



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

**Minutes of the Closing Plenary Session of the 100th Annual Meeting
of the Uniform Law Conference of Canada
Held in Québec, QC
on Thursday August 16, 2018 at 11:15am**

Opening Remarks

The meeting was called to order at 11:15am with President Manon Dostie as Chair and Executive Director Marie Bordeleau as Secretary. Ms Dostie thanked the Host Committee and the gala dinner organizers for a wonderful event last night in that beautiful, historical building.

Financial Resolutions

a. Approval of Audited Statements

MOVED by Elizabeth Strange, seconded by Kathryn Sabo, **THAT** the Audited Statements for the fiscal period ending March 31, 2018 be received as presented. Motion carried.

b. Approval of the Auditors

MOVED by Maria Markatos, seconded by Darcy McGovern, **THAT** the firm Hendry Warren LLP Chartered Accountants be appointed as Auditors for the Uniform Law Conference of Canada for the fiscal period from April 1, 2018 to March 31, 2019. Motion carried.

c. Banking Resolution

MOVED by Lee Kirkpatrick, seconded by Lucie Angers, **THAT** for amounts over \$5,000, two members of the Executive Committee or a member of the Executive Committee and the Executive Director be given signing authority as officers 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, and for the purpose of transferring funds from the research account to the general account and vice versa, the signature of the Executive Director alone will suffice. Motion carried.

d. Approval of the Budget for the Fiscal Period 2018-2019

MOVED by Samantha Hulme, seconded by Russell Getz, **THAT** the budget for the fiscal period 2018-2019 be approved subject to amendments by the Executive Committee as deemed necessary. Motion carried.



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100th Anniversary Celebration

Kathryn Sabo said that a draw was held under the supervision of the Secretariat staff this morning and the winners of the first trivia question are: Valérie Simard, Laurence Bergeron and Kathleen Cunningham, as they all knew that the ULCC has had 99 Annual Meetings in the last 100 years. Winners of the second question regarding which jurisdictions were present at the first ULCC meeting in 1918 (Alberta, New Brunswick, Manitoba, Nova Scotia, PEI, Québec, Saskatchewan) is Valérie Simard. Luc Labonté knew that the first woman attended a ULCC meeting in 1962. The fourth question asked how many Annual Meetings were held outside of capital cities and there were 28, but no one had the correct answer. Question five asked in what years the organization's name changed, and Luc Labonté, Valérie Simard and Laurence Bergeron knew that it was in 1919, 1974 and 1995. Prizes, consisting of baseball t-shirts and caps will be awarded after the meeting. The last question regarding when the first East vs West softball game was held (1984) was correctly answered by Sandra Peterson, Luc Labonté, Laurence Bergeron and Kathleen Cunningham.

Darcy McGovern noted that Kathryn Sabo Chaired the 100th Anniversary Committee, making possible all the events that have taken place this week, such as the jurisdictional presentations, the trivia questions and the letters of greetings from the Governor General and Prime Minister. Mr McGovern also recognized Clark Dalton as well as the Host Committee for all their work to coordinate the photo collage, as well as all the gifts (pens, pins, pads, t-shirts and caps) and for their tremendous work.

Report from the Criminal Section

Samantha Hulme reported that the Criminal Section had a very interesting week of passionate debate over some 30 resolutions, 27 of which were adopted while three were withdrawn. None of the resolutions were rejected but 17 of them were amended, showing the spirit of cooperation that ran through all the Criminal Section's discussions. There was vigorous debate on the issue of Crown consent to trial before a judge alone. In addition, the last resolution debated recommended that priority be given to reviewing mandatory minimum sentences.

Ms Hulme thanked the working group chairs who undertook significant tasks and an important amount of work. Status reports on telewarrants and Section 419 of the Criminal Code were discussed, and the report and recommendations of the working group on witness confrontation and Section 9 of the Canada Evidence Act were adopted. This report will be shared with the Civil Section. The Criminal Section also struck a new working group on search warrants, following a resolution from the floor by the CBA. Another working group was formed to review Section 487 of the Criminal Code and will look at ways in which this investigative power can be modernized.

