



# Syllabus

# Remedies

**(Revised November 2020)**

**Candidates are advised that the syllabus may be updated from time-to-time without prior notice.**

**Candidates are responsible for obtaining the most current syllabus available.**



## Remedies

### COURSE COVERAGE

This is a course on the law of civil judicial remedies in Canada. The course covers:

- a) the principles governing the measurement, assessment and availability of monetary remedies at common law; and
- b) the principles governing equitable remedies, including their scope and the discretionary considerations that influence Canadian courts in assessing their availability in particular cases.

### EXAMINATION

The examination in this course is open-book and three hours in length. It includes problem-based questions that require candidates to analyze fact patterns, to apply the relevant law to the facts, and to reason to a conclusion. The examination in this course may also contain multiple-choice questions and/or short-answer problems that require candidates to demonstrate their facility with remedial principles by critically evaluating the law and/or by discriminating between sound and unsound arguments and propositions.

### PRESCRIBED READING MATERIALS

The casebook prescribed for this course is J. Berryman et al., *Remedies: Cases and Materials* (Toronto: Emond Montgomery, 8th ed., 2020).

There are also a number of prescribed cases that are not included in the casebook.

Knowledge of the prescribed readings is essential to passing the examination in this course. The examination will be based exclusively on these materials. Candidates who have acquired their knowledge of the law of remedies from a course based on different materials are unlikely to be equipped to pass the examination in this course.



## **PRESCRIBED READINGS**

### ***Casebook***

The following parts of the (Berryman et. al.) casebook are examinable:

- Chapter 1 except 199-228
- Chapter 2
- Chapter 3
- Chapter 4 only 371-392
- Chapter 6
- Chapter 7 except 631-692
- Chapter 8
- Chapter 9
- Chapter 10 except 1007-1052
- Chapter 11

### ***Additional Prescribed Cases***

The additional cases listed on the following page are examinable. The topic and associated chapter in the casebook (“CB”) are listed with each case.

All cases listed are available free of charge via [www.canlii.org](http://www.canlii.org) and/or the Supreme Court of Canada website, [https://decisions.scc-csc.ca/scc-csc/scc-csc/en/nav\\_date.do](https://decisions.scc-csc.ca/scc-csc/scc-csc/en/nav_date.do)

The cases may also be available through commercial services such as LexisNexis /Quicklaw or eCarswell, or through a law school or County or District Court House law libraries.

### ***Additional Prescribed Cases (on following page)***



**Additional Prescribed Cases**

The following **additional cases are examinable** (the topic and associated section in the casebook (“CB”) are listed with each case):

CASE	TOPIC	CB
<i>Evans v. Teamsters Local Union No. 31</i> , [2008] 1 S.C.R. 661; 2008 SCC 20 (paras.1-51)	Mitigation	Ch 1
<i>Bowes v. Goss Power Products Ltd.</i> (2012), 293 O.A.C. 1; 2012 ONCA 425	Mitigation	Ch 1
<i>John Hallam Ltd. v. Bainton</i> [1920] 54 D.L.R. 537, 60 S.C.R. 325	Mitigation	Ch 1
<i>Southcott Estates Inc v Toronto Catholic District School Board</i> , 2012 SCC 51, [2012] 2 SCR 675	Mitigation	Ch 1
<i>Strategic Acquisition Corp v Starke Capital Corp</i> , 2017 ABCA 250 (facts + paras. 42-81)	Time of Assessment	Ch 1
<i>McCabe v. Roman Catholic Episcopal Corporation</i> , 2019 ONCA 213 (facts + paras. 62-84)	Punitive Damages	Ch 1
<i>514953 B.C. Ltd. v. Leung</i> (2007), 64 B.C.L.R. (4th) 76, 2007 BCCA 114	Measure of Damages	Ch 1
<i>Atlantic Lottery Corp. Inc. v. Babstock</i> , 2020 SCC 19	Gain-Based Awards	Ch 2
<i>Tompkins Hardware Ltd. v. North Western Flying Services Ltd</i> [1982] O.J. No. 944 (H.C.)	Contract Damages	Ch 3
<i>Treaty Group Inc. v. Drake International Inc.</i> , [2005] O.J. No. 5232 (Ont. Sup. Ct.), aff'd 2007 ONCA 450	Contract Damages	Ch 3
<i>Nan v. Black Pine Manufacturing Ltd.</i> (1991), 55 B.C.L.R. (2d) 241, [1991] B.C.J. No. 910	Property Damages	Ch 4



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CASE	TOPIC	CB
<i>Bowman v. Martineau</i> , 2020 ONCA 330	Property Damages	Ch 4
<i>City Wide Towing and Recovery Service Ltd v. Poole</i> , 2020 ABCA 305	Interlocutory Injunctions	Ch 8
1711811 <i>Ontario Ltd. v. Buckley Insurance Brokers Ltd.</i> , 2014 ONCA 125	Permanent Injunctions	Ch 8
<i>Vancouver Coastal Health Authority v. Adamson</i> , 2020 BCCA 145	Permanent Injunctions	Ch 8
<i>Sibley &amp; Associates LP v. Ross</i> (2011), 106 O.R. (3d) 494; 2011 ONSC 2951	Mareva Injunctions	Ch 8
<i>Trade Capital Finance Corp. v. Cook</i> 2017 ONSC 1857, 137 O.R. (3d) 685, aff'd 2018 ONCA 27	Mareva Injunctions	Ch 8
2092280 <i>Ontario Inc. v. Voralto Group Inc.</i> 2018 ONSC 2305	Mareva Injunctions	Ch 8
306793 <i>Ontario Ltd. v. Rimes</i> 25 O.R. (2d) 79 (Ont CA)	Equitable Damages	Ch 10



## **SUPPLEMENTARY TEXTS**

The following textbooks are not prescribed readings. However, candidates may find them useful as aids to understanding the course materials.

J. Cassels & E. Adjin-Tettey, *Remedies: The Law of Damages* (Toronto: Irwin Law, 3<sup>rd</sup> ed., 2014)

J. Berryman, *The Law of Equitable Remedies* (Toronto: Irwin Law, 2nd ed., 2013)

R.J. Sharpe, *Injunctions and Specific Performance* (Toronto: Thomson Reuters, 5<sup>th</sup> ed., 2017)

S.M. Waddams, *The Law of Damages* (Toronto: Canada Law Book, 5<sup>th</sup> ed., 2012)



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### Online Resources

The majority of case law and legislative resources needed by NCA students are available on CanLII, the free legal information resource funded by the Federation of Law Societies of Canada ([www.canlii.org](http://www.canlii.org)). That includes all decisions of the Supreme Court of Canada, and all federal, provincial, territorial and appellate courts.

Your registration fee also includes free access to the Quicklaw resources of Lexis Nexis. Your ID and password will be arranged and emailed to your email address on file a few weeks after the end of the registration session.

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