Provinces (New Brunswick, Nova Scotia, and Prince Edward Island)

New Brunswick
- Westlaw NB-CS-ALL

Nova Scotia
- Westlaw NS-CS-ALL

Newfoundland and Prince Edward Island
- Prince Edward Island Supreme Court Judgments,
- Westlaw NFLD-CS-ALL and PEI-CS-ALL; Lexis

Northwest Territories
- LLMC [www.llmc.com](http://www.llmc.com), Territories Law Reports, Northwest Territories Supreme Court Reports
- Westlaw ALTANWT-CS-ALL

Nunavut
- Westlaw ALTANWT-CS-ALL

Ontario
- Ontario Court of Appeal decisions
- LLMC [www.llmc.com](http://www.llmc.com), various older decisions
- Westlaw ONT-CS-ALL; Lexis

Quebec
- LLMC [www.llmc.com](http://www.llmc.com), various older decisions
- Westlaw QUE-CS-ALL; Lexis
• Saskatchewan
  ▪ Westlaw SASK-CS-ALL; Lexis

• Yukon Territory
  ▪ Westlaw BCYUKON-CS-ALL

• Topical (in the Deane Law Library)
  o Reports of Family Law 1976 – current (KE542 .R3)
  o Canadian Environmental Law Reports 1973 – current (E3612 .C37)
  o Canadian Criminal Cases 1898 – 2008 (KE8805.8 .C3)

• Digests
  o Canadian Abridgment, 3rd ed. last updated 2008 (KE173 .C356); Westlaw: ABRIDGMENT

Regulations
• Canadian regulations are sometimes called “statutory orders and regulations” (S.O.R.).
• The Deane Law Library does not have any Canadian regulations in print.
  o Federal
    ▪ Consolidated Index of Statutory Instruments 
    ▪ See the Canada Gazette http://www.gazette.gc.ca/index-eng.html for updating
    ▪ Westlaw (CANFED-REG English and CANFED-REG-FR French); Lexis.
  o Provinces
    ▪ Internet Sources for Canadian Legislation and Parliamentary Material
      http://www.law-lib.utoronto.ca/resources/locate/canleg.htm, links to provincial regulations and gazettes.
    ▪ Westlaw has all provinces while Lexis only has several. For the exact databases see Georgetown’s Canadian Legal Research Guide, http://www.ll.georgetown.edu/intl.guides/CanadianLegalResearch.cfm

Citation
• The standard for legal citation in Canada is the Canadian Guide to Uniform Legal Citation (referred to as “The McGill Guide”) KE259.C36.

Updated by Mary Godfrey-Rickards 12/09