

Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

Season 4, Episode 1: Constitutional Remedies

About the Series

Charter: A Course is a podcast created by the David Asper Centre for Constitutional Rights (the Asper Centre) and hosted by the Asper Centre's Executive Director [Cheryl Milne](#).

Charter: A Course focuses on leading Canadian constitutional cases and current constitutional law issues, highlighting strategic aspects of constitutional litigation and exploring what it's like to practice in this area of law in our *Practice Corner* segment.

Whether you are a law student, a lawyer, or just an interested person, we hope that you learn about an aspect of constitutional law and litigation that interests you in our podcast.

Show Notes

This episode focuses on Constitutional Remedies in Canada. With the help of our esteemed guest [Professor Kent Roach](#), we will be discussing the various remedies that a court can order when it finds that a law or action is unconstitutional, in order to rectify the constitutional violation.

For our regular listeners, please note that this episode's "Practice Corner," which features criminal defense lawyer Megan Savard, will drop as a separate full episode next week, as Season 4's Episode 2. Check it out soon!

Find a FULL transcript of this episode [HERE](#).

Case Links and other Resources

In this episode, the following cases, books and papers were discussed:

[La Rose v. Canada, 2023 FCA 241 \(CanLII\)](#)

[R. v. Big M Drug Mart Ltd., \[1985\] 1 S.C.R. 295](#)

[British Columbia \(Attorney General\) v Council of Canadians with Disabilities, 2022 SCC 27](#)

[Canada \(Attorney General\) v. Downtown Eastside Sex Workers United Against Violence Society, 2012 SCC 45, \[2012\] 2 S.C.R. 524](#)

[Re Manitoba Language Rights, \[1985\] 1 S.C.R. 721](#)

[Carter v. Canada \(Attorney General\), 2015 SCC 5, \[2015\] 1 S.C.R. 331](#)

[Ontario \(Attorney General\) v. G, 2020 SCC 38, \[2020\] 3 S.C.R. 629](#)

[R. v. Albashir, 2021 SCC 48, \[2021\] 3 S.C.R. 531](#)

[R. v. Seaboyer; R. v. Gayme, \[1991\] 2 S.C.R. 577](#)

[Vriend v. Alberta, \[1998\] 1 S.C.R. 493](#)

[Doucet-Boudreau v. Nova Scotia \(Minister of Education\), \[2003\] 3 S.C.R. 3, 2003 SCC 62](#)

[Little Sisters Book and Art Emporium v. Canada \(Minister of Justice\), \[2000\] 2 S.C.R. 1120](#)

[Vancouver \(City\) v. Ward, 2010 SCC 27, \[2010\] 2 S.C.R. 28](#)

[Mackin v. New Brunswick \(Minister of Finance\); Rice v. New Brunswick, \[2002\] 1 S.C.R. 405, 2002 SCC 13](#)

[Canada \(Attorney General\) v. Power, 2024 SCC 26](#)

[Thomas v. Rio Tinto Alcan Inc., 2024 BCCA 62](#)

[Ontario \(Attorney General\) v. Restoule, 2024 SCC 27](#)

Roach, Kent [Remedies for Human Rights Violations](#) (Cambridge University Press, 2021)

Roach, Kent [Constitutional Remedies in Canada](#) (Thomson Reuters, 2017-)

Roach, Kent [“A Promising Late Spring for Charter Damages: Ward v Vancouver \(2011\)”](#) National Journal of Constitutional Law 145-167

Schenk, Adam “Ward by the Numbers: Application of the Seminal Decision on Charter Damages” (2024) 45 NJCL 55 (available via Westlaw).

About the Asper Centre

The [Asper Centre](#), a part of the [University of Toronto’s Faculty of Law](#) since 2008, is devoted to realizing constitutional rights through advocacy, research and education. The Centre aims to play a vital role in articulating Canada’s constitutional vision to the broader world. The cornerstone of the Centre is a legal clinic that brings together students, faculty and members of the bar to work on significant constitutional cases and advocacy initiatives. The Centre was established through a generous gift from U of T law alumnus David Asper (LLM ’07).

Thank You’s

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Thank you to University of Toronto Faculty of Law JD student Kate Shackleton, who helped with the production of this episode.

Thank you to our audio editor Liam Morrison of [Bell Room Media Solutions](#).

Thank you to the creators of our theme music, “Charter a Course”, Constitutional law professor Howie Kislowicz and law professor Rob Currie gave us the licence to use their constitutional law shanty in exchange for a donation to the Calgary Food Bank. The song’s performers are Vanessa Carroll, Rob Currie, Howie Kislowicz, Avinash Kowshik, Anna Lund, Patricia Paradis, Elin Sigurdson, Lyle Skinner, and Dave Wright. You can listen to the entire shanty here: [Charter a Course](#). Please consider contributing to your local food bank.