

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA)**

BETWEEN:

**JOHN VABUOLAS, PAUL SIDHU, GRAND FORKS CONGREGATION OF
JEHOVAH’S WITNESSES, COLDSTREAM CONGREGATION OF JEHOVAH’S
WITNESSES, and WATCH TOWER BIBLE AND TRACT SOCIETY OF CANADA**

APPELLANTS

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(Pursuant to Rules 37 and 42 of the *Rules of the Supreme Court of Canada*, SOR/2002-156)

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PART I – OVERVIEW AND FACTS

1. BCCLA addresses the following question: should correctness review apply to “cases in which it is alleged that the effect of the administrative decision being reviewed is to unjustifiably limit [*Charter*] rights” under s. 1?¹ Such decisions are currently subject to reasonableness review under *Doré*.² By contrast, *Vavilov* applied correctness review for administrative determinations of “constitutional questions”, but limited such questions in the context of the *Charter* to “whether a provision of the decision maker’s enabling statute violates the *Charter*”.³ *York Region* has now expanded the category of constitutional questions and correctness review to include “whether a *Charter* right arises, the scope of its protection, and the appropriate framework of analysis” and the “delimitation of the scope of constitutional guarantees”.⁴ It directly places in question whether reasonableness review should be retained for proportionality under s. 1. This appeal furnishes an opportunity to tackle this question.

2. BCCLA makes two points.

3. **First**, The Court should clearly distinguish *Charter* rights from *Charter* values and provide clear guidance on how each can be relied on as a cause of action to challenge government action, or to constrain decision-making. *Charter* rights are constitutionally entrenched rights found in the constitutional text. *Charter* values are the interests that underpin *Charter* rights. They play a variety of roles, which include shaping the development of existing common law causes of action, recognizing new common law causes of action in private law (*Ahluwalia*), and constraining administrative decision-makers (*CSFTNO*).⁵ Those common law rights and constraints are neither entrenched nor supreme and must yield to sufficiently clear legislation.

4. **Second**, administrative decisions that limit *Charter* rights should be subject to correctness review because of their constitutional status, while those that limit *Charter* values should remain subject to reasonableness review.

¹ *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019 SCC 65](#), para. [57](#) [*Vavilov*].

² *Doré v. Barreau du Québec*, [2012 SCC 12](#), para. [6](#) [*Doré*].

³ *Vavilov*, para. [57](#).

⁴ *York Region District School Board v. Elementary Teachers’ Federation of Ontario*, [2024 SCC 22](#), paras. [63](#), [64](#) [*York Region*].

⁵ *Commission scolaire francophone des Territoires du Nord-Ouest v. Northwest Territories (Education, Culture and Employment)*, [2023 SCC 31](#) [*CSFTNO*]; *Ahluwalia v. Ahluwalia*, [2026 SCC 16](#) [*Ahluwalia*].

5. BCCLA does not address the related question of the circumstances in which *Doré*'s or *Oakes*' methodology for proportionality under s. 1 should be applied to administrative decisions.⁶ That is an analytically distinct issue from that of the standard for review to be applied to the proportionality analysis.

PART II – ISSUES

6. BCCLA addresses the following question: should the category of correctness review for administrative determinations of constitutional questions be extended to include cases in which it is alleged that the effect of the administrative decision being reviewed is to unjustifiably limit *Charter* rights or *Charter* values in a manner that cannot be justified under s. 1? This was an issue expressly raised before, but not addressed by, the British Columbia Court of Appeal.⁷

PART III – ARGUMENT

A. Distinguishing *Charter* rights and *Charter* values

7. The Court should clearly distinguish *Charter* rights from *Charter* values, so that litigants and lower courts have clear guidance on how each can be relied on to challenge state action. BCCLA proposes the following framework:

- a. *Charter* rights are constitutionally entrenched rights found in the constitutional text. They are entrenched by s. 1 of the *Charter*. Section 52 of the *Constitution Act, 1982* renders them supreme over legislation and administrative decisions.
- b. *Charter* values are the interests underlying specific *Charter* rights. They shape the development of existing, or recognize new, common law causes of action in private law and constrain administrative decision-makers' exercise of discretion. Those common law rights and constraints are not entrenched and not supreme and therefore, must yield to sufficiently clear legislation.

