



# 25<sup>th</sup> Annual Conference on ADVANCED ADMINISTRATIVE LAW & PRACTICE

October 29–30, 2025  
Hilton Garden Inn Downtown, Ottawa, ON

## 2025 Conference Co-Chairs:



**ASHLEY DEATHE**  
*Vice-Chair*  
**Animal Care Review Board**  
**(Tribunals Ontario)**  
\*Views expressed are personal.



**MICHAEL H. MORRIS**  
*Senior General Counsel*  
**Justice Canada**



**JEAN-SIMON (JS) SCHOENHOLZ**  
*Partner*  
**Norton Rose Fulbright LLP**

## Keynote Address from:



**DARLENE CARREAU**  
*CEO and Chief Administrator*  
**Courts Administration**  
**Service**

## Judicial Insights from:



**THE HONOURABLE**  
**CATHERINE M. KANE**  
*Judge*  
**Federal Court**



*Join leading decision-makers,  
lawyers, academics and  
professionals as they help you:*

- ✓ **WRITE** decisions that comply with *Vavilov*, *Mason*, and *Pepa*
- ✓ **NAVIGATE** the limits of active adjudication when working with self-represented parties
- ✓ **ASSESS** the uses and risks of artificial intelligence
- ✓ **APPLY** the Charter to administrative and public law decisions
- ✓ **DEMYSTIFY** privative clauses and how they relate to parallel appeals and judicial reviews

## Immersive Pre-Conference Workshops on October 28

**A Decision Writing Deep Dive:**  
The Essentials of Writing Plain Language and *Vavilov* Compliant Decisions

**B The Need-to-Know AI Intensive:**  
Opportunities, Challenges, and Risks of AI in Administrative and Public Law

## **New!** CI's Administrative and Public Law Advisory Board

To celebrate 25 years of timely, impactful, and high-quality content, Canadian Institute has officially formed our Administrative and Public Law Advisory Board. With the guidance of these respected practitioners, the Canadian Institute continues to lead in delivering meaningful, forward-looking content in administrative and public law.



**Paul Daly**  
*University Research Chair in  
Administrative Law & Governance*  
**University of Ottawa,  
Faculty of Law**



**Marco P. Falco**  
*Partner | Appellate and  
Judicial Review Litigator*  
**Torkin Manes LLP**



**Michael H. Morris**  
*Senior General Counsel*  
**Justice Canada**  
*Conference Co-Chair*



**Nadia Effendi**  
*Partner*  
**Borden Ladner Gervais LLP**



**Mark Mancini**  
*Assistant Professor of Law*  
**Thompson Rivers University,  
Faculty of Law**



**Dawn Sullivan**  
*Vice-Chair*  
**Landlord and Tenant Board**  
*(Tribunals Ontario)*





# *Celebrating 25 years of advanced administrative law insights.*

**Be part of the gold standard event that provides clarity on the standards of review, statutory interpretation, procedural fairness, and access to justice.**

The Canadian Institute (CI) invites you to attend our **25th Annual Conference on Advanced Administrative Law and Practice**. Join us and convene with federal and provincial decision makers, Justices, attorneys, civil servants and academics who will address the most critical challenges affecting the administrative and public law.

## ***The landscape of administrative law is rapidly evolving due to several decisions from the Supreme Court of Canada.***

In September 2023, the Court released the *Mason* decision—the first Supreme Court decision touching on administrative law post-*Vavilov*. Although an attempt to provide clarity, *Mason* left many questions unanswered.

In May 2025, the Court released the *Democracy Watch* decision, providing important guidance on privative clauses, the constitutional foundations of judicial review, and questions unanswered by the 2024 *Yatar* decision.

In June 2025, the Supreme Court released its decision in *Pepa*, ostensibly imposing a new obligation on decision-makers: to reconcile inconsistent interpretations of the statute and set out how they did so in their decisions. This is a drastic shift that may lead to the resurgence of a disguised correctness standard.

This conference provides a crucial opportunity to distill and understand the latest insights from our highest court, ensuring that administrative and public law professionals respond to these significant developments.

## ***Modernization, AI, Automation, and Facilitating Access to Justice—Where Are We Now?***

Artificial Intelligence is often promoted as a tool to enhance efficiency and modernize systems, but inconsistent application—and varying levels of understanding about what AI is, how it works, and the risks involved—make it essential to engage in critical discussions about its role in furthering access to justice.

