

P.A.S.S.

Acing the Ontario Paralegal-Licensing Examination

Version 2

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DEDICATION

To all my students, past, present and future.

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ABBREVIATIONS

ABCs	Agencies, Boards and Commissions
AGI	Above-Guideline Increase
AGM	Annual General Meeting
AMPS	Administrative Monetary Penalty System
AODA	Accessibility for Ontarians with Disabilities Act
CCRA	Corrections and Conditional Release Act
CDSA	Controlled Drugs and Substance Act
CEO	Chief Executive Officer
CJA	Court of Justice Act
CRA	Criminal Records Act
DL	Driver's License
DNA	Deoxyribonucleic Acid
ESA	Employment Standards Act
FIPPA	Freedom of Information and Protection of Privacy Act
FSCO	Financial Services Commission of Ontario
GPS	Global Positioning System
HRTO	Human Rights Tribunal of Ontario
HTA	Highway Traffic Act
ILA	Independent Legal Advice

JP	Justice of the Peace
LAT	Licensing Appeal Tribunal
LRB	Labour Relations Board
LSO	Law Society of Ontario
LSUC	Law Society of Upper Canada
LTB	Landlord and Tenant Board
MAG	Ministry of the Attorney-General
MOMS	Moving Ontarians More Safely Act
MTO	Ministry of Transportation Ontario
NIA	Notice of Intention to Appear
NIC	Notice of Intention to Convict
NSF	Non-Sufficient Funds
O Reg	Ontario Regulation
O.P.R.I	Order Prohibiting a Rent Increase
ODSP	Ontario Disability Support Program
OHSA	Occupational Health and Safety Act
OMB	Ontario Municipal Board
OPP	Ontario Provincial Police
OWA	Ontario Works Act
PIN	Parking Infraction Notice

PIPEDA	Personal Information Protection and Electronic Documents Act
PLE	Paralegal Licensing Examinations
POA	Provincial Offences Act
POGG	Peace, Order, and Good Government
R.S.O.	Revised Statutes of Ontario
RTA	Residential Tenancies Act
SABS	Statutory Accident Benefit Schedule
SOIRA	Sex Offender Information Registration Act
SPPA	Statutory Powers Procedure Act
WSIA	Workplace Safety and Insurance Act
WSIAT	Workplace Safety and Insurance Appeals Tribunal

PREFACE

Since the first edition of this book was published in 2017, four changes have taken place: Three things have changed, one has remained constant, if not, improved for the better. The first of the three things that have changed is, the Law Society in Ontario changed its name from the Law Society of Upper Canada (LSUC) to the Law Society of Ontario (LSO). LSUC which was founded on July 17th, 1797, became LSO on January 1st, 2018.

The second thing that changed is that this examination (exam), which is an open-book, self-study, multiple choice assessment, now takes place digitally due to the impact of the Covid-19 pandemic. This delivery scheme may be subject to change depending on the success with Covid-19 vaccinations. The Paralegal Licensing Examinations (the “PLE”) are typically scheduled in July/August (summer sitting), October (fall sitting) and February (winter sitting) of each licensing cycle.¹

The third thing that has changed is that issues of racism, racial profiling and Covid-19

¹ “Paralegal Licensing Examination” < <https://lso.ca/becoming-licensed/paralegal-licensing-process/registration/2021-22-licensing> > (Accessed on: July 1st, 2021)

pandemic may be reflected in the PLE. Candidates should look forward to being tested on any one of these issues. This book has included such questions.

However, there is one thing that has not changed; candidates who have continued to use these materials have continued to ace the PLE in Ontario. This book and the assessments and nuggets of wisdom contained in it, are meant to continue the P.A.S.S. tradition – acing the Ontario paralegal licensing examination, with less sweat.

All the questions presented in this book are the author's creation. Some questions may look or even resemble the ones used in colleges. Some may even be the same. This is because the author has been involved in crafting many questions for the colleges where he worked. Due care has been taken to protect the intellectual property of respective materials created by the author while working as a professor for those respective colleges.

The author disclaims any semblance to questions he has used or prepared or assisted in crafting while lecturing at CDI College, Herzing College, Algonquin Careers College, except for triOS College where the author has only lectured but has not prepared exam questions. Some questions may follow a similar pattern,

and for other questions, it is impossible to alter the originally designed formats without drastically changing the efficacy of the assessment. For some questions, the author may not remember if he has used them for a particular college or if they form part of the assessing corpus of a particular college. Such questions are left the way they have been crafted by different colleges where the author was involved in the process of examination or the PLE preparations or where he lectured.

The author has over ten years' experience lecturing in Ontario colleges and over seven years' experience preparing students for the PLE. Over 98 percent of those who used the materials presented in this book, passed the PLE.

THIS BOOK DOES NOT CONTAIN THE ANSWERS TO THE QUESTIONS, candidates must purchase the *Answer Bank* [ISBN: 978-1-988251-49-3] separately, available at amazon or directly from the author or the publisher.

PRACTICAL TIPS

1. Read, Read, Read

Read the materials as many times as you can possibly read. LSO designs questions based on the materials presented to the candidates. All the questions that LSO prepares come from the same materials. Reading the materials is the first step towards acing the PLE.

2. Become One with the Materials

The PLE is an open-book exam. This means that the materials will be available to the examination-taker. However, this is also the danger of having an open-book exam. The candidate taking the exam should not depend on the materials during the licensing exam. The materials should have been internalized (or what may be termed “becoming one with the materials”) before the exam day.

Internalizing the materials ensures that the candidate will not depend on the materials for answers. If the candidate is still dependent upon the materials during the exam, valuable time will be wasted attempting to locate the

appropriate pages and searching diligently for the answers. Becoming one with the materials enables the candidate to quickly locate the possible answers without trouble.

3. Know the Materials

The candidate must study to know the materials. What sets this exam apart from most standardized exams is that the content of the exam is already provided. The candidate is only attending the exam to elicit the best responses to the questions provided. The secret, therefore, is in reading, knowing and understanding the materials before the exam. The candidate, who has read and known her materials well, will not waste valuable time during the exam searching for answers from page to page.

4. Relax

When a candidate has read the materials, known them and internalized them, she will be rest assured that when a question shows up in the exam, she will not waste time going everywhere. She will be able to maximize time and, therefore, select as many correct responses

as possible. She will also be restful throughout the entire exam. Relaxing and not panicking, is a very durable strategy. Every correct response counts. It is more important to capitalize on maximizing correct responses than to avoiding the wrong ones.

5. Have the Correct Strategy

The correct strategy may include the following dos and don'ts:

Dos:

- Read the instruction first before attempting the question
- Answer only the question being asked
- Skip any question that might reasonably take more than 30 seconds of your time trying to figure out the response
- Move on to the next question if you cannot reasonably answer the current question without wasting time; mark the skipped question or bubble-in the letter of the day in case you run out of time. (If you run out of time at the end of the exam, return to each question you skipped and bubble-in with only one same letter, so-called your **lucky letter** or

the letter of the day).

Don'ts:

- Do not attempt the difficult questions first
- Do not spend more time attempting to make a question work
- Do not import your outside understanding into the question; everything asked for is in the materials
- Do not use the exam as a study exercise; the materials are only to be consulted when you have doubt or you need to confirm a response.

6. Make It a Full-Time Job

You cannot give only a lame commitment to your licensing examination quest. Make it a full-time job. If you cannot do so, consider deferring to another licensing exam date. The Law Society provides three chances for taking the examination: February, August, and October. You need to spare, at a minimum, two full months (or eight weeks) to the preparation for the exam. Below is the proposed eight-week schedule for acing the

licensing exam. This is only a suggestion; individual circumstances may vary.

Proposed Schedule:

Week 1: Skim through the materials;
purchase the *Answer Bank*

- Read the licensing materials at least twice
- Do not pay any particular attention to any question/s

***Focus:* to have a general feel of the materials**

Week 2: Read for structural understanding

- Read the licensing materials at least twice
- Pay particular attention to the general organization of the materials

***Focus:* to understand how the materials are ordered, structured or organized**

Week 3: Read for functional understanding

- Read the licensing materials once

- Pay particular attention to rationale and substance
- Understand the distinctions among ethics and professional responsibility; fundamentals of law and jurisdiction matters; criminal and quasi-criminal offences; civil litigation; provincial or regulatory offences; alternative dispute resolution mechanisms; and administrative law.

***Focus:* to understand the law's substance**

Week 4: Read for content absorption

- Read the licensing materials once
- Pay particular attention to the content of each section
- Go deep into the heart of each section and understand its content

***Focus:* to know the law**

Week 5: Read for content analysis

- Read the licensing materials at least twice
- Pay particular attention to types of questions you may encounter

- Skim through the questions contained in this book and gauge how many questions you may answer at a glance

***Focus:* to know and retain the law**

Week 6: Read for self-assessment

- Read the licensing materials once
- Attempt the questions in this book without referring to the materials or the suggested answers in the *Answer Bank*.
- Time and ascertain how long it takes you to complete the assessment

***Focus:* to know, retain and be one with the content**

Week 7: Answer the questions

- Do not read the licensing materials
- Attempt the questions in this book
- Make sure it takes you, at most, 30 seconds on each question
- Compare the answers in the *Answer Bank* with your own responses

***Focus:* to ace the questions in this book**

**Week 8: Read the materials
and answer the questions**

- Read the licensing materials once
- Review questions you find problematic; use the *Daily Planner* spaces from page 330 for your convenience.

***Focus:* to ace the questions in this book
and to pass the licensing exam**

7. Principle v. Application

The Law Society tests on both the understanding of the principles of law and their application in particular situations. Most of the principles may not be stated categorically but they could easily be inferred in the set of anecdotes (small narratives or story passages or factual situations) designed for analysis. The knowledge of both the legal principles and their application in context is required. Therefore, a keen candidate must read, understand, know and become one with the principles contained in the materials. The candidate should also be prepared to identify such principles in the question sets and be ready to correctly choose the best answer.

The author of this book has designed

questions that meet both the principle retention and the practical application of the law. Some questions in this book may have only two choices, and others four, and still others more than four. Questions with fewer choices are meant to highlight the principles, and those with more, the application of the principles.

Twenty-two Important Tips to Remember:

1. Know the venue of the exam ahead of time.
2. Have all the requirements way in advance so that you do not panic at exam day.
3. During the exam, relax and try not to be distracted; read the question first to understand what it wants you to do. Then read the options. Use the process of elimination (POE) if you cannot easily find the correct response.
4. Remember that some questions may be framed around a story; your job is to understand what aspect of ethics is concerned. For example, a paralegal will

be trying to see if he can deposit trust money into his general account. Your obligation is to know that client moneys must be deposited into a trust account.

5. Give all the topics 100 percent of your time and concentration. But give accounting and trust accounts more time. Read and understand which records, for example, need to be kept for six years or ten years.
6. The exam is open-book, but you cannot take out any book you use in the exam. Organize your notes well so that you can know where to go should you need to make a reference. Note that this will not help you much if you did not read the materials and understood them.
7. Read and follow LSO instructions regarding what you can/cannot bring to the exam. Even if it seems unreasonable, follow the instructions.
8. Plan to get there early. Yes, really early.
9. Avoid mingling with stressed out students. They may demoralize you and ruin your

confidence.

10. Organize the materials you are taking to the exam. Having some sort of a table of contents that shows you where the information you need the most is located, can help.
11. Expect to wait a minimum of 2-3 weeks for your results.
12. Do not expect to get a mark on how you did. Those who fail the PLE may request from the Law Society a record of how they performed in each section of the PLE.

During the Exam

13. Stick to your time management plan. If you think that a question will take more than 1.5 minutes to answer, consider skipping it until the end. Each question you answer in less than a minute and a half adds time to your time bank, and you can decide how to allocate that “extra” time at the end of the exam.
14. Look up answers to questions dealing with fine details in the materials, but if

you understand and know the materials, there will be no need to look up the answers for most questions.

15. If it is permitted, consider bringing a pack of small sticky-note markers to the exam with you so that you can mark questions that you have skipped, and then return to them quickly when you are ready. This is assuming that you are taking a paper exam.
16. Be careful filling out the scantron exam sheet (the one with the little bubbles to fill in). Check regularly to make sure that you have filled in the bubble that matches the question number. It's easy to forget that you skipped a question and end up with the filled in dots misaligned. If the licensing exam is taken digitally because of the Covid-19 pandemic, remember to be due diligent in completing each question before you move on to the next.
17. Standardized tests are meant to be objective, not subjective. Your opinion, therefore, does not count. What matters is that you are recognizing the right answers.

18. Read the question, answer what it asks.
Don't answer what you think it asks.
Don't answer what it implies. Just answer
the question asked and move on to the
next one.
19. If you are stuck on a question in ethics,
think of LSO's mandate: To protect the
public. Consider the client in the question
to be the Public. Which answer gives the
client the most protection? Which answer
gives the client the most help? Which
answer makes sure that the client gets the
most/best information? The answer that
does one or all three of the above is likely
to be the best answer.
20. Maximize the raw scores. The exam is set
in such a way that only correct scores
count. So, concentrate on getting the
easy, doable questions first (you can easily
control this process if you are taking a
paper exam. Taking it digitally may prove
challenging but stay on course and stick
to your strategy). In the early seconds of
the exam, scan or skim through the
questions and choose those that seem
easily doable. Do those first. The more

questions you get right, the better placed you are to acing the licensing exam.

If you find a question difficult, do not waste time trying to make it easy, bubble-in a letter of your choice in the answer booklet (if paper exam) and move on (but mark it so that if you have extra time at the end, you could return to it; if you run out of time, the bubbled-in answer remains). This strategy should work with the digital exam as well. Always go in the exam with your “lucky letter of the day.” When the five-minute call is made or you are prompted to drop the pencil or to stop working, you would have bubbled in the letter of the day. Remember, you pass the exam by maximizing the raw scores. Therefore, any raw point counts and may be the difference between acing the exam or failing it.

The secret is also the most commonsensical thing to do, *DO NOT LEAVE ANY QUESTION BLANK OR UNDONE, EVEN IF YOU HAVE RUN OUT OF TIME, FILL EACH BLANK OR QUESTION WITH A BUBBLED-IN LETTER OF THE DAY.* If anyone of those guesses had the letter of the day as the correct answer, you

would have moved closer to acing the exam than if you left it blank or undone.

Ultimate Companion

21. Time is your ultimate companion. Most people fail the licensing exam because they fail to manage time efficiently. You must manage time well before and during the exam. There is no better helper in your licensing process than early preparation. Purchase your licensing materials in good time. This gives you flexibility and puts your expectations in check. There is no question from the licensing exam that does not come from, or is not based, on the materials from LSO. One thing you will be 100 percent sure of is that you have the exact resources you will need to succeed. Therefore, using the tips provided in this book, plan your battle early and well.

Every second counts and the earlier you begin reviewing and studying the materials the better. As advised in this book, make writing the licensing exam your full-time job. Devote time to it and start your preparations early.

All Under One Roof

22. The design of this book is such that you have everything you need to ace the PLE under one roof. The questions provided in this book meet both the PLE standards and provide extra resources to help you pass. They even do more; they can be used after you become a licensed paralegal in real practice.

This book has two useful interactive tools to make the candidate's preparation experience worthwhile. First, both the *Table of Contents* at the beginning of the book, and the *Index* at the end of the book, provide ready references and navigation aids to access topics and the content.

And second, there are 22 blank pages dubbed the *Daily Planner*. In these pages, the candidate can plan and execute their strategy for acing the PLE. Everything the candidate needs to maximize their time and chances to ace the PLE are contained in this book except the answers to the questions. The answers are found in a companion booklet. Purchasing details are provided at page 379.

CHAPTER 1

ETHICS & PROFESSIONAL RESPONSIBILITY

1. The Law Society of Ontario² (LSO) was established in _____

A. 1797

B. 1977

2. The mandate of the LSO can be filtered into the four categories _____

A. Convocation, Management, Education and Licensing

B. Convocation and management; Education, licensing and professional development; Professional regulation; and support for licensees and the public

² Formerly, the Law Society of Upper Canada

3. The Law Society regulations include

A. *Law Society Act*

B. By-laws and Rules

4. The Paralegal Rules of Conduct consists of
_____ rules.

A. 9

B. 19

5. The paralegal's permissible scope of
practice is contained in _____

A. By-law 4

B. By-law 9

6. Any of these are the five types of proceedings a paralegal can provide legal services in, except _____
- A. SABS
 - B. Small Claims Court
 - C. POA
 - D. Real Estate
 - E. Tribunals
7. Public confidence in the administration of justice and in the paralegal profession may be eroded by a paralegal's _____
- A. Unprofessional conduct
 - B. Professional character
8. All these relate to a paralegal's integrity and honour, except _____
- A. Confidence and respect
 - B. Appearance of impropriety
 - C. Trustworthiness

9. A paralegal's activities unrelated to the provision of legal services which may interfere with his or her obligations under the Paralegal Rules are called _____

- A. Unprofessional behaviour
- B. Outside Interests

10. _____ is a personal promise.

- A. A Trust
- B. An undertaking

11. The area of discrimination recognized by the Ontario *Human Rights Code* are _____

- A. 5
- B. 16

12. Harassment is connected to _____

- A. Prohibited grounds of discrimination
- B. Sexual harassment only

13. Anyone seeking advice or assistance on a matter involving the paralegal's professional knowledge, although the paralegal may not render an account or agree to represent that person, is called _____

- A. Prospective client
- B. Phantom client

14. A _____ is an arrangement where the paralegal has been retained to represent two or more clients in the same matter or case.

- A. Joint client
- B. Joint retainer

15. Should a paralegal protect the interests of an unrepresented party in a trial?

- A. Yes
- B. No

16. Client identification and verification are provided for in _____

- A. By-law 7.1
- B. By-law Part III

17. What should a paralegal do if she knows or ought to know that she will be assisting the client in something illegal?

- A. She must withdraw
- B. She must not withdraw but bring this matter to the client's attention

18. A paralegal who is not competent does all these, except which one?

- A. Fails to serve the client
- B. Discredits the paralegal profession
- C. Shames her employees
- D. Harms the reputation of the justice system

19. What is the standard of care for a licensed paralegal?

- A. Competence
- B. Professional development

20. The duty of confidentiality lasts _____

- A. Forever
- B. Until the death of the client or paralegal

21. A _____ means that the existence of a substantial risk that the paralegal's loyalty to or representation of a client would be materially and adversely affected by the paralegal's duties to another client.

- A. Conflict of interest
- B. Duty to client

22. Transfer between firms is provided for in _____

- A. Rule 3.05
- B. Guideline 9

23. Paralegal relationship is _____

- A. Fiduciary
- B. Beneficiary

24. Are fees and disbursements the same thing?

- A. No
- B. Yes

25. Whose money is trust money?

- A. The client's
- B. The paralegal's

26. A conflict of interest arises in each one of the following scenarios, except _____
- A. The paralegal is representing two or more persons and their interests become adverse to one another at some point
 - B. Because of a financial interest, a paralegal's ability to act in the client's best interests is compromised
 - C. The paralegal is involved in an outside activity that takes up a significant amount of her time and compromises her ability to exercise independent judgment for her clients
 - D. The paralegal is representing a mentally challenged young minor client

27. Which of the following are examples of scenarios in which a paralegal may choose to withdraw from representation as optional withdrawal, except _____
- A. The client refuses to accept and act upon advice from the paralegal on a significant point
 - B. The client has failed to provide payment for disbursements and fees and would suffer no prejudice or harm by reason of withdrawal for non-payment of fees in a non-criminal matter
 - C. It becomes clear that the paralegal's continued representation will lead to a breach of the Paralegal Rules of Conduct

28. Each of these are the duties owed to an unrepresented party when providing legal services, except _____
- A. There are no duties that are owed to an unrepresented party by a paralegal
 - B. The paralegal owes duties only to those parties who have formally retained him or her
 - C. The paralegal shall not urge the represented party to obtain independent legal advice or/and representation
 - D. The paralegal shall make it clear to the unrepresented person that the paralegal is acting exclusively in the interests of the client and in a partisan manner.

29. After conducting an initial conflict search when contacted by a prospective client, the paralegal discovers that a potential conflict of interest may arise in future. Which of the following actions should the paralegal take?
- A. The paralegal should accept the retainer after satisfying herself that the conflict is unlikely to significantly prejudice the client
 - B. The paralegal should decide that it is unnecessary to inform the client of the potential conflict because it will cause undue worry
 - C. The paralegal should disclose the potential conflict to the client and provide sufficient details about the conflict to enable the client to make an informed decision about whether to retain the paralegal is in the client's best interest in the circumstances
 - D. The paralegal should inform the client that the paralegal must decline the retainer because of potential conflict of interest even if the client insists on providing informed consent

30. Any of these are scenarios that create phantom clients. Which one is not one of them?
- A. Clarence calls your office and speaks to your secretary about a matter. He leaves his name and phone number. Your secretary assures him that you will call him later. You fail to call him because of a family emergency.
 - B. Your cousin calls you in regards to recent termination of his employment. You inform him that you think he has a good case of constructive dismissal. You tell him that it would be better if he took legal action against his former employer. He tells you that he will contact you later if he decides to sue. He forgets to call you. The next time he calls, he asks you that the case is nearing limitation.
 - C. Andrew meets with you at your office to consult about a tort action. Based on the information that he provides; you decide that this is a matter you must decline. You confirm your refusal to act on this matter by sending a non-engagement letter.

31. All of the following should be recorded in the valuable property record, except _____
- A. A description of the property
 - B. The date when the paralegal took possession of the property
 - C. The race of the client
 - D. The value of the property;
32. All of these are the office procedures ensuring that client confidentiality is protected, except _____
- A. The screening for conflicts of interest when a potential client first contacts the office
 - B. Taking steps to secure confidential information transmitted in electronic form
 - C. Ensuring that all staff and students understand their obligations to hold client information in strict confidence
 - D. Shredding some confidential information before discarding

33. All these are rules pertaining to the marketing of legal services that the paralegal must comply with, with the exception of _____
- A. The marketing must be demonstrably true, accurate, and verifiable
 - B. The marketing must be neither misleading, confusing, or deceptive, nor likely to mislead, confuse or deceive
 - C. The marketing must assure the public that the paralegal is the best of his kind in the profession
 - D. The marketing must be in the best interest of the public and consistent with a high standard of professionalism

34. Pursuant to By-law 8 on report of criminal charges _____

- A. The paralegal must self-report to the Law Society in writing that the paralegal has been charged with a civil offence
- B. The paralegal must self-report to the Law Society in writing that the paralegal has been convicted of an indictable offence
- C. The paralegal must self-report to the Law Society in writing if the paralegal has been criminally charged with an offence initiated by private prosecution
- D. The paralegal must self-report to the Law Society in by phone if the paralegal has been criminally charged with an offence initiated by public prosecution

35. All of the following are situations where a paralegal is prohibited from communication with a witness. Which one is not one of them?
- A. After the paralegal's own witness has been cross-examined by the opposing licensee, but before his or her witness has been re-examined
 - B. The witness is called by the opposing licensee and has declined to speak to the paralegal after she has identified her interest in the matter
 - C. The paralegal approaches the employees of an organization represented by another licensee who has not provided his or her consent to speak to them
 - D. The paralegal has obtained consent from the opposing witness' paralegal and the paralegal is asking the witness on a non-contentious issue

36. Which of the following is not an example of a quasi-judicial tribunal?

- A. Ontario Social Benefits Tribunal
- B. Alberta Energy and Utilities Board
- C. Ontario Parole and Earned Release Board
- D. Liquor Control Board of Ontario

37. According to the Supreme Court of Canada, when does procedural fairness require tribunals to give reasons for their decisions?

