

## Jill Dougherty

Partner

### Toronto

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### Practice Areas

Administrative & Public Law

Alcohol & Gaming

Indigenous Peoples

Litigation & Dispute

Resolution

Municipal

Privacy & Access to

Information

Professional Negligence

Real Property

Regulatory

Jill Dougherty is a Partner in the firm's Regulatory Practice Group. She has over 35 years of experience acting on behalf of both private and public sector clients. Jill appears regularly as counsel before the trial and appellate courts and administrative tribunals in many aspects of public law.

Jill specializes in public law and civil litigation focusing on professional self-regulation and discipline, judicial review of government decision-making, alcohol and gaming, access to information and privacy, and aboriginal land claims. In addition, Jill has broad experience in specialized real estate-related litigation with a public law component, such a litigation concerning controlled access highways, roads, road allowances and beaches. Jill has also acted for a number of municipalities and private sector clients in litigation relating to aboriginal land claims.

Jill has been recognized as a leading practitioner in the *Canadian Legal Lexpert® Directory*. She is also repeatedly recognized as a leading practitioner in Administrative and Public Law in *Best Lawyers® in Canada*, in *Chambers Canada Guide* for Litigation: Administrative & Public Law in 2025, and in Professional Negligence law in *Lexology Index: Canada*.

Jill has been an instructor at the Public Law Section of the Bar Admission Course and a contributor to the Course materials. She has acted as an instructor at the Intensive Trial Advocacy and various Advocates' Society programs and has delivered various papers at seminars and conferences.

### WeirFoulds LLP

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Called to the Bar	Education	Affiliations
<ul style="list-style-type: none"> <li>• Ontario (1986)</li> </ul>	<ul style="list-style-type: none"> <li>• Clerkship, High Court of Justice, Supreme Court of Ontario, 1987</li> <li>• LL.B., Osgoode Hall Law School, 1984</li> <li>• B.A., York University, 1981</li> </ul>	<ul style="list-style-type: none"> <li>• Ontario Bar Association</li> <li>• The Advocates' Society</li> <li>• Metro Toronto Law Association</li> </ul>

## Notable Mandates

For the Township of Georgian Bluffs in litigation by the Saugeen Ojibway Nation against Canada, Ontario and the municipalities in the Bruce Peninsula, claiming ownership of various government-owned lands, including large portions of the municipal road network.

For Amoco in litigation by the Chippewas of Sarnia Band, claiming ownership of a large tract of areas of land in the City of Sarnia.

For the LCBO in its litigation with Magnotta Winery Corporation and related Magnotta companies.

For Great Canadian Gaming Corporation in litigation, arbitration and mediation with the Ontario Harness Horse Association regarding various Ontario racetrack and gaming operations.

For the Ontario College of Social Workers and Social Service Workers in respect of numerous discipline prosecutions and judicial review applications.

For the Social Benefits Tribunal in respect of appeals and judicial review applications to the Ontario Divisional Court, the Court of Appeal and the Supreme Court of Canada regarding the Social Benefits Tribunal's jurisdiction to deal with challenges to its legislation under the Ontario Human Rights Code.

## Reported Cases

- *Rak v. Ontario College of Pharmacists*, 2024 ONSC 3783
- *Liquor Control Board of Ontario v. Information & Privacy Commissioner of Ontario and Toronto Star*, 2023 ONSC 4607
- *Fallis v. City of Orillia*, 2022 ONSC 5737 (Divisional Court)
- *Kroetsch v. Integrity Commissioner for the City of Hamilton*, 2021 ONSC 7982 (Divisional Court)
- *Schuyler Farms Limited v. Dr. Nesathurai*, 2020 ONSC 4711 (Divisional Court)
- *Toronto Distillery Co. v. Ontario (Alcohol and Gaming Commission)* (2016) O.J. No. 1775; 2016 ONSC 2202; 130 O.R. (3d) 612
- *Ontario (Liquor Control Board) v. Vin De Garde Wine Club* (2015) O.J. No. 2225; 2015 ONSC 2537; 335 O.A.C. 90; 100 Admin. L.R. (5th) 349; 253 A.C.W.S. (3d) 720; 2015 CarswellOnt 6360
- *Magnotta Winery Corp. v. Ontario (Alcohol and Gaming Commission)* [2015] O.J. No. 5424; 2015 ONSC 6234; 259 A.C.W.S. (3d) 73; 341 O.A.C. 42; 2015 CarswellOnt 15839
- *El-Hennawy v. Law Society of Upper Canada* (2014) O.J. No. 395; 2014 ONSC 375; 316 O.A.C. 260
- *Lackner v. Hall* (2013), 15 M.P.L.R. (5th) 16 (Ont. C.A.).

