Federation of Law Societies of Canada

NCA National Committee on Accreditation

Syllabus
Remedies

Revised November 2026

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.

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SCOPE OF THE COURSE

This course examines selected judicial remedies available in Canadian civil proceedings. Its principal focus is on the principles governing the assessment of common-law damages and the granting of equitable relief. The topics include damages for breach of contract, negligent economic loss, harm to property interests and oppressive misconduct; mitigation, supervening events and the date of assessment; equitable damages and equitable compensation; specific performance; and permanent, interlocutory, Mareva, Anton Piller and Norwich orders.

Candidates will have encountered some of these remedies in courses such as contracts, torts and property, where remedial questions are usually considered as an adjunct to substantive rights and causes of action. This course instead treats remedies as a distinct field of study. It examines how courts select, measure and limit relief after a claimant has established an appropriate legal basis for relief. The course does not attempt to cover every remedy available in civil, constitutional or administrative proceedings; its scope is confined to the topics and readings prescribed below.

LEARNING OUTCOMES

After completing the prescribed readings, candidates should be able to:

- identify the common-law and equitable remedies potentially available on a given set of facts;
- explain the purposes, governing principles and principal limitations of the remedies covered in the course;
- determine the appropriate measure of damages for breach of contract, negligent economic loss and harm to property interests;
- calculate damages where the facts permit quantification and explain what further evidence would be required where they do not;
- analyze the effect of mitigation, avoided loss, supervening events and the date of assessment on the amount recoverable;
- assess whether punitive damages, equitable damages or equitable compensation may be available;
- determine when specific performance should be granted or refused, including by applying the discretionary bars to equitable relief;
- distinguish among permanent and interlocutory injunctions, Mareva orders, Anton Piller orders and Norwich orders, and apply the requirements governing each;
- use the assigned cases and readings to analyze unfamiliar factual situations and support a reasoned conclusion; and
- distinguish sound remedial arguments from arguments that are inconsistent with the governing principles and authorities.

EXAMINATION

The examination assesses whether candidates have acquired proficiency in the fundamental principles governing the remedies covered in this syllabus. Proficiency requires more than recalling rules, principles and terminology. Candidates must be able to identify remedial issues, select the remedies that may be available, apply the assigned authorities to unfamiliar facts, quantify damages where appropriate, evaluate competing arguments and support a reasoned conclusion.

The examination may include fact-based problems, multiple-choice questions and short-answer questions. Fact-based problems require candidates to analyze the relevant facts and law and advise on the relief that a court may grant. Multiple-choice and short-answer questions may require candidates to apply remedial principles, calculate damages, evaluate the state of the law, or distinguish sound arguments and propositions from unsound ones. The examination is based exclusively on the prescribed readings identified below.

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, 9th edition, 2026)

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)

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 of the cases are excerpted in the prescribed casebook. Those that are not in the casebook can be accessed free of charge through the CanLII database (http://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, the best 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.

*** *The syllabus continues on the following page.* ***

"C" = Cassels & Adjin-Tettey, *Remedies: The Law of Damages*, 3rd edition.
"B" = Berryman, *Equitable Remedies*, 3rd edition.
"CB" = Casebook, Berryman et. al., *Remedies: Cases and Materials*, 9th edition.
Cases not included in CB are found at www.canlii.org/en/

Text	Topic	Assigned Cases	Location
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	"The Reliance Interest in Contract Damages" *Canlin v Thiokol Fibres Canada* *RG McLean v Canadian Vickers* *Radford v DeFroberville* *Ruxley Electronics and Construction v Forsyth* *Consolidated Development v Diotte* *Hamilton v Open Window Bakery* *PreMD Inc. v. Ogilvy Renault LLP* *Bowlay Logging v Domtar* *Folland v Reardon* *Toronto Industrial Leaseholds v Posesorski* *Sunshine Vacation Villas v Hudson's Bay Co* *Fidler v Sun Life Assurance Co of Canada* *Peachtree II Associates v 857486 Ontario Ltd* *Capital Steel v Chandros Construction* *Tang v. Zhang*	CB 111 CB 125 CB 131 CB 144 CB 292 CB 162 CB 170 2013 ONCA 412 (CanLII) CB 174 2005 CanLII 1403 (ONCA) headnote & paras 57-93 CB 202 CB 178 CB 305 CB 218 CB 222 2013 BCCA 52 (CanLII)
C 59-72	Damages for Negligence Causing Economic Loss	*Payne v Eagle Ridge* *McLenaghan v Beaver Lumber* *VK Mason Construction v Bank of Nova Scotia* *Rainbow Industrial Caterers Ltd v CNR*	CB 186 CB 189 CB 194 CB 197
C 73-119	Damages for Harm to Property Interests	*O'Grady v Westminster Scaffolding* *Darbishire v Warran* *Dewees v Morrow* *Kates v Hall* *James Street Hardware v Spizziri* *Nan v Black Pine Manufacturing*	CB 256 CB 260 CB 261 CB 263 CB 277 1991 CanLII 1144 (BCCA)
C 320-353	Punitive Damages	*Cassell & Co Ltd v Broome* *Whiten v Pilot Insurance* *Townsview Properties v Sun Construction*	CB 307 CB 312 CB 301
C 388-391	Supervening Events	*Penner v Mitchell* *Sunrise Co. v The Lake Winnipeg*	1978 ALTASCAD 201 (CanLII) 1991 CanLII 107 (SCC)

