

# Legal Citation Primer

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Bora Laskin Law Library

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# General Rules (Chapter 1)

- Academic writing uses footnotes (not in-text references)
- When to footnote:
  - First reference to or quotation of the source (full citation)
  - Every subsequent reference to or quotation of the source (short form)
- Except in a couple **very** narrow exceptions, there are no periods in a McGill citation except for the period at the end of the citation

# Short Forms (1.4.1)

- Include full citation the first time you refer to a source
- If a source is referred to more than once, use a short form for all subsequent references
  - For cases and legislation: put short form in italics in square brackets at end of full citation
  - For books and articles, just use the author's surname in subsequent references
- Be consistent throughout your document

# Short Forms (1.4.1)

- For cases, use one of the parties' surnames or distinctive part of the style of cause

*SIASI Trading Limited v Teplitsky*, 2018 ONCA 788  
[SIASI].

- For legislation, use its short title if it exists, otherwise create one unique to the act

*Motor Vehicle Fuel Consumption Standards Act*, RSC  
1985, c M-9 [Fuel Act].

## *Ibid* (1.4.2)

- Use *ibid* to direct the reader to the immediately preceding reference
- Can follow a full citation, a *supra*, or another *ibid*
- *Ibid* is always italicized

<sup>12</sup> *Uber Technologies Inc v Heller*, 2020 SCC 16 [*Uber*].

<sup>13</sup> *Ibid* at para 33.

<sup>14</sup> *Crown Grain Company, Limited v Day*, [1908] UKPC 58 [*Crown Grain*].

## *Supra* (1.4.3)

- Use *supra* to direct the reader to the footnote containing the first, full citation
- Don't use *supra* to refer to another *supra* or an *ibid*
- *Supra* is always italicized

<sup>12</sup> *Uber Technologies Inc v Heller*, 2020 SCC 16 [*Uber*].

<sup>13</sup> *Ibid* at para 33.

<sup>14</sup> *Crown Grain Company, Limited v Day*, [1908] UKPC 58 [*Crown Grain*].

<sup>15</sup> *Uber*, *supra* note 12 at paras 48–51.

# Pinpoints (1.5)

- Used to cite specific portions of a case, book, legislation, etc.
- Where possible, reference should be made to paragraphs, sections, etc.; if none available, use page numbers

	page	chapter	paragraph	section	article	footnote	number
singular	<i>Ibid</i> at 512.	<i>Ibid</i> at <b>ch</b> 4.	<i>Ibid</i> at <b>para</b> 6.	<i>Ibid</i> , <b>s</b> 4(1).	<i>Ibid</i> , <b>art</b> 1457.	<i>Ibid</i> at 512, <b>n</b> 139.	<i>Ibid</i> at <b>no</b> 45.
plural	<i>Ibid</i> at 512–14.	<i>Ibid</i> at <b>chs</b> 4–5.	<i>Ibid</i> at <b>paras</b> 6, 12.	<i>Ibid</i> , <b>ss</b> 4(1), 6(2) (b)–(d).	<i>Ibid</i> , <b>arts</b> 1457–69.	<i>Ibid</i> at 512, <b>nn</b> 139, 142–46.	<i>Ibid</i> at <b>nos</b> 45–47.

# Journal Articles (6.1)

- Not necessary to indicate if article is online
- Consult Appendix D for abbreviations of journal titles

Ed Iacobucci, “Rent Control: A Proposal for Reform” (1995) 27:2 Ottawa L Rev 311 at 313–15.

Kerry Rittich, “Between Workers’ Rights and Flexibility: Labor Law in an Uncertain World” (2010) 54:2 St Louis ULJ 567.

## **E - 6.1.1 General Form**

Author, | “title of article” | (year) | volume: | issue | abbreviation of journal | first page | pinpoint.



# Books (6.2)

- Not necessary to indicate if book is online
- Format similar to other citation styles

SM Waddams, *The Law of Contracts*, 8th ed (Toronto: Thomson Reuters, 2022).

John Borrows et al, *Braiding Legal Orders: Implementing the United Nations Declaration on the Rights of Indigenous Peoples* (Waterloo: Centre for International Governance Innovation, 2019) at 16–19.

## E - 6.2.1 General Form

Author, | *title*, | edition | other elements | (place of publication: | publisher, | year of publication) | pinpoint.