- *Tiny (Township) v. Battaglia* (2013), 10 M.P.L.R. (5th) 182 (Ont. C.A.).
- *2169205 Ontario Inc. (c.o.b. Lefroy Freshmart) v Ontario (Liquor Control Board)* (2011), 23 Admin. L.R. (5th) 335 (Ont. Sup. Ct.).
- *Liquor Control Board of Ontario v. Magnotta Winery Corp.* (2010), 102 O.R. (3d) 545 (C.A.).
- *Barnes v. Ontario (Social Benefits Tribunal)* (2009), 96 Admin. L.R. (4th) 243 (Ont. Sup. Ct.).
- *Tranchemontagne v. Ontario (Director, Disability Support Program)*, [2006] 1 S.C.R. 513.
- *Werbeski v. Ontario (Director of Disability Support Program Ministry of Community & Social Services)*, 2006 SCC 14.
- *Silverthorne v. College of Social Workers & Social Service Workers (Ontario)* (2006), 264 D.L.R. (4th) 175 (Ont. Sup. Ct. J. (Div. Ct.)).
- *Tranchemontagne v. Ontario (Director, Disability Support Program)* (2004), 72 O.R. (3d) 457 (C.A.).
- *Werbeski v. Ontario (Director of Disability Support Program, Ministry of Community & Social Services)* (2004), 244 D.L.R. (4th) 118 (Ont. C.A.).
- *Robinson v. Ontario Racing Commission* (2004), 186 O.A.C. 43 (Ont. Sup. Ct. J. (Div. Ct.)).
- *Megens v. Ontario Racing Commission* (2003), 176 O.A.C. 296 (Ont. Sup. Ct. J. (Div. Ct.)).
- *Ontario (Ministry of Transportation) v. Grey Stone Building Centres* (2001), 41 O.M.B.R. 449.
- *Chippewas of Sarnia Band v. Canada (Attorney General)* (1999), 40 R.P.R. (3d) 49 (Ont. Sup. Ct. J.).
- *Chippewas of Saugeen First Nation v. Keppel (Township)* (1998), 164 D.L.R. (4th) 511 (Ont. C.A.).
- *Chippewas of Sarnia Band v. Canada (Attorney General)* (1996), 138 D.L.R. (4th) 574 (Ont. Ct. J. (Gen. Div.)).
- *Chippewas of Sarnia Band v. Canada (Attorney General)* (1996), 29 O.R. (3d) 549 (Ont. Ct. J. (Gen. Div.)).
- *Chippewas of Saugeen First Nation v. Keppel (Township)* (1994), 117 D.L.R. (4th) 419 (Ont. Gen. Div.).
- *Bramalea Ltd. v. Ontario (Ministry of Transportation & Communications)* (1992), 47 L.C.R. 239 (Ont. Ct. J. (Gen. Div. Div. Ct.)).
- *Ontario (Ministry of Community and Social Services, Director of Income Maintenance Branch) v. Conway* (1990), 75 D.L.R. (4th) 564 (Ont. Ct. J. (Gen. Div. Div. Ct.)).
- *Bramalea v. Ontario (Ministry of Transportation & Communications)* (1989), 42 L.C.R. 44 (OMB).
- *Tarailo v. Allied Chemical Canada Ltd.* (1989), 68 O.R. (2d) 288 (Ont. S.C.).

## Awards

- Recognized in the *Canadian Legal Lexpert Directory* as a leading lawyer in Litigation – Regulatory & Public Law, 2018, 2025
- Recognized in the *Chambers Canada Guide* as a leading lawyer in Litigation: Administrative & Public Law, 2025
- Repeatedly recognized in *Best Lawyers in Canada* as a leading lawyer in Administrative and Public Law and Health Care Law
- Recognized in *Lexology Index: Canada* as a leading lawyer in Professional Negligence matters, 2023

## Professional Activities

- 2006-2009: Guest Lecturer, CLEAR Annual Conference on Licensure, Enforcement and Regulation.
- 2005-2007: Co-chair, Advocates' Society Courthouse Series.

- 2004-2009: Instructor, The Advocates' Society Special Litigation Skills Certificate Program.
- 2002-2009: Instructor, Intensive Trial Advocacy Workshop, Osgoode Hall Law School.

