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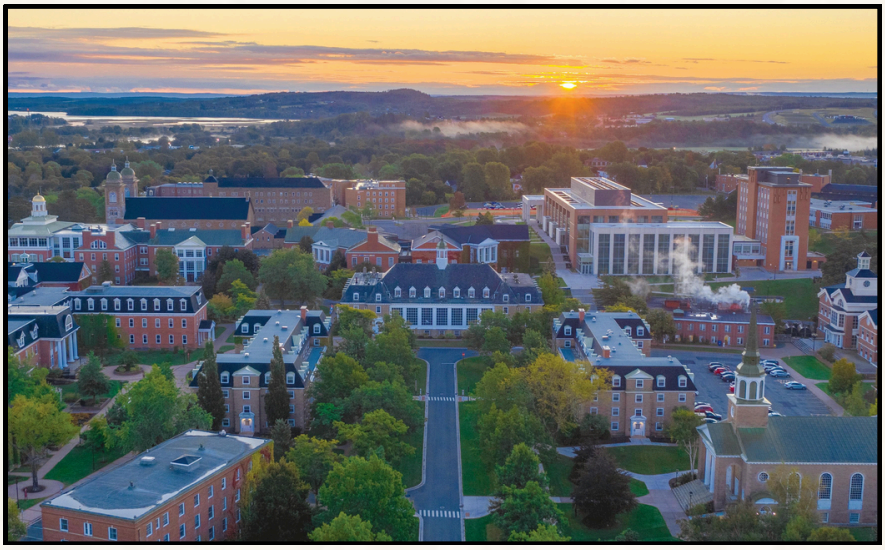
From The Briefcase

Hey folks, school is quickly ramping up! I want to thank you for taking the time to read this edition of the Bar Brief; the lovely people behind the publication clearly give it their all! All the best in the second semester and keep up the academic grind.

- *Sam Chapman, Vice President*

THE BAR BRIEF

Issue 3, February 2026



THE MORE YOU KNOW: YOUR GUIDE TO STUDENT RIGHTS.

On The Docket

Navigating life as an undergraduate student is challenging. From juggling midterms, part-time jobs, and a social life, it is easy to feel like you're missing the "fine print" of being an adult when it comes to matters such as signing a lease or knowing your rights as a student. At The Bar Brief, we feel that the law shouldn't be a mystery that only matters when something goes wrong; it should be a tool you know how to use every day. We hope this issue provides you with useful information on protecting your rights and taking charge of your student experience.

