

# Often-cited Cases in Divisional Court

## Divisional Court Jurisdiction

### Divisional Court Jurisdiction under the *Judicial Review Procedure Act*

- [\*Setia v. Appleby College\*](#), 2013 ONCA 753, 118 O.R. (3d) 481.

### Prematurity in judicial review

- [\*Volochay v. College of Massage Therapists of Ontario\*](#), 2012 ONCA 541, 111 O.R. (3d) 561.
- [\*Ontario College of Art v. Ontario \(Human Rights Commission\)\*](#) (1993), 11 O.R. (3d) 798 (Div. Ct.).

### Timeliness of applications for judicial review

- [\*Unifor and its Local 303 v. Scepter Canada Inc.\*](#), 2022 ONSC 5683 (Div. Ct.)

### Admissibility of Affidavit Evidence in judicial review applications

- [\*142445 Ontario Limited \(Utilities Kingston\) v. International Brotherhood of Electrical Workers, Local 636\*](#) (2009), 251 O.A.C. 62 (Div. Ct.).
- [\*Re Keeprite Workers' Independent Union et al. and Keeprite Products Ltd.\*](#) (1980), 29 O.R. (2d) 513 (C.A.).

### Availability of judicial review when there is a statutory right of appeal

- [\*Yatar v. TD Insurance Meloche Monnex\*](#), 2022 ONCA 446.

### Admissibility of Affidavit Evidence in appeals

- [\*Palmer v. The Queen\*](#), [1980] 1 S.C.R. 759.
- [\*Sengmueller v. Sengmueller\*](#) (1994), 17 O.R. (3d) 208 (C.A.).

### Right of Appeal from final, not interlocutory, decisions of the Licence Appeal Tribunal

- [\*Penney v. The Co-operators General Insurance Company\*](#), 2022 ONSC 3874 (Div. Ct.).

### Reviews under s. 21(5) of the *Courts of Justice Act*

- [\*Guillaume v. Barney Rivers Investments Inc.\*](#), 2022 ONSC 1123 (Div. Ct.).

## Administrative Law Principles

### Standard of Review in administrative law

- [\*Canada \(Minister of Citizenship and Immigration\) v. Vavilov\*](#), 2019 SCC 65, [2019] 4 S.C.R. 653.
- [\*Society of Composers, Authors and Music Publishers of Canada v. Entertainment Software Association\*](#), 2022 SCC 30.

### Standard of review in appeals

- *Housen v. Nikolaisen*, 2002 SCC 33, [2002] 2 S.C.R. 235.

## Validity of Regulations

- *Katz Group Canada Inc. v. Ontario (Health and Long-Term Care)*, 2013 SCC 64, [2013] 3 S.C.R. 810.

## Jurisdiction of tribunals to determine questions of constitutional law

- *R. v. Conway*, 2010 SCC 22, [2010] 1 S.C.R. 765.

## Adequacy of Reasons in administrative law cases

- *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, [2019] 4 S.C.R. 653
- *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708.

## Procedural Fairness

- *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817.
- *Canada (Attorney General) v. Mavi*, 2011 SCC 30, [2011] 2 S.C.R. 504.

## Reasonable apprehension of bias

- *R. v. S. (R.D.)*, [1997] 3 S.C.R. 484.

## Review of abuse of discretion

- *C.U.P.E. v. Ontario (Minister of Labour)*, 2003 SCC 29, [2003] 1 S.C.R. 539.

## Interlocutory Relief

- *RJR MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311.