

**Academic Year 2012**



# WESTLAW<sup>®</sup> CANADA

Quick Reference Guide

**BETTER RESULTS FASTER**

## HOW DO I ACCESS WESTLAW CANADA?

### To register your password:

1. Go to [www.westlawcanada.com/students](http://www.westlawcanada.com/students) or [www.westlawcanada.com/faculty](http://www.westlawcanada.com/faculty)
2. Click **Register Now** and follow the instructions that appear.

### To sign on:

1. Go to: [www.westlawcanada.com/students](http://www.westlawcanada.com/students) or [www.westlawcanada.com/faculty](http://www.westlawcanada.com/faculty)

SEARCH

HOME | ABOUT US | SIGN ON TO WESTLAW CANADA

1-866-609-5811

Callout: Click Sign On to Westlaw Canada located in the upper right corner

Sign On with Westlaw Password

Switch to OnePass Sign On

Westlaw Password/Online ID: \_\_\_\_\_

Make the switch to OnePass  
What is OnePass?

Callout: If necessary, click [Switch to OnePass Sign On](#) in the upper right corner of the Sign On box

Enter your OnePass username and password. If you don't have a username and password, please speak with your librarian.

The Client ID is a **mandatory** field used to help you track your research. You may enter anything you wish, up to 35 alphanumeric characters.

Sign On with OnePass

Switch to Westlaw Password Sign On

OnePass Username:

OnePass Password:

Client ID (Required):

Remember Username  
 Remember Username & Password  
 Return to last research trail

Sign On

Help  
Forgot Username or Password?  
Register my Westlaw Password  
Edit or Update OnePass Account  
Do I have a OnePass Account?  
What is OnePass?  
What is a Client ID?

Ouvrir une session Westlaw Canada en français

Technical Support  
1-800-387-5164

Callout: Click Sign On

## WHERE CAN I GET HELP USING WESTLAW CANADA?

- **Law Student Westlaw Canada Home page:**  
[www.westlawcanada.com/students](http://www.westlawcanada.com/students)
- **Online tutorials:**  
[www.westlawecarswell.com/support/emodules.htm](http://www.westlawecarswell.com/support/emodules.htm)  
[www.youtube.com/ThomsonReutersCanada](http://www.youtube.com/ThomsonReutersCanada)
- **Reference Materials:**  
[www.westlawecarswell.com/support/reference.htm](http://www.westlawecarswell.com/support/reference.htm)
- **Email sign on or password-related questions to:**  
[carswell.lawschool@thomsonreuters.com](mailto:carswell.lawschool@thomsonreuters.com)
- **Speak to your Law Librarian. Ask about Westlaw Canada hands-on training sessions.**

## WHAT'S IN WESTLAW CANADA?

Go to the **About** section located at the bottom of the left frame of the home page and click [What's in](#) and [Currency Notes](#) to learn about what's in Westlaw Canada.

**About LawSource**  
[What's in LawSource](#)  
[Currency Notes](#)

## WHERE DO I START MY RESEARCH?

Not sure where to begin your research? Review the [Pathways to the Law](#) Quick Reference Card:  
[www.westlawecarswell.com/support/reference.htm](http://www.westlawecarswell.com/support/reference.htm)

## HOW DO I FIND THE CASE I WANT?

### By case name or citation:

Use the **Find/KeyCite a Document** section on the **LawSource®** home page

#### Find by Name:

Find/KeyCite a Document

Find  
KeyCite

Name: [ ] Jurisdiction: [ All Jurisdictions ] Go

Global Find by Name/Title  
Global KeyCite by Name/Title

Enter all or part of the name here, select the jurisdiction and click Go.

Global Find by Name/Title  
Global KeyCite by Name/Title

#### Find by Citation:

Find/KeyCite a Document

Find  
KeyCite

Name: [ ] Jurisdiction: [ All Jurisdictions ] Go

Title: [ ] Section: [ ] Jurisdiction: [ All Jurisdictions ] Go

Citation: [ ]

Or, any document by citation: [ ] Go

Enter the citation here and click Go.

