Court File No. 39855

SUPREME COURT OF CANADA
(ON APPEAL FROM *THE FEDERAL COURT OF APPEAL*)

B E T W E E N:

EARL MASON

Appellant
(Respondent)

- and –

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent
(Appellant)

A N D B E T W E E N:

SEIFESLAM DLEIOW

Appellant
(Respondent)

- and –

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent
(Appellant)

-and-

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(Rules 37 and 42 of the *Rules of the Supreme Court of Canada*, SOR/2002-156)

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PART I – OVERVIEW

1. This appeal is in respect of the interpretation of section 34(1)(e) of the *Immigration and Refugee Act*[1] ("*IRPA*") by the Immigration Appeal Division ("IAD") in *Canada (Citizenship and Immigration) v Mason* and the Immigration Division ("ID") in *Canada (Citizenship and Immigration) v Dleiow.*[2] At issue is the appropriate method employed by a court reviewing an administrative decision-maker's statutory interpretation on a standard of review of reasonableness.[3] The Attorney General of Ontario ("Ontario") intervenes to address this issue.[4]

2. Statutory interpretation is a search for legislative meaning.[5] The purpose of the exercise is to discern and carry out the legislature's intent.[6] An intention common to all statutes is that they be interpreted in accordance with established principles of statutory interpretation.[7]

3. On judicial review, where the meaning of a statutory provision is in dispute and a reasonableness standard applies, the reviewing court has a dual role. On one hand, it is bound to respect the legislative intent that the administrative decision-maker have the authority to determine the questions at issue under the statutory scheme.[8] On the other, the court also has a role in

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[1] SC 2001, c 27, s 34(1)(e) [*IRPA*].
[2] 2021 FCA 156 [*Mason/Dleiow* FCA], reversing Federal Court decisions *Mason v Canada (Citizenship and Immigration),* 2019 FC 1251 and *Dleiow v Canada (Citizenship and Immigration),* 2020 FC 59, and restoring the decisions in *Mason v Canada (Public Safety and Emergency Preparedness)*, 2019 CanLII 55171 [*Mason* IAD], and *Dleiow v Canada (Public Safety and Emergency Preparedness)*, 2019 CanLII 129531 [*Dleiow* ID].
[3] Factum of the Appellant Earl Mason dated May 30, 2022 at paras 29-50 [*Mason Factum*]; Factum of the Appellant Seifeslam Dleiow dated May 30, 2022 at paras 25-36 [*Dleiow Factum*] and Factum of the Minister of Citizenship and Immigration dated July 21, 2022 at paras 51-54, 59, 73 [*Minister Factum*].
[4] Ontario takes no position on the meaning of subsection 34(1)(e) of the *IRPA.*
[5] *Rizzo & Rizzo Shoes Ltd. (Re),* [1998] 1 SCR 27, 154 DLR (4th) 193 at para 21 [*Rizzo Shoes*]; *B010 v Canada (Citizenship and Immigration)*, 2015 SCC 58 at para 29; *HMB Holdings Ltd v Antigua and Barbuda,* 2021 SCC 44 at para 57.
[6] *R v ADH,* 2013 SCC 28 at para 19 [*ADH*]; the Honourable Thomas A Cromwell, Siena Anstis & Thomas Touchie, "Revisiting the Role of Presumptions of Legislative Intent in Statutory Interpretation" (2017) 95:2 Can Bar Rev 297 at 315.
[7] *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 118, 120 [*Vavilov*].
[8] *Ibid* at paras 8, 12, 24-26, 33; *Dunsmuir v New Brunswick*, 2008 SCC 9 at para 27 [*Dunsmuir*].

protecting the legislative intent underlying the statutory provisions interpreted by that decision-maker.[9]

4. Ontario's position, consistent with this Honourable Court's decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov,* is that an administrative decision-maker interpreting a statutory provision must account for the essential elements of a provision's text, context and purpose to arrive at a reasonable meaning that can be said to carry out the legislative intent underlying the provision.[10] Further, the decision-maker has a justificatory burden to explain why they have adopted a particular interpretation in their reasons.[11]

