

UNIFORM LAW CONFERENCE OF CANADA CONFÉRENCE POUR L'HARMONISATION DES LOIS AU CANADA

**Minutes of the Opening Plenary Session of the 107th Annual Meeting
of the Uniform Law Conference of Canada
at the Westin Nova Scotian Hotel
in Halifax, Nova Scotia
on Sunday, August 10, at 1:00 PM ADT**

Welcome Remarks

President Maria Markatos stated that it was an honour to welcome everyone to the 2025 annual meeting of the ULCC in beautiful Halifax. She acknowledged the participants were in the Mi'kma'ki, the traditional territory of the Mi'kmaq, and that all are treaty people who benefit greatly from the shared resources of this land, covered by the treaties of peace and friendship. She said that over 60 delegates, eight presenters, and two international guests, as well as two in-person observers and 15 virtual observers for the Civil Section and joint sessions will be in attendance during the week.

M Markatos welcomed everyone attending in person and virtually, in particular those attending their first ULCC annual meeting. She stated hoping that they will find the sessions informative.

Introductions

i. Members of the Executive Committee

Ms Markatos said that it has been a privilege, as the ULCC President, to lead the Executive Committee for the 2024-2025 year, and that she has been a member of the Saskatchewan delegation since 2011. She has participated on several working groups and has been the chair of the Civil Section for two annual meetings, the chair of a previous iteration of the Implementation Committee and a member of the Advisory Committee on Program Development and Management (ACPDM).

With that, Ms Markatos introduced the members of the 2024-2025 Executive Committee: Vice-President Chloé Rousselle (Canada), Immediate Past President Matthew Hinshaw (Alberta), Chair of the Civil Section Tyler Nyvall (British Columbia), Chair of the Criminal Section James Meloche (Canada), and Chair of the ACPDM Greg Blue, K.C. (British Columbia). The members-at-large of the Executive Committee are Criminal Section Secretary Aleksander Godlewski (Canada), Christine Badcock (Yukon), Sarah Dafoe (Alberta), Manon Dostie (Canada), Laura Pitcairn (Canada), and Elizabeth Strange (New Brunswick). She said that Tyler Nyvall, Chair of the Civil Section, was unable to attend the annual meeting in person this week and that Christine Badcock would be chairing the Civil Section meeting in his place.

Ms Markatos indicated that the Executive Committee started the 2024-2025 year with two additional members, Anny Bernier (Quebec) and Andrew Davis (Saskatchewan), who left partway through the year; Ms Bernier as a result of a promotion to Associate Deputy Minister of the Ministère de la Justice du Québec, and Justice David as a result of an appointment to the Saskatchewan Court of King's Bench. She thanked them for their contributions to the work of the ULCC and wished them well in their current roles.

UNIFORM LAW CONFERENCE OF CANADA CONFÉRENCE POUR L'HARMONISATION DES LOIS AU CANADA

ii. Executive Director and Legal Project and Research Coordinator

Ms Markatos also introduced the ULCC's two staff members: Christina Croteau, Legal Project and Research Coordinator, and Michelle Lemieux Wilkinson, Executive Director and Administrator. She said that the work of the Executive Committee and of the ULCC in general would not be possible without the support and assistance of Ms Croteau and Ms Lemieux Wilkinson and she expressed her genuine thanks to them.

iii. International Guests

Ms Markatos said that two guests are expected from the Uniform Law Commission (ULC) of the United States, Lisa Jacobs, President, and Eric Weeks, Executive Director. Although they are not in attendance at this time, they will join the meetings later in the week and the Civil Section will receive remarks from Ms Jacobs. She indicated that Ms Jacobs and Mr Weeks were very welcoming to Chloé Rousselle when she attended the ULC annual conference in July. Ms Markatos encouraged delegates to introduce themselves to the American guests and make them feel welcome.

iv. Delegates to the Annual Meeting

Ms Markatos invited the senior delegates present from each jurisdiction to introduce their respective delegation and any observers who will be joining during the week.

Overview of the Week's Social Activities

Ms Markatos said that they received a very warm welcome from the Nova Scotia hosts. She invited Angus Gibbon, Civil Section Jurisdictional Representative (JR) for Nova Scotia, to provide an overview of the social activities for the week.

Angus Gibbon started by saying that the Clark W. Dalton, K.C. Reception would be held that evening starting at 6:00 pm, in the mezzanine., The annual softball game will be held on Tuesday at the Halifax North Commons starting at 5:30 pm, with the bus leaving the hotel at 4:30 pm. He indicated that all are invited to play for the East or the West team, or to cheer on the teams, and that a post-game dinner will be held at the hotel at 7:30 pm. The closing banquet will be held on Wednesday in the Elements room, to be preceded by a reception at 6:00 pm in the mezzanine.