Or, any document by citation:

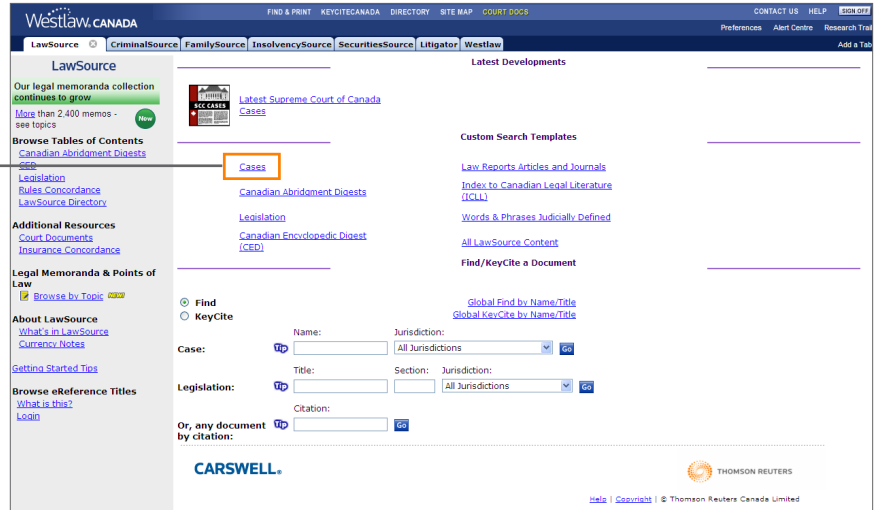
Citation: [ 93 bclr 4th 1 ] Go

**By searching the case law database:**

You have two options:

Cases Custom Search Template: Use this template if you know the keywords for your query.

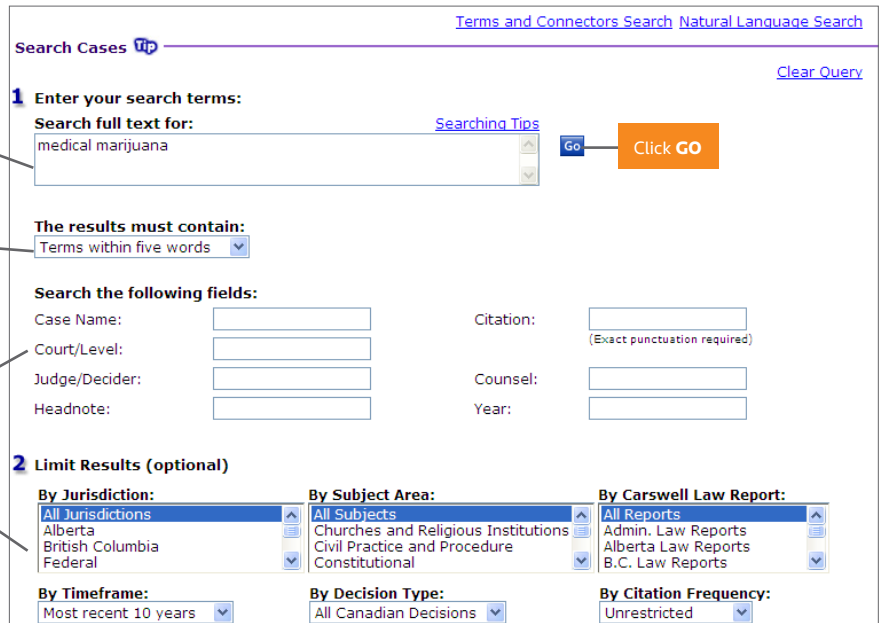
Click **Cases** in the Custom Search Template section on the LawSource home page



Enter your keywords here

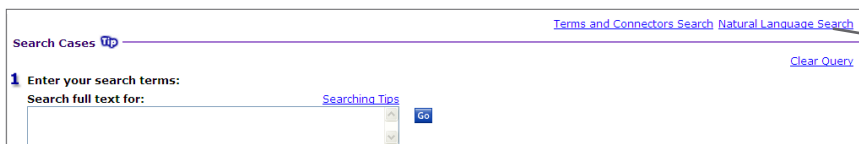
Establish a relationship between your terms

Enter any other information you may have and/or further restrict your search



Natural Language searching: Use plain English in your search. Westlaw Canada retrieves 100 documents that statistically best match the concepts in your description.