Our pre-conference AI workshop is a deep dive into the core aspects, features, and risks of artificial intelligence, including a macro exploration of its use in the administrative and public law sectors. During the main conference, Chairs from various Tribunals will come together in an AI Roundtable and share their on-the-ground observations and insights of using AI.

## ***Recent Controversy Around the Duty to Consult Highlights that a Deep Understanding of the Charter and Indigenous Rights is Necessary***

Administrative decision-makers must apply the *Charter* and consider *Charter* rights and values. In some instances, they must do so even when the parties have not raised any *Charter*-specific arguments. This already difficult-to-define obligation is made more nuanced and important by recent developments: the 2024 Supreme Court of Canada *Power* case, that affirms *Charter* remedies may be appropriate even in the absence of bad faith, and the recently passed Bill C-5 and Bill 5 (Ontario), which has created significant controversy surrounding the duty to consult and Indigenous rights. Now is the time for administrative decision-makers to attend this conference, to review their understanding of the duty to consult, *Charter* rights and values, and “bad faith” in administrative decision-making.

## ***Trauma-Informed Approaches to Hearing Room Management and Working with Self-Represented Parties***

Self-represented litigants frequently appear before administrative tribunals, necessitating active adjudication that balances access to justice with procedural fairness. Compounding this need is the rise of mental health issues and socio-economic factors that influence perceptions of justice. Adopting a trauma-informed approach from the outset can enhance the effectiveness of active adjudication and streamline proceedings, ultimately reducing backlogs. Both topics – trauma informed adjudication and working with self-reps – will be explored in depth at the conference.

**Join us this fall in Ottawa for two days of practical, high-quality, and comprehensive learning.**

# DISTINGUISHED FACULTY

Until explicitly stated otherwise, Chatham House Rules apply: views expressed by the conference speakers do not necessarily reflect the views of their employers, organizations, or other affiliated entities.

## CONFERENCE CO-CHAIRS



**Ashley Deathe**  
Vice-Chair  
**Animal Care Review Board**  
(Tribunals Ontario)  
*\*Views expressed are personal.*



**Michael H. Morris**  
Senior General Counsel  
**Justice Canada**



**Jean-Simon (JS) Schoenholz**  
Partner  
**Norton Rose Fulbright LLP**

## JUDICIARY

**Hon. Donald J. Rennie**  
Judge  
**Federal Court of Appeal**



**Hon. Catherine M. Kane**  
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**Federal Court of Canada**

## GOVERNMENT, TRIBUNALS & ABCS

**Anusha Aruliah**  
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**Lisa Thiele**  
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**Marisa Victor**  
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**Gabriel Poliquin, Ph.D. LLB**  
Director,  
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**University of Ottawa Faculty of Law**



**Natalia Rodriguez**  
Partner  
**Conway Baxter Litigation**  
Commission Counsel, Foreign  
Interference Commission



**Dr. Amy Salyzyn**  
Associate Professor  
**University of Ottawa,**  
**Faculty of Law**



**Teresa Scassa**  
Canada Research Chair in  
Information Law & Policy  
**University of Ottawa**

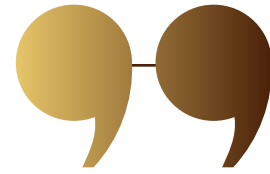


**Jay Sengupta**  
External Adjudicator | Mediator  
**Jay Sengupta**  
**Dispute Resolution**



**Lauren J. Wihak, K.C.**  
Partner  
**McDougall Gauley LLP**

# WELCOME MESSAGES FROM THE CONFERENCE CO-CHAIRS



**ASHLEY DEATHE**  
Vice-Chair, Animal Care Review Board (Tribunals Ontario)

*It's a pleasure and an honour to be one of the co-chairs for this year's Advanced Administrative Law & Practice conference. The significant array of topics on the agenda this year includes panel discussion on key appellate jurisprudence, procedural fairness, access to justice, and more! We will bring together tribunal members, advocates and academics to deliver fascinating and informative content. I look forward to welcoming you all in October!*