8. There are several reasons why the Court should adopt this framework.

9. **First**, the Court has been imprecise in its use of the terms “*Charter* values” and “*Charter* rights”. Respectfully, this has created uncertainty for claimants, governments, and lower courts.

⁶ *R. v. Oakes*, [1986 CanLII 46](#), [1986] 1 SCR 103.

⁷ *Vabuolas v. British Columbia (Information and Privacy Commissioner)*, [2025 BCCA 83](#), paras. [96](#), [117](#).

Doré principally relied on *Charter* values, but also referred to *Charter* rights (without applying the test for s. 2(b), the right at issue), as well as the umbrella category of “*Charter* protections”.⁸ The Court also did so in *Loyola*, where the majority (per Abella J.) relied on *Charter* values, *Charter* rights and *Charter* protections, whereas the concurrence (per McLachlin C.J.) only relied on *Charter* rights to reach the same result.⁹ *TWU* presents the same picture: the majority relied on *Charter* values, *Charter* rights and *Charter* protections, but the concurrences (McLachlin C.J. and Rowe J.) relied exclusively on *Charter* rights.¹⁰

10. Given this imprecision, claimants may not know whether to plead *Charter* rights, *Charter* values, or even *Charter* protections, as a catch-all. Lower courts do not know which framework to apply. Consider *York Region*. In the Divisional Court, the one judge who addressed the *Charter* (in dissent) applied the *Charter* value of privacy.¹¹ But the Ontario Court of Appeal and Supreme Court unanimously held that *Charter* rights applied—specifically s. 8.¹² Neither appellate court explained why the *Charter* value of privacy did not apply. Were *Doré* to be commenced today, in the wake of *York Region*, it is unclear whether the claimant should plead the *Charter* value of freedom of expression, or the corresponding *Charter* right, s. 2(b). The rational litigant would probably plead both.

11. **Second**, *Charter* values pose the problem of indeterminacy. *Charter* rights are set out in the constitutional text. They are implemented by detailed doctrinal tests set out by the Court. Both constitutional text and doctrine constrain courts. *Charter* rights also provide more legal certainty to litigants. By contrast, *Charter* values are not textual and lack a consistent and clear doctrinal

⁸ *Doré*: *Charter* values (paras. [23](#), [24](#), [26](#), [29](#), [32](#), [34](#), [35–37](#), [39](#), [40](#), [42](#), [43](#), [47](#), [51–55](#), [57](#)); *Charter* rights (paras. [6](#), [34](#), [57](#)); *Charter* protections (paras. [42](#), [45](#), [57](#)).

⁹ *Loyola High School v. Quebec (Attorney General)*, [2015 SCC 12](#): majority: *Charter* values (paras. [36](#), [41](#), [68](#)), *Charter* rights (para. [38](#)) and *Charter* protections (paras. [4](#), [31](#), [35](#), [37](#), [39](#), [40](#), [71](#), [79](#)); McLachlin C.J. concurrence: *Charter* rights (paras. [112](#), [164](#)).

¹⁰ *Law Society of British Columbia v. Trinity Western University*, [2018 SCC 32](#) [*TWU*]: majority: *Charter* values (paras. [41](#), [51](#), [57](#), [79](#)), *Charter* rights (paras. [3](#), [24](#), [25](#), [57](#), [80](#), [82](#), [91](#), [104](#)) and *Charter* protections (paras. [26](#), [28](#), [51](#), [57–59](#), [76](#), [78–82](#), [84–85](#), [104](#), [105](#)); McLachlin C.J. concurrence: *Charter* rights (paras. [112–114](#), [116](#), [118](#), [119](#), [127](#), [144](#), [150](#)); Rowe J. concurrence: *Charter* rights (paras. [156](#), [161](#), [164](#), [166](#), [169–172](#), [174–176](#), [184–186](#), [189](#), [191](#), [194–197](#), [202](#), [204–206](#), [208](#)).