# Citing Secondary Sources: N.B.

- The practice at the Faculty, when citing a secondary source obtained from a database like WL, Lexis, etc. is to cite the print publication information only
  - That is, you do not need to specify from which database you obtained the source as McGill suggests
- We also don't use perma.cc, archived URLs, or DOIs in citations for course work

# Statutes (2.1)

- Use official sources of legislation (not CanLII)
- No need to indicate url if using online version
- Use “s” for section

*Broadcasting Act, SC 1991, c 11, s 3.*

*Education Act, RSO 1990, c E.2, ss 317-20.*

*Healthy Food for Healthy Schools Act, 2008, SO 2008, c 2.*

## **E - 2.1.1 General Form**

*Title, | statute volume | jurisdiction | year, | chapter, | other indexing elements, | (session or supplement), | pinpoint.*

# Constitutional Statutes (2.2)

- Put pinpoints to the Charter and the Constitution immediately after the title

*Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, [s 91](#),  
reprinted in RSC 1985, Appendix II, No 5.

*Constitution Act, 1982*, [s 35](#), being Schedule B to the  
*Canada Act 1982* (UK), 1982, c 11.

*Canadian Charter of Rights and Freedoms*, [s 7](#), Part I of  
the *Constitution Act, 1982*, being Schedule B to the  
*Canada Act 1982* (UK), 1982, c 11.

# Case citation learning objectives

- Understand the different citation types
- Understand the MG hierarchy of citation types
- Know where to look for citations in online cases
- Understand how to construct a citation where there is no neutral or Canlii citation

# Types of citations: neutral citations

- Neutral citations are generated by the courts, and have 3 elements:
  - Year
  - Jurisdiction & court abbreviations
  - Ordinal number
    - 2019 ONCA 925
    - 2024 ONSC 5607

# Types of citations: CanLII citations

- Where a neutral citation does not exist CanLII inserts their own citation, which will have this form  
Court of Appeal for Ontario — 1999

Filter the items from this list

Showing 500 of 821 items

Date	Decision
1999-12-23	<a href="#">R. v. Prevost</a> , 1999 CanLII 3813 (ON CA)
1999-12-23	<a href="#">Holklim Ltd. v. Lynd International (Canada) Co., et al</a> , 1999 CanLII 3311 (ON CA)

# Types of citations: WL & Lexis database identifiers

- Westlaw and Lexis create their own case citations/identifiers, which will look like this:

2023 ONCA 858

Ontario Court of Appeal

**Tran v. Taylor**

2023 CarswellOnt 20413, 2023 ONCA 858, [2023] O.J. No. 5833, 2023 A.C.W.S. 6460

© **Tran v. Taylor, [2023] O.J. No. 5833**

 Copy Citation

Ontario Judgments

Ontario Court of Appeal  
Toronto, Ontario

L.B. Roberts, D. Paciocco and P.J. Monahan J.J.A.

Heard: December 14, 2023.

Judgment: December 27, 2023.

Docket: COA-23-CV-0296

[2023] O.J. No. 5833 | 2023 ONCA 858



# Types of citations: Print reporter citations: D.L.R., S.C.R. etc

- Many older cases from Canada and the UK are cited with 2 “parallel” citations: citations to multiple publications to boost their accessibility
  - DLR (Dominion Law Reports), SCR (Supreme Court Reports, OR (Ontario Reports), AC (Appeal Cases), All ER (All England Law Reports) etc.
- **Newer cases typically require a single citation only** to either the **court-generated neutral citation, or to the Canlii citation.**
- Ask your instructor whether they want parallel citations for cases that lack both a neutral and a CanLII citation, or whether one citation will suffice

# Citing Canadian cases

- McGill Guide: cite a case as follows:
  - Neutral citation only
  - If no neutral then...
  - CanLII citation only
  - If no CanLII then ...
  - Provide “other sources” and the MG says it is “strongly recommended” to provide 2 \* (your instructors preferences are key here)
- As a result of the above, here is a process you may wish to use:

# Jurisprudence: Chapter 3

## CanLII Citation (3.7.1)

- A parallel citation is not normally necessary when using a CanLII cite
- Do not use CanLII citation as main citation if no paragraph or page numbers exist

*College of Opticians of Ontario v John Doe*, 2006 CanLII 42599 at para 20 (ONSC).

*Reich v Sager*, 1997 CanLII 4033 (BCCA).

*Leboeuf c Richard*, 2001 CanLII 302 at para 28 (QCCS).