Click **Natural Language Search** in the Cases template

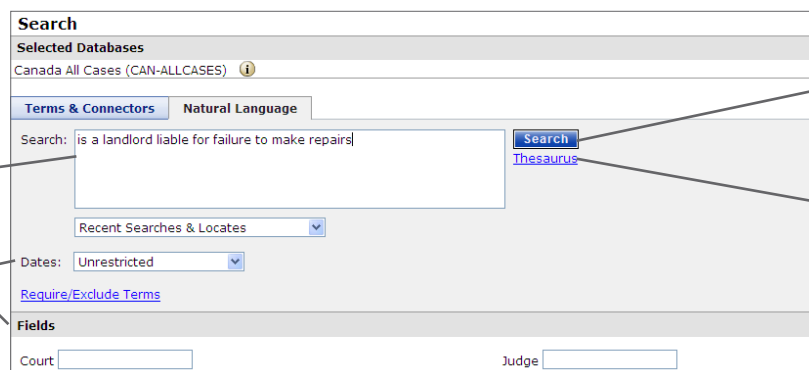


Enter your search in plain English

Restrict your search by date and/or these fields

Click **Search**

Use the **Thesaurus** to find and add alternative terms



**TIP:** Keep your search simple. Search on the main issue only and then refine your search by using **Locate in Result** (located on the **Result List** tab on the left side). Also, entering the singular form of a term automatically retrieves the plural form as well. This is true for all regular and most irregular plurals.

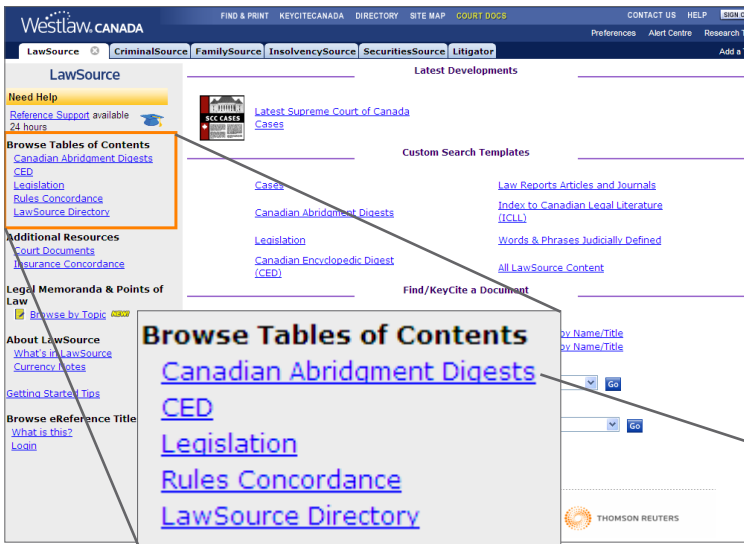
**How do I search using Terms and Connectors (Boolean)?**

If you'd like to learn about structuring a search using Boolean connectors, click the [Searching Tips](#) link located above the **Search full text for** box in the Cases custom search template or see page 11 of this guide for more details.

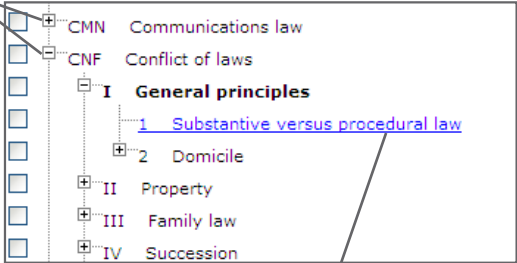
**By using The Canadian Abridgment Case Digests:**

Access over 700,000 digests of Canadian case law. See the *Glossary* on page 12 for more details.