¹¹ *Elementary Teachers Federation of Ontario v. York Region District School Board*, [2020 ONSC 3685](#) (Div. Ct.), paras. [145](#), [173–174](#), rev’d [2022 ONCA 476](#), [2024 SCC 22](#).

¹² *Elementary Teachers Federation of Ontario v. York Region District School Board*, [2022 ONCA 476](#), paras. [1–3](#), aff’d [2024 SCC 22](#); *York Region*, paras. [4](#), [142](#).

structure. *Charter* values therefore do not provide legal certainty to ground challenges to the exercise of executive power.

12. The decision of the Ontario Court of Appeal in *Binance* (now on appeal before this Court) sets out these concerns clearly.¹³ A core issue in that appeal is the constitutionality of a summons issued by an investigator appointed by the Ontario Securities Commission. The Court of Appeal rejected the application of *Charter* values and *Doré*, and instead held that:

[...] the issues before us are not governed by the *Doré* test but by the legal standards established under s. 8 of the *Charter*, which provide a dedicated methodology for assessing the constitutional validity of searches and seizures. This s. 8 jurisprudence already balances competing interests and addresses the proportionality issue through its assessment of the intensity of the reasonable expectation of privacy and its relevance inquiry. I do not understand *Doré* to have overtaken this body of law by substituting a looser deferential examination of the proportionality of the balance that has been achieved between the *Charter* implications of the discretionary decision to exercise the power of search and seizure and the competing administrative interests. In my view, any state agent who authorizes or exercises a search or seizure is bound to comply correctly with the requirements of s. 8 of the *Charter*, even when exercising a statutory discretion. It would not be fitting to hold that even though the s. 8 requirements have not been met, it was reasonable for the party authorizing the seizure to strike the balance they did. The *Doré* standards add nothing to the instant case and can only confuse the law if applied in this context.¹⁴

13. *Binance*'s criticism could be extended to other *Charter* values. For example, the Court has set out detailed tests for sections 2(a) (*Multani*), 2(b) (*Irwin Toy/Montréal City*), 6 (*Taylor*), 7 (*Bedford*), and 15 (*Kanyinda*).¹⁵ Those tests provide structured roadmaps for pleadings (including Notices of Constitutional Question), evidence, legal argument, and ultimately, adjudication. Those roadmaps are essential for ensuring the *Charter*'s effectiveness and legitimacy. These tests are the way in which the Court discharges its function as Canada's highest court of appeal—by providing guidance to lower courts. By contrast, the *Charter* values of religious freedom, expression, mobility, liberty, and equality do not provide equivalent guidance to litigants and courts.

¹³ *Binance Holdings Limited v. Ontario Securities Commission*, [2025 ONCA 751](#), leave to appeal granted [2026 CanLII 47886](#) (SCC) [*Binance*].

¹⁴ *Binance*, para. 116.

¹⁵ *Multani v. Commission scolaire Marguerite-Bourgeoys*, [2006 SCC 6](#); *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989 CanLII 87](#), [1989] 1 SCR 927; *Montréal (City) v. 2952-1366 Québec Inc.*, [2005 SCC 62](#); *Taylor v. Newfoundland and Labrador*, [2026 SCC 5](#) [*Taylor*]; *Canada (Attorney General) v. Bedford*, [2013 SCC 72](#); *Quebec (Attorney General) v. Kanyinda*, [2026 SCC 7](#) [*Kanyinda*].

14. **Third**, the indeterminacy of *Charter* values also raises the fear of rights-dilution, captured by Audrey Macklin’s concern that *Charter* values are “*Charter lite*”.¹⁶ *Doré*’s emphasis on *Charter* values may be based on the implicit premise that administrative decision-makers with the duty to consider the *Charter* in their exercise of discretion may lack the expertise to interpret and apply the legal tests that implement *Charter* rights. But by setting aside those tests, *Charter* values may offer less protection than *Charter* rights because they lack a doctrinal structure that guides and constrains executive power. Executives in command of legislative majorities have a perverse incentive to shift *Charter* rights-limiting actions from legislation to executive discretion, to avoid the strictures of *Charter* rights. Chief Justice McLachlin expressed this worry in *TWU*: “Canadians should not have to fear that their rights will be given different levels of protection depending on how the state has chosen to delegate and wield its power”.¹⁷

