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Court File No.: 35626

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE SUPERIOR COURT OF QUEBEC)

BETWEEN:

HER MAJESTY THE QUEEN

Appellant

- and -

JEFFREY ST-CLOUD

Respondent

- and –

CRIMINAL LAWYERS' ASSOCIATION (ONTARIO)

Intervener

- and –

ATTORNEY GENERAL (ONTARIO)

Intervener

- and –

CANADIAN CIVIL LIBERTIES ASSOCIATION

Intervener

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FACTUM OF THE INTERVENER CRIMINAL LAWYERS' ASSOCIATION (ONTARIO)

PART I – OVERVIEW

1. Bail practices across Canada are frequently at odds with constitutional, statutory and jurisprudential frameworks that are intended to favour pre-trial release. Many of these practices are the product of a culture of risk aversion in lower courts, a culture which requires the possibility of remediation by higher courts on review. Despite repeated admonitions calling for restraint in the use of pre-trial detention – most importantly from this Honourable Court – individuals who are presumed innocent are being detained pending trial with increasing frequency or are subject to unwarranted, unfair or even abusive conditions of release. Today, the constitutionally guaranteed right to reasonable bail in Canada is in poor shape.

2. The Criminal Lawyers' Association (Ontario) ("CLA") submits that this Court must send another strong signal that pre-trial detention should be the exception, and non-restrictive release the rule. A key issue raised in this appeal is the standard that should apply in reviews of bail decisions. The CLA submits that, given the profound implications of bail decisions for an accused, it is imperative that the bail court reach the right conclusion – if not the first time, then on review. A broad right of review is essential for ensuring that an accused's liberty is denied or restricted only when and to the extent that doing so is demonstrably necessary to further the objectives of the bail system.

3. The CLA takes no position on the facts as summarized by the parties.

PART II – QUESTIONS IN ISSUE

4. The CLA confines its submissions to the first question stated by the Appellant. The CLA takes the position that the standard of review with respect to a bail review under s. 520 of the *Criminal Code* should be correctness, and that there should be few restrictions on the right of an accused to adduce new evidence on review. With respect to the second question, the CLA agrees with the Respondent and, further, adopts in their entirety the submissions of the intervener Canadian Civil Liberties Association ("CCLA").[1]

[1] The CLA and the CCLA have coordinated their respective submissions in order to avoid duplication.

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PART III – ARGUMENT

A) The state of bail in Canada today

5. The fundamental right to reasonable bail pending trial is guaranteed by section 11(*e*) of the *Charter*. Following the broad reform of nearly half a century ago, pre-trial detention was intended to be an exceptional measure.[2] Sadly, and despite regular reiteration of this principle by the courts, empirical studies demonstrate that it is not being followed as it should be.

6. The CCLA has reported that the number of individuals on remand has been climbing steadily over the last quarter century, despite a drop in violent crime.[3] Professor Martin Friedland, whose renowned 1965 study on bail in Canada contributed to the overhaul of the bail system in 1971 with the *Bail Reform Act*,[4] recently took a fresh look at the state of our system of pre-trial detention. He came to the grim conclusion that his earlier observation that "release practices before trial operated in an 'ineffective, inequitable, and inconsistent manner'" was "still true in Canada today."[5] He reached the troubling conclusion that "[j]ustices of the peace are no doubt confused about the whole bail system and are not applying the *Bail Reform Act* with the spirit that was intended".[6]

7. Equally importantly, the CCLA also reported that bail courts routinely impose unconstitutionally vague, arbitrary or unwarranted bail conditions.[7] As well, sureties are overly

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[2] See *R. v. Morales*, [1992] 3 S.C.R. 711, at pp. 725, 728 and 736

[3] The Canadian Civil Liberties Association and Education Trust, *"Set Up to Fail : Bail and the Revolving Door of Pre-Trial Detention"* (July 2014) at pp. 1, 5-8 and 11 [CCLA Report]. They further reported that there are more people in pre-trial custody in the country's provincial and territorial jails than there are individuals serving a provincial sentence. It is, as the report concludes, "a trend that we cannot afford to continue."

[4] Martin L. Friedland, *Detention Before Trial : A Study of Criminal Cases Tried in the Toronto Magistrates Courts* (University of Toronto Press, 1965) as detailed by this Court in *Hall*, [2002] 3 S.C.R. 309, at paras. 57 – 62.