President's Report

Ms Markatos stated that it has been her honour and a privilege to serve as President of the Uniform Law Conference of Canada this past year. She said that the President of the ULCC takes on many roles and that, over the last year, she had the opportunity to work closely with members of the Executive Committee, the Budget and Finance Committee, and the ACPDM, as well as several sub-committees created through those groups. Being intimately involved in every aspect of the ULCC and every decision down to the most minor detail has made her even more appreciative of the long list of Presidents that came before her.

Ms Markatos said that the ULCC is a very small organization membership-wise and, as a result, its committees tend to be made up of the usual individuals who devote their time and energy to its activities. During her term as President, this was clearer than ever, with committee members always prepared to take on and complete

UNIFORM LAW CONFERENCE OF CANADA CONFÉRENCE POUR L'HARMONISATION DES LOIS AU CANADA

additional tasks for the betterment and continuing success of the ULCC. She thanked all of these individuals immensely for their support of the ULCC and their constant efforts to improve the organization.

She indicated that, over the past year, the Executive Committee had been busy taking care of the regular business of the ULCC, as well as completing and commencing special projects. Immediate Past President Matthew Hinshaw has completed review of the guide documents. With the exception of three documents awaiting translation, all guide documents are now available on the website. Ms Markatos encouraged everyone to review the documents and thanked Mr Hinshaw for his attention to detail and his diligence. She said that Christine Badcock is leading the creation of a record retention policy. Once complete, the approved retention periods will inform future decisions around the digitization of physical documents held by the ULCC in a storage facility, as well as which records should be digitized for future reference of the organization.

Ms Markatos stated that the Executive Committee also struck a new website renewal committee. The current website, which is the principal mechanism for promotion and availability of the products created by the ULCC, is built on an unsustainable platform. The website houses completed Uniform Acts of the Civil Section, resolutions of the Criminal Section dating back to 1983, and all of the proceedings of the ULCC, including all materials prepared for, and resulting from, the annual meetings. The website renewal project is a top priority for the Executive Committee and will be completed on a tight timeline. Ms Markatos said that the delegates would have received a questionnaire about the existing website in July and that responses to the very short questionnaire will inform the work of the website renewal committee. She encouraged anyone who had not yet completed the survey to please do so.

Ms Markatos said that the Executive Committee also continues to encourage ongoing dialogue and cooperation with the ULCC's international friends. She delivered a presentation to the Executive Committee of the Uniform Law Commission (ULC) of the United States on the ULCC's activities and priorities in the course of ULC's mid-winter meeting in January 2025. As well, ULCC Vice-President Chloé Rousselle attended the annual meeting of the ULC in Santa Fe in person, on behalf of the ULCC. Ms Markatos said that the hope is to continue discussions and explore options for collaboration with the ULC President and Executive Director during the course of the week.

Ms Markatos stated that the virtual observer option was offered for the first time in 2024 and is being offered again this year to allow observers to watch the proceedings of the joint and Civil Section sessions. She welcomed the 15 registered virtual observers and said that, this year, the effectiveness of the virtual observer option and how it is used would be closely monitored in order to help inform if a similar option, whether expanded or contracted, would be offered again at future meetings.

Ms Markatos indicated that the ULCC's financials are always at the forefront of the Executive Committee's considerations. Following recommendations made by the Budget and Finance Committee, the Executive Committee carefully reviewed every expenditure to ensure that the ULCC funds – provided entirely through government contributions – are used in a fiscally appropriate manner. She expressed thanks to the federal, provincial and territorial governments who continue to provide financial support and services to the ULCC, particularly during these uncertain financial times.

Ms Markatos stated that the mandate of the ULCC is to develop uniform and model Acts, statements of legal principles and other documents and to recommend them to the constituent jurisdictions for their consideration. It is also to recommend changes to the *Criminal Code* of Canada and other related criminal law statutes and to provide a forum to study and consult on evolving criminal law issues. As such, the ULCC's legacy is its productivity and the recommendation of Acts and resolutions that will impact the Canadian legal landscape in a significant way.

**UNIFORM LAW CONFERENCE OF CANADA
CONFÉRENCE POUR L’HARMONISATION DES LOIS AU CANADA**

She said that the Civil Section will receive nine policy reports throughout the week and consider important current topics, including Cash Payments and Defamation Law in the Internet Age. The Criminal Section will debate 28 resolutions that will impact the development of the *Criminal Code* and other related statutes in a meaningful way. At the end of the week, the Civil Section will hear from Legal Research and Project Coordinator Christina Croteau on a review of judgments and journals. Ms Markatos noted that since the 2024 annual meeting in Ottawa, courts in half of the provinces and territories have referenced the work of the ULCC in decisions, including in British Columbia, Saskatchewan, Ontario, the Northwest Territories, New Brunswick, and Nova Scotia.