15. **Fourth**, reworking *Charter* values may mean that, in substance, *Charter* values are no different from *Charter* rights. This would render *Charter* values redundant. In that circumstance, it is unclear why they should receive independent protection. *Doré* itself illustrates this point. While the lower courts had framed the constitutional issues regarding professional discipline in terms of s. 2(b)’s guarantee of freedom of expression, the Court in *Doré* conceptualized the problem principally as implicating the *Charter* value of expression whose content appeared to be no different than s. 2(b).

16. **Fifth**, the Court’s recent decision in *Taylor* (on the purposive interpretation of *Charter* rights) requires the Court to clarify the relationship between *Charter* rights and *Charter* values. *Taylor*—reiterating *Big M*—explained that the interpretation of a *Charter* right “is first and foremost an exercise in ascertaining what interests that provision protects, and why it does so”, and then lists a series of sources that shed light on how to identify those interests:

The court must consider the character and larger objects of the *Charter*; the text of the particular *Charter* provision, including any headings; the history of the concept enshrined therein; analogous international and comparative law; the interpretation of related rights and freedoms in the *Charter*; the drafting history of the provision, and any other relevant source.¹⁸

¹⁶ Audrey Macklin, “Charter Right or Charter-Lite?: Administrative Discretion and the Charter” (2014) 67 *Supreme Court Law Review* 561 ([2014 CanLIIDocs 33333](#)).

¹⁷ *TWU*, para. 116.

¹⁸ *Taylor*, para. 85.

Yet *CSFTNO* recently affirmed that *Charter* values “underpin each right and give it meaning” and that *Charter* rights “reflect” those *Charter* values.¹⁹ Despite the apparent link between the interests that a *Charter* right protects (*Taylor*), and the values underpinning those very rights and which are reflected in those rights (*CSFTNO*), *Taylor* does not mention *Charter* values once. The Court should explain how *Charter* values fit into the purposive interpretation of the *Charter*.

17. The Court’s unanimous decision in *CSFTNO* provides a preliminary roadmap for addressing these challenges. *CSFTNO* affirmed that *Charter* rights are expressly enumerated “in the text of the supreme law of Canada”.²⁰ But *CSFTNO* also explained that *Charter* values are the interests underlying specific *Charter* rights. In that case, it identified a new interest that had the effect of constraining the discretion of the decision-maker, which did not duplicate the *Charter* right from which it was derived.²¹ That interest is determinate; is non-duplicative of a *Charter* right; does not raise the spectre of *Charter*-lite or create perverse incentives to legislatures to delegate decision-making; and grows out of the purposive interpretation of *Charter* rights.

18. In *CSFTNO*, Anglophone parents in the Northwest Territories successfully challenged the Minister of Education’s decision to deny their Anglophone children access to Francophone schools. Those parents did not enjoy s. 23 *Charter* rights because they were not a part of the Francophone minority. The Minister’s decision therefore did not violate the parents’ s. 23 *Charter* right, because they had no such right. Nor did the decision violate the s. 23 rights of the Francophone minority, because the decision did not deny Francophone children access to minority language education. Nonetheless, the Court derived a *Charter* value from one of the interests that s. 23 protects—the preservation and development of minority language communities. The Court then held that the Minister had acted unreasonably because allowing the Anglophone children to become students at the Francophone school would have contributed to the preservation and development of the Francophone minority. In effect, the Court recognized a legal interest flowing from the *Charter* value underlying s. 23 that the Minister was required to address in exercising their discretion.

19. *Charter* values play an analogous role in private law, where they can be used as “swords” that provide content for existing common law causes of action or can be used to recognize entirely

¹⁹ *CSFTNO*, para. [75](#).

²⁰ *CSFTNO*, para. [17](#); see also *Taylor v. Newfoundland and Labrador*, [2026 SCC 5](#), para. [70](#).

