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A Short Guide to
The Canadian Abridgment
in Print and on



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1

TO FIND CASE LAW BY LEGAL ISSUE

PRINT:

The Canadian Abridgment Case Digests

The core of The Canadian Abridgment is a comprehensive collection of case digests, or summaries, of issues decided by Canadian courts and administrative tribunals. The digests are classified under more than 50 subject titles set out alphabetically through the main case digest volumes. This collection covers virtually every case reported in Canada since 1803, and every unreported case received from the courts since 1986, with the exception of Quebec civil law cases.

Finding Tools:

The *Key & Research Guide* contains the subject classification scheme by which the case law is organized. You can find all the cases on your subject by locating your issue within this classification scheme and then looking through the digests falling under the appropriate title, heading and subheadings in the main volume and supplement. Using the *Key* allows you to see how your specific topic fits into the broader classification scheme.

The *General Index* contains the subject index to the case law digests. The *Index* lists alphabetically the legal concepts and issues dealt with or arising out of the case digests. The locations of the digests are given by volume and digest number with each entry.

The *Case Law Update* provides names, citations and digest numbers for cases digested in Canadian Current Law – Case Digests after the cut-off date of the most recent Case Digests Annual Supplement. The entries are organized by Abridgment classification.

Components:

[The Case Digests component of the Abridgment is undergoing transition from the Second Edition to the Third Edition. By the end of 2007, all Second Edition titles will be replaced by Third Edition titles.]

- Main Work: The multiple hardcover volumes are arranged alphabetically by subject title.
- Annual Supplement: There is a single softcover volume for each main work volume. The Case Digests cumulative Annual Supplement volumes contain all digests from the cut-off date on the spine of the main work to December of each year.
- Monthly Supplement: Updates appear in monthly issues of Canadian Current Law – Case Digests.

How to Do a Case Digest Search:

A. Using the *Key & Research Guide*

STEP 1

Determine the appropriate Subject Title for your search by consulting the *Key & Research Guide*.

The *Key* is cross-referenced so that you can find your title by looking up a term that describes your issue. For additional help in finding the appropriate title, you may consult the Subject Titles Table or the Abridgment Overview found at the beginning of the Guide. The Subject Titles Table is an alphabetical list of the subject titles in the Case Digest volumes. In the Abridgment Overview, the subject titles are organized under broader areas of the law (e.g.: Commercial Law, Criminal Law).

Illustration 1.1:
Cross-References in Key
The Key contains a large number of cross-references to guide you to relevant subject titles and their classifications.

COMPANIES AND CORPORATIONS-See
Banking and Banks: Corporations;
Trade and Commerce IV, V.4, V.5

COMPELLABILITY-See *Evidence XVII.3*

COMPETENCY-See *Evidence XVII.3*

COMPETITION-See *Intellectual Property*
III.10; Trade and Commerce V

COMPLETION-See *Sale of Land III*

COMPULSION-See *Criminal Law XVIII.10*

Digests on compellability
are found under the
subject title Evidence
at heading XVII.3

- 2. ICLL results will appear under the **Secondary Sources (Canada)** heading in the right pane.
- 3. Click the numbered link beside the ICLL result to be taken to the ICLL entry.

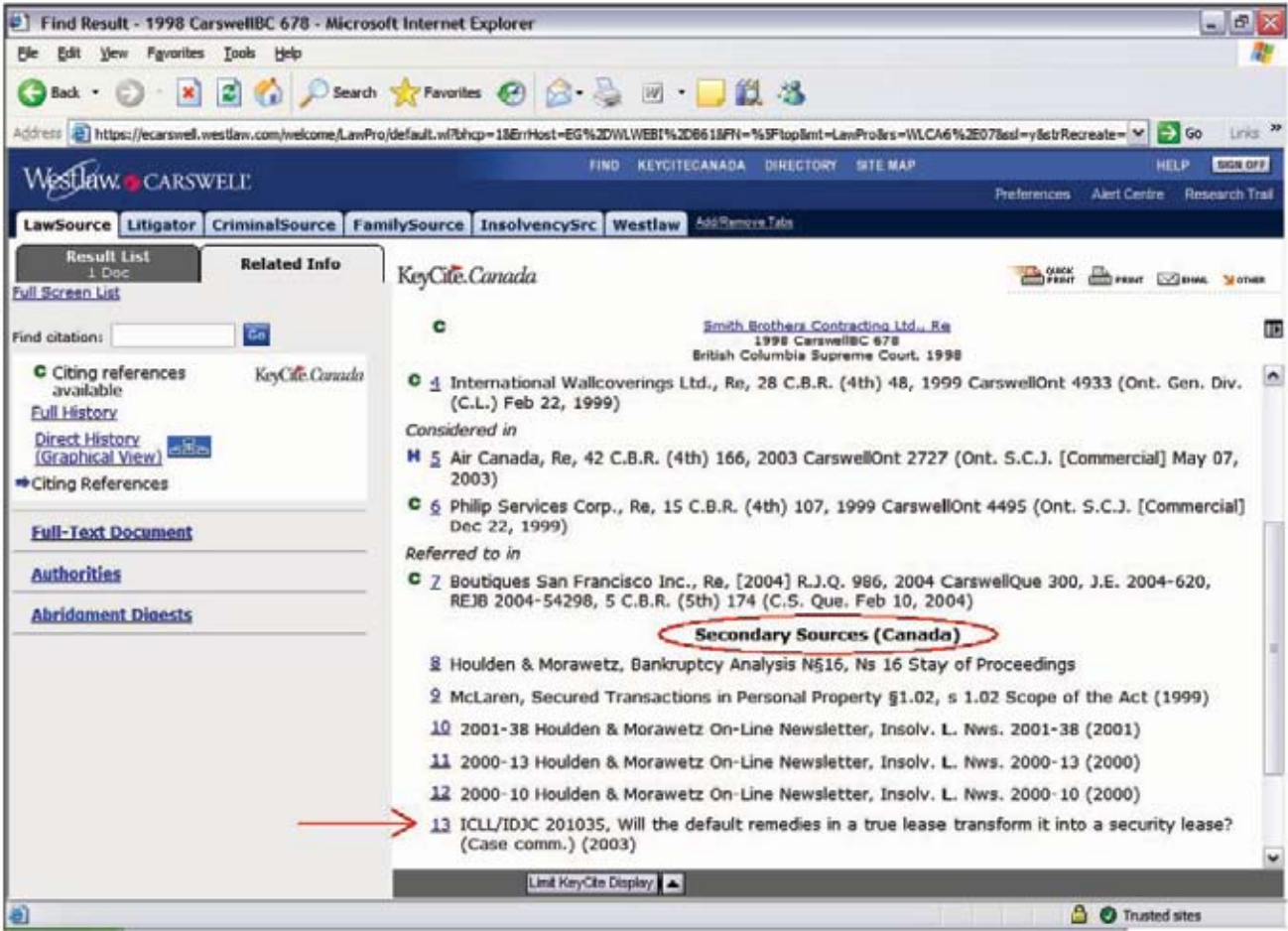
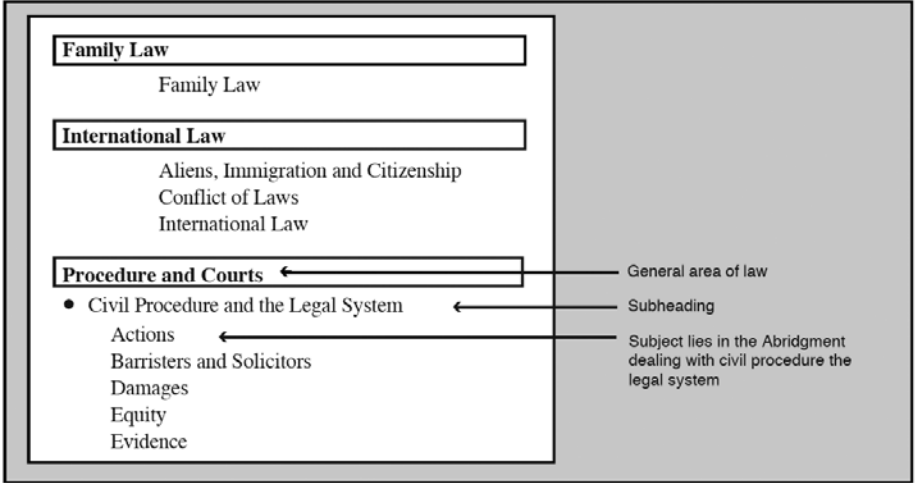


Illustration 7.14: Finding ICLL entries dealing with your particular case.

Illustration 1.2:
Subject Titles Table
The Subject Titles Tables provides an alphabetical listing of subject titles and gives you the page in the Key where the classification for each title appears.

Subject Title	Page
Actions	2-3
Administrative Law	2-7
Agency	2-15
Aliens, Immigration and Citizenship	2-23
Animals	2-31

Illustration 1.3:
Abridgment Overview
The Abridgment Overview shows how the subject in the Case Digests fit into broader subject areas of the law.

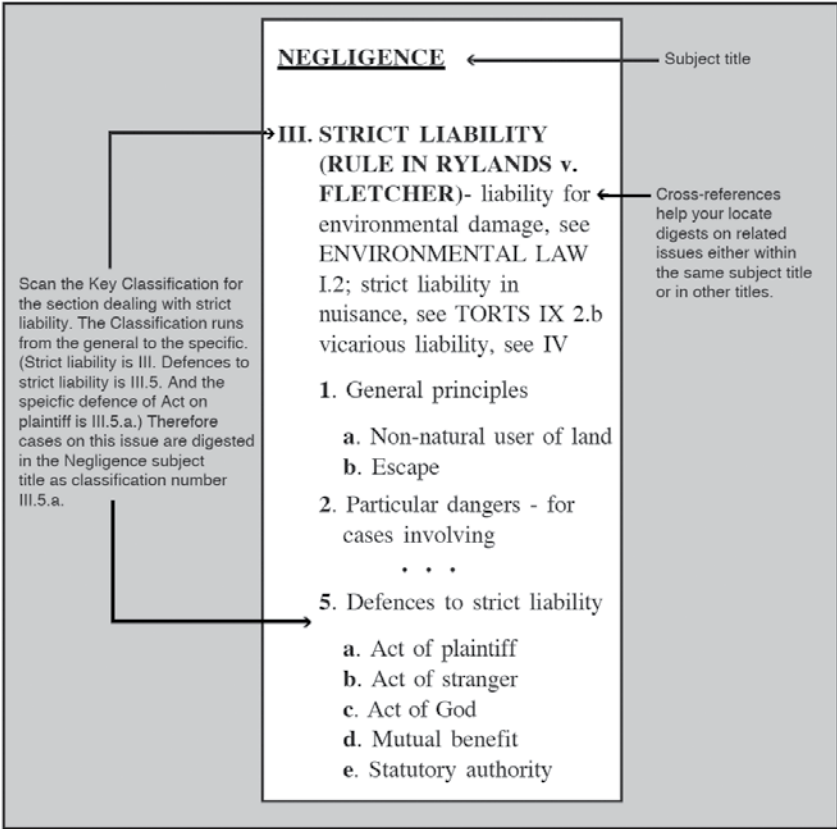


STEP
2

After determining the appropriate Subject Title, narrow down your search by finding the appropriate Classification(s) for your issue.

Each Subject Title is followed by an overview of the contents of that Subject Title and a list of all volumes containing digests under that heading. Narrowing down your search to one or two specific Classifications can greatly streamline your search. By noting the relevant classification numbers, you will be able to identify appropriate digests at a glance.

Illustration 1.4:
Classification Scheme
Example: You are searching for cases on whether an act of the plaintiff could be a defence to a claim of strict liability.



D. Finding ICLL Articles Within KeyCiteCanada Results

- 1. From the full-text of a case, select the **Citing References** button from the Related Info tab in the left pane.

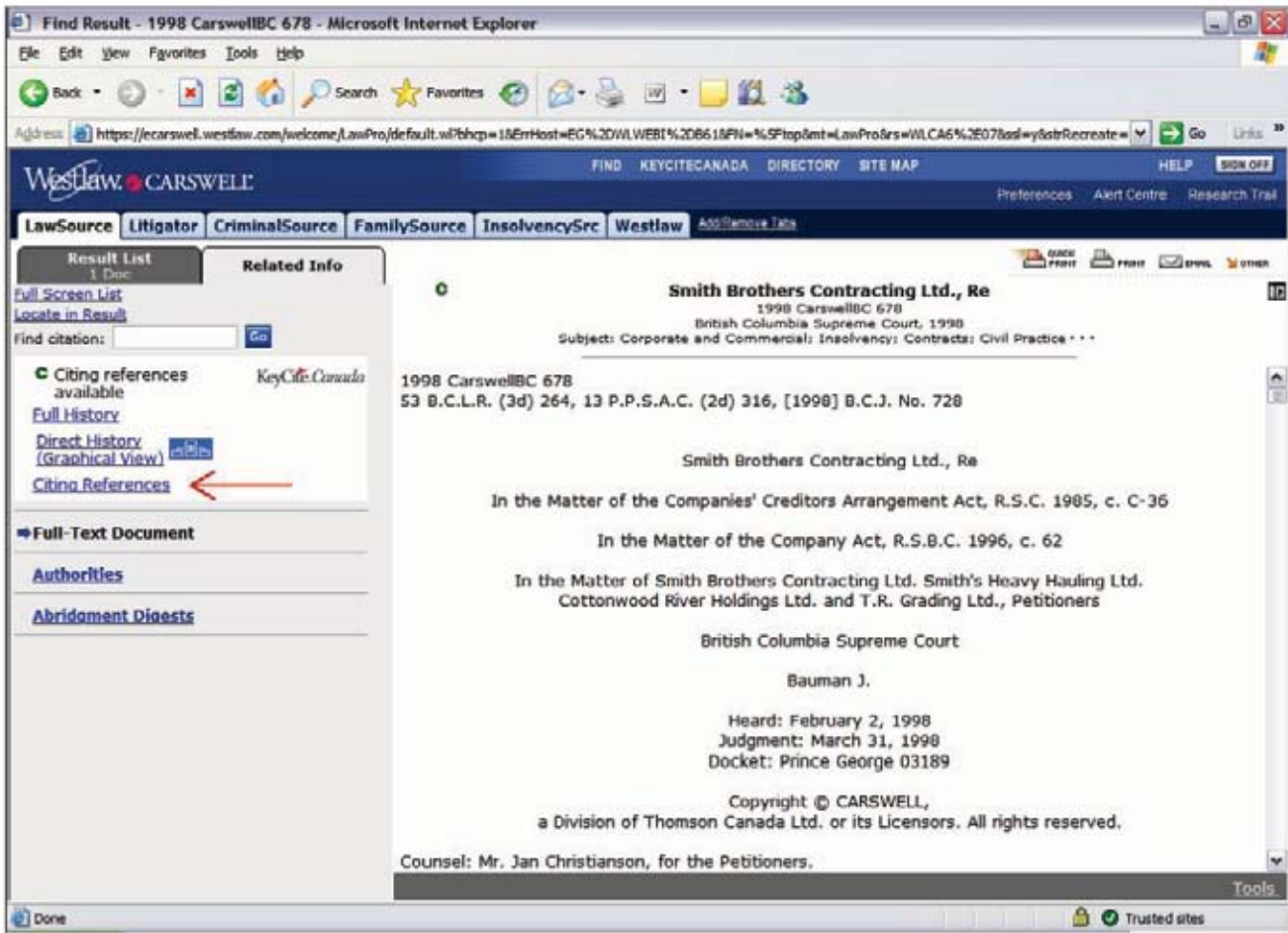


Illustration 7.13: Accessing Citing References using KeyCiteCanada results for a case.

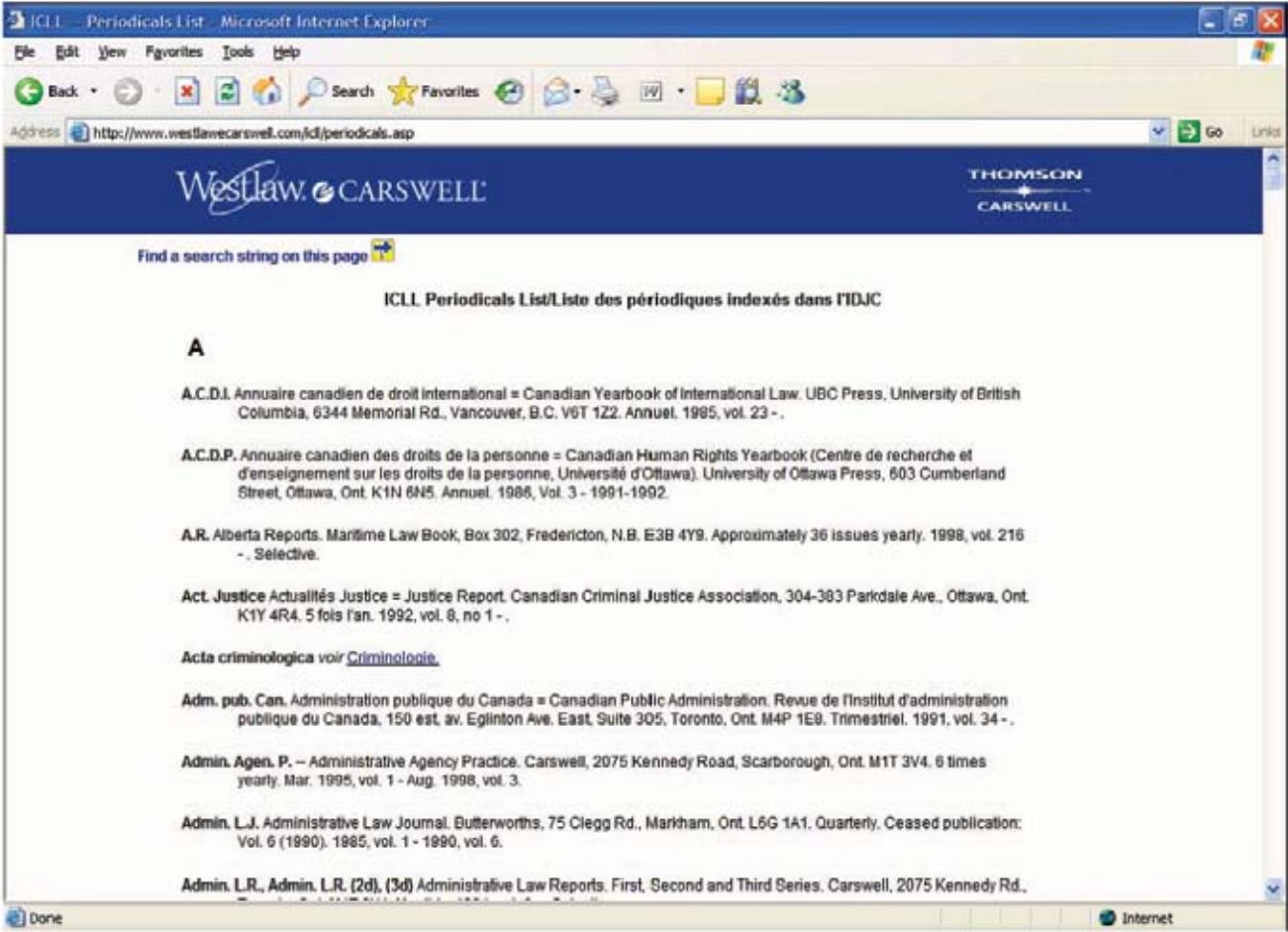


Illustration 7.12: Browsing the Table of Periodicals Indexed.

STEP 3

Consult the main case digest volume that contains your Subject Title. Scan the digests falling under the appropriate Subject Title and Classification, noting the names and citations of important cases.

Cases digested under your chosen Classification can be identified at a glance by the classification number, which appears in the upper right hand corner of each digest.

RESEARCH TIP:

Note that within each classification, the digests appear in reverse chronological order, with the most recent digest appearing first.

Illustration 1.5:
Case Digest

(NOTE: A full digest is pictured here.
Some digests will consist only of
captions and others published from
1998 onward may consist of only
Key classification phrases.)

Digest Number (Case digest are numbered consecutively within the volume)	352.	(III.5a)	Classification Number
Caption	Strict liability (Rule in Rylands v. Fletcher) - Defences to strict liability - Act of plaintiff - Search for gas leak with lighted match -Deceased author of his own misfortune.		The first phrases in the caption repeat the classification Key phrases.
Narrative	A gas meter was installed in the deceased's house. Appel- lant, the deceased's wife, alleged that the gas had been leaking all afternoon and continued to do so in the evening. The deceased went to the cellar to discover the cause and lit a match in the cellar, whereupon an explosion took place.		Background facts of the case
Disposition	Held, appeal dismissed. To search with a lit match for the cause of escaping gas is a thing so obviously dangerous that no reasonable person could say that the deceased was not the author of his own misfortune.		Reasons for disposition
Case name and citation (Note: the first citation listed is the decision to which the digest applies)	Hawley v. Ottawa Gas Co. (1919), 16 O.W.N. 106 (C.A.), affirming (1919),15 O.W.N. 454 (H.C).		

STEP 4

Consult the softcover Annual Supplement corresponding to the main work volume.

The Annual Supplement covers digests from the cut-off date of the main work volume to the end of the previous year. The Supplement is consolidated and replaced annually, so there is never more than one Supplement to consult for each main volume.

STEP 5

To update your research past the end of the last year, consult the monthly softcover issues of Canadian Current Law – Case Digests.

To update your search after the Annual Supplement volume, begin with the January (Issue #1) Canadian Current Law – Case Digests. Within each monthly issue, the subject titles are set out in alphabetical order.

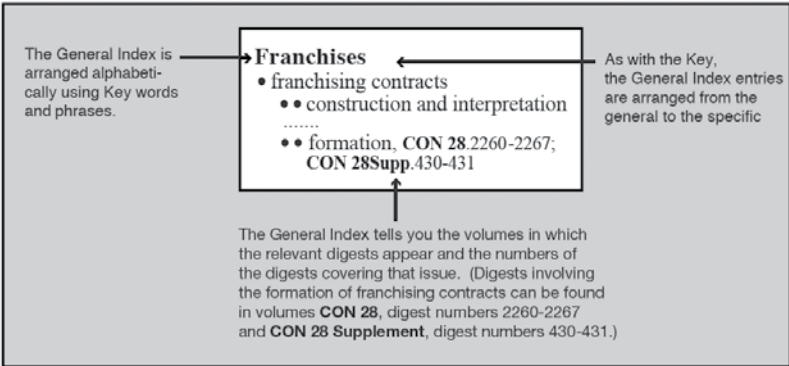
A. Using the General Index

STEP 1

To find digests in the main case digest volumes, look up your research topics in the General Index, noting the volume and digest numbers of the relevant digests.

The General Index differs from the Key in that the Key gives you a Classification number that you can follow through the main work and supplement, while the Index provides the volume and digest numbers of relevant digests. Like the Key, the Index contains a large number of cross-references to help you find appropriate entries.

Illustration 1.6:
General Index Entry
Example: You are searching for cases involving the formation of franchising contracts.



C. Browsing the Table of Periodicals Indexed

- 1. Go to the ICLL Custom Search Template (See Illustration 7.7, above).
- 2. Select the **Table of Periodicals Indexed** link at the bottom of the Custom Search Template screen.