**MICHAEL H. MORRIS**  
Senior General Counsel, Justice Canada

*This is now my fourth year having the privilege and honour of co-chairing this conference. What keeps me coming back to this conference is its solidly earned reputation for bringing together leaders in public law from a very broad spectrum of perspectives—be it, tribunal, academic and private claimant—to explore together the most significant and topical “on-the-ground” experience and challenges facing professionals working in administrative law. And this year's conference, in particular, is shaping up to be singularly fascinating. We have so many new issues and challenges to consider together, including prominent SCC and appellate decisions giving new directions on evolving standards of reasonableness, new challenges and perspectives on access to justice, the duty to consult and so much more.*



**JEAN-SIMON (JS) SCHOENHOLTZ**  
Partner, Norton Rose Fulbright LLP

*I'm thrilled to be co-chairing CI's Advanced Administrative Law & Practice for the first time. This is shaping up to be a very exciting year in administrative law and my co-chairs and I are working hard with CI to put together incredible panels to address the issues of the day. This conference is going to bring together the best of best administrative law practitioners from all perspectives. The content will be as relevant to applicant's counsel as it will be for tribunal members, Government lawyers, and academics. See you there!*



## BENCHMARK WITH DECISION-MAKERS FROM:

- Canada Agricultural Review Tribunal
- Landlord & Tenant Board
- Ontario Physicians and Surgeons Discipline Tribunal
- Social Security Tribunal of Canada
- Canadian Investment Regulatory Organization
- The Canadian Human Rights Commission
- Employment and Social Development Canada



## A MUST-ATTEND EVENT FOR:

- ✓ Chairs and Vice-Chairs of Administrative Tribunals
- ✓ Adjudicators
- ✓ Municipal and University Decision-Makers and their Advisors
- ✓ Private Practitioners working in Administrative Contexts
- ✓ Arbitrators, Mediators
- ✓ Paralegals
- ✓ Government, Agency, and Commission Lawyers
- ✓ Ombud people

# PRE-CONFERENCE WORKSHOPS

TUESDAY, OCTOBER 28

9:00 am–12:30 pm

A

## Decision Writing Workshop: The Essentials of Writing Plain Language and Vavilov Compliant Decisions

- Analyzing the core decision-making principles set out by the Supreme Court of Canada in *Vavilov*, *Mason* and *Pepa*
  - » E.g., the presumed reasonableness standard, the exceptions, rational chain of analysis “in conjunction with the record,” “justified in relation to the constellation of law and facts that are relevant to the decision,” etc.
  - » Navigating situations where inconsistent statutory interpretations exist
- Incorporating the concept of “proportionality” for decisions that engage Charter rights or values
- Applying the principles of statutory interpretation to decision-making
  - » Understanding rights to appeal and privative clauses
- Appreciating jurisdictional issues and how to address questions of jurisdiction in decisions
- Fine-tuning the use of plain language so that decisions are accessible but also legally accurate
  - » Avoiding boilerplate language and legalese
- Utilizing headings, paragraphs, and structuring the decision logically
- Developing strategies to shorten decisions without detracting from key principles



**Gabriel Poliquin,**  
Ph.D. LLB  
Director,  
CCLF Program Certification  
**University of Ottawa**  
Faculty of Law

1:30 pm–4:30 pm

B

## The Need-to-Know AI Intensive: Opportunities, Challenges, and Risks of AI in Administrative and Public Law

Artificial intelligence is evolving at breakneck speed, often outpacing our understanding of its uses, benefits, and risks. This workshop offers a comprehensive exploration of the integration of AI into administrative law and practice. From legal advocacy to decision-making to operational functions, this workshop will provide clarity on emerging technologies, evolving policies, and responsible practices to help you navigate the growing role of AI in your work. Topics of discussion include:

- Defining and demystifying core AI concepts, including machine learning, NLP, generative AI, and agentic AI
- Exploring how AI is used by advocates to draft pleadings, analyze case law, and prepare legal arguments
- Examining the use of AI by decision-makers in tribunal, legal and regulatory settings: risks, oversight, and legal defensibility
  - » Analyzing the Treasury Board of Canada Secretariat’s Directive on Automated Decision-Making and the use of Algorithmic Impact Assessments (AIAs)
  - » Reviewing the Court Administration Service’s digital policy on the responsible use of AI in court processes
- Balancing innovation with administrative law principles such as transparency, accountability, and procedural fairness
- Navigating confidentiality, privilege, and privacy rights when using artificial intelligence



**Dr. Amy Salyzyn**  
Associate Professor  
**University of Ottawa,**  
Faculty of Law



**Teresa Scassa**  
Canada Research Chair in  
Information Law & Policy  
**University of Ottawa**



The program can be applied towards **7 hours and 45 minutes of Substantive; 3 hours Professionalism (including 1 EDI hour)** and **each workshop an additional 3 hours Substantive**, of annual Continuing Professional Development (CPD) required by the Law Society of Ontario.