**Browsing:** Browse the classification system to find the cases you need.



Expand topics by clicking the + button; - button to collapse



Click here to retrieve the Abridgment Table of Contents

Click the link to retrieve all digests for that topic

Review all case digests classified for this topic and click a link to retrieve the full text

**Canadian Abridgment**  
 Subject Title: Conflict of laws  
 Classification Number: I.1  
 26 Digest Paragraphs

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**Subject Title: Conflict of laws**  
**Classification Number: I.1 [Find all digests under this classification]**  
**Digest Number: CNF 23.301**

**General principles — Substantive versus procedural law**

Mortgages — Waiver of right to action on covenant to pay not being enforceable — Law of Property Act, R.S.A. 1980, c. L-8, s. 41, 41(1), (5).

Alberta corporation sold units of an Alberta investment project. Defendant Ontario residents executed agreements in Ontario to purchase the units. Defendants assumed project mortgages and waived s. 41 of the Law of Property Act, which precluded them from suing on the mortgage's covenants. Defendant brought an action in Ontario on the mortgage's covenant to pay. Defendant appealed a summary judgment dismissing their action. **Held:** The appeal was allowed. The summary judgment was set aside. Defendant's action fell within s. 41(1). The judge at first instance erred in characterizing s. 41 as procedural rather than substantive, and therefore not to be applied by Ontario Courts in an action on the covenant. Section 41(1) did away with a mortgagor's personal liability. This was a rule of substance, not procedure. Although defendant waived the protection of s. 41(1), s. 41(5) stated that such waivers were void. Defendant fell within the class of persons protected by s. 41(5).

*243930 Alberta Ltd. v. Wickham* (1990), 14 R.P.R. (2d) 95, 73 D.L.R. (4th) 474, 75 O.R. (2d) 289, 40 O.A.C. 367, 1990 CarswellOnt 572 (C.A.); reversing (1987), 61 O.R. (2d) 731, 1987 CarswellOnt 1021 (H.C.); leave to appeal to S.C.C. refused (1991), 16 R.P.R. (2d) 106 (note), 2 O.R. (3d) xi (note), 79 D.L.R. (4th) vi (note), 46 O.A.C. 240 (note), 133 N.R. 237 (note) (S.C.C.) [Ontario]

## HOW DO I KNOW IF MY CASE IS STILL GOOD LAW? (NOTING UP)

Use KeyCite® Canada to note-up your case to ensure it's still good law.

Click the **Related Info** tab to access KeyCite Canada links





Click **Full History** to display the direct history and any negative citing references.

Click **Direct History** to see the history in graphical view.

Click **Citing References** to see all documents citing your case – negative/positive/neutral. Includes secondary sources.

**Limit KeyCite Display:** Click to choose limiters to restrict the list of citing references to only those you want.

KeyCiting involves retrieving a) the appellate (full) history of a case, and b) all citing references (either for a case, statute, regulation or rule). Citing References can include cases (judicial treatments) and secondary sources (see *Glossary* on page 12 for more details). Cases can be given 1 of 4 flags or icons:

-  Warns that the case may not be good law; either it has been reversed, or has not been followed within the same jurisdiction or by the Supreme Court of Canada.
-  Warns that the case has been distinguished or not followed, but has not been reversed/overruled. It's also displayed if a new case citing your case has recently been added to the database.
-  Indicates that the case has some direct history (i.e. it's been appealed or additional reasons given).
-  Indicates that the case has citing references. For *statutes, regulations* and *rules* this indicates that there are cases/other citing references to the provision.

## HOW DO I FIND THE LEGISLATION I WANT?

### By name:

Use the Find/KeyCite a Document section on the LawSource Home page.