Text	Topic	Assigned Cases	Location
C 428-446	Mitigation & Avoided Loss	*Erie County Natural Gas v Carroll* *Cockburn v Trusts & Guarantee Co* *Jamal v Moolla Dawood Sons* *Slater v Hoyle & Smith* *Southcott Estates v Toronto Catholic D.S.B.*	CB 41 CB 44 CB 51 CB 45 2012 SCC 51 (CanLII)
C 460-479	Date of Assessment	*Asamera Oil v Brook* *Johnson v Agnew* *Semelhago v Paramadevan*	CB 56 CB 79 CB 88
B 617-650	Equitable Damages	*Morris-Garner v One Step* *Dobson v Winton & Robbins* *Price v Strange* *306793 Ontario v Rimes*	CB 959 CB 962 CB 967 1979 CanLII 1845 (ONCA)
B 651-680	Equitable Compensation	*Canson Enterprises v Boughton & Co* *Hodgkinson v Simms* *Cadbury Schweppes v FBI Foods* *Southwind v Canada*	CB 977 CB 991 CB 1007 CB 1026
B 382-533	Specific Performance	*Falcke v Gray* *Giles v Morris* *Lumley v Wagner* *Warner Bros v Nelson* *Hill v Parsons* *Semelhago v Paramadevan* *Raymond v Anderson* *Harle v 101090442 Sask Ltd* *9725440 Canada Inc. v. Vijayakumar* *Culos Development v Baytalan* *273043 Ont Ltd v 2380673 Ont Ltd*	CB 841 CB 876 CB 882 CB 884 CB 901 CB 919 CB 925 CB 940 2023 ONCA 466 (CanLII) 2025 BCCA 265 (CanLII) CB 948
B 432-483	Discretionary Bars to Equitable Relief	*Riches v Burns* *Price v Strange* *Waugh v Slavik* *Nagel's Debt Review Inc v Mosiuk* *Cadbury Schweppes v FBI Foods*	CB 1044 CB 1047 CB 1059 CB 1067 CB 1072

Text	Topic	Assigned Cases	Location
B 278-358	Injunctions	*Fletcher v Bealey* *Palmer v Nova Scotia Forest Industries* *Redland Bricks v Morris* *Goodson v Richardson* *Miller v Jackson* *Boomer v Atlantic Cement*	CB 522 CB 529 CB 540 CB 550 CB 567 CB 581
B 23-80	Interlocutory Injunctions	*American Cyanamid v Ethicon* *Yule Inc v Atlantic Pizza Delight* *Mott-Trille v Steed* *R v Canadian Broadcasting Corporation* *Towers, Perrin, Forster & Crosby v Cantin* *Google v Equustek Solutions*	CB 663 CB 673 CB 688 CB 693 CB 698 CB 736
B 161-212	*Mareva* Orders	*Mareva Compania Naviera v Int'l Bulkcarriers* *Aetna Financial Services Ltd v Feigelman* *Z Ltd v A-Z and AA-LL Ltd* *Derby v Weldon (Nos 3&4)* *Wu v Ma*	CB 745 CB 749 CB769 CB777 2024 BCCA 196 (CanLII)
B 214-262	*Anton Piller* Orders and *Norwich* Orders	*Anton Piller KG v Manufacturing Processes Ltd* *Celanese Canada Inc v Murray Demolition Corp* *Fila Canada v Doe (TD)* *Taylor v Metrolinx*	CB 782 CB 789 CB 797 2024 ONSC 4774 (CanLII)

Canadian Publishers

Thomson Reuters
(also **Carswell** and **Canada Law Books**)
19 Duncan Street,
Toronto, ON M5H 3H1

Tel: 416.609.3800 or 1.800.387.5164
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URL: **http://www.lexisnexis.ca/en-ca/home.page**

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 Advance 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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