

WestlawNext Canada Newsletter

March 2018

WHAT'S NEW

More Text and Annotations have New Enhanced Functionality.

You can now Browse Legal Topics and access enhanced Text and Annotations when browsing titles on CriminalSource.

Annual Review of Insolvency – updates

New Topics for 2017 include: Statutory Trusts in Favour of Occupational Pension Plans, Boom in Debt Consulting, Use of Summary Trials in Restructuring Proceedings, Litigation Trusts in CCAA Proceedings, Application of Canadian Insolvency Law on Lands Reserved for First Nations, Supplying Distressed Companies in the United States and Canada, Taking and Enforcing Security in Saskatchewan, Enforceability of Make-Whole Clauses in Insolvency Proceedings, Resolving Bank Financial Distress in Canada, Forced Assignment of Agreements, and more.

CED Update

The C.E.D. title Criminal Law – Offences has been thoroughly reviewed and updated by Professor David B. Deutscher, B.A. L.L.B. L.L.M., Senior Scholar, Faculty of Law University of Manitoba. New case law added to the title includes the following Supreme Court of Canada cases:

- R. v. Borowiec, 2016 CarswellAlta 502, where the Court explored the offence of infanticide and the meaning of the phrase "her mind is then disturbed" in section 233 of the Criminal Code;
- R. v. Barabash, 2015 CarswellAlta 886, where the Court examined child pornography offences and the private use exemption; and
- R. v. W. (D.L.), 2016 CarswellBC 1552, where the Court clarified the offence of bestiality.

Revisions also include coverage of Criminal Code provisions dealing with medically assisted dying, and section 293.1 creating the offence of forced marriage.

COMING SOON

Enhancements to Type Ahead (Auto Suggestions) for Case Law

WestlawNext Canada allows you to find cases by simply typing the name of the case into the search box on WestlawNext (a list of suggested cases appears as you type). Stay tuned for future enhancements that will make this feature even more powerful!



TIPS

Searching for Cases that Cite More than One Legislative Provision

Sometimes you might want to see how the courts have interpreted two legislative provisions together in a single case.

For example, you might have a case that falls under both section 172 of the Ontario Highway Traffic Act and s. 3 of the related Races, Contests and Stunts regulation. To find cases that address both provisions:

First, conduct a Find for one of your legislative provisions:



The screenshot displays the WestlawNext Canada search interface. At the top, the logo "WestlawNext CANADA" is visible. Below it is a search bar with the placeholder text "Q- Enter search terms, citations, databases, anything ...". The interface is divided into several sections for finding legislative provisions:

- Find and KeyCite a Case by Name:** Includes a "Name" input field and a "Jurisdiction" dropdown menu set to "All".
- Find and KeyCite a Statute or Regulation by Name:** Includes "Name", "Section", and "Jurisdiction" (set to "All") input fields.
- Find and KeyCite a Rule by Name:** Includes "Name", "Section/Rule", and "Jurisdiction" (set to "All") input fields.
- Find by Citation:** Includes a "Citation" input field with the text "RSO 1990 c H.8 s 172" entered.

Next, from the statute section document, click on the Citing References tab:

The screenshot shows the WestlawNext Canada interface. At the top, there is a search bar with the query 'Q-FI: RSO 1990 c H.8 s 172' and a 'Search' button. Below the search bar, the document title 'Highway Traffic Act' is displayed, along with 'R.S.O. 1990, c. H.8, s. 172' and 'Ontario (Approx. 4 pages)'. A navigation bar contains tabs for 'Document', 'Citing References (254)', 'Annotations (0)', and 'Legal Memos (1)'. An orange arrow points to the 'Citing References' tab. Below the navigation bar, there are buttons for 'Return to list' and 'Table of Contents'.

Ontario Statutes

Most Recently Cited in: [R. v. Cartwright and Patrick, 2017 ONSC 6858, 2017 CarswellOnt 18002](#) | (Ont. S.C.J., Nov 17, 2017)

R.S.O. 1990, c. H.8, s. 172

s 172.

Currency

172.

172(1) Racing, stunts, etc., prohibited

No person shall drive a motor vehicle on a highway in a race or contest, while performing a stunt or on a bet or wager.

172(2) Offence

Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$2,000 and not more than \$10,000 or to imprisonment for a term of not more than six months, or to both, and in addition his or her driver's licence may be suspended,

(a) on a first conviction under this section, for not more than two years; or

(b) on a subsequent conviction under this section, for not more than 10 years.

Then, from the Citing References page, do a Search within results to find cases that also reference your second provision.

The Search within results box allows you to conduct Boolean Terms & Connector searches.

This flexibility enables you to refine your query to help ensure your result list includes the most relevant cases.

Placing the full citation in quotes ensures an exact match.

The screenshot shows the WestlawNext Canada interface. At the top, the search bar contains the query 'Q- FI: RSO 1990 c H.8 s 172'. Below the search bar, the document title is 'Highway Traffic Act, R.S.O. 1990, c. H.8, s. 172, Ontario (Approx. 4 pages)'. The interface displays 'Citing References (254)' and 'Legal Memos (1)'. A table of citing references is shown, with columns for 'Legislative subsection or clause cited', 'Treatment', 'Title', and 'Date'. The table lists three cases: '1. R. v. Sztronga' (Apr. 27, 2010), '2. Muskoka (Municipality) v. Luo' (Oct. 02, 2008), and '3. R. v. Anderson' (Mar. 29, 2017). A 'Search within results' box is open, containing the query '"O. Reg. 455/07"'. The interface also includes a 'VIEW' sidebar with 'Cases and Decisions' (253) and 'Secondary Sources' (1), and a 'NARROW' section with 'Apply Filters' and 'Cancel' buttons.