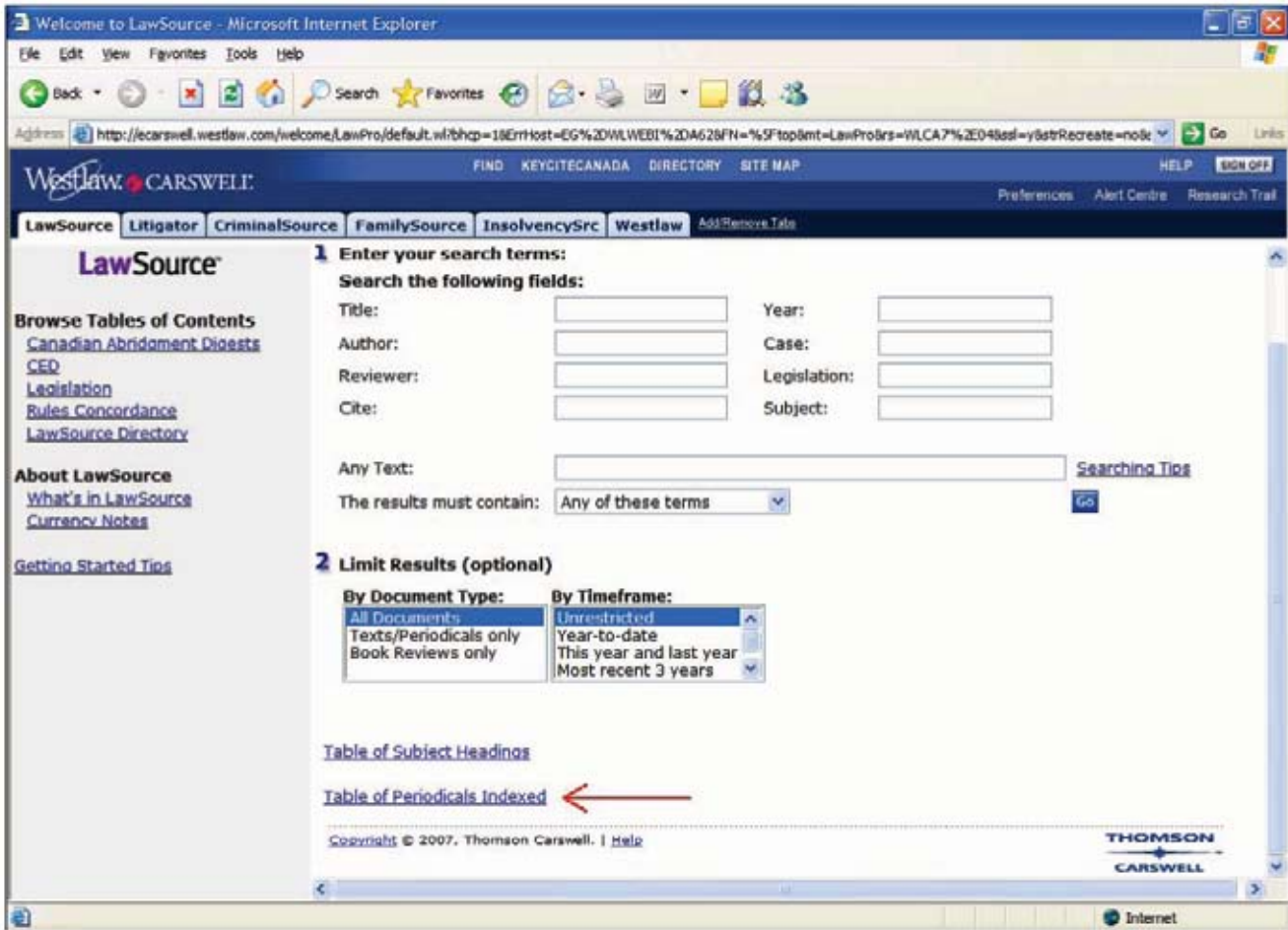


Illustration 7.11: Selecting the Table of Periodicals Indexed.

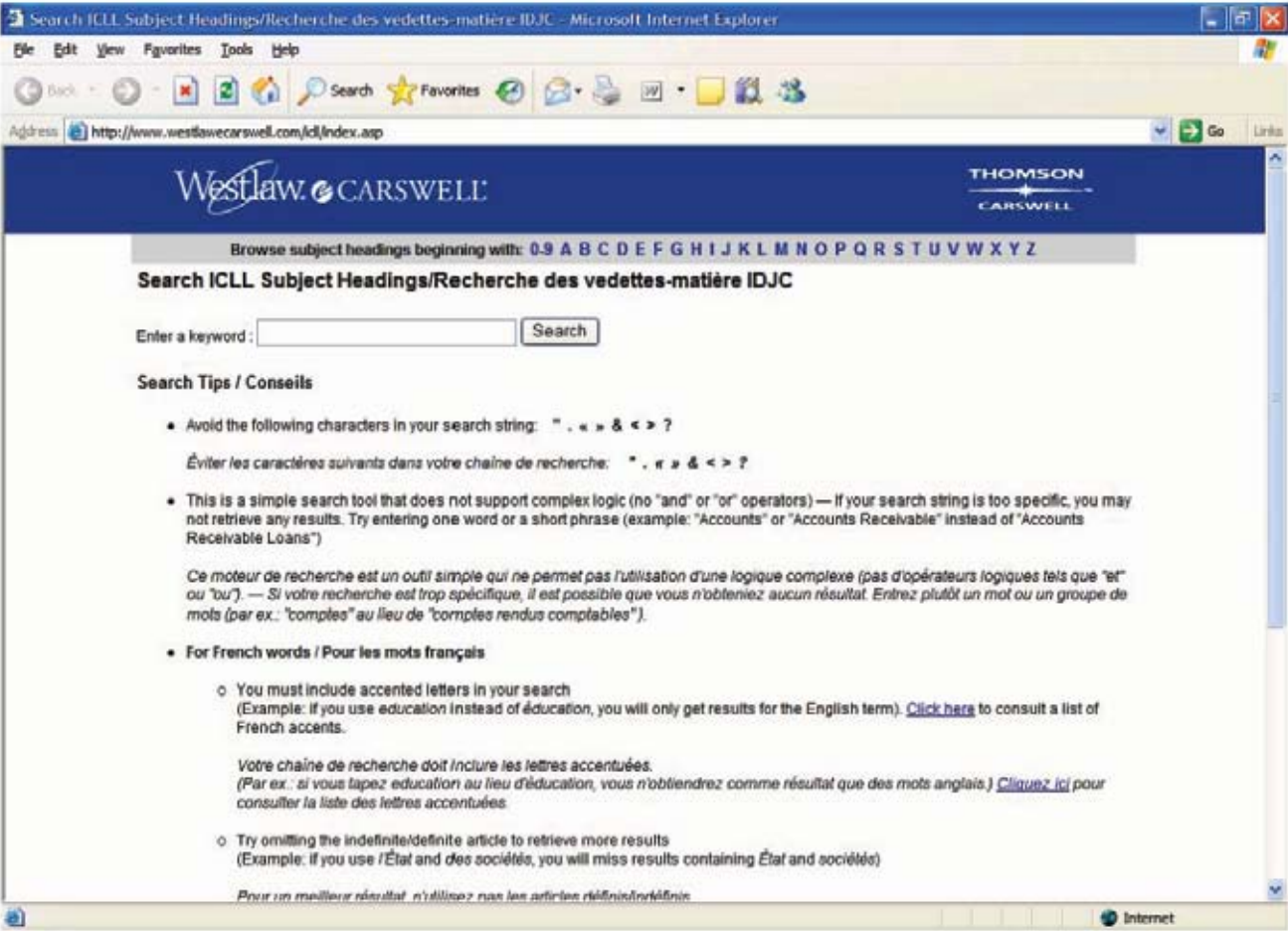


Illustration 7.10: Browsing the Table of Subject Headings.

STEP
2

To find digests in the monthly issues of Canadian Current Law – Case Digests, look up your research topics in the index found at the back of these monthly issues.

Cases digested under your chosen Classification can be identified at a glance by the classification number, which appears in the upper right hand corner of each digest.

RESEARCH TIP:

The March, June, September and December issues contain a cumulative index of all digests that have appeared to that date during the year. Therefore, when consulting the indexes of these monthly issues you should begin with the most recent volume that has a cumulative index and move forward.



ONLINE:

Westlaw. CARSWELL. LawSource. Canadian Abridgment Digests

The Canadian Abridgment is available online through WestlaweCARSWELL's LawSource as well as other WestlaweCARSWELL services. Case digests can be browsed through the Abridgment Key Classification System, searched by Key Word, or a combination of the two methods.

The Custom Digest feature brings together in a single document all digests in your search results within the same classification, allowing you to scan through many digests as easily as in print.

There are three basic methods for using the Abridgment to find relevant case law:

- **Browsing** the Abridgment Key;
- **Searching** the Abridgment Digests by key word;
- **Linking** from a decision on point to digests of other cases on the same issue.

B. Finding ICLL Subject Headings by Keyword

1. Go to the ICLL Custom Search Template (See Illustration 7.7, above).
2. Select the **Table of Subject Headings** link at the bottom of the Custom Search Template screen.

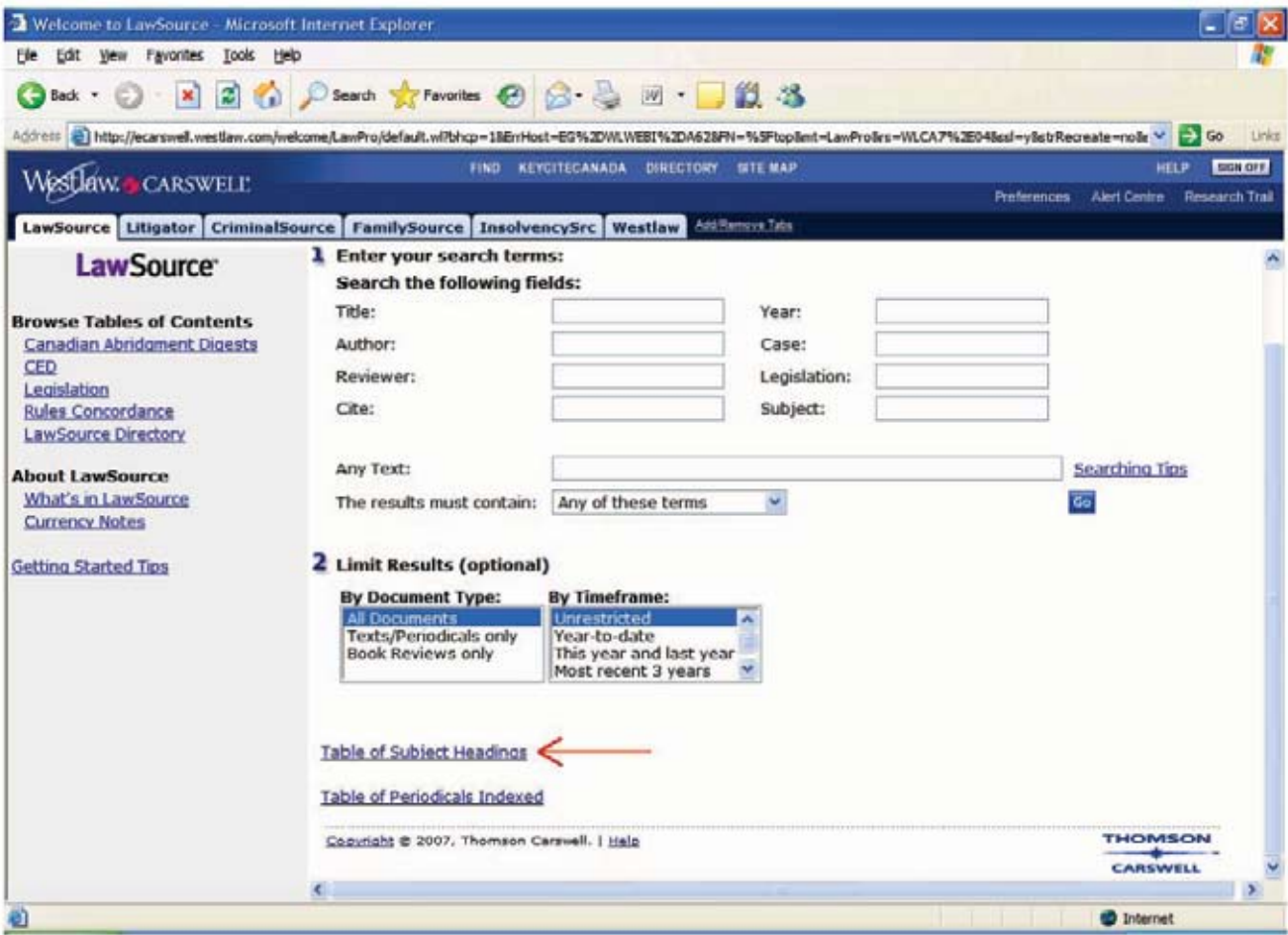


Illustration 7.9: Selecting the Table of Subject Headings.

- 2. Enter your search term(s) in the applicable boxes, e.g. Title: trusts, Author: waters.
- 3. Limit your search by restricting results to particular fields by using the selection boxes (document type, timeframe) (optional). To select more than one option in a selection box, hold down your Ctrl key while clicking multiple selections with your mouse.
- 4. Click **GO**.

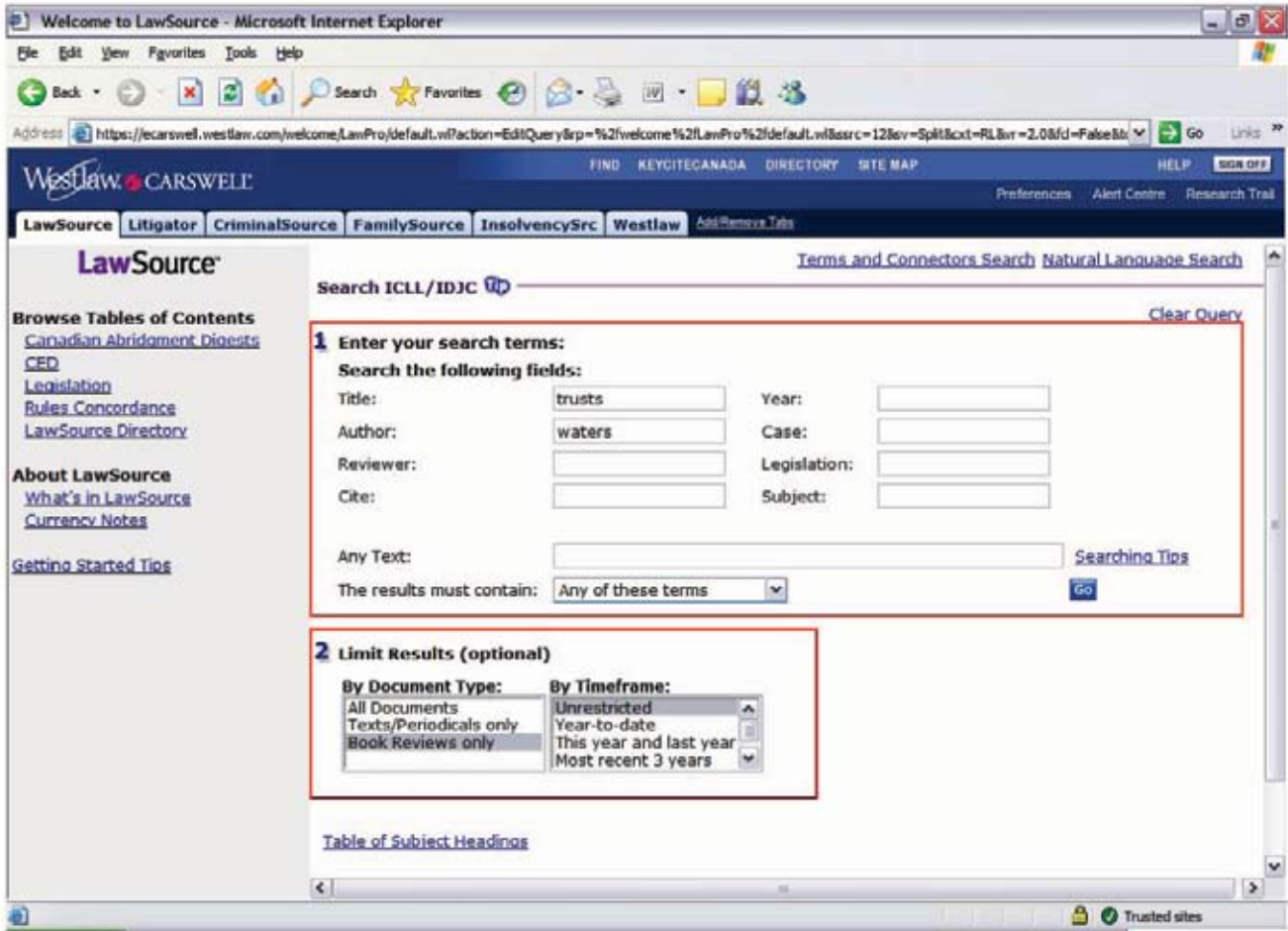


Illustration 7.8: The ICLL Search Template: Entering Search Terms and Limiting Results.

How to Do a Case Digest Search:

A. Browsing The Abridgment Key

Recommended when you want to find all Canadian cases on a particular legal issue.

- 1. You may access the complete Canadian Abridgment Key Classification by going to the Browse Tables of Contents section located in the left frame of the LawSource home page and clicking on the **Canadian Abridgment Digests** link.

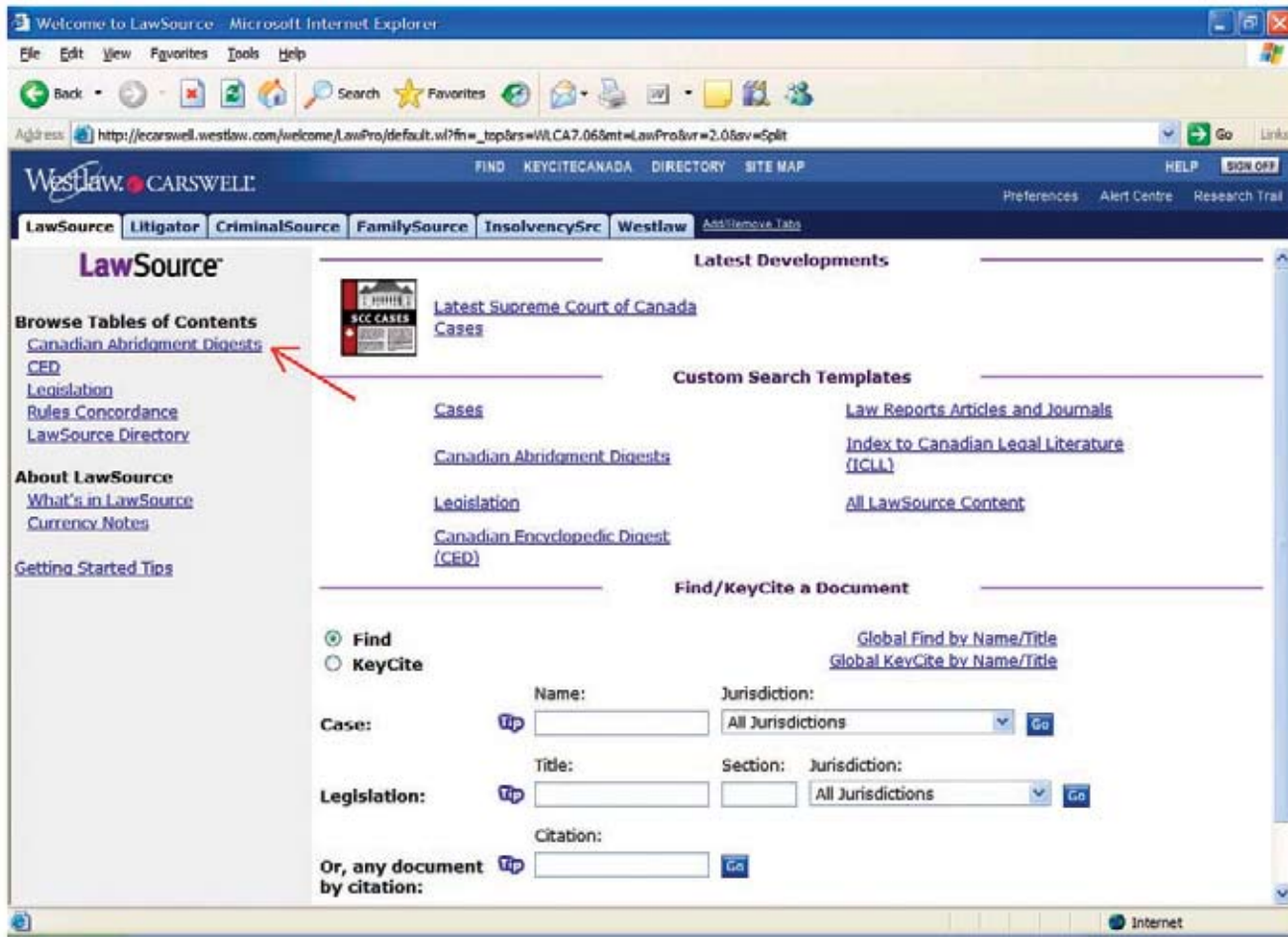


Illustration 1.7: Canadian Abridgment Digests link on LawSource homepage.

