



Syllabus

Remedies

(Revised February 2019)

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

SYLLABUS AND EXAMINATION

This course has two primary objectives. First, it introduces candidates to the principles governing the availability of money remedies at common law. Secondly, it covers the various equitable remedies including their scope and the discretionary considerations that influence Canadian courts in assessing their availability in particular cases.

The examination in this course is three hours in length and is open-book. It includes problem-based questions that require candidates to analyze and distill 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, requiring candidates to demonstrate their facility with remedial principles by discriminating between sound and unsound arguments and propositions.

COURSE MATERIALS

The casebook for the course is J. Berryman et al., *Remedies: Cases and Materials* (Toronto: Emond Montgomery, 7th ed., 2016). Some cases are also prescribed that are not included in the casebook.

PRESCRIBED READINGS

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 not likely to be equipped to pass the examination in this course.

Casebook

The following parts of the casebook are examinable:

- Chapter 1, except 207-237
- Chapter 2, only 239-243
- Chapter 3
- Chapter 4, except 408-436
- Chapter 6
- Chapter 7, except 647-714
- Chapter 8, except 773-791 and 870-888
- Chapter 9
- Chapter 10, only 1019-1034
- Chapter 11
- Chapter 12, only 1217-1229

Additional Prescribed Cases (on following page)



Federation of Law Societies of Canada National Committee on Accreditation

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 | Mitigation | Ch1(IV)(A) |
| <i>Bowes v. Goss Power Products Ltd.</i> (2012), 293 O.A.C. 1; 2012 ONCA 425 | Mitigation | Ch1(IV)(A) |
| <i>John Hallam Ltd. v. Bainton</i> [1920] 54 D.L.R. 537, 60 S.C.R. 325 | Avoided Loss | Ch1(IV)(E) |
| <i>Nesi Energy Marketing Canada v. NGL Supply Co.</i> (2001), 94 Alta. L.R. (3d) 216, 2001 ABCA 168 (paras. 38-46) | Avoided Loss | Ch1(IV)(E) |
| <i>Southcott Estates Inc v Toronto Catholic District School Board</i> , 2012 SCC 51, [2012] 2 SCR 675 | Mitigation | Ch1(IV)(E) |
| <i>514953 B.C. Ltd. v. Leung</i> (2007), 64 B.C.L.R. (4th) 76, 2007 BCCA 114 | Contract Damages | Ch1(VI) |
| <i>Boucher v. Wal-Mart Canada Corp.</i> 2014 ONCA 419, [2014] O.J. No. 2452 | Punitive Damages | Ch1(VII) |
| <i>Goldentuler Estate v. Crosbie</i> , 2017 ONCA 591 | Punitive Damages | Ch1(VII) |
| <i>Hamilton v. Open Window Bakery Ltd.</i> [2004] 1 S.C.R. 303, 2004 SCC 9 | Alternative Performance | Ch3(III) |
| <i>Tompkins Hardware Ltd. v. North Western Flying Services Ltd</i> [1982] O.J. No. 944 (H.C.) | Contributory Fault | Ch3(V)(C) |
| <i>Treaty Group Inc. v. Drake International Inc.</i> , [2005] O.J. No. 5232 (Ont. Sup. Ct.), aff'd 2007 ONCA 450 | Contributory Fault | Ch3(V)(C) |