[5] Martin L. Friedland, "The *Bail Reform Act* Revisited" (2012) 16 C.C.L.R. 287 at 288 [Friedland (2012)]

[6] *Ibid.*, at 292

[7] This includes curfews regardless of the time or nature of the offence, the obligation to reside with a surety and follow the rules imposed by the surety, abstaining from the consumption of alcohol regardless of any relation to the commission of the offence, or regardless of whether the person is an alcoholic and doomed to breach the condition: CCLA Report, *supra*, at pp. 46-61 and 102-05. This is despite the fact that the Constitution mandates that any restriction on an accused's liberty while on bail must be reasonable, related to the circumstances of the offence, and directed towards the concerns that may have otherwise provided a basis for detention: *Keenan c. Stalker Mun. J., Attorney General of Quebec and*

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relied on in certain provinces, even though release on an accused's own recognizance ought to be the presumptive form of release.[8]

8. The fundamental importance of bail cannot be overstated. As Iacobucci J. wrote in *R. v. Hall*:

> At the heart of a free and democratic society is the liberty of its subjects. Liberty lost is never regained and can never be fully compensated for; therefore, where the potential exists for the loss of freedom for even a day, we, as a free and democratic society, must place the highest emphasis on ensuring that our system of justice minimizes the chances of an unwarranted denial of liberty.[9]

After quoting this passage with approval, the majority of this Court in *Toronto Star* noted that "[a] day in the life of an accused may have a lifelong impact."[10] Similarly, in *Ell v. Alberta*, a unanimous Court endorsed the following comment by Professor Friedland regarding the importance of bail and the impact of pre-trial detention on the trial process itself, both as to the punishment received and the likelihood of being convicted:

> The period before trial is too important to be left to guess-work and caprice. At stake in the process is the value of individual liberty. Custody during the period before trial not only affects the mental, social, and physical life of the accused and his family, but also may have a substantial impact on the result of the trial itself. The law should abhor any unnecessary deprivation of liberty and positive steps should be taken to ensure that detention before trial is kept to a minimum.[11]

9. Despite such important pronouncements, current practices are steadily eroding both the right to reasonable bail and the presumption of innocence.

Clerk of Montreal Municipal Court (1979), 57 C.C.C. (2d) 267 (Que. C.A.) at paras. 23 and 25 ; *R. v. D.A.*, [2014] ONSC 2166, at paras. 12, 14-15, 17 and 19-20; *R. v. Anoussis*, 2008 QCCQ 8100, at para. 23. See also *Toronto Star Newspapers Ltd. v. Canada*, 2010 SCC 21, at paras. 11 and 51

[8] In Ontario, for instance, "75% of accused released by consent ... were required to be under the supervision of a surety or a bail program. When an accused was released after a contested show cause hearing, 68.75% were required by the justice to have a surety.": CCLA Report, *supra*, at p. 36. See also pp. 100-01 for additional data. This is so despite the fact that many other provinces reserve sureties for serious cases or instances of failure to comply with previous court orders, without any indication that these provinces have a greater level of non-compliance: CCLA report, *supra*, at pp. 3, 37 and 40

[9] *R. v. Hall*, supra, at para. 47 *per* Iacobucci J. (dissenting, but not on this point)

[10] *Toronto Star*, *supra*, at para. 51

[11] *Ell v. Alberta*, 2003 SCC 35, [2003] 1 S.C.R. 857, at para. 24, citing Friedland (1965), *supra*, at p. 172 [emphasis added]. This Court and other courts have also recognized that pre-trial detention occasions "a severe deprivation" and is punitive: see *R. v. McDonald* (1998), 127 C.C.C. (3d) 57 (Ont. C.A.) at para. 48 and *R. v. Wust*, 2000 SCC 18, [2000] 1 S.C.R. 455 at paras. 8, 28-30 and 41. See also Martin L. Friedland, "Criminal Justice in Canada Revisited" (2004) 48 C.L.Q. 419 [Friedland (2004)], and G.T. Trotter, *The Law of Bail in Canada*, 3d ed. Toronto, Ont.: Carswell, 2010, at pp. 1-45 to 1-46, for a comprehensive overview of the wide-ranging effects of pre-trial detention on accused people.

