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**THE YEAR IN REVIEW:  
RECENT DEVELOPMENTS IN ADMINISTRATIVE LAW**

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## **I. INTRODUCTION<sup>1</sup>**

Although there haven't been any seismic shifts in administrative law this past year, there have been quite a few decisions which are worthy of note. Many of these decisions continue to work out how to determine—and apply—the applicable standard of review. Others involve procedural fairness, standing, multiple forums and a host of other miscellaneous issues. In many of these decisions, there is a growing recognition of the courts' role in ensuring the legality of administrative decisions.

## **II. STANDARDS OF REVIEW**

Despite the Supreme Court of Canada's valiant attempt to simplify standards of review in *Dunsmuir*, this continues to remain a live and vexing problem. Reading the cases, it is apparent that the courts are openly frustrated and critical of the standards of review analysis and the inconsistencies in the jurisprudence.<sup>2</sup> In the words of one judge:

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1. I gratefully acknowledge the very capable assistance of Dawn M. Knowles, LL.B. from our office in the preparation of this paper. I also appreciate those colleagues from across the country who draw my attention to interesting developments in administrative law in their jurisdictions.
  2. See, for example, *Trinity Western University v. Nova Scotia Barristers' Society*, 2015 NSSC 25 at paras. 133 - 135; *Edmonton East (Capilano) Shopping Centres Ltd. v. Edmonton (City)*, 2015 ABCA 85 at paras 11ff, application for leave to appeal to SCC granted on September 3, 2015 [2015] SCCA No. 161; *Bergeron v. Canada (Attorney General)*, 2015 FCA 160 at para. 71; and the dissenting decisions of Abella J. in *Tervita Corp. v. Canada (Commissioner of Competition)*, 2015 SCC 3 and *Mouvement laïque québécois v. Saguenay (City)*, 2015 SCC 16.