- Charlie Nault, *Editor-In-Chief*

5 THINGS ALL STUDENTS SHOULD KNOW BEFORE MOVING OFF-CAMPUS

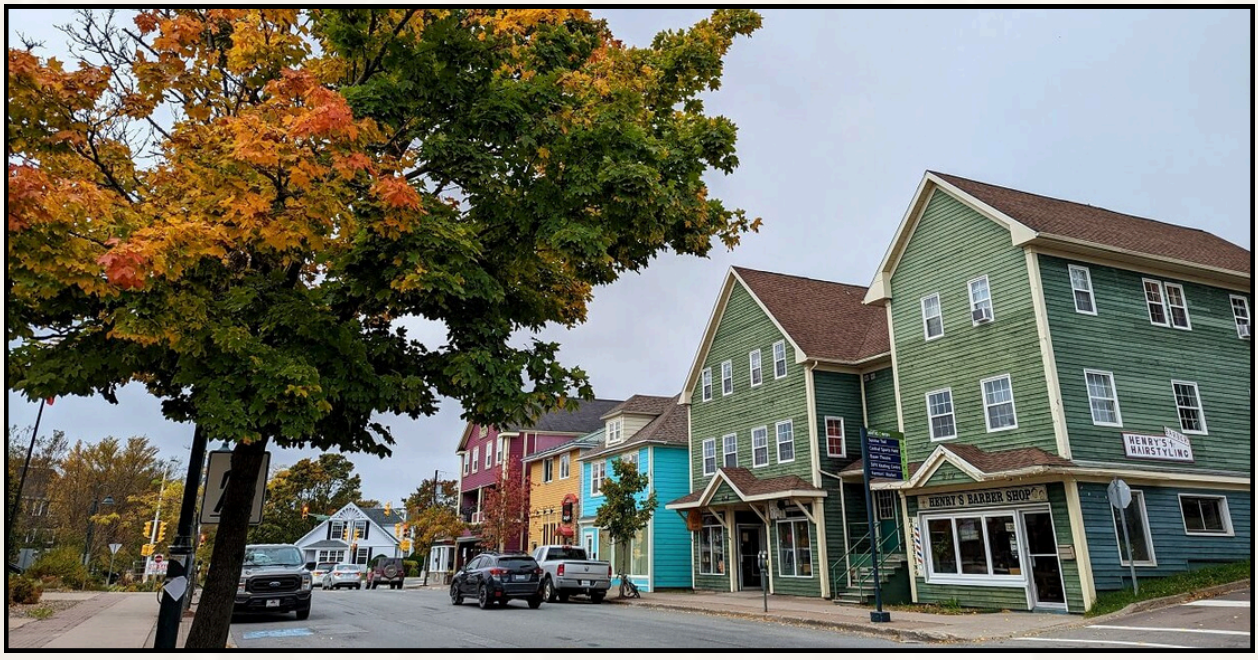
By Claire Thatcher

1. **Rent Increases Have Rules**

In Nova Scotia, a tenant's rent can only increase once every 12 months.[3] And, if a landlord does wish to increase the rent, they must provide a written notice at least 4 months in advance.[4] The province of Nova Scotia sets rent increase laws, and landlords must abide by these laws.[5] The Province of Nova Scotia currently maintains a 5% cap on the annual rent increases. This means that if a landlord chooses to increase the rent for existing tenants, the figure cannot be greater than 5% of the previous cost of rent.[6]

2. **Not All Fees and Deposits Are Legal**

In Nova Scotia, security deposits are legal. These are deposits which landlords charge after signing the lease to cover tenant-caused damages. However, the amount of a security deposit must not exceed half of one month's rent.[7] Extra deposits that are not refundable, such as key deposits, cleaning fees, administrative fees and pet deposits, are not legal in Nova Scotia.[8] Before signing a lease, it is important to know that only security deposits which do not exceed more than half of one month's rent are permitted; any additional fees should be questioned as there is a chance they are illegal.[9]



"Downtown Antigonish", Off Track Travel, 2024

5 THINGS ALL STUDENTS SHOULD KNOW BEFORE MOVING OFF-CAMPUS

3. **If It Isn't on Paper, It Doesn't Count**

Verbal agreements are legally valid but hard to prove. Any agreement with a landlord should be made in writing so there is evidence to protect you if disputes arise.[10] Examples of proof in writing could be texts, emails, letters or documents.[11] It's important to document things such as repairs, pet agreements or other rules that may not have originally been included in your lease.[12] The best way to protect yourself legally is to have your landlord write agreements you made verbally into your lease before you sign it, as having such statements in your lease helps prevent legal disputes later on.[13]

4. **Roommates = Shared Legal Risk**

When multiple tenants sign a lease together, the law in Nova Scotia considers them "jointly and severally liable".[14] Therefore, all tenants are collectively responsible as well as individually responsible.[15] This means that a landlord could choose to hold one tenant, some tenants or all tenants liable.[16] Because of this, picking your roommates is more than just a social decision; it is also a legal and financial one. This makes it important to consider who you choose to be your roommates, as you can be held liable for their actions even if you were not directly involved. When picking roommates, it is important to look beyond friendship and consider whether they are responsible, reliable, and likely to abide by the conditions of your lease, as their actions could directly impact your legal position.

5. **Being a Student Doesn't Change The Law**

Being a student can make you more vulnerable to being taken advantage of by bad landlords. However, the bottom line is that being a student does not change the law.[17] As a student, you have the same legal rights as all other tenants. Knowing your rights as a student before moving off campus can help you make informed decisions when signing a lease, avoid misunderstandings, and protect yourself from bad landlords who are trying to take advantage of the fact that you are a student.[18] Some landlords will try to charge students extra fees, make false promises or jack up rent increases, but knowing your rights as a tenant allows you to stand up for yourself and make informed decisions before signing a lease.

