Westlaw[®] Canada Quick Reference Card Pathways to the Law

Overview

Westlaw Canada is the only online research tool in Canada designed with the whole research process in mind – with the awareness that the goal of research is not just to find cases on point but rather to discover the law.

Westlaw Canada gives you everything you need to get the full picture of the law:

- **Primary Law** not only gives you the decisions and legislation that make up the law, it also includes supporting documents -- court filings, legislative history and pending legislation -- which lets you look behind decisions and current legislation to get a fuller picture.
- **Finding Tools** organize the law by issue and enable you to discover and tie together *all* the relevant authorities The Canadian Encyclopedic Digest (CED), The Canadian Abridgment Digests, Citators (case and legislative), Words & Phrases and the Index to Canadian Legal Literature -- These research tools provide a valuable alternative or supplemental strategy to finding the law through keyword searching.
- **Commentary** explains the law in Canada including the CED, leading loose leaf services, texts and law reviews and journals.

All of this material is tied together in an interface designed to *integrate* different information components to keep you moving on the right path towards your goal – to find not just the relevant primary law but to ensure the necessary context and to create a winning legal argument.

Pathways to Finding the Law

Choose the pathway that makes sense for the legal issue you are researching: you can begin your research broadly, getting an overview of the issue, or more narrowly, by finding a decision or legislative provision on point. No matter how you begin, Westlaw Canada's network of links ensures that you can move quickly and intuitively through all the relevant sources to get the full picture of the law.

Here are outlines of two possible strategies you may find useful. Within each of these strategies there may be various options you might use depending on the particular problem and the information you have.

Strategy A: Begin with an Overview:

- To get an overview of the issue > Use the CED and other commentary
- To find case law by issue > Use The Canadian Abridgment Digests
- To read relevant cases ➤ Use the full text case law
- To note up relevant cases ➤ Use KeyCite Canada
- Get legal analysis from secondary source citing references



Strategy B: Begin by finding a leading case:

- Perform a keyword search to find cases on point
- Link to Abridgment digests to find cases on the same issue
- To read relevant cases > Use the full text case law
- To note up relevant cases > Use KeyCite Canada
- Put it all together with analysis from the CED and other secondary source citing references

Research Example (using LawSource)

Toronto condo owners want to sue their builder for faulty construction and the municipality for faulty inspection of their condo building. Both the builders and the municipality claim it's too late for the owners to sue, according to the new limitation period. Here are the two research strategies you can use:

STRATEGY A:

To get an overview of the issue: Browse CED to get an overview of the issue by examining the law regarding limitation periods in Ontario in general and in particular, the effect of a change in the legislation.



Figure 1

Read up on the subject area, and find out what legislation governs. In this case, it is the *Ontario's Limitations Act*, 2002.

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Ø	The CED not	CED Limitation of Actions III.7 Next Canadian Encyclopedic Digest Canadian Encyclopedic Digest	D	4 You can easily
	only provides	Limitation of Actions III — General Rules (Approx. 5 pages)		find all relevant
	comprehensive		~	Canadian cases
	statements of	See Canadian Abridgment: <u>CIV.XXII.1</u> Civil practice and procedure — Limitation of actions — Principles		by linking to the
th al	the law, but it	§39 The newer limitation statutes contain transition provisions which provide rules for the treatment		corresponding part
	also provides			of Carswell's
	footnotes to the	§40 In Ontario, the transition section specifically applies to claims based on acts or omissions that took place before January 1, 2004 and in respect of which no proceeding has been commenced before		Canadian
	applicable	that date.[FN2] If the "former limitation period" expired before January 1, 2004, no proceeding is to be		Abridgment
	legislation and	period that applied in respect of a claim prior to January 1, 2004. [EN] If the former limitation period		Digests.
	leading cases.	claim based on an act or omission that took place on or after January 1, 2004, there is no limitation		
	-	period. [FNS] Which rule applies to determine the applicable legislation with respect to cases where the former limitation period did not expire before January 1, 2004 and a limitation period under the Act		Click CIV.XXII.1
	Click FN6 to	would apply were the claim based on an act or omission that took place on or after that date, depends upon when the claim was discovered. If discovered before lanuary 1, 2004, the former		to link to the
	link to the	limitation period applies. If not discovered before that date, the Limitations Act 2002, applies. [FN6]		digests.
	footnote.	which rule applies if there were no former limitation period and if a limitation period under this Act would apply were the claim based on an act or omission that took place on or after January 1, 2004,		
		also depends upon when the claim was discovered. If discovered before January 1, 2004, there is no limitation period. If not discovered before January 1, 2004, the Act applies as if the act or omission		
		had taken place on that date.[FN7] The transition section contains specific provisions with respect to		
		Lassault and sum lassaur claims wat occurred pror to the ethochye date of the Active QL as we are	~	

OR



To find all case law by issue: Link to The Canadian Abridgment Digests from the CED (see step **4** on page 2) to review the cases on limitation periods. In one convenient compilation, The Canadian Abridgment allows you to find by topic, summaries of all Canadian cases on any topic along with links to the full-text case law in LawSource.

 Click the + buttons to open headings and drill down to the relevant classification.

Click the hypertext link to retrieve all digests.



98 digest paragraphs listed for this classification:
Limitation of actions –
Principles – Statutory limitation periods Interpretation. Scroll down the page to find case on point.

Digest paragraph summarizes the legal issue, provides a narrative summary of the facts, disposition, and reasoning of the court with respect to the legal issue.

• Click the citation link to retrieve the full text.