The screenshot shows the LawSource home page with the 'Find/KeyCite a Document' section highlighted. An orange box highlights the search fields: Name, Jurisdiction, Title, Section, and Citation. A callout box points to the search fields with the text: "Enter all or part of the name into the Title field, the whole section into the Section field, select the jurisdiction and click Go." Below the main screenshot, a detailed view of the search form is shown with the following fields filled in:

- Legislation:  Tip
- Title:
- Section:
- Jurisdiction:
- Go:

### Browsing:

The screenshot shows the LawSource home page with the 'Browse Tables of Contents' section highlighted. A callout box points to the 'Legislation' link with the text: "Click here to retrieve the Legislation Table of Contents". To the right, a tree view of the legislation table of contents is shown, with a callout box pointing to the expand/collapse buttons: "Expand heading by clicking the + button; - button to collapse". The tree view includes the following items:

- Canadian Legislation
  - Federal (English)
    - Statutes
    - Rules
    - Regulations
  - Federal (French)
  - Alberta
  - British Columbia
  - Manitoba

The screenshot shows the LawSource home page with the 'Browse Tables of Contents' section highlighted. A callout box points to the 'Legislation' link with the text: "Click here to retrieve the Legislation Table of Contents". To the right, a tree view of the legislation table of contents is shown, with a callout box pointing to the expand/collapse buttons: "Expand heading by clicking the + button; - button to collapse". The tree view includes the following items:

- Crimes Against Humanity and War Crimes Act
- Criminal Code
  - [R.S.C. 1985, c. C-46 — An Act respecting the criminal law](#)
  - Short Title
  - Interpretation
  - Part I
  - Part II - Offences Against Public Order (ss. 46-83)
    - Treason and other Offences against the Queen's Authority and Person
    - Prohibited Acts
    - Official Documents [Heading amended 2009, c. 28, s. 1.]
    - Sedition
    - Unlawful Assemblies and Riots
      - [s. 63. — Unlawful assembly](#)
      - [s. 64. — Riot](#)
      - [s. 65. — Punishment of rioter](#)
      - [s. 66. — Punishment for unlawful assembly](#)
      - [s. 67. — Reading proclamation](#)
      - [s. 68. — Offences related to proclamation](#)

Statutes, rules and regulations are organized alphabetically

Click a link to retrieve the full text of the section



Searching:

Westlaw.CANADA

LawSource CriminalSource FamilySource InsolvencySource SecuritiesSource Litigator

Need Help  
Reference Support available 24 hours

Browse Tables of Contents  
Canadian Abridgment Digests  
CED  
Legislation  
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LawSource Directory

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Court Documents  
Insurance Concordance

Legal Memoranda & Points of Law  
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Latest Developments  
Latest Supreme Court of Canada Cases

Custom Search Templates  
Cases  
Canadian Abridgment Digests  
Legislation  
Canadian Encyclopedic Digest (CED)  
Law Reports, Articles and Journals  
Index to Canadian Legal Literature (ICLL)  
Words & Phrases Judicially Defined  
All LawSource Content

Find/KeyCite a Document  
Find  
KeyCite  
Global Find by Name/Title  
Global KeyCite by Name/Title

Case: Name: Jurisdiction: All Jurisdictions Go

Legislation: Title: Section: Jurisdiction: All Jurisdictions Go

Citation: Go

Or, any document by citation: Go

CARSWELL THOMSON REUTERS

Click Legislation in the Custom Search Template section on the LawSource Home page

Enter your keywords here

Establish a relationship between your terms

Enter any other information you may have and/or restrict by jurisdiction

Search Legislation

1 Enter your search terms:  
Search full text for: unlawful assembly Searching Tips Go Click GO

The results must contain: This phrase

Search the following fields:  
Short Title: Section: Citation: Defined Term:

2 Limit Results (optional)  
By Jurisdiction: All Jurisdictions Alberta British Columbia Federal

HOW DO I FIND THE ARTICLES I WANT?