- A. Always
- B. Never
- C. Where the outcome will seriously affect the rights of an individual
- D. Only when required by the tribunal's enabling statute

38. Mr. A calls your office and speaks to your legal assistant about a *Highway Traffic Act* matter. The trial is scheduled for next Wednesday. Your assistant takes down Mr. A's name, phone number, and some details about the matter including the trial. He then tells Mr. A that you will call him. Later the same day, you call Mr. A back, he does not answer, and he does not have a voicemail. On Wednesday, you get a call from Mr. A. He is at court. "Where are you" he says. Mr. A is _____

- A. Your client
- B. A potential client
- C. Not your client, you don't owe him anything
- D. Only your client if he pays you, otherwise, too bad for him

39. A court docketing system is used for _____

- A. Reminders for your lunch and dinner appointments
- B. Reminders about telephone calls that you have to make that day
- C. It is a manual or electronic scheduling of all the cases that the court wishes to deal with in one particular court session.
- D. It is a manual or electronic record system that allows you to evaluate your employees' performance.

40. A paralegal has a high ethical obligation towards the courts not to _____

- A. Provide false information
- B. Mislead the court
- C. Hide documents until the last minute
- D. Provide false information, mislead the court or hide documents until the last moment

41. A paralegal is required to give their client a receipt when _____

- A. The client pays them by cash
- B. Pays them by cheque
- C. Pays them by credit card
- D. The client pays by cash, cheque or by credit card

42. You have issued an interim invoice for \$600 dollars to a client for services already rendered. The client sends your office a cheque for \$900 anticipating that there will be future fees for services. You must deposit this cheque in _____

- A. Your trust account then you must transfer your fees to the general account.
- B. You can deposit it straight to your general account.
- C. You can put it in your own account
- D. You can cash it.

43. You are in the course of litigation and you find out that the opposing parties' representative is not a lawyer or a paralegal. In this kind of situation, you should _____
- A. Advise the opposing parties representative that you must immediately stop dealing with them as they are unlicensed.
 - B. Advise the opposing party that their representative is unlicensed.
 - C. Advise the opposing party that their representative is unlicensed and therefore they cannot be representing them any further. You should also contact their representative and advise them that you will no longer be dealing with them as they are, in fact, unlicensed. Further, you should advise the Law Society as well.
 - D. You must finish the case first before you advise any of the parties as to what is going on, otherwise you could prejudice your own client.

44. You have several clients who owe your firm money. You have exhausted every possible option in trying to collect the outstanding amount. You have sent them letters asking for payment and you have called them to follow up. To date, no payment has been received on the outstanding amounts. You would like to send the files to collections. In order to assist the collection agency, you _____
- A. Disclose the entire file to them so they know what it is they are actually dealing with.
 - B. May only disclose enough information to them to assist them in collecting the amount owed.
 - C. Are not allowed to disclose any of the information because it would be a breach in your confidentiality agreement.
 - D. Paralegals are not allowed to use collection agencies

45. You are representing a client in a Small Claims Court matter and would like to contact the opposing parties' witnesses to discuss the case with them. As an advocate for the opposing party _____

- A. You are allowed to contact the opposing parties' witnesses to discuss any matter of the case as long as you properly identify who you are and what your intentions are.
- B. You are not allowed to contact the opposing parties' witnesses because according to the rules they are represented by the opposing party even though they are not on retainer with the legal representative.
- C. You may only contact the opposing parties' witnesses if you inform them first and you obtain their consent to do so.
- D. You must advise your client that you are not allowed to contact the opposing parties' witnesses but they are, so they should contact them on your behalf.

46. The Law Society of Ontario requires all paralegals to act with integrity and civility when dealing with their clients, courts, tribunals, lawyers and any other member of the public. The Law Society defines civility and integrity as _____

- A. Acting with integrity means that a Paralegal will be honest and act with high ethical and moral principles. Also, civility means that a Paralegal will be civil and not cause difficulty or harm.
- B. The Law Society wants paralegals to just be honest and upfront with everyone regardless of that stage of the proceeding the paralegal may be in.
- C. Paralegals have obligations to show courtesy and good faith to clients, opposing parties, supporting staff and courts/tribunals.
- D. Acting with integrity means that a paralegal will be honest and will act with high ethical and moral principles. Furthermore, acting with civility means that a paralegal will communicate politely and respectfully and act in a manner that does not cause unnecessary difficulty or harm to another.

47. You are asked to provide an undertaking to the opposing party by the court. The document that the other side is after is not in your possession but you can very easily obtain it. You should _____
- A. Accept the undertaking because it is reasonable for you to do so.
 - B. Accept the undertaking but with conditions because you don't want to make it too easy for the other side.
 - C. Not accept the undertaking because the document is not in your possession.
 - D. Deny the undertaking because you just don't feel like helping you.

48. You are asked by three clients to represent them jointly in a Small Claims Court action. You agree to take on their case as they are all looking to pursue the same individual and their issues are exactly alike. Before you agree to the joint retainer, you should _____

- A. Establish in writing who is giving you instructions. This should be obtained in writing.
- B. Not only establish who is giving you instructions, but who is responsible for what part of the retainer for your services. This should be in writing.
- C. No agree to take on their case unless they give you a large amount of money up front, otherwise there are too many of them to deal with.
- D. Make sure they're not related

49. During one of your cases, your client becomes extremely frustrated and is refusing to calm down. During recess, your client comes up to you and tells you that the judge is being extremely unreasonable in the way they are acting, and if they send him to jail, he will kill her. Given that your client has a history of violence, you become worried, you should

- A. Inform court officials so that they can be present in the courtroom and be able to respond if your client does, in fact, get violent.
- B. Tell the judge as soon as you go back in court about what your client said so that they may run away if anything were to happen.
- C. Do nothing; you have enough to worry about.
- D. Leave the court and hope nothing happens

50. You have just realized that your license has been suspended by the Law Society for unpaid fees. Today is a big day for you as you have a huge case in Small Claims Court. You should _____

- A. Advise the client and the courts immediately that you can no longer act in this case because you have been suspended.
- B. Don't say anything to anyone, it will slow down the process again, you don't want to do that.
- C. Go to court, finish your case and then go to the Law Society and pay your fees, nothing can possibly happen in the meantime.
- D. Ignore it.

51. Even though you have become suspended, you still have a number of outstanding invoices that need to be collected. Because you are not providing legal services, a suspended paralegal may

- A. Contact each and every one of his clients demanding payment.
- B. Continue to operate his or her practice and deposit money into the accounts as long as long as he or she is not meeting with clients or providing legal advice.
- C. Not be involved in the business at all. All business activities must stop and all clients should be advised of the suspension.
- D. Continue to practice, it's a misunderstanding

52. During settlement discussions with another licensee, it becomes very apparent to you that they keep changing their story and are not interested in settling the matter. You become frustrated because every time you get on the phone with them, they keep changing their story and telling you that they never said that. You want to record the conversation.

- A. You are not allowed to record the conversation under any circumstances.
- B. You are allowed to record the conversation.
- C. You are only allowed to record the conversation if you inform the other side and get consent.
- D. You are allowed to record the conversation since justice is public and this is a matter of being transparent.

53. A new client contacts you and would like you to work on a file for them. Once the client gives you some details about the case, you realize that you are in a conflict-situation as you recognize the other individual's name. You inform your new client that you are not able to represent them and you refer them to another paralegal. The new paralegal would like to give you a referral fee for sending them the client. They have already spoken to their client, and they consent to the referral fee. You ____

- A. Are allowed to take it because it is coming from another licensee and the client has agreed to the referral fee.
- B. This is normal practice, you would have done the same, you should definitely accept it.
- C. Should write a thank you letter to their client for being so understanding and for consenting to the referral fee being given to you.
- D. Are not allowed to accept the referral fee because the referral was due to conflict of interest.

54. A new client has approached you and has asked you to represent her in filing a complaint against her landlord. When she begins to describe to you the nature of her case, you realize that you have acted for the landlord in the past in a separate matter not involving this tenant, but others with similar issues. You figure it out that if you take on the case you will have an ultimate advantage because you already know the landlord's affairs so well. Are you allowed to take on this case?

- A. Yes, you are, you have never acted against this tenant so therefore there is not conflict, the information that you had received from the landlord in regards to other tenants do not make this a conflict of interest.
- B. No, you may not. Regardless that you have not acted against this tenant, you have acted for the other party, therefore it is a conflict of interest and you may not represent the new client.
- C. You can do whatever you want. The Law Society does not like to get involved in the paralegals affairs.
- D. Yes, you are as there is no real obligation towards the landlord

regardless of the fact that you have represented for them in a previous matter.

55. A client has given you a cheque for \$1000 for their retainer. You have a few bills that are coming up and would like to use the money they have given to you to pay for your bills. You will replace it later.
- A. You are allowed to deposit the money into the general account and use it to pay your bills as long as you replace it later.
 - B. You must first deposit the money into your trust account, then transfer it to general and then you are allowed to use it to pay your bills.
 - C. You are not allowed to use the money to pay your own bills. This is the client's retainer and it may not be used for anything else except to cover their legal expenses.
 - D. You may only use 50 percent of it for your own personal bills.

56. A client sends you money for an outstanding invoice that you have already billed for. You deposit this money into _____
- A. Your trust account
 - B. Your general account
 - C. Your personal account
 - D. You go cash the cheque
57. In order to avoid collecting phantom clients, a paralegal should send prospective clients a(n) _____
- A. Engagement letter
 - B. Retainer agreement
 - C. Statement of account
 - D. Non-engagement letter

58. In order to confirm the retainer and to make sure that the billing structure is properly outlined, the paralegal should send all clients a(n) _____
- A. Non-engagement letter
 - B. Fax with the retainer attached
 - C. Engagement letter
 - D. Nothing as it is not required, this is after all the beginning of the fiduciary relationship
59. Your practice is restricted to Small Claims Court litigation and *Highway Traffic Act* matters. The property manager for a corporate residential landlord for whom you have done some collections work wants to retain you to defend the landlord in a *Provincial Offences Act* prosecution. The landlord has been charged with several offences contrary to the residential tenancies legislation, including harassment and interference with the tenant's enjoyment of the premises. If the landlord is convicted, the maximum fine is \$100,000.00.

- A. Because this is in an area that you are allowed to practice in, you should definitely take it, it would be a great way for you to expand into that market.
- B. Because of the severe consequences you should decline the retainer and send out a non-engagement letter confirming that you have declined the retainer and why.
- C. You can take on the case. Even if you don't know what you are truly doing, your client being potentially prejudiced by your inexperience does not outweigh the great benefit of your learning this new field.
- D. You should retain the matter as this is your client and who knows them best than you since you have an already established retainer for other matters.

60. You receive a money retainer from a client by personal cheque. Which bank account will you deposit the money to?
- A. To your trust account
 - B. Into your general account
 - C. You don't have to deposit it, you can cash it
 - D. Into your personal account
61. A Time docketing system is used for ____
- A. Reminders for your lunch and dinner appointments
 - B. Reminders about telephone calls that you have to make that day
 - C. It is a manual or electronic record of time that the paralegal spends providing legal services to clients. It is used for billing purposes, and to monitor efficiencies and productivity within the paralegal practice.
 - D. It is a manual or electronic record system that allows you to evaluate your employees' performance

62. You have been asked by a corporation to act for them as their legal representative. You will be in charge of all their Small Claims Court files and collection proceedings. In order to make sure that you can fulfill your obligation towards the organization, you must _____

- A. Ask your staff to do all the work on your behalf so that you look good in front of the corporate directors. You need to be a star.
- B. Ask for a corporate profile so that you may see who the corporate directors are and who has any kind of signing authority on behalf of the company. Further, you should ask to be provided with a confirmation in writing as from who you must take instructions.
- C. You don't have to do a single thing.
- D. Ask for a higher retainer as the work to be done will be greater than anticipated

63. You represent the accused on a charge of assault, where the Crown has elected to proceed by way of summary conviction. The accused has admitted to you that she committed the offence.
- A. You should advise your client that they should plead not guilty; it's probably in their best interest to do so.
 - B. You are no longer able to represent your client if they intend to plead not guilty. You must advise the client that you can only represent them if they have the intention to plead guilty and accept all allegations against them.
 - C. You are no longer allowed to represent them. Once you know they are guilty, regardless of what they intend to you, you must remove yourself from their case, you know too much.
 - D. You must advise your client as to all the possible options available to them regardless of their admission to you and if they insist to plead not guilty, you must follow their instruction.

64. The Law Society prohibits a paralegal from using certain words or phrases in the business name for marketing purposes. These include but are not limited to _____
- A. The name of a country
 - B. A region
 - C. A province
 - D. The name of a country, region or province
65. You have a new client who has come to your office requesting that you represent them in a civil proceeding. You decide that you are going to charge them an hourly rate. Business has been a little slow so you figure it out that you will just drag on the case to make a bit more money.

- A. You are not allowed to just drag on a case to make more money. That is unethical.
- B. You absolutely can. If you want to take longer why not, the client does not have to know.
- C. Depends on the situation. If nobody gets hurt, then there is no problem.
- D. The formerly Law Society of Upper Canada encouraged this type of behaviour; you should do it more often.

66. What do we call a type of business entity which has one owner and the owner is liable for all actions of the company personally?

- A. A General Partnership
- B. A Sole Proprietorship
- C. A Corporation
- D. A Professional Corporation

67. What type of corporate entity are lawyers and paralegals allowed to have when incorporating a legal practice in Ontario?

- A. An LLP
- B. An Incorporated Entity
- C. A Professional Corporation
- D. A Limited Partnership

68. What is the document that is used by professionals to plan out their business ideas and which is presented to financial institutions when trying to obtain financing, called?

- A. A Bookkeeping Guide
- B. A Business Plan
- C. A General Ledger
- D. A Marketing Plan

69. When receiving settlement funds, a paralegal must use _____
- A. A Mixed Trust Account
 - B. A General Account
 - C. Both a Mixed Trust and General Account
 - D. GIC's
70. When putting together a business plan, this portion provides an analysis for the amount of money needed to start the business. It will also list current assets and values.
- A. Start-Up Summary
 - B. Cash Flow Projection
 - C. Market Analysis
 - D. Addendum
71. A paralegal can do all these in marketing and advertising legal services, except _____
- A. Deception
 - B. Making misleading statements
 - C. Going out of scope
 - D. All of the above

72. When advertising services online, a paralegal must be cautious about the content advertised because _____
- A. When you advertise services online, it misleads the public and will get you into trouble; you just should not do it.
 - B. Whatever services are advertised online, if an expiry date is not provided, the paralegal will have to offer those services to all clients who mention the advertisement.
 - C. If you advertise online, and you advertise in a language other than English, you have violated the formerly LSUC rules.
 - D. You may be held liable for falsely advertising and receive a penalty

73. When determining a business name _____

- A. A paralegal can only use their legal name if it is a Sole Proprietorship
- B. If it is a General Partnership, the business must be in the legal names of the partners
- C. If the business is being incorporated, the paralegal cannot use a name which uses wording such as “Toronto” “Ontario” “Canada” because they violate the LSO guidelines.
- D. A paralegal may use their legal name if they are operating a Sole Proprietorship, if they are a Limited Liability Partnership they must use the legal names of the partners and a business that is incorporated cannot use a name making reference to a geographic location as it would violate the LSO rules/guidelines.

74. S.W.O.T stands for _____

- A. Strengths, Weaknesses, Opportunities and Targets
- B. Strengths, Weaknesses, Opportunities and Threats
- C. Strengths, Weaknesses, Obligations and Threats
- D. Strong, Willful, Overachieving and Timely

75. Which portion of your business plan would show how the business will attract more customers in order to expand and increase revenue?

- A. Financial Analysis
- B. Start Up Summary
- C. Target Market Analysis
- D. Marketing Segment

76. Which portion of your business plan would provide a description of the business?

- A. Executive Summary
- B. Management Summary
- C. Both the Executive Summary and Management Summary
- D. Financial Analysis

77. In this portion of the business plan, we discuss who our customers would be and provide a demographic overview _____

- A. Management Summary
- B. Target Market Analysis
- C. Marketing Segment
- D. Financial Analysis

78. What does the Break-Even Analysis demonstrate?
- A. It will show when the company has paid off their debt and start earning profit without repayment considerations.
 - B. It will show when our services have actualized and we have reached the maximum charging point.
 - C. It will show the end of a 3-year cycle
 - D. It will show how poorly the business has been functioning
79. Paralegals must carry this type of insurance to be able to practice and occupy an office space _____
- A. Errors and Omissions
 - B. Errors and Omissions and Commercial Liability
 - C. Commercial Liability
 - D. Key man Insurance

80. Paralegals have a high ethical obligation to make sure that all client information is confidential. Paralegals are required to ____
- A. Have a proper filing system
 - B. Have a file retention policy and advise client when files are to be destroyed
 - C. Have a set of office procedures for all staff to ensure client information remains confidential
 - D. Have a proper filing system, a file retention policy/client advisory when files are to be destroyed and a set of office procedures for all staff (to ensure client information remains confidential)
81. What is the best way to make sure a paralegal complies with the rules from the LSO pertaining to financial records?
- A. Buy an accounting software
 - B. Read and apply the bookkeeping guide
 - C. Hire an accountant if possible
 - D. Buy an accounting software, read/apply the bookkeeping guide and hire an accountant

82. Part of a paralegal's responsibilities when managing their own practice is to _____

- A. Keep accurate records
- B. Have a proper file management system
- C. Effectively Communicate with their clients
- D. Keep accurate records, maintain a proper file management system and effectively communicate with their clients

83. During the course of paralegal practice, a paralegal has an obligation to _____

- A. Take courses each year (CPD) to enhance their knowledge and be able to provide competent services to their clients
- B. Go back to school and take a course at least once every six months to remain current with changing laws
- C. There is no need to take extra courses
- D. To do nothing outside of paying their licensing fees each year

84. When closing down a practice, a paralegal should _____

- A. Notify all existing clients 6 months in advance
- B. Notify the Law Society and clients 6 months in advance
- C. Not take on new clients within that 6-month period
- D. Refer to the LSO Guide to Closing Your Practice for Paralegals

85. When accepting cash for any one client matter, the cash amount paid cannot exceed _____

- A. \$6,500
- B. \$7,000
- C. \$7,500
- D. \$8,500

86. A paralegal cannot receive more than \$7,500 in cash for a client.

- A. Only when a client has been properly verified
- B. Sometimes
- C. Never
- D. Only when a client has been properly identified

87. Is the client's general ledger account required for a paralegal's record maintenance obligation?

- A. Yes
- B. Sometimes
- C. Never
- D. Only when the paralegal keeps a mixed trust account

88. Maintaining books and records for legal practice is a minimum requirement for licensed paralegals as one of their professional obligations and is found in

- A. Part VI of By-law 9 under the *Law Society Act*
- B. Part V of By-Law 7 under the *Law Society Act*
- C. Part V of By-law 9 under the *Law Society Act*
- D. Part IV of By-law 9 under the *Law Society Act*

89. What is the significance of the *Access to Justice Act* (Ontario) in the paralegal profession?

- A. It regulated the paralegal provision of legal services to the public in Ontario
- B. It provided inexpensive access to legal services in Ontario
- C. It led to the enactment of the *Paralegal Profession Licensing Act*
- D. It amended the *Law Society of Upper Canada Act*

90. Who is a prospective client?

- A. He or she is someone who has retained a paralegal but has not yet signed a retainer agreement
- B. He or she is someone who has consulted or contacted a paralegal's office to inquire if his or her can be taken on by the paralegal
- C. He or she is a person who has disclosed some confidential information to the lawyer but not to the licensed paralegal
- D. He or she is someone for whom the paralegal owes the duty of litigation privilege

91. One and half years ago, Kaity had contracted Boris to renovate a washroom for an agreed to amount of \$4000.00. Specifications were drawn as well. There was a misunderstanding as to whether Kaity and her husband John had signed a contract. Kaity maintained that they had both signed. Kaity has noticed that Boris has not renovated the washroom according

to the specifications. Moreover, John is frustrated that Boris has delayed completing the work and has asked Kaity to sue Boris. Boris is married to Kaity's older brother's sister-in-law. Kaity and John come to you, a licensed paralegal, for consultation. You recognize Boris as your husband's best friend's first-cousin. What should you do?

- A. You decline the retainer
- B. You should agree to represent both Kaity and Boris because you owe Boris a familial duty
- C. You can assure Boris that you will not disclose any information you have about him
- D. You can represent Kaity and John separately and proceed to sue Boris because initial conflict search shows that there is no conflict

92. Jomo and Gavin are licensed paralegals and are part of the same firm but they do not share the same office. Jomo's office is located in a busy residential neighbourhood. Gavin's is located in a distant industrial area where Gavin prefers the silence to the noisy residential areas. Jomo has a prospective client who has consulted on a Small Claims matter. Jomo refers the client to Gavin. The following are true except one _____

- A. Gavin must turn down the prospective client because Jomo and Gavin are part of the same firm.
- B. Jomo and Gavin should not be sharing client names because they are located in different areas of the city.
- C. If Jomo and Gavin are a married couple, Jomo can represent the defendant in the same matter where Gavin is representing the plaintiff.
- D. There is conflict of interest between Jomo and Gavin even if this is only a prospective case.

93. You are approached by a relatively newly licensed paralegal because he wants to seek advice on a case in which he is contemplating suing his client for unpaid fees. Which one of the following statements is correct?
- A. You cannot sue a client in civil court for payment of your fees because that would involve revealing confidential client information. Instead you must follow a procedure set up with the Law Society of Ontario to review issues regarding fees and collections.
 - B. To ensure payment you must maintain a trust account and procure a retainer. You are not allowed to maintain a case for unpaid fees by any process.
 - C. You must have the account assessed by the Registrar of Small Claims Court. That amount would then be enforceable like any Small Claims court order.
 - D. Paralegals may disclose confidential client information to establish or collect their fees; as long as no more information is revealed than is required to do so.

94. Martin is a licensed paralegal. He recently successfully represented Carson in a landlord and tenant matter and Carson was very impressed. Carson is a sophisticated businessman with a nationwide distribution business. Recently, Martin and Carson met in Carson's office to discuss the balance on his fees. Carson suggested to Martin that it would be a great business opportunity if Martin agreed to be part of Carson's distribution business, saying, "You can earn at least \$10,000 per month in this line of business with me." Which one of the following statements is incorrect?

- A. Carson may be unknowingly influencing Martin to violate one of the paralegal professional responsibilities or ethics.
- B. Martin may not enter into side-business with Carson so long as Carson remains his client.
- C. Carson is an experienced businessman and therefore nothing can go wrong if Martin does business with him.
- D. Martin's business should only be limited to the provision of legal services to Carson.

95. Frozeen is a licensed paralegal who works at Ballgame Legal Services (“Ballgame”) with several other paralegals. She has recently been offered a social commentary part-time position at CP24 in Toronto to comment on LGBTQ issues. Frozeen has gotten into some controversial subjects bordering on the behaviour of the bisexual community. Some clients of Ballgame have started to complain about Frozeen’s comments and this has resulted in low client intakes at Ballgame. Which one of the following statements is correct?

