

March 2024



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# It's Lawful News

Library news & info

brought to you by your friendly neighbourhood Library Staff

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[Betty Dykstra](#)

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## The Scoop

We received some really great feed back on the first newsletter so we thought we would do it again.

### *Reflections*

(alternate title - Betty can't sleep so she might as well write something)

February, the longest, yet shortest month has come and gone. The Valentine's Day chocolates are now a memory replaced by Easter eggs (still chocolate, so all good). I look forward to buying them for half price the day after the bunny has come and gone.

I am old. There is a lot of fine silver in my hair and parts of me are getting replaced this spring. But I am not done with all of you yet, and you still have to put up with me for a while. The past few months have given me some time to reflect on many of the wonderful Lawyers/Judges that I have come across in my career, some of whom I may never see again. Many have made a point to say their good-byes to me as they appear one last time in Newmarket.

Like many of my county library system colleagues, I can name drop some biggies. I have been a Librarian for longer than a lot of you have even existed. From spending 20 years in Halton (my first life sentence) and now approaching my 17<sup>th</sup> anniversary in York, I have met and been privileged to call many my friends, and will miss being greeted by them with hugs (always with consent).

During my tenure, I have watched articling students become Judges, lawyers who after appointment elevated to senior positions in the administration of justice, Judges who once excitedly invited me to their swearing ins, now retired, gone supernumerary or passed on. The best part about knowing Judges from their former lives and being the librarian is the wonderful relationship I can still maintain. I will never appear in front of them so I don't form part of the required distancing. As a Judge once indicated at a work function "No one will have an issue if I buy the Librarian a drink" One Judge even sold me her house. I also keep a number of lawyers in my back pocket who have assured me a pro bono defence if/when I require it (hopefully more if than when).

I started before computers, lived through floppy discs, CD-ROM towers and faxes and first learned how to do manual research. We are now on our 3rd refresh of computers in the library and a stack previously holding historical Ontario Regulations has been dismantled and replaced by a much utilized Zoom Booth.

I survived the very lonely Covid library days. My research interactions became virtual and questions once asked in person became an ongoing mess of never-ending emails. The emails continue but are being augmented once again by real faces. Our membership is getting closer to the pre-covid days. This brings me joy.

As much as the reflection is nostalgic and satisfying, looking forward is very invigorating. Much like my beloved spring bulbs poking through the dirt, new faces are popping up in my library. I had the experience of meeting many of them at our recent Judge's dinner. Our inaugural "annual" dinner was held 3 weeks prior to the big shutdown with a theme of "Looking to the future with 2020 vision" Oh, the irony.

It feels like there is a revolving door of new articling students and calls to the Bar with their hesitant "Can I ask you a really stupid question" hopeful request for

with their hesitant "Can I ask you a really stupid question" hopeful request for help. The response is always the same. "There are no stupid questions, and if you did not ask me questions, I would have no purpose nor job here, so please ask away"

So bring on spring, baseball, new lawyers, new members. Give me some reflections for some day when I have no more answers to give.

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## Library Staff at the Coldest Night of the Year Walk

Betty and Luisa represented the YRLA in support of the [Inn From the Cold](#). The team raised \$1680.00. Thanks to all those who supported the cause. It was sunny, but boy, was it cold.



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## Hey, Ask Us!

***Need help with a research question? [Reference Request Form](#)***

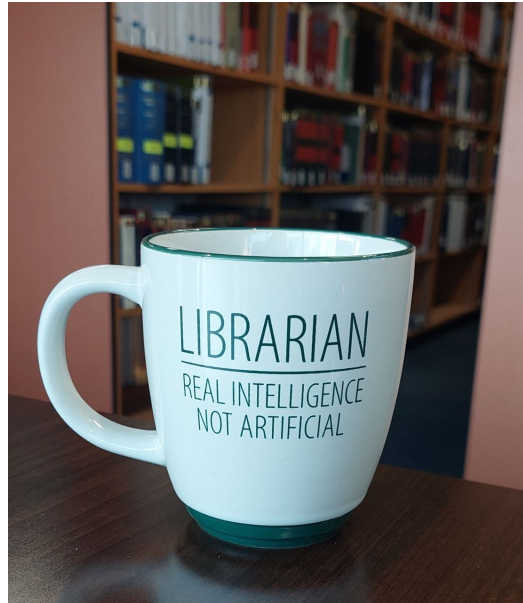
We also have [eLiRN resources](#) in the library to assist you, including [Westlaw](#) (Criminal, Family & Estates Source), LexisNexis ([Quicklaw](#) & [Practical Guidance](#)) & [vlex](#) for searches of Canadian (& some International) cases, legislation, forms and more.

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### ***Did you know?***

We can be your best defence  
against "Hallucination Cases"

**Zhang v Chen**, [2024 BCSC 285](#)  
([Canlii](#))



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### **Case Quotes**

We read a lot of caselaw in the library. Every once in a while we come across some words of wisdom that are notable.