2. Expand the various Abridgment subject titles by clicking the plus buttons [+] to reveal the detailed Classification.

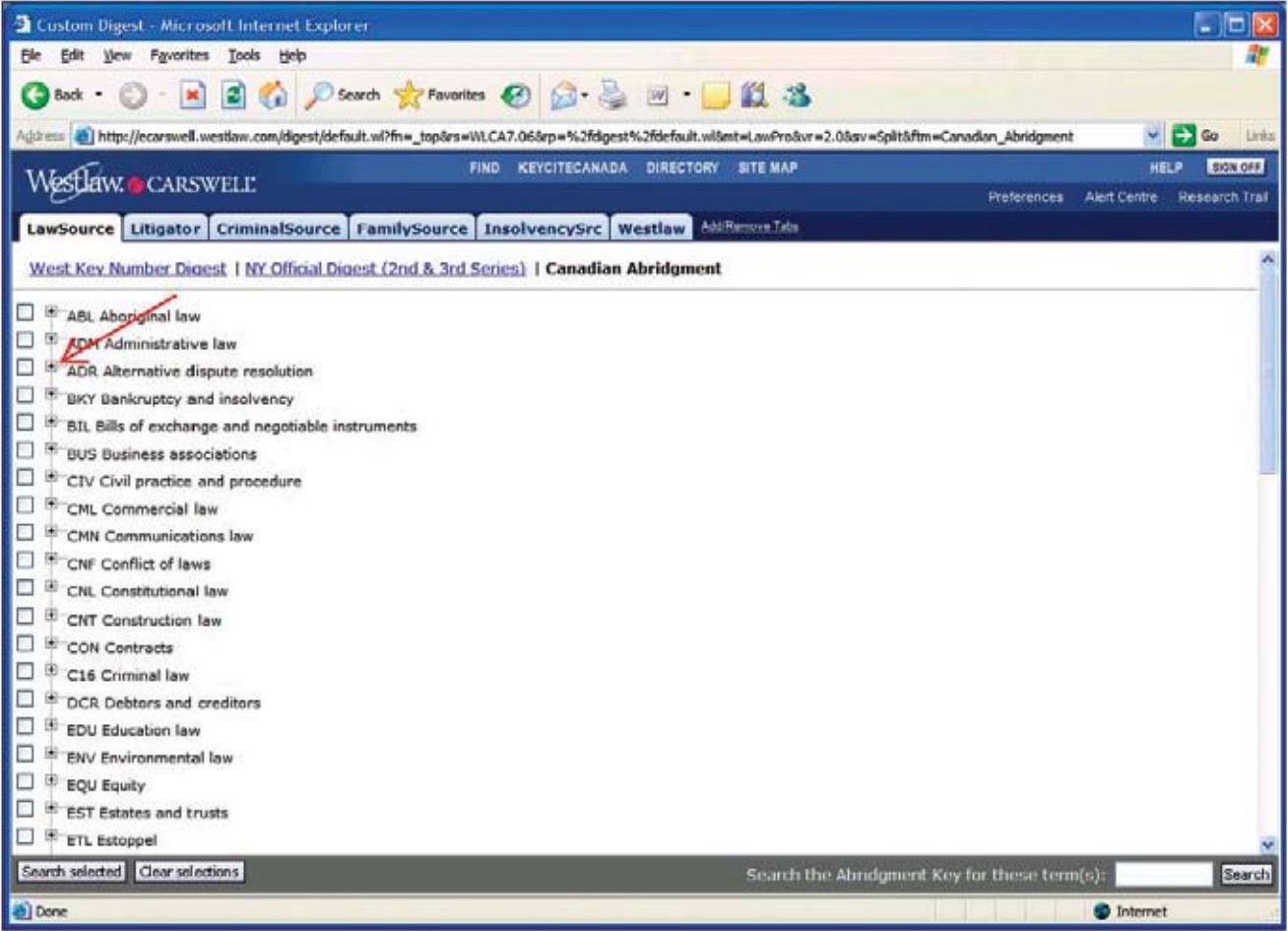


Illustration 1.8: Click to reveal expanded Classification.

A. Searching for Legal Literature using the ICLL Custom Search template

1. Select the link to the **Index to Canadian Legal Literature (ICLL)** template under the Custom Search Templates section on the LawSource home page.

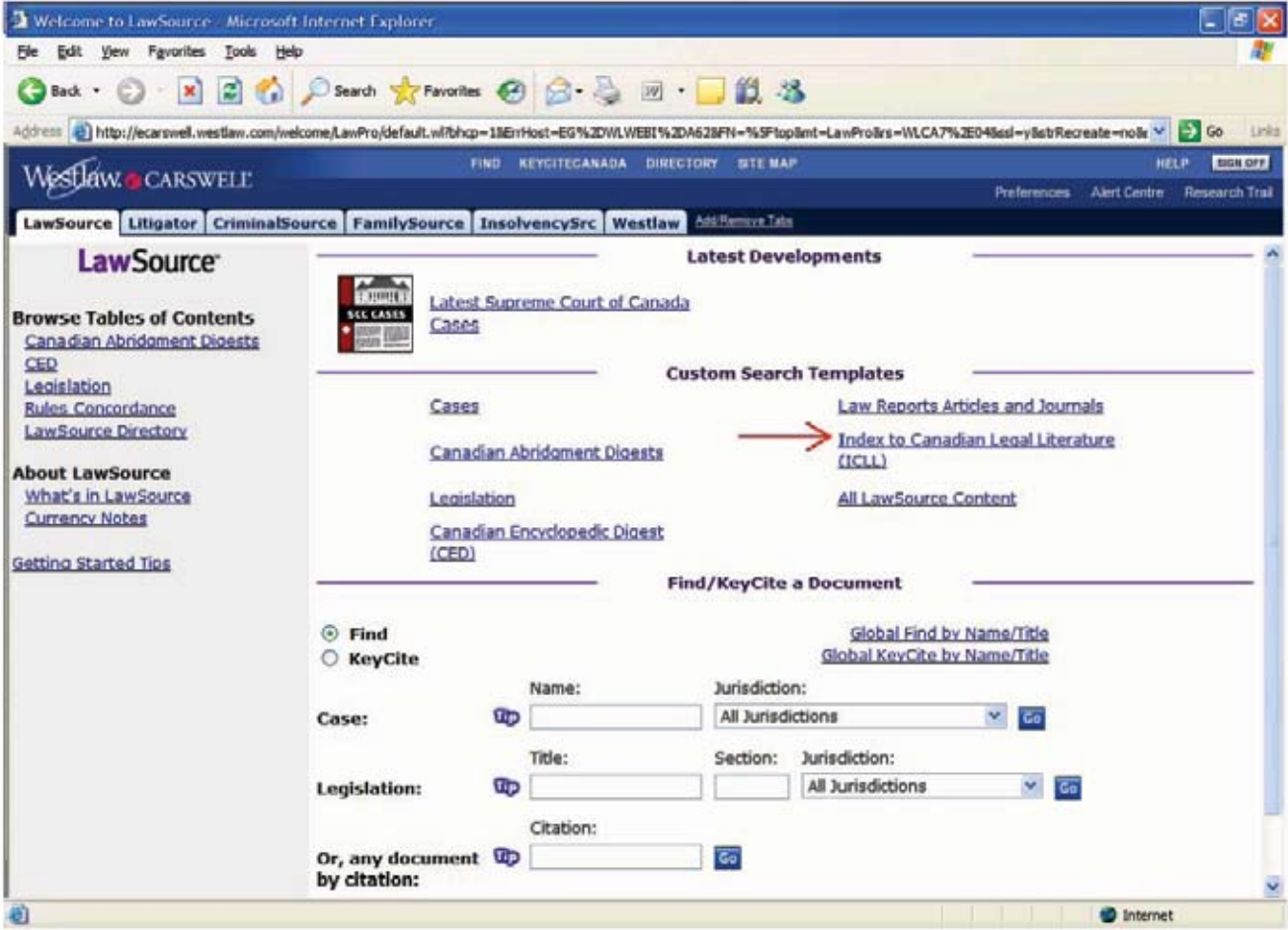


Illustration 7.7: Accessing the ICLL Custom Search template.



ONLINE:

Westlaw CARSWELL LawSource

Accessible as part of the LawSource service, ICLL can be accessed by subject, author, case or statute, and results can be limited to exclude or include only book reviews.

You can search for legal literature from the ICLL custom search template. Accessible from that template is the **Table of Subject Headings** used to classify ICLL entries, or the **Table of Periodicals Indexed**, which you can consult for help in formulating your search.

You can also find ICLL entries for articles dealing with a particular case in the KeyCiteCanada citing references for that case.

3. Click on the blue hypertext link to view digests of all cases on that particular issue.

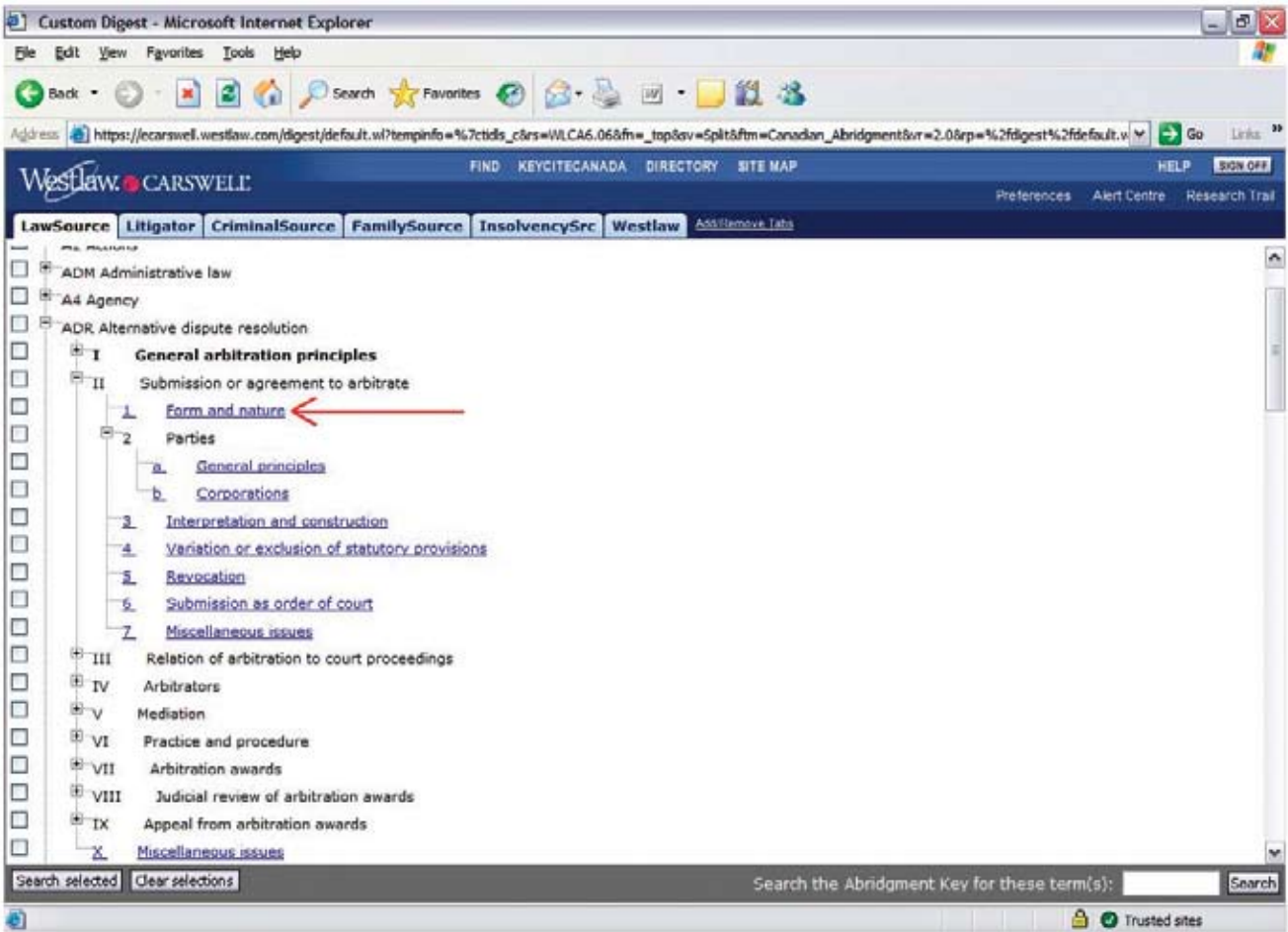


Illustration 1.9: Linking to Digests from the Abridgment Key.

RESEARCH TIP:

You can search the Abridgment Key to see where a word or phrase appears in the Classification system.

Recommended where you are uncertain where your issue appears in the Abridgment classification or where there may be several subject titles under which your issue is classified.

- 1. Access the Key Classification System following the steps set out above.
- 2. Enter your key words in the **Search the Abridgment Key for these term(s)** box at the bottom of the page (See Illustration 1.9, above).
- 3. Click **Search**.
- 4. A search of the Key will narrow your table of contents view to focus on the sections that match your key word query, e.g. “estoppel”. Click **Clear Scan** to return to the complete Abridgment table of contents.

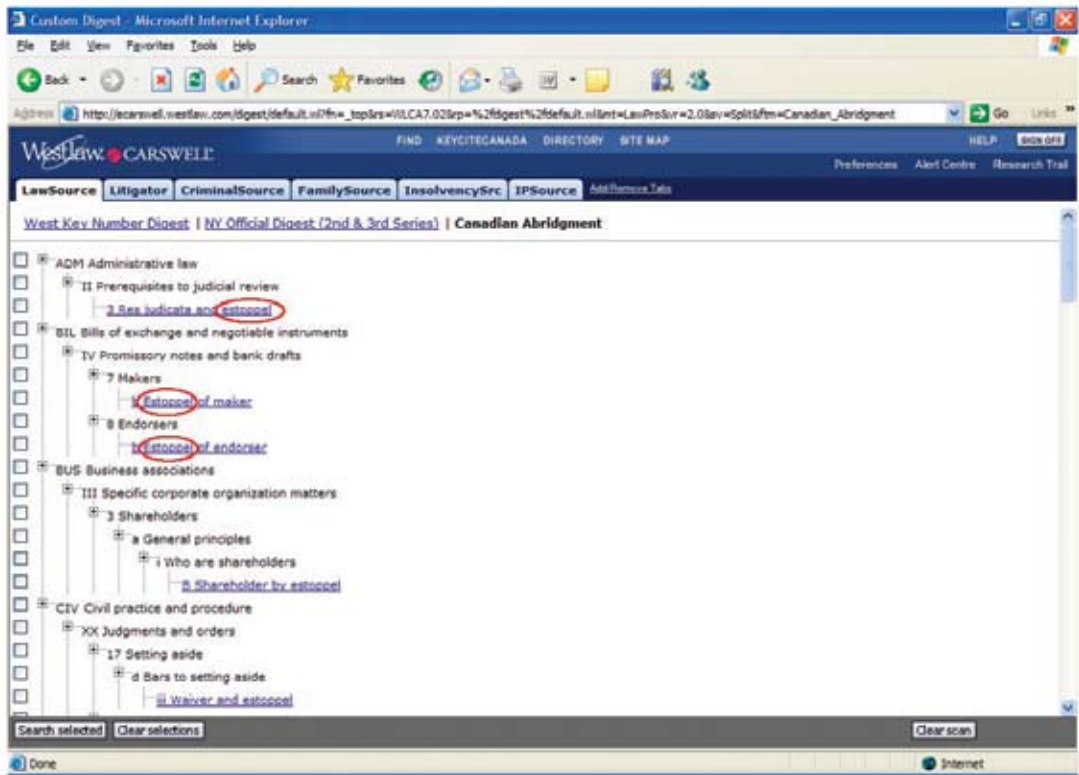


Illustration 1.10: Finding occurrences of a term within the Abridgment Key.

E. Searching for Book Reviews

STEP 1

Look up the book review in the Book Review Index main volume.

Each review is entered under the title of the work reviewed, under the name of the author, and under the name of the reviewer.

Illustration 7.6:
Book Review Entry
Example of three separate
entries for one review.

Title of the work reviewed	→ The law of the charter: general principles. by Dale Gibson. Rev. by David Rose. (1986/87) 16 Man. L.J. 256–257.
Name of the author of the work reviewed	→ Gibson, Dale. The law of the Charter, general principles. Rev. by David Rose. (1986/87) 16 Man. L.J. 256–257.
Name of the reviewer	→ Rose David Rev. The Law of the Charter. general principles. by Dale Gibson. (1986-87) 16 Man. L.J. 256–257.

STEP 2

For materials indexed after the main volume cut-off date, search the Book Review Index Annual Supplement volume corresponding to the main volume.

STEP 3

Complete your search by consulting the Book Review Index in issues of Canadian Current Law – Canadian Legal Literature, published eight times a year.

STEP 2

Look for the statute in the Table of Statutes section of the Annual Supplement volume.

STEP 3

Complete your search by consulting the Table of Statutes in issues of Canadian Current Law – Canadian Legal Literature, published eight times a year.

RESEARCH TIP:

You can refine your browsing results by searching within your selected classification(s).

Recommended where there are many digests falling under your selected classifications and you are able to narrow your results by key word or jurisdiction.

[E.g. The classification that deals with the factor of the means of spouses as affecting entitlement to spousal support has 1055 digests. By limiting your results to digests that contain the terms “disabled or disability”, you reduce the number of digests to 69.]

1. Access the Key Classification System, following the steps set out above.
2. Choose the classifications you want to search by selecting the appropriate checkbox(es) to the left of the classification of interest. You may check multiple boxes.
3. Click the **Search selected** button at the bottom of the screen.
4. In the Custom Digest page, your selected classifications will be listed in the **Your digest selection(s)** box (*See Illustration 1.11, below*).
To retrieve these selections in their entirety, click **Search**.
To remove a selection from the list, click **Delete**.
5. To narrow your search, type your search term(s) in the **Add search terms and/or connectors (optional)** box, e.g. “disabled”. Specify relationships between terms using connectors.

- 6. Limit your results by using the **Jurisdiction** selection box (optional).
- 7. Select **Search**.

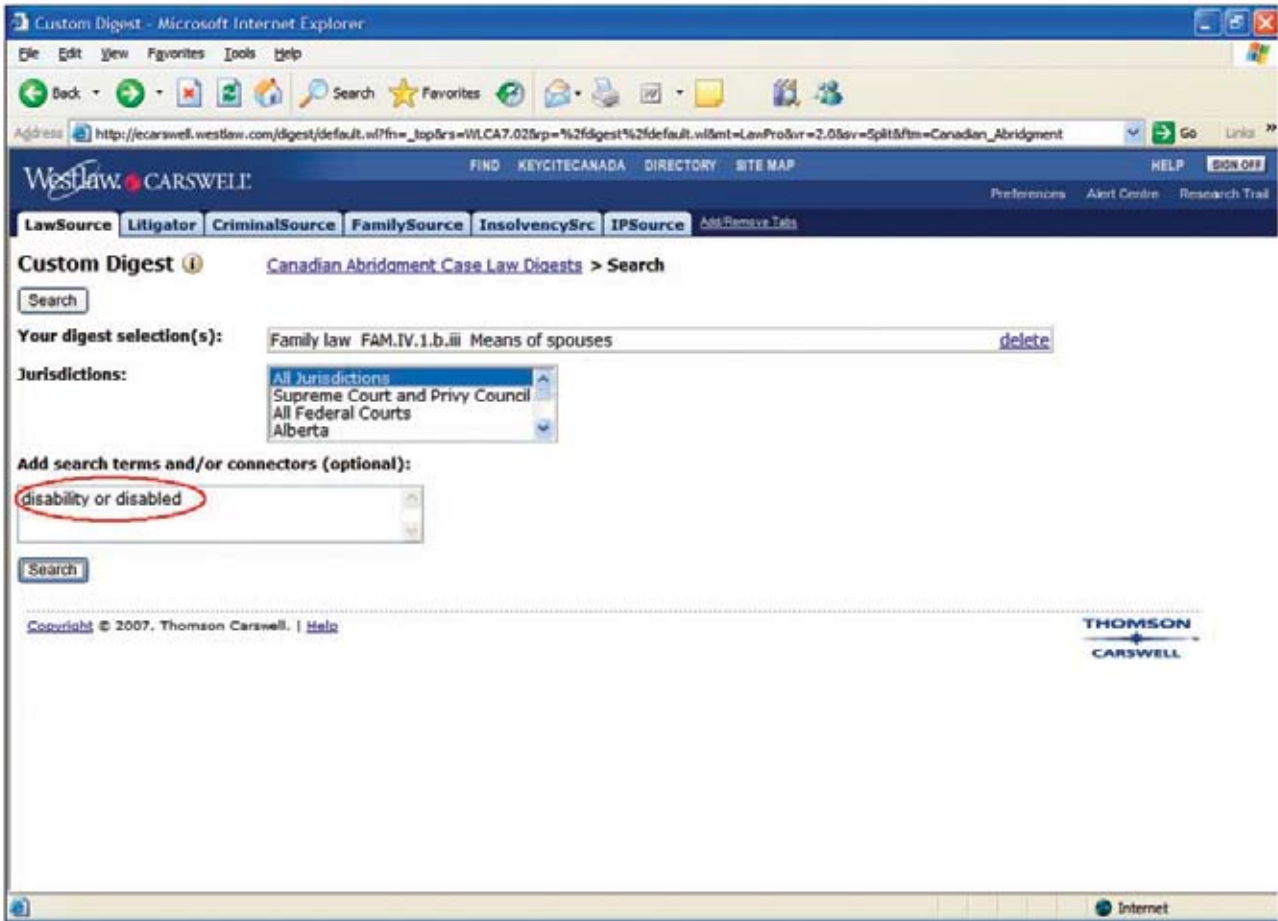


Illustration 1.11: Refining your Browse Results.

D. Searching for Canadian Legal Literature by Statute

Note: The Table of Statutes is not a table of references to all the statutes cited in the secondary literature. Only items that provide substantial treatment of one or a few statutes are entered in the table under the name of the statute.

The Table of Statutes has entries for foreign statutes, Canadian federal and provincial statutes and international agreements.

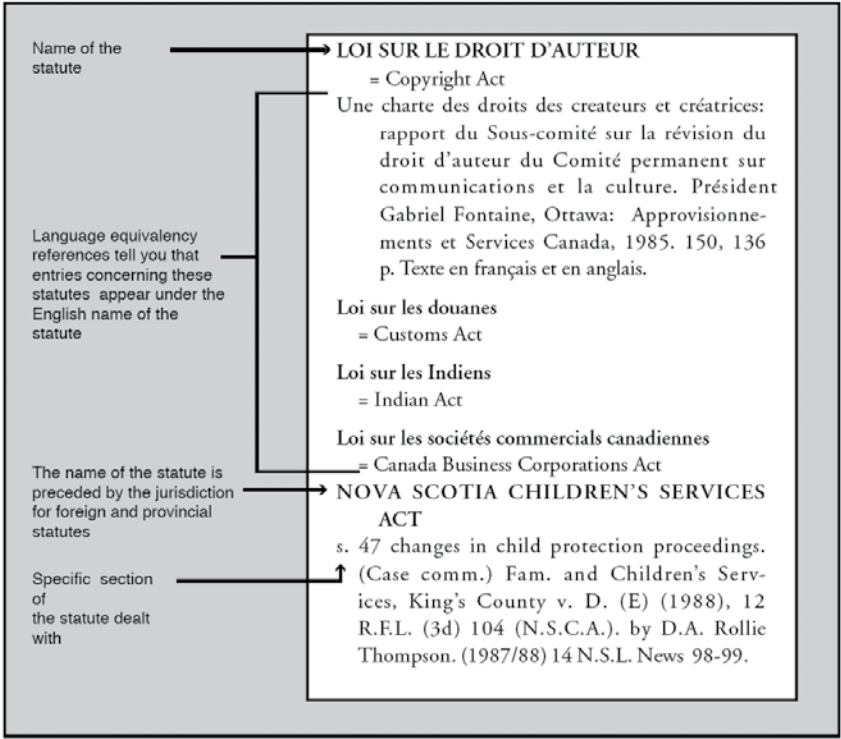
To find an international agreement or Canadian federal statute, search alphabetically by the name of the agreement or statute.

To find a foreign statute or Canadian provincial statute, search alphabetically by jurisdiction.

STEP
1

Look in the Subject Index main volumes under the subject heading to which the statute pertains.

Illustration 7.5:
Table of Statutes Entry



C. Searching for Canadian Legal Literature by Case

STEP 1

Search for the case alphabetically by name in the Table of Cases main volume. Each case is cross-referenced by the name of the defendant, enabling you to search for a case under the name of either party.