- A. Frozeen’s TV commentaries are not permitted by the Law Society as they bring the profession into disrepute.
- B. Frozeen’s TV commentaries are not permitted by the Law Society as they offend the clients.
- C. Frozeen’s TV commentaries are not permitted by the Law Society as they upset other licensees.
- D. Frozan is involved in an outside interest and the Law Society has created rules that deal with activities that overlap with the provision of legal services.

96. Sue, a licensed paralegal, has been hired to represent Kevin in a traffic matter for the charge of speeding. Before he retained Sue, Kevin did not know that his Driver's License (DL) had been suspended. Two months after signing the retainer, Kevin becomes aware of his DL suspension and would like Sue to deal with the DL suspension as well. Which one of the following statements is correct?

- A. The best time to warn clients of their legal needs is after the retainer has been signed.
- B. The best time to warn clients of their legal needs is after the retainer has been agreed to.
- C. If the terms of the initial retainer change, Kevin must confirm those changes in writing.
- D. If Sue discovers later that she lacks competence to complete the task, she must retain another licensee who is competent for the task at no cost or notice to Kevin.

97. Under what circumstance does a paralegal who holds funds on behalf of the client has a duty to account for those funds?
- A. Upon request by the client.
 - B. Upon request by the client's spouse.
 - C. Upon request by the Law Society.
 - D. Upon request by another licensee in the same firm.
98. When returning documents and property the paralegal preserved on behalf of the client, which documents received or created by the paralegal would not be returned to the client?
- A. Pleadings and medical reports
 - B. All expert's reports.
 - C. Photographs and exhibits
 - D. Bookkeeping records, including trust journals and client trust ledger.
 - E. Case law and paralegal notes.

99. The following factors determine whether a paralegal can charge fees that are fair and reasonable, except ____.

- A. The result obtained for the client.
- B. Time and effort required and spent on the matter.
- C. The importance of the matter to the client.
- D. The value of the matter to the client.

100. Falcao hires Ertugrul, a licensed paralegal, to represent him in a Part I matter. On the trial date, Ertugrul is caught up in traffic and he had forgotten his cellphone at home. Fortunately, he had written the court's phone number in Falcao's file. He got out of his car on the Highway and he borrowed a cellphone from another motorist. But the number only went to voicemail and Ertugrul left a lengthy message there. By the time Ertugrul arrived at the courthouse, Falcao's matter had been called and Falcao was deemed not to dispute the charges and he was convicted in his absence. Falcao has 15 days from the date of the conviction to request for the reopening.

- A. Ertugrul's conduct does not rise to professional negligence since he was prepared and he made every effort to attempt to notify the court
- B. Falcao must report Ertugrul to the Law Society for showing up late at trial
- C. Ertugrul should report himself to the Law Society and to his insurer for negligence
- D. Falcao should fire Ertugrul and request his money back even after learning what Ertugrul had been through

101. Agatha Johns comes to you, an older licensed paralegal, and wishes to ask for your advice on how to name the practice. She has taken on two young, licensed paralegals and together they would like to give a name to their new firm. Which one of the following choices would be the most appropriate for them to use?

- A. Agatha Johns Inc.
- B. Agatha Johns and Others
- C. Agatha Johns and Associates
- D. Agatha Johns Ontario Paralegal Partnership

102. Trust receipt and disbursement transactions are handled differently by different paralegals. The by-law does not allow the following methods _____
- A. Electronic transfers.
 - B. Electronic transfers to the trust account.
 - C. Withdrawal using a financial institution's ATM.
 - D. Transfer to the general account authorized by the client in writing.
103. You are a licensed paralegal. John comes to you to help him recover his funds from Keith, another licensed paralegal. John tells you that Keith had received \$4,500 from him in-trust but John has learned that Keith has used up the retainer money to renovate his kitchen. John and Keith went to secondary school together and John does not want to tarnish Keith's reputation with clients and the Law Society. John asks you to only collect \$3000 of the owed money so that he can take his son for medical treatment. What should you do?

- A. To protect Keith, refuse the engagement.
- B. Advise John that his instructions may be in contravention of the rules.
- C. Set up a meeting among you, John and Keith where you can mediate the return of \$3000.
- D. Accept the client's instruction to negotiate the return of K4,500.

104. Ned is a licensed paralegal who specializes in human rights cases. Den is in need of representation at the Ontario Human Rights Tribunal (OHRT). When Den inquired from Ned about the chances of succeeding in her case, Ned replied, "Don't worry. I once worked at the Ontario Human Rights Commission and I know everything that goes on there. I also have friends who are adjudicators there."

Ned's behaviour may constitute _____

- A. Professional misconduct
- B. Violation of moral judgment
- C. Sharp behaviour
- D. Intimidation

105. A contingency fee arrangement must include all these, except _____
- A. It is in writing, titled “Contingency Fee Arrangement”
 - B. It is dated
 - C. It is signed by all parties and witnessed
 - D. It is for a rate of at least 33%.
106. A client of yours became involved in a Small Claims Court matter that became the talk of the town. He was putting coins in parking machines for strangers to prevent them from being ticketed. He did this as the president of the downtown businesspersons association. The association was concerned that customers were doing more of their shopping at malls to avoid parking charges and parking tickets. The town became very upset at their loss of revenue from parking tickets and they laid a charge against your client. When you interviewed your client you did not discuss how to handle the publicity.

You had the first appearance in court to attend one morning, but on the way you stopped by the town coffee shop. In the shop one person noticed that you were carrying a file with that client's name on it and he guessed that you were representing that client. It became the talk of the coffee shop as everyone had an opinion. Later on you attended at the courthouse and informed the court that you were representing that client in this matter. There was a large crowd outside the courtroom after you left and several reporters from local newspapers and television stations. You talked to the reporters extensively about the case.

Which one of the following statements is correct?

- A. It is acceptable to identify yourself in court that you represented that client.
- B. Because of the public nature of the case it was right that people at the coffee shop discovered who you had as a client.
- C. After revealing in court the party whom you represented as paralegal, it is fine to discuss the case with the media.
- D. When filing court papers for that client, you should not reveal to the clerk who you represented.

107. Which one of the following is true?

- A. Although a paralegal can advocate before certain courts and boards, he or she cannot provide legal advice.
- B. A paralegal can select, draft, complete or revise a document related to a matter their client may have before the Social Security Tribunal.
- C. A paralegal can represent a client before the Superior Court of Justice in access and custody matters but not in divorce matters.
- D. A paralegal cannot receive a payment in excess of \$35,000.

108. The Law Society's Equity Initiatives department has developed model policies covering practices relating to employment and provision of services to clients that paralegals can adopt. Which of the following statements is incorrect?

- A. A paralegal practice must comply with the Paralegal Rules regarding discrimination and harassment.
- B. A paralegal who intends to hire employees should consider having policies in place that cover parental leave and other benefits.
- C. The Law Society provides free legal counsel to people who have experienced discrimination within a paralegal firm and who wish to file a complaint.
- D. The Law Society does not provide training sessions available to paralegal firms regarding equity and diversity issues in the workplace.

109. Shawn de Paul owns 123456789 Ontario Ltd. The numbered company is managed by Dave Troy. The numbered company is a doughnuts franchise. The franchisor, Dog-nuts Eateries, had failed to disclose an ingredient that has made the numbered company lose customers because they prefer to buy doughnuts from a competitor. Although Dog-nuts Eateries is owned by Alireza Lonpour, day-to-day management, including signing franchise contracts, is done by Mike Smith, Dog-nuts Eateries' managing director. Shawn comes to you and asks you to represent him in suing Dog-nuts Eateries.

Which one of the following statements is incorrect?

- A. You need to determine which person can properly give instructions on behalf of 123456789 Ontario Ltd., Shawn or Dave.

- B. If 123456789 Ontario Ltd and Shawn de Paul are countersued by Dog-nuts Eateries, you cannot in any circumstances represent 123456789 Ontario Ltd. and Shawn at the same time.
- C. If Alireza is named as a defendant together with Dog-nuts Eateries, Mike may be called in as a material witness.
- D. You would have to clarify whether there would be a joint retainer that includes both 123456789 Ontario Ltd and Shawn.

110. Martha, a licensed paralegal, had recently attended her older brother Daniel's wedding. While at the wedding, she was approached by a young lady who introduced herself as Maggie. Martha learned from Maggie that she had recently broken up her engagement from Moses who she alleged, "Was cheating on me." She tells Martha how she met Moses and how the two shared everything from personal secrets to financial struggles.

Close to midnight the wedding came to an end. As Martha was about to leave for

home, Daniel motioned to her to stop and, “Come and meet my friend Moses.”

Martha learned that Moses had recently broken up with a lady by the name of Margaret Ferguson and would like Martha to represent him in getting back his engagement ring. Martha then learned that Maggie was the woman she was talking to. Maggie told Martha nothing about the ring.

Which one of the following statements is true?

- A. Because it was a casual conversation between Martha and Maggie, Martha is free to talk to Maggie about the matter of the ring and help her with it.
- B. Martha is in a conflict-of-interest situation and she would have to decline to consult with Maggie about the matter of the ring.
- C. Martha was not retained, so she can help out with the negotiations or mediation of the matter.
- D. If a person gives another person personal information, it does not become confidential until the two sign a retainer agreement.

111. Bill Baker attends to your office charged with assault. He has come to your office to see if you can defend him. During consultation, Bill discloses why he had assaulted Sanjay Bonbi, a recent immigrant to Canada from South Asia. He told you that the neighbourhood was the centre of a small Asian ethnic community. That he belonged to a newly organized White Supremacist movement in the area and together they are keen on “cleansing” the area from “homeland intruders.” You are worried about this group your client belongs to and you feel you need to inform the police about this group.

Which one of the following statements is incorrect?

- A. You may disclose this information to the police to prevent harm to an individual or group of individuals but not in this case.
- B. If you believe your client is likely to commit the same crime again, you have an obligation to disclose that information if it is a serious hate crime.

- C. You do not have reasonable grounds to believe that there is a serious risk of harm.
 - D. There is enough information to support that there are grounds for you to disclose confidential information of this client.
112. You negotiated a settlement for a client in a slip and fall matter. During the negotiations, you gave a professional undertaking to abide by the terms agreed to. Which one of the following statements is incorrect about undertakings?
- A. You must explain to your client your obligation to fulfill every undertaking given.
 - B. If your client persists in their instructions to violate an undertaking, you may withdraw.
 - C. Fulfilling undertakings should not cause your client to put you in a conflict-of-interest situation.
 - D. You must always follow your client's instructions, and therefore, you must violate undertakings if your client demands of you to do so.

113. A paralegal must speak his or her true mind on the matter even against the values and cultural beliefs of the client. This statement informs _____

- A. The duty to advise your client
- B. The duty to confidentiality
- C. The duty to the Law Society and to other licensees
- D. The duty of public interest

114. Dr. Drive-by is employed by Mehdi, a licensed paralegal, to do an examination on Don Jackson, Mehdi's client. Mehdi would like to obtain a medical-legal report on his client's condition. What is the paralegal's obligation after the doctor has completed the examination?

- A. If the findings do help Don's case, Mehdi can advise Dr. Drive-by to write the report.
- B. Before the report is written Mehdi should not discuss the findings and conclusions.

- C. If the findings are not helpful Mehdi should not get written consent from Don before requesting a written report.
- D. After Dr. Drive-by has completed the report, Mehdi should not discuss the findings and conclusions.

115. James is a licensed paralegal. James' wife, Cynthia, has a friend called Jennifer. Jennifer was looking for a paralegal to represent her in a debtor-creditor case. Cynthia suggested that she uses the services of her husband. Jennifer did not discuss the details of her case. Jennifer is now James' client.

Which one of the following statements is correct?

- A. James can share confidential information with his wife, Cynthia, about Jennifer's case because they are a couple.
- B. James can share confidential information with his wife, Cynthia, about Jennifer's case because it was his wife who referred the client to him.

- C. It will be an improper disclosure of confidential information because the client-paralegal privilege exists between James and Jennifer.
- D. James will do nothing wrong as sharing his client's confidential information with his wife will help his wife assist the friend better in future.

116. A paralegal can do all of these if a contentious issue arises among some or all of the clients in a joint retainer, except

- A. Cannot advise the clients on the issue.
- B. Cannot refer the clients to other licensees for independent legal advice.
- C. Cannot direct negotiations if the matter involves the provision of legal services.
- D. Can advise the sophisticated clients on how to settle the contentious issue.

117. You have worked as a legal representative for a property management company collecting outstanding unpaid rent. Over the last few years you have handled approximately 300 files and you have several current collection files for the

property management company on your desk. Recently, you were asked by an unrelated tenant to sue the property management company over pests in another building not assigned to you by the property management company. You believe that this new matter is a fresh, independent and unrelated to previous files with the property management company and there was no disclosure of confidential information that relates to this new matter. You would like to take the case.

Which one of the following statements is incorrect?

- A. So long as the new matter is unconnected to previous matters handled for the property management company you have no problem representing the tenant in the pests' case against the property management company.
- B. You cannot represent the client against the property management company so long as you have current collection files for the property management company in your practice.

- C. You would most likely have an obligation of loyalty to the property management company in these circumstances that would prevent you from acting against the property management company for the prospective client.
- D. You could not act for the prospective client if you have information regarding previous pests claims against the property management company.

118. Shane, a licensed paralegal, was asked by counsel for the other side to forward a document in the possession of Shane's client, Trevor. This was done to facilitate a settlement between the parties. Shane agreed in writing as follows: "Undertaking: I give my undertaking to use my best efforts to obtain a copy of the tax receipt which is in my client's possession and forward the tax receipt to Big Ben, paralegal, for his client, Shaggy Shift, as soon as reasonably possible. (Signed on) November 7, 2020."

Shane contacted Trevor by phone and letter on several occasions, but as of this date, Trevor has not co-operated.

Which one of the following statements is true?

- A. A complaint can be successfully made with the Law Society against Shane for not fulfilling a professional undertaking.
- B. Shane should never make an undertaking that requires the assistance of a client.
- C. Shane may still be held responsible for the failure of his client to fulfill the undertaking even if Shane has made his best efforts to fulfill what he promised. An undertaking made on a client's behalf is treated as if it was made by the licensee.
- D. This involved making an undertaking "on behalf of the client", and it was not clearly expressed that it was not Shane's personal obligation.

119. A paralegal who discovers that he has left out an important paragraph in a statement of defence which is crucial to the defence, but who has time to amend the defect if his client consents, may _____

- A. Not discuss the matter with the client so long as he corrects the situation quickly with no cost to the client and no damage to his case.
- B. Tell his client that he may no longer be able to provide legal services to him.
- C. Inform his client of the error and do all that can reasonably be done to correct it.
- D. Promptly notify his professional liability insurer.

120. Felix was involved in a motor vehicle accident. Officer Garry attended at the scene of the accident and took a statement from Felix. Officer Garry did not charge Felix at that time, but he finally charged Felix after four months. The charge Felix received was in a form of a document which had a date on which Felix should attend court without fail. Officer Garry served the document upon Felix personally. Which of the following statements is correct?

- A. Felix was charged under Part II and the document he was served with was the Certificate of Parking Infraction
- B. Felix was charged under Part III and the document he was served with was Form 104 summons
- C. Felix was charged under Part I and the document he was served with was Form 106 summons
- D. Felix was charged under Part III and the document he was served with was Form 106 summons

121. The following are the two essential terms of the retainer a paralegal must discuss with a client at the start of the relationship

- A. The amount of fees; the outcome of the case
- B. Whether an expert witness should be called; jurisdiction of the court
- C. The amount of fees and disbursements; whether a money retainer will be required
- D. The scope of practice; the schedule for completion

122. The size of the retainer should reflect the same factors that should be considered when determining what would be a fair and reasonable fee.

- A. True
- B. Not true
- C. Only for criminal cases
- D. Only for Small Claims court cases

123. Which one of the following statements is correct?

- A. Bringing a case that is a proper legal proceeding may not be an abuse of process if the motivation to bring the matter is to harm another person.
- B. Paralegals should help a person bring a matter to court where the client is not entitled to what he or she is asking for.
- C. A representative is not allowed to offer the withdrawal of criminal charges to settle a civil matter.
- D. Paralegals can threaten to lay criminal charges against someone in an attempt to gain a benefit for the complainant.

124. An effective conflict checking system includes all these, except_____

- A. Persons associated with the client
- B. Persons involved with the client
- C. Recently licensed paralegals

D. The client and opposing parties in the matters

125. Mula is a licensed paralegal retained by Melody to represent her in a summary criminal conviction case. Melody was charged with theft under \$5000. Melody is a single mother with a small child. She is concerned that this charge might draw the attention of the Children Aid Society and she does not want to be convicted. Trial has been scheduled and it is just 30 days away. Because of the concerns Melody has, she keeps calling Mula at least once a day to discuss latest defences and to discuss how to proceed with the trial. She keeps repeating herself. Although she accepts Mula's advice, he finds Melody's calls repetitive, irritating and excessive. Mula recently sent Melody an invoice for the repeated calls and she paid it the same day she received it. Mula called Melody and advised her that he was raising the retainer upwards because Melody was making more calls than they had agreed to in the retainer and Melody responded, "That's fine, please go ahead." Mula is considering

withdrawing from representation.

- A. Mula may do so because Melody is a bad woman who is bent at tarnishing Mula's reputation
- B. Mula may do so because Melody is a difficulty client who has failed to pay Mula's bills
- C. Mula may not do so because the trial is only a month away, Melody has generally accepted every term and charge Mula has asked for, and therefore, Mula has no valid grounds for doing so
- D. Yes, because Melody has refused to accept Mula's advice and their relationship has broken beyond repair

126. Good Character hearings for license applicants are heard by the _____ of the Law Society of Ontario.

- A. The Hearing Panel
- B. The Appeal Panel.
- C. The Divisional Court Panel
- D. The Good Character Panel

127. Monde came to your office for consultation and to sign a retainer agreement. She came with her best friend, Elodie. Monde was consulting you on an employment matter. Monde was among a group of employees who had been terminated for cause. You asked Elodie to wait for her friend in the reception area, but Monde quickly interrupted you, “I need Elodie with me, sir, because she always gives me moral support and I always get nervous when I am talking. I want Elodie to be with me.” So, you allowed Elodie to sit in. as you began to make conversation with Monde, Elodie would chip in with her own questions. She would ask you what your opinion would be. You told Elodie, “Ma’am, I am only obligated to respond to my client; you’re not my client.” But Monde against defended her best friend, “Sir, let Elodie ask, she was also among the employees who were fired.” That’s how you came to know that Monde and Elodie worked for the same employer before they were terminated.

With regard to this matter, which one of the following statements is true?

- A. Elodie was clearly not your client and was allowed into the client meeting on the say so and permission of your client.
- B. You failed to make it clear to the friend that you were not advising or representing her or offering her any advice and that you represent the client only.
- C. The friend did not speak and therefore, did not disclose any confidential information. As well, because you did not represent anyone adverse to her in interest there is no issue of conflict of interest. Therefore you have no obligation to her.
- D. You did not know Monde's situation and you could not be expected to anticipate what Elodie might do.

128. Independent Legal Advice (ILA) is sought for _____

- A. Possible conflict of interest situations
- B. Second opinion situations
- C. Judging the competency of the current paralegal
- D. Accessing the credibility of a licensee

129. A beneficiary of a fiduciary relationship is known as someone who _____

- A. Is a beneficiary
- B. Is a fiduciary
- C. Acts for another person with total trust, good faith, and honesty
- D. Acts in complete ignorance but has the trust of that other person.

130. A paralegal is obligated to report himself to the Law Society in all these circumstances, except _____

- A. He was charged with trafficking in drugs
- B. He was charged with careless driving
- C. He was charged under the *Income Tax Act* fraud
- D. He was charged with theft over \$5,000.

131. In general, PIPEDA's requirements may not apply to personal information held by provincially regulated employers in Ontario that relates to their _____

- A. Employees
- B. Customers
- C. Consumers
- D. Directors

132. Ontario's *Freedom of Information and Protection of Privacy Act* (FIPPA) applies to personal information _____

- A. Held by the government
- B. Subcontractors in all the 10 provinces
- C. Independent contracts in Ontario
- D. The Ministry of Labour only

133. When dealing with a client under a disability _____

- A. A paralegal has zero obligations
- B. A paralegal must pay attention to the individual needs of the client
- C. A paralegal should treat her as if she is not disabled
- D. A person may feel offended if given special treatment; the paralegal must not take any special consideration

134. The relationship with the client, the experience and expertise of the paralegal and or the possible harm or prejudice that could result from the paralegal doing this, are some of the factors that may be taken when a paralegal wants to _____

- A. Withdraw from representing a client
- B. Retain a new client
- C. Represent a client in a criminal matter
- D. Disclose confidential information

135. How should an affidavit be expressed in a proceeding?

- A. In the first person
- B. In the third person
- C. Using a jurat
- D. Before a commissioner for oaths

136. The advance of funds to secure the services of a paralegal or the written agreement that sets out the terms between a client and paralegal for the provision of legal services, is called _____

- A. Duty
- B. Retainer
- C. Trust
- D. Fiduciary

137. Judy, a licensed paralegal, offers her clients an arrangement for fees. She says that when she works on an application for them she will charge \$1,000 for doing the application, and \$1,000 if the application is successful. She asks for the whole \$2,000 as a retainer at the beginning of the matter.

When Judy completes the application she bills for the whole \$2,000 and transfers that amount to her general account. If the application is unsuccessful, she is obligated by the retainer agreement to return \$1,000 to the client.

Which one of the following statements is correct?

- A. This arrangement is allowed as it is an application and not a criminal or provincial offence matter.
- B. Judy must take only \$1,000 when the application is completed and pay out the remaining \$1,000 to the client from trust if the application is not successful.
- C. Tam would only be in trouble with the rules if he does not pay back the \$1,000 on the failure of an application.
- D. This arrangement is allowed so long as it is entered into as a written fee agreement between Tam and each of her clients.

