

## SUPREME COURT OF YUKON

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### PRACTICE DIRECTION GENERAL-7

### *Casebooks and Frequently Cited Authorities*

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1. Casebooks of authorities must be filed when three or more cases will be relied upon.
2. Casebooks of authorities must include only the cases upon which counsel intend to rely in argument. The passages to be relied upon are to be highlighted in colour, underlined, or sidelined on the outside edge of the page, in all copies.
3. Where a party intends to rely on one of the authorities listed in Appendix A to this Practice Direction, they do not need to provide the full case. They need only include the citation and the relevant passage(s) in their casebook.
4. Where a party intends to rely on any authority that is not listed in Appendix A they must provide the full case.
5. All possible efforts should be made to ensure that the authorities provided to the Court by one party do not duplicate authorities provided by the other party or parties. Counsel are encouraged to exchange casebook indexes to avoid duplication.
6. The parties are encouraged to submit joint casebooks whenever possible.
7. Casebooks must have a cover page indicating by whom they are filed. A joint casebook must have a cover page indicating that it is a joint casebook. When filing one or two cases, there must be a cover page indicating by whom they are filed.
8. Casebooks must:
  - (a) be legibly reproduced on 8 ½ x 11 paper, single-sided or double-sided, with one page of authority upright on each page or side of a page;
  - (b) have a tab for each case (either numerical or by letters);
  - (c) include an index; and
  - (d) include page numbers of each authority, unless the page numbers are otherwise clearly shown.
9. Subject to any case management directions by a judge:
  - a) casebooks for trials, including summary trials, should be filed not later than the Friday of the week preceding the trial; and

- b) casebooks for applications should be filed not later than 24 hours prior to the commencement of the hearing.
- 10. Casebooks will be destroyed or returned to a party at the conclusion of the matter for which it was created (application, trial, or appeal).

Duncan C.J.  
September 4, 2025

## Appendix A

### Civil and Administrative

- ***Agraira v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36** (procedural fairness, standard of review)
- ***Alberta (Information & Privacy Commissioner) v Alberta Teachers' Association*, 2011 SCC 61** (judicial review)
- ***Club Resorts Ltd v Van Breda*, 2012 SCC 17** (*forum conveniens*, real and substantial connection)
- ***Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817** (procedural fairness)
- ***Bhasin v Hrynew*, 2014 SCC 71** (contracts-duty of good faith)
- ***Borowski v Canada (Attorney General)*, [1989] 1 SCR 342** (mootness, standing)
- ***Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65** (administrative law: standard of review)
- ***Committee for Justice and Liberty v Canada (National Energy Board)*, [1978] 1 SCR 369** (reasonable apprehension of bias)
- ***Dagenais v Canadian Broadcasting Corp*, [1994] 3 SCR 835** (publication bans)
- ***Housen v Nikolaisen*, 2002 SCC 33** (appellate review: standard of review)
- ***Hryniak v Mauldin*, 2014 SCC 7** (summary judgment)
- ***Hunt v Carey Canada Inc*, [1990] 2 SCR 959** (strike pleadings, no reasonable cause of action)
- ***Inspiration Management Ltd v McDermid St. Lawrence Ltd.* (1989), 36 BCLR (2d) 202** (summary trial)
- ***Kamloops v Nielsen*, [1984] 2 SCR 2** (duty of care)
- ***Law Society of Saskatchewan v Abrametz*, 2022 SCC 29** (administrative law: standard of review of appeals, abuse of process-delay)
- ***Queen v Cognos Inc*, [1993] 1 SCR 87** (negligent misrepresentation)

- ***R v Mentuck*, 2001 SCC 76** (publication bans)
- ***Rizzo & Rizzo Shoes Ltd. (Re)*, [1998] 1 SCR 27** (statutory interpretation)
- ***RJR-MacDonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311** (interlocutory injunctions)
- ***Sattva Capital Corp. v Creston Moly Corp.*, 2014 SCC 53** (contractual interpretation: “surrounding circumstances”)
- ***Sherman Estate v Donovan*, 2021 SCC 25** (discretionary limits on court openness)
- ***Wastech Services Ltd. v Greater Vancouver Sewerage and Drainage District*, 2021 SCC 7** (contracts: duty of good faith)
- ***Western Canadian Shopping Centres Inc. v Dutton*, 2001 SCC 46** (requirements for common law class actions)
- ***Wewaykum Indian Band v Canada*, 2003 SCC 45** (reasonable apprehension of bias)
- ***Whiten v Pilot Insurance Co*, 2002 SCC 18** (punitive damages)

