

Spoliation and Sanctions for the Failure to Preserve Relevant Documents in Canada

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One of the greatest concerns at the preservation and collection stages of the discovery process is the destruction or loss of relevant documents, and the sanctions that can ensue from it. The expression “spoliation” is often used in connection with the destruction of documents. Spoliation “occurs where a party has intentionally destroyed evidence relevant to ongoing or contemplated litigation in circumstances where a reasonable inference can be drawn that the evidence was destroyed to affect the litigation.”

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