



UNIFORM LAW CONFERENCE OF CANADA

REVIEW OF JUDGMENTS AND JOURNALS

Presented by

**Christina Croteau, Legal Project and
Research Coordinator, ULCC**

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For more information, please contact
info@ulcc-chlc.ca

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Review of Judgments, Journals, and Media referencing ULCC, 2025/2026

1. ULCC in the Courts – Citations at Superior Court Level or Above

Nihtat Corporation v Sullivan & Nihtat Energy Ltd., 2025 NWTSC 58, <<https://canlii.ca/t/kdv4s>> - Application brought by Nihtat Corporation to set aside the partial award of an Arbitrator pursuant to s 25(1) of the *Arbitration Act*. The underlying dispute involved a shareholder agreement between the parties, in which Sullivan was granted share purchase options in relation to Nihtat Energy Ltd. Sullivan attempted to exercise his share purchase options. Nihtat did not complete these transactions. Sullivan then issued a Notice of Arbitration against Nihtat and Nihtat Energy Limited in relation to the share purchase dispute. Nihtat then filed a statement of claim against Sullivan and a third party, and applied to terminate the arbitration and have all issues addressed in the action. The arbitrator declined to terminate the arbitration, found that he did have jurisdiction over the dispute and made a partial award. The court cites the commentary to the ULCC's *Uniform Arbitration Act* (2016) at ¶41 which "explains the language enumerated in s.24(1)(a)-(d) is to "ensure that it is clear that the same jurisdictional issues which the court may have declined to decide on a stay application...can be decided by the arbitral tribunal"', in finding that the arbitrator correctly decided that he had jurisdiction, and dismissed the application to set aside the partial award of the arbitrator. (Supreme Court of the Northwest Territories, August 14, 2025)

Nihtat Corporation et al v Sullivan et al, 2025 NWTSC 59), <<https://canlii.ca/t/kdv4t>> - Application for a stay of proceedings pursuant to s.8 of the *Arbitration Act* in an action relating to a dispute pursuant to a shareholder agreement. The Defendants relied on s.8 of the *Act* and sought to have a portion of the Action stayed in favour of arbitration. In granting the stay the court refers at ¶14 to the ULCC's *Uniform Arbitration Act* (2016) as the basis for the legislation. (Supreme Court of the Northwest Territories, August 14, 2025)

Sinclair v. T.D.M.C. Holdings Ltd., 2025 BCCA 322, <<https://canlii.ca/t/kfb86>> - Application to quash a cross-appeal of an arbitral award on the basis that it was not filed within the required timeline. The application to quash was dismissed, finding that *Rule 9* of the *Court of Appeal Rules* governs the time limit for filing an application for leave to cross appeal from an arbitral award, not *s. 60* of the *Arbitration Act*. In discussing whether the *Arbitration Act* gives the court jurisdiction to grant an extension of the time to file a cross-appeal, the court refers to the ULCC's *Uniform Arbitration Act* (2016) as the basis for the legislation. While the commentaries included

with the Uniform Act do not specifically refer to the absence of an extension provision, they do refer (in the commentary on the appeal provision) to the statute having been drafted with a view to preventing post-award litigation from being protracted. (British Columbia Court of Appeal, September 8, 2025)

***IB v. AZ*, 2025 BCCRT 1268**, <<https://canlii.ca/t/kfcwj>> - Application under s.6 of the Intimate Images Protection Act. The applicant claimed \$5000 in damages alleging that the respondent shared intimate images of her without her consent. The parties are former spouses. In the course of family law proceedings, the respondent filed an affidavit with the British Columbia Supreme Court which included 13 images of the applicant without her hijab. The applicant alleged that because she is a Muslim woman, exposure of images of her uncovered hair, arms, or body to men that are not related to her is the equivalent of public nudity. None of the images were found by the court to meet the definition of “intimate image” in the Act. In making this decision, the court refers at ¶15 to the commentary to the ULCC’s Uniform Non-Consensual Disclosure of Intimate Images Act as the basis for the legislation. The claim for damages was dismissed. A similar action by another family member who appeared in the photos is also reported as *SO v. AZ*, 2025 BCCRT 1277. (Civil Resolution Tribunal of British Columbia, September 12, 2025)