## Family

- ***Barendregt v Grebliunas*, 2022 SCC 22** (relocation, family violence)
- ***Bracklow v Bracklow*, [1999] 1 SCR 420** (spousal support)
- ***Colucci v Colucci*, 2021 SCC 24** (retroactive variation of child support)
- ***Contino v Leonelli-Contino*, 2005 SCC 63** (child support where shared parenting)
- ***Gordon v Goertz*, [1996] 2 SCR 27** (variation of custody/access)
- ***Kerr v Baranow*, 2011 SCC 10** (spousal support, division of assets – common law context)
- ***Michel v Graydon*, 2020 SCC 24** (retroactive variation of child support; interpretation of s. 152 *BC Family Law Act*)
- ***Miglin v Miglin*, 2003 SCC 24** (separation agreements)
- ***Moge v Moge*, [1992] 3 SCR 813** (spousal support)
- ***DBS v SRG*, 2006 SCC 37** (retroactive child support; interpretation of *Divorce Act* s. 15.1)

## Aboriginal

- ***Beckman v Little Salmon/Carmacks First Nation*, 2010 SCC 53** (duty to consult and accommodate in modern treaty context; honour of the Crown)
- ***Behn v Moulton Contracting Ltd.*, 2013 SCC 26** (duty to consult owed to Aboriginal group collective rights-holders, not individual members)
- ***Calder v British Columbia (Attorney General)*, [1973] SCR 313** (recognition of inherent Aboriginal title)
- ***Chippewas of the Thames First Nation v Enbridge Pipelines Inc.*, 2017 SCC 41** (Crown can rely on administrative body process to fulfill its duty to consult in certain circumstances)

- ***Clyde River (Hamlet) v Petroleum Geo-Services Inc.*, 2017 SCC 40** (Administrative body decision-making process can trigger Crown duty to consult; Crown can rely on administrative body process to fulfill its duty to consult in certain circumstances)
- ***Coldwater First Nation v Canada (Attorney General)*, 2020 FCA 34** (standard of review of judicial review of project approval for failure to fulfill duty to consult and accommodate; honour of the Crown; reconciliation)
- ***Daniels v Canada (Indian Affairs and Northern Development)*, 2016 SCC 12** (declarations; meaning of “Indians” in s.91(24))
- ***Delgamuukw v British Columbia*, [1997] 3 SCR 1010** (Aboriginal title, s. 35(1) of the *Constitution*, evidence from elders)
- ***Dickson v Vuntut Gwitchin First Nation*, 2024 SCC 10** (Application of the *Charter* to self-governing First Nations *Constitution*; analytical framework for applying s. 25 of the *Charter*)
- ***First Nation of Nacho Nyak Dun v Yukon*, 2017 SCC 58** (modern treaties; role of court in resolving dispute)
- ***Gamlaxyeitxw v British Columbia (Minister of Forests, Lands & Natural Resource Operations)*, 2020 BCCA 215** (scope of duty to consult First Nation claiming s. 35 rights in overlapping area of another First Nation with modern treaty)
- ***Ktunaxa Nation v British Columbia (Forests, Lands and Natural Resource Operations)*, 2017 SCC 54** (Duty to consult; role of court and administrative body not to pronounce on existence or scope of Aboriginal rights)
- ***Haida Nation v British Columbia (Minister of Forests)*, 2004 SCC 73** (Duty to consult where Aboriginal rights asserted)

