

Administrative & Public Law

Many organizations operate in sectors governed by special regulatory regimes, such as the utilities, financial institutions, transportation, professional and life sciences sectors. Organizations in regulated industries must be attuned to the unique legal and policy considerations specific to their field.

WeirFoulds LLP is recognized as one of Canada's leading firms in administrative and public law. For over a century, we have been advising government ministers, ministries, boards and agencies on how to fulfill their statutory mandates. We also act as counsel for companies that engage with government, whether it is for the purposes of entering a regulated field, obtaining government approval for a project, or appearing before a tribunal or court in a judicial review proceeding or appeal.

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Areas of Expertise

- Access to information requests
- Conflict of interest laws
- Constitutional challenges
- Crown liability
- Disclosure obligations
- Ethics obligations
- Expropriation
- Government policy and decision-making
- Judicial review
- Lobbying compliance
- Public inquiries
- Professional discipline
- Regulatory board hearings

Representative Experience

Public Inquiries and Royal Commissions

We have acted in some of the most significant Public Inquiries and Royal Commissions that have been conducted in Canada. These matters have included the following:

- One of our associates has been appointed as Associate Counsel to the Long-Term Care Homes Public Inquiry, which is examining the systemic factors that allowed a registered nurse, Elizabeth Wettlaufer, to seriously harm or kill patients under her care in long-term care homes and in the home care setting for nearly a decade without detection.
- One of our partners was appointed lead counsel to the Ipperwash Public Inquiry relating to the events surrounding the death of Dudley George. In this role, he led a team of 6 lawyers and 3 investigators in collecting, organising and presenting the evidence of 139 witnesses over 229 days of hearing. The Commission issued its landmark report in the spring of 2007.
- We were retained by the Walkerton Public Utilities Commission on the public inquiry into the cause of contamination of Walkerton's drinking water system.
- We have acted for parties before the inquiries into the mid-air bombing of Air India Flight 182 (until September 11, 2001, the Air India bombing was the single deadliest terrorist attack involving aircraft).
- One of our partners was a member of the Osborne Committee, a blue ribbon Committee appointed by the Ontario Securities Commission in 2003 to advise on the need for structural or other changes to the Commission in light of its recently increased sanctioning powers.

Government Negligence and Other Wrongdoing

Our lawyers have acted on leading cases concerning allegations of negligence and other public wrongdoing by governments and their agencies. Among the cases in which we have acted are the following:

- We represented a police officer in an action brought against Crown attorneys and law enforcement authorities for alleged malicious prosecution, wrongful imprisonment and negligent investigation. *Leadbeater v. Ontario (2004)*, 70 O.R. (3d) 224 (S.C.J.).
- We acted for the defendants in *Jane Doe v. Metropolitan Toronto (Municipality) Commissioners of Police (1998)*, 39 O.R.

(3d) 487 (Gen. Div.) (Trial), see also (1990), 74 O.R. (2d) 225 (Div. Ct.), a landmark case on whether the police had acted negligently in a criminal investigation and had breached a constitutional duty of care by failing to warn a woman of the possibility that she might be assaulted by a serial rapist.

Judicial Review of Statutory Authority

The limits of government authority are often defined by legislation, and our lawyers have been at the forefront of cases relating to the limits of the statutory authority of governments and their agencies. These cases include the following:

- We acted for the applicant in obtaining judicial review of the provincial government's funding decision regarding a child suffering from severe disabilities. *N.(R.) (Litigation Guardian of) v. Ontario (Minister of Community, Family and Children's Services) (2004)*, 70 O.R. (3d) 420 (Div. Ct.).
- In *C.U.P.E. v. Ontario (Minister of Labour)*, [2003] 1 S.C.R. 539 we acted for the Canadian Bar Association which intervened in a case that successfully challenged the Minister's exercise of discretion to appoint retired judges as arbitrators to resolve disputes under hospital labour legislation.
- In *Ainsley Financial Corp. v. Ontario Securities Commission (1994)*, 21 O.R. (3d) 104 (C.A.) we acted for the successful plaintiff concerning the jurisdiction of the tribunal to make policies and rules giving rise to a Task Force that made recommendations, since acted upon, for sweeping amendments to Ontario's *Securities Act*.
- Our lawyers successfully acted for Ontario's workers compensation tribunal in successfully defending a number of challenges to the province's workers' compensation legislation based on the equality rights and other provisions of the Charter. One such case was *Medwid v. Ontario (1988)*, 63 O.R. (2d) 578 (H.C.J.).

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