At the Earl Fruchtman Memorial Seminar the Criminal Section had the pleasure of hearing from Joanne Marceau and Patrick Michel from the Director of Criminal Prosecutions, who discussed the accountability, discretionary power and professional independence of the judiciary of the prosecution. Ms Hulme noted the presence of Professor Anne-Marie Boisvert and three members of the bench,



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Danielle Côté, Faith Finnestad and Josh Hawkes, as well as representatives of the Indigenous Bar among the delegates to the Criminal Section. The perspective these delegates brought to the discussions were much appreciated.

Ms Hulme thanked Justice Canada for its strong representation and support of the Uniform Law Conference of Canada, and the interpreters who kept up with the very fast rate of speech of some of the delegates. Ms Hulme also thanked our hosts in Québec City this year, noting it was a great week organized to perfection and studded with enjoyable social events. The week was very busy and Ms Hulme expressed her particular thanks to the members of the Secretariat for their amazing support and patience with the Section's multiple requests for help over the course of the week, ensuring the smooth running of the Criminal Section all week long.

Caroline Quesnel became Secretary of the Section a mere six weeks prior to this meeting and did a phenomenal job of supporting the Section. Incoming Chair Matthew Hinshaw will appreciate her outstanding work ethic.

Report from the Civil Section

Maria Markatos said the Civil Section was fortunate to have representation from provincial, territorial and federal justice departments, law reform bodies and members of the practicing bar and academia. We were also privileged to be joined by our guests from the United States.

The Civil Section considered an extensive report and a draft Uniform Commercial Tenancies Act, reflecting the culmination of seven years of work by the working group. It was the subject to of very interesting conversations. The Section gave direction and asked the working group to make some modifications to the draft Act and commentaries; it is hoped that the revised version will be adopted pursuant to the November 30th rule, and if adopted it will complete the Commercial Law Strategy.

The Civil Section also adopted the Uniform Electronic Document Rules pursuant to the November 30th rule. If adopted, this is an exciting, forward thinking project that will have large-scale application across a variety of practice areas. A report and an amended Uniform Act Implementing Conventions and a report related to the non-consensual disclosure of intimate images are expected at next year's Annual Meeting. To complement the recently completed review of the ULCC's other foundational documents, the Civil Section will also undertake a review of its rules of procedure for further consideration in 2019.

Ms Markatos noted that the Civil Section was delighted to hear from ULC President Anita Ramasastry on the work the American Uniform Law Commission and thanked her and the other US Commissioners for attending.

This week the Joint Session received an update on case law related to charter cost awards and civil charter damages against the Crown, and adopted the Uniform Police Record Checks Act, which will be recommended to the jurisdictions for implementation.



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The incoming Chair for the Civil Section is Thomas Ahlfors of Nunavut, and a selection committee has been struck to find a Chair for the 2019-2020.

Ms. Markatos thanked all the working groups and their chairs as well as everyone who presented this week for their work in preparing reports, attending conference calls and assisting in completing projects. Ms Markatos recognized Clark Dalton, QC, our Project Coordinator, noting that we thank him a lot but that the work of the Civil Section Chair would be insurmountable without his dedication. Ms Markatos also thanked Manon Dostie and the rest of the Executive, as well as Executive Director Marie Bordeleau, Frédérique Sabourin and her organizing committee, Darcy McGovern and Sarah Dafoe for their guidance to her personally, the interpreters and all the delegates of the Civil Section for their collegiality and hard work, and for continuing to meet the annual challenge of developing expertise in a wide range of topics.

Ms Dostie thanked the Section Chairs and said that as usual she has a lengthy resolution to thank everyone involved in organizing this Annual meeting.

BE IT RESOLVED THAT the Uniform Law Conference of Canada express its thanks to:

1. The Government of Québec and the Ministry of Justice of Québec for hosting the 100th Anniversary Annual Meeting of the Uniform Law Conference of Canada;
2. Our partners, the Québec Ministry of Justice, the Québec Ministry of Executive Council, Québec City, the Barreau du Québec, the Chambre des notaires du Québec and the Faculty of Law at Laval University.
3. Me Maryse Carré, President of the Barreau de Québec; Me Nancy Chamberland, Board member of the Chambre des notaires du Québec; and Me Lida Sara Nouraie, Vice-president of the Association des avocats de la défense de Montréal-Laval-Longueuil for their kind remarks at the welcome reception;
4. Kerry Simmons, QC, President of the Canadian Bar Association; Arthur Close, QC of the British Columbia Law Institute; Kathryn Sabo; and Clark Dalton, QC and all jurisdictional representatives for their historical overviews throughout the week;
5. Daniel Grégoire; Québec Superior court judge Catherine La Rosa; André-Philippe Mallette and Kerri Simmons, President of the CBA for attending the Welcome Reception;
6. Québec Superior court judge Catherine La Rosa; outgoing Associate Chief Judge of the Court of Québec Danielle Côté; Me Paul-Matthieu Grondin, president of the Barreau du Québec; Vincent Martinbeault, Deputy Director, Director of Criminal and Penal Prosecutions; and Justice Georgina Jackson, former ULCC President and Judge of the Saskatchewan Court of Appeal, for joining us at the closing gala;