5. The court's role in such circumstances is to ensure that the administrative decision-maker's interpretation accounts for the essential elements of text, context and purpose in respect of the provision. Where the interpretation adopted by the decision-maker is inconsistent with an element of the provision's text, context or purpose and no reasonable explanation has been provided to explain why the interpretation is nevertheless reflective of legislative intent, the decision is unreasonable and the reviewing court must intervene.[12] The reviewing court may choose to send the matter back to the administrative decision-maker with reasons, or in cases where only one reasonable interpretation is possible, determine the meaning of the provision.[13]

6. The meaning of a statutory provision should not change depending on the identity of the decision-maker. In such circumstances, the law becomes arbitrary. Rather, where there are two conflicting legal interpretations of a statutory provision adopted by the same tribunal and there is no method within the statutory scheme to achieve resolution, the reviewing court may direct that the tribunal resolve the "persistent discord" in accordance with its reasons, on the basis that it would be unreasonable to permit the conflict to continue.[14]

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[9] *Vavilov, supra* note 7 at paras 120-122.
[10] *Ibid* at paras 118-124.
[11] *Ibid* at paras 85-86; Edward Cottrill, "Administrative 'Determinations of Law' and the Limits of Legal Pluralism After Vavilov" (2020) 58:1 Alta L Rev 153 at 182-185 discussing justification within the reasonableness standard as means to provide deference but also as a bulwark against arbitrary exercises of state power and unjust outcomes.
[12] *Vavilov, supra* note 7 at paras 96, 122-124, 194-195.
[13] *Ibid* at paras 96-98, and 124.
[14] *Ibid* at para 132.

PART III – STATEMENT OF ARGUMENT

Respect for Legislative Intent Requires Robust Reasonable Review

7. Judicial review functions to maintain the rule of law while giving effect to legislative intent.[15] Legislative intent is the "polar star" of judicial review.[16] Legislative intent includes a legislature's choice to give powers of decision within a statutory scheme to an administrative decision-maker.[17] There is also a legislative intent that statutory provisions be interpreted in a manner that is consistent with the principles of statutory interpretation.[18]

8. On a judicial review, where the meaning of a statutory provision is in dispute and the standard of review is reasonableness, the reviewing court must engage in a robust review to ensure that the administrative decision-maker's interpretation is consistent with established principles of statutory interpretation.

Principles of Statutory Interpretation Apply to Administrative Decision-Makers

9. Legislative supremacy requires that the principles of statutory interpretation apply no less to administrative decision-makers than they do to courts.[19] This is because the meaning of a provision can only be understood by reading the language chosen by the legislature in light of its purpose and the entire relevant context.[20]

10. Administrative decision-makers engaging in statutory interpretation must therefore ask what the legislature intended the provision to mean,[21] and they bear a corresponding justificatory burden

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[15] *Vavilov, supra* note 7 at paras 2, 82; *Dunsmuir, supra* note 8 at paras 27-28.
[16] *Vavilov, supra* note 7 at para 33; *CUPE v Ontario (Minister of Labour)*, 2003 SCC 29 at para 149.
[17] *Vavilov, supra* note 7 at paras 8, 12, 24-26, 33; *Dunsmuir, supra* note 8 at para 27.
[18] *Vavilov, supra* note 7 at para 118.
[19] *Rizzo Shoes, supra* note 5 at paras 21-23; *Bell ExpressVu Limited Partnership v Rex*, 2002 SCC 42 at para 26 [*Bell ExpressVu*]; *Vavilov, supra* note 7 at paras 108, 117-118; *Tran v Canada (Public Safety and Emergency Preparedness)*, 2017 SCC 50 at paras 23, 54 [*Tran*].
[20] *Vavilov, supra* note 7 at para 118; Ruth Sullivan, *The Construction of Statutes*, 7th ed (Canada: LexisNexis Canada, 2022) at ch 2 §2.01[2], §2.01[4] (QL).
[21] *Vavilov, supra* note 7 at paras 108, 118; Cottrill, *supra* note 11 at 159; the Honourable Madam Justice Beverly McLachlin, "The Roles of Administrative Tribunals and Courts in Maintaining the Rule of Law" (1998-1999) 12 Can J Admin L & Prac 171 at 173 (WL); Paul Daly, "Vavilov and the Culture of Justification in Contemporary Administrative Law" (2021) 100 SCLR (2d) 279 at 306-307 (QL).

