



Federation of
Law Societies
of Canada

NCA National Committee
on Accreditation

Syllabus Remedies

Revised for March 2024

Candidates are advised that this syllabus may be updated from time to time without prior notice.

Candidates are responsible for obtaining the most current syllabus available.



SCOPE OF THE COURSE

This is a course in civil judicial remedies. It is concerned with the nature and scope of court-ordered relief that is available to a plaintiff who has made out a substantive cause of action. You have encountered judicial remedies in other courses, such as contract and tort, which treat the topic as an adjunct to the study of particular substantive causes of action. In those contexts, remedial questions are mostly ancillary, usually overshadowed by the study of substantive primary rights. In this course the focus is on remedies for the violation of those substantive rights.

EXAMINATION

The examination in this course includes problems of different kinds. 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 may also contain multiple-choice questions. Finally, the examination may include short-answer questions that require candidates to demonstrate their facility with remedial principles by critically evaluating the law, or by discriminating between sound and unsound arguments and propositions.

The purpose of the examination in Remedies is to assess whether candidates have acquired a proficiency in the fundamental rules and principles governing the law of remedies in Canada. Proficiency requires much more than the regurgitation of rules, principles, and concepts. Proficiency requires a demonstrated ability to spot legal issues; to generalize by analogy from the assigned cases and materials; to apply remedial rules and principles to facts, including by quantifying damages in appropriate cases; and to distinguish sound legal arguments from unsound ones.

REQUIRED MATERIALS

You will require access to the following three titles, including two textbooks and a casebook.

1. Casebook:

J Berryman et. al., *Remedies: Cases and Materials* (Toronto: Emond Montgomery, 8th edition, 2020)

2. Textbook (Damages):

J Cassels and E Adjin-Tettey, *Remedies: The Law of Damages* (Toronto: Irwin Law, 3rd edition, 2014)

3. Textbook (Equitable Remedies):

J Berryman, *The Law of Equitable Remedies* (Toronto: Irwin Law, 3rd edition, 2023)



Please ensure you access the correct editions of these titles. All three titles are available for purchase via the publishers' websites. All three are also available from most law libraries in Canada.

ASSIGNED READINGS

The prescribed readings for the course are set out below. They include sections of the prescribed textbooks, in addition to individual cases. Most cases are excerpted in the prescribed casebook. Those that are not in the casebook can be accessed free of charge through the CanLII database (www.canlii.org/en/). *All of the material assigned below is examinable.* (The casebook includes notes and text accompanying some of the cases. This material is not required reading, but you may find it useful.)

You should study the topics in the order in which they are listed. Within each topic, a useful approach is to read the assigned material from the textbook first. This will afford you an overview of the topic. Then study the cases corresponding to that material. Please note that doing the assigned textbook reading, without also reading the cases, will not prepare you adequately for the exam.

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 will probably not be equipped to pass the examination in this course.



“CB” = Casebook, Berryman et. al., *Remedies: Cases and Materials*, 8th edition (Required Materials, item 1).

“C” = Cassels & Adjin-Tetty, *Remedies: The Law of Damages*, 3rd edition (Required Materials, item 2).

“B” = Berryman, *Equitable Remedies*, 3rd edition (Required Materials, item 3).