CHAPTER 2

JURISDICTION AND FUNDAMENTALS

1. All public exercises of power must be authorized by and be in compliance with the law, informs ____

- A. Constitutionalism
- B. Rule of Law
- C. Institutionalism
- D. Parliamentary supremacy

2. Which section of the *Constitution Act*, 1982, provides that the “Constitution is the supreme law of the land”?

- A. S. 52(1)
- B. S. 24(1)
- C. S. 91
- D. S. 92

3. In Canada, a catalogue of guaranteed fundamental rights and freedoms is the _____

- A. *BN A Act*, 1867
- B. *Charter of Rights and Freedoms*
- C. *Criminal Code*
- D. *Bill of Rights Act*

4. All these are rights and freedoms guaranteed in the *Charter*, except _____

- A. Property rights
- B. Equality rights
- C. Religious rights
- D. Freedoms of expression

5. Canada has all these, except _____

- A. Dual executive system
- B. Bijural system
- C. Federal system
- D. Presidential system

6. The Queen's exercise of her powers through Ministers who serve at the confidence of the House of Commons is called ____
- A. Responsible government
 - B. Conventions
 - C. Parliamentary democracy
 - D. Confidence vote
7. Any of these are forms of delegated authority, except ____
- A. Administrative tribunals
 - B. Adjudicators
 - C. Prime Minister
 - D. Regulations
8. Parliament and provincial legislatures make or have ____
- A. Primary legislation
 - B. Primary regulations
 - C. Secondary legislations
 - D. Parliamentary autonomy

9. If a Minister or administrative tribunal exercises authority outside of its legislative power, it is _____
- A. *Ultra vires*
 - B. *Intra vires*
10. All of these are examples of public law in Canada, except _____
- A. Constitutional Law
 - B. Administrative Law
 - C. Family Law
 - D. Immigration Law
11. The law that defines rights and obligations is _____
- A. Substantive Law
 - B. Procedural Law
 - C. Law of Larches
 - D. Human Rights Rules

12. Provincial courts are also known as ____
- A. Trial courts
 - B. Appellate courts
 - C. Superior Courts of Justice
 - D. Courts of first instance and reference
13. Examples of administrative tribunals in Ontario include all these, except ____
- A. Labour Relations Board
 - B. Health Services Appeal and Review Board
 - C. Small Claims Court
 - D. Human Rights Tribunal
14. Under the Superior Courts of Justice, who is responsible for appointing and paying judges?
- A. The provincial government
 - B. The federal government
 - C. The Supreme Court of Canada
 - D. The Parliament

15. Provincial superior courts are able to hear and decide every kind of disputes, this may be referred to as _____
- A. Inherent jurisdiction
 - B. Exclusive jurisdiction
 - C. Fettered jurisdiction
 - D. Shattered jurisdiction
16. Majority of the parties who lose cases in the provincial or federal courts of appeal must _____
- A. Automatically appeal to the Supreme Court
 - B. Seek leave to appeal to the Supreme Court
 - C. Appeal as of right to the Supreme Court
17. The Parliament of Canada's residual power to make laws for peace, order and good government is called _____
- A. POGG
 - B. Rule of Law

18. Section ____ of the *Constitution Act*, 1867, grants Parliament the power to make laws in relation to the regulation of trade and commerce.

- A. 91(2)
- B. 92(1)
- C. 91
- D. 92

19. Section ____ of the *Constitution Act*, 1867, grants provincial legislatures the power to make laws in relation to property and civil rights.

- A. 92(3)
- B. 92(13)
- C. 91(3)
- D. 91(13)

20. Which section of the *Constitution Act*. 1867, gives the provincial governments power over municipal institutions?
- A. 92(8)
 - B. 92(14)
 - C. 92
 - D. 91
21. Which section of the *Constitution Act*. 1867, gives the provinces the power of the administration of justice?
- A. 92(8)
 - B. 92(14)
 - C. 92
 - D. 91
22. The three doctrines which analyze disputes concerning the federal division of powers in Canada include all these three, except ____
- A. Interjurisdictional immunity
 - B. Federal paramountcy
 - C. Constitutionalism
 - D. Pith and substance

23. The *Charter* applies to all these, except ____

- A. Universities and colleges
- B. Provincial governments
- C. Federal government
- D. Administrative tribunals

24. In Canada, the accused's right to silence is contained in ____ of the *Charter*.

- A. Section 7
- B. Section 15(2)
- C. Section 32(1)
- D. Section 11(d)

25. For a business partnership to exist there must be all these, except ____

- A. Money
- B. Business
- C. Likelihood of profit
- D. Sharing of profits

26. What is the most common form of business organization?
- A. Corporation
 - B. Partnership
 - C. Sole Proprietorship
 - D. LLP
27. All these are interests or estates the Crown has allowed in land, except ____
- A. Simple estate
 - B. Life estate
 - C. Leasehold estate
 - D. Real estate
28. Under the *Consumer Protection Act*, a consumer is defined as ____
- A. A commercial merchant
 - B. A business investor
 - C. A person acting for personal, family or household purposes
 - D. Any person who consumes goods and services

29. A 10-day cooling period applies in respect to the following pursuant to the *Consumer Protection Act*, except ____
- A. Time-share agreements
 - B. Personal development agreements
 - C. Direct agreements
 - D. Direct agreements for the supply of water heater
30. Under the *Personal Property Security Act* (PPSA) a buyer of goods from a seller ____
- A. Rightfully expects to acquire the goods free from liens
 - B. Rightfully expects to acquire the goods free from encumbrances
 - C. Rightfully expects to acquire the goods free from security interests
 - D. Rightfully expects to acquire the goods free from liens, encumbrances, and any security interests unless such goods are not sold in the ordinary course of business

31. The boundaries of the eight court administration regions in Ontario are fixed by what regulation?

- A. Designation of Regions, R.R.O. 1990, Reg. 186
- B. Rules of Civil Procedure, R.R.O. 1990, Reg. 194
- C. Number of Judges, O. Reg. 502/99
- D. *Courts of Justice Act*, R.S.O. 1990, c. C.43

32. Natalia is caught driving in excess of 150 km/h in a posted speed limit of 100 km/h in a small town of Georgina near Lake Simcoe. The court jurisdiction will likely lie in which region?

- A. Central East, Newmarket
- B. East, Ottawa
- C. Northwest, Thunder Bay
- D. Northeast, Sudbury

33. What provision under the *Courts of Justice Act* provides that the official languages of the courts of Ontario should be in English and French?

A. S. 125(1)

B. S. 125(2)

C. S. 126(1)

D. Bilingual Proceedings, O. Reg. 53/01, s.
3

34. The Court of Ontario consists of two divisions—the Superior Court of Justice and ____.

A. Ontario Court of Justice

B. Supreme Court of Ontario

C. Superior Court of Queen’s Bench

D. Ontario Provincial Court

35. Appeals from the Small Claims Court lie to the ____

A. The Superior Court of Justice

B. Ontario Court of Justice

C. County Court

D. District Court

36. Each of these is a member of the Superior Court of Justice, except ____
- A. The Chief Justice of Canada
 - B. Chief Justice of Ontario
 - C. Associate Chief Justice of Ontario
 - D. Senior Judge for the Family Court
37. Are paralegals allowed to appear before the Superior Court of Justice?
- A. Yes
 - B. No
 - C. Never
 - D. Yes, but only in Small Claims Court
38. The jurisdiction of the Small Claims Court is set in ____
- A. *Courts of Justice Administration Act*
 - B. Small Claims Court Jurisdiction and Appeal Limit Regulation
 - C. *Statutory Powers Procedure Act*
 - D. *Provincial Offences Act*

39. Jurisdiction that arises from historical precedent and does not depend on statutory enactment is referred to as ____

- A. Inherent
- B. Exclusive
- C. Diminished
- D. Peremptory

40. A paralegal ____

- A. May not appear before the Court of Appeal
- B. May appear before the Court of Appeal
- C. Cannot appear before the Court of Appeal
- D. Can appear before the Court of Appeal

41. The Paralegal Rules ____

- A. Do not address a paralegal's authority to act and commence a proceeding on behalf of a client
- B. Address a paralegal's authority to act and commence a proceeding on behalf of a client
- C. Deem a paralegal has authority to act and commence a proceeding on behalf of a client
- D. Deem a paralegal has no authority to act and commence a proceeding on behalf of a client

42. Paralegal Peter has been retained by Client Corrie. The Client has instructed Peter to make a demand for payment of \$1,500 from his debtor but not to issue a claim. After three attempts at collecting the money, Peter commences a civil lawsuit against the Client's debtor. Peter may be liable for breach of ____

- A. Warranty of Authority
- B. Fiduciary
- C. Contract
- D. Terms and Conditions

43. The presumption that the client has the necessary mental ability to make decisions about his or her legal affairs and give instructions to the paralegal is called ____

- A. A paralegal-client relationship
- B. Retainer agreement
- C. Status
- D. Legal services

44. A minor ____

- A. May sue in Small Claims Court for a sum not exceeding \$500
- B. Can only sue in Small Claims Court by his or her litigation guardian
- C. Cannot sue in Small Claims Court under any circumstance
- D. May sue in Small Claims Court for a sum less than \$35,000

45. An undischarged bankrupt ____

- A. Cannot sue
- B. Can sue where the claim is for damages for wrongful dismissal
- C. Cannot sue for pain and suffering or mental distress
- E. Can sue for proprietary interests

46. Paralegal Ponte was retained to act for Fred Kembe on September 15th, 2017. Fred Kembe died on November 7th, 2017, two weeks after Ponte issued a Plaintiff's Claim in the Small Claims Court for \$35,000. Fred Kembe's estate does not have any legal representation. Ponte ____

- A. Should continue to act because he is already under retainer
- B. Should stop acting immediately because his client no longer exists
- C. Should appoint an estate legal representative and give him or her instructions to act
- D. Should ask the defendant to settle for less than \$25,000

47. Client Coreen has a long-standing business relationship with Dave Daugaard. Recently, Dave has become indebted to Coreen in the amount of \$17,000.00. Paralegal Paul is retained by Client Coreen to collect the debt and possibly sue in the Small Claims Court. Paul becomes aware that 85 percent of Coreen's business depends on Dave's business connections to continue. Should Paul recommend suing Dave to Coreen?

- A. Yes, because Dave owes Coreen money
- B. No, because Paul has no authority to advise Coreen to sue
- C. Paul should be cautious because Coreen's relationship with Dave is vital to Coreen's business
- D. Paul should advise Coreen to sue and settle at the Settlement Conference without going to trial

48. A paralegal should keep the client informed of alternatives to litigation ____
- A. At all stages of a proceeding
 - B. Only at the Settlement Conference
 - C. Only during mediation
 - D. Shortly before trial
49. Kevin has retained Paragon Paralegal Services (PPS) for the sole purpose of humiliating the defendant, Dean, because “Dean took my girlfriend and he needs to be taught a lesson.” PPS should ____
- A. Decline the retainer because it is contrary to Rule 3.02(11) which requires the paralegal to discourage a client from continuing a useless proceeding
 - B. Continue the retainer because Dean deserves retribution
 - C. Advise Kevin to withdraw the claim because it is frivolous and in bad taste and if Kevin refuses, to withdraw because it is reasonable to do so pursuant to Rule 3.08(1)
 - D. Encourage Kevin to compromise or settle a dispute with Dean

50. Which of the following is not true of the paralegal-client relationship?
- A. The client is entitled to terminate the paralegal-client relationship at any time
 - B. The client is entitled to terminate the paralegal-client relationship for any reason
 - C. A paralegal shall withdraw from representation of a client for any reason
 - D. A paralegal shall not withdraw from representation of a client unless there is good cause for terminating the relationship and reasonable notice is given to the client

51. Mark is a newly licensed paralegal who now works in your paralegal firm. Mark recently prepared a statement of account for one of the firm's clients. You noticed that Mark had mixed the details of amounts charged as fees together with disbursements. What will your advise to Mark be?

- A. Mark may merge accounts with no problems at all
- B. Fees are account receivables, so it is fine to mix the accounts
- C. Fees and disbursements should not be mixed but should be shown separately
- D. The Law Society does not concern itself with how accounts are kept in a paralegal firm

CHAPTER 3

CIVIL LITIGATION

1. Which statute establishes the organization of the courts in Ontario

A. Courts of Justice Act

B. The Constitution of Canada

2. For the purposes of official language, which section of the *Courts of Justice Act* (CJA) establishes English and French as official languages?

A. 125(1)

B. 126(1)

3. Which one of the following is not a regulation created under the CJA?

A. O Reg. 67/12

B. O. Reg. 258/98

C. O. Reg. 53/01

4. The two divisions of the Courts of Ontario are _____
- A. Superior Court of Justice and Small Claims Court
 - B. Court of Appeal for Ontario and Divisional Court
5. What is the monetary jurisdiction of the Small Claims Court in 2021?
- A. \$25,000
 - B. \$10,000
 - C. \$35,000
6. Does the Small Claims Court have jurisdiction to grant equitable relief pursuant to s. 96(3) of CJA and the decision in *Grover v. Hodgins*?
- A. Yes
 - B. No

7. The Divisional Court is the branch of

- A. Superior Court of Justice
- B. Ontario Court of Justice

8. The final order of the Small Claims Court, on appeal, lies to _____

- A. Divisional Court
- B. Court of Appeal for Ontario

9. The Family Court falls under _____ jurisdiction

- A. Provincial
- B. Federal

10. The Court of Appeal for Ontario has _____ jurisdiction

- A. Inherent
- B. Exclusive

11. The paralegal must act with the authority of the _____
- A. Client
 - B. Court
12. What does the paralegal-client relationship presume?
- A. Client has the necessary mental capacity
 - B. Paralegal has the necessary mental capacity
13. What must a paralegal communicate to a client before litigation is commenced?
- A. That litigation is expensive, time consuming and stressful
 - B. That mediation is expensive, time consuming and stressful

14. What should a paralegal encourage clients to do?

- A. Settle or compromise
- B. Go to trial and win

15. Who is entitled to terminate a paralegal-client relationship?

- A. Client
- B. Paralegal

16. _____ involves inadvertent or careless conduct that causes injury or damages to others.

- A. Negligence
- B. Intentional Tort

17. Each of these is one of the three elements one should establish to succeed at proving Negligence, except _____
- A. Wrongful act
 - B. Breach of fiduciary duty
 - C. Causation
 - D. Harm
18. If a previous duty of care has not been recognized, the court will apply the two-part test, namely _____
- A. Anns Test; policy reason
 - B. *Prima facie* case; Anns Test
19. The standard of care under Negligence is usually that of a _____ person
- A. Reasonable and prudent
 - B. Mentally capable and adult

20. Special standards of care apply in all these situations, except _____

- A. Reasonable person
- B. Disabled person
- C. Children
- D. Professionals

21. The “But for” Test is _____

- A. Causation-in-fact
- B. Causation-in-law

22. The rule that provides that a defendant must take his victim as he finds him is called _____

- A. Thin-skull
- B. Egg-shell

23. The purpose of _____ in Negligence is to place the plaintiff back in the place he or she would have been had the tort not been committed.
- A. Compensatory damages
 - B. Punitive damages
24. Each of these is a possible defence to Negligence, except _____
- A. Provocation
 - B. Contributory negligence
 - C. Voluntary Assumption of Risk (*Volenti*)
25. To succeed against a manufacturer for negligent design or manufacture, the plaintiff must establish all these, on a balance of probabilities, except _____
- A. The design was faulty
 - B. The product contained a defect
 - C. The manufacturer owed a duty of care
 - D. The manufacturer conduct fell below the standard of care
 - E. The breach caused the plaintiff's injury
 - F. The injury was reasonably foreseeable

26. All these are the four general requirements underlying intentional torts, except _____
- A. Duty of care
 - B. Directness
 - C. Volition
 - D. Capacity
 - E. Intention
27. Each of these are examples of torts of intentional interference with the person, except _____
- A. Negligence
 - B. Battery
 - C. Assault
 - D. False imprisonment
28. If one causes severe mental suffering on another, a tort of _____ may have been committed.
- A. Intentional infliction of nervous shock
 - B. Intentional infliction of mental shock

29. The two most common defences to intentional torts are _____

- A. Consent and self-defence
- B. Defence of others and defence of property

30. The primary remedy for intentional torts is _____

- A. Damages
- B. Equitable relief

31. All these are examples of intentional interference with chattels, except _____

- A. Trespass to land
- B. Trespass to chattels
- C. Detinue
- D. Conversion

32. _____ is the process of interim recovery of one's chattels before the judicial proceedings commence.

- A. Replevin
- B. Recaption

33. Is Vicarious Liability a form of Strict Liability?

- A. Yes
- B. No

34. The three basic elements of a contract are _____

- A. Offer; acceptance; and consideration
- B. Offer; capacity and intention to create legal relations

35. If a contract is uncertain or is contrary to public policy, it is _____

- A. Invalid
- B. Impossible

36. Who at common law lacked the capacity to contract?

- A. Minors and mentally incapable people
- B. Senior citizens and temporarily insane people

37. A clause that excludes or limits a party's liability in the event of breach is called _____

- A. Exclusionary clause
- B. Exculpatory clause

38. The case of *Queen v. Cognos Inc.* speaks to the elements of _____

- A. Negligent misrepresentation
- B. General misrepresentation

39. Only parties to a contract can enforce it informs _____ of contract

- A. Privity
- B. Privative

40. Failure to comply with a covenant or condition in a contract may lead to _____

- A. Relief from forfeiture
- B. Rescission

41. The employer's level of control over the worker's activities may determine _____

- A. Whether the relationship is one of employee v. independent contractor
- B. Whether the relationship is one of employee v. dependent contractor

42. All these are employment relationships, except _____

- A. Parent
- B. Director
- C. Partner

43. The employee has the obligation and duty to _____

- A. Fidelity and good faith
- B. Fidelity only

44. Minimum standards of employment are provided for in the _____
- A. *Employment Standards Act*
 - B. *Pay Equity Act*
45. Do employers in Ontario have the duty to protect employees against discrimination?
- A. Yes
 - B. Sometimes
 - C. No
46. Which of the following is excluded from *Employment Standards Act* (ESA)?
- A. Judicial workers
 - B. Construction workers
47. Which statute addresses the prevention of injury and disease in the workplace?
- A. *Occupational Health and Safety Act* (OHSA)
 - B. *Human Rights Code* (Code)

48. The right to refuse work is contained in

- A. Section 43(3) of OHSA
- B. Section 134.1(4) of OHSA

49. Which two statutes protect employees against workplace harassment?

- A. OHSA and the *Human Rights Code*
- B. The *Human Rights Code* and *Criminal Code*

50. Mr. Bush's office is located on a tenth floor of an old building without elevators. Mr. Bush has several clients in wheelchair. Mr. Bush may be found not in compliance with _____

- A. *Accessibility for Ontarians with Disabilities Act (AODA)*
- B. *Ontario Human Rights Code*

51. All these determine reasonable notice except _____
- A. Gender of employee
 - B. Character of employment
 - C. Age of the employee
 - D. Availability of similar employment
52. How much notice should an employee who has been working for three months be entitled to under ESA?
- A. 2 weeks
 - B. One week
53. To qualify for severance pay an employee should be working for _____
- A. At least five years
 - B. For three and half years

54. The employer can legally terminate employment _____
- A. Without just cause
 - B. For just cause
55. Making a change to an implied or express term of the employment contract that a reasonable person in the shoes of the employee would view as substantially altering an essential term of the contract is called _____
- A. Constructive dismissal
 - B. Wrongful dismissal
56. A creditor can find out about a debtor's current financial circumstances in order to enforce a judgment through _____
- A. A writ of seizure
 - B. A writ of sale of land
 - C. Judgment Debtor examination
 - D. Garnishment

57. The Ontario Provincial Police (OPP) stops a man on Highway 401. Upon review of his Driver's License and asking Darius a few questions, the OPP officer finds out that he is an aboriginal man who lives on the reserve and he is travelling to Kitchener. Darius is give a ticket and he approaches you for legal advice.

- A. The OPP have no jurisdiction to charge him because of section 91 (24)
- B. The OPP have jurisdiction to charge him because of section 91 (27)
- C. The ticket is valid under section 92 (13)
- D. The division of powers does not apply to the OPP

58. _____ explains what the hearing is about and allows sufficient time to prepare to address the issues that may be raised at the hearing.

- A. Adequate notice
- B. Judicial review
- C. Disclosure of all documents
- D. Tribunal's practice directions

59. The three types of partnerships that are allowed and recommended in Ontario are:

- A. Limited Partnership, practice partnership and corporate partnership
- B. Corporation, partnership, Sole Proprietorship
- C. Professional corporation, numbered companies, Limited Liability Partnership
- D. General Partnership, Limited Partnership, and Limited Liability Partnership

60. Negligence _____

- A. Is proven by reference to the standard of care
- B. Is a type of intentional tort
- C. Involves foreseeable harm to the plaintiff which the defendant caused
- D. Allows the injured party to obtain full remedies

61. All of the following regarding a Sole Proprietorship are correct, except _____

- A. It is the easiest form of business to set up
- B. There is no legal separation between the person and the business
- C. A Sole Proprietorship is created as soon as someone opens a business that interacts with the public and may use their own name for the business
- D. The personal assets of the sole proprietor are never at risk if the business is sued

62. If a contract with a minor is for the necessities of life, _____

- A. It is defective
- B. It is unenforceable *ab initio*
- C. It is enforceable at law
- D. It is against public policy

63. Which of the following statements is correct with regards to a Limited Partnership?

- A. It has one or more general partners and one or more limited partners
- B. It is a general partnerships
- C. It is a legal entity created by the partners with limited liability coverage
- D. It relies on a partnership agreement to enforce the oppression remedy

64. Bill states, “It is a fact that this medicine can cure migraine headache” to Guy, who has asked for medicine that can cure acute headaches. Guy has no way to verify this claim, as there is “no time to delay otherwise his daughter might relapse” and he must get home and give her the medicine. Bill’s statement is a _____

- A. Condition but not warranty
- B. Warranty but conditional
- C. Material representation
- D. Condition precedent but not condition subsequent

65. A person or persons who organize the corporation and file the Articles of Incorporation is/are called _____
- A. An incorporator
 - B. A shareholder
 - C. A director
 - D. A subscriber
66. Which of the following is the least accurate statement with regard to the role of agents?
- A. An agent acts on a principal's behalf in an interaction with a third party and affects the legal interests of the principal
 - B. An incorporator who signed a pre-incorporation contract will be personally liable if the corporation does not come into existence.
 - C. All partners are agents of their partnership
 - D. If an agent is made aware of the scope of his or her authority, the principal is unlikely to be found liable for contracts made with third parties outside the scope of authority

67. When examining the “pith and substance” of a law, the courts will look at all of the following, except _____
- A. The main thrust or true subject matter of the legislation
 - B. Whether it is passed by the senate
 - C. How the law as a whole affects those who are affected by it
 - D. The text of the law, including the preamble
68. Ackim buys a computer product from Cobco Inc. and discovers that its packaging resembles a similar product bought by his sister, Clementine, from Apeco Ltd. Cobco and Apeco are known competitors. Ackim opines, “Either Cobco or Apeco designed this product with the hope that consumers will mistake it for the competitor’s.” Name the tort involved in question.

- A. Intentional negligence
- B. Unintentional tort
- C. Conversion
- D. Passing off

69. Which of the following is not true regarding the tort involving personal property?

- A. The wrongful possession of a physical object that belongs to another person is the tort of detinue
- B. Taking a person's bike and selling it to a third party would qualify as the tort of conversion.
- C. Borrowing a neighbour's bicycle and refusing to return it would qualify as a tort of conversion
- D. Borrowing a neighbour's lawnmower and refusing to return it would qualify as a tort of theft

70. A statement, thus, “The reasonable possibility that information will be useful to the accused in making full answer and defence,” refers to _____
- A. The test for relevance of evidence
 - B. The test for materiality of evidence
 - C. The threshold test for admissibility of hearsay evidence
 - D. A relative possibility that information will be useful to the accused in making full answer and defence
71. Which of the following would be a Schedule 2 employer for Workplace Safety and Insurance Board (WSIB) purposes?
- A. Toronto District School Board
 - B. BG Mining Ltd.
 - C. Walmart Ltd.
 - D. Legislative Assembly of Ontario

72. All of the following are true with regard to the ownership of corporations, except

- A. If the people who created a corporation die, the corporation continues to exist.
- B. The rights of share ownership differ according to the type of shares that the shareholder wants and the terms of any shareholders' agreement that may exist.
- C. Directors are elected by shareholders and must report to shareholders at regular shareholders' meetings.
- D. Shareholders owe a fiduciary duty that requires that they put the corporation's interests before their own personal financial interests.