to explain why they have adopted a particular statutory meaning.[22]

11. For decades, the modern approach has been the prevailing method of interpreting statutes.[23] This approach requires that the words of a provision be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.[24]

12. Courts and administrative decision-makers must also adhere to the legislative imperative that the English and French versions of legislation are equally authoritative and, where applicable, that an Act be interpreted as remedial and be given such fair, large and liberal interpretation as best ensures the attainment of its objects.[25] These are "statutory rules that explicitly govern the interpretation of statutes and regulations."[26]

13. Presumptions of legislative intent, such as the presumption of consistent expression[27] and the rule against absurd results,[28] are tools that both courts and administrative decision-makers may apply in the assessment of what interpretation best accords with the essential elements of text, context and purpose.[29]

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[22] *Vavilov, supra* note 7 at paras 14-15, 79-81, 96, 105, 110, 121-122 (majority), and 339-341 (concurrence); Daly, *supra* note 21 at 306-307; Cromwell et al, *supra* note 6 at 320-322 confirming courts bear the same justificatory burden to "fully engage with the underlying values at play and provide transparent justifications for their chosen interpretation…"

[23] Sullivan, *supra* note 20 at ch 2 §2.01[1]; Cromwell et al, *supra* note 6 at 300-302, 313-315.

[24] *Rizzo Shoes, supra* note 5 at paras 21-23; *Vavilov, supra* note 7 at para 117.

[25] *Legislation Act, 2006*, SO 2006, c 21, Sched F, ss 64-65. Other jurisdictions contain similar provisions, for example: *The Interpretation Act*, CCSM c I80, s 6, s 7; *The Legislation Act*, SS 2019, c L-10.2, ss 2-10(2), 2-18(1); *Interpretation Act*, RSC 1985, c I-21, s 12; *Official Languages Act*, RSC 1985, c 31 (4th Supp).

[26] *Vavilov, supra* note 7 at para 117.

[27] *Agraira v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36 at paras 81-82.

[28] *Ibid* at para 83; *Tran, supra* note 19 at para 31; *Rizzo Shoes, supra* note 5 at para 27.

[29] *ADH, supra* note 6 at paras 25-28; Sullivan, *supra* note 20 at ch 2 §2.01[4]; Cromwell et al, *supra* note 6 at 301, 305-307, 314-317.

14. Legislative drafters are aware of these principles.[30] The context in which legislation is promulgated includes an appreciation that the words and phrases chosen, their location in the statute, and the underlying purpose of the Act will be considered by administrative decision-makers and courts in understanding the statute.[31]

15. As this Honourable Court states in *Vavilov,*

> Those who draft and enact statutes expect that questions about their meaning will be resolved by an analysis that has regard to the text, context and purpose, regardless of whether the entity tasked with interpreting the law is a court or an administrative decision maker. An approach to reasonableness review that respects legislative intent must therefore assume that those who interpret the law – whether courts or administrative decision makers – will do so in a manner consistent with this principle of interpretation.[32]

16. An administrative decision-maker's statutory interpretation can be less formal and may not always include written reasons depending on the context within which they operate.[33] A formalistic exercise is not required.[34] Regardless, it must be apparent that, in the interpretive exercise, the administrative decision-maker showed respect for legislative intent by adopting an interpretation that fits with the essential elements of text, context, and purpose.[35]

17. The essential elements of text, context and purpose include the words chosen by the legislature, their immediate statutory context within the section, Part or Division, the larger statutory scheme of the Act, and the underlying and/or enumerated objectives and purpose of the

