

Sources of Law in Canada

1. Common Law

- Judges rely on previous decisions in similar cases (stare decisis)
- Some cases involve unique circumstances and therefore, set new precedents ("distinguishing a case")
- Citation for a Case:

Criminal Law

R. v. Burke (2001) 153 C.C.C. (3d) 97 (Ont. C.A.)

Handwritten annotations:
- "vs." above "v."
- "year of decision" above "(2001)"
- "accused" below "Burke"
- "Rex or Regina" below "R."
- "Ontario Court of Appeal" below "(Ont. C.A.)"

Civil Law

Mazuelos v. Clark (2000), B.C.H.R.T. 1

Handwritten annotations:
- "vs." above "v."
- "year of decision" above "(2000)"
- "1" below "Mazuelos"
- "Plaintiff" below "1"
- "Defendant" below "Clark"
- "BC HR Tribunal" below "B.C.H.R.T."

2. Statute Law

- Common law decisions that have been codified (officially written down)
- Passed in Parliament or provincial legislatures by our elected government representatives
- Citation for a Statute:

Criminal Code of Canada, R.S.C. 1985 c C-46 s 219 (1)

Act or Statute

Year Statute was revised

Chapter Section -sub-Section

3. The Constitution

- Overrides all other laws
- All laws must be consistent with what the Constitution says
- Explains the powers given to each level of government (ex. Provincial government can make changes to education)

READING CITATIONS

Name: _____

Date: _____

Examine the following citations and indicate whether they are case or statute citations. For cases, indicate whether they are civil or criminal. Try to identify the various elements of each citation.

- a) *McDonald's Restaurant of Canada Ltd. v. West Edmonton Mall Ltd.* (1994), A.J. 634 (A.B.Q.B.)
- b) *R. v. Askov*, [1990] 2 S.C.R. 1199
- c) *Peterson (guardian ad litem) v. Surrey School District No. 36* (1991), 89 D.L.R. (4th) 517 (B.C.S.C.)
- d) *Criminal Code of Canada*, R.S.C. 1985, c. C-46 s. 2
- e) *Safe Streets Act*, S.O., c. 8
- f) *Kooenun Ice Hockey Club Ltd. v. Slovak Ice Hockey Association*, [2001] B.C.S.C. 51
- g) *Privacy Act*, R.S.B.C. 1996, c. 373
- h) *Smith v. Leech Brain & Co. Ltd.*, [1962] 2 Q.B. 405
- i) *Youth Criminal Justice Act*, S.C. 2002, c. 1 s. 110
- j) *R. v. Carker* (No. 2), [1967] 2 C.C.C. 190

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