# Use the main citation displayed on Canlii (with some modifications)

- CanLII will always show the neutral citation if one is available.
- If none is available, it will display a Canlii citation.
  - ONE EXCEPTION: You can use that as your main unless it lacks paragraph or page numbers. In that case you need to cite to a version that has either page or paragraph numbers as your main citation.

# For cases not on CanLII

- Now you must use the ‘other sources’ option
- In practice, you should always cite to the resource you are reading the judgment on in this situation.
- If you include a second source:
  - Use the SCRs for any Supreme Court case
  - Use the ORs for any Ontario case, if possible (not all cases from Ontario are in the ORs however)

# Let's do a few together

- *Vavilov.....*
- *Canada (Minister of Citizenship and Immigration) v. Vavilov ?*

# Find it in Westlaw

vavilov|

Suggestions

Canada (Minister of Citizenship and Immigration) v. **Vavilov**

2019 SCC 65, 2019 CSC 65, 2019 CarswellNat 7883 • Supreme Court of Canada • 12/19/2019

Cases

**Vavilov** v. Canada (Citizenship and Immigration)

2017 CAF 132, 2017 FCA 132, 2017 CarswellNat 2791 • Federal Court of Appeal • 6/21/2017

Legal Topics

Minister of Citizenship and Immigration v. Alexander **Vavilov**

2018 CarswellNat 2127 • Supreme Court of Canada • 5/10/2018

Practical Law

# Neutral citation: that's all we use

## Canada (Minister of Citizenship and Immigration) v. Vavilov

2019 SCC 65, 2019 CSC 65, 2019 CarswellNat 7883 · Supreme Court of Canada · Federal · December 19, 2019 (Approx. 250 pages)

Document History (5) Citing References (10,304) Cited With (10,000) Legal Memos (49) Court Docs (0) Experts (0) Powered by KeyCite Canada

Original Français Go to [dropdown] [dropdown] [dropdown] [dropdown] [dropdown] [dropdown]

Part: < 1 of 4 >

**Best Negative Treatment:** Check subsequent history and related treatments.

2019 SCC 65, 2019 CSC 65  
Supreme Court of Canada

## Canada (Minister of Citizenship and Immigration) v. Vavilov

2019 CarswellNat 7883, 2019 CarswellNat 7884, 2019 SCC 65, 2019 CSC 65, [2019] 4 S.C.R. 653, [2019] 4 R.C.S. 653, [2019] S.C.J. No. 65, 312 A.C.W.S. (3d) 460, 441 D.L.R. (4th) 1, 59 Admin. L.R. (6th) 1, 69 Imm. L.R. (4th) 1, EYB 2019-335761

**Minister of Citizenship and Immigration (Appellant) and Alexander Vavilov (Respondent) and Attorney General of Ontario, Attorney General of Quebec, Attorney General of British Columbia, Attorney General of Saskatchewan, Canadian Council for Refugees, Advocacy Centre for Tenants Ontario - Tenant Duty Counsel Program, Ontario Securities Commission, British Columbia Securities Commission, Alberta Securities Commission, Ecojustice Canada Society, Workplace Safety and Insurance Appeals Tribunal (Ontario), Workers' Compensation Appeals Tribunal (Northwest Territories and Nunavut), Workers' Compensation Appeals Tribunal (Nova Scotia), Appeals Commission for Alberta Workers' Compensation, Workers' Compensation Appeals Tribunal (New Brunswick), British Columbia International Commercial Arbitration Centre Foundation, Council of Canadian Administrative Tribunals, National Academy of Arbitrators, Ontario Labour-Management Arbitrators' Association, Conférence des arbitres du Québec, Canadian Labour Congress, National Association of Pharmacy Regulatory Authorities, Queen's Prison Law Clinic, Advocates for the Rule of Law, Parkdale Community Legal Services, Cambridge Comparative Administrative Law Forum, Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic, Canadian Bar Association, Canadian Association of Refugee Lawyers, Community & Legal Aid Services**



# Italicize case-name, remove periods

*BASIC CITATION:*

*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65.

*WITH PINPOINTS:*

*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 12-14.

*WITH PINPOINTS AND SHORT FORM:*

*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 12-14 [*Vavilov*].

