



H & P E L A
HASTINGS & PRINCE EDWARD
LAW ASSOCIATION

NEWSLETTER

TO: H&PELA LAW ASSOCIATION MEMBERS

FROM: JUDITH DALE

DATE: JANUARY 2026

**RE: ANNOUNCEMENTS, NEWS & UPCOMING
EVENTS**



1. WHAT'S NEW ON THE LIBRARY SHELVES?

Frustration of Contract / Bruce MacDougall

This text is a comprehensive treatment of the law of frustration in Canada and it is the first book on this subject. The text examines what circumstances lead to frustration (and which do not) and it discusses the consequences of frustration. Frustration invariably comes up in the contexts of various emergencies, disasters and nasty surprises. The most recent vicissitude was the economic trouble that arose from COVID-19 pandemic restrictions. Frustration is also argued in the context of more localized misfortunes such as zoning problems, employment difficulties, financial constraints, deaths and illnesses,

The book also examines the use of *force majeure* clauses that obviate the need for the doctrine of frustration.



2. NEW ACQUISITIONS AT THE LAW LIBRARY

Books available for REFERENCE only – short-term loans

- Isaac *Aboriginal Law* (6th ed.)
 - Kaplinsky *Ziff's Principles of Property Law* (8th ed)
 - Maras *Canadian Refugee Protection Law Guide* (2nd ed.)
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3. LIBRARY TEXT DISCARDS

Please note: due to the demand for the books, requests must be limited to **one item per individual**. Thank you.

The following books are being withdrawn from circulation. If you are interested in any of these titles, please phone or fax the library and the book(s) will be held for you. If the text is of a size that can fit into the mailbox, you may pick it up at QCC from your mailbox on the first floor on request. If it is a larger text, it can be held in the law library for you to pick up at your convenience.

Freedman	<i>Financial Principles of Family Law</i> (loose leaf)	2018
Hiltz	<i>A Guide to Consent & Capacity Law in Ontario</i>	2025
Libman	<i>Handling Summary Conviction Offences</i>	2024
McGuinness	<i>Sale and Supply of Goods</i>	2 nd ed.

4. INFORMATION UPDATES:

REMINDER: UPDATES FOR THE PROFESSION Client contingency planning

The requirement & reporting:

Starting January 1, 2025, lawyers and paralegals in private practice must develop and maintain a client contingency plan for the preserving, carrying on, or winding up of their

professional business. The plan must contain the information set out in [By-law 7.1](#), and appoint one or more licensees as the plan administrator. At a minimum, the plan must require that the administrator perform the following tasks:

1. Notify the Law Society's Trustee Services Department and the licensee's professional liability insurer as soon as possible after learning that the licensee has ceased practising whether temporarily or permanently due to illness, disability, death, or other sudden absence.
2. Advise existing clients that the licensee is no longer able to continue in respect of their retainer and either arrange for: (i) the transfer of the clients' files, including any client property to another licensee, or (ii) their return to the client.
3. If applicable, attempt to access the licensee's trust accounts for the purpose of returning or transferring trust funds as directed by the licensee's clients.

Licensees must report compliance with this requirement to the Law Society annually beginning on the 2025 Annual Report (i.e., by March 31, 2026), and must be reviewed at least once a year and remain current.

Need help with your plan? Need help as the administrator of a plan? Contact Trustee Services through [LSO Connects](#).

Best practice tip: While the Law Society's client contingency planning requirements provide basic protection, it's advisable to create more comprehensive plans to ensure your practice's succession and provide more fulsome protection for both you and your clients. For example, you might consider asking your administrator to continue your practice, transitioning your practice to an associate, or selling your practice to another licensee. For more information, refer to the Law Society's [Succession planning resource](#).

[Read the report approved by Convocation on April 25, 2024.](#)

Resources and templates can be found at: <https://lso.ca/lawyers/about-your-licence/manage-your-licence/client-contingency-planning>

The Law Society has developed resources and optional templates, which if used correctly and as instructed will help ensure compliance with the above requirements. A series of four short videos have also been developed, which you can view on [YouTube](#).

ENHANCED LICENSEE REPORTING REQUIREMENTS: EFFECTIVE MARCH 31,2026

At its September 2025 meeting, Convocation approved a recommendation from the Professional Regulation Committee aimed at increasing transparency in respect of the information that the Law

Society discloses about licensees in our public register, made available on the Lawyer and Paralegal Directory by:

- Amending [By-law 8](#) to require that the Law Society's register include an indication that a licensee has been *found guilty of any offence* that the licensee is required to report to the Law Society under By-law 8.
- Amending By-law 8 to require that the Law Society's register include an indication if a licensee is authorized to practice any other regulated profession in Canada and a link to that profession's public register.

These increased transparency measures follow the amendments approved by [Convocation in May 2025](#) and follow extensive consultation with the professions and the public.

For more information, [read the report](#).

Please continue to follow the Licensee Update and visit this page <https://lso.ca/about-lso/initiatives/increased-transparency> for more information on increasing transparency on the Lawyer and Paralegal Directory.

ESTATE LITIGATION UPDATE

2025 marked significant updates in estate litigation, introducing key reforms for practitioners. Changes to Estate Forms under Rules 74, 74.1 and 75 of the Rules of Civil Procedure, which took effect mid-August to simplify probate applications, will remain active into 2026. A notable Ontario Superior Court ruling in *Mavalwala Estate v. Fast*, 2025 ONSC 4100 confirmed that only physically executed wills are valid, and that electronic drafts are not valid. There have also been discussions regarding the changes to the Rules, which started in 2025 and will be implemented in 2026.

LSO TECHNOLOGY RESOURCE CENTER

The Technology Resource Centre provides Ontario lawyers and paralegals with one-stop access to up-to-date resources, just-in-time practice supports, practical training and tutorials, and helpful continuing professional development programs. This collection of Law Society and curated third-party materials covers a wide range of topics, including selecting technology for your practice, how to use various technologies, security and data protection, cybersecurity, cloud computing, and working remotely. Whether you are looking to build, maintain, or enhance your technological competence, see <https://lso.ca/lawyers/technology-resource-centre>

5. REMINDER: FREE DATABASES AT THE LAW LIBRARY

Free access to subscription databases at your Ontario courthouse library!
e-LiRN is a suite of subscription electronic resources available in all courthouse libraries across Ontario.

You can find these time-saving, comprehensive and case-winning resources for FREE at your local courthouse library! Courthouse library staff are also ready to assist you with all your research needs to efficiently help you answer your pressing questions!

NOTE: All lawyers in Ontario are entitled to use courthouse libraries' resources.

6. Member Rewards!

A reminder to all association members that they have access to the rewards program here:

<https://www.fola.ca/resource/member-rewards>

Discounts are available for a number of services and products. The FOLA partnership member reward letter is available from your law library at hcla@on.aibn.com

NOTE: Regarding Via Rail: unfortunately, the members' use of the VIA code did not hit the revenue benchmark with VIA, and FOLA no longer has a discount code. However, they were advised that if anyone is a CAA member then a discount is available.

FOLA will be keeping track of revenue from plenary sessions to see if they hit the benchmark this year.

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