Rate The Landlord

Last year, the StFX Student Union partnered with Rate the Landlord, a crowdsourced platform designed to bring transparency to the Antigonish rental market. This service allows students to review their housing experiences, providing future tenants with vital insights into property maintenance, communication, and fairness before they sign a lease. We strongly encourage all students to visit the site via theU.ca to research potential landlords and share their own experiences to help protect the wider student community.

SCREENSHOTS AREN'T CASUAL: HOW CANADIAN LAW TREATS DIGITAL MESSAGES AS EVIDENCE

By William Ellis

Screenshots feel casual. They live on phones, are shared across group chats, and often disappear with a swipe. For many students, digital messages seem temporary and risk-free; something said in the moment and quickly forgotten. Canadian law, however, does not see them that way. In disputes involving housing, employment, academic discipline, or personal conflict, screenshots are routinely treated as evidence, and students are often surprised by how much legal weight a few messages can carry.

In the Canadian judicial system, there is no requirement stating that evidence must be printed, signed, or formal. In fact, under the Canada Evidence Act[1], electronic documents, including text messages, emails, and social media communications, are expressly recognized as admissible evidence. Sections 31.1 to 31.8 of the Act confirm that electronic records can and are used in legal proceedings, provided certain reliability standards are met.

The key issue with screenshots and digital documentation is not admissibility, but authenticity. Canadian courts require that evidence be properly authenticated, meaning the party identifying it must prove that it is what they claim it to be. This requirement comes from both the Canada Evidence Act and common-law principles developed by Canadian courts. Judges consider who created the screenshot, when it was taken, whether it has been altered, and whether it accurately reflects the full communication. A cropped message, without timestamps or usernames, carries far less weight than a complete message thread supported by surrounding context or corroborating evidence.

It is important to note that Canadian law focuses on whether a communication occurred, not whether it still exists on one person's device. This means that although one might assume that deleting messages eliminates legal risk, that assumption is incorrect; many of those messages and digital receipts can still be used in court. Moreover, once a dispute has arisen, deleting relevant communications can also harm credibility. In both administrative proceedings and civil disputes, decision-makers may draw negative conclusions from the destruction of relevant evidence, a concept routinely recognized in Canadian evidentiary law.

SCREENSHOTS AREN'T CASUAL: HOW CANADIAN LAW TREATS DIGITAL MESSAGES AS EVIDENCE

By William Ellis

Screenshots also intersect with criminal law in various important ways. Specifically, under Section 184 of the Criminal Code, Canada follows a one-party consent rule for recording private communications[2]. This means that, in general, it is lawful for one participant in a conversation to record it without informing the other participants. Though screenshots are not recordings in the same sense, this provision reinforces the broader legal reality that communications which we voluntarily send are not protected simply because they may feel private or informal.

For students, screenshots commonly appear in various areas of their lives. In practice, they appear in housing disputes under provincial residential tenancy legislation or in employment issues governed by employment standard statutes. They also often appear in university disciplinary processes, which are governed by administrative law principles. Furthermore, screenshots are often used as proof or receipts in academic misconduct investigations, even though those proceedings are not criminal or civil trials.

