

Administrative and Public Law

Administrative and public law cases come with unique stakes, visibility, and complexity. When you're facing a regulatory investigation, government decision, compliance issue or judicial review application and your business and reputation are at risk, you need BLG's national public law team.

Experience

- Lord Reading Law Society and Attorney General of Canada in a Supreme Court of Canada challenge to Québec's Bill 21, which restricts religious symbols in public service. The case raises fundamental questions on minority rights, religious freedom, and the limits of the notwithstanding clause. The ruling will have lasting constitutional impact.
- Centre for Free Expression at TMU in interventions before the Superior Court, the Court of Appeal for Ontario, and the Supreme Court of Canada challenging the constitutionality of amendments to Ontario's *Election Finances Act*. The Supreme Court's decision now stands as a leading case on the right to vote under section 3 of the Charter.
- Hockey Canada's independent third-party review led by BLG senior counsel and former Supreme Court Justice Thomas Cromwell. The final report outlined critical governance reforms to rebuild public trust and align with industry best practices.
- Canadian National Railway Company in a Federal Court of Appeal case challenging the Canadian Transportation Agency's interpretation of its interswitching rate-setting authority under the Canada Transportation Act. The court overturned the Agency's long-standing approach to interswitching rates which failed to take into account comparative market data.
- CN in multiple proceedings considering the constitutional applicability of provincial drainage legislation to proposed works in the rights-of-way of federally-regulated railways.
- Attorney General of Canada in securing Supreme Court of Canada constitutional victory in carbon reference cases, establishing federal jurisdiction over climate change as matter of national concern and affirming Greenhouse Gas Pollution Pricing Act validity against provincial opposition.
- Canadian Civil Liberties Association in a Supreme Court of Canada case on statutory appeal rights under the *Immigration and Refugee Protection Act*. The case challenges a restrictive interpretation that limits access to appeals. The ruling could reshape procedural fairness and Charter protections in immigration law. Decision pending.
- NSUS Group Inc. and NSUS Limited in an Ontario Court of Appeal case that could shape the future of iGaming in Canada. NSUS supports Ontario's position that its online gaming model allowing international players complies with the Criminal Code. The decision will determine the scope of provincial authority over online gambling. Decision pending.

- Canadian Airports Council in a Federal Court of Appeal case on whether local airport authorities must meet the same bilingual service obligations as federal institutions under the *Official Languages Act*. The ruling will impact language rights and service standards at 22 airports across Canada. Decision pending.
- Law Society of Upper Canada in a landmark Supreme Court victory upholding its decision to deny accreditation to Trinity Western University's law school. The ruling clarified constitutional rights, human rights, and administrative law principles, reinforcing the Law Society's authority as a regulator.
- Future of Sport in Canada Commission, which is leading an independent review of mistreatment, governance failures, and policy gaps in Canadian sport. Commissioner Lise Maisonneuve will issue key recommendations to improve accountability and protections. As lead counsel, BLG advises on legal, constitutional and strategic matters while supporting nationwide consultations with diverse stakeholders.
- External independent review of high profile, persistent sexual misconduct in the Canadian Armed Forces and Department of National Defence, led by BLG senior counsel and former Supreme Court Justice Louise Arbour. The final report provided wide-ranging policy, governance, and cultural reforms that will shape the future of Canada's military.
- Binance in a high-stakes constitutional challenge against the Ontario Securities Commission's summons, arguing it violates Charter protections against unlawful seizure. The case has already set a key precedent on the Capital Market Tribunal's jurisdiction and is now before the Ontario Court of Appeal. With over C\$1 billion at stake, the outcome could redefine regulatory limits.
- Government of Canada in three major Supreme Court of Canada victories upholding the constitutionality of the *Greenhouse Gas Pollution Pricing Act*. The ruling reaffirmed federal authority over climate policy, clarifying jurisdictional boundaries in climate governance.
- Canadian Civil Liberties Association in a constitutional challenge over access to medical assistance in dying (MAID). The case, involving a Vancouver woman transferred from a Catholic hospital, argues that faith-based bans on MAID violate Charter rights. The outcome could set a major precedent for patient rights and healthcare access.
- Elections Canada in a Federal Court victory upholding the dismissal of a human rights complaint over its mandatory mask policy for poll workers in the 2021 federal election. The ruling reinforces the need for evidence in discrimination claims and affirms Elections Canada's authority over election procedures.
- Canadian Air Transport Security Authority in a Federal Court case clarifying the *Charter and Official Languages Act* obligations of federal agencies. The ruling will set national compliance standards for bilingual services in government institutions.
- Chief Electoral Officer of Canada in successfully defending a judicial review challenge to the de-registration of a political party. The Federal Court upheld the decision, reinforcing procedural fairness and the integrity of Canada's political financing regime.
- Binance in a challenge to a C\$6 million FINTRAC penalty under Canada's anti-money laundering laws. The case, a rare enforcement action under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, could set a key precedent on regulatory obligations for foreign cryptocurrency firms.
- Railway Association of Canada in a constitutional Charter challenge on mandatory locomotive recording devices under the *Railway Safety Act*. The case will define the scope of privacy protection for employees whose work has public safety implications.
- Canadian Civil Liberties Association, as intervenor in a landmark Supreme Court of Canada case balancing freedom of expression and human rights. The case, involving comedian Mike Ward's controversial act, set key precedents on when artistic expression can be legally restricted.

- BC Civil Liberties Association, as intervenor, in a precedent-setting climate case before the Ontario Court of Appeal. *Mathur v. Ontario* challenges government accountability in climate policy and could shape future Charter litigation on environmental rights.
- CN Rail in securing key disclosure rights in an appeal examining transparency in regulatory rate-setting by the Canadian Transportation Agency. Within months, the decision was cited in four cases and will likely be a precedent for administrative tribunal disclosures.
- Elliot Lake Inquiry in investigating the fatal mall collapse and recommending critical safety and emergency response reforms. The inquiry heard testimony from more than 100 witnesses over 112 days of televised hearings.
- York Regional Police officers, including the Chief of Police, in successfully securing the withdrawal of private prosecution charges under municipal privacy laws. Successfully applied for certiorari to challenge a disclosure order.
- Waterloo Region District School Board in a precedent-setting Charter case affirming its ability to discipline a trustee while balancing free speech and human rights obligations. Leave to appeal was denied.
- York Regional Police Services Board in securing a key win in a novel constitutional challenge to law enforcement information sharing with U.S. authorities. The applicant alleged violations of Charter rights but was required to first use freedom of information processes. The ruling reinforces limits on premature lawsuits and has major implications for privacy and cross-border intelligence sharing.

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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