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**CANADIAN CHARTER OF RIGHTS  
ANNOTATED**

**Dunn • Bernstein  
Greenspan • Laskin**

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**In this Update**

**New cases including:**

- The Ontario Court of Appeal in *R. v. Omar*, 2018 ONCA 975, excluded a gun from evidence after finding s. 8, s. 9 and s. 10(b) Charter violations. The court reviewed the meaning of “good faith”.
- In *Cambie Surgeries Corporation v. British Columbia (Attorney General)*, 2018 BCCA 388, the British Columbia Court of Appeal rejected the argument that litigants who challenge the constitutionality of legislation do not need to pay daily court hearing fees.

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- The Manitoba Court of Appeal recognized in *Dakota Ojibway Child and Family Services v. KRF et al*, 2018 MBCA 104, that parents participating in child protection proceedings must receive sufficient disclosure in accordance with s. 7 of the Charter, this right must be balanced with the need to hear child protection proceedings expeditiously.
- In *Rodriguez v. Canada*, 2018 FC 1125, the Federal Court held that s. 9 of the *Canada Elections Act*, S.C. 2000, c. 9, does not limit s. 2(b) of the Charter, even though the Act does not contain a provision for an elector to decline a ballot, and even though no record is kept of ballots refusing all candidates.

**Legislative updates including:**

- The Supreme Court of Canada, in *R. v. Boudreault*, 2018 SCC 58, found that the mandatory victim fine surcharge found in s. 737 of the *Criminal Code* violates s.12 of the Charter and cannot be saved under s. 1. Section 737 was declared invalid with immediate effect.