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MANUAL OF MOTOR VEHICLE LAW

Segal

Release No. 7, July 2022

Publisher's Special Release Note 2021

The pages in this work were reissued in September 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the September 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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This resource provides detailed annotations for the Ontario *Highway Traffic Act* as well as related provincial and federal statutes, and features a convenient words and phrases section of related judicially defined terms.

This release includes updates and the addition of jurisdictional headings to Appendix WP (Words and Phrases).

Highlights

Recent judicial interpretations of relevant terminology include the following new entries to Words and Phrases:

Baggage – Ontario – “Whether the cannabis is wrapped in plastic inside the container does not obviate the requirement that the cannabis containers must also be packed in baggage that is fastened closed. Cannabis containers stored in the centre console, like alcohol, would also not meet the exception. The cannabis containers’ “locking mechanisms” are immaterial, as the sections in both the *Cannabis Control Act, 2017* [S.O. 2017, c. 26, Sched. 1] and the *Liquor Licence Act* [R.S.O. 1990, c. L.19] do not speak to how the respective containers are closed. It would be assumed that the containers are closed in such a way as to preserve their contents, whether those contents are cannabis or alcohol [...] The phrase “packed in baggage” connotes a legislative intent that the product container, whether for cannabis or alcohol, would be packed in baggage. The cannabis containers do not meet the ordinary definition of baggage and although the containers are closed, even securely closed, it is clear they are not packed in baggage that is fastened closed.”: per Leddy J.P., at paras. 40, 42, from *R. v. Burke*, 2020 ONCJ 516, 2020 CarswellOnt 16576 (Ont. C.J.).

Demerit Points – Ontario – “Demerit points are not part of the actual sentence imposed by a justice of the peace; they are an administrative sanction imposed by the Ministry of Transportation following a finding of guilt to certain HTA offences.”: per Latimer, J., at para. 9, from *Halton (Regional Municipality) v. Saunders*, 2022 ONCJ 1, 2022 CarswellOnt 2 (Ont. C.J.).

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
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