# Citing a case from Canlii with a neutral citation

CanLII Home > Canada (Federal) > Supreme Court of Canada > 2019 SCC 65 (CanLII) Français | Eng

Find in document

Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65 (CanLII), [2019] 4 SCR 653

Document History (6) Cited documents (189) Treatment 📄 (11,337) CanLII Connects (14)

Date: 2019-12-19

File number: 37748

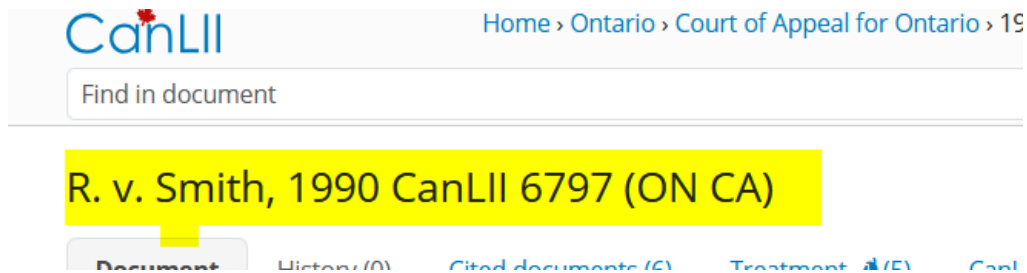
Other citations: [2019] 4 SCR 563 — 441 DLR (4th) 1 — 312 ACWS (3d) 460 — AZ-51654335 — [2020] EXP 27 — 59 Admin LR (6th) 1 — 69 Imm LR (4th) 1 — [2019] CarswellNat 7883 — EYB 2019-335761 — [2019] SCJ No 65 (QL) — [2019] ACS no 65

Citation: Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65 (CanLII), [2019] 4 SCR 653, <<https://canlii.ca/t/j46kb>>, retrieved on 2024-10-24

- Italicize case-name
- remove period(s)
- Remove (CanLII) from the end:

*Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65.*

# Citing using the **Canlii** citation



- Remove periods, italicize case name and remove the space between court and jurisdiction (see Rule 3.9 for details):

*R v Smith*, 1990 CanLII 6797 (ONCA).

When there is no neutral citation, and the case is not on Canlii...

- You will always be given citations to a case online. The key task is to identify the one(s) you want to use and match that information with the examples in the MG.

# Citing a case with no neutral and no CanLII citation:

You could cite these...

1960 CarswellBC 143  
Supreme Court of Canada



**Peter Kiewit Sons Co. v. Eakins Construction Ltd.**

1960 CarswellBC 143, [1960] S.C.R. 361, [1960] S.C.J. No. 13, 22 D.L.R. (2d) 465

- Depending on instructor preference you may need 1 or 2 citations.
- This is where you need to always add the **court and jurisdiction:** (Rule 3.9)

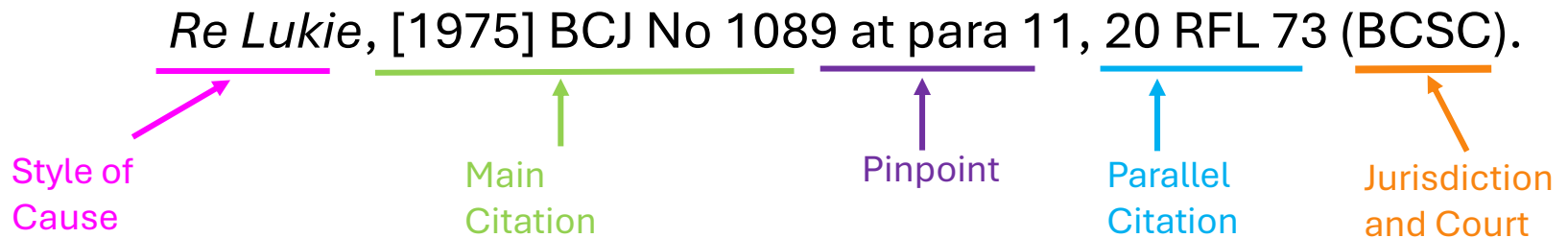
*Peter Kiewit Sons Co v Eakins Construction Ltd*, 1960 CarswellBC 143 (SCC).

- Using parallel citation :

*Peter Kiewit Sons Co v Eakins Construction Ltd*, 1960 CarswellBC 143, [1960] SCR 361 (SCC).