²¹ *CSFTNO*, paras. [75–103](#).

new causes of action.²² *Ahluwalia* is a recent example of the latter. The Court recognized the tort of intimate partner violence. It derived that tort, in part, from s. 15(1) of the *Charter*. *Kanyinda* recently affirmed that substantive equality is the “underlying principle” and “animating norm” underlying s. 15(1).²³ *Kanyinda* held, in effect, that substantive equality is the interest protected by s. 15(1). BCCLA proposes that interests underlying *Charter* rights are also *Charter* values. *Ahluwalia* then, in effect, relied on the *Charter* value of substantive equality to recognize this tort at common law. The Court explained the link between this tort and substantive equality by explaining the harm of intimate partner violence as a form of subordination or inequality:

[135] Whether through discrete abusive acts or patterns of harmful conduct, **subordination of this kind** reflects a lack of respect and **further impugns the equality** that each partner in the relationship is entitled to enjoy. Coercion and control replace mutuality with forced hierarchy, **depriving one partner of the equal standing** that is the foundation of any intimate partnership. **Subordination** in this context is not simply personal — **it is incompatible with the principle of substantive equality [...]**²⁴

[Emphasis added]

20. Another example is *Jones*, where the Ontario Court of Appeal recognized the new tort of intrusion upon seclusion.²⁵ The relevant *Charter* right was s. 8. *Jones* identified three interests underlying s. 8: personal privacy, territorial privacy, and informational privacy.²⁶ *Jones* described informational privacy as the right of individuals to determine when, how, and to what extent to communicate information about themselves to others. That interest should be understood as a *Charter* value, which the court enforced by recognizing the tort of intrusion on seclusion.

B. Correctness review for *Charter* rights, reasonableness review for *Charter* values

21. The Court should expand the category of constitutional questions that are subject to correctness review to include cases where it is alleged that the effect of the administrative decision

²² Joel Bakan and Sujit Choudhry, “The Hidden Promise of *Dolphin Delivery*: Shields, Swords and Horizontal Application of the *Canadian Charter of Rights and Freedoms*” (2025) 33:4 *Constitutional Forum*, pp. 6–13. See also *Cool World Technologies Inc. v. Twitter Inc.*, 2022 ONSC 7156.

²³ *Kanyinda*, paras. 7, 36.

²⁴ *Ahluwalia*, para. 135.

²⁵ *Jones v. Tsige*, 2012 ONCA 32 [*Jones*].

²⁶ *Jones*, paras. 41, 66.

being reviewed unjustifiably limits *Charter* rights. The Court should be guided by the rationale for correctness review it set out in *Vavilov*:

[56] The Constitution—both written and unwritten—dictates the limits of all state action. Legislatures and administrative decision makers are bound by the Constitution and must comply with it. A legislature cannot alter the scope of its own constitutional powers through statute. Nor can it **alter the constitutional limits of executive power by delegating authority to an administrative body**. In other words, although a legislature may choose what powers it delegates to an administrative body, it cannot delegate powers that it does not constitutionally have. The constitutional authority to act must have determinate, defined and consistent limits, which necessitates the application of the correctness standard.²⁷

[Emphasis added]

22. This logic applies with equal force to the proportionality analysis under s. 1 (whether applying *Oakes* or *Doré*) as it does to the scope of a *Charter* right, the appropriate framework of analysis, and whether a *Charter* right is engaged. Proportionality defines “the constitutional limits of executive power”. Retaining reasonableness review for proportionality analysis therefore permits executives to do precisely what *Vavilov* prohibits—to “alter the constitutional limits of executive power by delegating authority to an administrative body”. It contradicts the basic idea of the *Charter* as a constitutionally-entrenched bill of rights which is supreme over executive action. Courts should therefore engage in correctness review of any proportionality analysis performed under s. 1 (whether applying *Oakes* or *Doré*), when *Charter* rights (not values) are at stake.