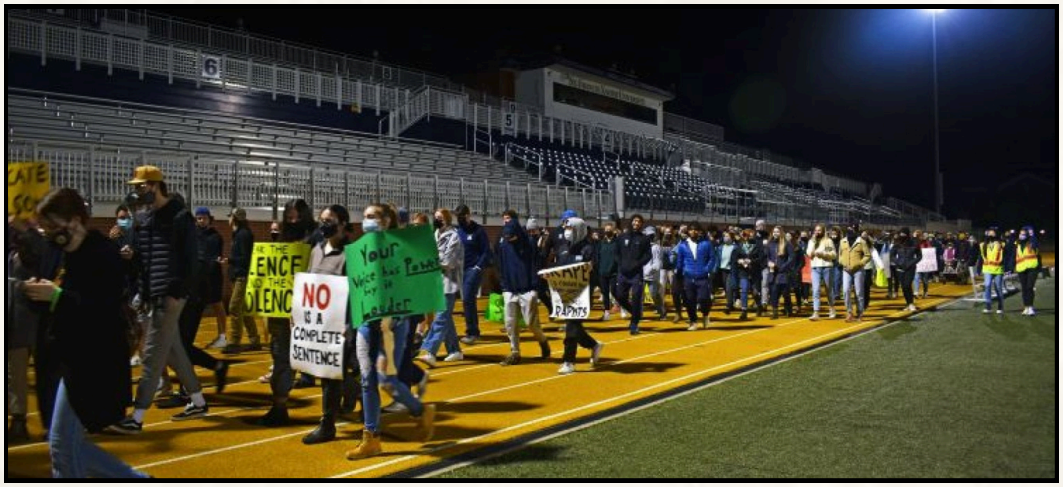
Courts understand screenshots can be manipulated, edited or taken out of context, and for that reason, they rarely determine outcomes on their own. Instead, they are used to support a broader factual narrative alongside testimony and other records brought up throughout the case. Still, they're often enough to trigger investigations, shift leverage, and undermine credibility at an early stage. This is why it's important to be cognizant of what we do and share online and who might have access to the things that may feel private.

Students and young people often tend to treat digital messages as informal and temporary, but Canadian law does not. If you wouldn't be comfortable explaining the message to a landlord, employer, professor, or adjudicator, don't give a screenshot the chance to do it for you.

PROTESTING AS A STUDENT: WHAT ARE YOUR RIGHTS (AND LIMITS) IN CANADA

By Christie MacNeil

Under section 2(c) of the Canadian Charter of Rights and Freedoms, everyone has the right to participate in a peaceful assembly. Courts describe this as the freedom to physically gather with others: think protests, demonstrations, marches, sit-ins, and pickets. Assembly is often understood as "speech in action", closely tied to freedom of expression.[40] Importantly, the purpose or message of the protest isn't what's protected, but rather, the act of gathering peacefully.



Take Back The Night 2021

Where You Can Protest

- Public spaces like streets and parks are protected locations for peaceful protests. Courts have recognized the right to demonstrate on public streets and even to camp in a public park as part of a protest activity.
- Private or specific venues are not guaranteed. The Charter does not protect access to a particular place (like a private building or clubhouse).
- Campus spaces can be regulated, especially where safety, access, or order is concerned.

Lawful Protest vs. Unlawful Assembly

Section 2(c) protects peaceful assembly only.

It does not protect:

- Riots or gatherings that seriously disturb the peace.
- Blocking or physically impeding lawful activities.
- Blockades or entrances that prevent others from accessing buildings or services.

Peaceful does not mean quiet, but it does mean non-violent and non-obstructive.

PROTESTING AS A STUDENT: WHAT ARE YOUR RIGHTS (AND LIMITS) IN CANADA

Noise, Sit-Ins, and Disruption

Courts recognize that protest is inherently expressive and can be disruptive.
However:

- Noise limits, safety rules, and crowd control measures may be imposed.
- Sit-ins or occupations that block entrances or interfere with lawful activity can fall outside Charter protection.
- Wearing masks during peaceful demonstrations is protected.

What If Police Get Involved?

Police can regulate protests for safety and public order, but their powers are not unlimited. Courts have ruled that:

- Police cannot impose restrictions (like search perimeters or entry conditions) without clear legal authority.
- Broad or intrusive measures must meet Charter standards and may be struck down if unjustified.
- Over-policing or excessive restrictions may fail under section 1 if they are unreasonable or disproportionate.

Case Study: *Pridgen v University of Calgary*

In Pridgen v University of Calgary (2012), two students were disciplined for posting critical comments about a professor on Facebook.[41] The Alberta Court of Appeal ultimately struck down the university's sanctions, but not because of the Charter. Instead, the majority said the university's decision was unreasonable under administrative law: there wasn't enough evidence that the posts cause real harm, and the sanctions didn't fit the rules the university was supposed to follow.