Search a variety of Canadian journals and law reviews. Also included are case comments from the Carswell print Law Reports.

Westlaw.CANADA

LawSource CriminalSource FamilySource InsolvencySource SecuritiesSource Litigator

Need Help  
Reference Support available 24 hours

Browse Tables of Contents  
Canadian Abridgment Digests  
CED  
Legislation  
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LawSource Directory

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Court Documents  
Insurance Concordance

Legal Memoranda & Points of Law  
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Latest Developments  
Latest Supreme Court of Canada Cases

Custom Search Templates  
Cases  
Canadian Abridgment Digests  
Legislation  
Canadian Encyclopedic Digest (CED)  
Law Reports Articles and Journals  
Index to Canadian Legal Literature (ICLL)  
Words & Phrases Judicially Defined  
All LawSource Content

Find/KeyCite a Document  
Find  
KeyCite  
Global Find by Name/Title  
Global KeyCite by Name/Title

Case: Name: Jurisdiction: All Jurisdictions Go

Legislation: Title: Section: Jurisdiction: All Jurisdictions Go

Citation: Go

Or, any document by citation: Go

CARSWELL THOMSON REUTERS

Click Law Reports Articles and Journals in the Custom Search Template section on the LawSource Home page



Enter your keywords here

Establish a relationship between your terms

Enter any other information you may have and/or further restrict your search

Search Law Reports Articles and Journals [Terms and Connectors Search](#) [Natural Language Search](#) [Clear Query](#)

**1 Enter your search terms:**  
**Search full text for:**  [Searching Tips](#) **Go** **Click GO**

**The results must contain:**  
 Terms in same paragraph

**Search the following fields:**  
 Title:  Citation:   
 Author:  Year:

**2 Limit Results (optional)**

**By Publication:**  
 All Reports and Journals  
 Admin. Law Reports  
 Alberta Law Reports  
 Banking and Finance L. Rev.

**By Timeframe:**  
 Unrestricted  
 Year-to-date  
 This year and last year  
 Most recent 3 years

## WHERE DO I GET AN OVERVIEW OF THE LAW?

Use the *Canadian Encyclopedic Digest (CED)*. This encyclopedia includes paragraphs describing 225 topics of law, footnoted with relevant cases and legislation. See *Glossary* on page 12 for more details.

### Browsing:

Access the CED Table of Contents from the **Browse Tables of Contents** section on the LawSource home page.

Expand topics by clicking the + button; - button to collapse

Click the link to retrieve all digest paragraphs for that topic

Click here to retrieve the CED Table of Contents

**Browse Tables of Contents**  
[Canadian Abridgment Digests](#)  
[CED](#)  
[Legislation](#)  
[Rules Concordance](#)  
[LawSource Directory](#)

- Deeds and Documents
- Defamation
  - Currency
  - Tables
  - I - General
    - 1 - Defamation Defined
    - 2 - Libel and Slander Distinguished**
      - [I.2 - §6-§10](#)
      - 3 - Malice
      - 4 - Who Can Sue and Be Sued
      - 5 - Charter of Rights and Freedoms
    - II - Defamatory Statements and Acts
    - III - Principles of Interpretation

← Previous CED Defamation I.2 Next →  
 Canadian Encyclopedic Digest  
 Defamation  
 I - General (Approx. 1 page)

**I.2**

See Canadian Abridgment: [TOR.V.1.a](#) Torts — Defamation — Nature of defamation — Distinction between libel and slander

**§6** At common law, defamation is of two kinds: libel and slander. Traditionally, libel consisted of written communications and was actionable per se. Slanders were spoken communications and usually required proof of actual damage.[\[FN1\]](#) This distinction has been substantially undermined by modern forms of communication. Libel is now more often said to consist of any written or printed words or any visible or audible matter recorded in any form of a more or less permanent nature, including letters, newspapers, films, or television or radio broadcasts. Slanders are spoken words or other transitory forms of communication, such as sounds, looks, signs or gestures.[\[FN2\]](#)