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[30] Sullivan, *supra* note 20 at ch 2 §2.01[2]; Cromwell et al, *supra* note 6 at 318-319.
[31] *Vavilov, supra* note 7 at para 118; *ADH, supra* note 6 at paras 26; Sullivan, *supra* note 20 at ch 2 §2.01[2]; Cromwell et al, *supra* note 6 at 318-319.
[32] *Vavilov, supra* note 7 at para 118.
[33] *Ibid* at para 119.
[34] *Ibid*.
[35] *Ibid* at paras 118-123; *Bell ExpressVu, supra* note 19 at para 26; Audrey Macklin, "Seven Out Of Nine Legal Experts Agree: Expertise No Longer Matters (in the Same Way) After Vavilov!" (2021) 100 SCLR 249 at 261 the author refers to the majority's approach to deference which incorporates the "modern approach" as well as input from the decision-maker as "enlightened statutory interpretation." ; the Honourable Justice David Stratas, "The Canadian Law of Judicial Review: A Plea for Doctrinal Coherence and Consistency" (2016) 42:1 Queen's LJ 27 at 51-52.

Act as a whole.[36] In some cases, there may be other constraints that bear on the interpretive exercise, such as international law.[37]

18. Statutory language may be broad, permitting multiple reasonable interpretations that accord with text, context or purpose.[38] For example, where broad language such as "in the public interest" is used, this can be seen as the legislature's grant of discretion to the decision-maker to select from amongst multiple reasonable interpretations, all while keeping in mind the purposes underlying the statutory scheme. In other cases, the legislature may choose narrow language that constrains the decision-maker and permits only one reasonable interpretation.[39]

19. Administrative decision makers bring their own specialized expertise and experiences to bear in statutory interpretation. As experts in their field, they may be more cognizant than courts of the "on-the-ground" consequences of a particular legal interpretation, of statutory context, of purpose that a provision or legislative scheme are meant to serve, and of specialized terminology used in their administrative setting.[40]

Robust Review Includes Ensuring the Administrative Decision-Maker's Interpretation Accords with Established Principles of Statutory Interpretation

20. As this Honourable Court states in *Vavilov,* reviewing courts must engage in a robust review to ensure that the decision-maker's interpretive exercise reflects an internally coherent and rational chain of analysis as well as a reasonable, justified outcome.[41]

21. Where the meaning of a statutory provision is in dispute and the standard of reasonableness applies, the reviewing court has a dual role. It must show deference to the legislature's choice to give the decision-maker authority to decide questions of law pursuant to the statutory scheme.[42]

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[36] *Vavilov, supra* note 7 at para 120-121, 172, 176, 180-184, 194.
[37] *Ibid* at para 114.
[38] Cromwell et al, *supra* note 6 at 301-302; *Bell ExpressVu, supra* note 19 at para 29.
[39] *Vavilov, supra* note 7 at para 110. While this Court was addressing the statutory grant of authority given to administrative decision-makers, Ontario submits that it is applicable to the interpretation of other statutory provisions.
[40] *Ibid* at paras 92-93, 119, 232-235, 297 (concurring in result); Stratas, *supra* note 35 at 51.
[41] *Vavilov, supra* note 7 at paras 13, 85-87, 102-107.
[42] *Ibid* at paras 8, 12, 24-26, 33; *Dunsmuir, supra* note 8 at para 27.

However, it must also ensure that the decision-maker has accorded appropriate respect to the legislative intent underlying the statutory provision at issue.

22. The reviewing court achieves a balance between deference and inquiry by starting with the decision-maker's reasons, to determine whether the decision-maker has reasonably applied the principles of statutory interpretation.[43] As this Court and the Federal Court of Appeal have explained, the deference entailed by the reasonableness standard means that a court ought not to begin by ascribing its preferred meaning to the statutory provision in question.[44] Such an approach would result in a court-centric approach to judicial review, which was rejected by this Court in *Vavilov*.[45]

23. Rather, the reviewing court pays respectful attention to the administrative decision-maker's reasons.[46] Its role is to assess and confirm whether the decision-maker has adopted an interpretation that reasonably accounts for the statutory provision's text, its immediate and larger statutory context, and its purpose.[47] As this Court stated in *Vavilov,*