# Jurisprudence: Chapter 3

## Cases Without a Neutral or CanLII Citation (3.7 & 3.8)



# Pinpoints when using parallel citations

- **Right after the main citation** (which should always be the one you actually read the case on)

*Peter Kiewit Sons Co v Eakins Construction Ltd*, 1960 CarswellBC 143 **at para 7**, [1960] SCR 361 (SCC) [*Kiewit*].

# Another example: *R v Oakes*

THOMSON REUTERS  
WESTLAW EDGE CANADA ⌵ My

r v oakes ⌵

Suggestions **R. v. Oakes**  
1986 CarswellOnt 95 • Supreme Court of Canada • 2/28/1986

**Cases** **R. v. Oakes**  
1983 CarswellOnt 59 • Ontario Supreme Court, Court of Appeal • 2/2/1983

Legal Topics **R. v. Oakes**  
2016 ABCA 90, 2016 CarswellAlta 579 • Alberta Court of Appeal • 4/6/2016

Practical Law **More** ⌵

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**Primary Sources**

Cases Statutes and Regulations

Board and Tribunal Decisions Rules

Securities Regulatory Materials and Bulletins Policy Documents and Directives

**Commentary**

**October 2024**  
Westlaw Edge Canada Latest  
[View Updates](#)

 **Brows**



1986 CarswellOnt 95

Supreme Court of Canada

## **R. v. Oakes**

1986 CarswellOnt 1001, 1986 CarswellOnt 95, [1986] 1 S.C.R. 103, [1986] S.C.J. No. 7, 14 O.A.C. 335, 16 W.C.B. 73, 19 C.R.R. 308, 24 C.C.C. (3d) 321, 26 D.L.R. (4th) 200, 50 C.R. (3d) 1, 53 O.R. (2d) 719 (note), 65 N.R. 87, J.E. 86-272, EYB 1986-67556

## **R. v. OAKES**

Dickson C.J.C., Estey, McIntyre, Chouinard, Lamer, Wilson and Le Dain JJ.

Heard: March 12, 1985

Judgment: February 28, 1986

Docket: 17550

Counsel: *J. Isaac, Q.C., M.R. Dambrot and D.C. McGillis*, for the Crown.

*G. A. Beasley* for respondent

Using parallel sources:

*R v Oakes*, 1986 CarswellOnt 95, [1986] 1 SCR 103 (**SCC**).

using a single source:

*R v Oakes*, 1986 CarswellOnt 95 (**SCC**).

*We add the court/jurisdiction to the end, in parenthesis, for every citation except neutral citations (which already contain that info)*

# Rule 3.9

The jurisdiction and court should be indicated if there is no neutral citation (which indicates both jurisdiction and court level). It is unnecessary to include the jurisdiction if it is evident from the court (e.g. CQ, SCC, FCA). Indicate the jurisdiction and court in parentheses, following the CanLII citation or parallel citation. There is no space in an abbreviation consisting solely of upper case letters. Leave a space when an abbreviation consists of both upper case letters and lower case letters (e.g. **BCCA**; **ON Div Ct**; **NS Co Ct**; **ABQB**).

Jurisdiction			
Alberta	AB	Nova Scotia	NS
British Columbia	BC	Nunavut	NU
Manitoba	MB	Ontario	ON
New Brunswick	NB	Prince Edward Island	PE
Newfoundland & Labrador (NF before 19 March 2002)	NL	Quebec	QC
		Saskatchewan	SK
Northwest Territories	NWT	Yukon	YK

Court	
Court of Appeal	CA
Federal Court of Appeal	FCA
Court of Justice	CJ
Provincial Court	PC
Superior Court	SC
Supreme Court of Canada	SCC
Court of Quebec	CQ
Court of Queen's Bench	QB
Court of King's Bench	KB

# Pinpoints for case citations

- For cases, always cite to paragraph numbers if they exist.
- All cases with neutral citations have paragraph numbers.
- If there are no paragraph numbers cite to the page numbers, which are cited using only “at”

eg: at 24

One more thing:

# In the body of your essay

- In the body of your essay you should always italicize case names and case short forms (and legislation) just as you do in your footnotes: eg As the court said in *Kapp*, the issue... s 122 of the *Criminal Code* covers...
- Don't use *supra*, *ibid* etc in the body of your essay – these are reserved for footnotes.

# Use the McGill Guide examples

- The database or publication you get the case from will give you citation(s). Citing the case is a matter of looking at the MG to see which pattern your citations falls under.
- And if things are still murky ask us!

# We Can Help You!

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