

# KEYCITE CANADA

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KeyCite Canada is the citation research service adapted from The Canadian Abridgment's suite of citator products (Canadian Case Citations, Canadian Statute Citations, Rules Judicially Considered, Regulations Judicially Considered) for Westlaw Canada. You can use Keyite Canada to note up Canadian Cases and Legislation.

The KeyCite Flags alert you to history and citing references that may impact the validity of that document, as well as related proceedings that are not part of the direct appellate history (applications, interlocutory motions, etc.).

**Keyite Canada for cases** includes the full history of all Canadian reported cases back to 1867, plus judicial treatments of Canadian and foreign cases discussed in Canadian decisions that fall within the following coverage:

- Selective coverage of reported cases prior to 1977,
- Comprehensive coverage of reported cases since 1977,
- Comprehensive coverage of unreported cases since 1986.

**Related Proceedings** are included for all cases where related decisions with reasons are available in Westlaw Canada.

**Keyite Canada for statutes and rules** includes judicial treatment of Canadian and foreign statutes and rules, as well as international agreements in Canadian decisions that fall within the following coverage:

- Selective coverage of reported cases prior to 1977,
- Comprehensive coverage of reported cases since 1977,
- Comprehensive coverage of unreported cases since 1986.

**Keyite Canada for regulations** includes judicial treatment of Canadian and foreign regulations in Canadian decisions that fall within the following coverage:

- Comprehensive coverage of reported and unreported cases since 1997.

**Keyite Canada provides the following information:**

- Direct appellate history of a case
- Positive and negative judicial treatments of a case
- Citing references to cases and secondary sources on Westlaw Canada that have cited a case
- Citing references to cases and secondary sources that have cited a federal, provincial or international statute or a Supreme Court of Canada, Federal Court, territorial or provincial rule.
- A status flag or other icon will appear on a decision, when applicable, to advise that history or other citing references are available for that case.
- Relationships to cases that are not part of the direct appellate history. These "Related Proceedings" (applications, interlocutory motions, etc.) link from the KeyCite display to a separate document that includes both the direct history and any interlocutory matters at each level of that history chain.

## CASES

 A **red flag** warns that the case may not be good law, indicating that the decision has been reversed, or has not been followed within the same jurisdiction or by the Supreme Court of Canada.

 A **yellow flag** warns that the decision has some negative history or treatment but has not been reversed or overruled. A yellow flag is also displayed if a treatment has been recently added and has not yet been editorially analyzed.

 A **blue H** indicates that the decision has some direct history but it is not known to be negative history. A blue H is also displayed if a case has related proceedings that are not part of the direct appellate history.

 The **overruling risk warning** indicates that a document may no longer be good for at least one point of law based on its reliance on an overruled or otherwise invalid prior decision.

## CASES & LEGISLATION

 A **green C** indicates that the decision has no direct history, but there are treating cases or other citing references to the decision.

# KEYCITE CANADA TREATMENT DEFINITIONS

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## CASES ONLY

RECENTLY ADDED	Cited case discussed in decision(s) recently added to the service. (Temporary designation, to be replaced by editorially-assigned treatment when it becomes available.)
FOLLOWED	Principle of law in cited case adopted or decider's reasoning applied.
DISTINGUISHED	Cited case inapplicable because of difference in facts or law.
NOT FOLLOWED	Cited case expressly overruled, not applied or judged to be bad law. Some consideration given to cited case.
CONSIDERED	Some consideration given to cited case.
REFERRED TO	Cited case being referred to without comment.

## STATUTES, RULES, REGULATIONS, TREATIES, TARIFFS, FORMS AND SCALES

UNCONSTITUTIONAL	A section of a statute or rule has been found by the court considering it to be unconstitutional or invalid, in whole or in part.
CONSIDERED	A section of a statute or rule has been analyze or interpreted in a particular decision.
PURSUANT TO	A proceeding was undertaken pursuant to a section of a statute or rule.
REFERRED TO	A section of a statute or rule has been mentioned by the court, but not commented upon.
TREATMENT NOT DESIGNATED <i>(Used for judicial treatments of regulations before 2006)</i>	A section of a regulation has been cited in the decision, but the nature of the treatment has not been editorially determined.

For more information on using KeyCite Canada, please see the tutorial in the Help Centre.