Ms Markatos said that every jurisdiction in Canada benefits from the work of the ULCC, which can only continue to be achieved through volunteership and active representation by all of the delegates. The ULCC’s working groups, the chairs of those working groups, and the Jurisdictional Representatives (JRs) remain the backbone of the organization and, without their work, there would not be an annual meeting. She thanked everyone for their efforts throughout the year.

Ms Markatos thanked the members of the Executive Committee who provided her with tremendous support, as follows: Michelle Lemieux Wilkinson and Christina Croteau who have worked diligently to promote the interests of the ULCC and without whom the business of the organization would have ground to a halt; Greg Blue, K.C., for taking on the role of Chair of the ACPDM so aptly; James Meloche and Tyler Nyvall for their leadership of the Sections; Matthew Hinshaw for his always sage advice; Chloé Rousselle for her keen attention to detail; Christine Badcock and Aleksander Godlewski for their insight; and past presidents Laura Pitcairn, Sarah Dafoe, Manon Dostie, and Elizabeth Strange for their strong guidance through some at times difficult decisions.

She also thanked the Nova Scotia JRs and their organizing committee for their hard work in organizing what she is sure will be a terrific annual meeting. Lastly, she thanked all current and past members of the Saskatchewan delegation, particularly Darcy McGovern, K.C., indicating that, without his support and encouragement, she certainly would not have taken on the role of President.

Ms Markatos said that she felt very fortunate to have acted as President over the last year and that the dedication of delegates to the ULCC is inspiring. The amount of debate over the most minor of details, though sometimes maddening, demonstrates just how dedicated ULCC’s members are to coming to the correct result. She said that she looks forward to passing the baton to the incoming President at the end of the week and to supporting them during their term.

Financial Resolutions

Ms Markatos stated that each of the three resolutions would be read out in both languages and there would be a call for a motion. Each resolution was read in English by Ms Markatos and in French by Chloé Rousselle.

i. Receipt of Audited Financial Statements (Draft) for 2024-2025

MOVED by Laura Pitcairn, seconded by Christine Badcock, **THAT** the Audited Statements for the fiscal period ending March 31, 2025, be received as presented. Motion carried.

ii. Appointment of the Auditor for Fiscal 2025-2026

MOVED by Aleksander Godlewski, seconded by Greg Blue, K.C., **THAT** the firm of Hendry Warren LLP be appointed as Auditors for the Uniform Law Conference of Canada for the fiscal period April 1, 2025 – March 31, 2026. Motion carried.

UNIFORM LAW CONFERENCE OF CANADA CONFÉRENCE POUR L'HARMONISATION DES LOIS AU CANADA

iii. Banking Resolution

MOVED by Manon Dostie, seconded by Matthew Hinshaw, **THAT** for amounts over \$5,000, two members of the Executive Committee or a member of the Executive Committee and the Executive Director and Administrator, be given signing authority for all banking matters of the ULCC **AND THAT** for amounts up to \$5,000, and for the purpose of purchasing GICs and term deposits, the signature of the Executive Director and Administrator alone will suffice. Motion carried.

Confirmation of the Nomination Committee

Matthew Hinshaw provided an outline of the process for the benefit of the first-time delegates. He said that section 17 of ULCC By-Laws establishes that the Immediate Past President chairs the Nomination Committee to put forward nominees for incoming Vice-President and President for the following year, in this case for 2025-2026. As Immediate Past President, he formed the Committee whose members are Sara Dafoe (Alberta), Laura Pitcairn (Canada), Manon Dostie (Canada), and Alisia Adams (British Columbia). The Committee met earlier in the year and, at the closing plenary, will put forward the nominations for consideration. Should any delegates wish to discuss nominations for Vice-President and President, they are asked approach one of the members of the Nomination Committee during the week; otherwise the Committee's nominations will be put forward for a vote at the closing plenary.

Outline of the Business of the Week

i. Criminal Section

James Meloche stated that he was pleased and honoured to present on behalf of the Criminal Section. He said that the Section will debate 28 resolutions from nine provinces and all territories, as well as presented by the Public Prosecution Service of Canada and other associations, consisting of proposed amendments and additions to the *Criminal Code* on topics reflecting rich and diverse areas of criminal law. These areas include bail, peace bonds, victim impact statements, long-term offenders, hybridization of certain offences in the *Criminal Code*, weapons and the tools used to make them, contempt, selling cannabis, driving prohibitions, and smuggling contraband into prison, to name just a few. Debate on the merits of the policies and ideas advanced by participants who are experts in their field will take place in an environment of respect, collegiality and a wealth of experience shared amongst criminal law specialists from the defense bar, prosecution services, policy counsel, and members of the judiciary from all regions of the country.