Why does this matter for student protests? Because it shows that universities don't have unlimited power to punish students' expressions. Even when the Charter isn't formally applied, courts can still step in if a university overreaches, acts unfairly, or stretches its policies to silence criticism. Even when the Charter isn't formally applied, courts can still step in if a university overreaches or acts unfairly. In practice, this means:

- Universities can discipline students, but their power has limits.
- Even if the Charter does not apply, courts can review whether a university acted fairly and reasonably.
- Universities cannot punish protest activity just because it is critical or uncomfortable.
- Any discipline must follow university rules and be based on real harm, not just disagreement with student expression.

The Big Picture

The Supreme Court has emphasized that freedom of peaceful assembly is fundamental to Canada's liberal democratic society. While governments can regulate how assemblies happen, they cannot hollow out the right itself.

Know your rights, but also their limits. Peaceful, expressive, and non-obstructive protest is strongly protected. Once it crosses into violence, blockages, or serious disruption, Charter protection fades.

PUBLICATION BANS

By Connor Sutherland

Publication bans are an interesting part of the Canadian legal landscape because they illustrate the balancing act involved in considering the rights of victims and those accused of a crime. While there is a right to a public trial in Canada, as stated on the Federal Court of Appeal's website,[19] victims also have "the right to protection." The right to protection is best summarized in the Canadian Victims Bill of Rights (CVBR), which defines it as the statute in which the right was formalized. The right to protection includes their security and privacy being considered by the courts, receiving reasonable and necessary protection from intimidation and retaliation, and the opportunity to request their identity not be publicly released.[20] [21] The most typical cases in which publication bans arise are sexual assault proceedings.

As you proceed through the article, it is important to keep in mind the nuance of the word "victim." I use this term throughout this article because it is the language adopted by the CVBR to refer to a type of person who has the right to request publication bans, and is necessary for the sake of readability. However, due to the presumption of innocence and the connotations attached to the word "victim", the term more commonly used in court is "complainant." This reflects the reality that an accused person is innocent until proven guilty. Still, because the CVBR speaks in terms of "victims," and because not all victims are complainants, I have chosen to retain that terminology here.

Every victim who enters the Canadian justice system has the right to protection and the rights that flow from it, though their application is context-dependent. The right to privacy justifies publication bans in cases of sexual assault, in cases where the victim is a minor, and situations where there is a credible threat to the victim's safety if they participate in the justice system.[22] This means that witnesses, insofar as they are also victims, are also extended the right to request a publication ban.[23]

As noted on the Government of Canada website, courts consider many factors when deciding whether to order a publication ban. Among these considerations are the age of the victim and, in cases of sexual assault, the ages of witnesses.[24] If either of these parties are under the age of 18, and they or the Crown request a publication ban, the court must order one.[25] [26] However, in cases where all parties are adults, no automatic right exists, instead those involved in the trial have only the right to request a publication ban.[27] What that means is that if the court does not deem a publication ban necessary (in cases other than those which relate to a sexual offence) for the administration of justice, then the court has the right not impose one.

The process surrounding publication bans has evolved significantly in recent years. Before 2023, judges were permitted to order publication bans without the victims' knowledge or consent.[28] Prior to this, judges were obligated to order a publication ban "when it is requested by the victim or by the prosecutor (often referred to as the Crown)."[29] In particular, judges are obligated to impose publication bans when it is requested when trying a sexual offence.[30] Judges were also obligated to charge victims with violating the court ordered publication ban if they discussed their trial in a public forum.[31] But now, victims are allowed to choose for themselves whether or not they would like to speak publicly by requesting to revoke publication bans.[32] [33]

PUBLICATION BANS

However, if a victim requests a publication ban, but the charge is unrelated to a sexual offence, the court has more discretionary power,[34] yet must still take various factors into account. The Dagneis-Mentuck test is the test the court uses to weigh these factors. The victim must submit a request for a publication ban to the court and provide justification for why they believe that the administration of justice would be impeded if the ban were to not be put in place.[35] This stems from the court's need to balance the rights of the victims and witnesses and the rights of the person accused of a crime.[36] The legal rights of the accused, and of all Canadians, are those rights included in sections 7 through 14 of the Charter of Rights and Freedoms. Section 11(d) has relevance in the issuing judge's deliberations as to if a publication ban ought to be issued. Section 11(d) states that anybody charged with an offence has the right "to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal." This is in keeping with the Open Court Principle (OCP), which existed long before the Charter was written. The OCP is the idea that courts must be open to the public, so that the judiciary is able to be held accountable for its decisions and its decisions be accepted by the public.[37]