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B) The exigencies of bail hearings

10. It is submitted that the following inescapable features of most bail hearings increase the risk of error and, as a result, call for a broad scope for review: (1) the informal and expeditious nature of most bail hearings; (2) the time pressures under which the hearings are conduct; (3) the necessarily incomplete evidentiary picture that is available immediately following an arrest; and (4) at least in Ontario, the fact that most bail decisions are made by Justices of the Peace who usually do not have any prior legal training.

11. This Honourable Court has recognized that the interests at stake in bail hearings require that these hearings occur with an informality and expeditiousness not found elsewhere in the criminal law. Thus, for example, to "avoid any delay prejudicial to an accused who ought to be released, while at the same time ensuring that those who do not meet the criteria for release are kept in custody, compromises had to be made regarding the nature of the evidence to be adduced at the bail hearing."[12] Bail practices vary widely across jurisdictions. However, what is common to all contested bail hearings is their expeditious nature, and the limited information that is generally in the hands of all parties. For obvious reasons, the presumption is that bail hearings will occur soon after the arrest. In Ontario, bail hearings are most frequently conducted solely on the basis of a police synopsis of the case, with little or no actual disclosure in the hands of either the Crown or defence. Often, counsel will not have been retained and the accused is assisted by duty counsel. Moreover, the defence (and not infrequently the Crown) may not know until the morning of the hearing on which of the three grounds for detention the Crown will be relying to resist release or to seek specific terms of release. As a result, there is little time for the defence to prepare properly and respond fully. Bail hearings tend to be "seat of the pants" affairs.[13]

12. Moreover, given the time-sensitive nature of the determination, the high volume of bail cases before the courts, and concerns about systemic delays,[14] justices cannot afford to reserve

[12] *Toronto Star, supra,* at para. 28. See also CCLA Report, *supra*, at p. 18, regarding how unjustified delays in securing bail violate *Charter* rights, including the right to reasonable bail.

[13] See e.g. the comments of the majority in *Toronto Star*, *supra*, at paras. 28, 36, 43-44 and 53. In the case before the Court, the bail hearing took place three days after the offence, and two days after the accused's surrender into custody. This not only represents what is statutorily and constitutionally mandated (see *Toronto Star*, *supra*, at paras. 24, 27, 35 and 60; CCLA Report, *supra*, at p. 28; s. 516(1) of the *Code*), it is representative of the typical bail matter in Ontario's provincial courts.

[14] See e.g. *Toronto Star*, *supra*, at para. 55; CCLA Report, at pp. 28-32

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their decisions for any significant length of time, either to conduct additional legal research or to further consider their decision. As a result, arguably the most important decision in the criminal process tends to be – through no one's fault – the least carefully thought out. It is also the one made on the basis of the most limited evidence or information. It is submitted that these realities call for readily available means of review.

13. An additional significant factor is that, in Ontario, justices of the peace preside over almost all non-murder bail hearings.[15] Unlike many other provinces (including Quebec),[16] these justices of the peace are not provincial court judges sitting as justices of the peace. This is significant because in Ontario, justices of the peace are not required to have a law degree, and in fact most do not. A bail review in Superior Court is usually the first and only opportunity for a judicial officer with legal training to pass upon the legality of the accused's detention.

14. This Court has recognized the value of legal training for those justices of the peace who adjudicate judicial interim release, a judicial function of "singular importance":

> These eligibility criteria [membership in good standing of the Law Society with at least five years related experience at the bar] are reasonable in light of the judicial functions of sitting and presiding justices of the peace and their significant impact on the rights and liberties of individuals. [...] It is a sensible conclusion that minimum requirements of education and experience for justices of the peace will tend to improve the quality of legal decisions. Increased training also reduces the reliance of individual officers on the advice of others, thereby increasing their independence in decision making.[17]

15. In the absence of such training, a decision on pre-trial custody – often "the single most important step for an accused person in the criminal process"[18] – risks being of lesser quality than would be expected from a legally trained judicial officer. Fundamental decisions affecting constitutional rights are being made by individuals who have not benefitted from the training and experience that comes from earning a law degree and practicing law. The CLA recognizes the

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[15] *Justices of the Peace Act*, R.S.O. 1990, c.J.4, s. 2.1(15)-(17); *Courts of Justice Act*, R.S.O. 1990, c.C.43