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7. The Organizing Committee that worked so hard to host this Annual Meeting, Laurence Bergeron, Justice Danielle Côté, Isabelle Doray, Chloé Rousselle, Frédérique Sabourin and Caroline Vachon. The members of the Committee wanted to particularly underscore the work done by Frédérique Sabourin and Laurence Bergeron, because we know the planning doesn't just start a week before the Annual Meeting, it actually starts months ahead of time.
8. Our outstanding Secretariat staff: Pauline Beaulieu, France Lévesque, Carl Rodrigue and Elena Miron;
9. To the Executive Committee:

Immediate Past President Elizabeth Strange for staying on in this role for an additional year and all the support she provided to Manon Dostie;

Maria Markatos, Chair of the Civil Section for her exemplary work this week and throughout the year, and to Thomas Ahlfors, incoming Chair, for acting as Secretary of the Civil Section this week;

Samantha Hulme, Chair of the Criminal Section and Caroline Quesnel, Secretary to the Criminal Section for their exemplary work throughout the year and especially this week, and a special thank-you to Dorette Pollard, for her work as Criminal Section Secretary until December 2017 as well as Jean-François Noël, who served in that capacity from January to June 2018;

Peter Lown, QC, Chair of the Advisory Committee on Program Development and Management and Chair of the International Committee for all the work he accomplishes this and every year;

Clark Dalton, QC, our Projects Coordinator whose work is essential – you work so hard for the Conference and on so many working groups and committees, you are essential to the ULCC;
10. The Jurisdictional Representatives from all the jurisdictions, the Chairs and members of working groups, the presenters, and also the delegates, including prosecutors, lawyers and notaries from governments and private practice, the Indigenous Bar Association, members of the judiciary, law professors, the Canadian Bar Association, the Barreau du Québec, the Chambre des notaires du Québec, and Law Reform Institutes;

Ms Dostie said the ULCC will be looking at ways to recognize the ongoing contributions of all its participants in the coming year.
11. Kathryn Sabo, Chair of the 100th Anniversary Committee and its members, including Nicolas LeGrand Alary, Charlaïne Bouchard, Isabelle Doray, Richard Fowler, Russell Getz, Sherry Gillis, Chloé Rousselle, Caroline Vachon and Marie Bordeleau.



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12. Members of the Strategic Plan Oversight Committee, consisting of Elizabeth Strange, who deserves special thanks for chairing and providing drafters, Russell Getz, Cathy Cooper, Genevieve Harvey, Clark Dalton, QC, Lucie Angers, Stephanie O'Connor, Peter Lown, QC and Dorette Pollard, as well as the SPOC's many subgroups for their commitment and enthusiasm.
13. The members of the Finance and Budget Committee, consisting of Peter Lown, QC, Kathryn Sabo, Elizabeth Strange, Clark Dalton, QC, Marie Bordeleau, Lee Kirkpatrick and John Lee.
14. Sarah Dafoe, Chair of the Roles Committee and its members, Russell Getz, Genevieve Harvey, John Lee, Peter Lown, Stephanie O'Connor, Kathryn Sabo, and Elizabeth Strange.
15. Our Executive Director, Marie Bordeleau, who works a lot behind the scenes both throughout the year and all week long at the Annual Meeting – she accomplishes a lot that you don't see;
16. Our esteemed colleagues and friends from the US Uniform Law Commission, Past Presidents Michael Houghton, Bob Stein and Howard Swibel and Harriet Lansing, incoming President Carl Lisman; and President Anita Ramasastry;
17. Daniel Grégoire for his animated presentation of the ULCC softball trophies at the gala dinner;
18. The interpreters in each Section, Peter Douglas, Emmanuelle Dubois, Marc Morisset, Hélène Régimbald, Anne Rogier and Sara Vafai.
19. The audio-visual technicians from LMB Systems, Luc Lachance and Rémi St-Pierre;
20. The staff of the Hôtel Delta Québec;
21. And last but not least, our incoming President, Lee Kirkpatrick, for taking on the responsibility of helming the ULCC for the coming year.