Members of the Law Society of Saskatchewan seeking accreditation for an out of province activity are requested to submit the CPD Activity Application Form and agenda directly to the LSS for approval. The form is available on the LSS Website.

The same number of hours may be applied toward your continuing legal education requirements in British Columbia.

The Barreau du Québec automatically recognizes the same number of hours for this training activity, the latter having been accredited by another Law Society subject to MCLE.

Attendance at this program by members of the Law Society of Alberta may be submitted to the Law Society for Continuing Professional Development credits.



# MAIN CONFERENCE DAY ONE

WEDNESDAY, OCTOBER 29

7:45 Registration and Breakfast

8:45 Opening Remarks from the Conference Co-Chairs



**Ashley Deathe**  
Vice-Chair  
Animal Care Review Board  
(Tribunals Ontario)



**Michael H. Morris**  
Senior General Counsel  
Justice Canada



**Jean-Simon (JS) Schoenholz**  
Partner  
Norton Rose Fulbright LLP

9:30 **Pepa, Precedents, and the Evolving Standard of Reasonableness:  
A New Onus on Administrative Decision-Makers**

In the 2023 *Mason* decision, the Supreme Court of Canada refined the *Vavilov* framework, highlighting the need for “responsive justification” that considers the impact of the consequences of the decision on the party. And in June 2025, the Court further refined the *Vavilov* framework by adding a new onus on administrative decision-makers: the obligation to justify or explain reliance on a precedent that has had inconsistent judicial interpretations or is ostensibly distinguishable from the matter at hand. Topics of discussion include:

- Unpacking the facts, arguments, and decision of the *Pepa* appeal
  - » Understanding, from a general perspective, what makes a particular constraint relevant, and the specific treatment of inconsistent precedent as a constraint in *Pepa*
  - » Considering Martin J's use of soft law to interpret the meaning of a statutory provision in a context not involving the exercise of discretion
- Appreciating the key takeaways from the dissents of Côté and O'Bonsawin JJ in *Pepa*
- Analyzing how appellate courts and agencies, boards, and commissions (“ABC”) across Canada are applying the reasonableness standard post-*Mason* and -*Pepa*, and what trends are emerging
- Navigating how ADMs should set out their approach to inconsistent applications of statutory interpretation in their decisions
- Establishing best practices for ADMs to meet their decision-making obligations set by *Vavilov*, *Mason* and *Pepa*



**Marianne Zoric**  
General Counsel  
Justice Canada

**Hon. Donald J. Rennie**  
Judge  
Federal Court of Appeal



**MODERATED BY:**  
**Michael H. Morris**  
Senior General Counsel  
Justice Canada

10:45 Morning Refreshment and Networking Break

11:15 **Indigenous Rights and the Duty to Consult:  
A Guide for Administrative Decision-Makers and Professionals**

The duty to consult continues to evolve, with two recent developments—the Federal Court's affirmation that Free, Prior and Informed Consent (FPIC) is relevant to the duty of consult, and the recently passed *Building Canada Act* and *Protect Ontario by Unleashing our Economy Act*—sparking controversy and uncertainty about the strength and scope of the duty to consult. This session will therefore provide practical guidance for decision-makers and professionals seeking clarity on when the duty to consult is triggered in the administrative context, how to assess its adequacy, and how to respond when Indigenous legal principles are raised.