23. Retaining reasonableness review when *Charter* rights are at stake cannot be reconciled with courts’ constitutional responsibility to enforce the *Charter*. As the Court in *York Region* explained:

[64] The determination of constitutionality calls on the court to exercise its unique role as the interpreter and guardian of the Constitution. **Courts must provide the last word on the issue because the delimitation of the scope of constitutional guarantees** that Canadians enjoy cannot vary “depending on how the state has chosen to delegate and wield its power” (*Law Society of British Columbia v. Trinity Western University*, 2018 SCC 32, [2018] 2 S.C.R. 293, at para. 116 per McLachlin C.J.). The presumptive standard of reasonableness is, thus, rebutted and correctness applies.²⁸

²⁷ *Vavilov*, para. 56.

²⁸ *York Region*, para. 64.

[Emphasis added]

The logic of *York Region*—that “[c]ourts must provide the last word on [...] the delimitation of the scope of constitutional guarantees” applies equally to the proportionality analysis, because s. 1 ultimately determines how much protection a *Charter* guarantee actually affords. The proportionality analysis requires courts to decide whether a particular infringement of *Charter* rights is “too high a price to pay” for the resulting salutary effects.²⁹ In practice, courts’ rulings on this issue shape the degree of protection afforded by *Charter* rights as they are applied to new cases. Correctness review properly allows the court to safeguard against the dilution of *Charter* rights through the proportionality analysis.

24. To be clear, expanding the category of constitutional questions subject to correctness review to include proportionality under s. 1 does not mean that courts will never give a margin of appreciation or a measure of deference to administrative determinations of proportionality in specific circumstances. Correctness review does not oust deference. A court may **choose** to defer to a decision-maker in performing a correctness review, but it need not. Correctness review does not **prescribe** that a court defer to an administrative decision-maker’s proportionality analysis, like *Doré* does by imposing reasonableness review across-the-board. Thus, correctness review still leaves it open to a court to defer to the decision-maker in the context of a particular case.

25. For example, a court may grant a margin of appreciation or a degree of deference under the s. 1 proportionality analysis based on a cluster of considerations—for instance, if the issue entails the allocation of scarce resources, the protection of vulnerable people, the balancing of competing interests, conflicting social science evidence or difficulties of proof.³⁰ By contrast, there are contexts where courts should minimize deference to protect the *Charter* rights at stake—such as where questions of liberty or life arise, as in the criminal justice system. The court has well-established tools in its s. 1 jurisprudence to guide it in calibrating the intensity of judicial review of administrative decision-makers’ proportionality analyses.

26. Moreover, a court’s decision to defer to an administrative decision-maker’s proportionality analysis when *Charter* rights are at stake is based on a fundamentally different rationale than for deference to administrative decisions, more generally. As *Vavilov* explained, “[t]he presumption of

²⁹ *Taylor*, para. 246.

³⁰ *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1995 CanLII 64](#), [1995] 3 SCR 199, para. 68.

reasonableness review [...] is intended to give effect to the legislature's choice to leave certain matters with administrative decision makers rather than the courts."³¹ But when courts defer to how an administrative decision-maker conducts a s. 1 analysis, they do so based on an independent judicial assessment of the specific context, to which legislative intent is irrelevant. As this Court emphasized in *Taylor*: "*Charter* interpretation is not an exercise in determining legislative intent."³² *Charter* rights are entrenched and do not yield to legislation; they must be interpreted broadly, lest courts "risk unduly limiting the scope of *Charter* protections".³³ *Doré*'s across-the-board **prescription** of deference is therefore inapposite for any proportionality analysis where *Charter* rights are at stake. Correctness review is required.

27. Finally, the Court should retain *Doré* and reasonableness review for administrative decisions that implicate *Charter* values, because they are legal interests that are neither entrenched nor supreme and must yield to sufficiently clear legislation. But as *CSFTNO* explained, under *Doré*, a reviewing court must still "inquire into the weight accorded by the decision maker to the relevant considerations in order to assess whether a proportionate balancing was conducted by the decision maker". If it concludes "there was an option or avenue *reasonably* open to the decision-maker that would reduce the impact on the protected right while still permitting him or her to sufficiently further the relevant ... objectives", the administrative decision will be unreasonable.³⁴

PART IV – COSTS

28. BCCLA do not seek costs and asks that no costs be awarded against them.

PART V – ORDERS SOUGHT

29. N/A

ALL OF WHICH IS RESPECTFULLY SUBMITTED, this 23rd day of June, 2026.

