

## PREFACE TO THE 2005 EDITION

In the two years since the first edition of this book, the jurisprudence on the issue of standards of review has continued to mature and evolve. Major decisions from the Supreme Court of Canada have further entrenched the pragmatic and functional analysis as the necessary starting point in the review of every administrative decision. The Court has clarified that there are not an infinite number of increments, but rather three recognized standards on the spectrum of deference. And in respect of particular tribunals, innumerable appellate-level cases have supplemented the ever-growing body of case law on this topic.

This new edition attempts to again capture in a practical manner the courts' evolutionary approach toward curial review. Thus, the analysis in each chapter has been augmented to take account of recent developments, whether they are subtle nuances or landmark progressions. The general structure, however, remains unchanged. Chapter 1 sets out the historical and conceptual framework for analysis, and each subsequent chapter explains the factors that impact the standards of review applicable to a particular administrative decision-maker.

In the first edition, the authors drew heavily upon their exposure to the abundant litigation in the Federal Court of Appeal on the issue of standards of review. Our diverse career paths since that time have enhanced our ability to offer conceptual and practical insight on this matter. We have tried to incorporate the richness of our experiences pursuing graduate studies of comparative public law, debating the issues in an academic environment, practising daily before administrative tribunals, and providing advice in the private sector, to the federal government and to administrative bodies themselves.

The authors are grateful to the staff at LexisNexis Canada Inc. for their skill and support in bringing the 2005 edition to fruition. We would also like to acknowledge all those who provided feedback on the first edition. We have tried to incorporate suggested changes wherever practicable.

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