Topics of discussion will include:

- Identifying the foundational components of the duty to consult, section 35, FPIC and the United Nations Declaration on the Rights of Indigenous Peoples (*UNDRIP*)
- Determining whether the duty to consult and accommodate applies to a specific agency, board, or commission
- Responding appropriately when submissions are grounded in Indigenous law and the duty to consult
  - » Selecting the applicable standard of review for administrative decisions that trigger the duty to consult
- Exploring how the duty to consult interacts with administrative decision-making under evolving legislative and regulatory frameworks
- Analyzing how FPIC informs the standard of meaningful consultation following *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319



**Lisa Thiele**  
Vice President, Legal and  
Commission Affairs /  
Senior General Counsel  
Canadian Nuclear  
Safety Commission



**Randall Kahgee**  
Senior Counsel  
Olthuis Kleer  
Townshend LLP

12:15 Networking Luncheon

1:30

## Charter Rights, Values, and Remedies in Administrative Decision-Making: Duties, Boundaries, and Evolving Expectations

Administrative decision-makers play an increasingly central role in interpreting and applying the Charter, as they are required to engage Charter rights and values—in some cases, even when parties do not raise them explicitly. The Supreme Court's 2024 decision in *Power* adds a critical dimension: Charter breaches by state actors, including through legislation or policy, can give rise to damages, even in the absence of bad faith. This session will provide a practical and jurisprudential roadmap for administrative actors navigating constitutional norms in regulatory and quasi-judicial contexts. Topics of discussion include:

- Clarifying the *Doré* framework and its place in the *Vavilov* era
  - » Analyzing how proportionality is assessed post-*CSFTNO*
- Exploring the implications of the *Attorney General (NWT) v Tliche Government* decision
  - » Understanding “purpose” as a Charter value
  - » Tracking the Charter values that have been recognized to date
- Dissecting *York Region District School Board v Elementary Teachers' Federation of Ontario*:
  - » Which standard of review applies when assessing decisions for Charter compliance? Does it differ for rights vs. values?
- Understanding the rise and scope of Charter remedies and key takeaways from the *Power* decision

**Sarah Drodge**  
Senior Counsel  
Justice Canada



**Lex Gill**  
Lawyer  
Trudel Johnston & Lespérance LLP



**David Wright**  
Chair  
Health Professions Discipline Tribunals



**MODERATED BY**  
**Nadia Effendi**  
Partner  
Borden Ladner Gervais LLP

2:30

## Evaluating the Use of Administrative Law when Liberty is at Stake: Key Takeaways from the Dorsey and Salah Habeas Corpus Appeal

In May 2025, the Supreme Court of Canada heard arguments in *Frank Dorsey and Ghassan Salah v. Attorney General of Canada*. At issue is whether the denial of a transfer to a lower-security institution is reviewable by way of habeas corpus. While the case arises from the correctional context and centers on a question of law, it raises broader concerns about the limits of administrative decision-making, the adequacy of internal grievance mechanisms, and access to justice where liberty interests are engaged. Topics of discussion will include:

- Analyzing the scope and limits of habeas corpus as interpreted in existing jurisprudence
- Comparing the positions advanced by the appellants, respondent, and interveners in *Dorsey* and *Salah*
- Evaluating whether internal grievance procedures align with core administrative law principles of impartiality, transparency, procedural fairness, and jurisdictional compliance
  - » Defining reasonableness as it applies to internal grievance procedures
- Evaluating the adequacy of internal grievance procedures and judicial review as safeguards for liberty interests
  - » Exploring the legal complexities between concurrent jurisdiction, finality of administrative decisions, and access to remedies
- Considering formalism versus substantivism: how and when should questions of race, systemic inequality, and Charter rights interact with questions of law?
- Assessing the potential implications of the Supreme Court's eventual decision for both correctional decision-making and other administrative regimes



**Demar Kemar Hewitt**  
Executive Director & General Counsel  
Black Legal Action Center



**Jessica Orkin**  
Partner  
Goldblatt Partners LLP

**Anusha Aruliah**  
General Counsel  
Justice Canada

3:30

## Afternoon Break



*Excellent program with speakers who are experts in administrative law. A true learning experience. A wonderful opportunity to hear from people who were in the SCC courtroom arguing the cases that resulted in the evolving principles of the law.*

– Past Chair and CEO, PEI Regulatory & Appeals Commission



3:45

## Keynote from Courts Administration Services: Modernizing Court Operations and Improving Access to Justice through Digital Innovation

The Courts Administration Service has launched its first ever Digital Strategy, developed in close partnership with the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada, and the Tax Court of Canada.

Chief Administrator and Chief Executive Officer of CAS, Darlene Carreau, will deliver an exclusive keynote exploring the Strategy's bold vision for modernizing court operations and improving access to justice through digital innovation.