73. Joseph and Kevin have successfully negotiated and settled on a price in the sale of Kevin's horse-breeding farm and they have shaken each other's hands. What else should Joseph do pursuant to the *Statute of Frauds* in order to validate the contract?

- A. He should pay a deposit to Kevin
- B. He should ensure that he has enough money to purchase it so that there is no breach of contract
- C. He should obtain a written agreement
- D. He should inspect the property for latent defects

74. Contributory negligence is _____

- A. By far the most commonly argued defence in negligence cases
- B. A defence in intentional torts
- C. The commonest charge under the *Negligence Act*
- D. As common a defence as consent is

75. The Ontario *Human Rights Code* applies to employment law in Ontario. Which of the statements below is incorrect?
- A. The grounds in the *Code* are not exhaustive — other forms of discrimination may be prohibited as well, in keeping with “the dignity and worth of every person.”
 - B. Within defined limits, nepotism is a category of discrimination permitted by human rights legislation.
 - C. Employees have a duty to cooperate in the accommodation process, it is a “two-way street.”
 - D. Employers may be required to create new positions for disabled employees by assembling duties from jobs currently performed by other employees.

76. Which of the following situations may not be covered by Ontario's *Human Rights Code*?
- A. Joe's employment is terminated for being away from work because of Covid-19 pandemic.
 - B. Joe is a Seventh Day Adventist. He asked for a day off for him to attend a Youth Conference which happened to be on a Saturday. Everyone at his work attend on Saturdays. Joe's supervisor refused to give him a day off but Joe still attended the conference anyway. His job is terminated.
 - C. Joe's wife, Betty, just gave birth. Joe is dismissed from work for taking two days off to help Betty take care of the baby because Betty was not feeling well.
 - D. Joe is dismissed from work after changing his sex from a male to a female.

77. A plaintiff brings an action in the Superior Court and obtains an interim order for the return of the disputed property. The Court requires the plaintiff to post security against the value of the item until after the trial. This is called _____

- A. Recaption
- B. Injunction
- C. Absolute privilege
- D. Replevin

78. Responding to, explaining, or clarifying matters raised with a witness during cross-examination is known as _____

- A. Cross-examination
- B. Re-examination
- C. Examination-in-chief
- D. Rebuttal questions

79. *Viva voce* is _____

- A. Witness testimony
- B. Evidence given in a written form
- C. Evidence given orally
- D. Evidence given via affidavits

80. You have heard that you might be an employee despite the fact that you have been working as an independent contractor for Nike Corp as a shoe-designer. Which of the following does not indicate that you are an employee?

- A. You report for work every day of the week
- B. You have been provided with a well-furnished corner office
- C. You are required to bring your own show-making equipment to work
- D. You are entitled to bonuses

81. Partners in a partnership can be all these, except _____

- A. Individuals
- B. Corporations
- C. Sole proprietorships
- D. Capital

82. The following benefits are available under SABS in Ontario, except _____

- A. Nursing care
- B. Vehicle replacement
- C. Medical therapy
- D. Caregiver benefits

83. For an offer to be valid, it must be _____

- A. Accepted only in writing
- B. Accepted only orally
- C. Accepted in writing or orally
- D. It is not necessary to communicate acceptance

84. If the contract is to be accepted in writing, acceptance by regular mail occurs _____

- A. When the letter arrives at its destination, regardless of whether it is opened and read
- B. When there is a meeting of minds
- C. Five days after the letter was mailed
- D. The same day the letter is mailed

Questions 85 and 86

Saha sends a letter to Sasha in which he offers to redesign her living room on September 5th, 2022. In the letter, Saha tells Sasha, this, “You have until September 16th, 2022, to accept the offer.” Sasha receives Saha’s letter on September 10th, 2022. On September 15th, 2022, Sasha sends a properly addressed letter back to Saha accepting the offer. On September 17th, 2022, Saha changes his mind and does not want to make the offer any more.

85. When was acceptance effective?

- A. On September 10th, 2022
- B. On September 15th, 2022
- C. After September 15th, 2022
- D. After September 6th, 2022, but before September 18th, 2022

86. Does Saha's change of mind vacate acceptance?

- A. No, it does not. Once acceptance is sent, a contract is formed
- B. Yes, it does. As long as Saha is not aware that Sasha has sent the letter of acceptance, there is no contract.
- C. Yes and no. In some respects, yes, in others, no.
- D. Sasha should have called Saha on the phone to notify him that acceptance has been mailed.

87. The postal rule has variously been called by all of the following, except _____

- A. Postal acceptance rule
- B. Mailbox rule
- C. An exception to the general rule that an acceptance is only created when communicated directly to the offeror
- D. Waddams-Fridman rule

88. Remedies under section 24 of the *Charter of Rights and Freedoms* include _____

- A. Exclusion of evidence, Crown prerogative, suspended declaration
- B. Crown prerogative, declarations, injunctions
- C. Declaration, injunctive relief, stay of proceedings
- D. Prerogative injunction, immunity, prohibition

89. What is an injunctive relief?

- A. It is an equitable relief
- B. It is an interlocutory relief
- C. It requires the defendant to take some action or to cease from carrying out something to avoid further harm to the plaintiff
- D. It is not available in Canadian courts

90. What options does an insured person have if they are in a dispute with their insurer?

- A. File a claim in Small Claims Court
- B. File a tort claim against the insurer
- C. Apply to LAT for arbitration
- D. Follow the FSCO dispute resolution procedure

91. Pleadings are _____

- A. Documents filed at the commencement of a proceeding in which the parties state the allegations of fact
- B. They are the statements of claim
- C. They are defence documents
- D. They are the plaintiffs' claim

92. Pavlov Bent is a 60-year-old man who resides in a relatively quiet neighbourhood. One day, he got drunk and he stood outside of his house and started yelling at Tony Lee, his neighbour. Another neighbour, Glen Bender, called police and reported that the shouts were disturbing the entire neighbourhood. When police arrived, they discovered a gun on the ground nearby. The people across the street said that they heard the yelling and a noise that sounded like a firecracker, but are used to Pavlov's antics, and ignored him. Pavlov's antics could be considered a tort of _____

- A. Nuisance
- B. Negligence
- C. Disturbance with the peace of the public
- D. Solicitation

93. A case in which the Supreme Court of Canada decided that punitive damages for an employer's bad-faith conduct in the manner of dismissal should be granted where the employer has committed an independent actionable wrong, is the _____

- A. Honda Canada Inc. v. Keays*
- B. Wallace v. United Grain Growers Ltd.*
- C. Bardal v. Globe & Mail Ltd.*
- D. McKinley v. BC Tel*

94. "Reading in" by the Court happens when _____

- A. A legislative provision violates the *Charter* and it furthers the objective of the legislation
- B. There is an intrusion into the legislative prerogative
- C. A legislative provision violates the *Charter* and it modifies the objective of the legislation
- D. It would invalidate the legislative scheme

95. The significance of the case *McKinley v. BC Tel* is that ____

- A. It is a landmark Supreme Court of Canada decision that established the current approach in determining whether a dismissal was for just cause
- B. It is a landmark Supreme Court of Canada decision that established the current approach in determining whether a dismissal was not for just cause
- C. It is a landmark Supreme Court of Canada decision that established the current approach in determining whether a dismissal can be constructive
- D. It carries the same proposition as the case of *Weisenberger v. Marsh Canada Limited*

96. A deadline prescribed by the *Limitations Act*, 2002 for commencing a proceeding is called _____
- A. A limitation period
 - B. A discoverability rule
 - C. Deterrence
 - D. A peremptory deadline
97. A claim that cannot be legally enforceable or commenced because its time period (usually of two years in Ontario) has ended is said to be _____
- A. Statute-barred
 - B. *Sine qua non*
 - C. *Res judicata*
 - D. *Functus officio*

98. In Ontario, when calculating a period of time for taking a certain procedural step, you should _____
- A. Include the first day and exclude the last day of the period
 - B. Exclude the first day and include the last day of the period
 - C. Include the first day and include the last day of the period
 - D. Exclude the first day and exclude the last day of the period

Questions 99 and 100

99. A plaintiff wants to commence a Small Claims Court action against a partnership operating as Summer, Spring & Fall. If the plaintiff wants to find out the names of the partners at the time the wrongful actions took place, what should he do?

- A. He should serve a notice of disclosure of partners at the material time on the partnership
- B. He should serve a Notice to Alleged Partner at the material time on the partnership
- C. He should carry out a corporate profile search
- D. He should carry out a business names search

100. How should the partnership be named on the plaintiff's claim?

- A. Summer, Spring and Fall
- B. The names of the partners a.k.a. (also known as) Summer, Spring & Fall
- C. The names of the partners c.o.b. (carrying on business as) Summer, Spring & Fall
- D. The partners should be named on a Form 1A (or the Small Claim's additional parties form)

101. The *Charter of Rights and Freedoms* does not guarantee all of our rights and freedoms

- A. Because the rights and freedoms are limited by s. 1 of the said *Charter*
- B. Because the rights and freedoms are subject to the notwithstanding clause of the said *Charter*
- C. Because the *Charter* is limited by the Oakes Test
- D. Because the Prime Minister and the Cabinet are above the law

102. On June 11th, 2023, Ken Phiri, a defendant, is served with a plaintiff's claim for a liquidated amount. Ken is served personally. By July 4th, 2023, Ken has not filed a defence pursuant to the Rules of the Small Claims Court. Which of the following is true?

- A. If Ken is a person under disability, he may not be noted in default except with leave of the court
- B. If Ken is not a person under disability, he may not be noted in default
- C. If Ken is not a person under disability, default judgment may not be signed against him because the Plaintiff's claim is for a liquidated amount
- D. If ken is a person under disability, default judgment may be obtained against him by the plaintiff in the plaintiff's claim but only at trial or on a motion

103. Forty-five days before the date set for trial, the defendant serves a written statement by an expert witness on the plaintiff. The name, telephone number, address for service, and qualifications of the expert witness are appended to the written statement. The plaintiff wants to

cross-examine the defendant's expert witness at trial. What must the plaintiff do?

- A. Nothing
- B. Serve a summons on the defendant at least 30 days before the trial date
- C. Serve a summons on the defendant and at the time it is being served, serve its copy on every other party, if there is any
- D. Make a motion at least 30 days before the trial date, to compel the expert witness's attendance at trial

104. A plaintiff commences an action for \$25,000.00. Forty-five days before the trial, the plaintiff makes an offer to settle upon payment by defendant in the amount of \$20,000.00. The offer is not accepted, is not withdrawn, and has not expired before the trial date. At trial, the court awards the plaintiff \$22,000.00. Which of the following is true?

- A. The maximum costs exclusive of disbursements that the court may award the plaintiff is \$1,800.00
- B. The maximum costs exclusive of disbursements that the court may award Plaintiff is \$1,950.00
- C. The maximum costs exclusive of disbursements that the court may award the plaintiff is \$2,250.00
- D. The maximum costs exclusive of disbursements that the court may award the plaintiff is \$4,500.00.

105. The POGG (or Peace, Order, and Good Government) power includes all of the following, but not including ____

- A. National emergency
- B. National concern
- C. Anything not covered in sections 91 or 92 of the *Constitution*
- D. Property and civil rights

106. Which of these is not a protection offered by the *Consumer Protection Act* of Ontario?
- A. If a business denies credit to a consumer, the consumer may challenge the denial by making an application to the credit-reporting agency pursuant to the *Consumer Reporting Act*
 - B. A cooling-off period is a period during which consumers can cancel their contracts without providing businesses with any justification for doing so
 - C. When repairing vehicles and other goods, a business is obliged to provide a written estimate unless the consumer declines the offer, or authorizes a maximum payment that is not exceeded
 - D. Price estimates for repairing vehicles and other goods must be in writing and contain specifics about the repairer, the vehicle to be repaired, and the parts and services required, and it must provide an itemized list of costs

108. Which of the following is false?

- A. In Canada, the person who represents the reigning English monarch is the Governor General
- B. By convention, the Prime Minister appoints the members of Cabinet from each province of Canada
- C. By convention, the Queen appoints a Governor General nominated by the Prime Minister
- D. In Canada, the Cabinet is chosen by the Governor General

109. A creditor serves a notice of garnishment of a bank account owned by the debtor on the debtor's bank. The bank account is co-owned by the debtor and her spouse. What must the bank do?

- A. The bank must file a garnishee's statement with the court within 10 days after service of the notice of garnishment
- B. The bank must serve a copy of the garnishee's statement along with a notice to the co-owner of debt and the debtor's spouse
- C. The bank must request an assessment hearing
- D. The bank must serve a copy of the garnishee's statement on both the creditor and the debtor

110. Which of these is not a fundamental freedom provided to Canadians under section 2 of the *Charter*?

- A. Freedom of conscience and religion
- B. Freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication
- C. Freedom of peaceful assembly
- D. Freedom to use either English or French

111. “Fundamental Justice” in section 7 of the *Charter* refers to which of the following?

- A. A standard
- B. A pith and substance
- C. A morally binding principle
- D. A limitation on liberty

112. What is a share certificate in corporate business?

- A. A document that represents the ownership of shares in the corporation; it serves as legal proof of ownership of the number of shares indicated in it
- B. It is also known as a corporate seal
- C. It is not the same as a stock certificate
- D. It is referred to in vernacular as a numbered company

113. An officer in a corporation is _____

- A. A director
- B. Responsible to supervise directors
- C. Elected by shareholders at an AGM
- D. Given specific duties by the directors

114. Which of the following are the most common shareholder remedies?

- A. Oppression and derivative action
- B. Winding up and oppression
- C. Investigations and a compliance order
- D. Personal rights of dissent and appraisal

115. Which of the following is an incorrect statement about a regulatory scheme that protects consumers from dangerous products?

- A. Health Canada does not handle all matters related to illegal food handling
- B. The *Food and Drugs Act* does define what a drug is but narrowly
- C. There are penalties for failure to comply with the *Food and Drugs Act*
- D. The *Hazardous Products Act* provides more than 23 categories of “restricted” products that must be labelled in a specific manner

116. In advocacy, which of the following is not a step you should take to properly introduce and use an exhibit?
- A. Establish a context of foundation for the exhibit
 - B. Have the witness authenticate the exhibit
 - C. Provide the exhibit to the audience
 - D. Show the exhibit to the witness and to the other side and then to the judge
117. When an objection is made and the judge says, "Sustained," the decision-maker _____
- A. Has agreed and excludes the evidence
 - B. Has not agreed and excludes the evidence anyway
 - C. Has agreed but prefers to use the evidence
 - D. Has overruled and disagreed but chooses to allow the evidence

118. The *Personal Property Security Act* of Ontario (or PPSA) engages in _____

- A. The determination of the priority of security interests in real property
- B. Situations where a lien is used to register an interest under it
- C. Determining priority by the first to register
- D. Determining priority by date of loan agreement

119. Settlement discussions may be disclosed to a judge _____

- A. At a settlement conference
- B. During cross-examination at trial
- C. During submissions as to costs after final disposition of the matter by the court
- D. Never at any time in the litigation process

120. Confidential communications between client and paralegal are protected by _____

- A. Paralegal-client privilege
- B. Litigation privilege
- C. Rule of confidentiality
- D. Ethics and professional responsibility

121. Communications of a non-confidential nature between the paralegal and third parties and even including materials of a non-communicative nature during the litigation process are protected by _____

- A. Paralegal-client privilege
- B. Litigation privilege
- C. Rule of confidentiality
- D. Ethics and professional responsibility

122. In Ontario, the *Sale of Goods Act* is _____

- A. The principal statute that governs commercial sale transactions
- B. Is subservient to the *Consumer Protection Act* in commercial transactions
- C. Is based on tortious liability
- D. Is not founded in contract law

123. Does a licensing agreement with a patent holder permits use of the patent for a fee?

- A. Yes.
- B. No.
- C. Yes and no
- D. Neither yes not no

124. Territorial jurisdiction, as opposed to monetary jurisdiction, is _____
- A. The lawful authority of a court to deal with certain types of matters
 - B. The lawful authority of a court to prescribe certain types of remedies
 - C. The lawful authority of a court to make orders for payment of certain amounts of money
 - D. The lawful authority of a court to hear matters within a certain geographical area
125. What is the significance of a “cooling off” period under consumer protection legislation?
- A. It serves to cool off disputes
 - B. It prevents consumers from paying for the services they have used
 - C. It enables consumers to cancel the contract any time
 - D. It ensures that consumers get all of their moneys if the contract is cancelled within the cooling off period

126. Special damages are _____

- A. Also known as specific or liquidated damages
- B. Specific monetary amounts whose value must be established at the hearing
- C. Various called unliquidated damages
- D. Sometimes known as punitive damages

127. A default proceeding in which the Court assesses the quantum in the case of undefended action is called _____

- A. Settlement Conference
- B. Terms of Payment Hearing
- C. Assessment Hearing
- D. *Ex parte* motion

128. What is true about terms of payment in Small Claims Court?

- A. The defendant must pay the agreed to amount before serving the defence on the plaintiff within 20 days of filing it with the court
- B. The amount that does not form part of the proposal of terms of payment remains in dispute
- C. In the defence, it is sufficient for the defendant to deny owing the amount in dispute
- D. The court must immediately schedule a Settlement Conference where a defendant admits all liability

129. Noting a defendant in default has the following consequences, except _____

- A. A defendant who has been noted in default cannot file a defence or take any other procedural step without the plaintiff's consent or a court order
- B. The only exception is a motion to set aside of the noting in default under Rules 11.06 and 15
- C. Other parties may take any step in the proceeding without the consent of a defendant who has been noted in default
- D. A defendant noted in default is entitled to any notice or steps taken by other parties in the proceeding and is always served with all the document

130. In *General Motors of Canada Ltd v. City National Leasing*, the Supreme Court of Canada did not suggest that a matter would fall into s. 91(2) of the *Constitution* as part of a regulatory scheme _____

- A. If the scheme is under the oversight of a regulatory agency
- B. If it is a matter over which the provinces have sole jurisdiction
- C. If the legislation is concerned with trade as a whole
- D. None of the above

131. Intentional torts _____

- A. Are also capable of being charged as crimes
- B. If a defendant throws a rock over a fence with the intention of hitting one person, but the rock hits a different person, the defendant will be liable in tort *only* to the person actually hit
- C. Tortious liability cannot be based on harm to intangible assets, like business reputation
- D. An action that constitutes an intentional tort need *not* include an intent to cause harm

132. Which section of the *Charter* provides protection from unreasonable search or seizure?

- A. Section 8
- B. Section 10(a)
- C. Section 10(b)
- D. Section 24

133. A federal bill goes through _____ readings to become a federal statute; while an Ontario bill goes through _____ readings.

- A. 3; 3
- B. 4; 6
- C. 5; 10
- D. 6; 3

134. Shorter limitation periods for tortious claims usually exist in _____
- A. Claims against hotels
 - B. Claims against municipalities
 - C. Both (A) and (B)
 - D. Claims against private companies
135. Implied consent must be established by drawing inferences from the defendant's _____
- A. Behaviour
 - B. DNA
 - C. History and background
 - D. Pleadings

136. Which of the following is false?

- A. A review of federal boards and tribunals is heard in the Federal Court of Canada
- B. Cases come to the Supreme Court of Canada by leave to appeal as well as appeal as of right
- C. All judges in Ontario are provincially appointed
- D. The court of appeal for Ontario is the highest court in the Province of Ontario

137. Boyd wants to do a search on Jeffrey John Jeans (JJJ) and his search reveals that JJJ is run by an individual named Joseph James. JJJ is like to be _____

- A. A Sole Proprietorship
- B. A numbered company
- C. A corporation
- D. A partnership

138. All of the following statements about negligence are true, except _____
- A. Unless it is part of a recognized, diagnosable psychiatric condition, fear is not harm, according to negligence law
 - B. Where the defendant in a negligence case could foresee any kind of harm flowing from her actions, she will be liable for unexpected harm that her actions cause
 - C. A defendant in a tort case will be found to have met the relevant standard of care if he or she took all the steps that were reasonable, under the circumstances, to avoid doing harm to the plaintiff
 - D. To support a claim in negligence, the defendant's actions must be the sole cause of the harm to the plaintiff

139. The following statements are all about damages in tort cases. Which of the following is correct?

- A. Punitive damages may be available in a tort case based on negligence
- B. A plaintiff can sue for either special damages or general damages, but not both
- C. The “defence” of limitation period can be raised only in intentional tort cases, not in negligence cases
- D. An injunction is available only if the action the plaintiff seeks to enjoin (prevent) has not yet begun

140. An Act of Parliament is called _____

- A. Statute
- B. Case-law
- C. Regulation
- D. A decision

141. The first Act of Parliament, also known as *Statute of Merton*, became part of the law of England in ____
- A. 1235
 - B. 1215
 - C. 1521
 - D. 1535
142. Any of these is subordinate legislation, except ____
- A. Statute
 - B. By-law
 - C. Regulation
 - D. Rules
143. When a Bill is brought before Parliament, it is considered/read ____ times by each House of Parliament (House of Commons and Senate).
- A. 3
 - B. 6
 - C. 1
 - D. 4

144. Which of the following statements is true?

- A. Once an Act of Parliament becomes law, it continues indefinitely
- B. There is a doctrine of desuetude in English law
- C. Parliament cannot insert a provision to have a law cease to have effect
- D. Parliament cannot change its mind; cannot amend an existing law

145. Which of the following is a civil trial court?

- A. Small Claims Court
- B. Provincial Offences Court
- C. Criminal Trial Court
- D. Appeal Court for Ontario

146. Jurisdiction is ____

- A. The geographic location of the judges
- B. The court's area of legal authority
- C. The judge's area of legal opinion
- D. The freedom of the court to decide on a matter

147. Out-of-pocket expenses in a legal proceeding are called ____

- A. Disbursements
- B. Legal Fees
- C. Costs
- D. Reimbursements

148. When and where one-person places complete confidence in another in regard to a particular transaction or one's general affairs or business, it is called a ____ relationship.

- A. Client
- B. Fiduciary
- C. Beneficiary
- D. Dutiful

149. What do we call a letter that confirms that the client has not been accepted and that the client has not accepted or retained the paralegal, called?

- A. Non-engagement Letter
- B. Retainer Agreement
- C. Money Retainer
- D. Engagement Letter

150. What do we call a situation where there is no income or assets against which the judgment may be enforced?

- A. Debt
- B. Indebtedness
- C. Judgment Proof
- D. Proof of Judgment

151. A cause of action is ____

- A. Style of Cause
- B. Theory of a Case
- C. The legal grounds for beginning a court action
- D. The one element that is needed to win a case

152. Statute-barred means that ____

- A. The deadline prescribed by statute for commencing a proceeding has passed
- B. The person is prevented by the governing statute from asserting his or her legal rights
- C. The commencing date of default date (the cause of action arose) and the date of judgment
- D. Anyone who owes money to another pursuant to a court order

153. Anyone of these may hear and determine a Small Claims Court proceeding, except

- A. Small Claims Court Deputy Judge
- B. Superior Court of Justice Judge
- C. Provincial Court Judge
- D. Justice of the Peace (JP)

154. Each of these is a pleading under the Small Claims Court regime, except ____

- A. Plaintiffs claim
- B. Defence
- C. Defendants claim
- D. Garnishment

155. A Plaintiff's Claim may not be served for this long after it has been issued?

- A. After 6 months
- B. After 20 days
- C. After 120 days
- D. After 2 years

156. Fees are ____

- A. The same thing as costs.
- B. What you are charged by a paralegal for legal representation and advice
- C. The out-of-pocket expenses of a legal proceeding, including court filing fees, charges for service of documents, courier charges, and witness fees
- D. Money you pay the courts for issuing a defence and claim

157. A failure to comply with the *Rules of the Small Claims Court* is:

- A. An error that cannot be corrected
- B. An irregularity
- C. A mistake that cannot be corrected
- D. Punishable by imprisonment

158. An advocate may not be a witness in the proceeding in which she advocates on behalf of her client, except ____

- A. At a Settlement Conference
- B. In a motion
- C. At trial
- D. In an appeal

159. With respect to the *Courts of Justice Act*, which of the following is/are true?

- A. The *Courts of Justice Act* establishes the court system in Ontario
- B. Section 25 of the *Courts of Justice Act* sets out the general mandate of the Small Claims Court
- C. The *Rules of the Small Claims Court* are published as a regulation to the *Courts of Justice Act*
- D. All of the above.

