

## Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

### ***Season 3, Episode 3: Charter Values***

## 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 Charter values, which in recent years have gained some traction in Canadian law. With the help of our guest, [Prof Richard Stacey](#), we examine how courts have sought to define Charter values and in what judicial context they arise. We explore when courts are obligated to consider these values and consider the challenges associated with doing so.

In this episode's *Practice Corner*, we speak with lawyer [Matthew Horner](#), on his experiences of practicing in the area of administrative law, where Charter values *sometimes* find their home.

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

## Case Links and other Resources

In this episode, the following cases, factum and paper were discussed:

[R. v. Oakes, \[1986\] 1 S.C.R. 103](#)

[Reference re Secession of Quebec, \[1998\] 2 S.C.R. 217](#)

[Toronto \(City\) v. Ontario \(Attorney General\), 2021 SCC 34](#)

[Doré v. Barreau du Québec, 2012 SCC 12, \[2012\] 1 S.C.R. 395](#)

[Loyola High School v. Quebec \(Attorney General\), 2015 SCC 12, \[2015\] 1 S.C.R. 613](#)

[Law Society of British Columbia v. Trinity Western University, 2018 SCC 32, \[2018\] 2 S.C.R. 293](#)

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

[R. v. Keegstra, \[1990\] 3 S.C.R. 697](#)

[RJR-MacDonald Inc. v. Canada \(Attorney General\) \[1995\] 3 S.C.R.](#)

[York Region District School Board v. Elementary Teachers' Federation of Ontario](#)

- Asper Centre's [Intervening Factum](#)

[Canada \(Minister of Citizenship and Immigration\) v. Vavilov, 2019 SCC 65, \[2019\] 4 S.C.R. 653](#)

[Dunsmuir v. New Brunswick, \[2008\] 1 S.C.R. 190, 2008 SCC 9](#)

[Taylor-Baptiste v. Ontario Public Service Employees Union, 2013 Carswell Ont 1033, 2013 HRTO 180, 2013 C.L.L.C. 230-019 \(CanLII\)](#)

[Ontario Teacher Candidates' Council v. The Queen, 2021 ONSC 7386 \(CanLII\)](#)

Horner, Matthew. "Charter Values: The Uncanny Valley of Canadian Constitutionalism." *The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference* 67. (2014). DOI: <https://doi.org/10.60082/2563-8505.1293>

## 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

Thank you to our wonderful guests on this episode, Professor Richard Stacey and Matthew Horner!

Thank you to University of Toronto Faculty of Law JD student Gabrielle Dunning, 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.

Thank you to our dedicated listeners!