[16] The practice in Quebec – and thus in the case at bar – is for provincial court judges to sit as justices of the peace for the purpose of adjudicating bail. Quebec's justices of the peace – even those who are legally trained – cannot exercise this function: see *Courts of Justice Act*, C.Q.L.R., c. T-16, ss. 160, 162, 173, Appendixes IV and V. Manitoba, Nova Scotia and British Columbia, like Quebec, only use provincial court judges in bail court. Yukon uses a combination of justices of the peace and judges: CCLA Report, at pp. 20 and 106-11. In Alberta, justices of the peace are legally trained: Friedland (2012), *supra*, at p. 294

[17] *Ell v. Alberta*, *supra*, at para. 48 [emphasis added]

[18] Letter from Sidney Linden, Chair, Legal Aid Ontario (April 27, 2001) at p. 2, in Friedland (2004), *supra*, at para. 435, n. 98

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diligence of most justices of the peace and their commitment to getting it right. Nevertheless, despite their best efforts, many are simply not optimally equipped to make the kinds of fundamental decisions relating to a person's liberty that bail adjudication requires.

16. In his most recent study, Friedland made the related observation that "[m]any justices [of the peace] are understandably risk averse. There is far less criticism at keeping an accused in custody or releasing the person with stringent conditions than in releasing the accused without such conditions."[19] He concluded that this was in part a function of justices of the peace and not judges being the decision-makers, and noted some of the significant differences between the two:

> The one thing that was different [between 1965 and 2012] – to my surprise – was that the person heading the drama was not a provincial court judge, but rather a justice of the peace, the overwhelming majority of whom in Ontario are not legally trained and who may not in practice enjoy the same degree of independence, confidence, and authority as provincial court judges. Justices of the peace may therefore be more inclined than provincial court judges to play it safe and not take the risk of releasing an accused without sureties and stringent conditions.[20]

17. These differences in approach are not merely theoretical; they appear to be borne out by empirical data. Ontario has next to the highest percentage of remand persons at any one time in provincial institutions.[21]

18. It is submitted that the conditions under which most bail hearings are conducted and the nature of the judicial official who decides whether to release or not and, if there is to be release, upon what conditions, significantly increase the risk of erroneous decisions over and above the baseline risk of error in any judicial process. Individuals who should be released will be ordered detained and at least some individuals who are ordered released will be placed on unjustifiably restrictive or intrusive conditions. The stakes are high. The right guaranteed by s. 11(*e*) of the

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[19] Friedland (2012), *supra*, at p. 292. See also CCLA report, *supra*, at p. 26: "Intertwined with this culture of adjournment is an aversion to being the one to make the release decision. … [A]ctual practice would lead one to believe that the onus was almost always on the accused to demonstrate why a release was appropriate – the opposite of what is suggested by current law". See also p. 27

[20] Friedland (2012), *supra*, at p. 294 [emphasis added]

[21] *Ibid.* In its recent study, the CCLA included testimonials about the perceived difference in case outcomes depending on whether a justice of the peace or a judge was adjudicating the matter, and made the worrisome observation that "Defence counsel believe the lack of legal training and confidence in decision-making leads some justices of the peace to defer to the Crown's interpretation of the law": CCLA Report, *supra,* at pp. 44-45

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Charter may be breached. An unjustified detention order can have a devastating impact on the life of the accused.[22] The challenges involved in preparing a defence in collaboration with an incarcerated client are obvious. Trial fairness can be adversely affected.[23] The repute of the administration of justice suffers.

19. Like Martin J.A. in *R. v. Bray*[24], Lamer C.J.C. saw the regime introduced with the *Bail Reform Act* as a liberal and enlightened system of pre-trial release founded on a basic entitlement to bail. As he stated in *Pearson,* "s. 11(e) transforms the basic entitlement of this liberal and enlightened system into a constitutional right. Section 11(*e*) creates a basic entitlement to be granted reasonable bail unless there is just cause to do otherwise."[25]

20. It is submitted that all of these considerations call for broad access by the accused to a review process in which errors can be corrected and constitutional rights fully protected. The standard of review and the right of an accused to adduce new evidence upon review should be defined accordingly. The bail review process should afford accused persons wide latitude for supplementing the record, should remove obstacles to reviewing the decision on its merits, and should allow judges on review to get to the right decision.