## Speaking Engagements

- Panelist, "Module 2: Complaints and Investigations", Professional Regulation and Discipline in the Ontario Health Care Sector, Osgoode Professional Development, Online, November 15, 2023
- Co-Chair, "Administrative Tribunal Advocacy", The Advocates' Society, Online, May 24, 2023
- Speaker, "Everything Everywhere All at Once: Dealing with Complex Sexual Abuse Cases and Avoiding Delay Challenges in a Post-Pandemic Universe", Vancouver, BC, October 17, 2023
- Speaker, "Off-Duty" Conduct: Where is the Line Between Professional and Personal?", CNAR Spring Workshops Series, Online, April 20, 2023
- Speaker, "'Deal or No Deal? The Complexities of Agreed Statement of Facts", CNAR 2022 Conference, Charlottetown, PEI, October 25, 2022
- Panelist, "Freedom of Speech or Professional Breach? Regulating Professional Conduct Regarding Public Health Measures During a Pandemic", CNAR 2021 Conference, October 14, 2021
- Speaker, Council of Licensure, Enforcement and Regulation, 2018 Annual Education Conference, Philadelphia, PA, September 26-29, 2018.
- Speaker, "Hot Topics in Regulation", Canadian Network of Agencies for Regulation, Toronto, ON, June 27, 2018.
- Speaker, "Advanced Issues in Professional Regulation", Ontario Bar Association, Toronto, ON, May 14, 2018.
- Speaker, "Unique Challenges for Regulators in Sexual Abuse Cases", WeirFoulds Professional Self-Regulatory Bodies Seminar, Toronto, ON, April 20, 2018.
- Speaker, "Current Developments in Screening Committees", RegPro2018 - Professional Regulation & Discipline, Toronto, ON, April 11, 2018.
- Speaker, "Self-Rep Self-Help: The Challenges of Unrepresented Litigants in Professional Discipline Proceedings", CNAR Conference 2017, Halifax, NS, October 4, 2017.
- Speaker, Developments in Fitness to Practise and Screening Committee Processes, WeirFoulds, Toronto, November 24, 2016.
- Speaker, "Stretching Out The Why and the How of a Flexible Compliance & Discipline Regime", Canadian Network of Agencies for Regulation Conference, Toronto, November 2-3, 2016.
- Speaker, "Orders and Costs in an Age of Transparency", (CLEAR) 2016 Annual Educational Conference, Portland, September 15-16, 2016.
- "Discipline Orders and Costs in the Transparency Era", WeirFoulds LLP, Toronto, February 19, 2016.
- Co-presenter, "What do Risk Managers Need to Know about the *Freedom of Information and Protection of Privacy Act* (FIPPA)?", Canadian Healthcare Risk Management Network, Annual Conference, Toronto, October 24, 2011.
- "Penalties", *Fundamentals of Administrative Law & Practice*, The Canadian Institute, Toronto, April 19-20, 2010.
- "Aboriginal Claims Relating to Shorelines, Shore Road Allowances, Lake Beds and Riparian Rights", *Riparian Rights and Property*, Ontario Bar Association, Toronto, March 24, 2010.

- "Privilege and Open Government: Either/Or?", *The Six-Minute Administrative Lawyer*, The Law Society of Upper Canada, Toronto, February 23, 2010.
- "An Introduction to Decision Making and Reasons for Decision", *Decision Writing*, The Canadian Institute, Toronto, February 3 and 4, 2010.
- Assisted Derry Millar (together with April Brousseau and Tiffany Tsun) with presentation "Reconciling Aboriginal and Treaty Rights in Land Disputes and Natural Resource Management", *8th Annual Aboriginal Law Conference*, Insight, Toronto, October 26-27, 2009.
- Guest Instructor, Intensive Trial Advocacy Workshop, Professional Development, Osgoode Hall Law School, York University, July 5-12, 2009.
- "Penalties", *Fundamentals of Administrative Law & Practice*, The Canadian Institute, Toronto, April 24, 2009.
- "An Introduction to Decision Making and Reasons for Decisions for Members of Administrative Tribunals", *Decision Writing*, The Canadian Institute, Toronto, March 30 and 31, 2009.
- "Standard of Proof and Sanctions in the Professional Discipline Context", *The Six-Minute Administrative Lawyer*, Ontario Bar Association, Toronto, February 24, 2009.
- "Municipalities, Land Development and the Duty to Consult", *Aboriginal Law Consultation and Accommodation Conference*, The Canadian Institute, Toronto, February 19, 2009. "Enhancing Your Administrative Advocacy Skills", *The 4th Annual National Forum: Administrative Law & Practice*, Osgoode Hall Law School (2008).
- "Refresh and Renew-Evidence Law", Licence Appeal Tribunal/Ontario Bar Association (2008).
- "Perception or Reality-Is There Institutional Bias in the Discipline Process", CLEAR 2008 Annual Conference.
- "Appellate Factum Writing and Argument", *Brown Bag Series*, The Advocates' Society (2007).
- "Penalties", *Fundamentals of Administrative Law & Practice*, The Canadian Institute (2005 to 2007).
- Guest Lecturer, Access to Information and Privacy Under FIPPA, University of Western Ontario Law School (2006).
- Panellist, *Administrative Law-Expertise of Tribunals: The Key to Deference*, Ontario Bar Association (2005 to present).
- "Characteristics of Professional Boundaries", *Professional Regulation Summit, Enforcement and Compliance*, Acuity Forums (2005).
- Instructor, *Managing Your Legal Risks and Responsibilities within Ontario's Self-Regulated Professions*, Healthcare-Teaching-Social Work, The Canadian Institute (2005).
- Instructor, *Training for Immigration and Refugee Board Members regarding Questioning Skills*, The Advocates' Society (2003).
- Instructor, Civil Litigation Skills Certificate Program: *Cross-Examination, Impeachment & Rehabilitation on Re-Examination*, The Advocates' Society (2003).

## Publications

- Reasonable and Probable Grounds Test in Appointing Investigators in the Regulatory Context — *Kustka v CPSO*, August 02, 2023
- A Caution about Cautions, SCERPs and Remedial Programs – The Impact of Publication, April 24, 2018
- Quiz: Timely Responses to Access to Information Requests, March 23, 2015
- *Katsoulakos v Association of Professional Engineers of Ontario*, September 30, 2014
- Duty to consult with First Nations: A municipal obligation?, January 01, 2008

- Putting new municipal accountability measures into action, January 01, 2008