160. You are a licensed paralegal. You wish to obtain a consumer credit report about an individual on behalf of a client of your firm. Which of the following is/are not true?

- A. You must obtain the individual's consent in writing
- B. You must permit the individual to see the consumer credit report if he asks to do so
- C. You must advise the individual of procedures to follow if he believes his rights have been violated
- D. Upon receiving the individual's written consent, you may use the consumer credit report for any purpose you wish.

161. You are a licensed paralegal. Your client wishes to commence an action against the debtor. Your preliminary searches reveal that the debtor has declared bankruptcy. You should advise your client _____

- A. To go forward with the action
- B. That the amount of the judgment can be recovered from the debtor's estate in bankruptcy
- C. To file a proof of claim in bankruptcy
- D. To do nothing

162. Legal jurisdiction is _____

- A. The lawful authority of a court to deal with certain types of matters
- B. The lawful authority of a court to prescribe certain types of remedies
- C. The lawful authority of a court to make orders for payment of certain amounts of money
- D. Both (A) and (B)

163. Monetary jurisdiction is _____

- A. The lawful authority of a court to deal with certain types of matters
- B. The lawful authority of a court to prescribe certain types of remedies
- C. The lawful authority of a court to make orders for payment of certain amounts of money
- D. The lawful authority of a court to hear matters within a certain geographical area

164. Territorial jurisdiction is _____

- A. The lawful authority of a court to deal with certain types of matters
- B. The lawful authority of a court to prescribe certain types of remedies
- C. The lawful authority of a court to make orders for payment of certain amounts of money
- D. The lawful authority of a court to hear matters within a certain geographical area

165. If you wish to find out if there are unpaid judgments owed by a defendant, what is the best type of search to use?

- A. Business name search
- B. Execution search
- C. *Personal Property Security Act* search
- D. Bankruptcy search

166. A limitation period is _____

- A. A deadline prescribed by the *Rules of the Small Claims Court* for commencement of the action or some other procedural step
- B. A deadline prescribed by the *Courts of Justice Act* for commencing a proceeding
- C. A deadline prescribed by the *Limitations Act, 2002* for commencing a proceeding
- D. All of the above

167. A limitation period begins to run on _____

- A. The day the harm or injury occurred
- B. The day the harm or injury is discovered
- C. The day the action is commenced
- D. The day the defendant is served with the plaintiff's claim

168. General damages are _____

- A. Also known as liquidated damages
- B. Specific monetary amounts whose value may be established based on documentary evidence or an arithmetical calculation
- C. Also known as unliquidated damages
- D. Both (A) and (B)

169. A plaintiff wishes to commence an action for recovery of a debt of \$37,000.00. If she wishes to bring the action in the Small Claims Court, what must plaintiff do?
- A. She must bring the action under the Rule 76—Simplified Procedure
 - B. She must waive or abandon the excess in her Small Claims Court claim
 - C. On the plaintiff's claim, the amount claimed in the request for relief should be \$37,000.00
 - D. She must split it into two claims, one for \$35,000.00 and another for \$2,000.00

Questions 170, 171 and 172

Plaintiff wants to commence a Small Claims Court action against a business operating as Fun Fair Fruits and Fats. Before naming the defendant on the plaintiff's claim, the plaintiff wants to find out what form of business entity she is dealing with.

170. The plaintiff should carry out _____

- A. A corporate profile search
- B. A *Business Names Act* search
- C. An execution search
- D. A bankruptcy search

171. The plaintiff's search reveals that Fun Fair Fruits and Fats is owned and operated by 112233 Ontario Ltd. What type of business entity is 112233 Ontario Ltd.?

- A. Sole Proprietorship
- B. Partnership
- C. Named company
- D. Numbered company

172. In the above scenario, how should the defendant be named on the plaintiff's claim?
- A. Fun Fair Fruits and Fats
 - B. 112233 Ontario Ltd. a.k.a. Fun Fair Fruits and Fats
 - C. 112233 Ontario Ltd. c.o.b. Fun Fair Fruits and Fats
 - D. 112233 Ontario Ltd. should be named on a Form 1A. as an additional party
173. A court order obtained against a corporation may be enforced against the assets of _____
- A. The shareholders
 - B. The directors
 - C. The corporation
 - D. The CEO of the corporation

174. In Small Claims Court, a plaintiff or defendant will be deemed to be a party under disability if he is _____
- A. A minor
 - B. Mentally incapable of managing property or personal care
 - C. An absentee
 - D. All of the above
175. With respect to a person under disability who is a plaintiff in a Small Claims Court action, which of the following is/are true?
- A. A litigation guardian may be appointed
 - B. The litigation guardian shall file a consent (Form 4A)
 - C. The limitation period for commencing the claim starts to run on the day the claim is discovered
 - D. Both (A) and (B)

CHAPTER 4

CRIMINAL LAW

1. In which section of the *Constitution Act*, 1867, are the provincial powers contained?
 - A. 91
 - B. 92

2. In which section of the *Constitution Act*, 1867, are the federal powers contained?
 - A. 91
 - B. 92

3. An adult, for the purposes of criminal procedure, is ____
 - A. 18 years or older
 - B. 16 years or older

4. Which statute governs criminal procedures for young persons (12 years old but less than 18 years)?

A. *Criminal Code*

B. *Youth Criminal Justice Act*

5. Which statute governs criminal substances for young persons (12 years old but less than 18 years)?

A. *Criminal Code*

B. *Youth Criminal Justice Act*

6. What is the official sworn charging document that sets out the criminal charges against the accused?

A. Information

B. Indictment

7. What is the document that sets of the indictable charges against the accused?
- A. Information
 - B. Indictment
8. The three types of criminal offences are _____
- A. Summary; indictable; and hybrid
 - B. Criminal, provincial offences and traffic offences
9. The Crown brief is prepared by the _____
- A. Crown
 - B. Police
10. Each count on the information must identify the essential _____ of the alleged offence.
- A. Elements
 - B. Sections

11. The standard of proof for criminal liability is _____.

- A. On the balance of probabilities
- B. Beyond a reasonable doubt

12. Where the accused alleges that the information is deficient on its face, which motion can the defence bring?

- A. Motion to quash
- B. Motion to amend

13. As a general rule, an accused is tried in the territorial jurisdiction _____

- A. In which the offence was committed
- B. In which the Crown resides

14. A paralegal may act for an accused charged with a pure summary conviction offence. According to s. 787(1) of the *Criminal Code* the penalty involves _____

- A. Maximum fine of \$5,000 and to a term of imprisonment of not more than two years less a day
- B. Minimum fine of \$5,000 and six-month term of imprisonment

15. Each of these are common summary conviction offences, except _____

- A. Causing a disturbance
- B. Trespassing at night
- C. Murder
- D. Taking a motor vehicle without consent

16. Carrying a concealed weapon is provided for in _____

- A. Section 90 of the *Criminal Code*
- B. Section 88 of the *Criminal Code*

17. The two defences to summary conviction offence charges are _____
- A. Procedural and substantive
 - B. Self-defence and consent
18. What crime is committed when, without the consent of another person, one person applies force intentionally to another person, directly or indirectly?
- A. Assault
 - B. Uttering threats
19. Which criminal charge is found in sections 322 and 334(b) of the *Criminal Code*?
- A. Theft under \$5,000
 - B. Theft above \$5,000

20. What authority can a paralegal invoke if an accused's right to be secure against unreasonable search and seizure were violated?

- A. Section 8 of the *Charter*
- B. Section 24 of the *Charter*

21. Section 24(1) of the *Charter* is the _____

- A. Remedies section
- B. Exclusion of evidence section

22. Section 24(2) of the *Charter* is the _____

- A. Remedies section
- B. Exclusion of evidence section

23. A search warrant may be issued _____
- A. In writing only
 - B. In writing or through the telewarrant
24. All these are required in the execution of a search warrant, except _____
- A. Location
 - B. Procedural rules
 - C. Nationality
 - D. Timing
25. Why do special rules apply when searching a paralegal's office under a search warrant?
- A. Because he is an officer of the court
 - B. Because client confidentiality issues arise

26. A common law doctrine that applies to searches without a warrant where an officer may seize evidence that is found in plain view is called _____

- A. Plain view doctrine
- B. Exigent doctrine

27. Which section of the *Charter* provides that everyone has the right to counsel?

- A. 10(a)
- B. 10(b)

28. Under the proceeds of crime enforcement, section _____ allows the Attorney-General to prohibit a person from disposing of property reasonably believed to be the proceeds of crime or to freeze their bank account.

- A. 462.33
- B. 487

29. When the police or an agent of the state assumes control over the movement of the person by demand or direction which prevents or impedes access to counsel, it is called _____

- A. Detention
- B. Imprisonment

30. Racial profiling has been defined in _____

- A. The *Charter*
- B. *R. v. Richards* and *R. v. Brown*

31. No-one can be compelled _____

- A. To take fingerprints
- B. To take polygraph tests

32. The police have wide discretion to release an accused for most offences without any need for an appearance in court. Doing this may include all these, except _____

- A. Appearance notice
- B. Summons
- C. Promise to appear and recognizance
- D. Appearance warrant

33. All offences are deemed _____ until the Crown makes an election.

- A. Hybrid
- B. Indictable

34. The authority for the answer in question (33) is contained in _____

- A. Section 34(1)(a) of *Interpretation Act*
- B. Section 34(1)(a) of the *Criminal Code*

35. When the burden to prove a fact in evidence shifts to the accused, it is called

- A. Burden of proof
- B. Reverse onus

36. The “Show Cause” Hearing is the same as

- A. Bail hearing
- B. Onus hearing

37. Which of the following is not one of the grounds required to show cause in a bail hearing?

- A. Primary grounds
- B. Secondary grounds
- C. Tertiary grounds
- D. Evidentiary grounds

38. Primary grounds for bail release involve

- A. Flight risk
- B. Danger to society
- C. Disrepute to the administration of justice

39. Secondary grounds for bail release involve

- A. Flight risk
- B. Danger to society
- C. Disrepute to the administration of justice

40. Tertiary grounds for bail release involve

- A. Flight risk
- B. Danger to society
- C. Disrepute to the administration of justice

41. A _____ is an acknowledgment of a debt in a specific amount to Crown.

- A. Surety
- B. Recognizance

42. A _____ is a person known to the accused who makes a solemn promise that they will forfeit a specific sum of money to the Crown if the accused fails to abide by any of the conditions listed in the recognizance.

- A. Surety
- B. Recognizance

43. All these can be true of a bail, except

- A. It can be revoked
- B. It can be cancelled
- C. It requires incarceration

44. Which section of the *Charter* governs disclosures?
- A. 10
 - B. 7
45. All these encompass Crown disclosure obligations, except _____
- A. It is on-going
 - B. It enables the defence to make full answer and defence
 - C. It must be provided only once
46. The governing principle of disclosure requires the Crown to do all these, except _____
- A. Disclose to the accused all information in its possession
 - B. Disclose all information under its control created in the course of investigation
 - C. Disclose only information that is exculpatory in nature

47. The disclosure in the possession of the Crown is subject to _____ obligations.
- A. Stinchcombe
 - B. O'Connor
48. The consequence of the Crown's failure to disclose may be a _____ of proceedings
- A. Stay
 - B. Stop
49. Some of the obligations the defence have to disclosure are all these, except _____
- A. Their intention to call expert witnesses
 - B. The obligation to ask for any document they may need
 - C. The obligation to conceal or destroy incriminating physical evidence of a crime
 - D. The obligation to disclose its defence 30 days before trial

50. Section _____ of the *Criminal Code* allows a judge, upon application, to order the release of physical evidence for the purpose of scientific or other testing or examinations.

A. 605

B. 506

51. John Banda is a 60-year-old man who resides in a relatively quiet neighbourhood. One day, he got drunk and he stood outside of his house and started yelling at Bruno Izebet, his neighbour. Another neighbour, Makolo Makewani, called police and reported that the shouts were disturbing the entire neighbourhood. When police arrived, they discovered a gun on the ground nearby. The people across the street said that they heard the yelling and a noise that sounded like a firecracker, but they are used to John's antics, and they ignored him. What is the Crown likely to be able to prove?

- A. Contravention of s. 177 of the *Criminal Code of Canada*
- B. Contravention of s. 88 of the *Criminal Code of Canada*
- C. Contravention of s. 175 (1) (i) *Criminal Code of Canada*
- D. Contravention of s. 175 (1) (d) of the *Criminal Code of Canada*

52. Jen Luigi is from Italy and is visiting her boyfriend in Calgary, Alberta. One night she gets into an altercation with Luke Paul, her Canadian boyfriend. Luke's roommate calls the police and Jen is detained upon arrest. Jen is charged with assault with a weapon. At the detention review, the Government argues, thus, "If released, Jen would not attend the next detention review." What ground does the Government seek in order to justify Jen's continued detention?

- A. Tertiary Ground
- B. Primary Ground
- C. Secondary Ground
- D. Habeas Corpus

53. Kendasha is a licensed paralegal, and is being charged with fraud, as well as being sued by her clients for theft of trust funds. The police have executed a search warrant and seized her bookkeeping ledgers, journals and files. Which of the following statements is true?
- A. These things have not been admissible as exceptions to the hearsay rules for many years under the common law
 - B. These things if introduced into court are not be hearsay
 - C. These things are admissible as evidence even if the person who made the entries is available to testify to them
 - D. These things may not be admissible as exceptions to the hearsay rule because of the effect of the *Ontario Evidence Act*
 - E. These things may not be admissible as exceptions to the hearsay rule because of the effect of the *Canada Evidence Act*

54. Kimberly is angry with her husband, Thierry. She picks a bottle of pickles and throws it hard at Thierry. Thierry, who did not expect that Kimberly would throw a bottle at him, is hit on the forehead and begins to bleed. Thierry is taken to the hospital and he is treated. What crime, if any, and what section of the Canadian *Criminal Code*, if any, does Kimberly contravene?

- A. Assault; 265 (1) (a)
- B. Death or bodily harm; 264.1 (1) (b)
- C. Prohibited conduct; s. 264 (2) (a)
- D. Attempted threats; s. 265 (1) (b)

55. What are inchoate crimes?

- A. They do not require the full completion of the intended criminal act
- B. They are not attempted offences
- C. They do not require solicitation
- D. They do not require conspiracy

56. Which of the following correctly states a *Charter* right?

- A. Every search that violates a *Charter* right will result in the exclusion of evidence
- B. A person who is charged with a crime is called a suspect under the *Charter*
- C. The right to remain silent is expressed in the words of the *Charter*
- D. A search can be unreasonable even if it was conducted based on a valid search warrant under the *Charter*

57. A suspect in a criminal proceeding cannot validly consent to a search without _____

- A. Knowing she is a suspect
- B. Explicitly consenting
- C. Knowing what she is consenting to
- D. Having permission of a home owner

58. Part _____ of *Criminal Code* sets out the procedure for the prosecution of summary conviction offences.

- A. I
- B. XIV
- C. XX
- D. XXVII

59. What do we call the sentencing principle that is aimed at discouraging the public from committing a similar offence?

- A. Specific deterrence
- B. Rehabilitation
- C. Reparation
- D. General deterrence

60. All these explain who a crime is committed against, except _____

- A. The State
- B. The witness for the defence
- C. The Public
- D. The Government

61. Which of the following statements about judicial pretrial conferences is correct?

- A. The Crown is not required to disclose their material witness to the defendant
- B. A judicial pre-trial conference is a meeting between the Crown and the defence to discuss matters related to the trial
- C. A judicial pre-trial conference is a meeting among the judge, the Crown and the defence to discuss matters related to the trial
- D. The judge who is assigned to the pre-trial conference will be the trial judge.

62. What is a pre-enquete hearing?

- A. An evidentiary hearing in which a Justice must decide if there is insufficient evidence to permit an information charged by a private citizen
- B. An “out of camera” proceeding before a justice of the peace to determine whether an Information should be laid against a person at the private complaint of another person
- C. An “in camera” proceeding before a JP to determine whether an Information should be laid against a person at the private complaint of another person
- D. An evidentiary hearing in which the Crown must decide if there is sufficient evidence to permit an information charged by a private citizen

63. David is a witness in a summary criminal case. The Crown considers that he has information that is significant enough to affect the outcome of the trial. He was subpoenaed to attend court, but he did not show up. How can the court procure his attendance?

- A. Adjourn the matter and subpoena him again
- B. Issue a summons for his appearance
- C. Issue a warrant for his arrest
- D. Proceed without his testimony

Questions 64, 65 and 66

64. Section 364 (1) of the *Criminal Code* is also known as _____

- A. Dine and dash
- B. Food and beverage
- C. Simple fraud
- D. The rule of common sense

65. Osman is charged under s. 364 (1) of the Canadian *Criminal Code*. But Osman argues that he thought that he had money in the bank when he ordered a hamburger, but he later learned that his pay cheque must have gone into the bank late. If you are a paralegal representing Osman, what might your best argument be?

- A. The Crown is unable to prove the *actus reus* for the offence
- B. The Crown is unable to prove Osman's identity
- C. The Crown is unable to prove *mens rea* for the offence
- D. There is no air of reality to Osman's defence

66. Section 364(1) validates the fact that the *Criminal Code* is _____

- A. Both a substantive and procedural statute
- B. A summary offences statute
- C. Only substantive statute

D. A quasi-constitutional statute

67. “Double Aspect” best describes _____

- A. The division of powers
- B. How federal law supersedes provincial law
- C. The significant overlap between the provincial and federal powers
- D. How education could belong to both section 91 and 92 of the *Constitution*

68. Can a search be unreasonable even if it was conducted based on a valid search warrant under the *Charter*?

- A. Yes.
- B. No.
- C. Every search that violates a *Charter* right will result in the exclusion of evidence
- D. A search is reasonable if it produces results even if it is carried out contrary to law

69. Peter, a paralegal, is given \$100,000.00 by Chongo, which Peter knows to have been gotten by suspicious means but Peter accepts the money anyway. If Peter is brought before a judge, the Court might decide that Peter has committed a laundering offence by the operation of *mens rea* in _____

- A. Wilful blindness
- B. Criminal negligence
- C. Recklessness
- D. Negligence

70. The criminal standard of proof _____

- A. Must be established by the Crown
- B. Must be established by the defence
- C. Must be established by the JP
- D. Is a lower standard

71. “The punishment must fit the crime” is

- A. One of the basic principles of Canadian criminal law
- B. A vetted principle of sentencing
- C. The silver lining in the concept of the Rule of Law
- D. The proof that must be satisfied in criminal convictions

72. Section 8 of the *Charter* is _____

- A. Unreasonable search and seizure
- B. Equality rights
- C. The right to silence
- D. The presumption of innocence

73. Sections 7 and 11 of the *Charter* set out _____

- A. Rights to life, liberty and the security of person; criminal rights
- B. Rights to life; legal rights in a criminal proceeding
- C. Right to self-defence; minority language rights
- D. Rights to life, liberty and the security of person; legal rights in a criminal proceeding

74. *R v. Grant* sets out _____

- A. The determination whether evidence should be excluded under s. 24(2) of the *Charter*.
- B. The determination whether evidence should be included under s. 24 (2) of the *Charter*.
- C. The remedies section of the *Charter*.
- D. The determination whether evidence should be restored under s. 24 (1) of the *Charter*.

75. The only common-law criminal offence remaining in Canada is _____

- A. First degree murder
- B. Contempt of court
- C. Battery
- D. Nuisance

76. In a trial by judge and jury, the judge is _____ and the jury is _____

- A. Trier of law; trier of fact
- B. Trier of fact; trier of law
- C. The mediator; the negotiator
- D. The determiner of the final verdict; merely given instructions

77. Which of the following is a major role of the Crown prosecutor?

- A. Winning convictions
- B. Assisting the police
- C. Explaining the law to juries
- D. Assisting the court in arriving at the truth

78. Who protects the rights of the accused in a criminal trial process?

- A. The Justice
- B. The defence representative
- C. The jury
- D. The Crown prosecutor

79. In which province might a paralegal appear in a summary conviction court?

- A. Alberta
- B. Western Territory
- C. Ontario
- D. Quebec

80. A summary conviction trial will generally be heard in _____

- A. Ontario Court of Justice
- B. Ontario Superior Court of Justice
- C. Court of Queen's Bench for Ontario
- D. Provincial Court of Ontario

81. Which of the following is an example of an offence requiring action, conduct, or behaviour?

- A. Offence of making an indecent telephone call
- B. Offence of being found in a common gaming house
- C. Offence for failing to provide the necessities of life to one's child
- D. Offence of causing a disturbance

82. Which of the following is an example of an offence requiring the accused to be in specific circumstances?

- A. Offence of making an indecent telephone call
- B. Offence of being found in a common gaming house
- C. Offence for failing to provide the necessities of life to one's child
- D. Offence of causing a disturbance

83. What is the significance of section 215 of the *Criminal Code*?

- A. It requires parents to supply a child with the necessities of life.
- B. It requires parents to supply a child with freedom of movement
- C. It requires parents to supply a child with financial assistance.
- D. It requires parents not to spank a child.

84. What are *mens rea* and *actus reus*?

- A. Guilty mind; guilty act
- B. Guilty act; guilty mind
- C. Guilty party; guilty actor
- D. Guilty intention; guilty motive

85. In which case did the Supreme Court of Canada clarify the distinction between objective and subjective *mens rea*?

- A. *R v Williams*
- B. *R v Pond*
- C. *R v Creighton*
- D. *R v Xavier*

86. What test do courts apply to establish objective *mens rea*?

- A. Beyond a reasonable doubt test
- B. On the balance of probabilities test
- C. Reasonable crime test
- D. Reasonable person test

87. “Motive” is not an example of _____

- A. A subjective intent
- B. Recklessness
- C. Intention
- D. Objective intent

88. Which of the following correctly illustrates levels of fault in criminal law from the greatest amount of fault to the least?

- A. Strict liability, criminal negligence, wilful blindness, intent
- B. Wilful blindness, intent, strict liability, absolute liability
- C. Knowledge, wilful blindness, recklessness, intent
- D. Intent, knowledge, recklessness, absolute liability

89. Which of the following terms describes a person who helps the principal offender to commit the offence without realizing that an offence is being committed?
- A. Accessory after the fact
 - B. Innocent agent
 - C. Conspirator
 - D. Collaborator
90. Which section of the Code defines aiding and abetting?
- A. Section 21(1)
 - B. Section 21(2)
 - C. Section 22(3)
 - D. Section 23(4)
91. Which of the following involves proving criminal intention by determining what a reasonable person would have had in his or her mind?
- A. Objective *mens rea*
 - B. Subjective *mens rea*
 - C. Aiding
 - D. Abetting

92. According to the Supreme Court of Canada, what is the key factor that distinguishes directing minds from normal employees in corporate criminal liability situations?

