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**DRUG OFFENCES IN CANADA  
FOURTH EDITION**

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**What's New in this Update:**

**Appellate courts have been quite active since our last update in carving out new law, and refining existing principles. Some of the more significant developments include the following:**

**Standing to assert a s. 8 Charter infringement:** What territorial privacy interests arise where the accused was visiting a friend in his backyard when the police arrived? More particularly, what factors should be considered when making a standing assessment? The complexities in this area are evident in a split decision of the Ontario Court of Appeal in *R. v. Le*, analyzed in c. 24, Search and Seizure, at 24:60.20.20.80.

**Investigative detentions:** To what extent is the reasonableness of the length of detention for investigative purposes driven by the amount of time the police need to complete their investigation? The Ontario Court of Appeal came down clearly

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on one side of the equation in *R. v. Barclay*; see the analysis in c. 24, Search and Seizure, at 24:100.20.60.

**Mandatory minimum sentences** continue to have a rough ride in the courts. The Ontario Court of Appeal in *R. v. Vu* followed decisions from British Columbia in striking down three different mandatory minimum penalties in the *CDSA*. This case is analyzed and placed into its proper legal and historic context in c. 33, Sentencing under the *CDSA*, at 33.40.80.

**Impact of cannabis in the workplace:** What are the employment-related rights of a medical cannabis user? The issues are many and will spawn considerable litigation. The Nova Scotia Court of Appeal has just considered two early and important issues: is an employer required to pay for medical cannabis under a drug benefit scheme? And should medical cannabis be provided under a worker's compensation scheme? For an analysis, see c. 36, Medical Marijuana, at 36:140.