C) The standard of review should be correctness

21. There is some inconsistency and confusion in the authorities on the standard of review, both with respect to s. 520 and s. 680 reviews, and in a more limited manner, with respect to s. 18(2) of the *Extradition Act*. For reasons set out above, a broad right of review is warranted in all instances of bail.[26]

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[22] See, for instance, the CCLA Report, *supra*, at pp. 9 and 12-13

[23] Quite aside from the immense pressure felt by many detained accused to plead guilty (CCLA Report, *supra*, at p. 10), the repercussions on the trial process itself – including the outcome of the trial – cannot be ignored: see Iacobucci J.'s dissent in *R. v. Hall*, *supra*, at para. 118

[24] *R. v. Bray* (1983), 2 C.C.C. (3d) 325 (Ont. C.A.)

[25] *R. v. Pearson*, [1992] 3 S.C.R. 665, at p. 691

[26] Even though a judge makes the initial bail determination on a review pursuant to s. 680 of the *Code* or s. 18(2) of the *Extradition Act*, it is just as important, given the significance of the deprivation of liberty of a person who is presumed innocent, and the consequences of that deprivation, to allow for a broad right of review. The CLA takes the position that, just as the standard of review with respect to s. 520 must be correctness, *a fortiori*, the unrestrictive statutory language of s. 680 and s. 18(2) compels the conclusion that the standard of review is correctness in respect of those provisions as well.

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22. In addition, a key factor that calls for a deferential standard of review in other circumstances is largely absent here. Justices of the peace and judges hearing bail matters generally do not hear from witnesses – aside, in certain cases, from the officer in charge (who is entitled to adduce hearsay) and from proposed sureties. There is therefore no need to afford them the deference that is afforded to a trial or sentencing judge who has heard witnesses, or who has had the benefit of a hearing on a complete record.

23. Review on a correctness standard is not to be equated with a *de novo* hearing. Nevertheless, in light of the importance of maintaining a high bar for any order for the pre-trial detention of a person who is presumed innocent, there should be a broad scope of review of bail decisions made by justices and judges. The CLA submits that Trotter J. correctly observed that:

> In the absence of a statutory basis for concluding otherwise, the constitutional nature of the decision ought to permit the reviewing judge to come to an **independent judgment** on the existence or absence of just cause. That is, the nature of the bail decision entitles the accused person to the broadest scope of review – correctness.[27] [Emphasis added]

What this means is that the reviewing judge should be permitted to substitute his or her view for that of the court below, even on exactly the same record. Fundamental constitutional rights and values as well as everyday practical considerations outlined above support this approach.

D) The hybrid character of the review hearing

24. The CLA acknowledges that the task of the reviewing court differs depending on whether or not additional evidence has been adduced. Nevertheless, at the end of the day, the question is the same. If no additional evidence has been adduced, is the decision below on the original record correct? If additional evidence has been adduced, is the decision below on the expanded record correct? In neither case does the reviewing court owe any deference to the court below. The CLA thus departs from the restrictive view that the Crown Appellant takes of a superior court's powers of review, which effectively collapses the standard of review on bail reviews to that applied in sentence appeals.

E) A material change in circumstances always warrants reconsideration

25. The CLA also respectfully disagrees with the restrictive view of the test for a "material change in circumstances" adopted by the Crown Appellant with respect to fresh evidence

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[27] Trotter, *supra*, at p. 8-15. See also the CCLA's recommendation in CCLA Report, *supra*, at p. 54

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adduced on review. The Crown suggests that only new facts not known at the time of the bail hearing ought to be considered on review.[28] Not only is this unfair to the accused, but the importance of properly adjudicating bail warrants a more flexible approach in assessing the materiality of fresh evidence on review. The bar for such evidence should not be set too high.

26. It is not realistic to expect the accused – who is often unrepresented[29] and at such an early stage in the proceedings – to consider all of the facts that might be adduced in order to get bail. Counsel (if any) will generally not have had the chance to interview his client fully or other persons with relevant information. The client or proposed sureties might not know that a particular piece of information would be of assistance to counsel for the purpose of obtaining bail. Further, it is unfair in these circumstances to expect the accused to present defence evidence to the court as it relates to the circumstances of the offence, thereby foregoing the right to silence without having had due time to properly consider the matter with counsel. Yet under the Crown's proposed approach, because such facts will generally have been known to the accused or otherwise available at the time of the initial bail determination, the defence would be precluded from adducing them on review.