Seconded by Dean Sinclair. The resolution was approved unanimously. The President presented gift cards to the above-named members of the host committee and Secretariat staff for their excellent work in the Secretariat office throughout the week.

Report from the Nominating Committee

Elizabeth Strange said that Luc Labonté won everything at the 100th Anniversary raffle because she told him where to go to find all the answers so she said she will pick up the swag on this behalf and claim some of it for herself. Ms Strange thanked Ms Dostie and the Executive Committee, and noted that there have been nine presidents from New Brunswick, so the jurisdiction punches above its weight.



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The Nominating Committee was struck earlier this week, comprised of Immediate Past President Elizabeth Strange as Chair and long-time delegates and past presidents Luc Labonté, QC, Dean Sinclair, QC, Russell Getz and Kathryn Sabo. The result of their deliberations being unanimous, Ms Strange presented the following motion on behalf of the committee:

THAT Lee Kirkpatrick, currently Vice-President, be nominated for President of the ULCC, and **THAT** John Lee be nominated for Vice-President of the Uniform Law Conference of Canada. Seconded by Manon Dostie. Motion carried.

Incoming President's Remarks

Ms Kirkpatrick said that she was honoured to have been selected as President and humbly accepts the challenge of serving in that role. She said that she had no idea how long she'd been attending ULCC Annual Meetings until she was presented with her 20-year plaque at the banquet last night. Over the course of her attendance at ULCC, she has sometimes sat in on the Civil Section meetings, as she was the only delegate from the Yukon for many years. Ms Kirkpatrick said she enjoyed the stories of other people's experience at the ULCC over the course of the week and noted that when the Annual Meeting was held at the beautiful Kwanlin Dun Cultural Centre in Whitehorse in 2012, the Centre had floor to ceiling windows overlooking the Yukon River, which was distracting for many of the delegates, and as resolutions were being passed or matters of importance were being discussed, people would float by in canoes... Often, people we thought were supposed to be involved in the debates!

Ms Kirkpatrick said that she is looking forward to the challenging of working on Important issues to the ULCC this year including the website, raising the profile of the organization and encouraging governments to adopt Uniform Acts, and following and promoting the resolutions that have been passed on the Criminal side. Ms Kirkpatrick said she has been very grateful to have the support and encouragement of the other members of the Executive Committee, who have gone above and beyond by doing extra terms, Manon Dostie and Elizabeth Strange in particular, and Ms Kirkpatrick said she was looking forward to working with the new Executive Committee over the coming months.

Ms Kirkpatrick said she joins Ms Dostie in expressing her thanks to our hosts in Québec City, and said she looks forward to working with all of the committees, working groups and our US colleagues on matters of interest to both organizations. Ms Kirkpatrick said she is particularly looking forward to continuing her relationships with the colleagues she met this year and hopes they can all join us again in beautiful St. John's next year.

Host Jurisdiction's Report – St. John's, NL - 2019

Chad Blundon warmly thanked his Québec colleagues for their hospitality and said he hopes to follow in their footsteps. Mr Blundon presented a short promotional video on Newfoundland & Labrador and noted that next year the ULCC Annual Meeting will be held at the Delta Hotel in St. John's one week later than usual from Sunday August 18th to Thursday the 22nd. A host committee is being struck and planning will begin next month. Mr Blundon encouraged his colleagues to come early and stay after the



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event to enjoy vacation time with family. Travel guides and promotional material is available for those who are interested.

Host Jurisdiction's Report – Iqaluit, NU - 2020

Thomas Ahlfors said that Nunavut will host for the very first time in 2020 and noted that the ULCC's Annual Meeting will be held above the treeline for the first time, which means temperatures will be cooler than they were here this week. The event will likely be held at the Frobisher Inn.

There being no further business, Ms Kirkpatrick thanked our Québec City hosts and the meeting was adjourned at 12:20pm.