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

- **Supreme Court of Canada appeals**
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.
- **Commissions and inquiries**
  - 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.

- External independent review of high profile, persistent sexual misconduct in the Canadian Armed Forces, and Department of National Defence. The final report provided wide-ranging policy, governance, and cultural reforms that will shape the future of Canada's military.
- 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 issued key recommendations to improve accountability and protections. As lead counsel, BLG advised on legal, constitutional, and strategic matters while supporting nationwide consultations with diverse stakeholders.
- 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.

- **Courts of Appeal**
  - Amazon.com.ca ULC and AMZN Mobile LLC in defending Federal Court of Appeal challenge to proportionality standards governing *Competition Act* section 11 production orders, protecting decade-long judicial review framework against Commissioner of Competition's overbroad information request.
  - NSUS Limited and NSUS Group Inc., which own and operate online poker platforms under the GGPoker and GGPoker.ca brands, in intervening in a reference on iGaming initiated by the Ontario government. NSUS supports Ontario's position that its regulated online gaming model complies with the Criminal Code. The Ontario Court of Appeal held that the model is lawful. The matter is now before the Supreme Court of Canada. The decision will determine the scope of provincial authority over online gambling and could shape the future of iGaming in Canada.
  - B.C. 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.
  - 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.
  - 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.
- **Constitutional and Charter Challenges**
  - 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.
  - Canadian Civil Liberties Association, as intervenor, in a trial before the B.C. Supreme Court challenging the B.C. government's exemption for faith-based hospital operators to not provide MAID in publicly funded hospitals in B.C. CCLA's intervention focuses on the novel and complex issue of whether and in what circumstances it may be appropriate for a body corporate to hold religious rights under s. 2(a) of the Charter.
  - 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.
    - 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.
    - 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.
    - CN in multiple proceedings on whether provincial drainage laws apply to works within federally regulated railway rights-of-way. BLG has represented CN before the Canadian Transportation Agency and on related appeals, arguing that federal legislation governs approval and cost sharing and that the Agency has exclusive jurisdiction to decide these issues. This case is likely to be precedent setting in constitutional division of powers matters.
- **Regulatory and administrative proceedings**
    - 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.
    - 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.
    - 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.
    - 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.
    - 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.

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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