**Alsawah v. Afifi**, [2020 ONSC 2883 \(CanLII\)](#) – Justice Kurz

*1 The famous American trial lawyer, Louis Nizer, once wrote that "[w]hen a man points a finger at someone else, he should remember that four of his fingers are pointing at himself." This aphorism, pointing to the ubiquity of human foible, is one that more lawyers who pride themselves on their aggressive family law advocacy, should take to heart. I recommend it in this case.*

**Rai v Rai**, [2023 ONSC 7182 \(CanLII\)](#) – Justice Myers

*[7] As 2023 draws to a close, I bestow the Oxymoron of the Year Award upon counsel to the applicant whose "Costs Outline" was a mere 65 pages long. I should give Honourable Mention to counsel for ... whose "Costs Outline" was a svelte 32 pages.*

**Toronto Dominion Bank v. Witoszkin**, [2024 ONSC 921](#)- Justice Gilmore

*13 Should there be any questions regarding the creation of my last will and testament this note is written to clarify matters, so there will be no doubt whatsoever that I, alone, all by myself, made the decision to ask Caroline Witoszkin to act as my legal guardian and I, alone, all by myself, decided to leave in my will what I have to Caroline Witoszkin.*

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## Upcoming Westlaw Training\*

***CriminalSource*** Tuesday Apr 2 1230 to 100 PM [Register](#)

***Estates&TrustsSource*** Wednesday May 1 1230 to 100 PM [Register](#)

***Advanced Caselaw Research*** Tuesday June 11 1230 to 100 PM [Register](#)

***FamilySource*** Wednesday June 12 1230 to 100 PM [Register](#)

\* 30-minute CPD Professionalism Hours

Or come to the library and we can give you hands on training

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## Upcoming LSO Webcasts

The Library provides reduced fees for LSO Webcasts if we receive registration numbers of 11 participants. We pass those savings on to our members. These are the upcoming programs:

[Wills and Estates Refresher 2024](#)

[Family Law Refresher 2024](#)

[21st Real Estate Law Summit](#)

[The Six-Minute Estates Lawyer 2024](#)

[The Six-Minute Criminal Lawyer 2024](#)

[Criminal Law Refresher 2024](#)

[Family Violence Round Table 2024](#)

[A Step-By-Step Guide to Writing a Factum 2024](#)

[18th Solo and Small Firm Conference](#)

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## Newmarket Decisions Found on CanLII - February 2024

### Civil

**2371143 Ontario Inc. v. Canaan Art Centre Inc.**, [2024 ONSC 1004](#) – Justice Healey  
*Real property — Commercial law — Costs — Conduct of parties - Practice and procedure*

**784773 Ontario Limited v. Larkin, et al.**, [2024 ONSC 942](#) – Justice Christie  
*Civil procedure — Contempt — Orders — Enforcement — Striking claim — Rules 60.18(5) and 60.18(5) - Debtor and creditor — Execution — Exigible assets — R. 60.18(5) – Evidence - Practice and procedure*

### Criminal

**R. v. Luangphasi**, [2024 ONSC 1131](#) – Justice Fraser  
*Criminal law — Drug offences — Conspiracy to import — Conspiracy to produce cocaine — Possession for purposes of trafficking - Criminal or statutory infractions*

**R. v. Tork**, [2024 ONCJ 99](#) – Justice Robinson  
*Criminal law — Sentencing — Conditional sentences — Assault — Aggravated assault - Criminal*

*or statutory infractions - Sentencing*

**R. v. Hunt**, [2024 ONCJ 96](#) – Justice Kenkel

*Criminal law — Evidence — Identification — Motor vehicle offences — Impaired driving -  
Criminal or statutory infractions - Evidence*

**R. v. Holmes**, [2024 ONSC 991](#) – Justice Casullo

*Charter of Rights — Enforcement — Exclusion of evidence — Canadian Charter of Rights and  
Freedoms, s. 24(2) - Criminal or statutory infractions – Defences*

**R. v. Jin**, [2024 ONCJ 71](#) – Justice Kenkel

*Criminal law — Witnesses — Testimony behind screen - Criminal or statutory infractions -  
Evidence*

**R. v. Fiorillo**, [2024 ONCJ 61](#) – Justice Townsend

*Criminal law — Fraud — False Pretenses — Possession of stolen property - Constitutional law  
— Charter of Rights, section 11(b) - Criminal or statutory infractions - Rights and freedoms*

**R. v. Martino**, [2024 ONCJ 53](#) – Justice Sickinger

*Criminal law — Sexual offences — Evidence — Disclosure by Crown – Constitution - Criminal or  
statutory infractions - Practice and procedure*

## **Family**

**Giotis v. Giotis**, [2024 ONSC 863](#) - Justice MacPherson

*Family law — Property — Partition and sale — Matrimonial home — Exclusive possession –  
Family - Practice and procedure - Property and trusts*

**Arbuzova v Scriver et al**, [2024 ONSC 832](#) – Justice Jarvis

*Civil procedure — Summary judgment — Grounds — No genuine issue requiring trial – Family -  
Practice and procedure*

## **Real Estate**

**Wu v. Charles**, [2024 ONSC 947](#) – Justice Healey

*Real estate — Sale of lands — Contract law — Deposits — Forfeiture - Contracts - Practice and  
procedure - Property and trusts*

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## **New Acquisitions**

***Come in and check out our new publications!***

Nothing but the Truth: a memoir by Marie Henein

*Drinking, Drugs & Driving Law Jan/Feb 2024 Featured Cases:*

R v Breault - No ASD, no Valid Demand or Refusal  
R v Bogdanic - RTC "Delay" Issues  
R v Schmid - Unlawful ASD Demand  
R v Gulenchyn - Accident plus Odour not Proof

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*Previous editions of "It's Lawful News" can be found [here](#)*

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