While on the surface it might seem that publication bans go against the spirit of section 11(d) of the Charter and the OCP, this is ultimately not the case. For the justice system to function correctly, victims and witnesses need to be able to speak freely, without fearing harm coming upon them for doing their civic duty. Seen in this light, it becomes apparent that for a trial to be fair, there must sometimes be restrictions placed on how trials are reported on and spoken about. It is also the case that while reporting and publishing the trial is restricted, people are still admitted into the courtroom so that they might be able to witness the court proceedings.

While the Charter of Rights and Freedoms contains the enumeration of the fundamental legal rights of all persons in Canada, in 2015 the CBVR was passed into law, which recognized certain rights pertaining to victims through statute. The CBVR serves as an elucidation of rights, but guarantees nothing in and of itself. If any of the rights contained within the CBVR are infringed upon, only a complaint can be made, and such infringement cannot serve as a cause for action or grounds for damages.[38] Indeed, the infringement of any rights contained within the CBVR cannot serve as the only reason an appeal is made to a higher court.[39]

Publication bans matter because they deal with the fundamental democratic principle of judicial openness. Imagine if trials happened behind closed doors: Why would we trust the decisions of the court? How would we know they were not arbitrary rulings if we could not access any judicial material? But, at the same time, imagine if all trials could be reported on in media blitzes. Wouldn't that undermine the spirit of justice by turning a victim's suffering into a carnival, and by potentially opening them to harm?

To a layman like me, balancing the rights of victims against the rights of those accused seems to me to be a difficult tightrope to walk on. Publication bans, however, make that walk a little easier for the court and help to enforce the rights of all people in the courtroom.

THOSE WHO KNOW: OH THE PLACES YOU'LL GO!

By Cameron Preyra

Overview

The ways that choices shape our lives far surpasses our understanding. But what is within our purview is the understanding that choices can be scary, and that, for students, the choice to pursue a career in law can feel like the scariest one they'll ever make. But this doesn't have to be the case.

The root of fear is often referred to as the unknown. I believe that by taking steps to make informed decisions, by learning, we can target fear at its roots, relieve the worst of our worries, and ultimately, illuminate a choice that is right for us.

For all aspiring lawyers, judges, and legal-minded individuals who frequent The Bar Brief, I hope to alleviate your anxiety by providing you with insight into the practice of law and the vast opportunities and experiences that may lie ahead. Surely, there is no better way to do this than by learning from Those Who Know.

The Managing Partner | Ron Preyra |
BA | Psychology Major | Political Science Minor

Ron Preyra (Queens Class '94) is a civil litigator from Toronto, Ontario, who specializes in Insurance Law & Personal Injury Claims. After completing his articling with Dutton Brock LLP, a leading Personal Injury Defence Firm, he was called to the Bar in 1996. He began practicing at Rachlin & Wolfson LLC, where he stayed for a short time until returning to Dutton Brock as an associate lawyer in 1998. During this time, he expanded his defence practice and worked primarily for insurance companies and self-insured corporations, later being admitted to the partnership in 2001.

Ron remained a partner at Dutton Brock until 2008, when the opportunity arose to join a fledgling plaintiffs' Personal Injury Firm — Bergmanis Preyra LLP — which had been established by his brother Alan the year prior. The decision to leave Dutton Brock was difficult; however, the opportunity to join a smaller law firm and contribute to its direction, growth, and success was too tempting to ignore. Shortly after joining Bergmanis Preyra, Ron became the firm's Managing Partner.