***Mohawk Council of Kanesatake v. Sylvestre*, 2025 SCC 30**, <<https://canlii.ca/t/kfsvx>> - A lawyer and several experts provided professional services to the governing body for an Indigenous community. The community was facing financial difficulties, and the creditors were not paid for some of their work. In 2004, they obtained default judgments against the debtor based on outstanding claims. On several occasions, they attempted to seize the debtor’s property in execution of the default judgments. In 2008, in exchange for the release of one of the seizures, the debtor acknowledged the creditors’ claims against it and recognized that these attempts interrupted the 10-year prescription period in art. 2924 of the Civil Code of Quebec (*C.C.Q.*) that applied to the creditors’ claims. The amounts remained unpaid. In 2016, the creditors undertook measures to seize all of the debtor’s movable property. The bailiff considered the property to be exempt from seizure and did not carry out the seizure. In 2020, the debtor sought a declaration from the Superior Court that the rights claimed by the creditors under the default judgments were prescribed, arguing that the 2016 attempts to execute the judgment did not interrupt the 10-year prescription period. The Superior Court and the Court of Appeal both disagreed and held that prescription was interrupted by the attempted seizure of property in the debtor’s possession. The Supreme Court of Canada found that the *C.C.Q.* and the Code of Civil Procedure (*C.C.P.*) must be read together to arrive at a contextual understanding of how and when the filing and service of a judicial application for seizure in art. 2892 C.C.Q. interrupts prescription. Prescription is interrupted when a notice of execution by seizure is filed in court and served on the debtor by the bailiff at the behest of the creditor in keeping with the rules in the *C.C.P.* An unsuccessful seizure does not equate to a dismissed judicial application within the meaning of art. 2894 C.C.Q. and therefore does not strip the notice of application of its interruptive effect. The court cites the ULCC’s Uniform Civil Enforcement of Money Judgments Act, 2005, ss. 40 to 44 at ¶82. (Supreme Court of Canada, October 10, 2025)

***Kaur v Retzlaff*, 2025 ABKB 753**, <<https://canlii.ca/t/kh3mn>> - Special chambers hearing to determine whether the Alberta Court of King’s Bench should request that the British Columbia Supreme Court accept a transfer of an action filed in Alberta where the Alberta court never had jurisdiction simpliciter. The plaintiffs, who reside in Alberta, filed an action in Alberta relating to a motor vehicle collision in Kelowna, British Columbia. The defendant lived in Kelowna. The plaintiffs argued that there was a real and substantial connection to Alberta because they had pain and suffering sustained in Alberta as a result of the collision and because their medical witnesses were in Alberta, as they required extensive medical treatment there as a result of the collision. The court found that the Alberta court did not have jurisdiction, and in so doing referred to British Columbia’s *Court Jurisdiction and Proceedings Transfer Act* as based on the ULCC’s *Uniform Court Jurisdiction and Proceedings Transfer Act* in deciding that because Alberta has not adopted corresponding legislation, the Alberta court does not have jurisdiction to request the transfer of a case where it does not have jurisdiction simpliciter. (Alberta Court of King’s Bench, December 16, 2025)

***TSA Corporation et al v. KPMG LLP*, 2026 NWTSC 2**, <<https://canlii.ca/t/khkpp>> - The Łutsël K’è Dene First Nation (LKDFN) was seeking to recover millions of dollars misappropriated by the former CEO of its companies, Ron Barlas. A 2024 decision found that Barlas’ actions as CEO were oppressive in the “extreme” towards the companies to which he had a fiduciary duty, and approved derivative actions against KPMG, who acted as accountants and tax advisors for both the LKDFN Companies and Barlas between 2016 and the end of his tenure in 2023, and the law firm of Reynolds Mirth, who served in a similar legal capacity during this time. KPMG argued that any action against it must take place through arbitration in British Columbia, pursuant to the standard form terms of their retainer agreements. The court found that a stay of the portion of the proceedings not governed by the arbitration provisions was not appropriate, as the *Act* mandates that parts of a dispute found to be non-arbitrable should continue in the courts. At ¶157 the court refers to the legislature’s choice to enact the *Arbitration Act* following the ULCC’s *Uniform Arbitration Act* as a clear statement that the legislature intended to prioritize party autonomy over avoiding a multiplicity of proceedings. The application to stay the KPMG Derivative Action in favour of arbitration was dismissed, and the matter can proceed in conjunction with the action against Reynolds Mirth and the damages trial. (Supreme Court of the Northwest Territories, January 14, 2026)