> The administrative decision maker's task is to interpret the contested provision in a manner consistent with the text, context and purpose, applying its particular insight into the statutory scheme at issue. It cannot adopt an interpretation it knows to be inferior – albeit plausible – merely because the interpretation in question appears to be available and expedient. The decision maker's responsibility is to discern meaning and legislative intent, not to "reverse-engineer" a desired outcome.[48]

24. A robust review to ensure that the administrative decision-maker's interpretation is consistent with established principles of statutory interpretation, and thereby accords with legislative intent, is not disguised correctness review.[49] Reviewing courts are entitled to "meaningfully probe" the decision because deference "stems from respect, not inattention to detail."[50]

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[43] *Vavilov, supra* note 7 at para 84; Daly, *supra* note 21 at 306-307.
[44] *Vavilov, supra* note 7 at paras 83, 116; *Mason/Dleiow* FCA, *supra* note 2 at para 12.
[45] *Vavilov, supra* note 7 at paras 83, 116; *Mason/Dleiow* FCA, *supra* note 2 at para 12.
[46] *Vavilov, supra* note 7 at paras 86, 93.
[47] *Ibid* at para 120; Mark Mancini, "Vavilov's Rule of Law A Diceyan Model and its Implications" (2020) 33:2 Can J Admin L & Prac 179 at 10-11.
[48] *Vavilov, supra* note 7 at para 121.
[49] *Ibid* at para 12.
[50] *Ibid* at para 294 (concurring in result).

25. There may be contrary signals of legislative intent within a statutory scheme. These signals may support alternative, competing interpretations of a provision.[51]

26. If the decision-maker's interpretation is inconsistent with an essential element of a statutory provision's text, its immediate and larger statutory context, or a purpose underlying the statutory scheme, a reasonable explanation for why the interpretation is nevertheless consistent with legislative intent is required.[52] This must be discernable from the record or reasons, otherwise the decision is unreasonable.[53] The absence of such a reasonable explanation was the basis for this Court's intervention in the analyst's interpretation in *Vavilov*.[54]

27. This Court in *Vavilov* confirmed that where such an inconsistency is present and no reasonable explanation has been provided, the decision fails to bear the hallmarks of reasonableness, namely justification, transparency, and intelligibility.[55] Specifically, the decision has not been adequately justified in relation to the relevant legal constraints that bear upon it, which include the modern approach to statutory interpretation.[56] This results in the reviewing court losing confidence in the outcome.[57]

28. In such circumstances, the reviewing court may substitute its own view or direct the issue back to the tribunal for reconsideration. However, if the interpretation adopted by the decision-maker, on a robust reasonableness review, accounts for all the essential elements of the text, content and purpose, then the court should not intervene.[58]

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[51] Sullivan, *supra* note 20 at ch 2 §2.01[3] - §2.01[4].
[52] *Vavilov, supra* note 7 at paras 122, 194.
[53] *Ibid* at paras 105-106, 120-124; Donald JM Brown & the Honourable John M Evans, *Judicial Review of Administrative Action in Canada*, (Toronto, Ontario: Thomson Reuters, 2013) (loose-leaf updated 2022, release 2) at §2020:5 [iv] (WL).
[54] *Vavilov, supra* note 7 at paras 172, 175-176, 182, 188, 194, 339, 341 in the concurrence where Justices Abella and Karakatsanis found that the analyst's interpretation was a purely textual assessment inconsistent with the Parliamentary objective for s.3(2)(a) of the *Citizenship Act,* within the statutory scheme.
[55] *Ibid* at para 86.
[56] *Ibid* at paras 90, 99; *Dunsmuir, supra* note 8 at paras 47, 74.
[57] *Vavilov, supra* note 7 at paras 86, 94-95, 98-100, 106, 122.
[58] *Ibid* at paras 120-124.