Illustration 7.4:
Table of Cases Entry

Name of the case analyzed in the article	Citation of the case analyzed
—	<p>BENALTEFF c. Kaufman, [1987] R.J.Q. 1582 (C.A. Qué.). Un arrêt “loirre-tout”, régimes matrimoniaux-Non rétroactivité de la loi du domicile matrimonial. (Comm. d’arrêt) par Roger Comtois. (1987/88) 90 R. du N. 466-472.</p> <p>CARON c. Caron, [1987] 1 R.C.S. 892 (C.S.C.). La trilogie de la Cour suprême du Canada sur l’obligation alimentaire entre conjoints ou ex-conjoints (arrêts Richardson, Pelech et Caron). par Suzanne Pilon. [1987] R.D.F. 533-559.</p>

STEP 2

For materials indexed after the main volume cut-off date, search the Table of Cases Annual Supplement volume.

STEP 3

Complete your search by consulting the Table of Cases in issues of Canadian Current Law – Canadian Legal Literature, published eight times a year.

B. Searching The Abridgment Digests by Key Word

Recommended where relevant digests are likely to appear under more than one classification and where you are searching for terms unlikely to appear in the classification.

1. Go to the Canadian Abridgment Digests Custom Search template by clicking on the **Canadian Abridgment Digests** link in the Custom Search Templates section of the LawSource home page.
2. Enter your search term(s) in the **Search full text for** box, e.g. “neck whiplash”.
3. Select a connector option in **The results must contain** drop-down list, e.g. All of these terms. Alternatively, enter your search term(s) and connectors in the **Search full text for** box, e.g. “neck /p whiplash” (See *Illustration 1.12, below*).

RESEARCH TIP:

To see a list of all connector symbols and wildcards, with examples, click the **Searching Tips** link located above the **Search full text for** box.

4. Limit your search by entering information in specific fields (subject title, classification number or phrase, case name, citation, and year) if known, e.g. Subject Title: remedies.

- 5. Limit your results by jurisdiction and/or by timeframe by using the selection boxes provided, if desired. To select more than one option in a selection box, hold down your Ctrl key while clicking multiple selections with your mouse.
- 6. Click GO.

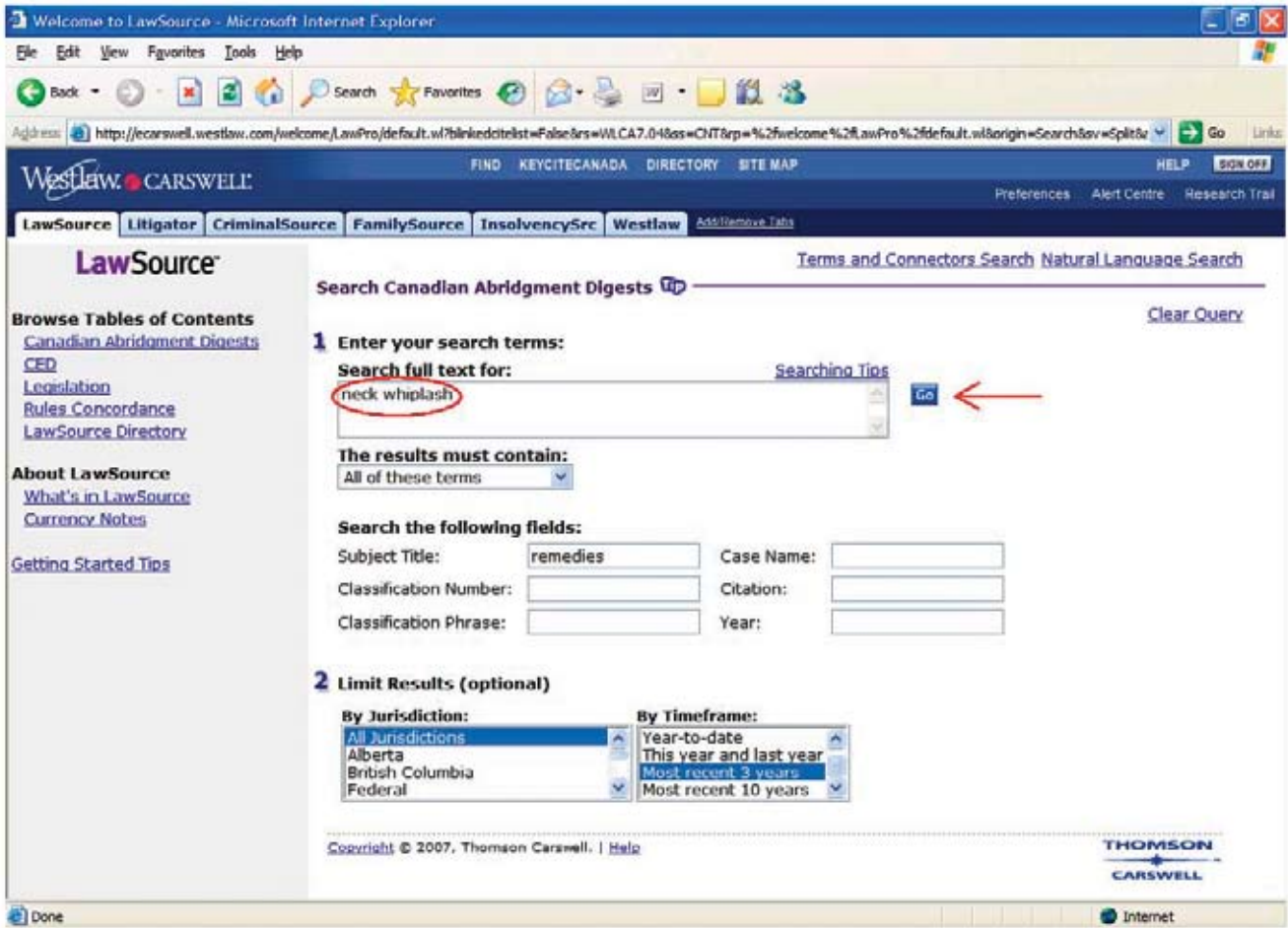


Illustration 1.12: The Abridgment Custom Search Template.

B. Searching for Canadian Legal Literature by Author

STEP 1

Search for the author alphabetically in the Author Index main volumes. If an item has more than one author, it is entered under each author's name.

Illustration 7.2:
Author Index Entry

Name of author	→ BAKER G. Blaine "So elegant a web": providential order and the rule of secular law in early nineteenth-century Upper Canada. (1988) 38 U.T.L.J. 184-205.
----------------	--

Illustration 7.3:
Author Index Entry:
Corporate Author

Name of corporate author	→ LAW Reform Commission of Canada Recodifying criminal law. Rev. & enlarged ed. (Report; 31). Ottawa: The Commission, 1988, 213 p.
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STEP 2

For materials indexed after the main volume, search the Author Index Annual Supplement volume corresponding to the main volume.

STEP 3

Complete your search by consulting the Author Index in issues of Canadian Current Law – Canadian Legal Literature, published eight times a year.

How to Search for Canadian Legal Literature

A. Searching for Canadian Legal Literature by Subject

STEP
1

Search for the issue alphabetically in the Subject Index main volumes.

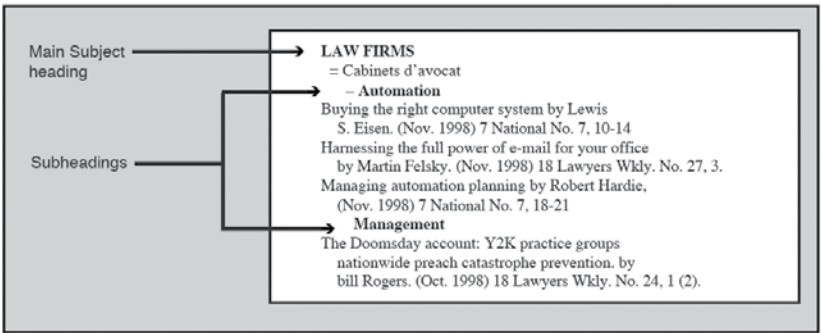
STEP
2

For materials indexed after the main volume, search the Subject Index Annual Supplement volume corresponding to the main volume.

STEP
3

Complete your search by consulting the softcover issues of Canadian Current Law – Canadian Legal Literature, published eight times a year.

Illustration 7.1:
Subject Index Entry



RESEARCH TIP:

Whether you search Abridgment Digests via the Custom Search Template or by browsing the Abridgment Key, all results within the same classification will be displayed in a single document for easy browsing.

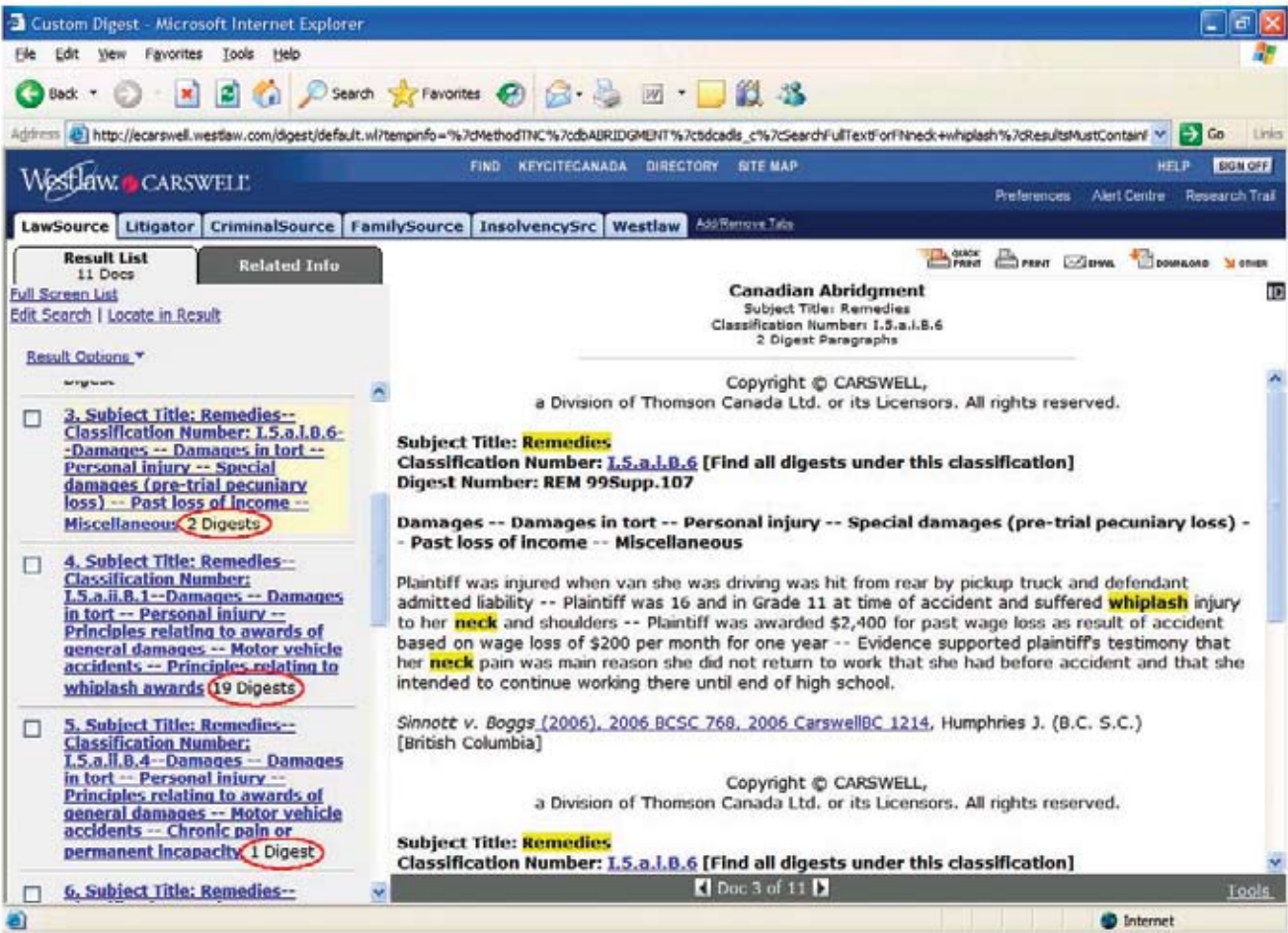


Illustration 1.13: Abridgment Digests Results Display.

C. Linking from a decision on point to digests of other cases on the same issue

Recommended where you have found a case on point and want to find all other cases that deal with the same issue.

1. From the full-text decision, select the **Abridgment Digests** link on the Related Info tab in the left pane.

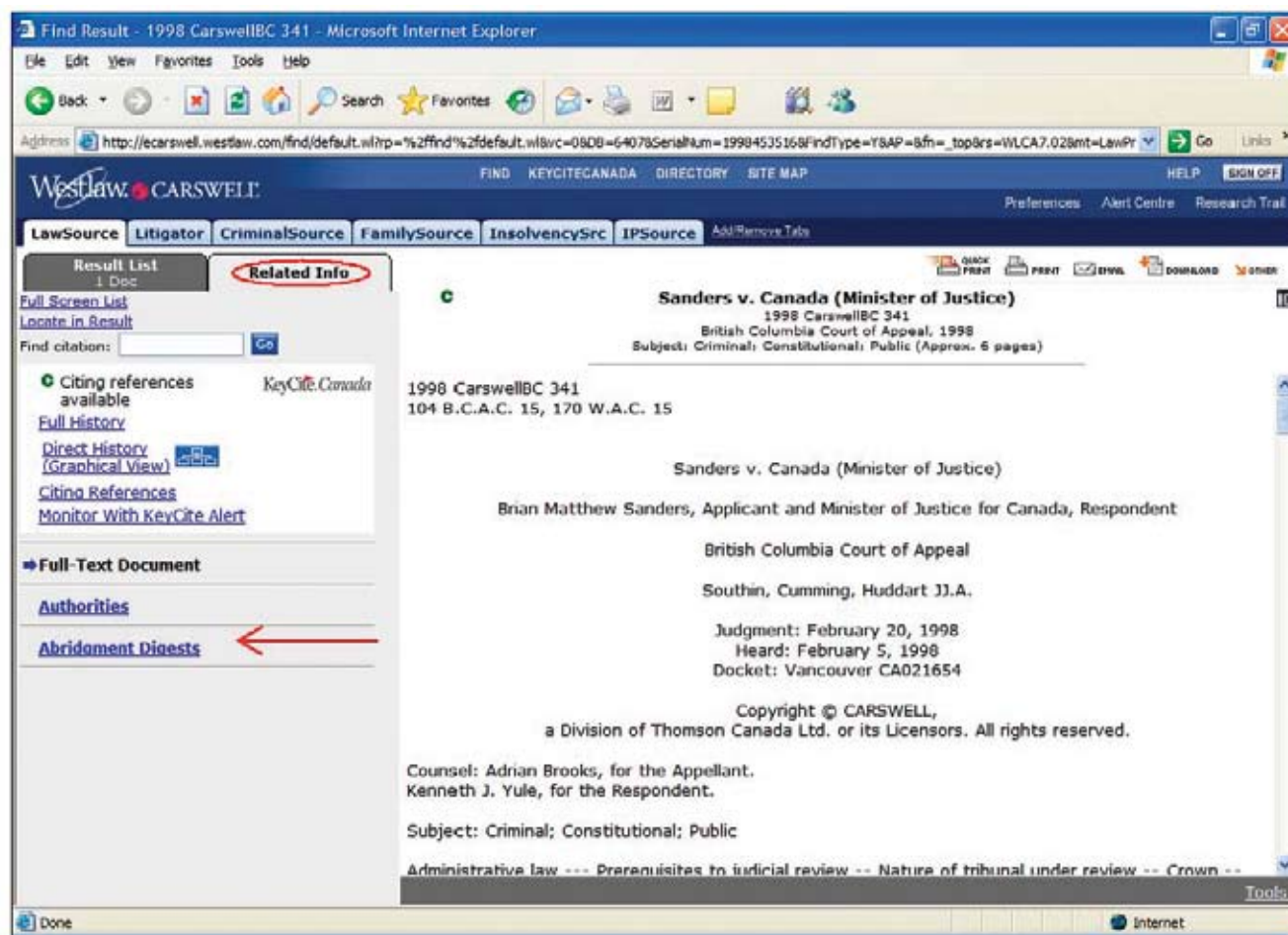


Illustration 1.14: Display of Full-Text Decision showing link to Abridgment Digests.

7

TO FIND LEGAL LITERATURE

PRINT:

The Index to Canadian Legal Literature ("ICLL")

The Index to Canadian Legal Literature ("ICLL") is a comprehensive bibliography of Canadian legal literature, in English or French, which is of interest to the Canadian legal community, including: books, articles, monographs, government publications, audio-visual material, electronic publications, continuing legal education material, case comments and annotations. ICLL is divided into five sections, enabling a search for legal literature by subject, author, case, statute and book review. Within each section, all headings are arranged alphabetically. As of this writing, ICLL contains over 110,000 records and 11,700 book reviews.

Components:

- Main Work: The multiple hardcover volumes are arranged by subject, author, case, statute or book review.
- Annual Supplement: There is a single softcover volume for each main work volume.
- Monthly Supplement: Updates are published eight times per year in Canadian Current Law – Canadian Legal Literature.

RESEARCH TIP:

Amendments are only enacted in this section when they come into force. To determine the previous date on which an amendment came into force, look up the amending act by name in the Statutes Amended section of the same issue that noted the amendment.

C. How to Find Developments in the History of a Regulation

STEP 1

Consult the Regulations section in the earliest relevant Legislation Annual. Find your regulation first by jurisdiction, then by the name of its enabling statute, and then by the name of the regulation.

Regulations are organized first by jurisdiction. Federal regulations come first, followed by the provinces and territories in alphabetical order. Within each jurisdiction, the regulations are entered under the name of their enabling statutes, which are arranged alphabetically by title.

The entries provide the name or title of each regulation, the regulation number and the issue of the particular Gazette in which the regulation was published.

Where a regulation has been amended, the particular section or sections affected by the amendment appear followed by the regulation number and Gazette issue of the amending provision.

Illustration 6.4:
Regulations entry:

The Schedule to the Designated Provisions Regulations was amended by SOR/92-287, which appeared in the June 3, 1992 edition of the Canada Gazette at page 2102.

CANADA	
<u>AERONAUTICS ACT</u>	← Statute pursuant to which the regulation was made
Designated Provisions Regulations (SOR/90-138) Sched.: am. SOR/92-287 (Gaz. 3/6/92 p. 2102). Repulse Bay Airport Zoning regulations: SOR/92-343 (Gaz. 17/6/92, p. 2483).	
<u>AERONAUTIQUE (LOI SUR L')</u>	
Voir Aeronautics Act.	

STEP 2

Consult the Regulations sections in successive non-annual issues of Canadian Current Law – Legislation after the cut-off date of the most recent Legislation Annual.

2. All digests for that case will appear in the right frame. Click on the Classification Number hypertext link of any digest of interest to retrieve digests of all cases dealing with that legal issue.
3. The Classification Number hypertext link will take you to a document containing all digests classified under that Abridgment Classification.

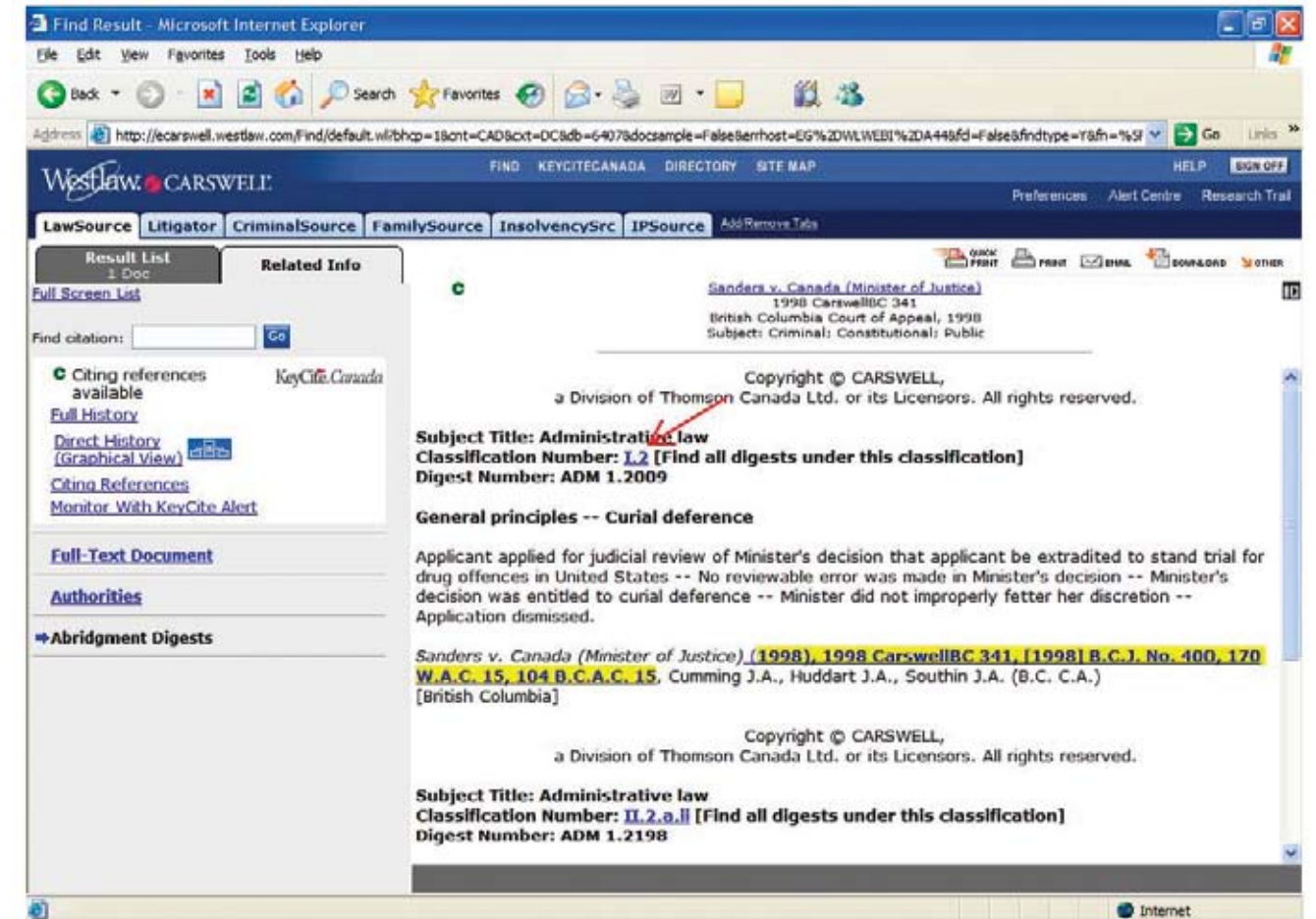


Illustration 1.15: Link from any Digest to all other digests with the same classification.

2

TO FIND CASE LAW BY CASE NAME

PRINT:

Consolidated Table of Cases

The Consolidated Table of Cases helps you locate cases by name. These volumes provide you with all reported citations (judgment date, court docket number, jurisdiction and court where unreported) of each level of case digested in The Canadian Abridgment and tells you where to locate digests of these cases in the Case Digests component of The Canadian Abridgment. It is cross-referenced according to every significant variation in the name of the case as reported by different law report series and according to the name of the defendant.