- A. Salary and seniority
- B. Capacity to hire or fire employees
- C. Capacity to exercise decision-making authority on matters of corporate policy
- D. Capacity to give effect to corporate policy on an operational basis

93. When murder is not second-degree or manslaughter but is more serious than these two, it is _____

- A. Fourth degree
- B. First-degree
- C. Culpable homicide
- D. Criminal negligence

94. What is the maximum sentence for manslaughter?

- A. Life imprisonment
- B. 6 years
- C. 11 years
- D. 10 years

95. The maximum sentence for infanticide carries a maximum sentence of _____

- A. 40 years
- B. Life imprisonment
- C. 5 years
- D. 14 years

96. Which of the following is properly described as one of the most commonly charged property offences?

- A. Detenue
- B. Theft
- C. Obscenity
- D. Conversion

97. Which Supreme Court of Canada case ruled that s. 287 of the *Criminal Code*, which dealt with when and where an abortion could be obtained, was contrary to the *Charter*?

A. *R v McMillan*

B. *R v Butler*

C. *R v Morgentaler*

D. *R v Saint-Laurent*

98. *R v Daviault* altered the long-standing common law relation to the availability of intoxication as a defence to a _____

A. General intent offence

B. Specific intent offence

C. *Mens rea* offence

D. Strict liability offence

99. The two types of automatism are _____
- A. Insane automatism and non-insane automatism
 - B. Insane automatism and intoxicated automatism
 - C. Non-insane automatism intoxicated automatism
 - D. Intoxicated automatism and non-intoxicated automatism
100. In *R v Ruzic*, s. 17 of the *Criminal Code* violated section _____ of the *Charter*.
- A. 7
 - B. 8
 - C. 9
 - D. 11

101. For which of the following offences might the defence of consent be available?

- A. Assault
- B. Assisted suicide
- C. Murder
- D. All of the above

102. Mistake of Fact involves _____

- A. An accused honestly believing in certain circumstances that do not exist but that would mean that he or she had not committed an offence if they did exist
- B. A victim honestly believing in certain circumstances that do not exist but that would mean that he or she had not been harmed if they did exist
- C. A witness honestly believing in certain circumstances that do not exist but that would mean that he or she had not testified if they did exist
- D. An accused honestly believing in certain circumstances that do exist and that would mean that he or she had committed an offence if they did exist

103. The maximum imprisonment term for a summary conviction offence is _____

- A. 18 months
- B. 2.5 years
- C. 9 months
- D. 12 months

104. Offences considered to be the most serious in the *Criminal Code* are _____

- A. Hybrid offences
- B. Summary conviction offences
- C. Indictable offences
- D. Part III offences

105. Which offences are electable?

- A. Summary conviction offence
- B. Indictable offence
- C. Serious offence
- D. Hybrid offence

106. The youngest age at which a person can be tried and convicted of a criminal offence is _____

- A. 12 years
- B. 11 years
- C. 17 years
- D. 9 years

107. Offences listed in s. 469 of the *Criminal Code* are _____

- A. Automatic entitlement to a bail hearing
- B. Not bailable
- C. Hybrid offences
- D. Summary conviction offences

108. A Publication Ban is _____

- A. A court order that prohibits the media from publishing or broadcasting information about a case that is before the court
- B. A parliamentary order that prohibits the media from publishing or broadcasting information about a case that is before the court
- C. An interim order that prohibits the media from publishing or broadcasting information about a case that is before the court
- D. An interlocutory court order that prohibits the media from publishing or broadcasting information about a case that is before the court

109. *R v Stinchcombe* _____

- A. Is an authority on defence disclosure
- B. Created the right of the accused to obtain disclosure from the Crown
- C. Requires disclosure to be requested only once
- D. Prohibits the Crown from doctoring the disclosure

110. Which propositions do *R v Taillefer and R v Duguay* carry?

- A. The one adopted in *R v Stinchcombe*
- B. Distinguishing between an infringement of the right to disclosure and the right to make a full answer and defence
- C. The right to second disclosure
- D. None of the above

111. Plea Bargaining is _____

- A. The process of negotiations between the accused and the Crown that involves the accused pleading guilty
- B. An informal meeting involving the Crown, the accused's representative, and pretrial conference judge, where various procedural and substantive issues relating to the case are discussed
- C. The process of the clerk reading the charges to the accused and asking the accused to enter a plea
- D. The determining whether there is sufficient evidence to commit or send the accused to trial.

112. Judicial pretrial, as opposed to Crown pretrial conference, is _____

- A. The process of negotiations between the accused and the Crown that involves the accused pleading guilty
- B. An informal meeting involving the Crown, the accused's representative, and pretrial conference judge, where various procedural and substantive issues relating to the case are discussed
- C. The process of the clerk reading the charges to the accused and asking the accused to enter a plea
- D. The determining whether there is sufficient evidence to commit or send the accused to trial.

113. Arraignment is _____

- A. The process of negotiations between the accused and the Crown that involves the accused pleading guilty
- B. An informal meeting involving the Crown, the accused's representative, and pretrial conference judge, where various procedural and substantive issues relating to the case are discussed
- C. The process of the clerk reading the charges to the accused and asking the accused to enter a plea
- D. The determining whether there is sufficient evidence to commit or send the accused to trial.

114. Preliminary Inquiry is _____

- A. The process of negotiations between the accused and the Crown that involves the accused pleading guilty
- B. An informal meeting involving the Crown, the accused's representative, and pretrial conference judge, where various procedural and substantive issues relating to the case are discussed
- C. The process of the clerk reading the charges to the accused and asking the accused to enter a plea
- D. The determining of whether there is sufficient evidence to commit or send the accused to trial.

115. An application for adjournment may be made _____
- A. At least one month before trial
 - B. At least 30 days before trial
 - C. At least 60 days before trial
 - D. Any time but before trial
116. Preparatory applications are synonymous to _____
- A. Pretrial applications
 - B. Motions for adjournment
 - C. Undertakings
 - D. Bail hearing
117. _____ hearing facilitates the conduct of a preliminary inquiry; _____ facilitates the obtaining of evidence from the other party.
- A. Discovery; focus
 - B. Focus; discovery
 - C. Preparatory; focus
 - D. Adjournment; discovery

118. Imprisonment is likely to be the sentence used for _____

- A. The most serious offences
- B. Repeat offenders
- C. Assault
- D. Both (A) and (B)

119. A sentence in which the time actually spent in custody is the sum of all sentences, and the sentences are served one after the other; and the sentence in which the time actually spent in custody is determined by the longest sentence, and the sentences are served at the same time, are respectively referred to as _____ and _____ sentences.

- A. Consecutive and concurrent
- B. Concurrent and consecutive
- C. Consecutive and suspended
- D. Intermittent and suspended

120. The release of an offender from custody before the sentence has been fully completed, subject to various conditions is called _____

- A. Parole
- B. Record suspension
- C. Probation
- D. Suspended sentence

121. An order granted by the Parole Board of Canada that permits a qualifying offender to have a criminal record separated and kept apart from other criminal records is called _____

- A. Parole
- B. Record suspension
- C. Probation
- D. Suspended sentence

122._____ was used in the past to refer to a
“Record Suspension.”

- A. Acquittal
- B. Probation
- C. Suspended sentence
- D. Pardon

123._____ means no conviction on the
defendant’s record and may not impose a
criminal record.

- A. Conditional discharge
- B. Suspended sentence
- C. Absolute discharge
- D. Absolute sentence

124. _____ sets out the test for determining whether a verdict is unreasonable or cannot be supported by the evidence, while _____ deals with the standards for reviewing the reasonableness of decisions of both judges and juries.

- A. R v Yebes and R v Biniaris*
- B. R v Biniaris and R v Beaudry*
- C. R v Beaudry and R v Morin*
- D. R v Yebes and R v Morin*

125. What is the standard of review for an appeal grounded in an error in law?

- A. Reasonableness
- B. Correctness
- C. Substantial correctness
- D. Partial reasonableness

126. Miscarriage of justice is a _____

- A. Ground of appeal
- B. Remedy
- C. Standard of review
- D. Justice delayed

127. A Curative Provision describes the provision that gives the court of appeal an _____ power to refuse an appeal in some situations where there has been a wrong decision on a question of law.

- A. Overriding
- B. Overpowering
- C. Curative
- D. Overlapping

128. When there is a question of law alone, the Crown is permitted to appeal an acquittal for a(n) _____

- A. Indictable offence
- B. Summary verdict
- C. Summary offence
- D. Only hybrid offence

129. In *R v Morin*, the Supreme Court of Canada found that it was possible for an error of law to occur in assessing _____ as they apply to the law.

- A. Facts
- B. Law
- C. Proposition
- D. Directives

130. All of these are specialized courts or programs in Toronto, except _____

- A. Morin Courts
- B. Gladue Courts
- C. The Domestic Violence Court Program
- D. Toronto Drug Treatment Court

131. The Supreme Court case which necessitated the establishment of the of the Gladue courts is _____

- A. R v Gladue*
- B. R v Morin*
- C. R v Gates*
- D. R v Caslina*

132. The *Juvenile Delinquents Act* provided the _____ model; while the *Young Offenders Act* provided the _____ model.

- A. Welfare and Justice
- B. Justice and Welfare
- C. Youth and Justice
- D. Extrajudicial and Youth

133. Most sentencing criteria for young offenders are _____; while the total maximum sentence they can be subjected to is _____.

- A. Reprimands; 2 years
- B. Discharges; 2 years
- C. Restitutions; 2 years
- D. Fines; 1 year

134. When sentencing Blacks, the judge should take into consideration all these, except _____

- A. Systemic racism and background factors
- B. The weight of the offender
- C. A report from the Sentencing and Parole Project, if available
- D. The offender's own testimony on the effect of racism on them
- E. Guidance from Court of Appeal for Ontario decision in *R. v. Morris*

135. Which section of the *Criminal Code* complies with *Sex Offender Information Registration Act* (SOIRA), by requiring sexual offenders to register upon application by the prosecution?
- A. 490.012
 - B. 490.016

136. Each of the following has been modified or reconsidered during the criminal process due to the impact of Covid-19, except
- _____

- A. Signature requirements
- B. Reduction in incarceration rates
- C. Remote appearances
- D. Acquittal without a trial

137. All of the following are true regarding appeals from summary conviction cases. Which one is not true?

- A. Appeals from summary cases are dealt with in Part XXVII of the *Criminal Code*.
- B. Summary conviction appeals are heard before the Superior Court of Justice.
- C. Both paralegals and lawyers can represent clients in summary conviction appeals.
- D. The procedure for summary conviction appeals is contained in the Criminal Proceedings Rules for the Superior Court of Justice (Ontario) (SCJ Rules)

138. Each of these is a criminal-related statute, except _____

- A. *Sex Offender Information Registration Act* (SOIRA)
- B. *Corrections and Conditional Release Act* (CCRA).
- C. *The Cannabis Liability Act* (CLA)
- D. *Criminal Records Act* (CRA)

CHAPTER 5

CONTROLLED DRUGS AND SUBSTANCES ACT AND RELATED ACTS

1. A substantial percentage of charges before the criminal courts arise from four offences (possession, trafficking, importing, and production of drugs) set out in the _____

A. The *Criminal Code*

B. The *Controlled Drugs and Substances Act*

2. How many drug schedules in the *Controlled Drugs and Substances Act* divided into?

A. 3

B. 4

3. Section _____ of the *Controlled Drugs and Substances Act* (CDSA) makes it an offence to possess any substance set out in Schedules I, II and III of CDSA.

A. 4(1)

B. 1(4)

4. Section _____ of the CDSA makes it an offence for a person to seek or obtain certain controlled substances or an authorization to obtain such substances from a practitioner unless the person discloses particulars relating to the acquisition or authorization from any other practitioner within the previous 30 days.

A. 4(1)

B. 4(2)

5. Any of these is a controlled substance in Canada, except _____

A. Marihuana

B. Cannabis

C. Penicillin

D. Tylenol

6. *R. v. Smith* prohibits _____

A. Possession of all forms of medical marihuana

B. Possession only of the non-dried forms of medical marihuana

7. A defence for the exclusion of evidence (e.g. of a drug) is found in _____

A. Section 24(1) of the *Charter*

B. Section 24(2) of the *Charter*

8. The _____ must prove the nature of the controlled substance.

A. Crown

B. Accused

C. The Defence

9. The authority to provide a certificate of analysis of the drug or substance by Health Canada is contained in _____

A. Section 51 of the *Criminal Code*

B. Section 51 of the CDSA

C. Section 51 of the *Constitution*

10. Restraint orders pursuant to s. 14 of the CDSA for offence-related property are administered by _____
- A. The courts
 - B. Ministry of the Attorney-General
11. Any of these may be part of sentencing pursuant to s. 10(1) of CSDA, except _____
- A. Rehabilitation
 - B. Treatment
 - C. Imprisonment
 - D. Peace Bond
12. Vicarious (rather than physical) possession of controlled substances may be by all these means, except _____
- A. Constructive possession
 - B. Joint-possession
 - C. Physical possession
 - D. Exclusive possession

13. For which types of substances does the *Controlled Drugs and Substances Act* demand the most serious penalties?
- A. Schedule I substances
 - B. Schedule II substances
 - C. Schedule III substances
 - D. Schedule IV substances

Questions 14 and 15

Bernard 's young brother, Fred, appears to be in a medical emergency after taking a known psychoactive substance not permitted under the CDSA. Bernard calls you for an urgent piece of advice on whether he should call 911 for his brother's help. Bernard is concerned that the police might arrest him if they find him with his brother at the scene.

14. Is Bernard in trouble?

- A. Yes, because he will be encouraging his brother if he calls 911
- B. No, because he is protected by section 4.1 of CDSA
- C. Yes, because he allowed his brother to consume a prohibited substance
- D. Bernard should make an anonymous 911 call to the police and leave his brother alone at the scene.

15. Bernard is on probation. If he calls the police to assist his brother, will he be in breach of his probation or conditions?

- A. No
- B. Yes

16. The *Cannabis Act* (CA) which came into force on October 17th, 2018, sets out the following offences, except _____

- A. Possession
- B. Distribution and selling
- C. Importing, production and cultivation
- D. Fracking

17. In Ontario, cannabis offences may be provincially prosecuted pursuant to the _____

- A. *Cannabis Control Act*, 2017
- B. *Fresh Cannabis Act*
- C. *Dried Cannabis Control Act*
- D. *Weed Disposal Act*

18. Unlike the CDSA, under the *Cannabis Control Act*, a court may convict an accused simply on _____

- A. Witness inference that a substance is cannabis
- B. Concrete evidence
- C. Expert witnesses
- D. A hunch

CHAPTER 6

PROVINCIAL OFFENCES ACT; HIGHWAY TRAFFIC ACT

1. The *Provincial Offences Act* (POA) is a _____ statute for the administration, prosecution and enforcement of regulatory offences.

- A. Procedural
- B. Substantive

2. Statutes whose procedures are governed by the POA are collectively referred to as _____

- A. Charging acts
- B. Procedural acts
- C. Substantive documents

3. The POA contains ____ parts. Part ____ applies to all provincial offences of less serious nature and which are commenced by _____. Part II offences apply to _____. And Part III offences are of serious nature and are commenced by a(n) _____.
- A. X; III; certificate of offence; parking infractions; information
 - B. X; I; certificate of offence; parking infractions; information
4. Which part of the POA provides for common-law defences and evidence?
- A. Part IV
 - B. Part V
 - C. Part VII
 - D. Part IX

5. Each of the following offences may be created under the POA. Which one is not created under the POA?
- A. Breach of probation order
 - B. Contempt of court
 - C. Speeding
 - D. Making false statement
6. The following three categories of offences are contained in the POA ____
- A. *Mens rea*; strict liability; and absolute liability
 - B. *Actus reas*, strict liability; and absolute liability
7. What is the Crown's standard of proof for absolute liability offences?
- A. Beyond a reasonable doubt
 - B. On the balance of probabilities

8. Summons may be served _____

- A. Under parts I and II
- B. Under parts I and III
- C. Under Part I only
- D. Under Part III only

9. Part I summons have similar _____ to Part III.

- A. Penalties
- B. Procedures
- C. Time-limits

For Questions 10 – 15

Pauline is charged with speeding under Part I of the POA. Pauline's charging document indicates that she would have to pay a fine of \$400.

10. Pauline is likely served with _____

- A. Summons
- B. Offence Notice
- C. Certificate of Offence
- D. PIN

11. \$400 is the _____

- A. The cost of administration
- B. Surcharge fee
- C. Set fine
- D. Consequential fee

12. Pauline has three options: to plead guilty, plead guilty with submissions, or dispute the charge. If she decides to dispute the charge, in how many days is she required to exercise that right?

- A. 30
- B. 7
- C. 15
- D. 20

13. Pauline failed to exercise any of the three options available to her.

- A. Pauline is convicted in an *ex parte* trial
- B. The Justice of the Peace may convict Pauline in *absentia* if the certificate of offence is complete and regular on its face
- C. The court must send Pauline a Notice of Intention to Convict (NIC) straight away
- D. Pauline must complete a Notice of Intention to Appear (NIA)

14. If the provincial offences officer did not serve Pauline with the Notice of Offence at the scene at the time of the alleged offence, the officer must have served Pauline personally within _____ days.

- A. 30
- B. 15
- C. 7
- D. 14

15. Upon conviction, Pauline could not be fined _____

- A. More than \$400
- B. More than \$1,000
- C. Any amount between \$400 and \$5,000
- D. Less than \$5,000

For Questions 16 – 20

Paulsen has parked in the disability parking spot without a parking permit. Officer Oliver placed a notice for \$430 tucked below Paulsen's vehicle's window shield.

16. The notice is a _____

- A. Parking Infraction Notice or PIN
- B. Certificate of Parking Infraction
- C. Offence Notice
- D. Certificate of Offence

17. The notice is served under _____ of POA.

- A. Section 16
- B. Section 15(1)
- C. Section 3(3)
- D. Section 7

18. Paulsen may not be served _____

- A. With summons
- B. By a PIN
- C. With a ticket
- D. Personally

19. If Paulsen fails to pay the fine or chooses the trial option, the prosecution may provide him with a _____

- A. Notice of Impending Conviction
- B. Notice of Intention to Appear
- C. Summons
- D. Set fine

20. The prosecution wants to request a conviction because Paulsen has not filed a Notice of Intention to Appear after 30 days. How long should this be done from the day of the alleged infraction?
- A. 30
 - B. 40
 - C. 75
 - D. 15

For Questions 21 to 25

Pedro is caught driving 179 km/h in a posted speed maximum limit of 100 km/h.

21. Pedro will be charged under _____
- A. Part I of POA
 - B. Part II of POA
 - C. Part III of POA
 - D. Parts I and II of POA

22. The official charging document will be

- A. The Summons
- B. An Information
- C. An Indictment
- D. Offence Notice

23. The provincial offences officer _____

- A. Will serve a summons on Pedro
- B. Will swear an Information before the Justice of the Peace (JP)
- C. Will both serve a summons and swear an Information before the JP
- D. Will either swear an Information before a JP and serve a summons or will serve a summons and swear an Information before a JP

24. The Information is sworn on _____

- A. Reasonable grounds
- B. Probable grounds
- C. Circumstantial evidence
- D. Reasonable and probable grounds

25. Pedro will likely be facing the charge of

- A. Stunt driving or racing
- B. Speeding
- C. Reckless driving
- D. Careless driving

26. All these may be provincial offences officers, except _____

- A. Police officer
- B. Police constable
- C. Municipal law enforcement officer
- D. Prosecutor

27. All these provisions provide for the right to disclosure in order for the defendant to provide full answer and defence, except

- A. Section 7 of the *Charter*
- B. Section 11(d) of the *Charter*
- C. Section 128 of the *Highway Traffic Act*
- D. Section 46(2) of the *Provincial Offences Act*

28. All these are ways of resolving a POA matter, except ____
- A. Trial
 - B. Crown pre-trial
 - C. Judicial pre-trial
 - D. Paying the set fine out of court
29. Offences that a defendant commit in the process of committing the offence charged are called ____
- A. Possible offences
 - B. Included offences
 - C. Excluded offences
 - D. Implied offences
30. Any of these may be a defence in POA, except ____
- A. Necessity
 - B. Lack of jurisdiction
 - C. Non-fatal defect in the charging document
 - D. Limitation periods

31. According to *R. v. Sciascia* _____

- A. A POA and a *Criminal Code* trial can be tried together
- B. A POA and a *Criminal Code* trial cannot be tried together
- C. Provincial offences trials can be joined with criminal trials
- D. *Occupational Health and Safety Acts* trials may only be tried before a JP

32. Admissibility of business records into evidence in regulatory offence trials is governed by the ____

- A. *The Evidence Act* (Ontario)
- B. POA
- C. HTA
- D. *The Charter*

33. Who serves the summons upon a witness in POA matters?
- A. The JP
 - B. The Crown
 - C. The Prosecutors
 - D. The Provincial Offences Officer
34. Possible motions in POA matters include all these, except ____
- A. Adjournment
 - B. Amendment
 - C. Quashing
 - D. Summary judgment
35. When a defendant brings a successful *Charter* motion for the breach of the defendant's right to be tried within a reasonable time or section 11(b), the prosecution will be ____
- A. Amended
 - B. Stayed
 - C. Adjourned *sine die*
 - D. Stopped

36. Does the POA contain the power to grant general powers to search and seize evidence without a search warrant?
- A. Yes
 - B. No
37. A police officer who does not release a defendant she has arrested must bring the defendant before a JP within ____
- A. 24 hours
 - B. 48 hours
 - C. 72 hours
 - D. 12 hours
38. The maximum fine prescribed under the POA is ____
- A. \$1,000
 - B. \$5,000
 - C. \$2,000
 - D. \$10,000

39. The JP has _____ to grant the lesser fine under s. 59(2) of the POA.
- A. Discretion
 - B. Jurisdiction
 - C. Authority
 - D. Power
40. Each of these constitutes the principles of sentencing, except _____
- A. Denunciation
 - B. Deterrence
 - C. Rehabilitation
 - D. Mitigation factors
41. A penalty that is available in all the first three parts of the POA is _____
- A. Fine
 - B. Imprisonment
 - C. Probation
 - D. Absolute discharge

42. Section 97(1)(b) of the POA provides for

- A. Absolute discharge
- B. Conditional discharge
- C. Absolute discharge for minors
- D. Conditional discharge for minors

43. On appeal of a POA matter, the appeal court may _____

- A. Review trial records
- B. Hear recorded evidence
- C. Receive new evidence
- D. Not require the trial justice to provide a written report

44. On appeal under the POA, the court may

- A. Allow or dismiss the appeal
- B. Direct a finding of acquittal
- C. Reinstate a drivers' license
- D. Order a new trial

45. AMPS under the report of the Law Commission of Ontario released in 2011 in regards to the modernization of the POA stands for ____
- A. Amplified Municipal Penalty System
 - B. Administrative Monetary Penalty System
 - C. Administrative Modernization Penalties
 - D. Action on Monetary Powers
46. All these are “vehicles” pursuant to HTA, except ____
- A. Motor vehicle
 - B. E-bike
 - C. Bicycle
 - D. Hoverboard
47. Demerit points may stay on an individual’s record for a period of ____ years from the date of ____.
- A. 2 years; conviction
 - B. 2 years; offence
 - C. 3 years; conviction
 - D. 3 years; offence

48. When a person receives a DL suspension as penalty, demerit points are _____
- A. Assigned
 - B. Not assigned
 - C. Increased
 - D. Reduced
49. Accumulation of 15 or more demerit points suspends the driver's license for _____
- A. Life
 - B. 30 days
 - C. 90 days
 - D. 6 months
50. Any of these is a common HTA offence, except _____
- A. Zero blood alcohol for novice and young drivers – s. 44.1
 - B. Driving while under suspension – s. 53
 - C. Speeding – s. 128
 - D. Driving without Insurance – s. 3(1)

51. Which part of the *Provincial Offences Act* (POA) applies to young persons?

- A. Part I
- B. Part II
- C. Part III
- D. Part IV

52. In the statutory citation for *Provincial Offences Act*, R.S.O. 1990, c. P.33, “R.S.O” stands for _____

- A. Revised Statutes Organization
- B. Revised Statutes of Ontario
- C. Revised Sections of Ontario
- D. Redacted Statutes of Ontario

53. Which of the following would not be a fatal defect in a charging document?
- A. The charging document does not make out an offence
 - B. The information is not signed by an informant or Justice of the Peace
 - C. The defendant's first name is misspelled on the certificate of offence
 - D. The defendant's first and last names are missing
54. Which of the following is correct about the mental element of provincial offences?
- A. The majority of provincial offences are classified as *mens rea*
 - B. The majority of provincial offences are presumed to be strict liability
 - C. The standard of proof by the Crown is on the balance of probabilities
 - D. There are no known legal defences available

55. All of the following constitute the *Moving Ontarians More Safely Act* (so-called MOMS Act), except _____
- A. It came into effect on July 1st, 2021
 - B. It forms part of the stunt driving class
 - C. It imposes a 30-day driver's license suspension and a 14-day vehicle impoundment regime
 - D. It is politically-motivated because no-one in Ontario can drive 150 km/hour in a speed posted 50 km/hour

Questions 56 and 57

Your client has been charged with driving 80 km/h in a posted 50 km/h zone. After negotiating with the prosecutor, you were able to reduce the speeding charge to 65 km/h in a 50 km/h zone.