**Darlene Carreau**  
CEO and  
Chief Administrator  
Courts Administration  
Service

4:30

## Tribunals' Roundtable: Approaches to Automation, Accountability, and the Practical Realities of Implementing AI

AI is no longer a distant concept; it is increasingly shaping how Tribunals operate and how parties appear before them. This roundtable brings together Tribunal members who will share how they are navigating the evolving landscape of AI and automation. Topics of discussion will include:

- Identifying the challenges and concerns that come with adopting the use of AI or automation
- Developing protocols for the responsible use of AI and responding to breaches of AI protocols
- Analyzing the real impact of AI and automation on Tribunal operations



**Ian Darling**  
Chair  
Condominium Authority  
Tribunal



**MODERATED BY:**  
**Dr. Amy Salyzyn**  
Associate Professor  
University of Ottawa,  
Faculty of Law

5:30

Conference Cocktail



6:30

Conference Adjourns to Day Two



*This conference is an annual highlight for my continuing professional development, one that I always ensure that I attend without fail.*

—Counsel, Patented Medicines Review Board



## Global Sponsorship Opportunities

With conferences held across Canada, the Canadian Institute (CI) delivers a diverse portfolio of events and roundtables designed to provide timely business intelligence to senior decision-makers navigating today's most pressing challenges.



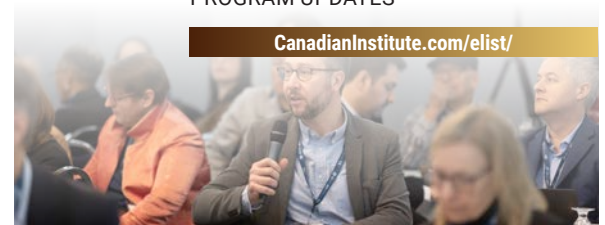
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# MAIN CONFERENCE DAY TWO

THURSDAY, OCTOBER 30

7:45 Registration and Breakfast

8:45 Opening Remarks from the Conference Co-Chairs



**Ashley Deathe**  
Vice-Chair  
Animal Care Review Board  
(Tribunals Ontario)



**Michael H. Morris**  
Senior General Counsel  
Justice Canada



**Jean-Simon (JS) Schoenholz**  
Partner  
Norton Rose Fulbright LLP

9:00 **Legislative Limits on Judicial Review and Statutory Appeals:**  
Lessons Learned from *Yatar*, *Democracy Watch*, and the *Online Streaming Act* Challenges

In *Yatar v TD Insurance Meloche Monnex* (2024 SCC 8), the Supreme Court clarified a key point in administrative law: that even when legislation grants a limited statutory right of appeal, individuals may still seek judicial review on questions of fact or mixed and law. The Court did not, however, answer if this is also true when a privative clause exists. They left that response for the *Democracy Watch* appeal—leave granted by the Supreme Court in May 2025. In this session, topics of discussion include:

- Learning the procedural differences from a common law appeal, statutory appeal, and judicial review
  - » Assessing how courts have interpreted “jurisdictional” limits and procedural fairness in partial privative clauses
  - » Assessing how courts are distinguishing between errors of law, fact, and jurisdiction under partial or full privative clauses
- Revisiting the Federal Court of Appeal’s 2024 *Democracy Watch* decision and the unresolved issue that is the subject of the Supreme Court of Canada appeal
- Understanding practical challenges posed when litigators and decision-makers need to consider differently when faced with a judicial review versus appeal
  - » *E.g.*, in the *Best Buy 2025* decision, the FCA suggested they may be unwilling to hear parallel judicial reviews, even if permitted, on the basis that they are “not necessary”
  - » Unpacking “necessity” as a challenge the *Online Streaming Act* implementation
- Analyzing the role of political oversight as an alternative to judicial remedies: sufficient safeguard or constitutional gap?



**Joseph Cheng**  
Senior General Counsel  
Justice Canada



**Lauren J. Wihak, K.C.**  
Partner  
McDougall Gauley LLP



**Mani Kakkar**  
Principal  
Circle Barristers

10:30 Morning Break

10:45 **Interpreting the Interpreters:**  
Evolving Principles of Statutory Interpretation of Primary and Secondary Legislation

The Supreme Court of Canada has recently released 2 decisions on statutory interpretation (*Telus 2025 SCC 15* and *Piekut 2025 SCC 13*) and two decisions on statutory interpretation of subordinate legislation (*TransAlta* and *Auer*). These cases, taken with *Pepa*, signal that administrative and public law professionals need to familiarize themselves with the principles of statutory interpretation. This session will examine these cases and the critical takeaways for administrative and public law professionals. Topics of discussion include:

- Unpacking the lessons learned from the *Telus* and *Piekut* decisions
  - » Reconciling Moreau J’s rejection of dynamic statutory interpretation with Côté J’s use of the dynamic approach in dissent (*Telus*)
  - » Appreciating how the Court applied a textual, contextual, and purposive analysis to the Bankruptcy and Insolvency Act (*Piekut*)
- Dissecting what *TransAlta* and *Auer* reveal about the limits of deference when administrative decision-makers interpret complex regulatory frameworks.
  - » Analyzing how the Court distinguishes between regulatory ambiguity and legislative drafting errors, and the consequences of each
- Examining the tension between a strict interpretation of statutes governing the use of regulatory instruments by a regulator versus the need for regulatory flexibility to address time-sensitive policy priorities illustrated in recent challenges to implementation of the Online Streaming Act (Motion Picture Association et al. v. AGC et al, FCA, A-34-25)
- Establishing key takeaways for administrative decision-makers
  - » Developing a framework for statutory interpretation of primary statutes
  - » Best practices for interpreting and applying regulatory frameworks in line with legislative intent



**Charles Feldman**  
Parliamentary Counsel  
Canada



**Mark Mancini**  
Assistant Professor of Law  
Thompson Rivers  
University, Faculty of Law



**Ewa Krajewska**  
Partner  
Henein Hutchison  
Robitaille LLP

## 12:00 Networking Luncheon

1:15 **Trauma-Informed Strategies for Advocates and Decision-Makers:  
Facilitating Access to Justice for Vulnerable Participants**

Many participants in administrative or court proceedings arrive with lived experiences and trauma that affect how they communicate, recall events, or engage with the process. For lawyers and decision-makers, a trauma-informed approach can therefore support more orderly hearings, reduce the risk of escalation or disengagement and improve access to justice overall. This session will provide foundational guidance on how trauma-informed strategies can strengthen both procedural fairness and effective hearing room management. Topics of discussion will include:

- Identifying the core principles of trauma-informed practice in legal and administrative settings
- Understanding how trauma can manifest in memory, demeanour, and hearing participation
  - » Structuring questioning and evidence-gathering with trauma awareness in mind
- Applying techniques to reduce re-traumatization while upholding procedural safeguards
- Managing emotionally charged or unpredictable moments with clarity and authority
  - » Balancing adjudicative neutrality with trauma-informed responsiveness
  - » Navigating allegations of bias



**François Levert**  
*Regional Vice-Chairperson, Atlantic  
Parole Board of Canada*



**Kayla M. Stephenson**  
*Adjudicator  
Cities of Barrie and Vaughan*



**Taylor Bain**  
*Counsel  
Gillian Hnatiw & Co*



**MODERATED BY:**  
**Jay Sengupta**  
*External Adjudicator | Mediator  
Jay Sengupta Dispute Resolution*

2:00 **Managing the Hearing Room and Working with Self-Represented Parties:  
Balancing Procedural Fairness and Active Adjudication**

In addition to effectively controlling the environment and the logistics of the hearing, administrative decision-makers frequently engage in active adjudication as part of facilitating access to justice. Self-represented individuals appearing before administrative tribunals or courts pose a unique challenge: procedural fairness and access to justice may warrant intervention, but the live issue is how far is too far, in an under-resourced and over-burdened justice system? In addition to benchmarking best practices for effective hearing room management, this panel will analyze critical questions such as:

- How to help self-represented individuals with procedural steps: what are the minimums, and what are the limits?
- What rationale can a tribunal member provide for not fulfilling the requests of a self-represented litigant?
  - » Considering formalism: what are the bright lines when it comes to excusing self-represented individuals for not perfecting their applications or following procedure?
  - » Conversely, when does helping the self-represented individual cross the line from procedural fairness to an unfair disadvantage to the other party?
- When is it expected or reasonable for the tribunal member to negotiate or mediate between parties?
- When is ADR a better venue than a hearing room to ensure access to justice in a tribunal?