A Reviewing Court May Require Tribunals to Resolve Conflicting Interpretations

29. Conflicting or inconsistent interpretations of the same statutory provision ought not to be upheld. In the narrow circumstance where a tribunal has adopted conflicting interpretations of a statutory provision and there are no other means within the statutory scheme to resolve the conflict, the reviewing court should refer the matter back to the tribunal to resolve the conflict in accordance with its reasons, or, in cases where only one reasonable interpretation is possible, determine the meaning of the provision.[59]

30. In *Mason/Dleiow,* the Federal Court of Appeal indicated that administrative decision-makers may have resort to a reference to the Federal Court to address such a situation. [60] A reference, pursuant to section 18.3(1) of the *Federal Courts Act,* R.S.C. 1985, c. F-7, would permit the Federal Court to determine the meaning of the provision on a correctness standard.[61]

31. A similar reference procedure does not exist for provincial tribunals and other administrative decision-makers in Ontario.[62]

32. Permitting inconsistent interpretations of the same statutory provision to co-exist is unreasonable and permits the law to become arbitrary depending on the identity of the decision-maker, thereby threatening the rule of law.[63]

33. In such circumstances, the court should refer the matter back to the tribunal to resolve the conflict in accordance with its reasons or, in cases where only one reasonable interpretation is possible, determine the meaning of the provision. This reflects an appropriate balance between

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[59] *Vavilov, supra* note 7 at para 124.
[60] *Mason/Dleiow* FCA*, supra* note 2 at para 77.
[61] *Federal Courts Act,* RSC 1985, c F-7*,* s 18.3(1).
[62] Pursuant to the *Courts of Justice Act*, RSO 1990, c C43, s 8, the Lieutenant Governor in Council may refer any question to the Court of Appeal for hearing and consideration and Ontario is entitled to make submissions to the Court. Pursuant to the *Judicial Review Procedure Act*, RSO 1990, c J1, s 9(4), Ontario is entitled to as of right to be heard on an application for judicial review. This does not change the standard of review that applies nor is it a reference.
[63] *Vavilov, supra* note 7 at para 72.

protection for the Rule of Law and an administrative decision-maker's delegated authority.[64] This Honourable Court adverted to this possibility in *Vavilov*.[65]

PART IV – COSTS

34. Ontario does not seek costs and requests that no additional costs be ordered against it.

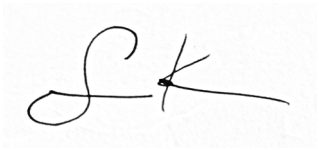
PART V - ORDER SOUGHT

35. Ontario has been granted oral arguments not exceeding five minutes at the hearing. Ontario seeks no further orders.

PART VI - SUBMISSIONS ON PUBLICATION

36. N/A

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 2 day of September 2022.



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[64] *Vavilov, supra* note 7 at para 124.
[65] *Ibid* at para 72, 132. See also Cottrill, *supra* note 11 at 153, 172-175, 180-182 where the author argues creating law and binding precedent or "definitively resolving inconsistency in the law"; in particular, dueling statutory interpretations, is "not a function administrative decision-makers can perform."

PART VII: TABLE OF AUTHORITIES

Caselaw:

No.	Authority	Paragraph Reference
1.	*Agraira v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36.	13
2.	*B010 v Canada (Citizenship and Immigration)*, 2015 SCC 58.	2
3.	*Bell ExpressVu Limited Partnership v Rex*, 2002 SCC 42.	9, 16, 18
4.	*Canada (Citizenship and Immigration) v Mason*, 2021 FCA 156.	1, 22, 30
5.	*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65.	2-7, 9-12, 14-29, 32-33
6.	*CUPE v Ontario (Minister of Labour)*, 2003 SCC 29.	7
7.	*Dleiow v Canada (Citizenship and Immigration)*, 2020 FC 59.	1
8.	*Dleiow v Canada (Public Safety and Emergency Preparedness)* (2019), 2019 CanLII 129531 (CA IRB).	1
9.	*Dunsmuir v New Brunswick*, 2008 SCC 9.	3, 7, 21, 27
10.	*HMB Holdings Ltd v Antigua and Barbuda*, 2021 SCC 44.	2
11.	*Mason v Canada (Citizenship and Immigration)*, 2019 FC 1251.	1
12.	*Mason v Canada (Public Safety and Emergency Preparedness)* (2019), 2019 CanLII 55171 (CA IRB).	1
13.	*R v ADH*, 2013 SCC 28.	2, 13, 14
14.	*Rizzo & Rizzo Shoes Ltd (Re)*, [1998] 1 SCR 27, 154 DLR (4th) 193.	2, 9, 11, 13
15.	*Tran v Canada (Public Safety and Emergency Preparedness)*, 2017 SCC 50.	9, 13