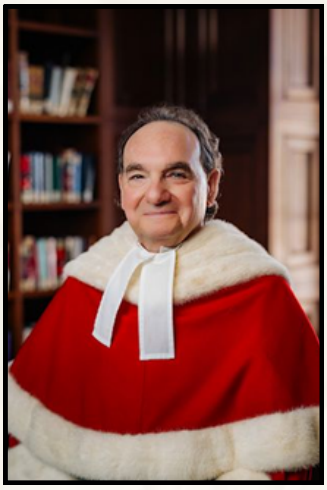
During his undergrad, Ron studied Political Science and Psychology at York University in Toronto. He always dreamt of following his father's footsteps in the practice of law, a profession that his father loved but was forced to abandon when he moved his family to Canada in 1967. It was during his undergrad that Ron had the opportunity to be a juror on a murder trial presided over by Justice Michael Moldaver, whom he called, "perhaps the best judge to ever sit in the Superior Court… the Ontario Court of Appeal…. And [later] the Supreme Court of Canada."

THOSE WHO KNOW: OH THE PLACES YOU'LL GO!

"I was a juror on a murder trial for six weeks during my undergrad… [it] really solidified my interest in the law… it opened my eyes to the realities of the legal practice and made the job look exciting and worthwhile."

Although Ron chose to practice civil law rather than criminal, he attests that experiencing the trial first-hand significantly influenced the trajectory of his career, and ultimately helped demystify his future as a litigator. Ron went on to explain how his choice of undergraduate degree further affected his career.

"The subjects I studied were both useful for law school. Psychology gave me insight into behaviour, which is a big part of the practice of law, and poli sci helped me understand how society works."



Justice Michael Moldaver was appointed to the Supreme Court of Canada in 2011 by former Prime Minister Stephen Harper and served until his retirement in 2022.

Reflecting on 30 years as a litigator, Ron divulged his experience in the profession, as well as his opinion on the current state of Canada's insurance law system.

"[The job can be] exciting, frustrating, and mundane. Whenever you deal with the public, you have good days and bad days. It's fulfilling when you do something that really helps someone, or you finally accomplish a difficult settlement, but a lot of the time it's frustrating because you're dealing with insurance companies who don't care about right and wrong; they just don't want to pay you."

"My favourite thing about the job is meeting different people and getting to understand them and their stories. My least favourite is dealing with lawyers or adjusters [insurance agents] who are either incompetent or obstinate … They wear being difficult like it's a badge of honour because, to them, it's not about doing right or wrong, hell, it's not even their money! They just don't want to pay, even when someone gets injured through no fault of their own."

Ron went into law thinking that he would be fighting for justice, truth, and honesty. However, he now attests that, in reality, law is a business which has very little to do with those concepts.

"Don't go [into the practice of law] seeking justice or truth because that's not what the law is… It's a numbers game, at least that's true of insurance law… For example, in Ontario, in order to sue, you must have serious and permanent physical or cognitive injuries… [after that], insurance companies force you to disclose everything about your past, which is then made "public" via the courts' records. Defence lawyers can ask you virtually anything in their attempt to find a reason not to compensate you, even though you're the victim, and it's all perfectly fine.... That's why I say you won't find justice in this law. It isn't meant to compensate victims… You get hit by a car, you break your leg, should you get compensation? Yes! Should you be treated with respect? Yes! But oftentimes you aren't because the laws focus on protecting insurance companies, … You never fully recover what you've lost … and to me, that isn't just."

"Do I make good money? Yes. But in terms of fulfillment, I would probably have done something else, or practised another type of law."

THOSE WHO KNOW: OH THE PLACES YOU'LL GO!

When asked to give undergraduates some advice, Ron obliged.

"Work hard when you need to work hard … but importantly, make sure that you can identify yourself not as a lawyer, but as someone who works as a lawyer … People who do nothing other than the law … at the end of their career, find themselves as empty shells. You need to have family, sports, or other hobbies … or else you won't survive in this practice."

"Regardless, whatever you end up practicing, be true to yourself and your values so that when it comes time to retire, you can look back on what you have done with pride, and know that you have contributed in a meaningful way to your community."

Those Who Know is a recurring series published by the StFX Bar Brief. It aims to provide prospective law students with a deeper understanding of legal professions by condensing valuable insights from a wide variety of experts in the legal field

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