³¹ *Vavilov*, para. 33.

³² *Taylor*, para. 93.

³³ *Taylor*, para. 94.

³⁴ *CSFTNO*, para. 72.



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PART VII – AUTHORITIES

A. Cases

No.	Authority	Paragraph Reference
1.	<i>Ahluwalia v. Ahluwalia</i> , 2026 SCC 16	135
2.	<i>Binance Holdings Limited v. Ontario Securities Commission</i> , 2025 ONCA 751	116
3.	<i>Canada (Attorney General) v. Bedford</i> , 2013 SCC 72	N/A
4.	<i>Canada (Minister of Citizenship and Immigration) v. Vavilov</i> , 2019 SCC 65	33, 56–57
5.	<i>Commission scolaire francophone des Territoires du Nord-Ouest v. Northwest Territories (Education, Culture and Employment)</i> , 2023 SCC 31	17, 72, 75–103
6.	<i>Cool World Technologies Inc. v. Twitter Inc.</i> , 2022 ONSC 7156	N/A
7.	<i>Doré v. Barreau du Québec</i> , 2012 SCC 12	6, 23, 24, 26, 29, 32, 34, 35–37, 39–40, 42–43, 45, 47, 51–55, 57
8.	<i>Elementary Teachers Federation of Ontario v. York Region District School Board</i> , 2020 ONSC 3685 (Div. Ct.)	145, 173–174
9.	<i>Elementary Teachers Federation of Ontario v. York Region District School Board</i> , 2022 ONCA 476	1–3
10.	<i>Irwin Toy Ltd. v. Quebec (Attorney General)</i> , 1989 CanLII 87 , [1989] 1 SCR 927	N/A
11.	<i>Jones v. Tsige</i> , 2012 ONCA 32	41, 66
12.	<i>Law Society of British Columbia v. Trinity Western University</i> , 2018 SCC 32	3, 24–26, 28, 41, 51, 57–59, 79–80, 78–82, 84–85, 91, 104–105, 112–114, 116, 118–119, 127, 144, 150, 156, 161, 164, 166, 169–172, 174–176, 184–186, 189, 191, 194–197, 202, 204–206, 208
13.	<i>Loyola High School v. Quebec (Attorney General)</i> , 2015 SCC 12	4, 31, 35–39, 40–41, 68, 71, 79, 112, 164
14.	<i>Montréal (City) v. 2952-1366 Québec Inc.</i> , 2005 SCC 62	N/A
15.	<i>Multani v. Commission scolaire Marguerite-Bourgeoys</i> , 2006 SCC 6	N/A
16.	<i>Quebec (Attorney General) v. Kanyinda</i> , 2026 SCC 7	7, 36
17.	<i>RJR-MacDonald Inc. v. Canada (Attorney General)</i> , 1995 CanLII 64 , [1995] 3 SCR 199	68
18.	<i>R. v. Oakes</i> , 1986 CanLII 46 , [1986] 1 SCR 103	N/A

19.	<i>Taylor v. Newfoundland and Labrador</i> , 2026 SCC 5	70, 85, 93–94, 246
20.	<i>Vabuolas v. British Columbia (Information and Privacy Commissioner)</i> , 2025 BCCA 83	96, 117
21.	<i>York Region District School Board v. Elementary Teachers' Federation of Ontario</i> , 2024 SCC 22	4, 63, 64, 142

B. Secondary Sources

No.	Source
1.	Audrey Macklin, “Charter Right or Charter-Lite?: Administrative Discretion and the Charter” (2014) 67 <i>Supreme Court Law Review</i> 561 (2014 CanLII Docs 33333)
2.	Joel Bakan and Sujit Choudhry, “The Hidden Promise of <i>Dolphin Delivery</i> : Shields, Swords and Horizontal Application of the <i>Canadian Charter of Rights and Freedoms</i> ” (2025) 33:4 <i>Constitutional Forum</i>