Secondary Sources

No.	Secondary Source	Paragraph Reference
1.	Audrey Macklin, "Seven Out Of Nine Legal Experts Agree: Expertise No Longer Matters (in the Same Way) After Vavilov!" (2021) 100 SCLR 249.	16
2.	Donald JM Brown & the Honourable John M Evans, *Judicial Review of Administrative Action in Canada*, (Toronto, Ontario: Thomson Reuters, 2013) (loose-leaf updated 2022, release 2) (WL).	26
3.	Edward Cottrill, "Administrative 'Determinations of Law' and the Limits of Legal Pluralism After Vavilov" (2020) 58:1 Alta L Rev 153.	4, 10, 33
4.	Mark Mancini, "Vavilov's Rule of Law A Diceyan Model and its Implications" (2020) 33:2 Can J Admin L & Prac 179.	23
5.	Paul Daly, "Vavilov and the Culture of Justification in Contemporary Administrative Law" (2021) 100 SCLR (2d) 279 (QL)	10, 22
6.	Ruth Sullivan, *The Construction of Statutes*, 7th ed (Canada: LexisNexis Canada, 2022) (QL).	9, 11, 13, 14, 25
7.	The Honourable Justice David Stratas, "The Canadian Law of Judicial Review: A Plea for Doctrinal Coherence and Consistency" (2016) 42:1 Queen's LJ 27.	16, 19
8.	The Honourable Madam Justice Beverly McLachlin, "The Roles of Administrative Tribunals and Courts in Maintaining the Rule of Law" (1998-1999) 12 Can J Admin L & Prac 171 (WL).	10
9.	The Honourable Thomas A Cromwell, Siena Anstis & Thomas Touchie, "Revisiting the Role of Presumptions of Legislative Intent in Statutory Interpretation" (2017) 95:2 Can Bar Rev 297.	2, 10, 11, 13, 14, 18

Statutes, Regulations, Rules, etc.

No.	Statutes, Regulations, Rules, etc.	Section, Rule, Etc.
1.	*Courts of Justice Act*, RSO 1990, c C43.	Section 8
	Tribunaux judiciaires (Loi sur les), L.R.O. 1990, chap. C.43	Section 8
2.	*Federal Courts Act*, RSC 1985, c F-7.	Section 18.3(1)
	Loi sur les Cours fédérales (L.R.C. (1985), ch. F-7)	Section 18.3(1)
3.	*Immigration and Refugee Protection Act*, SC 2001, c 27.	Section 34(1)(e)
	Loi sur l'immigration et la protection des réfugiés (L.C. 2001, ch. 27)	Section 34(1)(e)
4.	*Interpretation Act*, RSC 1985, c I-21.	Section 12
	Loi d'interprétation (L.R.C. (1985), ch. I-21)	Section 12
5.	*Judicial Review Procedure Act*, RSO 1990, c J1.	Section 9(4)
	Loi sur la procédure de révision judiciaire, LRO 1990, c J.1	Section 9(4)
6.	*Legislation Act, 2006*, SO 2006, c 21, Sched F.	Section 64, 65
	législation (Loi de 2006 sur la), L.O. 2006, chap. 21, annexe F	Section 64, 65
7.	*Official Languages Act,* RSC 1985, c 31 (4th Supp).	Section 13
	Loi sur les langues officielles (L.R.C. (1985), ch. 31 (4e suppl.))	Section 13
8.	*The Interpretation Act,* CCSM c I80.	Section 6, 7
	Loi d'interprétation, C.P.L.M. c. I80	Section 6, 7
9.	*The Legislation Act,* SS 2019, c L-10.2	Sections s 2-10(2), 2-18(1)
	Loi sur la Législation, LS 2019, c L-10.2	Sections s 2-10(2), 2-18(1)