Components:

- Main Work: The multiple hardcover volumes are arranged alphabetically.
- Annual Supplement: There is a single softcover volume for each main work volume. The Consolidated Table of Cases cumulative Annual Supplement volumes contain all cases from the cut-off date of the main work volume to March of the current year.
- Quarterly Supplement: The softcover cumulative updates are replaced every three months.
- Monthly Supplement: Updates appear in monthly issues of Canadian Current Law – Case Digests.

B. How to Find Developments in the History of a Statute:

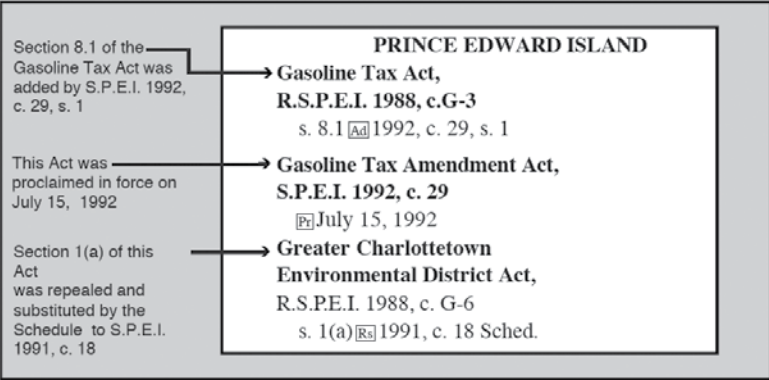
STEP 1

Consult the Statutes Amended, Repealed or Proclaimed in Force section in the earliest relevant Legislation Annual. Find your statute first by jurisdiction and then by name.

Statutes are organized first by jurisdiction. Federal statutes come first, followed by the provinces and territories in alphabetical order. Within each jurisdiction the statutes are arranged alphabetically. Where the statute has a short title, that title is used.

The entries for each statute provide the section affected, the nature of the development, and the provision that brought about the development.

Illustration 6.3:
History of Statute



STEP 2

Consult the Statutes Amended, Repealed or Proclaimed in Force sections in successive non-annual issues of Canadian Current Law – Legislation after the cut-off date of the most recent Legislation Annual.

Note that for blanket amendments, where changes are made in terminology affecting every statute in a jurisdiction, the terms affected are entered at the beginning of the entries for that jurisdiction.

Illustration 6.1:
Progress of Bills entry:
Statute in Force.

The Victims' Rights and
Consequential Amendments
Act was proclaimed in force
on January 4, 1999.

MANITOBA
Fourth session of the 36th Legislature convened November 27, 1997 and adjourned December 11, 1997, reconvened March 6, 1998 and adjourned June 29, 1998.
Victims Rights and Consequential Amendments Act, S.M. 1998, c. 44 (Bill 43, 1998)
First Reading: April 30, 1998
Second Reading: June 18, 1998
Third Reading: June 29, 1998
Royal Assent: June 29, 1998
In Force: Proclaimed in force January 4, 1999.

Illustration 6.2:
Progress of Bills entry:
Statute not in force.

The Traffic Safety Act was given
first reading.

ALBERTA
Second session of the 24th Legislative Assembly reconvened November 16, 1998 and adjourned December 9, 1998
Traffic Safety Act, (Bill 50, 1998)
First Reading: November 26, 1998

How to Find a Particular Case:

STEP 1

Find the main volume of the Consolidated Table of Cases containing your case.
Look up the case by name.

If you know that your case was decided after the cut-off date of the main volume, proceed directly to the supplement volume. The cases in the Consolidated Table of Cases are arranged alphabetically by case name. Note that each case is cross-referenced according to the name of the defendant in the case and every known case name.

Illustration 2.1:
Main Entry

Case name	→	Bordignon Construction Ltd. (Trustee of) v. Poplar Properties Ltd. (<i>sub nom.</i> Henfrey & Co. v. Poplar Properties Ltd.)	→	Year of decision
Alternate Case Name	→	Ltd. (<i>sub nom.</i> Henfrey & Co. v. Poplar Properties Ltd.)	→	Result of higher decision
Court level	→	B.C.L.R. 21 (Co.Ct.), affirmed	→	Alternate citations
Citation	→	(1986), 70 B.C.L.R. 23, 17 C.L.R. 201, 24 D.L.R. (4th) 313 (C.A.)	→	
Location of digest	→	R7A.734	→	
			→	Court level of higher decision

Illustration 2.2:
Cross-reference by name
of defendant

Poplar Properties Ltd., Bordignon Construction Ltd. (Trustee of) v. See Bordignon Construction Ltd. (trus- tee of) v. Poplar Properties Ltd.

Illustration 2.3:
Cross-reference by alternate
case name

Henfrey & Co. v. Poplar Properties Ltd. See Bordignon Construction Ltd. (Trustee of) v. Poplar Properties Ltd.

STEP 2

Look up your case alphabetically by case name in the Annual Supplement volume corresponding to the main volume.

STEP 3

Consult the Quarterly Supplement for cases after the cut-off date of the Annual Supplement.

STEP 4

Complete your search by consulting each monthly softcover issue of Canadian Current Law – Case Law Digests for the period after the cut-off date of the Quarterly Supplement.

RESEARCH TIP:

A Table of Cases listing all the cases in that volume appears in each main volume of the Case Digests, each main volume and supplement volume of the Consolidated Table of Cases and each issue of the Canadian Current Law – Case Law Digests.

STEP 2

Consult the Progress of Bills sections in successive non-annual issues of Canadian Current Law – Legislation after the cut-off date of the most recent Legislation Annual. Find your Bill first by jurisdiction, and then by name.

Bills are organized as in the Statutes Enacted section. After the title of the Bill you will find the chapter number (if available) and the Bill number, followed by any developments (e.g. First, Second or Third Reading, Royal Assent date, In Force date) that occurred during the time frame covered by that issue. A list of all Votes & Proceedings and equivalent reports, and Gazettes referred to in compiling each issue's entries, is provided at the beginning of the issue.

The Session of Parliament or provincial Legislation is provided at the beginning of the entries for each jurisdiction.

Note that the information found the Progress of Bills section is not cumulative. If there have been no developments in the progress of the bill during the time frame covered by a particular issue, there will be no entry made in that issue.

RESEARCH TIP:

On the inside back cover of each issue of Legislation you will find Updates to the Minute, a list by jurisdiction of telephone numbers that you can call to update the status of a bill pending before Parliament or any provincial or territorial legislature.

- 1997-1998 Legislation Annual
- 1998-1999 Legislation Annual
- 1999-2000 Legislation Annual
- 2000-2001 Legislation Annual
- 2001-2002 Legislation Annual
- 2002-2003 Legislation Annual
- 2003-2004 Legislation Annual
- 2004-2005 Legislation Annual
- 2005-2006 Legislation Annual
- 2007 Legislation #1
- 2007 Legislation #2
- 2007 Legislation #3
- 2007 Legislation #4
- 2007 Legislation #5
- 2007 Legislation #6
- 2007 Legislation #7

How to Track the Progress of a Bill:

STEP 1

Consult the Statutes Enacted section of the most recent Legislation Annual to see if your bill has been enacted in the last year. Find your bill first by jurisdiction and then by name.

Statutes Enacted, found at the beginning of every Legislation Annual, lists all the statutes appearing in the Progress of Bills sections in the previous year’s Legislation issues that have since been enacted. Statutes are organized first by jurisdiction: federal statutes come first, followed by the provinces and territories in alphabetical order. Where the statute has a short title, that title is used.

If you are sure that the bill you are tracking has not yet been enacted, omit this step.

If your Bill might have been enacted over a year before your search, check the Statutes Enacted section in previous Legislation Annual volumes.



ONLINE:

Westlaw CARSWELL LawSource Find/KeyCite a Case

From the Home page of LawSource and most other WestlaweCARSWELL services, you can find any Canadian case by entering all or part of the name or by citation. By linking to the **Find** page on all WestlaweCARSWELL services, you can also find foreign cases by name or by citation.

How To Find Case Law by Name or Citation:

A. To Find Canadian Case Law by Name

1. In the **Find/KeyCite a Document** section of the home page, select the **Find** button.
2. Enter all or part of the case name in the appropriate box, e.g. “pushpanathan”.
3. Choose an appropriate jurisdiction, e.g. Supreme Court and Privy Council (optional).
4. Click **GO**.

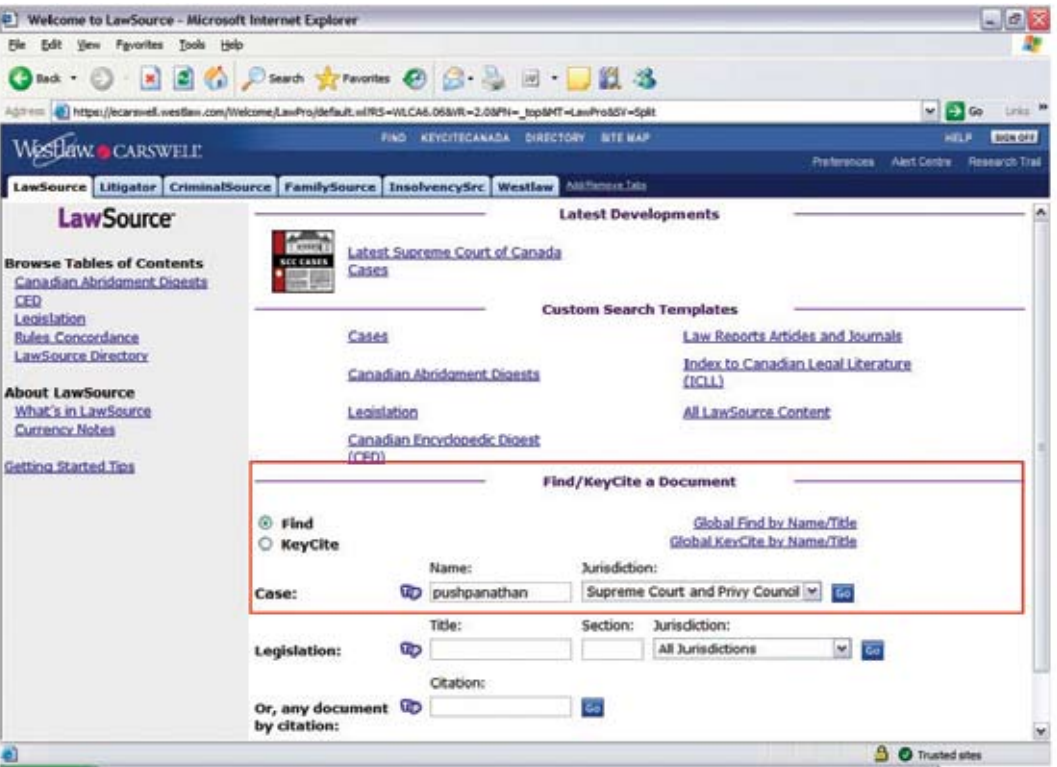


Illustration 2.4: Using Find/KeyCite a Document to look up a case by name.

B. To Find Canadian Case Law by Citation

1. In the **Find/KeyCite a Document** section of the home page, select the Find button.
2. Enter all of the citation in the Citation box, e.g. “1998 CarswellNat 830”.
3. Click **GO**.

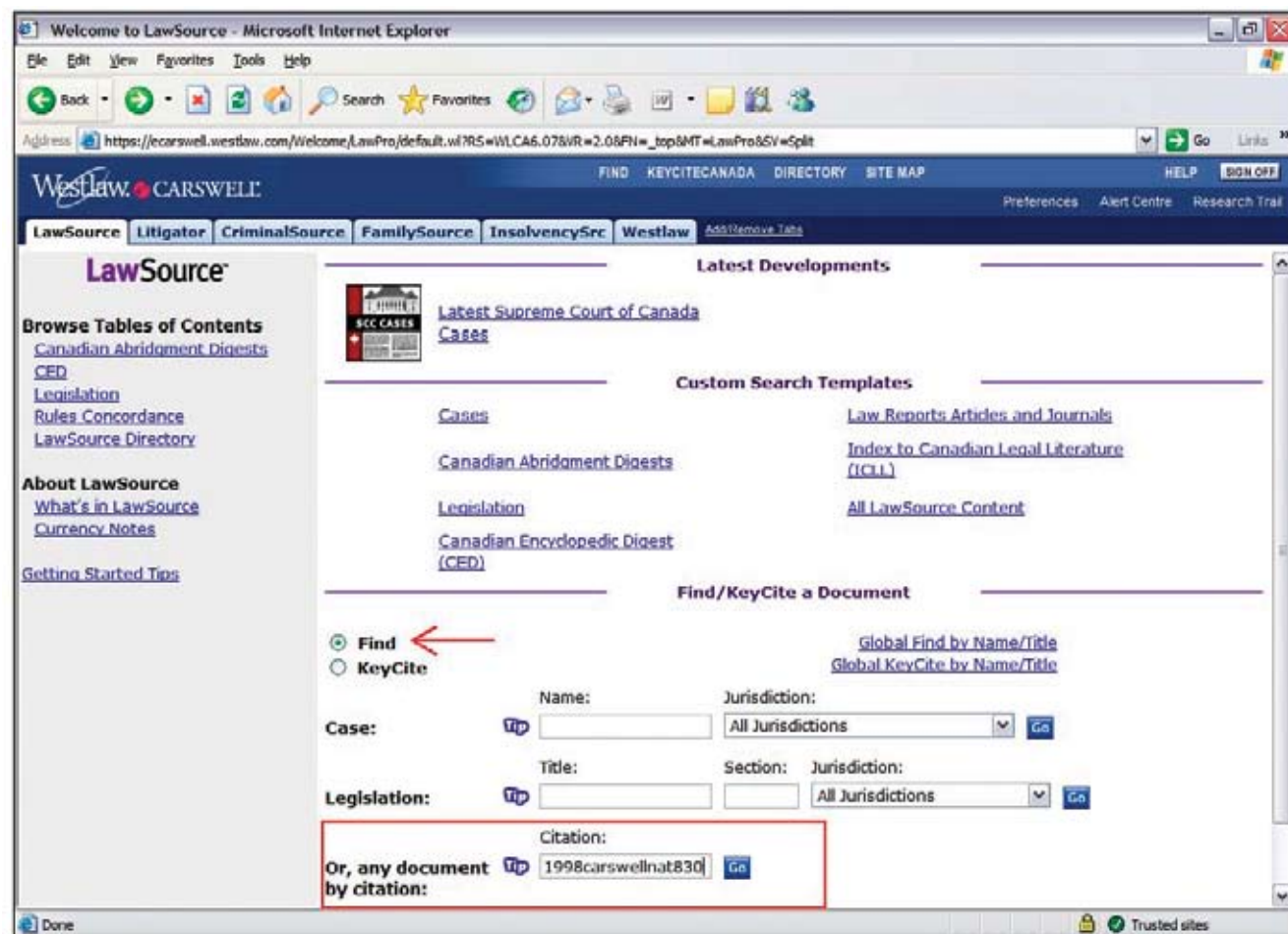


Illustration 2.5: Using Find/KeyCite a Document to look up a cite by citation.

6

TO FIND LEGISLATIVE HISTORY

[As of this writing (June 2007), the information contained in this component is available in print only.]

PRINT:

Canadian Current Law – Legislation

Canadian Current Law – Legislation is a current awareness service that enables you to track the progress of bills and recent developments in Canadian statutes and regulations.

There are 3 sections in each issue of *Legislation*:

- *Progress of Bills*: follows every federal, provincial and territorial bill from first reading through to Royal Assent and proclamation.
- *Statutes Amended, Repealed or Proclaimed in Force*: notes developments in the legislative history of any Canadian federal, provincial or territorial statute that has been amended, repealed or proclaimed in force, and provides the chapter number and section number of the amending Act.
- *Regulations*: lists, by enabling statute, the making, repeal and amendment of regulations.

Components:

There are eight issues of Canadian Current Law – Legislation published each year. A Legislation Annual is produced once per year and replaces the seven regularly issued volumes, summarizing and retaining the permanent information previously published in those issues. As of the writing of this Guide (June 2007), the Legislation service consists of:

- 1989-1990 Legislation Annual
- 1990-1991 Legislation Annual
- 1991-1992 Legislation Annual
- 1992-1993 Legislation Annual
- 1993-1994 Legislation Annual
- 1994-1995 Legislation Annual
- 1995-1996 Legislation Annual
- 1996-1997 Legislation Annual

B. To Note Up a Statute or Rule by Citation

1. In the Find/KeyCite a Document section at the bottom of the home page, select the **KeyCite** button.
2. Enter the citation in the **Citation** box, e.g. “R.S.N.S. 1989, c. 101, s. 2”.
3. Click **GO**.

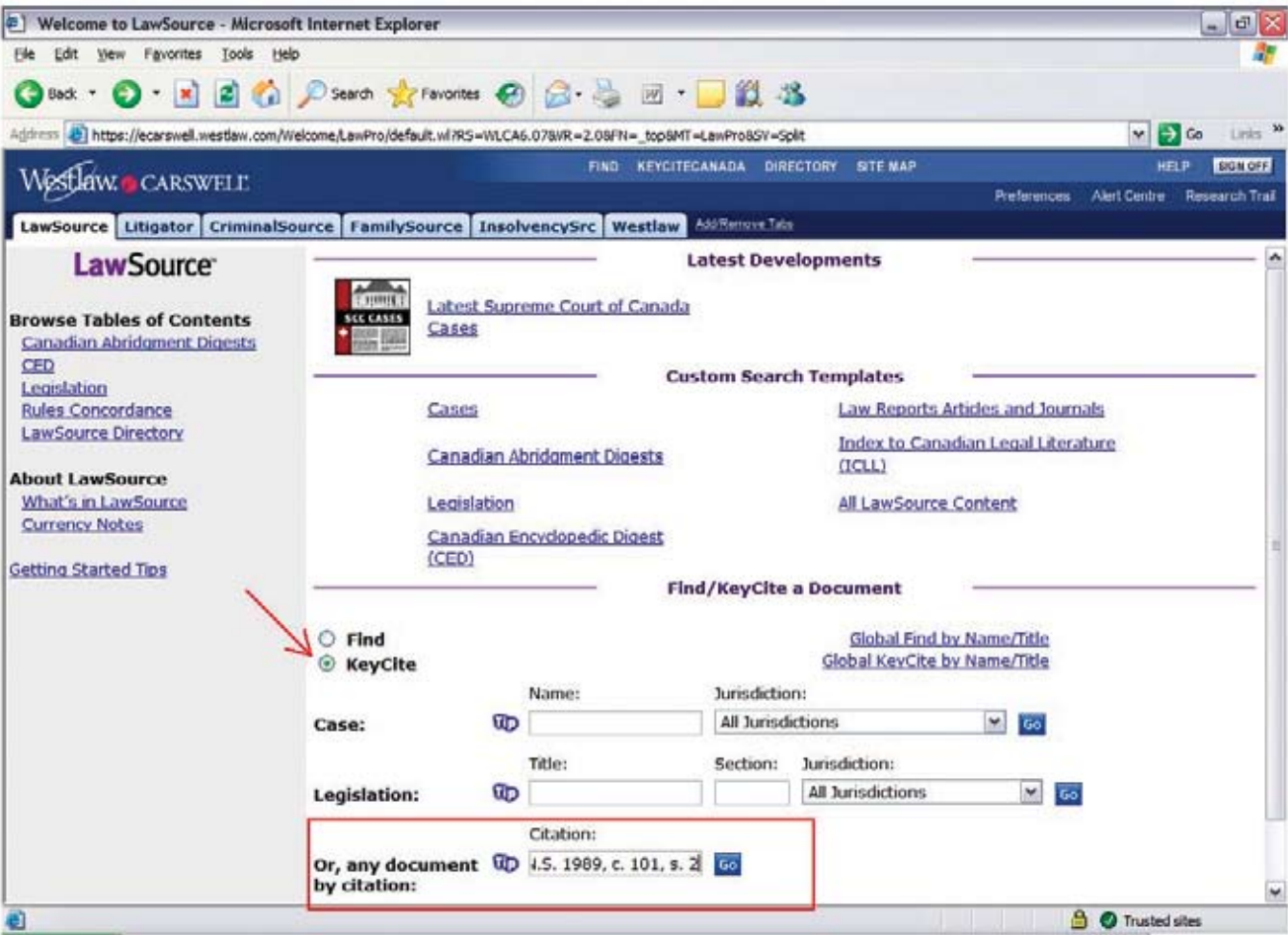


Illustration 5.4: Using the KeyCite a Document template to note up legislation by citation.

RESEARCH TIP:

The citation box is not sensitive to spacing, capitalization or punctuation used for abbreviation. However, when a form of punctuation is an essential part of a citation style, it should be included. For example: “rso1990ce.2s310” or “rsc1985cc-46s16”.

When searching case law, do not include the year of the decision (entered in parenthesis) in the citation entry. For example: when searching for: (1959) 38 C.B.R. 91, enter as: “38 C.B.R. 91”.

RESEARCH TIP:

The citation box is not sensitive to spacing, capitalization or punctuation used for abbreviation. However, when a form of punctuation is an essential part of a citation style, it should be included. For example: “rso1990ce.2s310” or “rsc1985cc-46s16”.

C. To Find Foreign Case Law by Citation

To find a U.S. or any other non-Canadian case by citation and view the full text, use **Global Find**.

1. Go to the Global Find page by:
 - (a) clicking on the **Find** link at the top of the LawSource home page; or
 - (b) clicking on the **Global Find by Name/Title** link in the Find/KeyCite a Document section of the home page.