**Hon. Catherine M. Kane**  
*Judge  
Federal Court of Canada*



**Allison Smith**  
*Vice-Chairperson  
Canada Industrial Relations Board*



**Dawn Sullivan**  
*Vice-Chair  
Landlord and Tenant Board (Tribunals Ontario)*



**Marisa Victor**  
*Tribunal Member  
Canadian Transportation Agency*



**MODERATED BY:**  
**Ashley Deathe**  
*Vice-Chair  
Animal Care Review Board (Tribunals Ontario)  
\*Views expressed are personal.*

## 3:15 Afternoon Break



3:30

**Commissions of Inquiry Case Study: Lessons in Procedural Fairness and Adaptability**

Although commissions of inquiry are not adjudicative, they must still uphold key principles of procedural fairness, manage complex evidentiary records, and adapt to shifting legal and political contexts, making them rich case studies for those working in or appearing before administrative bodies. In this special session, counsel from both the *Public Order Emergency Commission* and the *Foreign Interference Commission* will reflect on the legal strategies, procedural challenges, and ethical considerations they navigated, offering practical insights for today's administrative law practitioners and decision-makers. Topics of discussion include:

- Analyzing the role of inquiries in promoting (or undermining) public confidence in institutions and government
- Assessing the limits of inquiry authority and the implications of judicial review
  - » The government's application for judicial review of certain findings from the *Public Order Emergency Commission*
- Applying procedural fairness in non-adjudicative settings
- Navigating the collection, management, and disclosure of evidence under intense public scrutiny
- Adapting process and expectations in response to evolving mandates or real-time developments



**Shantona Chaudhury**  
Partner  
**Pape Chaudhury LLP**



**Fraser Harland**  
Counsel  
**Olthuis Van Ert LLP**



**Natalia Rodriguez**  
Partner  
**Conway Baxter Litigation**  
Commission Counsel,  
*Foreign Interference Commission*

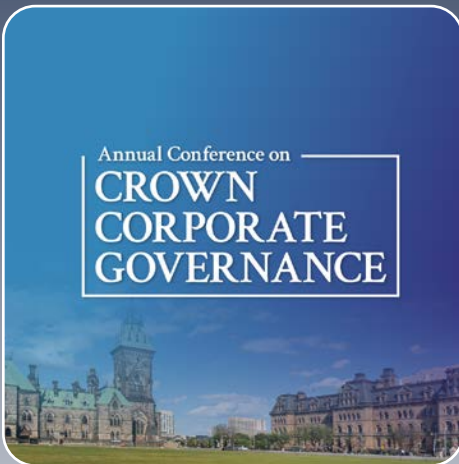


**MODERATED BY:**  
**Jean-Simon (JS) Schoenholz**  
Partner  
**Norton Rose Fulbright LLP**

4:30

**Conference Concludes**

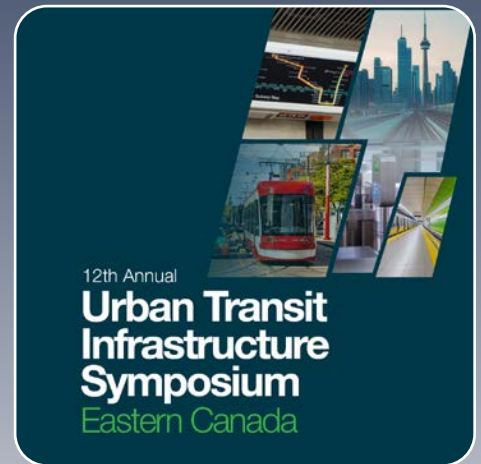
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January 28–29, 2026  
Ottawa, ON



Spring 2026  
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Spring 2026  
Toronto, ON



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361 Queen Street, Ottawa ON, K1R 0C7

Reservations: 1-613-234-6363

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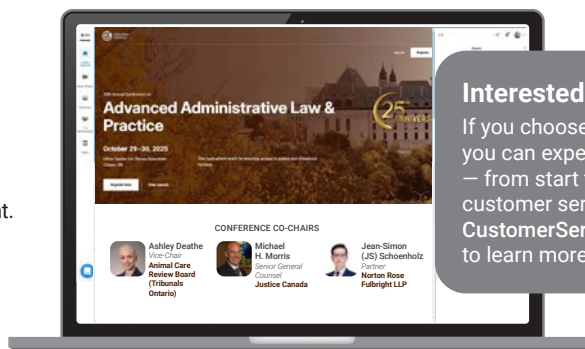
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