Note: Although the Abridgment lists many case digests for this classification, these digests are designed to let you skim through a large number of materials quickly. Also, you can easily narrow your list by search terms by using Locate in Result.

To read relevant case law: Link to the full text decision from the Abridgment paragraph's case citation.

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Some negative history KeyCife.Canada but not overruled; or has 'recently added' treatment	Proceedings, additional reasons to rork concommune Corp., no. 302 v. 3ey micrologings Ltd., <u>20011</u> , 30 M.P.L.R. (4th) 151, 2007 Carswellont 345 (Ont. C.A.); reversing York Condominium Corp., No. 382 v. Jay-M Holdings Ltd. (2006), 21 M.P.L.R. (4th) 210, 2006 Carswellont 489, 79 O.R. (3d) 345, 49 C.L.R. (3d) 293, [2006] O.J. No. 246 (Ont. S.C.J.)	text decision.
Eull History Direct History (Graphical View)	Counsel: Warren H.O. Mueller, Q.C. for Appellant Susan Ungar, Christian Pangos for Respondent	
Monitor With KeyCite Alert	Subject: Civil Practice and Procedure; Public; Contracts	
⇒Full-Text Document	Civil practice and procedure Costs Particular orders as to costs Miscellaneous orders	
Abridgment Digests	Plaintiff condominium corporation discovered that condominium building's demising wells were not fire- rated in accordance with Building Code Plaintiff brought action in negligence against condominium developer and city within basic two-year limitation period Section 15 of Limitations Act, 2002	
Motions • Motion Document Collections • All Motion Documents • Facta • Facta	establishes 15-year ultimate limitation period dating from act or omission giving rise to claim City's motion to strike claim against it as being statute-barred was allowed since last alleged negligent act took place over 27 years ago Appeal by plaintiff was allowed on basis that motions judge erred in his interpretation of transition provision in s. 24(5) ¶ 1 of Act Parties made submissions on costs At first instance, parties did not suggest that no costs should be awarded City claimed and recovered costs in amount of \$10,000 Plaintiff was entitled to its costs at first instance Order	
	awarding \$10,000 costs to city set aside and order substituted awarding plantiff costs of \$10,000 all inclusive Plaintiff was also entitled to costs of appeal, fixed at \$15,000 all inclusive.	

Figure 6

To note up relevant cases and legal analysis from secondary source citing references: After you have read the decision in full, you can check whether it is still good law by examining the history of this case through KeyCite Canada and view not only cases but also underlying court documents and commentary that relate to it.

Full History: Click Full History to retrieve the direct appellate history of the case, any negative or cautionary citing references or cases recently added that cite the case.

Direct History (Graphical View): Click Direct History (Graphical <u>View</u>) to retrieve the case's direct history graphically.

Citing References: Click Citing References to retrieve all judicial treatments and secondary sources for the case.

Monitor with KevCite Alert: Click Monitor with KeyCite Alert to automatically track this case for newly added citing references and receive results whenever and wherever you want, including wireless devices, email or fax.





Note: History shows additional reasons and that there was an application for leave to appeal this case. The leave was refused. There is no further direct history. However, note that the case was distinguished in a later Ontario case. You may want to read it.

STRATEGY B:

Perform a keyword search to find cases on point: Use the Cases custom search template on the LawSource Home page to search for relevant cases.



Review the Result List for cases on point.



Figure 10

Note up the case directly from the **Related Info** tab by using the KeyCite Canada links.





Link to Abridgment Digests to find cases on the same issue: Click the <u>Abridgment Digests</u> link on the **Related Info** tab of the displayed case to retrieve all digests for this case. Use the Abridgment Classification number link in the right frame to link to other cases on this same issue.

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		Citing References Monitor With KeyCite Al Full-Text Document Authorities		Limitation of actions Principles Statutory limitation periods Interpret In May 2004, plaintiff condominium corporation discovered that condominium build were not fire-rated in accordance with Building Code Plaintiff brought action in condominium developer and city within basic two-year limitation period Section Act, 2002 establishes 15-year ultimate limitation period dating from act or omissin City plaeded that on its Face 15 of Act harred plaintiffer actions ince last a				- Interpretation inium building's o t action in neglio Section 15 o or omission givi	n demising wa gence again: f Limitations ng rise to cl	lls st laim		
0	Click the Classification Number link in the right frame to retrieve cases on the same issue.	the fication er link in the rame to e cases on me issue. *Abridgment Digests Motion Document Collections *All Motion Documents Facta				City pleaded that on its face, s. 15 of Act barred plaintiffs action since last alleged negligent act took place over 27 years ago City's motion to strike claim against it as being statute-barred was allowed Plaintiff appealed on basis that motions judge erred in his interpretation of transition provision in s. 24(5) ¶ 1 Appeal allowed Transition provision provides that if claim is not discovered before January 1, 2004, but act or omission took place before that date, ultimate limitation period starts to run as if act or omission took place on January 1, 2004 Motions judge erred in concluding that simply because coursel put forward two conflicting interpretations of transitional provision, s. 24(5) was ambiguous when viewed alongside s. 15 of Act Unders 24(5) ¶ 1, ultimate 15-year limitation period began to run from January 1, 2004, not from actual date of negligent act or omission as prescribed in s. 15 While s. 15(1) of Act was arguably not in harmony with transitional provision of s. 24(5) ¶ 1, disharmony could be avoided by treating s. 15(1) as general provision and s. 24(5) h 4rt as snerial provision that annied to limited number of transitional situations Motions (10, 10, 10, 10, 10, 10, 10, 10, 10, 10,						



To continue research using the Abridgment Digests, proceed as shown in Strategy A.