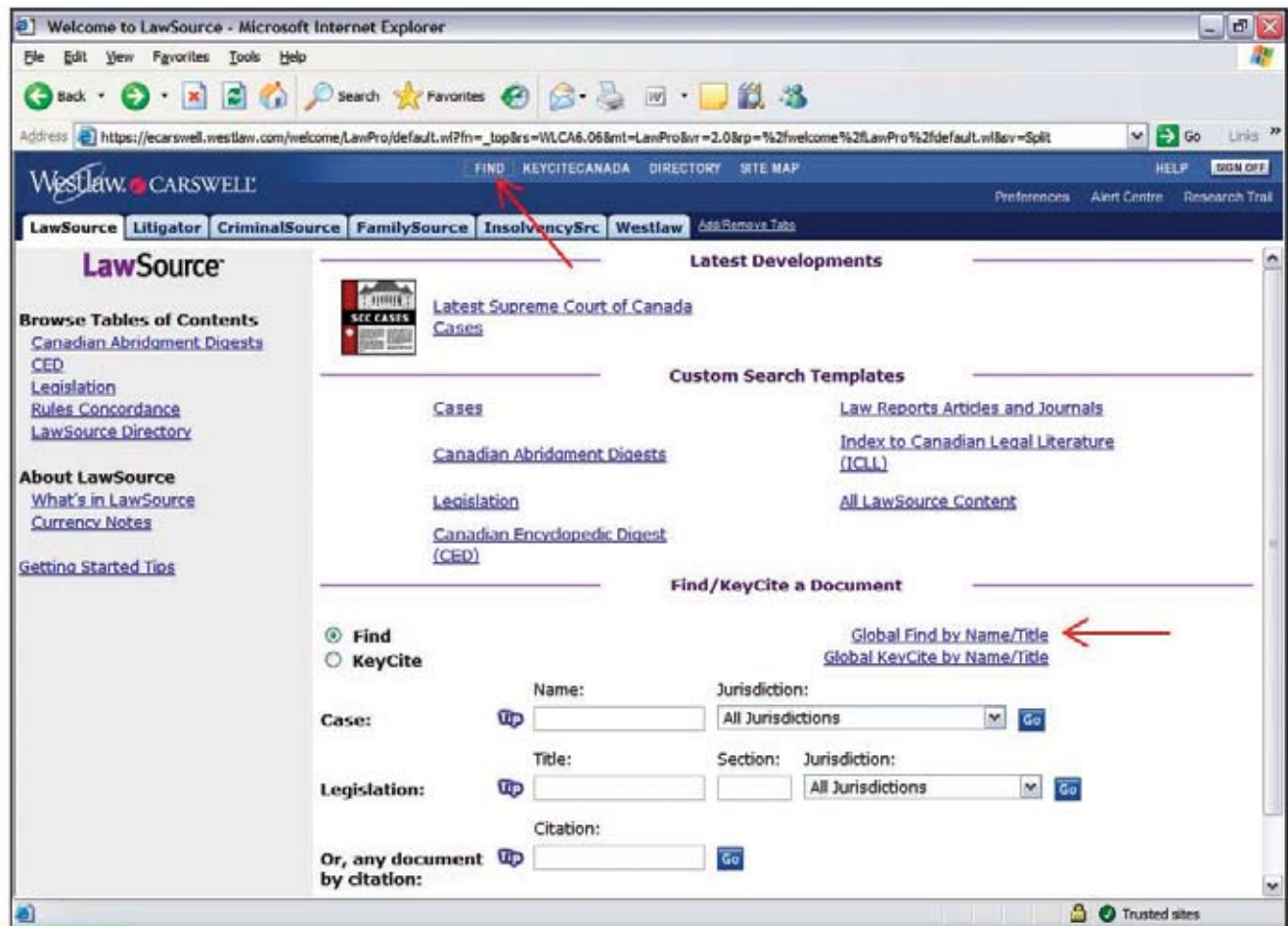


Illustration 2.6: Accessing the Global Find template to look up a foreign case.

4. Choose the appropriate jurisdiction from the dropdown list in the **Jurisdiction** box, e.g. Nova Scotia (optional).
5. Click **GO**.

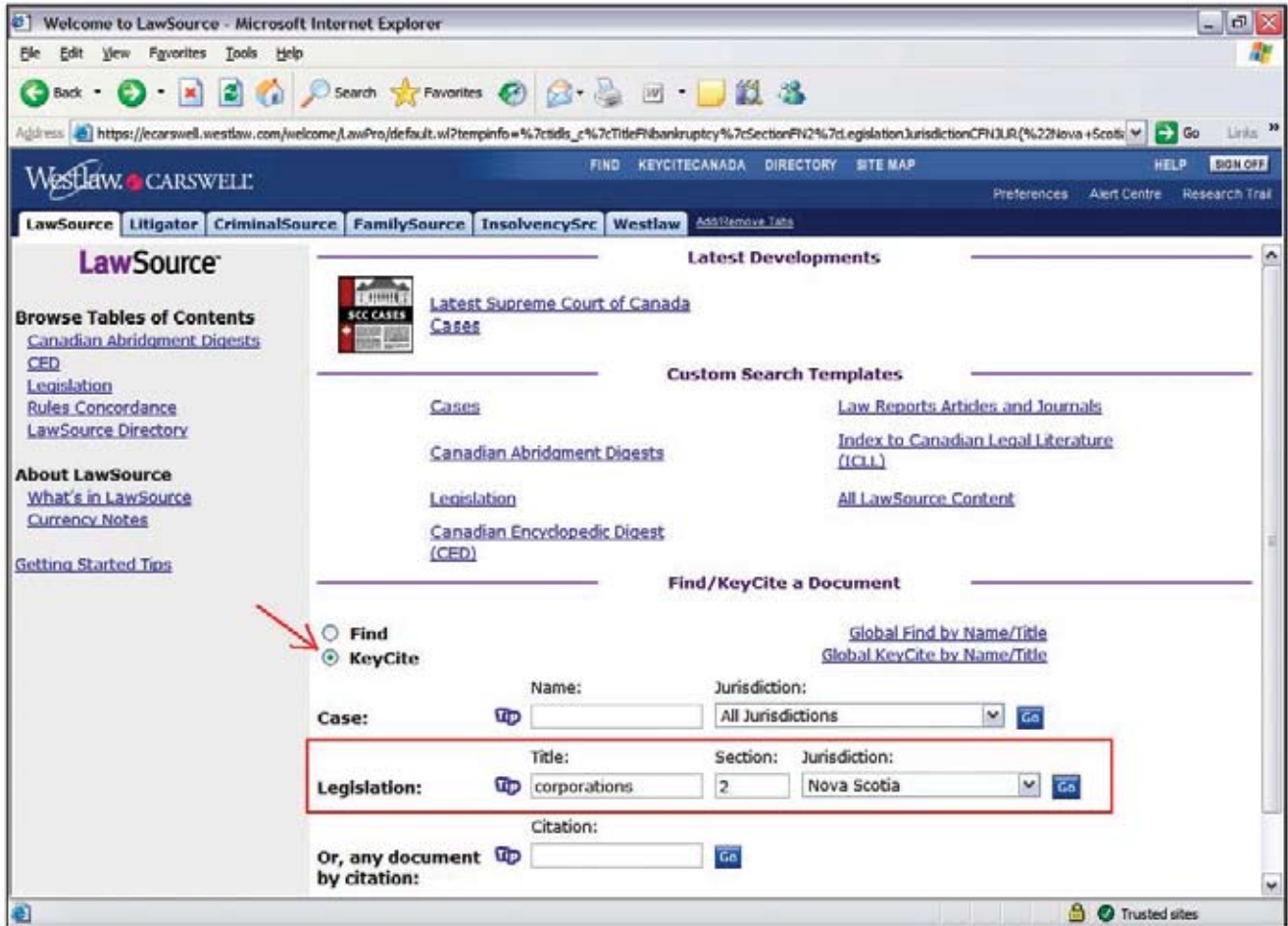


Illustration 5.3: Using the KeyCite a Document template to note up legislation by name.

RESEARCH TIP:

To search a defined term you can enter the term in the Section box.



ONLINE:

Westlaw CARSWELL KeyCiteCanada

You can find the judicial treatment of Canadian and foreign statutes and rules using KeyCiteCanada. You can also find analysis in legislation annotations and other selected commentary.

You can KeyCite a statute or rule by name or by citation.

How to Find the History & Judicial Treatment of Legislation

A. To Note Up a Statute Section or Rule by Name with KeyCiteCanada:

RESEARCH TIP:

To KeyCite (note up) a statute section or rule when you know its title, use the KeyCiteCanada feature in the **Find/KeyCite a Document** section of the Home page. KeyCiteCanada is also accessible from the Navigation bar.

1. In the Find/KeyCite a Document section at the bottom of the home page, select the **KeyCite** button.
2. Enter all or part of the legislation title in the **Title** box, e.g. Title: “corporations”.
3. Enter the section (or rule) number in the **Section** box, e.g. 2.

2. Under **Find a Document** in the left pane, enter all or part of the citation in the **By citation** box, e.g. “167 L.Ed.2d 449”.
3. Select the country of origin from the dropdown list in the **Publication Country** box, e.g. US – United States.
4. Select **GO**.

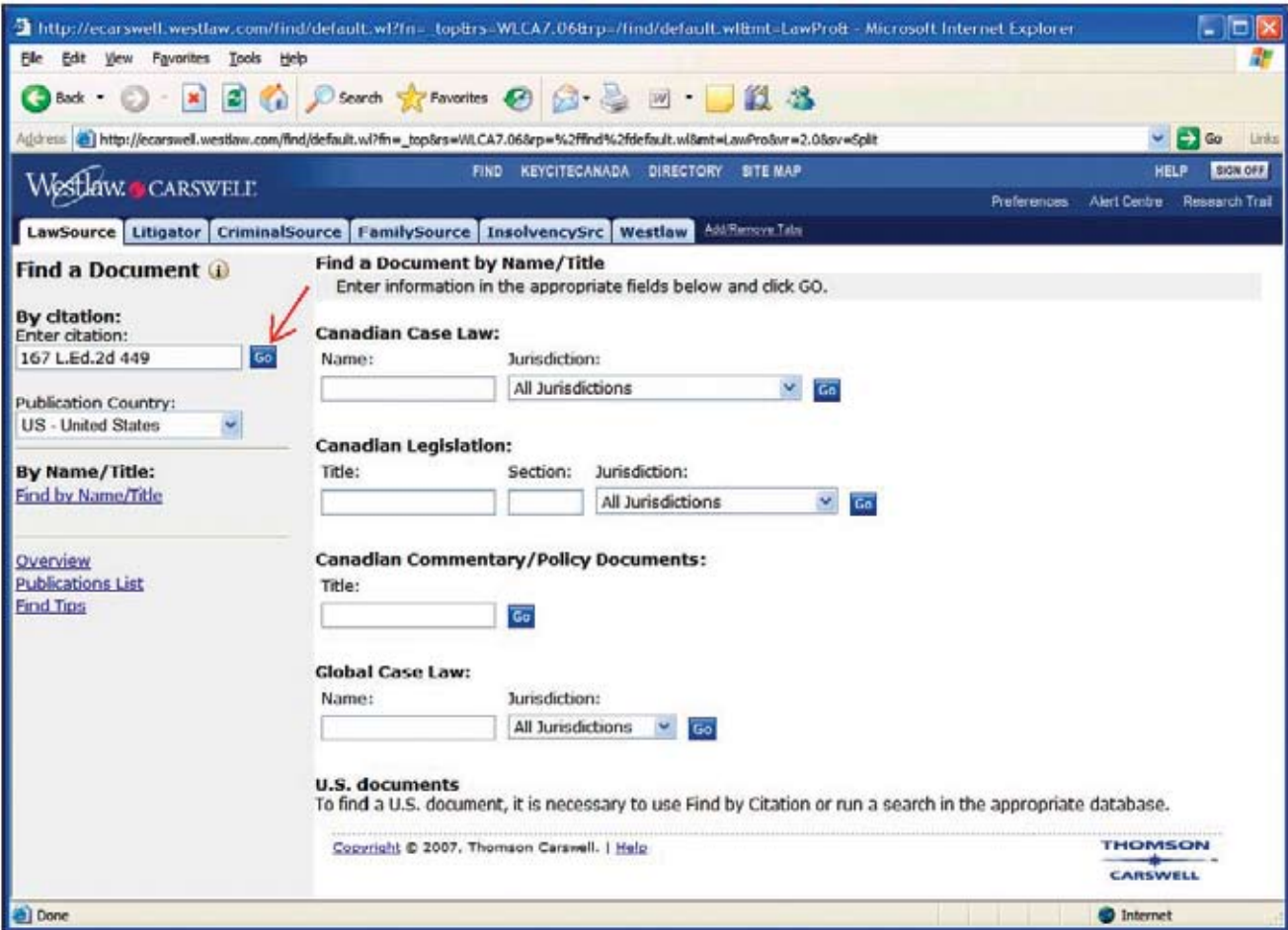


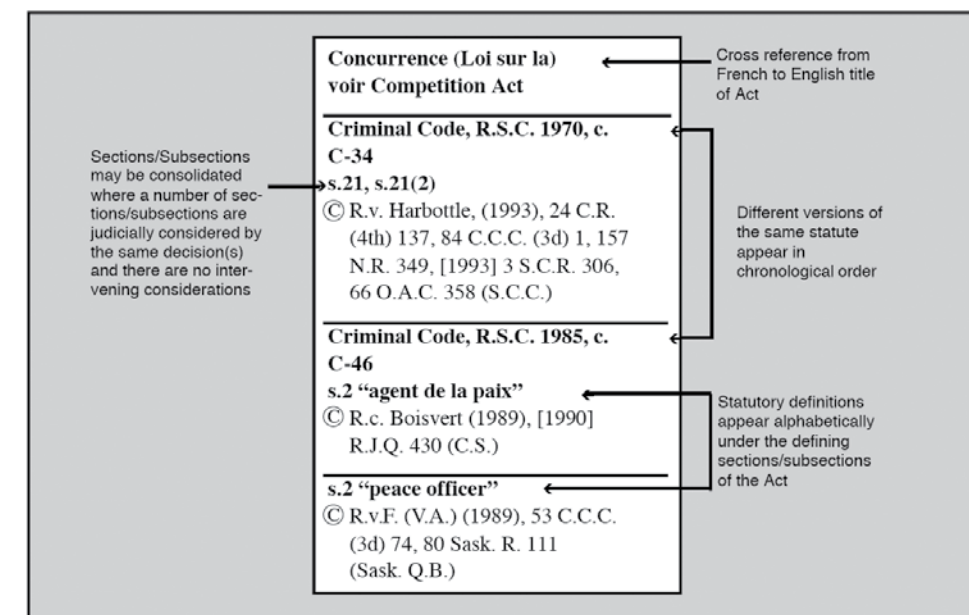
Illustration 2.7: Enter citation and country and GO.

RESEARCH TIP:

Almost every document on WestlaweCARSWELL is “Findable” by citation, including case law, statutory provisions, regulations, rules, commentary, and policy documents. To retrieve a specific document by its citation, use **Find by Citation**, accessible from the homepage or from the Navigation bar.

Alternate methods to retrieve a document when you know its citation:

- Use a Custom Search Template that contains a **Citation** field - Cases, Canadian Abridgment Digests, Legislation, Canadian Encyclopedic Digest, Law Reports Articles and Journals, Index to Canadian Legal Literature.
- Access a database to do a Terms and Connectors search, and restrict your search to the citation field.



STEP 2

Consult the annual softcover supplement.

STEP 3

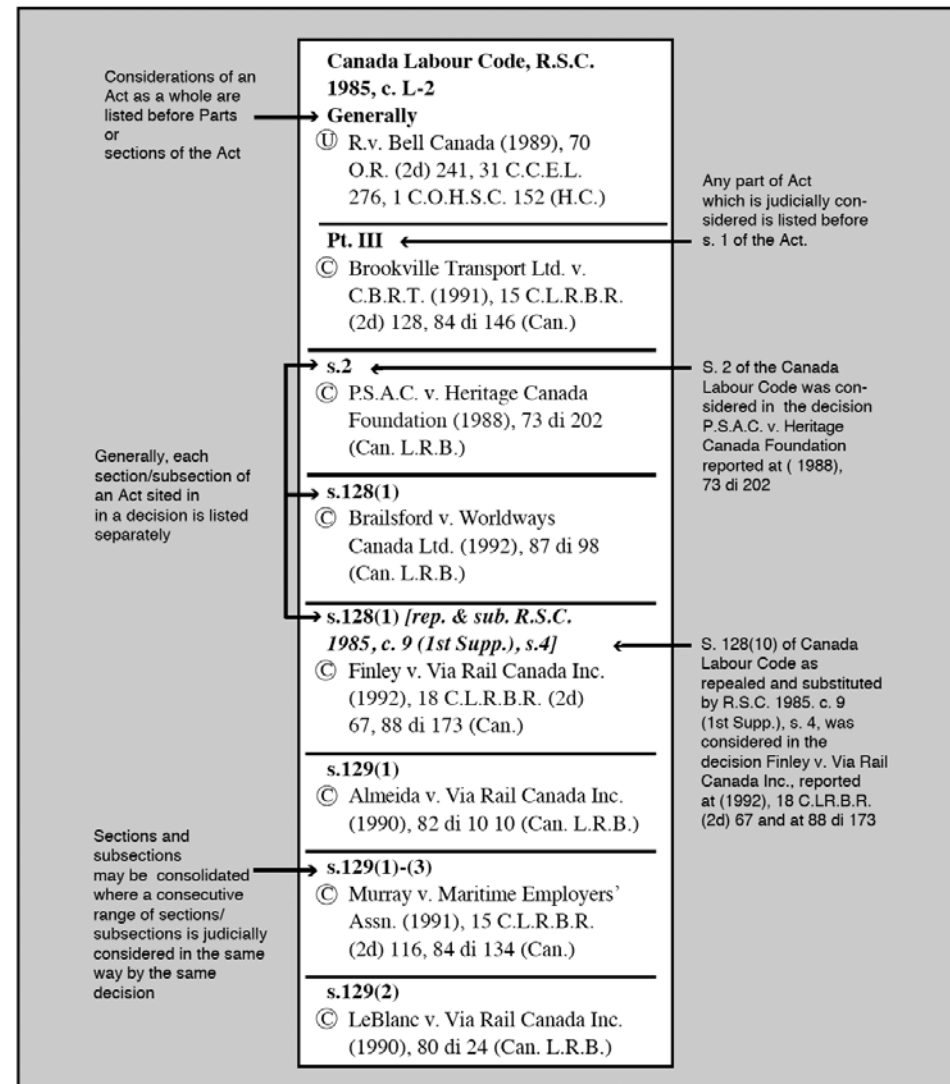
Update your research by using the quarterly supplement.

Each cumulative quarterly supplement covers all jurisdictions and is produced on an October to September cycle. The first quarterly covers October to December. This is replaced by a quarterly covering October to March. This quarterly is in turn replaced by an October to June quarterly.

STEP 4

Complete your research by consulting each softcover issue of **Canadian Statute Citations** for the period after the cut-off date of the Quarterly Supplement.

Illustration 5.2:
Treatment Entry



D. To Find Foreign (non-U.S.) Case Law by Name

To find other foreign case law by name and view its full text, use **Global Find**.

- Go to the Global Find page by:
 - clicking on the **Find** link at the top of the **LawSource** home page; or
 - clicking on the **Global Find by Name/Title** link in the Find/KeyCite a Document section of the home page (See Illustration 2.6, above).
- Enter all or part of the case name in the **Global Case Law** box, e.g. "byrne".
- Select the desired jurisdiction from the dropdown list in the **Jurisdiction** box, e.g. "United Kingdom".
- Click **GO**.

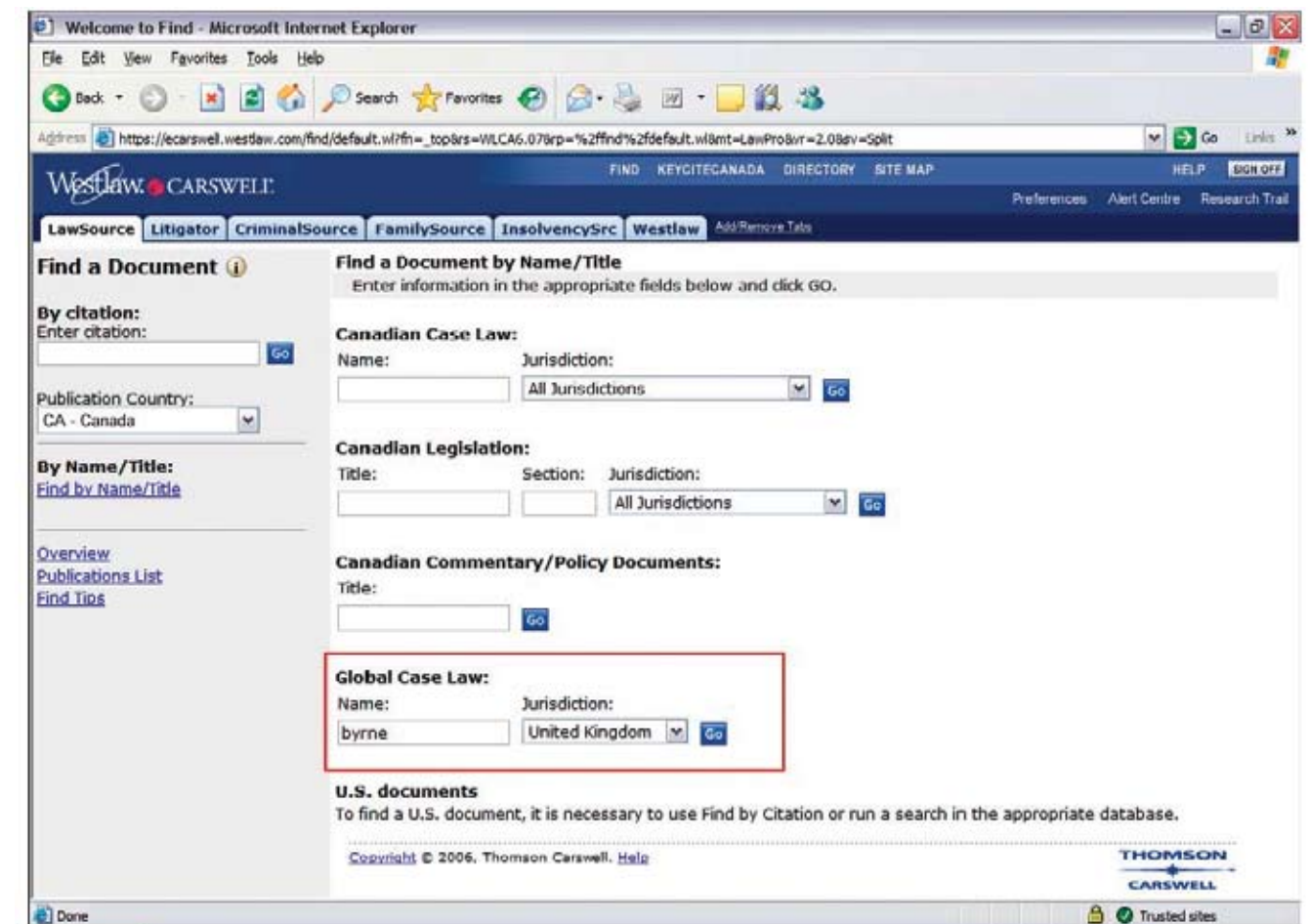


Illustration 2.8: Using the Global Find template to look up a foreign case by name.

3

TO FIND CASE LAW
CONSIDERING A WORD OR PHRASE

PRINT:

Words & Phrases Judicially Defined in Canadian Courts and Tribunals

[As of this writing (June 2007), Words & Phrases is available in print only]

Words & Phrases Judicially Defined in Canadian Courts and Tribunals is a comprehensive research tool containing approximately 55,000 judicial considerations of words and phrases in Canadian cases. Each entry includes an extract from the judgment in which the word or phrase was considered, as well as the citation, jurisdiction, area of law, adjudicator and court level. This work contains both statutory and common law terms.

Components:

- Main Work: The multiple hardcover volumes are organized alphabetically.
- Annual Supplement: There is a single softcover volume for each hardcover main work volume.
- Monthly Supplement: Monthly updates appear in Canadian Current Law – Case Digests.

How To Do a Words and Phrases Search:

STEP
1

Look up the word or phrase alphabetically in the appropriate hardcover main volume.

How to Note Up a Statute, Rule, or Regulation:

STEP
1

Find the main volume for the jurisdiction in which your statute/regulation/rule was enacted. Look up the provision by name and section number.

Within each jurisdiction, statutes/regulations/rules are set out alphabetically. Within each statute/regulation/rule, the section numbers are set out sequentially. Cases considering statutes/regulations/rules as a whole appear at the beginning of the entry under the heading “Generally”.

Illustration 5.1:
Treatment Symbols
Judicial consideration of statutes
are indicated by symbols in circles.

Ⓢ unconstitutional	Where a section of a statute has been found by the Court considering it to be unconstitutional or invalid, the symbol Ⓢ is used.
Ⓒ considered	Where a section of a statute has been analyzed or interpreted in a particular case, the symbol Ⓒ is used.
Ⓟ pursuant to	Where a proceeding was undertaken pursuant to a section of a statute, the symbol Ⓟ is used.
Ⓓ referred to	When a section of a statute has been mentioned in passing but cannot be said to have been considered in any meaningful way by the court, the symbol Ⓓ is used.

5

TO FIND THE JUDICIAL TREATMENT OF A STATUTE, REGULATION OR RULE OF PRACTICE (“NOTING UP” A STATUTE, REGULATION OR RULE)

PRINT:

Canadian Statute Citations, Regulations Judicially Considered, Rules Judicially Considered

Canadian Statute Citations shows the judicial treatment of Canadian and foreign statutes and international treaties. Judicial consideration of regulations and rules appear respectively in the Regulations Judicially Considered volumes and the Rules Judicially Considered main work volumes.

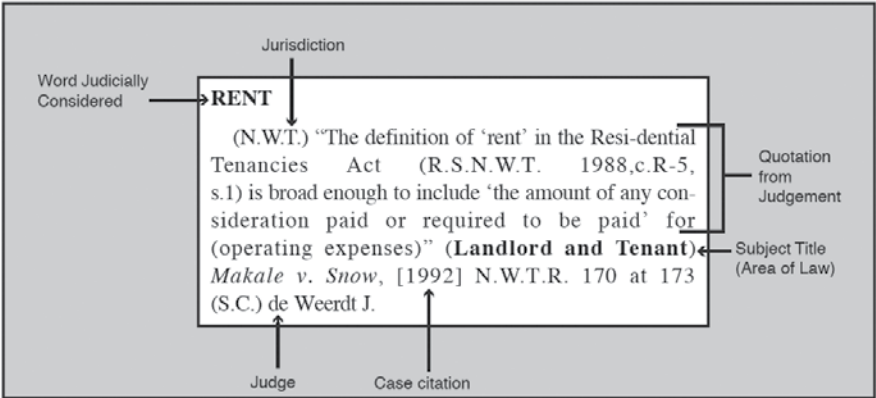
Components:

- Main Work: Canadian Statute Citations - multiple hardcover volumes; Regulations Judicially Considered – multiple hardcover volumes; Rules Judicially Considered – multiple hardcover volumes. All organized by jurisdiction.
- Annual Supplement: Softcover cumulative supplements for each Canadian Statute Citations main work volume; one softcover volume for each of the Regulations Judicially Considered and Rules Judicially Considered main work volumes.
- Quarterly Supplement: Softcover cumulative supplements issued three times per year.
- Monthly Issues: Updates appear in monthly issues of Canadian Statute Citations.

[Note there are separate main volumes and annual supplement volumes for each of the three components of this service – statutes, regulations and rules. There is, however, only a single set of quarterly and a single set of monthly issues, which update all three components.]

Each main volume covers judicial interpretations of words and phrases to the end of 1992.

Illustration 3.1:
Words & Phrases entry.



STEP 2

For interpretations recorded after the main volume cut-off date, search for the word or phrase in the Annual Supplement volume corresponding to the main volume.

STEP 3

Complete your search by consulting the Words and Phrases section in issues of Canadian Current Law – Case Digests published after the cut-off date of the latest Annual Supplement.

TO FIND THE HISTORY AND JUDICIAL TREATMENT OF A CASE (“NOTING UP” A CASE)

PRINT:

Canadian Case Citations

Canadian Case Citations provides you with the history of Canadian decisions (e.g. whether a decision has been affirmed, reversed, granted or refused leave to appeal, or had additional reasons given), plus the judicial treatment of Canadian and foreign decisions (e.g. whether a decision has been followed, distinguished, considered in a subsequent Canadian case). Canadian Case Citations is drawn from analysis of reported decisions of Canadian courts and tribunals since 1867, and unreported decisions of Canadian courts since 1986.

Components:

- Main Work: The multiple hardcover volumes are arranged alphabetically.
- Annual Supplement: There is a single softcover volume for each main work volume. The Canadian Case Citations cumulative Annual Supplement volumes contain all digests from the main work’s cut-off date (which appears on the spine) to June of the current (or previous) year.
- Quarterly Supplement: These softcover cumulative updates are replaced every three months.
- Monthly Issues: Updates appear in monthly issues of Canadian Case Citations.

2. Link to any level of the case’s history by clicking on the case name’s blue hypertext link.

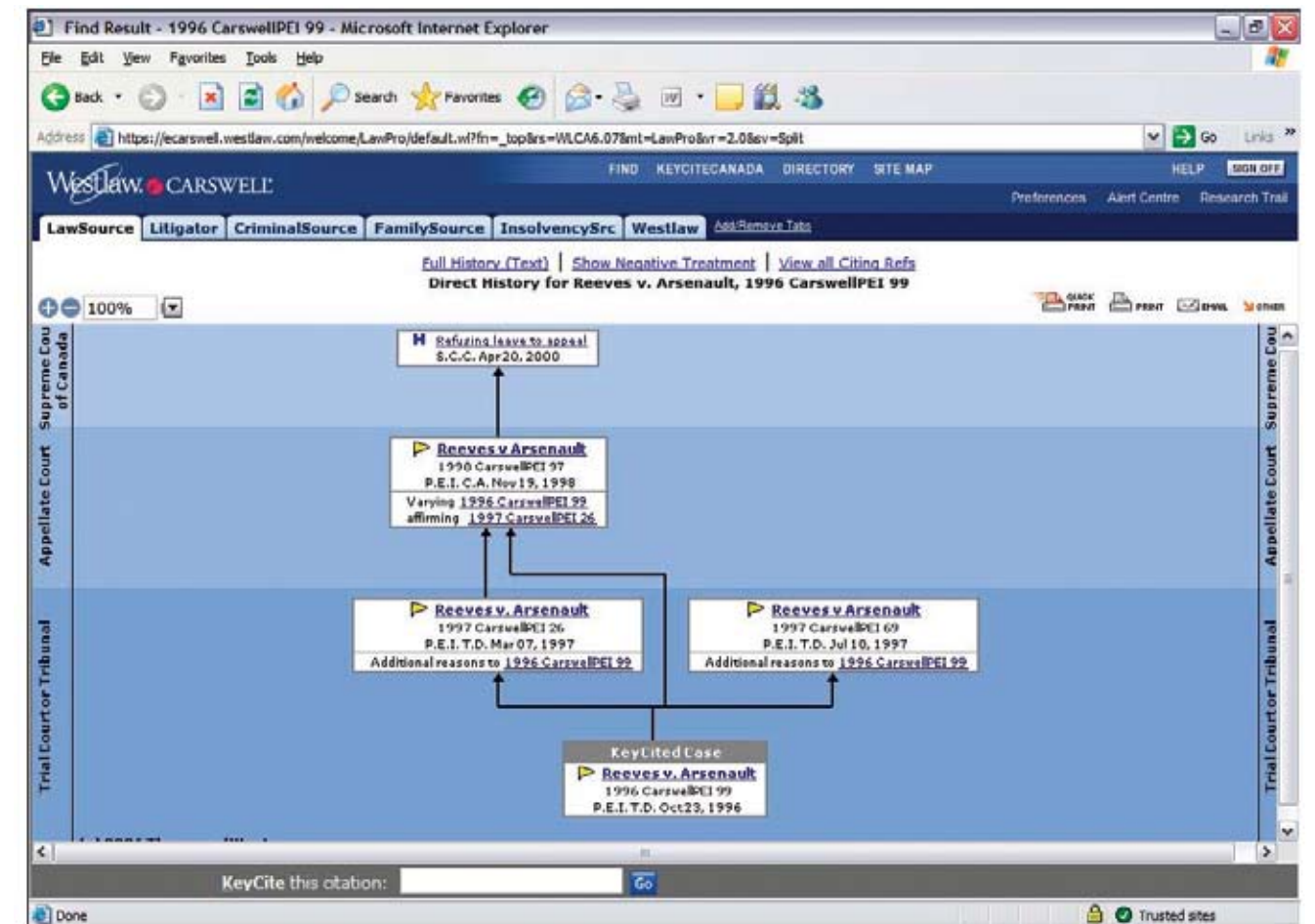


Illustration 4.12: Viewing the Graphical History of a case.

RESEARCH TIP:

You may KeyCite any Canadian case, statutory provision or rule while viewing its full text (See Illustration 4.11, above). Simply click the Full History or Citing References link on the **Related Info** tab on the left frame of the displayed document or click on the status flag or icon that may appear at the top left corner of the displayed document. A KeyCite flag or icon noted beside a cited decision refers to that case’s own history and/or citing references.

For more information on KeyCiteCanada, including explanations of the status flags, icons, and treatment definitions, click **KeyCiteCanada**, on the Navigation bar.

E. To See a Graphical Representation of the History of a Case

1. From a full-text case or a KeyCite result, select **Graphical View** from the Related Info tab in the left pane.

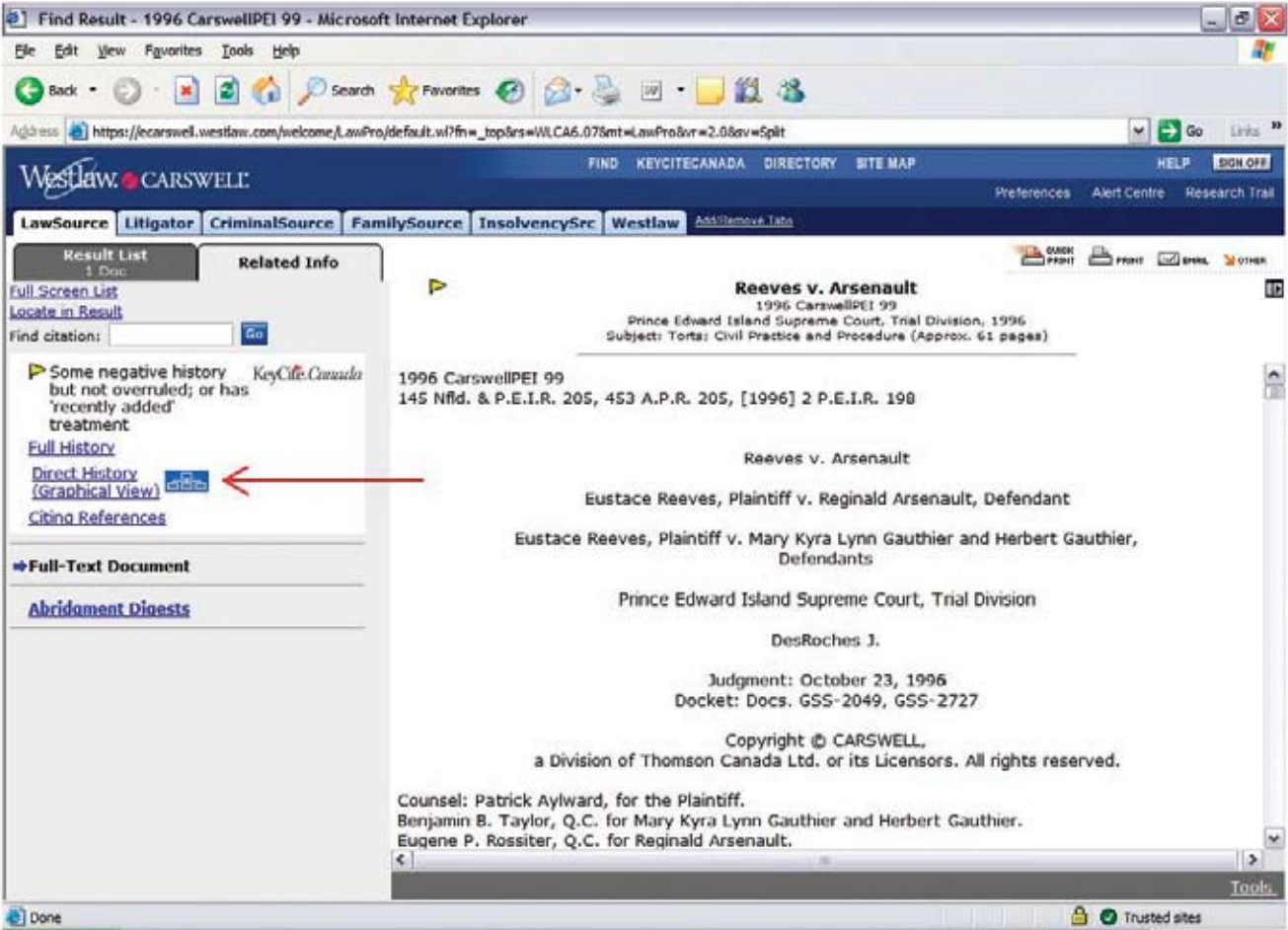


Illustration 4.11: Accessing the Graphical History of a case from your KeyCiteCanada Results.

How to Note Up a Case:

STEP 1

Begin your research by looking up your case in the appropriate main volume. The cases are arranged alphabetically.

If you know that your case was decided after the cut-off date of the main volume, proceed directly to the supplement volume.

Illustration 4.1:
History Terms
Historical developments in a case
are conveyed by specific terms

HISTORY OF CASES	
Affirmed Decision affirmed on appeal or on reconsideration; or application for judicial review refused	back by an appellate court to lower level for further consideration or clarification
Amended Correction of wording of decision by decision maker to conform to intended meaning	Granted reconsideration or rehearing Application for reconsideration or rehearing of decision by same court granted
Additional reasons Additional reasons for decision	Refused reconsideration or rehearing Application for reconsideration or rehearing of decision by same court refused
Allowed leave to appeal Leave to appeal to an appellate court allowed	Reversed Decision reversed on appeal or on reconsideration
Refused leave to appeal Leave to appeal to an appellate court refused	Varied Decision varied or modified by either the decision maker or an appellate court without reversing the result.
Referred for further consideration or clarification Decision referred	

Illustration 4.2:
Treatment Symbols
Judicial treatments of a case are
given by letters in circles.

TREATMENT OF DECISIONS	
(N) Not Followed/Overruled Cited case expressly overruled, not applied or judged bad law	(F) Followed Principle of law in cited case adopted
(D) Distinguished Cited case inapplicable because of difference in facts or law	(C) Considered Some consideration given to cited case

Illustration 4.3:
Complex History
Links Entry

	Canada (Director of Investigation & Research) v. Southam Inc. (June 2, 1992), Doc. CT-90/1 (1992), 43 C.P.R. (3d) 161 (Competition Trib.)	
	additional reasons/motifs supplémentaires (March 8, 1993), Doc. C.T.-90/1 (1993), 48 C.P.R. (3d) 224 (Competition Trib.)	
	reversed/infirmé (August 8, 1995), Doc A-1093-92 (1995), 127 D.L.R. (4th) 263,21 B.L.R. (2d) 1, 63 C.P.R. (3d)1, [1995] 3 F.C. 557, 185 N.R. 321 (Fed. C.A.)	
Decision of the Supreme Court of Canada reversing the decision of the Federal Court of Appeal	which was allowed leave to appeal/demand d'autorisation d'en appeler accordée (February 8, 1996), Doc. 24915 (1996), 130 D.L.R. (4th) vi (note), 64 C.P.R. (3d) vi (note), 199 N.R. 158 (note) (S.C.C.)	Decision of the Supreme Court of Canada allowing leave to appeal from the Federal Court of Appeal
	and which was reversed/et qui a été infirmé (March 20, 1997), Doc. 24915 (1997), 144 D.L.R. (4th)1, 71 C.P.R. (3d) 417, [1997] 1 S.C.R. 748, 209 N.R. 20, 50 Admin. L.R. (2d) 199 (S.C.C.)	

STEP
2

Consult the Annual Supplement corresponding to the main volume.

STEP
3

Consult the Quarterly Supplement for cases after the cut-off date of the Annual Supplement.

A cumulative supplement is published at three-month intervals. The first supplement published covers July to September. This is replaced by one covering July to December. This, in turn, is replaced by one covering July to March. Finally, all the material for the year is consolidated into the next Annual Supplement.

STEP
4

Complete your search by consulting the monthly issues of Canadian Case Citations, beginning with the first issue published after the supplement.

KeyCiteCanada Results

Your KeyCiteCanada results are displayed in the right frame. KeyCiteCanada links are displayed in a white box on the left frame.

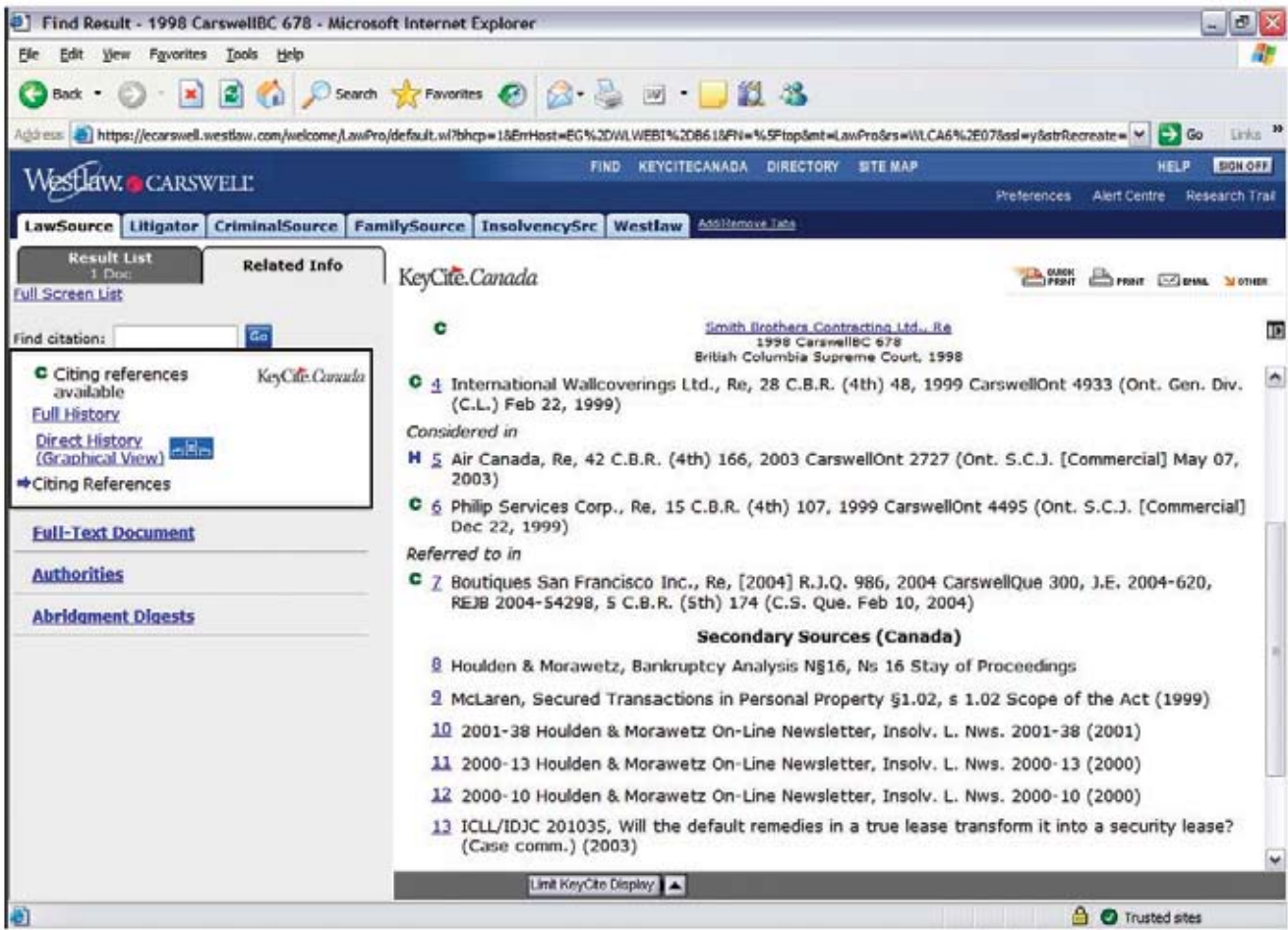


Illustration 4.10: KeyCiteCanada Results.

Click the Full History link to retrieve the direct appellate history of the KeyCited case, plus any negative citing references and/or recently added treatments to that case. To view the full text of a listed referring case, click on its number link.

Click the Citing References link to retrieve all judicial treatments and citing references from secondary sources for the KeyCited case. To view the full text of a listed document, click on its number link.

2. Enter all or part of the case name in the **Global Case Law** box, e.g. “knightsbridge”.
3. Select the desired jurisdiction from the dropdown menu in the **Jurisdiction** box, e.g. European Union.
4. Click **GO**.

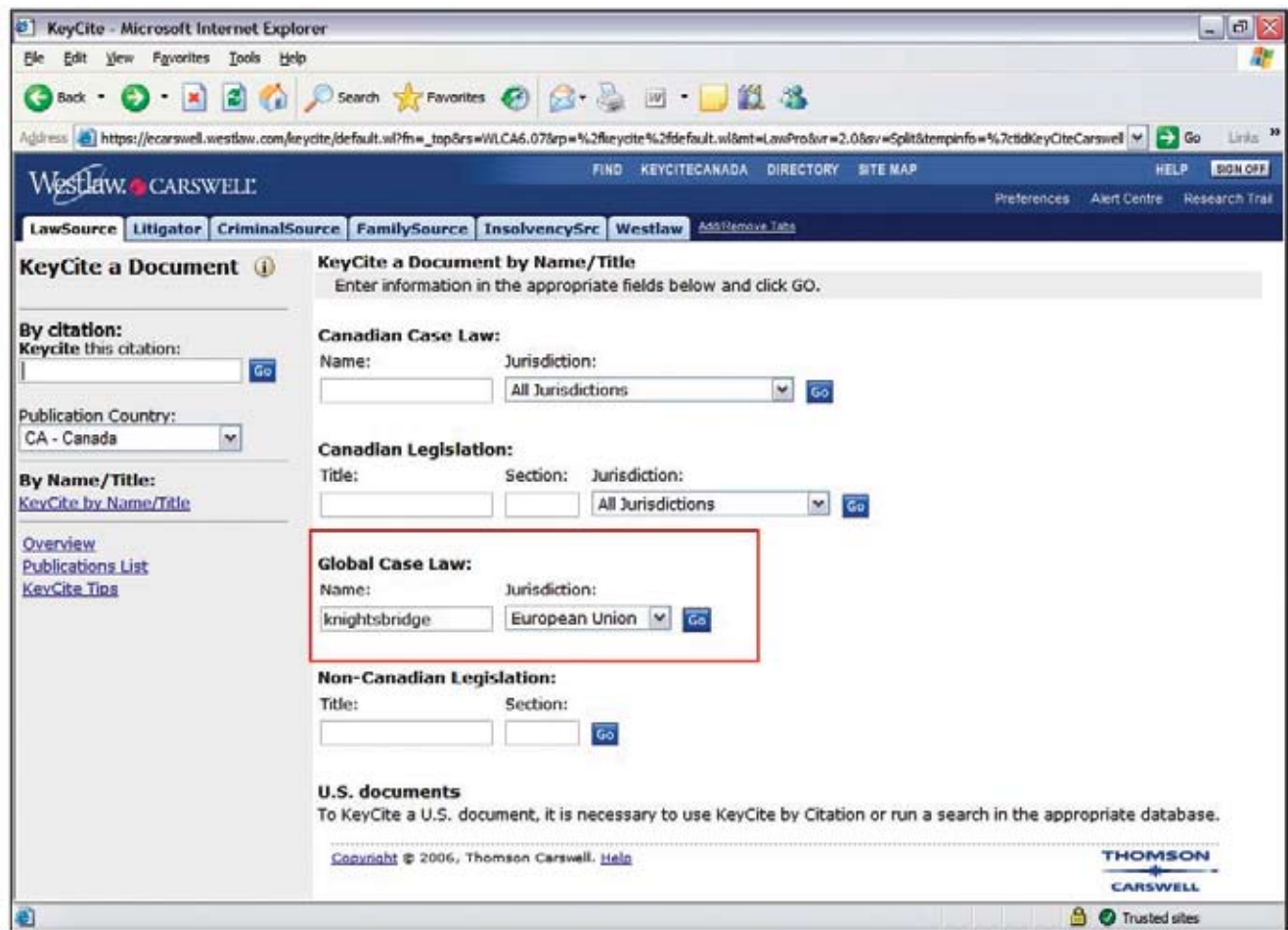


Illustration 4.9: Noting up a foreign case by name.



ONLINE:

Westlaw CARSWELL KeyCiteCanada

All the information in Canadian Case Citations can be found by noting up a case with KeyCiteCanada. KeyCiting a document involves retrieving the appellate history plus all citing references of a case, including judicial treatments and secondary references. In addition to the information available in the print volumes of the Canadian Case Citations, KeyCiteCanada includes:

- “Referred to” (less important) case treatments
- Citing references in commentary, the Canadian Encyclopedic Digest and the Index to Canadian Legal Literature
- Judicial treatments in other Commonwealth cases
- The ability to limit results: by date, jurisdiction, document type or by any words used in the citing documents

How to Find the History & Judicial Treatment of a Case:

A. To Note Up a Case by Name

1. In the Find/KeyCite a Document section of the **LawSource** home page, select the **KeyCite** button.
2. Enter all or part of a case name in the appropriate box, e.g. “degelder”.

- 3. Choose an appropriate jurisdiction, e.g. Supreme Court and Privy Council (optional).
- 4. Click GO.

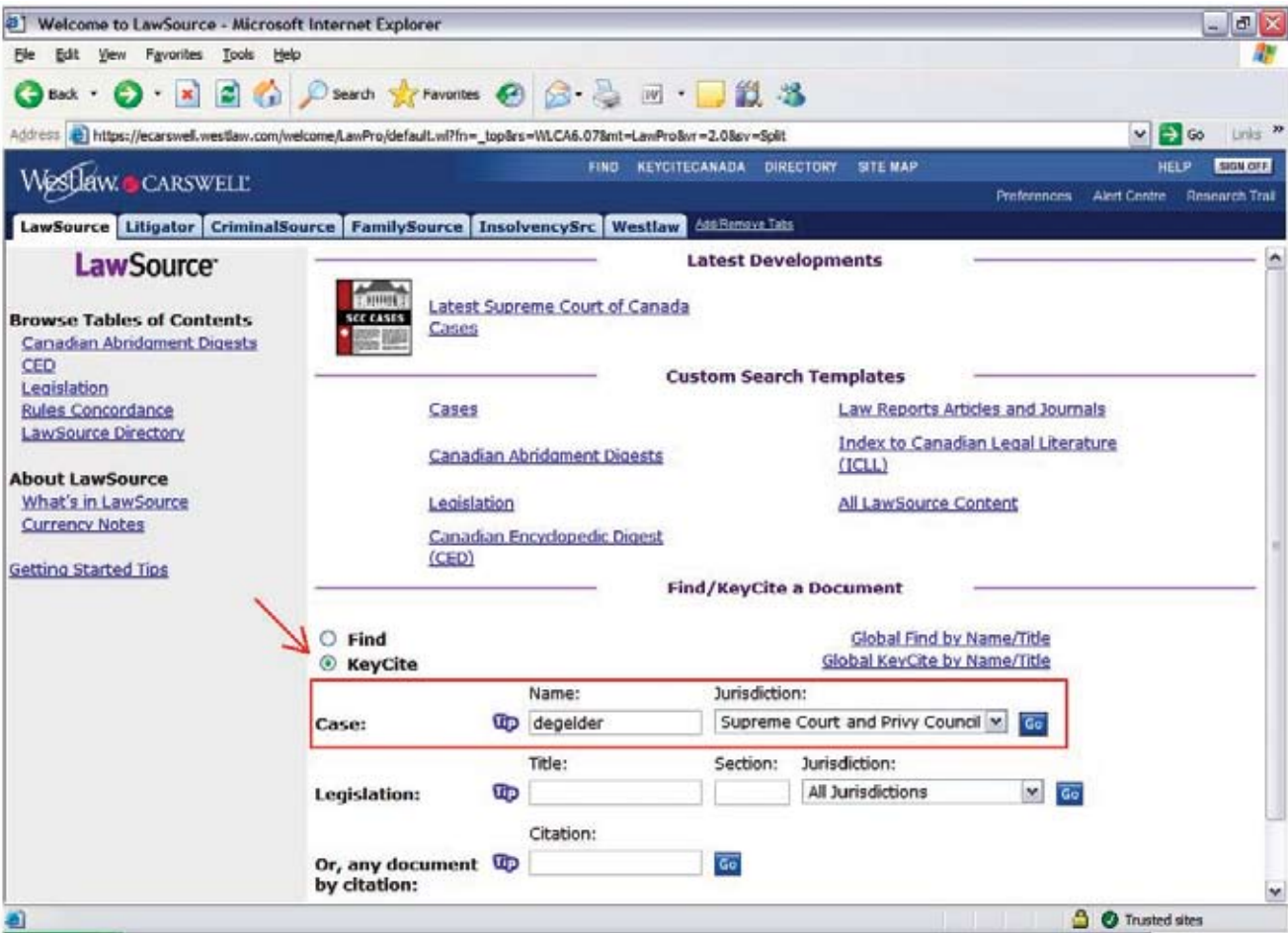


Illustration 4.4: Using the Find/KeyCite a Document template to note up a case by name.

RESEARCH TIP:

To KeyCite (“note up”) a case when you know its name, you may also use the KeyCiteCanada link accessible from the Navigation bar.

D. To Note Up Foreign (non-U.S.) Cases by Name

- 1. Click on the **Global KeyCite by Name/Title** link under Find/KeyCite a Document section at the bottom of the home page.

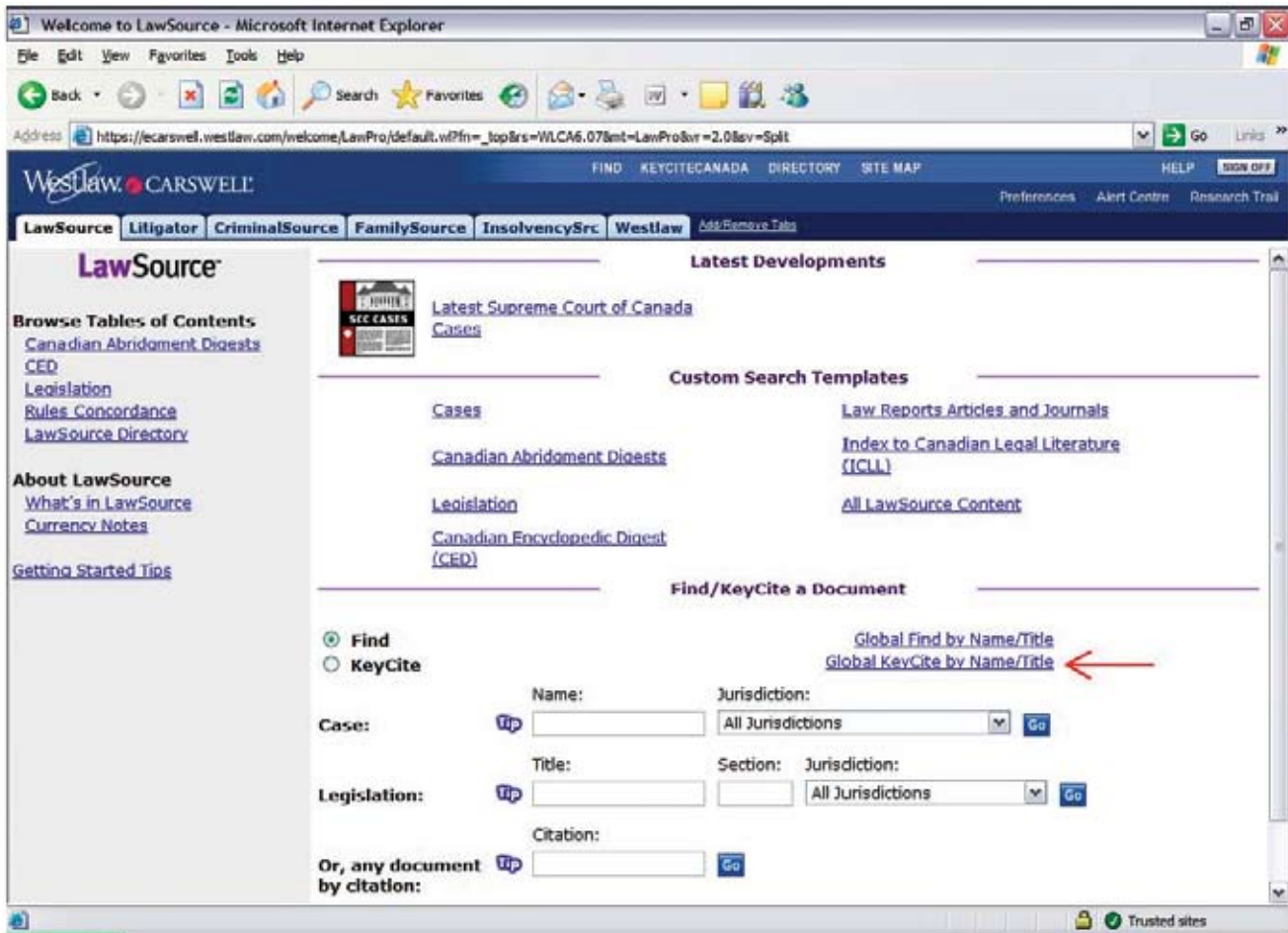


Illustration 4.8: Accessing the Global KeyCite template to note up a foreign case.

2. Enter all or part of the citation in the **By citation** box, e.g. “167 L.Ed.2d 449”.
3. Select the country of origin from the dropdown list in the **Publication Country** box, e.g. US – United States.
4. Click **GO**.

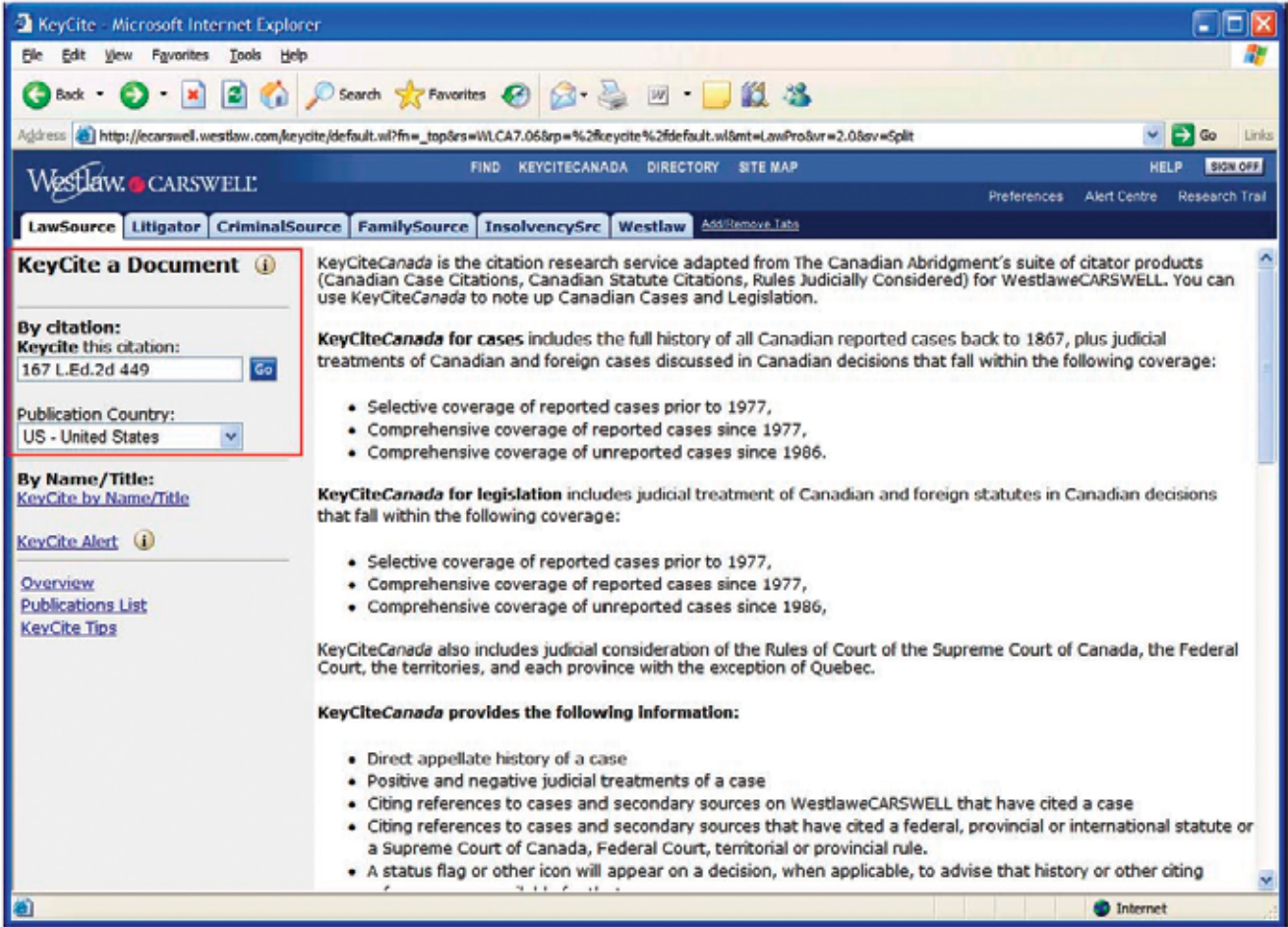


Illustration 4.7: Noting up a foreign case by citation.

B. To Note Up a Case by Citation

1. In the Find/KeyCite a Document section of the home page, select the **KeyCite** button.
2. Enter the complete citation in the **Citation** box, e.g. “1998 CarswellBC 2246”.
3. Click **GO**.

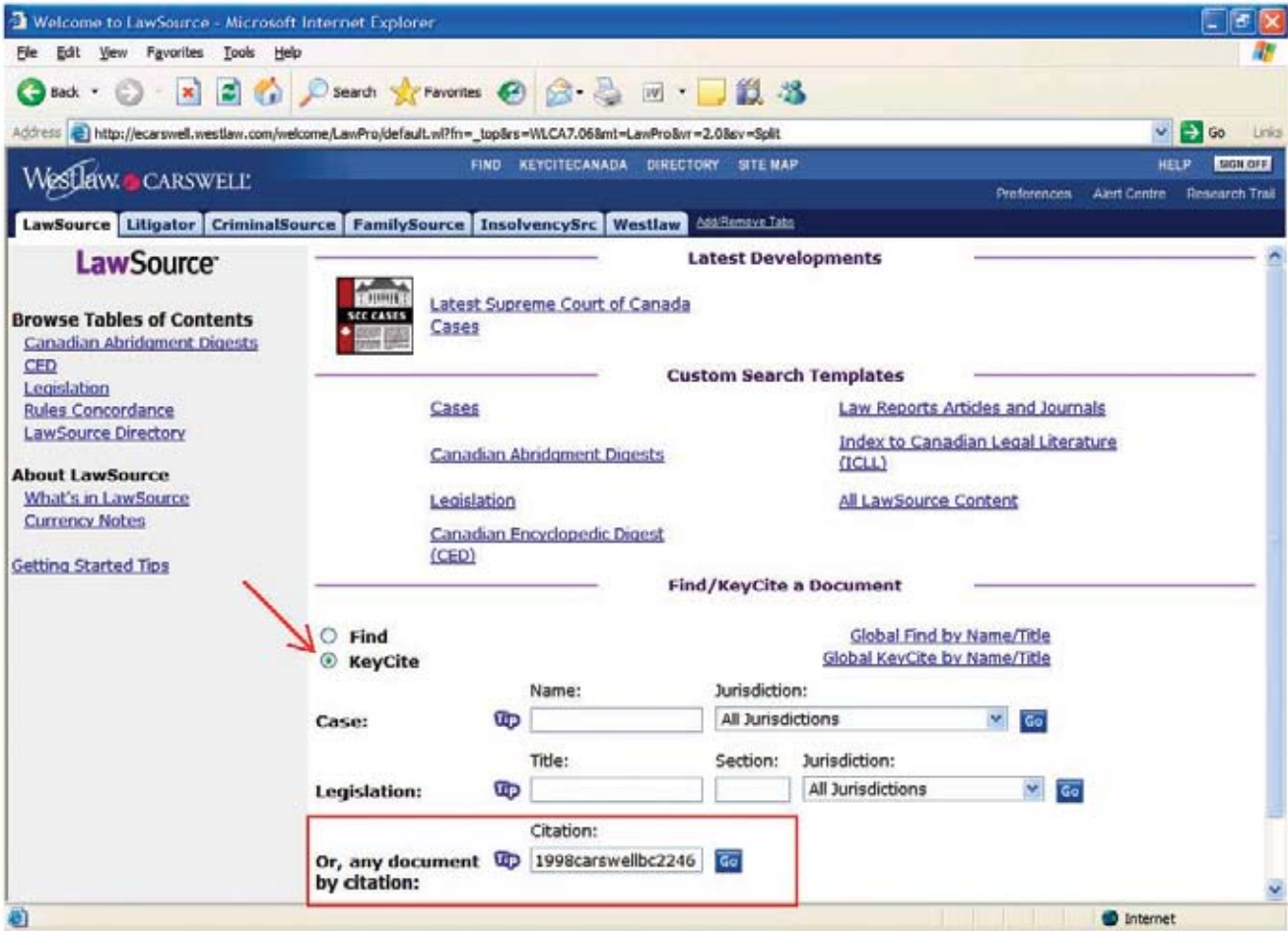


Illustration 4.5: Using the Find/KeyCite a Document template to note up a case by citation.

RESEARCH TIP:

To KeyCite a document by citation, you may also use the *KeyCiteCanada* link accessible from the Navigation bar.

RESEARCH TIP:

The citation box is not sensitive to spacing, capitalization or punctuation used for abbreviation. However, when a form of punctuation is an essential part of a citation style, it should be included. For example: “rso1990ce.2s310” or “rsc1985cc-46s16”.

When searching case law, do not include the year of the decision (entered in parenthesis) in the citation entry. For example: when searching for: (1959) 38 C.B.R. 91, enter as: “38 C.B.R. 91”.

C. To Note Up a Non-Canadian Case by Citation

1. Go to the Global KeyCite page by clicking on the **KeyCiteCanada** link at the top of the home page.

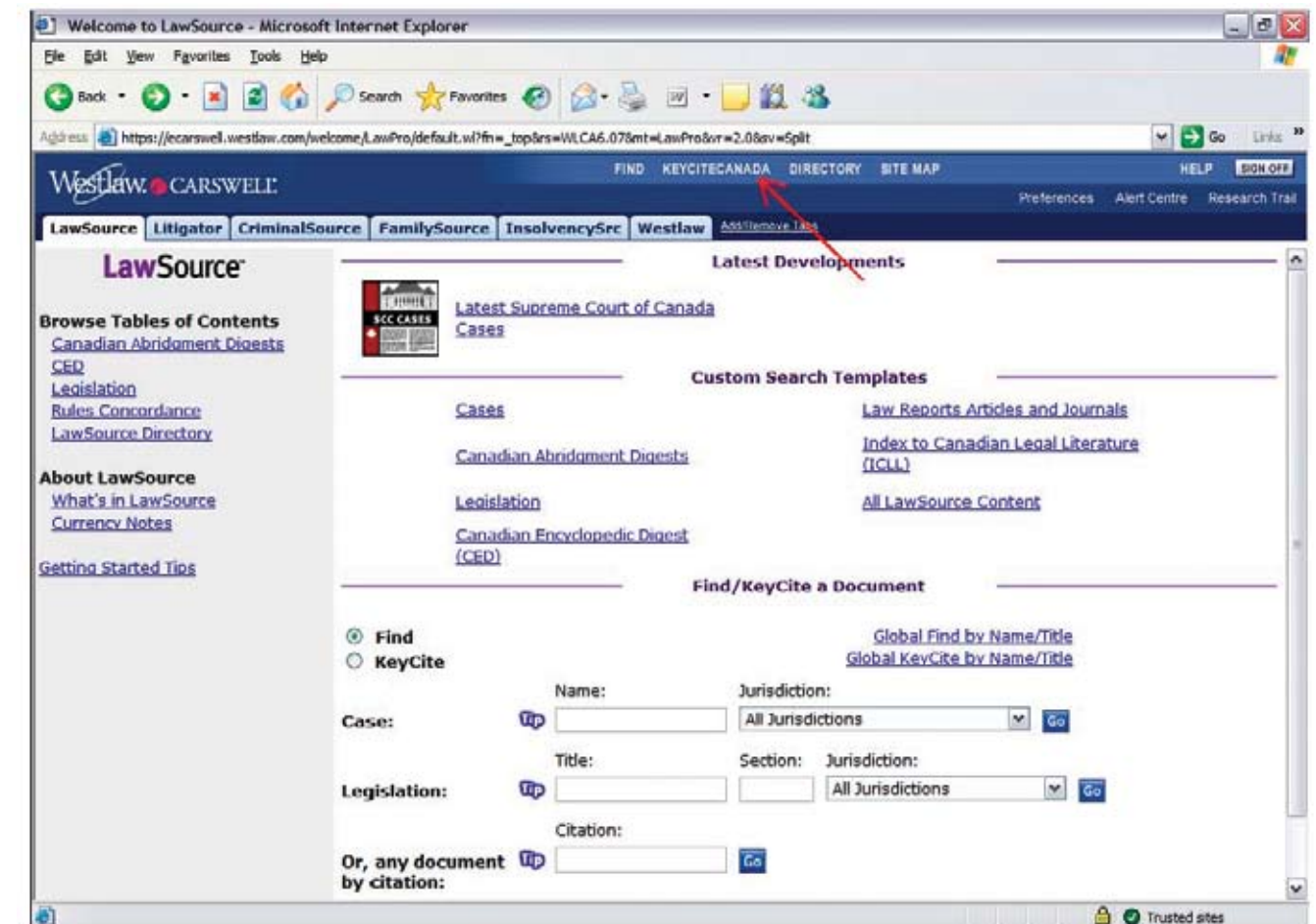


Illustration 4.6: Accessing the KeyCiteCanada template to note up a foreign case.