Cases not included in CB are found at www.canlii.org/en/

Text	Topic	Assigned Cases	Case Found at
C 1-14	Overview of Damages Law	--	--
C 17-59 C 240-278 C 368-374 C 392-407 C 520-539	Damages for Breach	<ul style="list-style-type: none"> • “The Reliance Interest in Contract Damages” • <i>Canlin v Thiokol Fibres Canada</i> • <i>RG McLean v Canadian Vickers</i> • <i>Ticketnet Corp v Air Canada</i> • <i>Golden Strait v Nippon Yusen Kubishka Kaisha</i> • <i>Ruxley Electronics and Construction v Forsyth</i> • <i>Hamilton v Open Window Bakery</i> • <i>Agribrands Purina Canada v Kasamekas</i> • <i>PreMD Inc. v. Ogilvy Renault LLP</i> • <i>Bowlay Logging v Domtar</i> • <i>C.M. Callow Inc. v. Zollinger</i> • <i>Bhatnagar v. Cresco Labs</i> • <i>Folland v Reardon</i> • <i>Sunshine Vacation Villas v Hudson’s Bay Co</i> • <i>Fidler v Sun Life Assurance Co of Canada</i> • <i>Tim Ludwig Professional Corp v. BDO Canada</i> • <i>Emkay Canada Fleet Services v Gemini Corp</i> • <i>HF Clarke Limited v. Thermidaire</i> • <i>Elsley v. J.G. Collins Ins. Agencies</i> • <i>Tang v. Zhang</i> 	<ul style="list-style-type: none"> • CB 263 • CB 269 • CB 279 • CB 285 • CB 290 • CB 292 • CB 299 • 2011 ONCA 460 (CanLII) • 2013 ONCA 412 (CanLII) • CB 316 • 2020 SCC 45 headnote & paras 105-119; 139-151 • 2023 ONCA 401 • 2005 CanLII 1403 (ONCA) headnote & paras 57-93 • CB 320 • CB 305 • 2017 ONCA 292 (CanLII) • 2020 ABCA 245 (CanLII) • 1973 CanLII 41 (ONCA) • 1978 CanLII 7 (SCC) • 2013 BCCA 52 (CanLII)
C 59-72	Damages for Negligence Causing Economic Loss	<ul style="list-style-type: none"> • <i>Beaver Lumber v McLenaghan</i> • <i>Budai v Ontario Lottery Corp</i> • <i>VK Mason Construction v Bank of Nova Scotia</i> • <i>Rainbow Industrial Caterers Ltd v CNR</i> • <i>Messineo v Beale</i> • <i>Bowman v. Martineau</i> 	<ul style="list-style-type: none"> • CB 328 • 1983 CanLII 3077 (ON SCDC) • CB 333 • CB 335 • 1978 CanLII 1570 (ONCA) • 2020 ONCA 330 (CanLII)
C 73-119	Damages for Harm to Property Interests	<ul style="list-style-type: none"> • <i>Liesbosch Dredger v Edison Steamship</i> • <i>O’Grady v Westminster Scaffolding</i> • <i>Darbishire v Warran</i> • <i>Miller v Brian Ross Motorsports</i> • <i>James Street Hardware v Spizziri</i> • <i>Nan v Black Pine Manufacturing</i> 	<ul style="list-style-type: none"> • CB 371 • CB 384 • CB 388 • CB 390 • CB 375 • 1991 CanLII 1144 (BCCA)
C 320-353	Punitive Damages	<ul style="list-style-type: none"> • <i>Cassell & Co Ltd v Broome</i> • <i>Whiten v Pilot Insurance</i> • <i>McCabe v Roman Catholic Episcopal Corp</i> • <i>Baker v. Blue Cross Life Insurance Co.</i> 	<ul style="list-style-type: none"> • CB 178 • CB 186 • 2019 ONCA 213 (CanLII) • 2023 ONCA 842 (CanLII)
C 388-391	Supervening Events	<ul style="list-style-type: none"> • <i>Penner v Mitchell</i> • <i>Sunrise Co. v The Lake Winnipeg</i> 	<ul style="list-style-type: none"> • 1978 ALTASCAD 201 (CanLII) • 1991 CanLII 107 (SCC)
C 428-446	Mitigation & Avoided Loss	<ul style="list-style-type: none"> • <i>Erie County Natural Gas v Carroll</i> • <i>Cockburn v Trusts & Guarantee Co</i> • <i>Jamal v Moolla Dawood Sons</i> • <i>Slater v Hoyle & Smith</i> • <i>Sells Ltd v Thomson Stationery</i> • <i>Finelli v Dee</i> • <i>Southcott Estates v Toronto Catholica D.S.B.</i> 	<ul style="list-style-type: none"> • CB 54 • CB 56 • CB 58 • CB 63 • CB 52 • CB 52 • 2012 SCC 51 (CanLII)