Federation of Law Societies of Canada
National Committee on Accreditation

| CASE | TOPIC | CB |
|---|---------------------------|---------------|
| <i>Tang v. Zhang</i> (2013), 41 B.C.L.R. (5th) 69, 2013 BCCA 52 | Contract Damages | Ch3(VI) |
| <i>Redstone Enterprises Ltd. v. Simple Technology Inc.</i> 2017 ONCA 282, 137 O.R. (3d) 374 | Contract Damages | Ch3(VI) |
| <i>Ottawa Community Housing Corp. v. Foustanelas</i> (2015), 125 O.R. (3d) 539, ONCA 276 | Contract Damages | Ch3(VI) |
| <i>Nan v. Black Pine Manufacturing Ltd.</i> (1991), 55 B.C.L.R. (2d) 241, [1991] B.C.J. No. 910 | Betterment | Ch4(II),(III) |
| <i>R. v. Canadian Broadcasting Corp.</i> , 2018 SCC 5 | Interlocutory Injunctions | Ch8(IV) |
| <i>Jamieson Laboratories Ltd. v. Reckitt Benckiser</i> (2015), 130 C.P.R. (4th) 414, 2015 FCA 104 | Interlocutory Injunctions | Ch8(V) |
| <i>Sibley & Associates LP v. Ross</i> (2011), 106 O.R. (3d) 494; 2011 ONSC 2951 | Mareva Injunctions | Ch8(XI)(B) |
| <i>Carey v. Laiken</i> , [2015] 2 S.C.R. 79, 2015 SCC 17 | Mareva Injunctions | Ch8(XI)(B) |
| <i>Trade Capital Finance Corp. v. Cook</i> 2017 ONSC 1857, 137 O.R. (3d) 685, aff'd 2018 ONCA 27 | Mareva Injunctions | Ch8(XI)(B) |
| <i>2092280 Ontario Inc. v. Voralto Group Inc.</i> 2018 ONSC 2305 | Mareva Injunctions | Ch8(XI)(B) |
| <i>306793 Ontario Ltd. v. Rimes</i> 25 O.R. (2d) 79 (Ont CA) | Equitable Damages | Ch10(II) |
| <i>Semelhago v. Paramadevan</i> , [1996] 2 S.C.R. 415 | Equitable Damages | Ch10(II) |



SUPPLEMENTARY TEXTS

The following textbooks are not prescribed readings, but candidates may find them useful as supplements to the course materials.

J. Cassels & E. Adjin-Tettey, *Remedies: The Law of Damages* (Toronto: Irwin Law, 3rd 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, 5th ed., 2017)

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



Canadian Publishers

Carswell (Thomson Reuters)
Corporate Plaza
2075 Kennedy Road
Scarborough, ON M1T 3V4

Tel: 416.609.3800 or 1.800.387.5164
Email: carswell.customerrelations@thomsonreuters.com
URL: <http://www.carswell.com/>

Irwin Law Inc.
14 Duncan St.
Toronto, ON M5H 3G8

Tel: (Canada & U.S.) 416.862.7690 or 1.888.314.9014
Fax: 416.862.9236
Email: contact@irwinlaw.com
URL: <http://www.irwinlaw.com/>

Emond Montgomery
60 Shaftesbury Ave.
Toronto, ON M4T 1A3

Tel: 416.975.3925
Fax: 416.975.3924
Email: info@emp.ca
URL: <http://www.emp.ca/>

Lexis Nexis Canada Inc.
(For printed material only and
not for access to Quicklaw)

Contact: Customer Service
Tel: 905.415.5823 or 1.800.668.6481
Fax: 905.479.4082 or 1.800.461.3275
Email: Customerservice@lexisnexis.ca
URL: <http://www.lexisnexis.ca/en-ca/home.page>

Canada Law Books
240 Edward St.
Toronto, ON L4G 3S9

Tel: (Canada & U.S.) 416.609.3800 or 1.800.387.5164
Email: carswell.customerrelations@thomsonreuters.com
URL: <http://www.carswell.com/>

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 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.

Sign in to Quicklaw via <http://www.lexisnexis.com/ca/legal>. The first time you sign in to Quicklaw 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.

If you forget or lose your password to Quicklaw you may retrieve it by clicking on the "Forget Password?" link on the Quicklaw sign-in page. Any other issues please Email ftang@flsc.ca.

Please review and abide by all Terms of Use when you receive your Quicklaw credentials, otherwise your Quicklaw account will be closed without any prior notice.

Lexis Nexis Quicklaw customer support is available via service@lexisnexis.ca, or calling 1.800.387.0899.