- ***Manitoba Metis Federation Inc. v Canada (Attorney General)*, 2013 SCC 14** (Honour of the Crown, fiduciary duty)
- ***Mikisew Cree First Nation v Canada (Minister of Canadian Heritage)*, 2005 SCC 69** (Duty to consult in context of taking up land under historic treaty)
- ***R v Badger*, [1996] 1 SCR 771** (Principles of interpretation of historic treaties, treaty rights)
- ***R v Desautel*, 2021 SCC 17** (scope of “aboriginal peoples of Canada” in s. 35(1) of the *Constitution*; adopts *Van der Peet* test for determining Aboriginal rights)
- ***R v Sparrow*, [1990] 1 SCR 1075** (Application of s. 35(1) of the *Constitution* to Aboriginal rights)
- ***R v Van der Peet*, [1996] 2 SCR 507** (scope and definition of Aboriginal rights in s. 35(1) of the *Constitution*; test for assessing claim to Aboriginal rights)
- ***Rio Tinto Alcan Inc v Carrier Sekani Tribal Council*, 2010 SCC 43** (trigger for duty to consult: implied duty to consult during negotiation of treaty claims; role of administrative body in consultation process depends on statutory powers )
- ***Taku River Tlingit First Nation v British Columbia (Project Assessment Director)*, 2004 SCC 74** (duty to consult where Aboriginal rights and title asserted, not proved)
- ***Tsilhqot’in Nation v British Columbia*, 2014 SCC 44** (test for establishing Aboriginal title)

#### Criminal and regulatory

- ***Hunter v Southam Inc*, [1984] 2 SCR 145** (*Charter* s. 8- search and seizure)
- ***Palmer v The Queen*, [1980] 1 SCR 759** (fresh evidence)
- ***R v Antic*, 2017 SCC 27** (“just cause”, ladder principle)
- ***R v Anthony-Cook*, 2016 SCC 43** (joint submissions on sentence)
- ***R v B (KG)*, [1993] 1 SCR 740** (hearsay)
- ***R v Babos*, 2014 SCC 16** (*Charter* s. 24(1)- stay of proceedings for abuse of process)

- ***R v Barton*, 2019 SCC 33** (evidence of complainant's other sexual activity, honest but mistaken belief in communicated consent)
- ***R v Biniaris*, 2000 SCC 15** (unreasonable verdict)
- ***R v Chouhan*, 2021 SCC 26** (jury instruction and charge- bias)
- ***R v Cody*, 2017 SCC 31** (s. 11(b) of the *Charter*- undue delay)
- ***R v Darrach*, 200 SCC 46** (evidence of complainant's other sexual activity)
- ***R v Gladue*, [1999] 1 SCR 688** (sentencing principles for Aboriginal offenders)
- ***R v Grant*, 2009 SCC 32** (s. 24(2) *Charter*- exclusion of evidence)
- ***R v Hall*, 2002 SCC 64** (tertiary ground in bail)
- ***R v Ipeelee*, 2012 SCC 13** (sentencing principles for Aboriginal offenders)
- ***R v JJ*, 2022 SCC 28** (sexual offences-records in the possession of the accused)
- ***R v Jordan*, 2016 SCC 27** (s. 11(b) *Charter*- undue delay)
- ***R v Khelawon*, 2006 SCC 57** (hearsay)
- ***R v M(CA)*, [1996] 1 SCR 500** (sentencing- proportionality and totality, standard of review)
- ***R v Mills*, [1999] 3 S.C.R. 668** (sexual offences- third party records)
- ***R v Mohan*, [1994] 2 S.C.R. 9** (expert evidence)
- ***R v Myers*, 2019 SCC 18** (S. 525 detention review)
- ***R v Oakes*, [1986] 1 SCR 103** (s 1 *Charter*)
- ***R v O'Connor*, [1995] 4 SCR 411** (third party records)
- ***R v Proulx*, 2000 SCC 5** (conditional sentences)
- ***R v Regan*, 2002 SCC 12** (stay of proceedings for abuse of process)
- ***R v Rowbotham* (1988), 25 OAC 321** (appointment of state-funded counsel)



- ***R v Seaboyer*, [1991] 2 SCR 577** (evidence of complainant's other sexual activity)
- ***R v Sheppard*, 2002 SCC 26** (sufficiency of reasons)
- ***R v St-Cloud*, 2015 SCC 27** (bail tertiary ground, s. 520 review)
- ***R v Stinchcombe*, [1991] 3 SCR 326** (disclosure obligation)
- ***R v W(D)*, [1991] 1 SCR 742** (reasonable doubt)
- ***R v Zora*, 2020 SCC 14** (setting of bail conditions)
- ***White Burgess Langille Inman v Abbott and Haliburton Co.*, 2015 SCC 23** (expert evidence)