**§7** Although libel is actionable per se, newspapers and broadcasters are, by statute, liable in certain cases only for actual cash losses, and the absence of such special damages will result in dismissal of the action.[\[FN3\]](#)

**§8** There are exceptions to the common law rule that slander requires proof of special damage: commission of a crime; loathsome diseases; and words involving a profession, trade or business. Imputations regarding any of these are actionable per se.[\[FN4\]](#)

**§9** While no province has actually abolished outright the distinction between libel and slander, provincial legislation reduces the significance of the distinction in varying degrees. Some provinces have presumed damage if defamation is proved.[\[FN5\]](#) Others define what is libel and what is slander

Link to additional cases in The Canadian Abridgment Digests

Digest paragraph with link to footnote (located at the bottom of the page)

## Searching:

Use this template if you know the keywords for your query.

Click Canadian Encyclopedic Digest (CED) in the Custom Search Template section on the LawSource Home page

The screenshot shows the Westlaw Canada LawSource homepage. The 'Custom Search Templates' section is highlighted, and the 'Canadian Encyclopedic Digest (CED)' link is circled in orange. Other sections visible include 'Need Help', 'Browse Tables of Contents', 'Additional Resources', 'Legal Memoranda & Points of Law', 'About LawSource', and 'Browse eReference Titles'. The search interface at the bottom includes fields for Name, Jurisdiction, Case, Legislation, and Citation, along with 'Go' buttons.

Enter your keywords here

Establish a relationship between your terms

Optional: Enter the subject title and/or classification heading here

The screenshot shows the search interface for the Canadian Encyclopedic Digest. The search terms 'owner copyright' are entered in the 'Search full text for:' field. The 'The results must contain:' dropdown is set to 'Terms in same paragraph'. The 'Search the following fields:' section has 'Subject Title' and 'Classification Heading' fields. A 'Click GO' button is highlighted in orange. The interface also includes 'Terms and Connectors Search', 'Natural Language Search', and 'Clear Query' options.

## WHERE DO I FIND INTERNATIONAL MATERIALS?

Westlaw contains thousands of international databases from the US, UK, European Union, Australia, Hong Kong and New Zealand and offers numerous tabs to help you access these databases.

### To set-up your Westlaw tab:

Click [Add a Tab](#) located in the upper right corner of the tab bar and then click **Add Westlaw Tabs**. Scroll to the bottom to the **Westlaw International** section and then select your desired tabs. Click **Add to My Tab Set**.


(Tip: The Westlaw International tab is a useful one to select.)

The JLR database in Westlaw contains hundreds of U.S. and Canadian publications. Click [Directory](#) located at the top of the LawSource home page and enter JLR into the **Search for this database** field located on the left side of the screen.

## HOW DO I PRINT/EMAIL/SAVE MY DOCUMENTS?

Click the appropriate button located in the upper right corner of the right frame.



Click  to print the current document only, using your default format preferences.

**Note:** Use **Find & Print** to retrieve up to 20 citations simultaneously for printing, emailing or downloading.

1. Click **Find & Print** on the Navigation bar located at the top of the screen.
2. Enter your citations into the box provided and select your results and delivery options.
3. Click **Send Request**.

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## HOW DO I USE BOOLEAN CONNECTORS?

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Instead of using *The Results must contain* drop-down list options in the search template you can structure your search using Boolean connectors/expanders.

**Note:** Keep your search simple. Search on the main issue only and then refine your search by using **Locate in Result** located at the top of the left frame.