Text	Topic	Assigned Cases	Case Found at
C 460-479	Date of Assessment	<ul style="list-style-type: none"> Asamera Oil v Brook Wroth v Tyler Johnson v Agnew 	<ul style="list-style-type: none"> CB 96 CB 122 CB 138
B 617-639	Equitable Damages	<ul style="list-style-type: none"> 306793 Ontario v Rimes Semelhago v Paramadevan Inmet Mining v. Homestake Canada 	<ul style="list-style-type: none"> 1979 CanLII 1845 (ONCA) CB 147 2003 BCCA 610 (CanLII) facts & paras. 163-196
B 382-533	Specific Performance	<ul style="list-style-type: none"> Sky Petroleum Ltd v VIP Petroleum Ltd Semelhago v Paramadevan Harle v 101090442 Saskatchewan Ltd Aulakh v Nahal Falcke v Gray Beauchamp v Coastal Corporation Dobson v Winton & Robbins Ltd Nagel's Debt Review Inc v Mosiuk Lucas v. 1858793 Ontario Inc. (Howard Park) 9725440 Canada Inc. v. Vijayakumar 	<ul style="list-style-type: none"> CB 899 CB 957 CB 972 CB 981 CB 877 CB 1054 CB 995 CB 1084 2021 ONCA 52 (CanLII) 2023 ONCA 466 (CanLII)
B 278-358	Injunctions	<ul style="list-style-type: none"> Fletcher v Bealey Palmer v Nova Scotia Forest Industries Redland Bricks v Morris Miller v Jackson MacMillan Bloedel v Simpson 1711811 Ontario v Buckley Insurance Brokers Krieser v Garber 	<ul style="list-style-type: none"> CB 558 CB 564 CB 576 CB 603 CB 668 2014 ONCA 125 (CanLII) 2020 ONCA 699 (CanLII)
B 23-80	Interlocutory Injunctions	<ul style="list-style-type: none"> American Cyanamid v Ethicon Yule Inc v Atlantic Pizza Delight Mott-Trille v Steed R v Canadian Broadcasting Corporation City Wide Towing v Poole Blake v. University Health Network 	<ul style="list-style-type: none"> CB 699 CB 709 CB 724 CB 730 2020 ABCA 305 (CanLII) 2021 ONSC 7139 (CanLII)
B 161-212	Mareva Orders	<ul style="list-style-type: none"> Mareva Compania Naviera v Int'l Bulkcarriers Aetna Financial Services Ltd v Feigelman Z Ltd v A-Z and AA-LL Ltd Trade Capital Finance v Cook 10390160 Canada Ltd v. Casey 	<ul style="list-style-type: none"> CB 782 CB 786 CB 806 2017 ONSC 1857 (CanLII) 2022 ONSC 628 (CanLII)
B 214-249	Anton Piller Orders	<ul style="list-style-type: none"> Anton Piller KG v Manufacturing Processes Ltd Celanese Canada Inc v Murray Demolition Corp State Industries Ltd v. Summers Equipment 	<ul style="list-style-type: none"> CB 819 CB 827 2020 MBQB 77 (CanLII)



Canadian Publishers

Thomson Reuters
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and **Canada Law Books**)
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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). That includes all decisions of the Supreme Court of Canada, and all federal, provincial, territorial and appellate courts.

Your exam registration fee also includes free access to the Advance Quicklaw resources of LexisNexis. 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.

Sign in to Quicklaw via <http://www.lexisnexis.com/ca/legal>. The first time you sign in you will be asked to change or personalize your password. Remember your User ID and password are personal, and should not be shared with anyone.

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