27. Moreover, any number of other obstacles can prevent an accused from adducing all of the relevant facts before the court at the initial bail hearing. It may be as simple as the fact that the accused no longer has access to his cell phone to look up the phone numbers of potential sureties or other witnesses. No one has the luxury of time. Given that for most accused prompt release is a pressing goal, it is not surprising that many will try for bail as soon as possible despite not being in a position to present their best case to the court. Similarly, at the original bail hearing an accused might agree to restrictive conditions of release whose unworkability become apparent only with the passage of time. The Crown's approach fails to take into account the practical realities that result from the expeditious nature of bail proceedings and the accused's entirely understandable goal of securing release as soon as possible.

28. The Crown Appellant's suggestion that a person who is being held in custody would deliberately hold information back in hand in order to improve his chances for release on review reflects a deep misunderstanding of the hardships experienced by detained accused. It is

[28] Appellant's Factum, at para. 67

[29] CCLA Report, *supra*, at p. 96 ; *Toronto Star*, *supra*, at para. 53

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unrealistic to think that anyone would fail to do everything in his power to be released at the first possible opportunity. While it is reasonable to expect an accused to put his best foot forward when applying for release, a finding that he has failed to do so should never stand in the way of the correct determination of whether the accused should be released or not. If some mechanism is required to prevent a multiplicity of review applications by an accused from clogging the courts, s. 520(8) of the *Criminal Code* suffices.

29. It is submitted that the value of finality should be given little weight with respect to bail decisions. When it comes to the restrictions on liberty of an individual who is presumed innocent, not restricting that liberty any more *or any longer* than is necessary ought to be the ultimate goal. The broad language of s. 520(7) of the *Criminal Code* promotes this goal. Indeed, Part XVI of the *Code* as a whole creates a scheme under which regular reviews of bail decisions are permitted and, sometimes, even required. A person's pretrial detention should be amenable to full reconsideration by a judge where key facts were not properly considered or were not before the justice, regardless of whether they were available or known to the defence at the time.

F) Conclusion

30. Given the speed and early stage at which bail decisions are generally made, the frequent lack of assistance from retained counsel, the nature of the training of the judicial officers making these crucial decisions, and the significant adverse effects of detention on the accused and on the entire trial process, it is essential that higher courts be in a position to act as a safeguard against unjustified detentions pending trial. The standard of review and the test for the reception of new evidence should be set accordingly.

PART IV – COSTS

31. The CLA seeks no costs and asks that no costs be awarded against it.

PART V – ORDER SOUGHT

32. The CLA respectfully requests leave to present oral argument at the hearing of this appeal. It takes no position on the appeal's ultimate disposition.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 11th day of September, 2014

John Norris and Christine Mainville
Counsel for the Intervener, CLA

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PART VI – TABLE OF AUTHORITIES

Case Law

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4	*R. v. Anoussis*, 2008 QCCQ 8100	7
5	*Toronto Star Newspapers Ltd. v. Canada*, 2010 SCC 21	7, 8, 11, 12, 26
6	*R. v. Hall*, [2002] 3 S.C.R. 309	8, 18
7	*Ell v. Alberta*, 2003 SCC 35, [2003] 1 S.C.R. 857	8, 14
8	*R. v. McDonald* (1998), 127 C.C.C. (3d) 57 (Ont. C.A.)	8
9	*R. v. Wust*, 2000 SCC 18, [2000] 1 S.C.R. 455	8
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Analysis and Commentary

Tab	Article or Report	Paragraph No.
12	The Canadian Civil Liberties Association and Education Trust "*Set up to Fail : Bail and the Revolving Door of Pre-Trial Detention*", (July 2014)	6, 7, 11, 12, 13, 16, 17, 18, 23, 26
13	Martin L. Friedland, "The *Bail Reform Act* Revisited" (2012) 16 C.C.L.R. 287	6, 13, 16
14	Martin L. Friedland, "Criminal Justice in Canada Revisited" (2004) 48 C.L.Q. 419	8, 15

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15	G.T. Trotter, *The Law of Bail in Canada*, 3d ed. Toronto, Ont.: Carswell, 2010	8, 23

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