***Create Abundance International Institute Inc. v Direct News Pvt Ltd.*, 2026 BCSC 231**, <<https://canlii.ca/t/kj4v0>> - On March 13, 2021, a news website called The Sunday Guardian Live (TSG) published an article about the homicide of Bo Fan, a Chinese national who was living in Canada. The article named Create Abundance International Institute Inc. (Create Abundance) as Ms. Fan’s employer and included photos and names of people connected to Create Abundance. Create Abundance and the named individuals sued TSG and the authors of the article for defamation arising from the article. They served two Indian companies who own TSG with a notice of civil claim, received no response, and obtained a default judgment against them. They also served one of the three Canadian authors of the article but presented no evidence they tried to serve the other two. There was evidence that they attempted without success to serve other individuals named in the statement of claim who were based in India. The

author who had been served, Ina Mitchell, filed a response applying to have the application dismissed, or in the alternative to have it dismissed against her. The respondents filed a response consenting to the dismissal of the action against Ms. Mitchell pursuant to s.4 of the Protection of Public Participation Act (PPPA), but opposed dismissal against the other defendants and opposed the applicant receiving full indemnity costs. Ms. Mitchell then sought damages under s.8 of the PPPA and a declaration that she must receive notice of any assessment of damages sought by the respondents against the defaulting defendants. The respondents opposed this. The court refers at ¶30 to the ULCC's Uniform Prevention of Abuse of Process Act, which was the model for the B.C. legislation. Ms. Mitchell's applications for damages and for a declaration that she should be given notice of any application that the respondents bring for an assessment of damages against the defaulting parties were dismissed. Costs were ordered on a full indemnity basis. The application to dismiss the action against the non-served defendants was adjourned generally with the court requiring that a copy of the judgment be attached to any future application materials and that Ms. Mitchell has leave to renew her application to dismiss the action against the non-defaulting defendants. (Supreme Court of British Columbia, February 11, 2026)

R. v. Nguyen, 2026 SCC 10, <<https://canlii.ca/t/kkfbfd>> - Several individuals were accused of offences in relation to a conspiracy to produce cannabis. Some of the individuals had their property seized or frozen by police in connection with the criminal proceedings. One person pleaded guilty and was sentenced. Proceedings against the other individuals were stayed pursuant to s.11(b) of the Canadian Charter of Rights and Freedoms due to delay. After the stay was granted, the Crown filed an application for forfeiture of the property seized. The lower court concluded that it had jurisdiction based on ss. 462.37(2) and 491.1 of the Criminal Code and s.16(2) of the Controlled Drugs and Substances Act ("CDSA") but that it was without jurisdiction under s.490 of the Criminal Code. The individuals filed an application for prohibition with *certiorari* in aid in the Superior Court, arguing again that the Court of Québec had no jurisdiction to hear the Crown's application for forfeiture. The Superior Court dismissed their application. The Court of Appeal allowed the appeal the order of prohibition with *certiorari* in aid. It concluded that since no criminal liability was proven, and the stay effectively foreclosed any possibility of liability, there was no jurisdiction under which the Crown's application could proceed. The SCC allowed the appeal in part, finding that the Court of Québec did not have the power to order forfeiture under ss. 462.37(2) or 491.1(2) of the Criminal Code or s. 16(2) CDSA because these provisions tie that authority to trial and sentencing, but that jurisdiction to conduct criminal forfeiture proceedings survives under s. 490, which operates independently of trial and sentencing. The court issued an order prohibiting the continuation of forfeiture proceedings before the Court of Québec under ss. 462.37(2) or 491.1(2) of the Criminal Code or s.16(2) CDSA and remanded the matter to that court for continuation of forfeiture proceedings pursuant to s.490. The court cites the ULCC's Working Group on Section 490 of the Criminal Code: Final Report at ¶64, ¶121-129 and ¶155 in discussing the rules for detention and disposition of seized property. (Supreme Court of Canada, April 17, 2026)

