

Canadian Tort Law, 3rd ed., Allen M. Linden, Toronto: Butterworths, 1982. Pp. cxxiv, 737, \$70.00 (cloth), \$36.50 (paper).

The first edition of this text was published by Butterworths in 1972 and titled *Canadian Negligence Law*. In 1973, a twenty-two page *Supplement* was issued and, like the text, its content was restricted to negligence law in Canada. The second edition by Professor Linden, as he then was, was published in 1977 and retitled *Canadian Tort Law*. The change of name was dictated by the inclusion of new chapters dealing with intentional torts, defences to intentional torts and strict liability on the *Rylands v. Fletcher* principle. In addition, the old text remained as was except for amendments to account for the case law and legislation which appeared between the 1st of September 1973 and December 1976. In the third edition, Mr. Justice Linden has further amended the text, where appropriate, to accord with case law and legislation which appeared up to September 1st, 1981.

Most of the alterations to the old text are of a narrow but, nevertheless, relatively important nature so far as particular aspects of torts law are concerned. For example, the Supreme Court of Canada in *Hopp v. Lepp*¹ and *Reibl v. Hughes*² affected the law respecting a medical doctor's duty of disclosure to a patient and thus determined that many "informed consent" cases could no longer be brought in battery but only in negligence. As a result, Mr. Justice Linden has altered the sections of his text dealing with informed consent in the medical context, and has added another subsection concerning the duty of disclosure under his chapter on the professional negligence of doctors. Furthermore, an addition has been made to the chapter on duty under the subsection: "Other Legislation Relied On In Creating New Duties" to account for the case of *Lawson v. Wellesley Hospital*.³ He has also added *passim*, to the chapter on automobile accident compensation, which discusses the evolution of no-fault insurance schemes (an area in which the author claims, Canada "has been at the forefront"). Finally, it is interesting to note that the introductory section of the old text's chapter: "Negligence: The Standard of Care", has been placed at the head of the second edition's revised chapter on "Necessity of Damage and Causation". The resulting chapter has been titled "Negligence: The Elements; Damage and Causation" and newly employed as the introductory chapter on the section in the text dealing with negligence.

¹Cited in the text as (1980), 13 C.C.L.T. 66 (S.C.C.).

²Cited in the text as (1980), 14 C.C.L.T. (S.C.C.).

³(1975), 9 O.R. (2d) 277 (C.A.); aff'd on other grounds (1977), 76 D.L.R. (3d) 698 (S.C.C.).

In addition to the above, three new chapters have been added which deal with nuisance, occupier's liability and defamation. These constitute a major complement to the second edition and, although they may be criticized as re-worked or "tacked on" portions of the text, they bring the book much closer in overall form to living up to its title.

Students in law schools use Linden's *Canadian Tort Law* as a guide to assist them in wading through torts courses based upon the notorious Wright and Linden casebook,⁴ while practitioners use it as a quick reference text on tort law in Canada. The third edition, like its predecessor, is an improvement because it not only updates the law but also modifies and adds to the old material. The text has, for years, served "as a disembarkation point for more in-depth analysis by scholars and researchers".⁵ Perhaps it is now time for the publication of a text on the tort law of Canada which will take its readers well beyond the shoreline of the subject into its forest and trees.

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⁴*Canadian Tort Law: Cases, Notes and Materials*, 7th ed. (Toronto: Butterworths, 1980).

⁵A.M. Linden, *Canadian Tort Law* 3rd ed., (Toronto: Butterworths, 1982) at vii. The same quote appears in the first two editions.

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