Use:	To retrieve documents containing:
a space (or)	Any or all terms. <u>This is the default connector.</u> Ex: <b>car automobile</b>
& (and)	All search terms. Ex: <b>narcotics &amp; warrant</b>
/p	Search terms in the same paragraph. Ex: <b>hearsay /p utterance</b>
+p	The first term preceding the second within the same paragraph. Ex: <b>appeal +p held</b>
/s	Search terms in the same sentence. Ex: <b>design /s defect</b>
+s	The first term preceding the second within the same sentence. Ex: <b>palsgraf +s island</b>
/n	Search terms within <i>n</i> terms of each other (where <i>n</i> is a number). Ex: <b>support /3 payment</b>
+n	The first search term preceding the second within <i>n</i> terms (where <i>n</i> is a number) Ex: <b>justice +3 McLachlin</b>
“ ”	Terms in this same order. Ex: <b>“attractive nuisance”</b>

Use:	To exclude documents containing:
% (but not)	Search terms following the percent symbol. Ex: <b>(support /3 payment % spousal)</b>

Use these special characters to retrieve variations of your search terms:

Use:	Enter:	To retrieve:
Root Expander(!)	negligen!	negligent, negligence, negligently
Universal Character (*) (each * represents one character only)	gr*w jur**	grow, grew jury, juror
Turning off Plurals and Equivalentents (#)	#perm	perm ( <i>does not retrieve permanent</i> )

### Order of Processing:

You can use any combination of expanders/connectors; however, connectors are processed in the following order:

“ ” (phrase), space (or), +n, /n, +s, /s, +p, /p, &, %

Parentheses can be used to change the order of the search.

## GLOSSARY OF TERMS

**Appeal:** Resort to a higher court/tribunal to review the decision of a lower court/tribunal

**Canadian Abridgment Digests:** A comprehensive collection of more than 700,000 digests of Canadian case law organized by legal issue according to a single taxonomy (The Key Classification System). Exclusive to Carswell, it covers virtually every case reported in Canada since 1803 and every unreported case received from the courts since 1986, with the exception of Quebec civil law cases.

**Canadian Encyclopedic Digest:** Comprehensive statements of the law on more than 225 subject titles on every aspect of Canadian law and practice, linking to thousands of case law authorities and statutory provisions and the relevant classification in The Canadian Abridgment Case Digests.

**Case:** See *Judgment*.

**Citation:** Identifier for a case, legislation or article; based on where it has been published, either in print or online. Note that documents can have more than one citation if they have been published in more than one place. These are known as parallel citations.

**Citing References:** Documents (e.g. cases, articles, court documents) referring to the case or legislative section you are looking at and whether they have followed, considered, referred to or distinguished the case or legislative section you are looking at. See *Judicial Treatments*.

**Commentary:** (Also called *Secondary Sources*.) Authored works such as texts, practice guides, annotations, newsletters and articles.

**Decision:** See *Judgment*.

**Full History:** (Also called *case history* or *direct history*.) The path a case has taken through the court system; has it been appealed, affirmed, reversed or had additional reasons given.

**Headnote:** A summary of the key issues and facts in a case which appears at the beginning of a case, written by the publisher.

**Judgment:** (Also called *decision* or *case*.) A final determination by the court of a matter brought before it.

**Judicial Treatments:** A list of judgments that cite another case, accompanied by an indication of whether they have followed, considered, referred to or distinguished the case or legislative section you are looking at.

**KeyCite:** Provides you with the *Full History* and the *Citing References* for a case. Used for *Noting up*.

**Legislation:** Includes statutes (laws or acts), regulations (how statutes are to be implemented) and rules (procedural instructions for court proceedings.)

**Noting up:** (Also called *Judicial Treatment*. See also *Full History* and *Citing References*.) Finding any subsequent cases that have referred to the case or legislation in question. Also, for cases, determining the full history of the case.

**Precedent:** A legal case establishing a principle or rule that a court or other judicial body may use when deciding subsequent cases with similar issues or facts.

**Reported Decisions:** Cases that have been selected to be published in a law report series. Unreported cases are decisions that have not been published in a print law report series.

**Secondary Sources:** (Also called *Commentary*.) Works written by authors (as opposed to cases or legislation).

**Style of Cause:** The case name for a cause of action or lawsuit; a description of the parties involved.

Scan to visit the [Reference Materials](#) page:



Scan to visit the [Learning Tutorials](#) page:

