LAW 201: CANADIAN CONSTITUTIONAL LAW
2017-18

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REQUIRED MATERIALS

E. Edinger, Canadian Constitutional Law Casebook 2017-18
[Available at the UBC Bookstore and on-line at http://www.allard.ubc.ca/elizabeth-edinger-course-content]

Consolidated Constitution Acts, 1867 to 1982, Department of Justice, Canada
[Sometimes available at the UBC Bookstore - or you can print out your own copy from the Canadian Consolidated Statutes.]

RECOMMENDED TEXT

P.W. Hogg, Constitutional Law of Canada [2016 Student Edition – or whatever Student edition is available at the Bookstore]

GENERAL BASIC REFERENCE

R.I. Cheffins & P.A. Johnson, The Revised Constitution: Politics as Law
B.W. Furmston & E. Meehan, Canada’s Constitutional Law in a Nutshell
G. Gall, The Canadian Legal System
P.J. Monahan, Constitutional Law
P.J. Monahan, The Charter, Federalism and the Supreme Court of Canada
INTRODUCTION

Colonial Origins to Autonomy
The Royal Proclamation, 1763 6
Colonial Laws Validity Act, 1865 10
British North America Act, 1867 (now Constitution Act, 1867) 13
Report of the Royal Commission on Dominion-Provincial Relations, 1867-1939 26
Statute of Westminster, 1931
Constitution Act, 1982

Constitutional Procedure
Constitutional Question Act, R.S.B.C. 1996, c.68 885
Canada v. Downtown Eastside Workers, 2012 SCC 45 888
Cambie Surgeries v. AGBC, 2017 BCSC 860 906

General Approach to Interpretation of the Constitution
Reference re Secession of Quebec, [1998] 2 S.C.R. 217 42

FEDERALISM – CONSTITUTION ACT, 1867

Peace Order and Good Government
Russell v. The Queen (1887), 7 App. Cas. 829 (PC) 75

Criminal Law
Reference re Validity of Section 5(a) of the Dairy Industry Act, [1949] S.C.R. 1 131
Reference re Assisted Human Reproduction Act, 2010 SCC 61 191
Chatterjee v. Ontario, 2009 SCC 19 231
### Regulation of the Economy

- **Citizens Insurance v. Parsons** (1881), 7 A.C. 96 (P.C.)

### Taxation

- **Bank of Toronto v. Lambe** (1887), 12 App. Cas. 575 (P.C.)

### Interjurisdictional Immunity and Paramountcy

- **Winner v. SMT (Eastern)** (1951), [1954] A.C. 541 (P.C.)
- **Tessier Ltee. v. Quebec**, 2012 SCC 23
- **Ordon Estate v. Grail** [1998] 3 SCR 437
- **Canadian Western Bank v. Alberta**, 2007 SCC 22
- **Canada v. PHS Community Services**, 2011 SCC 44
- **Marine Services International Ltd. v. Ryan Estate**, 2013 SCC 44
- **Alberta v. Moloney**, 2015 SCC 51
- **Rogers Communications Inc. v. Chateauguay**, 2016 SCC 23

### Extraterritoriality

- **British Columbia v. Imperial Tobacco**, 2005 SCC 49

### THE CHARTER – CONSTITUTION ACT, 1982

#### Applicability

- **RWDSU v. Dolphin Delivery** [1986] 2 SCR 573
McKinney v. University of Guelph, [1990] 3 S.C.R. 229 532
Grant v. Torstar, 2009 SCC 61 551

Justification
Newfoundland (Treasury Board) v. NAPE, 2004 SCC 66 590
Dore v. Barreau du Quebec, 2012 SCC 12 597

Remedies
R. v. Ferguson, 2008 SCC 6 636
Vancouver v. Ward, 2010 SCC 27 646
R. v. Conway, 2010 SCC 22 661

Freedom of Expression
Irwin Toy Ltd. v. Quebec (Attorney General), [1989] 1 S.C.R. 927 674
City of Montreal v. 2952-1366 Quebec Inc., 2005 SCC 62 701
Baier v. Alberta, 2007 SCC 31 729
Greater Vancouver Transit Authority v. Canadian Federation of Students, 2009 SCC 31 739
BC Freedom of Information and Privacy Association v. AGBC, 2017 SCC 6 762

Freedom of Religion
Syndicat Northwest v. Amselem, 2004 SCC 47 785
Multani v. Commission Scolaire Marguerite -Bourgeos, 2006 SCC 6 801
Alberta v. Hutterian Brethren of Wilson Lake, 2009 SCC 37 814
MLQ v. City of Saguenay, 2015 SCC 16 842
Loyola High School v. Quebec, 2015 SCC 12 831

ACCESS TO JUSTICE
Trial Lawyers Association v. British Columbia, 2014 SCC 59 870