56. Which of the following statements about your matter is correct?

- A. At the original rate of speed there were four demerit points
- B. The set fine for the reduced rate of speed is \$50
- C. The set fine for the original rate of speed is \$200
- D. The victim fine surcharge for the original rate of speed is \$21

57. Under which regulation of the *Highway Traffic Act* can you find information concerning demerit points?

- A. Schedule 43
- B. Ontario Regulation 161/0050
- C. There is no schedule for demerit points
- D. There is no regulation for demerit points

58. When was schedule 43 under the Ontario *Highway Traffic Act* updated?

- A. July 1st, 2021
- B. May 7th, 2021
- C. September 30th, 2020
- D. It has not been updated

59. Which of the following statements about common provincial offences is accurate?

- A. A prosecutor does not have the discretion to amend a speeding charge to the included offence of “disobey sign”
- B. It is legal for a driver to use a cellphone when parked off the roadway if he or she is not impeding traffic
- C. A GPS device is permitted under the HTA
- D. A conviction for failing to remain at the scene of an accident would not cause a defendant to lose seven demerit points

Questions 60 and 61

Section 104 of the *Highway Traffic Act* reads: 104(2.1), “No person shall ride on or operate a bicycle on a highway unless the person is wearing a bicycle helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin.” And 104(2.2) reads, “No parent or guardian of a person under sixteen years of age shall authorize or knowingly permit that person to ride on or operate a bicycle ... on a highway unless the person is wearing a bicycle helmet as required by subsection (2.1).”

60. If Ted is charged under s. 104(2.1), which type of offence would he face?

- A. *Mens rea*
- B. Strict liability
- C. Absolute liability
- D. A hybrid between strict and absolute liabilities

61. If Ted is fifteen years of age and his mother permits him to operate a bicycle on a highway contrary to section 104(2.2), what type of offence would Ted's mother face?

- A. *Mens rea*
- B. Strict liability
- C. Absolute liability
- D. A hybrid between strict and absolute liabilities

62. Dan did not attend his speeding trial because, Panshi, his paralegal, told him the wrong date. Although neither Dan nor Panshi attended court, Dan was not convicted and the certificate was quashed. Which of the following is a correct assessment of this case?

- A. The certificate was considered to be complete and regular on its face
 - B. If Dan had been charged under Part III, the charging document would have been a certificate of offence
 - C. Dan's failure to attend the trial would have indicated that he was disputing the charge
 - D. Upon reviewing the certificate, the JP must have noticed a significant error
63. Mahdi, your client, has been convicted in a trial before a JP of careless driving and fined \$1,000. He has had a perfect driving record for fifteen years and has retained you to appeal the conviction. What is the appropriate court which will hear this appeal?
- A. Ontario Court of Appeal
 - B. Superior Court of Justice presided over by a federal judge
 - C. Ontario Court of Justice presided over by a provincial judge
 - D. Ontario Court of Justice presided over by a JP

64. The police has issued a Part I summons to Lucy Ndhlovu pursuant to s. 31(2) of the *Liquor License Act* of Ontario because Lucy is only fourteen years old. Lucy was found consuming alcohol near the public beech area. The law only permits alcohol to be consumed in a residential or licensed premises or a private place. Which of the following is a correct statement?

- A. Lucy's parents should not be notified
- B. Lucy can be convicted because she is younger than 16 years of age
- C. Lucy's identity can be published
- D. Lucy can be asked to drink alcohol in any place in Ontario

Questions 65 and 66

John Kudu is a self-represented defendant. At a POA trial, John wants to plead guilty with submissions. And this is what he tells the Justice of the Peace (JP), “Your Worship, please don’t convict me. I was in a hurry that day. My son was at the hospital and I had just received a phone call from his principal. My son was injured as he was playing with his friends on the school playground. I am willing to pay the fine, sir, but, please don’t add the demerit points to my record.”

65. Which of the following is incorrect?
- A. John does have the right to make submissions
 - B. John will be convicted because he has pleaded guilty
 - C. The JP has authority to remove demerit points
 - D. Submissions can be put forth in order to reduce the penalty or extend the time for payment but not for removing demerit points

66. Which of the following is correct about demerit points?
- A. They are administered by the Ontario Ministry of Transportation (MTO)
 - B. They are administered by the Ontario Ministry of the Attorney-General (MAG)
 - C. They are administered the Ontario Court of Justice
 - D. They disappear from record two years from the date of conviction
67. Which of the following statements about POA appeals is accurate?
- A. Part III matters can either be reopened or appealed
 - B. The affidavit for a reopening can be in the name of a paralegal, if that paralegal was properly retained by the defendant
 - C. A defendant who missed the deadline for filing an appeal can apply for an extension under Part III
 - D. A Part III appeal must be filed within 30 days of learning of a conviction, not from the date of the conviction

CHAPTER 7

ADMINISTRATIVE LAW

1. What is administrative law?

- A. A body of principles that governs the exercise of powers by administrative tribunals and certain other decision makers
- B. A body of policies that governs the exercise of powers by administrative tribunals and certain other decision makers

2. Two factors which came as a result of administrative law are:

- A. The legislature had to delegate powers to ABCs; the insurance of checks and balances
- B. The government had to delegate powers to ABCs; the injection of checks and balances

3. Administrative law powers are granted by

- A. Statute
- B. The Minister

4. Who has the power to decide; what power has been delegated; and how the power is to be exercised, inform _____.

- A. The three questions arising from the sources of delegated authority
- B. The three powers arising from the parliament

5. The three sources of administrative law authority are _____

- A. The Constitution; common-law; and statute law
- B. Prime Minister; Premier; and the Mayor

6. Some of the three ways you can challenge the decisions of the ABCs are

- A. Procedural fairness; jurisdictional limits; and error of law
- B. Error of fact; jurisdiction and judicial review

7. An internal review arising from the decision of the Director's decision under the ODSP Act must be sought within _____

- A. 30 days
- B. 21 days

8. The court's control of delegated decision making independently of any statutory authorization such as a right of appeal is called

- A. Judicial review
- B. Judicial notice

9. Which statute sets out the procedure for judicial review in Ontario?

- A. *Judicial Review Procedure Act*
- B. *Judicature and Judicial Review Act*

10. The following three factors: (1) It must be brought within reasonable time; (2) it can challenge already made decisions, prohibit a decision from being made or require that a decision be made; and (3) it is discretionary and at both the provincial and federal levels; entail

- A. Judicial review
- B. Appeal process

11. A statutory scheme may include any of these, except _____

- A. Statutes
- B. Regulations
- C. Expert witnesses
- D. By-laws

12. Principles of Natural Justice only apply to

- A. Judicial or quasi-judicial decision-makers
- B. Administrative and executive powers

13. The two components of Natural Justice are

- A. The right to be heard and the right to an impartial decision-maker
- B. Procedural fairness and fairness

14. The right to be heard include all these, except _____

- A. Notice of proceeding
- B. Knowledge of the case to meet
- C. Institutional bias

15. The decision-maker must not have all of the following, except

- A. Pecuniary interest in the outcome of the case
- B. Must not demonstrate a lack of impartiality
- C. Must be free of reasonable apprehension of bias
- D. May exercise discretion

16. The case of *Committee for Justice and Liberty v. National Energy Board* framed the test for _____

- A. Reasonable apprehension of bias
- B. Institutional bias

17. Can legislation authorize certain forms of institutional bias?

- A. No
- B. Yes

18. Actual bias or reasonable apprehension of bias on the part of the decision-maker _____

- A. Renders the decision void
- B. Renders the decision voidable

19. Under what doctrine can the courts review the decisions made by public officials?

- A. Fairness
- B. Natural Justice

20. What is the leading decision on the principle of fairness?

- A. *Ellis-Don Ltd. v. Ontario (Labour Relations Board)*
- B. *Nicholson v. Haldimand-Norfolk Regional Police Commissioners*

21. Any of these may be factors affecting the content of the duty of fairness. Which one is not one of the factors?

- A. The nature of the decision being made
- B. The nature of the statutory scheme and the terms of the statute pursuant to which the body operates
- C. The importance of the decision to the individual(s) affected
- D. The influence of the *Charter* principles on the decision-makers

22. If the decision-maker acts outside the scope of the powers given to her by the legislative scheme, she has acted ____

- A. *Ultra vires*
- B. *Intra vires*

23. The pragmatic and functional approach to judicial review calls for _____

- A. Appropriate standard of review only
- B. Appropriate standard of review and scrutiny of the decision using the appropriate standard of review

24. Which Supreme Court of Canada case held that the only two standards of review applicable to administrative decisions in Canada are correctness and reasonableness?

- A. *Canadian Broadcasting Corp. v. SODRAC 2003 Inc.*
- B. *Dunsmuir v. New Brunswick*

25. The basic administrative law errors that permit judicial intervention fall into any of these categories, except _____

- A. Statutory preconditions to the exercise of public powers must be met before their exercise
- B. A decision must be made on basis of political whims and influence
- C. A decision must be made on the basis of relevant governing legislation and in good faith
- D. Public powers may not be exercised for purposes other than those for which the powers were granted and in accordance with the *Charter of Rights and Freedoms*.

26. Paul, a paralegal, is retained by Clive, the client, with respect to a matter at the Human Rights Tribunal of Ontario (HRTTO). Paul is not very sure of the applicable rules at the HRTTO. What can Paul consult?

- A. A trial lawyer
- B. The Rules of Civil Procedure
- C. The SPPA
- D. The Tribunal's Registrar or Secretary

27. Paul, a paralegal, has consulted the SPPA to find out if it applies to the tribunal in which he is representing Clive, the client. Which sections of the SPPA must he specifically consider?

- A. 3(1) and 3(2)
- B. 45.5 and 45.5(2)
- C. 25 and 25.1
- D. 5.1 and 5(1)

28. Section 10 of the SPPA provides that a party may be represented by a representative. By “representative” it means _____

- A. A lawyer
- B. A paralegal
- C. A person authorized to do so by the *Law Society Act*
- D. An advocate

29. A tribunal may admit evidence that has not been proven under oath.

- A. Always
- B. In certain circumstances
- C. Never
- D. Only by affirmation

30. Pam, a paralegal, is deciding whether to bring a motion at the Ontario Labour Relations Board (LRB). Pam should consider each one of these, except _____

- A. The primary objective of her case
- B. How the success of her motion will help to achieve her primary objective
- C. The time it might take does not matter
- D. The effect of losing the motion

31. Patrick has been providing legal services in the areas of civil litigation at the Small Claims Court. Recently, he accepted to represent a client at the Ontario Municipal Board (OMB). Patrick wanted to bring a particular motion because that is what he did when he represented clients at the Small Claims Court. Patrick

- A. Must describe his request in brief and simple terms
- B. Must give the reasons in support of his request clearly and concisely
- C. Must give a fair and reasonable request
- D. Must know that tribunals have no inherent jurisdiction, so he must first check if the enabling legislation gives him the power to bring such motion.

32. Judicial review _____

- A. Is a discretionary remedy
- B. Is an appeal
- C. Uses the same deference as an appeal
- D. Has a broader remedial jurisdiction than an appeal

33. Eland's employment has just been terminated. Eland comes to you, a paralegal, for advice because he wants to have the employer's decision judicially reviewed. How would you advise Eland?

- A. That he should do so within 30 days of termination
- B. That he should ascertain that the decision of the employer was of a final nature
- C. That private actions like the one of termination of employment are not subject to judicial review
- D. That paralegals are not permitted to represent clients in employment-related matters

34. Ted agreed to enter into a lease agreement with Lee. Ted did not receive any written tenancy agreement from Lee. Ted had provided 12 post-dated cheques and agreed to keep the unit in good condition. Ted promised to provide Lee with a written notice of his legal name and address for service. If the tenancy began on June 1st, 2017, when should Ted have provided Lee with his written legal name and address?

- A. June 20th, 2017
- B. June 22nd, 2017
- C. June 30th, 2017
- D. July 1st, 2017

35. The Business Practices Permissible to Landlords in Selecting Prospective Tenants for Residential Accommodation or O. Reg. 290/98, is made pursuant to _____

- A. *Residential Tenancies Act (RTA)*
- B. *Business Practices Act*
- C. *Landlord and Tenant Act*
- D. *Ontario Human Rights Code*

36. Security of tenure includes are these, except _____

- A. Access to the rental unit
- B. Protection of the rental unit by a security guard
- C. The state of the property
- D. Ability to enjoy the rented unit without interference

37. All these are special categories of properties under the *Residential Tenancies Act*. Which one is not?

- A. Care homes
- B. Apartment buildings
- C. Mobile home parks
- D. Non-profit housing co-operatives

38. O.P.R.I stands for _____

- A. Order Prohibiting a Rental Increase
- B. Order Permitting a Rental Increase
- C. Offer for Prospective Rental Increase
- D. Offer of Property Rental Index

39. The Ministry of Housing sets rental guidelines which cannot exceed _____

- A. 25%
- B. 5%
- C. 2.5%
- D. 0.8%

40. All applications for Above-Guideline Increase (AGI) must be approved by _____

- A. The Minister of Housing
- B. The Landlord and Tenant Board
- C. Landlord
- D. Tenant

41. Landlord Larry applied to the LTB and was granted AGI on account of utility costs on September 1st, 2017. When will be the last time Landlord Larry's tenants receive utility cost information from Landlord Larry?

- A. September 1st, 2018
- B. September 1st, 2019
- C. September 30th, 2022
- D. September 1st, 2022

42. A tenant may apply to the LTB to have any of the following remedies, except _____

- A. Rent decrease
- B. Rent abatement
- C. Rent rebate
- D. Revocation of the landlord's rental license

43. Provincial offences created under the RTA include each of the following, except _____

- A. Charging rent in an amount greater than permitted under the RTA
- B. Failure to pay annual interest on a deposit
- C. Landlord knowingly interfering with the supply of utilities to the property
- D. Landlord's interference with quiet enjoyment of the rented unit

44. There is an e-file for applications involving each of these matters at the LTB, except _____

- A. Tenant rights
- B. Maintenance
- C. Landlord's rights
- D. Eviction for non-payment of rent

45. An N4 is not void if _____

- A. On it only rent is claimed
- B. On it damages are claimed
- C. NSF charges are claimed
- D. Last month interest is claimed

46. Where there is a statutory compliance period under the RTA, if the conduct giving rise to the service of the notice is corrected prior to the expiry of the compliance period, the notice is void and no application to terminate the tenancy and evict the tenant may be filed pursuant to _____

- A. Section 64 of RTA
- B. Section 70 of RTA
- C. Section 67 of RTA
- D. Section 62 of RTA

47. In all cases, the landlord must apply to terminate a tenancy and evict the tenant by filing her application with the LTB not later than 30 days after the termination date set out in a notice of termination, except for _____

- A. Damages to the unit
- B. Harassment by other tenants
- C. Non-payment of rent
- D. Interference with reasonable enjoyment of rented unit

48. Each of these is binding on LTB members, except _____

- A. RTA
- B. Interpretation Guidelines
- C. Rules
- D. Regulations

49. Under what LTB rule may a paralegal appear at the LTB as both advocate and witness?

- A. 33
- B. 34
- C. 25.1
- D. 32

50. Section _____ of the RTA allows hearing by ambush.

- A. 82(1)
- B. 83
- C. 78
- D. 72

51. Peggy, the paralegal, representing Lenard, the landlord, has been sitting in mediation the whole afternoon with no sign of agreement with Trudeau, the tenant. Since it is already late, what is the action the LTB will likely recommend?

- A. Settlement discussions since the mediation is already underway
- B. Adjournment in order to secure a dedicated hearing block
- C. A consent order since the landlord is likely to given in late in the afternoon
- D. A quick hearing since the issues involved are complex

52. Hearings at the LTB are _____ recorded.

- A. Always
- B. Usually
- C. Never
- D. Obviously

53. Section _____ of the RTA provides for the right of _____ to the _____ on the question of _____.

- A. 210; appeal; Divisional Court; law
- B. 209; appeal; Divisional Court; law
- C. 210; judicial review; Divisional Court; law
- D. 210; appeal; Divisional Court; fact

54. What must a party that files an appeal to the Divisional Court at the same time and on the same grounds as a review at the LTB do?

- A. Hire a paralegal to represent them in both cases
- B. Not be entitled to a judicial review
- C. Ask the LTB to lift the automatic stay resulting from the Divisional Court appeal
- D. Do nothing

55. The enforcement of LTB order for payment of amounts of money up to \$35,000 lies to _____

- A. LTB
- B. Small Claims Court
- C. Divisional Court
- D. Provincial Offences Court

56. Which of the following will *increase* the appearance of the independence of an agency?

- A. The more an agency is required to follow government policy
- B. The selection process for which members are appointed to hearing panels is not random
- C. Agency members hold their offices at pleasure
- D. Members' salaries are fixed

57. The *Workplace Safety and Insurance Act* (WSIA) establishes _____

- A. Both the Ontario Workplace Safety and Insurance Board (WSIB) and the Workplace Safety and Insurance Appeals Tribunal (WSIAT)
- B. Only the WSIB
- C. Only the WSIAT
- D. The Workers Compensation Board

58. The workplace safety and insurance system is funded by:

- A. Employers only
- B. Employers and employees jointly
- C. Employers and general taxes
- D. The Ministry of Labour

59. Which of the following is one of the fundamental principles of administrative law?

- A. The right not have an impartial decision-maker
- B. The right not to procedural fairness
- C. The right to judicial review
- D. The right to executive independence

60. Personal and institutional biases are relevant to the _____

- A. Fairness requirements for administrative tribunals
- B. Conflicts with institutional and governmental biases
- C. Intervention of personal and governmental biases
- D. Scrutiny of procedural and reasonable apprehension of biases

61. Which of the following statutes does not permit an appeal to the Ontario Municipal Board (OMB)?

- A. *Insurance Act*
- B. *Development Charges Act, 1997*
- C. *Aggregate Resources Act*
- D. *Expropriations Act*

62. What is meant by “benefit unit” in social assistance legislation?

- A. The number of people living in a home with the applicant
- B. The applicant and any dependents
- C. The family members of the applicant
- D. The applicant and any dependents living with them

63. Chanda disagrees with the decision of the Ontario Works to deny her benefits. What do you advise should be her best next step?
- A. Seek internal review per s. 27 of the OWA
 - B. Appeal to Divisional Court per s. 36 of the OWA
 - C. Appeal to the Social Benefits Tribunal per s. 28 of the OWA
 - D. Seek judicial review at the Divisional Court
64. Schedule 1 businesses under WSIA can do all these, except _____
- A. Pay premiums to the WSIB
 - B. Protected by a system of collective liability
 - C. Relieved of individual responsibility for actual claim costs, since the WSIB pays benefits to people with workplace injuries or illnesses
 - D. Self-insured for benefits under the WSIA

65. Employers who regularly employ 20 or more workers have a statutory obligation under the *Workplace Safety Insurance Act* (WSIA) to reinstate an injured worker who has worked continuously for that employer for at least _____
- A. Six months
 - B. One year
 - C. Two years
 - D. Seventeen months
66. Ontario's *Human Rights Code* guarantees the right to equal treatment and opportunities in the following five "social areas": Employment, contracts, associations, housing and ____.
- A. Property ownership
 - B. Goods, services, and facilities
 - C. Recreational management
 - D. Classroom contests

67. Which standard of review do courts use when a question does not lend itself to just one correct answer but rather, several different answers may each be reasonably correct?

- A. Patent unreasonableness
- B. Reasonableness (formerly, reasonableness simpliciter)
- C. Judicial review
- D. Correctness

68. The *Statutory Powers Procedure Act* in Ontario is all these, except _____

- A. An Ontario legislation that sets out general fairness requirements for agencies and tribunals
- B. A procedural statute
- C. A substantive statute
- D. Is to tribunal law the way the POA is to provincial offences

69. Which of the following is not required when an adjudicator seeks advice from another tribunal member?
- A. The adjudicator makes the final decision
 - B. The consultation is voluntary on the adjudicator's part
 - C. The parties to the decision grant the adjudicator permission
 - D. No new issues or facts are introduced without the parties being notified and permitted to comment
70. Which of the following is not properly the subject of an above guideline rental increase (AGI)?
- A. An extraordinary increase in vacancies
 - B. An extraordinary increase in operating costs for municipal taxes and charges or utilities;
 - C. Capital expenditures for the residential complex, or one or more of the rental units;
 - D. Costs related to security services provided at the residential complex by persons not employed by the landlord

71. Which of the following is not a fault ground for termination of a tenancy?

- A. Non-payment of rent
- B. Illegal act
- C. Landlord needs to renovate or for family use
- D. Overcrowding

72. Which of the following is not a valid reason for a tenant application?

- A. Allegation that the landlord gave notice of termination in bad faith
- B. Request for rent increase for maintenance
- C. Complaint regarding tenant rights
- D. Request for a rent rebate for discontinuance of a service

DAILY PLANNER

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