Wada Estate (Re), 2026 ABKB 309, <<https://canlii.ca/t/kkh85>> - The applicants were the administrators of an estate. They had the power to deal with the deceased's digital assets, but their request for access to the deceased's Apple accounts was denied. They applied for a court order. Apple was served but did not appear. The Court of King's Bench noted at ¶2 that they had issued written reasons for this "straightforward and unopposed chambers application" because these refusals by large technology companies to deal with personal representatives of estates without a specific court order are common and the court was concerned that this "places unnecessary and unjustified burdens on estates and the Court." The court highlighted that "technology companies that demand specific court orders despite being provided with a Grant of Administration or Grant of Probate providing for power over digital assets together with these reasons should not be surprised if they are met with significant costs penalties." The court cites the definition of digital asset found in s.1 of the ULCC's *Uniform Access to Digital Assets by Fiduciaries Act*, s.1 in discussing the subject matter of the application. (Alberta Court of King's Bench, April 21, 2026)

Verge v. Bowmaster, 2026 NSSC 178, <<https://canlii.ca/t/kl5bs>> - Motion seeking a constructive trust over real property as a remedy for unjust enrichment. As part of their decision, the court needed to determine whether this application was "an action to recover any land" within s.10 of the *Real Property Limitations Act*. In interpreting the legislation, the court refers at ¶13-15 to Nova Scotia's *Limitation of Actions Act*, which it notes is based closely on the ULCC's *Uniform Limitations Act*. The court finds that one of the purposes of Nova Scotia's new limitations period regime was to maintain the status quo with regard to real property, noting that the ULCC's *working group report* indicates at ¶7 that they did not fully explore "the applicable limitations rules for real property proceedings and those dealing with prescriptive rights". The court found that s.10 of the *Real Property Limitations Act* is broad enough to apply to an equitable claim for property based on a constructive trust. (Supreme Court of Nova Scotia, May 26, 2026)

2. ULCC in Academic Journals

Dunn, Suzie, "Legal Definitions of Intimate Images in the Age of Sexual Deepfakes and Generative AI" (2024) 69:4 McGill Law Journal / Revue de droit de McGill 395–416 (Added here as it was not included in 2024's list) – Article exploring Canadian criminal and civil responses to non-consensual synthetic intimate image creation and distribution. The ULCC's *Uniform Non-consensual Disclosure of Intimate Images Act* is cited at p.409 in the section on Intimate Image Statutes.

3. ULCC in Media, Blogs and Other

Canadian Bar Association, "[Resolution 26-03-A: Harmonizing Fiduciary Access to Digital Assets Across Canada](#)" – The Canadian Bar Association passed a resolution at its 2026 annual meeting endorsing the objectives of the ULCC's *Uniform Access to Digital Assets by Fiduciaries Act* (2016) and urges the remaining provinces and territories to enact comparable legislation to ensure clear, consistent and privacy-respecting access for fiduciaries. (June 2026)

Carolino, Bernise, [Uniform Law Conference of Canada concludes annual meeting in Halifax](#), Canadian Lawyer – Description of the 2025 Annual meeting. (August 19, 2025)

“[BCLI Participates in Uniform Law Conference of Canada’s 2025 Annual Meeting](#)”, British Columbia Law Institute – Article describing BCLUI’s participation in the ULCC’s 2025 annual meeting. (September 22, 2025)

CAIJ, [Conférence pour l’harmonisation des lois au Canada – Actions collectives - Premier rapport d’orientations](#) – Posting of the first [Class Actions Working Group Policy report](#) on a Quebec based legal database website. (2025)

Courthouse Libraries, “[Digital Remains and the Future of Estates Law in British Columbia](#)”, [Bartalk, CBA British Columbia](#), (March 6, 2026) – Discussion of the status of digital assets left behind when a loved one dies. The article refers to the ULCC’s [Uniform Access to Digital Assets by Fiduciaries Act](#) as a possible solution to the problem.