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## **LAW OF CLIMATE CHANGE IN CANADA**

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This text provides an in-depth description and analysis of the complex and ever-expanding array of domestic and international laws and initiatives addressing climate change in Canada. Containing comprehensive coverage of provincial and federal legislation and policy developments from across Canada, *The Law of Climate Change in Canada* also describes in detail some of the many emerging climate change law sub-disciplines, including: Carbon finance; Litigation; Real property; Tax and Securities law and disclosure.

This release features comprehensive updates to the commentary found in Chapter 12 (Carbon Finance), along with updates to the Words & Phrases and the Selected Legal Literature appendices.

New headings of commentary introduced with the revisions to Chapter 12 include the following:

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- *Carbon Finance - Today's "Compliance" Carbon Market - The Western Climate Initiative and ETS in California, Quebec and Ontario - Ontario*
- *Carbon Finance - Today's "Compliance" Carbon Market - British Columbia's Compliance Regime*
- *Carbon Finance - Today's "Compliance" Carbon Market - Republic of Korea*

New terminology introduced to the Words & Phrases resource, accompanied by recent judicial interpretations, include the following:

- **Categorical Approach** - Nova Scotia - Within the “categorical approach” framework [where a party makes a motion to introduce new evidence on a judicial review], the introduction of such evidence is to be regarded as exceptional. Certain categories of “exceptional” circumstances have been recognized. There are four generally accepted categories of evidence that have been permitted beyond the record in judicial review: lack of jurisdiction; bias; breach of procedural fairness and natural justice; and fraud: per Boudreau J., at para. 13 of *Sorflaten v. Nova Scotia (Environment)*, 2018 NSSC 7, 2018 CarswellNS 35 (N.S. S.C.).
- **Responsible Person** - British Columbia - Although the language establishing the categories of “responsible person” [for purposes of Part 4 of *Environmental Management Act*, S.B.C. 2003, c. 53] is broad, it is not without limit. For example, it does not include “persons” who have ceased to exist, such as dissolved corporations: per Warren J., at para. 30 of *Foster v. Tundra Turbos Inc.*, 2018 BCSC 563, 2018 CarswellBC 805 (B.C. S.C.).