Mr Meloche said that the Section will receive the final report of the Working Group on Sections 278.1-278.94 of the *Criminal Code* (the "records regime"), which addresses issues with those sections in the *Code*. The report indicates where consensus was reached and where it wasn't. He stated that work completed by the Working Group is impressive. The Section will also receive status reports from working groups that will continue to study legal exemptions for mandatory minimal sentences, section 672.26 and other *Criminal Code* issues (juries and fitness hearings), and restriction of the publication of the name and other identifying information of an accused person, as well as the joint work between the Criminal and Civil Sections on the treatment of animals. The Criminal Section is not only focused on the work it does during the week but throughout the year.

Mr Meloche indicated that several JRs are attending the annual meeting for the first time in that role. The injection of new blood balanced with the expertise and familiarity of returning JRs and delegates will serve the Section's meeting well. The fruits of the discussions will be invaluable to the advancement of criminal law and the proper functioning of the Canadian judicial system. He concluded by wishing everyone a wonderful week.

**UNIFORM LAW CONFERENCE OF CANADA
CONFÉRENCE POUR L’HARMONISATION DES LOIS AU CANADA**

ii. Civil Section

Christine Badcock thanked everyone who helped organize the annual meeting, particularly Executive Director Michelle Lemieux Wilkinson and Legal Project and Research Coordinator Christina Croteau, as well as the organizing committee from Nova Scotia. She indicated that she is the Immediate Past Chair of the Civil Section and is filling in for Chair Tyler Nyvall who was unable to attend in person this year. She indicated that they are all disappointed that Mr Nyvall couldn't attend in person this year but are grateful that he is attending as a virtual observer.

Ms Badcock said that the work of the Civil Section has continued since the 2024 annual meeting in Ottawa. The working groups have been busy and, during the week, the Civil Section will receive reports on nine projects, as well as receive updates from various committees and guests. She thanked all those who participated in the work of the Civil Section over the year. She particularly thanked all of the working groups who have had to work very diligently to comply with the deadline for distribution of the materials for the annual meeting, which she acknowledged was not an easy task. She hoped that having the materials ready early contributes to well-informed debate and consideration of reports, and thanked Ms Croteau and ACPDM Chair Greg Blue, K.C., for their efforts in this regard.

Ms Badcock stated that the Civil Section meeting will begin with the first report of the Working Group on Defamation Law from its Chair, Hilary Young. On the following day, the full morning will be dedicated to receiving the third report of the Working Group on Non-Disclosure Agreements. She said that the Section is thrilled to welcome back Jennifer Khor, Chair of the Working Group, to present the report. The Working Group is seeking direction on several outstanding issues and this will therefore be an important session. The afternoon will consist of two reports presented by Mark Gillen, one on Hybrid Charitable Organizations and the other on the Definition of Charity, as well as an update on the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters by Frédérique Sabourin.

Ms Badcock indicated that, on Tuesday morning, the Civil Section will join the Criminal Section for the update from the Diversity and Inclusion Committee, the Earl Fruchtmann Memorial Seminar, and the joint session on the Treatment of Animals Project. On Tuesday afternoon, the Section will receive its second report on Cash Payments, to be presented by Professor Michelle Cumyn, and the final item that day will be a report from the Intestate Succession Working Group to be presented by Maria Markatos. Wednesday morning will consist of a report from Geneviève Saumier on the Enforcement of Foreign Judgements, followed by an address from Lisa Jacobs, President of the Uniform Law Commission of the United States, and a report from Greg Blue, K.C., on the work of the ACPDM.

Ms Badcock said that, on Wednesday afternoon, the Section will consider the second report of the Class Actions Working Group and close the day with Professor Maya Cachecho's report on the Joint Ventures project. On Thursday morning, Legal Project and Research Coordinator Christina Croteau will present a review of judgments and journals, and the Section's meeting will conclude with Justice Canada's private international law report to be presented by Manon Dostie.

Ms Badcock said that she was very much looking forward to the busy week ahead.

**UNIFORM LAW CONFERENCE OF CANADA
CONFÉRENCE POUR L'HARMONISATION DES LOIS AU CANADA**

Other Business

i. ULCC website project and questionnaire

Ms Markatos stated that a review of the website is being undertaken as the current platform is out of date. She said that the delegates will have received a questionnaire by email in July and she requested that they please complete the short questionnaire if they hadn't yet done so, in order to help inform the website review. Any delegate who did not receive the questionnaire is asked to let Michelle Lemieux Wilkinson know.

Adjournment

There being no further business, Ms Markatos adjourned the opening plenary at 1:55 pm ADT and wished all delegates a productive and enjoyable week.