Legislative subsection or clause cited	Treatment	Title	Date
Cases Citing s. 172	Pursuant to	1. R. v. Sztronga 2010 ONCJ 157 (Ont. C.J.)	Apr. 27, 2010
Cases Citing s. 172	Pursuant to	2. Muskoka (Municipality) v. Luo 2008 ONCJ 478 (Ont. C.J.) (Judicially considered 4 times)	Oct. 02, 2008
	Considered in	3. R. v. Anderson 2017 ONCJ 222 (Ont. C.J.)	Mar. 29, 2017

But, if you are searching for a specific section, it might not always appear right next to the citation within a case.

A /n search will retrieve terms that are within the specified number of words apart from each other.

WestlawNext CANADA ADVANCED real property (0)

Highway Traffic Act
R.S.O. 1990, c. H.8, s. 172 | Ontario (Approx. 4 pages)

Document Citing References (254) Annotations (0) Legal Memos (1) Powered by KeyCite Canada

KeyCite Canada Citing References (154) 1-50 Sort By: Legislative Subsection or Clause No items selected

VIEW	Legislative subsection or clause cited	Treatment	Title	Date	Type	Depth	Abridgment Classifications
Cases and Decisions 154 Secondary Sources 1 All Results 254	<input type="checkbox"/> Cases Citing s. 172	Pursuant to	1. R. v. Sztromga 2010 ONCJ 157 (Ont. C.J.)	Apr. 27, 2010	Cases and Decisions	—	MOT.X.1.a.xiii
NARROW Undo Filters Apply Filters Cancel	<input type="checkbox"/> Cases Citing s. 172	Pursuant to	2. Muskoka (Municipality) v. Luo 2008 ONCJ 478 (Ont. C.J.) (Judicially considered 4 times)	Oct. 02, 2008	Cases and Decisions	—	MOT.X.1.a.iii
Search within results <input 3"="" s.="" type="text" value="O. Reg. 455/07 /20 "/> Undo search within	<input type="checkbox"/> Cases Citing s. 172	Considered in	3. R. v. Anderson 2017 ONCJ 222 (Ont. C.J.)	Mar. 29, 2017	Cases and Decisions	—	CRM.XIII.38.a CRM.XXI.14 MOT.X.1.a.xiii
Date All	<input type="checkbox"/> Cases Citing s. 172	Considered in	4. R. v. Phillips 2016 ONCJ 705 (Ont. C.J.) (Judicially considered 1 time)	Nov. 23, 2016	Cases and Decisions	—	CRM.XXI.14 CRM.XXI.16.b.i CRM.XXXII.2.j.ii MOT.X.1.a.i.A MOT.X.1.a.iii MOT.VI.4.a.ii
Depth Of Treatment							
Subsection or Clause							

In this example, /20 is used to ensure the desired section number is retrieved even when it does not appear directly next to its legislative citation (as in the example case shown below).

The screenshot shows the WestlawNext Canada interface. At the top, there is a search bar with the text "Enter search terms, citations, databases, anything ..." and a "FIND" button. Below the search bar, the case name "R. v. Sgotto" is displayed, along with the citation "2009 ONCJ 48, 2009 CarswellOnt 798" and the court "Ontario Court of Justice". The date "February 17, 2009" and the page count "(Approx. 13 pages)" are also shown. The interface includes tabs for "Document", "History (0)", "Citing References (7)", "Legal Memos (0)", "Court Docs (0)", and "Experts (0)". A navigation bar shows "21 of 155 results" and a "Search term" field. The main content area lists several legislative provisions considered, including sections 53, 128, 172, 172(1), and 172(2) of the Highway Traffic Act, R.S.O. 1990, c. H.8. A section titled "Regulations considered:" lists "Races, Contests and Stunts, O. Reg. 455/07" and sections 2 and 3 of the same regulation.

WestlawNext.CANADA Search

Q Enter search terms, citations, databases, anything ... FIND

R. v. Sgotto
2009 ONCJ 48, 2009 CarswellOnt 798 | Ontario Court of Justice | Ontario | February 17, 2009 (Approx. 13 pages)

Document History (0) Citing References (7) Legal Memos (0) Court Docs (0) Experts (0) Powered by KeyCite

Return to list 21 of 155 results Search term Original

s. 53 — considered

Highway Traffic Act, R.S.O. 1990, c. H.8
Generally — referred to

s. 128 — considered

s. 172 — considered

s. 172(1) — considered

s. 172(2) — considered

Regulations considered:

Highway Traffic Act, R.S.O. 1990, c. H.8
Races, Contests and Stunts, O. Reg. 455/07

Generally — referred to

s. 2 "race" and "contest" — considered

s. 3 "stunt" — considered

If you find /20 is bringing back too many unhelpful results, you can decrease the number (and conversely, you can increase the number if you want to broaden the search). Also, if you want to search more than two provisions together, you can include additional citations as you wish (each separated by & or and).